LAND REGIME AND SOCIAL RELATIONS IN ISRAEL

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Introduction

In this paper, we trace the making of the Israeli land regime by analyzing the state as an "ethnocracy" – a society shaped by coterminous processes of ethno-national expansion and internal ethno-class stratification. We contend that the Judaization project which forms the spine of the Israeli regime, particularly its land and spatial components, has contributed significantly to the creation and preservation of ethno-classes stratification. We highlight the important role of legal institutions and practices in the making and possible transformations of the Israeli land regime.

Ethnocracy, stratification, and spatial control

Defining ethnocracies

The model of ethnocratic regimes denotes that such regimes facilitate the expansion of a dominant ethnic-nation in a multi-ethnic territory.[1] Ethnicity, rather than citizenship, constitutes the main criterion for distributing power and resources. The goals, institutions and practices typical of ethnocratic societies have created legal structures and public norms that facilitate the control of an expanding ethnic nation, while buttressing the internal domination of a leading ethno-class. This situation enables dominant groups to deflect, undermine, and even ignore, challenges emerging from deprived peripheral groups, illustrating how land control and societal power mutually reinforce one another in settling ethnocracies.[2]

However, our analysis also indicates that – like most political systems based on exclusion, control, and inequality – the ethnocratic system is unstable in the long run. The ethnocratic model can facilitate a better understanding of settler societies in general and Israel / Palestine in particular. It draws particular attention to the impact of geographical dynamics (including immigration, settlement, dispossession

and struggle) in producing social structures, and to the special role of the law in shaping these dynamics. It also sheds new light on the key spatial factors often overlooked in existing accounts of ethno-class relations in Israel. In this paper we focus on one key resource – land – and on the legal and political practices enmeshed in its ownership, allocation, use, and control among Israel's ethno-classes.

Ethnocratic settler societies

"Settling" ethnocracies differ from non-settling ethnocracies by the pivotal role of planned population movements and of ethnic spatial control in shaping the society in question. Planned ethnic settlement constitutes one of the main axes along which the ethnocratic regime is shaped. There are two major types of ethnocratic settler societies, which can be termed "external" and "internal." The former came into being due to invasion, immigration, and settlement (usually European) into other countries and continents. Internal settler societies were formed by ethno-national and ethno-class-based population redistribution within the sovereign territory controlled by the state. Both "external" and "internal" settler societies (as well as the mixture of the two) are based on an attempt to structure a hierarchy of "ethno-classes."[3] This process involves an attempt by the expanding group to reproduce the social structure of the "mother country" in what has been termed "pure settler societies." The settlers therefore refrain from mixing with indigenous populations or with groups considered "inferior." By virtue of this formative process, such societies are based on deeply ingrained patterns of segregation and stratification. This structure results in the emergence of three primary ethno-classes in most settler societies (despite obvious differences between different local settings):

A. The "Founders" (also termed the "charter group") – This group achieves dominant status due to the high military, cultural, political, and economic standing established during the state's formative years. Furthermore, inter-generational mechanisms, such as the land regime together with rules of inheritance and transfer of property rights reproduce over time the "founders" privileged position in different societal realms. In Israel, the founders are mainly associated with the Ashkenazi (Western) Jews.

B. "The Immigrants" – This stratum originates from a different ethnic background to the "founders" (and is often split into a number of sub-groups based on ethnic background and race, as in the United States and Brazil). Officially, the immigrants are part of the new nation being constructed in the settler society. Therefore, they undergo a prolonged process of "upward" assimilation into "the founding group," but in reality often remain subordinate in their economic, cultural, geographical, and political positions. In Israel, there are several groups of the "immigrant" ethno-class, most notably Mizrahi (Eastern) and Russian-speaking Jews.

C. Indigenous or "local," and "foreign" people – This stratum is not fully includ-

ed in the "nation" as it is often considered as "alien", "foreign," and "threatening." It is characterized by long-term marginalization by the processes of nation and state-building; they are generally isolated in the geographical, economic, and social periphery of the settler society. Such groups include indigenous peoples such as the Native Americans in 19th century U.S., the Inuit in Canada, the Aboriginee in Australia and the Maoris in New Zealand. They also include other "alien" groups not fully included in the settling nation, such as the Chicanos in 19th century southwestern U.S., the Tamils in Sri-Lanka or the Palestinians in Israel. More recently, the definition of "alien" or "foreign" has been extended to long-term labor migrants, such as Turks in Germany, long term "illegal" workers in Israel, or Philippines in Australia. Given the growing mobility of labor on the one side and the legal and social barriers erected against the incorporation of such migrants into the nation, the category of "foreign" labor-migrants may develop in some ethnocratic societies into a major stratum of its own. In Israel, the "indigenous" population is Palestinian-Arab, including the Bedouins, while the "alien" group is composed of several hundred thousands of recent labor migrants.

The ethnocratic state strives to restrict its reliance on coercive intimidation. Instead, it aspires to reinforce the hegemony of "the founders" and impose its moral legitimacy, mainly among the groups that consider themselves as belonging to the dominant ethnic nation. But, the putative morality of the ethnocratic project is often at odds with the stubborn reality of marginalization and inequality. Thus, tensions and contradictions resulting from the distortions of the "hegemonic moment" have a clear potential to create counter-hegemonic challenges even within the existing structures. The state, in its attempts to buttress the hegemony of "the founders," projects a democratic image. This forces the regime to grant significant rights and resources (albeit not full equality) to the other groups. This setting provides fertile ground for mobilization among the non-dominant groups, and for the subsequent challenge of the controlling and discriminatory policies of the ethnocratic regime.

The legal and political geography of ethnocratic settler states

The ethnocratic system includes several regime "bases." The land system is such a "base," being a crucial centerpiece in the creation and institutionalization of ethnocratic societies, especially of the "settling" type. The "land regime" of a country includes its system of land ownership, as well as the diverse state organs that shape its geography and development. These determine processes such as residential relocation, industrial development, urban and regional planning, designation of state land use, or the size and location of municipal jurisdictions. The core of the ethnocratic land regime lies in the two parallel state systems of land allocation and urban and regional planning. In most ethnocracies, the founding group initially receives preferential status within state in-

stitutions and spatial policy, as well as favorable land rights. While in most cases these rights are acquired by force, they are subsequently translated into legal and institutional arrangements that represent power relationships among the groups.

The establishment of ethnocratic settler states usually entails the construction of new property regimes.[4] The acquisition of land is a crucial component in this phase and often occasions a vast and violent dispossession of indigenous peoples from land they possessed for generations.[5] While in most cases land is originally acquired by direct force, this violent acquisition is subsequently translated into institutional and legal arrangements that represent and legitimize power relationships in the ethnocratic state. Ethnocratic land regimes generally reproduce and reinforce social stratification, allocating the "founders" control over most land resources. Immigrants usually receive reduced land resources, while indigenous and "alien" groups, who often serve as the main contributors of land, are generally denied a fair share of its allocation. By legitimizing, and protecting, these "initial" spatial inequalities, the new property system facilitates the perpetuation over generations of the ethnocratic power structure.

