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CENTRE FOR MIDDLE EASTERN
AND ISLAMIC STUDIES

The role of the
BRITISH ADMINISTRATION
in the sedenterization of the
BEDOUIN TRIBES
in
NORTHERN PALESTINE
1918-1948

by
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ABBREVIATIONS

BCO	Bedouin Control Ordinance
CO	Colonial Office
CPO	Collective Punishments Ordinance
CS	Chief Secretary
CSO	Chief Secretary's Office
DCr	District Commissioner
FO	Foreign Office (U.K.)
GB	Great Britain
HCr	High Commissioner
ISA	Israel State Archive (Jerusalem)
LS	Land Settlement
PG	Palestine Government
PP	Parliamentary Papers
RG	Record Group
PRO	Public Record Office (London)

PREFACE

During the period October 1979 - September 1982, the author undertook doctoral research upon the sedentarization of bedouin in Galilee (1880-1982), in the Geography Department, Durham University, U.K., under the supervision of Dr. G.H. Blake. The most important period of sedentarization among the Galilee bedouin tribes, as shown by the research, is that of the first half of the 20th Century, although the process of changing nomadic habits into sedentary ones for more than 40 tribal units (estimating 10,000-20,000 persons) was observed in earlier times. However, political and economic conditions of the country as well as the weakness of the central government of the Ottoman regime contributed much to the existence of nomadism within the non-desert environment of Galilee.

It is the object of this work to investigate the role of a Western power in changing the nomadic lifestyle within the context of reforming a new concept of both order and development.

While knowledge of the particular case of the Galilee bedouin tribe was always limited in the published literature, it is hoped that this present work, based largely on unpublished documents, will fill part of this gap.

1. INTRODUCTION

Palestine was occupied by the British army in 1917-18 during the last year of the First World War. For nearly two years after the Armistice, pending the allocation and confirmation of the Mandate, Palestine was under British military authority. The Civil Administration of Palestine was initiated on 1 July, 1920 with Sir Herbert Samuel as High Commissioner, but the Mandate was not approved by the League of Nations Council until 24 July, 1922 (1). The guiding principle of the British administration was that "the well-being and development" of the inhabitants of certain ex-enemy colonies and territories should be a "sacred trust for civilization" under the tutelage of a mandatory power on behalf of the League of Nations (2). The 28 articles laid down in Article 22 of the Covenant of the League provided the degree of authority, control or administration to be exercised by the Mandatory Power (3). This led to the Palestine Mandate in which "The Mandatory Power shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home" (Article 2) (4). Furthermore, "the administration of Palestine shall take all necessary measures to safeguard the interest of the community in connection with the development of the country..." (part of Article 11) (5). The commitment to the Jewish national home entailed the pledge to promote "close settlement and intensive cultivation of the land" (Article 11) (6). Associated with this intensification of cultivation were aspirations to develop the resources of Palestine, both for the benefit of its inhabitants and for the security of the British presence in the region (7). At the same time the mandatory power's wish to protect the traditional social order in the Arab Community represented its solution to the questions raised by development in Palestine. The considerable communal autonomy which had been granted under the terms of the Mandate thus became the effective basis for separate social policies. In this way, the government had hoped to isolate the Arabs from the impact of Jewish settlement as far as possible. This notion was pronounced by Herbert Samuel in his first report of 1921:

"It is the clear duty of the Mandatory power to promote the well-being of the Arab population, in the same way as a British Administration would regard it as its duty to promote the welfare of the local population in any part of our Empire. The measures to foster this well-being of the Arabs should be precisely those which we should adopt in Palestine if there were no Zionist question and if there had been no Balfour Declaration." (8)

An attempt will be made to examine the contribution of the new colonial power in changing the bedouin way of life in the northern part of the country. It seems that, under the "pax britannica" (1918-1948), the processes of sedentarization among the Galilee bedouin accelerated more than at any time before. It is intended therefore to identify both direct and indirect effects. Indirect effects will be dealt with first since they proceed from the nature of the Western-style of administration which expresses its ideas and principles in developing a colonized region. Hence the sedentarization process was affected by the new system of law and order applied to the whole region. Some of these laws stood in direct conflict with the continuity of the bedouin way of life. However, the direct impact of the British Administration on bedouin sedentarization proceeded from certain actions imposed on specific tribal groups in order to control their traditional movement and to abolish some of the economic bases of their existence. The discussion will include four case studies (since documentary sources on these tribes are available). The case studies are intended to illustrate the adjustment of bedouin tribes to effective modern Government.

Notes to Chapter 1

1. Naval Intelligence Division, Geographical Handbook Series, Palestine and Trans Jordan, London, 1943, 191
2. GB, PP, Mandate for Palestine and Trans-Jordan Cmd. 1785 London, 1922, Article 22 of the Covenant of the League of Nations.

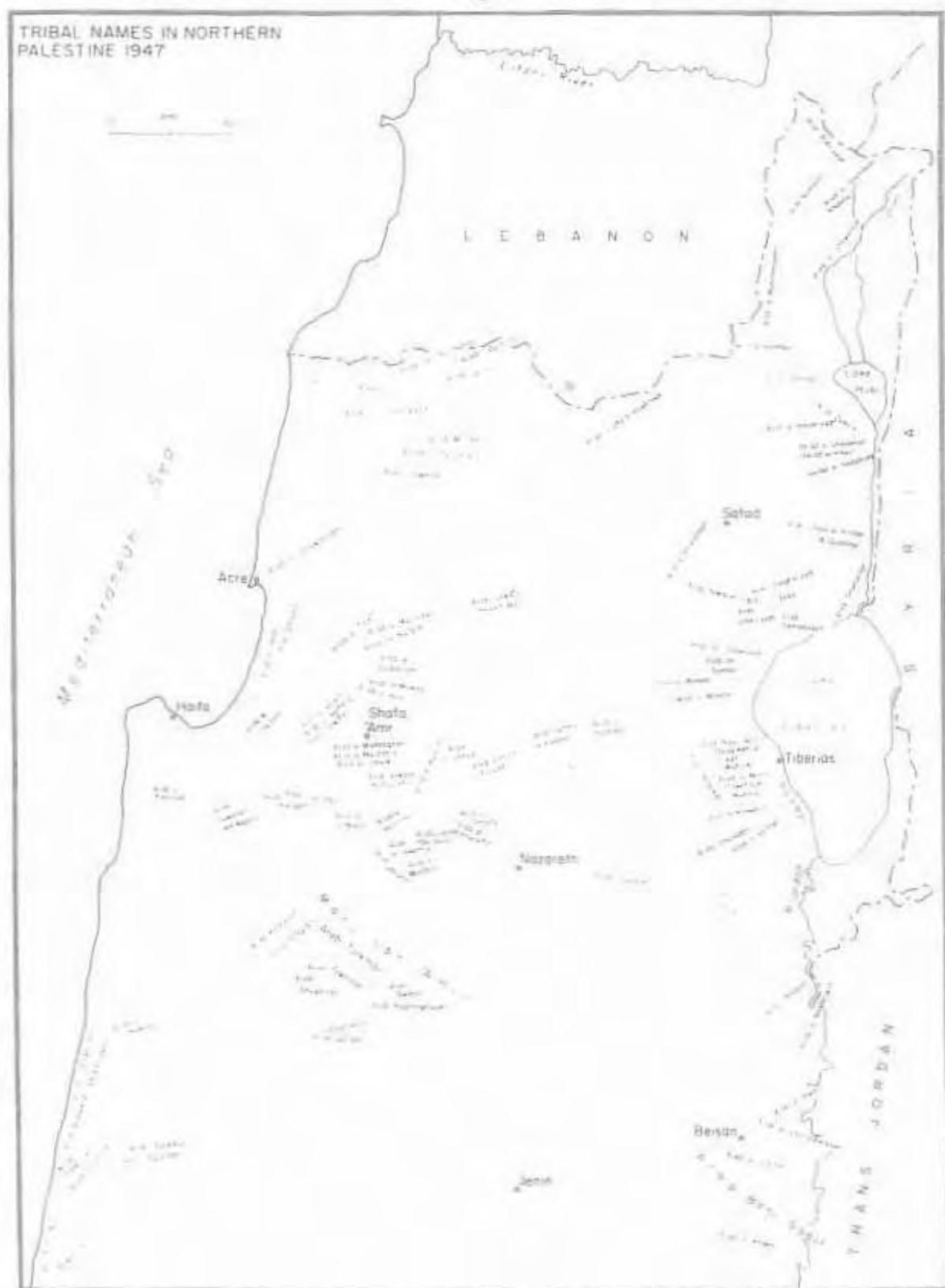
3. J. Stroyanovsky, The Mandate for Palestine, Longmans, Green and Co., London 1928, Annexe I, 355-362.
4. Ibid, 356
5. Ibid, 357
6. Ibid, 359
7. R.L. Taqqu, Arab Labour in Mandatory Palestine 1920-1948, Ph.D. dissertation, Columbia University, 1977, 37
8. GB, PP, An Interim Report on the Civil Administration of Palestine during the period 1st July, 1920-30th June 1921 (First Samuel Report), Cmd. 1499, London, 1921, 7-8.

2 THE EFFECT OF THE POLITICAL BORDER

Under the Turkish régime, Palestine did not exist as an administrative unit. Before the First World War, the southern part of Palestine was under direct rule from Istanbul. The most southerly part and the area east of the River Jordan were part of Damascus district, and northern Palestine was part of Beirut district.

The northern and north-eastern borders of the country are both of prime concern in the present discussion. These were created by the French and British after the Anglo-French Convention of 23 December, 1920 and were confirmed in 1923 following delimitation on the ground (1). Both countries had a long history of activity in the Middle East and they played an essential role in creating the boundaries of today. Each party's claims were backed by geographical, strategic, historical and political arguments (2). New boundaries were created in order to satisfy the interests of Western countries in the region, regardless of cutting across an inhabited region or damaging the bedouin's traditional nomadic routes. A similar example is that of the establishment of the boundaries during the partition of Africa and their subsequent evolution, which took no account of grazing practices of the nomadic tribes on the border of the Somali Republic (3). As the result of such arguments, Galilee formed the boundary of these countries (Fig 1). In the east, the Jordan river - the old administrative border between the vilayet of Damascus and the vilayet of Beirut, became the border between Galilee and Trans-Jordan, which passed to British Mandate while Syria was under the French Mandate. However, the northern border was considerably changed. It is not that of the Biblical Litani river, but was a new line further to the south, cutting an inhabited area of Galilee from Ras an Naqura on the Mediterranean (lat $33^{\circ}06' N$, long $35^{\circ}06' E$) eastwards to a point west of Kades, north to Metulla, and east to a point a short distance west of Banyas (lat $33^{\circ}15' N$, long $35^{\circ}41' E$). This line eventually became the border between the states of Lebanon and Israel. Since this line was also the divide between British and French authority in the Middle East (4) (unlike the border with Trans-Jordan)

Fig 1



International customs posts were erected. Following this change of the northern boundary of Galilee, the new border cut the two tribes of Arab Al Aramishah and Arab Al Qulaifat into two sections and created a new shape of grazing area for Arab Al Hamdun. The Arab Al Hamdun dirah (5) suddenly changed to be some 10 kilometres along the new border. The eastern border similarly cut the four tribes of Arab Bashatwah, Arab al Bwati, Arab al Ghazzawiyah and Arab Bani Saqir (Fig 1). Bedouin tribes in Galilee and in other places in the Middle East, particularly northern parts of the Arabian peninsula and the Syrian Desert, have had to cope with such new political adjustments on the division of the Ottoman Empire after the First World War, followed by the establishment of frontiers between independent nations. These frontiers, and the treaties and agreements between the new nations, greatly restricted the bedouins' freedom of movement (6).

The effects of the northern and eastern borders of Palestine on three tribal groups located at various distances from both border sides were pronounced. These were:

1. The powerful tribes whose dirah were located east of the Jordan river, but who occasionally invaded deeply into the settled region west of the Jordan river. This was always an important traditional bedouin activity with economic motives called the Ghazzu or raid. The Ghazzu of the Rwala before the First World War (1914-1918) are well remembered; their invasion reached as far as Jub Josef in upper Galilee and to Yavneel, Yamma and Beit Gom in eastern lower Galilee (7). Small bedouin tribes camped to the west of the river and settled villages had to unite in order to protect themselves. Once the Jordan river had become the border, such invasions from the east were curtailed and the river also became a strategic line against bedouin tribal invasion from the east. An example of this is that, before it was known that Palestine would become part of the British area, the British army in the region (1921) asked for defensive lines in the east against bedouin tribes from Arabia (8).

Baer (1964) states that one of the new causes of bedouin settlement was that "for the first time in history, overwhelming military supremacy passed into the hands of the central authorities. Previously, both had employed the same weapon - the rifle - and the same methods of transport - camel and horse. The bedouin had often the upper hand because of his greater mobility and because of the depth of the area from which he fought. Nowadays, the central authorities have armoured vehicles and bombs against the bedouin's rifle." (9)

There is evidence that the most modern weapons were used against the bedouin by French as well as the British military in the beginning of their Mandates in the Middle East. In October 1919 the French military fired the house of Amir Fa'ur (10) in the Khisas village in northern Huleh and also fired the tents of bedouins who camped in the villages of Al Mansura and Dafna in the same place (11). However, two British aircraft fired 60 to 70 rounds of ammunition on bedouin tents pitched near Marjayoun in the French territory. This attack was on the afternoon of 30 August, 1929 (12). Such action handicapped even the most powerful tribes. The result of pacifying the eastern border of Galilee was that bedouin tribes as well as villages were able to live in peace and security. Both elements are important for the bedouin in his first stage of transition towards the sedentary life-style. In peace and security he tends to become attached to a permanent place and gradually intensify his contact with the neighbouring settlements.

