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IPHS SECTION



Building and planning regulations under Israeli colonial power: a critical study from Palestine

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ABSTRACT

Colonial regimes used urban planning regulations as a tool to control and dominate other people and natural resources. Since the beginning of the past century, Palestine represented a good example of where urban planning regulations played a major role in urban transformation and development. The Israeli regime has been using old regional plans that were prepared by the British Mandate, and issued many others to achieve its aim of establishing settlements and dominating the West Bank. Consequently, this study explores how urban planning regulations can become a tool for controlling and dominating people and natural resources. This study investigated how these tools were used by controlling authority during the past century.

KEYWORDS

Colonial planning; Palestine; Israel; West Bank; urban planning

Introduction

Urban planning regulations have played a major role in the shaping and monitoring of urban development throughout history. Colonial powers have used these regulations to formulate and dominate the socio-economic structures and the morphology of occupied regions. European colonialism, for example, was interested in developing the living conditions and the socio-economic aspects of their own communities regardless the native peoples' needs.¹ During the French colonial epoch in Madagascar and Guinea, regulations regarding building material played a major role in segregation.² The master plan of Mtwaram in Tanzania is a profound example of segregation. The plan divided the town into three different zones with three different morphologies. Home, in his article about the British colonial cities considered land as a major player 'land was central to colonial projects, as it has been to Zionism'.³ He added that, 'European colonizers expropriated land for their benefit, formulating a hierarchy of social and spatial controls to justify and maintain their hegemony over indigenous populations'.⁴ Njoh's article about colonial Africa mentions that urban planning achieved the twin objectives of domination and socio-political control in colonial regions.⁵ To legitimize control and dominance, colonial powers have used planning regulations to support their actions. Goodfellow and Home made it clear that urban planning regulations – such as the form of land use regulations, zoning ordinances and building codes – were used extensively by colonists in relation to the development of colonized territories, where these regulations generally have the power of law.⁶ The relationship between planning and control is fundamental in contexts where urban planning and zoning can be used as a means to serve political ambitions, and to change the landscape accordingly.⁷

Colonial regimes often transformed existing land tenure systems via modern land reforms which saw the colonial state become the sole custodian of land. By doing so the colonial state was able to sanction land-related actions. Colonial authorities used this privilege to use outright gifts of land to consolidate colonial powers of control.⁸ In recent history Israeli planning authorities have used various means to confiscate lands in order to establish colonies and to control Palestinian urban growth as well as to segregate indigenous communities in the area on which this study focuses, the West Bank (W.B.).

During the early years of the twentieth century, the region witnessed visible landscape transformation because of population growth resulting from Jewish immigration into Palestine.⁹ Tartakower, described Palestine in 1949 as 'a flourishing country ... due mainly to the Jewish work of colonization'.¹⁰ Said added that planners worked in Palestine to establish an 'irreversible conquest of Palestine land and society'.¹¹ While Home stated the process of 'irreversible conquest' had been facilitated by land law and regulations inherited from the British Mandate.¹²

In 1948 Israel was declared on 78% of Palestine. Of the remaining 22% of the country the West Bank was under Jordanian rule, the Gaza strip controlled by the Egyptians, and the holy city of Jerusalem was divided in two parts. In 1967 Israel occupied the remaining area (W.B. and Gaza). Then in 1993 the Oslo Peace Accords were signed between the Palestinian Liberation Organization (PLO) and the Israeli Government in the hope of ending the occupation on the W.B. and Gaza, and as a step towards establishing a Palestinian state. As a result of the peace accords, the W.B. land was divided into three zones: A, B, and C. Zone A was fully controlled by Palestinians (18%), zone B was under Palestinian civil control and Israeli security control (22%), and zone C was fully controlled by Israeli occupation (60%) (Figure 1).

Throughout this research I have explored urban planning regulations and land policy from different resources and different eras: British Mandate plans, Israeli plans for the West Bank, and master plans which were prepared or supervised by Israeli planners and officers.

Colonial planning and practice in the West Bank

This section explains how colonial powers (i.e. Israel) absorbed the historical planning culture inherited from previous regimes and integrated it into its planning system in order to control and manage both people and land in the W.B..

In 1922 Jewish owned land or territory that was under immediate control constituted 2.96% of Palestine. In 1946 this figure reached 6.02%, and recently it has totalled more than 80%.¹³ The conflict has always been about land and resources as described by Weizman in his book *Hollow Land*.¹⁴ This can be interpreted as a literal translation of the strategy of the erstwhile Israeli Prime Minister, Golda Meir: 'The frontier is where Jews live, not where there is a line on the map'.¹⁵ Ultimately, all state lands were transferred to the Israeli occupying power for their own aims of control and dominancy.

In 1948 the British troops evacuated Palestine and the state of 'Israel' was declared on May 14th of the same year. In 1950 Israel issued the 'Absentee Property Law' to transfer Arab homes, lands, and businesses to the Custodian of Absentee Property. The absentee here is any person who left/expelled from his village inside 'Israel'. Consequently, most of the Palestinian residencies (not the demolished ones) were settled by new Jewish immigrants.¹⁶

In 1967, the W.B was captured by the Israeli occupation forces as a result of the Six-Day War. At that time 70% of the land in the W.B was classified as Mawat or Meri according to the Ottoman code classifications. Israeli planning authorities used modern techniques in surveying and aerial

