



State of Israel

Regularization of Bedouin Communities in the Negev

**Summary of the public hearing on the Draft Law
and recommendations for policy and for
amendments to the Draft**

Presented to the Cabinet by

Ze'ev B. Begin

Jerusalem, January 23, 2013

A. Introduction

On September 11, 2011, the Cabinet passed Resolution No. 3707, adopting the report of the Implementation Team of the Goldberg Committee recommendations regarding the Bedouin in the Negev (the "Praver Outline"); it also published the draft law regarding the status of the Bedouin in the Negev. The Cabinet Resolution further determined that a special public hearing be conducted for a period of six weeks. This process was extended to more than three months, and included dozens of meetings with private individuals, groups and organizations, mostly in the Negev (Appendix 1). This process raised the need to make certain amendments to the draft, but also the need to preserve the basic structure of the law, including the finality of the agreement and the tools necessary for its implementation.

This report completes a complex 5-year process to determine the Government's policy on this issue. An updated draft legislation was prepared by the Ministry of Justice on the basis of this report's recommendations. Following are the main points and the resulting recommendations.

B. The National Framework

The development of the Negev is one of the most important national tasks for the coming decade, and the Cabinet has decided to advance it in various ways. This development is based, inter alia, on the master plan for the Be'er Sheva metropolis (Appendix 2), which serves as a regional framework for the detailed planning and development of new and existing communities. Without addressing the status of Bedouin communities, the Bedouin will be unable to enjoy the large resources that are expected to be channeled into the Negev in the coming years, and it will be impossible to fully accomplish the mission of developing the northern part of the Negev for the benefit of all its residents.

C. The Need

The Bedouin in the Negev, currently numbering about 200,000, **are equal citizens in the State of Israel. As such, they are entitled to a socio-economic framework which will allow them to realize the opportunities for growth that are open to Israeli citizens.** However, the Negev Bedouin are the poorest group in Israel, with social problems which require a fundamental correction. It is therefore the responsibility of the Government to act in order to offer the Bedouin a way out of this situation and provide them, primarily the

younger generation of 120,000 under the age of 18 (a group which is expected to grow by tens of thousands in the coming decade), the tools needed to successfully cope with the challenges of the future.

There is much work to be done, and time is short. In the coming decade, the northern part of the Negev will witness a wave of development, with the transfer of IDF bases to the Be'er Sheva region. Some NIS 20 billion were allocated for constructing the bases, and another substantial amount will most likely be invested in enveloping projects needed for their development. This situation presents a unique opportunity to create conditions that will also allow the Bedouin community in the Negev to enjoy this anticipated prosperity in the Be'er Sheva region. A 10 year- old boy today will be 20 in a decade, and the time to properly nurture his skills is in the near future; however, the solution required to achieve this goal is complex and multi-faceted. The Goldberg Committee (2008, Article 72) addressed this complexity: "a combined, systemic solution is required for both the land and the planning of settlement, employment and education, combined with the living conditions in these communities (those which are recognized and those which are expected to be recognized)".

The issue of the Bedouin in the Negev involves fundamental questions relating to the definition of the proper relations between state and citizens, between majority and minority as well as between the public and the individual, and vice versa. Public discourse on this issue also reflects contrasts within the Bedouin society between tradition and renewal; young and old; women and men; those who claim ownership over land and those who do not, those who claim ownership over land in communities which are regularized and claimants for land out of these communities; and contrasts between burdens of the past and hopes for the future. This discourse is heavily charged by the lack of trust between the Bedouin and the Governments of Israel and by the rhetoric of those who reject any compromise – Bedouin and Jews alike.

While listening to the public, we heard many expressions of solidarity with the State among the Bedouin and a wish to resolve their problems so that they are no longer a burden and can properly integrate into Israeli society. We also heard sentiments of injustice and demands that it be rectified, as well as serious reservations with the Government plan and draft law, and suggestions for improvement.

However, we also heard proposals which ignore the constraints of reality. In recent years, the theoretical discussion on the issue of the Negev Bedouin has been interspersed with terms such as "transitional justice" (during the transition from one sovereign to another); land ownership rights of semi-nomads and "rights of indigenous people". These terms are detached from reality, and this discussion, as interesting and thought-provoking as it may be, has thus far failed to produce a practical solution to the difficult

problem with which we are faced – a solution which takes into account limitations resulting from the economic, legal, social and political realities. It is also noteworthy that we do not see a joint communal claim for land ownership, but rather a cluster of private claims, which can hardly be considered an expression of "distributive justice", as ownership claimants constitute a small minority among the Negev Bedouin, and the distribution of land among them is far from equal.

