

the Minister of Agriculture (12 July 2001, not published). (*hereafter: the first petition*).

3. In the State Comptroller's report no. 50, 1999, the State Comptroller referred to this issue and stated, along with other things, that the settlement of lone farms requires a tender for the allocation of land, authorization of the plan by the planning authorities and an Israel Lands Authority leasing contract. The Comptroller determined that these conditions are not always maintained. He also stated that the lone farms policy is not in keeping with the principles of the national master plan. He criticized the implementation of this policy and determined that "a government body must not behave this manner" (The State Comptroller's Report page 607).

4. On 7 December 1999, the National Council for Planning and Building (*hereafter: the National Council*) accepted a decision according to which there is no place for various kinds of lone farms since this form of settlement is not in accord with the planning principles that were consolidated at that time, and could lead to the wide spread distribution of small settlements that is not in line with the accepted planning concept. The National Council added:

"Nonetheless, in a small number of outstanding cases, in the region of Beer Sheba, a discussion, on a case by case basis, will be held by the planning institutions in accordance with the procedures set in the Planning and Building Law and according to this policy".

5. In the framework of the first petition, guidelines on the subject of the lone farms were prepared to regulate of the authorized bodies. A number of principles were set in these regulations: first, it was determined that the authorization for a lone farm would be considered to be an exception, and would not be given on a routine basis. Secondly, the requested lone farm would have to be in accord with the aims of the state and its plans for the settlement and development of the region. Lone farms cannot vie with the interests of existing communities or future development plans, or be in conflict with them. Thirdly, a lone farm plan will not be authorized unless it regards the Beer Sheba region. Fourthly, it is mandatory that the requested settlement will contribute in a unique way to the development of the area, or serve to benefit current and future inhabitants. Fifthly, the settlement must be located in a place where the Jewish National Fund (*hereafter: JNF*), the Nature Reserves Authority or the Israel Lands Administration have an interest in promoting settlement in order to protect forests and groves, natural resources or the land. The regulations also determined that a request for a permit for a lone farm would only be subject to approval if it is in line with these principles. The Israel Lands Administration will be allowed to formalize the rights of the settler on the property only if the usage he requested is in line with the designation of the property according to the regional master plan, only on the basis of legal building permits and only in accordance with the decisions of the Israel Lands Administration, the agreements on the use of the land and the tender laws.

The Ramat Ha'Negev "Wine Path" plan - District Master plan TM"M 42/14/4/, South District, amendment no. 44.

6. On 6 November 2002, the Ministers Committee for the Development of the Negev [Naqab] and the Galilee (*hereafter: the Ministers Committee*) adopted a decision titled "Lone farms in the Negev and the Galilee" (decision gg/34). In the framework of this decision it was determined, among other matters, that the Israel Lands Administration would be responsible for submitting to the Ministers Committee a plan for lone farms in the Negev and the Galilee. On 8 November 2002 the decision was authorized by the government (decision no. 2699 (gn/134)).

7. Later on, the Israel Lands Administration began to take steps to develop an appropriate plan, and, in addition, established a steering committee for this purpose at the District Committee for Planning and Building (*hereafter: the District Committee*). According to the plan that was prepared, it would be possible to authorize local plans for the establishment of up to 30 "lone farms", whose primary occupation would be in tourism-agriculture, in the region of the Negev Heights (Ramat HaNegev), subject to the conditions specified in the plan. This plan, which was dubbed "the 'Wine Path' Plan" is the focus of this petition.

8. The aims of the plan were defined in sections 6.1 and 6.2 as follows:

"6.1 The designation of the areas intended for the development of the "Wine Path" region in the Negev Heights to the purposes of tourism, agriculture and landscape protection, and the determination of regulations for the conservation and development of these areas.

6.2 Determination of the objectives and usage permitted in the region of the Negev, the Wine Path area in the Negev Heights, for the purpose of establishing up to 30 lone tourism-agricultural settlements".

The plan relates to a small strip along main roads (224, 222, 211, 40). It determines that it is possible to permit the development of nature, landscape, recreation and leisure sites within the framework of a local plan; it also determines that it is possible to permit usage, in a restricted way for agricultural and tourism; and that it will be permitted to build one housing unit in each settlement as long as the housing is necessary for the operation of the tourism project. The plan also determines that the tourism – agricultural usage will be undertaken for the benefit of the public. Another issue regulated by the plan is that building permits will ensure the implementation of the objective of tourism, and that a lone farm will not become the basis for a new settlement. A local plan for the authorization of an lone farm will be brought to the Committee for Principle Planning Issues adjacent to the National Council for Planning and Building (*hereafter: NCPC*) which will examine, among other matters, whether the demands of tender were upheld.