2. The second group of bedouin tribes had both tribal territory and grazing rights on both sides of the border. Their dirah and wandering routes subsequently deteriorated. On this basis, this group was the most affected. They were usually kept under observation and control, since they were suspected of co-operating with smugglers. Another reason for controlling this group of bedouin was because they "constituted a danger from the malaria point of view. The migration of flocks from the east and the south in seasons of scanty rainfall, notably to the Jordan Valley, is still a factor of importance in the epidemiology of this disease." (13)

Bedouin tribes had to adjust themselves, therefore, for the first time in their history, to a bureaucratic process in order to move legally from one side of their dirah to another. To facilitate the movement of animals across the northern and north-eastern borders of Galilee an agreement was arranged on 2 February, 1926, between the High Commissioner of the French Republic for the states of the Levant under French Mandate - Syria and Lebanon - and the High Commissioner for Palestine. This "Agreement between Syria and Palestine to facilitate the movement of certain animals from one territory into the other for purposes of grazing and watering" (14) contains the following conditions:

1. The Syrian, Lebanese and Palestinian owners of farms within the Sub-Districts of Acre and Safad and the Kazas of Tyre, Merjayun, Kuneitra and Hasbaya shall be allowed to pass freely with their animals across the frontier with a view to proceeding to any of their respective lands; provided

(a) that each owner or his herdsman accompanying the animals is in possession of an identity card as approved, establishing that his village of origin is one of the villages within the Sub-Districts of Acre and Safad and the Kazas of Tyre, Merjayun, Kuneitra and Hasbaya entitled to benefit from the provisions of the Bon Voisinage Agreements and indicating the number of animals of each kind (cattle, sheep, goats, horses, mules, donkeys and camels); and that

(b) each animal is marked by a metal ribbon bearing the letter "s" in the case of Syrian and Lebanese animals and the letter "p" in the case of Palestinian animals, securely attached to its right ear.

2. Identity cards shall be issued by the *Officiers des Services Speciaux* in the case of Syria and the Lebanon, and the District Officers of Safad or Acre in the case of Palestine in the form scheduled to this agreement.
3. Identity cards shall be produced on demand to any police or veterinary officer.
4. Any disputes that may arise as to the interpretation of the agreement or the enforcement of its terms shall be settled directly between the competent officers of the Governments of Palestine and of Syria and the Lebanon or any officers duly authorized to act on their behalf.
5. This agreement shall remain in force for one year from the date of its signature.

There was also a similar arrangement for the tribes of Bani Saqir, Ghazzawiyah, Bwati, and Bashatwah (Appendix 1) who were camping on the border of the south-east corner of Galilee with Trans-Jordan. Since the border in this part of Galilee divided two British Mandates, bedouin who wished to cross the river were treated under easier legislative terms than those of the northern border with the French Mandate. They were "supposed to be in possession of a passport and to have it visa'ed for entry into the other territory" (Appendix 1), however, the District Commissioner of Galilee District admitted that "naturally none of these tribesmen do this nor is it practicable to expect them to comply with such formalities." (Appendix 1)

The reaction of these tribal groups was "instead of passing through the authorised points of entry and exit they use one or more of the numerous fords which exist across the river." (Appendix 1)

This action from the bedouin viewpoint may be regarded as struggling to keep their own regular traditional movement but from the authorities' viewpoint "Thus a large number of quite innocent persons are turned into potential law breakers". (Appendix 1)

The effect of the political border on this tribal group might be expected to change their economy from a mobile type such as raising livestock into a more permanent one, i.e. cultivating land. The 1948 War forced the group to leave their *dirah* and the border was closed so that this process was not carried out.

The third group affected by the political border was that of the tribes in the Inner Galilee who camped on the west side of the Jordan river. Some of the Galilee tribes had a long history of smuggling, notably the Arab Al Hamdun (Appendix 2) and the Arab Luhaib. As the introduction of effective government brought significance to political boundaries, the incentive to smuggle would be expected to decrease. Former smugglers would, hopefully, find alternative means of support. It seems that the effect of the border closure on Galilee bedouin tribes may have been psychological rather than economic. There is no accurate method for examining the psychological factor at that period, and this assumption can only be taken as a possibility.

Notes to Chapter 2

1. Naval Intelligence Division, op. cit., 1-2
2. G. Biger, "The role of the British Administration in changing the Geography of Palestine 1918-1929", Occasional Papers No. 35, Department of Geography, University College, London, February 1979, 13.
3. A. Melamid, "Political Boundaries and Nomadic Grazing", Geographical Review, LX, 1965, 289
4. Biger, op. cit., 14.

5. *dirah*: the tribal territory
6. A. Toynbee, Survey of International Affairs 1925, London, 1927, I, 324-46.
7. T. Ashkenazi, Tribus semi-nomades de la Palestine du Nord, Paris, 1938, 7. A. Musil, The Manners and Customs of the Rwala Bedouins, New York, 1928.
8. C.O. to W.O. 11.8.1921 Co/733/5 in P.R.O.
9. G. Baer, Population and Society in the Arab East, Routledge and Kegan Paul, London, 1964, 129.
10. The "Amir" means Prince, a title used instead of the Sheikh for certain tribes such as the Al Fadel tribe in the Golan and the Mawasi in Galilee.
11. M.M. Dabbagh, Beladuna filastin, Dar al-Talilah, Beirut, 1965-1976, 6, part 2, 159 (in Arabic).
12. LO 112 3/9/29. Reference Consul-General Beyrouth telegram to Foreign Office No.7 dated 2 September 1929, File 4198 in Fo/371/4469 in P.R.O.
13. Naval Intelligence Division, op. cit., 225.
14. PG Ordinance, 1934, I, 57-58.

3. LAND SETTLEMENT

There were no formal title deeds to land in Palestine prior to the year 1858. Tradition alone was sufficient and was respected by everybody. At that time, however, unbridled violence was prevalent, and strong villages used to annex the lands of weaker ones (1). Tribal territories were apparently established in a similar manner and therefore the boundaries of tribal territories were vaguely defined.

On 14 December, 1858 the Ottoman Authority promulgated the law of tabu, the purpose of which was to make title deeds obligatory for all lands and to fix the rights of ownership to them (2). Every landowner was ordered to have his property inscribed in the Land Register, and he was given permission to receive a Certificate of Ownership to it. On the technical side the first Register was not cadastral and, therefore, it did not cover the land continuously, but it was on the basis of individual registration by each owner as he came along. The result was that the Turkish Land Registers never indicated correctly the state of land ownership (3).

Some bedouin sheikhs were attracted to the idea of registering land which was already known as their dirah, and the tabu describe the boundaries of the dirah by using the description of the area from its four sides. They used physical features and traditional names existing in the area, but not modern survey methods. With the occupation of Palestine by the British a modern system of land tenure was established. The idea of developing a new system derived from the obligation stated in Article 11, which provided that the British Administration of Palestine "shall introduce a land system appropriate to the needs of the country, having regard, among other things, to the desirability of promoting the close settlement and intensive cultivation of the land" (4).

The bedouin tribes in northern Palestine seem to have been affected by both the introduction of a new system of land registration and the policy of promoting the intensification of

cultivation. Unlike the Turkish registration, the mandatory authority adopted, in 1928, a new procedure for determining the ownership of land. The rights of ownership and possession, therefore, stated by The Land Settlement Ordinance, were confirmed only after the Land Survey had been concluded. In accordance therewith, a special machinery was instituted and settlement parties were appointed with the task of investigating rights in every village and adjudicating all claims. Following such investigation, title deeds were issued for individuals (5). The registration of land was in the names of specific individuals rather than in the names of the sheikhs in the bedouin tribes. This was the first attempt to break tribal solidarity and give encouragement to private property. The most fundamental feature entailed in the Cadastral Survey was that tribal territories' boundaries were fixed with demarcating lines appearing on the map. For many centuries tribal boundaries had not been accurately defined, and some tribes' lands comprised lands formerly belonging to the state and to the neighbouring village. Since the land settlement survey made a clear distinction between the various landowners, tribes lost considerable portions of their land when dirah boundaries were accurately defined for the first time. The dirah's size then decreased and some tribal groups became landless, particularly those groups who were split from their original tribal dirah and were camped on the villages' land. This new system handicapped bedouin tribes and forced them to adjust to small areas of grazing as capacity allowed. The new reality of diminishing dirah size may be seen from two different perspectives. From the administration's viewpoint, as illustrated in the case of the Arab Subaih, it was deemed to be in "the best interests of Government for this unruly tribe to settle on the land allocated to them and to concentrate on an agricultural rather than a pastoral existence." (5)

However, the viewpoint of the Arab Subaih tribe was stated in a letter to the Deputy District Commissioner of Nazareth on 22 February, 1946: "You are well aware that this is the only land remaining to our tribe for grazing purposes and if the said land is taken by the Forest Department no land will remain to us for the grazing of our flocks. You have kindly noticed yesterday

that the barbed wire fence of Kadoorie Agricultural school is not more than three - four metres from our dwelling houses and if the land subject of this letter is taken by the Forest Department we will become imprisoned in our houses and surrounded by barbed wire fences. Moreover we will have no other land for grazing of our herds and flocks" (7).

Considering the words "we will become imprisoned in our houses and surrounded by barbed wire fences" one may understand here the psychological implications introduced to the bedouin mind by the enactment of a modern system of land registration. The former freedom of choice of unlimited grazing land became subject to outside interference. The following case of Arab Subaih is one example of an external power playing the dominant role in transferring an undefined tribal territory pattern into a geometric one (Fig 2).

Arab Subaih

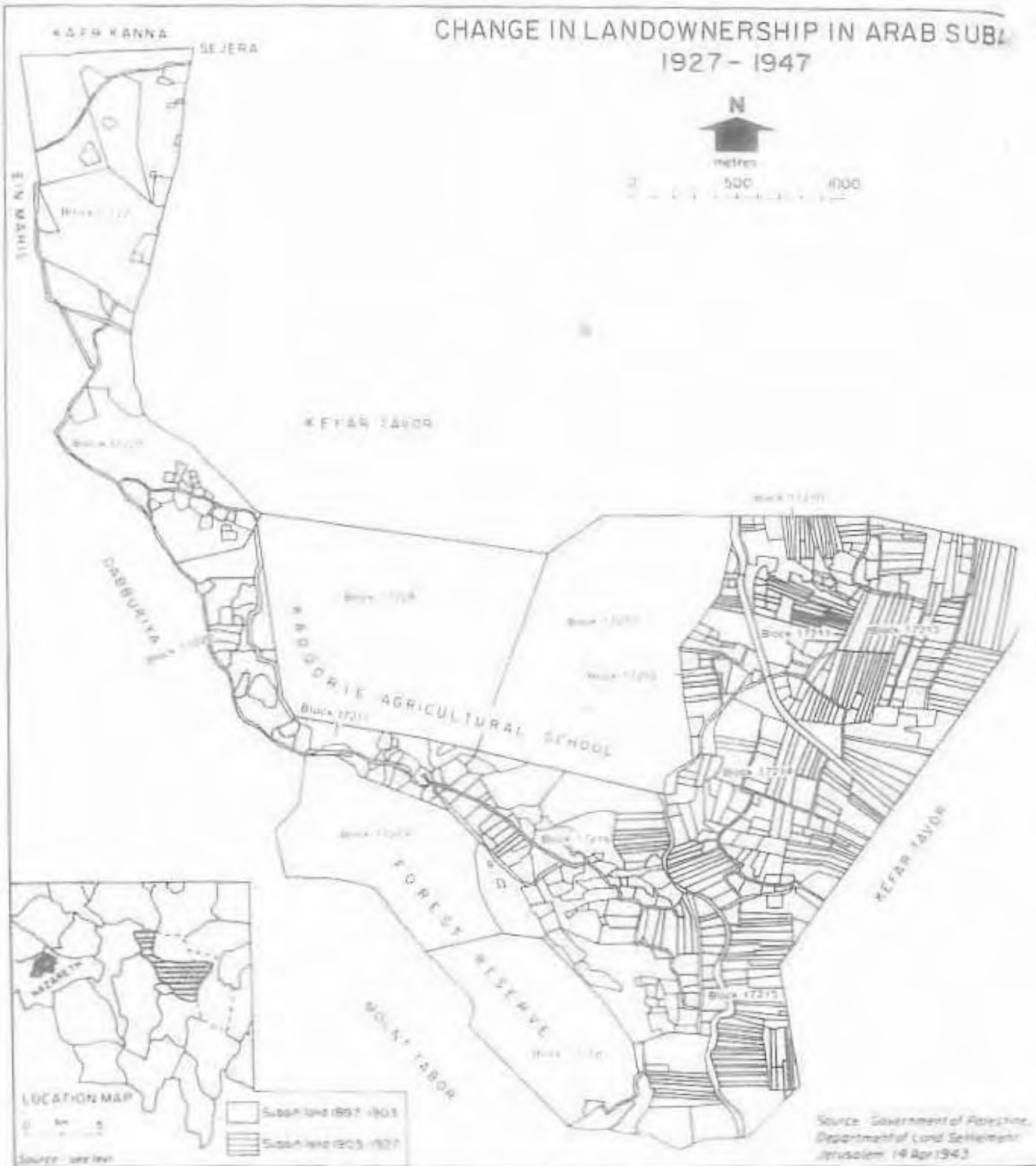
The Subaih tribe was probably the most powerful tribe of Galilee during the 19th century, after the Bani Saqir tribe (8). Its dirah was associated with the northern slopes of Mount Tabor. Since the famous Damascus-Egypt road passes through this dirah and it was also located close to the travellers' routes, particularly the Tiberias-Mount Tabor route, the Subaih encampment was mentioned by most of the travellers who visited Mount Tabor and Kham et Tujar. Burckhardt (1912) observed the Subaih on his way from Tiberias to Mount Tabor when he arrived at the Khan of Djebel Tor (the same name for Khan et Tujar). "At a quarter of an hour from the Khan is a fine spring, where we found an encampment of the tribes of Szefeyh* whose principal riches consist of cows" (9).

