



In Good Faith?

The Bedouin Question
and the Geo-political Implications of a
Right of Return to the Negev



Executive summary

This report is a product of two-months fieldwork from July to September 2019. It was conducted as an independent research project in collaboration between Lund University and ARIJ (Applied Research Institute - Jerusalem). The views expressed in this report are the author's own and do not necessarily reflect Lund University and ARIJ's stance.

The applied methodology is based on interviews and participant observation. The report conducted several field visits to Palestinian Bedouin communities in the West Bank, one unrecognized village in the Negev and the Arab Bedouin townships of Tel Sheva and Houra. Due to natural limitations in the research, the interviews conducted in the West Bank were concentrated in Jerusalem and Hebron districts. Interviews also extended to human rights activists concerned with Bedouin rights. The report is also based on secondary research on published literature on Arab Bedouins and NGO reports. Due to the sensitivity of the issue, all sources were assured complete anonymity to protect their identity.

From the several conducted interviews, this report chooses the Jahalin tribe in the Khan al-Ahmar village as a pivotal turning point for the direction of this report. The change in scope arose from an interview conducted on the 24th August 2019, a few days after the Khan al-Ahmar road connected to the Jericho-Jerusalem highway was closed by a gate declaring it a firing military zone without informing the Khan al-Ahmar residents or demonstrating proof of an official military order. The interview was also conducted days after two residents were arrested for attempting to trespass the area. No fine or legal action was taken due to the 'novelty' of the gate and sign. The gate's sign is displayed on the report's cover.

The concerning strategy that the fieldwork debates was offering to the E1-located Bedouins, in specific one *usra* (family), the much-desired Palestinian right of return. This is a controversial offer, feasibly rumours and an empty promise, as the state of Israel has constantly rejected the Palestinian right of return since the 1948 *Nakbah*. But nonetheless, rumours, if planted well in people's minds, are equally damaging, especially within a divisive conflict. However, choosing to discuss this issue is means as to discuss the Bedouin experience of displacement and relocation, and the stressing proposal process they are subjected to. The puzzled interviewed Bedouin declared that the proposal had come straight from the Prime Minister's office. Why would the Israeli government be willing to return this specific *usra* and possibly, *ashira* (clan) back to their ancestral lands of the Negev?

Though at first glance the offer of return seems a bold move, this report argues it is a logical next step after the 2018 international Author's photograph outside the Palestinian Bedouin village of Khan al-Ahmar, Area C

of Khan al-Ahmar. Ben-Gurion once said that the transfer of Palestinians, conceivably an ethnic cleansing, should be practical and necessary. This report argues that returning the E1 Bedouins to the Negev, where they will face even more spatial control, is practical and necessary for the Judaization process of Greater Jerusalem. Therefore, this report sees the annexation of E1 as another crucial puzzle piece in the advancement of the settler enterprise and the engineering of an Israeli 70:30 demographic balance strategy for a Jewish majority.

Accordingly, this report uses a speculative approach regarding the possible new Israeli strategy of displacement towards the Khan al-Ahmar Bedouins. Thus, this report denounces the proposed right of return to Khan al-Ahmar Bedouins as another displacement strategy against Palestinian Bedouins and therefore, should be denounced as strategic *réfoulement*. *Réfouler* from French means expel and international law states that no person should be forced into a country where they will face discrimination and persecution. Allowing the Khan al-Ahmar Bedouins to go back to the Negev, not only will be strategic *refoulement*, but it also fits perfectly within the Israeli narrative of '*voluntary transfer*'. It is, hence, in line with Israel's patterned expropriation procedures.

The analysis concludes that if Bedouins from the relocation E1 plan accept the proposal of the right of return, their lives could be endangered by:

- Israeli government's '*divide and rule*' strategy which would entail exposing the Arab Bedouins at high risk of being accused of Israeli collaborators as other Palestinian refugees would have not been offered an equal right of return.
- The ostracization of an already marginalized community and the likely recrimination by the Palestinian Authority and Palestinian public opinion selling Palestine's future state.
- Uncertain security. If the E1 Bedouins are allowed to return to the Negev, what would the conditions of their relocation entail? This report guarantees the relocation plan will not entail giving the Bedouins an agricultural plot of land but most likely, the Khan al-Ahmar Bedouins will be forced into unsustainable villagization in one of the failed townships of the Negev designated exclusively for Bedouins.

To address this last point, this report uses a comparative approach to the conditions lived by the Arab Bedouins of the Negev, whether located in recognized or unrecognized villages, it will showcase the peril and insecurity of the Right of Return. Bedouins in the Negev are citizens of Israel, yet they live in unsustainable conditions of discrimination, harassment, lack of basic services, lack of opportunities, and the threat of demolition. According to the Israeli Central Bureau of Statistics, the Negev Bedouins are the poorest and most marginalized community in Israel, and, therefore, a voiceless subaltern identity.

Ultimately, the vulnerability of Arab Palestinian Bedouins is at the heart of this report. As a subaltern identity, this report wishes to recommend paths of inclusion and humanitarian support. Most importantly though, the strengthening of effective leadership and strategic vision between Bedouin communities and their relations with the Palestinian Authority.

As a final note, this author cannot assure if the right of return offer is false or a viable possibility for the Khan al-Ahmar Bedouins. What this report can assure is that the proposal is detrimental to the Palestinian community as a whole for the viability of a two-state solution. Primarily, the report has focused on the social impact of the Israeli relocations proposals. The spread of the Negev return proposal, whether honest or hearsay, can have a decisive impact on the peace negotiations and the Palestinian negotiation team. Due to the sensibility of the topic and source of information, this report is not intended for public distribution, but to inform both ARIJ's POICA and Urbanization Monitoring Department and press the department to confirm or deny its legitimacy. Even if the rumor is unfounded,

an investigation looking into its ramifications will be critical to ascertain its effects on the ground.

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Introduction

Across the Bedouin village of al-Khan Ahmar school community, high on the opposite hill's ridge, an Israeli white and blue flag flutters in the wind. As it is the case with the sight of caravans on the peripheries of Jewish illegal settlements, the flag is a testament to the expansionist plan of Ma'ale Adummin to take over the Bedouin village. The signaling device, hardly visible to the unaware eye, marks the inauguration site for 93 settlement units (*Fig. 3*). It is a mere glimpse into the Palestinian occupation's daily struggle to remain steadfast on the land on the relentless shrinking space of the West Bank.

“Every day there is Nakbah for me and my family” states a Bedouin informant. His village in the Hebron hills faces demolitions up to one to three times a year. *“The catastrophe started in 1948 and continues today for the Palestinians.”*

According to JLAC, 70% of Palestinian Bedouins in the West Bank became refugees from the Negev desert (*Naqab* in Arabic) between 1948 and 1951 when they were forcibly displaced from their tribal lands. At least 25% of these refugees have been displaced twice since then.¹ In 2017, around 6,000 Bedouins are refugees or refugee descents.² The demolitions and displacement strategies continue to this day.

Under international laws, such as Article 13(2) of the Universal Declaration of Human Rights (UDHR), all refugees are entitled to the right to return to their ancestral and tribal lands. This qualifies them to reparations for the damage caused by the forced displacement. However, to this day, 7.2 million Palestinian refugees equally fall in this legal lacuna of minimal international indemnity.³

Though the Khan al-Ahmar Bedouins report an offering of a Right of Return by officials from the Israeli Prime Minister's office, it is important to remain skeptical of such a proposal and evaluate its intentions. First and foremost, Israel has never recognized any kind of Palestinian right of return. It contravenes the Zionist ideology of constructing and preserving a Jewish majority, and therefore, any Palestinian return poses a national security threat. Though to all appearances the offer of return seems a high-risk move, it is plausibly a reasoned and practical next stage after the 2018 international backlash against the attempted demolition and eviction of Khan al-Ahmar. The Bedouins' mere presence is impeding the E1 Plan fulfilment. Considering the tight control exercised to Bedouins in the Negev, such a possibility of relocating them within

¹ Heneiti, A. (2014). “Planned or Forced Transfer? The Case of Palestinian Bedouin communities,” *Jerusalem Legal Aid and Human Rights center (JLAC)*

² OCHA (May 2017). “46 Bedouin Communities at Risk of Forcible Transfer in the Central West Bank: A Vulnerability Profile,” *OCHA Database*. Accessible from <https://www.ochaopt.org/page/46-bedouin-communities-risk-forcible-transfer-central-west-bank-vulnerability-profile>

³ Akram, S. M. (Spring 2002). “Palestinian Refugees and Their Legal Status: Rights, Politics, and Implications for a Just Solution,” *Journal of Palestine Studies*, Vol. 31, 3:36-51

Israel's sovereignty would facilitate their displacement from the Ma'ale Adummin bubble and display a magnanimous image to the international community.

However, an Um al-Khair Bedouin explains that Israeli policies towards Palestinians have a sole purpose:

"They want to evacuate the people, to evict the people, they want to displace the people, they want just to kick them out. They don't care about the Palestinians."

There is a chance that if the Israeli proposal for return gets out into the public, it will grow in scale and become a negative instrument for the segregation of Bedouins from the Palestinian collective struggle. Gossip and rumors are as dangerous as facts; and if planted well into the minds of people, they can be transformed into truths. Why would the Israelis offer such a relocation plan after their obstinate refusal to even discuss the Palestinian right of return in negotiations?

