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State of Israel

Regulating the Status of Bedouin Settlement in the Negev

Summary of the Process of Consultation with the Public

Regarding the Draft Law for the Regulation of

Bedouin Settlement in the Negev and Recommendations Relating to Policy and

Amendments to the Draft Law*

Submitted to the Government by

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A. Introduction

On 11.9.11, the government approved Decision no. 3707, adopting the report of the implementation team of the Goldberg Commission recommendations regarding the issue of the Bedouins in the Negev (Naqab), ("the Prawer Plan"). Together with it a draft law was published regarding the regulation of the settlement of the Bedouins in the Negev. The government's decision also determined that a special process of consultation with the public would be conducted over the course of six weeks. The consultation process was extended to more than three months and included tens of meetings with individuals, groups and organizations, mostly from the Negev (Annex 1). The active dialogue with the public gave rise to insights which exposed the need for certain changes in the draft law, but also revealed the need to preserve the basic structure of the law, including the finality of the arrangement and the provision of means necessary for realizing it.

This report concludes a complex five-year process for determining government policy regarding this matter and, in accordance with the recommendations included herein, a revised law draft was prepared by the Ministry of Justice. The following presents the principal issues and the ensuing recommendations:

B. The National Framework

The development of the Negev is one of the most important national tasks in the coming decade and the government has decided to advance it in various ways. This development is based, among other things, on the Master Plan for Metropolitan Beer Sheva (Annex 2), which constitutes the regional framework for comprehensive planning and for the development of existing and new settlements. Without formalizing the status of their settlement, the Bedouins will not be able to benefit from the many resources that will be made available to the Negev in the coming years, and it will not be possible to fully fulfill the task of developing the Northern Negev for all of its residents.

C. The Need

The Bedouins in the Negev, today numbering approximately 200,000 persons, are **citizens with equal rights in the State of Israel and as such are entitled to an economic-social framework that will enable them to realize the opportunities for growth that are available to citizens of Israel.** However, the Bedouins in the Negev

are members of the most impoverished group in Israel and their destitution is accompanied by social problems that demand a comprehensive solution. Hence, it is the government's responsibility to take action in order to enable the Bedouins to extricate themselves from these circumstances and to grant them, and particularly the younger generation the tools necessary to successfully cope with the challenges of the future. (Approximately 120,000 Bedouins are under the age of 18, and tens of thousands more will be added in the coming decade)

Much work needs to be done and time is short. In the coming decade, a development momentum is expected in the Northern Negev due to the relocation of IDF [Israel Defense Forces, Israeli army] camps to the Beer Sheba region. Approximately 20 billion Shekels were allocated solely for the construction of these camps, and it is possible to assume that an additional, significant sum of money will be invested in the surrounding infrastructure for their development needs. In this situation, we have before us a special opportunity for creating conditions that will make it possible for the Bedouin community in the Negev to be a part of the prosperity anticipated for the Beer Sheba region. A 10 year old child will be 20 in a decade and the time to properly develop his abilities is in the coming years. The necessary solution for this end is, however, complex and multi-faceted. The Goldberg Commission (2008, Section 72) related to the complexity of the solution: "an integrated, encompassing solution is required to the issue of land and the matters of settlement planning, employment and education, as these are part of the question of the conditions of life in the settlements (both those that are recognized and those that will be recognized)".

The issue of the Bedouins in the Negev involves fundamental questions regarding the definition of proper relations between the state and its citizens, between a majority and a minority, between society as a whole and the individual, and between the individual and society. The public discourse regarding this issue also raises disputes within Bedouin society between tradition and change, adults and youths, women and men, between Bedouins who claim ownership of property and those who do not make this claim, between those who claim ownership of land that lays within the boundaries of recognized planned settlements and those who claim land outside them, between the burden of the past and hopes for the future. The lack of trust of the government that the Bedouins feel hinders this discourse, and the slogans uttered by those who deny any compromise, Bedouins and Jews alike, threaten it.

