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Principles for Arranging Recognition of Bedouin Villages in the Negev

Position Paper

האגודה לזכויות האזרח בישראל
جمعية حقوق المواطن في إسرائيل
The Association for Civil Rights in Israel



במקום
מחכמים למען זכויות חכמו (ע"ר)
مخطون من اجل حقوق التخطيط
Planners for Planning Rights BIMKOM

المجلس الإقليمي للقرى غير المعترف بها في النقب
המועצה האזורית לנפרים הבלתי מוכרים בנגב
The Regional Council for the Unrecognized Villages in the Negev-RCUV



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The Association for Civil Rights in Israel

Since its founding in 1972, the **Association for Civil Rights in Israel (ACRI)** has been active in the struggle to protect and promote human rights both in Israel and in the territories under its control. Among its many activities, ACRI has been a staunch defender of the civil rights of the Bedouin in the Negev, one of Israel's population groups that has suffered most from rights violations. ACRI's work in this area includes, *inter alia*, submitting petitions to the courts, filing objections to the master plan for the southern region (which lacks any adequate treatment of the civil rights of the Bedouin), preparing professional legal opinions and presenting them before various public and governmental forums – such as the Goldberg Committee for the Arrangement of Arab Settlement in the Negev, ongoing correspondence with the government and planning authorities and the monitoring of their decisions and planning as they affect Bedouin settlement in the Negev.

Bimkom - Planners for Planning Rights

Bimkom was founded in May 1999 by a group of planners and architects, seeking to strengthen the connection between Israel's planning and zoning system and its implications for human rights. The daily encounter with discrimination and rights violations at the hands of Israel's various planning authorities served as the impetus for establishing the organization. These rights violations include: discrimination in planning against the Negev Bedouin; the unattainability of building permits for residents of East Jerusalem; difficulties faced by development towns and socio-economically weaker neighborhoods in their interactions with planning authorities, etc.

Employing a team of staff workers and volunteers including planning, legal, and social experts, Bimkom utilizes professional tools to promote equal rights and social justice in matters of planning, development, and the allocation of land resources. The organization helps communities that are disadvantaged (whether economically, professionally, or politically) exercise their civil rights in planning matters. Bimkom works to achieve its goals by means such as offering planning analysis and proposals, legal opinions, research, education and public outreach.

The Regional Council for Unrecognized (Bedouin) Villages in the Negev (RCUV)

The RCUV was founded in 1997, as the elected popular leadership and representative of the residents of the unrecognized Bedouin villages in the Negev. The High Follow Up Committee for Arab Citizens of Israel recognizes the RCUV as the legitimate governing body of the villages and the RCUV chairman sits on the High Follow Up Committee as an official member. As the representative body for the residents of the unrecognized villages, the RCUV: deals with the different decision makers, works to empower the community, conducts a judicial rights-based struggle, submits alternative development plans for the Negev, produces an infrastructure of information on the villages for various governing entities, and more.

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Summary

This paper will review the circumstances that led to the creation of the problem of unrecognized villages in the Negev and the ongoing human rights violations suffered by tens of thousands of residents living there. It will outline the planning principles and the land administration policies needed to resolve the problem, and it will offer principled guidelines for recognizing the villages in order to end the injury to residents and the violation of their basic rights. These principles should form the basis of a just solution that will resolve one of Israel's most painful examples of ongoing systematic violation of human rights, and one of the most stubborn open conflicts between the state and its citizens.

Chapter I surveys the events leading to the emergence of the problem of the unrecognized villages in which some 90,000 Bedouin residents currently live. These Israeli citizens are denied their most basic rights: their villages are not connected to the state's water and sewer systems nor to its electrical grid; education and health services are only partially provided to them, and then inadequately; and the state refuses to recognize villagers' historical claims of ancestral ownership of the land.

Chapter II examines the ongoing violation of basic rights suffered by the Bedouin population focusing on three primary areas: the violation of their right to equality; the violation of their right to dignity and to housing that is appropriate to Bedouin way of life and culture; and the government's refusal to recognize the Bedouin system of land acquisition.

Chapter III examines the ways in which these violations of Bedouin rights run counter to the norms of international humanitarian law, in as much as the Bedouin represent an ethnic minority group in general, and more specifically, a homeland minority.

Chapter IV reviews the most important intermediate steps required on the pathway of recognition for the villages, with reference to the ongoing public and legal struggles of the Bedouin population to realize their rights as Israeli citizens within their own villages. We shall refer at length to two sources on which we base the case for recognition: the principle findings of Talma Duchan's report – which discusses objections to the Outline Plan for the Be'er Sheva Metropolis – and the findings of the Goldberg Committee for the Arrangement of Arab Settlement in the Negev. In this chapter, we will analyze both these reports with an eye to aspects of each that could help promote a solution or hinder a solution to the problem.

Chapter V, the final chapter of this paper, will present principles for the recognition of unrecognized villages, with an emphasis on the need for a systematic solution based on respect for human rights and the state's obligations under international law, so that the historical injustice suffered by the Bedouin can be corrected. We call upon the state to adopt the principles proposed in this paper, and to take the lead in implementing these principles: to renounce the policy of Bedouin population concentration and to avoid any solution involving the forced transfer of populations from where they currently reside; every program and every solution adopted by the state should be based on the principle of equality-- on respect for the Bedouin way of life and culture, on recognition of Bedouin historic and proprietary rights to their lands in the Negev, and on Bedouin public participation in making planning decisions for the region. In this chapter we argue, on the basis of objective planning measures, that any workable solution to the problem must be based on the recognition of all 35 villages in the Negev that are yet to be recognized. We further propose that the state allow a number of different settlement model solutions for the Bedouin, and we present the principles for an alternative regional master plan prepared by the RCUV in partnership with Bimkom. In our summary, we stress that any government plan ignoring the principles of recognition outlined in this paper will perpetuate the intolerable situation faced by the Negev Bedouin. It will only serve the continued violation of the rights of one of Israel's weakest populations, will aggravate the injustice they have suffered, and will ultimately fail.

Introduction

The existence of unrecognized Bedouin villages in the Negev is a fact that is convenient for many Israelis to ignore. Comprising one of Israel's weakest population groups – economically, socially and politically – the Bedouin story is one of citizens unseen, who constitute about a quarter of the population in the Negev and yet reside on a mere 3% of its territory. Nevertheless, the state, in seeking

to reduce the Bedouin presence in the region, has chosen to view them as trespassers and squatters who are taking over Negev lands and endangering national interests. It is a story often repeated, but in the government's telling, the Bedouin are portrayed as invaders, drifters, and outlaws without any inherent connection to the land. The Negev problem is one of the most painful in Israel, in which an entire population of Israeli citizens has for decades been systematically denied the essential services that all human beings are entitled to. Constantly threatened with the prospect of their homes being demolished, Bedouin village residents have no solid ground to stand on. And yet this is a population that has lived in the Negev since before the State of Israel was established, that has subsisted for generations – modestly but with dignity – through farming, shepherding, and raising cattle. For generations the Negev Bedouin have employed an organized, traditional system of land acquisition which is still utilized to this day for recording transactions, regulating costs, and settling disputes.

The condition of the Negev Bedouin is reflective of the government policies directed against them. Since the founding of the state, Israel has ignored the Bedouin's historical presence in the region and has sought to transfer and concentrate the population into a small geographic area in the northeastern Negev – in order to confine their living space and free up the most fertile areas of the Negev for Jewish agricultural settlement. The state continues to deny recognition to the Bedouin villages and to deny the villagers their right to their own soil which they have lived upon and worked for many years. The residents have paid a heavy price for this policy – exclusion, alienation, and the deprivation of their basic human rights – while they continue to live in deplorable, discriminatory conditions and suffer increasing social problems. This situation represents an open wound that refuses to heal, precluding the healthy development of the Negev and its residents, Arabs and Jews alike.

I. Unrecognized Villages in the Negev

Prior to the founding of the State of Israel, some 70,000 Bedouin Arabs lived in the Negev, primarily in the northwest Negev, where they subsisted from agriculture and from raising sheep and cattle¹. It is estimated that until 1948 the Bedouin settled on and cultivated between 500,000 – 750,000 acres of Negev land². In 1948, over the course of the war, most of the population was evicted from or abandoned the area. After the war, according to various estimates, between 11,000 -18,000 Bedouin remained³.

The problem of the unrecognized villages came into existence together with the birth of the State of Israel. In the early 1950's, Israel decided to concentrate the remaining Bedouin into an area of the northeast Negev between Be'er Sheva, Arad, Dimona and Yeruham, which became known as the *Siyag* ("fence") area. Some Bedouin were already living in the area in pre-state villages, while others were forcibly moved there, under martial law, from their previous villages outside of the *Siyag*⁴. On the grounds of security needs, entire tribes, such as the el-Azazma and the el-Okbi, were relocated from their lands⁵. They were told, more than once, that this relocation was temporary and would last for only six months, but in reality all the tribes that left their ancestral lands were never allowed to return⁶.

With the eviction of the Bedouin from their native villages, the state declared their lands to be "closed military zones" and entry to them was forbidden⁷. Like the rest of the Arab population in Israel, the Bedouin lived under martial law until 1966. They were neither permitted to return to their lands by the military government, nor were they given property rights to the lands where they were relocated, and as such, they have been living as an internally displaced people in Israel for more than 60 years. Even those Bedouin living in the *Siyag* region before 1948 and who continued to live there afterwards have not had their land rights recognized by the state.

The forced eviction and concentration of the Bedouin population were part of a deliberate policy aimed at limiting the physical distribution of the Arab population in the Negev. Relocated Bedouin were forced to undergo an urbanization process that necessitated giving up their way of life, their culture and their traditional economy, which was based on raising cattle and farming. All this was so that large areas of the Negev could be emptied and handed over to the Jewish population, largely for the benefit of Jewish settlements whose regional councils control a decisive majority of land reserves in the Negev. Through this process, some 95% of the Negev territory outside the area of the *Siyag* was cleared of Arab residents. Land in these areas was transferred to new *kibbutzim* and *moshav* farming communities, which proceeded to work the soil⁸. The Bedouin currently reside in an area of between 75,000 – 85,000 acres, or approximately 3% of the Negev territory which stretches out over 3 million acres⁹.