The reason is banal and strategic: The Bedouins have no agency and the Bedouins are located in areas of interest. Before any offer is discussed on these vulnerable communities under coercive environments, we must understand that their position is sensitive under unsustainable and inhumane conditions. Both Arab Bedouins in the Negev and West Bank are structurally segregated, have minimal to zero access to basic services and have to subsist through external help. As an activist for Bedouin rights declared with concern:

"they [the Bedouins] can't make this decision alone. It has huge implications. There are 3,000 Palestinians in Area C and therefore, it's not just 28 families here that are impacted by their decision, it's what happens in this region without them."

Therefore, this hopeful offer, tempting in its unlikelihood, indicates a manipulation to create division and push towards what Israel terms as 'voluntary' displacement. In each legal proceeding with the Israeli authorities, the Palestinian Bedouins voice their right of return as refugees to their ancestral lands in the Negev as the only fair relocation.⁴ Such a right has been outright rejected. Thus, the proposal may appear at face value as offered in good faith, however, the following discussions on forced displacements and unsuitable relocation plans will paint a different picture to this latest scheme. It will demonstrate a strategy to maneuver the Bedouins from EI into weakness, fomenting a dilemma to the community. Especially considering how the Right of Return proposal would fragment the Palestinian community sentiment even further.

"There is many, many things we need to talk about," explained the Um al-Khair informant.

"We have to sort before we can speak of peace. What about Jerusalem? What about the checkpoints? What about the refugees? What about the prisoners?"

Even if there was a slight possibility that the offer is viable for them to return to their ancestral lands, it is a small concession for the ultimate expansion of Israel in the occupied Palestinian territories (oPt).

⁴ UNRWA & BIMKOM (2013). "al-jabal: a study on the transfer of Bedouins Palestinian refugees," p. 14

Part 1: Understanding the Negev Return Proposal

This report historicizes the ethnic displacement of Bedouins since 1948 to demonstrate the current geopolitical reality they face as indigenous people with a voiceless subaltern identity within the broader Palestinian community. Subalternity in post-colonial and critical theory translates to those excluded and powerless from the hegemonic power. Within this context, it is important to understand that the subaltern status does not develop within a vacuum but through social and power dynamics. The subaltern status is transferable.

In this section, this report discusses how both the Bedouins under Israeli sovereignty, and under occupation, have fallen trap between the cracks of Israel's ethnocratic system of power, which first and foremost, favors the Jewish population over the non-Jewish.

I. An ethnocentric system of power

Israel considers the West Bank a contested territory of disputed ownership rights between Israelis and Palestinians, which was confirmed by the Knesset on February 6th, 2017 with the approval of the Judea and Samaria Settlement Regulation Law which has the aim to legally manage the Israeli settlements in the West Bank, creating new ones and developing them further. This law declares settlements in the West Bank as being built "in good faith" terms. Conjunctly, the 2018 Basic Law would extend this policy to constitutionalize settlements as national assets.

International law, nevertheless, frames the Israeli settlement enterprise as illegal by reaffirming the impermissibility of the annexation of territories by force. First, ratified in the 1946 Fourth Geneva Convention and later, reaffirmed in resolution 2334 which holds special significance due to the US's abstained use of their veto power, allowing this anti-settlement resolution to pass the UN Security Council with 14-0. Resolution 2334 crucially condemned any policy or procedure with the aim to demographically engineer the Palestinian territorial borders since 1967, specifically touching on East Jerusalem. It deemed the alterations of demographic composition as endangering the peace process and two-state solution. The resolution listed the demolition and confiscation of homes, the creation, and expansion of settlements, and the transfer of Israeli settlers and displacement of Palestinians as violations under international humanitarian law.⁵ This resolution passed only due to the US' abstained vote during Obama's second administration.

Nonetheless, today 200 settlements exist in the West Bank, increasing with US President Donald Trump's support every day since 2017. Critically, August 2019 saw

⁵ *Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War*, Geneva, 12 August 1949, Switzerland. Accessible from https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33_GC-IV-EN.pdf

the largest quantity of settlement approval by the Israeli Higher Planning Committee, planning 2,500 new residencies for settlement use.⁶

Ardi Imseis declared that the UN has a structural bias in its international legal system due to three liabilities: 1) political expediency, 2) great power politics, and 3) bureaucratic inertia.⁷ He declares international law to be a social phenomenon and so its laws are at root a struggle between the subaltern and the neo-imperial hegemonic power.⁸ He then concluded that *legal subalternity* is a perpetual, cyclical state which is exemplified in the UN's unfulfilled promises and actions towards Palestine.⁹ This vacillating attitude towards the settlement enterprise puts into question the Charter's responsibilities and the UN's efficiency for procuring peace and justice.

Therefore, this report frames the state of Israel as an *ethnocracy* which is comprehensively defined by Oren Yiftachel as a regime system whose features may be democratic, but its underlying structure is authoritarian.¹⁰ Thus, Israel is posed as a prototype of a democratic nation-state, but its roots are built on neo-colonial ethnocentrism.¹¹ This ethnic partiality is best observed with the approval of the 2018 Basic Law which favors the Jewish identity, making the right to exercise national self-determination in the State of Israel as *unique* to the Jewish people. Mahmoud Darwish would describe it in the following words: "so we realized were not real citizens, we were residents. There is democracy in Israel, but only for Jews."¹²

With the 2018 Basic Law in mind, the issue of the Arab Bedouins is one that explicitly illustrates the ethnocratic regime trajectory of the state of Israel. Throughout this report it will become apparent that the Bedouin question is one of two sides of the same coin: first, it deems the discriminating policies against Bedouins as strategic for the sovereignty of the Jewish state. The structural discrimination is rather the means to concentrate these non-Jewish communities into cantons and ethnically cleanse the area through a process of de-Palestinization and Judaization. However, second, it concludes that Israeli's inequity policies and practices are ultimately banal in its disproportionate aggression against their human dignity. As an occupying power, Israel is under the responsibility of the Fourth Geneva Convention which declares in article 49 "the Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies."¹³ As an administrator of the territory, Israel has engaged in a

⁶ Al Jazeera and News Agency, (Aug. 6, 2019). "Israel approves 2,300 new homes for settlers in West Bank: NGO," *al-Jazeera*. Accessible at: <https://www.aljazeera.com/news/2019/08/israel-approves-2300-homes-settlers-west-bank-ngo-190806161537292.html>

⁷ Imseis, A. (2019). *The United Nations and the Question of Palestine: A Study in International Legal Subalternity* (Doctoral thesis), pp. 1, 10

⁸ Ibid. p. 11

⁹ Ibid. p. 9-11

¹⁰ Yiftachel, O. (2016). "Extending Ethnocracy: Reflections and Suggestions," *Cosmopolitan Civil Societies Journal* 2016, 8(3):5272

¹¹ Ghanem, A. & Yiftachel, O. (Aug. 2004). "Understanding 'ethnocratic' regimes: The politics of seizing contested territories," *Political Geography*, 23(6):647-676

¹² "A Love Story Between an Arab Poet and His Land. An Interview With Mahmud Darwish," *Journal of Palestine Studies*, Vol. 31 No. 3, Spring 2002; p. 72

¹³ *Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War*, Geneva, 12 August 1949, Switzerland. Accessible at

continual population transfer since its inception. As this report will uncover, Israel has not acted in good faith but prioritizing Jewish interests and justifying the establishment of 'facts on the ground'.

This report historicizes the ethnic displacement of Bedouins since 1948 to demonstrate the current geopolitical reality they face as an indigenous people with a voiceless subaltern identity within the broader Palestinian community. Subalternity within post-colonial and critical theory translates to those excluded and powerless from the hegemonic power. A subaltern status does not develop within a vacuum but through social and power dynamics.

II. **Historical background:** *Parallel Experiences of Displacement*

As observed in the cover's roadblock, currently the Khan al-Ahmar reside inside a military firing zone. The sign in warning red spray paint prohibits the entrance to unauthorized personnel. Such a declaration of a closed-off military area has been linked to the displacement of Bedouins during the early years of the establishment of the state of Israel.

As it occurred to most of the Palestinian population, since 1948, the Bedouins have experienced a patterned sequence of dispossession, displacement, and population transfer. The partition of Palestine in 1948 divided the *Naqab* and West Bank located Bedouins into bifurcated experiences which would consequently be made parallel. Today Bedouins in the Negev and West Bank share akin struggles and human violations though always under differing political and legal regimes. As a result, the lived reality of Bedouins is one of relentless insecurity due to systematic policies of demolitions, confiscation, ethnic displacement, unrecognition, impotence, and denial of basic services and infrastructure.

When declaring Bedouins as nomadic, there is a general assumption that Bedouins do not have permanent residences and merely wander the land ownerless. Nomad is a term to disposes of their indigenous status. However, Bedouins in Arabic are known as quarter nomadic which translates in English to semi-nomadic.¹⁴ The difference between semi-nomadism and full nomadism lays in the fact that Bedouins had seasonal residencies that changed according to the seasons and the grazing availability. They were recorded to have dwelled and 'enjoyed the fruit' of the land during the Ottoman Empire. As sole inhabitants of the *Naqab*, the Bedouins organized in inter-tribal land allocations which implied customary ownership based on agreed spoken upon grazing boundaries and respected by each tribe.