The land regime also constitutes a legal-cultural order that reduces the necessity of direct force to maintain the ethnocratic system. Elites of the dominant ethnocratic group strive to institutionalize a hegemony that deflects open debate about the system and justifies their control of the territory. Law and courts occupy a spe-

cial place in the institutionalization and legitimization of these socio-spatial power structures.[6] Critical legal geographers argue that dominant groups construct "legal belief structures" that justify racial and spatial inequalities through a complex professional discourse, claiming to be objective and impartial. By reconstituting settlers' cultural biases and power relations into formalized rules such as property arrangements, law plays a significant role in the legitimation and endurance of ethnocratic settlers' regimes.

As recently exposed in an extensive UN comparative study, the legal system often imposes insurmountable legal obstacles that prevent natives and other "outsiders" from effectively affirming and protecting their land interests. Settler states frequently regard native lands as public land, which can be disposed of by governments without the natives' approval or even knowledge.[7] As a result, many natives have become trespassers on their own land. Even if the state recognizes the natives' possession, it is usually conceived to be only "at the whim of the sovereign" which can revoke the license to occupy the land.[8] Often however, the settlers' legal systems altogether deny any recognition of native land rights even when the native group has been in possession of the land since time immemorial as in the case of the doctrine of terra nullius (empty land) in force in Australia until 1992.[9]

Yet, recently courts in Australia began to play an important progressive role in redefining indigenous rights to land. In the 1990s, the Australian Supreme Court began to revolutionize the legal and politi-

cal discourse by laying down its famous Mabo (1992) and Wik (1996) decisions. The Court rejected the legal doctrine of terra nullius and instead recognized Aboriginal indigenous title. These legal moves form an important part of a political, economic, social and cultural process, which is changing the face of Australia.[10] Similar, though not identical, legal processes have been occurring recently in New Zealand and Canada.[11]

Notwithstanding the limitations of these legal decisions, there are those who perceive them as "catalytic events in Aboriginal decolonization"[12] or as manifestations of a "Jurisprudence of regret." This judicial trend is an engaging attempt to simultaneously acknowledge difficult past events while taking into account contemporary needs and constraints. It gives hope to the prospect of constructing a common and equitable future in these divided societies.

A Jewish-Israeli ethnocracy

We contend that Israel is an ethnocratic regime, and that this perspective lends explanatory force to the analysis of the Israeli land system. The Israeli regime has clearly enabled, assisted, and promoted the Zionist project of Judaizing Israeli (and Palestinian) space. The ethno-national struggle over land control has been a major factor in shaping Jewish-Palestinian relations, as well as the major factor in relations between ethnic groups within these two nations. The Judaization project is driven by the dominant Zionist premise that Israel is a territory and a state that "belongs" to the Jewish people.

The Zionist project, therefore, was constructed as a project that strives to fill the Land of Israel (Palestine) with the majority of the Jewish people and offer a solution to the problem of violent anti-Semitism in Jewish diasporas.

The ethnocratic characteristics of the Israeli regime are quite clear. Rights and powers in Israel are largely stratified according to an ethno-class configuration,[13] and state protection of the country's Arab minority against the majority is quite limited.[14] In addition, the occupation of the West Bank and Gaza Strip and the existence of Jewish settlements in these partially annexed territories, along with the sovereign roles accorded to diaspora Jews and their representative organizations in Israel (Jewish National Fund ["JNF"] and the Jewish Agency), have resulted in a lack of clear political and territorial boundaries.[15]

Following a prolonged ethnic struggle between the Jews and the Arabs in Palestine, the United Nations voted on November 29, 1947 in favor of the partition of Palestine.[16] The Jews accepted the partition plan, after a fierce debate, while most Arabs rejected the plan. An ethnic war ensued, during which Arab armies assisted local Palestinians in trying to destroy the Zionist project. The war ended with Israel controlling 78% of British Palestine, with other parts of the land being occupied by Jordan and Egypt.[17] During and following the 1948 Israeli "War of Independence" (known as al-Nakba, or "the Catastrophe," among the Palestinians), Israel/Palestine experienced extensive population movements. This included the flight and expul-

sion of some 700,000 Palestinians who resided in the territory to become Israel,[18] and the arrival of a similar number of Jewish refugees and immigrants fleeing from Europe (mainly Holocaust survivors) and Islamic countries.[19] Some 160,000 Palestinian-Arabs remained in Israel after the 1948 war and received its citizenship.

These massive demographic changes during the early years of Israel's existence played a central role in shaping an ethnic structure consisting of three major layers.[20] With a certain degree of overgeneralization, it is possible to characterize the ethno-class stratification of Israel during its formative period according to the ethnocratic model as follows:[21] Those Jews who formed the vast majority of Jews residing on the land before the creation of Israel (and hence the dominant group) constituted the dominant "charter" group of "founders." As this group originated principally from Europe, many Jews arriving after the creation of Israel from similar backgrounds were better integrated into this ruling social layer. Mizrahi Jews, arriving from Islamic countries, formed the core of the "immigrant" stratum, attempting to integrate "upwards" into the "founders" strata, but in the main remaining inferior, economically, politically, and geographically.[22] More recently immigrants originating from the former Soviet Union, Ethiopia and other locations have added significant sub-groups to the make-up the "immigrant" stratum.[23] The Palestinian-Arabs that remained in Israel and became its citizens, form the third "indigenous," "local," or "alien" group and occupied the peripheries of Israeli space and society.

The Israeli-Jewish regime established after 1948 was based on the primary bases of ethnocratic regimes in general, as surveyed above. Immigration policies allow Jews and their families to enter Israel and receive immediate citizenship, while immigration policies for non-Jews are much stricter. Development policies and the flow of public capital systematically discriminate in favor of Jewish localities, settlements, and residents. Within the Jewish sector, powerful groups and settlements, which are usually – though not always – members of the charter group, receive preferential treatment. The Israel Defense Forces ("IDF") is in essence a Jewish army, and military service is a prerequisite for substantial benefits in employment, education, land allocation, and access to state power centers. Jewish-Israeli Hebrew culture is the dominant force in shaping Israel's prevailing public space. In addition, the State constitutional system, including the 1992 new Basic Laws, reinforces its Jewish character.[24]

While Palestinian-Arabs have paid the main price for the Judaization project, it has also had a negative impact on the situation of Mizrahi Jews. First, on the cultural level, Mizrahim found themselves in a stigmatized position upon their arrival in Israel. The "Western" and "anti-Arab" aspects of the Jewish-Ashkenazi nation-building project deprived them of most of their cultural resources. Moreover, the Israeli economic and military frameworks relegated them to the peripheries of the Jewish ethnos and ethos. Israeli land and settlement policies, which we will discuss in depth later, transformed

Mizrahim into a passive "spearhead" of the Judaization of the land, often simultaneously isolating them in poor neighborhoods and regions. Clearly, there is a marked difference between the near totally dispossessed or the exiled Palestinians and the uprooted but resettled Mizrahi Jews, with the latter joining the Zionist project, and hence the dispossession of the Palestinians. However, it's important to note that both groups have suffered significant losses, dislocation, and marginalization as a result of the political geography of the Zionist-Palestinian conflict.[25]

Ethnocracy, space, and social disparities in Israel

Two major phenomena are related to Israel's ethnic settlement and land policies. First, space has been divided unevenly, and second, this division of space has contributed to the development and maintenance of ethno-class disparities in Israeli society. A brief description of these two structural processes assists our analysis.