Robinson (1867) also mentions the Subaih on his way from Beisan to Khan et Tujar passing by the eastern foot of Mount Tabor. He mentioned that Wadi Sharar was the border between the Subaih dirah and the Bani Saqir (10). Both tribes were enemies

*more generally known as 'subaih' (ed).


Fig 2

CHANGE IN LANDOWNERSHIP IN ARAB SUBA 1927 - 1947



B SUBA

for a long time and on one occasion the Subaih killed the Shaikh of the Bani Saqir (11). Villages of lower Eastern Galilee, notably those of Dabburiya, Ein Mahil and Deir Hanna paid 'khuwa' to the Subaih for many years. By doing so the villagers were able to cultivate their lands in relative peace. The absence of an effective government that could protect the villagers from bedouin blackmail or tribute allowed the Subaih tribe to enjoy a distinct way of life. For a period of at least two centuries they were attached to Mount Tabor, maintaining their livelihood from livestock, smuggling, tribute and cultivating a considerable part of their land. From the beginning of the British Mandate, which introduced modern ideas after many centuries of stagnation, the Subaih, like other bedouin tribes, were forced to adjust to a process of modernisation along western lines.



The case of Arab Subaih provides graphic illustrations of both sides of the conflict. On one side the tribe insisted on preserving the status quo in their dirah, while the state wished to break the tribal sovereignty. The following material is presented to demonstrate the changing patterns of land ownership of the tribe between the years 1927-1970. The information was obtained from two files (12) in the Israel State Archives in Jerusalem on the Subaih which contain a large number of letters, notes and correspondence. This material will be presented chronologically.

Information obtained from a record in the Director of Land Settlement's file D/Naz/1971 (13) compiled during the British Mandate (1917-1942), confirms that the Ottoman Government had offered certain lands for sale and Subaih Arabs purchased 94 plots. The name of the locality is given as Khirbet Mujhayer. In about 1879 A.D. they sold one-half to a certain N. Mudawar of Beirut who, 26 years later (around 1903), sold the land to the Palestine Jewish Colonization Association. In the meantime, around 1890, the Subaih Arabs had sold the other half of their land to Sultan Abdul Hamid and had become tenants paying rental tithes (14). This was presumably the position at the time of the British occupation in 1917.

Disregarding the fact that certain areas are disputed by neighbouring villages, the total area once in the occupation of Subaih was 10,192 donums (15). Of this area 6,471 donums were cultivated and 3,721 were apparently used as grazing lands. Furthermore, a wadi (a sluggish sort of rivulet) ran through the land and was used at least for watering herds and domestic purposes (16).

In 1927 (or earlier) the Government re-possessed part of the cultivable area occupied by the Arab Subaih tribe (some 2,175 donums) in the vicinity of Mount Tabor for the establishment of an Agricultural school from the funds of the Kadoorie bequest (17). It was therefore necessary to consider what compensation should be paid to the tribe for deprivation of rights to this land. Subsequently, on 29 June, 1928 the tribe submitted their petition to the High Commissioner of Palestine. This petition contains the following (18):

Your Excellency,

The Government has, for the purpose of construction of an Agricultural school, taken from within our lands in Nazareth sub-district a plot of 1,800 donums of land, and what remained at our disposal including cultivable lands, abiding places, accommodation for our cattle and other animals, is equivalent to only two-fifths of the original areas of 3,000 donums, which is unjust and illogical.

2. But the major part of the portion which was decided to be taken from us is grown with fruit bearing trees and contains residential places for us and accommodation for our animals and crops, and all these constructions are in value much greater to the land itself; but lands of such a status are, in accordance with the law unrestorable to claimants who appear to be the rightful owners of same.

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3. But nevertheless, we, our fathers and forefathers back to 300 years ago are and have been in free possession of these lands, and to take them from us after such a long duration of title would be construed as a "Dispossession by violence", and the Government in order to realise this, has but to evict us from the place by force.

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4. We do not wish to dwell lengthily on the subject to prove the Government's unwise conduct by such a treatment, but can only invite her, in order to justify this her attitude, to try if she could make the part of the land which has been left for us wide enough to accommodate ourselves, our animals and our agricultural materials, at least while crowded together.

5. Many are the unclaimed lands which are suitable for the erection of schools thereon, and the Government may do this unobjectionably and without infraction of the law. The Government undoubtedly realises the result of her dispossession to our lands and granting them to others, and also appreciates the heavy losses that befall us in consequence; but if she tries to ignore the situation, it is but for some secret ends which she herself only knows.

6. We wish the Government to justify her attitude legally for her attempt to scatter away 1400 souls, including the old and the young, the male and the female, the strong and the infirm, for the purpose of erecting on their land an agricultural school which should be erected elsewhere, and it is an unjudicious policy to cause by this her deed to create incessant disputes between the new settlers and our ever-peaceful tribe.

7. We beg to repeat our solicitations from the Government, in the name of the law, the true

conscience and humanity, in that our lands be left for us for enabling us to utilise them for our maintenance and the settlement of our debts with our private creditors; and if she persists to have her will, the sharrar lands are more fit for the construction of an agricultural school thereon; if this also is impossible we have but to find recourse to the Ministry of Colonies for a favourable judgment.

SIGNATORIES

Mukhtar Husein el Assad	
Osman Shehab,	Member
Falah Ayesb	Member
Khader el Assad,	Elder
Isa Mahmud	Elder
Ikhreis el Ali	Elder
Salim Hamaidi	Elder
Diab Hamaidi	Elder
Yusef Ragheb	Elder
Ibrahim Iseed	Elder
Hazza Isseed	Elder
Ahmad Hamaidi	
All of Arab Subaih	

29.6.28

After some six years of negotiation on the matter, this petition brought a visit of the High Commissioner to the tribe on 19 June, 1933 (19). Meanwhile a committee was appointed to decide what steps should be taken to settle the various points at issue during the period between the petition's submission date (29 June 1928) and 9 February 1929. The Government made certain promises to the tribe, summarised as follows (20):

- (i) the remaining cultivable lands would be sold to the tribe on certain easy terms
- (ii) compensation would be paid for fruit trees,

buildings, caves, and improvements to the land which was taken from the tribe for the establishment of the school

- (iii) arrangements would be made to supply the tribe with water if they were deprived of access to water
- (iv) they would be given a free right to the forest for grazing and other purposes
- (v) proceedings would be introduced with regard to the area of land occupied by the tribe which was in dispute.

No agreement was concluded even though negotiations continued on and off for the next twelve years. The following is a summary of the action taken.

On 9 February 1929 the tribe was offered the lease of 5,893 donums at Kafr Misr but this offer was refused. They were also given the opportunity of buying the same lands but they similarly refused this offer (21). This offer was apparently in addition to the sale of the cultivable part of the lands they occupied.

In February 1929 the District Commissioner, Northern District, was told that registration of the undisputed area of the land they occupied in the name of the tribe should be taken at once (22). Presumably this action would follow the 'Land Settlement Ordinance' which had appeared one year before.

In July 1929 the tribe stated that they wanted the land which was to be transferred to them to be registered in the names of the sheikhs of the three sub-tribes and it was decided that there would be a mortgage back to the Government to secure the unpaid balance of the purchase price. The Government was advised, however, that it would be doubtful if such a mortgage would be valid and it was therefore decided in October 1929 that the land should not be registered in the names of the sheikhs

until the purchase price had been paid in full (23). This proposal was not however conveyed to the tribe and in January 1930 it was decided to abandon the proposal and to transfer the land by the terms of the Mudawarra agreement of 19 November 1921 by which state domain lands were transferred to private individuals (bedouin and others) in perpetuity (24). From 1930 to 1932 negotiations seem to have been postponed pending the settlement of claims for compensation in respect of improvements to the land taken from them, and nothing is recorded as having been done until August 1932 when as a result of a petition the District Commission, Northern District, was asked if the cultivable land had been sold. He replied in the negative and also stated that the lands at Kafr Misr were refused because they were not of the class desired by the tribe (25).

In 1933, the Development Officer stated that the land offered at Mount Tabor was not sufficient for the requirements of the tribe and that they had been, therefore, offered land at Kafr Misr; and that no objection would be raised by the Development Department to a new offer being made.

No further action was taken until April 1934 when the District Commissioner, Northern District, reported that the tribe needed additional land and that the only land available was at Kafr Misr, but that the Development Department was of the opinion that this land was so poor that the tribe would not accept it. It was suggested, however, that if the price charged for the lease of the land was made low it might be acceptable and that investigations were proceeding (26). The result of these investigations was a report by Mr Foot, Acting District Commissioner of Nazareth, in which he made the following recommendations (27):

- (i) that Government should waive collection of arrears of rental tithe amounting to Lp 187 and reduce the rent of the cultivable land for the future to a nominal sum, a lease of 99 years being given

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- (ii) that forest reserve to the extent of 1600 donums should be abolished and this area leased to the tribe at a nominal rent for terracing and planting of fruit trees; and
- (iii) that a further 300 donums of state domain should be leased to the tribe for 99 years at a nominal rent.

These recommendations were eventually submitted to the High Commissioner who, with the support of the Chief Secretary (Mr Hall), gave the following decision:

"All Mr Foot's suggestions should be accepted with the exception that only 500 donums of forest land and not the whole of 1600 donums for the present to be leased to the tribe."

His Excellency stated further that:

"It should be laid down clearly that my decision is that the remaining 1100 donums will be leased to the tribes if they make use of the 500 donums; and this pledge should be given just sufficiently definitely to make it incumbent on my successor to fulfil it." (28)

Following the High Commissioner's decision, the Arabs were informed and a written promise was given in August 1934 with regard to the lease of the remaining 1100 donums of forest land if they made a good and successful attempt to cultivate the 500 donums. Negotiations for the completion of the lease were then initiated, but the tribe was reluctant to enter into a lease arrangement and desired to have full ownership of the land. They suggested that they should be given ownership under the terms of the Ghor Mudawarra agreement (29).

Owing to this refusal on the part of the Arabs, in 1935 the Government delayed taking a decision apparently due to the

absence of the Development officer on leave, and then to the loss of the Secretariat file, and it was not until December 1936 that the Government decided that the decision to lease the land to the Arab Sheikhs should be maintained. The Government, therefore, turned down the request of the tribe and confirmed the recommendation of the District Commissioner, Nazareth District, that all the land should be leased under long-term lease (30).

In March 1938 the District Commissioner, Nazareth, reported that the Arabs had consistently refused to sign any lease and had stated in writing that the land which they occupied should be sold to them on terms similar to those of the Ghor Mudawarra agreement in Beisan (31).

The District Commissioner, therefore, asked if he could demand the payment of rental tithes as from 1 April 1934, i.e. the date from which arrears were remitted in accordance with Mr Foot's proposals. The District Commissioner was then asked what the arrears amounted to and how he proposed to collect them. He replied in June 1938 that arrears amounted to LP.282131 in 1937, and that he considered the tribe could pay these in instalments. The Government agreed to the proposals of the District Commissioner and asked for a report in a year's time (32).

The Arab Subaih, who had struggled for their land since 1927, achieved their main wishes only in 1940, following a meeting held at Kadoorie School on 26 June 1940, to dispose finally of certain matters relating to the 'Arab Subaih' (33). At this meeting representatives of the following sides were present: Acting District Commissioner, Director of Agriculture, Conservator of Forests, Director of Land Settlement and also in attendance: Assistant District Commissioner, District Officer, Assistant Conservator of Forests, and the principal of Kadoorie School. There are, however, no records of whether any representatives of the Subaih tribe attended this important meeting. The committee noted the various promises made in this case and was unanimous in its decision that every effort should be made to implement the original promise to register the land left to the Subaih after the imposition of Kadoorie School, in

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After discussion, it was agreed that Blocks I (1,436 donums), II (747 donums) and III (2,493 donums), comprising 4,676 donums in all, formed the area in question. The committee decided, therefore, that Blocks I and II and all that part of Block III which was not Forest Reserve, should be registered in the name of the Subaih (34).

In this connection the committee noted that Block V was in dispute with Dabbouriya village, Block VI with Er Reina, and Block VII with Ein Mahil, and that the Government had promised to assist the Subaih in their case against Dabbouriya. This question had, however, been left to the Land Settlement administrators, when, if judgment went in favour of the Subaih, the land was to be registered in their names. It was assumed that this promise would also apply to Blocks VI and VII, but it was agreed that the promise made for Block III regarding the Forest Reserve (2,000 donums) should hold good for all areas in which it existed.

