

The Policy of Settlement and "Spatial Judaization" in the Naqab

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Introduction

This article will argue that Israel's policies of Jewish settlement and "spatial Judaization" still exist and indeed dominate the thinking of state decision-makers, as well as within land and planning institutions in Israel. Although the expression "spatial Judaization" has all but disappeared from the overt discourse of planning, having been replaced by such expressions as "attracting populations" and "improving the quality of life," its essence is alive and thriving at the level of practical planning. The article examines the settlement policies of "spatial Judaization" through two government decisions: the first, the decision to establish 14 new settlements in the Galilee, in the north of Israel, and in the Naqab (Negev) in the south; and the second, the budgetary plan for the "Bedouin sector in the Negev," also known as the "Sharon Plan." A discussion of the specific case of two Palestinian Bedouin unrecognized villages in the Naqab - Atir and Umm al-Hieran - follows.

Land and the Arab Bedouin in the Naqab

Following the 1948 war, 80% to 85% of the Arab Bedouin in the south were expelled or fled beyond the borders of Israel, with only around 11,000 remaining. This latter group was concentrated in an area known as the *Siyag*, in the northern Naqab. The Palestinian population in Israel, including the Bedouin in the Naqab, lived under military rule until 1966, and the majority of the lands in their possession were transferred to Jewish settlements.² In the 1970s and 1980s, while seeking to realize the goal of Judaizing the Naqab, and in total disregard for the lifestyle of the Arab Bedouin and their needs, seven towns were established in the *Siyag* area in order to concentrate them on the minimum amount of land. Today, there are approximately 136,500 Palestinian Bedouin living in the Naqab, nearly half of them in villages unrecognized by the state.³

Although the Arab minority makes up approximately 14% of the entire population of the Southern District, the proportion of state-recognized Arab villages stands at just 3.1% of all settlements in the south, or seven out of 225 settlements.⁴ This is an absurd situation, especially in light of the fact that the state has yet to recognize around 40 Arab Bedouin villages,⁵ some of which existed prior to the establishment of the state, and others which were established according to the orders of the Military Government. Indeed, the situation is yet more absurd and discriminatory, given that Arabs are not permitted to settle on 89% of the 200 Jewish villages in the Naqab (e.g., moshavs, kibbutzes and community settlements). Entry into these villages is managed by selection committees, with the active participation of the Jewish Agency. The declared goal of this mechanism is to determine

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² Yiftachel, O., *Land, Planning and Inequality: Space Division between Jews and Arabs in Israel*, Adva Center, 2000 (Hebrew).

³ Central Bureau of Statistics, *Statistical Abstract of Israel 2004*, No. 55, Table 2.9.

⁴ *Ibid.*

⁵ The state recently recognized an additional seven Arab Bedouin villages, which still lack official plans.

the compatibility of the applicants with the ideology of cooperativism. The result, however, is the *de facto* exclusion of Arab citizens.⁶

Moreover, although the Supreme Court of Israel decided in H.C. 6698/95, *Adel Qa'dan, et. al. v. Israel Lands Administration, et. al.* that the state cannot allocate land to the Jewish Agency in a manner that discriminates between Jews and "non-Jews," the Jewish Agency today remains the most effective means of "legally" preventing Palestinians from leasing land in these communities. In this respect, the Supreme Court's decision in *Qa'dan* did not produce any genuine change in terms of practice.

Establishing New Settlements

In 2001, the Israel Lands Administration (ILA) published and submitted a report to the Inter-Ministerial Staff for Settlement appointed by the Prime Minister.⁷ This report includes a survey of new and planned settlements under the initiatives of several different bodies, including the ILA, the Ministry of National Infrastructure, the Ministry of Housing and Construction, the Ministry of the Interior, the Ministry of Defense, the Jewish Agency and regional councils, as well as private investors. The survey revealed that 68 new settlements are in different stages of development, 40 of which are located in the Naqab, including the previously mentioned seven Arab towns in the Naqab. The report published is the first of its kind available to the public-at-large. It is a basic guide and directive for everything related to the government's policies for establishing new settlements.

