

From Al-Araqib to Susiya

The Forced Displacement of Palestinians on both sides of the Green Line





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Al-Araqib and Susiya: two Palestinian villages, one in Israel, one in the West Bank, share a single story of a struggle against forced displacement. While the Israeli authorities have threatened these communities' very existence on their land, the continued presence of the people demonstrates their deep reserves of courage and steadfastness. This paper sets out the methods of forced displacement used by Israel to expel Palestinian communities from their land on both sides of the Green Line, and examines the legal context in which it takes place. The paper accompanies a film entitled From Al-Araqib to Susiya, produced by Adalah, which documents a journey between these two Palestinian villages. By telling the villagers' stories, the film captures the striking parallels between their experiences.

Forced displacement or eviction involves the “involuntary removal of persons from their homes or land, directly or indirectly attributable to the State.”¹ States are not permitted to forcibly displace people from their homes or land, except in strictly-defined and exceptional circumstances, and always with utmost respect for their fundamental rights.² In Israel and the Occupied Palestinian Territory (OPT), clear domestic and international legal frameworks theoretically protect Palestinians from forced displacement. However, in reality, Israel suspends these rights in both contexts in order to maintain its control over the maximum area of land, containing the minimum number of Palestinians. Where the law should operate to safeguard their rights, Israel has instead constructed complex and overlapping legal frameworks that enable the state to aggressively pursue its policy of forced displacement against Palestinians in both Israel and the OPT through ‘legal’ means, whether they are its own citizens or ‘protected persons’ under international humanitarian law.

Al-Araqib is a Palestinian Bedouin village in Israel whose residents are Israeli citizens. As of May 2013, Israel has destroyed the village 50 times to make way for two Jewish National Fund (JNF) forests. Susiya is a Palestinian village in Area ‘C’ of the West Bank whose residents live under Israeli Occupation. The majority of structures in Susiya are subject to demolition orders and Israel intends to forcibly displace the community to make the land available for a Jewish settlement. These stories clearly show that Palestinians are deliberate targets of forced displacement, regardless of the geo-political and legal context in which they exist. In drawing attention to these similarities, it is hoped that this project will point towards a just solution.

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The Story of Al-Araqib

Al-Araqib is an 'unrecognized' Bedouin village located in the Naqab (Negev) desert in southern Israel, just north of the town of Be'er Sheva (Beer el-Sabe). The Bedouin residents of Al-Araqib, Palestinian citizens of Israel, are members of an indigenous people. They have been living in their ancestral village, pursuing their traditional livelihood for over two centuries. In 2010, some 300 members of the Al-Uqbi, Al-Touri, Abu-Medeghem, Abu-Freih and Abu-Zayed tribes resided in the village. On 27 July 2010, the Israel Land Authority (ILA), together with over 1,000 police officers, razed the entire village: 46 structures, including 30 homes, were destroyed and some 4,500 olive trees uprooted. The villagers, over half of whom are children, were left homeless and the majority of the families were displaced to the nearby urban government-planned township of Rahat. A handful of families have vowed to stay; they continually rebuild their homes, despite the government's tireless efforts to destroy the village and forest over their land.

The demolition of Al-Araqib is but the most recent government attempt to forcibly displace the community. The Israeli military government first displaced the tribes from their land in 1951. After telling the families that they would be able to return to their land within six months, the state appropriated the land for alleged 'security purposes' under the Land Acquisition Law (Actions and Compensation) (1953), and declared it 'state land'. In 1972, Israel allowed citizens to submit land registration applications under The Land Registration Ordinance (1969). The families of Al-Araqib submitted their land claims and made a concerted attempt to return; however, their application, like all the others, has not been considered, leaving the legal dispute over the land unresolved.

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In 1998, Sheikh Sayyah, his children, and 45 other families decided to return to their land, fearing that the Jewish National Fund (JNF) planned to plant a forest there. Since their return, the village has faced a barrage of direct and indirect methods of displacement. As an 'unrecognized village' the state denies Al-Araqib access to basic services and state infrastructure including water, electricity, sewerage, roads, schools and health care. In 2003 and 2004, the ILA began aerielly spraying the cultivated fields of Al-Araqib with a toxic chemical called ROUNDUP, causing damage to crops, livestock and people. While the Israeli Supreme Court deemed this practice illegal in 2007 (HCJ 2887/04) following a petition by Adalah, the state has resorted to annually plowing up the crops with reports of the fields being poisoned, in order to threaten the villagers' livelihoods. The state and the JNF

began foresting the land in 2006, welcoming diplomats from 49 countries to the inauguration of the 'Ambassador's Forest' in the southern part of Al-Araqib. In 2009, the JNF joined forces with God-TV, a Christian evangelical television channel, to begin planting one million trees on the western land of the village.

