National Priority REGIONS: Between Redistribution and Discrimination

Ofra Bloch[[1]](#footnote-1)\*

Abstract: Something about regions and redistribution. In the early 1990s, the government of Israel presented a plan to designate certain regions of the country as National Priority Regions (NPR). The designated regions and their residents enjoy certain benefits, subsidies, and privileges intended to narrow socioeconomic gaps and promote equality between them and more affluent parts of the country. Despite being a central redistributive tool that reallocates billions of shekels annually, the NPR mechanism has drawn almost no scholarly attention. In this paper, I aim to fill the gap by providing descriptive and theoretical accounts of NPRs. Tracing NPR history, I show that this tool has been abused over the years to serve predominantly the Jewish majority and, more specifically, Jewish settlements in the occupied territories. I demonstrate how, even when the Israeli Supreme Court struck down overtly discriminatory lists of NPRs and mandated the use of objective criteria in classifying such regions, the government found new and more sophisticated ways to prioritize Jewish settlers and discriminate against the Palestinian-Arab minority. Finally, I consider alternatives. After rejecting a place-neutral approach, [?] my leading suggestion is NPR group-based development plans that earmark funds specifically for Palestinian-Arab municipalities and populations. Using racial classifications to promote economic inclusion is controversial, but I show that it may be the best alternative, especially under hostile regimes that tend to manipulate racially-neutral criteria. Another option is the regions as B+RZ describe them

# Introduction [ctrl-alt-1]

*The working definition of “regions,” for the purpose of this study, is sub-national but supra-local (including inter-local) governmental entities, encompassing all or part of the national territory.*

Regions are often used in development and distribution policies,[[2]](#footnote-2)and scholars point to their potential as tools for redistribution.[[3]](#footnote-3) Yet we know very little about the role regions play in redistributive efforts.

the roles regions actually take in (re)distribution efforts, as well as the potential and risk of using them for redistribution.[[4]](#footnote-4) For the past 30 years a large-scale place-based distributive plan has been operating in Israel. This long-term experience, this paper shows, makes Israel an excellent case-study to examine these questions.

In Israel, development and regions were tied together from early on.

In the early 1990s, the Israeli government set forward a plan to designate certain areas as National Priority Regions (NPRs). Designated regions and their residents enjoy certain benefits, subsidies and privileges “in order to reduce socioeconomic gaps and promote equality between NPRs and more established regions in Israel”.[[5]](#footnote-5) Despite being a central tool for redistribution that reallocates billions of Shekels each year, almost no scholarly attention was paid to it. This paper aims to fill this gap, providing an empirically-descriptive and theoretical accounts of NPRs. Tracing the history of NPRs, I show that this tool has been abused over the years to dominantly serve the Jewish majority and more specifically the Jewish settlements in the occupied territories. The paper demonstrates how, even when the Court stroke down overtly discriminatory maps and required the use of objective criteria, the government found new more sophisticated techniques to prioritize Jewish settlers and to discriminate the Palestinian-Arab minority.

Building on this historical , theortical account of NPRs, using regions but being controlled soally by the central gov. it makes it a hybride theortically.… the paper highlights the risks of regionalism and critiria. The worng hands.

Finally it considers two alterntaitives. First race based.

Finally, the paper also considers the main alternative to NPRs – first rationalism all the way down, the second groups based. Not giving a complete answer also not sure we have to choose. The two can operate together. ?

—group-based development plans that designate funds specifically to Palestinian-Arab municipalities and population. Using racial classifications in order to promote economic inclusion is controversial, but this paper shows it might be the better alternative, especially under hostile regimes that tend to manipulate racially-neutral criteria. Another option is the regions as B+RZ describe them The second, regionalism all the way down>> staying at the regional level, but taking it all the way, giving them authorities to distribute etce. The thing is, that here we are vulrable again.

Place based approach is a way to deal with both knowledge and power.

Missing from Blank and Rosen Zvi is redis

National Priority Regions (NPRs) are… . On their on merits, meant to… But do they? Tracking their history, descriptive—no one covered it. But also rising questions about the aspiration/requirement for setting objective criteria and equality law. Is there a point? Like much else, depends on the alternatives. Here regions v. group based. Probably can’t work with only objective if you want to do redistribution, because if you want to get pass race you have to acknowledge it? But no in a symbolic level, in the political economy level of redistribution of resources.

History –

Pre-history, before 1993 – origins

history 1993-2006

2006-2022

2018- political in a very narrow way – sector based criteria

What is at stake – first, just knowing what is going on. There is a lot of law and regulation happening that no one knows about because it is now in the judgment. A crit comment.

Theoretically, policy, redistribution. Tradeoff and the alternatives.

A few paragraphs about global use – Trump Zones, EU, Etc.

