

Transparent citizens: Israeli government policy toward the Negev Bedouins¹

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ABSTRACT

The story of the Negev Bedouins after 1948 is one of expulsion, displacement and land confiscation. Displacement is an ongoing process, as the state pushes for concentration of the Bedouins in urban communities, on a small portion of their lands. At the time of this writing, 60 years after 1948, a settlement of the status of the Bedouin lands is still not in sight. Throughout, Bedouins have been denied full citizenship status, both on the collective level, by withholding municipal incorporation of most of their villages and encampments, and on the individual level, by forcing Bedouin citizens to deal with the state mostly through special and separate state agencies, thus setting them apart from the rest of Israeli citizenry.

Introduction

The Negev has long ceased to be a frontier area, roamed by nomads suspicious of state authorities. Unlike the Ottomans and the British, the Israeli state has managed to establish control over the area and to make extensive use of its economic and military potential. Yet the state still regards the Bedouins as transparent citizens, refusing to recognize their rights to the lands they inhabit and insisting on dealing with them through the intermediation of state agencies established for the express purpose of keeping them under control, while at the same time setting them apart from the rest of the Israeli citizenry. Sixty years after the establishment of the State of Israel, the Bedouins do not have full and equal citizenship, nor do they enjoy the entire gamut of public services offered to other citizens. For the six decades that have passed since the establishment of the State of Israel, both issues—the title to lands and the specialized structure of control—have acted as high walls preventing the Bedouins from becoming first-class citizens and from taking part in the economic and social growth that Israel as a whole has experienced. Following a review of the upheavals that the Bedouin community of the Negev experienced in

1948 and during the first years of Israeli rule, this paper surveys the major milestones in the formation of state policy concerning Bedouin lands, and then examines the main specialized agencies created to control the Bedouin community.

1948

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. The Arab state was assigned a swathe of Negev land the width of today's Gaza Strip. It stretched from a point north of what is now the city of Ashdod, southwards along the coastline past today's Gaza Strip, and continuing 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 Israeli Negev. The city of Beer Sheva, together with its hinterland in the direction of the Hebron Hills, was also included in the territory that was to belong to the state of Palestine under partition.

The Zionist leadership expressed great interest in the Negev well before 1948; and during the fighting at the end of that year and at the beginning of 1949, in the final stages of the war, it made major efforts to conquer it (see Oren, 1986). The efforts proved successful, but obtaining international recognition of Israel's possession of the Negev turned out to be a more difficult task, since Israel was not the sole claimant. Prior to the war, the British had expressed strategic interest in maintaining control over the Negev even after the Jewish/Palestinian partition came into being in the northern part of the country. As an alternative to British rule, they suggested that the Negev be transferred to the Palestinian Arab state (Biger, 1986:57–58). As the fighting continued, Count Bernadotte proposed to the UN Security Council that the Negev be handed over to the Hashemite Kingdom (Oren, 1986:114–115). After the war, both Egypt and Jordan laid claim to sovereignty over the Negev (Porat, 1993:120, 1998:195). Following the signing of ceasefire agreements with the belligerent Arab countries, the Israeli government was careful not to stir up discussion about the status of the Negev. In the early 1950s, when Egypt and Israel explored the possibility of a peace accord, the Egyptians demanded a land corridor to Jordan, through the Negev (Porat, 1993:138). Lastly, from the end of the 1948 war up to the 1956 war, the Negev, and in particular the area of the Israeli-Egyptian border, saw frequent military clashes. In fact, it was only after the 1956 war—in which Israel, in partnership with Britain and France, successfully attacked Egypt—that doubts about Israel's sovereignty over the Negev ceased (Porat, 2000:420).

