



## Information Sheet: Government Ignores Bedouin Needs with Begin Plan

### Context

- The **Bill on the Arrangement of Bedouin Settlement in the Negev** is expected to soon begin its legislative process through the Knesset. The bill is based on the **Begin Plan**, approved by the government on January 27, 2013, which effectively constitutes a modified version of the **Prawer Plan** for Bedouin settlement in the Negev, approved by the government on September 11, 2011.
- The bill outlines a framework for the implementation of government policies toward the Bedouin population on two separate issues: (1) the **evacuation of unrecognized villages** in the Negev, and (2) the **settlement of ownership of lands** in the Negev. The bill is based on the absolute negation of the Bedouin population's rights to property and historical ties to the land, in violation of the residents of the unrecognized villages' basic rights.
- Around half of the Arab population in the Negev - some 90,000 people - live in 46 Bedouin towns and villages. This accounts for just **five percent** of the entire land of the Negev region. Israel does not recognize 35 of these villages.
- These Israeli citizens are **denied their most basic rights**: their villages are not connected to the state's water and sewer systems nor to its electrical grid; education and health services are only partially provided to them, and are inadequate; and the state refuses to recognize villagers' historical claims of ancestral ownership of the land.
- Like Prawer, the Begin Plan is also based on an erroneous assumption that views the Bedouin as "squatters," ignoring the fact that most of the villages have been in existence in their current location since **before the establishment of the State of Israel**. Other villages were established by **coercive transfer** during the period of martial law. Like its precursor, the current plan also seeks to **restrict** the Bedouin to a specific area and to **forcibly apply** this policy.

### A Problematic Plan

- The plan will lead to the uprooting and **forcible eviction** of dozens of villages and **30-40,000 Bedouin residents**, who will be stripped of their property and their historical land rights. Thousands of families will be condemned to **poverty and unemployment**. The communal life and social fabric of these villages will be destroyed.
- The plan implies that the Bedouin population should be **concentrated in a specific area** in recognized settlements and that no Bedouin settlements will be established beyond this pre-defined area - compounding concerns of ethnic discrimination.
- The attempt to create a special arrangement on land issues for a specific group severely **undermines** not just the principle of the **rule of law** but also the principle of **equality under the law**. The state cannot legislate arrangements that, in effect, suspend the application of administrative and constitutional law regarding actions and authorities granted to the state according to that same law. The state also cannot legislate arrangements that suspend real estate law for the Bedouin population when they are valid and apply to all other citizens.

- Not only have unique planning regulations been created for the Negev Bedouin settlements which are not an integrated part of the regular Israeli planning laws, but these regulations are also **discriminatory** against the Bedouin when compared to Jewish localities in the area: There are currently over a hundred Jewish settlements in the Be'er Sheva Region, with an average population of approximately 300 people per community. This is in addition to dozens of lone farms, which were established without a permit but the government worked to grant some of them retroactive recognition.
- While seeking to demolish dozens of villages and displace thousands of people, the Government is simultaneously **promoting the establishment of new Jewish communities**, some of which are due to be built on the ruins of Bedouin villages.
- The bill rests on a **mistaken assumption** that the ownership claims of Bedouins on their land in the Negev are not legitimate. There are a number of reasons why the ownership rights of the majority of Bedouins in the Negev were not listed in the Land Registry books. The process of regulating land ownership during the British Mandate period, through which many of the landholders in the north and center of the country were officially registered, was not carried out in the Negev. As a result of this, the land registration mechanism was inaccessible to Negev residents. Another major factor is the existence of the Bedouin's own traditional system of property acquisition, which for years had been used to settle matters of ownership among them. The Ottoman and British recognition of this mechanism created the impression among the Bedouins that registration in the government Land Registry was unnecessary for the recognition and preservation of their land rights.
- The bill fails to take into account the circumstances of **each specific unrecognized village** and instead treats all of the villages as a single entity, without examining the relevant facts in each specific instance.
- Despite a three-month "listening process," the Begin Plan did not introduce any substantive changes to the bill on resettling the Bedouin, despite the **overwhelming opposition** from the Bedouin community and human rights organizations. Repeated efforts by the representatives of the residents of the unrecognized villages to engage in further dialogue with the government regarding these plans have been rejected.

### **A Possible Solution**

- **A just and feasible solution** means, first and foremost, recognizing the fact that the Bedouin in the unrecognized villages are citizens with equal rights.
- Rather than trying to advance this problematic bill, the state should be making a concerted effort to settle the land claims and recognize the Bedouin's historic rights to their lands.
- Instead of unilaterally imposing an arrangement, the community's needs must be fully taken into account so as to ensure that their rights to property and equality are fully protected, and in order to ensure an appropriate and just relationship between the Arab citizens of the state and the state institutions - as well as Israeli society on the whole.
- In addition, the unique agricultural nature of the villages must be taken into account, along with the Bedouin's patterns for settlement, land ownership and family and social customs.
- Moving ahead on issues of planning and development without resolving the issue of ownership would go a long way to building up the Bedouin community's trust in the state, and would safeguard their basic rights to better education, health and welfare services.