# I. National Priority Regions: A History in Three Acts (1971–2022)

Development

## Act I: From a Messy Beginning to Systemic Discrimination (1971–2006)

The antecedents of what we now know as National Priority Regions were “development areas.” Back in 1961, the Israeli tax code authorized the Minister of Finance to exempt or reduce the taxation of income created in newly inhabited or “development” areas.[[6]](#footnote-6) It was in the 1970s, however, that the Israeli legislator first embraced specific regions as a development category as a way to prioritize some locations over others. In 1971, an amendment to the Encouragement of Capital Investments Law authorized the government to grant subsides to Class A Development Areas.[[7]](#footnote-7) In subsequent years, this statute was amended several more times to allow other benefits, mainly tax exemptions, to be granted to factories located in development areas.[[8]](#footnote-8)

From early on, the rationale for using regions as a development category was dual: Zionist or Jewish-nationalist as well as distributive. The stated goals were to encourage Jewish settlement in specific regions, especially where Jews were a demographic minority, while promoting the socioeconomic status and well-being of those living in the country’s periphery. The balance between those two rationales shifted over the years, usually reflecting the ideology of the government in power. The Development Towns and Areas Law, enacted in 1988, authorized a special ministerial committee to classify some areas and towns as development areas on the basis of: (1) their distance the center of Israel; (2) their socioeconomic status and the level of public services available; and (3) the security situation in the area.[[9]](#footnote-9) The localities selected were to receive certain subsidies, benefits, and reliefs. The law’s objectives were “to encourage settlement and development and to promote the socioeconomic status of development towns and areas.”[[10]](#footnote-10) “Encourag[ing] settlement” may be interpreted as a neutral and nationally blind term, but the explanatory notes attached to the statute make it rather clear that the objective was, at least in part, Zionist.[[11]](#footnote-11) Although this law was never been implemented,[[12]](#footnote-12) similar objectives continued to motivate the creation of comparable regional tools, as I show below.

In 1992, the government appointed a National Priority Areas committee that recommended creating two levels of priority areas—Class A (*Alef*), and Class B (*Bet*)—reflecting two levels of government support that would be given.[[13]](#footnote-13) According to the recommendations, “Due to the special needs of minorities’ villages and the government resolution to appoint a specific committee for that matter, the recommendations will not relate to minorities’ villages.”[[14]](#footnote-14) Indeed, a committee “for the inclusion of Arab citizens of Israel in various aspects of national life” was established that year.[[15]](#footnote-15) More generally, under the Rabin Government then in power (1992–1995), a major turning point was reached regarding efforts for the inclusion and “development” of the country’s Palestinian-Arab population. Budgets and funds were reallocated in those years to promote Arab schools and municipalities,[[16]](#footnote-16) although not nearly enough to reduce the huge disparities between Arab and Jewish towns.

In January 1993, pursuant to these recommendations, Government Resolution 721 officially established the NPR plan. The unique feature of the plan was its comprehensiveness and uniformity. No longer relating to a specific tax cut or benefit, it was a mechanism that would prioritize certain regions across all governmental allocations and through all ministries.[[17]](#footnote-17) The stated rationales for this resolution were “dispersing the population, revising national priorities, and integrating ‘*aliya* (Jewish immigrants).”[[18]](#footnote-18) Thus, formally, the goals reflected less concern with socioeconomic gaps and more with Jewish settlement across Israel. Furthermore, instead of the three criteria listed in the Development Towns and Areas Law, the classification of NPRs would follow the rather vague criteria of “demographic variables, residency, employment, education, and more.”[[19]](#footnote-19) This, the law states, should be done according to “uniform and equal criteria and standards.”[[20]](#footnote-20)

Notably, Government Resolution 721 declared that it did not derive its authority from the Development Towns and Areas Law.[[21]](#footnote-21) Several months after the resolution was promulgated, the city of Kiryat Gat petitioned the High Court of Justice against it.[[22]](#footnote-22) The petitioner argued that the government did not have the authority to make decisions regarding the classification of NPRs because this authority was granted to the special ministerial committee that had been established under the Development Towns and Areas Law.[[23]](#footnote-23) The respondent countered that the government does have the authority to determine NPRs by virtue of its residual authority under Section 29 of the Basic Law: The Government (today s. 32). In *Kiryat Gat Municipality v. State of Israel*, the Court ruled: “When there is a law that creates an arrangement, the power of the government defers to it and it may not create an alternative arrangement.”[[24]](#footnote-24) The resolution, the Court explained, was meant to circumvent the Development Towns and Areas Law and create an alternative arrangement; therefore, it was not valid. This was one of the few cases in which the Court reached the conclusion that a law creates a negative arrangement that prohibits the government to act within its residual power. Thus, perhaps, as Yoav Dotan suggests, the decision should be understood less as a matter of enforcing principles of legality and more as a statement against the possibility of wrongful political motivations behind the resolution.[[25]](#footnote-25)

