

2. Special Contribution

De-facto Counter Planning against the Sophisticated Matrix of Control: The Palestinian and Israeli Case in Area C

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The Israeli occupation of the Palestinian Territory (PT) (including the West Bank, East Jerusalem and the Gaza Strip) may constitute one of the unique and longest traditional occupations in the world. From 1967 to the present, the Israeli state has occupied and controlled the PT using various strategies and mechanisms. This occupation has functioned to secure Israeli's PT control, using the sophisticated matrix of control (SMOC). This matrix includes Palestinian people, institutions and territories. During the long period of occupation, the situation and status of Palestinian people and territories in the PT was changed after the annexation of East Jerusalem to Israel in June 1967, by imposing full Israeli sovereignty on the land, but avoided giving the Palestinians a status of Citizens, while give them a status of permanent residents. After that and since the Oslo Interim Agreements (1993-1995) between the Palestinian Liberation Organization (PLO) and the Israeli government, the PT has been fragmented into three sub-areas (Areas A, B and C) with different status and situations. Then in 2005 the disengagement/withdraw of Israeli from the Gaza Strip took place, and Israel imposed a closures on this part of the PT. As of 2017, the PT is territorially and geopolitically fragmented, and the Palestinian people living in PT have been divided to different official status by Israeli occupation (military and administrative) authorities' attitude and institutional system, while the official Palestinian attitude represented by the Palestinian National Authority (PNA) is to finalize the occupation and to establish one united contiguous territorial state. Such contradicted attitudes, goals, policies, systems of implementation hinder appropriate service provision for the people living in the PT where Israel creates the SMOC that includes soft and hard components of control.

The objective of this paper is to frame and present this matrix of control used by the Israeli occupation, and to concentrate on the statutory regulative spatial planning in Area C as an example of one component of the matrix of control. This paper will shed light on Palestinian local experiences and initiatives to cope with the regulative planning as de-facto counter planning. This paper will illustrate and briefly discuss this initiative and its problematics, barriers, implications and consequences. The de-facto counter planning for Palestinian villages in Area C has come to replace the restrictive planning done by the Israeli Civil Administration (ICA)². The counter planning is initiated by the representatives of local communities as

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² The Israeli Civil Administration (ICA) is an official body which was established through Israel occupation in 1981 to manage the civic life of the Palestinian people in the Occupied Territory outside and under the Israeli military rule. The ICA is given authority from the Israeli government and allows the military governor to control

bottom-up planning, which is authorized by the ICA institutions. The top-down restrictive planning done by the Israeli ICA restricts the socio-economic development of Palestinian villages. The counter planning more enables the socio-economic development of communities in the villages spatially and functionally, as opposed to the restrictive planning that limits and threatens individuals and groups in Palestinian villages, particularly in Area C which is determined according the 1994 Oslo Intermediate Agreement between Israelis and Palestinians.

This paper is based on the methodology discussed in the literature, the data collected from Israeli and Palestinian resources, and employs a critical approach to spatial planning as part of the sophisticated matrix of control. In addition, this paper is based on the experience of the researcher practicing de-facto counter planning, as part of the methodology of “researcher as a player”.

This paper attempts to show the current situation and status of the Israeli occupation in the PT. It constructs a theoretical frame of the notion of the SMOC and its components and then presents and discusses the restrictive planning vis-a-vis the counter planning. In so doing, this paper tries to answer the following research question: How does the de-facto counter planning for the Palestinian villages in Area C influence the spatial and functional socio-economic development of the Palestinians villages and towns, comparing with the traditional restrictive planning done through the Israeli occupation over Palestinian villages as part of the SMOC? This paper finally examines a case of Tuwani village. The main hypothesis is as follows:

The de-facto counter planning for Palestinian villages, which is initiated by the Palestinian village councils, represents the community, using a bottom-up approach. It begins with informal developmental planning ‘with’ the community and not ‘for’ the community, and is planned by the Palestinian planners who are aware of the local culture that has an impact on the spatial and functional planning and socio-economic development of the community. On the contrary, the restrictive planning, which has been done by Israeli Civil Administration after the Interim Oslo Agreement, limits the land allocated for development, does not allocate land for functional sectorial developments, and contributes to worsening the problem of building without permits. This leads in some cases to house demolishing threats and push some community residents to out-migration.

After this hypothesis will be examined through the afore-mentioned and other cases, this paper will be concluded.

Palestinians without their participation in the process. Since the establishment of the PNA in 1994, the role of the ICA, including land and spatial planning, has been shrunk mainly in Area C.

General Framing of the Current Status and Situation

The conflicts over Palestine between Arab Palestinians and Jewish Zionists were initiated for the establishment of one country, in which both sides claimed “it is our homeland” leading to the United Nation’s Resolution No. 181 in 1947. It divided the county into the territory named Falestine-Palestine according Arab Islamic and Palestinians attitudes and narratives and that named Eretz Israel according the Jewish/ Hebrew narratives. As a result of this division, Israel as a nation-state of the Jewish people was established in 1948. Arab Palestinians, however, did not accept the terms because their nation-state was to be established upon Palestine. Hence, a 69-year geopolitical and national conflict that still awaits a solution.

The Zionist movement began to colonize the country with the help of colonial states such as Britain that held the Mandate over Palestine (BMP) from 1920 to 1948. During this period, the ground was paved to fulfill the Balfour Declaration that promised the Zionist leaders in 1917 "the establishment of a national homeland in Palestine for the Jewish people". Based on the narratives of emotional connection, the Zionist movement sought to establish a new nation-state. The Arab Muslims argued that this land is a *Wakf* (an Islamic religious endowment). This is the turf that the Christians called the Holy land and over which they waged the Crusade to capture Palestine. In this country, there are three monotheistic religions each of which believes that they have a religious, ideological and emotional relation to the land. This phenomenon adds a unique dimension to the geopolitical conflict. In addition to geographical, demographic and ideological claims and calculations, the religious and symbolic belongingness intensifies the dilemmas and complexity of the geopolitical conflict between the Israelis and the Palestinians and induces some external involvement in determining the past, present and future of the country (Hasson, 2010).

Ethno-national demographic changes and conflict since the beginning of the twentieth century lead to the development of several plans and suggestions to divide historic Palestine, where there were a number of plans on the agenda of different Palestinians and Israelis political groups (Hilal, 2007). In 1948, as a result of war, Palestine was divided into three territories: one is where the new state of Israeli was established (about 21 thousand km² which consists of 78% of the country); the second is what is known today as Gaza Strip (GZ) (about 365 km²) and was under the Egyptian rule between 1949-1967; and the third is what is known today as the West Bank (WB) (about 5,655 km²) and was under the Jordanian rule between 1950-1967. According to these three territorial entities the border line known today as the Green Line was determined. It was demarked as the Armistice lines between Israel and the Arabs as accepted in Rodeus in 1949 (Khamaisi, 2008, see Figure 1). There is no territorial continuity or connection between GS and the WB. Every area abides to be managed under a different regime until what became to be known as the "Palestinian Question" is solved (Khalidi, 1997, 2006).

In 1967, and as a result of war, the rest of the PT was occupied by Israel. Israel decided to

annex East Jerusalem (about 71 km²) and instated it under its sovereignty, giving the Palestinian residents in East Jerusalem special status of "permanent residents", but not citizenship. This action is part of the Israeli strategy and policy to gain more land from Palestinians to secure Jewish majority (Masalha, 1997). In 1967, within the PT, Israel initiated and implemented colonial policies, which included land confiscations, the building of Jewish Israeli colonies and settlements, and the control of the movement of Palestinians by military and civic organizations. This was an implementation of the soft and hard SMOC which reigned over the population, the territory and the institutions of Palestinians.

Figure 1: Falestine-Palestine/Earet Israel One Country (left) and the Division Imposed by Outside Powers According to UN Resolution No. 181, 1947 (right).



As a result of the 1948 and 1967 wars, the imposed territorial divisions of Palestine created three main categories among Palestinians:

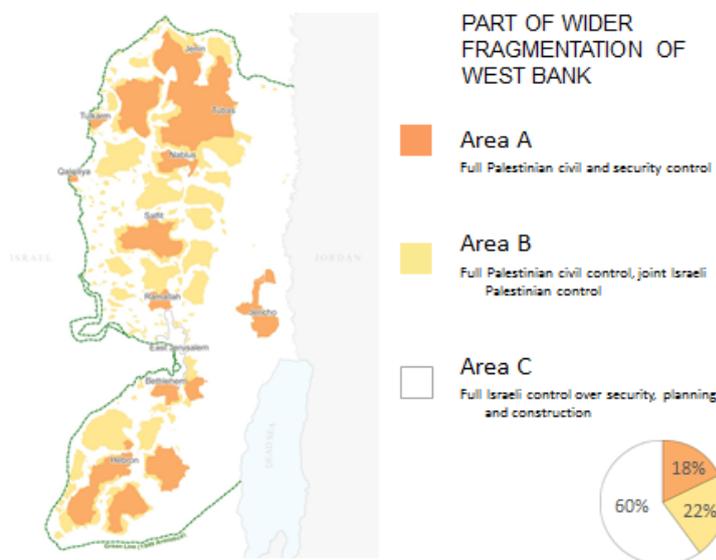
- 1) Arab Palestinians residing in Israel (so-called Arab Palestinians in Israel), comprising of about 1.5 million. They continue to live in their former villages and towns (e.g., Nazareth) as indigenous communities and are today citizens of Israel (Central Bureau of Statistics, 2016)
- 2) Palestinian residents of the PT, about 4.55 million inhabitants at the end of 2014 (about 2.79 million in the WB and about 1.76 million in GS) (PCBS, 2014)
- 3) Palestinian Diaspora (El-Shatate) residing in other countries of the Middle East and elsewhere, numbering about 5.43 million (PCBS, 2014: 253). Most, if not all, are united by a tenacious, albeit thus far not successful, demand to return to a sovereign country ruled by Palestinians.

