# Planning under a colonial regime in Palestine: Counter planning/decolonizing the West Bank

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## A B S T R A C T

After the Oslo Peace Accords (1994), the West Bank, Palestine was divided into three zones as an interim agreement for establishing a Palestinian State, where Israeli control would end on the occupied region within 5 years. These zones: Zone A, under full Palestinian control, Zone B under joint control of Israeli and Palestinian authority and zone C which covers more than 60% of the West Bank area and which Israel has full control over security, planning, land administration, and construction. Most of the zone is designated for Israeli military uses, settlements and bypass roads. Palestinian communities in this zone suffer from significant shortages on different levels, among which is urban/rural planning and development.

Planning in this zone is completely controlled by Israeli authority and has resulted in segregation and enclaving of the Palestinian communities. In Zone C, Palestinian communities look like scattered islands, which is a hinderance to any attempts to manage, develop or serve.

This study aims at investigating planning policies in zone C, case studies for selected communities were chosen and examined to find out whether there were attempts by the Palestinians to counter Israeli planning in the assigned zone.

From the cases, it is clear that there are some Palestinian attempts to counter Israeli plans, but they failed. It is concluded that planning in zone C is fully under control of the colonial power, no Palestinian plan proposal has been approved.

## 1. Introduction

Palestine went through different ruling regimes during the past century: Ottoman Empire, British Mandate, Jordanian and Egyptian, Israeli occupation and finally the Palestinian National Authority. While under the British Mandate, efforts were focused on creating a 'National Homeland' for Jews in Palestine. 'Israel' was declared on 78% of the land in 1948, and then in 1967 the remaining parts of Palestine: West Bank (W.B.) and Gaza Strip were under the Israeli occupation.

As a result of the Oslo Peace Agreement in 1994, the Israeli forces withdrew from parts of the W.B. and recognized a Palestinian right of self-governance in some parts. The W.B. was then divided into 3 zones,[1] A–C; Zone A: full Palestinian civil and security control, zone B: full Palestinian civil control and joint Israeli-Palestinian security control, zone C: full Israeli control over security, urban/rural planning, land administration, and construction; most of the W.B. area was classified as zone C (about 60% of the West Bank) (B'Tselem, 2014; B'Tselem, 2013).

The W.B., especially zone C, has remained without real urban/rural planning since 1967. In the past few years the focus has been to do master plans for communities in zone C. The recent initiatives were motivated by donor countries and agencies, and were being performed by several local planning firms. However, the upper hand in the field of planning in zone C is reserved for the Israeli colonial power. It is vital to ask: are these attempts/initiatives (planning in area c) really aiming at challenging the Israeli control and sovereignty? Is it counter planning? Is it a new era of decolonization in urban planning in the W.B.?

## 2. Planning and colonial power

The relationship between planning and power is fundamental. Physical planning can be used as a means to serve political ambitions, and power can easily change the landscape accordingly. Classical planning theories tend to identify the act of planning as a technical tool used by planners to guide decision makers. Forester (1989) argued for the significance of looking at planning from a political perspective in

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[1] Oslo agreement states that: Israeli forces will withdraw from the West Bank within five years gradually, that is why areas such as A–C were assigned in order to make the withdraw smooth.

the opening statement of 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 social welfare, planners are challenged to understand the planning systems including the relations of power they are working within. According to Sandercock (2004), in order to make planning more ethical and inclusive, sovereignty is a crucial issue, and it is not about participation, it is about rights. She adds that planning is an ethical commitment to the future, in which planning has to strengthen indigenous communities' autonomy to manage their lands. The major ethical considerations in planning in the face of power can be summarized as: empowering indigenous communities and planners, providing them with the required skills to do the job themselves. In addition sharing information and knowledge transfer to indigenous communities is a must.

In the colonial era, ethics in planning were absent when dealing with natives' rights, quality of life and basic needs. When colonies were established, planners used the power they gained from decision makers to oppress and isolate indigenous people in different ways: enclave, segregate communities and confine them in remote areas in the outskirt of the colonizers' cities and towns. In addition planners during this era used zoning as a tool to achieve all mentioned above goals, and manipulated with regulation to allocate low-density areas for the white, and high density areas for the natives.

Planning and politics interact in many ways, planning in all its forms is- and has always been- one of the most influential tools used by politicians or colonizers to control and gain power, it also serves as the basis for a 'legal' tool such as laws of private property, surveying, and relevant regulations. Colonizers used planners to draw maps to impose laws and regulations accordingly as a source of power (Sandercock, 2004; Carson, 2002; Coon, 1992). Power was evident in planning colonial locations in which topography played a major role. Colonizers/ planners aimed at establishing their structures on top of hills to show power and control.

Planning researchers tend to use a new term to distinguish the actual planning being applied on the ground from the utopian planning being promoted in books and researches. This term is called "the 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 addressed how planning is used to dominate and oppress minorities (or even majorities as in the case of South Africa). Most recent literature discusses power and planning in the context of democracy, ethnicity, minorities, and racial segregation. The researchers focused on how the planner has to work as an advocate to defend these groups' needs and objectives in the face of dominant power. Power in this study can be defined as the power of occupation, cleansing, and changing the whole landscape to achieve dominance, control and rule.

Çelik (1997), took a detailed look at Algiers 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 were applied here; a new spatial organization was imposed on the locals to control their lives, movement, culture, and way of thinking in order to guarantee the continuation of the French colonizing rule.

More recent example of the ramifications of power on spatial organization is the apartheid era in South Africa in the last century;

racism 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 restricted residence of colored natives to the outskirts of white urban areas and away from the economic opportunities, and even planned 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 segregation 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 Africans (McCusker and Ramudzuli, 2007).

Fainstein and Fainstein (1994), define planning as a future-oriented, public decision making directed toward attaining specific goals, as well as (Levy, 2009) the understanding 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 is a key player in the formation of spatial policies that will promote integration, equality, and opportunity within a society and its built environment, but in some cases planning measures don't achieve these goals due to an outer power.

Throughout history, colonialism aimed at the restructuring the nature of the society. European colonialism for example was interested in the development of the European societies in the colonized state, more than it was with the development of native ethnic groups, in fact the natives were perceived by the European colonialism as ignorant people, who were not able to control or rule their own lives, and were in need of help and guidance (Kay, 2007).

Many scholars in colonial planning (Yiftachel, 2009; Sandercock, 2004; Khamaisi, 2006) refer to decolonization and empowering the indigenous people within countries of stable political context like in the new world. They introduce how to incorporate these native groups within the system by participation and giving them the right to share in the planning process. However, few scholars (Thawaba, 2011; Qurt, 2013; Coon, 1992) shed light on the extreme cases of oppression and control inflicted on natives by using physical planning. In this study, decolonizing/counter planning comes in the context of the struggle against this controlling power.

The Israeli occupation authority invited famous architects and planners (Louis Khan, Lewis Mumford, and others) from all over the world in 1968 – after one year of conquering Jerusalem-as was the first step in changing the landscape, dividing and segregating Jerusalem (Weizman, 2007) these planners worked according to the ruling power agenda/vision, ignoring the indigenous peoples' rights.

This study deals with a unique context, where the colonial power "Israel" is still confiscating land for the new immigrants (Jews) to settle in the W.B. regardless of any complications it may cause to the native people. Meanwhile the conflict on the land is still on-going. Moreover, Palestinians are not allowed to build in area C without a permit, and if they were to do so, the controlling power would immediately demolish it, disregarding any ethical dimension. It is helpful to keep in mind that obtaining a permit is a complicated process. In short, when using decolonization/counter planning in this context it means how to "counter the colonial power actions and provide locals with legal 'master plans' to maintain their rights on land."

