Indigenous Bedouin, The State and Gray Planning: The Case of Upgrading Road 31 in Israel

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We raise two issues: gray spacing may serve the interests of established planning processes despite their inherent contradiction; roads are spatial entities and immanent part of planning processes, but have been quite marginal in planning theory literature. We studied Road 31 in the northern Negev with its several dozen unrecognized indigenous Bedouin settlements as gray space. The state initiated a massive road upgrade project. Neither planning officials nor the contractor pursued public participation. The upgrade interfered seriously in Bedouin life and they refused to evacuate. Desperate to expedite the project, the contractor practiced an informal planning mechanism which facilitated the project. Despite the formal policy of non-recognition, only by leaving the informal reality intact could the conflict be resolved satisfactorily. Paradoxically thus, informality may facilitate efficient mechanisms benefiting both sides. This carries conceptual implications for understanding planning of gray space, as well as understanding the special role of roads in this unique indigenous system.

Keywords: Gray space, planning, roads, state, Bedouin, informal mechanism.

In this paper we wish to integrate a new research path, which is related to gray space, with the field of planning, by focusing on Road 31 which is a major regional artery in southern Israel. We have studied this road from the perspective of a socio-cultural space and place for the indigenous Arab-Bedouin population living in this area. Dozens thousands Bedouin in dozens small squatter villages, which are unrecognized by the state, are spread along this road. The state does not recognize their claims for land ownership, but has not offered them as yet any acceptable settlement alternative. Thus, while constituting an integral part of the 'white space' of metropolitan Beer Sheva (the regional capital) their villages fully meet the criteria of a 'gray space' (Tzfadia and Yiftachel, 2014).

In recent years Road 31 has been undergoing a major upgrade into a four lane limited access highway. The planning principles and implementation process were pursued by the engineering sub-contractors under preliminary instructions from state planning authorities. In essence these were conducted under an approach to

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space that may be termed 'Newtonian' that is, abstractly devoid of any subjectivity. However, the sub-contractors realized that the road upgrade was planned for super-imposition onto homes and business establishments of Bedouin villages. The conflict that evolved between the Bedouin and the sub-contractor generated a dynamic that surfaced the gaps between the spatial policy of the state towards a peripheral minority group and the grayness of existence of this group.

This issue is related to a wider one—that of the nature of geographical entities that are commonly studied in gray space. Most discussion on gray space has been devoted to the growth from 'below' of gray settlements as geographical entities that are characterized by informality and lack of order, such as unplanned squatter villages and neighborhoods. In this paper we wish to expand on the issue of these entities and surface roads as another type of geographical entity worthy of study. Although roads are so highly integral to space and to human existence, the tendency of the theoretical literature has been to treat them instrumentally. This entailed lack of any attempt at understanding the spatial and planning *meanings* of roads from social cultural and political perspectives. Recently, however, the evolvement of the *new mobility paradigm* in the social sciences (Scheller and Urry, 2006) has provided the platform for interest in studying roads and their significance from these very perspectives. This significance is augmented when a major change in the status of the road, such as an upgrade, is planned and introduced into the space of a local group, particularly of an indigenous nature which, as will be shown below, practices unique and delicate relationships with that road. Indigenous groups customarily practice unique relationships with their spaces, on the one hand, and with the state on the other hand, the latter in its turn practicing its own kind of relationships with space. These conflicting forms of production of space (Karplus and Meir, 2014), within which the indigenous group is situated, are manifested as we show below even at local scales of road upgrade.

