

## **The Bill on the Arrangement of Bedouin Settlement in the Negev ("Praver-Begin Plan")**

**Background:** The Praver-Begin Plan is the implementation of the report submitted in December 2008 by the Goldberg Committee, led by former Supreme Court Judge Eliezer Goldberg, which was established by the government to address the issue of Bedouin settlement in the Negev. The plan was prepared by a team led by Ehud Praver, head of the Policy Planning Department in the Prime Minister's Office and was modified by then-Minister Ze'ev "Benny" Begin following a "listening period" of dialogue with the Bedouin community.

**Bill Rationale:** According to Israeli property ownership law, the Bedouin ownership claimants do not have rights to the land, as they are unable to provide the documentation which the courts require. Until today, more than 200 claims of ownership by Bedouins have been rejected by Israeli courts. After many years of stagnation and unsuccessful attempts to resolve the situation through various administrative and legal procedures (partial collection of land claims by the state in the 1970s, individual legal suits, house demolitions and ad hoc arrangements with various tribes), the government is currently taking action to address the challenges surrounding the Bedouin community in the Negev by trying to put in place a new, comprehensive bill that would enable the resolution of all land disputes, eliminate the reality of unrecognized villages, and create a process through which Bedouins would be able to receive partial compensation for their land claims. In doing so the bill also aims to address socio-economic development issues. The government allocated NIS 7 billion for implementing the land arrangement aspects of the new bill and an additional NIS 1.2 billion for an economic development plan, mainly for women and youth empowerment, employment, education, public services and transportation.

**Legislative Process:** The Praver Plan was adopted by the Israeli government in 2011. Over the next six months, Minister Begin, the government's representative on this issue, held a "listening period" – an intensive dialogue with Bedouin community leaders, civil society activists and planners, and human rights organizations, to gather their comments, input and reservations.

On January 27th, 2013 the government voted in favor of a new draft of the legislation presented by Minister Begin to implement this plan. According to the new plan, 62% of land claimed by Bedouins will remain under their control, while 38% will be recognized as State land and any Bedouin structures which remain on it will be demolished if necessary.

The decision was met with significant criticism from civil rights organizations and Bedouin representatives, who claim the plan ignores Bedouin rights, and from right wing Jewish groups, who claim the plan too generously concedes to Bedouin pressure.

On June 24<sup>th</sup> 2013, the Bill was presented before the new Knesset for legislation and passed the first reading at a 40-43 majority.

[Read the summary of the public hearing and recommendations on the draft law as presented to the cabinet, here \(English\).](#)

[Download a presentation by the Headquarters of Economic and Community Development of the Negev Bedouin \(English\).](#)

### **Main Principles of the Bill:**

According to the introductory narrative of the draft law, the Netanyahu government sees development of the Negev as one of the most important national tasks for the coming decade. Accordingly, the plan will ensure that:

- Negev Bedouin, who are Israel's poorest population and often live in difficult conditions, are provided a socio-economic framework so that they will realize opportunities for growth that are due to them as equal citizens of the state of Israel;
- With the transfer of IDF bases to the Be'er Sheva region in the coming decade and the concurrent wave of investment in the northern part of the Negev, Bedouin are in a position to participate in the anticipated prosperity in the region; and
- The framework offers a systemic solution involving land, settlement, employment, education and living conditions in these communities.

### **Summary of the Bill<sup>1</sup>:**

- The purposes of the bill (Chapter 1) are defined as:
  1. To resolve land ownership issues in the Negev, as related to land ownership claims that were filed by the Negev Bedouin population, so as to enable the resolution of the Bedouin settlement issue in the Negev, based on the government's decisions;
  2. To enable the development of the Negev for the benefit of all its residents, and within this, to enable the provision of settlement solutions to the Bedouin population in the Negev.

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<sup>1</sup> The Bill is very long and detailed, including numerous professional planning and legal aspects. The summary below is only for the sake of providing a brief overview of the Bill's major components and does not purport to cover all the various aspects, intricacies, procedures and contingencies it includes.

