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THE FABRICATION OF ISRAEL
About the usurpation and destruction of Palestine through Zionist spatial planning

A UNIQUE PLANNING ISSUE
Kassem Egbaria

2. Two Spatial Systems for one Land: Spatial Inequality in the Development of Palestinian Communities and the Actual Need for Equity

Conclusion from last part:

At the end of the sixties, approximately 800 rural colonies and 30 New Cities had built a network of Jewish majority all over Israel as planned. The infrastructure from electricity, communication or water was established through all modes of international help, big part of it through the German compensation program (Wiedergutmachung) (Lewan 1984). Within less than 20 years Palestine in the 48 borders was turned into 'Israeli (Jewish) Territory'. A new map was fabricated, what was former Palestinian was turned upside down into new Jewish reality.

However, the colonisation planning and policy fabricating a new, mostly Jewish space could not hinder a growing Palestinian presence. The Palestinian communities - though under military command - increased too, still forming majorities in three main areas: the Galilee, the Triangle and the Negev. Consequently, from Israeli point of view the fight for an exclusive 'Jewish homeland' on the land of Palestine was not yet finished. Israel had not yet achieved to be pure Jewish and had not yet achieved the 'promised land' of Lord Balfour 'from the coast to the river'. Consequently Israel started a war to reach new borders. And also in Israel expropriation and destruction policy did not come to a halt in the Palestinian areas and continues to be so today.

However, for the Palestinians the usurpation policy had already a crucial effect in Israel: until 1967 the Palestinian space was sharply reduced to less than 10 percent of the land, the living areas were neglected in all plans. The Galilee was divided into 30 sub- zones. These were executed 'residence' borders. No Palestinian could leave or move to other zones without permission of the military governor. The Bedouins of the Negev were allowed to move only within the boundaries of Beersheba (Bir Saba). They had to live in reservation camps, which prevented them more and more from their main bases of life, the pasture land and livestock. Moreover, in later programs they were forced to settle in special Bedouin villages - their freedom of movement had been anyway limited to nearly zero (see next chapters).

To conclude, under Israeli Zionist rule the Palestinian land was turned into Jewish/Israeli to an utmost level. The Palestinian communities suffered from restriction of mobility, spatial, social, cultural and economic development. Military governance was not lifted before 1966, just before a new war. Discrimination and racist plans in the Israeli leadership still followed the same aims of restricting living conditions, expulsion and expropriation (Koenig's Report 1976). These policies prevented the Palestinians in Israel until today from equity in a 'democratic system' and equal development chances as Egbaria will show as a special ethnocratic system in the following chapters.

Kassem Egbaria

2. Two Spatial Systems for one Land: Spatial Inequality in the Development of Palestinian Communities and the Actual Need for Equity

The national spatial planning system in Israel, which is the main vehicle of space development, allocates land areas within which local, regional and national authorities can develop socio-economic and environmental projects, as well as open spaces. The term *spatial planning* in the state of Israel refers to the allocation, management and use of land in planning processes. The Israeli spatial planning system, which guides the process of allocating land for urban and rural development, operates under a centralised framework (top-down approach), i.e., the higher tier, the National Commission, obligates the lower ones, the District and Local Commissions, (Sharkansky, 1997; Fenster, 1996). Without such plans, no buildings can be approved, and no state services such as water, electricity and telephone are provided.

According to Alterman (1994) and Yiftachel (1995), the Israeli spatial planning system is divided into two principal branches: developmental/initiative and procedural/regulative. The main goal of the former is to develop and promote sustainable patterns of land use, roads, open spaces and forests across the country. However, the procedural/regulative system (i.e., zoning plans of various scales) functions according to the Planning and Building Law of 1965. It mainly operates under the auspices of the Israeli Ministry of Interior to develop national, regional and local, spatial master/outline plans. This branch is characterised by a hierarchical and centralised structure, with virtually no input from the communities who need and are affected by the plans. Khamaisi (2004) argues that Jewish citizens experience both branches of spatial planning, while Palestinian residents in Israel primarily experience the procedural branch of planning. (Even though they are Palestinians for the use of official Israeli statistics we have to use the official Israeli term, Arabs. Otherwise, we will use the term Palestinians).

Accordingly, it is argued that the spatial planning system in Israel is directly connected to the larger ideological, geopolitical and security dimensions of the state and to the efforts to judaise the remaining land of the Palestinian community. In essence, this institutional and spatial framework controls and confines the spatial development of the Palestinian minority by putting more restrictions on and obstacles to the conversion of agricultural and forested land into urban usage, mainly via land confiscation and settlement expansion. Thus, the spatial framework not only severely affects the socio-physical and economic development of the Palestinian community, but also creates very strong feelings of frustration, distress and alienation. In addition to this policy, the government has adopted more than thirty laws, such as the Absentees' (meaning Palestinian refugees) Property Law and the Emergency Defence Regulations, to control, shrink and expropriate Palestinian land and allocate it to Jews, as previously explained.

As a result, at present, about 93% of the land in the State of Israel is owned and controlled by governmental bodies, and managed by the Israel Land Administration (ILA). Palestinian citizens who owned and used most of the land before the establishment of the state, now own only about 3% of the land in Israel. This unjust land policy has caused severe problems for Palestinians not only in territorial and spatial dimensions, but also in other fields, such as housing, infrastructure, economy,

environment and public services. Therefore, the questions of land control, land confiscation and land allocation, which all aim to limit the development of this significant segment of the population, became the source of dispute and conflict between the Palestinians and the Israeli government, and continues to be so today.

The main objective of this chapter is to assess the impact of the Israeli *national, district and local spatial planning system* on the *physical development of the Palestinian* citizens in Israel. This assessment may bring forth important information and clues to help the actors involved in the planning process to allocate national resources equally to all citizens without discrimination based on race, colour, religion, sex or other limitations. Addressing the needs of indigenous Palestinians residing in urban environments in Israel is a critical issue, as government initiatives have tended to neglect such urban issues, and subordinate them to political and ideological considerations.

