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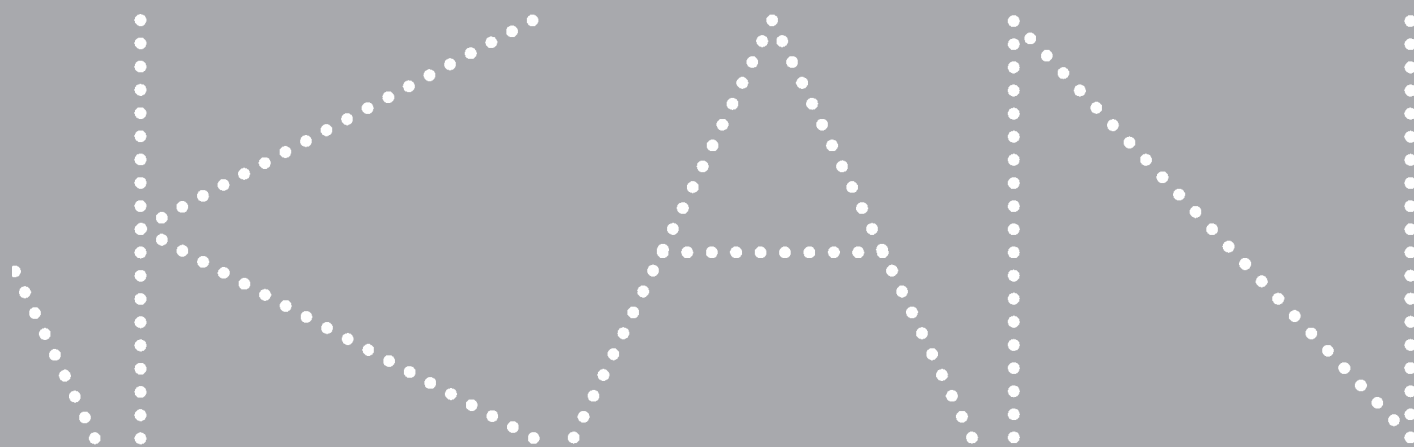
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Introduction

The Editors

In states that experience national and ethnic conflicts, the “space” is usually an expression of the official and privileged narrative of the dominant group. This is particularly the case when the confrontations between the parties to the conflict exhibit characteristics of colonialism. The dominant narrative, and the memory to which it is attached, are preserved and entrenched by spatial planning and urban design, among other things. Designers, planners and architects who are members of the dominant group are partners in narrating the story of their group. They design and represent its historical, political and geographical narrative within the space. At the same time, they ignore the narrative and memory of subaltern groups, which include indigenous peoples and ethnic, cultural and national minority groups, and sometimes even erase them altogether (Fenster, 2007; Sandercock 2003; Zukin, 1995). The spatial story also reflects the collective and private memory from a particular point of view, while at the same time marginalizing other versions of this

story. It is therefore an expression of spatial power that contributes to defining the public past (Hayden, 1995; Zukin, 1995; Casey, 1987).

Some theorists argue that memory is connected to place and space, and that it enables an individual to connect with the built-up environment, which is part of the cultural landscape (Hayden, 1995; Zukin, 1995; Casey, 1987). In addition, memory, including spatial memory, which is part of personal and collective identity, locates the individual within a broader historical framework: that of the family, community, city and nation. Thus the loss of spatial memory can lead to the loss of personal and collective identity (Fenster, 2005).

In the Israeli context, the space of the state primarily reflects the Zionist ideological narrative. This narrative comprises stories and images such as the “tabula rasa” (the blank slate) and “making the desert bloom,” which are actually expressions of dispossession and control. The spatial planning carried out by the new state sought, and is still seeking



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today to erase spatial design that contradicts the Zionist narrative from the space. Spatial planning in the new state ignored the narrative and memory of the Palestinian minority, and determined that the design of the space would reflect the nascent narrative and memory of the Jewish majority (Fenster, 2007; LeVine, 1999).

Fenster (2007) argues that professional and institutional planning in Israel represents and implements the Zionist ideology, and thus is necessarily unable to represent the narrative and spatial memory of the Palestinians. She further argues that, “The process of building the Jewish nation included not only social, cultural, economic and political building, but also the construction of the space as Jewish and the erasure of the Palestinian past” (Fenster, 2007: 193). Said (1993) links geography and memory with occupation and control. He argues that the major Palestinian struggle is the struggle for “the right to a remembered presence,” and the related right to “possess and reclaim a collective historical reality.”

This volume of *Makan* explores the issue of “The Right to a Spatial Narrative.” It is divided into two parts. The first presents three academic articles that describe various aspects of the policies and spatial practices of the State of Israel. According to the authors, the objective of these policies and practices is to erase the Palestinian narrative by deliberately

forgetting, radically altering and destroying the Palestinian historical, geographic and political space. In the first article, entitled “Zionizing the Palestinian Space: Historical and Historiographical Perspectives,” Ilan Pappé sets forth the history of the political geography of the land of Palestine from the Ottoman era, which was brought to an end by the arrival of the Zionist movement in the region. Pappé argues that from the 1930s onwards, the Zionist narrative regarded Palestine as an empty place, a frozen and stagnant space. The Zionist movement therefore sought to move into every empty place in the space. At the end of the British Mandate, it owned 5.8% of the land in the space of Palestine, but following the departure of the British in 1948, the movement seized 80% of land in the newly-established state in a process of destruction and erasure. In 1967, the Zionist movement’s control over the land expanded, stretching from the northern Golan Heights to the Suez Canal.

Pappé also addresses the shifting Israeli academic discourse. In the late 1980s, researchers emerged within Israeli academia who contested the historical narratives of the Zionist movement. From the year 2000, however, critical and post-Zionist academic research was supplanted, primarily due to the effects of the Second Intifada, by neo-Zionism, which offers a “reaffirmation of the classical Zionist spatial interpretation of the present



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reality.” Neo-Zionist attentions are not only directed at the Occupied Palestinian Territory (OPT), but also at the Naqab (Negev), through a policy of transferring the Arab Bedouin to reservations. Today, ultra-nationalism prevails within the geography departments of Israeli universities, and as Pappe concludes, “The old and romantic discourse of Zionism as nationalism has returned, where the land – that which was robbed from the Palestinians – is the major constitutive factor of self and nation.”

The next two articles address the space of the city of Yaffa (Jaffa). Prior to 1948, Yaffa was a central and prosperous city from a spatial, economic and social perspective. However, the Nakba of 1948 led to a drastic transformation in the human, physical, social and economic space of Yaffa, as in all Palestine. In his article, “The Islamic *Waqf* in Yaffa and the Urban Space: From the Ottoman State to the State of Israel,” Mahmoud Yazbak traces the spatial history of the Islamic *waqf* in Yaffa during the Ottoman era, and describes the spatial changes that followed the establishment of the State of Israel.

Yazbak directly links the increase in the *waqf*'s assets and buildings to the economic prosperity of Yaffa. The number of buildings and social and economic enterprises registered as *waqf* properties grew most markedly during periods of economic prosperity, which included the

governorship of Muhammad Pasha Abu Nabut during the years 1805-1819. This time was a period of local economic growth, especially following the development of the port. The *waqf* buildings and properties generated major changes within the urban and architectural space of the city.

Yazbak's article focuses on the spatial and physical history of the thirteen mosques built throughout Yaffa prior to the Nakba, and relates their story following the establishment of Israel, when they were brought under state control through the mechanism of the Absentees' Property Law – 1950. Yazbak argues that this law had “a devastating impact on the Palestinian *waqf*.” He shows how this and other Israeli laws led to the destruction or theft of most of the *waqf* properties in Yaffa and all over the state. The destruction or neglect of these buildings altered the urban landscape in Yaffa, and reflected an official policy of erasing the spatial history of the Palestinians, while underpinning and nurturing the narrative of the dominant Jewish majority. However, Yazbak argues that these efforts have not been fully successful, since the systematic destruction of the *waqf* in Yaffa has driven the local Palestinian minority to develop other means of preserving its national and cultural history and identity.

In an article entitled, “‘The Jaffa Slope Project’: An analysis of ‘Jaffaesque’



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narratives in the new millennium,” Ravit Goldhaber examines the “Jaffa Slope” local master plan, the declared objective of which is to provide a solution to the physical deterioration of the Jaffa Slope, located to the west of the Arab neighborhoods of Ajami and Jabaliya. The plan also included proposals for evacuation, construction and land reclamation to increase the supply of land for luxury housing.

The article analyzes and compares the institutional discourse and the discourse of the Palestinian residents of Yaffa surrounding the implementation of the plan. Goldhaber argues that the discourses represent a struggle over the spatial design of Yaffa. The first, institutional, discourse locates the implementation of the Jaffa Slope plan within the policy and practice of urban-social progress and rehabilitation, and maintains that the plan was designed to enhance the quality of the physical and social lives of the residents. Goldhaber contends that the institutional discourse reveals the establishment’s lack of “understanding or recognition that any process of rehabilitation and preservation must be inclusive of the residents within their traditional neighborhoods and their national heritage, and be commensurate to their financial capacity.”

The institutional discourse is paralleled by the discourse of the Palestinian residents of Yaffa, which reflects the latter’s sense of threat and fear of

expulsion, for a second time, from Yaffa and the Judaization of the space. The policy and practice of preserving and “rehabilitating” the space and buildings of Yaffa, with some private investment, ultimately led to its privatization and a consequent upsurge in property prices. The price increases drove Palestinian residents of Yaffa out of the circle of buyers, and brought affluent Jews into the city. Goldhaber argues that, in addition to the municipality’s declared objectives of the rehabilitation and advancement of Yaffa, underlying the plan were also the unannounced, concealed goals of Judaizing and privatizing the space. The small number of Arabs who remain in Yaffa pose no threat to the Judaization of the space, but merely, “redecorate the imaginary Jaffaesque environment with a few authentic drops of color.”

The second part of this volume of *Makan* presents selected excerpts from an objection submitted by Adalah to the National Council for Planning and Building on 31 October 2007 against the regional plan for the Be’er Sheva metropolitan area. The objection is permeated by a discourse of the historical, spatial and cultural rights of the native Palestinian residents of the space. The objection is followed by excerpts from the state’s response, as provided in oral statements made by planning authority officials at a hearing held in the presence of the investigator on 2 July 2008. The



response reflects the condescending narrative of the state, which sweeps aside the needs and demands of the Arab Bedouin in the Naqab, and its cultural, social and spatial distinctiveness. The institutional narrative can be clearly seen to contradict and oppose the narrative of the local Arab Bedouin residents.

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Zionizing the Palestinian Space: Historical and Historiographical Perspectives

Ilan Pappe

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The Palestinian Space

In 1872, the Ottoman government founded the Sanjak of Jerusalem, thereby creating, for the first time, a cohesive geo-political space in Palestine. For a brief moment, the ruling powers in Istanbul contemplated the possibility of adding the sub-provinces of Nablus and Acre to the Sanjak, which included much of Palestine as we know it today. Had they done so, they would have created a geographical unit in which, as in Egypt, a particular nationalism might have arisen. However, even divided administratively into north (ruled by Beirut) and south (ruled by Jerusalem), Palestine as a whole was elevated above its previously peripheral status (when it had been divided into small regional sub-provinces). The north and south would become a single unit only in 1918 with the onset of British rule. In a similar way and in the same year, the British created the foundation of modern Iraq by fusing the three Ottoman provinces of Mosul, Baghdad and Basra into the State of Iraq. In Palestine, unlike in Iraq, familial connections and

geographical boundaries (the River Litani to the north, the river Jordan to the east and the Mediterranean to the west) worked together to weld the three sub-provinces of South Beirut, Nablus and Jerusalem into a cohesive social and cultural unit, a geo-political space with its own major dialect, customs, folklore and traditions (Pappe, 2006: 14-17). Had Zionism not arrived on Palestine's shores in 1882 it would have naturally become the home of a Palestinian nation and state.

However, as in the past, it was external perceptions of space that determined the political future of the country. As opposed to the Zionist viewpoint, the Ottoman and British perspectives did not clash dramatically with the conceptualization of space among the Palestinians (in the case of the British perspective at least until the 1930s), as a result of the lack of Palestinian initiative, which was partly related to the low level of politicization within rural society. Rural society was introverted and, despite the dramatic political events unfolding around it, continued to offer safe spaces to its



members. The villages also remained autonomous during the first years of the British Mandate as British interference in their lives was limited, as under the Ottomans, to the occasional intrusion for the purposes of land registration and tax collection. Urban society seems in hindsight to have been more active in challenging external definitions of the political space; however, this impression may result in part from the availability of more extensive literature on this segment of society, including the written legacy left to us by its elite. The Palestinians seemed to be reconciled to the Ottoman definition of outer and inner space in the society's life, but were of course aware of the British Empire's flirtation with Zionist ambitions to Judaize the space in which they lived. And yet, as Rashid Khalidi demonstrates in his book, *The Iron Cage*, they were slow to react to it (Khalidi, 2006).

In general, however, living in Palestine during the Mandatory period (1918-1948) meant belonging to a more cohesive geo-political unit than ever before. This result was the product of colonialist efforts, which to some extent corresponded to the harmonious ethnic and religious fabric on the ground. This cohesion constituted a break from the past, as Palestine had not previously been a well-defined entity. By 1918, Palestine was more united administratively than it had been in the Ottoman period due to

the aforementioned fusion of the three sub-provinces into one administrative entity after the First World War. While waiting for final international approval of Palestine's status in 1923, the British government negotiated over the final borders of the land, creating a better-defined space for the national movements to struggle over and a clearer sense of belonging among the people living in it. The final shaping of the borders helped the Zionist movement to conceptualize its concept of 'Eretz Israel', the "Land of Israel," in geographical terms.

The Zionist Space

From its inception until the 1930s, Zionism's perception of space, at least in discourse, remained loyal to an admixture of colonialist and modernist notions. Palestine was an empty land that Zionism would develop, and those living in the "empty" land were promised prosperity (an impossibility entailed in all colonialist discourses). Zionist scholarship today continues to represent this modernist paradigm of an early 20th century Palestine as a stagnant, frozen space that became dynamic only with the arrival of Zionism.

The Zionist movement began to play a decisive spatial role in Palestine from the early 1930s. Its dynamism took the British rulers by surprise and paralyzed the Palestinian leadership. The Zionists adopted a holistic approach to their



mission, which infused every sphere of their communal life with energy and determination, just as it invaded every neglected or empty space in the land that it could reach. The movement was led by the trio of David Ben-Gurion, Eliezer Kaplan and Moshe Sharett, who benefited from the advice and guidance of active ideologues such as Berl Kartzenelson. They were promoted by brutal colonizers such as Menachem Ussishkin and Yehoshua Hankin. Their desire for absolute control stood in stark contrast to the readiness of the Palestinian leadership to leave the social and economic life of their community in the hands of the British government. Their greatest success was in extracting the Zionist community from the colonial state in central spheres of life, to the extent that even non-Zionist Jewish groups, such as ultra-orthodox Jews, were made subject to the Zionist leadership's executive and legislative bodies. One of the earliest examples was in the field of education (Shepherd, 2000). The Zionist educational unit, founded in 1914, was an essential tool in the creation of this new reality. With the help of the Mandate, the Jewish leadership effected the segregation of the educational system as early as 1923, and, although bilingual and bi-national education remained available, it was taught privately.

And yet, until the end of the Mandate, the Zionist movement in practice possessed just 5.8% of the space in terms

of land ownership. However, with little effort and mainly as a consequence of the Holocaust, this minimal share was dramatically increased by the United Nations, which replaced the mandatory power as the international trustee in February 1947. In November 1947, the UN offered a final suggestion for a future solution, the partition plan, according to which 55% of the land would be allocated to the future Jewish state. However, the leaders of the Zionist movement made it clear in the negotiations that they expected to be assigned at least 80% of the land (an area equivalent to present-day Israel minus the West Bank). The rejection of the UN partition plan by the Palestinians and the departure of the British enabled the Zionist movement to take possession of the coveted 80%, despite the resistance of some neighboring Arab governments. Within six to seven months in the year of 1948, Jewish forces had appropriated the land and expelled the majority of the people living on it.¹

The takeover was accompanied by the physical destruction of Arab houses, the Judaization of villages, towns and holy sites, the demolition of mosques and churches, and the legalization of the state's appropriation of most of the country's land-space.

Spatial expansion continued in 1967, and following the June War of that year Israel's territory came to stretch from the Suez Canal to the northern tip of the



Golan Heights. Large areas were now in the hands of an ideological movement obsessed with space and land. Dynamic construction efforts that provided many with jobs and new-found affluence characterized these early years of the building boom up to the 1973 war. The newly-acquired space was covered with what the Zionist national poet Natan Alterman described as “a cloak of cement”.

Control over the space was established using the same methods and principles that had already been availed during the Mandatory period. When space became an issue in the 1930s, the Zionist settlements were built as gated communities called *Homa ve-Migdal*, or “a wall and a tower”. Settling in the midst of the Palestinian space in those mandatory days required fortification (a wall), particular caution (a tower), and subsequently claiming all the space between the gated communities as Zionist space. When the opportunity arose, as it did in 1948, this claim in practice meant the de-Arabization of the space.

The same strategy was implemented in the areas occupied by Israel in 1967 and not only in the Palestinian areas, for the dream had by now become the creation of an empire to include the Golan Heights and the Sinai Peninsula. Fortified walls were erected throughout the newly-acquired territories, the most famous of which was the Bar Lev Line (named after

the then-general chief of staff Chaim Bar Lev), which ran parallel to the Suez Canal like a kind of a Maginot Line and functioned much like its Second World War model during the 1973 war. New roads were also paved to lead to new settlements being constructed in the occupied territories, in breach of international law. Opportunities for entrepreneurs to prosper through investment in construction were thereby generated; these thriving enterprises, as always in the modern history of Israel and Palestine, stood in direct contrast to the continued deprivation of the Palestinians in general, and the refugees in particular.

Not only the methods of appropriating the land, but also the accompanying discourse, were identical. The connecting thread was the promise of bringing progress and prosperity to the native population; indeed, mastery over space has had an important economic aspect since 1967. The creeping annexation of Palestinian land had led to the integration of the local Palestinian economy into the Israeli economy and created relations of dependence that had become by far the most important aspect of life under occupation. With the exception of 1975, when the Israeli economy slipped into recession, the economic boom of this market generated a significant amount of economic activity in the occupied territories. In general terms this increased activity meant a rise in consumption levels



and a decline in unemployment. These two factors led Israeli academics to boast of a successful process of modernization in the occupied areas.² However, the paradigm of neo-colonialist dependence meant that there was no investment in the Palestinian areas themselves, and no infrastructure for depositing and accumulating superfluous capital and profits. In fact, these two indicators of economic activity, saving and investment, declined with the creeping annexation. Worse in economic terms was the effect on local industry: Israelis dumped their products in the territories, thereby undercutting local factories and producers. This policy was accompanied by an aggressive marketing campaign of Hebraizing signposts, public spaces and individual consciousness.

Palestinians challenged and opposed these spatial policies. The first Intifada had all the makings of an anti-colonialist movement, and the struggle over the space was played out in a typically asymmetrical colonialist fashion. The uprising was immediately met with a brutal policy of punishment and retaliation. The focus of the retribution was spatial in two respects: Israel became justified in reducing the Palestinian space within the occupied territories – by annexing it directly or indirectly to Israel – and, secondly, limiting the space became a punitive measure at the most ‘micro’ level of life, that of one’s home. Thus the most severe

of these punitive acts was the sealing off and demolition of houses; or rather the makeshift homes of the refugees. Given the limited space afforded by such “houses”, one can only imagine the effect of such punishment on the Palestinian population. This same process was revived after the second Intifada, with even greater force and brutality.

Inside Israel establishing mastery and control over the space was also in the main an “Arab” affair, consisting of policies directed against the Palestinian community in the Jewish state. Since 1949, Palestinians in Israel have been concentrated in two areas: the Little Triangle, or Wadi Ara, and the Galilee. There were, and still are, socio-economic disparities between the two geographical centers of Arab life in the Jewish state. In the north, the Arab population Galilee was generally more affluent than that of the Little Triangle, where the population was crammed into a small space and allowed access to a limited range of occupations. Unsurprisingly, petty crime and unemployment rose in some towns, although, given the levels of socioeconomic hardship, the levels remain very low indeed, relatively speaking.³

A Post-Zionist Spatial Challenge

The robust Palestinian resistance did not erode Israeli control over Palestine, but it did persuade several Jewish individuals and groups to accept the logic behind the



resistance. This new spatial standpoint entailed both a degree of identification with the Palestinian plight, in the political realm, and, academically, a partial acceptance of postmodernist and relativist thought. Thus this trend was given the working title of ‘post-Zionism’.

A general word on post-Zionism may be useful at this juncture. Towards the end of the 1980s a number of Israeli scholars, both inside and outside the country, researched aspects of past and present Jewish society in Israel/Palestine. Their research contradicted the conventional Zionist and the official Israeli historical narratives, debunked the most sacred “historical truths” of Zionism, and questioned their relevance for the present generation. Moreover, these scholars criticised the role played by Israeli academic institutions in shaping the Zionist self-image, and its portrayal of the Palestinian reality. Directly and indirectly, they deconstructed the works of those who had come to dominate Israeli academic writing on the history of Palestine as well as contemporary Jewish society. Because of their prominence in the public consciousness they constitute a veritable cultural phenomenon in Israel. The local press, then as now, referred to them as “post-Zionist” scholars, a term which, though not accepted by some of the scholars themselves, is a convenient one for describing the essence of their undertaking, and will be used herein.¹

From a chronological perspective it seems that the first academic attempt was to re-write the history books of Israel. However, soon, and perhaps quite naturally, the challengers from within the academy did not merely question the “truth”, but were intrigued by the way in which this “truth” was constructed and represented by the academy. The ideological role of the academy was exposed factually and methodologically. The factual challengers strove to portray, in a pure, positivist manner, what they believed to be the true nature of the Zionist project in Palestine and during the various chapters of Israel’s past. They viewed that history from the victims’ standpoint, and Zionism was depicted as a victimising movement. In particular, they rewrote Israeli behaviour, or rather misbehaviour, toward the Arab world and the Palestinians, in the past and present. The mainstream Israeli academy was accused of covering up and concealing these unpleasant chapters and truths from the public eye. The emerging picture provoked angry reactions from public figures and press commentators; its portrayal of Israeli and Zionist conduct and policies towards the Palestinians and neighbouring Arab societies as aggressive, at times brutal and inhuman, and often morally unjustifiable, was one with which most Israelis were unfamiliar.

