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## Excerpts from Adalah's objection to "Partial Regional Master Plan"

The objection was submitted by Adalah to the National Council for Planning and Building on 31 October 2007 against the Partial Regional Master Plan for the Be'er Sheva Metropolitan Area, Master Plan 14/4, Amendment 23, as it pertains to the unrecognized villages in the Naqab and the rights of their Arab Bedouin residents.

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### Introduction

[...]

States should undertake, at the national level, all necessary measures for the realization of **the right to development and shall ensure**, inter alia, equality of opportunity in their access to basic resources, education, health services, food, **housing, employment and the fair distribution of income**. Effective measures should be undertaken to ensure that women have an active role in the development process. **Appropriate economic and social reforms should be carried out with a view to eradicating all social injustices**.

**Article 8(1) of the UN Declaration on the Right to Development** [Emphasis added]

1. The planning and building laws in the State of Israel address the purposes and uses of land in the spatial, economic, social, cultural and environmental fields, and at the various levels – national, regional and local. In recent years, planning and building laws have become the main engine for economic and social development in the various spheres [...]

[...]

3. Regional planning is therefore crucial and has a decisive impact on the future and quality of the lives of citizens living in a certain area, on the

allocation of resources in that area, and on the development of the various population groups residing within it. Planning should conform to the principles of social and spatial justice, ensure equality and planning justice among the various population groups, and serve to generate social, economic and spatial development. These principles are central to enlightened planning systems throughout the world.

[...]

4. The “Partial Regional Master Plan” for the Be’er Sheva [Beer el-Sabe] region (Be’er Sheva metropolitan area), Master Plan 14/4 Amendment 23 [hereinafter: “the plan” or “the metropolitan plan”], disregards the existence of about half of the Arab Bedouin population in the southern region and, in practice, fails to resolve the planning status of the unrecognized Arab villages in the Naqab (Negev). [See **map no. 1, p. 81**]. Some of these villages predate the establishment of the State of Israel [in 1948], while others were founded according to orders issued by the military governor in the region during the early years of statehood. These orders aimed at evacuating the Arab residents from the existing villages and relocating them to their current sites.
5. The plan ostensibly offers a mechanism for the recognition (“establishment”) of new Arab towns and villages. However, in practice it merely perpetuates the existing policy of concentrating the Arab Bedouin within the existing recognized villages, while disregarding their inhabitants’ way of life, their right to choose their own way of life and place of residence, and failing to provide them with a range of housing options. The plan completely disregards the historical rights of the Arab inhabitants of the area, their rights as a population indigenous to the area, and their right to adequate housing. The plan further severely infringes upon the rights of the Arab residents of the Naqab, citizens of the state, to equality, adequate housing, dignity and development.

[...]

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### **Background and the current situation on the ground**

11. The Arab population in the Naqab numbers 156,400 people, comprising 27.7% of the total population of the Be'er Sheva sub-district, as of 2006.<sup>1</sup> Approximately half lives in dozens of unrecognized villages and sites that lack basic services, including water and electricity, health and educational services. The combined residential area of the unrecognized villages and other sites in the Be'er Sheva district is estimated at approximately 306,000 dunams.<sup>2</sup> [See map no. 2, p. 82]
12. The declared objective behind the establishment or recognition of the villages is to reduce the area of inhabitation and livelihood of the Arab citizens of Israel in the Naqab, completely ignoring their existing situation and immediate needs, the gaps that exist between the Arab and Jewish residents in the region, and the future development needs of the Arab population.
13. In practice, the State of Israel and its planning institutions manage two separate planning systems. One serves Jewish citizens of the state and includes a range of living spaces, such as: collective communities known as *kibbutzim*; cooperative agricultural communities known as *moshavim*; agricultural, suburban, rural and urban communities, etc. It provides vast living spaces with potential for future development to Jewish citizens, while also preserving the character of existing Jewish communities. This policy serves to ensure exclusive Jewish use of the maximum amount of space. The second planning system, for Arab citizens of the state, operates by providing minimal areas for their development and a limited variety of living spaces. Arab towns and villages are growing ever more overcrowded and are increasingly unable to offer reasonable living spaces to their inhabitants.
14. These planning policies have resulted in an unjust allocation of the land space between Jewish and Arab local authorities in the Naqab, as noted, and leads to severe problems for the Arab villages in terms of infrastructure, a lack of development opportunities, etc. For example, in the Be'er Sheva sub-district, which covers a total of

12,945 km<sup>2</sup>, the area of jurisdiction of the seven Arab towns [the first seven government-planned and recognized Arab Bedouin villages in the Naqab in 1970s] covers just 59.957 km<sup>2</sup>, or 0.5% of the total territory of the district.<sup>3</sup> The communities under the jurisdiction of the Abu Basma Regional Council [which, in addition to the initial seven towns includes around ten other subsequently recognized Arab Bedouin villages] cover only around 0.2% of the district's total territory. Thus, the total area of the recognized Arab villages in the Be'er Sheva District accounts for less than 1% of the district's total territory, while the Arab population in the district accounts for close to 28% of the total population.<sup>4</sup> [See map no. 3, p. 83]

