

# The Ongoing Judaisation of the Naqab and the Struggle for Recognising the Indigenous Rights of the Arab Bedouin People

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*This paper argues that there is a current and renewed escalation in Israeli policies towards the indigenous Bedouin of the Naqab and Beersheba, and that this escalation emerges from two longstanding, fundamental Israeli aims: Judaising the Naqab; and putting an end to the persistent Bedouin claims to their historical land and rights. The repeated demolition of the village of Al-Araqib on July 2010 is just the latest outstanding example of the Israeli policies of Judaising the Naqab and denying Bedouin land claims and historical rights. Israel appears to be pursuing an ultimate solution to the demographic concern of the Bedouin in the Naqab by bringing more settlers into the area, and expelling the majority of the Bedouin of the unrecognised villages to live in urban towns.*

The ongoing demolition of al-Araqib has emerged as a new and potent symbol of the ongoing struggle between Israel and the indigenous population of the Naqab. As a result, in this time of peaceful resistance and people power, it has become a focus for demonstrations and unrest. We must not see the struggle of the people of Al 'Araqib in isolation, however. Rather, we must understand that Bedouin *sumud* (steadfastness) on their land has long proved to be an effective form of non-violent indigenous resistance, and that the Israeli government has actually failed in its long struggle to resolve the issues of Bedouin unrecognised villages and Bedouin land claims. In fact, despite the ongoing Israeli policies towards the indigenous Bedouin, I argue that the indigenous Bedouin did not surrender their land claims and rights, and that their survival *sumud* strategy has had some success in keeping their land claims and community alive. This paper further argues that present Bedouin

demands regarding recognition of claims and for justice pose a threat to a settler society because of an insistence on being given indigenous rights.

Since the approval (2011) of the Israeli government plans to expel 30,000 Bedouin (Praver and Golberg Commissions), the ongoing conflict around land ownership and recognition of indigenous Bedouin rights have put the Naqab Bedouin case on the international map. Thanks to the village of Al-Araqib, and to Bedouin advocacy and activism, for the first time since 1948 the Naqab Bedouin case reached the international community through extensive media coverage and advocacy. The paper begins by discussing the relationship between settler societies and indigenous peoples. Then, the contested indigeneity of the Bedouins and their relation to the settler society is discussed. The paper also sheds light on the Zionist movement's founding vision of colonising the Naqab, particularly through expropriating land and expelling Bedouin from the western Naqab to the enclosed zone (northeast of Beersheba) during the period of military rule (1948-1967), noting as well the role of state agencies in restricting Bedouin forms of life. The paper concludes by examining the current escalation of Israeli government policies to re-locate 30,000 Bedouin from their land.

## **INDIGENOUS PEOPLES' RIGHTS IN SETTLER STATES**

It is essential to understand how a settler state treats the indigenous peoples that come to be included within its territory. The concept of 'indigenous peoples' came into scholarly use during the 1970s.<sup>1</sup> Linda Smith points out that the term 'indigenous' is 'problematic' as well as unclear, since there are many other terms that have a similar meaning and overlap with it: e.g., 'First peoples', 'First Nations', 'People of the land', 'Aboriginals', and 'Fourth World Peoples'.<sup>2</sup> The concept has emerged in international law over the last 30 years as a means of classifying a wide range of indigenous communities, for example those in New Zealand, Australia, Mexico, and Brazil.<sup>3</sup>

While there are no agreed definitions of indigenous people and their rights, the definition that was proposed by UN Special Rapporteur Jose Martinez Cobo in 1986 has de facto been adopted.

It describes numerous aspects that apply specifically to indigenous peoples:

Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems.<sup>4</sup>

According to Cobo's definition, indigenous people constitute a nation that has lived in a territory which was invaded and subsequently controlled by a colonial state. Indigenous people have in common some important aspects, such as language, culture, land, identity, and historical continuity, and play a marginal role in contemporary society.

There have been decades of discussion and negotiation about the rights and self-government of 'indigenous peoples' at the United Nations and the World Bank, and also among professional lawyers and international scholars. Ian Brownlie took the debate a step further in a paper on the rights of peoples in modern international law. Aware that the use of the concept 'indigenous people' and that the recognition of indigenous claims might be controversial, he preferred to use the term 'minority'.<sup>5</sup> He identified claims as a core element of indigenous peoples' rights, and noting the importance of sensitivity to such claims, he proposed three defining characteristics of 'indigenous peoples' claims': (1) the claim for positive action to maintain cultural and linguistic identity of communities; (2) the claim to have adequate protection of land rights in traditional territories; and (3) the claim to political and legal self-determination.<sup>6</sup>

(Brownlie's use of 'minority' rather than 'indigenous peoples', however, may affect indigenous access to self-determination.<sup>7</sup>)

Richard Falk, on the other hand, recognised 'indigenous' claims. He argued as well that international law should recognise and take seriously 'indigenous people's claims' for full self-determination:

It is not surprising that indigenous peoples are victimized by traditional procedure and frameworks. For one thing, indigenous peoples, to the extent that they centre their grievances around encroachments upon their collective identity, represent a competing nationalism within the boundaries of the state. Such claims, posited in a variety of forms, challenge two fundamental statist notions – that of territorial sovereignty, and that of a unified 'nationality' juridically administered by government organs.<sup>8</sup>

Accordingly, Falk is very supportive of the claims of indigenous peoples, including the possibility of exercising their identity and even some kind of sovereignty over their territory. Recognition of indigenous claims and self-government should be treated differently in international law, even if they clash with a state's project and interest. However, new states in particular see themselves at risk. These projects are about establishing a new sovereignty and a unified nationality from which to empower the state's actions. Indigenous peoples stand against these core aspects of new state projects.

