

## Spatial Planning in Area C of the Israeli occupied West Bank of the Palestinian territory

### Report of an International Advisory Board



May 2015

#### Executive Summary

In the Oslo Accords, the West Bank was divided into 3 areas<sup>1</sup>. In the largely rural Area C, the planning function was to be undertaken temporarily by the Israelis. However, responsibility for planning and infrastructure has still not been passed over to the Palestinian Authority. Since the occupation began, planning has severely restricted Palestinian development opportunities, while permitting the extensive growth of Israeli settlements and the infrastructure to support them. This has denied the Palestinian Authority vital economic resources and contributed to a situation where villages in Area C are dependent on donors for basic services, and are at risk of having property demolished. Urban and regional planning is very important to achieving the economic development of the West Bank, and in the short term to delivery of the humanitarian and resilience programming through international development agencies. Therefore, in 2011 donors began to support the making of plans for villages in Area C, and the submission of those plans to the Israeli Civil Administration for approval. However, this has yielded few results, with only 3 plans out of 99 progressing to full authorisation by March 2015. An International Advisory Board of experienced planners was therefore invited by UN-Habitat to review the situation, to assess the professional quality of plans that had been produced, and to make recommendations. The Board met with the Palestinian Authority Ministry of Local Government and the Israeli Civil Administration, along with a range of other stakeholders. The Board heard presentations of ten plans and were able to visit four of the villages concerned and talk with local leaders. The Board was also able to access

publications detailing the legal situation, history of planning in Area C and evidence of its impacts.

The Board found that planning in Area C is taking place in a situation where unrecognised land rights, lack of approved plans and a rigid approach to enforcement have left poor and vulnerable communities at long-term and frequent risk of demolition and displacement. At the same time the expansion of Israeli settlements has been facilitated. The planning practices of the Israeli civil administration have been insensitive to the livelihoods and culture of Bedouin and herding communities.

The benchmarking of the sample of plans revealed that they met technical criteria for a basic land use plan and within the constrained context enforced by the Israeli Civil Administration. However, the Board did not endorse the boundaries of the plans, and the consequent threat of demolition to any properties lying beyond those boundaries. In general the Board felt that the level of detail required in these plans was excessive for small villages in rural areas, and that required setbacks from roads were also excessive. The process of negotiating plan preparation through the Israeli Civil Administration, with opportunities for objections by persons living in Israeli settlements, was seen as unnecessarily protracted and fundamentally flawed. It amounts to a denial of administrative justice.

The Board was surprised to find that regional plans from the 1940s still had statutory power. These outdated plans do not provide the basis for a 21<sup>st</sup> century development-oriented approach to regional planning.

A set of principles were identified through which to interpret findings and shape recommendations. These include human rights as a basis on which to build planning practice, principles of administrative justice, and the *International Guidelines on Urban and Territorial Planning* of UN-Habitat.

There should be an assessment of development needs in rural Palestine as a whole. This would take account of the relation of the rural areas to the towns. All existing demolition orders should be revoked and no more issued and displacement and confiscation of land should be halted. Recommendations also include the restoration of Local Planning Councils for clusters of villages, with powers to adopt plans and issue building permits. An integrated approach to planning is needed (which the current division of responsibilities between Areas A and B and Area C prevents). The PA should complete its National Spatial Plan, which should include a strategy for the rural area that is currently Area C, and promote city-regional plans.

With support from the international community, the Palestinian Authority should initiate a drive towards complete land registration, giving people proof of title and increased security.

Donors should also back the new local plans through investment in development on the ground.

The culture of planning in Area C needs to change to make it more integrated, strategic and participatory. Planning in Area C needs to be "people-centred", and the focus should be more on development opportunities and challenges, phasing and implementation and less on rigid separation of land uses in 20 year "snap-shot", static layouts. Failure to integrate concern for livelihoods into the making of land use plans is not unique to this situation. However, many communities living in Area C are poor and marginalised; the use of land and planning of infrastructure should be viewed as a means to improve their lives.

In the short term, the Israeli Civil Administration could do much to facilitate the transition advocated by the Board, while still ensuring regard for Israel's security. However, if that does not happen, it remains important for the Palestinian Authority to develop and promote its ideas for equitable planning in the West Bank, and for the international community to support this endeavour.

<sup>1</sup> In the Sharm Al-Sheik Agreement (2000), 3 percent of the West Bank was designated as Nature Reserve. The Nature Reserve area is mainly located in the Bethlehem and Hebron city-regions. This area has never been handed over to the PA, and in reality it remains under the effective control of the Israeli authorities, a *de facto* Area C, so to speak.

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