

The Committee for the Implementation of the Goldberg Report for the Formalization Bedouin Settlements in the Negev

Recommendations of the Committee for the Implementation of the Goldberg Report for Formalization of Bedouin Settlements in the Negev

(Government decision 4411, December 2008)

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(English translation by Itamar Haritan)

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Preface

On 18.1.2009, the government was presented with the report of Judge Eliezer Goldberg (subsequently: "**The Goldberg Report**" or "**The Committee Report**"), which was appointed to make recommendations on the topic of the formalization of Bedouin settlement in the Negev.

In Government Decision number 4411 of 18.1.2009 it was written that the government sees in the plan proposed by the Goldberg Committee as a basis for formalizing Bedouin settlement in the Negev. Likewise, the Decision determined that the following principles, which were expressed in the decision to establish the Goldberg Committee, and which also stand at the basis of its recommendations, will comprise the infrastructure for formalizing the dilemmas of Bedouin settlement in the Negev:

- The formation of a systematic, comprehensive policy which combines treatment of the land issue and the planning and settlement formalization issue.
- The formation of policy that will bring take into consideration the needs of the Bedouin population, its claims to land rights, and the needs of the state and its land and monetary resources.
- The formation of policy that will be implementable within a short period, in a manner which will strengthen the relationship and the trust between the Bedouins and the State.
- The determination of this question as much as possible through legislation so that a comprehensive, definitive, and consistent solution is assured.

The government appointed a committee to implement the Report, to resolve the gap between the Report principles and reservations

which were presented by numerous Committee members. The government advised the Implementation and Reservation Resolution Committee as follows:

- The Implementation and Reservation Resolution Committee will present the government a detailed and implementable plan to formalize Bedouin settlement in the Negev. The Committee will base its work on the Committee Report and will be required, among other things, to develop recommendations based on the reservations raised by the Committee members and which appear in its statement.
- The Committee will present the government a plan for implementation concerning the following issues: a system for participation in the formalization, the land, settlement, planning processes, civil enforcement and strengthening of executive mechanisms, including issues that will be formalized through legislation.

The Implementation Committee fulfilled the government's guidelines according to which the plan proposed by the Goldberg Report will comprise a basis for its work, while examining the reservations presented by Goldberg Committee members and resolving them. The Committee examined extensively the basic facts surrounding land and settlement and its recommendations are based on this thorough examination, which in and of itself created solutions to some of the disagreements. Let it be clear that the discussion of the various reservations is integrated into its recommendations and is not presented separately.

It is appropriate to emphasize that the Implementation Committee was appointed to act following extensive work done by the Goldberg Committee, which included hearing the positions of stakeholders on the topic, Bedouins and Jews, experts, public figures, civil society organizations and representatives of government offices, **and the work of the Committee does not aim to replace the wide public hearing done by the Committee. Given this fact, there will be no possibility to conduct an additional hearing by the Implementation Committee. The proposed law will be published for public review and in this framework the Bedouin population can certainly offer its comments.**

In the two years that have passed, much attention has been dedicated by Implementation Committee members to the organizational dimensions necessary to make possible the implementation of this wide-ranging national plan—within the limits of resources, the positioning of the different authorities and their mandates, coordination, public relations, and more.

In the spirit of the government guidelines and according to the principles upon which the Committee was established to act, the Implementation Committee, following the Goldberg Report, formed the proposed plan to the government, whose purpose is to present an implementable, practical and holistic solution to the question of the formalization of Bedouin settlement in the Negev and the lands claimed by them.

The Implementation Committee members believe that the proposed plan presents an honest, balanced plan that grants an opportunity, both to the Bedouins, and the state, to turn to a fresh page in their relations.

The Report is placed before the government in the hope that the discussion phase on the topic of the formalization of Bedouin settlement has reached its conclusion and that the time has come to act. The Report is placed before the wider public and the Bedouin public in hope that it will make possible a start on a new path of understanding and cooperation.

Ehud Praver, Head of Department for Policy Planning in the Office of the Prime Minister—Chairman

Architect Shamai Assif, previously head of the Planning Administration, the Interior Ministry

Mr. Yaron Bibi, Head of the Israel Lands Administration

Mr. Yehuda Bachar, Head of the Authority for the Formalization of Bedouin Settlement in the Negev

Mr. Sharon Gambsho, previously Budget Deputy, Treasury Ministry

Sarit Dana, Attorney, Acting Legal Advisor to the Government, Justice Ministry

Mr. Avi Heller, Southern District Appointee, Interior Ministry

Superintendent Shalom Ben Salomon, Arab Affairs Advisor to the Southern District, Israel Police

Likewise, additional functionaries of the Authority of the Formalization of Bedouin Settlement in the Negev also participated in the work of the Committee—Ilan Yeshurun, Ilan Hayun, Yaakov Keidar, and Eli Yifrach, of the Department of Advising and Policy

Making (Civil) in the Justice Ministry—Erez Kaminitz, Attorney, of the Department of Budgets in the Treasury Ministry, Ariel Evelyn and Ariel Yotzer, of the Administration for Planning in the Interior Ministry and representing it—Tamar Kfir and Att. Tomer Gutholf, and of the Department of Policy Planning in the Office of the Prime Minister—Tamar Peled-Amir and Yonatan Dekel.

The coordinator of the Committee's work for most of the work period was Mr. Oded Gilutz, of the Department of Policy Planning of the Prime Minister's Office.

Implementation Plan—Summary

According to Government Decision number 4411 of the day 18.1.2009, the Implementation Committee was required to present the government an implementation plan on a number of issues: a system for participating in the formalization process, land claim determination, settlement, planning processes, and the civil enforcement and strengthening of the executive systems, including issues that will be formalized through legislation.

According to this, the proposed implementation plan presented to the government presents an answer to these questions, which are integrated into each other and which comprise the complete solution.

What follows is a summary of the proposed plan for the formalization of Bedouin settlement in the Negev and to the solution of the disagreement over the ownership of land in the Negev, building on the recommendations of the Goldberg Report.

1. Compensation for Land Ownership

- **The determination of ownership claims and the compensation for them will be done according to a law that will be quickly presented for Knesset approval.**

- The right to receive compensation will be based on the land claims presented following the application of the land survey in the northern Negev in the year 1971 (subsequently, "**Original Land Claims**"). A homogeneous, transparent, and equitable mechanism will be established, while criteria for compensation will be determined by law and will not be subject to negotiation.
- Under the framework of the proposed formula, it is determined that in exchange for held land claims (on land which is zoned for agriculture) which are resolved in full, 50% of the claimed land will be given as compensation.
- In exchange for ownership claims which are unheld a monetary compensation will be given, but the compensation will be doubled and a unique opportunity to convert the monetary compensation for lots which the State will be responsible to develop for the ownership claimant, subject to conditions detailed in this Report.
- A reduced compensation regime will be set for those who will not agree to the timetable or the general plan.
- The compensation will be given only after, among other things, the land that is not included in the compensation framework is cleared, and only after the claimant agrees to allow the use of the land for any need, including the resettlement of other Bedouins.

2. Planning and Formalization of the Bedouin Settlement

- The State will begin, following a government decision, in a concentrated process of the creation of detailed zoning plans which will include, within a short and limited period of time, the entire Bedouin population in the Negev, including the population that has no land ownership claims.
- The process of formalizing the settlement will include the planning of adjacent extensions of existing settlements in order to include the major population centers, the absorption of residents in the Abu Basma Regional Council and the

long-standing settlements, and the establishment of new settlement as will be required.

- The settlement of the Bedouin in the Negev will be formalized, within the bounds of approved plans that are designated for this, using planned extensions or within the borders of areas defined as a Combined Rural-Agricultural Landscape in the approved district zoning plan. In addition it will be based on criteria of density and contiguity that are defined in the district zoning plan (Tama"m 23/14/04) and based on the size and economic carrying capacity. This formalization will be done as much as possible in a manner that will reduce the need to transport the population.
- The establishment of concentrated or dispersed habitations will not be allowed if they do not match the principles of density, contiguity, the size and carrying capacity, as mentioned above. The formalization of the existing settlements, or the establishment of new settlement solutions for a particular Bedouin group, will be conditioned in either case on the evacuation of small, dispersed clusters or population areas outside of the boundaries that will be determined for the settlement.
- The formalization of the Bedouin settlement will be done in parallel with the formalization of land ownership claims and, as much as possible, joint planning of the settlement, in the framework of existing limitations.