Understandably, data on Bedouins is uncertain due to the limit of credible sources but it is estimated that Arab Bedouins emigrated from the Arabian Peninsula around the 5th

https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33_GC-IV-EN.pdf

¹⁴ Hunaiti, H. (April 2008). "'Arab Jahalin: from the Nakba to the Wall,' *Palestinian Grassroots Anti-Apartheid Campaign*, p. 15

and 7th centuries to the *Naqab*.¹⁵ However, during the Ottoman *Tazimat* reform period, an Ottoman Land Law was passed on April 21st, 1858 which aimed to organize the land ownership throughout the empire which would increase the Ottoman's control over property rights and increase the Empire's tax revenue. That same year, the Tabu Law demanded those holding lands to register it and acquire recognized land ownership. The land reform laws delineated five types of land to which the Negev, having been unclaimed ownership by the Bedouins, fell into *mawat* land classification. *Mawat* land ipso facto re-assigned it as state land which then was recorded in Ottoman's state books as dead meaning uninhabited and uncultivated land.

This would be used by the State of Israel against the Bedouins; transforming dispossession and displacement into legislation. The Khan al-Ahmar Bedouins, however, still possess Ottoman-era documents that demonstrate their dwelling in Tel Arad.

Data on the Bedouin population also showcases fluctuating numbers. Most reports, however, agree that before 1948 between 55,000 to 97,000 Bedouins were living mostly in the Negev and South Hebron while some smaller families could be located in the Galilee extending to Haifa and Toura. Some sources suggest the existence of 80 tribes while others suggest 97, however, according to Bedouin historian Ghazi Fatah 92 Bedouin tribes were living in the Negev and South Hebron.¹⁶ Peculiarly a smaller quantity of Bedouins lived around in Bir Saba and neighboring villages leading sedentary lifestyles. Therefore, in anthropological terms, being a '*Bedu*' is a matter of tracing any tribal ancestry rather than specifically a nomadic or semi-nomadic lifestyle.

After 1951, the totaled Bedouins in the Negev amounted to a population of 10,000 to 13,000; with the tribes reduced to an estimate of twelve due to a climate of terror and military harassment.¹⁷ Those Bedouins that remained were displaced during the Negev's martial law to small enclosed areas called *al-Siyat* (the fenced reserve) while the expelled Bedouins became refugees in the West Bank under the Jordanian Administration. Hence, they had to resettle in a land that they did not formally own as they did not wish to live in urban refugee camps. The choice to live in rural areas is contingent on their traditional way of life to engage in agricultural and pastoral activities which require semi-arid depopulated and extensive open spaces for herding and seasonal mobility. Depending on the season and rainfall, they would search the best pastures for their animals while returning back to semi-permanent locations to harvest the planted wheat and barley crops.¹⁸ Therefore, today the displaced Bedouins are located in either state land, military zones or land leased from private Palestinian owners.

¹⁵ Ibrahim, T. N. (July 2004). "By All Means Possible. A report on: Destruction by the State of Crops of Bedouin Citizens in the Anaqab (Negev) by Aerial Spraying with Chemicals," *Arab Association for Human Rights*, p. 8

¹⁶ Falah, G. (1989). *The Forgotten Palestinians: The Arab of the Naqab 1906–1986*. Tayiba: Arab Heritage Center

¹⁷ Land Research Center and Yaqoub Odeh from Human Rights and Housing Rights Observer (January 2008). "Campaign on Right to Housing & Residency - Special report on 'Forced displacement of Bedouins,'" *CCDPRJ (Civic Coalition for Defending the Palestinians' rights in Jerusalem)*

¹⁸ Hunaiti, H. (April 2008). "'Arab Jahalin: from the Nakba to the Wall,'" *Palestinian Grassroots Anti-Apartheid Campaign*, p. 15

While the West Bank refugee Bedouins demand the right of return, the remaining Negev Bedouins instead voice the right to be offered agricultural settlements instead of urban townships. Today the Negev Bedouins are engaged in unremitting legal battles to keep a 640sqm ownership of the Negev, which is double what they currently living in, an approximately 350sqm. As stark contrast before 1948, the Bedouins used to use a 2,000 sqm of the *Naqab* land.¹⁹ According to Farah Mihlar, during the *Siyat* period, the remaining Bedouins in the *Naqab* have had to relocate to an area of 1.5 million dunams which if put into perspective equals 10% of their original land which used to amount to 13 million dunams.²⁰

The Land Purchasing Law of 1952 and *mewat* designation disposed of their ownership as the Bedouins could not prove land rights or residency. Strategically, most Bedouins had already been displaced to the 'temporary' confinement of the *al-Siyat* reserves which meant they could not prove ownership; being declared present absentees by the 1953 Absentee Property Law.²¹ Within these *Siyat* reserves, tension ran high and frictions between displaced Bedouins from different tribes and clans surfaced with the Bedouins who already lived there. Today, the land Bedouins occupy in Negev aggregates to less than 2% which contravenes the public opinion that Bedouins are relentlessly taking over the Negev.

Significantly, 28% of the Negev Bedouins live in unrecognized villages because the land was designated as agricultural state land under the Planning & building law in 1965 which de facto denies their status and accessibility to basic services and brands them as stateless.²² In 1976, the Green Patrol would become the enforcing body to inspect and administer the Negev's state land. In the backstage, the Green Patrol would systematically intimidate Bedouins. Ten years later, in 1986, the intimidation policy shifted with the establishment of the Bedouin Authority, a means to replace the tribal *mukhar* system. The Bedouin Authority was the sole legislative body in charge of Bedouins' affairs. Its underlying objective was to nudge Bedouins to surrender their lands and move to the Bedouin towns through coercive tactics such as denying permits and civil recognition.²³

It is estimated that Bedouins living in 35 unrecognized villages near between 90,000-100,000 inhabitants.²⁴ Their lack of recognition dispossesses them of their most basic human and indigenous rights. Their life is precarious and official data published in 2017 by the National Insurance Institute (NII) show that the poverty rate among 72,000

¹⁹ Noach, H. (2010). International Human Rights Day 2010: A Report on the Right to Housing; Housing Demolitions of Bedouin Arabs in the Negev-Naqab," *Negev Coexistence Forum For Civic Equality in association with the Recognition Forum*

²⁰ Mihlar, F. (Nov. 2011). "Israel's Denial of the Bedouin," *Minority Rights International*, UK. Available at <https://www.refworld.org/pdfid/4ed61bdc2.pdf>

²¹ "Land Acquisition Law (Actions and Compensation)," *Adalah Database*. Accessible online at <https://www.adalah.org/en/law/view/533>

²² Negev Coexistence Forum For Civic Equality (2010). "Tour Guide book: The Arab-Bedouins in the Negev-Naqab - the Unrecognized villages & human rights."

²³ Adler, T. (2003). "Unrecognized," *Unrecognized Project*, p. 8

²⁴ "Adalah attorney at UN: Israel moves to evict dozens of Bedouin families to expand Israeli town of Dimona," *Adalah*. Accessible online at <https://www.adalah.org/en/content/view/9822>

Bedouin families was at 58.5% in 2016, while non-Bedouin Arab families added to 48.7%. In comparison, poverty among Israeli Jewish families is at a low of 13.3%. Thus, a Bedouin individual has a poverty rate of 63.4% compared to 17.4% of Jewish individuals living in the South. Nonetheless, this data is deceptive as the unrecognized Bedouin villages are invisible to national surveys which indicates that the 58.5% poverty average should be higher.²⁵ NRC advocates the need for Israel to provide the *usage rights* of state lands as a solution to the unrecognized villages' issue.²⁶

The situation of the West Bank's Bedouins is parallel to the Bedouins in the Negev. Similarly, they sustain the coercive tactics of Israel's policy. The 2017 OCHA database on vulnerability, numbered 46 Palestinian Bedouin communities in the West Bank are under high-risk which constitutes approximately 8,174 members and 1,358 households.²⁷

To this date, Israel continues to indiscriminately devastate the Bedouin population through policies of dispossession, demolition, and forced relocation into urban villages. The villagization process is a practice against their traditional semi-nomadic way of life and a threat to their indigenous identity.

Due to the length of the report, a short compilation of human right violations was recorded during the on-site interviews with human right activists, and with both Bedouins in Israel's sovereignty and in the Palestinian occupied territories:

- Denial of basic infrastructures such as electricity, water, sewage system, road system or access to public education. Including the confiscation and destruction of water tanks, solar panels and power generators. This includes shooting firearm against water tanks.
- House demolition and property damage.
- Forced displacement and relocations.
- The uprooting of saplings and olive trees.
- Confiscation and liability to pay heavy fines.
- Approval of violence by armed Jewish settlers in the West Bank and the use of governmental bodies such as Green Patrol for harassment in the Negev.
- Poisoning of wells and agricultural lands such as the aerial spraying operations of chemical pesticide Roundup to Arab Bedouin agricultural land crops of unrecognized Bedouin villages in the Negev. Roundup is known to be toxic to humans and animals.²⁸

As for today, Bedouins advocate for the implementation of simple rights which amount to an agency to choose where to live, adequate living conditions and infrastructure,

²⁵ Berger, D. N. (ed.) "Middle East", in *The Indigenous World 2019*, pp. 381

²⁶ Amara, A. and Nasasra, M. (November 2015). "Bedouin Rights under Occupation: International Humanitarian Law and Indigenous Rights for Palestinian Bedouin in the West Bank", *Norwegian Refugee Council*, pg. 49

²⁷ OCHA (May 2017). "46 Bedouin Communities at Risk of Forcible Transfer in the Central West Bank: A Vulnerability Profile," *OCHA Database*. Accessible from <https://www.ochaopt.org/page/46-bedouin-communities-risk-forcible-transfer-central-west-bank-vulnerability-profile>

²⁸ Ibrahim, T. N. (July 2004). "By All Means Possible. A report on: Destruction by the State of Crops of Bedouin Citizens in the *Naqab* (Negev) by Aerial Spraying with Chemicals," *Arab Association for Human Rights*, pp. 13-25

appropriate accessibility to basic services and health care, and political representation.