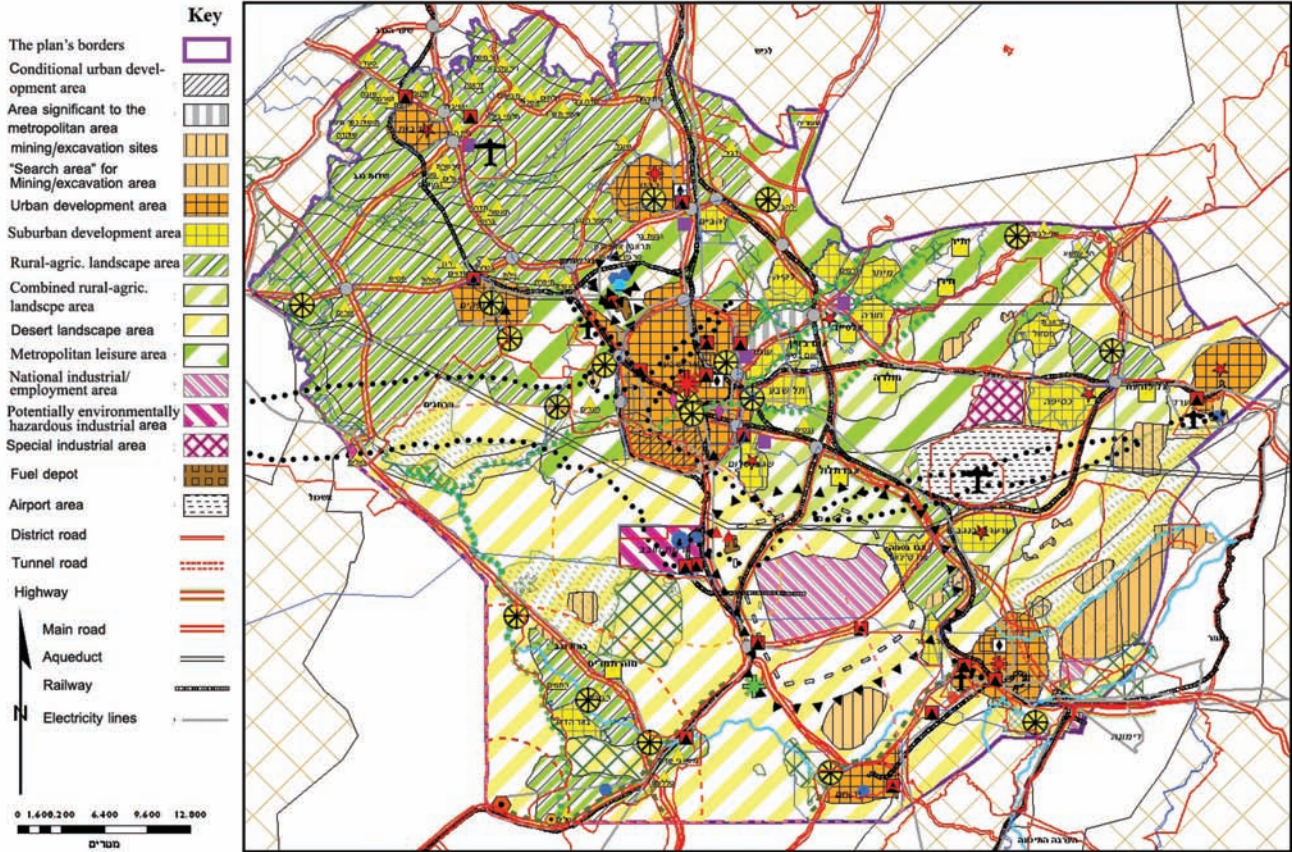
[...]

16. In addition, these policies have created spatial segregation between Jewish and Arab residents. For instance, communities have been established from which Arab citizens are excluded in which only Jews are permitted to reside; that is, "homogeneous" spaces have been created designated exclusively for Jewish residents.
17. As a consequence, the Arab Bedouin in the Naqab are barred from around 91% of the 107 rural Jewish communities located in the Be'er Sheva District.<sup>5</sup> These include *moshavim*, cooperative *moshavim*, *kibbutzim* and community settlements. Admissions committees, in which the Jewish Agency plays an active role, decide who is eligible to live in these communities. The official purpose of these committees is to examine the social suitability of the candidates, but in practice it leads, inter alia, to the exclusion of the Arab citizens of the state from these communities.<sup>6</sup>

