

# **INVISIBLE CITIZENS**

## **Israel Government Policy Toward the Negev Bedouin**

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# CONTENTS

<b>Israelis without solid ground beneath their feet: From lords of the Negev to inhabitants of a reservation</b>	<b>7</b>
The 1948 upheavals	8
Displacement and expropriation	11
<b>The State and the Bedouin lands</b>	<b>13</b>
Concentrating the Bedouin in townships	15
The land question	18
1975: The Albeck Committee recommendations	20
The Bedouin put forward their own proposal for a settlement	23
1980: “The Peace Law”	24
1984: The judicial branch of government falls into line with the executive and legislative branches	26
New proposals for a settlement	28
2005: The state submits counterclaims	29
Interim summary	30
<b>A unique and distinct civic status</b>	<b>32</b>
Unique mechanisms of control	32
The military government	33
Special government committees	35
The Israel Land Administration (ILA)	37
The Bedouin Authority	38
The Green Patrol	42
The Bedouin Education Authority	43
Externally run local government	44
Israelis with no address	50
Citizens who have no right to vote and run for office	54
<b>The government-planned townships: A tale of under-development</b>	<b>56</b>
Introduction	56
Area of jurisdiction	58
Municipal budgets	58
Infrastructure	61
Decisions of the Barak and Sharon administrations	65

<b>The “unrecognized” localities:</b>	
<b>A tale of invisible citizens</b>	<b>68</b>
Introduction	68
In the wake of Justice Halima’s ruling	70
The Regional Council for the Unrecognized Negev Villages	71
The Barak government’s 2000 decision	72
Residents of the “unrecognized” villages petition the High Court	74
2003 decision by the Sharon government	77
Decisions and mood – but little change on the ground	78
Inappropriate budgets, low take-up rates	79
Villages in the process of being recognized: A state-of-the-art report	82
Mediation – yet another unilateral government step?	83
<b>No economic improvement in sight</b>	<b>85</b>
1948-1967: A general view	85
Agriculture	88
Business activities	91
Military service as a source of employment	92
Employment picture, 2003	94
<b>A look at the future</b>	<b>99</b>
The Abu-Saad and Lithwick plan	100
<b>Conclusions and recommendations of this study</b>	<b>102</b>
The land question	102
The question of the “unrecognized” villages	103
Economic and social development	104
The Negev and development policy	105
The Bedouin’s Jewish neighbors	106
The Bedouin and government	107
Creating a “new Negev”	108
<b>Appendices</b>	<b>111</b>
<b>Notes</b>	<b>117</b>
<b>Bibliography</b>	<b>118</b>

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# **Israelis without Solid Ground Beneath their Feet:**

From Lords of the Negev  
to Inhabitants of a Reservation

The Negev Bedouin are the only group of Israeli Arabs who, despite having been uprooted from the lands on which they were living when the State of Israel was established, despite being forcibly moved to a new and more barren area, and despite suffering large-scale land expropriation in this new area also, still retain, to a considerable extent, ownership rights to land – a right officially denied them by the State on principle, but acknowledged in practice.

In spite of this, the Negev Bedouin constitute the largest social group in Israel of whom it may be said that they still do not stand on solid ground. Since 1948, the Bedouin have struggled not only to attain state recognition of their title, or right of ownership, to their lands, but also to receive the same government services provided to other Israelis, so that they can live normal communal, economic and cultural lives. And while the Bedouin have been struggling for all of this, Israeli governments have labored consistently to displace them from their lands and confine them in the fewest possible settlements. Israeli governments also exclude the Bedouin from their development plans, as if they were a group superfluous to Israeli society and its economy.

The Bedouin who live in “unrecognized” villages exist in a kind of legal-political bubble. These Israelis are forbidden to erect permanent housing, prevented from exercising the basic right to register their place of residence in their identity cards, excluded from local government, prevented from exercising the basic political right of running for office and voting in local government elections, prevented from receiving full government services, and precluded from exercising the basic proprietary right of buying and selling a home. Moreover, they are governed by bodies set up by the state in order to control them - and

them only.

Bedouin living in government-planned townships exist in a political-economic bubble of their own: on the one hand, they are deprived of adequate infrastructure and employment opportunities, which might enable them to be economically active and enjoy a standard of living comparable to that of the Jewish settlements in the surrounding area; while on the other hand, like the “unrecognized” villages, they are generally excluded from government development plans, whether national or regional.

Today, the Bedouin lack the community resources needed for economic development, and they are at the very bottom of the government priorities list. At the same time, the Jewish population of the Negev (the Bedouin constitute 25% of the Negev’s population) is weak and divided, with each group vying to promote its own interests without cooperating with its neighbors. In such circumstances, the Bedouin are the biggest losers, but in the long run, the entire Negev population loses.

## The 1948 upheavals

The 1947 United Nations decision to partition Palestine into two states, one Jewish and one Arab, left large chunks of the Negev outside the boundaries of the Jewish state. A swathe the width of the Gaza Strip stretched from a point north of what is now the city of Ashdod southwards along the coastline, past the Gaza Strip, and then continued further south, along the present-day international border between Israel and Egypt, to a point south of Nitzana, where the strip became particularly wide, stretching as far as the center of the modern-day Negev. The city of Beersheba, together with its hinterland in the direction of the Hebron Hills, was included in the Arab state’s territory.

The Zionist leadership was interested in the Negev well before 1948. During the War of Independence, it made major efforts to conquer it (see Oren, 1986). Although these efforts were successful, Israel did not obtain international recognition for its possession of the Negev, since it was not the sole claimant. Prior to the war, the British had



expressed strategic interest in maintaining control over the Negev even after a Jewish state came into being in the northern part of the country, and as an alternative they suggested that the Negev be transferred to the Palestinian Arab state that was to be established according to the United Nations partition decision (Biger, 1986: 57-58). As the fighting continued, Count Bernadotte's proposal that the Negev be handed over to the Hashemite Kingdom was submitted to the UN Security Council (Oren, 1986:114-115). After the war, however, both Egypt and Jordan laid claim to sovereignty over the Negev (Porat, 1993:120; 1998:195). During the period following the signing of ceasefire agreements with those Arab countries that took part in the fighting, the Israeli government was careful not to stir up discussion about the status of the Negev. For example, it made a point of undertaking geological studies in the Negev clandestinely, in order to avoid arousing international interest as a result of any significant discoveries (Porat, 1993:130). In the initial contacts of the early 1950s, which explored the possibility of an Israeli-Egyptian peace accord, the Egyptians demanded a land corridor to Jordan (Porat, 1993:138). Finally, it should be noted that in Israel's early years, between the end of the 1948 war and the 1956 war, the Negev, and in particular the area of the Israeli-Egyptian border, was the scene of frequent military clashes. In fact, it was only after the 1956 war – in which Israel, in partnership with Britain and France, attacked Egypt – that doubts about Israel's sovereignty over the Negev ceased (Porat, 2000: 420).

Prior to the founding of the State of Israel, the Negev's population consisted almost entirely of 70,000 Bedouin (for higher figures, see Falah, 1985: 37), living mainly in the northern and northwestern parts of the Negev. The 1948 war brought about a dramatic change in this situation. First of all, during the fighting, most of the Bedouin – over 50,000 – fled, were driven out, or abandoned the area, leaving their land behind (Lustick, 1980:134; Ben-David, 1996: 47; Emanuel Marx [1974:17] gives the figure of 55,000-65,000). By the end of the war, the Israeli government under Prime Minister David Ben-Gurion opposed the return of the Bedouin from Jordan and Egypt (Ben-David, 1996: 47), just as it opposed the return of most of the other Palestinian refugees. Furthermore, Ben-Gurion also wanted to expel the small number of Bedouin – 11,000 or so – remaining in

the Negev (estimates vary between 11,000 and 18,000, depending on the source; see Porat, 1997: 400). Eventually, Ben-Gurion changed his mind, holding that the Bedouin remaining in the Negev would not pose an obstacle to Jewish settlement there (Porat, 1993:133). However, most of these Bedouin had been uprooted and relocated in the northeastern Negev, to an area referred to as the “Siyag.”

As indicated above, the land on which most of the Bedouin lived up to 1948 was in the northwestern part of the Negev: west of the Beit Kama-Mishmar Hanegev road, as well as in the Hazerim area and south of the Mishmar Hanegev-Beersheba road (Ben-David, 1996: 50).<sup>1</sup> Estimates vary as to the extent of their land: Porat (1997: 405) cites sources indicating some 1.8 million dunams (1 acre = 4 dunams) “which were previously cultivated by the Bedouin”; in a later reference, Porat cites the figure of two million dunams of cultivable and grazable land (Porat, 2000: 421). On the other hand, Razi Falah gives the figure of 2.7 million dunams of grazing and habitation ground, 900,000 dunams of which the Bedouin cultivated from year to year (see Porat 1997:405).<sup>2</sup>

When the Bedouin were removed from their original lands, the region was declared a military area that the Bedouin were banned from entering (The Arab Association for Human Rights, 2004). Later, these lands, which comprised both the lands of the Bedouin displaced to the Siyag area and of those who fled or were transferred or deported from Israel, were expropriated through the medium of the 1950 Absentees’ Property Law, designed to enable Israel to control the lands of Arabs who were expelled or fled during the 1948 war. Three years later this expropriation was retroactively endorsed by the 1953 Land Acquisition (Validation of Acts and Compensation) Law. The land was transferred to the Development Authority, a body set up by the government in 1952 for the purpose of administering the lands of Palestinian refugees and making them available to the state for its development plans (Yiftachel, 2000:11). The Development Authority made the lands available to the State of Israel’s settlement bodies.

From the Israeli government’s point of view, these lands constituted an attractive reserve on which to settle many of the hundreds of thousands of Jews who had flooded into the new Jewish state during this period; the fact that these were the Northern Negev’s most fertile lands made

them even more attractive, particularly after the Yarkon-Negev water line was extended to this part of the country. In fact, within a few short years, some 50 Jewish settlements were established on these lands (Yiftachel, 2003: 33). The chain of new Jewish settlements helped to strengthen the claim of Israeli ownership over the Negev.

## Displacement and expropriation

Israel's desire to strengthen its position in the Negev, primarily by setting up Jewish settlements that would serve both to establish political facts and as a military defensive cordon, underpinned the Israeli government's decision to transfer the few Bedouin remaining in the Negev area from the northwestern part of the Negev to the confines of a smaller area in its northeastern part. The new area was dubbed "the Siyag area" (a number of English writers spell the name Siyagh, hinting at an Arab source, but the term is Hebrew [see Falah, 1989: 78] and means fence or demarcation; Arabic has a similar word, sayej, also meaning fence). Within a few years, therefore, the Bedouin Negev community had crumbled, most of its members finding themselves outside Israel's borders, and the remaining few uprooted and limited to the confines of a new area.

Throughout most of the first two decades of Israel's statehood, up to 1966, the Bedouin – like the other Palestinian Arabs who became Israeli citizens in 1948 – lived under military government, which greatly limited their movements outside the Siyag area. The Bedouin found themselves confined to a demarcated and closed area, isolated from the other parts of society, under conditions reminiscent of the native reservations in the United States.

The Siyag area is located between Beersheba, Arad, Dimona and Yeruham. Eleven Bedouin tribes (Falah, 1989: 78; Porat [2000: 457] gives the number as 12; see also Ben-David 1996: 50) were transferred there, in addition to the six Bedouin tribes who had inhabited the area prior to 1948.

The Siyag area consists of two parts: the main and largest area is adjacent to the east and southeast of Beersheba, and it is here that in the 1950s most of the Bedouin remaining in Israel were concentrated. The second

and smaller area is northwest of Beersheba, and today it includes the township of Rahat. This is an area where the Al-Huzayyel tribe had resided prior to 1948, and it was granted permission to remain on its land (see map in Porat, 2000: 421). A number of Bedouin tribes had lived in the central area of the Siyag prior to 1948; some of them were displaced or fled during the fighting. Now the Bedouin who had been displaced from the northwestern area of the Negev were moved to this part of the country: some of them were settled on abandoned Bedouin land (Marx, 1974: 37; 1979: 631-632). According to Ministry of Agriculture figures, in 1955 two-thirds of the residents of the Siyag area were Bedouin who had been displaced from the northwestern Negev, and one-third were Bedouin who had inhabited the area before 1948 (cited in Porat, 2000: 452).

According to 1960 Ministry of Agriculture figures, the central Siyag area totaled 1,070,000 dunams, while the northern part amounted to 120,000 dunams (Porat, 2000: 468), giving a grand total of 1.2 million dunams (Ben-David [1996: 49] gives a figure of 1.5 million dunams). In the Siyag area, cultivable land amounted to some 400,000 dunams, or about 20% of the tillable area available to the Bedouin before their expulsion and displacement from the northwestern Negev (Porat, 2000: 421).

Not all of the Siyag area remains in the hands of the Bedouin. Over the years, the State has expropriated large swathes of land in this part of the country in order to meet its needs. Ben-David (1996: 50) lists four major expropriation operations amounting to 235,000 dunams: one of 88,500 dunams in the 1950s in order to establish Jewish settlements and pursue “essential development objectives”; another of 45,670 dunams in order to set up government-created Bedouin townships; the expropriation of some 50,000 dunams in the Beka area for military projects; and an operation expropriating 65,000 dunams in 1980 in order to build the Nevatim military airport.

## The State and Bedouin Lands

The state's view is that the Bedouin have no land whatsoever. Ever since 1948, the State has asserted that the Negev lands – both those on which the Bedouin lived up to 1948 and those to which they were relocated after 1948 – are state lands, and that the Bedouin have no rights of ownership or title to them. Moreover, since 1948 the state has sought to implement its formal ownership, by pushing the Bedouin off their lands and transferring them to the confines of a small number of government-created townships. The objective of the exercise was to make Bedouin lands available to Jewish projects – settlements, military bases, factories, and so on.

In adopting this position, the state bases its actions on legal precedents from the Ottoman and British Mandatory periods. In 1858, the Ottoman authorities issued a lands ordinance designed to regulate the issue of land ownership in the Empire. Inter alia, the ordinance related to uncultivated lands, classified as “dead” lands (*mawat* in Arabic). *Mawat* land was defined as land located 1.5 miles away from the closest place of residence. Apparently, the ordinance was intended to prevent individuals from taking control of state land, but at the same time it was also designed to expand the amount of cultivated land, through the development of private farming (Granovsky, 1949: 88; Owen, 1993:118). Since the ordinance purported to encourage the “revival” of “dead” lands through cultivation, it proclaimed that anyone cultivating them could register them in his name (although ultimate ownership of this land remained in the hands of the state: Granovsky, 1949: 88).

When the lands ordinance was promulgated, there was not a single permanent settlement in the entire Negev; the city of Beersheba, the first permanent locality, was not founded until 1900. This meant that the lands ordinance made all of the Negev lands into *mawat* land – and hence state land (Supreme Court, Civil Appeal 218/74; see also Falah, 1989: 78). The Ottoman authorities expected all of the Empire's subjects who used *mawat* lands – including the Negev Bedouin – to

make the effort to present themselves at government offices in order to register the land in their names and receive title deeds. However, having their own ownership arrangements, the Bedouin failed to comply with the authorities' edicts. As for the Ottomans themselves, they did not demonstrate much interest in the Negev's destiny, and even when they did, the focus of their interest was neither Bedouin land nor developing the area, but what the British were up to in the Suez Canal area in neighboring Egypt. Given this situation, the Bedouin were able to continue running their lives on the basis of their traditional land arrangements.

After World War I, the British Mandate government, which had taken over from the defeated Ottomans, was similarly interested in regulating the land issue, and in 1921 it promulgated its own lands ordinance, based on the Ottoman lands ordinance. The British government proclaimed a two-month period during which residents holding and cultivating *mawat* land were asked to register it in their names; those who failed to do so would lose their ownership rights to the land. Most of the Bedouin in the Negev failed to respond to this call, whether because of problems of access, or because of their traditionally suspicious attitude to any form of government, or out of fear of taxation or conscription. On the other hand, the Bedouin still had no real reason to worry because the British promised that there would be no infringement of the rights of those holding land in accordance with traditional Arab law (Yiftachel, 2000: 9). Moreover, like the Ottomans before them, the British did not evince any great interest in the economic development of the Negev (Ben-David, 1996: 40; Biger, 1986: 55-57). In addition, although the British initiated a campaign for registering and regulating real estate in Palestine, this was undertaken from north to south, and when the British left Palestine in 1948, they had still not managed to reach the Negev (Yiftachel, 2003: 32).

The establishment of the State of Israel changed this picture. Unlike previous rulers, who had made practically no effort whatsoever to visit the Negev and failed to find much practical value in its lands, the State of Israel viewed the Negev as valuable property, first and foremost for the purpose of settling some of the hundreds of thousands of Jews who began to flood into the new country after 1948, but also as a convenient

area for establishing military bases, as a reservoir of natural resources, and as a corridor to the southern port city of Eilat. The Ottoman lands ordinance now served the new state, enabling it to assume control over Bedouin lands. On the basis of that ordinance, and on the basis of the fact that the Bedouin had not troubled to register their lands, neither following promulgation of the 1858 Ottoman ordinance nor in the wake of the 1921 British ordinance, the State of Israel declared that the Bedouin lands (with the exception of the few tracts whose owners did manage to prove ownership) belonged to the state, and that the Bedouin had no other rights to it other than “usufruct” (Meir, 199: 18; Ben-David, 1995: 66-67). Over the years, the state’s position received legal endorsement, including that of Israel’s Supreme Court. The State’s position has not changed since 1948.<sup>3</sup> The two primary means used to confiscate those lands remain the same: firstly, concentrating the Bedouin in government-planned settlements, and secondly, evicting the Bedouin from their lands, in return for compensation. A brief review follows of each of the two means; they are, of course, two sides of the same coin, but we have separated them in order to facilitate presentation.

### Concentrating the Bedouin in townships

After the stabilization of the Negev’s international status in the wake of the 1956 war, and also following stabilization of the Bedouin population in the Negev, with the 1948 refugees remaining outside Israel’s borders and those who remained being relocated to the Siyag area, the Israeli government began discussing a variety of possibilities for dealing with the situation and status of these Israelis.

The discussions speeded up at the end of Israel’s first decade. This occurred after a number of arid years in which the government had to pay compensation to the Bedouin for damage caused by drought. By 1963 this figure totaled four million Israeli pounds (Bauml, 2002: 309).

All of the proposals considered shared a common denominator – reducing to a minimum the area on which Bedouin would be settled in the Siyag region. Opinions differed as to how to do this.

One school of thought argued that the Bedouin should be transferred yet again, this time to the center of the country, thereby enabling the entire Siyag area to revert to the state. This type of thinking was led by Moshe Dayan, Southern Area commander and later Chief of Staff of the Israel Defense Forces (IDF) during the 1956 war, who, upon leaving the IDF, was appointed Minister of Agriculture. Dayan suggested settling the Bedouin in mixed Jewish-Arab localities in Israel's center, like Jaffa and Ramle, where they would become urban laborers. The second school of thought maintained that the Bedouin should be concentrated within the Siyag area, in two or three large townships. The head of this school was Yigal Alon, commander of the forces that conquered the Negev in 1948, who served as Minister of Labor in the early 1960s (Bauml, 2002: 310-315).

One of the first documents about concentrating the Bedouin was written in the IDF's Operations Branch, by a settlement and territorial defense officer on the General Staff. The document, which to a large extent reflected Yigal Alon's views, called for the Bedouin to be settled in the Siyag area (Porat, 2000: 454). It also spelled out the purpose to be served by the plan: to secure land suitable for settling Jews and setting up IDF bases. It identified another purpose as well: to remove the Bedouin from key Negev routes (Porat, 2000: 454). The document called for the Siyag area to be developed and an irrigation network installed to allow for the intensive cultivation of agricultural crops, in order to concentrate the Bedouin in the heart of the area, thereby freeing up other parts of the region for Jewish settlements (Porat, 2000: 459).

In contrast, Moshe Dayan devised a plan based on housing some 10,000 Bedouin in the mixed towns of Jaffa, Ramle and Lod, as well as in Beersheba, in return for their relinquishing their lands in the Negev (Porat, 2000: 466). The then prime minister, Ben-Gurion, supported this idea, particularly during a period when the Negev was plagued by incidents involving armed groups – incidents in which Bedouin (particularly those living in the Nitzana area) apparently took part (Porat, 2000: 461-463). However, the Bedouin strongly opposed Dayan's proposal, and in an effort to obstruct it, began constructing wood and tin structures in their tent encampments (Porat, 2000: 467). These efforts garnered the support of left-wing Jewish intellectuals



and political parties. In addition, the development minister in the ruling coalition, a member of the leftist Mapam party, initiated his own proposal, involving settling the Bedouin in the Siyag area (Porat, 2000: 470).

In the end, Moshe Dayan withdrew his proposal. This provided an opening to implement plans in the spirit of Yigal Alon's proposals. In March 1962, the government decided to set up an "interministerial committee to examine proposals for locating sites for residential construction in the Negev, including housing for the Bedouin population" (Bauml, 2002: 313). The committee recommended the establishment of permanent settlements for Bedouin in an area of 7,600 dunams – a tiny fraction of the total land of the Siyag. The committee also identified seven sites in the Siyag area where these townships could be set up. Implementation of these recommendations was intended to put an end to Bedouin claims of ownership rights to the lands to which they were transferred after 1948, and to hand over most of the Siyag-area lands to the State (Bauml, 2002: 314). This committee's report, which remained secret for many years, became a basic document for all the government committees appointed in the years to come in order to find a solution to the "Bedouin problem" (Bauml, 2002: 314).

Following the recommendations of the interministerial committee of inquiry, on September 19, 1965, the government approved three sites for permanent townships for the Bedouin: outside Beersheba; outside Shoval; and at Kseife next to Tel Malhata (this location was subsequently shifted closer to the town of Arad). The government noted that "each location will be planned as a self-contained unit to include building plots, educational institutions, a clinic and other public buildings, access roads, drinking water, electricity and sewage." The government undertook to finance the development costs, while the residents of the new localities were asked to finance housing construction, with the help of a mortgage amounting to 70% of the basic cost of building a dwelling unit (Cabinet Resolutions No. 682 [Gen/144] and 598 [Gen/128]). Within a short time, work began on construction of the first Bedouin township, Tel Sheva.

Creation of the urban settlements for the Bedouin did not proceed apace. Tel Sheva was founded in 1969, and Rahat in 1971. An

interlude of some ten years followed, until the second-wave townships were founded: Segev Shalom (1979), Ar'ara (1982), and Kseife (1982). Two additional localities were not built until two decades after Tel Sheva: Laqye in 1985, and Hora in 1989. A partial explanation for the slow pace of implementation is the fact that the 1967 war turned the Negev into a peripheral area: the Bedouin issue was marginalized, together with all the other issues involving development of the Negev (Porat, 2000: 475).

The view that the Bedouin must be concentrated in the smallest possible area of the Siyag has remained the basis of government policy to this very day. As Avinoam Meir puts it, the state has maintained the policy of shrinking “to the smallest figure possible the area in which the Bedouin are to live in order to intensify political control over them, and in order to reduce to the minimum the cost of physical and social infrastructure in the areas populated by them” (Meir, 1999: 20). In the words of Dr. Amer Al-Huzayyel, former strategic adviser to the Regional Council for Unrecognized Negev Villages, “it is no secret that the purpose of Israeli planning on the national and regional level is the Judaization of the planning space by concentrating the maximum number of Arabs on the minimum amount of land and dispersing the minimum number of Jews over the maximum amount of land” (Al-Huzayyel, 2004:1).

## The land question

Parallel to efforts to concentrate the Bedouin in urban localities, the government also took steps to implement its formal ownership of the Siyag lands. This action was not intended to put into practice any abstract legal principle: had the State wished for Bedouin recognition of its ownership of these lands, and nothing more, then it could have simply suggested that they purchase lands from it, at a symbolic price, or it could have leased land to the Bedouin, as is the practice for agricultural land (see below, section on agriculture). However, the steps taken to implement the state's formal ownership had another purpose: to transfer to the government areas that would be used for Jewish projects, such as new settlements, army bases or factories.

To take advantage of its formal ownership, the government needed a

process that would have the aura of legality, for with the passage of time, it had fewer and fewer options. Large-scale expulsions and transfers, along the lines of those that took place during and immediately after the 1948 war, gradually became out of the question. In the 1950s, the Bedouin struggled to retain their lands, with the support of the Jewish left-wing parties, first and foremost, Mapam (Porat, 2000); these struggles, even if they failed to change the basic government attitude, may nevertheless have blocked the most extremist measures.