The Bedouin lands

Prior to the founding of the State of Israel, the Bedouins—some 70,000 (for higher figures, see Falah, 1985:37)—were the main inhabitants of the area, concentrated mainly in the northern and northwestern parts of the Negev. The 1948 war brought about a dramatic change in this situation. During the fighting, most of the Bedouins—over 50,000²—were driven out, or abandoned the area, leaving their land behind (Ben-David, 1996:47; Lustick, 1980:134). At the end of the fighting, the Israeli government under Prime Minister David Ben Gurion opposed the return of the Bedouins 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 Bedouins—11,000 or so³—remaining in the Negev. Eventually, Ben Gurion changed his mind, holding that the remaining Bedouins would not pose an obstacle to Jewish settlement in the Negev (Porat, 1993:133). However, most of these Bedouins were then uprooted from where they had been living and moved forcibly to the *northeastern* Negev, to the area called the “Siyag.”⁴

As indicated above, the land on which most of the Bedouins lived up to 1948 was in the *northwestern* part of the Negev (Ben-David, 1996:50). 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 worked by the Bedouins”; in a later reference, Porat cites the figure of 2 million dunams of workable and grazable land (Porat, 2000:421). On the other hand, Razi Falah gives a figure of 2.7 million dunams of grazing and habitation ground, 900,000 dunams of which the Bedouins worked from year to year (see Porat, 1997:405).

Once the Bedouins were transferred to the Siyag, their original habitation was declared a military area, which the Bedouins were banned from entering (Arab Association for Human Rights, 2004). Later, these lands—of both the Bedouins who were displaced to the Siyag area and of those Bedouins who fled or were deported from Israel—were expropriated through the 1950 Absentees’ Property Law, which was designed to enable Israel to control the lands of Palestinian refugees. Three years later, this expropriation was retroactively endorsed by the 1953 Acquisition of Land (Confirmation of Deeds and Compensations) Law. The land was transferred to the Development Authority, a body set up by the government in 1952 in order to administer Palestinian refugees’ lands and make them available to the state for its development plans (Yiftachel, 2000:11). For its part, the Development Authority made the lands available to the State of Israel’s settlement bodies.

For the Israeli government, these lands constituted an attractive option for settling many of the hundreds of thousands of Jews who had flocked to the new Jewish state during this period. These were the northern Negev’s most fertile lands, and they were made even more attractive 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.

The Bedouins who remained in the area were transferred to the confines of the Siyag, in the northeastern part of the Negev, smaller in size than their original area of settlement. Within a few years, therefore, the Bedouin Negev community crumbled, most of its number finding themselves outside Israel's borders, and the remaining few confined to a new area.

The Siyag area is located between Beer Sheva, Arad, Dimona and Yeruham. Eleven⁵ Bedouin tribes (Falah, 1989:78) were moved here, joining the six Bedouin tribes living there prior to 1948. According to Ministry of Agriculture figures, in 1955, two thirds of the residents of the Siyag area were Bedouins who had been displaced from the northwestern Negev, and one third were Bedouins who had inhabited the area prior to 1948 (cited in Porat, 2000:452). According to 1960 Ministry of Agriculture figures, the Siyag area totaled 1.2 million dunams (Porat, 2000:468).⁶ Of this total, cultivable land amounted to some 400,000 dunams, or about 20% of the tillable area available to the Bedouins before their expulsion and displacement from the northwestern Negev (Porat, 2000:421).

The fact that the Bedouins were confined to the Siyag area never meant that they were in full control of it: over the years, the state has expropriated large swathes of the Siyag lands in order to meet its needs. Ben-David (1996:50) lists four major expropriation operations amounting to 235,000 dunams: one of 88,5000 dunams in the 1950s in order to establish Jewish settlements and to achieve "essential development objectives"; another of 45,670 dunams in order to set up government-planned townships; the expropriation of some 50,000 dunams in the Beka area for various military projects; and an operation expropriating 65,000 dunams in 1980 in order to build the Nevatim military air base.

Title to the land

Given that their original lands were taken from them, can it be said that the new lands, those of the Siyag, belong to the Bedouins? Can the Siyag lands be seen as compensation for the loss of the original lands? The answer is negative: in the view of the state, the Bedouins own no lands whatsoever. Throughout the years, the state has maintained that all of the Negev lands, including those on which the Bedouins lived up to 1948 and those to which they were relocated after 1948, are state lands.