**Perpetuating the problem of the unrecognized villages in the Naqab**

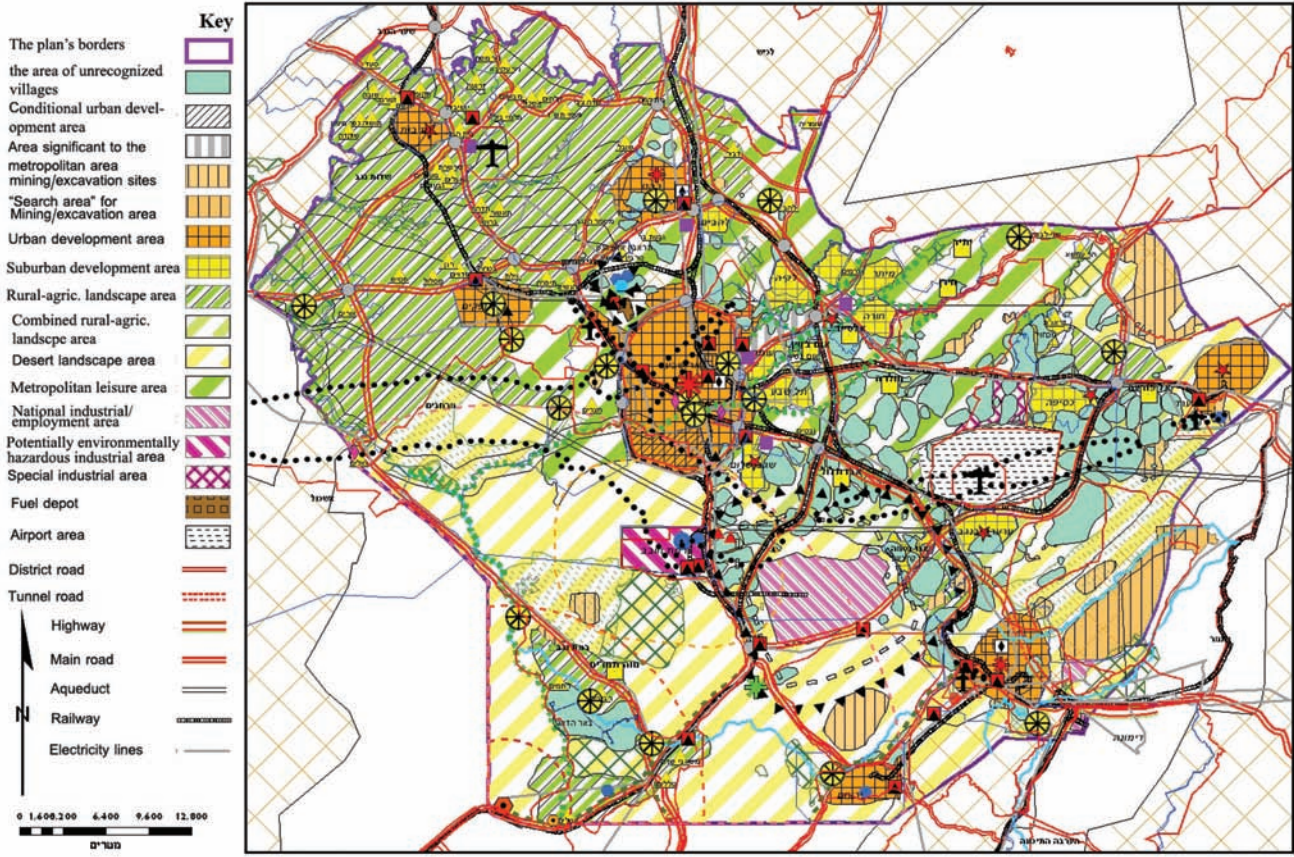
18. The metropolitan plan perpetuates the problem of the unrecognized villages by disregarding their existence and thus the rights of the indigenous Arab population, including their spatial and cultural rights. Moreover, it fails to offer suitable or acceptable solutions to the problems facing these villages. In parallel, the state is proposing

Map no. 1: Master Plan 14/4 Amendment 23

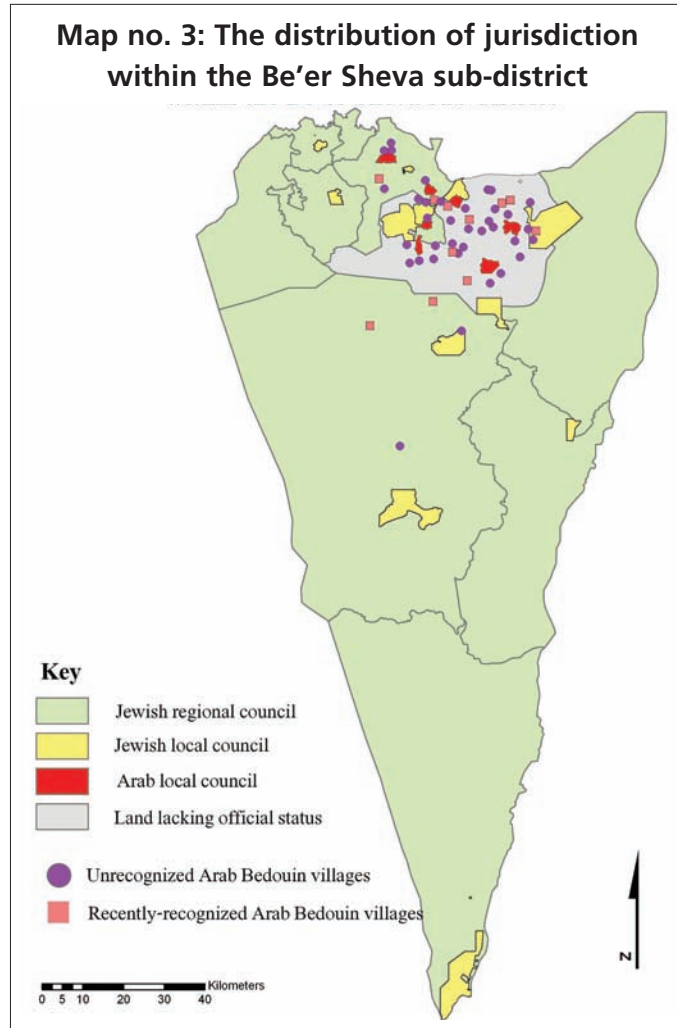




**Map no. 2: The area of unrecognized villages against the background of Master Plan 14/4 Amendment 14**



**Map no. 3: The distribution of jurisdiction within the Be'er Sheva sub-district**



and establishing new communities for the Jewish population, some of which are located alongside or on the actual site of the unrecognized villages, in addition to the establishment of “individual settlements”.<sup>7</sup>

