

Umm al-Hiran: Facts Matter (or, Not all Anti-Israel Narratives Are Created Equal)

In 2002, the Israeli government announced the approval of plans for 14 communities in the northern Negev, including an urban settlement, initially called Hiran but later renamed Dror. The new communities were situated on state land, and Dror was to be built on the slopes of Mount Hiran south of the Yatir Forest, to accommodate 2,000 families. Eleven of the communities, collectively known as the Abu Basma Settlements, were established as rural-style settlements exclusively for the Bedouin sector.

Since that decision was announced over 2 decades ago, Bedouin of the Abu al-Qiyan tribe who had been living in an illegal encampment within the area designated for Hiran/Dror, have launched wave after wave of legal and media campaigns opposing the development of the new community. These campaigns have been waged both within Israel and internationally.

Radical left-wing organizations such as Adalah and Bimkom that have spearheaded the opposition frame the dispute as a nationalist struggle, disseminating disinformation and portraying Israel as a racist bully. Israel has been accused in the international media of seeking to displace and destroy an ancient Bedouin village in order to replace it with a Jewish settlement.

The High Court of Justice Finds Neither Land Ownership Nor Discrimination

In early May 2015, after more than a decade of legal proceedings, Israel's highest court ruled that there were no legal barriers to establishing the settlement of Hiran/Dror.

The High Court of Justice determined that the Abu al-Qiyan tribe holds neither ownership of the land nor a binding historic connection to it. The High Court unequivocally rejected claims of discrimination and racism, noting that the residents of the Umm al-Hiran encampment were free to reside in any legal location of their choosing. Like other members of their tribe who opted to take advantage of the opportunities offered to them by the State of Israel, the families of Umm al Hiran are eligible for generous relocation benefits, including subsidized plots of land in legal settlements, substantial financial grants, and compensation for vacated illegal structures. The High Court also noted that the petitioners were welcome to purchase plots in Hiran/Dror, like any other Israeli citizen.

In January 2016, Chief Justice Miriam Naor rejected the squatters' request for an additional hearing, bringing a definitive end to the decades-long legal saga. Despite this unequivocal ruling, left-wing organizations continued their delegitimization campaign against the establishment of the new community. It was only 8 years later, in late 2024, that the designated area was finally evacuated, enabling construction and development of the new community to proceed.

To set the record straight, the following pages provide a factual chronology of the case.



1948-1956: The Abu al-Qiyan tribe, numbering approximately 200 people, settled in the area of Beit Kama and pitch their tents near the Jordanian border. Members of the tribe are involved in cross-border smuggling and provide Israel's enemies with intelligence on IDF movements on nearby Route 40.

1956: In light of these hostile activities, the Military Administration concludes that relocation is a mutual interest of the state and the Bedouin themselves; the majority of the Abu al-Qiyan tribe relocate consensually to a section of the Yatir Forest, to state land allocated by the Israeli government under a temporary agricultural lease pending development of a permanent relocation site. In the early 1960s, the Abu al-Qiyan tents gradually spread beyond the designated area, to what comes to be known as Umm al Hiran.