This study has utilized literature about Israeli spatial planning, as well as official reports and documents from various governmental and quasi-governmental agencies, such as the Ministry of Interior, the Israel Land Administration (ILA), the Central Bureau of Statistics (CBS), local building and planning commissions, and national organisations that deal with Israeli-Palestinian affairs such as the Association of Human Rights. Tangible indicators of spatial planning, such as land management, land confiscation and land use, were the standard measurements in the investigation process. Needless to say, such data was a vital reference to insure that the research results objectively reflect Israeli planning policies.

Theoretical Perspectives

The purpose of this section is to examine how the spatial planning sphere is used as a means of controlling disadvantaged groups and keeping them outside of the cycle of relevant development. This sphere of planning has been recognised as the foundation of urban planning theory (Yiftachel, 1995; Healey, 1992, 1997; Rydin, 1998; Hall & Pfeiffer, 2000). Yiftachel (1995:127) defines the physical sphere of planning as "the spatial [territorial] land use content of plans and polices." The plan is the expression of this vision, showing the spatial arrangement of land usage, such as the form and location of colonies, neighbourhoods, administrative boundaries, and commercial and social activities. According to this definition, planning practice must conform to a human rationale for achieving social reforms.[1] This analysis indicates that spatial planning executed by public authorities should be perceived as "societal guidance" to achieve "social reforms" that move in the direction of "social transformation." Friedmann (1973), Friedmann & Weaver (1979) and Harvey (1973) argue that this can only be achieved if the fairness of land distribution and social reforms are taken in consideration.

However, it has been observed that in the context of deeply divided societies, such as is the case with the state of Israel[2], governmental authorities can use land as powerful mechanisms for controlling the spatial development of ethnic minorities (Khamaisi, 1990, 1992; Abu Rass, 1997). This shows that spatial policies in deeply divided societies can increase or decrease the amount of social and cultural

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[1] Planning as social reform refers to "finding ways to institutionalise planning practice and make action by the state more effective" (Friedmann, 1987:76). Thus, the word reform implies making things better and producing activities for the public good that narrow the inequalities between groups.

[2] Deeply divided societies are composed of "non-assimilating ethnic groups that occupy their historical (real or mythical) homeland" (Yiftachel, 1995:124).

autonomy of minorities that do not (and actually cannot) assimilate into the majority group in the same country.

Yiftachel (1995) points out that social, political and cultural autonomy for indigenous ethnic minorities can be achieved by establishing autonomous local and regional administrative units in spatial settings where ethnic groups have the ability to use and control the spatial distribution of land for building, resources, housing or infrastructure, as exists, for example, in Canada. The reason for seeking this type of autonomy as discussed by Marcuse (1993) is that top down governmental planning policies can be used to contain and control the land of minority groups by imposing restrictions on urban development, land ownership, colonies' expansion, colonies' jurisdiction and creating new colonies for the majority groups at the expense of minority groups.

Davidoff (1973) and Rabinovitz (1973) argue that the social and physical dimensions of planning can be used as tools to create social repression if planning is moulded to control and exclude diverse interest groups. In this case, the social development of disadvantaged groups, like the Palestinians in Israel, becomes dependent on State benefits, which automatically are moulded in accordance with the interests of the dominant (Jewish) beneficiary groups. Yiftachel (1995, 1999) has identified this phenomenon; a systematic repression of subordinate groups by social policies often results in a growing level of dependence by weaker groups on dominant interests. Douglas (1998) indicates that conflict between the state and a community, or a specific group of people, may emerge if that mutual relation is weak. Connor (1987) points out that conflicts between the state and specific groups of people (e.g., minorities or powerless "under-represented" groups) are most likely to occur in a deeply divided society or state. For that reason, "government policies in such societies often attempt to control ethnic minorities, hoping to prevent serious challenges to the character of the social, political and physical aspects of the state". (Yiftachel, 1995:125)

In the context of modern urban politics, planning is considered as reform and a rational intervention into social life (Faludi, 1973; Healey, 1997; Rydin, 1998). This analysis indicates that effective, sustainable urban development is essential; reform and rationality should replace control and irrationality. It is argued that if socio-spatial planning is used as a tool to deprive, weaken and suppress certain groups, particularly in a deeply divided, democratic country, it often augments social and cultural conflict between the disadvantaged and the privileged groups. In this case, social urban planning becomes a tool for control and frustration rather a tool for reforms and advancement. Socio-spatial planning and its outcomes should be conceived of as tools for reform and modernisation, rather than for controlling powerless minority groups. Accordingly, spatial urban development is a mutual relation between the interests of the state and the interests of the socio-political community.

2.1 The Israeli Context

Until the year 1948, the area that is now known as Israel was known internationally as Palestine. Palestinians were the predominant group, while Jews comprised less than 30% of the overall population. During the war between the Palestinians and the Jews at that time, Jewish Agency President Ben-Gurion declared the foundation of the State of Israel, in May 1948. Due to the war during that chaotic period, most Palestinians were expelled from their homes. As a result, when the war ended,

Palestinians had became a minority group—the non-Jewish Arab minority, constituting about 19% of the overall population of Israel.

2.1.1 The Israeli Society

"The Israeli society has been shaped by immigration patterns more than most other countries". (Goldscheider, 1996:41) The country comprises a mixture of people with a variety of ethnic backgrounds, lifestyles, religions, cultures and traditions. At the end of the year 2008, according to the Israeli Central Bureau of Statistics (2009), the population of Israel has grown eight times since 1948, numbering about 7.4 million inhabitants. Jews comprise 79.4% of the country's population, while the Palestinian citizens constitute about 20.6% or 1.498 million.

