

Position Paper
Concerning the “Forest of German States” and Responses to the December Letter
Prepared by the Negev Coexistence Forum

25.3.2013

In December 2012, the German Social-Democratic Party (SPD) published a call for donations to plant trees in the “Forest of German States.” This Forest is located in the Israeli Negev and was planted, in part, on land claimed by Bedouin citizens of the country. In response to this fundraising campaign, the Negev Coexistence Forum (NCF) wrote a letter to the Party’s members, urging them to stop the donations project and explaining the complex reality in the Negev.¹ In addition, NCF produced a video with Dr. Awad Abu Freich, one of the owners of the land where the forest is planted. The SPD reacted to this letter by inquiring with the JNF/KKL about this particular forest.

The JNF/KKL responses to the SPD regarding the “Forest of German States” have been rather specious. They serve as justification for the JNF’s discriminatory practice of developing forests on contested land in an attempt to Judaize² the Negev/Naqab—a practice that is criticized in Israel and abroad. By partnering with the JNF, the SPD is complicit with this discriminatory practice. Given the egalitarian values of the SPD, we urge the SPD to reconsidering this partnership.

Background on the JNF’s role in the Negev/Naqab:

In 1971, The State of Israel’s Ministry of Justice decided to allow Arab-Bedouin to file claims to land in the Siyag region. Bedouin families filed a total of 3,200 claims over approximately 991,000 dunams (247,000 acres) of land.³ However, the process was soon halted, because of a political decision made by the government. The issue only reemerged as a government project in 2004. At that time, the government decided (Government Decision No. 216 [Arab 1]: “A plan for the Bedouin sector in the Negev”) to submit counter-claims to the Bedouin’s claims. In a manner negligent of due process the Israeli courts accepted the State’s counter-claims in 100% of cases, ruling each time in favor of the state. Thus, the approach of Israeli institutions to land claims does not represent a genuine attempt at arbitration, but rather it has proved to be an instrument for expropriating Bedouin of their land.

Furthermore, the JNF gives no heed to the reality of contested claims to land; it has planted trees and carried out forestation projects regardless of the legal status of the disputed lands. This practice is meant to reshape the landscape in an irreversible manner in order to create “facts on the ground” and make it impossible for Bedouin to return to lands they formally inhabited. The cases of many JNF forests, including the “Ambassadors’ Forest” and “Goral Forest,” reveal the apparently deceptive conduct of the JNF in pursuing forestation projects on lands owned by Bedouin families such as the Al Turi, Al-Malachi, Abu Zaied and Al Ukbi families. Moreover, the JNF is actively involved in house demolitions in the Negev/Naqab.

[Click here](#) to view as video, which reveals the active involvement of the JNF in house demolitions.

¹<http://www.dukium.org/eng/?p=2098>

²This is the process by which Jewish-led institutions in Israel bolster the Jewish presence in areas previously inhabited by Arabs in order to legitimize Jewish claims to that land.

³<http://www.dukium.org/eng/wp-content/uploads/2011/06/NCF-CounterClaims-Dec10.pdf>, page 4.



The “Forest of German States” and Contested Land Claims:

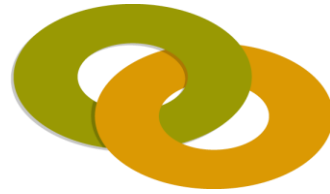
In the particular case of the “Forest of German States”, the JNF’s assertion that it is not planting trees on legally contested sites is inaccurate.

The Abu Freich family maintains ownership claims over some of the land on which the “Forest of German States” was planted, especially the “Nuremberg Forest.” These ownership claims were submitted in 1980 (see Appendix 1), but were never seriously reviewed by the land registrar of the Ministry of Justice. The land registrar rejected the claims outright, because the State had already appropriated the land.

This rejection contradicted original, traditional documents attesting to the family’s claims (see Appendix 2).

The Bedouin owners of the land on which the “Forest of German States” was developed were dispossessed of that land by the well-documented practice wherein the State and the JNF work hand-in-hand to appropriate contested land.⁴ In this case, it appears that the State preceded the JNF in assuming authority over the contested land. The Negev Coexistence Forum (NCF) urges the SPD to vindicate itself of complicity in this discriminatory practice. NCF is hopeful that the SPD will withdraw its support for the “Forest of German States” project and instead invest in projects that benefit all residents—both Jewish and Arab—of the Negev/Naqab.

⁴“An Open Letter to Effie Stenzler, Chairman of the Jewish National Fund Directorate,” 2/2/2013. Retrieved at <http://www.dukium.org/eng/?p=2177>.