Our purpose is therefore to understand the process of planning an upgrade of a road as a geographical entity within a gray space of the Bedouin as an indigenous group. Several bodies of knowledge could serve as general conceptual frameworks for this case, such as conflict resolution (Augsburger, 1992; Bar Siman Tov, 2004; Bercovitch and Jackson, 2009), or Foucault's 'power is everywhere' (Foucault, 1991; Rabinow, 1991). However, our main concern here is to link this case to two frames of reference: *gray mechanisms in the planning field* in general, and in particular the role and impact of gray planning mechanisms as shadowed by a *settler state's policy towards an indigenous group*. The difference between gray planning and informal planning lies in that informal planning may refer to informal procedures within white spaces. Gray spaces always nest within the latter. We suggest therefore that planning within them is gray that is, while encapsulating formal and informal planning it refers only to the gray enclave.

Following a review of these frameworks we continue by discussing Road 31 within indigenous Bedouin space in the Negev region through exposing its histori-

cal, geographical and political background within the gray space of unrecognized Bedouin villages. This is followed by an examination of the evolution of a gray planning mechanism of the upgrade project of Road 31.

Based on the interaction between these concepts and the particular case of Road 31 we produce two conclusions: first, a spatial policy that discriminates and excludes an indigenous minority group may produce a constraint upon the planning establishment by forcing it to establish from above a gray planning mechanism; second, in an inverted manner, this mechanism may serve the minority group by entrenching its steadfastness and thus enhancing graying of its space from below, while concurrently weakening the power of the state.

GRAY PLANNING MECHANISM UNDER SETTLER STATE POLICY

The Planning Context of Indigenous Land Rights

Settler states have been settling land conflicts with indigenous groups in various ways. For example, Canada's approach is one of treaties and contracts; Australia has been promoting indigenous rights through court rulings and an administrative system; and in Brazil the change in the status of these peoples has been achieved through the constitution, similar to New Zealand's protection of the constitutional value of the 1840 Waitangi Treaty. In contrast, in the case of a settler state holding a quasi-colonial policy such as Israel, land policy is often based on regulating control of land by and for the settlers rather than for the indigenous group (Roded and Tzfadia, 2013).

Engagement with indigenous groups, their rights and status in settler states oftentimes revolves around issues of spatial and distributional justice (Marcuse, 2009). In the context of the present article we refer particularly to principles of justice in spatial planning (Harvey, 1993). These principles include spatial distribution of resources, benefits and costs according to needs, contribution to society, affirmative action, and sustainable development. In the case of indigenous peoples Fraser (2000, 2003) suggests that distributional justice is a necessary condition in realizing the rights of these peoples. This form of justice involves acceptance of their unique ethno-spatial needs in conformity with their culture and as part of coping with past evils.

These issues contradict Western classical ideas of planning and their origins in the notion of progress. They are rooted in the rationality paradigm which rejects other avenues of knowledge by the planned group concerning planning issues, contributing thus to the marginalization of indigenous groups. More generally, this paradigm projects upon legal, planning, development and administrative systems. Interactions between these systems are therefore capable of promoting or regressing rights for the indigenous groups and shaping policy towards them. It follows then that proactively

encouraging indigenous people to fully participate in planning, reflecting thus recognition in their rights in development, indicates genuine willingness of state establishment to recognize their rights in general (Lane, 2006; Lane and Hibbard, 2006).

Gray and Graying Mechanisms in Planning

In the absence of such recognition in their spatial rights, however, indigenous peoples are often driven to produce a 'gray space' or what Bayat refers to as 'quiet encroachment of space' (Bayat, 2013). The concept of gray space covers an amalgamation of a group of population with a certain area within the context of development projects. It is situated along a continuum between the poles of 'white' spaces, those of full, formal, legal and secure membership in society, and the 'black' spaces, those of exclusion, expulsion, criminalization and destruction. The idea of gray space calls for decomposing these legal, political and planning dichotomies of 'legal-criminal', 'planned-spontaneous' and 'belonging-alienating', typical of classic discourses. The decomposition, through adoption of finer observation resolutions, surfaces asymmetrical practices by the state that involve rejection, bypassing and suspension of the very same law whose enforcement is under its responsibility.

