



**Planning under occupation: Counter planning**

**at C zones in the**

**West Bank**

**Master Thesis**

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## Chapter One: Research approach

It is impossible to conceive a city in abstraction from the space which surrounds it. In any country, the spatial distribution is a result of many interrelating aspects, urban planning is not disconnected from the geo-political, social, political and building of a nation, politics and conflicts should be seriously put into consideration through any process of planning or organizing a space.

Planning experience in Palestine is a unique one due to the fact that it was dominated by outsider parties and not by indigenous concerned ones, as a result of the several successive ruling powers which inherited Palestine one after another, each power was working on fulfilling its own interests. That's why planning has a more direct impact on the quality of the lives of Palestinians than it does to any other population.(Abdelhamid, 2006)(Coon, 1992).

### 1.1 Preface and Background

The West Bank has been under many ruling periods throughout the past century, this has its evident impact on the prevalent planning policies. The Ottoman rule was a key era in terms of C zone situation, specially the period from the year 1850 to the year 1917 in which the Land Code was firstly activated and helped later significantly in land ownership changes in the West Bank. Starting from 1917 and until 1948 Palestine was ruled by British mandate which kept using the Ottoman land code and facilitated the Jewish immigration into Palestine. The Jordanian ruling period of the West Bank took place after the 1948 occupation of Palestine, and this period ended with the occupation of the rest of Palestine ( West Bank and Gaza strip), that's when West Bank fill under the Israeli occupation rule and planning was used as a tool to tighten control over the Palestinian.

With the formation of the Palestinian authority in 1994 as a result of Oslo Peace Agreement, the Israeli forces withdrew from Gaza Strip and parts of the West Bank, and recognized a Palestinian right of self-governance within some areas. The West Bank was then divided into 3 zones, A, B, C, where A zones: full Palestinian civil and security control, B zones: full Palestinian civil control and joint Israeli-Palestinian security control, C zones: full Israeli control over security, planning, land administration, and construction, most of the West Bank area was classified as C zones (60% of the West Bank area)

Most of the C zone has been designated for military uses and for the expansion of the Israeli settlements and by-pass roads, such situation causes severe urban fragmentation for Palestinian communities, limitations on urban expansion of most of the Palestinian communities adjacent to areas classified as C zones, and prevent any attempt to create unifying planning system by setting various challenges in front of the Palestinian planning institutions and hinders the possibility of providing and implementing physical planning.

For a long while, planning in C zone was a restricted field, because Israel perceives this area as their own, while the Palestinians think that establishing a Palestinian state will be impossible without it. Several initiatives to plan in zone C were presented recently, they were prepared by different bodies, this research is addressing these initiatives, some of them were prepared under the Israeli Civil administration supervision, others were conducted by Palestinian agencies.

“Counter planning” as a term was used in this study to describe the act of elaborating plans by the local community to reverse the effects of the prevailing planning procedures which are imposed by the main-stream planning institutions, and set a developmental approach to urban planning that aims at providing basic standards of living to the Indigenous population. The recent attempts to plan in C zone are put under microscope in an attempt to diagnose them from the “counter planning” perspective

The case study analysis was employed in this research, orthophotos, GIS maps, documents were used. Of the many obstacles that were faced during the research process, there was the lack of information, the planning experience in zone C is still not mature enough, and surrounded by a lot of ambiguity from the involved institutions, particularly in terms of the motives and objectives of such initiatives.

The case studies that were included in this dissertation are examples chosen upon their particularity, an existing community (Fasayel) which was implied in this research since it passed through several planning attempts, a transfer community (an Nuima), and a proposed community (MadinatAlqamar) these two examples were selected because of what is alleged to be a campaign to relocate Bedouins in Jericho district.

## 1.2 Research Statement:

C zones remained without real planning for more than 30 years, the recent initiatives to plan there were presented by donor countries and agencies, and are being performed by several entities, some are Israeli others are Palestinian, therefore it is worth to ask: do the Palestinian attempts really aim at challenging the Israeli procedures in zone C? can they be considered counter planning? are Israeli attempts to plan in the zone aiming at improving Palestinians lives, or they are just a way to restrict development in the Palestinian communities and gain time in the negotiations with the Palestinians?

## 1.3 Research Objectives

The main objective of this study is to shed light on the recent planning activities in C zone in order to contribute to the general awareness of their goals and motives. Therefore, The study aims to achieve the following objectives:

- Highlighting the historical sequence which yielded the prevalent classification of land in the West Bank.
- Examining the planning attempts in the C zone , and to what extent these initiatives serve the Palestinians' interests and aspirations.

To achieve the above the study followed an analytic strategy covered detailed areas within C zone as representative example for planning in C zone.

#### 1.4 Research question:

To achieve the objectives mentioned above , the following main question is raised:

***To what extent can the recent initiatives to plan in C zone be considered counter planning attempts ?***

#### 1.5 Methodology

The study is adopting an inductive research approach in order to answer the research questions and achieve the anticipated goals.

In this research, the literature review was conducted to explore the related issues. Semi structured interviews, documents, maps and orthophoto analysis were used to understand and explain the situation in the case study. Then the data were interrelated and analyzed to come up with the results of this study.

Research methodology is based on the following:

Data Collection: which is based on primary and secondary data. Secondary data is developed through reviewing of relevant academic literatures from reports, books, articles and publications addressing the planning at C zones topic, which formed a theoretical base for this thesis. In

addition, relevant documents about the planning process in C zone, and the spatial data such as maps helped in giving explanations for the theoretical part. While primary data is gathered from key informant interviews such as planning practitioner in the relevant planning institutions. These interviews took the viewpoint of the planning institutions about their motives and mechanism of planning in C zone.

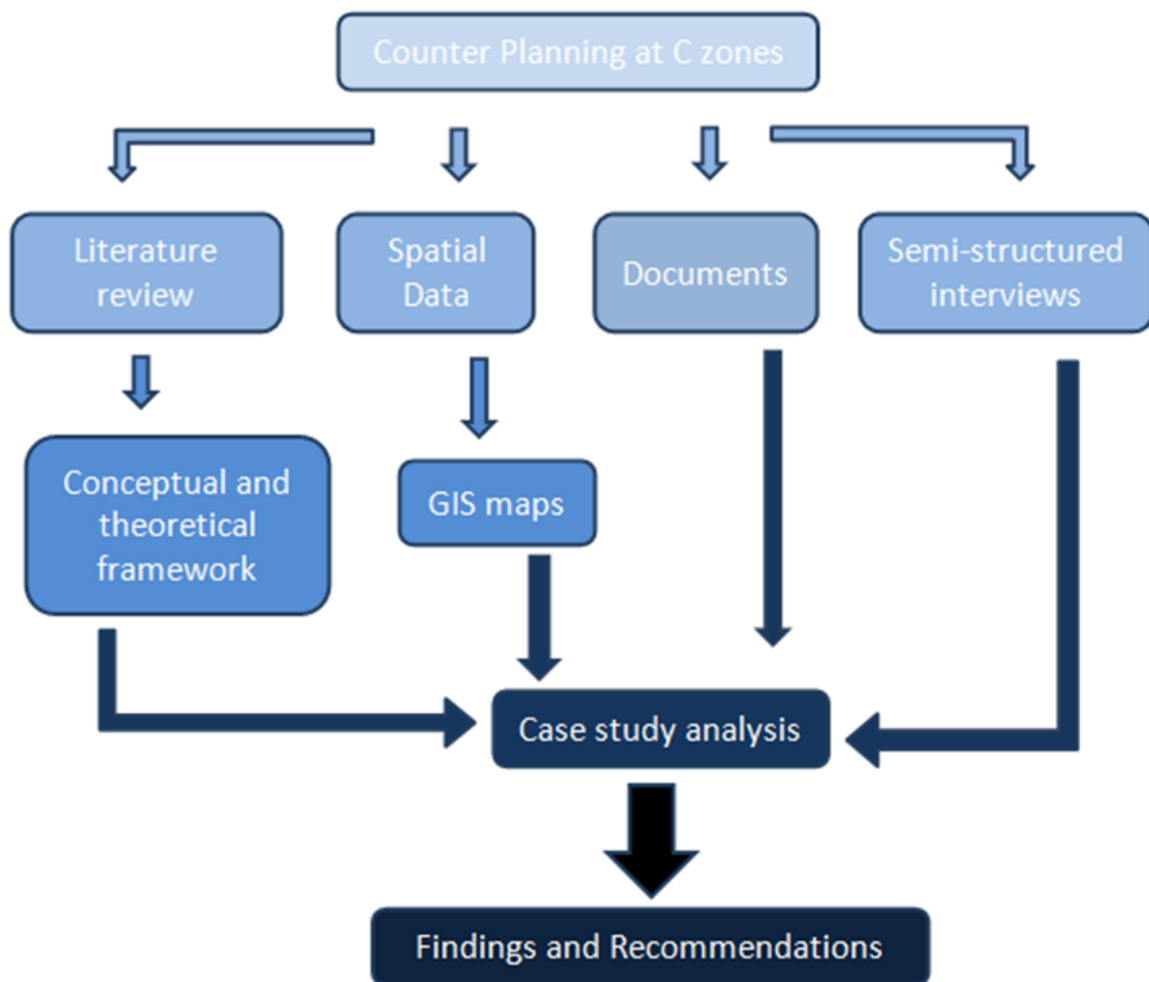
The Interviews is a data source that gives insider experience, new information that may be neglected on books as some valuable details or even to get more precise data related to the study site, interviews were conducted to support the researcher assumptions and point of view, and to give an explanations for the findings.

Data Analysis: The relevant collected data, is examined in an attempt to find a pattern or an explanation of a certain phenomenon . The case study analysis will be employed in this study, case studies analysis approach is preferred strategy when the study is about a contemporary phenomenon within a real life context. A case study is a method of studying phenomena through the analysis of a specific situation which provides an opportunity for the intensive analysis of many specific details. Case studies assist the researchers in forming practical event by examining current fact or phenomena in reality (Yin, 2003).

Certain cases of locations in C zone will be reviewed in terms of the Palestinian planning attempts there in order to figure out whether there is a counter planning there or not, and develop a scenario of the best mechanism to conduct proper planning at C zones. The reasons behind choosing these cases in particular is that these cases can give a clear idea of the planning and counter planning in C zone as they:

All the cases are for Locations in C zone that were subjected to a planning process by Palestinian institutions.

- ▶ All the cases have some kind of uniqueness regarding the planning process, the first one "Fasayel" was planned by two different Palestinian institutions using two different approaches, the second case of "Nuima" is a new proposed community that was planned completely from scratch on a vacant land in C zone, which is not very familiar in that zone. And Madiantalqamar is a new neighborhood planned by Palestinians of which a considerable area is in zone C, According to 'Maariv' part of its Palestinian residents will be Bedouin who are living today on the "state land of Israel" in Jericho district. The project was repetitively addressed by ICA while planning Nuima, and Assia was asked to plan for a joining road between them (Assia archive).



### 1.5.1 literature review:

The relationship between planning and power is fundamental in this study, realizing this link reveals to what extent the planning can be shaped and used to serve political ambitions, and to what extent the planning reflects power.

In the first section of this chapter terms regarding Power, Politics and planning and counter planning are reviewed, and since planning and politics react in many ways, this relationship was addressed in its different aspects, and eventually, ancient and recent examples of the inevitable connection between planning and power were exhibited.

The other section, addresses the historical review in terms of the ruling periods in Palestine, and the impact that each period left on the fragmentation of the West Bank, and lately the effect on planning in the C zone.

### **1.5.2 Spatial data :**

GIS maps and orthophotos were used in order to understand the spatial configuration and relationships of the targeted communities within the study area .

### **1.5.3 Documents :**

The documents used are unpublished reports, minutes of meetings, and plans.

### **1.5.4 Semi-Structured Interviews:**

These interviews took the viewpoint of the planning practitioners about their experience in planning at C zone:

- Basel Qutieneh from International peace and corporation center which prepared a plan for Fasayel .
- Inasabushilbaya from ASSIA which prepared a plan for Fasayel, and An nuima.



- MajdiShawer an engineer in the Amaar group one of the subsidiaries of Palestinain investment fund, which is managing MadinatAlqamar.

The interviews discussed the approach of planning, the sponsors of the initiatives, the motives and objectives

### Structure of the study:

This study is divided into five main chapters as follows:

The first chapter is the research approach, an introductory chapter to the whole work that describe, research statement, goals and objectives, research questions, in addition to the research methodology.

The second chapter is the literature review, in which main concepts of planning and power will be addressed, in addition to the relationship between planning and politics and case studies of how planning can be practiced in the face of power.

The third chapter is concerned about the study site which is C zones in the west bank, in terms of providing a background of the study area; a historical review, the current political, demographical and socio-economic situation and the valid planning policies in the area in an attempt to diagnose the problem.

The fourth chapter will be for the analysis and discussion; a case-study method will be used, where a selected site in C zone will be addressed by conducting an analysis of the proposed plans of the area depending on the theoretical frame work discussed in chapter two.

The fifth chapter discusses the findings of the analysis and provides recommendations for the future planning in the area.

## **2. Chapter Two: Literature Review**

### **2.1 Introduction**

It is not possible to perceive a community in abstraction from the space which surrounds it, the spatial distribution is a result of many interrelating aspects; and since urban planning is not disconnected from the geo-political, social, and economic situation of a community, politics and conflicts should be widely put into consideration through any attempt to analyze or conceive a space. The relationship between planning and power is fundamental in this study, realizing this link reveals to what extent the planning can be shaped and used to serve political ambitions, and to what extent the planning reflects power.

### **2.2 Power, Politics and urban planning:**

Classical planning theories tend to identify the act of planning as a technical tool used by planners to guide decision makers. However, many of the contemporary theorists (who have considerable experience in planning practice in public agencies) such as John Forester argue for the significance of looking at planning from a political perspective. In his opening statement in his book “Planning in the Face of Power” Forester states;

*“In a world of intensely conflicting interests and great inequalities of status and resources, planning in the face of power is at once a daily necessity and constant ethical challenge”(Forester, 1989, p. 3)*

Such arguments are considered valid in our communities today considering that capitalist societies continue to create a difference between those who have power (status, money) and those who lack it (the poor, the minorities, the marginalized) (Forester, 1989). Therefore, in order for planning to achieve its main objectives of social equity, prosperity, and the social

welfare, planners are challenged to understand the planning systems including the relations of power they are working within;

*"If planners ignore those in power; they assure their own powerlessness(Forester, 1989, p. 27)*

*"Not understanding the degree to which a situation is politicized may cause a person either to use power and influence when it is unnecessary and thereby violate behavioral norms as well as waste resources, or underestimate the extent to which power needs to be employed, and fail in the task of implementation (Pfeffer, 1992)*

*"Politics is definitely a force in decision making process on planning issues".(Anani, 2011)*

In his article "The Art of Planning and Politics": (Richard H. Carson 2002) stresses the idea that planners who don't know or practice politics will fail, he argued that: *"Planning is about policy making, politics and power. How can we achieve anything if we do not want to know the rules of the game? We go around telling people that our truth will set them free, but we are clueless about the political reality needed to achieve it. In any culture there are ways to achieve cultural change, but you must understand the local rules before you can achieve anything. (Carson, 2002)*

Urban planning takes many forms. There is social planning, the planning of transportation, economic development planning, the detailed physical planning of residential, commercial and industrial districts, education planning and more. It is important to remember, however, that all of these aspects of community development take place within a broader context.(Forester, 1989).

*"Politics has become an inevitable question for planning theorists, as planners work in a multi power environment a context of different interests" (Flyvbjerg, 1996).*The main players in the planning process tend to have contradictory views on what a city should be and how to get it built, which lead to conflict. *"Political astuteness was, and continues to be, a predominant characteristic of the field's pioneers and a prerequisite for achieving change" (Carson, 2002).*Still, one does not have to be a politician to be a planner, but must understand the local rules before achieving.

planning and politics react in many ways, one is politics within the same unit, political and administrative system affecting planning institutions, another way is the conflict; contradictory powers competing to impose control and power under the pretext of upgrading social and economic situation, *“every study of planning in action is in a sense a study of conflict, and planning itself has been described as a process of mediating conflict”*. (Coon, 1992)

On the other hand, (Forester, 1989) addresses the relationship between planning and power from a different perspective, he argues that planners work in a complicated environment, and face many conflicts, as they act within a context with different groups and different interests, therefore planners must have the ability to understand the political dimensions in a society and manage to deal with them, and reconcile between the inconsistent groups, for example, democratically elected politicians and capitalist economists may clash when public interests contradicts with private profit, or public participation and bureaucratic organizations which are threatened by that participation (Forester, 1989)

From the political perspective of planning, planning in all its forms is- and has always been- one of the most influential tools used by politicians or colonizing powers to control and gain power, it also served as the basis for a legal tool. *“Urbanism in the colonial context should thus be viewed among the practices that make up the colonial discourse”*(Çelik, 1997, p. 6).

Planning researchers tend to use a new term to distinguish the actual planning being applied on the ground from the utopian planning being promoted on books and researches, this term is “dark side of planning”. It is defined as what planners apply on the ground which often *contradicts the common standards of democracy, efficiency, and equity and planning ethics*”. (Flyvbjerg, 1996). similarly (Yiftachel, 1995) set the term "dark side of modernism" which is addressing how planning is used to dominate and oppress minorities (or even majorities as in the case of South Africa).

One of the remarkable examples of the inevitable connection between planning and power was Georges-Eugène Haussmann's experience in the renovation of Paris, which empowered Louis-Napoléon Bonaparte the emperor of France back then to suppress any resistance. Under the pretext of improving social and sanitary conditions, this step was aiming for more effectual military control of the Paris, in a time when Napoleon was anticipating revolution and opposition. (Pinkney, 1957)

Another example was during the French colonial occupation of Algeria in the past decade, Zeynep Celik took a detailed look at Algiers as the site of colonial policies, these policies were based on an understanding that architecture and urban forms were key players in forming the life of the indigenous. Haussmann's ideas here were applied; a new spatial organization was imposed to the locals to control their lives, movement, culture, and way of thinking in order to guarantee the continuation of the French colonizing rule. (Çelik, 1997).

More recent example of the ramifications of power on the spatial organization, is the apartheid era in South Africa in the last century; racism, which was still predominant back then, was a key factor in shaping the space, the idea of separate developments dominated in South Africa after 1948, policies and laws were enacted to serve this ideology, which restrict the residence of colored natives in specific areas on the outskirts of white urban areas and away from the economic opportunities, and even plan for separated educational services and other amenities. These racially based residential areas were separated spatially with borders such as railroad lines, roads, or open space corridors. The ruling power in South Africa justified its racial segregating measures with the pretext of "eliminating the conflict between different races". Eventually this yielded in creating separate 'states', for each of the major ethnic groups, in order to isolate the blacks from 'white' South Africa. (McCusker & Ramudzuli, 2007).

One of the main tools that were widely used in the apartheid time in South Africa for the purpose of reorganizing the space is the "betterment planning", which is a model for planning housing

development for the “blacks” in agricultural reserves, these areas were designated for sheltering and laboring the black population who were transferred from areas allocated for “whites” . These planned communities were parcelated into small lots; each one is for a house and a small agricultural land. The announced objective of this kind of planning is organizing and controlling the usage of arable land, but it soon generated slums with high density and served for intensifying black people in certain areas separated from whites (McCusker & Ramudzuli, 2007).

In respect to our context, through discriminatory zoning policies, and unreasonable planning system, Israel was able to restrict Palestinians development and set limitations on their expansion and leave their communities with no real planning, leading to a situation where vast areas are empty and unoccupied, this gave Israel later the pretext to confiscate it for public use (Thawaba, 2011). Yazid Anani an assistant professor at the Department of Architecture and Master Program in Planning and Landscape Architecture in Birzeit university thinks that: "*can you have planning without sovereignty and full power over space*" is an essential question in our Palestinian context; *he also thinks that planning in our context should “deal with all the constraints and make the best situation out of them”*. and that it is essential to decide whether Palestinian planners should accept the facts on the ground and react to them or use planning as a tool for resistance. Anani also argues that producing an argument is the way things change in the Palestinian context, in other words Palestinians should plan in Zone C; and then use those document and plans for negotiation. (Anani, 2011)

What really draws attention in the attempts to politicize planning, is that those who have power endeavor to change the behavior and way of living and perceiving things of those who lack power, through changing the built environment, that was evident in the case of French colonization of Algeria, planning was used to eliminate all the relationships between the indigenous and any space that carries history; which can recall memories and stay as evidence on colonization, and imposed a new style of life on the Algerians through planning for them. Again

the South Africa Apartheid regime adopted the same conception by relocating black people away from their spaces to new planned distant districts away from their culture and history (Kay, 2007)(Çelik, 1997).

### **2.3 Planning and counter planning:**

(Fainstein & Fainstein, 1994)define planning as a future-oriented, public decision making directed toward attaining specific goals, while(Levy, 2009) thinks that real planning should take into account the needs of the local population, and organize their space according to their priorities.

In the same context (Kay, 2007) argues that urban planning isa key player in the formation of spatial policies that will promote integration, equality, and opportunity within a society's and its built environment, but in some cases planning measures don't achieve these goals due to an outer power.

Through history, Colonialism aimed at restructuring the nature of the society, Europeancolonialism for example was interested in the development of the European societies in the colonized state, more than it was with development of native ethnic groups, in fact the natives were perceived by the European colonialism as ignorant who can't handle to manage their own life, and need help and guidance (Kay, 2007).

Moreover, planning theorists (Fainstein&Fainstein, 1994) find that planning decisions are unavoidably political, and they react in many ways, they argue that the democratic planning is a participatory process which involves the people, on the contrary of the traditional planning which is a top-down process that imposes the planners' vision on the people and deals with a more a physical rather than a social approach .

Accordingly, in order to counter the top-down approach which is almost always imposed by the occupant power, and in order to apply democratic planning, authorities need to take public participation into consideration, and try to implement the social aspect in the process.

Theories define counter plans as plans that are prepared by the local community to confront the plans of main-stream planning authority that do not serve the local community needs and objectives(Qurt, 2013)

To conclude, counter planning should be about highlighting the current planning procedures, which are politicized and aim at meeting the prevailing power's goals and mostly don't fulfill the Indigenous population needs, and then make attempts to reverse the effects of it and set a developmental approach to urban planning that aims at providing basic standards of living to the Indigenous population.

### **2.3 Historical review:**

In the next section the authorities which ruled Palestine will be reviewed to shed the light on the impact of each period on the current situation of the occupied territories.

#### **Ruling powers in Palestine:**

Through the last century different mandates and entities ruled Palestine; each has its impact on geopolitical situation in Palestine; the land ownership, and definitely on the planning policies: either directly or indirectly. These authorities are: The Ottoman Empire who ruled Palestine and other countries from the sixteenth century until 1917 when World War I took place and ended with driving Ottomans from much of the region by the British Empire. Since 1917 to 1948 Palestine was under the British mandate, during this period the Zionist movement took full advantage of the British commitment to establishing the "Jewish national home" in Palestine, and ended with the occupation of 78 % of the area of Palestine in 1948 and the declaration of the state of Israel on it, while the West Bank and Gaza strip were annexed to Jordan and Egypt; Jordan ruled the territories on the western side of the Jordan river which are called the West Bank until 1967 war when it was occupied by Israel. As a result of 1967 war, Israel put hands on Gaza, the



West Bank, Sinai and the Golan Heights. Consequently, Israel took control over those areas and began to exercise authority; therefore Israel was considered a belligerent occupant of these territories under the international law<sup>1</sup>.

In 1994, Oslo agreement was signed giving the Palestinian Authority sovereignty on some fragmented islands in Palestine called A and B zones , while the majority of the West Bank remained under the Israeli control and were called C zones .

The impact of each one of the mentioned ruling powers on land ownership, planning system and territorial transformations can be summarized in the following:

***The Ottoman Period (1850-1917):***

*“In order to establish Jewish autonomy – or to be more exact, a Jewish state in Palestine – it is first of all essential that all the land of Palestine, or at least most of it, be the property of the Jewish people”<sup>2</sup>*

Land ownership issue is fundamental when analyzing the planning situation in C zones<sup>3</sup>;all the efforts of the Jewish state were pointed towards owning the land of Palestine, where old laws which stemmed back to the ottoman period, were used to serve the purpose of land expropriation, since the policy of the occupation authorities implies that Palestinian development must take place only on Palestinian privately owned lands, and by confiscating land and transferring it to the Jews property, Israel can prohibit any Palestinian development using what they call "legal" pretext.(Abdelhamid, 2006)(Bimkom, 2008)(Dajani, 2005).

Consequently, the first era to review is the Ottoman period, especially from the year 1850 to the year 1917 which is considered the most influential years of the Ottoman ruling period in Palestine in terms of territorial changes and planning legislations .

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<sup>1</sup>Hague IV and Geneva Conventions are considered the most important official agreements that addresses the organization of warfare, armed conflict and war crimes in international law, and applicable to the case of the Israeli occupation of Palestine.

<sup>2</sup>MenachemUssishkin, early Zionist leader, quoted from "Ruling Palestine" Book (Dajani, 2005)

<sup>3</sup>C zones are territories that constitute 60% of the West Bank area, and are controlled by Israel in the civil and security affairs according to Oslo accord 1994

During the Ottoman ruling period, and for the purpose of gradually registering land to facilitate agricultural tax collection, land was divided into several categories under the Ottoman Land Code of 1856:

- "Mawat" land, land owned by the state but uncultivated or uninhabited and exists within at least 2.5 km from community outermost houses.
- "Miri" land, also owned by the state and designated for agricultural uses and exists in the area between the outermost houses of a community and the Mawat land
- "Matruka" land, which is designated for public use
- "Waqf" land, which is designated for Islamic charity uses.
- "Mahlul" land: land which the authorities have possessed back as a result of neglecting for three years, without utilization.
- "Masha" land: a land used by the village community or a group of villages.
- And finally "Mulk" land: the privately owned land which was officially in small areas due to land registration issues as will be shown later (Abdelhamid, 2006) (Khamaisi, 2006) (Waltz, et al., 2010).

