Neo-Settler Colonialism and the Re-Formation of Territory:

Privatization and Nationalization in Israel

Introduction

In this article, we will shed light on the ways in which the ongoing transformation of land and planning policies helped maintain Israel's settler colonialism. Specifically, we explain how, since the early 1990s, Israeli Government spatial policies associated with neoliberalism, New Public Management (NPM) and privatization have advanced the settler-colonial logic. We argue that the growing dominance of neoliberalism reproduces the settler-colonial logic rather than replace or dismantle it, as too often has been suggested in the literature.

Based on our critical analysis, we suggest using the term *neo-settler colonialism* as a concept that expresses the new regime of control, appropriation and colonization stemming from neoliberalism, privatization and NPM. Neo-settler colonialism, we argue, is a new form of regime, one that advances colonial projects while using the neo-liberal toolbox of concepts and policies (i.e., privatization, decentralization, deregulation, free market) as a mask that conceals the continued presence of old colonial logic. Our argument joins a new vein of scholarship that highlights the interrelationships between settler colonialism and neoliberalism, in general, and in Israel/Palestine, in particular. In this context, both Robinson (2013) and Clarno (2017) raised our awareness to the political-economic aspects of settler colonial regimes that combine ethnic exclusion, racial capitalism and territorial control that stem from a neoliberal agenda. Robinson, who focuses on Israel within the Green Line, highlights the paradoxical status of Israel as

a liberal state given its Arab citizens, who are subjects of a colonial regime, are trapped between formal equality and de-facto exclusion; as we illustrate here, this is still the case. Clarno's notion of "Neoliberal Apartheid" expands this discussion to the 1967 Israeli-occupied territories ("occupied territories" hereinafter), pointing to the growing inequality, racialized poverty, and advanced strategies for securing the powerful and policing the racialized poor.

Our contribution to this growing literature is in our development of the concept of *neo-settler colonialism* and the analysis of the accumulation and allocation of spatial rights in Israel's urban planning and land regime since the early 1990s, when neoliberal ideas gained prominence in Israel's administration and politics (Galnoor, 2011). In this article, we will enhance understanding as to the ways in which said accumulation and allocation of spatial rights correspond to ethno-national hierarchies typical of settler-colonial societies and promote settler-colonial goals. We focus on spatial rights in the land regime because it is probably the most important material, cultural and symbolic resource that shapes relations and politics in settler colonial society (Lloyd and Wolfe, 2016).

In the first section, we review the key article themes, namely, settler colonialism, NPM and spatial policy, while in the next section we discuss spatial policy, nationalization and selective privatization in Israel. In the core sections, we critically analyze Israeli property rights and planning reforms, pointing to the symbiotic relationships between neoliberal policies and settler colonialism. In the concluding section, we elaborate on the concept of neo-settler colonialism as representing a distinct spatio-political regime.

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Spatial Policy in the Settler Colonial Context: From primitive capitalism to neoliberalism

Settler colonialism was (and is) a process by which immigrants with the express purposes of territorial occupation and the formation of a new political community seize indigenous land, as well as wealth and opportunities, for their own political and material benefit (for a wider discussion, see Robinson, 2013; Veracini, 2011; Yiftachel, 2006; Porter, 2010; Shafir and Peled, 1998). The empirical manifestations of settler colonialism refer to the nexus of state (or empire) power and territorial control, mainly in "alien" areas within or outside the boundaries of the state, over which the dominant nation attempts to increase its monopoly control (Yiftachel, 2006; Porter, 2010; Shafir and Peled, 1998). In these "alien" areas, known as frontier or internal frontier regions, "primitive capitalism" served to eliminate native communities, accumulate their land and allocate it to settlers. Prior to leaving their homeland, the majority of these settlers were typically the surplus poor of industrial society (Lloyd and Wolfe, 2016).

But recent decades have loosened the nexus between capitalism and settler-colonialism and brought new ideas to "the end of frontier" and "post-frontier." These ideas have been explored by scholars of de-colonial Australia and New Zealand, who emphasize "dialogue across multicultural, indigenous and settler space in Australia" (Anderson, 2000) or "ongoing, dialogue amongst equals" in post-settler Canadian society (Abu-Laban, 2001). This trend is described as a transition from "geopolitical"

calculations to "geoeconomic" ones (Moisio and Paasi, 2013), in which the logic of capitalism and neoliberalism is practiced trough NPM and privatization.

