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**Plan for Regulating Bedouin Settlement
in the Negev**
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Regavim

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Contents

Introduction.....	4
Principles of the “Regavim” Plan.....	8
Part One – History and Current Situation.....	11
Ownership Claims.....	12
Settlement Regulation.....	17
Demography.....	18
Enforcement.....	20
Part Two – A Plan of Action.....	25
The Envelope: Media and Communications, Transparency, and Public Relations.....	26
Ownership Claims –Principles for Action.....	28
Ownership Claims – The Operational Plan.....	29
The Counterclaims Track.....	29
The Compromise Track.....	92
Development of Existing Settlements: Principles for Action.....	32
Development of Existing Settlements: A Plan of Action.....	34
Regulation of Outlying Encampments: Principles for Action.....	36
Regulation of Outlying Encampments: A Plan of Action.....	40
Planning and development.....	44
Important Points to Consider in the Planning Stage.....	45
Important Points to Consider in the Development Stage.....	45
Marketing the Regulation Agreement.....	46
Enforcement: Principles for Action.....	47
Enforcement: A Plan of Action.....	48
Strengthening the enforcement system.....	49
Epilogue.....	50
Maps.....	53

Regavim's Proposal for a Governmental Plan to Regulate Bedouin Settlement in the Negev:

Development of Existing Communities, Resettlement of the Bedouin Population, and Resolution of Ownership Claims

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Regavim’s mission is to prevent illegal seizure of State Lands and to preserve the rules of proper management in all aspects of Israel’s land policy.

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Introduction

Israel has grappled with the issue of Bedouin settlement in the Negev since the foundation of the State, and this topic has come to the fore with greater urgency in recent decades.

There are two essential issues involved, with trajectories that are at times parallel, at times intersecting, and at other times conjoined.

The first issue, recognized by every Israeli government since the establishment of the State, is the crucial necessity of resolution of the problem of illegal Bedouin settlement and the urgent need to resettle this population in legal and modern communities that meet the expectations and needs of citizens of a normal country in the 21st Century.

Regulation of settlement

The second issue is that of ownership claims by the Bedouin on hundreds of thousands of dunams of land in the Negev. This issue is one of the most significant impediments to government regulation of Bedouin settlement. All claims of private ownership to these lands brought before Israel's courts from the 70's until today, whether in lawsuits initiated by the Bedouin or in counterclaims filed by the State of Israel in the past decade, have been rejected. Nonetheless, the State of Israel has displayed unprecedented generosity in its efforts to reach a mutually acceptable solution, offering the petitioners extensive compromises including high financial compensation and land swaps, despite the fact that none of the claimants have been able to prove ownership.

Ownership claims

For decades, Israeli governments have avoided dealing directly and systematically with Bedouin claims of ownership, thus delaying solutions for families still living in dispersed encampments as well as stymieing the attempts to normalize and regulate Bedouin settlements.

There has been no significant activity regarding this issue in recent years; various committees were appointed, reports were written with recommendations that were not implemented, and a number of attempts to legislate a solution were equally fruitless.

In the face of the continued inactivity of the Israeli government, illegal construction in the Bedouin encampments continues at an ever-increasing rate.

At first glance, the government's inaction appears to stem from political instability and the fact that Israel's governments change every two to three years. However, long-term programs in other areas of public policy continue to advance - despite coalition and administration changes.

Regulation of settlement

Ownership claims

This fact forces us to consider other explanations for the passivity of Israel's governments on this front:

1. All government plans over the years have failed to differentiate between the two main issues we have identified, and instead have concentrated on finding ways to finance the compensation offered to claimants in attempts to achieve a compromise.
2. The various plans were based on the assumption that comprehensive legislation is the only way to solve the problem.
3. The generally accepted principle - that settlement solutions must be found for residents of the encampments who must relocate to legally recognized settlements - has virtually never been implemented, primarily because the State of Israel fears confrontation with the Bedouin community and with the international community.
4. Several official bodies are currently responsible for different aspects of these issues: The Authority for the Regulation of Bedouin Settlement in the Negev, local authorities, inspection and enforcement bodies, the State Attorney, the Israel Police, the Israel Land Authority, among others. Yet all these different bodies do not work under one umbrella, nor do they share a cogent, uniform, authoritative policy. Additionally, authority for convening and overseeing these bodies has passed from hand to hand over the years, from one government ministry to the next. This has severely undermined the formulation and implementation of a systematic policy.

With these limitations in mind, we would do well to examine the results on the ground:

5. The assumption that a comprehensive solution of all property claims is a precondition for regulation of Bedouin settlement in the Negev has paralyzed any attempt to make real progress because of the difficulty of reaching a compromise with the claimants.
6. Experience has shown that comprehensive legislation creates tension with the Bedouin community, engenders political challenges, and results in international criticism.
7. Even without the complications of legislative action, the fear of confrontation with the Bedouin population paralyzes Israeli law enforcement bodies, exacerbating the situation on the ground. The more time passes, the more difficult it is to undo the damage caused by law enforcement's avoidance of conflict.
8. The relevant authorities mentioned above possess excellent tools which are not being utilized to their full potential. Under a clearly defined policy and with more manpower, these tools can be utilized to meet the challenges of Bedouin resettlement and resolution of property claims..

In summary:

Israel's extensive experience has shown that there is a clear need to differentiate as clearly as possible between the two main issues in order to provide the best solution for each of them: Contending with property claims requires a long-term strategy, while the problem of settlement regulation requires immediate, relatively short-term solutions.

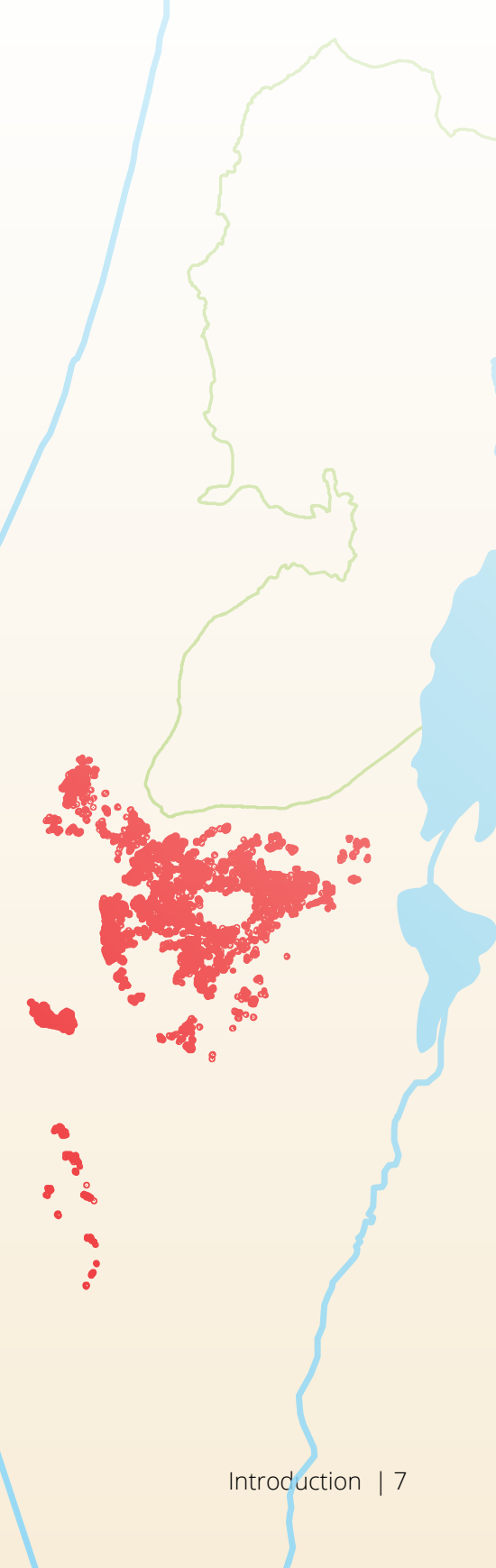
The program outlined below is based on the principle of separating these two issues. It asserts that there is no need to re-invent the wheel in the form of cumbersome comprehensive legislation. Instead, it proposes the formulation of government policy under the auspices of the minister, and with the support of the Prime Minister, in order to streamline and coordinate activities among the different government agencies, circumvent the pitfalls of comprehensive legislation, and make more logical and effective use of existing legislative and enforcement tools.

To achieve this, all relevant governmental bodies must be shown how they can cooperate to achieve shared goals. Certain legislative corrections are necessary, as well as additional manpower equipped with specific training in inspection and enforcement.

It is reasonable to assume that any process initiated by the State of Israel in the Negev will be met with resistance. We believe that the proposal outlined in the following pages will cause the least friction and is the easiest to implement.

Time is running out.

The need for a well- conceived, consistent and sustainable governmental plan for the regulation of Bedouin settlement in the Negev is an urgent national priority. With the help of a clear, consistent Zionist policy, the Negev can become a better place for all its present and future residents.



Principles of the "Regavim" Plan



1. Policy

1. Formulation of National Policy

under the guidance of the designated minister and with the support of the Prime Minister, to improve the efficient functioning of the various government agencies involved, which will preclude the need for comprehensive legislation.



2. Ownership Claims

2. Ownership Claims

- **Separating the issue of ownership claims from the issue of settlement regulation** and differentiating between ownership claims within recognized settlements and those outside of recognized settlements
- Renewing the process of formal registration of land in the Negev under the ownership of the State of Israel through counterclaims filed in Israeli courts
- Ad hoc legislation that opens a "golden path" for settlement of ownership claims **within recognized settlement areas**, based on increased financial compensation to encourage compromise agreements, without land swaps; the level of compensation will decrease gradually with time, within a limited period specified by the law
- Updating the compensation rate set by the Israel Lands Authority Council (Decision 1028) for ownership claimants **outside settlement areas**, to include financial compensation without land swaps, and limiting the time frame for settlement of claims

3. Development

3. Development of Existing Settlements

- Creation of national plan for the development of existing Bedouin settlements in preparation for the absorption of encampment dwellers
- Expansion of existing settlements on State Lands within the boundaries of existing settlements
- Initiating a rehabilitation program that will bring Bedouin settlements up to regional standards in the fields of education, employment and development, as well as incentive bonuses for settlements that meet or exceed "good government" criteria
- Offering a benefits package that encourages local authorities to absorb new residents and offers local authorities financial assistance for the absorption of residents of illegal encampments

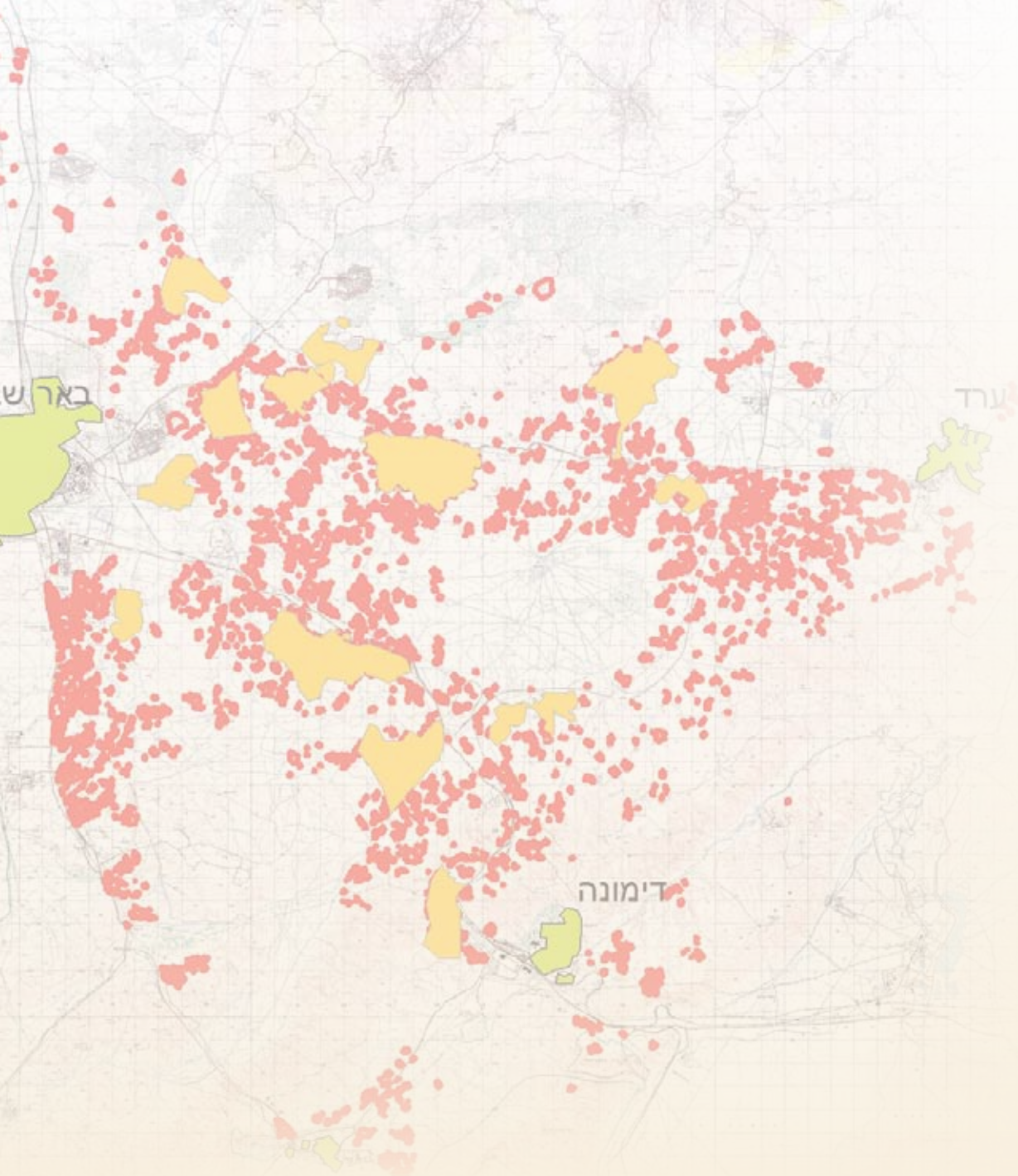


4. Regulation

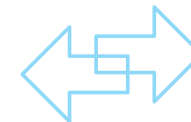
3. Regulation of the Nomadic Population

- Creation of a systematic, long-term plan for coordination among all government agencies involved in the relocation of the nomadic population within existing settlements
- Establishing a clear list of enforcement priorities for the relevant agencies, emphasizing "regulation-enhancing enforcement"
- Creation of a pilot program for the immediate relocation of a specified encampment into a designated area in accordance with the program's key principles: Preservation of the community's unique social fabric, development of distinct neighborhoods for distinct populations, and creation of incentives for self-relocation
- Formulation of a graduated time-table for relocation in legal settlements
- Addition of manpower for enforcement agencies and the court system; improvement of existing enforcement tools





Part One – History and Current Situation



As we have noted, there are two core aspects of the issue of Bedouin settlement in the Negev.

1. **Ownership claims** – Presently, Bedouin residents claim ownership of some 570,000 dunams of land throughout the Negev. While more than 3,000 individual claims have been filed, only 5% of the Bedouin sector are defined as 'ownership claimants.'
2. **Regulation of settlement** – The entire Bedouin sector numbers approximately 240,000 people. Approximately 77% of these individuals live in the seven townships and 11 settlements of the Al Kassum and Neveh Midbar Councils. The nomadic population includes thousands of illegal settlement clusters with an estimated population of 55,000 people for whom a legal settlement solution is required.

