

**The Arab Bedouin in the Unrecognized Villages in the Naqab (Negev):
Between the Hammer of Praver and the Anvil of Goldberg**

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Introduction

On the eve of the Knesset State Control Committee's meeting of 28 March 2011 to discuss the report of the Praver Committee, the government body established in 2009 to implement the Goldberg Committee Report, the final draft was leaked. The Praver Report was entitled "Draft 12 – Implementation Team of the Goldberg Report for Regulating Bedouin Settlement in the Negev: A Proposed Outline for Regulating Bedouin Settlement in the Negev." At the meeting, in which the director-general of the Ministry of Interior participated, the chairman of the State Control Committee, MK Yoel Hasson, accused members of the Praver Committee of a lack of transparency, of concealing information, and of dragging their feet. He also criticized them for failing "to provide clear answers," to such question as when the committee would conclude its discussions and submit its recommendations and final report.

The Praver team chaired by Ehud Praver, the Director of Planning Policy in the Office of the Prime Minister, included: Shamai Asif, architect and formerly the head of planning administration at the Ministry of Interior; Mr. Yaron Bibi, the director of the Israel Land Administration; Mr. Yehuda Bachar, the head of the Authority for Resolving Bedouin Settlement in the Negev; Mr. Sharon Gambasho, the deputy director of budgets at the Ministry of Finance; attorney Sarit Dana, the deputy Attorney General at the Ministry of Justice; Avi Heller, the director of the Southern District of the Ministry of Justice; and Superintendent Shalom Ben Salmon, advisor on Arab affairs for the Southern District of the Israeli Police.

This document will analyze the events and discussions that preceded the writing of the Praver Report and assess both the nature its recommendations and the possibility of implementation.

Israeli government policy towards the Bedouin in the Naqab, 1948-1980

The policy adopted by the Government of Israel toward the Bedouin in the Naqab during the first three decades of the state's existence focused on three issues. The first was the desire to concentrate the Bedouin in a restricted area (the "Siyag"). This area, mostly barren, south and east of Beer el-Sabe (Be'er Sheva), constituted just 1.5 million dunams of the total area of the Naqab (around 13 million dunams).¹ The transfer of the Bedouin to this area was completed in 1954, the same year that the Bedouin were granted Israeli citizenship. This complex action was implemented without major difficulties due to the strict military regime that was imposed on the entire Arab minority in Israel until 1966.

The government's second action with regard to the Bedouin was the decision to urbanize them. This decision, made in 1962, stipulated that three Bedouin towns

¹ Under Ottoman rule and throughout the British Mandate period, the Bedouin enjoyed the use of nearly all (12.6 million dunams) of the Naqab (Rangwala, 2004: 419).

would be established in the Naqab: Tel el-Sabe (Tel Sheva), Rahat and Kseife. Further decision expanded urbanization to four additional areas. Today, more than half of the Bedouin live in areas classified as "urban". The objective of this urbanization was to secure the government's control of land held by the Bedouin, to provide them with government and municipal services and infrastructure, and to prevent them from spreading over wide swathes of land.

The third element of government policy towards the Bedouin was the move to resolve the issue of Bedouin land ownership in the Naqab. An initial government compromise on this issue was based on recommendations published in 1976 by a committee chaired by Pliya Albeck from the Ministry of Justice. The Albeck committee determined that the lands of the Naqab were *Mawat* ("dead" lands, unsuitable for cultivation), but approved partial compensation of 20% of the land for persons who claimed over 400 dunams. In parallel to this compromise proposal, the government's policy toward the Bedouin grew harsher, as reflected in the enforcement of construction and grazing laws, and in the establishment of the Green Patrol (1977), which was assigned to enforce the law without compromise (Swirsky, 2005).

A major shift in government policy towards the Bedouin occurred in 1998, with the establishment of the Ministerial Committee to Advance the Bedouin in the Negev and the Administration for Advancing the Bedouin in the Negev, which served as an instrument for implementing government policy. For the first time, the state recognized the need to hold an orderly discussion of the status of the Bedouin population in the Naqab and expressed a desire to grant recognition to additional villages, besides the seven towns that had already been established.

The core of the land issue in the Naqab lies in the need to regulate the lands in the northern Naqab, a process that commenced in 1971. The state recognizes the existence of the Bedouin' claims, but according to government policy (which has also been adopted by the courts), Bedouin are not land-owners. At most, they have the right of "guardianship" that the government grants them as a gesture of good will. In the entire Naqab area, the Bedouin, who today comprise 30% of the population in the Naqab, live on about 260,000 dunams of land, or about 2% of the overall territory. Of this area, the unrecognized villages account for about 180,000 dunams, or 1.4% of the total territory. The total land area claimed in 3,200 claims made by the Bedouin who remained in the Naqab is estimated at 5.4% of the total territory in the Naqab, or 775,863 dunams (El Hozayel, 2003).