Government Decision No. 2265

On 21 July 2002, the government issued its Decision No. 2265 for the establishment of 14 new settlements, six of them in the south. The decision provided for the following new settlements in the Naqab, "On the basis of government policies to act in order to develop the Negev and the Galilee and to strengthen the periphery, and in accordance with the recommendations of the Inter-Ministerial Committee for the Establishment of New and Renewed Settlements": Hiran, Irah, Mishmar Hanegev B, Kar'kur, all in the northern Naqab, Ru'ach Hamidbar, in the area of the Ramat Horev Regional Council, and Faran B, in the area of the Central Arava Regional Council.

All of the settlements included in the decision are listed in the "community settlement" category; this categorization constitutes one of the principal ways of screening applicants, and ensuring that it will be populated only by Jewish citizens. In addition, the decision places responsibility for establishing four of the six settlements - Irah, Mishmar Hanegev B, Ru'ach Hamidbar and Faran B - on the following bodies: the Ministry of Housing and Construction, in coordination with government ministries, the regional councils and the Jewish Agency. Prime Minister Ariel Sharon claimed in a government meeting held on 21 July 2002 that this initiative is a "national necessity," since establishing the settlements is intended to ensure a reserve of land for future generations: "If we do not settle the land, someone else will do so."⁸

In addition to this decision, over the last two years the Prime Minister's Office has been promoting another initiative to establish 30 new settlements in the Naqab and the Galilee.

⁶ See supra note 2.

⁷ Israel Lands Administration and the Ministry of National Infrastructure, *New and Renewed Settlements in Israel*, Jerusalem, 2001 (Hebrew).

⁸ Bachor, D., "The Government Approved the Establishment of 14 New Community Settlements." Ynet, 21 July 2002 (Hebrew).

According to reports on this plan, "The settlements are intended to assist in distribution of the population, retention of state land and border security".⁹ An interview with the Advisor to the Prime Minister on Settlement Affairs, Uzi Keren, broadcast on Radio Channel 2 on 20 July 2003, makes it clear that these settlements are aimed solely at Jewish citizens, and that the unequivocal goal in establishing them is "spatial Judaization." Regarding the intended population of these settlements, Keren stated in the interview that, "...the second important issue in the establishment of these settlements is closing breaches, or locating settlements in policy terms, in the places that are important to the state, that is, for Jewish settlement ...this is simply *to strengthen settlement in areas sparse in Jewish population*" (emphasis added). Such decisions and initiatives severely affect basic rights including the right to housing, the right to own property, the right to live in dignity, as well as the right to justice and equality.

The "Sharon Plan"

On 9 April 2003, the "Ministerial Committee for the Non-Jewish Sector" approved a five-year NIS 1.175 billion (about US \$265 million) budgetary plan to deal with "the Bedouin sector in the Negev," also known as the "Sharon Plan." Although the plan announced that its goal was "to change and to improve the situation of the Bedouin population," closer examination reveals that its actual goal is to attain control of Arab lands in the Naqab, to transfer Arab residents in order to concentrate them in the seven state-recognized villages, and to eradicate the unrecognized villages. The "Sharon Plan" included the following four main articles:

1. Claims of Ownership and Land Administration

The plan accelerates the process of land registration in the Naqab begun in the 1970s. According to ILA data, the Arab Bedouin in the Naqab submitted ownership claims for approximately a million dunams in the area. Today, nearly 30 years later, the government has decided to intensify processes to accelerate the "transfer" of the Arab Bedouin from unrecognized villages to new centers. In order to achieve this goal, the plan calls for a budget of NIS 48.85 million (about US \$11.4 million) for the 2003–2007 period to support the agencies dealing with the registration and administration of land rights, and to fund the legal process. It should be emphasized that the ILA Council decided in its Decision No. 932 of 24 June 2002 on its policy toward Arab land in the Naqab. Under this policy, both land and monetary compensation, for property owners who agree not to sue for ownership, is to be symbolic and, therefore, property owners are not to be compensated for the true value of their land. Further, a final judgment on the important issue of land ownership rights is not necessarily arrived at.