During the dialogue with the public, we heard many expressions of the Bedouins' identification with the state and their wish to solve their problems, so that they will not be a burden and can integrate properly into Israeli society. Moreover, we were witness to the feelings of injustice and the demands to amend it and heard serious

objections to the government's plan, the draft law and also proposals for their improvement.

However, we also heard proposals that disregard reality and its constraints. Within the theoretical discussion of the issue of the Bedouins in the Negev in recent years, concepts such as "transitional justice" (during a change of sovereignty), property rights of semi-nomads and "indigenous rights" have been raised. These concepts are not appropriate to reality, and this discourse, as interesting and thought provoking as it is, has not so far produced a feasible solution to the difficult problem we face, one that would be in line with the limitations of economic, legal, social and political reality. It must also be noted that as there is no joint community claim of land ownership, only a cluster of private claims, it is difficult to view them as an expression of "distributional justice" since the claimants comprise a small minority of the population of Bedouins in the Negev, and the distribution of the land between them is not equal in any way.

The demand for the realization of all of the claims of the Bedouins does not bring a solution any closer, the opposite is true, and time for an efficient and pragmatic solution of the problem is coming running out. Those who demand the full realization of all of the ownership claims for a minority of the Bedouins on the basis of "absolute justice" must not be allowed to deny over 100,000 Bedouin children the conditions vital for a better future that will be based on a compromise. **The implementation of the principles of social justice to Bedouin children in the Negev and to their families is the obligation of the state which must, within a few years, advance a reasonable solution that will help them exploit their talents and realize their natural right to happiness just like any other child in Israel.**

We must not reconcile ourselves to the conditions in which the Bedouins live in the Negev, and in order to change these an effort must be made by both the government and the Bedouin population and its leaders. There is no escaping the recognition of the limitations of the legal framework and of the social and political conditions that prevail in the country and, therefore, it must not be anticipated that there will be conclusive plans that will please everyone. In the words of Justice Goldberg in the report summarizing the deliberations of the commission he headed (Section 71): "Beyond the legal aspect, a pragmatic initiative is required that will lead to a fair and feasible solution of the struggle over the land and the dispute over settlement". Following a public process of consultation regarding the government's decision of 11.9.11, the government proposed this pragmatic initiative, and we are now at a propitious time which still makes a solution possible. This opportunity must not be missed as the postponement of the solution proposed here will only worsen existing hardships to the point of creating a dead end, a situation that will command

an economic, social and human price from Bedouin society and all other inhabitants of the Negev.

D. Government Actions for the Economic and Social Advancement of the Bedouins in the Negev

In order to advance the social and economic growth of the Bedouins in the Negev, even before the completion of the planning of the settlements, and prior to the settlement of the claims of land ownership, the present government allocated vast resources for social, economic and physical development, and approved a detailed plan, budgeted at 1.2 billion shekels, for the coming five years that will be allocated to the following areas: employment (360 million shekels), education (90 million shekels), infrastructure supporting employment and education with an emphasis on transportation infrastructure (450 million shekels), personal security (215 million shekels) and social and community needs (90 million shekels). This plan, exceptional in its scope, is administered by the Headquarters for the Implementation of the Settlement and the Economic Development of the Bedouins in the Negev in the Prime Minister's office, and supplements the annual allocation for physical infrastructure in the settlements totaling a quarter of a billion shekels, which is administered by the Authority for the Regulation of the Bedouin Settlement in the Negev. Therefore, beyond the regular government ministries' budgets in the coming years, the government plans to invest, approximately half a billion shekels annually directly to the development and advancement of the Bedouins in the Negev. In this regard, it is worth noting the cooperation that is developing between the leadership of the Bedouin settlements and the Jews in the Negev.