The academic challenge began with the appearance of new books that rewrote the



history of the 1948 war. The “new historians” in Israel, as the group writing on the 1948 period became known, then moved back in time from 1948 and began revisiting early Zionist history. This research was done mainly by sociologists who employed theories and methodologies – untouched hitherto by their peers – which substantiated a blunter ideological claim: their theoretical perspective allowed them to look at Zionism as a colonialist movement without being accused of straightforwardly adopting the Palestinian discourse. However, even without adopting the prism of colonialism, the usage of neutral methodological tools enabled sociologists to examine, with the help of domination and co-optation theories, the dictatorial and arbitrary nature of the Jewish political system that developed in the mandatory period (Ram, 1994). The neutral methodology created a professional discourse, one which is now accepted by most scholars in Israel writing on Zionism, except those closely connected to the establishment. Thus, “The Redemption of the Land” became occupation, “*Oleh*” became immigrant, “Hebrew work” became expulsion, etc.

The “new historians” also moved further forward in time and began to “reconstruct” the early 1950s. Again, it was mainly sociologists who painted a picture which challenged the collective national memory that presented young

Israel as a melting-pot in which all of the Diaspora was gathering to live happily ever after. The first step was to slaughter Israel’s most sacred cow – security. These sociologists rejected the government’s explanations that it was solely due to considerations of security and national defence that North African Jews had been pushed to the geographical and social margins of the society, and contended that an *Apartheid* regime was being imposed on the Palestinians living in Israel. These policies were exposed as racist and nationalist (Shohat, 1989).

Political scientists went further still by linking the past to the present and beginning to assess Israel as a militaristic society. They provided analyses in which Israel appeared as an active, rather than a merely reactive, player on the regional map. Instability and conflict in the Middle East were now also attributed to the actions of Israel, and not just to “Arab radicalism” or “Arab intransigence” (Eliezer, 1995; Carmi and Rosenfeld, 1989; Erlich, 1987).

Post-Zionist geography is harder to come by. There is the pioneering work of Oren Yiftachel, about whom more will be said later, one of the few geographers to have remained critical beyond the Israeli academy’s brief post-Zionist phase. However, overall the challenges to the Zionist spatial conception of the land came from the other disciplines, as described above, mainly because the



geography of the land is part of a bizarre discipline called 'Eretz Israel studies', which in some universities is larger than the geography department. Thus many geographers as such are affiliated to this ideological academic attempt to provide a Zionist scaffold for research into the land and its nature.

More direct post-Zionist spatial challenges were launched outside the academy. Post-Zionist Israeli cinema demonstrated respect for the other side's perception of space, as Nurith Gertz's comparative study of landscape memory in both Israeli and Palestinian cinema attests. In fact, post-Zionist cinema in the 1990s experimented with space and identity beyond the frame of Zionism (Munk, 2005).

Indeed, if one considers the sum of the challenges posed by the new historians, the critical sociologists and the more open-minded political scientists, it is clear that in the 1990s a substantial number of Israeli scholars were challenging the spatial concepts of Zionism. The first message of these scholars was that the land had been Palestinian – in history, culture and character – prior to its colonization. Secondly, the imposition of the Zionist identity on the land after 1948 victimized not only the Palestinians, but also Mizrahi Jews and women. Finally, the drive to master the space has driven Israeli policy towards the conflict with the Palestinians since 1967. It can explain the successive

Israeli conceptualization of peace: the desire to create a racist, ethnic state next to a group of Palestinian Bantustans, the ongoing ethnic cleansing in parts of the West Bank that Israel wishes to annex, the discrimination against Palestinian citizens of Israel, and the war crimes perpetrated against the population of the Gaza Strip.

A more probing look at the academic challenge would, however, reveal a certain ambiguity over describing the Zionist conquest of the space as colonialist. Post-Zionist spatial studies tended to be more interested in the application of post-colonial theory to the local case-study, whereas critical Palestinian and anti-Zionist scholars insisted that the situation on the ground remained colonialist and had not yet become post-colonialist (Shitrit, 2005).

Some went even further in their criticism of post-Zionism for failing to "walk the extra mile". "So on an experimental level, we see that a true post-Zionist discourse will create new relationships between community, state, and the society, remold the spaces in which these groups and structures interact, and in the process reorder the space of Palestine/Israel, not just in terms of borders, but in terms of cities and neighborhoods. From this perspective post-Zionism was still modernist, or Zionist," wrote Mark Levine, for example (Levine, 1996).

In any case, this critical energy –



whether deemed significant or not – petered out in 2000 and was replaced by a new balance of power in the production of knowledge in Israel: the rise of neo-Zionist scholarship and with it the reaffirmation of the classical Zionist spatial interpretation of the present reality.

The Demise of Post-Zionism

The ramifications of the second Palestinian uprising in the Occupied Territories and in Israel itself in particular for the success of the critical post-Zionist movement were so powerful as to render the short post-Zionist decade insignificant, at least ostensibly. However, viewed today, eight years later, it can be argued that the post-Zionist enterprise did plant new seeds of thought, which it might be hoped will bloom, if not in the near future then in a more distant one. When the second Intifada erupted it became clear that, for some of its proponents, post-Zionism had been merely an intellectual fad or a Zionist tactic: it was both a *bon ton* and a useful means of presenting a more peaceable Israel to the world. However, a few others remained solid believers in the need to transform the ideological infrastructure on which the state was built; they genuinely regarded the basic ideology of Zionism as an obstacle to peace and normalization in both Israel and Palestine.

Within a few weeks of October 2000, the Israeli public discourse had been

reconfigured along strictly consensual lines. The new discourse of unity engulfed all, including those working in the aforementioned areas of cultural production. People whom I have referred to in this article as “post-Zionists” issued *mea culpa* statements, reasserting their allegiance to Zionism and declaring both their distrust of the Palestinians in the Occupied Territories and their animosity toward the Palestinian minority in Israel.

The public discourse revealed a sense of relief; a decade of disintegration and disunity had come to an end and been succeeded by a unity that re-embraced even the extremist settler movement in the Occupied Territories.

The same attitude was evinced towards the diffident post-Zionist – to say nothing of the Palestinian – conceptualization of space and the spatial dimensions of the conflict. Today, Zionist scholars ascribe the cause to the fact that territory remains a central component of national identity within the contemporary political discourse for both sides of the conflict, and that both populations oppose power-sharing within the same space, out of fear of domination by the other. It seems, however, that while there are various Palestinian conceptions of how to share the space, the above description aptly portrays the mainstream Zionist attitude and the extreme positions of the Palestinian Islamist groups. The paradigm of parity – namely of projecting onto the



Palestinian side the same total rejection of sharing the space – characterized the liberal Zionist depiction of the reality: both sides have been equally stubborn in their refusal to share the land and thus partition or some kind of separation is the only way forward. This partition was, of course, to be accomplished on the most unequal of terms, with over 80% of the land designated to the Jewish side and the remainder, a cantonized, fragmented and divided area comprising less than 20% of the land-space, to the Palestinians. This logic was accepted during the Oslo era by the external mediators and has served as the basis for all the subsequent abortive peace proposals, under the auspices of the Quartet.

The Zionist geographers of the 21st century draw attention to the acceptance among Jewish citizens of the possibility of change within Israel's territorial configuration or of a diminishment in the importance of the territorial dimension of the national struggle. By this they mean a willingness to withdraw a direct Israeli presence from parts of the West Bank and all of the Gaza Strip. David Newman, a recent exemplifier of this position, is content with describing, rather than analyzing, this current Zionist position. Consequently he attributes a tactical readiness to alter the boundaries of Zionist domination of the land to a fundamental change in the Zionist conception of national identity. This, to my mind

insignificant, change in Israeli perceptions is depicted as a willingness to consider national identity as more permeable and inclusive (Newman, 2001). Liberal Zionist academic discourse of this kind has been mistaken by many in the West for a genuine critique of Zionism.

In contrast to this approach, Oren Yiftachel, as a professional geographer, has continued to challenge Israel's spatial policies, with a particular focus on its activities in the Negev. He analyzed the spraying of fields cultivated by Arab Bedouin with toxic chemicals, the demolition of their houses and their expulsion from their villages as examples of ethnic policies. He defines Israel as an ethnocracy. Although his analysis focuses more on the contradiction between citizenship and ethnicity than on spatial policies, the connection is obvious as the two – the identity of the state and the definition of the space – are closely interrelated. Yiftachel criticizes the attempt of the Zionist left to span the unbridgeable gap between an ethnic space and a democratic space by terming Israel an ethnic democracy, an academic oxymoron similar to the more popular oxymora that have guided Israeli society since the inception of the state, including the "Jewish democracy", "the purity of arms" and an "enlightened occupation". Yiftachel does, though, highlight the bi-national nature of the space and Israel's unilateral attempt to nationalize it



through what he describes as “spatial malleability”, a situation in which the state has no clear boundaries and thus finds it difficult to construct an overarching citizenship for its heterogeneous population. However, the situation could, of course, be reversed: Israel cannot provide itself with a stable spatial framework – or for that matter a constitution – as long as it contains significant numbers of non-Jews and Palestinians. And as Yiftachel rightly comments, when there is even a slight possibility of consolidating Israel’s borders – for whatever reason – the notion of ethnic cleansing is strongly and openly propagated; as Avigdor Lieberman has put it, “There is nothing undemocratic about transfer” (Yiftachel, 2006).

Neo-Zionist Spatial Perceptions

Yiftachel is something of a voice in the wilderness. The post-post-Zionist reaction in the sphere of spatial considerations and deliberations has been very much in the order of the reaction in other fields of inquiry or activity. The relative critique of the 1990s has been replaced by a neo-Zionist reaction. As I have noted elsewhere (Pappe, 2006), the classical Zionist perception of the land and ethnic purity was that they should be achieved either through war or via a more sophisticated and protracted process that should hide the real objectives, objectives which could estrange the “civilized world”.

However, with the post-2000 neo-Zionist reaction the need to shield the real aims of territorial expansion or ethnic purity was dispensed with. This new self-confidence had much to do with the September 11th al-Qaida attacks on the U.S. and the ensuing American “war on terror”, which endorsed and embraced the neo-Zionist ideology. It is also possible that a deeper dynamic was at work here: a desire to eradicate any possible doubts that post-Zionism had failed to establish roots within Jewish society in Israel by reverting to an inflexible interpretation of classical Zionism.

Neo-Zionism here does not necessarily entail a shift to the right, but rather a reshaping of the consensual center. The fact that A.B. Yehoshua, Amos Oz, Arnon Soffer, Ephraim Sneh, Benjamin Netanyahu and many others have been able openly to favor the principle of ethnic purity above any other value, including values such as human or civil rights, democracy and humanism, demonstrates that these notions occupy the center ground of the political system and not its right-wing margins.

Had not the previous Olmert government been weakened by personal rivalries, fallen into the debacle in Lebanon, and above all lost its compass – Ariel Sharon – the policies announced by the government, and not only those enacted on the ground, would have very accurately represented this neo-Zionist



vision of the final borders of the Jewish State. The present phase, like the peace process of the 1990s, would have become another period in which spatial considerations were very much the focus of Zionist strategizing, with the dire result that Israel would have first consolidated its grip on the space, and then determined how to Judaize it. More specifically, there would have been greater public access to both the planning schemes and the policies vis-à-vis the Palestinians who live in the Greater Jerusalem area and around the separation wall, and the exact boundaries of the areas in the West Bank to be annexed to Israel.

Neo-Zionist spatial policies in the 21st century are not only aimed at the occupied territories; in the Negev they focus on transferring the Arab Bedouin into reservations as part of efforts to de-Arabize the space. Elsewhere the familiar policies of discrimination continue to regulate land transactions, land rights and ownership, land allocation, etc.

As mentioned above, even at the height of its influence, the post-Zionist challenge did not penetrate the geography departments of Israel's universities. Unsurprisingly, today this discipline is ultra-nationalist, and its practitioners in Israel and abroad are writing bizarre books that commend the aesthetics of Zionist colonization, which "redefined the space by its de-alienation" (Zakim, 2006). Thus the old and romantic discourse of Zionism

as nationalism has returned, where the land – which was robbed from the Palestinians – is the major constitutive factor of self and nation. We are back at square one; how terrible.

Notes

- 1 I describe this process in my recent book, Pappe, Ilan (2006) *The Ethnic Cleansing of Palestine*. New York and London: Oneworld Publications.
- 2 See Raphael Israeli, ed (1984) *Ten Years of Israeli Rule in Judea and Samaria, 1967-1977*. Jerusalem: Magnes (Hebrew).
- 3 Political parties and NGOs, and not the state, are responsible for this relatively low crime level. The Islamic movement in particular has played an important role in this regard. It was in the Triangle that political Islam sprang up, especially in areas where difficult living conditions similar to those in the Palestinian spaces within refugee camps prevailed, in the slums in the Arab inner cities and the impoverished villages of the West Bank and the Gaza Strip.

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The Islamic *Waqf* in Yaffa and the Urban Space: From the Ottoman State to the State of Israel

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Introduction: The administration of the Islamic *Waqf* from the Ottoman State to the State of Israel

The Islamic *waqf* played an essential role in providing social and religious services in the state and in Islamic communities prior to the emergence of the modern state. In several cases the *waqf*, and in particular the charitable *waqf*, has been an essential force in stimulating and driving the economy in these communities. At a time when the state did not have a role in the planning, initiation or programming of the provision of basic services, such as education and health, or maintaining places of worship, the institution of the Islamic *waqf* was a reflection of the local community's will and desire to perform these tasks. While it is true that in the Islamic system the sultan, governor, and statesman established numerous institutions to provide social and religious services and launched construction projects, including dams, bridges and roads, the vast majority of these public enterprises were initiated as *waqf* enterprises. Projects instigated by affluent

members of society were of no less significance. The charitable *waqf* provided services to all members of the community, and in order to ensure the long-term viability of these services and their universal scope, it was necessary to give *waqf* properties the mark of permanence. In this way, it would be impossible to confiscate or sell them, prevent Muslims from gaining their proceeds, or for these proceeds to be transferred for the benefit of non-Muslims, which would constitute a violation of the will of *waqf* donor, which is tantamount to the divine word.

Before the introduction of the Ottoman-era regulations in the 1830s, there had been no centralized administration to oversee the management of the charitable *waqf*. Each *waqf* property was allocated a commissioner to administer its affairs locally, which enabled small groups of the local social elite to control the management of these properties. In the latter half of the nineteenth century, following the establishment of the administrative councils, the Ottoman State sought to



gain control over the administration of the charitable *waqf* and wrest them from the local elite through a policy of centralization. To that end, a *waqf* administration was introduced in the province of Jerusalem, for instance, that was headed by an employee with the rank of administrator. Subordinate to it were three further departments that operated in the districts of Gaza, Hebron and Yaffa.¹ Parallel to the state's growing role in social and educational policy-making, and consolidating its control over the *waqf* and strengthening the central administration, the Ministry of the Waqf transferred the administration and proceeds of the charitable *waqf* to itself. As a result, these proceeds became part of the overall public budget for the support of social, educational and religious institutions at the state level (Barron, 1922: 56–57). In practice, the Ottoman policy of reform ended the independence of the *waqf* and subsumed it within an interconnected network with a centralized administration, which provided social services to all citizens of the state.

At the beginning of the British Mandate for Palestine, and following the demise of the Ottoman Empire, administration of the *waqf* properties was transferred to the Higher Islamic Council, which became responsible for all *waqf*-related matters, including budgeting, the provision of services, the making of appointments, new construction, etc.² Despite the fact that

the Higher Islamic Council was part of the governmental administration, it achieved almost complete autonomy in administering the *waqf* and associated policy-making. Due to abundant financial resources that derived from the *waqf*, this administrative and political autonomy facilitated the pioneering role played by the Higher Islamic Council in the formation and leadership of the Palestinian national movement during the Mandate period. In addition, the Mandate Authority did not adopt a systematic policy of stripping the Islamic *waqf* institutions of their real estate and transferring them to non-Muslims, as was to occur subsequently.

This state of affairs altered entirely following the establishment of the State of Israel, which sought, through various means, to strip the institution of the *waqf* of its real estate, property, substance and objectives. Underpinned by Zionist thought, the Jewish State sought from the outset to remove all Arab and Islamic symbols and institutions from Israel, lest they constitute a basis for a national movement opposed to the concept of Zionism and the Jewish State.³ The *waqf* institution, with its enormous economic assets and social and political objectives, could have acted as a social and political incubator for the Palestinians who remained in their homeland within the borders of the Jewish State, as it had during the Mandate. Moreover, the



charitable *waqf* owned a large amount of land, equating to over 15% of the total agricultural land within the borders of the State of Israel, while prior to 1948, Jews and the Zionist institutions owned no more than 10% of the land (Reudy, 1971: 135; Dumper, 1997: 29). Thus the *waqf* lands, together with the lands of the destroyed Palestinian villages, constituted the core of the lands that were confiscated by the nascent State of Israel. In subsequent years the confiscation of *waqf* property continued, with the result that the *waqf* institution was stripped of its meaning and content and its beneficiaries were deprived of its proceeds, which were instead diverted to the Jewish population. The lands of the Islamic *waqf* are now cultivated by Jews, provide a living to Jews and are distributed only to Jews. The *waqf* real estate properties are no different; rather than allocate their proceeds for the benefit of mosques, schools, hospitals, etc., as stipulated by the *waqf* donor, they are given to institutions that have no connection to Islam or Muslims.

In order to describe the above in a detailed manner, this article will examine the *waqf* of Yaffa, as an example that illustrates the fate of the Islamic *waqf* within the State of Israel.

Yaffa: Developments and shifts in the late eighteenth century

Life in the city of Yaffa – the bride of Palestine and its gateway to the sea –

ground to a halt in the late twelfth century, following the expulsion of the Crusaders from the country. The city's status remained unchanged until the second half of the seventeenth century, when the cultivation of cotton in central Palestine gradually began to flourish in response to an increase in French demand. From that period, life began gradually to return to the port of Yaffa and the other Palestinian coastal towns. The Ottoman authorities consequently paid greater attention to these areas. With the onset of the eighteenth century, a comprehensive plan was drafted for Yaffa in Istanbul that was designed to safeguard the city and bolster its status; the plan included a fortress, which was built and furnished with fifteen cannons and a permanent garrison of Janissaries.

Trade at the port of Yaffa underwent a period of rapid growth, accompanied by a marked increase in the amount of customs duties collected by the State Treasury. Yaffa also began to display signs of population growth. These developments encouraged investors and financiers from Jerusalem to establish economic ventures in Yaffa, which proved highly profitable. The Ottoman administration's awareness of the radical shifts in the economic and strategic significance of Yaffa prompted it to raise its administrative status to *Sanjak* (district), and to tie the port budget and tax commitments directly to the central administration in Istanbul. When he



visited Yaffa in 1785, Constantin François Volney noted the sharp rise in trading activity at the port, describing the amount of customs duties collected as “very good”. He went on to record that supplies of Damietta rice arrived at Yaffa on its way to Jerusalem and other parts of Palestine, as well as products from the French cotton factory in Ramle, Syrian coastal products and Palestinian cotton yarn. In addition, goods from different parts of Palestine were exported from Yaffa and Muslim pilgrims from Greece and Istanbul entered at the town (Volney, 1788: 330, 334, 338). During this period, a plan to dry up some of the marshes surrounding the city in order to turn them into citrus groves was implemented, and the water mills located on the banks of the al-Awja River were repaired. These developments had a positive impact on population growth in the city, which in 1797 stood at over 7,000 people (Browne, 1806: 410-411).

However, the development of Yaffa was cut short once again when the city was subjected to a horrific massacre, perpetrated by Napoleon Bonaparte and his troops on 6 March 1799 during their occupation of the city, which claimed the lives of approximately 4,000 people. The Yaffa *Shari'a* court was not spared the burning and destruction, and even the court records, which provide the main historical source for the city's history and society, did not survive. However, the duplication of some of the *waqf* charters

in the court records, once its work resumed after the expulsion of the occupiers, has enabled us to track the resurgence of Yaffa as a major trading and economic center in the late eighteenth century. Four extensive *waqf* records are particularly noteworthy, as they contain a description of dozens of *waqf* buildings, and give us an insight into the city's economic, social and urban structure.

One such *waqf* record belonged to a merchant named Muhammad Bibi, who registered it in 1749.⁴ The *waqf* in question consisted of 24 properties, including a large soap factory, two olive press, fifteen shops, two houses, one orchard and three vineyards. In 1796, Wehbe Muharram, a Yaffa trader originally from Cairo, registered his *waqf* in the court (Jabarti, 1968: 275, 327). He also left a detailed logbook of his economic activities prior to his murder during the French occupation of the city. His *waqf* comprised 91 properties, including three soap factories, two sesame oil presses, a flour mill, a bakery, thirty-one dwellings, twenty-eight shops, two packing houses, five orchards, nine groves and several homes.⁵ According to the *waqf* charter, he had a business partnership with the Mufti of Yaffa, Mr. Yihya Al-Tibi in relation to the Darwish Soap Factory, the largest soap factory in Yaffa at the time, which consisted of twelve vaults.⁶ The *waqf* charters usually indicate the level of investment in real estate for the purpose of



leasing it out due to the increased demand, which is further evidence of the positive shift in Yaffa's economic status during the second half of the eighteenth century.

By examining the information contained in the aforementioned *waqf* charters, one may delineate the architectural and urban features of the city of Yaffa on the eve of the French occupation. It is clear that Yaffa had three central markets at the time, along with several inns (*khans*).⁷ In addition to acting as hotels for Muslim pilgrims and traders, these inns provided the main storage areas for Palestinian merchants' goods coming into and out of the port. The economic transformation of Yaffa on the eve of Napoleon's invasion of the city had attracted large numbers of people and residents, which prompted two gentlemen known as Al-Tibi and Muharram to build two mosques to serve the swelling numbers of worshippers. During this period there were six working mosques in Yaffa: the Al-Bahr (Sea) Mosque, which was built in 1675 and bequeathed as a *waqf* endowment by the Governor of the Sanjak of Gaza, Musa Radwan Pasha;⁸ the Bibi Mosque, bequeathed as *waqf* by the Yaffa merchant, Muhammad Bibi in 1738;⁹ the Great Mosque, erected in 1756 (Cohen, 1973: 155); the Tabiyah Mosque; and the two aforementioned Yahya (dating from 1792) and Wehbe Muharram (dating from 1796) mosques.¹⁰

According to the *waqf* charter of Captain Hassan Pasha Cezayirli, who was in charge of the customs of Yaffa, in 1780 he established a *sabil* (a public drinking fountain) near to the main gate of the city. To finance this fountain, he endowed a group of shops in the Yaffa market located besides the Great Mosque of Yaffa.¹¹ These included a coffee shop located at the city's gate, which later became known as the Cannon Cafe, and was one of the most famous cafes in Yaffa before its destruction in the Nakba.

Following the expulsion of the French army, the new governor of Yaffa, Mohammad Pasha Abu Maraq, made attempts to revive the city. To encourage the swift return of merchants to the city he reduced the taxes and customs imposed on imported and exported merchants' goods. He also rebuilt the bridges and roads that had been destroyed and reduced transportation costs to and from Yaffa.¹² While the importance of Abu Maraq's efforts should not be underestimated, Yaffa owed its real debt to his successor, Mohammad Pasha Abu Nabbut, who assumed the position of governor in 1805, and gave the city a kiss of life.