In making these claims, the state relies on legal precedents from the Ottoman and British periods. In 1858, the Ottoman authorities issued a lands ordinance which was designed to regulate ownership over the lands of the Ottoman empire. *Inter alia*, the ordinance related to uncultivated lands, which were classified as "dead" land (*mawat* in Arabic). *Mawat* land was defined as land located approximately 1.5 miles

from the closest place of residence. In 1858, there was not a single permanent settlement in the entire Negev; the city of Beer Sheva, the first permanent locality, was not founded until 1900. This meant that the lands ordinance made all of the Negev lands *mawat*, and hence state land (Israel High Court of Appeals, May 15, 1984, 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 Bedouins—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 Bedouins 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 Bedouins were able to continue running their lives on the basis of their traditional land arrangements.

After World War I, in 1921, the British Mandate government promulgated its own lands ordinance, based on the Ottoman one. The British 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 Bedouins in the Negev did not respond to this call, whether because of problems of access, because of their traditional suspicious attitude to any form of government, or out of fear of taxation or conscription. On the other hand, the Bedouins 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, the British, like the Ottomans before them, did not display 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 not yet managed to reach the Negev (Yiftachel, 2003:32).

The establishment of the State of Israel changed this picture. Unlike previous rulers, Israel attached great value to the Negev—as an area for settling Jewish immigrants and deploying military bases, as a reservoir of natural resources and as a corridor to the strategic southern port city of Eilat. In view of these needs, the new state made use of both the Ottoman and the British lands ordinances and declared that all the land on which the Bedouins lived, past and present (with the exception of the few tracts whose owners did manage to prove ownership), were state lands and that the Bedouins had no other rights to them other than “usufruct” (Ben-David, 1995:66–67; Meir, 1999:18). The state's position has not varied since 1948.⁷

In order to put into effect its self-proclaimed rights to the land, the state needed a legally grounded process. The main reason was that, as the years passed, it had less ability to do as it saw fit—like it had done in 1948: large-scale expulsions and transfers were gradually ousted from the basket of the possibilities available to it.

Furthermore, with the passage of time, the Bedouins stood up to struggle for their lands, often with the support of 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 extreme measures.

Thus, the government came to adopt the practice, in force to this day, of evictions in return for compensation: the Bedouins are offered the chance to move off the lands on which they had been settled, into government-planned townships, in return for compensation. The legal machinery for land settlement was established in 1969 and became fully elaborated six years later by the Albeck Commission (see below): Bedouin claimants of title or a right of ownership of land had to submit a claim to the Land Settlement Officer at the Ministry of Justice (Israel State Comptroller, 2002:115). Bedouins submitted some 3,000 ownership claims for 991,000 dunams. Most of these claims were filed at the beginning of the 1970s.

Bedouins who agree to the compensation conditions offered by the state sign a waiver, are evacuated from the land, receive the compensation and move to one of the government-sponsored localities. Bedouins who do not claim ownership and are prepared to move to one of these townships are offered a plot by the state.

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 to their present living arrangements, nor a sufficient reason to renounce the lands on which they were settled. The state, on the other hand, acting presumably on the assumption that Bedouins' needs are lower than those of their Jewish neighbors, firmly believes that the conditions it is offering them are quite adequate.

During the three decades that have elapsed since the introduction of the legal machinery, the process that the state calls "settling the land question" has made very little progress. The state has reached a settlement with the Bedouins only for some 140,000 dunams (Israel State Comptroller, 2002:115). Most of the 3,000 claims are pending to this day. The claims not yet settled total some 650,000 dunams (Israel State Comptroller, 2002:115).

The issue of title to the land never came to a rest. In fact, it came up in at least three junctures—once before the executive branch of the state, once before the legislative branch and once before the judicial branch. As shown below, all three branches of the Israeli state reiterated the position taken up by Israel after 1948—namely, that all of the Negev lands are state lands.