9. Objections to the plan were submitted, among them those of the applicants, groups that work for the advancement of the rights of the Arab sector in Israel. This petition was submitted against the decision to

put forward the plan, and against the rejection of the objections to the plan.

In the meanwhile, the plan was approved by the National Council and has come into force.

Principal arguments

10. The applicants claim that although the declared aim of the "Wine Path" plan is the establishment of lone farms for the purpose of the development of agriculture and tourism in the Negev, flawed motives and considerations are concealed behind this declared aim. It is claimed that the real purpose behind the plan is the takeover of the Negev by Jewish elements in order to "Judaize" the area, and the reduction of the living space of the Bedouin population of the region.

11. The applicants claim that the "Wine Path" plan contravenes the planning and Building laws, the national planning policy, and national and regional master plans which stipulate the need for the development of existing communities. In their view, the widespread dispersal of small settlements will lead to unhealthy competition between them and existing communities that are longing to enlarge the population within their boundaries, and to intensify their creative pursuits. It would also necessitate the provision of infrastructure at a high cost and the construction of roads connecting the settlements to national roads. The applicants claim that the plan violates the principle of equality and the principle of distributive justice because it allows for the transfer of extensive areas to a very small group of families, or the granting of a retroactive permit for the transfer of these areas, without a tender, along with their expropriation from the general public.

12. The applicants further claim that the decision of the National Council regarding the submission of the plan was taken without it having been presented with the appropriate factual infrastructure. No data regarding the transfer of the areas under discussion to a small group of families was presented before the committee, no expert opinions concerning the scope of investment in infrastructure that would be needed in the framework of the plan were shown, and the effect of the allocation of the properties on their use in the future was not examined. It was claimed that no bodies involved in tourism were included in the National Council's decision making process, and that data regarding aspects of tourism was not presented, for example data concerning the current scope of tourism in comparison to the scope of tourism expected as a result of the plan, the criteria for choosing the sites of the lone farms and for selecting the families that will live in these settlements. Therefore, the decision of the National Council was given in the absence of an appropriate factual basis and is in breach of the rules of proper administration and the principles of administrative law.

13. In view of these claims, the applicants' position is that the decision of the National Council to submit the plan is highly unreasonable and highly disproportionate and that, in addition, the decision to reject the applicants' objections was, from their point of view, made through extraneous motives. They add that the decision of the National Council gave disproportionate weight to the government's decision of 6 November 2002, this without the National Council employing independent discretion and without an appropriate balance having been made between the relevant interests. The applicants believe that the court must accept their objections to the plan and order its cancellation.

The position of the Respondents

The State's position

14. The position of the State is that the petition is destined to be rejected as there is no flaw in the statutory procedures for the approval of the "Wine Path" plan, or in the plan itself, that would justify the intervention of this court and the cancellation of the plan.

15. The State maintains that the applicant's claim that an inappropriate purpose lays concealed behind the plan must be rejected. This claim is made with complete disregard to the declared agricultural-tourism promotion goal of the plan; of the various adjustments that were made in it for the purpose of the attainment of this aim; of the many deliberations held by the authorized bodies concerning this aim; of the clear and stringent conditions that the National Council set in order to ensure the achievement of this aim; and that fact that the "Wine Path" plan is integrated into the comprehensive tourism infrastructure that exists in the region. In the words of the State, the claim of the applicants concerning the existence of an inappropriate purpose behind the plan is groundless and must be rejected.

16. In the view of the State, the applicants' claim regarding the existence of a contradiction between the "Wine Path" plan and the overall planning policy of the National Council must also be rejected. The principle position of the National Council was, and is, that on the whole, and in general practice, there is no room for various kinds of lone farms. However, from the beginning, the National Council made an exception of the Beer Sheba region in this overall plan, and determined that in this area it is possible to permit lone farms subject to certain conditions. The National Council chose to advance and approve the "Wine Path" plan because it recognized the tourism promotion-agricultural purpose of the plan, and due to the assumption that the area under discussion is limited in scope and has special requirements. The numerous, stringent conditions that the plan specifies are intended to ensure that the lone farms will actually be used for the purpose of tourism-agricultural and constitute a satisfactory response to the principle claims raised in the petition. The principle aspect of the plan does not deny the applicants the possibility of

monitoring the implementation of the conditions of the plan, and the possibility of voicing their claims in the framework of the procedures for the approval of local plans, if and as long as they believe that the principles of the national plan are not being implemented in accordance with the law.