The most important of these categories for the Israeli expropriation policy are two: Miri and Mawat lands and mostly Miri, of which extensive areas were declared state land. (Bimkom, 2008) (Waltz, et al., 2010).

This classification in addition to the foreigners' ownership law of 1869 (which made it legal for foreign investors to possess land in the Ottoman Empire), helped later significantly in land ownership changes in the West Bank<sup>4</sup> as will be illustrated later (Khamaisi, 2006) (Waltz, et al., 2010).

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<sup>4</sup>West Bank : is the western bank of the Jordan river, it was a part of Palestine, until the 1948 occupation war, when Israel occupied 78 % of Palestine, while the remaining lands were annexed to Jordan and Egypt; Jordan ruled the territories on the western side of the Jordan river until 1967 war when it was occupied by Israel. According to

According to this land code of the year 1858, cultivating a Miri land for 10 years with the consent of the state grants the cultivator the right of owning and registering the land, no matter what the crops being cultivated are, or what percentage of the lot area is being cultivated. This code was valid during the Ottoman, British Mandatory, and Israeli ruling periods; on the other hand, the Israeli occupation had its own interpretation of the law; where at least 50% of the lot area has to be cultivated to grant the right of ownership, or else the cultivator loses the right of ownership, this way many private Palestinian lands were declared state lands.

Moreover, in the seventies of the past decade, Israel again tamed the Ottoman period laws to serve its interests; the "Sultan land law", states that every land where human sounds from the closest settlement can't be heard is considered a land for the ruler, and in this case the ruler is Israel, this is how more 800,000 dunums were dispossessed to establish colonies.

Furthermore, Mahlul lands were the major component of state land in the Israeli period, as the owners access to their lands was denied due to alleged security reasons, and when this took place for along period, the authorities gain the right to expropriate the land, and announce it state land. On the other hand, Muslim and Christian Waqf lands were seized by Israeli government after 1948, Matruka land is public, thus it was the responsibility of the government, after 1948 it was transferred from the British mandate property to the Israel government property, while Masha' land was used for establishing cooperative villages called Kibbutzim<sup>5</sup> since this land was designated for community use. (Waltz, et al., 2010).

Moreover, another key player in the land ownership issue is the land registration; many land owners did not register their land officially during the Ottoman period or registered it the name of larger landowners, who lived outside of Palestine, in order to evade paying taxes, so by 1967,

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Oslo agreement in 1994 the West Bank was put under Palestinian authority jurisdiction, but with some power for Israel on 60% of it as will be illustrated later.

<sup>5</sup>The kibbutz (plural Kibbutzim) is a collective rural community; basically established as agricultural society and based on shared ownership of property (website)

70 % of the land in the West Bank wasn't registered and their owners failed to prove owning it (Khamaisi, 2006) (Bimkom, 2008).

On the other hand, this era witnessed the beginning of Zionist immigration and the establishment of Jewish colonies, so by the end of the Ottoman period, 88 thousand Jewish emigrants were settling in Palestine, living in major cities and fertile lands, particularly in areas where Miri land was available as Figure 1 shows (Waltz, et al., 2010).



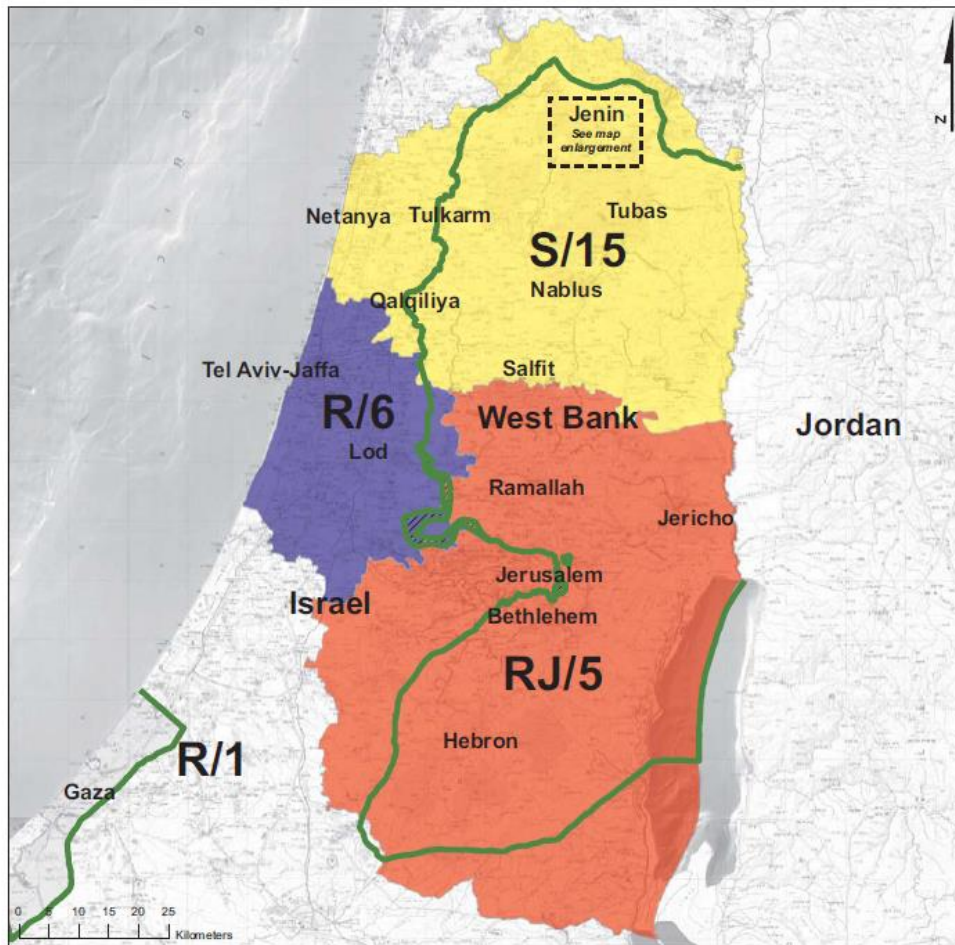
**Figure 1: Jewish Colonies in Palestine 1881-1914 (PASSIA, 2007)**

In terms of planning, There was no particular structure for town planning, and no local or regional body for comprehensive development. Nevertheless, municipal councils were formed in towns and major villages, and building permits and ordinances were set, and a system of building permits was founded in urban areas. (Abdelhamid, 2006) (Waltz, et al., 2010).

***The British Mandatory Period (1917-1948):***

Starting from 1917 Palestine was ruled by British mandate as a result of the First World War, during this period the mandate authorities facilitated the processes of purchasing the land and promoted Jewish immigration and establishing colonies. The British mandate kept using the Ottoman land code with some modifications to serve the mandatory goals, such as high taxation on land which also prompted the Palestinian landowners to refrain from registering the private land or to sell the land even for Jewish immigrants, in the meanwhile, in the year 1928 the authorities carried out land registration, and the lots or parcels which are not registered were considered state land. On the other hand huge financial resources were dedicated to purchasing land from Palestinians, and land was given to Jews as privileges from the mandate government (Khamaisi, 2006) (Waltz, et al., 2010).

In terms of planning, in the forties of the last century, the mandatory authorities prepared regional outline plans in order to have a base to rely on when giving building permits, Palestine was divided into six main districts back then, each one had its own outline plan, three of these six plans are still used by Israeli occupation, Plan RJ/5 for "Jerusalem district", Plan S/15 for the "Samaria district", and Plan R/6 for the "Lydda district". These three plans cover almost the whole area of the West Bank, very general and need detailed plans and consisted of a map and a set of regulations. (Bimkom, 2008).



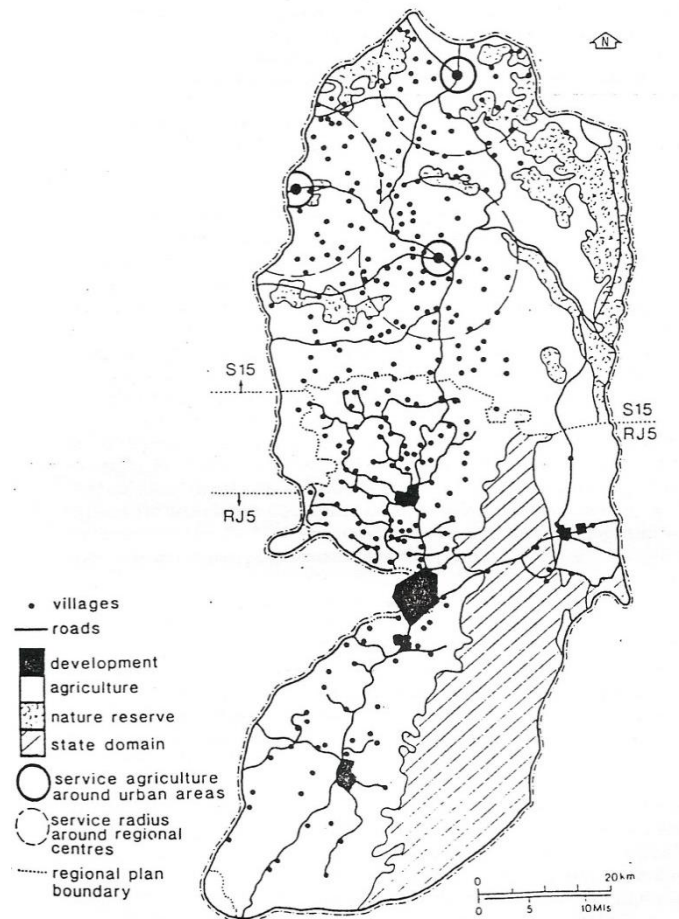
**Figure 2: The mandatory Regional Outline Plans in the West Bank (Bimkom, 2008)**

The regional outline plans designate most of their area to agriculture. Where only agricultural and agriculture-related uses are allowed, such as a house for the farmer and his family, and in certain conditions some other uses were allowed, but even then, it is prohibited to build more than one building per a lot, and since in several parts of the West Bank, the area of each lot is tens of dunums, building will be prohibited on vast areas in the West Bank. Dividing land to be able to intensify building activities was allowed in the British mandate period. (Bimkom, 2008)

Figure 2 and Figure 3 show the mandatory Regional Outline Plans in the West Bank, Plans R/J5 and S/15 nearly cover the whole area of the West Bank, they were used later in the Israeli period to reject building permits applications, under the excuse of preserving natural reserves, or preventing construction in an agricultural area, despite the fact that many Jewish colonies were

established on lands designated as agricultural lands according to these outline plans. (Waltz, et al., 2010)

These plans according to (Coon, 1992) do not serve the Palestinian needs, and provide no opportunity for development.



**Figure 3: Mandotry Regional Plans zoning**

***The Jordanian Period (1948-1967):***

When the 1948 war took place, Israel state was declared on 78 % of the land leaving the other 22% under the Jordanian and Egyptian custody Jordan ruled the West Bank, therefore during this area Palestine witnessed two ruling authorities; Israel and Jordan. What will be

addressed here is the situation in both 1948 occupied territories known as Israel, and the territories annexed to Jordan known as West Bank.

In Israel :A great turn over took place in the land ownership issue, after 1948 when the state of Israel was established and took sovereignty on 78% of Palestine's land, as well as the continued process of buying land and Judaizing it. During the first few years after the declaration of Israel state, many laws of the Ottoman and British period were still valid. These laws were later modified or replaced; nevertheless Israel had its own interpretation of these laws to serve the interests of relocating Jewish settlers on the Palestinian land. Some examples of the new laws enacted by Israeli occupation are:

- The law of land confiscation of the year 1943 which enabled the confiscation of Arab land under the pretext of using it for public purposes.
- The law of the State Property of 1951 (which states that all the state land of the British government would be transferred to the Israeli government property).
- Absentee Property law 1950 under which all the lands of the Palestinian refugees and the Islamic Waqf land will be under the control of "Custodian of Absentee Property", this law prevents selling Absentee Property, except for the Development Authority. This authority sold parts of the land to the Jewish National Fund. Even before the establishment of the Development Authority officially the government of Israel decided to sell the majority of rural land of absentee (refugees) to the Jewish National Fund(Khamaisi, 2006).

In the West Bank: The Jordanian authorities gained custody over the West Bank, and maintained the same planning system which was set up by the British Mandate without modification, prepared plans for some towns and small villages but no regional plans; as the ones prepared by the British authorities remained valid, but played only a marginal role, as most of the building in rural areas was carried out without permits.(Bimkom, 2008)(Abdelhamid, 2006).



During this period, law of 1955, was adopted for town and village planning and construction. Later, planning law of 1966 was adopted delegating Jordan with full planning authority for the West Bank. This law states that the 'regional' plans are to be set and adopted by a High Planning Council which is recommended by a Central Planning Department, while the 'outline' and 'detailed' plans are to be prepared by municipalities and village councils and adopted by the High Planning Council and District Commission, respectively(Amnesty International Website).

***The Israeli Period (1967-1994):***



**Figure 4: territories occupied by Israel in 1967 (PASSIA, 2007)**

The West Bank including East Jerusalem and Gaza strip which constitute 22% of Palestine area were captured in addition to the Sinai Peninsula and the Golan Heights by Israeli occupation forces, as a result of the six day war in 1967 as shown in Figure 4. Israeli Occupation Forces demolished house and forced Palestinians to leave the West Bank and Gaza strip to surrounding countries either directly or indirectly as a result of the aggressive procedures. (ARIJ, 2007)

According to the international law, these areas are considered 'occupied' territories and Israel should withdraw from them. Nevertheless, Israel has always stressed that it does not acknowledge this. Instead, since 1967 it has permeated intensely in these areas and established hundreds of Jewish colonies (Dajani, 2005).

In terms of land, by the year 1967, 70 % of the land couldn't be registered as Israeli Occupation froze land registration, therefore it kept its status as a Mawat or Miri land as the Ottoman code classified it, this gave Israel a new excuse to reject many applications for building permits, as the applicant can't prove that he owns the land on which the building will take place (B'Tselem Website).

Shortly after 1967 war, Israel started applying the policy of land expropriation. Hundreds of thousands of dunums of the West Bank lands were reclassified as State Land. Later these lands were declared military closed areas and Nature Reserves and later were used to colonies construction (Waltz, et al., 2010).

During this period Israel again issued laws or amended previous laws from the Ottoman or British periods, these laws are:

Security military orders: particular areas were declared as security zones and land was expropriated for security and military purposes. Most of the eastern slopes of the Jordan Valley were reclassified military areas.

Restrictions on Palestinian use: Palestinians are prohibited to take advantage of lands that existed in buffer zones that are allocated around the colonies, bypass roads and military areas.

Land confiscation for public use: According to military Orders, lands can be confiscated for public use. Nevertheless, these lands were only used to serve the public use of Jews only. These laws in addition to the previously mentioned interpretation of the ottoman laws and British outline plans were a significant player in controlling more than 60% of the area of the West Bank (Waltz, et al., 2010)

In terms of planning, Israel used the Jordanian planning law of 1966, in addition to the British Mandate regional outline plans which were mentioned earlier which were prepared for a five year term, and never took into consideration the population growth. Israel relied on these plans to prepare master plans for the Palestinian communities that only cover the built-up areas, which implies their intention of enclosing the Palestinians within controllable boundaries (ARIJ, 2008).

Spatial planning in this era, was one tool to tighten control over the Palestinian Arabs and prevent them from building, as the Israeli authorities followed a policy of reducing the areas allocated for Palestinians to build on, while raising those for colonies; consequently building permits given to the Palestinians were very few. On the other hand an organized planning system was serving colonies that were established on the 1967 occupied territories (in order to make physically impossible to withdraw from these lands), in fact the area of the colonies master plans is 9 times larger than their built up area. And while unlicensed Palestinian buildings are being demolished, the Israeli ones were given retroactive permits (Khamaisi, 2006) (Bimkom, 2008) (ARIJ, 2008) (OCHA, 2011)

Israeli Regional Plans for confiscating more land in the West Bank:

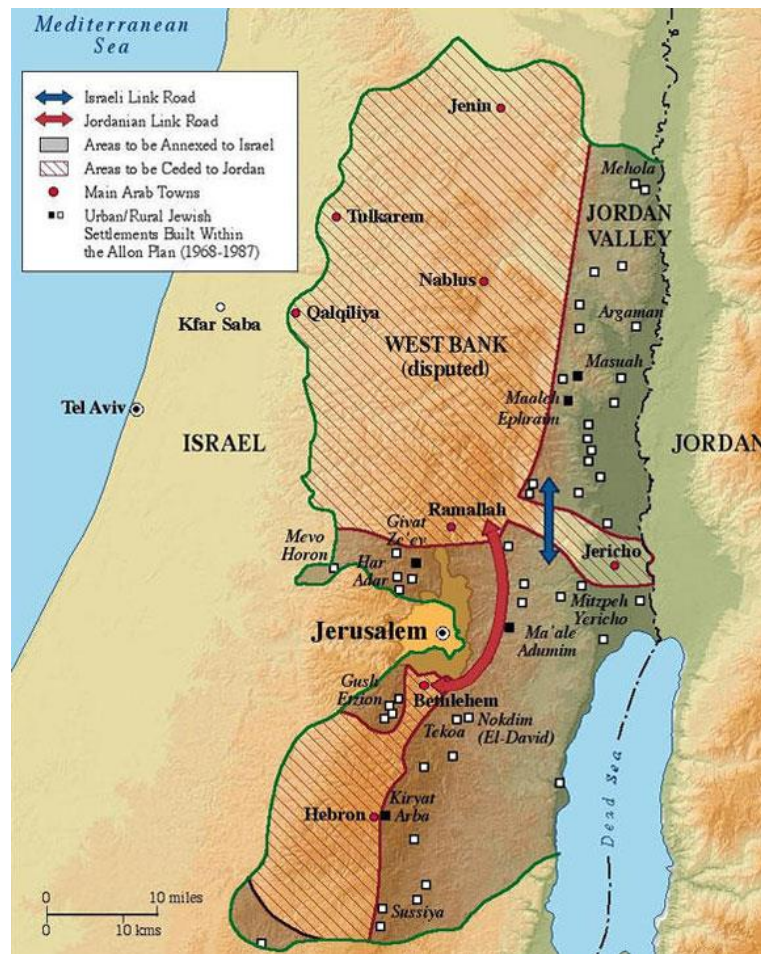
In 1948, when Israel state was founded, new local, district, and national outline plans were set, but the regional outline plans were still valid. In the beginning of the Israeli occupation of the West Bank in 1967, the outline plans which were prepared by the mandatory authorities, were also used as a base for giving building permits, nevertheless, this changed in 1977 when the Israeli's colonization interest began to rise, that's when the outline plans served as a tool to

control and limit the Palestinian development, and served as a base for issuing demolishing orders for unlicensed construction (Bimkom, 2008). For this purpose many plans were proposed for the newly occupied territories in the West Bank, this section will review them in details with maps.

Allon Plan: to Israel the conquest of the Jordan Valley was a main motive in the 1967 war. Shortly after the war of 1967 ended, a proposal for a plan to deal with the newly occupied territories was submitted to authorities by Yigal Allon the defense minister back then, this plan which is called "Allon plan" after him out of his beliefs that Israel should have defensible borders which could prevent any possible attack by the Arab armies (Steinitz, 2005). This plan was the first representation of the Israeli ambition for colonizing the Occupied Territories, it states that Jordan River is the eastern border of the state of Israel which separates it from Jordan, it divides the newly occupied territories into two zones, one zone is a security belt in the form of buffer area around Jordan river (Jordan valley), Jerusalem and most of the -so called- Judean desert along the Dead Sea, which is sparsely populated by Palestinians and supposed to remain under Israeli control in order to control the West Bank militarily, while Jerusalem supposed to remain united and under Israel sovereignty. Palestinians are to be given autonomy on the other zone which will be demilitarized, it is in the western side of the West Bank and in the form of three enclaves which encompass the major Palestinian communities and densely populated by Palestinians (see Figure 4). The Israel's government never officially approved this plan, but it has never rejected it either. Furthermore, it was a base that Israel's settlement policy relied on in the West Bank during the next decade, leading to intensifying colonies establishment in the Jordan valley and Hebron. (Figure 5) shows the West Bank as Allon planned it, and the locations of colonies within the plan.

In 1969, The Oral law was issued by the Israeli government which was an 'Unwritten Agreement' to state its general policy on colonization in the Occupied Territories, including East

Jerusalem, the Latrun area and the Gaza Strip (the Golan Heights and parts of Sinai were also mentioned)(Dajani, 2005).



**Figure 5: Allon Plan( jewish virtual library)**

In the following years, and despite the fact that Allonplann was not adopted,Israel has classifiedextensive areas of Jordan Valley as military zones and natural reserves, Following the Oslo Accords, the Jordan Valley, except for the enclave around Jericho, was classified as Area C ( PLO Negotiations affairs department, 2011).

Facts show that this is not merely due to the security importance of it, but mainly due to its economic significance, The Jordan Valley is well known for its fertile soil, water availability and a warm climate that allows the cultivation of wide range of crops, consequentlythe Jordan Valley economy relies on agriculture agriculture-related industries to a great extent.Statisticsshow that

Israel has gained millions of dollars from their investments in the agriculture in the Jordan Valley.( PLO Negotiations affairs department, 2011)

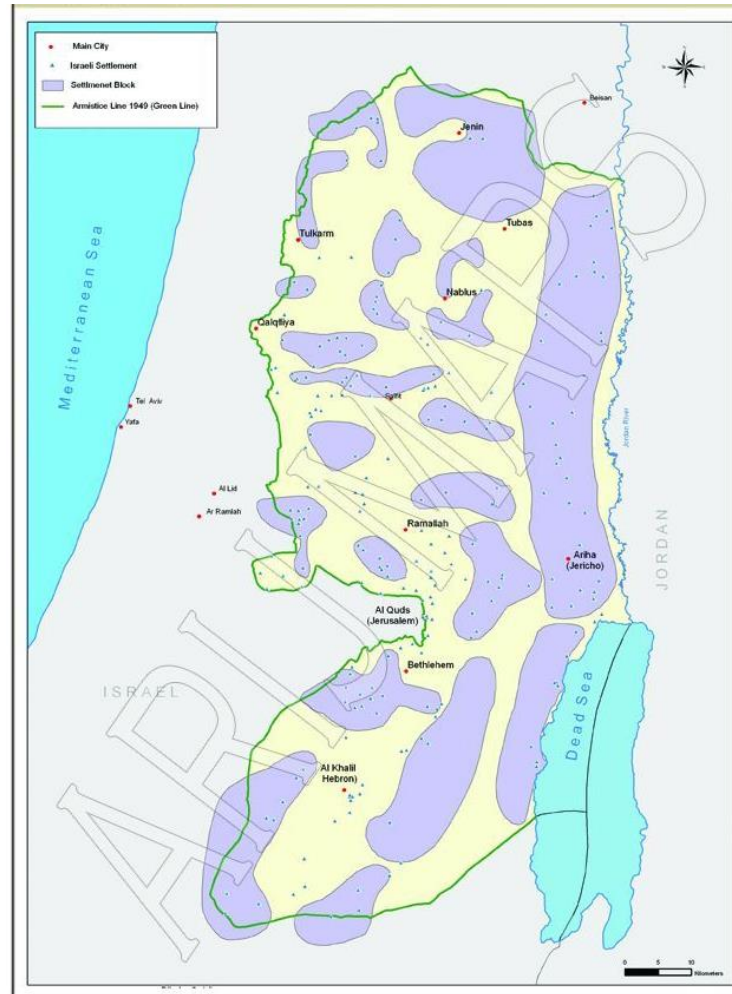
Related to this is the water issue, Jordan Valley is rich in water for the agriculture, domestic and other uses, in fact it grounds about one third of the water reserve in the West Bank, in addition to the Jordan River surface water( PLO Negotiations affairs department, 2011).

The Dayan Plan:

Moshe Dayan: the Defense Minister of Israel in the late sixties and early seventies, who perceives the West Bank as a part of the state of Israel, and not an occupied territory had his own vision in Israel's policy toward the Occupied Territories.

Dayan's vision was worded in a document in 1973 in which he made a 10-point suggestion for settlement establishment, one of the most significant recommendation was encouraging private land purchases by Jews and the colonies spread in particular areas such as Jerusalem, the southern Gaza Strip and the northern part of the West Bank(Dajani, 2005).