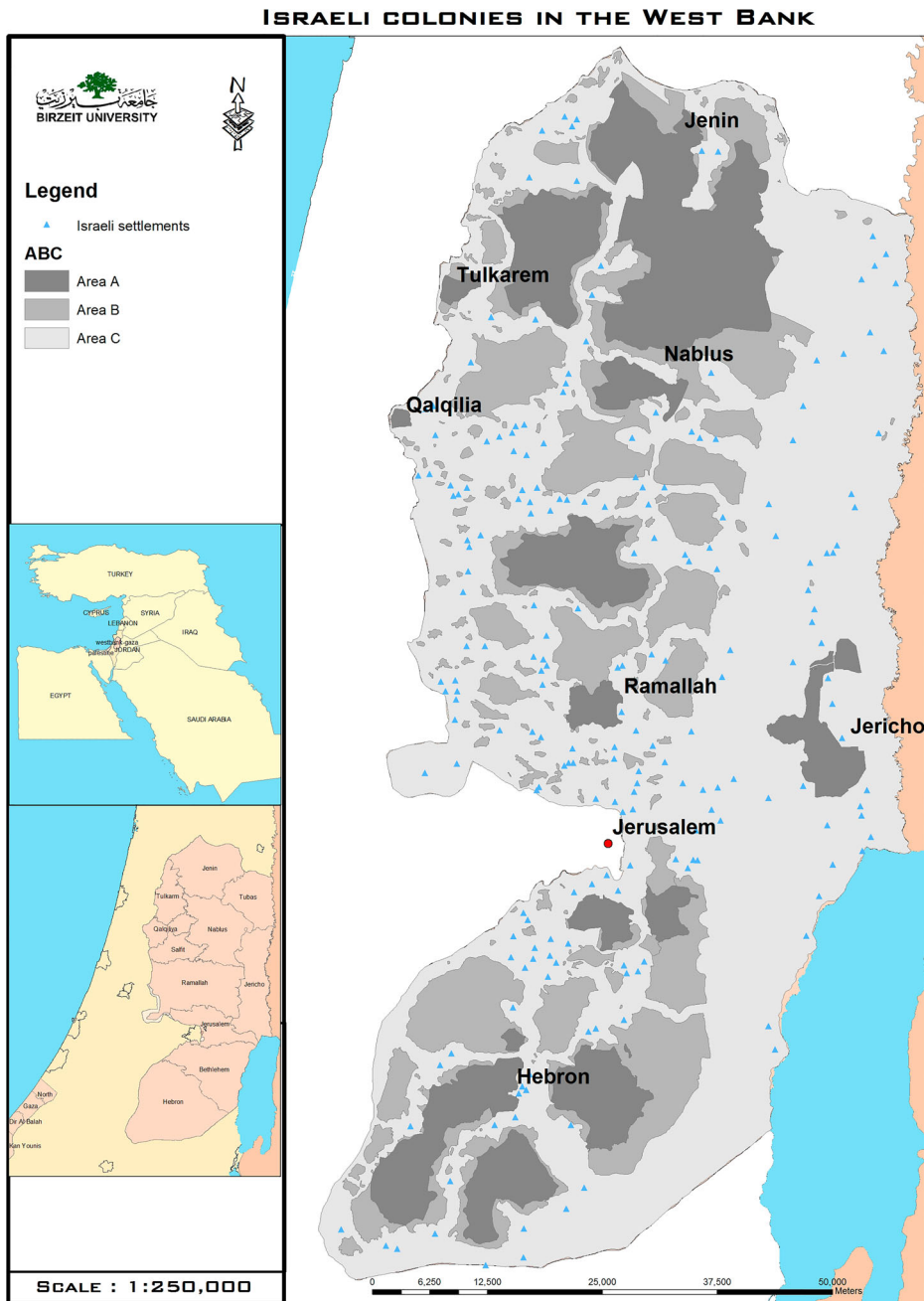


Figure 1. West Bank Oslo classifications A, B and C.

photography to allocate uncultivated hill-tops in order to transfer their 'legal ownership' to state property.¹⁷ Hundreds of thousands of dunums (one dunum = 1000 m²) in the W.B. were classified as state lands, and were subsequently declared by the Israeli authorities as military 'closed areas' or 'natural reserves'.

Israel then amended the Jordanian Planning Law #79 and transferred all responsibility for planning to their military's Supreme Planning Committee. According to Benvenisti, by 1976 Israel managed to settle 3,176 people in the W.B., then the number escalated to reach 67,000 by 1987, and reached 383,916 in the W.B. and 205,220 in East Jerusalem by the end of 2014.¹⁸ Since 1967 regional plans have been prepared by the occupying authorities in order to colonize the W.B.; one hundred and twenty-seven Israeli settlements were established there (not including East Jerusalem and Hebron city), as well as one hundred 'settlement outposts' located through the W.B. fifteen Israeli settlements built in East Jerusalem on lands annexed after 1967.

According to Gordon, Israel established a permit regime which was considered the beginning of the *infrastructure of control*.¹⁹ 'The *permit regime* managed to transform these basic rights into privileges that could be taken away without the revocation being considered a violation'.²⁰ Israel has used different methods to seize land: (i) by declaring land to be absentee property, (ii) by declaring land to be the property of a hostile state or agent, (iii) by confiscating land for public needs, (iv) by declaring land to be part of nature reserves, (v) by requisitioning land for military needs, (vi) by declaring land to be state property, and/or (vii) by helping Jewish citizens to purchase land on the free market.²¹

In 1971 the Israeli Authority in the W.B. issued the Military Order (MO) #418 cancelling the district commission that dealt with planning on the district level and transferred its mandate to a military commander.²² During the 1980s Israeli planners prepared a regional plan for a road system (bypass roads) in order to link settlements with each other, and to ease accessibility to the coastal major Israeli cities. During this time planning started on a trans W.B. road to facilitate rapid travel from the coast in the west and to the Jordan valley in the east.²³ The Israeli Planning & Building Law of 1965 facilitated land acquisition for highways that bypass Palestinian villages.