- The bill creates a number of new administrative bodies, including an “Implementation Authority,” the Headquarters of Economic and Community Development of the Negev Bedouin, that would lead the land arrangement process and the economic development process (Chapter 2) and a Compensation Committee that would receive, evaluate, and ratify all land claims (Chapter 3).
- The bill addresses the detailed procedures through which Bedouins can claim land ownership, and the complex formula based on which they can receive compensations of land and/or money for their claims. It defines the conditions that would make a claimant eligible to receive compensations (Chapter 4) including the ability of the claimant to show that the land in question had been claimed and registered during the “deciding period” [between 1971-1979, when the State invited the Bedouin to submit ownership land claims. In the 1970s, 3,200 claims were submitted, while today there are 12,000 land claimants.]
- The bill also explains the complex procedures that will be used to register and approve land claimants and land claims by the Compensation Committee (Chapter 5).
- The compensation formula in the bill (Chapter 6) is based on a number of criteria including:
  1. The ability of the claimant to show that he/she has been cultivating the land continuously.
  2. The ability of a number of claimants, who are all descendants of an original claimant, to reach an agreement among at least 50% of them. If less than 50% of the descendants agree to join the new plan, then a much lower compensation formula is used (see section below for details).
  3. The geographic characteristic, such as location and steepness of slope, and the current uses of the claimed land.
  4. The time period in which the claim is filed.

**Compensation Formula Details:**

- The bill limits the period in which claimants can receive full compensation to nine months from the beginning of implementation. Claimants who would file claims between 9 – 21 months after the beginning of implementation would receive a “secondary compensation” (i.e. lower compensations according to a different formula). Claimants who did not join the process and did not file a claim before 21 months from the beginning of implementation will no longer be eligible to receive any compensation

and will have to resort to regular court claims [which up to this date have all been rejected].

- In the most favorable situation (when claims have been submitted in less than nine months after implementation, when more than 50% of the descendants of the original claimants agree to join the process and when the land in question has been fully held by the claimant), the compensation will be 25% to 50% in land, and money for all of the remaining portion, in varying levels depending on the characteristics of each plot of land. In less favorable conditions, compensations are lower. For example, if the claimant has not held all the land in question continuously prior to the implementation of the law, only monetary compensation would be possible. If less than 50% of the claimants agree to join the process and/or the claim has been submitted between 9-21 months after implementation started, compensation will be 20% in land and the remainder in varying levels of monetary compensation.
- Receipt of actual compensation is also dependent on a number of factors, including the requirement that the claimant evacuate all the land he/she is sitting on, except for the portion that is part of the compensation, including evacuation of all buildings, objects and people, prior to receipt of the compensations.
- The location of the land portion in the compensation formula will be decided on by the Compensation Committee and does not have to be part of the actual property that was claimed or where the claimants currently reside.
- Chapter 9 lists the various penalties and punishments the State can implement in the case of noncompliance with the bill. For example, the bill suspends the current Israeli legislation regulating building demolitions and allows for the demolition of buildings without a destruction order that is usually required (Chapter 9, part a, 69 (d)). People who will not comply with the law will receive two years of incarceration.
- The actual value of the land, according to which monetary compensations will be given for each plot within the claimed pieces of land, depends on the location of the land (whether within or outside an existing community) and the slope of the ground. Prices range between NIS 2,000 to NIS 10,000 per dounam.

## **Criticism:**

**Criticism by human rights and planning organizations and by Bedouin representatives:** *The following points of criticism are based on materials from the Association of Civic Equality in Israel (ACRI) and BIMKOM – Planners for Planning Rights and the Headquarters of Organizations for Justice and Equality for the Bedouins*<sup>2</sup>

### **Position papers:**

[ACRI information sheet on the plan](#)

[Detailed position paper by ACRI and BIMKOM](#)

### **Main points of criticism:**

- The Bedouin community was not part of the planning and writing of the new bill as its members were not consulted throughout the entire process. Moreover, the “listening period,” which took place after the bill was already finalized, did not lead to substantial changes to the original bill, despite massive and detailed objections voiced by the Bedouin community and human rights and planning organizations. Changes made to the bill by then-Minister Begin were mostly on the rhetorical level and the few changes that were made, such as the level of compensation and type of property for which compensation would be provided, do not substantially alter the logic, assumptions or content of the bill.
- The bill does not address the historical connection between Bedouins and the Negev, refusing to allow that Bedouins actually own land in the Negev. Instead, the bill regards them in generalizing terms like “trespassers,” despite the fact that the vast majority of these villages existed prior to the establishment of the State, while others were created following the relocation of Bedouins by government authorities in the 1950s from their traditional land to the northeastern part of the Negev, known as the Siyag region. Thus, as original inhabitants of the Negev, some Bedouins continue to live on the same land they had lived on prior to the establishment of the State, while others were displaced many decades ago and have been living in the new location since.
- The bill does not sufficiently recognize unrecognized villages, giving little regard for the principle included in the Goldberg Committee Report which called for granting recognition to as great an extent as possible. The bill creates a sweeping new legal reality that rejects any recognition of historical land claims by the Bedouin, and

