Contested Indigeneity: The Development of an Indigenous Discourse on the Bedouin of the Negev, Israel

ABSTRACT

The article examines the history of the development of a discourse that regards the Bedouin of the Negev desert in Southern Israel as an indigenous people of Israel. This movement has generated a great deal of activity in recent years, particularly the submission of a petition to the U.N. by activists asking for the Bedouin to be recognized as having indigenous communal rights in 2005. The subject is examined in the context of the worldwide recognition of indigenous rights that culminated in the U.N. Declaration on the Rights of Indigenous Peoples, which was adopted on the 13th of September 2007. The article takes account of the processes and activities of individuals who have helped lead and craft a narrative of an indigenous Bedouin identity. It also explores the rise of an indigenous consciousness movement as reflected in states, academic institutions, NGOs, and individuals across the world, with a focus on some of the implications for Israel and the region of the current struggle for recognition for indigenous rights.

INTRODUCTION

In 2005 the Negev Co-existence Forum (NCF), established in 1997 to “provide a framework for Jewish-Arab collaborative efforts, in the struggle for equal rights and the advancement of mutual tolerance and co-existence”, expanded its work and started to lobby internationally on behalf of Israel’s Bedouin, presenting a report to the 23rd session of the U.N. Working Group on Indigenous Populations. The report was titled
“Bedouins and the Rights of Indigenous People” and was prepared by Israeli academics and activists.¹ It was presented by Ferial Abu Nadi, a Bedouin woman from the Negev, who noted that “raising awareness about and putting the Bedouins (in Israel) on the international agenda signify a step forward in our struggle.”² This was the first time that the case for the Bedouin as an ‘indigenous’ population had been formally presented to an international body. The petition claims that “as with other indigenous minorities, the Bedouin are struggling for equality, recognition and preservation of their culture and life.”³ The report was symbolic of a growing discourse that regards the Bedouin of Israel as an indigenous people.

The struggle for recognition of the Bedouin in Israel as “indigenous” is a relatively modern phenomenon. It forms part of a wider discourse in the world that, since the 1970s, has sought recognition for indigenous peoples throughout the world, increasingly in international frameworks. The article begins with a discussion of the international context of the development of the indigenous rights discourse and follows with an examination of the extension of that discourse to the Middle East.

We present the discussion from a new perspective, focusing on the history, growth, and influence of ideas and institutions by investigating the case of the Israeli Bedouin in the international context. We review the struggle by the Bedouin and their supporters to engender a discourse about indigeneity, outline the chronological development of this discourse, and explore possible explanations for its historical emergence and sudden growth.

THE INTERNATIONAL CONTEXT

The development of an indigenous discourse among the Bedouin in Israel did not occur in a vacuum. The Bedouin and their supporters were relative late comers to the international process that had developed mainly over the last thirty years of defining indigeneity in a political-legal context vis-à-vis the state. This section does not attempt to provide information on every organization and meeting throughout the last decades that dealt with indigenous people, but rather to examine some landmark documents and establishment of institutions that created a framework of indigeneity on the world stage.

The international community had focused on an indigenous community in its documents as early as the International Labor Organization’s 1957 Convention No. 107, entitled “Convention Concerning the Protection and
Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries”. Among the first groups founded to lobby on behalf of indigenous rights internationally and to use the term indigenous in its modern legal-political context was the International Work Group for Indigenous Affairs founded in 1968. The group was established in Europe by anthropologists and activists concerned with threats to indigenous people in Latin America, particularly Brazil.

In 1971 the U.N. Sub-Commission on Prevention of Discrimination and Protection of Minorities funded a Study by Jose Martinez Cobo, U.N. Special Rapporteur on indigenous rights and a former Ecuador ambassador,\(^4\) on discrimination against indigenous populations.\(^5\) The World Council of Indigenous Peoples (WCIP), which was dissolved due to internal dissension in 1996, held its inaugural meeting in 1974 in Guyana. It included representatives from groups throughout the world, including Canada, New Zealand, Norway, the U.S., and Greenland. The U.N. did not officially recognize indigenous groups until it formed the U.N. Working Group on Indigenous Populations in 1982.\(^6\) That year Cobo provided the U.N. with a “Study of Discrimination against Indigenous Populations”.\(^7\) He noted that the question of definitions “raises many difficulties of various kinds”.\(^8\)

Recognition of indigenous groups gained further influence with the establishment of The U.N. Voluntary Fund for Indigenous Populations (1985), and the adoption by the International Labor Organization (ILO) of Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries (1989).\(^9\) This was followed by a report by Rodolfo Stavenhagen, a Mexican sociologist, former deputy director of UNESCO, and U.N. Special Rapporteur, entitled “The status and rights of the indigenous peoples of America”, prepared for the Inter-American Commission on Human Rights, July 1991, and the proclamation of the International Year of the World’s Indigenous People (1993).\(^10\)

In 1994, the U.N. Sub-Commission on the Prevention of Discrimination and the Protection of Minorities adopted a Draft Declaration on the Rights of Indigenous Peoples. The U.N. Permanent Forum on Indigenous Issues was founded in 2000.\(^11\) The next year (2001) Erica-Irene A. Daes, as a Special Rapporteur for the U.N. and an expert on indigenous peoples at the University of Athens, wrote a paper for the U.N. on discrimination and rights to land of indigenous peoples.\(^12\) The worldwide recognition of indigenous rights culminated in the U.N. Declaration on the Rights of Indigenous Peoples, which was adopted on the 13th of September 2007.\(^13\)

This became a benchmark document for future developments, even though the Declaration was non-legally binding. In 2008 an Expert
Mechanism on the Rights of Indigenous Peoples under the Human Rights Council was established, composed of five experts, which was intended to provide advice to the U.N. on the rights of indigenous peoples.¹⁴

In 2010 it also began publishing *The State of the World’s Indigenous Peoples*, overseen by the Permanent Forum.¹⁵ Thus by 2010 the U.N. had three bodies working on indigenous issues: the Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples, and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people.¹⁶ International recognition of the rights of the indigenous has thus garnered a great deal of attention on the international agenda and has seen a multitude of bureaucracies and U.N. sponsored researchers and committees dealing with the subject.