19. One of the components of the plan, as the associated documentation indicates, ostensibly offers a new approach to organizing Arab settlement, premised on the existing location of villages and the need to develop a variety of Arab towns and villages. However, this approach is not expressed in the submitted plan.
20. For example, the unrecognized villages are not even marked on the plan’s maps. Instead, the plan proposes to relocate the residents of these villages, and concentrate them in a minimal number of specially designated villages. More precisely, as explained below, the plan does not provide a genuine planning solution for these residents, and the solution it purports to offer will do nothing to alter the situation on the ground; indeed, it will actually widen the existing spatial and social disparities between the Arab and Jewish inhabitants of the Naqab.
21. The map and the various documents associated with the plan propose the following spatial solutions for Arab settlement in the Naqab:
  - a. Two new Arab Bedouin villages: Abu Tulul and Al-Fur’a.<sup>8</sup>
  - b. Limited living options: one urban community, fifteen suburban communities and two rural communities.
  - c. A “combined rural-agricultural landscape area”: According to the plan’s directives, this area is designated as a “search area” in which to identify locations for the establishment of rural or suburban towns and villages, as well as tourist and vacation facilities.
  - d. Dispersing the residents of the unrecognized villages: The plan proposes that these residents be spatially dispersed as follows: 40% in the initial seven government-planned and recognized towns, and 35% in the newly-planned villages. The existing plans “are designed to provide potential



solutions" for around 15% of the population of the unrecognized villages. No solutions are outlined in the plan for the remaining 5-10%.<sup>9</sup>

**Ignoring the existing unrecognized villages**

22. The metropolitan plan is designed, inter alia, to examine the needs of the Arab residents of the unrecognized villages from a planning perspective, for the first time, and to formulate a planning response "to solve the problem of Bedouin settlement in this area." The planners were also asked "**to examine rural settlement as one of the solutions for settling the residents.**"<sup>10</sup> [Emphasis added]
23. In addition, one of the planning principles that guided the drafting of the plan was to organize the settlement of the Arab Bedouin and fully integrate them into the general development of the area [...] and to propose an alternative method of recognizing and establishing villages that takes into account the existing location of the Arab Bedouin villages.
24. However, the plan does none of this. Rather than proposing a comprehensive solution that takes into account the existing location of unrecognized villages, it proposes only two new villages, in addition to the nine that were recognized in recent years by the Israeli government. The plan disregards the dozens of remaining unrecognized villages.
25. The plan also approves or envisions various uses for the land of the unrecognized villages, treating it as empty space and disregarding the tens of thousands of Arab residents who have been living on it for decades. The plan therefore perpetuates the problem of the unrecognized villages and rules out most appropriate and acceptable solutions.
26. According to the plan the area on which the unrecognized village of Atir – Umm Al-Hieran is situated is earmarked for a new Jewish village named Hiran, forestation, and a regional vacation center.

Similarly, the site of the unrecognized village of Al-Sura, which predates the establishment of Israel, is earmarked for the Kidmat HaNegev industrial zone.

**Lack of free choice and diversity in types of communities**

27. As noted, the plan stipulates the need to provide a range of modes of residence for the Arab residents of the Naqab, and it was decided, inter alia, that it should define “a location and rules for planning communities using a range of models to organize Bedouin settlement.”<sup>11</sup> [Emphasis added]

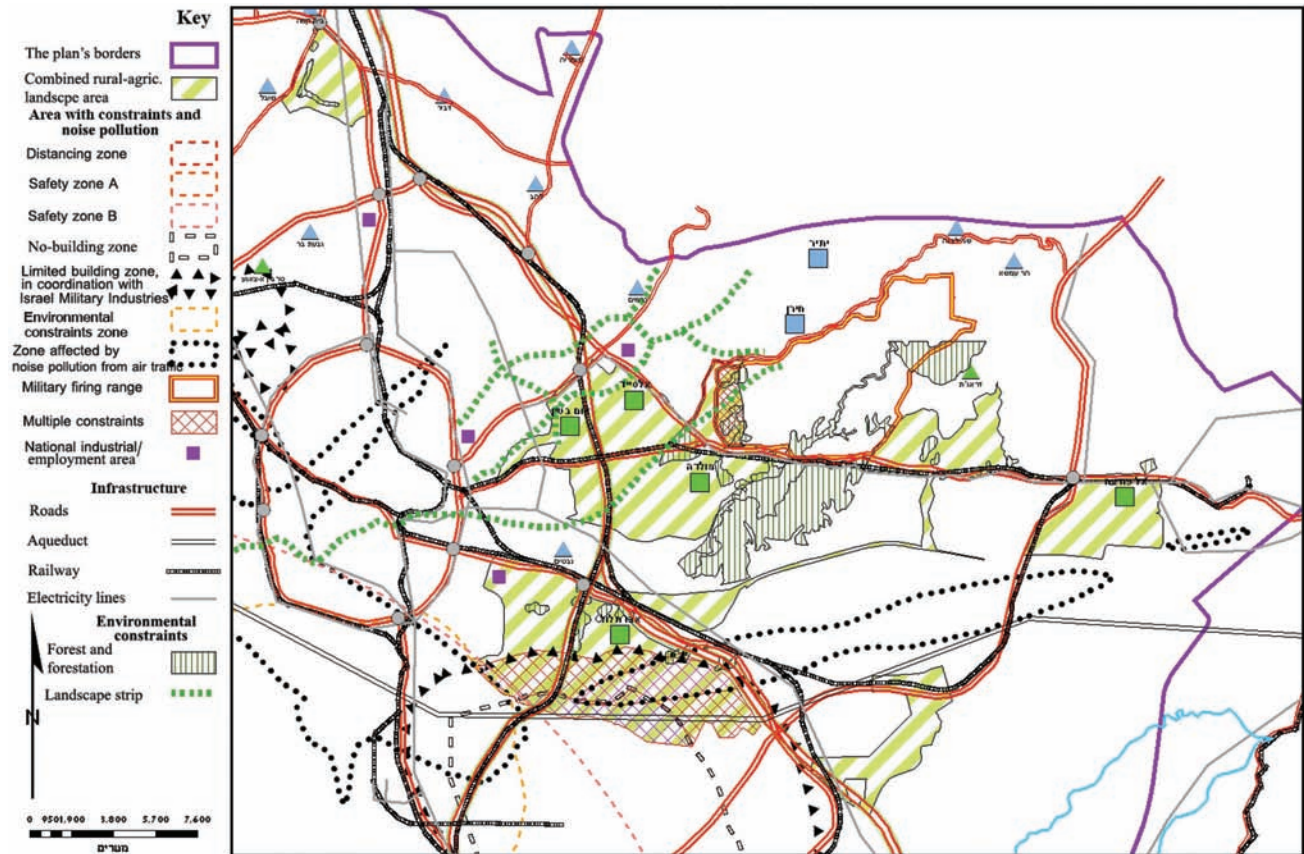
[...]