Although the three Palestinian subgroups all consider themselves part of a common Palestinian people, they tend to evince differing attitudes towards the region's geopolitical issues and rights to a homeland and self-determination.

Today the division is limited to the PT occupied in 1967. This division is a result of the peace talks and interim agreements between the Palestinian and Israeli leaders, which began officially after signing the Oslo Agreement in 1993. The WB and GS were divided into three Areas: A, B, and C. This Jurisdictional division was created in 1995 under the Oslo II Agreement. Area A is comprised of urban centers only. These areas are under the PNA's administrative and internal security responsibility and constitute about 18% of the West Bank; Area B includes the built up areas of large Palestinian villages and constitutes 22% of WB, remaining under Israeli military occupation, but the PNA takes responsibility for service and civil administration including spatial planning. Area C, constituting about 60% of the West Bank, remains under full Israeli civil and military administration including spatial planning (see Figure 2, Khamaisi, 2016).

Through these actions, Israel has managed to dodge its responsibilities required by international laws and conventions, which has created a situation of "luxury occupation" serving Israeli interests while Palestinians continuing to suffer from the occupation. On the other hand, Israel continues to build and expand Israel colonies and settlement (Hareuveni, 2010), and enjoys free movement and accessibility, whereas Palestinians' movement is constricted unless Israeli permits are granted. The existing division of the three Areas today in the West Bank creates another level of fragmentation in the PT. Adding the apartheid system to the equation, created two separate road systems where one is used solely by Israelis and the other by Palestinians (Barsala, 2007).

Figure 2: Fragmentation and Division of the West Bank and Gaza



The process of determining the borders of the country was either imposed by external powers, brought about as a result of war or violence, or carried out through unilateral actions by Israel such as the disengagement/withdrawal from GS in 2005. Both sides still claim that all the country belongs to one side and deny the right and permanent existence of the other based on historical, religion and ethno-national justifications. The two sides, despite asymmetrical justifications between them, continue to strive and feel threatened.

Current Situation and Challenges in Building the State

By the end of 2014, about 13 million were living in Mandate Palestine (including Israel and the PT), where fifty percent of the population were Israeli Jewish while the rest were Palestinians (CBS, 2016: 86). The country witnesses a rapid population growth and urbanization process. The Palestinians have a large and rapidly growing population. In 2014, the average annual population growth was 2.9% compared to 1.9% in Israeli. The PT has a high population density, placing it near the top of the world's highest density nations (Suisman et al. 2005: 10). In 2014 the general population density was about 765 persons per square kilometers. The population density in the WB then was about 493, compared to about 4,822 in the GS (PCBS, 2014: 26) and 366.2 in Israel (CBS, 2016).

The urban and rural system of Palestine is characterized by a large number of localities. Today there are about 537 localities in the PT (121 urban and the rest rural), and about 1,186 localities in Israel (233 urban and the rest rural) (CBS, 2010: 86). In both areas, Israel and the PT, a rank-size of localities exists and shows a semi-normal hierarchy, with two concentrations in the PT, urbanized regions in Gaza and East Jerusalem. Alongside the suggested future border between Israel and the PT, and where Israel built the Separation Wall, such zone functions as a periphery and in some cases as a fringe of Israel and the PT, where spatial planning on the two sides relates to each other.

Differences between the PT and Israel can also be seen in other realms like landscape and topography, housing conditions, open lands, relative advantages, potential capacities and economic activities (Khamaisi, 2010). Israeli closures over PT began after the first intifada in 1987 and particularly the second intifada in 2000. The Separation Wall began to be built in 2003, surrounding most of the WB territory and completely containing the GS. After these Israel has no longer functioned as a work place for the Palestinians. Despite material, economic, structural and functional differences within the country and imposed territorial divisions and demarcation boundaries, there are some similarities such as diversity within every sub-region and psychological attachment to places all over the country.

Area C in the Occupied Territory

As mentioned above, the 1995 Oslo Interim II Agreement defined and determined Area C which has no PNA security and administrative control. All surrounding land in Areas A and B, totaling over 60% of the West Bank, was designated as Area C and placed under the full administrative and security control of Israel, continuing the occupation of the land which had been maintained since 1967. The arrangement between the Israeli government and the PLO was designed as a temporary measure that would gradually transfer sovereignty over Areas B and C to the PNA in five years. This transfer has never been completed, and as a result, Israel still maintains sovereign power over Area C with its 350,000 Palestinian inhabitants living in more than 200 Palestinian villages and towns. Some of them fully complete their everyday lives in Area C while others possibly live a life beyond the Area. In Area C, exist all the Israeli Jewish settlements with their military governor and its civic arm called the ICA. The Israeli occupation has planned and developed Israel settlements in this Area for further colonization, Israelization and Hebrewization. Even some of the Israeli extremist political parties rise in Area C and claim full annexation of the Area to Israel. Palestinians in this Area have suffered from various regulations and restrictions on their lives in addition to the apartheid administrative system imposed through the statutory planning regime. In this context, Israeli planning policies use the issuance of building permits as an effective tool to control Palestinians in Area C. In order to ensure their individual and collective human rights, it is critical to make appropriate planning and zoning schemes in the Area. Diakonia's legal review of Israeli planning policies in Area C³ concludes that Israel's discriminatory planning policies directly impact the economic, social, cultural, civil and political rights of those living there (UN-Habitat, 2015).

Under Israeli occupation control, Palestinian communities have faced significant restrictions on both the new construction of buildings and the utilization of natural resources such as agricultural land. The Israeli planning system, as it is applied, makes it almost impossible for Palestinian communities to obtain building permits. So Palestinian development has rarely taken place in Area C under the Israeli governance.

Restrictions on development have contributed to high levels of poverty within the Palestinian population, 24% of which are categorized as food insecure.⁴ Communities lack basic infrastructure such as waste disposal and sanitation networks while 70% of them are not connected to a water network. Educational and health services in Area C are often inadequate, and the under-developed and fragmented transport network makes travelling to Areas A and B for better services extremely difficult. Within Area C about 200 villages are still not recognized by the Israeli regime. Based on that, all the unrecognized and unpermitted constructions face the risk of demolition. On average, 490 Palestinian structures have been

³ Diakonia, PLANNING TO FAIL The planning regime in Area C of the West Bank: An International Law Perspective, September 2013

⁴ OCHA, Area C of the West Bank, Key Humanitarian Concerns January, 2013

demolished by the ICA per year since 2010.⁵ In some cases, the homes of entire communities have been demolished because the ICA has refused to recognize villages. Thousands of unenforced demolition orders constantly pose a displacement threat to Palestinian households and communities. Without permits, structures built for humanitarian purposes by international aid agencies are also at risk of demolition; 122 structures were demolished in 2013 alone, denying assistance to some of the country's most vulnerable communities.

The geopolitical divisions between the two administrative systems in the same country have created two types of planning. One is "restrictive planning" which aims to impose colonial policies, and the other is "counter development planning" that has been initiated to recognize and protect Palestinian villages in Area C. This paper tries to compare and critically examine these two planning approaches in the West Bank by reviewing planning processes and outline plans for the same village by the ICA and Palestinians. This comparison reveals that the (bottom-up) development planning approach is expected to have a more positive impact. The approach of counter planning gives residents a sense of security in their space and place without any threats from the ICA (UN-Habitat, 2015). Because of the 'illegal' status of localities in Area C, many residents depend on lawyers hoping to freeze demolition orders. So, the counter planning approach could be used as a defense tool in court to protect Palestinian houses.

Territorial Domination and Socio-Economic Impact

Constraints on Palestinian development have been simultaneously matched by the rapid growth of Israeli Settlements. In contravention of international law, the Israeli Government has fueled the transference of Israeli Jewish settlers into Area C. Including East Jerusalem, the settler population now totals over 500,000, more than doubling since the Oslo Accords were signed.⁶ Israel's priority for increasing the settler population is demonstrated by their planning practices in Area C, where approximately 70% of the land is allocated for the exclusive use of Israeli Settlements.

