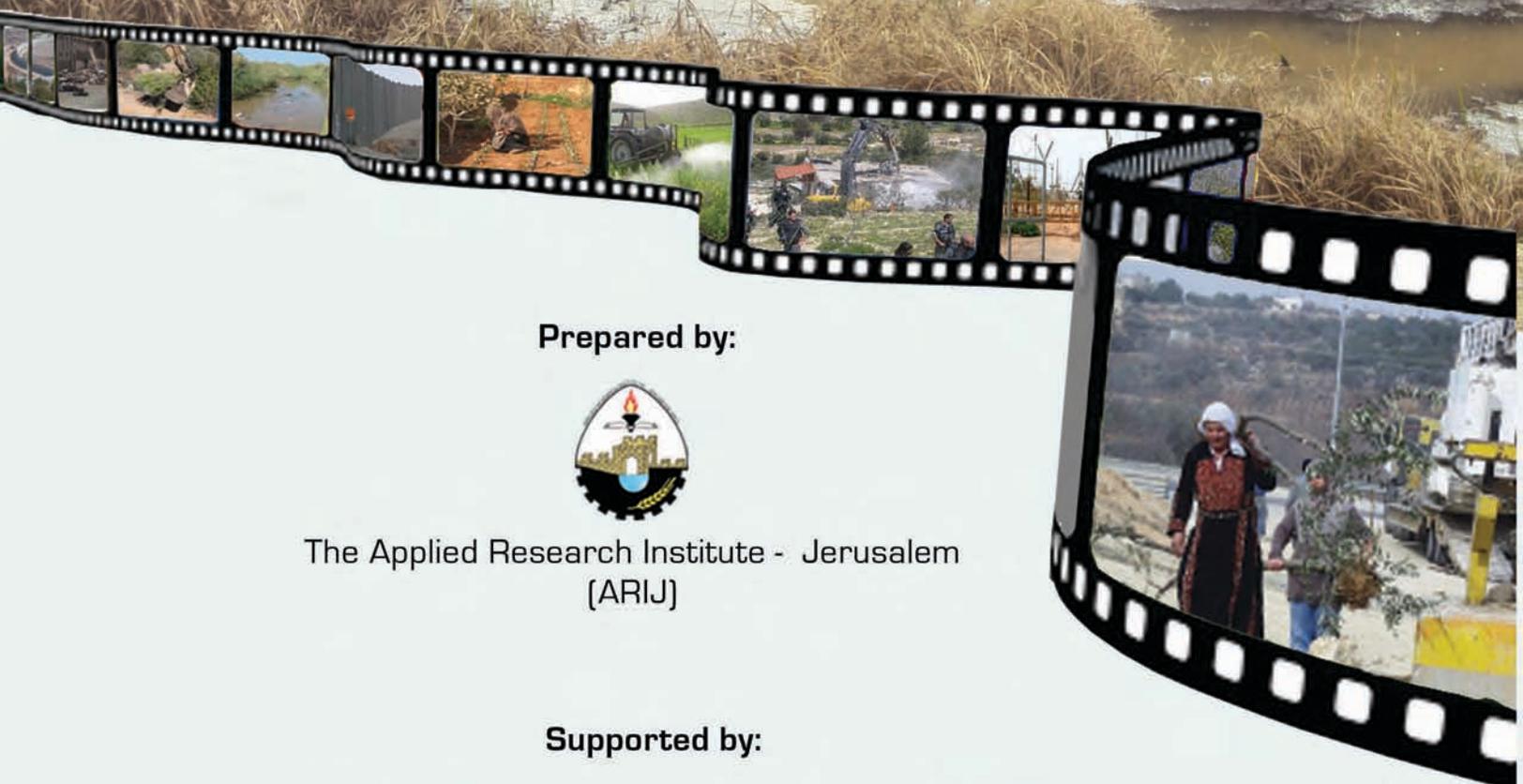


Status of the Environment in the occupied Palestinian territory

A Human Rights - Based Approach

2011



Prepared by:



The Applied Research Institute - Jerusalem
(ARIJ)

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List of Abbreviations

Abbreviation	Full Name
ABS	Access & Benefit Sharing
ACF	Action Against Hunger
ACHPR	African Charter on Human and Peoples' Rights.
ACRI	Association for Civil Rights in Israel.
ACTED	Agency for Technical Cooperation and Development
ADB	Asian Development Bank
AECID	Spanish Cooperation
AFED	Arab Forum for Environment and Development
AHLC	Ad Hoc Liaison Committee
AO	Appellation of Origin.
APIS	Agriculture Project Information System
ARC	The Arab Right Charter
ARIJ	Applied Research Institute-Jerusalem
AWC	Association of World Citizens.
AWE	Association for World Education.
AWEI	Arab World Education Initiative.
BG	British Gas Group
BLG	Biodiversity-related Conventions
BRL	Biodiversity Rights Legislation
BSAPP	Biodiversity Strategy and Action Plan of Palestine
CAA	Clean Air Act
CAAA	Clean Air Act Amendments
CAP	United Nations Consolidated Appeals Process
CAPMAS	Egypt Central Agency for Mobilization and Statistics
CBD	Convention on the Conservation of Biological Diversity
CBO	Community Based Organization
CBS	Israel Central Bureau of Statistics
CCC	Consolidated Contractors Company
CDHR	The Cairo Declarations Human Rights
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CESCR	Committee of Economic, Social, and Cultural Rights
CFS	Committee on World Food Security
CGIAR	Consultative Group on International Agricultural Research
CGRFA	Commission on Genetic Resources for Food and Agriculture
CIDA	Canadian International Development Agency
CIFOR	Center for International Forestry Research
CIHEAM	International Centre for Advanced Mediterranean Agronomic Studies
CITES	Convention on International trade in Endangered Species of Wild Fauna and Flora
CMS	Conservation of Migratory Species of Wild Animals
CMWU	Costal Municipalities Water Utility

CO	Carbon Monoxide
CO₂	Carbon Dioxide
COMET	Community, Energy, and Technology in the Middle East
COP	Conference of the Parties
CPI	Consumer Price Index
CRC	Childs' Rights Charter.
CRC	Convention on the Rights of the Child
CROC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSD	Commission on Sustainable Development
CSNGS	Cross-Sectoral National Gender Strategy
CSW	Commission on the Status of Women
DFID	United Kingdom's Department for International Development
DHS	Department of Health Services
DOP	Declaration of Principles
EC	European Commission
ECHR	European Convention on Human Right.
Ecolex	Gateway to Environmental Law
EDSP	Education Development Strategic Plan
EFA	Education for All Initiative
EFTA	European Free Trade Association
EIS	Environmental Information System
ELC	European Landscape Convention
E-LPSE	E-Learning Curricula for Primary and Secondary Education.
EPA	Environmental Protection Agency
EQA	Environmental Quality Authority
ESP	Environmental Strategy Plan
EU	European Union
EWASH	Emergency Water Sanitation and Hygiene Group
FAC	Food Aid Convention
FAO	United Nations Food and Agriculture Organization
FCPI	Food Consumer Price Index
FMEP	Foundation for Middle East Peace
FoEME	Friends of the Earth Middle East
FSN	The global Forum on Food security and nutrition
GAFTA	Greater Arab Free Trade Area
GDI	Gross Disposable Income
GDP	Gross Domestic Product
GEDCO	Gaza Electricity Distribution Company Ltd
GEF	Global Environment Facility
GIS	Geographic Information System
Gis	Products of Geographical Indication.
GNI	Gross National Income
GPC	General Petroluem Corporation

GPP	Gaza Power Plant
GTZ	German Technical Cooperation
HC	Hydrocarbons
HEPCO	Hebron Electric Power Company
IAA	Interim Association Agreement
ICA	Israeli Civil Administration
ICAFS	International Conference on Asian Food Security
ICBS	Israeli Central Bureau of Statistics
ICCRP	International Covenant on Civil and Political Rights
ICESCR	International Convention on Economic Social and Cultural Rights.
ICJ	International Court of Justice
ICMAP	International Council for Medicinal and Aromatic Plants
ICN	International Conference on Nutrition
ICRC	International Committee of the Red Cross
IEC	Israeli Electric Company
IFAD	International Fund for Agricultural Development
IFPRI	International Food Policy Research Institute
IGC	International Grains Council
IHEU	International Humanist and Ethics Union.
IHL	International Humanitarian Law
ILA	International Law Association
ILO	International Labour Organization
IMR	Infant Mortality Rate
IOF	Israeli Occupation Forces
IPCC	Intergovernmental Panel on Climate Change
IPGRI– WANA	International Plant Genetic Resources Institute-West Asia and North Africa
IPPs	Independent Power Providers
IPR	Intellectual Property Rights
ITPGRFA	International Treaty on Plant Genetic Resources for Food and Agriculture
IUCN	International Union for Conservation of Nature
IWG	Inter-Ministerial Working Group
IWSR	Institutional Water Sector Review
JC for SWM	Joint Services Councils for Solid Waste Management
JCP	Job Creation Program
JD	Jordanian Dinar
JDECO	Jerusalem District Electricity Company
JEA	Jerusalem Education Administration.
JEC	Joint Economic Committee
JSC	Joint Services Councils
JWC	Joint Water Committee
Kg/capita/day	kilograms per capita per day
Kg/day	kilograms per day
l/c/d	Liter per capita per day

LEAD	Leadership for Environment and Development
LPG	Liquefied Petroleum Gas
LR	Legislative Review
LSP	Letter of Sector Policy
m³/day	Cubic meter per day
MAICH	Mediterranean Agronomic Institute of Chania
MCM	Million Cubic Meter
MDG	Millennium Development Goal
MEAs	Multilateral Environmental Agreements
MENA	Middle East and North Africa
MEnA	Ministry of Environmental Affairs
MIGA	Multilateral Investment Guarantee Agency
MoA	Ministry of Agriculture
MoEHE	Palestinian Ministry of education and higher education.
MoF	Ministry of Finance
MoH	Ministry of Health
MoLG	Ministry of Local Government
MoPAD	Ministry of Planning and Administrative Development
MoSA	Ministry of Social Affairs
MoWA	Ministry of Women’s Affairs
MSW	Municipal solid waste
MTB	Medium Term Budget
MTDP	Medium Term Development Plan
MTEFF	Medium Term Fiscal Framework
N.B.	Note Bene
NCDs	Non – Communicable Diseases
NCPA	National Commission for Poverty Alleviation
NDP	National Development Plan
NEAP	National Environmental Action Plan
NEDCO	Northern Electricity Distribution Company
NFSI	National Food Safety Initiative
NFSS	National Food Security Strategy
NGO	Non Governmental Organization
Nox	Nitrogen oxides
NSSWM	National Strategy for Solid Waste Management
NWC	National Water Council
NWP	Palestinian National Water Policy
O₃	Ozone
PMD	Palestinian Meteorological Department
OAS	Organization of American States
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
OECD	Organization for Economic Co-operation and Development
OHCHR	Office of the High Commissioner of Human Rights

oPt	occupied Palestinian territory
Oxfam	Oxford Committee for Famine Relief
PCBS	Palestinian Central Bureau of Statistics
PCHR	Palestinian Centre for Human Rights
PCT	Patent Cooperation Treaty
PEC	Palestinian Energy and Environment Research Center
PEI	Palestinian Education Initiative
PENRA	Palestinian Energy and Natural Resources Authority
PERC	Palestinian Electric Regulatory Commission
PES	Palestinian Environmental Strategy
PETL	Palestine Electricity Transmission Company
PFI	Palestinian Federation of Industries
PGR	Plant Genetic Resources
PGRFA	Plant Genetic Resources for Food and Agriculture
PIEFZA	Palestinian Industrial Estate and Free Zone Authority
PIPA	Palestinian Investment Promotion Agency
PLC	Palestinian Legislative Council
PLO	Palestinian Liberation Organization
PMA	Palestinian Monetary Authority
PMTF	Proxy Means Test Formula
PMU	Project Management Unit
PNA	Palestinian National Authority
PNCTP	Palestinian National Cash Transfer Program
PNDP	Palestinian National Development Plan
PNHS	Palestinian National Health Strategy
PNPA	Palestinian National Policy Agenda
PNSCP	Palestinian National Strategy on Cancer Prevention
PRB	Population Reference Bureau
PRDP	Palestinian Reform and Development Plan
PWA	Palestinian Water Authority
RCRA	Resources Conservation and Recovery Act
SAP	Strategy Action Plan
SCC	Swedish Cooperative Centre
SELCO	Southern Electric Company
Sox	Sulfur oxides
SPFS	Special Program for Food Security
SW	Solid Waste
SWGs	Sector Working Groups
SWM	Solid Waste Management
SWOT	Strengths, Weaknesses, Opportunities, and Threats
TEEB	The Economic of Ecosystems and Biodiversity
TFR	Total Fertility Rate
TK	Traditional Knowledge
TPS	Town Planning Scheme

TRIPS	Trade-Related Aspects of Intellectual Property Rights
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNCTAD	United Nations Conference on Trade and Development
UNDHR	United Nations Declarations of Human Rights
UNDL	United Nations Literacy Decade
UNDP	United Nations Development Program
UNDP/PAPP	United Nations Development Program of Assistance to the Palestinian People
UNEP	United Nations Environment Program
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFCCC	United Nation Framework Convention on Climate Change
UNGA	United Nations General Assembly
UNHABITAT	United Nations Human Settlements Programme
UNHCR	United Nations High Commissioner for Refugees/ United Nations Human Rights Council
UNICEF	United Nations International Children's Emergency Fund
UNIFEM	United Nations Development Fund for Women
UNOPS	United Nations Office for Project Services
UNRWA	United Nations Relief and Works Agency
UPOV	Union for the Protection of Plant Varieties
US\$	United States Dollar
USA	United States of America
USD	United States Dollar
WASH	Water Sanitation and Hygiene
WB	World Bank
WBWD	West Bank Water Department
WCMC	World Conservation Monitoring Centre
WCPA	World Commission on Protected Areas
WEF	World Education Forum
WFP	World Food Programme
WHO	World Health Organization
WRMS	Water Resources Management Strategy
WSSA	Water Supply and Sewerage Authority
WSTF	Water Scarcity Task Force
WSZ	Western Segregation Zone
WTO	World Trade organization
WW	Wastewater
WWF	World Wildlife Fund
WWTP	Wastewater Treatment Plant

Preface

In 1997, the Applied Research Institute – Jerusalem (ARIJ) published its first comprehensive "Environmental Profile" for the West Bank entitled, "The Status of the Environment in the West Bank". This was prepared based on sound environmental information integrated into a designated Environmental Information System (EIS). It included an overall description and assessment of the state of the environment and a blue-print for future actions to be considered to protect and sustain the environment of the West Bank.

In the same token, after a decade, in 2007, ARIJ published an updated profile for the occupied Palestinian territory (oPt), entitled, "The Status of the Environment in the oPt - 2007". This was prepared based on harmonizing and updating the related physical, environmental and socio-economic data available in its databank, and bridging the gaps to develop a more comprehensive and updated EIS. This study covered both the West Bank and Gaza Strip, in order to bring into the forefront the geopolitical conditions that have impacted the potential for sustainable development in the oPt.

Now in 2011, ARIJ has taken the initiative of updating and developing the environmental profile to incorporate a comprehensive time sequence order for the state of the environment in the oPt. This time, for the first time, such reporting has been conducted from a human rights based approach, rather than adopting the prevailing approach, which defines sustainability from a need-based approach. **“Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears solemn responsibility to protect and improve the environment, for present and future generations”** Stockholm Declaration, (1972); **“All human beings have the fundamental right to an environment adequate for their health and well-being”** The Experts Group on Environmental Law of the World Commission on Environment and Development, (1987).

ARIJ is proud to present “Status of the Environment in the occupied Palestinian territory – A Human Rights Based Approach, 2011”, which has been developed with the support of the NGO Development Center (NDC) and the Swiss Agency for Development and Cooperation (SDC). This Profile provides a narrative, statistical and cartographic description of the current environmental status in the oPt, presents the correlation of the environmental aspects with human rights, the existing international laws and treaties that establish the rights to a healthy environment, the impact of the human rights violations on the environment, and the interrelationship between the Israeli violations and the deterioration of the environment in West Bank and Gaza Strip. In addition, it presents the major trends and changes in the environmental and socio-economic indicators over the period from 2007 -2010. Furthermore, the legal and institutional aspects of the Palestinian environmentally related sectors are

presented and analyzed. It also includes a list of recommendations to monitor and control further environmental degradation. It is noted that the Profile will be posted on ARIJ's Website, in order to ensure accessibility to decision makers, the public masses, and all others who may benefit from them.

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Bethlehem-Palestine
November, 20

Introduction

Charting the oPt Geopolitical Situation

Prepared By: Dr. Jad Issac, Ahmad Al-Atrash, Jane Hilal, Abeer Khair

Introduction

I. Theoretical Interpretations of Sustainability

With almost half of the world's population now living in urban areas, the task of providing everyone with the services and amenities needed is challenging and has had negative repercussions on the environment. Within the Palestinian context this truism has different dimensions that need to be investigated and analyzed. The question of how Palestinians can equitably own a combination of developed and natural environmental resources, remains a prominent one?

It is argued that envisioning sustainability in Palestinian cities should be considered from a rights-based approach, rather than the prevailing tradition which defines the issue from a needs-based approach. The well known and often cited definition of sustainable development is, “*development that meets the needs of the present without compromising the ability of future generations to meet their own needs*” (WCED, 1987). Unfortunately, sustainability as a needs-based approach has proven to be inefficient, especially for the urban poor¹. Therefore, in a Palestinian context, there is a need for the inclusion of “environmental rights” within the prevailing planning and management discourses, which are currently characterized by a cyclic state of (de)development (Roy, 1987; Graham, 2002; and Salamanca, 2007). The concept of “environmental rights” refers to all present regulatory laws and by laws covering issues relating to the environment (protection, maintenance, development, conservation etc...). As a concept, “environmental rights” is not new, but actually based on revolutionary urban ideals, as articulated in the concept of the “right to the city”. “The Right to the city” is an idea or a slogan that was first coined by the French philosopher Henri Lefebvre in 1968 at the advent of the famous French student protests. “The Right to the City” is being touted as “far more than the individual liberty to access urban resources: it is a right to change ourselves by changing the city” (Harvey, 2008). In this sense, it is important to understand social injustices through analyzing the interactions between individuals, space, and society, and consequently to formulate designated urban environmental policies aiming at addressing them.

Experiences from all around the world have proven that for sustainability to be achieved, plans and policies should encompass the *rights* not merely the *needs* of inhabitants. This primer will pay attention to the conceptualization of these notions. There are many theoretical and practical benefits to adopting such an approach to development (e.g. Alexander, 2007). Needless to say, discussing the sustainability of the Palestinian environment, within the prevailing complex situation is a challenging task for Palestinian environmentalists and spatial planners, especially given? Given with the adopted (flag-ship) national plans to “Palestine: Ending the Occupation and Building the Statehood” (PNA, 2009).

¹ In the occupied Palestinian territory the urban poor constitute more than two thirds of the total population. UN-HABITAT (2001) reports that in 2001, 60% of the urban poor were living in slum conditions, in comparison to only 2% of the urban poor of Israel.

1. Scope and Context

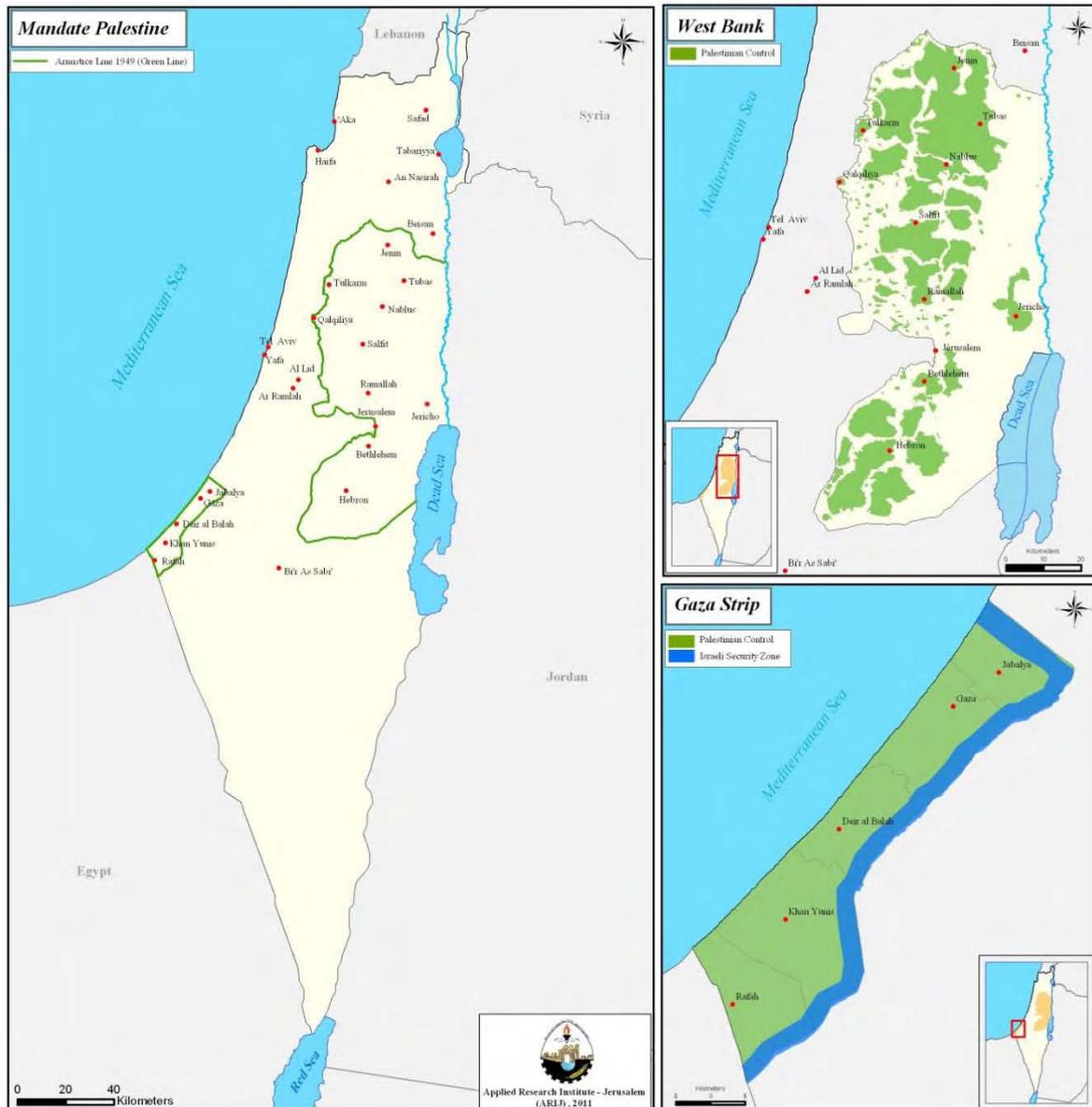
Sustainability, does not have a universally agreed upon definition, and as a concept means different things to different groups. For wealthy nations, achieving sustainable development means adopting and implementing policies concerning issues such as recycling, energy efficiency, conservation and the rehabilitation of deteriorated landscapes. For developing nations it means policies for equity, respect of the law, redistribution of wealth and wealth creation. For both, there have been unanimous consensuses to localize sustainability according to local contexts. One example is the global initiative launched back in 1993 of localizing Agenda 21.

In terms of environmental planning, sustainability is inductively identified as an eco-form metaphor that suggests “compactness, high density of the built environment, intensification of its activities, efficient land planning, diverse and mixed land-uses and efficient transportation systems” (Jabareen, 2004). When re-phrased into the *manifesto* of “sustainability as a rights-based approach” the *gap* between theory and practice became very wide and clear. **What rights are we talking about; to whom; how to ensure them; and how to materialize them?** Conceptualizing is important, and herein a novel academic concept of “environmental rights” is proposed. “Environmental rights” tends to mean here the urban rights enriched to *all* inhabitants. These rights would ensure a development process, which is; socially harmonized, economically active, ecologically sound, and politically thrive. “Environmental rights” is a notion that integrates the norms, principles, standards and goals in purist of sustainability in terms of day-to-day practices and activities related to local plans and processes of development. Alternatively, Alexander (2007) defines general *Planning Rights* (which are in many ways related to the environmental body of rights) as the institutional rights of actors and affected parties in a particular planning system.

Despite the fact that these questions; **What rights are we talking about; to whom; how to ensure them; and how to materialize them?**, are general and indicative in nature, they remain largely understudied from both a theoretical and practical side, and also from those who are effected by planning consequences in their everyday lives. Such an inevitable problematic combination becomes more complicated along its interaction with complex geo-political interventions, such as in the occupied Palestinian territory (oPt; the Gaza Strip and West Bank, including East Jerusalem) (Map 1). Furthermore, the chaotic and weak Palestinian planning system suffers, as other governmental systems do from inordinate years of neglect and marginalization, which adds more complications and restrictions in terms of applying environmental rights at both the national and local levels.

As a young division within Palestine, environmental planning has always had to contend with the problems facing Palestinian cities by responding and in a few cases effectively and efficiently reacting to those problems; long-terms planning has not always be an option or the first priority. The problems facing the present-day Palestinian environment are either exacerbated by natural or man-made conditions. It is worth mentioning that the Palestinian environment suffered from great ignorance also during the Israeli occupation era, exacerbated by the fact that the world attention has focused on the political aspect with less attention to the environment itself.

However, as the Palestinian environment increasingly became part of the territory’s complex geo-political conditions after the signing of the Oslo II Interim Agreement in 1995, there has been a pressing demand for new-flexible strategies to deal with “wicked problems” (Conklin, 2006) that cut across physical boundaries and administrative jurisdictions in such a turbulent and uncertain political regime. Globally, sustainability as a rights-based approach emerged as one of the foremost “elusive solutions” (Barton and Plume, 2008) to help confront the intertwined problems that undermine the sustainable development process.



Map 1: Proximate Spatiality of Present Palestine
 Source: ARIJ, GIS-Database (2011)

2. Indicative Conceptual Framework

Sustainable development is a multi-disciplinary and hermeneutic *-theory of the interpretation of texts-* discipline that evolved since the onset of environmental consciousness in the 1970s. While Mazmanian and Kraft (2002) argues that it is not essential to agree on one definition of sustainable development (AKA: environmental sustainability, or sustainable communities), it is essential to study the important transitions now taking place in public policy that are related to these issues.

From the 1970s onwards, notions of sustainability began to emerge, noticeably in environmental planning literature, when the United Nations' affiliated Brundt and Commission², published its report "Our Common Future" in 1987 that vouched a promising economic, social and environmental future for the world. The report brought sustainability into the mainstream, with an accentuation away from the environment while underlining human needs through development: "*Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs*" (WCED, 1987).

Holembeg (1992) noticed that the concept of sustainable development has a complex pedigree, as reams of papers have been published on the subject and many definitions are in circulation, making the concept of sustainable development "*devalued to the point where, to some, it is now a cliché.*" For Deleuze the greatest danger to thinking is clichés (Deleuze and Guattari, 1991).

Nowadays in the concept of sustainable development, three principal aspects/interventions are combined, namely: **Economic Intervention**: An economically sustainable system must be able to produce goods and services on a continuing basis; **Environmental Intervention**: An environmental (natural and built) sustainable system must maintain a stable resource base, avoiding over-exploitation of renewable resource systems, and depleting non-renewable maintenance of biodiversity, atmospheric stability, and other ecosystem functions not ordinarily classed as economic resources; and **Socio-political Intervention**: A socially sustainable system must achieve distributional equity, adequate provision of social services including health and education, gender equity, and political accountability and participation (Holmberg, 1992).

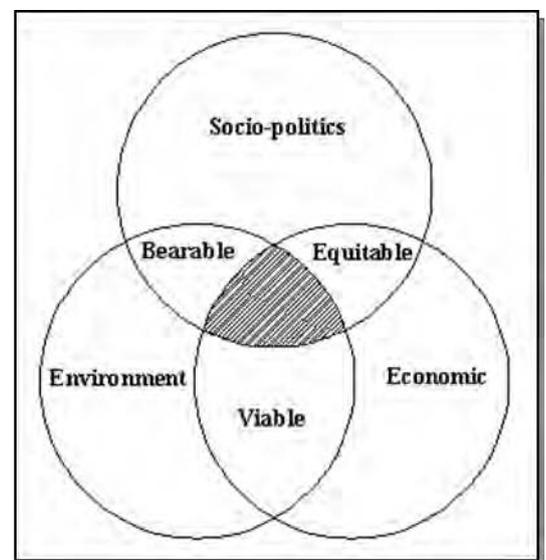


Figure 1: Triple Bottom-line of Sustainability (Interactive Zone)

Source: Edited by the authors from UCN (2006)

The eclectic concept of sustainable development drove Leitmann (1999: 49) to note the lack of comprehensive theoretical approaches for understanding its complexity,

² formally the World Commission on Environment and Development (WCED)

given that most of the research on the topic is monothematic, while the issues are multidisciplinary. This challenged Jabareen (2004) to draw “A Knowledge Map for Describing Variegated and Conflict Domains of Sustainable Development,” by which he could inductively identify seven metaphors; each representing a specific domain in the designated cognitive map. The metaphor of ethical paradox signifies the *ethical* domain; the *material* domain is represented through the metaphor of natural capital; the *social* domain through the metaphor of fairness; the *political* domain through the global discourse metaphor; the *management* domain through the integrative management metaphor; and the *visionary* domain through the utopian metaphor; and the *spatial* domain through the eco-form metaphor.

Still, the translation of sustainability as a rights-based approach on the ground has never materialized, except for a handful examples from here and there. It is argued that a systematic or a new paradigmatic approach which promotes sustainability as a right would provide the needed momentum for the materialization of a currently a fuzzy concept. Furthermore, the notion of ‘rights’ in environmental planning can the link micro-scale to the macro-scale of planning theory and analysis, and can successfully address and resolve the conflict between planning and property rights (Alexander, 2007).

Needless to say, the virtue of sustainability as a rights-based approach rather than a needs- based approach by supranational sovereignty legitimate auras, such as the United Nations (UN) agencies (more specifically: United Nations Educational, Scientific, and Cultural Organization (UNESCO) and United Nations Human Settlements Programme (UNHABITAT)) recognize the virtues of adopting a rights based approach over a needs based approach in terms of environmental planning, and have adapted recent related policy accordingly’

To elaborate further, whilst the exponential urban (along with the associated social) transformations observed in today’s cities generate innovation and progress, they also bring with them spatial segregation based on economical, administrative, or ideological principles, thus exacerbating the social divisions within societies. Therefore, there is a need to advocate for the urban poor within such societies (Davidoff, 1965), and bridge the “urban divide” (UNHABITAT, 2008) by ensuring the “right to the city” to all equally (Lefebvre, 1996).

This could be done methodologically by applying knowledge in different interrelated variables, including: governance, conflict, urban indicators, and urban form, amongst others. Nevertheless, it is argued that a mix between collaborative planning and advocacy planning as coined by Healy (1997) and Davidoff (1965), respectively would conceptualize the role of the researcher as an environmental planner. Furthermore, the indicative conceptual framework presented herein juxtaposes the relevant sources and proposed instrumental tools to answer the above questions, which are pivoted around the promotion of “environmental rights” in a Palestinian context. The relevant data sources are provided in the form of archived research, refereed articles, books, satellite imageries, (context analysis) reports, among others. In the same token the proposed tools for processing the relevant data sources and interpret them include a mix between qualitative and quantitative ones, such as:

exploiting participative planning techniques and employing Geographic Information System (GIS) technology.