In this framework, employment centers are planned in the Bedouin settlements in the Negev that will provide comprehensive services in the field of employment. In addition, industrial and employment zones will be established for the Bedouin settlements, an example for which is the "Of Oz" plant located in Segev Shalom which employs seven hundred workers, half of them Bedouin women, and the Idan Hanegev industrial zone near the Bedouin town of Rahat, which is shared by Rahat and the Bnei Shimon and Lehavim councils where, among other industries, a "Soda Stream" factory will be built which is expected to employ a thousand workers. In addition, today the biggest real estate enterprise in the country is in Rahat, providing a framework for a response to the anticipated and substantial population growth of Rahat, up to 80,000 within several years, through the construction of 4500 housing units in the southern part of the town, whose plan permits multi-storied buildings. The demand for this project – whose architectural plan won a prize of the International Society of City and Regional Planners (ISOCARP) – exceeds the supply.

Progress in the field of education is also noticeable: beyond the routine activity in this field, a regional school for the gifted was established in the town of Hura, and an educational complex was opened in Tel Sheva for the rehabilitation of Bedouin children with special needs. The Authority for the Regulation of the Bedouin Settlement in the Negev, in 2012, developed the infrastructure in the villages of Darijat, Arara, Tel Sheva, Segev Shalom, Lakiyya, El-Sayed, Abu Krinat, Hura, Rahat and Kseiffe.

The government approved, on 4.12.11, the appointment of Doron Almog as head of the Headquarters for the Implementation of the Settlement and Economic Development of the Bedouins in the Negev in the Prime Minister's Office. The headquarters has begun taking the lead in government activities necessary for the advancement of the welfare of the Bedouin population in the Negev including the plans for economic development and the plan for the regulation of the Bedouin settlement in the Negev in all its aspects. This headquarters, together with the Authority for the Regulation of the Bedouin settlement in the Negev, headed by Yehuda Bachar, which was established in 2007, provide the government with a tool for continuing its work on the complex issues we face, until they are solved in a satisfactory way, in a process that will take several years.

E. The Issue of the Settlement and the Need for an Arrangement regarding Lands

As aforementioned, the government is acting to fulfill its responsibility towards the Bedouin citizens in the Negev in various important areas, but this does not suffice. In order to complete the deployment for the prosperity of the Negev in the coming years, it is vital to resolve the issue of the Bedouin settlement. The solution is difficult for two reasons. One, today 70,000-90,000 Bedouins live in homes that have not been regulated (Annex 3), creating a situation in which tens of thousands of Israeli citizens live in buildings that were constructed illegally. There are unresolved land ownership claims in many of these places (Annex 4) and, therefore, the ability of the state to develop them is highly limited. The second difficulty results from the fact that even within the boundaries of areas approved for habitation in the Bedouin local councils in the Negev, there are large areas that cannot be developed because ownership claims regarding them have not been settled (Annex 5). Consequently, the conclusion of the Goldberg Commission (Section 146) states: "It is not possible to resolve the problem of settlement without resolving the issue of the lands; it is not possible to resolve the problem of the lands without resolving the problem of the settlement; and it is not possible to resolve both problems without resolving the

matter of the plight of the Bedouin including the issues of employment, welfare and education, even if much is done and extensive funds are invested in this field".

The Fundamentals of the Policy and the Recommendations for Changes to the Draft Law.

F. The Planning of the Bedouin Settlement and its Outcomes

(1) The Approach

After a further examination, in the wake of the process of consultation, of the issue of the Bedouin settlement in the Negev, the recommendation of the Goldberg Commission (Section 110) remains unchanged. It states: **"In principle proposed is to recognize, as much as is possible, each one of the unrecognized villages which has a minimal mass of residents, such as will be determined, and which will be able to bear municipal status, and on the condition that such recognition will not contravene the district master plan."** Approximately two years after the publication of the recommendations of the Goldberg Commission, the National Council for Planning and Construction approved the Master Plan for the Metropolitan region of Beer Sheva (TM"M 23/14/4; July 2010) which at this time constitutes the framework for planning in the region. The areas designated for regulation were listed in the plan's directives as were the conditions that will be examined prior to planning the regulation of a settlement. These include its size, population density, continuity and economic capability. This master plan enables Bedouin habitation in various types of settlements – village, agricultural, community, suburban or urban settlements, through the expansion of existing regulated settlements, habitation in existing regulated settlements, in existing settlements that will be regulated and in new settlements that will be established in the future. These possibilities will form the basis for a consultation process with the residents that will be conducted in the framework of the process of settlement planning. This consultation does not release the state from its obligation to conclude the planning within a reasonable time also in cases where agreements with the residents had not been reached.