Given this state of affairs, the government adopted the tactic of making evictions in return for compensation: it offered the Bedouin the option of moving from the lands on which they had been settled, to government-planned townships, in return for compensation. For this purpose, the state set up a land settlement mechanism: Bedouin who laid claim to ownership of lands were asked to file a suit, and if they agreed to the compensation conditions offered them by the state, they signed a waiver. They then were evacuated from the land, received compensation and moved to one of the government-sponsored localities. Bedouin who did not claim ownership and agree to move to one of these townships were also offered a plot by the state.

Bedouin had filed land ownership proceedings as early as the 1950s. Their claims were based, *inter alia*, on documents proving that they had paid land taxes; the state, for its part, argued *inter alia* that the land settlement had not been implemented in the Negev area and hence the Bedouin had no proof whatsoever of ownership. In addition, representatives of the state argued that certificates of tax payments had been lost in the State Archives (Porat, 2000: 457).

The legal machinery for land settlement was established in 1969. According to this procedure, the claimant of a title or a right of ownership of land had to submit a claim to the Land Settlement Officer at the Ministry of Justice (State Comptroller, 2002: 115).

Once the machinery was put in place, the state embarked on an operation to settle the lands question in the Negev. In the framework of this operation, and pursuant to the new machinery set up, Bedouin submitted some 3,000 ownership claims for 991,000 dunams. Most of these claims were filed at the beginning of the 1970s.

Since then, the process that the state calls “settling the land question” has made no significant progress, and most of the 3,000 claims are

still pending. The reason for this is that the state and the Bedouin are unable to reach agreement: from the Bedouin point of view, the settlement that the state is offering them – in terms of both the level of compensation and the standard of living in the “recognized” townships – does not constitute an acceptable alternative or a sufficient reason to forego the lands on which they were resettled; for its part, the government believes that the conditions that it is offering are “adequate for the Bedouin.”

During the three decades that have elapsed since the introduction of the legal machinery for settling land questions, the state has reached a settlement with the Bedouin for some 140,000 dunams only (State Comptroller, 2002: 115). Consequently the claims not yet settled total some 650,000 dunams (State Comptroller, 2002: 115).

### 1975: The Albeck Committee recommendations

In 1975, six years after the land settlement machinery was put in place, the government formulated its position and conditions. In October 1975, a government committee headed by Ms. Plia Albeck, director of the Civil Matters Section of the State Attorney’s Office,<sup>4</sup> submitted recommendations for land settlement in the Siyag and the northern Negev. The government adopted the recommendations in just under a year (Cabinet Resolution No. 968 [Ayin /1] dated August 15, 1976). The Albeck Committee’s recommendations served as the basis for all of the subsequent government proposals for settling the question of Bedouin land in the Negev.

The Albeck Committee introduced its recommendations stating that in its view, all of the Siyag area constituted mawat land, since at the time that the Ottoman lands ordinance was promulgated there were no permanent settlements whatsoever in the Negev. Therefore “the Bedouin are unable to acquire any rights [in the Siyag area lands], not even by virtue of protracted possession and cultivation, and hence all of the lands are state lands” (Albeck, 1975). The Albeck Committee went on to state that this argument had been accepted in two cases by the Beersheba District Court, one of which had been appealed to the Supreme Court (see Justice Halima’s ruling below).

However, having endorsed the traditional state line that the entire Negev consists of State lands, the Albeck Committee asserted that “it is unacceptable from a humane point of view, and it may be assumed that when land settlements come before it for consideration, the Supreme Court will not endorse the eviction of the Bedouin from the entire Siyag area without any compensation, on the argument that no rural or urban settlement existed there in 1858, due to the long period of time that they have lived there.” Hence the committee devised an arrangement going “beyond the letter of the law,” under which the state would give the Bedouin compensation “in return for their relinquishing the lands in their possession or that were in their possession in the past and to which they claim rights.”

Thus the Albeck Committee put into words the three principles of the policy applicable to this day. The first is non-recognition of ownership rights of the Bedouin to the lands inhabited by them now or in the past, based on the Ottoman and British lands ordinances. The second principle is the government’s willingness to offer the Bedouin compensation for their land “beyond the letter of the law,” following the argument that it is “unacceptable from the humane point of view, and it must be assumed that the Supreme Court will not endorse this either.” The third principle makes the awarding of compensation conditional on abandoning the land and moving to one of the government-planned localities, and as the Committee’s recommendations put it, “no compensation shall be given other than to a person who vacates the area or has vacated it in the past, and does not live and no longer occupies any land in the Siyag area in any form whatsoever other than lands assigned to him in the township designated for Bedouin or in locations designated for Bedouin cultivation.”

On compensation, the Albeck Committee recommended the following rules:

- a) All claimants shall receive financial compensation at the level of 65% of the value of the land to be determined by the government appraiser.
- b) Claimants with tracts larger than 400 dunams will be able to choose between financial compensation at the level of 65% of the value of the land and compensation in the form of land at the level of 20% [i.e., anyone claiming 400 dunams would receive 80

dunams], whereby the Albeck Committee offered them financial compensation for the remainder of the land at the level of 30% of the value of the land to be determined by the government appraiser.

- c) Claimants with tracts of at least 100 dunams shall be able to choose between the above monetary compensation and receiving irrigated land, including an annual water allocation of 500 cubic meters per dunam. The extent of such irrigated land shall relate to the extent of the land in the claim: for an area of between 100 and 199 dunams – one dunam of irrigated land; for an area of between 200 and 299 dunams – two dunams of irrigated land; for an area of between 300 and 399 dunams – three dunams of irrigated land; and for an area of between 400 and 499 dunams – four dunams of irrigated land. Anyone choosing this option is also entitled to financial compensation for 50% of the land claimed, minus the value of the irrigated land (Albeck, 1975: 3).

The significance of the Albeck Committee's recommendations was straightforward: renunciation by the Bedouin of most of their land, in return for ungenerous compensation. As will be shown below, just four years later the Israeli government offered far more generous compensation to Jewish settlers evacuated from the Sinai Peninsula with the signing of the peace treaty with Egypt. Moreover, the option offered the Bedouin – moving to a government-created township – did not represent a sufficiently tempting promise: 1969, six years before the submission of the Albeck Committee recommendations, saw the founding of Tel Sheva, the first Bedouin township, which was universally recognized as a resounding failure (Meir, 1999: 33; Medzini, cited in Bauml, 2002: 325).

The Bedouin did not relish the prospect of relinquishing their lands, which guaranteed minimal subsistence at least, and they rejected the Albeck Committee recommendations. This was despite the fact that in its report, the Committee wrote that its final recommendations had not been drafted until after the then prime minister, Yitzhak Rabin, had met with representatives of the Bedouin and heard their opinions. According to Moshe Sharon, at that time the prime minister's adviser on Arab affairs, they viewed the government's proposal as "aggravated larceny" (cited in Falah, 1989: 77; see also The Arab Association

for Human Rights, 2004). In addition, the Bedouin also had their reservations about the results of the survey on which the government's proposal was based, and they announced that they were claiming ownership over an additional 600,000 dunams, including absentees' land (Ben-David, 1995: 72).

In addition, once the details of the proposal became known, the Bedouin began taking steps to prove their ownership of the land: cultivation, planting olive trees and large-scale construction activities (Ben-David, 1995: 73).

### The Bedouin put forward their own proposal for a settlement

The 1975 proposed settlement was based on the assumption that in return for compensation, it would be possible to remove the Bedouin from their lands and reach a final settlement. However, the compensation offered was not sufficient to make a real change in the residential and occupational patterns of the Bedouin. On their part, the Bedouin were prepared to reach a settlement, but they asked for better conditions. An indication of the Bedouins' willingness to reach a settlement can be seen in the proposal submitted in 1989 by a group of 25 sheikhs; the first two paragraphs of the proposal read as follows:

- 1) Whereas the state proposed recognizing the right of ownership of the Bedouin to 20% of the lands presently inhabited by them, the sheikhs' proposal asked for recognition of ownership rights over 40% of the lands;
- 2) Regarding the lands which had already been expropriated, whereas the state proposed (in 1975) compensation of \$400 per dunam, the sheikhs' proposal (in 1989) stipulated the figure of \$10,000 as minimum compensation per dunam.

The sheikhs' proposal was not accepted.

## 1980: "The Peace Law"

In 1979, with the signing of the peace agreement with Egypt, Israel undertook to remove all of its civilian settlements and military bases from the Sinai Peninsula. In the framework of the evacuation, the IDF looked for a suitable site in the Negev for an air force base and found it at Tel Malhata in the Bedouin Siyag area, where today the Nevatim base is located. Initially, the state wanted to expropriate 300,000 dunams for this purpose, but in the end, as a result of a public protest by the Bedouin, it made do with just 65,000 dunams (Meir, 1999: 31).

Construction of the Nevatim Air Force base required the evacuation and resettlement of some 5,000 Bedouin (Ben-David, 1993: 31). The government offered compensation to these Bedouin in the spirit of the 1975 Albeck Committee recommendations. However, at the same time, the government was negotiating with the Jewish settlers who were about to be evacuated from Yamit and Pitkhat Rafiah: the Bedouin, who were aware of the level of compensation offered to the Jewish settlers, considered the compensation offered them to be ridiculous (Ben-David, 1996: 87).

When the Bedouin rejected the proposed terms, the State adopted the tactic of using legislation as a means of enforcing its own conditions. Accordingly, it set a figure for the cost of the evacuation – some 600 million Israeli pounds, or around NIS 245 million at 2005 values (Cabinet Resolution No. 179 [Bed/1] of November 18, 1979). This amount was intended to finance the evacuation of some 750 households, totaling around 7,000 individuals (Yiftachel, 2003: 34; Falah, 1989: 80). The amounts paid to the Sinai settlers were far higher: according to figures recently published by the Bank of Israel, the cost of compensation to the settlers totaled NIS 3.4 billion (at 2004 values). Moreover, another NIS 2.1 billion should be factored in, for the establishment of 19 agricultural localities to which the settlers were evacuated (Bank of Israel, 2005; see also Tzidon, 2005). The settlers comprised 1,840 households, and the number of individuals involved cannot have been much over 5,000 (Truan, 2005: 6).

The evacuation of the Bedouin from Tel Malhata was eventually facilitated by the Negev Land Acquisition Law (Peace Treaty with



Egypt)-1980, known by its abbreviated name as “The Peace Law.” The law itself slightly improved on the conditions offered by the Albeck Committee: claimants of up to 100 dunams were offered a choice of either a developed plot in one of the two government-planned townships to which the Bedouin were to be relocated, Kuseife and Ar’ara, or full monetary compensation for the value of the land (instead of 65% compensation only); those claiming tracts of 100 dunams or more were offered a choice of either financial compensation or irrigated land amounting to 5% of the land claimed (instead of 1%); and for the owners of tracts of 400 dunams and more – a small proportion of the claimants – the financial compensation was increased from 30% to 80% (Negev Land Acquisition Law-1980 [Peace Treaty with Egypt]).

The Peace Law contained renewed recognition of the ties of the Bedouin to the lands of the Siyag area in its very acknowledgment of the government’s willingness to pay compensation for the lands that it wished to confiscate (Meir, 1999: 31). The Peace Law also affixed the legislature’s seal of approval to the “beyond-the-letter-of-the-law settlement” which until then had been grounded in the Albeck Committee recommendations and the government resolution of August 15, 1976.

The Albeck Committee recommendations and The Peace Law brought about a situation of conditional Bedouin ownership of the lands in question: in other words, it implied that the state recognized Bedouin ownership only if and when they were prepared to renounce that ownership. As far as the state was concerned, the lands had indeed been declared its property, but at the same time, the law determined that it could not use that property without the agreement of its occupants: and such agreement was to be given in return for compensation. As the State Comptroller recently observed, “the areas for which no settlement has been made and are the object of ownership claims are, in practice, unavailable for use by the state until a settlement has been reached” (State Comptroller, 2002: 115). It is nevertheless clear that in the case of the Tel Malhata lands, this was not a voluntary settlement, but an agreement imposed on the Bedouin.

Another important precedent laid down in the Albeck Committee’s recommendations and The Peace Law was that the compensation proposed by the state could include not just money but also

alternative agricultural land and water allocation. Moreover, The Peace Law offered slightly higher levels of compensation than those of the Albeck Committee. Thus, the state acknowledged in practice the fact that many of the Bedouin are farmers. This recognition provided an opening for possible new settlements, including the allotment of plots of land for farming and grazing and water allocations – points to which we will return in the last chapter of the report.

1984: The judicial branch of government falls into line with the executive and legislative branches

In 1980, the situation was as follows: two of the three state authorities had ruled that the Siyag lands belonged to the state and not to the Bedouin. The executive branch of government did this in 1976 when it adopted the Albeck Committee recommendations, and the legislature did so in 1980 when it enacted The Peace Law.

The only branch left was the judiciary – but if any of the Bedouin still harbored hopes about the possibility of receiving relief from the legal system, these faded in May 1984 when the Supreme Court, sitting as the High Court of Civil Appeals, under Justice Avraham Halima, ruled unanimously that the state is the owner of all the mawat land in the Negev, as defined in the 1858 Ottoman lands ordinance and the 1921 British lands ordinance, unless the Bedouin have legal title deeds (Supreme Court, C.A. 218/74). It should be remembered that lower courts had already ruled that the Negev lands belonged to the state, and that the Bedouin had nothing whatsoever to do with them.

Thirteen residents from the Bedouin village of Al Hawashla near Dimona petitioned the Supreme Court for the land settlement clerk to register plots on which they resided in their names. When the settlement clerk rejected their claims, they applied to the District Court. The District Court ruled against the applicants, who then decided to appeal to the Supreme Court, sitting as a High Court of Civil Appeals. The Supreme Court not only ruled that they resided on mawat land belonging to the state, but also rejected the Bedouin argument that they had “revived” the land and hence it was no longer mawat-class land. From this viewpoint, Justice Halima’s ruling not

only coincided with but also endorsed the state's official position since 1948, to the effect that the Bedouin land was state land pure and simple.

Justice Halima's ruling brought to a definitive end the possibility of state recognition of Bedouin settlements on the Siyag lands. The Bedouin now faced a solid phalanx comprising all three branches of government.

However, Justice Halima's ruling could not put a halt to the procedures that had begun prior to the handing down of the judgment, in other words, settlements "beyond the letter of the law." True, the Halima ruling made it possible for the state, had it wished, to do as it pleased with the lands on which it had relocated the Bedouin, since officially the lands belonged to it. However, the government could not allow itself to do what it had done in 1948; since 1975, the rule laid down by the Albeck Committee had been in effect: forcible evacuation was no longer an option, whether from the humanitarian point of view or because of fears that Israel's Supreme Court would hold it inadmissible.

The upshot, therefore, is a stalemate: on the one hand, the Bedouin are not able to develop their lands and – whether independently or with government assistance – erect infrastructure and build permanent housing and businesses; on the other hand, the state is unable to make any other use of these lands, without compensating the Bedouin – something that involves obtaining their prior consent. In other words, neither party is able to take unilateral steps.

However, the degree of damage caused to the two sides is unequal: the stalemate primarily hurts the Bedouin, whether they live in the "unrecognized" villages or the government-planned towns, since the absence of progress over the land issue results in a lack of progress over most other issues. For example, in each of the seven "recognized" townships there are plots of land with which nothing can be done – no paving of roads, no erecting of public buildings, no building of residential neighborhoods – because the state is not prepared to recognize Bedouin ownership claims to these lands. As Dudu Cohen, director of the Interior Ministry's Southern District, puts it, "Every permanent township has approved master plans, but neither the master planning nor the detailed planning can be put into practice because

of the Bedouin ownership claims to the land. It is a well-known fact that one Bedouin will not have anything to do with land about which there is an ownership claim by another Bedouin” (Ministry of the Interior, 2002: 5).

While the Bedouin are the losers in this stalemate, the authorities are the “winners”: according to the Interior Ministry’s Southern District director, “this situation is also used [by the authorities] as an excuse for not allocating funds to carry out infrastructure work” (Ministry of the Interior, 2002: 14). Seen from this angle, it may be said that Justice Halima’s ruling gave the government a “waiver” on the obligation to invest in developing the minimal infrastructure that it provides any other group of citizens in Israel organized as a local community.

### New proposals for a settlement

During the years since the Albeck Committee’s recommendations were submitted and The Peace Law was enacted, Israeli governments have continued to be guided by the rules laid down therein. Thus, for example, when in 1992 the government wanted to confiscate more Bedouin land in order to set up industrial plants and expand Jewish settlements, it stipulated that “the financial criteria for removing the Bedouin will be examined on the basis of the conditions laid down in the Negev Land Acquisition Law (Peace Treaty with Egypt), 1980 (Cabinet Resolution No. 158 of September 8, 1992).

Given the guiding principles of the Albeck Committee and The Peace Law, the main changes made from time to time have largely been to the value of the financial compensation. The last time the government dealt with this subject was in 1997, when it formulated the “Land Settlement and Compensation Plan for the Evacuees in the Bedouin Diaspora in the Negev” (Cabinet Resolution No. 2749 [Bed/7] of October 1, 1997; the expression “diaspora” is used by the government when referring to the “unrecognized” villages). The decision updated the financial value of the compensation for different kinds of land.

Since 1997, the Israel Land Administration (ILA) has from time to time updated the details of the proposed settlement. At the time of writing, the most up-to-date conditions offered by the state are to

be found in ILA Decision 1028, dated May 2, 2005. In theory, this decision is an update to decisions 932 of June 24, 2002, and 996 of March 4, 2004. As in all the previous proposed settlements, in return for compensation the Bedouin are required to withdraw their ownership claims, to vacate the area in full, and to agree to register the land in the state's name.

However, the various updates do not change the basic picture, described very accurately in 2002 by Dudu Cohen, director of the Interior Ministry's Southern District: "The conversion ratios (in money and in land) offered the Bedouin ... are not reasonable/fair when the Bedouin does his feasibility calculation, i.e. – how much will the state pay him for the land he claims, and how much will he have to pay the state for the land/building plot in the existing/planned localities" (Ministry of the Interior, 2002:16).

Over the years, the settlement proposals have turned into a routine bureaucratic exercise devoid of any vision of a solution to the problem. According to statistics published in 2003, of some 3,000 claims submitted over the years, involving around 800,000 dunams, a settlement has been reached for just 140,000 dunams (State Comptroller, 2002:115). Of these, 60,000 dunams were dealt with in the framework of the Negev Land Acquisition Law (The Peace Law), with a settlement having been arrived at for an additional 82,000 or so dunams by the Compromises Committee and the Bedouin Authority (Mena, 1996).

In other words, practically 60 years after the establishment of the State of Israel, the question of the Siyag lands is still very far from being solved, despite decisions by all three branches of government. The Bedouin are not prepared to give up what they perceive as a better source of livelihood than what the state is offering them. For its part, the state feels no need to change its policy.

## 2005: The state submits counterclaims

In September 2003, the government headed by Ariel Sharon adopted a multi-annual plan for the Bedouin of the Negev. Part of the decision was about speeding up the process of gaining control over Bedouin

land, by filing ownership counter-claims to lands involved in legal proceedings. Apparently, one of the reasons for accelerating things in this way was the fear that time was on the side of the Bedouin. As the State Comptroller put it, “from the state’s point of view, the greater the delay in registering the lands in the name of the state, the greater the risk of losing the titles to such lands” (State Comptroller, 2002: 116).

According to Ya’akov Katz, director of the Bedouin Authority, by June 2005, 130 counter-claims had been drawn up, of which 100 had already been filed (Ya’akov Katz, interview, June 23, 2005). These claims relate to tracts totaling some 85,000 dunams (ILA, Decision 1028, May 2, 2005). In the meanwhile, judgments have been handed down in ten claims, relating to some 10,000 dunams (Ya’akov Katz, interview, June 23, 2005).

Some of the claims are heard in the courts in the absence of the owners of the Bedouin land. According to Dr. Amer Al-Huzayyel, since the Bedouin “have no faith whatsoever in the legal system, they say: ‘if I go to court, I’ll lose, if I don’t go I’ll lose; I’d rather not be present, and not confer legitimacy on the court’s decision’” (Amer Al-Huzayyel, interview, June 5, 2005). The Regional Council for Unrecognized Negev Villages actually advises the Bedouin to participate in the legal process, and also offers them legal aid (*ibid.*).

### Interim summary

The Bedouin land question is still far from having an agreed-upon solution. The state is acting in this area as if it were still in the pre-1948 period, when the Jews were fighting for every single dunam, with the aim of securing the Zionist claim to Palestine/Eretz Israel. According to this approach, the Israel Land Administration (ILA) acts as a guardian overseeing the ninety-three percent of Israel’s land, which is defined as belonging to the Jewish people. In this matter, Yosef Ben-David has written that “the Zionist conception of redeeming the land – a view that is deeply rooted in the consciousness of the government clerks who deal with Bedouin land issues – precludes any possibility of demonstrating generosity when allocating land to the Bedouin... When it comes to giving compensation to non-Jews, the state is

diligent in guarding its economic assets: hence the “frugality” (not to say miserliness) that characterizes the government’s compromise proposals... The government’s proposals, presented as a ‘compromise settlement,’ are no more than unilateral proposals that are unacceptable to most Bedouin landowners” (Ben-David, 1996: 87).

Such attitudes are responsible for an unusually high obstacle to implementing another aspiration on the part of the ILA: to concentrate the Bedouin in a small number of localities. In each of these localities, whether “recognized” or in the planning stage, there are large plots of land to which there are Bedouin claims: these prevent not only the development of those plots for residential purposes, but also for infrastructure systems and services for the locality’s entire population. Against this background, one can understand the criticism that other government bodies voice about the Bedouin Authority specifically, and the ILA generally. Dudu Cohen, director of the Interior Ministry’s Southern District, has made the point in the following terms: “The ILA states that as far as it is concerned, the important thing is to register as much of the Bedouin land as possible in the name of the state. But I would say to them, this is not what should be important to you. What should be important to you is getting the largest number of Bedouin into townships... What difference does it make if the Bedouin’s house is on land registered in the ILA as the State of Israel’s land, or in his own name? What is going on here? Are we talking about a strategic threat to the state? Are we talking about a tactical threat? What kind of threat is this?” (Dudu Cohen, interview, June 5, 2005)

## A Unique and Distinct Civic Status

That the Negev Bedouin do not stand on solid ground is reflected not only in the fact that the state is constantly trying to take their lands from them, but also in the fact that it does not treat them as ordinary Israeli citizens.

There are at least three areas in which the Bedouin are treated differently from Israel's other citizens: firstly, the relations between each of them and the state apparatus are not based on a direct link, as it is with other citizens. Instead, the relationship is mediated through special institutions that the state has set up specifically for this purpose and for this purpose alone. Secondly, unlike Israel's other citizens, for most of the years since 1948, the Bedouin have not enjoyed independent local government institutions, and to this day around one half of them still do not have such institutions. Thirdly, they have not possessed – and to this day some of them do not possess – such basic rights as the right to vote and to run for local office, or the right to register a precise address in their identity documents. Each of these three points will be discussed separately below.

### Unique mechanisms of control

From the state's point of view, "dealing with the Bedouin" is a unique undertaking – one that differs from dealing with the rest of Israel's citizens, and it is handled by special bodies that operate independently of and to a large extent in isolation from the other government bodies. From the Bedouin point of view, the Israeli State is an amorphous and remote body which has nothing to do with them: "the authorities" are not the government, the Knesset, or the district offices of the various government ministries, but those bodies that have been set up by the state in order to deal with them and with them alone.

This situation is reminiscent of the relations that existed in colonial times between imperial states and their colonies, with a special



commissioner or a special government ministry being appointed to deal with the latter. It is also reminiscent of the situation of Native Americans, responsibility for whom lies, to this day, with the Bureau of Indian Affairs – a branch of the US Department of the Interior, which manages the reservations where Native Americans have been relocated, and whose responsibilities also include the development of forestlands, leasing assets on these lands, directing agricultural programs, protecting water rights, developing infrastructure, and providing educational services (<http://www.doi.gov/bureau-indian-affairs>). As will be shown below, the Bureau of Indian Affairs has a counterpart in Israel – the Bedouin Advancement Authority, or in short, “the Bedouin Authority,” which operates under the aegis of the Israel Land Administration.