3. Sustainability within the Palestinian Context

Sustainable development, as articulated in the 1987 Brundtland's Report, is considered from a need-based approach that stresses the importance of meeting present needs, without compromising the ability of coming generations to fulfill their own needs. This is deeply articulated with the idea that we don't inherit our environment, but we borrow it from our children's. Albeit, the fact that there are common basic needs for all people that traditionally included food, water and shelter, and modernly developed to include sanitation, education and healthcare, there remains other specific needs, which different countries acknowledge, each according to its situation and context.

Environmental legislation, policies and planning in the oPt are the responsibilities of the Palestinian Environmental Quality Authority (EQA), in close cooperation with other competent authorities, such as: the Ministry of Planning and administrative Development (MoPAD) and Ministry of Local Government (MoLG).

The EQA drafted the Environmental Law No. 7 for the year 1999, and rectified it in 2003. It also issued the Palestinian Environmental Strategy in 1999 and the National Biodiversity Strategy and Action Plan in the same year. In the same token, MoPIC issued the "National Policies for Physical Development for the West Bank and Gaza Strip" in 1998, in which it elaborated merely the special needs for physical development. Other special needs for social development have not been addressed at that time. According to MoPIC (1998), the prolonged Israeli occupation has created a lack of control over planning and implementation, and a total neglect for maintenance and rehabilitation of the physical environment; leading to an unrealistic restriction to balanced urban-rural developments, or a geo-demographical imbalance (ARIJ, 2007). This situation has been re-framed (Halper, 2008) after the Oslo Agreement (1993-95) that constitutes an interim period and the election of the first Palestinian Legislative Council (PLC) in 1996, and consequently a new framework for Palestinian control over the planning process and, to some extent, the natural and built-up environment has been created.

Accordingly, the main challenging need of this interim period is to plan concurrently for the current situation and for the situation of an established Palestinian state. By the same token, it is crucially needed that the Palestinian people develop their own strategies, based on geo-political considerations and developments that places a high priority on the Israeli planning in the oPt, and the Palestinians' rights to land and natural resources are reserved (MoPIC, 1998). It is worth mentioning that in 2010, the EQA, like other Palestinian ministries and institutions, responded positively to the call of the Council of Ministers and the MoPAD and started developing a sectoral environmental strategy. EQA prepared six priorities and strategic goals under which eighteen sectoral strategies and five cross-sectoral strategies were set as a crucial factor for the preparation of the overall national plan for the years 2011-2013. The identified priorities and strategic goals for the Palestinian environmental sector

strategy and for the specified period (2011 - 2013) extend as well as for the long term, as follows:

1. To achieve a Palestinian Environmental, clean and free from contamination.
2. The natural environment and cultural heritage in Palestine to be protected and conserved.
3. Palestinian natural resources to be managed in a sustainable manner.
4. All necessary measures are taken to adapt to climate change, to combat desertification, and to confront environmental disasters.
5. The environmental institutional framework and legal framework is strong and active and working in an integrated and coordinated manner
6. The State of Palestine is committed to international conventions and treaties on the environment.

Within this context, it is sensible to define sustainability within the Palestinian context, based on the allocation of available land for urban development (space: static factor), including the natural resources versus the projected population growth (people: dynamic factor); mainly because land is a multi-dimensional sub-theme to the triple bottom-line of sustainability (i.e. economy, environment, and socio-politics). In this regard, the sub-theme of land could be affiliated to: economic intervention when considered as a demand for infrastructural networks; environmental intervention when discussing the preserved quota; socio-politics intervention when discussed from accessibility and capacity building point of view. This will become clear in the course of research herein, and will be tackled holistically, but from different point of views, such as: urbanization, landscape, biodiversity, etc.

Box 1

Sustainable development in the oPt means developing the ability to fulfill basic human needs and improve living standards for Palestinians, in spite of the Israeli Occupation and its practices. In this challenging context, a responsive and adaptive concept of development that articulates the sense of “ownership” among Palestinians in the oPt could be adopted: this concept reflects the determination of the Palestinian people to remain on their land and continue to pursue their livelihoods, not succumbing to the pressures placed upon them by the Israeli Occupation. It is also a concept that refers to the transition from unviable development under military Occupation, to development for endurance and survival.

II. Physical Characteristics of the oPt

Historical Palestine is part of the historic ‘Fertile Crescent’, which is considered the cradle of the human civilization and the origin of agriculture. Its unique location at the crossroads between Asia, Europe, and Africa has made Palestine an environmental melting pot for the flora and fauna of the three continents (Map 2). The occupied Palestinian territory (oPt), as it stands today, consists of two physically separated land masses, namely the West Bank and Gaza Strip, with a total area of 5,661 km² and 362 km², respectively. The total population of the oPt in mid 2011 was estimated at 4.2 million, of which 2.6 million are living in the West Bank and 1.6 million living in the Gaza Strip. The West Bank is surrounded by Israel to the west, north, south; and the Jordan River to the east (Map 2). It is divided into eleven governorates: Jenin, Tubas, Tulkarm, Nablus, Qalqiliya, Salfit, Ramallah and Al-Bireh, Jericho, Jerusalem (East Jerusalem), Bethlehem, and Hebron. The Gaza Strip is a coastal zone at the eastern extreme of the Mediterranean Sea on the edge of the Sinai Desert. It is surrounded by Israel to the east and north, Egypt to the south and the Mediterranean to the west. It is composed of five governorates: North Gaza, Gaza, Deir al Balah, Khan Yunis, and Rafah.



Map 2: The oPt within the current regional context

1. Topography

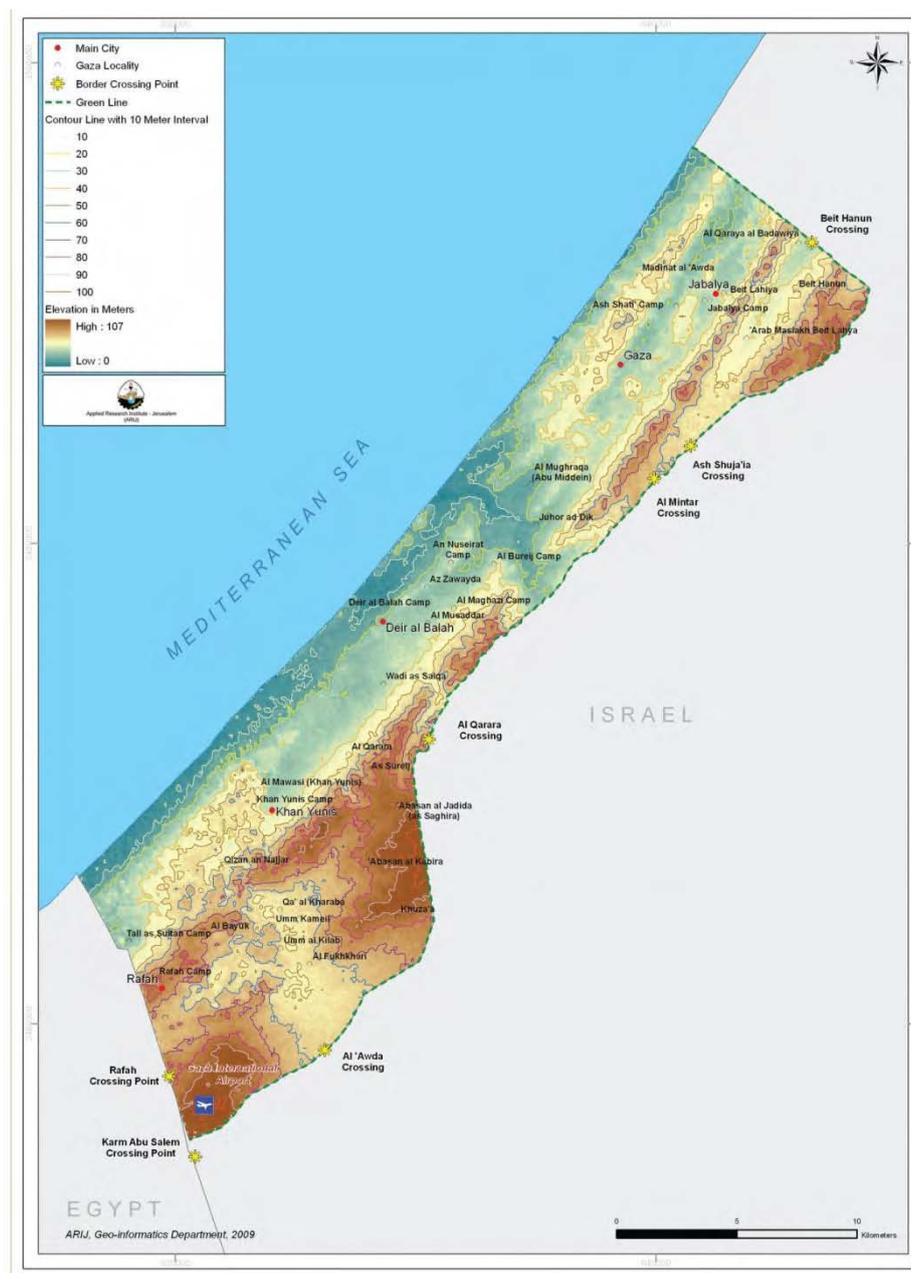
Despite its small geographical area, the oPt is characterized by a great variation in topography and altitude, especially in the West Bank where the variation ranges between 1,020 meters above sea level to 420 meter below sea level (Map 3). This variation is directly reflected on climate and the distribution and diversification of

agricultural patterns, from irrigated agriculture in the Jordan Valley to rainfed farming in the mountains. The West Bank can be divided into four major geomorphological areas; Central Highlands, Semi-coastal region, Eastern Slopes region, and the Jordan Valley. The mountainous area of the West Bank serves as the main rainfall collection and replenishment zone for the groundwater aquifers. Many drainage and valley systems are spread in and amongst these aforementioned areas.



Map 3: West Bank Terrain Model

The Gaza Strip is essentially a foreshore plain gradually sloping westwards. In the north of the Gaza Strip there are four ridges with different elevations, ranging between 20 to 90 meters above sea level (Map 4). The four ridges are: Coastal ridge, Gaza ridge, El-Muntar ridge, and Beit Hanoun ridge. Active dunes can be found near the coast especially in the southern part between Deir el Balah and Rafah. Areas with large accumulation of loess can be found 15 km southwest of Gaza and east of Khan Yunis.



Map 4: The Gaza Strip Terrain Model

2. Geology

Historical Palestine lies on the northwestern part of the Arabian Shield which is a part of the Nubian-Arabian Shield. During its geological history, this Shield separated from the great Afro-Arabian Shield along the Red-Sea line. A branch of this breakage extended along the line of the Gulf of Aqaba, Wadi Araba, the Dead Sea, and the Jordan Valley, and continued northwards to reach Lebanon, Syria and Turkey.

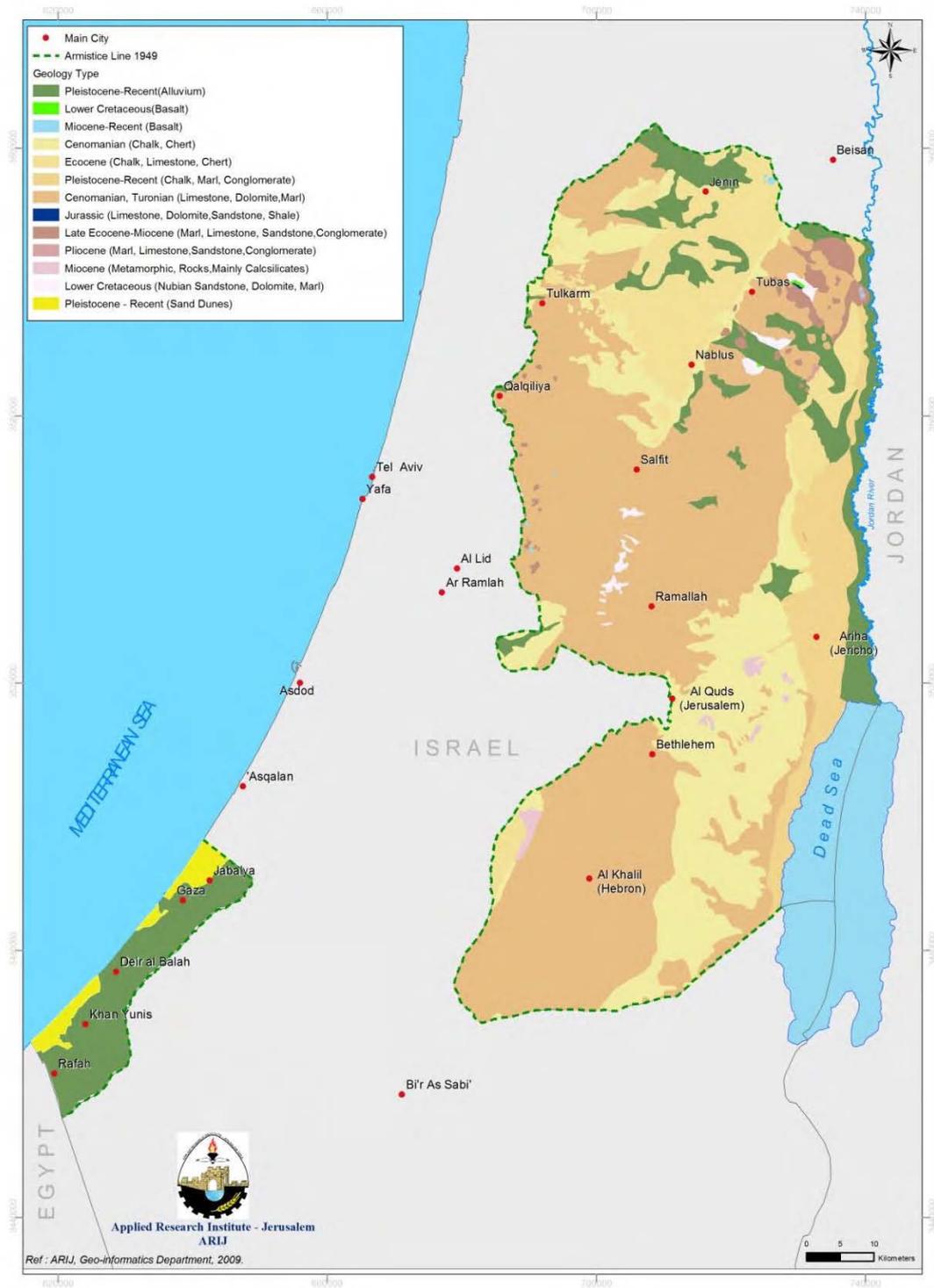
The West Bank occupies the western part of this branch, known as the Jordan Rift Valley that was formed after the Miocene age. The Arabian Shield consists of a complex of crystalline plutonic and metamorphic rocks (known as basement rocks).

The metamorphic rocks of the Shield are mainly of a sedimentary origin. The western and northern parts of the Shield received large amounts of clastic sedimentary rocks. During the geological times these sediments, known as Shelf deposits, lay with unconformity over the basement rocks. Within the Shield deposits two sedimentary bodies dominated; the stable continental and the unstable marine. The terrestrial body is marked by interfingering of neritic and lateral deposits. The marine body is mainly composed of carbonate sediments. The West Bank is dominated by this marine body, and most of it is covered by carbonate deposits from the Mesozoic and Cenozoic eras.

The oscillation of the old Tethys Sea over Historical Palestine has resulted in the distribution of marine sediments, hence making it the dominant body in the West Bank.

Through out the Gaza Strip, the Quaternary deposits are underlain by the Saqiya Formation deposited during Pliocene-Miocene. This formation consists of shallow marine clays, shales and marls, reaching depth of about 1,200 m at the shoreline and fanning out at the eastern boundary of the Strip. Well logs from deep oil exploration wells in the area show that below the Saqiya formation other Tertiary deposits (such as chinks, limestones, sandstones and marls) are found up to a depth of 2,000 m. The quaternary deposits in the Gaza area are about 160 m in thickness.

Currently, the majority of the exposed rocks in the West Bank are marine sediments, mainly composed of carbonates (such as limestone, dolomite, and chalk). [Map 5](#) below shows the lithological units of the West Bank and the Gaza Strip.



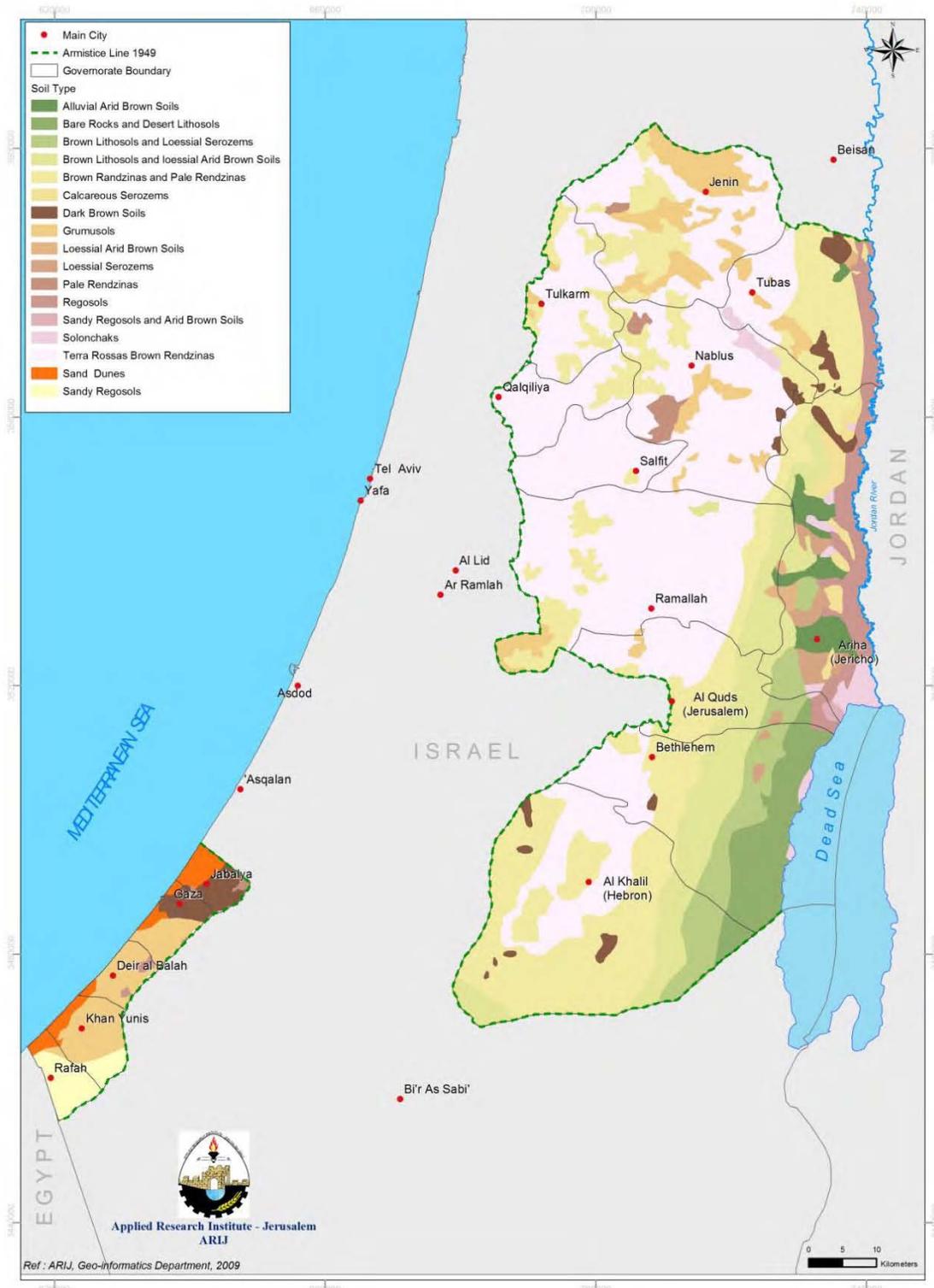
Map 5: Geological Map of the oPt

3. Soils

Although the geographic area of the oPt is relatively small, soils like other agrobiodiversity components in the oPt are distinguished by their high range of variety, in type and nature. Soils in the oPt are formed due to several conditions including; climate, physical weathering from wind and water, and other topographic materials, geology, and vegetation. The soil resource of an area is one of the most important elements of the natural resources' base. Map 5 shows the soil distribution in the oPt.

The formation of soils is highly influenced by climatic and geological conditions. Climate has two major factors for soil formation. The first is the temperature and the second, rainfall. As the two factors increase, the weathering of rocks and minerals will increase. For every 10⁰C rise in temperature, the rate of biochemical reactions doubles (UMN, 2005). Thus, the weathering process of soil is witnessed to be the highest in the eastern parts of the West Bank, followed by the eastern-southern parts of Historical Palestine, and decreases to the minimum in the middle parts of the West Bank (Ramallah, Bethlehem, Hebron, and partially Nablus governorates). As important as temperature is the factor of rainfall. The cool-wet areas host more considerable percolated rainfall amounts than the hot-wet areas, where water may evaporates back to the atmosphere before leaching can occur. The different aridity indices in the oPt especially in the West Bank, with an arid to hyper-arid area along the eastern parts, and semiarid to sub-humid area along the western parts, has resulted in high diversity of soils.

The major soil associations in the oPt are Terra Rossa and Brown Rendzinas; dominating the Central Highlands of the West Bank. Brown Rendzinas and Pale Rendzinas are found to the north and south of the mountain ridge, in Tubas, Qalqilyia, and Hebron Governorates, and also in regions of the Eastern Slopes. In the Gaza Strip, the most common soil type is Grumosols, which dominates the semi-arid loess plain area. Grumosols are also found in the far north and far west of the West Bank, coinciding with low-lying areas that enjoy a more temperate climate than other parts of the highlands (Map 6).



Map 6: Soil Map of the oPt

4. Climate

The oPt lies within the Mediterranean climatic zone. Gaza Strip, in particular, is part of the Mediterranean coast. The climate of the oPt is characterized by a long, hot, dry summer and short, cool, rainy winter. Only the southern part of the Jordan Valley has a different transitional climate between dry steppe and the extreme desert conditions of the Dead Sea region.

Climate within the relatively small area of the oPt is affected by diverse ranges in topography and altitude. Accordingly, the West Bank is divided into four main climatic regions, including; the Jordan Valley, the Eastern Slopes, the Central Highlands, and the Western Slopes. The climate of the West Bank, especially in the south, is influenced by the vast nearby Negev and Arabian deserts especially during spring and early summer. Desert storms move through with hot winds full of sand and dust (known as Khamaseen) and increase the temperature and decrease the humidity.

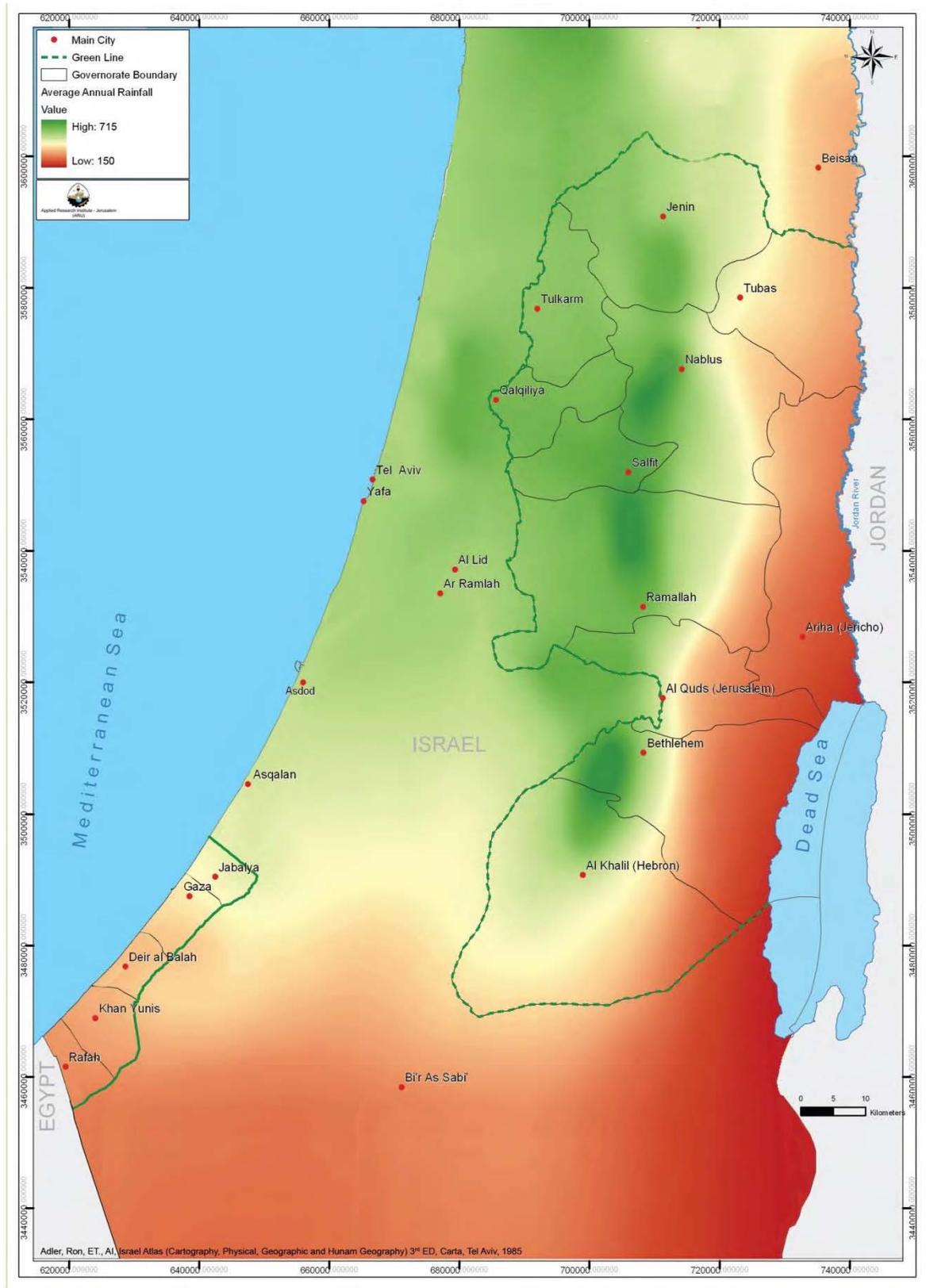
Precipitation:

The rainy season usually starts in the middle of October and continues up until May, where most of the rain falls during the period between November and April. Snow and hail, although uncommon, occur in areas of the West Bank, with the greatest frequency falling in the west of this area, and over the highlands (Rofe & Raffety, 1965). In the West Bank the average annual rainfall is 532 mm, where it is lower in the Gaza Strip with an average annual rainfall of 358 (MoA, 2011).

Precipitation increases from south to north. The northern part of the West Bank is closer to the usual track of storms coming from the northwest. The pressure gradients cause the air masses to rise at steep angles, cool, and gain in relative humidity. The larger vapor content reaches the saturation point earlier and increases the chance of precipitation (Map 7).

In the winter, depressions, passing from west to east over the Mediterranean, bring westerly rain-bearing winds. The mountainous areas in the West Bank, which stretch from north to south, serve as a barrier to the passage of moist air coming from the western direction. The western air is always wet as it is coming from the Mediterranean Sea. The rising ground of mountains acts to force the moist air upwards, causing it to shed its moisture on the ridge. The marine influence passes deep into Tulkarm and Jenin governorates. It also reaches the western edges of the Nablus, Ramallah, Jerusalem, Bethlehem, and Hebron governorates. The presence of highlands counters the wind and prevents the marine influence from passing deep into these governorates. However, if there is a break in the mountain ridge, the marine influence can move further interior. In the southern area of the West Bank, the marine influence decreases as the Mediterranean shore bends to the southwest, thus increasing the distance between the Sea and the West Bank. In the northern part of West Bank, there are no hills to block the Sea winds. Therefore, the marine influence passes easily across the open lands of the Marj Ben Amer Plain and reaches to the

Jordan Valley, resulting in an increased quantity of rainfall in the northern part of Jordan Valley although most of it is located below sea level.



Map 7: Average annual Rainfall in the oPt

Temperature:

In the oPt, temperature is relatively high. The highest temperatures are in Jericho and the Jordan Valley area. Temperatures in the Jordan Valley increase from north to south, contrary to altitude, with the highest temperature in the Dead Sea. The Dead Sea is located in the lowest elevation on the Earth and is surrounded by a series of high mountains from both east and west, creating a natural greenhouse climate. During summer months, June to August, the mean monthly temperatures in the West Bank range between 20.8°C and 30°C (Figure 2). In winter, December to February, the mean monthly temperatures in the West Bank range from 8.7°C to 14.7°C. The Gaza Strip is located in a transitional zone between the arid desert climate of the Sinai Peninsula and the temperate and semi-humid Mediterranean climate along the coast. The average temperatures range between 25°C in summer to 13°C in winter.

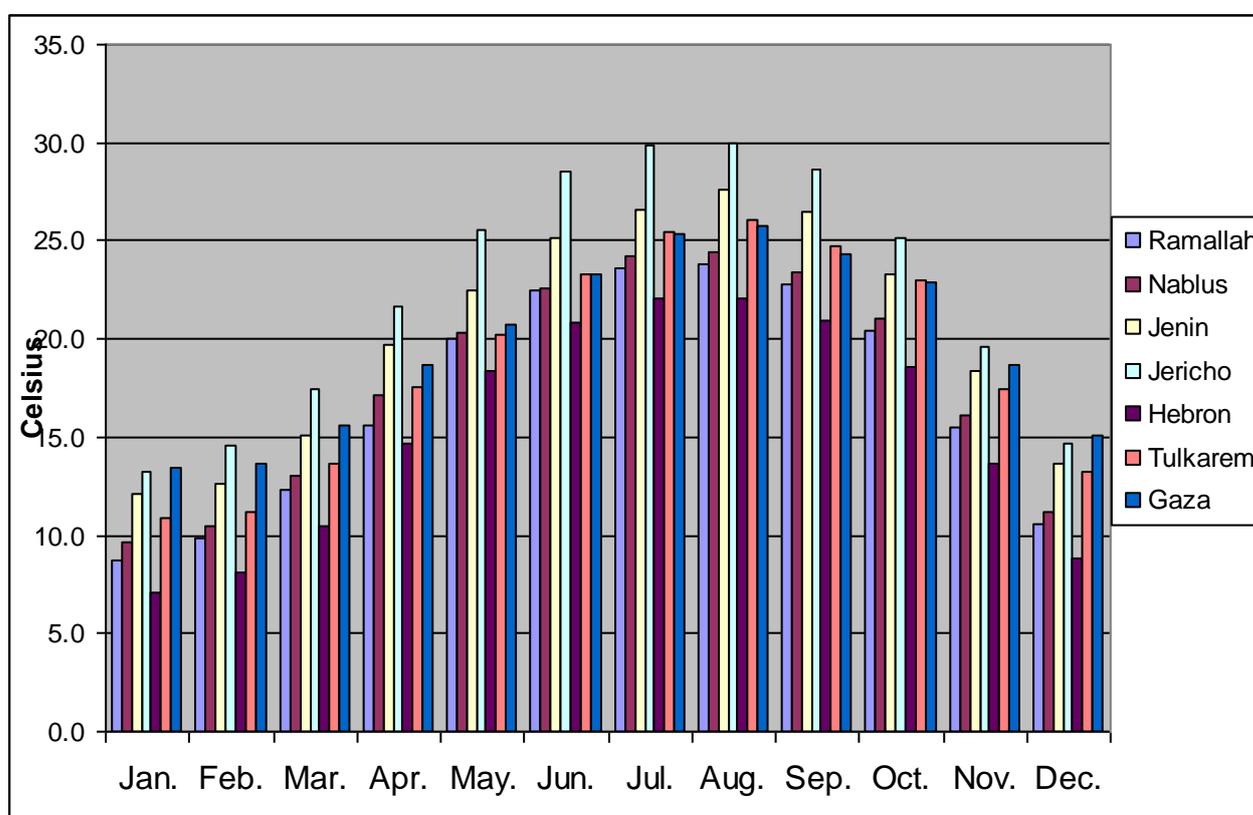


Figure 2: Average monthly temperature in the oPt.