A demand that all of the Bedouin claims are met is not conducive to finding a solution, and the time to find an effective and realistic solution to the problem is running out. We cannot allow those who demand that all ownership claims be fully met for a minority of the Bedouin on the basis of "absolute justice" to deprive more than 100,000 Bedouin children of the essential conditions needed to build a better future on the basis of compromise. **Providing conditions of social justice to Bedouin children in the Negev and their families is the State's duty, which must, within a few years, promote a reasonable solution that will allow them to realize their potential and exercise their natural right to the pursuit of happiness, like all other children in Israel.**

The reality in which the Bedouin are living in the Negev is intolerable, and an effort to change it is needed by both the Government and the Bedouin public and leaders. The limitations resulting from the legal framework and the social and political situation in Israel must be acknowledged, and there are no absolute solutions that can satisfy everyone. As the Honorable Justice Goldberg stated in the report which summarized the discussions of the committee he chaired (Article 71): "A purposeful initiative is necessary, beyond the legal dimension, that will lead to a fair and practical solution to the land dispute and the dispute over settlement". Following the hearing process included in the September 11, 2011 Cabinet Resolution, the Government is proposing such an initiative, realizing that there is still a window of opportunity to reach a solution. This opportunity must not be missed, as a rejection of the solution offered here will greatly exacerbate the situation and most likely lead to an irresolvable deadlock, which will exact an economic and social price from Bedouin society and all residents of the Negev.

D. Government Activities for the Economic and Social Advancement of the Bedouin in the Negev

In order to facilitate the social and economic growth of the Negev Bedouin, even before community planning is completed and land ownership claims are settled, the current Cabinet allocated a large budget for social, economic and physical development, and authorized a NIS 1.2 billion detailed plan for the next

five years, designated for the following fields: employment (NIS 360 million), education (NIS 90 million), employment and education-supporting infrastructures, primarily transportation infrastructure (NIS 450 million), personal security (NIS 215 million) and society and community (NIS 90 million). This program, which is exceptional in its scope, is administered by the Prime Minister's Office Headquarters of Economic and Community development of the Negev Bedouin, and is added to the annual investment of NIS 250 million in the physical infrastructure of Bedouin communities administered by the Settlement Authority for the Bedouin in the Negev. Thus, in the coming years, the Government plans to invest an annual sum of approximately half a billion shekels, in addition to the regular budgets of Government ministries, directly for the development and advancement of the Bedouin in the Negev. In this context, it is important to note the growing cooperation between the leaderships of the Bedouin and Jewish communities in the Negev.

In this framework, education centers are slated to be established in Bedouin communities in the Negev, which will provide a full service envelope in the field of employment. Furthermore, industrial and employment zones will be established for Bedouin communities, including the "Of Oz" plant in Segev Shalom, which already employs approximately 700 workers, half of whom are Bedouin women; and the Idan Hanegev industrial zone near the Bedouin city of Rahat – a joint venture of Rahat and the Bnei Shimon and Lehavim councils – where, inter alia, a "Soda Stream" plant is expected to be built and employ some 1,000 workers. In addition, the largest real estate venture in Israel is currently taking place in Rahat with the building of 4,500 housing units in the southern part of the town, including multi-storey buildings, in an effort to address the prospective growth of the Rahat population within a few years to 80,000. The demand for this project – which received an award from the International Society of City and Regional Planners for architectural planning – exceeds the supply. Further progress in education is also evident: beyond the regular activity in this field, a regional school for gifted children was established in the Hura community, and an educational facility for the rehabilitation of Bedouin children with special needs was opened in Tel Sheva. During 2012, the Settlement Authority for the Bedouin in the Negev was engaged in the development of infrastructure in Darijat, Arara, Tel Sheva, Segev Shalom, Lafia, El Said, Abu Krinat, Hura, Rahat and Kseife.

On December 4, 2011, the Government approved the appointment of Doron Almog as head of "The Headquarters of Economic and Community Development of the Negev Bedouin" in the Prime Minister's Office. The Headquarters has taken the lead in Government activities needed to promote the welfare of the Negev Bedouin population, including the economic development program and all aspects of the program for the regularization of the Bedouin settlement in the Negev. This Headquarters, together with the Settlement Authority for the Bedouin in the Negev, established in 2007 and headed by Yehuda Bachar, provides the

Government with the tools necessary to continue addressing these complex issues until they are satisfactorily resolved, in a process that will take several years.

E. The Issue of Settlement and the Need for a Land Arrangement

As stated, the Government is working to fulfill its responsibility towards the Bedouin citizens of the Negev. However, this is not enough. In order to fully set the stage for the prosperity of the Negev in the coming years, the Bedouin settlement issue must be resolved. A solution is difficult for two reasons. First, there are between 70,000-90,000 Bedouin currently residing without an arrangement (Appendix 3), thereby creating a situation in which tens of thousands of Israeli citizens are residing in structures that were illegally built. In many of these places there are land ownership claims that are still outstanding (Appendix 4), and therefore the State's ability to develop those communities is greatly limited. The other difficulty stems from the fact that even in the areas where there are approved plans for residence in the Bedouin local authorities in the Negev, there are large areas that cannot be developed because of ownership claims that are still outstanding (Appendix 5). The Goldberg Committee has thus concluded (Article 146): "The settlement problem cannot be resolved without a resolution of the land problem; the land problem cannot be resolved without a resolution of the settlement problem; and neither problem can be resolved without addressing the hardships of the Bedouin, including the issues of employment, welfare and education, even if much has been done and large budgets have been invested in this field".

