

Why planning needs to change in the occupied West Bank

An expert international group of planners says a new approach to planning could contribute to peace-building.

Why are changes needed?

The current planning regime in the rural part of the West Bank makes it almost impossible for Palestinians living there to carry out development. They cannot build houses or sheds to keep their animals in. Aid agencies who build schools or health centres risk seeing such essential facilities demolished. Towns cannot create new suburbs. Infrastructure networks are fragmented.

In contrast, the planning regime operated by the Israeli Civil Administration (ICA), as the occupying power, has facilitated the development of Israeli settlements that are now home to some 340,000 Israelis. Such settlements are widely recognised as being illegal under international law.

It's not that the Palestinians cannot produce technically sound plans to accommodate growth of their villages. The bottleneck is the ICA. Around 100 local scale plans have been prepared in recent years, which adequately specify future land uses, roads etc. But only 3 have received ICA approval. The lack of approved plans means that development is unauthorised and at risk of demolition. Poor and vulnerable people face eviction from homes and disruption to their livelihoods.

An expert group of planners, invited by UN-Habitat



Khasm al Karem – A Palestinian village without basic services and threatened with demolition in an area declared a “Firing Zone”.

review the situation, says none of this is necessary for Israel's security. The group, made up by experienced planners from the UK, Germany, South Africa, and Canada, looked at the area known as “Area C” under the Oslo Accords.

Planning should respect human rights

A fundamental point made by the expert group is that planning should respect human rights and work within international law. That is not currently the case in the occupied West Bank. Planning practice has been militarised, so that instead of carefully weighing potential security gains against the impact on Palestinian livelihoods, there is a complete prioritisation in favour of Israeli interests. One consequence is that many of the Palestinian villages lack essential services such as piped water or classrooms.

The Board found that the plans that have been produced by Palestinians are technically sound. It calls on the ICA to authorise these plans without delay, and for the MoLG to endorse them in a spirit of peace-building. The plans should be treated as the basis for development in Area C pending new PA-led approaches to rural planning and development in Palestine. Demolitions should be halted.



An Israeli settlement in the rural West Bank. The ICA say that lay-outs like this conform to their standards, but is this standardised approach appropriate to the local situation?

Bedouins and herding communities

While planning systems in countries like Canada and South Africa now recognise the specific needs of communities with traditional cultures, there is no such sensitivity to the Bedouins or other herding communities in the occupied West Bank. Israel continues to pursue a policy of urbanising these itinerant peoples. In many cases their villages are deemed “unrecognised”. Bedouins are the most common victims of demolitions and forced evictions. The planning system needs to recognise the rights of these communities to access land to sustain their culture and livelihoods.

A fair and transparent planning system

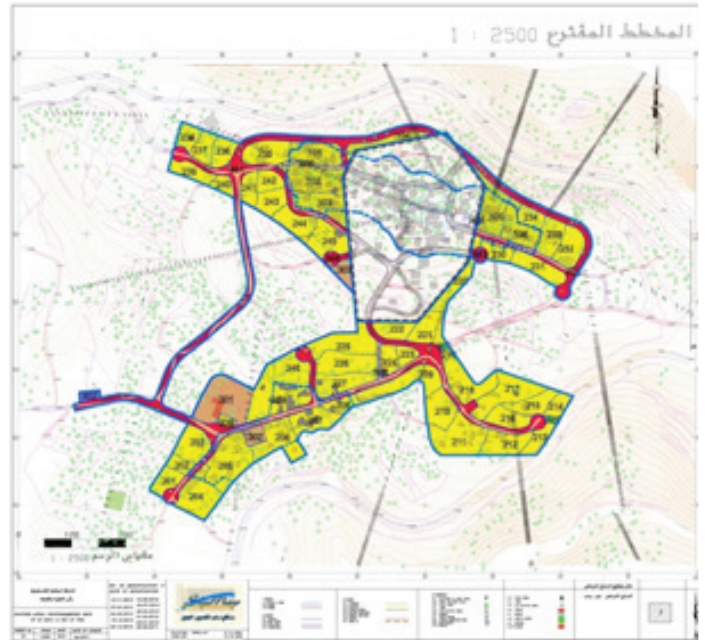
The expert group found that the current practice of planning amounts to a denial of administrative justice. Not only is there no effective means for Palestinians to influence decisions on the approval of plans for their villages, but the procedures and planning regulations that shape decisions are not transparent. A further consequence is that plan-making becomes a protracted process of negotiation, with key documents not available in the public realm in Arabic. This creates inefficiency for all concerned. Despite being technically sound, plans are held up.