Yaffa in the Era of Abu Nabbut: A comprehensive construction project¹³

Muhammad Pasha Abu Nabbut was an Al-Jazzar Mamluk. He was assigned by the Governor of Acre, Suleiman Pasha Al-



NAKBA

Adel, to govern the Sanjaks of Southern Palestine, namely Gaza, Ramle and Yaffa, and held the position until 1819. The resulting long period of stability in Yaffa, coupled with the personal aspirations of Abu Nabbut's to turn it into a capital no less prestigious than Acre, and attempts to create an entourage and household to rival the great Mamluk households of the age, left Yaffa radiant with artistic touches of Istanbul and Damascus. Despite the demolition of buildings and deliberate neglect of Yaffa following the Palestinian Nakba, traces of Abu Nabbut can still be discerned today. Abu Nabbut had instigated an integrated construction project alongside his political project in the city, and designated everything he built as a charitable *waqf* to serve the interests of the city and its people, both visitors and inhabitants. Muhammad Pasha Abu Nabbut's *waqf* is considered to be one of the greatest *waqf* properties to be established in any Palestinian city.

In addition to the enormous transformations made by Abu Nabbut to the social structure of the city, his *waqf* also prompted a dramatic alteration in the city's urban appearance through his investment of vast sums of money in the construction of highly ornamented buildings. This investment would have been impossible without the massive increase in revenues of the treasury that resulted from a sharp rise in commercial traffic through the port, which had

become the main port of Central and Southern Palestine. Through a series of charitable *waqf* endowments, made between 1809 and 1816, he renovated, restored and built the following structures: the external walls of the city, the port, the Great Mosque, the school, the library (*ketabkhaneh*), four water fountains, two inns, sixty-five shops and a large number of houses.

After purchasing numerous houses in which to accommodate his Mamluk retinue and after gaining possession of a large amount of real estate, Abu Nabbut began to implement his plan to alter the city's appearance. Firstly, he moved the Islamic cemetery from within to outside the walls of the city; to that end he purchased a plot of land lying adjacent to the city's northern wall and endowed it as a new Muslim cemetery.¹⁴ Later, during the British Mandate, it became known as the Old Cemetery, and prominent buildings were erected in its vicinity and on its borders, such as the Saraya building and the Bustrus and Sursuq buildings. In 1928, the Higher Islamic Council leased part of its land to the Yaffa Sports Club, and subsequently the building that housed the German-Palestinian Bank, under the general *waqf* administration, was erected on the land.¹⁵

In 1809, on the ruins of the Great Yaffa Mosque and the adjacent Cezayirli Sabil, which had suffered damage during the French invasion, Abu Nabbut established



an extensive building complex, which included the Great Yaffa Mosque, a school, rooms for students and a library. At the southern (*qibli*) entryway to the mosque, located at the entrance to the city, he also built one of the most beautiful *sabils* in Palestine, the Mahmoudi Sabil, which was also known as the Juwani Sabil.¹⁶ Not far from that location, in the Faraj market, the city's central market, he built another exceptionally beautiful *sabil*. Despite the large-scale destruction that was visited on Yaffa in and after 1948, these structures still stand prominently in the center of Yaffa to this day, bearing witness to the city's past.

These architectural features were built as *waqf* property. However, as few people are aware of their history and others deliberately disregard it, it is valuable to review the attributes and past of some of them, starting with the Great Mosque.

The **Great Yaffa Mosque** incurred a great deal of damage during the French invasion of the city, as did the *waqf* properties appended to it.¹⁷ Muhammad Pasha Abu Nabbut attributed his decision to restore the Great Mosque to the fact that he “had seen... the Great Mosque in Yaffa ruined and destitute...”¹⁸ Describing the renovation work he carried out, Abu Nabbut indicated that he had “rebuilt and renovated the mosque... a solid building, greatly expanded it, connected it to the water supply, and made arrangements for essential staff positions...”¹⁹ Abu Nabbut

also endowed new *waqf* properties to serve the mosque, which comprised of forty shops, three residential buildings, and the aforementioned properties.²⁰ These facilities garnered enormous profits for the mosque, which enabled its future overseers to attach further properties to it.

Muhammad Pasha Abu Nabbut registered the *waqf* charter of the **Mahmoudi** or **Juwani Sabil**²¹ on the 22nd of Dhu Al-Qi'dah, 1227 (December 27th, 1812), and in the ensuing years endowed a large group of properties in its service. The properties that Abu Nabbut endowed as *waqf* for the city's public institutions, the two *sabils*, and the well were completely destroyed after 1948 and a green-grassed public park built over them. It is therefore imperative to create a record of these properties to prevent them from being completely erased from the pages of history, along with the architectural structures themselves. The *waqf* properties established for the *sabil* included:

- All the *khans* that were established by the *waqf* donor in the *askala* (port) of Yaffa, near the Great Mosque and the city gate.
- Thirty-seven shops spread among the city's markets: the New Market, the Faraj Market, the Siter Market and the Blacksmiths' Market. All these buildings stood near the Great Mosque and the eastern section of the city wall.
- Four houses in the Burj and Felaheen quarters.



MAKKAH

- A cafe that stood near to the city’s gate.
- An orchard (garden) near the city’s gate and adjacent to the rear side of the Mahmoudi Sabil.
- A plot of land (Al-Muragha) that lay between the two walls, onto which the ablution water from the mosque ran.
- A warehouse located next to the aforementioned new *khan*.

In order to raise the administrative status of Yaffa and turn it into a capital to rival Acre, Abu Nabbut established the **Great Mosque School**, and a beacon of knowledge in Southern Palestine. In his *waqf* records for the school he stated that he had, “founded a school with solid foundations, peerless and matchless in its perfection, in the great Mosque with God’s blessing... he appointed scholars, thinkers, and students and provided for their needs”.²² Abu Nabbut stipulated that the revenue earned from the *waqf* property should be spent as follows: “The overseer will pay whoever perseveres in studying at the school and is deemed suited to learning and education adequately, according to time and according to revenue... and the students according to their personal circumstances, and whether they be diligent, devoted to studying and virtuous...”²³

Abu Nabbut also established a spacious hall in the mosque’s courtyard to serve as the school library. The library’s assets were registered in the records of the *Shari’a*

court: in 1812 the list included 137 titles in the subjects of the *Hadith*, Islamic jurisprudence, history, Islamic theology, logic and grammar. In 1913, an inventory was made of the library’s assets and the value of its bound volumes, which reveals that it contained 206 titles in various fields of learning.²⁴

In 1815, after trading activity had grown more brisk and traffic to and from Yaffa increased, Abu Nabbut built the **Shifa** or **Barani Sabil** approximately two kilometers to the east of the city’s walls, on the road between Jerusalem and Ramle at a site known as the “Hajjar tax land,” in order to facilitate the transport and movement of travelers.²⁵ In his *waqf* record, Abu Nabbut recorded that he had “established a *sabil* once more on the great roadway, with perfectly elegant buildings, flawlessly decorated and impeccably constructed,” and “drilled a new water well and wheel, using wood and steel. He also built two great *iwans* (vaulted halls) of stone and plaster on either side of the *sabil*, which proved advantageous in that regard.”²⁶ To sustain this *waqf* property, he endowed a number of other *waqf*, including an orange grove next to the fountain, on which there stood three houses, as well as two houses within Yaffa itself and six shops in the Faraj Market and the New Market.²⁷

The *sabil* continued to function until the end of the Mandate era. However, after 1948, when the orange grove was



confiscated and the other *waqf* properties that were endowed to the *sabil* destroyed, the water stopped flowing. Under Israeli law the *sabil* was considered “absentees’ property,” along with the majority of *waqf* properties in Israel. Despite the deliberate negligence of the *sabil* and a prohibition that was placed on its restoration, the structure remains standing on the road between Yaffa and Jerusalem.

Abu Nabbut established a further *sabil* within the Faraj Market on the ruins of the Khan al-Naqeeb (Captain’s Inn) close to the Great Mosque, known as the **Souq (Market) Sabil**. The records of the Great Mosque School *waqf* include a full description of this *sabil*, which was built in the courtyard of the central market and referred to as the *arsa* (courtyard). The State of Israel demolished the Souq Sabil. Fortunately, the Foundation for the Revival of Islamic Heritage in Abu Dis has retained a drawing of it and created a special file on the *sabil* in its archives when the Higher Islamic Council began its renovation in 1926.²⁸

The numerous *waqf* buildings that were founded by Abu Nabbut in Yaffa, with their many and varied decorative styles carved in marble, altered the architectural character of the city. These endowments formed part of a large, comprehensive construction project that aimed to raise the architectural status of Yaffa, by upgrading its administrative status from head of Sanjak to the capital of a new

province that Abu Nabbut was striving to bring into being (Al-Ora, 1936: 352, 361, 362). The ornate *waqf* buildings and the large markets established by Abu Nabbut, including the Amoud, Faraj and Siter Markets, in conjunction with the rebuilding and development of the port area to accommodate the growing trading activity, and the reconstruction of the city walls to bolster its defenses, all served to render Yaffa’s appearance no less elegant or impressive than that of Acre, Palestine’s northern port. A comparison of the contents of Abu Nabbut’s *waqf* record with that of Ahmad Pasha Al-Jazzar reveals that there are great similarities between the two, not only because Abu Nabbut was a member of the Mameluk retinue of Al-Jazzar in Acre, but also because he desired to emulate his master, and make Yaffa as prestigious as the provincial capital. Ultimately, the *waqf* collection gathered by Abu Nabbut was no less venerable or profitable than that established by Al-Jazzar in Acre.²⁹

Yaffa’s Mosques: Past and present

In addition to the aforementioned *waqf* properties, the public *waqf* in Yaffa comprised another group of facilities that included mosques, religious sites (*zawaya*), shrines (*maqamat*) cemeteries and schools, until the late Ottoman period. There were a total of thirteen mosques in the city, namely the Al-Tabiyah Mosque, the Al-Bahr Mosque,



the Hassan Pasha Cezayirli Mosque, the Bibi Mosque, the Sayyid Yihya Mosque, the Wehbe Muharram Mosque, the Great Mosque, the Al-Siksik Mosque, the Irshaid Mosque, the Sheikh Raslan al-Bakri Mosque, the Al-Ajami Mosque, the Al-Jabaliya Mosque, and finally the Al-Mansheya or Hassan Bek Mosque.

The oldest of these mosques was the **Al-Bahr (Sea) Mosque**, which was established by Musa Pasha of the Radwan Emir al-Hajj family and the Emir of Gaza in 1675.³⁰ As its name suggests, this mosque was located close to the coast, adjacent to the port. In 1962, in a report on the condition of the mosques in Yaffa, an engineer employed by the Municipality of Tel Aviv noted that this mosque was, “One of the oldest mosques in Yaffa and was built approximately 300 years ago. The mosque contains a large hall with two arches and a uniquely-shaped minaret. Today, the mosque is used as a warehouse”. The report adds that the Association for the Development of Old Yaffa (the government institution charged with the demolition of Arab and Islamic landmarks in Yaffa and the Judaization of the city) planned to renovate the building and convert it into an art gallery, museum, or something similar.³¹ However, after a protracted struggle and due to public pressure from both Islamic leaders in Yaffa and the Palestinian leadership inside Israel the mosque was rescued: it was restored to

Muslim hands and its doors opened to worshippers once more.

The **Tabiyah Mosque** is located at the foot of the city to the west. It overlooks the port, close to the port lighthouse that was erected in 1865, and is still in use today. It is one of the oldest mosques in Yaffa, appearing in documents dating from the late eighteenth century. Following the establishment of the State of Israel, the mosque ceased functioning and its doors were closed to Muslims, and remain so today. An official report issued by the Israeli Ministry of Religious Affairs in 1950 states that, “The State has turned the mosque into a home inhabited by a Christian family who work in the management of the adjacent lighthouse” (Meir and Venkerfield, 1950: 28). According to the aforementioned report by the Tel Aviv Municipality engineer, “This mosque includes a hall and a minaret, and there is nothing to indicate that it is a mosque other than its name. In fact, the mosque is used as a passageway to a place that is sacred to Christians, who believe that St. Simeon lived there.”³²

The **Sheikh Raslan Bakri Zawiya Mosque** is located in the fortress quarter, close to what was known as the Yaffa citadel at the center of the Ottoman city.³³ The mosque was a Sufi *zawiya* (religious site) used by the followers of the Khaluti order, but the date of its establishment is unknown. In



Sketch of the Souq Sabil



his book, “Our Country, Palestine”, Mustafa Al-Dabagh states that this *zawiya* was erected on the spot where Sheikh Arsalan al-Ramly spent his summers (Al-Dabagh, 1988: 249). Al-Dabagh believes Sheikh Raslan to be the Sufi Ahmad bin Hassan, who died in 1440 and constructed a large mosque in Ramle and a tower in Yaffa that he frequently resided in, known as the Sheikh Raslan Mosque (Al-Dabagh, 1988: 417). The official report issued in 1950 by the Israeli Ministry of Religious Affairs dedicated a single line to this mosque: “The Raslan Mosque is inhabited by a family of Mizrahi Jews, and the building is clean and in good repair” (Meir and Venkerfield, 1950: 30). The name of this mosque does not appear in the report by the Tel Aviv Municipality’s engineer, who investigated the conditions of mosques in Yaffa in 1962. This mosque, like the grave within the shrine, was completely razed in the 1950s, when the Israeli authorities set out systematically to erase the Palestinian presence and history in Yaffa. Anyone who visits Yaffa today will find a wide space extending between the Church of St. Peter and the Great Yaffa Mosque, largely covered by grass, trees and flower beds. Beneath this grass once stood Ottoman Yaffa, including the mosque of Sheikh Raslan Bakri, and his shrine and *zawiya*.

The aforementioned **Sayyid Wehbe Muharram Mosque** was established by

waqf donor Sayyid Wehbe adjacent to his home, which is located close to the **Sheikh Ibrahim al-Malahi Shrine**. The mosque was erected above five shops, which provided it with revenue, in addition to several other *waqf* properties.³⁴ Subsequently, the governor of Yaffa, Muhammad Pasha Abu Nabbut, established the Saraya building (a government building) within the vicinity of the mosque. The mosque was renovated and its doors were open to worshippers until 1948. After the Nakba, the Wehbe or Al-Dabagh Mosque suffered a similar fate to the Sheikh Raslan Mosque. According to the official report by the Israeli Ministry of Religious Affairs, “The mosque did not suffer any architectural damage” (Meir and Venkerfield, 1950: 30). However, its doors were closed and worshippers were prevented from performing religious rites in it. In the late 1970s, the prayer hall was used as offices by the Yaffa Municipality Museum, which was set up in Mohammad Pasha Abu Nabbut’s Saraya building. A short time later, the minaret was removed and the mosque was used as a gallery for artists’ paintings (Yahav, 2004: 46). The photograph on page 37 shows the minaret of the Al-Dabagh Mosque prior to its demolition in the early 1980s.

The **Sayyid Yihya Mosque**, which was totally demolished after the Nakba, derives its name from its founder, Sayyid Yihya al-



The remnants of the Sheikh Raslan Bakri Mosque and its *zawiya* prior to their demolition in the 1950s (Yahav, 2004: 48)



Tibi, the Mufti of Yaffa in the late-eighteenth century.³⁵ Yihya endowed many *waqf* properties in and outside Yaffa to support the mosque.

The **Al-Jabaliya Mosque** was the first mosque in Yaffa to be established outside the city walls, in the Jabaliya quarter around the year 1880. It was established by Hajj Muhammad al-Sakhafi, who endowed a number of other *waqf* properties to cover the costs of its operation and expenses.³⁶ Following the Nakba and the deportation of Arabs from Yaffa and the surrounding areas, the mosque became redundant and served as a refuge for an Arab family that had lost its home. The report by the Tel Aviv Municipality's engineer states that the Jabaliya Mosque was located alongside *Givat Ha'aliyah* (the Hebrew name allocated by the Jewish State to the Jabaliya quarter, in an attempt to erase its history and geography from the Palestinian consciousness). The report adds that the mosque was small and had a hall divided into four rooms. It further states that only a small number of Arabs inhabited the area, and that, even if the mosque were to be restored, it would not be able to accommodate more than fifty worshippers.³⁷ This statement was, in fact, an implicit recommendation to evacuate the mosque's residents in preparation for its demolition. However, the family's presence precluded this outcome. The

Islamic Movement saved the Mosque after paying compensation to the family living in it. In the late 1980s, the mosque was renovated and its name restored, and prayer services were resumed for the residents of the Jabaliya quarter (Yahav, 2004: 45).

The **Al-Siksik Mosque** was the second mosque to be constructed outside the city walls. It was established by Hajj Abd al-Qadir al-Siksik in 1885 on the land of his family's orchard on the Yaffa-Jerusalem thoroughfare (Al-Bawab, 2003: 441). The aforementioned report by the Ministry of Religious Affairs states that, "The physical condition of the Al-Siksik Mosque is very good, but its doors and windows are in need of repair and the stolen water faucets must be replaced" (Meir and Venkerfield, 1950: 30). The official engineering report by the Tel Aviv Municipality contained the following reference to the mosque: "Nothing remains of the mosque except for a tower and an arch. The building itself has been all but destroyed and all that remains of it is some walls. Part of the site is being used as a Jewish café."³⁸ The terminology employed by the engineer reveals that the sanctity of the site and its religious functions were deliberately ignored. For instance, the tower to which he refers is in fact the minaret, which remains standing and in good condition today. The arch is an architectural masterpiece that was the location of the



The minaret of the Al-Dabagh Mosque prior to its demolition in the early 1980s



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sabil adjacent to the mosque. Today, the mosque's structure is solid, but suffers from neglect. The deliberate overlooking of the significance of the site in the engineer's report paved the way for its demolition, as planned by the Municipality of Tel Aviv. Following the suspension of prayers at the mosque in 1948, its courtyard and part of the prayer hall were transformed into a café, it was finally confiscated in 1965 (Yahav, 2004: 42). In addition to the café, a factory for the manufacture of plastic tools was established on a portion of the mosque, and the second floor became a club for Bulgarian Jews (*Ha'aretz*, 2005). The younger members of the Siksik family went to court several times in an attempt to salvage the confiscated mosque, but to no avail. The Islamic Movement is currently engaged in a legal and public battle to rescue the Al-Siksik Mosque.

The **Ajami Mosque** was the third to be built outside the city walls. It was established by Haj Yousef al-Manawi in 1895 on the most famous shrine in Yaffa, that of Sheikh Ibrahim al-Ajami.³⁹ After the Nakba, the Arabs who remained in the city were gathered together in the Al-Ajami quarter,⁴⁰ and until the late-1960s the Israeli authorities forbade the residents of Yaffa from holding their daily prayers anywhere other than in this mosque.

When al-Ajami was gradually transformed into a residential area during

the 1970s and grew increasingly overcrowded, the *waqf* land adjacent to the shrine, which had been an orchard that produced various kinds of fruit, became a Muslim cemetery.⁴¹ In 1936, the Higher Islamic Council allowed Hassan Arafa to establish an Islamic charitable *waqf* property on a section of the land in the cemetery that was empty of graves. Arafa then turned it into a *waqf* school, which is known to this day as the **Hassan Arafa School**. The Israeli authorities annulled the school's status as *waqf* property and confiscated it, along with the remaining *waqf* properties, on the pretext that it was "absentees' property," on the ground that it has been administered by the Higher Islamic Council, which was considered "absent" after the Nakba.

Hassan Bek al-Jabi, the Yaffa district commissioner, established the **Hassan Bek (Al-Mansheya) Mosque** in 1915. The choice of the far northern section of the Al-Mansheya quarter as the location of the mosque, in the north of Yaffa, was not accidental, but part of a comprehensive plan to develop the northern part of the city, improve transportation within the old town, and connect the area to the port. More importantly, the establishment of the mosque on that site was an attempt to thwart the Zionist plans, the scope of which had begun to become evident with the establishment of the first quarters of Tel Aviv in 1909. It was clear to the



district commissioner that the Zionist leadership was striving to encircle Yaffa with Jewish quarters in order to block its expansion to the north, and then gain control of it (Levin, 2005: 74). This was Hassan Bek's main motivation in establishing an expansive *waqf* property on the outskirts of the populated area in the far north of the Al-Mansheya quarter, and building a large, beautifully decorated mosque in this area, which was almost entirely unpopulated.⁴² Despite the astonishment and opposition of the people to a mosque being built in an area so far from their homes and the city center (Haykal, 1988: 76), Hassan Bek sought to keep this strategic region under Arab control in perpetuity, in order to prevent the encroachment of the Jewish quarters towards the as-yet uninhabited shores of northern Yaffa. With the exception of the mosque, he designated most of this area as a *waqf* endowment to ensure that its ownership could never be transferred to non-Muslims (LeVine, 2005: 74). Practically speaking, the establishment of the mosque at this location and its connection to the city's road network and modern streets shifted the center of the city and the focus of its construction activities from the old town to the borders of Tel Aviv. Yousef Haykal, the last mayor of Yaffa prior to the Nakba, commented in relation to this development that the Hassan Bek Mosque and the surrounding *waqf* endowment had prevented the city

of Tel Aviv from expanding southwards into Yaffa (Haykal, 1988: 77, 80). Of course, following the Nakba most of the Arab quarters were razed and wiped off the city's maps. The *waqf* land surrounding the mosque was confiscated and all the *waqf* buildings demolished. The mosque was again abandoned in an area that was to become exclusively Jewish, and teem with hotels, businesses, entertainment establishments, restaurants and cafés.