3. Time table

- At the same time that the government is willing to award unprecedented far-reaching compensation for ownership claims and to find wide-ranging solutions to settlement on the territories which in which the Bedouin population resides, there is also the recognition that it is not possible to "draw out" the process of settlement formalization forever. Therefore, the proposed plan will be limited in time, and each stage in it will be limited.
- The plan is aimed at concluding all the business with the question of lands and most of the business with settlement

planning solutions as well as a significant portion of their implementation, within five years.

- The discussion on permanent settlement solutions with each of the dispersed population concentrations will be limited in time. At the end of this stage the government will plan the solution as it wishes.
- The original ownership claimants will be contacted to ratify their claim based on a plan that will gradually take effect in five sub-regions, and which will end within two and a half years. The ownership claimants in each sub-region will be given a period of nine months to ratify their original claims. At the end of the ratification period in each sub-region, the proposed compensation for claims will be significantly reduced, and after a period that will be determined it will no longer be possible to receive compensation by law. Anyone who asks not to receive compensation based on the new law will only be able to determine their ownership claims in the regular formalization processes and prove it in court. These claimants will no longer be able to receive compensation under the new law.

4. Enforcement

- If the State does not enforce its laws including land, planning and building laws, it will not be possible to implement the plan proposed by the Goldberg Committee and by the Implementation Committee. The existence of law is an essential part of any settlement in a state of law.
- The enforcement system in the field of building, planning and land rights, as well as the coordination and complementary relations between the different authorities who are concerned with enforcement, will be reorganized in order to make it possible for it to carry out its duties efficiently.
- The enforcement system will act in a determined and vigorous manner to prevent the establishment of new construction out of the view that the formalization processes on the one hand, and the expansion of illegal construction on the other hand, cannot coexist.

- The enforcement policy toward existing illegal structures will take into consideration the progress in the formalization process, in order to aid in its promotion as much as possible.

5. Organization

- In the Prime Minister's Office will be established a small executive committee in order to guarantee the leadership of the entire national system in the formalization of Bedouin settlement in the Negev.
- The Authority for the Formalization of Bedouin Settlement in the Negev will comprise the central implementation unit on the subject of formalizing the settlement. The Authority will be organized under the rubric of an authorized unit which will receive an independent position in the area of budget management, purchasing, and necessary communications for planning and development, legal counsel and human resource management.

6. Plan to Promote Development and Economic Growth of the Bedouin Population in the Negev

- The Implementation Plan of the Goldberg Report will be accompanied by a plan to develop the infrastructure and public services in the Bedouin sector in the Negev.
- The primary purpose of the plan is to create leverages for economic development and growth—which will lead to the strengthening of the residents and the Bedouin settlements in the Negev and to amplify their economic independence. The plan will focus on the following issues.
 - Employment
 - Education and higher education
 - Development of infrastructure with an emphasis on infrastructure that supports employment, education and society

- Security and personal welfare
- Strengthening and development of the leadership, social and community infrastructure in the settlements.
- Completion of the establishment of infrastructure and public institutions in the Abu Basma Regional Council

Chapter One – Compensation for Ownership Claims

1.1 Compensation in proposed laws

Compensation to ownership claimants will be given according to law.

"Policy has to be defined and consistent, and in order for it to be this way all details must be expressed in the law without any room for discretion. There is no room for compromises or negotiations on

an individual basis. This policy signals inconsistency and a lack of determination." (the Goldberg Report, Article 74).

1.2 Compensation for "held" ownership claims.

1.2.1 The ownership claimant will be eligible, by law, for agricultural land compensation for his claim in land which is **half** of the claimed land and only if the following conditions are fulfilled:

1.2.1.1 The land was held by the claimants on the day of the original claim according to Land Survey Order (new version), 1969 and in additional time periods as will be determined in new legislation.

1.2.1.2 All ownership claimants of the same piece of land according to an original claims memorandum or a substitute have ratified their claims (on the matter of "**claim ratification**"—its meaning in section 3.2). Compensation procedures in the event that only part of the claimants ratified their claim are detailed in section 1.6.

1.2.1.3 The claimed land is of a slope smaller than 13%.

For claims to lands whose slope at or greater than 13%, the compensation will be the value of half of the claimed land, and monetary compensation alone will be given, according to the price table in section 1.5.

The compensation policy proposed by the Goldberg Committee was to give land compensation even to claims smaller than 400 dunams and in this way to provide a solution for all claimants, as opposed to the present situation. The Implementation Committee accepts this principle but proposes to implement it in a different manner such that land compensations will be given in constant percentages of the land claim beginning with the first dunam.

The Goldberg Committee recommended to give to ownership claimants whose claim is up to 20 dunams a land compensation totaling the full size of the claim, while for other claims the compensation would be progressive. The percentage of land given as compensation will become smaller and smaller as the claim relates to a larger land area. The Implementation Committee found

difficulties in implementing this principle, among other things because most small claimants have more than one claim. In such a factual situation, the result of putting the progressive solution into effect might be unjustified. Thus, for example, a land claimant that has three small claims might be given more land compensation in relation to an ownership claimant who is claiming the same amount of land but in one claim only. In light of such practical difficulties, and given the desire to create an equitable procedure as much as is possible, the Implementation Committee chose to recommend that compensation be granted in a uniform percentage.

In setting the compensation formula, the Implementation Committee searched for a formula that would express a historical compromise and would make it possible to speed up the processes of the formalization of Bedouin settlement in the Negev.

The Goldberg Committee recommended that compensation will be given for claimed land which the Claims Committee has determined that the claimant has held and worked in the years before the establishment of the state (Article 85 of the Report). The Implementation Committee has found that progressing in this direction will considerably lengthen the formalization processes, and suggests that one must give priority to considerations of efficiency and simplicity, even at a price of historical examination of land use. Therefore, the Implementation Committee proposes that the State continue to treat the Claims Memorandum as a sufficient basis for determining eligibility and to be legally included in the formalization and to receive compensation in this framework. It will be remarked that the Committee did not agree to depart from the existing practice outlined by decision no. 1028 of the Israel Lands Council and previous decisions, according to which compensation is also given for land expropriated under different expropriation laws.

On the matter of the land being held, the Implementation Committee proposes to be satisfied with it being "held" at the time of the presentation of the claim memorandum without demanding to determine continuous land holding, nor land holding in the years before the establishment of the State (it will be clarified that the intent is not to influence the need to meet legal demands in relation to whoever asks to proceed according to existing formalization processes according to existing laws). The

Committee included in the implementation outline the principle proposed in the Goldberg Committee, that the land compensation will be given only for land fit for agricultural development. For the purposes of the proposed law, land appropriate for agricultural development will be defined as claimed land whose slope is less than 13%.

1.3 Compensation for ownership claims to lands that lie within zoning plans of existing Bedouin settlements

1.3.1 A person claiming land located, on the day of the government decision, in land in which a local and valid zoning plan is in effect for a Bedouin settlement, and his claim is "held," will receive as compensation agricultural land whose size is half of the original claim, outside of the same settlement, and not within the bounds of the zoning plan. In addition to the aforementioned land compensation, the ownership claimant will be eligible for monetary compensation in the sum of 5,000 NIS per dunam land compensation, on the condition that all conditions detailed in section 1.2 are fulfilled.

1.3.2 The ownership claimant, as stated in section 1.3.1, will be eligible to request of the Authority for the Formalization of Bedouin Settlement in the Negev to receive land compensation in an area in which the zoning plan for a settlement is in effect only if the land is zoned for agriculture. If the Authority has determined that there is a possibility to accede to such a request, then the claimant can receive the land compensation within the bounds of the aforementioned zoning plan only that for every dunam of the original land compensation lying outside of the aforementioned zoning plan, the claimant will receive half a dunam within the bounds of the zoning plan.