The human cost from decades of development restrictions is vast, affecting not just the residents in Area C but also the wider Palestinian population. The World Bank estimates the annual cost of restrictions in Area C on the Palestinian economy to total US\$3.4 billion, around 35% of GDP⁷. This has a direct impact on unemployment in Palestine which in turn keeps many Palestinians' living in poverty, affecting health, education and the quality of life. Typically, Area C is either inaccessible for private investment or can only be accessed through significant barriers which often add prohibitive costs. Such economic burdens maintain the Palestinian Authority's dependence on foreign aid, and strongly impair the formation of an

⁵ OCHA, Humanitarian Update January 2014

⁶ <http://www.btselem.org/settlements/statistics>

⁷ World Bank, Area C and the Future of the Palestinian Economy, 2013

independent functioning state.

Area C is critical to Palestinian economic growth as it has a rich supply of natural resources and it is contiguous compared to Areas A and B, which when considered alone are isolated from other Palestinian controlled areas. The World Bank has completed detailed analyses on the potential for growth in multiple sectors including agriculture, the use of the Dead Sea minerals, mining and quarrying, construction, tourism, telecommunications and cosmetics.⁸ This potential can only be realized by reducing the restrictions in Area C, and planning work is critical to achieving this.

It is important to consider socio-economic development in any planning initiative. Without prioritizing this, the benefits of any infrastructure or facility development will not be maximized. Job creation and attracting investment to a locality are critical to improving the lives of the residents in a sustainable and long-term manner.

The isolation, fragmentation and restrictions on development in Area C significantly impact the daily lives of the Palestinian residents as shown below:

- In addition to a lack of residential accommodation, it is impossible to build adequate public facilities, which negatively impacts health, education, agriculture and other basic needs.
- A lack of infrastructure development means that many residents have insufficient or no supply of water, electricity, transport and waste networks.
- Restrictions on movement hinder economic, employment, educational and social opportunities.
- Reduced income particularly due to the restrictions on agricultural production.
- Lack of security and living in fear of demolitions or evictions.
- Poverty and low living standards.
- Dependency on humanitarian aids.

These challenges to life in Area C are increasing each year. Meanwhile, the pressure to better utilize Area C is also continually growing. Since 1995 the Palestinian population in the West Bank has grown by over 52%.⁹ Area C is a vital resource for housing expansion, agriculture, industry and infrastructure, and is the only potential place that can accommodate growth and prevent Areas A and B from being pushed to unviable densities. Historically, people living in Areas A, B and C have close social and economic ties that are negatively impacted by the fragmentation caused by the current situation. OCHA reports that restrictions on movement, disconnecting people and areas in the West Bank, are undermining livelihoods and impacting

⁸ Ibid.

⁹ PCBS Population Estimates 1997-2013

access to basic human needs as well as hindering humanitarian organizations' ability to help.¹⁰

Good planning is crucial in order to overcome this and provide functional relationships between the different areas; it is essential that Area C is considered in parallel with Areas A and B for any planning activity to be viable and holistic. So, the ability to understand and influence planning policy is a core ingredient of a democratic society; to be able to influence the spatial and economic climate in which one lives, and to have the freedom to move from one location to another without restriction is widely understood as a basic right.

Israeli Civil Administration (ICA) Planning Policy

As an occupied territory, Israel has not applied its own planning laws to Area C, but instead has continued to use the pre-existing Jordanian planning law as a basis. This has been amended by a series of military orders that have removed regional committees and given all authority to one ICA committee, the Higher Planning Council. Since 1967, this committee has been able to control all development in Area C according to Israeli interests. In the early years of the Occupation thousands of permits were granted to Palestinians; however, as the Israeli settlement enterprise grew, restrictions against Palestinian construction were tightened. In 1972, 97% of the requests were approved totaling 2,123 approvals, but in 2005 only 2.7% were approved, totaling just five approvals.¹¹

The majority of Palestinian localities in Area C does not have outline plans but are instead covered by three regional plans such as S-15 and RJ-5 which authorized in 1942 during the British Mandate. The mandate plans, which were designed to guide development over a five-year period, has borne little relation to the reality on the ground for more than 75 years after their original approval. As such, many localities that did not exist in 1942 are still zoned as agricultural land. While the mandate plans do allow for moderate development even within agricultural land, their guidelines are being interpreted by the ICA in an increasingly restrictive manner as evidenced by the dramatic decrease in approval rates between the early 70s and present day.

The ICA planning policy is to restrict Palestinian development in Area C and to evacuate small rural villages such as seen in Masafer Yatta in the Hebron District. The policy is to avoid and postpone authorizing plans and recognizing Palestinians villages. This planning policy is against the international law which determines that the occupation power must secure the development of the people living under occupation. This policy leads to the emergence of the de-facto counter planning as this paper will discuss later.

¹⁰ OCHA, Area C Vulnerability Profile, March 2014

¹¹ BIMKOM, The Prohibited Zone, 2008, p.11

Palestinian National Authority Policy

Despite Israel's aggressive occupation efforts to restrict Palestinian development in Area C, the Palestinian Authority has been working to support development there. In 2010, the Palestinian Ministry of Local Government (MoLG) adopted a new planning approach specifically aimed at halting demolitions and forced displacement. The prevailing Jordanian planning law states that local councils have the right to create plans for their localities which should be binding on both Palestinians and Israelis. The MoLG uses this to pressure the ICA into reviewing the plans developed by the local communities according to the counter planning approach with the intention of gaining approval and authorization as statutory documents, hence achieving the full legal status required for building and development. Once an outline plan has been accepted and adapted by a locality's council and the MoLG, the MoLG initiates the authorization process with the ICA. A representative from the MoLG along with a representative from the Palestinian Ministry of Civil Affairs (MoCA) is present at all the subsequent meetings throughout the process.

This PNA's planning strategy is crucial to achieving many of their policy goals as set out in the Palestinian National Development Plan.¹² These include:

- Unifying the Palestinian territories and economy while optimizing the utilization of local resources.
- Developing the national economy with particular focus on improving the competitiveness of the Palestinian private sector.
- Combating poverty and unemployment and promoting social justice across all social, racial and gender boundaries.

The PNA aims to end the Israeli occupation and build the Palestinians State in the PT. In order to fulfill these aims, the Palestinians territorial and functional policies are to support the existence and development of the Palestinian communities in Area C. This policy includes the empowerment of counter planning and copes with the Israeli SMOC implemented in Area C to restrict Palestinian development.

The Israeli Sophisticated Matrix of Control

To define and discuss the notion of sophisticated matrix of control, we have to understand all the ideological policies and actions which the occupation exercises to control and monitor Palestinian collectives and individuals. Such control and surveillance have territorial, functional, institutional and behavioral dimensions which the hegemonic power assumes and imposes on the occupied people. This SMOC includes hard and soft components. These

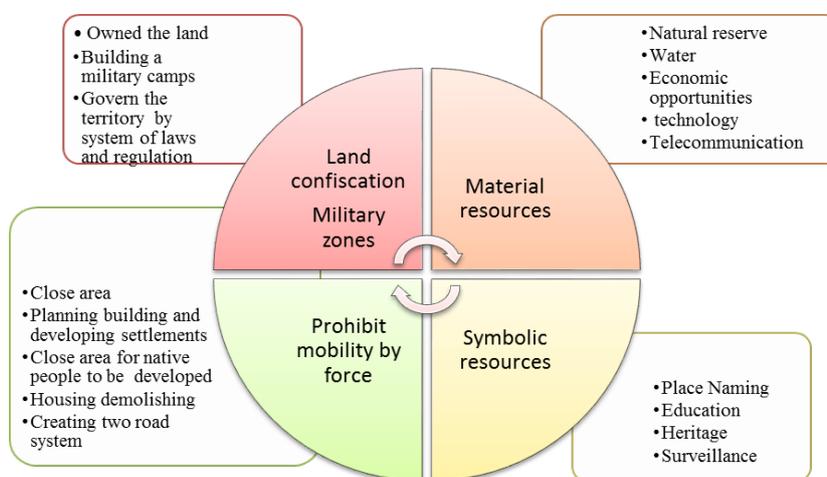
¹² State of Palestine, National Development Plan 2014-2016, State Building to Sovereignty

components can be summarized into at least four categories as shown in Figure 2: 1. Individual/collective/people's (status and situation), 2. National, regional and local levels, 3. Land regime/territorial policy including land ownership, land managements and spatial planning doctrine, policy and actions, and 4. Local/Municipal and institutional rules and jurisdictions.