*But who benefited from the NPR system? And how did it shift over the years?* There are at least two interesting answers to explore: Palestinian-Arab villages and towns; and Jewish settlements in the occupied West Bank (hereinafter: Jewish settlements). Before 1993, Jewish settlements were classified as Class A Development Areas and thus received the highest level of governmental support. Resolution 721 repealed this classification of almost all Jewish settlements by not including them in the NPR list.[[26]](#footnote-26) This situation changed quickly with the establishment of the first Netanyahu government in June 1996. Its first decision regarding NPRs, made in December 1996, added all but a few of the Jewish settlements (about 130 villages and towns) in the occupied West Bank to the list of NPRs irrespective of their socioeconomic status.[[27]](#footnote-27) Continuing in 1998, the second Netanyahu government announced that it had updated the NPR map according to its basic principles: “to give national importance to settlement in the Negev, Galilee, the Golan Heights, the Jordan Valley, and the West Bank, as part of Israel’s security apparatus and as the fulfilment of Zionism.”[[28]](#footnote-28)

Given this strong Zionist sentiment and its linkage of Jewish settlement to security interests, it is not surprising that Palestinian Arab villages were left worse off than Jewish ones. Arab villages and towns had been underrepresented in the initial classification of NPRs in 1993[[29]](#footnote-29) despite their palpable socioeconomic disadvantage. During the ensuing years of Labor Party government (1992–1996), it is hard to point to a form of systematic discrimination, as Palestinian-Arab, Druze, and Bedouin villages were gradually added to the list of NPRs.[[30]](#footnote-30) Under the subsequent Netanyahu Government, however, despite formal adherence to the socioeconomic rationale of the NPR plan, Palestinian-Arab villages were actively taken off the NPR list while Jewish ones were added.

Most notably, in Resolution 3292 (1998) the Government classified seventeen towns, none of them Arab, as Class A NPRs. The decision also elevated eleven towns, again none of them Arab, from Class B to Class A. In contrast, of thirty-four towns that lost their NPR status, fourteen were Arab.[[31]](#footnote-31) In addition, the Government granted entitlements to education benefits to multiple towns but left the Palestinian-Arab sector out of the arrangement, even though this sector was the most in need of such assistance[[32]](#footnote-32) and even as other sectors, such as the Druze and Circassian, were given Class A NPR status.[[33]](#footnote-33)

On July \_\_\_\_ 2002, the Sharon Government promulgated Resolution 2288 (replacing Resolution 3292). The resolution opens with the following statement:

In these areas [NPRs], a variety of benefits and incentives will be given in order to further their advancement, narrow gaps in the standard of development and standard of living between the national priority towns and all other towns in Israel, encourage the next generation to settle in national priority towns, and encourage the settlement of new immigrants and of longstanding citizens in the national priority towns, while implementing government policy with regard to the planned distribution of the population throughout the territory of the state.[[34]](#footnote-34)

Thus, the duality of the NPR program was maintained as a socioeconomic mechanism and a tool for encouraging *Jewish* settlement. More explicitly than before, the resolution came with separate maps of NPR classifications based pm areas of activity: industry, agriculture, tourism, education, and housing. In regard to education benefits, the government declared in the resolution that:

Aid in education is intended to improve the standard of achievement of students in national priority areas with the aim of narrowing gaps and creating a high-quality and equal education system in view of the importance of the level of education in creating a spectrum of socioeconomic opportunities.[[35]](#footnote-35)

Despite this egalitarian focus in respect to education, the Government resolved that the map delineated in Resolution 3292 would remain in effect as a framework for providing aid and incentives in education.[[36]](#footnote-36) Under this resolution, 500 towns received NPR status for education purposes; among them, only four were Arab towns.[[37]](#footnote-37)

It was against this backdrop that three leading NGOs petitioned the Israel Supreme Court, asking it to declare illegal the sections of Resolution 2288 that concerned education benefits. The petitioners argued that the government did not have the authority to establish an NPR plan without primary legislation by the Knesset. More interestingly:

The petitioners further argue that the Government resolution has no equal, open, clear, and written criteria. The criteria on which the classification is based are unclear; sometimes they are geographic and sometimes socioeconomic…. In any case, it is difficult to find a connection between the criteria stated by the respondent and the manner of implementing them de facto, especially with regard to towns from the Arab sector…. The petitioners argue that Government Resolution 3292 is discriminatory and unlawful because it distinguishes unjustifiably between Jewish towns and non-Jewish towns, and especially with regard to Arab towns.[[38]](#footnote-38)

## Act II: The Court and the Liberal Moment of 2006

In 2006 the Israeli Supreme Court convened in a special panel of seven Justices who ruled unanimously in favor of the petitioners, in a case called *Supreme Monitoring Committee for Arab Affairs in Israel and others v. Prime Minister of Israel* (hereinafter: *The Supreme Monitoring Committee case*)*.[[39]](#footnote-39)* The first question the Court set out to decide was whether in applying its residual powers, the government was authorized to determine national priority Regions. The second was whether the classification of NPRs and their boundaries were set in a way that violated the principle of equality, which would entail invalidating the government resolution as being discriminatory.