As proposed by Tzfadia and Yiftachel (2014), the encounter between these processes from above and informal development from below forms a process of gray spatialization. However, driven into grayness through spatial measures, such as sustained exclusion, the indigenous group may respond actively in the process. Its members may establish new movements and insurgent identities or adopt novel survival tactics that employ gray space as a basis for self-organization and empowerment. In the process the boundary between the putative and rejected are constantly dynamic. This bidirectional tendency preserves thus the gray space at permanent temporariness that always awaits rectification (ibid).

Gray spaces reflect thus informality in the processes producing them which are often associated with spatial planning. Adoption of informal mechanisms in planning processes is not uncommon. Studies conducted under the western democratic perspective (e.g. Allmendinger and Haughton, 2010; Fox-Rogers and Murphy, 2013; Hillier, 2000; Innes et al., 2007) reveal resort to such mechanisms by the establishment as an integral part of the planning process. In the United States, for example, this often takes place when the local government intervenes to introduce unauthorized changes, in which case a certain informal mechanism is resorted to for facilitating implementation of plans. Insights gained from these studies point, however, to the need for a holistic approach, informal coordination and participation of a multitude of participants. These are necessary to facilitate openness and maximization of benefits to the local group and society at large and accrue the process democratic legitimacy.

This strategy is all the more necessary under conditions of essential cultural difference between the planning establishment and a minority group. However, in examining the power relations context of these cases, Yiftachel (2009) points to the

quite common process of graying from above by the planning establishment as precisely a strategy of control rather than cooperation with these groups. This path for understanding informality conforms to situations of indecisiveness where the state is too distant from the minority group and is associated with the majority group. Therefore, on the one hand the state cannot entirely enforce itself upon the minority group and on the other hand the later cannot entirely breach this control. The end result is resorting to extra-establishment informal procedures in the planning process (Bellina, 2009; Brodkin, 1987).

It follows that in such cases, state-minority relationships are often shaped by lines of indecisiveness by the state and its inability to impose rules of the game or generate a common socio-cultural infrastructure for cooperation (Roded, 2012). Concurrently planning and implementation of national development projects, such as new settlements or transportation infrastructure, that reflect the needs of the majority, continue unabated within the minority's space. Planned thus for the majority, these processes constitute in fact *non-planning* for the minority, generating and promoting an unequal spatial policy.

PLANNING IN BEDOUIN INDIGENOUS SPACE: A POLITICAL BACKGROUND

Our point of departure is that the Bedouin in Israel are an indigenous group. This is supported by many recent studies (Karplus and Meir, 2013; Abu-Saad, 2005; Bennet, 2005; Nasasra, 2012; Matari, 2011; Berman, 2006; Berman-Kishoni, 2008; Rangwala, 2004; Yiftachel et al., 2012; Yiftachel and Roded, 2014; but see Frantzman et. al., 2012). Adopting this perspective is relevant for grasping their attitude to land. This attitude does not emanate solely from its mere material value as property. Similar to other indigenous groups (e.g. Stavenhagen, 2004; Tsotsie, 2001; Widlok, 2001) land connects between the community and all facets of life in holistic individual and communal manners which nourish and sustain their identity. Thus, land is home, culture, spirit, tradition, memory, heritage and milieu. Therefore, following the great crisis of the post-1948 period under the new Israeli State (Meir, 1997; Nasasra et al., 2015), the Bedouin expected that regulating legally their rights in land by the state would contribute to their communal rehabilitation. This could take place particularly through improving conditions of life in situ at their localities and provision of services along with community empowerment and capacity building.

However, contrary to these expectations, Israeli land policy has become pivoted on ethno-national ideas (Yiftachel, 2009). This policy, leaning particularly on a 1984 Supreme Court ruling that Bedouin land is state land, has produced non-recognition in Bedouin land rights (Meir, 2009; Yiftachel et. al. 2012). Thus, despite the fact that already in the 1970s the Bedouin have been given permission to formally

register their claims, and despite the fact they are still formally pending, informally these requests have mostly been rejected. Yet, in practice, the state has been refraining from expropriating these lands formally unless the holders are willing to accept compensation or an alternative land parcel elsewhere on state land in exchange for relocating, in which cases their claim is accepted retroactively (Albeck, 1975).