Source: MoT – PMA, 2008

Sunshine duration:

The oPt has a sunny climate. The oPt's inhabitants depend on this renewable source of energy (solar energy) for water heating. Solar radiation, reaching the oPt, varies from one place to another. The longest hours of sunlight occur in June or July and the shortest from December to February (Figure 3). In the summer, solar radiation is strengthened by almost completely clear skies. In the winter, a reduction in solar radiation occurs due to cloud cover. The solar radiation reaches its lowest value in

December, when the sun is over the Tropic of Capricorn (Southern Tropic) and the days are short.

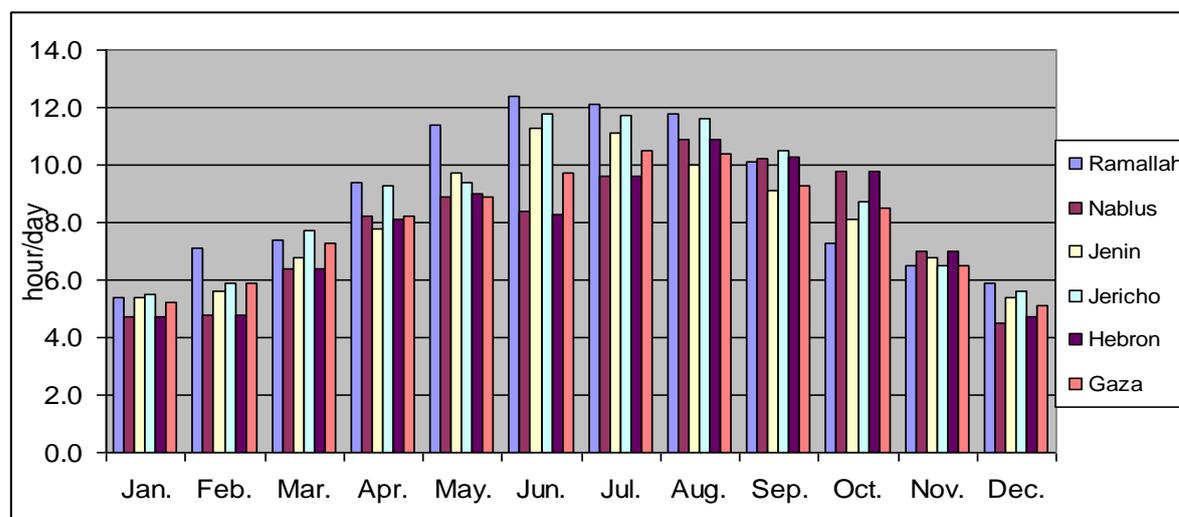


Figure 3: Mean Average Sunshine (hour/day) by month in different stations in the oPt

Source: MoT – PMA, 2008

Relative Humidity

The relative humidity has an influence on people and on all living organisms, especially the very low humidity experienced during the Khamaseen. Hot winds may cause damage to the skin of people and animals. Agricultural crops are also affected, especially when the dry wind blows during the flowering period; the first stage of fruiting. The relative humidity in the oPt varies between 50-70%. The Gaza Strip (which is part of the Mediterranean coast) has the highest annual mean relative humidity (69%), increasing from winter to summer. On the other hand, Jericho (in the Jordan Valley) has the lowest relative humidity (52%), decreasing from winter to summer.

Table 1: Mean of Relative Humidity (%) in the oPt

Month	Station						
	Jenin	Tulkarm	Nablus	Ramallah	Jericho	Hebron	Gaza
January	80	72	67	67	70	74	67
February	84	76	67	66	65	72	67
March	76	75	62	59	57	66	70
April	67	65	53	50	45	55	70
May	60	62	51	45	38	48	73
June	63	69	55	48	38	51	75
July	63	68	61	53	40	57	76
August	65	74	65	57	44	60	75
September	64	70	64	58	47	62	73
October	65	67	57	56	51	59	69
November	66	64	57	59	60	64	67
December	74	71	67	66	70	73	68
Average	69	69	61	57	52	62	71

Source: MoT – PMA, 2008

Evaporation

Evaporation is particularly high in the summer (the highest evaporation rate occurs in July) due to the rise in temperature, intensive sunshine, and low humidity. Towards the coastal plain, the rate of evaporation decreases, because of the year round exposure to the humid sea breeze. Evaporation rate is relatively low during the winter months when the solar radiation is lowest, with the lowest evaporation in December (Figure 3). Only water surfaces, which are in contact with the air, are fully affected by evaporation. Water that has seeped into the ground is, for the most part, protected. The highest evaporation rates in the oPt occur in the summer months in the Jordan Valley, where the total annual evaporation in Jericho is about 2100 mm. Evaporation from the Dead Sea is particularly high due to intense solar radiation and low relative humidity. Evaporation in the Gaza Strip is the lowest anywhere in the oPt (1580 mm per year), due to high relative humidity, lack of surface water and less intense solar radiation and fewer hours of sunlight.

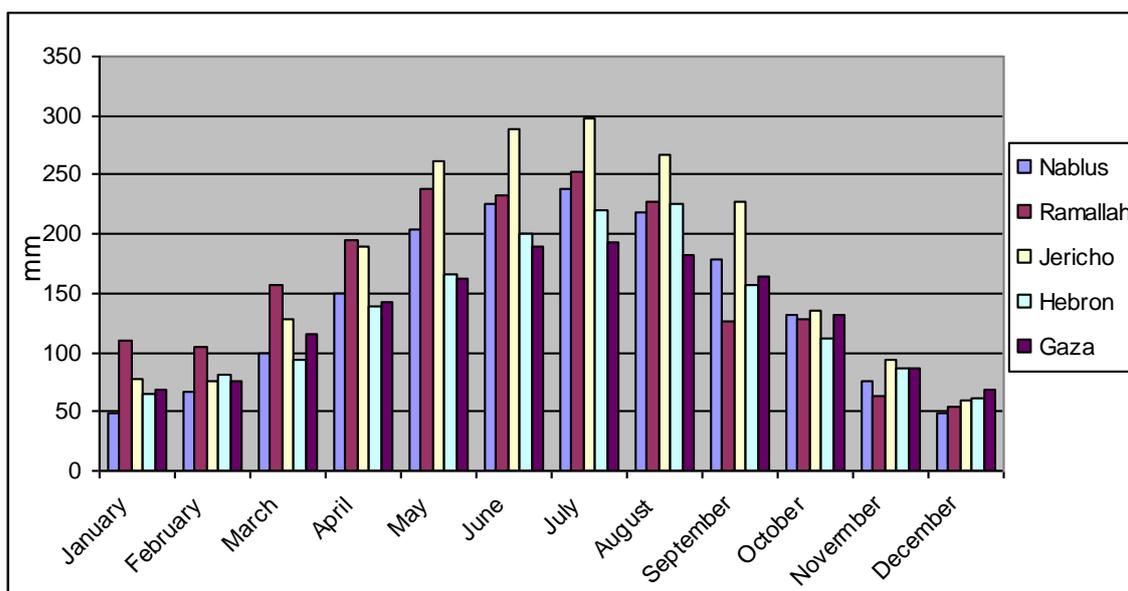


Figure 3: Mean Monthly Evaporation (mm)

Source: MoT – PMA, 2008

CHAPTER ONE

Charting the oPt Geopolitical Situation

Section One: Charting the oPt Geopolitical Situation

Prepared By: Suhail Khalilieh

Section Two: Praxis of Human Rights in the Palestinian Urban Sphere: Urbanization Trends

Prepared By: Ahmad Al-Atrash

Chapter One: Charting the oPt Geopolitical Situation

1.1 Charting the oPt Geopolitical Situation

1. Introduction

The Palestinian issue lies at the heart of the Arab - Israeli conflict, which has been ongoing for decades. The Madrid conference offered a historic opportunity to achieve a fair and lasting peace in the Middle East, based on international legitimacy and the principle of a land for peace. Nevertheless, after almost two decades of negotiations, to the Palestinian people, peace is still a far fetched concept. Even if both, the Madrid Conference, in 1991, and the Oslo Agreement, in 1993, heralded the prospect of a Palestinian State and guaranteed an end to the Israeli occupation, as well as the resolution of outstanding issues (the refugees' issue, Jerusalem, the borders, water issues, the settlements), Israel succeeded in maneuvering those agreements to break the accorded phased withdrawal. On the contrary, settlements continued to grow, shaking the Palestinians' daily life and obliging them to get used to the humiliation and the disruption that the Israel's presence in the Palestinian territory entails.

A Long streak of agreements exist between Israel and the Palestine Liberation Organization (PLO); from the Oslo I interim agreement (the Declaration of Principles), signed in 1993, the 1994 Gaza–Jericho Agreement, the September 1995 Oslo II Interim Agreement, the Hebron Protocol of 1997, the Wye River Memorandum of 1998, and the Sharm Esh Sheikh. The latter protocols guided the a phased withdrawal of the Israeli Army from the oPt based on the fundamental principle that, “Neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the Permanent Status negotiations.” Accordingly, Palestinians today have semi-control over 39% of the West Bank (the remaining 61% are still classified as Area “C”) and 76% of the Gaza Strip (24% remains under Israeli occupation control along Gaza's northern and eastern borders) (ARIJ GIS Department, 2011). The ongoing fragmentation of Palestinian lands and communities, into disconnected cantons, combined with the frequent collective punishment of closures, house demolitions, withdrawal of identification cards, the confiscation of private property, water-wells and the military bombardment reveal the physically unsustainable status of Palestinian geography and life. All those intolerable actions not only cause unjustifiable suffering and constitute continuous violations of the Palestinians' human rights, but also affect the outcome of the final status negotiations.

The question in many minds is: where does one now go in the light of the Israeli persistence to carryout its unilateral actions and continued violation of the Palestinian land and right? But before answering it, maybe we should think about where are we now that negotiations are stalled? Through this one can explore our possibilities to take the next step. The purpose of this report is to gather enough information to smooth the way for what is to come ahead. We'll try to incorporate ultimate data and findings and use them to come up with a comprehensive and realistic understanding, but above all, to increase awareness of the social consequences of the Israeli occupation. Our aim is to inform audiences about what surrounds us in a transparent manner in a way that

contributes to achieving the eternal dream of millions of Palestinians both living under occupation and out of their homeland borders.

2. Israeli Occupation

Since the occupation of the West Bank and East Jerusalem in 1967, Israeli governments, regardless of their political affiliation, have supported the construction of settlements and used various methods to amend existing laws to confiscate lands in the West Bank. Despite the critics of the International community, as well as the warnings of the United Nations, the International Court of Justice and other international law organizations, Israel continues to confiscate Palestinian lands, uproot fruitful trees, destroy Palestinian properties (Table 1.1.1), establishes military checkpoints and continues to build the Segregation Wall. Moreover, it manipulates the existing laws in the West Bank in order to take as much land as possible and reduce the eventual benefits of the Palestinian population. Essentially, Israel abides by the parts of the international law that facilitate its existence in the occupied Palestinian territory (oPt) and ignores or distorts those parts that require it to act justly to the Palestinian population.

Table 1.1.1: The Israeli Violations from 1993 – August 2011 in the West Bank

Year	Land Confiscated	Uprooted Trees	Demolished Houses
1993	7,775	500	57
1994	2,3902	4,521	29
1995	1,300	2,500	14
1996	31,734	1,050	12
1997	72,761	25,435	295
1998	38,147	30,210	118
1999	28,588	17,063	52
2000	15,472	19,003	22
2001	26,138	55,698	92
2002	37,990	16,058	275
2003	72,107	150,594	492
2004	53,573	42,384	342
2005	46,905	90,104	149
2006	12,999	20,900	129
2007	88,345	31,785	129
2008	5,677	8,638	103
2009	163,501	8,745	145
2010	13,148	10,364	196
Aug-11	6,064	10,410	298
Total	746,126	545,962	2,949

Source: ARIJ GIS database, 2011

Therefore, Israel has been, and still is violating the international law on a daily basis. It has been doing so since the beginning of the occupation in 1967, when it initiated the settlement program in oPt and started to move parts of its population (the settlers) there. Today, there are 179 settlements with more than 628,000 settlers (civilians) in the total area occupied by Israel, including 257,000 in occupied East Jerusalem (ARII GIS Department, 2011). Israel land confiscation policy based on security reasons and military needs is intended to furnish the Israeli settlers with territory they can build and live on; and eventually to transfer as much civilians as possible into the oPt. That's how Israel looted the land, that's how Palestinians have lost more than fifty percent of their land.

Box 1

Settlements violations of the International Law

The construction of new settlements, in addition to the ones already in existence, constitutes a violation of major legal principles and concrete articles of the International Law:

- **Major Legal Principles Violated:**
 - Military action and occupation are only legal when they are purely defensive.
 - Occupation must never lead to sovereignty over occupied or conquered lands of the enemy people or nation.
 - The occupant is required to not significantly change local laws unless required for its' own security or to benefit the local population.
 - The occupant is required to respect the human rights of the native people except where it significantly jeopardizes its own safety.
- **Charter of the United Nations (1945)**
 - **Article 2:** "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations"

Universal Declaration of Human Rights (1948)

- **Article 16:** (3) "The family is the natural and fundamental group unit of society and is entitled to protection by society and the State".
- **Article 23:** (1) "Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment".

Fourth Geneva Convention (1949)

- **Article 47:** "Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory"

- **Article 49:** “The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies”.
- **Article 54:** “The Occupying Power may not alter the status of public officials or judges in the occupied territories or in any way apply sanctions to or take any measures of coercion or discrimination against them, should they abstain from fulfilling their functions for reasons of conscience”.
- **Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with The Charter of the United Nations (1970)**
 - **Principle 1:** “States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations”.
- **Hague Regulations IV (1907)**
 - **Article 43:** “The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country”.
 - **Article 55:** “The occupying State shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile State, and situated in the occupied country. It must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct”.
- **Geneva Conventions, Protocol I (1977)**
 - **Article 4:** “Neither the occupation of a territory nor the application of the Conventions and this Protocol shall affect the legal status of the territory in question”.
 - **Article 85:** “The following shall be regarded as grave breaches of this Protocol, when committed willfully and in violation of the Conventions or the Protocol: (a) the transfer by the occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory, in violation of Article 49 of the Fourth Convention”.
- **United Nation Security Council Resolutions:**
 - **UNSCR No. 446 (1979):** “all of the Israeli practices and activities concerning the building and expanding of the Israeli settlements in all of the Arab territories occupied in June 1967 are illegal and void”.
 - **UNSCR No. 452 (1979):** “called upon the nation and the state of Israel to immediately halt the construction of the Israeli settlements in the occupied territory including the city of Jerusalem”.
 - **UNSCR No. 465 (1980):** “called upon Israel to stop building in the

Israeli settlements in the occupied territories and to dismantle all of the Israeli settlements built in the aforementioned territories since the year 1967, and demanding all of the state parties of the UN not to help Israel in building these Illegal settlements”.

- **European Neighbourhood Policy (ENP) Action Plan, between Israel and the EU (2000):**
 - “The parties should: work together to promote the shared values of democracy, rule of law and respect for human rights and international humanitarian law”.
 - ‘While recognising Israel’s right to self-defence, the importance of adherence to international law, and the need to preserve the perspective of a viable comprehensive settlement, minimising the impact of security and counterterrorism measures on the civilian population, facilitate the secure and safe movement of civilians and goods, safeguarding, to the maximum possible, property, institutions and infrastructure’.

Over the years of occupation, Israel intended to break up the geographical contiguity of the oPt into two entities: the West Bank and Gaza Strip. The West Bank has 11 Palestinian governorates (Jenin, Tulkarm, Qalqilyia, Nablus, Ramallah, Jerusalem, Jericho, Bethlehem, Hebron, Tubas, and Salfit), while the Gaza Strip has 5 (North Gaza, Gaza, Deir Al-Balah, Khan Yunis, and Rafah) (Map 1.1.1). Upon the Israeli withdrawal from the heart of the Gaza Strip in 2005, the main urban areas of Gaza constitute a single territorial unit, with the exception of an unpopulated security buffer zone along the northern and eastern borders of Gaza that remains under the Israeli occupation control. In the West Bank Israel has managed to turn the governorates there into Bantustans only connected through an Israeli controlled (Area C) territory.



Map 1.1.1: West Bank & Gaza Strip governorates

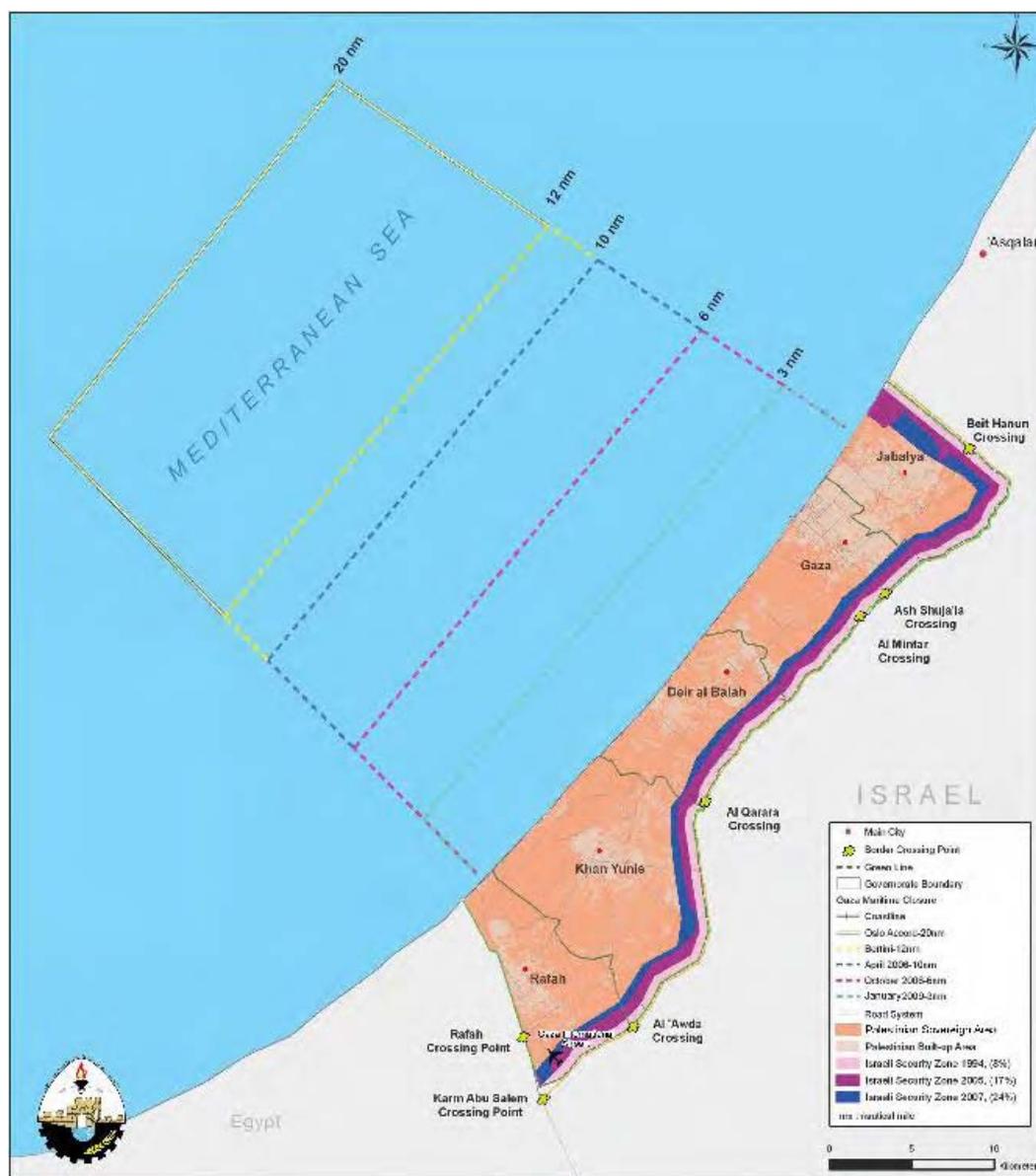
In September 2005 Israel unilaterally disengaged from the Gaza Strip: it demolished all vacated settlements and moved the settlers to the West Bank, Moshavs³, and/or Israel. However, it continues to have overriding control of 24% of the Gaza Strip in the form of a Security Buffer Zone Area; which covers all the northern and eastern boundaries of Gaza (ARIJ GIS Department, 2010).

The Timeline of the Israeli Security Buffer Zone in the Gaza Strip

A security buffer zone, 58 km in length and 0.5 km wide along Gaza's northern and eastern borders, was identified in a part-clause of the 1994 Oslo Accord. It constituted 8% (29 km²) of Gaza's total area and was patrolled jointly by the Israelis and the Palestinians. When the Second Intifada broke out in September 2000, the Israeli Army, unilaterally increased the width of the buffer zone to 0.8 km, and by the time the Israel completed its unilateral disengagement (redeployment) in Gaza, the security buffer zone ranging between 0.8-1.3 km, constituted 17% (61 km²) of Gaza's total area, and ultimately under complete control of the Israeli Army. In June 2007, the Israeli Army completed yet another unilateral step to expand and increase the width of the security buffer zone to an overall width of 1.5 km, accordingly; the Israeli Army occupies to date 24% (87 km²) of the Gaza Strip area (ARIJ GIS Department, 2010).

The restriction on the land to sea area available for Palestinians to use for fishing became a distance of 20 nautical miles in 1994, based on the agreement in the Oslo Accords. As a result of various Israeli imposed restrictions Palestinians were reduced to utilizing just 12 nautical miles, starting in August 2002 with the Bertini Agreement. Since then; the Israeli Army, unilaterally reduced the fishing area available for Palestinian fishing to 10 nautical miles in April 2006, then to 6 nautical miles in October 2006, and finally 3 nautical miles in January 2009, which is the current restriction (Map1.1.2) (ARIJ GIS Department, 2010).

³ Moshav is a type of Israeli town or settlement, in particular a type of cooperative agricultural community of individual farms



Map 1.1.2: Current Gaza Strip with buffer zones

Humanitarian Crisis in the Gaza Strip

According to Amnesty International, “Israeli forces committed war crimes and other serious breaches of international law in the Gaza Strip during a 22-day military offensive code-named Operation “Cast Lead” that ended on 18 January”. Since then, the military blockade of the area, which effectively imprisons the 1.5 million residents, has resulted in a humanitarian crisis. Moreover, Israel often stops international aid and humanitarian assistance from entering the Gaza Strip. In addition, permissions to leave the area are, no matter what the reason is, are almost impossible to get. For instance, permission has been denied or delayed for hundreds of seriously ill Palestinians, and at least 28 individuals died while waiting for it (Amnesty International, 2010).

Even if Israel maintains that Gaza's occupation finished in September 2005, there are several arguments that clearly show that it continues to keep an effective control over the area. First of all, it controls all the land crossings: Erez (into Israel), Rafah (into Egypt), Karmi (main access for goods), Karem Shalom and Sufa. Secondly, it controls also the airspace and the territorial waters. Thirdly, it exercises control through military incursions and finally, it has de facto control of the Palestinian population registry, which means that Israel decides, through a system of identity cards, who's a Palestinian and a resident of Gaza or the West Bank, as well as who may or may not enter or leave either territory (Dugard, 2008). Consequently, as one can state that a territory is occupied when it's under the effective control of a State different from the sovereign one (Falk, 2008), we can describe Gaza as a region under 'occupation'. Israel is failing to fulfil its obligations as an occupying power, established by the international law. Israel should guarantee the civilian's population welfare.

According to the Special Rapporteur of the United Nations (on the situation of human rights in Palestine), 668 Palestinians were killed in Gaza between 2006 and 2007, and over half of them (359) were uninvolved in hostilities, and 126 were minors. During the Cast Lead Operation more than 1,380 Palestinians, including over 330 children and hundreds of other civilians, were killed and around 5,000 were injured, many of them seriously (Amnesty International, 2010).

It should be mentioned that before and during the Operation the Israeli army refused to allow independent observers, journalists, human rights monitors and humanitarian workers, into Gaza, effectively cutting off Gaza from the outside world. The Israeli authorities also refused to co-operate with an investigation by the UN Human Rights Council (HRC). The HRC report, issued in September 2009, (known as 'the Goldstone report'), accused Israel and Hamas of war crimes and possible crimes against humanity in Gaza and southern Israel. It recommended that those responsible for war crimes be brought to justice (Amnesty International, 2010). However, the Israeli authorities did not establish any independent or impartial investigation into the conduct of its forces during Operation "Cast Lead;" although there were a number of internal investigations.

Basic conditions in Gaza are not guaranteed at all. Fuel, electricity, and medical supplies continue to be reduced; power outages are frequent and insufficient power for pumping also affects the water supply, as a result, 210,000 people only have access to it one or two hours a day. Furthermore, problems with sewage are frequent so the risk for potential health problems is high. In 2008, over 80% of Gazans needed food aid (UNRWA and WFP, 2008); which means that their diet excludes fruits, vegetables, meat and fish, meaning the aid is vital but extremely inadequate.

All the above actions have led to a devastating humanitarian crisis, and it is noted that conditions are continuing to deteriorate. Border closures prevent exports and imports, so all the Gazan factories were obliged to close (the Palestinian Federation of Industries reported that 95% of Gaza's industry was shuttered), construction was halted and farming outputs were also affected. Consequently, the unemployment rate in of the Gaza Strip went to unprecedented records; even though figure, for the second half of 2010 (45.2%), was a slight improvement on the 45.7% jobless rate during the same period in 2009 (UNRWA, 2011). Another consequence of the various supplies

shortages is the rise of the prices. In short, over 80% of Gazans live below the official poverty line and conditions in the area are dire and worsening (UN, 2008).

It's exactly grave picture for health care and education. For the first one, everything is in short supply or unavailable; for the second, Gazan children in UNRWA (United Nations Refugees Work Agency) schools lag behind refugee children elsewhere. In addition, students are prevented from studying abroad; even Fulbright scholars* are denied permission.

After all that, it can be stated that Israel is also flagrantly violating the article 33 of the Fourth Geneva Convention, which declares that “No protected person may be punished for an offence he or she has not personally committed; collective penalties and likewise all measures of intimidation or of terrorism are prohibited”.

Israeli Settlements in the West Bank

In the West Bank area, the Israeli settlement program, has been and continues to, be more active and destructive. From 1967, Israel's aim has been, not only to control as much empty and vast lands as possible, but also cutting off Palestinian localities and governorates from each other. To this end, in 1991, Israel marked a master plan for every single Israeli settlement in the occupied West Bank, as a precautionary measure to evade eventual implications of the peace negotiations with the Palestinian side. Accordingly, the Israeli settlements in oPt have dramatically increased by more than 600% since 1991 and 2011 (ARIJ GIS Department, 2011).

The settlements have been boosted in the occupied West Bank, in general and in Jerusalem area in particular, by giving incentives to the settlers, including housing subsidies, income tax reductions, disproportionate budget allocations and business grants. Thanks to those policies, besides the construction of bypass roads to link the settlements, and the excessive control of the Israeli Army, in the past two decades the Israeli settlements' built-up areas have increased a 173% (from 69 km² in 1990 to 189 km² in 2011) (ARIJ GIS database, 2011), exceeding those of the Palestinians in the oPt, that remained pretty much the same. Of course this has led to a rise of the number of Israeli settlers, from 240,000 in 1990 to more than 628,000 in 2011, which represents an increase of 143% (ARIJ GIS Department, 2011).

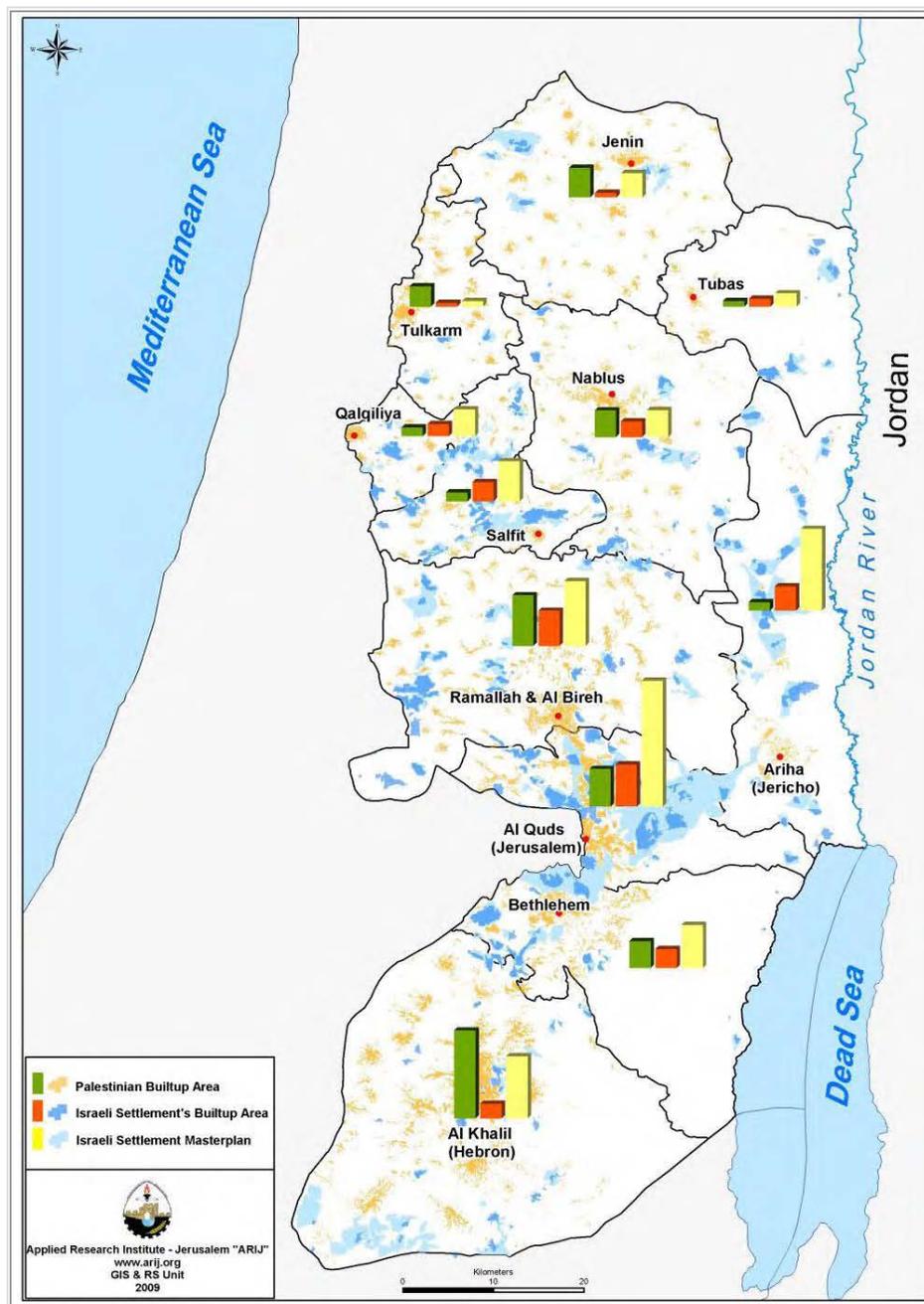
Nevertheless, distinctions per governorates have to be made, as this is not true for all of them. An analysis conducted by the Applied Research Institute – Jerusalem (ARIJ) in 2010 showed that the Israeli settlements' built-up area exceeded that available for the Palestinians in 5 of the 11 Palestinian Governorates: Jerusalem, Jericho and the Jordan Valley, Qalqiliya, Salfit and Tubas. Furthermore, the Israeli master plan of 1991 allowed the settlers to exceed the Palestinians built-up areas in 8 of the eleven governorates: the 5 mentioned plus Nablus, Bethlehem, and Ramallah (Table 1.1.2 & Map 1.1.3).