Today, about 90,000 Bedouin, half of the Negev population, live in seven urbanized Bedouin townships

¹ Meir, Avinaom, *Tension Between the Negev Bedouin and the State: Policy and Practice*. Jerusalem: Floersheimer Institute for Policy Studies, p. 7, 20-23, 40-43 (1999).

² Porat, Hanina, "The State of Israel's Processes and Left Wing Alternatives to the Solution of the Bedouin Question in the Negev, 1953-1960" *Iyunim bi-tekumat Yisrael 10*: p. 420-421 (2000).

³ Porat, p. 400

⁴ Regarding the creation of the plight of the unrecognized Bedouin villages and their residents, see the Goldberg Committee Report: http://www.moch.gov.il/SiteCollectionDocuments/odot/doch_goldberg/Doch_Vaada_Shofet_Goldberg.pdf;

See also: Swirsky, Shlomo and Hasson, Yael, *Transparent Citizens: Government Policy Toward the Bedouin in the Negev*. Tel Aviv: The Adva Center (2005) at: <http://www.adva.org/uploaded/NegevEnglishSummary.pdf>

Meir, Lucy, *Off the Map: Land and Housing Rights Violations in Israel's Unrecognized Bedouin Villages*. Human Rights Watch at: <http://www.hrw.org/en/node/62284/section/7>

⁵ Shoughry-Badarné, Bana, *Rights of the Arab Population in the Negev – Position Paper*, Submitted to the Goldberg Committee, The Association for Civil Rights in Israel (ACRI), p. 2, 13 (2008), at:

http://bit.ly/Goldberg_position_paper_eng

⁶ Noach, Chaya, *There and Not There – Unrecognized Bedouin Villages of the Negev* (Hebrew), p. 30 (2009)

⁷ Swirsky and Hasson, (see n. 4)

⁸ *The Arab-Bedouins of the Naqab-Negev Desert in Israel*, Shadow Report submitted to the UN CERD, The Negev Coexistence Forum for Civil Equality (2006), at: <http://www2.ohchr.org/english/bodies/cerd/docs/ngos/NCF-IsraelShadowReport.pdf>

⁹ Abu-Ras, Thabet, "Land Disputes in Israel: The Case of the Bedouin of the Naqab", in Adalah's Newsletter, Vol. 24 (2006) at: <http://www.adalah.org/newsletter/eng/apr06/ar2.pdf>

established after the end of martial law. Another 90,000 Bedouin live in 45 villages and ex-urban settlements. Ten of these are currently in the process of being recognized and included in regional planning¹⁰, while the remaining 35 villages have not yet been recognized and are not regulated by regional or municipal planning and zoning. As noted above, some of these villages were in existence before the establishment of the state, while others were created after 1948 following the eviction and transfer of the population. Master plans for the northern Negev, prepared in accordance with the Planning and Building Law enacted in 1965, entirely ignored the existence of the Bedouin villages and their residents' land rights. In the master plan, Bedouin lands were designated as agricultural land, or under other such headings as industrial, military, infrastructure, etc., all with the same result – that residential construction in these areas was prohibited. As a result, the Bedouin villagers were placed in the impossible situation which has lasted to this day. They cannot legally obtain any building permits, and the homes in which they were born and raised and in which they eventually expanded their families are considered illegal by the state. These homes are perpetually under the threat of demolition and of incurring fines. It should be obvious that any construction without permits in the unrecognized villages is performed not out of a desire to break or flout the law, but out of necessity – a necessity created by the state policy which refuses to recognize the Bedouin rights to their land.

The residents of the unrecognized villages are, to a large extent, invisible citizens¹¹. They are denied their most basic rights; their villages are not connected to the national water supply, electricity grid, or sewage system; essential services such as education, healthcare and welfare services are provided only partially and then inadequately; and the state refuses to recognize their traditional ownership of their land.

In the mid-sixties, with the end of martial law, Israel continued its policy of concentration and confinement of Bedouin living space in the Negev. This was accomplished through the establishment of the seven townships built specifically for the Bedouin population¹², but without consulting with the Bedouin leadership and without taking into account their agricultural way of life or the social structure of their communities. As mentioned, approximately 90,000 residents or one half of the Negev Bedouin live in these townships, most of them displaced people evicted from their ancestral lands. (Those who continued to reside on their lands were not resettled in the townships). All seven townships have an urban character without any agricultural infrastructure. Israeli planning authorities did not offer the population any settlement alternatives of a more rural, agricultural nature that would have been more appropriate to the Bedouin lifestyle, despite the fact that many such communities exist in Israel.

Though the Bedouin townships have been in existence for twenty years or more, they still lack adequate urban and economic infrastructure¹³. Neglected by the government, they are among the poorest communities in Israel¹⁴. Town residents suffer from poverty, unemployment, crime, limited education, and poor health, both in relation to Jewish communities and to other Arab communities in Israel. As the townships were built, in part, on land expropriated from other Bedouin claiming ownership of the land, development has been inhibited, because Bedouin refuse to live on the land of the other Bedouin without their consent. The result has been extremely high density in the populated areas of town. Only a small minority of Bedouins views these townships as a reasonable housing solution, and there are reports of residents leaving the towns and returning back to the unrecognized villages¹⁵. The denial of essential services to the residents of the unrecognized villages is one manifestation of the state's concentration and urbanization policy. It represents both a means of punishment and a mechanism to pressure the villagers into moving to one of the seven townships.

¹⁰ These villages are in various stages of recognition and the arrangement of their planning status, and they are incorporated within the Abu Basma Regional Council. It should be noted that the planning and development of most have not adequately progressed.

¹¹ Swirsky and Hasson, p. 4

¹² Tel Sheva was established in 1969, Rahat in 1971, Segev Shalom in 1979, Kseifa and Arara ba-Negev in 1982, Laqye in 1985, and Hura in 1989.

¹³ Swirsky and Hasson, p. 21

¹⁴ The townships are at the bottom of the socio-economic rankings of towns and regional councils in Israel. See Table 4 – Regional Councils by Socio-Economic Index, Ranking, and Cluster Membership on the website of the Central Bureau of Statistics: http://www.cbs.gov.il/hodaot2009n/24_09_244t4.pdf

¹⁵ For a more detailed look at the condition of the Bedouin townships, see Lucy Meir, *Off the Map* p. 10-11, 66-71; and Swirsky and Hasson, p. 21-25.

The idea that the Bedouin should be concentrated in as small an area as possible within the *Siyag* remains at the heart of government policy to this day. The goal of this policy is to solidify political control over the Bedouin and to minimize, as much as possible, the cost of the physical and social infrastructure in their place of settlement¹⁶.

While refusing to recognize the Bedouin villages, Israel continues to employ a discriminatory concentration policy towards their residents, cutting them off from their former rural way of life and depriving them of their land rights. At the same time, the state continues to establish new rural Jewish settlements in the Negev. More than one hundred Jewish settlements exist today in the Be'er Sheva district, with an average population of only 300 residents¹⁷. Additionally, there are dozens of isolated farms that have been built without permits, though the government has at times decided to recognize their status retroactively and include them in regional planning¹⁸.

The pitiful conditions of the unrecognized villages in the Negev are reflective of the government's policies over the years – policies which view the Bedouin as squatters even while they dwell on their historic lands; policies which refuse to recognize Bedouin villages and grant them regulatory planning status and/or municipal status; and policies which refuse to recognize Bedouin ownership rights over their lands.

II. Violation of basic rights of the Negev Bedouin population

I. Violation of the right to equality

The right to equality is a Basic Right that is central to Israeli law¹⁹. Incumbent with the right to equality is the state's obligation to refrain from illegal discrimination, as well as its obligation to employ affirmative action in order to achieve greater equality. This obligation is especially applicable in the allocation of land resources, which are necessarily limited, and in the distribution of land usage rights which are regulated by Israel's planning authorities.

The Negev Bedouin population, in relation to the Jewish population, is one that is discriminated against. The inequality between the two groups has been well documented in many studies and papers,

¹⁶ Avinaom Meir, p. 20.

¹⁷ These figures are based on an analysis of CBS and Interior Ministry data carried out by planning expert Nili Baruch of Bimkom, and were published on the Ynet news site in an article entitled, "Negev Bedouin? You are not Recognized" (Hebrew) at: <http://www.ynet.co.il/articles/0,7340,L-3562139,00.html>

¹⁸ The Negev Development Authority Law (Amendment 4) 5770-2010, which was passed by the Knesset on 12.07.2010 gave the Negev Development Authority the authority to establish guidelines and criteria for the recognition of farms and to allow them to make use of Negev lands for agriculture and tourism, including permits for building residential housing for those managing the farms. Regarding already existing farms, the law established guidelines allowing them to remain on the ground and receive recognition *ex post facto*. This retroactive arranging of status for farms is an expression of Israel's official policy, which we can also deduce, *inter alia*, from the government spokesperson announcement dated 15.7.07 regarding the appointment of a inter-ministerial committee "**which will act to arrange status for existing individual farms**, and will recommend guidelines for establishing additional individual farms in the Negev and in the Galilee." For the full announcement in Hebrew, see section 6 of:

<http://www.pmo.gov.il/PMO/Archive/mazkir/2007/07/govmes150707.htm>

¹⁹ A long list of court rulings enshrine the constitutional status of the right to equality, following the enactment of the Basic Law: Human Dignity and Liberty. The practical significance of the right to equality is that the state must ensure equality between people and not discriminate on the basis of religion, nationality, or any other factor. The violation of the right to equality harms the discriminated group's sense of belonging, it humiliates and erodes their motivation to participate in and contribute to society. A society in which discrimination is practiced is not a healthy one.