This state of affairs is manifested also in the planning policy with regard to development. All plans in the claimed land areas point towards state consistent attempts to reduce the extent of space allocated and number of settlements for the Bedouin population in general (~230,000) (Shmueli and Khamaisi, 2015), and specifically for ~70,000 of them living along Road 31. Refraining thus from recognition is accompanied by turning life in these localities unbearable through an aggressive policy of destruction of the illegally built structures (Yehudkin, 2007; Swirski and Hasson, 2005).

In the absence of a solution to these pressing issues the Bedouin unrecognized villages have been proliferating. This process has been taking place from below under an informal endogenic production of their internal space (Karplus and Meir, 2013, 2014). It is centered upon intra-community customary indigenous socio-cultural norms of land ownership and holding practices. Concomitantly, a movement of local or civil society and NGO organizations has recently emerged for purposes of public representation and welfare support in local communities. Under the informal aegis of gray space, it has been generating an alternative support system to that of state formal support (Meir, 2003; Noach, 2009; Yiftachel, 2009).

State's spatial policy towards the Bedouin reflects thus two contradicting paths. The first one points to an official policy of non-recognition of the villages. However, as shown elsewhere (Meir, 2003), this is accompanied by dragging the state into 'informal creeping recognition' in certain non-spatial and spatial respects, e.g. provision of some social services, and even formal recognition of several villages but with very little further planning and development (Meir, forthcoming). The second path reflects the departing directions between the state and the Bedouin as both sides are trapped within their ideologies of control and resistance respectively (Noach, 2009; Roded and Tzfadia, 2013). This state of affairs represents thus a zero-sum approach by both parties. For the Bedouin this implies exclusion from state support mechanisms even though, as noted, they continue their life within a highly constrained reality in their villages. For the state this implies a negative impact on its governance capabilities.

Based on this political background we analyze now the processes of enhancing and sustaining grayness and their impact on both parties through the case of planning the upgrade of Road 31. Our study was conducted during 2013 and was pursued by analyzing various official documents and conducting interviews with planning professionals and Bedouin clients involved in this project.

PLANNING THE UPGRADE OF ROAD 31

Road 31 (see Figure 1) was originally constructed in 1963 to serve the new Jewish town of Arad. Presently about 70,000 Bedouin live in dozens unrecognized villages and two recognized towns along this road (out of the seven planned towns built by the state for the Bedouin since the 1960s). It has been a primary arterial for them, with about 70 local dirt road connections constructed by them illegally to serve the various local villages. In the absence of state recognition there are hundreds illegal homes, petty business and mosque buildings erected along the road. Being part of the peripheral Negev desert region, itself suffering considerable state development neglect, and in the face of considerable population growth, Road 31 has been lagging too behind the growing regional transportation demands. With the resulting upsurge in traffic fatalities in recent decades, the state has decided in 2008 on upgrading the road into a four lane limited access highway.
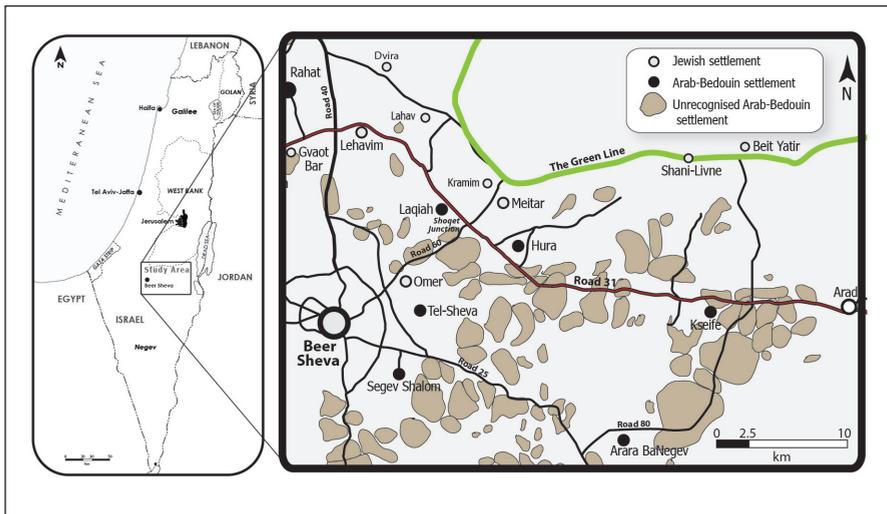