Figure 1. Bedouin tin structure in Um al-Khair, July 28, 2019.

Figure 2. Khan al-Ahmar's community school under threat of demolition, Khan al-Ahmar, August 24, 2019.

III. Public Opinion on the Bedouins & Subalternity

Bedouins fit Spivak's description within the subaltern theory that "in the context of colonial production, the subaltern has no history and cannot speak."²⁹ Because Bedouin identity relates to land and freedom of movement, we can argue that Israel's displacement laws and strategies have stripped the Bedouins from their history and their make-sense beliefs. Therefore, this report argues that Bedouins have been disempowered by the hegemonic power exercised by Israel's ethnocentric policies. Hence their history has been erased with denigrating depiction of landless wanderers of the desert, invasive and trespassing nomads.

The erasure of history is best described by a young Bedouin man interviewed in Um al-Khair when asked about Bedouin identity and its link to open spaces and herding practices:

"Unfortunately, this tradition, you know, they killed that tradition (...) In the past, the Bedouins they moved from one place to other places because they had animals. They sought warm places; they sought water, grasses, all these things. But today the people will not leave because they do not have any other land, and if they will leave, the Israeli government will take their land."

Such statements demonstrate how the Bedouin identity today is entangled in the realities of occupation. Hence today being Bedouin does not depend on seasonal mobility and animal husbandry uniquely, but it has developed over time to become an expression of a socio-material collective of *dwelling* under occupation and the reimagination of return:

"when we came from Arad, they didn't pick anything from there because they thought, okay, one week, one month, we will be back, but until today, 72 years, 73 years."

²⁹ Spivak, G. Y. (1988). "Can the Subaltern Speak?," in *Marxism and the Interpretation of Culture*. Illinois: University of Illinois Press, p. 273

To be *Bedu* in occupied Palestine is intimately connected with the act of steadfast on the land which is the common denominator for Palestinians' effort for self-determination. When excluded from the broader Palestinian polity, they express a struggle to self-identify as Palestinians. Hence, group-belonging is an issue under occupation which Israel exploits which becomes clear as scarcity over land and resources are often provoked by Israel's forced relocation of Bedouins in Palestinian-owned land, adding to their marginality from the whole of the Palestinian community.

Therefore, the Bedouin term is a strong political and social denominator within national consciousness; especially when deemed '*stateless*'. Vulnerability by effect increments with this charged position of none-belonging. The Bedouin question has been analyzed by Joseph Massad in Jordan, where the Bedouins were treated with wariness and animosity due to their placement of tribal kinship over national borders and aspirations.³⁰ Considering what is at stake regarding the land-use conflict and Palestinian sovereignty, the Bedouins are in a stressful and fragile position between the two sides of the conflict's interests. Consequently, when it comes to the refugee Bedouins, interviewed Bedouins would recall with regret the Palestinian decision-makers' ignoring of Bedouins in Area C and their subsequent 'sale' to the Israelis during the Oslo Accords.

As the Norwegian Refugee Council (NRC) warns, Bedouins are vulnerable to divisive strategies that Israel foments and take advantage of. 'Divide and rule' is a traditional colonial and military strategy to disenfranchise a unified power. Accordingly, Israel foments the minority sub-grouping between Bedouins, Circassians, Muslims, Christians, and Druze apart from each other to construct irreconcilable common paths and interests.³¹ By effect, NRC declares that an identity categorization could divide the Palestinian effort.³²

Most international NGOs would frame Bedouin under indigenous rights discourse which NCR clarified as also being deemed controversial and schematic for the Palestinian common goal. By declaring Bedouins as a minority in need of special status, the rejectionists of an indigenous perspective state that it is detrimental for the unification of the whole of Palestinian society. They state that Palestinians are equally indigenous and vulnerable as Bedouins.

Nevertheless, it is crucial to stress that the Bedouin question does not divert the attention from the Palestinian question, it rather belongs *within*; by profusely illustrating an extreme example of Israel occupation policies. It also perhaps draws incisive insights into the larger Palestinian struggle, especially when comparing them to the remaining Palestinian Arabs and Negev Bedouins under Israel's sovereignty.

³⁰ Massad, J. A., (2001). *Colonial Effects: The Making of National Identity in Jordan*. New York: Colombia University Press, p. 34

³¹ Ibid. p. 4

³² Ibid.

Nonetheless, this report is glad to assess that Bedouins are more visible and incorporated into the Palestinian national consciousness. In September 2014, the PLO and the PA in a joint press recognized Bedouins as vulnerable indigenous refugee people and the next year saw the legitimization of the Bedouin Protection Committee by the PA.³³ The current struggle remains in fostering this relationship and addressing the frustrations that arise due to the PA's lack of agency to protect the Palestinians in Area C.

IV. Why now?

The first question that comes to mind when hearing about a possible right of return in Khan al-Ahmar is: *why after 73 years?* Why would the Israeli government be willing to return this specific *usra* and possibly, *ashira* (clan) back to their ancestral lands of the Negev?

Though cryptic and dubious, the explanation could be *within* a pressing timeline. First, encountered in the Jerusalem 2000 Master Plan. This municipal plan was formulated by Ehud Olmert as mayor of Jerusalem in 2000 to promote specific designs and developments procedures to secure Jerusalem as Israel's capital. As Francesco Chiodelli declared on his analysis of the plan's objectives, it stipulates that the Jewish population should expand to increase their territorial presence while the Palestinian growth should densify in concentrated areas.³⁴ It is not an official plan, but its value lies in its use as a reference and comprehensive strategy to Judaize and de-Palestinize East Jerusalem. In simple words: demographic engineering.

Demographic engineering aims to alter the demographic composition of a territory and purposely alter the demographic balance. It does not wish to create a completely pure space but to construct a majority through population transfers and forced displacements. The traditional Israeli demographic balancing aims at a 70:30 ratio that assures the Jewish authority in the decision-making.³⁵ Hence, using the democratic system to their advantage in an authoritarian manner to solidify power. Specific demographic *'balancing'* regarding Bedouins and space is best observed in the 15 Arab settlements of the total 136 settlement located in the Negev.³⁶

Crucially for the timeline, 2020 marks the decisive year where the Master Plan estimated that the Palestinian natural growth would unbalance the coveted 70:30 Jewish majority ratio, settling in a 60:40. The 60:40 does maintain a Jewish majority but it can conceivably cause concern and division within the Israeli policymakers and public opinion as it could easily mean it could overturn to a 50:50 democratic balance. One could account Israel's zealous attitude to the 70:30 feud ratio within the controversial

³³ Amara, A. and Nasasra, M. (Nov. 2015). "Bedouin Rights under Occupation: International Humanitarian Law and Indigenous Rights for Palestinian Bedouin in the West Bank", *Norwegian Refugee Council (NRC)*, p. 12

³⁴ Chiodelli, Francesco (2012). "The Jerusalem Master Plan: Planning into the Conflict" *Jerusalem Quarterly* 51, 15:15

³⁵ Hunaiti, H. (April 2008). "'Arab Jahalin: from the Nakba to the Wall," *Palestinian Grassroots Anti-Apartheid Campaign*, p. 9

³⁶ "Negev Individual Settlements - Negev Development Authority Law - Amendment No. 4." *Adalah Database*. Accessible online at <https://www.adalah.org/en/law/view/500>

pre-election pledge voiced by Prime Minister's Netanyahu's to apply Israeli sovereignty in the Jordan Valley and northern Sea. Not only is the Jordan Valley crucial as a border security zone, but it is also the most fertile land in the West Bank and the resource to secure a Palestinian independent state. To this promise, Netanyahu added the annexation of all Israeli settlements.

Under critical lens, one can sense a looming animation regarding Israel's land grab policies that can be easily confused with pre-elections' empty promises to rally support. However, this report argues that the timeframe of the Negev return proposal is suspicious. Illustratively, the Khan al-Ahmar's Bedouins wait pessimistic for the new government to resume their demolition and relocation which would indicate a potential susceptibility to accept coercive tactics of displacement.

The second key timeframe is the international outrage to stop the Khan al-Ahmar demolitions during 2018. According to an interviewed activist, at least 200 international volunteers were living in Khan al-Ahmar engaging in weekly rotations. During this period of active resistance, several regional and international peaceful protesters were met with violence by Israeli soldiers. Videos and photos were distributed online. A Bedouin described public distribution as a means to fight the occupation in non-violent ways:

“publishing about the demolition, getting internationals to be witnesses of what will happen, fighting with our guns and when I say guns, I mean cameras, film everything. Show to the world that we are simple people seeking simple rights.”