See: HCJ 5394/92 **Hoppert v. Yad Vashem**, IsrSC 48(3) 353, 362; HCJ 721/94 **El-Al Israel Airlines Ltd v. Danielowitz**, IsrSC 48(5) 749, 760; HCJ 453/94 **Israel Women's Network v. The Government of Israel**, IsrSC 48(5) 501, 526-1; HCJ 4541/94, **Miller v. Minister of Defense**, IsrSC 49(4) 94, 133; HCJ 1113/99 **Adalah v. Minister of Religious Affairs**, IsrSC 54(2) 164, 186; HCJ 6427/02 **The Movement for Quality Government in Israel v. the Knesset**, 26-31 (not yet published); and HCJ 104/87 **Nevo v. National Labour Court**, IsrSC 44(4) 749, 760;

and has been underscored in numerous court rulings, government decisions, state comptroller reports and other official documents. Among the areas that stand out in terms of discrimination towards Arab citizens are land allocation, planning and housing²⁰. At the same time that the state has built dozens of rural Jewish settlements and isolated farms throughout the Negev, it continues to confine the Bedouin in the northeast Negev through a policy of population concentration, depriving them of their agricultural way of life and their land rights. Manifestations of this discriminatory policy are evident in the state's refusal to recognize the Negev Bedouin villages and in denying essential services to their residents: water, electricity, education, and healthcare.

In this context we should note the findings of the Or Commission which, in its report, assigned critical importance to the issue of land, and recommended that the state act to allocate lands to the Arab population according to the principles of equality and distributive justice. The Or Commission also acknowledged the explosive emotional aspect of the struggle over land and determined that the state is obligated to “allocate land according to the principles and perceptions of equality, as is done with other sectors²¹.” The Goldberg Committee, too, made several significant determinations regarding the status of the Bedouin Negev²². It rejected the treatment of the Bedouin as squatters and recognized them as legitimate residents of the Negev and Israeli citizens. As such, the committee found that it is incumbent on the state to treat the Bedouin as equal citizens with full transparency, taking into consideration their needs, and involving them as partners in the planning processes that will determine their future²³. The Goldberg Committee further determined that the government policy in place towards the Bedouin reflected an improper and ineffective approach to the problem²⁴. Nevertheless, in most cases, state policy in the Negev continues to ignore these determinations.

One of Israel's most obvious violations of the right to equality is in the discriminatory planning directed against the Bedouin community. Government policy regarding Bedouin settlement has always been characterized by blatantly discriminatory planning, as expressed in the regional master plans that regulate settlement in the area. Whereas the government has employed a policy of population dispersal for Jewish settlement, their policy towards the Bedouin has been one of population concentration in as little an area as possible, by denying local Bedouin the ability to legally reside in their own villages and preserve their way of life.

As noted in Chapter I, the Bedouin were initially concentrated into a small area of the northeast Negev and were subsequently concentrated even further, when many were pressured into moving into one of the seven Bedouin townships established by the Israeli government in the sixties. Later, thanks to the persistent struggle of residents of the unrecognized villages, ten such villages were added to the ranks of Israel's legitimate communities and were incorporated under the Abu Basma Regional Council. These ten villages are currently in various stages of planning, regulation and recognition. However, excepting these ten, the state continually refuses to recognize the remaining 35 unrecognized villages and has attempted to make their residents' lives unbearable by enforcing the Planning and Building Law provisions against “illegal building”: issuing fines and demolition orders, withholding essential services such as healthcare, education, and welfare services, and refusing to connect the villages to the national water and electricity systems.

The following table²⁵ illustrates the discriminatory planning policies in the Beer Sheva District:

Table 1: Jewish and Arab communities in the Be'er Sheva District

	Jewish	Arab
Number of rural settlements	112	45
Total population of rural settlements	~ 34,500	~ 80,000

²⁰ **Or Commission Report** – Official Commission of Inquiry into the October 2000 Events, paragraphs 19, 27, 30, 31-45. For an English summary of the report, see: <http://www.adalah.org/features/commission/orreport-en.pdf>

²¹ Or Commission Report, Chapter 6, paragraph 13.

²² Goldberg Committee Report

²³ Goldberg Committee Report, Article 71

²⁴ Goldberg Committee Report, Article 71

²⁵ Cesar Yehudkin, *Unrecognized Villages in the Negev: Recognition and Equal Rights* (Hebrew), position paper submitted to the Or Commission, Bimkom, p. 4, 8 (2007). See: <http://www.bimkom.org/publicationView.asp?publicationId=116>

Population of smallest settlement	~ 50	~ 300
Population of largest settlement	~ 1,300	~ 5,000
Average population of settlements	309	1,740

Such discriminatory planning policies violate the basic rights of the Bedouin villagers, and violate their right to equality in realizing these rights. When residents of the unrecognized villages see small Jewish communities enjoying the full complement of essential services that they are denied, they cannot help but experience humiliation, feelings of abandonment, oppression, and decreased worth – which only intensifies the indignity suffered from the violation of their rights.

II. Violation of the right to dignity, and to housing appropriate to their way of life and culture

The right to dignity is one of Israel's most important constitutional rights, and is enshrined in Israel's Basic Law: Human Dignity and Liberty. Human dignity includes the right to adequate living conditions and the right to preserve one's cultural character.

The Bedouin Arab population of the Negev has unique cultural characteristics. Because it is part of an indigenous ethnic and religious minority, i.e. a homeland minority, the state has the obligation to guarantee its right to preserve its culture and way of life. When state authorities, chief among them the planning authorities, seek to impose an urban lifestyle upon the Bedouin, they convey a message contemptuous of their traditional lifestyle. Through their policy of not recognizing rural Bedouin villages, the state in effect prevents the Bedouin from practicing their traditional way of life. The injury to their dignity is magnified by the fact that they are being forced to give up their traditional rural lifestyle while all around them dozens of rural communities and isolated farms are being established almost exclusively for the Jewish population. This adds insult to injury.

One of the results of the state's refusal to recognize Bedouin villages is that these villages have no master zoning plan, and consequently their residents cannot obtain building permits in accordance with the Planning and Construction Law. Accordingly, all buildings in these settlements are considered illegal, even though some have been in existence since before the founding of the state. Given this, and because of the basic human need for shelter, the Bedouin are forced to build without permits. Rather than recognizing the Bedouin communities and regulating them within regional and municipal zoning plans – which would enable residents to build their homes in accordance with the law – Israeli authorities have instead adopted a policy of home demolitions in the unrecognized villages. Between 2004 and 2006, approximately one thousand demolition orders (some administrative, some court-ordered) were issued for buildings in the unrecognized villages, and about one third of those orders have been carried out²⁶. In 2010 the state decided to triple the number of house demolitions in the Negev²⁷.

The continued refusal to recognize Bedouin villages coupled with the state's demolition policy serves a means to pressure the local population into leaving their ancestral villages and moving into permanent settlements, i.e. the townships. Despite the severe pressures, only about half of the Bedouin have agreed to move to these permanent communities, while the rest continue to dwell in their villages despite the harsh conditions there. This illustrates that the state's demolition policy not only violates the Bedouin's fundamental rights to dignity and adequate living conditions, it is also ineffective. While the policy aims at cowing the Bedouin into submission, it has succeeded only in sowing the seeds of distrust and alienation between the Bedouin population and the government.

III. Refusal to recognize the Bedouin system of land acquisition

Contrary to popular belief, the Bedouin are not squatters. They are residents of the Negev who have lived there for generations, and for many years have employed an organized, traditional system of property acquisition. This mechanism is still in use to this day, and is utilized by the Bedouin to record transactions, regulate costs, and resolve conflicts. This traditional system of property acquisition

²⁶ Yehudkin, p. 15

²⁷ Yagna, Yair, "Israel to triple demolition rate for illegal Bedouin construction", Ha'aretz online, 18.02.10, at: <http://www.haaretz.com/print-edition/news/israel-to-triple-demolition-rate-for-illegal-bedouin-construction-1.263510>

evolved within the cultural and political autonomy that the Bedouin enjoyed until the beginning of the 20th century. It was affirmed and honored by Ottoman rule, British rule, and also in part by the Israeli government during the first few years of the state²⁸. The Israeli government classified the lands held by the Bedouin until 1948 as *mawat* (“dead land” – uncultivated, unassigned, and uninhabited), and thus available for registration as “state lands.” Among the arguments used to justify this decision was the fact that the lands were not registered in the official Land Registry in the name of their Bedouin owners²⁹.

The classification of these lands as *mawat* denied the Bedouin their historic connection to the land and severely injured their land rights. It is our position, however, that the lack of recorded entries in the Land Registry do not necessarily attest to a lack of ownership and the land's subsequent designation as *mawat*. The Bedouin did not register in the Land Registry for both historical and cultural reasons: the Ottoman institutions of government were alien to them, some were unaware of the registry, and some feared forced conscription into the army, amongst other reasons. In particular, the Bedouin did not believe that the land could be classified as *mawat* because it was handed down to them through inheritance. Additionally, the process of land classification carried out during the British Mandate, in which many land owners in northern and central Israel were registered, was not performed in the Negev, and hence the registration mechanism was remote and inaccessible to Negev residents³⁰.

Another major reason that the Bedouin did not record their ownership in the Land Registry stems from the existence of their own traditional system of property acquisition, which for years had been used to settle matters of property ownership among the Bedouin. This mechanism divided the land into territories divided between the various groups in the Negev. Within each territory, land was divided among families, either by historical status or by a traditional sales agreement, which the ruling Ottoman and British authorities both upheld. The Ottoman and British recognition of this ownership mechanism created the impression among the Bedouin that registration in the government Land Registry was unnecessary for the recognition and preservation of their land rights. Thus the non-registry of lands cannot be used as grounds for classifying them as *mawat*, and cannot negate the historical rights of the Bedouin to these lands that they lived on and worked for generations³¹.

Almost all the Bedouin land was registered in internal documents, but not in the British Land Registry. Nevertheless, the State of Israel took an entirely different approach from that of the British Mandate and the Ottoman Empire, taking advantage of the lack of official registration in order to deny the Bedouin ties to their lands and their ownership claims. The state chose to contest Bedouin ownership claims and compete with them, while completely ignoring their traditional system of land acquisition recognized by the Negev's previous rulers.

Given the legal ramifications of the government's refusal to recognize the historical rights of the Bedouin on the ground, and given the unequal power relations between the Bedouin and the state, Bedouin citizens face an almost impossible situation. The validity of their system of land acquisition, which operated for generations as an integral part of their culture and tradition, has not been recognized by the Israeli legal system and was ushered out of existence with the wave of a hand. Even when they choose to have their day in court, the Bedouin come to the table at a distinct disadvantage, not because their cause is unjust or their claims are untrue, but because they face an entire system that does not recognize their way of life, their culture, and their traditional ownership mechanisms.