* a program of competitive, merit-based grants for international educational exchange for students, scholars, teachers, professionals, scientists and artists, founded by United States Senator J. William Fulbright in 1946.

Table 1.1.2: Israeli Settlements built-area/ master plans VS Palestinian built-up area in West Bank Governorates

Governorate	Governorate Area (km²)	Palestinian Built-up Area (km²)	Israeli Settlements Built-up Area (km²)	Israeli Settlements Master Plan Area (km²)
Jenin	573	28	4	23
Tubas	366	5	8	13
Nablus	614	25	16	26
Tulkarm	245	19	4	5
Qalqiliya	174	8	12	25
Salfit	202	9	18	38
Jericho	609	8	23	77
Ramallah	849	48	31	61
Jerusalem	354	36	41	119
Bethlehem	608	25	18	41
Hebron	1,068	83	14	59
Total	5,661	295	189	486

Source: ARIJ GIS Department, 2010



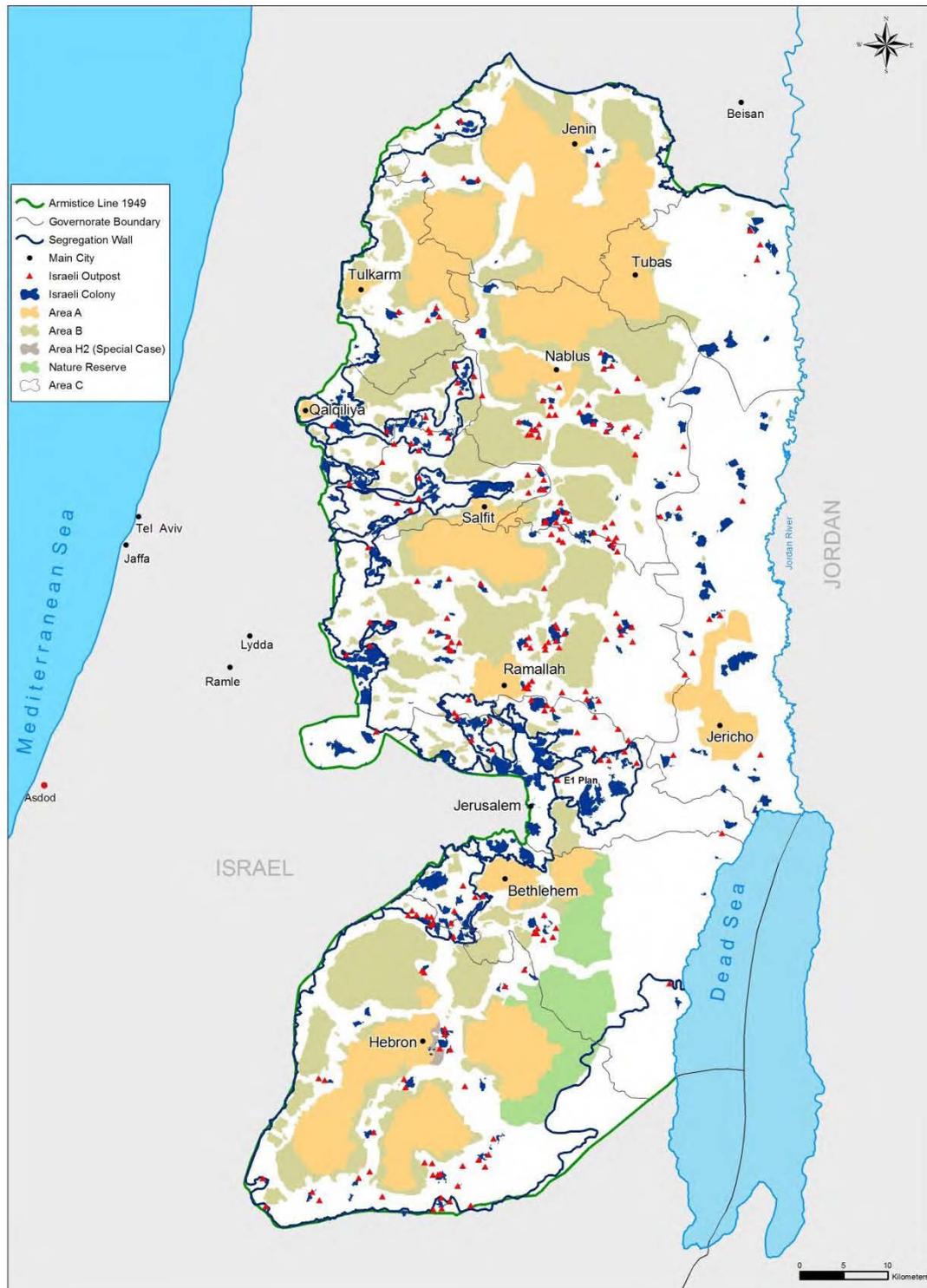
Map 1.1.3: Contrast of available residential areas between Palestinian governorates and Israeli settlements

According to the Interim agreement (Oslo II of the year 1995), the Palestinian territory was divided into areas A, B and C, designating various level of control. Area A, designates the PNA complete autonomy over administrative and security issues, Area B, granted Palestinians only civil/ administrative responsibilities, whilst in Area C, Israel had full control over this area which constitutes 61% of the total West Bank area. Table 1.1.3 and Map 1.1.4 below clarify the West Bank land classification:

Table 1.1.3: West Bank land classification

West Bank Land Classification – Oslo II - 1995	Area in km²	% from the West Bank Area
Area A	1,005	17.7
Area B	1,035	18.3
Area C	3,456	61
Natural Reserve Area	165	3
Total area for West Bank	5,661	100
Israeli Build Up Area(in km²) in Area C		
Israeli Settlements (within master plan definition)		486
Military Bases		49
Total		535
Palestinian Build Up Area		55

Source: ARIJ GIS Department, 2011



Map 1.1.4: West Bank classification according to Oslo Accord

Box 2
Areas A, B, and C

Areas A, B, and C classification is used within the 11 Palestinian Governorates as administrative divisions by the Palestinian National Authority (PNA), and Israel.

Area A comprises the main Palestinian towns, and some rural areas. Area B adds other populated rural areas, many closer to the center of the West Bank. Area C contains all the Israeli settlements, roads used to access the settlements, security buffer zones (near settlements, roads, strategic areas, and Israel), and almost all of the Jordan Valley, East Jerusalem, and southern Desert.

Areas A and B are themselves divided among 469 separate areas (171 and 298 respectively) the majority of which are smaller than 2 square kilometers that are separated from one another by Israeli-controlled Area C.

The vast majority of the Palestinian population (83.5%) - live in areas A and B where population density there soars to 8,730 people per km² (ARIJ GIS Department, 2010). The vacant land available for construction to cope with the Palestinian population growth and for investment opportunities is situated in the bulk area (61%) of the West Bank defined as Area C that is scarcely populated with Palestinians because of the long term restrictions imposed by the Israeli occupation to any kind of Palestinian development; particularly construction of residential homes. In contrast, the population density of the Israeli settlements in the West Bank stands at 1,160 Israeli settlers per km², according to the Israeli settlements master plan.

It is easily concluded that both areas A and B (36% of the West Bank) are already congested and the only remaining area available for the Palestinians to realize a sustainable and able state is what defines as area C today; where more than 582,000 Israeli settlers (10%+ of the Israeli population).

Area C constitute a major disruption to any Palestinian plan for state on various levels, most notable of which are sovereignty, contiguity, planning and development, and economically. However, this should not have happened if the terms of the Oslo accord went through as agreed upon, thus Palestinian areas A and B would not have serviced as alternative space to compensate the much needed areas to cope with population growth, or for industrial purposes, waste lands and other uses, which may very much be made available in area C, hence bypassing the negative implications, causing land prices to increase, thus effecting housing cost, and moreover hindering development and investment and employment opportunities.

During the period from 1996 to 2000, Israel intensified the construction of settlements and doubled the area they occupy; concretely, in this period, the total area of the Israeli settlements in the West Bank increased by 42%. Bethlehem Governorate is in the first position in terms of expansion: it witnessed an increase of 7,274 dunums during the period of 1996 & 2000, (more than 104% increase) (Tables 1.1.4), while the

governorates of Nablus, Hebron, Tubas and Jerusalem experienced increases of 74%, 67%, 63% and 52% respectively (ARIJ GIS Department, 2010).

Moreover, ARIJ's analysis stated that many Israeli settlements in the oPt had doubled its area on the expense of the Palestinian lands, such as the illegal Israeli settlement of Betar 'Illit in Bethlehem Governorate, whose area witnessed a 126% increase between 1996 and 2010 (ARIJ GIS Department, 2010).

Table 1.1.4: Expansion of Israeli settlements in Bethlehem Governorate

Settlement Name	Area/ Dunums (1996)	Area/ Dunums (2000)	Percentage of expansion between the years 1996 & 2000
Gava'ot	59	90	53 %
Mitzpe Shalim	194	301	55 %
Nikodim	180	292	62 %
Efrat	943	1600	70 %
Neve Daniel	158	272	72 %
Giva't Hamatos	137	268	96 %
Hadar Bitar	37	74	102 %
Teqou'	369	745	102 %
IL David	29	63	113 %
Rush Tzurim	400	892	123 %
Betar 'Illit	1390	3145	126 %
Mishoki Daragot	21	51	143 %

Source: ARIJ GIS Department, 2010

For the period 2000 and 2011, the expansion of the illegal Israeli settlements in the West Bank was around 31% and the atypical rise in the number of settlers for the same period of time by 66% from 378,000 to 628,000 settlers (ARIJ GIS Department, 2011). That increase is mainly attributed to the Israeli Segregation Wall, which construction began in 2002 and since then has dramatically contributed to looting and isolating more Palestinian lands in profit of the illegal settlements; that's the case of the settlement of Eshkalot in Hebron Governorate.

Furthermore, the illegal Israeli settlers have adopted systematic and aggressive practices, such as attacking the Palestinian farmers and landowners and illegally capturing their lands to use them for cultivating and/or to increase the settlements' territorial lands. For example, Tubas Governorate witnessed in the mentioned period the ever-largest settlements' area expansion: the Israeli settlers took advantage of the fact that the Israeli Army classified in 1967 the majority of Tubas lands (rich in grapes) as 'closed military areas' and imposed restrictions to their use; thus, the Palestinian owners of the lands were deprived from their right to cultivate them. It is worth mentioning that the expansion rate in the Israeli settlements in Tubas Governorate reached 107%, followed by Nablus Governorate with 103%, Tulkarm 77%, and Jenin with 76% (ARIJ GIS Department, 2010).

The Israeli outposts' phenomena: another impediment to the peace process

The Israeli outposts' phenomena started back in the year 1996 with the 'Sharonian'⁴ call for Jewish settlers to take control of hilltops and lands in the West Bank before 'losing them to Palestinians' in any future peace framework between the two sides.

'Everybody has to move run and grab as many hilltops as they can to enlarge the settlements because everything we take now will stay ours ...everything we don't grab will go to them' (France Press Agency, 1998).

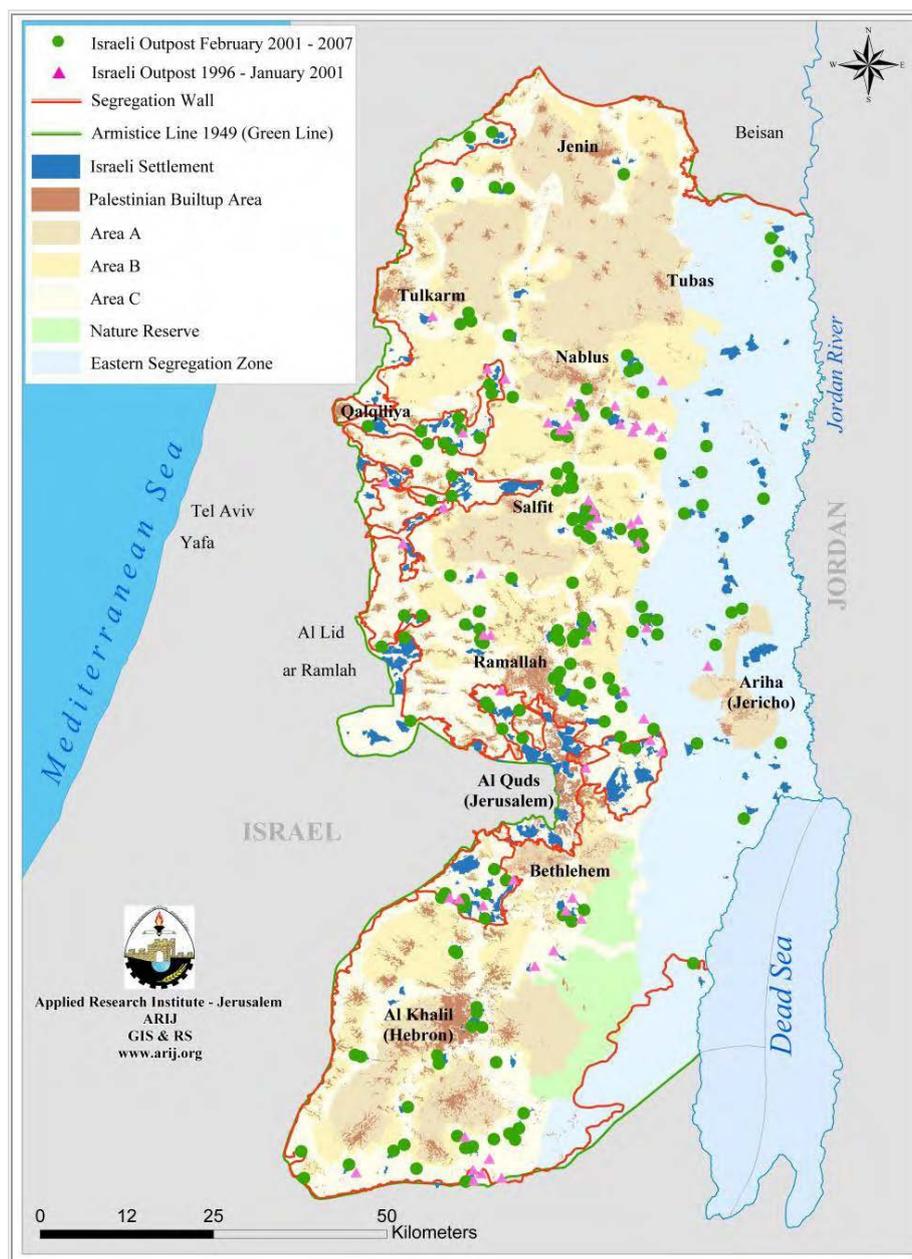
Despite the fact that the successive Israeli governments have not given such phenomenon a legal cover, they have, nevertheless, provided security and logistical cover to its presence and survival. The Israeli army has helped the settlers to move to such locations and provided them with the essential infrastructure and security to ensure their survival there. However, the Israeli government denies its knowledge of the existence of these outposts under the pretext that they were established away from any formal governmental procedures; as a result, Israeli settlers succeeded, since 1996 until the date of this report, to erect 232 illegal Israeli settlement outposts in the occupied West Bank (ARIJ GIS Department, 2010), where they constitute a real impediment to the progress of the peace process (Map 1.1.5).

The Israeli government sought in previous years to justify the construction of these outposts, or at least some of them, considering them as new neighborhoods in existing settlements, and not outposts as 'claimed' by Palestinians. This has brought the total number of settlements' outposts in the West Bank to 56 by the beginning of the year 2001 (ARIJ GIS Department, 2010).

On June 24th, 2002, the Quartet (the United States, the European Union, Russia, and the United Nations) adopted what is known as the 'Road Map', which demanded Israel to 'immediately remove the settlements' outposts established since March 2001'. Contrary to this, Israel defied what has been agreed upon by the entire international community and opened the door for Israeli settlers. The then Israeli Prime Minister, Ariel Sharon, encouraged the population to establish more outposts in the West Bank to seize the Palestinian land. Consequently, the number of outposts has rapidly increased to reach the 232 existing today.

Israel, all along, has sought to mislead the world with the reality of the outposts: it has tried to legitimize at least some of them with public ministerial reports that consider some of them legal and others illegal. The truth is that all the outposts established in the West Bank since 1996 are illegal, and were built on confiscated Palestinian, lands with the help and cooperation of the several Israeli ministries that provided the required budget.

⁴ Refers to former Israeli Prime Minister Ariel Sharon



Map 1.1.5: Israeli outposts' distribution in the West Bank territory

The Israeli government has numerously expressed its intention to fulfill its obligations under the Road Map peace plan, but it did not actually work out anything on the ground to transform this intention to reality. However, to revive the peace process between the two sides (The Israeli and the Palestinian) it is completely necessary to remove the outposts, which are to implement all the evacuation orders and hand over the lands to their original Palestinian owners.

One must note that Israel deliberately changed the names of the Arab areas in the West Bank and renamed them by ancient Canaanite names, in order to claim that

these names are Talmudic⁵ and Hebrew denominations. Today there are 179 settlements in the West Bank and 232 outposts (ARIJ GIS Department, 2011) having Hebrew names or denominations related to the Torah and the Jewish history. It must be pointed out, however, that the Torah only mentions 150 places in the region, so it is dubious that 150 names turn into more than 400? The answer is that the settlements' leaders and the Government Names Committee found that the symbolic role of place-names, as expressions of ideological values, has become a powerful tool for reinforcing the national Zionism. In this context, Biblical and Talmudic place names were reintroduced to reinforce the bonds between the Jewish nation in Israel and the land of Palestine.

The Eastern Segregation Zone

The Eastern Segregation Zone of the West Bank encompasses the middle and lower parts of the Jordan Valley and the upper part of the Dead Sea western shores. Its extension is approximately 111 kilometers long and 15 kilometers wide where it runs from the Negave in the south to Bisan in the north, from the Jordan River and the Dead Sea western shores in the east to reach the Mountains ridge of the West Bank in the west. It covers a total area of 1664 Km², representing 29.4% of the West Bank, contains 42 Palestinian communities accommodating more than 59000 Palestinian people and 37 Israeli settlements accommodating some 9000 Israeli settlers.

A wide variety of factors make the eastern strip of the West Bank a strategic and vital area for the future Palestinian state:

Rich of fertile soils and water resources

Future water security is a cause of concern for both Palestinians and Israelis, as both populations are expected to grow; hence increasing the demand for fresh water. This is to meet the needs of the future population, but also to meet the needs of the present and the future population of both peoples and also to allow economic development. This comes with the fact that the eastern strip of West Bank contains the greatest water sources in the area

- Jordan River system: The Jordan River watershed has the largest water yield in the region, as it provides most of the usable surface water supply. It has a surface catchment area of 18,300 km². As the only significant source of surface water in the region, the Jordan River has been the source of conflicts between the countries that share it (Lebanon, Syria, Israel, Jordan, and the oPt).
- Eastern Aquifer: its officially recognized annual recharge is 175 MCM. Israel extracts about 133MCM/year, mainly to supply Israeli settlement implanted in the area.

The Jordan Valley lies in a climatic zone that is distinguished by being several degrees warmer than the rest of the surrounding climatic zones. This feature, in

⁵ Talmud: is a record of rabbinic discussions pertaining to Jewish law, ethics, customs, and history. It is a central text of Rabbinic Judaism, second only to the Hebrew Bible in importance. For more information, click here: <http://en.wikipedia.org/wiki/Talmud>

addition to the presence of the fertile soils and the presence of water resources, makes the valley an agriculturally rich area.

1- Rich in Minerals:

- Mineral salts: The Dead Sea contains around 21 mineral salts, among which, some are not found in any other sea or ocean. These include; sodium, magnesium, calcium, bromine, bitumen and potassium. However, compared with ordinary sea water, the Dead Sea has ten times more salt content. The concentration of bromide ion in the Dead Sea is the highest of all waters on Earth. In addition, the mud from the Dead Sea has several therapeutic and cosmetic properties.
- Other minerals: Native sulphur is found in the north of Fasayil- Jericho Governorate, small quantities of low grade iron-ore deposits are found in the east of Kherbit Yarza - Tubas Governorate and apatite ore of Phosphate is found on the west shore of the Dead Sea (ARIJ, 2007).

The unique nature and the vacation site made the area an economic resource of major importance for industry and tourism.

2- The Palestinians' main gateway to the Arab world

As a sole crossing point between the West Bank and the Arab world, the Eastern zone of the West Bank representing the only gateway for the Palestinians to communicate with their Arab neighborhoods. Potentially it will play significant role in drawing the future Palestinian state as the only border with a country rather than Israel.

3- This is the only area where there is enough open space (642.78 km² about 11.3 % out of West Bank) for new Palestinian cities to absorb exile returnees

The Eastern Segregation Plan

When Israel occupied the West Bank in the 1967 Six-Day War and UN Security Council Resolution 242 opened the door to modifications of the prewar boundaries, Israeli military planners began to consider how the resolution's call for "secure and recognized boundaries" might be implemented.

It was Israel's deputy prime minister, Yigal Allon, who first proposed to the Israeli cabinet just after the Six-Day War on July 26, 1967, that Israel retain new borders based primarily on control of the eastern slopes of the West Bank hill ridge down to the bottom of the Jordan Valley, as well as the eastern West Bank Desert adjacent to the Dead Sea

The Eastern Segregation Zone holds some 29.4% (1,664 km²) of the West Bank total area. The targeted area will have no physical structure to segregate it; nevertheless, the Israeli Army will control the area with military checkpoints along the 200 km stretch from north to south.

It should also be noted that 855.5 km² of the Eastern Segregation Zone is already classified as closed military area and 150 km² is a mined area. This leaves only 71.229 km² (4.2 % of the zone) for Palestinians, which is encompassed within the Israeli segregation zone (ARIJ database, 2007)

See the [Figure 1.1.1](#) and the [Map 1.1.6](#) below for the Eastern Segregation Zone classification:

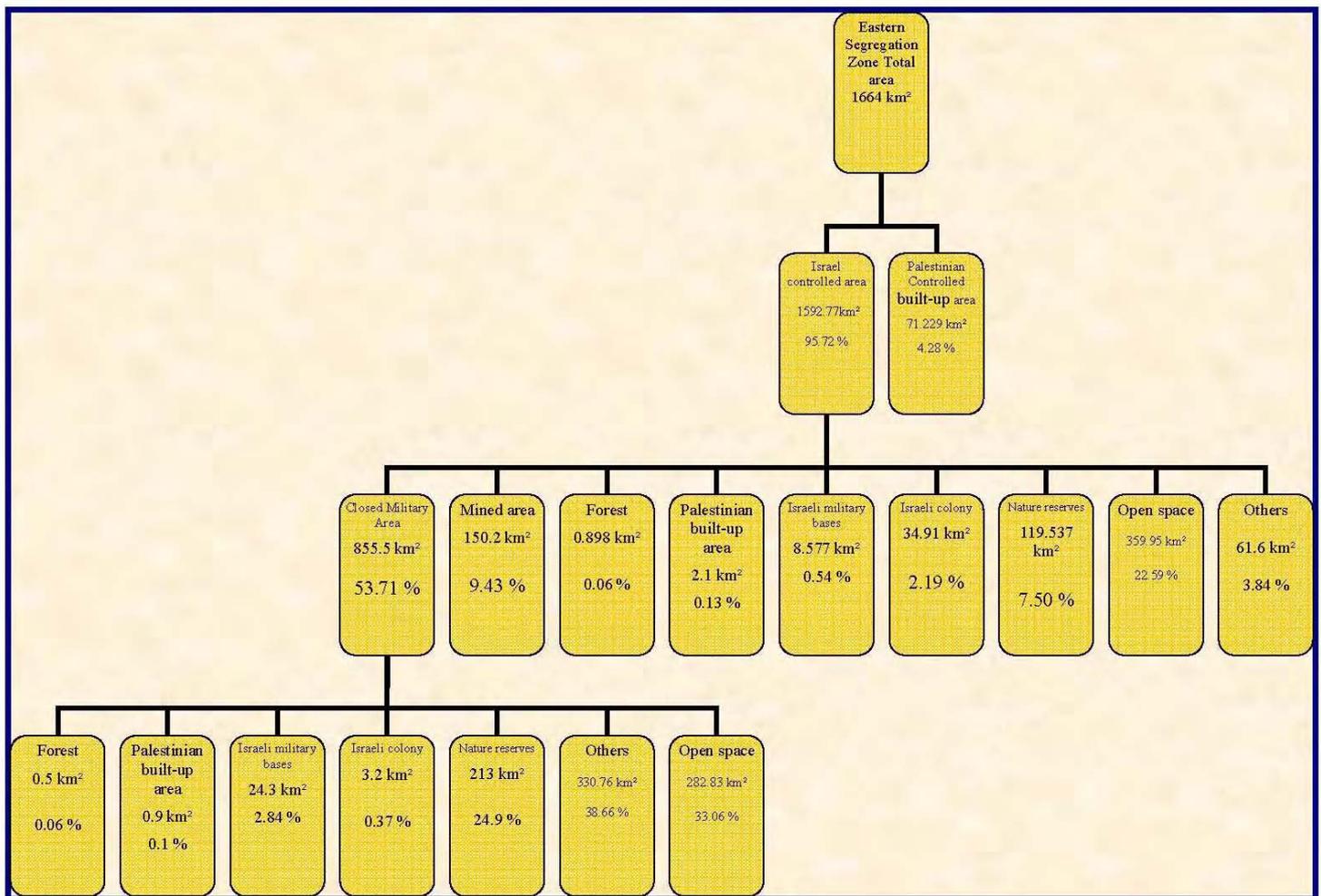
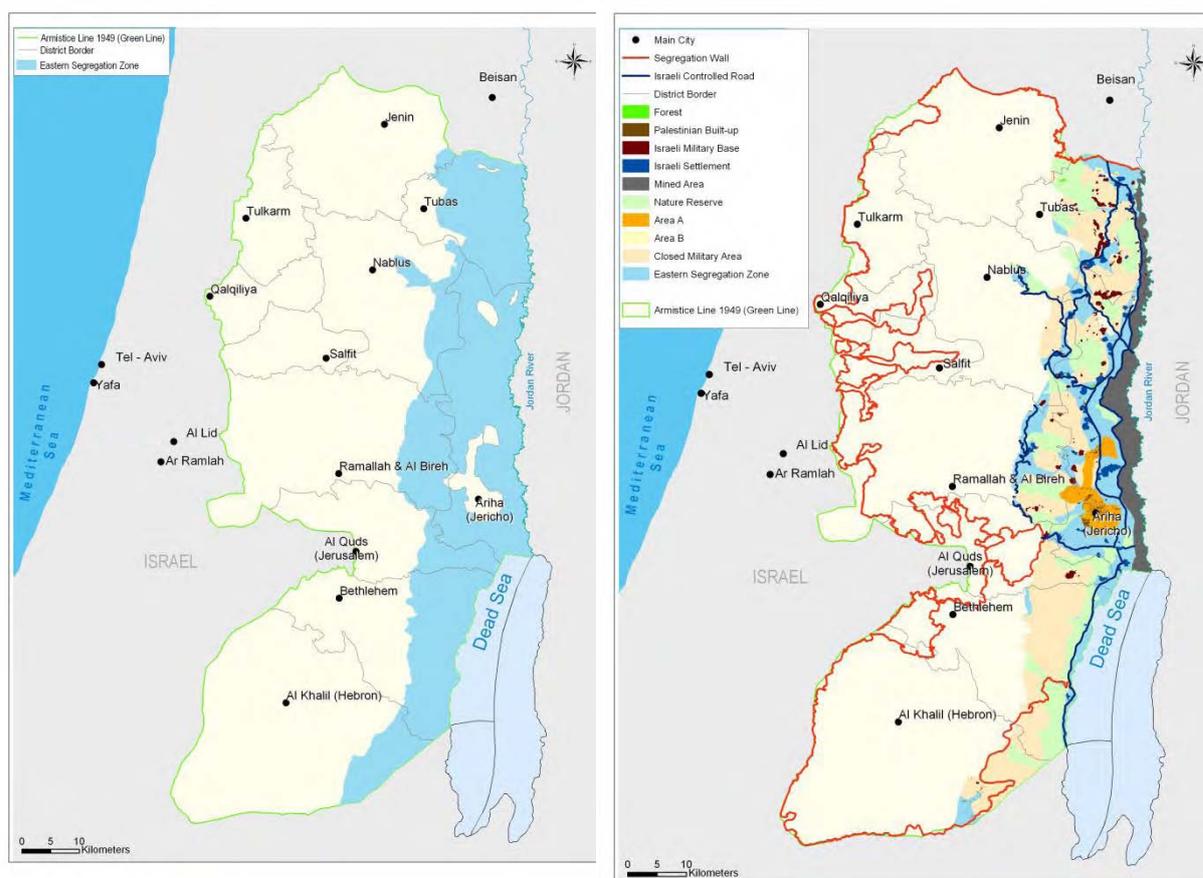


Figure 1.1.1: Classification of the Eastern Segregation Zone

Source: ARIJ GIS Database, 2010

- Total Palestinian Built-up area = 74.229 km² = 4.46 % out of the total area
- Total Israeli military bases area = 32.877 km² = 1.98 % out of the total area
- Total Israeli colony area = 38.11 km² = 2.3 % out of the total area
- Total natural reserve area = 332.537 km² = 20 % out of the total area
- Total Forest area = 1.398 km² = 0.08 % out of the total area
- Total open space area = 642.784 km² = 38.62 % out of the total area



Map 1.1.6: The Eastern Segregation Zone classification

3. The devastating consequences of the occupation on the Palestinians human rights

The fact that the Palestinian territory has been experiencing occupation for decades, at least since the early beginning of last century, makes it difficult to have a balanced and strategic distribution of services regardless of the population ration or based on the needs of each area. Many sectors within the Palestinian community were literally deprived of essential services, which could only be found in the main urban centers or sometimes not even that. Since the Israeli occupation of the Palestinian territory, the Non-Governmental Organizations (NGOs) have taken over a governmental role providing essential services to remote locations where no development or any basic services hardly ever existed. This continued for at least two decades, as no governmental body existed, at least until 1993, when the PNA became the Palestinians’ first tangible form of government. Nevertheless, that did not instigate any significant change to the reality on the ground: Israel continues to hinder the rights of self-determination, land utilization, adequate standards of living, and no-restriction of movement... And still controls the land, de borders, the natural resources, specially the water, and the internal movements of the Palestinians between the “sovereign” Palestinian areas... It is undoubtedly that the Israeli occupation of the Palestinian territory has detrimental effects on the quality of life of the Palestinians.