On 13th September 2018, the European Parliament declared the demolitions and relocation of Khan al-Ahmar as “a grave breach of international humanitarian law,”³⁷ reminding Israel the responsibility of the duty bearers of Area C and consequently the Fourth Geneva Convention. The declared that 10 EU member states had invested humanitarian aid estimated in 315,000EUR.³⁸ In consequence, German Chancellor Angela Merkel got involved with the issue, pressuring the Israeli government to stop the demolition, calling it a war crime. She also threatening to cancel her diplomatic visit to Israel subsequently applying enough international pressure to momentarily halt the demolitions until the establishments of a new government after the August 2019 elections.³⁹

An Israeli citizen when discussing informally the Khan al-Ahmar demolitions expressed:

“They [the Israeli government] will think twice before they do it. Eventually, they will, but last year? It was balagan”

³⁷ European Parliament resolution 2018/2849(RSP), “The Threat of Demolition of Khan al-Ahmar and other Bedouin villages,” Strasburg (13 September 2018), available from: http://www.europarl.europa.eu/doceo/document/TA-8-2018-0351_EN.html?redirect

³⁸ Ibid.

³⁹ “Merkel threatens Israel over demolition of Khan Al-Ahmar,” *Middle East Monitor* (October 3, 2018). Accessible at: <https://www.middleeastmonitor.com/20181003-merkel-threatens-israel-over-demolition-of-khan-al-ahmar/>

The word *'balagan'* from common use in Yiddish by Russian Jews translates to mess and state of chaos. Therefore, the fact that the Israeli government has to *'think twice'* before attempting the removal of the Khan al-Ahmar Bedouins informs the reasoning behind offering a controversial plan such as the Negev return proposal. It would foster a dilemma and disable a unified consensus of recrimination within the international community.

With the demolitions frozen, the international support has taken a step back. As of October 2019, only two German photographers were living in the area and conducting a photo portrait of the Khan al-Ahmar Bedouins. Correlational to this gradual disengagement, an activist pointed out to the village's center: *"You know, we used to have like 40 flags up here of the countries who were supporting Khan al-Ahmar and it was beautiful, now look at this,"* referring to the last two remaining flags; one from Brazil and the other from Morocco (Fig. 4). Both ragged flags lay motionless in stark contrast to the fluttering Israeli flag on the opposite ridge.



Figure 3: On the left, an Israeli flag on top of a hill marks the inauguration of 93 approved Jewish settlements in Khan al-Ahmar school community. August 24, 2019.



Figure 4: On the right, the remaining 2 flags of the 40 flags that used to decorate Khan al-Ahmar in 2018 as a sign of international solidarity in Khan al-Ahmar school community. August 24, 2019.

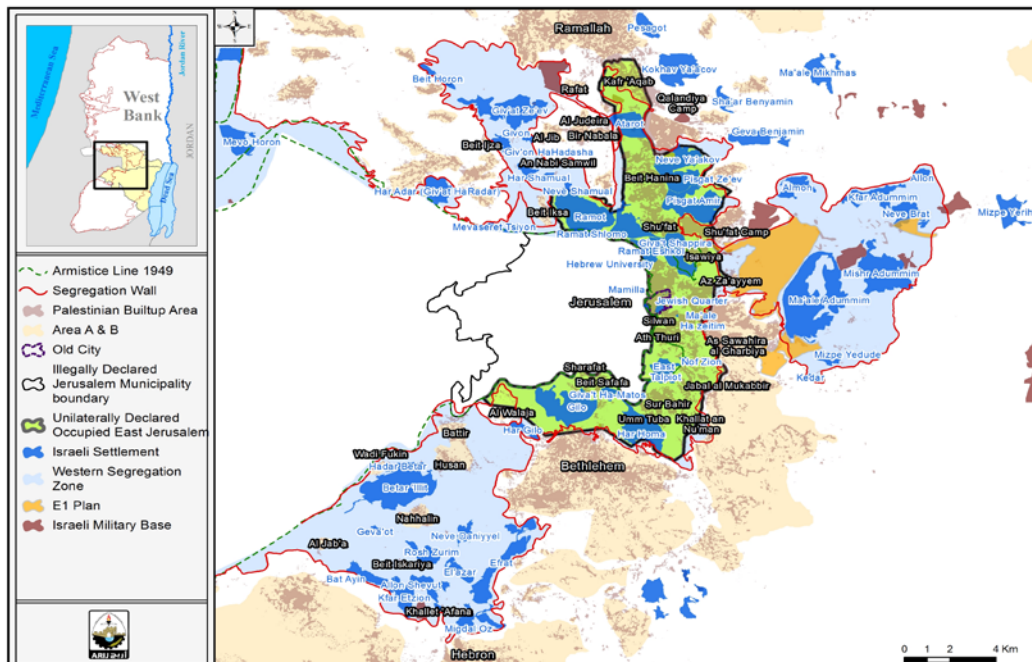
The Khan al-Ahmar village has been exposed to a high level of international coverage during the demolition threats of 2018, however, the Bedouin interviews displayed negative sentiments of frustration at the international community's quietist and passive attitude which is able to appear in times of crisis but does not fully engage in the hardships of Bedouin's everyday life. The shared attitude between Bedouins regarded the international community as capable of ending the occupation but reluctant to do so.

Nonetheless, it seems the Israeli government is very aware that the international backlash could flare up again. The return offer could potentially alleviate such a powerful response; however, the proposal is a brinkmanship game that threatens the peace process and PA relations. A possible return of these Bedouins is pushing this marginal minority to the brink by targeting the Bedouins as minority leverage. This report analyzes this leverage as an extreme diplomatic concession from Israel's

authorities to further expand within the E1 area. Nevertheless, it could easily escalate into conflict. Thus, we must look into the implications of the E1 annexation.

V. What are the implications of the E1 Plan?

E1 is the name assigned to East 1 which is a relocation plan covering a 12-kilometer radio of what is often considered as the Ma’ale Adummin ‘bubble’ (Map 1). Ma’ale Adummin is the third largest Jewish illegal settlement in the oPt. It includes an industrial center since 1976 called Mishr Adummin which constitutes a 1,550 dunam. The center hosts world-renown businesses such as MAN and Volvo who operate in its premises mainly to Israel’s government-approved economic benefits.⁴⁰ The E1 plan aims to continue the settlements’ expansion in the area which will eventually envelop East Jerusalem in its entirety, disconnecting it from the West Bank and consequently making Jerusalem the complete and undivided capital of Israel as addressed in the 2018 Basic Law.



Map 1. E1 Plan. Source: ARIJ GIS Database

As a consequence, the takeover of E1 is strategic as to increase the “demographic barricades”⁴¹ that fracture the Palestinian landscape and space. Every *fact on the ground*, from outposts, closed military zones, settlements and bypass roads demonstrate the reality of the Oslo II Accords. Area C is exclusively Israeli controlled while 22% of Area B is co-shared. Area A, a mere 18%, is administered by the Palestinian Authority which is where most Palestinian live in concentrated urban areas. The Interim agreement defined that Israel would gradually transfer the administration to the Palestinian jurisdiction, however, this disengagement has never transpired.

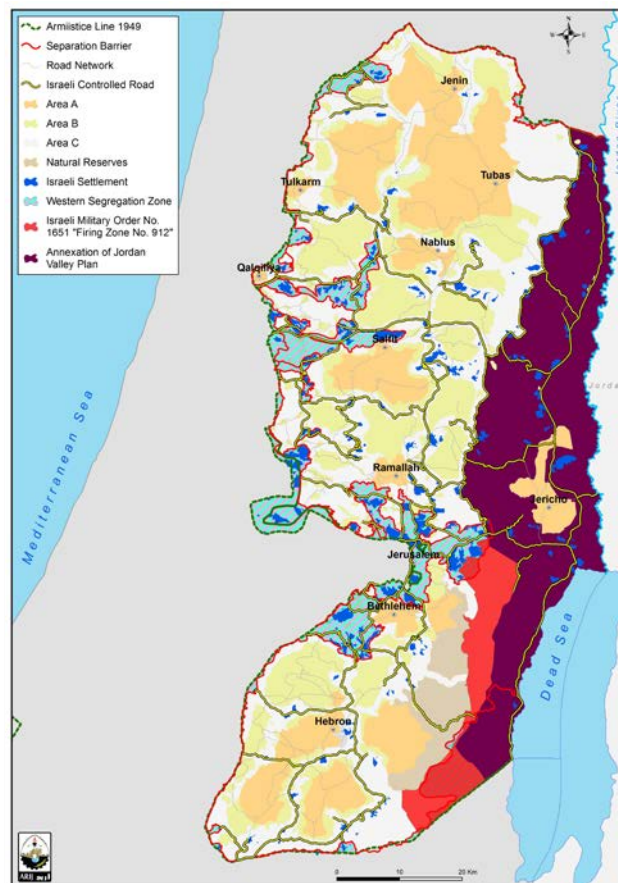
⁴⁰ Al-Haq (N.B.). “Business & Human Rights in Palestine,” pp. 18-19

⁴¹ Isaac, J. & Rizik, M. (2002). “Israel’s land colonization policy and the viability of the Palestinian State,” *The Applied Research Institute-Jerusalem (ARIJ)*, p. 7

For that reason, as forefronts of Israeli expansion, a Bedouin man expressed how:

“It doesn’t make sense that Area C is 72 percent. It doesn’t make sense that what they are making in Area C will not happen to Area A.”