1975: The Albeck Commission

In 1975, six years after setting up the land settlement machinery, the government fully elaborated its position for the first time. In October 1975, a government commission headed by Ms. Plia Albeck, director of the Civil Matters Section of the

State Attorney's Office,⁸ submitted recommendations for land settlement in the Siyag and the northern Negev. The government adopted the recommendations in just under a year (Israel Government Cabinet Resolution 968 [Ayin/1], August 15, 1976). The Albeck Commission's recommendations became the basis for all subsequent government proposals for settling the question of Bedouin land in the Negev.

The Albeck Commission based its recommendations on the Ottoman precedent, namely, that all of the Siyag area lands were *mawat*. Therefore "the Bedouins 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). However, having said that, the Commission went on to assert:

It is unacceptable from the human point of view, and it must be assumed that the Supreme Court will not endorse this either when the land settlement comes before it for consideration, for the Bedouins to be evicted from the entire Siyag area without any compensation in the framework of the land settlement, despite the many years that they have lived there, solely in light of the argument that no rural or urban settlement was built there in 1858 (Albeck, 1975).

Hence, the Commission devised an arrangement going "beyond the letter of the law," whereby the state would give the Bedouin compensation "in return for their removal from those areas which are in their possession or which were in their possession in the past and to which they claim rights" (Albeck, 1975). Thus, the Albeck Commission put into words the three principles underlying state policy to this day: first, non-recognition of any right of possession by the Bedouins to the lands inhabited by them now or in the past; second, the government's willingness to offer compensation to the Bedouins for their land "beyond the letter of the law," following the argument that it is "unacceptable from the human point of view, and it must be assumed that the Supreme Court will not endorse this either"; and third, conditioning compensation on abandoning the land and moving to one of the localities planned by the government.

The significance of the Albeck Commission's recommendations was straightforward: renunciation by the Bedouins of most of their land, in return for a not particularly generous compensation (see Swirski and Hasson, 2006:21–22). Just four years later, the Israeli government offered far more generous compensation to Jewish settlers evacuated from Sinai with the signing of the peace treaty with Egypt.

The Bedouins rejected the Albeck Commission recommendations, as they did not relish the prospect of relinquishing their lands, which guaranteed minimal subsistence at least. According to the prime minister's adviser on Arab affairs, they viewed the government's proposal as "aggravated larceny" (cited in Falah, 1989:77; see also Arab Association for Human Rights, 2004). Once the details of the proposal became known, the Bedouins began taking steps to prove their ownership of the

land: cultivation, olive tree planting and large-scale construction activities (Ben-David, 1995:73).

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. The Israel Defense Forces began looking 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, following Bedouin protests, 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 Bedouins (Ben-David, 1993:31). The government offered compensation to these Bedouins in the spirit of the 1975 Albeck Commission recommendations. However, at the same time, the government was negotiating with the Jewish settlers who were about to be evacuated from Yamit and the Rafiah salient. The Bedouins, aware of the level of compensation available to the Jewish settlers, considered the compensation they themselves were offered to be ridiculous (Ben-David, 1996:87).

The state then adopted an approach available to it—using legislation as a means of forcing its conditions on the Bedouins. Accordingly, it set a figure for the cost of the evacuation—some 600 million Israeli pounds, or around NIS 245 million at 2005 values (Israel Government Cabinet Resolution 179 [Bed/1], November 18, 1979). This amount was intended to finance the evacuation of some 750 households, totaling around 7,000 individuals (Falah, 1989:80; Yiftachel, 2003:34). The amounts paid to the Sinai settlers were far higher: according to figures published by the Bank of Israel, the cost of compensation to the settlers totaled NIS 3.4 billion (at 2004 values). 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 settlement for evacuating the Bedouins from Tel Malhata was eventually approved in the framework of the law which is officially called the Acquisition of Land in the Negev (Peace Treaty with Egypt) Law, 5740/1980, but is known by its abbreviated name as "the peace law." The law itself slightly improved the conditions offered by the Albeck Commission (see Swirski and Hasson, 2006:24–25).