Figure 1: Road 31 in the northern Negev

The official approach adopted by state planning authorities towards the project was one of "…a road connecting a considerable number of settlements serving the northern Negev and the entire country" (District Planning Commission, 2010). However, as documented in an interview with the past mayor of Arad, the primary goal was to draw Arad and its Jewish population closer and safer to central Israel and reduce thus its marginal status (Bar-Lev, 2012). As a major lobbyist and civil entrepreneur in this project, he paid no regard to the local Bedouin population.

Implementation of the project was assigned to IRC (Israel Roads Company, a government corporation in charge of transportation infrastructure), which out-sourced several engineering sub-contractors. In reviewing planning documents (D/11/03/267) and objections submitted to these plans (Abu-Mdegam et al., 2009; Al Gvilli et.al., 2009) it transpires that, similar with the approach of state plan-ning authorities, these sub-contracting firms paid little attention too to the local Bedouin population. Neither the unrecognized villages, nor even the two recog-nized towns, were represented in the project's planning process. The mayors of the two towns were exposed to the upgrade plan only in its final version (Yehudkin and Abu-Samur, 2010). Their opinions and objections were heard but only partly accepted at a very late stage and only following a formal objection to the plan filed by one of them. This exclusion is revealed in the minutes of the District Planning Commission, (2010) and in the interview below with the mayor of Hura, one of the two Bedouin towns located along Road 31 (see Figure 1):

In the initial planning stage no one approached us. I was invited to hear only the final upgrade plan, the complete plan. This is not public participation. We have always viewed the road as a great opportunity to us. The problem is that the upgrade plan ignores it. The upgraded road now turns its back to our town. It is blocked to our commerce and economy. Already in 2008 we prepared a local plan for road-adjacent commerce. The goal was to regularize the 7 illegal stores that were there and allow 50 more stores including entry/exit arrangements from the road. We aimed at tourist commerce, including safe service roads. These were the conditions set by the IRC. But concurrently the IRC were already planning the upgrade and refused to talk with us any further. (Al-Nabari, Mayor of Hura, 2012).

Participation in the planning process was denied also from Bedouin village resi-dents along the road. As ascertained by a Bedouin woman interviewed:

> "They should have conducted a survey, to hear what's good (for us)…because we know (what's going on), because we are experiencing everything that hap-pens (on the road). That's how it is when someone is sitting in his office and comes up with the idea to widen (the road). It's not…(good)…I live in this country, I have my rights, what about me? I know they have to (upgrade the road), so perhaps they care about us too, find a solution for us! The govern-ment and everyone else treat the road better than they treat me, they did not think of us and our experiences on the road". (H', A-S, 14.5.13) (Additions in parentheses by authors).

A resident of an unrecognized village cynically expressed a sense of alienation in relation to the planning process of the whole upgrade and the above specific com-mercial development of Hura:

> "There is plan running from Atir to Hura, on one side of the road there will be stores of Hura, on the other side stores of Abu Basma, but if you block the road (by the upgrade) who needs it then? It will be a failure, if there is a concrete fence on the right side, whoever stops there will get a traffic fine for 500 shekels…For whom has this project been developed? I'm quite sure I was not rated top on a 1-10 scale" (A', A-S, Bedouin man, 5.5.13).