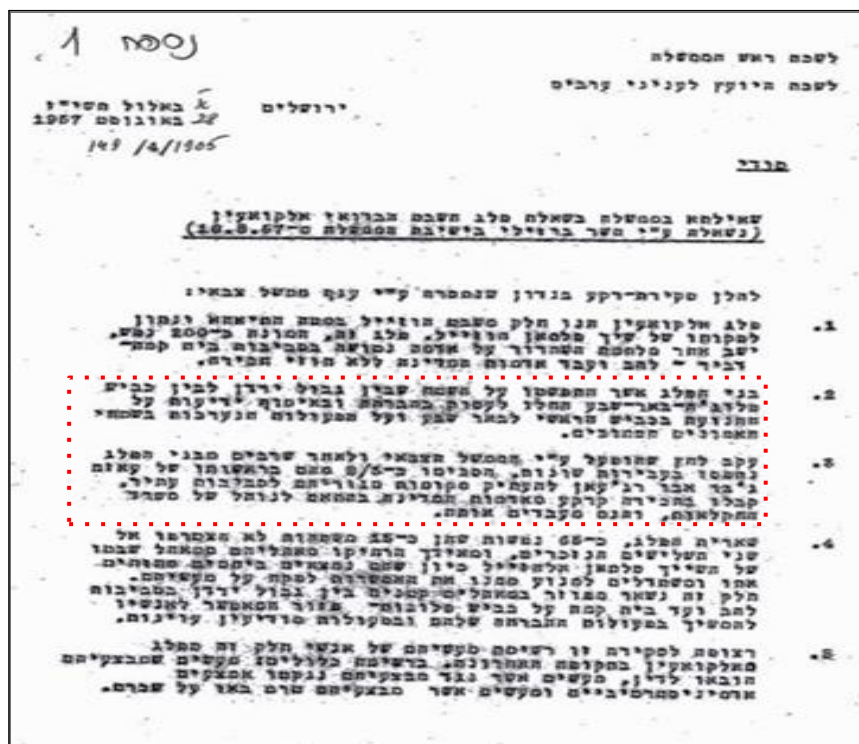


Image I: A government document from 1957 detailing the reasons for relocating the Abu al-Qiyan tribe to the Yatir Forest area.

1960s: Some families of the tribe begin spreading out on additional land in the vicinity, including the region designated for the establishment of Hiran/Dror.



Image II: A 1971 photograph of the area referred to as "Umm al-Hiran," showing only a few scattered tents.

1980: During this period, the state establishes and develops Bedouin settlements, in which healthcare, education, and sanitation services are provided. From that time to the present, every male member of the tribe is entitled to a fully-developed half-dunam plot for construction with nearly full government subsidy—a benefit not granted to any Israeli citizen outside the Bedouin community – as an incentive to move into a legal community.

1980s and Onward: Most members of the Abu al-Qiyan tribe abandon the squatters' camps and move to permanent housing in the nearby town of Hura. A minority remain in the Atir area, seizing additional land; over the years, the number of illegal structures on the hill referred to by the squatters as Umm al-Hiran gradually increases —from 22 structures in 2000 to 36 structures in 2010.



Image III: Fully developed residential plots in Hura, designated for residents of Umm al-Hiran.

2002: The Israeli government, under Ariel Sharon, approves 14 communities in the northern Negev, including an urban settlement on the slopes of Mount Hiran. Initially referred to as Hiran, it is eventually officially named Dror. A small portion of the land allocated for the planned settlement, intended to house 2,000 families, is occupied by the illegal Umm al-Hiran encampment inhabited by a few families.

The state requires these squatters to relocate to plots designated and developed for them in the town of Hura, but they refuse.

2004: Representatives of the Umm al Hiran squatters file a lawsuit in the Magistrate's Court (Case No. 3326/04) opposing the decision to establish Hiran/Dror. They claim that their encampment was created by the Israeli government, that the state itself had placed them in the area. They accuse Israel of racist motives, asserting that the government's intention is to destroy a Bedouin village in order to replace it with a Jewish settlement.

2009: The Magistrate's Court rules that the petitioners failed to prove ownership of the land; their lawsuit is dismissed. The plaintiffs appeal this ruling to the District Court (Case No. 1165/09).

2011: The District Court upholds the lower court's ruling. The squatters appeal to the Supreme Court (Case No. 3094/11).

2013: As a series of appeals by members of the Abu al-Qiyan tribe work their way through the courts, the planning process for Dror is completed and receives the Interior Ministry Planning Commission's final approval.

2015: The Supreme Court upholds the rulings of the lower courts and orders the squatters to vacate. In its decision, the Court emphasizes that the residents have numerous options available to them:

1. Relocation to Hura, where they will each receive a construction-ready 800 square meter subsidized plot, along with financial compensation for any vacated illegal structures, as per Israel Land Authority Resolution 1028;
2. Purchase a plot in the settlement of Dror, as would any other Israeli citizen;
3. Relocate to any legal community of their choosing, anywhere in Israel.