Accordingly, theories define counter plans as schemes that are prepared by the local community to confront the plans of mainstream planning authority that do not serve the local inhabitants' needs or objectives. Here, it is worth mentioning the work of Sandercock (2004) who addresses mechanisms leading to sovereignty and rights: using non-indigenous planners to produce plans would empower indigenous people and support their desire for recognition and rights, granting indigenous institutions a legal status to facilitate their involvement in the decision making process, using non-indigenous legal structures to achieve recognition of rights, where 'Western' planners know the rule of the game. In addition, community participation would enrich the

process and give the needed indicators to meet the inhabitants' needs and objectives.

In respect to the study context, through discriminatory zoning policies, and unreasonable planning system, Israel was able to restrict Palestinian growth and set limitations on land development. They left Palestinian communities with no real planning, leading to unfortunate circumstances where vast surrounding areas are lacking services This later gave Israel the pretext to confiscate it for "public use" and later turn these "public use" areas into Jewish settlements (Thawaba, 2011).

In this study, it is worth mentioning that the process of planning in areas fully controlled by the Israeli occupational power were initiated in the past few years. In this process, planners from local firms started to prepare master plans for deprived communities in Area C, where services and housing are badly needed. The aim of these plans were to counter the occupying power plans and to support Palestinian communities with 'legal' documents to stop home demolition by the occupying power in these communities.

## 3. Study context

Through the last century Palestine went through different ruling powers; each had its impact on geopolitical situation, land ownership, and ultimately impacted planning policies directly or indirectly.

### 3.1. The Ottoman period (1850–1917)

Land ownership is fundamental when analyzing the planning situation in zone C. All efforts of the Jewish state were pointed towards owning more land in Palestine. Old laws stemming back to the Ottoman period, were used to serve the purpose of land expropriation and taxes (Abdelhamid, 2006; Bimkom, 2008; Dajani, 2005).

During the Ottoman time, land was divided into five categories under the Ottoman Land Code of 1856, for the purpose of gradually registering land to facilitate agricultural tax collection: 'Mewat, 'Miri', 'Matruka', 'Waqf ', and 'Mulk' (Waltz et al., 2010).

*Mewat*[2] and *Miri*[3] lands were declared as state lands by the Israeli occupation authority to facilitate expropriation (Bimkom, 2008; Waltz et al., 2010). In the seventies, Israel tamed the Ottoman land laws to serve its interests.

Another key player in colonial activities in the W.B. were land ownership and registration: many landowners did not officially register their land during the Ottoman period to evade taxes, consequently, by 1967, 70% of the land in the West Bank wasn't registered, henceforth their owners failed to prove ownership (Bimkom, 2008).

### 3.2. The British mandatory period (1917–1948)

Starting from 1917, Palestine was under the British mandate as a result of WWI. During this period the mandate authorities facilitated the processes of purchasing the land and fostered Jewish immigration and the establishment of colonies, and continued using the Ottoman land code with some modifications to serve their own goals (Bimkom, 2008; Waltz et al., 2010). During this period, the British mandate authorities performed a cadastral survey in Palestine. That was an important step in land registration and transfer which finally legalized Jewish land ownership (Gavish and Kark, 1993).

In terms of planning, on the regional scale, in 1940s the mandatory authorities' prepared regional outline plans to control and manage urban/rural development. Palestine was divided into six main districts at the time, each one had its own outline plan. These plans are still in

use by the Israeli occupation in the W.B. Plan RJ/5 for 'Jerusalem district', Plan S/15 for the 'Samaria district', and Plan R/6 for the 'Lydda district' (Bimkom, 2008).

In these plans most of the land of the W.B. was classified as "agriculture" (UNHABITAT, 2015). According to Coon (1992), these plans do not serve the Palestinian needs, and provide no opportunity for development (Fig. 1). According to UNHABITAT (2015), these plans are very restrictive, and the Israeli Civil Administration (ICA) is still using them to ban any development in area C. However, these plans are not taken into consideration when dealing with Israeli colonies in the W.B. (Bimkom, 2008).

UNHABITAT (2015) – page 24 of the IAB report *says 'From 2002 to 2010, only 176 construction permits were issued to Palestinians, but at least 15,000 residential units were built in Israeli settlements during that same period, with or without permits.'*

### 3.3. The Jordanian period (1948–1967)

During this era 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 (Bimkom, 2008; Abdelhamid, 2006). Throughout, this period, planning law of 1966 was adopted delegating Jordan with full planning authority on the West Bank (Amnesty International Website).

### 3.4. The israeli' period (1967–1994)

By the year 1967 (when the W.B. was occupied) 70% of the land couldn't be registered as Israeli Occupation frozen land registration, and kept its status as a *Mewat* 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 couldn't prove that he/she owned the land on which the building would take place (B'Tselem Website, 2013; ARIJ, 2007).

Shortly after the 1967 War, Israel started applying the policy of land expropriation. Hundreds of thousands of dunums[4] in the W.B. were classified as 'State Land'. Later these lands were declared 'military closed zones' and 'Nature Reserves' and later were turned into colonies (Waltz et al., 2010). During this period Israel issued laws, and military orders and amended previous laws from the Ottoman and British periods to facilitate confiscating land. In addition to that, Israel amended the Jordanian acting Planning Law (#79), with many military orders (MO).[5] (MO 418) transferred all planning powers into the hands of an Israeli military supreme planning committee (UN, 2015).

The mentioned military order eliminated the local and district planning committees, and transferred the whole planning process to the (ICA). According to Stein (2013), ICA did not approve any submitted master plans for more than 90% of the Palestinian villages within area C, claiming contradiction with the British mandate master plans (RJ/5 and S15). Between 2006 and 2008, the ICA approved ten master plans for Palestinian villages located in area C, these plans were drafted by the ICA administration without the involvement of the local residents and depended fully on aerial photographs (Stein, 2013; Bimkom, 2008).

As mentioned earlier, according to the Oslo Accords in 1994 the

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[2] Owned by the state but uncultivated or uninhabited and exists within at least 2.5 km from community outermost houses.

[3] Owned by the state and designated for agricultural uses and exists in the area between the outermost houses of a community and the Mewat land.

[4] One Dunnum equals to 1000 m².