Palestinians are not allowed to construct or build any establishment in Area C without obtaining a permit from the ICA Office which is managed by Israeli military officers. In addition, the ICA has approved hardly any master plans for Palestinian communities in Area C and simultaneously any construction outside the blue line (village boundary) is under threat of demolition. As a result 1,638 Palestinian structures were demolished by Israeli bulldozers in Area C between 2006 and 2012.²⁴ According to the report prepared by the UN-HABITAT Commission in Palestine, 99 master plans for villages in Area C were submitted to the ICA, yet only three were approved.²⁵

Yiftachel described Israeli planning policies as a major player in promoting Israeli national ideological goals such as dispersing population to the peripheries and endorsing the 'Judaization' of national space.²⁶ Weizman added that these policies are applied and enforced physically in the W.B., where Israeli settlements (colonies) are established to control more lands around Palestinian major urban centres, turning these urban centres into enclaves.²⁷

Israel's Planning Authority had been denying building permits for Palestinians under the excuse of contradicting the regional plans based on outdated British Mandate plans, zoning, and land ownership title deeds. The occupying power used law amendments to acquire land, and impose restrictions on Palestinian development. Shehadeh explained that from 1967 to 1971 roughly 400 MOs were issued covering security, state land and Jerusalem.²⁸ Israeli Planning Commissions allocate open spaces and parks on maps in order to delineate and confine Palestinian built up areas and to establish Israeli settlements (colonies) (i. e. East Jerusalem). The most profound example involved transferring the Abo Ghnaim Natural Reserve near Bethlehem, to a huge Israeli settlement (colony), Har Homa (Figure 2).²⁹



Figure 2. Top – Abo Ghnaim natural reserve; Bottom – Har Homa Jewish settlement.⁴⁹

Use of regulations and plans

In 1971 the Israeli occupying authorities stopped using the Jordanian Planning Law, and amendments and military orders were introduced instead. According to Benvenisti, in 1970 the occupying authorities issued Order #393 ‘authorizing the military commander to forbid, halt, or set conditions for construction’.³⁰ Later the occupying authorities issued the MO # 418 so that Israeli staff officials were appointed to run physical planning related issues. Israeli officials were authorized to amend, revoke, or place conditions on any license. Later in the mid-1970s physical planning was decentralized, more authority was given to Jewish settlement planning councils in the W.B., and more restrictions were placed on physical planning by and for Palestinians.

Israeli Occupation Planning mechanisms depended heavily on the obsolete regional planning schemes of the British Mandate. In the 1940s the British authority prepared or approved regional outline plans for Palestine, the most important of which were RJ5 and S15 (Figure 3).³¹ These plans classified the region into four land-use zones: (i) developmental zones within built-up areas and village boundaries, (ii) agricultural zones around villages and urban areas, (iii) nature reserves, and (iv) state lands.³² Building permits were required for the first two zones, while building was prevented in the second two, and any building outside of village boundaries was risked being demolished in keeping with ‘planning regulations’.

On the regional level, RJ5 and S15 still survive as live statutory documents to justify and legitimize planning decisions. Khamaishi described the goal of these plans on the ground as:

giving the central regime (colonial or occupation) an effective instrument and mechanism for implementing policies and achieving aims likely to contradict the interests of the native people³³

Israeli Civil Administration (ICA) still uses them to ban any development in Area C. The impact of these regional plans on the Palestinian fabric was clear: Palestinian villages were marked as separate circles, vast areas were undeveloped because they were marked as natural reserves and state lands

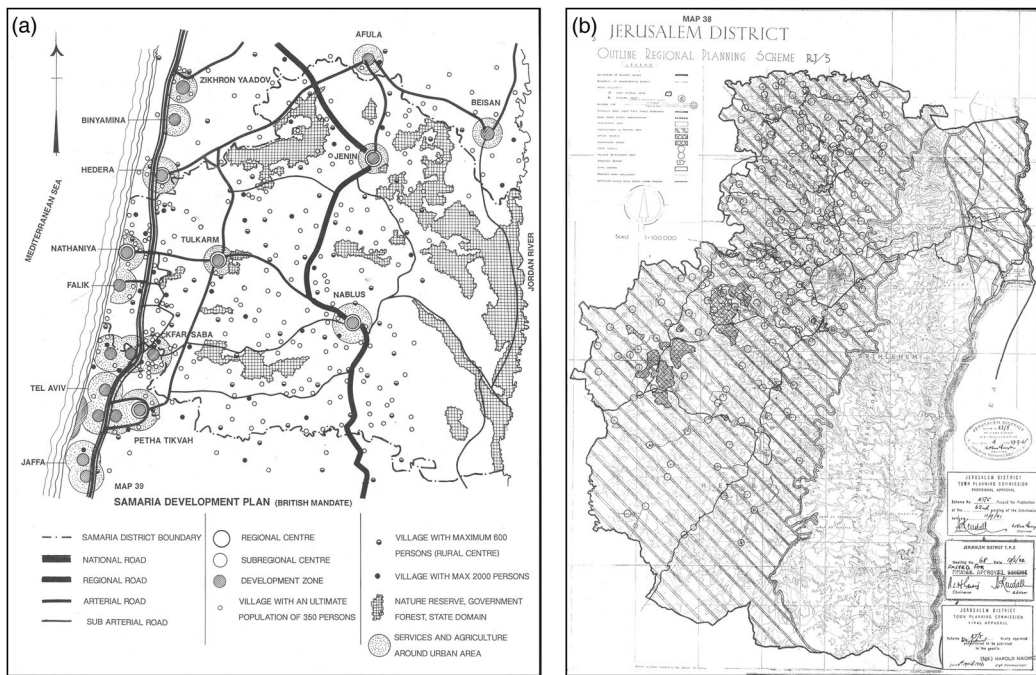


Figure 3. (a) Mandate District Plan of Samaria – S-15.⁵⁰ (b) Mandate District Plan RJ5 – S15 (Benvenisti & Khayat).⁵¹