1.4 Compensation for "unheld" ownership claims

1.4.1 The ownership claimant of unheld land will be eligible by law for a monetary compensation, based on the values that will be determined through legislation and which are detailed in section 1.5, which amounts to double the worth of the land that he would have received had the land been held, as well as the monetary claims that the same claimant would have received.

1.4.2 The ownership claimant of unheld land will be eligible, to the extent that he wishes, for an allocation of developed residential lots in exchange for giving up monetary compensation, all or in part, depending on the case. For every aforementioned developed residential lot, the claimant will give up the monetary equivalent of ten dunams of the compensation he is eligible for. In exchange for a claims memorandum for land that is unheld, it is possible to receive allocation of a maximum of seven residential lots. The manner of the allocation of lots between claimants who are partners in a single claim will be determined by law. Likewise one claimant will not be able to receive an allocation greater than seven residential lots, even if he is a claimant in a number of ratified claims memoranda.

1.4.3 Compensation in exchange for that part of the ownership claims which is on lands whose slope is 13% or greater will be given according to the price table in section 1.5.

The Goldberg Committee determined three rules in relation to unheld ownership claims. According to lands located in the "Designated Compensation Area" (Article 87) and held by another, monetary compensation alone will be given. For lands located outside of the Compensation Area it determined that land compensation will be given. Likewise, the Committee determined a different and lower monetary compensation for claims that are unheld (Article 106).

The Implementation Committee dealt with the question of appropriate compensation on this question and mainly to what extent is it appropriate to give compensation in agricultural land even in the case of claims on lands that were not held by the claimant at the time of the filing of the original Claims Memorandum. The Implementation Committee has built a compensation regime for claimants of unheld claims in the following manner:

Compensation for an unheld ownership claims will be similar in essence to the compensation given for a held ownership claim. Because there is no actual possibility to give these claimants compensation in agricultural land, and because there is a real difference between who held onto the land, and who did not hold

onto the land—the compensation proposed to these claimants will be monetary.

As will be clarified in section 1.7, the Implementation Committee recommends to allow all who are eligible for land compensation to convert their compensation to monetary compensation, whose amount, if the eligible party will wish to convert it in its entirety, will be double the worth of the agricultural land, as will be determined in legislation.

A similar principle is proposed to relation to ownership claimants claiming unheld land. Because a monetary compensation alone is proposed to them, the Implementation Committee proposes to set the monetary compensation amount to double the value of the agricultural land the ownership claimant could have received if the land claim had been held. In addition, the ownership claimant for unheld land has a possibility to receive land compensation in the form of developed lots, with the State paying for their development. In this context, the Committee has determined that there is room to give compensation for land that has been expropriated under different expropriation laws as well.

1.5 Price table of monetary compensation for land

1.5.1. A price table for monetary compensation amounts given in this section will be determined through legislation.

1.5.2. The value of the monetary compensation will be as follows:

- 5,000 NIS for a dunam of level land, whose slope is 6% or less
- 4,000 NIS for a dunam of land which is not level, whose slope is lower than 13%
- 2,000 NIS for a dunam of land which is not level, whose slope is 13% or greater
- 10,000 NIS for a dunam of land within the boundaries of an area zoned for development within an existing, approved local zoning plan of every Bedouin settlement in the Negev as determined on the day of the government's decision.

(Only in situations detailed in sections 1.6 and 1.8, in which not all compensation was possible to offer in its entirety in land, and as complement for half the value of the claim).

1.6 Compensation for claims not ratified by all claimants

The fewer claimants in the original claim ratify their claims, the lower the percentage of land compensation given to each claimant, according to the example in section 1.6.5, while the rest of the compensation will be given in money.

During the work of the Implementation Committee it became apparent that many of the compromise agreements being conducted today with the ownership claimants do not deal with the entirety of the original land claim. In this way, not insignificant parts of the claimed land are left undetermined for many years. In this situation, it is difficult to make effective use of the formalized land, and mainly in this manner it is impossible to resolve the issue effectively and in its entirety. In order to bring about a change in this situation and promote as much as possible a resolution to the issue of lands in its entirety, the Implementation Committee proposes to give a concrete incentive to formalize the claims in their entirety, in order to achieve a higher determination of compensation in land the more parts of the original claim are formalized.

1.6.1. An ownership claimant who has a stake in the original claim, which was not ratified by all stakeholders in the claim, though he himself did ratify it, will be eligible for a reduced amount of land compensation. This claimant will be eligible for monetary compensation as a complement to the gap between the land compensation that he will be eligible for and half of the value of his stake in the claim.

1.6.2. The more claimants of half of the original claim sign the ratification statement, each one of the claimants who signed the ratification statement will be eligible for land compensation at the rate of 20% of the land he claims, as well as for monetary compensation as a complement of the gap between the land compensation and half the value of his part in the claim, and all according to the alternate compensation regime outlined in section 1.8.1.2

1.6.3 Following the deadline for claim ratification as outlined in section 3.2, a short additional period will be given for ratification, which will award those who ratify late the same compensation that those who ratified on time had gotten, except that their late ratification will not enlarge the compensation given to all claimants. A claimant which ratified his claim at a time later than this but not later than 21 months following the claim ratification deadline, will receive a lowered land compensation at a rate of 20% of the claim in land compensation and a complement up to half the value of the claim in money, according to the alternate compensation regime determined in section 1.8.1.3.

1.6.4. The value of the monetary compensation that a “non-holding” claimant will receive will be determined based on the donation he would have received if he had been a “holding” claimant who converted his compensation in its entirety. The “non-holding” claimant’s right to convert to developed lots will be determined in relation to the dunams of agricultural land he would

Land amount in exchange for which monetary compensation will be given as a percentage of the claimed land that was ratified	The size of the land compensation in percentages of the claimed land that was ratified	Percentage of the claimed land that was ratified
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have received in compensation if he had been a “holding” claimant, as stated in section 1.4.2. In other words, in a conversion formula of 10 dunams per lot, and up to seven lots per claims memorandum.

0%	50%	100%
5%	45%	90%
10%	40%	80%
15%	35%	70%
20%	30%	60%
25%	25%	50%
30%	20%	Less than 50%

1.7 Conversion of land compensation for money

1.7.1 An ownership claimant who is eligible for land compensation could convert the land, in whole or in part, into monetary compensation, on the basis of the price table set in section 1.5. As mentioned above, an ownership claimant who chooses to convert the entirety of the land compensation for which he is eligible for monetary compensation, could receive in exchange for every dunam of land compensation that he gives up an amount which is twice the value of the land compensation, based on the compensation table which will be outlined in the law. A claimant who chooses to convert part of the land compensation, will receive monetary compensation in exchange for every dunam he converts according to progressively higher and consistent rates, as they are outlined in the table below and in according to it—in relative terms:

The advance multiplier on the price per dunam of the original land claim	Percentage of land compensation converted to money
200%	100%
190%	90%
180%	80%
170%	70%

160%	60%
150%	50%
140%	40%
130%	30%
120%	20%
110%	10%

1.7.2 As the size of the claimed land which is zoned for trade or industry, based on a valid plan on the day of the government decision and provided that the plan is at least on the level of a local zoning plan, the Authority for Formalization of Bedouin Settlement in the Negev will be authorized to allow the claimant to convert the compensation he is eligible for in agricultural land, into trade or industrial lots, based on procedures which will be determined in the Israel Lands Council.

1.8 Alternate Compensation Regime

1.8.1 In the cases outlined below, the ownership claimants could receive compensation according to a compensation regime that differs from what has been outlined above (subsequently: **“Alternative Compensation Regime”**).

1.8.1.1. Claims in areas in which the Prime Minister has determined that it is impossible to put into effect the regime stated in the law. (see section 3.1.1).

1.8.1.2 Claims in which, up to a date that will be determined by law, at least half of the original claimed land has not been ratified. (see section 1.6.2)

1.8.1.3. An ownership claimant which ratified his part of a claim following the date set for this in the law (see section 1.6.3), but no later than 21 months from that same date.

1.8.2 Below are the components of the alternative compensation which will be put into effect in these cases if the conditions outlined in sections 1.2.1.1 and 1.2.1.3 are fulfilled.

1.8.2.1 A claimant of “held” land will be eligible for land compensation amounting to 20% of the land he claims, with a monetary complement up to half the value of his claim.