In addition to the 72 checkpoints, 26 partial checkpoints, 94 road blocks, 163 earth mound, 121 road/ iron gates, 71 watchtowers and 113 Wall/ agricultural gates, (ARIJ GIS Department, 2011) that Israel set-up throughout the West Bank to control Palestinians' movement and life, Israel initiated in 2002 its so-called "defensive" wall, destroying their homes and crop fields and completely disturbing their daily life. By May 2011, Israel had already completed 473 km (61%) of wall, 247 km (32%) are still in the planning-revision stage and 54 km (7%) at the time was under construction. Once completed, the Wall will isolate 66 Palestinian localities (320,601 people), including 30 localities in Jerusalem (274,481 people). In other terms, it will end up isolating 733 km² (733 thousands Dunums/73300 hectare) which means 13% of the total area of the West Bank (ARIJ GIS Department, 2011).

The effects of the Israeli imposed checkpoints system to restrict Palestinian movement, has caused serious and devastative impact at every level of the Palestinian community; a fact, which is widely recognized by the international community and manifested in their reports.

There is a consensus among all parties, and this report confirms, that the current regime of closures and curfews is having a devastating impact on the Palestinian population, both on their economy and the humanitarian situation. As a consequence, it is incumbent upon the Government of Israel to minimize as much as possible these adverse effects on civilians while at the same time safeguarding the security of its civilian population.

Bertini Report

Personal Humanitarian Envoy of the Secretary-General Mission Report 11 – 19 August 2002

Table 1.1.5 shows the classification of those isolated Palestinian lands within the Western Segregation Zone, and demonstrates that many of the occupied lands are agriculturally rich or contain natural water resources:

Table 1.1.5: Western Segregation Zone (733 km²) Land use/ Land cover

Item	Area/ km ²	percentage
Agricultural Land	348	47.5
Israeli settlements & military bases	110	15
Forest and open space areas	250	34
Palestinian built-up area	25	3.5
Total	733 km²	100%

Source: ARIJ GIS Department, 2011

According to John Dugard⁶; when the construction of the Wall will be finished around "60,000 West Bank Palestinians (in) 42 villages and towns will reside in the closed zone between the Wall and the Green Line," separating Israel from Palestine. The consequences of such segregation for the Palestinian population are devastating. They're cut off from work, schools, universities, medical facilities, which means that their overall community life is seriously fragmented. Furthermore, the opening and closing of gates (in the Wall) is highly restrictive so that, most often, farmers on the wrong side of the Wall can't get permits to reach their land, harvest their crops or graze their animals.

⁶ South African professor of International Law and specialist on the South African apartheid

The construction of that Wall is obviously illegal, and the International Court of Justice affirmed it in its Advisory Opinion requested by the General Assembly of the United Nations in 2003. It considered that the Wall infringes the right to self-determination and stated that the regime in force in the closed zone between the Wall and the Green Line hinders de right to the freedom of movement, guaranteed in the 12th article of the International Covenant on Civil and Political Rights; as well as the rights to work, to health, to education and to a certain quality of life, all proclaimed in the International Covenant on Economic, Social and Cultural Rights

An example of those restrictions to the Palestinians' freedom of movement and essential services rights is the law initiated in early 2005 stating that educational staff with West Bank identity cards working in East Jerusalem has to apply for permits to enter the checkpoints around the city. The permits are valid for three months and allow people to enter Jerusalem only between 5 a.m. and 7 p.m. (Euro-Mediterranean Human Rights Network, 2006). Fewer than half the permits applied for were granted: 147 out of 259 (OCHA oPt, 2006).

Human rights violations are common place in the oPt. In the last years poverty and unemployment have even increased in the West Bank, so humanitarian conditions have not improved. The checkpoints, the Wall and the military incursions not only humiliate Palestinians on their own land but also undermine their health, education, social possibilities...their welfare in general. Restrictions to freedom of movement imply restrictions to access to paid work, which is a prerequisite to an adequate standard of living.

Of course another indispensable requirement for a decent life is housing. However, home demolitions are a "regular feature" of Israel's occupation. The claimed reasons are numerous (military necessity, punishment, failure to obtain a building permit...) but all of them are in reality unfair and illegal, as they violate the 53rd article 53 of the Fourth Geneva Convention, which prohibits the destruction of personal property "except where such destruction is rendered absolutely necessary by military operations". Moreover, in East Jerusalem and Area C of the West Bank (comprising 61% of West Bank), Palestinians must obtain permits to be able to build a home. However bureaucratic procedures are cumbersome, and in practice, few are granted. Sometimes Palestinians need homes, so they build the houses anyway and get in trouble. The numbers are revealing. In the two year period up to May 2007, 354, Palestinian structures were destroyed as well as those of Bedouin communities (UN, 2008). A recent update of house demolishing in Area C, including East Jerusalem, indicates the number of houses demolished since 1993 (the initiation of the peace process) to August 2011 stands at 2,949 houses.

Israel has been restricting Palestinian water usage and exploiting Palestinian water resources. Presently, more than 89% of the Palestinian water from the West Bank aquifers is taken by Israel. Palestinians are also denied their right to utilize water resources from the Jordan River which they were utilizing partially until 1967.

According to the 2009 Amnesty International Report, Israel continues to deny Palestinians in the oPt fair access to adequate, safe water supplies, hindering social and economic development and posing threats to health; all of which are in violation of its responsibilities as the occupying power. Palestinian water consumption barely reaches 70 liters a day per person, well below the WHO recommended daily minimum of 100 liters. Israeli daily per capita consumption was, in 2010, four times higher. Furthermore, the Israeli army repeatedly

destroyed rainwater harvesting cisterns used by Palestinians in area C of the West Bank on the grounds that they had been built without permission.

The excessive force frequently used by Israeli forces against Palestinian civilians, resulting in many injuries and some deaths should also be added. Often the security forces use tear gas, rubber-coated metal bullets or live ammunition; even when there's no serious threat to them or those they are protecting. Detentions are also part of the daily life of the Palestinians. In 2007 Israelis held 11,000 or more prisoners, including 376 children, 118 women and 44 Palestinian Legislative Council Members (UN, 2008). Prisoners are often, not only stripped and interrogated, but also beaten, tortured and deprived of their basic needs. The treatment that prisoners receive violates several provisions of the Fourth Geneva Convention. The Palestine Section of Defense for Children International states that children are also detained for between 8 to 21 days before being brought to court. They are interrogated several times during this process, threatened, even beaten, and sometimes forced to accuse older people of their own community. Usually they are also denied the presence of their parents or a lawyer.

In addition, there are some 800 “administrative detainees”, against whom no charges were made and who are held for renewable six months periods. Israel calls them “terrorists”, but they are in reality political prisoners (Dugard, 2008).

Moreover, Amnesty International continues to denounce the Israeli trials for being unfair. It states that “Palestinians from oPt, including juveniles, continue to be interrogated without the presence of a lawyer present and to be tried in military rather than civil courts, where they suffer other violations to their right to fair trial”.

On the contrary, impunity remains the norm among Israelis: soldiers, police, security forces, settlers... Even if their violence is constantly denounced and witnessed, they are rarely convicted and, in any case, the punishments are extremely lenient.

Governments are allowed to conduct differential policies; that is, differential treatment to different population groups can sometimes be justified. However, this deliberate difference has to serve a legitimate purpose, as well as try to have the least harmful impact as possible. Undoubtedly there's no justification beside Israel's discriminatory policies: there's no legitimate rationale explanation for such disproportion. Even Israel's Highest Court has admitted some military measures being disproportioned, as well as some measures imposed against Palestinian citizens living in Israel being illegally discriminatory.

Box 3

Israel has ratified the majority of the International Treaties related to the protection and the promotion of human rights. However there are a lot of reasons to consider that it is not putting them into practice with the required responsibility. Furthermore, the numerous Committees of the several Treaties have repeatedly warned it to be violating the human rights of the Palestinian people. According to the reports of those Committees we can assert that:

Israel is not conforming with the **International Convention on the Elimination of All forms of Racial Discrimination** (ratified by Israel the 03/01/1979) because it is building a Separation Wall that restricts the freedom of movement of the Palestinians,

it applies different laws (also in the criminal field) to Israelis and Palestinians, it demolishes Palestinian houses and distributes unequally de water resources in the interest of the settlers and allows them to use persistently the violence against de Palestinians ([The Committee on the Elimination of Racial Discrimination, 2007](#)).

Israel is not conforming with the **International Covenant on Civil and Political Rights** (ratified by Israel the 03/10/1991) because it frequently makes administrative detentions, preventing the Palestinians from speaking with a lawyer or even knowing why have they been arrested, it approves ambiguous legislation regarding terrorism and tortures those accused of being “terrorists”. Furthermore, it demolishes goods and houses with punitive reasons and it is creating a “Separation Zone” by building a wall that doesn’t respect the Green Line borders ([Human Rights Committee, 2003](#)).

- Israel is not conforming with the **International Covenant on Economic, Social and Cultural Rights** (ratified by Israel the 03/10/1991) because the occupation (the wall, the settlements, the checkpoints...) constitutes a huge restriction to the economic, social and cultural rights of the Palestinians, specially regarding to access to work, to the land, to water, healthcare, education and food. The system of management, extraction and distribution of the hydraulic resources is extremely unfair and almost totally controlled by Israelis. The demolition of houses, confiscation of lands and restriction of the right of residence on the part of Israelis, as well as the adoption of policies that conduce to poor life conditions, also constitute frequent violations of the Palestinians economic and social rights ([UN Committee on Economic, Social, and Cultural Rights, 2003](#))
- Israel is not conforming with the **Convention on the Rights of the Child** (ratified by Israel the 03/10/1991). First of all, there’s discrimination even in the legal definition of child: in Israel they consider children those under 18 years old while in the Occupied Palestinian Territories those under 16. Moreover, detentions, arrests, interrogations, threats, abuses and even tortures are usually practiced to Palestinian children. Also has to be denounced a worrying deterioration of their health and their possibilities to access both health and education services ([The Committee on the Rights of the Child, 2002](#)).
- Israel is not conforming with the **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** (ratified by Israel the 03/10/1991) since it practices abuses and tortures against minors, as well as administrative detentions, and it forces confessions to obtain false evidences. Cases of extrajudicial murder have also been denounced. Furthermore, hose demolitions can also be considered degrading treatment or punishment ([The Committee against Torture, 2002](#))
- Israel is not conforming with the **Convention on the Elimination of all forms of Discrimination against Women** (ratified by Israel the 03/10/1991) because the restrictions to the freedom of movement diminish the rights of the Palestinian women, including the right to access to medical care for pregnant women ([The CEDAW Committee, 2005](#))

Israeli Industrial Zones in the West Bank

Since 1967, the successive Israeli governments invested significant resources in establishing and expanding the illegal Israeli settlements in oPt, both in terms of the area of land they occupy by expropriating as much as possible of the Palestinian lands, and in terms of population. As a result of this policy, approximately 628,000 illegal Israeli settlers now living in 179 settlements, and 232 outposts distributed in the West Bank (ARIJ GIS database, 2011), including those established in East Jerusalem, all built in contradiction to the international law.

In addition to the 179 Israeli settlements currently in existence, there are 20 settlements known as ‘Industrial settlements’ (ARIJ GIS database, 2011). The table below illustrates the industrial settlements constructed throughout the West Bank during the period between 1970 and 1999 (ARIJ GIS database, 2011).

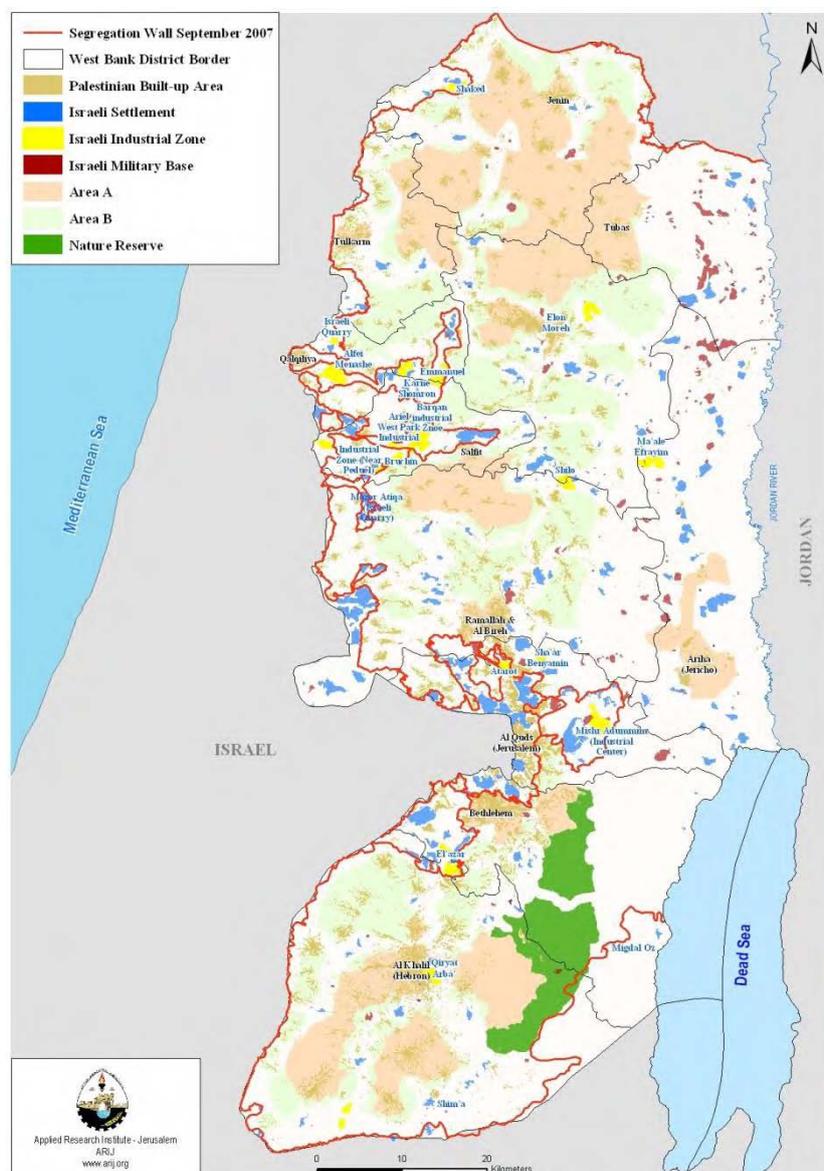
Table 1.1.6: Israeli Industrial settlements in the West Bank

No.	Industrial Zone	Date of Establishment	Area-Dunums	Population	Location in Palestinian Governorate
1	Sha'ar Benyamin	1999	574	NA	Jerusalem
2	Atarot	1970	1378	NA	Jerusalem
3	Near Peduel	1991	246	NA	Salfit
4	Shaked	1981	858	527	Jenin
5	Ma'ale Ephraim	1970	1370	1423	Jericho
6	Mishr Adumim	1974	3378	NA	Jerusalem
7	Elon Moreh	1979	1396	1212	Nablus
8	Barqan	1981	1417	NA	Salfit
9	Israeli Quarry	NA	219	NA	Qalqiliya
10	Shilo	1978	1364	1945	Nablus
11	Migdal Oz	1977	1133	334	Hebron
12	Kiryat Arba'	1972	1193	6819	Hebron
13	Alfei Menashe	1981	2905	5541	Qalqiliya
14	Karne Shomron	1978	1022	6280	Qalqiliya
15	Mazor Atiqa	1986	707	NA	Salfit
16	Bruchin	1999	328	NA	Salfit
17	Ariel	NA	1729	NA	Salfit
18	Eli'ezar	1975	536	1300	Bethlehem
19	Emmanuel	1981	1063	2700	Qalqiliya
20	Shim'a	1985	562	349	Hebron
TOTAL		*****	23378	28430	*****

Source: ARIJ GIS database, 2011

NA: Not Available

These industrial settlements, today, produce hundreds of products ranging from food and beverage products (43+ products) to household products (47+) and many more (Who Profits.org); all of which are sold worldwide with no indication of its origin other than being labeled "product of Israel" (Map 1.1.7):



Map 1.1.7: Israeli Industrial Zones in the oPt, 2010

On the ground, these industrial settlements have become an effective legitimizing tool in Israel's persistent efforts to normalize the existence of all the illegal Israeli activities established in the oPt. Their purpose serves far beyond the economic benefits, as the industrial settlements act as a luring instrument for the non-religious Israeli citizens to occupy and live in the settlements; as well as attracting the international business and consumer market. On the other hand, the industrial zones had detrimental effects on the oPt's land, as none of the Israeli health code, environmental, or labor laws standards were carried out seriously and effectively in these settlements as they have been in Israel (Halper, 2007). Moreover, the settlements and industrial zones deprived Palestinian villages and communities from the lands allocated for the future expansion of their communities. Furthermore, they

constitute a real threat and impose negative effects to the Palestinian environment since these Industrial zones get rid of all industrial wastewater, drainage, and solid waste on the nearby Palestinian agricultural lands causing a real danger to the environment and public health in the West Bank (Table 1.1.7).

Table 1.1.7 Sample of the damages that the Industrial zones caused to the Palestinian environment:

Places into which wastewater is discharged in the West Bank		
Israeli Settlement	Palestinian Governorate	Places of Wastewater Discharged
Barkan	Salfit	The discharge of wastewater is very hazardous as it contains an industrial drainage, solid wastes, and paints.
Kiryat Arba'	Hebron	The industrial wastewater flows out from the Israeli settlement into the farming lands between Hebron and Bani Na'im areas.
Places of solid waste disposal coming out from the Israeli Settlements		
Israeli Settlements	Palestinian Governorate	Harms
Ariel	Salfit	The solid wastes of these outposts are disposed of in the agricultural lands of Salfit Governorate. These wastes are accumulated and sometimes burned causing air pollution. In addition, the liquids inside these solid wastes are absorbed by soil causing contamination in the groundwater.
Settlement's Outposts near the Green Line	Near the Green Line (Armistice Line of 1949)	The solid wastes are disposed of by burning, which causes harms to plants and to the surrounding agricultural lands in the area, in addition to the air pollution and the danger of soil absorption of such liquids that also would contaminate the groundwater.

Israeli factories that cause a serious harm to the Palestinian Environment			
Israeli Settlement	Palestinian Governorate	Factory	Environmental Damage
Atarot	Jerusalem	Aluminum ,food and plastic factories	Discharging alkaline materials that cause desertification.
(Mishr Adumim)	Jerusalem	Plastic equipment, rubber and leather factories	Causing air and noise pollution, in addition to the use of toxic substances in the production process.

Source: ARIJ GIS database, 2011

It should be noted that Israeli occupation authorities seek to attract and to encourage Jewish and foreign investors to invest inside West Bank settlements through providing commercial and industrial incentives, including reduction in individual and corporate taxes. That is in addition to providing advanced industrial infrastructure as well as exporting privileges to European countries.

In addition to such expansion works, Israeli industrial companies have the tendency to move their factories inside the West Bank so as to take advantage of the relatively cheap but skilled Palestinian workforce. Moreover, these companies are taking advantage of the fact that such labor falls under the jurisdiction of the less advanced Jordanian, rather than Israeli, labor laws. As such, Palestinian labor inside the West Bank get paid using a much lower payment scale, with fewer labor rights. In turn, Palestinian workers residing under the pressure of unemployment and poverty find themselves forced to accept working in these Israeli factories under unfair conditions.

Box 4

Barkan and Ariel Gardens Settlements and their Effects on the Environment:

The Barkan industrial settlement was built atop lands belonging to the Palestinian villages of Haris, Broqin and Sarta in the governorate of Salfit. It started as a nucleus for an industrial settlement in 1981 and its expansion have started ever since. Currently it has 2720 Dunums under its jurisdiction. Its build up area is 349 Dunums with a population of 1300 colonists. Factories presently exist in the settlements include oil, plastic and lead factories which negatively affects the Palestinian environment.

As for the Ariel Gardens, it is the industrial park associated with the settlement of Ariel which was established in 1999 west of the settlement and east of the Palestinian village of Broqin. Tens of Dunums from the villages of Haris and Broqin were confiscated for the purpose of establishing the “Gardens” in which tens of factories are currently present.

It is to be noted that the Barkan Industrial Zone has played a major role in polluting the Palestinian environment and in spreading diseases throughout the region via pumping raw sewage from its factories into nearby Palestinian lands. In addition, the Ariel “Gardens” produces sewage that is pumped into the village of Broqin in a stream that sometimes comes as close as 6 meters to some Palestinian houses in the village.

The hazardous environmental effects of the two industrial zones have been discussed a number of times in the Palestinian Ministry of Health and some international arenas. However, nothing has changed in reality. To the contrary, pollution has dramatically increased and is only expected to intensify with the expected increase in the number of factories in the industrial zones.

The outpouring of sewage into the lands of the villages of Broqin and Kafr Al Deek destroys the beautiful landscape in the area and is psychologically depressing due to the awful smell produced by large quantities of sewage. In addition, the animals and plants growing in the area are under the threat of becoming poisoned due to the proliferation of pollutants which might cause a harmful effect on human health on the short and long runs. Not to mention the effect of the sewage on underground water which has led to the pollution of springs used by Palestinians as sources for drinking waters. Samples taken from the springs, cistern and

school and house waters in the village of Broqin were tested by the Palestinian Ministry of Health in 2007 and found to be highly polluted.

In addition to what is stated above, the stagnant water in the valleys of the villages offers the best environment for breeding mosquitoes and other insects including Lishminia-carrying mosquitoes which are currently wide spread in the villages of Broqin and Kafr Al Deek. Since the beginning of 2008, at least 15 cases of Lishminia were reported in the villages of Kafr Al Deek, Broqin and Sarta.

Moreover, the Palestinian Ministry of Health has reported a noticeable increase in the cases of Hepatitis (a), cancer and diarrhea in the area which threatens with the outbreak of other epidemics leading to a real humanitarian crisis in the area.

The Ambiguous International Law!

It's evident that on a daily basis Israel violates international humanitarian law in the oPt; and justifies this behaviour by rejecting that international regulations apply to Israel's status in the oPt. Since 1967, Israel has maintained that it would only abide by the Hague Regulations because of their customary status, and the "humanitarian provisions" of the Fourth Geneva Convention (no concrete definition). Although the Israeli High Court of Justice has proclaimed that Israel is engaged in a belligerent occupation of oPt, it has endorsed the government's position against the *de jure* applicability of the Fourth Geneva Convention, arguing that oPt is not part of its sovereign area. All the UN organs and organisations in charge of granting the respect to the humanitarian international law (also the Security Council), as well as the International Court of Justice and other international bodies, have expressed several times their disagreement with the Israeli opinion and have repeatedly asked Israel to fulfil its human rights obligations towards all persons under its control, including those in territory it occupies.

Nevertheless, Israel continues to deny that its human rights obligations apply to Palestinians in the West Bank, except for East Jerusalem; which it considers part of Israel. The argument used by Israel against the applicability of human rights law based on an interpretation that restricts its applicability to the territory of a state and not to occupied territories, and on the argument that the law of occupation applies to the West Bank to the exclusion of human rights law. Relevant human rights treaties however, clearly define their applicability based on the degree of a government's control over a person rather than on a state's borders, and on the principle that human rights law and the law of occupation, as written and interpreted, are not mutually exclusive but complementary obligations that may both apply to populations under a government's effective control ([Human Rights Watch, 2010](#)). Israel seems to put human rights respect on an equal footing with Israeli citizenship; that would maybe explain why Israeli law is also discriminatory.

Since the recognition of the PNA, after Oslo Agreement, Israel excused itself from human rights' protection in the oPt, arguing that the PNA has the civil powers and responsibilities. However, Oslo showed too that the PNA depended on the Israeli collaboration to exercise such responsibilities, since Israel still keeps the effective control over the oPt. Furthermore, article 47 of the IV Geneva Convention states that "Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory,

into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory”. It has to be stated however, that Israeli human rights obligations do not exclude the PNA’s responsibilities.

Still, in the past few years, Israel has withdrawn some of the competences it transferred to the PNA with Oslo Agreements, repeatedly expressing that those regulations weren’t applicable any more (BBC News, 2001). All the UN organs have manifested, even long after the creation of the PNA, that Israel should respect the humanitarian law in the oPt, since they are under his effective control. Moreover, the Committee on Economic, Social and Cultural Rights (CESCR) has asserted that “even during an armed conflict, fundamental human rights have to be respected. Economic, social and cultural rights, as part of the main regulations for human rights protection, are guaranteed by the international customary law, as well as by the international humanitarian law” (CESCR, 2003).

Customary law is binding upon all states, irrelevant of whether they have a ratified the treaty, which contains the specific rule or not (Diakonia , 2004). It is based on prolonged and consistent actions or practices that after some time become accepted by the international community as applicable law. Israel has recognised the Hague Regulations of 1907, including important parts of the law of occupation, as part of international customary law, and therefore as part of Israeli law, as long as they do not contradict Israeli statutes (Diakonia , 2004).

It is obvious that Israel does not respect two of the main principles of international humanitarian law: those of proportionality and distinction. The principle of distinction prohibits any attack on civilian targets, as the main purpose of international humanitarian law is to protect civilians in times of war and conflict. The principle of proportionality emphasises that legitimate military targets must not be attacked if that will cause excessive harm to civilians (Euro-Mediterranean Human Rights Network, 2006). The military incursion in the Gaza Strip is a clear example of national use of disproportioned force. International humanitarian law also asserts that all the states have the obligation to look after the human rights of any person, which includes: 1) investigating suspicions commissions of human rights violations and prosecuting the persons responsible and 2) compensating the victims for the injuries they suffered as a result of the violation. Investigations into civilian casualties play a vital role when examining non-accountability in a conflict situation or in a situation of occupation. During the first Intifada (1987-93), all killings of Palestinian civilians were investigated by the Israeli military forces, since the Israeli military made a distinction between military operations and police and law enforcement actions. However, this definition was altered at the beginning of the second Intifada and all actions by the Israeli military are now defined as actions resulting from armed conflict, including arrests, dispersion of demonstrations etc (B’Tselem, 2010b). The non-accountability also violates the EU/Israel Action Plan, as it emphasises that the rule of law and respect for human rights and international humanitarian law are vital parts of the common values.

Box 5**Israel's Military Justice System**

Since 1967, and to this day, Palestinian civilians charged with security-related and other criminal offenses are tried by the Israeli Defence Forces (IDF) in the military court system in the oPt. More than 150,000 Palestinians have been prosecuted in these courts between 1990 and 2006, and about half the prisoners currently being held in Israel were sent to prison by the Military Courts (Yesh Din, 2007). Nevertheless, and despite its extensive activity, the Israeli Military System has been, for more than 40 years, subject to very lax public supervision (Yesh Din, 2007).

The military regulations enacted by the IDF in oPt grants the courts extra-territorial jurisdiction that enables them to try any person – resident or non-resident of oPt– for any offense, whether committed in oPt or not. Of course, Israeli citizens are not tried in these courts, though the Military Courts are granted full jurisdiction over them.

The obligation to investigate serious violations of human rights is derived also from the right of the victims, specified in international law, to know the facts of the case in which they, or members of their family, were harmed; it is known as "the right to truth" (EAAF Annual Report, 2002)..

4. The Jerusalem Saga

The successive events from 1967 have proven that Jerusalem has always been a core issue for the Palestinians. East-Jerusalem will be the capital of the future Palestinian State and they won't renounce it; there will be no peace without Jerusalem, since it is a strong part of the Palestinian identity. Israel, nevertheless, upholds its illegal claim that Jerusalem is the "unified" and "sovereign" Israeli capital. It has been like this since the 30th of July 1980, when the Israeli Parliament adopted the Basic Law on Jerusalem, declaring the entire city of Jerusalem to be, 'the complete and united capital of Israel.' We can talk about this as an illegal claim because these unilateral steps are not recognized by the international community (see inter alia, UN Security Council Resolutions 252, 267, 471, 476 and 478), which maintain that all legislative measures and actions taken by Israel to alter the character and status of Jerusalem are null and void (OCHA oPt, 2011).

However, the Israeli occupation process has, since the beginning, paid special attention to Jerusalem and its surroundings; which is a paradigmatic example of an occupied Palestinian area. Illegal and unilateral acts, occupation of the city, redefinition of its boundaries to include more Israelis and less Palestinians, confiscation of lands, building and expansion of illegal Israeli settlements, construction of bypass roads, demolition of Palestinian houses, isolation of the city from the rest of the West Bank, construction off the Segregation Wall... (Table 1.1.8) Jerusalem is, no doubt, in the center of the Palestinian-Israeli conflict.

