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The Trap of Urban Planning Development in Jerusalem

ABSTRACT   The question of Palestinians' right for urban planning and development in East Jerusalem is one of many challenges Arab Jerusalemites face over the right to the city. While Palestinians search for the reasons for the impaired urban reality of East Jerusalem, some of the answers lie in the planning systems itself and its allowances. This brief paper describes, analyzes, and critiques urban planning policies that constitute a trap and an indictment mechanism impeding the issuance of a building permit and land titles. The planning trap is part of a sophisticated complex matrix of control systems, with hard and soft, visible and invisible components that are practiced by the Israeli authorities in an effort to bring about the geopolitical, demographic policies, and urban changes desired by the state in Jerusalem.

KEYWORDS: Jerusalem, urban planning, East Jerusalem, Palestine, demography

INTRODUCTION

By means of urban planning practices, the Israeli occupation of East Jerusalem applies and implements demographic, geographic, and urban planning policies to control the city in favor of its Jewish residents and expanding Judaization. This particular issue weighs on all Arab Jerusalemites and impacts the lives of individuals and the community as a whole.

Israel established its foundations by forceful means, or by a series of agreements reached during unbalanced circumstances, without symmetry in power negotiations, and without taking into consideration the interests of both parties. The main attribute of the implementation of Israeli policies is a product of distinct citizenship status and the realities of the religious, ideological, symbolic, geopolitical, functional, and structural aspects of the city of Jerusalem that shape or at least affect the urban conflict in the city, its surroundings, and its geo-demographic changes (Khamaisi 2018). The Israeli state and Jerusalem municipality's attitude towards East Jerusalem is expressed through the accusations against Palestinian residents for causing

the housing crisis by informal and unregulated construction, and the scarcity of land for public use and roads (UN-Habitat 2015). This manifests itself as a planning trap. The reality is that it is the product of the occupation and its planning instruments. The tools impede the issuance of building permits, on planning and organizing in East Jerusalem and the Palestinian neighborhoods, in a manner that is appropriate and responsive to the needs and ambitions of the Palestinian community of East Jerusalem. The asymmetrical mutual accusation between the state and municipal institutions that possess the power and resources, on the one hand, and Palestinian residents, on the other, is at an impasse. The powers of the former include urban planning and the utilization of space, and their impact on society. East Jerusalem is a mosaic of both urban and rural neighborhoods. Inhabitants in the rural areas are undergoing forced urbanization and find themselves mutilated, captive, defeated, and struggling to survive. They are forced by the powers of the state and municipality and are trying to meet their needs under a forced occupation and the neoliberal market with all that it imposes.

This matrix is applied selectively and in an biased discriminatory manor on the Palestinians themselves and their institutions, their land, space, and status. It is influenced by temporal–spatial conditions and attempts to convert East Jerusalem through the infiltration of Jewish residential enclaves, "Hebrewization," and Zionist ideology. Israeli domestic law and order replaces international law, which is applicable to East Jerusalem, which itself is recognized by the international community as an occupied territory.

URBAN PLANNING: A TOOL FOR DEVELOPMENT OR SPATIAL ENTRAPMENT?

The need for urban planning and top-down development became an irreversible necessity for urban intervention, land and resources management, and the fruitful expansion of cities that came with the Industrial Revolution, and with it accelerated the process of urbanization (Faludi 1973). This does not mean that before the Industrial Revolution there were no activities conducted in the fields of urban planning (Taylor 1999, 327–45), but the acceleration of urbanization shifted beyond urban planning, and later beyond regional planning, which ultimately became part of the restrictive spatial policy of urban development programs, despite the differences between planning theory and its application (Ladra'a 2013). Urban planning is used as a tool for governmental and municipal intervention to produce space (Lefebvre 1992,

Yousef 2009), distribute resources and opportunities for development on the ground, and develop rationalization or prevention programs in order to secure the welfare of the general public (Al-Lahham 2008), even at the expense of private interests. In sociocultural and geopolitical conflicts, however, urban planning is used as a tool of control and regulation by the institutions controlling important communities, especially in cities experiencing urban conflict (Bollens 2000) or in divided cities (Gaffikin and Morrissey 2011).

Planning can be defined as an intellectual process that translates thought into a tool or device to help shape the future and translate desired perceptions into goals in kind and a plan of action to accomplish them. This means that the planned individual or community must be aware that society will grow and develop within a framework of stability and tranquility. Indeed, how can we plan a community if its existence is temporary or threatened? (Clare 2011). Planning contributes to the stability and the development of a community. It constitutes the basis for urban development. Urban development is defined as a set of processes used to implement change in the structure of the city by rehabilitating it and providing all the basic services and infrastructure it needs to help mitigate its multiple problems and imbalances. Urban development is understood as follows: "The process of developing densely populated urban communities, and the size of their cities, through the establishment of projects and schemes aimed at the employment of individuals in various sectors, the distribution of technology, the dominance of commercial and industrial occupations and services, in order to achieve social and economic well-being and prosperity in cities, and to preserve their identity, history and development at the architectural, architectural and aesthetic levels" (Roushdi 2014, n.p.). Therefore, the planning of the community's welfare and the city is a lever if it is achieved in partnership and by taking into account the needs of the population and its aspirations. If the state seeks to impose coercive planning measures on citizens, as part of its colonial control to create a space that serves its interests (Çelik 1997), planning becomes a space-based instrument that prevents the needs and aspirations of the population from being met, particularly in the event of conflict over the physical and symbolic resources of the city (Flyvbjerg and Richardson 2002, 44–62, Hall 1990). The implementation of urban planning systems as part of the modernization process in the Arab city created multiple crises in the reality of colonial domination and beyond (Saidouni 2016).

In the context of national and cultural strife, planning institutions and planners recruited (Bollens 2000) to serve the state of Israel have used urban

and national planning as a tool for spatial capture and as part of the control matrix that seeks to create spatial control and reduce opportunities for Palestinian Arab development and growth. This plan was a trap that the Palestinian community of Jerusalem entered into in a state of mind and behavior in order to deal with it because it brought them between the hammer of the Israeli municipal occupation authorities and the synod of the diverse Jerusalemite community in its circumstance and needs. The trap is the introduction by the Israeli authorities of urban planning as a rational and positive solution to the organization of Palestinian neighborhoods. But this planning did not constitute a lever for society, but rather a limitation to its development. Therefore, dealing with Israeli planning institutions and participating in or even engaging with them may turn the relationship between a colonialist occupier and a society that rejects occupation and seeks to end it to a quasi-normal relationship between a central and municipal authority and a "citizen" seeking equality and equity. This individual and collective paralysis with which the Palestinians live in Jerusalem—between the geopolitical/national situation and the daily coexistence procedures to meet demands and secure the bond and development—contributed to them being caught in the trap of planning the accused. This trap, which established the rules of the game for the state and the Israeli municipalities, using the power of the state and its resources, violating the laws and practices of the control matrix, has urban planning is one of its main vehicles. Palestinian citizens reject the occupation that dominates them and their city and refuse to normalize the relationship with the municipality and Israeli planning institutions; they hate having to deal with them. This abuse is exploited by the policies and practices of the municipality and the Israeli government, in some cases naively, to trap the Palestinians by portraying them as responsible for refusing to plan and for perpetuating the situation by behaving in an irregular and unplanned manner, and refusing to pay planning fees for the allocation of part of their land to public utilities. However, the truth is that the Palestinians enter into licensing procedures for buildings and face high and arduous permit application requirements to the Israeli authorities who divide and register land in the land registry, determine who owns it, and at whose disposal the land is. Thus, the Israelis accuse the Palestinians of being the cause of the schematic reality that has arisen, as will be explained below. But before discussing the falsity of the Israeli accusation, the concept of the control matrix and its use of the reality of Palestinian urban planning in Jerusalem is now described.

