



The Prawer-Begin Bill and the Forced Displacement of the Bedouin

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This short paper provides an overview of the latest developments regarding the Prawer-Begin Bill, which if enacted into law and implemented, would lead to the eviction and destruction of most of the remaining unrecognized Arab Bedouin villages in the Naqab (Negev) desert in the south of Israel. In doing so, it would dispossess and forcibly displace tens of thousands of Palestinian Arab Bedouin citizens of Israel from their land and homes.

The paper also attempts to address widespread public misconceptions of the history and rights of the indigenous Palestinian Bedouin community, and misinformation propagated by the Israeli government about the bill and to shed light on the real purpose of the legislation: the complete and final severance of the Bedouin's historical ties to their land. It also counters claims that the Prawer-Begin Bill offers a fair and even generous compromise to the Arab Bedouin, providing them with compensation. By setting up near-insurmountable hurdles and conditions, the bill leaves only the narrowest scope for claimants to receive any compensation, whether in money or in land.

Latest developments

On 6 May 2013, the Ministerial Committee on Legislation approved the proposed "Law for the Regulation of Bedouin Settlement in the Negev – 2013" (Prawer-Begin Bill). Discriminatory in intent and impact, the proposed law violates both Israeli constitutional law, including the right to dignity, as well as international human rights principles such as equality and the meaningful participation in decisions concerning one's life and well-being. Significantly, the bill also legitimizes the denial of due process rights, and thus subordination of the rule of law.

The legislation will serve as the implementing arm of the [Prawer-Begin Plan](#), the government's overarching policy framework for the Arab Bedouin. On 26 April 2013, members of the four leading coalition parties in the new Israeli Government agreed that the modifications made by former Minister Begin were "too generous", and should be removed from the original Prawer Plan.

Thus, when the Ministerial Committee on Legislation approved the Prawer-Begin Bill earlier this month, it imposed the following conditions on the law:¹

1. To reduce the area in the Naqab to be used in the land compensation scheme using a clear and detailed map;
2. To reduce the timeframe for implementation of the plan from five to three years;
3. To appoint a governmental committee to oversee the plan's implementation;
4. To recruit additional police officers for purposes of implementing the plan (and thereby foreseeing and preparing for the use of force).

¹ Decision of the Ministerial Committee for Legislation, dated 6 May 2013.

Prawer/Begin: The dispossession and misconception continues

The basic aim of the Prawer Plan, regardless of the slight changes made by Begin and now by the Ministerial Committee, is to forcibly displace tens of thousands of indigenous Arab Bedouin citizens of Israel from their land in the unrecognized villages. The plan is based on deliberate misinformation that has long-dictated Israeli policy towards its Bedouin citizens: first that the Bedouin community is trespassing on state land and their very presence is “illegal”; and second, that the Bedouin have no legal claim to their ancestral land in the Naqab and any final settlement on Bedouin land claims should be resolved in favor of the state.

The Goldberg Committee report, an antecedent to the Prawer Plan, concedes this history, concluding, “We cannot ignore the forced move of some of [the Bedouin tribes] to the Siyag after the establishment of the state, and that others possessed land in the Siyag for many years. It cannot be said about the tribes that have been there and about those who were moved that they are trespassers in the Siyag.”² Nonetheless, both Goldberg and the Prawer Plan allow for contradictions and double standards, for example, the case of the unrecognized village of Al-Zarnouq. There, the government recognizes the sale of a portion of a Bedouin family’s land in 1935 to a Jewish buyer and considers the land in question in his ownership. Meanwhile, the land that remained with its Bedouin owner and claimant is not recognized. In the case of a Jewish land-owner, Israel is prepared to recognize a transaction in which the Bedouin sold land without recognizing Bedouin ownership of that land. With the Prawer Plan, including Begin’s revisions, the state aims to codify and legitimize this discrimination.