Ownership Claims - History and Present situation

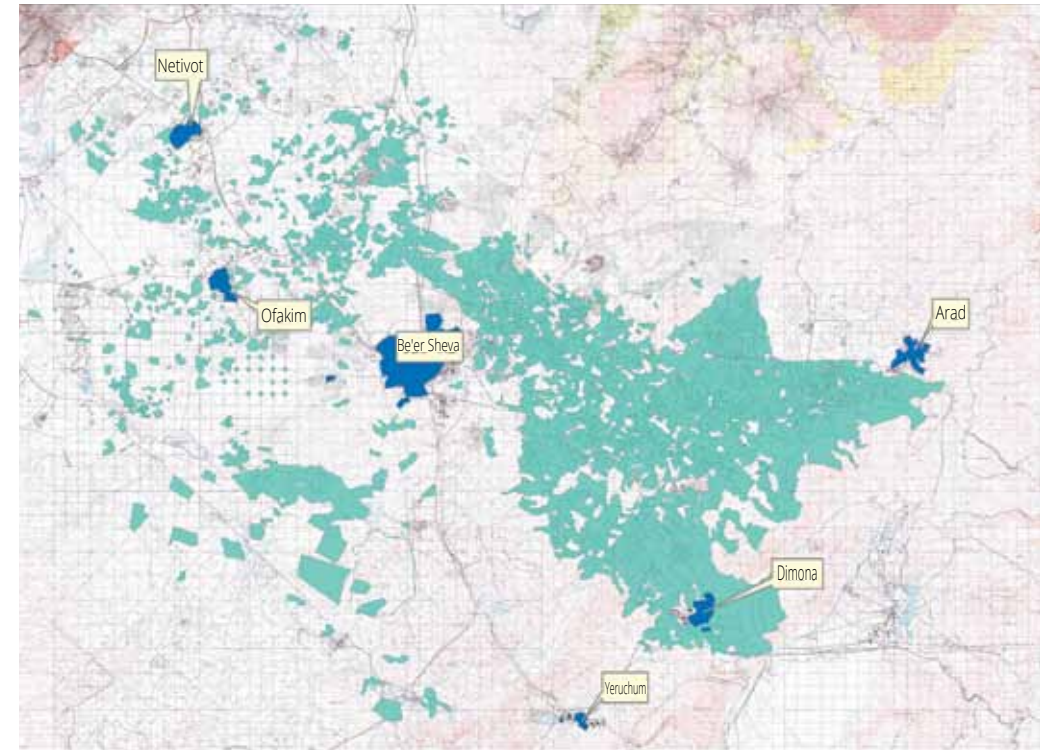
In the 1970's, in an attempt to organize land registration in the Negev, the Israeli government allowed Bedouin residents to file for ownership of lands which they claimed had been stolen from them or expropriated by the government in the years following the establishment of the State. Ownership claims were registered until 1979 and adjudicated before the Land Regulation Clerk, whose status is parallel to that of Magistrate Court Judge and whose decisions may be appealed before the District Court and, if necessary, before the Supreme Court.

Toward the end of the 1960's, all Bedouin citizens with ownership claims were instructed to present their case to the Regulation Clerk. During this period, some 3,200 claims of land ownership were made, covering an area of some 780,000 dunams. Today, some 570,000 dunams remain in dispute. Because of the time that has passed, most of the original claimants have passed away and their claims have been transferred to their heirs, some 12,000 claimants, constituting a mere 5% of Israel's Bedouin population.

In fact, all Bedouin ownership claims that have been considered in Israel's courts of law since the 1970's, including cases brought by Bedouin claimants and counter-claims filed by the State of Israel in the past decade, have been rejected, and the land in question has been registered as State-owned.

The State of Israel has contended from the outset that according to Ottoman and Mandatory Law, and in accordance with all existing documentation, The State is the legal owner of these lands unless private ownership can be proven. Basing itself on old aerial photos, land surveys and official documents from the Ottoman and Mandate periods, the State of Israel has proven that there was never continuous Bedouin settlement in these areas, and no land rights were ever acquired¹. Despite this proof, and beyond the letter of the law, for years the State of Israel adopted a generous attitude in the hope of reaching an agreement, and offered claimants far-reaching compromises including high monetary compensation and land swaps, even though the claimants were unable to substantiate their claims of ownership.

1. For an extensive treatment of the issue of land rights and ownership claims in the Negev, see "El Arkiv and The Narrative" (July 2015: Regavim), a summary of the Supreme Court ruling in a widely-publicized ownership claim case.



A map indicating general claims

In 2005, the Israel Lands Authority Council formulated Decision 1028², in which compromise solutions for both the issue of ownership claims and settlement regulation were laid out. Regarding ownership claims, two principal strata of regulation were established::

1. **Regulation of Claims Through Legal Action** –The Israel Land Authority (ILA) in conjunction with the State Prosecutor will initiate “counterclaim” proceedings in which the State will demand the registration of its holdings as State-owned land.
2. **Monetary Compensation for Withdrawal of Claims** – Compromises will be reached with claimants, including land compensation and/or monetary compensation, in exchange for withdrawal of ownership claims, vacating the disputed land, and registration of the land in the State's name.

2. "Index for land compensation and plots for construction for Bedouins in Negev." www.mmi.gov.il/Moatzaweb/InterGetHachBin.asp?HachId=1028 www.mmi.gov.il/MoatzaWeb/InterGetHachBin.aspx?HachId=1028

Decision 1028 noted that counterclaim proceedings are clearly intended to encourage compromise solutions even for claimants who cannot prove ownership.

Decision 1028 was a far-reaching offer, since it stated that the government would grant claimants generous monetary compensation for each dunam of land, and included compensatory land-swaps, to be calculated according to the size of the contested parcel of land.

The decision in principle to award land to claimants who had no proven legal rights to the land stands in apparent contradiction to Israel's Basic Law: Israel's Land (1960), which states that it is forbidden to transfer ownership of lands owned by the State³, and in absolute contradiction to various decisions handed down by Israel's courts⁴. All of Israel's courts of law have consistently rejected any request to register private ownership of land when the claim is not supported by legally admissible proof.

The ILA's Decision 1028 set a time-table for monetary and land compensation, in which compensation is reduced as time passes, in order to encourage claimants to reach a compromise with the State in a timely manner.

In practice, Decision 1028 remains valid: Over the last decade, The Israel Lands Authority has repeatedly extended its cutoff date for reaching a compromise.

The Goldberg Commission and the Recommendations of the Praver Committee



In January 2009, a commission headed by Justice (Ret.) Eliezer Goldberg published its recommendations for the regulation of Bedouin settlement in the Negev, regarding the issue of land ownership as well as the issue of illegal settlements, and determined that first and foremost, adjudication of all ownership claims must be concluded.

The Israeli government accepted the Goldberg Report's basic conclusions and appointed Mr. Ehud Praver, Director of the Department of Policy Planning in the Prime Minister's Office, to preside over an implementation team charged with formulating the Regulation of Bedouin Settlement in the Negev Bill. The team made significant changes to the Goldberg Commission's recommendations, with far-reaching implications.

Beyond the recommendation to increase the land-swap compensation component in cases of claims of "possession" (as opposed to ownership, meaning that the claimant either lives on or uses the land in question), the team also proposed land-swap compensation for land parcels for which ownership claims had previously been rejected outright by the courts. In addition, a large percentage of lands earmarked as compensatory parcels were located west of Route 40 (which bisects the length of the Negev), in an area that is not within the region slated for population resettlement.

In September 2011, the government adopted the committee's recommendations, with several reservations: The government stated that the compensation arrangement would apply only to claimants who had filed claims prior to December 31, 1979 that had not been rejected by the Regulation Clerk or a court of law. Furthermore, the government stated that no compensatory land parcels would be assigned west of Route 40, and that land-swaps for parcels previously expropriated by the State will be carried out only if the compensatory land is located within the boundaries of an existing settlement.

3. Basic law: Israel's Land 1960. Prohibition to transfer ownership-1."Ownership of land in Israel which belongs to the State, the development authorities or Keren Kayemet of Israel, cannot be transferred whether by sale or any other means."

4. See, for example, "The Hawashla Rule," Civil Appeal 74/218 and the ruling in the matter of the Al Ukabi, Civil Appeal 4220/12.

Freeze of counterclaims

In December 2011, the implementation committee requested that the Ministry of Justice freeze counterclaim proceedings for six months as a trust-building measure between the State and the Bedouin, during which time the legislative process of the Regulation Bill would be completed. For the same reason, the State Attorney went so far as to request that the District Court make an unusual exception from normal procedure and refrain from publishing verdicts on claims that had already been heard and decided.

The request to freeze counterclaims was granted despite of the vehement objections of the Israel Land Authority, who warned that a moratorium on adjudication of counterclaims would halt the registration of State land in the Western Negev, which would result in delays in the marketing of this land, disrupt transactions, and lead to cancellation of tenders by developers and banks.

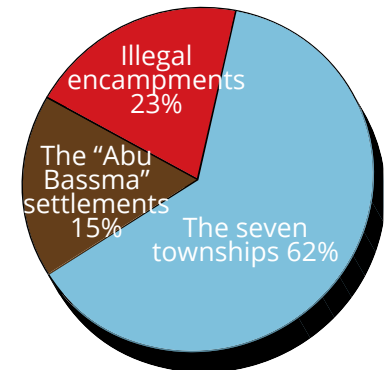
Although the time-limit built in to this decision has expired several times, it has been extended again and again, despite the opposition of the Israel Land Authority and other professional bodies involved in the issue.

Practically speaking, this decision has dealt a lethal blow to the State's ability to register government-owned land in its name. From the start of counterclaim proceedings (which continued until the end of 2011), and in conjunction with the program of compensation for withdrawal of ownership claims, the State of Israel succeeded in registering ownership of 200,000 dunams of land. Of this, 50,000 dunams were acquired as a direct result of counterclaims, and the remainder through indirect agreements, when claimants began to understand that it was advantageous to withdraw their unsubstantiated claims and opt for the benefits of compensation stipulated in compromise agreements.

Because of the counterclaims freeze - which remains in place as of this writing - the remaining claimants have chosen to bide their time in the hope that they will eventually be able to negotiate higher rates of compensation. Thus, rather than fostering compromise, the moratorium has caused the process to disintegrate completely, along with the time-tables established in the original Israel Land Authority Decision 1028.

Settlement Regulation

According to the Settlement Authority for the Bedouin in the Negev, as of the end of 2016, the Bedouin population in the South numbered 240,000 people⁵, more than half of them under the age of 18. Bedouin settlement in the South can be divided into three categories:



- **The seven townships** – settlements that were established by the State of Israel between the 70's and the 90's, which include the town of Rahat and six local councils: Segev-Shalom, Tel Sheva, Kassifa, Lokia, Hura and Arara. The majority of the Bedouin residents of the South live in these semi-urban settlements.

The "Abu Bassma" settlements – As part of its efforts to resettle nomadic Bedouin in legal settlements that provide education, health and welfare services, in 2003 the Government of Israel retroactively legalized 11 illegal Bedouin encampments and unified them under the newly created "Abu Bassam" Regional Council, with the aim of resettling all nomadic Bedouins there.⁶ The settlements received official post factum "settlement seals," a status that includes recognition by the various government ministries, as well as creation of a municipal Master Plan and public institutions. Some of these settlements are large villages (such as Al Sa'id), while others are more like Bedouin encampments stretched out over a large area (such as Muldeh).

The Regional Council provides education, health and other services to residents of outlying illegal encampments as well. Because of the huge area of the Council's jurisdiction and the density of the population, the Abu Bassama Regional Council was split in 2012 into two smaller Local Councils: El Kassem and Neveh Midbar.

- **Illegal encampments** – Illegal encampments in the Negev consist of some 2,000 clusters of various sizes, all built illegally. According to estimates, every year another 2000 – 3000 illegal structures are built. These clusters have no public infrastructure and residents receive partial services from nearby regional councils.

5. According to statistics provided by the Ministry of Interior's Population Registry in response to a request by Regavim in May 2015, the Bedouin population in the South numbered 225,844 residents. The figure of 240,000 residents is based on the Regulation Authority's population growth projections.

6. The council includes the villages Abu Krinat, Um Batin, A-Sayid, Bir Hadage, Drigeat, Molda, Makchol (Marit), Kasr El Sir, Kochla, Abu Talul and Trabin A-Tzana.

Demography

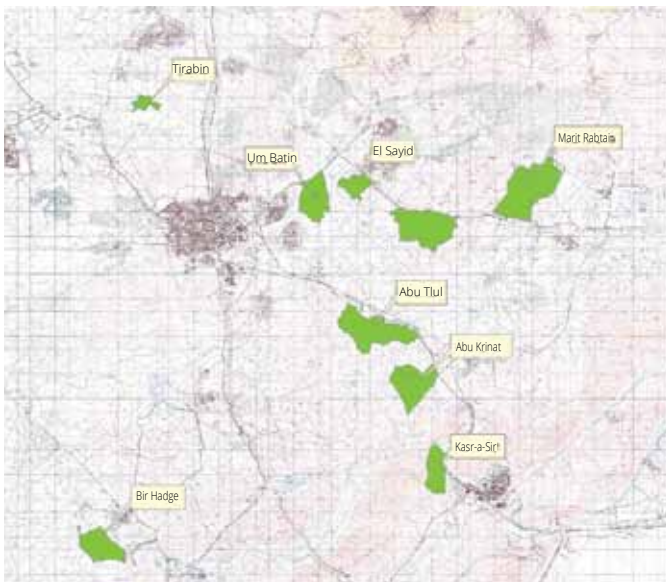
At present, there is no official body in the State of Israel that maintains full and accurate data regarding the size of the Bedouin population of the Negev.

The picture is somewhat clearer regarding the number of residents in the urban settlements. The Regulation Authority's data regarding population in the outlying encampments and the Abu Bassma settlements are a combination and average of the Ministry of Interior's Population Registry (which are based on registrations of births, deaths, etc.) and demographic projections based on the census conducted in 2011.

Due to the geographical-municipal nature of the Abu Bassma Regional Council and the outlying settlement clusters, the data is not sufficiently accurate. Residents of the outlying encampments live in unrecognized settlements that are devoid of municipal or geographical boundaries or borders, and it is therefore impossible to determine with precision the number of residents in these settlements.

An additional problem is that of pinning down the number of residents in the Abu Bassma Settlements. In the Ministry of Interior's Population Registry, only 10,000 residents are registered in the two councils, while in reality some 35,000 individuals live there. The vast differential can be explained by widespread refusal of many residents of these municipalities to register their permanent address, for various reasons.

This being the case, the plan below bases itself on the official data supplied by the Settlement Authority and the Ministry of Interior. Assignment of the population to each type of settlement (urban centers, Abu Bassma villages, illegal encampments) is determined based on the official data, where available; on current estimates of the actual number of residents of Abu Bassma, extrapolated from the number of residents slated for relocation in the Regional Councils who currently receive municipal services; and satellite images of the number of residential structures in these areas.



The Abu Bassma settlements

As we have noted, according to data supplied by the Bedouin Resettlement Authority, as of 31 December 2016, the Bedouin population in the South of Israel numbers 240,000 people.

Some **150,000 people – 62% of the total Bedouin population** - currently reside in the **7 urban centers**.

The number of residents in **the 11 settlements that comprise the Al Kasum and Naveh Midbar** Regional Councils is approximately **35,000⁷ – some 15%** of the general Bedouin population.

Factoring in the data provided by the Ministry of Interior's Population Survey and the number of residences identified in GIS images, the population of the **illegal settlement clusters that is to be relocated in permanent legal settlements is more than 55,000 people – 23% of the overall Bedouin population**.

The universally accepted assumption is that the continuous and rapid proliferation of illegal encampments may create irreversible facts on the ground which the State of Israel will be powerless to address.

According to decisions taken by the State of Israel over the course of decades, the nomadic population is to be resettled in legally recognized and regulated settlements – a process that began, as we have noted, with the establishment of seven townships in the 1970s and 1980s, and continued with the more recent establishment of the 11 Abu Bassma settlements a decade ago. Today, some 80% of the Bedouin population lives these permanent settlements.

Over the years, several plans for the resettlement of the nomadic population have been formulated, the most recent being the Prawer Plan, presented in 2011, which is based on the recommendations of the Goldberg Commission of 2009. Based on the recommendations of the Prawer Committee, MK Benny Begin formulated a bill in 2013, which passed its First Reading. This bill purports to regulate Bedouin settlement, but actually offers an outline for solving only the issue of ownership claims.