which were later granted to Israeli Settlement councils. Later after 1967, most of the Israeli settlements and bypass highways were established in these zones.

On the regional level, Yigal Allon submitted his plan as a guideline for deployment of Jewish settlements in the W.B. in 1967.³⁴ The plan stated that: defensible borders require a chain of Jewish settlements in the Jordan Valley and the W.B. heights (Figure 4). Allon proposed a 20 kilometre wide buffer zone to be annexed by Israel in the Jordan valley and around Jerusalem, leaving two cantons for Palestinians, one in the northern W.B. and the other in the southern part.

Another plan that played a major role in changing facts on the ground and transforming the region was the Drobless Plan. The plan States that: ‘there is to be not a shadow of doubt regarding our intention to remain in Judea and Samari’.³⁵ Again the proclaimed aim was security, where the plan proposed a chain of Jewish settlements along the heights of the W.B. and in the Jordan Valley as a security barrier (Figure 5). It shows a massive spread of Jewish settlements all over the W.B. creating new blocs, encclaving the Palestinian towns and villages and preventing any contiguous Palestinian urban development.³⁶

On the local level, for example, in 1918 William McLean proposed a plan (Figure 6) for Jerusalem with a buffer zone around the old city where development was prohibited and limited in the eastern side of the city and construction allowed under special permission.³⁷ That plan included developmental zones on both the northern and western sides of the city where Jewish settlements were newly constructed.³⁸ According to Roberts, the plan established a regime of spatial separation by proposing a green belt and two different planning fabrics: a modern one for the western part and a preserved and controlled one for the eastern.³⁹

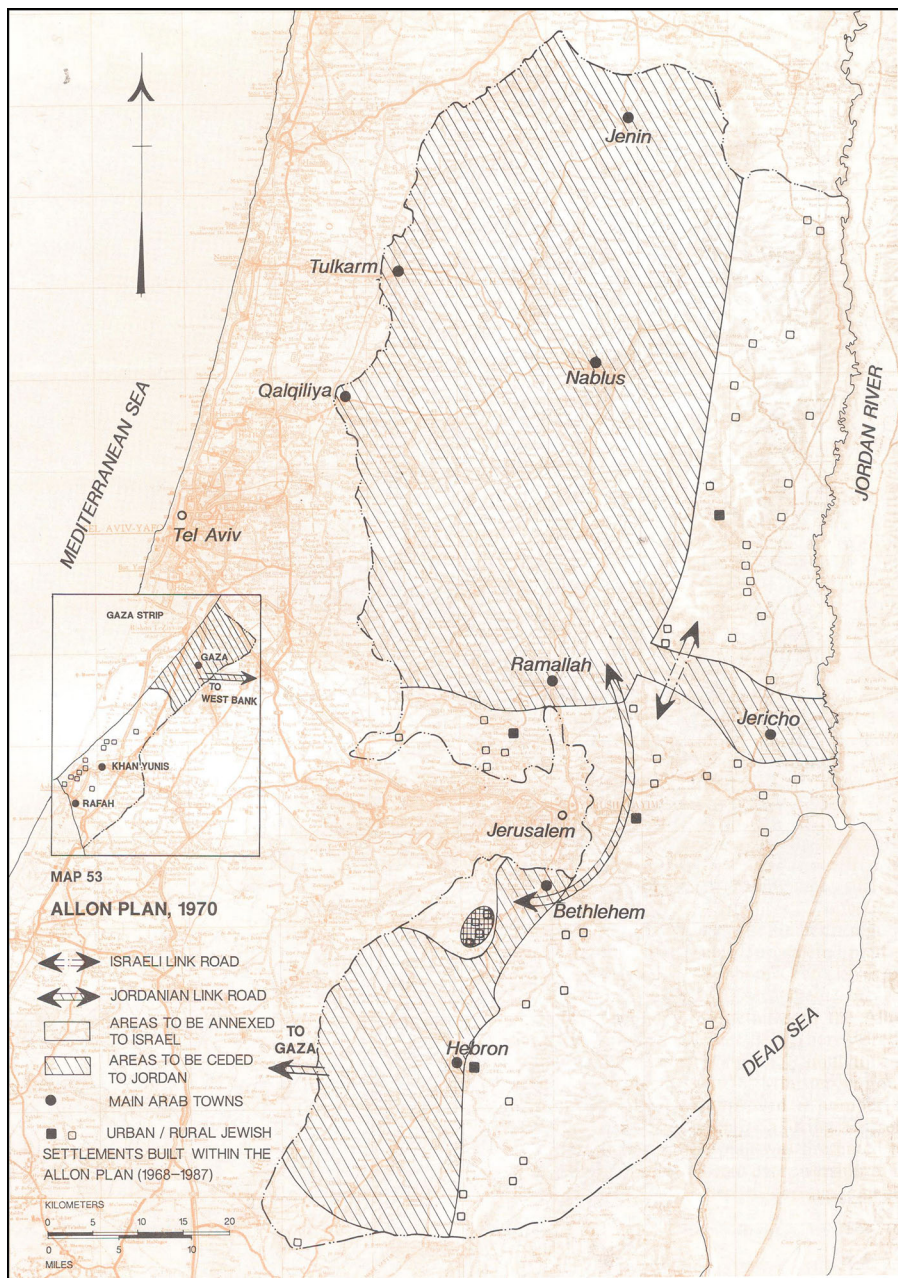


Figure 4. Allon Plan (Benvenisti & Khayat).