[5] **MO#58** (1967) gives control of absentee-owned land to the Israeli military. **MO#59** (1967) gives power to take over land owned by the Jordanian Government, and to appropriate land from individuals or groups by declaring it "Public Land" or "State Land" (amended by MO#364 and MO#1091). **MO#291** (1968) suspended the process of land registration. **MO#321** (1969) confers the right to confiscate, without compensation, land for "Public Service". Amendments to MO#321 in 1994–1996 allow land confiscation for by-pass roads that can only be used by Israelis. **MO#418** (1971) amended the Jordanian Urban Planning and Infrastructure Law of 1966, and vested the Israeli Higher Planning Council with all powers over planning. The same order enabled the establishment of Planning Committees within Israeli settlements in the West Bank, some with powers autonomously to issue permits and master plans (UNHABITAT, 2015).
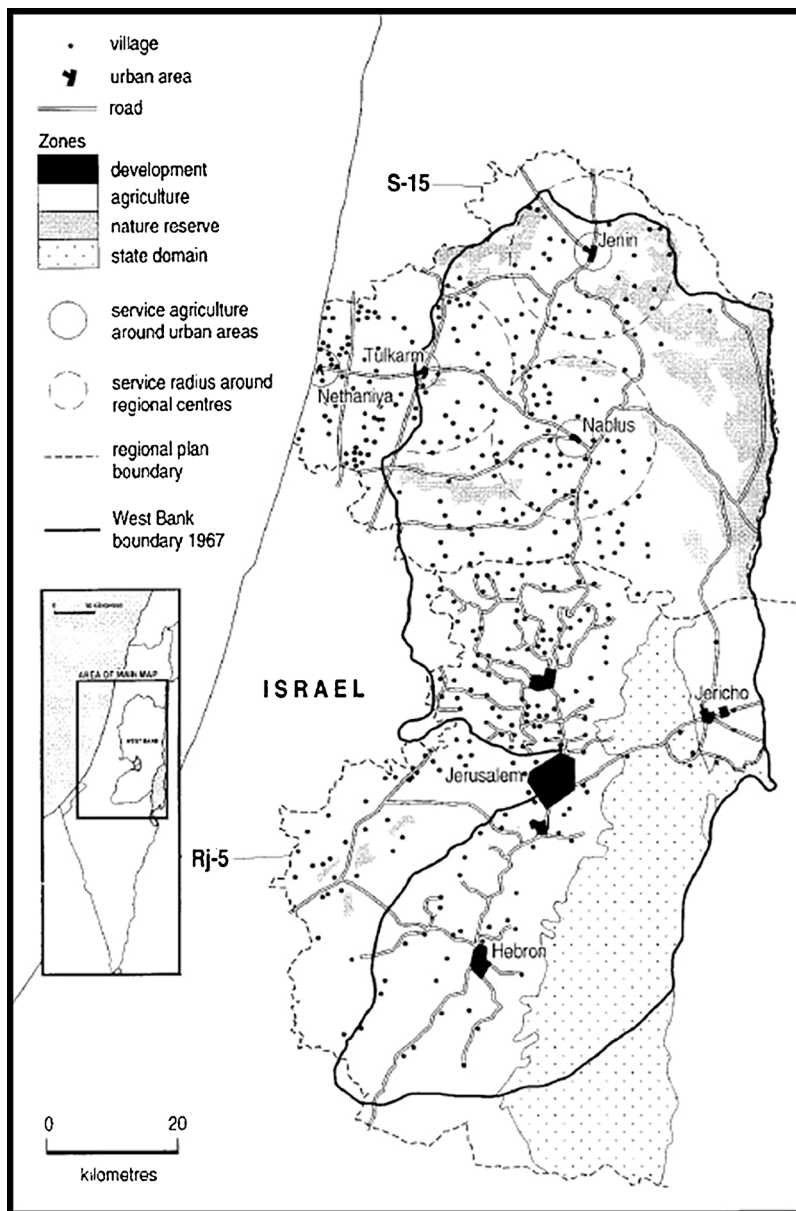
**Fig. 1.** (Bimkom, 2008).
RJ5/S15 Mandatory Regional Plans Zoning.

W.B. land was divided into different zones in which the C zone covered more than 60% of the W.B. Zone C is the home of estimated 300,000 Palestinians. Israel has the exclusive control over planning and construction in area C. In this zone there is 125 Israeli colonies covering more than 63% of the area, state land and military zones cover 34%, and the land where Palestinians are permitted to build on represents only 0.5% (Stein, 2013; UN, 2015).

### 3.5. The Palestinian authority period (1994 – present)

The Palestinian authority was declared on 1994 upon the Oslo interim agreement, and according to that agreement, the W.B. was to be divided into 3 zones (area A, area B, and Area C) with different mandates and sovereignties (Fig. 2).

Palestinian Ministry of Local Government was established in 1994. The aim of this institution was to follow up, monitor and support the planning process for communities in areas A and B. The communities located in area C were left without any developmental plans as it is under the control of the Israeli occupation forces.

The fragmentation of powers between two authorities in the W.B.

hinder comprehensive regional planning for the Palestinian communities. In several locations in the W.B. Palestinian communities in zones A or B are surrounded by C zones, which means that the Palestinians don't have the authority to construct new roads connecting Palestinian communities with each others. While the ICA has prepared plans for roads, gas stations, and cellular antennas, which are dedicated mainly for the Israeli colonies and do not serve planning needs of the Palestinian communities (Bimkom, 2008; Waltz et al., 2010).

In 2009, a funded project by the EU and Britain in coordination with the Palestinian Authority (PA) was launched to draft master plans for 32 Palestinian villages located in area C. The plans were submitted to the ICA in July 2011, since then no plans have been approved (Stein, 2013; IPCC web site, 2017).

As mentioned earlier, Palestinians were obliged to get permits for constructing any establishment outside the master plan of any village in area C. Getting a permit is a complicated process and the chance is minimal. During (2000–2012) 2829 Palestinian homes were demolished because they were built without permits (Stein, 2013).

On the contrary, Israeli colonies in area C enjoyed all kinds of planning, services, and infrastructure projects. Moreover, settlers were
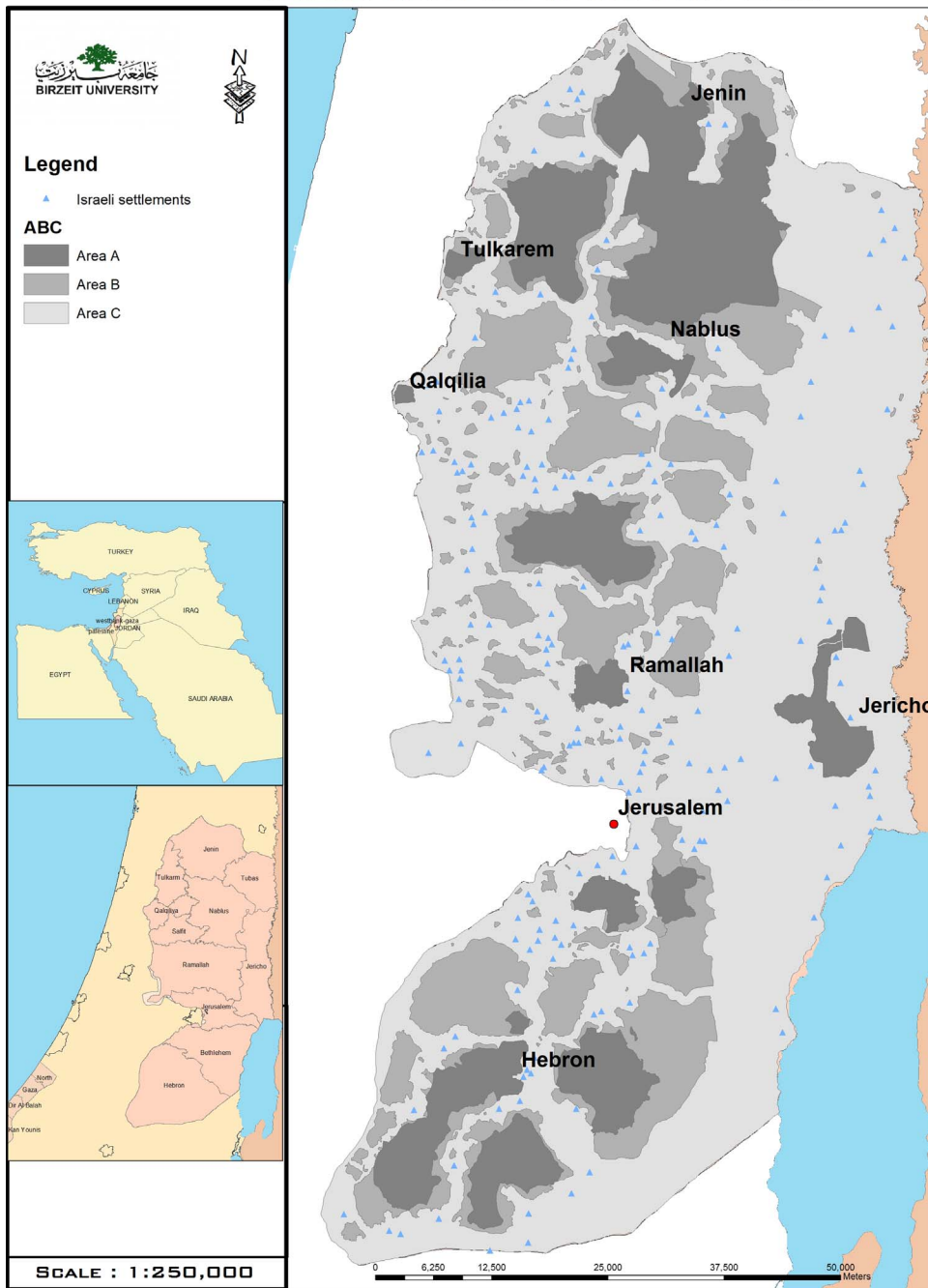
fully involved in planning process; colonies' lands classifications in the Mandate plans were changed from agriculture, natural reserve or ar-cheological sites into land for urban development. During 2000–2010, Palestinians got 176 construction permits, while settlers built 15,000 residential units with or without permits (B'Tselem, 2011a,b; Stein, 2013).