Despite having been painted as a grand governmental concession by the right-wing, Begin’s revisions to the Prawer Plan, which followed a three-month “listening process” with the Bedouin community – *after* the government’s approval of the plan in September 2011 – changed little of the Prawer mechanism. Begin’s post-facto “listening process” and “revisions” simply provided a façade of a participatory consultation process, after the Israeli government was severely criticized by the international community for the lack of Arab Bedouin participation. In this respect, the Prawer-Begin Bill is faithful to the state’s decades-old position towards the Bedouin, viewed as a “problem” to be “solved”. The “solution” is an imposed framework developed without consultation or concern for their rights and interests. Violating their rights to dignity, property, equality, non-discrimination, participation in planning and decision-making, and the freedom to choose one’s own residence, the government seeks to forcibly urbanize the Bedouin away from their ancestral land, historical villages and traditional economy. The desired result of the Prawer-Begin Plan is the concentration of the community onto a minimal amount of land in impoverished government-planned towns, and to make this land available for state development projects that privilege Jewish citizens of the state.

Governmental usurpation of the planning system

The government has been working in tandem with the planning authorities in displacing and dispossessing the Arab Bedouin. The Prawer-Begin Plan is grounded in the discriminatory Regional Master Plan for Be’er Sheva Metropolitan Area, approved in August 2012 despite outstanding objections by the Bedouin community. The Master Plan sets out the state’s “development” plans for the Be’er Sheva Metropolitan area, and outlines in concrete terms the state’s confiscation of Arab Bedouin land in the Naqab and eviction and destruction of most of the unrecognized villages.

² Report of the Goldberg Commission for policy proposals to regulate Bedouin settlement in the Negev headed by retired Judge Eliezer Goldberg, 2008, p.27, (Hebrew):

http://www.moch.gov.il/SiteCollectionDocuments/odot/doch_goldberg/Doch_Vaada_Shofet_Goldberg.pdf

While the Master Plan effectively precludes the recognition most of unrecognized villages, the Prawer-Begin Plan also strips the Bedouin community of their legal rights to challenge their forced displacement and eviction from their land. Further, the Prawer-Begin Bill entrenches and legitimizes the executive branch's usurpation of the planning system, by granting the Prime Minister's Office complete discretion for the implementation and enforcement of the Prawer-Begin Plan.³ Therefore the bill violates the basic democratic principle of separation of powers and undermines the rule of law.⁴

Suspension of judicial review

The Prawer-Begin Bill explicitly and severely restricts the process of judicial review by eliminating the court-ordered and supervised demolitions and evictions in favor of speedy administrative orders. These orders can only be challenged on technical grounds (e.g. an incorrect date). It therefore denies the basic right to due process, in breach of the rule of law.

Inadequacy (denial of?) of land compensation

The Prawer-Begin Bill contains numerous articles that detail the circumstances in which compensation may be paid to the Bedouin whom it will displace from their villages and homes. In doing so, it imposes strict limits and conditions on applicants, creating a minimal pool of eligible claimants, who at best may receive partial compensation for their dispossession, displacement, and for relinquishing their land claims.

Among the most draconian of these conditions is that only someone who submitted a land claim between 2 May 1971 and 24 October 1979 may apply for compensation. If a court has previously denied land title the claimant is also ineligible for compensation. Further, all compensation is conditioned on the claimants agreeing to move to the Arab Bedouin townships and waiving their land rights.

The evidence used in demonstrating land use or possession is confined exclusively to the evidence that the state itself brings, in the form of aerial footage and an expert opinion furnished by a consultant to the compensation committee. The Bedouin claimants may not furnish their own evidence (such as Ottoman and British tax records, archaeological and anthropological evidence such as wells, cemeteries, oral history etc.) to support their claims.

Eligible claimants who live on their ancestral land may receive compensation in the form of land and/or money, equaling up to 62.5% of the claimed and possessed land with proof (brought by the state only) of cultivation or use at the time of original claim with monetary compensation alone available for the remaining 37.5%. The land from which the claimant will be compensated is in a location of the state's choosing (i.e. not the land claimed). For most eligible claimants who were internally displaced from their land, compensation is limited to money only, not land, and is available up to a maximum of only 62.5% of the claimed land. However, for those unique cases where the land of the internally displaced Bedouin has not yet been confiscated by the State, there is a possibility to receive compensation in the form of land for up to 25% of the land claimed, and to receive monetary compensation for the remaining.

In all cases, the maximum compensation is only available if at least 50% of the claimed land is entered into the compensation process. If the descendants that agree to the compensation process own less than 50% of the land claimed by their ancestor (for example, 2 out of 5 brothers), the

³ See Cabinet Decision No. 3707, dated 11 September 2011, art. 83.