During the process of consultation with the public, we were presented with plans for the regulation of sites where Bedouins currently reside which do not require that the inhabitants to move to other locations. The examination of these plans reveals that the gap between the government's position and that of the proposers of the plans is not large. Although it is not currently possible to specify in detail the places where there are ownership claims, and which will be regulated in the future as settlements, or which will be included in the framework of the expansion of existing settlements, according to the data in our possession, **the vast majority of residents who reside in**

locations that today are not regulated will be able to continue to live there in the future within formalized settlements. Nonetheless, as a result of the distribution of these settlements, their regulation in their present location under the planning directives will make it necessary to move some of the dwellings a relatively short distance (in general several hundred meters) in order to create the continuity mandated by the provisions of the regional master plan, and in order to allow the erection of infrastructure at an acceptable cost.

It is also clear that there are places which cannot be regulated as a settlement because they do not meet the aforementioned criteria: their location contradicts the master plan or they do not have the necessary number of residents, continuity and density that is suitable for sustaining a separate planned entity. In these cases, settlement alternatives will be examined and consultations will be held with the inhabitants. Possibilities will be examined of moving these settlements to neighborhoods in settlements that are formalized today, to areas within future additions to these settlements, to settlements that will be regulated in their stead or to new settlements at a distance that, in most cases, will not be more than several kilometers from their present location. Although an arrangement that does not require moving families to a new settlement is easier in the immediate short term, in the long run, moving the homes of families to an alternative location, proposed after a dialogue with them, can be a blessing: **by moving to a formalized settlement, even one that is located a few kilometers from their present place of residence, the families will make it possible for their children to leap in time into the midst of the twenty-first century, and to build a better future for them while maintaining their culture and way of life.**

The traditional family-community structure of the Bedouins dictates special requirements for long range planning of habitation. Therefore, for the sake of the success of the process of regulating the settlement, **the planning policy for the Bedouin settlements in the Negev will create solutions for both the present generation and the next generation, with a planning perspective extending to the year 2035.** Development will be implemented in stages, over several years, and the marketing of plots of land will be carried out according to the rules that are in effect at the time.

It must be emphasized that the agreement to allow the Bedouins to continue to reside on the land they claim which is within settlements will also make it necessary to house inhabitants who do not claim land ownership, or whose claim is located elsewhere, on this land, so that within several years the regulation and establishment of settlements in an efficient manner will be possible.

Many families from among those who need to regulate their places of habitation are not among those that are claiming land ownership and, therefore, it is possible to

begin the regulation of their inhabitation without delay. This, for example is the situation in Wade al-Na'am where approximately 14,000 inhabitants live in the shadow of danger emanating from the industrial plants in Ramat Hovav and Ramat Beka (Annex 6) and whose relocation to a formalized settlement in another area is urgently necessary. The planning of a settlement solution in a location close to their present area of habitation is a top priority, and talks with the residents regarding this have already begun.

At this stage we assume that apart from the residents of Wadi al-Nam, less than 3000 families of persons who claim land ownership, or of persons who are not making claims, will relocate their dwelling to other settlements as specified above. However, it appears that a detailed examination of the data, which will take place soon, will reveal that the number is much smaller, and therefore, it is better to proceed even if, as a result, the solution will be somewhat postponed.

In regard to consultations concerning plans, it is possible to state that even at this time talks are taking place in the villages of Zeidana, Wadi al-Na'am, Ramat Ziporim, Rahma, Abu Sulab, Abu Kweidar and several of the Abu Basmah villages (Umm Batin, Molada and Abu Krinat) regarding various settlement options, and planning solutions are being studied whilst listening to the objections of the residents and to their requests.