NPM represents a trend in public administration that flourished in the 1990s and early 2000s and, eventually, left significant footprints in contemporary administrations and public policy. NPM, as noted by Vigoda (2003:1), "employs knowledge and experiences acquired in business management… to improve efficiency, effectiveness, and general performance of public services in modern bureaucracies." For that reason, it is often linked to doctrines of economic rationalism (Hood, 1994) and viewed as a governmental act that realizes neoliberalism (Mel et al., 2015; Brenner and Theodore, 2002). Consequently, and with great relevance to this article, *privatization* is "in the mainstream of the New Public Management" (Savas, 2000:1736). Importantly, privatization includes outsourcing public resources, functions and executive duties ("rowing") to private organizations, as it is perceived that such tasks are better performed by businesses operating in competitive markets (Osborne and Gaebler, 1993); decentralization of public responsibilities and executive duties; the creation of performance-based public organizations; and the promotion of an enterprise culture (Galnoor et al., 2015).

Against the ideas of "the end of frontier" and "post-frontier," we argued elsewhere (Tzfadia and Yacobi, 2011) that frontier has no end and that settler colonialism is an ongoing practice. In Israel/Palestine, settler colonialism reinvents itself in new frontiers and new scales: urban, region, state. Here, we suggest that there are symbiotic relationships between settler colonialism and the privatization of space and planning that stem from a neo-liberal agenda.

We build the exploration and analysis of Israeli spatial policy, privatization and settler-colonialism upon three bodies of knowledge that (a) challenge the "color blindness" of neo-liberalism; (b) attribute to NPM the failure to expand rights to indigenous communities in settler-colonies; and (c) analyze democratization and multiculturalism in settler-colonies. Before the analysis section, an overview of Israeli spatial policy is provided.

Spatial Policy in Israel

Though spatial policy covers a wide range of interpretations and meanings of land and planning regimes, here we apply a narrow focus that refers to the allocation and coordination of spatial rights between the "public" and "private" sectors. In the Israeli legal system, like in most countries, the ultimate true "owner" of all the country's land is the sovereign – either directly or via local government entities. The sovereign may legislate laws that bestow spatial rights on individuals, business organizations or non-governmental organizations (NGOs), an act referred to as the "privatization of space."

There are two kinds of spatial rights: (a) planning and development rights ("planning rights" hereinafter) and (b) property rights. Planning rights concern the regulation of land use ("zoning") and development timing, as well as the allocation of betterment profits. Property rights describe the owner's right to convey, devise, gift, or mortgage spatial rights (including planning rights). Ownership – whether private or public – is defined as the aggregation of all these rights. A privatized space is a space where aggregates of these rights, relating both to property and to planning, reside in the

hands of private individuals, businesses or NGOs. Such aggregates are called "fee simple" or "fee simple absolute," representing the highest degree possible of ownership of real property.

A nationalized space denotes sovereign possession of a broad aggregate of property and planning rights, with only a small portion allocated to its citizens, primarily by way of leasehold. Frequently, private individuals hold aggregates comprising a portion of those rights, with the sovereign possessing the rest. Managing the spatial rights partnership between the individual and the sovereign is a central component in spatial policy. Importantly, privatizing or nationalizing space is an ideological decision. Israel's spatial policy follows this structure; it is based on the separation between planning and property rights and an asymmetric public-private partnership.

Israeli Spatial Policy up to the 1990s

In the first three decades following independence, Israel's spatial policy focused on achieving ethno-national goals of territorial and demographic control, reflecting a settler-colonial logic (Yiftachel, 2006; Tzfadia and Yacobi, 2011). The main elements of this policy were:

(a) **State ownership and control over land and development**. This was achieved by continuing to uphold the Ottoman and British Mandate land and planning laws, which opened the way to nationalization of spatial rights. These laws enabled the nationalization of 12,000 km^2 of non-arable rocky lands, of which 2,000 km^2 were under unregulated Palestinian use (Kedar and Yiftachel, 2006)

(Israel's area is approximately 20,800 km^2 according to the 1949 Armistice Agreements).

(b) **Dispossession**. Israel expropriated a total of 6000 km^2 of Palestinian land, representing the property of 750,000 Palestinian refugees and some of the holdings of Palestinians who remained in, and eventually became citizens of, Israel.

(c) **Initiating a massive Jewish settlement project in borderland regions and those in which the Palestinians are a majority**. This venture was designed to establish new demographic realities on lands owned by Palestinian refugees, as well as those designated to be part of the independent Palestinian state under the UN's 1947 Partition Plan for Palestine. Such "demographic engineering" (McGarry, 1998) has also increased Jewish presence in areas with a Palestinian majority. A total of 368 new villages and dozens of new towns were built (Golan, 2005). These places provided housing and employment opportunities for 800,000 Jewish emigrants – 55% of them from Muslim countries (Lissak, 2003).