Benedict Kingsbury has noted that despite protracted discussions on the definition of 'indigenous' peoples, there is still no total agreement.<sup>9</sup> He suggests that the fundamental claims raised by indigenous people include five particular issues: human rights and non-discrimination, minorities, self-determination, historic sovereignty, and claims to be recognised as indigenous peoples.<sup>10</sup> Debate is ongoing on these five categories, as they relate to and are contested by states, and over whether to agree to the claims of 'indigenous' groups. Concerning the definition of 'indigenous people', Kingsbury concludes that 'indigenous people as a global concept is unworkable and dangerously incoherent [...]. But it is a concept of

great normative power for many relatively powerless groups that have suffered grievous abuses'.<sup>11</sup> This concept can indeed empower specific groups.

Indigenous groups around the world have a long history of resistance. Tully elucidates two forms of resistance to settler colonialism that have emerged from indigenous peoples: struggling against the structure of domination; and attempting to modify the governmental system of control. Tactics used include using words and deeds in day-to-day activities, exercising indigenous authority in indigenous territory, and appealing to international law, for example the Declaration on the Rights of Indigenous People.<sup>12</sup> Canada's indigenous peoples practised the art of using words and deeds to resist colonialism. Tully describes how they also practised everyday acts of protecting, recovering, and gathering together, as well as keeping, reviving, teaching and adapting their indigenous life in order to prevent it from being destroyed.<sup>13</sup>

Similar is the case of the Aborigines in Australia, who resisted in order to have their land rights recognised. For the Australian Aborigines, struggle over land rights was critical. Linda Smith argues that while resistance could be traced back to before the Second World War, the '1960s saw the taking of direct action across several different states and the Northern Territories. Challenges were made by Aborigine groups for title to lands which were consistently refused by the courts and the state governments'.<sup>14</sup> Their struggle also included 'direct action, petitions, a tent embassy [...] silent protests, challenges both through the courts and state government'.<sup>15</sup> According to Andrew Schaap, the 1972 establishment of the 'Aboriginal Embassy' in Front of Parliament House in Canberra was the strongest political demonstration in the history of Australia, a form of political agency that put the Australian state under political threat.<sup>16</sup> Indigenous peoples have in fact achieved some success in their struggle, as shown by the more recent example of the New Zealand Maoris who succeeded in winning the right to self-determination.<sup>17</sup>

It is, however, extremely difficult for colonial and settler states to recognise the claims of indigenous people. As Champagne notes, the

inherent counterclaim to political action, territory, precedence, and cultural autonomy brands the indigenous communities as antagonistic to the nation-state. Nation-states often fear indigenous communities' claims to self-government and cultural autonomy, which threaten the territorial and political stability of nation-states.<sup>18</sup>

In other words, national and colonial states fear indigenous groups who do not hide their desire for self-government. They feel that their future stability will be threatened if they recognise indigenous rights that oppose their aims.

### **CONTROVERSIAL INDIGENEITY: THE NAQAB AND THE BEERSHEBA BEDOUIN CASE**

Identifying the Naqab Bedouin as indigenous peoples opens up the broader question of how one defines the rest of the Palestinian community. The position that will be taken in this paper is that all Palestinians should be considered indigenous to the land.<sup>19</sup> In relations to the Bedouin in the Naqab, current scholarly approaches consider them as 'indigenous peoples'; a status that opens up avenues to claim a variety of political rights. However, we cannot speak of a settled consensus over terms and definitions.<sup>20</sup> The use of 'indigenous' approaches remains controversial.<sup>21</sup>

At a simple level, the concept asserts the prior presence of indigenous peoples before the arrival of new settlers. In reference to the Naqab, the concept presents a deep challenge to the official Israeli narrative insisting that the Bedouin had no historical attachment to the land. Thus, this definition has generally been contested as inapplicable to the Naqab Bedouin by Israeli scholars.<sup>22</sup> It is also contested by scholars for whom indigeneity as a concept has associations with certain pre-urban attributes which no longer apply to the society in the Naqab.<sup>23</sup> Interestingly, Bedouin elders in the Naqab never used the term; rather they refer to themselves as '*urban al-saba*', the 'Arabs of Beersheba', although the term is slipping out of use nowadays, and is restricted to some Jewish and Arab activists and scholars. Scholars such as Salman Abu Sitta even

critique the use of Naqab as an inauthentic term to define the Bedouin; pre-1917 maps do not use the term (British archives refer to 'Negeb', though).

In defining the Naqab Bedouin as indigenous peoples, one can refer to leading law scholars. Alexander Kedar, for example, agrees that the concept applies to the Naqab Bedouin. He discusses their status from the perspective of international law, equality, and as internally-displaced people.<sup>24</sup> Other organisations such as the Negev Coexistence Forum, and the Regional Council of Unrecognized Villages (RCUV) have also considered the Bedouin to be indigenous peoples. In this regard, however, many other Arab activists in Israel use the term 'national minority', but not 'indigenous people'.

In any case, from an international perspective, the Naqab Bedouin do meet the criteria of indigeneity defined by Cobo.<sup>25</sup> It should be noted that the Bedouins preserve affinity to their land: they have followed pastoralism as a way of life, used wells as a source of water, and maintained traditional agriculture. They have also maintained their cemeteries, their villages existed before 1948, they use their own language, laws, customs and beliefs that are based on those of their Islamic communities, they have the sense of belonging to tribes in relation to migration, and they preserve their traditional economy. Finally the Bedouin today work at the political and juridical level for recognition of their land ownership according to traditional tribal laws.