On 16 January 2011, the villagers obtained a temporary injunction against the JNF to halt its planting work. On 23 January 2011, however, the judge denied an appeal to extend the injunction and awarded 10,000 NIS to the JNF in legal costs. Nonetheless, the court recommended that the JNF not undertake further work until a final resolution was reached. No resolution has been reached, and yet the planting continues today, accompanied by increasingly aggressive methods of displacement. During the repeated home demolitions, the state has also resorted to attacking, arresting, and indicting residents and protestors. Further, the state has filed a lawsuit against the villagers in July 2011 for NIS 1.8 million to cover the costs associated with just three of the demolitions. The villagers, represented by Attorney Michael Sfar, have filed four cases in the Be'er Sheva District Court demanding that the village be recognized and that they be declared the rightful owners of their land. In one of the cases, Supreme Court held that the state must resolve the villagers' ownership claims and could not simply register the land as state land. These cases are currently pending.

The Story of Susiya

Susiya is located in the South Hebron Hills, in Area C of the West Bank. Today it has a population of 350, including 120 children. The village's history is a microcosm of Israel's policy of forced displacement in the OPT. Over the last three decades, Susiya has suffered repeated demolitions, evictions, threats and restrictions imposed by Israel in its attempt to force the people off their land in order to expand a nearby settlement and pursue Israeli 'development projects' in the OPT.

The people of Susiya originally came from Tel Arad in the Naqab, now an unrecognized Bedouin village. Following the Nakba, the people were displaced from their ancestral land to the Old City of Susiya in the West Bank, where they were denied access to all basic services and infrastructure including water, electricity, sewerage, roads, schools or health clinics. Following Israel's occupation of the OPT in 1967, it began establishing illegal Jewish settlements throughout the West Bank. In 1983, on the same land as the village of Susiya, the state established the illegal Jewish settlement of Suseya, which was immediately connected to Israel's water and electricity systems. In 1986, the Israeli authorities declared the main area of the Palestinian village an archaeological site, and demolished the homes of 60 families. The villagers rebuilt their village on neighboring land, and in 2001, the entire village was demolished and its inhabitants displaced yet again. A decade later in 2011, Israeli authorities launched another series of mass demolitions and 41 structures, mainly tents and shacks in which the villagers were residing, were destroyed. Today, according to OCHA, 70% of the existing structures in Susiya have demolition orders pending against them, including a local school, a clinic supported by CARE International, solar panels funded by the German government and shelters for farm animals.³

Israel has used a variety of methods to make the living situation in Susiya intolerable. Jewish settlers frequently carry out acts of physical and psychological violence against the villagers and their property, but have not been criminally prosecuted for these acts by the Israeli authorities. Additionally, the Israeli military prevents the residents of Susiya from entering and cultivating large areas of their land because of its proximity to the settlements, seriously damaging the livelihood of the villagers, who remain reliant on agriculture and herding.

In 2010, Susiya residents filed a petition to the Israeli Supreme Court through the NGO Rabbis for Human Rights demanding that the army and the settlers stop denying them access to their agricultural land. The petition argues that the villagers, as the rightful landowners, should be allowed to cultivate it, and that the army fails to protect them from settler violence. In its decision, the Court ordered the army and the Israeli Civil Administration (ICA, part of the Israeli military) to determine who owned the property rights for each piece of land. Since then, the ICA has mapped out only a fraction of the ownership of the land, and the military has made only token gestures of compliance with the decision, barring Israelis from entering a mere 10% of the land. Only in January 2013 did the court order the army to comprehensively determine who holds the land rights in each area around Susiya. This time the army was given 90 days to complete the task.