Less than two years after his appointment to Yaffa, and upon the Ottoman State's entry into the First World War, Hassan Pasha was transferred out of Palestine. The administration of the mosque, which had yet to be completed, was transferred after the war to the *Waqf* Department of the Higher Islamic Council, along with the rest of the Palestinian *waqf* properties. Work on the mosque was completed in 1923, and included a number of exterior ornamentations. The construction contract was awarded to Yaffan engineer Darwish Abu El-Afiah.⁴³ The Higher Islamic Council carried out repair and maintenance works, and in 1935 built the surrounding walls.⁴⁴ Once the Al-Mansheya quarter had grown to become one of the largest in the city, and the political and strategic importance of the mosque's location had become clearly apparent, the Higher Islamic Council began to pay considerable attention to the



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mosque, which subsequently became a major social center in northern Yaffa. This interest is evident in the records of the council and in its rapid responses to all requests for restoration and maintenance work. Nor did the council hesitate to provide funding for teaching posts in the mosque, for supplying water to worshippers, paving the courtyards, building walls, and other such expenses.⁴⁵

After the State of Israel had erased all Arab traces from the area between the Yaffa city center and the Hassan Bek Mosque, the Al-Mansheya quarter was converted into a public park, covered over with grass and palm trees, and named after Sir Charles Clore, the donor who had funded the renovation. The Hassan Bek Mosque remained standing within its walls, deprived of revenue to cover its maintenance costs. The Israeli public and press made accusations that prior to 1948 the mosque had harbored fighters and snipers inside the building, on the roof and inside the minaret, who had aimed their bullets at Tel Aviv (Suriyan, 1983). After the Nakba, the mosque was closed down, praying in it was forbidden and its condition deteriorated. A report submitted to the Tel Aviv Municipality in 1978, gives the following description of the mosque: “There is no guard in place. They have looted the mosque, pilfered its doors and windows, and lifted the marble stones that covered the floor. They have desecrated the mosque and turned it into a toilet.”⁴⁶

Israel's policy towards the Islamic *waqf* and the consequences thereof

On March 20th, 1950, in the aftermath of the founding of the State of Israel, the Israeli Parliament passed the Absentees' Property Law, for the purpose of confiscating the property of the Palestinian refugees. In accordance with the law, an office named the “Custodian of Absentees' Property” was established, which seized all of the real estate and property belonging to the refugees, allegedly pending a resolution of the refugee issue. In truth, however, the law legitimized the appropriation of such properties, and authorized the Custodian of Absentees' Property to transfer the real estate under its custody to any party, without legal accountability. The Absentees' Property Law had a devastating effect on the Palestinian *waqf*. It operated alongside a system of ancillary laws and regulations to transfer the *waqf* properties, which had originally been bequeathed to Muslims, to the Jewish population of Israel. This transfer was achieved through the designation of these properties as the property of the Development Authority, a governmental agency managed by the Israel Land Administration, or of the Jewish National Fund, which is entitled by law to prevent Arabs and Muslims from using the land under its control (Peretz, 1958: 143). Naturally, this law did not make any serious inquiry into the



origins of these properties, or whether they were classified as private property, private *waqf* or charitable *waqf*, and all ultimately met the same fate (Eissenman, 1978: 225). The Islamic *waqf*, which had previously been administered by the Higher Islamic Council, was considered to be “absentees’ property” on the ground the council’s chair, Mufti Haj Amin Al-Husseini, and other members of the council had become refugees and were located outside the borders of the Jewish State (Dumper, 1997: 32). Although approximately 130,000 Palestinians had managed to stay in their homeland – and today account for around 18% of the total population of Israel – the law ignored their existence, and indeed barred them from using the *waqf* properties, and even from administering them. Under the Absentees’ Property Law, the cemeteries, shrines, *zawiyas* and mosques, classified as “absentees’ property”, were placed under the control of the Custodian of Absentees’ Property. Until 1965, the Minister of Religious Affairs had full authority over all the *waqf* properties placed under the control of the custodian; under the military regime that was imposed on Palestinians in Israel in the aftermath of the Nakba, ownership of in excess of 75% of private and charitable *waqf* properties was transferred to Jewish organizations (Lustick, 1980: 98-100).

In order to lend a veneer of legitimacy to its domination of the Islamic *waqf*, the

Israeli government appointed a group of Muslim advisory committees, whose members were willing to collude with the government in overseeing the management of the *waqf* institutions, including mosques, cemeteries and shrines. In reality, they were merely a means of facilitating Israeli control over the *waqf*. Some of these individuals openly and regularly frequented bars in Tel Aviv, and would reportedly even sign documents for the transfer of Islamic *waqf* properties in exchange for a few glasses of wine (*Ha’aretz*, 1984). These individuals represented no one but themselves, and were not above surreptitiously offering their signatures to authorize the sale of land belonging to cemeteries and mosques. Upon hearing that the **Cemetery and Shrine of Abd al-Nabi** had been sold to an Israeli investments company, the Arab residents of Yaffa rose up in demonstrations. However, the government was unswayed, and gave the deal its backing. Today, the Tel Aviv Hilton Hotel stands on the grounds of the cemetery and shrine in the north of Yaffa. A highway was also built on the bulk of the land belonging to the Taso Cemetery (*Ha’aretz*, 1981; Jiryis, 1970: 120).

In 1965, the Israeli Knesset enacted an amendment to the Absentees’ Property Law, and in 1975 passed a group of regulations concerning the Islamic *waqf*. Together, these measures revoked the *waqf* classification of all the *waqf*



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properties, thereby legitimizing their confiscation and transfer to state ownership and enabling their sale to whoever wished to acquire them.⁴⁷ To legitimize these steps, government-appointed Muslim committees known as “Trustee Committees” were set up, whose actual function was to provide an Islamic façade to the process of appropriating the remaining *waqf* properties.⁴⁸ Following the appointment of these committees, large portions of the Islamic *waqf* were sold off to Israeli and other Jewish investors (Lustick, 1980: 190).

The records of the Yaffa Waqf Administration from the Mandate era indicate that around 33% of shops in the city were previously *waqf* property.⁴⁹ Following the Nakba, ownership of the majority of real estate in Yaffa, with the exception of Church-owned real estate, was transferred to the Custodian of Absentees’ Property, and thereafter to the Israeli Development Authority or Jewish National Fund. The northern quarters of Yaffa, including Irshaid and Al-Mansheya, which extended from the city center and along the coast up to the Hassan Bek Mosque, were completely leveled and public parks were built on their ruins. As was the case throughout the city, the ownership of the Islamic *waqf* properties in these areas was transferred to Jewish investment companies under the Absentees’ Property Law. The remaining shops, as well as some of the mosques and

Muslim shrines, were turned into souvenir stores, restaurants and cafés (*Ha’aretz*, 1981). In 1971, and in total secrecy, the *Waqf* Trustees Committee in Yaffa leased out the Hassan Bek Mosque for a period of forty-nine years for a nominal fee to the Edgar Investment Company, a private company owned by Gigi Peres, the brother of Israeli President and former Minister of Foreign Affairs and Security Minister, Shimon Peres (Yahav, 2004: 41). The transaction came to light at the beginning of the 1980s, when the company began to “implement its plan to convert the mosque into a tourist site containing several restaurants, cafés and souvenir shops” (*Ma’ariv*, 1983). This blatant attack on the *waqf* and mosque incurred the wrath of Palestinians in Israel, as well as some leftist Israeli groups, whose opposition compelled the State Comptroller to conduct a review into the legality of the lease. The resulting report issued by the State Comptroller in 1975 confirmed that the lease was illegal based on the fact that the Waqf Trustees Committee had subsequently transferred ownership of the land and the mosque that stood on it to the lessee company, a transaction that was prohibited under Israeli law (Yahav, 2004: 42). In response to sustained public pressure led by the Islamic Movement and the Arab political parties, the State Comptroller subsequently annulled the lease.

As a result of the ongoing neglect of the

Hassan Bek Mosque and prohibition placed on its renovation, in April 1983 its minaret caved in. The collapse of the minaret, amid allegations by Arab and Islamic organizations that extremist Jewish groups had intentionally destroyed it, refocused the attention of the public and the press on the mosque, exposed Israeli policy towards the Islamic *waqf*, and served to highlight the issue of the confiscation of *waqf* properties and Islamic holy sites in Israel in general (*Ma'ariv*, 1983). In light of these developments, Arab and Muslim institutions, in particular the Islamic Movement, began to call for prayers to be held in the mosque once more, in defiance of the thirty-year policy of closure. Faced with the tremendous sense of anger that swept through the Palestinian population in Israel, the Israeli establishment could do little to oppose the will of the worshippers. Muslim organizations collected donations, and with the assistance of the Islamic Unity Organization in Amman and the Muslim Waqf Department in Jerusalem, embarked upon the complete renovation of the mosque and the restoration of the minaret to its former state in 1985 (Jerusalem Post, 1981, 1987). The mosque subsequently opened its doors to worshippers, and continues to do so today. The exposure of the illegal lease and the obstruction of the sale of the mosque also led to the monitoring of other transactions that had been approved by

the Waqf Trustees Committees. Some of these sales were made public by the Israeli press. However, since the official records of the work of these committees are highly confidential, it is unfeasible to uncover the entirety of its transactions (Jerusalem Post, 1987, 1988).

In summary, under Israeli law Palestinian *waqf* properties have been looted and destroyed, and Muslim institutions, including the mosques, shrines and schools, have been deprived of any financial backing or permanent income to support either the buildings themselves or their employees. Most of the mosques in Yaffa, as is in other Arab cities and villages in Israel, are built, administered and paid for by personal donations and contributions. In this situation, the Islamic institution operates independently, in many cases in contradiction to state policy, which seeks to impose its own control over this institution. The systematic elimination of the Islamic *waqf* has not brought an end to the Islamic institution as the Israeli legislature hoped; on the contrary, it has propelled the Muslim community to reorganize itself and to develop internal mechanisms with which to preserve its national and religious identity.



Notes

- 1 On the administration of the *waqf* in the Province of Jerusalem, see Gerber, Haim (1985) *Ottoman Rule in Jerusalem, 1890-1914*. Berlin: Klaus Schwarz, pp. 183-194; on the *waqf* administration in the late Ottoman era, see Nufal Ni'mat Allah Nufal, trans. (1985) *The Constitution*, Vol. 2. Beirut: The Literary Press, pp. 124-144.
- 2 On the administration of the Higher Islamic Council, see Kupferschmidt, Uri (1987) *Islam Under the British Mandate for Palestine*. Leiden: E.J. Brill.
- 3 On the policy of settlement in Zionist thought, see Masalha, Nur (1992) *Expulsion of the Palestinians: The Concept of "Transfer," in Zionist Political Thought, 1882-1948*. Washington, DC: The Institute for Palestine Studies, pp. 4-5; Dumper, Michael (1997) *Islam and Israel, Muslim Religious Endowments and the Jewish State*. Washington, DC: The Institute for Palestine Studies, p. 19 (hereinafter: Dumper, *Islam and Israel*).
- 4 Yaffa Shari'a Court Records, Vol. 2, 14 May 1801, p. 31 (hereinafter: Yaffa Records).
- 5 Yaffa Records, Vol. 1, 17 May 1800, pp. 21-22; Vol. 3, pp. 567-570 (no date).
- 6 Yaffa Records, Vol. 10, 2 April 1832, p. 179.
- 7 The researcher, Kamel al-Asali, sketched the Al-Naqeeb Khan (inn) *waqf* property in his book, *Historical Documents on Jerusalem*. Beirut: The Arab Institute for Studies and Publication, 1985, pp. 125-128.
- 8 Yaffa Records, Vol. 2, 19 March 1802, pp. 68-69.
- 9 Yaffa Records, Vol. 1, 14 May 1801, p. 37.
- 10 Yaffa Records, Vol. 5, 13 August 1821, pp. 105-106.
- 11 State of Palestine, Institute for Research and Revival of Islamic Heritage, file nos. 3-6, 3-195-16 (hereinafter: Heritage Revival Institute).
- 12 Yaffa Records, Vol. 2, 19 March 1802, pp. 68-69; 5 December 1805, pp. 206.
- 13 On the history of Yaffa in the period of Abu Nabbut and his *waqf* properties, see Kana'an, Ruba (1988) *Yaffa and the Waqf of Muhammad Aga Abu Nabbut (1799-1831): A Study in the Urban History of an East Mediterranean City*. Ph.D. Dissertation, Oxford University.
- 14 Yaffa Records, Vol. 2, 20 February 1809, p.230.
- 15 Heritage Revival Institute, file nos. 10-24, 1-18-16.
- 16 Yaffa Records, Vol. 2, 1-5 January 1809, pp. 282-283.
- 17 Yaffa Islamic Library, *The Blessed Sabil Waqf* (manuscript), microfilm copy, the Documents and Manuscripts Center, University of Jordan, Amman, Jordan. Shortlisted as Yaffa, Islamic library, tape No. 18, manuscript no. 212, no. of pages: 80 (hereinafter: Blessed Sabil Waqf).
- 18 Blessed Sabil Waqf, p. 21.
- 19 Blessed Sabil Waqf, p. 25.
- 20 Blessed Sabil Waqf, pp. 21-34.
- 21 Blessed Sabil Waqf, pp. 1-13, 62-65. See also Yaffa Records, Vol. 2, 1 January 1809, p. 283.
- 22 Blessed Sabil Waqf, pp. 42-45. Also see photograph of the *waqf* school, Heritage Revival Institute, file nos. 3-7, 3-227-16, also recorded in the Yaffa Records, Vol. 10, 13 February 1812, p. 88.
- 23 Blessed Sabil Waqf, p. 78.
- 24 Heritage Revival Institute, file nos. 3-1, 5-329-16.
- 25 Blessed Sabil Waqf, pp. 51-62. This *waqf* property was registered on 7 July 1815.
- 26 Blessed Sabil Waqf, p. 51.
- 27 Yaffa Records, Vol. 4, 21 November 1816, p. 62.
- 28 Heritage Revival Institute, file nos. 20-14, 4-23-16.
- 29 On the Al-Jazzar *waqf* property, see comprehensive study of the topic by Mahibish, Ghassan (1999) *The Jazzar Charitable*

- Compound in Acre*. Acre: Al-Aswar Foundation.
- 30 Yaffa Records, Vol. 2, pp. 68-69 (no date). See also, Al-Taba', Othman Mustafa Al-Ghazzi (1999) *History of Gaza from Ancient Times to the Beginning of the Mamluk Era: A study of Abdel Latif Zaki Abu Hashem*, 4 Volumes. The Yaziji Library, Gaza, Vol. 1, pp. 178, 183 (hereinafter: Al-Taba', *History of Gaza*).
- 31 Tel Aviv Municipality Archives, Group 4, File no. 2241, Document no. 877/62, Tel Aviv Municipality Engineer's Report, 9 December 1962 (Hebrew).
- 32 Ibid.
- 33 Yaffa Records, Vol. 5, 9 May 1822, p. 4.
- 34 Yaffa Records, Vol. 3, pp. 567-570 (the document is incomplete and is missing a date); Vol. 8, 28 May 1797, pp. 24-26.
- 35 Yaffa Records, Vol. 5, 11 March 1824, p. 105.
- 36 Yaffa Records, Vol. 46, 29 January 1881, pp. 20; Al-Bawab, *Encyclopedia of Beautiful Yaffa*, m.2, p. 440.
- 37 Tel Aviv Municipality Archives, group 4, file no. 2241, document no. 877/62, Tel Aviv Municipality Engineer's Report, 9 December 1962.
- 38 Ibid.
- 39 Yaffa Records, Vol. 64, 14 April 1896, p. 13; Al-Bawab, *Encyclopedia of Beautiful Yaffa*, m.2, p. 441.
- 40 Tel Aviv Municipality Archives, box no. 897, file no. 11/8/e, letter no. 17, from Mayor Yisrael Rokah to the Prime Minister, 21 May 1950.
- 41 Yaffa Records, Vol. 52, 22 January 1885, p. 9.
- 42 For more information about the *waqf* properties of Hassan Bek, registered on 2 October 1915, 19 April 1916, and 20 November 1915, and copied in the Shari'a Court Records, see Yaffa Records, Vol. 53 (Period of the British Mandate) newspaper 129-135.
- 43 Heritage Revival Institute, file nos. 20-3, 4-23-16, from the Chair of the Technical Body to the Chair of the Higher Islamic Council, 3 March 1923 and a wide range of correspondence; file nos. 20-14, 4-23-16, from the Yaffa Waqf Commissioner to the Chair of the Higher Islamic Council, 14 January 1924.
- 44 Heritage Revival Institute, file nos. 40-1, 16-3-37, from the Deputy Director General of the Waqf to the Secretary of the Higher Islamic Council, 18 November 1937.
- 45 Heritage Revival Institute, file nos. 40-5, 1-39-16 from the Director General of the Waqf to the Under-Secretary of the Higher Islamic Council, June 4, 1941; file nos. 40-1, 1-35-16 from the Chair of the Higher Islamic Council to the Director General of the Waqf, 2 October 1935.
- 46 Tel Aviv Municipality Archives, group 4, file 9/T, no. 329/48, 5 July 1978.
- 47 For comprehensive research and analysis of this law, see Dumper, *Islam and Israel*, pp. 44-62.
- 48 See State of Israel, "Absentee Property Law", para. 29A (Hebrew).
- 49 Heritage Revival Institute, file nos. 10-18, 5-19-16, 10-27, 1-22-16. These files contain documents from the years 1922 and 1939, which are lists of the numbers of these stores, their location and types. See also Dumper, *Islam and Israel*, p. 54; Barron, John Bernard (1992) *Mohammedan Wakfs in Palestine*. Jerusalem: Greek Convent Press, p. 63.



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“The Jaffa Slope Project”: An Analysis of “Jaffaesque” Narratives in the New Millennium

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Introduction

The Jaffa Slope project is a development plan that was drafted for the city of Jaffa (Yaffa in Arabic) in the 1960s. It encompasses the Arab neighborhoods of Jabaliya and Ajami and the underlying shoreline, known as the Jaffa Slope. The aim of the project is to create new land by land reclamation, thereby creating open spaces for the public and land for building apartments of a relatively high standard, and making greater use of the shoreline (Local Master Plan – Jaffa Slope No. 2236). The project serves as a “shadow plan,” and accordingly any project implemented within its confines must conform to its directives. Although several stages of the project have been implemented over the past forty years, it was only in 1995 that it received final official approval. The project was implemented in accordance with the land policies adopted by municipal planners at various stages. However, its basic principles have remained unchanged since its launch: namely, to alter the social and physical fabric of these neighborhoods.

The public discourse surrounding the project and its implementation has constituted an arena in which Jaffa’s various actors (including the Jewish establishment and the Arab population) have battled over the redesign of the space. The municipality presents the project as part of its overall regional policy of integrated socio-urban rehabilitation and development, which ostensibly aims at enhancing the lives of those living in the Arab neighborhoods and improving their image and status. By contrast, the local Arab discourse reflects a sense that the community faces an existential threat.

In this article, I will argue that the implementation of the Jaffa Slope project reflects a convergence of national, economic and socio-urban interests that has given rise to a struggle over spatial identity. I will also contend that the competition over space and the use of space in Jaffa can be understood in the context of Israel as a society that is based on a Judaizing spatial ideology (Yiftachel, 1999; 2006) and has a liberal economic structure (Shalev, 2006). I shall further



examine the implications of this form of development on the indigenous Arab population, as well as its impact on relations between the Jewish and Arab residents of Jaffa.

I shall present my arguments through an analysis of the discourse of the establishment, in order to cast light on the local spatial policy, alongside an analysis of the local Arab discourse, which reflects the Arab struggle to hold onto the land and underscore its Arab character.

The article contains five sections. The first proposes “ethnic logic” as a theoretical framework for the occupation of indigenous cities by settler societies and immigrants. Next follows an outline of the principles of the Jaffa Slope project and planning policy in Jaffa over time. Thirdly, the article will address the national, economic and socio-urban interests that have been pursued through the Jaffa Slope project. The fourth section focuses on the discourse of the establishment and the local Arab discourse surrounding the plan and its implementation. The final section considers the implications of the project for the native Arab population of Jaffa, Jewish-Arab relations in the city, and the future of Jaffa’s Arab community.

Ethnic logic and the occupation of indigenous cities

As indicated by Lefebvre (1996), urban space offers its inhabitants “the right to

the city”. This right consists of openness, flexibility, the recognition of differences, the right to be included, the right to develop an individual or collective identity, and autonomous decision-making, alongside an egalitarian distribution of resources and capital. However, his vision of urban space has remained confined to the realm of theory, as the right to the city of urban inhabitants is diminished by the constantly shifting balances of powers between social groups and their struggles over the control of spatial design. When social groups do not belong to a single ethnos, ethnic logic exacerbates the struggle over urban spatial design and control. This logic marginalizes vulnerable ethnic groups and relegates them to the city’s economic, political, social and spatial margins (Sibley, 1995; Yiftachel, 1999). According to Yiftachel (2006), ethnic logic comes into play where there is an attempt to consolidate the independence of a nation, outline the boundaries of a new country and populate an external frontier (settlement in a different country or continent) or an internal frontier (settlement in mixed cities) with settler societies and immigrants (Yacobi and Zfadia, 2004; Roded, 2006). The external frontier is populated by the settler society following their invasion of or immigration to an area. A good illustration of this process is European emigration to Australia and



Canada in the 18th century.

The internal frontier is populated by the settler society (the majority group) after their dispersion throughout and settlement in the areas in which the state wishes to reinforce the majority group’s control over the minority group. Examples are provided by Sri Lanka, Estonia, Greece and Malaysia (Yiftachel and Kedar, 2003). The settler society fosters its own ethno-cultural structure within the country’s borders and establishes a hierarchy of ethnic status. Within this context, the settler society attempts to redesign the cultural-national space in order to legitimize its appropriation and occupation. The settler society appropriates the space in such a way as to avoid mixing with the local population and sometimes even to facilitate its ethnic cleansing (Sibley, 1995). At the same time, the dominant class gains in strength relative to the lower and middle classes, thereby creating a society founded on ethno-class stratification. Yiftachel and Kedar (2003) indicate that this process leads to the creation of three main ethno-classes: the founding charter group, which acquires the dominant status; the immigrant group, which undergoes a process of upward assimilation within the charter group; and the native group (considered to be “locals” or “foreigners”), which is relegated to the economic, social and spatial periphery of the new society.

This exclusion is perpetrated through

territorial control, the “ethnic logic” of capital flows, the legal system and the land planning regime, and establishes and imposes the dominant culture, while undermining – even eradicating – the indigenous culture (Benvenisti, 1997; Ben-Shemesh, 2003; Bar-Gal, 2002; Roded, 2006; Yiftachel, 2006). Yiftachel (2006) and Roded (2006) illustrate the process of settling and occupation by settler societies in the internal frontier in Sri Lanka and Estonia, and demonstrate how planning is a crucial tool in expanding the control exercised by dominant groups. In Sri Lanka, a battle was waged over the division of space and power between the Sinhalese majority and the Tamil minority. In Estonia, the process involved an anti-Soviet land and planning policy that excluded Russian citizens, who make up a third of the country’s population, and even revoked their citizenship. In parallel, a policy of “Estonia-ization” was adopted in the political, cultural and spatial system with the aim of reviving the Estonian nation and culture.