This SMOC is emerging and developing as part of the uniqueness of Israeli occupation over Palestinian territories. This uniqueness includes:

- Existent long occupation (about fifty years), and developing a creeping apartheid and control over Palestinian collectives and individuals.
- Mixing between religious believes and Ideological motives, which leads to the moral and narrative consideration that this land belongs to the Israeli occupier.
- Dispute between the Israeli occupier parties (over internal Israeli territorial, demographic and moral issues) and dispute over the future of the occupied territory which is populated by Palestinians, particularly today in Area C.
- Occupation after the division of a small country by outsider powers (Khamaisi, 2016) (see Figure 1).
- Two peoples claim the same land as their homeland, under the asymmetric conditions of power
- Giving the people a feeling of normality under abnormal situation and status.
- Davison of Palestinians into different status based on where they live and according to the division of the territory (Areas A, B and C).
- Building a separation wall by Israeli to control Palestinian movements, resulting in the territorial fragmentation implemented by the SMOC.

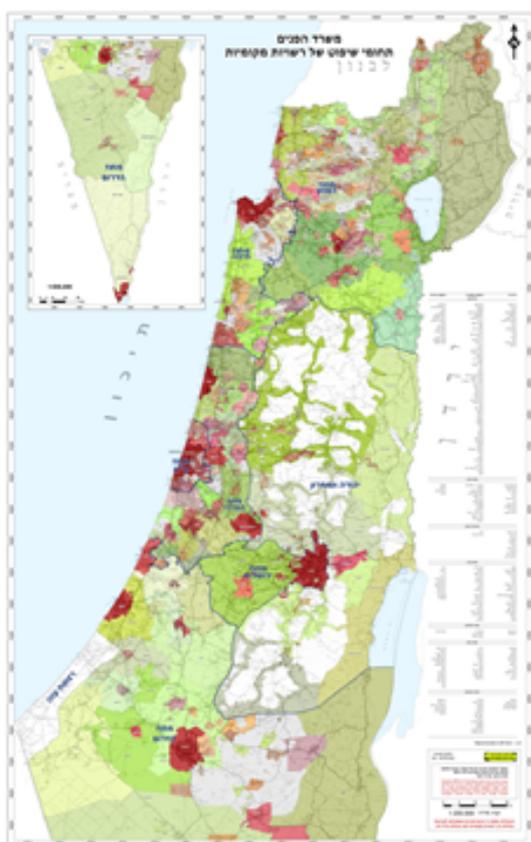
Figures 2: Hard and Soft Components of the Sophisticated Matrix of Control Used by Israeli Occupation in the PT.



As part of the SMOC a dual municipal system has been created; one is Jewish Israel which has been organized in regional or local municipal councils to serve the Israeli settlements. These regional councils cover about 70 percent of Area C (see Figure 3). They do not serve the Palestinians villages that exist in Area C. The Palestinian villages are provided with public services by local village councils. They have developed their own committees that belong to Palestinian National Authority (PNA), and they are not recognized by the Israeli occupation. This duality is part of Israeli de-facto annexation by creating a dual local government of each jurisdiction area in Area C. Such spatial policy is part of the SMOC, which separates the land from the humans who live in the land. The Palestinians who live in Area C belong to and are managed by PNA while the land including spatial planning belongs to and is managed by the Israeli occupation.

Figure 3: The Dual Municipal System Governing Area C

(The system leads to the implementation of the SMOC, creates de-facto Israeli annexation and put up crucial barrier against counter planning to cope with the existent restricted and unplanned Palestinian communities in Area C.)



De-facto annexation by creating Dual Local government of jurisdiction area in area C

Spatial sophisticated matrix of control, and differentiation between land and human; Palestinians human managed by Palestinian Authority; Land controlled by the Israeli

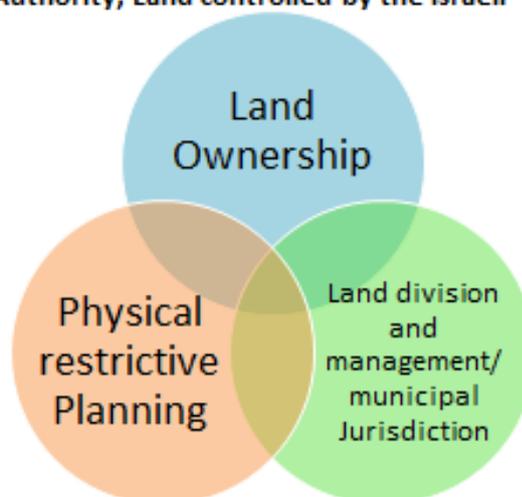
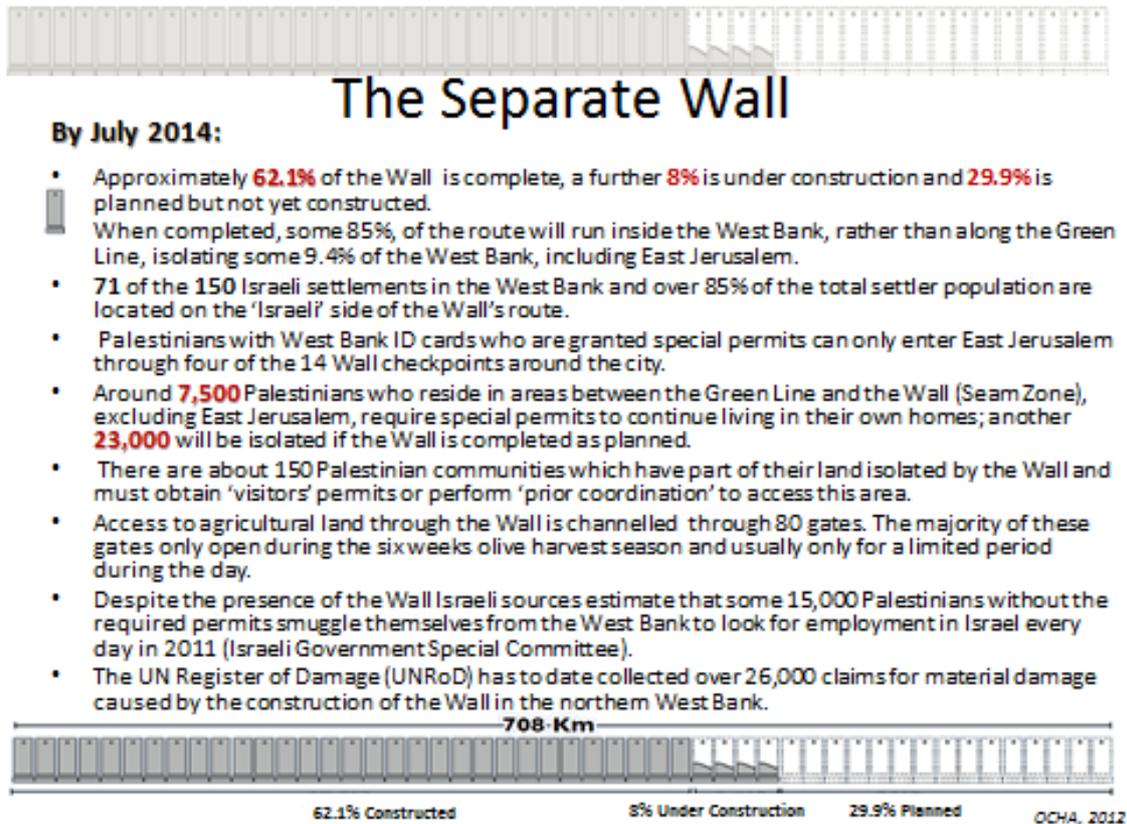


Figure 4: General Information about the Separation Wall as an Effective Component of the Israeli SMOC

(The SMOC affects directly the counter planning of Palestinian communities existing alongside the Separation Wall.)



To summarize main characteristics of the SMOC, it creates the situation in which the development of target groups in the Palestinian territory becomes short-lived, non-resilient, and unsustainable. It also violates human rights, creates social instability, and hinders trust and peace building. The SMOC includes the following components:

- Community displacement
- Prohibiting the issuance of a building permit
- Controlling water supply
- Precluding land registration and parcelization
- Employment permit
- Limiting accessibility and free movement
- Reducing education and awareness/consciousness of national collectivism
- Changing place names and building narratives on cultural/religious affiliations
- Transformation of heritage

The implications and consequences of the long occupation using the SMOC include:

- Fragmenting Palestinian territory and people
- Creating an apartheid system beside the occupation
- Neglecting international legitimacy and limiting the human rights of the Palestinians
- Threatening regional stability and the implementation of the two states solution for living side by side in peace
- Maintaining conflicts and transferring them to the next generations.
- Using the spatial planning as an instrument for controlling and disabling local development

The Spatial Planning as Part of the SMOC

Building permits and micro local statutory planning constitute effective tools in hand of the Israeli government and its arm, the ICA, to implement macro spatial policies as part of the SMOC. Planning is an approach for public intervention to manage resources to achieve goals determined by the representative of a community. As Alterman argued (2002), spatial planning is part of and affected by public administration and management. Through spatial statutory planning, we can allocate land resources, promote socio-economic development and create opportunities for life (Rauws, 2015). The planning process is a tool for community development, and its approach can be different from one place to another, according to context (place, community culture, geopolitical situation, and individual statuses) (Moroni, 2015). Moreover, the planning approach connects these components according to the context of planning in the West Bank, and there are many kinds of planning approaches due to the varying occupation situation in the country (Coon, 1992). Development planning and restrictive planning have different goals and impacts mainly because of the varying political situation in the country (Khamaisi, 1993).