On the first question, the Court held that determining national priority regions is a matter that requires primary legislation by the Knesset.[[40]](#footnote-40) The Court tied together the question of authority to the question of discrimination as it determined that such a massive distribution of state resources was beyond the government’s residual authority. The Court emphasized that clear, explicit legislation stipulating the rules and criteria governing the classification of NPRs was needed.[[41]](#footnote-41) Furthermore, any large-scale government decision that allocates budgets for certain purposes or for certain sectors of the population without a law that is designated for this purpose, without clear criteria being determined by the legislature, and without the legislator considering these transfers of money, ordering them or at least approving them, will be recognized as unlawful decision.[[42]](#footnote-42)

More directly on the second question of discrimination of the Palestinian-Arab Minority, the Court stated that “the State of Israel is a Jewish state in which there are minorities, including the Arab minority. Each member of the minorities that live in Israel enjoys complete equality of rights.”[[43]](#footnote-43) Yet, the State argued that it used objective geographic criteria:

A town that is situated within an area that has been declared to be a national priority region will receive benefits whether it is a Jewish town or an Arab town. A town that is not situated in the aforesaid geographic region will not receive benefits, whether it is a Jewish town or an Arab town. Since the criterion is solely geographic [remoteness from the center of the country], there is no basis for the claim of discrimination, since the distinction is based solely on geographic location. The small number of Arab towns that are included in the national priority region can be attributed… to the geographic distribution ‘of the Arab towns that are not situated in the Upper Galilee or in the Southern Negev.’

The Court, however, did not accept this claim. It ruled that resolution no. 2288 “is not consistent with the principle of equality, since its *consequences* lead to an improper discrimination against members of the Arab sector” and therefore is unlawful.[[44]](#footnote-44) As a premise, the Court was willing to assume that the consideration underlying the determination of the national priority areas was mainly geographic, and intended to “distinguish between areas that are geographically close to the center of the country and outlying areas that are distant from it.”[[45]](#footnote-45) This, despite the fact that apart from the declaration that the criterion is one of geographic remoteness, the Court did not find any explanation or formula that explains what constitutes the center of the country, and what distance from the center justifies benefits, particularly in the field of education.[[46]](#footnote-46) Yet, even assuming that the government did not have any intention to distinguish between various sectors of the population, the Court determined that “prohibited discrimination may also occur without any discriminatory intention or motive... Where discrimination is concerned, the discriminatory *outcome* is sufficient.”[[47]](#footnote-47) It continued:

In our case, the way in which the government demarcated the national priority regions in education achieved a discriminatory result, whether it was an intentional result or not. . . . Admittedly, Arab towns are apparently not concentrated in the most outlying areas of the Galilee and the Negev. It follows that, prima facie, the geographic criterion excludes these towns not because they belong to the Arab sector but because of their physical location. But the practical result of using the geographic criterion, with the boundaries that were chosen, is that the map of the national priority areas in education is de facto a map of Jewish towns only. The great disparity between the number of Jewish towns with the status of a national priority area in the field of education and the number of Arab towns with a similar status indicates a discriminatory result. . . . If a slightly different line had been chosen, which still satisfies the purpose of ‘compensating’ the outlying areas for their distance from the center of the country, this line could have included more Arab towns and thus achieved a more equal result. This was not done. The geographic line that was chosen leads to a discriminatory result. [[48]](#footnote-48)

Looking ahead, the Court explained that such large-scale budgetary allocations should be done under primary legislation that order the distribution of benefits and grants in various spheres and to particular sectors, according to detailed criteria for distributing them.[[49]](#footnote-49) The criteria, even if seemingly objective, such as the geographical criterion, are not to create disparate impact.

Despite the flaws in the government decision, and in order to ovoid a "legislative void" in a matter that has such wide-ranging national implications,[[50]](#footnote-50) the court decided to suspend the declaration of voidance and called the government to implement its ruling within one year – by February 2007.[[51]](#footnote-51)

## Act III: The Use and Misuse of “Objective” Criteria: more Arab and Villages and Many more Jewish Settlements in the Occupied Territories

A few months after the Court’s decision was given, a governmental research report titled “Znobar: Tools to Encourage Settlement in National Priority Regions.”[[52]](#footnote-52) The report concluded with a list of policy recommendations, mainly stressing the need to reclassify NPRs to create a unified classification, according to an agreed criteria and clear standards.[[53]](#footnote-53) It noted that there was once an idea to establish “regional authorities to manage periphery regions and promote further coordination between the different actions to advance these regions. The downside of this idea is the incorporation of an extra bureaucratic mechanism, between the central and the local government, that might be ineffective.”[[54]](#footnote-54) It thus ended up recommending the establishment of a central office to coordinate the different actions of government offices in the periphery, as well as enacting those transfers into law.[[55]](#footnote-55)