A mixed city plays a significant role in shaping politico-spatial relations between ethnic groups and reproducing them through spatial planning and production, the dominant group’s control over the accessibility and distribution of resources and capital, and in forging symbolic contents for space and feeding off preferred cultural sources (Yiftachel and



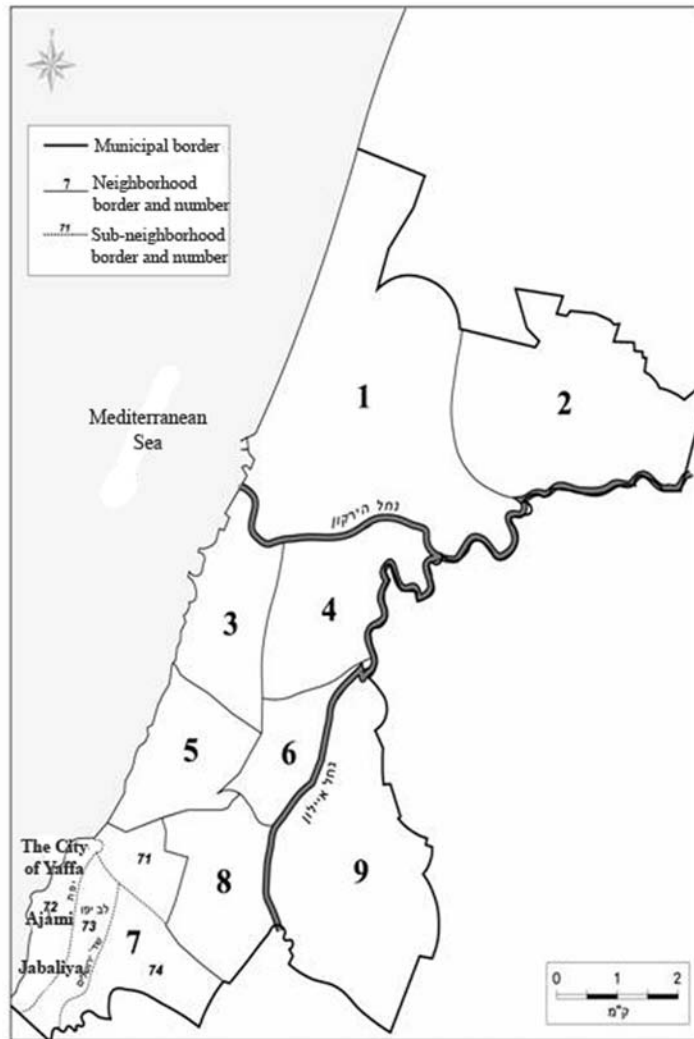
Yacobi, 2003). In mixed cities, ethnic logic is exposed through urban policy. At times it is apparent, and at others it is concealed behind various interests. The concept of the “mixed city” describes a mixed living pattern in which several ethnic groups inhabit a collective space. In Israel it describes a living pattern for Jews and Arabs that is not prevalent: only around 8% of Arabs live in mixed cities, all of which have a clear Jewish majority (Hadas and Gonen, 1994; Monterescu and Fabian, 2003; Hamdan, 2006; Yacobi, 2006; Falah, 1996; Yiftachel and Yacobi, 2003). Most of the mixed cities in Israel came into being as a result of geographic, historical and political circumstances whose roots lie in the establishment of the state (Gonen and Hamaisi, 1992), and were not the product of planning or regulation on the part of the government. The Arab residents of the mixed cities tends to live in concentrated areas separate from the Jewish residents (a frequent pattern among ethnic and racial groups in many cities worldwide [Ben Artzi and Shoshani, 1986; Boal, 1976]). However, there are also mixed neighborhoods that contain both Jewish and Arab residents, in which Arabs are again generally a minority. Within Jaffa, Ajami and Jabaliya are isolated Arab neighborhoods with large Arab majorities. The neighborhoods located alongside them, to the east of Yefet Street, are mixed neighborhoods. Because mixed cities are a

marginal phenomenon within Israel’s urban space and incompatible with the ideology of Judaization and spatial segregation, there is a pressing need to probe the overall interests that lie behind public planning policy in these communities.

This article seeks to demonstrate how the ethnic logic that guides public planning policy in Jaffa (in the form of national and economic interests) has contributed to the occupation of the city and to its transformation into a Jewish city. It will also discuss how this logic has had a deleterious effect on the native Arab population of Jaffa, through the various spatial design and planning and the process of gentrification, on which I shall elaborate below, that began in Jaffa in the late 1980s.

Main principles of the Jaffa Slope project and planning policy in Jaffa

The Jaffa Slope project (Local Master Plan No. 2236), which covers the Jaffa Slope (the area west of Kedem Street down to the sea) and the Arab neighborhoods of Ajami and Jabaliya (east of Kedem Street) (Local Master Plan No. 2660), was drafted by the local municipality to provide a solution to the problem of the physical deterioration and social disintegration of these two neighborhoods (see map no. 1).¹ On the slope, the building plans were suspended and only the reclaimed area is now being



Map no. 1: Tel Aviv-Yaffa: Division of neighborhoods and sub-neighborhoods



NAKBA

dealt with.² The plan was submitted for approval as long ago as 1965 and first began to be implemented at that time. However, it was only finally approved by the planning authorities in January 1995. Over the years since the plan was first submitted, the municipality's public planning policy has altered significantly with regard to these neighborhoods.

A serious assessment of the magnitude of the implications of the public planning policy in Jaffa on its Arab residents must consider the status and importance of Jaffa in Palestinian society prior to its occupation in 1948. Jaffa developed into a major port city under Ottoman and British rule, and a major political, economic, social and commercial center. The city established commercial contacts both inside and outside the country and became renowned, among others things, for its thriving citrus industry. Its prestige grew to the extent that it became known as the "port city of Jerusalem" (Kark, 2003). The 1948 War of Independence, according to the Jewish narrative, or the *Nakba* (catastrophe), in the Arab narrative, stunted the urban development of Jaffa and the surrounding area, along with other Arab cities in Israel. Of the approximately 70,000 Arabs living Jaffa in its heyday in 1947, only a small percentage of Arabs did not flee from or were not expelled from their homes. The remaining Arab population – around 3,800 people in total – was concentrated

in Ajami and Jabaliya, which were subjected to Israeli military rule until 1950 (Portugali, 1991). Ajami and Jabaliya (named *Givat Aliya* in Hebrew) were thereafter known as "the Arab neighborhoods". The Al-Menashiya neighborhood was destroyed and the Old City of Jaffa deserted (Mazawi and Makhoul, 1991).

In 1950, Jaffa was merged with Tel Aviv and became one of the city's districts (District 7). Henceforth, the official name of Tel Aviv became Tel Aviv-Jaffa. The cultural, social and economic structures that had been part of Jaffa's past collapsed entirely, as did its Arab community institutions, which ceased functioning. The Arab local leaders and other members of the upper-middle socio-economic classes abandoned Jaffa, leaving behind a devastated community lacking a local leadership and comprised mainly of people of low socio-economic standing. Thus Jaffa, whose former status had earned it the epithets, "The Bride of the Sea" and "The Bride of Palestine," became – in the words of Shaker (1996) – the "slum of Tel Aviv". The public planning policy that has guided the municipality over the years, which I shall review below, is one of the main reasons for the current dismal state of Jaffa.

In the 1960s, an urban renewal policy was implemented, consisting of evacuation-construction and "brutal rehabilitation", which was used widely in



the Western world (Kipnis and Schnell, 1978). The plan involved evacuating and demolishing poor neighborhoods and placing the destitute population in public housing in other areas of the city. Most of the new neighborhoods planned for the evacuated areas were designed for a middle or upper class population (Hall, 1988). It was assumed that poverty could thereby be eradicated and private investment in the area stimulated (Carmon, 1993, 1997; Erez and Carmon, 1996). This assessment did not encompass the preservation of old buildings or houses of unique architectural or historical value, nor did it take into account the social problems likely to arise in the wake of the evacuation of entire neighborhoods. The “evacuation-construction” project, part of the Jaffa Slope project, that was planned for the neighborhoods of Ajami and Jabaliya involved evacuating the existing inhabitants (Arabs and Jews) from the space and demolishing some of the existing structures in order to build luxurious housing on the empty land for people of medium and high socio-economic means.

The plan also involved expanding the building areas by reclaiming a strip of land from the ocean (the site was declared a regional dumping ground for construction waste). The reclaimed site became an environmental, sanitary and aesthetic hazard for those living on the coast and to the marine environment (Or-Savorai,

1988). Though not official (Portugali, 1991), the policy of demolishing homes was nevertheless effective. Within the scope of the plan, the Israel Land Administration and the Amidar Housing Company, an Israeli housing company owned and operated by the government, demolished – with the support of the authorities – as many as 1,347 residential buildings (Shaker, 1996), amounting to 41.4% of the total number of residential units in Ajami and Jabaliya from the mid-1970s to the mid-1980s (Municipality of Tel Aviv-Jaffa, 1993). The policy of evacuating and rebuilding the Arab neighborhoods, which was accepted by the Municipality of Tel Aviv-Jaffa and the Israel Land Administration, was implemented by contractors – the Amidar and Halmish building companies – over the course of approximately twenty years. It involved placing a freeze on new building, banning renovations, demolishing or sealing off buildings, and deliberately perpetuating the underdevelopment of the area (Mazawi and Makhoul, 1991).

The vacant, untended plots and abandoned and partially-demolished buildings, together with a decline in the quality of municipal services, lent the two neighborhoods an air of dysfunction. However, despite the deterioration of the area and the destruction of most of its infrastructure and buildings, most of its original inhabitants continued to live



there, a majority of whom were Arabs (Center for Socioeconomic Research, Municipality of Tel Aviv-Jaffa, 2003). Most Jews were able to leave the neighborhoods since they had the choice between financial compensation and public housing in other neighborhoods in Tel Aviv-Jaffa (such as Jaffa Daled) or in nearby cities (e.g. Bat Yam, Holon or Ramat Gan). Conversely, only one alternative housing project³ was built for Arab inhabitants and it failed. Thus Arabs were left with the sole option of obtaining financial compensation, but this was not sufficient to enable most of them to relocate to other neighborhoods.

In the mid-1980s, public planning policy in Jaffa changed. Instead of “evacuation-construction”, the authorities adopted a policy of renewal, rehabilitation and development with the participation of local residents. Emphasis was placed on the combined tackling of physical planning problems and social problems. The catalyst for this change in policy was the harsh criticism that was leveled against the policy of urban renewal through brutal rehabilitation. Those implementing the plan were accused of disregard for the evacuees and of excluding them from the drafting process, as well as shortsightedness with regard to the heavy emotional toll extracted by forced evacuation and the social costs of destroying healthy communities (Carmon, 1993). In the spirit of the new planning

concept, the municipality sought to include the Ajami neighborhood in the national Neighborhood Rehabilitation Project, launched in the late-1970s. The municipality realized that the urban degeneration that was spreading throughout Jaffa would not be conducive to the creation of the infrastructure of a modern new neighborhood, and that it would not be possible to solve the problems of the Arab population without rehabilitating it on its own territory (Menachem and Shapiro, 1992). However, the Neighborhood Rehabilitation Project came to an end in 1994, before the physical and social aims of the project had been fully realized (Menachem and Shapiro, 1992).

From the beginning of the 1990s to the present day, the emphasis of the rehabilitation and development policy of the Tel Aviv-Jaffa Municipality has shifted to focus primarily on business and economic factors (Carmon, 1993). This shift has given way to rising private enterprise, with public involvement. Private and public enterprise has primarily been reflected in the process of gentrification⁴ (Ley, 1992; Short, 1989; Gonen and Cohen, 1989; Mazawi and Makhoul, 1991; Ginsberg, 1993; Monterescu and Fabian, 2003), which has seen the launch of housing projects for the wealthy population. The gentrification process has implications for the urban and social space in that it is instrumental to



urban renewal, and can help to eradicate poverty. It can also alter a neighborhood’s image and status by bringing in more affluent residents while driving out the original, poorer inhabitants, and thereby damaging the social fabric of their communities (Schnell and Greitzer, 1994).

At first glance, the gentrification process in Jaffa appears to have been a natural urban process. In fact, however, it has been primarily driven by the municipal authorities through the investment of budgetary funds, the granting of building permits to real estate developers and individuals, the acceleration of the process of approving urban building plans, and rezoning of the land in Ajami (Monterescu and Fabian, 2003). This process is the response of a “defensive space”: the dominant Jewish group is defending itself against the original ethnic group by attempting to alter the demographic balance in the area. This defense is achieved through the gentrification of the traditionally Arab neighborhoods, a process which attracts a new Jewish population to these areas. Gentrification can therefore be perceived as a means of occupying the indigenous city that takes place at an advanced stage of the settling process. As a result, the native Arab group views the gentrification process as a violent invasion of its space and as an attempt to intensify competition over the national and ethnic identity of

the land. This feeling is heightened by chronic housing shortages in the traditional Arab neighborhoods. Such sentiment was recently expressed in demonstrations that were staged in Jaffa in April 2007 in protest against the acute shortage of housing for young Arab couples and the authorities’ failure to address this problem.

The national, economic and socio-urban interests behind the implementation of the Jaffa Slope project

The website of the Municipality of Tel Aviv-Jaffa features a copy of Urban Building Plan 2236, the Jaffa Slope project. The Jaffa planning team and the Jaffa local administrative unit, established by the local municipality, provide extensive planning information on the upgrading of Jaffa’s image within the urban landscape of Tel Aviv-Jaffa. The Israel Land Administration speaks of land privatization processes, the marketing of land to the public of Jaffa under preferred terms and ongoing investments in Jaffa as part of the general rehabilitation of the space. All of the above creates the impression that the discourse surrounding the Jaffa Slope project revolves around the professional spheres of planners and architects, who strive to rehabilitate the urban fabric to the benefit of the current and future populations. The discourse employs the universal language of



planning and architecture, which is devoid of any political or nationalistic expressions and is presented as a means of attaining functional and aesthetic goals in Jaffa for all citizens on an equal basis. It makes no reference to local history, culture or politics. The technocratic, rational character of this discourse blurs and obscures the implications of the Jaffa Slope project for the local Arab population and camouflages the Jewish national interest in gaining control over the land, as well as the economic interests that are involved in land privatization.

In the mid-1980s, the Municipality of Tel Aviv-Jaffa declared that its sights were set on the south of the city with the objective of rehabilitating the physical and social fabric of Jaffa, following many years of neglect. The Jaffa planning team was established for that purpose. The team came to the realization that the policy of rehabilitation through evacuation and construction had failed and that the Jaffa Slope project must be implemented in a different manner in order to achieve the following goals: preserve the area's urban characteristics and unique landscapes; nurture Jaffa's unique features to attract a new population to reinforce the existing one; and rehabilitate the local population within its traditional neighborhoods (Municipality of Tel Aviv-Jaffa, 1997). The rehabilitation of Jaffa required a massive allocation of resources. To this end, the municipality took action on

several levels. It promoted the drafting of an urban building plan for Jaffa to enable future construction in the area. It spearheaded efforts to include Jaffa in the Neighborhood Rehabilitation Project, and identified – through the Jewish Agency – the Jewish community in Los Angeles as a donor community for the rehabilitation project in Ajami. The municipality signed an economic agreement with the Israel Land Administration, the owner of the land and the structures standing on it, according to which the latter would allocate part of the profits from the sale of property in Jaffa to the development of its infrastructure. These actions made the implementation of the Jaffa Slope project possible.

In the mid-1990s, the Ministry of Housing and Construction initiated two separate public housing projects for Arabs living in Jaffa. The first project was designed for those entitled to housing in Jaffa's Arab community by the ministry. However, of the 400 housing units that were promised, only 50 were actually delivered. The second project was designed for young Arab couples and allowed them to construct their own houses on the land. However, the project failed due to the high development costs involved and because it was located outside of the traditional Arab neighborhoods. In the summer of 2001, a second attempt was made to market the "build your own house" project. This



attempt also ended in failure, for similar reasons. The municipality assumed that the project had failed because it lacked provision of housing, a problem which it held must be solved at the governmental level by the Ministry of Housing and Construction.

The Jaffa local administrative unit, which operates under the auspices of the Municipality of Tel Aviv-Jaffa, was established in 1999 to promote social and physical projects in Jaffa tailored to its particular needs (Municipality of Tel Aviv-Jaffa, 2003). The unit was another means through which the municipality attempted to demonstrate its willingness to address the problems faced by Jaffa and its Arab residents in a genuine manner and to promote its development and physical and social rehabilitation.

A description of the municipality’s activities reveals what is, on its face, a genuine attempt at the socio-urban rehabilitation of the traditional Arab neighborhoods. The resentment that these actions provoked among the Arab community is therefore puzzling at first glance. However, this resentment⁵ reflects their fears over the implications of the plan on their future in the area as individuals and as a community, rather than the community’s objection to rehabilitation and development *per se*. The development plan attracted investors to Jaffa, who acquired land and property through competitive bids. Consequently

property prices in Jaffa soared to levels that drove the local Arab residents out of the competition. Massive, modern, luxury construction will bring a change in the local architectural landscape and efface its cultural past. Moreover, the Arab neighborhoods provide a sense of belonging and protective domesticity (Suttles, 1972), in the sense of personal and cultural security. Thus the struggle against the Jaffa Slope project is perceived by the Arab residents of Jaffa as an existential struggle against the destruction of the existing social fabric, and the “build your own house” project is not viewed as a viable solution to the housing problem, for the reasons discussed above. These factors substantiate fears that the Arab population will be excluded from their traditional neighborhoods and be evicted from the area, and that Jaffa’s Arab community will continue to disintegrate.

In addition to socio-urban rehabilitation, national and economic motivations underlie the efforts to advance the implementation of the Jaffa Slope project in its current format. The national Zionist movement, whose mission is to redeem the land and conquer the desert, had consolidated an ideology of Judaizing the space even before the establishment of the State of Israel (Yiftachel, 2006). This ideology was the basis for the belief among the supporters of Zionism that they could settle on Jewish land and demarcate its boundaries. Consequently, at the heart of



Zionist nationalism lies the project of de-Arabization, which has been conducted through the demographic, political and cultural homogenization of the territorial space and the de-ethnicization of the Arabs in Israel (Shenhav, 2006). Policies for implementing the Jewish ethno-national ideology have focused and continue to focus on the issue of land. It uses state institutions and non-governmental Jewish organizations, such as the Jewish National Fund and the Jewish Agency (Yiftachel and Kedar, 2003), to achieve its goals, which include the dispersion of the Jewish population throughout the land space in Israel, the *mitzpim* “lookout” settlements in the Galilee the *cokhavim* “star” settlements and the “individual” settlements in the Negev.⁶ The way in which the Jaffa Slope project has been implemented reveals that the intention of its implementers is the Judaization of the space, even if there has been no official public declaration to this effect. The plan obscures the Arab community’s ideological and material connection to its traditional neighborhoods in various ways, all of which are indicative of the exclusionary nature of the spatial policy.

Firstly, as mentioned above, the municipality was engaged in the methodical destruction of housing units in the traditional Arab neighborhoods in Jaffa over a period of around twenty years and contributed to the underdevelopment of

the area. These policies were instrumental in driving the Arab community out of its traditional neighborhoods and in effacing its history, architecture and culture there. Secondly, and in retrospect, the Neighborhood Rehabilitation Project of the 1980s served only a small minority of Jaffa’s Arab inhabitants, and failed to compensate for the many previous years of physical and social neglect (Mazawi and Makhoul, 1991). Thirdly, the support provided by the municipality for the process of gentrification led to an increase in the rental value of properties and related expenses. Since most Arab inhabitants were financially unable to bear the tax burden or buy the properties, they left the area. Moreover, the Jaffa Slope project applies to the existing division of land, according to which building can be carried out on small areas of land only. The building zones for the areas covered by the plan are limited (the average area per housing unit is about 100m²), the building density is low (at about 70% coverage), and the height of the buildings cannot exceed three storeys. Thus the homes that have and will be built in the area covered by the plan will be suited to a culture that encourages small families, and not Arab culture, which traditionally encourages large families. Moreover, small housing units will prevent the neighborhoods’ local Arab residents from preserving its current living arrangements, in which parents live with their married children and families.



The resulting overcrowding will also probably drive many of the original Arab inhabitants out of the area.

Furthermore, within the scope of the project statutorily unregulated commerce in the Ajami market (known as the Citron Market or Gan-Tamar Market), was halted and its illegal operators (who according to the Municipality were merchants from Gaza) vacated. A large structure, the ground floor of which will house local shops and the upper floors residential apartments, is now planned in its stead. The building will also feature a European-style piazza, suited to the envisioned future population (Interview with the Jaffa planning team’s architect in the Municipality, 2007). The planners expect that this residential building will attract a non-local population of an average socio-economic status, both because this socio-economic group has yet to coalesce in Jaffa and because of the European-inspired building style. The evacuation of the market primarily affected the poor population – namely the majority of the local Arab community – which was then forced to shop on Jerusalem Avenue and therefore to pay more for their goods.

The plan also includes several “flagship projects” built on large plots of land, including Andromeda Hill and Jaffa Village, which offer secluded residential grounds that are isolated from their physical and social environment. These

projects are designed for residents of a high socio-economic status and ensure the local Arab population’s exclusion from the space. Indeed, the planners anticipate that the influx of a Jewish population of an average-to-high socio-economic status will lead to a maximal out-flux of the local Arab population from the traditional neighborhoods, and that only the Arab economic elite will be able to afford to remain in these neighborhoods. This restricted segment of the local population, which is expected to aspire to the pleasures of a luxury environment, will blend more easily into the new population and adapt to the majority culture. Thus, the physical and symbolic presence of the Arab residents in Ajami and Jabaliya is to decline and the area to assume a Jewish identity.

Accordingly, the implementation of the Jaffa Slope project assumed an ethno-national, Judaizing character. In the 1990s, it also took on an economic aspect, a development which reflected the structural changes that had taken place within Israel’s state economy over the previous two decades, most notably the process of liberalization, through which direct state involvement declined and that of private business grew (Aharoni, 1998). Within Israel’s economic structure there was a declining role for the state in the division of revenue and capital, and a greater openness to the world market and processes of privatization. These processes



permeated Israel's planning policy, even if the planning authorities did not adopt a specific policy of privatizing public space. In Jaffa, these processes were reflected in support for private and public gentrification, through offering tax incentives and foreign capital investments, for example in Andromeda Hill, and the acceleration of the privatization process by the Israel Land Administration. Luxury buildings as well as private and public investment in infrastructure have attracted an affluent population to the area, which in turn has brought quality services and luxury stores. This process has led to an increase in the rental value of the land, which has generated an increase in municipal taxes in the area, to the benefit of the public purse.

Furthermore, in flagship projects such as Andromeda Hill and Jaffa Village, the municipality transfers the costs of developing and maintaining the public areas to the tenants, thereby reducing its own expenses. Conversely, the circle of service providers and blue-collar workers expands. Prima facie, this policy would appear to benefit the general good and raise the economic status and thus quality of life of local inhabitants through the raised value of their properties. In fact, however, it has led to a situation in which local Arab inhabitants, the majority of whom are poor, cannot withstand the financial competition or the cost of maintaining property in expensive areas,

and are forced to leave for other poor neighborhoods. In practice, class polarization in Jaffa has grown and the Arab residents have been compelled to provide labor and services to new, rich Jewish inhabitants.

The Establishment Discourse: A policy of socio-urban rehabilitation

The establishment discourse that surrounds the Jaffa Slope project echoes a more general narrative about socio-urban rehabilitation. The quotations provided below were selected from among approximately thirty interviews conducted with representatives of the Jewish establishment (the Jaffa planning team within the Tel Aviv Municipality, the spokesperson for the Jaffa local administrative unit, the Israel Land Administration – Tel Aviv District) between 2003 and 2004 and in 2007. The establishment discourse focuses on the shifting physical, social and class character of the Arab neighborhoods and on improving the quality of the lives of the local inhabitants. The focus on these particular factors stems from tension that developed between the establishment and local Arab inhabitants as a result of long-standing neglect and unmet promises of rehabilitation. The establishment lacks understanding or recognition that any process of rehabilitation and preservation must be inclusive of the residents within their traditional neighborhoods and their



national heritage, and be commensurate to their financial capacity. No other form of development will ensure sustainable development for Jaffa and its original inhabitants.