The committee was satisfied that there was more than one reason for the breach of the promise to register the land in the name of Subaih (35):

- (i) The first was of a technical nature. The tribe was not a legal body and, therefore, no legal agreement could be made with it.

The committee thought that, despite the greater work entailed, there could be no objection to registering the land in the names of all the members of the tribe, leaving the partitioning of the land among individual members to the Land Settlement Department in due course.

- (ii) The second objection arose from the first and was that no valid mortgage of land could be made by the tribe pending settlement of the debt due for the land.

The committee was of the opinion that this could be overcome by obtaining the agreement of the tribe to have the debt collected in accordance with the tax collection ordinance in consideration of the fact that the land was registered in their name.

- (iii) The third reason was that it was almost certain that the Subaih would do their best to sell lands over which they might have control.

It was thought that this could be prevented - if necessary by enactment of an ordinance prohibiting the sale of the land for at least 30 years.

It agreed, therefore, that the land (Blocks I, II and part of III) as a whole should be registered in the names of all the members of the tribe and that partition should be left to land settlement; the payment for the land should be at the rate of 800 mils a donum over a period of thirty years - that all amounts paid by the tribe since 1928 by way of rental for land should be counted as part of the sum due in respect of the land; finally, that in the contract of sale it should be stipulated that the purchase price should be subject to forcible collection in the same manner as taxes.

Notes to Chapter 3

1. A. Granott, The Land System in Palestine, London, 1952, 73.
2. S. Fisher, Ottoman Laws, Humphrey Milford, Oxford University Press, London 1919. English translation of the Ottoman Land Code, 7th Ramadan 1274 (21 April 1858, Art 68).
3. Granott, op. cit., 74
4. Stroyanovsky, op. cit., 357
5. Granott, op. cit., 108

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6. ISA, RG2 (Chief Secretariat files) L/23/46, Galilee District Commissioner to Chief Secretary, 25 March 1946.
7. Ibid, Subaih tribe to Deputy District Commission, Nazareth, 22.2.46.
8. M.F.V. Oppenheim, Die Beduinen, Otto Harrassowitz, Leipzig 1943, II, 28.
9. J.L. Burckhardt, Travels in Syria and the Holyland, London, 1822, 333.
10. E. Robinson, Biblical Researches in Palestine and the Adjacent Regions..., 1867, II, 340-341.
11. Oppenheim, op. cit., 28
12. ISA, RG2 (Chief Secretariat files) L/66/44 and L/23/46.
13. LS to FS 18.5.1941, L/66/44 in I.S.A.
14. Ibid
15. one donum = 1000 sq m
16. Ibid.
17. Conservator of Forests to Director of Land Settlement, 3.10.1940, L/66/44 in I.S.A.
18. Arab Subaih to His Excellency through District Officer, Nazareth, 29.6.28, L/66/44 In I.S.A.
19. District Commission to Chief Secretary, 18.7.1933, L/66/44 In I.S.A.
20. Conservator of Forests to Director of Land Settlement, op. cit., 3.10.1940.

21. Ibid.
22. Ibid.
23. Ibid.
24. Granott, op. cit., 101.
25. Conservator of Forests to Director of Land Settlement,
op. cit., 3.10.1940.
26. Ibid.
27. Acting District Commissioner to Mr Thompson, 19.7.1934,
L/66/44 in I.S.A.
28. Conservator of Forests to Director of Land Settlement,
op. cit., 3.10.1940.
29. Ibid.
30. Ibid.
31. Ibid.
32. Ibid.
33. Minutes of a Meeting held at Kadoorie School on
26 June 1940, L/66/44.
34. Ibid, 2-3.
35. Ibid, 3.

4. FOREST

The Woods and Forests Ordinance of the year 1920 - one of the first activities of the Government Department of Agriculture - laid down amongst other things that the boundaries of the state lands were to be defined in such a way as to fix the location of forests and to create Forest Reserves (1). For the protection of wide forest areas the authorities were allowed to define as State Forests "woodlands to which no prima facie evidence of private or corporate title exists". Forest Reserves were defined as "provisional reservation of scrub areas which are being protected so far as possible pending Land Settlement" (2). The result of such a definition was that many tribal groups became landless. These groups failed to introduce any evidence of title to lands. They knew the land had been utilized by them for centuries, but they could produce no legal documents as evidence later when land titles or records of tax payment became recognized as the only valid land holding papers. Then they were forced to evacuate such lands. As a result of 'closed Forest Areas', some bedouin groups eventually managed to create a new form of permanent settlement on the edge of the closed forest boundary.

The development of forest may be seen as going hand in hand with the development of the new land registration system which was a strong attempt to free state land from illegal private occupation. The 'freed lands' were proclaimed to be 'closed Forest Areas'. These, as the name indicates, are fenced-in areas within which grazing, cutting of wood, and any encroachment are forbidden (3). The expansion of forest areas was confined to the hilly region of the country. Since most Galilee bedouin tribes are found in this environment, considerable conflict could be expected. Rational forest development was not only seen through the closing of large areas to nomadic grazing, which was considered to be the principal cause of deforestation, but also in creating new internal boundaries (4). Such boundaries frequently infringe upon the customary rights of bedouin grazing. A high pressure on bedouin traditional movement therefore became a new problem (5). Grazing routes, however, deteriorated and the desire to continue nomadic life was frustrated (see note 7 to

Chapter 3).

Table 1 shows the development of areas of forest reserves during the years 1925-1947. The numbers speak for themselves; areas were added every year in both northern and southern divisions of the country (for forest administration purposes the country was divided into these two divisions only). The most rapid increase was, however, in the northern division. The number of blocks increased 4.3 and 27 times respectively in northern and southern divisions and the areas in donums increased 1.7 and 4.7 times. The increased number of forest reserves meant the creation of extensive internal boundaries within bedouin grazing pastures.

Table 2 shows the distribution of the Forest Reserves according to the 17 districts of the country at the end of the year 1944-45. Thus the Northern districts (Haifa, Acre, Nazareth, Tiberias, Safed and Beisan, which cover the Galilee region) contained 52 per cent of the total number of forest reserves and 44 per cent of the total area in donums. This provides clear evidence of the relatively high forest development within the regional context since the total Galilee area amounts to less than one-fifth of the area of the country. Having examined the general development of forest expansion within the northern part of Palestine, it is now essential to identify specific examples of tribal groups who were affected by this kind of development. It will also throw light on Government policy towards settling bedouin tribes.

Arab Subaih

Previous discussion on the Arab Subaih showed how the tribe lost a considerable part of its land due to the Government's project for building an Agricultural school. Three years after the agreement of 1940, the tribe faced another challenge to its land rights. The case started in June 1943 when the State Domain Inspection Committee recommended that two blocks in Mount Tabor, 17218 and 17219 (Fig 2) should be allocated to the Conservator of Forests as "managed grazing grounds" (6). The tribe and the Arab

Table 1: Areas of Forest Reserves in Palestine 1926-47

Year	Number of areas		Area in donums	
	Northern Division	Southern Division	Northern Division	Southern Division
1925/26	73	47	467,918	49,370
1926/27	41	5	93,196	33,558
1927/28	5	22	3,918	9,050
1928/29	5	-	21,262	-
1929/30	3	1	750	534
1930/31	-	-	-	-
1931/32	3	-	2,531	-
1932/33	7	8	4,358	2,890
1933/34	14	-	4,432	-
1934/35	5	1	5,481	906
1935/36	32	4	32,710	4,320
1936/37	1	-	84	-
1937/38	3	1	4,068	186
1938/39	1	-	9,072	-
1939/40	9	-	1,070	-
1940/41	10	1	2,612	113
1941/42	3	1	2,281	663
1942/43	22	-	56,008	-
1943/44	30	3	57,956	24,182
1944/45	1	32	43	908,291
1945/46	43	-	39,794	722
1946/47	4	1	4,136	121
Total	315	127	805,680	234,586

Source: A. Granott, The Land System in Palestine, Eyre and Spottiswoode, London 1952, 116.

Table 2: Distribution of Forest Reserves according to Districts 1944-45

District	Number of forest reserves	Total area in donums
Haifa	96	131,752
Acre	21	100,073
Nazareth	38	85,562
Tiberias	26	18,231
Nablus	13	64,266
Jenin	34	175,371
Tulkarm	14	9,184
Safed	19	41,574
Beisan	1	1,072
Jerusalem	9	9,384
Bethlehem	3	3,947
Ramalla	3	1,300
Jericho	1	3,500
Ramle	18	12,686
Hebron	81	44,901
Gaza	7	57,074
Beersheba	1	100,000
Total	385	859,877

Source: PG. Department of Statistics, Statistical Abstract of Palestine, 1944-45, 239.

National Fund (Sandoq al Aummah) responded by submitting two petitions to the High Commissioner (Appendices 3 and 4), dated 14 January 1946 and 19 March 1946 respectively. According to the correspondence associated with the case, the Government's attitude was clearly aimed at directing the Subaih bedouin to a sedentary livelihood.

For example, the Conservator of Forests stated in a letter dated 20 February 1946: "When Government decided to allot domain land to Arab es Sbeih to the north of the Forest Reserve, it was intended that this tribe will go more for land cultivation" (7).

Another statement in the letter of the District Commissioner of Galilee dated 25 March 1946 reads: "It should be emphasized that the decision of the Land Settlement Officer was not based on evidence or legal argument but was merely a confirmation and continuation of the status quo. From a strictly legal point of view registration of the land is in the name of Government and the people are there as tenants in Jiftlik." (8) Moreover the District Commissioner confirms in the same letter that the Subaih tribe prevented the officers of the Department of Forests from carrying out the work of fencing. He states also that "a number of the Arabs had erected for themselves permanent stone houses at the foot of the mountain and had planted trees in the immediate neighbourhood" (9).

Such activity by the Subaih was a unique step in their process of sedentarization. The aim of building permanent stone houses was not, presumably, the outcome of a voluntary process, but in this case was undertaken to establish physical facts in order to protect their land. These houses were erected on the boundary of the now disputed land and it was regarded by the tribe as the strategic front line rather than primarily for dwelling purposes. However, this unique practice could be regarded from the Government viewpoint as evidence of failure to persuade the bedouin to adopt settled life. This case found only a partial solution since the British Mandate in Palestine terminated in 1948 while the case was being negotiated. However, the following recommendation recorded on 24 June 1946, addressed

to the District Commissioner and the Forest Conservator, indicates a last attempt at solving this problem. Unfortunately, the signature of the Government officer is illegible.

- (i) That the Arab Subaih should first of all be given a formal promise that grazing ground will be provided for their animals.
- (ii) That they should be instructed in the system of grazing by rotation, and be made to see its usefulness to themselves.
- (iii) That unless the Arab Subaih agree to a larger area being immediately closed, half of the area only should be so closed for the purpose of improving the grazing. The other half would be closed and improved only after the first half had been re-opened and made available.
- (iv) Meanwhile fencing should not proceed (10).

Arab Suwaitat

The Arab Suwaitat case in Haifa District represents the category of landless tribes who were affected by both forest expansion and Jewish land acquisition during the British Mandate period (1918-1948).

The magnitude of these phenomena could be understood from the Chief Secretary's letter to Haifa District Commissioner on November 1946:

"I agree that the problem of settling this and other landless Arab tribes is a matter of great concern to the Government. However, in order to appreciate the seriousness of the situation which is gradually developing in your District I am directed to request that a careful survey of the position should be

urgently undertaken by you with a view to ascertaining the number of such tribes and preparing an inventory of the number of landless Arabs in each tribe for which land has to be found." (11)

The Suwaitat tribe became a victim of the new development of forest expansion in Mount Carmel in 1934. For many years they established a permanent camp in Khirbat Aqqara on the north western slopes of Mount Carmel. Since they were a small group camping in the middle of the forest and far from travellers' routes, they were never mentioned by 19th century travellers. Their existence remained generally unaltered until March 1934 when their lands were declared as a forest reserve and subsequently, in 1937, when the Department of Forests and the police evacuated the Suwaitat from Khirbat Aqqara.

According to information mentioned in a memorandum submitted to the High Commissioner of Palestine by the tribe's advocate, Mr. H.D. Nakkara, dated 16 March 1946, the tribe was numbered as 385 souls and as possessing nearly 2,000 beasts (12). Their case was brought in the first instance to the judgment of Haifa district court and on 21 June 1940 it declared: "we accept their evidence of title and find that for a period exceeding living memory they and their fathers have camped and pastured on this land". Subsequently, for the period 1937-1946, the tribe camped on the lands of other villages, and during this time appealed to the High Commissioner to facilitate their return to their previous place by purchasing at a 'normal price' the 663 donums which constituted parcel one of Block 11896 on Mount Carmel, (Appendix 5) enabling them to continue their semi-nomadic life.

The present case remained without a final solution before the Mandate terminated in 1948. However, Government policy in this case was in favour of settling this bedouin group permanently as is clearly seen from the Acting District Commissioner's letter dated 24 October 1946. "It would, however, be an advantage from every point of view if the tribe could be settled and I am examining the possibility of some alternative subsistence area being provided for them." (Appendix 5)

The Tribes of Tiberias District

According to the Galilee District Commissioner's note of 7 February 1947 (Appendix 5) some of the tribes - Wahaib, Dalayikah, Qazaq, Masharqah, Tawafirah, Nujaidat and the Khawalid in Tiberias vicinity - were considered as threatening forest by illicit grazing in Tiberias special areas. Therefore he recommended that their movements be controlled in order to protect this area and also for matters of convenience as and when desirable. In the previous case of the Arab Suwaitat the administration exercised the cultivators' ordinance and the Forest ordinance in order to evacuate them from the forest. However, in the present case the Government had already developed a better system of control. Hence they were scheduled under the bedouin control ordinance (13).