As a result of the violent disruption of life in historical Palestine, the transfer of land ownership from the Palestinians to the Israeli state and the implementation of the Zionist ideology, Israeli society is characterised by deep-seated and long-standing geo-political and territorial conflicts between the Palestinian and Jewish communities. The two communities live in divided and segregated urban spaces, each of which has its own characteristics and narratives. Palestinians, the Arab citizens of Israel, have had a difficult struggle to maintain their land ownership since the Israeli government uses different policies, such as preservation of open spaces and agricultural land, and environmental protection, as excuses to confiscate their land. These polices resulted in Jewish spatial domination, while preventing the expansion of Palestinian localities (cities, towns, villages and neighbourhoods). Although Palestinian citizens enjoy political rights, they suffer from unfair distribution of national resources in most fields such as education, housing, employment, income and socio-cultural services.

For instance, only 4% of the state development budget is allocated for the Palestinian community, although today they constitute about 20% of the population. Another example is the inability of non-Jews to purchase or lease state land, which constitutes about 93% of the total land in Israel. *The Washington Post* (Oct. 1, 1997) puts it this way, "Non-Jews are barred by law from purchasing or leasing most properties (Jewish National Fund property, "state land," and land under the control of the Custodian of 'Absentee' Property)." In this respect, Jews and Palestinians have different perspectives on this phenomenon. Jews legitimise this policy as they have the right to control the spatial strategies of the land, while Palestinians see it as an obstacle.

It is important to emphasise that despite limited natural resources, Israel has intensively developed its agricultural and industrial sectors over the past 20 years. The country's Gross Domestic Product (GDP) in 2001 reached about $110 billion, or about $17,500 per person. It is important to emphasise that the real standard of living in Israel is determined not only by income level but also by the amount of benefits gained from official channels, such social benefits and military service. The society is mostly urban, with some 92% of the population living in cities. Although 8% of the population lives in rural areas, only 2.7% of the total national work force is engaged in agricultural production.

2.1.2 Current Conditions of Palestinian Citizens in Israel

Palestinians in Israel today are those who did not leave their homeland in the forced evacuation carried out by the Zionist militias and army in 1947-1949. A useful reference to this campaign of ethnic cleansing can be found in Pappe (2006). After the formation of the Israeli state in 1948, most of these Palestinians became Israeli citizens. Although Palestinians and Jews in Israel coexist as two segregated

communities (in residential terms), the future of the Palestinian Israeli is closely tied to that of the State of Israel. The majority of the Palestinian Israeli population lives in self-contained towns and villages in three main regions of the country: The Galilee in the northern region, the Triangle in the central region, and the Negev in the southern region of the country. Only a small segment (about one-tenth) of them live in mixed cities where Jews form a majority, such as Acca, Haifa, Lud, Ramle and Tel Aviv-Yaffa (CBS, 2009). Most Palestinian communities are small and characterised by a lack of socio-economic opportunities; they have inadequate access to housing, land and other urban and agricultural assets. Furthermore, the infrastructure in their communities is insufficient.

Over the years, Jewish and Palestinian Israeli citizens have come to accept each other. However, the Israeli authorities have not sought to assimilate or integrate the state's Palestinian citizens. Rather, they have tended to exclude them from public life, and to leave them marginalised and neglected (Lustick, 1980). The most obvious example of this is the case of the unrecognised villages dispersed throughout the country. These localities are deprived of rudimentary services and subjected to seemingly arbitrary home demolitions (see III.4). Another example is that Palestinian citizens cannot have access to the land that is owned by the Jewish National Fund and the Jewish Agency. Theoretically, Israeli Palestinians have equal access to land owned by the state; however, in practice, the reality is different. *The Washington Post* newspaper (May 20, 1997) puts it this way, "Zionists devised formal and informal mechanisms to prevent Palestinians from acquiring Jewish land that persist today".

Moreover, Palestinians in Israel have the lowest socio-economic status of all groups in the state (Khamaisi, 1995; HRA, 2000, Mossawa 2001). In 2008 according to CBS and the National Insurance Institute NII (2008) 1.651million people in Israel lived below the poverty line, poor families constituted 19.9 percent of Israel's population. The number of children living in poor families had reached 783,600. Arab Palestinian Citizens of Israel constitute 34% of all poor families and 49.4 percent of all Arab (Palestinian) families in Israel. It was estimated that 60 percent of all Arab children in Israel live below the poverty line. Summing up the Israeli Central Bureau of Statistics Abstract figures of 2009 indicate the wide gaps that exist between Palestinians and Jews in all major indicators, including infant mortality rate, education level, income and housing density (see selected figures in table 1, see section II).

Table 1 Selected figures indicating the gap in social conditions of 'Arabs' and Jews in Israel 2008

Items compared	'Arabs'	Jews
Average number of persons per household	4,80	3,10
Average number of persons per room	1,43	0,84
Average number of children per household (up to age 17)	2,16	0,94
Average gross monthly income per work hour in 2007 (NIS)*	30,30	47,0
Average gross monthly income per employee in 2007 (NIS)	**5.419**	**8.434**

∗Dec 2009: 1$=3.7896 NIS New Israeli Shekel
Sources: (I)CBS 2009, NII Annual Report 2009 poverty and social gaps 2008

This analysis indicates that no Israeli government has ever enacted a clear, comprehensive, strategic spatial urban and environmental plan to address the needs for growth and development of this large segment of the population. It is argued that the urban state policy towards Palestinians is mainly based on constant political

pressures. Therefore, in order to meet the challenge of the systemic inequities facing Palestinian Israelis, there should be an inclusive and comprehensive framework to define the needs of this segment of the population. Otherwise, the possibility of internal conflicts, instability and, above all, underdevelopment will remain high.

2.2 Land Ownership and Management in Israel

The present state of land ownership in Israel is a complex, intertwined process. It can be traced back to the idea of creating a Jewish national home in Palestine, as was adopted by the First Zionist Congress in 1897, as mentioned before.

At present, there are three main types of land ownership in Israel, as seen below:

- The *Israeli government* owns about 80.5% of the land in Israel. This land was inherited from the Mandatory Government or expropriated from Palestinian citizens using various laws such as the Law of Absentee Property of 1950, and laws on Military Zones and Emergency Defence.
- The *JNF* and the *Jewish Agency* own about 13% of the total land in Israel.
- *Private* Palestinian and Jewish citizens own about 6.5%. It is important to highlight that Palestinian citizens own about 713,000 dunam, i.e., 3.5% of the total land in Israel. From this area only 508,000 dunam is under the jurisdiction of Palestinian localities, and the area that is designated for development is about 160,000 dunam or about 0.7% of the state area.