In 1995, Israeli and Palestinian governments reached an agreement temporally, based on the Oslo Interim Agreement that Israeli occupation continues to control and manage the planning system and activities in Area C, including the Palestinians living in this area (Reuveny, 2003). Israel has established the planning system according to the Jordanian Planning and Building Law No. 79 since 1966, and the amendments to this law have been done by military orders, such as Military Order No 418, since 1970 (Coon, 1992). On a different occasion, Israeli government promised the United States that it would not establish new settlements or expand existing ones, except when necessary. However, during this period (after 1993 until present) the number of settlers grew from 78,000 to nearly 330,000 after the agreed division (not including East Jerusalem). Moreover, Michael (2007) argued that the Oslo process represented the predicament of effective civil–military relations because of geopolitical conflicts between the two countries. The Israeli occupation has developed a dual planning system to manage and

control the Palestinians in Area C based on restrictive planning, while using development planning to manage the Israeli settlers.

Restrictive Planning

Restrictive planning is a kind of spatial statutory planning which restricts the development of villages or towns. In many cases, the restrictive planning does not respond to needs of the communities. The restrictive planning is a top-down process and is imposed on local communities with their participation being limited. The restrictive planning used by the Israeli authorities restrict development in the Palestinian villages in Area C and serves as a tool to control Palestinian expansive activities and movements in their space. The Israeli authorities focus their concerns on the security aspects and full control of planning activities in Area C (60% of the West Bank) in order to restrict Palestinian growth. Many building permits are refused in the absence of the full examinations required by the Mandate districts plans, a very complicated process. Khamaisi (1997) argued that the high planning council in the ICA has never extended to the very limit new planning areas for Palestinian villages. Handel argued that Israeli settlements are established to restrict Palestinian construction and prevent the formation of an independent Palestinian entity. As a result, Policies by the Israeli authorities encourage Israeli settlement complexes to strengthen the network of Jewish communities and fragment the territories of Palestinian communities (Handel, 2013).

Moreover, expulsions take place as a tool to encourage "voluntary" emigration, which basically aims to restrict Arab growth and development (Abdulhadi, 1990). While Palestinians suffer from displacement and demolishing orders under the occupation, Israel is building and expanding settlements (Hareuveni, 2010). Israeli settlers are enjoying free movement and accessibility, while the movement of Palestinian inhabitants is restricted (Khamaisi, 2016). As Fenster (2004) discussed, the patterns of land control, settlement location, urban expansion, and land use are all part of the same mechanism to shape and reshape the Zionist character of the landscape. Moreover, the lack of free movement affects economy, education, and social life in the Palestinian territories (Alatout, 2009).

Development Planning

The approach of development planning aims mainly to provide opportunities for the development of communities. This approach could be a basis to authorize planning as statutory. This kind of planning could be initiated by local communities, but has been employed mainly by Israeli settlers to expand and develop their settlements. The development planning could also be an important strategy as a tool to legitimize and recognize Palestinian rural communities in Area C. Furthermore, this approach affects the development of spatial

planning, infrastructures and socio-economic level of inhabitants through an adoption of the planning by local communities. Allmendinger and Haughton (2010) discussed that spatial planning's key emphasis should be placed on the adoption of sustainable development and improved participation, which provides legitimacy for projects that aim at economic growth. The World Bank has defined rural development as a strategy to improve the economic and social life of a specific group of rural people (Belshaw, 1977). The development planning in Palestinian communities, or the transition from restrictive planning to development one, allows the improvement of Arab Palestinian communities and administrative mechanisms including local authorities. Moreover, the development planning could be flexible through taking into account dynamic processes occurring within society (Khamaisi, 1993). The question is how to transform the planning from restrictive approach to development approach, in the context of the continuation of the Israeli occupation in the PT and the control of Area C by the ICA.

The restrictive planning has a negative impact on spatial planning and socio-economic development in Palestinian villages. To the contrary, development planning has a positive impact as seen in Areas A and B. The impact of these two planning approaches has many aspects as bases for community development. Therefore, several aspects can be chosen to show such an impact on a village. The aspects include socio-economic development, urban development, and planning process. As Belshaw (1977) mentioned, these aspects form bases for the society's development. Therefore, through planning we could affect and improve the living conditions of a community. The nature of the impact depends on planning approach, responsible body and community adaptation.

Because of the division of the West Bank, Area C is under Israeli authority, the occupation policies towards spatial administration in the Palestinian villages in Area C limit the access to main resources and minimize opportunities for development. As Moroni (2015) argued, the planning process in Palestine is affected by its special geopolitical situation and complicated planning context because responsibility for planning has been a result of the Oslo Agreement. Moreover, private ownership and Palestinian traditional culture are also restrictions on development as Palestinians become more attached to their land, especially after the occupation.

The Israeli authority uses restrictive planning policy as a colonialist tool, without taking into account communities' activities, needs, and cultures. In Area C, the ICA has not made any community plans according to the community's permission needs. As Handel argued, the main goal of their plans is to restrict Palestinian development and to keep Palestinians away far from Israeli settlements. However, Palestinian villages depend on agricultural economy and seek to increase agricultural productivity. The Israeli authority expands settlements on Palestinian agricultural lands, prevents the villagers from accessing their land and, as Khamaisi (1993) argued, restricts their movement in Palestinian territories. According to

Michael's (2007) and Gilber's (2007) arguments this results in the continuation of the predicament of civil and security relations between the two countries.

The restrictive planning limits the resources that allow the Palestinian community to develop and urbanize. The ICA plans limited the Palestinian ability to grow organically like other Palestinian villages in the West Bank (Area A and B). Also, according to Abdulhadi's (1990) argument, it causes immigration of many residents to closed villages, because there are no services and infrastructure, a result of the lack of planning. This planning approach did not give building rights through the approved detailed plans for the Palestinian residents to able them to build and expand. So, most of the residents are building more and more without building permits and there are many illegal houses. In addition, they have an insecure life because they have demolition orders, a result of complicated process of building permits by the ICA.

The planning restrictions have been used by the Israeli authority on Area C, as a tool to prevent the authorization and recognition of many Palestinian villages. The most important planning restrictions used by ICA are the separation wall, natural reserves, settlements, national parks, national and regional roads, closed military areas, and the Jerusalem municipal border. Although there are citizens living on the land and they need services, the Israeli government uses these planning restrictions as a tool to displace Palestinians.

According to Alterman's (2002) argument, the approach of development planning could solve many problems in Palestinian villages in Area C and give them an opportunity for community development. There are five main goals in this approach:

- 1) Stopping displacement according to the planning restrictions, which have been legitimized by the Israeli government
- 2) Improving the reality of living conditions in Area C and providing basic services
- 3) Protecting houses from demolitions, allocating needs for current and future development, and connecting localities in the West Bank
- 4) Expanding urban centers into Area C and keeping continuity with other Palestinian towns.
- 5) Raising awareness of the importance of regional cooperation between other Palestinian governing bodies.

The development planning process goes through many challenges due to the geopolitical divisions in the region. On one hand, the process needs to meet the needs of Palestinians and developing a planning culture at the same time. On the other hand, it deals with the Israeli planning control policies. Moreover, the Palestinian rural society is going through an urbanization process under the occupation. The development planning aims to increase social equity, make a better reallocation of resources, produce space for development, and increase political efforts to stop demolishing houses. Although local communities are the rural society

that does not know much about planning, the approach of development planning has been adopted with them. This process proceeds in stages: community initiative, community adaptation, authorization, and implementation as Allmendinger and Haughton (2010) explained

.

The Discussions over De-facto Counter Planning

By simple definition, counter planning means a plan intended to counter or oppose another plan. This counter plan presents an alternative that aims to fulfil different needs and goals, and considers various narratives, norms, variables and characters which the original plan did not consider. A counter planning model is implemented for social equity, appropriate resource reallocation, increased resilience and sustainable development. The counter planning includes community awareness, capacity building, Planning activities according to adapted, authorized and implemented plans would create equity in one hand, and they are part of social and political efforts to stop housing demolition and develop communal places and spaces.

Counter development planning attempts to merge different planning approaches, such as humanitarian, restrictive, advocacy and developmental approaches, in the situation of doing planning under geopolitical and national conflicts. The de-facto counter planning and development for Palestinians in Area C under occupation include four main steps: community initiative, the adoption and acceptance of the plan by the community, the authorization of the plan and its implementation.

Doing de-facto counter planning and development is a response to the needs of the Palestinians communities and a measure for developing planning culture among them under asymmetric conditions. This should occur in parallel with coping with the Israeli planning control. So the tasks of counter planning are to counter, resist and challenge Israeli national and urban planning and their development policies and tools on one hand, and to challenge Palestinian urban and rural societies which go through urbanization process under occupation on the other.