## The military government

For nearly twenty years, from 1949 to 1966, all Palestinians who in 1948 had become Israeli citizens were subject to the control of the military government. This also included the Negev Bedouin. Throughout all these years, the Bedouin, who were confined to the Siyag area, were almost entirely dependent on the goodwill of the military government (Porat, 2000: 421).

The military government’s pivotal position is reflected in various areas. At first, up to 1953, the IDF was the official body that carried out the most fateful steps in the history of the Negev Bedouin: it was the IDF that was responsible for pushing most of the Bedouin who had lived in the Negev up to 1948 over the border, and subsequently it was the IDF that relocated those who had remained within Israel to the Siyag area.

Post-1953 and up to the 1956 Suez War, the IDF remained the most important state representative in the Negev. First of all, the Israeli government was interested in consolidating its hold over the Negev, given the fact that the Great Powers, together with the Arab states, did not actually recognize Israel’s rule over the Negev. As we have seen, this situation only changed in the wake of the 1956 war. Secondly, during this period, the Negev experienced constant tension, mainly on its border with Egypt. In this connection, the IDF was interested

in restricting the mobility of the Negev Bedouin, including their freedom to cross the borders, given the fact that a small proportion of the Bedouin, mainly those living in the Nitzana area, were viewed as aiding the Egyptian army (Porat, 2000: 435). For their part, the Bedouin lived in constant fear that Israel would not allow them to remain in the Negev area and that the IDF would expel them across the border, to Jordan or Egypt (Porat, 2000: 433).

During this period, the position of the military government in all matters relating to the Bedouin inhabitants was so strong that it acted as the government's sole representative for every single matter and issue arising. Despite the fact that its official powers were, of course, restricted to security matters, while other areas of life should have been handled by the various government ministries, in practice the Negev's military governor and the military government division of the Defense Ministry came to represent the entire Israeli government (Marx, 1974: 34; Porat, 2000:431). For example, the military governor's representatives sat on the committees that approved Bedouin applications to lease land for cultivation – an activity for which the Ministry of Agriculture is responsible (Porat, 2000: 451). Furthermore, for years, the military authorities acted out of a sense that they could revoke the decisions of their civilian colleagues (Marx, 1974: 38). It should be noted that the military government's position was more crucial to the Negev Bedouin than to the Arabs in the northern parts of the country, either because the latter were more educated and more familiar with political procedures, or because it was easier for them to bring political pressure to bear and make use of the courts (Marx, 1974: 39).

For his part, the military governor did not have direct contact with individual Bedouin citizens, except through the mediation of the sheikhs (Porat, 2000: 431).<sup>5</sup>

After the Suez War, when the question of the Negev Bedouins' citizenship was no longer on the agenda, it was the IDF, as we have seen above, which devised the first proposal to set up recognized localities for the Bedouin (Porat, 2000: 454). The army also acted as the lead body when it came to settling the Bedouin in permanent centers and tackling the question of the status of Negev land (Porat, 2000: 474).

The military government's unique status began to weaken in the 1960s,

and it was eventually abolished in 1966. However, its abolition did not augur an end to treating the Negev Bedouin as an issue with security implications. Hence, for example, at a government meeting that took place more than a decade after the military government was abolished, in 1978, it was decided “to require the chairman of the ministerial committee relating to the status of the Negev Bedouin to present the ministerial committee for defense matters with the committee’s opinion concerning the concentrations of Bedouin villages in the Beersheba area and their implications” (Cabinet Resolution No. 223 [Bed/1] of December 10, 1978; see also Resolution No. 337 [Bed/2] of January 14, 1979). And closer to the present day, in 1999, the ministerial committee on matters relating to Israel’s Arab citizens decided “to ask the committee secretary to apply to the Southern Command commander with a request that he stop dealing with civil matters relating to the Bedouin in the Negev” (Cabinet Resolution No. 384 [Arab/2] of September 30, 1999).

### Special government committees

Once the military government was abolished, government responsibility for the Bedouin shifted from the Defense Ministry to the civilian ministries. In 1965, just before the abolition of the military government, the government set up the “Supreme Bedouin Committee,” whose task was to resettle the Bedouin in localities to be set up by the government in the Siyag area. The committee was headed by the Arab affairs adviser in the Prime Minister’s Office, and its members included the military governor of the Negev, an ILA representative, and representatives from the defense, agriculture, labor and interior ministries. The committee first decided on the establishment of three townships: Tel Sheva, Rahat and Kuseife. In 1973 it decided on the establishment of four more townships: Hora, Laqye, Segev Shalom, and Beit-Pelet (on the seven townships constructed for the Bedouin, see below; in the end, Beit-Pelet was never built).

“The Supreme Bedouin Committee” was responsible for a wide range of subjects normally dealt with by the various civilian ministries: apart from planning and building townships, the committee was responsible, either directly or through

subcommittees set up by it, for maintaining ties with the Bedouin population in order to encourage their sedentarization in permanent localities, for setting up water associations to deal with the provision of water to Bedouin localities, and for solving problems between tribes and between clans (State Comptroller, 1982: 171).

“The Supreme Bedouin Committee” ceased functioning in 1979, as it failed to operate properly even before that date (State Comptroller, 1982: 171). It was soon replaced by a new ministerial committee, “The Ministerial Committee for Coordinating Policy and Activities in the Bedouin Sector.” Then, in 1980, following the peace treaty with Egypt, the Knesset enacted The Peace Law, which was intended to make way for the expropriation of some 65,000 dunams at Tel Malhata for the construction of the Nevatim air force base. Based on the new law, the government decided to set up a ministerial committee to coordinate policy and activities in the Bedouin sector. The finance minister was appointed its chairman, and its members comprised the ministers of defense, agriculture, justice, and the interior.

Like “The Supreme Bedouin Committee” which preceded it, the new ministerial committee also claimed for itself a monopoly in all matters relating to the Bedouin. *Inter alia*, the committee decided that the activities of bodies involved with the Bedouin sector on behalf of the government would have to go through the new committee, and also that top priority would be given to dealing with evacuation of the area earmarked for the air force base and settling the evacuated Bedouin residents in two townships: Kuseife and Ar’ara. Following these decisions, the activities of “The Supreme Bedouin Committee” were terminated; initially its work was stopped for three months (State Comptroller, 1982: 176), but in practice it never met again.

The Ministerial Committee for Coordinating Policy and Activities in the Bedouin Sector set up the “Implementation Administration,” giving it powers and resources that enabled it to administer the evacuation of the Tel Malhata area as a military operation. For this purpose, the Implementation Administration imposed a freeze on the work of the bodies and committees that had operated previously, with the exception of the Housing Ministry. Within three years (1981-1983), the administration managed to remove the Tel Malhata Bedouin and resettle them at Kuseife and Ar’ara (Ben-David, 1993: 31).

Today, Bedouin affairs fall under the authority of the Ministerial Committee for the Non-Jewish Sector. The committee is headed by the Prime Minister, and its members are senior ministers: the Vice Premier, the deputy Prime Minister and Minister of Industry, Trade and Labour, the Finance Minister, the Defense Minister, the Internal Security Minister, the Construction and Housing Minister, the Minister of Education, Culture and Sport, the Interior Minister, and others.

### The Israel Land Administration (ILA)

While the ministerial committees were in charge of overall policy, the day-to-day administration of Bedouin affairs was handled by special governmental bodies. With the abolition of the military government, a debate began as to which of the civilian government ministries would now concentrate treatment of the Negev Bedouin in its hands. The initiative was taken by the agriculture minister, who asked his staff to draw up a plan for sedentarizing the Negev Bedouin. One of the recommendations submitted to him suggested that “in order to prevent running back and forth between the various ministries, it should be stipulated that the Agriculture Ministry should be the sole ministry to deal with the Bedouin.” It was subsequently proposed that a special authority be set up at the Agriculture Ministry, to have exclusive power to deal with settling the Bedouin (Porat, 2000: 469).

As the situation evolved, this role was indeed conferred on the Agriculture Ministry, and more precisely on the Israel Land Administration, set up in 1960 as a division within the Agriculture Ministry. The ILA superseded the three major bodies that had previously dealt with the lands issue in Israel: the Jewish National Fund, involved with acquiring lands from Palestinians since the beginnings of Zionism; the Development Authority, set up in 1950 in order to administer the lands expropriated from Palestinians during and subsequent to the 1948 war; and the State of Israel, as the British High Commissioner’s heir to state lands. Although the ILA was set up in the Agriculture Ministry, responsibility for its activities was entrusted to the ministers of finance and agriculture jointly. During its first thirty years, the ILA operated out of the Agriculture Ministry;

in 1990, the ILA was transferred to the Construction and Housing Ministry; in 1996 it was transferred yet again, this time to the Ministry of National Infrastructure ([www.mmi.gov.il](http://www.mmi.gov.il)). It should be noted that during a good proportion of this period, the minister responsible for the ILA was Ariel Sharon, who ensured that whenever he moved, the ILA portfolio went with him: from the Agriculture Ministry to the Construction and Housing Ministry, and from there to the Ministry of National Infrastructure. When Ariel Sharon became prime minister, he assigned the national infrastructure portfolio, including the ILA, to Ehud Olmert, a man he trusted. On January 10, 2005, when the Labour Party joined the coalition headed by Ariel Sharon, Olmert moved the ILA, together with himself, from the Ministry of National Infrastructure – now headed by Labor’s Binyamin Ben Eliezer – to the Ministry of Industry, Trade and Labour.

Since its establishment, the ILA has played a major role in dealing with the Negev Bedouin: until 1986 it constituted the senior partner in government committees handling Bedouin matters; since 1986 it has acted as a key government institution for Bedouin affairs, through a body called the “Bedouin Authority,” about which more will be said below.

### The Bedouin Authority

In 1986, after the Tel Malhata evacuation was completed and the area’s inhabitants were moved to Kuseife and Ar’ara, the government set up the “Bedouin Advancement Authority,” better known as “The Bedouin Authority,” under the aegis of the ILA. The Bedouin Authority was set up primarily in order to conduct negotiations with the Bedouin who submitted land title claims. In the intervening years, however, despite various upheavals, the Bedouin Authority has become the principal government body concentrating in its hands powers in all matters relating to the Negev’s Bedouin inhabitants. Salem Abu-Meriam, the director of the Negev branch of *Adalah* – The Legal Center for Arab Minority Rights in Israel - describes the Authority as a “state within a state” (cited in Hasson, *Ha’aretz*, May 20, 2005).

According to the ILA 2003 Annual Report, the Bedouin Authority provides services to around 150,000 Bedouin inhabitants, some

87,000 of whom live in seven government-planned townships, and the remainder in “unrecognized” villages (ILA, 2004: 167). The report lists the services provided by the Bedouin Authority as follows:

1. Planning and development in the seven government-planned townships, through the Housing Ministry and management companies.
2. Planning seven new townships pursuant to government resolutions (2000: see below).
3. Allocating land for public institutions in both “recognized” and “unrecognized” localities.
4. Allocating land for farming on the basis of a seasonal lease.
5. Giving approvals for mortgages, confirming ownership for building plans, transferring rights, registration in the Land Registry Office.
6. Handling land compromises over Bedouin title claims.
7. Making evacuation arrangements for Bedouin being relocated to permanent locales from “unrecognized” villages.
8. Convening the Drinking Water Allocation Committee. The Authority’s chairman also acts as the Drinking Water Committee chairman.

Since its establishment, the Bedouin Authority’s operations have been subordinate to the ILA. In principle, the Authority is also subordinate to the Ministerial Committee for Coordinating Policy and Activities in the Bedouin Sector. The State Comptroller’s Office has identified an irregular situation in which the Bedouin Authority is officially under the aegis of three different bodies: the ILA, the Ministerial Committee for Coordinating Policy and Activities in the Bedouin Sector, and the Infrastructure Ministry (in whose framework the ILA operated that year), with no clear division of powers and responsibilities between the three bodies (State Comptroller, 2002: 103).

The Bedouin are the only community in Israel for whom a special government body is in charge of their “development”. The Authority has a monopoly on planning in the Bedouin sector, making it responsible for establishing new neighborhoods in existing government-planned townships and setting up new townships. Furthermore, the Authority also has complete control over water allocation to the Bedouin – a subject for which the Bedouin Development Administration’s Water Committee is responsible (RC-HRA, 2003; ILA 2004:167). The

Bedouin Authority is also involved in decisions about the location of health services for the Bedouin (see Association for Civil Rights in Israel, HC 4540/00).

The monopoly position that the Bedouin Authority enjoys would appear to be the upshot not only of the ever more invasive and controlling tentacles of bureaucracy, but also of the shortcomings and failings of other government bodies. Apparently, when it comes to performing their duties in Bedouin locales, government ministries sometimes prefer not to earmark sufficient resources and instead get the Bedouin Authority to do the job. As Ya'akov Katz, the Authority's head, puts it, the other ministries found it convenient for there to be a Bedouin Authority, and let it "drive itself mad" with Bedouin affairs (Ya'akov Katz, interview, June 23, 2005).

The end of the Bedouin Authority?

Over the years the Bedouin Authority has attracted considerable criticism, both from the Bedouin themselves and from other organizations and bodies. Within the government, criticism of the Bedouin Authority has also been voiced. An example of this comes from the Ministry of the Interior: a document authored in 2002 by Dudu Cohen, director of the Ministry's Southern District, states that

the existence of the Bedouin Development Authority (in the framework of the Israel Land Administration), the Bedouin Education Authority, the Welfare Services Department for the Bedouin Diaspora and other organizational improvisations give the Bedouin the feeling of being a special population (in the negative sense of the term) that is not entitled to be dealt with directly and professionally by the various government ministries, as is the case for the Jewish population. Is the existence of these organizations, in this format, one of the reasons for the gap in the provision of services and the development of infrastructure on a low level compared with other towns and villages?

Various governmental bodies in the South, which do not know how to act and what to do with regard to the Bedouin, find it more convenient to refer the Bedouin to the Authority and to lay the blame on it.

The Bedouin Authority can (and perhaps should) deal solely with the one area that is specific to the Bedouin sector – ownership



claims and land settlements. If this is indeed true, the question that arises is whether it should be located in organizational terms in the Israel Land Administration or in the Justice Ministry or in the Finance Ministry.

It is vital that an organizational situation be brought about which will safeguard the basic principles and equality that apply in Israel when dealing with a civilian population, as is the accepted practice in the other parts of Israel's population. (Interior Ministry, 2002:7)

Over the last decade, apparently in the wake of criticism, a number of attempts have been made to abolish the Bedouin Authority or curtail its powers. An example is the 1996 government decision to set up a new body, to be called the Negev Bedouin Advancement Administration. This body was similarly designed to build townships for the Bedouin and to reach compromises over land title (Cabinet Resolution Bed/1 of November 26, 1996; Cabinet Resolution 1865 [Bed/2] of April 2, 1997). In practice, nothing happened and no new administration saw the light of day (State Comptroller, 2002: 103). The Bedouin Authority continued to operate as before, and in addition was asked to take steps to solve the "burning" problems until a comprehensive policy was devised.

In October 1997 and November 2000, the government decided to curtail the Bedouin Authority's powers in all matters relating to lands, town planning and the marketing of housing units in townships. It was subsequently stipulated that the Coordination and Control Division in the Prime Minister's Office would be the body to handle townships and provide inter-ministry coordination. However, this time, as before, nothing changed, and the Bedouin Authority continued to act as the central body handling the Bedouin population's affairs (State Comptroller, 2002: 102).

While this document was being written, a report was published in the press (Hasson, Ha'aretz, May 20, 2005) to the effect that the government would soon be considering dismantling the Bedouin Authority, or alternatively limiting its powers to land matters only. These are recommendations worked out by the National Security Council, and they are due to be submitted to the Prime Minister. According to the recommendations, those powers of the Bedouin Authority that have nothing to do with land are to be transferred

to two new bodies on which the Bedouin are to have significant representation: one is the new Abu Basma Regional Council, set up in order to manage a number of Bedouin settlements that are about to receive government recognition. The other is a “new government body that will be entrusted with a comprehensive solution to the Negev Bedouin problem” (Hasson, Ha’aretz, May 20, 2005).

## The Green Patrol

Apart from being responsible for the Bedouin Authority, the Israel Land Administration is also the chief financier of the Green Patrol – a government policing unit which, although its function is defined in the most general fashion, seems to focus most of its efforts on the Negev Bedouin population.

The Green Patrol, defined as “the open-areas supervision unit,” was set up in 1976 by the Agriculture Ministry in order to “supervise and safeguard the state’s land, water sources, landscape and environment in the country’s open spaces” (Tabibian-Mizrahi, 2004). In a document written by the Knesset Information and Research Center, the Green Patrol is described as “the unit that operates to prevent squatters and trespassers from impairing land title in various ways such as flocks trespassing on pastureland, unauthorized mining and quarrying, settlement without a permit, erecting buildings in breach of the law, taking possession of land by means of cultivation, stealing water, dumping refuse, destroying vegetation, and so on. The Unit also undertakes its own actions to gain possession of land and to ensure that suitable activities are undertaken on the land so as to prevent trespassing, and allocates tracts for various needs, principally grazing” (Tabibian-Mizrahi, 2004).

Officially, the Green Patrol is located in the Environmental Affairs Ministry, but it operates through a committee of directors-general on behalf of the IDF, the Jewish National Fund (JNF), the Agriculture Ministry, the Defense Ministry, the Interior Ministry and the Construction and Housing Ministry (ILA). The Green Patrol’s funding also comes from five bodies: ILA (49%), JNF (12%), Agriculture Ministry and Village Development (13%), Defense Ministry (26%), and the Mines and Quarries Unit in the Ministry of National

Infrastructure (1%). This is operational funding earmarked for routine supervisory activities. Before each policing operation, the unit sends a funding request to the body on whose behalf it is acting (Tabibian-Mizrahi 2004). In practice, therefore, the Green Patrol operates in the name of the government body on whose behalf it carries out its duties.

The Bedouin themselves call the unit the “Black Patrol” (Campbell, quoted in Abu-Saad, 2000), accusing it of using force, including destroying buildings and driving flocks of sheep off firing ranges and military land. The flocks are impounded and only released in return for costly payments (Mena, 1996). In addition, the Bedouin view the Green Patrol as a body whose activities are not subject to the law: over the years, many reports have been filed about Green Patrol harassment of the Bedouin – about the Patrol’s jeeps destroying tents, shooting in the air in order to intimidate people, beating up Bedouin and killing their livestock (Ben-David, 1996: 78-79).

### The Bedouin Education Authority

The Bedouin Education Authority, an anomalous governmental body unique to the Bedouin, was set up in 1981 as an instrument to be used by the Education Ministry to enforce the compulsory education law in the “unrecognized” Bedouin villages, which did not have a local/municipal authority able to provide such services. The Education Ministry ruled that the Authority would be responsible for setting up, building and maintaining schools, assuring appropriate and adequate teaching personnel, taking care of furniture and equipment, supplying water, providing funding and teaching materials, etc. In addition, the Authority is responsible for registering students and determining registration areas (Barak-Medina, 2001: 4). Despite this limited mission statement, in practice the Bedouin Education Authority became a key player in all matters relating to Bedouin education in both the “unrecognized” and the government-planned localities. It should be noted that in connection with the Bedouin Education Authority, a problem arose similar to that referred to earlier with regard to the Bedouin Authority: Jewish local authorities whose boundaries encompassed Bedouin inhabitants shirked their responsibilities and

referred Bedouin parents to the Bedouin Education Authority, even though in formal terms the Authority is not responsible for them (see for example petition by the Association for Civil Rights in Israel and Adalah versus the Ramat HaNegev Regional Council, HC 5221/00). As is the case for all of the special bodies set up for the Bedouin, since its inception, the Bedouin Education Authority has been headed by a Jew. For years its head was Moshe Shohat, a man who had no relevant educational background whatsoever and was appointed without a tender (RC-HRA, 2003; Barak-Medina, 2001). In June 2001 Shohat was cited in the Jewish Week, published in New York, as saying that the Bedouin are “bloodthirsty” people whose children do not know how to use toilets (Hasson, Ha’aretz, May 5, 2004). Following publication of these remarks, Adalah petitioned the Supreme Court to have Shohat removed from his post.

On May 5, 2004 a report appeared in Ha’aretz to the effect that the Education Ministry intended to scrap the Bedouin Education Authority and to transfer its powers to the Abu Basma Regional Council, a new regional council that was to include seven Bedouin villages in the process of being recognized or set up. The new council was charged with handling the entire population of the “unrecognized” villages, irrespective of whether or not they fell within its boundaries (Hasson, Ha’aretz, May 5, 2004). At the time of writing, the Bedouin Education Authority has not yet been dismantled, and its present-day director is Hanan Apota (Dudu Cohen, interview, June 5, 2005).

### Externally run local government

Another expression of the Bedouins’ unique civic status is the fact that for most of the time since the establishment of the Israeli State, they have not enjoyed local self-government – not even in the townships set up for them. Formerly, Bedouin were subject to the rule of the military governor and special ministerial committees. After they were relocated to government-planned townships, they found themselves subject to the control of Jewish officeholders. In five of the “recognized” Bedouin townships – Hora, Laqye, Kuseife, Ar’ara and Segev Shalom – it was 2000 before the first municipal elections were to take place. The only reason they did actually take place was that a

petition was submitted to the High Court (relating to Ar'ara, see HC 8236/96), after the government had twice been instructed to act on this issue. The first time was in 1997, when the government issued instructions for municipal elections to take place (Cabinet Resolution No. 2957 [Bed/10] of December 11, 1997), instructions that were not implemented; and the second time involved a 1999 decision (Cabinet Resolution No. Bed/1 of November 7, 1999), which led to elections being held the following year. In the two older townships, Tel Sheva (set up in 1968) and Rahat (1971), the first municipal elections were not held until 1993 and 1989, respectively. Here, too, the elections only took place in the wake of High Court petitions. Thus, in all seven government-planned townships, the local authority was subject for some 20 years to government that was not really local.

The phenomenon of a local authority run by people appointed by the Interior Ministry is not unique to the Bedouin townships or to Arab locales. In the 1950s and '60s, most of the local government heads in the Jewish development towns were party hacks – in particular from the Mapai Party (the present-day Labor Party) – who did not even live in those towns. They were appointed by the party central committees and acted as an externally run government – a kind of colonial government – on the pretext that the local residents were incapable of governing themselves (Swirski and Shoushan, 1985: 37). In the development towns, however, this phenomenon vanished four decades ago, while in the Bedouin localities it lived on, in the government-planned towns until 2000, and in the “unrecognized” villages to this very day, where they are in the process of receiving recognition. As geographer Avinoam Meir has pointed out, “in all matters involving the Bedouin, this policy has seemed the most convenient one in the government’s eyes, as a convenient civilian control mechanism supplanting the military government that was abolished in the mid-sixties. Even today, the government is in no hurry to renounce its control over the Bedouin population and its affairs, and this pattern of municipal management has therefore become the norm in the Bedouin towns, in the Bedouin regional councils, and in the other local authorities recently established” (Meir, 1999: 21). It should be pointed out that today, the law limits the period of office of an appointed council to a maximum of four years (Law of Local Authorities [elections] -1965,

1995 amendment).

Not only was the government in the Bedouin localities externally run: in some cases, those governments insisted on giving Hebrew names to the Bedouin townships. This is true of the first two locales, Tel Sheva and Rahat, as well as of two of the towns set up later, Segev Shalom and Aro'er (which eventually received an Arab name, Ar'ara, known as Ar'ara in the Negev in order to distinguish it from the village of Ar'ara in Wadi Ara).

Below is an overview of the main developments in these seven townships.

### Tel Sheva

Tel Sheva, the first township to be set up for the Negev Bedouin, was founded in 1968. Until 1984, the town fell under the jurisdiction of the B'nei Shimon Regional Council, from which it received mainly educational services. In the 1984-1993 period the town was run by a council head appointed by the Interior Ministry; from 1984 to 1988 the post was held by Avraham Revivo, and from 1988 to 1993 by Eliahu Shapira (Houry, 1990: 397). The first ever elections to the local authority took place in November 1993.

In the vicinity of Tel Sheva there are some 7,000 Bedouin living in "unrecognized" villages who receive welfare, education and health services via the local council (Sustainable Development for the Negev Association site, [www.negev.org.il](http://www.negev.org.il)).