Analysis indicates that land ownership relations, land registration policies and taxation imposed during the Ottoman Empire and British Mandate contributed to the reduction of the amount of land owned by Palestinians in Palestine. Furthermore, ownership policies and the legal system made it much easier to pass land rights on, and in this way both the Ottoman Empire and the British Government contributed to Jews acquiring land (see section II). However, with regard to land management, analysis indicates that, theoretically, Israeli Palestinians have equal access to land owned by the state. However, in practice, the reality is different. Furthermore, Palestinian citizens have no access to land owned by the Jewish National Fund and the Jewish Agency. This raises an interesting question: How do Palestinian citizens in Israel cope in terms of land?

2.3 One land - two spatial planning systems

To understand the way in which the territorial control of Palestinian citizens in Israel was applied after the establishment of the state, it is necessary to explain the role of Israel's spatial planning policies in systematically limiting and decreasing the Palestinian community's land ownership, as well as confining their urban and rural development. Understanding the Israeli spatial planning policy deductively will provide essential background for inductive, empirical study at the regional and local levels.

2.3.1 Goals and intentions of comprehensive National Spatial Planning

Comprehensive National Spatial Planning in Israel places much emphasis on designating land usage, dispersal of population and colonies, allocation of national resources, and conserving land for agricultural and open space activities. It also aims to address the role of unleashing the potential for development as a basis for

balanced regional development, as well as developing Israel as *a Jewish and democratic state* (TAMA 35). The spatial planning system in Israel is governed by the Planning and Building Law of 1965, which evolved from a similar act originally passed during the British Mandate in Palestine. Under this system, virtually all proposed development from additions to a house to building a quarry or airport needs planning permission from various levels of Planning and Building Commissions. Planning and Building Commissions operate in the framework of the Planning Authority (PA), which is a part of the Ministry of Interior.

According to Alterman (1994) and Yiftachel (1995), the Israeli spatial planning system is divided into two principal arms: developmental/initiative and procedural/regulative (Figure 1). While the Jewish side is well represented and initiative in the development and initiative part of planning via different bodies, the Palestinian side is more an addressee of the regulative and procedural part. Strategic public bodies, such as the Ministry of Defence, the Ministry of Construction and Housing, the Ministry of Industry and Commerce, the Jewish Agency, the Israeli Land Authority and the Jewish National Fund, the latter pivotal Zionist organisations, determine *developmental planning*. The main goals of these bodies are to develop and promote sustainable patterns of land use, roads and forestry across the country for the *Jewish sector*. (see figure 1) The privileged position accorded to the Jewish Agency and the Jewish National Fund derives from their vital contribution to the establishment of the State of Israel. These two bodies constitute quasi-governmental authorities and receive financial support from the Jewish Diaspora and are not, therefore, accountable to Israel's non-Jewish groups (Yiftachel, 1995:133).

Figure 1: The Israeli Spatial Planning System
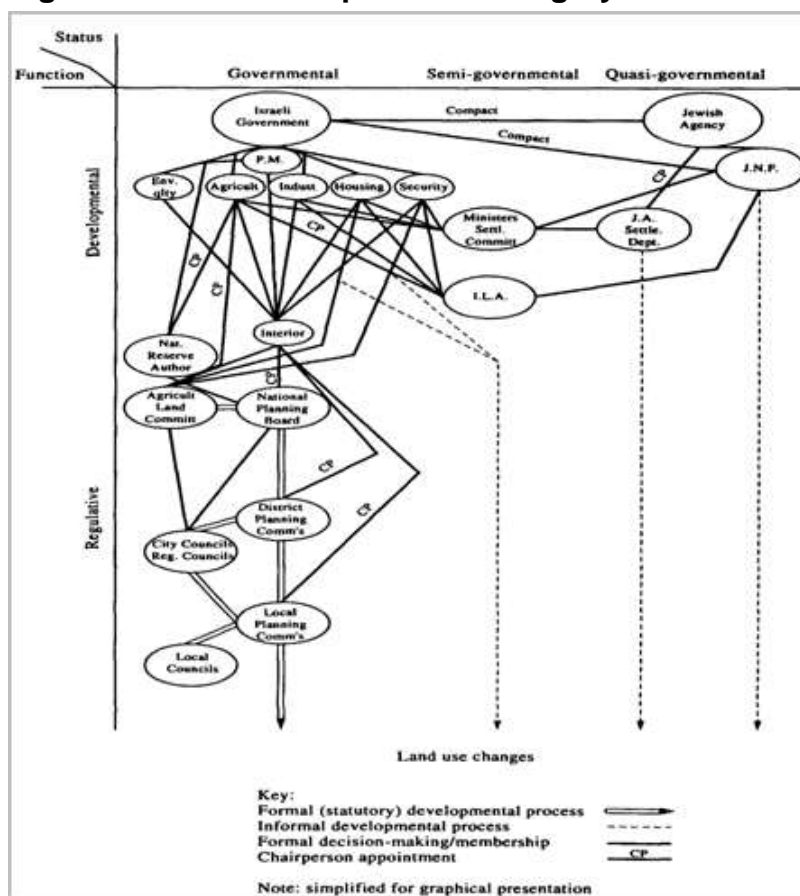
Source: Yiftachel 1995

The hierarchical administrative system (i.e. zoning plans of various scales: 'top down') aims at developing national, regional and local spatial master/outline plans for securing development. This planning system operates on three main levels: the National Council for Planning and Construction, six district committees, and about 130 local planning committees that generally reflect the requirements of the (Jewish) residents (see figure 1). According to the Planning and Building Law of 1965, clause 49, the national outline plan is located at the top level of the hierarchical planning framework and supervises the district outline plans that set out details for implementing the national plan in that district (see figure 2). This scheme lays down the planning structure for the whole area of the State and assigns purposes for various areas; for example, setting aside residential and industrial zones; laying out highways, railroad lines and electricity grids; enacting provisions for recreation areas, nature reserves and holy places; and forecasting demographic changes. Without such plans, no buildings can be approved, and no state services, such as water, electricity and telephone, are to be provided. These outline plans regulate most building and land use management in Israel, and in addition establish a framework for environmental planning. These plans are a key instrument for Judaising the country.