(2) The Time Gap between legislation and Planning

As will be specified below, in order to resolve the issue of Bedouin habitation in the Negev, a law is needed that will settle the claims of Bedouins to lands in the Negev. During the process of consultation, the problem of the lack of coordination between two timetables was explicitly raised: because of the pressure of time, we must begin the necessary legislation soon, yet in contrast, and despite the progress made in the preparation of the master plans for the Bedouin settlements, detailed planning will take several more years. Today, even the exact number of inhabitants in each site is unknown, and a special survey must be carried out in order to determine it.

It is also desirable that even now each family will know what options it has for permanent habitation and, in this way, there will be an end to the feeling of uncertainty for many families. Although this is not the present situation, plans for habitation of approximately a third of the families, although not yet regulated, are now in a process of examination led by the Authority for the Regulation of Bedouin Settlement. In the past months the planning process has been accelerated: a planning office has begun developing an overall view of the issue of the Bedouin habitation in the Negev and will formulate uniform guidelines that will serve the

teams working on the detailed plan and, shortly, three planning offices will begin working on the examination of the needs and options in four regions (Rahat-Tarabeen, Molada, Kseiffe, and Nevatim-Abu Tlul).

The order of the process must be kept in mind at all times: the objective of the formalization of the settlement is to provide an opportunity to Bedouins in the Negev, and particularly to their children, to leap within a few years to a better future through integration in the economic prosperity expected in the Negev in the coming decade, and the ending of a situation in which a large population resides in homes that were built illegally. The need for the development of the Bedouin settlements derives from this objective; from it derives the need for planning regulation and from it derives the need to settle land ownership claims. This order of things reveals that in areas where ownership claimants reside on their unregulated land, the principle discussion of the issue of settlement and the first stages of the planning process will be moved forward to the time when the proposed law on the solution of ownership claims is implemented.

Consequently, the Authority for the Regulation of Bedouin settlement must prepare itself so that talks with inhabitants regarding settlement solutions for those who agree to the arrangement will be advanced to the time when the inhabitants will be requested to confirm their claims. However, a plan for formalizing a settlement will only be confirmed after the settling of claims of ownership and other matters making it possible to regulate the settlement in practice. These planning processes will be limited to a time frame that will make the solution of the issue of settlement possible within a reasonable time, as balanced with the desire of the state to conduct planning processes in which the public is involved, is its obligation to bring about a planning solution within a few years.

G. Principles for Resolving the Issue of Land

(1) The Legal Framework and the Need for Special Legislation

"The Bedouins are residents and citizens of the state and as such they are not "invisible" and do not lack standing and rights. Their claims must be heard and their needs must be considered, and they must be included in processes determining their future. The forced eviction of some of them to the area of the Siyag after the establishment of the state and the holding of land by others in the area of the Siyag for many years must not be disregarded" (Goldberg Commission, Section 71). Nonetheless, the legal framework, as an outcome of the Lands Law (5729-1969) and of other land laws, and as determined in case law, does not make it possible, as a

rule, to accept the ownership claims of the Bedouins, and not one of the ownership claims submitted by Bedouins over the years has been accepted by the courts.

Of course, it is possible to argue that the legal framework is subject to change and that the Knesset can amend the land laws so that all of the Bedouin claims to land ownership in the Negev will be recognized. However, this kind of change is not justified and in any case, because we must propose a pragmatic solution to the dispute over the land, it must be assumed that this kind of change is not to be expected.

This situation led to the Goldberg Commission conclusion (Section 71) regarding the need for "a practical initiative, which goes beyond the legal aspect, and which will lead to a fair and feasible solution of the struggle over the land and the dispute regarding the settlement, a solution that will renew the faith of the Bedouins in the state and its aims. The integration of the Bedouins in Israeli society is a challenge the state must set for itself and a goal the Bedouins must strive for". This conclusion led to the Commission's recommendation (Section 77): "the granting of ownership of land by the state through the consideration of a historical bond, and not due to a lawful right (which does not exist), also rests at the foundation of the arrangement proposed by us for the solution of the struggle over the land".