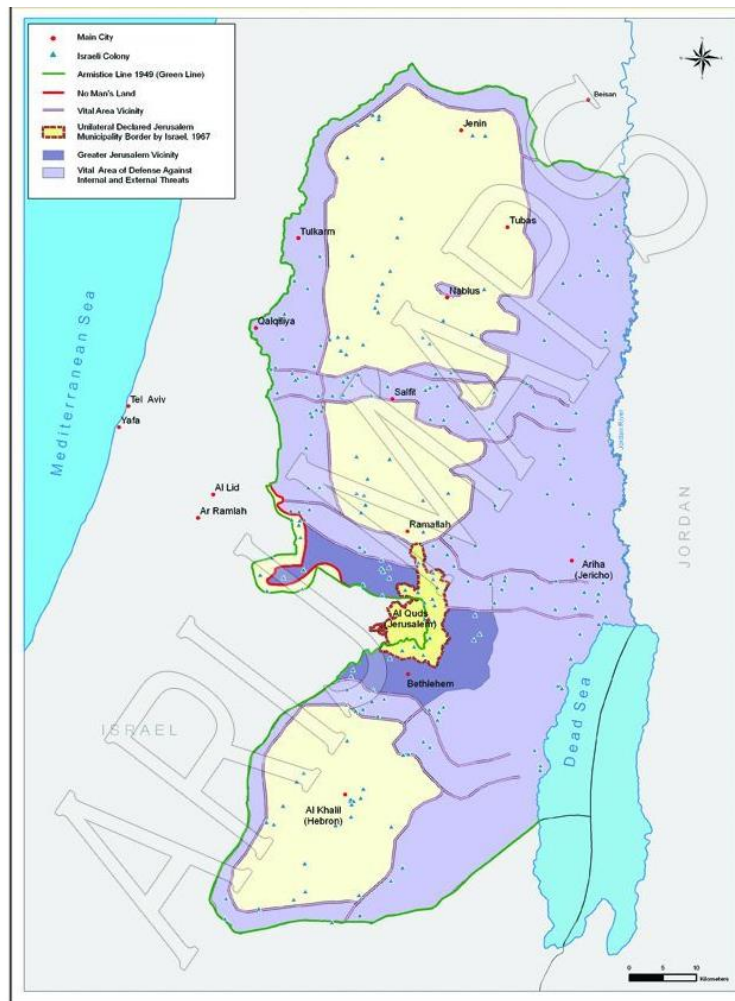
Droble's Plan: a plan named after Matityahu Droble, the head of the settlement department of the World Zionist Organization, who was in charge of proposing a plan for the colonies in the West Bank in 1978. According to this plan, the settlement activities were concentrated on the central mountain ridge around Palestinian main communities. This plan reflects a change in the settlement policy that was adopted in the previously mentioned Allon plan, as it divides the West Bank into fragmented non-continuous area, through implanting outposts along the whole West Bank; this was clearly stated by Droble, to achieve the government's goals of threatening any potential Palestinian sovereignty on the land. while in the Allon plan the division was less fragmenting and proposed continuous Sovereignty areas (see Figure 6). (ARIJ, 2007)(Foundation for Middle East Peace, 2002)



**Figure 6: Drobless Plan (ARIJ, 2007)**

Sharon Plan: This Plan was proposed in 1977 by Ariel Sharon the Minister of Agriculture back then. Unlike Allon plan this one's final target was to transfer the Palestinians and conjoin the West Bank to Israel except some major Palestinian communities, therefore it focused on intensifying colonies along the central mountain ridge as shown in Figure 7, aiming at locating two million Jews in the Occupied Territories, to constrain their expansion and fragment their Physical continuity, and generating a buffer zone between the 1948 occupied lands known as Israel and the 1967 occupied lands known as West Bank, this buffer zone is to be filled with colonies in order to secure the borders between the two areas. He proposed establishing 50 new colonies in 15 years there, and link these colonies with Jerusalem and through highways that

crosses the West Bank crosswise separating the northern part of the West Bank from the southern part (ARIJ, 2007)(Dajani, 2005).



**Figure 7: Sharon Plan**

The International Law:

Hague convention IV of 1907 and Geneva Convention of 1949 are considered the most important official agreements that addresses the organization of warfare, armed conflict and war crimes in international law, It is agreed among many states including Israel itself that the 1907's Hague convention IV is applicable to the case of Israel's occupation to the Palestinian territories, but Israel refuses to apply the Geneva Convention on the case, as it believes that the occupied territories of 1967 were taken back from occupying countries in a defensive war, however, a



resolution in 1999 was approved stating that the Israeli colonies in the West Bank do violate the Fourth Geneva Convention (Coon, 1992)(jewish virtual library website)

The convention deals with the affairs of civilians during wartime, including civilians in territory under military occupation, and the relocation by an occupying entity of its own civilians on territory under its military control (jewish virtual library website).

The International law states that every occupying authority should take the responsibility of the management of the occupied territories affairs, by forming an operative administration, which manages every aspect of their lives, not only in terms of applying law and order, but also other aspects, such as social, economic, and health affairs, as long as it is a temporary authority not a sovereignty, and respecting the prevailing laws before occupation, it also does not allow the occupant to annex any part of the occupied land to its jurisdiction, on the other hand Fourth Geneva Convention states that "the Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies." (Coon, 1992)(Foundation for Middle East Peace, 2002)(ARIJ, 2008)

According to the international law, the political process is suspended during occupation and there is no requirement of democratic participation, this has a reflection on the planning sector in terms of allowing the occupants to plan for the occupied territories from their point of view with no need to engage the occupied civilians to participate or express their opinion in what touches their daily lives, nevertheless security council resolution 465 of 1980 which addressed changing physical and demographic nature of Palestine by Israeli occupation, described all procedures taken by Israel to change the "physical character, demographic composition, institutional structure or status" of the 1967 occupied territories to be illegal, and Israel's measures to transfer parts of its population into those territories to be violating the Fourth Geneva Convention(United nations security council website)(Coon, 1992)(Foundation for Middle East Peace, 2002)

According to what was mentioned above, the Israeli occupation established the "Civil Administration"<sup>6</sup> to manage the occupied territories affairs, and this administration committed to the international law which compels it to apply the prevailing laws before occupation, which are in our case the Jordanian laws which were valid in 1967, which used the Ottoman and British mandate provisions (Coon, 1992).

### Planning Institutions

The Civil administration:

In 1981 Israel established a body to be responsible for administrative, legislative, and managerial affairs of the 1967 occupied territories, this body is called "Civil Administration" which was the substitute of the High Planning council that was formed according to the Jordanian law of 1966, according to Israel Military Order No. 947 : "*The Civilian Administration will administer the civilian affairs in the region,...., for the well-being and good of the population and in order to supply and implement the public services, and taking into consideration the need to maintain an orderly administration and public order in the region*" (Israel Law Resource Center, 2007). This so called civil administration was in charge of the whole area of the West Bank before 1994 when the Palestinian Authority was formed, that's when the West Bank was classified into 3 categories A, B, and C, one of them stayed under the authority of the Civil administration and that is zone C as was mentioned earlier.

In the late seventies and early eighties of the past century the Israeli government prepared outline plans for about 180 Palestinian communities using outside Israeli planners, none of them was approved (Bimkom, 2008), later, between 1980 and 1987 the Civil administration decided to prepare the outline plans by its own staff, and since then the outline plans were being prepared

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<sup>6</sup>The Civil administration is the body that Israeli occupation created to replace the higher planning council that was created according to the Jordanian law number 79 of the year 1966 to manage the planning affairs in the West Bank.

and approved by the Civil Administration, all the plans were prepared with little intervention of the local residents of the planned villages (Bimkom, 2008).

the claimed purpose for preparing these plans was to find a mechanism to allow Palestinian residents to build legally without the fear of demolition, but what it really did is limiting the area within the plan borders to the existing built up area, without allowing for further expansion and helped later in setting borders for the known administrative classification of lands into A, B, and C zones (Waltz, et al., 2010) (Bimkom, 2008).

the process of preparing and approving outline plans reached its peak in the few years before signing the Oslo agreement, when about 400 outline plans were approved, and curtailed in the period between 1994-2004 where no plans were approved, but in the year 2005 where the Civil Administration regained its interest in planning for Palestinian communities in zone C (Bimkom, 2008) (ARIJ, 2008)

***The Palestinian Authority Period (Since 1994 - present):***

***Oslo agreement:*** The Palestinian authority was formed in 1994, when Oslo interim agreement was signed and the West Bank was divided into 3 zones, A, B, C, where A zones : full Palestinian civil and security control, B zones : full Palestinian civil control and joint Israeli-Palestinian security control, C zones : full Israeli control over security, planning, land administration, and construction, most of the West Bank area was classified as C zones (60% of the West Bank area) as they believe that "what we plan is ours", as was previously illustrated.

the fragmentation of the west bank didn't start in 1994 as a result of Oslo agreement, but rather, it was a result of a continuous process which dates back to the year 1967, when the West Bank and Gaza strip were occupied, and accelerated after signing the agreement (Groag, 2003)

Having a look at the previously mentioned proposed plans of Allon, Dayan, Drobless, and Sharon, and comparing them to the Oslo agreement map shown in figure 6, one can easily find a

resemblance, and be sure that these proposals came out of systematic policy and were a preamble to what will soon become a fact on the ground.

C zone are lands where colonies are spread extensively, where bypass highways which connects Israeli colonies in addition to the main roads that connects Palestinian settlements are, and where rural lands are widespread, but that's not what distinguishes it the most, but the fact that it is a continuous and not fragmented like zones A and B (Bimkom, 2008).

The fragmentation of powers between two authorities in the West Bank hinders comprehensive and regional planning for the Palestinian communities, in several locations in the West Bank Palestinian communities in zones A or B are surrounded by C, what means the Palestinians don't have the authority to establish a new road that connects this location to other Palestinian communities, while The Civil Administration has prepared plans for roads, gas stations, and cellular antennas, which are dedicated mainly for the Israeli colonies and don't serve the regional planning needs of the Palestinian communities (Bimkom, 2008) (Waltz, et al., 2010).

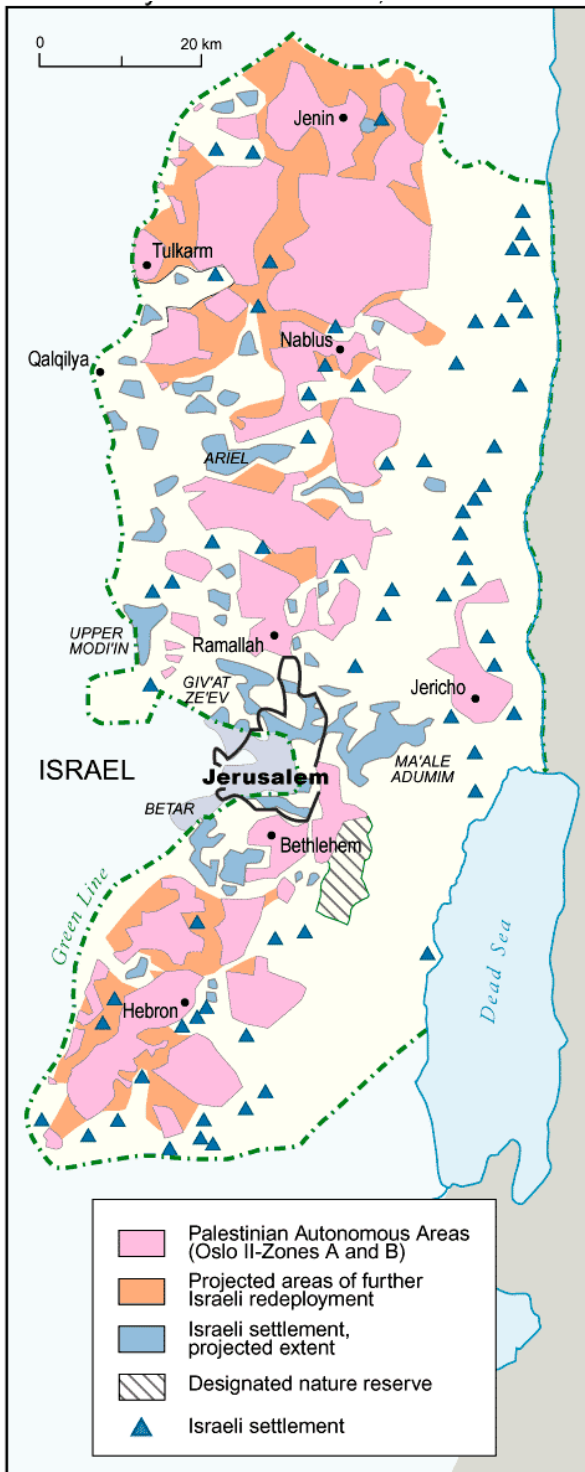
The agreement actually contributed more than any physical means such as barriers and blocks to splitting the West Bank, as it formed a recognition of the violations committed on the ground and accepted them to be a de facto status, such as land expropriation, establishing colonies and outposts..etc. (Bimkom, 2008).



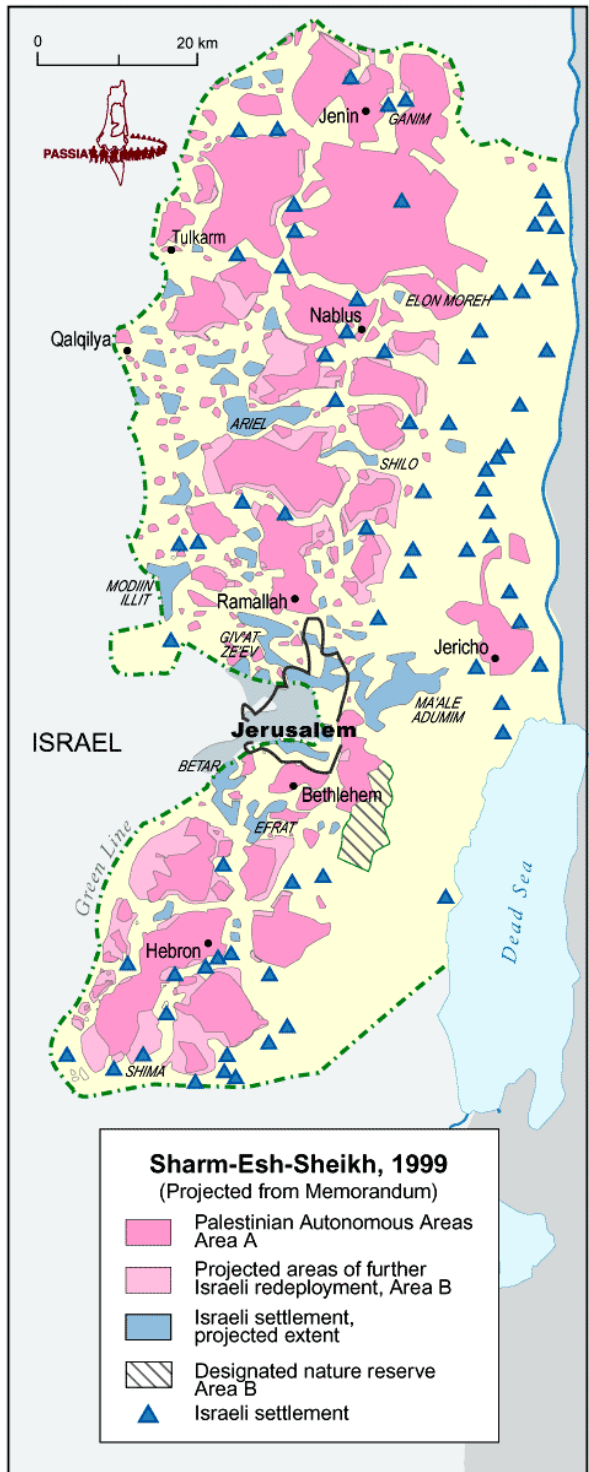
**Figure 1: Oslo agreement map 1994 (PASSIA, 2007)**

**Wye River conference** :In 1998 Wye River conference was held between Palestinians and Israelis in the United States, aiming at paving the road for the implementation of the Oslo Agreement, this agreement assigned areas for further future Israeli redeployment; 13% of zone C of the West Bank should be transferred to the Palestinians. (1% to be zone A and 12% to be zone B)gradually through three stages, only 2% of zone C was really transferred to zone B while

about 7 % of Zone B were reclassified into Zone A. the remaining 11% redeployment area of zone C wasn't transferred to Palestinians until 1999's SharmElshikh<sup>7</sup> conference(ARIJ, 2007).



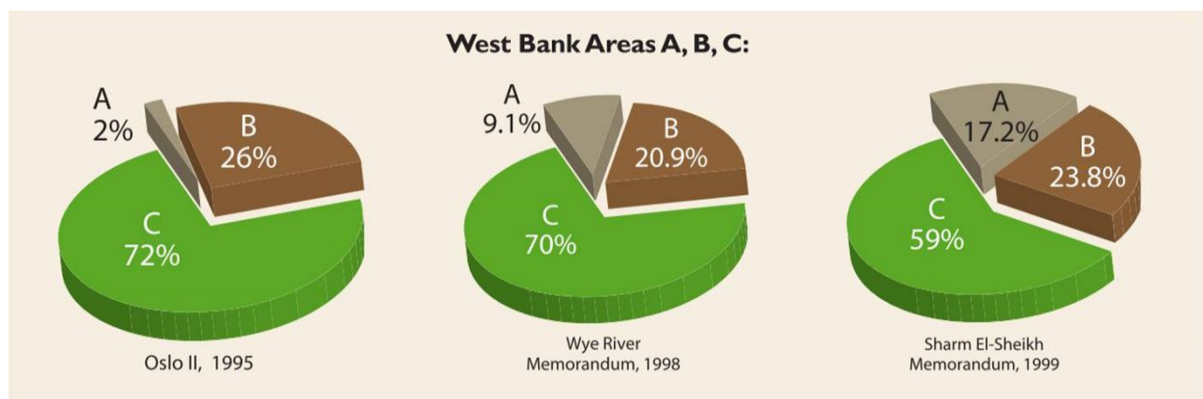
**Figure 7: Wye River map 1998 (PASSIA, 2007)**



**Figure 8: Sharm El shikh map 1999 (PASSIA, 2007)**

<sup>7</sup>Sharm Al-Sheikh Conference was held in sharm Al-Sheikh in Egypt in 1999 between Israelis and Palestinians and was attended by Egyptian, Jordanian, American leaders, and set out a timetable for a final peace agreement, which was supposed to be reached by the year 2000 (ARIJ, 2007)

Despite the fact that Oslo agreement was interim, and one of its goals was to gradually transfer Area B and Area C into Area A, the facts on the ground reality didn't match this scenario: since 1999, no change took place in terms of the division of the West Bank, Area C is the same for the last 14 years, Areas A and B are still scattered islands. Israel still have full authority on planning in Area C, of which 70% is still designated for settlement, firing zones, or nature reserves and restricted to Palestinians. (PASSIA P. A., 2012).



**Figure 9: West Bank Areas A, B, C (PASSIA P. A., 2012)**

Planning after Oslo:

1998 Regional plan :Planning in the Palestinian authority period became the responsibility of two entities: the Ministry of Planning and Administrative Development and the Ministry of Local Government.(Abdelhamid, 2006)

The Ministry of Planning and Administrative Development focuses on preparing the national plan, which is considered the regulatory framework of local and regional plans. It concentrates on developing land and land use on regional and national levels, while the Ministry of Local Government is in charge of the preparation of master plans for local communities (municipalities and villages) (Abdelhamid, 2006) ( MOPAD website)

The Israeli civil Administration had always been the entity which is in charge of Planning in the C zones in the west bank in the meanwhile as mentioned previously, where they use the

Jordanian planning laws with some modifications to serve the settlement development, but new initiatives by the Palestinian authority through the ministry of planning and the ministry of local governance for planning at C zones came to the surface once the Palestinian authority was given sovereignty over some areas in the West Bank.(Bimkom, 2008)(MOPIC, 1998)

Palestinians have never practiced planning on a regional and national scale before 1994, The first attempt to conduct a regional comprehensive planning was in 1998; the Ministry of planning and international cooperation -as it was called back then- decided to develop a regional plan for the West Bank and Gaza strip, out of their belief that the regional plan is "the first step in a more comprehensive regional planning process"(MOPIC, 1998).

One of the main goals of this plan was to enhance Palestinian sovereignty over land, and aimed at setting a base for development and organizing the land use at national and regional level, but faced many obstacles and embedded several uncertainties due to the political, technical and institutional situation; because of the fact that Israel's previous attempts to plan for the Palestinians were shallow and left no database for any future development process (MOPIC, 1998).

Knowing that the Oslo agreement is interim; The Ministry of Planning assumed that C zones will eventually fall under the Palestinians sovereignty; therefore the planning process relied on some assumptions concerning the geopolitical situation rather than economic and technical sector forecasts, strategic approach was adopted with flexible alternatives regarding land use to adapt with any potential turn over whether it is economic, social, physical, or most importantly political(MOPIC, 1998).

Nevertheless, The Palestinian planning system under the current circumstances, and lack of independency, does not have the needed authority to deal with the prevalent spatial issues that face the planning efforts, and faces a fact that any attempt to plan at regional and national levels



is not easy. Palestinian planners face many obstacles and their efficiency is limited due to the Israeli control.

Unfortunately, these plans were not put to action, and their main goal was to put guidelines for regional planning for the West Bank, they lacked accuracy, but the most noticeable outcomes of the regional plan was protection plans were issued for environmentally and culturally vital areas, but most importantly; is the fact that this attempt addressed the West Bank as one entity regardless of the classification imposed by Oslo agreement, and it was the first attempt to plan comprehensively unlike the previous plans which were separated and lack unity. On the other hand this can be considered guidelines for the next phase as a result of the final status negotiations; they can't be seen as challenging or an attempt of confrontation.

To conclude this chapter, Israel's policy in Zone C is based on the idea that this zone is to serve Israel's own needs. C zones are as substantial to Israel as any major city as Tel Aviv, nothing implies the Israeli intention to transfer it to the Palestinians, on the contrary the accelerating colonizing activities, the temptations offered for immigrants to attract them to settle in the West Bank colonies, indicates Israel's will to retain these territories.

The West Bank is a habitat for both Palestinians and Jewish settlers, but while the Israeli government neglects the Palestinian communities, it subsidizes the colonizing presence there. Most of the settlers in the West Bank colonies are not attracted by ideological or religious motives, but rather by economic ones, living costs in the colonies are lower than those in the inner cities like Tel Aviv due to the government subsidies to sectors like housing and education. On the other hand Palestinian settlements lack the minimum infrastructure and definitely no proper planning, and if it wasn't for the intervention of some countries and agencies, like The Quartet, there would be no attempts to improve the living conditions of the C zones residents.

### **3. Chapter Three: Study Area:**

#### **3.1 Introduction:**

This chapter aims at providing a general overview of the study site (C zones). It provides a brief description of the areas' historical and geographical context. On the other hand; the demographical and socio-economic situation there will be addressed. A background of the valid planning policies in the area will be introduced in an attempt to diagnose the problem in order to set an outline for the future counter planning policies.

#### **3.2 Historical Background:**

Until the year 1917, Palestine was ruled by the Ottomans, this period witnessed a heavy Zionist immigration to Palestine. In 1914, the Ottoman empire joined Germany and Austria-Hungary in the first world war, this war resulted in ending the rule of the Ottoman empire. After World War I ended in 1917, negotiations were held between the governments of the United Kingdom and France to divide the area ruled by the Ottoman Empire outside the Arabian peninsula between the British and French dominance, the resulting agreement was called Sykes-picot agreement which proposed placing Palestine under Anglo-French colonial rule, nevertheless; this agreement wasn't applied to Palestine, but led eventually to assigning Palestine to the British Mandate (Pappe, 2004)(Rowley, 1984).

The establishing of the British Mandate created transformations on the ground; British government gave a promise to establish a "homeland" for the Jews in Palestine through the Balfour Declaration, The mandate authorities applied a policy that aims at facilitating Jewish immigration, and enabled them to acquire and own land in Palestine, and they were permitted to pursue agricultural, cultural, and educational activities. Jewish immigration was facilitated by a non-governmental organization called "Jewish Agency", and it was in the form of waves called "Aliya" By 1922 about 11% of the inhabitants of Palestine were Jews, and by 1947 it tripled to be 33 %, on the other hand 40 % of the Jewish national organizations expenditure in the mandate

period were devoted to land purchasing and agricultural colonies establishment, nevertheless, by 1948 Jews only owned 6% of the land of Palestine(Rowley, 1984)(Khamaisi & Nasarallah, 2003).

After World War II, the UN approved a resolution (UN General Assembly Resolution 181 (II), 1947) to divide Palestine into two states within the Mandate one for the Arabs and the other is for the Jews, while Jerusalem is to stay internationally administrated as shown in Figure 9, the Jewish agency accepted the proposal with some reservations, mainly due to the proposal regarding Jerusalem, while Arabs rejected it (Pappe, 2004)(Rowley, 1984)



**Figure 9: Palestine map according to UN Resolution of 1947(PASSIA Website, 2007)**

Following the 1948 Occupation War, 78 % of Palestine was captured by Israel, the remaining area came into two separate parts, Gaze strip; the territory on the eastern coast of the Mediterranean Sea that was annexed to Egypt, and the West Bank; the territory along the western bank of the Dead Sea and Jordan River that was annexed to Jordan. The war had a great demographical impact, Palestinians were expelled in a great pace, while the Jewish immigration into Palestine accelerated

In June 1967, Israel occupied the West Bank, Gaza strip and East Jerusalem during the Six-Day War, and took full sovereignty in the civilian and security affairs. The West Bank remained under Israeli military control until 1994 (CIA, 2013).

With the formation of the Palestinian authority in 1994 as a result of Oslo peace agreement, Israel withdrew from parts of Gaza Strip and West bank, the agreement gave Palestinians a right of self-government within West bank and Gaza strip, The Interim Agreement divided the West Bank into three zones: Zone A: presently covering about 18% of the area of the West Bank, and comprises all the Palestinian major cities and the majority of the Palestinian residents of the West Bank; the Palestinian Authority gained full sovereignty in this zone in the civilian and security affairs. Zone B: covers around 22% of the West Bank and comprises large rural areas; Israel kept security control of it while civil affairs were given to the Palestinian Authority. The third zone is Zone C covers about 60% of the West Bank; Israel continued to practice full authority in this area, such as security and civil affairs, including planning and construction, and infrastructure, while the burden of delivering services such as education and health to the Palestinians in Zone C rests on the Palestinian Authority. (OCHA, 2011)(B'Tselem, 2013)

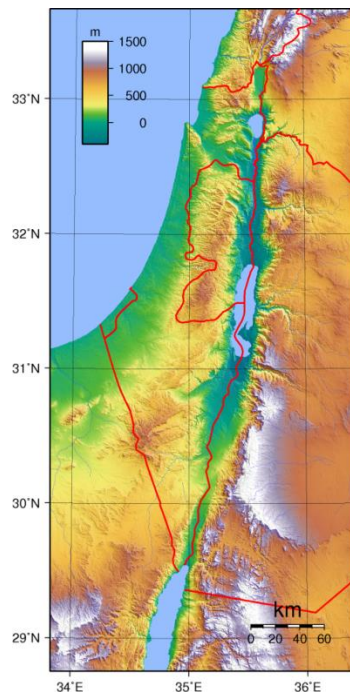
Thus, C areas are occupied Palestinian territory in the West Bank under Israel security and administrative control, and are distributed along its whole area, and most of them have been designated as military zones and for expanding Israeli colonies and by-pass roads (OCHA, 2011), nevertheless, the fragmentation of the West Bank didn't start in 1994 as a result of Oslo

agreement, but rather, it was a result of a continuous process which dates back to the year 1967, when the West Bank and Gaza strip were occupied, and accelerated after signing the agreement.