MATRIX OF CONTROL AND PLANNING

The control matrix consists of a set of mechanisms, tools, and devices that are employed and acted upon by the dominant power over the urban space in order to achieve its objectives. This matrix is applied after taking into consideration the situational considerations of those involved in the conflict over the homeland and the city (Khamaisi 2010, 716–32). The struggle over Jerusalem is part of the struggle over identity, culture, and homeland, which the Zionist movement seeks to control and to extend its sovereignty, presence, prestige, culture, rhetoric, and language. To achieve planning control over Jerusalem, secure it through it, and apply the Israeli religious and geopolitical ideology as a state of enlisted institutions, efforts are directed towards the translation of policies into work tools that together form a complex control and control matrix, including the integration and accumulation of their vehicles to achieve the goals formulated by the state institutions and the municipality and their multiple arms to strengthen control, and control of the Palestinians and their dependence on them (Lustick 1980). The control matrix consists of tools that are rough and soft, visible and invisible to adapt (Khamaisi 2017, 48–80), weaken, and contain the Palestinian community of Jerusalem. It is mainly reflected in the use of rough mechanisms to confiscate land, build settlements, demolish buildings, as well as the construction of the separation wall, the extension and urbanization of towns and cities, the application of laws to control the Palestinian population growth, the confiscation of individual identities, and the planning and construction of a network of roads cut off and surrounded by Palestinian neighborhoods (Yunnan 2018). As for the use of soft mechanisms, they include Al-Askra city, that is, the military takeover of the city to civilian control, the change of names, and the production and formulation of a narrative of accusation used towards and within Palestinian society and within the urban landscape of Jerusalem, and intellectual and individual consciousness to collect them in a magic circle of disability and conflict of survival and avoid institutionalization and the assassination of national institutions and push them out of the perimeter of the city, and settled in the neighboring Palestinian cities under the administration of the Palestinian National Authority, such as Ramallah and Bethlehem. It is also a matrix of tuning compounds. The production of speech, tools, vocabulary, and language by the occupying power, consumed by the weak party occupier "teasing" and echoed as a victim and remains in the circle of reaction to which the strong party and his family had entered it (Khamaisi 2018). The application of this matrix is directly and indirectly related to

urban planning and includes the following principal components: preparation and approval of structural and detailed plans; registration and settlement of lands; issuance of a land registration document; issuance of building permits; construction control; fines; and demolition orders. The application of this matrix has undergone demographic, geographic, and urban changes in Jerusalem (Meiron and Bar 2009), taking into account its spatial, geopolitical, religious, symbolic, and geo-demographic characteristics. We will discuss these changes and some of their indicators briefly following the presentation of the privacy of Jerusalem after it was forcibly removed (administratively and physically) from the Palestinian territories occupied in 1967 and imposed by the Israeli Planning and Building Law and its amendments, which included Israeli planning institutions separated from those operating in the West Bank (Khamaisi 1999, 116–38, Wari 2010). All the laws relating to the settlement and registration of land in the Land Register and its administration in Israel have become applicable to East Jerusalem after its annexing and disposal from the West Bank, thus granting a special status that distinguishes between the status of man and the place, as will now be explained.

THE UNIQUENESS OF JERUSALEM AND ITS RELATIONSHIP WITH THE PLANNING TRAP

The impact of the definition of Jerusalem's special status in the planning and development of the city of Jerusalem, separating the status of the population and the status of the land, caused confusion between the urban and rural reality, which in turn caused a significant imbalance in the planning of urban Jerusalem. It is true that Jerusalem has a special religious status among the faithful, but this status extended to the planning of Jerusalem and the control of population development and housing. Jerusalem's special status prompted the Ottoman state to announce the formation of the Jerusalem municipality in 1863 as the second municipality after Istanbul. After the British occupation and the declaration of its mandate on Palestine, Britain took Jerusalem as a center for the high representative who ruled over Palestine between 1918 and 1948. However, planning decisions such as preventing construction up to seventy-five meters from the wall around the old town were made for a green belt. The unauthorized construction was not allowed in a radius of about 2500 meters from the Gate of the Column (Damascus Gate), and each building had to be made of natural stone. During the mandate period, five structural plans

were prepared for Jerusalem (Meiron and Bar 2009). These plans and their basic regulations were divided in 1948.

The granting of a special status for Jerusalem was expressed in the resolution of the international division of Palestine No. 181 of 1947, which referred to the preservation of Jerusalem and its environs under international administration and not to divide them up. As a result of the 1948 war, the city was divided into an eastern part, which later went to the Hashemite Kingdom of Jordan. The western part was under Israeli control after the Nakba and the expulsion of Palestinian Arabs from West Jerusalem. The Jordanian Arab East Jerusalem Municipality prepared a structural plan for the city. In return, the West Jerusalem Municipality prepared a structural plan for the western part. According to these schematic and succession plans, the Arab and Israeli municipalities of Jerusalem worked separately without coordination on the layout of the divided city and the production of a semi-specific planning pattern (Faludi 1997, 83–102). After the occupation of the Palestinian territories (including East Jerusalem by Israel in 1967), Israel separated them from the Palestinian territories and annexed them to West Jerusalem and the state of Israel by force and imposed Israeli sovereignty and law. The borders of the territories, which were practically and formally defined covered more than seventy square kilometers, including the Old City and fifteen Palestinian towns/villages, some of which were run by village councils such as Al-Isawiya, Shu'fat, and Sur Baher. Israel adopted geo-demographic, geopolitical, and institutional considerations for both annexing the smallest Palestinian population and the largest area of strategic land and resources covering the vicinity of Jerusalem airport and the surrounding security zone. As part of the control process, Arab municipal and village institutions were abolished and annexed by the Israeli government and subjected to the Israeli Jerusalem municipality after expanding its authority and extending its sovereignty over East Jerusalem, and imposed local law instead of international law.

In 1980, the Israeli Knesset enacted the Basic Law: Jerusalem, the capital of Israel. Its content is that: "The whole of unified Jerusalem is the capital of Israel; Jerusalem is the seat of the presidency, the Knesset, the government and the Supreme Court; the holy sites in Jerusalem are protected from any attempt to violate them or access to them." Jerusalem enjoys priority in the development projects of the government and the government gives the Jerusalem Municipality a special annual budget for the development of the city. In 2001, a clause was added to the law that affirms that the borders of the city of Jerusalem are the borders of the government order since its occupation in 1967

and prohibits the transfer of Israel's jurisdiction in Jerusalem to any foreign political component. Despite international opposition to Israeli law and Security Council Resolution 478 of August 20, 1980, the US Congress passed a 1995 law recognizing Jerusalem as the capital of Israel and granting the authority to complete the transfer of the US embassy to the US president.

As part of Jerusalem's seclusion, Israel separated the status of the land from the status of the Palestinian Arab Jerusalemite. Despite the annexation of land and the extension of land and planning laws as part of the control matrix, the status of the conditional permanent residence was granted by Israel to the original Palestinian Jerusalemites. This unique status is defined by the criteria of continued residence in Jerusalem as the center of life of the family and the individual to achieve his/her civil rights. The status of conditional permanent residence is subject to civil and security monitoring by Israeli institutions and is liable to loss of residence in his/her home and city if it is found to be in violation of state and municipal regulations (Margalit 2006). As part of the process of demographic determination and starting from the special status of Palestinian Jerusalemites, it includes treating the residents of Jerusalem as temporary in their homeland and city by granting them the status of "permanent resident," and not the status of citizen, while maintaining them in a society occupied since 1967 in the West Bank and Gaza Strip. This status has emerged from demographic, geopolitical, and security considerations and has influenced the behavior of Jerusalemites, where they have been placed between the hammer of the Israeli authorities and the matrix of their control, and the anvil of sociocultural controls and urban and economic needs characteristic of Jerusalem's reality.

