

Israel's Policy towards the Negev Bedouin: Land and Settlement

Ben-Gurion Research Institute for the Study of
Israel & Zionism
Course number 16-2-3030

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Course Description:

The format for Bedouin settlement and the issue of their rights to Negev lands has engaged decision makers and public debate in Israel from the State's establishment through to the present time when there is discussion of a contentious new proposal for a law to regulate Bedouin settlement in the Negev.

The course will examine the foundations of the existing disputes on these issues and the attempts of settling them over the years. Field trip and guest speakers will be integrated along the course.

Aims of the Course:

To study the sources and current applications of the debate, between the State of Israel and the Negev Bedouin, over lands and settlements.

Objectives of the Course:

The participants will be exposed to archival documents, legal material and court rulings, as well as maps and photos.

This interdisciplinary methodology offers the students a multifaceted approach.

Learning outcomes of the Course:

On successful completion of the course, the student should be able to:

1. Describe the sources of the Negev's land and settlement disputes.
2. Explain the main challenges that face today both: Israel and the Bedouin society when trying to resolve the situation.
3. Assess the challenges that face countries when dealing with traditional and marginal minorities land claims.

Attendance regulation: required attendance in class.

Teaching arrangement and method of instruction:

The course will be conducted through a combination of formal lectures, primary sources workshops, in-class discussion and field trip.

The lectures will be based on weekly reading assignments.

Assessment:

Structure of Final course Grade

- Class Participation & presentation 20%
 - Final Paper 80%
- 100%

Assignments:

Papers: Students will suggest a topic (needs approval). Topics will be correlated with scholar debate over Israel-Bedouin relations or about scholar similar debate in other states. Students should explain the various arguments and the context in which they are dwelling. In addition, based upon readings, students should suggest their own scholarly valuation (10 pages). There is no right or wrong answer to this point, only an educated answer.

Schedule outline and literature:

Part I: Introduction

1. *Nomadic People and the State*
 - Anatoly Khazanov, *Nomads and the Outside World*, Second Edition, The University of Wisconsin Press, 1994, pp. xxxvii-xxxix, 15 – 24.
 - Movie: <http://alkislarlayasiyorum.com/icerik/73267/grass-a-nations-battle-for-life-bir-milletin-yasam-mucadelesi-1925>

Part II: Bedouin Customary Law and Israel's Land Laws

2. *Bedouin Customary Law*
 - Gideon M. Kressel, Joseph Ben-David and Khalil Abu Rabi'a. "Changes in Land Usage by the Negev Bedouin since Mid-19th Century", *Nomadic Peoples* 28 (1991): 28-55. Link: http://nomadicpeoples.info/pdf/NP_journal_back_issues/changes_in_land_usage_by_the_negev_bedouin_since_mid_19th_century_GM_Kressel_J_Bendavid_and_K_Abu_Rabia.pdf
 - Frank Stewart, "Customary law among the Bedouin of the Middle East and North Africa", pp. 239-279, in Dawn Chatty, ed. *Bedouin Societies in the Middle East and North Africa*, Brill, Leiden (2006), Link: http://www.nomadsed.de/fileadmin/user_upload/redakteure/Dateien_Intern/Archiv_AG_1/Stewart_Customary_Law_2006.pdf
 - Clinton Bailey, "Dating the Arrival of the Bedouin Tribes in Sinai and the Negev", *Journal of the Economic and Social History of the Orient*, XXVIII, (1980): 20 – 49.

3. Israeli Land Regime- the Ottoman Law and the cases of el-Hawashla and el-Uqbi
 - Civil Appeal 4220/12 Sliman Mhammad el-Uqbi (dec.) et al. v. The State of Israel (unpublished).
 - Optional: Civil Case 7161/06 (Beer-Sheva District Court) *Suleiman el-Uqbi et al Vs. The State of Israel*. Link: <http://www.justice.gov.il/Units/InternationalAgreements/Publications/Variance/EIUqbiEnglishfinal.pdf>
 - Ronen Shamir, Suspended in Space: Bedouins under the Law of Israel, *Law & Society Review*, 30.2 (1996): 231-257.
 - Alexandre Kedar, Ahmad Amara & Oren Yiftachel, *Emptied Lands*, Stanford University Press, Stanford, CA (2018), pp. 257-264.