THE INTERNATIONAL CONTEXT: DEFINITIONS, DEBATE, AND DISCUSSION

In this section we examine some of the debates and issues surrounding the development of an international discourse on indigenous peoples. We attempt to synthesize the more important documents and debates relating to definitional aspects of indigenous people and to shed light on relevant academic and scholarly explorations of this subject.¹⁷

The question of definitions in the international arena has developed simultaneously alongside the establishment of organizations that lobby on behalf of indigenous groups and the institutionalization of the concept of indigeneity. The WCIP definition of 1980 noted that “The term indigenous people refers to people living in countries which have a population composed of differing ethnic or racial groups who are descendants of the earliest populations living in the area and who do not as a group control the national government of the countries within which they live.”¹⁸ The main difficulty, as Cobo saw it, is that “Each country has approached the problem of definition in its own way.”¹⁹ Cobo noted that the “confrontation” between indigenous and non-indigenous “invaders took place centuries ago”. This formulation clearly places the indigenous generally in the context of the New World states.²⁰

The WCIP noted that “The right to define what is an indigenous person [should] be reserved for the indigenous people themselves.”²¹ According to the nebulous definition, they “are such population groups as we are . . . inhabited the lands where we live, who are aware of having a character of our own.”²² The Cobo report noted that “The classification
criteria applied to the indigenous populations contain some reference to the fact that the persons who are regarded as indigenous are descended from the ‘native’ inhabitants.” Examples of indigenous peoples and state definitions were given, including Brazil’s, which defined them as anyone of “pre-Columbian origin” and Australia, which defined “Aborigine” as “a descendant of an indigenous inhabitant.” The world’s states employed a diversity of definitions and requirements regarding indigenous people. For instance, in Malaysia the requirement was that an “aboriginal continue to follow an aboriginal way of life and speak an aboriginal language.”

Our analysis of the development of definitional paradigms shows that there is no one agreed definition in the literature on terms relating to Indigenous Peoples. There is an understanding that there are some basic parameters to define these groups, particularly the time element (from time immemorial).

Daes acknowledged some of the controversies surrounding the recognition of indigenous peoples in many countries:

There has been great concern on the part of certain states, academic institutions, NGOs, and individuals that the recognition of the human rights of indigenous peoples would supposedly require that all the lands and resources ever taken from indigenous peoples be returned . . . such matters will have to be reviewed on a case-by-case basis, if possible by both indigenous peoples and States, in order to resolve issues of the land rights of indigenous peoples.

Daes was also the one who promoted the pulling out of definitions from the U.N. draft Declaration in 2007. However, by doing so, the U.N. left the arena open to arguments of indigeneity based on self-identification by groups and organizations whose indigeneity is more than questionable.

The ever extending umbrella of organizations and groups identified as indigenous, however, has been tempered in recent years by debates on whether there is a limiting factor regarding which regions have indigenous groups and the number of groups that can become indigenous. Fergus MacKay, a human rights lawyer, wrote in 2005: “These changes at the international level have prompted, and to a lesser extent reflected, a multitude of constitutional, legislative, jurisprudential, and policy changes at the domestic level.”

Galit Sarfaty, a visiting fellow at Harvard Law School’s human rights program, argued in 2005 that “The [World] Bank can extend its influence over borrower countries by promoting compliance with other types of international law as part of its operational policies.” Although Sarfaty dealt only with the World Bank’s potential to influence...
the internal policies of states, the bank is part of the overall international agenda that sees indigenous rights as linked to membership in the community of nations. These two observations show that there is recognition that the indigenous issue has wide ramifications for influencing the internal policies of states. As will be shown, there are now those who argue that these new concepts of indigenous peoples and rights apply to Israel.

Some scholars have challenged the expanding frameworks of the indigenous discourse. Benedict Kingsbury in 1998 wrote an extensive article on the legal implications for Asian countries of adopting different or various definitions of indigenous peoples. He concluded that “setting forth flexible, but focused, international criteria as to the meaning of ‘indigenous peoples’, with a combination of requirements and indicia” and relying on negotiation was the best path forward. In a 2004 article in Anthropology Today Justin Kenrick and Jerome Lewis responded to an accusation by Adam Kuper the year before in which he had accused the indigenous movement of being a throwback to blood and soil racism of the 1930s. While they rejected Kuper’s argument they acknowledged that “These criteria are inevitably open to interpretation, strategic use and opportunism not only by people claiming indigenous status but also by lawyers and academics.”

Jeff Corntassel and Tomas Primeau also questioned the rigors of existing methods for defining who is indigenous when they asked in their study; “Why has the Bahai community sent an observer to participate in the Working Group on Indigenous Peoples?” This should have promoted a discussion in the international community by scholars as well as delegates of the various states since it is an important question. However, such debates are rarer than expected.