17. The State further claims that the applicants' allegation that the lone farms generate undesirable competition with existing communities is groundless. This, because the lone farms are, by nature, isolated spots, located along the tourist route in the heart of the Negev, and their scope and location cannot generate any employment related competition to existing communities. Moreover, the State notes that the Committee for Principle Planning Issues that deliberated this matter thought that the "Wine Path" plan will, in fact, become a public and tourist attraction that will also benefit existing communities.

18. The State adds that, contrary to the claim of the petition, the National Council approved the "Wine Path" plan only after it was clarified that the allocation of land for this plan will take place through a tender. The tender will be held in two stages, separately for each lone farm. It will be possible to submit several proposals, but an offer will be limited only to one lone farm. It was also made clear that the leasing contracts that will be signed will include an explicit condition, according to which those who were granted a lone farm would administer the tourism-agricultural projects themselves, and will not be allowed to transfer the rights of usage and operation of the property to others. Along with this, it was agreed by the Israel Lands Administration and the State Attorney's office that a joint effort will be made to cope with the violations of these conditions by the proprietors of lone farm that already exist, and indeed, the South District Attorney's office has begun to take charge of this matter.

19. Finally, the State claims that the procedures held before the National Council regarding the "Wine Path" plan were conducted in accordance with the law and in accordance with the deliberation procedures regulations and the established processes of decision making. Several deliberations were held on this issue before the National Council, objections were presented, and detailed responses were given. In addition, the planning institutions submitted to all of the relevant planning bodies their opinion on the integration of the plan in the overall planning policy, and its suitability to the purpose it is meant to serve. In light of this, the State asserts that the petition must be rejected, as the applicants were not able to base the claim that the planning bodies operated illegally, unreasonably, in bad faith, or from extraneous motives, and were unable to point out any justification whatsoever for the intervention of this court in the decisions taken concerning the plan.

Position of the Wine Path Settlements Forum

20. The Wine Path Settlements Forum is an association that represents persons who lease and operate the lone farms of the "Wine Path", and who

are the focus of the plan (*hereafter: the association*). The association, by its request, was added as a respondent to the petition. The association asserts that the petition should be rejected out of hand and by its merits.

21. The association raises three claims that, in its view, justify the rejection of the petition out of hand: first, the petition should be rejected out of hand because the association was not added to the petition, an oversight made in bad faith, and despite the fact that it is a relevant party. Secondly, the petition is marred due to the considerable delay in its submission having been filed over two years after the "Wine Path" plan was brought to the National Council for approval, and over seven years after the overall position of the National council regarding lone farms in general, and lone farms in the Beer Sheba region in particular, was determined. The association claims that this can lead to both a subjective and an objective delay. These delays are expressed, for example, in the deterioration of the situation, and the harm to the worthy interests of the administrative authority that has worked for a long time according to the plan, extended leasing contracts, and engaged in new leasing contracts based on the plan; the matter also involves an injury to the proper interests of the proprietors of the lone farms who relied on the plan and worked according to it in the development of the land and the establishment of projects on the farms. Thirdly, the association claims that the petition is tainted by bad faith that is expressed not only by the omission of relevant, interested parties such as itself from the petition, but also because the applicants represent the Negev Heights Bedouin population, which illegally overruns lands in this area. According to the association's claim, this population, which behaves illegally in relation to state land is not entitled to the support of the court. The association adds to all the aforesaid that the petition should be rejected in by its own merit because it does not uncover any justification for the intervention of the court in the decisions concerning the "Wine Path" plan that were made in accordance with the law by the planning bodies.

Discussion and Decision

22. The petition challenges the "Wine Path" plan on two principle levels: the first relates to the content of the plan, and the planning policy anchored in it; and the second, the procedural level, that refers to the planning processes that led to the formulation and approval of the plan. On each one of these levels, the applicants failed to point to a flaw that would justify judicial intervention for the purpose of changing the plan.