(d) **Establishment of a durable administration of property rights**. The Israel Land Authority (ILA) and Israeli Land Council (ILC) enforce the "Basic Law (constitutional): Land of Israel (1960)," which prohibits the sale of public lands, hence only allowing their lease. These two governmental agencies manage "Israel Land," i.e., public land – land owned by the State of Israel and Zionist organizations (such as the influential Jewish National Fund, which is in charge of purchasing land, including expropriated Palestinian refugee land, and

allocating it to Jewish settlement projects). These nationalized, publically owned lands represent 93% of Israel's territory.

(e) **Establishment of durable and centralized planning institutions**. Formed as a result of Israel's Planning Law (1965), these institutions ensure that planning rights are subordinate to the National Master Plan (Alfasi, 2006).

Israel's spatial policy, reflective of the settler colonial context, nationalized the spatial rights of indigenous "enemy" populations. It also allocated limited spatial rights, as part of what we term "selective privatization," a system whereby the allocation of limited spatial rights is determined by weighing nationality, ethnicity and various other nationalist considerations, such as the Judaization of space, the interest to increase the number of Jews in "frontier" regions (these processes were duplicated in 1967 in the occupied territories), and the desire to inhibit the development of Arab space (Yiftachel, 2006; Tzfadia and Yacobi, 2011; Yacobi, 2009; Benvenisti, 2000). Selective privatization stratifies society according to each group's relative spatial rights. At the same time, space becomes a reflection of each group's position in the social hierarchy. This structure is not based on a dichotomy between the dominant settler community and the indigenous population but rather on the complex hierarchy within the dominant nationality: a hierarchy determined by stigmas of ethnicity, political status and level of "commitment" to the nation. Within this complex structure, space can also serve as at tool with which to put populations at a disadvantage, such as newly-immigrated Jews, provided they take part in strengthening the state's and nation's control over that space (Tzfadia and Yacobi, 2011).

This selective privatization was part and parcel of a wider national perspective that viewed the selective privatization of rights as a means with which to strengthen the state's control of space – provided that substantial spatial rights were given exclusively to social elites of the dominant (Jewish) nationality upon joining frontier settlements (Tzfadia, 2009; Trachtenberg et al., 2016). On a lower standing stood Jewish immigrants, whose mere presence in nationally significant space increased national control, even though they did not belong to the social and political elite. These immigrants improved their rights by becoming settlers in frontiers areas, including in the "new frontiers" in the territories occupied in 1967 (Newman, 2005). Palestinian who were citizens of Israel (and obviously the Palestinian non-citizens residing in the 1967 occupied territories) were excluded almost entirely from these privatization processes and were primarily subjected to nationalization, i.e., their lands were expropriated.

In the 1970s, however, the nationalization of Palestinian-owned lands slowed down considerably, stalling altogether after the 1976 mass protests by the Arab population against land expropriation, known as the Land Day Protests (Holzman-Gazit, 2007). Yet, the policy of not allocating public land for Palestinian usage continued. The fervor for expropriating Palestinian lands and allocating them to Jewish purposes and to creating a Jewish settlement system was transferred in 1967 to the occupied territories (for a detailed discussion, see Weizman, 2007; Newman, 2005).

The above paints a complex picture of Israel's spatial policy in the first three decades of its independence - and up to the present day in the occupied territories. On the one hand, spatial policy was based on large-scale nationalization of lands and planning rights. On the other hand, allocating spatial rights to different groups marked a course of

selective privatization, that is, an unequal allocation of partial spatial rights based on each group's affinity to the mainstream and its level of commitment to the national effort of gaining Jewish control over the land. In other words, while the transfer of partial rights could be described in terms of privatization, its main purpose, as we demonstrate, was in fact to reinforce the exclusive control of Jews over the territory.

With neoliberalism taking root in Israel (Ram, 2013), the 1980s were marked by a shrinking welfare state, which greatly affected the level of government fund allocation to public housing and farming subsidies. The arrival of one million emigrants from the former Union of Soviet Socialist Republics ("former Soviet Union" hereinafter) further aggravated the housing crisis. It was at this time that the geography of colonization shifted − the settlement project moved to the occupied territories (Newman, 2005) while traditional frontiers became peripheries (Tzfadia and Yacobi, 2011; Yacobi, 2009). As a result, the early 1990s saw deeper changes in Israel's spatial policy, manifested in two interlinked avenues: property rights and development rights. We claim that both avenues were affected by ideas affiliated with neoliberalism and NPM, as well as by conflicts between interest groups − NGOs, politicians and bureaucrats − concerning efficiency, distributional justice, environmentalism and nationalism. These conflicts are typical of neo-settler colonialism because they are encapsulated in the policy orientation of neoliberalism and NPM, on the one hand, and the socio-geographical structure of settler-colonialism, on the other hand.