In 2008 Canada issued a statement explaining its rejection of the 2007 U.N. Declaration on the Rights of Indigenous Peoples; “The provisions in the Declaration are overly broad, unclear and open to interpretation . . . The text is not balanced, and suggests that Indigenous rights prevail over the rights of others.” Since then New Zealand, Australia, and Canada have decided to support the Declaration with understanding that it is vague enough to include various interpretations. During the most recent meeting of the Expert Mechanism in Geneva in February 2010 several new approaches to indigenous rights were raised. Jose Carlos Morales of Costa Rica and a member of the Expert Mechanism from the Boruca tribe noted that “The task is no longer to submit complaints or accuse states as it was before.” The newest method, it would appear, is to work with states in a positive manner and to encourage development of culture and provide a forum for the self-declared indigenous groups. Whether that will be
the program in years to come is not clear. These debates reveal the degree to which the international community’s work on behalf of indigenous people, while it is increasingly popular and robust, has many elementary un-resolved issues.

THE REGIONAL CONTEXT: THE MIDDLE EAST

The question of indigenous people in the Middle East has not been widely explored by either scholars, activists, or bureaucrats and experts at the U.N. In this section we provide an overview of the scholars and organizations that have examined the issue directly or indirectly.

Very few scholarly articles have described local groups in the Middle East as indigenous. Joseph Hobbs, writing in 1996 described the Bedouin of the Sinai Peninsula as indigenous to the area and provided a discussion of their marginal status vis-à-vis the ruling Egyptian authorities. In 1998, Briggs, Pulford, Badri, and Shaheen referred to the Bedouin of the Nubian Desert in Upper Egypt as “indigenous”. While doing so, they did not describe any political or legal implication this might have. Chatty and Colchester’s edited volume of 2002, Displacement, Conservation and Mobile Indigenous Peoples: Forced Settlement and Sustainable Development, contained an article on Syria but it did not specifically note that the Bedouin there were indigenous, despite Chatty’s Introduction that indicated the articles “examine the interface between conservation and indigenous communities forced to move or to settle elsewhere in order to accommodate environmental policies.”

The World Bank, in its capacity as a lender who also supports capacity building and human rights, also made an evaluation regarding indigenous peoples but it is not clear whether they concluded that there are indigenous people in Middle East. A World Bank Operations Evaluation Department [OED] report from 2003 noted “An evaluation by the OED states that ‘[f]or the most part’, the indigenous peoples policy has not been applied in Africa and the Middle East and, within the Europe and Central Asia region, has only been applied in Russia.” McRae, Balser, and Feit clarify in their Introduction to a study on globalization of indigenous people that “Some of our arguments may not apply to other Indigenous peoples living in countries where, like many in Africa and Asia, ruling groups are not necessarily the descendants of colonizing populations.”

Diana Vinding noted in 2005 that “In Asia and Africa . . . many countries still refuse to admit even the existence of indigenous peoples within
their borders, let alone recognize their rights.”43 Mauro and Hardison note that in contrast to the clear histories in the New World and Oceania, “In Africa, Asia, and Europe, the histories often involve conquest or marginalization from within by other indigenous societies.”44 Sarfatty acknowledged that “Determining who is indigenous is sensitive in many countries, especially in African and Asian countries whose governments often assert that all inhabitants are equally ‘indigenous’.”45

Several academics and scholars have discussed the presence of indigenous people in a specifically Middle East context. David Maybury-Lewis notes that “Such distinctions [indigenous and non] are not so easy to draw in Europe and Asia or Africa. In those continents, peoples have eddied this way and that, often for thousands of years leaving in place a mosaic of different peoples who dispute the land and sometimes dispute the claim to prior occupancy of it.”46 Maybury-Lewis puts the estimated number of indigenous people in “Arabia” at 5 million without providing any explanation.47

The Center for International Development and Conflict Management at the University of Maryland includes a database of minorities at risk. The document, dated 2006, defines the Copts as “indigenous Egyptian Christians”.48 The Indigenous World 2005 included the Marsh Dwellers of Iraq and the Bedouin in the Negev as the only indigenous groups in the Middle East (excluding North Africa).49 In subsequent editions the Marsh Dwellers were not listed as indigenous and Israel’s Bedouin remained the only group. In North Africa the 2009 edition listed indigenous groups in Morocco (Amazigh-Berbers) and Algeria (Amazigh-Berbers). In discussions with the editors of Indigenous World it appears that the primary reason for no longer including the Marsh Dwellers is that they did not invest time in finding someone to write an entry on them. The same explanation was given for not including other Bedouin groups; “The reason why we do not write about other Bedouin groups has to do with the difficulties of finding someone that can do it.”50

The 2008 edition of the World Directory of Minorities and Indigenous Peoples (WDMIP) included the Copts of Egypt as an indigenous group in the Middle East. There is some confusion with this publication because it includes both minorities and “indigenous” people without always differentiating between the two. While the two are related concepts, the term “indigenous” has a different meaning than the wider context of minorities, although the two may overlap. The study noted that “Copts believe themselves to be the descendants of Egypt’s ancient Pharaonic people.”51 The study concluded that “the Copts are indigenous Egyptian Christians.”52
At the 2008 session of the Permanent Forum on Indigenous Issues, Adbian Karim Abed Hamidi of the Ahwazi Human Rights Organization claimed that 5 million Ahwazi Arabs in Iran “constituted an indigenous, ethnic, national and linguistic minority” that demanded land rights, rights to oil revenues, and an end to extrajudicial killings of their members. During the right of reply portion of the session, a representative from Iran noted that “Iran supported indigenous rights around the world. The representative of the Ahwazi Human Rights Organization, located in London, had been responsible for a number of bombings in Iran. All Iranian people of different linguistic and ethnic backgrounds enjoyed their rights, as recognized in international human rights conventions.”