1.8.2.2 The compensation value that a non-holding claimant will receive will be calculated as if the claimant was holding and wished to convert his compensation in its entirety.

Procedures for Compensation Disbursement

1.9.1 Land Compensation

1.9.1.1. Land compensation will be given in lands located within the boundaries of the Partial District Zoning Plan of Metropolitan Beer Sheva (Tama”m 23/14/4) in one of the following areas:

- Areas marked as “Rural-Agricultural Combined Landscape”;
- Areas marked as “Rural-Agricultural Landscape” in Aruar Junction;
- Areas marked as “Desert Landscape” and only if it is east of highway 40 and north of latitude 551,500;

1.9.1.2 Land given as compensation will be agricultural land which will be similar, as much as possible, to the agricultural land claimed. It will be possible, with the agreement of the Authority for the Formalization of Bedouin Settlement in the Negev, to convert lands of one type into lands of a different type, or into commercial or industrial lots, based on procedures which will be determined by decisions of the Israel Lands Council.

1.9.1.3 Insofar as such conversion will be permitted, the conversion will be done in such a way that will make possible a full and complete development of industrial and residential areas and will be subject to planning considerations and to the need to verify continuity in planning and development of employment or residential areas.

1.9.2 The rate of monetary or land compensation will be free of tax (Section 88 of the Goldberg Report).

1.9.3 The claimant is eligible for the allocation of a residential lot following the transition from dispersal to settlement, whether he is claiming held or unheld land. The lot that will be allocated (and for a non-holding claimant—the value of the lot) will be deducted from the total compensation for which he is eligible (section 105 of the Goldberg Report).

1.9.4. Agreements signed in the past between the State and land claimants will not be reopened and the terms of these agreements will be in full effect (Section 79 of the Goldberg Report).

Chapter 2: Permanent Settlement

2.1 Solution to the question of the informal settlement

In the Goldberg Report it was determined that the solution of the question of the informal settlement referred to as the “unrecognized villages” is essential for the promotion of the Bedouin population and essential for the development of the Negev. Proceeding from the recommendation of the Goldberg Report (Section 110), the solution to this question must be implemented according to the guidelines, the possibilities and the limitations of the Metropolitan Beer Sheva District Zoning Plan, Tama”m 23/14/4 (subsequently, **the Tama”m**). This planning

framework will provide a solution by means of close-fitting extensions of existing settlements in order for them to absorb the dispersed population concentrations, the absorption of residents in the settlements of the Abu Basma Regional Council and the long-standing settlements, and by means of erecting new settlements as much as will be required.

The Tama"m, which was approved by the acting committee of the National Council for Planning and Construction, which was authorized for this purpose, defined the range of plans for the formalization of Bedouin settlement in the Negev while securing the national and metropolitan needs of this generation and for generations to come. The Tama"m is based on the Beer Sheva Master Plan that pre-existed it.

The essential approach of the planning is to allow a wide range of settlement solutions, including, in appropriate cases, the formalization of the informal settlement of the Bedouins in its current location or in the immediate vicinity. The Tama"m intentionally makes possible a flexible planning approach and does not determine ahead of time the precise settlement solutions for those cases that a detailed formalization has not yet been formed. The Tama"m makes possible diverse settlement solutions in a large area set aside for the formalization of Bedouin settlement. This area is defined by the Tama"m as "Combined Rural Agricultural" (subsequently: "**The Combined Area**") where it will be possible to approve plans that permit new settlement and the expansion of existing settlement, without needing to change the district zoning plan.

Just as the Tama"m determines where to permit new settlement or the expansion of existing settlement, subject to all the considerations, so does the Tama"m define areas where settlement will be not possible.

It is emphasized that the Tama"m is not the conclusion of the decision-making process concerning the permanent settlement of the Bedouin but rather only an enabling framework. The possibilities that the Tama"m creates, the planning rules and cost considerations, in addition to the needs that arise on the ground, need to coalesce into a general and inclusive settlement plan which will be prepared by planning teams joint to the Bedouin Authority and the Planning Administration, and in consultation with

the residents but despite that subject to the principles presented in the rest of this chapter.

2.2 Principles of the Planning of the Settlement

The settlement solutions will guarantee sticking to the rules determined by the Tama"m, including rules concerning minimum density, contiguity and development in the settlement. The building and development contiguity requires an avoidance of leaving intermediate undeveloped areas between the settlement areas within the settlement. In considering the approval of the establishment of a settlement, the government will take into consideration the need to guarantee, among other things, a minimal size and municipal carrying capacity.

Damaging the developed land contiguity of the settlement creates economic and social costs in establishment and maintenance, damages the quality of life within it, and the ability to provide services to the residents, and damages the long-term social-economic functioning of the settlement in the long-term.

The Goldberg Report suggests "to recognize as much as possible each of the unrecognized villages in which there is a minimal mass of residents, as will be determined, and will have a municipal carrying capacity, and a non-negotiable condition that this recognition will not contradict the district zoning plan." (Article 110 of the Report). The Implementation Committee proposes to base the planning of the principles of density and contiguity, as detailed above, and to allow diverse groupings that will be formed for all the settlements in the aforementioned settlement process, and in comportment with the social and physical structure and the municipal carrying capacity, as recommended by the Goldberg Report.

2.2.1 The establishment or planning of residential groupings will be conditioned on the satisfaction of the principles of size, density, contiguity and municipal carrying capacity as mentioned. The formalization of existing settlement, or the establishment of new settlement solutions for a particular Bedouin population, will be conditioned in any case on the evacuation of smaller or more dispersed groupings, or of dispersal areas that are located outside of the area that will be determined for the settlement, whether the

land is located within the Combined Area or whether it is outside of it.

2.2.2 As a rule, in the case of eligibility for large amounts of agricultural land, this land will be allotted outside of the areas determined for settlement and not necessarily linked to them.

2.2.3 The formalization of settlement, in all its diverse types, will guarantee that between the settlements to be planned, many open spaces will be preserved, without settlements, structures or facilities, which will act as landscape partitions and could be used for agriculture, for infrastructure or for leisure and vacationing for the welfare of the residents.

2.3 A deliberate, concentrated process of detailed zone planning

From the time of the government's decision, the Authority for the Formalization of Bedouin Settlement will, by way of the planning teams, conduct a dialogue with the residents on the topic of settlement solutions. Afterwards, the Authority will promote, along with the Planning Administration, the detailed zone plan, within the framework determined by the Tama"m and the principles detailed in this report.

An accelerated process of the permanent formalization of the settlement will be executed by a quick planning process in a contiguous flow of time and in as full a manner as possible, without the creation of intermediate conditions that will perpetuate the existing situation and which might prevent the conclusion of the formalization.

The permanent formalization of the Bedouin settlement will also include the population that has no ownership claims whatsoever.

The Goldberg Report proposes to "adopt a new settlement definition for the unrecognized villages, which will be determined because they will be recognized in the future." The Goldberg Report proposes to set for these villages a "temporary blue line" and proposes that they will be thus marked by the Regional Council for Planning and Construction in the Tama"m with a

special label of "transitional settlement" (article 109 of the report). This recommendation of the committee has been carefully examined in the face of the significant objections raised in this matter.

The term "temporary blue line," in the present context, is not anchored in law and not even in the accepted planning language. Use of such a mechanism with no planning institution that has examined all the considerations and was accompanied by the population's participation might increase the uncertainty and contribute to lack of clarity in continuing to treat the formalization of settlement, as well as burden and make difficult an appropriate and quick land and planning formalization of Bedouin settlement in the Negev. Therefore, the Implementation Committee sees no place to create a temporary distinction between parts of the unformalized settlement using a temporary marking and approval of a part of the groupings, but rather recommends to accelerate the permanent formalization of settlement.

Proper permanent settlement will be planned in cooperation with the residents as defined by the Goldberg Report (Article 111-112 of the Report). The Implementation Committee does not see, therefore, a benefit in premature distinction between one unformalized settlement and another, for the purpose of disbursement of services or for any other need, before the planned dialogue with the population has been conducted.

2.4 The connection between land and planning

2.4.1 A settlement solution will be developed in relation, among other things, to the determination of eligibility in relation to land claims and in consideration of this eligibility.