Since it began regulating the lands, the state has managed to reach an arrangement with Bedouin residents on only 205,675 dunams (about 18% of the claimed land) regarding 380 claims (about 12% of the total number of claims). Around 150,000 dunams in the compromise arrangements lie within the master plan of the Abu Basma villages (Goldberg, 2008). About 50,000 dunams were transferred from the Bedouin to the State of Israel in rulings from counter-claims by the government. As of July 2008, some 592,000 dunams on 2,749 claims were yet to be resolved. It is important to remember that the Bedouin had already submitted land claims during the first years of the state based documentation that proved that they paid taxes on this land prior to the establishment of the state. However, the Israeli government refused to accept these documents, arguing that there had been no land regulation in the Naqab and

consequently that the Bedouin did not have official ownership of the land (Porat, 2000: 457).

The Goldberg Committee and its recommendations

On 28 October 2007, the government commissioned the Minister of Construction and Housing, Zeev Boim, to appoint a committee to “recommend to the government a policy for regulating Bedouin settlement in the Negev, including legislative proposals and amendments.” The committee was given a broad mandate and extensive authority. On 23 December 2007, the Minister of Construction and Housing appointed a committee of eight members, chaired by retired Supreme Court Justice Eliezer Goldberg. The committee members included two Bedouin representatives who reside in government-planned towns in the south. In January 2008, representatives of the public were summoned to appear before the committee. Over the course of five months, the committee convened over 25 sessions and heard more than 120 witnesses: public figures, representatives of organizations, researchers, academics, and representatives of the government. On 11 December 2008, the committee submitted a report to the Minister of Construction and Housing.

Already at the beginning of its recommendations, the committee determined that, “there is no justification for the state to treat the Bedouin residents in these communities differently from the way it treats the rest of the citizens of the state” (Goldberg, 2008: 1). The committee recommended that recognition be granted to most of the unrecognized villages and that the illegal structures that exist “within the area of a current master plan, which do not hinder the implementation of the plan,” should be recognized as “gray” – a definition that would pave the way for their recognition. The report stipulates the level of compensation that would be required, including compensation with land. Unlike the Albeck recommendations, this land compensation scheme required no minimum number of dunams and would calculate compensation from the first dunam in the ownership claim. In addition, arrangements were made for allocating alternative land and timetables were set out for implementing the committee’s recommendations.

The committee recommended establishing a new planning body attached to the Southern District Committee for Planning and Building in Beer el-Sabe, to be called the Committee for Regulating Bedouin Settlement in the Negev. The Goldberg Committee also recommended “not turning a blind eye to the enforcement of the law”, and determined that its recommendations constituted a fair compromise between the state and the Bedouin. The report was written in conciliatory and positive language and, unlike committees that addressed Bedouin affairs in the past, proposed granting the Bedouin “the right of ownership” to land, in consideration of their “historic connection” to it. However, the many reservations expressed by members of the committee acted to diminish the power and status of the report.

The Regional Council of the Unrecognized Villages in the Naqab (RCUV) welcomed the new tone of the report and announced that if the committee’s recommendations were approved, particularly with regard to the issue of recognition for the unrecognized villages, they could form the basis for a shift in government policy (Regional Council for the Unrecognized Villages, 2008). However, the RCUV also stated that committee had failed to propose a just solution for the Bedouin population because it “[did] not respond to even a small part of the needs of the members of the

community”, or offer a solution to the lack of services for residents, such as the provision of electricity and water infrastructure, garbage collection and medical services. The RCUV argued that the committee had not provided a definite timetable for implementing the plan and had used mechanisms and methods that had failed in the past. It also stated that, “The report was disappointing and did not create a practical solution for resolving the conflict.” While the Goldberg Committee adopted the principle of recognizing the villages as a means of resolving the conflict – a step of historic importance – it nonetheless “did not recognize the historic injustice done to the Bedouin” (RCUV, 2008).

The report’s recommendations have yet to be implemented, a fact that Justice Goldberg has criticized. “A year and a half has passed since the publication of the Goldberg Committee’s Report, and despite its official approval by the Government of Israel, not a single step has been taken to implement its conclusions... the problems of the Bedouin require governance and a budget. Apparently, both of these components are still lacking” (Moher, 2010).²

The Duchin Report

The District Master Plan (TAMAM) 4/14/23 is a statutory measure that encompassed several other plans for the development of the Beer el-Sabe metropolitan area and resolutions for the issue of the unrecognized Arab Bedouin villages. The plan was submitted to the National Council for Planning and Building (NCPB) in November 2006. The NCPB authorized the Committee for Planning Fundamental Issues, a specialized body within the NCPB, to discuss objections submitted against the plan.