"The peace law" contained renewed recognition of the Bedouins' ties with the lands of the Siyag, as it acknowledged the government's willingness to pay compensation for the land that it wished to expropriate (Meir, 1999:31). "The peace law" may also be said to have placed the legislature's seal of approval on the

“beyond-the-letter-of-the-law settlement,” which until then had been grounded in the Albeck Commission recommendations and the government decision of August 15, 1976.

The Albeck Commission recommendations and the “peace law” established a conditional Bedouin ownership interest in the lands: the state recognizes Bedouin ownership only if and when the Bedouins are prepared to renounce their ownership, and the condition for state-level recognition of this relationship or interest is that they renounce ownership. As far as the state is concerned, the lands have indeed been declared to be its lands, but at the same time it has been determined that it cannot use them without the agreement of those living on them, and such agreement is 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” (Israel 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 by means of legislation.

1984: The Supreme Court

By 1980, then, two of the three state authorities had ruled that the Siyag lands belonged to the state and not the Bedouins. The only branch left was the judiciary, but if any of the Bedouins still harbored hopes about the possibility of receiving assistance from the legal system, these faded in May 1984 when the Supreme Court, sitting as Supreme Court of Civil Appeals, ruled unanimously that the state is the owner of all *mawat* lands in the Negev, as defined in the 1858 Ottoman lands ordinance and the 1921 British lands ordinance, unless the Bedouins have legal title deeds (Israel High Court of Appeals, May 15, 1984, Civic Appeal 218/74).

The Supreme Court had become involved after thirteen residents from the Bedouin village of Al Hawashala near Dimona petitioned it, in the wake of the refusal of the land settlement clerk to register plots on which they lived in their names. The Supreme Court not only ruled that this was *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 the court’s ruling not only coincided with, but also endorsed the state’s official position since 1948, to the effect that Bedouin land was state land pure and simple.

The court’s ruling brought to a definitive end the possibility of state recognition of Bedouin habitation on the Siyag lands. The Bedouins now faced a solid phalanx comprising all three branches of government.

However, the court’s ruling could not stop the procedures that had started prior to the handing down of the judgment—in other words, the settlement “beyond the letter of the law.” The upshot, therefore, is a stalemate. On the one hand, the

Bedouins are not able to develop their lands or, whether independently or with government assistance, install infrastructure or build permanent housing and businesses. On the other hand, the state is unable to make any other use of these lands without compensating the Bedouins—something which involves obtaining their prior consent. In other words, neither party is able to take unilateral steps.

The degree of damage caused to the two sides is unequal, of course: the stalemate primarily hurts the Bedouins, whether living in the unrecognized villages or the recognized localities, since the lack 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.

Whereas the Bedouins 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” (Israel Ministry of the Interior, 2002:14). Seen from this angle, it may be said that the Supreme Court’s ruling gave the government a “waiver” on the obligation to invest in developing the minimal infrastructure with which it provides any other group of citizens in Israel organized as a local community.

Interim summary

Sixty years after the establishment of the state, the question of the Siyag lands is still very far from being solved. The Bedouins are not prepared to give up what they perceive as a better, and certainly no worse, source of existence than what the state is offering them. For its part, the state feels no need and no urge to change its policy.

The Bedouin land question is today far from 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 of land, 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 93 percent of Israel’s land which is defined as belonging to the Jewish people. In this matter, Yosef Ben-David has written:

The Zionist national perceptions of redeeming the land—views that are deeply rooted in the consciousness of the government clerks who deal with Bedouin land issues—preclude any possibility of demonstrating generosity when allocating land to the Bedouins.... 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, which are presented as a "compromise settlement," are no more than unilateral proposals that are unacceptable to most Bedouin landowners (Ben-David, 1996:87).