The state's ongoing refusal to honor the historic land rights of the Bedouin, and their refusal to recognize traditional Bedouin ownership mechanisms represent a severe injury to the Bedouin, their property rights, their right to adequate housing, and their right to preserve their way of life which is intimately connected to the earth. Such behavior runs counter to the norms of international humanitarian law, as detailed in the following chapter.

²⁸ Yiftachel, Oren, *Expert opinion regarding the heirs of Suleiman el-Okbi and ownership of the plot known as “Arakib 1”* – expert opinion submitted as testimony in the ongoing legal proceedings in Be’er Sheva District Court (2010)

²⁹ Yiftachel, *Expert Opinion*. The state claimed that since the Bedouin had not registered the land in 1921 in response to the British land accounting, and since (according to the state) there were no villages in the area during the same period, the lands were in fact *mawat* and thus were rightfully registered as state lands.

³⁰ Yiftachel, Oren, “Towards recognition of Bedouin villages?” (in Hebrew), *Tichnun*, Vol. 6:1, p. 165, 172 (2009).

³¹ Yiftachel, “Towards recognition”, p. 173

III. Treatment of Bedouin violating international norms

Israel's violation of Bedouin rights runs counter to the norms of international humanitarian law, which, through a number of international declarations and charters, has singled out for protection the rights of minorities in general and homeland minorities in particular. Israel is a signatory to many of these, which enshrine minorities' rights to equality,³² to property,³³ to adequate housing,³⁴ and to the preservation of their cultural character.³⁵ Indeed, the Negev Bedouin fit the classic description of a homeland minority: a distinct population with unique religious and cultural characteristics, organized by traditional social structures and rooted by their way of life to their land, who are subject to new rule by a modern state that threatens their culture and property.³⁶ Because of their vulnerability, homeland minorities have been singled out for special protection under international humanitarian law, and these protections have been enshrined in the *United Nations Declaration on the Right of Indigenous Peoples*.³⁷ Though the declaration carries no legal obligation incumbent on the State of Israel, it does reflect the international norms regarding the rights of indigenous peoples.

These norms, as formalized in the declaration, include the obligation not to forcibly remove indigenous peoples from their lands or their living areas; and not to resettle them without their free, informed consent and without full and fair compensation³⁸. Additionally, indigenous peoples retain their rights to own, control, and make use of their historic ancestral lands, the territories and the natural resources that they control through their traditional ownership; and they have the right to regain those lands and resources that were forcibly taken from them³⁹. The declaration established that states must grant recognition and legal protection to the land, territory, and natural resources belonging to, or under the control of, indigenous peoples. Such recognition should be given while respecting the indigenous people's leaders, their heritage, and their traditional ownership mechanisms. Furthermore, the Declaration enshrines the state's obligation to provide indigenous peoples with an effective mechanism to prevent the coerced transfer of property which could harm their rights as a community⁴⁰. General Comment 23 to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), adopted by the Human Rights Committee in 1997, states that racial discrimination against indigenous peoples is prevalent in various regions of the world, and that because many indigenous peoples have lost their land and their natural resources, their culture and their historical identity are consequently in jeopardy⁴¹.

The various UN committees that examine countries' compliance with human rights obligations under international conventions have repeatedly pointed out the rights violations suffered by the Negev Bedouin at the hands of the Israeli government. Over the years, the Negev Bedouin have featured in

³² The right to equality is one of the most fundamental of human rights. The prohibition against discrimination appears prominently in the International Covenant on Civil and Political Rights (ICCPR) (1996) which enshrines in Article 2.1 the right to equality and in Article 26 the obligation for state laws to offer effective protection from discrimination.

³³ The Committee on the Elimination of Racial Discrimination (CERD) gave special prominence to Comment 23 regarding the rights of homeland minorities, especially regarding the ties between indigenous peoples and their historic lands and protection of their ownership rights.

³⁴ Article 11 of the International Covenant on Economic, Social, and Cultural Rights enshrines the right of all people to minimally adequate living conditions, including the right to housing.

³⁵ Article 27 of the ICCPR obligates states with ethnic, religious and/or linguistic minorities to allow members of those minority groups the right to practice their culture and religion and observe its precepts, as well as to speak their language. The ICERD broadens the protections on the rights of minorities, first and foremost homeland minorities, and grants them the right to preserve their collective culture. General Comment 23 of the CERD attributes special significance to the preservation of the culture of homeland minorities, and similarly to the ties between indigenous peoples and their lands, and to the relationship between their connection to the land and the preservation of their culture and way of life.

³⁶ *United Nations Declaration on the Right of Indigenous Peoples*, which was adopted by the General Assembly on 13.9.07.

³⁷ *Idem*.

³⁸ *United Nations Declaration on the Right of Indigenous Peoples*, Article 10

³⁹ *United Nations Declaration on the Right of Indigenous Peoples*, Articles 1, 2, and 26

⁴⁰ *United Nations Declaration on the Right of Indigenous Peoples*, Article 8(2)(c)

⁴¹ Article 3 to General Comment 23 of the CERD, dated 18.08.97

almost every report of the UN committee that monitors human rights abuses in Israel. From the perspective of international law, to which Israel has committed herself, the treatment of the Bedouin represents a dark stain on a country that considers itself respectful of human rights. It was not unintentional that the various UN declarations and charters established international standards for the protection of human rights, and Israel is obligated to uphold those standards, both in its policies and in practice.

We present two examples from recent years:

The concluding remarks of the UN committee overseeing the implementation of ICERD, from March 9, 2007, serve to strengthen Israel's obligation to respect and help realize the rights of the Negev Arab-Bedouin population – namely their rights to equality, to preservation of their culture, as well as their property rights⁴². The committee expressed its deep concern over Israel's intention to uproot residents of the unrecognized villages and to resettle them in townships. It recommended that Israel investigate alternative options, giving special priority to recognizing the existing Bedouin villages, while at the same time increasing its consultation with village residents. The committee further called upon all nations to provide the necessary conditions so that indigenous peoples can create a sustainable economy and promote social development in accordance with their cultural values. At the same time, it called on the nations to refrain from establishing policies affecting indigenous peoples without their consultation and consent.⁴³

The conclusions of the UN Human Rights Committee monitoring the implementation of the International Covenant on Civil and Political Rights (ICCPR), from July 29, 2010, also make reference to the ownership rights of the Negev Bedouin. The Committee's concluding remarks include explicit mention of the Negev Bedouin (Article 24 of the conclusions)⁴⁴. They express concern regarding incidents of forced eviction of the Bedouin population, and the lack of consideration given to the traditional lifestyle and needs of the Bedouin population in the planning and development of the Negev. The Committee called upon Israel, amongst other nations, to respect the rights of Arab Bedouin citizens to their ancestral lands and to ensure their access to healthcare and educational services, and to water and electricity, regardless of their place of residence, including in unrecognized villages.

IV. Important intermediate steps on the path to recognition

A. Gradual recognition of Bedouin villages

The Arab Bedouin have engaged in a long and persistent struggle, both in the courts and the public arena, for the realization of their civil rights and for the recognition of their villages. This struggle continues despite the injurious policies of the government directed at them and the appalling living conditions they must endure as residents of unrecognized villages. There have been some limited successes. For example, ten of the existing Bedouin villages have been brought under municipal regulation and incorporated under the Abu Basma Regional Council. These villages have been recognized by state authorities and some have even completed all the necessary planning procedures, yet they still have no running water, no electricity, and lack and other essential services. Moreover, the threat of demolition continues to hover over some of their homes. Limitation of space precludes a full description of all the various aspects of the Bedouin's public and legal struggle, so instead here we will focus on the various intermediate way-stations on the path to eventual recognition.

B. The right to health and education

One of the most serious consequences of the government's refusal to recognize Bedouin villages is the resulting harm in the provision of adequate healthcare and education to residents. We don't need lengthy descriptions in order to realize the vital importance of these services and the impact that an absence or dearth of these services will have on a population.

Over the years, various petitions have been submitted with the Supreme Court regarding the lack of kindergartens, schools and medical clinics in Bedouin villages, and the inadequacy of existing services

⁴² Concluding observations of the Committee on the Elimination of Racial Discrimination: Israel (2007).

⁴³ *Ibid.*, paragraph 25.

⁴⁴ For the text of these remarks see: <http://www2.ohchr.org/english/bodies/hrc/docs/CCPR.C.ISR.CO.3.doc>

(such as schools and clinics not connected to electricity or lacking proper access)⁴⁵. Following these petitions and pressure from the court, the state did establish school buildings and healthcare facilities in some of the petitioning villages, while other villages remained untouched. In 2004, the National Council for Planning and Building approved a partial regional master plan, RMP 40/14/4, which allowed for the placement of mobile trailer buildings outside of the seven townships in order to provide essential services to the Bedouin population. The plan included instructions for sixteen such temporary centers to be established in a number of different villages until the completion of the planning process and approval of the detailed plan for establishing permanent Bedouin settlements, or until permanent buildings could be erected to provide these services to the local population⁴⁶. In 2005, the Ministry of Education transferred responsibility to the Abu Basma Regional Council for providing educational service to the entire Bedouin population residing in unrecognized villages.

C. The struggle against discriminatory planning

Another important yardstick in the struggle to achieve recognition is the battle against discriminatory planning policies, such as those described in Chapter 2 above. In 2000, a Supreme Court petition⁴⁷ was filed against the National Planning and Building Council, challenging the legality of the regional master plan for the southern region (RMP 14/4) for not including the Bedouin villages and not offering any settlement solutions for the Bedouin outside the seven townships. The petition sought the amendment of the plan such that rural settlements for the Bedouin would be included in it, with guidelines that would take into account, to the greatest extent possible, the needs and aspirations of the community. As a result of the petition, Israel's planning authorities committed themselves, before the Supreme Court, to come up with a fair and appropriate solution presented within the context of the Outline Plan for the Beersheba Metropolis⁴⁸. The authorities further promised that rural settlements for the Bedouin would be one of the planning solutions considered, and that the issue would be decided in coordination with the local population, with the participation of Bedouin representatives and with consideration for Bedouin needs. When these obligations were not honored and the aforementioned metropolis plan continued to ignore, as it had in the past, most of the unrecognized villages, the residents of the villages together with organizations for social change (include the signatories of this document) decided to submit their principled objections to the Outline Plan for the Be'er Sheva Metropolis. Arguments regarding these objections were heard by researcher Atty. Talma Duchan, who was appointed by the National Planning and Building to investigate and report on the matter.