29. Nonetheless, the plan’s land-use map indicates that most of the recognized, government-planned towns and recently-recognized Arab villages are suburban development areas and suburban communities. Fifteen villages (83% of the Arab Bedouin towns and villages included in the plan) are classified as suburban communities, whereas only two villages are designated as rural communities, as illustrated in the table below:<sup>12</sup>

| <b>Distribution of Arab towns and villages by mode of settlement</b> |                    |   |
|--|--------------------|---|
| Type of community  | No. of communities | Names of community/ies  |
| <b>Existing government-planned towns</b>                             |                    |   |
| Urban development area   | 1                  | Rahat   |
| Suburban development area  | 6                  | Hura, Kseiffe, Laggiya, Arara, Segev Shalom and Tel Sheva [Tel el-Sabe] |
| <b>Villages recognized in recent years and added in the plan</b>     |                    |   |
| Suburban development area  | 4                  | Makhoul-Kuhla, Abu Qurinat, Qasr as-Ser and Bir Hadaj                   |
| Suburban community   | 5                  | Mulada, Al-Sayyed, Al-Fur’a, Umm Batin and Abu Tulul                    |
| Rural community  | 2                  | Darajat and Tarabeen al-San’a   |

30. As the table indicates, the spatial future of the overwhelming majority of the Arab Bedouin is suburban rather than rural, agricultural or otherwise suited to their lifestyle. This situation is absurd in light of the existing spatial allocation [in the area]: as noted, in the Be'er Sheva district there are currently 107 Jewish rural settlements of various types, whose combined population accounts for around 7.6% of the district's total population (Arabs and Jews).
31. This planning approach is particularly problematic and dangerous in light of the previous planning undertaken with regard to the seven towns for the Arab Bedouin, which demonstrated that imposing planning "from above" – planning that does not suit the needs or lifestyle of the Arab Bedouin – ultimately creates a deprived and neglected space and severe social and economic problems for the residents.
32. In addition, due to the operation of admissions committees, the Arab Bedouin are excluded from most Jewish rural communities, and consequently their right to choose a mode of rural residence is virtually non-existent.
33. The situation is even more absurd given the allocation of the various residential options proposed by the plan. According to Section 1.6.6 of the plan's planning principles,<sup>13</sup> the allocation of communities within the metropolitan space is 83% urban, 11% suburban and 6% rural. Since the plan does not propose a transformation of the Jewish rural communities into suburban or urban communities, then rural settlement will continue to be available almost exclusively to the area's Jewish population.
34. By offering a range of residential options and settlements exclusively to the Jewish residents who currently live in the region or to Jewish citizens assigned to move to it, the proposed plan contradicts the basic principles of reasonableness equality and distributive justice. [...]

**Map. no. 4: The search area for the establishment of new villages against the background of Master Plan 14/4 Amendment 14 - planning constraints**



35. Furthermore, the plan does not draw a clear distinction between the characteristics of a rural community and those of a suburban community. In addition, it is unclear what criteria are employed to determine the type and character of a particular town or village.
36. In drafting the plan, the planning team began from the erroneous assumption that the Arab Bedouin are currently in the midst of a transition processes "from a traditional agricultural society to a modern, urban society." This assumption disregards the cultural and spatial reality in the area, as well as the views and wishes of its residents, some of which have been voiced at focus group discussions held as part of the planning process, with the aim of "discussing the central aspects and conflicts identified during the initial planning stages." [...]