Public participation and collaborative governance were enrooted in Israel's new spatial policy. The new policies, reforms and proposals were debated in the media, courts and Parliament assemblies and committees, as well as new media and in interactions

between organizations. All the materials, proposals, protocols and decisions were available on the Internet – on Parliament and ministry websites, online newspapers, and professional databases.

It should be noted that though as members of *Bimkom: Planners for Planning Rights* ("*Bimkom*"), a human rights organization that participated in discussions on Israel's new spatial policy as part of an ad-hoc coalition of NGOs, we were granted access to data on planning rights, the interpretative analysis hereunder does not represent *Bimkom*'s values and position; our research method is based on the mapping of social, organizational and interest groups, thematic analysis of their positions, and interpretative analysis of their themes (for more details, see Husting, 1999; and Scollon, 1998).

Reforming property rights

In the early 1990s, the Israel Land Authority and ILC designed a policy aimed at encouraging fast completion of residential construction projects as a means of dealing with the Jewish immigration wave from the former Soviet Union and solving the economic crisis in the agricultural sector. Jewish farmers leasing public land from the Israel Land Authority were previously denied the option of changing the zoning classification of their lands. The new 1990s policy permitted farmers to rezone agricultural land as commercial or residential and, thereby, to benefit from the property's rise in value. The ILC and the farmers were of the opinion that this change of policy would enable farmers indebted as a result of the economic crisis that hit the agricultural

sector in the 1980s to pay their debts to Israeli banks. This privatization step was, therefore, meant to aid economic development.

But Ehud Olmert, then Chairman of the ILC and later Prime Minister of Israel, gave a different reasoning for this privatization, linking it to ethno-national interests (quote from Bashan, 18 December, 2003H):

> "These people, without whom Israel would not be what it has become, deserve this... I remember well who they are... the spearhead of the Jewish People... They are among Israel's great strengths, and we are all morally indebted to them... So, what can we give that generation of pioneers, of warriors, who broke the earth with their bare hands and created facts on the ground, drawing the circle that made Israel possible?... in my opinion [they] should receive certain benefits."

These special benefits stirred public outrage, which found expression in various objections and demands, as can be gathered from two sources: (a) digitized data of primary and secondary sources concerning ILC decisions and petitions against the Council; and (b) protocols of Israeli Parliament assemblies and committees. We socially and organizationally mapped and thematically analyzed all this data: The Jewish farming sector called for an increase in benefits; the urban sector cautioned that the new zonings policy will prompt an outflow of businesses from cities to rural settlements; organizations for social change demanded the introduction of distributive justice in Israel lands; the Arab population demanded equitable reallocation of Israel Land; the business sector called to free land for residential development; environmental organizations urged to

cease expanding urban space and suburbanizing open areas; NGOs for social change advocated closing admission committees in new neighborhoods that were built on the rezoned farmland; banks argued that increasing farmer land rights will enable them to pay back their loans; and public housing tenants appealed to increase their property rights.

In response to this outcry, in 2004, the Israeli government set up a public committee (the Gadish Committee) tasked with assessing the various demands and concerns and making recommendations for Israel Land Authority reform (Gadish, 2005). The committee's main recommendation was to register urban lands that were leased for housing as private property; that is, to privatize all property rights in urban lands to their leaseholders. It also pointed out the need for additional regulation of planning rights. In other words, the committee sought to privatize property rights and to nationalize planning rights.

Another important recommendation focused on Jewish National Fund lands (which are part of Israel Land) and on the Fund's representation in the ILC, which reached 50% at the time and was based on an ethno-territorial logic. The committee was of the opinion that this logic had become "injurious to the general public, holding back development and growth" (Gadish, 2005:36). It should be noted that most Jewish National Fund lands are in high-demand areas, so their current use as a tool for promoting the Judaization of space is marginal. This, we argue, is exactly what made it possible for the committee to criticize Jewish National Fund over-representation in the ILC and to suggest reducing it to one sixth of the total, matching the Fund's relative ownership in Israel Land. The committee also called for transferring ownership in undeveloped Jewish

National Fund lands to the state in return for full monetary reimbursement (Gadish, 2005). This was the committee's way of stopping Palestinian discrimination, a consequence of the Jewish National Fund's refusal to lease its lands to non-Jews (for more details on this issue, see Tzfadia, 2008). Noteworthy though is the fact that the committee did not suggest compensating Palestinian citizens whose lands were expropriated and transferred to the Jewish National Fund.