Thus, from a Bedouin perspective, all these examples express the meaning of upgrading the road as creating a set of physical, functional and planning divides. Physically, erecting the upgrade's rampart and thus destroying the dirt road connections, building safety fences and raising speed limit, all these seriously enhance their disconnection from the road. Removal of the commercial and service buildings from road margins, and constraining clientele access to the new locations, enhance also their functional separation. And, from a planning perspective, the emergence of an ultra-modern highway raises their fears of increasing disparities between the highly developed project and their deeply underdeveloped villages. They fear that this situation may entail increasing pressures for their evacuation:

> "This is going to be a national road, and people from Tel Aviv and north Israel will see our shacks by the road, this does not fit well with (road) space, so we will be evacuated. The road will have an internet website and people will complain and perhaps request that (my) shack be removed. What is more important for the state? They care about (nearby IDF's) Nevatim airbase and its nice and luminous gate. (And) the (Bedouin) villages await the Prawer Plan (a recent very controversial government plan for evacuating Bedouin villages). I have no idea about the future. This (project) promotes the move by Prawer…" (A', A-S, 2013) (Additions in parentheses by authors).

These views by the Bedouin reflect also principles of planning the upgrade as transpiring from interviews with planners and IRC officials:

> "Road 31 was defined in National Master Plan 3 (national road plan) as a major highway... The motivation (for the upgrade) was solely safe travel. Traffic volumes did not justify (the upgrade) but for safety we decided on interchanges. Another problem (in implementation) is the Bedouin 'pezura' (dispersion, a Hebrew term for the dispersed unrecognized villages) along the road." (P', a planner, 22.11.12) (Additions in parentheses by authors).

> "There were two considerations justifying the road's upgrade: (1) traffic volume. In the case of Road 31 there has been no justification before 2013; (2) Safety. Safety-wise there has been a justification because the Bedouin have been breaking in great numbers into the road (from the dirt road connections) and their reckless driving style" (Z', a planner, 13/12/12) (Additions in parentheses by authors)

> "I did not come to fix the world. There is a road, it needs an upgrade, we receive instructions for interchanges, industrial zones, water conduits… plain physical planning" (B-H', planner, 14.11.15).

Evidently planners' perceptions of the Bedouin living along the road as a 'problem', and ignorance of Bedouin needs and perceptions of the road and its upgrade project, echo state non-recognition policy towards the Bedouin. The operational implications were that Bedouin land, which is viewed by them as their property, predicated on their indigenous customary law, would be expropriated as per state law. This would be followed by forced evacuation of hundreds of individuals, demolition of their home, business and communal structures, and barring their access to the road through their informal local dirt road connections. Facing fierce Bedouin

objections elsewhere in the Negev region in past cases (e.g. Koensler, 2012), the political implications of such action warranted realization of these measures very risky. An official involved in the project pointed in an interview that one of the means employed by the local Bedouin to prevent its progress was pressures accompanied by threatened lives applied on heavy machinery sub-contractors, some of whom were non-local Bedouin, to stop cooperation with the engineering sub-contractors (T', 23.9.13).

This planning approach led the project into a serious setback. With no alternative at hand the IRC decided in 2012 to hire a planning firm to solve these planning problems. This firm established an 'expropriation committee' which was tasked with entering into negotiations with Bedouin individuals for compensation in exchange for evacuation. The team operated under one of the private planning sub-contractors. It was composed of professionals external to state planning establishment who enjoyed deep and profound social, cultural, economic and political acquaintance with Bedouin internal affairs. It conducted a detailed survey of the Bedouin along Road 31, including Bedouin land claims, land uses, Bedouin local traffic needs, the detailed social fabric of families, etc.