Figure 2 Hierarchy of the Israeli Planning System

National Planning

District Planning

Local Planning
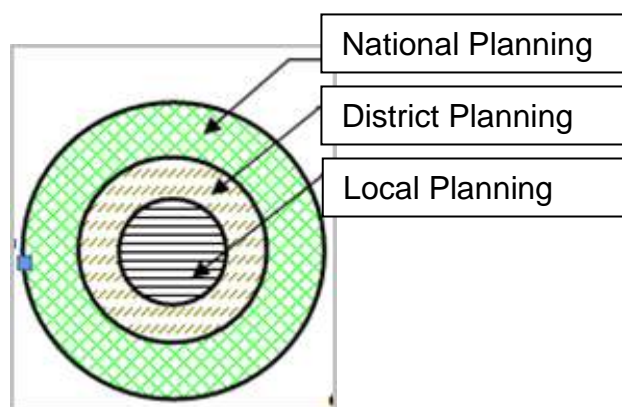
Source: Egbaria

The National Board that is chaired by the Minister of the Interior consists of government representatives such as the Committee for the Protection of Agricultural Land and the Israel Land Authority, scientists, engineers and a representative of environmental interest groups. The primary responsibilities of the National Board are to enact overall planning in Israel, review regional outline plans and serve as an appeals board for decisions made by the District Planning and Building Commissions (Alterman, 1994). Alfasi (2003) argues that there are various barriers to public participation, hence democratisation in this system of spatial planning. The exclusion and/or minimal representation of individuals and communities in planning processes has affected mostly the Palestinian community, since representation in planning processes in Israel occurs via indirect mechanisms, i.e., by virtue of being member of planning commissions. Egbaria (2003) argues from practice that the Palestinian community in Israel has access to formal spatial plans only by submitting objections, a procedure reserved for stakeholders who are directly influenced by a spatial plan.

Therefore, Palestinian residents in Israel have a very low level of representation or incorporation into the planning processes (Yiftachel, 1995; Khamaisi, 1990; Sikkuy, 2000, 2001). According to Yiftachel (1995), this policy has controlled and contained

the process of Israeli Palestinian urbanisation development, because it is carried out without taking the Palestinians in Israel into consideration. According to an extensive literature review carried out by the author, the absence or low level of representation can be summarised as follows:

- The council of the National Planning Committee is composed of 30 members. Today there is only one Israeli Palestinian citizen in this council. Until recently, there was none.
- The council of the Israeli Land Authority is composed of 24 members. Today there is no Palestinian representative in this council, despite the complexity of the daily problems faced by the Palestinian community in Israel.
- Israeli Palestinians are severely under-represented in District Planning Committees. For example, there is only one Palestinian member in the Northern District Planning and Building Committee.
- There is no Palestinian representation in the Committee for the Conservation of Agricultural Land.
- There is an absence of Palestinian representation in governmental committees, such as the Kubersky Committee of 1976, and the Markowitz Committee of 1986, that deal with unrecognised Palestinian localities and so-called informal and illegal buildings.
- Moreover, there is low representation of qualified Israeli Palestinians in all planning institutions.

Furthermore, only in four cities, constituting 6% of Palestinian localities are there local planning commissions. The case is quite different in Jewish localities, 55% of which have their own local planning and building commissions. This means that most Palestinian citizens cannot initiate an application for building permission in order to develop their municipalities. For instance, the Palestinian city of Um El Fahem, which counts about 40,000 residents, has no local planning commission, while Jewish cities with comparable populations, such as Rosh-Ha'ayen, or Kiryat-Tivon,which is about 1/3 the size of Um El Fahem, have their own local planning commissions. Certainly, the lack of Palestinian representation at all planning levels, and the lack of local planning commissions in Palestinian localities, seems systematic, and limits their ability to influence spatial planning and land allocation for development and growth.

Undoubtedly, gaps are clear and visible since the Zionist state's ideological, demographic, geographic and political goals are the main criteria shaping Israeli spatial planning polices and their implementation. The Different Israeli planning institutions and quasi-institutions use the concept of regulative/procedural spatial planning as a mechanism to control and confine Palestinian spatial development and territorial expansion. Procedural spatial planning in Palestinian areas follows the concept of "fill-in" policy within defined small 'blue-line boundaries', in which building is possible for them. One impact of procedural planning is the tremendous overcrowding created in Palestinian localities. Data reveals that population density in Palestinian rural areas (villages) is about 3.5 times higher than in Jewish rural localities, i.e., 4.7 persons per dunam as compared to 1.3 persons. Another example of the effect of Israeli procedural planning concerns the approval of local master plans: only about 30 out of 81 Palestinian local authorities have had their master plans for development approved. This has created many problems in the localities that lack such approval. About 57% of Palestinian residential buildings lack building

permits, and there are more than 30,000 outstanding demolition orders for 'illegally' built structures in Israeli Palestinian residential areas. It is important to highlight that in the Jewish sector, there is not a single illegal settlement, but there are more than 100 so-called illegal and unrecognised Palestinian localities, although some of them existed before the establishment of the state. The main goal of this spatial policy is to force the inhabitants of these localities, especially the Bedouin communities, to leave their homes and land, and move to government planned areas (see III, 4).