Planning is a complicated process in the W.B. where different zones have different regulations, and the upper hand on more than 60% of the land is reserved for the occupying power. Palestinian communities in Area C do not have updated master plans which mean that any building with no permit for construction is under the threat of demolition. In the last few years, Palestinians have been working on preparing master plans for communities in Area C. After preparing these plans they have to be approved by the ICA, where in most cases they were rejected. This study tries to shed light on some cases where Palestinians have tried to

counter the colonial plans.

## 4. Study sites

The study area is the C zone which covers approximately 3500 km², about 60% of the W.B. area (Fig. 3) and holds 63% of the West Bank's agricultural lands. The study investigated planning mechanism under colonial power, by presenting cases for communities in area C. Three examples were selected to illustrate the undergoing mechanism. These selected areas represent three categories: 1) existing communities (*Fasayel*), 2) communities to be transferred from their lands to new planned areas (*Nuima*), 3) proposed plan for a new town (*Madinat al-qamar*).

FASAYIL MAP
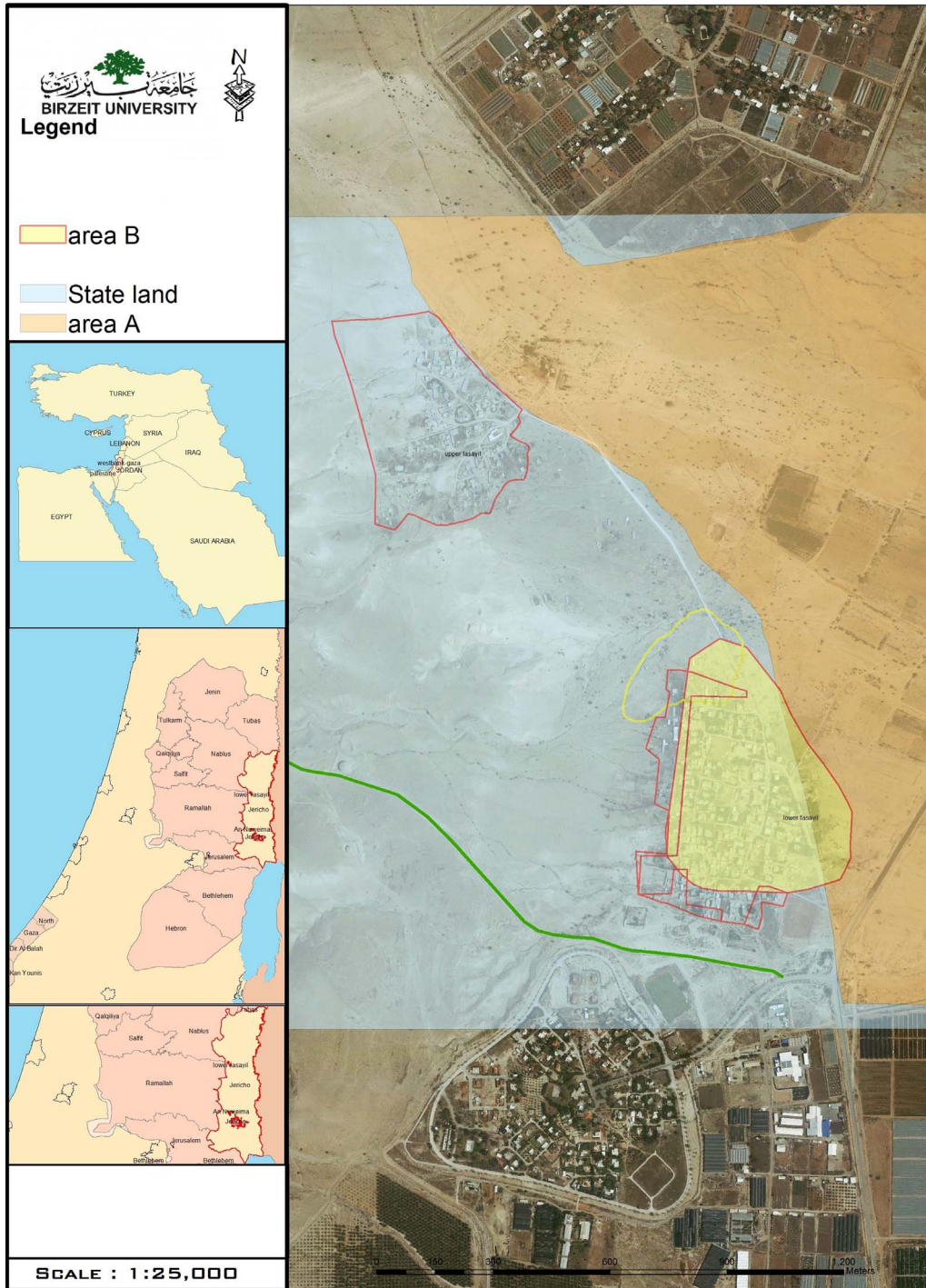
## 4.1. Fasayel

A Palestinian rural community (raising herds) with 1200 inhabitants, situated in the eastern side of W.B. in the rift valley. *Fasayel* has two parts: upper Fasayel and lower Fasayel, most of lower Fasayel built-up area is in zone B according to the Oslo agreement classification, while the whole built up area of upper Fasayel's is classified as zone C. Several buildings in the locality are subjected to demolition orders. The ICA defined a blue line (master plan boundary) that excludes some buildings. Fasayel was a "*state land*" land law with an agricultural land classification "*Miri*". The village's expansion is restricted due to many limitations, a mountain range and Israeli colony *Pezael* from the north,

Israeli colony *Tomer* from the South, road 90(regional pass-by road) from the east, and several Israeli military bases from the west – enclave (Fig. 3), (IPCC, 2011; ARIJ, 2011).

Fig. 3, shows the study site of Fasayel, where it is confined from the north and south by Israeli colonies. It is clear from the figure how these colonies are well designed, compared with Fasayel (in the middle). These colonies are provided with ample agricultural lands and central area for community services. The figure clearly shows the huge gap between the conflicting settings: locals and colonizers.

Two proposals were prepared for Fasayel: one was conducted by the International Peace and Cooperation center (IPCC), this one was done by Palestinian Planners and under the supervision of Palestinian

Ministry of Local Government. The other one was prepared by a private Palestinian firm (ASSIA) under the direct supervision of the ICA. Financially the first one was supported by donation money from the EU, while the second one was by the ICA (occupier).

In 2013, ASSIA prepared its proposal (master plan) for the assigned area based on the planning guidelines provided by ICA and by the councils chair persons of both upper and lower *Fasayel.* The concept suggested joining the two parts into one contiguous community, but it was rejected, and the proposal of establishing an access road between them was denied by the ICA. The planning team was obliged to plan within boundaries that were given by the ICA in which the two communities have to be separated. The total area to be planned (which was given by ICA) was about 214 dunums for upper Fasayel and 121 dunums for lower Fasayel, these figures were not realistic according to the statistical analyses prepared by the planning team of ASSIA.

Later, the planning team was asked by ICA to perform back calculations to set a target year for the plan, which turned out to be after two years instead of 2030. The assigned land was divided into parcels based on the concept of one parcel for each household another one -adjacent parcel- for the herd, which can be used for future expansion when needed (Fig. 4).

Fig. 4, shows the master plan prepared by ASSIA, where the two parts of Fasayel remained separated, and the space allocated for future expansion was minimal. The plan proposed areas for residential, commercial, public, agricultural (livestock) uses, green areas and a road network. Residential zone was divided into parcels of half a dunum (500 m$^2$) each. ICA insisted on keeping the two parts separated. Fasayel's planning process was finalized in 2014, and was submitted to the ICA, but approval from different departments in the ICA are pending until now.