4. Bedouin and indigenous people
 - United Nations Declaration on the Rights of Indigenous Peoples, 2007. Link: [link: http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)
 - Havatzelet Yahel, Ruth Kark and Seth Frantzman, "Are the Negev Bedouin an Indigenous People?" *Middle East Quarterly* 19, 3 (2012): 3–14. <http://www.meforum.org/3254/negev-bedouin-indigenous>
 - Alexandre (Sandy) Kedar, "Land Settlement in the Negev in International Law Perspective", *Adalah's Newsletter*, 8 (2004). Link: <http://www.adalah.org/uploads/oldfiles/newsletter/eng/dec04/ar1.pdf>
 - Optional: Seth J. Frantzman, Havatzelet Yahel and Ruth Kark. "Contested Indigeneity: The Development of an Indigenous Discourse on the Bedouin of the Negev, Israel", *Israel Studies* 17.1 (2011): 78 – 116.

Part III: The Development of Israel – Negev Bedouin Relations: 1947 – 2002

5. The role of the Negev Bedouin in Israel's War of Independence
 Havatzelet Yahel and Ruth Kark, "Israel Bedouin during the 1948 War: Departure and Return", *Israel Affairs* 21.1 (2015): 48-97.

6. Bedouin under Military Regime and new plans for Bedouin settlements: 1949 – 1966
 Havatzelet Yahel and Ruth Kark, "Land and Settlement of Israel's Negev Bedouin: Official (Ad-Hoc) Steering Committees, 1948–1980", *British Journal of Middle Eastern Studies*, 44. 3 (2017): 1-26.

7. From Six Days War to Albeck Report: 1967 – 1977
 - Avinoam Meir, Demographic Transition among the Negev Bedouin in Israel and its Planning Implication", *Socio-Economic Planning Sciences*, 18.6 (1984): 399-409.
 - Havatzelet Yahel, "Land and Settlement".

8. *The Peace Law and the two following decades: 1978-2002*
- Emanuel Marx, "Advocacy in Bedouin Resettlement Project in the Negev, Israel," in *Anthropology and Development in North Africa and Middle East*, ed. Muneera Salem-Murdock and Michael M. Horowitz (Boulder, CO, 1990), 228–44.
 - Havatzelet Yahel and Ruth Kark, "Reasoning from History: Israel's 'Peace Law' and the Resettlement of Tel Malhata Bedouin, *Israel Studies*, 21.2 (2016): 102-132.
 - Optional: Tovi Fenster, "Participation in the Settlement Planning Process - the Case of the Bedouin in the Israeli Negev", *Progress in Planning*, 39.3 (1993): 167-242.

Part IV: Negev Bedouin in the 21 Century

9. *Sharon Plan, Goldberg Report and the Praver-Begin Bill: 2003-2013*
- Ze'ev B. Begin, "Regularization of Bedouin Communities in the Negev", Summary of Public Hearing on the Draft Law, Presented to the Cabinet. Link: <http://mfa.gov.il/MFA/PressRoom/Documents/begin-bedouin270113.pdf>
 - Oren Yiftachel, "Critical theory and 'gray space' Mobilization of the colonized, *City* 13.2–3, (2009): 240-256.
 - Havatzelet Yahel, "Land Disputes between the Negev Bedouin and Israel", *Israel Studies*, 11.2 (2006): 1-22.
 - Optional: Goldberg Report (available only in Hebrew): http://www.moch.gov.il/SiteCollectionDocuments/odot/doch_goldberg/Doch_Vaada_Shofet_Goldberg.pdf
10. *Field trip – exact date TBA*
11. *Students presentations*
12. *Where are we heading: current situation and future plans*