Table 1.1.8: Israeli violations in Jerusalem between 2001-August 2011

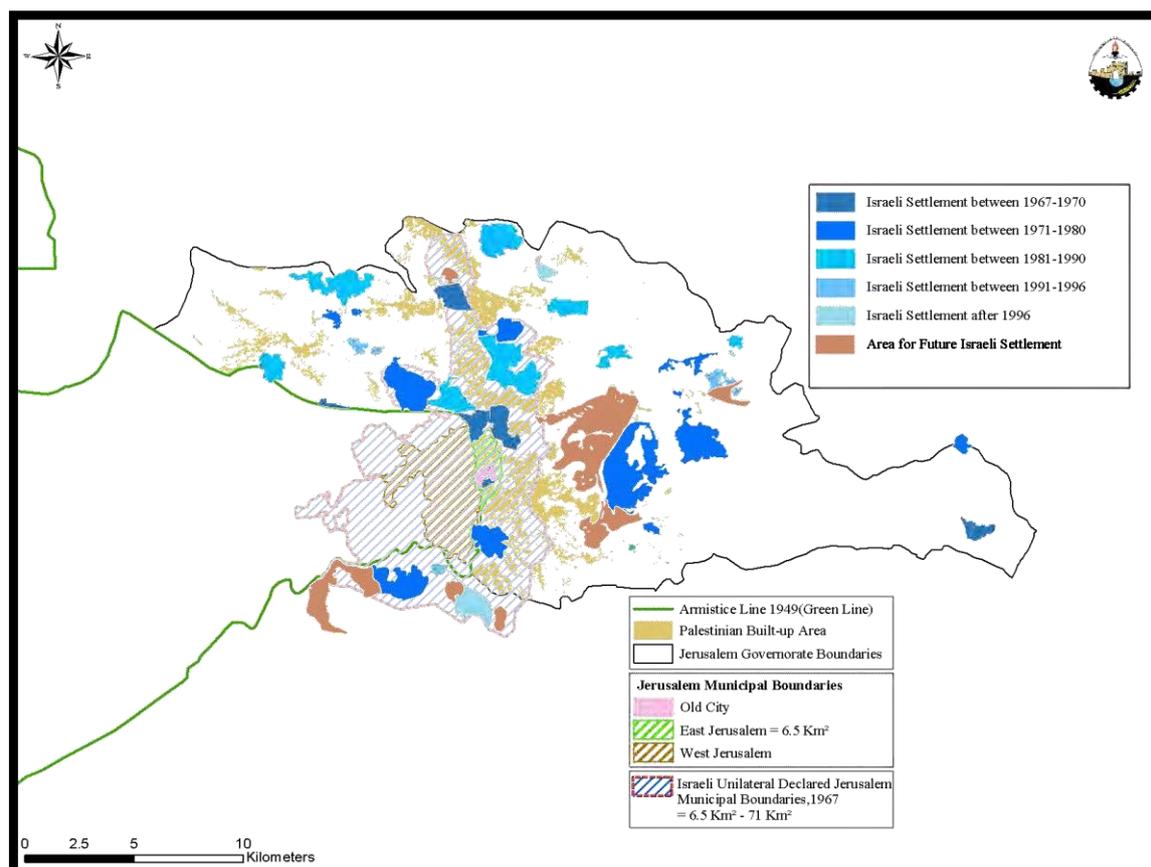
Year	Confiscated Lands (Dunums)	Uprooted, Razed, & Burnt Trees	Demolished Houses
2001	153	50	51
2002	957	345	63
2003	18,122	24,275	94

2004	3,648	1,745	80
2005	8,169	825	78
2006	2,576	0	44
2007	1,900	0	59
2008	2,157	337	83
2009	152,725	30	93
2010	713	450	119
Aug 2011	1,141	400	202
Total	192,261	28,557	966

Source: ARIJ GIS Department. 2011

Following the war of 1967, the Government of Israel unilaterally annexed some 70 km² of the occupied area to Israel, which included East Jerusalem, as defined under Jordanian rule (six km²), as well as 64 km² of surrounding West Bank territory; the annexed area was subsequently added to the Municipality of Jerusalem (OCHA oPt, 2011).

Throughout the years of occupation, and despite the prohibition of transferring civilians to the oPt, the Israeli settlements have expanded dramatically inside the Israeli defined municipal boundary of Jerusalem and its surrounding areas. Over one third of the area within the extended boundary of East Jerusalem has been expropriated for the construction and expansion of Israeli settlements (Map 1.1.8) (OCHA oPt, 2011). The impact of this settlement activity in Palestinian areas has devastating consequences on the quality of life of experienced by Palestinians and the respect of their human rights. As experienced, occupation carries restrictions on public space, residential growth and freedom of movement, which at the same time cause restrictions on the access to medical care, education, a good standard of life.



Map 1.1.8: Changing Boundaries of Jerusalem Governorate

Source: ARIJ GIS Department, 2010

Settlements in Jerusalem may be classified according to their administrative association as follows: settlements inside the Israeli defined municipal boundary (J1 area) -a total of 18 settlements- and settlements within Jerusalem Governorate (J2 area) –additional 18 settlements (ARIJ database, 2010). Furthermore, Israeli settlers' organizations are initiating the development of a settlement core inside Palestinian neighborhoods, such as Al Sheikh Jarrah around Karm Al-Mufti, and the settlement core in Silwan and Al -Tur. The settlements in Jerusalem Governorate occupy an area of 45,644 dunums (45.644 km²) (ARIJ database, 2010) with 340,135 estimated Israeli settlers (Table 1.1.9).

Table 1.1.9: Israeli Settlements in Jerusalem Governorate

No.	Israeli Settlement	Date of Establishment	Area (Dunums)	Population 2011
Settlements inside the illegally Israeli defined municipal boundary				
1.	Jewish Quarter	1968	136	3444
2.	Givat Shappira – French Hill	1968	688	10,017
3.	Hebrew Universty (Har Ha'Tzofim)	1968	957	1,376
4.	Ramat Eshkol	1968	1,118	11,457
5.	'Atarot	1970	1,378	Industrial Zone

6.	Gilo*	1971	2,738	44,521
7.	Neve Yacoov	1972	1,241	22,687
8.	East Telpiot	1973	1,829	16,473
9.	Ramot (Ramot Allon)	1973	3,343	47,026
10.	Pisgat Amir	1985	2,516	Combined Population with Pisgat Ze'ev
11.	Pisgat Ze'ev	1985	1,546	55,651
12.	Ramat Shlomo – Rekhes Shuafat	1990	1,625	17,085
13.	Giva't Hamatos*	1991	288	its population is included with Har Homa population
14.	David's Village - Mamilla	1994	53	3,642
15.	Har Homa*	1997	2,205	22,261
16.	Ras Al Amuod (Ma'ale Ha Zeitim)	1998	11	746
17.	Settlers Houses	-----	20	314
18.	Nof Zion	2004	1,866 (upon completion)	334
Total				257,034
Giva't Ze'ev Settlement Bloc				
1.	Giv'on	1987	118	1,312
2.	Giv'on Hadasha	1980	377	1,239
3.	Giva't Ze'ev	1982	2,856	11,997
4.	Har Adar – Giva't Har Adar	1986	1,193	3,784
5.	Har Shmuel	1966	3,84	557
Total				18,889
Ma'ale Adumim Settlement Bloc				
1.	Mishor Adumim (Industrial Zone)	1974	3,378	0
2.	Ma'ale Adumim	1975	6,205	43,480
3.	Kfar Adumim	1979	751	3,449
4.	Mizpe Yericho	1980	259	1,952
5.	Almon Anatot	1983	805	920
6.	Kedar	1984	54	1,069
7.	Alon	1990	295	838
8.	Nofe Perat	1992	871	1,057
Total				52,765
Binyamin Settlement Bloc				
1.	Adam – Geva	1983	1,195	4,627

	Binyamin			
2.	Kokhav Yaccov	1998	2,287	6,486
3.	Sha'ar Binyamen (Industrial Zone)	1999	574	0
Total				11,113
Other Settlements in Jerusalem Governorate				
1.	Kalya	1968	868	334
Total				334
Grand Total				340,135
*the Settlements of Gilo, Giva't Hamatos and Har Homa Are within the unilaterally Israeli Declared Jerusalem Municipal boundaries, but located in Bethlehem Governorate				

Source: ARIJ GIS Department, 2010

Additionally, 20 Israeli outposts were established between 1996 and 2009 (ARIJ database, 2010). Not all of them had the same function: while some were established as frontier location to expand the nearby settlements, others intended to develop new ones. On the other hand, some other outposts were established with the purpose of evacuation, meaning that its function was to eventually be dismantled in order to keep others in existence (like a bargaining chip). Those which were built as permanent features, exists within the master plan area of settlements located within the Western Segregation Zone (between the Wall and the 1949 Armistice Line), while other existing randomly in the West Bank are likely to be evacuated to justify the continuous existence of others.

Palestinians can only obtain building permits in 13% of East Jerusalem (Figure 1.1.1) (OCHA oPt, 2011) and even so it is extremely difficult to get them: the application process is complicated and expensive and the number of permits granted per year to Palestinians does not meet the existing housing demands. According to the Israeli civil rights' organization Ir Amim, natural growth among Palestinians in East Jerusalem requires the construction of 1,500 housing units per year; however, only an average of 400 new housing units per year are authorized (OCHA oPt, 2011). Furthermore, much of this "Palestinian construction area" is already built-up and difficulties related to land registration and fear that land ownership rights will not be respected by the Israeli authorities deter many landowners from even applying. That explains why unauthorized or 'illegal' construction has become a usual practice; both within authorized and forbidden built-up areas. However, those who have built 'illegally' face the threat of demolition, displacement, and other penalties, including costly fines, confiscation of building equipment, and possible prison sentences. After decades of neglect, there are entire neighbourhoods that are unplanned, underserved, and face the threat of wide-scale demolitions.

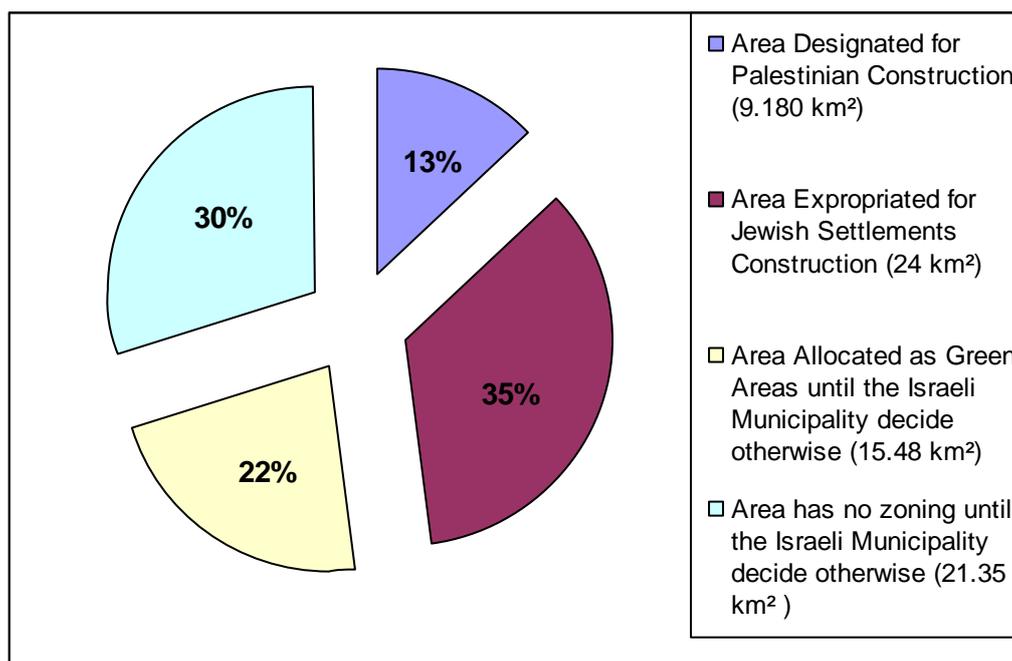


Figure 1.1.2: Israeli Municipality Zoning in Occupied East Jerusalem

Source: OCHA oPt, 2011

Adding to the experiences difficulties in terms of housing construction, there is the issue of building demolitions. The Israeli Committee Against House Demolition (ICAHD) calculated that the Israeli Municipality in Jerusalem demolished more than 2,000 Palestinian houses between 1967 and 2000. Between 2000 and September 2011, the Israeli Municipality of Jerusalem demolished additional 1,091 Palestinian houses in occupied East Jerusalem. These demolitions in Jerusalem were carried out in three different forms; the first and majority of which were carried out by the Israeli Municipality of Jerusalem. The second type based on orders that come from the Israeli Ministry of Interior, whilst the third kind, are called, “self demolishing,” whereby Palestinian Jerusalemites are forced to carry out their own houses, in order to avoid further penalties and fine from the municipality; in case the latter carry out the demolishing of the house.

Moreover, according to UN Office for the Coordination of Humanitarian Affairs (OCHA) in the oPt, at least 28% of all Palestinian homes are at risk of being demolished because they “violate” Israeli zoning policies, which means that at least 60,000 Palestinians are at risk of losing their homes.

Table 1.1.10: Palestinian Jerusalemites’ demolished houses between 2000 and Sept 2011

Year	Municipality	Ministry	Self	Total
2000	11	7	10	28
2001	32	9	7	48
2002	36	7	3	46
2003	66	33	18	117
2004	128	24	26	178
2005	76	18	22	116
2006	71	11	24	106
2007	69	9	22	100
2008	88	14	18	120
2009	65	4	49	118
2010	23	4	70	97
Sept 2011	8	1	8	17
Total	673	141	277	1,091

Source: ICHAD, 2011

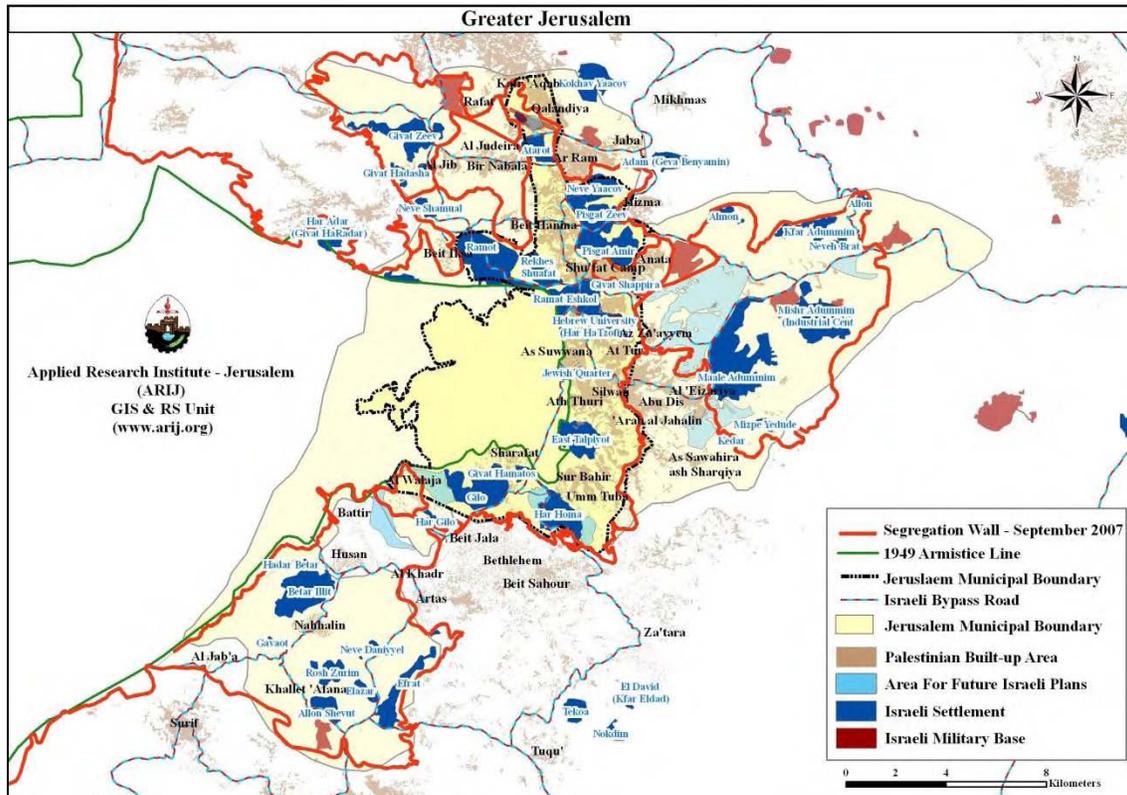
Because of the Israeli restrictions imposed on Palestinian Jerusalemites concerning construction, Palestinians, in order to cope with the population growth, were, and still are, forced to build houses without obtaining the necessary licenses from the municipality. Accordingly, between the year 2000 and 2010 the total number of unlicensed Palestinian construction mounted to some 10813 houses; and the amount of fine paid by Jerusalemites for house demolishing and unlicensed construction exceeded 66.3 million USD.

Greater Jerusalem

Greater Jerusalem developed as a concept during the late 1970s/early 1980s, when the Israeli government expanded the area of settlement construction outside the Israeli defined Jerusalem municipal boundary, in order to create a settlement continuous belt around Jerusalem, to separate East Jerusalem from the rest of the West Bank. Another point was to increase the Jewish population around Jerusalem to impose a Jewish demographic supremacy. The Foundation for Middle East Peace (FMEP) indicated in a special report on Jerusalem that the United States State Department reported to Congress in April 1993 that “the [Rabin] Government also has affirmed its intention to continue settlement construction in a 100-square mile surrounding area termed ‘Greater Jerusalem’”(FMEP, 1994).

Since 1993, when the Oslo Agreement was signed, Israel has increased the number of Israeli settlers in occupied East Jerusalem by almost 100% (ARIJ, 2010). The new

settlements are concentrated in three main blocs: the Giva't Ze'ev bloc north of Jerusalem, Ma'ale Adumim bloc east of Jerusalem and Gush Etzion bloc at the southwest side of Jerusalem city –even though Gush Etzion bloc is actually located within Bethlehem governorate (Map 1.1.9). These settlement blocs and whatever defines Jerusalem Municipality according to Israel's definition host nearly 70% of the settlers of the West Bank.



Map 1.1.9: The extent of the Israeli vision of Greater Jerusalem

Indeed, consecutive Israeli governments have worked to link the established settlements with each other and with Israel, by creating a network of bypass roads through the West Bank territory which stretch to 824 km in length (ARIJ, 2011).

Jerusalem and the Segregation Plan

Jerusalem has undergone intense Israeli colonization efforts aimed at encapsulating the city with a belt of settlements; forming a physical barricade that isolates the city from the rest of the West Bank. In the last decade Israel has gone forward with plans that selectively enwrap areas considered significant to fulfill its vision of the occupied city: a 143km Segregation Wall (ARIJ GIS Department, 2010) will enfold Jerusalem Governorate and separate it from the rest of the oPt when completed. Table 1.1.11 shows the status of

the Israeli Segregation Wall in Jerusalem Governorate according to the Israeli vision of a Greater Jerusalem.

Table 1.1.11: Status of the Segregation Wall in Jerusalem

Status Classification	Jerusalem Governorate	Greater Jerusalem
Existing Sections	72 km	48 km
Planned Sections	43 km	111 km
Under Construction	28 km	48 km
Total Length	143 km	207 km

Source: ARIJ GIS Department, 2010

Upon completion, the Israeli Segregation Wall in East Jerusalem will confine the future development of Palestinian localities to marginal proportions. It will include major settlement blocs (Ma'ale Adumim, Giva't Ze'ev and Har Adar settlement northwest of Jerusalem) within the Segregation Wall, as well as wide ranges of open space and nature reserves likely to become future settlements. Eventually, the consequences of the Israeli Segregation Wall will affect the entire occupied city, but obviously some areas will be more damaged than others; the most affected ones are (Table 1.1.12):

Table 1.1.12: Palestinian Communities affected by the Segregation Wall in East Jerusalem, 2010

No.	Palestinian Locality	Population
1	Kharayib Umm al Lahim	433
2	Qalandiya Camp	10,531
3	Kafr 'Aqab	12,096
4	Mikhmas	2,182
5	Rafat	2,468
6	Ar Ram & Dahiyat al Bareed	29,738
7	Jaba'	3,763
8	Beit Duqqu	1,860
9	Beit 'Anan	4,955
10	Beit Ijza	779
11	Biddu	7,399
12	Al Qubeiba	2,404
13	Hizma	7,084
14	Qatanna	8,710
15	Beit Surik	4,436
16	Beit Iksa	1,823
17	Al 'Eizariya	20,215
18	Abu Dis	14,072
19	Ash Sheikh Sa'd	2,796
20	As Sawahira ash Sharqiya	6,054
21	Jaba' (Tajammu' Badawi)	NA
	Total	143,798

Source: ARIJ GIS Department, 2011

The Segregation Wall in Jerusalem Governorate starts from Beit ‘Annan village, northwest of Jerusalem, embraces Har Adar settlement, and continues north to encompass the Giva’t Ze’ev settlements bloc; slicing between Palestinian communities. After which, the Segregation Wall resumes eastwards to encompass the Ma’ale Adumim settlement bloc. It then stretches towards the south penetrating through the lands of several Palestinian communities until it reaches the northern part of Bethlehem Governorate (ARIJ GIS Department, 2011).

Consequently, when completed, the Segregation Wall, also called ‘Jerusalem Envelope’ in this Governorate, will isolate 151,974 dunums (151.974 km²) of Palestinian lands, which means 43% of Jerusalem Governorate’s area (ARIJ GIS Department, 2010). Around 147,264 Palestinians (56.5% of Palestinian Jerusalemites) will be segregated by the Wall and thus be cut off from the rest of the West Bank (ARIJ GIS Department, 2010). Hence, the movement of Palestinians from or to this isolated part of the city will be totally controlled by Israelis; thus, Jerusalem, the main service center and the holy place for West Bank and Gaza residents, will be inaccessible to more than 4.1 million Palestinians living in the rest of the West Bank and the Gaza Strip.

Furthermore, access to the isolated agricultural lands (21464 dunums) will be restricted to those who are not able to prove landownership authenticated by the Israeli Civil Administration, which means that only the owners who have their names listed in the ownership deeds (usually the eldest in the family) will receive permits. As if that weren’t enough, issuance of permits by the ICA will be on a seasonal basis; hence, the owners will find it even harder to manage to cultivate the lands on their own, also because the permits do not include additional labor and/or equipments (Table 1.1.13).

Table 1.1.13: Classification of Land use/ land cover area isolated behind the Segregation Wall in Jerusalem Governorate

Land Type	Area In Dunums
Agricultural Lands	21,464
Forests	4,753
Open Space	44,618
Palestinian Built-Up Area	22,013
Israeli controlled Areas (settlements& others)	24,044
Other	35,082
Total	151,974

Source: ARIJ GIS Department 2011

Jerusalem (2000) Master Plan

In September 2004, Jerusalem Mayor at the time Uri Lupolianski, announced in a press conference the preparation of a Master Plan for Jerusalem, which was planned to serve until 2020, and its main objective was to “Reinforce the status of Jerusalem and ensure its

continuous development as the capital of Israel and the center for the Jewish people and a sacred city for all religions.” The *Local Outline Plan 2000* was approved for depositing by the Jerusalem District Committee for Planning and Building in 2000, but the process has not progressed since late 2008 and it has yet to be submitted for public review and objections (Bimkom, 2009).

It is important to note that in 2009 the percentage of Jews in Jerusalem stood at 64.3%, while that of the Palestinians was 35.7, with annual population growth of 1% and 2.9% respectively (Jerusalem Institute for Israel Studies, 2011). However, the master plan of Jerusalem was clearly motivated by political drives and was determinedly intended to secure the Jewish population supremacy in the city; a conviction that was clearly demonstrated in many of the proposed policies to combat the alerting annual growth of the Palestinian population that stood at 4% annual growth in 1999 compared to 1.1% for the Jews (Jerusalem Institute for Israel Studies, 2011). Consequently, the Master Plan not only did not consider the needs of the Palestinian population, but was entirely built on the previous policies adopted by the consecutive Israeli governments, which aimed to make the Palestinian Jerusalemites’ life extremely difficult, with the purpose of encouraging their 'voluntarily' (in reality forcing) exit from the city. While it does not provide any solutions to meet the housing demands of the Palestinian Jerusalemites, it proposes new settlements to be constructed on confiscated lands from the Palestinians. For example, in the southern part of Jerusalem, close to Har Homa, two new neighborhoods are planned (ARIJ Urbanization Monitoring GIS Departments, 2009).

When Israel illegally annexed 70,500 dunums of East Jerusalem and the West Bank after the June 1967 war, and incorporated them within the illegal defined Jerusalem's borders, it designated 24,000 dunums - most of it privately-owned Arab property for Jewish residential constructions; and by the end of 2001, 46,978 housing units had been built for Jews on this land, but not one unit for Palestinians who constitute one-third of the occupied city's population (B'Tselem, 2010a). Since then, thousands more of housing units were built in settlements.

There has never been equality as claimed by the Israeli municipality of Jerusalem when it comes to granting building permits for the Palestinian and Jewish residents of the city. Permits for Palestinians were minimal, and even when it was possible to acquire, it is ridiculously too expensive for the average Palestinian resident; ranges USD 20,000-60,000 (Halper, 2009) (fees, surveys, engineering plans, connection to infrastructure).

Israel had made sure that the process to obtain a building permit for a Palestinian would be a strenuous experience. Construction for the Jews on the other hand is much more convenient and cost effective as all construction processes carried out based on commercial consideration under the government umbrella (because there are no private landownership in Israel for Jews), which releases the “state Land” for neighborhoods involving hundreds of housing units, hence permit cost are built into the price of the many housing units. Even more, areas classified by the Israeli government as high

priority development areas (settlements of East Jerusalem and other settlements blocs) have the permits fees waived and construction costs subsidized by the government to make housing more affordable for Jews.

Israeli Plans in Jerusalem

Solving the Palestinian question, or the Palestinian-Israeli conflict, is currently challenged by three major issues: the fate of the Palestinian refugees, the status of Jerusalem, and the nature of the borders between Israel and the future Palestinian state. In this context, Israeli has been striving to manage the conflict and influence its outcome by achieving geo-political goals through planning.

Jerusalem is a deeply divided city and is segregated primarily along ethnic lines. This segregation has intensified markedly since Israel's annexation of East Jerusalem in 1967. Since then, Israel has been striving to achieve geo-political ends through the planning of Jerusalem and its surroundings areas deep inside the occupied West Bank. The overall impact of the resulting planning policies has been a dramatic spatial, demographic, and economic change that negatively affects the lives of Palestinians and their political future in the city.

The Planning and Building Law (1965), a major law that tightly organizes and controls all planning and development aspects in Israel, sets forth the principles according to which statutory planning and development are to be undertaken. Accordingly, Israel has a centralized planning system for the use of land. The central government is involved firstly, by way of its extensive powers to oversee local-level planning decisions, and secondly through its power to draw up binding national plans for land use.

The law determines an organized hierarchy and clear priorities according to a rational order in which the central government is the authority for approval of national plans that determine policy. The National Planning and Building Board approves district plans which detail this policy in the districts, and implementation of the planning is done by means of local outline and detailed plans on the basis of which building permits are issued. In addition, the involvement of the central government is channelled through the plan-hierarchy, from national plans to district plans, down to the level of local plans (Alterman, 2001).

The National Planning and Building Board is composed of 32 unelected members appointed by the Ministry of Interior. Fourteen members represent government ministries. There are also representatives of various levels of local authorities, non-governmental environmental organizations, rural interests, the planning and building professions, women organizations, as well as a sociologist, a representative of the Technion and a representative of "the younger generation" (Alterman, 2001). The rest represent public figures and public organizations (Alfasi, 2003).

The Planning and Building Law that was approved in 1965 foresaw a multi-level planning system (Alterman, 2001):

Table 1.1.14: Plans and Planning Institutions in Israel

Planning Level	Planning Institutions
1. National Outline Plans	1. The Government, the National Planning and Building Board
2. District Outline Plans	2. The National Planning and Building Board, District Planning Committee
3. Local Outline/Detailed Plans	3. District Planning Committee, Local Planning Committee

Source: Alterman, 2001

This study analyzes various plans according to the following categories:

1. **National Plans:** Comprehensive national plans (or national outline) that deal with geographical distribution of population and land uses in Israel and occupied East Jerusalem. These plans were initiated by the Ministerial Cabinet and/or the National Planning Board.
2. **District Plans:** This includes two district plans for the Jerusalem District (the last one was submitted for approval in November 2008).
3. **Local Plans:** The Local Plan of Jerusalem, which is called: “Jerusalem Plan No. 2000”.

Table 1.1.15: The Study Selected Plans

National, District, and Local Plans	Year	Description
National Plans		
The National Outline Scheme # 35 – Comprehensive National Outline Scheme for Building, Development and Conservation	2005	Initiated by the National Planning Board in 1999 and approved by the Cabinet in 2005. It is the current authorized statutory plan for Israel.
District Plans		
Outline Plan for the Jerusalem District # T.M.M. 4	2008	Initiated by the National Planning Board and the Interior Ministry.
Local Plans		
Jerusalem Master Plan No. 2000	2010	<i>Jerusalem Plan no. 2000</i> , which was completed in 2004 and is prepared to be formally submitted in 2010.

Source: Alterman, 2001

The Geo-political Impacts of the Israeli National and District Plans in Jerusalem

The Israeli planning system has acted as an all-encompassing vicious machine that completes the 1967 military triumph, as it transforms the geography of the city and its

environment. This section presents the geographical and geo-political impact of Israeli national, district, and local plans in Jerusalem. The GIA method aims to identify the territorial changes that have occurred after the implementation of planning policies or that are expected to occur if certain planning policies were to be implemented in Jerusalem. GIA aims to anticipate the geo-political consequences of the planning policies on the future of Jerusalem and on the city as a future Palestinian capital.

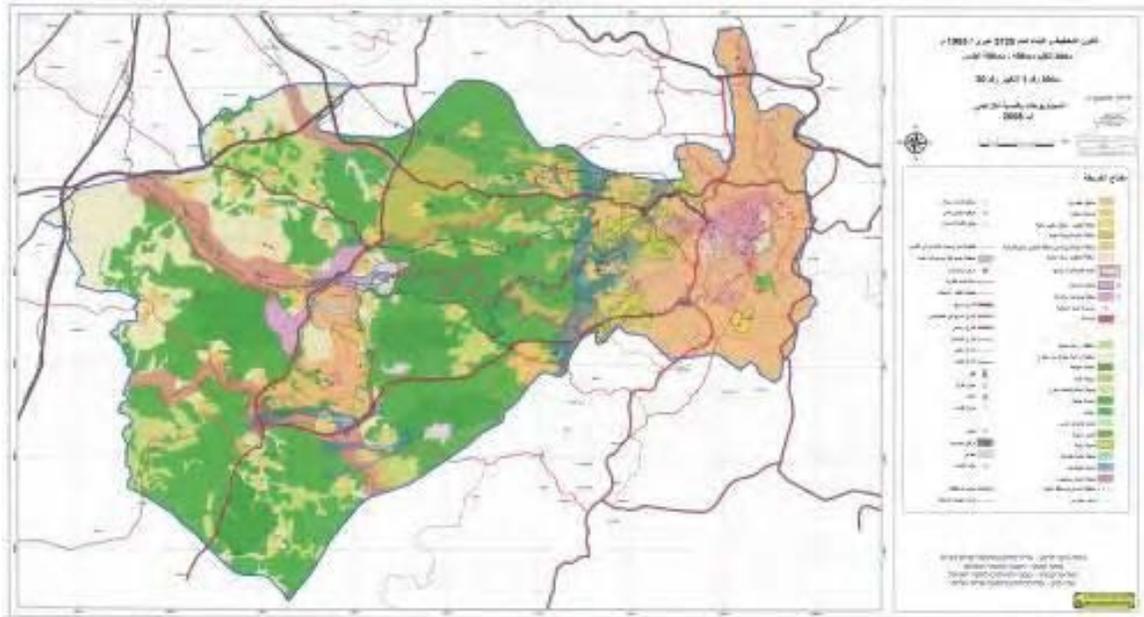
There are three levels of institutional planning in Israel that influence and transform the geography of Jerusalem. This section first briefly presents the major strategies of the approved national plan of Israel (The National Outline Scheme # 35) and the recently submitted Jerusalem District Plan. The section then focuses more in detail on Jerusalem Plan no. 2000 which has serious impacts on Jerusalem's spatiality and geographic future.

