

November, 2nd 2021

-URGENT-

Welfare Minister Mr. Meir Cohen
Director General of the Welfare Ministry, Ms. Sigal Moran

Subject: Resolution for the recognition of the villages Khašim Zannah, 'Abdih and Rakhamah in the Negev

In view of the upcoming discussion in the cabinet on Wednesday 3/11 concerning the subject of “establishing new localities for the Bedouin population in the Negev” which deals with the recognition of the villages Khašim Zannah, 'Abdih and Rakhamah, and following our appeal dated 28/6/21 on the subject, we appeal to you to act immediately to change the wording of the said proposal and amend the clauses in the resolution that condition the recognition of villages with problematic conditions that may prevent the actual realization of the recognition and the development of the villages in the future. The proposed resolution in the existing formula has far reaching implications for future recognition processes and constitutional rights as detailed below.

1. According to the proposed clause 5, the government will appoint a professional committee that will include the Director General of the Prime Minister Office, Director General of the Substitute Prime Minister Office, Director General of the Ministry for Welfare and Social Services, Director General of the Ministry for Building and Housing. The committee will be headed by the Chairman of the National Planning Board. The committee will present to the government an outline that “will ensure the actual transition of the residents to the villages...for this purpose the committee will set the required threshold for agreements in favor of the transition that will be not less than 70%”.

Conditioning the recognition of localities with the consent of minimum 70% of the residents for the transition to the localities that will be established, is a condition that ensures the failure of the recognition resolution and actually depletes the resolution. There is no possibility of requiring people to move into a settlement whose boundaries have not yet been determined. The boundaries of the settlement should be decided within a planning process, according to the terrain conditions and with full cooperation of the designated population, and not arbitrarily before completing the recognition process. Consenting to the transition “blindly” without the plan and the boundaries of the settlement being finalized is unlikely and the State’s expectation that the residents will accept and sign the plan is unrealistic.

This requirement sets a dangerous precedent of precondition which is unrealistic in planning and recognition proceedings and sets the government’s resolution to failure. To the best of our knowledge, previous government resolutions never conditioned pre commitments and signatures of potential residents for moving to new settlements or to settlements that will be recognized. It is not right that such a condition will be stipulated in this resolution.

Moreover, as well known to all bodies who are involved in this issue, in view of State’s long years of discrimination, the residents of the unrecognized villages don’t trust the planning and regularization authorities or in the government’s motives in the recognition negotiations. Based on their experience where recognition hasn’t been materialized, not to mention recognition that

enabled planning and development, many of the residents will be skeptical as to the requirement to have their prior agreement for the transition into the boundaries of the upcoming settlements. Conditioning the recognition with such a sweeping consent of the residents will worsen the distrust and will prevent the promotion and implementation of the recognition process.

Recognition in principle of the villages is the first step in the necessary process of building trust with the residents, trust that will enable reaching agreements and progress later on in the planning process. After the recognition in principle, orderly planning procedures that include real public participation should be established. In this way, there is a chance to exercise the rights of the residents on the one hand and on the other hand to enable the advancement of the government policy.

2. According to clause 6: “The government’s decision will be null and no plots will be allocated for its implementation after 7 years from the date of approval, unless the outline will be implemented as specified in clause 5 of this resolution, including the signatures of those who are going to move to the new settlement at the scope of the percentage determined by the committee as stated in clause 5”. This clause obviously clogs the ability to implement the government’s resolution since the chance to achieve signed agreements based on the existing outline and at the requested timetable is a very slim chance. From our experience of accompanying villages in the processes of recognition and planning we learned that these processes take many years and involve many challenges. The frame of time given to the implementation of the resolution coupled with the unrealistic condition as stipulated in clause 5, will lead with almost complete certainty to the failure of the resolution. Without detracting from the above, we will point out that the State should act, simultaneously and close to the recognition resolution, to plan and develop the settlements while allocating the necessary resources and budgets for this purpose, while setting a reasonable time frame for completing the process. Only completion of the planning and development process of the recognized villages and those who are in the recognition process, in a way that suits the needs of the residents, will bring a real change and a significant improvement in the quality of life of the residents.
3. According to clause 7 of the government’s resolution, the Ministry for Welfare and Social Affairs, the Ministry for Building and Housing, the National Planning Headquarters, the Planning Administration, Israel Land Authority and the Prime Minister’s Office, are to: examine within 60 days the possibility to reduce the areas of existing permanent settlements”. The aforementioned proposal binds together the recognition of the three localities with a proposal to reduce permanent settlement areas, two different issues that are independent of each other, especially since the proposed 3 villages to be recognized will not be populated by the residents of the recognized villages. It is hard to ignore the deep discrimination enshrined in this clause whereby recognition of Arab villages on lands belonging to the residents necessarily requires other Arab citizens to relinquish their lands in existing recognized villages which still suffer, in spite of the fact that they are recognized, from deep discrimination in resources and budgets. Moreover, this demand is also unworthy and problematic from the following reasons:
 - 3.1 The old Arab-Bedouin localities suffer from various planning problems in addition to the constant acute housing shortage and lack of lands for planning and development. The existence of unpopulated lands in the localities does not indicate a surplus in land but rather deficiencies in the existing plans and their implementation. It indicates the need for planning processes that are adapted to the needs of the community and the cooperation between the residents and the local authorities.