The present seven tribes' case is further evidence of Government activities of developing forest areas in Galilee and at the same time imposing pressure upon the local bedouin community. The personal attitudes of District Commissioners and officers towards bedouin played an important role in controlling bedouin movement.

Notes to Chapter 4

1. Granott, op. cit., 774.
2. Ibid, 114-115.
3. Ibid, 116.
4. M.W. Mikesell, 'Deforestation in Northern Morocco', Science, 132, 1960, 445-446.
5. E.H. Jacoby, Man and land, the fundamental issue in development, Andre Deutsch, London, 1971, 289.
6. Reference 9, 24.4.46, L/23/46 in A.S.A.

7. Ibid, Conservator of Forests to Chief Secretary, 20.2.1946.
8. Ibid, Galilee District Commissioner to Chief Secretary, 25.3.1946.
9. Ibid.
10. Reference 9, op. cit., 24.4.1946.
11. Chief Secretary to District Commissioner - Haifa, 22.11.1946, L/157/46, RG2 in I.S.A.
12. Ibid. Advocate for Arab Suwaitat to High Commissioner, 30.9.1946.
13. Chief Secretary to District Commissioner 27.2.1947, Y/58/1947, RG2 in I.S.A.

5. BEDOUIN CONTROL ORDINANCE OF 1942

The ultimate objective of the Bedouin Control Ordinance is regarded as "primarily providing the administration with special powers of control of nomadic or semi-nomadic tribes with the object of persuading them towards a more settled way of life." (1)

Previously, the administration had adopted the policy of indirect persuasion as the matter arose in the context of the general development of the country, such as out of forestry or land settlement. In contrast this present ordinance was a direct confrontation with the interests of the bedouin. District Commissioners were permitted by this ordinance to exercise their power over bedouin groups. Presumably this change in British policy towards the bedouin was derived from a larger scale change in policy within the Colonial office. The emergence of the new policy on bedouin direct control towards the end of the British Mandate in Palestine was predictable. Sir Herbert Samuel, who was the first High Commissioner for Palestine, announced this notion on 25 March 1920 when he discussed the matter of tribal grazing rights and customs. His hope was that this matter would be dealt with in the future "when a more modern system of taxation is imposed as the progress of the cadastral survey" (2). Doubtless the accumulated experience among the colonial personnel and particularly the District Commissioners played an important role in passing this law.

The Bedouin Control Ordinance No. 18 of 1942 (Appendix 7) affected bedouin tribes mainly by the following points:

- (i) It states that any tribe 'scheduled' under the ordinance could be made subject to control by the District Commission (3).
- (ii) If a tribe is 'scheduled', their movements could be controlled and they could be told to go to another area (4b).

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- (iii) The tribe could be investigated and arrests could be made (4b).
 - (iv) If an offence had been committed by a tribe the Commissioner could seize some of their property (4c) and return it to the people from whom it was stolen (5).
 - (v) If an offence had been committed by a tribe, punishment could be meted out (7).

The unique point made by this ordinance was to break the normal rule of British law which states that only the individual person who has committed the offence is guilty. It states that if a member of a tribe commits an offence and one cannot tell who is responsible then the District Commissioner can investigate, arrest, control and punish the whole tribe.

The present ordinance developed from an earlier ordinance called the 'Collective Punishments Ordinance' (C.P.O.). The Bedouin Control Ordinance (B.C.O.) had stronger powers than the previous ordinance because the B.C.O. can allow the bedouin to be controlled before they commit an offence, whereas the C.P.O. can only punish them after an offence. (Appendix B)

The B.C.O. therefore provides District Commissioners with more power to exercise a general supervision over tribal movement and to take advance precautions. (Appendix B)

In order to schedule a certain tribe, the District Commissioner was obliged to obtain the permission of the Chief Secretary, who was to make the final decision. The policy of Mr. C.T. Evans, who was the Galilee District Commissioner for bedouin control in his district, was aimed at scheduling as many tribes as possible: "It would be a convenience to have them all scheduled at the same time. It will then be possible to take action under section four of the ordinance to exercise general control of their movements, as and when desirable." (Appendix B)

The reasons for scheduling bedouin tribes was left to his appreciation of the case. For example, the reason for Arab al Hamdun tribe, which numbered some 260 persons and inhabited the area along the Palestine-Lebanese frontier was "...in the interests of security on the frontier and of good relations with the Lebanese authorities that I should be empowered to control movements of the tribe and take punitive action." (Appendix 2)

The Mazarib Arabs, numbering 250 souls, had for many years camped in the King George the Fifth Jubilee Forest (Appendix 9), the registered owners of which are the Jewish National Fund. The reason for scheduling the Mazarib is different: "As you are aware the Jewish National Fund intend to have these Arabs evicted from the land; eventually it may be necessary to move the tribe and it will afford me greater control if the ordinance has been applied to them." (Appendix 9)

The account concerning the Subaih tribe is as follows: "The Subaih are for the most part quiet and well behaved but there are certain elements at feud with the sheikh and there are other families known to have been harbouring absconded offenders. They are already scheduled under the collective punishments ordinance but the control ordinance will give me greater control over those families who live away from the tribe." (Appendix 9) Appendix 10 mentions no reason for the Arabs of Mawasi, Es Sweilut, Hujeirat Bajayneh and el Heib being scheduled. It is clearly seen that District Commissioners had enjoyed power from this ordinance despite the fact that the reason of scheduling might not have justified the case. This argument may be understood from the Chief Secretary's reply to Mr. C.T. Evans concerning the cases of Arab Subaih and the Mazarib. The letter, dated 21 September 1943, states the following:

"You will appreciate that the Bedouin Control Ordinance is intended to be applied only to nomadic or semi-nomadic tribes and only in cases of real necessity, but not ad hoc in every case where there is only a small community of tent dwellers. In the circumstances I am to request you to be good

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enough to confirm that you are satisfied that the tribes mentioned in your letter do in fact fall within the category of nomads or semi-nomads for whom the Bedouin Control Ordinance is designed, and that it would not be sufficient to make them amenable to the Collective Punishments Ordinance under which several of them are scheduled already." (3)

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The Bedouin Control Ordinance of 1942 was confined in its definition to semi-nomadic and nomadic groups in the region, whereas some of the tribal groups within the same tribes were in advanced stage of sedentarization during the 1940s. Hence difficulties were encountered over the definition of nomadic and semi-nomadic tribes in the existing ordinance. In order to eliminate these difficulties, the District Commissions of Palestine organized a conference held at Gaza on 31 August 1945. The meeting was of the opinion that the ordinance was designed to apply to all tribes which were organised on the basis of accepting collective responsibility, and not only to the more lawless ones (4). Following this conference, the Acting Attorney General submitted a bill designed to eliminate the difficulties in the 1942 ordinance definition (5).

Shortly after this request, on 8 September 1945 (eight days following the conference date), the Acting Chief Secretary sent a note to the Galilee District Commissioner referring to the present report as follows:

"I am directed to refer ... to inform you that the law officers have now prepared a Bill to amend the Bedouin Control Ordinance so as to avoid the validity of orders applying the ordinance to any particular tribe being challenged on the ground that such tribe was in fact neither nomadic nor semi-nomadic."
(6)

It can be concluded from this information that the British Administration's policy of controlling bedouin tribes in Galilee had been passing through the stages of a developing legislative

system. It seems that the Gaza Conference appeal, which aimed to amend the B.C.O., was the last stage of an evaluation of the complete legislative system over the Galilee tribes. By passing the new ordinance, it meant that the whole bedouin tribe of Galilee would be "scheduled". Hence, theoretically, all the Galilee tribes could have their movement controlled and be displaced as and when it was thought desirable. This last stage of legislation was most efficient in view of establishing a policy of planning bedouin settlement. The new ordinance enabled the government to exercise its power and to incorporate the planning of bedouin settlement within the context of developing the country.

Due to the fact that this stage in the legislation had reached the Galilee bedouin only a short time before the Mandate terminated in 1948, a planned bedouin settlement policy had not been developed. However, it is strongly assumed here that, if the British Mandate in Palestine had survived for a longer period, such a policy would have been expected. This assumption is based on an observation of a case in 1946 (7).

Arab Sa'ayidah

The tribe, Arab Sa'ayidah, were evacuated in 1944 from the lands of Qira wa Qamun in Merj Ibn Amir due to the Jewish agency acquiring the land on which they were camping. The Sa'ayidah Arab submitted an application in February 1946 to the District Commissioner of Galilee in order to lease an area of 128 donums and 995 square metres of State Domain land. The site described lies at the southern foot of Mount Tabor as parcel six of Block 17004 (8), the traditional name of the site being Khirbat Umm al Ghanam.

The District Commissioner pointed out to the tribe that "it is desirable that the tribe should be permanently settled and that they must remain near their lands and unless they do have a permanent habitation they will be a continual nuisance to Government and their neighbours" (9). This was considered as a conditional obligation on the tribe, but he recommended that the

tribe be settled on the above mentioned parcel. The Sa'ayidah Arab, according to the District Commissioner's letter were "prepared to form a co-operative society for the purpose of entering into a lease agreement with Government" (10).

Since the present case was the concern of Land Settlement, the Director of Land Settlement and Water Commissioner issued an application on 26 November 1946 to the Chief Secretary in Jerusalem recommending the following:

"I shall be obliged if you will let me have your approval to conclude a long term lease agreement for the purpose of a housing scheme for the tribe of Arab es Sa'ayidah in respect of parcel six and part of parcel thirteen as shown on the attached plan. The lease will be for a period of 99 years at an annual rent to be calculated at four per cent of the market value of the land which will be assessed by the valuation section of this department."
(11)

The present example could be considered as a sign that the Government was preparing its first housing scheme to settle a bedouin tribe in Galilee.

Notes to Chapter 5

1. Ibid. Galilee District Commissioner to Jerusalem District Commissioner 17.8.1945.
2. Declarations by Sir H. Samuel and Gen. Bois. 25.3.1920, file 6914 in FO/371/61 in P.R.O., 71.
3. Chief Secretary to Galilee District Commissioner, 21.9.1943, Y/58/42, RG2 in I.S.A.
4. Ibid. Minutes of the 26th meeting of the District Commissioners' Conference held at Gaza on 31 August, 1945.

5. *Ibid.*
6. *Ibid.* Acting Chief Secretary to Galilee District Commissioner, 8.9.1945.
7. Director of Land Settlement and Water Commissioner to Chief Secretary, 26.11.1947, L/172/46, RG2 in I.S.A.
8. *Ibid.*
9. *Ibid.*
10. *Ibid.*
11. *Ibid.*

6. CONCLUSION

British administrative policy on bedouin tribes of northern Palestine, in particular, did not emerge quickly to a master plan designed by British imperial policy. Rather, it evolved gradually in response to particular circumstances. The administrative and bureaucratic reforms undermined the political and economic traditions of the bedouin tribes indirectly by reorganizing the country's economic resources and its public order.

Obviously abolishing the old-fashioned life-style was necessary to pursue the way to progress in Palestine, and the bedouin became very vulnerable.

It is true that the British did not have a policy of systematically breaking up bedouin society or forcing settlement as did the French in Syria, but the changing economic structure and land tenure in Palestine over which they presided did not leave sufficient space or freedom for nomadic society to maintain the vitality and autonomy it had enjoyed under the Ottoman régime.

The role of the British therefore was to enhance the sedentarization process in an undesirable way from the bedouin viewpoint. Conflict was likely to emerge because the required speed of transforming semi-nomadic into permanent habitation was viewed in two different time scales by the Administration and the bedouin.

The Administration insisted that bedouin should be settled because they were seen as a "nuisance to Government and their neighbours" (1). No attempt was made to provide the supporting facilities and supervision inherent in sedentarization. The bedouin themselves required a much longer time in order to cope with change in both cultural and material life-style and also to adjust themselves to the new shape of the tribal territory.

Despite their semi-sedentary mode of life having a high

potential for developing a settled occupation, this potential was not realized by the administration because of the absence of a precise policy of social and economic development for the bedouin. Moreover, the Bedouin Control Ordinance of 1942 which was introduced towards the end of the Mandate was used as a means of punishment rather than encouragement.

The Memorandum of Izzat el Atawneh (Appendix 11) submitted to the Royal Commission on 12 February 1937 on behalf of the bedouin of the Beersheba subdistrict provides an insight into two aspects of the bedouin situation: (1) the Government's neglect of bedouin affairs, and (2) the bedouins' desire for modern facilities such as education, agricultural training and political participation. This clearly shows that the bedouin recognized the importance of sedentary life as a condition for obtaining modern facilities.

The process of sedentarization was not completed during the British Mandate in Palestine. The Mandate terminated when the Galilee bedouin were in the middle of reorganizing themselves to adopt a new life. But this process was interrupted by the war of 1948. Hence the few tribes who remained in Palestine after 1948 completed the process under rather different conditions.

Nevertheless the vital British contribution was to institute in the bedouin mind the concept of sedentary life and at the same time the benefit of abandoning nomadism.