Since the British Mandate on Palestine, the successive plans proposed for Jerusalem have seen the focus of development on the western side, and minimal improvements to the eastern side. Physical planning and accompanying regulations have been used by planners to develop Jerusalem as the capital of Israel.⁴⁰

... A Jewish state has no magic without Jerusalem. Ben-Gurion⁴¹

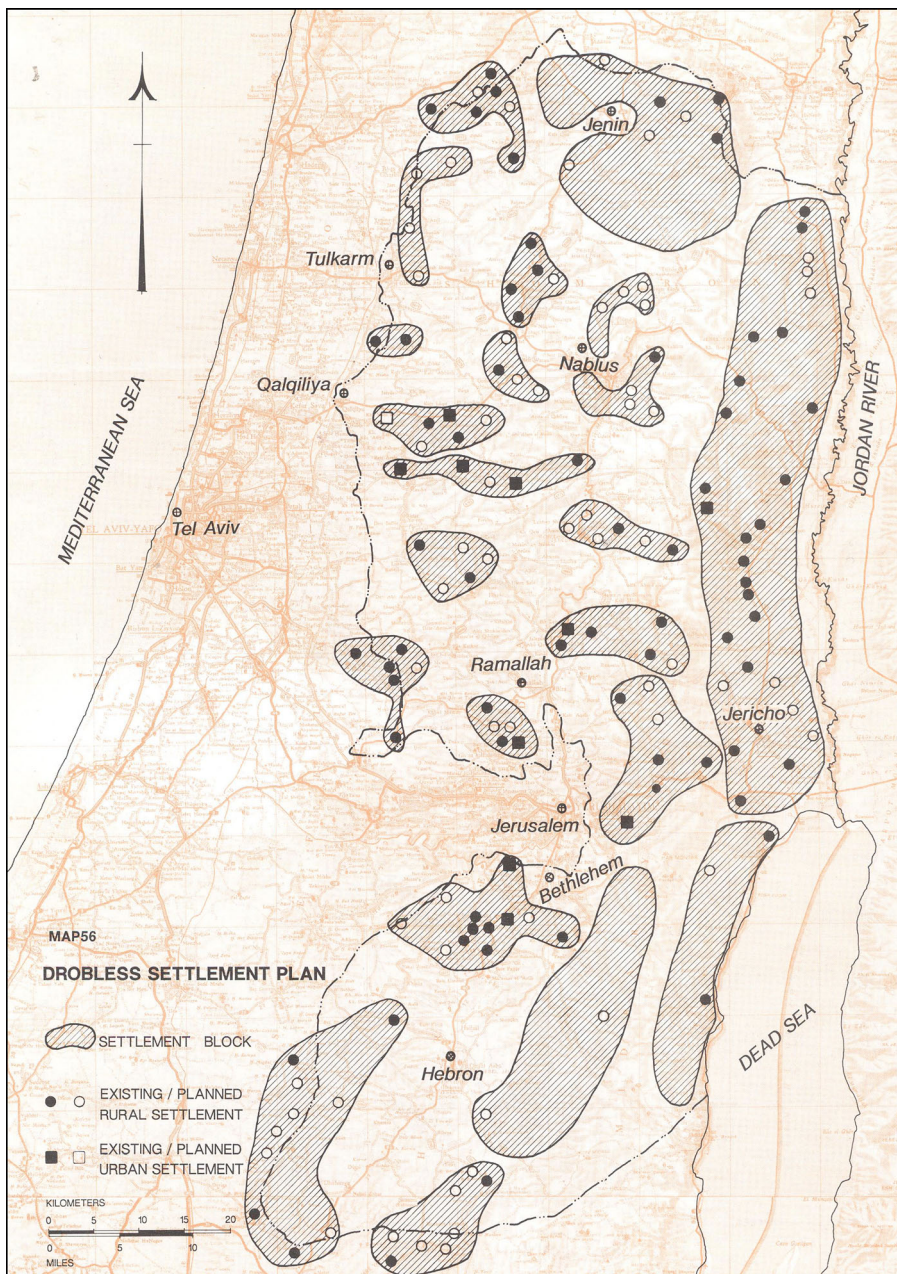


Figure 5. Drobless Plan (Benvenisti & Khayat).