**"Combined rural-agricultural landscape area": Limited space**

39. One of the proposals for the unrecognized villages was to designate a "combined rural-agricultural landscape area" [hereinafter: "search area"] the possible aims of which, under the plan's directives are:
  - Permitted aims
  - (a) Agricultural cultivation, raising livestock, pasture, buildings and facilities directly required for these purposes, establishing rural/suburban communities, and tourist and vacation facilities, excluding accommodation facilities.<sup>14</sup>
40. The borders of the search area, as proposed in the plan, are limited and exclude the overwhelming majority of the unrecognized villages and other unrecognized sites. No planning solution is provided for the villages and other sites located outside the borders of this area; instead, the plan entails the relocation of residents of the unrecognized villages and their concentration in a limited number of recognized villages.
41. In the expert opinion appended to this objection, Dr. Yosef Jabareen addresses this issue and states – after conducting a spatial analysis of the plan's map in relation to the situation on the ground – that only



approximately 28% of the territory on which the population of the unrecognized villages and other sites is currently situated is located within the borders of the search area. [...]

42. There is a strong social, cultural and historical connection between the Arab inhabitants of the Naqab and the land on which they live. They have lived in the area since before the establishment of the state, are indigenous to the area and an intrinsic part of it. The planning authorities should therefore examine options for resolving the issue of their planning status to put an end to the current injustices and ongoing violation of their fundamental rights, as detailed below.

**“Combined rural-agricultural landscape area”: A fiction**

43. The plan stipulates “a combined rural-agricultural landscape area” as a “search area” for the establishment of new Arab villages and as a solution for Arab settlement in the Naqab. However, the plan omits to define the number and location of the villages that are to be recognized or established. It is clear from the plan’s land-use map that this space is a mere fiction that does not provide a genuine response to the issue. Thus the plan is inconsistent with and contrary to the planning principles determined in the plan as related to the needs of the Arab Bedouin in the metropolitan Be’er Sheva area.
44. According to Dr. Yosef Jabareen,<sup>15</sup> the search area covers a territory of approximately 145,216 dunams. Not only is this space limited, but is also subject to a host of planning restrictions that preclude the recognition of existing Arab Bedouin villages and establishment of new villages. Dr. Jabareen argues that:
- As a result of the many limitations and constraints imposed by the plan, the search area for the establishment of new villages (or in reality the recognition of existing villages) is significantly curtailed. [Map no. 4, p. 88] shows the search area against the background of these planning constraints, which include building prohibitions, building constraints determined in coordination with Israel Military Industries, the proximity of firing ranges and air pollution from aircraft. If we add to these

constraints the limitations created by the infrastructure that lies within the search area, such as roads, railroad tracks, green areas and industrial zones, as they appear in [Map no. 4], then even the minimum contribution offered by the metropolitan plan in terms of resolving the issue of the unrecognized villages in the Naqab is not what it seems. The space is limited and offers no appropriate solution for the unrecognized villages, even those that are currently situated within the search area.

45. The plan's maps reveal the many constraints that are placed on development within the search area. These include:
- a. National infrastructure facilities, including railways (running north-south and east-west), roads of various types, electrical lines, and fuel pipelines.
  - b. Green areas, including forests and planned forestation, strips of landscaped terrain and streambeds, on which construction and development is prohibited.
  - c. Various environmental constraints limit or even prohibit construction and the establishment of towns and villages. These include:
    - An area in which construction is restricted, in coordination with Israel Military Industries (IMI), in which “no construction will be possible... without the consent of IMI.”<sup>16</sup>
    - An area in which construction is prohibited; all building is barred within the bounds of this area.
    - An area that is subject to noise pollution from aircrafts. The plan's directives require that any plan submitted for an area subject to such noise pollution include a study of “the possible effects of the noise from the adjacent airfield, including details of the limitations that apply to the areas included in the plan.”<sup>17</sup>
    - A security area, within which civilian construction is by definition prohibited.
  - d. To the north of Segev Shalom [a newly-recognized Arab Bedouin village] an area has been earmarked as an industrial/

employment zone. This area will also consume some of the search area designated for the establishment of new villages.

[...]

46. In addition to these constraints, the combined rural agricultural landscape area includes five Arab villages that gained recognition in recent years: Al-Sayyid, Umm Batin, Mulada, Abu Tulul and Al-Fur'a. These villages will consume more of the search area designated for recognizing existing villages or establishing new ones.

[...]

48. Therefore the actual area earmarked for the establishment of new villages for the Arab inhabitants is extremely limited – even non-existent – and does not allow for the establishment of new villages or even for the recognition of existing unrecognized villages located within it. In other words, it is a fiction that does not provide a solution for Bedouin settlement, as the plan itself alleges.

[...]

**A problematic and convoluted mechanism for granting recognition**

50. The plan stipulates a lengthy and convoluted process for the “establishment” of a new town or village. [...]

51. As noted above, the plan alleges to provide a planning solution for Arab Bedouin settlement in the Naqab. However, this process subjects the establishment or recognition of Arab villages to a further protracted and cumbersome planning process, under the authority of the regional planning committee, and requires the approval of the National Council for Planning and Building.

52. The deferment of the recognition of the unrecognized Arab villages that have existed for decades only perpetuates their difficult situation, and prolongs their residents' daily suffering and the severe violation of their basic rights.

