

## The Status of the Palestinian Minority in the Israeli Planning System

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"Neither cities nor places in them can be unordered; the question is only whose order, whose planning, for what purpose."

(Peter Marcuse, 1995)<sup>2</sup>

### Introduction

Spatial patterns are generated by human actions, which illustrate and bring to fruition the interests of the dominant group, and mirror a hierarchy based on different power structures.<sup>3</sup> Generally speaking, the dominant group wishes to preserve and reproduce the built-up environment that reflects this group's values and norms and leads to the alienation and exclusion of the oppressed groups.<sup>4</sup>

The increased popularity of the planning profession has led to new forms of dominance, which encompass the techniques that enable the dominant group to control others: different ethnic groups, women and children.<sup>5</sup> According to Healy (1995)<sup>6</sup>, urban planning and management are inherent in the government's "top-down" or "command and control" model. This "top-down" model did not allow the involvement of the weak and oppressed groups in designing the available space. This perception was also based on determinism, power, exclusion and failure to involve "the other". The outcome is the creation of a space that serves the existing balance of powers, reproduces it and is instrumental in continuing to exclude women, ethnic minorities and other weak and oppressed groups from the public space and the core of decision making. Hence the need to take the voices of the different groups in the urban space into account, to heed the voices of the oppressed, and to involve them in designing and managing the urban space.<sup>7</sup> Young (1990)<sup>8</sup> claims that involving the oppressed in the decision-making process is an act that promotes justice and therefore democratic institutions must commit to listening to the voice of "the other":

If city politics is to be democratic and not dominated by the point of view of one group, it must be a politics that takes account of and provides voice for different groups that dwell together in the city without forming a community. (p. 227)

Since the establishment of the State of Israel, the planning system has discriminated against Palestinian citizens and their towns and villages by failing to provide them with the same planning and development options as those granted to Jewish citizens and Jewish towns and villages. Moreover, the Palestinian minority was systematically excluded from the public

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<sup>2</sup> Marcuse, Peter, (1995), "Not Chaos, but walls: postmodernism and the partitioned city", in *Postmodern Cities and Spaces*, ed. Watson Sophie. & Gibson Katherine, Oxford: Blackwell.

<sup>3</sup> Castells, Manuel, (2003), "The new historical relationship between space and society", in *Designing Cities, Critical Readings in Urban Design*, ed. Alexander R. Cuthbert, Oxford: Blackwell.

<sup>4</sup> Sibley, David, 1995. *Geographies of Exclusion – Society and Difference in the West*, London and New York; Routledge

<sup>5</sup> Sandercock, Leonie, 2003. *Cosmopolis II Mongrel Cities of the 21<sup>st</sup> Century*. London and New York: Continuum.

Fenster, Tovi, (2002), "Planning as control-cultural and gendered manipulation and mis-use of knowledge", *Hager: International Social Science Review*, 3 (2), pp: 98-114. And see footnote 2, above.

<sup>6</sup> Healey, Pasty, (1995), "Discourses of Integration: Making Frameworks for Democratic Urban Planning", in *Managing Cities, the New Urban Context*, ed, Healey, P, Cameron, S, Davoudi, S, Graham, S, & Madani-Pour, A, Chichester: John Wiley & Sons.

<sup>7</sup> Sandercock, Leonie, (2000) "When strangers become neighbors: managing cities of difference", *Planning Theory and Practice*, 1 (1), pp; 13-20.

Fincher R, & Jacobs J, (1998), *Cities of Difference*. New York: Guilford.

<sup>8</sup> Young, Iris M. (1990), *Justice and the Politics of Difference*. Princeton, NJ: Princeton University Press.

discourse on the planning and design of the urban space and disappeared entirely from the various levels and realms of the planning discourse.

This article will address the status and position of the Palestinian minority in the Israeli planning system historically, and especially in the local planning committees, focusing primarily in the northern district, by analyzing the composition of these committees.