Drafted in 1968, the master plan of greater Jerusalem aimed to maintain Jerusalem (western side, eastern side, and the Old City) as 'a unified capital for Israel'. In order to achieve this goal twelve Jewish 'neighbourhoods' were established in the eastern part on the Palestinian side. These enveloped and bisected the Palestinian villages.⁴²

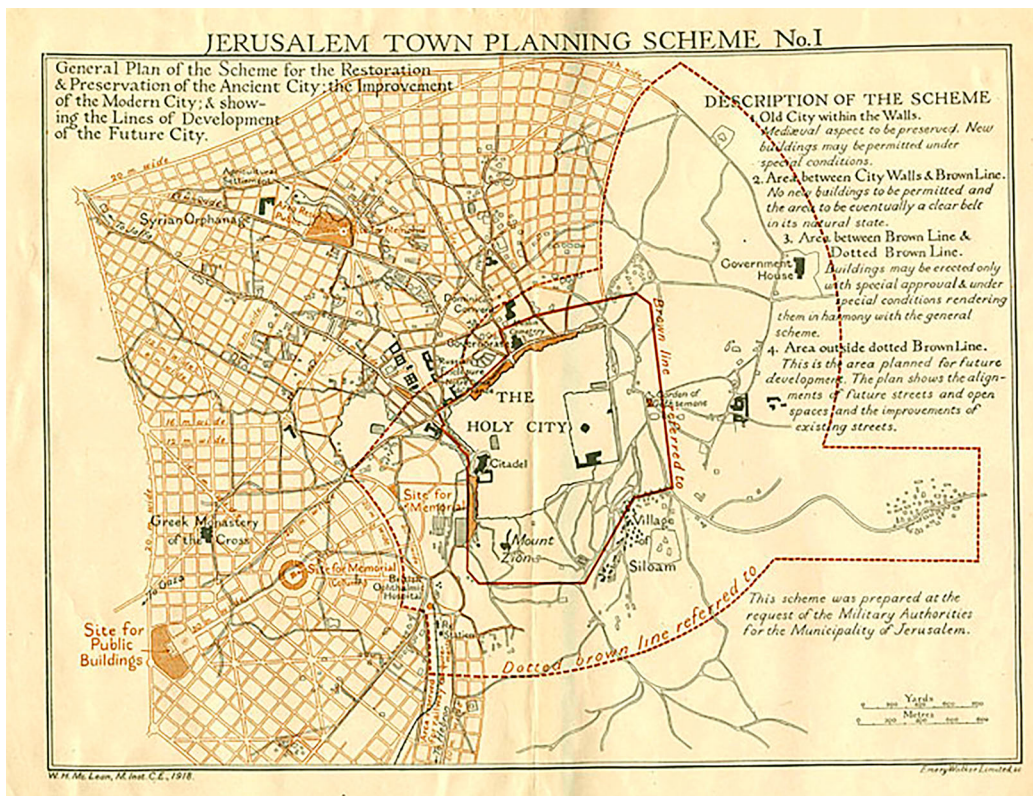


Figure 6. McLean plan for Jerusalem (<http://www.kings.cam.ac.uk/archive-centre/archive-month/october-2010.html>).

In Jerusalem 64,867 housing units were built for the Jews (88%) within the municipal boundary between 1967 and 1995, while only 8,890 houses were constructed for Palestinians (12%).⁴³ Moreover in 1995 38,500 housing units were built in Jewish settlements (colonies) on land which had been expropriated from Palestinians. Moreover, these plots were assigned as being of ‘public use’ on the master plan.⁴⁴ The Israeli municipality of Jerusalem zoned 60%–70% of the Palestinian neighbourhoods (e.g. Jabal Mukaber) as open landscape, and set the building ratio to 25%–37.5% with 1–2 story buildings, while in an adjacent Jewish colony (Armon HaNatziv) the building ratio is 120% with 4–5 story buildings.⁴⁵ In Jerusalem Israeli authorities used modern urban planning policies to maintain a Jewish majority in the city by (i) restricting urban growth, (ii) confining Palestinian localities, and (iii) constructing more Jewish colonies on confiscated Palestinian lands.

In late 1980s the Israeli Civil Administration (ICA) prepared ‘spatial outline plans’ for dozens of Palestinian villages and towns.⁴⁶ These plans were created to define growth boundaries or blue lines.⁴⁷ The aim of these plans was to encircle Palestinian villages and towns (dotted line as a boundary [Figure 7]), limiting their expansion and destroying their contiguity and direct accessibility.

ICA officials aimed to demarcate boundaries which later resulted in the demolition of Palestinian houses beyond it. These plans played and still play a major role in shaping urban and rural development which ultimately delineated Palestinian villages and towns from expansion in areas of Israeli interest.