In 2009 the Economic Streaming Bill was finally enacted,[[56]](#footnote-56) cancelling the 1988 Development Towns and Regions Law. This law is considered to be good law to this day. Section 26, titled “National Priority Regions” (hereinafter: NPRs Law), states that it’s goal is to encourage the development of regions or towns that the government classified as NPRs, and advancing them according to the previsions of this section.”[[57]](#footnote-57) It then specifies the different considerations the government must take into account when classifying an area as an NPR: (1) the state of security in the region. (2) the economic strength and the level of services in the region. (3) the plan of population distribution in the. (4) the geographical location of the village or its distance from population concentration and the center of Israel. (5) the need to minimize gaps between the region or village to other regions and villages or between groups of population inhibiting the region and other groups. (6) The burden of immigration absorption. Furthermore, the law requires that NPRs classifications shell be based on data and reasoned.[[58]](#footnote-58)

In the following years, government resolutions—under the NPRs Act—classifying NPRs, kept working under the dual objective of encouraging settlement across Israel, as well as reducing socioeconomic gaps between the center and the periphery of Israel.[[59]](#footnote-59) A major change that came into being in resolutions under the NPRs Law, was the aspiration for continuity over time and space. Resolution no. 1060 from 2009 announced the “continuity principle—geographical and over time. It then specified that in order to keep geographical continuity—which is essential for preventing discrimination between neighboring villages—and for allowing regional development, classifications of NPRs will be done in a regional-district level, rather than at the locality or village level. The classification are to be made mainly according to the periphery index—calculated according to the distance of the locality from the center of Israel and the level of transportation in the area—and the socioeconomic index of local authorities, which classifies localities according to their socio-economic level (both calculated by the National Bureau of Statistics) at a regional level.[[60]](#footnote-60) This lead to the division of Israel into 15 districts, which were either classified as NPRs or not, according, mainly, to their score on both indexes. While this category of “geographical periphery” was and is the through which the majority of localities are classified as NPRs (about 90%), three other categories were formed: (1) proximity to an international border; (2) the level of security threat; (3) newly established villages.[[61]](#footnote-61) The following resolutions from 2012 and 2018 adopted these regional classification principles.[[62]](#footnote-62)

The use of these relatively “objective” indexes[[63]](#footnote-63) and the focus of geographic continuity led, between 2009-2018, to the classification of many Palestinian-Arab and Bedouin villages and towns as NPRs.[[64]](#footnote-64) The most recent government resolution for re-classifying is resolution 3738 from 2018. In that resolution, the government points out to the fact that “out of 2/05 million residence included in the 6 peripheral districts, 905 thousand people are considered minorities. About 41% of the residences included in the NPRs live in villages considered primarily non-Jewish, which is more of their share in the general population. More so, 71% of the minority residence of the state are included in the map, in comparison to 28% of the Jewish and mixed-cities residences. . . For comparison, 26% of the state’s residences are included in the map.”[[65]](#footnote-65)

No doubt, in comparison to the state of affairs before the *Supreme Monitoring Committee case*, this is huge progress. Yet, taking a closer look there are still questions to be asked with respect to the exclusion of some Arab villages from the NPRs map. The most urging one was brought to the Court in a 2020 petition, arguing that 11 localities Arab local authorities in the Northern Tringle area were wrongfully excluded from the NPRs maps of 2012, especially with respect to housing, construction, and land development benefits.[[66]](#footnote-66) These localities were excluded despite their low socio-economic ranking, because they fall within the boundaries of the Hadera sub-district which has a higher ranking. As a result, other neighboring – significantly wealthier – localities are entitled to NPR benefits, while the poorer Arab localities are being denied these benefits. For example, as illustrated in the below map, the villages situated in the Ma'ale ‘Iron Local Council (Musmus, Zalafa, Musheirifa, Salem, and Bayada) and the city of Umm al-Fahm – which are all Arab and have low socio-economic rankings, are not classified as NPRs, while the nearby wealthier Jewish localities of Givat Oz, Megiddo, Mizpe Ilan, Harish, Mevo Dotan, and Hermesh are:[[67]](#footnote-67)



The case is to be argued in 2022. In the meantime, the government filed a response according to which the 2018 classifications were made according to rational and relevant criteria. The resolution led to the inclusion of over than 60% minority villages, and thus created an equal outcome.[[68]](#footnote-68)

While the exclusion of Arab localities from the NPRs maps is going to be tried in Court for the second time, another historical development concerning the use of NPRs has seemed to escape the Court and was mostly addressed in the political realm.