Attorney and planner Talma Duchin was appointed by the Ministry of Interior to address objections to Plan 4/14/23. Duchin noted in her 2010 report that 37 objections had been submitted (including an objection by Adalah) regarding the recognition of 52 separate villages. The number of residents in the villages proposed for recognition ranged from 500 to 5,000 (Duchin, 2010).

Duchin’s recommendations, which were first submitted prior to the Goldberg Report in December 2008, were updated in June 2010 to reflect the conclusions of the Goldberg Committee. The Duchin report further accepted the recommendations of the investigator for objections to the District Master Plan 4/14/23 for the Beer el-Sabe metropolitan area. Duchin recommended that 14 new communities should be recognized. The recommendations are outlined in the following table:

No.	Villages recommended for recognition	Demolition and transfer of the entire village’s population to a new area	Demolition and transfer of part of the village and its population	Demolition of the village and transfer of its population to the recognized Bedouin towns
1	Al-Homra	Al-Sura	Bat al-Sari’a	Al-Mas’adiya

² In parallel to establishing the Goldberg Committee, the government also decided to establish an executive authority for the regulation of Bedouin settlement in the Naqab. The authority is supposed to act as a public corporation and regulate Bedouin settlement within five years, based on the Goldberg recommendations. A former Police Brigadier General, Yehuda Bachar, was appointed to head the authority.

2	Bir al-Hamam	Al-Mazr'a	Umm Ratam	Al-Mkaimin
3	Bir al-Mashash	Katamat	Al-Bat	'Awejan
4	Zarnuk	Ghaza	Tel al-Meleh	Tweil Abu Jarwal
5	Za'arura	Al-Madbah	Khirbet al-Watan	Abu Sulab
6	Rakhma**	Wadi al-Mashash	Hashm Zana	Al-Bhira
7	Umm Itnan	Wadi al-Na'am		Al-Grin
8	Dhayya	Al-Ser		Al-Awakbi
9	Umm al-Mila	Sa'wa		Al-Araqib / Karkur
10	Khirbet Zbaleh			Wadi Gwin
11	A-Sdir			Tala' Rashid
12	Al Gara			Katamat Mazrah
13	Atir / Umm al-Hieran*			Sawaween
14	Tel Arad*			

* The Prime Minister's Office intervened in order to prevent recognition of these villages.

** Annexation to the Jewish town of Yeruham as a neighborhood within this town.

The Praver Report

The beginning of the Praver Committee Report articulates the Committee's mandate as the government-appointed team to "implement the Goldberg Committee Report, and... to resolve the report's key points with the reservations to the report submitted by members of the [Goldberg] committee" (Praver Report, 2011: 3). The Report emphasizes that, "the implementation team followed the government's directive stipulating that the outline proposed in the Goldberg Report would comprise a basis for its work, while examining the reservations submitted by members of the Goldberg Committee vis-à-vis the report and deciding between them" (Praver, 2011: 4).

The language and spirit of the draft report that was leaked to the media leaves no doubt that Ehud Praver – who previously declared at the Herzliya Conference in 2006, as Deputy Director of the National Security Council (a body composed of retired high-ranking army officers) that, "The state has already demonstrated, in the Disengagement Plan, an ability to cope with challenges that are complex from organizational, budgetary and legal perspectives. A similar principle should be adopted towards the Bedouin issue..." – intends to implement the report's recommendations unilaterally using all means, including force if necessary (Praver and Serphos, 2006).

An in-depth reading of the Praver Committee's Report shows that it is not a report based on implementation of previous recommendations, and indeed its connection to Goldberg is very weak. It is a new report that does not take account of Government Decision No. 4411 of 18 January 2009, which stated that, "The government regards the outline proposed by the Goldberg Committee as a basis for regulating Bedouin settlement in the Negev." The Praver Report also fails to fulfill the decision to "formulate policy that will take into account the needs of the Bedouin population, its demands for land rights, the needs of the state and its land and monetary resources" (Praver, 2011: 3). The report proposes a principle of 50% compensation for the land under the direct control of the Bedouin claimant, while offering financial

compensation and the option of buying residential plots in one of the government-planned Bedouin towns for claims on land that is not under their direct control. While the percentage of land offered to the Bedouin was higher than that proposed by Attorney Pliya Albeck in 1971, it is still far from the demands made by the Bedouin. According to these percentages, the Bedouin would receive a total of just 180,000-200,000 dunams, compared to their remaining claims of approximately 600,000 dunams.