A 2009 U.N. document entitled “Background and Overview of Indigenous Peoples in the Middle East” by Luciano Barbosa de Lima mentioned the possibility that the Assyrians, Turkmen, Yezidis might be indigenous to Iraq and that “Indigenous peoples of Iran could include the Bakhtiari, Laks, Lurs, and Qashqai, also the ethnic Baluchis and Turkomans (most Kurds).” Barbosa also noted that “According to UNHCR, Yemen’s Jews are the country’s only indigenous religious minority.” The author makes this last claim because the Jews of Yemen are listed in the UNHCR’s World Directory of Minorities or Indigenous Peoples.

From the above mentioned, it is clear that the existing discussion on indigenous people in the Middle East is lacking in substance, with little scholarly attention paid to the questions of: are there indigenous groups in the Middle East and if so, who may be regarded as one? Apparently, only modest and short-term attention is paid to the area by bodies devoted to indigenous groups. Maybe the scant attention in the international community paid to the question of indigenuity in the Middle East is due partly to the U.N.’s inability and maybe also unwillingness to confront the question of who is indigenous. As mentioned, by not including definitions the U.N. left the arena open to arguments regarding self-identification by groups and organizations on the one hand and to “contra-arguments” against indigenuity of those groups on the other. Very few groups in the Middle East self-identify as indigenous and their claims are usually contested. The reasons for the rare self-identification as indigenous is not clear, it may be due to fear of government repression, lack of knowledge of the indigenous issue by groups, lack of an educated elite among them that is aware of the potential benefits of such recognition, lack of international and academic activism on their behalf, or other factors. It may simply be a matter of time. In the last decade the question of indigenous people has begun to be recognized by more and more groups in Africa, and for instance in Tanzania it has gained
a great deal of attention among international groups and scholars. Perhaps the Middle East is merely awaiting that awakening.

**THE DEVELOPMENT OF THE INDIGENOUS DISCOURSE REGARDING ISRAEL’S NEGEV BEDOUIN**

In this section we provide a survey of the people and groups who have been involved in developing an indigenous discourse regarding the Bedouin who reside in Israel’s Negev. The development is presented chronologically with attention paid to the individual roles of scholars and activists and the way in which their discussion of the topic has matured over time. We argue that the development of a discourse that regards the Bedouin as indigenous is new and can be traced through a history of ideas, from one individual to the next, growing in influence and diversity of involvement.

It is not easy to establish when the first reference to the Negev Bedouin as indigenous in the political-legal context occurred in the sense that the word is used nowadays. Early writings by Arab-Israeli and Bedouin academics and activists such as geographer Ghazi Falah, an Arab-Israeli, and Aref Abu-Rabia did not include the use of the term at all, politically or otherwise. Neither did Israeli Jewish academics studying the Bedouin, such as anthropologists Emanuel Marx and Gideon Kressel, Middle East historians Clinton Bailey, and Frank Stewart, and geographers Yosef Ben-David and Avinoam Meir use the term. NGO publications, such as Minority Rights Group International, did not refer to the Bedouin as indigenous.

According to our survey of the material, Ismail Abu-Saad, an education researcher at Ben-Gurion University (BGU) was the first to begin using the term “indigenous” in its current context to describe the Negev Bedouin. In 1993 he presented “Higher Education among the Indigenous Bedouin Arabs of the Negev: The Last Frontier” at the International Conference on Regional Development sponsored by BGU and UCLA at Beer-Sheva. He authored a report, sponsored by a grant from the U.S. Public Health Service, in 1995 on Social and Educational Development of Indigenous Yaqui and Bedouin Communities in the Sonoran and Negev Deserts. Since then he has been a prolific author on the subject. He published a few annual articles during the years 1997–2003, gave a presentation at an Adalah (an Arab rights organization in Israel) conference entitled: “Planning, Control and the Law in the Naqab”, and published a critical analysis in “State Bedouin and Indigenous Resistance among al Naqab Bedouin Arabs”. It is noteworthy that already in this early article the use of language is essential
to understanding the way in which the indigenous consciousness develops. The Bedouin become “indigenous” at the same time that the Negev becomes the “Naqab”.

Another early use of the term by geographers can be found in Tovi Fenster and Oren Yiftachel’s edited 1997 volume Frontier Development and Indigenous Peoples, which examined both the Bedouin and other communities.63 Alexander (Sandy) Kedar, a University of Haifa legal academic, brought up the indigenous discourse when discussing Israeli Ethnocracy. He argues there exists a dichotomy between the “Jewish settler” state and the “indigenous” Arabs in general (rather than the Bedouin in particular), who are the victims of that state.64 In a 2001 paper he argued that “The legal treatment of indigenous landholders into the technical realms of procedural and evidentiary rules makes it possible to keep most of the issue outside the public debate and facilitates the legitimization of land dispossession and transfer. . . . Such is the case in Israel vis-à-vis Arab landholders.”65 He elaborated that “The Israeli Court used legal conceptualization to define the Israeli Bedouins as rootless nomads, thereby imposing such ‘legal categories as a means of solving disputes across the indigenous/nonindigenous [sic] divide’.”66

Aref Abu-Rabia, a Negev Bedouin, published “Displacement, Forced Settlement and Conservation” in an edited volume entitled Conservation and Mobile Indigenous Peoples in 2002. However, in the article (as well as the title of his 1986 book mentioned above), he did not actually use the word “indigenous”.67 In 2008 he taught a class at BGU entitled “Pastoral Nomads in the Middle East: Nutrition and Medicine”, where he described the Bedouin and their “indigenous practices”.68 He submitted a syllabus to teach a class entitled “The Cultural Survival of Indigenous Peoples: The Case of the Negev Bedouin Arabs in Israel” for the fall of 2010.