The aspect of the content and the policy behind the plan

23. The plan which is the focus of this petition demonstrates an approach according to which, it is not possible, in general and as a matter of routine, to recognize lone farms, since the overall planning policy does not support the dispersal of small settlements in the planned national area. However,

the planning authorities chose to make an exception to this rule in the Beer Sheba region for the purpose of achieving tourism-agricultural objectives in this region through the creation of centers that would develop ventures in these fields in the center of the Negev (National Council decision of 2 March 2004). The plan set various stringent conditions that must be met in order to ensure the realization of this purpose in the region. The policy manifested in the "Wine Path" plan - which is an exception to the general policy bar lone settlements – is subject to the discretion of the professional body responsible for this topic. This is a clearly a matter of planning policy that is subject to the authority of the planning authorities, and no justification has been established for judicial intervention in its decision. The National Council, the highest planning body in the country, is permitted and authorized to approve the plan in order to fulfill an important national objective for the unique development of a certain area, narrow in size, in the south. The structure of the plan and its conditions ensure, in principle, that the exception to the overall policy will not become the rule, and that the sanctioning of a lone farm in the approved area will be strictly and firmly subject to the realization of the objective of the plan – activity whose aim is agricultural and the promotion of tourism. This objective is linked to the uniqueness of the region and its distinct character, and to the need and rationalization to develop it in the way that the authorized body so fit. The interest of developing the Negev is destined to advance a national, public aim, and no flaw has been found in the objectives of the plan from this aspect.

And indeed, the planning institutions that examined the plan found it to be in accordance with the principles and conditions set in the regulations. Beyond it being a plan for the Beer Sheba region, and from the various discussions and decisions that were accepted regarding it, it appears that the planning institutions considered that the plan is consistent with the aims of the state to settle and develop the area; that it does not vie with the interests of existing communities or with future development plans; that it can uniquely contribute to the development of the area and its inhabitants; and that it is located in a place where the Jewish National Fund, the Nature Reserves Authority and the Israel Lands Administration have an interest in settlement for the purpose of conserving the forest and groves, natural resources and the land.

24. An entrenched rule maintains is that this court does not serve as an appeals court on decisions of the planning institutes, and it is not meant to replace their discretion with its own discretion as long as no outstanding administrative flaw was found in the institutes' discretion and decisions, such as extreme lack of reason or bad faith (HCJ 10242/03 *Milovlovski vs. the National Council for Planning and Building*, P"D NH(6) 673, 679 (2004); HCJ 1459/97 *Yasin vs. The Minister of Labor and Welfare*, paragraph 7 (not published, 16 June 1998); HCJ 465/93 *Tridette S.A, foreign company vs. the Local Committee for Planning and Building, Herzelia*, P"D MH (2) 622, 633-634 (1994); HCJ 2324/91 *The Movement for the Quality Government in Israel vs. The National Council for Planning and Building, Ministry of the Interior*, P"D MH (3) 678, 688-689

(1991). The applicants did not identify a flaw in the plan that would justify this sort of judicial intervention.

25. It must be noted that the anchoring of the exception to the overall policy, which permits the approval of lone farms in the south, has already been explicitly expressed in the procedure that was prepared prior to the plan, and which this court already sanctioned in the first petition. The restricted possibility for approval of this form of settlement in the region of the Negev, in view of the special nature of the area and in consideration of local planning, has already been recognized in the past. In practice, the plan validated the policy that was consolidated many years before its preparation and approval, and it continued and constructed a detailed infrastructure of terms intended to ensure that the aim of agriculture and the promotion of tourism that is the basis of the lone farm phenomenon in the south of the country will be protected, and that this distinctive form of settlement will not be breached and transform itself from the exception to the rule.

26. It is important to note in this context that another plan calling for the exclusion of all of the northern Negev for the purpose of expanding the options for the approval and establishment of lone farms was not accepted. This was due to the fact that the National Council was not convinced that there was a planning rationale in the exclusion of this area from the general policy after it examined the character and needs of the region.

27. The applicants' key claim that recurred throughout the petition was that there is a flawed purpose behind the "Wine Path" plan. They claim that the declared purpose of the plan – to advance a tourism-agricultural center in the region – is not its real aim but rather a camouflage, and that the plan's goal is to put state lands out of the reach of the Bedouins in the Negev is hidden behind it.

