

This Land is Mine: Two Views on Israel's House Demolition Policy in the Negev Desert

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The international community often perceives the Israeli-Arab conflict in dichotomous terms: one population pitted against another. History books examine the wars and their leaders, while peace negotiations focus on the overarching issues of borders and populations. With this perspective, the subtle nuances that help shape one of the world's most volatile disputes often go unseen and overshadowed. These trepidations, however, are essential for providing a more complete picture of the Middle East. Most scholars and experts on the region agree that the issues underlying the Israeli-Arab and Israeli-Palestinian conflict are extremely complex. Arguably, the only way to make sense of this seemingly intractable struggle is to discern and understand the narratives that encapsulate various points of view. Only when seen together can these narratives bring us closer to a complete understanding of the conflict.

As a minority in Israeli society, the Arab Israeli Bedouin population and their struggle within the Israeli state are often forgotten in the broader politics of the region. According to the Israeli government, the Bedouin of the Negev desert in Israel, who are full citizens of the state, number around 110,000.¹ In recent years, this community has been the focus of attention for human rights groups in Israel. On top of serious economic and health care inequalities, the Bedouins face discriminatory behavior from their neighbors and some have documented Israel's violation of human rights in its dealings with this overlooked population. At the root of these issues are the Bedouins' and the government's conflicting views of land ownership rights. While Israel was proceeding with a controversial policy of house demolitions against suspected Palestinian militants in the West Bank and Gaza Strip, it also used this approach against Bedouins within Israel. However, unlike their Palestinian counterparts, the Bedouin have not seen any spotlight on the issue of house demolitions in the international media. According to Dukium, the non-governmental Negev Coexistence Forum, the Israeli Land Authority (herein, ILA) has authorized the demolition of over 340 "unauthorized" Negev Bedouin houses and properties since 2002.² This paper seeks to examine and clarify the contrasting arguments, motivations, and attitudes of both the Negev Bedouin community and the

Israeli government towards these demolitions.

Since this paper will be focusing mostly on narrative and the interpretation of past events, this article begins with details of the most relevant historical events that led to the emergence of the current situation. The following section will explain the Bedouin views on the house demolitions, with the justifications for these views. The exposition continues with a description of the Israeli government's policy position and analysis of the motivations driving their chosen approach. Finally, the article's conclusion underscores the importance of resolution and encapsulates the two points of view, illustrating why the issue of Negev Bedouin house demolitions will continue to be a domestic policy priority for the State of Israel.

A BRIEF HISTORY: THE NEGEV BEDOUIN AND THE CREATION OF THE STATE OF ISRAEL

The process whereby nomadic tribes cease their itinerant lifestyle in exchange for settling long term in one location is known as "sedentarization." Bedouin sedentarization began under Ottoman rule in Historical Palestine (lasting 1517-1917). Prior to Ottoman control, the Bedouin lived as nomads, and their tribal areas were borderless by today's standards and dispersed across the Middle East. Beginning

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in 1517, the Ottoman government attempted to control the generally independent Bedouins, whose livelihood was based on free movement. The modern Negev town of Beer Sheva was established in the nineteenth century as an outpost for the Ottoman regime to curb tribal raiding activities.³ The Ottomans developed a land policy in Palestine that created a strained relationship between the Bedouin society and the government of Historical Palestine, a legacy that persists even today.

Other attempts to control the Bedouin included the Ottoman Tabu law of 1858, which obliged Bedouin, as well as other land owners, to register their properties and pay land taxes. Like many other peasant populations in Palestine, the Bedouin often evaded payment of these tariffs altogether or minimized the amount paid by deflating ownership figures. Due to this

evasion, the Bedouin did not hold legal documents for land that had been in their use for centuries. They could not produce a record of ownership when land titles and records of tax payment became recognized as the only valid landholding papers.⁴ Each tribe controlled territory, sometimes covering thousands of square miles. The extent of the territory depended on the power of each tribe, and from time to time the tribes fought over the control of a given territory.⁵ Thus, tension between the Bedouin and the sedentary government evolved as a result of these differing conceptions of “land ownership” and what constituted “proof of ownership.” The British inherited this aspect of the conflict from the Ottomans, arguing similarly that land ownership should be records-based as opposed to the Bedouin conception, which was based on less formal agreements.