January 2016: Chief Justice Miriam Naor rejects a request for an additional hearing of the squatters' petition, bringing a definitive conclusion to the decades-long legal saga.

2017: In January, inspectors from the Israel Land Authority (ILA) and the Israel Police arrive to carry out demolition orders against the illegal structures of the encampment, in accordance with the Supreme Court's ruling, after the state's attempts to reach a compromise or voluntary evacuation fail. During the operation, Yaqoub Abu al-Qiyan, a resident of the encampment, is shot to death by Israeli forces after his vehicle strikes and kills Officer Erez Amadi-Levy. The enforcement operation is halted. In 2018, the case is closed by State Prosecutor Shai Nitzan, who concludes that it is not possible to determine whether or not the car-ramming was a terror attack.

2018: The Authority for the Development and Settlement of the Bedouin in the Negev ("Bedouin Authority") reaches a secret agreement with the squatters of Umm al-Hiran. Under this arrangement, 145 developed plots in the town of Hura are allocated to the residents, free of charge - including plots registered under the names of underage children, contrary to the Israel Land Authority's standard compensation procedures. At this time, the encampment consists of approximately 60 families.

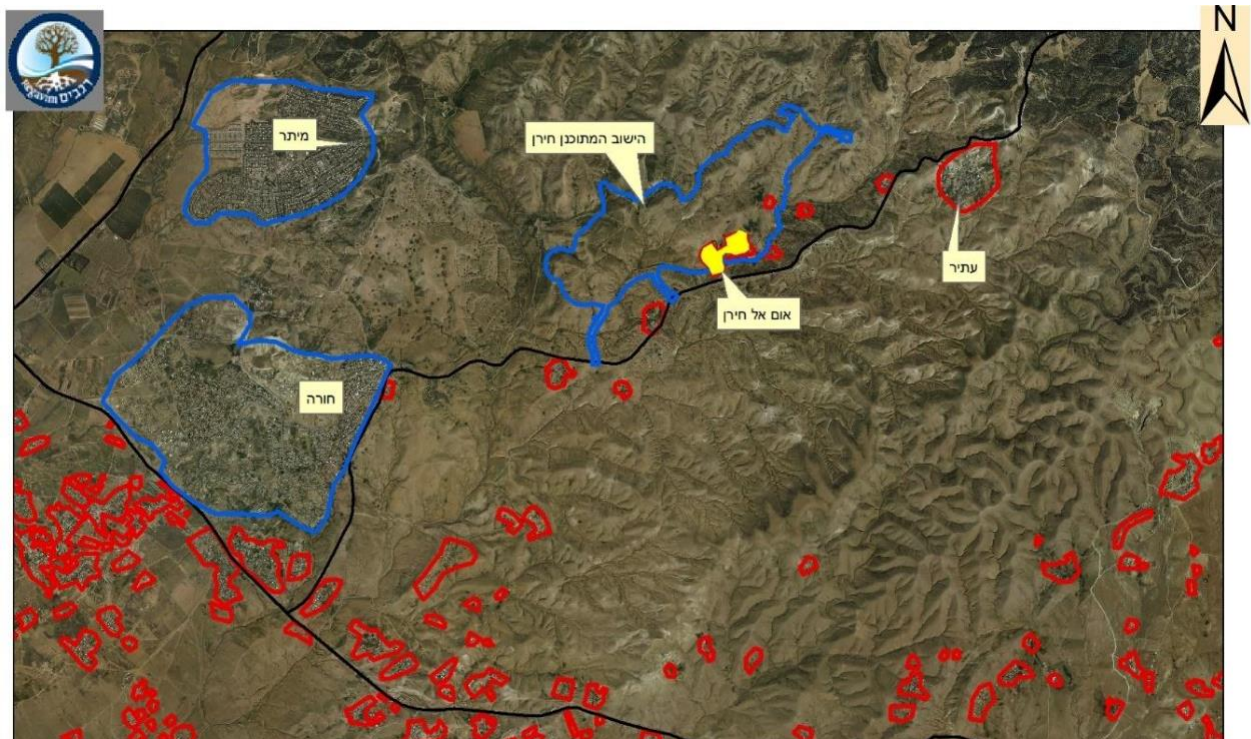
2019: The squatters of Umm al-Hiran seek to improve the terms of the agreement they had already signed. They demand additional plots for each underage daughter in each family, and petition the High Court of Justice (Case No. 1115/19), alleging gender-based discrimination. The court dismisses the petition. Simultaneously, the secret agreement between the Umm al-Hiran squatters and the Bedouin Authority is annulled due to the Bedouin Authority's lack of jurisdiction and the fact that the extraordinary terms of the agreement conflict with Israel Land Authority regulations, which prohibit granting compensation benefits to minors.