### **The Planning System in Israel**

The Israeli planning system adopted the Zionist ideology that perceives Jewish settlement throughout the state as a supreme goal, which also has the practical purpose of achieving geopolitical control. The geopolitical agenda yielded intense public focus on the "population distribution" project, which led to a policy of establishing new Jewish villages and towns throughout Israel. The project was designed to enable and ensure a "Jewish presence" and a Jewish majority in most of the state. A planning system made up of a large number of planning institutions compared to Western countries was set up in keeping with this ideology.<sup>9</sup>

The following diagram indicates the organizational structure of the planning system in Israel, which is founded on the Planning and Building Law, 1965 (hereinafter: "the law"). *The government* is at the head of the diagram and is involved in the planning stages through: (1) the extensive power it is granted and the option to supervise the various planning-related decisions also at the local level; and (2) the power to plan a variety of national land-use plans.<sup>10</sup> Almost all of the committees are comprised of governmental representatives, primarily the National Council for Planning and Building and the district committees. In practice, the government approves national master plans and makes various decisions pertaining to the establishment of new settlements.<sup>11</sup>

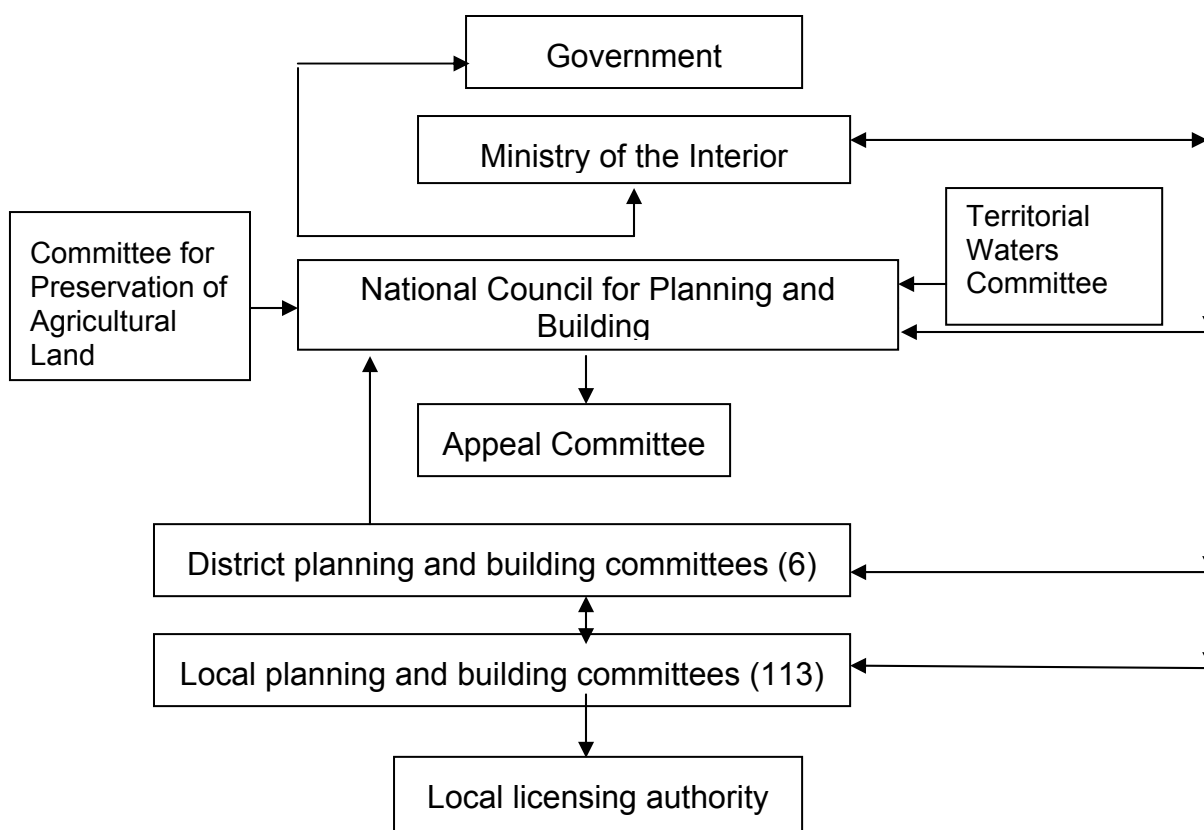
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<sup>9</sup> Alterman Rachel, (2001). "National-Level Planning in Israel: Walking the Tightrope Between Government Control and Privatisation", in *National-Level Planning in Democratic Countries, an International Comparison of City and Regional Policy-Making*, Edited By Alterman, Rachel, Liverpool University Press.

<sup>10</sup> See footnote 9, above.

<sup>11</sup> It is worthy of note that a Palestinian citizen of Israel is serving as the Minister of Science, Culture and Sport in the Israeli government. His appointment was only recently approved, on 29 January 2007.