The conceptual differences of land ownership persisted after the State of Israel was established in 1948. Israeli land law is derived largely from British Mandatory law, which in turn incorporated a great deal of Ottoman law. Under Israeli law, a person who has not registered his land with the Land Registry cannot claim ownership. However, in the mid 1970s Israel allowed the Negev Bedouin to register their land claims and issued certificates as to the size of the tracts claimed. These certificates served as the basis for the “right of possession” later granted by the government.⁶

The Israeli right of possession, however, is far from absolute. The Land Acquisition Law of 1953 states that for the purposes of “essential development, settlement or security,” the Israeli government may “acquire” a tract of land, with the condition that “the owners of acquired property are entitled to compensation from the Development Authority. The compensation shall be given in money, unless otherwise agreed between the owners and the Development Authority.”⁷ The Israeli government’s claim of ownership over much of the land in the Negev inhabited by the Bedouins led to the removal of many Bedouin from their land between 1948 and the end of Israeli military control of the Negev in 1966. Lands in the Western Negev from which they had been removed were declared “abandoned” and subsequently expropriated by Israel under the Land Acquisition Law. Total expropriation figures are unclear, but by 1959 the Negev Bedouin had lost at least 62,500 acres to expropriation.⁸ Minimal compensation was given to the Bedouin who were sedentarized and relocated. Another important factor that entered into play around this time was a natural but rapid increase in the Bedouin population. According to the Israeli Ministry of Foreign Affairs, the Bedouin population grew tenfold during the half century from 1948 to 1999. The Bedouin of the Negev were left with a booming population and ever-decreasing amounts of land on which their population could subsist.

During the aforementioned land acquisition and state sanctioned sedentarization, the Israeli government set up several towns in which the Bedouin were encouraged to live, including Rahat, Segev Shalom, and Tel Sheva. However, Havatzvelet Yahel of the Israel Land Title Settlement Unit states that, “while most [Negev Bedouin] have taken advantage of the special terms offered by the state and have built their homes and businesses legally, a significant minority [do not] obey Israeli law.”⁹ Bedouin whose land has been acquired by the state are offered compensation in the form of free land for housing in one of these newly-designated Bedouin towns. Bedouin movement is not restricted to these towns nor is their ownership of property. However, special incentives are given to those who choose to live in these communities.

Ultimately if land in the Negev is acquired by the Israeli government and compensation is offered to those living there, the terms of this arrangement are domestically legal, regardless of the secondary effects on the Bedouin. However, if Bedouin are living on the state land, their settlement is considered to be “unauthorized” and “illegal” because it violates the control claimed by the Israeli government.

HOUSE DEMOLITIONS

The Israeli government’s policy of house demolition stems from the perceived authority of the Israeli Land Authority over much of the Negev. Their view is that the Bedouin are illegally occupying land belonging to the Israeli state. However, because most of these Bedouin are unable or unwilling to leave this land the government has undertaken a policy of house demolition to coerce these Bedouin to abide by the legal agreements of land ownership in the Negev. Generally, tents and light structures (shacks and huts) built illegally are treated forgivingly. However, construction of houses of stone or concrete without a building permit is considered a major offense,¹⁰ leading to the demolition of such structures. Far from being relegated to the history books or statistical charts, house demolitions are a continuing process. “Out of an estimated number of 30,000 illegal structures (with 1,500 houses being built annually), 113 houses were demolished in 2002....In 2003, 157 houses were demolished in the unrecognized villages in the Negev. In addition, 45 demolition orders without criminal process were served in 2002. In 2004, by the end of June, 67 houses were demolished.”¹¹ On May 21, 2007, in the village of Attir, the government demolished four homes, leaving forty children homeless.¹² And on July 16, 2007, 800 Bedouin began a protest at Israel’s parliament, the Knesset, to protest demolition orders received for

the unrecognized village of As-Sira.¹³ At the time this article went to print, the Israeli government and these protesters were working on a solution to problems concerning house demolitions. We now look to the root causes and beliefs which comprise this contentious issue and on which these two parties are negotiating.

PRESERVING HOME: THE NEGEV BEDOUIN PERSPECTIVE ON HOUSE DEMOLITION

Due to their rapidly growing population and increased political visibility in Israel, the problems faced by the Negev Bedouin population should be well understood by both domestic actors and those studying the conflict from abroad.