Palestinian Jerusalemites had believed their situation would be temporary and that it would end. This had a direct impact on the status of the Palestinian Jerusalemites and how they dealt with the planning of their neighborhoods as a component of an integrated urban fabric, as well as their individual and collective behavior and the location of the geopolitical boundaries around municipalities and neighborhoods (Qurei 2011). It also had an impact on the policies of the Israeli municipality and government, which included resource monitoring and long-term structured planning. As is well known, urban planning aims to guide long-term development, not just to extinguish daily and urgent problems. Looking at oneself and others (individuals and institutions) and dealing with them temporarily has the effect of hindering the preparation of a detailed structural and detailed planning for the whole of East Jerusalem, as will be explained below. Thus, the state of temporary and fixed vacillation

is a special case in the reality and place of Jerusalem, and the prioritization of urban planning and development. The temporary circumstance was used as part of the control matrix imposed by the Israeli government and municipality on Palestinians in Jerusalem, and in return granted and paid for the development of the Hebrewization and judaization of Jerusalem.

The manner in which Israel dealt with the situation of Jerusalem is unique and distinct: it includes the construction of a separation wall that divides the Palestinian neighborhoods of Jerusalem and separates the city from its Palestinian surroundings and environs. This wall cuts off the Palestinian presence, separates Palestinians from other Palestinians, restricts their entry into Jerusalem without permission, and allows access to the Israelis. Settlements established in the vicinity of Jerusalem's neighborhoods and villages are used to promote and enable Israeli control over Jerusalem by establishing Israeli settlements in and around East Jerusalem. The peculiarity of Jerusalem has prompted the Israeli authorities to re-divide urban space by means of a wall that encircles Jerusalem and controls access to and exit from it through checkpoints and "gates" that determine who is permitted to reside there or not. The wall is visible in the urban landscape and cuts off the Palestinian community of Jerusalem, and separates those living within and behind it. This dualism exercised in Jerusalem on the movement of the population on the basis of identity and belonging has created a system of apartheid and ethnic occupation *in situ*. The establishment of Israeli settlements in urban and rural areas was an implementation of the strategy of dealing with the Palestinian neighborhoods and towns to cut off their connections and prevent the creation of geographic contiguity among them. Subsequently, infiltration has occurred in the Palestinian neighborhoods, especially in the area of the Old City and its surroundings. This strategy is accomplished by increasing the number of both settlement outposts and the settlers who live there, connecting them to a network of roads that control Palestinian movement, and controlling their lands to prevent Palestinians from living and expanding them.

The construction of the wall has contributed to security and geo-demographic considerations in the Jerusalem urban environment (urbanized region) (Khamaisi 2007, 63–89), to restore the state of division of the city as happened in 1948, but the entire city is under Israeli control, despite granting some administrative and functional powers to the Palestinian Authority under the interim agreements between the Israeli government and the Palestine Liberation Organization (PLO) in the areas classified as A and B, which include nearly forty percent of the West Bank. These agreements between

the Palestinian and Israeli sides were conscious of the specificity of Jerusalem, and it was therefore agreed that the geopolitical solution would be settled as part of the final agreements. The postponement of the political settlement of Jerusalem has led to the continuation of having to deal with the temporary aspect of the development of proposals for partial and fragmented settlements and has interfered with planning and construction as a basic living requirement that needs stability and a clear geopolitical future.

An additional aspect of Jerusalem's specificity relates to its demographic composition on the basis of national and ethnocultural affiliation. In 2017, the percentage of Palestinian Jerusalemites was more than thirty-seven percent of the population; the rest were Haredi Israelis (Orthodox Jews), about thirty-four percent of Israelis, and the remainder were divided among other religious sects. Thirty-four percent define themselves as Israeli Zionist secularists.[1] The Palestinian community of Jerusalem is divided along the lines of Jerusalemite religious denominations and a rural component. The Jerusalemite community is divided according to cultural and ethnic identity or the major affiliations of the Jerusalemites and others who came to the city, especially from the Hebron area. The rural community is divided between the surrounding villages and close to the old town such as Silwan, and between the remote villages located in the south and north of Jerusalem, including differences in the level of urbanization and the city and the polarization and absorption of migration, as the villages/neighborhoods southeast of East Jerusalem (Sur Baher and Sawahra) are the more traditional and conservative of the neighborhoods/villages of northern Jerusalem such as Shu'fat and Beit Hanina. In terms of the main religious affiliation, the percentage of Palestinian Christian Arabs in Jerusalem in 2015 was about four percent, while the remainder (ninety-six percent) were Muslims.[2] This diversity within the Jerusalemite community has been exploited by the Israelis to create divisions between the Palestinian groups, dealing with them under the principle of "divide and rule." The imposition of the policy of spatial control, in particular, and the absence of a collective urban space in which all the Palestinians belong is at the root of the rural/urban/tribal/sectarian divide. These Palestinians are undergoing selective urbanization processes that oscillate between

1. See http://jerusaleminstitute.org.il/.upload/%20%D7%A0%D7%AA%D7%95%D7%A0%D7%99%D7%99%D7%9A%202017%20%D7%A2%D7%91%D7%A8%D7%99%D7%AA%20%D7%93%D7%99%D7%92%D7%99%D7%98%D7%9C%20-%202.%20%D7%90%D7%95%D7%9B%D7%9C%D7%95%D7%A1%D7%99%D7%99%D7%94.pdf.

2. See http://www.jerusaleminstitute.org.il/.upload/yearbook/2017/shnaton_C1317.pdf.

pseudo-cultural and socio-capitalist behavior. This "compound" reality has created a special status for the Jerusalemite community, which is still struggling to survive, to provide a decent life, and to preserve itself despite Israeli external threats and sociocultural and economic structural obstacles, which contribute to reducing the chances of developing and forming an urban society based on urban planning and development that meets the needs of the population and does not restrict them.

MOBILIZATION OF THE URBAN PLANNING TRAP

The seclusion of Jerusalem and its continued occupation for more than fifty years have had a direct impact on the transformation of Palestinian neighborhood planning policies and practices in East Jerusalem by Israeli and municipal planning institutions. The policy of imposing an irreversible fait accompli and dealing with the future of Palestinian neighborhoods in a different way is due to the fulfillment of Israel's desire to secure its ideological and functional interests in order to maintain Israeli control of Jerusalem. Cohen-Ber (2014) divides the stages of development of urban planning over the five decades of occupation into five. These stages show the transition of planning institutions from a near disregard and restriction to containment and control. The priorities of planning and ratification shifted from planning priority of the old town and its environs to achieving the Israeli objectives of securing control over the Old City and its immediate surroundings. Later, the planning work of the Palestinian neighborhoods outside the vicinity of the Old City expanded. The monitoring of transformations shows that they are influenced by several factors that could be handled by changing the municipal policy from "temporary" and the uncertain future in dealing with reality and planning, even if a future geopolitical settlement is ever achieved. In parallel, there have been transformations within the Jerusalemite community whose population has increased, and there have been sociocultural and socioeconomic changes and transformations that have influenced its patterns of behavior and consumption of space. The increase in the size of the population and change in lifestyles are accompanied by a high demand for housing and public space and municipal services. These internal changes were accompanied by changes in the planning policies and mechanisms of their implementation, including amendments and amendments to the Planning and Building Law, such as the amendment of the Regulation Law 43 in 1995, and the delegation of powers to the Municipality of Jerusalem to approve detailed local amendment plans.