During the process of preparing the plan, several meetings were held between the planning firm representatives and the planning section at ICA offices inside one of the Israeli colonies in the W.B. (Beit Eil) near Ramallah city. The planners worked on maps and aerial photos in addition to meetings with the head of the community (*Mokhtar*) to get his input on the plan. Meeting with the Mokhtar, was the only way to get community perception and involvement.

The IPCC proposal: As a result of the memorandum of understanding between the donors, the Palestinian Ministry of planning and the IPCC, the work on preparing a master plan for Fasayel started in 2009. Meetings were held with the community in order to get their input in the process. In 2010, a master plan was prepared for the target year of 2030, and was presented to the local council for final discussion.

IPCC states that the goal of this proposal was to save the existing houses from demolition, and to ensure that the community had enough space for future expansion, and to develop a road network instead of the existing dirt roads and to connect the two parts of Fasayel (Fig. 6) (IPCC, 2011).

Due to the previously mentioned restrictions (Israeli colonies from three sides and a highway connecting Israeli colonies from the fourth side), the only option that remained was the empty space in between (IPCC, 2011). The IPCC proposal was denied by the ICA because it contradicts with British Mandate plans of 1940s (S15- as mentioned before). Finally both plans were submitted to the ICA to get the approval, after a series of negotiations with the planning section of ICA, and both did not get the approval yet (Stein, 2013).

Fig. 5, shows the master plan prepared by IPCC, where the two communities are connected in one fabric. The master plan provided enough space for future expansion, and a central area for community services.

### 4.2. Nuimah- Abu zhiman

Nuima-Abu Zhiman is a vacant site in Jericho governorate that was chosen by the Israeli authorities to accommodate Palestinian Bedouins. Meetings between the planning firm (ASSIA) and the ICA officials

revealed that the intention is to transfer Bedouin families scattered around in area C to one place near Jericho city).

ASSIA firm was given an orthophoto with the Israeli coordinates and a blue line[6] that shows the boundaries of the area to be planned. The allocated area was 652 dunoums (562 parcels) for the proposed upper neighborhood called Nuimah, and 437 dunoums; (336) parcels for the lower neighborhood called Abu Zhiman.

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 (ASSIA archive, 2011). Each family is allowed to possess two parcels; one for the livestock and one as shelter (ASSIA archive, 2011).

Fig. 6 shows the plan for a new neighborhood in the outskirt of Jericho city. The plan does not reflect the social dimension and necessities (place for livestock) of the Bedouins who live on raising herds. The form and layout of the plan looks like any neighborhood in Europe or America, and looks similar to any nearby Israeli colony, and has nothing in common with the adjacent city of Jericho.

The concept of establishing a new community for settling the Palestinian Bedouins in zone C is controversial (B'Tselem, 2014). The representative of the Israeli colony council stated that 'they reject bringing Bedouins from all over the rift valley to their area', "*they are Palestinians,* why settle them in our land", and "there are vacant areas under the Palestinian Authority control that can be *repopulated, and 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'. The plan is not yet approved by ICA. The purpose of this plan was to remove Bedouins from the surrounding area of Jerusalem and mainly from a major colony to the east of Jerusalem, dismiss them for the sake of expanding the colony of (ASSIA archive, 2011*Maali Adomim.*

### 4.3. Madinat Alqamar

It is another proposed Palestinian planned city to be established in the Nuima area. A big part of the project is located in zone C to the north of Jericho city, this 2500 dunum project was planned to be carried out by the Palestinian Investment Fund (PIF, 2013).

Conceptual plans were drafted by a Canadian engineering firm called Planning Alliance which provided a master plan for the area, while the local firm (Arabtech Jardaneh) worked on the detailed master planning studies and land use maps for 553 dunums for the first phase (Fig. 7).

A detailed structural plan has been prepared for Madinat Alaqamar city, where land use and building regulations were drafted, the project is designed to include thousands of housing units in addition to public facilities as well as investments in the agricultural sector (PIF, 2012).

The first phase was planned for constructing new homes for Palestinians who are willing to buy a house and live there. The next phase was for resettling Bedouins living on the '*state land*' to the Jericho district (Awad, 2013).

This plan is pending for approval from the Israeli authorities (ICA). The council of the W.B. colonies rejected the proposal, under the pretext that the establishment of the city will be at the expense of land dedicated to the colonies in the region (zone C) (Awad, 2013).

## 5. Analysis and discussion

Since the early 1970s, Israel has formed a centralized planning system in the W.B. where planning of different levels (regional, district and local) has been fully controlled by the occupation power. Palestinians have been denied any kind of involvement in planning

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[6] The blue line is used by the Israeli authority to define the boundary of the assigned area.

**Fig. 4.** Fasayel Plan Prepared by ASSIA.
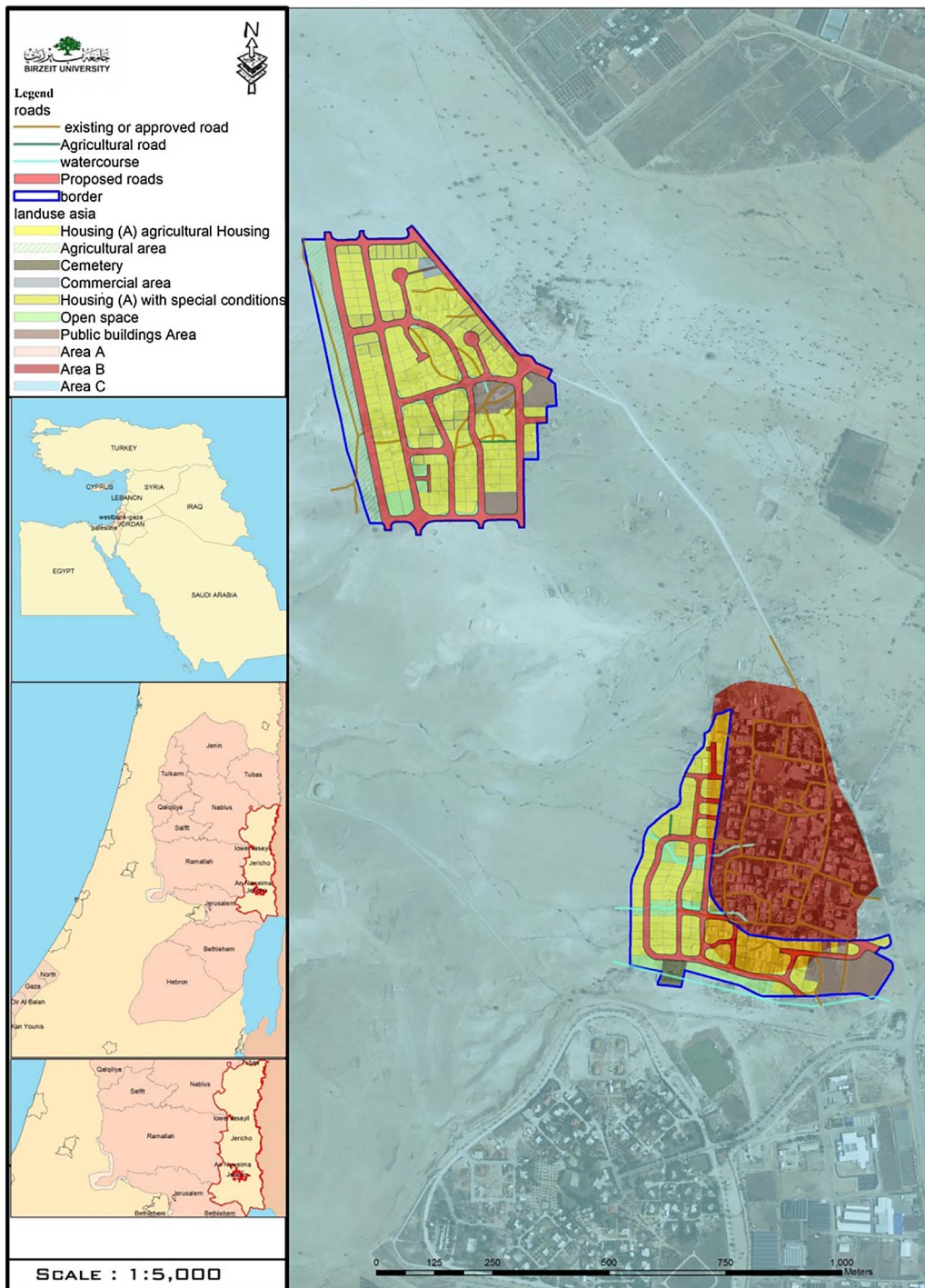
process of their own communities. On the other hand the "MO 418" has created a separate planning system for the settlers in the W.B. where settlers are involved in the planning process for their colonies (Bimkom, 2008). The outdated plans from the British Mandate era (S15 & RJ5) are the major references for planning in the W.B. in which ICA has found pretexts for denying any master plan for Palestinian villages in C zone as well as for demolishing any construction that does not have a permit or does not comply with the British plans.