The Gadish Committee recommendations were approved by the government in June 2005. The recommendations served as a partial basis for a 2009 proposal made by the government for a land reform bill (Israel Lands Administration Law (Amendment 7), 2009). The proposed reform permitted the transfer of ownership of developed urban lands from ILA to leaseholders (until then, apartments could be privately owned but the land on which they were built was leased from the Israel Land Authority). The same principle was applied, to a more limited extent, to industrial lands. This was not a revolutionary change in terms of privatization, as apartment owners in Israel's cities had already enjoyed various property rights on lands they leased: the right of possession and the right to transfer and sell, mortgage and bestow enjoyment rights.

An important paragraph in the land reform bill focused on the NPM style of reorganizing the Israel Land Authority – which emphasizes outsourcing, privatization, output measurement, efficiency, small organizational structure, professionalism and a politics-free environment, as detailed in the bill proposal's "explanation note." The proposal also suggested reducing the number of ILC board members from 18 to eight, in line with the desire to promote de-politicization and professionalization, but also as a means to reduce the influence of the Jewish National Fund.

We assume that the importance of the committee and subsequent reform was reflected more in the discourse and conflicts that they spurred than in any practical changes they made. For the first time in modern Israeli history, a government called to privatize National Land, which goes against the letter of Israel's first basic law[1], Land of Israel (1960), which in its first paragraph states: "The ownership of Israel lands… shall not be transferred, whether by sale or in any other manner." Together with the proposal to reduce the influence of the Jewish National Fund, the government challenged, to some extent, the logic that had long served as the basis for nationalizing land, and explored the idea of subjecting land management to an economic logic.

However, these concepts, which may symbolize the end of colonialism and nationalization of space, faced massive opposition over serious concerns regarding, in part, social inequality and environmental protection, but mainly nationalistic interests. It started with a refusal by the Parliament to approve a paragraph that attempted to privatize undeveloped lands, due partly to pressures exerted by an ad-hoc coalition of human rights, social and environmental NGOs and Jewish nationalist organizations. As board members of *Bimkom*, which participated in this coalition, we were privy to the internal discussions and letters mailed to politicians and officials. In these communications, nationalists voiced their opinion that this reform signified the end of colonialism because it subjected the land to capital logic. This idea was the main reason why the Jewish National Fund refused to implement the reform over its land and, of course, refused to transfer ownership in its undeveloped lands to the state in return for full monetary reimbursement. The ratio of Jewish National Fund representatives in the ILC was

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[1] Basic laws are the constitutional laws of the State of Israel.

reduced to 2 out of 10. The human rights and social justice NGOs, on their part, claimed that the reform would extend social gaps. And finally, the NPM style of reorganization encountered resistance from the Israel Land Authority's labor union, which prevented the implementation of major parts of the reform as protest against the reorganization (State Comptroller, 2014).

The land reform was presented as morally significant and as an enabler of free market development by way of privatization and de-bureaucratization. But a counter-argument, put forward by Palestinian activists, was that the reform largely preserves the achievements of nationalization: ownership of public lands (most of which, as abovementioned, were expropriated from absentees or declared public property) and Israel Land Authority lands (previously owned by absentees) was only transferred to urban leaseholders, most of whom were middle- and upper-class Jews. The reform, thus, created a new model of privatization of land rights – but remained deeply rooted in nationalist-territorial values (for more on this issue, see Tzfadia and Yacobi, 2011).

The Palestinian citizens of Israel expressed ambivalence toward the reform. On the one hand, they supported the claim that Jews were merely arguing among themselves whether the lands they had once taken from Palestinians should now remain under public ownership and management benefitting Jews or, rather, be given to Jewish landlords. On the other hand, they supported the reform and refused to join the socially motivated struggle against it, claiming that a privatized land market might still be less discriminatory than the reality of nationalized land, as it would correspond with the "color blindness" of a market economy (Jabareen, 2009; Ziv and Shamir, 2003). Both arguments were made within the context that urban properties in Arab population centers

were privately owned in any case, a remnant of non-nationalized Palestinian land, and that Israel Land Authority seldom allocated public land to Arabs and their towns (Yacobi, 2009).

Reforming Planning Rights

Israel's planning system is built hierarchically – from the national through the district down to the local committees – with each level formulating its own outline plans, subject to those devised higher up. National outline plans, produced by the National Planning and Construction Committee, are authorized directly by the government (Alfasi, 2006). Under this framework, the national committee can make extremely detailed outline plans, which do not leave much room for local initiative. Alternatively, it can make more general plans and leave the specifics to local planning bodies and quasi non-governmental organizations. The first approach should be considered a nationalization of planning rights, as the national committee decides on the exact nature of development of every land unit; in Israel, as detailed above, this approach corresponds with colonial logic. An approach of the second kind would be considered a privatization of planning rights, because it leaves the exact nature of development to local negotiations between contractors, property owners, tenants and local planners.