At the country level, country plans have been prepared and approved, such as Country Outline 35, which was officially approved in 2005, and a district plan such as the Jerusalem District Plan No. 1, Amendment 30, formally approved in 2013. These schemes included East Jerusalem, planning policies, and controls. This means that societal changes in Jerusalemite society and geopolitical changes in the relationship between Palestinians and Israelis have been accompanied by changes in planning infrastructure and policies and practices that have directly affected the stages of the preparation of structural plans in Palestinian neighborhoods.

The fact is that Israeli planning institutions, including the Jerusalem municipality as a local organizing committee, are no longer planning local structures for Palestinian neighborhoods in Jerusalem. Since the occupation of East Jerusalem, the process of preparing and approving structural plans and the use of besieged urban planning by the municipality and the regional and national planning institutions has begun, which has produced distorted urban spaces and planning that does not meet the needs of Palestinian Jerusalemites (Post 2009).

The pattern the planning trap has taken, which included the preparation of structural plans for the Palestinian neighborhoods, can be divided into three stages.

The First Stage

The first stage included the first ten years of the occupation of Jerusalem. During this period, the Jerusalem Municipality of Jerusalem adopted a structural plan and system that was developed during the British Mandatory period and later during the period of Jordan, and applied to part of the boundaries of the Arab Jerusalem Municipality (about 6000 *dunum*s (acres). The "National Area" directly connected to the Old City Wall (Plan No. 6) is to be declared a national park. This scheme was approved for deposit in 1968. Under this scheme, the Israeli government designated the area around the wall of the Old City as a National Park in 1974, according to Plan No. C/19/11. Later, an outline plan was prepared for the area of the old town basin, which extends north to Sheikh Jarrah, the Mount of Olives, east of Al-Masharaf, Al-Tur and Al-Shayya, and south of Wadi Qaddum, Jabal Al-Mukaber and west of Ma'man Allah. This plan included the boundaries of the Jordanian municipality of Jerusalem, and was approved in 1972. At the city level, the municipality adopted a general plan outline plan known as the Master Plan of Jerusalem 1968 (Hashmashoni, Hashmashoni, and Shvid 1972). This master plan began

with the preparation of West Jerusalem in 1963, but after the occupation of East Jerusalem, the boundaries of the plan were expanded and included East Jerusalem, including the outline plan that was initiated for East Jerusalem in 1964 under the supervision of Henry Kindle, 1935–48.

Although the Jerusalem scheme of 1968 was not officially approved under the Israeli Planning and Building Law, it set the direction for the policies and trends of the development of the city after the annexation of 1967, and established a basis for the confiscation of land in East Jerusalem and the establishment of Israeli settlements thereon (Felner 1995). At this stage, urban planning translated the ideology of Hebron and the Zionists into space and applied the priorities of intervention to change the reality in East Jerusalem. This plan also laid the foundation for the control and fragmentation of Palestinian neighborhoods through the confiscation of land and the establishment of settlements on them, such as French Hill, the Prophet of Jacob, Ramot in the north, and Gilo and Telipiot in the south. The plan of 9/9 to control the Palestinian construction in the Old City Basin (which is still valid in controlling land use in its surroundings) was drawn up in total disregard for the majority of existing buildings by designating land as national parks or open public areas, even on Palestinian buildings which granted the development potential, and determined the building rights under the village style, whereby building permits cannot exceed more than seventy-five percent of the plot area.

The Second Stage

The second stage was based, established, built, and developed on the first stage and included the preparation of local structural plans for Palestinian neighborhoods/villages that included East Jerusalem on two levels. First, the preparation of local and specific master plans for the villages and Palestinian sites included in Plan 9, such as Silwan, Sheikh Jarrah, and Shiyah. Although the preparation of these schemes began in the 1970s, they were only ratified in the 1980s. These plans have been modified, separated and defined as permitted construction sites in the 9/9 area. In parallel, these schemes have established lands that are prohibited for construction, those designated for use as green areas or for use as national parks. The second level is the preparation of detailed structural plans for nearby Palestinian villages/neighborhoods or outside the Old City basin such as Al-Thawri, Beit Safafa, Beit Hanina, and Al-Isawiya. The plans, approved at the end of the 1980s and the beginning of the 1990s (Table 1), were aimed at identifying the areas in which construction

could be built, the percentage of building permits granted, and the capacity for housing units. They were not intended to be plans for neighborhoods for future development, but were rather intended as a reference to allow the municipality the possibility to issue or to refuse to issue building permits in areas covered by the plans according to the controls set by it. These plans were prepared and approved by the municipality with no participation by the residents; they were mostly rejected by the population for procedural and material reasons. Procedural reasons largely meant that these schemes avoided taking account of the needs and aspirations of the population. Some objected to them in efforts to mitigate the damage and attacks that these schemes brought. Specifically, their reasons were the rejection of any containment or adaptation carried out by the occupation through the use of civilian means, including urban planning. In some cases, the entrenchment and integration between the substantive/civil/procedure prompted residents to refuse to deal with the planning process at all, since the municipal authorities imposed their results through the approval by an official of the specific detailed structural plan and its application by the municipality as a yardstick for approving or rejecting building permits.

It should be noted that these schemes identified the potential absorptive capacity based on the considerations of keeping the demographic balance of thirty percent Palestinians/seventy percent Israelis. Under this absorptive capacity, construction rights that did not take into account the method of construction in Palestinian neighborhoods, ownership of the land, and the utilization rate of capacity were identified, which contributed to the housing shortage in the Palestinian neighborhoods and the unauthorized construction due to obstacles to obtaining permits.

Palestinian citizens' attempts to cope with these schemes imposed by local, regional, and national planning institutions in descending order were done using four principal courses of action. First, building continued and schemes were ignored and instead were focused on the local consensus objective which was not based on alternative resistance planning. Their approach addressed the need for a population that could not be certified. Some of those who carried out building projects in this way justified it with motivations to confront the occupation. This kind of de facto unauthorized construction increased randomly in Palestinian neighborhoods. The absence of appropriate and homogeneous planning that took into consideration citizens' needs and aspirations was the central reason for the phenomenon of unlicensed building in Jerusalem neighborhoods.

TABLE 1. Plans Prepared and Approved for Palestinian Neighborhoods and Capacity for Housing Units Over Almost Four Decades of Occupation

Plan number	Neighborhood	Chart type	Date of ratification	Area of the chart (*dunum*s = acres)	Capacity for housing units defined by the plan
2639	Sheikh Jarrah, American Quarter	Not detailed	November 8, 1984	560	–
2591	Sheikh Jarrah, Bab Al-Sahira	Detailed structure	November 15, 1984	310	2425
2733	Tur	Not detailed	May 18, 1985	280	770
2691, 2691 A	Jabal al Mukbir	Detailed structure	May 5, 1987	579	300
2783 A	Selwan al Wasta	Detailed structure	May 25, 1987	370	1200
3488	Beit Safafa	Detailed structure	May 25, 1987	217	
1864 A	Al Thawri	Detailed structure	June 20, 1989	670	1500
3092	Sawwanah	Detailed structure	September 3, 1990	500	600
2317	Bayt Safafa, Sharfat	Not detailed	November 22, 1990	2285	3000
3000 B	Beit Hanina, Shu'fat	Not detailed	July 18, 1991	8000	7500
2316	Issawiya	Detailed structure	December 31, 1991	666	1400
3085	Chiah	Detailed structure	February 5, 1993	1100	1350
2683 A	Al Sawahera	Detailed structure	March 30. 1996	4000	2770
2302 A	Sour Baher, Oum Touba	Detailed structure	September 23, 1999	3315	3100

(Continued)

Plan number	Neighborhood	Chart type	Date of ratification	Area of the chart (*dunum*s = acres)	Capacity for housing units defined by the plan
2668	Ras el Amoud	Detailed structure	February 21, 1998	1600	2000
5222 A, 5222 B	Al Thawri	Detailed structure	June 17, 2004	108 + 14	200
2521 A	Kefer Aqeb	Detailed structure	March 2, 2005	1258	1450
Total			25,710		29,565

Source: Compilation of the construction report in the crate layout (Cohen-Ber 2014).