Outline of Policy and Recommendations for Changes in the Draft law

F. Planning of the Bedouin Communities and Its Results

(1) The Approach

After further examination of the Negev Bedouin settlement issue, following the public hearing process, the Goldberg Committee recommendation still stands (Article 110): "**In principle, we suggest that recognition be granted, to the best possible extent to each of the unrecognized villages in which there is a minimum number of residents, as determined, and where there is municipal carrying capacity; this, on the absolute condition that such recognition does not contradict a regional master plan**". Approximately two years after the publication of the Goldberg Committee recommendations, the National Council for Planning & Construction approved a metropolitan master plan for the Be'er Sheva District (RMP [regional

master plan] 4/4/23; July 2010), which now serves as the planning framework in the region. The plan listed the regions in which such a regularization applies, as well as the criteria to be examined prior to the regularization of any community, including size, density, contiguity and economic viability. This master plan offers the Bedouin a variety of settlement solutions: rural, agricultural, communal, suburban or urban communities; in expanded areas of existing regularized communities; inside the existing regularized communities; in communities that will be regularized; or in new communities that will be established. These options will serve as the basis of a dialogue with the residents to be conducted in the framework of the settlement planning process. This dialogue does not absolve the State of its duty to complete the planning process within a reasonable period of time, even in cases where understandings had not been reached with the residents.

While listening to the public, we were presented with plans for regularizing places where Bedouin currently reside without approved plans, and this without any relocation of residents. An examination of the proposed plans reveal that the gap between the Government's view and that laid out in the proposals is not wide. We cannot yet list the places where there are outstanding land ownership claims and which will be recognized as communities or included in the framework of expansions of existing communities in the future; however, according to the information we have, **a large majority of those currently residing in areas that are not regularized will be able to continue residing there in the future within regularized communities.** At the same time, areal spread of some non-regularized communities is such that some of the dwellings will have to be moved a relatively short distance (some hundreds of meters) in order to create the necessary contiguity, as required in the RMP regulations, and enable the installment of infrastructures at a reasonable cost.

Clearly there are places that cannot be regularized as communities because they fail to meet the abovementioned criteria: either their location does not coincide with the master plan or they do not have the necessary minimum number of residents, contiguity or density required for the establishment of a separate planning entity. In these cases, alternatives for settlement will be examined through dialogue with the residents. Possibilities will be examined for the relocation of dwellings to areas that are no further than several kilometers away, to neighborhoods in regularized communities, in future expansions of such communities, in communities that will be regularized in the future or in new communities. While a solution that does not necessitate the relocation of families to new communities is easier in the short-term, the relocation of family dwellings to an alternative location, chosen through dialogue, is a blessing in the long-term: **by moving to a regularized community, even one that is a few kilometers away from their current**

location, these families will enable their children to leap into the 21st century and build a better future for themselves, while maintaining their culture and lifestyle.

The traditional communal-family structure of the Bedouin dictates special demands for long-term settlement planning. Therefore, in order for the settlement regularization process to be successful, **the planning policy for the Negev Bedouin communities will create solutions for both current and future generations, with a planning horizon of the year 2035.** The development will be carried out in stages, over a period of several years, and the marketing of plots will be carried out in accordance with the regulations customary at that time.

It should be emphasized that if we accommodate the Bedouin desire to continue residing in lands over which they claim ownership, other residents who do not claim land ownership or whose claims apply to other lands will also be absorbed there. This is in order to enable the effective regularization and establishment of communities over a period of several years.

Many families among those whose habitation needs regularization are not among the land ownership claimants, and therefore their settlement can be furthered without delay. Such is the situation in the Wadi El Na'am area, where some 14,000 residents live under risk emanating from the industrial plants located in Ramat Hovav and Ramat Beka (Appendix 6), and whose relocation to a regularized community elsewhere is hence urgently needed. Planning their relocation to a nearby location is a top priority, and dialogue with the residents has already begun.

At this point we assume that, apart from the residents of Wadi El Na'am, less than 3,000 families of land ownership claimants, and others who have no such claims, will relocate to other communities, as aforementioned. However, it appears that a more detailed examination of the data, which is expected to take place in the near future, will show that the number is lower, and therefore it is best to carry out this examination, even if the planning solution will be slightly postponed as a result.

With regard to the dialogue on the planning, it already exists regarding various settlement alternatives in the communities of Zaiyadna, Wadi El Na'am, Ramat Tziporim, Rekhme, Abu Sulb, Abu Quider and some of the Abu Basma communities (Um Batin, Molada and Abu Krinat). The residents reservations and requests are being taken into account in the examination of planning solutions.

(2) The Time Gap between Legislation and Planning

As shown below, a law is required to regularize the Bedouin land ownership claims in the Negev. The dialogue with the public clearly exposed the problem of a lack of coordination between two schedules: as time is short, we must introduce the required legislation soon; however, despite the progress that has been achieved in formulating master plans for Bedouin communities, more detailed planning will take a few more years. Today, even the exact number of residents in each site is unknown and a special survey is needed to exactly determine it.