Bimkom (2008), named the British Mandate plans for the W.B. as "*Relics of a Forgotten Era*". The British regional plans covering areas inside Israel became irrelevant in the area declared as "Israel" in 1948 because it contradicts with the ruling power plans for development and

urban growth. On the contrary, the British plans covering the W.B. are still in use by the occupation power as a pretext to control Palestinian urban development, keeping in mind that these plans are not detailed master plans, but conceptual ones.
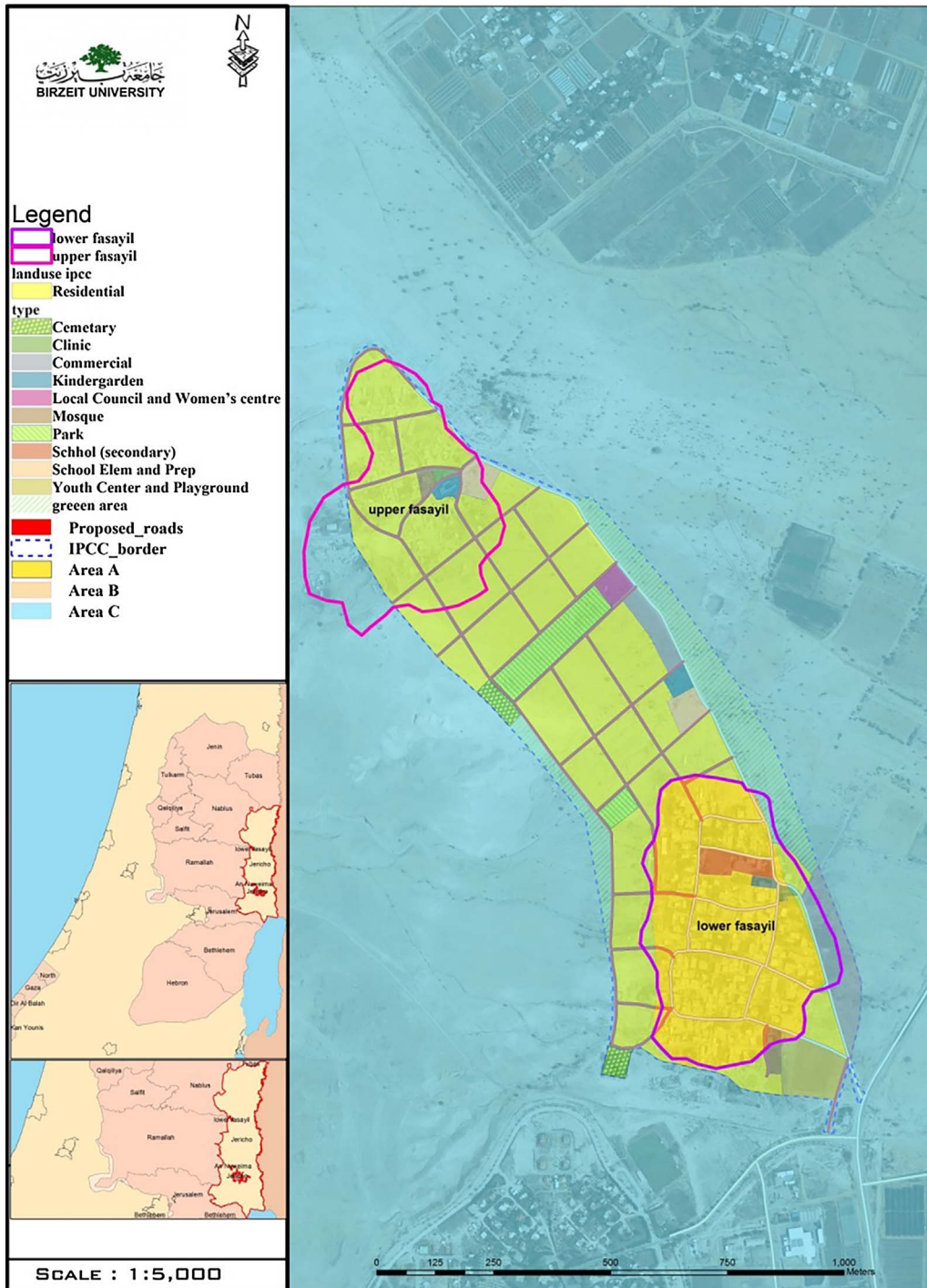
The first attempt to perform planning in zone C by Palestinians was inapplicable. The regional plan for the W.B. was conducted in 1998 by the Palestinian Ministry of Planning and International Cooperation (MOPIC, 1998).[7] This plan was based on the assumption that the Israeli

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[7] In this plan I was one of the Palestinian team who worked to prepare it, during the process the plan was presented in all the district of the W.B to get community feedback and participation. The plan was needed for the Palestinians for the promised State, but

## IPCC PLAN

authority would withdraw from the W.B. within five years, as stated in the Oslo Accords in 1994. This trial was a failure as it represented the first attempt by the Palestinians to counter/decolonize the Israeli occupation plans. This plan was prepared by both local planners and consultants from Norway (donor country). It covered the W.B. and Gaza Strip as the future Palestinian State according to the Oslo Accords. The Palestinians (with the aid of the Norwegian experts) spent over 4 years working to produce the regional plan (1994–1998). This plan ended up

neglected because the Israeli power did not approve it, which contradicted the Oslo accords, which is a demonstration of how ethics and politics played a major role in the face of the Palestinian institutions.

Palestinian villages in zone C remained without planning for more than 30 years. Current initiatives to prepare master plans for these communities are supported by donor countries and agencies. Inhabitants in these communities are suffering from limited space, insufficient services, and segregation. Any attempt to build a house outside the 'blue line' is faced with demolition. As a result many inhabitants in these villages have started to move to major cities for better living conditions. The colonial agenda did everything in its power to maintain a hostile and unsympathetic policy towards the Palestinians