In its decision of 11.9.11, the government adopted this principle and proposed compromise arrangements regarding the ownership claim memorandums of Bedouins that are registered with the Lands Regulation Official in the southern district. Today approximately 2900 claims memorandums that concern approximately 12,000 claimants are registered for an overall area of 589,000 dunams, of which 1700 claims (concerning 347,000 dunams) were filed by claimants who hold the land and approximately 1200 claims (concerning 242,000 dunams) regard land that is not held by the claimants. The arrangements proposed here, in the wake of the process of consultation, constitute a compromise between the various considerations along with a reasonable utilization of the capabilities of the state, within the limitations of its resources, land and finances, in accordance with the Master Plan for the Metropolitan Region of Beer Sheba.

In spite of the clear legal situation, ownership of some of the area they claimed was offered in the past to the Bedouins through the compromise, beyond the strict letter of the law, of the Albek Committee in 1975 which had been updated in recent years through, *inter alia*, ten Israel Lands Council decisions taken in the years 1997-2012. Seemingly, it is possible to continue in this manner and offer the Bedouins compromise arrangements that include the registration of their ownership of land in their name in the land registrars, even without legislation. However, there is a **need for special legislation concerning this issue** due to the following:

a. As long as land arrangements are based on administrative decisions they are decisions that are beyond the strict letter of the law, while the settlement of this issue by law creates a legal right whose scope and stipulations are anchored in the law.

b. Because the process of regulating 2900 ownership claims will last several years, the government's policy, expressed in the provisions of the regulation, must be provided with permanence that is beyond administrative decisions.

c. The arrangement under discussion is broad and involves thousands of claims at a cost that will be claimed within a specific period of time from many people in a large area, through the expenditure of many resources, and, therefore, legislation is required that will set a time frame and determine an efficient mechanism and explicit anchors for the manner in which the special arrangements to be determined will be implemented.

d. According to the recommendations of the Goldberg Commission (Section 74): "The policy must be well-defined and consistent and, in order to be so, all its specifications must be expressed in the law without leeway for discretion; there is no room for individual compromises and individual negotiations".

e. A further delay in the implementation of the regulation of the lands in the Negev will lead to an increase in the number of heirs to the ownership claims and to the decrease of the monetary value of the arrangement as relates to each heir; under the existing birth rate in Bedouin society the economic benefit granted to each heir will decrease to less than half within 15 years. In order to regulate the Bedouin settlement within several years, the law makes it possible to determine a strict time frame with incentives to those who join the arrangement at an early stage, and simultaneously the enhancement of measures against illegal construction and persons who hold land illegally in regard to anyone who chose not to join the proposed arrangement within the set time frame.

(2) Rules for the Regulation of the Lands

a. Lands outside the boundaries of regulated settlements

In accordance with the aforementioned considerations the following rules are proposed, with some variances to those included in the draft law:

1. The regulation of land will be based on the legal stability of the status of land. Therefore, the state will propose lawful regulation of ownership claim memorandums of Bedouins which were submitted in the framework of the

process for regulating the land which began in 1971 in the wake of the Lands Law (1969) and continued until 1979, by means of compensation in the form of land and money, providing that a court did not reject the ownership claim in the framework of a court ruling ordering the registration of the land in the name of the state (this concerns approximately 200 cases).