Ideally, every family would already know by now the options it has regarding final settlement so that the feeling of uncertainty among many families would be alleviated. Although this is not the situation right now, the settlement – which has yet to be regularized – of approximately one third of the families is currently being examined by the Settlement Authority for the Bedouin in the Negev. The planning process has been expedited in recent months: a planning office to develop an overview of the Bedouin settlement issue in the Negev has begun operating and will formulate unified guidelines for use by the teams for detailed planning. Moreover, three planning offices will soon begin to examine the needs and possibilities in four planning districts (Rahat-Tarabin, Molada, Kseife and Nevatim-Abu-Tlul).

The order of matters must always be kept in mind: the goal of regularizing settlements is to provide an opportunity for the Negev Bedouin, primarily their children, to leap to a better future within a few years, through participation in the economic prosperity of the Negev in the coming decade, and to put an end to a situation in which a large group of people resides in houses that have been illegally constructed. From this goal the need is derived to develop the Bedouin communities, which in turn creates the need to regularize them through planning, which in turn creates the need to settle the Bedouin land ownership claims. This order of matters implies that in areas where land ownership claimants reside illegally on land over which they claim ownership, the general discussion on the issue of settlement and the preliminary stages of the planning process will precede the stage of applying the proposed legislation for the resolution of the ownership claims.

The conclusion is that the Settlement Authority for the Bedouin in the Negev must prepare to conduct a dialogue with the residents regarding settlement solutions prior to the date when they will be asked to confirm their claims. However, any plan to regularize a specific community will receive final approval only after the ownership claims and other arrangements have been settled, thereby enabling the actual regularization of the community to take place. These planning procedures will be restricted to a period of

time that will allow for the resolution of the settlement issue within a reasonable timeframe, because while the State wishes to conduct planning procedures in cooperation with the public, it also has a duty to realize a planning solution within a few years.

G. Principles for Regularization of the Land Issue

1) The Legal Framework and the Need for Special Legislation

"The Bedouin are residents and citizens of the State, and as such they are not 'transparent', devoid of status and rights. Their arguments should be listened to and their needs should be considered, and they must be included in the processes for the determination of their future. One cannot ignore the forced relocation of some of them to the limited area following the establishment of the State and the long-standing hold of their other part of lands inside the limited area (the Goldberg Committee, Article 71)". At the same time, the legal framework, derived from the 1969 Land Law and other land laws, and as determined in judicial precedents, does not allow, in general, for the acceptance of Bedouin ownership claims, and not one ownership claim submitted by Bedouin over the years has been accepted by the Court.

One can argue that the legal framework is subject to amendments and that the Knesset can amend the land law to accommodate all the Bedouin ownership claims in the Negev. However, such change is unjustified, and in any event, as we are required to propose a practical solution to this land dispute, we must act on the assumption that such an amendment is not to be expected.

This situation led to the conclusion included in the Goldberg Committee report (Article 71) regarding the need for a "purposeful initiative, beyond the legal dimension, that will lead to a fair and practical solution of the land dispute and the dispute over settlement – a solution that will restore the Bedouin faith in the State and its intentions, given that the integration of the Bedouin in Israeli society is a challenge that the State should meet and a goal towards which the Bedouin should aspire". This conclusion led to the Committee's recommendation (Article 77): "The granting of ownership to land by the State, out of consideration of the historic affinity and not on the basis of legal right (which does not exist), is the principle that also underlies the arrangement that we are suggesting for resolution of the land dispute".

In its September 11, 2011 Resolution, the Cabinet adopted this principle and offered compromise settlements for those Bedouin ownership claims registered with the south district land settlement clerk. Today, there are records of about 2,900 claims involving some 12,000 claimants, for an overall area of

589,000 square kilometers, of which approximately 1,700 claims (347,000 square kilometers) are by ownership claimants who have a hold on the land, and some 1,200 claims (242,000 square kilometers) for land that is not held by its claimants. The arrangements offered here, after the dialogue conducted with the public, reflect a compromise between the different considerations, reasonably extracting the State's resources while considering its limitation in land and budget, and are in accordance with the Be'er Sheva metropolis master plan.