### Rahat

Rahat, the largest Bedouin township, was founded in 1971. For ten years, until 1980, the town had no local government, and its residents received municipal services – in practice, primarily educational services – from the B'nei Shimon Regional Council (Houry, 1990: 341, 343; State Comptroller, 2000). The first local council was appointed by the Interior Minister in 1980. For the next ten years, it was headed by individuals appointed by the Interior Minister: from 1980 to 1982 the post was held by Aryeh Bar, and from 1982 and 1989 by Reuven Wissoker. The first elections for the local authority were not held until 1989 (Houry, 1990: 341). In July 1994, Rahat's municipal status

was changed from that of a local council to a town (State Comptroller, 2000).

### Ar'ara in the Negev

Ar'ara in the Negev is one of two townships – the other one is Kuseife – set up by the government in order to accommodate the Bedouin who were relocated from Tel Malhata when the Nevatim air force base was built there. Ar'ara (originally known by its Hebrew name of Aro'er) was founded in 1982. In its early years, the township was run by the “Implementation Authority” set up in order to evacuate the Bedouin from Tel Malhata (HC 4513/97, 1998). In 1988 the township came under the administration of the Masos Regional Council, which in addition to Ar'ara also included the Kuseife and Segev Shalom townships. The Masos Regional Council was run by Jewish bureaucrats appointed by the Interior Minister, and the Council's offices were located in Beersheba. The Masos Regional Council head was Ilan Sagy, who at the same time served on the Bedouin Authority (Houry, 1990: 335).

The Ar'ara Local Council was set up in 1996, but for its first four years it was run by an appointed council and council head acting on behalf of the Interior Minister. The High Court of Justice ruled (HC 6458/96) with regard to this appointed council that these were political appointments not based on objective considerations. The first elections to the Ar'ara local council finally took place in 2000 (Sustainable Development for the Negev Association site, [www.negev.org.il](http://www.negev.org.il)).

### Kuseife

Kuseife is the other township set up in order to accommodate the Bedouin who were relocated from Tel Malhata. Like Ar'ara, Kuseife was also established in 1982. Like Ar'ara, Kuseife was similarly governed in its initial years by the “Implementation Authority.” A change in 1988 led to the town being run by the Masos Regional Council, which apart from Kuseife also included the Ar'ara and Segev Shalom townships. As indicated above, the Masos Regional Council was run by Jewish bureaucrats appointed by the Interior Minister, and

the Council's offices were located in Beersheba.

The Kuseife Local Council was set up in 1996, but its head was Rahamim Maloul, an Interior Ministry appointee. The first elections to the Kuseife Local Council took place in 2000 (Sustainable Development for the Negev Association website, [www.negev.org.il](http://www.negev.org.il)).

### Segev Shalom

Segev Shalom was founded in 1979. In its early years the township enjoyed no municipal services whatsoever. From 1988 to 1996, Segev Shalom, together with Ar'ara and Kuseife, was part of the Masos Regional Council (Interior Ministry, 1999: 244), and when the latter was disbanded in 1996, Segev Shalom was established as a local council. In its first four years the local council was controlled by Interior Ministry appointees, the first of whom was Yitzhak Mizrahi. Following a petition to the High Court in 1999 (HC 7428/98), the court ruled that the appointments of Yitzhak Mizrahi and his deputy, Eliezer Kein, should be terminated, since these were political appointments. The first elections to the local council took place in 2000.

Thousands of Bedouin live in the vicinity of Segev Shalom in "unrecognized" villages, which receive educational, welfare and health services from the local council.

### Hora

Hora was founded in 1989. From 1991 to 1996, it fell under the Shoket Regional Council, which was set up for the towns of Hora and Laqye. As in the case of the Masos Regional Council, the Shoket Regional Council was also headed by a Jewish incumbent, who operated out of an office in Beersheba, and not in the town itself (Abu-Saad, Lithwick and Abu-Saad, 2004: 20). The Hora Local Council was set up in 1996. In its first four years, up to 2000, it was headed by David Efrati, an appointee of the Interior Minister. The High Court of Justice has ruled that (HC 6458/96) this was a political appointment.

In 2000 the first elections were held for the Hora Local Council (Sustainable Development for the Negev Association website, [www.negev.org.il](http://www.negev.org.il)).



## Laqye

Although Laqye was set up in 1975, its development was frozen for some ten years, apparently *inter alia* because of the fear that its closeness to the southern Hebron Hills might result in territorial contiguity of the Bedouin villages between the West Bank and the Gaza Strip (Yiftachel, 2003: 37). In 1985 the development process went ahead, and the township found itself under the jurisdiction of the B'nei Shimon Regional Council. From 1991 to 1996, Laqye, together with Hora, was part of the Shoket Regional Council. In 1996 the town was recognized as a local council in its own right. In its first four years, until 2000, it was headed by Gil'ad Avni and Ya'akov Katz, who were appointed by the Interior Minister. The first elections to the Laqye local council took place in 2000.

Several thousand Bedouin live in the vicinity of Laqye in "unrecognized" villages, which receive such services as water, education, health and welfare from the local council (State Comptroller, 2002: 97).

## The Masos and Shoket Regional Councils

As explained above, the Masos and Shoket Regional Councils were set up in order to run the five towns of Kuseife, Ar'ara, Segev Shalom, Hora and Laqye. These councils were headed by Jewish bureaucrats, including David Efrati and Ya'akov Katz (later appointed head of the Bedouin Authority), who were Interior Ministry appointees and ran the townships from offices in Beersheba.

In 1995 a public committee headed by Professor Gideon Kressel recommended doing away with these two regional councils. In the case of the Masos Regional Council, the Bedouin representatives petitioned the High Court against the Interior Minister, to require him to disband the regional councils and in their stead set up genuine local councils. In addition, they demanded the right to vote in elections for council heads. Following that petition, the Interior Minister appointed a committee of inquiry, which recommended setting up three local councils and delineating each council's area of jurisdiction. The Interior Minister adopted the Committee's recommendations and issued instructions to disband the Masos Regional Council in a winding-up order dated April 28, 1996. On May 12, 1996 the Interior

Minister signed an order establishing the Segev Shalom, Kuseife and Ar'ara local councils, without however enabling elections to take place as yet (Interior Ministry, 1999: 251-252; Abu-Saad, Lithwick and Abu-Saad, 2004: 20).

The same year, the Interior Minister also issued instructions to disband the Shoket Regional Council and set up the Hora and Laqye local councils in its stead. The minister appointed nine members to each of the local councils (five government representatives and four local residents) (Interior Ministry, 1999: 251-252).

### The Abu Basma Regional Council

In the wake of the government's 2000 decision to recognize six of the "unrecognized" Bedouin villages and to examine the possibility of according recognition to three others (in addition to the seven government-planned townships), the Interior Ministry set up a new regional council, called Abu Basma, to serve some of the villages that had gained recognition. The Abu Basma Regional Council, like the Masos and Shoket Regional Councils before it, operates out of offices in Beersheba. Its head is Amram Qal'aji, former director of the Interior Ministry's Northern District. It should be noted that unlike Israel's other regional councils, which administer a specific, territorially contiguous area of jurisdiction, the Abu Basma Regional Council, like its predecessors Masos and Shoket, only administers the specific areas of jurisdiction of each of the Bedouin townships that fall under it, and has no control whatsoever over the uninhabited areas between the towns.

### Israelis with no address

Today, one of the expressions of the limited citizenship of many Bedouin is the absence of a personal or family address. This state of affairs is the direct upshot of the fact that the State of Israel has not yet accorded recognition to dozens of Bedouin villages in the Negev. Because the authorities do not recognize these localities, they do not register their names in their residents' identity cards.

It should be noted that the historical names of many of the

“unrecognized” Bedouin villages in the Negev are still known from the pre-1948 period. Furthermore, until 1974 the name of the Bedouin village was recorded in the “place of birth” section in the Population Registry and in Bedouin identity cards (Al-Huzayyel, 2003). The military government itself also related to the geographic locality using its name, and this was recorded in the residents’ identity cards (Knesset, 2002(b)).

The situation changed in 1974 following the institution of Regulation No. 6 to the Population Registry Law, which stipulates that “notification as to the address of a Bedouin tribe that extends over a broad area shall include the name of the Bedouin tribe that is noted in column 1 in Schedule 3, the name of the subdistrict noted next to it in column 2, and the name of the district according to column 3” (Population Registry Regulations [Registration of Address] -1974). In other words, from that year onwards, the address of Bedouin inhabitants was no longer fixed, unlike the situation of the rest of the Israeli population, according to the place of their abode, but according to their tribal affiliation. Thus for example, the address of somebody from the Abu Rubei’a tribe is registered as follows: Abu Rubei’a, Beersheba Subdistrict, Southern District.

Parliamentarians and activists in organizations representing the Bedouin population want to change this regulation in accordance with the provisions of the second schedule in that regulation, according to which, “in a locale that is located outside the boundaries of a local council and is defined relative to a geographical grid reference that is marked in column 1 in Schedule 2, the notification shall include the name of the locale as specified in column 2 next to the geographical grid reference” (Knesset, 2000(b)). In other words, the Bedouin representatives wish residents’ addresses to be listed according to the names of their historical localities, as they appeared in residents’ identity cards up to 1974. They argue that Regulation No. 6 has made the residents of these locales into transparent people who have no address, since the tribe has no legal meaning as a geographical area, nor any municipal status in the absence of a local council (Al-Huzayyel, 2003).

The address problem is not unique to the Negev Bedouin, and it also affects the residents of “unrecognized” localities in other parts of

the country, most of whom are also Bedouin. In June 1997, *Adalah* petitioned the High Court against the Ministry of the Interior, on behalf of hundreds of residents of the Galilee village of Husseiniya. In the petition (HC 3607/97) it is argued that the Ministry of the Interior is violating an individual's right to his or her own address by not enabling residents to register the name of the village as their official address in their identity cards. In addition, *Adalah* complained about the detrimental effect on the right of residents to take part in parliamentary elections, since they are unable to vote in the area of their village. An additional argument was that non-registration of the village's name adversely affects the residents' right to receive mail. The High Court accepted the petition and hence the name of the locality is now included in the Population Registry Regulations (*Adalah*, 2001: 9-10). When *Adalah* brought a petition in a different case, that of the village of Arab-El Nayym, the State Attorney's Office argued that the village could only be added to the Population Registry Regulations after reaching advanced planning stages (*Adalah*, 2001: 9-10).

The State Attorney's Office represents, from this point of view, the position of the Ministry of the Interior. This is shown by a discussion that took place in a session of the Knesset joint interior affairs-labor committee, on June 18, 2001. At the end of this discussion the committee's members agreed unanimously to approach the Minister of the Interior in order to get him to bring his powers to bear under Regulation No. 4 to the Population Registry Regulations, so that instead of the tribe being given as the address, the grid reference of the geographical location would be given together with the indication of the name of the local authority in the vicinity of that point:

The committee stresses that in the course of time, since the institution of these regulations in 1974 and to the present day, significant change has occurred in the Bedouin sector – from both the social and the settlement point of view. Registering the name of the tribe as an address is no longer a proper expression of the situation, and leads to communication problems, with the non-receipt of documents and summonses. Hence it should be replaced by the name of the geographical locality – which does not change from time to time. (Knesset, 2001).

However, the Interior Ministry representatives who appeared before the Knesset committee argued that registering the name of the locality

was conditional on its establishment being approved by the planning authorities (Knesset, 2002(b)). They further argued that the change of address in the identity card would probably have a range of legal implications, including recognizing the right to vote and stand for election to the local authority – a right which cannot be realized in “unrecognized” villages (Knesset, 2002(a)).

In June 2003, parliamentarian Talab El-San’a submitted a bill to the effect that “notification of the address of a Bedouin tribe shall include the name of the tribe, the name of the locality, the grid reference and the district.” The explanation to the bill said that the definition of the tribe does not reflect the geographical link and the residential address, since many of the tribes have split up, some of them relocating to government-planned townships and others living outside them. The alternative definition proposed expresses the link between the resident and his/her place of residence according to the grid reference, the name of the place and the name of the subdistrict or the district. According to El-San’a, such a definition would inter alia make it easier to distribute mail and contact members of the Negev Bedouin population (El-San’a, 2003).

It should be noted that in 2002, the director of the Interior Ministry’s Southern District recommended “bringing about the conditions for registering all of the South’s Bedouin in the framework of local authorities and terminating the existing situation in which some of them are registered in the framework of the local authorities, some of them are registered in the framework of tribes (unrelated to a local authority) but live in the municipal area of a local authority or in outlying areas, and some of them are administered in the framework of the Bedouin Authority. This set of specific solutions constitutes a stumbling block in and of itself and prevents the implementation of an overall and correct solution” (Interior Ministry, 2002: 9). At the time of writing, the Interior Ministry is moving ahead with the registration of addresses only for those “unrecognized” villages presently undergoing the process of recognition and planning. In respect of the residents of these villages, the Interior Ministry has stated that “immediate and centralized registration is required of addresses in the framework of the Abu Basma local authority” (which was designed to deal on a centralized basis with the eight localities referred to above; see further

details below). The Interior Ministry goes on to state that before and in parallel to the move to a new locality, the address should be registered according to the name of the locality, while upon entrance to the municipal area of a village or town, the address is to be changed according to the address specified in the town – neighborhood, street, plot and so on (Interior Ministry, 2005).

### Citizens who have no right to vote and run for local office

Not only do the Bedouin living in “unrecognized” villages have no address, they also have no local government. Because they have no local government, they cannot enjoy the right enjoyed by all other Israeli citizens of participating in elections to the local authority, as either voters or candidates. And in a broader sense, they are also deprived of the right that is enjoyed by Israel’s other residents: the right to shape the policy that affects the quality of life in their place of abode, in the form of such services as education, welfare, cleaning and so on – everything for which the local authority is generally responsible.

In those cases where “unrecognized” Bedouin villages fall within the area of jurisdiction of Jewish local authorities (such as Omer, Arad and Dimona and the B’nei Shimon, Merhavim and Ramat HaNegev regional councils), the Bedouin residents are not entitled to vote in elections to the municipal authorities, nor are they entitled to stand for election to these authorities (Abu-Saad, 2004: 21; Yiftachel, 2003: 39). For example, some 10,000 Bedouin live in the area of the B’nei Shimon Regional Council on land leased from the ILA. Unlike this regional council’s Jewish residents, whose affairs are administered by the regional council, Bedouin affairs are run by the Bedouin Authority. The Bedouin living within the regional council’s bounds do not participate in elections for the council head, nor of course are they entitled to run for election to the regional council. This state of affairs prevails despite the fact that they are required to pay local taxes to the regional council for the lands leased by them (Interior Ministry, 1998).

In 1999, the Association for Civil Rights in Israel (ACRI) petitioned the High Court over the right of Bedouin residents living in the area covered by the B’nei Shimon Regional Council to take part in elections

to the council scheduled for May 1999. ACRI argued that although the Bedouin residents lived within the council's bounds, they were not included on its electoral roll and hence were deprived of the political right to take part in elections to the council as voters or candidates. The petition was rejected since the upcoming elections were too close, but the then Interior Minister undertook to find a solution to this issue (Association for Civil Rights in Israel, 1999). ACRI has not submitted another petition over this matter.

# The Government-Planned Townships: A Tale of Under-Development

## Introduction

Today, slightly over half of the Negev Bedouin – around 83,000 individuals – live in the seven government-planned townships: Tel Sheva, Rahat, Segev Shalom, Kuseife, Ar'ara, Hora, and Laqye. All seven of these are urban localities, despite the fact that the Bedouin who were relocated to them had a nomadic tradition in the more distant past, and a farming tradition in the immediate past. The government planners did not offer the Bedouin alternative types of communities that are available to the majority in Israel, such as moshavim or villages, which are more similar to their historical experience. The irony is unmistakable: Jews who had been city dwellers for generations and arrived in Israel in the 1950s and '60s were sent to rural locales in order to engage in farming and raise sheep, while the Bedouin, who for innumerable generations made a living from sheep grazing and farming, were relocated to urban localities. One possible explanation for this policy that cultural anthropologists are likely to advance is that the authorities adopted this approach in an attempt to accelerate Bedouin transition from “traditional” to “modern” society. In our eyes, a more likely explanation is that urbanization makes it possible to relocate a large number of Bedouin in a small space. Had Moshe Dayan's opinion, advocating moving the Bedouin to cities in central Israel, been accepted in the 1960s, an even greater saving in land might have been made, since at the time it would have been possible to put the Bedouin in cramped public housing projects, like those in which many of the Jews who came from the Arab countries at that time were housed.

The argument that the policy of relocating the Bedouin in townships was guided by land-economy considerations rather than by “urbanization”



or “modernization” ones is underpinned by the fact that “urban” Bedouin locales have remarkably few urban characteristics. For example, while Rahat has a municipal library building – the only one in all the Negev Bedouin townships - a visit that we made in March 2005 revealed that something was missing in this building – books. In Rahat’s new library building, not a single book was to be found, despite the fact that it has been up for over a year...

Most of these locales are 20 years old or more, but they still lack urban infrastructure, as well as any economic infrastructure worthy of the name. As a result, not only are they unable to provide their residents with employment: they are also incapable of maintaining any reasonable level of urban services. In addition, the government services in these townships function at an exceptionally low level.

As far as infrastructure systems are concerned, the “recognized” Bedouin townships’ situation is very similar to that of all the Arab locales in Israel. At the end of the 1970s, at the beginning of the operation to set up the seven Bedouin townships, many Arab villages in the northern and central parts of Israel still had no sewerage systems, no electricity and no paved roads (Lustick, 1980:191). Even in the early 1990s, there was no proper sewerage infrastructure in most Arab localities in Israel (Benziman and Mansur, 1992:190).

When it comes to infrastructure levels, the state institutions involved in planning and setting up urban locales would appear to use different yardsticks depending on whether they are dealing with Jews or Arabs. And yet the amazing thing is that while the Arab villages in the north of Israel existed prior to 1948, and hence the State can argue that it has problems in installing infrastructure in a built-up area, the Bedouin townships in the Negev are brand new localities, planned by the state, and so there should have been no difficulty whatsoever when it came to installing infrastructure.

This being the case, the Bedouin townships do not today constitute a reasonable housing option for the inhabitants of the “unrecognized” villages. A survey carried out by the Jewish-Arab Center for Economic Development in 1997 found that “the population of the (unrecognized) villages is not interested in moving to the permanent townships, and in practice relocations from villages to townships have come to a complete halt in recent years” (Znobar, 1999: 7). The Construction

and Housing Ministry carried out a similar survey two years previously, in December 1995, with similar results: some 80% of interviewees living in “unrecognized” villages expressed the desire to remain where they were; an additional 7% were willing to move to the townships’ farming sections. On the other hand, 50% of those interviewed who were living in the townships said that they wanted to move away and go to the farming villages (Fenster, 1995: 2-3; for similar data see also Abu-Saad, Lithwick and Abu-Saad, 2004: 107).

Some of the areas that reflect these aspects of life in the recognized Bedouin localities – the townships – are outlined below.

### Area of jurisdiction

The Bedouin urban localities are characterized by small areas of jurisdiction – a state of affairs that hampers their potential for development. Although the population of these localities constitutes 16% of the total population of the Beersheba subdistrict, their area of jurisdiction (60 sq.km.) makes up just 0.5% of the area of the subdistrict, which covers 12,945 sq.km. (*Adalah*, 2004: 7).

These facts are particularly striking when Bedouin localities are compared with Jewish ones: Dimona, whose population is smaller than Rahat’s (33,700 and 34,100 residents, respectively, in 2003), has an area of jurisdiction of 30.6 sq.km. – 3.5 times that of Rahat (8.85 sq.km.). Omer, whose population is around half of that of its Bedouin neighbor, Tel Sheva, has an area of jurisdiction which is 2.7 times that of Tel Sheva (*Adalah*, 2004: 7).

### Municipal budgets

The budgets available to the local authorities in the seven government-planned Bedouin townships are the lowest in the entire country. This is shown by the comparison of the municipal budgets of five groups of localities in Israel: Bedouin localities, non-Bedouin Arab localities, development towns, affluent localities, and Jewish settlements in the Palestinian territories.<sup>6</sup>

We ran a comparative check on the main component of all municipal

budgets: the municipal revenues in the operating budget (as opposed to the development budget).<sup>7</sup> Table 1 below shows municipal revenues data in the operating budget of the five groups of localities for the years 1991-2002. We found that in 2002, the average annual revenue of the Bedouin localities in their operating budgets, calculated on a per capita basis, was NIS 3,368. The equivalent figure in the Arab localities in Israel was comparable, at NIS 3,560. However, the per capita revenue of the remaining groups was significantly higher: in the development towns it came to NIS 5,218; in what are known as the “Forum 15” localities – affluent localities which do not need any equalization grants from the Interior Ministry – the figure was NIS 5,262; while in the settlements in the West Bank and the Gaza Strip, as well as in the Golan Heights, it totaled NIS 6,046 – the highest figure of all.

Analysis of Table 1 shows that the main reason for the local authorities’ low revenue level in Bedouin localities is income from local revenues: in 2002, this was half of the income from local revenues in the Arab local authorities, around a quarter of the income from local revenues in the Jewish settlements, around a fifth of the local income in the development towns, and about an eighth of the local income in the well-established localities.

In all matters relating to income from local revenues, the only group of localities which comes close to the Bedouin ones is the group of Arab localities in the north of the country. The Bedouin localities, like Israel’s Arab towns and villages in general, belong to the country’s poorest stratum, meaning very low levels of revenues from property taxes on dwellings. In addition, both these groups exhibit very low levels of local economic activity, and these in turn result in low – if any – levels of revenue from taxation on businesses.

Against the background of under-developed local economies that make local taxation impossible, as opposed to the situation in Jewish localities, generous government assistance might have been anticipated, since the government funds a considerable proportion of the municipal budgets of all of Israel’s localities, including the Bedouin ones. However, examination of the data reveals that the Bedouin localities, despite their economic straits, enjoy no special benefits whatsoever.

The government contributes to the funding of municipal budgets in two main ways: (a) underwriting the costs of various government services administered locally – education, welfare and so on; and (b) equalization grants, intended to compensate local authorities suffering from a dearth of local revenues. In terms of government contribution to the funding of social services, the data indicate that on a per capita basis, in 2002 the Bedouin localities enjoyed slightly higher government contributions than the other Arab localities (which also suffer from extremely weak local economic infrastructure): the figures are NIS 1,757 and NIS 1,376 per capita, respectively. The Bedouin localities were close to the level of development towns, which had per capita contributions of NIS 1,607. In contrast, in the settlements in the West Bank, the Gaza Strip and the Golan Heights, at NIS 2,032, the per capita funding level was higher than for any other group of localities. This large figure is indicative of the fact that if the government wished to look after the Bedouin localities better – something that holds true for all the Arab towns and villages in Israel – it would find the resources to do so.

The primary compensation for low revenues from local taxation that the government can give the local authority is an equalization grant. Examination of the figures reveals that the Bedouin localities receive an equalization grant that on a per capita basis amounted to NIS 1,038 in 2002. While this figure is somewhat higher than the equivalent in the development towns (NIS 859 per capita), it is lower than the equivalent in the Arab localities – NIS 1,114. The highest equalization grant was received by the settlements: in 2002, it amounted to NIS 1,655 per capita – a figure 60% higher than that received by the Bedouin localities. This figure also indicates that if the government had wanted to provide the Bedouin towns and villages with more generous compensation, it could have undoubtedly done so.

However, it is clear that the main way of improving the municipal funding of the Bedouin local authorities is large-scale investment in economic infrastructure and generating places of employment which would enable workers to earn a decent wage – something that would guarantee a higher level of self-funding.<sup>8</sup>

## Infrastructure

### Sewerage infrastructure

The townships planned by the government for the Negev Bedouin were set up and populated without any sewerage infrastructure. A survey carried out by Abu-Saad, Lithwick and Abu-Saad showed that at the end of the 1990s, half of the houses in these townships were still not connected to a sewerage system (Abu-Saad, Lithwick and Abu-Saad 2004:103). In the absence of a sewerage system, the residents used cesspits, whose absorptive capacity is constantly decreasing, with the results that the sewage frequently overflows. Use of these pits is also likely to contaminate the groundwater (State Comptroller, 2002: 98).