Within the last few years, the Naqab Bedouin have joined the United Nations branch of indigenous people and have been accepted as a member of the organisation.<sup>26</sup> It is important to note that the driver for the initiative of recognising the Bedouin as indigenous peoples included a list of Bedouin activists, academics, lawyers, NGOs, and also Jewish-Arab organisations (i.e., the Negev Coexistence Forum). However, joining the UN as indigenous peoples was not a shared community decision, and some local Bedouin leaders contested this identification.

In the Naqab, the Israeli policies of Bedouin assimilation have partly failed, since half of the community rejected the idea of moving to urban areas. Even those who had to move to towns still practise their culture. They are not fully integrated into the Israeli population, and they still behave as indigenous people in a variety of ways.

Despite living in towns they still live in their own neighbourhoods, and refuse to mix by living with other tribes in the same space. Tribal space and refusal to mix with other tribes is an obvious way of protecting indigenous life.

There are those who recognise the Bedouin as an 'ethnic group', rather than indigenous or minority. Scholars such as Jakubowska, Cohen, and Law-Yone, however, maintain that Israel is trying to frame Bedouins as an 'ethnic' group to dissociate them from the rest of the Palestinians in Israel. For these scholars, there is no such thing as Bedouin identity in the Naqab.<sup>27</sup> The state of Israel refers to them as 'good Arabs', or 'our Bedouin', or by using terms such as the 'Bedouin sector'.<sup>28</sup> In fact, separate state agencies were created especially to deal with the Bedouin 'problem' and their 'encroachment' on 'state' land (e.g., the Bedouin Development Authority (BDA), the Bedouin Education Authority (BEA). Hubert Law-Yone further rejects the 'indigenous people' concept, arguing that because the Naqab Bedouin have faced such a rapid process of sedentarisation, 'it is technically incorrect to call them Bedouin'.<sup>29</sup> His notion of the Naqab Bedouins emphasises modernisation and the abandonment of nomadic ways.

And yet, the Bedouin cannot be treated as an ethnic group on the basis of having a different religion – they are Arabs and Muslims, and Ibn Khaldun, the 14th century Arab historian and sociologist even called them 'true Arabs'.<sup>30</sup> Treating the Bedouin as an ethnic group that is different from the rest of the Palestinian population in Israel, serves the state's vision and policies of colonising the Naqab and co-opting the Bedouin. This project, however, has thus far failed as the Bedouin have become increasingly aware of the deep and false dichotomy between them and other Palestinians implied in Israel's policy. I have chosen to adopt the concept of 'indigenous people' as a form of Bedouin identity and resistance and to raise the voice of the community. The fact that I am using this concept is a way of opposing definitions of the Bedouin community as an ethnic group in the attempt to split the Bedouin from the rest of the Palestinian Arab minority in Israel.

## **COLONISING IN PALESTINE'S SOUTHERN DISTRICT (THE NAQAB AND BEIR AL-SABA' REGION)**



During the last two years there has been an intensification of Israeli policies towards the indigenous Bedouin population of the Naqab, and this renewal has at its heart two old ongoing Israeli aims: Judaising the Naqab and putting an end to continuing Bedouin claims to their historical lands. These goals in fact emerged long before the creation of the Israeli state in 1948. The Naqab and Beersheba region was presented by Jewish leaders such as David Ben Gurion and Chaim Weizmann as a central objective towards achieving a full colonisation of Palestine since the 1930s.

In reference to the Naqab, Ben Gurion wrote in a letter to his son Amos dated 5 October 1937 that

Negev land is reserved for Jewish citizens, whenever and wherever they want [...] we must expel Arabs and take their places [...] and if we have to use force, we have force at our disposal not in order to dispossess the Arabs of the Negev, and transfer them, but in order to guarantee our own right to settle in those places.<sup>31</sup>

One reason why the Zionist movement focused on the Naqab was its potential for settlement. Early on during the British Mandate period in Palestine, the Jewish National Fund (JNF) and the Zionist Commission – under the leadership of Weizmann – developed a strategy for purchasing land in the Naqab in order to build Jewish settlements. Weizmann was no less eager than Ben Gurion to fill the Naqab with Jewish settlers, while recognising that the shortage of water in the desert might be an obstacle towards achieving such aims. In 1945 he spoke of 'the possibilities of irrigating the Negeb' and how 'they could settle there at least a million [settlers]'.<sup>32</sup>

In thinking about this vacant space, he realised that bringing in Jewish settlers would be a good strategy for 'making the desert bloom'. Also, in conceptualising the notion that no one existed in the Naqab, he victimised indigenous Bedouins in order to facilitate his task of colonising the region. Efraim Karsh interprets Ben Gurion's vision for the Naqab as crucial.<sup>33</sup> On the other hand, while he acknowledges that Ben Gurion saw the creation of Jewish

settlements in the Naqab as a possibility, he rejects the view that Ben Gurion wanted to evict or drive the Arabs off the land.