In this context, the first decades of planning in Israel served ideas of Judaization, territorial control, and frontier settlements (Efrat, 2004; Yiftachel, 2006; Tzfadia and Yacobi, 2011). Yet this changed in the 1990s, when the national planning system was faced with the great former Soviet Union immigration wave (Alterman, 2002). National Outline Plans 31 (1993) and 35 (2005) marked a fundamental change in the balance

between privatization and nationalization of planning rights. Both plans were based on similar conceptions of Israel: as a cluster of four metropolitan areas; as having a developed economy that depends on the different specialties of each metropolitan area; as a country marching towards an era of peace, where the significance of security and colonial considerations diminishes and that of economic and environmental considerations grows; and as a society that wishes to promote private and local initiatives (Shachar, 1998). Despite certain differences between their practical approaches, National Outline Plans 31 and 35 both gave wider planning rights to entrepreneurs cooperating with local authorities.

Of utmost significance is the declaration made in both plans that there is no more room for new settlements – the symbol of Jewish colonization. National Outline Plan 31 asserted that the effort to house former Soviet Union immigrants does not allow for investing energy in new settlements. National Outline Plans 35 stated that new settlements go against the economic, social and environmental interests of Israel.

We doubt, however, that these National Outline Plans symbolize the end of colonization. There are three main reasons for our uncertainty. First, Israel's Planning Law and National Outline Plans are not applicable to the occupied territories (except for East Jerusalem, where the Israeli law is enforced), where Jewish colonization still flourishes (Yacobi, 2016). Second, the ban on building new settlements provoked a protest by nationalist organizations and politicians who believed that settlement of land is what Jews should strive for in Israel. As a result, the first amendment in National Outline Plan 35 permitted the establishment of new settlements in frontier regions. And, indeed, dozens of new settlements have been approved since in frontier and internal

frontier areas, i.e., in regions in which Palestinians compose the majority. Only a few of those built were due to environmental concerns, financial reasons or public protest. Third, National Outline Plans 31 and 35 limited the possibility of expanding Palestinian localities, and even prevented development within them, calling instead for an agglomeration of economic activities in the metropolitan hubs – none of which fall under the jurisdiction of Arab localities (Jabareen, 2015).

Nevertheless, the shift in the national planning approach paved the way to a planning reform all over Israel that spanned two decades. Since 1995, two years after the approval of National Outline Plan 31, the Israeli Parliament passed several amendments to the Planning and Building Law: 43 (passed in 1995); 76 (passed in 2006); 90 (never passed, but served as a basis for a 2009 government proposal for a brand-new Planning and Building Law, which was rejected by the Parliament); and 102 (passed in 2013 as an alternative to approving the proposal for a new law). These amendments' basic principles, as Israel's High Court of Justice laid out, are:

> "[T]he emptying of powers from vessel to vessel, that is: decentralizing various powers from district committees to local ones... the purpose being: to shorten planning procedures and improve their efficiency... to give independent powers to local committees, to approve local outline plans, and even detailed plans on certain issues, without needing the (previously required) consent of district committees" (H.C. 5145/00. Local Planning and Building Commission for Hof HaSharon vs. the Minister of the Interior et al.).

Prime Minister Benjamin Netanyahu added some NPM flavor to it – this time in relation to the 2009 proposed new Planning and Building Law: "The reform… seeks to remove bureaucratic obstacles, to simplify and shorten approval processes, and to increase transparency in an effort to boost economic growth" (Wrobel, 2010).

Eyal Gabbai, then Director General of the Israeli Prime Minister's Office, described the desired change as follows:

"Local committees will get professional reinforcements and the powers of district committees will be shared, to some extent, with local committees. … The national committee will be in charge of the larger vision... Dysfunctional [local planning] committees will be dispersed and, potentially, replaced with interim ones. So, local committees are receiving powers and responsibilities, but these powers will be taken away in cases where they cannot handle them" (Tomer, 2010).

Localism indeed holds numerous opportunities for communal empowerment and local democracy. Planning closer to home may also disregard national-territorial values and endorse environmental and economic ones. In this sense, the passing of amendments 43, 76 and 102 signified an unprecedented development: If previously, planning policies were grounded in the Government's desire to increase its own control, partly for promoting national-territorial values, the amendment gave extra weight to economic values, as outlined by National Outline Plans 31 and 35.