Two issues became a major concern of this team. The first referred to the local traffic needs of the various villages. Residents of these localities have been using dirt tracks with dozens informal connections along the road. These roads reflect indigenous traditional nature and socio-political territorial sub-divisions between local groups. This is a highly significant and sensitive socio-cultural issue among the Bedouin. Members of a certain group cannot make free use of any of these roads or their entry/exit points along the main road without receiving prior consent of the local group who controls and maintains them. Exclusivity of their use is meant to provide physical security and respecting privacy of their women.

The initial plan of the upgrade paid no attention to these gray dirt roads. The expropriation team, however, through its detailed survey, identified the problem and provided some solutions, but in only few of the ~70 such cases, leaving the others unattended. These solutions were based on various political interests by the state-controlled IRC, as reflected in the following interview with one of the planners:

> "Near Tel-Arad Junction there is a 'good' Bedouin family whose members serve on the police force. There is a neighboring 'bad' Bedouin family with which they have been in conflict. The entry point to the upgrade was supposed to cut through the territory of the second group, and the first group complained they will not be able to pass through that area, so we arranged for a separate entry point especially for them" (B-H, planner, Nov., 14, 2012).

The second issue referred to compensations. Following the survey about 100 Bedouin households (pop.~1000) were identified as directly affected by the project. Negotiations commenced intensively with them and ended a year later. The compensation scheme was based on a price list for various kinds of Bedouin land uses (farming, commercial and residential). The families involved accepted this scheme in principle. The major obstacle, however, was relocation destination of the evacuees

along with their homes and business facilities. Due to various social and tribal taboos the Bedouin housing market is highly constrained. Therefore residential relocation within Bedouin space is virtually impossible and relocation outside this space (e.g. to Jewish towns) is undesired. Consequently relocation was in fact possible only a short distance away from the road and solely within their sub-tribal and family territory. Another obstacle was related to Bedouin's fear for their land claims. They were particularly worrisome that their right for compensation upon future evacuation to a recognized Bedouin town, if and when established, as per state policy in past cases, would be hindered by the present compensation agreement.

As works on the project begun and have already caused considerable traffic disturbances and casualties, these obstacles became critical to the success of the expropriation scheme and to the progress of the entire project. As explained in an interview with a member of the team:

> "For a home of 100sq.m the compensation is 100,000ISh (equivalent of ~US$30,000). The question was: where can they move to? We "invented a solution": They can apply the compensation money towards acquiring a lot or renting a house. This would become a buffer against any violation of their right for compensation when relocated again to town in the future. In reality, however, there are no lots for sale or houses for rent. In practice therefore, they have no real alternative to the present situation". (T'., 23.9.13) (Additions in parentheses by authors)

In analyzing this mechanism it transpires that the expropriation team offered the Bedouin families a double compensation, the first for the immediate relocation away from the upgrade area and the second for future relocation into a recognized town/village once it is established. The state, however, has not offered the local Bedouin any recognition and regulation of their villages in exchange for evacuation. Team members realized that the Bedouin have lost any confidence in past commitments by state agents to solve their problems. Therefore, it was made clear to them by the team that the immediate compensation would not impinge upon the future one and upon their land claims. It is only through this obligation by the team (as a non-state agent) that Bedouin confidence was gained in order to finalize the proposed deal.

Initially state and planning agents utterly rejected this compensation scheme, blaming the team, which operated under the planning firm, with corruption and threatening it with a law suit for violating the terms of their contract with the IRC. However the state realized that the upgrade project entered an impasse with mounting expenses and eventually removed its objection to the scheme.

DISCUSSION: GRAYING SPACE THROUGH GRAY PLANNING MECHANISM

The mechanism adopted for compensation in exchange for expropriation of Bedouin land may be defined as a *gray planning mechanism* that is, concurrency of formal legal and regulated planning from above with informal governmental practices at mid-level planning echelons (see also Tzfadia, forthcoming; Porter et al. 2011; Roy, 2009). Understanding the meanings and implications of state's resort to a gray planning mechanism, under non-recognition in indigenous land rights, requires an elaboration of two issues: indigenous rights in land and planning; and gray spatialization.