The Negev Bedouin position on house demolitions must be understood within the greater context of Israeli-Bedouin relations. As described above, there is a history of negative interaction between the Israeli state and the Bedouin as well as a track record of perceived injustices carried out by Israel. House demolitions are therefore seen to be not only unjust in their own right, but also as part of a greater effort to remove the foundations of the Bedouin lifestyle, culture, and personal cohesion of the population.

The position of the Bedouin is eloquently explained by the Dukium, the Negev Coexistence Forum. The Forum is a non-profit organization based in the Beer-Sheva suburb of Omer and is, “unique in being the only Arab-Jewish organization established in the Negev that remains focused on the Negev’s population specific problems.” The group claims that, “The Negev Coexistence Forum considers the State of Israel as responsible for the denial of the full civil rights of the Arabs of the Negev. As a result it has set out as one of its missions to advance civil rights and equality in the Negev.”¹⁴

Arguing against Israeli policies of sedentarization of the Bedouin, Dukium maintains that with less space for agriculture and grazing, the Bedouin’s source of livelihood was disrupted. Dislocation, subsequent sedentarization, and only partial modernization have worked to destroy the indigenous Bedouin culture and way of life.¹⁵ The State of Israel continues to use the

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denial of basic municipal services, such as water, electricity, access roads, health and education as a tool to coerce the community to move from their historical villages into state-planned townships.¹⁶ It is clear that the patterns of denial and helplessness experienced by the Negev Bedouin in their relationship with the government simply extend to the issue of house demolitions. In many cases, the witnessing of a neighbor's or even one's own home being destroyed by the government exacerbates the frustrations that had previously existed.

It is also significant to note that the government has in some instances acted in contradictory ways with regards to legal claims. Some of the Bedouin villages existed before the establishment of the Israeli State, and others were created in accordance with the Military Government's orders in the 1950s and 60s. Many residents who received permission from the State to live in certain areas during the 1950s, are now, a little more than 50 years later, receiving expulsion orders and seeing their homes demolished.¹⁷ Thus, there is a sense that Israel's policy on land ownership is arbitrary and fluid. The Bedouin feel that the claims of land ownership, or lack thereof, are essentially judged by a standard of convenience. Clearly this serves to increase the frustration surrounding house demolitions, as the legal authority from which ownership and thus demolition is derived is itself tentative.

At the core of the broader debate over house demolitions in Israel is the state's potential violation of international legal standards. International law states that the right to housing is a basic and fundamental component of the right to an adequate standard of living, as well as central to the enjoyment of rudimentary human rights. The UN Committee on Economic, Social, and Cultural Rights, "considers that instances of forced eviction are *prima facie* incompatible with the requirements of the [Committee] Covenant and can only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law."¹⁸ Israel is party to the UNESCR, having joined on January 3, 1992.¹⁹ Considering that the Bedouin pose no real economic, social, or security risk to Israel, they lend no validity to Israel's policy. On these grounds as well as the cultural and emotional considerations mentioned above, the Negev Bedouin society rejects the legitimacy of house demolitions. Organizations like Dukium, have in fact participated in sessions within the U.N. on the specific issue of these demolitions.

THE ISRAELI GOVERNMENT AND NEGEV BEDOUIN HOUSE DEMOLITIONS

Counter to the Bedouin perception of a government war on native culture, the Israel Land Administration claims that government's treatment of the Bedouin is fair. From the government's perspective, a significant amount of resources are expended on the Bedouin, including, "Over NIS 1 billion (\$236.4 million) [spent] on expanding existing Bedouin towns and upgrading their infrastructures and facilities."²⁰

While the Negev Bedouin claim their land has been drastically minimized, the ILA points out that the Israeli government leases hundreds of thousands of dunams (one dunam = .247 acres) of agricultural land to the Bedouin, at a symbolic cost of around NIS 2 per dunam (about 47 cents).²¹ With such terms, one might argue that there is at least a policy of compensation within the government, whereby Bedouin are treated with favorable exceptions. This runs contrary to Bedouin claims of overarching systematic oppression.

Another perspective on the Israeli government's role in house demolitions is the view that it is the state's duty to evict squatters and restore the land to the citizens who leased it, thus upholding the state's legal requirements.²² Those whose houses are demolished, at least in the government's eyes, are those who are not willing to engage in compromise for the sake of the greater good of the Negev Bedouin.