The second course of action involved the preparation of modified detailed plots by landowners/owners of buildings without a permit and submitted them to planning bodies for approval, including changing the use of land from green areas to housing or development. The initiative to develop detailed population plans increased following the amendment to the Israeli Planning and Building Law of 1995, which allowed each landowner to initiate a detailed structural plan and seek approval from planning institutions. The amendment of Law No. 43 gave the opportunity to prepare detailed plans by the Palestinian stakeholders to enable them to obtain a permit for their residential and commercial buildings or face demolition orders and building violations.

The third course of action included making an appeal to the Israeli courts to amend or halt the detailed structural plans on the grounds that they did not meet the needs of the population, in addition to going to the court against the municipality or the building inspection committees to prevent the execution of demolition orders of buildings without a permit, or to reduce fines imposed on buildings and prevent the owner's imprisonment.

The fourth course of action, which began around forty-five years into the occupation, included attempts by local initiatives to prepare alternative detailed plans for those from the municipality. These alternative schemes were prepared with the support of the European Union and have been submitted to official planning institutions such as Ain el-Luza and Madrasa (Khamaisi

2012). Such plans are generally designed for the demolition of existing buildings, but fall outside the approved or prepared plans of the municipality.[3]

The Third Stage

This phase of the implementation of the planning trap was initiated, developed, and integrated thirty years into the occupation of East Jerusalem, especially after the general plan of the city of Jerusalem known as the "Jerusalem 2000 Master Plan" was prepared. Although this scheme was modified during its preparation process after being presented to the planning institutions, it was not approved for implementation as a binding structural plan. However, in practice, the Municipality of Jerusalem implements the plan and obliges everyone who initiates the preparation of a new detailed structural plan or the modification of an existing structural plan to add building rights or expansion of areas designated for development such as the Sawahra plan, Deir Al-Amoud plan, and Al-Mentar plan. During this period, initiatives were taken by the municipality to prepare master plans (parental plans) such as the Sur Baher plan. These local master plans of the Jerusalem neighborhoods, initiated by the municipality or interest groups that defend the existence and development of Palestinian buildings, require the application of directions and limits of development as laid out in the Jerusalem 2000 plan. It is worth mentioning that the Jerusalem 2000 plan is part of the national planning policies set out in Country Plan No. 35 and the Jerusalem District Plan according to Israeli Definition No. 1, Amendment 30. The plan is committed to the discourse, language, and planning mechanisms developed in Israel and applied in East Jerusalem without treating it as an occupied area, and the status of the Palestinian population as permanent residents rather than as citizens.

The Jerusalem 2000 plan was a central focus of the urban planning process of the Palestinian presence and development in Jerusalem. It continued with the demographic discourse on preserving the demographic balance for the benefit of Israelis and identifying areas for development, including the use of open green areas according to various categories. Although the plan presented and approved the changes in the population, where the proportion of the

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3. Since 2009, initiatives have been driven by the author, who led a professional planning team to prepare detailed structural plans for Palestinian neighborhoods such as Ain al-Luza, Thawri, Shiah, Tel Idasa, Deir al-Amud, and Muntar in Sur Baher. In addition, awareness-raising and community meetings were held in order to gain Palestinian rights in the city. These plans were prepared by the community, and with its participation, in order to confront the phenomenon of the demolition of buildings and the preparation of alternative plans for municipal plans (UN-Habitat 2015).

Palestinian population exceeded one-third of the population, the expectations of the Jerusalem 2000 plan are that the ratio of the Jewish population to the Arabs in Jerusalem is forty:sixty; the ratio thirty:seventy was determined ten years into the occupation according to the decision of the Jaffni Committee (Ministerial Committee for the Examination of Development Acceleration in Jerusalem 1973, 3). The plan also allocated some expansions to the Palestinian neighborhoods, most of which are practically exploited for construction in whole or in part, but the plan refers to it as intended for Palestinian residential development. The structural plan also indicated that it would mobilize the existing building areas and increase the construction rights permitted under approved local structural schemes. These are some of the formal modifications and partial additions included in the Jerusalem 2000 plan presented rhetorically by the Israeli authorities as an achievement and an opportunity for development for Jerusalemites, but which are not sufficiently exploited by them.

An in-depth study of the Jerusalem 2000 plan shows to what degree it constitutes an urban planning trap for Palestinian society's expectations. The plan overlooked the separation between occupied East Jerusalem and West Jerusalem and sought to create a comprehensive plan of geopolitical annexation and settlements to implement Israeli policies and actions. The plan also overlooks the signed agreements between the Palestinians and the Israelis on the future of Jerusalem and the position of the international community, which is that East Jerusalem is occupied and governed by the covenants of international law and not by domestic law (Hamdan, Hanin, and Bishara 2009). The plan also overlooked the construction of the Separation Barrier and the division and fragmentation of the Jerusalem urban area. At the procedural level, the public spaces allocated for Palestinian development did not exceed sixteen percent of the development area earmarked for development in the year of the planned target, although the plan foresees an increase in the Palestinian population to forty percent of Jerusalem's population. The intensification policy adopted by the plan will increase the density of building, which is not homogenous and commensurate with the existing infrastructure, road network and public facilities that can be provided according to the requirements of the plan. Since the Palestinian neighborhoods were developed on private land, while the settlements were built on the land of a state that was expropriated, the plan disregards ownership of private land—the right to build one's own home on one's own land—the culture of construction, the housing market with external and internal obstacles, as well other urban development planning crises for Palestinians in conflict elsewhere. The

planning and development limits imposed by the municipality under the boundaries set out in the Jerusalem 2000 plan are set out in efforts to prepare detailed plans, whether by the municipal initiative, such as the Eastern and Al-Sawahra Amendment Plan 2015 (Abdul Qader 2017, Cohen 2016)[4] or by the population initiative and with international support (Khamaisi 2012). Planning institutions reject these initiatives on the grounds that the plan's instructions, the municipal decisions, and the planning results reached by the planning staff are not consistent with the planning instructions and policies that the municipality sets as an interpretation of the Jerusalem 2000 plan.

