

Individual Settlement in the Naqab: The Exclusion of the Arab Minority

By Hana Hamdan¹

Individual Settlement as a Continuation of Israel's Policy of Control and 'Judaization' of the Naqab (Negev)

Since the founding of the state of Israel, its institutions have pursued an ideology which views Jewish settlement throughout the state as a paramount goal, the attainment of which is requisite for the maintenance of geo-political control over its territory. The land and planning institutions have worked assiduously to ensure that Jewish citizens use the greatest possible area of land, through the establishment of Jewish settlements. Over the past decade, we have witnessed a new kind of settlement for peopling the region with Jewish citizens, and excluding Arab citizens from the land space, funneling them into a limited spatial area. This new kind of settlement is known as the "individual settlement."

Individual settlements are sites generally inhabited by a single family, and provided with hundreds, sometimes thousands, of dunams of land for their exclusive use. Some of the land is used for the family residence, and some for farming or tourism. Most of the land, though, is transferred to the family as a "safeguard" against its use by Arab citizens of the state.

The idea of "individual settlements" emerged in 1997, conceived by the head of the Open Spaces Unit (the Green Patrol).² The idea was one of several options put forward by the unit's head to then National Infrastructure Minister Ariel Sharon and then Agriculture Minister Raphael Eitan, the objective being "to preserve state lands" by "seizing control to prevent foreign entities and persons from obtaining control."³ The two ministers approved the idea without checking its legality and without considering the alternative proposals. The State Comptroller's Annual Report for 2000, states that:

At a meeting between the Minister of National Infrastructure at the time, Ariel Sharon, and the then Agriculture Minister, the ministers decided that individual settlement should be encouraged and advanced, and that *the primary goal of this settlement is to safeguard state lands*. (Page 602, emphasis added.)

This goal of controlling the spatial area views the presence of Arab citizens of the state as a "problem" that has to be solved in any way possible, and as a "threat" that must be met even with measures which violate the planning and building laws. The state's goal is clear from the above quotation, as well as from the comments of some of the individuals living in these settlements and state officials, who were quoted by Daniel Ben Simon in an article, "Bouki and Gouli in the Land of Bedouins," published in *Ha'aretz* on 4 March 1998 as saying that:

Although the Supreme Court is bothersome, I say we have no alternative, that we have to return to the methods used in the past and *settle everywhere*

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² The Green Patrol falls under the authority of the Israel Lands Administration, the Jewish National Fund and the Ministries of Agriculture and of Defense.

³ The State Comptroller's Annual Report for 2000.

possible, indiscriminately. In this way, we built the state. We did not wait for the approval of anyone.

...

Behind the effort to settle the desert lies a declared governmental policy to establish a Jewish presence in the areas ... The result is a reduction in the living space of the Bedouin who live in these areas ... *"This is a declared and open war over the land,"* proclaimed a senior official in the Ministry of Agriculture ... "If we are not here," he added, "the Bedouin will be here." (Emphasis added.)

Similar comments had been made by the then director of the Prime Minister's Office, Avigdor Lieberman, in an interview by Degar Lahav, "Governmental Plan to Stop 'State Land Theft'," published in *Ha'aretz*, on 2 September 1997:

The director of the Prime Minister's Office, Avigdor Lieberman, said yesterday: *"This is a matter of the theft of state lands.* Two million and eight hundred thousand [2,800,000] dunams of state land in the Negev, in the Galilee in the seam-line area, and in Area C have been illegally seized ... According to the recommendations of the Directors-General Committee, a Ministerial Committee on Settlement Matters will be established ... The ministers will be presented with a plan to encourage individual settlement in the problem areas, the purpose being to safeguard the land.

...

Unlike past plans, such as "the stars plan," which involved settlement communities or towns, in which a relatively large number of residents live on a relatively small piece of land... *in this case, we are talking about single individuals, who will guard extensive land areas.* This is most effective..." Lieberman explained. (Emphasis added.)

