

# The Praver Plan and Analysis

October 2011

**Basic Overview:** On 11 September 2011, the Government of Israel approved a plan for the regulation of settlement of Arab Bedouin citizens of Israel in the unrecognized villages in the Naqab (Negev) in the south. The plan was prepared by a Committee headed by Mr. Ehud Praver, former deputy chairman of the National Security Council.<sup>1</sup> The Praver Committee was established in 2009 to implement the 2008 Goldberg Committee recommendations.<sup>2</sup>

The “Praver Plan” is based on the still-pending master plan for Metropolitan Be’er Sheva (TMM 23/14/4) and is divided into two main components:<sup>3</sup>

- 1) Resolving **ownership claims and compensation** for these claims' with strict enforcement mechanisms and a 5-year timeline, which is to be presented to the Knesset as a law in November 2011;<sup>4</sup>
- 2) **Planning arrangements** for permanent Arab Bedouin settlement within a clearly demarcated region in the Naqab, based on the master plan for Metropolitan Be’er Sheva. The settlement plan will result in the **displacement of 40,000 Arab Bedouin** from their homes and villages.

## *Sample Villages to be demolished by the Plan*



*Assir – pop. ~1,500*



*Umm el-Hieran – pop. ~400*



*Alsira – pop. ~500*

## 1) Ownership Claims and Compensation Criteria:

### *Who is eligible to receive compensation?*

- The **right to receive compensation** will be based on ownership claims that were filed by Arab Bedouin in 1971 (hereinafter "**original ownership claims**"). These criteria will be determined by law and will not be subject to negotiation. (*Government Decision (GD), p. 9*)

<sup>1</sup> Government Decision, *Confirming the Recommendations for Regulation of the Bedouin Settlement in the Negev*, 11 September 2011 [hereinafter Government Decision or GD]; In approving the plan, the government also accepted amendments by National Security Adviser Yaakov Amidror, who was commissioned by the State to review the plan in June 2011 (Government Decision no. 3707, 11 September 2011)

<sup>2</sup> The Praver Plan ignored central recommendations made by the Goldberg Committee including granting recognition to unrecognized villages and freezing home demolitions, as well as its emphasis that the Arab Bedouin in the Naqab are equal citizens of the state with historical, ancestral ties to the land.

<sup>3</sup> A socio-economic development component is also included (Government Decision no. 3708, 11 September 2011)

<sup>4</sup> The bill is to be proposed with 60 days of the Government decision (i.e. 11 November 2011) and will then begin the process of legislation which includes 45 days for public hearing.



- Arrangements for compensation will only apply to a person who submitted a 'claims memorandum' **before 24 October 1979**, and whose claim was not subsequently rejected by an administrator or a court of law (*GD, p. 9*)

#### ***How much land can be claimed and compensated?***

- For a legally established ownership claim (on land designated as agricultural), the compensation given will equal **up to 50% of the land claimed.** (*GD, p. 9*)
- Compensation for the remaining 50% of land will only be made available after the initial 50% has been relinquished to the State. (*GD, p. 19, Article 1.6.5*)

#### ***What kind of compensation?***

- **In the form of land if:** Evidence exists of **agricultural work and residence** proximate in time to the filing of the original ownership claim, and only if the land was held at that time and is not currently held by the state or another person through agreement with the state; (*GD, p. 9*)
- **In the form of monetary compensation if:** Land is 'not held', and compensation will be provided at a rate proposed in the plan along with an opportunity to exchange the money for plots of land that the government will be obliged to develop for the property claimant, subject to the arrangements detailed in the plan. (*GD, p. 9*)

#### ***What kind of land?***

- The proposed arrangement will not enable compensation for claims of ownership of grazing lands but will **only apply to property the claimant 'held and cultivated'** whose **slope is less than 13%**<sup>5</sup> (*GD, pp. 9, 13; see also Amidror Amendment<sup>6</sup> [AA], 10.C.2*)
- Land that has already been expropriated is not eligible for compensation (*AA, 10.H*)

#### ***Timeline for compensation:***

- The claimants of original property claims will be called to confirm their claim within two and a half years. The claimant will be allotted nine months to confirm their original claims. (*GD, p. 30*)
- "If the claimant or his representative do not negotiate their land claim through the Planning Office or court [within the time line] the land claim will be settled and registered in the name of the State." (*GD, p. 30*)
- The Praver Plan is intended to put an end, **within five years**, to 'all of the activity surrounding the issue of the lands and to most of the efforts involved in the planning of settlement solutions, and even to a significant part of their implementation.' (*GD, pp. 11, 30 (Art. 3.1)*)

## **2) Planning Arrangement for Permanent Bedouin Settlement**

### ***Geographical Limits***

- Compensation in the form of land will not be granted, and **no settlement will be planned west of Route 40**, other than in the area of the northern Rahat triangle and the area of Bir Hadaj. (*AA, 10.A*)

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<sup>5</sup> I.e. Any land that is above a 13% slope automatically becomes state land.

<sup>6</sup> See Government Meeting no. 117, 11 September 2011.



### *Proposed Solution for Settlement*

- **Solutions for the existing population** will be in the existing seven government planned towns, in the Abu Basma villages (or by expanding the jurisdiction of such villages) and in new settlements (*GD, p. 26, Article 2.5.2*)
- The establishment of new settlements is **contingent upon the 'criteria of population density and continuity'**, as well as **'an examination of size and economic capacity.'** (*GD, p. 24, Article 2.2.1*)

### *Who has the Authority to Regulate Settlement?*

- A small implementation team will be formed **within the Prime Minister's Office**.
- The Prime Minister **will be entitled to choose not to implement the planning regulation in specific areas** if the conditions are not ripe, or if the Prime Minister believes that doing so would hinder the law from achieving its stated purpose; or for any other planning, organization, economic or other reasons related to the community" (*GD, p. 30, Art. 3.1.1*)

### *Adalah's Critique of the Praver Plan:*

- **No Arab Bedouin was consulted in this planning process**
- The Praver Plan **does not recognize the right of the Arab Bedouin to ownership of their ancestral land**, contrary to the position Ottoman Government, the British Mandatory Authorities, and even Israeli authorities who approve the transactions of Jewish individuals who purchased land from the Bedouin pre-1948
- The **proposed 50% rate of compensation**, conditioned on relinquishing the first 50% to the State, **is unacceptable**
- The Praver Plan **discriminates between Arab Bedouin themselves** – those who are currently living on their land and those who are not
- The planning **arrangement prohibits Arab Bedouin citizens of Israel from inhabiting or claiming land** in entire areas of the Naqab
- The proposed solution for Arab Bedouin settlement entails the **demolition of most of the unrecognized villages and the expulsion of 40,000 citizens**
- The plan **is intentionally vague**: it does not contain a map, the names of villages affected or actual amounts or location of the land
- The Praver Committee adopted the Goldberg Committee's **new criteria for establishing Arab Bedouin towns** (population density, continuity, size and economic capacity) **that do not apply to Jewish towns in the Naqab**
- The unique involvement and **wide discretion of the Prime Minister's Office** in the planning arrangement for Bedouin settlement **unprecedented and unrestrained**
- **It discriminates between Arabs and Jews in land and planning in the Naqab**

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