No progress was made in ratifying the Begin plan; it was met with staunch opposition, in part due to the bill's bundling of the resettlement and ownership claims issues together, and partly because the bill is too cumbersome and complex, and is weighted down by numerous clauses upon which there is disagreement.

7. As we have seen, due to the differences among the various settlements, population figures are necessarily inexact, but they adequately reflect the situation - according to figures released by the municipalities themselves regarding the number of residents to whom they provide services, as well as according to the number of residences located within the municipal "blue lines."

Enforcement : Background

Today, a number of settlement and enforcement bodies, under the authority of various government ministries, are responsible for regulation and enforcement.

The main settlement body is the **Authority for the Regulation of Bedouin Settlement in the Negev**, which presently operates under the auspices of the Ministry of Agriculture. The Authority was established by a government decision in 2007, to replace the 'Bedouin Administration.' The Regulation Authority is charged with settling land ownership claims, regulation of permanent housing - including infrastructure and public services for existing and new settlements, employment services, and coordination of education, welfare and community services.

The enforcement agencies working in the field are:

1. **The Inspection Department of the Israel Land Authority** responsible for oversight and protection of public land in the State of Israel as well as enforcement of the law prohibiting encroachment and illegal seizure of State Lands.
2. **Municipal Planning and Building Committees** responsible for enforcing Israel's planning and building laws within local or regional council boundaries.
3. **The National Building Inspection Unit** responsible for enforcement of building laws in open areas located outside municipal boundaries, as mandated by Israel's Planning and Building Law; oversight of municipal planning and building committees, and, when necessary, enforcement in the event that municipal committees fall short.
4. **The Green Patrol** charged with inspection and enforcement in open areas, as mandated by the Israel Lands Law.

These agencies are responsible for enforcement of the law, and are supported by the following bodies:

1. **The Coordination Directorate of Land Law Enforcement in the Negev**
Established in 2012 pursuant to a government decision, the Coordination Directorate is tasked with establishing policy and operational procedures for the enforcement of Israel's Land Law and Israel's Planning and Building Law in the Negev. The Directorate also coordinates between, directs and oversees the other agencies involved in enforcing building and land laws in the Negev, with the goal of concentrating the national effort to significantly reduce illegal building and infiltration into State Lands.
2. **The Yo'av Unit** – A special police unit was created within the Southern District of Israel's Police Force, to assist and protect the inspection and enforcement activities of different agencies in the field.
3. **The Department of Land Registration and Settlement of Rights in the State Attorney's Office** – This specialized unit supervises the prosecution of planning and building infractions, and instructs municipal committees and State Prosecutors. It deals directly and indirectly with criminal cases involving planning and construction, as well as selected cases of environmental damage.



יחידת יואב – פעילות איכפה

Enforcement: Function and Coordination Problems Among Enforcement Agencies

Towards the end of 2007, the Southern Enforcement Forum was convened under the auspices of the Police Force, where it remained for several years. The Forum brought the various inspection and enforcement bodies together under one umbrella, and together they formulated systematic plans for enforcement, among them the “Eastern Wind” program – the name given to combined efforts of the National Building Supervision Unit and the Police Force to locate and block new illegal construction in the Bedouin sector in the Negev.

With the establishment of the Ministry of Public Security's Coordination Directorate in 2012, the Enforcement Forum came under its authority. Parallel to the Directorate, a special police unit for the southern region was established – the ‘Yo’av Unit.’

Since the establishment of the Coordination Directorate and the Yo’av Unit, the number of demolitions of illegal structures by enforcement bodies has risen. Voluntary demolitions of illegal structures has risen dramatically, and there has been a marked increase of evacuations of squatters from State Lands.

Although this new constellation of forces has significantly increased deterrence and slowed illegal construction, it has been unable thus far to match the pace of new illegal construction in the Bedouin sector. It certainly has not succeeded in decreasing the overall number of illegal buildings, which is currently estimated at 70,000.

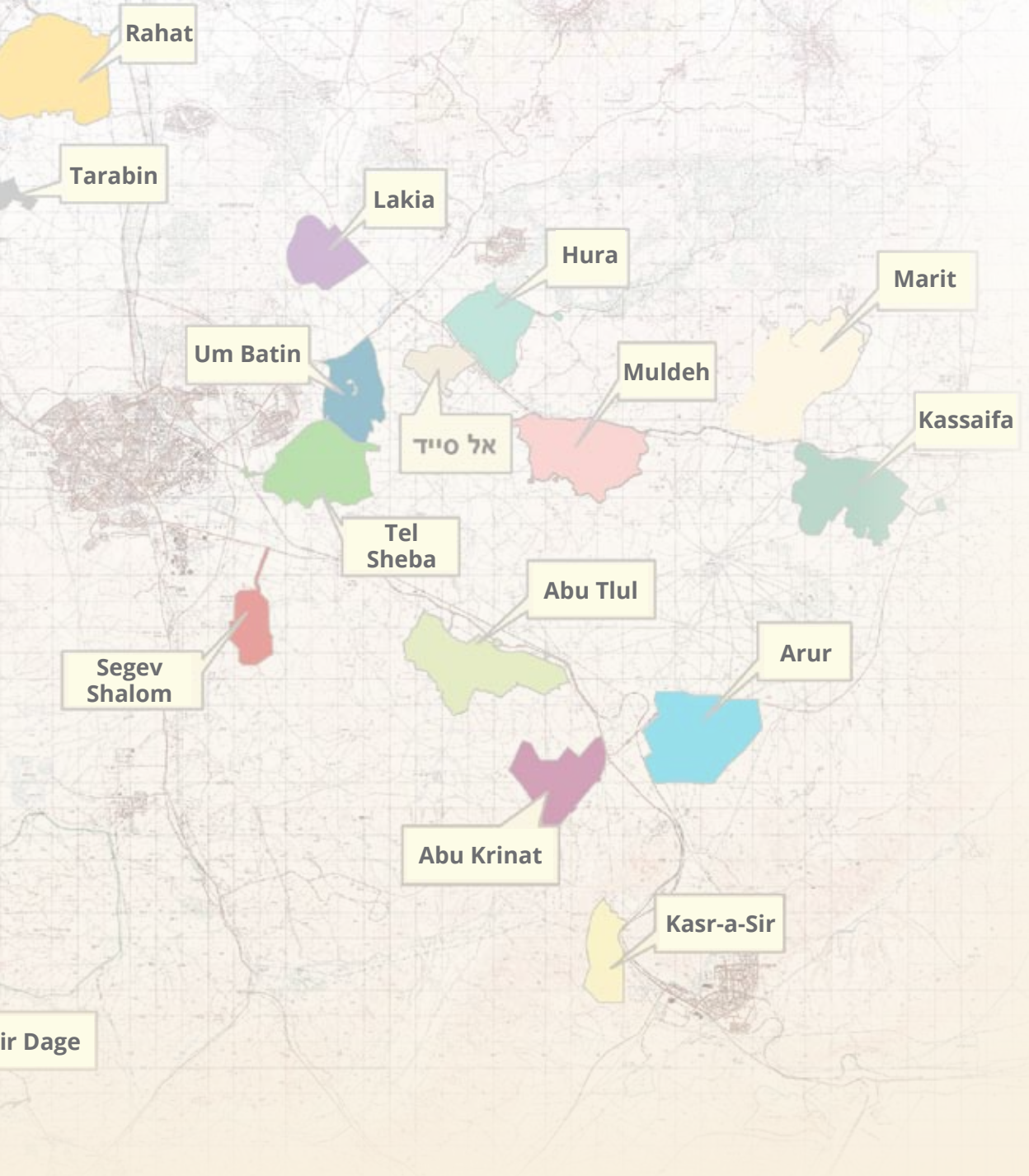
The various enforcement agencies suffer from insufficient manpower, budgets, and police assistance, as well as insufficient legal support, and claim that these shortfalls are directly responsible for the ongoing lack of control over the situation. While this is certainly true, a much more fundamental problem must be addressed:



The fundamental reason the ‘Eastern Wind’ forum has been unable to formulate and implement a systematic and orderly policy is the fact that while the different agencies it encompasses coordinate their activities, each one operates independently. Each of the different teams searches for illegal construction or new encroachment on State Lands, and their representatives meet weekly to decide which demolition orders should be implemented.

Because of the extraordinary amount of time and resources needed to deal with old construction, the present enforcement apparatus concentrates almost exclusively on new construction. Currently, the State does not initiate long-term processes and does not create solutions for residents living in old structures because all its resources are taken up with newly-built illegal structures that constantly spring up.

This enforcement policy effectively perpetuates life in illegal encampments. On one hand, it raises unfounded expectations for older residents that their houses will remain standing. On the other hand, the demolition of new buildings breeds tremendous frustration.



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Part Two – A Plan of Action

The Envelope: Media and Communications, Transparency, and Public Relations

To coordinate and synchronize the efforts of all the relevant government bodies, the minister in charge of the Authority for the Regulation of Bedouin settlement must have the complete support of the Prime Minister, who will instruct all relevant ministries to cooperate in the plan's implementation.

The Authority will be responsible for public and media relations, which are critical to the success of the program's success. Without the appropriate marketing and public relations, the State will be unable to see the process through.

Communications includes four sub-categories:

1. **Communication with the Bedouin Sector** – Bedouin society is characterized by its tribal structure; as a result, there is no authoritative leadership. It is therefore imperative that as many tribal leaders and dignitaries as possible be involved, with the understanding that they must take an active role if the project is to succeed. These lay leaders must share the conviction that this may be their only chance to improve their primitive living conditions. It is also important to engage the younger generation, and to make it clear to them that this process will create the opportunities for personal growth and development that all Israeli citizens enjoy, and will significantly improve the Bedouin community's situation.



2. **Technical communication** – The program and its implications must be transparent and clear to the people it will affect. The Authority must formulate an operational plan to overcome technological and language barriers, so that the residents of the illegal encampments understand their rights and responsibilities. In addition, the Authority must set up an accessible, user-friendly website, in Hebrew and in Arabic, that explains the procedures, provides detailed information regarding the rights of encampment residents, and clarifies the relevant aspects of resettlement and ownership claims.
3. **Internal Public Relations** – Within Israel, there are Israeli, Palestinian and international organizations at work which disseminate false claims that Israel is stealing Bedouin land, denying the Bedouin their basic rights, and violating international human rights conventions.

These organizations oppose any process of regulation or Bedouin resettlement. In their opinion, the only possible solution is to legalize tens of thousands of illegally built structures and to recognize thousands of encampments, each of which occupies a vast territory. These organizations have exerted tremendous pressure against any and every plan that has been put forward in recent years; their aim is to perpetuate the existing situation in the Negev and to leave the Bedouin population far behind.

In response to this activity, the Authority for the Regulation of Bedouin settlement in the Negev must formulate and spearhead a public relations campaign directed specifically towards the Bedouin sector and the larger Israeli public. This campaign must make it clear to the public that the program will benefit, first and foremost, the Bedouin community, and, in the long run, the entire State of Israel. Internal public relations efforts must illustrate that the process of resettlement is the key to progress for Bedouin society, and will facilitate real partnership between the Bedouin sector and Israeli society at large. This public relations campaign must be initiated without delay in order to create the necessary public support for implementing the program, and must include awareness campaigns, media exposure, research publications, public activism and more.

4. **International Public Relations** – The State of Israel will face international pressure from any number of countries. The Foreign Ministry must initiate and expand international public relations efforts that emphasize the fact that this complex issue is an internal, civil problem that is not connected to the Israeli-Palestinian conflict, and that the solutions formulated by the Israeli government promote human rights and equal opportunity for the Bedouin population. Public relations and diplomatic efforts must refute false claims of land-grabs, human rights violations, and apartheid, and must prove that the Israeli solution can be a model for solving similar population issues in other parts of the world.

Ownership Claims –Principles for Action

As we have seen, the programs and legislative proposals written in the past concentrated on the resolution of ownership claims as the key to settlement regulation. These proposals were based on the assumption that as long as there are pending ownership claims on land within the existing settlements, encampment residents cannot be resettled before a compromise is reached with the claimants, making it impossible to develop existing settlements.

Because of this operational assumption, it was determined that a comprehensive resolution of the ownership claims issue must be achieved, and only afterwards can the settlement regulation issue be tackled. The Regavim Program, which is based on the separation of the primary issue of resettlement from the secondary issue of ownership claims, acknowledges the logic of pursuing a solution to ownership claims, but only regarding land claims within existing settlements; this plan rejects the current concept that lumps all land claims together and requires a comprehensive solution.

In addition, the procedure for counterclaims that was in place for nearly a decade, until its “temporary” suspension in 2011, is a significant and inseparable element of land registration regulation in the Negev region in general, and the regulation of Bedouin settlement in particular. Despite claims that this procedure hindered the path to compromise, it is, in fact, an efficient and effective incentive to compromise. We must bear in mind that ownership claimants are a miniscule segment of the general Bedouin population, and ownership claims should therefore be seen as a private dispute between individual citizens and the State of Israel that does not justify the continued neglect of the remainder of the Bedouin population.

Moreover, in the present situation, the State ‘runs after’ ownership claimants with compensation offers. Because the claimants have nothing to lose, they prefer to wait until the land increases in value and the State makes a better offer. This approach must be turned on its head: A clear time-table must be established in which the time factor does not play into the hands of the claimants, but rather encourages them to accept the State’s offer immediately and agree to compromise without delay.

The originally-stated purpose of ownership claims and counterclaims was to put an end to the legal saga of the land dispute. Therefore, the issue of ownership claims should be dealt with, as much as possible, separately and in parallel to the regulation process, since it undermines various programs. Due to the complexity of the issues involved, a clear distinction should be made between ownership claims on land within existing settlements as opposed to lands situated outside recognized settlements.

The process should be made clear and transparent to the Bedouin residents. Each ownership claimant will receive a written calculation of the compensation to which he is entitled according to each of the compromise options, as well as a straightforward explanation of the counterclaims that will be filed in the event that no compromise is achieved during the stipulated period.

Ownership Claims – The Operational Plan

The Counterclaims Track

1. **Renewal of counterclaims** – Counterclaims proceedings must be renewed immediately. The State Prosecutor’s office must be reinforced in order to expedite the process, and the number of judges assigned to these cases in a special branch of the court system must be increased. Submission of counterclaims against ownership claims for land within existing Bedouin settlements will proceed according to a timetable that encourages ownership claimants to reach a compromise quickly (see below).
2. **Order of preference** – The State will file counterclaims against all ownership claims in the Negev according to the following priorities:
 - a. National infrastructure regions
 - b. Claims regarding land parcels located within the municipal boundaries of recognized Bedouin settlements (in those cases where a compromise has not been reached)
 - c. Claims regarding land parcels located within the municipal boundaries other settlements in the Western Negev
 - d. Open areas
 - e. IDF firing grounds

The Compromise Track

1. The Knesset shall enact a specific law defining the parameters of compensation for ownership claims. This law will replace the Israel Lands Authority Decision 1028 (and its subsequent versions). The purpose of this law is to establish that claimants who reach a compromise with the State are entitled to monetary compensation only, and not to alternative land. Similarly, unlike the ILA decision which has been repeatedly extended since 2005, this law will establish a firm, non-negotiable timetable for each compromise option, according to the following criteria:
 - a. **“The Golden Course” Fast Track (for ownership claims within existing settlements):** Provision for very high monetary compensation in exchange for cancellation of ownership claims on undeveloped land within the municipal “blue lines” of existing settlements. Submission of documents and registration for this special “fast track” compromise must be completed within 180 days from the day this option is made available to the public. Compensation will be calculated at the rate of NIS 30,000 per dunam, six times the rate of compensation stipulated in ILA Decision 1028 (as per the land value scale for parcels within blue lines);⁸ no land swaps will be offered.

b. **The Intermediate Track (for all other ownership claims):** Compensation for claimants outside settlement areas (or claimants in settlement areas who failed to pursue the fast track within the stipulated time period) will receive financial compensation according to the land value scale stipulated in ILA Decision 1028. This compromise course may be pursued within 24 months from the day the legislation is enacted.

c. **The Minimum Compensation Track (for settlement of claims not resolved within the deadlines stipulated for Tracks 1 or 2):** After the respective 6-month or 24-month periods stipulated for each of the compensation tracks expires, claimants will be entitled to minimal compensation for withdrawal of claims. This compensation will not exceed 50% of the value of the contested land according to the scale of values in ILA Decision 1028; no land swaps will be made. Alternatively, claimants may opt to file a claim of ownership with the court; in this case, they should be aware that the State will file a counterclaim.