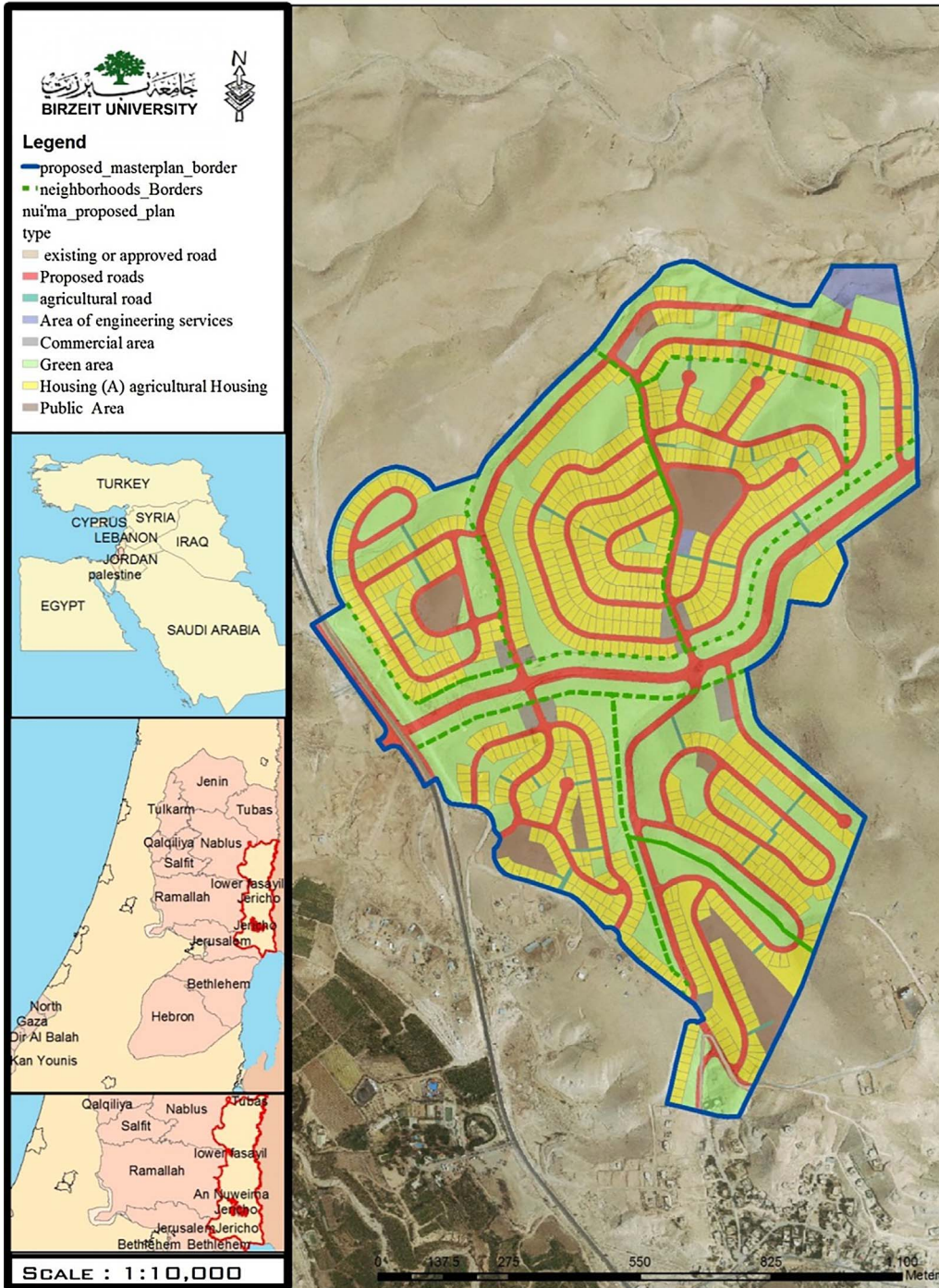living in these communities while providing the colonies with the needed services and developmental plans. This led the Palestinian institutions and the international community to take the initiative and prepare master plans for some endangered communities.

In the case of Fasayel, the final plan, which joins the two localities upper and lower Fassayel together (Fig. 5), was denied by the Israeli side, under the pretext of contradicting the British Mandate Plan (S15). The concept of amalgamating small communities (upper and lower Fasayel are less than one km apart) into one plan is a suitable planning approach to develop urban and rural areas, to be able to provide services more efficiently (Mabuchi, 2001). The ICA refused the IPCC's proposal of joining the two parts of Fasayel in one master plan, and

preferred keeping them separated. This demonstrates how the colonial power strategy is to maintain segregation between indigenous communities. IPCC took into consideration the local population's needs and desires, through workshops and consulting sessions with the local council and representatives of the community. The Palestinian planning team incorporated the inhabitants' needs: field visits, focus groups, public hearings and surveys. As mentioned above, the team leader had to attend meetings inside one of the colonies where the ICA offices are located. In order to attend the meetings it is necessary to apply for permission to enter the colony, which is another indication of how the colonial power uses unethical means to humiliate and pressure Palestinian planners in order to alter the output of the plans. The plan was
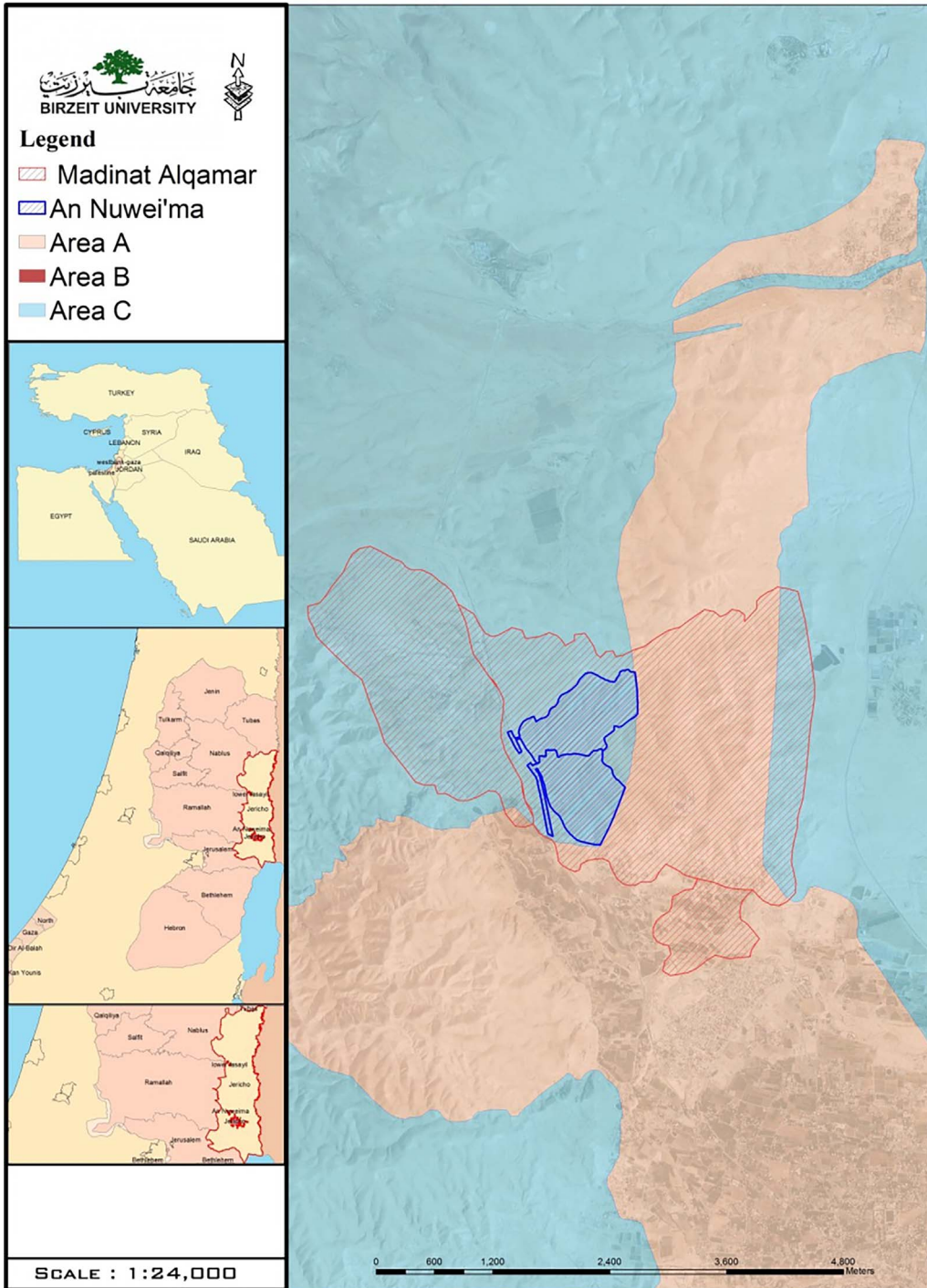
## An Nuwei'ma & Madinat Alqamar

eventually rejected by the ICA and was commissioned to a private Palestinian firm under its supervision and according to its agenda. Most of the inhabitants' urgent needs, like saving their houses from demolition, were rejected by ICA. The process of preparing the plan by ASSIA was simply to calculate the needed area per capita for the target year. The community perception was not incorporated into the plan; the only means of community participation was negotiating with the community representative (Mokhtar), and aerial photos were used instead of field visits. The plan was rejected because the necessary area exceeded what the commissioner at ICA had in mind. As a compromise by the ICA they changed the target year to be 2014 instead of 2030, resulted in adding a small area to the plan. The process here shows how the colonial power

uses different means (no clear criteria) in order to impose its agenda of delineation and segregation.