2.3.2 The National Master Plan: Israel 2020

It is crucial to discuss the main goals of the current institutional framework for strategic planning and environmental management in the State of Israel, because polices pursued by the government towards Palestinian citizens can positively or negatively affect the development of this large segment of the population. (Mazor 1993)

Since the establishment of the State of Israel in 1948, governmental and quasi-governmental bodies have prepared a number of strategic spatial plans to deal with specific fields, such as transport, and comprehensive policies that deal with all aspects of urban and rural development. The two recently prepared National Master Plans (TAMA 31 and TAMA 35, in Hebrew) have strategic visions for the development of the State of Israel over the next two decades. These plans are basically normative and lay down long-range targets. The primary objective of all National Master Plans, including the latest one, TAMA/35, Israel 2020, is to encourage the establishment of new Jewish colonies throughout the State of Israel and to further the "in-gathering of the exiles." In addition, they aim to allocate areas and distribute land resources for social, cultural, economic, security and other aspects of urban and rural development in Israel, and to establish national priority areas within a framework of sustainable development. Certainly, these objectives directly influence the lives and welfare of all social groups. They also influence the future landscape of the country.

Analysis of the latest National Master Plans (such as TAMA 3 for roads and railways, TAMA 31 and TAMA 35) and District/Regional Plans (such as TAMAM 2 and TAMAM 6 which details land use), indicates that in spite of the government's stated goal to improve and modernise citizens' lives, including the Palestinian minority group, through redevelopment programs, Palestinians in Israel continue to suffer from uneven development and unequal distribution of national resources when compared to Jewish citizens. For instance, a map of the Trans-Israel Highway reveals that about 12 regional industrial zones will be established and linked to it; none of them are located within the jurisdiction of a Palestinian locality.

Another example is the obstacles that face the spatial distribution of the socio-economic development of the Palestinian community in Israel as compared to Jewish colonies. The government divides the country into three economic zones (A, B and C), and categorises their status on a 1-to-10 scale (10 being the optimum socio-economic condition, while 1 is the least advantaged); benefits are distributed accordingly. The National Master Plans indicate that the government has designated certain areas as preferred national socio-economic development areas. The majority of these areas are Jewish development towns, and they are then eligible to receive social and economic benefits, including special tax programs for industry, educational programs, and housing incentives. In this respect, Sikkuy (2005) and others have found that all Palestinian localities and Bedouin communities in the Negev region are concentrated in the lower cluster. Nazareth, the biggest Palestinian city in Israel, with

a population of about 60,000 people, is in the third cluster. It was found that the only Palestinian town ranked in the sixth cluster is Ma'iliya in the Galilee region. Comparative studies indicate that most of the Jewish towns are ranked in the 5 highest clusters, and only one Jewish town is in the lowest cluster. (Falah 1990; Falah 1992)

The population of rural areas in Israel constitutes about 9% of the overall population, and these rural areas are controlled by 53 regional councils. According to Groag and Hurtman (2003), in administrative terms, these communities control about 90% of the state's land area and benefit from property related taxes. In fact, Palestinian regional councils do not enjoy such benefits and their communities lack territorial continuity. Certainly, territorial continuity not only has many positive effects on the process of development, but also on the integration between Palestinian and Jewish communities. Even the possibility of continuity and integration between Palestinian localities exists due to geographical and territorial locations, but the Israeli government attempts to separate and control them via planting new Jewish colonies or infrastructure networks in and around the Palestinian living areas. Accordingly, the national policy has resulted in uneven administrative areas. The area that is under the administration of Palestinian localities (towns, villages and regional councils) is about 2.5% of the state's land and accounts for about 20% of the total population.

Since the 1960s, Bedouins in the Negev region have been subjected to a policy of forced sedentarisation (*ayur habdawim*). This began with the establishment of some new recognised semi-urban areas (such as Rahat and Tel Sheva). Israeli policymakers see this process as improving the Bedouins' quality of life and moving towards modernisation and new development. However, research conducted by Sikkuy, RC and HRA (2000/2001) indicates that Bedouins of the Negev see this process as a discriminatory policy which breaks down their traditional economic and social life while making land available for Jewish-only colonisation programs. They also see it as a way of creating a source of cheap labour for the Jewish economy.

This does not mean that Palestinian citizens have not experienced positive developments after the formation of the state in 1948, things such as free education, freedom of speech and association, and the formation of a new intelligentsia. However, they are suffering from the slow and complicated pace of growth and development. A report published in *Haaretz* newspaper (September 4, 2003 edition) covered the formation of an official commission of inquiry to discuss the reasons for the political and security incidents of October 2000, which led to the killing of 13 Palestinian citizens by the Israeli police forces. This commission headed by Supreme Court Justice Theodor Or found that the clashes of October 200 between the police forces and Palestinian citizens were directly related to government policies towards Palestinian citizens, saying that "Government handling of the Palestinian sector has been primarily neglectful and discriminatory. Evidence of the distress included poverty, unemployment, a shortage of land, serious problems in the education system and substantially defective infrastructure." This shows that Israeli national policy has been neglecting the basic indicators for improving the urban and rural living conditions of Palestinian citizens. A policy debate on development issues and civil rights at national level is thus urgently required to address the needs of this segment of population.

2.4 Ethnocratic Planning – Results

The purpose of this section is to provide a detailed investigation into the process of land control implemented by the Israeli government against Palestinian citizens after the establishment of the state.

2.4.1 Land shrinkage for a growing community

It is important to indicate once again that before the establishment of the State of Israel in 1947-48, the Palestinian community owned and used most of the land within its boundaries (see table 2). Today this community has lost most of its lands which were transferred to the hands of the government (Khamaisi, 2002). The Israeli government has used over 30 laws, such as the Absentee Property Law of 1950, Restrictions on the Use of Agricultural Land and Water Law of 1967, the Emergency Defence Regulations, etc., (see annex) to expropriate land owned by Palestinians and allocate it to Jewish control. A report published by Mossawa Center (2001:24) states that in the period of "1948-1975, over 800,000 dunam were taken from Palestinian citizens and used for the creation of sixty new Jewish villages."