First, in the division of space, the privileged position of the "founders" has been prominent. That group, which includes the kibbutzim and "veteran" Moshavim (being different types of Jewish collective settlements), has received greater allocations of land than Mizrahi or Arab farmers. Our analysis shows that on average, farmers in Ashkenazi dominated localities received 64% more land per capita than those in Mizrahi dominated localities. In addition, the new Mizrahi immigrants were located mainly at peripheral areas, hence reducing their potential property values. The size of agricultural land held by the Arab rural sector is smaller still, covering only half the size of the per capita allocation of Mizrahi Moshavim. The uneven allocation, which was formed mostly in the 1950s, has remained largely unchanged to date.

The powerful position of the "founders" in terms of land holding is also generally expressed in terms of location (occupying better agricultural land with higher redevelopment values), and strength of legal land possession (with kibbutzim having usually renewable leasehold contracts for 21, 49 or 98 years, while some immigrant Moshavim have no leases at all, being classified as "licensees" only).[26] Arabs, who constitute 19% of the Israeli population, hold only 3.5% of the land in private ownership, and another 0.3–0.5% in leased land, some of it seasonal. Israeli history has shown that private ownership does not guarantee long-term possession, given a widespread practice of land expropriation, exercised chiefly vis-à-vis Arabs.

The disparities are also notable in the urban sector, highlighted mainly by the superior legal rights, dwelling size, and location of the founders' housing stock. As shown by Elmelech and Lewin-Epstein (1998), Ashkenazim possess housing which, on average, is worth 22% more than Mizrahi families, while their home-ownership rate is 21% higher. Arab housing is persistently found to be more dense and less valuable (except in towns with extreme land shortage) than the two main Jewish groups.

Second, the way space has been shaped and divided has indeed contribut-

ed to a long-term stratification of society, resembling the typical ethno-class structure of most settler societies. The Ashkenazi "founding" group and its descendants occupy a dominant position in most societal spheres: the economy, culture, politics, academia, legal system, and the professional. The link between the division of spatial assets and social stratification is, needless to say, neither direct nor totally stable. There are other key factors, which

influence social standing, and such standing is subject to ceaseless struggles and oppositions. Yet, as illustrated by the following table, the spatial marginality of Palestinian-Arabs and Mizrahim – created to a large extent by the Judaization project – cannot be separated from their inferior social position in Israeli society. Group marginality in Israel is thus closely associated with a combination of place, ethnicity and class.

Table 1: socioeconomic indicators for diparities between Israeli ethno-classes

Source: Israeli Bureau of Statistics as calculated by Adva (2002)

Group	Mean income*	Education**	Housing space***	Unemployment
Ashkenazim• (second generation)	139	206	190	54
Mizrahim•• (second generation)	94	92	102	107
Arabs•••	71	45	87	137
State mean	100	100	100	100

Key:

*	mean income of salaried worker, 1998
**	% of holding college degree, 1998
***	persons per room, 1991
•	100
••	100
•••	100

Yet, despite these problematic consequences, the Judaization project has enjoyed a hegemonic status within Jewish-Israeli society, with very few voices speaking out against it. Notably the divisions between the "left" and "right" in Israel, or between the secular and religious, tend to address mainly regime features, refraining from challenging its overall ethnocratic structure.

But we should also note that the processes described above have not been unidirectional. For example, the Oslo Accords of 1993 represented a historical mutual recognition of the Zionist and Palestinian national movements. This recognition began a gradual (and so far limited) process of de-Judaization in some Palestinian territories. The de-Judaization process continued even under a right wing government with the recent Israeli disengagement from the Gaza Strip and a small part of the West Bank. Within the Jewish sector, groups of Mizrahim have mobilized upwards into the Israeli middle classes, especially in the major cities. Israel has also eased some of the mechanisms used to control Arab citizens.[27] In addition, "civil-society" activity has increased, expressed by a rapid rise in the public profile and activity of ideological, non-governmental organizations, such as feminist or environmental groups. This has caused some erosion in the ethnic foundation of Israeli public life. To be sure, the ethnocratic foundations of the Israeli regime are still strong, as shown by the rise of the nationalists to power in Israel in early 2001, and by a return of the public discourse to a polarizing ethnic termi-

nology since the outbreak of the "al-Aqsa intifada" (the Palestinian uprising which began in September 2000). Yet, we discern significant, long-term civil processes, which are likely to surface again, and challenge the ethnocratic logic of the Israeli state, once the current round of Jewish-Palestinian violence subsides.[28] Let us turn now to an analysis of the evolution of practices, laws, policies, and institutions which have created the Israeli land regime.

The Judaization of space: The making of the Israeli land regime

How did Israel create a legal and institutional framework which both Judaized the land in question, and divided it unevenly among its ethno-classes? Let us begin with the 1948 war and the creation of the Palestinian refugee problem. The central character of the Israeli land regime was determined by the state's decision to block the return of Palestinian refugees, and its goal to settle the massive wave of "Olim Hadashim" ("new Jewish immigrants") – composed mainly of Jewish refugees and immigrants that reached Israel during its first five years of statehood. Most Jews arriving in Israel before 1953 were settled on land previously held or used by Arabs, as were approximately 350 out of the 370 Jewish settlements established during the period.[29]

Similar to other settler states, Israel initiated a comprehensive land and settlement policy after attaining statehood. This policy rested on new, powerful legislation that transferred public and Arab land into Jewish-Israeli hands. In
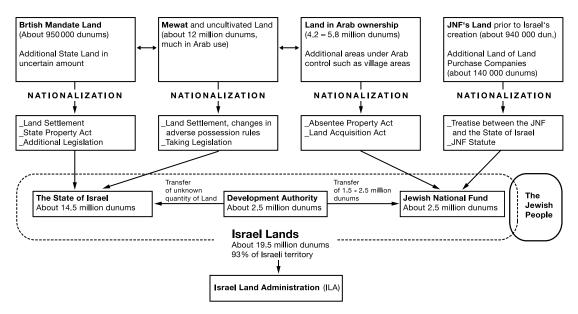
addition to the massive transfer of land to Jewish possession and ownership, the spatial Judaization project involved the destruction of most Arab villages, towns, and neighborhoods. It also involved intensive Jewish settlement, spatial restrictions on Arab localities and development, Hebraization of the landscape, parallel development of Jewish urban and occupation centers, and the redrawing of municipal boundaries in ways that ensured wide Jewish control.[30]

At the end of the war, Israel controlled an area covering approximately 20.6 million dunums (about 5 million acres) of land, or 78% of British-Mandate Pales-tine.[31] However, land officially owned by Jewish individuals and organizations only amounted to approximately 8.5% of the state's total area.[32] With the addition of land that was formally owned by the British Mandatory Government and thereby inherited by Israel, only about 13.5% (2.8 million dunums) of Israeli territory was in state or Jewish ownership. According to the vision of J. Weitz and other Zionist leaders, the Israeli state rapidly and efficiently increased the amount of land in its possession, transforming it into Jewish-Israeli land.