2.4.2 The settlement program for formalizing the settlement will take into consideration the eligibility for land compensation in exchange for ownership claims that were ratified for those claimants for whom such a plan is relevant.

2.4.3 The allotment of land for residence will be done in relation to the current needs of the existing population. This is in order to make possible a continuity of population in each of the existing or planned areas of settlement, and in order to guarantee an efficient settlement structure that will make possible a full and sustainable

range of services already in its first stages, and which will guarantee welfare and quality of life in the long-term.

2.5 Inclusion of the Public in Planning

2.5.1 The work of the planning teams and the representatives of the Authority for the Formalization of Bedouin Settlement will be participatory in its essence and from its very beginning. The teams will meet the population and will clarify, as much as possible, the desires in an unmediated manner and will try, as much as possible, to form a consensus as wide as possible in relation to the character of the formalized settlement in the future and its location. The planning teams and the Authority representatives will examine the possible solutions while including the population and will form the optimal layout for this move. All of this due to a desire to respond to the majority of needs without compromising on the quality of the formalization, on the principles of size, density, contiguity and municipal carrying capacity, and on the national and metropolitan interests as they are expressed in the Tama"m.

2.5.2 The planning teams will recommend diverse settlement solutions, after inclusion of the population as much as possible, which will fit the character of the population as much as possible, according to its desires and needs, and subject of course to the land possibilities, to the capacity of the state and to planning principles. These solutions could include neighborhoods in long-standing Bedouin settlements, in the Abu Basma settlements, or in close-fitting expansions of these and other settlement sites. The range of settlement solutions includes settlements who have an urban, suburban, or rural character or even settlements that combine between them.

2.5.3 The planning process will be accompanied by continuous formalization processes. A plan for a new settlement will be approved only after ownership claims and other matters have been formalized which will allow the establishment of the settlement in practice.

2.5.4 As stated, the state will act as much as possible in cooperation with the population but in any case will act in such a way that the planning will end in a reasonable time frame. In cases where understandings were not reached on the issues of settlement within a reasonable period since the beginning of the

team's work, and in areas where the Prime Minister has decided that the conditions have not ripened for putting the formalization into effect (Article 3.1.1), the state will be authorized to plan the settlement solutions based on its considerations while considering as much as possible the needs of the residents and their desires as they have been expressed until that point.

2.6 The integration of enforcement maneuvers in order to implement the planning solutions

Given the importance of the fulfillment of the proposed plan for the benefit of all involved parties by the predetermined dates in a full manner, great emphasis will be put on the enforcement of the plan's execution. The housing solutions will be promoted as much as possible through discussion, but if this discussion is not successful, and even in the case of residents or groups which will have to relocate their place of residence to another place which will be determined, the solutions will be promoted even if the residents do not cooperate with their determination, and even if the solutions will not be agreeable to them, and determined means of enforcement will be taken by the authorities to fulfill the decisions that were taken.

2.7 The Planning Process

2.7.1.1 In order to implement the recommendations of the Goldberg Report and the recommendations of the Implementation Committee above, the Implementation Committee recommends to initiate a concentrated move of deliberate and detailed zone planning which will speedily include all the dispersed Bedouin population in the Negev using planning teams of the required numbers. The Authority for the Formalization of Bedouin Settlement in the Negev will be responsible for initiating the planning process including communications with the planning teams in the required frequency, and will accompany and advise them professionally. There will be appointed a senior planner in the Authority who is fit to serve as a district planner. Until the submission of the report to the government, committee work will be conducted to formalize the preparation of the district committee for dealing optimally with the plans.

2.7.1.2 From the point of government's decision, and no later than the new law's coming into effect, the Authority and the planning teams will conduct a dialogue with the residents on the topic of settlement solutions, and these will promote the detailed zone plan in the framework determined by the Tama"m and the principles detailed in the report. This process will be run in parallel to the compensation disbursement phase and the determination of its location insofar as this will be required to complete the planning.

2.7.1.3 Each one of the planning teams will be put in charge of planning for a specific area or population group who have common characteristics and a basic desire to reside in a joint settlement framework: in new neighborhoods of existing settlements or in new settlements.

This entire move will be done with the aim that at least in the first two regions a significant part of the development and the beginnings of the settlement process will be executed in practice in five years.

2.8 The Planning Framework

Given the national importance of formalizing Bedouin settlement in the Negev, the possibility to advance the plans prepared by the appointed planning teams, as detailed above, in the framework of a national zoning plan with provisions of detailed plans, will be examined. It is recommended that the plan to be conducted will include flexibility in different topics which will make it possible to make changes in the future which will be made on the authority of other planning institutions. In this way the time required to receive relief from national zoning plans will be saved.

Insofar as it will be determined that the advancement of planning will be done by way of local zoning plans, the required changes or reliefs to the national zoning plans, which will make possible the speedy approval of the aforementioned local zoning plans, will be urgently promoted.

Chapter 3: The Process of Formalizing Ownership Claims

According to the recommendations of the Goldberg Committee, the formalization of ownership claims will be done in the framework of provisions of law which will determine the formalization regime (subsequently: "**the special formalization**"), as detailed subsequently.

3.1 Stages of the process of compensation disbursement

Compensation disbursement for ownership claims will be done in five main stages.

The first stage, the "claims ratification" stage – From the moment of the passing of the law the ownership claimants (in this document "**ownership claimants**" - the original claimants, their desired subrogates or according to adjudication and as will be determined by law) will be summoned to ratify their claim. This is according to a plan that will be gradually put into effect in five regions and will end within two and a half years. The claims ratification can be executed up to nine months from the date determined for each region. A limited possibility will be given to ratify the claim during a limited period following those nine months, but as a rule, the compensation that late ratifiers can receive will be reduced. Ownership claimants who chose not to participate throughout the process within the stated period will have their claim transferred to determination by a court of law.

The second stage, the "compensation determination" stage - After the satisfaction of the conditions that will be determined by law, the compensation committee will determine according to the law and based on the material brought to it the rate of land and/or monetary compensation that each claimant who ratified his claims is eligible for, in exchange for his part of the ownership claim. As needed, the ownership claimants will appear before the

compensation committee for the purpose of deliberations on their claim.

The third stage, the "compensation location" stage- The location of the compensation will be determined, as much as possible, in consultation with the claimants.

The fourth stage, the "compensation disbursement" stage – The full disbursement of compensation, including payment of cash amounts for which the claimants are eligible and granting possession of land allotted to them, will be done only after the claimant as satisfied all conditions determined for this, including the evacuation of the lands determined to become state lands, the removal of structures and illegal uses from the land which will be conceded to him as compensation land, and as long as he agreed to the state using the land that he evacuated, including its allotment to other Bedouins.

The fifth stage, the "land registration" stage – In the conclusion of the special formalization process the formalization clerk and the Lands Registry Department will act to register the land as formalized land—land that was allotted to the claimant, will be registered to his name, and the land that was not allotted as compensation land will be registered to the name of the state. Land that those who claim ownership to it or their subrogates have done nothing in relation to it (did not ratify their claim and did not turn to the courts of law requesting to determine their claim), will be listed **in the name of the state at the conclusion of five years from the passing of the law** as formalized land.

3.1.1 The Prime Minister will be authorized to not begin the special formalization of certain areas if the conditions for this have not ripened or if the Prime Minister has assessed that it is not possible to reach the purposes of the law, including, because of planning, organizational, economic considerations or considerations having to do with the population. For this purpose, the government will appoint a committee under the authority of the director of the Prime Minister's Office and in cooperation with the head of the Authority for the Formalization of Bedouin Settlement in the Negev and representatives of the Treasury, Justice and Interior Ministry and from the Israel Lands Administration.

3.2. Claims Ratification Stage

From the moment of the passing of the law an advertisement including the provisions of the law in the Arabic and Hebrew language will be made, so that these provisions can reach the entire population. The ownership claimants will be summoned to ratify their claims according to a gradual plan that will be determined by the head of the Authority for the Formalization of Bedouin Settlement, and will be spread out over the span of a maximum of two and a half years. The Authority for the Formalization of Bedouin Settlement in the Negev will turn to the notified ownership claimants as they appear in the database of the Justice Ministry and as detailed in **Appendix C**. Ratification of the claims could then be executed up to nine months from the date set for each region. The ownership claimants who chose not to join the special formalization could request to transfer their claim to the court of law for determination.