In a related case, the Jewish settlers of Suseya filed a counter petition in 2012 through the right-wing NGO, Regavim, arguing that all the structures in Palestinian Susiya are illegal and must be demolished immediately. Rabbis for Human Rights defended the Palestinian villagers, and called on the ICA to approve the village's master plan. An approved plan would allow residents of Susiya to file for permits for their homes and structures, affording them long overdue legality. The ICA has failed to initiate a master plan for Palestinian Susiya and the villagers have had to raise the funds to submit a plan themselves. The villagers' master plan, filed in 2012, remains pending.

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Forced Displacement of Palestinians: The Suspension of the Law

Since 1948, Israel has created a complex matrix of discriminatory land, planning and military laws and regulations to seize control of Palestinian land and displace hundreds of thousands of its inhabitants through 'legal' means. In doing so, it has effectively suspended domestic and international protections for Palestinians.⁴ Today, Israel continues to displace Palestinian communities located within its sphere of control in Israel and in the OPT. Communities living in 'unrecognized' Bedouin villages in the Naqab and in Area C of the West Bank are under particular threat of forced displacement as these two areas are of unique strategic importance for Israel for demographic and security reasons.

Palestinian citizens of Israel, including the people of Al-Araqib, hold constitutional rights, as elaborated in Israel's Basic Laws, such as the right to property and dignity. Palestinians living under Occupation, including the people of Susiya, are protected by International Humanitarian Law (IHL), which prohibits Israel, as an 'Occupying Power', from forcibly transferring, evicting, deporting, displacing and destroying their property as 'protected persons'. International human rights law protects the rights of all persons, including the rights to adequate housing, health, education, a decent standard of living, non-discrimination and self-determination. The Guiding Principles on Internal Displacement provide the normative framework identifying rules of international laws that apply to internally-displaced persons (IDPs). According to Principle 6, for example, every human being has the right to be protected against being arbitrarily displaced from his or her home. However, in reality, Israel has suspended the law and violated the rights of Palestinians in both areas, leaving them unprotected and without access to an effective remedy.

Forced displacement in the Naqab

After the 1948 War, around 88% of the Palestinian Bedouin living in the Naqab were forced to flee their land. Only around 11,000 Bedouin remained in the Naqab, becoming Israeli citizens.⁵ In the 1950s, the state forcibly displaced and concentrated the Bedouin into the 'Siyag' (fence), a closed military area in the northern Naqab. Those whose ancestral villages were located in the Siyag saw their ownership rights stripped and their villages declared illegal. The majority,

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who were internally displaced from their ancestral land, were similarly denied rights to the land onto which they were moved. Through the enactment of various land laws, such as The Land Ordinance (Acquisition for Public Purposes) (1943), The Land Acquisition Law (Actions and Compensation) (1953), and The Absentees' Property Law (1950), the land of the Naqab became 'state land', and with the National Planning and Building Law (1965) Israel denied recognition to all the Arab Bedouin villages.

Today, there are 35 'unrecognized' villages, which Israel deliberately denies basic services and state infrastructure, and whose residents live under constant threat of eviction. Israel is attempting to force these inhabitants into seven cramped government-planned townships and ten recently-recognized villages in order to use the little remaining Bedouin land for forests, military zones and new Jewish towns and villages. In 2011, the government approved the Prawer Plan to legitimize the state's policy of forced displacement in the Naqab; legislation concerning this Plan is now pending in the Knesset. If implemented, it would result in the forced displacement of up to 70,000 people.

Forced displacement in Area C

Israel exercises control over Area C in the areas of security, planning and zoning. A series of military orders has made Palestinian registration of land ownership and the securing of building permits nearly impossible, while setting aside vast areas of land for Jewish settlements in the OPT. According to OCHA, 70% of the land is totally off-limits to the 150,000 Palestinian residents of Area C and has been allocated for Jewish settlements and surrounding buffer zones, or designated military zones, 'firing zones' or nature reserves.⁶

The displacement from most of Area C and the restrictions on Palestinian building and development in the remaining 30% results in housing considered to be 'illegal' by the ICA. The 'illegal' homes of the 27,500 Bedouin in Area C are particularly targeted, with a marked increase in demolitions since 2011.⁷ Additionally, the villages are disconnected from any infrastructure and have very limited access to services, creating intolerable conditions in order to coerce families to abandon their land and rural way of life.