Notes to Chapter 6

1. Director of Land Settlement and Water Commissioner to Chief Secretary 26.11.1947, L/172/46, RG2 in I.S.A.

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APPENDICES

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IN REPLY PLEASE QUOTE
NO. 345.



DISTRICT COMMISSIONER'S OFFICE,
GALILEE AND ACRE DISTRICT,
NAZARETH

27 March, 1943.

CHIEF SECRETARY.

During a visit paid by the Assistant District Commissioner, Southern Galilee to Irbid, Trans-Jordan, in the 24th March, the question of border passes for members of the Beduin tribes which camp on each side of the Jordan was discussed.

2. There are four tribes affected, so far as Galilee District is concerned, namely the Sa'ar, Bazzawiyah, Sawati and Bashatwa.

3. At present when a member of one of these tribes living on one side wishes to pass to the other side of the river, which many of them frequently do, he is supposed to be in possession of a passport and to have it visated for entry into the other territory; naturally none of these tribesmen do this nor is it practicable to expect them to comply with such formalities. The result is that instead of passing through the authorised points of entry and exit they use one or more of the numerous fords which exist across the river. As a large number of quite innocent persons are turned into potential law breakers and there is no adequate check on the waters of Galilee the country.

4. The present proposal, submitted jointly by Mr. Heady and the Mutasarif of Irbid is that a system of border passes be introduced the passes to be issued only to members of the tribes mentioned in paragraph 2 above, by the Mutasarif and/or the District Officer, Seisan, Waili, so far as Palestine is concerned, for specified areas in Seisan Sub-District.

5. As you are aware such an arrangement already exists along the frontier of Palestine bordering the Lebanon and Syria.

6. I feel confident that such an arrangement will facilitate control by the Immigration Department and the Customs Preventive Service and will assist the Police in controlling movement along that part of the Palestine - Trans-Jordan frontier which is contained in the Seisan Sub-District.

[Signature]
DISTRICT COMMISSIONER
GALILEE DISTRICT.

Copy to:-

- ✓ Inspector General of Police.
- ✓ Director of Customs, Excise, & Trade.
- ✓ Commissioner for Migration.
- Superintendent of Police, Nazareth.

Source : ISA, RG2, 1/32/43

APPENDIX I

District Commissioner's Office
Galilee and Acre District
Nazareth

27 March, 1943

CHIEF SECRETARY

During a visit paid by the Assistant District Commissioner, Southern Galilee to Irbid, Trans-Jordan, on the 24th March, the question of border passes for members of the beduin tribes which camp on each side of the Jordan was discussed.

2. There are four tribes affected, so far as Galilee District is concerned, namely the Sagr, Ghazzawiya, Bawati and Rashatwa.

3. At present when a member of any of these tribes living on one side wishes to pass to the other side of the river, which many of them frequently do, he is supposed to be in possession of a passport and to have it visa'ed for entry into the other territory; naturally none of these tribesmen do this nor is it practicable to expect them to comply with such formalities. The result is that instead of passing through the authorised points of entry and exit they use one or more of the numerous fords which exist across the river. Thus a large number of quite innocent persons are turned into potential law breakers and there is no adequate check on who enters or leaves the country.

4. The present proposal, submitted jointly by Mr. Headly and the Mutasarif of Irbid is that a system of border passes be introduced the passes to be issued only to members of the tribes mentioned in paragraph 2 above, by the Mutasarif and/or the District Officer, Beisan, valid, so far as Palestine is concerned, for specified areas in Beisan Sub-District.

5. As you are aware such an arrangement already exists along the frontier of Palestine bordering the Lebanon and Syria.

6. I feel confident that such an arrangement will facilitate control by the Immigration Department and the Customs Preventive Service and will assist the Police in controlling movement along that part of the Palestine-Trans-Jordan frontier which is contained in the Beisan Sub-District.

DISTRICT COMMISSIONER
GALILEE DISTRICT

Source: ISA, RG2, 1/32/43

Appendix 2

GOVERNMENT OF PALESTINE.

IN REPLY PLEASE QUOTE
No. 3.857/3.

DISTRICT COMMISSIONER'S OFFICE,
GALILEE DISTRICT,
NAZARETH.

ARAB BANDITRY.

*A 2. 1/42
p 66.*

The Local Security Committee has been advised that the Palestinian tribe Arab al-Hamdoun is listed in schedule under the Bedouin Control Ordinance 1937.

2. The tribe, which numbers some 200 persons, inhabits the area along the Palestine-Lebanese frontier in the Safad sub-district. The tribe has an notorious cattle thieves and gang lore and are constantly implicated in thefts on Lebanese territory. The Lebanese authorities recently produced to the Assistant District Commissioner, Safad, a list of twenty-four such cases in which members of the tribe are believed to have been concerned since the beginning of 1942. One of the latest and most serious incidents involving the theft of a Lebanese was recorded in paragraph 19 of the monthly report for the period 1-15th February, 1943.

3. In these instances arrests were made, but it will be realized that it is frequently difficult to bring charges against specific individuals it comes to passing across the frontier. It is accordingly desirable in the interests of security on the frontier and of good relations with the Lebanese authorities that I should be empowered to control the movements of the tribe and take punitive action as contemplated by the Ordinance, where individual charges cannot be brought.

4. I, therefore, endorse the recommendation of the Local Security Committee and request that the Assistant Commissioner will order that the Ordinance should apply to Arab al-Hamdoun.

C. L. Evans
DISTRICT COMMISSIONER
Galilee District.

Copy to: H.Q., 15 Area.
Superintendent of Police, Galilee District.
Assistant District Commissioner, Safad.

Source : ISA, RG2, Y/52/42

APPENDIX 2

Source: ISA, RG 2, Y/58/42

District Commissioner's Office
Galilee District
Nazareth
21 May, 1945

CHIEF SECRETARY

The Local Security Committee has recommended that the Palestine tribe Arab el Hamdoun should be scheduled under the Bedouin Control Ordinance 1942.

2. The tribe, which numbers some 260 persons, inhabits the area along the Palestine-Lebanese frontier in the Safad sub-district. The tribesmen are notorious cattle thieves and smugglers and are constantly implicated in thefts on Lebanese territory. The Lebanese authorities recently produced to the Assistant District Commissioner, Safad, a list of twenty-four such crimes in which members of the tribe are believed to have been concerned since the beginning of 1942. One of the latest and most serious incidents involving the death of a Lebanese was recorded in paragraph 19 of my fortnightly report for the period 1-15th February, 1945.

3. In this instance arrests were made, but it will be realised that it is frequently difficult to bring charges against specific individuals in cases of raiding across the frontier. It is accordingly desirable in the interests of security on the frontier and of good relations with the Lebanese authorities that I should be empowered to control the movements of the tribe and take punitive action as contemplated by the Ordinance, where individual charges cannot be brought.

4. I, therefore, endorse the recommendation of the Local Security Committee and request that the High Commissioner will order that the Ordinance should apply to Arab el Hamdoun.

DISTRICT COMMISSIONER, GALILEE DISTRICT

Appendix 3

His Excellency
The High Commissioner
Jerusalem

Petitioners :- Hussein el Assad, Assad el Mohamed,
Ikhreis el Ali, Mohamed el Mifleh and
Haj Nihar Ali el Warwar all of Tribe
Esh Shibli Arab Sbeih Nazareth Sub-District

Request :- Grazing lands of Mt. Tabor

Your Excellency,

We beg to be permitted to submit the following for favour
of Your Excellency's kind consideration :-

Some time ago an area of about 3000 dunams were taken from
our lands and were given to Khadoorie Agricultural School and another
area of 3000 dunams were given to the Palestine Jewish Colonization
Association and 3000 dunams remained as Grazing lands for our Cattle
and Flocks on the East-northern side of Mt. Tabor and we were
promised by the Government that this area will be always used as
Grazing lands for our flocks.

Three months ago Forest Department Officers came to the
tribe and wanted to dig holes for erecting iron marks and barbed
wire for the purpose of making those lands as Government Reserved
Area but we have prevented them as these lands are the only grazing
area for our flocks and had at that time submitted complaints to
this effect, and up till now we have nothing received.

We, therefore, beg Your Excellency to kindly consider that
this area of grazing lands be kept for us as promised by the
Government as we have no other lands for our Cattle and flocks.

Hoping that this, our demand will be favourably considered

Thanks Very Much and Utmost Respects

Yours Most Respectfully

14.1.46

Copies to : Director of Land Registration
Forest Department - Jerusalem
District Commissioner Galilee Thro' District Officer
Nazareth

Source : ISA, RGE, L/23/46

APPENDIX 3

His Excellency
The High Commissioner
Jerusalem

Petitioners:- Hussein ei Assad, Assad ei Mohamed,
Ikhreis ei Ali, Mohamed ei Mifleh and
Haj Nehar Ali ei Warwar all of Tribe
Esh Shibli Arab Sbeih Nazareth
Sub-District

Request:- Grazing lands of Mt. Tabor

Your Excellency,

We beg to be permitted to submit the following for favour of
Your Excellency's kind consideration:-

Some time ago an area of about 3000 dunums were taken from
our lands and were given to Khedoorie Agricultural School and
another area of 3000 dunums were given to the Palestine Jewish
Colonization Association and 3000 dunums remained as Grazing
lands for our Cattle and Flocks on the East-northern side of Mt.
Tabor and we were promised by the Government that this area will
be always used as Grazing lands for our flocks.

Three months ago Forest Department Officers came to the
tribe and wanted to dig holes for erecting iron marks and barbed
wire for the purpose of making those lands as Government Reserved
Area but we have prevented them as these lands are the only
grazing area for our flocks and had at that time submitted
complaints to this effect, and up till now we have nothing
received.

We, therefore, beg Your Excellency to kindly consider that
this area of grazing lands be kept for us as promised by the

Government as we have no other lands for our Cattle and flocks.

Hoping that this, our demand will be favourably considered

Thanks Very Much and Utmost Respects

Yours Most Respectfully

14,1,46

Source: ISA, RG2, L/23/46

سندوق الامتاع العربي

شركة محدودة الصمان
القدس
البنك المركزي

القدس ١١٤٦/٣/١١

تخاطب السيد سامي لحكومة فلسطين المحترم
القدس

تحية واحترام اما بعد فقد ورد علينا كتاب من شيخ عشيرة الصبيح في منطقة الناصرة
يظلمون فيه من محاولة الحكومة وضع يدها على اراضيهم البالغة مساحتها نحو ١٢٠٠
دونم قرب جبل طابور بحجة انها حراج محفوظة فيما ان هذه الاراضي يملكها وتصرف
بها عشيرة الصبيح وهي منازل ورملي للمشيخة يمتثلون من الانتفاع بها وما تحبس
من اشجار وزروع وان انتزاع هذه الاراضي عنهم يجعل هذه العشيرة من رجال واطفال
ونساء وما لديها من حيوان عرضة للعلاك لعدم وجود ارض اخرى لديهم ، وما ان
واجب الحكومة اداريا وانسانيا يحتم عليها ان تنظر في هذا الامر جديا حرصا على حياة
هؤلاء الناس وضما لتحتيتهم وتشهدهم بان تبقيهم في اراضيهم التي هي في تصرفهم
منذ مئات السنين وهم مالكوها الشرعيون من اجل ذلك نرجو من فخاستكم اعادة النظر
في هذه القضية والحفاظ على حقوق العرب التي توارثوها خلقا عن خلفاءهم في
بلانها بايديهم بنا لبناهم وكيانهم واثار اهلهم وجدودهم ولنا وطيد الامل ان
تكون النتيجة احقنا للحق وانسارا للمعادلة .

وتفضلوا بقبول اائق الاحترام و

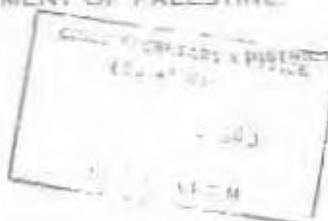
احمد حلي

رئيس مجلس ادارة صندوق الامتاع العربي

GOVERNMENT OF PALESTINE.

1946/47 - 1st QUARTER

No. 287/525 - 2



COMMISSIONER'S OFFICES
NABATIAH DISTRICT
NABATIAH

24 October, 1946

Shir Se'adiah.

10

I forward herewith a petition addressed to the High Commissioner on behalf of the Arab Suwaitat. These semi nomadic Arabs were turned out some years ago from the lands on which they had been squatting on Mount Carmel and are now applying to return there by purchasing 'at a nominal price' the 663 dunams which constitute parcel 1 of Block 11896.

Their proposal, which I have discussed with representatives of the Land Settlement and Forests Departments is clearly out of the question, if only because the land concerned is in the middle of a closed Forest area.

2. It would however be an advantage from every point of view if the tribe could be settled and I am examining the possibility of some alternative subsistence area being provided for them. Unfortunately any land which is likely to be available is such as would need a considerable amount of hard work for its development and I am not certain that the present petitioners are capable of making the necessary effort.

3. The case is by no means an isolated one and the large number of landless Arabs in this District with no settled occupation is a matter of some concern.

U. J. ...

U. J. ...
ACTING DISTRICT COMMISSIONER.

APPENDIX 5

District Commissioner's Offices
Haifa District
Haifa.

24 October, 1946

CHIEF SECRETARY

I forward herewith a petition addressed to the High Commissioner on behalf of the Arab Suwaitat. These semi nomadic Arabs were turned out some years ago from the lands on which they had been squatting on Mount Carmel and are now applying to return there by purchasing 'at a nominal price' the 563 dunams which constitute parcel 1 of Block 11896.

