



**UK Task Force**

on issues relating to Arab citizens of Israel

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## **UK Task Force Briefing: Land Issues in Bedouin Communities in the Negev December 2011**

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- Land disputes between the state and the Negev Bedouin centre on the lack of written deeds of sale and ownership in the Bedouin community.
- Some Bedouin have documents dating to either the British Mandate or to the Ottoman Empire, which they say prove a legal connection to the land. However, the Israeli government does not recognise these documents.
- The government is trying to settle the land disputes and stop illegal construction in unrecognised villages (which as of January 2009, according to some reports, numbered 50,000 houses) by reaching compensation agreements, allocating alternative land in legal Bedouin towns and demolishing illegal constructions.
- Bedouin currently live on about 260,000 dunams of land or about 2% of the overall territory of the Negev. Of this area, the unrecognised villages account for about 180,000 dunams, or 1.4% of the total territory.
- The total land area claimed by the Bedouin is estimated at 5.4% of the total territory in the Negev, or 775,863 dunams. Since it began regulating the lands, the state has managed to reach an arrangement with Bedouin residents on 205,675 dunams (about 18% of the claimed land).

### **1. Recent Government Plans**

#### **Goldberg Committee**

- In 2007, the Knesset announced it would establish a committee to recommend solutions to the lack of land and planning policies for the Negev Bedouin. The committee, directed by Judge Eliezer Goldberg, published its findings in 2008.
- It called first and foremost to recognise the unrecognised villages and to legalise buildings built illegally because of the impossibility of obtaining building permits. Legalising these buildings would cease the common practice of house demolitions and would also require the state to install basic infrastructures for these buildings such as electricity, clean water, paved roads, and more. The committee also sharply criticised the state's policies until now vis-à-vis the Bedouin including attempting to concentrate the entire population into government planned towns. Moreover, the report overtly acknowledged the State's failure to uphold the Bedouin's basic rights.<sup>1</sup>
- However, the report's conclusions were rejected by the Regional Council for Bedouin Unrecognised Villages in the Negev (RCUV)<sup>2</sup>, and NGO set up to advocate on behalf of the unrecognised villages, on the basis that they failed to include a definitive timetable for implementing the plan, or a viable solution for improving social services within the villages.<sup>3</sup>

#### **Prawer Committee**

- A team under the leadership of Ehud Prawer, Head of Policy Planning in the Prime Minister's Office, was commissioned in January 2009 to implement the recommendations of the Goldberg Committee and find

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<sup>1</sup> Aviad Glickman, *Report: State should recognise Bedouin villages*, (Ynetnews.com: 11 December 2008), at: <http://www.ynetnews.com/articles/0,7340,L-3637006,00.html>

<sup>2</sup> The Regional Council of Unrecognised Villages is a non-governmental organisation set up by the Bedouin community to advocate on behalf of unrecognised villages. It is not a recognised local authority.

<sup>3</sup> See Press Release by the Regional Council for the Unrecognised Villages (RCUV), 11 December 2008, in: Adalah – The Legal Centre for Arab Minority Rights in Israel, *Newsletter*, no. 55, December 2008: [http://www.adalah.org/newsletter/eng/dec08/Press\\_Release\\_Goldberg\\_Committee\\_RCUV.doc](http://www.adalah.org/newsletter/eng/dec08/Press_Release_Goldberg_Committee_RCUV.doc)

a solution to the problem of unrecognised villages in the Negev. This plan was approved by the Cabinet in September 2011.<sup>4</sup> No Bedouin representative was included in Praver's team.

- It is estimated that the Praver Plan will result in the demolition of over half of the unrecognised villages and the displacement of around 30,000-40,000 Bedouin.
- The plan includes compensation only for those claims that were filed by the Bedouin from 1971-1979. For a legally established ownership claim, the compensation given will equal up to 50% of the land claimed. Compensation for the remaining 50% of land will only be made available after the initial 50% has been relinquished to the State.
- The plan also includes a 1.2 billion NIS (£205 million) scheme for economic development for the Bedouin population, intended to significantly reduce the economic and social gaps between the Bedouin and Israeli society as a whole.
- The Praver Plan has been criticised on the grounds that it has failed to include central recommendations made by the Goldberg Committee, such as: granting recognition to unrecognised villages, freezing home demolitions, recognising the Bedouin as equal citizens of the state with historical, ancestral ties to the land.