2. Principle findings of the Talma Duchan report regarding objections to the Metropolis Plan

The findings and recommendations of the report were published in June 2010, and they contain several positive points – turning points – in the attitude of Israel's planning authorities toward the unrecognized Bedouin villages. According to the report's principle findings, the Bedouin villagers comprise a population with unique communal characteristics and a strong affinity for the area in which they reside. Any solution offered, in order for it to be practicable, must take these facts into account. The report takes another large step forward in considering the variety of settlement types that should be offered to the Bedouin villagers, and it recognizes the need to include the category of “rural settlement” in any future planning for the villages. Both in theoretical discussion of planning issues and in practice, the report recognizes the villages, and recommends that permanent status should be arranged for them. Nevertheless, a closer examination of the specific solutions offered for each individual village raises several fundamental problems, which in effect make most of the report's recommendations impracticable in their current formulation⁴⁹.

The report recommends arranging planning status for additional settlements, besides those already recognized, through a new land designation termed “combined rural/agricultural zone.” Within such designated areas, it will be possible to examine the possibility of recognizing existing villages or establishing new settlements. One of the principle problems of these recommendations is that they will

⁴⁵ See for example: HCJ 5221/00 **Abu-Gardud v. Regional Council Ramat Ha-Negev** [decided in 2000 – not yet published]; and HCJ 4540/00 **Abu-Afash v. Minister of Health** [decided in 2006 – not yet published].

⁴⁶ Yehudkin, p. 23

⁴⁷ HCJ 1991/00 **Abu Hamad vs. the National Planning and Building Council** [decided in 2007 – not yet published].

⁴⁸ Outline Plan for the Be'er Sheva Metropolis, DOP 4/14/23

⁴⁹ Based on an analysis carried out by planning expert Nili Baruch of Bimkom – Planners for Planning Rights (2010).

necessitate the transfer of some Bedouin from where they currently reside, leaving some existing villages without any solutions at all. This is illustrated in the table below⁵⁰:

Table 2: Suggested solutions as per the Talma Duchan report

Name of Village	Status in the Metropolis Outline Plan	Estimate Population (2010)
Al-Ghara Al-Humrah Bir Al-Hamam Bir Al-Mishash Zarnoug Za'roura Rakhamah Umm-Mitnan Dhahiyh Um al-Mila Hirbat Zbaleh	Reasonable opportunity to be recognized in their current location	19,050
Al-Surrah Al-Mezra'a Q'tamat Ghazzah Al-Mathbah Wadi Al-Mishash Wadi al-Ne'im Al-Sirr Sa'wah	Recognition through transferring the entire village as a community to a Rural-Agricultural Zone	13,950
Ba'at Al-Sra'ye Umm Rtam Al Bat Tel el-Milh Khirbat El-Watan H'ashem Zanne	Transfer of part of the village to a Rural-Agricultural Zone while leaving the rest in its current location	9,600
Al-Musa'idiyyah Al-Mekimen Aujan Twail Abu-Jarwal Abu Soleb Al-Buheirah Atir / Um al-Hiran Tel Arad	Eliminating the village and relocating its residents to the Bedouin townships	7,500
El-Arakib / Karkur Al-Grin (el-Okbi) Swayween	No solution	3,200

The recommendations of the Talma Duchan report were partially adopted by the Subcommittee on Fundamental Planning Issues (SFPI) on 20.7.2010,⁵¹ when it agreed to designate the areas referred to in the report as “combined rural/agricultural zones.” In specific areas of that zone, planning solutions will be provided through more detailed planning and zoning. Despite this positive development, the SFPI did not adopt those portions of the report with specific mention of the Bedouin population. As such, this represents a retreat from the report's important recommendations, which both in theory and practice recognize the Bedouin villages and seek to arrange status for them (subject to the reservations that we noted above.)

⁵⁰ This summary was prepared by Prof. Oren Yiftachel and planning expert Nili Baruch of Bimkom.

⁵¹ Protocol #434 of the Subcommittee on Principle Planning Matters, 20.7.2010, p. 25

The commitments undertaken by the planning authorities in the Supreme Court to include rural settlements and involve Bedouin residents in regional planning, and similarly the recommendations and guidelines included in Talma Duchan's report are important principles that should be put into practice. The transfer and concentration policies of the past have not only failed, they are unreasonable, discriminatory and injurious to the human rights of the Bedouin population. Any plan that seeks to evict citizens of state from their residences and to destroy their homes and villages is patently unjust, immoral and a violation of human rights enshrined by international law. In order for a plan to be workable, it must honor the distinct needs of the Bedouin population and their right to preserve their way of life by granting recognition to the villages in which they currently dwell. We should note here that we intend to continue our legal struggle against the planning authorities for as long as they continue to backtrack from the commitments they have made before the Supreme Court.

3. The Goldberg Committee – just another committee or a turning point?

Many are the committees that have proposed settlement solutions for the Negev Bedouin, and we will not enumerate them all here. Unfortunately, the sheer number of committees and proposals have not translated into any substantive change in the government's policy towards the Negev Bedouin⁵². The Goldberg Committee, however, represents a turning point in the attitude of state institutions towards the Bedouin, and its recommendations may very well form the basis for a change of direction in government policy – specifically if the implementation committee succeeds in taking the principles outlined in the Goldberg Committee report and moving them one step forward.

A. Aspects of the report promoting a solution

On a declarative level, the Goldberg Committee made several critically important statements:

- The Committee recognized that Israel's official policies toward Bedouin citizens in the Negev have been inappropriate and ineffective, and declared that Negev Bedouin must be viewed as equal citizens, that their needs must be accounted for, and that they must be involved in the planning that will determine their future⁵³.
- The Committee recognized the Bedouin as legitimate residents of the Negev and not as trespassers or squatters⁵⁴. This represents a turning point away from the common perception of the Bedouin, both in institutions of state and in the public's perception.
- The Committee recognized that the forced migration of the Negev Bedouin to the *Siyag* was one of the sources of the current conflict⁵⁵. In effect, the Committee recognized that those citizens forcibly removed from their ancestral historic lands and relocated in the *Siyag* constitute an internally displaced people.

The Committee also adopted important principles regarding a desired solution for the Negev, notable among them:

- The Committee found that the primary principle to be employed in arranging Negev settlement should be **recognition** of the existing villages⁵⁶. This a central principle of the report – recognizing the existence of Bedouin population in their current physical space. The Committee stated that "recognition of the unrecognized villages and their institutionalization, within the stipulations detailed above, will prevent the perpetuation of the current intolerable situation, with all its negative consequences."⁵⁷ This an extremely important recommendation, and it opens the door to a historic resolution of the conflict.
- The Committee recognized that the issue of land ownership claims lies at the heart of the

⁵² For a review of the alternatives offered to the problem of the unrecognized villages, see Yehudkin, p. 32-41.

⁵³ Goldberg Committee Report, Article 71

⁵⁴ *Idem.*

⁵⁵ *Idem.*

⁵⁶ Goldberg Committee Report, Article 108

⁵⁷ *Idem.*

Negev problem, and that without resolving this problem there is no point in any regional development efforts for any settlements – recognized, unrecognized, or in the process of being recognized.⁵⁸

- The Committee recognized the need to somehow quasi-legalize structures built without a permit, since the government will not offer any other construction solutions, and so that villagers can escape the cycle of home-demolitions and conflict⁵⁹.
- The Committee recognized the need to deal with the problem systemically, instead of piecemeal with various measures through parallel channels often leading to contradictory policies. The Committee also proposed to build a mechanism for the implementation of a systematic solution⁶⁰.
- The Committee recommended that the issue be treated as a disagreement between the government and its citizens. As such, it rejected the approach which views the conflict with the Bedouin as a clash of nationalist interests⁶¹.
- The Committee recognized the historic ties between the Bedouin and the land⁶². This statement represents a critical turning point in the state's attitude towards the Bedouin and contradicts the official position – advanced by government officials in legal proceedings – that the Bedouin lack any intrinsic connection to the land and are trespassers squatting on state lands.

B. Aspects of the report hindering a solution

- **Refraining from recognizing Bedouin ownership rights to the land**
Despite the important principles that the Goldberg Committee did recognize, it refrained from recognizing the ownership rights of the Negev Bedouin to their land, choosing rather to recognize “their general historical ties to these lands.” Although the committee broke unprecedented ground in acknowledging these historical ties – an admission of symbolic importance for the Bedouin whose relationship to the land they lived on and worked before 1948 had been denied by the government for decades – the principle issue of Bedouin land ownership rights was left unanswered. By all measures legal, moral, and historical, the Arab citizens of the Negev do have ownership rights to their lands deriving from customary law and tribal law, and as indigenous people who have dwelled on these lands for generations. These rights were recognized and honored by the region's previous rulers before the founding of the State of Israel. Recognition of the Bedouin's ownership rights to their lands lies at the heart of any solution.
- **Making recognition of Bedouin villages conditional on ill-defined criteria**
Although the Committee stated that Bedouin villages should be recognized whenever possible, it conditioned that recognition upon four criteria⁶³ whereas no parallel criteria exist for Jewish settlements, in the Negev or in elsewhere in Israel. We believe that **using objective planning criteria, it should be possible to recognize all the unrecognized Bedouin villages**, as detailed below. Following is a brief examination of the problematic and vague nature of the four criteria proposed by the Goldberg Committee.
- **“Minimum mass of residents”**
Israeli law does not set clear criteria for defining a place as a settlement, not in terms of minimum population nor in other terms. One of the official bodies that does use criteria for defining settlements is the Central Bureau of Statistics (CBS). According to the CBS, a

⁵⁸ *Ibid.*, Article 26

⁵⁹ *Ibid.*, Articles 108-109

⁶⁰ *Ibid.*, Articles 72-73

⁶¹ *Ibid.*, Article 72

⁶² *Ibid.*, Article 77

⁶³ Analysis of these criteria is based on the response to the Goldberg Committee Report by the RCUV dated 28.12.2008

settlement is a permanently inhabited community where at least 40 adults reside, where there is self-administration, where the community is not within the municipal boundaries of another settlement, and where the official planning institutions have authorized its establishment⁶⁴. The National Outline Plan for Construction, Development and Conservation (NOP 35) which took effect in 2005 sets the definition of an “existing settlement” as any regional council or local authority whose plans call for at least 50 residential housing units and which does not constitute a part of another settlement⁶⁵. Every one of the 35 unrecognized Bedouin villages meet the first three conditions of the CBS defining. The last two conditions are all dependent upon the formal recognition of the settlement, and as such they should not be used as preconditions for recognition. Additionally, all the unrecognized Bedouin villages meet the NOP 35 criteria of having 50 housing units.