Another fundamental difference between the Goldberg and Praver reports is that the former constituted a moral statement, recognizing an historic connection between the Bedouin and their lands, and the fact that they are “not squatters” but citizens entitled to equal rights in the state. In addition, the Goldberg Report established a principle of recognizing unrecognized villages “to the extent possible,” while the newer report, which does not cite the name of even a single unrecognized village, is vague and talks about “establishing new communities” rather than recognizing existing villages.

At the planning level, the Praver Report did not include the Arab Bedouin in determining its own fate and did not grant hearing to members of the Arab Bedouin population. It proposes a forced planning outline despite its promise to “present a proposed policy to the Bedouin public prior to submitting the proposed legislation to the Knesset” (Praver, 2011: 3).

In addition, the Praver Report does not take into consideration the actual land and planning situation in the Naqab. It discriminates between those Bedouin who are living on their land and those who were uprooted by the first Government of Israel and expelled to the Siyag region following the establishment of the state. Unlike the people living on their land, those who claim land in the western Naqab are being asked to surrender their land and suffice with monetary compensation. The recommendations also discriminate between Jewish and Arab citizens living in proximity of each other by specifying planning principles of “size, density, contiguity, and capacity,” that are not applied in small Jewish localities. In addition, the report rejects the principle of freezing the demolition of homes and legalizing Arab Bedouin homes, and instead prepares public opinion for mass demolitions. At the same time, it legalizes single-family farms for Jews in the Negev.

The planning measures and proposed process of implementation (which involves unrealistic timelines, codifying the recommendations into law, etc.) are a source of deep concern among the Bedouin. The document proposes restrictive planning rather than expansive planning that takes full account of the future of the Bedouin communities. The proposed solution states that “the allocation of land for housing will be conducted in accordance with the current needs of the existing population.” However, that is conditional and would be undertaken within an accelerated planning process that is to be implemented “only after the ownership claims and other arrangements are resolved in order to enable the actual establishment of the community” (Praver, 2011: 24). Furthermore, the implementation team plans to disregard the district master plan if necessary: “It is emphasized that the master plan is not the culmination of the decision-making process regarding the permanent settlement of Bedouin. Rather, it is an enabling framework. The rules of planning and considerations, together with the needs arising in the field, must be worked out for each overall plan of settlement” (18).

The language of the Praver Report provides broad discretion to the Prime Minister and the Prime Minister's Office. The personal involvement of the Prime Minister, who can, at his discretion, exclude entire regions of state land from residential development, is new and disconcerting, though accurately reflects the Prime Minister's policy of arbitrary intervention. In November 2010, Prime Minister Binyamin Netanyahu intervened to prevent the recognition of two communities – Atir-Umm al-Hieran and Tel Arad – which had been recommended for recognition by the Committee for Planning Fundamental Issues (Adalah, 2010). Additionally, the Prime Minister's Office is charged with forming an executive team to implement the Report's recommendations, which further indicates the broad discretion of the Israeli government and the persistent vulnerability of the Arab Bedouins.

Summary

In recent years, we have witnessed extensive activity in the Naqab within the framework of the National Plan for Developing the Negev 2005-2015, which primarily benefits the Jewish residents of the area. At the same time, the policy proposed in this plan includes an attempt to resolve the issue of Arab Bedouin land in the Naqab and recognition of their villages. However, the policy of the Government of Israel, according to the Praver Report, remains the expulsion of the Bedouin from their lands, concentrating them in officially recognized towns, and recognizing only some of their villages, while excluding the Arab Bedouin from determining their own future. While a positive tone emanated from the Goldberg Report, the Praver Report has taken the wind out of its sails.

The Praver Report, which annuls Bedouin claims to land over which they do not have direct control, and offers compensation for only 50% of the land they currently do control and upon which they have settled, is unfeasible. This was clear from the arguments made by members of the Praver committee themselves during a session of the Knesset State Control Committee, which revealed internal disagreements on the possibility of implementing their recommendations, and seems to offer explanation for the tardiness (two years) and the numerous drafts of the report, of which there have been twelve to date. Although there is an increased level of compensation for Bedouin who claim land as compared to the Goldberg recommendations, there is also backtracking from the principle adopted by the Goldberg Committee of recognizing most of the unrecognized villages. The Praver Report is written in vague language that leaves broad discretion to the implementation team and to the Prime Minister's Office.

The involvement of the Prime Minister's Office in this matter and the fact that the recommendations are to be codified into law indicate that this issue is urgent from the state's perspective and suggests that it will be imposed by force.

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