Various Jewish missions were sent to the Naqab to explore opportunities for Jewish settlement. Writing in the *Jewish Chronicle* in 1940, Sir Frank Sanderson (a Conservative Party Member of the British Parliament) described the Naqab as 'an empty territory in Palestine', further claiming that the time had come 'for the Jews to colonize the Negev':

I cannot understand why Jews should seek a *Lebensraum* in the most unlikely places of the world when they have the *wide and empty spaces of the Negev* to look to. I know that for Jews one square mile in the Promised Land is worth a thousand square miles anywhere else.<sup>34</sup>

Interestingly, however, there were other British commentators who did not deny the existence of the Bedouin in the Naqab. Writing a few days later in *The Daily Telegraph* on 'Settlement in the Negev', Sir G. E. Kirk (a Middle East expert) responded to this eagerness to colonise the Naqab:

I do not deny that some settlements in the northern and western Negeb is possible. It is vitally important, however, in that case that the Arab cultivator-herdsmen, who now inhabit the district to the number of several thousands, should be adequately protected. Like all primitive people they are attached to their tribal lands [...] the Empire that regards the rights of the aborigines of Australia and New Guinea must consider the fate of these simple people of south Palestine.<sup>35</sup>

Like other British commentators at the time, Kirk did not regard the Naqab as a 'wasted' and 'empty' land, but saw that there was a need to protect its indigenous people (a very common colonial attitude) and to consider possible resistance by its Bedouin population against

the colonisation of their land. It is also important to note that Kirk referred to the Bedouin as an indigenous people of Palestine.

## **FROM NAKBA TO MILITARY RULE: MECHANISMS OF CONTROLLING THE BEDOUIN**

After the establishment of the state of Israel in May 1948, military rule was designed and imposed on the Bedouin people and the rest of the Palestinian Arab minority who remained under the control of the Israeli state. It was, of course, logical that in order to achieve its aims as a new settler state, Israel would wish to accumulate more territory for the use of its Jewish citizens. This process has been identified by Yiftachel as part of 'the nature of the settler state' to control the land and resources of indigenous peoples and to achieve territorial expansion.<sup>36</sup>

According to military governor of the Naqab in the late 1950s Penhas Amir, the overall aim of the military government was the control (*shlita*, in Hebrew) of the Arab population.<sup>37</sup> Alina Korn notes how Israel adopted three main policies and methods of control: surveillance, administration, and registration.<sup>38</sup> Abu Saad, following Lustick, suggests that Israel used a three-pronged system of control towards the Arabs based on segmentation, dependence and co-optation.<sup>39</sup> A summary of the justification for the military government cited in the Ratner Committee's report stated that the Israeli authorities felt the Arab community in Israel was not loyal to the state, and represented a threat because of a 'common interest with the Arab people across the border'.<sup>40</sup> Initially adopted against the Arab minority in Israel during the era of the military government (1948-1967), these regulations were subsequently maintained by the state for 'security reasons'. Some of these regulations remain in force today. The professed goals of the military regulations were: to protect the safety of the public, to protect the state, to maintain public order, to quell rebellion or riots, and to secure the supply of essential services.

In the Naqab, and allegedly for 'security reasons', the majority of the Bedouin who stayed under Israel's rule after 1948 were evicted from their original land and were concentrated in the 'siyaj' zone in the north east of Beersheba. The expulsion mainly took place in the

western area of the Naqab, which became a closed zone (*al-mantiqa al-muharama* in Arabic). The majority of the Bedouin were never allowed to return to their original land.

As a result of the special nature of the Bedouin community, according to an Israel Defence Forces Archive (IDFA) report, most of the military government's work in the Naqab involved patrolling, maintaining a presence in the area as well as close daily contact with the Bedouin, collecting information, and registering hostile activities.<sup>41</sup> The army was the obvious choice for this kind of work, with military units put in charge of evicting Bedouins from one location to another, and, from time to time, patrolling their encampments. The military government used the army in the Naqab in a way that was different from the way it used it the Galilee or the Little Triangle areas. Intense supervision was also obtained through the issuing of travel passes.<sup>42</sup> And yet, despite being subjected to a harsh military regime, the Bedouin employed different tactics of resistance for their daily survival struggle, most importantly, 'non-cooperation' as a form of non-violent action against military rule.

### **THE BEDOUIN NARRATIVE: TRANSFER FROM THEIR NATIVE LAND TO THE ENCLOSED ZONE**

Al-Araqib village (which is discussed later in this paper) epitomises the Bedouin narrative of living as Internally Displaced People (IDP) since 1948.<sup>43</sup> The process of expelling Bedouin tribes into the siyaj included terrorising tribes into temporarily leaving their land with the promise that they could return a short time later. As an interviewee commented, 'we were evicted from our land through the warning of Israeli methods'.<sup>44</sup>

In the Naqab, sometimes the army would make its customary claim that the land of certain tribes was needed for military use. This became the main justification used when evicting the Bedouin from their native land into the closed zone.<sup>45</sup> Many tribes, especially from the Western Naqab (*al-mantiqa al-gharbiya*), including the al-Araqib village, were asked to leave their native land and move into the siyaj.<sup>46</sup> In such circumstances, exiled tribes were often forced to move onto land belonging to other tribes, and there were many

instances when such land might belong to a tribe that had been expelled and no longer lived in Israel.<sup>47</sup>

During my field research, I came across many cases where similar stories were told of Israeli tactics to control tribal land during the first few years of military rule, and how the tribes were promised that they could return to their land almost immediately, but often could never return. The cases of al-Oqbi and al-Tori tribes offer important narratives dealing with how they were evicted from their land into the *siyaj* zone.<sup>48</sup> In 1951, these tribes, who lived in al-Araqib in the northern Naqab, were forced to leave their traditional lands and to live in the 'designated' *siyaj* zone.<sup>49</sup> As a family member explained:

The aim behind concentrating the Bedouin in the '*siyaj*' area, and convincing them to leave temporarily was all about land control. They claimed it might be weeks, or months. In fairness, it was a successful tactic used by the Israelis. The majority of Bedouin were exiled from their land by this tactic, and were not allowed to return onto their land.<sup>50</sup>

According to some interviewees, the Sheikhs of a number of Bedouin tribes met at tribal conferences to discuss their future and how to avoid being trapped by Israel's fraudulent tactics of expelling them from their land. Some of the other tribes decided to send letters of complaint to the military governors for being expelled from their land.<sup>51</sup>

Until the present, these and many other tribes have been waiting for justice and to be allowed to return to their native land. The Al-Oqbi and al-Tori, and many other Bedouin tribes, lost their land by these fraudulent government tactics. They were promised an early return to their land by government officials, but they have now been waiting for more than sixty years. The Al-Oqbi tribe, however, has refused to give up its land ownership, resisted state policies, and has refused to accept any compensation.

Another interviewee described how his tribe lived before 1948 in Wadi al-Sharia' in the western Naqab. The Bedouin villages of Wadi al-Sharia', Zummara, Huj, Jammama, and al-Shalala (western

Naqab) were all populated by Bedouins, but many fled or were expelled after 1948. 'My tribe was evicted from the western Naqab; like other tribes, we were evicted and forced to live in the siyaj zone'.<sup>52</sup> Most of the Bedouin villages in the western Naqab were demolished. The strategy of demolishing Bedouin villages is another policy of denying the historical attachment of the Bedouin to their land. In addition to declaring their land an enclosed zone, another common justification used by Israel to deny Bedouin land ownership was to categorise Bedouin land as *mawat*, land uncultivated by its owners.<sup>53</sup>

Israeli archival documents provide evidence that Bedouins resisted military government orders to be expelled from their land in the western Naqab. In addition, they wrote complaint letters to Israeli officials to be allowed to return into their land. For example, the sheikhs of the Tarabin tribes complained to the military governor against being moved from their land on 25 November 1950. In 1951, the leaders of the Tarabin tribes who remained in the Naqab sent a message to the military government asking to be allowed to return to their land, as they wanted to cultivate it. Military governor Michael Hanegbi replied to one of the Tarabin sheikhs refusing their request, and offering alternatives such as compensation.<sup>54</sup>

The Al-Oqbi (the residents of al-Araqib) tribe sent a formal letter to the Israeli Prime Minister and other governmental offices, asking to be allowed to return to their land. In their letter, they stated that they had been evicted from their land by the army in 1951. They claimed that they had been settled on their land before 1948, that there were still no settlements or kibbutzim existing on their land, and that the land was being used for grazing by other tribes. Their argument was that the alienation of the al-Oqbi tribes from their land was arbitrary and had no basis in any of the claims that the government might usually have put forward (i.e., no presence prior to 1951, that the land was needed for Jewish settlements, and that the land could not be used by Bedouin). Therefore they petitioned the government to allow them to return to their land and claimed ownership.<sup>55</sup>

Despite being expelled from the western Naqab since the 1950s, many Bedouin tribes did not give up their land claims, and are still hoping to return to their native land. The exemplary cases

presented here show clearly that the native population did not submit to settler policies.

## **THE EARLY STAGES OF EXPROPRIATING BEDOUIN LAND**

During the years of military rule, the Bedouin lost most of their land to the state of Israel through various mechanisms. Land is the most important aspect of Bedouin life, as it is fundamental to people's identity in the Naqab. After the remnant Bedouin tribes were expelled from the western Naqab to the closed zone, they lost most of their historical land.

In the 1950s, relying in particular on Ottoman codes to argue that they had no land since they neither registered nor cultivated it, the Israeli state formally expropriated all Bedouin land.<sup>56</sup> This is a common tactic of settler colonialism to continue the denial of indigenous land rights. The land category of *mawat* was the principal legal basis for expropriating Bedouin land. Ottoman land codes had been enacted in the nineteenth century to encourage people to register their land, but the Ottomans did not work hard enough at enforcing their laws on the Bedouin, or at asking them to pay taxes. Israel also tried to benefit from British Mandatory laws in order to claim that the Bedouin either did not own land or had not cultivated it. Israel continued to stick to its arguments in order to dispossess the Bedouin and control their land, claiming that Bedouin had never owned land in the Naqab, and did not register or cultivate their land according to the British ordinance of 1921 ('the *mawat* law').<sup>57</sup> Israel continues to claim to this day that the Bedouin cannot produce official documents from either the Ottomans or the British to prove their land ownership.<sup>58</sup> However, many Bedouin have provided both Ottoman and British documents supporting their claims.