Despite the clear legal situation, the Bedouin have in the past been offered ownership over part of the land they claimed through "ex gratia" compromise settlements determined by the 1975 Albeck Committee and updated in recent years through, inter alia, ten decisions by the Israel Lands Council between 1997-2012. This method could arguably be continued and the Bedouin could be offered compromise settlements, which would include the registration of land in their names even without legislation. However, **the need for special legislation** in this regard stems from the following reasons:

- a. As long as the land arrangements are based on administrative decisions, they are considered "ex gratia"; on the other hand, when the issue is legally enacted it creates a legal right, the scope and terms of which are anchored in law.
- b. As the process of settling 2,900 ownership claims is likely to take several years, Government policy, which is reflected in the terms of the arrangement, should be given more solid status than that of administrative decisions.
- c. This is a large-scale arrangement involving thousands of ownership claims that will apply, for a limited period of time, to many people over a large territory, and will involve the allocation of considerable resources. Therefore, legislation is required to set a schedule and determine an effective mechanism and clear anchors for the implementation of the special arrangements.
- d. In accordance with the Goldberg Committee recommendations (Article 74): "The policy must be defined and consistent. In order for it to be so, every detail must be explicitly stated in the law, with no room for discretion, individual compromise or specific negotiations".
- e. Further delay in the implementation of a Negev land arrangement will result in a multitude of heirs to the ownership claimants and to a reduction in the economic value of the arrangement for each heir; given the birth rate among Bedouin, the economic value per heir will shrink by more than half within 15 years. In order to regularize Bedouin settlement within a few years, the law allows for the setting of a fixed time frame; it offers, on the one hand, incentives to those who will sign on early, and on the other hand, increased enforcement for illegal construction and illegal possession of land against those who choose not to join the proposed settlement within that fixed time frame.

(2). Regulations for the Land Arrangement

a. Outside the borders of regularized communities

In accordance with the aforementioned considerations, the following are proposed regulations which vary in part from the language of the existing draft law:

1. The land regularization will be based on the legal stability of the status of the land. Therefore, the State will offer regularization by law of the Bedouin ownership claims submitted in the framework of the land regularization procedure between 1971 (following the legislation of the 1969 land law) and 1979, by awarding the claimants land and money, provided that the court did not reject the ownership claim and ordered that the land be registered to the State (approximately 200 cases).
2. As for land awarded to ownership claimants, we **propose the following amendment**: A land equal in area to half of the claim area will be registered in the real estate records on the name of each ownership claimant (or his heirs), provided that the land was cultivated or inhabited by the claimant close to the time of the submission of the claim, on condition that the land in question is not held by the State, and in addition also land, equal in area to a quarter of the remaining claim area..
3. As for financial awards to claimants, we **propose the following amendment**: the State will pay the claimant (or his heirs) money for the remaining claim area that was not registered in the claimant's name.
4. The land registered in the name of an ownership claimant (or his heirs) will, to the best possible extent, have similar characteristics to those of the land included in the claim.
5. With regard to the implementation of Article 2 (above), relating to the number of claimants who will join the arrangement, **the following amendment is suggested**: For ownership claimants to a certain claim, whose joint claim area constitutes at least half of the total claim area, land will be registered in their names in accordance with Article 2 above. However, for ownership claimants whose joint claim area is less than half of the total claim area, each of them will be registered as owners of an area which is equal to 20% of the land in question, if the land was cultivated or inhabited by the claimant. For the remaining land, and for claims on land which was neither cultivated nor inhabited by the claimant, only financial compensation will be given.
6. For ownership claims on expropriated lands only money shall be awarded for the whole area included in the claim. However, given the need to resolve this issue in order to advance the

regularization of Bedouin settlement in the Negev, ownership claimants who have a hold on the land (part or all of it) will be compensated in accordance with Articles 2-5 above.

7. Exchange of land for money: this issue should be settled through regulations.
8. An ownership claimant granted ownership of an overall area of 20 square kilometers or less in accordance with Article 2 will be entitled to exchange 10 square kilometers for a developed plot for residence.
9. Sharing in the expenses for the development of plots: in cases where the status of residents is regularized without relocation, the sharing in the expenses for development will be 10%, in comparison with the 25% which currently applies. Compensation for relocation: with regard to the financial assistance that will be given to residents who will relocate to a permanent community, the Israel Land Council has recently decided (Resolution 1256) to increase the sums which have been given to date in order to encourage further regularization procedures prior to the completion of the legislation procedures.

b. Land included in local master plans (inside the "Blue Line")

Government Resolution No. 3707 of September 11, 2011 left the issue of land arrangements in areas included within the bounds of local master plans (inside the "Blue Line") unresolved, and therefore, an examination of this issue was needed during and after the public hearing. This pertains to ownership claims within the borders of regularized Bedouin communities, on land designated for residence in accordance with the master plans. At the time that the claims were submitted, the land in question was essentially agricultural and therefore the compromise settlements between the State and the ownership claimants are derived from this land status. However, later this land was incorporated into the land designated for residence and therefore its economic value has significantly increased. As a result, an acute, albeit accidental, inequality was created between land ownership claimants in the territory designated for residence and those outside it, regardless of the areal extent of their claim. Acceptance of the demand by ownership claimants inside the territory designated for residence to settle all of their claims within their claimed area involves two severe difficulties. First: it will essentially perpetuate an accidental and unjust economic inequality. Second: a considerable portion of the land designated for residence inside the "Blue Line", which total area is not large, is required for the settlement of other Bedouin.