Israel's methods of forced displacement today

Israel uses the following methods to forcibly displace Palestinians on both sides of the Green Line:

1. Home demolitions

According to Israel's national planning regime, the 'unrecognized' villages in the Naqab are illegal and all structures in them are subject to demolition. From 2008-2011, 2,200 Palestinian homes were demolished in the Naqab and over 14,000 people displaced.⁸ In contrast, since 1997, Israel has retroactively legalized 35 'individual settlements', which house single Jewish families on vast swathes of land; these farms were established outside of the law and the national planning regime.

According to the planning regime in the OPT, Palestinians living outside designated zones are denied permits to build homes, leaving every structure illegal and threatened by demolition. The Israeli Committee Against House Demolitions reports that in 2008-2010, some 1,000 Palestinian structures were demolished and over 2,200 people were forcibly displaced in Area C alone.

2. Denial of basic services

Israel's discriminatory planning regime has also legitimized the denial of basic services to Palestinians living in the unrecognized villages, by conditioning access to water, electricity, sewerage, paved roads, schools and health clinics on recognition. For example, Article 157A of the National Planning and Building Law prohibits national utility companies from connecting a building to national electricity, water, and telephone networks if it lacks a building permit, which applies to all the unrecognized villages as well as most structures in the ten recently-recognized Bedouin villages.

Deemed in violation of military orders and the discriminatory planning regime, many Palestinian villages in the OPT are similarly denied access to basic infrastructure and services. According to OCHA, over 70% of the Palestinian communities living in Area C are not connected to the water network; consequently, water consumption in some of these communities is just one-fifth of the volume recommended by the World Health Organization.⁹

3. Destroying livelihoods

Israel regularly destroys crops planted by Bedouin citizens in unrecognized villages, depriving them of their main source of livelihood. Under Israel's land and planning regime, all crops planted and cultivated on the land of the unrecognized villages are subject to destruction.

Israel creates physical obstacles in the West Bank, e.g. checkpoints, roadblocks, segregated highways and the Separation Wall, all of which severely curtail Palestinians' freedom of movement, particularly in Area C. These restrictions deny Palestinians access to their private agricultural land. Israel also uproots olive groves and destroys water springs and wells belonging to Palestinians.

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4. Land confiscation for ‘public purposes’

The Land Ordinance (Acquisition for Public Purposes) (1943) allowed Israel to confiscate large tracts of Palestinian-owned land for ‘public purposes’, such as for forestation projects, highways, and military zones. As much as 66% of the Naqab’s huge land mass has been confiscated for alleged public purposes and Bedouin citizens have access to just a small fraction of the remaining 34%. Nonetheless, government plans from October 2011 to establish seven new Jewish towns and a new military complex have been sited on land that directly threatens nearly 18,000 Bedouin citizens with forced displacement.

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In Area C, although 70% of the land is already off-limits for Palestinian development and has been allocated for Jewish settlements or military use, 38 communities are located in an area recently designated as a new firing zone for military training and the 5,000 people living there are facing forced displacement from their homes, for example.

5. Forestation and Nature Reserves

The quasi-governmental JNF defines itself as a “trustee of the Jewish people” and considers that it “does not have to act with equality towards all citizens of the State.”¹⁰

The JNF is heavily involved in the planting of forests, and uses forestation as a means of confiscating Palestinian land, resulting in the displacement of its inhabitants. In December 2011, for example, the government announced a plan to expand the existing Yatir forest in the Naqab that would displace all 500 residents of the unrecognized Bedouin village of Atir.¹¹

In Area C, the ICA has designated 20% of the Jordan Valley and Dead Sea area as nature reserves. This designation not only prohibits residence in such areas, but also restricts the movement of the 48,000 Palestinians living in the valley and prevents them from growing crops and grazing their flocks.¹²

6. Expansion of Jewish settlements and outposts in Area C

Israel has used its labyrinthine system of military orders to forcibly displace Palestinians in the West Bank and seize their land for the construction and expansion of illegal Jewish settlements. Some 325,000 settlers now live in the 235 settlements and outposts in Area C. Significantly, the zoned area for expansion is nine times larger than the existing built-up area.¹³