After the two ministers, Sharon and Eitan, settled on this policy, state agencies began to build dozens of "individual settlements" without tenders, without clear criteria for distributing the land, without building permits or approvals as required by law, and without examining development and policy needs. The planning and building laws were ignored, as were the policies and principles of the national master plans, which set forth the basic principles of sustainable planning, and population concentration by means of reinforcing and developing existing towns and villages. This lack of conformity between the "individual settlements" policy and planning principles is readily evident from a letter submitted on 22 July 1999 to the National Council for Planning and Building by Shami Asef, a staff member of the National Master Plan TAMA35:

The staff of National Master Plan TAMA35 think that there is great danger in the policy of individual settlements as a means to disperse the population and "seize land" which is not subject to planning control.

...

It should be emphasized that refraining from establishing new settlements as a planning policy is incorporated in the basic principles of National Master Plan TAMA35, so as to direct efforts towards the development and strengthening of the existing settlements, without diffusing effort and resources...

Despite this, and as a result of this settlement policy, as of February 2003 there were 59 "individual settlements" in the Naqab, stretching over more than 81,000 dunams, and in the north some 37 individual settlements encompassing around 56,000 dunams.⁴

The Wine Path Plan

Regional Master Plan – Southern District No. 14/4 (Amendment No 24), Wine Path in Ramat Hanegev (hereafter: "the Wine Path Plan"), submitted in December 2004, was prepared following the decision of the Ministerial Committee for the Development of the Negev and the Galilee of 6 November 2002 (Decision No. 2699, Section C). The Ministerial Committee directed the Israel Lands Administration to submit to it, within 60 days, a plan for "individual settlements" in the Naqab and Galilee.

The Wine Path Plan's stated purposes are:

- A. Designating land for development of the land space comprising the Wine Path in Ramat Hanegev for tourist, agricultural, and scenic use, and establishing directives for preserving and developing these lands.
- B. Determining the permitted purposes and uses of the land space of the Wine Path in Ramat Hanegev to establish up to 30 agricultural-tourist farms.

The Wine Path Plan retroactively legalizes and establishes 30 "individual settlements." The Plan promises and preserves the territorial interests of the dominant group, and ignores the social and spatial needs of the Bedouin in the Naqab. The plan does not take into consideration the difficult situation of the Arab Bedouin, and in particular those who live in the unrecognized villages. Some 140,000 Arab Bedouin are now living in the Naqab. About one-half of them reside in approximately 40 unrecognized villages, some of which existed before the state was founded, and some of which were built following orders by the military regime in the 1950s that transferred the residents from their villages which had predated the state to their present villages. The government views the residents of the unrecognized villages as "trespassers on state land." These villages lack basic infrastructure and services, and their residents live under the constant threat of home demolition orders, eviction, and governmental oppression, which has escalated in recent years.

Adalah: The Main Purpose of the Wine Path Plan is to Prevent Land Use by Arab Citizens in the Naqab and Provide Exclusive Use for Jewish Citizens

On 24 February 2005, based on all of these facts, Adalah submitted an objection to the National Planning and Building Council against the Wine Path Plan. The objection, filed by Adalah Attorney Suhad Bishara and the author, was submitted in the name of the Regional Council for the Unrecognized Villages and Adalah. Adalah argued that although the plan is given a touristic hue, its real and primary objective is to "preserve state land" from use by "foreign entities," that is, Arab citizens of the state. This purpose is clear, as is noted above, and reflects the decision of the Ministerial Committee, which deals with the means "to preserve state land" in the Naqab and Galilee from any use by Arab citizens of the state. Among the decisions reached by the Committee are that:

- A. Individual settlements are a means to implement the government's policy of developing the Negev and the Galilee and preserving state land in the Negev and in the Galilee.

- B. The relevant government ministers will implement this policy through their representatives in the planning institutions.

In the objection, Adalah also argued that the plan violates the dictates of proper administration and is unconstitutional: it distributes vast areas of land, which are considered essential for the development of the population in all areas of life, in an unequal and unjust manner. It thereby denies part of the population access to this crucial resource, in accordance with the state's desire to obstruct the just and fair distribution of land in the region. The state's policy will obviously prevent the social, economic, and spatial development of Arab Bedouin living in the region, and will make it impossible to find a solution to the problems which afflict the unrecognized Arab villages in the Naqab. The state's land and planning institutions have used the Wine Path Plan to ensure that only Jewish citizens will have use of broad expanses of land, while excluding and discriminating against the Arab minority.