According to Lord Oxford, who was Assistant District Commissioner of Beersheba in 1943, the British did not have any system in Beersheba to register Bedouin land, and thus accepted traditional patterns of ownership. Bedouin land was the collective property of the tribe: 'All the tribes knew their land naturally without registering it with the government as the Ottoman codes of land asked', he noted. He further explained Bedouin land ownership:

We did not oppose Bedouin land ownership, nor did we force them to register their land. They were happy about the way they recognised their land, so we thought it better not to impose on them something they did not like and would resist. For example, the city of Beersheba's land belonged to a very well-known Bedouin tribe. As a result we did not confront the Bedouin about the way they perceived their properties. Because the Bedouin were not very rich, we preferred for economic reasons not to ask them to pay high taxes, but in fact some did pay tax. The economic situation of the Bedouin did not encourage the British to impose harsh taxation policies, but they assisted the Bedouin to survive. Only the Ottomans enacted land codes; we, the British, did not have any registration system for land in Beersheba. We did not want to force the Bedouin to do something that they resisted and did not like.<sup>59</sup>

It is evident from the land itself that under both Ottoman and British rule the Bedouin cultivated their lands continuously. Reports from the British Mandate era clearly state that the Bedouin maintained a strong agricultural presence; for example, a report from January 1947 indicates that the area of Khalasa, located on 'Azazma clan land, was cultivated by its Bedouin owners:

These Bedouin are keen farmers and very much alive to the possibility of improving their agricultural methods. Tractor ploughing has made considerable strides within recent years and an increasing area is being planted each year with fruit trees.<sup>60</sup>

Looking at the Israeli state archives, one can argue that Israeli policies in relations to Bedouin land claims are hypocritical. The Israeli authorities were initially very careful in dealing with Bedouin land claims. In a 1952 now-declassified letter to both the Defense Ministry and the Prime Minister's Office, military governor of the Negev Michael Hanegbi wrote that 'During 1950/1951, a total



amount of 19,000 Israeli Lira were collected from the Bedouin as land tax by the Negev military governor with the help of Bedouin. Bedouin paid money for each dunam to be recognized'.<sup>61</sup> Accordingly, in the 1950s, almost all the Bedouin who remained in Israel paid land taxes to the state. They were collected by the military governor and by Bedouin sheikhs. It is also important to note that the tax paid to both the British and the Israeli authorities applied to the same currently disputed land.

To deal with Bedouin land ownership, the Israeli government set up a small but important committee, which reported in 1952 to the Ministry of Justice.<sup>62</sup> Testimony by Yosef Weitz, who headed the Jewish National Fund's forestry division and later helped to found the Israel Lands Administration (one of the most important state agencies dealing with the Bedouin), can be found in the state archives. In 1952, he was appointed to head a government committee entrusted with investigating Bedouin land claims, and he and his colleagues came up with some interesting solutions. Their report noted that, even though some of the 11,000 Bedouin who remained under Israeli control after 1948 had been evicted from their historical land and then concentrated in a closed zone, their ownership of the land could not be denied. The report stressed that the Bedouin regarded all the land they cultivated as being owned by them.

The Weitz committee proposed, however, that it would still be possible to 'avoid recognizing Bedouin rights on their land even if they prove that they have cultivated it for a long and extended time'. One recommendation was to hold off on 'the opening of a registration office in Be'er Sheva', so as to prevent any Bedouin from attempting to formalise their title (this office was opened only in the 1970s). Members of the panel also called on the government to speed up the passage of a land purchase law, 'in order to facilitate the process of transferring the land which in the past was cultivated by Bedouin to Israel development authorities'. In the same vein, the committee declared that the Bedouins 'should be compensated if they can prove land ownership'.<sup>63</sup>

From this we learn that the committee accepted that the Bedouin had populated the Negev before the founding of the state, recognised land cultivation as constituting evidence of ownership,

and recommended compensation to Bedouins whose land was to be expropriated. Israeli policies dealing with Bedouin lands were hypocritical: on the one hand, they recognised that Bedouin populated the Naqab before 1948; on the other, they continued using Ottoman and the British land codes as legal justification for denying Bedouin land claims and rights.

### **AL-ARAQIB: SYMBOL OF THE BEDOUIN STRUGGLE**

Al-Araqib, located in the northern Naqab, a few miles north of Beersheba, is the symbol of the Bedouin struggle over land rights and recognition. Today, half of the Bedouin citizens of Israel live in 46 'unrecognised' villages. These are Bedouin villages in the Naqab, which Israel does not recognise as legal. The villages are deprived of basic services like housing, water, electricity, education and health care. According to Falah, the rest live in townships that the state established in the 1970s in a policy of forced sedentarisation.<sup>64</sup> Israel refuses to respect the rights of its own citizens; in this case, 100,000 persons who are part of the Palestinian people.

Despite being expelled from their land, as is the case of Al-Araqib village, many Bedouin families decided to ignore state policies, fines and penalties, by going back to their historical land and living in tents or stone houses. They adopted a 'silent resistance' approach, claiming their land and visiting it with their children during holidays. Since the 1970s, numerous Bedouin land claims also began to be heard in Israeli courts.<sup>65</sup> To have their land claims recognised, many Bedouin families had to physically return to their ancestral land and cultivate it:

Everywhere I go with my family, we cultivate our land; this is what remains from our past. In order not to marginalise our historical claims for our land, cultivation is the symbol of our land and past. At least we will not give up; this is the piece of land where we grew up and played together, and I remember every metre of it, the valleys, the dams, the wells, and I could even tell you the number of trees we planted there. These olive trees, grape vines, fig trees are the symbol and testimony that

it is our land; it does not matter what the Israelis think.<sup>66</sup>

The unwillingness of the state to recognise Bedouin land claims and rights pushed some Bedouin tribes to take the initiative and return to their land. Debates in the 1950s over Bedouin ownership were not resolved. Similarly, the village's land ownership case was debated for two years in the Beersheba district court without resolution. Many Bedouin families, not only in Al-Araqib, fed up with the Israeli authorities' promises to solve land ownership claims, started to employ more effective forms of resistance, erecting tents and wooden shacks on their ancestral land, and living there for years.