According to B'Tselem[8] most of the colonial military outposts were built on private Palestinian lands, or state land, although it contradicts with British Mandate plans. Many colonies started as an outpost which was erected by one settler or more, and it later developed into a colony like 'Migron' which was established as a place for 'an antenna' for an Israeli cell phone company (Weizman, 2007).

The location of Nuima-Abu Zhiman was proposed by the ICA, on a

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[8] Israeli NGO working on the Israeli violations in the West Bank.

vacant land near Jericho city, in zone C. This site was selected to re-locate the Bedouins living around Jerusalem near 'Maale Adumim' colony, and other Bedouin communities in the Rift Valley. The proposed site is surrounded by Israeli firing zones, colonies and a military checkpoint. This deprives the potential Bedouin residents from grazing pastures for their cattle, considering Bedouins make their living mainly from shepherding. The main purpose of transferring these Bedouins to Jericho area is to get more empty lands for the sake of *Maale Adumim* expansion and development (B'Tselem, 2014; Stein, 2013).

Even though, the proposal was conducted by a Palestinian firm (ASSIA) in zone C, it can't be considered a counter act against land confiscation. First of all the location of the community was not chosen based on any logical criteria and was assigned by the ICA (colonial power). The whole project is for the benefit of the Israeli colonial power resettle the Bedouins from their home. The targeted inhabitants did not participate in the planning process, their needs were not assessed, and on top of that Bedouins were not willing to leave their environment. This approach of planning contradicted the ethics of planning for people Carrillo, 2009). Furthermore, the international law; Fourth Geneva Convention states that "*the Occupying Power shall not deport or transfer parts of its own civilian population from the territory it occupies*", and 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).

The cases discussed in this study can be divided into two categories: (i) Plans prepared by Palestinian firms following a professional process where community's' needs and public participation were incorporated. In this kind of plan, the Palestinian agenda was the guide – to serve the deprived communities- in order to provide indigenous communities with a 'statutory' document to stop house demolishing. The case of IPCC in Fasayel represents a good example and it is considered a counter planning model in the face of colonial planning. On the regional scale the work of the Ministry of planning staff jointly with Norwegian experts prepared the regional plan for the W.B. and Gaza, representing a counter planning model on a bigger scale where the Palestinian agenda was the guide, and the aim was to plan for the promised Palestinian State (acccording to the Oslo Accords).

(ii) Plans prepared by either Israeli planners or Palestinian firms under Israeli supervision with money allocated by the Israeli occupying power. In these kinds of plans, the blue line was given by the occupying power and the agenda was to serve the Israeli authority's intentions in confining and segregating Palestinian communities. The outline plans for Palestinian communities that were prepared by the ICA or a hired consultant were conducted according to their rules: without any involvement from residents of the village (Bimkom, 2008). The only stage Palestinians were allowed to participate in, during the planning process, is the stage of 'objections', and that happens when the plan is drafted, and then ICA allows Palestinians to submit their objections on the plan, and in most cases these objections are discarded (Bimkom, 2008). The cases of ASSIA firm represent this kind of planning, where counter planning is missing and the community's needs are absent.

The power of the colonizer in planning is clear: The 'blue line' is mainly to draw the limits of delineation and not the boundary of future expansion. In addition, consultants have to go to the ICA office, which is inside one of the colonies in the W.B. land "Beit Eil" near Ramallah, to discuss the drafts with the officers (Architects and military commanders). All the efforts to plan communities in area C end up denied/pending from the occupying power.

It is clear that the study context is unique, and it is not similar to other cases in the New World, where newcomers are living side by side with the indigenous people in one country. The indigenous people's right is mainly concerned with social and economic dimension. The cases here in the W.B. are different and exceptional: the occupation forces are concerned with taking more lands to establish new colonies for new Jewish immigrants. It is a true cleansing process where Palestinians have no right to plan or defend their existence. Israeli

colonies in the W.B. are illegal by international law. The peace treaty signed by both sides (Palestinians and Israelis – Oslo accords in 1994) calls for creating a Palestinian State in the W.B. and Gaza strip, but the Israeli side does not comply to the international agreement, and the conflict here is between colonial power who rule every aspect of life and indigenous people's right of existence.

Palestinians have not been allowed to prepare their own plans or participate in the planning process since 1967, and this illustrates the true meaning of occupation and the domination of the indigenous people's lives. Here, colonial power uses planning to control more land and people regardless of the ethics of conventional planning. Also, colonial power disregards the main principles of classical planning theories. Yiftachel (2009), describe such a process by saying: "*urban planning becomes a potentially powerful governing tool with which to shape people's lives and subjectivities*". He added, in order to face such an approach, planners should work and support the marginalized groups (indigenous) in different ways to oppose the colonization power, and it also requires the development of 'insurgent planning' as stated by Holston (2007).

## 6. Conclusion

The division of the West Bank into areas A B and C were created as a result of negotiations in the Oslo Agreement, to facilitate the Israeli forces withdrawal from the W.B. in order to announce the Palestinian State. This means that these divisions were temporary to facilitate an incremental transfer of control on the whole W.B. to the Palestinian Authority. 60% of the W.B. has been classified as Area C, where Israel prevented any kind of development. ICA refused to approve any master plan for any village in zone C and any 'illegal' establishment remains under the threat of demolition.

The cases presented in this study show that the Palestinians tried their best to prepare physical plans for local communities in zone C to meet the inhabitants' needs for expansion and development. The mechanism used was faced brutally with rejection and denial by the colonial power. The conflict is clear between two unequal sides: the indigenous people, who have the right to live on their lands with full sovereignty, and the occupation power which has control and authority.

All planning attempts by Palestinians have either been rejected or are pending and the ICA's given response has routinely been: 'contradiction with the outdated British Mandate regional plans' (Bimkom, 2008). Several reports (UNHABITAT, 2015) and studies have been conducted to investigate planning practice in area C, all agreed on the same point: 'it is under full control by the occupying power, it is colonial action leading to apartheid'. Where International Law plainly says that the W.B. is an occupied land and the Israeli settlements are illegal in the area. This is another kind of war against the inhabitants in the study area 'cold war' or we might call it 'soft War' or 'invisible War'. Ultimately, planning in the W.B. area is still under all these restrictions made by the colonial power driven by military orders issued by ICA officials, supported by the pieces of antiques 'British Mandate regional plans'. The cases in this study presented a clear interconnection between oppressive power and the absence of rights, where power can easily eliminate colonized people's rights, regardless of any ethics and discarding international laws.

The current campaign of planning in zone C represents a counter planning process to face the occupying power attempts to expand their colonial project all over the W.B. Countering the colonial power will be achieved by providing alternative plans that meet the locals' needs and fulfill their aspirations by saving the existing constructions from demolition and providing the needed space for future expansion. In order to achieve this, the issue must be brought to light and presented in front of the international.

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