[add one paragraph about the transfer mechanism to the settlements]

שיפור ניכר. צורפו לאורך השנים האלה המון. בחלק מהמשרדים הם אפילו נהנים ממרבית תקציבי עידפות הלאומית. תלוי בגרסאות. שתי המפות. אבל היררכיה ביניהם ורוב המשרדים משתמשים בכללית שעדיין יש בה הפליה, גם אם לא גורפת כל. אבל עדיין יש אפליה. המשולש. העתירה. המפה.

המקביל – מנגנון העברת כספים להתנחלויות. שימוש בקריטריונים הבטחוניים, ישובים חדשים >> צירוף כל ההתנחלויות ללא קשר למצבם הסוציואקונומי. גוטווין - - שלטון הנאמנות.

על חשבון מי? האם יש הוצאה של מזחים? עירות פיתוח?

קריטריונים תפורים 2018

התנחליות

יותר ערבים

פחות עיריות פיתוח

לצייר נארטיב שבהתחלה היה שימוש מסוים לטובת ההתנחלויות אבל שזה הפך להיות מנגנון עקבי להעברת כספים להתנחלויות

לסכם עד 2018 – יותר ויותר התנחלויות, גם יותר ישובים יהודים. פחות עיירות פיתוח שמאופיינות בתושבים מזרחים

**ואז 2018 והעתירה.**

 further emphasized the security status of a region or a town as a primary. Resolution no. 1060 from December 2009

בחלק השלישי – דני גוטווין שלטון הנאמנות

<https://peacenow.org.il/incentives-may-2009>

באק 3 – כבר ייהוד אסור, אז מוצאים דרכים אחרות

Despite the Court’s decision, the government did not stop using NPRs, but instead,

improper because it does not rely on primary legislation.

קריית גת עוקף חו

ועדת המעקב

המטרות יותר ציוניות פחות סוציואקונומיות

זה מסלול עוקף חוק

קריית גת

ואז ההחלטות של ממשלת נתניהו בזמן שדחו את החוק וחשבו שפתרו את הבעיה.

הפליה לטובת ההתנחלויות בנוסף לזה שלא היו ישובים ערביים >> לא מפתיע

נגד המצב הזה עתרו

פרק 2 – ועדת המעקב – הרגע הליברלי

פרק 3 – חקיקה וקריטריונים אוביקטיבים. המצב משמעותית יותר טוב יש הרבה ישובים ערבים. עם זאת, לא מספיק ובנוסף, ההתנחלויות. שני מסלולים >> קריטריונים ניטרלים, השני שינוי הגישה ביחס להתנחלויות.

Note the way the odd page header differs from the even; note also that there’s no header on the first page. That’s a pretty normal layout for published works.

1. \* Author’s note. [↑](#footnote-ref-1)
2. [↑](#footnote-ref-2)
3. Yishai and Issi forth function + policy papers about redistribution and regionalism [↑](#footnote-ref-3)
4. Scholarship about redistribution and regionalism [↑](#footnote-ref-4)
5. Gov. dec. no. [↑](#footnote-ref-5)
6. §11, Income Tax Ordinance, 5621-1961. [↑](#footnote-ref-6)
7. Encouragement of Capital Investments Law (Amendment no. 8), 5731-1971. [↑](#footnote-ref-7)
8. Encouragement of Capital Investments Law (Amendment no. 14), 5736-1976, Encouragement of Capital Investments Law (Amendment no. 17), 5738-1978, Encouragement of Capital Investments Law (Amendment no. 26), 5746-1986, Encouragement of Capital Investments Law (Amendment no. 27), 5747-1987, Encouragement of Capital Investments Law (Amendment no. 35), 5749-1989, Encouragement of Capital Investments Law (Amendment no. 39), 5750-1990.

[הערה ליובל: להוסיף כמה מילים על כל תיקון מה הוא הוסיף] [↑](#footnote-ref-8)
9. §3(a), Development Towns and Areas Law, 5748-1988. [↑](#footnote-ref-9)
10. §1, Development Towns and Areas Law, see note 8. [↑](#footnote-ref-10)
11. לתרגם חלקים רלוונטיים מעמוד 3 אצל יובל ולאזכר כמו שצריך "ערי הפיתוח הן ישובים המייצגים ומסמלים כיום את התחדשותו של העם היהודי בארץ ישראל." "פתתרון בעיות דמוגרפיות באזורים שבהם היו היישובים העבריים מיעוט". [הערה ליובל: בעמוד 3 הבאת כל מיני מובאות מדברי ההסבר לחוק שמראים שיש לו מרכבי יהודי-לאומי – מבקשת שתתרגם כמה מהחזקים, כמו מה שהעקתי כאן, ולאחר שתכניס את הציטוט כמובן תפנה למקור]] [↑](#footnote-ref-11)
12. The law was repealed in §161, Economic Efficiency Law (Legislative Amendments to Implement the Economic Plan for 2009 and 2010), 5769-2009. [↑](#footnote-ref-12)
13. Office of the Prime Minister, *National Priority Areas* [in Hebrew] 6 (November 30, 1992) (ISA-PMO-Coordination-000ww3m). [↑](#footnote-ref-13)
14. *National Priority Areas*, see note 12**שגיאה! הסימניה אינה מוגדרת.**, page 9.