A new land regime was simultaneously fashioned during the first two decades

Figure 1: Ownership Transfer and the Making of the Israeli Land System

Brtish Mandate Land (About 950 000 dunums) Additional State Land in uncertain amount	Mewat and uncultivated Land (about 12 million dunums, much in Arab use)	Land in Arab ownership (4.2 – 5.8 million dunums) Additional areas under Arab control such as village areas	JNF's Land prior to Israel's creation (about 940 000 dun.) Additional Land of Land Purchase Companies (about 140 000 dunums)
NATIONALIZATION	NATIONALIZATION	NATIONALIZATION	NATIONALIZATION
_Land Settlement _State Property Act _Additional Legislation	_Land Settlement, changes in adverse possession rules _Taking Legislation	_Absentee Property Act _Land Acquisition Act	_Treatise between the JNF and the State of Israel _JNF Statute

The State of Israel
About 14.5 million dunums

Transfer of unknown quantity of Land

Development Authority
About 2.5 million dunums

Transfer of 1.5 - 2.5 million dunums

Jewish National Fund
About 2.5 million dunums

The Jewish People

Israel Lands
About 19.5 million dunums
93% of Israeli territory

Israel Land Administration (ILA)

of Israel's existence. It was shaped as a national-collectivist regime that rapidly implemented the principles of ethnic territorial expansion and control. At the conclusion of this phase, approximately 93% of Israeli territory (within the pre-1967 "green line") was owned, controlled, and managed by either the State or the Jewish nation (through the Jewish National Fund).

As illustrated in Figures 1 & 2, the new Land Regime was based on:

___Nationalization and Judaization of Arab land and other land. Approximately 17 million dunums were transferred to Jewish-Israeli ownership (Fig. 1).
___Centralized control of this land by state and Jewish institutions.
___Selective and unequal allocation of land rights (Fig. 2).

We shall now turn to a more detailed description of major components of the Israeli land regime as it developed during its formative period, crystallizing mainly until the 1960s and essentially remaining in this form until the 1990s.

Confiscation of Arab-owned and Arab-possessed land through the military, administrative and legal powers of the State

Israel employed these tools not only upon Arabs who became refugees, but also those that remained. It is estimated that before 1948, Palestinian-Arabs owned or possessed between 4.2 and 5.8 million dunums of land in the territory that became Israel.[33] The property of the Palestinian refugees, who no longer resided in Israel, was fully transferred to public / Jewish ownership. In addition, Palestinian Arabs that remained in Israel and became citizens lost approximately 40–60% of the land they had possessed prior to 1948. The confiscation of Arab land began during the war, when land was seized either on the basis of temporary emergency regulations or with no legal justification whatsoever. After a short period, the Israeli legal system began to legalize this transfer of land. Until the mid 1950s, this legal ordering was effected mainly through the Absentee Property Law (1950), the Land Acquisition Law (1953), administrative actions taken in conjunction with these statutes, and court decisions interpreting and implementing these statutes.[34]

In the early 1950s a new phase of land transfer, based on "settlement of title" began. This process deprived many Arab landholders of the right to retain their land, especially in the "frontier" areas of the Galilee and the Negev.[35] In later phases, when virtually no land remained in Arab hands, the legal focus shifted from expropriation of ownership and possession to land-use limitations. This was achieved primarily through planning and zoning laws, as well as the strict delimitation of municipal boundaries. Today, Arab citizens of Israel, constituting approximately 18% of the population, own only 3.5% of the land and have municipal control over about 2.5%.[36]

Transfer of this land to the State and to the management of Jewish / public institutions

Following the confiscation of refugee land, the state created a legal and institutional structure which transferred that land to the ownership and management of State and Jewish exclusive organizations. This was achieved by pooling all refugee land under a new entity called the "Development Authority" and the appointment of the Israel Land Authority in 1960 to manage these lands. Power in the Israeli Land Authority was to be shared equally between the Israeli Government and the JNF. As we shall see later, land allocation and management also involved the Jewish Agency. In this way, all public and state lands were managed by a combination of Jewish organizations, causing the structural exclusion of Arabs.

Registration of all land owned by the British Mandate in the name of the State of Israel

The British Mandate formally claimed ownership over about one million dunums of land. During the process of "settlement of title," the Israeli state transferred millions of dunums into its ownership as "state land," mainly in the Negev and Galilee. Much of the land transferred to State-ownership during this formal process of registration had hitherto been unregistered, but indeed belonged to the state. However, an additional part of this land was transferred to the state as a result of the categorization of Bedouin-held land in the Negev and the Galilee as "Mawat" ("dead" land).[37]

The "Mawat" categorization, operating in conjunction with Ottoman and Mandatory laws and their interpretation by Israeli courts, enabled the state to claim ownership and prevent its previous holders from securing residency or cultivation rights, regardless of how long they had possessed it. Simultaneously, crucial changes took place in "adverse possession" rules (which allowed land possessors to acquire property rights in the land they cultivated). The new rules made it extremely difficult for Arab landholders to prove their right to hold their land and considerably decreased their chances of registering it in their name. It is therefore misleading to present this land settlement process simply as a formal ordering operation. The central role played by the Israeli Supreme Court in this dispossession made us refer to the process as "judicial land redemption."[38]

Transfer of land and power to the Jewish National Fund

During the early 1950s, the Jewish National Fund more than doubled its land holding, as the result of purchasing two million dunums of (previously Arab) agricultural land from the state. The financial details of this sale are not fully known, and some lands were returned to the state during the late 1950s.[39] However, following this transfer, the exclusively Jewish JNF became the largest owner of agricultural land in Israel, blocking the accessibility of Arab citizens to these lands.
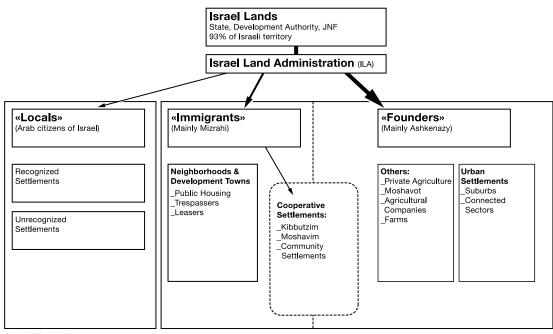
Determination that ownership of this land will remain perpetually in the hands of the Israeli State or Jewish National Organizations

In 1960, Israel adopted the long-term policy of the JNF and declared that all state lands will never be sold, thereby ensuring the perpetual ownership of state and Jewish organizations over all lands accumulated in the hands of the state and Jewish organizations (Section 1 of Basic Law: Israel Lands (1960)).