2. The Enforcement of the State's Rights to Land and the Enforcement of Planning and Building Laws

The plan's second article aims at "the full implementation of Government Decision No. 2425 of 4 August 2002, in regard to stepping up the enforcement of planning and building laws and property ownership," that is, intensifying government efforts to implement the expulsion and transfer of the Arab Bedouin from their villages by demolishing houses and carrying out evacuations. In order to do so, various ministries will act in order "to enforce the state's right to land" and to enforce the planning and building laws.

⁹ Rinat, T., "Sharon Proposes Establishing 30 Settlements in the Negev and the Galilee," *Ha'aretz*, 7 July 2003 (Hebrew).

3. The Completion of the Development of Seven State-Recognized Arab Towns and Establishment of their Infrastructure

The seven state-recognized Arab towns in the Naqab suffer from social, economic and spatial problems due to the disregard, in the planning, of the cultural and social needs of their residents and the particular lifestyle of the Palestinian Bedouin. The funds allocated are far from sufficient for the development of the existing towns to an acceptable level in all areas, including infrastructure, educational and health systems, industrial areas and employment.

4. The Planning of New Arab Bedouin Towns

The designated budget is also supposed to fund the planning of seven further Arab Bedouin towns, recently recognized by the state, but falls greatly short of the amount necessary to ensure adequate levels of development for their residents.¹⁰

The establishment of new Jewish settlements is intended to stop the development processes that are taking place in Arab Bedouin unrecognized villages, to develop and to extend the state-recognized recognized towns, to gain control over the land, and prevent Arabs from using it. Such positions were clearly expressed in a speech given by then Minister without Portfolio Yitzhak Levi during a government meeting held on 21 July 2002: "The settlements are intended to stop the spread of illegal Arab settlements."¹¹

Case Study: Umm al-Hieran and Atir versus Hiran

Regional Master Plan (T/M/M/4-14 Amendment No. 27), which calls for establishment of the Jewish settlement of Hiran, provides a specific example of the implementation of the state's strategies for achieving "spatial Judaization." The plan was approved in September 2002 and the settlement was included in the government's Decision No. 2265 of July 2002. According to the planning map, Hiran is to be located near two unrecognized Arab Bedouin villages, Umm al-Hieran and Atir,¹² neither of which was mentioned in any document, either in the plan's explanatory notes to the plan or the map itself. The villagers were defined as a "special problem" in the ILA's document, and the state and its various institutions intensified their efforts to induce the residents to evacuate their homes.