⁴ See also Adalah Press Release, 11 November 2010: <http://www.adalah.org/eng/Articles/1080/As-Requested-by-the-Prime-Ministers-Office>. While the planning authorities originally agreed to recognize some the unrecognized villages as part of the Metropolitan Plan for Be'er Sheva, the Prime Minister's Office, in an extraordinary move, asked them to cancel the decision.

amount of compensation available in the form of land is capped at 20% of the land claimed and the rest is only eligible for monetary compensation. It is Adalah's opinion that at best a small minority of claimants will receive compensation in the form of land given these arbitrary restrictions, and that the Prawer-Begin Plan seeks to realize the final dispossession of the indigenous Arab Bedouin citizens of their land in the Naqab.

Lack of community participation, consultation and consent

A consistent feature of the Prawer-Begin process has been a lack of participation by the affected community. The Bedouin were unable to have their say, and were not involved in the drafting of the Prawer Plan or in its various modifications. The Bedouin have been systematically sidelined in a process that will determine their lives and future, as individuals and as an indigenous community.

This top-down, exclusionary approach was not altered by Begin's three-month "listening process", which was carried out from January-April 2012 – *after* the Prawer Plan had already been approved and only due to substantial criticism. Despite claims made by the Prime Minister's Office that Begin's team met with "over 1,000" Bedouin citizens and their representatives (no public record has been released), the "listening process" did not result in the integration of the Bedouin community's grievances into the final plan.⁵ Despite his 'conciliatory' tone, Begin's recommendations to the Prawer Plan left the overarching government policy untouched.

Meanwhile, the [Alternative Master Plan](#), an initiative of the Arab Bedouin created with professional planners – and based on principles of equality and in accordance with the Israeli planning regulations that apply to the Jewish rural sector – is not even on the table and has not influenced the Prawer-Begin Plan or the planning approved for the region.

Call to action: Stop Prawer!

The Prawer-Begin Bill is an unacceptable proposition that entrenches the state's historic injustice against its Bedouin citizens. Adalah and the Negev Coexistence Forum for Civil Equality, together with Bedouin community leaders in the Naqab, therefore call on the international community to urge the Israeli government to:

- Cancel the Prawer-Begin Plan and the legislative process for bill, as recommended in 2012 by the UN Committee on the Elimination of Racial Discrimination and the European Parliament;
- Recognize the historical land rights of the Arab Bedouin in the Naqab and their traditional way of life; and respect their right to choose their own place of residence, without discriminatory restrictions.
- Establish a committee, with adequate Arab Bedouin representation, to implement the Alternative Master Plan for the unrecognized villages, which provides a professional framework for recognition of the unrecognized villages as a critical step towards addressing historic injustice;
- Cease the policy of home demolitions, evictions, and indirect methods of forced displacement, including the denial of access to basic services and water.

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⁵ Prime Minister's Office, Press Release, "Cabinet Approves Minister Benny Begin's Recommendations on Formalizing the Status of Bedouin Settlement in the Negev," 27 January 2013:
<http://www.pmo.gov.il/english/mediacenter/spokesman/pages/spokebedu270113.aspx>

BACKGROUND

1. Who are the Palestinian Arab Bedouin of the Naqab?

- The Bedouin are an indigenous people who have inhabited the Naqab (Negev) desert since the 7th century, living on their ancestral land and practicing an agricultural lifestyle.
- In 1947, around 95,000 Bedouin lived in the Naqab, with land ownership organized and recorded within a sophisticated tribal system. Following the establishment of Israel in 1948, 88% of the Bedouin were forced to flee outside the new state. The remaining 11,000 were concentrated into Siyag (“fence” in Arabic), a closed military zone between Be’er Sheva, Arad and Dimona.
- Today, 200,000 Bedouin citizens of Israel make up 32% of the Naqab’s population, with 70,000 living in 35 “unrecognized” villages, primarily within the Siyag. Many villages predate the establishment of the State in 1948, and the rest were created by Israeli military orders in the 1950s.
- For over 60 years, Israel has been attempting to displace and dispossess the Bedouin of their ancestral land. Since 1969, Israel has tried to concentrate them into a small number of impoverished government-planned townships, and to force them to urbanize by cutting their historical ties to their land. The state considers those who remain in their historic villages “trespassers on State land” and deliberately denies them access to basic services and state infrastructure, including water, electricity, sewerage, education, healthcare and roads, to pressure them to abandon their land.
- The Prawer-Begin Plan threatens many Bedouin communities with forced displacement for a second, third, and even fourth time. The Plan also aims to “resolve” Bedouin land claims in favor of the state. According to Bedouin community leaders, the Bedouin are claiming 800,000 dunams (200,000 acres), or around 5% of the total area of the Naqab. According to Begin’s report, there are 2,900 outstanding land claims totaling 589,000 dunams, with 347,000 dunams currently held by the Bedouin community, and 242,000 claimed but not currently held.