2. **Updated information Regarding Ownership Claims:** Each claimant will receive documentation reflecting the details of the parcel of land for which he is claiming ownership, as it appears in the official claims ledger, including a survey of the parcel describing its size and location, as well as the amount of compensation to which the claimant is entitled and the application deadline for maximum compensation.

3. **Finalizing Timetables and Filing Counterclaims:** The State will begin submitting counterclaims for land within Bedouin settlements when the 'Golden Course' deadline has expired – precisely six months after enactment.⁹ According to the same principle, and subject to the priorities listed above, the State will file counterclaims on land outside settlement blue lines precisely 24 months after the application process is opened to the public.

Percent of Compensation Package	Deposit in Escrow	Transfer of Funds
10%	Upon signing compromise agreement	Upon completion of infrastructure development
10%	Upon completion of infrastructure development	Upon signing of Allotment contract
20%	Upon signing of allotment contract	Upon completion of building shell
60%	Upon completion of building shell	Upon taking up residence

4. **Incremental Payment Structure:** Compensation to claimants who reach an agreement with the State will be made in a series of payments. Funds will be deposited in an escrow account and administered by a lawyer chosen by the claimant from among a pool of lawyers selected by the State. This payment structure will allow the State to ascertain that the compromise agreement is fully implemented and that construction of new neighborhoods for resettlement of encampment residents is able to progress unhindered on the contested land. The first installment, amounting to 10% of the compensation package, will be deposited in the escrow account immediately upon signing the agreement, and transferred to the claimant when infrastructure development on the land is completed. At the same time, the second installment, another 10%, will be deposited in the escrow account, and transferred to the claimant when the residents of the encampments sign contracts for housing lots in the new neighborhoods. An additional 20% will then be deposited into the escrow account, which will be transferred to the claimants upon completion of the construction of the building shell. The remaining 60%, deposited in the escrow account upon completion of the construction of the shell, will be transferred to the claimants after the residents have moved into their new homes.

5. **Establishing State Ownership of the Land:** Once State ownership of the land is registered, pursuant to compromise agreements or resolution of counterclaims, the State will take steps to establish its ownership, by clearly marking, fencing and signposting the land parcels in question.

6. **Violation of compromise agreements/encroachment on land:** The law will state that if an ownership claimant attempts to continue to hold on to land relinquished as part of a compromise agreement and which has been registered as State-owned land (such as in the case of Neighborhood 8 in Lakia¹⁰), the State will sue for the return of all money he received in the compromise agreement, plus a fine of twice the sum that was transferred to him. Furthermore, the State will take the necessary steps to remove the intruders.

8. There are 285 ownership claims in the 6 townships (the seventh, Rahat, is built on state land), comprising approximately 17,000 dunams, which are divided among 2000 people. According to this, the maximal estimate of compensation cost for the "Golden Course" is NIS 1.5 billion, with each claimant receiving an average of NIS 250,000.

9. Ownership claimants on land within the blue lines who did not take advantage of the "Golden Course," and against whose ownership claim the State filed a counterclaim, can avail themselves of the "intermediate course" within 24 months of its enactment.

10. After an agreement had been reached with ownership claimants of the A-Sana clan, the Bedouin claimants, who were generously compensated by the State, continued to treat the land for which they had relinquished claims as their private property, and did not allow the State to develop housing for encampment residents on it. The State chose to be passive and to avoid a confrontation with the law-breakers, rather than taking the necessary action.

Development of Existing Settlements: Principles for Action

The Bedouin sector is undergoing a gradual process of change from a traditional nomadic society, whose main subsistence is shepherding and small-scale agriculture, to a modern society living in permanent settlements. The State of Israel created seven townships from the 1970's to the 1990's, and established the Abu Bassma settlements in the past decade, in order to facilitate and regulate the urbanization of all residents of Bedouin encampments, and to provide the infrastructure, education and other services necessary for maintaining even a minimal standard of living in a modern state, while respecting the unique characteristics of Bedouin society. All this was done while making the best, most sustainable use of Israel's land resources in accordance with Israel's Planning and Construction Law.

Today, each of the officially recognized settlements has a Master Plan that includes planning for natural population growth, as well as areas which the Authority for the Regulation of Bedouin Settlement designates and develops in order to provide legal and modern housing for residents of illegal encampments.

In light of the complexity of the ownership claims issue, existing settlements will be expanded primarily on State-owned Land, according to their availability in each settlement, independent of the resolution of ownership claims, as detailed above.

- In settlements where State-owned land is currently available within the municipal boundaries, development of new neighborhoods for encampment dwellers will begin immediately.
- In settlements where there are reserves of State-owned land outside municipality lines, in areas defined as contiguous to the settlement, municipal "blue lines" will be extended so that planning and development can begin.
- In settlements where there are insufficient State-owned lands available within municipal boundaries or adjacent to them, attempts will be made over the course of one year to acquire these lands through resolution of ownership claims. If these attempts are unsuccessful within the allotted timeframe, the State will rezone its land holdings in closest proximity to the settlement, extending the blue lines of these settlements as necessary, excluding wherever possible lands that remain in dispute, resulting in a drastic devaluation of these parcels of land.
- After considerable progress is made on the regulation issue, parcels of land that remain under dispute or are embroiled in long, drawn out legal proceedings, will be classified as land reserves for future development. When the legal process is concluded and ownership of the land is registered either to the State or to private persons who have proven their ownership, these land parcels can be earmarked for future construction – particularly in settlements where there is a shortage of State-owned Land.

Name of Settlement	Status of State Lands
Bir Dage	Sufficient reserves of State Lands within in the blue line – no ownership claims
Rahat	Sufficient reserves of State Lands within in the blue line
Arur	Sufficient reserves of State Lands within in the blue line
Muldeh	Sufficient reserves of State Lands within in the blue line
Abu Tlul	Sufficient reserves of State Lands within in the blue line
El Sayid	Sufficient reserves of State Lands within in the blue line
Um Batin	Sufficient reserves of State Lands within in the blue line
Tirabin al-Sana	Sufficient reserves of State Lands within in the blue line
Kasr-a-Sir	Sufficient reserves of State Lands within in the blue line
Tel Sheba	Reserves of State Lands plus limited extension
Hura	Reserves of State Lands plus limited extension
Segev Shalom	Reserves of State Lands plus limited extension
Abu Krinat	Reserves of State Lands plus limited extension
Marit (Makchol & Drichat & Kochla)	Reserves of State Lands plus limited extension
Lakia	Shortage of State Lands
Kassaifa	Shortage of State Lands
Ramat Tzipporim	Planned settlement without ownership claims, with sufficient reserves of State Lands in the intended area
El Porea	Planned settlement without blue line, almost all of it on contested land. A blue line according to population concentration, existing infrastructure and State Lands should be suggested, after which the 'Golden Course' should be implemented. If not enough State Land is available after the deadline passes, residents will be relocated to the additional settlement (see below)
additional settlement	A new settlement for residents who have no other housing solutions available within existing settlements

Development of Existing Settlements: A Plan of Action

1. Development of Industrial Zones in Townships

Aside from providing a source of employment for residents, industrial zones are also an important source of income for local authorities, thanks to municipal tax revenues. The State Comptroller's Report of 2012 points to an acute shortage of industrial zones in Arab settlements.

Today, industrial zones of consequence operate only in the older settlements of Rahat, Segev Shalom and Hura. Additional cottage industry zones are planned for only four of the Abu Bassma settlements: El Sayid, Abu Krinat, Bir Haage and Tarabin.

The planning trend in recent years is to create industrial zones outside settlement limits to spur improvements in the economy, transportation, environment, healthcare and other areas.

In keeping with this trend, two regional industrial zones and employment centers are planned in cooperation with adjacent Jewish regional councils: The "Idan Hanegev" industrial zone at Lehavim Junction (construction began in 2009 and the first factories are already operational), and the "Shoket" industrial zone, for which construction permits were issued in 2015.

The Ministry of Industry and Trade must initiate the construction of additional industrial zones in accordance with the above-mentioned trend. Additionally, aside from the dearth of industrial zones, some of the Master Plans for Bedouin settlements have not been updated in two decades; Master Plans should be updated, and the necessary adjustments should be made to fill planning gaps.

2. Development of Employment and Trade

In addition to the creation of industrial zones, other sources of income in towns and settlements should be developed and encouraged through assistance and incentives packages for entrepreneurs who establish large and medium-sized businesses in towns and settlements. These incentives should include consultation services, loans, acceleration of developing businesses, and more.

3. Long-term Planning and Expedited Planning Processes

To ease housing shortages and accelerate the construction of homes, a National Housing Committee should be established specifically for Bedouin settlements, and planning processes should be expedited through the addition of personnel to the Planning Authority in the Southern Region; these and other similar steps should be taken without delay. The government

must expedite the planning of neighborhoods with sufficient land reserves to accommodate projected population growth through the year 2030, including residents of illegal encampments who will be resettled. The project must have a fixed time table, and should be divided among several planning firms, with a bonus given to the firms who complete their projects before the stipulated deadline.

4. Developing Neighborhoods

When the planning stage is completed for a given neighborhood, development must begin immediately. Tenders should be issued at once for the development stages of neighborhoods that are currently in the planning stages.

5. Financial Incentives for Local Authorities

Bonuses and State grants should be made available to local authorities and municipalities as an incentive for good financial management, and for measurable improvements in public services such as education, collection of local taxes, maintenance, law enforcement, infrastructure development, etc.

6. Enhanced "Absorption Package" for Absorption Settlements

Settlements that absorb resettled residents of illegal encampments should be supported and encouraged through a State-sponsored absorption package for every new family. This money will be earmarked for improving the formal and informal education system, strengthening welfare services, and initiating prevention and empowerment programs.

7. Five-Year Plan for Economic Development

Creation of a long-term plan for the economic development and stability of Local Councils and municipalities. A State-appointed referent for each township will act as a liaison between the State and the local council, to address current needs and to formulate plans for future development. Once the plan is completed, budgetary management will be gradually transferred into the hands of the local authorities, who will begin to build a system independent of State involvement. This gradual shift to independent management will be monitored by mentors appointed by the State to oversee the process.

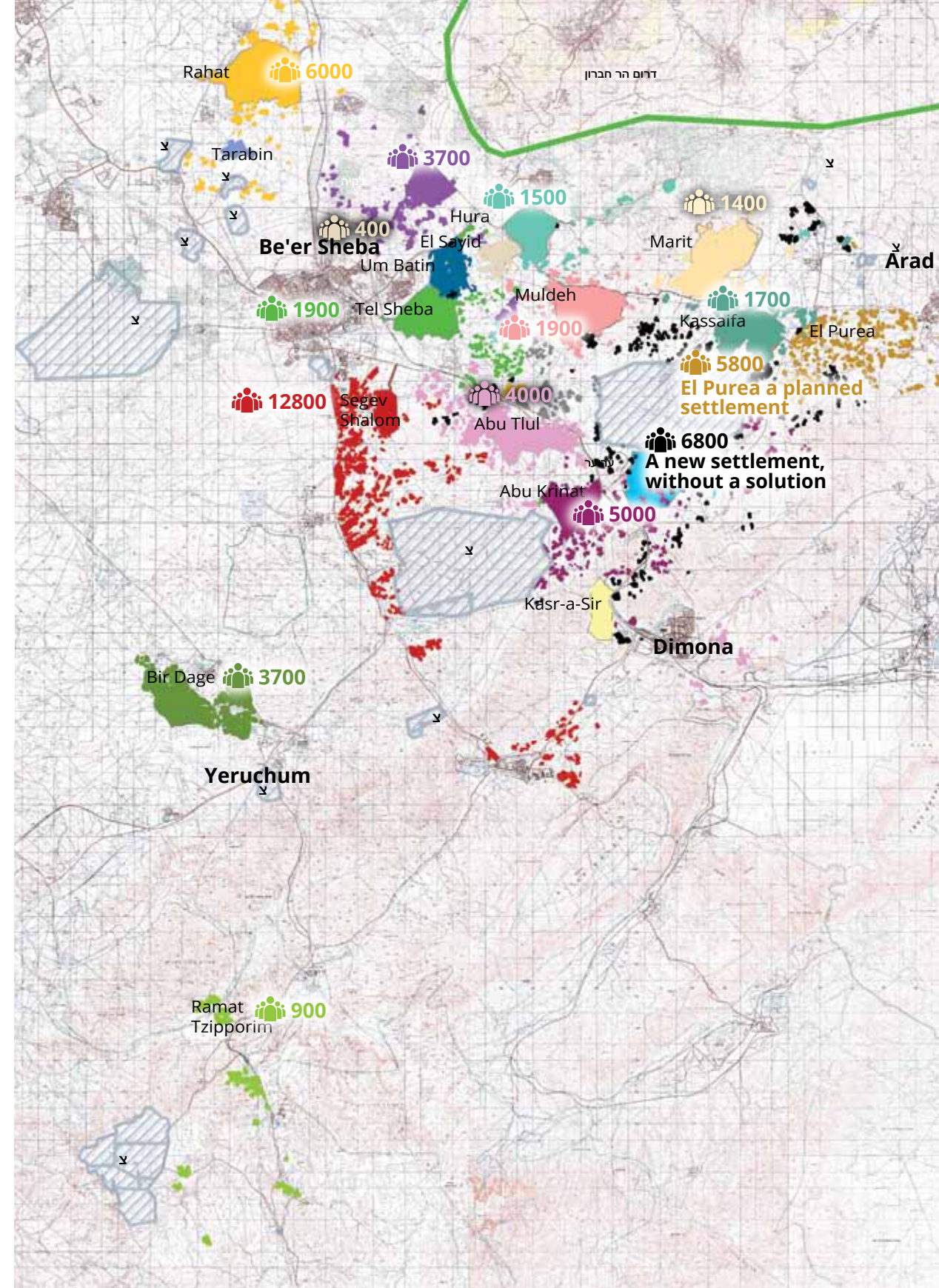
Regulation of Outlying Encampments: Principles for Action

The map below indicates clusters of illegal encampments, with colored illustrations of the estimated number of residents of each area, as well as the permanent settlement in which they are to be resettled.

According to data provided by the Population Registry dating from May 2015, cited earlier in this paper, the number of residents in illegal nomadic encampments is estimated to be more than 55,000 people.

Residents of illegal encampments constitute only 6 tenths of one percent of the population of the State of Israel, yet the thousands of illegal encampments they occupy are spread over an area that totals over 520,000 dunams. These facts are almost impossible to grasp, especially when compared to the total area of land available for civilian use in Israel, some 11 million dunams.

Despite the difficult physical conditions in these outlying encampments, there are a number of reasons why residents prefer to remain in their current homes rather than relocate in recognized settlements: Many of these residents claim ownership of the lands on which their encampments stand. Other commonly cited reasons are convenience and the natural desire to remain in familiar surroundings, social and family concerns connected to relocation, and economic considerations.