During the third and current phase of the urban planning trap, the adoption by the municipality of the policies of delegation of planning powers to the local level was included along with initiators and owners of land, where the municipality is preparing master plans (parental plans) to be adopted to control the planning initiatives carried out by citizens at set-up spot or bitmap diagrams. During this period, the municipality began to reject the plans of fewer than 50 *dunum*s (acres). Although the request of the municipality is supposed to rest on a comprehensive planning logic, the fact is that the municipality does not take the initiative to prepare detailed plans, and imposes impossible requirements on the initiators to prepare them. Such requirements include proof of ownership and consent between the owners to deduct and allocate public facilities from their lands that are registered in the name of the municipality, although they had already been allocated under the planning. The municipality and Israeli institutions have an interest in the completion of sector planning in East Jerusalem that dictates its requirements for detailed planning, including, for example, the Antiquities Authority, the Nature Protection Authority and National Parks, and the Ministry of Communications. The integration of the plans of these sectoral institutions, which translate the process of localization and the empowerment of the Israeli presence and development in East Jerusalem, narrow the opportunities for Palestinian development, even if the Palestinians do accept the course of planning and enter the framework of the planning trap.

Despite the urban planning trap and the shifts that took place over fifty years of occupation, influenced by the general changes that occur under the

4. The municipality initiated a detailed structural plan for Issawiya in 2015. The planning team was headed by architect Ari Cohen. This plan came after the municipality refused to approve the scheme initiated by the population under the guidance of Bamcom. The current plan for Issawiya is not progressing because of the incompatibility between the representatives of the population and the municipality about the candidate planning alternatives that limit the development of the town.

reforms and alterations in the building and planning policies in Israel, and those related to the seclusion of Jerusalem, urban development planning is still being used as a smart control tactic. Palestinians are portrayed as responsible for causing the reality of the planning crisis and with it the housing shortage and the availability of public space. As presented briefly, the planning trap tactic is accompanied by the development of tools and devices by the municipality to exercise control over the Palestinians. The implementation of the contents and instructions of the Jerusalem 2000 plan, and the plans prepared there under, may open some of opportunities for local solutions to some of the Palestinian victims who have suffered and continue to suffer from the planning trap. However, the entire plan is harmful and does not contribute to enabling urban development planning for Palestinian Jerusalemites. The forced implementation of the Jerusalem 2000 plan, although not formally approved by law, prompted Israeli civil society organizations (Association for Civil Rights in Israel (ACRI) and Bimkom) to petition the Israeli District Court in 2013 to prevent its use on the Palestinians as a basis for directing planning in East Jerusalem.[5]

Building License Trap

Building permits have to be issued according to the Planning and Building Law for every construction or physical development initiative. The requirement is a trap used as a means to control the planning. According to available data, eight percent of building permits issued by the Jerusalem Municipality between 2009 and 2016 were for Palestinian construction in East Jerusalem.[6] Currently, approximately six percent of the land used for housing in Jerusalem is used by Palestinians, although they represent around 37.4 percent[7] of Jerusalem residents and 28.4 percent[8] of the total number of Palestinian families in Jerusalem. The difficulty of obtaining such permits and the obstacles that the municipality places before issuing them is the explanation for this. One obstacle to obtaining a building permit is related to the lack of appropriate urban planning for the Palestinian neighborhoods. The urban planning and direction imposed by the official planning institutions on the community and the Palestinian neighborhoods were drawn up and approved without

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5. See https://www.acri.org.il/ar/wp-content/uploads/2013/04/PetitionArabic210413.pdf.

6. Data presented by Ali Ayoub, President of the Beit Safafa Community Center, in a lecture given at the Planners' Association Conference, March 15, 2018.

7. See http://www.jerusaleminstitute.org.il/.upload/yearbook/2017/shnaton_C0117.pdf.

8. See http://www.jerusaleminstitute.org.il/.upload/yearbook/2017/shnaton_C1817.pdf.

residents' participation and involvement. The planning authorities set the rules and limitations against community norms and consensual agreements between owners of land, and prevent the issuance of building permits; this has created a phenomenon of unregulated illegal construction. In addition, the urban planning prepared and validated for the Palestinian neighborhoods stems from the concepts of granting the rights of planning/building to a few villages and do not exceed fifty to seventy-five percent for the production of rural space, although the reality and the needs of Palestinians are mostly urban. To meet these needs, urban planning/building rights should be granted to enable building permits to accommodate the high population growth, and to provide the required housing to relieve the Palestinian community from the cycle of distress caused by the housing crisis. The payment of fines for unlicensed construction needs to be reduced. Palestinian families are not allowed to obtain permits to build in the West Bank. They are forced to build without a permit and are consequentially prosecuted by the courts. They are subjected to fines, some are imprisoned, and others are forced to demolish the homes they built by their own hands,[9] since they cannot afford the demolition costs if their homes are destroyed by the planning institutions.

Moreover, the slow rate of approval of detailed local structural plans, and the fact that these schemes are often different from the reality and needs of the Palestinians, make it next to impossible to obtain building permits or planning permission in Palestinian neighborhoods, in particular, and at the city level, in general. These schemes do not meet the requirements of decent living in the most basic form. The recognition of partial structural plans, fragmented by the Israeli authorities, leads to the absence of public space, including a network of roads to serve Palestinian neighborhoods that would allow movement and convenient access to the latter; if ever available, they are unrealistic plans because of buildings located on roads and land designated for public facilities. Such infrastructure is either not taken into consideration by the planning authorities, or attacked by the owners who oppose the scheme by building without a permit. These schemes also prevent the issuance of building permits for existing or new buildings necessary for Palestinians to survive on their land and in their city. Furthermore, the Israeli authorities enter the courts, confiscate legal proceedings, oblige the payment of fines, imprison and even demolish buildings as part of the civil control matrix applied by the Jerusalem

9. Data from the Maqdisi Foundation indicate that between 2000 and 2015, 346 Palestinians were forced to demolish their homes by their own hands.

municipal institutions and the Israeli government. Such means are applied by the latter when it deems it necessary to fulfill its interests.

There are no precise data on the number of Palestinian buildings constructed without a permit. It is estimated that more than one-third of Palestinian families (more than twenty-five thousand families) live in unlicensed buildings, some within the boundaries of permitted development within approved master plans. Their homes are threatened with demolition or they are subjected to high fines. These fines increased significantly after the adoption of Amendment 116 to the Organization and Building Act of 2017 (known as the Kemens Amendment), and include all participants in the construction process (owner, engineer, contractor, builder). According to this amendment, the authority responsible for the control of buildings and demolition orders for "unauthorized" houses has been transferred from the courts to the administrative level in the planning institutions, which have doubled the fines and demolition orders. Demolition constitutes the harshest punishment in the brutal control matrix practiced on residential buildings in Jerusalem. According to data from the Land Research Center for Arab Studies (2018), during the period 2000–17, a total of 1189 buildings were demolished within the boundaries of the Jerusalem Municipality, according to the Israeli definition (Tables 2 and 3).

Data show that the number of buildings demolished in the last two years increased compared with the previous ten years. The rate of demolition in the Jerusalem neighborhoods outside the Old City basin is higher than that occurring in the vicinity of the Old City. Each house demolished is a disaster for its owner, and the threat of demolition and imprisonment of the owner of the house is used to force the Palestinians into the planning trap in the hope of protecting their homes; some are eager to initiate the preparation of detailed plans or early participation in the planning processes. Despite their national refusal to be ensnared in the planning trap, their need to protect their homes and to struggle for survival often force them into engaging with the procedures of the planning trap.