From a sheer planning perspective, in the case of the Bedouin it was not before the action of the expropriation team that principles of public participation and advocacy indeed became somewhat practiced. The team mobilized its members' profound cultural acquaintance with Bedouin local social fabric at the individual family level, in complete contrast with state macro-level approach. The team thus surfaced successfully complex local-internal socio-political issues and rivalries. The deal agreed upon with the Bedouin reflected considerable weight assigned to indigenous cultural codes and vernacular knowledge underlying the social infrastructure. This mode of public participation, however, was entirely informal, with absolute absence of state agents. Still it was conducted under the dominance language of an 'expropriation committee' in the service of state hegemony. This process may be conceptualized thus as 'gray public participation' and by implication 'gray planning' without which the upgrade project could not be implemented.

This situation evolved because in fact, under formal mechanisms, Bedouin unrecognized villages have been 'un-plannable'. It invited resort to grayness through involving medium echelons of the planning establishment and external bodies capable of receiving legitimacy from both below (the Bedouin) and above (the state). However, in terms of a graying process, the planning process of Road 31 reveals that it could be implemented only by sustaining Bedouin space's gray status.

This case poses several differences with principles of plain informal planning mechanisms as emanating from studies reviewed above. First, negotiations were not conducted with the genuine benefit of the Bedouin population in mind but rather the benefit of the state which is obligated to the hegemonic majority Jewish population. Even a beneficial opportunity of cross-road economic-commercial development, as explained by the mayor of Hura, was denied by the upgrade project. Second, the formation of the 'expropriation committee' as a gray planning mechanism generated a gap between the stated principles of state policy and the need to complete the project. That is, a mutual state-Bedouin interest was not the case; rather, from state perspective the case was one of resolving a local and immediate conflict in order to sustain its grand policy of non-recognition in the long run. Third, this gray planning mechanism indeed facilitated implementation of the

project, solved some concerns of the Bedouin and pacified them in the short run. In the long run, however, this mechanism did not bring settlement of the land and village conflict any closer. Rather, it postponed its settlement indefinitely by enhancing gray space and creating a platform for reaching agreements with other Bedouin elsewhere in the Negev without providing them with reasonable options of life in their unrecognized localities.

CONCLUSION

The informal planning mechanism in the upgrade project of Road 31, and the enhanced gray space, carry implications for the balance of power between the Bedouin and the state. The Bedouin, despite their 'transparency' vis-à-vis the state (see Swirski and Hasson, 2005) and exclusion from the formal state planning process in a regional grand project, can realize their desire to sustain their present life within their historical territory. Furthermore, the informal mechanism enables them conscious fixation of state indecisiveness in their favor by making a gain in terms of compensation for individuals or realization of a communal self-planned local commercial development project. This can be facilitated through interpreting state action as informal recognition in their rights and readiness to accept their hold in the claimed land. They are thus realizing their strict cultural value of *sumud* (Arabic for steadfastness). Their steadfastness may be viewed as a local and Bedouin-specific manifestation of the more general indigenous resistance to state action elsewhere. However, in contrast with other cases, by gaining this kind of state acceptance of their unregulated villages they accumulate power precisely from their political weakness and denial of their rights. Also, their spatial separation from direct and free access to the upgraded road furthers Bedouin segregation from Jewish space. This enhances evolution of an indigenous minority enclave that is already greatly stripped from state law and formalism and ruled by their Bedouin normative tribal codes.

The state for its part, through this gray spacing process as a product of its own long policy, is in fact transferring power to the Bedouin. Thus, contrary to 'over-sovereignty' of the state over the Bedouin as suggested by Tzfadia and Yiftachel (2012), this gray spacing process indicates precisely towards 'under-sovereignty'. The legal-spatial status of the minority group remains intact but the hegemony of the state is considerably undermined.

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