Below are examples of some of the more common problems, alongside suggestions for solving them:

Problem	Solution
Life in the encampments is characterized by the traditional structure of the extended family. Moving into permanent settlements may upset the character of the family unit.	Extended families should be relocated as a unit, into distinct neighborhoods within existing settlements. Housing lots slated for a large number of individual units should be prepared (this model is currently in use).
The resident lives on the land which he occupies and to which he claims ownership. There is a fear that moving to settlements could be construed as relinquishing this claim.	The compromise agreement should specify that relocation to a recognized settlement has no bearing on claims of ownership or possession of the disputed land.
Life in encampments preserves the educational and cultural values of traditional society. It is feared that resettlement in urban settlements will expose the children to bad influences, etc.	The State will give an “absorption package” to settlements that absorb encampment residents, increase its investment in formal and informal education, strengthen welfare services, and initiate prevention and empowerment programs.
Families have been living in these encampments for many years. There is a fear of change and a desire to remain in familiar surroundings. There is also a fear of the bureaucracy of relocation (which is often caused by the language barrier).	Teams will be created to guide families through the relocation process. Empathetic professionals will help them overcome any emotional problems that may arise, offer guidance, and facilitate the move. They will provide both oral and written explanations of procedures and forms, and interface with the bureaucracy.
Living in encampments is free. There are no city or income taxes. Relocation to a recognized settlement means having to pay these fees.	No one likes to pay taxes, but they are an unavoidable fact of life in a modern state. Resettlement in a recognized settlement makes it easier to access education and economic opportunity, which eventually leads to a higher standard of living. Public relations efforts should illustrate that municipal taxes are used for residents’ benefit.

As mentioned above, the legislative process for the “Regulation of Bedouin Settlement in the Negev Law” has not yet been completed - because of the law's complexity and the great number of clauses that have not been agreed upon.

Even without such a law, different bodies under the auspices of various ministries operate on the ground – some of which are responsible for settlement regulation, others for inspection and enforcement - whose work is directly relevant to the issue of regulating Bedouin settlement:

- The Settlement Authority for the Bedouin in the Negev– Ministry of Agriculture
- The Israel Lands Authority – Ministry of Housing
- The National Building Inspection Unit – Ministry of Finance
- The Planning Administration – Ministry of Finance
- The Green Patrol – Ministry of Environmental Protection
- The Southern District Enforcement Administration – Ministry of Internal Security
- The Israel Police Force - Ministry of Public Security
- The State Prosecutor – Ministry of Justice
- Local Authorities

The different bodies operating in the field have adequate tools at their disposal to solve the issues of settlement regulation and ownership claims. The problem is that they do not work under one united policy umbrella formulated by the political echelon, nor under one authority that coordinates all their activities. Furthermore, oversight of these different bodies has been passed from one ministry to the next, making it difficult to formulate and implement a systematic policy for settlement regulation.

In our opinion, we should not sit back and wait, hoping and longing for the ratification and enactment of the Regulation Law in order to move the process forward. It is possible and necessary to make progress using the legal tools and remedies that are presently available, such as the Land Law and the Planning and Construction Law, existing government decisions and decisions of the Israel Land Authority Council.

To make these existing tools efficient, the Prime Minister must provide orderly instructions, to insure that the relevant State authorities cooperate in achieving common goals. In addition, more resources must be allocated for hiring additional skilled manpower to carry out inspection and enforcement tasks. Effective use of the existing tools will only be possible if a unified and orderly policy is adopted and implemented, mobilizing all relevant parties.

Regulation of Outlying Encampments: A Plan of Action

Moratorium on Planning Processes for the Creation of New Settlements:

In keeping with the policy of resettlement of the residents of illegal encampments within existing settlements (Abu Bassama and the townships), plans for establishing new settlements must be frozen during the initial stage in order to maximize utilization of the housing potential in existing settlements. Therefore, no new settlements will be built for those slated for resettlement in one of the existing settlements, as illustrated by the map above.

One or two new urban settlements will be built on State land for resettlement of residents for whom no housing solution has been found in an existing settlement (as reflected in the map above). These towns will be built only towards the end of the process, when most of the nomadic encampment residents have moved into permanent housing, to avoid a situation in which encampment residents wait for the establishment of new settlements and avoid signing a regulation contract.

Assistance for Settlements

Settlements that absorb residents of outlying encampments should be encouraged by way of an absorption package for each new family. This money will be earmarked for improving infrastructure, formal and informal education systems, welfare services, and initiating prevention and empowerment programs.

Protecting Claimants' Rights

The Knesset will enact a bill specifically designed to protect claimants' rights of possession on land vacated for the purpose of resettlement. The bill will state that relocation does not diminish the claim of ownership or possession of the vacated parcel of land, and will not affect the outcome of pending legal proceedings or compromise agreements.

Marketing Plots of Land - Regardless of Pending Ownership Claims

The Regulation Authority will market plots to nomadic residents without requiring settlement of outstanding ownership claims as a prerequisite.

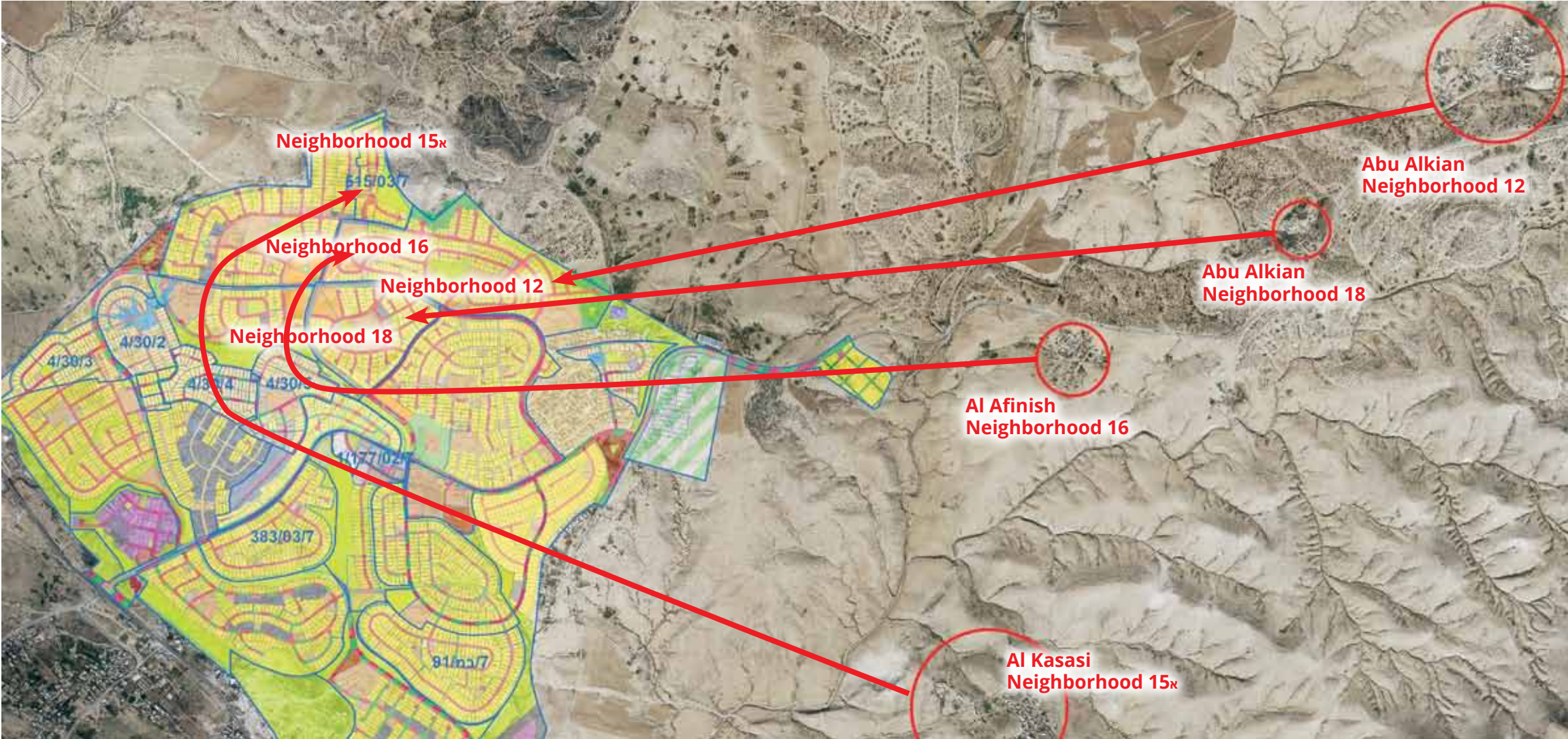
A Coordinated Long-term Program

A coordinated, long-term program will be created for implementation by relevant regulation and enforcement authorities, after goals and priorities for evacuation and regulation are formulated. The program will include planning, development, enforcement procedures and regulation.

Pilot Program

We suggest initiating a pilot project in the Rahat, Segev Shalom and Hura settlements, where there are large reserves of State Lands (within the blue line or adjacent to municipal boundaries) available for the planning and development of new neighborhoods.

Below is the example of a regulation pilot in the Hura area:



Planning and development

Preserving the Community's Unique Character

After finding the right match between an encampment and a permanent settlement, an accelerated process of planning and developing housing plots can begin, according to the number of residents the settlement can absorb. Planning, development and transfer of the plots will be done for entire groups, according to the needs of the encampment residents slated for relocation.

Mapping of Structures

The Regulation Authority, assisted by enforcement bodies, will map the existing structures in each of the compounds slated for evacuation. This map will be superimposed on an aerial photo and include markings identifying each structure's owner, a list of all the people living in the structure, and classification of the structure for purposes of compensation. The data gathered in this process will be utilized for planning permanent neighborhoods, registration in the Ministry of Interior's Population Registry, calculation of compensation for structures, and "absorption package" disbursement by the State to the municipality.

When the planning stage of a new neighborhood is completed, each resident will receive the details of the settlement and the neighborhood into which he and his family will be relocated, the compensation sum he will receive by law, and the projected date of relocation.

Timing

Enforcement cannot take place if absorption preparations are not completed; therefore, the development of plots of land in the permanent settlements must always precede relocation, according to the resettlement plan.

Important Points to Consider in the Planning Stage

- A detailed plan for all the Abu Bassma settlements should be formulated (with first priority given to plots on State land)
- When the compromise period ends, if necessary, the blue lines of existing settlements will be expanded to include State land, which will then be submitted for planning and development
- The blue lines of the planned settlement El Pura will be drawn to reflect population density, existing infrastructure and State lands
- Planning of a new urban settlement (meant for residents for whom there is no solution in existing settlements) exclusively on State land
- Establishment of these new settlements will commence only after all options within existing settlements have been exhausted. No new settlements will be established other than those mentioned above .

Important points to consider in the development stage

Development of neighborhoods on State Land: Development of neighborhoods exclusively on State Lands will be carried out in the following order:

1. Neighborhoods intended for residents of illegal encampments situated on State Land for which eviction orders and court rulings have been issued.
2. Neighborhoods intended for residents of illegal encampments situated on land for which ownership claims have been filed and for whom eviction orders and court rulings have been issued.
3. Development of the new settlement intended for residents for whom there is no solution in existing settlements..

Development of neighborhoods on land with pending ownership claims:

At the end of the compromise period, neighborhoods will be prepared for construction on land for which a compromise has been reached with ownership claimants.

Marketing the Regulation Agreement

1. **Allocation contract** – At the end of the planning stage, the residents of encampments slated for relocation will receive an invitation from the Israel Land Authority to sign a plot allocation contract. The plots in the future neighborhoods will be allocated on a first-come first-choose basis. If a resident refuses to sign the contract, the Authority will assign him a plot from the remaining plots according to its discretion.
2. **Receiving building permits** – A resident who has signed the allocation contract may apply for a building permit immediately after signing the contract, even before receiving the plot.
3. **Graduated subsidization of plots** – The Regulation Authority determines the graduated subsidization of plots by the state. The sooner the resident signs the contract, the higher the subsidy he will receive.
4. **Receiving the plot** – After the plots have been developed, their owners will be invited to formally take possession. They may then begin to build their new and legal homes according to the building permit they received during the waiting period.
5. **Explanation and transparency** – All stages of the process, from the allotment of the plot to taking possession of it, must be made clear and understandable to the residents.
6. **The relocation/compensation process** – Compensation for structures will be calculated according to the scale outlined in Decision 1028 of the Israel Land Authority Council, and will be granted in return for the relocation of a family from an illegal encampment to their allotted plot in a legal settlement.
7. **Loss of compensation** – Any resident who refuses to be relocated within 18 months from the day the plots are allotted will forfeit the right to compensation for structures. However, he will retain the rights to the plot of land allotted to him for an additional 12 months after vacating illegally held land.

Enforcement: Principles for Action

Currently, enforcement agencies' attempts to stem the tidal wave of illegal construction can be compared to cosmetic changes that ignore the root of problem and fail to formulate a strategy for solving the problem. Today, when a few buildings within a larger illegal compound are demolished, there is no effective enforcement to speak of, because the family still maintains possession of the land and remains on the site. The bottom line is that enforcement is drowned by the flood of illegal construction – which often begins immediately after a demolition order is carried out.

We must advance to the next stage; we must harness the energy spent on routine enforcement and apply it to accelerating the regulation of Bedouin resettlement in legally recognized communities.

In order to accomplish this, there must be a sharp change of direction; rather than being reactive, we must take meaningful, proactive steps. While it is important to continue to block new illegal construction, at the same time we must promote enforcement measures that will encourage orderly resettlement and regulation. For this purpose, significant resources must be dedicated to enforcement.

Alongside ongoing enforcement efforts to combat new illegal construction, we should concentrate on the creation of a consistent and systematic program of enforcement targeting entire encampments. This program should develop enforcement methods and principles through the pilot resettlement projects initiated in the recognized settlements of Rahat, Segev Shalom and Hura.

Enforcement activity will be an integral part of settlement regulation policy, and will be adapted to conform with the long-term plan described in detail above.

Successful enforcement based on the encampment approach (as opposed to the current structure-by structure approach) will create an enforcement routine that encourages the residents of other illegal encampments to sign regulation contracts and relocate voluntarily.

To achieve the most effective cooperation among the various enforcement bodies, there must be a clear definition of responsibilities, a task-oriented hierarchy, and a clear division of authority.

Enforcement: A Plan of Action

The evacuation of encampments will be implemented gradually, in the following stages:

1. **Filing claims:** While plans for new neighborhoods are being prepared, enforcement authorities will file claims, and apply for evacuation and demolition orders for the encampments designated for evacuation. In this way, legal work gets under way at the same time as infrastructure is being prepared for plots designated for absorption of encampment residents. Evacuation and demolition orders will be used as a last resort, when a resident does not complete the move to a legal settlement within 18 months of being allotted a plot of land for relocation.
2. **Appeal period:** Residents may appeal evacuation orders in accordance with the New Planning and Construction Law (Amendment 109, 2017).
3. **Period of voluntary evacuation:** As we have noted, every resident is given the opportunity to choose a plot of land and apply for building permits, concurrent with the development stage. Voluntary relocation can begin within 18 months after the developed plot has been transferred to its future residents.
4. **Forced evacuation:** Forced evacuation will be implemented when residents refuse to move into recognized settlements within 18 months of the day they received notice of completion of the development of their plots. Remains of demolished structures will be removed within 48 hours in order to prevent their reconstruction.

Strengthening the enforcement system

As explained above, settlement regulation can be advanced with the help of existing laws and tools available to the authorities today. However, the work of the various bodies charged with solving the issue must be made more efficient. The following recommendations do not relate specifically to this program and are part of Regavim's recommendations for increasing the efficiency of government programs for the increased enforcement of planning and construction laws¹¹.

- **Increasing personnel** – Supervision and enforcement units, police assistance units and the Office of the Prosecutor for the Southern District all require more manpower. For the first stage of increased enforcement, a large number of policemen must accompany enforcement operations. Over time, as the routine of enforcement develops, the district units will require less manpower.
- **Reinforcement of the court system** – We recommend the establishment of departments within the courts which will deal specifically with legal issues associated with the regulation of Bedouin settlement in the Negev, concentrating on planning and construction violations and land encroachment. A court specifically designated for land arbitration, like labor courts or traffic courts, will ease the court system's work load and increase its efficiency.
- **Establishment of a shared database** – Adopting usage of the GIS (geographic information system), through which enforcement data is shared among all involved parties (recommended as a pilot towards use throughout the country).
- **Seizure of equipment** – Tracking of heavy equipment and concrete mixers that operate in illegal construction sites. Criminal charges will be brought against contractors, construction machinery operators and concrete plants, including immediate seizure of equipment.