In March 1995, the government approved a plan to install a sewerage system in the seven government-planned townships, at a cost of NIS 276 million. In an audit carried out six and a half years after the plan was approved, the State Comptroller found that the sewerage system had not been completed in any of the townships (State Comptroller, 2002: 105). The State Comptroller further found that as of November 2001, in only eight of the 24 Tel Sheva neighborhoods had internal systems been installed for sewage disposal. In Ar'ara such a system had been installed in just one neighborhood out of 13 (State Comptroller, 2002: 105-106).

### Roads

In all of the Bedouin townships, the internal road systems are very poor. The State Comptroller found, for example, that in the town of Laqye the master plan for developing roads was not updated following the locality's expansion in 1998. Because the issue of title claims to land in the locality has not been settled, many roads that were included in the master plan were not paved, and in other instances buildings were constructed on the route to be taken by the road. In the older established neighborhoods, most of the roads have only been partially developed: they are narrower than the width specified in the master plan, with no sidewalks and no street lighting. In addition, there are no pedestrian crosswalk markings (State Comptroller, 2002: 98-99).

Access roads to the townships are also problematic, and some of them have no direct access from the main roads. Rahat is the only government-planned Bedouin locality that has three access roads, while the others have just one access road – a state of affairs that hampers traffic to and from them (Abu-Said and Lithwick, 2000: 34).

#### Water allocations

The urban Bedouin localities have significantly lower water allocations than their Jewish neighbors. Figures published by the Jewish-Arab Center for Economic Development for 1997 indicate that the per capita allocation of water for domestic usage in the development town of Ofakim was double that of the neighboring town of Rahat; the allocation for agricultural consumption was 4.4 times greater, while there was no allocation at all for industrial consumption (in 1997).

#### Public transportation

In the government-planned Bedouin townships, there is no public transportation, whether local or interurban. The publicly subsidized Egged bus company runs one bus a day from Beersheba to Rahat, and it is the only bus service to go into any Bedouin town or village. By way of comparison, Egged runs 12 services a day to the Jewish town of Lehavim, which has a much smaller population than Rahat (Hasson, *Ha'aretz*, April 11, 2004). The residents of the other Bedouin townships have to make do with buses that stop at the junction on the outskirts of their town. Egged provides transportation services to every single Jewish community in the Negev, even if it has no more than a handful of residents, but it fails to provide a similar service to the Bedouin localities. Its justification is the argument that it would not be economically feasible to do so (Abu-Saad and Lithwick, 2000: 24), or alternatively that a private transportation service has developed in these localities (Hasson, *Ha'aretz*, April 11, 2004).

The absence of public transportation curtails residents' access to the labor market, to institutions of higher learning, hospitals, welfare services, and to financial and government services. This is a particularly acute state of affairs given the fact that the Bedouin communities also have very small numbers of private cars (Abu-Saad, Lithwick and

Abu-Saad, 2004: 102).

The various plans for developing public transportation in Israel, such as building the Trans-Israel highway, improving rail infrastructure or improving bus services totally ignore the Bedouin communities (Abu-Saad, Lithwick and Abu-Saad, 2004: 21). The Beersheba metropolis plan does not include the Bedouin communities (with the exception of Rahat) in its discussion of developing the rail network (Abu-Saad and Lithwick, 2000: 24-25).

### Communications

Telephone services in the government-planned Bedouin townships are neither reliable nor sufficient (Abu-Saad and Lithwick, 2000: 28).

### Public institutions

In six of the seven Bedouin townships there are no banks, no post offices, no parking lots and no community centers.

The only exception is Rahat, with 30,000 inhabitants; it has one bank, one post office, and one community center (Abu-Saad, Lithwick and Abu-Saad, 2004: 21).

**Table 1: Per capita operating budget revenue by source, 1991-2002, Bedouin communities and aggregate communities in Israel**  
In fixed prices for 2004, in NIS

	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
<b>Per capita income – total</b>												
All localities	3,636	3,730	3,735	4,109	4,340	4,482	4,483	4,524	4,898	4,879	4,939	4,813
Bedouin communities	1,671	1,764	1,901	2,235	2,262	n.d	3,153	3,351	3,509	3,508	3,722	3,368
Arab communities	2,003	2,052	2,083	2,567	2,896	n.d	3,122	3,215	3,542	3,805	3,772	3,581
Development towns	4,344	4,292	4,229	4,512	4,790	4,807	4,923	4,869	5,166	5,299	5,404	5,218
Forum 15 communities	4,032	4,180	4,202	4,584	4,757	4,902	4,933	4,953	5,047	5,257	5,376	5,262
West Bank, Gaza Strip, Golan Heights	5,656	6,031	5,500	5,570	5,746	5,810	6,021	6,224	6,589	6,212	6,213	6,046

Table 1: cont.

	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
<b>Independent income, per capita</b>												
All localities	2,352	2,306	2,326	2,452	2,597	2,666	2,781	2,772	2,635	2,984	3,001	2,978
Bedouin communities	394	516	478	558	551	n.d	614	652	523	561	548	557
Arab communities	656	634	577	757	772	n.d	881	848	931	973	1,074	1,063
Development towns	1,868	1,818	1,818	2,065	2,169	2,149	2,275	2,227	2,379	2,571	2,562	2,518
Forum 15 communities	3,195	3,192	3,182	3,256	3,461	3,563	3,831	3,854	3,863	4,050	4,100	4,055
West Bank, Gaza Strip, Golan Heights	1,815	1,768	1,717	1,812	1,829	1,925	2,152	1,920	1,986	2,068	1,983	2,032
<b>Income from the government, per capita</b>												
All localities	827	830	899	971	1,046	1,093	1,097	1,167	1,218	1,300	1,322	1,275
Bedouin communities	444	468	665	801	855	n.d	1,168	1,378	1,626	1,715	1,912	1,757
Arab communities	618	638	750	875	1,010	n.d	1,062	1,104	1,196	1,351	1,377	1,334
Development towns	1,259	1,194	1,260	1,261	1,339	1,434	1,451	1,561	1,511	1,726	1,709	1,607
Forum 15 communities	771	756	816	899	988	1,021	1,028	1,061	1,134	1,175	1,213	1,158
West Bank, Gaza Strip, Golan Heights	1,479	1,500	1,569	1,576	1,608	1,580	1,595	2,169	2,408	2,462	2,116	2,032
<b>Equalization grant, per capita</b>												
All localities	401	458	416	541	598	610	562	560	573	523	523	487
Bedouin communities	757	766	759	876	857	n.d	1,372	1,320	1,360	1,232	1,195	1,038
Arab communities	594	698	744	932	1,105	n.d	1,174	1,229	1,300	1,227	1,186	1,123
Development towns	1,140	1,126	993	1,173	1,229	1,175	1,122	1,014	1,080	893	931	859
Forum 15 communities	11	46	40	69	86	47	35	36	31	14	40	24
West Bank, Gaza Strip, Golan Heights	2,289	2,494	2,083	2,152	2,274	2,269	2,227	2,054	2,133	1,648	1,815	1,655

**Notes:**

"All localities" – all localities in Israel, without the Israeli settlements on the Golan Heights, in the Gaza Strip and the West Bank.

A linear conversion was performed on 1991 figures to convert them into whole year terms.

"Arab communities" – not including the Bedouin communities.

**Sources:** Adva Center analysis of the Central Bureau of Statistics, *Local Authorities in Israel, Physical Data*, various years; *Local Authorities in Israel, Financial Data*, various years.



## Schools

Around one third of the classrooms at schools in the Bedouin townships are in mobile or “transportable” structures, to use the technical term used by government officials. In 2004, 12,250 pupils studied in these conditions. Entire schools operate out of such “transportable” structures (Forum for Arab Bedouin Education in the Negev, 2004: 2; 25-27).

**Table 2: Water allocations – Ofakim and Rahat, 1997**

Thousands of cubic meters

Locality	No. of residents	Total allocation	Allocation for domestic consumption	Allocation for domestic consumption per capita	Allocation for industrial consumption	Allocation for agricultural consumption
Ofakim	22,200	2,200	1,532	0.069	284	384
Rahat	25,900	969	881	0.034	---	88

**Source:** Figures from the Water Commission, cited in Zenobar, *The Arab and Bedouin Villages in the Negev – Analysis of Agricultural Development Possibilities*, May 1999: Table 1, p. 16. Population figures from: CBS, *Local Authorities in Israel 1997 – Physical Data*, Table 5.

## Decisions of the Barak and Sharon administrations

The inferior status of the government-planned Bedouin townships appears to be a frequent item at government meetings. In November 2000, Ehud Barak’s government decided that “the image of the existing seven permanent townships must be improved by an improvement in infrastructure, especially education and sewerage, and the construction of public buildings ... beginning with the 2001 state budget” (Resolution No. 2561 [Arab/43] of November 30, 2000). That same month the Barak administration’s Ministerial Committee for Arab Affairs recommended a lengthy series of actions: improving water, sewerage and garbage infrastructure, adding well- mother and baby clinics; developing recreational amenities such as sports facilities, public gardens and parks; establishing joint industrial areas for Bedouin and Jewish localities, such as the joint project of the B’nei Shimon Regional Council and the Lehavim and Rahat local councils. The committee also recommended a re-examination of the calculation of equalization

grants for the townships, as well as an examination of the possibility of increasing their development budgets. The committee calculated that an overall budget of NIS 1.561 billion would be needed to put its proposals into practice (report of the committee to examine how to improve the situation of the townships in the southern Bedouin sector, in Interior Ministry, 2002).

**Table 3: Population of the government-planned and unrecognized Bedouin localities in the Negev, 2002**  
thousands

Locality	Inhabitants	Locality	Inhabitants	Locality	Inhabitants
Hora	7.6	al-Bat	1.1	<Attir/ Amm al-Hiran	0.5
Kuseife	7.9	al-Bherah	1.8	Swewin	0.6
Laqye	6.1	al-Humrah	0.9	Gatamat\ al-Mathar	1.2
Ar'ara of the Negev	10.5	al-Madhbah	1.3	Qasr as-Sirr	2.8
Rahat	34.1	al-Mazra<ah\ Osh-Shahba	0.6	Rachamah	1.1
Segev Shalom	5.3	al-Mkimin	1.1	Tall al-Malih	0.8
Tel Sheva	11.2	al-Msa<idiyyih	0.6	Tall <Arad	0.8
Total inhabitants in recognized localities	82,700	al-Gharra	1.8	ash-Shahbiy/ Abu-Tlul	3.6
az-Za<rurah	2.8	al-Fur<ah	3.7	Chirbit al-Watan	2.4
az-Zarnug	1.3	al-Gren	3.7	Chirbit Zbalih	0.8
as-Sder	0.6	Amm Mitnan	3.9	Chashm Zannah	2.2
as-Sarr	2.0	Amm Ritam	0.9	Kuhlih	0.5
as-Sarrah	1.2	Amm Batin	3.3	Karkur	2.2
as-Saray<ih	0.5	Amm Namilih	1.7	Sa<awih	0.7
Bir al-Hamam	2.0	al-Mazra<ah\ Osh-Shahba	0.6	Ghazzih	0.5
Bir al-Mashash	0.9	Drayjat	1.0	<Abdih	0.9
Bir Haddaj	4.4	Wadiy An-Na<am	4.5	<Awajan	2.0
Wadiy Ghwin/ Tla< Rashid	3.0	Amrah	1.0	Total inhabitants in unrecognized villages	76,364

**Source:** The Negev Regional Development Center, *Statistical Yearbook for the Bedouin*, 2004.

A follow-up audit published by the State Comptroller in 2004 revealed that in 2002-2003, a certain degree of acceleration did take place in terms of developing the physical infrastructure, but it would appear that in the end, a considerable part of the money promised was not spent (State Comptroller, 2004(a): 887).

Three years after the Barak government's resolution, the Ariel Sharon government approved its own action plan. This time, the government committed itself to a six-year plan during which investments would total NIS 1.1 billion (Cabinet Resolution No. 881 [Arab/15] of September 25, 2003). However, some 80% of the sum was due to come from the operating budgets earmarked for the Bedouin localities in the various government ministries, with the new supplement to the budgeted amount amounting to no more than NIS 239 million. In addition, a considerable part of this amount was to be earmarked for budgeting bodies involved with policing, such as the State Attorney's Office, the Green Patrol and the Internal Security Ministry (State Comptroller 2004(a): 887; see Mossawa – The Advocacy Center for Arab Citizens of Israel, November 2003: 99). And if this were not enough, the State Comptroller carried out an audit and found that as with the previous plans, this time also the funds actually transferred were minimal: according to the plan, in 2004 government ministries were due to allocate a total of NIS 161 million to activities in the Bedouin sector, but in practice only 37% of the sum was actually budgeted (State Comptroller, 2004(a): 886-887).

# The “Unrecognized” Localities: A Tale of Invisible Citizens

## Introduction

Just under half of the Negev Bedouin – around 76,000 individuals – live in 45 or so localities not recognized by the authorities (in 2002, the State Comptroller gave a lower figure – around 65,000; State Comptroller, 2002: 111). Some of these localities were established prior to Israel’s establishment, while others came into being in the 1950s, when the state authorities expelled Bedouin tribes from the north-western part of the Negev, to the Siyag area (Regional Council for the Unrecognized Villages, [www.rcuv.org](http://www.rcuv.org)).

The “unrecognized” Bedouin villages do not appear on the official maps of the State of Israel, and their residents are invisible citizens: the state does not notice them when it designs policy, sets budgets, provides services or grants legal protection, nor do their Jewish neighbors see them - other than as a nuisance that ought to be reduced to a minimum.

Because they are “unrecognized,” these localities do not receive proper government services – neither municipal budgets, water, electricity and sewerage services, nor educational, health and welfare services (on the condition of the unrecognized villages, see also State Comptroller, 2002, and Mena, 1996). Likewise, these villages have no system of local government. Those of their residents who fall under the areas of jurisdiction of Jewish municipal authorities, such as the B’nei Shimon and Ramat HaNegev Regional Councils, do not receive any services from these authorities (Yiftachel, 2003: 39).

The practical significance of being an “unrecognized” village is that it has no master plan, and hence no building permits can be granted. The result is that any construction – whether of residential dwellings,

or public buildings, or infrastructure – is illegal and at risk of being demolished. This is the reason why, in the “unrecognized” villages, most of the structures are of flimsy materials – cloth, tin or wood, out of fear that if they were made of more sturdy materials, the authorities would demolish them. Nor are there any public buildings – no council buildings, no school buildings, no community center buildings, and so on. The internal roads and the roads that connect the village to the main roads are dirt roads.

Some 50% of the houses in the “unrecognized” villages are not connected to a water supply; the remainder receive low-grade water (Al-Huzayyel, 2002). In the absence of water from proper sources, the residents adopt a range of methods to acquire water, including storing water in containers, and private pipe connections, with the approval of the Water Committee at the Bedouin Administration, via pipes laid on the ground (Almi, 2003).

The villages are not connected to the national electricity grid. As a result, most of the houses have no refrigerators. The few public institutions that exist have no electricity, and the roads are unlit (Almi, 2003: 27). Over 80% of residents only have access to electricity as the result of private generators operated for just a few hours a day, because of the high cost. A fraction of the residents use batteries (Al-Huzayyel, 2002: 18; Regional Council for the Unrecognized Villages ([www.rcuv.org](http://www.rcuv.org))).

As indicated earlier, the unrecognized villages have no sewerage systems. Consequently, use is made of cesspits, which constitute a sanitation and environmental hazard. In addition, two open sewerage lines, one beginning in the Jewish town of Dimona and the other in the Hebron Hills, traverse or run close to a number of the “unrecognized” villages (Almi, 2003: 29-30). In the absence of a municipal authority, these villages have no garbage removal system, the result being the accumulation of 91 tons of garbage a day, or 2,730 tons a month (Al-Huzayyel 2002: 17).

The health, education and welfare systems are in an appalling condition. Tens of thousands of the residents of the 45 “unrecognized” villages have to make do with the services of nine clinics, which have no water or mains electricity. The clinics provide basic services only: in order to receive additional medical services, the residents have to go to

the regional clinics (Regional Council for the Unrecognized Villages ([www.rcuv.org](http://www.rcuv.org))).<sup>9</sup>

Infant mortality is 13.1 per 1,000 births, compared to 5.5 per 1,000 births among the Jewish population (Regional Council for the Unrecognized Villages ([www.rcuv.org](http://www.rcuv.org))).

The same applies to education: in all of the unrecognized villages, there are only 30 preschools for toddlers aged 3-4, although the relevant population comprises 6,500 children. In addition, there are just 15 elementary schools for a total of 18,000 or so children in the appropriate age group. For older children, there is not one single high school in the “unrecognized” villages, although there are 9,800 schoolchildren aged 12-17 (Al-Huzayyel, 2002: 16; Regional Council for the Unrecognized Villages: [www.rcuv.org](http://www.rcuv.org)).

Given the absence of government recognition, the welfare system in the unrecognized villages is as basic as can be – at a time when 50% of their entire population, and some 60% of their children - are below the poverty line (Al-Huzayyel, 2002: 14).

### In the wake of Justice Halima’s ruling

In the twenty years since Justice Halima’s ruling, the situation of the Bedouin living in “unrecognized” villages has not changed significantly. The state’s position has not wavered, maintaining that the lands on which the Bedouin are living are state lands – an argument it uses, on the one hand, in order to refrain from recognizing, planning and developing these communities, and on the other hand in order to justify the fact that it withholds minimal services from these citizens. For their part, the Bedouin are not prepared to renounce their lands, even when this involves a major cost – living under the harshest of conditions, without proper infrastructure or services. The compensation that the state is prepared to offer them is not sufficiently persuasive to be able to break the present logjam. In addition, the alternatives available to those Bedouin who are in principle prepared to move to a township are not exactly tempting: as has been shown above, for the Negev Bedouin, living in a government-planned township means a low standard of living, few sources of employment, low-level education

services, and a dearth of significant economic development plans.

And yet in the last decade, meaningful change has taken place. Firstly, in 2000 the government took a decision that represents a genuine breakthrough – to recognize some of the “unrecognized” villages and to include them in its master plans. This turnaround resulted in part from action on the part of Bedouin organizations and Bedouin activists in the Labor Party, which was in power at the time. Secondly, in 2000, the High Court of Justice ruled that the planning authorities were also required to plan rural communities for the Bedouin, and consideration must be given to recognizing the “unrecognized” villages, with Bedouin representatives being included in the planning process. We will expand on both of these decisions below.

In the meanwhile, these achievements exist on paper only, inasmuch as – despite the government decision and the High Court’s ruling – the situation on the ground has not changed, largely because the state is not prepared to compromise when it comes to its basic condition: that the Bedouin renounce their lands, in return for not particularly generous compensation.

### The Regional Council for the Unrecognized Negev Villages

In 1994, a master plan was devised for the southern region (Regional Master Plan RMP 14/4). It became clear that it involved displacing some of the Bedouin in the “unrecognized” villages from their land, and taking large tracts from some of the villages.

The phenomenon of excluding the Bedouin from government master plans is not a new one: the state, through its planning bodies, has acted this way for years. In a number of major regional master plans, the “unrecognized” Bedouin villages went totally unmarked, as if they did not exist, or their locations were marked as intended for public use such as sewerage works, public parks or industrial areas. Such plans included the 1972 district plan, the 1991 “Negev Front (Kidmat Negev) Plan,” the 1995 greater Beersheba metropolitan plan, and the 1998 renewed district plan (Yiftachel, 2003: 34).

In reaction to the 1994 district master plan, residents of the “unrecognized” Bedouin villages petitioned the court. Eventually,

they organized themselves and set up their own organization, the Regional Council for the Unrecognized Negev Villages. The Council, inaugurated on May 17, 1997, comprised the heads of local committees from the various communities (Al-Huzayyel, 2004: 3). The Council set itself the goal of achieving recognition for the 45 “unrecognized” villages (Al-Huzayyel, interview, June 5, 2005). In cooperation with the Jewish-Arab Center for Economic Development, the Council drew up its own master plan, the “Negev Arabs Plan for 2020,” submitting it to the planning institutions and the Interior Ministry (Al-Huzayyel 2004: 2).

### The Barak government’s 2000 decision

The Regional Council for the Unrecognized Villages in the Negev marked a significant turning point in how the Negev Bedouin conducted their struggle. However, this did not come out of nowhere. Before the Council was established there were other bodies that had been set up by Bedouin and acted on their behalf, including the Association for the Support and Defense of Bedouin Rights (see for example Algazi, Ha’aretz, January 9, 1994). As long ago as the 1950s and ’60s, Bedouin, together with Jewish left-wing activists, took action to oppose the policy of dispossessing and excluding the Bedouin (see, for example, Porat, 2000). And during the period of the Barak government, Bedouin acted within the Labour Party framework to advance their community’s affairs.

All of this contributed to the most significant turning point in government policy of the last decade. In November 2000, Ehud Barak’s government decided to recognize some of the “unrecognized” Bedouin villages.

It should be noted that as recently as 1996, Shimon Peres’ government took a similar decision (“The government shall act to set up 5-7 extra townships to accommodate the Bedouin currently scattered outside the permanent Negev localities”: Cabinet Resolution No. 840 of May 12, 1996). A resolution in like spirit was also adopted by Binyamin Netanyahu’s government (“to act to establish up to 5 townships in the southern district in order to solve the Bedouin population’s housing shortage”: Cabinet Resolution No. 4824 of January 31, 1999). Both



decisions were taken close to election time (in the case of the Peres government's decision, two weeks before the elections). In any case, neither of these two governments managed to put their resolutions into practice.

The Barak government resolution (2461 [Arab/43], of November 30, 2000) called for "a comprehensive, all-inclusive multi-year master plan to be drawn up for the establishment of settlements for the Negev Bedouin, in conjunction with representatives of the Bedouin population, to take account of the various tribes' needs and desires. In this framework, new settlements will be set up in the diaspora." The government went on to state that "the land settlement process shall continue with those Bedouin who have claims to land title, but it shall not constitute a condition for the establishment of the townships and the provision of services to the population in the diaspora" (*ibid.*).

In addition, the government decided to begin setting up service centers for residents of the "unrecognized" villages, so that services could be provided even before the completion of the planning and development procedures for the newly recognized communities. Following the government's decision, the National Planning and Construction Council approved the establishment of 16 out of 19 service centers recommended by the Regional Council for the Unrecognized Negev villages (Al-Huzayyel, 2004: 8).

The breakthrough was reflected in three components of the government decision: firstly, willingness to accord recognition to a number of the "unrecognized" villages; secondly, willingness to renounce any conditional link between providing services and recognizing new localities, on the one hand, and progress in the land settlement process, on the other; and thirdly, the decision to involve the Bedouin residents of the "unrecognized" villages in the decision-making process.

In part, the background to the government decision was cooperation between Bedouin Labour Party activists and senior figures in Barak's camp, as well as ties that developed between Ehud Barak, during his election campaign, and members of the Regional Council for the Unrecognized Negev Villages (Al-Huzayyel, interview, June 5, 2005). It should also be noted that two of the Barak government ministers took steps to promote Bedouin affairs: Matan Vilna'i, who served in the Barak government as chairman of the ministerial committee for

Arab affairs, and Yossi Beilin, who headed the team that prepared a plan to provide an overall solution to the Bedouin problem, inspired by the “Negev Arabs Plan for 2020” of the Regional Council for the Unrecognized Negev Villages.

The villages that the government decided to recognize were Mar’it, Beit-Pelet, Be’er Hayil, Hawashla, Amm Batin and Molada. The government also recommended examining the possibility of recognizing three additional unrecognized villages: Avdat A, Avdat B, and Ziadna (Resolution No. 2562/47).

Against the background of the government decision, representatives of the Regional Council for the Unrecognized Negev Villages were invited to Ehud Barak’s bureau, where they were asked to express their agreement that this step would constitute a final response to all Bedouin land claims. The Council’s representatives refused to do so, asserting that from their point of view this would constitute political and social suicide, in light of the fact that the government decision did not solve the land question and tens of thousands of Bedouin still remained in “unrecognized” villages (Al-Huzayyel, interview, June 5, 2005).

Residents of the “unrecognized” villages petition the High Court

In parallel to all of the above, in 2000, the High Court of Justice considered a petition brought by the residents of the “unrecognized” villages over the failure to include them in the master plan for the southern district. The petition was brought in the wake of the objection submitted by the petitioners to the National Planning and Construction Council as long before as December 1994, soon after the publication of the master plan for the southern district (District Master Plan 14/4). They asked the state to explain why the master plan should not be corrected so as to require the planning of rural villages for the Negev Bedouin, and why it should not include directives for planning the villages so as to take maximum account of the needs and desires of the Bedouin Arab population (HC 1991/00).