**Diagram 1: The Organizational Structure of the Planning System in Israel According to the Planning and Building Law, 1965<sup>12</sup>**



**The National Council for Planning and Building: Chapter 2, Article A of the Planning and Building Law**

The National Council for Planning and Building (NCPB) is ranked third in the hierarchy of Israel's planning system, after the government and the Ministry of the Interior. By law, the NCPB must be composed of thirty-two members headed by the Minister of the Interior or his or her representative. The NCPB also consists of eleven members of government, local authority representatives, non-governmental organizations, including representatives of the younger generation and one representative from women's organizations. It should be stressed that the law does not compel the Council to include a representative of the Palestinian Arab minority in Israel, even though this minority amounts to almost 20% of the state's total population. Among the NCPB's thirty-two members, there are currently only three Palestinians; moreover, they are members of the NCPB as local authority representatives rather than as representatives of the Palestinian minority and they are all men. There are no Palestinian women on the NCPB.

The role of the NCPB is to advise the government on the general guidelines for implementing the Planning and Building Law. It must advise both the government and the Minister of the Interior over the adoption of regulations and is in charge of drafting national master plans. The inadequate representation of the Palestinian minority in the NCPB makes it difficult for this group to defend its needs and interests and to ensure that these are reflected in the planning principles and national master plans.

**The District Committees: Chapter 2, Article B of the Planning and Building Law**

In Israel there are six district planning and building committees: Northern, Haifa, Jerusalem, Central, Tel Aviv and Southern. By law, each committee must consist of seventeen members, and the head of the committee is the official responsible for the district within the Ministry of the

<sup>12</sup> See footnote 9, above.

Interior. Each committee also contains a district planner, eight governmental representatives and five representatives from the district's local authorities. The district committees' tasks involve drafting district master plans, entrusting the local committees with preparing local master plans, and approving detailed local master plans.

I have chosen, as an example, to examine the composition of the Northern District Committee for Planning and Building (NDCPB). The committee consists of seventeen members. The two senior positions on the committee with decision-making power – namely the committee's chairman and the planner, respectively – are held by two Jewish men. There are only two Palestinian representatives among the committee's members – the heads of the Nazareth and Yafat al-Nasera local authorities. The Palestinian population makes up more than half of the district's population (53%); therefore, their representation in the NDCPB is unjust and inequalitarian. This state of affairs illustrates the dynamics and domination of the majority group in the district planning system, which is further compounded by the concentration of Jewish citizens occupying senior positions.

### **Local Committees: Chapter 2, Article C of the Planning and Building Law**

According to the Planning and Building Law, each local planning area shall be assigned a local committee (section 17). The Minister of the Interior shall determine a local planning area after consulting with the NCPB, the district committee and the relevant local authority. Local planning committees prepare detailed local plans that require the district committee's approval and grants building permits.

The law recognizes three types of local committees:

1. A local committee consisting of a single local authority (hereinafter: "committee type 1"): A planning area comprising one local authority only. The local authority council functions like a local committee, which in turn will set up a planning and building subcommittee. This subcommittee will consist of the head of the local authority as well as representatives of the various factions of the local authority council.
2. A local committee consisting of a number of local authorities (hereinafter: "committee type 2"): For area planning which includes more than one local authority an eight-member local committee is appointed by the Minister of the Interior, consisting of the official in charge of the district or his/her representative, and another seven members, who are appointed from among a list recommended by the local authorities. It is noteworthy that representation is not mandatory for all authorities.
3. A local committee consisting of a number of local authorities, at least one of which has 35,000 or more inhabitants (hereinafter: "committee type 3"): This committee comprises seventeen members representing the regional authorities. Just like the local committee (type 1), this committee is elected.

**Table 1: Local Planning Committees in Israel by District<sup>13</sup>**

District	Total number of committees	Local planning committees (type 1)	Local planning committees (types 2+3)
<b>Total</b>	<b>113</b>	<b>76</b>	<b>37</b>
Northern	32	17	15
Haifa	12	6	6
Jerusalem	4	3	1
Central	30	21	9
Tel Aviv	10	8	2
Southern	25	21	4

<sup>13</sup> Website of the Ministry of the Interior – planning areas: <http://www.moin.gov.il> (Hebrew).

There are 113 local planning committees in Israel. Seventy-six of them are local planning committees, consisting of a single local authority, and thirty-seven are regional planning committees, consisting of more than one authority. Among the seventy-six local planning committees (type 1), only five are committees belonging to exclusively Palestinian communities. Another ten are mixed committees and the remainder are committees belonging to exclusively Jewish communities (fifty-nine committees). The vast majority of Palestinian communities in Israel are run by planning committees of type 2, featuring more than one local authority. As mentioned above – and by law - these committees are appointed (see Table 2).