Transfer of the control and administration of all "Israel Lands" to a special institution – the Israel Lands Administration ("ILA")

In 1960, following years of negotiation and a final agreement between the State of Israel and the Jewish National Fund, the administration and effective control of all JNF land was transferred to the newly created ILA, which was to manage state lands, and lands of the JNF and the Development Authority mentioned above. Although it owns only about one-sixth of public lands, the JNF received close to equal representation (50%) on the executive Council of ILA.[40] The Council con-

Figure 2: Allocation of Israel Lands

Israel Lands
State, Development Authority, JNF
93% of Israeli territory

Israel Land Administration (ILA)

«Locals»
(Arab citizens of Israel)

Recognized Settlements

Unrecognized Settlements

«Immigrants»
(Mainly Mizrahi)

Neighborhoods & Development Towns
_Public Housing
_Trespassers
_Leasers

Cooperative Settlements:
_Kibbutzim
_Moshavim
_Community Settlements

«Founders»
(Mainly Ashkenazy)

Others:
_Private Agriculture
_Moshavot
_Agricultural Companies
_Farms

Urban Settlements
_Suburbs
_Connected Sectors

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sisted overwhelmingly of representatives of the "founding" group (usually from the Jewish agricultural sector). Within the governmental framework, ILA and its Board enjoy a quasi-sovereign status. Government decisions possess the authority of recommendation alone, and are not considered binding by the ILA Board. Over the years, ILA has been characterized by centralized and often secretive forms of control over 93% of Israel's land area under its control.

Ethnocratic allocation of land

In addition to the nationalization of Arab lands and the intensification of land control, the creation of the Israeli land regime involved the allocation of possession of much of the land now belonging to the state, the Development Authority, and the JNF ("Israel Lands"). The possession of this land, (including Arab land transferred to these bodies), was allocated to Jewish residents and settlement movements (fig. 2). The ethnic logic of the system functioned mainly to minimize Arab control over the land. Yet, as noted above, typical to an ethnocratic regime, it also had an impact on stratification and fragmentation within the Jewish sector. Here, mechanisms that were less distinct but still effective functioned to deepen – through the same process of Judaization – the gap between "founders" and "immigrants." This was reinforced primarily through the unequal allocation of land control and housing, which usually favored "founders" over "immigrants," thereby creating structural gaps between Ashkenazim and Mizrahim.[41]

Figure 2 illustrates this process in some detail, by charting the main channels of land allocation. Quantitative research on the allocation of land and housing among Jewish groups reveals a distinct and consistent gap between the extensive land assets held by the privileged, mainly Ashkenazi founding group and later "immigrant" groups (mainly the Mizrahim, but also more recent immigrants from Ethiopia and the former Soviet Union). While land allocation operated officially according to settlement patterns, that allocation also corresponded closely to ethnic origin. Kibbutzim and older Moshavim (those established before the establishment of the State in 1948) had clear Ashkenazi majorities. On the other hand, Mizrahi Jews constituted a decisive majority of the population of new immigrants' Moshavim (Moshavei Olim), "development towns" and "neighborhoods" ("shechunot," referring to concentrations of public housing in big cities). The Arab citizens of Israel remained almost totally excluded from public land allocation. As late as 1995, they were allocated only approximately 0.25% of all public land.[42]

As already briefly noted, allocation differed not only regarding the amount of land distributed, but also in the practices of land allotment, the terms of possession, and, most significantly, the creation of distinctive legal categories of land possession. Concurrent with the process of allocation, laws and administrative practices that define distinct, unequal arrangements for different groups were crafted. While these arrangements were formulated in seemingly neutral language, the

spatial / legal categories to which they were applied usually denoted distinctive social groups. In Mizrahi localities such as "the neighborhoods" (in the main cities) and the development towns, many received public housing rights which consisted of short-term leases that were immediately terminable and could not be inherited. Many landholders in the Arab sector that could not meet the formal requirements of "land settlement" were deprived of their land, which was registered as state land. Those holders who were not physically removed were categorized as illegal trespassers (for example, residents of the "unrecognized" Bedouin villages). Land of Moshavim, Kibbutzim and community settlements, which were usually populated by members of the founding group,[43] was transferred to residents in long-term legal arrangements (including inheritance rights) that were preferable, in reality, though not always de jure, to those in public housing and neighborhoods.

Thus, many Jewish agricultural landholders possessed land only under the category of "licensees" (bnei reshut). Seemingly, this is a weak legal status in Israeli land law. Yet, despite its formal weakness, and the fact that licenses could formally be revoked almost immediately (similar to the position of public housing residents and Bedouin "trespassers"), administrative and legal practices strengthened the status of licensees within the Jewish agricultural sector.[44] It thus became almost impossible in practice to vacate such licensees, and a partial right of bequest was recognized. The different categorization of public housing tenants, Jewish agri-culturists and Arab agriculturists into distinctive legal categories permitted the enactment and implementation of discriminatory laws, while simultaneously maintaining a neutral facade that helped preserve the ethnocratic hegemony.

The gap between Ashkenazim and Mizrahim further widened in the late 1970s, when some 160 new settlements, usually referred to as "Community Settlements" (Yeshuvim Kehilatiyim) or "Private Settlements," were established across the country (including in the Occupied Territories). The establishment of such a settlement usually depended on proximity to the corridors of power. Hence, they were inhabited mainly by the Ashkenazi middle classes. Rapidly, and with large public subsidies for land, development and services, these became "high-quality" localities. This high social status has been reinforced by the legal power granted to these localities to "screen" their residents. In order to buy (at a subsidized price and sometimes free of charge) state land in such localities, a person must be accepted as a member of a local association. The association (often with participation of the settlement department of Jewish Agency) has veto power over acceptance. This delegation of state power has enabled the exclusion of Arabs from access to state land in vast areas of Israel, and has also enabled middle-class (mainly Ashkenazi) groups to preserve the social character of these settlements. Thus, such groups made use of state resources such as land, infrastructure and power of resident selection, in order to better their socio-economic status.

In this way, resources were transferred from weak to strong groups within Israeli society.

