

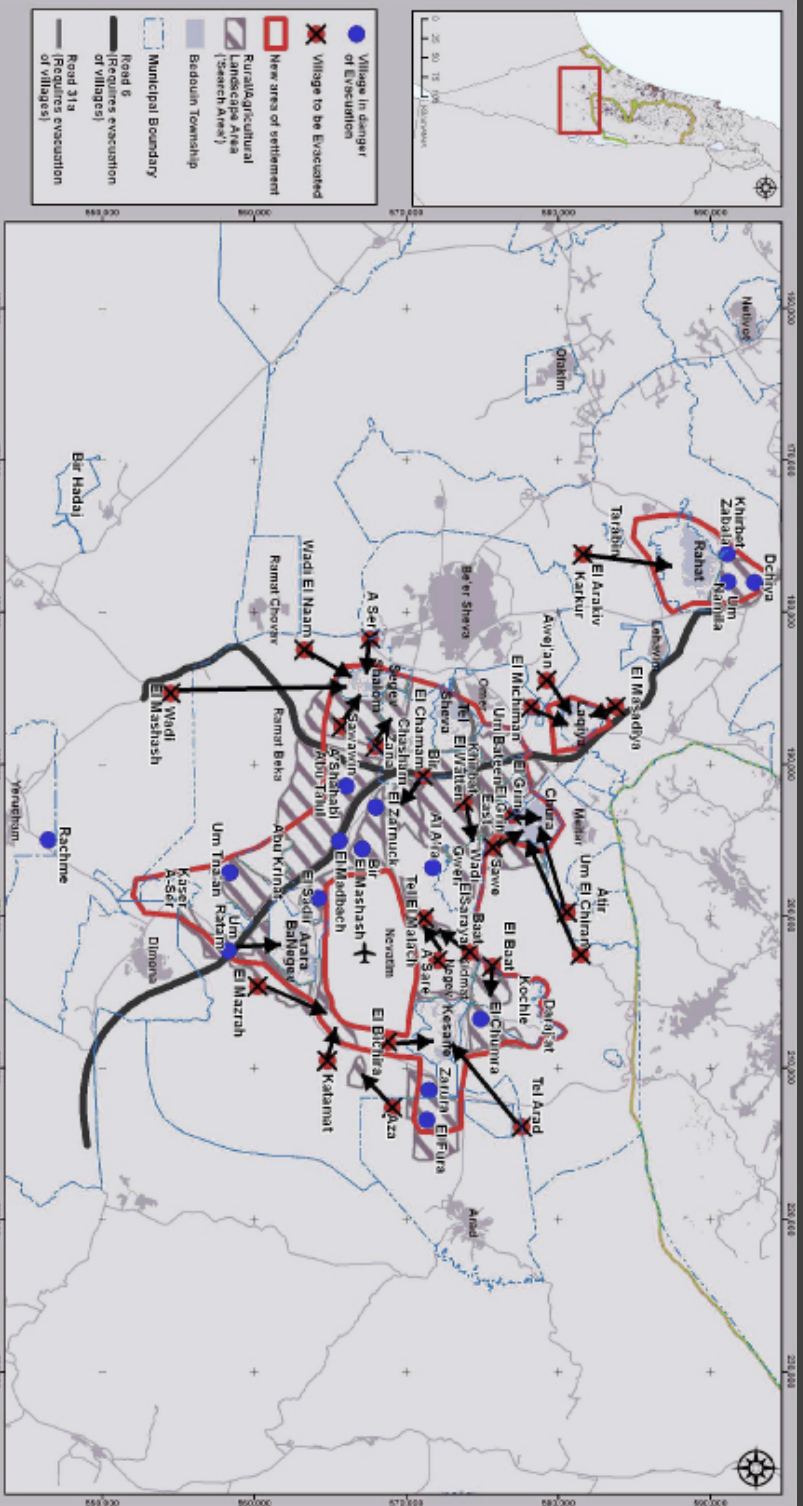
A Briefing Paper Understanding the Praver Plan Law

The Israeli government proposed “The Law for the Regulation of Bedouin Settlement in the Negev” (2012) (“The Praver Plan Law”) on 3 January 2012, and it is currently in a public hearing period. This bill is one part of the government-approved Praver Plan, which was approved in September 2011.

If passed, this law would lead to the forced displacement of up to 70,000 Arab Bedouin citizens of Israel from their homes and lands to government-planned townships unsuited to their way of life.

This briefing paper examines the law’s main provisions, and offers analysis and critique on this most recent iteration of Israeli policy of dispossession and displacement. Adalah, with the support of the international community, calls on Israel to withdraw the discriminatory Praver Plan Law, which is inappropriate, unrealistic and unjust.