**Table 2: Palestinian Towns and Villages in Israel by Type of Local Planning Committee<sup>14</sup>**

<b>Local planning committees (type 1)</b>	Total number of local planning committees in Israel = 76	
	Total number of Palestinian and mixed local planning committees = 15	
Local planning committees comprising Palestinian communities only	5	Nazareth, Taibeh, Tira, Rahat and Abu Basma
Local planning committees belonging to mixed cities	6	Tel Aviv-Yafo, Akka, Haifa, Led, Ramle and Natzeret Illit
Local planning committees (in regional councils) comprising both Palestinian and Jewish towns and villages	4	Zvulun: 13 villages, 2 of which are Palestinian Hof HaCarmel: 24 villages, 1 of which is Palestinian Merom Hagalil: 23 villages, 2 of which are Palestinian (north) Misgav: 32 villages, 6 of which are Palestinian (north)
<b>Local planning committees (types 2+3)</b>	Total number of regional planning committees in Israel = 37	
	Total number of Palestinian and mixed regional planning committees = 19, as follows	
Regional planning committees comprising Palestinian communities only	11	Beit HaKerem Valley, Givat Alonim, Eastern Galilee, Central Galilee, Lev Hagalil, Ma'aleh Hermon, Ma'aleh Naftali, Eiron, Kasem, Carmel Ridge, Itsva Hagalil
Regional planning committees comprising both Palestinian and Jewish communities	9	Galilee Panhandle, Eastern Galilee, Harel, Yizraelim, Mevo Ha'amakim, Matte Asher, Ma'aleh Hagalil, Samaria, Shimonim

### **Case Study: Northern District**

In order to determine the status of the Palestinian minority in the local planning committees, I will focus on the Northern District as a case study, and mostly on the composition and nature of these committees.

The Northern District has a population of 1,185,400, more than half of which (53%) is Palestinians (updated data for 2005).<sup>15</sup> There are only seventy-eight Palestinian towns and villages in the district (which make up 19% of the total number of towns and villages) out of 412 towns and villages in total, and three mixed cities.<sup>16</sup> In other words, the Palestinian population in the district is concentrated over a relatively small number of towns and villages, whereas the Jewish population spreads over 334 towns and villages. The city with the highest population in the district is the Palestinian city of Nazareth, with a population of 64,300. The second most highly populated community is the mixed city of Akka (45,800).<sup>17</sup>

### **Composition of the Local Planning Committees in the Northern District**

There are thirty-three local planning committees operating in the northern district, which is the highest number of committees in comparison to Israel's other districts. The district has seventeen local planning committees (consisting of a single local authority). Only one of them is a committee belonging to a Palestinian local authority – Nazareth. The district has two local committees for mixed towns and two regional council committees (including Palestinian towns and villages: nine of fifty-five Palestinian towns and villages). Beyond these towns and villages, the vast majority of the Palestinian towns and villages (sixty-nine) belong to regional

<sup>14</sup> See footnote 12 above.

<sup>15</sup> Statistical Abstract of Israel 2006 No. 57, table no. 2.8

<sup>16</sup> Statistical Abstract of Israel 2006 No. 57, table no. 2.7

<sup>17</sup> Statistical Abstract of Israel 2006 No. 57, table no. 2.14

committees (type 2 committees), which are appointed by the Minister of the Interior.<sup>18</sup> The status of the Jewish towns and villages is different. Forty-five percent of the 332 Jewish towns and villages in the district belong to local committees consisting of a single local authority (type 1), and the others to regional committees (type 2).

This state of affairs, wherein the vast majority of Palestinian towns and villages have local planning committees of the type 2 (namely, appointed committees) gives the central government control over the future planning and development of the Palestinian towns and villages, with minimal participation of the regional Palestinian population or its representatives. This situation also perpetuates the Palestinian minority's exclusion from the decision-making process in all matters pertaining to the creation of space.