1. **Jerusalem claimed as the united capital of Israel.** The National Outline Scheme # 35 covers occupied East Jerusalem and proposes national strategies in order to ensure not only full Israeli control over the occupied territory. One of the fundamental assumptions of the plan regarding Jerusalem is its geo-political fate as a united city and “perpetual capital” of Israel. Accordingly, the plan suggests a set of statutory measures and planning and economic strategies in order to achieve these geo-political goals.
2. **Increasing the Jewish population in Jerusalem.** A major goal of the plan is to ensure a long-term Jewish majority in Jerusalem and its metropolitan region. The plan estimates that 1,060,000 people will live in Jerusalem in 2020: 663,000 Jews (about 62.5% of the city population), and 397,000 Palestinians (about 37.5% of the city population). Regarding Jerusalem, The National Outline Scheme # 35 suggests strengthening Jerusalem as the capital of Israel. Most importantly, the plan suggests drastically decreasing Jewish migration from Jerusalem and to expand Jerusalem's municipal jurisdiction by 34,500 dunums. In addition, the plan suggests creating economic and spatial incentives to attract Jews to live in the city and to discourage them from leaving.
3. **Promoting Jerusalem as a major Metropolitan area of Israel.** The plan suggests that most of Israel's urban, housing, industrial and commercial development will be organized within metropolitan frameworks. Moreover, the plan defines four metropolitan areas - Haifa, Tel Aviv, Jerusalem and Beersheba. The metropolitan region will be highly independent in terms of employment and economic development. Accordingly, the Jerusalem metropolitan area will specialize in governmental and public services and in research, education and information, as well as continuing to be a focus of large scale national and international tourism (Shamay, 2008). To enhance Jerusalem as a metropolitan region, the plan suggests increasing the urban density in Jerusalem by 12-24 dwellings per dunums, increasing its urbanity and housing development.

The Jerusalem District Plan

The recent *District Plan of Jerusalem, T.A.M.A.M 1 Correction No. 30*, was formally submitted to the District Planning Committee in 2007 (however, is not yet approved). The plan suggests influencing the future of Jerusalem as follows:

1. **Jerusalem as a United Capital City of Israel:** The main goal of the plan is to strengthen Jerusalem as the Capital City of Israel.
2. **Attract Jews to live in Jerusalem:** The plan proposes improving Jerusalem's public image, and developing its economy and culture to make it more attractive for Jewish residence. Indeed, the ultimate demographic goal of the plan is to increase the Jewish population in the city and to drastically decrease the demographic growth of the Palestinian population; to keep a population ratio of 70% Jews and 30% Palestinians for the next 20 years.
3. **Planning measures for controlling East Jerusalem:** The plan proposes a transportation system aimed at uniting West and East Jerusalem. The transportation system turns Palestinian neighbourhoods in Jerusalem into sporadic cantons. The transportation system is designed to connect Jewish settlements in Jerusalem with other regions. It suggests connecting Gush Etzion area with Ma'ale Adumim and E1, and with the Givat Ze'ev bloc. The construction of the new transportation system in the planned area requires the expropriation of Palestinian lands in the city and its surroundings, and massive house demolitions. The planned transportation system, in conjunction with the Separation Wall, would constitute physical borders severing Palestinian neighbourhoods from each other. Moreover, the plan designates large areas of Palestinian neighbourhoods - such as Gabal al-Mokaber and al-Thori - as "nature reserves", entailing a stop to the development of these neighbourhoods (Adlah, 2008).



Map 1.1.10 : District Plan for Jerusalem

Source: Israeli Ministry of Interior, 2008

Past and Planned Future Land confiscation

The planning spatial policies between 1967-1991 resulted in around 23,000 dunums of confiscated Palestinian lands which are supposed to address the needs of the Israeli settlements in East Jerusalem, as shown in [Table 1.1.16](#) below.

Table 1.1.16: Statistics on Land Expropriation in Palestinian East Jerusalem in Dunums

Neighbourhood	Date of expropriation	Amount of land taken (in dunums)	Size of neighbourhood (in dunums)
French Hill and Mt. Scopus	Jan. 8 1968	3,345	2,019
Ramot Eshkol and Givat Hamivhar	Jan. 8 1968		588
Ma'a lot Dafna (East)	Jan. 8 1968	485	380
Neve Ya'akov	April 14 1968	765 + 470 (at August 30 1970)	1,759
Old City (Jewish Quarter)	April 14 1968	116	122
Ramot Alon	Aug. 30 1970	4,840	2,066
Shu'afat	Aug. 30 1970	2,240	No Data
East Talpiyot	Aug. 30 1970		1,196
Gilo	Aug. 30 1970	2,700	2,859
'Atarot (including the airport)	Aug. 30 1970	1,200 + 137 (at July 1 1982)	3,327
Ben-Hinnom Valley	Aug. 30 1970	130	-
Jaffa Gate	Aug. 30 1970	100	-
Ramat Rachel area	Aug. 30 1970	600	264
Pisgat Ze'ev	March 20 1980	4,400	5,468
Har Homa	May 16 1991	1,850	2,523
Total		23,378	22,571

Source: B'tselem, 2009

Moreover, the vast majority (about 87%, see Table 20) of Palestinian land in East Jerusalem is either directly (35%) or indirectly (22%) expropriated as “green” and “open” lands. Additionally, 30% of Palestinian land is categorized as “un-planned.” According to the Israeli *Planning and Building Law of 1965* any development on the un-planned lands, which are considered as agricultural lands, is utterly prohibited. Palestinians are deprived of the right to any kind of development, such as, housing and economic development in these areas. Any development on these lands is considered as “illegal construction”, which can be demolished at any time. Only 13% of the Palestinian land in East Jerusalem is planned for Palestinians.

Housing Policies for Palestinians in East Jerusalem

Regarding the Palestinian communities in Jerusalem, the plan acknowledges that “the Arab population suffers from housing problems due to the significant size of the

population and lack of financial resources”. In addition, the plan admits that there is an “absence of agreed and consistent policy” for planning eastern Jerusalem.

The *Jerusalem Plan No. 2000* characterizes the housing areas in the eastern part of Jerusalem as “illegal”, “chaotic” and “problematic;” and fails to efficiently utilize the land resources for building. Moreover, the Palestinian housing areas lack “suitable engineering infrastructures” and public services, and the Palestinian residents have taken “control over lands that are designed to supply public needs and thus prevent this provision”. The plan states that Palestinian residential areas have:

- “vague land ownership and an absence of registration and land settlement”;
- “low applicability of plans including instructions for unification and division due to an absence of tools and budgets for land registration and settlement”;
- “absence of planning and budgetary tools in a reasonable extent that will enable coping with ongoing planning problems”.

In addition, the plan emphasizes that “the intervention in the housing system of the Arab population is by no means simple, in essence, due to both the national conflict and the planning annals of many of the neighbourhoods in which this population dwells as well as the traditional or pre-modern patterns marking a considerable part of the population”. Therefore, “the outline plan enables a densification of the rural villages and densification and thickening of the existing urban neighbourhoods, and recommends a rehabilitation of the refugee camps within its borders” (*Jerusalem Municipality, 2004*).

The idea is to rehabilitate “Shufat by international and national resources”. The Plan’s main strategy is “to firmly enforce the prohibition of illegal building, a phenomenon that is widespread within the Arab sector in the city”.

In addition, in order to meet the goals of the plan relating to the residential areas for Palestinians, that is, “ensuring an authorized planning supply in the required extent”, the Plan suggests the following principles:

1. Expansion of residential neighbourhoods and building new neighbourhoods. The Plan suggests that there are about 7,200 dunums that are located in the existing Palestinian neighbourhoods and which could be proposed for future development.
2. Development in the existing residential neighbourhoods in areas with relatively low historical, architectural and visual vulnerability.
3. The new building policies will be in harmony with the environmental conditions. Limitations will be applied to height, surface layout and design features according to other elements of the landscape including the definition of an urban building border.
4. Areas of new building that are close to neighbourhoods will be developed as part of the existing neighbourhoods in order to supply the missing public services and enhance the appeal of the existing neighbourhoods.

5. Finalization of the statutory infrastructure by preparing detailed plans that provides answers to the special needs in the eastern part of the city.
6. Continuing the implementation of the infrastructure projects in the eastern part of the city.
7. A special judicial arrangement for regulating the problem of land ownership in collaboration with the Ministry of Justice and state funding.
8. Enforcement of the planning and building law as a condition for applying the principles of the outline plan.

Tough break for the Palestinian Jerusalemites

That is exactly how it is; for the Palestinian Jerusalemites who own private lands in Jerusalem, it is ironically a negative thing, since construction is done based on family based needs. Therefore, a family must cover all the permits fees, and not expect any subsidy from the Israeli government for the construction costs and certainly not even partial subsidize to link to the infrastructure grid (sewage, electricity, water and telephone lines), which costs the Palestinians even more than regular since none of the Palestinian areas are close to the settlements where the municipality have developed the infrastructure grid to meet the settlements' development plans and certainly none of the Palestinian neighborhoods are on the Israeli government plan as high priority development areas, which makes it more exhausting to just stay there; something works simultaneously with the Israeli government covert plan to squeeze the Palestinian Jerusalemites to voluntarily leave the city and subsequently forfeit their residency right in the occupied city.

Moreover, the *Local Outline Plan* does not even consider the possibility of developing Palestinian neighbourhoods in East Jerusalem; the only additional housing units for Palestinians included in the Plan are fashioned by densification or 'thickening' of existing neighbourhoods, and by re-zoning certain areas for expanded residential construction. Another point is that even if an area is considered Palestinian built-up area in the *Local Outline Plan*, residents will still need to prepare and receive approval for a detailed plan for a specific area before they can apply for a construction permit. And, as if that wasn't enough, we have to take into account the restrictions that the absence, in the Palestinian neighbourhoods, of the necessary public infrastructure (e.g. roads, sewage networks, etc.) can cause to permit opportunities. (OCHA oPt, 2011).

Although the *Local Outline Plan* has yet to be submitted for public review and the process for submitting it for official approval is frozen, it is currently used as the basis against which to evaluate detailed plans submitted for approval. According to Bimkom and the Association for Civil Rights in Israel (ACRI), between January 2008 and August 2010, the General Assembly of the Jerusalem District Committee for Planning and Building rejected 11 plans for Palestinian neighbourhoods in East Jerusalem on the grounds that they were inconsistent with the *Local Outline Plan* (Association for Civil Rights in Israel, 2009)

However, when it comes to Jewish construction and development; existing settlements mushroom spatially (Har Homa, Pisgat Ze'ev, Gilo, Ramot, etc) and/ or new settlements surface (Sheikh Jarrah, Ras Al-Amud, Abu Dis, Jabal Mukaber, among others) regularly, on confiscated Palestinian land.

Revoking Jerusalemites residency rights

Over the 44 years of continuous Israeli occupation of East Jerusalem, Palestinian residents have been systematically targeted by Israeli policies, which aim at restricting and even eradicating the city's Palestinian population. . Since 1967, thousands of Palestinian Jerusalemites have had their residencies revoked by the Israeli Ministry of Interior, which practices discriminatory policies that increase their humanitarian vulnerability. The Israeli law is discriminatory: it allows Israelis to revoke the residency right for any Palestinian Jerusalemites whose center of life is not Jerusalem for seven consecutive years. It is fair to talk of these policies as ethnic cleansing.

However, this does not apply to Jewish-Israelis residing in Jerusalem, regardless of the number of years they have been living outside the city or even the country; their citizenship rights will never be forfeited.. The illegal and discriminatory Israeli law goes back to 1952, when the residency rights were regulated and the power to revoke them was given to the Minister of Interior. However, it should be noted that such a law should not be applicable to East Jerusalem residents, since the city is under occupation.

The Israeli policy has always been strict on this regard but it started to take an even tougher policy implementation with the appointment of Eli Suissa's tenure as director of the Jerusalem District at the Interior Ministry in 1995, and really boosted in 1996 when Shas joined the coalition government of Benjamin Netanyahu. Suissa keenness to hinder Palestinian construction in the occupied city by denying and/ or making it hard to attain building permits forced thousands of them to leave and seek residency elsewhere. The Israeli Ministry of Interior operated under the umbrella, established in 1988 by Justice Aharon Barak, of the distinction between naturalized citizens and those holding permanent status residencies, defining the latter as "an expression of the reality of a permanent stay." Under Israeli law, the majority of Palestinians living in Jerusalem are 'permanent residents' rather than citizens of Israel, and their residency status is conditional on their proving that their 'centre of life' lies within the Israeli-defined municipal boundary of Jerusalem. That means that their residency 'expires' upon the relocation of the centre of one's life. That's how in 1995 the Interior Ministry began to revoke the residency of those East Jerusalem Palestinians who had moved outside the municipal boundary, claiming that "permanent residency, unlike citizenship, is a matter of the circumstances in which the individual lives, and when these circumstances change, the permit granting permanent residency expires" (B'Tselem, 2010c)

The number of East Jerusalem residents whose permanent residency status has been revoked fluctuated over the years of occupation. Israel attributed this to more efficient

operating laws. The number of Palestinian residency cards revoked from 1967 to June 6th 2010 totals 14,466 (Jerusalem Center for Social & Economic Rights, 2011).

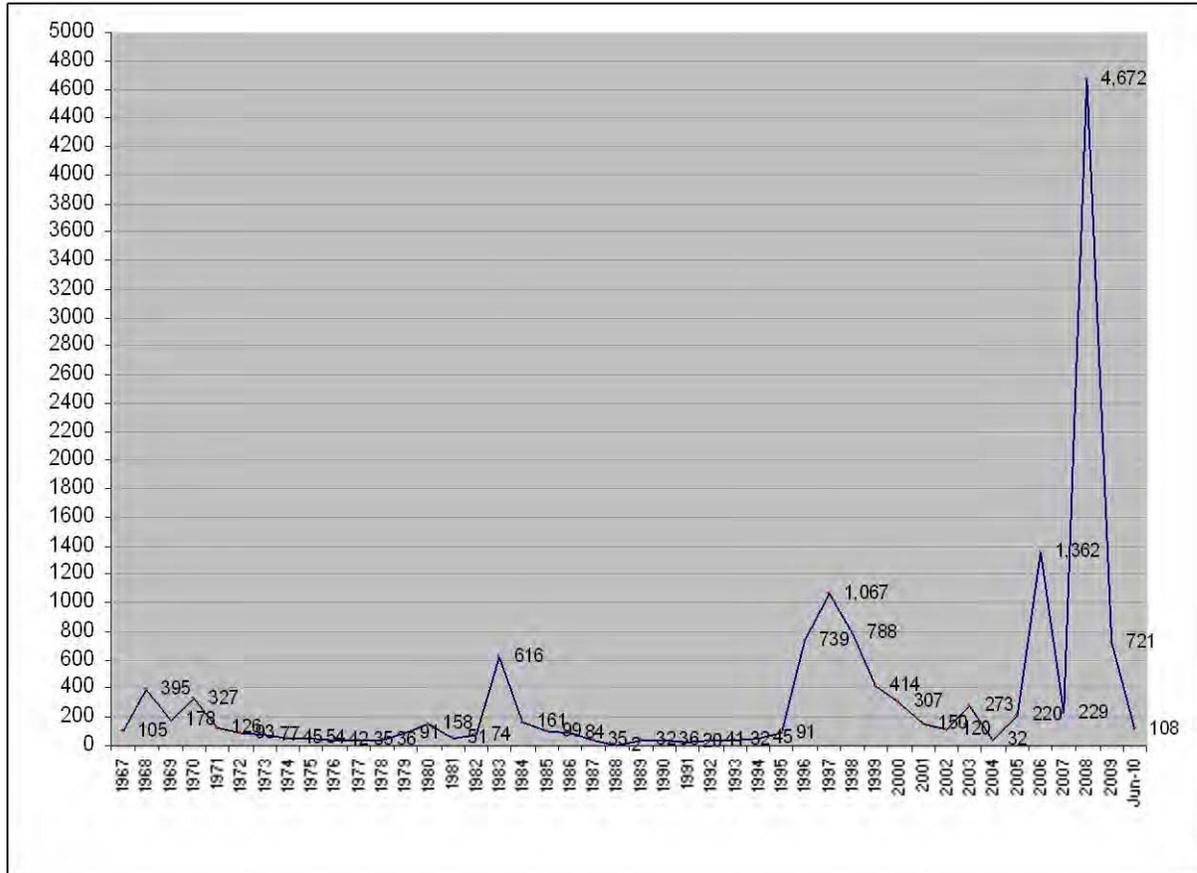


Figure 1.1.2: Number of Palestinian residency cards revoked from 1967 to June 6th 2010
 Source: Jerusalem Center for Social & Economic Rights, 2011

Furthermore, permanent residency status is not automatically transferred through marriage, so a Palestinian resident of East Jerusalem who wishes to reside in the city with a spouse from the remainder of oPt, must apply for family unification. The application process for family reunification for residents of East Jerusalem is onerous and has become virtually impossible since 2003, when Israel introduced the *Nationality and Entry into Israel Law* (Temporary Order). Permanent residency status is also not passed on to the holder’s children ‘by right’, resulting in difficulties in registering the children of such ‘mixed residency’ status marriages. That’s why there are as many as 10,000 unregistered children in East Jerusalem (The Jerusalem Center for Socio-Economic Rights, 2010). As a consequence, there are numerous cases of Palestinians residing ‘illegally’ in East Jerusalem with their spouses, and incidences of separated families where the non-Jerusalem partner is forced to live outside of the city, with or without the children.

If the aforementioned were not discriminatory enough, in 2008, the Israeli Knesset approved the Citizenship Law (Amendment No. 9) (Authority for Revoking Citizenship) which allows citizenship to be revoked on the grounds of breach of trust vis-à-vis the state. Proceedings have been launched to revoke the citizenship of several Palestinian citizens of the state based upon security pretexts, including some elected parliamentarians.

Moreover, Israel has used another pretext to revoke Palestinian residencies in East Jerusalem, what they call “lack of allegiance”, which interpret according to what suits the Israeli aim to vacate Jerusalem of Palestinians. This pretext is based on accusation to Palestinian Jerusalemites taking part in the Palestinian political life, by which not recognizing Israel’s sovereignty over the occupied East Jerusalem; a right guaranteed to them by the international law Article 45 of the Hague Regulations and article 68 of the Fourth Geneva Convention; for the people under occupation not to show allegiance to the occupier

Box 5

Recommendations of the United Nations Office for the Coordination of Humanitarian Affairs in the oPt

The unilateral annexation of East Jerusalem to Israel contravenes international law and is not recognized by the international community which considers East Jerusalem part of the oPt. The Government of Israel, therefore, should revoke all related legislation and guarantee that the entire Palestinian population of the oPt has the right to reside in, and access, the city.

Pending full compliance with Security Council resolutions on Jerusalem, and pending a political solution to Jerusalem in the context of a final status agreement, the Government of Israel, as the occupying power, should:

- Cease revoking the residency status of Palestinian residents of East Jerusalem for any reason, regardless of the length of their residence in other parts of the oPt, or abroad.
- Restore the permanent residency status of those East Jerusalem Palestinians whose status has been revoked.
- Renew and expedite family unification for ‘mixed residency’ status couples in East Jerusalem.
- Register all children of ‘mixed residency’ unions in East Jerusalem.

Source: OCHA oPt, 2011

Light Rail Track - Jerusalem

In 1999 the Israeli government approved a project to build a light rail that links settlements in East Jerusalem with each other and with the West side of the occupied city. Preparation for the infrastructure started in 2001 but it was in 2005 when the Israeli government contracted two French companies (Alstom, and Veolia) to implement the project. The track is set to link Pisgat Ze'ev settlement in occupied East Jerusalem with Herzl Mountain in West Jerusalem with a budget set at 1.7 billion NIS (515 USD) of which 1.2 billion NIS (364 USD) financed by the Israeli private sector.

The work on the light rail started in April 2006 and according to the plans, the first phase of the project was to be completed by 2009 and operative in 2010: 13.8 km of rail track with 23 stops to serve more than 100,000 Israeli settlers from the settlements of Neveh Yaccov, Pisgat Ze'ev, French Hill and Ma'alot Dafna. Furthermore, the light rail plan have several other serving tracks to link Ramot settlement located northwest of Jerusalem with West Jerusalem and others linking south Jerusalem settlements such as Gilo settlement through East Talpiot settlement. However, the construction was not completed until late 2010 and is slated for operation in the second half of 2011. As such, the light rail system is another tool by which Israel is upholding and enforcing on the ground its illegal and unilateral claim to sovereignty over the entire city of Jerusalem.

5. The Matrix of Transportation Grid in the oPt

In 1969, the Israeli Civil Administration issued Military Order 321, which gave the military the authority to confiscate land for public services. It is important to realize that in Israeli use of the terminology, "public" actually means "for Jews/ Israelis." Thus, public works in oPt (roads being the most common) are necessary to serve the Israeli settlers' in the oPt. Furthermore, the Israeli roads had an important role to restrict the development of the Palestinian communities in the West Bank by creating de-facto obstructions to areas designated for development surrounding Palestinian communities.

Along with launching a vigorous settlements program following the Israeli occupation of the West Bank and Gaza Strip in 1967, Israel commenced a strategy to dissect and fragment oPt with a complex network of roads falling completely under its jurisdiction in terms of utilization rights.

Since 1967, the consecutive governments of the state of Israel adopted a separation concept based on the creation of an Israeli controlled road grid system, and the aim of the roads was to facilitate the construction of Israeli settlements and the Israeli settlers movement between the oPt's settlements and Israel and eventually incorporate the Israeli created and controlled road grid system in oPt with the road grid system in Israel. The Israelis built these roads under the pretext of "security needs"; a term that presented the Israeli Army with legitimate excuse to expropriate Palestinian lands; a procedure that proved its efficiency before when the Israeli Army would expropriate Palestinian lands under the "security needs" pretext to establish an Army base, which later on is turned to

Israeli settlers control who would turn it on their part into a civilian inhabitant area. For Israel, that was the only available option or the only loop to dodge the international law, which considers, expropriating land for any purpose other than military use a "grave breach". Israel also argued the military role of the settlements and the roads to its security, which allowed the Army to expropriate private Palestinian lands to build settlements and its roads; Israel also argued that the roads it is building will also benefit the local Palestinian population who would be allowed to travel on these roads. Furthermore, the Israeli built roads on confiscated Palestinian lands contributed immensely to stimulate the habitation of the Israeli settlements, which encouraged the Israeli settlers to take initiative and construct roads on their own, but would later on be endorsed and adopted by the Israeli Army to cast a shadow of legitimacy on these roads. In addition to its role in connecting settlements, the Israeli built roads worked to restrain the development of the Palestinian communities in the West Bank by creating de-facto obstructions to areas designated for development.

At first, these roads were communal, allowing Palestinians access; but occasionally some of the roads were restricted by Israeli authorities under the pretext of security. This became a constant issue after 1987 when the first Palestinian Intifada for independence began. Since then, Israel has restricted the movement of the Palestinian people in the oPt by various methods. Israeli authorities have constantly referred to "security measures" in implementing these methods, in spite of the fact that the practices violate the right to freedom of movement of Palestinians as codified in Article 12 of the International Covenant on Civil and Political Rights (ICCPR), of 1976 to which Israel is party. *"Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence"*.

In 1998, prior to the outbreak of the second Intifada, the Human Rights Committee, and the UN body of experts that monitors states' compliance with the Covenant, expressed concern about the grave consequences of restrictions on movement in the oPt committed by Israel.

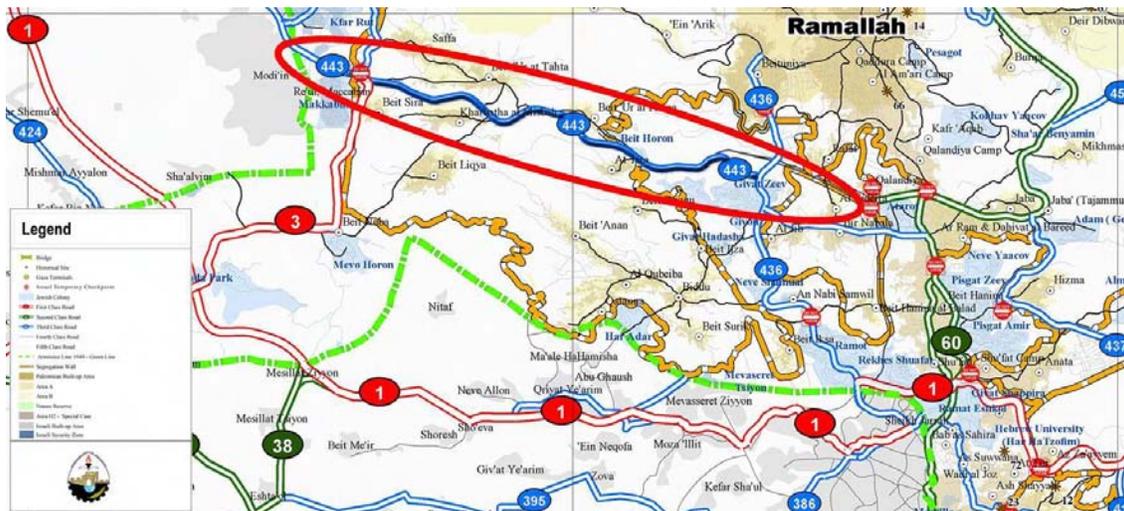
These restrictions are a clear violation of Israel's obligations under international human rights and humanitarian law to protect freedom of movement and not to discriminate against or inflict collective punishment on the population of an occupied territory. The term "Bypass Roads" did not come into life until the signing of Oslo agreement between the Israelis and Palestinians in 1993 to indicate designated roads for the Israeli Army and settlers use, to bypass Palestinian towns and communities in the context of the Israeli Army redeployment. From that point on, Israel intensified its efforts to increase the magnitude of the bypass roads in oPt as a part of its policy to coerce facts on the ground; ultimately affecting the outcome of negotiation with the Palestinians; including the establishment of a viable contiguous Palestinian State.

Prior to the outbreak of the September 2000 Intifada Palestinians had almost complete access to these bypass roads, except at time when the Israeli Army is on security alerts that Palestinians are no longer allowed to travel on the bypass roads or would have to

undergo a through security check conducted by the Israeli Army border patrols, which would take hours at times. However, following the 2000 Intifada, Palestinians accesses to virtually all bypass roads became forbidden; unless they are in possession of a special permit issued by the Israeli civil administration. Later on, the Israeli Army would refer to bypass roads were Palestinian are no longer allowed to travel on as "sterile roads" (B'tselem, 2004) meaning that these are Palestinians free roads.

An example of the Israeli "sterile roads" would be bypass road 443 (latron road) starts out at Beit Sira village junction west of Ramallah Governorate all the way to the Israeli terminal of Maccabieim on the Segregation Wall. The road that serves 7 Palestinian communities (Beit Liqya, Beit Sira, Beit Ur Tahta, Beit Ur Fauqa, Kharatha al-Misbah, At-Tira, and Saffa) with a population exceeding 28,000 Palestinians (PCBS, 2007); was constructed back in the 1980's by the Israeli Army on privately owned Palestinian lands supposedly to facilitate the movement of Palestinians and other; more specifically the pretext used then to justify the road was to facilitate the link of the Palestinian communities to access Jerusalem and Ramallah governorates.

After the second Intifada in the year 2000, the Israeli Army denied Palestinians access to bypass Road 443 under the pretext of security specially that the road became a major artery road used by the settlers to access the road grid in Israel. Following Palestinian protest and petition to the Israeli high Court of Justice to contest the Israeli Army decision to deny Palestinian use of road 443, the court ordered the Army to allow Palestinian access to the road. The Israeli Army on its part, using "security" as a pretext refused to abide by court's decision and allowed Palestinians access only to 4 of the 14 km road stretch (Map1.1.11).



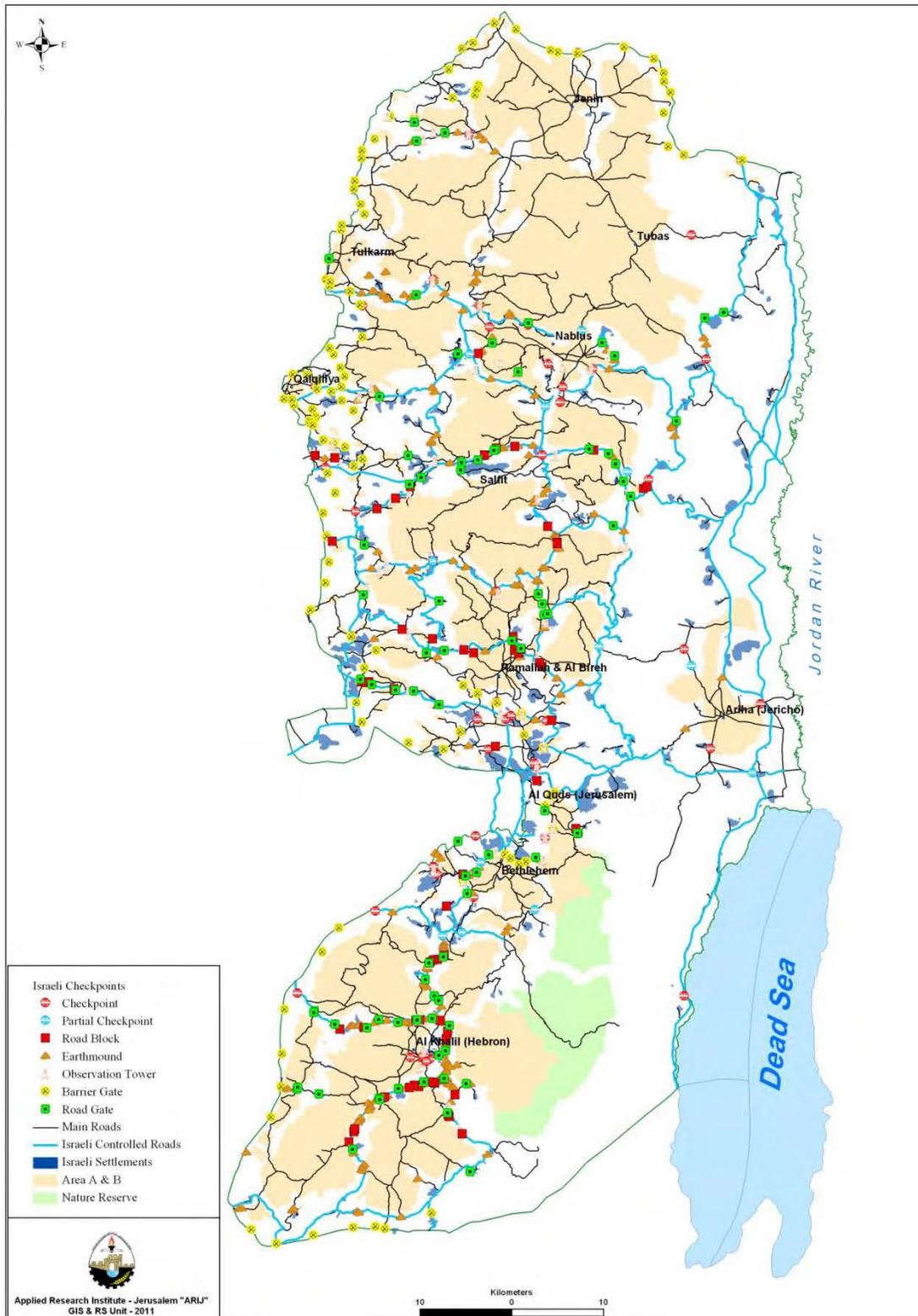
Map 1.1.11: Israeli controlled Road 443



Photo 1.1.1: Israeli controlled bypass Road 443

Source: ARIJ photo archive 2010

Today, more than 824 km falls under the bypass roads category are located in the West Bank (ARIJ GIS Department, 2011), all constructed to comply with the Israeli settlements program and to facilitate movement of these settlements with each other and with Israel, beyond the Green Line, Map 1.1.12. Palestinians are denied access to most of the bypass roads network and are blocked from them with cement blocks, trenches, earth-mounds, barbwire and iron gates; all under the pretext of military and/or security purposes. See Table 1.1.17.