3.2.1 The formalization clerk will create a database as detailed in Appendix C which will include the information of the claimants who served their claim, their part in the claim and the land claimed within the dates which will be determined by law, or their subrogates.

3.2.2 The Authority will present the ownership claimants the compensation that it will be possible to receive according to the new law, given the conditions that were determined in it, and the law's implementation process. The dispersal residents will be presented with the settlement possibilities according to the principles of this report.

3.2.3 The ownership claimants will be summoned by the Authority representatives (see following) to present to the formalization clerk, whether directly or with the assistance of the Authority representatives, a ratification statement of the claim which appears in the files of the formalization clerk which will include, among other things, a request to receive compensation according to the new law. In the ratification statement, the claimant can attach comments concerning details which appear in the claims table such as those concerning the identity of the claimant and his part in the claim. The claim ratification statement could also be served by someone who is not listed in the files of the formalization clerk

as an ownership claimant, except that they prove that their right in the claim arises from the right of the original claimant.

3.2.4 In order to streamline and shorten the claims ratification process the Authority will be assisted by external Arabic-speaking lawyers in addition to its workers (subsequently: "**Authority Representatives**"). The Authority representatives will be responsible for deliberately turning to the ownership claimants to offer them to present ownership ratification statements. The Authority representatives will explain to the claimants the meaning of the special formalization process, its stages and the hidden value of the participation in the formalization process of all ownership claimants in a particular area, and of a particular claim. The communication with the private lawyers will be conditioned on their commitment not to represent ownership claimants in the special formalization processes and on the examination of possible conflicts of interest.

3.2.5 The period for presenting an ownership ratification statement is nine months from the day in which the beginning of the formalization in the area was declared according to the gradual plan according to article 3.1 (subsequently: "**the determining period**"). Throughout this period, anyone who wishes to determine his ownership claim in a court of law according to the regular formalization processes, to request to renew the processes in a request he will submit to the formalization clerk, can do so. In any case, the presentation of a request to determine a claim in a court of law following the period that will be determined by law will not be able to reduce the right of the state to register as owners of the land in relation to which the claim has been submitted, nor to change the registration of the land on the state's name insofar as was done, and the claimant, as stated, will not be eligible to receive land rights, even if he proves his claim, rather for monetary compensation only, subject of course to the court's deciding that he is eligible for this.

3.2.6 An ownership ratification statement will include, among other things, the following details:

3.2.6.1 A request to receive compensation according to the new law in exchange for land claimed in the original land claim.

3.2.6.2 Details concerning the connection of the claimant with the original land claim, and his relative part in it.

3.2.6.3 Declaration on the fact that the conditions of the formalization under the new law are clear to the signer.

3.2.6.4 His address to receive official mail from the State of Israel as well as the address in which he lives.

3.2.6.5 His agreement to give up determining the ownership claim in a court of law according to regular formalization procedures.

3.2.7 Conclusion of the claims ratification stage

As comments concerning the details which appear in the claims table will be presented, these comments will be checked by the formalization clerk and the data base will be updated by him as he sees fit. The determination of comments that were not received by the formalization clerk and in general comments that contradict one another will be transferred to the compensation committee.

3.2.8 Procedures for Claim Adjustment

3.2.8.1 Comments for the database can be presented by each of the ownership claimants and can be presented either with agreement of all parties or without their agreement.

Comments for the database will reflect a request for adjustment in the database, according to agreements for the transfer of rights for each claim, inheritance injunctions or updated will fulfillment injunctions, which will be given by the Registrar for Inheritance Matters or by the Shari'a court, according to the matter at hand, and which were not yet updated in the claims memoranda and the database. As stated, evidence proving the requested adjustment will be attached to the comments.

3.2.9 Division of the claim area in the claims that were ratified by a part of the claimants

When not all claimants in the same claims memorandum ratified their claim, the compensation committee will be authorized to determine a division of the original claim area, while marking this

division on a map representing the original claim, between the claimants who joined the special formalization process and the claimants who did not join this process. The matters of whoever decided not to participate in the special formalization process can continue to be clarified in a court of law. However, the ownership claim that will be discussed according to the formalization order will be done only in relation to that part of the claim that was determined by the compensation committee as the part attributed to the claimants who did not join the formalization as stated. These claimants will not have any rights in the area marked in attribution to the claimants who joined the formalization process.

3.2.10 The compensation committee will be given authority to transfer the clarification of the matter it is discussing to the courts in exceptional cases and because of outstanding complexity.

3.2.11 Application of the Special Formalization—Special Claims

The claims committee will be able to discuss special claims as well, and everything in relation to claims as detailed below:

3.2.11.1 Ownership claims that were accepted previously by the formalization clerk, but the land was subsequently formalized, ignoring the claims, without conducting the rights determination processes in relation to them, will be considered as claims according to the new law in every way.

3.2.11.2 Despite what was stated, ownership claims to lands whose inclusion in the claims book at a date when the land to which they touched had already undergone formalization processes will be considered claims according to the new law but subject to conditions to be determined by law.

3.2.11.3 Ownership claims in which verdicts were issued in favor of the state in the presence of one side—the possibility to put into effect the special formalization at the conclusion of four years from the day of the beginning of the law will be examined. This examination will not be done in relation to someone that an opposing claim was served on his matter since the government's decision.

3.2.12 Processing of ownership claims until the reception of the law

3.2.12.1 Until the conclusion of legislation, the compensation regimes for ownership claims according to Israel Lands Council decision 1028 will be in effect. However, it will be agreed with compromisers before the law's coming into effect that if they wish it, they could receive the compensation based on the special formalization regime if and when the law will come into effect, and according to the conditions that will be determined by law.

3.2.12.2 In the proceedings taking place today in courts of law according to the formalization order, a notice will be given to ownership claimants stating that it is possible for them to compromise according to **decision 1028** and then they could receive the compensation according to the special formalization regime if and when the law will come into effect as stated in article 3.2.12.1.

3.3 Compensation determination stage

The compensation committee will determine, according to the law and based on the material which will be brought to it, the land or monetary compensation that each claimant that ratified his claim is eligible for in exchange for his part in the ownership claim.

3.3.1 Compensation committee

3.3.1.1 In matters detailed in article 3.3.1 below, the compensation committee will decide.

3.3.1.2 It will be possible to establish a number of compensation committees, based on the estimation of the needs. At the head of the compensation committee will stand a jurist fit to serve as a district judge, which the Justice Minister will appoint, and an Authority representative of its workers, a representative of the Bedouin sector and additional members will serve on the committee, as determined through legislation.

3.3.1.3 The compensation committee is authorized to make decisions based on written evidence and is authorized to summon

for deliberations the involved parties in relation to a particular claim.

3.3.2 Authorities of the compensation committee

Authorities of the compensation committee will be:

3.3.2.1 To determine the size of the land area of the claim in exchange for which the compensation will be given (see article 1.2).

3.3.2.2 To determine whether the original claim is a held claim.

3.3.2.3 To determine the rate of the land compensation in exchange for the same land claim as determined in the law and described in article 1.6.

3.3.2.4 To decide in disagreements in relation to comments served to the database.

3.3.2.5 To deliberate in the instances and in the manner that will be determined by law on the decision of the Authority administration on the location of the compensation.

3.3.2.6 To determine that part of the claimed land in relation to which the new law will come into effect in relation to ownership claimants who agreed to the special formalization process, as stated in section 3.2.9.

3.3.2.7 The claims committee will give the compensation claimants a binding document defining their rights and the degree of compensation, in land, in money and developed residential lots, based on the case. This document will detail the relationship of the conversion between different compensation types according to the law.

3.3.2.8 At the presentation of the document the compensation claimant will sign an agreement to allow the use of the land which will be registered to the name of the state for every purpose that it determines, including the settlement of other Bedouins.