In 2002 Oren Yiftachel, from BGU, who describes himself as a “critical geographer”, wrote “Bedouin-Arabs and the Israeli Settler State: Land Policies and Indigenous Resistance”.69 He argued that Israel was among the “‘Pure’ settler states, such as the U.S., Canada, Australia, Israel, South Africa, and New Zealand”, and like them is characterized by “ongoing expansion of white settlement and the ‘frontier ethos’ that accompanied that settlement”.70 He claims that the goal of Jewish activism is “to influence the public discourse and raise consciousness among Jewish circles concerning the need to change the plight of the informal dwellers.”71 He attempted to situate his definitions amid the prevailing research on other states: “This paper’s argument about the embedded conflictual elements in settler societies between indigenous minorities and expansionist regimes
is thus well illustrated by the evolution of struggle between Israel and the Negev Bedouin Arabs.” It is thus well illustrated by the evolution of struggle between Israel and the Negev Bedouin Arabs.” Interestingly, he acknowledged the support of the Israel Academy of Sciences in supporting the research into indigenous Bedouin and ethnocracy.

It appears that Yiftachel did not publish any other article that focuses solely on the indigenous topic until his “Towards Recognizing Indigenous Rights? Beer Sheva Metropolitan Planning after the Goldberg Commission” of 2009, but he has been a key developer of the theory of Israel as an ethnocratic settler state. Kedar has developed and added a unique historical-legal discourse on indigeneity in Israel. In his 2003 paper with Geremy Forman entitled “Colonialism, Colonization and Land Law in Mandate Palestine”, they focused on the area around Caesarea and argued that the Mandate “extinguished indigenous right to much land”. They place this within the context of national struggle between “Jewish settlers and indigenous Palestinian Arabs”. They noted that “Israeli critical social scientists have focused on the intertwining nature of colonial interests and discourses of modernization, which worked to subjugate and marginalize the indigenous population by rendering them primitive, passive, and devoid of developmental ability or political will.” They thus place the entire Arab population in the Middle East, and especially Mandate Palestine, inside a definition of “indigenous Arab population”, and relied on Erica-Irene A. Daes, Special Rapporteur, U.N. Commission on Human Rights, and her description of indigenous rights to land. Kedar and Forman’s formulation and intention to examine the historical struggle for land rights during the Mandate in the context of the more modern notion of the “extinguishment” of such rights builds upon and expands Kedar’s definition of Bedouin as indigenous.

In 2003 information referring to the Arabs as an “indigenous minority” by Adalah was used with some reservation by the Or Commission, an Israeli investigative committee set up to examine disturbances in 2000, in their final 2003 report. In 2004, Adalah published Kedar’s article entitled “Land Settlement in the Negev in International Law Perspective”. He specifically noted that the “Arab Bedouin” of the Negev should be given “the rights of indigenous people”. He argued that the relevant international law applying to Israel was International Labor Organization Convention 169 (adopted 1989, enacted 1991) on Indigenous and Tribal Peoples. He also argued that the Universal Declaration on Human Rights and International Convention on the Elimination of all Forms of Racial discrimination applied. He referenced the 1994 U.N. draft Declaration on the Rights of Indigenous Peoples. Kedar was the first to give
legal reasoning in an international legal context for the Bedouin as an indigenous community, and provided a view of what implication that recognition would have regarding legal rights.

After declaring that he is applying Martinez Cobo’s definition of indigenous people, and referring to the U.N.’s 1995 Working Group on Indigenous Populations definition, Kedar concluded without much elaboration, that “Clearly, the Arab Bedouin, as part of the Palestinian population in Israel, are a minority group . . . the Arab Bedouin fall within the definition of indigenous peoples.” His interest was primarily in acquiring land rights for the Bedouin:

To sum up, Israeli law has the tools to apply the relevant international norms to the case of the Arab Bedouin. By means of principles such as human dignity, equality, and distributive justice, it is possible to interpret and create rules of law that will strengthen the Arab Bedouins’ status relating to the land they possess.

The result of the work by Saad, Yiftachel, Kedar, and the NCF was quick to bear fruit. The 2002–2003 edition of The Indigenous World included the Bedouin of Israel as a category and the 2005 edition devoted eight pages to them, granting them more space than many other groups. Indigenous World is a publication of the International Work Group for Indigenous Affairs (IWGIA) and has been published since 1986. It views itself as a bellwether of indigenous affairs; “IWGIA’s Yearbook is issued every year and provides an update on the state of affairs of indigenous peoples around the world.” It is hard to assess the relative influence or importance of this publication. However its interest in Negev Bedouin over the years and its decision to include them in 2002 illustrates the relative growth of knowledge and assumptions regarding the Bedouin as an indigenous group and is in line the general trend that began in the 1990s.