In an attempt to reinforce this claim the applicants alleged, among other things, that the plan permits the allocation of large parcels of land in the absence of clear criteria, without tenders and in an unequal manner which discriminates between Jewish citizens and Arab citizens. It was also claimed that the plan allows the allocation of land without consideration of the ratio between plots given to lone farms and the real agricultural-tourism needs of the area, in a way that prevents the movement of the general population, and particularly the Bedouin population, within its boundaries.

28. Indeed, when a claim of bad faith is made, the court is not satisfied with a declaration by the administrative authority concerning the purpose on which its policy is based, and the said declaration is not sufficient to block an examination by the court of the matter at hand (HCJ 795/79 *the Gezer Regional Council vs. the National Council for Planning and Building*, P"D LV (1) 561, 574 (1981); HCJ 595/75 *Salman vs. the Regional Committee for Planning and Building Jerusalem* P"D L(3) 337, 349-350 (Justice Etzioni's judgment) (1976); HCJ 392/72 *Berger vs. the Regional Committee for Planning and Building, the region of Haifa*, P"D CZ (2) 764, 769-770 (Justice

Berenson's judgment) (1973). However, the administrative authority is backed by the legal presumption that it worked to advance its declared purpose and evaluated pragmatic factors in order to achieve it. The party that claims differently carries the burden of proof (HCJ 7611/01 *Maccabi Shield Association Mutual Insurance Cooperative against Disease Ltd. Vs. the Minister of the Treasury*, article 22 (not published, 20 August 2006; 417, 419 (1990); Yitzhak Zamir "Evidence in the High Court of Justice" Law and Government A 295, 297 (1985). I did not find that the applicant succeeded in providing corroboration and in proving their claim regarding the flawed purpose of the "Wine Path" plan.

29. The claim regarding the flawed purpose was not only not supported by any factual data, but it is also dismissed in view of the substance of the discussions held by the planning institutes, and the all of the modifications that were made to the plan in order to ensure the realization of the its declared aims. This claim is also dismissed in light of the integration of the plan with the wide-ranging plan for tourism which characterizes the area. The refusal of the National Council to approve the additional plan for the establishment of lone farms in the Northern Negev also testifies to its commitment, as a planning institution, to the declared purposes of the plan.

The planning procedures that took place for the formulation of the "Wine Path" plan, and the conditions set in the framework of these procedures, abrogate any grounds for these claims. From the material submitted, it appears that the "Wine Path" plan's purpose of agriculture – tourism was at the center of many discussions, and the plan, and the conditions it includes, were designed in keeping with it. Thus, for example, the plan determines that a local plan will be submitted for each lone farm and will be brought to the Committee for Principle Planning Issues for approval, and that the establishment of any lone farm will not be approved if it does not contain significant tourism – agriculture usage for the benefit of the public. The plan also determines that the construction of only one housing unit will be permitted per lone farm, and this only if on-site housing is essential to the operation of the tourism enterprise, and that the District Committee will ensure that each and every lone farm will not potentially be a foundation for a new settlement. The Committee also determined that, in the framework of the local plan, access both by vehicle and on foot will be ensured into each and every lone farm, to treks and to sites of interest adjacent to it, and that, in addition, the right of the public to unrestricted passage in the area of the lone farm will be guaranteed. These conditions, and additional terms included in the plan, are not conditions that only new lone farms will have to abide by, but conditions that lone farms which were established before the final approval of the plan will have to uphold (notice dated 12 September 2006 that was sent by the State Attorneys Office to Applicant no.1). Regarding the method for the allocation of land, it was determined that the allocation of each of the lone farms will be carried out in accordance with the tender regulations, and that each citizen will be allowed to submit a proposal for the establishment of a lone farm, including Bedouins who are citizens of the state. The Deputy Director for Planning and Development in the Israel Lands Administration presented the Administration's position in a letter dated 29 March 2004 to the Ministry of Interior's Planning Administration as follows:

"The allocation of land will be carried out according to the Israel Lands Administration's customary, requisite rules derived from the law and from the decisions of the Israel

Lands Council, and this in a manner that will ensure, as much as is possible, the equality of opportunities for the entire population.

Criteria for the allocation process will be set in collaboration with the Israel Lands Administration, the Ministry of Tourism, the Ministry of Agriculture and the regional council. This includes, age, suitability and experience in agriculture, suitability and experience in the field of tourism, financial ability and sustainability, and social fitness to maintain a lone farm. These bodies will also be included in the review of candidates that will be carried out in accordance with the criteria".