The High Court brought pressure to bear on both the petitioners and the National Planning and Construction Council to reach an interim agreement, in the meanwhile leaving the petition pending. The interim

arrangement stipulated as follows:

1. A partial district master plan shall be drawn up, in the framework of a Beersheba metropolitan plan, to relate to the Bedouin villages in the area that extends eastward to Arad and Dimona, southward to Sde Boker and Revivim, and westward to Netivot.
2. Among the range of possible community forms, the planners shall also bear the rural village in mind, and shall both consult with the residents' representatives and take account of an alternative plan submitted by the Regional Council for the Unrecognized Negev Villages.

The Bedouin viewed the High Court decision as another important achievement, following the Barak government decision. However, in the five years since the High Court and government decisions, there has been no real progress on the ground. The High Court set the limit of one year for the submission of an amended plan, but as early as July 2001, both parties submitted an application for an 18-month extension, in order to make it possible to finalize the revised planning work. Since then, there have been additional extensions.

On the legal front, the absence of progress is reflected in two notifications to the High Court submitted by the Israel Association for Civil Rights (ACRI) on behalf of the petitioners, one on September 28, 2004, and the second on June 27, 2005. The first notification indicates that the plan being worked out – RMP 4/14/23 – does not meet the needs of the population in question, nor does it comply with the State's undertaking before the High Court (HC 1991/00, September 28, 2004, reaction on behalf of the petitioners). ACRI argued that since the High Court asked for an alternative plan to be drawn up, the authorities have adopted a foot-dragging policy. It also argued that without the watchful eye of the High Court, the authorities would have entirely failed to honor their commitments. Moreover, ACRI contended that the authorities continued “to operate two separate planning tracks: one is a slow and laborious track for the Negev Bedouin population, through the preparation of RMP 4/14/23; while the second is a high-speed, accelerated track, for the Jewish population, through ‘implementation’ of government decisions calling for the establishment of dozens of communities and individual ranches or farms for the Jewish population, and not through RMP

4/14/23” (Hamdan: 2005).<sup>10</sup>

In the second notification that ACRI submitted to the High Court on behalf of the petitioners on June 27, 2005, it expressed its disappointment at the master plan that was taking shape because it “does not provide a response to the petition, and also fails to provide a response to the commitments on the part of the planning institutions that were provided in the framework of the petition” (HC 1991/00, June 27, 2005, comments by petitioners). ACRI added, “the plan continues a discriminatory planning policy that enables Jewish residents to live in a wide range of localities, including tiny ones, such as new kibbutzim, community-based villages with fewer than 20 families, and individual ranches” (ibid.). Finally, ACRI complained that the plan that was being devised “leaves some 50,000 residents, constituting nearly 65% of the population of the unrecognized villages... without any potential for planning arrangements in the future” (ibid.).

Indications as to what is going on in the team set up in order to prepare the amended master plan (RMP 4/14/23) can also be gleaned from the minority opinion submitted by two members of the planning team, Prof. Oren Yiftachel of Ben-Gurion University and Dr. Rassem Khamaisi. In their minority opinion, dated January 11, 2005, the two state that in the interim, the planning team had drawn up just one practical plan – recognizing the village of Abu-Tlul. Yiftachel and Khamaisi also point out that the planning team fails to take account of genuine alternatives to the community form preferred by the authorities – concentrating the Bedouin in a small number of townships - despite the fact that the project’s initial documents contain declarations about acknowledging the fact that the prevailing situation on the ground – in other words, the large number of rural communities or villages – would constitute the basis for the planning solutions; and additional declarations were made to the effect that the planning would tend “in the direction of the possibility of recognizing a considerable proportion of the community living in its present location and making it possible for permanent construction to be carried out adjacent to temporary constructions.” Yiftachel and Khamaisi recommend that in the planning team’s work, among other things, it include three different forms of community: rural, urbanizing, and urban. They also recommend that the team

include in its recommendations the possibility of setting up Bedouin neighborhoods in urban communities that today are exclusively Jewish – such as Beersheba, Omer, Yeruham and Dimona (Yiftachel and Khamaisi: 2005).

It should be further noted that the High Court decision that the inhabitants be included in formulation of the master plan was implemented in a very restricted sense only. In the wake of the High Court ruling, a steering committee was set up that included Bedouin representatives. However, this steering committee does not take part in the planning work proper, and meetings are held infrequently (Al-Huzayyel, interview, June 5, 2005).

### 2003 decision by the Sharon government

The last government decision on the Negev Bedouin was taken in September 2003, in the form of a multi-year plan to extend over the 2003-2008 period (Resolution No. 881 [Arab/15] of September 25, 2003). The general tenor of this decision differs markedly from that of the Barak government. While the 2003 document endorses the Barak government's decision to recognize seven (according to the decision) of the "unrecognized" villages, and also refers to developing infrastructure and services, its primary emphasis is on law enforcement.

Three months after the Sharon government's decision, two further decisions were taken in quick succession (Resolution No. 2886 of December 12, 2004, and Resolution No. 2959 of December 23, 2004). These were intended to specify the steps to be taken by the government in order to implement the law enforcement part of Resolution 881. They both deal mainly with setting up an interministerial administration to coordinate the enforcement of land laws. This administration is to be set up under the aegis of the Israel Police Force, and is to be headed by a senior police officer. The administration is to coordinate the operations of the various state-level bodies already involved in this area today, including the Green Patrol. In addition, the government decision requires the setting up of two new specialized bodies to deal specifically with enforcing land law: a specialized police unit with 108 officers, and a special unit in the State Attorney's Office with 10 established posts, including six positions of prosecutor.<sup>11</sup>

The Regional Council for the Unrecognized Negev Villages viewed the Sharon plan as a “declaration of war on the Bedouin community in the unrecognized villages,” first and foremost because a significant part of the new funds – 38% – was earmarked for reinforcing the authorities responsible for policing, planning, and construction laws, the Green Patrol and the State Attorney’s Office personnel (Cook, 2003: 4; Mossawa, 2003: 100). As a result, the Regional Council for the Unrecognized Negev Villages, together with 32 Jewish and Arab advocacy organizations, set up the “Joint Forum for Growth and Equality in the Negev” (Al-Huzayyel, 2004: 9). One of this forum’s main arguments was that the funds earmarked by the Sharon government were primarily intended for house demolitions – not for a genuine solution to the overall problem.

It should be noted that the Sharon government, like the Barak government before it, issued an invitation to representatives of the Regional Council for the Unrecognized Negev Villages to meet with it, and asked these representatives to recognize the government’s decision as a final settlement to all Bedouin claims. This time as well, the Bedouin representatives refused to commit themselves to such an arrangement.

### Decisions and mood – but little change on the ground

To summarize, in the last decade a number of important changes have taken place in terms of the Negev Bedouin issue. On the one hand, as we have seen, the Bedouin in the unrecognized villages have organized and set up a representative body. On the other hand, two governments – Ehud Barak’s and Ariel Sharon’s – have taken decisions indicative of positive change. To this must be added the 2000 High Court decision obliging the planning authorities to involve the Bedouin in the planning process.

Nevertheless, the cumulative impression is that Israel’s governments have failed and continue to fail to reach any decision to take genuine steps so as to settle the issue of the status and rights of the Negev Bedouin. An examination of the steps taken by governments over the years shows that they are characterized by a number of features: firstly, the absence of any in-depth examination of the issue and of

its implications for the Bedouin, for the Negev, and for the image of Israeli society; secondly, the absence of a firm decision to bring about a genuine breakthrough; thirdly, instead of behaving proactively, dealing with the situation by reacting to specific pressures, such as recognizing a few more villages or increasing financial compensation by a few percentage points; fourthly, the proliferation of authorities, committees and bodies; fifthly, the proliferation of decisions that are not implemented; sixthly, the allocation of low-level budgets, spread over far too many years and with a low take-up rate (see below for more details). In addition to all of this, an additional element must be factored in: that from time to time the state returns to acting by coercion, whether through legislation, along the lines of the 1980 “Peace Law,” or – as is currently being done – filing countersuits in the courts, or demolishing buildings, or chemical spraying and plowing up of fields.

The State Comptroller, who periodically examines government policy toward the Bedouin, noted in his 2002 report that between May 1996 and December 2000, five inter-ministerial committees or teams were appointed to come up with recommendations for devising an overall policy for the Bedouin – but none of these bodies managed to achieve this goal. The last team was appointed in December 2000. Under the director-general of the Infrastructure Ministry (which at the time was in charge of the Israel Land Administration (ILA), this team included representatives from the Interior Ministry, the ILA, the Finance Ministry, the Justice Ministry and the Bedouin Authority. The team’s mandate was to devise a recommendation about the structure, powers and hierarchical position of a central body to be responsible for advancing Bedouin affairs. The team was further entrusted with preparing a policy document about recommended procedures. The team set up sub-teams to examine a variety of subjects, but in the end, no recommendations whatsoever were submitted to it by the sub-teams (State Comptroller, 2002: 100-101).

### Inappropriate budgets, low take-up rates

An analysis of the state budget reveals that firstly, the amounts allocated by the government for the Bedouin population in the Negev

are small, and secondly, even those amounts are not fully utilized. Table 4 below gives budgetary data for three areas affecting the Bedouin, in the framework of the Israel Land Administration budget: the financing of the Bedouin Authority; the financing of operations for land protection - mainly policing operations; and the financing of planning and development in the “minorities sector” – a budget line that is used, among other things, to promote the development of Bedouin localities. For each of these areas, the table gives two statistics: the amount that the State allocates to the budget line each year, and the amount actually utilized.

It can be seen that the Bedouin Authority’s operating budget – the smallest of all three areas – is generally taken up in full.

The second line, land protection, is intended “to reduce the phenomenon of illegal takeover of national land and to prevent illegal construction” (Finance Ministry, 2004: 60). One of the ways that the land is protected is through “afforestation, fencing, spraying and other such measures,” as well as “a presence on the ground, identifying trespassing, instigating legal proceedings, and removing trespassers from the land” (ibid.). The take-up level for this line is lower, averaging 68% over a number of years.

The budgetary line with the lowest take-up level is that for “planning and development in the minorities sector.” According to the ILA, this line is primarily intended for “development and planning expenditure for the Negev Bedouin population, in the following areas: (1) planning and development of new sections in the seven [government-planned] Bedouin townships; (2) renovating and upgrading the existing infrastructure in the Bedouin townships... and (3) planning and development of the seven new Bedouin townships planned for habitation...” (Finance Ministry, 2004: 61). Table 4 shows that throughout most of the last decade, the take-up rate of the planning and development budget was around one third, with a 40% average over a number of years. It should be noted that setting a large budget year after year, when those responsible for the budget know full well that take-up levels will be low, is actually a deliberate ploy designed to give a false impression of government generosity.

Another aspect worth pointing out is that the Israeli government is perfectly aware of the problem of budgets that are not taken up. Thus



in 2000, the Barak government took a decision “to require the Negev Bedouin Authority and the Finance Ministry to chart the extent of take-up of the various budgetary lines earmarked in the 2000 budget for the Negev Bedouin. In the case of those budgetary lines that will apparently not be taken up by the end of 2000, the surpluses are to be transferred to other lines in order to implement plans for additional investments in infrastructure in the Negev Bedouin sector” (Resolution No. 2561 [Arab/43] of November 30, 2000).

**Table 4: Israel Land Authority budget, selected lines, budget allocation and actual take-up, 1996-2005**  
NIS millions in 2004 prices

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
<b>Bedouin Authority (budgetary line 980118)</b>										
Budget	2.4	2.8	6.5	5.8	5.1	5.7	4.7	4.5	6.2	5.2
Implementation	2.4	2.8	4.4	4.4	3.8	5.1	4.5	4.4	---	---
% take-up	102%	102%	67%	75%	73%	89%	96%	98%	---	---
<b>Land protection (budgetary line 980241)</b>										
Budget	20.8	20.7	15.9	21.6	19.3	25.6	24.5	25.8	22.6	30.9
Implementation	19.5	15.9	10.8	12.1	11.3	13.4	16.7	18.8	---	---
% take-up	94%	77%	68%	56%	59%	52%	68%	73%	---	---
<b>Planning and development in the minorities sectors (budgetary line 980305)</b>										
Budget	60.6	94.6	165.1	151.1	159.5	156.5	149.4	121.0	93.1	92.6
Implementation	42.3	39.9	57.4	45.5	51.0	41.8	48.6	61.9	---	---
% take-up	70%	42%	35%	30%	32%	27%	33%	51%	---	---

**Sources:** Adva Center analysis of Finance Ministry, *Draft Budget for the Financial Year and Explanations, Israel Land Administration*, various years; and from Finance Ministry, Comptroller General, *Financial Report as of December 31*, various years.

The State Comptroller is also aware of the problem of low take-up levels of government budgets. In his 2002 annual report, the State Comptroller indicated that the sums allocated by the state to tackling

pressing needs in the areas of infrastructure and public institutions in the Bedouin localities were inadequate, and that despite this state of affairs, they were not always utilized in full. The government also allocated relatively large budgets to pay compensation for land – but in the absence of any real response to Bedouin claims, the take-up rate of compensation money was relatively low (State Comptroller, 2002: 109).

### Villages in the process of being recognized: A state-of-the-art report

While this document was being written, decisions were being taken by a number of government bodies that affect the process of recognizing the “unrecognized” Bedouin villages. It should be noted that each of these decisions cites a different number of localities undergoing the recognition process.

As explained earlier, in November 2000, the government decided (Cabinet Resolution No. 2562 [Arab/47]) to accord recognition to six of the “unrecognized” Bedouin villages, and to examine the possibility of recognizing three more.

In January 2003, the director-general of the Interior Ministry appointed a borders committee, which was supposed to provide recommendations about the municipal structure and borders of seven villages: Beit-Pelet (a village earmarked for the Abu-Qureinat tribe); Mar’it (earmarked for the group of Bedouin living in the northern Arad Valley); Hawashla (earmarked for the southern Hawashla groups); Be’er Hayil (earmarked for the southern Azazme groups); Molada (earmarked for the northern Al Atrash and Hawashla groups); Amm Batin (earmarked for groups from Abu-Kaf and Abu Asa); and Nahal Shmariya (Tarabin) (a village earmarked for groups from Tarabin as-Sani).

In December 2003, the Interior Minister set up the Abu Basma Regional Council, which was intended to comprise the “unrecognized” villages accorded recognition in 2000, starting with six of them: Abu Qureinat, Bir Haddaj, Tarabin as-Sani, Kuhih, Qasr as-Sirr and Drayjat (Local Authorities Directive: 2003; Interior Ministry: 2005). The

towns of Amm Batin and Molada were also due to join the Abu Basma Regional Council at a later stage. Amram Qal'aji, an Interior Ministry representative, was appointed to head the Abu Basma Council (Galili, Ha'aretz, February 20, 2004).

Eventually, in May 2005, the Israel Land Administration reported (Decision 1028, May 2, 2005) that it was engaged in trying to advance the planning and establishment of eight new localities for the Negev Bedouin, in the framework of the 2000 resolution of the Barak administration: Tarabin, Abu Qureinat, Bir Haddaj, Qasr as-Sirr, Kuhlih, Drayjat, Amm Batin and Molada. The ILA also reported being involved in planning a significant expansion of two existing localities, including doubling the area of the township of Rahat.

According to Dudu Cohen, director of the Interior Ministry's Southern District, in only one of these localities, Drayjat, have the planning process and plans for people to move reached an advanced stage (Dudu Cohen, interview, June 5, 2005).

### Mediation – another unilateral government step?

During the Barak administration, Yossi Beilin, then Justice Minister, set in motion a process of mediation (non-binding arbitration) between the government and the Bedouin, through the National Center for Mediation and Dispute Resolution at the Justice Ministry. The person chosen to head the mediation process was Professor Lawrence Susskind, an expert in conflict resolution at Harvard who specializes in resolving disputes between states and minority communities and has been involved, inter alia, in mediation processes between the Inuit and the Canadian government, and between minorities and the Peruvian establishment, as well as in the Philippines (CBI, February 23, 2005). The mediation process headed by Prof. Susskind generally involves two stages: conflict evaluation, and mediation proper. At the end of 2003, Prof. Susskind received the agreement of Ehud Olmert, then deputy prime minister and Minister of Industry, Commerce and Labour as well as acting head of Israel's Ministerial Committee for Arab Affairs, for Israel to participate in the conflict evaluation stage. In his document, the minister stated that his agreement "was only to evaluate the conflict and not to any other process" (Olmert, October

2, 2003). Subsequently Prof. Susskind held a large number of meetings in Israel, including with some 80 Bedouin figures ([www.cbbuilding.org/projects/bedouin](http://www.cbbuilding.org/projects/bedouin)). Prof. Susskind decided to run the evaluation in two Bedouin localities, one of which was recognized – Kuseife – while the other, Amm Batin, was in the process of undergoing recognition.

In addition, Prof. Susskind set up an evaluation team. The team was composed of 12 men and women – ten Jews and two non-Bedouin Arabs. This composition comes as a surprise in light of the assertion by the Consensus Building Institute (CBI), of which Prof. Susskind is president, that one of the basic principles of any mediation process is the neutrality of the evaluators and mediators (*ibid.*). This surprise is further heightened by the fact that in a public letter sent “to the citizens of the Negev and all stakeholders,” the CBI is described as a “neutral and independent American organization” (CBI, February 23, 2005).

In January 2005, the media reported that Meni Mazouz, Israel’s Attorney-General, had consented to the inauguration of the mediation process under Prof. Susskind’s leadership (Hasson, Ha’aretz, January 20, 2005). Reports indicated further that the mediation process had the support of some 100 “senior figures in the Bedouin sector,” as well as that of various government figures and agencies, including the National Security Council, the police and the General Security Service – three bodies that are apprehensive about an outbreak of violent protests on the part of the Bedouin (*ibid.*).

It should be noted that this mediation initiative is taking place at a time when the government is adopting a tougher stance, whether in the form of the filing of countersuits, or in the form of demolition of Bedouin houses and the chemical spraying of Bedouin fields from the air. It may be safely assumed that in the absence of a government pledge to put an end to such actions, it will be very difficult for any progress to be made in the mediation process.

## No Economic Improvement in Sight

Not only does the Negev Bedouin community not stand on solid ground, with many of its members still deprived of full civil rights; neither is it a full-fledged partner in Israel's economy. While many of their Jewish neighbors, and in particular the Middle Eastern Jews who were brought to the Negev in the 1950s and '60s and underwent proletarianization, making them full-fledged (albeit blue-collar) actors in the Israeli economy, the Bedouin have remained in the wings of the country's economic scene. Some of them subsist on farming and raising sheep with the scantiest of resources, without the generous government subsidies that enable Jewish agriculture to thrive, while many others eke out an existence from unskilled and woefully underpaid casual jobs on the margins of industry, trade and services in Negev localities.

From this point of view, the Negev Bedouin community is quite similar to groups of indigenous peoples in other countries, such as those of Latin America, who are on the margins of the formal economy, on the borderline that both connects and simultaneously divides between the capitalist economy, which is controlled and directed by the dominant group, and the subsistence economy of the indigenous peoples. The capitalist economy will cross the line when it needs one of the available resources – a natural resource, or land – but will generally fail to make the requisite investments, be it in infrastructure, in education, or in industrial plants, in order to allow the indigenous groups to join the mainstream, even if this means their proletarianization.

### 1948-1967: A general view

Throughout most of the twentieth century, the primary source of income for the Bedouin was farming. In the population census taken by the British Mandatory government in 1931, 89.3% of the Negev's Bedouin population reported that they made their living from farming

(Falah, 1985: 36). However, because of the Negev's land and climate conditions, it was difficult for the Bedouin to live off farming alone, and so they sought employment outside their places of residence. Thus during World War II, they worked for the British army, which set up a whole series of camps, storehouses and airfields in the Negev (Shmueli, 1979: 676). In addition, Bedouin also went north in search of seasonal employment.

The establishment of the State of Israel opened a new chapter in the economy of the Negev. Unlike the Ottoman and British rulers, the Israeli government did a great deal in order to make the Negev an arena for economic development. However, for a number of reasons, this development passed the Bedouin by. First of all, under the military government that remained in force until 1966, the Bedouin were confined to the Siyag area, which they were only allowed to leave if they obtained a movement permit from the military governor. When the latter issued such movement permits, he took into account not only security considerations, but also the economic interests of the Jewish population. Secondly, although Israeli governments did more than their predecessors, the economic development of the Negev was fairly limited, initially involving only the exploitation of its natural resources. The new Jewish communities were frequently set up in haste, making it impossible to provide adequate economic and employment infrastructure. Not until the end of Israel's first decade was a start made on directing industrial plants, primarily in the textile sector, to the Negev, particularly to the Jewish development towns. The upshot was that throughout most of the fifties, the entire Negev – like many other parts of the new country – suffered from high unemployment rates. Against this background, the authorities feared that the Bedouin, who were prepared to work for low wages and did not enjoy the protection of the Histadrut labor federation (until 1959 Israeli Arabs were unable to join the Histadrut), would compete for jobs with the Jewish immigrants. An additional concern was that the Jewish immigrants – who had been shunted off to the Negev's new agricultural communities, and some of whom were made into farmers against their will – would be tempted to employ Bedouin at low wages, a development that would undermine efforts to make the former into farmers and agriculturists in accordance with the Zionist vision of that

period (Marx, 1979: 639).

The outcome was that “during the period of military government [1949-1966], the Bedouin were forced to exist in the Siyag area without the extensive hinterland which they had used prior to the war for grazing and migration” (Porat, 1997: 395). At the same time, in practice the economy beyond the boundaries of the Siyag was closed to them, since the military government at that time severely restricted the number of movement permits issued to the Bedouin. Furthermore, the permits were issued for short periods only, so that even if they found work, it was difficult for them to hold down a job. In other words, for years the Bedouin have been at the very end of the employment line on Israel’s Negev employment market. Only when Jewish employers had problems engaging Jewish laborers did they approach the military government, which in turn approached the sheikhs in order to recruit workers. In this way Bedouin found work paving roads in the Negev, in quarries, in phosphate mines and in agricultural work. Only a few of them were employed as semi-skilled laborers – as tractor drivers, carpenters and mechanics. According to estimates, up to 1958 fewer than 100 of the 2,850 able-bodied Bedouin actually found jobs outside the Siyag area (Marx, 1979: 639).

From 1960 to 1962, on average 400 Bedouin (some 13% of the male workforce) found jobs outside the Siyag area for most of the year. During the citrus and cotton harvests, this number swelled to some 600, and during peak times it would shoot up to over 1,000. But even during periods of high employment, the military government issued only a limited number of movement permits. It is also noteworthy that the men were not allowed to take their families with them to their places of work, in order to ensure that they would return to the Siyag area when their jobs came to an end. The upshot of the selective policy for issuing permits was that the Bedouin were unable to enjoy permanent employment outside the Siyag area (Marx, 1979: 640-641).

During this period, smuggling was an important source of income for some Bedouin. With foodstuffs in short supply everywhere in Israel and stringent austerity measures in effect throughout most of the 1950s, Bedouin smugglers brought “all the goodies of the earth” to the Beersheba market. As a result, the city’s Jewish inhabitants did not

really have to go without. Such smuggling was even institutionalized by the military government, with a considerable portion of the contraband finding its way into state warehouses (Ben-David, 2004: 228; see also Porat, 2000: 429). After the 1967 war, when Israel gained control over the West Bank, the Gaza Strip and the Sinai Peninsula, smuggling was practically eradicated (Amiran, Shinar and Ben-David, 1979: 654-655).

An additional spinoff from the 1967 war was that some of the Bedouin who worked in the construction and industrial sectors were supplanted by residents of the Palestinian territories conquered in that war. However, the entry of these new workers also resulted in a thin stratum of contractors for earthmoving, agriculture and haulage work (on this stratum see Amiran, Shinar and Ben-David, 1979: 654-655). The population census held in 1972 revealed that 66% of Bedouin men in employment had worked that year in agriculture, while 20% were unskilled laborers in other sectors; however, only half of them enjoyed employment year round (Schmelz, 1979: 477).