3.3.3 Presentation Procedures

3.3.3.1 Presentation procedures will be determined in the law that will be in effect in the special formalization procedures and, as needed, even in formalization procedures according to existing law. This will depend on the type of claim, the different aspects that relate to the settlement of the Bedouin population, and out of a balance between the desire to streamline and shorten the processes and between preserving the right to access the courts.

3.3.3.2 The compensation claimant who has not appeared in response to two different summons in the compensation committee will be seen as a claimant who reneged on his agreement to the special formalization process and as someone who has not fulfilled the conditions to receive compensation.

3.4 Compensation location stage

The location of the compensation will be determined by the Bedouin Authority, in consultation with the claimants as much as possible, and integrated with the work of the planning teams, insofar as this will be necessary in the framework of the settlement planning process.

3.4.1 The location of compensation in lands described in section 1.3 will be determined by the Authority, in coordination with the Israel Lands Administration

3.4.1.1 Land compensation will be given in consideration as much as possible to the area of the ownership claim, but not necessarily in the location of the claimed lands. Likewise, the permanent settlement plan will be taken into consideration when determining the location of the compensation. It is emphasized that small compensation areas will be concentrated in defined and contiguous areas, in order to streamline their use.

3.4.2 It will be possible to appeal the decision of the Authority in the claims committee within sixty days.

3.4.3 The Authority will not conclude the compensation disbursement process until it has been satisfied concerning the readiness of the compensation recipients to evacuate the portion that will be given to the state, until it is clear that the land evacuee

allows another to receive it, and, if the Authority has a plan concerning the recipients of the evacuated land, until he gave his agreement to this.

3.4.4 Appeal to the decision of the compensation committee

3.4.4.1 The procedure to petition or appeal the decisions of the compensation committee will be determined in legislation.

3.5 Compensation disbursement stage

Full compensation disbursement, including the payments of cash amounts and possession of allotted lands that the ownership claimants are eligible for, will be done only after the claimant has satisfied all the conditions determined for this, among these after he has evacuated the lands in relation to which it was decided that they would become state property, and after he agreed to the state's use of the land he evacuated, including its allotment to others.

3.5.1 Reception of compensation in land, money or residential lots, based on the case, will take place when:

3.5.1.1 In the case that the compensation claimant is supposed to change his place of residence as part of the formalization, compensation will be given to him only following the move.

3.5.1.2 In the case of ownership claims located within the zoning plan of a Bedouin settlement, part of the compensation defined by law will be given only after the ownership claimant allowed the actual habitation on the land he evacuated of whoever the Authority determined.

3.5.1.3 If he did not satisfy his commitments, his eligibility to receive compensation will expire.

In any case, the measure of ownership will be registered in the name of the original claimant or his heirs subject to the signature of agreement to allow use of the land for any purpose that will be determined including the settlement of other Bedouin (Goldberg section 107).

3.6 Land registration stage

3.6.1 After five years since the law's coming into effect, land which is not in a special formalization process will be registered in the name of the state. This order will not be in effect on land in relation to which formalization procedures are taking place in court, according to the request filed by the claimant and at a date determined for this.

3.6.2 In land transferred to its possession, the state will work to allow use of that land according to its purposes, as will be determined by authorized parties.

Chapter 4: The Permanent Settlement Formalization Process

4.1 Mechanisms for formalization of settlement

Carrying out the transition from the dispersed lifestyle to a permanent settlement lifestyle requires a series of determinations concerning work processes and concerning the rights of the permanent settlers in the transition process. In this chapter the rights and procedures to be given to the population during the settlement formalization are outlined. As a rule, these are similar to what is customary today, but changes were made in them in the framework of the implementation plan.

4.2 Relocation of residence from the dispersal to a permanent settlement

4.2.1 Eligibility for developed residential lots as a result of the transition to a formalized settlement will be given to families and among these single-parent families and individuals who are 24 years of age or more on the date that will be set by law, and this on the conditions that they do not have rights to a residential lot.

4.2.1.1 Anyone whose age is between 18 and 24, the procedures concerning them will be determined before the presentation of the plan for government approval.

4.2.1.2 The rights allotted in residential lots to the Bedouin population, whose settlement will be formalized according to this report, will be ownership rights.

4.2.1.3 One who is eligible for a lot according to the new law will pay the value of the land before development (deducted from the land compensation for which he is eligible or if he is not eligible for compensation, according to the price table per dunam which appears in section 1.5).

4.2.2 Assistance to population transitioning from the dispersal to a permanent settlement

4.2.2.1 A population that moves from its place for the needs of settlement in a permanent settlement will receive monetary compensation. The monetary compensation will be on the basis of a land-attached structures table according to the types of structures, and will be received, among other things, only after the evacuee has taken apart the land-attached structures that were owned by him and evacuated the land, and all this according to stages that will be determined. The aid package will be to assist the evacuee to build the permanent home to which he is eligible, and will be comprised as follows:

- An evacuee for whom the value of the land-attached structures he owned is up to 150,000 NIS will receive monetary compensation according to the table which will be set, and which will not be less than 100,000 NIS.
- An evacuee for whom the value of the land-attached structures he owned is greater than 150,000 NIS will participate in a percentage of the cost of the development of the lot to which he is eligible as stated in section 4.2.1, according to the table which will be determined.

4.2.2.2 In the case that the need for a temporary housing grant arises, its amount will be 50,000 NIS.

4.3 Formalization in the location

4.3.1 A person who is eligible according to section 1.3 who resides in an area determined by the local zoning plan or a detailed plan

as an area for settlement formalization, and who holds land that will be formalized for his residence, will receive state assistance in the costs of the development of the lot. The state's participation will be 75% of the cost of development in exchange for the average development value of a lot as will be determined.

4.3.2 One who is eligible whose settlement has been formalized in his current place of residence will not be eligible for assistance mentioned above in section 4.2.2. Despite this, the Authority will be authorized to grant a defined aid package if it is requested of the resident to destroy land-attached structures located outside the boundaries of his lot as stated in article 4.3.1.

4.3.3 An ownership claimant and eligible parties from his family according to section 4.2.1 who, after the formalization and the resettlement have stayed to dwell in the area held by him and which he received in the formalization of his claim, the lands on which he resides will be deducted from the land compensation for his claim as is acceptable in relation to every ownership claimant for whom residential lots are allotted.

4.4. Encouragement of long-standing settlements to absorb dispersed people

Long-standing settlements (Tel Sheva, Rahat, Laqiya, 'Arara of the Negev, 'Hura, Segev Shalom and Ksayyfa) who will absorb residents in the framework of the implementation of the proposed plan, will receive assistance which will be determined in the framework of the government decision, in exchange for each absorbed family.

4.5 Keeping to the time-tables

4.5.1 In relation to the population transitioning from its location for the purpose of resettlement: Whoever evacuates the land and structures which must be evacuated by the dates that were determined by the Authority will receive the full assistance as stated in section 4.2.1.3. Whoever evacuates tardily will be eligible for a lower rate of assistance. Whoever does not evacuate by the conclusion of the determined period will have enforcement procedures taken against them. If the state requires an enforcement procedure, the evacuee will not be eligible for the

defined assistance. The state will be authorized to impose on them the costs of the evacuation according to the land, planning and construction laws.

4.5.2 In relation to population whose settlement is formalized in its current location: Clear dates will be determined for formalization at that location and for getting building permits. Whoever does not formalize their residence accordingly by the end of the determined period, enforcement procedures will be taken against them. Whoever has missed the date will not be eligible for the state's participation in development costs according to section 4.3.

Chapter 5: Enforcement

5.1 Enforcement of land laws

The proposed compensation mechanism and the far-reaching plan to formalize the settlement in the recommendations of the implementation committee, based on the main principles set by the Goldberg Committee, promote a reality in which the Bedouin settlement will exist according to the laws of the State of Israel. The plan proposed by the Goldberg Committee and the Implementation Committee will not succeed if the state does not enforce its laws and among them the land, planning and construction laws. Enforcement of the law is a basic part of the existence of every formalized settlement in a state of law.

"The issue is totally different in everything relating to law enforcement in the future in relation to illegal structures which were built after the establishment of the committee. From now on, there must be a determined and vigorous enforcement without which there will be no point to our recommendations.... An absence of enforcement seriously damages the public's faith in the government, and destabilizes the social order." (section 139 of the Goldberg Report).