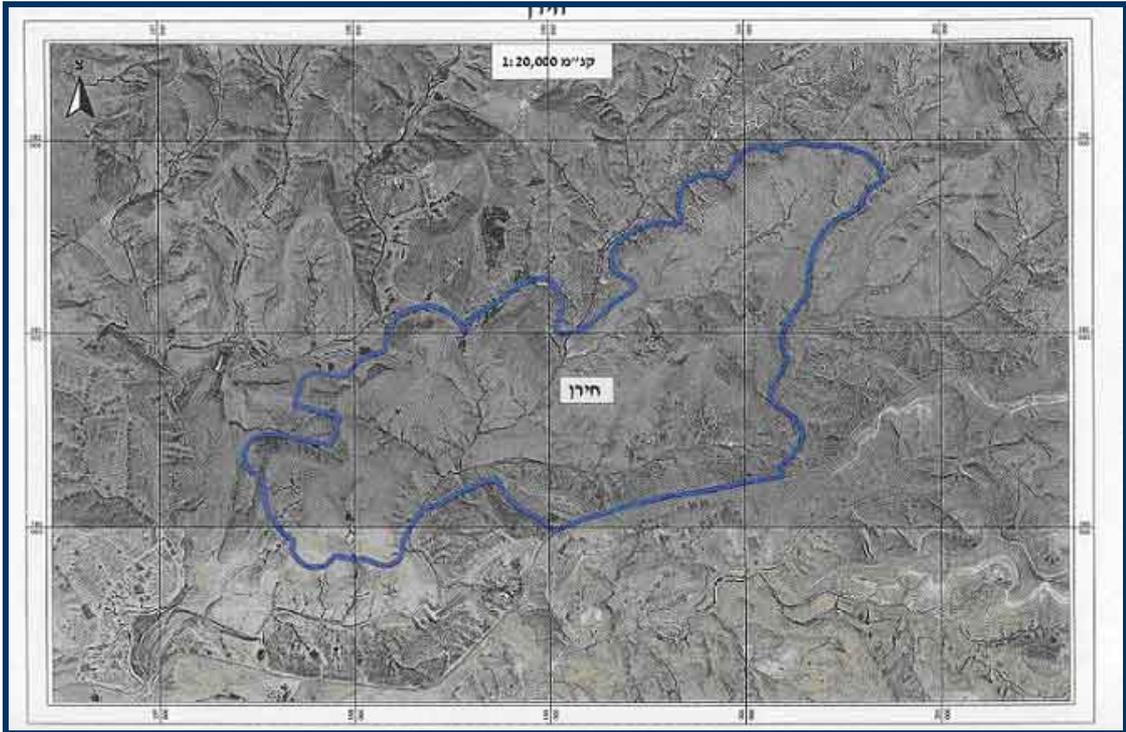
The residents of Umm al-Hieran and Atir are from the Abu-al-Giyan family. They were forced by order of the Military Government to move to their present location in 1956. Numbering over 1,000 persons, the residents of the two villages had previously lived in the area of Wadi Zuballa, which now lies within the jurisdiction of Kibbutz Shuval. According to the village's residents, the state provided the population with 3,000 dunams of land for the purposes of housing and agriculture. The residents did not receive any warnings letters, evacuation or demolition orders before 1 July 2003. In April 2004, the residents were sent evacuation orders based on the claim that they are illegally residing on state-owned land. Some of the residents even received demolition orders for their "illegal" buildings. The issuing of these orders, almost 50 years after the establishment of the villages, cannot be unrelated to the planned establishment of the Jewish settlement of Hiran.

¹⁰ Only 63% of the "Sharon Plan's" budget is designated to fund the final two articles: the development of the existing recognized towns and the planning of newly recognized towns for the Arab Bedouin.