Since 1967 Israeli occupation pursued many policies in administrating the occupied lands, what all policies had in common was the desire to confiscate lands and obtain resources and create ‘facts on the ground’, Shortly after acquiring the new territories, Israel adopted an agenda of settlement construction and began to pave the way for the implementation, many proposals and plans were presented and whether approved or not, these proposals made a base to the future territorial changes (Dajani, 2005).

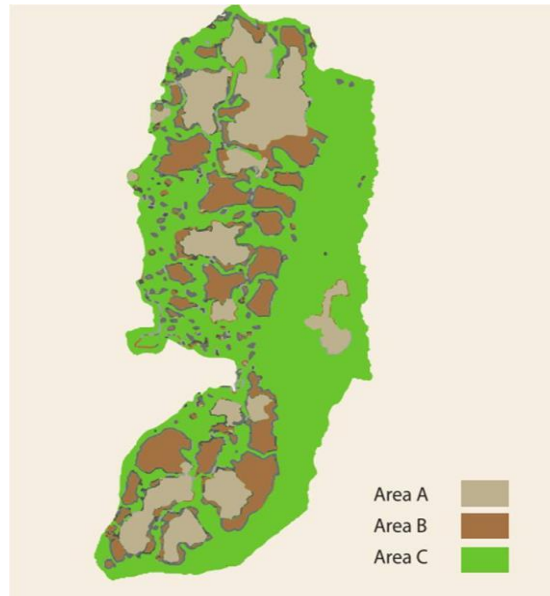
### 3.3 Geographical Background:

West Bank territory is located in the Middle East, a recognized geographical region of southwestern Asia; it is the territory along the western bank of the Dead Sea and Jordan River, surrounded by Israel from the north, west, and south, while bordered by Jordan from the east. It lies at 32°00'N 35°15'E, its area is approximately 5,860 km<sup>2</sup> of which 5,640 km<sup>2</sup> is land and 220 km<sup>2</sup> is water (CIA, 2013).



**Figure 10: West Bank Location**

Our study area is the C zones which lie within the West Bank, and are distributed along it in a contiguous way as shown in figure 11. It covers approximately 3,500 km<sup>2</sup> , about 60% of the West Bank area and holds a 63% of the West Bank's agricultural lands.



**Figure 11: Zone C within the West Bank(PASSIA P. A., 2012)**

### **3.4 Population Development:**

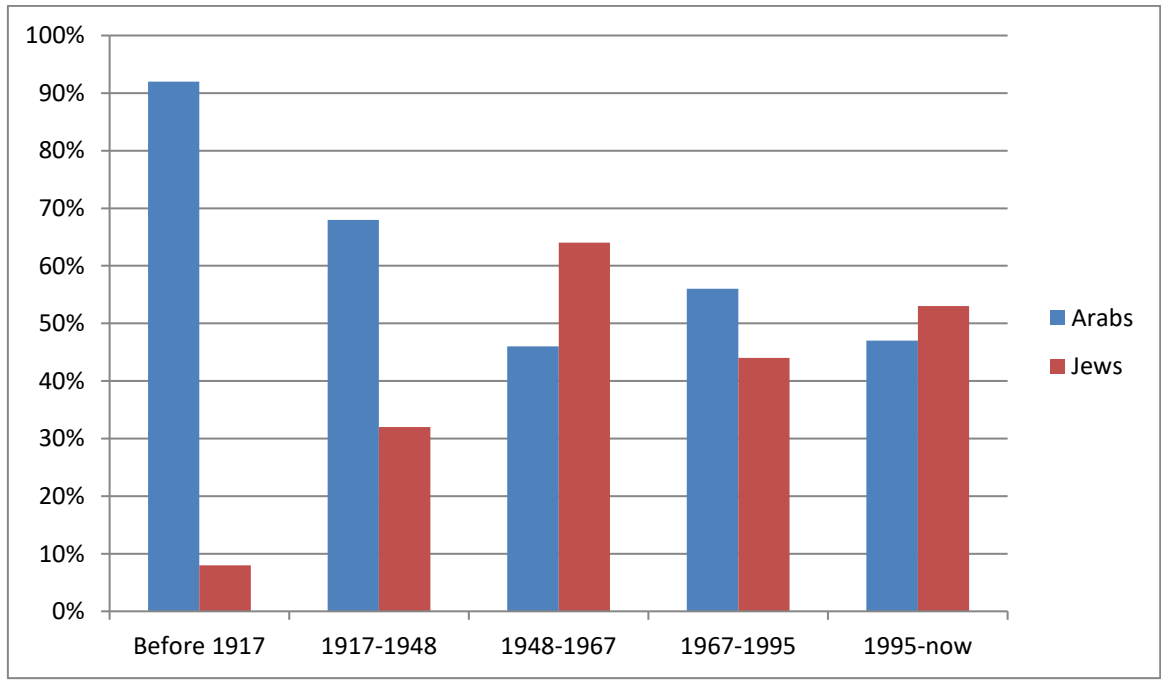
#### **3.4.1 Demography of Palestine:**

To have a deep understanding about the existing demographic situation in Zone C in the West Bank, it is essential to talk about the population changes in Palestine as a whole and later in the West Bank in terms of the Jewish presence in there during the past century.

As mentioned previously, the late Ottoman period witnessed the beginning of Zionist Jews immigration to Palestine. According to a census held in 1914, population in Palestine was estimated to be 690,000, of which 56,000 were Jews (8%) who were concentrated in Jerusalem. And By 1922 in the early British mandate period, the population of Palestine turned to be 820,000 of which about 94,000 are Jews (11%), During the British mandate Jewish immigration rates increased, as a result of its policy of facilitating it to create a demographical fact on the

ground, it is thought that the rate of Jew immigrants to Palestine was about 9,500 in 1932, and increased to 30,000 in 1933, and nearly doubled to about 61,800 in 1935. By 1948 when Israel state was declared, the Jews were about third of the population of Palestine (Kramer, 2008)(Rowley, 1984). Table 1 shows the population growth in Palestine.

With the emergence of the State of Israel in 1948, the demographical facts changed, indigenous Palestinians were forced to leave Palestine, while the flow of Jewish immigrants into Palestine increased dramatically, in that year alone, 780,000 Palestinians left Palestine to evade the war ramifications and massacres, by that time 650,000 Jews were settling there, following that the economic situation in the West Bank was declining, consequently 140,000 Palestinians left during the 1960s from the West Bank seeking employment in neighboring countries. In the early nineties until 1995, Palestinian population was increasing due to natural rise and the return of diaspora with the formation of the Palestinian Authority in 1994.



**Table 1 :Population changes in Palestine (DellaPergola, 2001)**

### **3.4.2 Demography in Zone C:**

Demography is a key player when talking about C zones, that's because the main basis of the zones classification is not a geographic or planning, but rather a demographic one, that implies controlling the largest possible percentage of the land that is sparsely populated by Palestinians (Bimkom, 2008)(B'Tselem, 2013).

The current situation is the same as it was the year 1999 in terms of the area of C zone in the West bank, while the demography changed; the settler's population in zone C were 1,200 capita in 1972, 110,000 capita in 1993 and 350,000 capita in 2012, with an annual rate of growth in 2008 of 4.7%, about triple the growth rate inside the Green Line ( 1.6%) (EU, 2011).

On the other hand Palestinian population in C zones is estimated to be 150,000 capita with an annual natural growth in 2008 of 2.9% and declining due to the fact that Palestinian residents of C zones are moving to communities classified as A or B for better living conditions. (EU, 2011)(PASSIA, 2012)

These statistics implies that maximum land with minimum Palestinians population was transferred to the Israeli authorities control; 5% of the Palestinian population of the West Bank live on 60% of the land, and have limited access to services available to other Palestinians in A or B zones, but this is not the number of people affected by the Israeli policies in C zones, but rather, many communities whose most built-up area is in A or B zone, have vacant land for future extension, infrastructure and public services located in C zone (PASSIA, 2012) (B'Tselem, 2013).

Such situation causes severe urban fragmentation between Palestinian communities, limitations on urban expansion of most Palestinian communities adjacent to areas classified as C zones, and prevent any attempt to create a unifying planning system by putting various challenges in front of the Palestinian planning institutions and hindering the possibility of providing and implementing physical planning (Abdelhamid, 2006) .



### **3.5 The current socio-economic, and political situation in zone C:**

C zones in the West Bank currently are occupying about 60 % of the area of the west bank, containing 150,000 Palestinians and 350,000 settlers, and continuously distributed along the West Bank breaking the ties between its communities.(Bimkom, 2008)(OCHA O. f., 2011)(PASSIA, 2012).

In the year 1967, West bank and Gaza strip were occupied by Israel, since then, a policy that aims at separating Palestinians communities was adopted to make it impossible to establish a homogeneous Palestinian entity. Since the late seventies of the past decade, colonies began to spread and grow rapidly on privately owned lands which were declared state lands as illustrated previously, while Palestinians were hindered to build specially on lands of special security significance, by refusing to give building permits.

This process accelerated after signing the Oslo agreement, when A, B, and C zones were defined, and despite the fact that this agreement is interim and aimed at transferring zones B and C into A gradually; C zone used to constitute about 72% of the West Bank area in the first phase of negotiations in 1995, It was decreased to 70% in 1998's talks, and again in 1999's summit in sharmelsheikh to 59%(PASSIA, 2012).

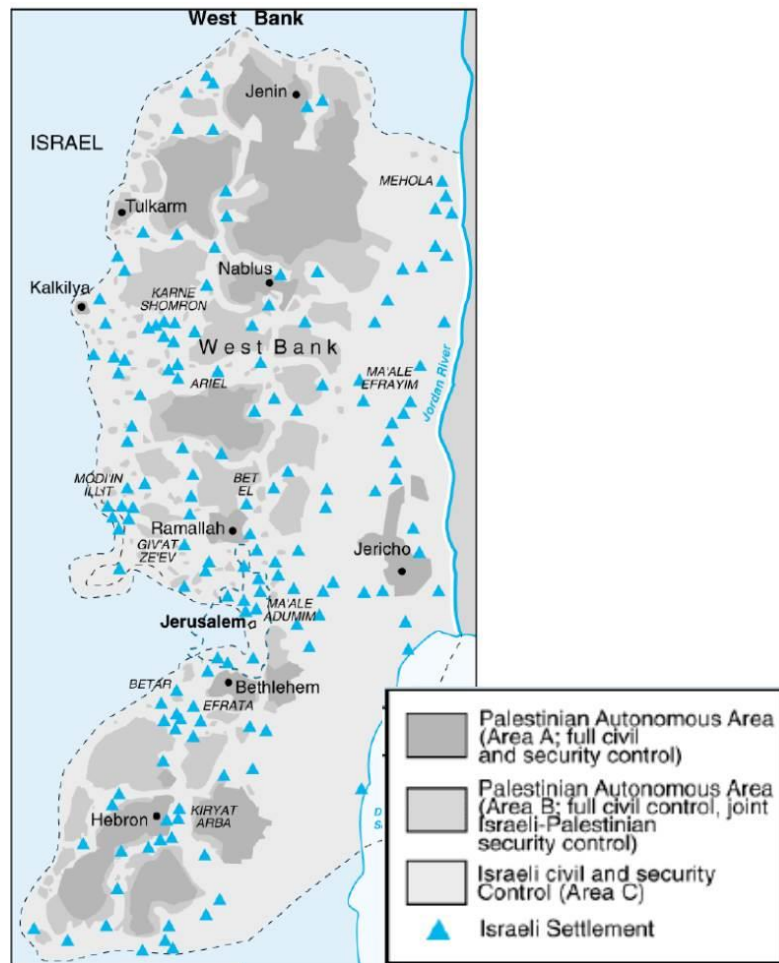
Moreover, 70% of zone C (44% of the West Bank) is off-limits to Palestinians; either because it's dedicated to colonies, military purposes, or natural reserves; while in the remaining 30% of C zone area; most of the permits for buildings or for constructing infrastructure are being rejected, and only allowed in the planned area boundaries proposed by the Civil administration which only covers less than 1% of the C zone area and is already exploited, and when construction is carried out without a permit; the Civil Administration demolishes it, an average of 714 demolition orders are issued each year for facilities in C zone including schools, and rainwater harvest reservoirs(Bimkom, 2008)(OCHA, 2011)(PASSIA, 2012)

As mentioned earlier, the Palestinian communities are unplanned; consequently, they were prevented from connecting to infrastructure, such as water, electricity, and sewage networks.

On the humanitarian level this has great impacts, as it exacerbates the poverty of the poor households and causes a residential congestion, or forces many families to look for better living conditions in A or B zones, this could cause Palestinian residents of C zones to leave their homes and eventually emptying the land, which seems to be the main goal of Israeli policies in C zones. (PASSIA, 2012) (OCHA, 2011) (Bimkom, 2008).

The Palestinian authority is in charge of the provision of education and health services to Palestinians in C zone. Nevertheless, planning and construction needed for these services are controlled by the Israeli authorities. (B'Tselem T. I., 2013). While Palestinian communities in Zones A and B are served to some extent by the Palestinian authority; some of those in zone C are in indigence for basic services such as water, sanitation, education and shelter. According to (OCHA, 2011), more than fifth of the Palestinian communities in C zone have limited access to medical services, while 60,000 resident of zone C are not connected to any water network, and tinkered water costs them more than quadruple the cost of network water, probably that's why they use only one fifth of the per capita consumption level recommended by the World Health Organization (WHO). (OCHA, 2011) (PASSIA, 2012)

On the other hand, settlers in the West Bank are distributed over all the area of C zone in around 124 "legal" settlements and about 100 outposts which are considered illegal even under Israeli law, while Palestinians are spread among 520 Palestinian communities, 230 of them are entirely in C zone while the rest is partially located in C zone. (PASSIA, 2012)(EU, 2011)



**Figure 12: Israeli colonies in the West Bank**

Over decades Israel has imposed practices and policies to hinder Palestinians from construction, while allowing for the expansion and emergence of Jewish colonies, Palestinian communities in zone c have the same boundaries and planning schemes for decades ignoring the fact that the population is raising, as a result Palestinians were unable to obtain permits for construction and were forced to build without permits.

Unlike Palestinian residents of zone C; settlers in the west bank live in planned communities whose designated area for their future expansion is 9 times larger than their built up area, Several colonies in the West Bank are protected by a security areas which includes a 50 meter wide access roads, these roads passes through the entire West Bank creating an extra means for spatial fragmentation.

The civil administration has always adopted a discriminating policy, while settlers benefit from an effective planning system that organizes their communities, planning for Palestinians in C zones is infrequent (ARIJ, 2008). Building without a permit by settlers in C zones is not a problem and doesn't acquire demolition; instead the authorities issue retroactive permits for unlicensed buildings.(Bimkom, 2008)(OCHA O. f., 2011)

Furthermore, settlers have access to basic services, and adequate infrastructure such as roads, gas stations, and cellular antennas, that are planned mainly to serve colonies, and not the adjacent Palestinian communities.

### **3.6 Planning and development in Zone C:**

Planning in Zone C in the meanwhile is subject to the Jordanian law of 1966, but with major modifications took place in 1971. These modifications concerns revocation of the Local and District Planning Committees, consequently Palestinians lost control on the planning process, this contradicts with the previously mentioned international law which states that occupying entity should maintain the valid laws of the occupied territories. Israeli authorities also still use the mandate plans RJ5 and S15 -which prohibit construction in most of the West Bank area as they classify them as agricultural- as a threat for Palestinians in order to prevent any expansion in their communities. These plans also ignored the fact that population grows over time, and did not take into consideration the current and future development needs to meet this growth; accordingly, the Israeli authorities used these plans to control Palestinians and imprison them within controllable boundaries, and did not expand them unless the expansion does not threaten the Israeli presence and interests there.(ARIJ, 2008).

During the seventies of the last century, the Israeli military government started preparing plans for many Palestinian villages; all the plans were prepared by outside Israeli planners without any intervention of the Palestinian residents of the target area, in the eighties when the Civil Administration was established, it began to prepare plans by its own staff, with little intervention of the local residents of the planned villages (Bimkom, 2008).

The process of preparing and approving outline plans reached its peak in the few years before signing the Oslo agreement, when about 400 outline plans were approved, As a result of the Oslo agreement, the lands within the boundaries of many of these plans were classified as A and B. in the period between 1994-2004, the process of plans preparation curtailed where no plans were approved, between 2005-2008, 13 special outline plans were approved for communities in Zone C (Bimkom, 2008)(ARIJ, 2008)

According to Oslo agreement, the civil affairs in the C zone is the responsibility of the Israeli authorities, planning and construction are included, for that purpose the Civil Administration was established in 1981. Nevertheless, Planning and development in the area is based on the idea that this zone is to serve Israel's own needs. Two parallel planning policies are dominant there, one for the Palestinians, and the other for the Jewish settlers;on one hand the Civil Administration imposes a tough living conditions on the Palestinians, and hinders any development using its own interpretation for old planning laws and regulations, it gives demolishing orders to the "unlicensed" buildings and do demolishthem, Palestinians are only allowed to build within the boundaries of the communities planned for Palestinian development which were set by the Civil Administration itself, these boundaries which were set by the regional outline plans during the British Mandate period, account for only 1% of the C zone area, and mostly exploited. Even when it does prepare plans it, the target population is excluded from the planning process. In addition, Palestinian settlements in Zone C have very limited access to services and are not connected to water, sanitation or electricity networks, and lack food security (B'Tselem T. I., 2013)(ARIJ, 2008)(OCHA, 2011)

On the other hand Israeli colonies are served by a systematic planning mechanism that provides infrastructure, services and encourages development in the colonies, 70% of the C zone area is dedicated to settlements and military uses, the Civil Administration has prepared detailed outline plans for the majority of Israeli colonies in the West Bank and involves settlers in the planning

process. the Civil Administration not only turns a blind eye to unlicensed buildings, but also gives a retroactive building permits (PASSIA P. A., 2012)(Bimkom, 2008).

The ramifications of what was just mentioned is not confined to the boundaries of the C zone, but rather they extend to include adjacent areas classified as A and B zones; since the C zone covers about 60% of the West Bank area and is a continuous area that surrounds the islands of Zones A and B.

Zone C covers most of the state land in the West Bank; its boundaries are set so as to include all Israeli colonies in the West Bank, in addition to the entire jurisdictions of the local and regional councils of the settlements, which (B'Tselem T. I., 2013).

Despite the fact that the international law states that "state land" in the occupied territories must be exploited for the benefit of the locals, Israel assigns only 1% of these lands in zone C to serve the needs of the Palestinians, while 31% are assigned for establishing colonies, and about 20 % for infrastructure services such as electricity, water, communication companies. Another 20% of the c zone was declared survey lands<sup>8</sup>, and about 30 % closed military zones, 3.5 % of zone C is behind the segregation wall to the Israeli side. To summarize 70% of C zones is blocked to Palestinians, they are not permitted to build there while the remaining 30% has other limitations that complicates getting building permits ; Obtaining building permits in C zones requires committing to an approved outline plan. This applies everywhere in the world, but when the civil administration prepares plans for no more than 1% of C zone (most of which are exploited) there lies the dilemma. (OCHA, 2009)(B'Tselem T. I., 2013).

The majority of C zones which have no outline plans are subjected to the mandatory plans which classifies most of the zone as agricultural, therefore it is not easier to get building permits there either as demonstrated earlier. Moreover, The Civil administration prepared a regional road plan for the West Bank, according to which the proposed roads can reach a 100m width, with a

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<sup>8</sup>After 1993 Israel stopped declaring state lands, therefore any land that haven't been registered or declared state land, was left to be examined and monitored, and was called survey land.

buffer zone of 70 meters on each side of the roads is restricted to construction. Consequently, Palestinian residents of zone C have no choice but to build without permits and risk demolition, and that's what happens frequently, in fact sometimes the same settlement gets demolished several times after being rebuilt(B'Tselem T. I., 2013)(OCHA, 2009).

On the other hand, Palestinian institutions have no authority in the planning and development of C zones, even with the limited responsibilities they gained (as a result of Oslo agreement) to provide health and education services to Palestinian residents of C zones, they face many obstacles for getting permits to build facilities for those sectors(OCHA, 2009)

As a result, the current planning and development system in C zone contributes to a great extent in imposing hard living conditions, and increase poverty, illiteracy, and health issues among Palestinian residents of C zones. Its impact is not even limited to the boundaries of Zone C, but it extends to involve the residents of zones A and B whose lands are located in Zone C, since it is the only contiguous zone and it covers the majority of the West Bank area; it has a great significance for all the inhabitants of the West Bank(OCHA, 2009).

Recent Planning initiatives:

Since it was established to the year 2008, The Civil administration has prepared plans for only 16 out of 180 communities in zone C in the West Bank, the local population was not involved, all of the plans set boundaries of the already built up area with little extra space for future expansion, ignoring vacant land surrounding the village and even some existing structure at the village outskirts (B'Tselem T. I., 2013).

Planning for Palestinian communities in zone C is subjected to a list of measurements that the Civil Administration often uses: these measurements determine whether a community is eligible to be planned or not, and according to them many Palestinian villages in zone C were denied the chance of having a master plan, the mentioned measurements concern :  
*“the size of the built-up area; age and density of construction; proximity to an existing communit*

*y, a nature reserve or archeological site; and the possibilities of erecting public buildings and infrastructure”*(B'Tselem T. I., 2013).

Recently, initiatives by the European Union and the Quartet for planning at C zones were presented to enhance the life of residents there and prevent the demolishing of the unlicensed structure; in 2008 the Civil Administration agreed to prepare plans for the Palestinian localities in C zone. On the other hand Palestinian private sector institutions such as the International Peace and Coordination Center (IPCC) which prepared drafts of master plans for Palestinian communities in zone C, this process was funded by Britain and EU and coordinated with the Palestinian authority, the drafts were submitted to the Civil Administration, none of them was approved(ARIJ, 2008).

#### 3.6.1 Planning in zone C by Palestinians:

IPCC: In 2009 IPCC with the collaboration of the Quartet began the project of planning 63 Palestinian communities in C zone in the West Bank, the objective of the project as the IPCC declares is to “create coherence between the different zones of the West Bank through planning and to provide more areas for the future expansion and development of the Palestinian population there and a base to achieve vital projects such as roads and schools(because donor requires a master plan to finance projects in a certain settlement), and to provide a legal tool for Palestiniansto defend their planning proposals”.

This initiative came to confront the master plans prepared by the Civil Administration since they don't give solutions for the Zone's issues, but instead they exacerbates the problem and increase the fragmentation and hinder development. The IPCC project target year is 2030, which is meant to serve to control the development and guide it even after the occupation ends. The IPCC thinks that this kind of planning is an urgent need that constitute a resistance tool that consolidates the Palestinian existence in zone C.



Assia: Another planning project in zone C was awarded to the private Palestinian engineering and planning firm (Assia), Assia was awarded the project in 2011 and to the moment preparing the master plans is under process. The projects target year is 2031, and includes 27 localities in the West Bank. Again the project was launched under the pretext of “improving the quality and content of structural plans to best suit the needs and development priorities for Palestinian communities in zone C”.The firm repeatedly states that it works for the Palestinian population interest, and tries to compromise the Civil Administration to achieve what is best for the locals. Its objectives were to provide a parcel of land to each family and to provide a network of roads, water and sewage. Socio-economic studies were conducted and the local population was involved.

During the planning process, many restrictions were put in front of the planning team; one of them is the limited area for the proposed master plan, even if it doesn't fulfill the planning needs for the target year, in fact when the master plan proposed area comes less than what the studies suggested, the Civil Administration changes the target year for the proposed master plan, another limitation was the boundaries of the nearby colonies, and the so called archeological sites, or the roads designated for the movement of the settlers, where a buffer zone between the road and the residential zone should be taken into consideration.

### 3.7 Study focus:

In order to highlight planning mechanism in C zone and figure out if there is any kind of counter planning within the Palestinian context, it is needed to focus on specific areas,three alarming examples will be reviewed here which proves that Israel is not aiming at improving Palestinians lives, the first case study is Fasayel.