Table 2 Changes inland ownership and population in Palestine (until 1948) and Israel (after 1948)

Year	Jews		'Arabs'	
	Land	*Population*	*Land*	*Population*
1920	**3%**	**6%**	**97%**	**95%**
1947	7%	31%	93%	66%
1948	57%	82%	43%	18%
2003	97%	81%	3%	19%
2020		**78%**		**22%**

Source: Mossava Center 2001

In 1976, the Israeli authorities expropriated about 20,000 dunam from Palestinian citizens in the Galilee region for the purpose of establishing a new Jewish settlement called Carmiel as well as military training camp. Palestinian citizens held mass demonstrations protesting this policy. Those demonstrations were confronted by the Israeli police forces, and six Palestinian citizens from the villages where land expropriation carried out were killed. That tragic event sparked the first Land Day (*Youm al Ard* in Arabic) uprising. Every year Palestinians in Israel demonstrate to commemorate this occasion.

After the first Land Day, between the years 1978 and 1983, the Israeli government adopted a new territorial policy for Judaising Palestinian land in the three regions where Palestinians are mostly concentrated. This policy aimed at the establishment of new Jewish towns instead of confiscating Palestinian land. This does not mean that land confiscation stopped during and after this period. For instance, annual reports of the ILA (such as report no.28 in 1989, and report no. 31 in 1992) indicate that from between 1987 and 1991, ILA took over about 25,500 dunam from Palestinian citizens.

In addition, since the mid-1960s, the Bedouins of the Negev, who constitute about 11% of the Palestinian minority in Israel, have been subjected to a systematic process of land confiscation. According to a report published by the HRA (2000),

Bedouins in the Negev were using most of the Negev land, which constitutes more than half of the state's area. Analysis of land ownership extracted from planning documents indicates that by the year 2003, the Bedouin population holds in total only 240,000 dunam. A large portion of this remaining land (about 180,000 dunam) is owned by the residents of the unrecognised villages (see III.4). Nevertheless, the State of Israel continues to expropriate from the remaining land that belongs to Bedouins in the Negev, using a number of mechanisms, some of which were mentioned previously, to facilitate the transfer of Palestinian land to the hands of the state such as:

- The Land Acquisition Law (Validation of Acts & Compensation) (1953) states that land that was not in the possession of its owner in April 1952 could be registered as state property.

- The Land Rights Settlement Ordinance (1969) classified all *marwat* lands (Ottoman term, literally meaning dead) as state property, unless a formal legal title could be presented.

- *Marwat* land was defined as unused land at a distance of more than 1.5 miles from the nearest Jewish settlement.

- The Negev Land Acquisition Law (1980) facilitated large-scale confiscation of bedouin lands for building military bases and an airport in the wake of the peace treaty with Egypt.

A review of Israeli planning documents, files in the archives of the local planning commission, newspapers and human rights association reports, reveals that about 85% of all land confiscated (from private owners) for the construction of the Trans-Israel Highway was taken from Israeli Palestinian citizens. The Trans-Israel Highway (Highway No. 6) is an eight-lane expressway that will run 324 kilometres from the Negev in the south to the Galilee in the north. The land expropriated for the establishment of this highway has been taken disproportionately from Palestinians in Israel: Of the 20,000 dunam of land which the government will expropriate for the highway, 17,000 are currently Palestinian owned.

Obviously, the confiscation of the land of Palestinian citizens by the state has resulted in diminishing the amount of land owned by the Palestinian community. Today, Palestinians own approximately 3% of the land in Israel (Yiftachel, 1999), while 93% is owned by the state, and the rest belongs to private Jewish owners. Citizens have little legal recourse against land confiscation since wide powers are given to the executing authorities. Certainly, shrinkage of the amount of land accessible to them will affect the development of the Palestinian sector, since they will find only limited options for growth and development.

2.4.2 No opportunity for development

In Israel there are about 1,200 Palestinian and Jewish localities (cities, towns, villages). Recognised Palestinian localities constitute only a small portion of the 108 local governance bodies in Israel. Only 9% of local governance bodies are Palestinian, although Palestinians are about 20% of the overall population in Israel. Most, if not all, of the Palestinian localities have applied to enlarge their municipal boundaries for development, but only a few of their applications have been accepted, and with very limited increases. On the other hand, when Jewish localities request expansion of their municipal boundaries, they are usually allocated generous additional areas (Groag and Hurtman, 2003). An example of this biased, ethnocratic policy is the case of the Palestinian town, Kfar Kasem, and the adjacent Jewish city,

Rosh Ha'ayen. In the 1950s, about 2,600 dunam of land belonging to Kfar Kasem were transferred to the jurisdiction of Rosh Ha'ayen. Only a small part of this land was returned to the village in 1993; the rest of the land that was supposed to be returned has still not been transferred.

As indicated before, the process of expropriating and controlling the land of the Palestinian community in Israel began before the establishment of the state, and is still in operation. Thus, spatial planning, i.e., the management of land use, settlement expansion and development, is at the core of the conflict between the Palestinian citizens and the Israeli authorities. Yiftachel (1999) argues that ethnocratic planning has become the major reason for ethnic conflict over land, settlement development and expansion, jurisdiction and boundaries, between the powerful Jewish majority and the marginalised Palestinian citizens in Israel. On the other hand, Khamaisi (2002) calls this process a part of the enduring colonial process to judaise the land of Israel.

National planning documents indicate that the government has adopted several means to differentiate between Jews and Palestinians with respect to land allocation, land management and other matters of spatial planning. The difference in national priority for land use and the establishment of new cities can be understood by comparing land allocation for the two different communities. For instance, there is a large gap between Jewish and Palestinian towns in terms of municipal boundaries. Data obtained from the Southern District planning archives indicates that there are considerable differences between the two neighbouring communities, Omer, a Jewish settlement, and Tel Sheva, a Palestinian Bedouin locality, in terms of the allocation of land for development. The municipal boundaries of Omer town, which counts about 6000 residents (as of 2003), encompass about 17,000 dunam, while Tel Sheva, which counts about 10,000 residents, has an area of about 4,000 dunam. This gives an idea about the ratio of population density. The density ratio in Tel Sheva (0.4 dunam per person) is about 7 times greater than of Omer (2.8 dunam per person).