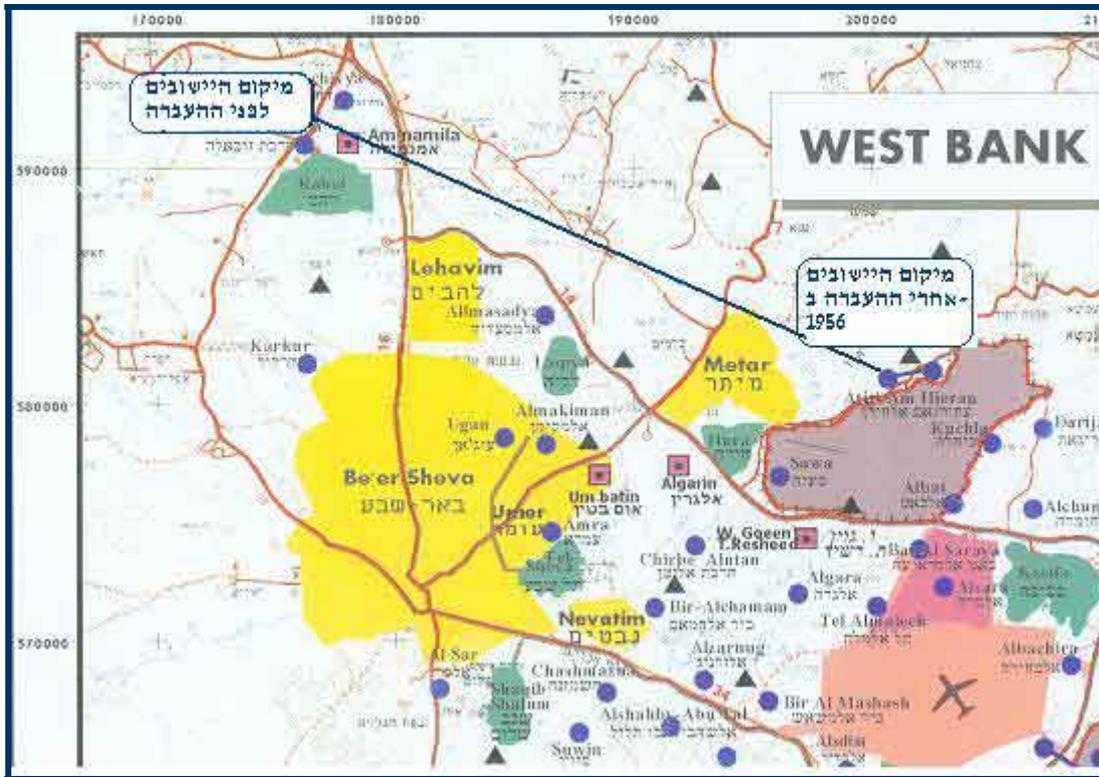
¹¹ See supra note 8.

¹² Adalah represents a majority of the individuals residing in these villages.

Map 1: The Borders of the Jewish Settlement of Hiran, according to the ILA Plan¹³



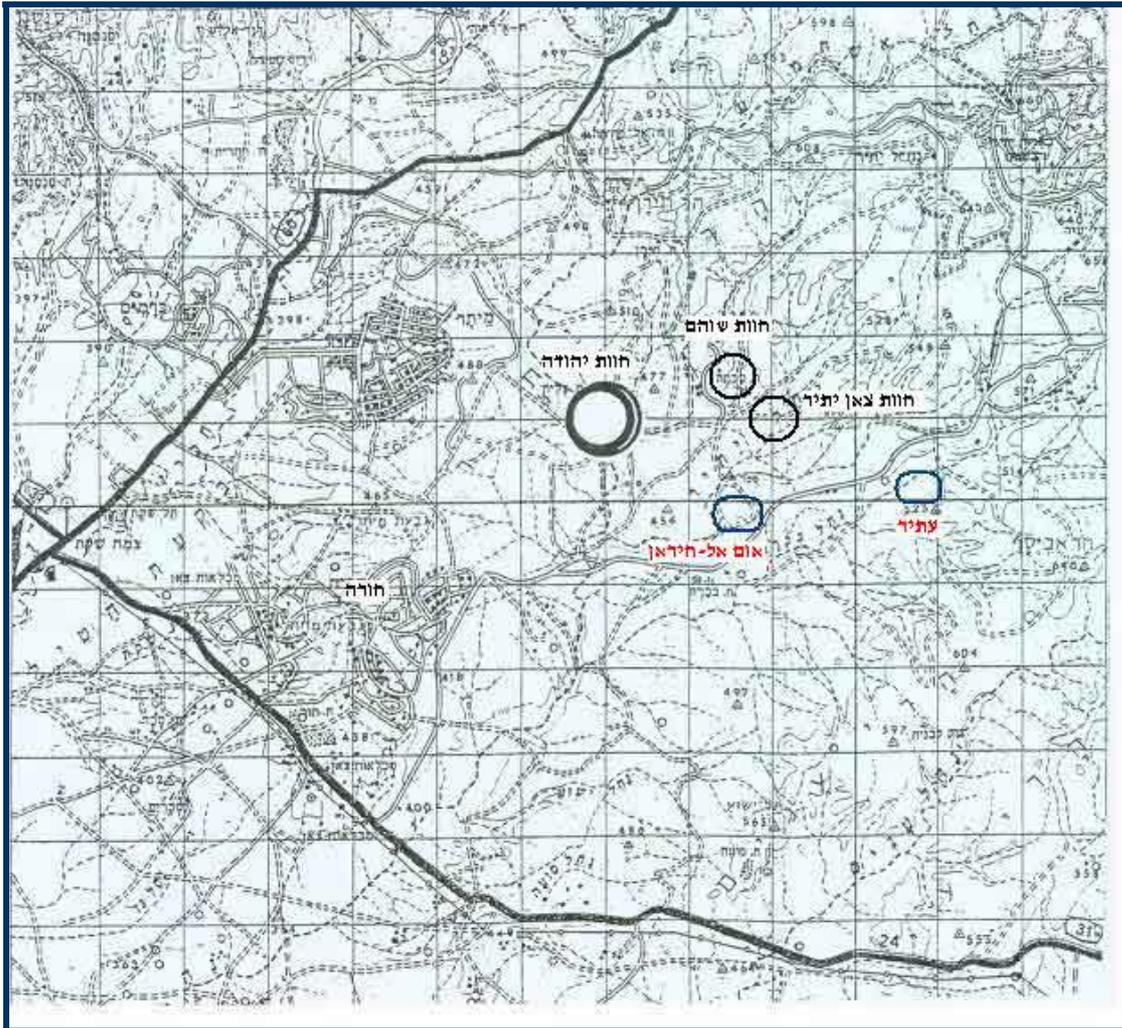
Map 2: Location of the Villages Prior to (left) and After (right) the Transfer