Palestinians in Area C have suffered from the Israeli SMOC and restrictive planning for their upland development. The Palestinians assumed that in 1999 Area C would be governed by the PNA according the Oslo Interim Agreement. However, the broken-up of the peace process between Israelis and Palestinians has led to the postponement of the transference of Area C to the PNA and the establishment of a Palestinians state in the PT. The Palestinians in Area C continue to suffer from the Israeli SMOC.

In 2009, with the support of the international communities, launched was the Area C Community Planning Initiative with the aim of supporting and protecting the livelihoods of

Palestinian communities through the implementation of better planning practices¹³. The goals of this initiative included empowering communities to take an active role in planning for their own needs, building trust so that more money (private, public and donor funding) would be invested in providing for the communities' urgent needs and facilitating the implementation of new Palestinian de-facto development planning to respond to needs for sustainable development in Area C as part of the future Palestinian state.

The process started as a series of formal objections to fourteen plans prepared by the ICA that restricted development for respective Palestinian communities. The initiative was not stopped and kept objecting to the plans prepared based on restrictive approach and doing counter planning as an alternative based on development planning approach. After all the attempts to utilize the ICA's existing planning framework were exhausted, the initiative began to work with the communities to develop their own viable alternatives. The initiative has developed into a comprehensive planning project in Area C and become the very first attempt to provide suitable spatial planning that responded to the needs of the inhabitants. In 2010, the Ministry of Local Government (MoLG), which rules spatial planning by the PNA, decided to initiate and financially prepare a pilot outline plan for six Palestinians villages located in Area C through their local village councils.

The project of counter planning in Area C consists of a variety of planning and training activities, operating at both regional and local scales. The central focus of the project has been in the field of statutory planning. Outline plans are developed with communities, which allocate land-use and density to meet the needs of the communities in line with existing planning laws. Two other work streams complement this. The first 'training and awareness' has built the capacity of communities to use planning tools so that they can take a more active role in current and future planning processes. The second 'supplementary or guidance planning' supports the implementation of infrastructure through micro planning and the efficient allocation of resources through macro, regional planning. After 2011, the counter development planning process started as a project adopted and managed by the MoLG — a Palestinian authority through the local village council's initiatives. The planning participation was realized through workshops for the locality representatives, where their point of views was discussed as to whether the project fitted with the current and future needs of the local residents. Then an outline plan was prepared for the locality to deal with private ownership. As a result, the development planning raised the education level, employment rate, work opportunities, and the socio-economic level in the village. During the process of doing the counter planning we (R.K) adopted the methodology of planning with the community and not for the community.

Among the Palestinian, including the PNA, was a dispute and discussion regarding the

¹³ This initiative was done by Rasseem Khamaisi as a planners' leader, through NGO's body International Peace and Cooperation Center (IPCC) located in East Jerusalem. It was the first initiative with the support of the British Consulate-General, and later different bodies joint this initiative.

planning initiative that is done under occupation and submitted to the planning institutions of the ICA for official authorization. Some Palestinians sharing some international views think that doing planning and authorizing it under the existent situation of Israeli occupation of Area C mean to:

1. Accept the rule and the role of the game of the ICA
2. Regard the Israeli settlements and the limitations and restrictions imposed by the SMOC as a function of the Israeli occupation in Area C.
3. Weaken Palestinian attitudes and standpoint to finalize the Israeli occupation and transfer the rule of Area C to the PNA.
4. Create an atmosphere of informal recognition of the ICA as ruling Area C and providing services for the Palestinians under occupation.
5. Nurture the climate of such “normalization” with the occupier, which weakens Palestinian peace negotiation and international support.

On the other hand, other Palestinians with the support of international powers support the initiative of de-facto counter development planning in Area C. This position is based on the following justifications:

1. There is no connection between the civic counter planning track and the national geopolitical peace negotiation. They could and should work in parallel. While the counter planning can protect Palestinian existence and make sustainable the resilience of the Palestinian villages in Area C, it will strengthen the geopolitical attitude of Palestinians.
2. Although nobody knows when the occupation will end, there are Palestinian villages in Area C today, and some of the Palestinian towns and cities need to expand in Area C. So counter development planning is necessary to respond to Palestinian developmental needs on one hand and to protect the existent villages and buildings from the threat of Israeli demolition on the other.
3. Palestinian villages fully included in Area C are under the process of population growth and sprawl of the built-up areas as part of urbanization. On the other hand, many Palestinian towns need to expand in Area C. Such development in Area C needs to be based on spatial planning as a guide for the development. This type of planning should be carried out if the existent situation continues or if the Palestine state governs Area C after the end of Israeli occupation.
4. Counter de-facto development planning means the opposite to Israeli governmental/ICA restrictive planning. So the former responds to Palestinian needs and to the requirement to allocate resources and investments from national and international bodies to Palestinian villages and towns for developing public spaces.

5. The initiative of local counter planning comes from a community to respond to its needs and to protect houses from demolition and Israeli settlement expansion. Any local community and its members have a full right to claim and protect their home and land. This is not “normalization”, but part of resistance against the aggression of occupation.
6. Working with the ICA does not mean to recognize and legitimize the occupation, but means to resist and challenge the occupation on one hand and develop a culture of planning and spatial organization of among the rural, marginal and traditional local communities of Palestinians on the other.
7. Counter planning does not mean that it should be authorized by the ICA planning system. Being authorized might be considered good but what is important is to be accepted and adopted by Palestinian local communities.

So different views exist among Palestinians regarding how to deal with counter planning and development initiatives under the current Israeli occupation, creeping annexation, surveillance and sophisticated matrix of control. While one view argues for ending occupation first, seeking territorial liberation and state re-building and emphasizes a top-down approach, the other supports counter planning, society and community building, securing resilience and Palestinian development and emphasizes a bottom-up approach. In some views there are no contradictions between these two approaches. They are continuous and complementary in the context of the current geopolitical situation and statute of the Palestinians, particularly in Area C.

Israeli Occupation Authorities’ Attitudes toward the Counter Planning

Israeli occupation authorities’ attitudes toward the Palestinian initiative of the counter planning are mixed. They not refuse it in principle by making explicitly rhetorical statements, particularly in meeting with international representatives. Implicitly, however, they put up many barriers before authorization and set many technical limitations deriving from the SMOC. In many cases, they refuse the plans that Palestinians submitted to the ICA using various arguments. In addition to the long process of discussion and authorization for the submitted plans, there are often delays and newly added contradictory requirements.

If the sites of counter planning are not located in sensitive areas for the Israeli occupation, the plans prepared and submitted by Palestinians according to the counter planning approach may be authorized. However, if planning sites are located in areas defined as militarized zones, areas close to the Separation Wall or Israeli settlements, areas along bypass roads for Israeli settlements, areas whose landownership is unclear for Israelis, or areas under dispute from Israeli’s point of view, the ICA planning system will freeze the process of authorizing the plans or refuse it. Mostly the ICA refuse or freeze the plan prepared and submitted by the

Palestinians community, using various causes.

Under the Israeli military rule in Area C, approval by the ICA's Higher Planning Council (HPC) is required for any plans to be recognized as legally binding. The plans are submitted to the HPC after they have been approved by the local council of each community and endorsed by the Palestinian MoLG. Therefore, it would be reasonable to expect that the final approval should be a simple and quick process. However, this is not the case. The process to receive the ICA's approval is extremely long, often involving unpredictable additional requirements that cause significant delays before a final decision is made.

The ICA's approval process is very complicated and can be summarized into eight key stages, which include many sub-stages:

- 1) Israeli Defense Minister accepts to give an order to technical and professional employees in the ICA to receive the plan's documents and discuss the plan.
- 2) ICA Technical Committee examines the planning (usually through 5-10 meetings).
- 3) ICA Subcommittee for Villages accepts the documents for the planning (for the Palestinians).
- 4) ICA Higher Planning Council or its sub-committee decides to reserve the application of the plan.
- 5) ICA Technical Department approves the functional plans on roads, water, sanitation, custodian of absentee property, archaeology and others
- 6) Official Public Review is held for the submission of objections and comments (for 60 days)
- 7) Subcommittee of the ICA Higher Planning Council examines the objections, and suggests some changes to the plan before authorization.
- 8) Higher Planning Council of the ICA makes a decision for the possible final approval.

This process necessitates considerable additional detailed planning work and does not guarantee authorization. The main purpose of submitting plans to the ICA is to protect houses from demolition. The negotiation of the plans with the ICA maintains pressure to authorize Palestinian development in Area C with the support of and in coordination with the international community in various cases.