In light of this, the Goldberg Committee's criteria of “minimum mass of residents” raises questions, as it is not grounded in any of the accepted criteria used by planning authorities, and thus does not meet the principle of equality. The committee did not determine the number representing this “critical mass” or any objective measures for determining that number, nor did it explain why there should be limitations on Arab settlements in the Negev that do not equally apply to other settlements. We recommend that any criterion applied to Bedouin settlement should, as of today, be equally applicable to Jewish settlement.⁶⁶ From a numerical standpoint, we see that all the unrecognized Bedouin villages are deserving of recognition, as all of them have a population of at least 400 permanent residents, and some even reach a population of several thousand⁶⁷.

- **“Municipal fitness”**

"Municipal fitness" is a vague concept that, to the best of our knowledge, is not explicated in any official documents. The Arab communities in the Negev have been fit enough to sustain themselves for many years, without any government investiture and despite the government's disregard for their inhabitants and their rights. In fact, it is entirely unclear what “fitness” means in this sense, and how the criterion would apply to the unrecognized villages when it is not being applied to new communities established for the Jewish population. Such differential and discriminatory treatment has no place in Israel, and thus we recommend that this criterion be abandoned. And if special criteria are required for recognition of settlements, perhaps they should include the residents' ties to the area, the presence of a cohesive communal social structure, an organized community identity, a local leadership council, and a working system for electing the settlement's representatives⁶⁸. If a community should meet all these criteria and still be proven lacking in “municipal fitness”, the state should apply the same municipal arrangements prevalent in many smaller rural settlements with limited capacity – i.e. the state should assist the community in joining a statutory regional council⁶⁹.

- **"That it accords with the master plan"**

This criterion is also unclear, since a master plan is not an external constraint, but the outcome of a governmental decision. If a village meets the requirements for recognition, then the master plan should be altered to match that determination, and not vice versa. If the Goldberg Committee meant that recognition of villages should be dependent upon the current master plans (which refuse to recognize the Bedouin villages or to even mark them on the map) then this condition is unreasonable. In proper planning, the existence of a settlement should take a decided priority over any other consideration – settlements should not be wiped off of the map for the sole reason that the master plan has a planned road running through it. But with this stipulation, the Committee introduces the opposite principle, that preferential status should be

⁶⁴ <http://www1.cbs.gov.il/ishuvim/ishuv2005/intro2005.pdf> (in Hebrew)

⁶⁵ http://www.mmi.gov.il/IturTabotData/tma/%D7%AA%D7%9E%D7%90%2035/tama_35.pdf (in Hebrew)

⁶⁶ Response to the Goldberg Committee Report by the RCUV, p. 8.

⁶⁷ The strategic plan of the RCUV that was written in 1997 recommended that any village with at least 50 housing units, 40 permanent adult residents, and an elected council should be granted recognition. According to RCUV data, at least 400 people were already living in each of the villages. Regional Council of Unrecognized Villages, *Plan to Develop a Municipal Authority for the Arab Bedouin Negev Villages – Draft for Discussion at the Steering Committee* (1999).

⁶⁸ *Idem*.

⁶⁹ *Idem*.

given to any entity marked on the master plan map over the existing unrecognized villages. This is all the more troubling considering the planning authorities' ongoing disregard for the existence of the villages and their policy of not marking them on their maps – the very policies that led to the problem of the unrecognized villages in the first place. This recommendation of the Committee is unreasonable, and is a direct extension of the current government policy that views recognition of the Bedouin villages (and thus the rights of their residents) as the lowest of planning priorities.

It should further be noted that the regional master plan was not yet prepared at the time the Goldberg Committee report was published, and thus this condition was purely theoretical. Additionally, the master plan has been amended dozens of times, including for reasons such as adding the isolated farms in the Negev to the plan. Similar amendments could be made in the plan to include the Bedouin settlements.

- **“Any other reasonable concern”**

The Goldberg Committee report stated that the government authority chosen to regulate Bedouin settlement may determine that “a village cannot remain in its current location”, for any of the reasons stated above and “for any other reasonable concern.”⁷⁰ This formulation broadens the range of reasons for which the government could order the eviction of village residents. With these words, the committee has given state authorities additional tools and excuses for denying additional Bedouin villages recognition. As such, it undermines its initial recommendation, which views recognition of the villages as the chief avenue for solving the problem of Negev settlement. Moreover, the Committee gives far too much discretion to the same administrative bodies that forestalled progress in reaching a solution for so many years. This stipulation delegates too much authority to an appointed authority, which does not represent the local Bedouin population, in deciding the fate of Bedouin settlements⁷¹.

- **Transfer of villages**

The Committee established rules regarding the transfer of Bedouin communities⁷², rules that do not exist *vis a vis* their Jewish counterparts. We staunchly reject the recommendation that a village's location may be moved, and we reaffirm that the appropriate principle for solving the problem is the recognition of all the unrecognized communities in their current locations (excepting unusual circumstances, e.g. a village too close to a source of dangerous chemical and industrial pollution such as Wadi Na'am, whose residents have agreed to relocate their community to an alternative location.)

We would like to emphasize the Committee's statement that the Arab residents of the Negev are not squatters, but legitimate residents of the area. Most of the unrecognized villages have been in their current locations since before the founding of the state, and those established afterwards were only built there because that is where the state relocated other evicted Bedouin. As such, it is the state's obligation to recognize these villages in their current locations and to guarantee that their residents have adequate access to essential services.

V. The need for a systematic, sustainable, and just solution, and for guiding principles for recognizing Negev Bedouin villages

The issue of Bedouin settlement is not only a legal/planning matter but one of political, social and economic dimensions with serious implications for majority-minority relations and for the entire face of the Negev. Israel's planning authorities are now faced with an historic opportunity to bring about a solution to this painful, pressing problem and to correct the years of injustice and neglect suffered by one of Israel's poorest communities.

To resolve the plight of the residents of the unrecognized villages, a systematic solution is required of Israel based on respect for human rights and the honoring of obligations under international humanitarian law that will allow for the correction of the historical injustice suffered by the Bedouin.

⁷⁰ Goldberg Committee Report, Article 112

⁷¹ Response to the Goldberg Report by the RCUV, p. 9

⁷² Response to the Goldberg Report by the RCUV, p. 9

Both the government and planning authorities have acknowledged the need for a general change in direction and the outline of a new policy in the matter. As mentioned above, the Goldberg Committee acknowledged that the primary solution to the regulation of Bedouin settlement lies in the recognition of the unrecognized villages⁷³. This is the guiding principle to any proposed solution, and the state should heed it well. As detailed below, this principle can be applied with regards to all the unrecognized Negev villages. The Goldberg Committee report also acknowledges that the question of land ownership lies at the heart of the conflict and that efforts should be made to resolve it. This is a significant recommendation, and for the state to accept it, it must effectively recognize the Bedouin system of property acquisition.

Similarly, the report of Talma Duchan, whose conclusions were adopted in part by the National Planning and Building Council, advanced a discussion of planning issues whose primary recommendation was to recognize the Bedouin connection to the areas where they currently live and to strive to arrange status for these villages, insofar as possible, in their current locations.

We call upon the state to adopt these principles and those outlined below, and to take the lead in their implementation. It should eradicate the policy of Bedouin population concentration and to refrain from any solution involving the forced transfer of a community from its current location. All proposed plans and solutions should be based on the principles of equality, respect for Bedouin culture and the Bedouin way of life, distributive justice, the recognition of Bedouin's historical rights and ownership right to their lands in the Negev, and the involvement of the Bedouin public in planning decisions, as detailed below:

1. Legal principles

A. The right to equality

Any realistic solution to the settlement issue in the Negev must stand up to the principle of equality. To realize this principle, the state must take into account the historical discrimination and ongoing injustice suffered by the Bedouin as a result of the non-recognition of their villages and their ownership rights. The planning status of the Bedouin communities should be measured against that of Jewish communities. Any settlement solution must meet the basic test of equality in the allocation of land resources and in the different types of settlement solutions offered, and affirmative action should be employed as a corrective measure towards achieving equality in these areas. The planning authorities should enable the Bedouin to preserve their way of life and to choose the settlement types that they prefer: rural, agricultural, urban or other, just as other population groups in Israel are given the same choice.

Any solution offered must meet the standards of distributive justice. First and foremost, the state should adopt and implement the recommendations of the Or Commission regarding the equitable allocation of land resources to the Arab population⁷⁴. The state must ensure that the Negev Bedouin have the same equal access to land resources as do the region's Jewish residents. As such, it cannot limit the Bedouin's living space to one specific geographic area, rather it should allow them to reside throughout the Negev and not solely in the *Siyag* area.

B. The right to dignity and preservation of the Bedouin way of life and culture

Any proposed solution must take into account the lifestyle of the Bedouin, as a population with unique cultural characteristics and as an indigenous, ethnic and religious minority. The state must ensure that the Bedouin are able to realize their right to preserve their culture and live in accordance with their customs and traditions. The state must provide them with conditions that will allow for economic and social development consistent with Bedouin culture – with its deep connection to specific lands, its traditional use of land resources, and in the traditional practices that are tied to the land such as grazing cattle and agriculture. The state should respect the proprietary connection of the Bedouin to their land, and should recognize the Bedouin system of property acquisition as one of their unique cultural characteristics.

⁷³ *Idem.*

⁷⁴ Or Commission Report, Chapter 6, paragraph 13.