Careful inspection of the bill, however, leads us to conclude that this reform does not promote decentralization, self-government and color-blindness, and does not signify an end to colonial motivations. Rather, it preserves some of the ideas of denying spatial

rights to minorities, mainly from Palestinian local authorities. This conclusion rests upon several critical observations:

1. Decentralization was made possible primarily in "strong," necessarily Jewish municipalities – having both the required land reserves available for development and the resources to promote independent professional planning initiatives that would fit the requirements set by the amendments. The amendments provided these particular local authorities with two important budgetary levers: First, a potential for increased municipal taxes, inherent in the power to make local zoning changes. Thus, "strong" local authorities changed zonings from industrial or housing to commercial, thereby increasing their municipal tax income. The amendments further allowed municipalities to increase population density, which also held the potential for lucrative financial rewards. The second budgetary lever was revenue from betterment taxes – a consequence of rising land values due to changed outline plans. The betterment tax, which can amount to one half of the total increase in land value, also goes into the local authority's coffers. Thus, the broadening of planning powers at the local authority level increased land value and incomes in "strong" local authorities.

2. An additional issue raised in the amendments was the involvement of local authorities in determining the type of housing to be built in their jurisdiction. Large apartments and single-family detached homes were – and still are – an important means of attracting populations of a higher socioeconomic standing. By preventing the construction of smaller and mostly cheaper apartments, many local authorities were able not only to dissuade weaker populations from settling in

their jurisdiction but also push such resident populations out – to less expensive localities (Blank, 2002). Excluding poorer populations obviously benefits the financial position of local authorities, as it makes municipal taxes easier to collect, retarded the need to offer discounts or provide welfare services, and, last but not least – creates a positive image that further attracts businesses and raises the value of property.

These observations indicate that the amendments are rooted in settler-colonial logic and allocate resources accordingly: While amendment 43 seemingly allowed every municipality to use its planning powers to strengthen its economic position, amendment 76 stipulated that the additional powers would only be given to qualified local committees. That is, supplementary powers were conditioned on the ability of local authorities to establish fully professional local committees and to bring plans to fruition. Amendment 102 gave the Minister of Interior (and from 2015 the Minister of Finance) the authority to dismiss local planning committees that do not qualify for extended powers, and appoint in their stead interim committees that are subject to the Minister's authority, thus wielding vast powers over local planning, uninhibited by mayors or local councils.

It other words, only municipalities that were strong to begin with were able to benefit from the new amendments. Smaller and poorer municipalities, lacking the means to operate local planning committees and initiate independent plans, could not take advantage of these new levers in order to increase their revenues and could not compete against richer municipalities for stronger populations (Razin and Hazan, 2013). None of the 73 local Arab authorities were able to meet the said requirements.

3. The issue of regional committees is yet another aspect of the reform that testifies that the age of colonization has not come to an end. According to the current law, regional committees are in charge of more than a single local authority and are subject to the Minister of Interior's powers of appointment and dispersal. The relative share of Arab local authorities in regional committees is especially large: 66 out of 73 local Arab authorities are included in regional planning committees, while about half of the Jewish local authorities (74 out of 148) operate independent local committees. The reform gives extensive powers to the Minister of Interior in appointing members to regional committees and in determining the nature of their plans. It, therefore, seems that the government's control over Arab municipalities will not change much in the near future.

What is new in settler-colonialism, beyond the NPM style of partial and selective decentralization? Perhaps it is the mask of democratization and deliberation processes that has managed to prevent the ratification of the new law and the adoption of radical ideas of power concentration. For example, the proposal for the new 2009 Planning and Building Law was cancelled due to massive protest against it, and was subsequently reframed as amendment 102 to the 1965 Planning Law. The struggle surrounding the bill concerns values shared by some Parliament members, as well as environmental NGOs cooperating for this purpose under the Roof Organization for Responsible Planning. Opponents to the bill also include contractor organizations, heads of local authorities and municipal coalitions. The struggle is waged in animated meetings of the joint committee of the Parliament, in courts, in the press and in the halls of Government and Parliament. The dust has not yet settled, but this much is clear: The reform, amendment or new bill

continues the trend of transferring regional powers – mainly development rights – to local authorities based on economic logic. But this very logic highlights the persistent inequality between local authorities, whose roots can be traced back to the ethno-national logic of territorial control.

Conclusions

In this article, we critically analyze the changes that have taken place over the years in the interplay between nationalization and selective privatization of space in Israel. We frame the discussion in concrete historical, political and contemporary contexts. As we have shown, the dynamics of the privatization of space in Israel cannot be understood independently of a colonial political and geographical framework; this framework accounts for the state's control over the supposed "release" of market forces, which, in effect, is just another instance of state direction.

Our findings highlight the symbiotic relationships between neoliberal policies and settler colonialism. This relationship is expressed in land and planning reforms, which while presented as an attempt to create an efficient and liberating planning system and an economically effective "planning machine", are revealed by our critical analysis to form a spatio-political regime that articulates territorial dominance. Another layer of understanding of the dynamics of settler colonialism comes from the insight that rather than present the reforms as a result of top-down commands, they are masked by their presentation as deliberate processes that take place in a variety of public spheres. Different types of actors participate in public debates, decision-making, petitions, protests

etc., which convey a semblance of democracy to colonial settler-societies. These two vectors, hidden behind the veil of democracy, do not contradict but actually complement each other in what we have defined as neo-settler colonialism.