¹³ See supra note 7.

In addition, three individual settlements lie close by the unrecognized villages of Umm-al-Hieran and Atir, connected to the various state infrastructure. Individual settlements are inhabited, in general, by a single family, and provided with hundreds and sometimes thousands of dunams of land for their exclusive use.¹⁴ These settlements are: Yehudah (1,995 dunams), Tsan Ya'tir (1,459 dunams) and Shoham (2,005 dunams).¹⁵ Individual settlements are one of the state's initiatives for peopling the region with Jewish citizens, while excluding Arab citizens from the land space.

Map No. 3: Location of the Individual Settlements lying close to Umm al-Hieran and Atir¹⁶



¹⁴ As a result of the policy of fostering Jewish settlement, as of February 2003, approximately 59 individual settlements existed in the Naqab area, stretched out over more than 81,000 dunams of land. For more information on the issue of individual settlements, see Hamdan, H., "Individual Settlements in the Naqab: The Exclusion of the Arab Minority," in *Adalah's Newsletter*, Volume 10, February 2005.

¹⁵ Office of the Prime Minister. (2003). "Individual settlement in Northern & Southern Regions", Jerusalem.

¹⁶ See supra note 13.

Conclusion

The establishment of Jewish settlements and "spatial Judaization" are the primary tools through which the state and its various institutions have implemented a policy of gaining control over the land. The state has acted intensively to achieve this end through the establishment of new, exclusively Jewish settlements throughout the country since the establishment of the state in 1948 until today. New strategies and means developed over the last decade represent an intensification of these activities, targeted at dismantling the Arab Bedouin villages. These activities are reflected in government decisions to create new settlements, in mechanisms which ensure use of land solely by Jewish citizens, in the creation of new types of settlements, and, in parallel, the issuance of warnings and evacuation orders to Palestinian Bedouin, as well as the demolition of buildings in Palestinian Bedouin villages.

Planning should ensure the implementation of the principles of social and spatial justice, guarantee equality and planning justice between different groups in society, and be a driving force for social, economic and spatial development for the various groups. However, in Israel planning has become a tool for the realization of the state's discriminatory and unjust land allocation policies. A stark example of these policies is regional Master Plan number T/M/M/4-14 - Amendment No. 27, which provides for the establishment of Hiran, a settlement for the Jewish population, and for the transfer of residents of Um al-Hieran and Atir from their homes, for the second time.