Putting some of the land of Israeli Palestinian localities under Jewish regional council control, such as happened to Um El Fahem in the Triangle region, has limited the town's physical development and expansion (Egbaria, 2003). This policy has created an increasingly overcrowded built-up area compared to neighbouring Jewish colonies, such as Me-Amee. Another example in the Galilee region, according to the HRA (2000), is that the Palestinian city, Nazareth, controls a total area of 14,200 dunam (1,420 hectares) for 60,000 people, whereas the nearby Jewish town of Nazerat Illit (Upper Nazareth) has 34,000 dunam (3,400 hectares) for a population of 45,000; moreover, a significant proportion of Upper Nazareth's land was originally Nazareth's land. Khamaisi (1990:174) argues that "this has caused Nazareth's residents to suffer a severe shortage of land and limited possibilities for development and expansion" needed to cope with natural population growth.

A study conducted by Egbaria (2003) revealed that the Jewish town, Roash Ha'ayen, and the Palestinian city, Taybeh, located in the same district, have almost the same population. However, Roash Ha'ayen has an area of 7,650 dunam exclusively for residential development, and an industrial area of 1,403 dunam, while Taybeh has only 2,750 dunam for residential purposes and about 220 dunam for industrial purposes (see III, 3). Comparison between Taybeh and Roash Ha'ayen in terms of area allocated for industrial development reveals that the difference is about seven times more in favour of the Jewish city. It is important to mention that most (about

85%) of the Palestinian locations in the Triangle region lack local or regional industrial zones.

The Israeli authorities have pursued a policy of constantly establishing new colonies for Jews only; Palestinian citizens are not allowed to move into most of them. However, no parallel settlements have been established for Palestinian citizens since the establishment of the state except for a very small number of Bedouins in the Negev, which is part of a forced urbanisation process. This policy has led Palestinian citizens to build their houses without licenses in unplanned areas, leading to the urban phenomenon of unrecognised Arab locations (see more in III.4). It is important to highlight that about 100,000 Palestinian citizens live in unrecognised villages which are threatened with destruction, prevented from development and not shown on any map (see image 1). Despite the fact that most of the "unrecognised villages" existed before the establishment of Israel on private land, state policy considers their inhabitants as lawbreakers. It prevents them from repairing existing homes or building new ones.

Image 1 Unrecognised Bedouin settlement in the Negev region

Source: The association of the Fourty, assos40.org

The result of ethnocratic planning is overcrowding in Palestinian localities, poor living conditions, unlicensed buildings and underdevelopment. Furthermore, this policy ignores the needs of Palestinian citizens and explicitly tries to concentrate this community in certain localities, while breaking the territorial continuity between them. In this respect, the Markowitz Commission Report (1986) on unlicensed (informal) buildings in the Palestinian sector recommended the following: "The planning authority within the Ministry of Interior should set a policy on the detailed directions of the development plans in the 'Arab sector' and the special aspects of this sector, to encourage vertical construction, to allow construction on smaller lots and to earmark state lands for public and private construction by the Israel Lands Authority." Thus, Palestinian citizens have only one option, that is, to live in confined areas if they are to satisfy their housing needs; they have little land for other urban and agricultural activities.

Conclusion: Meeting the challenges

It was found that the principal factor used to control and retard urban and rural development in Palestinian localities in Israel is the prevention and restriction of expanding built-up areas and municipal boundaries to match the needs of the

Palestinian community. Decisions on municipal boundary changes (settlement upgrades, outline and development plans and jurisdiction limits) are influenced by the ideological and political positions of the Ministry of Interior much more than are decisions that involve Jewish local authorities. This has meant that the development of the physical planning of the Palestinian Arab sector is guided by the geopolitical views and ideological considerations of the planning authorities, aiming to promote Zionist ideology and enhance Jewish immigration and settlement. Fear of being surrounded by Palestinian villages and towns was the primary factor influencing the physical development of Jewish colonies; consequently, this affected all Palestinian localities.

Furthermore, control over land was also achieved by expropriating land from Palestinian residents and transferring it to the state for the establishment of new Jewish colonies, or the development of national and regional infrastructure networks. This transfer was carried out gradually and systematically from the earliest days of the state, and has resulted in decreasing the space available to Palestinian localities.

Accordingly, it is obvious that the expropriated private land owned by Palestinian residents as a matter of fact constituted the Israeli urban and rural development. On the other hand Palestinian citizens suffered from the fact that very little public land was devoted to the development of their community, whether in urban or rural areas. In addition, Israeli Palestinian citizens have very limited possibilities to own or use Israeli public land due to a series of discriminatory laws and practices. Recently, the government decided to support a bill "proposed by MP Haim Druckman of the National Religious Party that would enable state land to be apportioned for Jewish use only." This would mean reserving it for private Jewish ownership and in effect, rewriting the historic land ownership in Palestine (Yideot Aharonot, 7/8/2002).

It becomes clear that existing spatial planning in Israel harms the Palestinian citizens in all aspects of life. Certainly, such policies can create very strong feelings of frustration and alienation. Land and questions about control of land are the main issues of the dispute between the Palestinian citizens and the governmental institutions. Allocating space and land on an equal basis regardless of ethnic belonging might solve the problems of spatial development of Palestinian citizens. Thus, it becomes clear that the problem is not easy to be solved, since the Israeli territorial planning is an issue of 'ethnocracy'. For this reason, a policy debate on land allocation, land ownership, municipal boundaries, land confiscation and settlement patterns is urgently needed – against and in opposition to the announced policy of 'transfer' (of the Palestinians) of some members of the recent Israeli government. Comprehensive institutionalised spatial planning covering all aspects of inequality in the allocation of spatial resources might be the first step to creating a more equitable situation for Palestinian and Jewish communities. Certainly, such a framework would not only improve the socio-economic situation of the Palestinian residents, but will also enhance the solidity of the state and serve as evidence of a real change to a democratic character of the State of Israel.

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