In addition to land ownership and allocation, Judaization of the land has been prominent in other spheres of spatial control, and specifically in the settlement process. Since 1948, about 600 Jewish settlements were established within Israeli territory. During the same period, the authorities established no new Arab settlements. The only exception to this rule was the establishment of close to twenty Bedouin townships which were imposed on the Bedouins as part of the Israeli policy of Bedouin sedentarization, relocation, and concentration. The Arab settlement map was therefore "frozen" and simultaneously surrounded by Jewish settlements, thus creating a "geography of enclaves" in which the vast majority of the Arab citizens of Israel remained. As noted, about 97.5% of all Israel's land area is under Jewish municipal control.[45]

At this juncture, it is logical to ask: how did Israel succeed in preserving Jewish spatial control? How did the State bypass democratic and market mechanisms through which Arabs could, at least theoretically, challenge this process? We attempted to illustrate much of the answer in figures 1 and 2, which summarize the main processes of land transfer and allocation. A major element in this system was the unilateral and consistently unidirectional transfer of land from Arab to Jewish ownership, but practically never the other way around. As we have seen, expropriated land was transferred into state and public ownership. Simultaneously, such land came under the control of the "Jewish People" through the involvement of international Jewish organizations in ownership, management, and control of all State and public land in Israel. This situation was legalized in covenants signed between the Government of Israel and Jewish organizations, specifically with the JNF and the Jewish Agency. Such covenants were ratified by legislation.[46]

As part of the process of establishing community settlements, a sophisticated system designed to exclude Arabs crystallized. Jews receive public land in these areas by a complex land allocation system. Initially, the whole settlement land is assigned through a system known as "the three-party lease." According to this arrangement, three parties sign the initial land allocation contract: A) ILA as the public landowners' agent;[47] B) The Jewish Agency, and C) the Jewish settlement as a collective (its legal entity is a cooperative). In order to lease (normally at a subsidized price and sometimes free of charge) an individual plot of land in such a settlement, a person must be accepted as a member of a cooperative that incorporates all residents of the community. The cooperative (often with participation of the Jewish Agency) has the power of selection and practical veto power over acceptance. A major rationale of this delegation of state power is to preclude Arabs from access to land. As a result, in practice, Arabs were barred from buying or leasing land in approximately 80% of Israel's territory.[48] However, the same system serves simultaneously to preserve the

mainly middle class character of these settlements.

Given this institutional-geographical setting, the Regional Councils have become a key factor in the control of Jewish space. These incorporate Kibbutzim, Moshavim, and Community Settlements, whose residents belong mainly to the founding group. Such Councils cover 84% of the State's land area, and generally control the local planning committees, which regulate land development. Regional Councils thus play a central role in shaping the spatial processes taking place in Israeli society, such as suburbanization and the development of commercial and industrial areas.

This system has been challenged in the well-known Kaadan vs. Katzir case brought in front of the Israeli High Court in 1995.[49] Katzir is a Jewish Community Settlement located in a region with a high concentration of Arab residents. The challenge includes a petition to the High Court of Justice against the refusal of Katzir's Admission Committee to accept an Arab family to the settlement. A major justification for this refusal was that the by-laws of the Jewish Agency, which has a representative on the Admission Committee, prohibit the leasing of land to non-Jews. The President of the Court, Aharon Barak declared the case to be one of the most difficult he has encountered in his career. After five years of delays and deliberation, the High Court brought down a watershed decision in March 2000, declaring discrimination in land allocation on grounds of national affiliation (that is, discrimination against Arabs), as illegal. For the first time, the Israeli Supreme Court ruled that Israel could not discriminate between Arab and Jewish citizens in their access to public land.

However, the material implications of this milestone decision are not yet clear: the Court was careful to confine the decision only to Katzir, and not to other Jewish settlements, especially Kibbutzim and Moshavim, which form the vast majority of rural settlements blocked to Arabs. Further, more than five years after the decision, a range of legal and institutional means has prevented the Kaadans to actually live in Katzir. It appears that the High Court's watershed decision about the illegality of discrimination against Arabs in the allocation of state land will not be easily expressed in a new geography of Arab-Jewish relations in Israel.[50]

Regardless of the final outcome of the Kaadan case, we should note that the involvement of the Jewish Agency had been an extremely effective tool in "legally" prohibiting Arabs from defying the Judaization of the territory. According to ethnocratic logic, this mechanism also functions to exclude Jews that are not "suitable" for these settlements. Thus, it contributes to the strengthening of ethno-class segregation within the Jewish sector. Though this system is firmly grounded, a number of challenges are presently contesting its hegemonic status, especially as larger tracts of agricultural state land are being transformed into "community settlements" at the fringes of dozens of Kibbutzim and Moshavim. The semi-privatization of agricultural land into residential property is one of the most central issues in Israeli

society today, creating a profound transformation of the land regime and changing social relations in Israeli society. The scope of this paper does not allow a thorough discussion of this issue.

A concluding note

To conclude then, in the foregoing we presented an account of an ethnocratic state and its land regime, and analyzed the major legal, institutional, and geographical aspects of the Israeli case. Our analysis has shown that, like in other settler societies, the Israeli land regime has functioned, first, as a major tool in extending ethno-national control over contested territory. And second, it has acted as a segregating and stratifying social force, creating disparities in the distribution of land control, possession, size and location, among Israel's ethno-classes. Given the social implications of land possession, and especially its durability and tendency to increase in value, the Israeli land regime can be said to have produced long-term disparities between the "founding" Ashkenazi group, the "immigrant" Mizrahim and the "indigenous" Palestinian-Arab group.

However, within Israel one can discern at the same time a growing opposition voiced by various groups aggrieved by the Israeli land regime. These include Palestinian-Arabs, public housing tenants, peripheral Mizrahim, and other immigrants living in peripheral settlements and neighborhoods, and some activist circles who side with these groups, as well as NGOs. Like in most hegemonic systems, the solidity of the unchallenged "truth" advanced by the regime is beginning to crack. The deep institutionalization of Jewish-Ashkenazi dominance which propelled the Judaization project now creates increasing tensions with the self-representation of the regime as egalitarian and democratic. These tensions have begun to generate opposition and resistance, which are still some distance from undermining the foundations of the system, but undoubtedly herald a new era of change, adjustment, and conflict in the Israeli land regime.

tions covers cropland, except for irrigation projects, which then covered only a tiny fraction of agricultural land.

[6] The Nationalists had, of course, by then fled to the island province of Taiwan. There, chastened by their failure to win peasant support on the mainland, they promulgated their own local, and successful, land-reform program. See, e.g. Chen Cheng, "Land Reform in Taiwan," Taiwan 1961.

[7] The exceptions were substantially the same as those in the platform, noted above, except state-owned land also was to include large and contiguous tracts of land for growing bamboo, fruit, tea, and mulberries which were previously owned by landlords. Land in suburban areas previously owned by landlords was also to be under state ownership.

[8] India's overall infant mortality rate, for example, was 60 per 1000 as of 2004.

[9] This uses the low-end figure for an agricultural population of 750 million calculated from an article in "Caijing Magazine" in August 2005, "After agriculture has received all the benefits," written by Chen Xiwen, one of the top rural policy officials. This is multiplied by 1775 RMB, the per capita amount that would be required to bring average rural incomes from their 2004 level of 2936 RMB up to 4711 RMB, which would be one-half the 2004 urban income level (9422 RMB, as noted in the text).

[10] From the "Caijing Magazine" article cited in the preceding footnote (RDI translation from Chinese).

[11] For a review of the literature, with a special eye to the issue in China, see R. Prosterman et al., "Large-Scale Farming in China: An Appropriate Policy?" Journal of Contemporary Asia 28, 1998.