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<sup>2</sup> A forum of organizations including [ACRI](#), [SHATIL](#), [BIMKOM](#), [Adallah](#), [The Regional Council of the Unrecognized Villages in the Negev](#), [Rabbis for Human Rights](#), [Mossawa Center](#), [Community Advocacy](#) and the [Negev Coexistence Forum](#)

therefore, the assumption in the bill is that “compensations” in land and money are “beyond the letters of the law.” Consequently, the new bill would result in the destruction of the unrecognized villages and the evacuation of their residents into new communities.

- The bill allows for vast administrative capacities by the implementing bodies that would be responsible to the law’s implementation on the ground. In a number of cases the new law suspends and overrules existing legislation (e.g. planning laws and procedures taken before homes can be demolished). The bill also limits the scope of the courts’ intervention to technical aspects, as it creates a new legal reality. In sum, the bill would create a status similar to “emergency legislation”, which drastically limits the principle of equality before the law.

#### **Further Reading:**

[Collision course: Plan to displace tens of thousands of Bedouin passes first Knesset vote- +972 Magazine- Noam Sheizaf- 6.25.2013](#)

[Half of Israeli Jews Oppose Bedouin Bill Once They Know the Facts- Daily Beast- Emily L. Hauser- 6.25.2013](#)

[Pro-Beduin supporters fight Praver-Begin plan – Jerusalem Post – Ariel Ben Solomon 6.13.13](#)

[Who's really taking over the Negev? - Haaretz - Yariv Mohar and Moriel Rothman - 2.6.13](#)

[T’ruah: The Rabbinic Call for Human Rights: The Praver Plan](#)

**Criticism from right wing Jewish groups and writers:** *Right wing Jewish writers and NGOs, notably REGAVIM (<http://regavim.org.il/en/>), have issued a number of statements, criticizing the new Bill. While to the best of own knowledge no comprehensive report detailing this criticism was written, the main arguments voiced can be summarized as follows:*

- There is no basis for the claim that the Bedouins are indigenous people, nor that they have lived in their current locations from before the British Mandate period. The plan creates a more lenient legal and justice system for the Bedouins than that which exists for the Jews, who are under strict planning and zoning regulations.
- Due to natural reserves and military zones in the Negev, the Bedouin land claims are not for around 5% of the Negev area, as the Bedouins and rights groups claim, but actually for around 23% of the Negev land. This is substantially higher than the share the

Bedouins should receive according to the proportionality of their population in the Negev.

- The bill “abolishes, in theory and practice, numerous court judgments” in order to legalize the Bedouin’s “land thefts” and is therefore unconstitutional.
- The new plan would enable the retroactive legalization of tens of thousands of illegally-constructed houses, thus “whitewashing” law breaking. The new plan also does not address the need to halt all illegal construction activity or ensure that illegal expansion of Bedouin settlements in the Negev does not continue.

Further reading:

[A double standard on disputed land for settlers and Bedouin- \*Haaretz\*- Israel Harel- 6.26.13](#)

[Desert Divisions – \*Jerusalem Post\* - Ariel Ben Solomon -5.16.13](#)

#### **Recent Media Coverage:**

[A win-win for Bedouin and the Negev – \*Israel Hayom\* – David Weinberg – 6.30.13](#)

[A guide for the perplexed: Israel’s Bedouin resettlement bill – \*Haaretz\* - Zafrir Rinat and Jonathan Lis - 6.25.13](#)

[Arab MKs tear Bedouin settlement bill - \*Ynet News\* - Moran Azulay- 6.24.13](#)

[Bill to resettle Negev Bedouin progresses in Knesset – \*JTA\* - 6.25.13](#)

[Praver Bill on Bedouin land narrowly passes first Knesset vote - \*Jerusalem Post\*- Lahav Harkov- 6.24.13](#)