It is easy to see then that E1 fits like a puzzle piece that will further cripple any possibility of a two-state solution. B’tselem describes it as a ‘conquer and divide’ mechanism:⁴² Israel has conquered the West Bank and it is now dividing the area into Palestinian isolated cantons in what Alexandra Rijke & Claudio Minca describe as “the land of checkpoints.”⁴³ The report, without an aim to cause distress, denounces the feasibility of a future partition plan of a South/North West Bank and the practicality of establishing a checkpoint between both territories. The E1 annexation alongside the Jordan Valley and northern parts of the Dead Sea would make such partition achievable as seen in Map 2.



Map 2. The Annexation of Jordan Valley Plan. Source: ARIJ GIS Database, 2019

This North/South argument lies within a Zionist discourse that already frames Samaria and Judea as two separate geographical entities. Ideologies make realities, a divided northern Samaria and southern Judea already exist in the Zionist collective imagery,

⁴² B’tselem (n.b.) “Conquer and Divide.” Accessible at <https://conquer-and-divide.btselem.org/>

⁴³ Rijke, A. & Minca, C. (June 2019). “Inside Checkpoint 300: Checkpoint Regimes as Spatial Political Technologies in the Occupied Palestinian Territories,” *Antipode*, vol. 15, 3:970

hence a partition *could* take place as another righteous and biblical *'fact in the ground'* epitomized with another checkpoint and the expansion of the segregation wall.

The implications of E1 are clear: first, it would forestall the uninterrupted geography of the West Bank, and second, prevent a viable Palestinian state.⁴⁴ In this regard, the Bedouins are very aware of their charged position as a middleman between giving in to Israel's coercive tactics or sustaining the overbearing strains of resistance. As a result, they observe their position as impossible and recognize themselves as the front line to Israel's expansion: *"If we were to leave tomorrow, you would find the fences of the settlements right here, so it is not easy. It's hopeless."*

Part 2: Creating Coercive Environments

Though the Bedouins desire full access to services, they have refused several relocations plans offered by the Israeli government due to the lack of good faith evident in the planning and design of Bedouin villages. Good faith translates to sincerity of intention between two contracting parties and Bedouins view the relocation plans with distrust, seeing them as Israeli ethnic-targeted displacement and population transfer.

As this research reveals, these Arab Bedouin communities feel constricted and trapped under this coercive environment which is what Israel displacement policies are currently using to their advantage. Thus, this section will illustrate the stressful environment Bedouins are subjugated to become steadfast on the land they dwell in. It will provide a framework of 'bad faith' proposals that structurally discriminate Bedouins' way of life. The clear objective is to demonstrate that the Negev proposal contravenes a good faith contract and by consequence, addresses the protection gaps that the Negev return may generate.

I. The Khan al-Ahmar Case

Khan al-Ahmar belong to the Jahalin tribe who settled in areas such as al-Jabal, Anata and Wadi Abu Hindi. Before 1975, the land where the Jahalin resided belonged to individual owners in Abu Dis and al-Eizariyah. The Khan al-Ahmar school community in specific leased the land to a Palestinian owner in Anata who lost ownership in 1975 with the declaration of the area as state land for the establishment of the Ma'ale Adummin settlement. In 1995, the Bedouins living in rural areas were classified as residing in Area C and under Israeli control under an Interim Agreement on the West Bank and Gaza Strip.

Up until today, the state of Israel has argued that the Khan al-Ahmar Bedouins arrived at the East periphery of Jerusalem in 1988. However, the historical memory of the Bedouins recalls their expulsion from Tel Arad in 1951 due to Israeli military coercion. After their expulsion from the Negev, they first arrived at the outskirts of Bethlehem where their fingers were inked and registered as refugees by UNRWA. As of today, they are still under the aid and security of the UNRWA's mandate, however, due to their isolation in depopulated areas outside refugee camps, they struggled to receive

⁴⁴ Al-Haq (N.B.). "Business & Human Rights in Palestine," p. 7

assistance. This isolation has been heightened in post-Oslo accords by checkpoints, closed-off military zones, and the Segregation Wall. Before the wall, the Khan al-Ahmar Bedouins recall being able to sell their products in Jericho markets and on the Friday market at Amouda Gate in the north of Jerusalem.⁴⁵

Each Khan al-Ahmar structure, a total of 160 infrastructures, has been facing demolition threats since March 5th, 2017. These include critical structures such as the 2009 ecological and internationally built tire-school which received a demolition order one month after its opening. Around 120 children in the area benefit from its services and it is part of the Palestinian Ministry of Education.⁴⁶ Though currently adjourn, this school alongside the mosque and residential houses, continue to be under threat of demolitions. The recent gate roadblock, the military close-off, and the approval 93 Israeli settlement units are evident indicators of this looming threat of confiscation and relocation.

Khan al-Ahmar school community is easily visible by Route 1 highway. The highway was constructed after the Bedouins settled in the area and even aided in its construction as laborers.⁴⁷ However, the village's proximity has been a justification for the Israeli Civil Administration (ICA) to issue decrees of threats to security and illegal building. The Bedouins suggested moving to an acceptable security distance of 100 meters to the north which was rejected by ICA as the Bedouins would remain in the settlement's expansion area of interest. This proves that their expulsion is ideo-politically land motivated rather than an issue of security. Here it is crucial to state that Jewish settlements are inedible objects of Zionist ideology because they construct geopolitical realities and aspirations, and this is best observed in each of the consolidated settlements in oPt.⁴⁸ As a consequence, settlements are testimonies of ideology and an indication of what goes on behind the curtain of Israel's self-interest policies. Therefore, the Negev return proposal should not objectively be considered a 'good faith' contract but part of the larger Zionist ideological grail.

On the frontstage though, the Khan al-Ahmar Bedouins keep receiving 'good faith' governmental visits with tempting offers to relocate and give up the land where they live. The proposals stress lifestyle improvements with basic services as enticements. In Khan al-Ahmar they were offered 50 entry blue cards. As the informant accounts, before the Negev return proposal they were offered Nabi Musa, though the Bedouin elder explains that it was not the original plan to relocate them beside the sewage farm, but near the mosque farther away. The other proposal is the al-Nuweimah plan which is commonly referred by Bedouins as an unacceptable definite refugee camp.⁴⁹ During 2018 though, the Khan al-Ahmar Bedouins were meant to relocate to the al-Jabal

⁴⁵ Hunaiti, H. (April 2008). "Arab Jahalin: from the Nakba to the Wall," *Palestinian Grassroots Anti-Apartheid Campaign*

⁴⁶ Rebuilding Alliance (n.b.) "Khan al-Ahmar Fact Sheet," accessible at <http://www.rebuildingalliance.org/khan-al-ahmar-fact-sheet>

⁴⁷ Hunaiti, H. (April 2008). "Arab Jahalin: from the Nakba to the Wall," *Palestinian Grassroots Anti-Apartheid Campaign*

⁴⁸ ŽIŽEK, S. (1989). "The Sublime Object of Ideology," Verso

⁴⁹ Heneiti, A. (2014). "Planned or Forced Transfer? The Case of Palestinian Bedouin communities," *Jerusalem Legal Aid and Human Rights center (JLAC)*

village. Therefore, this Negev plan of return can only be examined with skepticism and concern. What strategy is behind this unexpected approach?

II. Alternative Relocations:

Al-Jabal village & the al-Nuweimah plan

As stated before, the Israeli Civil Administration planned the relocation of the Khan al-Ahmar Bedouins to al-Jabal by the end of 2018. Construction of their '*definite*' houses was underway in June 2018 as reported by Amira Hass. Within the al-Jabal village, they are trying to force 180 people to live in close proximity which contradicts Bedouin's normal way of life.⁵⁰

The lack of good faith is first and foremost observed in the way that the first wave of Bedouins was relocated to the designated al-Jabal village in 1997. The 65 *usras* (families) of the Salamaat-Jahalin Bedouin were displaced from Abu Suwan with buses and containers filled with the families' possessions, transferred and abandoned in the Raghabneh hill by Israeli authorities. The al-Jabal village had not even been named.⁵¹ According to the UN & BIMKOM report, no infrastructure had been built before the relocation which meant that the first wave of Salamaat Jahalin families had to live for over three years in tents or in the same containers that had been used to transfer their possessions.⁵²

Thus, the inception of the al-Jabal village can be declared to have been built without aims of '*good faith*' but as a hasty decision to have an excuse to displace them; advocating the relocation as benefiting for the 'modernization' of Bedouins in urban hubs. The living realities of the al-Jabal Bedouins tell us differently. It was a matter of forced villagization of indigenous peoples by an occupying power. After the transfer, Abu Suwan was absorbed by Ma'ale Adummin which highlighted Israel's backstage policies.

The situation is more precarious when accounting for the location and infrastructure of al-Jabal. Today, the Bedouins living in the allotted land lack a sewage system and depend on the Palestinian water supply of the town of al-Ezariyah. Palestinian water systems are most likely subjected to water cuts first over Jewish households in dry seasons. Additionally, al-Jabal lies just beside the Jerusalem Municipal Garbage dump, which is co-shared between Palestinians and Israelis, making it the largest garbage patch in the West Bank. The al-Jabal Bedouins of this village have to cohabitate with the garbage smell, roaming pests and health risks provoked by the dump's toxic fumes which increase in intensity with landfill fires. In stark contrast, grandiose houses were erected in the village, some unfinished and deteriorating, surrounded by unpaved dirt roads.

⁵⁰ Hass, A. (July 11, 2018). "Israel's Solution for Expelled Bedouin: Between the Garbage Dump and Junkyard," *Haaretz*. Accessible online at: <https://www.haaretz.com/israel-news/.premium.MAGAZINE-israel-s-solution-for-expelled-bedouin-between-garbage-and-junkyard-1.6158225>

⁵¹ Ibid.