Their proposal, which I have discussed with representatives of the Land Settlement and Forests Departments is clearly out of the question, if only because the land concerned is in the middle of a closed Forest Area.

2. It would however be an advantage from every point of view if the tribe could be settled and I am examining the possibility of some alternative subsistence area being provided for them. Unfortunately any land which is likely to be available is such as would need a considerable amount of hard work for its development and I am not certain that the present petitioners are capable of making the necessary effort.

3. The case is by no means an isolated one and the large number of landless Arabs in this District with no settled occupation is a matter of some concern.

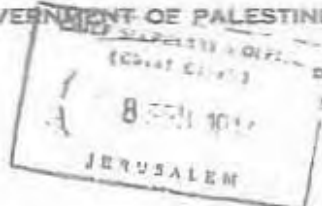
ACTING DISTRICT COMMISSIONER

SOURCE: ISA, RG2, L/157/46

Appendix 6

GOVERNMENT OF PALESTINE

IN REPLY, PLEASE QUOTE
No. Q.929.



DISTRICT COMMISSIONER'S OFFICE,
GALILEE DISTRICT,
NAZARETH.

7 February, 1947.

✓ CHIEF SECRETARY. ✓

Subject :- Beduin Control Ordinance, 1942.

In connection with the protection of the Tiberias Special Area from trespass and illicit grazing by beduin and their cattle, I have had a survey made of a number of small semi-nomadic tribes which move in the vicinity of the special area with a view to their scheduling under the Beduin Control Ordinance, 1942, (Laws 1942, Vol.I, p. 66).

2. I attach a note by the District Officer concerning these tribes. Not all of them have in the past infringed the regulations governing the special area, but it would be a convenience to have them all scheduled at the same time. It will then be possible to take action under Section 4 of the Ordinance to exercise general control of their movements, as and when desirable.

3. The tribes are :-

1. Arab Wuheib
2. Arab Delaykeh
3. Arab Qazaq
4. Arab Masharqah
5. Arab Tawafreh
6. Arab Nujaidat
7. Arab Khawalid (sub-tribe of Trans-Jordan tribe).

4. I accordingly request that the High Commissioner will exercise his power under Section 3 of the Ordinance as amended (vide Laws 1945, Vol.I, page 194), to declare that the provisions of the Ordinance should apply to the tribes mentioned.

C. J. Evans
DISTRICT COMMISSIONER
GALILEE DISTRICT.

Copy to:-
Asst. District Commissioner,
Northern Galilee.

Source : ISA, RGZ, Y/58/42

APPENDIX 6

District Commissioner's Office
Galilee District
Nazareth

7 February, 1947

CHIEF SECRETARY

Subject:- Beduin Control Ordinance, 1942

In connection with the protection of the Tiberias Special Area from trespass and illicit grazing by beduin and their cattle, I have had a survey made of a number of small semi-nomadic tribes which move in the vicinity of the special area with a view to their scheduling under the Beduin Control Ordinance, 1942, (Laws 1942, Vol. I, p.66).

2. I attach a note by the District Officer concerning these tribes. Not all of them have in the past infringed the regulations governing the special area, but it would be a convenience to have them all scheduled at the same time. It will then be possible to take action under Section 4 of the Ordinance to exercise general control of their movements, as and when desirable.

3. The tribes are:

1. Arab Wuheib
2. Arab Dalaykeh
3. Arab Qazaq
4. Arab Masharqah
5. Arab Tawafreh
6. Arab Nujaidat
7. Arab Khawalid (sub-tribe of Trans-Jordan
tribe)

4. I accordingly request that the High Commissioner will exercise his power under Section 3 of the Ordinance as amended (vide Laws 1945, Vol. I, page 194), to declare that the provisions of the Ordinance should apply to the tribes mentioned.

DISTRICT COMMISSIONER
GALILEE DISTRICT

Source: ISA, RG2, Y/58/42

Appendix 7

BEDOUIN CONTROL ORDINANCE
No. 18 of 1942

A ORDINANCE TO CONFER UPON DISTRICT COMMISSIONERS A GENERAL POWER OF CONTROL OVER NOMADIC TRIBES AND COMMUNITIES IN PALESTINE (INCLUDING POWERS TO INVESTIGATE AND PUNISH OFFENCES COMMITTED BY MEMBERS THEREOF)

BE IT ENACTED by the High Commissioner for Palestine with the advice of the Advisory Council thereof —

1. This Ordinance may be cited as the Bedouin Control Ordinance, 1942.

2. In this Ordinance —

“Nomadic tribe” means any nomadic or semi-nomadic tribe or community in Palestine to which the provisions of this Ordinance have been applied by order of the High Commissioner under section 3;

“Nomadic tribesman” means a member of a nomadic tribe as defined in this section, whether or not such member is a Palestinian subject;

“Relative to the fifth degree” of any person means any lineal descendant of any of the great-great-great-grandparents of such person.

3. The High Commissioner may by order declare that the provisions of this Ordinance shall apply to any nomadic or semi-nomadic tribe or community in Palestine or to any nomadic or semi-nomadic tribe or community which or any member of which may enter Palestine from time to time.

4. A District Commissioner may exercise within his district all or any of the following powers —

(a) exercise general control and supervision over all or any nomadic tribes or tribesmen, superintend their movements, and wherever he considers it necessary direct them to go to, or not to go to, or to remain in, any specified area for any specified period;

(b) investigate any crime committed by any nomadic tribesman or tribesmen, or any other breach of the peace which they may commit, whether such crime or breach of the peace took place in Palestine or elsewhere, arrest all persons suspected of complicity in such offence, impound their movable property until completion of investigation into the offence, and recover all loot and return it to the owners thereof.

Section 1

Section 2

Application of Ordinance to certain nomadic tribes

General power of control and supervision by District Commissioner

(e) in the event of the District Commissioner considering that reasonable grounds exist for supposing that a riot or breach of the peace is intended by any tribesman or tribesmen, he may seize so much of the movable property of such tribesman or tribesmen and of his or their relatives to the fifth degree and retain it for so long, as he may consider necessary for the purpose of holding it as security for his or their good behaviour. If such riot or breach of the peace is committed by the tribesman or tribesmen whose property is being so retained, such property may be forfeited, and such forfeiture shall be in addition to the seizure and sale of any further movable property which may be ordered under section 5 and to any penalty which may be imposed under section 7.

Recovery of value of property lost or damaged from tribesman or persons associated and from their relations.

5. If as a result of investigation by a District Commissioner into any offence committed or believed to have been committed within his district, or into any loss of or damage to property which has occurred therein, he has reason to believe that a nomadic tribesman or tribesmen —

- (a) committed the offence or willfully caused the loss or damage; or
- (b) removed it or in any way abetted the commission of the offence or the loss or damage; or
- (c) failed to render all the assistance in his or their power to discover the offender or offenders or to effect his or their arrest; or
- (d) concurred in the escape of, or harboured, any offender or person suspected of having taken part in the commission of the offence or implicated in the loss or damage; or
- (e) combined to suppress material evidence of the commission of the offence or of the occurrence of the loss or damage.

he may, after holding an enquiry as provided for under section 3 and upon the conviction of such tribesman or tribesmen under section 7, order the seizure and sale of the movable property of such tribesman or tribesmen or of his or their relatives to the fifth degree for the following purposes —

- (i) to recover the value of lost property which has already been disposed of or cannot be seized, in order to compensate the owners of such lost property;
- (ii) to collect the value of any fines imposed by him under this Ordinance.

Manner of enquiry into offence.

6. No nomadic tribesman shall be convicted of an offence under this Ordinance until an enquiry into his case has been held by a District Commissioner. Such enquiry shall be conducted, as far as is practicable, in the opinion of the District Commissioner

expected on the manner of a road before a magistrate exercising magisterial jurisdiction provided that no person shall have the right to be represented by an advocate therein.

7. Where after holding an enquiry as provided for under section 4 the District Commissioner is satisfied that any nomadic tribesman

District Commissioner

(a) has been guilty of any of the acts of commission set out in paragraph (a) to (c) hereof or section 5 or

(b) has failed to do as a shepherd or member of a nomadic tribe which has failed to comply with any direction given by the District Commissioner in exercise of his powers under paragraph (a) of section 4

shall be deemed to be guilty of an offence against this Ordinance and the District Commissioner may convict him of such offence accordingly and may punish him with a fine not exceeding £150 or with imprisonment for a term not exceeding one year or with both such penalties.

8. (1) Any person sentenced by a District Commissioner under section 7 to a fine exceeding £150 or to imprisonment for a term exceeding three months may appeal against his conviction or against such sentence by lodging with the District Commissioner within fifteen days of the sentence a notice setting forth his grounds of appeal, and the District Commissioner shall transmit the same to the High Commissioner, who may either uphold the conviction and sentence, or uphold the conviction and reduce the sentence, or uphold the conviction and increase the sentence to the maximum penalty provided under this Ordinance, or quash the conviction and order a fresh enquiry to be held under section 6, or quash the conviction without ordering such fresh enquiry.

Appeal

(2) A convicted person shall not be entitled to be released on bail pending the decision of the High Commissioner upon any appeal under this section, and shall the collection of any fine imposed upon a convicted person or the seizure and sale of any movable property under section 5, be stayed pending the decision of the High Commissioner upon any such appeal, unless the District Commissioner so directs.

9th June, 1942

HAROLD MAX MICHAEL
High Commissioner

APPENDIX 7

BEDUIN CONTROL ORDINANCE
No. 18 of 1942

AN ORDINANCE TO CONFER UPON DISTRICT COMMISSIONERS A GENERAL POWER OF CONTROL OVER NOMADIC TRIBES AND COMMUNITIES IN PALESTINE INCLUDING POWER TO INVESTIGATE AND PUNISH OFFENCES COMMITTED BY MEMBERS THEREOF.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof:-

1. This Ordinance may be cited as the Beduin Control Ordinance, 1942

2. In this Ordinance -

"Nomadic tribe" means any nomadic or semi-nomadic tribe or community in Palestine to which the provisions of this Ordinance have been applied by order of the High Commissioner under section 3.

"Nomadic tribesman" means a member of a nomadic tribe as defined in this section whether or not such member is a Palestinian subject.

"Relative to the fifth degree" of any person means any lineal descendent of any of the great-great-great grandparents of such person.

3. The High Commissioner may by order declare that the provisions of this Ordinance shall apply to any nomadic or semi-nomadic tribe or community in Palestine or to any nomadic or semi-nomadic tribe or community which, or any member of which, may enter Palestine from time to time.

4. A District Commissioner may exercise within his district all or any of the following powers:-

- (a) exercise general control and supervision over all or any nomadic tribes or tribesmen, superintend their movements, and wherever he considers it necessary direct them to go to, or not to go to, or to remain in, any specified area for any specified period;
- (b) investigate any raid committed by any nomadic tribesmen, or any other breach of the peace which they may commit, whether such raid or breaches of the peace took place in Palestine or elsewhere, arrest all persons suspected of complicity in such offence, impound their movable property until completion of investigation into the offence, and recover all loot and return it to the owners thereof;
- (c) in the event of the District Commissioner considering that reasonable grounds exist for supposing that a raid or breach of the peace is intended by any tribesman or tribesmen, he may seize so much of the movable property of such tribesman or tribesmen and of his or their relatives to the fifth degree, and retain it for so long, as he may consider necessary for the purpose of holding it as security for his or their good behaviour. If such raid or breach of the peace is committed by the tribesman or tribesmen whose property is being so retained, such property may be forfeited, and such forfeiture shall be in addition to the seizure and sale of any further movable property which may be ordered under section 5 and to any penalty which may be imposed under section 7.

5. if as a result of investigation by a District Commissioner into any offence committed or believed to have been committed within his district, or into any loss or damage to property which has occurred therein, he has reason to believe that a nomadic tribesman or tribesmen -

- (a) committed the offence or wilfully caused the loss

- (b) connived at or in any way abetted the commission of the offence or the loss or damage; or
- (c) failed to render all the assistance in his or their power to discover the offender or offenders or to effect his or their arrest; or
- (d) connived at the escape of, or harboured, any offender or person suspected of having taken part in the commission of the offence or implicated in the loss or damage; or
- (e) combined to suppress material evidence of the commission of the offence or of the occurrence of the loss or damage;

he may, after holding an enquiry as provided for under section 6 and upon the conviction of such tribesman or tribesmen under section 7, order the seizure and sale of the movable property of such tribesman or tribesmen or of his or their relatives to the fifth degree for the following purposes:-

- (i) to recover the value of looted property which has already been disposed of or cannot be seized, in order to compensate the owners of such looted property;
- (ii) to collect the value of any fines imposed by him under the Ordinance.

6. No nomadic tribesman shall be convicted of an offence against this Ordinance until an enquiry into his case has been held by the District Commissioner. Such enquiry shall be conducted, as far as is in the opinion of the District Commissioner practicable and expedient in the manner of a trial before a magistrate exercising summary jurisdiction, provided that no person shall have the right to be represented by an

advocate thereat.