#### 3.7.1 Fasayel:

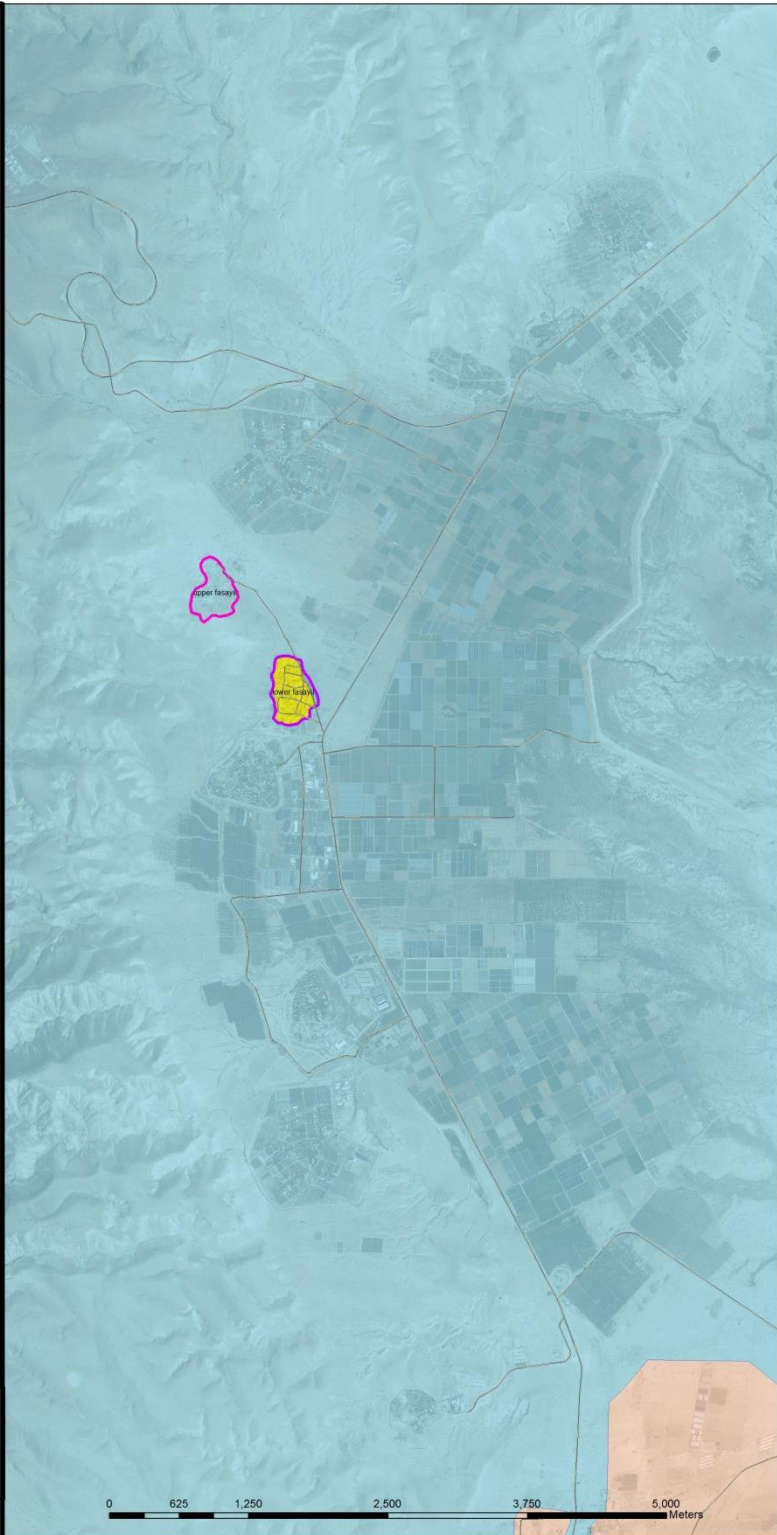
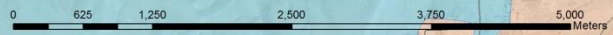


**Legend**

- ROADS
- lower fasayil
- upper fasayil
- Area A
- Area B
- Area C



SCALE : 1:25,000



A Palestinian rural community situated in the eastern side of the West Bank in the Jordan Valley which gets a special attention from the Israeli authorities for its security and economic significance. Fasayel is located about 20km north of Jericho city, and is inhabited by about 2030 residents. It is located between N 32°01'19" and N 32°01'45" Latitude, E 35°25'39" and E 35°26'57" Longitude, while its Elevation above sea level is : -200 m to -270 meter. Fasayel has two parts, upper fasayel and lower fasayel, most of lower Fasayel built-up area is B according to Oslo agreement classification, the remaining part is within C zone, while the whole built up area of upper fasayel's is classified C. Fasayel was a State owned by the Ottoman law with an agricultural land use "Miri". Currently all the C zone area of both localities is "governmental land", with no private property. The village's expansion is restricted due to many limitations, a mountain range to the north, and Israeli outposts of Pezrael from the north, Tomer from the South, while the road 90 (which runs through the Palestinian Valley) borders the locality from the east, and several Israeli military bases from the west (IPCC - International Peace and Cooperation Center, 2011)(ARIJ, 2011)

# FASAYIL MAP

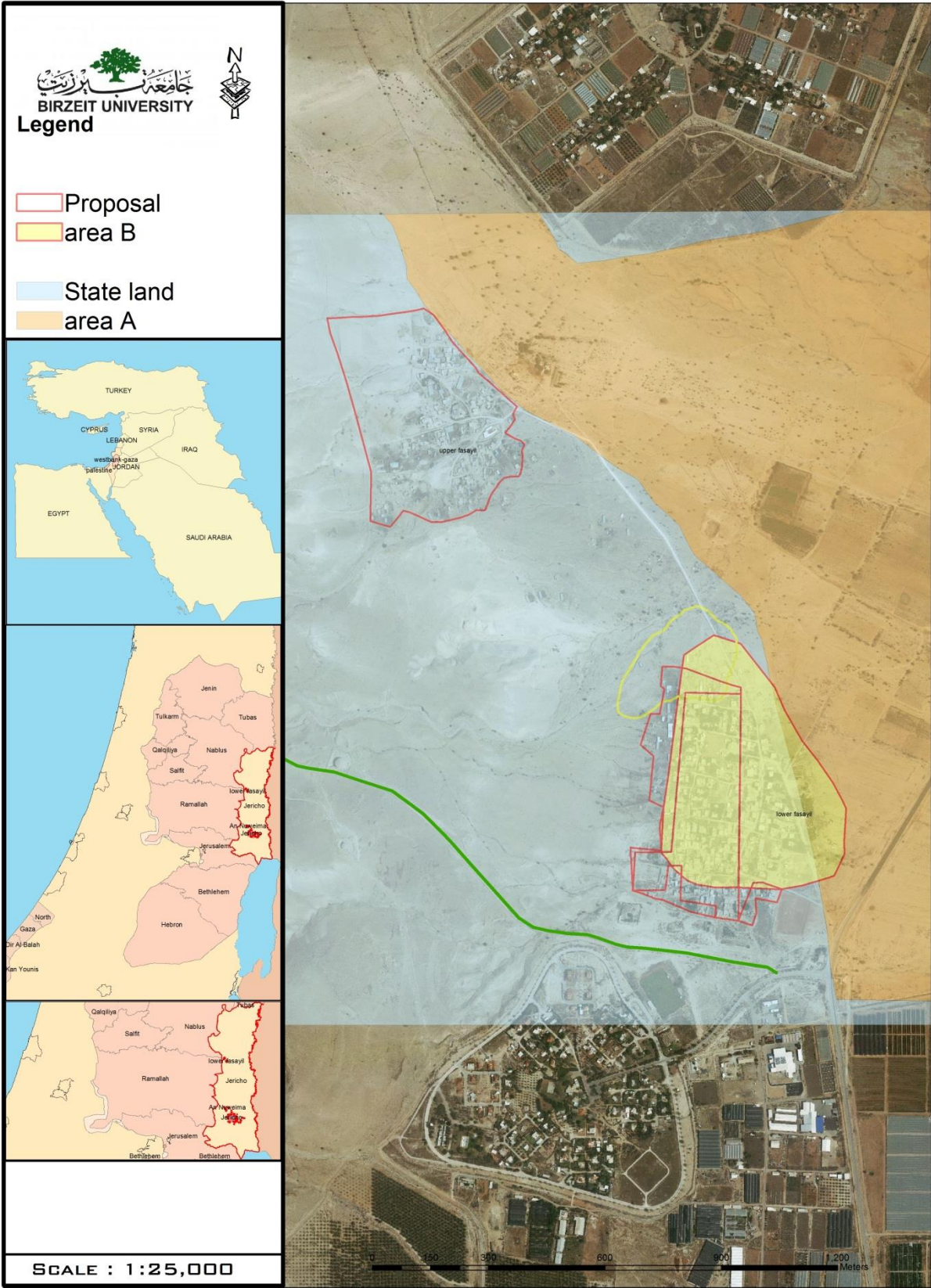
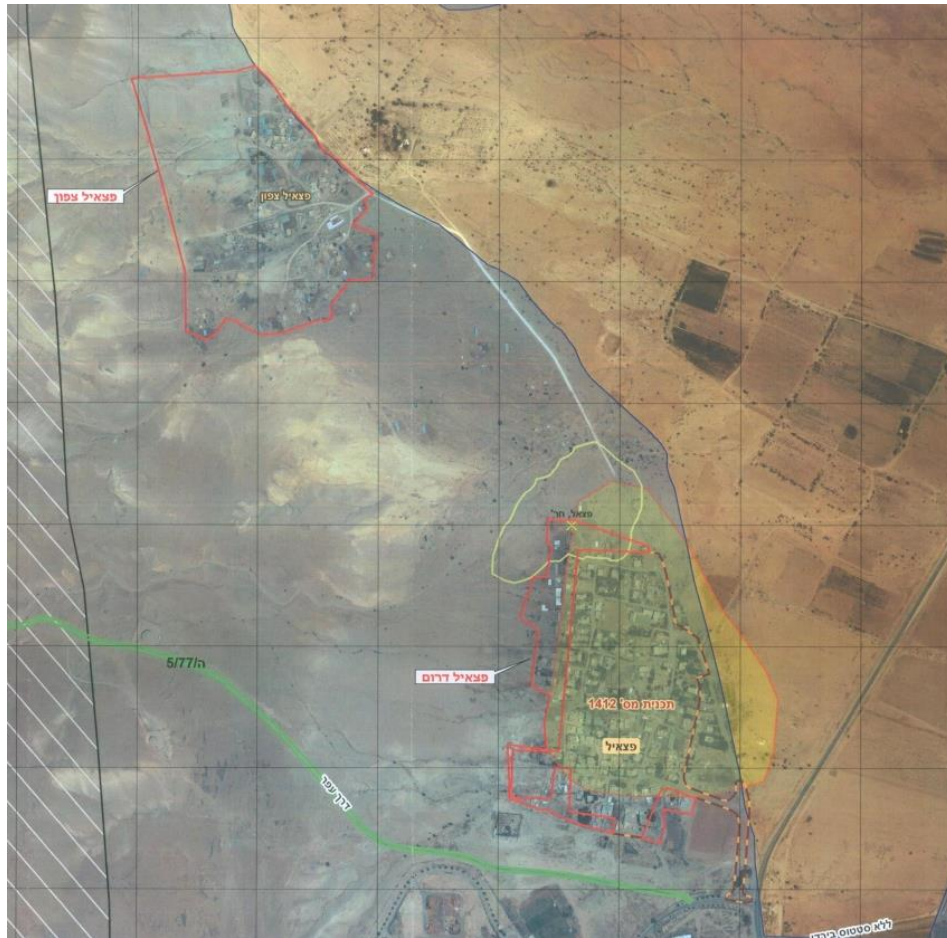


Figure 2 Fasayel location

In addition to the two main villages of Fasayel, (upper and lower) there is a small locality in the middle distance between the two main parts called central fasayel, this locality in particular is subjected to many demolition campaigns for being classified as a military closed area, a zone C, and an Israeli archeological site according to the Israeli Ministry of Antiquities. Its residents are to be transferred to the upper village after its master plan is approved (ARIJ, 2011) (ASSIA archive).

The two localities (upper and lower) are connected by a partially paved road that passes through central Fasayel region, lower fasayel's entrance is from Road 90 which is the main road running along the Palestinian Valley, and lies to the east of the locality, while upper fasayel's entrance is from the in-between unpaved road (figure 13). Upper fasayel is bounded on the north by mountain range which is also a natural limit of expansion (ASSIA archive). (IPCC - International Peace and Cooperation Center , 2011).



**Figure13: upper and lower Fasayel location**

Both localities have sandy soils and almost no agriculture out of water scarcity, in addition, the land there is not steep.

Fasayel's climate is Valleys climate, warm winters with some rain, very hot and relatively dry summers (ASSIA archive 2011)

### 3.7.1.3 Morphology

Building in the two localities dates back to the period before 1948, and the residents of Fasayel are a combination of Bedouin residents and refugees, they come from different origins; upper Fasayel residents origins are of the following tribes: Ebayat from Bethlehem area, Jahalin from the Jordan Valley, Rashaida tribe from Wadi Musa. The lower Fasayel residents origins are of the following tribes :Ebayat from the Bethlehem area, Sawarka Bedouin tribe who are refugees from Beersheba, Ka'abneh clan of the Jordan Valley area, and the Jarwan families who refugees from Lod (ASSIA archive)

The relationship between these two localities is not very close due to differences in origin and lifestyle, since the lower Fasayel is more urbanized than the upper Fasayel which still keeps its Bedouin lifestyle, this is reflected in the pattern of the built up area, for example lower Fasayel follows a grid like pattern in building, while it is less regular and more scattered in the upper region. The buildings in Fasayel are mainly single story with a large number of impermanent structures in upper Fasayel(IPCC - International Peace and Cooperation Center , 2011).

#### 3.7.1.4 Population

According to a survey conducted by ASSIA team in 2011, the population of upper Fasayel is 155 families of 876 people. While lower Fasayel's population is 204 families of 1153 people. These figures do not include the residents of central Fasayel which consists of 12 families.

About 20 families have left the localities since the second Intifada in 2000 (ARIJ - The Applied Research Institute, 2012)

#### 3.7.1.5 Infrastructure:

All the roads within the two localities are dirt roads except a few which are worn-out asphalt roads, all the roads are narrow and tortuous and have no lighting, their width ranges between medium to narrow.

No water network in both villages . The population depends on water tanks which they purchase from Nu'ima and Duke springs. On the other hand, there is no a public sanitation network and septic tanks are not widely used there, this causes pollution and the spread of insects and diseases. Both villages collect waste and transfer it to a dump in Jericho twice a week. Regarding electricity, the **B** zone in Lower Fasayel is served by network of electricity from Jerusalem Electricity Company, while the **C** zone of the village is not connected to electricity, upper Fasayel is connected to Israeli national electricity company(ASSIA archive).

#### 3.7.1.6 Administrative status:

Upper FasayelFawka adopted the “makhateer“ system in administrating and managingthe locality issues and it has a “mokhtar” from Ebyat family , while lower Fasayel has the village council system and has a council president also from Ebyat family (ASSIA archive).

#### 3.7.1.7 Services

Services level in upper Fasayel and lower Fasayelare not the same, upper Fasayel has a primary school with poor condition but used, while the kindergarten is not used due to the bad structural condition of it, while lower Fasayelhas a high school, therefore the students of upper Fasayel have to walk 2 km to get to the high school which is located in zone B of lower Fasayel. The number of classrooms in lower Fasayel are not sufficient to meet the needs of the population in both localities .thus some students have to travel to schools outside the two localities, on the other hand there is no public transportation between Fasayel and major cities like Jericho. In addition, lower Fasayel has a clinic that is sufficient for the basic health care, while upper Fasayel has a recent clinical unit that works for a few hours a week only. Lower Fasayel has a club and two mosques also in zone B, while the C part of the village have no public buildings. Upper Fasayel has a tin unit used as a mosque, but got a demolition order (ASSIA archive).

#### 3.7.1.8 Economic activities

The residents of Fasayel depend mainly on agriculture for living, basically rainfed agriculture due to water scarcity; the crops that can be grown there are bananas, citrus and palm trees. They also depend on livestock. No clues for commercial or industrial activities.

#### 3.7.9 Housing

Fasayelis comprised of 539 units in both localities, 353 of them are housing units an increase of 19% since 2007, 186 are animals barracks,6 buildings are public, 20% of the housing units are tents

The structural condition of the housing units in upper Fasayel is bad. Most of theresidents of this region live either in tents or in units with poor condition (built of either tin or brick). Roofs are



often temporary as it is thought that unlicensed temporary structures will not be demolished. Housing status in lower Fasayel is relatively good, since most of the locality is situated in zone Band due to the different nature of the community. 100% of the buildings in lower Fasayel are permanent, there are no tents there. (IPCC - International Peace and Cooperation Center, 2011) (ASSIA)

#### 3.7.1.10 Land expropriation and demolition

Fasayel village was subjected to many expropriation campaigns to the benefit of Israeli activities, such as bypass roads, military bases, and colonies establishment or expansion.

Thousands of dunums (about 7% of the village area), were expropriated in order to establish the surrounding four colonies: Tomer, Gilgal, Pezael and NativHaGdud, and the bypass roads 90 and 505, which imposes a buffer zone of 75 meter on each side where no construction is allowed (ARIJ - The Applied Research Institute, 2012).

Land expropriation is conducted under the pretext of building on a state land with agricultural use as classified in the Ottoman law, despite the fact that the Ottoman law allows converting the land for a residential land, but the Israeli authorities use these laws selectively (ARIJ - The Applied Research Institute, 2012).

Regarding the demolition campaigns, Fasayels' residents face many barriers in their attempts to obtain a building permit from Israeli Civil Administration, the complexity and high expenses of the process makes it take months and even years, and eventually few applications are being accepted and Palestinians find themselves compelled to build without a license, however the Israeli authorities carry out many demolitions for the homes and barracks under the pretext of unlicensed construction (ARIJ - The Applied Research Institute, 2012).

In addition to the several demolition orders of the houses and barracks, in 2007 the Israeli occupation authorities issued a demolishing order for the village's primary school, their excuse was the unlicensed building again, the residents petitioned with the help of some NGO's, and the order was temporarily frozen. In 2010, the Israeli authorities issued demolition orders for some

structures in the village, later the land on which these structures were, was declared as closed military area. Sometimes the demolition is carried out without a notice as what happened in 2011 when the Israeli forces attacked the village and destroyed many houses and barracks (ARIJ - The Applied Research Institute, 2012).

#### 3.7.1.11 planning situation:

The planning process in the assembly is facing difficulties and obstacles arising mainly from the limited space available for planning. All the region in Zone "C" has no master plan consequently, building there is prohibited, and the space for future urban expansion is very limited and not commensurate with the population growth and the basic needs of the residents.

Lower Fasayel has a detailed plan that was prepared by the Civil administration in 1980, and was approved in 1988 by the higher planning council, The proposed plan covers only .5% of the total locality area, the plan specified the following uses: residential, public buildings, open public space, roads, and a cemetery , and divided the residential zone into parcels whose areas range from 350 m<sup>2</sup> to 3,382 m<sup>2</sup>, 24% of the plan area was already built up before the plan was prepared and those are the large lots, while the vacant lots were small. The plan also excluded some existing structure including the whole area of upper Fasayel, thus they were subjected to demolition. Most of this plan area is now classified as B zone according to Oslo agreement (Bimkom, 2008) (ARIJ - The Applied Research Institute, 2012)

# FASAYIL MAP 1980

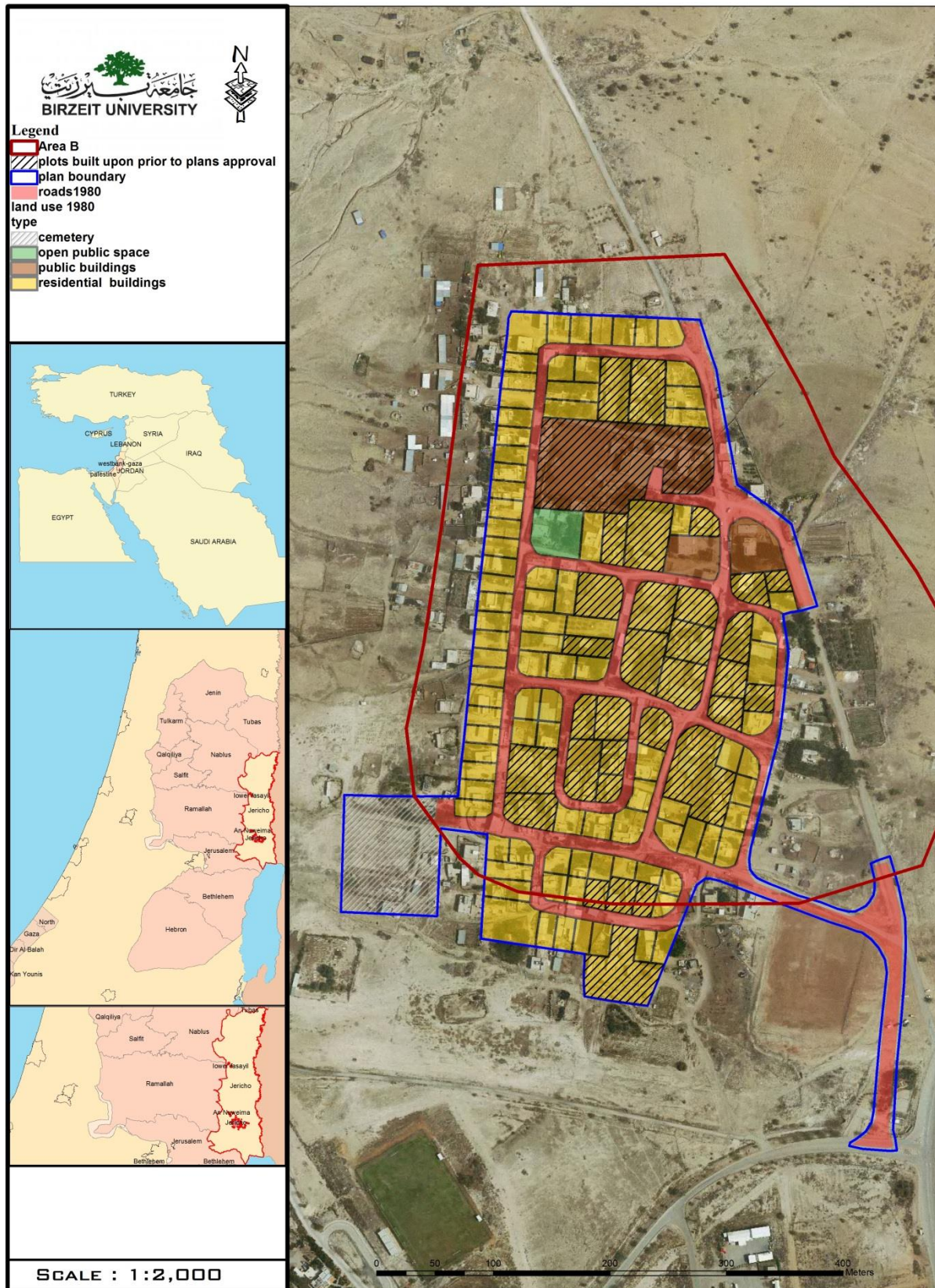


Figure 14: Lower Fasayil's plan of 1980 (Bimkom, 2008)

The preparation process of this plan was pure office work, a top-down process of imposing occupation policies on the residents. It is clear that most of the later construction and roads are carried out according to the plan, specially residential buildings which were constructed within the lots, this indicates that People tend to respect the plans and schemes ( regardless of the undeclared goals of them) .

Recent attempts:

This section will explore the planning attempts for Fasayel by two Palestinian planning institutions, where one of them was performing its planning independently from any Israeli supervision, while the other was awarded the planning project by the Israeli Civil Administration's as a part of its projects for organizing Palestinian communities in C zone, as the Civil administration stated:

*“Civil Administration is preparing a number of structural and strategic plans of development for communities, either through the direct preparation of these plans and the plans or the provision of technical assistance and supervision of the preparation, by regulation of land use and structural organization and the issuance of building permits, thereby revoking demolition notices in these communities”*

According to the Civil Administration requirements; topographical, demographical, economic, and morphological surveys and studies were conducted, aerial Photos, reports, charts, diagrams, and planning alternatives were presented.

ASSIA: Based on the planning requirements , in addition to the studies, observations and proposals that have been obtained by the Civil Administration and mayors of upper Fasayel and Chairman of the local council of lower Fasayel , a master plan has been proposed for the year 2031

For the purpose of preparing the master plan, studies, surveys of the existing situation, and analysis of the planning needs for the year 2031 was conducted by ASSIA team. Linking the two

villages has also been taken into account and the relationship of upper Fasayeland lower Fasayel with neighboring communities. On the other hand , the plan was confined to the region classified as C and It was planned only on the territory of governmental land, ASSIA suggested to join the two localities in one plan, but it was rejected by the Civil administration under the pretext of preserving the archeological area which is situated in the area of central Fasayel, even the proposal of establishing an access road between the two localities to organize their entrance is having a problem in gaining approval from the antique department in the Civil Administration, therefore the planning team was obligated to plan within a boundary that was given by the Civil administration, the total area of the planning area is about 214 dunums for upper Fasayel and 121 dunums for lower Fasayel, these figures are much less than the requirements of the planning for the target year of 2031 which yielded from the studies. To overcome this issue, the planning team was asked to perform back calculations to set a target year for the final plan area, which turned out to be the current year 2014, on the other hand, the parcelation was based on the concept of one parcel for residence and one adjacent parcel for livestock with the option of using the livestock parcel in the future for the family expansion.

The Plan proposed areas for residential, commercial, public, agricultural (livestock) uses, and green areas and of course a road network, and divides the residential zone into parcels whose areas are about half a dunum each

Fasayel's planning process is done, but pending for approval from different departments in the Civil administration, such as the transportation department.

# ASIA PLAN

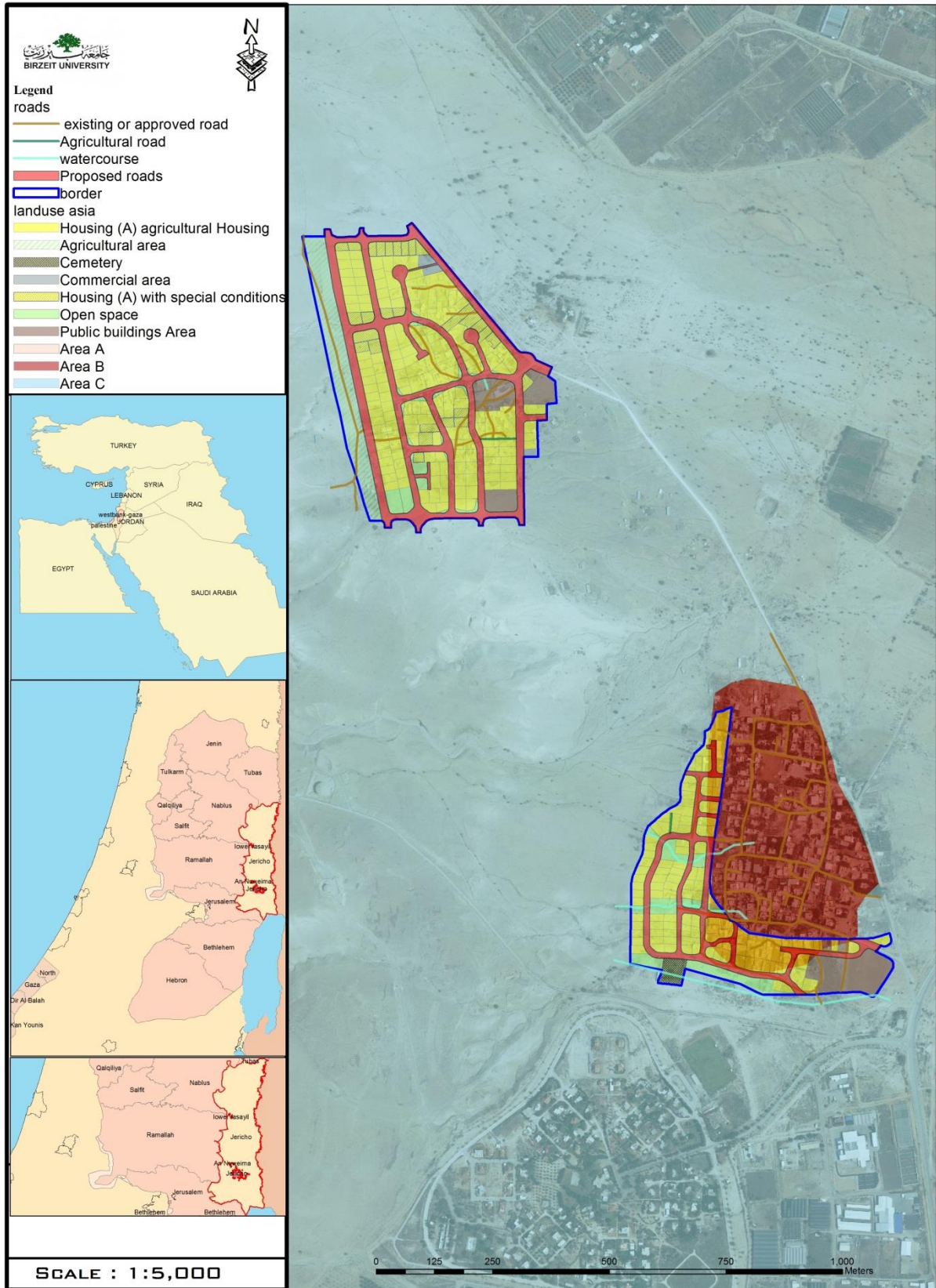


Figure15: Fasayel plan prepared by ASSIA

IPCC: In 2009 a planning alternative for Fasayel was presented to the local councils for discussion, the plan presented was based on the planning program which yielded from the planning requirement of the population in the target year of 2030 for Fasayil.