⁵² UNRWA & Bimkom (2013). "al jabal: a study on the transfer of Bedouins Palestinian refugees," p. 14

The same pattern of dispossession for the second wave of displacement targeted 35 other families, however, that same evening they returned to their Bir al Maskoob village taking with them whatever they could carry from their displaced possessions inside the metal containers. Legal proceedings eventually did manage to convince the transfer of the Bir al Maskoob families but only after securing certain benefits such as access to water, financial compensation, plots of land between half and two dunums depending on family size and communal access to 3000 dunums of land.⁵³ They made sure the houses were built before moving in. The last wave was in 2007. Ten separate kinship groups of 150,000 Bedouins live currently in al-Jabal.⁵⁴ The Khan al-Ahmar Jahalins were meant to become the fourth wave in October 2018.

Within the conceptions of these plans, Bedouins' particular tribal systems have been constantly ignored. For example, if the Khan al-Ahmar were to move to al-Jabal, Amira Hass assures, in-group friction would ignite. As she explains, though both may be from the same tribe, there is *ashira* (clan) rivalry between Abu Dahouk (the Khan al-Ahmar) and the Salamat Bedouins of the first wave.⁵⁵ Moreover, the Israelis did not take into account that the land used to belong to Abu Dis Palestinians which stirred conflict between the relocated Bedouins and the previous owners.

In consequence, the Bedouins have extended the al-Jabal tag of al-*Mukhayem* (The Camp) and refer to the Jericho relocation plan in derogatory terms as '*the Nuweimah camp*'. Al-Jabal as an exemplary failing Bedouin village has served as solid grounds and proof to reject it. The Nuweimah plan aims to transfer approximately 12,500 Bedouins from central West Bank to an area of 85.5 dunums in al-Nuweimah and al-Doyouk villages located at the west of Jericho.

As with the case with Abu Dis, the relocation plans offered by ICA propose a fraudulent transfer of Bedouins in Palestinian-owned land which motivates conflict between already mangled Palestinian relations.⁵⁶ In the Nuwaimah case, between Bedouins. Thirty-two Bedouins families already live in the area which causes concern for future conflicts over the scarcity of land and income. The Bedouins do not see ethical relocating to tribal-owned land which the plan has turned a blind eye to.⁵⁷ Both plans have been reported to have been conceived without the full participation of Bedouins. In such a context, the plan is denounced as ignoring the particular Bedouin family system and familial-tribal proximity system, which would spark tribal friction in a limited space.⁵⁸

⁵³ Ibid., p. 16

⁵⁴ Ibid. p. 21

⁵⁵ Hass, A. (July, 11th 2018). "Israel's Solution for Expelled Bedouin: Between the Garbage Dump and Junkyard," Haaretz. Accessed online 1st October 2019 at: <https://www.haaretz.com/israel-news/.premium.MAGAZINE-israel-s-solution-for-expelled-bedouin-between-garbage-and-junkyard-1.6158225>

⁵⁶ Hunaiti, H. (April 2008). "Arab Jahalin: from the Nakba to the Wall," *Palestinian Grassroots Anti-Apartheid Campaign*

⁵⁷ Heneiti, A. (2014). "Planned or Forced Transfer? The Case of Palestinian Bedouin communities," *Jerusalem Legal Aid and Human Rights center (JLAC)*

⁵⁸ Ibid.

Multiple reports describe how these plans are detrimental to women's mobility and economic capacity. The Nuweimah plan shrinks women's public space to their houses due to lack of any kind of private sphere outside. As women are not allowed to participate in public spaces, their engagements in communal activities disappear and their social isolation increases. Without animal husbandry, they are also deprived of any productivity means such as milking and making yogurt.⁵⁹ Ahmad Heiniti also points to the lack of space allocated to accommodate the growing population, especially when married offspring are required by their culture to live in separate households of their own.

Therefore, both the Nuweimah and al-Jabal plans are inappropriate and harmful for the Bedouin social, cultural and economic lifestyle to which UNRWA and BIMKOM have declared as non-viable and unsuitable in the al-Jabal case study.⁶⁰ Thus, the Bedouins name clear-cut and reasonable grievances against the forced villagization of their way of life; pointing out that the plan is insulting to their self-worth as it lacks allocated space for agricultural and herding practices such as grazing land, barns or greenhouses. A single animal, for example, needs at least 2 meters of space.⁶¹ With no opportunities to engage in farming and herding, Bedouins will be deprived of their traditional income, which in consequence will foster hubs of unemployment, dispute, and criminality. This is most pressing considering the concentration of 'stranger' families, clans and tribes in close proximity and under the negative psychological effects of forced displacement.⁶²

In summary, forced villagization of Bedouins' demands for them to adapt to unsustainable conditions that erode their traditional way of life and increases their marginality. Israel's displacement and relocation policies are in contradiction of each of the clauses in article 8 of UN indigenous right resolution which condemns the forced assimilation and degradation of the culture of indigenous people.

Though arguably a soft-biding law, it is important to stress the UN Indigenous Rights Resolution within the Bedouin question. The resolution was first adopted by the General Assembly on 13th September 2007 and recognized indigenous equality and the right of all peoples to be different and to live free from discrimination. Most importantly, the resolution recognized the suffering of indigenous people through colonization and dispossession of their lands, territories, and resources, and acknowledge injustice and the negative legacy of colonialism in their development.⁶³ This resolution by consequence stresses the injustice pressed to the Bedouins in the Negev and recognizes the historical injustice of the *Nakbah* and continuous Israeli settler occupation.

⁵⁹ Mardi, D. & Simry, A. (2017). "the Effect of Forced Transfer on Bedouin Women," *BIMKOM*

⁶⁰ UNRWA & BIMKOM (2013). "al Jabal: a study on the transfer of Bedouins Palestinian refugees," p. 16

⁶¹ Heneiti, A. (2014). "Planned or Forced Transfer? The Case of Palestinian Bedouin communities," *Jerusalem Legal Aid and Human Rights center (JLAC)*

⁶² Ibid.

⁶³ United Nation 61/295, *United Nations Declaration on the Rights of Indigenous Peoples* (September 13, 2007), available from https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

As this section has demonstrated, forced urbanization and relocation of Bedouins would effectively destroy their traditional way of life. The al-Jabal village exemplifies this and embodies the Nuweimah plan which would both degrade Bedouin's particular culture and social life, especially consider they were designed and implemented with the ulterior motive of expanding the settlements and control over the area.

III. A Réfoulement Return to the Negev

The Bedouin ties and loyalties are central to their vulnerability as a minority. These priorities and exposure have been used against Bedouins in times of conflict. With the right of return, the whole pattern of dispossession system shifts and new dimensions to the Bedouin ethnic displacement emerge. Though polarizing, we can ask: is it a crime to return and give in to Israel's extortion or is it a small victory for the Palestinian right of return negotiations?

An NGO activist explained the danger of the offer:

“He is between a rock and a hard place because the right of return is what they’ve always wanted. And here they have to stay without any infrastructure and facing everyday bulldozers. Worse! He is in danger of being a collaborator with Israel against the interest of the Palestinian state.”

As Bedouins have been engrained in the collective imagery as land squatters, they are likely to be misinterpreted as the middleman involved in land transactions with Israelis. Palestinian land laws follow the previous Jordanian rule of the West Bank and decree that selling or attempting to sell land to Israeli individuals, supporters or organizations is a criminal offense penalized with capital punishment. Until today, PA President Mahmoud Abbas has delayed the approval of the Palestinian land law's death penalty. Nonetheless, several Islamic law opinions (*fatwas*) have been issued condemning such sales as threatening to the viability of a Palestinian state.

The Bedouins interviewed did express uncertainty and a dilemma upon hearing the offer, expressing the imperative to protect the land:

“In our traditions, you should not give the land. Even in our holy book al-Quran, it mentioned that you should not give your land for someone who will use it for something bad.”

This report finds it imperative to denounce the proposed right of return to Khan al-Ahmar Bedouins as another divisive and displacement strategy against Palestinian Bedouins and therefore, should be denounced as strategic *réfoulement*. *Réfouler* from French means expel and international law states that no person should be forced into a country where they will face discrimination and persecution. Allowing the Khan al-Ahmar Bedouins to return to the Negev, will not only be strategic *réfoulement* but also fit perfectly within the Israeli narrative of ‘voluntary transfer’. It is, hence, in line with Israel's patterned expropriation procedures.

When comparing the situation of the Negev Bedouins, it becomes apparent that it would be *réfouler* because the offer creates protection gaps to the returned Bedouins' wellbeing. Thus, the romanticized return to the Negev could be detrimental in objective decision-making. National poet Mahmoud Darwish explained the Palestinian return is impossible to attain, stating that his return to the West Bank was an illusion as he did not have childhood memories, so, he expressed that "there is no return because history goes on."⁶⁴ The Bedouins' memories keep the return alive, but the Negev return will not be to *the* Negev their ancestors left. An important step for the Khan al-Ahmar Bedouins, if they were presented a more comprehensive return proposal, would be to consider the offer with objective eyes to the current realities of the Negev.