7. Where after holding an enquiry as provided for under section 6 the District Commissioner is satisfied that any nomadic tribesman -

- (a) has been guilty of any of the acts or omissions set out in paragraphs (a) to (e) inclusive of section 5, or
- (b) has failed, or is a sheikh or member of a nomadic tribe which has failed, to comply with any direction given by the District Commissioner in exercise of his powers under paragraph (a) of section 4,

such tribesman shall be deemed to be guilty of an offence against this Ordinance, and the District Commissioner may convict him of such offence accordingly and may punish him with a fine not exceeding LP.50 or with imprisonment for a term not exceeding one year or with both such penalties.

8. (1) Any person sentenced by a District Commissioner under the preceding section to a fine exceeding LP.10 or to imprisonment for a term exceeding three months may appeal against his conviction or against such sentence by lodging with the District Commissioner within fifteen days of the sentence, a notice setting forth the grounds of appeal, and the District Commissioner shall transmit the same to the High Commissioner, who may either uphold the conviction and sentence, or uphold the conviction and reduce the sentence, or uphold the conviction and increase the sentence to the maximum penalty provided under this Ordinance, or quash the conviction and order a fresh enquiry to be held under section 6, or quash the conviction without ordering such fresh enquiry.

(2) A convicted person shall not be entitled to be released on bail pending the decision of the High Commissioner upon any appeal under this section; nor shall the collection of any fine

imposed upon a convicted person, or the seizure and sale of any movable property under section 5, be stayed pending the decision of the High Commissioner upon any such appeal, unless the District Commissioner so directs.

HAROLD MACMICHAEL
High Commissioner

4th June, 1942

Source: PRO, CO /765/10

Appendix B

GOVERNMENT OF PALESTINE.

SECRETARY GENERAL'S OFFICE
No. 4,607/G.



DISTRICT COMMISSIONER'S OFFICE,
GALILEE DISTRICT,
NAZARETH

JUNE, 1948

CHIEF SECRETARY.

With reference to your letter dated 20th of the 31st May, the Arab Bedouin live in tents and in Palestine are accustomed to move their habitations although in a somewhat restricted area about 10 kilometres long abutting on the Palestine-Lebanese frontier. They are, however, accustomed also to migrate across the frontier and camp and graze in Lebanese territory. I submit, therefore, that the tribe may properly be regarded as semi-nomadic.

2. As regards paragraph 2 of your letter, I do not consider that employment of the Collective Punishments Ordinance presents a satisfactory alternative to scheduling under the Beduin Control Ordinance. The former Ordinance contemplates punishment after the crime, but the objective sought in the present case is primarily prevention or rather limitation of the opportunity for crime, easy escape and hampering of the Police which free movement across the frontier affords. This objective can most easily be attained by the exercise of a general supervision over movement and the taking of advance precautions for which sections 4(a) and (c) of the latter Ordinance provide.

DISTRICT COMMISSIONER
GALILEE DISTRICT.

Capt. Sir - Assistant District Commissioner,
Be'rad.

Source: ISA, RG2, 9758/48

APPENDIX 8

District Commissioner's Office
Galilee District
Nazareth

22nd June, 1945

CHIEF SECRETARY

With reference to your letter No. Y/58/42 of the 31st May, the Arab Hamdoun live in tents and in Palestine are accustomed to move their habitations although in a somewhat restricted area about 10 kilometres long abutting on the Palestine-Lebanese frontier. They are, however, accustomed also to migrate across the frontier and camp and graze in Lebanese territory. I submit, therefore, that the tribe may properly be regarded as semi-nomadic.

2. As regards paragraph 2 of your letter, I do not consider that employment of the Collective Punishments Ordinance presents a satisfactory alternative to scheduling under the Beduin Control Ordinance. The former Ordinance contemplates punishment after the crime, but the objective sought in the present case is primarily prevention or rather limitation of the opportunity for crime, easy escape and hampering of the Police which free movement across the frontier affords. This objective can most easily be attained by the exercise of a general supervision over movement and the taking of advance precautions for which sections 4(a) and (c) of the latter Ordinance provide.

DISTRICT COMMISSIONER
GALILEE DISTRICT

Source: ISA, RG2, Y/58/42

Appendix 9

GOVERNMENT OF PALESTINE.

DISTRICT COMMISSIONER'S OFFICE,
GALILEE AND ACRE DISTRICT,
NAZARETH.

Y/58/42

314 Nazareth, 1943.

CHIEF SWANSON, J.

Subject :- seawater control order, 1943, 13
of 1943.

Reference :- Memorandum dated 11/11/43, 11/12/43
and 11/19/43.

I recommend that the seawater control order be made with the following amendments which are normally accepted in the Galilee District.

2. The Subsection 10 of the said order which is well-known to be a serious problem of fish with the District, and there are also a few small boats which are harboured, accepted amendments. They are already contained under the collective amendments of the order (1943/17 Clayton Vol. I) and the control order as well as the seawater control over those boats and the way they are used.

3. The amended, population of the sea area, and for many years, worked in the Galilee District, the registered owners of which are the various national ports. as you see which is serious without any limit to the number of boats which are used; it is only if any are necessary to say that it is well known no greater control if the order was not applied to them.

I attach a draft order for consideration.

W. H. P. Owen

AM: 9

DISTRICT COMMISSIONER
GALILEE DISTRICT.

APPENDIX 9

District Commissioner's Office
Galilee and Acre District
Nazareth

3rd September, 1943

CHIEF SECRETARY

Subject:- Bedwin Control Ordinance
No. 18 of 1942

Reference:- Palestine Gazette No. 1204,
Supplement No. 1 of 25.6.1942

I recommend that the Bedwin Control Ordinance be made applicable to the Arab Subeih and the Arab Mazareeb normally camping in the Nazareth Sub-District.

2. The Subeih are for the most part quiet and well-behaved but there are certain elements at feud with the Sheikh, and there are other families known to have been harbouring absconded offenders. They are already scheduled under the Collective Punishments Ordinance (Page 147 Brayton Vol.I) but the Control Ordinance will give me greater control over those families who live away from the tribe.

3. The Mazareeb, population about 250 souls, have, for many years, camped in the King George Fifth Forest, the registered owners of which are the Jewish National Fund. As you are aware

the Jewish National Fund intend to have these Arabs evicted from the land; eventually it may be necessary to move the tribe and it will afford me greater control if the Ordinance has been applied to them.

I attach a draft order for consideration.

DISTRICT COMMISSIONER
GALILEE DISTRICT

Source: ISA, RG2, Y/58/42

Appendix 10

IN REPLY TO LEASE QUOTE
No. B.807/2.

175

1948

GOVERNMENT OF PALESTINE.
DISTRICT COMMISSIONER'S OFFICE,
GALILEE DISTRICT,
NAZARETH.

Chief Secretary.

With reference to your letter
No. Y/58/48 of the 3th of January,
on the subject of the scheduling of
Arab el Bacloun under the Land
Control Ordinance, 1948, I request
that the following tribes of this
district may also be incorporated
in the schedule to the new bill:-

Arab Kawasi.
Arab es Sweilat.
Arab Figeiret.
Arab Hajeireh.
Arab el Heib.

DISTRICT COMMISSIONER
GALILEE DISTRICT.

Source : 15A,862, Y/58/42

APPENDIX 10

District Commissioner's Office
Galilee District
Nazareth

13th September, 1945

Chief Secretary

With reference to your letter No. Y/58/42 of the 8th September, on the subject of the scheduling of Arab el Hamdoun under the Beduin Control Ordinance, 1942, I request that the following tribes of this district may also be incorporated in the schedule to the new bill:-

Arab Mawasi
Arab es Sweilat
Arab Hujeirat
Arab Hajajreh
Arab el Heib

DISTRICT COMMISSIONER
GALILEE DISTRICT

SOURCE: ISA, RG2, Y/58/42

Appendix II

SUMMARY OF A MEMORANDUM SUBMITTED TO THE
ROYAL COMMISSION BY IZZAT EL ATAWNEH OF
BEERSHEBA SUB-DISTRICT ON BEHALF OF ITS BEDUINS.

After sketching out the history and politics of the Beersheba tribal Sub-District and contrasting its previous position under the Ottoman Regime with its present position - praising the first and criticising the second, petitioner summarised the grievances of his sub-district as follows :-

1. Beduin affairs should be carefully studied by Government and Beduin's grievances can best be represented if Government appoints educated Beduins in senior offices. The Royal Commission is therefore requested to recommend so doing.
2. Government should afford educational facilities to Beduin youth, including agricultural instruction and training.
3. More schools should be opened for the Beduins and the few existing schools should be raised in standard.
4. Land and Animal taxation should be mitigated.
5. Agricultural loans should be issued to the Beduins who should be encouraged in dairy farming.
6. Roads construction and means of communication are an essential requirement of the Beersheba (grain-producing) Sub-District.
7. Water resources should be fully explored by Government, wells should be sunk and dams created (on practical lines).

8. Medical treatment is lacking and the five chief tribes/factions should each receive medical attention.

9. Land sales to Jews should be prohibited, Jewish immigration should be stopped and a legislative Council in which Beduins should be proportionately represented, should be established.

10. Beduins should be sent by Government on educational expeditions outside Palestine.

11. Improvement of agricultural methods by introduction of expert training.

12. Government should not have registered in her name extensive grazing grounds adjoining the Dead Sea and Wadi Arabs.

13. A boarding school for girls is called for in which domestic crafts should form the curriculum of training.

14. Beduins traditions and customs should be safeguarded and enhanced and tribal courts should be reformed. A tribal judge who does the work of a magistrate, is only paid £ 20 per annum and this salary should be raised.

15. Beduins should be permitted to trade in salt and in being prevented from so doing they are deprived of a large source of livelihood.

Lastly, petitioner hopes that the Merchaba Sub-District will not be forgotten in the Royal Commission's recommendations.

Petitioner's memorandum is dated 22/2/37.

Source : ISA, RG2, X/22/37

APPENDIX 11

SUMMARY OF A MEMORANDUM SUBMITTED TO THE ROYAL COMMISSION BY IZZAT EL ATAWNEH OF BEERSHEBA SUB-DISTRICT ON BEHALF OF ITS BEDUINS

After sketching out the history and politics of the Beersheba tribal Sub-District and contrasting its previous position under the Ottoman Regime with its present position - praising the first and criticising the second, petitioner summarises the grievances of his sub-district as follows:-

1. Beduin affairs should be carefully studied by Government and Beduin's grievances can best be represented if Government appoints educated Beduins in senior offices. The Royal Commission is therefore requested to recommend so doing.
2. Government should afford educational facilities to Beduin youth, including agricultural instruction and training.
3. More schools should be opened for the Beduins and the few existing schools should be raised in standard.
4. Land and Animal taxation should be mitigated.
5. Agricultural loans should be issued to the Beduins who should be encouraged in dairy farming.
6. Roads construction and means of communication are an essential requirement of the Beersheba (grain-producing) Sub-District.
7. Water resources should be fully explored by Government, wells should be sunk and dams erected (on practical lines).
8. Medical treatment is lacking and the five chief tribal

factions should each receive medical attention.

9. Land sales to Jews should be prohibited, Jewish immigration should be stopped and a legislative Council in which Beduins should be proportionately represented, should be established.

10. Beduins should be sent by Government on educational expeditions outside Palestine.

11. Improvement of agricultural methods by introduction of expert training.

12. Government should not have registered in her name extensive grazing grounds adjoining the Dead Sea and Wadi Araba.

13. A boarding school for girls is called for in which domestic crafts should form the curriculum of training.

14. Beduins traditions and customs should be safeguarded and enhanced and tribal courts should be reformed. A tribal judge who does the work of a magistrate, is only paid LP.20 per annum and this salary should be raised.

15. Beduins should be permitted to trade in salt and in being prevented from so doing they are deprived of a large source of livelihood.

Lastly, petitioner hopes that the Beersheba Sub-District will not be forgotten in the Royal Commission's recommendations.

Petitioner's memorandum is dated Beersheba, 12237

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(International Migration Project)

The International Migration project was a study commissioned by the International Labour office, Geneva, as part of the World Employment Programme. The project was co-directed by Drs. J.S. Birks and C.A. Sinclair. The following working papers have been prepared:-

Country Case Studies

- The State of Kuwait, July 1977
- The Sultanate of Oman, July 1977
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- The Arab Republic of Egypt, March 1978
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- The Republic of Tunisia, (Allan Findlay), March 1978
- The Republic of Turkey, (Dr. W.M. Hale), March 1978.
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- The United Arab Emirates, June 1978.
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- The Yemen Arab Republic,(with J.A. Socknat),September 1978
- The Hashemite Kingdom of Jordan, November 1978.
- The Kingdom of Saudi Arabia, November 1978.
- The Syrian Arab Republic (M.E. Sales), November 1978.

The Democratic Republic of Algeria, (Dr.R.I. Lawless),
October 1978,

The Kingdom of Morocco, (Allan Findlay, Anne Findlay and
R.I. Lawless), November 1978.

Topic Papers

A study of International Migration in the Arab Region - An
Outline of the Aims, Scope and Methodology of the International
Migration Project, May, 1977.

Outline of Working Papers of Country Case Studies, May
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Movements of Migrant Labour from Part of the North of the
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Aspects of the Demography of the Sultanate of Oman,
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Migration for Employment Abroad and Its Impact on
Development in the Yemen Arab Republic (with J.A. Socknat),
September 1978.

A Summary of Provisional Findings : Empirical Patterns, Past
Trends and Future Development, September 1978.

Orders should be addressed to Mrs. A. Shields, Centre for Middle
Eastern & Islamic Studies, University of Durham, South End House,
South Road, Durham City. DH1, 3TG. England.