IPCC states that the goals of this proposal is to save the existing structure from being demolished, to ensure that the community have enough space to accommodate the population future growth, and to develop a road network instead of the existing dirt roads, all that while preserving the rural character of the community.

Demographical, social, economic and infrastructure data was gathered and analyzed, unlike the previously mentioned master plan of 1980, this one included the whole existing structure in the upper and lower localities and an enough area for the expected future expansion, the main concept of the plan for Fasayil was to join the two villages into one master plan, since the two Fasayil localities can only expand towards the land between them due to the previously mentioned restrictions. (IPCC - International Peace and Cooperation Center , 2011).

# IPCC PLAN

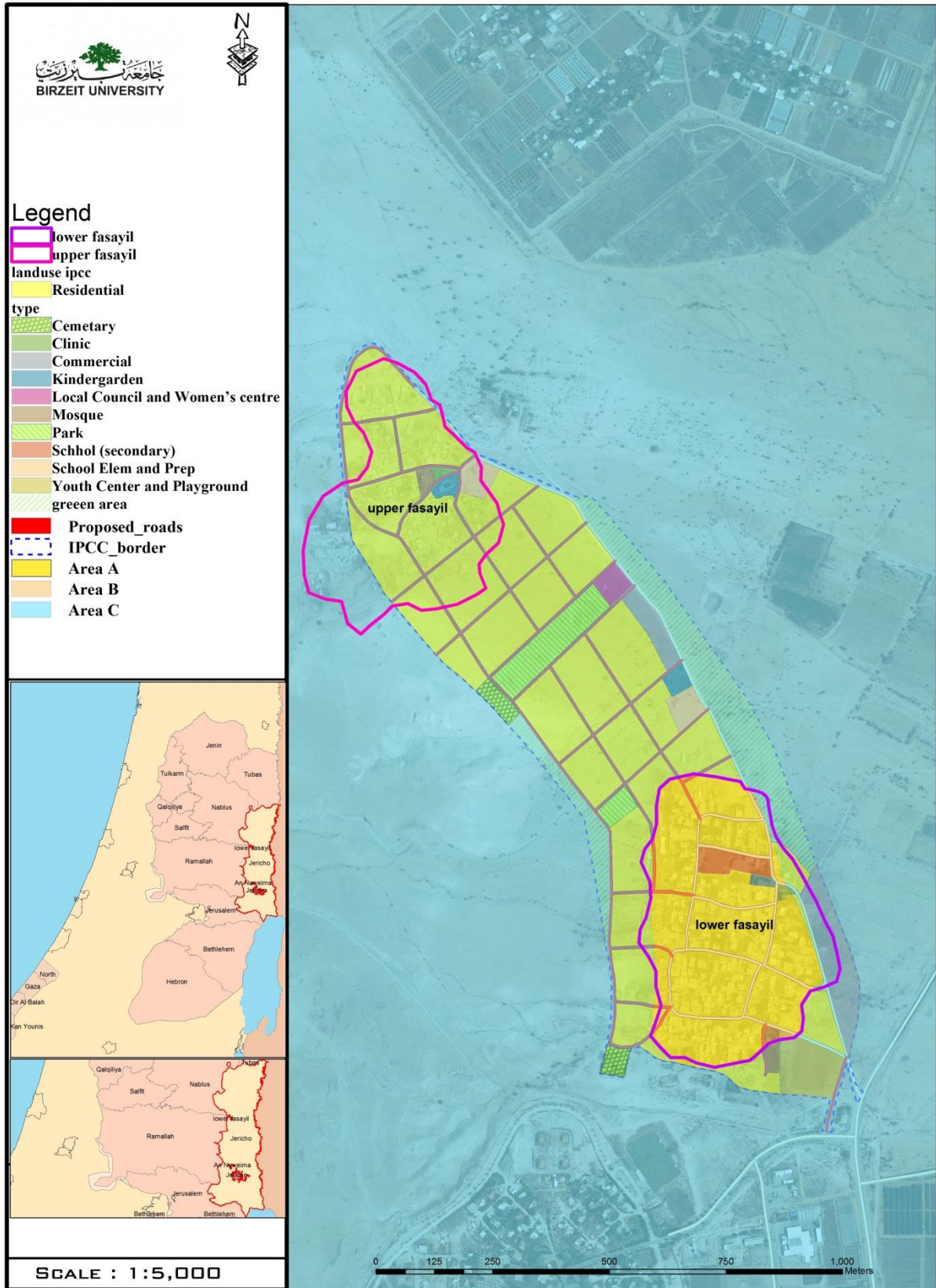


Figure 17: Lower and upper plan proposed by IPCC



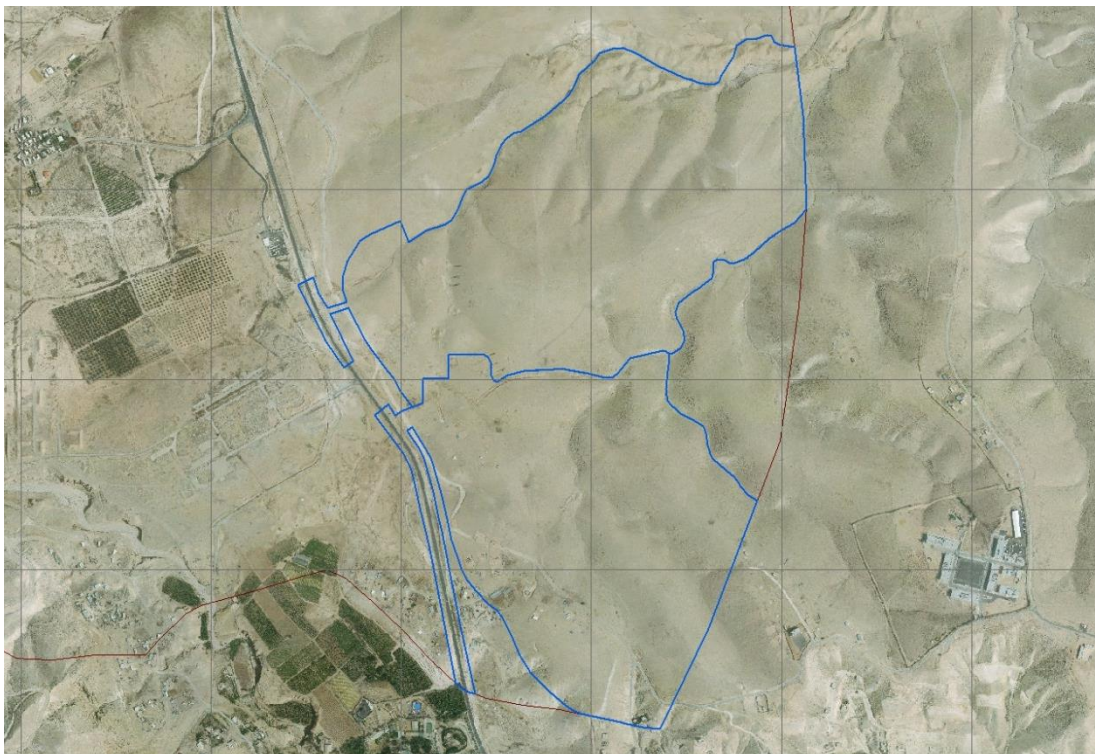
### 3.7.2 Nuimah- Abu zhiman :

Our second case study area is nuimah- abuzhiman community:

Nuima- abuzhiman is a vacant site in Jericho governorate, that was chosen by the Israeli authorities to establish a new community in order to settle Palestinian Bedouins, as the meetings with the Civil Administration reveal; the families that will move into this neighborhood are:

Kabnehlehat, KabnehZoudeen, Rashyedeh, Jahaleen, and Others (Assia archive).

ASSIA Firm was given an orthophoto with the Israeli coordinates and a blue line that represents the boundaries of the plan as shown in the following figure, and they were asked to perform a capacity calculation to figure out the expected population of the new neighborhoods(Assia archive).



**Figure 18: the boundary of Nuima and Abu zhiman**

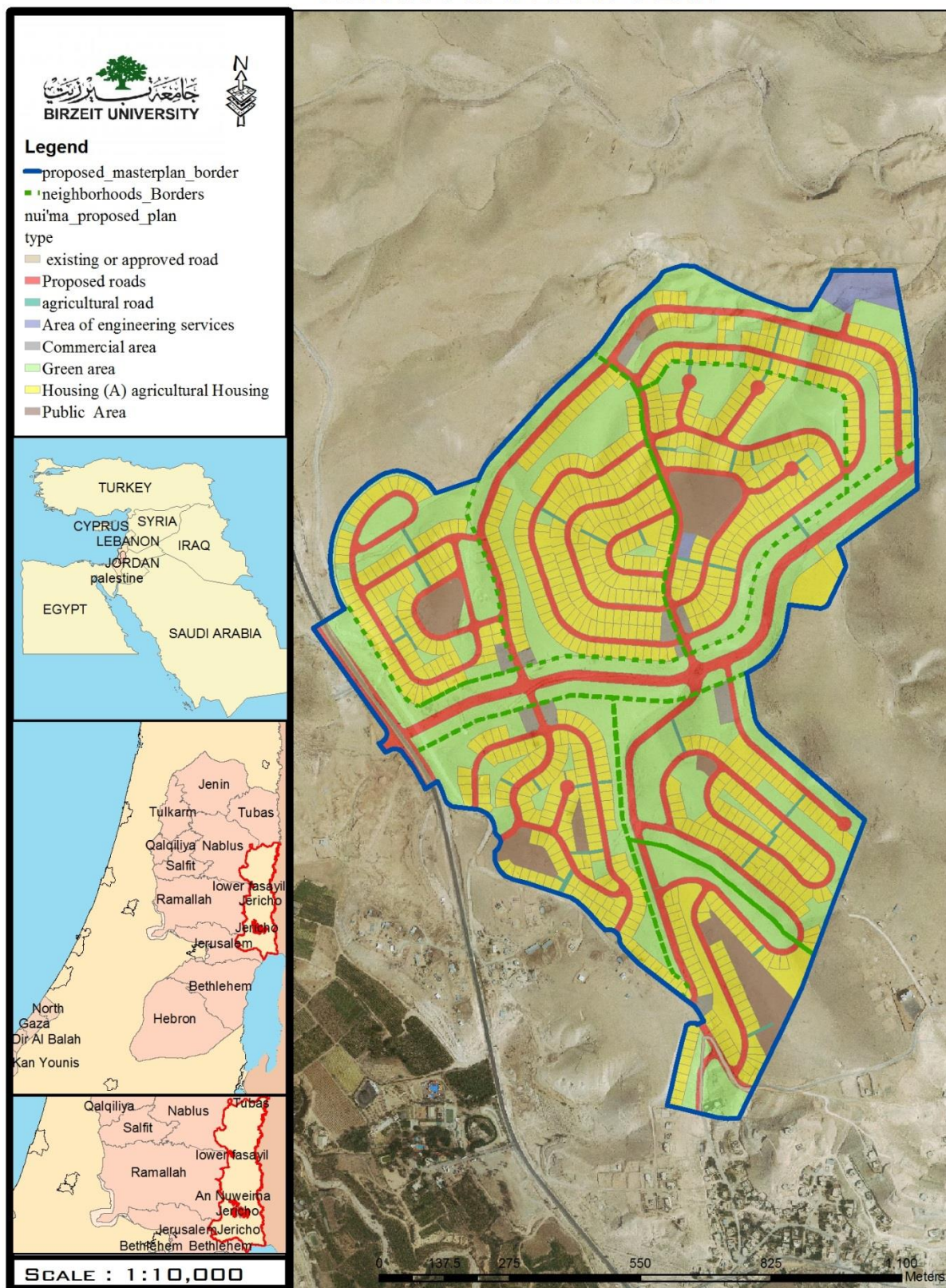
The chosen site is located between N 31°54'54" and N 31°53'24" Latitude, E 35°26'42" and E 35°25'30" Longitude, while its Elevation above sea level: -160 m to -120 meter.

The Final plan's area was 652 dunoums (562 parcels) for the upper neighborhood called Nuimah, and 437 dunoums; (336) parcels for the lower neighborhood called Abu Zhiman, A median road between the two localities is proposed which will lead from the adjacent road to the west as shown in the orthophoto above to the entrance of each neighborhood, no direct entrances were approved.

The plan specified the following uses: residential, public, commercial, open green areas, engineering services areas (that will be utilized for a treatment plant and water reservoir), roads, and a cemetery , and divided the residential zone into parcels whose areas are about half a dunum each, vast areas in the chosen site were inappropriate for residential uses because of the steep topography there, thus green open areas covers a considerable percentage of the master plan.

In the Regulations, the construction of two dwelling units for each parcel is allowed. Where each parcel is half a dunums. Each family is allowed to possess two parcels; one for the cattle and one for the house. But on the plan both are for dwelling with the option of using the livestock parcel in the future for the family expansion.

# NUI'MA PROPOSED PLAN

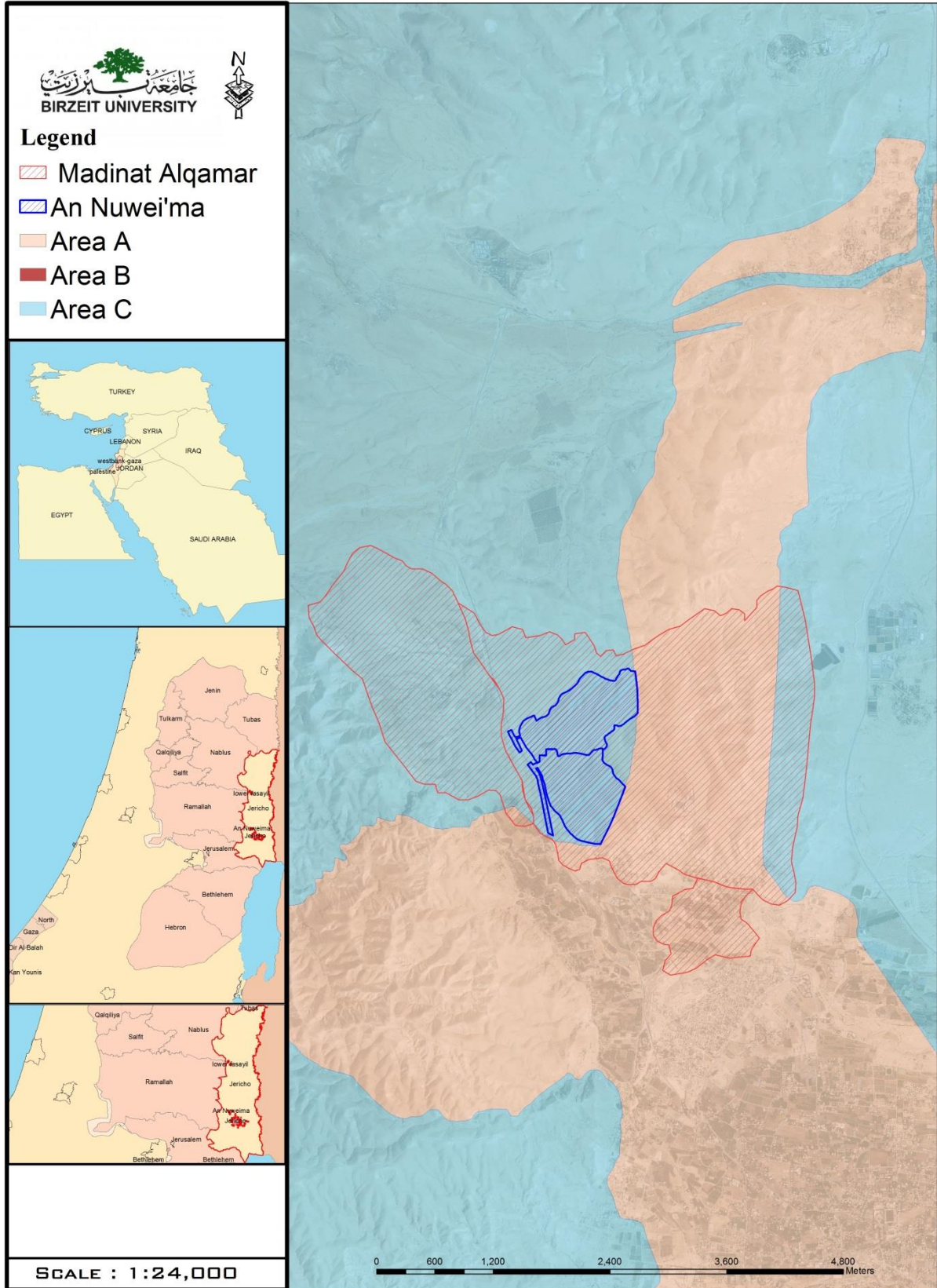


**Figure 19 : Nuima-Abu zhiman proposed plan**

The concept of establishing a new community for settling the Bedouins in a C zone has gone through a huge debate, The representative of the Jordan Valley settlement council stated that “they reject bringing Bedouins from all the places to their area”, “they are Palestinians, why settle them in our land”, and "there are vacant areas in the Palestinian Authority areas can be repopulated, but Israel is working on the establishment of thousands of housing units for Palestinians in the zone C which is under full Israeli control. They perceived this kind of project as an extension of Zone A on “governmental Land”.

On the other hand, the location of the proposed communities part of another proposed Palestinian planned city called “madinat alqamar” which is situated in Nuima area to the north of Jerich city, this 2,500 dunum project was planned and will be carried out by the Palestinian Investment fund on phases, the first phase’s area is about 500 dunum.

# AN NUWEI'MA & MADINAT ALQAMAR



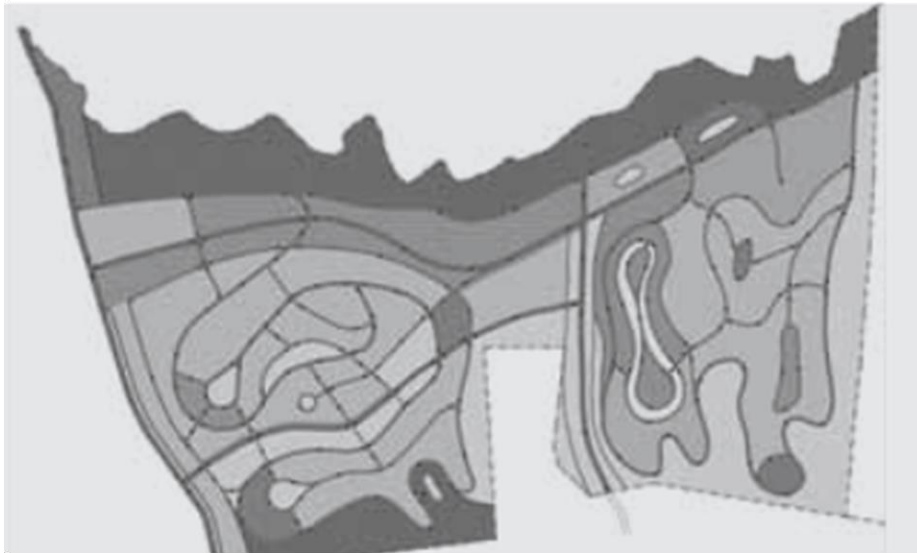


**Figure 20: Madinat Alqamar**

Considerable part of the project is in zone C within a plan for the development and investment in the areas in zone C, since this area which covers 60% of the West Bank area constitute a natural wealth for Palestinians, and has a major touristic and therapeutic significance. According to press releases issued by the Council of Ministers, economic development in Palestine will not be accomplished without full Palestinian control over zone C, since this zone especially the Jordan Valley which constitute 30 % of the West Bank area, is currently a great investment environment for the Israelis who still keeps the area under the pretext of security, according to a report published in Alquds newspaper on November 12, 2013 Mahmoud Abbas the president of the Palestinian authority stated that :”many Israeli farms built there, including dozens of artificial lakes for breeding crocodiles to use the skins in multiple industries, in addition hundreds of poultry farms, turkeys and cattle , as well as wide areas of farmland” (Alquds-Newspaper, 2013).

This project is a part of the Palestinian Investment Funds’ (PIF) vision in zone C which is to: *“develop the region and improve its economy, and provide jobs for its residents in order to support their persistence on their land in the face of the occupation schemes, along with the exploitation of its natural resources for the benefit of the economy and the Palestinian population”* (PIF, 2013). A detailed structural plan have been prepared by the fund for

MadinatAlaqamar, were land use and building orders were set, the project will include thousands of housing units in addition to public facilities as well as investments in the agricultural sector, that, along with the establishment of a tourist city on the shores of the Dead Sea that includes a number of hotels and resorts(PIF, 2012).



**Figure 21: Madinat Alqamar plan(PIF, 2012)**

This project is pending for approval from the Israeli authorities, and the council of the West Bank settlements is rejecting it, under the pretext that the establishment of the city will be at the expense of land dedicated to the settlements in the region(Awad, 2013).

Alqudsalarabi newspaper in an article published in May 13, 2013 on their website, stated that 'Maariv' the Israeli newspaper said that the first phase of the city plan will include the construction of private homes', adding that 'part of the Palestinian residents who will move to live in this city will buy homes, but the other part are Bedouin who are living today on the "state land of Israel" in Jericho district, and that the establishment of the city will reduce the phenomenon of illegal construction by the Palestinians'(Awad, 2013).

Assia planning team was asked to specify a 10 meter buffer zone between Nuima- Abu zhiman plan and Medeinat Al-Qamar which is situated to the north east of it and to plan for a joining road between them(Assia archive).



## Chapter Four: Analysis and discussion:

The first attempt to perform planning at C zones by Palestinians was inapplicable, The regional plan for the West Bank was conducted by the ministry of planning and international cooperation in 1998, it was shallow and based on a lot of assumptions, it conceived the West Bank as one unit and ignored the political classification of land, in addition it never moved from the regional level of planning to the local or district level, moreover zone C was not given any special attention, and all the issues related to it were delayed to the stage after redeployment.

C zones remained without real planning for more than 30 years, the recent initiatives to plan there were presented by donor countries and agencies, and are being performed by several entities, some are Israeli others are Palestinian.

In the light of the literature review and maps, two Palestinian planning experiences in the West Bank in a none C zone will be reviewed, in order to explore any attempts to counter act against the Israeli restrictions. These two examples are two big cities in the West Bank, one of them is a proposed planned community (Rawabi) the first and largest Palestinian planned city, the other is an existing city (Ramallah), the major city, which is considered an economic capital of the West Bank.