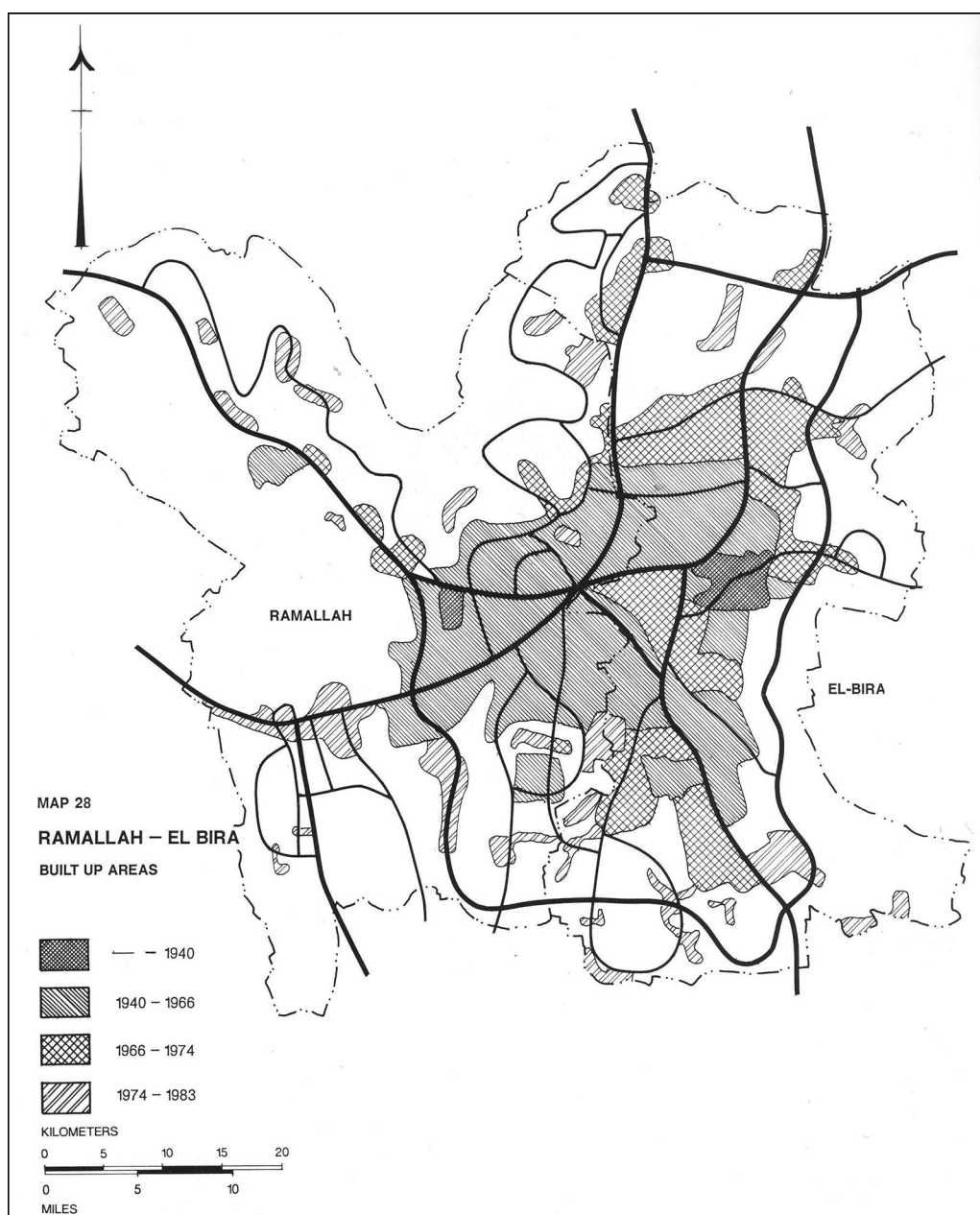


Figure 7. Ramallah El-Bireh Town planning Scheme (Benvenisti & Khayat).

The strategy of urban planning in Area C is clear through the process of preparing and approving master plans (schemes) for Palestinian communities. For example, *Fasyel* is a rural community in Area C and consisting of two separate quarters (upper and lower Fasyel). A master plan (scheme) was prepared by a Palestinian firm to join the two parts together. (Figure 8a). The proposal was rejected by the ICA and instead a planning firm was hired by the ICA to prepare another master

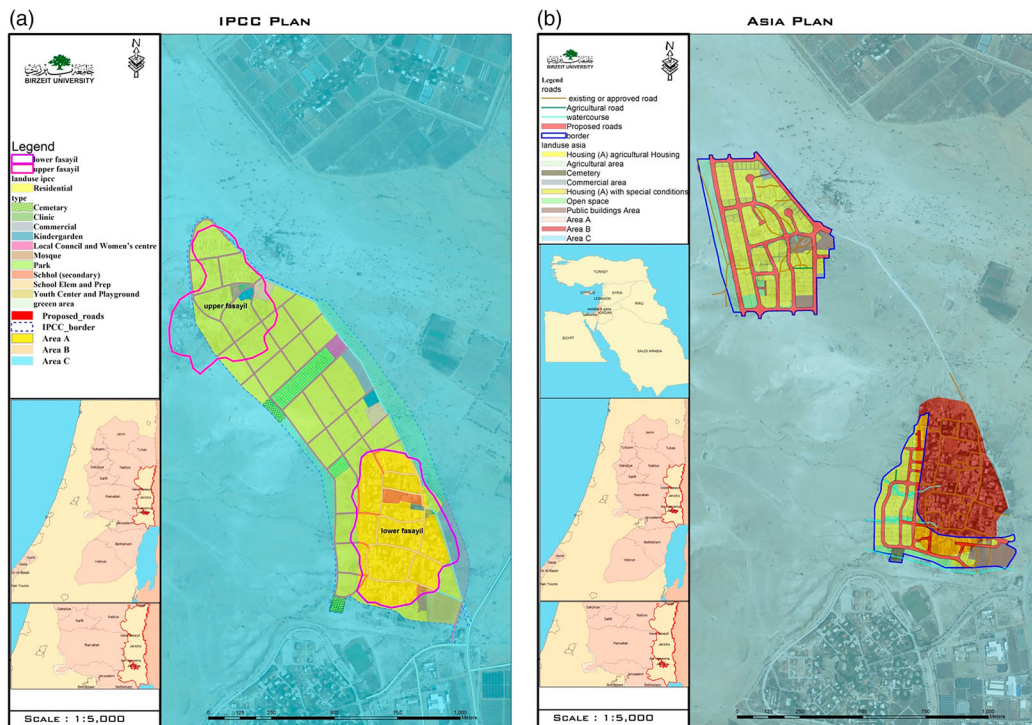


Figure 8. (a) Fasayel – Palestinian scheme.⁵² (b) Fasayel – ICA scheme.⁵³

plan under its supervision. The later firm came up with a proposal keeping the two quarters a part (Figure 8b).

