

Hello,

We (Kedar, Amara, Yiftachel) are very happy to announce the recent publication of our co-authored book: **Emptied Lands: A Legal Geography of Bedouin Rights in the Negev** ([Stanford University Press, 2018](#)).

Emptied Lands investigates the protracted legal, planning, and territorial conflict between the settler Israeli state and indigenous Bedouin citizens over traditional lands in southern Israel/Palestine. The authors place this dispute in historical, legal, geographical, and international- comparative perspectives, providing the first legal geographic analysis of the “dead Negev doctrine” used by Israel to dispossess and forcefully displace Bedouin inhabitants in order to Judaize the region. The authors reveal that through manipulative use of Ottoman, British and Israeli laws, the state has constructed its own version of terra nullius. Yet, the indigenous property and settlement system still functions, creating an ongoing resistance to the Jewish state. Emptied Lands critically examines several key land claims, court rulings, planning policies and development strategies, offering alternative local, regional, and international routes for justice.

Enclosed is a link to [the book site](#) at SUP, which includes also a detailed table of contents as well as excerpts of the book.

Additionally attached is a link to a [blog on the book](#).

Attached is a [link to purchase the book](#), if you are in the U.S. and a code for receiving a 20% rebate on its price. To receive the rebate write EMPTIED under "Add coupon."

If you are outside the U.S. this [is a link to purchase the book with 30% reduction](#) the code is: CFS18EMLA

Here are the chapters' abstracts:

Introduction: Terra Nullius in Zion?

▼chapter abstract

The introduction presents the general setting and outlines the book's main research questions. It does so by reviewing four key events of recent conflictual encounters between Israeli authorities and Bedouin communities, as telling entry points for the book ahead. The chapter then highlights the book's main arguments, mainly dealing with the development of a 'Dead Negev Doctrine' as an Israeli version of a colonial 'terra nullius' approach, through which most of the Bedouin tribes of the Negev (Naqab) have been thoroughly dispossessed. The introduction also outlines the book's main approaches, methods, sources and structure.

1 The Legal Geography of Indigenous Bedouin Dispossession

▼chapter abstract

This chapter is an overview of the "state of the art" in scholarship dealing with Negev (Naqab) Bedouins. It sets the book within relevant scholarly frameworks as a foundation for the empirical investigations of the chapters that follow. This chapter defines key concepts such as "Ethnocracy," "settling society", "gray space" and "hegemony;" and discusses the emergence and nature of critical legal geography. The chapter then reviews literature dealing with the dispossession of indigenous peoples, focusing on the evolution and nature of the terra nullius concept and its Israeli version —the "Dead Negev Doctrine" (DND).

2 The Land Regime of the Late Ottoman Period

▼ chapter abstract

This chapter begins to set the historical background for the book by outlining in detail the state of affairs in the Negev during the last period of Ottomans rule in the late nineteenth and early twentieth centuries. Focusing on tribal-state relations, the chapter explores the late Ottoman modes of governance, and traces changing Ottoman policies and practices in the region. More specifically, the chapter addresses the founding of the Beersheba sub-district, and seeks to understand the land regime that existed prior, during and after the Ottoman reforms (Tanzimat), especially the introduction of the 1858 Ottoman Land Code (OLC).

3 The Land Regime of the Mandate Period

▼ chapter abstract

This chapter continues to cover the history of Southern Palestine and the transformation of the local land system by covering the British Mandate period, 1917–1948. The chapter explores the evolution of British-Bedouin relations and the special Mandate administration of the Beersheba sub-district that granted relative autonomy to Bedouin tribes to run their affairs. The chapter then outlines the significant changes introduced by the British to local the land system in Palestine, particularly the changes to the regime of "dead" (Mawat) lands and the 1928 land Settlement Ordinance. These changes are highly relevant to the Dead Negev Doctrine, and to date form the foundation of Bedouin dispossession. As a key historical legal insight, the chapter analyzes Jewish land purchases from Bedouin land owners, demonstrating the land ownership of the indigenous Bedouins, and British acknowledgement of these rights which were routinely entered into the land registry.

4 Formulating the Dead Negev Doctrine During the Israeli Period

▼ chapter abstract

This chapter focuses on the history and impact of the Dead Negev Doctrine—the legal doctrine utilized by the Israeli government and judiciary to dispossess Bedouin Arab communities of their lands. The chapter begins with the land claims lodged by the Bedouins in the early 1970's and the special governmental committee established in response in 1975 (headed by Pliah Albeck of the State Attorney Office, the mastermind behind the DND). The chapter shows how the DND manipulated Ottoman and British law to determine that all Bedouin lands in the Negev should be classified as *mawat* and thus "state land," and how it defined the Bedouin claimants as trespassers on their own lands. First adopted by the Israeli Supreme Court in 1984 in the *al-Hawashlah* precedent, and applied to hundreds of cases since, the doctrine has led to major evictions, crops' demolitions, and house demolitions by the Israeli state.

5 Historical Geography of the Negev: Bedouin Agriculture

▼ chapter abstract

This chapter begins the task of challenging the geographical components of the DND, by providing a thorough account of the historical geography of the Negev, drawing on various historical accounts of European travelers and Zionists. Relying on these accounts, it challenges the hegemonic history and narrative that depict the Negev as an uncultivated and unsettled desert used by nomadic Bedouins. The chapter demonstrates that the human geography of the northern Negev was characterized, at least from the 19th century, by widespread agriculture, in parallel to traditional pastoralism. There is ample evidence that Bedouin agricultural settlement in general had existed for centuries, including among the *al-'Uqbi* tribe in the *'Araqib* area. The chapter shows organized local habitation and economic activities, based on a customary and well developed land system.