C. The right to adequate housing

Any solution must uphold the right to adequate housing, including adequate living conditions. The state should recognize the Bedouin villages and allow their residents a roof over their heads without the constant threat of destruction. The state should employ comparable standards for the unrecognized Negev villages as in the Negev's Jewish settlements and arrange for them municipal planning status, so that Bedouin residents will have equal access to housing, infrastructure and essential human services without the taint of ethnic discrimination. The right to adequate housing includes the right to housing that is compatible with one's culture, and thus the state should allow the Bedouin a variety of settlement-type options that fit their way of life and culture.

D. Participation of the Bedouin public in planning decisions

Two of the key principles in public planning are that it must strive to promote the general public welfare and it must reflect the principles of fairness and social justice. These principles obligate the planner to give special consideration to the needs of society's weaker populations, whose choices are more limited than the general population's. Proper planning that seeks to meet these principles and fulfill this purpose must therefore take into account the needs and aspirations of its target population. It must seek ways to promote the community's welfare, give special consideration to its needs, and seek out ways to broaden the community's ability to choose and improve its quality of life.⁷⁵ In order to redress the discrimination in planning that the Bedouin have suffered for so many years, Israel's planning authorities must involve the Bedouin public in formulating appropriate, practical solutions that will help improve their quality of life. They must further involve the residents of the unrecognized villages in determining their own future by arriving at mutually agreed upon planning solutions.

E. Protection of Bedouin property and culture, and the prevention of coerced transfer of property

Any proposed solution must be consistent with the principles of protecting the property and preserving the culture of indigenous homeland minorities. Included is the obligation to not forcibly remove indigenous peoples from their lands or their living areas; and not to resettle them without their free, informed consent and without full and fair compensation. Any solution must also recognize the Bedouin's right as a homeland minority to own, control, and make use of their historic ancestral lands, the territories and the natural resources that they control through their traditional ownership, and they furthermore have the right to regain those lands and resources that were forcibly taken from them. The state must grant recognition and legal protection to the land, territory, and natural resources belonging to, or under Bedouin control, all while respecting their leadership, their heritage, and their traditional ownership mechanisms. Accordingly, the state must provide the Bedouin with an effective mechanism to prevent the coerced transfer of property which could harm their rights as a community.

F. Recognition of Bedouin proprietary system

The Bedouin traditional land acquisition system exists and is still in practice to this day. The Bedouin have always had a clear concept of proprietary territorial rights, and until the establishment of the state there were well-documented land transactions. The state must recognize the Bedouin's traditional property rights to their historic lands without competing for those same rights. Recognition of this traditional system of land ownership lies at the heart of any solution to the Negev settlement problem, and only through this recognition will we be able to correct the historical injustice and guarantee equal rights for the Bedouin citizens.

2. Recognition of Negev Bedouin villages on the basis of objective planning standards⁷⁶

As mentioned above, any workable solution to the problem must be based upon the recognition of the unrecognized villages in their current locations. In terms of planning, historical and social concerns, the appropriate criteria for granting recognition to any settlement should be: settlement size, the historic ties of residents to the place, a socially cohesive communal structure, and [the Physical Layout of the](#)

⁷⁵ From the Supreme Court petition in **Abu Hamad vs. the National Planning and Building Council**, p. 23-25. The full petition (in Hebrew) can be found on the ACRI website: www.acri.org.il/story.aspx?d=458

⁷⁶ Yehudkin, p. 7-9. These principles constitute some of the guiding planning principles for Arab settlement in the Negev and for recognizing those settlements, which form part of the alternative master plan of the RCUV written in cooperation with Bimkon. The alternative master plan has not yet been published.

Village . Under these criteria, all 35 of the unrecognized villages meet the requirements for recognition.

A. Size of settlement or community

The government of Israel is the only body that can decide whether or not to establish new settlements, and to this end Israel's planning and development authorities are subject to the government's authority. For this reason, there are no clear criteria regarding minimal population for granting recognition to a new settlement. As mentioned above, the CBS does determine that a "settlement" is a permanently inhabited community where at least 40 adults reside, where there is self-administration, where the community is not within the municipal boundaries of another settlement, and where the official planning institutions have authorized its establishment⁷⁷. From a planning perspective, the National Outline Plan for Construction, Development and Conservation (NOP35) which took effect in 2005 also asks the question of what constitutes a settlement. The NOP35 represents the considered and agreed-upon basis for planning and development in Israel over the upcoming years. NOP35 differentiates between three types of settlements: "existing settlements", "rural settlements" and "new settlements." An existing settlement is defined as any regional council or local authority whose plans call for the building of at least 50 residential housing units and which does not constitute a part of another settlement. A rural settlement is any settlement that numbers less than 2,000 residents as of 1995 and which was not a part of another settlement or local authority at the time. A new settlement is a place designated for residential housing, and which is not part of an existing settlement, without any criteria regarding population size⁷⁸.

The approach embodied by NOP 35 is relatively new. NOP31, which was in force until the approval of NOP35 included a much broader definition for the term "urban or rural center." Such was the name of a place meant for concentrating residents, whether it was recognized as a settlement or not by the local authorities⁷⁹. NOP31 further determined that it was possible to expand an existing settlement with less than 50 housing units without concern for whether or not it was recognized⁸⁰. That is to say that until two years ago, a settlement could be defined as a place where people lived, even if it had less than 50 residential homes, regardless of whether it was recognized by planning criteria or its status recognized by local government laws.

The unrecognized Bedouin villages meet all the objective criteria defined in NOP35, NOP31 which preceded it, and the CBS's guidelines, in terms of its permanent population, population size, number of resident adults, and number of residential units. The remaining criteria (inclusion in master plans, recognition by the authorities, being outside the jurisdiction of another settlement) are the products of governmental decisions, and they stem from the formal recognition of the settlement by state authorities. Today there are 46 Bedouin settlements in the Negev that meet these criteria. In every one, there reside between 400 and 4,800 people.

B. Residents' ties to the location

For decades, 45 Bedouin villages have remained in their same location, and no one can doubt the ties that villagers have developed to those lands. But while the government has denied those villages recognition since the birth of the state, there has been a parallel discriminatory process of building new settlements meant for an exclusively Jewish population. These Jewish settlements enjoy the full complement of necessary infrastructure and essential services, while the Bedouin population living in nearby unrecognized villages enjoy no such services.

C. Communal social structure and social cohesion

The unrecognized Bedouin settlements are characterized by a cohesive communal social structure. Residents have a unique local identity that rests primarily on family divisions rather than on tribal membership. The villages are arranged in a communal/spatial configuration that has evolved and developed over generations of living together. Each village has its own local council that is responsible for the needs of all its residents. The existence of these councils is proof of the solidarity and cohesion of the population, and of its ability to organize in the name of mutual interest. This clearly meets the criterion of self-administration in the CBS definition of a settlement.

⁷⁷ Central Bureau of Statistics, <http://www1.cbs.gov.il/ishuvim/ishuv2005/intro2005.pdf> (in Hebrew)

⁷⁸ NOP/35, Plan Instructions, p. 4, Article 5 ("definitions").

⁷⁹ NOP/31, Plan Instructions, Article 4.1 ("definitions").

⁸⁰ NOP/31, Plan Instructions, Article 6.1 ("Establishment of a new urban/rural center").

D. Physical Layout of the Village

One of the goals of public planning is to organize space in such a way that allows for different uses of the land for the benefit of the public, while regulating the private uses of that same space. A detailed zoning plan of a settlement creates an organized system of different land usages including, at the most basic level, residential areas, a system of roads, areas for public buildings, and commercial areas. **In the unrecognized Bedouin villages, the various land usage designations are clearly assigned with careful order.** Although these villages have undergone self-development for many years, with no planning help from the government, they nevertheless function as full-fledged settlements in every sense of the word. They have clear and agreed divisions between residential areas, public areas with buildings for the benefit of the entire community, and agricultural areas, that are connected to one other via an internal road network. All these create a functional spatial system, as in any other village or town.

3. Creating a variety of settlement models

Using the objective criteria for granting villages recognition, each village should be further examined to determine the most appropriate settlement model for it from a municipal and organizational standpoint. The appropriate solution for each village should be determined only after a detailed examination of the village's characteristics, on the basis of its spatial characteristics, potential for development, and the preference of its residents⁸¹. The population should be given the choice of a number of different settlement models with various rural, agricultural and communal properties.

4. Alternative master plan for the unrecognized villages

Over the last two years, the RCUV, together with Bimkom, has been actively preparing a new master plan for the unrecognized Bedouin villages of the Negev. This alternative to existing plans is in the final stages of completion and will be soon published, with six chapters and hundreds of pages of background, analysis, expert opinions and concrete proposals. The goal in preparing the plan was to present a professional outline for the planning and development of the greater Be'er Sheva area utilizing the principles of equality, recognition, and human rights, agreed upon by the Bedouin residents of the unrecognized villages, and which can serve as a basis for future sustainable development. The plan seeks to ensure a dignified and egalitarian future for the Bedouin villages and their 90,000 residents in place of the poverty, neglect, and chronic under-development that they currently face. This goal can only be achieved through implementing the meta-principle of all professional public planning – planning for the community and with the input of the community – and with the implementation of the Goldberg Committee's recommendation “to recognize as many villages as possible.”

This master plan offers realistic and professional ways to encourage rational development for all 45 Bedouin villages counted by the RCUV in 1999. The core of the plan concerns the 35 as yet unrecognized villages. By the year 2030, the target year of the program implementation, the population of these villages will reach a projected 209,000 residents out of a total population of 440,000 Bedouin residents in the greater Be'er Sheva area.

All the villages included in the plan far exceed the minimum settlement size as defined by the Israeli planning system, and they represent communities that have coalesced over many years of living together. The plan utilizes the same guiding planning principles used in the planning and zoning of Israeli rural settlements, in order to create a fair outline for the development of each and every village. **These guiding principles present no objection to the recognition of all the villages,** and the current location of the villages do not in any way harm the needs of the greater public.