Some Outputs of De-facto Counter Planning Practices

According to the report titled *New Letter by the Palestinians Ministry of Local Government* in April 2017, there are 113 local plans prepared for Palestinian localities based on de-facto counter planning for villages in Area C. These plans cover a total planned area of 124,853

dunums and targeted population of 191,053 inhabitants. 94 of the plans have been submitted to the ICA without receiving final authorization yet, while more than 18 months have passed since 82 plans were submitted. Since the planning project in Area C was initiated based on the counter development planning approach, only five plans have been fully authorized, seven under the process for objection, 87 under technical discussion and coordination with the requirements of the ICA planning system, and the remaining fourteen plans still under data collection and preparation with the communities (see Figure 5). Beside these difficulties, the de-facto counter planning contributes to reducing some negative impacts of the SMOC, some of which can be briefly summarized below.

With the confirmation of the PNA and lobbying support of the international community, the ICA has been pressured to recognize the plans and freeze demolition orders within their boundaries. To date, 97 plans have been submitted to the ICA for authorization by local councils. The ICA has forced the boundaries of planning sites to be reduced and demanded far more additional detailed changes than is required in Israel. Despite this, five plans have received full authorization from the ICA, granting the communities development rights with permanent security free from building demolition.

A number of plans may never be approved by the ICA due to their location in politically sensitive areas. However, the endorsement of local councils and the PNA has afforded them legitimacy enough to stimulate positive change on the ground regardless of the ICA approval. Local communities and development agencies alike have started implementing plans for new housing, public services and infrastructure. The EU has agreed to fund development projects in 13 localities, following a de-facto approach instead of waiting for the ICA approval.

This planning project was initiated according to the counter developing planning approach. Since 2009 it has provided Palestinian communities in Area C with the technical support to develop valid spatial zoning plans. The acceptance and recognition of the plans by the local councils, the PNA, the international community and even the Israeli courts has secured social trust in planning and opened a new way to develop and invest in communities in Area C.

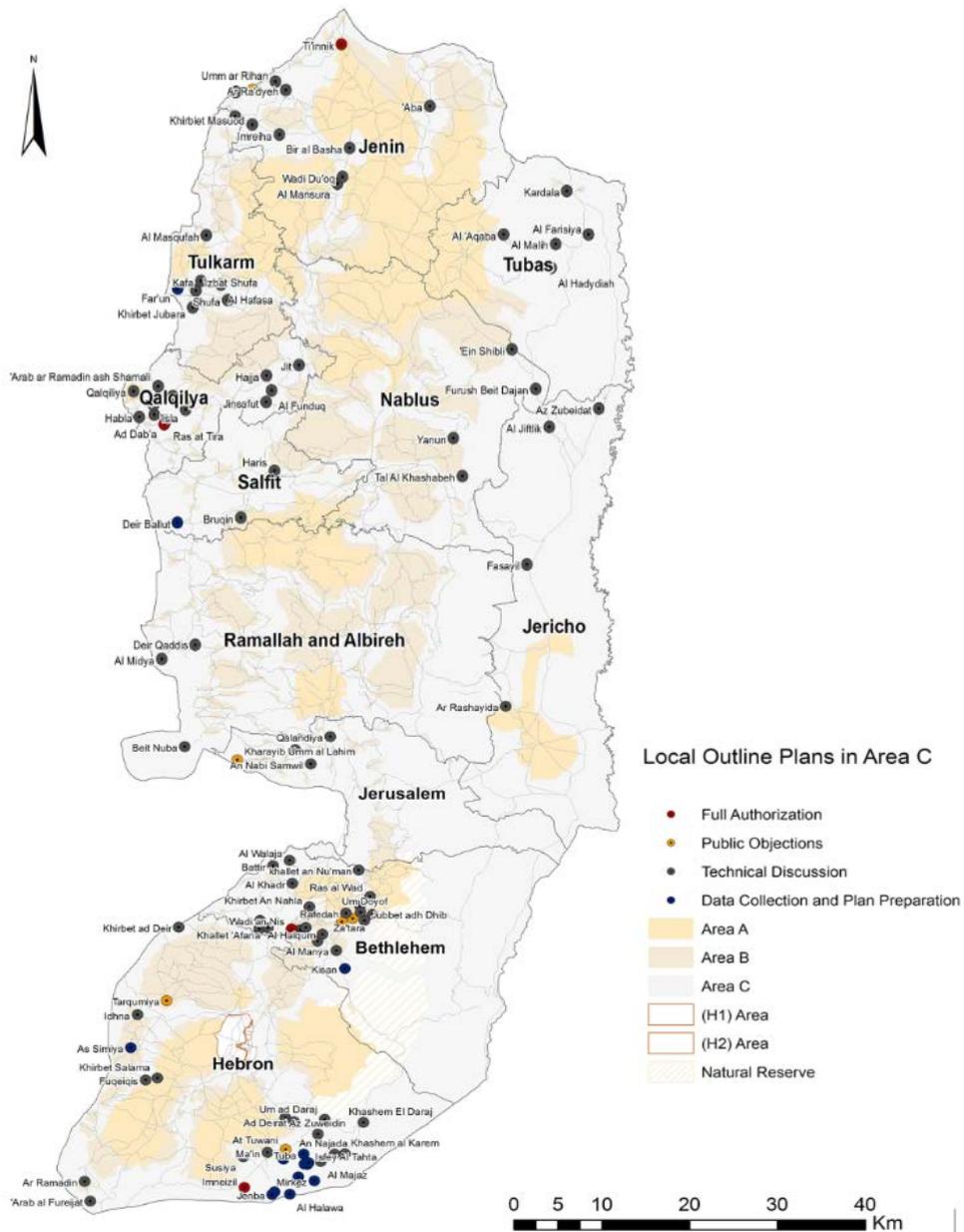
Comparison of Two Plans for a Case Study

In this section, we briefly examine a case study of two plans prepared for the village of Tuwani. Tuwani is an agricultural village, located 12 km to the north of the Hebron governorate in the West Bank, located fully in Area C. It suffers from the lack of land for development and building demolitions. The number of Tuwani residents is 404 (PCBS, 2014), 80 households, with an average family size of 6.2 persons per household. In Tuwani, there is one mixed primary school for 140 pupils, a medical center which is open once a week, and a mosque while there is no kindergarten and cemetery.

The Tuwani plan was planned by the ICA in 2005 and approved regardless of public objections. It covered an area of only 50 dunams. The suggested area of the plan limited the ability of residents for agricultural productivity that constitutes their main source of income. The suggested plan did not respond to local community needs; the community did not adopt the plan but rather the plan was imposed on it. The planned area did not include any areas for potential future development areas based on the community culture and background. Accordingly, this plan was not considered a tool for community development.

Figure 5: The Distribution of the Plans Prepared for Palestinians Villages in Area C and Their Authorization Status in April 2017

(Source: News Letter of the Palestinian Ministry of Local Government)



The outline plan of Tuwani was prepared to meet the community needs according to the de-facto counter development planning approach. The community engaged in the planning process from the start and was part of it until the end. Many workshops were held and shared with the community to raise awareness of the residents' planning rights. The outline plan included and proposed many public spaces to be planned by the MoLG and European Union agencies that gave the community development opportunities. As a result, this plan legitimized building rights for the residents that enabled their future development. The Tuwani outline plan allocated agricultural lands to its villagers and promoted the building of a school and a kindergarten with donations. These facilities also served pupils from the surrounding villages.

The Tuwani plan was designed by a Palestinian planner in 2009 and approved through public review in 2014, and its area was 164 dunams. After the community adopted the outline plan, it was discussed by the ICA for the approval of implementation. The plan also needs the approval of the Israeli Defense Minister before that of the High Planning Council in the ICA. Unfortunately, as of today, the outline plan has not received the full approval of implementation by the ICA for political reasons.

The case of planning in Tuwani village started with the community's approval for planning their village to protect their houses. Data for the planning have been collected through field survey, interviews with the locals, and questionnaires about their housing and population. Two types of questionnaires were conducted: One was a survey for buildings that contained questions about the buildings such as the number of floors, structural and building condition, building material, number of apartments and household; The other was a questionnaire about the families that contained questions about the characteristics of the population such as the number of residents, their sex and age, and the name of the family, etc. The field survey data formed a basis for an examination of the current situation and the prospects of development planning. The preparation of planning alternatives was also proposed according to community needs. Then the final outline was selected to be submitted to the ICA for authorization, and detailed plans on water, wastewater, transportation, and other services was prepared to obtain ICA full approval.

Figure 6: Existent Buildings Developed in an Unplanned Manner in Tuwani Village, 2014.