Any Bedouin refugee in the West Bank if offered the right of return must understand that Bedouins, though Israeli citizens, are structurally discriminated by Israel's 'regularization' policies. The regularization policies, just as in the West Bank, target the dispossession of Arab lands. This ethnocentric policy has been further delineated in a 2010 amendment n° 4 of the Negev development Authority law, which provides the legal means to promote the allocation of Jewish families in the Negev in individual settlements.⁶⁵ Therefore, while Jewish citizens are allowed to live in single-family farms, kibbutz or communes, Negev Bedouins are offered the sole option of relocating to failing government-approved townships.⁶⁶

It is easy then to imagine that the Khan al-Ahmar will join one of these failing Bedouin government-approved townships if the proposal is to be fulfilled, which is doubtful from the very start. Unfortunately, the interviewed Khan al-Ahmar Bedouins could not explain or go into detail on the terms that the relocation would entail. Thus, the Bedouins are constricted under a climate of uncertain security.

Therefore, to further illustrate the dispossessing ownership laws, we must mention the April 2017 Kaminitz Law which was ratified to increase the demolitions of the Negev Bedouins without passing, necessarily, through a judicial review.⁶⁷ The ratification of this law demonstrates the same permit regime policy in both Israel and oPt which advocates demolition processes to vulnerable and marginal communities.⁶⁸ The Kaminitz Law is part of the larger five-year economic development plan in the Negev known as the Praver plan, approved in 2011. The Praver plan aims to relocate between 30,000 to 40,000 Bedouins from their unrecognized villages to government townships. The plan has been designed to address the legal and citizenship status of Bedouins; however, it ratified a 50% transfer of Bedouin land to state land without compensation

⁶⁴ "A Love Story Between an Arab Poet and His Land. An Interview With Mahmud Darwish," *Journal of Palestine Studies*, Vol. 31, No. 3, Spring 2002; p. 77

⁶⁵ "Negev Individual Settlements" - Negev Development Authority Law - Amendment No. 4." *Adalah Database*. Accessible online at <https://www.adalah.org/en/law/view/500>

⁶⁶ Noach, H. (2010). "International Human Rights Day 2010: A Report on the Right to Housing; Housing Demolitions of Bedouin Arabs in the Negev-Naqab," *Negev Coexistence Forum for Civic Equality in association with the Recognition Forum*

⁶⁷ "Adalah attorney at UN: Israel moves to evict dozens of Bedouin families to expand Israeli town of Dimona," *Adalah*. Accessible online at <https://www.adalah.org/en/content/view/9822>

⁶⁸ Berger, D. N. (ed.) "Middle East", in *The Indigenous World 2019*, pp. 376-378

and by employing forced displacement through demolitions. The regularization is implemented by the Yoav Unit, a special police patrol created one year later to implement the Praver plan. The Yoav Unit specifically targets the displacement of Bedouin unrecognized villages.⁶⁹

The state of Israel through bodies such as the Be'er el-Sebe Court or Bedouin Authority has used a systematic *'stick and carrot'* policy towards Bedouin ownership claims; one based on a permit regime.⁷⁰ The Praver plan is criticized as a tool for the Judaization of the Negev. Those Bedouins who accept the relocation are then allowed building permits. Those who withhold their land rights receive allegations of unlawful building and face incessant fines and house demolitions. The Public Land Laws allow the Israeli Land Administration (ILA) to fulfill the state's inclination to evict Bedouins as squatters since 1981, as the law is referred mostly as Squatter Law. The most concerning development today is the allegations that recognized villages are facing claims of illegal construction without permits.⁷¹ This permit regime is complementary to the continuing population transfer in Negev; where Bedouin villages are still subjected to displacement and replacement by exclusive Jewish towns. Such has been the recent case of Hiran, a newly set up Jewish settlement, which is built on top of what used to be the village of Um al-Hiran. Under a coercive environment of 15 years of legal battle, the inhabitants signed a contract and were relocated to the town of Houra.⁷²

In summary, this report concludes the Negev return proposal to have been schemed in *réfouler* terms and as a *'divide and rule'* tactic. It is both divisive within the Bedouin community and the rest of Palestinians. By effect, it entails exposing the Palestinian Bedouins at a high risk of being accused of Israeli collaborators, especially as no other Palestinian refugee group has been offered such a deal. The proposal would eventually lead to the ostracization of an already marginalized community and the likely recrimination by the Palestinian Authority and Palestinian public opinion for selling Palestine's future state. It recommends against any negotiation unless Bedouins are fully recognized as equal citizens with working infrastructure and allocated agricultural and grazing land. However, this report expresses that the relocation plan will not entail giving the Bedouins an agricultural plot of land but most likely, the Khan al-Ahmar Bedouins will be forced into unsustainable villagization in one of the failed townships of the Negev designated exclusively for Bedouins.

⁶⁹ Ibid., p. 382

⁷⁰ Al-Qadi, N. (2018) "The Israeli Permit Regime: Realities and Challenges," *The Applied Research Institute-Jerusalem (ARIJ)*. Available from <https://www.arj.org/files/arjadmin/2018/permits1.pdf>

⁷¹ "Negev Individual Settlements" - Negev Development Authority Law - Amendment No. 4." *Adalah Database*. Accessible online at <https://www.adalah.org/en/law/view/500>

⁷² "No non-Jews allowed: New Israeli town of Hiran, to be built upon ruins of Bedouin village, is open to Jewish residents only contrary to state's representations before Supreme Court," *Adalah*. Accessible online at <https://www.adalah.org/en/content/view/9186>

Conclusions & Recommendations

Israel's disproportionate actions against Palestinian Bedouins demonstrate a banality in their occupation practices and a grave infringement as duty-bearers. Considering the current living conditions of Bedouins: no water, no electricity, no services, there is no necessity to apply such a persistent cultural pressure on their everyday existence. As an activist for Bedouin right stated, there is an insulting coercion in the offering of the Negev right of return: it is coercive because it is most likely an empty promise.

However, on the other side, it is strategic. As the Khan al-Ahmar interviews revealed, there is an ambivalent relationship between the Palestinian Authority and Bedouins due to mutual mistrust and a common dependency. The PA need the Bedouins to *sumud* against Israeli settlements while the Bedouins needs the support of the Palestinian Authority to succeed in resisting.

In consequence of their forced isolation, Bedouins have little economic viability and suffer food insecurity. This was voiced with frustration over what they deem to be the PA's lack of investment in the Bedouin plight. Bedouin elders reported with resentment how they viewed the PA as lacking good governance transparency in terms of their donations and rumors of Jericho summer villas. The Bedouins insisted on the PA's duty-bearer under human rights and humanitarian law, expressing their wish that the PA would protect Bedouin interests by investing their produce in Palestinian business opportunities.⁷³ In their grievances, they did not acknowledge the Palestinian unemployment crisis and scarcity of the land competition but looked up to the PA government to alleviate the strain of the occupation on their agriculture and animal husbandry activities by tax exemptions, the sponsoring animal feed or promotion of economic rehabilitation.⁷⁴

This report acknowledges the PA's lack of sovereignty in the areas where Bedouins live, especially considering Israel has the agency to withheld Palestinian tax revenue as punitive measures. UNCTAD reported how the oPt could potentially double their

⁷³ Samara et al. (July 2011). "Banished Identity: Israel's Systematic Destruction of Palestinian Bedouins," *JLAC (Jerusalem Legal Aid and Human Rights center)*

⁷⁴ Land Research Center and Yaqoub Odeh from Human Rights and Housing Rights Observer (January 2008). "Campaign on Right to Housing & Residency - Special report on 'Forced displacement of Bedouins,'" *CCDPRJ (Civic Coalition for Defending the Palestinians' rights in Jerusalem)*

economic strength if they were not under the negative effects of the occupation; declaring it as fiscal unsustainable under the heavy costs on the economy of the oPt. Under a captive market, UNCTAD declared, the Palestinian economy has to subsidize priced Israeli products imported into Palestinian markets; hardening any fair competition due to the Israeli low price and higher quality. A financial strain added with Israel's restrictions on goods, limited land use and depletion of natural resources. Therefore, there has been meagre viability to a foreseeable independent state without an independent economy since the 1967 occupation.⁷⁵

Only through external support will the strengthening of the Bedouin *rootedness* to their current locations succeed. International agency to challenge Israel's occupational activities has already been continually demonstrated at small-scale conflicts with the retrieval of solar panels by the Dutch government pressures and the international intervention of Angela Merkel regarding Khan al-Ahmar's demolitions. Thus, the Bedouins must keep a unifying and sharp message to the media on a cooperative Palestinian vision.

In conclusion, this report urges the need of establishing a good faith contract between the PA and Bedouins villages. The importance of an implied covenant of good faith and fair dealing should protect Bedouin rights and allow both parties to face Israel's coercive tactics and tempting proposals. A relationship in honesty and fairness should focus on long-term solutions that aid the Bedouins to prosper, especially investing in their nearly inexistent agriculture and animal husbandry. From the Bedouins part, there had to be a committed unified voice in order to achieve that full participation in the decision-making regarding their fate.

Finally, this report concludes that only with the end of the occupation will peace be attained. Until then, the Palestinians will continue to *sumud* and bear the realities of Israel's colonization activities.

⁷⁵ United Nations Conference on Trade and Development UNCTAD/APP/2016/1, *Report on UNCTAD assistance to the Palestinian people: Developments in the economy of the Occupied Palestinian Territory* (1 September 2016), available from https://unctad.org/en/PublicationsLibrary/app2016d1_en.pdf

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