The plan, in its new format, has become a pro-resident plan. It will enable residents to build, renovate and even buy their apartments from the Israel Land Administration. In fact, it will enable them to continue to live in Ajami in far better environmental conditions... The Jaffa Slope project will attract affluent people of a higher socio-economic level and ultimately alter the image of these neighborhoods from poor neighborhoods into the pearl of Jaffa.

Interview with an architect from the Jaffa planning team, 2 February 2004.

It is important to stress that a large portion of the profits will be channeled back into Jaffa. We have an agreement to this effect with the municipality. As far as we are concerned, we are prepared to sell both to the residents and on the free market in order to promote development and enhance the appearance of the neighborhoods. Selling on the free market is important in order to bring new, affluent blood to Jaffa and change its unfortunate image.

Interview with the Head of the Israel Land Administration – Tel Aviv District, 26 January 2003.

All of the plans include directives for preserving the existing physical fabric, and design directives that are suited to the current style. Expropriations are kept to a minimum and there is sensitivity to the existing structures... The new buildings will also display different styles, including a European piazza and elongated windows instead of rounded ones. They [the locals] will have to get used to it or leave. But in any case, the majority will leave because they will not be able to bear the financial burden of maintaining the property and living in a luxury environment.

Interview with an architect from the Jaffa planning team, 8 January 2007.

The Local Arab Discourse: The Municipality’s policy as an existential threat to the community

The local Arab discourse surrounding the Jaffa Slope project revolves around a struggle for control of the area and its Arab identity. The quotations below were selected from approximately one hundred interviews conducted with members of Jaffa’s Arab community between 2003 and 2004 and in 2007.

The local Arab discourse reflects a fear of an intent among the establishment to rid Jaffa of its Arab inhabitants and to Judaize the city. The Arab residents of Jaffa are aware of the fact that, as an ethnic minority in the city whose already weak influence is likely to evaporate within a



space that is controlled by the majority, becoming further dispersed as a community means being cut off from religious sites, Arab public institutions and a supportive social and spiritual environment, as well as the disintegration of the very fabric of their society. Therefore the struggle is perceived as being existential in nature. As a minority whose historical existence in the area has been interrupted and whose cultural and physical character has been devastated, nationalism by itself has not provided enough of a basis for identity, and therefore the local space has played a central role in maintaining the national-cultural identity of the Arabs in Jaffa (Schnell, 1994). The sense of territoriality within the traditional Arab neighborhoods in Jaffa is reflected in the concept of “sense of place”, as proposed by Relph (1976), who stressed the manifestation of feelings of identification with a place as a function of experiences that are attributed to the place, and then used to identify it. The physical changes that have been made to the environment and the altered composition of the Arab community in Jaffa have made experiences of the place for its Arab inhabitants a distant memory that cannot be recaptured.

Since 1948, attempts have been made to erase Arab Jaffa. The municipality, through its policy and plans, is waging a battle for the character of the space,

seeking to turn the once Arab city into a Jewish one.

Interview with a 28-year-old Arab woman living in Jaffa.

The Jaffa Slope project and the land reclamation were designed to develop Ajami not for the benefit of the Arab inhabitants who live here, but at their expense. These plans rob Jaffa’s Arabs, who are mostly poor, of any opportunity to continue to live in Jaffa. The plans expel the Arabs from their homes and their city... Building luxury neighborhoods creates a situation in which only people of high a socio-economic status can afford to buy homes here – in other words, Jews. Thus the plans were not designed to rehabilitate Ajami, but to Judaize it. This is a sophisticated way of kicking the Arabs out of here and settling Jews in their stead. If the idea really is to carry out renovations for the sake of the local population, then why is renovation not allowed? Why is there no construction for the Arab community? Why is there no building for young couples? New, expensive construction is beyond the financial means of most of the Arabs living here, and the only people who will be able to live here are rich Jews.

Interview with a 49-year-old Arab woman living in Jaffa.

The gentrification process has been partly



spontaneous and partly the result of the planning initiatives of the local municipality, which have attracted private developers, real estate developers and wealthy individuals seeking highly profitable investments in Jaffa. At the beginning of the 1990s, the price of real estate in Ajami began to climb, and at its height in the mid-1990s reached the sum of 300,000 US dollars for a small house built on a 60m² plot (Sheffer, 2003).⁷ As a result, local inhabitants were excluded from the space they lived in and from any share of the profits earned from the property in that space.⁸ The involvement of the municipality in initiating and investing in these projects, coupled with the shortage of resources allocated for renovations and building residential units for the local population in the traditional neighborhoods, compound the sense of exclusion of Jaffa’s Arab inhabitants.

The municipality’s policy is clear: Jaffa is for sale! Jaffa is on the free market for the highest bidder. The municipality is calling the money to Jaffa, regardless of whether it comes from a Jewish contractor, an Arab broker or a foreign investor... Take me, for example. My mother’s house was sealed off twenty years ago and declared unfit for habitation by the municipality. Now, from the apartment I am renting from the Amidar, I see how a Jewish contractor is making a profit in dollars

on my mother’s renovated house.

...

To wage war against the municipality. To wage war against the private developers and assessors. This is what we want in Jaffa, so that any rich developer will think twice before coming to buy up property in Jaffa.

Interview with a 45-year-old Arab man living in Jaffa.

The Jaffa Slope project has evoked strong fears of mass evacuations from the area, similar to those that were carried out in the 1970s and 1980s. These evacuations were conducted through legal means, be it by slating a building for demolition, expropriating yards and other parts of homes for public purposes, or by offering the building owners large financial incentives to leave. The financial compensation provided in exchange for dilapidated homes (since renovations are prohibited) is not sufficient to purchase a new house in Ajami, but only a small apartment in a housing project in Jaffa or another city. The end result is that Arabs are leaving the traditional Arab neighborhoods and are being cut off from its religious and cultural institutions.

They [the municipality] cheat people into leaving their homes, but they do it legally. They don’t let you renovate and they let your house get run down until the roof falls in over your head, and if



that doesn't work they tempt you into leaving for money, which is not enough to buy a place in Jaffa. And if that doesn't work, they build a highway through your living room. How do they do it? They confiscate it – it becomes public property. They tell you that you're best off taking monetary compensation and for you it's the best solution. Move cheaply to Lod, to Ramle, maybe to a village in the Triangle... You end up with small change, stuck in a housing project apartment that doesn't belong to you, far away from everything you've ever known.

Interview with a 38 year-old Arab man living in Jaffa.

The implications of the Jaffa Slope project for the native population and for Arab-Jewish relations

The future of the local Arab community in the traditional Arab neighborhoods of Jaffa is uncertain, since it has not been defined by the state as a unique ethno-national minority within a predominantly Jewish space. Such a definition would have made it possible to preserve the Arab culture and identity within these traditional neighborhoods and reduce the possibility of their disappearing into the recesses of planning history. Planning policy in Jaffa has been guided over the years by ethnic logic, which breeds disregard for the historical background

and the local cultural characteristics of the city. Entire streets, with their unique architectural and cultural flavor, have vanished forever. Today, even though some preservation directives have been issued, as well as design directives and a guarantee that the Jaffa Slope project will serve the “general good” of all citizens, the main issue seems to have been forgotten, namely, the fate of the native Arab community of the city. The planning institutions, their architects and planners are committing the mistake of creating an imaginary essence of Jaffaesque, designed to attract wealthy people to fill up the public purse and create an exclusive “Jaffaesque” style.⁹ However the original essence and identity of the space will be tarnished in the process and ultimately fade away. Thus we will have Ajami without Ajamites, a Jaffa Slope without fishermen, and pseudo-Jaffan houses with Western inhabitants. Mazawi and Makhoul (1991) have aptly described the phenomenon of forgetting the human essence that gives meaning to a place, and characterizes, in my opinion, institutional structures and their representatives – architects and planners – who shape our space, as follows:

Jaffa is an ancient city that is estranged from its past, transplanted like a foreign limb on the wings of history; a city that presents the official, commercialized version of a time that never was, of inhabitants who never existed. Historical



uniqueness and cultural spatial authenticity are relegated to a remote corner and become victims at the altar of the war of cultures. Nothing is reminiscent of Arab Jaffa anymore, not a single tattered painting in a side room of a local museum, not a single street or alley name. Time has evaporated and a distorted present is speaking on its behalf in a new language... The Old Jaffa project takes its inspiration from a politico-economic perception according to which non-Jews are considered nationless, culture-less cave dwellers who left not a single trace worthy of inclusion in the chronicles of the city...

As a result of the municipality’s planning policy, most of the native Arab population will leave Jaffa, unable to compete for housing on the free market, buy apartments in the traditional Arab neighborhoods or pay high property taxes. What will ultimately remain in these neighborhoods is a limited segment of the native Arab population, of an average-to-high socioeconomic status, which is capable of bearing these economic burdens. One can already see the mansions of Jaffa’s wealthy Arab families, which have sprouted up in the last two to three years. This spatial pattern, which is taking shape before our eyes, is the lesser of two evils from the viewpoint of the municipality’s public planning policy. The few Arab inhabitants who will remain in

Jaffa as an insignificant minority will redecorate the imaginary Jaffaesque environment with a few authentic drops of color, rather than paint it with broad brush strokes.

Today’s development policy in Jaffa has generated an environment in which openness toward the original, indigenous setting is not encouraged, but rather intensifies competition over ethno-national identity and further exacerbates spatial isolation in Jaffa. Like Andromeda Hill, other similar projects planned for the surrounding area will increase the sense of alienation between the two population groups, although a significant socio-economic gap between either is unlikely, since the Arabs who remain in Jaffa will be relatively prosperous. However, in everyday life, spatial seclusion will persist, the Arab minority will remain across the fence from “pure Israeliness” and occupy the new space as a handful of individuals within the surrounding Jewish space, from which they will be cut off (Goldhaber, 2004).

In summary, behind the Jaffa Slope project lies the local municipality’s undisguised and openly declared interest in socio-urban rehabilitation, as well as camouflaged interests based on the ethnic logic of Judaizing and privatizing the space. Revealing and recognizing these other interests serves to bring their victims into focus. The implementation of the plan has generated a discourse within the



establishment that extols the virtues of socio-urban rehabilitation. Conversely, the local Arab discourse flags up the masked interests of Judaization and privatization of the space as threats to the ongoing survival of their community in their traditional neighborhoods. Contrary to Monterescu and Fabian (2003), who perceive waning nationalism as a sign that the national project in Jaffa has come to an end and that neo-liberal forces are rising in its place, I contend that the objective of Judaization remains endemic and that the force of nationalism has not, in fact, waned. Rather, it has been channeled towards the technocratic strongholds of planning committees and tenders that merely camouflage its presence.

The sense of existential danger among the Arab community in Jaffa stands on a very real foundation, given that the Jaffa Slope project does not involve construction appropriate to the majority of the Arab population inhabitants. This population will ultimately be forced to move out of the traditional neighborhoods and scatter across Jaffa and other Arab towns and villages. The dispersal of Jaffa's Arab community within the space is tantamount to a death sentence.

Notes

- 1 The plan is currently being implemented only in the Ajami and Jabaliya neighborhoods; Local Master Plan No. 2660.
- 2 I shall also use the term "the slope project" in reference to the Arab neighborhoods.
- 3 In the 1970s, several apartment buildings for Arabs were constructed in the southern part of the Jabaliya neighborhood, bordering Bat Yam. However, the inhabitants' response to offers to buy apartments in these projects was subdued. Their reluctance was due to the high building density, apartments that were too small to house large families, high prices, the lack of suitable community services and, in particular, the great distance separating them from the community's public institutions in Ajami (Mor, 1994).
- 4 The process of gentrification refers to the transformation of neighborhoods in decline housing a population of a low socio-economic status into neighborhoods of a higher socio-economic status through an influx of "yuppie" and "dinky" populations (Gonen and Cohen, 1989). These mid to mid-upper class populations move into the lower-class neighborhoods, improving the neighborhood environment and creating a residential style that reflects the preferences and values of their class. As a result, the physically deteriorated neighborhoods "siphon upward" on the housing market and their rental value increases. The gentrification process is part of a more comprehensive, multi-dimensional process through which the residential boundaries of the middle classes are expanded. This process occurs in Western cities and is also common in Israel and is primarily the result of an increase in the ranks of the middle classes over past decades following a general increase in standards of living.
- 5 One of the clearest manifestations of the Arab community's resentment is the hundreds of



objections officially submitted by residents of Ajami against the Jaffa Slope project. Another is the activities of Al-Rabita, the League for the Arabs of Jaffa, which organizes protest actions questioning the ethics of the spatial plans drafted for Jaffa and stressing the historical injustice that has been perpetrated against the Arabs of Jaffa. The League further appeals to public opinion and the press and petitions the Israeli Supreme Court. It provides Arab inhabitants of Jaffa with professional, financial and technical assistance to help them to avoid selling their homes.

- 6 These are the names of different kinds of Jewish settlements.
- 7 The sale price of a sea-facing apartment was estimated to be similar to that of a similarly-sized apartment in the luxury areas of the city. In other areas in Jaffa prices are approximately 100,000 US dollars lower than the prices in Ajami (Table of Apartment Prices provided by Yitzhak Levy, 2000). The table was published prior to the events of October 2000, following which the demand for apartments in Ajami from people outside of Jaffa fell for around a year and the prices of apartments plunged to less than half of their previous value (Sheffer, 2003).
- 8 Ajami and Jabaliya were ranked 4th of 100 in the socio-economic ranking of the city's neighborhoods (Hadad and Fadida, 1993).
- 9 The engineering department in the municipality published a detailed design manual for the “Jaffaesque” style, that applies to all construction in Jaffa (Municipality of Tel Aviv-Jaffa, 1995).

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“Reprogramming” through Forced “Modernization”

The Editors

The village of Khashem Zanneh stands on its own land... I have a relative who is 86 years old. He has lived in the same place since he was born, long before the state was established. He plows, plants, grows wheat and raises sheep – all in the same place. This is the only place he knows. It is his land. No one can come and take this place. It’s an injustice... to come one morning and take it all and erase what is there. It’s impossible. To come and erase history and a person’s background and to say that they are reprogramming him to be different... I grew up in this tradition and I want my children to grow up in it too. I want my village to work in this way. I also want modern agriculture, but this is the basis that I want to preserve.

Mr. Riad al-‘Athamin, an Arab Bedouin citizen of Israel and a resident of the unrecognized village of Khashem Zanneh in the Naqab (Negev). Statement provided at a hearing held before an investigator nominated by the National Council for Planning and Building on objections to the Be’er Sheva Metropolitan Plan on 2 July 2008, pp. 20-21 of the hearing protocol.

The words of Mr. al-‘Athamin illustrate how one resident of the unrecognized village of Khashem Zanneh views the State of Israel’s policy of dispossessing the Arab Bedouin in the Naqab from their land and attempting to concentrate them in modern towns. Al-‘Athamin presented his narrative as a protest against the Be’er Sheva Metropolitan Plan, which effectively determines the future of tens of thousands of Arab Bedouin residents of the unrecognized villages, who stand to lose their homes, land and even the very social fabric of their communities.

Many of these unrecognized villages survived the War of 1948, and their tribes live on the traditional land of generations of their forefathers. The remaining unrecognized villages were established at the order of the Israeli



military government in the 1950s, following the eviction of Bedouin tribes from their land in the western Naqab and their transfer to what was known as the “fence area”, adjacent to the Israeli-Jordanian border at the time.

Enormous gaps separate the narratives of the Arab Bedouin in the Naqab and the Israeli authorities. The Arab Bedouin regard themselves as an indigenous population with unique characteristics; they seek to play a central role in determining their own development. According to the institutional narrative, however, the Bedouin are not a distinctive population group, and they lack any historical or other connection to the place. In the state’s view, the process of “modernization” is for the good of the Arab Bedouin; this position directly contradicts the will of the Arab Bedouin and the United Nations Declaration on the Rights of Indigenous Peoples [hereinafter: “the UN Declaration”].¹

After many years of struggling for official acknowledgement of their rights and needs as a group and as individuals in states in which they are present, indigenous peoples succeeded to draft the UN Declaration and eventually to get it passed. In a session held on 7 September 2007, the UN General Assembly adopted the final draft of the UN Declaration, which addresses, in Article 1, the right of indigenous peoples, as a collective and as individuals, “to the full enjoyment of all human rights and fundamental freedoms, as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.”

The following quotations from a hearing held on 2 July 2008 on objections to the Be’er Sheva Metropolitan Plan illustrate the gulf that lies between the narrative of the Arab Bedouin and that of Israel. Mr. Yunis al-Atrash, an Arab Bedouin resident of the unrecognized village of Sa’weh, emphasizes the everyday lives of the villagers and their social, cultural and historical ties to the place. However, Mr. Tal Pudim, a representative of the Israeli planning authorities, completely ignores the aspirations of the Arab Bedouin, disregards their cultural and historical ties to the land, and seeks to transfer them from their ancestral villages. The Israeli planning authorities have taken a similar attitude toward the members of the Abu al-Qi’an tribe, whose members they propose to relocate for a second time, irrespective of their desire to remain in the location where they were born and continue to live.



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The village [Sa’weh] has been standing for over 150 years. The oldest person in the village was born here in 1933... The land is used for housing. There are 155 houses, two mosques, and four ancient wells more than 100 years old. *Yunis al-Atrash, hearing protocol, p. 3.*

At the time of the establishment of the state in 1948, the Abu al-Qi’an tribe was living in Shuvalim [Wadi Zubala in Arabic], next to Rahat. On 27 June 1956, the military government concluded an agreement with the leader of the tribe, Sheikh Farhud Abu al-Qi’an, to build the village of Atir-Umm al-Hiran... It was a desert, with no roads, water, houses or services. We built the village, invested in our homes, roads and water pipes... I was born in 1956. Today I am 49 years old. I was born there.

Sheikh Khalil Abu al-Qi’an, a resident of the unrecognized village of Atir-Umm al-Hiran, hearing protocol, p. 6.

Importantly, Article 8(2)(a) of the UN Declaration obliges states to protect the indigenous peoples who live within their borders from any act aimed at depriving them of their cultural values or ethnic identities. For that reason, Article 8(2)(b) stipulates that states are prohibited from dispossessing indigenous peoples of their lands, territories or resources. In addition, Articles 8 and 10 of the UN Declaration forbid the forced relocation of indigenous peoples in a way that undermines their rights. According to

It is planned that the members of the al-Atrash tribe, who currently live in Sa’weh, will be transferred to the village of Mulada, which is earmarked for construction to the south of Route 31.

Tal Pudim, Director of Planning and Programs, Regional Planning Bureau – Southern District, hearing protocol, p. 5.

The state’s solution for the Abu al-Qi’an tribe, which is located on two sites (Umm al-Hiran and Atir), lies in the town of Hura, in neighborhood 9, for which a detailed plan has been prepared, and in neighborhood 12, for which a plan has yet to be submitted.

Tal Pudim, hearing protocol, p. 6.





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Article 10, “No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned...” Further, these provisions stipulate that if such a transfer does take place, states are obliged to reach an agreement with the members of the indigenous people that provides for just and fair compensation, and preserves their right to return, where possible, to their territory.

The following section of this volume contains selected excerpts from an objection submitted by Adalah to the planning authorities against the Be'er Sheva Metropolitan Plan as it pertains to the unrecognized villages in the Naqab and the rights of their Arab Bedouin residents, who are citizens of Israel. This document is followed by excerpts from the response given by the District Planning and Building Committee (Southern Region) to the objection filed against the plan by Adalah. This response was presented orally during a hearing held before the investigator appointed by the National Council for Planning and Building. The response of the District Planning and Building Committee makes no reference whatsoever to the rights of the Arab Bedouin in the Naqab as an indigenous people, to its distinctive characteristics, to the significance of the historical processes that preceded and followed the establishment of the State of Israel in 1948 (including those that turned a large portion of the Arab Bedouin into internally displaced persons within the state), or to the demands made by the Arab Bedouin concerning their present and their future.

The Israeli authorities' response exemplifies its condescending narrative according to which the state “knows what is best” for the Arab Bedouin and aims to fulfill its own view of their future in its own way. Ms. Alicia Siber (a southern district regional planner) states, for example, “I don't think it is correct to make the [Bedouin] population return to agriculture and focus on agricultural land... At the regional level, we have engaged in this adequately and work was undertaken on examining this subject before the plan was submitted, and we therefore integrated the Bedouin population into metropolitan employment zones...” (hearing protocol p. 35). The Arab Bedouin and their representatives were not invited to contribute to this research and were not included in this crucial decision-making process in contradiction to Article 18 of the UN Declaration, which stipulates that indigenous peoples have the right to participate in decision-making in matters that affect their rights, and that this participation should be



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undertaken by representatives chosen by the indigenous people themselves. This provision also specifies the right of indigenous people to “maintain and develop their own indigenous decision-making institutions.” In addition, Article 19 of the UN Declaration requires that states consult with indigenous peoples prior to adopting or implementing any legislative or administrative measures that may affect them. As these excerpts demonstrate, none of these provisions was respected in this case.





Excerpts from Adalah's objection to "Partial Regional Master Plan"

The objection was submitted by Adalah to the National Council for Planning and Building on 31 October 2007 against the Partial Regional Master Plan for the Be'er Sheva Metropolitan Area, Master Plan 14/4, Amendment 23, as it pertains to the unrecognized villages in the Naqab and the rights of their Arab Bedouin residents.

Introduction

[...]

States should undertake, at the national level, all necessary measures for the realization of **the right to development and shall ensure**, inter alia, equality of opportunity in their access to basic resources, education, health services, food, **housing, employment and the fair distribution of income**. Effective measures should be undertaken to ensure that women have an active role in the development process. **Appropriate economic and social reforms should be carried out with a view to eradicating all social injustices.**

Article 8(1) of the UN Declaration on the Right to Development [Emphasis added]

1. The planning and building laws in the State of Israel address the purposes and uses of land in the spatial, economic, social, cultural and environmental fields, and at the various levels – national, regional and local. In recent years, planning and building laws have become the main engine for economic and social development in the various spheres [...]

[...]

3. Regional planning is therefore crucial and has a decisive impact on the future and quality of the lives of citizens living in a certain area, on the



allocation of resources in that area, and on the development of the various population groups residing within it. Planning should conform to the principles of social and spatial justice, ensure equality and planning justice among the various population groups, and serve to generate social, economic and spatial development. These principles are central to enlightened planning systems throughout the world.

[...]