2021: A new voluntary evacuation agreement is proposed, in accordance with the ILA's compensation framework, including a deadline for enforcement if the residents refuse to comply. In accordance with ILA criteria, the squatters are offered 95 plots in the town of Hura. While some residents accept the terms, others refuse to sign the agreement.

2024: After numerous delays and court-ordered injunctions, the ILA announces that the illegal structures in Umm al-Hiran must be demolished by November 10th. A final, futile legal petition is submitted to the Be'er Sheva District Court but is dismissed.

Ultimately, the remaining residents, most of whom had already relocated to the permanent plots allocated to them by the state in Hura, demolish the last illegal structures, to avoid fines and forfeiture of benefits.



Key Excerpts: High Court of Justice Ruling

Justices Rubinstein, Hendel, and Barak-Erez handed down the final ruling, unequivocally stating that the petitioners hold no ownership rights over the land and that their residence in the area was established as a temporary arrangement under a lease agreement with the state in the 1950s.

“This case concerns a Bedouin tribe that relocated to the disputed area approximately six decades ago under the directives of the [Israeli] authorities. According to property law in our legal system, the tribe members did not acquire ownership rights to the land, even though they resided there with permission. They have built extensively on the site without permits, rendering the construction illegal. Most of the tribe members have already moved to Hura, a Bedouin town that is regulated and connected to infrastructure, while the remaining residents are required to vacate their homes. They have been offered relocation to Hura.”
(Page 16)

The Justices emphasized that the state's conduct toward the residents was beyond reproach. The State had previously offered, and continues to offer, free plots in the nearby town of Hura in addition to financial compensation; in the context of a broader effort to regularize Bedouin settlement, exceptionally generous terms are extended to residents of squatters' camps who relocate to legal settlements.

“It is clear that in cases involving the evacuation of individuals who have resided in an area for many years, this is neither expulsion nor abandonment. The proposed relocation includes various options for transition, construction, compensation and housing. These include relocation to the town of Hura, where most residents of the illegal encampment have moved, or to the planned settlement of Hiran [Dror], under 'general' purchasing conditions but with compensation likely offered for their investments in construction (despite the fact that it was illegal), due to the residents' long-standing presence.” (Page 14)

In response to claims of racism, the Justices underscored that these allegations are completely unfounded. The residents of the illegal encampment were offered the same opportunity as any other citizen to purchase plots in the planned community of Hiran [Dror].

“The planned community does not exclude members of the encampment from residing there. Instead, it is designed as a settlement with a general character, not a Bedouin-specific settlement, with all the planning implications this entails. Anyone who wishes to reside in Hiran may do so, subject to the law and the applicable conditions.” (Page 28)

The State also indicated its willingness to consider granting the same compensation benefits to squatters who relocate to Hiran [Dror] as it offered to residents who relocated to legal all-Bedouin communities. Consequently, the requirement to vacate the area is unrelated to the establishment of Hiran [Dror] itself.

“Furthermore, according to the respondent’s notice dated October 5, 2014, a resident of the encampment who purchases a plot in the settlement of Hiran may be eligible for compensation for the demolition of their home—subject to approval by the Compensation Committee—a benefit typically granted to encampment residents relocating to Bedouin settlements.” (Page 32)