2. Chronology and Time Line: From Goldberg to Prawer to Begin

- **23 December 2007:** Appointment of the Goldberg Committee to advise the government about its policy to regulate Bedouin settlement in the Naqab.⁶
- **11 December 2008:** Goldberg report concludes that the Bedouin have no title over land in the Naqab but recommends the recognition of the unrecognized villages “as much as possible” in accordance with the Regional Master Plan.
- **18 January 2009:** Adoption of the Goldberg report and nomination of an implementation committee (the Prawer Committee).⁷
- **11 September 2011:** Governmental approval of the Prawer Plan.⁸
- **3 January 2012:** The draft Prawer Plan law (the Law for the Regulation of Bedouin Settlement in the Negev) is proposed to the Cabinet.
- **January 2012:** Israeli government decides to hold a post-facto “listening process” on the approved Prawer Plan with the Bedouin community. Minister Benny Begin appointed to oversee the three-month process.
- **12 August 2012:** The Israeli government approves the Regional Master Plan for Be’er Sheva Metropolitan Area, which prescribes the destruction of most of the 35 unrecognized villages, despite outstanding objections.

⁶ In accordance with Cabinet Decision No. 2491, dated 28 October 2007.

⁷ In accordance with Cabinet Decision No. 4411, dated 18 January 2009.

⁸ In accordance with Cabinet Decision No. 3707, dated 11 September 2011.

- **27 January 2013:** The government approves Minister Begin's recommendations to the Prawer Plan and implementing legislation.⁹
- **15 March 2013:** Prime Minister Netanyahu signs the coalition agreement with the parties that will form the new government, which prioritizes the advancement of the “revised” Prawer Plan Law (Prawer-Begin law).
- **6 May 2013:** The Ministerial Committee on Legislation approves the Prawer-Begin Bill with three conditions.
- **27 May 2013:** The first reading of the Prawer-Begin Bill in the Knesset.

3. Prawer and Begin: A Comparison

Issue of focus	Prawer (2011)	Begin (2013) * New Conditions imposed on 6 May 2013 ¹⁰
Stated objectives	The resolution of Bedouin settlement; regulation of Bedouin land ownership claims; and Naqab development for all inhabitants.	The resolution of Bedouin settlement; regulation of Bedouin land ownership claims; resolution of the issue of Bedouin land settlement in accordance with government decisions; and Naqab development for all inhabitants.
Applicability	To the Bedouin only and to a specific geographical area.	Same as Prawer
Concept	Concentrate the Bedouin community into existing townships.	Same as Prawer
Timeline for implementation	5 years.	Same as Prawer *Now 3 years
Recognition of Villages	Recognition only in accordance with the regional master plan.*	Same as Prawer
List of Bedouin villages to be recognized	No list of villages.	Same as Prawer
Bedouin Land title	There is no Bedouin title to lands in the Naqab; any compensation is a gesture of good will and dependent on abandoning the claimed land	Same as Prawer
Who is an eligible claimant?	Only someone who submitted a land claim between 2 May 1971 and 24 October 1979.	Someone who submitted a land claim any time before 24 October 1979.
Compensation for eligible claimants who live on their ancestral land	Compensation, in the form of land and/or money, equaling up to 50% of the claimed eligible land. This maximum compensation is available only when all descendants participate in the compensation process with proof (provided by the government) of	Compensation, in the form of land and/or money, equaling up to 62.5% of the claimed land with proof (provided by the government) of cultivation/use at the time of

⁹ In accordance with Cabinet Decision No. 5345, dated 27 January 2013.