4. The “Partial Regional Master Plan” for the Be’er Sheva [Beer el-Sabe] region (Be’er Sheva metropolitan area), Master Plan 14/4 Amendment 23 [hereinafter: “the plan” or “the metropolitan plan”], disregards the existence of about half of the Arab Bedouin population in the southern region and, in practice, fails to resolve the planning status of the unrecognized Arab villages in the Naqab (Negev). [See **map no. 1, p. 81**]. Some of these villages predate the establishment of the State of Israel [in 1948], while others were founded according to orders issued by the military governor in the region during the early years of statehood. These orders aimed at evacuating the Arab residents from the existing villages and relocating them to their current sites.
5. The plan ostensibly offers a mechanism for the recognition (“establishment”) of new Arab towns and villages. However, in practice it merely perpetuates the existing policy of concentrating the Arab Bedouin within the existing recognized villages, while disregarding their inhabitants’ way of life, their right to choose their own way of life and place of residence, and failing to provide them with a range of housing options. The plan completely disregards the historical rights of the Arab inhabitants of the area, their rights as a population indigenous to the area, and their right to adequate housing. The plan further severely infringes upon the rights of the Arab residents of the Naqab, citizens of the state, to equality, adequate housing, dignity and development.

[...]



Background and the current situation on the ground

11. The Arab population in the Naqab numbers 156,400 people, comprising 27.7% of the total population of the Be'er Sheva sub-district, as of 2006.¹ Approximately half lives in dozens of unrecognized villages and sites that lack basic services, including water and electricity, health and educational services. The combined residential area of the unrecognized villages and other sites in the Be'er Sheva district is estimated at approximately 306,000 dunams.² [See map no. 2, p. 82]
12. The declared objective behind the establishment or recognition of the villages is to reduce the area of inhabitation and livelihood of the Arab citizens of Israel in the Naqab, completely ignoring their existing situation and immediate needs, the gaps that exist between the Arab and Jewish residents in the region, and the future development needs of the Arab population.
13. In practice, the State of Israel and its planning institutions manage two separate planning systems. One serves Jewish citizens of the state and includes a range of living spaces, such as: collective communities known as *kibbutzim*; cooperative agricultural communities known as *moshavim*; agricultural, suburban, rural and urban communities, etc. It provides vast living spaces with potential for future development to Jewish citizens, while also preserving the character of existing Jewish communities. This policy serves to ensure exclusive Jewish use of the maximum amount of space. The second planning system, for Arab citizens of the state, operates by providing minimal areas for their development and a limited variety of living spaces. Arab towns and villages are growing ever more overcrowded and are increasingly unable to offer reasonable living spaces to their inhabitants.
14. These planning policies have resulted in an unjust allocation of the land space between Jewish and Arab local authorities in the Naqab, as noted, and leads to severe problems for the Arab villages in terms of infrastructure, a lack of development opportunities, etc. For example, in the Be'er Sheva sub-district, which covers a total of



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12,945 km², the area of jurisdiction of the seven Arab towns [the first seven government-planned and recognized Arab Bedouin villages in the Naqab in 1970s] covers just 59.957 km², or 0.5% of the total territory of the district.³ The communities under the jurisdiction of the Abu Basma Regional Council [which, in addition to the initial seven towns includes around ten other subsequently recognized Arab Bedouin villages] cover only around 0.2% of the district's total territory. Thus, the total area of the recognized Arab villages in the Be'er Sheva District accounts for less than 1% of the district's total territory, while the Arab population in the district accounts for close to 28% of the total population.⁴ [See map no. 3, p. 83]

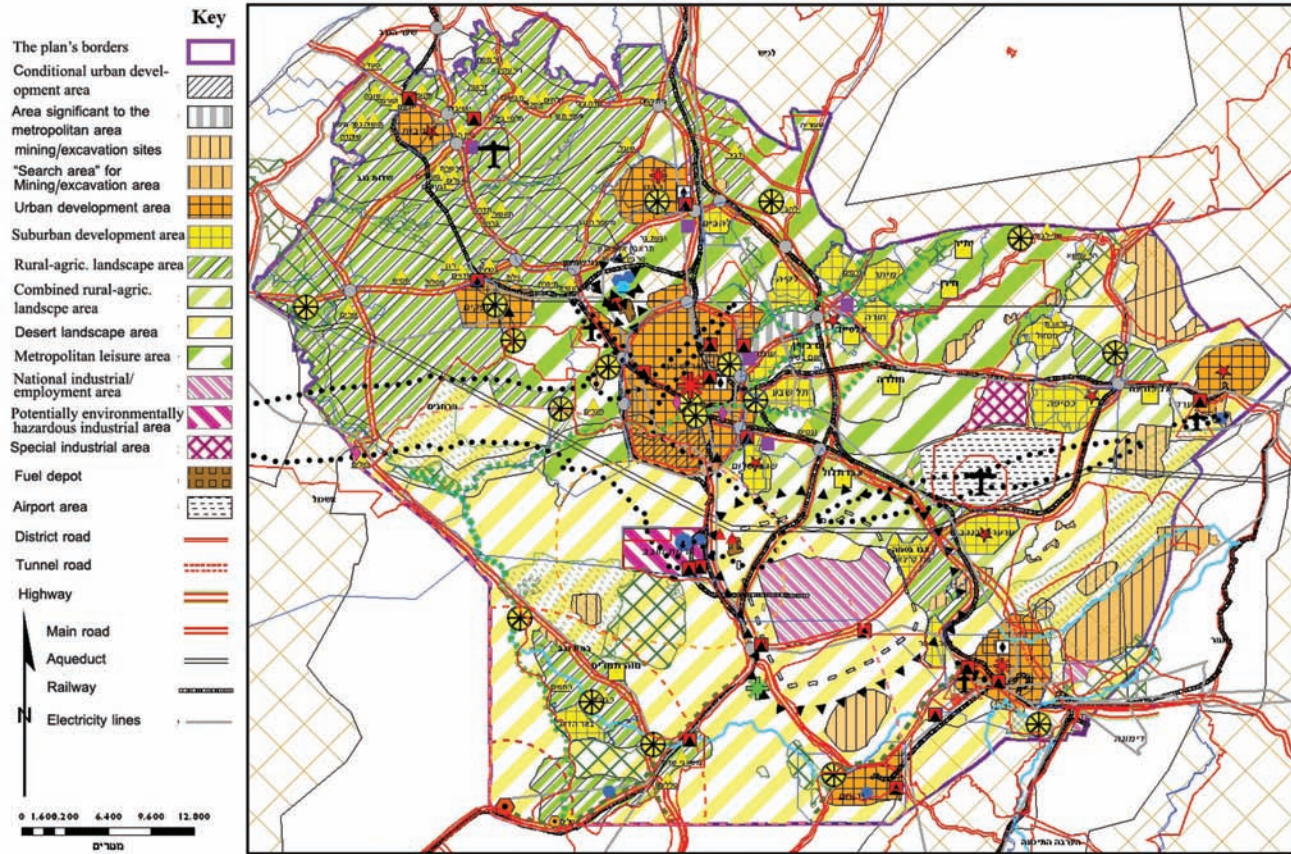
[...]

16. In addition, these policies have created spatial segregation between Jewish and Arab residents. For instance, communities have been established from which Arab citizens are excluded in which only Jews are permitted to reside; that is, "homogeneous" spaces have been created designated exclusively for Jewish residents.
17. As a consequence, the Arab Bedouin in the Naqab are barred from around 91% of the 107 rural Jewish communities located in the Be'er Sheva District.⁵ These include *moshavim*, cooperative *moshavim*, *kibbutzim* and community settlements. Admissions committees, in which the Jewish Agency plays an active role, decide who is eligible to live in these communities. The official purpose of these committees is to examine the social suitability of the candidates, but in practice it leads, inter alia, to the exclusion of the Arab citizens of the state from these communities.⁶

Perpetuating the problem of the unrecognized villages in the Naqab

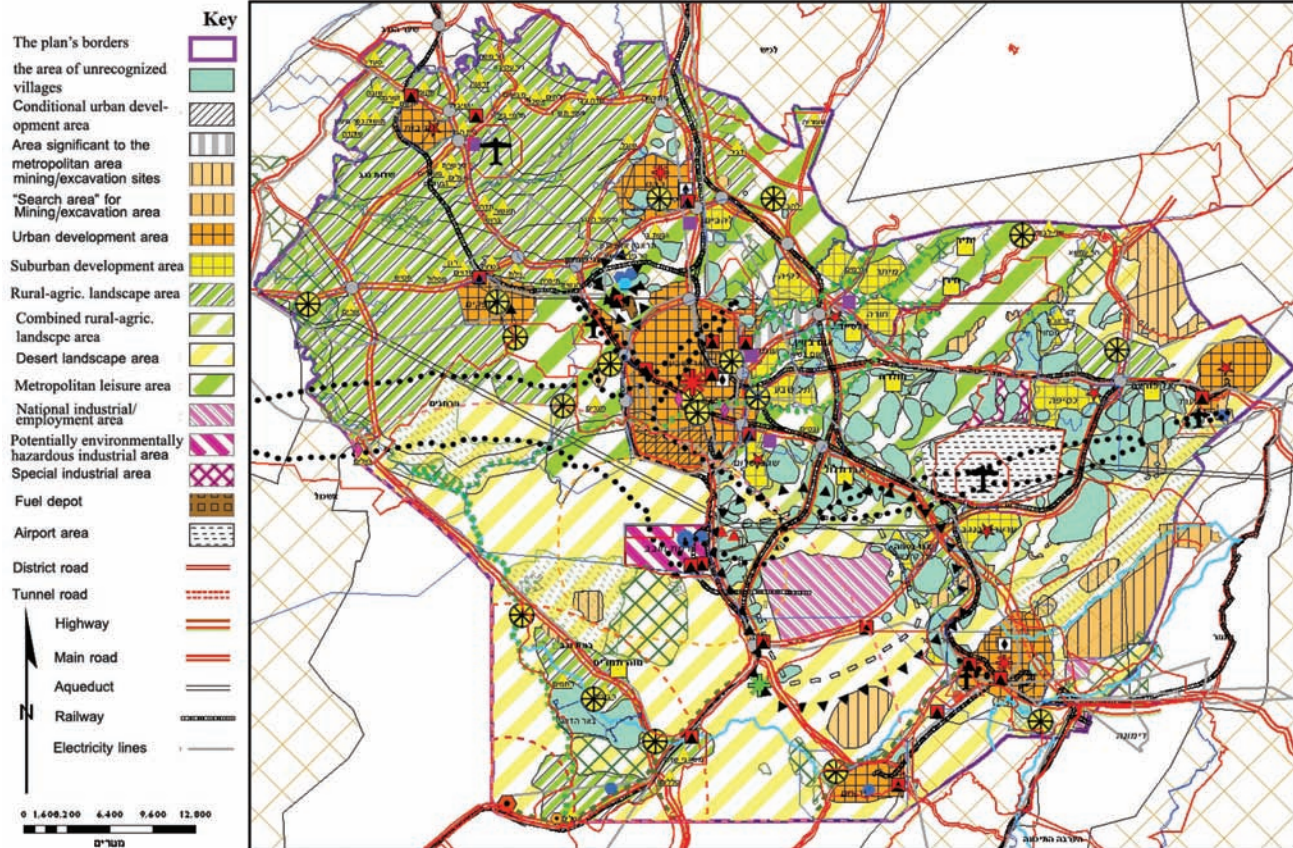
18. The metropolitan plan perpetuates the problem of the unrecognized villages by disregarding their existence and thus the rights of the indigenous Arab population, including their spatial and cultural rights. Moreover, it fails to offer suitable or acceptable solutions to the problems facing these villages. In parallel, the state is proposing

Map no. 1: Master Plan 14/4 Amendment 23

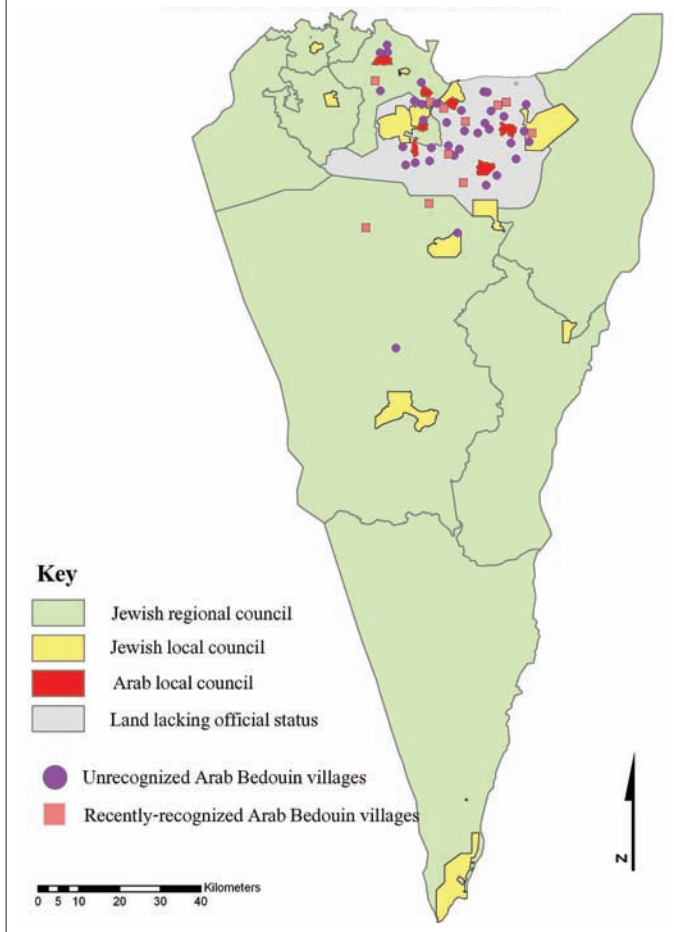




Map no. 2: The area of unrecognized villages against the background of Master Plan 14/4 Amendment 14



Map no. 3: The distribution of jurisdiction within the Be'er Sheva sub-district





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and establishing new communities for the Jewish population, some of which are located alongside or on the actual site of the unrecognized villages, in addition to the establishment of “individual settlements”.⁷

19. One of the components of the plan, as the associated documentation indicates, ostensibly offers a new approach to organizing Arab settlement, premised on the existing location of villages and the need to develop a variety of Arab towns and villages. However, this approach is not expressed in the submitted plan.
20. For example, the unrecognized villages are not even marked on the plan’s maps. Instead, the plan proposes to relocate the residents of these villages, and concentrate them in a minimal number of specially designated villages. More precisely, as explained below, the plan does not provide a genuine planning solution for these residents, and the solution it purports to offer will do nothing to alter the situation on the ground; indeed, it will actually widen the existing spatial and social disparities between the Arab and Jewish inhabitants of the Naqab.
21. The map and the various documents associated with the plan propose the following spatial solutions for Arab settlement in the Naqab:
 - a. Two new Arab Bedouin villages: Abu Tulul and Al-Fur’a.⁸
 - b. Limited living options: one urban community, fifteen suburban communities and two rural communities.
 - c. A “combined rural-agricultural landscape area”: According to the plan’s directives, this area is designated as a “search area” in which to identify locations for the establishment of rural or suburban towns and villages, as well as tourist and vacation facilities.
 - d. Dispersing the residents of the unrecognized villages: The plan proposes that these residents be spatially dispersed as follows: 40% in the initial seven government-planned and recognized towns, and 35% in the newly-planned villages. The existing plans “are designed to provide potential



Excerpts from Adalah's objection to "Partial Regional Master Plan"

solutions" for around 15% of the population of the unrecognized villages. No solutions are outlined in the plan for the remaining 5-10%.⁹

Ignoring the existing unrecognized villages

22. The metropolitan plan is designed, inter alia, to examine the needs of the Arab residents of the unrecognized villages from a planning perspective, for the first time, and to formulate a planning response "to solve the problem of Bedouin settlement in this area." The planners were also asked "**to examine rural settlement as one of the solutions for settling the residents.**"¹⁰ [Emphasis added]
23. In addition, one of the planning principles that guided the drafting of the plan was to organize the settlement of the Arab Bedouin and fully integrate them into the general development of the area [...] and to propose an alternative method of recognizing and establishing villages that takes into account the existing location of the Arab Bedouin villages.
24. However, the plan does none of this. Rather than proposing a comprehensive solution that takes into account the existing location of unrecognized villages, it proposes only two new villages, in addition to the nine that were recognized in recent years by the Israeli government. The plan disregards the dozens of remaining unrecognized villages.
25. The plan also approves or envisions various uses for the land of the unrecognized villages, treating it as empty space and disregarding the tens of thousands of Arab residents who have been living on it for decades. The plan therefore perpetuates the problem of the unrecognized villages and rules out most appropriate and acceptable solutions.
26. According to the plan the area on which the unrecognized village of Atir – Umm Al-Hieran is situated is earmarked for a new Jewish village named Hiran, forestation, and a regional vacation center.



Similarly, the site of the unrecognized village of Al-Sura, which predates the establishment of Israel, is earmarked for the Kidmat HaNegev industrial zone.

Lack of free choice and diversity in types of communities

27. As noted, the plan stipulates the need to provide a range of modes of residence for the Arab residents of the Naqab, and it was decided, inter alia, that it should define “a location and rules for planning communities using a range of models to organize Bedouin settlement.”¹¹ [Emphasis added]

[...]

29. Nonetheless, the plan’s land-use map indicates that most of the recognized, government-planned towns and recently-recognized Arab villages are suburban development areas and suburban communities. Fifteen villages (83% of the Arab Bedouin towns and villages included in the plan) are classified as suburban communities, whereas only two villages are designated as rural communities, as illustrated in the table below:¹²

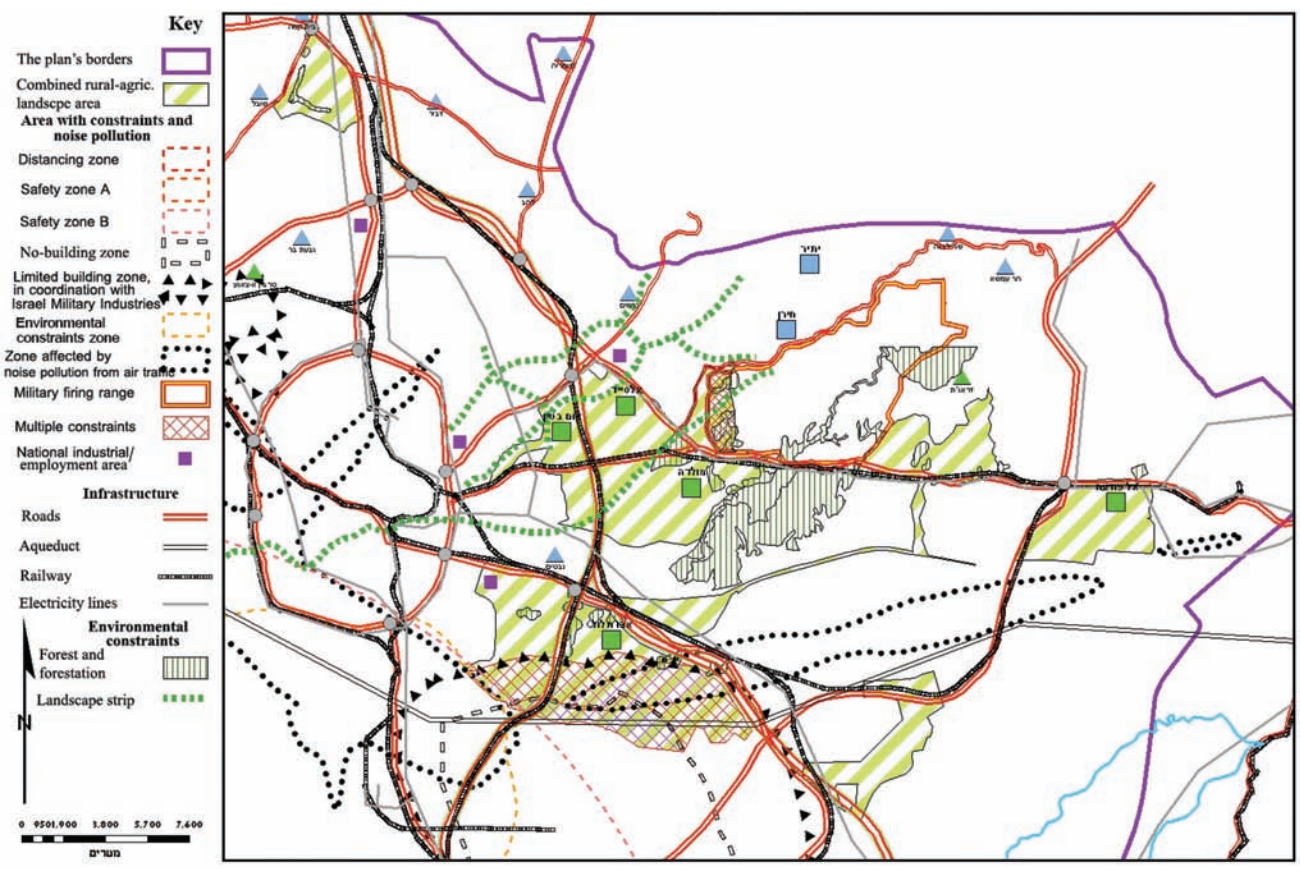
Distribution of Arab towns and villages by mode of settlement		
Type of community	No. of communities	Names of community/ies
Existing government-planned towns		
Urban development area	1	Rahat
Suburban development area	6	Hura, Kseiffe, Laggiya, Arara, Segev Shalom and Tel Sheva [Tel el-Sabe]
Villages recognized in recent years and added in the plan		
Suburban development area	4	Makhoul-Kuhla, Abu Qurinat, Qasr as-Ser and Bir Hadaj
Suburban community	5	Mulada, Al-Sayyed, Al-Fur’a, Umm Batin and Abu Tulul
Rural community	2	Darajat and Tarabeen al-San’a



Excerpts from Adalah's objection to "Partial Regional Master Plan"

30. As the table indicates, the spatial future of the overwhelming majority of the Arab Bedouin is suburban rather than rural, agricultural or otherwise suited to their lifestyle. This situation is absurd in light of the existing spatial allocation [in the area]: as noted, in the Be'er Sheva district there are currently 107 Jewish rural settlements of various types, whose combined population accounts for around 7.6% of the district's total population (Arabs and Jews).
31. This planning approach is particularly problematic and dangerous in light of the previous planning undertaken with regard to the seven towns for the Arab Bedouin, which demonstrated that imposing planning "from above" – planning that does not suit the needs or lifestyle of the Arab Bedouin – ultimately creates a deprived and neglected space and severe social and economic problems for the residents.
32. In addition, due to the operation of admissions committees, the Arab Bedouin are excluded from most Jewish rural communities, and consequently their right to choose a mode of rural residence is virtually non-existent.
33. The situation is even more absurd given the allocation of the various residential options proposed by the plan. According to Section 1.6.6 of the plan's planning principles,¹³ the allocation of communities within the metropolitan space is 83% urban, 11% suburban and 6% rural. Since the plan does not propose a transformation of the Jewish rural communities into suburban or urban communities, then rural settlement will continue to be available almost exclusively to the area's Jewish population.
34. By offering a range of residential options and settlements exclusively to the Jewish residents who currently live in the region or to Jewish citizens assigned to move to it, the proposed plan contradicts the basic principles of reasonableness equality and distributive justice. [...]