[הערה ליובל – תראה מה הבעיה פה בבקשה] [↑](#footnote-ref-14)
15. Letter from Elyakim Rubinstein, Government Secretary, to Alouph Hareven and Dr. Faisal Azaiza (of Sikkuy, a nonprofit organization) [in Hebrew] (July 29, 1992) (ISA-PMO-GovernmentSecretary-R0003jyj). [↑](#footnote-ref-15)
16. Government Policies Towards the Arab Citizens 24-27, in The Index of Arab Society in Israel (2013) (Document by Abraham Initiatives(. [↑](#footnote-ref-16)
17. §2, Government Resolution 721: National Priority Regions – Reclassification of Development Towns & Regions (January 24, 1993).

[יו להפנות ל-2 נראה לי בסדר] [↑](#footnote-ref-17)
18. Government Resolution 721, see note 16, §1. [↑](#footnote-ref-18)
19. Government Resolution 721, see note 16, §14(c). [↑](#footnote-ref-19)
20. 14 ג --- [יובל, אם משהו בה"ש לא ברור אתה יכול לקרוא את הטקסט עצמו ולנסות להבין משם] [↑](#footnote-ref-20)
21. Government Resolution 721, see note 16, §13. [↑](#footnote-ref-21)
22. HCJ 2918/93, *Kiryat Gat Municipality v. State of Israel*, 47(5) PD 932 (1993) (Isr.). [↑](#footnote-ref-22)
23. *Kiryat Gat Municipality,* see note 21, para. 8. [↑](#footnote-ref-23)
24. *Kiryat Gat Municipality,* see note 21, para. 14. [↑](#footnote-ref-24)
25. Yoav Dotan, *Non Delegation and the Revised Principle of Legality*, 42 Mishpatim 379, 388 n.27 (2012) (Hebrew). After the judgment was given, the state asked the Knesset—mainly for budgetary reasons—to postpone the enactment of the Development Towns and Areas Law. The Knesset did so twice, until 1999. Therefore, it ostensibly authorized the government to continue taking resolutions with respect to NPRs. s. 10 of the draft State Economy Arrangements (Legislative Amendments for Achieving Budgetary Goals) Law, 5756-1995; s. 4(2) of the State Economy Arrangements (Legislative Amendments for Achieving Budgetary Goals) Law, 5759-1999, which was enacted and published in Statutes, 5759, 90. [יובל: לתקן – לקחתי את זה מהתרגום של ועדת המעקב] [↑](#footnote-ref-25)
26. עדיפות לאומית – חלק ב', עמ' 61 – מסמך לאזכר [↑](#footnote-ref-26)
27. סעיף א להחלטה 878; Except for about 10 very affluent settlement next to the green line. להפנות לעמודים 35-37 בתיר חלק ב' (כמובן לפי שם מסמך והכל) [↑](#footnote-ref-27)
28. עמ' 3 – תיק "פרסומים – אזורי עדיפות לאומית 1994-1998" [↑](#footnote-ref-28)
29. The list of priority towns and regions during this time is found in *Localities of the State of Israel and Their Affiliation to National Priority Areas by Authorities* [in Hebrew] (October 19, 1993) (ISA-PMO-Coordination-000vs1b). Some major Arab cities and regions are not prioritized in the list. [↑](#footnote-ref-29)
30. See, for example, letter from Yossi Rousso, Head of the Coordination Division of the Office of the Prime Minister, to the Director General of the Office of the Prime Minister [in Hebrew] (April 5, 1995) (ISA-PMO-Coordination-000vs1b). In this letter, Rousso proposes the classification of Sakhnin, an Arab town, [הוספתי—העורך] as a Class National Priority Area A rather than Class B.