However, during the public hearing, we heard the desire of ownership claimants to address the needs of their families future generation in the framework of the settlement regularization. This desire is understandable and should be taken into account, along with all the other considerations. The following

suggested policy seeks to provide a response to this understandable desire for most of those who claim land designated for residence inside the communities – a response based on the planning of the communities:

1. In claims for areas designated for residence in existing regularized communities, efforts will be made to address the issue of dwellings for the family's current and future generation on the claimed land. The development will be carried out in stages: the allocation of plots for those who are eligible will be carried out immediately, while the allocation of plots in the second stage will be carried out in accordance with the customary market regulations. The remaining territory will be used, preferably after dialogue with the claimants, for the residence of other Bedouin.
2. As mentioned above, the planning policy that will serve as the basis of the entire settlement regularization will emphasize both the needs of this generation and those of the next one, until the year 2035. It should be noted that in the new communities to be established, effective planning will sometimes necessitate the building of neighborhoods not in accordance with the current borders of the ownership claims, and a reorganization of the claimed territories will be required.
3. The rules specified in Article 2 above will apply to compensation for ownership claims. Claimants who are eligible for compensation in land will be granted agricultural land outside the community. The area of the plots within the borders of the community registered in the name of the ownership claimants and their direct descendants will be deducted from the aforementioned land outside the community. Subject to the consent of the authority and the claimant, an exchange arrangement will be applied that will allow for one dunam outside the community to be exchanged for half a dunam of agricultural land inside the community.

In accordance with the above, the meaning of this arrangement is that in some ownership claims which refer to an area of up to 100 dunams (about 450 claims) and which are currently designated for residence inside the borders of regularized communities, most of the claimed territory is likely to be used for the needs of the claimant's family, and a smaller part of it for other needs. On the other hand, in larger ownership claims (approximately 150 claims), most of the territory will most likely be designated for the settling of those who claim ownership over land which is not intended for residence or those who do not claim land ownership at all.

The desire to accommodate the Bedouin expectations to regularize their communities in their current places means that settlement solutions for some of the Bedouin who currently reside in communities which are not regularized will be found in regularized communities or in communities that will be

regularized, whether in their current location or in new sites. Therefore, the desire of many of the Bedouin to establish communities on or near the land over which they claim ownership will compel some ownership claimants within the "Blue Line", primarily those who claim ownership over a large area, to agree to the use of their land not only for their families, but also for others. This is a result of the need both to provide everyone with a solution and to take into account planning needs and land limitations.

H. The Issue of Enforcement

The suggested plan will not succeed if the State fails to enforce its laws, including the land laws and the planning and construction rules. Adherence to the law is a fundamental component of any regularized settlement in a law-abiding state. The issue of enforcement of demolition orders for illegal structures built by Bedouin was strongly raised in all the meetings with the Bedouin in the Negev, and it raises considerable difficulties with regard to the rule of law. It is worthwhile exploring a possible solution to these difficulties by assigning due weight to a person's agreement to join the settlement arrangement in accordance with the proposed law when determining priorities in the enforcement of demolition orders for illegal Bedouin structures in the Negev.

I. Conclusion

The Government of Israel views the accelerated development of the Negev as a most important national goal, and to this end, it intends to implement far-reaching programs in the coming years. Improving the social and economic situation of the Negev Bedouin, mainly in education and employment, while enhancing the rule of law in the area, is an inseparable part of this effort, and the Bedouin' integration into the prosperity of the Negev will benefit all its residents.

The proposal presented here relies on three solid components: a budget for improving the physical infrastructure and socio-economic development; the planning principles for regularizing the status of Bedouin settlement in the Negev; and a legal mechanism, to be legislated, to regularize Bedouin ownership claims in the Negev. With regard to these three components of the Government program to resolve the issue of the Negev Bedouin, this document addresses the main points that were raised in the discussions with groups and individuals during the public hearing which took place during 2012. The scope of this overall program and an understanding of its far-reaching implications for the future of the children constitute a solid foundation for broad consensus among those Bedouin who claim land ownership and

Bedouin who reside in places that are not regularized for residence, with the support of other groups among the Negev Bedouin.

The Government's goal in this important field should be advanced as soon as possible by legislating the "Law for the Regularization of Bedouin Settlement in the Negev". This law will determine, inter alia, a binding and time-limited framework for the process of regularizing settlement, so that five years after the law comes into effect, land which was not awarded to ownership claimants in the framework of the special regularization procedure will be registered to the State. Time is pressing, and without such framework, we will fail to realize the purpose of this entire move – regularizing settlement in the short period time during which it is still possible.

The process of implementing the plan and the law will take several years, and we cannot ignore the obstacles that will undoubtedly arise. However, given the terms outlined here, there is a real chance now that good progress can be made towards resolving this complex issue – a resolution that will greatly contribute to all the residents of the Negev. All those involved should mobilize to fulfill this important task.