**Table 3: Local planning committees in the Northern District<sup>19</sup>**

<b>Local planning committees (type 1)</b>	Total = 17	
	Of which: Palestinian and mixed local planning committees = 5	
Local planning committees comprising Palestinian towns and villages only	1	Nazareth
Local planning committees belonging to mixed cities	2	Akka and Natzeret Illit
Local planning committees comprising both Palestinian and Jewish communities	2	Merom Hagalil: 23 villages, 2 of which are Palestinian Misgav: 32 villages, 7 of which are Palestinian
<b>Local planning committees (type 2)</b>	Total = 16	
	Of which: Palestinian and mixed regional planning committees = 12	
Regional planning committees comprising Palestinian towns and villages	6	Beit HaKerem Valley, Givat Alonim, Central Galilee, Lev Hagalil, Ma'aleh Hermon, Itsva Hagalil
Regional planning committees comprising both Palestinian and Jewish towns and villages	7	Galilee Panhandle, Eastern Galilee, Yizraelim, Mevo Ha'amakim, Matte Asher, Ma'aleh Hagalil, Ma'aleh Naftali, Gilboa

### **Discussion and Conclusions**

The Palestinian minority in Israel is an indigenous group people whose language and culture are distinct from those of the majority Jewish population. Moreover, as a result of the individual and collective experiences of this minority, some of the latter's spatial requirements are different from those of Jewish people. Accordingly, this article reaches two main conclusions:

**1. The organizational structure of the Israeli planning system does not enable suitable representation of the Palestinian minority.** The Planning and Building Law – 1965 does not mandate suitable or, for that matter – any – representation of the Palestinian minority, despite the fact that the latter constitutes a substantial portion of the State's overall population and is socially and culturally distinct from the majority population. The postmodern geographical literature has attributed particular importance and attention to the urban space, which is made up of different population groups, each of which has its own distinct requirements. This literature also demands that the voice of the "other" be taken in to account – namely that it should be represented and its experience with the urban space recognized. However, the very fabric of the Israeli planning system's organizational structure does not make it possible to represent the "other", which – in this case – is the Palestinian minority.

<sup>18</sup> See footnote 12, above.

<sup>19</sup> See footnote 12, above.

Although there are a few Palestinian representatives (all men) in the Israeli planning institutions, their number and location in the planning system do not accord suitable, just and egalitarian representation of the Palestinian minority. For example, in the National Council for Planning and Building, which consists of 32 members, there are only three Palestinian men, and their position does not grant them the power to affect decision-making. In the Northern District Planning and Building Committee, there are two Palestinian members (men) out of 17, even though the Palestinian population makes up more than half of the district's population. Moreover, the district planner and the official in charge of the district – the two senior officials on the committee and those who make planning-related decisions for the district – are Jewish. It is important to note that Palestinian women are not represented at all in these institutions, and are hardly represented on the local committees.<sup>20</sup>

**2. The committees' composition and towns and villages their modus operandi is such that they give the central government vast control over planning and development.** A review of the composition of the local committees reveals that most of the Palestinian towns and villages belong to type 2 local committees, which include more than one local authority. Members of planning committees of this type are appointed by law. Appointed committees operate in the vast majority of the Palestinian towns and villages (sixty-nine out of seventy-nine) in the Northern District. There is only one non-appointed local planning committee in Nazareth; hence, the overwhelming majority of the Palestinian population in the district (87%) is subject to the considerations of appointed planning committees. The outcome is the virtually complete control of the planning institutions in the Palestinian areas; the exclusion of and failure to involve the Palestinian minority in the decision-making process; and the creation of an urban space that does not reflect the aspirations or needs of the Palestinian minority; in other words, a space foreign to the local culture.

In sum, in order to modify this distorted and unequal state of affairs and ensure spatio-cultural justice for the Palestinian minority, basic changes must be made to Israel's planning institutions in order to guarantee representation of the Palestinian minority (men and women alike), at least in relation to their percentage of the overall population.<sup>21</sup> Furthermore, the composition of the local planning committees must be changed in order to ensure that the Palestinian population is duly involved in the planning process. This change will make it possible to involve the Palestinian inhabitants in planning-related decision-making at the local level as well as in the planning processes in the space in which they live.

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<sup>20</sup> The postmodern and postcolonial geographic and feminist literature attributes a great deal of importance to the subject of "differences" in the urban expanse, and stresses the distinct gender-related experience in the urban space. According to these theories, the world of women is much more complex than the dichotomy between men and women: women perceive space differently and their political and socio-spatial needs are different. Because of the unique conditions of Palestinian women in Israel, their personal and collective experiences vary, and their spatial requirements are different from both those of Palestinian men and those of other women.

<sup>21</sup> For a broader discussion of this topic, see Hana Hamdan and Dr. Yosef Jabareen, "A proposal for Suitable Representation of the Arab Minority in Israel's National Planning System", *Adalah's Newsletter* Vol. 23, March 2006, available at: <http://www.adalah.org/newsletter/eng/mar06/ar1.pdf>.