This example illustrated the ICA planning agenda, where the officials preferred to keep the two quarters separated and fragmented, whilst simultaneously keeping the Palestinian houses in between under the threat of demolition. Figure 8 shows that the area of Fasayel is bounded by two huge Israeli colonies: one to the north and one to the south.

ICA staff use all possible means to generate, reproduce, and exploit gaps within legal frameworks in order to transform laws into tools of control against the rights of the Palestinian inhabitants.⁴⁸ Further complicating the planning process, Palestinian planners are obliged to apply for permits in order to reach the ICA office which is located in the settlement of Beit Eil near Ramallah.

Conclusion

Planning as a discipline provides the tools to translate development and prosperity strategies into physical plans and mechanisms. Within the context of successive colonial authorities, planners have been using different means to achieve government goals of control, expansion, domination, and resource exploitation. Plans and regulations have been modified to suit colonial powers.

The West Bank is not an exception, nor a rare case. In addition to planning regulations, the colonial powers in this case used military orders when there was a gap in planning regulations.

The Israeli colonial regime uses physical planning, regulations and military orders to prevent urban development and to delineate Palestinian villages and towns. The cases discussed in this

study show that the Israeli planning authority works on different scales (regional, district and local) to prevent any future development and to keep Palestinian towns and villages segregated in order to maintain control and dominance of both people and land. Israel has managed to move more than three quarters of a million Jewish settlers into the W.B. to live in more than one hundred colonies distributed all over the W.B. These colonies are connected by a modern road network which bypasses Palestinian villages and towns.

The spatial changes that Israel has created on the map of the West Bank prevent the establishment of an efficient planning system for Palestinians, and consequently prevent a viable and contiguous state for Palestinians in the occupied region.

Notes

1. Kay, "South African City Planning in a Post Apartheid Era."
2. Ambe, *Planning Power: Town Planning and Social Control in Colonial Africa*.
3. Home in his book about British Colonial Cities.
4. Njoh, *Planning Power*.
5. Ibid.
6. Goodfellow in his article about planning and development regulations, where Africa was a case study and Home in his book about British Colonial Cities.
7. Kay, "South African City Planning in a Post Apartheid Era."
8. See 3.
9. Gabbay, *A Political Study of the Arab-Jewish Conflict*, *Bulletin of the School of Oriental and African Studies*.
10. Ibid., 229.
11. Edward Said in his book, *The end of the peace process*.
12. Home, "Colonial and Postcolonial Land Law in Israel/Palestine." In this article Home discusses the whole process of regulations and plans issued during the British Mandate.
13. Pappe, *A history of Modern Palestine*.
14. Weizman, *Hollow Land*.
15. Prime Minister Golda Meir, Sept. 1972, quoted in Aronson, *Creating Facts: Israel, Palestinians and the West Bank* (Washington, D.C.: Institute for Palestine Studies, (1987), 14.
16. Tamari, *Jerusalem 1948*.
17. NRC, *Land and Property Law in Area C*.
18. Benvenisti, *The West Bank and Gaza Atlas*, B'Tselem, The Israeli Information Center for human rights in the occupied territories and Bimkom - Planners for Planning Rights – English. The prohibited zone report.
19. Gordon, in his book 'Israel's Occupation' and permit regime.
20. Ibid.
21. Khamaisi, "Management Transformations of Statutory Planning Systems in the Jerusalem."
22. See (11).
23. See 12.
24. Stein, *Israel's Policy in Area C, the West Bank*.
25. IAG, *Spatial Planning in West Bank*.
26. Yiftachel, *Land and Identity Politics in Israel/Palestine*.
27. See 12.
28. Shehadeh, *The Law of the Land*.
29. <http://wp.poica.org/1997/03/the-har-homa-settlement->
30. See 22.
31. Plan RJ/5 for the Mandatory Jerusalem district, See Crookston, *Echoes of Empire*.
32. Benvenisti, *A Survey of Israel's Policies*.
33. See 27.
34. See 22.

35. *Judea and Samaria* is the West Bank.
36. See 12.
37. Gitler, in his article about Jerusalem City plans during the British Mandate.
38. Roberst in his article about dividing Jerusalem and British urban planning.
39. Ibid.
40. Home, *Of Planting and Planning* and Hyman, Ph.D dissertation about British planners in Palestine.
41. According to Encyclopedia Britannica: the first Israeli prime minister and Karsh, Israel's transition from Community to State.
42. Ibid.
43. See (24).
44. See (6).
45. Coon, *Town Planning Under Military Occupation*.
46. See 30.
47. See 31.
48. See 31.
49. See 14.
50. Crookston, *British Mandate planning*. Mandate Plan S-15 (1947).
51. See 22.
52. Zeid and Thawaba an article about counter planning under colonial regime.
53. Ibid.

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Disclosure statement

No potential conflict of interest was reported by the author.

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Salem Thawaba got BSC in Architectural Engineering from Birzeit University in 1994, worked as a planner at the Ministry of Planning and International cooperation for five years, and got MA in Regional planning and urbanism from Oslo School of Architecture (Oslo, Norway) in 1998 with a thesis 'Landscape Capacity for Absorbing Urban Development in Tulkarem'. Then he joined the University of Arkansas, USA to obtain PhD in Environmental Dynamics with a dissertation entitled 'Integrating Perception Analysis and Geographic Information System (GIS) Technology in Urban Planning, City Growth and Modeling'. Recently he started teaching in the department of Architectural Engineering as an associate professor. He is interested in urban planning, mainly settlement growth patterns and GIS application in urban issues.

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