[יובל – להפנות גם לעמודים 58-59 באותו התיק (אזורי עדיפות לאומת כרך א – ולחפש שם בבקשה אם יש עוד כמה כאלה ] [↑](#footnote-ref-30)
31. נספח ב' להחלטה. עמוד 76-77 לתיק <https://www.archives.gov.il/archives/Archive/0b07170680036a76/File/0b07170680eb1eda> [↑](#footnote-ref-31)
32. נספח ב סעיף 6 להחלטה עמ 77 לתיק לעיל [↑](#footnote-ref-32)
33. ה"ש 44 במסמך שלך. ס ו להחלטה 3292. כמו כן, להפנות לפסקאות הרלוונטיות במאמר שלי על שילוב היררכי בשנות ה50-60 – החלק שעוסק בדרוזים והעדפתם לטובה. [↑](#footnote-ref-33)
34. סכיפים רלוונטיים בהחלטה . תרגום לקוח מועדת המעקב, קורדוזו פסקה 4 [↑](#footnote-ref-34)
35. סכיפים רלוונטיים בהחלטה . תרגום לקוח מועדת המעקב, קורדוזו פסקה 4 [↑](#footnote-ref-35)
36. סעיף רלוונטי בהחלטה (נדמה לי ב.1) [↑](#footnote-ref-36)
37. פס 19 לפסק דין ועדת המעקב [↑](#footnote-ref-37)
38. פסקה 6 לפסק הדין [↑](#footnote-ref-38)
39. להפנות לפסק הדין באון גנרי. [↑](#footnote-ref-39)
40. HCJ 11163/03 Supreme Monitoring Committee for Arab Affairs in Israel and others v. Prime Minister of Israel, para. 24-26 President A. Barak [↑](#footnote-ref-40)
41. Para. 14-17 Vice-President Emeritus M. Cheshin [↑](#footnote-ref-41)
42. Para. 40-42 Vice-President Emeritus M. Cheshin [↑](#footnote-ref-42)
43. ברק פס 14 [↑](#footnote-ref-43)
44. ברק פסקה 16 [↑](#footnote-ref-44)
45. ברק פס 17 [↑](#footnote-ref-45)
46. ברק פס 17 [↑](#footnote-ref-46)
47. ברק פס 18 [↑](#footnote-ref-47)
48. ברק פס 19 [↑](#footnote-ref-48)
49. חשין פס 62 [↑](#footnote-ref-49)
50. Para. 26-27 President A. Barak; HCJ 2313/95 Contact Linsen (Israel) Ltd v. Minister of Health [↑](#footnote-ref-50)
51. Para. 28 President A. Barak; Yigal Mersel, *Suspending a Declaration of Voidance*, 9 Mishpat uMimshal (2006) 39. [↑](#footnote-ref-51)
52. הפנייה לדוח צנובר [↑](#footnote-ref-52)
53. עמ 112 בדו צנובר [↑](#footnote-ref-53)
54. עמ 112-113 [↑](#footnote-ref-54)
55. 113 [↑](#footnote-ref-55)
56. להפנות לשם המלא של חוק התייעלות כלכלית באנגלית – לבדוק איך אחרים תרגמו אותו [↑](#footnote-ref-56)
57. ס 150 לחוק [↑](#footnote-ref-57)
58. ס 151 לאזכר [↑](#footnote-ref-58)
59. לתרגם ולהעתיק סעיף 2 של ההחלטה הזו <https://www.gov.il/he/Departments/policies/2009_des1060>

ולכתוב: לדוגמא [↑](#footnote-ref-59)
60. ס 12 בהחלטה 1060 [↑](#footnote-ref-60)
61. להפנות לסעיפים הרלוונטיים בהחלטות השונות 2012 ו2018 [↑](#footnote-ref-61)
62. להפנות לסעיפים רלוונטיים בהחלטות מ2012 ו2018 ואם יש עוד אז עוד שעוסקים באזוריות ובהסתמכות על מדד הפריפריאליות והמדד הסוציואקונומי. [↑](#footnote-ref-62)
63. להפנות למאמר של סיגל נגר רון על האינדקסים האלה, נדמה לי באנגלית [↑](#footnote-ref-63)
64. לתרגם מהחלטה 1060, סעיף 4: https://www.gov.il/he/Departments/policies/2009\_des1060 " " במפה נכללות נפות בעלות אחוז גבוה ביותר של אוכלוסיה שאינה יהודית שהיא אוכלוסיה חלשה. 56.6% מאוכלוסיית מחוז הצפון אינה יהודית, ובנפת באר-שבע 36.6% מהאוכלוסייה אינה יהודית, זאת לעומת שיעורם בכלל האוכלוסייה העומד על 24.5%. יצוין כי במרבית הנפות שאינן נכללות במפה שיעורי הלא-יהודים נמוכים יותר. לדוגמא: בנפת אשקלון שיעורם 8%, בנפת רמלה 14.5% ובנפת חיפה 18.37%. להפנות גם להערות שוליים רלוונטיות במסמך של יובל 129 [↑](#footnote-ref-64)
65. להפנות לחלק הרלוונטי בהחלטה סעיף 7 - https://www.gov.il/he/Departments/policies/dec3738\_2018 [↑](#footnote-ref-65)
66. להפנות לעתירה [↑](#footnote-ref-66)
67. להפנות לחלקים הרלוונטים בעתירה, עמ 12 ולתרגום המפה נא להפנות לכאן: https://www.adalah.org/en/content/view/10079 [↑](#footnote-ref-67)
68. להפנות לעמוד 2 בתגובה [↑](#footnote-ref-68)