Additionally, the government finds it very difficult to provide appropriate levels of service to a dispersed Bedouin population. Israel is obligated to provide education, welfare, medical treatment, and security to all its citizens. However, it proves incredibly challenging to provide these services to Bedouin families that settle illegally in the Negev, as they are often found in small clusters far from roads and towns.²³ Based on the government's views and their calculations of the situation, house demolitions are an incentive for the Bedouin to congregate in areas where it is possible and practical to provide for their basic needs.

The government also views its attempts at offering incentives to settle in towns as a positive measure. While most Bedouin have taken advantage of the terms offered by the state the significant minority who do not are in opposition of Israeli law.²⁴ Thus, frustration arises over what the government perceives as a choice to not obey the law and previous agreements, despite incentives which the government has offered the community.

SUMMATION OF THE PROBLEM

The Israeli-Bedouin conflict over house demolitions is a matter of differing interpretations of the concept of land ownership. The Negev Bedouin view the land as theirs, which justifies building on it, and which makes house demolitions unjust and in violation of international law and human rights. The Israeli government views the land within set Israeli laws and thus sees its actions as justified. The reasons this complex conflict has not been resolved as of yet are two-fold: first, the claims of both sides hold legitimacy; second, both sides' claims are misunderstood by the other.

The Negev desert is considered by practically all international standards as sovereign Israeli land. Even those who oppose the occupation of the West Bank and Gaza Strip recognize Israel sovereignty of the Negev on their various maps and visual representations of the conflict. However, the Bedouin possess equally legitimate claims over the land that they have inhabited for centuries. However, even if Israel claims entitlement to legal control of what was previously Negev Bedouin land, this does not justify illegal house demolitions in order to enforce their control. Thus both sides are right, but cannot pragmatically effect their entitlements because it inherently interferes with the other side.

This point leads to the second issue of a mutual lack of understanding for each side's claims. Israel does not place sufficient weight on the Bedouin claim that house demolitions violate international law. As mentioned before, Israel's mindset focuses on law-based conceptions of ownership and underemphasizes the effects of enforcement of this conception. On the contrary, the Bedouin do not sufficiently understand the government's necessity for law-based determination of land ownership. Sedentarization enables the Israeli government to pragmatically address the needs of the Bedouin, as they perceive them, and also its own needs as a sovereign government. Unfortunately, without a mutual understanding and with an inherent mistrust between the cultures, the Bedouin and the Israeli government only continue to reinforce the rationale that keeps house demolitions institutionalized in Israeli policy.

CONCLUSION

The resolution of land disputes between Israel and the Bedouin is critical. While complicated in and of itself, the struggle also fits into a larger picture of conflict between the Israeli government and the Bedouin over issues such as healthcare, modernization, welfare, and education. Some of the towns have

become distressed areas and focal points of frustration and bitterness. The Bedouin have been left to their own devices in integrating into the regional wage labor market in Israel, while educational, health, community services are supplied to them by the state.”²⁵ Historically, these problems have not gone away when left unchecked in the Middle East. The fact that Bedouin in the Sinai have reacted to similar conditions in Egypt with involvement in terrorism and extremist movements is especially disconcerting. While the issue of extremism in the Israeli Bedouin population is dangerously under-researched, the most effective form of treatment is often prevention. Thus the impetus is great for the players in the conflict over house demolition to resolve issues that if unaddressed may be the cause of more serious problems, both for the Israeli government and for the Bedouin population itself. Regardless, the necessity for dialogue and engagement is pressing and immediate, the wide number of people impacted by the conflict today is reason enough to seek resolution between the government and the Bedouin. Viewed within the context of Israel’s conflicts with other populations inside and outside its borders, the impetus to resolve small scale disputes only grows stronger as the wounds the cause only continue to fester and develop.

As settlements continue to develop and grow, and the Israeli Bedouin slowly trickle into towns, it is likely that the future of the nomadic Bedouin will be even more isolated and difficult, and their lifestyle may soon come to an end. Ultimately, the legitimate land claims of the Bedouin will likely pose little value to the younger generation of Bedouin today as they compare their traditional lifestyle with the enticements of settlement and the conveniences of modern technology and society. But, neither will the local and international community remain silent as the government of Israel continues to impose its will in the Negev through house demolitions and other coercive acts. However the situation is viewed, perhaps the only thing that becomes clear is that the issue of Negev Bedouin house demolitions is one which will continue to pose challenges to both the Israeli and Bedouin communities for at least a generation to come.

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