The plan puts forward a process that will recognize all the Bedouin villages **in their current locations** (excepting a few cases where the village residents would prefer to relocate due to external constraints) and would provide for them the infrastructure and services that are enjoyed by all other citizens of state. The recognition of the villages in their current location is **preferable to the government plan** which is based on a policy of transferring tens of thousands of people, since the former is based on the strong historical connection between the villages and their lands and would ensure their long-term rational development. The plan would further save a tremendous amount of

⁸¹ Yehudkin, p. 9.

resources necessary to change the regional geography and to enforce that change; it will prevent the deepening conflict between the state and its Bedouin citizens; it will benefit the Negev's Jewish population with orderly spatial arrangement of settlements; and as mentioned above, it is the most correct method for implementing the Goldberg Committee's recommendations.

The plan makes further recommendations regarding the future of the region on three levels: the regional, the local, and the administrative. At the regional level **it offers a reasonable municipal/administrative solution for every village**, either by incorporating it into a neighboring town, or by creating "clusters" of villages, or through recognizing them as independent settlements within the framework of the larger regional councils. The program also charts out a regional strategy for economic development along three geographic axes – north, east, and south – along which public institutions and commercial areas should be built and public transportation lines added. The size of the village grids will be determined similarly as in allocating lands for Jewish rural settlement, and will require the additional allocation of some 60,000 acres to the villages by the year 2030. Most of the lands that will be appropriated to the villages will be designated as agricultural lands and open lands. The villages will be incorporated within three regional councils and will be connected to civilian infrastructure while maintaining a system of self government.

At the local level, the plan seeks **to recognize the Bedouin village as a distinct type of settlement**, like the *kibbutz* or *moshav*, which can be encoded into the Israeli planning system. Such recognition will give expression to the logic and historical development of the structure of the Bedouin village, and will find ways to tailor it to the requirements and constraints of life in the 21st century. To this end, the plan sketches out **a model for the development of the Bedouin village**, the first of its kind. This model is based on the relationships between communities and their living spaces; the long-standing traditional system of land inheritance divided between tribal factions (“*aeilah*”) and extended families (“*qom*”); and the location and function of the land, roads and public institutions.

The plan demonstrates how these villages can be developed using criteria of population density and land usage that are accepted within national outline plans and tailored to the Bedouin understanding of spatial planning. The result is rural planning that makes use of existing development patterns as its starting point, and which seeks to “thicken” future development and organize it in such a way that **will create sizeable neighborhoods, large enough to pass the threshold for receiving the full complement of civilian services**. This model also presents the possibility of building expansion neighborhoods in existing settlements and arranging remote clusters of Bedouin groups, and it outlines the desired development of these settlements in terms of roads, public institutions, and open spaces.

On the administrative level, the plan recommends that the state, as a national priority project, should establish a **special planning system** focused on the fast-track recognition of the Bedouin villages and their subsequent planning and zoning. To this end, it should establish a "Committee for Planning Bedouin Communities" under the authority of the Regional Planning and Building Committee, with significant representation and involvement of village residents, professional and academic public planning experts, and representatives of government authorities, including the Authority for Organizing Bedouin Settlement.

This proposal includes an eight-stage process, which will lead the Bedouin villages from their current state of neglect and marginalization to full recognition with a road map for future development and prosperity. The future Committee for Planning Bedouin Communities will employ teams with the authority to give fast-track approval to national outline plans that include the newly recognized Bedouin villages. These teams will work closely with communities to create clear and agreed-upon zoning plans, which will arrange Bedouin habitation on the principles of development, population density, and proper infrastructure for rural communities as is commonly practiced throughout Israel, while taking into account the unique properties of Bedouin village development. This will set the Bedouin villages on the high road to development and prosperity, and **will benefit all the residents of the region, Jews and Arabs alike**.

VI. Summary

Israel's Negev Bedouin citizens have suffered severe discrimination and have borne its consequences for 63 years. This situation, in which one population has been clearly and blatantly discriminated against in comparison to the Jewish population, is intolerable and unacceptable. At the hands of the state, the

Bedouin have been subjected to discrimination in the allocation of land resources, in planning and housing, in the non-recognition of their villages, in the denial of essential services to their villages, and in the state's refusal to recognize their traditional land ownership mechanisms. Various state authorities, including the implementation team of the Goldberg Committee's recommendations, now face an historic opportunity to bring about a resolution to one of Israel's most painful examples of ongoing, systematic human rights violations, and to correct the historical injustice and ongoing neglect suffered by one of Israel's weakest populations.

If the state wishes to end its ongoing conflict with the Negev Bedouin and to alleviate the plight of the residents of the unrecognized villages, it must adopt a systematic, holistic solution based on respect for the human rights of the Bedouin population. It must grant recognition to all 35 unrecognized Negev villages in their current locations, through the objective planning criteria cited above and it must grant recognition to the traditional Bedouin ownership mechanisms. These are the two basic conditions that underlie any solution to the conflict and will bring about its proper resolution. The alternative master plan outlined in this paper incorporates all these principles and should serve as the basis for any solution.

State authorities must act with transparency and in partnership with the Bedouin public in determining solutions to the problem. They must refrain from any solution that is one-sided or that involves the forced transfer of the local population. Any solution that does not stand up to the principles detailed in this paper should be automatically rejected.

Appendix I
The Unrecognized Villages: Chief Characteristics⁸²

	Village	Estimated Population	Type of Settlement	Jurisdiction	Region	In Search Area	Services Provided	Notes
1	Dhahiyh	700	displaced	Bnei Shimon Regional Council	Rahat	Yes	No	
2	Hirbat Zbaleh	800	historic	Bnei Shimon R.C.	Rahat	Yes	No	Will become part of Rahat
3	El-Arakib / Karkur	2300	displaced / historic	Bnei Shimon R.C.	Rahat	No	No	
4	Um al-Mila	1700	historic	Bnei Shimon R.C.	Rahat	Yes	Connected to electricity	
5	Aujan	2300	historic	Be'er Sheva / Bnei Shimon R.C.	Laqiye	No	No	
6	Al-Mekimen	1100	historic	Omer / Bnei Shimon R.C.	Laqiye	No	No	
7	Amrah	1300	displaced	Omer		No	No	Recognized / in process
8	Ba'at Al-Sra'ye	700	historic	outside any jurisdiction (none)	Tel Al-Melekh area	No	No	
9	Sa'wah	800	historic	none	Hura	Yes	No	
10	Khirbat El-Watan	2500	historic	none	Be'er Sheva Valley	Yes	Elementary school	
11	Atir / Um al-Hiran	900	displaced	Meitar / none	Hura	No	No	
12	Wadi Jwin/Tlaa Rshid	3600	historic	none	Be'er Sheva Valley	Yes	2 elementary schools + health clinic	Recognized / in process
13	Al-Ghara	2000	historic	none	Be'er Sheva Valley	No	No	
14	Al-Grin	4000	displaced / historic	none	Hura	Yes	School + health clinic	Recognized / in process
15	Umm Batin	3800	Historic	Abu Basma R.C.	Be'er Sheva Valley	Yes	School + health clinic	Recognized / in process
16	Al Bat	1100	Historic	none	Arad Valley	Yes	No	
17	Al-Humrah	900	Historic	none	Arad Valley	Yes	No	
18	Tel el-Milh	850	Historic	none	Tel Al-Melekh area	No	No	
19	Albuheirah	2000	Historic	none	Kseifa	No	No	
20	Q'tamat/ Almtaheh	1350	Historic	none	East of the Shalom Road	No	No	
21	Ghazzah	550	historic	Arad / none	Arad	No	No	

⁸² This table is taken from a position paper that was submitted to the Council for Proposing Policy to Arrange Bedouin Settlement in the Negev, prepared by the RCUV, February 2008. It appears as Appendix II in that document.

22	Tel Arad	1200	displaced	None	Arad Valley	No	Elementary school	
23	Kahlah	800	historic	Abu Basma R.C.	Arad Valley	Yes	Growing elementary school	
24	Drijat	1100	historic	Abu Basma R.C.		Yes	Growing elementary school + health clinic	Recognized / in process
25	Al-Surrah	1200	historic	none	Tel Al-Melekh area	No	No	Demolition orders for every house in the village
26	Za'roura	2900	historic	Arad / none	Arad	No	No	
27	Al Foura	4500	historic	Arad	Arad	Yes	Elementary school	Recognized / in process
28	Bir Al-Hamam	2500	historic	none / Bnei Shimon R.C.	Be'er Sheva Valley	Yes (Partial)	No	
29	Zarnoug	1600		None	Be'er Sheva Valley	Yes (Partial)	Elementary school + Middle school	
30	Bir Al-Mishash	1100	historic	none	Tel Al-Melekh area	Yes (Partial)	No	
31	Swayween	700	historic	none	South of the Be'er Sheva-Dimona Road	Yes	No	
32	Al-Mathbah	1200	historic	none	South of the Be'er Sheva-Dimona Road	Yes	No	
33	H'ashem Zanne	2300	historic	none	South of the Be'er Sheva-Dimona Road	Yes	No	
34	Alshahbi/Abu-Tlul	4200	historic	none	South of the Be'er Sheva-Dimona Road	Yes	2 elementary schools + health clinic	Recognized / in process
35	Wadi Al-Mishash	1100	displaced	Ramat Negev R.C.	Ramat Hovav	No	No	
36	Al-Sirr	2200	displaced	Be'er Sheva / none	Be'er Sheva	No	No	
37	Wadi al-Ne'im	5000	displaced	none	Ramat Hovav	No	Elementary school	
38	Al-Mezra'a	580	historic	none	Arara ba-Negev	Yes (Partial)	No	
39	Umm Rtam	950	historic	none	Arara ba-Negev	No	No	
40	Rakhamah	1200	displaced	Yeruham / Ramat Negev R.C.	Yeruham	No	No	
41		3000	historic	Abu Basma	South of	Yes	School +	Recognized

	Qasr Al Sirr			R.C.	the Be'er Sheva-Dimona Road		health clinic	/ in process
42	Umm-Mitnan	4100	historic	none / Abu Basma R.C.	South of the Be'er Sheva-Dimona Road	Yes	School + health clinic	Recognized / in process
43	Abdah	1200	historic	Ramat Negev R.C.	Har ha-Negev	Not in planning area	Kindergarten + 1 st grade	
44	Bir Hadaj	5000	historic (special case)	Ramat Negev R.C. / Abu Basma R.C.	Halutza	Yes	Elementary school + health clinic	Recognized / in process
45	Al- Sdir	550	displaced (special case)	none	Tel Al-Melekh area	No	No	