11. See Regavim's recommendations for the government program of enforcing planning and building laws: <http://bit.ly/police-assistance>



Epilogue

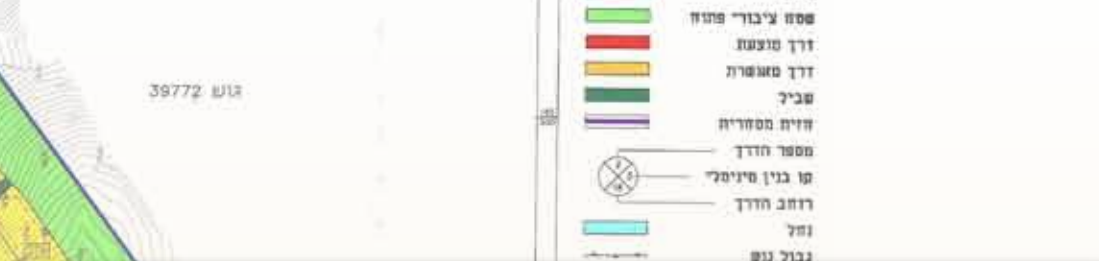
This document is a synopsis of a program; there is much work still to be done by experts in their respective fields - to draft the necessary legislation, to develop planning and budgetary guidelines, to translate costs into precise numbers, to establish priorities, and so much more.

Time is working against us - against the State, and against the Bedouin residents. The current situation, and its inevitable results, are unacceptable. Be that as it may, the program we have proposed in these pages must be seen as an organic whole. If resources are allocated for development without enforcement and regulation, the damage will be greater than the benefits.

It is clear that this is a national program of a magnitude the State of Israel has never before undertaken. To make it a reality, we need leaders with broad shoulders and vision, leaders who understand its historic and strategic importance and are willing to rise to the challenge of this critical test of our national resolve.

**"In the Negev,
the People of Israel
will be tested!"**

(David Ben Gurion)



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Maps

The following pages will describe the characteristics of each of the communities:

- The number of current residents, the number of populated lots, industrial and commercial zones, and the listing of future lots that are in the phase of development or planning.
- Another map will illustrate the size of the outline plan [blue line] in each locality, as well as the areas of ownership claims within the boundaries of the settlements..

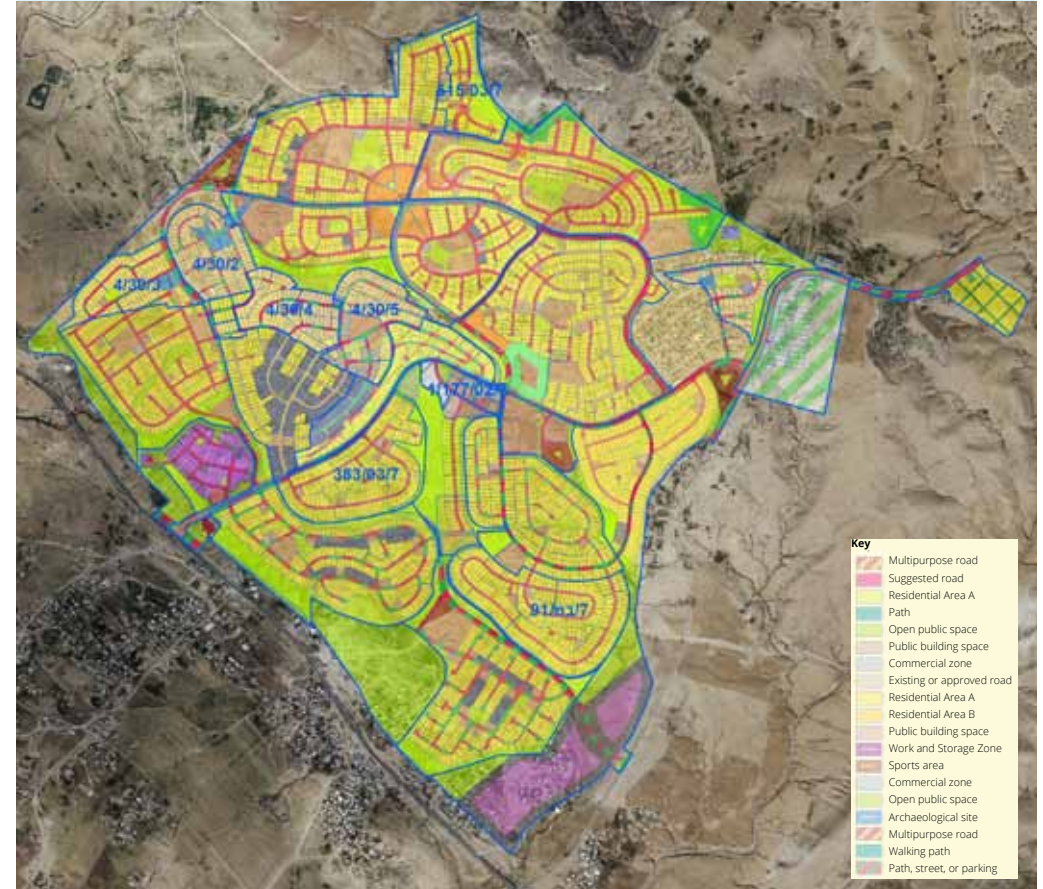
Rahat

City building plans



Hura

City building plans



Ownership claims



Size of the settlement:

16,819 Dunams

Commercial Zone:

897 Dunams - Local Commercial and Industrial Zone

1,986 Dunams - Joint Industrial Zone, Idan Hanegev

Availability of State Lands to absorb dispersion

None. Everything is marketed for natural growth

Ownership claims



Size of the settlement:

7,423 Dunams

Commercial Zone:

472 Dunams - Local Commercial and Industrial Zone

802 Dunams - Joint Industrial Zone Shoket Junction

Availability of State Lands to absorb dispersion

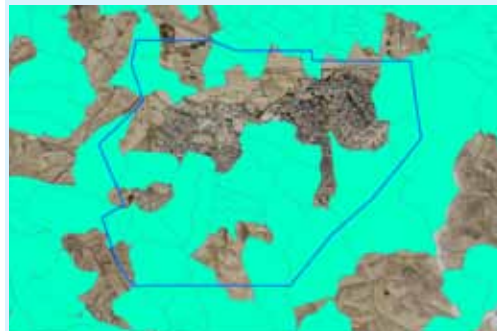
1,037 Dunams

Arur

City building plans



Ownership claims



Size of the settlement:

8,200 Dunams

Commercial Zone:

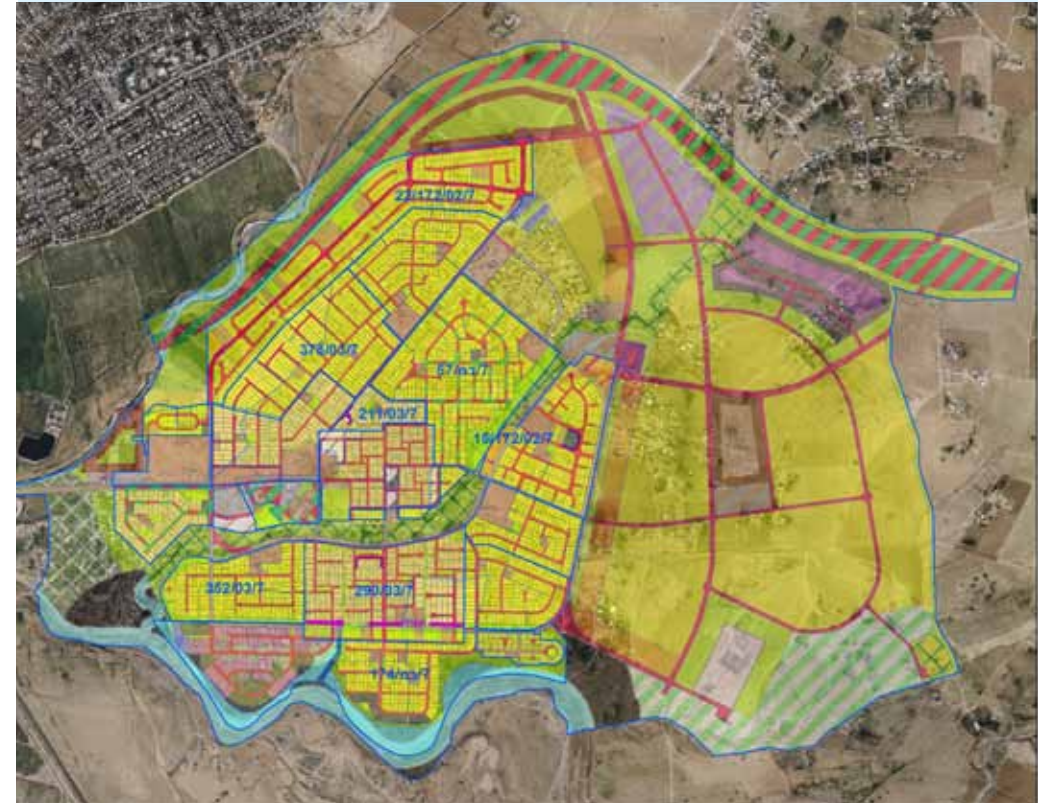
353 Dunams

Availability of State Lands to absorb dispersion

1,890 Dunams

Tel Sheba

City building plans



Ownership claims



Size of the settlement:

9,937 Dunams

Commercial Zone:

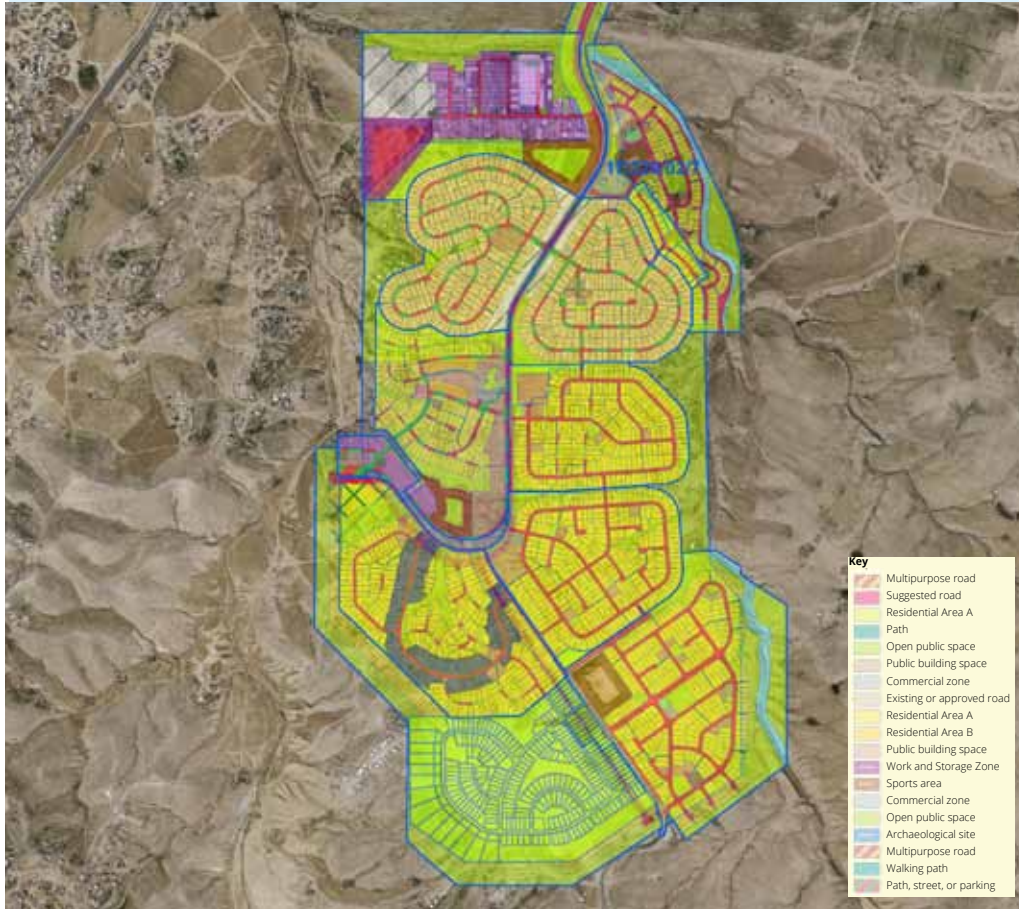
480 Dunams

Availability of State Lands to absorb dispersion

1,050 Dunams

Segev Shalom

City building plans



Ownership claims



Size of the settlement:

4,010 Dunams

Commercial Zone:

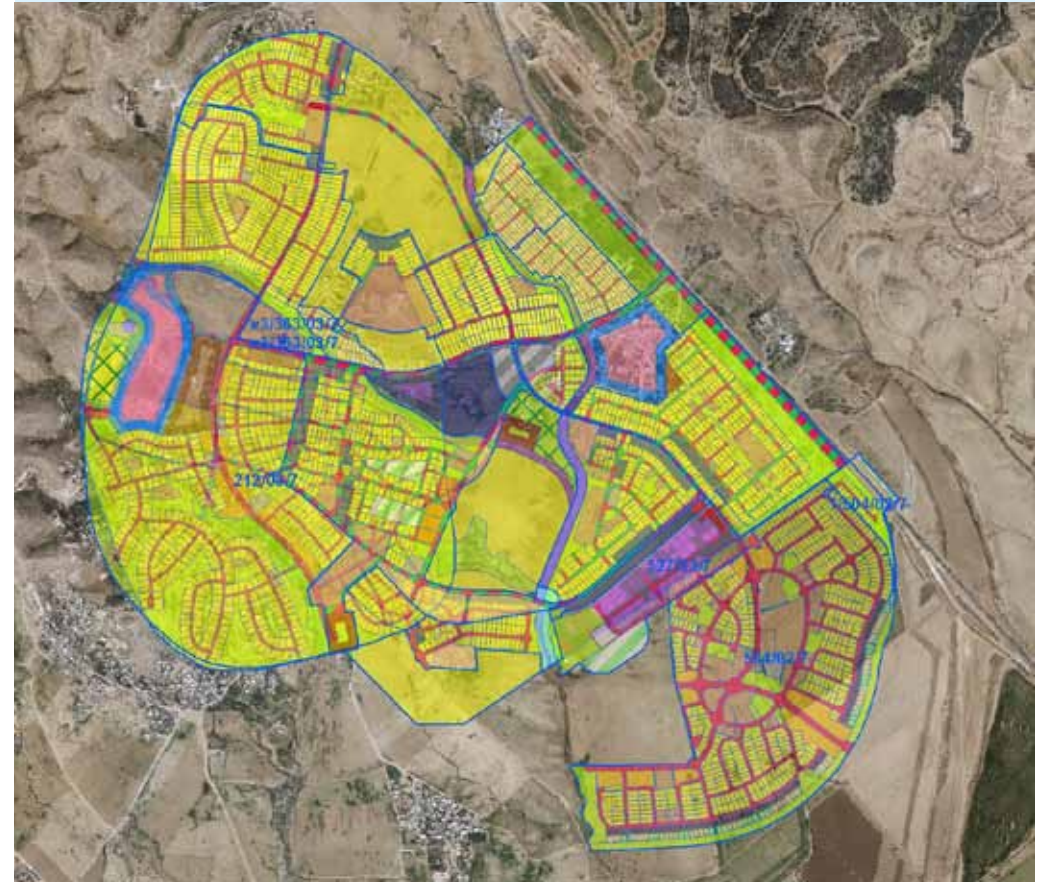
260 Dunams

Availability of State Lands to absorb dispersion

680 Dunams

Lakia

City building plans



Ownership claims



Size of the settlement:

7,022 Dunams

Commercial Zone:

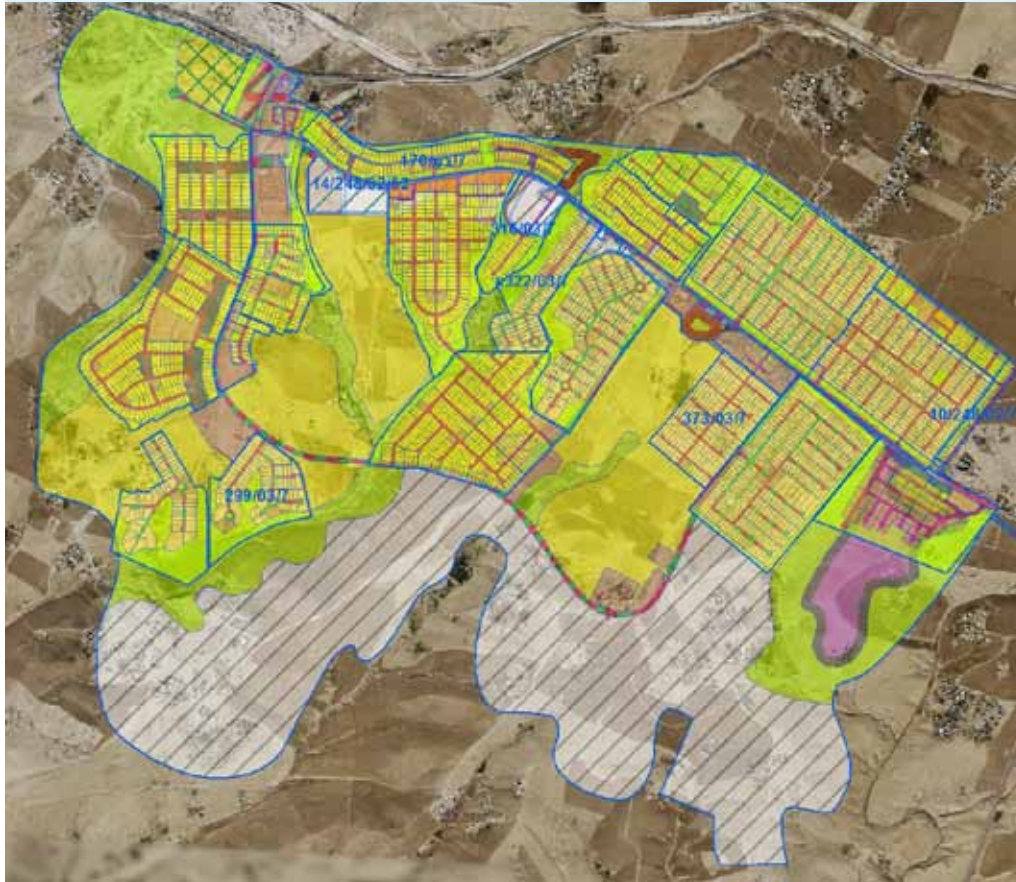
200 Dunams - Local Commercial and Industrial Zone
802 Dunams - Joint Industrial Zone, Shoket Junction

Availability of State Lands to absorb dispersion

137 Dunams

Kassaifa

City building plans



Ownership claims



Size of the settlement:

13,850 Dunams

Commercial Zone:

292 Dunams

Availability of State Lands to absorb dispersion

None

Abu Krinat

City building plans



Ownership claims



Size of the settlement:

8,200 Dunams

Commercial Zone:

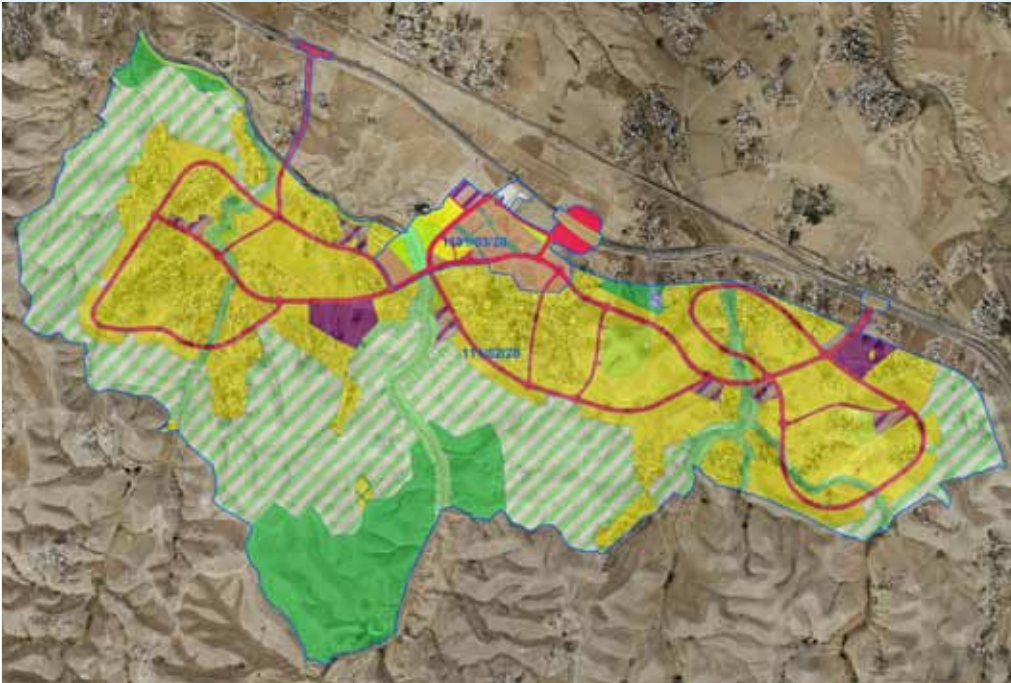
353 Dunams

Availability of State Lands to absorb dispersion

1,890 Dunams

Abu Tul

City building plans



Ownership claims



Size of the settlement:

11,491 Dunams

Commercial Zone:

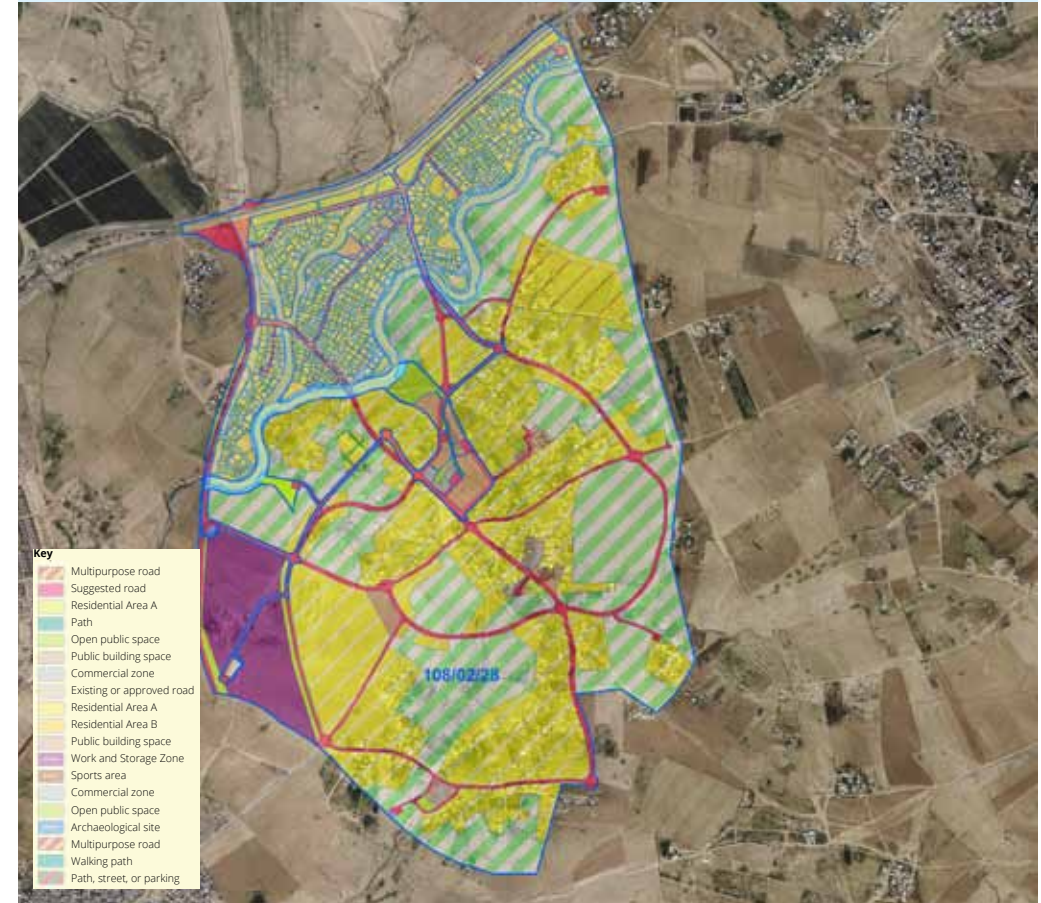
200 Dunams

Availability of State Lands to absorb dispersion

2,030 Dunams

Um Batin

City building plans



Ownership claims



Size of the settlement:

6,670 Dunams

Commercial Zone:

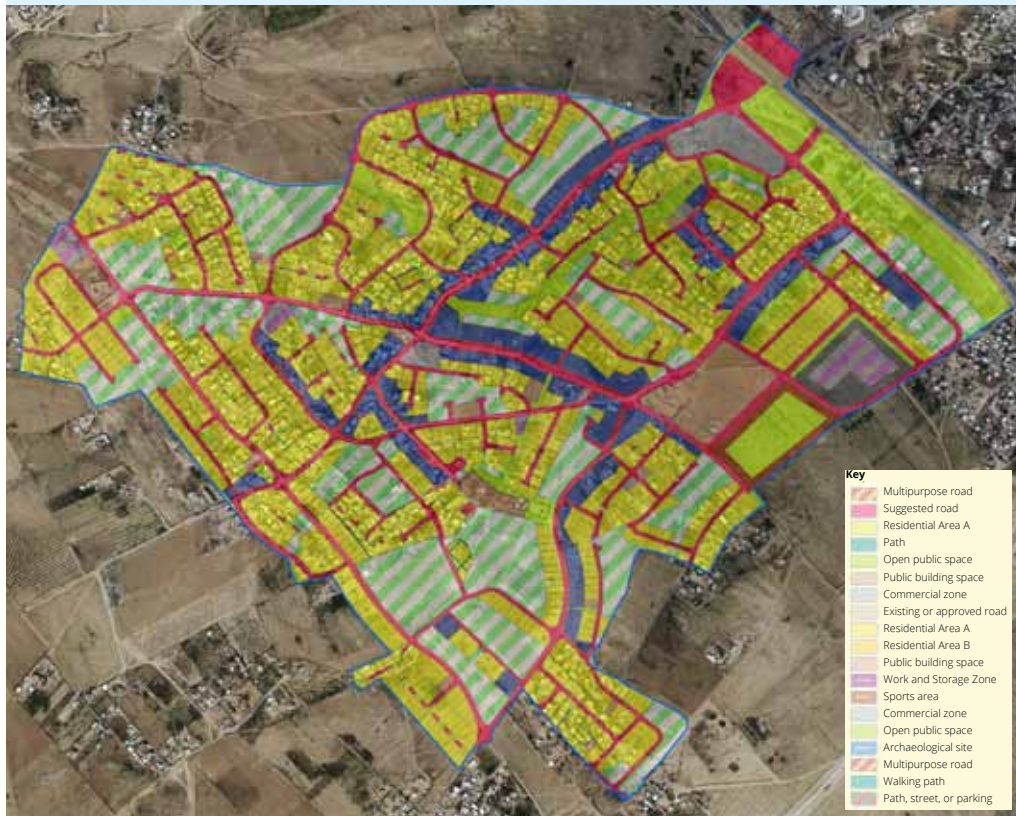
372 Dunams

Availability of State Lands to absorb dispersion

470 Dunams

El Sayid

City building plans



Ownership claims



Size of the settlement:

3,100 Dunams

Commercial Zone:

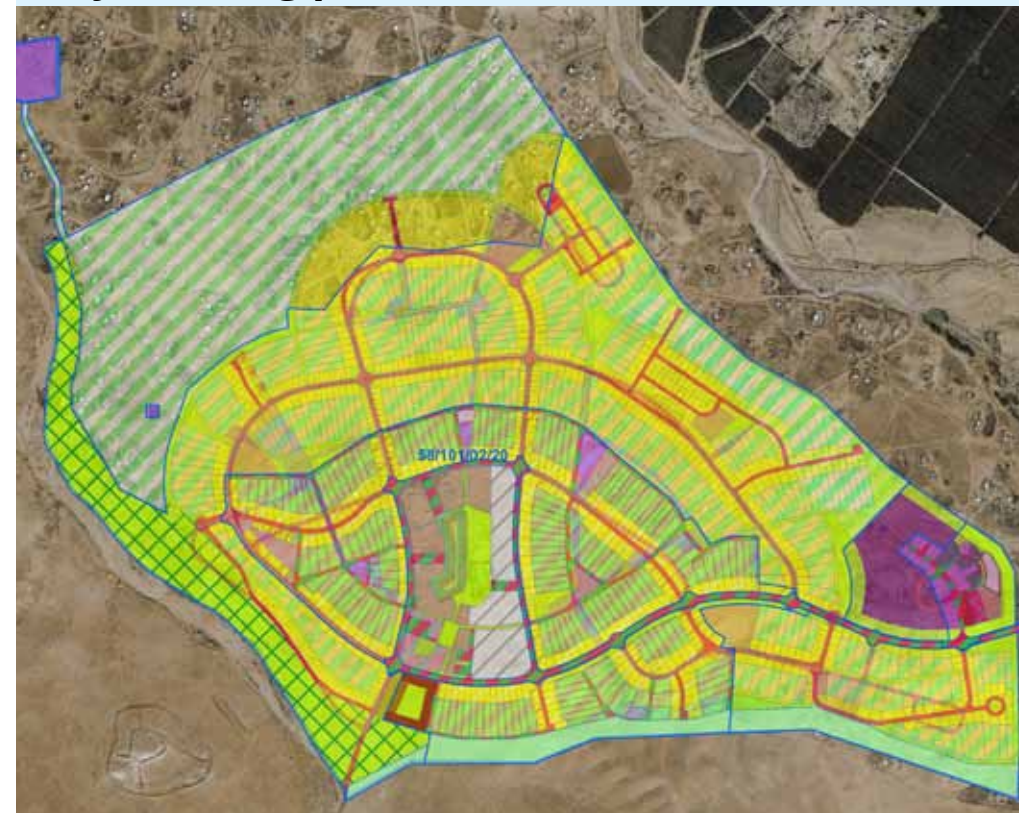
98 Dunams

Availability of State Lands to absorb dispersion

140 Dunams

Bir Dage

City building plans



Ownership claims



Size of the settlement:

6,554 Dunams

Commercial Zone:

200 Dunams

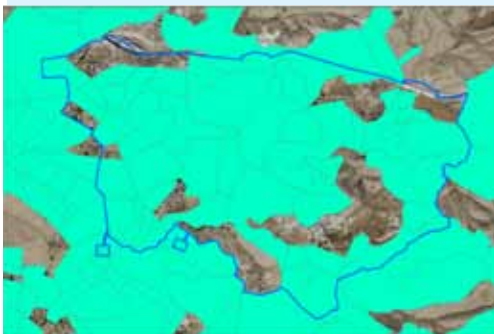
Availability of State Lands to absorb dispersion

Muldeh

City building plans



Ownership claims



Size of the settlement:

11,142 Dunams

Commercial Zone:

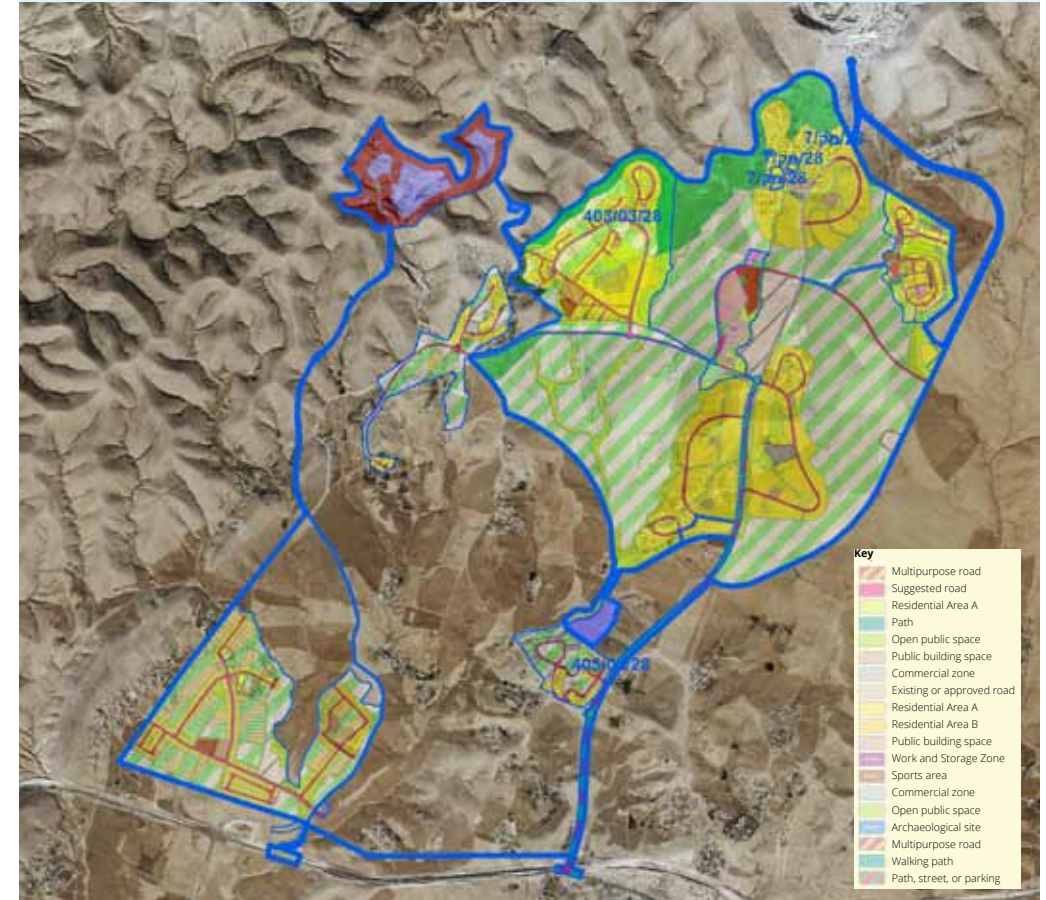
248 Dunams

Availability of State Lands to absorb dispersion

1,470 Dunams

Marit

City building plans



Ownership claims



Size of the settlement:

14,800 Dunams

Commercial Zone:

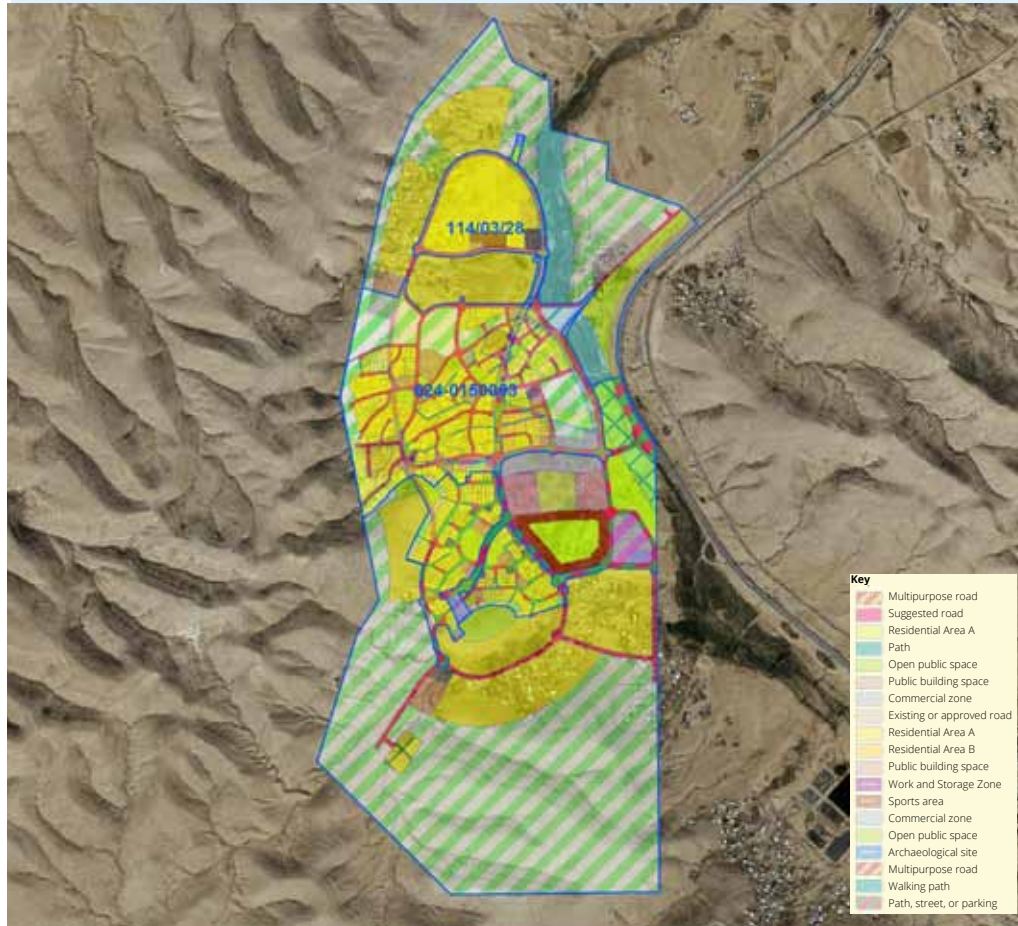
40 Dunams

Availability of State Lands to absorb dispersion

27 Dunams

Kasr-a-Sir

City building plans



Ownership claims



Size of the settlement:

4,700 Dunams

Commercial Zone:

202 Dunams

Availability of State Lands to absorb dispersion

1,053 Dunams

Tirabin

City building plans



Ownership claims



Size of the settlement:

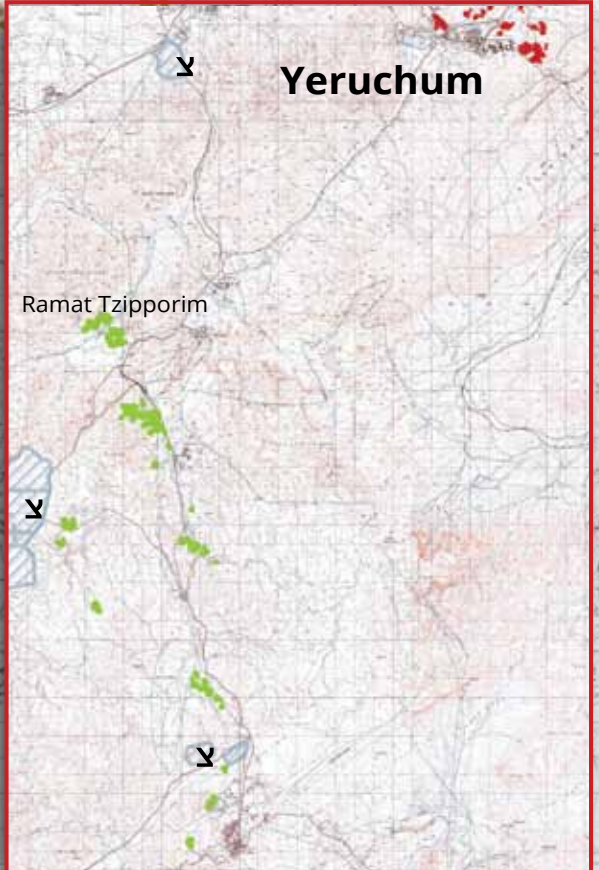
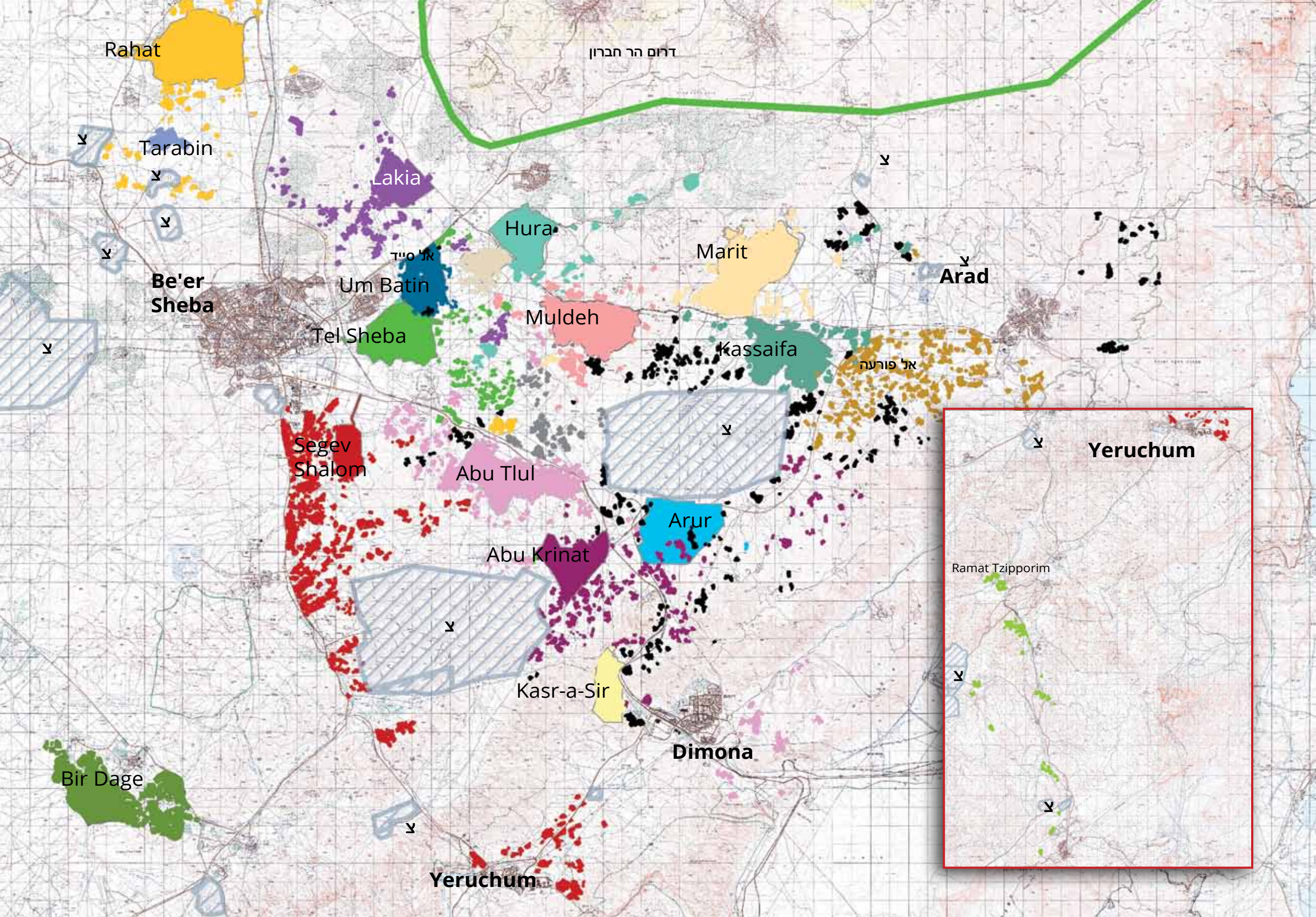
1,500 Dunams

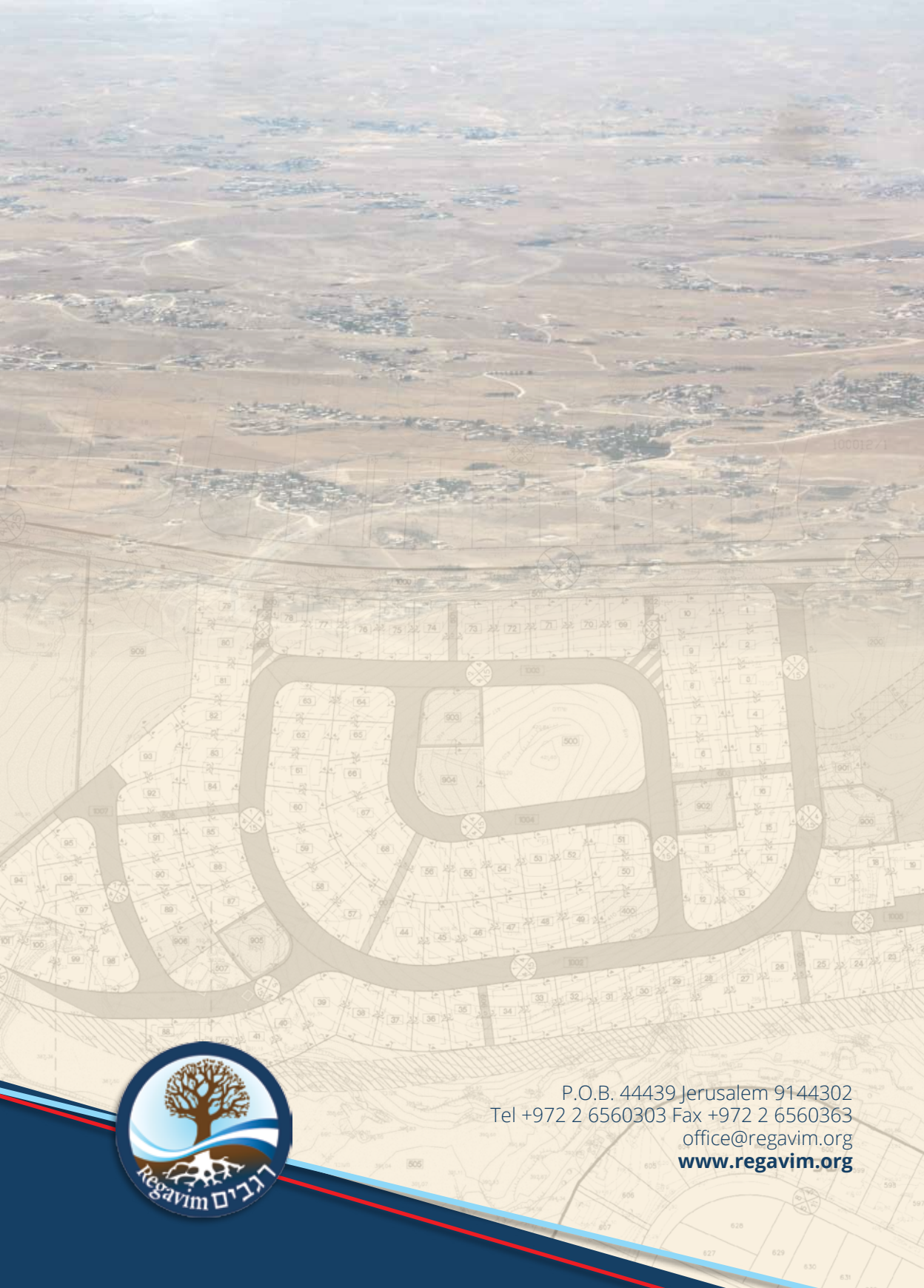
Commercial Zone:

24 Dunams

Availability of State Lands to absorb dispersion

203 Dunams





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