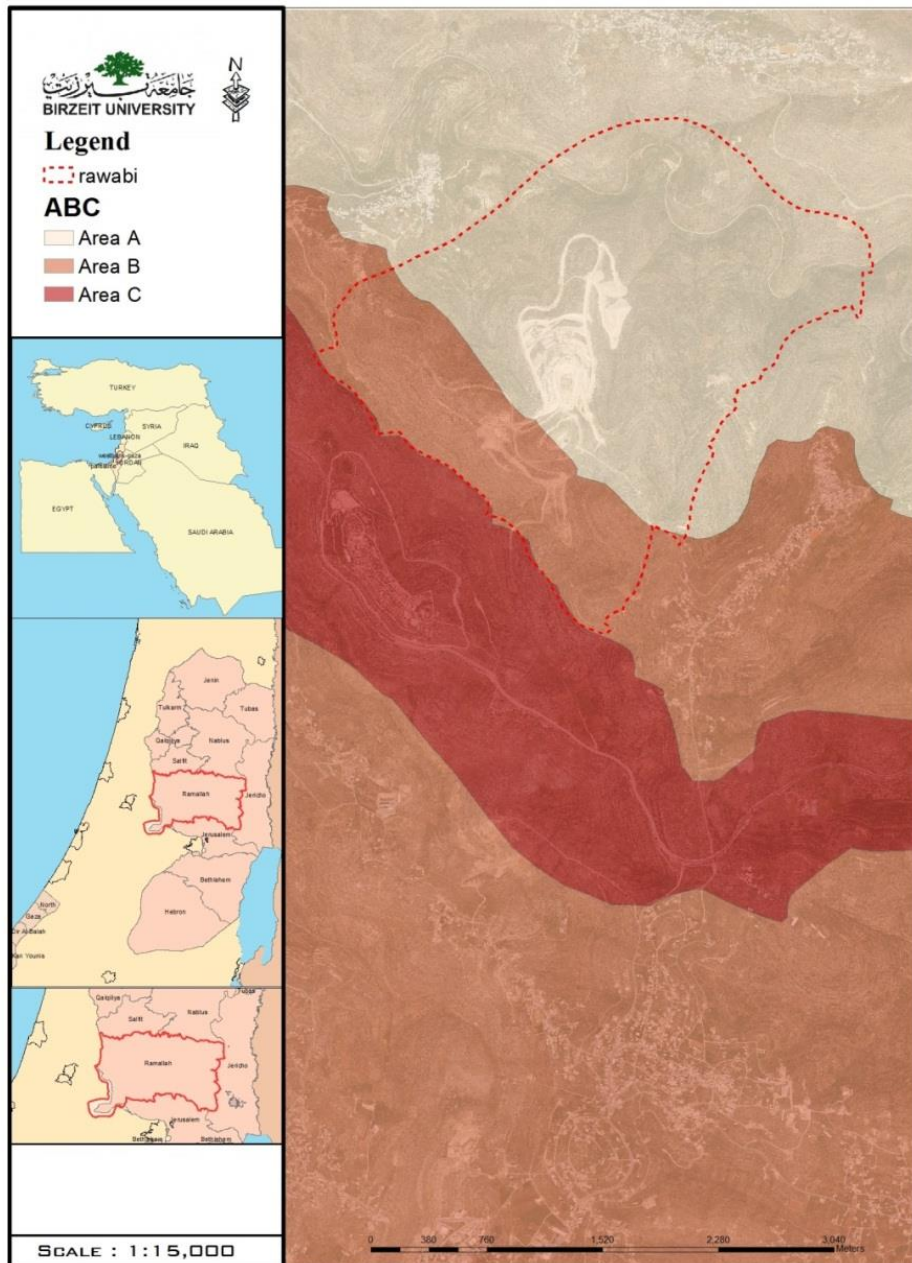
Planning in none C zone:

Rawabi:

Rawabi is a Palestinian planned city that is being erected on the hilltops of Ramallah governorate villages, it is claimed to be the first Palestinian city built according to a master plan, and planned to absorb a population of more than 40,000 eventually. Rawabi city is located predominantly in the area classified as A and B zone according to Oslo agreement as shown in Figure (Rawabi, 2011).

Bashar al masri, the developer of the project, stresses that Rawabi is a national initiative that can be considered a step towards building the Palestinian state, a way of creating "facts on the ground" and peaceful resistance, he believes that "building a city is, in a way, fighting the occupation", and that his project creates jobs and provide other economic benefits, however the project faced many obstacles regarding obtaining permits from the Israeli authorities; since the main access road to Rawabiruns half a kilometer through zone C, which is under the Israeli authorities' control. That's why Rawabi is behind schedule, and work started three and a half years after the plans were prepared, this fact raises a lot of questions; "how can someone be resisting the control of a power if he is seeking permits from it?" Can Palestinians build anything Without Israels' consent? (Shuttleworth, 2013)(Sak, 2013)(Tan, 2013)

Moreover, Rawabi has created controversy among scholars and intellectuals, on one hand, some of them think it represents a new phase of Palestinian resistance (Sak, 2013), on the other hand others perceive it as "whitewashing" the occupation and a form of normalization; they notice prominent similarities between such projects and existing settlement patterns. *"There is a strong similarity with the colonial mechanism of gazing at space, fragmenting space, controlling the mountain tops, creating gated communities and fostering elitism in the planning of these housing projects"*(Anani, 2011)(Purkiss, 2013),Yehya (2012) agrees with that and adds that the spatial organization of the city can help controlling the city by the Israeli army.



**Figure 3: Rawabi city location in relation to C zone**

Figure shows the boundary of Rawabi with the classification of the land in that region, it is clear that the location and boundary of Rawabi were set according to this classification, the southern west limits of this city are C zone boundaries, In fact scholars think that Rawabi was established on the largest continuous lot of land that is not in C zone in Ramallah governorate in order to avoid any obstacles that may face the work. Therefore, C zone was not implied in Rawabi plans,

this refutes the claim that this project is saving the land from being expropriated, or countering any Israeli plans in the area.

Ramallah:

On the other hand, Ramallah, the major Palestinian city in the middle of the West Bank, is located on a land classified as A zone as shown in Figure . Ramallah is located near Jerusalem, and it is a headquarter for most of the governmental institutions and economic activity. This situation causes the rapid growth which the city is facing since the early nineties (Khamaisi, 2006).

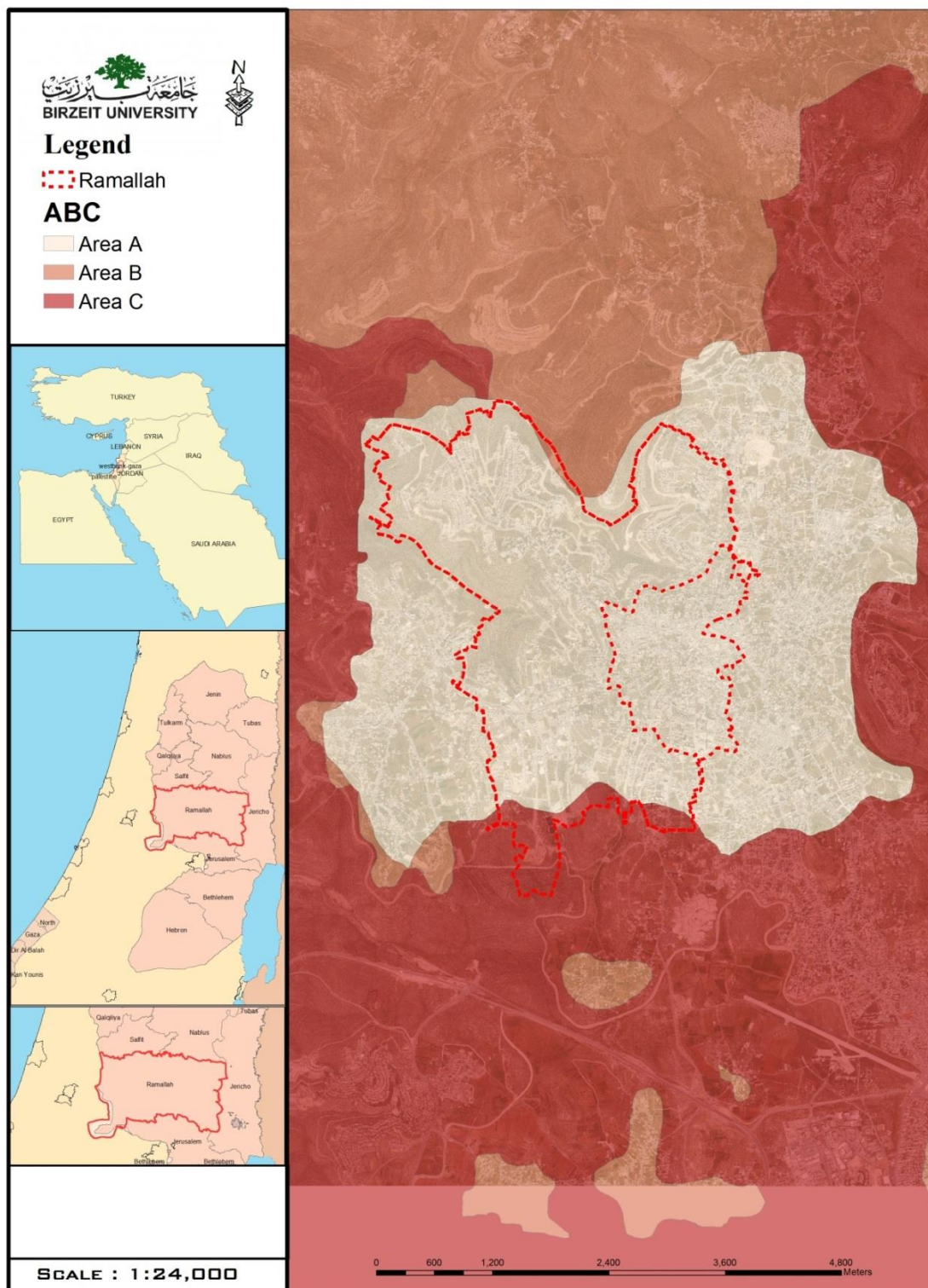
The available land for the future expansion lies mainly in zone C, where planning is controlled by the Israeli authorities, however, Figure of Ramallah shows the master plan boundaries of Ramallah, it is clear that the expansion of the city is constrained from the east, west, and south due to the fact that these lands are in C zone, while the northern lands are in B zone, accordingly the expansion is heading north. (Khamaisi, 2006).

The latest master plan of Ramallah which was prepared in 2011 by the municipality shows that the new boundary of the plan encompasses lands in C zone as shown in figure ,nevertheless, a phone interview with Issa Sayegh, the head of the Urban Planning Department in Ramallah municipality revealed that these lands are out of their control and were encompassed as a future orientation in case of a political solution that can give Palestinians the authority on planning issues on C zone.

It is clear that those two examples of planning are not counteracting the Israeli plans and provided no mechanism for confronting their restrictions, in fact they avoided C zone as if it was the boundary of the master plans. The planners of Ramallah and Rawabi followed what was

imposed on them by the Israeli procedures, and were consistent with them despite the fact that they serve the occupants interests.

### RAMALLAH



Therefore, the previously mentioned two examples of an existing community (Ramallah) and a proposed planned community (Rawabi) emphasize the spatial segregation, and confirm the Israeli planners' vision. If these plans were meant to confront the occupation procedures, they would have addressed C zone in a way that challenges the Israeli restrictions there.

In the next section, this study will shed light on three categories in addressing counter planning attempts in C zone: existing communities, proposed planned communities, and transfer communities.

Planning in C zone:

Existing communities (Fasayel):

Fasayel locality has gone through three planning attempts as mentioned earlier, the first one was in 1980 and was prepared by an outsider planner under the supervision of the Civil Administration, in which the upper part of the village (upper Fasayel) was totally ignored, on the other hand, a considerable area of the proposed plan (24 %) was exploited, while the vacant area was parcelated into small lots, see Figure. This indicates the Civil Administration' intention to intensify the area rather than fulfilling the planning needs of the community. On the other hand that plan was prepared under the Civil Administration supervision, which makes it a top-down process that imposes the occupant's vision, and involving the local population in the planning process only slightly through objections (Bimkom, 2008).

The Civil Administration, as mentioned earlier, still apply the mandate outline plans on the C zone in West Bank. Fasayel falls under mandate Plan RJ/5 and is classified as agricultural land. While the mandate regulations allow residential buildings in the agricultural lands, the Civil Administrations' interpretation of the mandate plan prohibits it, and that was obvious from the limited area of the proposed plan (IPCC - International Peace and Cooperation Center , 2011).

# FASAYIL MAP 1980

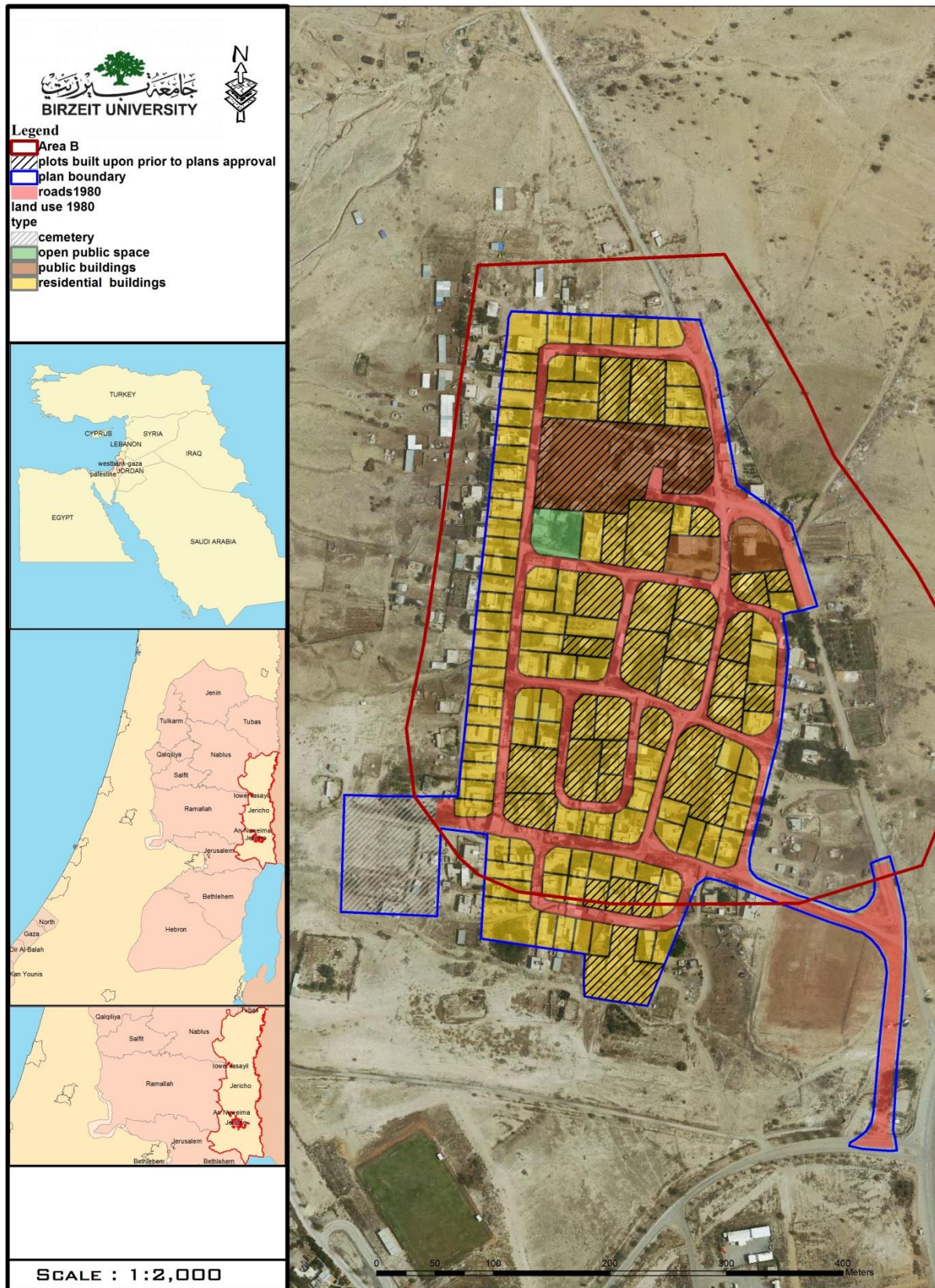


Figure 24: Lower Fasayil's plan of 1980 (Bimkom, 2008)



In ICA plan, the boundaries do not relate to any planning principles or criteria, such as the context or the population. In fact the boundary line is specified by an aerial photo in a way that encloses all the built-up area and the space in-between. However, distant structure is excluded especially if it is on an agricultural land(Bimkom, 2008). In Fasayel case, excluding the upper locality and the area in between from the boundary line proves that preparing these plans aims in the first place at freezing the existing limits of the Palestinian communities and not allowing any expansion that may threaten the settlers' existence. On the other hand, it is claimed that these limited plans meet the needs of the growing population by infilling the in-between space and intensifying the built-up area, rather than by expanding the boundary to enclose undeveloped open areas.

Moreover, the plan define only four zones: roads, residential areas, open area, and public buildings. The plans do not zone areas for public parks, or commercial buildings, the plan provides parcelation for the residential area. However, Palestinians actually committed to the plan to a great extent, the later construction and the roads were performed according to the plan with some exceptions (Bimkom, 2008).

On the other hand, the planning campaign that took place in the seventies and eighties was merely scattered projects here and there for localities that were chosen upon a list of measurements, such measurements determine whether a community is eligible to be planned or not, and according to them many Palestinian villages in zone C were denied the chance of having a master plan, accordingly no vision combined these plans, even the plans for neighboring communities mostly don't correspond with each other, due to the different political classification of their lands.

This plan did not only limit the growth of the locality, but also legitimized the demolition of many structures; therefore, it can, by no means, be considered a democratic plan, as democratic planning is a participatory process that involves the people, while this is a top-down office work

that imposes the upper hand vision on the local population, in addition it does not takes into account the social aspect of the planning, but rather it restricts the planning goals in building licensing and demolition.

# IPCC PLAN

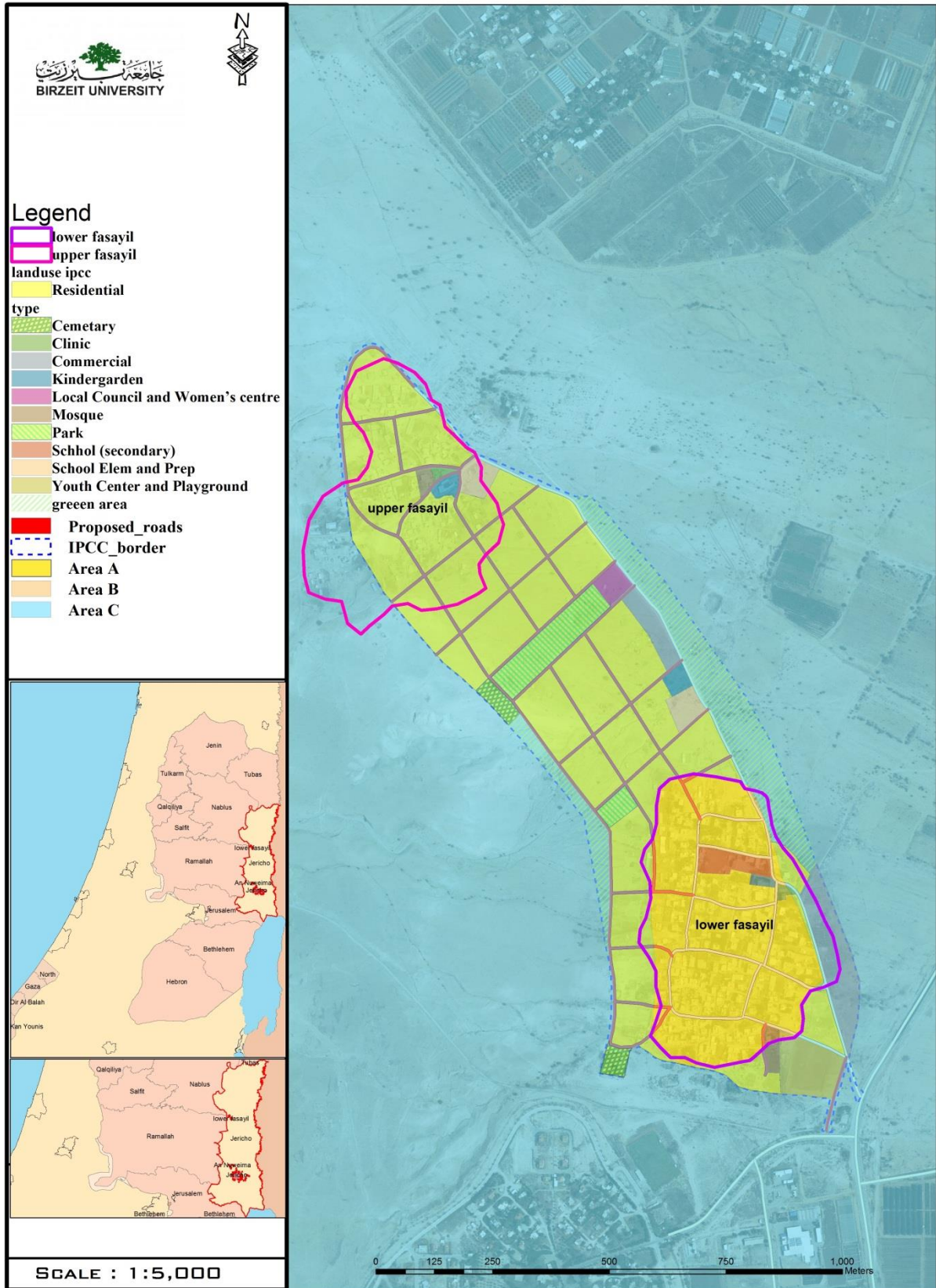


Figure 23: IPCC's Fasayel proposed outline plan

Basil Quttaineh the project coordinator of the project of planning in area C in the IPCC stated that IPCC works on a planning project at C zones sponsored by the Office of the Quartet in coordination with the local governance ministry, IPCC refuse to cooperate with the Civil Administration and prepare their plans and present them to the local councils and take objections into consideration, so as the final plan serves the locals interests and wills, the local councils present the prepared plans to the Civil Administration, and they discuss it to get the approval from all the departments in the civil administration, most of their plans got the approval, but in the case of Fasayel, the prepared plan which joins the two localities together (figure) was denied, because they wanted to separate the two communities, the planning of Fasayel was awarded to another firm to conduct it within the Civil Administration agenda.

The planning process was performed by the IPCC team without the intervention of the local residents during this stage; however, IPCC's team insists that they involve them through meetings with the local council, and public workshops held after preparing the drafts, apparently the planning team took advantage of the social, infrastructure and demographical studies they conducted, this can be seen clearly in the main concept of their plan, which was about amalgamating the two localities in one unit that is served by the same road network and facilities, and can expand in the vacant space in between. The plan also allocated a park area for social interaction and public facilities in the shared space between them, and zoned a commercial area at the entrance of the locality on the contrary of the Civil Administration's plan. Amalgamating small communities into one plan is an advisable planning approach to develop urban and rural areas, so as to be able to provide services more efficiently (Mabuchi, 2001), the Civil Administration refused the IPCC's proposal of joining the Fasayel localities in one master plan, and preferred keeping them separated.

In addition, this plan, when submitted to the Civil Administration took about two years before it was rejected, and that helped in saving the construction in the localities from demolition all that period, as the Israeli law considers any area with a proposed plan to be under planning and forbids demolition there(Qurt, 2013).

This plan, unlike the previously mentioned one, included the upper part of the village, however, it left some construction in upper Fasayel outside the plan boundaries, which is located in a private land within C zones

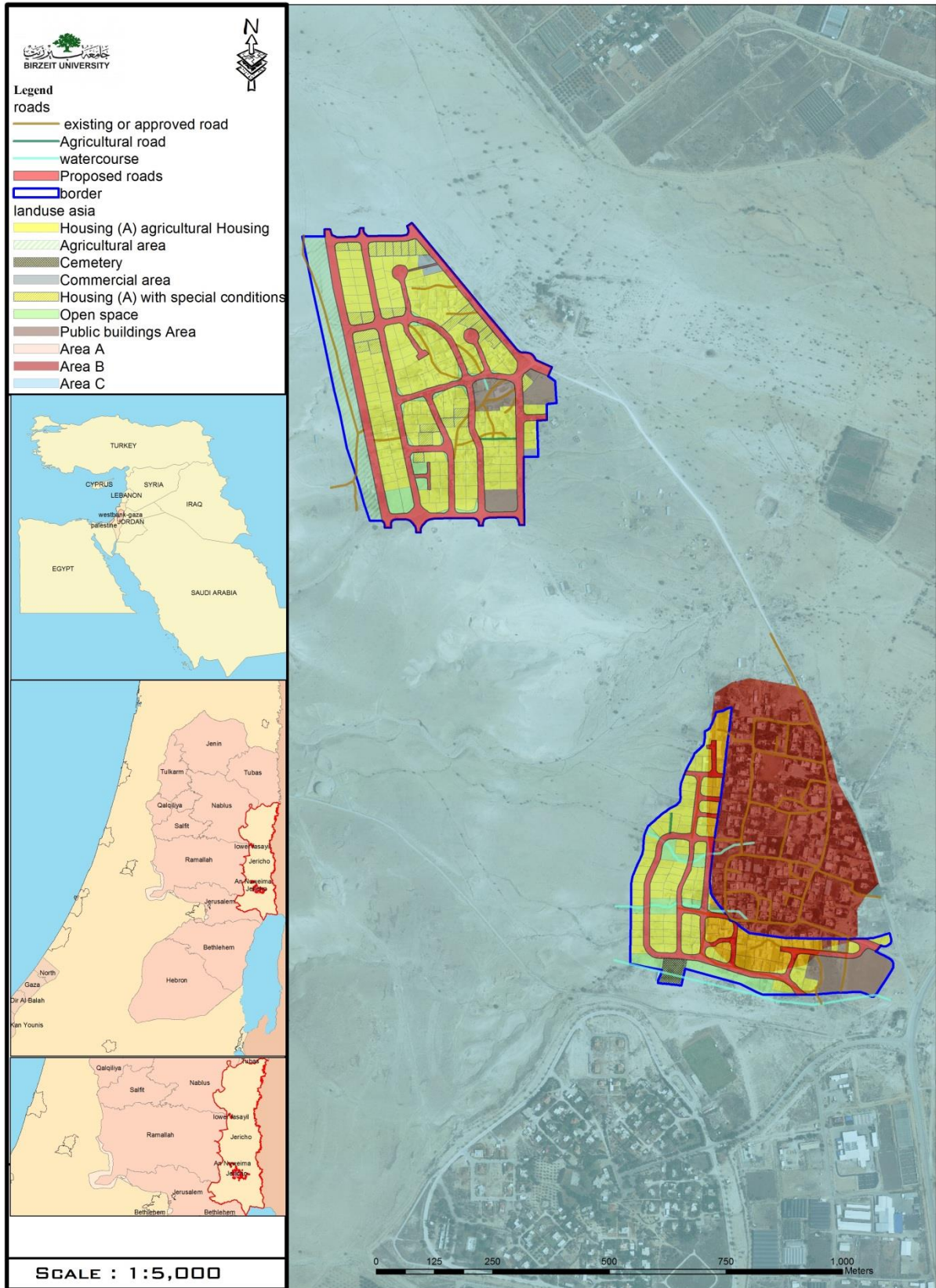
On the other hand, planning in Palestine is still a relatively new discipline, that suffers from the lack of financial support; and depends on the donors aid such as the Quartet, therefore planning in C zone is affected, even indirectly, with the donors point of view, which don't risk putting their money on unachievable projects, thus, planning for Fasayel by IPCC wouldn't have happened without the support of the Quartet, which only started sponsoring such projects after the Israeli consent for some planning by Palestinians in zone C during the Jenin International Economic conference in 2007(Qurt, 2013).