53. The decision to establish a new Arab Bedouin village, in light of the most recent institutional decisions and regulations, consists of numerous stages and is subject to various conditions, which make the process extremely difficult, even impossible.
- [...]
57. Moreover, the recognition process does not provide a general solution for all of the unrecognized villages, even those located within the search area, but only offers specific solutions for a very limited number of villages. [...] Thus an opportunity to utilize a regional planning process to provide a comprehensive solution for the problem of the unrecognized villages has been lost.
58. Moreover, the process is vague and raises many concerns, including the stipulation that the establishment of Bedouin villages is conditioned on the evacuation of existing residents:  
[...] It will be possible to approve the establishment of new Bedouin communities or new neighborhoods adjacent to existing communities; **however, a clear condition for establishing these communities will be the evacuation of territory on which parts of the population are currently dispersed [...]**<sup>18</sup> [Emphasis added]
59. In addition, the plan does not set out clear criteria for the selection of villages to be granted recognition within the search area. This situation is absurd, particularly, as noted above, as the area is relatively small in size and does not include all of the unrecognized villages and is subject to numerous planning constraints [...]
60. [...] Thus, "at best" the recognition process prolongs the suffering of the Arab population living in these villages. At worst, it will lead to the evacuation and demolition of these villages and the imposition of unacceptable and unsuitable solutions on their inhabitants, solutions that will create serious, complicated social and economic problems.

61. It should be emphasized that the plan does not allow for non-contiguous development in suburban and rural communities. [...]

[...]

63. The condition that development or expansion in construction zones in suburban and rural communities must be adjacent to other towns or villages precludes the option of recognition and planning for currently unrecognized Arab villages or clusters of villages located nearby, but not adjacent to, Arab villages that have been recognized and/or are currently going through the planning process.

[...]

**The unreasonable and arbitrary “re-distribution” of the Arab residents of the unrecognized villages**

65. [As noted above, in 21(d),] the plan offers planning solutions for the unrecognized villages through three residential options [...] However, no solution has been determined for the remaining 5-10%.<sup>19</sup>

66. The plan necessitates the relocation and concentration of the Arab population in a relatively small number of villages, and the destruction of most of the existing unrecognized villages. It ignores the historical rights of the Arab Bedouin in the area in which they live, as well as their rights to housing, equality, dignity and right to choose their place of residence.

67. In addition, the plan disregards the desire of the Arab residents in the Naqab to live in an agricultural, rural environment and proposes to relocate them to an impoverished urban or semi-urban setting lacking in infrastructure, services and prospects for economic development. The plan disregards the social and cultural importance of living in a rural and agricultural environment for the Arab Bedouin in the Naqab. It further disregards the fact that the proposed relocation of the Arab Bedouin would damage its economic welfare and restrict its access to sources of livelihood, since a substantial



portion of the population makes a living from agriculture, cattle farming, and other farming activities. This proposal is therefore no more than an extension of the policy adopted by the planning institutions and various state authorities to concentrate the Arab Bedouin in the Naqab in an extremely limited amount of space.

68. This population concentration ignores important aspects of Arab society and culture in the Naqab. Numerous studies have documented and criticized planning policies and practices that neglect the needs of indigenous people and ethnic minority groups, and contribute to their continued exclusion in countries such as Canada, the United States and Israel.<sup>20</sup>

[...]

71. The discriminatory planning policy of relocation and concentration has attracted the attention of various UN human rights committees. In the latest Concluding Observations on Israel (published on 9 March 2007) by the Committee on the Elimination of Racial Discrimination (CERD), the committee expressed its concerns over the relocation of the residents of the unrecognized villages to the recognized towns and villages, as follows:

25. The Committee expresses concern about the relocation of inhabitants of unrecognized Bedouin villages in the Negev/Naqab to planned towns. While taking note of the State party's assurances that such planning has been undertaken in consultation with Bedouin representatives, the Committee notes with concern that the State party does not seem to have enquired into possible alternatives to such relocation, and that the lack of basic services provided to the Bedouins may in practice force them to relocate to the planned towns. (Articles 2 and 5(d) and (e))<sup>21</sup>

72. The committee explicitly recommended that the State of Israel recognize the unrecognized villages, and respect the land ownership rights of their residents and their right to develop and use the land:

The Committee recommends that the State party enquire into possible alternatives to the relocation of inhabitants of unrecognized Bedouin villages in the Negev/Naqab to planned towns, in particular through the recognition of these villages and the recognition of the rights of the Bedouins to own, develop, control and use their communal lands, territories and resources traditionally owned or otherwise inhabited or used by them. It recommends that the State party enhance its efforts to consult with the inhabitants of the villages and notes that it should in any case obtain the free and informed consent of affected communities prior to such relocation.<sup>22</sup> [Emphasis in the original]

73. In addition, the UN Committee on Economic, Social and Cultural Rights (CESCR) in its Concluding Observations on Israel of May 2003 explicitly requested that Israel recognize the unrecognized villages and provide them with basic services immediately:

43. The Committee further urges the State party to recognize all existing Bedouin villages, their property rights and their right to basic services, in particular water, and to desist from the destruction and damaging of agricultural crops and fields, including in unrecognized villages. The Committee further encourages the State party to adopt an adequate compensation scheme that is open to redress for Bedouins who have agreed to resettle in “townships”.<sup>23</sup>

[...]