Figure 7: The Location of Tuwani Village in the West Bank and A Comparison between the Two Plans

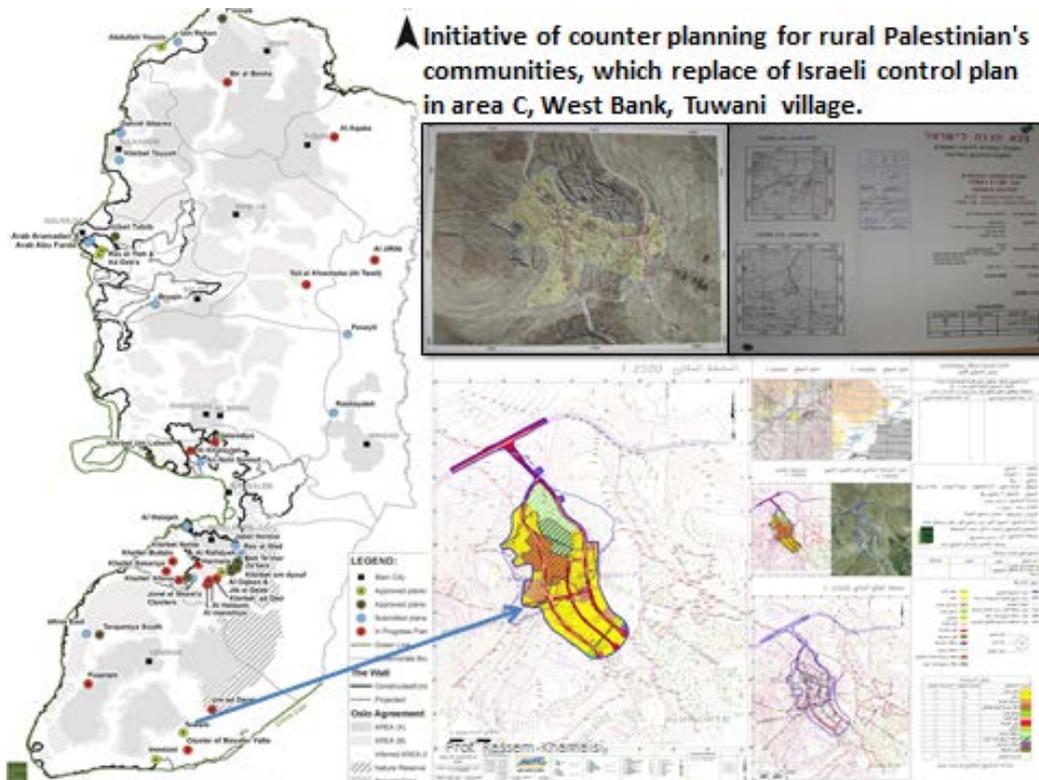
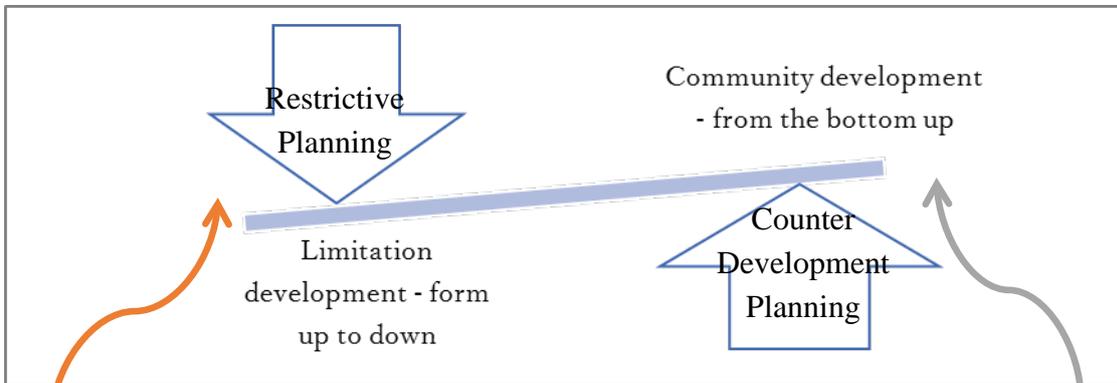
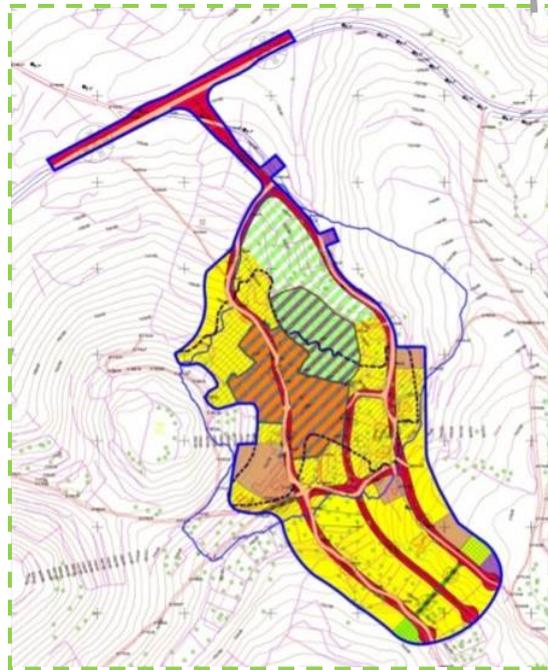


Figure 8: The Difference between Two Plans Prepared for the Same Village according to Different Planning Approach



Tuwani plan which done by the ICA – 50 dunums



The Tuwani Plan which done by Palestinian urban planners Rassem Khamaisi – 164

Table 1: A Summarized Comparison between the Restrictive Plan Prepared by the ICA and the De-facto Counter Development Plan Prepared by Palestinians for Tuwani Village

<i>Factor</i>	<i>Restrictive Plan of the ICA</i>	<i>Counter developed plan of the Palestinian community</i>
Initiative	Top-down from the ICA	Bottom-up from the local village council
Planning concept	Planning for the community	Planning with the community
Plan area	50 dunums	164 dunums waiting for authorization
Status	After receiving objections was postpone authorizing	After receiving objections waiting for authorizing
Pre-study for the planning	Very limited, unable to fit with the needs of the village	Many studies conducted to understand the needs of the village
Development	Restricted and shrinking the area for the development of the built-up area, based of fill-in and impose urbanization	Allocated new land for future development, considering expanding the development and securing the rural areas
Land use	Just two land use (housing and roads)	Various suggested land use, consider the variety of community needs, including public places and green open areas
Public participation	No public participation	A lot of meeting with the community for awareness and discussion the plan and doing amendments to fit the need of the community and to secure professional consideration
No. of objections	25 from the community	Only 2 objections from the Israeli settlement organization

Adoption, authorization and implementation	Rejected by the community, not fully authorized and implantation refused	Accepted and adopted by the community, and still waiting for a political decision to issue full authorization; and both the local village council and the community began to implement the plan
Socio-economic development	Restricted and limited	Enabled and creates various opportunities
Community general feeling (atmosphere) towards the plan	Denying	Accepting and internalizing
Community behavior	Reacting	Initiated, active and building capacity
International community's attitudes	Reject and criticize	Promote, facilitate and support implementation

Conclusion

The Israeli SMOC, being imposed on the Palestinians in the occupied territory, has functioned as effective tools and mechanisms to secure the edge of occupation, particularly in Area C. The statutory spatial planning used by the Israel occupation limits, restricts and threatens the existence, sustainable resilience and development of the Palestinians in Area C. On the other hand, counter outline plans and planning are developed with communities and both directly respond to their needs and meet the technical standards suitable for their statutory status. Such plans have provided legal protection against demolition and built communal trust and confidence, hence paving the way for new development. While in the contexts of occupation and under the working of SMOC, restrictive planning has mostly done the opposite to the aspiration and the needs of Palestinian communities in the PT, counter outline plans regulate the land use and population density within a defined boundary. They also define road networks. Once authorized, they provide a legal reference for the issuance or denial of building permits by a planning authority. As such, they are a prerequisite to urban development in most of the Palestinian communities.

Palestinians under occupation, particularly in Area C, have been making a great effort to reduce the negatives impact of the Israeli SMOC. The counter development planning is part of this effort and is replacing the top-down restrictive planning prepared and authorized by the Israeli occupation. The counter development planning is initiated in a bottom-up manner by

the representatives of Palestinian local communities, and is authorized by the Israeli Civil Administration (ICA). The restrictive planning done by the ICA has a top-down approach, seeking to limit and shrink the development of Palestinian villages without responding to the needs of the residents. The implications and consequences of the restrictive planning are to decrease possibilities for development and threaten the individual and collective socio-economic well-being in Palestinian villages in Area C. The bottom-up approach of the development planning supports and enables their communities' socio-economic development both spatially and functionally.

Spatial planning is part of public policy in which asymmetrical power relations have a direct impact on the planning approach and the contents of the plans. This paper has shown how Palestinian communities have attempted to transform their situation, resist the occupation and challenge the SMOC exercised on Palestinian collective and individual daily lives. We are not naïve to claim that the initiative of counter planning can immediately end the long and severe Israeli occupation. There, however, are experiences in which the counter planning has actually reduced some negative socio-economic effects of the Israeli occupation and sustained the resilience and the development of Palestinians. The promotion of the counter planning will contribute to the stabilization of geopolitical arrangements over Palestine, which will secure Palestinian interests and aspirations.

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