[12] The full results of the 1999 survey are described in R. Prosterman, B. Schwarzwalder & Y. Jianping, "Implementation of 30-Year Land Use Rights Under China's 1998 Land Management Law: An Analysis and Recommendations Based on a 17 Province Survey," 9 University of Washington Pacific Rim Law & Policy Journal 9/3, 2000, p. 507–67. The full results of the 2001 survey are described in B. Schwarzwalder, R. Prosterman, Y. Jianping, J. Riedinger & L. Ping, "An Update on China's Rural Land Tenure System Reforms: Analysis and Recommendations Based on a 17 Province Survey," Columbia Journal of Asian Law 16/1, 2003, p. 141–225.

[13] The following originally appeared in R. Prosterman & B. Schwarzwalder, "From Death to Life: Giving Value to China's Rural Land," China Economic Quarterly 8/1 (2004). The title refers to Hernando de Soto's concept of bringing "dead capital" to life.

[14] The remaining responses were spread among consolidation of land parcels, changes in the village cadres, scale farming, and the two-field system.

Land Regime and Social Relations in Israel
Alexandre (Sandy) Kedar, Oren Yiftachel

[1] O. Yiftachel, "Ethnocracy: The Politics of Judaizing Israel/Palestine," Constellations 6/3 (1999) p. 364–90; O. Yiftachel & A. Ghanem, "Understanding Ethnocratic Regimes: the Politics of Seizing Contested Territory," Political Geography 22/4 2004, p. 538–68.

[2] O. Yiftachel & H. Yacobi (2003). "Urban Ethnocracy: Ethnicization and the Production

of Space in an Israeli Mixed City," Environment and Planning D: Society and Space 21, 2003, p. 673– 93.

3 Ibid.

4 P. Russel, "High Courts and the Rights of Aboriginal Peoples: The Limits of Judicial Independence," Saskatchewan Law Review 61 (1998) p. 247–76.

5 N. Blomley, "Acts, Deeds and the Violence of Property," Historical Geography 28, 2000, p. 86–107; J. Singer, "Sovereignty and Property," Northwestern University Law Review 86/1, 1991, p. 1–56; Ibd., "Re-reading Property," New England Law Review 26/3, 1992, p. 711–33.

6 For a more detailed analysis see A. (S.) Kedar, "On the Legal Geography of Ethnocratic Settler States: Notes Towards A Research Agenda," Current Legal Issues 5, 2002, p. 401–41; Singer (n.5); Russell (n. 4); E.-I. A. Daes, Special Rapporteur, Human Right of Indigenous Peoples: Indigenous People and their Relationship to Land (Second Progress Report 1999) at: http://www.unhchr.ch/Huridocda/Huridoca.nsf/(Symbol)/ E.CN.4.Sub.2.2001.21.En?Opendocument. On the attitude of U.S law to Chicanos in Southwestern U.S. see G. T. Luna, 1998 "Chicana/Chicano Land Tenure in the Agrarian Domain," Michigan Journal of Race and Law 4, 1998, p. 39; Ibd., "Beyond/Between Colors: On the Complexities of Race: The Treaty of Guadalupe Hildago and Dred Scott v. Sanford," University of Miami Law Review 53, 1999, p. 691; W. Fisher III, "Property and Power in American Legal History," in: R. Harris, A. (S.) Kedar, A. Likhovsky & P. Lahav (eds.), "The History of Law in a Multi-Cultural Society: Israel 1917–1967," London 2002, p. 393–405.

7 Singer (1991; see n.5) argues that "property interests traditionally held by Indian nations and tribal members are often treated as a commons available for non-Indian purposes when needed by non-Indians."

8 See Daes (n.6). Even when states recognize native possession of land, this has generally been regarded as an act of grace. Thus, natives have been entitled to retain their land only with the consent of the authorities, and such consent has often been revoked. Similarly, Singer argues that tribal property rights are not properly understood as rights at all, but merely as revocable licenses (see n.5). In New Zealand, the traditional view was that the Maori had no legally recognized rights to their lands and fisheries after the British annexation. Their rights were considered at the sufferance of the Crown. See S. Wiessner, "Rights and Status of Indigenous Peoples: A Global Comparative and International Legal Analysis," Harvard Human Rights Journal 12, 1999, p. 57–70.

9 See Mabo v. Queesland, 175 C.L.R. at 109. This denial is based partly on a "cultural clash of paradigms" in which the "modern Western" legal system does not recognize the ways locals organized their spatial relations as giving rise to property rights.

10 See the Native Title Act 1993.

11 See Russel (n.4).

12 See Russel (n.4) p. 258.

13 G. Shafir G. & Y. Peled, "Citizenship and Stratification in an Ethnic Democracy," Ethnic and Racial Studies 21/3, 1998, p. 408–27.

14 A. Ghanem, "State and Minority in Israel: the Case of Ethnic State and the Predicament of Its Minority," Ethnic and Racial Studies 21/3, 1998, p. 428–47.

15 A. Kemp, "Speaking Borders: The Construc

tion of Political Territory in Israel 1949–1967," Ph.D. Dissertation, Tel Aviv University 1997.

[16] The resolution was accepted by the Jews and rejected by the Arabs. For a more extensive depiction of the history of this strife, and for references, see A. (S.) Kedar, "The Legal Transformation of Ethnic Geography: Israeli Law and the Palestinian Landholder 1948–1967," NYU J. Of International Law and Politics 33/4, 2001, p. 923–1000.

[17] The War resulted in Israel controlling most of the territory, while most of the rest came under the control of Jordan and Egypt.

[18] The estimates of the number of Arab refugees and of those who remained in Israel vary. See R. Patai, (ed.), "Encyclopedia of Zionism and Israel," New York 1971, p. 72; W. Lehn, "The Jewish National Fund," London 1988; E. Said, "The Question of Palestine," London 1980, p. 14, 45; J. Abu-Lughod, "The Transformation of Palestine," Evanston 1971.

[19] E. Benvenisti & E. Zamir, "Private Claims to Property Rights in the Future Israel-Palestinian Settlement," American Journal of International Law 89, 1995, p. 295, 297.

[20] We are aware of the need for a more in-depth and nuanced analysis, focusing on the important differences existing within each layer, the changes taking place within the groups' internal structures, and the continuing evolution of the relationships among them.

[21] The ethnocratic model is a dynamic one, and changes do occur over time. The picture we present here is a generalization of the social structure in the years immediately following the creation of Israel.

[22] The picture is complicated. We do not mean that all Ashkenazi Jews fitted easily into the social framework devised by the "founding" group. However, overall it seems that the proportion of immigrants coming from Christian and especially eastern European backgrounds, that successfully integrated was much higher than the proportion of Jews coming from Muslim countries.

[23] A new group has appeared over the past few years: foreign workers, devoid of citizenship and illegal residents. Their increasing presence changes the human geography of Israel and introduces complex legal dilemmas, such as the responsibilities of landlords to their tenants, minimum standards of construction, etc.

[24] See Basic Law Human Liberty and Dignity section 1 and 1a (1992, 1994).

[25] We want to emphasize, however, that we do not place the Mizrahim and Palestinians on the same plane, and we are aware that the Mizrahim took part in the Judaization of the Israeli-Palestinian space. However, it is important to note that these two groups were both harmed by the same process.