6 Bedouin Territory and Settlement

▼ chapter abstract

This chapter continues the challenging of the Dead Negev Doctrine and its various components by addressing the issue of Bedouin settlement. The DND and official Israeli narrative represents the Bedouins as nomads who had no permanent settlements in the Negev, whereas the chapter argues that although some maps from the Ottoman period do not demarcate Bedouin localities, they did exist. These localities or "*dira*" (Bedouin settlement and cultivation areas) were usually marked on the maps according to the names of confederations and tribes. Bedouins were not nomadic and their settlements were interlinked with cultivation and the establishment of sedentarized geography that began to appear in maps during the 1890s. Tens of thousands of Bedouins lived in villages that developed gradually over generations, before the British mandate was established.

7 The Bedouin as an Indigenous Community

▼ chapter abstract

The chapter seeks to answer the question: are the Bedouins an indigenous people? It first addresses the positions of the Israeli state as well as a group of Israeli scholars who deny the indigeneity of the Bedouins and cling to anachronistic concepts and definitions concerning indigeneity. The chapter then demonstrates that contrary to Israel's position, the Negev Bedouins correspond to current international standard characterizations and experiences of indigenous peoples. It relates to international debates and discussions over the definition of indigenous peoples with special focus on the various transformations of the internally-accepted definition of indigeneity and its application to the Palestinians in general, and the Negev Bedouins in particular.

8 International Law, Indigenous Land Rights, and Israel

▼ chapter abstract

This chapter explores the development of international law on indigeneity. It reviews the legal protections endowed by key documents, such as International Labor Organizations Convention No. 169 and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The chapter also provides a short comparative legal perspective on land rights of indigenous peoples which helps to situate the Israeli case within other settler colonial situations and to address the status of the relevant international legislation and norms. It concludes that several components of the UNDRIP have gained a status of international customary law, and hence with growing relevance to Israeli jurisprudence and to the Bedouins. The chapter ends by addressing the question of indigenous peoples' rights in Israeli law and how Israeli basic laws should expand to incorporate the legal protection of the Bedouins.

9 State and Bedouin Policies and Plans

▼ chapter abstract

Among the most contested facets of the conflict between the state and the Bedouins are land ownership and recognition of 46 "unrecognized" or partly recognized localities. This chapter completes the picture by addressing the question of planning and the Bedouin unrecognized villages. Since 1948, the Israeli government has persistently and forcefully attempted to urbanize the Bedouins and concentrate them in a few urban centers. Such practices involved displacements, house demolitions, and zoning practices that produced an "illegal" geography and "gray spacing" that exposed the Bedouins to constant threat of demolition and eviction. The chapter outlines the various plans, commissions, and development and zoning plans introduced by the government, as well as the alternative plans and visions offered by the Bedouins communities, in an effort to protect their homes, localities and lands. Such alternative planning serves as a foundation for long-term reconciliation and coexistence between settler and indigenous groups.

Conclusion:

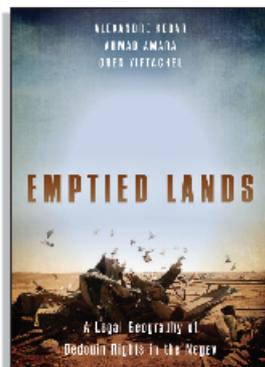
▼ chapter abstract

This chapter presents an epilogue which revisits the al-'Uqbi case, and then presents the conclusion, dealing with the possible transformation of the DND into transitional justice. The chapter further demonstrates that Israeli law does have sufficient tools to overwrite or bypass the debilitating DND. A new enlightened and savvy political approach would enable Bedouins to attain property rights to their ancestor's lands and introduce criteria of distributive justice for future management of land and development needs. Hence, the conclusion argues, the DND should be replaced with a decolonizing approach, based on principles of recognition, equality and transitional justice. The process of reconciliation will bring about a more egalitarian and fair allocation of space and will benefit all living in the Negev—Bedouin, Jews and others—as well as the broader Jewish-Palestinian conflict.

Finally, enclosed is the flyer on the book:



STANFORD UNIVERSITY PRESS



Emptied Lands
A Legal Geography of
Bedouin Rights in the Negev

ALEXANDRE KEDAR, AHMAD AMARA,
and OREN YIFTACHEL

"Three of the best critical scholars of contemporary Palestine have successfully combined legal, geographical, and political analysis into a forensic study of how Israel has weaponized the law against the most vulnerable of all inhabitants of Palestine, the Bedouins. A remarkable multidisciplinary feat, this book provides an essential understanding of settler colonialism."

—Eyal Weizman, Goldsmiths

Emptied Lands investigates the protracted legal, planning, and territorial conflict between the settler Israeli state and indigenous Bedouin citizens over traditional lands in southern Israel/Palestine. The authors place this dispute in historical, legal, geographical, and international-comparative perspectives, providing the first legal geographic analysis of the "dead Negev doctrine" used by Israel to dispossess and forcefully displace Bedouin inhabitants in order to Judaize the region. The authors reveal that through manipulative use of Ottoman, British and Israeli laws, the state has constructed its own version of *terra nullius*. Yet, the indigenous property and settlement system still functions, creating an ongoing resistance to the Jewish state. *Emptied Lands* critically examines several key land claims, court rulings, planning policies and development strategies, offering alternative local, regional, and international routes for justice.

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EMPTIED

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