The 2005 section in Indigenous World on the Negev Bedouin was compiled personally by the editor, Diana Vinding, from material provided by Adam Keller and an organization named Bustan L’Shalom. Keller is “an Israeli peace activist and spokesperson for Gush Shalom” while Bustan “works with indigenous and marginalized sectors in Israel/Palestine.” Keller does not appear to have an academic background.

By the 2010 edition of the same book a major change had occurred. In that edition no other indigenous groups were listed in the Middle East except the “Palestinian Bedouin in Israel”. In previous editions the Marsh Dwellers of Iraq had their own section. They were the only group
in the entire world named individually; all the others appeared only as
countries with the groups discussed in the text (see Fig. 1). In Vinding’s
Introduction she noted “Many Palestinian Bedouin still resist the Israeli
government’s urbanization program, a program to resettle the Bedouin into
semi-urban towns, making them completely dependent upon integration
into the wider Israeli economy for their livelihood. Those Bedouin who
can afford it prefer to live in unrecognized villages that are denied any kind
of service and where all forms of houses, except for tents, are illegal.”
Abu-Saad was invited to write the section dealing with the Bedouin in the
Negev in 2010.87

A number of NGOs have been supportive of defining the Bedouin as
an indigenous group. In 2004 Adalah held a “roundtable on land rights of
indigenous people”. In the same year it submitted a report to the U.N.
Secretariat Working Group on Indigenous Populations. The report’s pur-
view was larger than just the Bedouin issue, as it claimed all the Arabs in
Israel were “indigenous”. In March 2008 Human Rights Watch published
a report entitled “Off the Map” that declared the Bedouin to be “the
indigenous inhabitants of the Negev” and claimed Israel “refuses address
the longstanding land and housing needs of the Negev’s indigenous popu-
lation.” A 2008 position paper by the Association of Civil Rights in Israel
(ACRI) argued that the Bedouin fit into the indigenous category of peoples
and discussed how Israel should comply with international trends with
respect to the Bedouin.91
THE ISRAELI BEDOUIN AND THE INTERNATIONAL ARENA: LOBBYING FOR RECOGNITION

Between 2005 and 2010 other activities by NCF members advocated the Bedouin indigenous claim on the international front. In 2006 Ariel Dalumi, apparently a local non-academic activist, and Ferial Abu Nadi, a Negev Bedouin woman at the University of Warwick, attended the 69th session of the Committee on the Elimination of Racial Discrimination, a forum of Human Rights in the U.N., representing the Bedouin for the NCF.

Also in 2008 Abu Nadi attended the 7th session of the U.N. Permanent Forum for Indigenous Issues. In 2009 and 2010 the Forum was attended by Lawyer Rawia Abu-Rabia, and at the 9th session (2010) she met privately with James Anaya, the Special Rapporteur, to press her case on behalf of the NCF, which had sent her as part of its “international lobbying efforts”. In 2010 NCF board member Khalil Alamor, a local activist, attended the 3rd session of the Expert Mechanism on the Rights of Indigenous Peoples. He attended the 99th session of the U.N. Human Rights Committee’s review of Israel under the International Covenant on Civil and Political Rights to present a report compiled by NCF.

The efforts for the recognition of a distinct Bedouin indigeneity in Israel received greater recognition from a British Academy supported conference that occurred on 13–14 February 2010 at the University of Exeter titled “Rethinking the Paradigms: Negev Bedouin”. This was the first international conference that included a large number of papers devoted to the Bedouin and referencing them in the context of an indigenous group. The conference included a paper by Abu Nadi, entitled “Indigenous People’s Health”, a paper by Abu-Saad on the “Essential Role of Indigenous Naqab Palestinian Bedouin Research”, and academic in the field of education and gender Dr. Sarab Abu Rabia’s paper on “Through Feminine Indigenous Eyes A Bedouin Researcher Reflects on her identity and culture”. Oren Yiftachel of BGU and the Regional Council of Unrecognized Bedouin Villages spoke on “Bedouin Arabs of the Naqab/Negev: Studying Colonized Indigeneity”. Noa Kram, a PhD student, contributed a paper entitled “The Naqab/Negev Bedouin: Legal Struggles for Land Ownership Rights in Israel”. That paper is, according to Kram, being prepared for publication in a book by Harvard Law School’s Human Rights Program, entitled Indigenous (in) justice: Law and Human Rights for Arab-Bedouin in the Naqab, illustrating the increasing awareness and acceptance by major institutions of the Bedouin as an indigenous people.
The role of Bedouin women such as Abu Nadi and sisters Rawia and Sarab Abu Rabia, present interesting case studies in the development of the indigenous discourse. Nationalism theories tend to show that a national discourse arises among the educated middle class. Anti-colonial theories also shed light on similar phenomena among recently educated elites in India, Asia, and Africa. In this sense the sudden creation of an “indigenous” consciousness among an educated elite of Bedouin is not unusual. However, given the general discrimination against women found in the conservative Bedouin society in many spheres of life, including rights to own property and land, the presence of these elite women as part of the indigenous struggle is important to recognize.