## Agriculture

As indicated above, before the State of Israel came into being, agriculture was the main economic activity of the Negev Bedouin. As long ago as the second half of the nineteenth century, the Bedouin made extensive use of their lands to grow crops. This was after the Ottoman Empire had reestablished its control over the area in 1840, following an interlude when the Negev and much of Palestine came under the rule of Egypt's Muhammad Ali and his son, Ibrahim. The Turks now forced the Bedouin, who had previously been accustomed to migrating with their flocks to the center of the country, to return to the Negev. At the same time, they managed to relieve the area of intertribal disputes, thereby bringing about an atmosphere conducive to perennial farming operations. The Bedouin began using their grazing lands to grow wheat and barley. Some of these crops were sold to dealers who supplied them to European breweries (Kressel and Ben-David, 1995).

Under Israeli rule, Bedouin agriculture has suffered major setbacks. Firstly, when the Bedouin were expelled from the north-western Negev



to the Siyag area, they lost very large tracts of land. Secondly, the lands in the Siyag area are more arid than those of the north-western Negev. Thirdly, as has been shown, the Siyag lands are not recognized by the state as Bedouin owned; as far as the state is concerned, all of the Siyag lands are its own. This being the case, the state allows cultivation only on condition that the Bedouin lease these tracts from it. Originally, the state set an extremely low leasehold rent, because it had a vested interest in the Bedouin signing deeds of lease. As far as the state authorities were concerned, such signatures constituted proof that the lands did indeed belong to the state (Marx, 1974: 50). By 1960, the state had in this way increased the extent of leased lands to around 150,000 dunams, equivalent to some 38% of cultivable Siyag lands (Marx, 1974:50; 1979:642; Porat, 2000: 443). The policy of leasing was a success with the displaced Bedouin, who were resettled in the Siyag area. They had no hesitations about signing lease documents, assuming that this action would not adversely affect claims relating to their former lands. In contrast, those Bedouin who had lived in the Siyag area prior to 1948 adamantly refused to sign lease agreements for their lands, doing so only for additional lands allocated to them by the military government (Marx, 1974: 51). Outside the Siyag area, the state leased lands to the Bedouin on rare occasions only, and with the special approval of the military government (Marx, 1974:50).

Fourthly, the leasing conditions offered the Bedouin were not the same as those on which lands were leased to Jewish farmers. In Israel, some 93% of land is state owned, and hence the vast majority of Jewish farmers lease their lands from the state. However, most Jewish farmers lease their lands for a period of 49 years, with the possibility of an automatic extension for an additional period of the same term. This is because on kibbutzim and moshavim, the agricultural land is defined as part of the community's designated area. There are moshavim and kibbutzim that lease additional land, whereupon the leasing is on the same terms as those offered the Bedouin. However, in the case of the Bedouin, this is the only option available to them.<sup>12</sup> In other words, the vast majority of Bedouin farmers are only able to lease their plots for a single season, and if they want to continue farming, they have to reapply to the authorities for authorization every single year (Meir, 1999: 22). Because of this state of affairs, once a year they are faced

with the possibility that their authorization will not be renewed and they will not receive a plot to cultivate, or that they will receive a different plot from the one they had the previous year. According to one of our sources, lease permissions are given only to Bedouin over the age of 50 and with no other source of employment, to Bedouin who are state employees or IDF career soldiers, residents of one of the recognized localities or tribal leaders (Maddrell, 1990:12).

Fifthly, Bedouin farmers do not enjoy the same water supply as Jewish farmers. According to one of the sources, there are Bedouin farmers who receive no water allocation at all, or do not receive a water allocation for farming and hence have to pay for water at domestic rates, which are three and a half times those of water for farming (RC-HRA, 2003:12-13; Israel Economic Recovery Plan Law, 2003).

Sixthly, Bedouin farmers do not enjoy the government support given to dry farming during drought years. In 1962, the government stopped transferring drought compensation to the Negev Bedouin. It did this by setting a “drought line” that left “more than 96% of the lands used by the Bedouin outside the area entitled to drought compensation” (Bauml, 2002: 316; see also Meir, 1999).

Seventhly, the authorities act harshly in all matters relating to the cultivation of plots for which the Bedouin who farm them have not received authorization. The methods used include chemical spraying and plowing up crops. In 2002-2004, 29,700 dunams of crops were destroyed by means of chemicals delivered from the air on seven different occasions and in different areas. The lands that were sprayed belong to families who have cultivated them for years (Fishman, 2005). The Israel Land Authority claims that the crop-spraying operations were intended to remove the Bedouin from state lands on which they had trespassed (Arab Association for Human Rights, 2004:43). A spokesperson for the Israel Land Administration, which is responsible for these punitive measures, claimed that “removal by means of crop spraying is preferable to other methods of removal because it reduces friction between the forces carrying out the removal and the trespassers, requires a smaller force of those doing the removal, and reduces the time needed for the removal operation” (ILA spokesperson, quoted in Dayan, Ha’aretz, March 31, 2004). In October 2004, the High Court issued a conditional order preventing the ILA from continuing

to spray. In light of the interim order, the ILA adopted an alternative method of dealing with the crops, beginning in January 2005, involving operations in which the “the land is turned over”; in other words, plowing under fields sown by the Bedouin (Fishman, 2005).

It should be noted that a survey submitted in May 1999 to the Regional Council for the Unrecognized Negev Villages examined the possibilities for agricultural development in these localities (website of the Regional Council, since removed). The document noted the existence of two of the conditions for the development of Bedouin agriculture – land and labor – but went on to point out that without significant investment, primarily of water and equipment, present conditions are inadequate for the development of agriculture as a source of livelihood (Znobar, 1999:27).

## Business Activities

Business activities among the Negev Bedouin are minimal to the extreme. This is reflected by a survey that Lithwick carried out among business firms operating in the seven government-planned Bedouin townships (Lithwick, 2000b: 17-18). Lithwick found that these are normally small firms, and hence they have a negligible impact on employment rates. The 30 companies surveyed had a total of 598 employees, representing 4% of the Bedouin workforce. Only 240 of them lived in so-called “recognized” localities (1.5% of the townships’ potential workforce). Eighty per cent of the companies reported that they wished to expand, but were encountering difficulties. The main problem was the lack of financing – primarily from the government, but also from the commercial sector. Another problem involved obtaining suitable premises, because the plots of land allocated to them were not suitable and there were problems obtaining authorization from the planning authorities. Thirty per cent of the companies indicated difficulties with engaging high-caliber personnel, while 20% reported a shortage of customers.

Lithwick also points out that the Bedouin townships do not enjoy the status of Development Area A, even though they are the poorest localities in Israel. Development Area A status gives investors tax breaks (Lithwick, 2000a: 37).

With no jobs in the recognized Bedouin localities, their residents are forced to look for sources of employment away from home. The residents of the neighboring Jewish communities are able to make a living in the major employment centers – Beersheba, Arad, the Dead Sea, Dimona and further north, from Kiryat Gat to Tel Aviv. Few such options, however, are available to the Bedouin: Lithwick found that the major corporations that operate in the Negev, including Motorola, the Dead Sea Works, Vishay Dell and so on, have few if any Bedouin employees (Lithwick, 2000a: 19).

### Military service as a source of employment

Service in the Israel Defense Forces (IDF) is an employment option for some Bedouin men – a fairly small proportion, as will be seen below.

In its early years, Israel brought pressure to bear on Bedouin youngsters to enlist in the army as scouts. At the same time, the military government pressured the sheikhs to use their influence with the young men and convince them to join the IDF. However, unlike the Druze, who have been drafted into the IDF since 1954, the Bedouin have never been defined as a draftable community and serve in the army on a voluntary basis.

Many youngsters, mainly from tribes that cooperated with the army in the battles of 1948, saw this as a source of income as well as a means of expressing identification with the Israeli state. In the 1950s, Bedouin scouts were integrated into the “minorities company” that helped catch infiltrators throughout the Negev. Later, the Bedouin were integrated into units involved in hunting down gangs of *fedayeen* (Porat, 2000: 440).

Enlistment in the IDF constituted a source of internal tension among the Bedouin, as well as the basis of disputes between various tribes (Porat, 2000: 440). Ben-David argues that rather than interpreting Bedouin enlistment against a background of employment, it should be viewed against a background of identification with the state. He bases this contention on the fact that military service involves risk, as well as the fact that an internal struggle is taking place within Arab

society in Israel over the question of IDF enlistment (Ben-David, 2004: 235).

From the viewpoint of the Israeli authorities, enlistment has provided a means of distinguishing between the Druze and the Bedouin, and the rest of the Arab population (Maddrell, 1990: 18). To this end, the authorities and media cultivate an exaggerated picture of the number of Bedouin serving in the IDF. In practice, according to Maddrell, those volunteering for army service generally come from a small number of tribes in which the sheikhs convince the youngsters to enlist so that the tribe will enjoy preferential treatment by the authorities. In the Bedouin government-planned townships of Kuseife and Ar'ara, no one at all enlists, while in Segev Shalom those enlisting come primarily from the Azazme tribe, which has a tradition of enlisting in the IDF (Maddrell, 1990: 18).

The number of IDF enlistees is no more than a few hundred, and they constitute a minority of young Bedouin men. Figures presented by the State Comptroller (relating to all Israeli Bedouin and not only Negev residents) indicate low enlistment rates. Thus in March 2004, a total of around one thousand Bedouin soldiers were serving in the IDF – some of them as career soldiers (State Comptroller, 2004 [II]: 129). The Comptroller's analysis also indicates that in 2001-2003, around 75% of Bedouin youngsters who initially expressed a desire to volunteer for the IDF terminated the enlistment process and failed to respond to summonses from the draft board (*ibid*: 136). With the outbreak of the second intifada, enlistee levels dropped markedly, but since 2002 these have begun to rise again (*ibid*: 131). The State Comptroller, whose figures relate to all of Israel's Bedouin, notes that "activities to encourage Bedouin enlistment in the IDF are more complex in the south of the country than in its north" (*ibid*: 134).

Most Bedouin soldiers are combatants serving in one of three main branches: scouts in the units of the three regional commands (42%), combatants in the Bedouin Patrol Unit Battalion (around 18%), and in the Border Police (around 7%). The remaining Bedouin soldiers (some 33%) serve in a range of other military units (*ibid*: 129).

Military service does not make an immediate contribution to the employment chances of the young Bedouin men who have been discharged. The State Comptroller notes that only 9% of Bedouin

soldiers discharged from compulsory service in 2002-2003 had professional skills likely to stand them in good stead when it came to job hunting in the civilian market (such as being a heavy goods-vehicle driver or someone with maintenance skills) (ibid: 138).

### Employment picture, 2003

Information about sources of employment for the Bedouin is fairly thin on the ground. From time to time various researchers publish employment figures, most of them incomplete because they relate to a particular locality or group of localities rather than to the entire Bedouin population in the Negev (Lithwick, 2000b; Abu-Saad, Lithwick and Abu-Saad, 2004).

In Israel, the primary source of information about employment is a labor force survey administered on an ongoing basis by the Central Bureau of Statistics (CBS) and published annually. The labor force survey is based on a sample of 22,000 households countrywide. This sample makes it possible to paint a picture of the employment situation in Israel as a whole, but when it comes to relatively small groups, such as the Negev Bedouin, constituting just 2% of the country's population, the national sample is not large enough to allow for a detailed and reliable analysis.

In addition, it turns out that Bedouin in the “unrecognized” villages are not included in the annual sample used for the CBS labor force survey. Instead, the CBS bases its estimations on data gathered from the last population census, carried out in 1995, making do with an update using standard statistical methods. There is only one other group in the Israeli population to be dealt with in this fashion – inmates of institutions, such as prisons and old age homes. The result is that in all matters relating to employment statistics, the only reliable data are those for residents of the “recognized” Bedouin localities.

At the time of writing, the most up-to-date labor force survey is the one carried out in 2003. We performed a statistical analysis of it, and present the main findings below.<sup>13</sup> The data presented relate to men and women aged 15 and above, whether wage-earners or self-employed persons. Most of the figures relate to residents of the “recognized”

localities. However, occasionally we will also cite statistics relating to residents of “unrecognized” villages, even if these are less unreliable, as indicated above. We will compare figures about the Bedouin with figures for their Jewish neighbors living in the Beersheba subdistrict.

To start with the CBS figures, in 2003, around a quarter of persons aged 15 and above in the “recognized” Bedouin localities had neither attended school nor obtained a diploma, while slightly over a third had only an elementary or junior high-school completion diploma. Among residents of the “unrecognized” villages, the picture was even gloomier: some three-quarters had not attended school or obtained any diploma whatsoever.

These figures show that the Bedouin are in a markedly inferior position compared with their Jewish neighbors in the Beersheba subdistrict. For the latter, the figure for those who had not attended school was just 5.5%. Conversely, while 18% of the Jews in this subdistrict had a university degree, the equivalent figure for the Bedouin in the “recognized” localities was just 4%. In 2003, 64% of the males aged 15 and above in the “recognized” Bedouin localities formed part of the work force (i.e., were either working or seeking work); this rate was higher than the equivalent figure for residents of the “unrecognized” Bedouin villages (54%), and slightly higher than the equivalent figure for Jews in the Beersheba subdistrict (60%). However, while among Jewish men in the Beersheba sub-district, the jobless rate was 11.6%, for Bedouin in the recognized localities it was 34.7% – three times as high.

In light of the low education figures, it comes as no surprise that most of the Bedouin who form part of the work force are employed in blue-collar jobs: 64.2% of the Bedouin work force living in “recognized” localities, and some 90% of their counterparts living in the “unrecognized” Bedouin villages are employed in agriculture or as skilled or unskilled laborers. Among the Jews of the Beersheba subdistrict, the equivalent rate is 31.3%.

Furthermore, among the Jewish population, the proportion of those employed in the academic, liberal and technical professions and in managerial positions was about one third, while among the Bedouin in the “recognized” localities the equivalent figure was around 20% (mainly elementary school and kindergarten teachers). Another

important difference was to be found in the category of clerical employees, agents, sales and service personnel: the proportion of those employed in these positions was 15.3% among the Bedouin in the “recognized” localities, while the equivalent figure was 36.2% for Jews in the Beersheba subdistrict.

**Table 5: Bedouin in “recognized” localities by labor force and gender characteristics, 2003**

Percentages

Total	Bedouin in “recognized” localities		Beersheba sub-district excluding Bedouin localities	
	Men	Women	Men	Women
Total – labour force	100	100	100	100
Not in the civilian labour force	36.0	86.6	40.0	48.1
In the civilian labour force	64.0	13.4	60.0	51.9
Total – labour force	100	100	100	100
Employed	65.3	79.8	88.4	86.7
Unemployed	34.7	20.2	11.6	13.3

Source: Adva Center analysis of CBS , *Labor Force Survey, 2003*, MUC file

**Table 6: Employed Bedouin in “recognized” and “unrecognized” localities by occupation, 2003**

Percentages

Total	Bedouin in “recognized” localitie	Bedouin in “unrecognized” villages	Beersheba subdistrict excluding Bedouin localities
Academic, liberal and technical professions, managers	20.4	Figure might be statistically unreliable	32.5
Clerical employees, agents, sales and service personnel	15.3	Figure might be statistically unreliable	36.2
Agricultural laborers, skilled and unskilled	64.2	89.4	31.3
Total	100	100	100

Source: Adva Center analysis of CBS , *Labor Force Survey, 2003*, MUC file

Finally, it should be noted that only a few of the Bedouin included in the labor force survey reported that they were employed in the agricultural sector, or that agriculture was their occupation. This state



of affairs must be taken in conjunction with the fact that there are Bedouin who are shepherds and there are fields that are cultivated by Bedouin. Apparently those who carry out these activities, male and female alike, are either not considered part of the formal labor force, or do so in a domestic setting in addition to their activities in the setting of the formal labor market.

#### Income

The income levels of employed Bedouin are extremely low. Statistics about average wages by locality published by the National Insurance Institute show that the Bedouin localities, as part of all of Israel's Arab localities, are at the bottom of the income ladder.

Table 7 below gives average incomes by locality for the "recognized" Bedouin localities in the Negev, side by side with the average income in Jewish localities in the Negev, for 2002 (the last year for which statistics were published at the time of writing).

**Table 7: Average monthly wages by Negev locality**  
**Jewish localities and Bedouin localities**  
 NIS, 2002 prices

<b>Bedouin localities</b>	<b>Men</b>	<b>Women</b>	<b>Jewish localities</b>	<b>Men</b>	<b>Women</b>
Kuseife	5,501	3,156	Sderot	6,441	3,771
Tel Sheva	5,653	3,161	Netivot	6,555	4,156
Rahat	5,693	3,293	Ofakim	6,723	4,121
Ar'ara	5,705	2,774	Yeruham	7,491	4,387
Segev Shalom	5,743	3,494	Dimona	8,272	4,402
Laqye	5,841	3,572	Arad	8,550	4,678
Hora	6,033	3,613	Beersheba	8,861	5,203
			Mizpe Ramon	9,296	4,625
			Meitar	16,242	8,283
			Lehavim	18,201	9,174
			Omer	19,146	9,629

Source: Itai Schurtz, *Wages in Israel by Locality, 2002*, Tel Aviv: Adva Center, 2005.

The table shows fairly clearly the class-based distribution in the Negev, which crosses ethnic and religious lines. While the average income by locality for men in the Bedouin localities is the lowest in the Negev, it is not much lower than that of men in some of the Jewish development towns in the area, including Sderot, Netivot and Ofakim. In contrast,

the average income by locality for men in the localities of Meitar, Lehavim and Omer is far higher.

As has been shown above, the Jewish development towns, whose residents are considered full Israeli citizens with equal rights, enjoy better infrastructure and better government services than do the “recognized” Bedouin localities. However, when it comes to income levels, the gap that separates them narrows. It would appear that with respect to income levels, class-based demarcation lines over-ride the ethnic-religious ones.

## A Look at the Future

As Israel approaches the end of its sixth decade, the day is still a long way off when it will be possible to say that the Negev Bedouin are citizens just like other Israeli citizens. The Bedouin were and continue to be a “problem” that begs a “solution.”

As far as lands are concerned, the “solution” that the government has proposed for the last thirty years contains nothing that might lead to a breakthrough (on compensation levels, see Appendices 1 and 2 below). As far as according official recognition to Bedouin localities is concerned, more significant progress has been made: today the number of Bedouin localities recognized by the state is approaching 20: the seven government-planned townships, plus another ten localities that are presently going through the recognition and planning process. In addition, two of the “recognized” localities are about to be expanded markedly. Nevertheless, there are still 30 localities which have not yet made it to the government planning table.

From the viewpoint of the country’s leaders, concentrating the Bedouin in townships is a “solution” with clear advantages, the chief among which is to reduce the visibility of “the problem.” The Bedouin will be neatly confined in their townships, and the concentrations of camps and tin shacks will no longer constitute an eyesore for those traveling the Negev highways and byways. However, it is a moot point whether this will suffice to solve “the problem,” since all the problems that today trouble the residents of “recognized” localities are likely to surface for those who have been resettled: the lack of infrastructure, the low quality of public services, the absence of economic development, and the dearth of employment opportunities.

Over the years, many proposals have been made for improving the situation of the Negev Bedouin. Given the low standard of living, as well as the service levels, to be found in the various Bedouin localities, it comes as no surprise that the proposals focus first and foremost on a series of requirements which could not be more obvious: improving

the infrastructure for transportation, sewerage, electricity and water; establishing public institutions; upgrading the education system; developing the employment infrastructure; providing social welfare and medical services; and of course, settling the land question and recognizing the “unrecognized” villages.

### The Abu-Saad and Lithwick plan

The most comprehensive and thorough proposal for changing the status and standard of living of the Negev Bedouin is the one devised by Professors Ismael Abu-Saad and Harvey Lithwick (Abu-Saad and Lithwick, 2000). The two scholars proposed a development plan for the seven “recognized” Bedouin townships, based on inclusion of the Bedouin in the overall planning and development efforts for the entire Negev: inclusion in the Negev economy as well as in planning for the Beersheba metropolitan area (for proposals along such lines, see Al-Krinawi 1999).

A first step proposed by Abu-Saad and Lithwick is to connect up the Bedouin to the Negev transportation networks. This step ranges from making the Bedouin localities accessible from the Trans-Israel Highway and the rail network, to making the Nevatim air force base into a civilian airport, thereby establishing a link between the region’s economic infrastructure and the global economy, while at the same time expanding employment possibilities for the residents of Kuseife and Ar’ara. These proposals fit in with wider-ranging plans for the Negev’s economic development (Lithwick, Gradus, Razin and Yiftachel, 1997).

In parallel, Abu-Saad and Lithwick propose introducing and upgrading electronic communications infrastructures so that the Bedouin community can network with the entire Israeli economy, and so that at the same time it will be easier for Bedouin women to work from home. As one of the possibilities for economic development, the authors propose setting up a call routing center in one of the “recognized” localities.

Another important area is education and vocational training. Abu-Saad and Lithwick suggest, among other things, setting up a technical

college in one of the “recognized” localities that would have ties with branches to be set up in other localities. In the health field, they propose setting up a hospital in one of the “recognized” localities, to act as a second hospital for the Negev region.

In the agricultural domain, Abu-Saad and Lithwick argue that sheep raising using advanced technological means would be a respectable source of employment. This activity, which could be carried out on relatively small tracts of land, could generate large quantities of meat, dairy, and wool products that could be marketed not only in Israel but also in the West Bank, Gaza Strip and neighboring countries. In addition, this is a labor-intensive activity that could be carried out by women, who have traditionally played an important role in raising livestock (Lithwick and Abu-Saad, 2000: 40).

In the economic sphere, Abu-Saad and Lithwick suggest examining the possibility of setting up a Bedouin bank, which would give loans to businesses in order to expand the numbers of those in employment. They also suggest giving the Bedouin localities Development Area A status, setting up industrial parks and technological incubators in them with an emphasis on modern agriculture, modern approaches to construction, desert gardening, and so on. Lastly, they suggest encouraging the setting up of joint commercial-industrial sites for Jewish and Bedouin localities, such as the one currently planned at the Lehavim Junction.

## Conclusions and Recommendations of this Study

Although the Abu-Saad-Lithwick recommendations focus on the “recognized” Bedouin localities, they are definitely also applicable to the “unrecognized” villages. Basically, the two authors identify ways of increasing the level of economic activity, services, and standard of living of all the Negev Bedouin.

Nonetheless, a closer look is needed at the so-called unrecognized villages, since tens of thousands of their residents are still far away from a situation in which it would be possible to discuss their future in the same setting as that of the residents of the “recognized” localities. To illustrate, we will address two of the issues presented in this document: the land question, and the question of recognition.

### The land question

We have seen that the government has been trying for thirty years to deal with the land question by recognizing Bedouin title to an extremely small part of the lands to which ownership is being claimed, and by proposing monetary compensation for the remaining lands. We have further seen that, compared with the compensation given to other Israelis in similar or equivalent situations, the monetary compensation offered by the government is low.

In our opinion, it is possible to make progress toward a solution to the land question on the basis of four principles, as follows:

Firstly, those claimed lands that are located within the master plans of “recognized” or planned localities could be registered in the claimants’ names; otherwise, the solution might be adopted of giving alternative lands of equivalent value, as was done for those who owned land along the route of Road 6. In our view, recognizing titles to these lands does

not adversely affect the State's sovereignty over the territory of the State of Israel.

Secondly, in all matters relating to monetary compensation for both lands and buildings, we believe that the state should show greater generosity. If the state is interested in relocating the residents of "unrecognized" villages to approved localities, it should provide them with sufficient means to ensure that if they move they do not become destitute. The compensation offered should be substantial enough to allow the Bedouin to join the mainstream of Israeli society.<sup>14</sup>

Thirdly, at least part of the lands claimed by the Bedouin are cultivable, in particular if the requisite arrangements are made – water supply, access roads, and so on. We believe that these lands should be included in what is defined as an area designated for the use of the Bedouin localities, as is the practice for many kibbutzim and moshavim.

Fourthly, the scope of the master plans for both the "recognized" Bedouin localities and those going through the recognition process should be expanded, according to the standard indicators used for Jewish localities, so as to ensure that the Bedouin localities will have suitable land reserves for future development purposes.

