



State of Israel

Commission to Propose a Policy for Arranging Beduin Settlement in the Negev

**Comments of Justice A. Goldberg – Commission Chairman
upon delivering the report to the Minister of Construction and Housing, Mr. Ze'ev Boim**

The Beduins in the Negev are not persons staying illegally in Israel. They are not transparent, lacking rights. They are citizens of the state, and as such have rights and also obligations. One of these obligations is to obey the law. This obligation applies to every citizen of the state, without exception.

The report contains a historic survey on the Beduins in the Negev, on their areas of settlement both prior to, and after, the founding of the state. The survey discusses, among other things, the transfer of whole tribes by the state to the area referred to as the restricted area. It should be recalled that they did not invade this area; some of them were there prior to the founding of the state, and some moved there from other places in the Negev.

The report deals with the struggle over land in the Negev, the problem of unrecognized communities, the illegal structures, and the distress of the Beduins that cries out for a solution – in employment, education and welfare, and so forth.

The report points out that a systemic, comprehensive, and integrated solution is needed for all the problems. The parts of the proposed solution must not be detached from each other.

I shall not give details on what is included in the report, other than to say that, in the matter of ownership of the land, the report explains that, under decisions of the Supreme Court, the Beduins are not entitled to ownership just because they possessed the land for many years. Nevertheless, the report proposes that land ownership be recognized to a certain extent, taking

into account the historic ties of the Beduins to the land. Some of the ownership will be recorded on the name of the Beduin who claimed recognition of his claim, and in some cases, compensation would be paid as specified in the proposal. The arrangement I propose on this subject was joined, without reservation, by two Commission members (Bilha Givon and Attorney Yoram Barsela). Three other members of the Commission (David [Dudu] Cohen, Yossi Yishai, and Sharon Gambashu) agree with this position, with a number of reservations and additions that they delineated.

Regarding the unauthorized villages, a clear majority of Commission members is of the opinion that the existing unauthorized villages should be recognized to the extent possible and given legal sanction, subject to the village having a minimal number of residents, as shall be determined, to its having the capabilities indicative of a municipality, and where recognition does not contradict the district outline plan.

Residents of an unauthorized village may request that the village be moved to another location in the northern Negev, and suggest the places they favor, along with the manner of settlement in the new site (suburban community, suburban-rural, urban, rural areas combined with an existing or planned community). The same is true with respect to unrecognized villages that cannot remain where they are. Commission members Yishai and Gambashu had one reservation on this point.

There are currently some 50,000 unlawful structures in the Negev, and 1,500-2,000 such structures are added yearly. In the opinion of the Commission's chairman, although it should not be ignored that a violation of law is involved, under the special circumstances that were created, a special procedure should be instituted to issue building permits retroactively in those cases in which the unlawful structure was built prior to the establishment of the Commission, in an area in which there is a valid outline plan or in an unauthorized village that will be recognized in the future. Approving an unlawful structure will be dependent on the conditions and requirements delineated in the opinion of the Commission's chairman. Along with this lenient approach regarding the past, there must be firm, vigorous law enforcement from now on. This opinion of the Commission's chairman is accepted by all members of the Commission, and Commission members Yishai and Gambashu added a comment on this matter.

All Commission members agree that a planning tract to implement the recommendations, with an extremely short time table, must be legislated. For this purpose, it is recommended that a new

planning institution be established – the Authority for Arranging Beduin Settlement in the Negev.

Undoubtedly, the distress of the Beduins cries out for a solution, as one link in the entirety of the subjects that require arrangement.

We also pointed out that, “incentives should be granted for persons serving in the IDF and other security forces to increase motivation to serve, as was the case in the past, and to demonstrate, both on the side of the state and on the side of the Beduins, their shared fate.” The government, whichever it will be, and the Beduins must realize that time is pressing, and that time is critical. An extreme position to settle the conflict, on one side or the other, will only deepen the rift between the state and the Beduins and perpetuate an intolerable situation. As I wrote in the report, “further delay in reaching a solution for Beduin settlement in the Negev is liable to create endless trouble.”

From here, I call out, to both the government and to the Beduins, to join together to find a solution for Beduin settlement in the Negev in the spirit of the recommendations made in the report that is submitted today. The process in which the government began in its decision to establish the Commission and the Authority for Arranging Beduin Settlement in the Negev must not stop.