Map. no. 4: The search area for the establishment of new villages against the background of Master Plan 14/4 Amendment 14 - planning constraints





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35. Furthermore, the plan does not draw a clear distinction between the characteristics of a rural community and those of a suburban community. In addition, it is unclear what criteria are employed to determine the type and character of a particular town or village.
36. In drafting the plan, the planning team began from the erroneous assumption that the Arab Bedouin are currently in the midst of a transition processes "from a traditional agricultural society to a modern, urban society." This assumption disregards the cultural and spatial reality in the area, as well as the views and wishes of its residents, some of which have been voiced at focus group discussions held as part of the planning process, with the aim of "discussing the central aspects and conflicts identified during the initial planning stages." [...]

"Combined rural-agricultural landscape area": Limited space

39. One of the proposals for the unrecognized villages was to designate a "combined rural-agricultural landscape area" [hereinafter: "search area"] the possible aims of which, under the plan's directives are:
Permitted aims
 - (a) Agricultural cultivation, raising livestock, pasture, buildings and facilities directly required for these purposes, establishing rural/suburban communities, and tourist and vacation facilities, excluding accommodation facilities.¹⁴
40. The borders of the search area, as proposed in the plan, are limited and exclude the overwhelming majority of the unrecognized villages and other unrecognized sites. No planning solution is provided for the villages and other sites located outside the borders of this area; instead, the plan entails the relocation of residents of the unrecognized villages and their concentration in a limited number of recognized villages.
41. In the expert opinion appended to this objection, Dr. Yosef Jabareen addresses this issue and states – after conducting a spatial analysis of the plan's map in relation to the situation on the ground – that only



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approximately 28% of the territory on which the population of the unrecognized villages and other sites is currently situated is located within the borders of the search area. [...]

42. There is a strong social, cultural and historical connection between the Arab inhabitants of the Naqab and the land on which they live. They have lived in the area since before the establishment of the state, are indigenous to the area and an intrinsic part of it. The planning authorities should therefore examine options for resolving the issue of their planning status to put an end to the current injustices and ongoing violation of their fundamental rights, as detailed below.

“Combined rural-agricultural landscape area”: A fiction

43. The plan stipulates “a combined rural-agricultural landscape area” as a “search area” for the establishment of new Arab villages and as a solution for Arab settlement in the Naqab. However, the plan omits to define the number and location of the villages that are to be recognized or established. It is clear from the plan’s land-use map that this space is a mere fiction that does not provide a genuine response to the issue. Thus the plan is inconsistent with and contrary to the planning principles determined in the plan as related to the needs of the Arab Bedouin in the metropolitan Be’er Sheva area.

44. According to Dr. Yosef Jabareen,¹⁵ the search area covers a territory of approximately 145,216 dunams. Not only is this space limited, but is also subject to a host of planning restrictions that preclude the recognition of existing Arab Bedouin villages and establishment of new villages. Dr. Jabareen argues that:

As a result of the many limitations and constraints imposed by the plan, the search area for the establishment of new villages (or in reality the recognition of existing villages) is significantly curtailed. [Map no. 4, p. 88] shows the search area against the background of these planning constraints, which include building prohibitions, building constraints determined in coordination with Israel Military Industries, the proximity of firing ranges and air pollution from aircraft. If we add to these



constraints the limitations created by the infrastructure that lies within the search area, such as roads, railroad tracks, green areas and industrial zones, as they appear in [Map no. 4], then even the minimum contribution offered by the metropolitan plan in terms of resolving the issue of the unrecognized villages in the Naqab is not what it seems. The space is limited and offers no appropriate solution for the unrecognized villages, even those that are currently situated within the search area.

45. The plan's maps reveal the many constraints that are placed on development within the search area. These include:
- a. National infrastructure facilities, including railways (running north-south and east-west), roads of various types, electrical lines, and fuel pipelines.
 - b. Green areas, including forests and planned forestation, strips of landscaped terrain and streambeds, on which construction and development is prohibited.
 - c. Various environmental constraints limit or even prohibit construction and the establishment of towns and villages. These include:
 - An area in which construction is restricted, in coordination with Israel Military Industries (IMI), in which “no construction will be possible... without the consent of IMI.”¹⁶
 - An area in which construction is prohibited; all building is barred within the bounds of this area.
 - An area that is subject to noise pollution from aircrafts. The plan's directives require that any plan submitted for an area subject to such noise pollution include a study of “the possible effects of the noise from the adjacent airfield, including details of the limitations that apply to the areas included in the plan.”¹⁷
 - A security area, within which civilian construction is by definition prohibited.
 - d. To the north of Segev Shalom [a newly-recognized Arab Bedouin village] an area has been earmarked as an industrial/



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employment zone. This area will also consume some of the search area designated for the establishment of new villages.

[...]

46. In addition to these constraints, the combined rural agricultural landscape area includes five Arab villages that gained recognition in recent years: Al-Sayyid, Umm Batin, Mulada, Abu Tulul and Al-Fur'a. These villages will consume more of the search area designated for recognizing existing villages or establishing new ones.

[...]

48. Therefore the actual area earmarked for the establishment of new villages for the Arab inhabitants is extremely limited – even non-existent – and does not allow for the establishment of new villages or even for the recognition of existing unrecognized villages located within it. In other words, it is a fiction that does not provide a solution for Bedouin settlement, as the plan itself alleges.

[...]

A problematic and convoluted mechanism for granting recognition

50. The plan stipulates a lengthy and convoluted process for the “establishment” of a new town or village. [...]
51. As noted above, the plan alleges to provide a planning solution for Arab Bedouin settlement in the Naqab. However, this process subjects the establishment or recognition of Arab villages to a further protracted and cumbersome planning process, under the authority of the regional planning committee, and requires the approval of the National Council for Planning and Building.
52. The deferment of the recognition of the unrecognized Arab villages that have existed for decades only perpetuates their difficult situation, and prolongs their residents’ daily suffering and the severe violation of their basic rights.



Excerpts from Adalah's objection to "Partial Regional Master Plan"

53. The decision to establish a new Arab Bedouin village, in light of the most recent institutional decisions and regulations, consists of numerous stages and is subject to various conditions, which make the process extremely difficult, even impossible.

[...]

57. Moreover, the recognition process does not provide a general solution for all of the unrecognized villages, even those located within the search area, but only offers specific solutions for a very limited number of villages. [...] Thus an opportunity to utilize a regional planning process to provide a comprehensive solution for the problem of the unrecognized villages has been lost.

58. Moreover, the process is vague and raises many concerns, including the stipulation that the establishment of Bedouin villages is conditioned on the evacuation of existing residents:

[...] It will be possible to approve the establishment of new Bedouin communities or new neighborhoods adjacent to existing communities; **however, a clear condition for establishing these communities will be the evacuation of territory on which parts of the population are currently dispersed [...]**¹⁸ [Emphasis added]

59. In addition, the plan does not set out clear criteria for the selection of villages to be granted recognition within the search area. This situation is absurd, particularly, as noted above, as the area is relatively small in size and does not include all of the unrecognized villages and is subject to numerous planning constraints [...]

60. [...] Thus, "at best" the recognition process prolongs the suffering of the Arab population living in these villages. At worst, it will lead to the evacuation and demolition of these villages and the imposition of unacceptable and unsuitable solutions on their inhabitants, solutions that will create serious, complicated social and economic problems.



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61. It should be emphasized that the plan does not allow for non-contiguous development in suburban and rural communities. [...]

[...]

63. The condition that development or expansion in construction zones in suburban and rural communities must be adjacent to other towns or villages precludes the option of recognition and planning for currently unrecognized Arab villages or clusters of villages located nearby, but not adjacent to, Arab villages that have been recognized and/or are currently going through the planning process.

[...]

The unreasonable and arbitrary “re-distribution” of the Arab residents of the unrecognized villages

65. [As noted above, in 21(d),] the plan offers planning solutions for the unrecognized villages through three residential options [...] However, no solution has been determined for the remaining 5-10%.¹⁹

66. The plan necessitates the relocation and concentration of the Arab population in a relatively small number of villages, and the destruction of most of the existing unrecognized villages. It ignores the historical rights of the Arab Bedouin in the area in which they live, as well as their rights to housing, equality, dignity and right to choose their place of residence.

67. In addition, the plan disregards the desire of the Arab residents in the Naqab to live in an agricultural, rural environment and proposes to relocate them to an impoverished urban or semi-urban setting lacking in infrastructure, services and prospects for economic development. The plan disregards the social and cultural importance of living in a rural and agricultural environment for the Arab Bedouin in the Naqab. It further disregards the fact that the proposed relocation of the Arab Bedouin would damage its economic welfare and restrict its access to sources of livelihood, since a substantial



Excerpts from Adalah's objection to "Partial Regional Master Plan"

portion of the population makes a living from agriculture, cattle farming, and other farming activities. This proposal is therefore no more than an extension of the policy adopted by the planning institutions and various state authorities to concentrate the Arab Bedouin in the Naqab in an extremely limited amount of space.

68. This population concentration ignores important aspects of Arab society and culture in the Naqab. Numerous studies have documented and criticized planning policies and practices that neglect the needs of indigenous people and ethnic minority groups, and contribute to their continued exclusion in countries such as Canada, the United States and Israel.²⁰

[...]

71. The discriminatory planning policy of relocation and concentration has attracted the attention of various UN human rights committees. In the latest Concluding Observations on Israel (published on 9 March 2007) by the Committee on the Elimination of Racial Discrimination (CERD), the committee expressed its concerns over the relocation of the residents of the unrecognized villages to the recognized towns and villages, as follows:

25. The Committee expresses concern about the relocation of inhabitants of unrecognized Bedouin villages in the Negev/Naqab to planned towns. While taking note of the State party's assurances that such planning has been undertaken in consultation with Bedouin representatives, the Committee notes with concern that the State party does not seem to have enquired into possible alternatives to such relocation, and that the lack of basic services provided to the Bedouins may in practice force them to relocate to the planned towns. (Articles 2 and 5(d) and (e))²¹

72. The committee explicitly recommended that the State of Israel recognize the unrecognized villages, and respect the land ownership rights of their residents and their right to develop and use the land:



The Committee recommends that the State party enquire into possible alternatives to the relocation of inhabitants of unrecognized Bedouin villages in the Negev/Naqab to planned towns, in particular through the recognition of these villages and the recognition of the rights of the Bedouins to own, develop, control and use their communal lands, territories and resources traditionally owned or otherwise inhabited or used by them. It recommends that the State party enhance its efforts to consult with the inhabitants of the villages and notes that it should in any case obtain the free and informed consent of affected communities prior to such relocation.²² [Emphasis in the original]

73. In addition, the UN Committee on Economic, Social and Cultural Rights (CESCR) in its Concluding Observations on Israel of May 2003 explicitly requested that Israel recognize the unrecognized villages and provide them with basic services immediately:

43. The Committee further urges the State party to recognize all existing Bedouin villages, their property rights and their right to basic services, in particular water, and to desist from the destruction and damaging of agricultural crops and fields, including in unrecognized villages. The Committee further encourages the State party to adopt an adequate compensation scheme that is open to redress for Bedouins who have agreed to resettle in “townships”.²³

[...]

Lack of public participation in the planning process

81. Planning in general, and regional planning in particular, have a major impact on the daily lives of those who reside within the planned space, since planning determines the uses of the space over a particular period of time. In the case under discussion, the plan is valid until the year 2020. Therefore public participation in the planning process is a vital tool for more effective planning that is adapted to the needs and lifestyles of the residents of the planned



Excerpts from Adalah's objection to "Partial Regional Master Plan"

area. Public participation is even more crucial in the case of an indigenous minority that is culturally and socially distinct from the majority and has different needs.

82. Much has been written on the subject of public participation in planning not only as a democratic tool, but also as a means of accurately expressing the needs of different population groups that form an integral part of the space. Groups that live in the space should play a central role in planning and shaping it. Through the process of public participation residents and other users of the space are invited to influence the space in which they live and how it is designed.

83. In recent years significant progress has been made in involving the public in planning processes in Western states, where it plays an important role in national and local government cultures.²⁴

[...]

85. Residents of the Naqab, Arabs and Jews alike, have a right to partake in shaping the space in which they live. The relevant planning institutions and the drafters of the metropolitan plan are obliged to involve them and consider their views as part of the process of designing the space and its future.

86. However, the drafters of the metropolitan plan for Be'er Sheva did not involve the Arab Bedouin public in the planning process in an appropriate manner. While Arab representatives did participate in the plan's steering committees and other committees that worked on the plan, this "participation" was not taken into account. Therefore, it cannot be considered proper participation and accordingly the final product does not reflect the demands made by the Arab contributors.

[...]

88. In fact, the process involved very little genuine public participation. For example, a number of Arab representatives and representatives



NAQAB

of organizations were invited [by the planning authorities] to participate in a discussion group held on “Organizing Bedouin Settlement”, and did so. One of the topics raised in the discussions was the criteria for resolving the issue of Bedouin settlement in the Naqab. The Arab participants proposed a series of criteria, including: that the current location of a village must be preserved, as a “prerequisite for a discussion of its future.” An additional criterion proposed was social cohesion within population groups.

89. Although the planning team convened a meeting with a group of people, including representatives of the local Arab Bedouin residents, various organizations and government ministries, the two criteria proposed by the Arab participants were not reflected in the final plan. The map does not recognize the existing Bedouin villages, as proposed by the first criterion. Nor does it make any reference to the second criterion by proposing to locate different tribal groups that have no social or families ties within a single space, a policy that has failed in the past.
90. Furthermore, there were just two Arab representatives in the plan’s work committee, and the planning team, which was comprised of 24 professionals, included two Arab members. These latter two professionals were part of a large planning team that only addressed specific issues; they were not part of the overall planning and were not involved in the decision-making process for the plan.
91. The result of the lack of suitable representation of Arab professionals in the planning team and work committee – the two entities that produced the final product of the planning process – was that the views and needs of the Arab residents of the Naqab were not given expression in the proposed plan.
92. Because the metropolitan plan affects a population that has faced discrimination since the establishment of the state, and given that it is an indigenous group that is culturally and socially distinct from the majority population group, the planning institutions should have



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made greater efforts to involve this group in a suitable manner, as an integral part of the decision-making process in all matters that relate to the space in which it lives.

Thus, the plan stands to create clear ethnic conflicts between Jews and Arabs, particularly in light of the discrimination in the allocation of planning and development resources in the region.

Therefore, the National Council for Planning and Building is asked to accept this objection and to reject the plan and return it for redrafting in accordance with the principles of planning. These include the principle of public participation, equality, reasonableness, proportionality, transparency and fair representation. The plan must, first and foremost, provide a suitable and acceptable solution for the problem of the unrecognized villages in the Naqab, and give full expression to the wishes and aspirations of the Arab residents in this matter.

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Notes

- 1 Based on data from the *Statistical Abstract of Israel*, No. 58, 2007, Table 2.7.
- 2 See the expert opinion of Dr. Yosef Jabareen, which formed part of the objection. On file with Adalah.
- 3 See Table 4A: Selected communities by area of jurisdiction and central reference points. Statistical Data for the Negev, The Negev Development Authority. Available at: <http://www.negev.co.il/statis/ch1.asp> (Hebrew).
- 4 See supra note 1, Table 10.2.
- 5 See supra note 1, Table 9.2.
- 6 Yiftachel, Oren (2000) Land, Planning and Inequality: Space Division Between Jews and Arabs in Israel, Position Paper. Tel Aviv: Adva Center.
- 7 Individual settlements are settlements established for single Jewish families or Jewish individuals on huge expanses of land (hundreds to thousands of dunams each) in order to insure exclusive Jewish control over these lands and to prevent any development of Arab villages thereon.
- 8 While the plan refers to these villages as new, they are in fact existing villages that are newly-recognized by the plan.
- 9 See Master Plan 23/14/4, Principles of the Planning Policy, version 1, April 2005, p. 111.
- 10 See announcements by the parties, 9 July 2001. On file with Adalah.
- 11 See supra note 10, p. 117.
- 12 See the land-use map of Master Plan 14/4 Amendment 23.
- 13 See supra note 10, p. 26.
- 14 See the “partial regional master plan” for the Be’er Sheva region (Be’er Sheva metropolitan area), the plan’s directives, version no. 3, 22 April 2007, p.6.
- 15 A senior lecturer in urban and regional planning at the Technion – The Israeli Institute of Technology.
- 16 See supra note 14, section 614.3, p. 16.
- 17 Ibid. section 71.3, p. 25.
- 18 See supra note 10, p. 120.
- 19 See supra note 10 above, pp. 11, 121.
- 20 See, e.g., Sandercock, Leonie (2002) When Strangers Become Neighbors: Managing Cities of Difference, *Planning Theory and Practice* 1(1): 13-20; Yiftachel, Oren, and Haim Yacobi (2003) Urban Ethnocracy: Ethnicization and the Production of Space in an Israeli ‘Mixed City,’ *Society and Space* 21: 673-693; Fenster, Tovi (1999) Space for Gender: Cultural Roles of the Forbidden and the Permitted, *Environment and Planning D: Society and Space* 17: 227-246.
- 21 See, Concluding Observations of the Committee on the Elimination of Racial Discrimination: Israel (June 2007), para. 25. Available at: <http://daccessdds.un.org/doc/UNDOC/GEN/G07/424/79/PDF/G0742479.pdf?OpenElement>.
- 22 Ibid.
- 23 See Concluding Observations of the Committee on Economic, Social and Cultural



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- Rights: Israel (May 2003), para. 27. Available at: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/b313a3503107f1e6c1256d33002cea38?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/b313a3503107f1e6c1256d33002cea38?Opendocument).
- 24 See Jabareen, Yosef (2003) *Oppositional Public Participation: Organizing the Unrecognized Villages in the Negev*, in Churchman, A. and Sadan, E. (eds) *Participation – The Way to Make a Difference*. Jerusalem: Kav Adom Kibbutz Hameuchad Publishing, pp. 146-230 (Hebrew).





Excerpts from the oral response of the planning authorities to Adalah's objection to "Partial Regional Master Plan"

Delivered at a hearing held on 2 July 2008

Mr. Tal Pudim [Manager of planning and programs, Southern District Planning Committee]: This is no doubt a detailed and reasoned objection, which contains many specifics. We do not intend to challenge the information presented in your objection. Much of what you said is true, though some of it is imprecise.

However, the objection overlooks the work that the planning authorities have carried out in recent years, including the approval of more than ten new [Arab Bedouin] villages. This work may not be sufficient, and not all of the unrecognized villages and have been recognized. Nonetheless, work has certainly been done and over ten new villages have been advanced [through the planning process]; and in our view these constitute various types of villages. They are permanent settlements, indicated on the plan's map by a specific symbol or as suburban or rural villages, and are open to a wide range of land designations and uses. The local plans, derived from the regional plans that were developed for the establishment of these villages, were drafted with the participation of the residents. True, it was not always easy to find genuine representatives of the Bedouin who have been assigned to reside in these villages, but work has been undertaken, and Alicia [Alicia Sieber, a district planner] can elaborate on that. Alicia was the chairperson of the steering committees. It was difficult to convene some of the steering committees, such as those held in Mulada and Umm Batin, and the whole process took several years to complete.

The new villages were included in partial regional plans and then incorporated into this plan. In the late 1990s and early 2000s, technical



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difficulties were experienced in advancing the plan. If this had occurred a decade ago, around ten villages would have already been indicated in the plan's map as new villages, instead of two.

It was the intention to establish new villages and to recognize existing Bedouin villages. However, for various reasons these villages could not be included in the plan. The mechanism of the search area, which you harshly criticize, was proposed for that reason. True, some of the search area cannot be used for the establishment of villages because of infrastructure, but this infrastructure affects the entire southern region, and not only the possibility of establishing or recognizing villages.

We have made great progress with this plan, which includes a proposal for new villages, some of which have been included within the framework of other plans. The character and other aspects of the two villages marked with a symbol [Abu Tulul and Al-Fur'a], [...]. will be determined in the local planning.

Another village, Makhol or Greater Mar'it, which is considered a single community, but which encompasses a number of communities or independent neighborhoods, as well as the separate village of Darijat, are all included within the approved plan. Further expansion of Mar'it is planned to the southwest, where additional clusters of villages or independent neighborhoods of settlements or villages will be located. In practice, this action constitutes recognition of these settlements or villages, rather than their transfer elsewhere.

Alicia Sieber: My feeling is that a shift in approach has occurred in recent years towards the Bedouin villages, at least within the planning system. I myself have promoted [the planning of] around ten villages over the past three years. Plans for groups of Bedouin who were more united and aware of their demands and groups with very strong and clear representation progressed more quickly than groups that were unsure of their demands. The plans of villages represented by groups that did not know what they wanted were very late in moving forward relative to other villages. I see that there has been some progress, a type of new approach, a need and will to



Excerpts of the oral response given by the planning authorities to Adalah's objection

advance solutions for the problem of the Bedouin population, part of which is located in recognized [towns and villages] and part in unrecognized villages.

It is very important to me personally that this matter is resolved, because it is impossible to continue as things currently stand. There has to be a clear solution. We have tried to provide a solution via the plan we submitted, to the best of our understanding. Accordingly, we delineated the search area where we did not know the exact location of the villages to be built or where their borders would lie. This area is suitable for the establishment of communities and was selected in the knowledge that population groups are located within it.

You argue that the plan is not feasible due to various constraints. According to your argument, there are already groups situated in the designated search area, but due to these constraints it will not be possible to put forward a local plan. I have not examined this issue in depth, but we assume that it will be possible to move local plans forward within the designated search areas and, in certain circumstances, to establish villages. Perhaps there is a need and place for reviewing the constraints you have raised, but there are certain constraints, for example, the noise emitted from airports, that cannot be altered because the airport exists. The constraints are actual constraints, so what can we do? We also want the whole population of the area to have quality of life in terms of noise pollution. So in the search area, we have to know how to deal with these constraints. I am raising a question mark. Some constraints result from the national highway and from Route 6, which we can deal with. Route 6 is marked at a scale of 1:100,000, and when we get to the detailed planning, we will know exactly whether or not these constraints can be resolved.

But it is undoubtedly important for the plan to be practicable.

[...]

You speak of agriculture as if it were the only option, or at least the most important one, for creating employment for the Bedouin population. It may



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be that the character of this population is traditionally agricultural. However, I am not sure that this is the most significant part of this population today, and I see what is happening in other communities, such as *moshavim* and *kibbutzim*, which are trying to move away from agriculture and engage in as many other fields of employment as possible. We know today that agriculture has experienced a decline. We do not want to harm agriculture, and I do not think the plan need harm Bedouin agriculture. However, I do not think it is correct to push the population back towards agriculture and lay emphasis on agricultural land. The plan should not constrain; it should provide a range of opportunities and possibilities to avoid dependence on agriculture alone and to raise the level of employment among the Bedouin population. The state of agriculture today is not what it was twenty or thirty years ago, and farmers are looking for other sources of employment. We addressed this issue at the regional level and it was investigated prior to the plan's submission. Thus, we integrated the Bedouin population in the metropolitan employment zones, as we have already seen in the local plans for the Shoqet Junction and Lehavim Junction. I hope that this plan, in any case, will prove feasible.













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