[26] O. Yiftachel. & A. (S.) Kedar, "Landed Power: The Making of the Israeli Land Regime," Theory and Criticism 16, 2000, p. 67–100 (Hebrew).

[27] S. Smooha, "Class, Ethnic and National Cleavages in Israel," in: U. Ram, Israeli Society: Critical Perspectives, Tel-Aviv 1993, p. 134–55.

[28] Y. Peled & A. Ophir (eds.), "Israel: From Mobilized to Civil Society?" Jerusalem 2001; Y. Peled & A. Ophir (eds.), "Shas – The Challenge of Israeliness," Tel-Aviv 2001.

[29] G. Falah, "The 1948 Israeli-Palestinian War and Its Aftermath: the Transformation and De-Signification of Palestine's Cultural Landscape," Annals of the American Association

of Geographers, 86/2, 1996, p. 256–85; A. Golan, "The Transfer to Jewish Control of Abandoned Arab Lands during the War of Independence," in: S. I. Troen & N. Lucas (eds.), "Israel – The First Decade of Independence," Albany 1995, p. 403–40.

30 M. Benvensiti, "The West Bank Data Project," Washington DC 1988; Ibd., "Sacred Landscapes," Los Angeles 2001; G. Furman & A. (S.) Kedar, "From Arab Land to 'Israel Lands': The Legal Dispossession of the Palestinians Displaced by Israel in the Wake of 1948," Environment and Planning: Society and Space 22, 2004, p. 809–30.

31 0.247 acres equal one dunum. 1,000 dunums equal one square kilometer.

32 This number includes about 940,000 dunums of Jewish National Fund land, about 130,000 of the PICA organization and about half a million dunums in private Jewish ownership.

33 R. Kark, "Planning, Housing and Land Policy 1948–1952: The Formation of Concepts and Governmental Frameworks," in: S. I. Troen & N. Lucas (n.29), p. 461–94. The uncertainty as to the exact amount relates to the different ownership categories used by previous (Ottoman and British) land regimes; these have conflicting interpretations.

34 Laws of the State of Israel; see I. Lustick, "Arabs in the Jewish State: Israel's Control over a National Minority," Austin 1980; Kedar (n.6. 16. 26), Furman & Kedar (n.30).

35 Kedar (n.16).

36 O. Yiftachel (n.1)

37 Kedar, (S.) Alexandre, "Land Settlement in the Negev in International Law Perspective," Adalah Newletter 8, 2004, at: http://www.adalah.org/newsletter/eng/dec04/ar1.pdf

38 O. Yiftachel & A. (S.) Kedar, "Landed Power: The Making of the Israeli Land Regime," Theory and Criticisms 16, 2000, p. 67–100 (Hebrew).

39 A. Golan, "Spatial Change – the Result of War: ex-Arab Areas in the State of Israel, 1948-1950," Sde-Bokker 2001; Y. Holzman-Gazit, "The use of Law as a Status Symbol: The Jewish National Fund Statute 1953," Iyuney Mishpat 26/2, 2002, p. 601–44.

40 The head of the council is a government minister and therefore the State has one additional vote in the council.

41 Y. Elmelech & N. Lewin-Esptein, "Immigration and Housing in Israel: Another Look at Inequality," Megamot 39, 1998, p. 243–69 (Hebrew).

42 O. Yiftachel, "Planning and Social Control: Exploring the Dark Side," Journal of Planning Literature 12/4, 1998, p. 395–406.

43 Though not always. As we have seen, many of the Moshavei Olim were populated by Mizrahi immigrants. But these were partly integrated in the founding group.

44 A. (S.) Kedar, "Majority Time, Minority Time, Land Nation, and the Law of Adverse Possession in Israel," Law Review 21, 1998, 665–746 (in Hebrew); N. Zalzman, "License in Land," Hapraklit 42, 1996, p. 24–63.

45 Likewise, about 55% of the West Bank shifted into Jewish control as well. This was achieved through Israeli intensive proclamation of "state lands" in the occupied territories. In addition, by 1999, Israel had settled about 360,000 Jews in these territories (including East Jerusalem) and had annexed all of their settlements de facto. Other means of Judaization and control of this territory were employed as well, such as the establishment of military encampments, local and regional municipalities,

Jewish industrial areas, and recently even "Jewish" roads.

[46] See Holzman-Gazit (n. 39).

[47] That is the agent for Mekarkei Israel (the State, the Development Authority or the JNF).

[48] This includes the area under the jurisdiction of regional councils. The jurisdiction of these councils covers 84% of Israel's land area. As a rule, Kibbutzim, Moshavim and Community Settlements control these councils. Most of the area under their jurisdiction was not used for settlement, rather for agriculture. However, the hundred of rural settlements that are under the jurisdiction of these councils are open for Jews (at least theoretically), but usually not for Arabs.

[49] H.C. 6698/95, Kaadan v. Minhal Mekarke'ey Yisrael, 54(1) P.D. 258. For an analysis of the case, see A. (S.) Kedar, "A First Step on a Difficult and Sensitive Road," Bulletin of Israel Studies 16, 2000, p. 3–11.

[50] See A. (S.) Kedar, "The Legal Construction of Rural Space in Israel," State and Society 4/1, 2004, p. 845–83.

Property Rights and Human Rights in the Americas

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[1] http://hrw.org/english/docs/2003/12/31/cuba7002.htm.

Human Rights, Property Rights, and Human Security

Jody Williams

[1] United Nations General Assembly, "Vienna Declaration and Programme of Action," Art. 5, A/Conf. 157/23, July 12, 1993.

[2] J. Donnelly, "Universal Human Rights in Theory & Practice," Cornell University Press, Ithaca 2003, p. 23.

[3] United Nations General Assembly, "Vienna Declaration and Programme of Action," Art. 25, A/Conf. 157/23, July 12, 1993.

[4] See "Fact Sheet No. 16 (Rev. 1), The Committee on Economic, Social and Cultural Rights," Office of the UN High Commissioner for Human Rights, United Nations, Geneva, July 1991, see also, Donnelly (n. 2) p. 27–33.

[5] Ch. Raghavan, "Economic, Cultural and Social Rights only 'Goals,' says US," Third World Network, Geneva, March 30, 2001.

[6] For more information, see The Human Security Network webpage, at: http://www.humansecuritynetwork.org/.

[7] United Nations Office for the Coordination of Humanitarian Affairs, "Human Security" webpage, at: http://ochaonline.un.org/webpage.asp?MenuID=9671&Page=1494.

[8] Ibid.

[9] Ibid.

[10] P. Baker, "Bush, at U.N., Links Anti-Poverty Agenda to War on Terrorism," Washington Post, September 15, 2005, p. A8.

[11] This is measured in 1993 purchasing power parity ("PPP"), which the Bank defines as "a method of measuring the relative purchasing power of different countries' currencies over the same types of goods and services. Because goods and services may cost more in one country than in another, PPP allows