As discussed, we base the notion of neo-settler colonialism on three bodies of knowledge: neoliberalism, NPM and democratization. The first body of knowledge, neoliberalism, is probably best expressed by Harvey's (2005) phrase "freedom's just another word", that is, the belief that human well-being can best be advanced by maximizing entrepreneurial freedoms within an institutional framework characterized by private property rights, individual liberty, free markets and free trade – without any reference to ethnicity or race. Indeed, National Master Plans 31 and 35 embody this belief, as do the amendments to the Planning and Building Law from 1995 onwards. However, as has been proven so many times, neoliberalism increases social gaps. It benefits the haves and harms the have-nots. Neoliberalism, as Duggan (2012:3) states, "organizes material and political life in terms of race, gender and sexuality… nationality, or ethnicity and religion." As we have shown, although neoliberalism de-contextualizes contemporary social gaps from socially constructed hierarchies, it also reinforces these gaps – which are rooted in its settler-colonial structure.

The second body of knowledge we discuss is NPM in settler-colonial societies, which refers to neoliberal governmental frameworks that maintain hierarchical and power relation structures (Mel et al., 2015; Brenner and Theodore, 2002). Against the idea that NPM represents a new form of government that promises freedom and human well-being, Strakosch (2015:3) argues that "ongoing settler colonial hierarchies have been rearticulated through, rather than revived or transcended by, neoliberal frameworks".

The Israeli spatial policy reforms actually adopted NPM narratives: efficiency, economic growth, minimum bureaucracy and initiatives, as well as practices of decentralization, deregulation and privatization. These narratives presented an alternative to previous ones of national control over space, judaization and the prevention of Arab locality expansion (Shachar, 1998). Nationalization has been viewed as a detriment to the business and investment sectors, one that would disadvantage a country trying to compete in the global economy (Panitch and Gindin, 2012). Yet a critical analysis of Israel's reforms reveals, as Strakosch (2015) argues, that these new practices rearticulate settler colonial hierarchies: Decentralization is a benefit for "efficient" and resourceful localities, i.e., Jewish cities and rural localities that had benefitted in the past thanks to their "contribution" to spatial Judaization (see Blank, 2002). Arab localities, generally portrayed as unsuccessful and inefficient bureaucracies, are prevented from reaping these benefits while being deceived that said policy has nothing to do with the colonial ideal of who has power over the use and development of land. Indeed, be it in the past or in present-day, settler-colonies have no intention of giving-up territorial control, only the practices have been rearticulated.

The third body of knowledge focuses on democratization, which is linked with multiculturalism in settler-colonial societies. In recent decades, settler-colonies have had to redesign their own appearance. Instead of accentuating territorial control, nationalization and priority of the dominant nation, settler states have adopted formal and informal multiculturalism – a set of ideas on shared society, distributional justice and the legitimacy to counter moral and political claims of a wide range of marginalized groups, mainly indigenous communities (Anderson, 2000; Abu-Laban, 2001, Porter, 2010).

Multiculturalism creates a semblance of democracy through participation or collaborative governance (Innes and Booher, 2004), asymmetrical autonomy and self-government (Kymlica, 1995) and NGOization of space (Yacobi, 2011).

Indeed, the reforms in Israel's spatial policy, together with the political and social debates and activism, enfolded many acts (detailed above) that can easily be identified as democratic and multicultural. But there are several challenges to the perceived notion that these acts are truly democratic and multicultural, as evidenced by the analytical distinction between the two modes of politics: recognition and redistribution (Fraser and Honneth 2003). There are two distinct concerns here. The first is that the existence of ethnic diversity reduces social solidarity, such as the inability to create a class-based protest against land reform in light of the Palestinian NGOs' support of privatization – similar to the collaboration of the business sector and Jewish social activists with nationalist movements to block privatization. The second is that multiculturalism and deliberation fail to confront the generative roots of colonialism and its distributional logic and, in most cases, cannot confront and compensate for unjust distribution (Coulthard, 2014). The Israeli planning reform decentralized power and authority to local level politics due to the belief that this scale is appropriate for democratization, recognition and deliberation. Yet, no matter how democratic planning is at the local level, the bottom line is that it is a distributor of resources that have been allocated according to colonial logic. Furthermore, as the logic of neoliberalism rarely contributes to distributional justice – it thus reinforces localities in Israel that had been beforehand privileged by the colonial regime.

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