IPCC's attempt may have taken into consideration the local population's needs and desires, through workshops and consulting with the local council, and it worked on the plan in a social sense and not only physically. Nevertheless their plan is still restrained by the political situation and its ramifications, it came out to commit to the occupation point of view either directly or indirectly, and eventually was rejected by the Civil Administration, and commissioned to a private Palestinian firm to perform it under its supervision.

Regarding ASSIA's proposal the planning process was conducted under the Civil Administrations' supervision, so the final plan came to be consistent with the Israeli military orders and in harmony with the mandate plans(ASSIA archive).

The concept of joining the two localities in one master plan with shared facilities was rejected, despite the fact that it is the only possible alternative for meeting the future population growth of the two localities as was mentioned earlier. The rejection was for pure political colonizing reason; the Israeli authorities perceive the land as their own land, while Palestinians are intruders, thus minimum area was allocated to the plan, even when this area did not meet the planning requirement for the population in the target year, the planning team was asked to overcome this by conducting a back calculation to set a target year, which turned to be the current year 2014.

# ASIA PLAN



**Figure 24: ASSIA's Fasayel proposed outline plan**

Knowing that the plan is not yet approved, and the whole project of planning in C zone suspended as a punitive reaction to the Palestinian conciliation which took place in May 2014; this means that the plan may be approved and put to action later in 2014 or even next year 2015, when the plan is not valid anymore. And as planning is a future-oriented action, the process of planning Fasayel by ASSIA can't be considered even planning, not to mention counter planning.

Furthermore, according to the mandate plan RJ5 the area where Fasayel is located is classified as agricultural land, the new proposed master plans assigned most of the locality area for residential uses; nevertheless, a significant percentage of it was classified as agricultural lands. (ASSIA archive)

On the other hand, some existing constructions to the east of upper Fasayel were not included within the new boundary according to the new master plans; this means that they are illegal and legible for demolition. While in the same time open spaces, green areas, and agricultural lands were included in the master plan where no construction is allowed.

The public participation in this process was minimal and nominal; the local council of the targeted locality was involved superficially, and no public meetings or workshops were conducted, in fact some of Fasayel's residents called the firm and asked for including their houses within the plan boundary, their demands were not taken into account simply because the Civil Administration refused, so the needs of the local population were not met satisfactorily, which makes the proposed outline plans another version similar to the precedents plans.

During the planning process, some determinants were considered the most significant factors in shaping the plan in Fasayel, such as the jurisdiction boundaries of the Israeli colonies, the governmental and private lands, C zone boundaries, archeological sites, and some topographical factors. These factors formed the boundaries of the master plans more than any other planning requirement. This fact is substantial, for the boundaries are the criteria upon which the authorized



construction sites determined and building permits are issued. And as this plan doesn't protect the existing structure from demolition, but on the contrary it emphasizes and legitimizes the tight expansion boundary.

Transfer communities (Nuima-abuzhiman):

The concept of establishing a new planned community to settle people is a common one in the contemporary world, and has many advantages in controlling the distribution of the population and services, however when this idea is proposed by an occupation authority, many questions arise, especially when it is established on a land that the occupation authorities consider theirs.

Palestinians tend to believe that expanding their communities to cover more vacant land, or even establishing new ones, is a way to protect land from being expropriated. One of the examples on that is Bab Alshams, which is a village that hundreds of Palestinian activists erected on a land east Jerusalem where the Israeli government has committed to building 4000 settlement units, This land belongs to the villages of Al-Issawiyeh, Eizariya, Al-Tor, Anata, and Abu Deis. Another example is the Manatir Neighborhood south-west of Nablus.

Activists stress that establishing these neighborhoods aims *“first, to claim our right as Palestinians to return to our lands and villages, second, to claim our sovereignty over our lands without permission from anyone. Third, protecting our land from continued confiscation and threat of settlement and colonization”*.

Despite the fact that the Israeli occupation authorities issued orders to demolish these villages, erecting new villages is considered (according to organizers) a counter act against colonization, and one of the methods of the Palestinian popular resistance to retrieve the stolen land or to protect it from being confiscated.

On the other hand, settlers try every day to erect outposts here and there in the West Bank under the eyes of Israeli authorities; in order to confiscate the largest possible area of land, all these

outposts are established without permission from the government, no master plan, and no land allocated for such communities. According to B'Tselem most of the outposts are built on private Palestinian land, or government land by the Israeli classification, on the other hand many colonies started as outpost that was erected by one or small group of settlers and then extended and became a fact on the ground like "Migron"( B'Tselem , 2011).

With regard to our study focus, Nuima-abuzhiman community is proposed by the Israeli Civil Administration in a vacant land in Jericho classified as C according to Oslo agreement; to relocate the Bedouins of Kabnehmlehat, KabnehZoudeen, Rashyedeh, Jahaleen, and Others from Jericho, Hebron and Jerusalem districts. The new community will be surrounded from all directions, by firing zones, settlements and a military checkpoint, This deprives the potential residents of Bedouin from grazing pastures for their cattle. And while Bedouins make their living mainly from shepherding, relocating them will create a major unemployment issue and will affect their livelihood(B'Tselem, 2014).

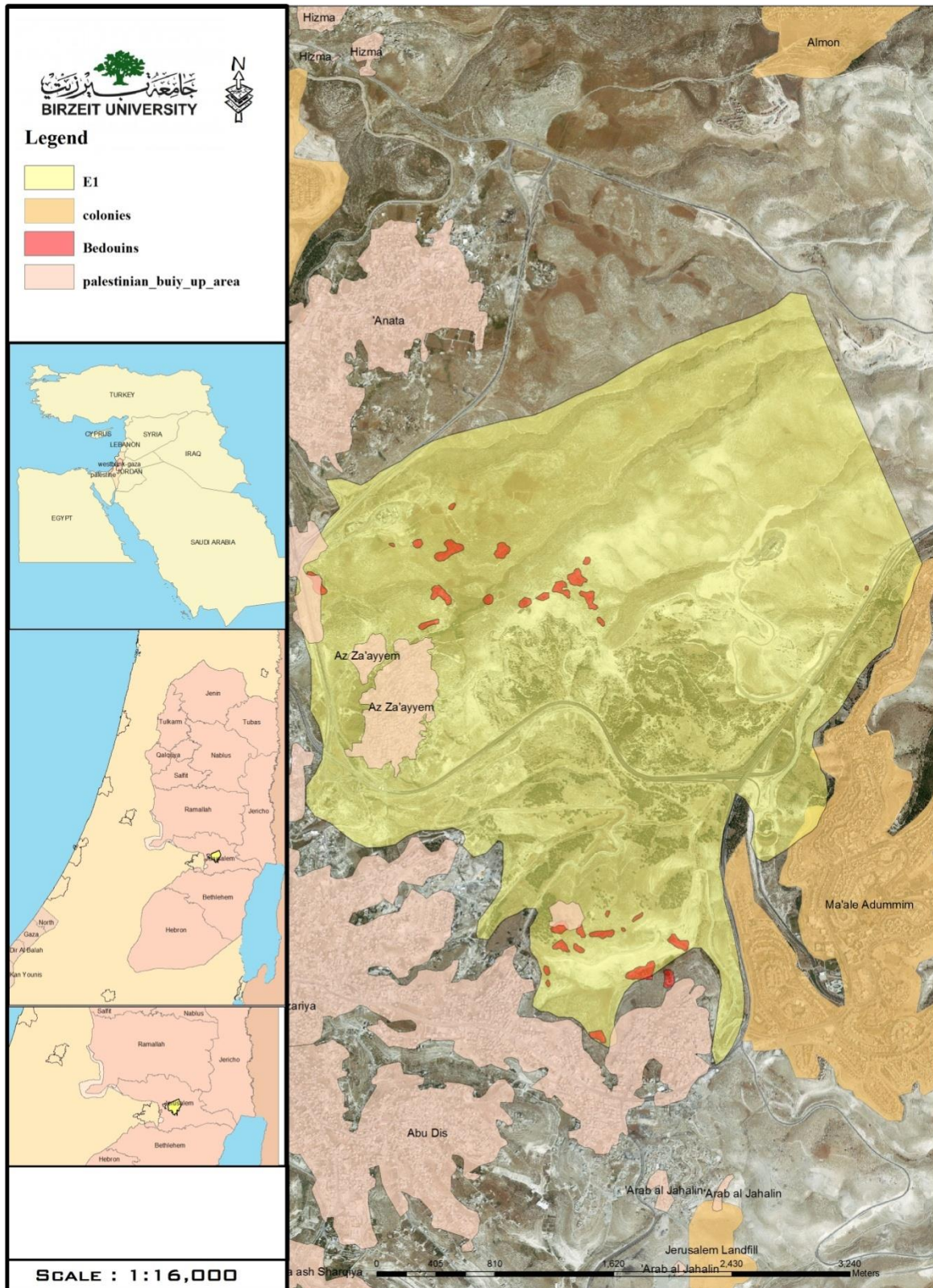
The proposed new community of Nuima has raised a lot of controversy recently for being the new home for thousands of Bedouins who will be transferred from their lands, it is planned to accommodate about 900 parcels, which means that these communities are to be the home of thousands of relocated Bedouins (ASSIA archive).



**Figure 5: Jahaleen Location**

It is clear after reviewing the location of the Jahaleen community -for example-, that it is close to MaaleAdumim, one of the largest Israeli colonies in the West Bank and Jerusalem, and exists in the area designated to the E1 plan which is a hilly area between East Jerusalem and MaaleAdumim, as shown in Figure, which Israel is planning to annex, to increase the municipal area of Ma’aleAdumim colony in order to conjoin it with Jerusalem and under the West Bank into two parts. This plan entails confiscating 1,600 dunums, and threatens to transfer 2600 Bedouins from Jerusalem district (APJP, 2014). This indicates that relocating some of the Bedouins of Jahaleen comes to leave more space to extending the colony and create a buffer zone between Arabs and settlers.

## BEDOUINS E1



Despite the fact that this planning attempt was conducted by a Palestinian team(Assia) in C zone, it can't be seen as a counter act against land confiscation there, First of all the location of the

community is not chosen based on any logical criteria; for its steep land that is not easy to build in, thus most of the master plan came out to be green lands because they can't be used as residential; while most of the residential parcels have a slope over 15% (ASSIA archive).

Furthermore, such communities are perceived by Palestinians to be a copy of the Israeli colonies, that mean a controllable community with clear boundary, and a top-down approach of planning, that ignores the needs of its residents and decides for them, specially that it is an Israeli initiative.

The Israeli Civil Administration which supervised the planning process thinks they know how to plan for Palestinians, and assume that providing a space for the Bedouins and their cattle to settle in is all they need, social and economic ramifications of such a project are not taken into consideration.

Relocating people or displacing them undergoes several forms of socio-economic changes, economically, The new communities' location and proximity to existing market, and the environment in which new communities are based influences the livelihood strategies of the occupants, for example the lack of arable land for agriculture in the new destination of the relocated population will affect the agriculture and the livestock. While socially, displacement often cut off the displaced from their community, organization and family, because they had to abandon their way of life, in addition, relocating people from different cultures and backgrounds causes several social sophisticated issues and contradicts with their traditions. (Refugee studies center, 2011)(Carrillo, 2009).

Moreover, relocating people, as mentioned earlier, violates the international law; Fourth Geneva Convention states that "the Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.", while Rome Statute of the International Criminal Court classifies the acts of deportation or forcible transfer of population as "crime against humanity" and a "war crime" ( ICC-International Criminal Court, 2002).

Proposed planned communities ( MadinatAlqamar) :

On the other hand madinatalqamar (which is a Palestinian investment project) is related to Nuima-abuzhiman community, the planning team of ASSIA were asked to plan for an access road to connect it to Nuima-abuzhiman community. The master plan of the city was prepared by a Canadian firm called “planningAlliance” which provides planning and design services for clients over the world.

This project is a part of the Palestinian Investment Funds’ (PIF) vision in zone C which is to: *“develop the region and improve its economy, and provide jobs for its residents in order to support their persistence on their land in the face of the occupation schemes”* (PIF, 2013). And to *“create a state-building vision for urban employment and agricultural development”* (planningAlliance, 2013).

Nevertheless, EngMajdiShawer an engineer in the Amaar group one of PIF’s subsidiaries, which is managing MadinatAlqamar, stresses that supporting the presence of Palestinians on the land in C zone is by providing job opportunities that enables them to purchase houses there, and by absorbing the labor force from the colonies construction field, and not by providing them free accommodation in the new community, and he denied that a part of the project will be dedicated to settle Bedouins, and stressed that the project is totally profit-driven.

He added that the factors of site selection are based on studies and not particularly to protect the land from the risk of confiscation, in addition, the site is located in zone A and C as shown in Figure, the part in zone A is under construction, while the part in zone C is still pending approval from the Israeli authorities through “Palestinian concerned parties” whom he refused to specify.

The new city is facing a lot of objections from the settlers in the Jordan Valley as they perceive such projects as a step towards the extension of zone A on “governmental Land”. Nevertheless, some news spread lately regarding the intention of the Israeli government to transfer 20 thousand

donoms of zone C away from the settlements and the apartheid wall to the Palestinian Authority control under the pressure of the United States of America as a part of the their plan for the development of the Palestinian economy. Maarive Israeli newspaper stated that these lands will be in the Jordan Valley to establish a new town there, “but it seems that it is part of an Israeli plan to control a much larger area of land in the Jordan Valley that is inhabited by Palestinians”. (Maan news agency, 2013)(Awad, 2013)

Palestinian opponents of the new phenomena of new planned cities, that began to spread in the Palestinian territories thinks that these are merely profit-driven projects whose owners try to promote as patriotic initiatives, they also perceive noticeable resemblance between new neighborhoods projects and already existing settlement patterns. but while the latter are carried out to serve a national agenda that aims at confiscating land by creating facts on ground, the Palestinian new cities lack the vision and makes no effect in supporting the Palestinian presence on their lands (Anani, 2011).

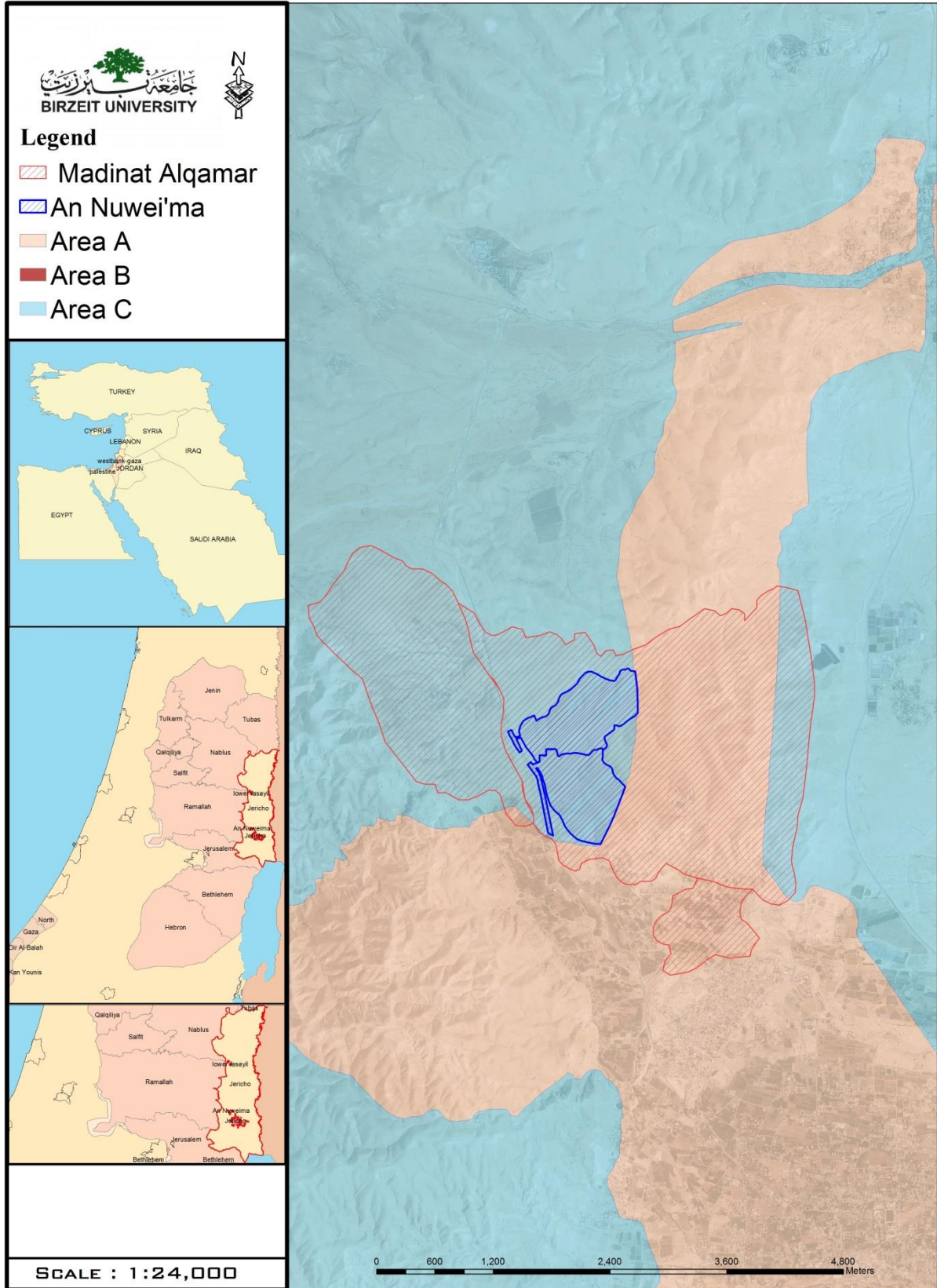
Having this city planned by an outer planning firm, that is unfamiliar with the Palestinian context and the social, economic, and political circumstances there, reduces the possibility that it was conducted to counter the Israeli colonizing acts there. Despite the fact that the firm claims that the project entailed a primary programming and conceptual planning exercise at the regional scale, the political facts were not addressed clearly, no special attention was given to the part of the project which will be in C zone.

The maps show that Nuima plan which was prepared under the ICA supervision is a part of the Palestinian new proposed city Madinatalqamar, most of which is located in C zone, and planned and carried out by the PIF. This fact raises a lot of questions about the cooperation between the Palestinian and Israeli planning authorities. First of all, if PIF stresses that the project is totally profit-driven, and the site was not selected on the basis of saving the land from the risk of confiscation, and all the profit driven projects tend to avoid any political conflict that may

obstruct or delay the work as in the case of Rawabi, then why does most of the Madinat al-Qamar area lay in C zone which falls under the Israeli authority in terms of planning? On the other hand, how can lands in C zone be a part of two proposed communities, one planned by the ICA and the other by a Palestinian firm? It is thought that this plan is being prepared with some kind of coordination between Palestinians and Israelis without which it would be irrational for an investment company to take the risk of planning and building in a politically non-stable area.



# AN NUWEI'MA & MADINAT ALQAMAR



In the same context, The Israeli civil administration is now planning to rehabilitate Mu'arrajat Road, Which connects Ramallah and Jericho, and widen it so that it can be used by the Palestinians from all over the West Bank to get to Jericho, instead of the Jerusalem-Jericho road. This project is also being planned by the Palestinian firm ASSIA.

Muhammad Ilyas, Wall and Settlements affairs manager in the Ministry of Local Governance, stresses that Mu'arrajat project is related to a great extent to the Nuima, Fasayel project and E1 plan<sup>9</sup> , as it comes in synchronization with the Israeli approval of the Nu'ayma plan, he perceives it as a first step towards ethnic cleansing in East Jerusalem (Ma'an, 2014).

Ilyas is arguing that transferring the traffic out of Jerusalem area is a very important step towards the implementation of the E1, since widening the Mu'arrajat road would leave no excuse for the Palestinians to use the road between Jerusalem and Jericho, and therefore; it paves the way for emptying East Jerusalem including E1 area from Palestinians and relocating them in Nuima community near Jericho (Ma'an, 2014).

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<sup>9</sup> E1 is the hilly area between East Jerusalem and MaaleAdumim that Israel is intending to annex, to form a continuous urban development and to expand the municipal area of Ma'aleAdumim westward to join up with Jerusalem. This plan is threatens to transfer 2600 Bedouins from Jerusalem district. (APJP, 2014)

# ROADS & E1



Figure 6 :muarajat road and Jerusalem road

## Chapter Five: Conclusion:

This dissertation has studied some planning initiatives in C zone in the West Bank in an attempt to figure out to what extent they acted as a counter planning initiatives that confronts the Israeli plans there.

Through the three case studies that were reviewed, it can be concluded that planning in C zone is not conducted reasonably; it is evident that planning in the zone is proceeded without a vision, but rather random irrelevant projects here and there, whether it is undertaken by the Palestinian institutions or by the Israeli Civil Administration.

Israel has been under great pressure from the international community because of the continued demolition campaigns in zone C, this forced Israel to carry out some planning projects for the Palestinian communities, and allowed the Palestinian population to prepare plans with the help of some Palestinian planning agencies and the support of the European Union. The idea of giving the Palestinians “legal” areas to build and expand in, helps significantly in making Palestinians commit to the rules and plans as in the case of Fasayel plan which was prepared by ICA in 1980, and thus decreases the chances of undesirable building in restricted area, where the Palestinian expansion may affect the colonizing interests. This is believed to be the main objective of preparing and approving such plans in C zone (Bimkom, 2008).

On the other hand, the economic dependence of the local planning agencies on the support of donors, threatens the concept of counter planning in C zone. IPCC’s plan of Fasayel tried to fulfill the locals’ needs and designate larger area for them, and managed to stop demolition orders for a considerable period, but this initiative wouldn’t have happened without the support of the Quartet, which supports such projects with the Israeli consent, and without confronting their plans.

Therefore, IPCC's plan cannot be considered a counter planning attempt, because planning in zone C by Palestinians can be approved by the Israeli authorities if, and only if, it was consistent with the Israeli vision, and does not threaten their presence there. And for being inapplicable; neither the planning agency nor the sponsors had the power to put this plan into action and defend the peoples will.

ASSIA's attempt, on the other hand, did not offer a better scheme, the idea of planning in the zone with the ICA supervision, is enough to prove that the output of this process can't be considered as a counter planning; the staff of the Israeli Civil Administration are Israeli's, and are not interested in providing planning services for Palestinians (Coon, 1992) (ASSIA archive).

To conclude, the existing communities proposed plans cannot be considered counter plans that confront the prevailing power's goals and fulfill the indigenous population needs, the current campaign of planning for some communities in C zone aims at intensifying and confining Palestinians in small areas where they are not permitted to exist outside. Countering these plans depends on providing alternative plans that meets the locals' needs and fulfill their aspirations by preserving the existing construction and allowing the future expansion.

With regard to the new proposed communities in zone C, The concept of establishing new communities on lands located in C zone would have been a good approach to save land from being expropriated, if not associated with the idea of relocating Beduins. But since MadinatAlqamar is a profit-driven project that is planned and executed by an investment company, this refutes the claim that this is a patriotic initiative that aims at stabilizing Palestinians in zone C, and consequently is not a counter act against the Israeli continuous threats in the Jordan Valley.

The Palestinian initiatives to plan for new cities are mainly profit-driven ones, which try to avoid any political conflict that may obstruct or delay the work, in order to have effective initiatives in

this field it must be a governmental one that works according to a national agenda, and not a private sector investment project.

In general, it has been found that there is no counter planning activity in zone C, the absence of a vision that combines these plans with neighboring communities' plans and confronts the political segregation of the area, affects the efficiency of them, and makes them just like the previous random scattered Israeli projects in the area. The addressed projects are a result of a top-down process that imposes the planners' vision on the people and deals with a more a physical rather than a social approach.

It is irrational to think that Israeli authorities will perform a real planning that serves Palestinians and fulfill their needs; or take into consideration the current status of the communities and its future requirements. It is obvious that Israel's initiatives to plan at C zones aim at providing the minimum infrastructure, without any clues that they enhance their living conditions, while on the other hand, Israel made sure that the master plans assigned to the Israeli settlements in the West Bank are well and sufficient to cope with anticipated future growth of settlers' population, in addition to easily formulated procedures for building and development plans (ARIJ, 2008).

Planning in the zone is confined only in territorial or physical aspect of planning, no social or economical dimension was included; despite the fact that conducting such studies is one of the Civil Administration requirements; it stays on paper with no effect on the planning process. It is clear that ignoring these issues was intentional, despite the fact that Israeli planning standards pay a lot of attention to the social, economic, environmental issues.

Planning in all its forms is- and has always been- one of the most influential tools used by politicians or colonizing powers to control and gain power, it is obvious that the planning policies in zone C aim in the first place at emptying the Palestinian population from it. The Israelis are planning to evacuate these areas willingly, and to relocate the Palestinian residents smoothly, without drawing the international media attention, Israel has systematically controlled

the Palestinian territories to make its occupation policies facts on the ground, and settle their population in the occupied territory regardless of what the international law say.

The spatial changes that Israel has created on the map of the West Bank prevent establishing a real efficient planning system, in order to be able to plan any space you have to have the full power and sovereignty over it, and that is not the case in the Palestinian territories in general and specially in zone C, therefore Palestinian are asked to find a mechanism to conduct proper planning at C zones under the prevailing circumstances.

From another perspective, it is worth to ask, are we ready to rule area C once the Israeli's withdraw from it, do the Palestinians have the capability of creating a unifying planning strategy there? In fact, if we look at the full half of the glass, whether the plans in C zone were approved or not, whether they were applied or not, one can not underestimate these initiatives after all, they still serve on the long term for a national Palestinian vision; the planning initiative itself provides a huge database which can be very helpful in any future solution for the C zone. If the zone was given back to Palestinians, the conjunction of it will not consume a lot of time, and the process of creating a unifying planning system will take place easily, and a comprehensive planning process on the local, national and regional levels will launched smoothly.