Al-Araqib's story goes back to 1951, when it was demolished and its residents were 'temporarily' relocated to the closed zone. Army officials promised the sheikh of the village that they would be able to return to their lands after six months. The land remained mostly vacant and over the years villagers continued to return to work their lands. In the late 1960s, after the abolition of military rule, most of the families returned to live in the village. In a series of interviews I conducted in 2009 (just a year before its new demolition in July 2010), the sheikh of the village recounted that:

In 1951, the army came to al-'Araqib and asked us to leave temporarily to the enclosed zone. We were promised by the army and some officials that we could return to our land soon after. They claimed it might be weeks, or months. The justification of the authorities to force the tribes to move from al-Araqib was that the land was reserved for army use. By using this tactic, the majority of the Bedouin were exiled from their land, and were not allowed to return.<sup>67</sup>

The Bedouins viewed this manner of returning to their land as a historical remembering of claims and of their past. The return of al-'Araqib village residents, amongst other cases of villages returning to their land (for example, the village of Twail Abu Jarwal), was a natural reaction to Israel's refusal to recognise Bedouin land claims.

This return is therefore an act of 'reviving' the past, which played a crucial role in Bedouin survival tactics. As I mention elsewhere: 'even the children know that they have land elsewhere: they are taken to gaze at it on public holidays'.<sup>68</sup>

Sheikh Sayah Al-Tori (one of the leading symbols of Bedouin struggle and the head of the village of al-'Araqib) recounted the story of how his tribe went back to their land. In an interview he stated that his tribe had become fed up with Israeli promises and had decided to return to their land in the 1980s-1990s:

I have been waiting for more than forty years to be allowed to return to my land, but this dream has never come true. The Israeli authorities promised us a couple of times we could return to our land, but it was only on paper. As a consequence, we decided to return into our native land and to build shacks and houses without obtaining the permission of the Israelis. This is our land, and I will live here for ever, and I will not wait for the Israeli authorities to defraud us any longer.<sup>69</sup>

Since the 1970s, al-'Araqib residents continually appealed through the Israeli courts and had been doing so for a long time before the village was demolished. The debate between the representatives of the state and al-'Araqib over the Bedouin ownership of al-'Araqib land continued for months in the Beersheba district court, but the Bedouin claims were ultimately rejected.<sup>70</sup>

In July 2010, and before their long-standing land claims had been finally adjudicated by the Beersheba district court, the Israeli state decided to wipe the slate clean. The Israeli authorities reintroduced expulsion policies to eliminate the Bedouin 'threat', and 'cleansed' the Bedouin village of al-'Araqib, which had existed since long before the state had ever come into existence.

On 27 July, at least 46 homes and other structures in al-'Araqib, including animal pens and water tanks, were destroyed by officials of the Israel Lands Administration

(ILA) accompanied by over 1,000 police officers. The entire village was razed by bulldozers, and thousands of olive and other trees were uprooted, destroying the villagers' livelihood. Possessions including electricity generators, refrigerators and vehicles were confiscated by the police.<sup>71</sup>

The demolition of the entire village left 500 people, mainly women and children, with no shelter. The villagers refused to leave their land, and the only place they were allowed to stay was in the village cemetery. Since July 2010, the village has been rebuilt by its inhabitants and repeatedly demolished by Israeli authorities. This non-violent resistance by the indigenous Bedouin of al-'Araqib is clearly a powerful symbol of survival and staying on their land (*sumud*), as well as of the continuing struggle between the state project and the Bedouin more than sixty years after the establishment of Israel.

In this age of people's resistance and power, the plight of Al-'Araqib has become the symbol of the land conflict between the indigenous peoples of the Naqab and the state. Indeed, the repeated demolition of the village has unified a fragmented Palestinian Arab minority. Demonstrations against the razing of the village were organised in almost every Arab town in the Galilee, the Triangle and the Naqab. Weekly demonstrations of the local indigenous people were organised in the Naqab asking for recognition. The Higher Arab Committee for the Palestinian Arabs in Israel declared a one-day strike in December 2011 to support this struggle, and in May 2011 the Committee called for a demonstration in Jerusalem.

Demonstrations in many Arab villages in the Galilee and the Triangle demanded that house demolitions be stopped and land rights recognised. For example, a day of support was organised for the Bedouin village in the northern town of Sakhnin. The Al-'Araqib sheikhs were awarded recognition as heroes and the people were praised for their *sumud*. In 2011-12, many Arab members of the Knesset joined the citizens of al-'Araqib for their weekly demonstrations. Even residents of the old city of Jerusalem, who are facing similar difficulties, came to the Naqab to show their solidarity and support. Mufti of Jerusalem Ikrima Sabri also came to show

solidarity . Local women from al-'Araqib, as well as other local women's organisations, have also taken a significant part in the weekly demonstrations. This case also reached the international arena. Talks in the EU and the UK parliaments, interventions by Amnesty International, in Washington and in Geneva were also significant in the struggle for recognition. In summary, the struggle of the people of al-Naqab, and al-'Araqib in particular, has motivated a broader shift throughout the Arab minority within Israel in response to Israel's land policies and house demolitions.

### **NEW ISRAELI INITIATIVES: THE STRUGGLE CONTINUES**

As a result of the successful *sumud* and growing peaceful resistance, the struggle between the state and the indigenous Bedouins continues. Sixty years after the establishment of the state, Israel continues to be concerned about what it perceives as 'Bedouin control of state land'. It is still introducing new policies in an attempt to eliminate Bedouin claims to their ancestral land. For instance, the Praver and Goldberg plans to expel and re-locate 30,000 Bedouin by forcing them to live in urban spaces can be linked to growing anxieties and to attempts to finally secure more land for settlements.