2. **The following change** is proposed in relation to the provision of compensation in the form of land for ownership claims: The Lands Registry will record, in the name of each claimant (or his surrogates), the ownership of land whose area is half of the area of the claimed property and which was worked by the claimant or served as his residence close to the time the claim was submitted, and which is not held by the state, plus another quarter of the remaining area claimed.
3. **The following change is proposed** in relation to monetary compensation for ownership claims: the state will pay the claimant of land ownership or his surrogates a sum of money for the remainder of the claimed area which was not registered in the name of the claimant.
4. Land that will be registered in the name of a claimant of land ownership or his surrogates will be, when possible, comparable to the land that was claimed.
5. In relation to the implementation of the above paragraph 2 regarding the number of claimants that will join the legal arrangement, **the following change is proposed**: when ownership claimants join the arrangement, and when the overall area of their claim is at least half of the area of the property that is the subject of said claim, land will be registered in the name of each one of them in accordance with the above paragraph 2. However, if ownership claimants join the arrangement and the overall area of their claim is less than half of the area that is the subject of said claim, the area of the land that will be registered in the name of each one of them will comprise 20% of the area of the claim that was worked by the claimant or served as his residence. Monetary payment alone will be given for the remainder of the claimed land and for claims of ownership of land that was not worked by the claimant and did not serve as his residence.
6. The compensation for claims of ownership of land that was expropriated will only be monetary for the whole area of the claimed land. However, in view of the need for a solution of the issue for the sake of the advancement of the process of regulation of the settlement of the Bedouins in the Negev, the claimant who held and holds all or some of the land will be given compensation according to the above paragraphs 2-5.
7. The question of the exchange of land for money ought to be regulated in the law provisions.

8. A claimant in whose name land was registered, according to the above paragraph 2, and whose claimed land measures 20 dunams or less will be permitted to exchange each 10 dunams of this land for a developed plot for residence.
9. Participation in the cost of development of plots: in cases where the habitation of residents who live in unregulated settlements will be regulated in the area of their present habitation, the participation in development expenses will only be 10% in contrast with the 25% customary today.
Compensation for persons who must move: in regard to financial assistance that will be given to residents who will move their place of residence to a permanent settlement, the Israel Lands Council has recently decided (decision 1256) to raise the sum of the assistance provided until now in order to encourage the continuation of the regulation processes, even prior to the completion of the legislation procedures.

b. Lands in the Area of Local Master Plans (in the Area of the "Blue Line")

Government Decision 3707 of 11.9.11 left unresolved the issue of land arrangements in the area of local master plans (within the boundaries of the "blue line") and, hence, it had to be examined during and following the consultation process. This is a matter of ownership claims within the boundaries of regulated Bedouin settlements, in areas whose designation was determined in the Master Plan or that were specified for habitation. At the time the claims were filed, the land claimed was, in essence, agricultural land and the compensation arrangements between the state and the ownership claimants were an outcome of this status. However, with time, this land was included in the area designated for habitation and, for this reason, its monetary value increased vastly. Due to this, a great, although unintentional, inequality was created between the claimants of lands within the boundaries of regulated settlements and claimants of lands outside them, that was not determined by the size of the property claimed. The acceptance of the demand of claimants of ownership in an area designated for housing to fully regulate their claim in the area of their claim raises two deep difficulties. Firstly: it signifies the unjustified perpetuation of unintentional economic inequality. Secondly: a large portion of the lands designated for habitation within the "blue line", whose overall area is not large, is needed for the settlement of other Bedouin.

In contrast, during the process of consultation we heard the desire of ownership claimants to grant, in the framework of the regulation of their settlement, a response to the needs of the next generation of their families. This desire is understandable and must be taken into consideration along with other factors. The

policy proposed below aims to provide a response to this understandable aspiration and will be relevant to most of the claimants of land that lies within the boundaries of settlements whose property is designated for housing, a response based on the method of settlement planning:

1. Concerning claims of ownership on land that is located in an area designated for housing in existing regulated settlements, an effort will be made to plan on the property that is the subject of the claim housing for the members of the family of this and the next generation. Development will be carried out in stages, according to the procedure of the development over time: the allocation of plots to eligible persons will be carried out immediately, and the allocation of plots during the second stage will be implemented according to acceptable rules of marketing. The remainder of the area will be planned, if possible together with the claimant, for housing other Bedouin inhabitants.
2. As stated above, the planning policy at the basis of the regulation of the overall settlement will seriously consider both the needs of this generation of eligible persons and the needs of the next generation, until 2035. It must be noted that in the new settlements that will be established, efficient planning will at times require the construction of neighborhoods in a manner that does not correspond to the borders of ownership claims, through the reorganization of the areas of the claim.
3. The rules determined in the above paragraph 2 will apply to compensation for ownership claims. Compensation in the form of land granted to entitled ownership claimants will be given in the form of agricultural land outside the settlement. The area of the plots within the settlement registered in the name of the ownership claimants and eligible persons who are their direct descendants will be deducted from the area given as compensation outside the settlement. In cases where both the authority and the claimant come to an agreement, the exchange arrangement will make it possible to exchange one dunam outside a settlement for half a dunam of agricultural land in the settlement.