### The question of the "unrecognized" villages

The State's refusal to recognize numerous Bedouin villages – both those that existed pre-1948 and those that came into being in the 1950s and '60s – condemns tens of thousands of Israelis to conditions of existence unbecoming a society that calls itself civilized and developed. No other group in Israel suffers from such egregious discrimination. The situation of the inhabitants of the "unrecognized" villages is particularly flagrant given the fact that nearby, the government is encouraging the establishment of small Jewish localities, including privately owned ranches, which enjoy the complete range of services.

In point of fact, it must be said that in this specific area, a significant policy change has already come about. As indicated above, in 2000 the government decided, in a step that constituted a real breakthrough, to recognize nine of the 45 "unrecognized" villages. Although the process of recognizing and developing these villages is admittedly proceeding

at a snail's pace, due partially to government foot-dragging, this was indisputably a landmark decision that will hopefully lead to the recognition of more villages in the future.

It is our belief that the recognition process should be continued and expanded, as well as speeded up, in order to make the full range of government and municipal services accessible to the Negev's entire Bedouin population. To this end, the Bedouin should be able to choose from among a range of community forms, in the spirit of the recommendations of Yiftachel and Khamaisi (2005).

## Economic and social development

The plans and recommendations outlined above basically constitute a "catching up" exercise, in which the situation of the Bedouin should be made similar to that of their Jewish neighbors: living in recognized, properly administered localities, endowed with the requisite infrastructure, enjoying municipal and government services on a reasonable level, and also having a basic level of economic activity.

However, over and above all of this is the fact that the Bedouin community in the Negev suffers from decades of underdevelopment. As a result, it lacks the resources that would allow it to take steps to develop itself. Agriculture, inadequate before 1948, became even more inadequate afterwards, and hence could not serve as an economic underpinning for the community. The state failed to make the investment in the Siyag lands that it had made in the old lands that were taken away from the Bedouin in the north-western Negev. An example of such investment is the Yarkon-Negev water works, as a result of which the kibbutzim and moshavim that were set up in this area enjoy a decent standard of living. In contrast, the place occupied by agriculture in the life of the Bedouin was not superseded by any other form of livelihood.

Not only does the Bedouin community lack resources of its own: it also lacks targeted public resources of the kind enjoyed by the various categories of communities in Israel, such as the development towns, or of the kind enjoyed by the various categories of Israeli residents such as new immigrants. Furthermore, when it comes to general government



resources, such as municipal budgets, or education and health budgets, the Bedouin community is also at a significant handicap. The Bedouin also suffer from the many years in which they were unable to build up human capital in the form of education, vocational training and professional experience.

It is clear, therefore, that the Bedouin community in the Negev is in need of massive outside investment. The government is the main potential source of such investment. The question is, how likely is it that such a step will actually be taken?

### The Negev and development policy

A realistic view of the present-day situation makes it clear that on its own initiative, the government is at the present juncture unlikely to take any steps that would fundamentally change the Bedouins' situation - first and foremost because not only are the Negev Bedouin at the bottom of government priorities - so is the whole area in which they reside.

The Negev is one of the country's least developed areas. As demonstrated in the present document, after a relatively brief period when the Negev constituted the focus of a variety of government activities, it was sidelined. Very little has changed in the Negev's infrastructure since the 1950s and '60s. The primary activity was and still remains quarrying and mining – the Dead Sea Works, Ramat Hovav, Mishor Rotem and Oron. These are heavy, polluting industries, which, although profitable, are capital intensive and cannot provide employment for a sizeable work force (Lithwick, Gradus, Razin and Yiftachel, 1997: 17). In addition to this kind of industry, textiles and food industries were attracted to this part of the country, primarily because of its cheap labor force and generous government subsidies.

Not only are the area's economic activities few and far between, as well as lacking in diversity: they also suffer from an absence of internal synergy. Thus, each of the large factories in the area, instead of having ties with plants, markets or services in the Negev area itself, is connected to Israel's business heartland – or to overseas markets. This situation also makes it difficult to keep up ties between the

various communities living in the Negev (Lithwick, Gradus, Razin and Yiftachel, 1997: 36).

In the first three decades after Israel achieved statehood, a considerable portion of economic undertakings were initiated by the government or with government encouragement. Over the last two decades, or to be precise, since the introduction in 1985 of an emergency economic stabilization plan, a neo-liberal ideological revolution has taken place in Israel, leading to a curtailing of government initiative in economic activities. Subsequently, the Negev suffered a double blow: firstly, a lack of interest on the part of private investors, and secondly, a lack of initiative on the part of the government.

The Negev is Israel's least developed area, and the Bedouin are the least developed community in the Negev.

It is perhaps not reasonable to expect the government to invest in developing the Bedouin community unless this is done in the framework of massive government investment in developing the entire Negev.

### The Bedouin's Jewish neighbors

The Negev's economic condition is reflected in the situation of the Bedouins' Jewish neighbors, most of whom belong to the country's lowest socio-economic class. A considerable proportion of Negev localities are characterized by relatively low pay levels and low levels of scholastic achievements. Unemployment levels are generally higher than those in other parts of the country. Housing values are low compared with other areas, and the number of small businesses is also lower than elsewhere in Israel.

The Negev's Jewish population is far from affluent and well established. Most of its inhabitants only came to the area post-1948, in waves that reflected the cycles of immigration to the country. In some cases at least, groups that came to the new state were "dumped" in the Negev, after suffering traumatic moves from their countries of origin.

In addition, the Negev's Jewish residents are divided along lines of class, ethnicity, and type of community: kibbutzniks vs. residents of villages populated by immigrants and their descendants; development town

residents vs. kibbutzniks and “northerners” in the area’s few affluent localities – Omer, Lehavim and Meitar; immigrants from Ethiopia and immigrants from the former Soviet Union. These class-based/ethnic demarcation lines are constantly reinforced by Israeli governments’ clientelistic policy: giving tax benefits, financial assistance or permits to set up plants on a sectorial/community basis and out of electoral considerations.

In this area whose communities lack resources, the Bedouin are the community with the fewest resources of all. It is unreasonable to expect the government to invest in narrowing the gap between the Bedouin community and Israel’s mainstream, unless this is done in the framework of a comprehensive government effort designed to narrow the gap between the Negev and the mainstream.

## The Bedouin and the government

Another reason why one should not, perhaps, pin all their hopes on government intervention is that, when working the project, we found no substantial change of direction in government policy. The country’s leadership is still unwilling to take the “historic step” that would produce the push needed in order for the Bedouin to join the mainstream of Israeli society.

As we have seen, the Sharon government’s decisions on the Bedouin are indicative of a hardening of policy, involving as they do the filing of counter-claims and the allocation of larger budgets for policing purposes. With regard to the decision of the Barak government, which preceded that of the Sharon government, to recognize some of the “unrecognized” villages, although this undeniably marked a breakthrough, the actual implementation process is painfully slow. It should also be remembered that the budgets allocated to “multi-annual programs” are not large – quite apart from the fact that they are not taken up in full.

Moreover, given the situation in which the Negev currently finds itself, with the various Jewish groups and sectors each having clientelistic relations with different political parties, and sometimes even with different ministers, it is unreasonable to assume that any government

would bring itself to make a substantial “historic gesture” to the Bedouin, in isolation from the other groups and sectors in the Negev – a move that would overturn the existing class/ethnic status quo.

In addition, among all the groups and sectors in the Negev, the Bedouin are the weakest community, with an extremely tenuous clientelistic network of relations. Today, the public and political status of the Negev Bedouin is not strong enough to bring about a situation in which the government would deviate from the policy it has pursued over the years. True, because they have consistently and unswervingly clung to their lands, they have managed to block the state’s efforts to make them abandon them in favor of permanent localities with a dearth of infrastructure. However, in and of itself, the action of obstructing such efforts is devoid of anything that might conduce the government to undertake a probing, soul-searching exercise that would lead to genuine change.

### Creating a “New Negev”

In our humble opinion, the way to break out of the present-day vicious circle is for the various communities in the Negev to join forces, in order to bring about a regional network of political, economic and cultural relationships. This network, of which the Bedouin ought to be full members with equal status, must lead not only to joint pressure being brought to bear on the government, but also to the generation of shared regional development options designed to strengthen not only the region as a whole, but also, and at the same time, every one of its communities.

The Bedouin, who make up about one quarter of the Negev’s population – a proportion that is likely to increase – need the solidarity and support of their Jewish neighbors in order to change government policy. For its part, the Negev’s Jewish population cannot become empowered and upgrade its status in Israeli society as long as such a large proportion of the region’s population is living in such substandard and austere conditions. The idea of being able to remove the Bedouin out of sight by corralling them in whatever number of townships is but a mirage: a society is no stronger than its weakest groups. Just as today, Israel’s leadership is coming to realize that the country cannot move forward

when poverty is growing, so too the Negev's Jews need to grasp the fact that their own status in Israeli society will continue to be weak as long as the Negev has such a large group of Israelis who are in such a tremendously weak position.

Many people and bodies have come to recognize the fact that in the absence of regional cooperation, it is impossible to achieve overall progress. For example, in 1997, Lithwick, Gradus, Razin and Yiftachel suggested fostering a regional policy of industrial development that would surmount the lines that divide the Negev's various communities. Likewise, in 2004, in a document written by Esther Levinson for the "Negev Citizens' Conference," an entire chapter addressed the issue of "the Negev as an independent entity," attesting to recognition of the need to bring about regional solidarity (Levinson, 2004).

"The Negev" that we are proposing need not be confined to the framework of a regional "lobby," along the lines of the Negev Party that ran in the 1999 parliamentary elections, nor need it possess the character of a mainstream or official body, such as the Negev Development Authority, which, as an official body, is limited in its ability to relate critically to government policy. Moreover, such agencies tend to exclude the Bedouin from their ranks.

Instead, "the Negev" should grow as a result of a combination of community interests. For example: support by the heads of Jewish local authorities for the demand of "unrecognized" Bedouin villages' local committees for their villages to be accorded government recognition and receive government assistance is needed in order to achieve levels of infrastructure and services equivalent to those of their Jewish neighbors. Such support would build relations of trust and cooperation – and at the same time jointly strengthen all localities when they came to apply for government assistance, to attract private investors, or to examine the local possibilities for economic development.

Another example concerns the state budget. Today, the Negev appears in the state budget divided up between dozens of sectoral and clientelistic lines: the budget for the "Negev Development Authority," the budget for the "Five Year Plan for the Bedouin," tax benefits for localities with development area status, a budget of aid programs for immigrants from Ethiopia – and the list goes on. The reason for this state of affairs is that each of the bodies and groups that we have

listed, not to mention those to which we have not referred, appears separately before the Finance Ministry and wages its own struggle separately, sometimes even in competition with other bodies which are its neighbors. The result is that the Finance Ministry is able to allocate each of them a smaller slice than each body could have received had they all joined forces.

Another advantage of creating a “new Negev” is to be found in the fact that only local bodies can define regional needs and bring about a network of regional interests. In contrast, existing government plans, such as Master Plan 35, or the plans being devised at the present time by bodies such as the Peres Center for Peace, put the emphasis on the importance of infrastructure such as railways and highways. These are unquestionably important, but the basic assumption is that there is a need to link the Negev region with the central part of Israel – a link in which the center continues to be the country’s center of gravity and the center of its development. In contrast, a regional network of interests and communications would place the emphasis on the link between the various communities and localities in the Negev itself.

Only if the Negev’s residents, Jews and Bedouin alike, join hands, will they be able to bring about change in prevailing government policy, which views the Bedouin as people who are not bona fide citizens and must therefore be herded into as small an area as possible, as cheaply as possible. Joining hands in this way could lead to a strong and vibrant “Negev,” of which the Bedouin are an integral part. Without joining hands in this way, the entire Negev, not only the Bedouin, will remain weak.

# Appendices

## Appendix 1:

### Compensation offered to the Negev Bedouin: A comparative view

For the last 30 years, since 1975, the government has been pushing the Bedouin to settle the question of title to the lands on which they live. Most of the Bedouin have not taken up the government's proposals. One of the reasons for this is the low level of compensation offered by the government.

The Bedouins' stubbornness can perhaps be explained by a comparison between the compensation that they are offered with that offered in other instances by the government. We have opted for a comparison between three sets of compensation-based arrangements offered in recent years, as follows:

- (a) compensation offered to the Bedouin pursuant to the most up-to-date ILA decision, No. 1028, of May 2, 2005;
- (b) compensation offered to the Jewish settlers evacuated from the Gaza Strip;
- (c) compensation offered by the Trans-Israel highway company to farmers from an Arab village in the Sharon area, whose lands were expropriated in order to build Road No. 6.

Compensation offered to the Bedouin pursuant to Israel Land Administration (ILA) decision No. 1028

The compensation offered to the Bedouin consists of two parts: compensation for the land, and compensation for the buildings in which they live or work. The government is not offering the Bedouin compensation for loss of income or special compensation for owners of businesses. As far as moving expenses are concerned, the government is offering families a moving grant on condition that the overall compensation they receive does not exceed NIS 100,000. There is also a moving grant of NIS 5,000 for singles moving from an "unrecognized" village to a "recognized" locality.

As far as compensation for land is concerned, it must be remembered that Bedouin claim title to the lands both within the “recognized” Bedouin localities and in the “unrecognized” villages. The Israeli government offers different compensation for each of these two categories of land. As can be seen from the figures below, in both cases, the arrangement involves renouncing most of the lands to which the Bedouin claim ownership.

For land in the “unrecognized” villages, the government is offering compensation in the form of land amounting to 20% of the area claimed by the Bedouin, but only in cases where the claim involves over 400 dunams (an area occupied by a minority only), and only if at least half of this area can be cultivated. For Bedouin households with smaller land holdings, the government is offering lower compensation: between NIS 1,100 and NIS 3,000 per dunam for land actually used by the Bedouin, and compensation of between NIS 1,600 and NIS 2,000 per dunam for land claimed but not actually in use by the Bedouin.

For land inside a “recognized” locality, the government is offering compensation in the form of land at rates between 5% of the land claimed if the area claimed amounts to between 20 and 99 dunams; and at the rate of 27.5% if the land claimed amounts to 300 dunams or more. For the remaining area, the government is offering financial compensation of between NIS 5,200 and NIS 10,000, depending on when the land is vacated. Thus, a Bedouin household that vacates its lands in 2005 will receive the higher figure; the longer a household delays its decision, the lower the compensation it will receive.

In addition to compensation for land, the government is also offering compensation for buildings used for residential and work purposes. The ILA decision gives a number of examples, depending on the quality of the building. For our purposes, it is sufficient to note by way of example that the maximum compensation offered for a cinder-block building is around NIS 890 per square meter. Hence, if the structure measures 30 sq.m., compensation totals NIS 26,700. If compensation for the structure exceeds NIS 50,000, the government will deduct from this the amount that the household is supposed to pay for its contribution to the plot to which it is to move its home.

Residents of “unrecognized” villages who move to “recognized” localities are required to pay for the plot and for development. However, Decision 1028 notes that the government will grant assistance in the form of a NIS 20,000 subsidy to those who acquire a 800 sq.m. plot.

We found no evaluation of the aggregate financial cost of compensation to Bedouin claiming land ownership according to the conditions offered by the Israel Land Administration. A calculation we made indicates that total financial compensation to settle some 3,000 claims relating to lands totaling 650,000 dunams amounts to NIS 1.5 billion, at most. The details of the calculation can be found in Appendix 2. This calculation tallies with a figure we were given by the



State Attorney's Office, according to which, on average, each Bedouin family will receive NIS 450,000 (Yahel, July 25, 2005).

Compensation offered to the settlers evacuated from Gush Katif<sup>15</sup>

The government offered the Jewish settlers in the Gaza Strip, *inter alia*, compensation for their homes, compensation for land, compensation for loss of income, and special compensation for business owners.

According to an analysis performed by a team of economists under Professor Daniel Tzidon, there are three compensation options in respect of family homes and the plots on which they stand. Most evacuees with a significant history of residence in the Gaza Strip will apparently be compensated according to the principles of Option B: the land value in the area to which they are to be evacuated (whereby the Evacuation-Compensation Law emphasizes that this must be an area capable of providing residential services on a level similar to that of the area evacuated), plus the amount required to build a residential dwelling similar to that from which they have been evacuated).

In addition, an evacuee family is entitled to compensation for the transition period (calculated according to the number of family members), whereby the compensation includes a moving grant and a rent allowance for a reasonable period in the area to which they are evacuated.

Additional compensation is given for loss of income: this is a substitute income for a specified period. Employees over the age of 55 will receive a monthly allowance up to retirement age.

Lastly, compensation for businesses is also proposed, comprising two options: a financial option, in which the business is evaluated according to its profits, and an "assets" option, in which the business owner is reimbursed for his investments in recent years.

Tzidon and colleagues estimated that the budgetary cost of the compensation to the evacuated settlers – some 1,700 families – would amount to around NIS 4.1 billion, or 2.7 times the cost of the compensation offered to a larger number – 3,000 – of Bedouin claimants in the Negev.

Owners of land expropriated in order to build Road No. 6

Another meaningful comparison can be made with the owners of agricultural lands along the route of Road 6, which were confiscated in order to build the highway. This comparison is particularly meaningful for the Bedouin owning land in "recognized" localities that the State wishes to expropriate for public purposes.

The principle underlying the compensation offered by the State in this case can be deduced from the petition to the High Court submitted by the residents of the Zemer local council, which represents four Arab villages in the Sharon area (Yama,

Bir al-Sika, Ibtan and Marja), against the National Planning and Construction Council (HC 7817/98). The petition indicates that the building of the road required the confiscation of some 75 dunams of farmland owned by Zemer, and that Zemer received compensation in the form of the same amount of farmland at nearby Kibbutz Bahan. In addition, the Trans-Israel highway company undertook to prepare the land for cultivation and to bear the costs involved in the process of preparing and moving the farmers' greenhouses.

It is reasonable to assume that compensation in the form of one dunam for another dunam of land of the same value would satisfy most of the Bedouin, just as it satisfied the Zemer local council residents.

## Appendix 2:

### An evaluation of the cost of monetary compensation to be paid to Bedouin claimants

The calculation was performed in accordance with the compensation principles outlined in Appendix 1 above.

We assumed that of the 650,000 dunams claimed today by Bedouin, the vast majority – 600,000 – are outside the master plans, while 50,000 fall within master plans. We further assumed that those claiming ownership of lands outside the master plans would receive compensation in land averaging 15% of their lands – 90,000 dunams. The result is that monetary compensation would be paid for 510,000 dunams. We assumed that around half of the amount – 255,000 dunams – consists of land that is not in use, while the other half comprises land that is in use. Our assumption was a generous one, to the effect that the compensation for both types of land will be NIS 2,000, meaning monetary compensation for lands outside the master plans amounting to NIS 1.020 billion.

With regard to lands included in the scope of the master plans – 50,000 dunams – we assumed that compensation in the form of land would amount to 10% of this area, meaning that monetary compensation would be payable for 45,000 dunams.

We further assumed that the monetary compensation would on average amount to NIS 7,500 per dunam. Thus we reached a figure for total monetary compensation payable for lands covered by the master plans of NIS 337.5 million.

Altogether, we are talking about total monetary compensation for lands amounting to NIS 1.358 billion.

To this must be added compensation for additions (buildings and investments made in the land). Here, evaluation is a trickier business, since it is unclear how many households are involved. However, if we assume that the number of claims involved is 2,500 (3,000 minus an estimated 500 dual claims); and if we further assume that the main compensation is at the level of NIS 890 per sq.m. for cinder-block buildings, and if we further assume that on average each household has 50 sq.m., then we reach a total sum of NIS 112.5 million.

If we add everything up, we get a figure for total monetary compensation, for land and buildings alike, of NIS 1.470 billion.

To this must be added lands amounting to an estimated 90,000 dunams not included in master plans, and an additional 5,000 dunams included in master plans that will remain in Bedouin hands.

### Appendix 3: The problem of statistics about the Negev Bedouin

Some of the statistics that should constitute the bedrock of any discussion about the situation of the Negev Bedouin are not known with certainty, and different sources cite different figures. One of the main statistics in this category involves the extent of lands and the size of the Bedouin population: the extent of the lands in Bedouin hands at the time of the outbreak of the 1948 war, the extent of lands in the possession of Bedouin who fled or were put to flight in 1948, the number of Bedouin evacuated from lands in the north-western Negev to the Siyag area, the number of Bedouin living in the Siyag area pre-1948 and the extent of their lands, the number of Bedouin who remained within Israel's borders but not in the Siyag area and the extent of their lands. For some of these topics, there are no figures, while for others differing figures can be found in the literature.

There are a number of reasons for this state of affairs: first of all, the absence of exact government (Ottoman and British) charting and registration of lands and population prior to 1948; secondly, the absence of any charting and registration by the Bedouin themselves – whether because they conducted their relations among themselves in accordance with independent traditions not involving statistics, or because they refrained from cooperating with the authorities; thirdly, the Israeli government's desire to play down the estimated extent of land in Bedouin hands; fourthly, the fact that the main state-level bodies that dealt with the Bedouin were the IDF and the Defense Ministry – bodies not known for their transparency. Apparently, in this context, Chanina Porat, a researcher of the field, has written:

“researchers still do not have unhampered access to classified documents in the key archives” (Porat, 1997: 392).

The point must also be made that the Central Bureau of Statistics does not have full, up-to-date statistics for the Negev Bedouin: those living in “unrecognized” villages are not sampled on an ongoing basis, and hence are not included in full in the Bureau’s ongoing surveys, such as the labor force surveys. These Israelis are only counted in the population census, which is carried out once every 12 years or so (the last three censuses were carried out in 1972, 1983, and 1995, and the next one is planned for 2008).

## Notes

- <sup>1</sup> See map showing the distribution of the different tribes in Porat, 1997: 399.
- <sup>2</sup> On the extent of the area, see also the discussion in Bauml, 2002: 308.
- <sup>3</sup> For a legal and sociological analysis of the state's position, see Shamir, 1999; for an international law analysis, see Kedar, 2004.
- <sup>4</sup> Ms. Plia Albeck also held this position in the 1980s, during which she issued permission for the establishment of more than one hundred Israeli settlements in the Palestinian territories, citing as justification their location on state lands; Aluf Ben, *Ha'aretz*, April 5, 2004.
- <sup>5</sup> On the position of the sheikhs, see Marx, 1974: 41-44.
- <sup>6</sup> For an analysis with similar findings for 1988, see Razin, 2000.
- <sup>7</sup> Our thanks go to Ms. Ety Konor-Attias, who performed the statistical analysis.
- <sup>8</sup> See also Razin, 2000.
- <sup>9</sup> On the health situation in the "unrecognized" villages, see Almi, 2003.
- <sup>10</sup> On individually owned farms, see also Yiftachel and Kedar, 2000.
- <sup>11</sup> On January 11, 2005, the Knesset passed an amendment to the Public Lands (Removal of Trespassers) Law, 1981, expanding the Israel Land Administration's already broad powers to enforce ownership rights that are the subject of legal dispute. The amendment is expected to have an adverse effect mainly on the Negev Bedouin (Shagri-Badarna: 2005).
- <sup>12</sup> Ya'akov Katz, head of the Bedouin Authority, told us about an arrangement in Bir Haddaj, under which local sheep farmers get five dunams per family on conditions similar to the kibbutzim and moshavim. Interview, June 23, 2005.
- <sup>13</sup> Our thanks go to Ms. Ety Konor-Attias, who performed the statistical analysis.
- <sup>14</sup> It should be noted that Yosef Ben-David has suggested compensation totalling some five billion dollars (the Israel Institute for Democracy, March 20, 2000:5). This figure is similar to the amounts paid to settlers evacuated from Sinai in 1982, as well as those paid to the settlers being evacuated at the time of writing from Gush Katif. In the same discussion, Talal Al-Krinawi suggested that the lands arrangement be based on the principle of 50% land and 50% monetary compensation, instead of the proposal suggested today, of 20% land and 80% monetary compensation (*ibid*: 17).
- <sup>15</sup> This report was written before the actual evacuation took place.

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## Interviews

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- Dr. Amer Al Huzayyel, Strategic Planner, Advisor to the Regional Council of Unrecognized Villages, June 5, 2005.
- Mr. Dudu Cohen, Director, Southern District of the Israel Ministry of Interior, June 5, 2005.
- Mr. Jacob Katz, Director, Bedouin Authority, June 23, 2005.
- Atty. Isska Leibowitz, State Attorney for the Southern District, July 25, 2005.
- Havazzelet Yahel, Office of the State Attorney for the Southern District, July 25, 2005.