Change the planning culture

Planning is being used to restrict and deny development opportunities for Palestinians. This is partly a residual of the planning legacy left by the British. Indeed, rudimentary regional plans made in the 1940s under the British Mandate remain statutory documents, despite being well past pensionable age. They were crafted in an era long before planning became recognised as an enabling process, engaging with a wide range of stakeholders to deliver sustainable development.

The local plans are detailed zoning plans for a snapshot 20 year horizon. The ICA requires the boundaries of these plans to be drawn tightly round existing development – indeed sometimes it cuts through

a village, leaving those “outside the line” with no prospect of legal development rights.



A rare example of an approved local plan: Ras El Tira and Al Daba. The white area is agricultural land that was not included in the plan.

Planning matters – to escape from aid dependency

The World Bank in a report in 2013 highlighted the importance of Area C to the Palestinian economy. The area has important agricultural and mineral resources, and tourism potential. None of these can be exploited for Palestinian benefit under current conditions.

Current planning also impacts negatively on the economic development of the Palestinian urban areas that are administered by the Palestinian Authority. Disconnected from each other, they look like islands in an archipelago surrounded by Area C. Planning for functional urban regions – so fundamental to efficient provision of infrastructure – is effectively impossible.

The Palestinian Authority has been unable to develop roads, airports or railways in or through Area C, or the utility lines to connect the towns in Areas A and B across Area C. Palestinian communities are compelled to use detours that are two to five times

longer than the direct route to the closest city. This has negative impacts on labour mobility and access to services.

Many Palestinian communities in Area C remain unconnected to Palestinian water networks and have to access water from water tankers at high prices – prices that are inflated by the frictions on movement for vehicles.

In short, planning at the regional scale is delivering outcomes that are the antithesis of those sought by regional planning in other countries today. Instead of fostering connectivity and provision of public goods, planning as currently practised prevents economic development.



The barrier wall constructed by Israel divides communities within Area C, and is used as a material consideration by ICA when reviewing planning proposals.

Planning matters – for livelihoods

The international donor community has recognised the need to alleviate poverty and sustain livelihoods in Area C. To this end it has earmarked money for construction of schools, health centres, and other essential infrastructure such as housing and water and sewerage systems. But such good intentions are blocked when new buildings are at risk of demolition as “unauthorised development”.

A third of Area C residents rely on farming and herding, activities for which access to land and to water is essential. A quarter of residents work in Israel

or in Israeli settlements – for these people transport matters to access employment opportunities. Rather than a restrictive land use planning approach, Area C needs a form of planning that aims to drive rural development to lift people out of poverty.

Equality and non-discrimination, inclusion and participation, should be at the heart of the planning process, and not optional extras subservient to technical measures determined top-down.

Recommendations

The expert group put forward a number of recommendations which are summarised here:

- **The sample of plans reviewed by the IAB are judged to be technically sound.** On this basis, and in view of the excessively long period that the communities in Area C have been denied authorised land use plans for the development of their villages, the rest of the Local Outline Plans should be authorised immediately by the ICA and endorsed by the MoLG in a spirit of peace-building. These plans should be treated as the basis for development in Area C pending new PA-led approaches to rural planning and development in Palestine.

- **Stop Demolitions:** all existing demolition orders should be revoked and no more issued, and displacement and confiscation of land should be halted.

- There should be **an assessment of development needs in rural Palestine as a whole.** This would take account of the relation of the rural areas to the towns.

- Complete **land registration** and reconstitute **Local Planning Councils** to review, approve and implement the Local Outline Plans.

- Publish **guidelines for the preparation, assessment and updating of plans**, and **provide written reasons for refusal/amendments** of plans or building permits to make planning fair and transparent at local level.

- Adopt **a context-based approach** to planning,

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and rural communities and consideration of the special needs of **herder and Bedouin communities**. Shift the focus of plans towards **development challenges, opportunities and livelihoods**.

- **A proportional approach** to planning and enforcement, that takes account of people's needs.
- Completion/updating of **the National Spatial Plan for Palestine** and **regional/sub-regional plans** to integrate the planning of main towns and villages in their hinterland.
- Prepare Local Plans for **clusters of villages**, to expedite the planning process and capitalise on functional linkages.
- Explore the use of alternative approaches to

dispute resolution, such as mediation or arbitration. Provide permitted **development rights** through the plans.

- Encourage continued support by **the donor community**.

The recommendations address the current situation under Israeli occupation, and the planning legislation it operates. However, according to the Oslo Peace Accord, the planning functions in Area C are to be transferred eventually to the Palestinian Authority. Neither Area C nor the planning practices there should be considered permanent. The Board's recommendations could be used as part of a transition from occupation, as a step in the peace-building process and towards updating planning in the West Bank.



The members of the International Advisory Board. From left to right: Martin Crookston (UK); Cliff Hague (UK) (Chair); Michael Wegener (Germany); Christine Platt (S.Africa) and John Gladki (Canada).

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