Adalah - The Legal Center for Arab Minority Rights in Israel



Map 6.8

Master Plan for the Unrecognized Villages in the Negev
Expected transfer of communities based on government plans



Key elements of the Praver Plan Law

- **To finalize, within five years, all Bedouin land ownership claims and offer land or monetary compensation for a maximum of 50% of the claimed land;**
- **To set forth strict enforcement mechanisms, including forced evictions and home demolitions without judicial remedy;**
- **To provide wide discretion and authority to the Prime Minister at all stages of implementation of the law.**

Goals of the Praver Plan Law (Art. 2)

- “To make possible the development of the Negev for the benefit of all of its inhabitants, including a resolution of the settlement of the Bedouin population.”
- “To regulate Bedouin land ownership claims in the Negev”.

The Details

Who is eligible to receive compensation?

An eligible claimant is a person, his spouse or descendants, who submitted a ‘claims memorandum’ before 24 October 1979, (i.e. “original property claim”) and whose claim was not subsequently rejected by an administrator or a court. (Art. 27-30)

These original claimants are the only persons able to enter into the compensation process.

How much land can be claimed and compensated?

For a legally established ownership claim (a land claim that was originally filed and confirmed in the compensation process), the compensation given will equal up to 50% of the land claimed. (App. 3 – Table 1-8)

The percentage of land compensated will reflect the percentage of the original land claim that has been confirmed in the compensation process.

i.e. If one or more descendants choose not to enter the confirmation process, the total percentage of land available for compensation is reduced proportionately. (Arts. 42-43)

Receiving compensation is conditioned on clearing all land currently used of all persons and objects and fully relinquishing, in writing, all ownership claims on land that will not be compensated for the claimant. (Arts. 50-59)

What kind of compensation?

In the form of land if: Evidence exists of agricultural work and residence at the time of the original ownership claim, and only if the land is currently held by the claimant and/or his descendants. (App. 3 – Table 1-8)

The government will decide the location of the compensated land, i.e. the claimant is not guaranteed to receive his/her ancestral land. (Arts. 50-59)

In the form of fixed monetary compensation if: The land claimed is currently held by the state (i.e. west of Route 40). (App. 3 – Table 1-8)

Timeline for compensation

Upon publication of the start of the compensation process in a particular area, the claimant of original property claims will be allotted nine months to confirm their original claims. (Art. 32)

A claimant will receive reduced compensation if they confirm within 19 months. After 19 months, the claimant cannot receive compensation. (Art. 47)

The Praver Plan is intended to put an end, within five years, to ‘all of the activity surrounding the issue of the lands.’ (GD, pp. 11, 30 (Art. 3.1))

How will the Praver Plan Law be implemented?

The Israel Lands Authority (ILA) can issue eviction orders to persons who hold the land in violation of the Praver Plan Law. (Art. 71)

The ILA may enter the land and remove any object or person “and to employ all measures to ensure that the eviction order is fulfilled.” (Art. 71)

The ILA is permitted to employ “reasonable force and to receive assistance from the police forces.” (Art. 71)

What is the role of the justice system?

The implementation of an eviction order cannot be delayed or halted by court, and an eviction order under the Praver Plan Law includes authorization to demolish all structures without a special permit for demolition. (Arts. 71 – 72)

The Minister of Justice is authorized to charge the holder of the land for the expenses of eviction and demolition, and a person who violates the Praver Plan Law is subject to two years imprisonment. (Art. 73)

In the case of contradiction between the Praver Plan Law and any other law – the directives of the Praver Plan law will apply. (Art. 77)

What is the role of the Prime Minister?

The Prime Minister (PM) is responsible for the implementation and enforcement of this law and is authorized to set any regulation to that end. (Art. 83)

The PM will determine the definition of who is a Bedouin and the area of possible Bedouin settlement. (Art. 1)

The PM will establish Compensation Committees, appoint one Bedouin representative, and regulate the publication of decisions. (Arts. 3-4)

The Prime Minister has complete discretion to declare or cancel areas for settlement, their location, and boundaries. (Art. 74-75)

Adalah’s Critique and Analysis

- **The Law legitimizes the displacement, dispossession, and eviction of tens of thousands of Arab Bedouin citizens of Israel.**
- **The Law does not recognize the right of the Arab Bedouin to ownership of their ancestral land.**
- **The proposed 50% rate of compensation is unacceptable; reasonable estimates reveal that at most, the Arab Bedouin community will receive less than 16% of their claims.**
- **The Law proposes to compensate the community with land deep in the desert disregarding the indigenous Arab Bedouins’ historic tie to their land.**
- **Reducing compensation for each descendant that does not agree to the plan creates undue family pressure.**
- **The Law discriminates between Arab Bedouins living on their ancestral land and those who were displaced.**
- **The Law strips the court of its judicial review power to intervene or to protect citizens from unfair state land and planning measures.**
- **The unique involvement and wide discretion of the Prime Minister is unprecedented and unrestrained.**
- **The Arab Bedouin were not consulted and reject the law.**

Adalah Calls on the Israeli government to

- Cancel the Praver Plan Law
- Recognize “unrecognized villages” and the rights of the Arab Bedouin to their ancestral land
- Halt demolitions and forced evictions
- Engage in meaningful dialogue with the Arab Bedouin community and the Arab political leadership

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