Appendix 1: The Hearing Process

The Goldberg Committee, established in late 2007 to "recommend to the Government a policy for the regularization of Bedouin settlement in the Negev, and formulate suggestions for legislative amendments", included among its eight members two representatives from the Bedouin population. The Committee heard more than 100 witnesses, including many Bedouin and representatives of organizations which support the Bedouin demands, and received 130 written requests. The mission of the team to implement the Goldberg Report, headed by Ehud Praver, Head of the Department for Policy Planning in the Prime Minister's Office, was to draw practical solutions from these recommendations, including in cases where there were differences of opinion between Committee members. As it was an implementation team, its members did not conduct a formal process of meeting with Bedouin representatives; however, in the framework of the September 11, 2011 Government Resolution, which adopted the "Praver Outline", an unprecedented decision was made to conduct a "hearing" process for the Bedouin public and others who had comments on the Government's plan. This was in order to take those comments into consideration when formulating the final draft legislation to be presented to the Ministerial Committee on Legislative Affairs for approval.

The Government discussed this outline in two meetings and, by a majority of 17 in favor and 8 against, passed Resolution 3707, which assigned me responsibility to conduct the "hearing" process following the publication of the draft law and introduce an amended bill to the Government. In fact, meetings were already held with representatives of the Negev Bedouin and others in December 2011, prior to the official opening of the "hearing" process and the publication of the draft law on January 3, 2012. The process, which was expected to last 30 days, was extended in order to accommodate, inter alia, requests by individuals and organizations; it was officially completed after three months, on April 1, 2012.

The process began with a meeting between the Prime Minister and the heads of the Bedouin Negev communities at the Prime Minister's Bureau on November 3, 2011. Following this meeting, at the memorial service for David Ben-Gurion in Sede Boker on December 4, 2011, the Prime Minister stated: "In Israel's 63rd year of existence, we finally passed a resolution to regularize the issue of the settlement of our Bedouin citizens in the Negev, and have invested in a project to nurture their education, welfare and employment. I would like the Bedouin to be an integral part of the Negev's expected upcoming momentum in the coming years".

Upon publication of the draft law, a press conference was held in Be'er Sheva to explain its main points. On that same day, the draft was uploaded to the Prime Minister's Office "Israel Government Portal" website. An internet site was opened to allow the public to comment on the draft law and learn about Government resolutions through a variety of means, such as clips, presentations and texts of resolutions. All the aids were produced in both Hebrew and Arabic.

During the three-month hearing process, I have participated in more than 40 meetings, which were attended by approximately 600 Bedouin: at Bedouin local councils, Bedouin hosting tents, the offices of the Settlement Authority for the Bedouin in the Negev, the Government headquarters in Be'er Sheva and the Prime Minister's Office in Jerusalem.

In addition, I met with a group of representatives of the Council of Unrecognized Villages, once at their hosting tent and once at the Prime Minister's Office, where they introduced their framework plan for the regularization of unrecognized Bedouin villages; I met with representatives of organizations such as the Association for Human and Civil Rights, the "Bimkom" organization, "Shatil", the New Israel Fund, and delegations from the "Task Force for Jewish-Arab Relations in Israel" from the United States and Britain. I participated in a convention dedicated to a discussion on the draft law at Sapir College, and Mr. Ehud Praver participated in similar conventions at Ben-Gurion University in Be'er Sheva and Tel Aviv University. At the initiative of the Speaker of the Knesset, Mr. Reuven Rivlin, I met with Arab Knesset Members in his office and participated in a Knesset debate with the "Lobby for the Development of the Negev" and in debates at the Knesset plenary on proposals for the agenda and bills. Even after the hearing process officially ended, I continued to meet with individuals and groups (such as the "Itach" [Women Lawyers for Social Justice] society, representatives of Bedouin women's organizations and a group of Bedouin academics), and participated with Mr. Ehud Praver and Mr. Doron Almog in a large discussion on the issue of the Negev Bedouin at the Israel Democracy Institute.

Moreover, a dozen teams of the Settlement Authority of the Bedouin in the Negev held approximately 170 private and group meetings with some 600 Bedouin in their hosting tents in order to explain the plan. These meetings followed a meticulous preparation process which included studying the draft law and formulating ways to present it. The teams used a brochure which was especially issued during the hearing process, and which presented the draft law in a manner that adhered to the original text but made it more understandable, and they also took note of the remarks that were raised during the meetings. I met with the heads of the Bedouin Authority's teams twice during the hearing process to hear their proposals, given