However, despite the Bedouin academic women’s involvement in the indigenous discourse, not all of what they have written has been directed specifically at the activist end of the movement. Sarab Abu Rabia’s publications and papers serve more as evidence of the appending of “indigenous” to every discussion of the Bedouin, without necessarily having a strong regard for the larger political-international implications. Thus her forthcoming paper is entitled “Subjectivity in narrative study: the case of Indigenous feminist research”. She lectured on “Researching my culture: Feminist indigenous study” at the Mophet Institute and Israeli Qualitative Center: Gender and Science in Tel-Aviv in 2009. She also presented “Rethinking Modern Education among Indigenous Negev Bedouin” at the Women as Agents of Social Change conference at BGU in 2008, and ran seminars titled “Narrative-Feminist Study: The indigenous perspective” at Ha’Kibbutzim College in 2005 and “Through Indigenous Eyes” at the Truman Institute, 2007.

Several non-Israeli scholars have, in recent years, analyzed the Israeli case. In 2008 John R. Graham and Alean Al-Krenawi, the latter of BGU, argued that the Bedouin were an indigenous group. As U.N. Special Rapporteur on indigenous peoples from 2001 to 2008, Professor Rodolfo Stavenhagen included in his report discussion on the Israeli case, but with not much elaboration on the indigenous issue. He only presented the information that he received from the Bedouin without a definite conclusion. His report noted “On 19 October 2006, the Special Rapporteur, together with the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, drew the attention of the [Israeli] Government to information received concerning the alleged intention of destroying the village of al-Sira, an indigenous Bedouin village in the Negev (Southern Israel) [emphasis in original].” To date this is the most
robust interaction by an official U.N. body with the Negev Bedouin claim of indigenous rights.

**DISCUSSION**

The discourse relating to the Bedouin as a unique indigenous group residing in the Negev started only in the middle of the 1990s but has grown quickly since then and was quite successful. Until recently the Israeli government and other academic scholars have shown little interest in rebutting the indigenous claim of the Bedouin at the international level. The U.N. Permanent Forum includes a “right of reply” and nations in the region such as Iran, have made use of this to voice concerns about groups claiming to be indigenous to their countries or presenting unverified or baseless claims. Within Israel the discourse on indigeneity has gone unchallenged by academic peers from different disciplines, at conferences or in journals and books. At the most recent meeting of the “Expert Mechanism” in February of 2010, for instance, other governments, such as the U.S., sent representatives to explain their position.¹⁰⁴ Israel did not. This is due partly to a lack of awareness of the claims and phenomenon in many circles, since the claims to indigeneity occur mainly in forums sympathetic to such claims and at conferences, such as the one at Exeter, devoted solely to this one-sided viewpoint.

The discourse has shown signs of growing beyond its original emphasis. Initially developed by a local Bedouin academic, Abu-Saad, it was constructed and funded by Jewish scholars and activists such as Yiftachel, Kedar (as part of their development of his theory of ethnocracy), Boteach, and the NCF, it is now championed by most Israeli Bedouin scholars who emphasize the “indigenous” title next to their Bedouin and sometimes “Palestinian” identity and in all their writings and speeches. In fact the insertion of the word “Palestinian” into the formulation, such as “Indigenous Palestinian Bedouin”, shows that the identity has grown further to encompass a direct link to the Palestinian narrative, a distinctly new development. Thus Abu-Saad writes in the *Indigenous World* 2009 that “The Naqab Palestinian Bedouin have shown the tenacity typical of the Palestinian people to withstand efforts to remove them from their land.”¹⁰⁵ For Abu-Saad there are the indigenous Bedouin who resist the “Zionist dream of Judaizing and de-Palestinizing the land”.¹⁰⁶ Whether they also resisted the Ottomans and other Arab regimes is not clear, they are juxtaposed only with the Zionists.
The adoption of the word “Naqab” in his papers, instead of the official name of the area, Negev, is also part of this discourse and agenda.

In 2007 an Urgent Appeal by Defense of Children International on behalf of the Jahalin Bedouin, who live east of Jerusalem in the West Bank rather than the Negev, was sent to Rodolfo Stavenhagen, then working as the Special Rapporteur on Indigenous Rights for the U.N. This is the only example of an action describing the West Bank Bedouin as “indigenous” in the framework of the U.N. definition and it appears it was only issued in relation to Israeli actions at the new city of Maale Adumim.

Stavenhagen’s subsequent report noted

Throughout the occupied West Bank: Other Palestinian Bedouin communities are also affected by the reduction of available land to Palestinians; a systematic Israeli policy in the occupied West Bank, particularly in Area C (59% of the West Bank). For instance, approximately 15,000 Bedouin residing in the Jordan Valley are harassed by the army, have received demolition orders and have seen their freedom of movement and access to land and essential services restricted. Bedouin communities south of Hebron and Qalqilya are also threatened by similar measures and are facing displacement because of the Wall, land confiscation and the Jewish settlements.

As with the previous U.N. statement about el-Sira, Stavenhagen merely provided background without any conclusions as to the Bedouin claim of indigenous rights.

The relatively new Bedouin claim to be classified as indigenous, having gained some international and academic support, is increasingly part of the self-perception of the educated elite among the Bedouin. However, the claim and international recognition face hurdles that the scholars mentioned above avoided discussing, many of which mirror the disputes and debates throughout the world that deal with indigenous peoples. For instance, one issue in the case of the Bedouin is the important and critical element of original occupancy of the land. The current Negev Bedouin tribes arrived to the Negev, from their historical homeland in the Arabian Desert, Transjordan, Egypt, and the Sinai, mainly since the eighteenth century and onwards. Scholars and activists have not wrestled or debated this issue. Until now, the lobbying efforts by the Israeli Negev Bedouin and their supporters have faced no real challenge and therefore the promoters of indigeneity have not had to deal with essential and hard questions regarding their claims.
CONCLUSION

The development of an indigenous Bedouin identity has taken place in three key phases. It began with the initial decision by Abu-Saad, apparently influenced by his comparative work on the United States, to describe the Bedouin as an indigenous community with all the political ramification that this word contained in the 1990s. It was developed by Israeli Jewish academics and then elite Israeli Bedouin academics in the context of the international discussion regarding indigenous peoples, land rights, and ethnocracy. The last phase has seen the campaign by NGOs, academics, activists, and the Bedouin community for international recognition.