Structures of control

Even after the transfer of the Bedouins to the Siyag and the stabilization of the Negev's international status in the wake of the 1956 war, the fate and status of the Negev Bedouins were far from being decided. In fact, it was only then that the Israeli government began to formulate its policy. All of the proposals considered by the government shared a common denominator: reducing to a minimum the area on which Bedouins would be settled within the Siyag region. Opinions differed as to how to do this. One school of thought argued that the Bedouins should be transferred yet again, this time to the center of the country, so that the entire Siyag area could be expropriated by the state. This school was led by Moshe Dayan, Southern Area commander and later chief of staff of the Israel Defense Forces during the 1956 war, who on retirement from the IDF was appointed Minister of Agriculture. Dayan suggested settling the Bedouins in mixed Jewish-Arab localities in Israel's center, along the lines of Jaffa and Ramle, where they would become urban laborers. The second school maintained that the Bedouins should be concentrated within the Siyag area itself, 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 in the early 1960s served as Minister of Labor (Bauml, 2002:310–315). Alon's proposals prevailed, and in the early 1960s the government began the process of concentrating the Bedouins in government-planned townships within the Siyag. At the present time there are seven such townships: Tel-Sheva (founded in 1969), Rahat (1971), Segev-Shalom (1979), A'rara Banegev (1982), Ksayifa (1982), Laqiya (1985) and Hura (1989). In 2006, the total population of the seven townships amounted to approximately 100,000. The rest of the Negev Bedouins, approximately 75,000, live in localities which are not recognized by the state authorities, thus lacking planning, infrastructure and basic government services.

Despite the only partial success in the government's effort to concentrate the Bedouins, the basic strategy adopted in the early 1960s has not changed. As Avinoam Meir puts it, the state has maintained a 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 a minimum the cost of physical and social infrastructure in the areas populated by them (Meir, 1999:20).

In the words of Dr. Amer Al-Huzaiel, 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 in the minimum amount of land and dispersing the minimum number of Jews over the maximum amount of land (Al-Huzaiel, 2004:1).

Unique mechanisms of control

From the state's point of view, "dealing with the Bedouins" 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 largely in isolation from other government bodies. From the Bedouin point of view, the Israeli state is an amorphous and remote body that has little to do with them: "the state" is not the government, the Knesset or the district offices of the various government ministries, but rather those bodies that have been set up by the state in order to deal with them and with them alone.

This state of affairs is reminiscent of the relations that existed in colonial times between metropolitan states and the natives in 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 land of the reservations where Native Americans have been located, 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.

In what follows I focus on five such agencies: the Israel Defense Forces (IDF), the Israel Land Administration (ILA), the Bedouin Authority, the Green Patrol and the Bedouin Education Authority.

The military government

For almost two decades, from 1948 to 1966, the Palestinians that had become citizens of Israel in 1948, including the Negev Bedouins, were under the rule of the IDF's military government apparatus. The Bedouins thus shared the fate of all Palestinians, but it appears that the military control exercised over them was more extensive and that it lingered on much longer.

The Bedouins in the Siyag area were dependent almost entirely on the goodwill of the military government (Porat, 2000:421). Up to the 1956 Suez War, which settled the diplomatic dispute over the Negev, the IDF remained the state's most important representative in the area. Throughout that period, characterized by constant military tension, mainly on Israel's border with Egypt, the Bedouins 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 IDF acted as the government's sole representative for every single matter and issue that arose. In contrast to other citizens, who dealt directly with each of the various state agencies, depending on the particular issue at hand, for the Bedouins, 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). It should be noted that the military government's status was more crucial to the Negev Bedouins than to the Arabs in the northern parts of the country, either because the latter were more educated and more familiar with the military government's rule, or because it was easier for them to bring political pressure to bear and make use of the courts (Marx, 1974:39).

The military government's unique status began to weaken in the 1960s, and it was eventually abolished in 1966. However, its abolition did not bring an end to treating the Negev Bedouins as an issue with security implications. As late as 1999, the ministerial commission on matters relating to Israel 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 Bedouins in the Negev" (Israel Government Cabinet Resolution 384 [Arab/2], September 30, 1999).