Appendix 1

Contemporary Land Claim:

Translation of Letterhead:

State of Israel

Justice Department

מדינת ישראל
 משרד המשפטים

אגף רישום והסדר המקרקעין
 לשכת הסדר המקרקעין

תזכיר תביעה

סקירת הסדר זכויות במקרקעין [נוסח חדש], תשכ"ב-1969

חלק ב' (ימולא ע"י התובע)

1. התובעים

חלק התביעה	מס' זכויות	מספר הזכויות	שם האדם שלטובתו תובעים את זכות הרישום	מס' מורשע התובע
1	ע"מ - ישראלי	554455	ח'א'ר'מ'א'ד ע'מ' ישראלי	
2			" " " "	
3		2229	" " " "	
4		2229	" " " "	
5			" " " "	
6			" " " "	
7			" " " "	
8				
9				
10				

2. מהות זכות התביעה (צ"ח אם היא זכות בעלות, משכנתה, קיפול, שכירות וכו')

ע"מ מ" 1956

3. פרטים הנוגעים לרכישת הזכות

חלק	התאריך	מס'	אופן הרכישה	תובע מס'
1	1956	ע"מ	ע"מ	7-1

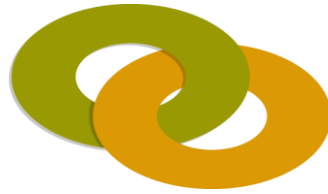
4. פרטי הרישום בפנקס הקיים

שמו של האדם הרישום	התאריך	מס' שטר הקניין	פרטים בפנקס הקיים
			הישוב
			כ"ד
			דף

5. תשלום מס רכוש

Translation:

1. The Plaintiffs: [plaintiffs listed]
2. The Status of the Claimed Right: [Ownership until 1956]
3. Details Concerning Purchasing Rights: [Our father]
4. Registration Information in the Current Registry: [blank]
5. Property Tax Payment: [blank]



6. תיאור החלקה

השטח הנמצא	מדידת השטח	המחצית
השטח הנמצא	השטח הנמצא	השטח הנמצא

7. בורות זיקת הנאה הנובעות לחלקה

זיקת הנאה לחלקה	זיקת הנאה לחלקה

8. בקשות לחלוקה (במקרה של חלוקה של חלקה אחת או חלקים מסוימים)

ש"י המעשלה	על פי המסמך

9. שעבודים על החלקה או החלק (במידה ויש כעבודות, עיסקה, ערבות וכו')

מחזיק השעבוד	לשם	פרטים על רישום השעבוד
		שעבוד רשום בשם מי
		מאריך הרישום:
		שם השער:
		החשבו:
		כדי מי:
		דף מי:

10. אסמכתאות

11. הודעה נוספת או פרטים נוספים

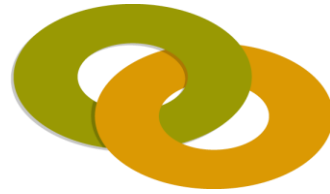
Translation:

6. Description of the Plot:
 - Agricultural land
 - Borders: North--The land of Abd Alhafeth Madni, The Wadi; East--The lands of Hussain; South--El Haj Khalil El Asad; North—Salim Elkhbibi
 - Almost 200 hundred dunams
7. Examination of the Conditions Resulting in Dispossession: [blank]
8. Requests for Distribution: [blank]
9. Liens on the Plot or Parts of the Plot: [blank]
10. Supporting Documents: [blank]
11. Additional Message or Additional Information: [blank]

Translation:

The claim would be accepted only for land that has not already undergone the process of land registration.

6



Appendix 2

Document Establishing Bedouin Ownership of Land in the “Forest of the German States”:



Summary of this Document:

Payment: 150 Palestinian Pounds

The contract to be ratified is as follows: certified herewith, on the date of the contract and with the witness below, the Purchaser, Sweilem Freich Turi Ataiwrh has bought on his own, for himself personally and without the money of others, from the Seller, Hussein ibn Salaam Batahat... The Purchaser testifies that it is his property, and he has the mandate to sell the property and acquire payment for it legally... This land, with all its rights, roads, facilities, and all that which is attributed to it and legally known to be part of it is sold to the Purchaser. The sale is valid, legally accurate, and absolutely binding to the satisfaction of both parties without any injustice, invalidity or corruption.... This contract is immediately valid on signature, and, in the case of any infringement of the submitted agreement, both parties are obliged to attend the appropriate judicial authorities.

Date: 05.07.1930.

Witness: Ali Abu Aisha Abdul Ghani [signature]

Seller: Hussein ibn Salaam Batahat [signature]

Purchaser: Sweilem Freich Turi Ataiwrh [signature]

The previously mentioned land and its borders are the land of my brother Ben Salam Batahat and his property, and I approve this transaction with my signature and my fingerprint.

Khadra bin Salaam Batahat [signature]

Eid bin Salaam Batahat [signature]