Trap of Kushan Tabu and Proof of Ownership

A document proving ownership of the land is a central component of the arcane planning trap, given that obtaining building permits is conditional to the applicant proving ownership. To secure proof of the applicant's ownership requires that a permit be issued to trace the registration of the owner. During the period of occupation, which so far has gone on for fifty years, the Israeli

TABLE 2. Demolition of Palestinian Buildings in East Jerusalem, 2000–17

Year	Number of residences	Number of rooms	Area (m^2)	Number of families	Number of children
2000	37	109	2358	279	127
2001	72	373	11,333	500	270
2002	69	315	8554	436	231
2003	145	568	18,830	845	456
2004	183	518	16,532	854	494
2005	120	441	13,322	531	281
2006	78	326	8092	462	264
2007	94	355	9535	516	302
2008	95	243	9254	546	315
2009	77	227	6572	555	296
2010	39	114	3020	266	145
2011	37	98	2371	263	165
2012	51	134	3306	323	197
2013	98	250	8315	565	328
2014	95	205	7580	561	294
2015	101	282	9401	533	311
2016	167	480	18,319	691	337
2017	148	405	14,241	696	350
Total	1706	5443	170,935	9422	5163

Source: Author's compilation from the Land Research Center for Arab Studies (2018).

authorities confiscated more than one-third of Palestinian land annexed in 1967 and used it to establish and service Israeli settlements. The remainder was, according to Israeli plans, designated as green areas which Palestinians were prevented from developing. Less than six percent of the area of the Jerusalem municipality includes Palestinian neighborhoods. The number of Palestinians currently residing there stands at thirty-seven percent, as previously mentioned. In the majority of this inhabited space and the surrounding areas, a Kushan Tabu (title deed) cannot be officially issued by the Land Registry Department. The mechanisms of proof of ownership depend on the register, as in the Sur Baher area, or the Jordanian property tax registry. The Jordanian authorities had begun to register land formally in Jerusalem and its surrounding area. However, after Israel occupied and annexed East Jerusalem, the process of settling the land was halted in the areas that remained

District/location	Number of residences	Number of rooms	Area (m^2)	Number of family members	Number of children
Al Baq'a	1	3	60	6	3
Al Sheikh Saad	1	5	110	7	4
al-Nu'man	1	6	120	7	4
Bado	1	5	130	9	7
Beit Surik	2	10	250	25	12
Khrab Em Lahham	2	10	250	11	6
Sharafat	2	7	170	14	8
Souaneh	3	5	141	12	5
Umm Lisun	3	10	240	16	11
Share' Salah Eddin	3	7	181	27	16
Qalandiya refugee camp	3	9	310	24	7
Umm Tuba	4	13	240	24	4
Dahiat al'Barid	4	26	890	36	19
Qatanna	4	15	600	22	10
Shuafat refugee camp	4	15	320	20	11
Al Ram	6	17	505	50	22
as-Sawahira ash-Sharqiya	6	21	560	49	32
Nabi Samuil	6	7	290	48	35
Sheikh Jarrah	7	21	575	25	9
Mukhmas	7	11	500	31	18
Bayt Safafa	8	26	760	39	19
Wadi Sneysel	8	16	640	90	50
Bayt Aksa	10	25	1025	73	48
Hizma	10	33	950	47	28
Kafr 'Aqab	10	40	1385	50	30
Bir Nabala	13	30	881	100	60
Al-Thawrah	15	45	1501	86	41
Abu Dis	22	63	2250	79	45
Ras al-Amud	23	69	2433	124	63
Khan al-Ahmar	24	57	1636	165	100
Al Jib	25	62	1710	215	137

(Continued)

District/location	Number of residences	Number of rooms	Area (m^2)	Number of family members	Number of children

TABLE 3. (*continued*)

District/location	Number of residences	Number of rooms	Area (m^2)	Number of family members	Number of children
al-Walaja	26	82	2354	137	49
Wadi al-Joz	30	111	3377	205	102
Jaba', Jenin	35	72	1829	235	143
Old city	43	82	1828	321	169
az-Za'ayyem	48	141	3980	269	149
Kalandia	54	206	10,657	154	55
al-Eizariya	64	170	5267	463	273
Shuafat	99	427	11,916	598	324
Sur Baher	99	399	11,807	493	286
Jabel Mukaber	112	356	10,451	596	298
'Anata	123	272	7962	575	323
Silwan	128	402	11,174	761	403
Isawiya	130	428	14,265	671	332
At-Tur	145	405	14,487	516	281
Beit Hanina	332	1201	37,968	1897	1119
Total	1706	5443	170,935	9422	5163

Source: Author's compilation from the Land Research Center for Arab Studies (2018).

outside the confiscated land. Currently, most of the land located in and around the Palestinian neighborhoods is still not "officially" settled or registered. This impedes issuance of building permits, facilitates confiscation, and causes problems and conflict between owners and heirs, thus increasing social problems and tensions between relatives and neighbors. On the other hand, the state monitors the implementation of laws and regulations that enable it to confiscate land. The landlord's inability to bring acceptable proof of ownership to the planning institutions precludes the issuance of a building permit even if the planning scheme is in force to enable the issuing of permits. The process of settling the land on the owner's initiative is possible, but it is subject to the consent of the owner's partners or managers. It is also dependent on the representative of the absentee property guardian who took over the land when owners were displaced and who were then defined as "absentees" according to Israeli law. The process of settlement and registration of land under the name of the owner and his/her initiative under the detailed urban planning in force

requires costly professional and financial resources over a long period of time. This dissuades many owners to proceed with the process of land registration and seeking to obtain a Kushan Tabu in order to obtain a building permit.

The obstruction of the settlement of Palestinian territories in Jerusalem and its formal settlement by the Israeli government, despite more than five decades of occupation, is one of the tools of the control matrix, which prevents the issuance of a building permit. Hence, Palestinian unauthorized construction seems to be the only way around the problem, which facilitates the accusations hurled against them. Despite the right of the Palestinians to the land of the state, most of the Palestinian youth today do not own land for construction. The Israeli state and the municipality of Jerusalem do not allocate land for the establishment and development of Palestinian housing. Thus, the building permit and the Kushan Tabu are soft tools in the hands of the Israeli authorities, municipal and governmental, to control the construction and development of Jerusalem and determine the course of Palestinian urban development. These tools are used negatively against Palestinian Arab citizens in Israel and in Area C in the West Bank, but have special characteristics in the reality of Jerusalem. More than one-third of the Palestinian residential buildings in Jerusalem are built without permits and are threatened with demolition and their owners with fines. This contributes to the impoverishment of Palestinian families, and in some cases is used to control and contain individual political behavior.

Given that Jerusalem is subject to Israeli sovereignty and laws in practice, including land laws, land registry institutions, and property tax institutions, Jerusalemites have to deal with them and comply with their procedural meanderings, even though their applications for permits are more often than not rejected. In their efforts to preserve their rights and secure individual ownership, Palestinian landowners have to go to Israeli courts and use the space permitted by law to register land planned for development to try to protect it from being expropriated. It should be noted that during the first twenty years of the occupation, Palestinians were reluctant to use the space that Israeli domestic law preserved primarily because of their belief that the occupation was temporary and that international law would apply to Jerusalemites. But the reality has changed since. In the last decade, there has been Palestinian support for the preservation of Palestinian ownership of land, even if the area to be used may be governed by Israeli domestic law. However, procedural complications, in addition to the structural obstacles, make it difficult to register the land, or to obtain building permits and register land allotted for public

utilities for the benefit of the Palestinians. Demographic changes within Palestinian society increase the complexity of land settlement and registration.