7. Settler violence

Palestinians throughout the occupied West Bank regularly face extreme physical violence, intimidation and harassment by Jewish settlers, while Israeli law enforcement systematically fails to criminally prosecute or punish those responsible or even to intervene. The UN fact-finding mission on the Israeli settlements concluded in 2013 that “the motivation behind this [settler] violence and the intimidation against the Palestinians as well as their properties is to drive the local populations away from their lands and allow the settlements to expand.”¹⁴

8. State Harassment

State violence is frequently used to coerce Palestinians to leave their land. For example, demonstrators protesting against forced displacement, home demolitions, or violation of land rights are regularly arrested, prosecuted and imprisoned during and after demolition and evacuation operations. The state has also sued individual Palestinians for millions of shekels for the costs associated with the destruction of their homes, including the people of Al-Araqib.

The law as applied in both Israel and in the OPT fails, in its form and application, to protect Palestinians from these methods of forced displacement. Where the law, domestic or international, offers protection to Palestinians from forced displacement, it has been suspended. Instead, Israel has systematically used the law as an effective tool to achieve a geo-political reality of a Jewish state on the maximum amount of land containing the minimum number of Palestinians.

Conclusion

During her fact-finding mission to Israel and the OPT in 2012, the UN Special Rapporteur on Adequate Housing Raquel Rolnik stated that she had “witnessed a development model that systematically excludes, discriminates against and displaces minorities in Israel and which has been replicated in the occupied territory since 1967.” Also in 2012, the European Parliament issued a historic resolution strongly condemning Israeli policies of forced displacement in the Occupied West Bank and East Jerusalem, and linking, for the first time, such policies with the displacement of the Bedouin community in the Naqab. Increasingly, the international community, including UN human rights treat bodies, is calling attention to and raising concern about Israel’s policy of forced displacement, wherever it occurs.

Adopting a rights-based approach to forced displacement allows the focus to center on the individuals and communities whose rights are being violated, wherever they are, and demands only that the violations cease. It is not rigid in terms of analyzing issues within separate legal frameworks, one for Israel, one for the OPT; both are not only incapable of halting the violation of Palestinians’ rights, but have also long upheld a paradigm that is divorced from the facts on the ground.

Although this discussion is still at a nascent stage, it is clear from the stories of Al-Araqib and Susiya that Palestinians are threatened by forced displacement by Israel whether they are Israeli citizens or protected persons living under Occupation. The hope is that when the reality of the forced displacement of Palestinians is positioned and understood in its true context, so, too, will be the steps that are needed to end the violations.

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Endnotes

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- 2 UN Committee on Economic, Social and Cultural Rights, General Comment 7: Forced Evictions.
- 3 See UN Office for the Coordination of Humanitarian Affairs (OCHA), "Susiya: At Imminent risk of forced displacement," March 2012: http://www.ochaopt.org/documents/ocha_opt_susiya_factSheet_march_2012_english.pdf; CARE International, Press Release "Stop the demolition of the Palestinian village of Susiya and CARE's health clinic – update," 30 July 2012: <http://www.careinternational.org.uk/news-and-press/latest-news-features/2128-stop-the-demolition-of-the-palestinian-village-of-susiya-and-cares-health-clinic-update>; Comet-ME, "Fighting Threat of Demolitions: A Political Rather than Technical Barrier," Annual Report 2012: http://comet-me.org/wp-content/uploads/2012/09/Comet_AR2012_web.pdf
- 4 During the Nakba (Catastrophe) in 1948, over 700,000 Palestinians were forcibly displaced from their homes and villages, with 544,000 crossing an international border. Some 156,000 Palestinians remained inside Israel's new borders, with 15-25% becoming internally-displaced persons. In 1967, 400,000-450,000 Palestinians were displaced in the context of armed conflict and Israel's occupation of the West Bank and the Gaza Strip.
- 5 Shlomo Swirsky and Yael Hasson, "Invisible Citizens: Israeli Government Policy Toward the Negev Bedouin," *Information on Equality*, vol. 14, Adva Center, February 2006, stating that the number of residents who remained in the Naqab ranged from 11,000 to 18,000 persons.
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- 12 See OCHA, "Displacement and Insecurity in Area C of the West Bank," August 2011: http://www.ochaopt.org/documents/ocha_opt_area_c_report_august_2011_english.pdf
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