The following was written in the decision of the District Committee, dated 16 May 2005, made while the Committee was deliberating the objections to the plan, that it recommended be dismissed:

"It will also be made clear that the allocation of land for each of the lone farms will be carried out in accordance with the tender regulations, and according to criteria that will be set in keeping with the rules of administrative law. Any citizen will be allowed to submit a bid to a tender for the establishment of a lone farm, including Bedouins who are citizens of the State of Israel".

30. In addition, it must be made clear that the plan which is at the center of the petition specifies the principles and conditions for local planning. Local planning is subject, in each and every case, to consideration and oversight by the relevant planning institution. The way to monitor and examine compliance with the conditions for the establishment of lone farms remains within the framework of local planning, and also in the hands of the applicants.

In view of the aforesaid, the claim regarding the flawed purpose behind the "Wine Path" plan is rendered groundless.

The Procedures – Planning Process level

31. The applicants, furthermore, object to the way in which discussions were held, and decisions were made by the planning institutions, and claim that they these were faulty and that their flaws justify the cancellation of the plan. It was claimed, in particular, that the National Council did not have before it the full factual data needed in order to make its decisions, and especially, data necessary for the purpose of determining an exception to its overall policy of not approving lone farm settlement.

32. I did not find sufficient substance in the aforementioned objections raised by the applicants. From the state's description of the course of the discussions and decisions, it appears that the planning procedures related to the approval of the plan, were made in accordance with the law; the planning bodies were given the comprehensive data infrastructure essential for making their decisions; many deliberations were held; amendments and changes to the original plan were added in order to ensure the

realization of its aims; the plan was examined very strictly by the National Council which heard all of the objections that were raised and expressed its opinion regarding them. Following deliberations by the National Council, it appointed an internal team in the Ministry of the Interior to scrutinize the plan, and it suggested conditions that the lone farms must comply with. The Israel Lands Administration was asked to present its position, particularly regarding the aspect of ownership rights within its relations with the proprietors of the lone farms. The position of the Ministry of Agriculture was presented. After the full positions of the relevant government bodies were presented, the National Council decided to put forth the plan for objections.

The objections were considered by the Regional Committee, and afterwards by the Committee for Principle Planning Issues. According to the protocol of the discussion, the applicants were given an opportunity to appear before the committee where they voiced their objections in great detail. A detailed, well-reasoned decision was given by the Committee for Principle Planning Issues. The position of the Israel Lands Administration was fully presented at an additional hearing before the National Council. The National Council handed its decision approving the plan only after it was convinced that the contracts that will be signed with the proprietors of the lone farms in accordance with the rules of the plan, and that the aims of the plan will be properly addressed.

33. It, therefore, appears that the deliberations of the planning institutions were comprehensive and intensive, and that the full, relevant data base was presented to them. The legal rights of those who objected were upheld and protected. There are no grounds for claims regarding the existence of procedural flaws in the processes undertaken by the planning bodies, and it appears from the data that the subject was deliberated and considered in an in-depth, professional manner and with respect to the rights of the public to be involved in planning procedures according to the law.

34. In summary, we were convinced the National Council made its consideration in a reasonable and independent manner, and conducted its deliberations appropriately and legally. We did not find fault in the planning procedures and the plan that was accepted and approved in their wake.

35. To complete the matter, it must be noted that on 1 September 2008, the Lone Farms Forum Association submitted a petition to the High Court of Justice (*HCJ 7488/08, the Lone Farms Forum Association vs. the Prime Minister*), attacking the decision of the government to market through a tender 24 "Wine Path" lone farms that are already inhabited, claiming that it is not reasonable and harms the farmers who have maintained these farms for many years prior to the decision. This process is still pending before this court at this time.

Conclusion

36. No fault was found in the "Wine Path" plan, on either the planning level, in its aims, or in the procedures that brought about its approval. Therefore, there is no justification for judicial intervention in the plan, and the petition is to be rejected. It must be added that the importance and benefits of the program to the advancement of the interest of the public will be put to the test by the way it is implemented and administered. It must be assumed that the authorities responsible for this act and will

act in accordance with the fundamental principles that were laid at the base of the plan so that its central, important objective will be achieved.

37. In view of the above said, the petition is rejected. Although there was not much substance in the petition, as the applicants are non-profit public bodies working to advance public causes, I will suggest not impose court expenses on them.

Given today, 3 Tamuz 5770, (15 June 2010).

Justice

Justice

Justice