5.2 Land holding and illegal construction

5.2.1 New illegal structures: The enforcement mechanism described in this chapter will act as recommended by the Goldberg Report: "From now on there must be a determined and vigorous enforcement." From the moment of the government's decision it is necessary to act in relation to new construction (by activating a range of legal and enforcement tools which are available to the enforcement bodies authority).

5.2.2 Existing illegal structures: The enforcement policy in relation to existing illegal structures will take into consideration the advancement of the formalization process according to the law, in order to assist as much as possible in its promotion.

5.3 In order to deal with illegal holding of land, legal and civil tools will be determined which make possible the expulsion from illegally held land, and this in order to make possible the full evacuation of an area. If the need arises, new procedures will be set in relation to the activation of these tools or additional rules will be determined through legislation, and everything for the purpose of improving the ability of the state to preserve available lands and to act as much as possible in the required land for the purpose of implementing the goals of this law.

5.4 The planning, construction and land laws enforcement mechanism

Until the issue will be brought to the government for a decision, the required decisions will be made in order to make possible for an enforcement system in the field of planning, construction and land laws, and the coordination and complementary linkages between the different bodies, to withstand the tasks which it will be possible will be required in the Negev.

5.5 Authorization of inspectors

5.1.1 The inspectors operating in the Negev (the National Unit for the Inspection of Construction in the Interior Ministry, the Inspection Department in the Israel Lands Administration, and the Green Patrol) will all be authorized to act according to the planning and construction laws as well as the land law, in order to increase the flexibility and capacity for joint action.

5.5.2 The units who deal with this issue in the Israel Police in the framework of the Southern District will be strengthened such that the necessary enforcement actions will not be influenced by additional or different operational needs in the area.

5.5.3 Moves have been made to strengthen the capabilities of the enforcement mechanisms in the Interior Ministry and the Israel Lands Administration.

Chapter Six – Organization

6.1 Executive headquarters at the Prime Minister's Office

The process of the formalization of settlement is a complex process and requires wide-ranging inter-systemic coordination. Involved in the process, beyond the Authority for the Formalization of Bedouin Settlement in the Negev, are most government offices and additional government bodies.

There will be established in the Prime Minister's Office an executive headquarters whose function will be to lead the entire system to achieve the goal of permanent settlement of the Bedouin dispersal, alongside wide-ranging development moves which will be aimed at improving the condition of the Bedouin population in general.

The executive headquarters will be a small body, and its director shall be appointed by the Prime Minister, with the approval of the government.

6.2 The Authority for Formalization of Bedouin Settlement in the Negev

The Authority for the Formalization of Bedouin Settlement which was established by a government decision number 1999 on July 15th 2007 is the main executive body for the formalization of Bedouin settlement in the Negev.

The Authority will comprise an authorized body to which will be given an independent position in matters of budget and its management, legal counsel, human resource management, purchasing and ability to communicate with external bodies for different development needs.

The Goldberg Committee recommended that the Authority will be a public corporation which will be established by law (section 140). The Implementation Committee has determined that in such a sensitive issue in which it is necessary to model the state's relationship with a large population, and which requires the management of large land resources, the Authority needs to have a stronger connection to the government than is possible with a public corporation. Additionally, and in the framework of this thinking, the Implementation Committee has tried to give the Authority as many independent executive powers that it needs.

6.3 In its activity according to the proposed plan, the Authority will act in predefined areas, for each of which there will be an assigned work team.

6.4 The Authority's field operations will be significantly strengthened to enable its work. The Authority will be organized in such a way that it will have the capacity for strategic planning, development planning, to assist transferred populations to their new place of settlement, and to assist in the execution of land exchanges as much as is required according to section 6.1.

6.5 According to the proposed implementation plan, comprehensive committee work has been done between the Prime Minister's Office, the Treasury Ministry, the Civil Service Representative and the Bedouin Authority. During this work the structure of the Authority and the extent of the human resources available to it have been determined.

6.6 The establishment of a system of planning teams

The detailed zone planning process requires a special mobilization for the establishment of 30 inter-disciplinary planning teams and their activation by a central body as will be determined by government decision through close cooperation between the Authority for the Formalization of Bedouin Settlement, the Planning Administration and the District Planning Department in the Southern District. Each one of these teams will include professionals in the fields of planning and engineering which are relevant, as well as an expert advisor on involvement of the public.

6.7 Establishment of an updated database

The execution of these recommendations requires a special mobilization of the office of the formalization clerk and the land registry in the Southern District.

Appendices

Appendix A – Optimization of Ownership Claims Data

Until the law's coming into effect, the Justice Ministry will establish an updated database of data found today in ownership claims as they appear in claims memoranda in the Formalization Department. This is so that it will be possible to begin new formalization immediately with the law's coming into effect.

Actions to update the aforementioned database will be begun by the formalization clerk immediately with the passing of the government's decision, and this while optimizing the data appearing in the claims memoranda. This data optimization will be done according to data that has accumulated in files, according to the claimants themselves or their subrogates as well as according to special violations procedures that will be determined in the law in relation to claims rights violations of heirs of the original claimants.

1. The database will include updated information as much as possible in relation to the ownership claims, including:
 - 1.1 The area to which the claim relates. The names of the original claimants and their relative share in the claim.
 - 1.2 The names of the inheriting claimants (from the force of inheritance or from the force of special determination rules as detailed below) and their relative share in the claim, as well as identification information of these claimants as it is available.
- 2 The updating of the database will be done while examining all the claims memoranda and recording the changes that took place throughout the years, including updates on inheritance orders, will fulfillment orders and updates on agreements which appear in the file.
- 3 The rights of the original claimants who passed away will be transferred using an update on the matter of an inheritance order or a will fulfillment order that was produced in relation to them. If such documents have not been produced, the determination rules that will be anchored in legislation will enter into effect. According to these determination rules, half of the "right to claim" of the original claimant who passed away will be transferred to his spouse, and half to his descendants. If there is no spouse or descendants, the right will be transferred to the state. Throughout the data optimization process, the formalization clerk will try to clarify whether there is data not in his possession in relation to the division of the claim and, if the need arises, will turn to the Shari'a court. For the purpose of activating the special determination procedures, the formalization clerk will have full access to the Population Registry.
- 4 The database will be updated as stated up to nine months from the date of the government's decision on this matter, and no later than the law's coming into effect. This is the responsibility of the Justice Ministry.
 - 4.1 It will be determined through legislation that the updated database detailed above will comprise prima

facie evidence in relation to the claims still being discussed or that will continue to be discussed in the future according to the formalization order.

Appendix B – Reservation of Implementation Committee
Member Yaron Bibi

**Subject: The Report of the Implementation Committee of the
Goldberg Report**

1. The last draft of the report that was given to me yesterday includes a number of changes, among them the possibility to give compensation in land and money for lands expropriated in the framework of the Land Orders, the Land Purchasing Law, and the Land Purchasing Law in the Negev. According to a figure presented in a discussion that took place with the Executive Director of the Prime Minister's Office, at issue is 183,000 dunam.
2. It is my will to express reservation concerning this section of the recommendations for the following reasons:
 - a. According to the Land Purchasing Law (Hara"m Hebrew year) in the first years of the state over a million dunams were expropriated. In all areas of the country, the granting of the possibility to the Bedouins, whose ownership of the expropriated land was never proven (and on this matter the preamble of the Goldberg Report is relevant), to receive compensation in land for the expropriation, while in the rest of the expropriations according to this law the possibility does not exist, will make it difficult to grant compensation in other parts of the country and could raise demands for land compensation in exchange for those expropriations as well, what's more is that the expropriated who are not Negev Bedouin have solid proof of ownership. This formalization could cause the expropriated who received monetary compensation to open the compensation procedures.

- b. The inclusion of the aforementioned lands increases the amount of land that will be given as compensation.

- c. This decision might even destabilize the rule of law, when the expropriated who gave back land and received compensation on time and according to the rules will receive less than Bedouins who did not give back the land, some of which built on it illegally and who will now receive an increased compensation.

I propose to correct this article such that only monetary compensation will be given.

With blessings,

Yaron Bibi
Director of the Administration