**Lack of public participation in the planning process**

81. Planning in general, and regional planning in particular, have a major impact on the daily lives of those who reside within the planned space, since planning determines the uses of the space over a particular period of time. In the case under discussion, the plan is valid until the year 2020. Therefore public participation in the planning process is a vital tool for more effective planning that is adapted to the needs and lifestyles of the residents of the planned

area. Public participation is even more crucial in the case of an indigenous minority that is culturally and socially distinct from the majority and has different needs.

82. Much has been written on the subject of public participation in planning not only as a democratic tool, but also as a means of accurately expressing the needs of different population groups that form an integral part of the space. Groups that live in the space should play a central role in planning and shaping it. Through the process of public participation residents and other users of the space are invited to influence the space in which they live and how it is designed.

83. In recent years significant progress has been made in involving the public in planning processes in Western states, where it plays an important role in national and local government cultures.<sup>24</sup>

[...]

85. Residents of the Naqab, Arabs and Jews alike, have a right to partake in shaping the space in which they live. The relevant planning institutions and the drafters of the metropolitan plan are obliged to involve them and consider their views as part of the process of designing the space and its future.

86. However, the drafters of the metropolitan plan for Be'er Sheva did not involve the Arab Bedouin public in the planning process in an appropriate manner. While Arab representatives did participate in the plan's steering committees and other committees that worked on the plan, this "participation" was not taken into account. Therefore, it cannot be considered proper participation and accordingly the final product does not reflect the demands made by the Arab contributors.

[...]

88. In fact, the process involved very little genuine public participation. For example, a number of Arab representatives and representatives



made greater efforts to involve this group in a suitable manner, as an integral part of the decision-making process in all matters that relate to the space in which it lives.

Thus, the plan stands to create clear ethnic conflicts between Jews and Arabs, particularly in light of the discrimination in the allocation of planning and development resources in the region.

Therefore, the National Council for Planning and Building is asked to accept this objection and to reject the plan and return it for redrafting in accordance with the principles of planning. These include the principle of public participation, equality, reasonableness, proportionality, transparency and fair representation. The plan must, first and foremost, provide a suitable and acceptable solution for the problem of the unrecognized villages in the Naqab, and give full expression to the wishes and aspirations of the Arab residents in this matter.

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Notes

- 1 Based on data from the *Statistical Abstract of Israel*, No. 58, 2007, Table 2.7.
- 2 See the expert opinion of Dr. Yosef Jabareen, which formed part of the objection. On file with Adalah.
- 3 See Table 4A: Selected communities by area of jurisdiction and central reference points. Statistical Data for the Negev, The Negev Development Authority. Available at: <http://www.negev.co.il/statis/ch1.asp> (Hebrew).
- 4 See supra note 1, Table 10.2.
- 5 See supra note 1, Table 9.2.
- 6 Yiftachel, Oren (2000) Land, Planning and Inequality: Space Division Between Jews and Arabs in Israel, Position Paper. Tel Aviv: Adva Center.
- 7 Individual settlements are settlements established for single Jewish families or Jewish individuals on huge expanses of land (hundreds to thousands of dunams each) in order to insure exclusive Jewish control over these lands and to prevent any development of Arab villages thereon.
- 8 While the plan refers to these villages as new, they are in fact existing villages that are newly-recognized by the plan.
- 9 See Master Plan 23/14/4, Principles of the Planning Policy, version 1, April 2005, p. 111.
- 10 See announcements by the parties, 9 July 2001. On file with Adalah.
- 11 See supra note 10, p. 117.
- 12 See the land-use map of Master Plan 14/4 Amendment 23.
- 13 See supra note 10, p. 26.
- 14 See the “partial regional master plan” for the Be’er Sheva region (Be’er Sheva metropolitan area), the plan’s directives, version no. 3, 22 April 2007, p.6.
- 15 A senior lecturer in urban and regional planning at the Technion – The Israeli Institute of Technology.
- 16 See supra note 14, section 614.3, p. 16.
- 17 Ibid. section 71.3, p. 25.
- 18 See supra note 10, p. 120.
- 19 See supra note 10 above, pp. 11, 121.
- 20 See, e.g., Sandercock, Leonie (2002) When Strangers Become Neighbors: Managing Cities of Difference, *Planning Theory and Practice* 1(1): 13-20; Yiftachel, Oren, and Haim Yacobi (2003) Urban Ethnocracy: Ethnicization and the Production of Space in an Israeli ‘Mixed City,’ *Society and Space* 21: 673-693; Fenster, Tovi (1999) Space for Gender: Cultural Roles of the Forbidden and the Permitted, *Environment and Planning D: Society and Space* 17: 227-246.
- 21 See, Concluding Observations of the Committee on the Elimination of Racial Discrimination: Israel (June 2007), para. 25. Available at: <http://daccessdds.un.org/doc/UNDOC/GEN/G07/424/79/PDF/G0742479.pdf?OpenElement>.
- 22 Ibid.
- 23 See Concluding Observations of the Committee on Economic, Social and Cultural

Rights: Israel (May 2003), para. 27. Available at: [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/b313a3503107f1e6c1256d33002cea38?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/b313a3503107f1e6c1256d33002cea38?Opendocument).

- 24 See Jabareen, Yosef (2003) *Oppositional Public Participation: Organizing the Unrecognized Villages in the Negev*, in Churchman, A. and Sadan, E. (eds) *Participation – The Way to Make a Difference*. Jerusalem: Kav Adom Kibbutz Hameuchad Publishing, pp. 146-230 (Hebrew).