¹⁰ Conditions added by the Ministerial Committee on Legislation when approving the Prawer-Begin Bill, according to media reports.

	cultivation/use at the time of original claim.	original claim. This maximum compensation is available only when the descendants who participate in the process can claim 50% of the land or more.
Compensation for eligible claimants who were internally displaced from their land	Only monetary compensation for up to 50% of the claimed eligible land that is not held by the state.	Compensation in the form of land for up to 25% of the claimed land + monetary compensation for remaining amount. This maximum compensation is available only when the descendants who participate in the process can claim 50% of the land or more. If the total is less than 50%, only monetary compensation
Conditions on receiving compensation	Compensation is conditioned on the claimant moving to one of the recognized towns.	Same as Prawer
What if a court has denied land title?	Cannot claim for compensation.	Same as Prawer
What if the land title claims are pending in court?	If the claimant does not elect to participate in the compensation framework of the law and the court decision is given after the law's implementation period, his title will not be acknowledged even if the court granted him title. However, s/he will be entitled to compensation.	Same as Prawer
Areas for compensation in the form of land	Identified by a map (appendix 1 to the bill). No compensation in the form of land is allowed outside the identified area.	Same as Prawer *Jurisdiction of area must now be reduced.
Evidence	All evidence to prove actual possession of land (relevant for kind and amount of compensation) can only be brought by the state.	Same as Prawer
Legal framework for Eviction	Administrative eviction orders (as opposed to eviction lawsuits filed in court according to the national legal framework). No hearing.	Same as Prawer, with hearings on technicalities only.
Who will receive eviction orders?	Anyone who does not cooperate with the law, and anyone who does cooperate but does not fulfill all conditions set by the authorities.	Same as Prawer

Methods of enforcement	“Reasonable force” with the help of the police.	Same as Prawer
Criminal offences	Possible criminal charge and up to 2 years’ imprisonment for failing to abide by an eviction order.	Same as Prawer
Role of the justice system	Court stripped of powers of judicial review with regard to eviction orders. Judicial review limited only for technicalities.	Same as Prawer
Role of the Prime Minister	Prime Minister has complete discretion for implementation and enforcement of the Plan.	Same as Prawer
Area allowed for future Bedouin settlement	Identified by a map (appendix 1 to the Prawer Plan Law). No Bedouin settlement is allowed outside recognized Bedouin towns in the identified area.	Same as Prawer *Jurisdiction of area must now be reduced.

4. Prawer-Begin: In Practice

Case studies 1 and 2 demonstrate the impact of the Regional Master Plan for Be’er Sheva, the planning foundation of the Prawer-Begin Plan, on the potential recognition of actual unrecognized villages. Case study 3 demonstrates the failure of the Prawer-Begin Plan in addressing historical injustice.

Case study 1: The unrecognized villages of Atir-Umm el-Hieran

Atir and Umm el-Hieran are twin villages located near the Jewish town of Meitar and the Bedouin township of Hura. It was established by Israeli military order in 1956, when the villagers were forcibly moved there from their original land in Khirbet Zubaleh, which they had cultivated for centuries. The Regional Master Plan for Be’er Sheva has designated the villages, home to 1,000 people, as sites for the expansion of Yatir Forest and the development of the new exclusively-Jewish town Hiran, respectively. Adalah is representing the residents of these villages before several levels of Israeli courts and the planning authorities. Recognition: Denied.

Case study 2: The unrecognized village of Al-Araqib

Al-Araqib is an ancestral village located 10 kilometers north of Be’er Sheva. The Regional Master Plan for Be’er Sheva has designated the village, home to 350 people, as the site for two Jewish National Fund (JNF) forestation projects: The Ambassadors Forest and the God-TV Forest. The state has now demolished Al-Araqib 50 times. Recognition: Denied.

Case study 3: The confiscation of Al-Azazme land

In 1953, the Israeli military displaced members of the Al-Azazme tribe from their ancestral land in the western Naqab. They were moved to their present location, and 200,000 dunams of their land was confiscated by the state. As the land was already confiscated, the Al-Azazme tribe was not allowed to claim land during the 1970s. Eligibility to claim land under the Prawer-Begin Bill: Denied.



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