DEMOGRAPHIC AND INSTITUTIONAL MOTIVES IN URBAN PLANNING

On the issue of demographic trends, the planning trap is influenced by the Israeli project to empty Jerusalem of the Palestinian population and Palestinian institutions whereby the processes of applying the urban planning matrix are based on demographic and geopolitical motives aimed at modifying the urban morphology controlled by the Israeli government (Shlomo 2016). Israel's demographic motives seek to keep the Palestinians as a numerically marginalized minority, economically and functionally dependent on the Hebrew center in West Jerusalem. They are divided into neighborhoods where the population has doubled, residential buildings rise vertically, and horizontal expansion needed for development is prevented. These Palestinian neighborhoods are cut off socially. This distorted urbanization process has the effect of shifting the Palestinian's primary feeling of belonging to Jerusalem to the neighborhood in which he/she lives. This is so because Jerusalem currently lacks institutions and municipal functions that constitute a system and a space that contributes to the organization of the collective that secures the Palestinian community a right to the city. In order to achieve the demographic goals that seek to keep the Palestinians a minority in the Jerusalem Municipality (although they are a numerical majority in East Jerusalem, despite the encouragement of Israeli settlements), after forty years of the occupation, the Israeli authorities who drew up the plans were adamant that the Palestinian population should not exceed thirty percent of the population of East and West Jerusalem. Despite the demographic changes and the increase in the Palestinian population in Jerusalem, as well as the Israeli obstacles, this ratio has been adjusted to forty percent under the Jerusalem 2000 Master Plan. Despite this change, demographic considerations continue to represent a compass to determine the absorptive capacity of the main plans currently being prepared for Palestinian neighborhoods such as Beit Hanina Shu'fat, Ras al-Amud, and Sur Baher, and the detailed structural plan, currently in the process of preparation, for Issawiya. As part of the plan to reduce the number of Palestinians within the boundaries of the Jerusalem Municipality, the location of the wall was designed with the intention to "remove" some fifty thousand Palestinian Jerusalemites behind the wall without changing the status of individuals and the administrative

and geopolitical boundaries of the municipality or to amend the detailed structural plans in areas such as Kafr Zeb, Shu'fat and Anata, and the Walaja.

Demographic policies have been translated into an ongoing process of withdrawing personal identities, estimated at some fifteen thousand identities since 1976. The process of withdrawal of identities is based on the an entry into Israel Law, which states that if the Minister of Interior has any doubt or proof of one of the following three items: a person who has been a Jerusalemite for seven years, has a foreign nationality, or a foreign immigration visa, the minister may withdraw the Jerusalem ID from that person without informing them. In parallel, obstacles to the naturalization of Jerusalemites include the difficulty related to family reunification, registration of Palestinian births, and the death register. These coercive external interventions affect the demographic behavior of Palestinian society, which is characterized by youth migration, low birth rates, delayed marriage, and accompanying social behavior that contributes to the fragmentation of society and the reduction of its societal and national immunity.

Despite Israel's demographic control and policy matrix in Jerusalem, the number of Palestinian Jerusalemites rose from about 686,000 in 1967, representing about 25.8 percent of Jerusalem's total population, to approximately 3,237,000 in 2015, representing about 37.7 percent of the city's total population.[10] This population increased despite Israeli restrictions and limitations. However, due to the status of Jerusalem and its geopolitical location as the heart of Palestine, its population would have been at least twice as large as the present population without Israeli demographic policies. This geo-demographic policy pushed the middle and upper-class population to leave Jerusalem and migrate to Ramallah or abroad, along with their economic and administrative institutions, thereby contributing to the weakening of the Palestinian reality in Jerusalem. Moreover, urban planning has not planned East Jerusalem as an integrated city and has not allocated land for the settlement of Palestinian institutions. Rather, it has dealt with them as neighborhoods with no continuity and functional integration.

The morphology of the city was thus directly influenced by planning policies and its "compounds" that form part of the control matrix. This matrix was designed as a result of the planning and management policies of the land and building methods in force in Jerusalem. These policies have created unhealthy Palestinian neighborhoods. Feelings of difference and alienation are prevalent

10. See http://www.jerusaleminstitute.org.il/.upload/yearbook/2017/shnaton_C0117.pdf.

between the neighborhoods, despite the similarity between them in terms of the urban landscape. However, the physical fragmentation of Palestinian neighborhoods, the lack of functioning institutions for the formation and management of municipal functions and services, and the social and urbanization of Palestinians have transformed Jerusalemite society into a subsidiary of either West Jerusalem or the Palestinian center in Ramallah. The expansion and construction of settlements under official government initiatives or by Jewish organizations under the intensive construction model, and the influx of settlers encouraged and supported by the Israeli government, have contributed to the superiority of the Israeli presence throughout the city's landscape, although the Palestinians still constitute a majority in East Jerusalem and the Jerusalem vicinity[11] between Ramallah to the north and Bethlehem to the south (Khamaisi 2007).

CONCLUSIONS

The complexities of the status of Jerusalem in the context of a long occupation have ensnared the Palestinian Jerusalemite in his daily life between the national and the civil. The Israeli occupation has used urban planning and its tools, including the structural plan, building permit, and the Kushan Tabu, as a trap for adapting and containing the Palestinians and securing their subordination to control and punish them. In order to bring the Palestinians into the planning trap, the Israeli authorities have harnessed and used the power of the state and its resources, combining civilian and security/military means to achieve Israeli objectives. In the face of this, while the Palestinian tries to defend his home, he also tries to avoid being ensnared in the Israeli planning trap by rejecting it and, in some cases, by proposing alternatives, but these attempts have remained limited and have not succeeded in changing the rules of the arcane planning trap game under which the Palestinians are still suffering.

As has been pointed out, Palestinian urban Jerusalem is directly affected by the demographic and geopolitical conflict in Jerusalem, where the Israeli occupation practices policies and actions that lead to demographic and urban changes. These changes seek to engineer space, the urban environment, and demographic behavior in order to achieve Israel's ideology and objectives. The distinction and specificity of the "temporary" status of Jerusalem has been

11. East Jerusalem has about 532,000 inhabitants, of which sixty-one percent are Palestinians and the rest settlers.

exploited by the Israeli occupation to tighten control over the city, despite the agreements signed between the PLO and the Israeli government that postponed negotiations on the final geopolitical solution of Jerusalem as part of the final solution to the Palestinian–Israeli conflict. The Israeli government practices a policy of imposing an irreversible fait accompli by changing the demographic balance and shaping the urban fabric for the benefit of the Israelis (Weisman 2013, 84–92), using the power of the state and its local laws, disregarding international law and encroaching on the rights of individual Palestinians. In order to confront urban planning vehicles in the control matrix, it is necessary to work and intervene for the social reorganization of Jerusalem to secure rights to the city and to switch from reaction to initiative in areas where it is possible. In parallel, there is a need for Palestinian, Arab, and international support to secure the basic and geopolitical rights of Jerusalemites on the basis of international law and norms.

The continuation of the state of occupation and its application to planning vehicles in the control matrix requires Palestinian Arabs to understand the purpose of this dominant Israeli planning and how to use it to challenge and confront it rather than adopt it and legitimize it. To confront this situation, alternatives need to be introduced that challenge and resist it. These alternatives should be based on a moral system that seeks justice and equity, confronting injustice and providing a dignified life for the Palestinian Arab, taking into account the diversity of trends and needs. Diversity does not have to deprive an individual or a community group of their basic rights to a decent life. Urban planning, based on this moral system that seeks justice, cannot be accomplished only by forced imposition, but by conscious participation in confrontation and resistance, which uses the daily procedural and civil structure to achieve a geopolitical complex and to develop the concept of settling differences through dialogue. Any examination of the current urban planning prepared and applied in Jerusalem shows how contrary it is to these values. Therefore, it is necessary to confront and challenge it with a united, unified alternative that applies the values of justice, equity and rights in the monitoring and distribution of resources at procedural and other levels. Nonetheless, numerous national geopolitical settlements are still being pursued in Jerusalem. ■

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