In line with the aforementioned, the significance of this arrangement is that in some of the ownership claims which regard areas of up to 100 dunams (approximately 450 claims) that are today designated for housing within the boundaries of formalized settlement, most of the claimed land may be utilized for the needs of the claimant's family and a small part for other needs. In contrast with this, in cases of ownership claims regarding larger areas of land (approximately 150 claims), it is reasonable to assume that most of the area will be designated for housing for those whose claims regard areas that are not designated for habitation, or for those who do not claim ownership of land.

The significance of the desire to take into account the expectations of the Bedouins for the regulation of their habitation in its present location, is that settlement solutions for some of the Bedouin who today live in settlements that are not regulated will be found in formalized settlements or settlements that will be formalized, whether in their present location or in new sites. Therefore, the desire of many of the Bedouins to establish settlements on or near lands they claim will require some claimants of land that is within the "blue line", and particularly those who claim large parcels of land, to agree that the land they claim will serve not only themselves and their families but also others. This is evident due to the need, on the one hand, to provide a solution for everyone, and from the planning requirements and the limitations of the land on the other.

H. The Issue of Enforcement

The proposed plan will not succeed if the state does not enforce its laws, including land laws and the laws of planning and construction. Upholding the law is a fundamental part of sustaining any regulated settlement in a law abiding state. The issue of enforcing orders of demolition of illegal buildings that Bedouins built and continue to build was brought up sharply in all meetings with the Bedouins in the Negev, and it raises considerable difficulties concerning various aspects of the rule of law. A search for a response to these difficulties must take place within the framework of considerations of incentives for the agreement to join the settlement arrangement under the proposed law, in the context of the considerations for the setting of priorities for the realization of the enforcement of demolition orders regarding illegal buildings of Bedouins in the Negev.

I. Summary

The government of Israel views the accelerated development of the Negev as a highly important national task and, towards this end, intends to achieve far reaching plans in the coming years. The improvement of the economic and social conditions of the Bedouins in the Negev, particularly in the fields of education and employment, along with the entrenchment of the rule of law in the area is an inseparable part of this effort, and their inclusion in the prosperity of the Negev will contribute to all its inhabitants.

The proposal suggested here relies on three vital factors: a budget for the improvement of the physical infrastructure and social-economic reinforcement; the principles of planning the regulation of the status of the Bedouin settlement in the Negev; a mechanism that will be set in law for the regulation of ownership claims of

Bedouins in the Negev. A response to the principle remarks that were raised in discussion with groups and individuals in the course of the process that took place during 2012 was included here and relates to the three factors of the government's plan for a solution to the issue of the Bedouins in the Negev. The scope of this comprehensive plan and the understanding of its far reaching significance to the children's future constitute a solid base for a broad agreement of those Bedouins who claim the ownership of land and Bedouins who reside in locations that are not regulated for habitation, and this is supported by additional groups of Bedouins in the Negev.

The achievement of the government's goal in this important field must be realized soon through the legislation of the "Law for Regulation of the Bedouin Settlement in the Negev". The law determines, *inter alia*, a binding framework and a set schedule for the process of regulating the settlement, so that five years after the law comes into effect, the land that was not granted to ownership claimants within the framework of the special arrangement will be registered in the name of the state. Time is short, and without this type of framework, the purpose of the whole process – regulating the settlement within the short period of time when it is still possible to do so - will not be achieved.

The process of implementing the plan and the law will take a few years and anticipated difficulties must not be disregarded. However, under the conditions outlined here, there is now a real possibility for positive progress towards the solution of this complex issue, a solution whose realization will contribute greatly to all of the residents of the Negev. All those involved must move forward towards the realization of this important goal.

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