Recently, the cabinet of the Israeli government approved another large-scale plan for 'cleansing' the Bedouin community from the Naqab.<sup>72</sup> In December 2007, Ehud Olmert's administration established the Goldberg Commission (Eliezer Goldberg is a former Israeli high court judge), which was tasked with 'finalising' the status of Bedouin land claims in the Naqab. Nowadays, the Bedouin seek to have 600,000 *dunams* (150,000 acres) of land recognised in the state registry as a small portion of their historical land. A report submitted in 2008 recommended that some of the Bedouin land be recognised. According to the Goldberg proposal, half of Bedouin claims on agricultural lands they currently occupy should be granted: around 200,000 *dunams* (50,000 acres) should therefore be listed as Bedouin territory in the land registry bureau. This is less than a third of what Bedouin land claims have demanded since the 1970s.<sup>73</sup>

In January 2009, the government formed a team tasked with the implementation of these recommendations headed by Ehud Praver, chief of the Policy Planning Department within the Prime

Minister's Office. The Praver panel worked to implement Goldberg's recommendations offering less than 27 percent of Bedouin's claims.<sup>74</sup> However, in response to the possible implementation of the Goldberg recommendations, in late 2011, Yisrael Beiteinu, a right-wing party headed by foreign minister Avigdor Lieberman, urged the government to cancel the 'offer' and reduce the amount of land to be recognised altogether. Right-wing members of the Knesset and local Israeli council leaders in the Naqab came out against a plan that would divide the Naqab.

Recently, chief executive of the Jewish National Fund in the US Russell Robinson expressed his concern about 'losing the Negev'.<sup>75</sup> Robinson's concern represents the growing anxiety of the Israeli authorities to secure the Naqab for Jewish settlers. According to Russell, the 'ultimate solution' is to bring in 500,000 Jewish settlers in order to maintain the Jewish majority in the Naqab. The Israeli Inter-Ministerial Committee of the Negev and the Galilee approved plans in 2010 to bring more Jews into the Naqab through an initiative aimed at encouraging 'army personnel to relocate to the Negev'. In the first phase, the plan would 'move 500 families of career soldiers to the Negev. This includes subsidising land sales to families including other benefits'.<sup>76</sup> Such activities reflect the Israeli state's fears about indigenous people's claims. However, the growing concern of the Israeli authorities and the JNF about the future of the Naqab is not just about 'claims', but also about continued and intensifying Bedouin activism and its effectiveness. Israeli author and poet Amos Oz, called the Bedouin situation in the Naqab, a 'ticking time bomb', a conclusion shared by many other prominent Israeli figures.<sup>77</sup>

It is clear that Israeli fears about ongoing Bedouin demands for preserving land and indigenous lifestyles have recently increased. State policies have thus begun to tighten their control over Bedouin communities. Neve Gordon, for example, has remarked how 'the razing of a Bedouin village by Israeli police shows how far the state will go to achieve its aim of Judaising the Negev region'.<sup>78</sup> It is evident that the Israeli state sees the Bedouin sumud in the Naqab as an ongoing 'problem' and a 'danger'. The fact that its indigenous people have succeeded in staying on their land has obliged the state to rethink its relations with the Bedouin.

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## BIOGRAPHICAL NOTE

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## NOTES

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<sup>43</sup> The United Nations definition of IDPs is: 'persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border'. According to this definition, the majority of the Bedouin are indeed IDPs.

<sup>44</sup> Interview with Sheikh Abu Ahmad, Al-'Araqib, July 2009.

<sup>45</sup> Interview with Abu Salim, Rahat, August 2008.

<sup>46</sup> The Bedouin used the term *al-mantiqa al-gharbiya* ('the western Naqab area') to refer to their native land from which they were expelled. As discussed, the majority of the remnant tribes had been expelled from the western Naqab into the siyaj.

<sup>47</sup> This remains the case until now as Bedouin tribes refuse to settle on land that they know belongs to other tribes. This is to prevent conflict and is also a matter of respect. See Tom Segev, 'The Making of History / Who owns this country?', *Haaretz*, 09 July 2010.

<sup>48</sup> The Al-Oqbi tribe lived historically in the Araqib and Muharaga region.

<sup>49</sup> The Al-Oqbi's land claims case was recently heard at the District Court in Beersheba. A report by Tom Segev explained how the al-Oqbi tribe tried to confirm landownership of 820 dunams of their historical land. Segev, 'The Making of History / Who owns this country?'.

<sup>50</sup> Interview with Nuri Al-Oqbi, July 2007.

<sup>51</sup> Interview with Abo Omar, August 2008.

<sup>52</sup> All these names are the original names of Bedouin villages in western Naqab, and many interviewees mentioned them as having been populated by Bedouin. A few years after the Nakba no one remained there, having either been expelled or forced to live in the closed zone. Interview with Ammer Rahat, September 2009.

<sup>53</sup> Under the 1858 Ottoman land code, waste land or land that nobody owned was categorised as (*mawat*). Naqab land was classified as *mawat* and uncultivated, and if it was located at a distance exceeding 1.5 miles from the nearest permanent base (in this case Beersheba), it therefore did not belong to anyone. See G. Falah, *Al-filastinyun al-mansyon: 'arab al-Naqab* (The Forgotten Palestinians, The Naqab Arabs 1906-1987) (Tayiba: Arab Heritage Centre, 1989).

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