## 2. Bedouin Position

- Bedouin rights groups have criticised the Praver Plan for being discriminatory as it adopts criteria for establishing Bedouin towns (population, density, continuity, size and economic capacity) that do not apply to Jewish towns in the Negev. Moreover, planning arrangements will be subject to the discretion of the Prime Minister's Office - as the plan reshuffles authority for the arrangement of Bedouin settlement in the Negev from the Housing Ministry to a new enforcement body within the Office of the Prime Minister, rather than normal government ministries as with other population groups in Israel.<sup>5</sup>
- Concerns have also been raised by civil society organisations that, if implemented, the new co-ordination and enforcement unit under the authority of the Ministry of Public Scrutiny that will lead and coordinate all enforcement activity included in the Praver Plan will only serve to exacerbate relations between the Bedouin and the state. Currently, the Israel Police, the Inspection Unit of Israel Land Administration, the National Unit for Building Supervision of the Interior Ministry and the Green Patrol all already operate within the Bedouin communities of the Negev.
- An alternative plan, which calls for the legislation of 46 unrecognised villages has been produced by the Regional Council of Unrecognised Villages (RCUV), the planning association Bimkom and the Bedouin women's group Sidreh. Its recommendations include: the recognition of existing Bedouin settlements on the basis of specific criteria (as laid out by the Central Bureau of Statistics) with consideration to traditional Bedouin land systems, protection of Bedouin cultural life and the integration of Bedouin villages within the administrative, economic and infrastructure systems of the Be'er Sheva metropolitan area to increase access to social provision and employment opportunities.<sup>6</sup> However, this alternative plan has been criticised by some Bedouin leaders, including the Deputy Mayor of Rahat.
- Thousands protested outside the Prime Minister's Office in Jerusalem on 11 December 2011 against the Praver Plan and, on the same day, the High Follow-Up Committee for Arab citizens of Israel called a general strike in solidarity.<sup>7</sup>

## 3. International Reaction:

- Two international legal bodies have recently published reports and recommendations to the Israeli government concerning the situation with the Bedouin.
  - In July 2011, the Special Rapporteur on Indigenous Peoples found that Israel's Bedouin citizens should be protected as indigenous peoples under international law and that their concerns regarding the Praver Plan fell within his mandate. Israel does not accept the classification of its Bedouin citizens as an indigenous people given that Bedouin tribes arrived to the Negev area in the late Ottoman era, mainly from Saudi Arabia and Egypt, to an already existing legal regime.<sup>8</sup>

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<sup>4</sup> Prime Minister's Office Press Release, *Cabinet Approves Plan to Provide for the Status of Communities in, and the Economic Development of the Bedouin Sector in the Negev*, (PMO: 11 September 2011) at:

<http://www.pmo.gov.il/PMOEng/Communication/Spokesman/2011/09/spokenegev110911.htm>

<sup>5</sup> Dr Thabet Abu Ras, *The Praver Plan and Analysis*, (Adalah – The Legal Centre for Minority Rights in Israel: October 2011, p. 1), at:

<http://www.adalah.org/upfiles/2011/Overview%20and%20Analysis%20of%20the%20Praver%20Committee%20Report%20Recommendations%20Final.pdf>

<sup>6</sup> A summary of the alternative plan's recommendations can be found at:

<http://eng.bimkom.org/Index.asp?ArticleID=147&CategoryID=101&Page=1>

<sup>7</sup> AFP, *Israel Bedouin protest over relocation plan*, (Yahoo! News: 11 December 2011), at: <http://news.yahoo.com/israel-bedouin-protest-over-relocation-plan-132732592.html>

<sup>8</sup> More information can be found at: <http://unsr.jamesanaya.org/casos-2011/06-israel-situation-of-unrecognized-bedouin-villages-in-the-negev-desert>

- Secondly, the UN Committee on Economic, Social and Cultural Rights issued its Concluding Observations on Israel in December 2011 which contained strong criticism of the Praver Plan and voiced concerns about access to healthcare, education and employment in Bedouin and Arab Israeli communities.<sup>9</sup>
- A coalition of Israeli and U.S. groups that campaign for Israeli Bedouin rights met with White House officials to lobby against the Praver Plan on 27 October 2011. Delegates from the Association for Civil Rights in Israel (ACRI); Adalah-the Legal Centre for Arab Minority Rights in Israel; Sidreh, a Bedouin women's empowerment group; and Dukium, a Negev Desert Jewish-Arab coexistence forum were in attendance.<sup>10</sup>
- Bedouin civil society activists also spoke in the UK Parliament on 8 December 2011 at an event hosted by Minority Rights Group. Amnesty International UK has also launched a campaign to raise awareness of the issue.

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<sup>9</sup> UN Committee on Economic Social and Cultural Rights, *Concluding Observations: Israel*, (UN Doc: E/C.12/ISR/CO/3: 16 December 2011), at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/477/95/PDF/G1147795.pdf?OpenElement>

<sup>10</sup> JTA, *Pro-Bedouin activists meet with White House officials*, (JTA: 27 October), at: <http://www.jta.org/news/article/2011/10/27/3089989/pro-bedouin-activists-meet-with-white-house-officials>