The Israel Land Administration (ILA)

The abolition of military government did not presage regular citizenship for the Negev Bedouins. Instead, a debate began as to which of the civilian government ministries would now be responsible for them. The initiative was taken by the agriculture minister, who decided that a special authority was to be set up at the Agriculture Ministry, to have exclusive power to deal with settling the Bedouins (Porat, 2000:469). The role was conferred on the Israel Land Administration, created

in 1960 as a division within the ministry. The ILA contained the three major bodies that had previously dealt with the land issue in Israel: the Jewish National Fund, which had been involved with acquiring land from Palestinians before 1948; the Development Authority, set up in 1950 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 jointly to the ministers of finance and agriculture. During its first 30 years, the ILA operated out of the Agriculture Ministry; in 1990, it was transferred to the Construction and Housing Ministry; in 1996 it moved yet again, this time to the Ministry of National Infrastructures (www.mmi.gov.il). It should be noted that, during a good part 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 Infrastructures. 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 Labor Party joined the coalition headed by Ariel Sharon, Olmert moved the ILA, together with himself, from the Ministry of National Infrastructures—now headed by Binyamin Ben Eliezer—to the Ministry of Industry, Trade and Employment.

Since its establishment, the ILA has played a major role in dealing with the Negev Bedouins: until 1986, it constituted the senior partner in government committees dealing with the Bedouins; since 1986, it has acted as a key government institution for Bedouin affairs, through a body called the Bedouin Authority.

The Bedouin Authority

In 1986, after completion of the Tel Malhata evacuation in order to construct an IDF air force base, the government set up the Bedouin Development Authority better known by its abbreviated name, the Bedouin Authority, under the aegis of the ILA. The Bedouin Authority was set up primarily to conduct negotiations with the Bedouin inhabitants who submitted land title claims. In the intervening years, however, despite various upheavals, the Bedouin Authority has become a powerful government agency that concentrates powers in all matters relating to the Negev's Bedouin inhabitants. It has been described as a "state within a state" (cited in Hasson, 2005).

The Bedouins are the only community in Israel for whom a special government body is in charge of their "advancement." The Bedouin Authority has a monopoly on planning in the Bedouin sector, making it responsible for establishing new neighborhoods in recognized townships and setting up new townships. Furthermore, the Bedouin Authority also has complete control over water allocation to the

Bedouins—a subject for which the Bedouin Development Authority's Water Committee is responsible (RC-HRA, 2003; ILA, 2004:167). It is also involved in decisions about the location of health services for the Bedouins (Association for Civil Rights in Israel, 2001).

The monopoly position that the Bedouin Authority enjoys today 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 the other government bodies. Apparently, when it comes to performing their duties in Bedouin locales, other ministries sometimes prefer not to earmark sufficient resources to do so and instead get the Bedouin Authority to do the job. As Ya'akov Katz, the head of the Bedouin Authority, puts it, the other ministries found it convenient for the Bedouin Authority to exist, and let it “drive itself mad” with Bedouin affairs (Ya'akov Katz, interview, June 23, 2005).

Over the years the Bedouin Authority has attracted considerable criticism, both from the Bedouin themselves and from other organizations and bodies. Within the government itself, criticism of the Bedouin Authority has also been voiced. 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. Thus, for instance, 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, nothing has changed, and the Bedouin Authority remains the central body that handles the Bedouin population's affairs (Israel State Comptroller, 2002:102).

The Green Patrol

Apart from being responsible for the Bedouin Authority, the ILA 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. Defined as “the open-areas supervision unit,” the Green Patrol was set up in 1976 by the Agriculture Ministry in order to “supervise and safeguard the state's lands, water sources, the landscape and the environment in the country's open spaces” (Tabibian-Mizrachi, 2004). In a document written by the Knesset Information and Research Center, the Green Patrol is described as

the unit which 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 trespass, and allocates tracts for various needs, principally grazing (Tabibian-Mizrachi, 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 Infrastructures (1%). This is operational funding that is earmarked for routine supervisory activities. Before each enforcement operation, the unit sends a funding request to the body on whose behalf it is acting (Tabibian-Mizrachi, 2004). In practice, therefore, the Green Patrol operates in the name of the government body on whose behalf it carries out its duties.