As for the Bedouin themselves—in practice—the elite members of the community were an important instrument in re-designing and re-modeling the public debate and, perhaps also, the community’s self-identification.¹¹¹ The shift from being defined as Bedouin or former nomads living in the Negev, to being recognized as an “Indigenous Palestinian Bedouin” group in the “Naqab”, took place very quickly, over a period of only ten years. For the Bedouin the recognition in theory can help put local and even more important international pressure on the Israeli authorities, mainly to accept their demands for land rights.

To some extent the struggle to create an indigenous identity for the Bedouin can be understood as serving the interests of those involved. For the Israeli Jewish academics it forms an integral part of a model of ethnocratic settler states. In their model the Bedouin plays the role of Native Americans, Aboriginal, or First Peoples found in New World countries.

For the local Bedouin, and especially their elites, the definition of “indigenous” can provide a further layer of legal frameworks from which they can put pressure on the Israel government in the courts and in the international arena mainly to promote either individual land claims (unlike other global indigenous land claims, which are usually communal), or unique communal rights. As Arabs or Palestinians the mechanisms available to them operate only under the existing laws, which date back to the Ottoman period and through which their land is defined as state land. However, as “indigenous” people they may gain previously unavailable access to a legal struggle for lands.

The interest in the Bedouin as an indigenous group is generally an issue unique to Israel in the region. In our examination of the existing scholarship and popular development of the discourse there were no other examples found of Bedouin groups in the Middle East agitating for recognition as an indigenous group. Nor do academics generally discuss Bedouin groups in
this light. While there are groups advocating on behalf of Marsh Arabs in Iraq, Arabs in Iran, and Copts in Egypt, these movements have gained little attention and even less international recognition. The fact that populations like the Marsh Arabs in Iraq once appeared in the *Indigenous World* only to vanish in subsequent years provides evidence for a decline and overall weakness among the groups in the Middle East that seek this recognition. It raises the question why in the Middle East Israel alone attracts the funding, academic interest, and global involvement to foster this movement. Israel therefore provides one of many case studies where the contested nature of indigeneity is best illustrated. We have traced the development of the indigenous discourse and the dispersal of this idea in Israel. The case illustrates the absence of a critical examination of the dispersal of the concept of “indigenous” groups to countries, especially those in Asia and Africa.

Notes

The authors with to thank Professors Yehudit Urbach and Paul Frosh for their insightful comments on this work.


8. Ibid., 3.
11. Ibid., Expert.
12. Ibid., 1–20, 17.
17. In a related study being prepared for publication the authors are examining the comparative legal frameworks and definitions of indigenous people in depth.
22. Ibid., 5.
23. Ibid., 9.
24. Ibid., 12.
25. Ibid., 59.


47. Ibid., 22.


52. Idem.


54. Idem.

55. Diana Vinding, e-mail correspondence, 2 November 2010; Luciano Barbosa de Lima, “Background on Indigenous Peoples in the Middle East,” UNPFII (November 2009).

56. Idem.


68. Aref Abu Rabia, hsf.bgu.ac.il/mapmes/.../Sylabus_Pastoral_Nomads_Aref.doc

71. Ibid., 40.
72. Ibid., 41.
73. Idem.
81. Ibid., 5.
84. Vinding, The Indigenous World, 22. Oddly, Keller wrote for Gush Shalom covering the Goldberg Commission in Israel that the Bedouin were not nomads
92. “A Woman of Firsts: Ferial Abu Nadi,” *Health Sciences News*, 1 (Beer-Sheva, 2003); 9 July 2007. http://www.dci-pal.org/english/display.cfm?DocId=3888&CategoryId=1; Abu Nadi is of the Abu Nadi tribe, and at the time was the first Bedouin woman to receive a master’s degree in Epidemiology and to be admitted to a doctoral program in the same discipline.
93. 28 April 2008, Permanent Forum on Indigenous Issues discusses ways to more effectively promote countries’ implementation of declaration on rights, seventeenth session, 10th meeting, Permanent Forum on Indigenous Issues: www.un.org/News/Press/docs/2008/hr4950.doc.htm
Entrepreneurship among Arab Muslim Rural and Bedouin Women, Floersheimer Studies (Jerusalem, 2009).

100. Sarab Abu-Rabia-Queder, “Subjectivity in Narrative Study: The Case of Indigenous Feminist Research,” in Narratives and Research: Creation, Interpretation and Criticism, Avner Shafrir and Rivka Mashiach-Tuval (Tel-Aviv, Forthcoming) [Hebrew].


106. Idem.


109. This is the focus of another research currently held by the authors.


111. Further research is needed to gauge the degree to which the self-perception of the Bedouin community includes a definition of themselves as indigenous. Since there is no word in Arabic that carries the English language implications of “indigenous”, an understanding of the self-perception among the community would contribute greatly to current discourse.