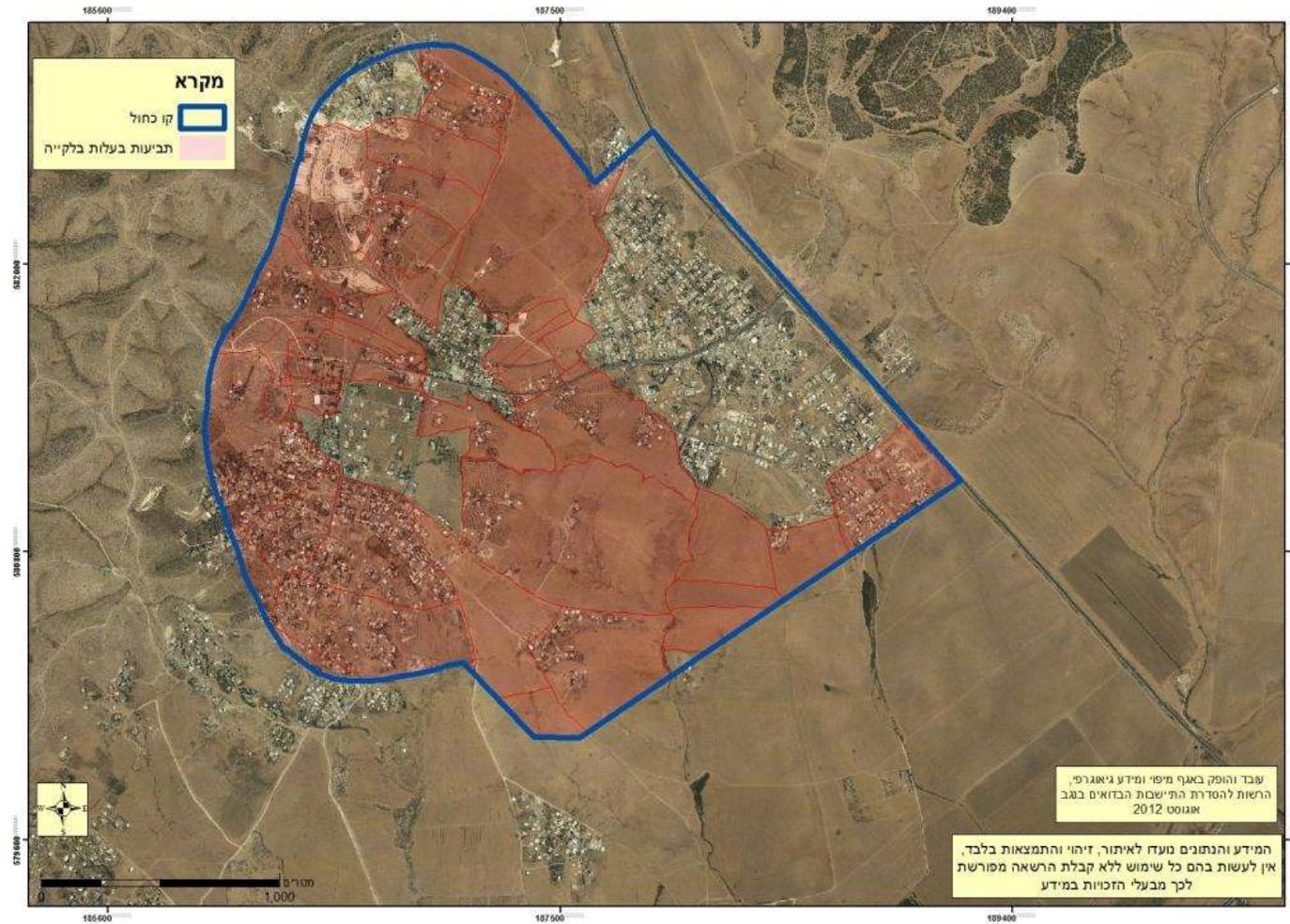
their vast experience in agreed-upon arrangements of Bedouin settlement and the comments they heard regarding the draft law.

At an interim discussion held after the first stage of the hearing process, several questions were raised, necessitating an improvement of the existing database. Thus, we now have the tools to analyze the various options and their resulting implications. These tools, as well as the insights gained during the hearing process, were used to introduce changes in the draft law, in order to achieve the desired goal.

The meetings revealed a difficulty resulting from the lack of a central leadership agreed upon by the Bedouin in the Negev. Bedouin who have land ownership claims in the Negev stated that there was no official body authorized to represent them and insisted on their right to conduct the negotiations with the State's representatives on their own. Complaints were also voiced by the Bedouin regarding the excessive involvement of irrelevant political considerations in the discourse about their future. "The Supreme Steering Committee of the Negev Arabs", established after the 2011 Government Resolution, refused to meet with me despite several attempts to initiate such a meeting. Members of the committee, as well as the follow-up committee of Israel's Arab citizens, even tried to boycott the vital hearing process that the Government was holding. However, there was a clear understanding among Bedouin as to the importance of the discourse regarding their future in the Negev, and there was very little response to these calls for boycott. Furthermore, after many years of increasing distrust by the Bedouin towards Israeli governments, it appears that many were convinced of the sincerity of our intentions and the seriousness of our approach this time, even if there were still disagreements regarding solutions. As aforementioned, the important comments heard during the hearing process were addressed and incorporated into this report and into the amended text of the proposed legislation.

Appendix 5: Example of Unsettled Ownership Claims in a Regularized Community (Lakia)

As long as ownership claims have not been settled, community development cannot be completed



Appendix 6: Bedouin Community in Wadi El-Na'am, Against the Background of Planning Limitations Created by the Plants in Ramat Hovav and Ramat Beka

Straight yellow line: risk zone according to the RMP

Dotted yellow line: risk zone as determined by an expert committee following the approval of the RMP