The Bedouins 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 Bedouins 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 Bedouins—destroying tents with their jeeps, shooting in the air to intimidate people, beating up Bedouins and killing their livestock (Ben-David, 1996:78–79).

The Bedouin Education Authority

The Bedouin Education Authority, an anomalous governmental body unique to the Bedouins, was set up in 1981 to introduce compulsory education in the unrecognized Bedouin villages, which lack municipalities capable of providing such services. The Bedouin Education Authority is 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; and so on. 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 has become a key player in all matters relating to Bedouin education in both the unrecognized and the recognized localities. It should be noted that, in connection with the Bedouin Education Authority, a similar problem arose 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, e.g., petition by the ACRI and Adalah versus the Ramat HaNegev Regional Council: Association for Civil Rights in Israel, 2000).

As is the case for all the special authorities set up for the Bedouins, ever since its inception, the Bedouin Education Authority has been headed by a Jew. For years, its head was Moshe Shohat, a man with no background whatsoever in education, who was appointed without a tender (Barak-Medina, 2001; RC-HRA, 2003). In June 2001, the man was cited in *The Jewish Week*, published in New York, as saying that the Bedouins are “bloodthirsty” people whose children do not know how to use toilets (Hasson, 2004). Following publication of these remarks, the Adalah organization petitioned the Supreme Court to have Shohat removed from his post.

Lately, the Bedouin Education Authority has been attached to the Abu Basma Regional Council, a new regional council that was set up to handle the municipal affairs of some of the Bedouin villages in the process of being recognized. The Bedouin Education Authority still functions much as before and is still headed by a Jew.

A look at the future

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

As far as lands are concerned, the “solution” that the government has proposed for the last 30 years does not contain much that might lead to a breakthrough. Much more significant progress has been made with regard to government recognition of “unrecognized” villages, as the number of Bedouin localities recognized by the state is approaching 20: the seven existing townships, plus another ten localities going through the recognition and planning process. In addition, two of the existing localities are about to be expanded markedly. But the progress of recognition, and especially implementation of the steps that should follow—local and regional planning, laying out of roads, water and energy infrastructure—is very slow. In addition, there are another 30 localities that have not yet made it to the government planning table.

From the viewpoint of the country’s leaders, concentrating the Bedouins in townships is still the major solution. For them, it has clear advantages, the chief among which is to reduce the visibility of “the problem.” The Bedouins will be neatly confined in their townships, and scattered camps and tin shacks will no longer

be visible to 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 the recognized localities can be expected to resurface: the low standard of infrastructure and public services, the absence of economic development and the dearth of employment opportunities.

The Israeli state has been dragging its feet for six decades. It is high time that it faced up to its responsibility and took bold decisions that would bring the Negev Bedouins into the mainstream of Israeli society to be full partners in the future development of the Negev.

NOTES

¹ This paper is largely based on *Invisible Citizens: Israel Government Policy Toward the Negev Bedouin* (Swirski and Hasson, 2006).

² Emanuel Marx (1974:17) gives a figure of 55,000–65,000.

³ Estimates vary between 11,000 and 18,000, depending on the source; see Porat (1997:400).

⁴ A number of English writers spell the name Siyagh, hinting at an Arab source, but the name is Hebrew (see Falah, 1989:78) and means fence or demarcation. Arabic has a similar word, *sayej*, also meaning fence.

⁵ Porat (2000:457) gives the number as 12. See also Ben-David (1996:50).

⁶ Ben-David (1996:49) gives a figure of 1.5 million dunams.

⁷ For a legal and sociological analysis of the state’s position, see Shamir (1999); for an analysis of international law, see Kedar (2004).

⁸ Ms. Plia Albeck also held this position in the 1980s, during which she issued permission for the establishment of more than 100 Jewish settlements in the Palestinian territories, citing as justification their location on state lands (Ben, 2004).

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