Map 1.1.12: Transportation in the West Bank, 2011

Table 1.1.17.: The number and the length of the Israeli bypass roads with the settlements, which the roads serve in the West Bank.

Governorate	total length of Bypass Road	No. of existing Bypass roads	Settlements
Hebron	136 km	317, 356, 60, 35, 367, 3265, 325	Har Manoh, Adora, Eshkolot, Hagai, Telem, Tene (Maale Omarim), Karmeit Zur, Negohot, Mirshalem, Otniel, Qiryat Arba', Ramat Mamre (Kharsine), Karmel, Maon, Susiya, Shima
Bethlehem	63 km	90, 60, 436, 375, 367	Mizpe Shalem B, Gilo, Kfar Etzion, Avenat, Har Gilo, Betar Illit, Efrat, Elazar, Allon Shevut, Neve Daniyyel, 'Ayn Fashkhah, South Avenat, Mizpe Shalem
Tubas	47 km	90, 578	Beqaot, Shadmot Mehola, Mehola, Bitronot (Shila), Roi
Jerusalem	84 km	90, 1, 458, 60, 457, 45, 436, 443	Sha'ar Benyamin, Allon, Atarot, East Talpiyot, Givat Shappira, Neve Shamual, Neve Yaacov, Pisgat Zeev, Ramat Eshkol, Givon, Mishr Adummim (Industrial Center), Maale Adummim, Neve Brat, Pisgat Amir, Rekhesh Shuafat, Ramot, Kokhav Yaacov, South Allon, Givat Zeev
Jericho	93 km	1, 578, 508, 57, 90, 505	Argaman B, Atrazzia, En Hogla (Moul Nevoh), North Dead Sea (Solar Pond), Massua, Maale Efrayim, Yafit, Tomer, Gilgal, Niran, Noomi (Na'ama), Lido Yehuda, Pezael (Fezael), Hamra, Mizpe Yeriho
Jenin	15 km	NA	Kaddim
Tulkarm	16 km	557	Enav, Avnei Hefetz
Nablus	96 km	557, 508, 505, 458, 60, 57	Matkhan Tappuah, Migdalim, Eli, Homesh, Israeli Quarry, Shavei Shomron, Elon Moreh, Itamar (including Itamar1,2,3,4), Gittit, Mekhora
Salfit	56 km	60, 505, 4775, 5506, 55, 446, 5	Benot Orot Yisra'el, Elkana, Har Alei Zahav, Industrial Zone (Near Peduel), Peduel, Revava, Kfar Tapuah, Rachelim (Shvut Rahel), Arial, Barqan industrial Znoe, Yakir, West (Arial West Park Industrial)
Qalqilyia	31 km	55, 505, 5506, 60	Shaare Tikva, Ginnot Shomeron (part of it in Salfit governorate), Kedumim,

			Karne Shomron, Jit, Immanuel
Ramallah	187 km	458, 436, 443, 446, 465, 463, 466, 60, 457, 449	Lapid, Beit Arye, Dolev, Hashmonaim, Kfar Rut, Mattityahu, Menora, Nili, Ofarim, Shilta, Makkabim, Beit Horon B, Nahliel, North Sha'ar Benyamin, Maale Mikhmas, Beit Horon, Modin Illit (Qiryat Sefer), Naaleh, Hallamish, Ateret, Talmon C, Talmon B, Talmon, Shilo, Beit El (A + B), Ofra, Pesagot, Kokhav haShahar, South Ofra

Source: ARIJ GIS database, 2011

Moreover, the old-new Israeli vision to control the West Bank by constructing the current transportation System of the bypass roads comes along with the construction of the Segregation Wall, which will isolate more than 13% of the West Bank in order to provide security for some 600,000 Israeli settlers in the West Bank including East Jerusalem (ARIJ-GIS database, 2011).

Conclusion

Israel's status in the oPt remains the same, particularly within Area C, where the Israeli Civil Administration employs methodical policy in Area C (61% of the West Bank) aiming to restrict Palestinian construction and development; a policy resulted over decades of occupation in the demolishing of thousands of houses in Area C, erected without a permit. Moreover, the Israeli Civil Administration has imposed a general prohibition of Palestinian construction and development on land that Israel has declared state land, which is located within Area C. Hence, the occupying power, Israel, is responsible under international humanitarian law for providing the basic needs of the occupied population. The occupying power is also responsible to administer the occupied territory in a manner that benefit the people under its occupation and under no circumstances to benefit its own population as in what the Israeli settlers enjoys today. Accordingly, Israel has literally breached international human rights law, by failing and in reality denying people under the Israeli occupation their basic human rights, which include among many others the right to adequate housing, and health services, proper education facilities, and access to water. Israel must conform and be made to comply with the international law and immediately cease any demolishing and revoke pending demolishing orders in Area C. Moreover, Israel should relinquish all its unlawful policies and activities in Area C: freezing all Israeli settlements' activities, dismantling the outposts, facilitating the transfer of its civilian (the settlers) to these illegal constructions; open up all the areas that were designated off limits to the Palestinians (the closed military areas, the nature reserve areas, the security zones) and clear all the mind areas. Without addressing these critical issues and without initiating and transforming these steps into tangible measures, neither the PNA, nor the international community will be

able to strategize development plan to enhance the quality of life for those communities who have long suffered and still do from the Israeli measures in what classify Area C.

In parallel, the Palestinian leadership has too exhibited a stringent position with regard to freeze all forms of construction in the settlements in the West Bank and Jerusalem, including the so-called "natural growth" as a prerequisite for the resumption of negotiations with the Israeli side, strenuously indicating that it is obligatory merit of the "Road Map", which Israel has been evading over the past years.

However, none of the international mediators from the European countries and the U.S. were able to succeed to get Israel to freeze its' settlement activities; even for a temporary period; as they failed to read the Israeli message that it will not under any circumstances freeze settlement activity, particularly in Jerusalem; especially that tenders and approvals were issued and facilitated for tens of thousands of housing units in West Bank settlements particularly Jerusalem over the next decade.

Furthermore, the rise of extremist right-wing forces in the settlements, which is described as a "state within a state" where the religious settlers turned to an independent group, able to change the rules of negotiation in the political arena and pose a threat to the concept of two-state solution. Still, all settlements, whether religious or non-religious, serve a political goal for Israel. Nonetheless, the increase in the number of settlements inhabited by religious settlers cause for concern because they are explicitly linked to the political level where the concept of the «Greater State of Israel» still breaths, with domination over all the Palestinian territory occupied in 1967.

The demographic growth of the extremist settlers was also associated with growing political influence in the government of Israel; and growing presence in the army, are all ominous signs in the long run, especially with regard to the dismantling of settlements and ending the Israeli occupation of occupied Palestine-Arab territory. In fact, the growing influence of the Israeli extreme right and their willingness to use violence in oPt makes the chances of success of the evacuation of settlements, religious and other next to impossible.

As for Jerusalem ... the fate of the city is yet to be determined in the final status negotiations. In view of that initiatives and plans instigated on the international level to act as preemptive steps to escape or maybe to minimize the fallout of reaching common grounds for the city's status and future.

On a more immediate term; Jerusalem needs services and plans and the short comes that the city suffers from are due to long systematic policies carried out by the Israeli municipality of Jerusalem with an aim to induce new existence and dominance favoring the occupation to the indigenous residents of the city.

To this end, Israel has succeeded to restrict development, thus evolution when it came to the Palestinians, who suffer from house shortages since the beginning of the occupation, and of service deficiency almost on every aspect of their lives. In fact, Israel made sure that the Palestinian Jerusalemites would not loop around all the orchestrated plans to impede their development; making sure that the Palestinian civil society is crippled and eventually incapacitated to meet or address the needs of the Palestinians in Jerusalem who are in constant confrontation for their rights.

Moreover, Israel's diligence to isolate the occupied city from the international arena; attempted to put the city on the conflict chart; and continued to do so since the peace process was signed; as the Jerusalem issue was deferred to the final status negotiation that should have started by the end of 1998. Still, plans were prepared to alter the harsh reality of occupation in Jerusalem; communities there eager to divest from the Israeli occupation and fought for decades the Israeli laws to cope with their growth and existence.

Today, Jerusalem stand in much more blistering situation to what it was at the time of its' occupation but prepared to commence its natural life, however; and based on the current realities on the ground, Palestinians alone are incapable to alter the current reality on their own, at least not as long as politics remains the decisive factor to any act in the city. Hence, and while the ultimate responsibility for the well being of the Palestinian Jerusalemites and their city remains that of the PNA; regardless of the fact that they are not able to function officially there; and this goes as well for the Palestinian civil society; the challenge would be to identify of the appropriate party to carryout the pending tasks for the well being of the city until the politics reality of the occupied city is resolved.

It is difficult to talk about a solution of the question of East-Jerusalem, but there seems to be a widespread opinion about the need to place the occupied part of Jerusalem under the auspice of the international community again; that is, to re-establish the "Corpus Separatum" status, which was a key ingredient of the United Nations General Assembly approved Partition Plan in 1947.

With the start of the Peace process, Israel maneuvered the signed agreements with the Palestinians "not to alter the status on the ground" by using the myth of natural growth to justify the illegal act of construction. As Israel continued to breach the agreements signed with the Palestinians, peace talks encountered several bumps, hence, several initiative were introduced to recommence peace talks all of which stumbled by the turmoil that stormed the Israeli political arena. However, when Israel commenced the construction of the Segregation Wall in the West Bank, Israel's intention became more explicit in how it aims to tailor the final scene of the peace process; to annex large chunk of the West Bank to Israel's proper, continue to claim "unified" Jerusalem as its capital, and maintain sovereignty over natural resources and the border points.

Twenty years have elapsed since the Middle East Peace conference was inaugurated in Madrid and regrettably, a permanent status agreement has not been achieved between

Israelis and Palestinians. Meanwhile, oPt has been subjected to major geographical and demographic changes. Unless immediate actions are taken, instability will continue and may spread to the whole region.

Ultimately, the incapacitation of the international community to deal and stand up to the Israeli unilateral actions aimed at the De-Palestinization of Jerusalem, the expansion of settlements, expropriation of Palestinian land, compartmentalization of Palestinian land with bypass roads, and the Segregation Plan; is the greatest failure of the Peace Process.

1.2 Praxis of Human Rights in the Palestinian Urban Sphere: Urbanization Trends

1. Abstract

This chapter is inaugurated by a prelude on the relations between the global and national trends in terms of urbanization development with a critical analysis of urbanization trends in the occupied Palestinian territory (oPt), in terms of the current prevailing statistics. To accentuate on the anthropogenic face of urban development in the West Bank, this chapter will analyze and check the available land area for urban growth in the Western Segregation Zone (WSZ) (i.e. the area trapped between the Segregation Wall and the Green Line). To provide a theoretical base for the provided analytical perspective in this chapter, a brief overview of the related international covenants on the human rights in the context of urban sphere is presented. Following this, the chapter presents the case study of Jerusalem, which stands as an exceptional case of human warehousing. Finally, the chapter ends with a blueprint for future measures that would mitigate the prevailing urbanization trends in the oPt.

1. Global and National Trends of Urbanization

In developing and developed countries alike, urbanization is a challenging phenomenon, but in different ways. . In developed countries the leading question regarding urbanization nowadays, is how to enable the environment for a sustainable urbanization, in order to reap the benefits of economic growth, social coherency, and ecological soundness? However, in developing countries, the alarming question for most planners and decision makers is unfortunately how to curb urbanization? This vivid gap between the south and north has challenged supra-international organization, such as the World Bank and United Nations Human Settlements Programme (UN-HABITAT) to exert and unify the efforts towards a new direction in planning practice focusing on a special strategy that vouches compactness, mixed land-uses and more friendly transportation systems, in order to efficiently be able to address cross-cutting global issues, such as; climate change, poverty, informality, amongst others.

Urbanization, if properly managed, can also address the climate change agenda through the design of denser, more compact cities that increase energy efficiency and reduce travel time and costs for urban residents and businesses (World Bank, 2009)

To globalize the urbanization trends, the Secretary General of the United Nations (UN), Mr. Ban Ki-moon dictates that we are living in an “urban century”, as more than half of the world’s population now living in urban areas (UNHABITAT, 2008). The World Bank (2009) is expecting that nearly two billion new urban residents will be welcomed in our cities in the coming two decades. Within the Palestinian context, statistics show that the Palestinian societal development is being “forcibly” urbanized, as almost three-quarters of the oPt inhabitants live in urban areas (69% in the West Bank and 81% in the Gaza Strip) (PCBS, 2009) (Figure 1.2.1). According to PCBS (2009) the rate of natural annual

growth in the oPt reached 3.3%, and it is considered high when compared with other countries. The Population Reference Bureau (PRB) reports the world growth rate to be 1.2%, the Arab States to be 2.1%, and less developed countries to be 1.5% (PRB, 2008).

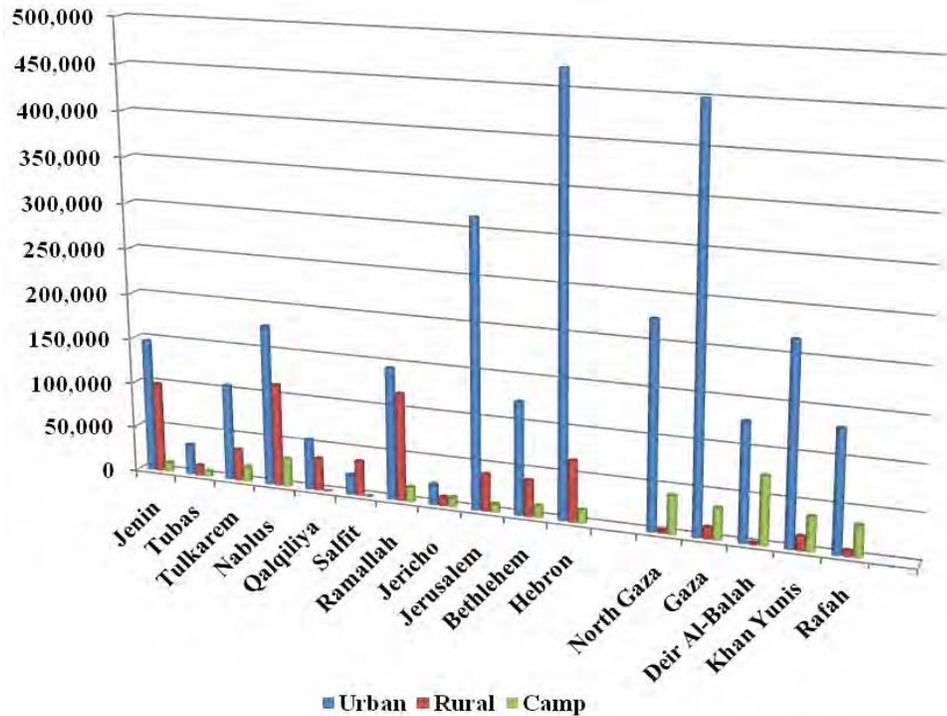


Figure 1.2.1: Palestinian Governorates According to Locality Type (Urban Vs. Rural vs. Camp)

Source: Edited by the Author from the PCBS (2009)

The UN-HABITAT’s in its latest publication entitled “State of the World’s Cities 2008/2009: Harmonious Cities”, assured that the driving forces behind urban growth in the fastest growing cities in the developing world (i.e. cities growing at an average annual growth rate of more than 2 % per year, as in the case of the oPt) are often complex and overlapping. However, the analysis led to the identification of the three most significant drivers of urban growth, namely: economic and industrial policies and related strategic investments in two key areas – transport infrastructure and communications and trade service sectors; improvements in the quality of life in cities; and changes in the legal and/or administrative status of urban areas (UNHABITAT, 2008). According to UN-HABITAT Global Urban Observatory (2008) the latter (i.e. administrative change) was the main driving force behind urban growth in Asia, in comparison to Africa or Latin America & Caribbean. Assuming that the latter driver includes *de facto* measures and “as though” legal procedures, as those implemented by the Israeli occupation in and around the oPt, it has without doubt substantially caused the soaring of urban growth rates within the Palestinian context.

In 1997 the distribution of housing units in the West Bank territory for urban, rural and camps were 48.0%, 45.5%, and 6.5%, respectively (PCBS, 1999). However, this distribution has drastically changed as reported in the PCBS’s census for the year 2007, where the housing units for urban, rural and camps became 69.6%, 25.0%, and 5.4%, respectively (PCBS, 2009). This entails that the rate of urbanization in the housing units in the West Bank territory increased by 46% in the rural and camps areas. This reflects the silent rural-urban migration or the geo-demographical disturbance induced in the West Bank (El-Atrash, 2009). A ‘housing unit’ is a building or part of a building constructed for one household only. The tenure of the housing units has been also changed as the reported household resided in owned housing units for the year 1997 and 2007 were 75.4% and 81.1%, respectively. Whereas, households residing in rented housing units for the year 1997 and 2007 were 12.2% and 9.6%, respectively (PCBS, 1999 & 2009).

By the same token, the Gaza Strip has witnessed an unconventional urbanization trends. In 1997, the population of Gaza Strip calculated about 1 Million in comparison to the year 2007 that calculated 1.4 Million (PCBS, 1999 & 2009). A striking example on the radical change in the urbanization trends in the Gaza Strip is the plummet rates in the numbers of war refugees. The percentage of war refugees of the total population of Gaza Strip in 2007 was 15.77%, in comparison with the year 1997 that calculated 65.12% (PCBS, 1999 & 2009) (Figure 1.2.2). It is worth noting that the highest decrease in the distribution of refugees in the Gaza Strip between the years 1997 and 2007 was in Rafah Governorate. This could be interpreted due to the Israeli consecutive military practices that targeted that area during that period.

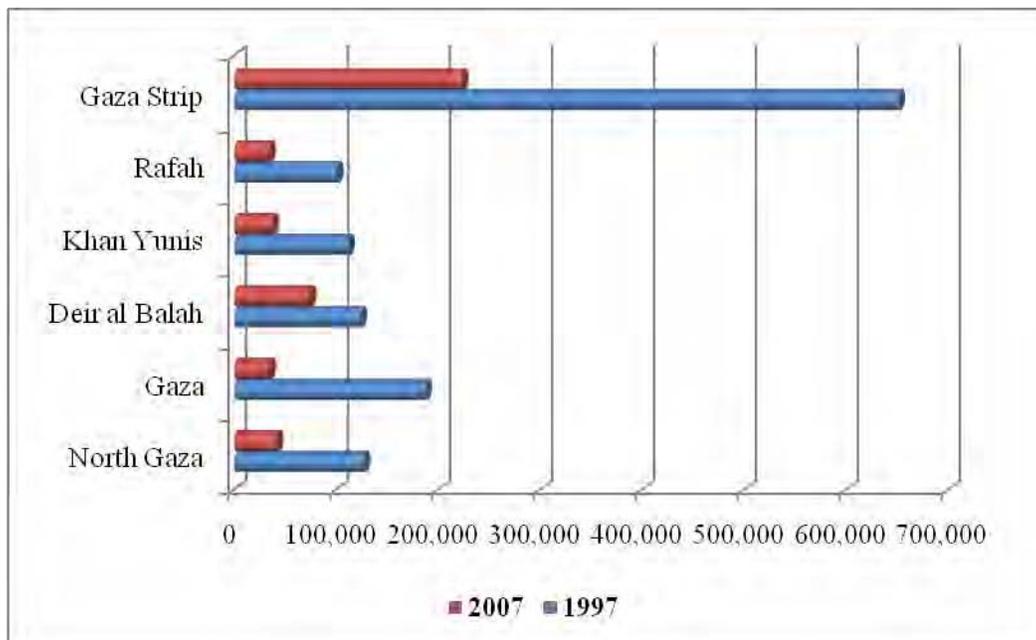


Figure 1.2.2: Changes in Refugees Distribution in the Gaza Strip’s Governorates between 1999 and 2009

Source: PCBS 1999 & 2009

To elaborate further, during the last four decades of Israeli military occupation, the Palestinian sovereignty over land in the oPt has drastically decreased, in opposed to the increasingly urban population growth rates. Taking the gross population density as a quantitative indicator, the gross population density for instance in the metropolitan area of Bethlehem (consisting of the twin cities of Bethlehem, Beit Jala, and Beit Sahour) has exponentially increased by a factor of 7 during 1967-2007 (Table 1.2.1).

Table 1.2.1: Gross Population Density of Bethlehem Metropolitan Area (1967-2007)

City	Population		Area ³ (Dunums)		Gross Population Density	
	1967 ¹	2007 ²	1967	2007	1967	2007
Bethlehem	16,313	25,266	31,088	5,400	525	4,679
Beit Jala	6,040	11,758	14,305	4,400	422	2,673
Beit Sahour	6,812	12,367	7,118	4,800	957	2,577
Bethlehem Metropolitan Area	29,165	49,391	52,511	14,600	555	3,383

Note Bene (N.B.): The areas were rounded only for calculation purposes.

Source: Edited by the Author from: ¹ Bannourah, 1982; ² PCBS, 2009; and ³ ARIJ GIS-Database, 2011

The current gross population density of Bethlehem metropolitan area at 3,383 person/km² is considered relatively high when compared to other Palestinian cities (Table 1.2.2). It is further noted that the population density of the West Bank and the whole of the oPt reached in 2008, 422 person/km² and 635 person/km², respectively (PCBS, 2009). It is further worth mentioning that the gross population density in Arab states is 155 person/km² and 66 person/km² in the less developed countries (PRB, 2008). In this context, ARIJ (2007) indicated that the gross population density is projected to soar as the rate of population growth is high and the access to open land is limited in the oPt.

Table 1.2.2: Gross Population Density in the Main Palestinian Cities (2009)

City	Population ¹	Master-plan Area ² (Dunums)	Population Density (Person/km ²)
Jericho	18,346	25,000	734
Ramallah	27,460	19,000	1,445
Jenin	39,004	22,000	1,773
Salfit	8,796	4,000	2,199
Tubas	16,154	7,270	2,222
Bethlehem	49,391	14,600	3,383
Tulkarm	51,300	13,790	3,720
Nablus	126,132	28,500	4,426
Hebron	163,146	27,000	6,042

Qalqiliya	41,739	4,250	9,821
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Source: ¹ PCBS, 2009; and ² Collected via phone calls with the municipalities city engineers (June, 2009)

2. Limitations on Palestinian Urbanization

Following more than five centuries (1516-to present) of occupation in Palestine it has been unfortunate fact that the development of any kind of state structure in the country has been tabooed. This could explain the Palestinian people’s weakened capacity for planning the development of land and resources in a sustainable manner.

The inefficient existing laws, regulations, and decrees which make up the legal planning system in the oPt, include the Ottoman Turks (1516-1917); British Mandate laws (1917-1948); Jordanian laws in the West Bank Governorates and the Egyptian laws in the Gaza Strip (1948-1967); Israeli military orders since 1967; Decrees issued by the PNA since its inception in 1994.

During the period of Ottoman rule in Palestine, a Land Register Law known as the “Tabu” was introduced in 1858 to establish rights of land ownership. Accordingly, the Land Settlement Ordinance to the year 1928 that was introduced during the British Mandate also tried to solidify rights of land ownership (Halabi, 1997). However, both approaches failed to document the situation of land ownership in, what is now the oPt, as the Arab family-based communal farmers who formed the majority of the landowners resisted those systems for several reasons, including: Both systems neglected the tradition of collective ownership adopted by the farmers at those times; and the Turkish Land Register Law forced high taxes on the registered cultivated lands that were classified as the land of the emirate (El-Atrash, 2007).

Nevertheless, Israel - as a consequence of 1948 war - took control of 78% of Mandate Palestine (ARIJ, 2007). Up until the 1967 war, the West Bank came under the Jordanian administration and Egypt took the overriding responsibility in the Gaza Strip. Since land ownership has always been the key issue in the Palestinian-Israeli conflict, Israel neither recognized nor authorized the traditional communal based system of ownership that had existed for many generations on the land that covered almost the entire Palestinian rural areas.

Knock on effects of the last-present occupation eras (i.e. Israeli Occupation), Hanafi (2009) indicates that one of the many repertoires of the Israeli “state of exception” occurs when issued law carries along with it the rule of suspension of this law without specifying a context. Using such a power technique, Israel has been able to constrain Palestinian residential construction; predominantly through the use of military orders. In 1971, the Israeli authorities decreed Military Order No. 418, under which all significant decisions on permits and plans would be made by a High Planning Council (HPC) appointed by the Military Commander. Most members of the HPC have been military officers and all are Israeli citizens. Israeli Military Order No. 418, “*Order for the*

Planning of Towns, Villages and Buildings (Judea and Samaria)”, outlines the requirements for obtaining building permits in the West Bank territory. Article 7 of this designated Order, called “Special Powers,” grants the HPC the power to:

“amend, cancel or suspend for a specified period the validity of any plan or permit; to assume the powers allocated to any of the committees mentioned in article 2 and 5; to grant any permit which any of the committees mentioned in article 2 and 5 are empowered to grant [...]; to dispense with the need for any permit which the Law may require” (Coon, 1992).

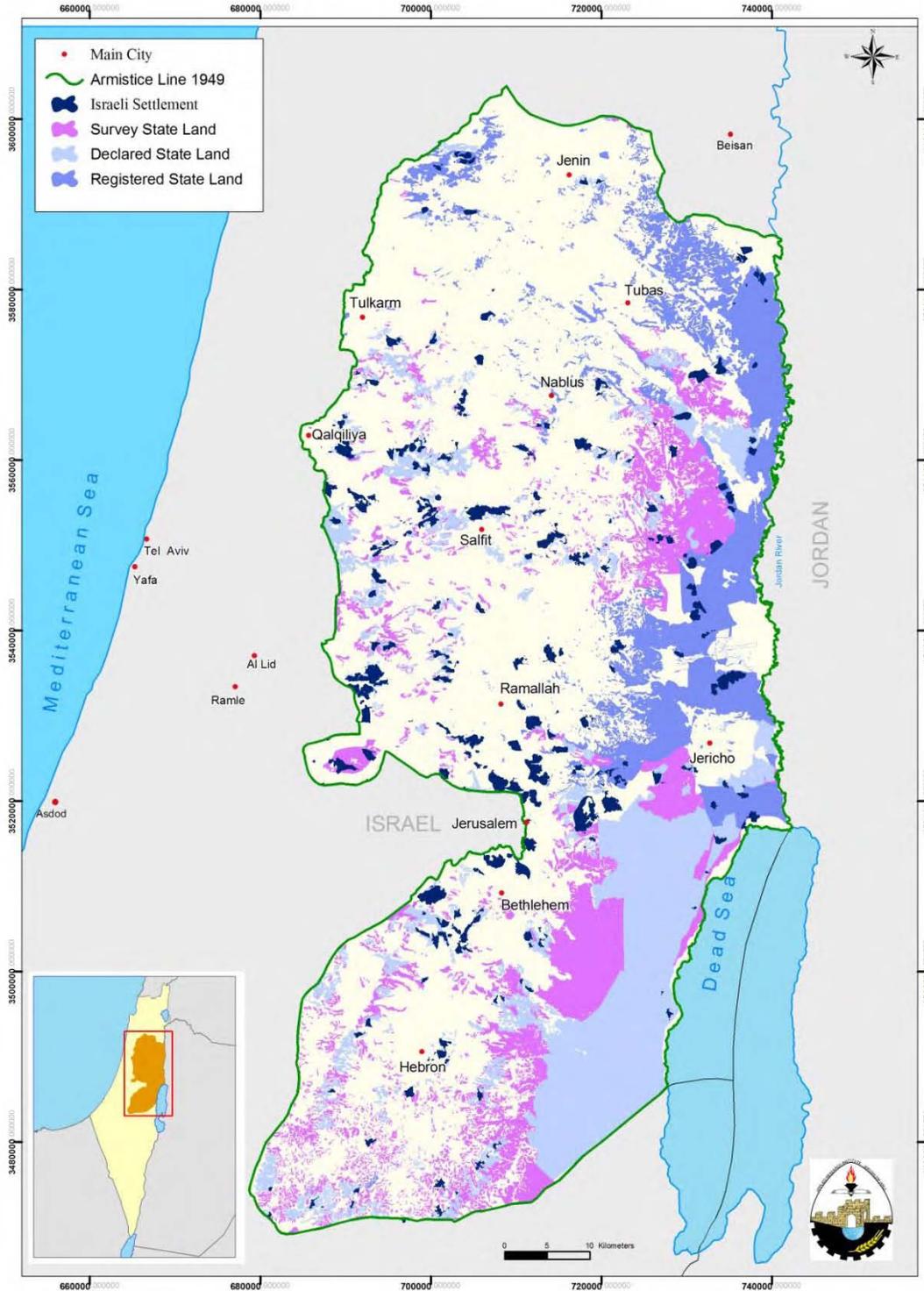
In other words, the Israeli authorities created a *de jure* situation, where it could manipulate the law by annulling its own regulations, in such a way that the construction permit becomes a tool for *de facto* control and surveillance.

The later iniquitous policy of freezing land registration was initiated through the issuance of a Military Order concerning Land and Water Settlement No. 291 for the year 1968, by which the Israelis could claim that the majority of unregistered land constitute “government property”, as at that time only 30% of the whole West Bank area was registered (mainly in the vicinity of Nablus, Jenin, Ramallah, and the Jordan Valley) with the Land Register as part of land settlements initiated first by the Mandatory authorities and subsequently by the Jordanian crown.

Such a strategy ended with the confiscation of more than 2,910 km² (51%) of the West Bank’s geographic area as “state property” lands (ARIJ GIS-Database, 2011) (Map 1.2.1).

In view of that, the Israeli occupied authorities adopted several principle means to restrict and to limit the land uses in the Palestinian territory that could be presented in two different faces. First, the *de facto* military orders that have been extensively used to limit the urban Palestinian development, and second, the *de jure* town planning system that has been implemented in double standards.

The latter point regarding biased town planners has been more conspicuous in occupied East Jerusalem more than that in any other places in the Palestinian territory. The Israeli's used an effective planning strategy of “Town Planning Scheme (TPS)” to restrict Palestinian development by simply failing to draw up TPS for the majority of Palestinian lands in East Jerusalem with the purpose of blocking Palestinian development, by employing an extensive and expensive process to get the approval for such plans, in order to be able in later stages of appropriating the lands under question, to the interest of building illegal Israeli settlements.



Map 1.2.1: Israeli Declared State Land in the West Bank

The Palestinian-Israeli Interim Agreement on the West Bank and the Gaza Strip (Oslo Accords), signed between the Government of the State of Israel and the Palestinian

Liberation Organization (PLO) in September 1995, stipulated that all civil powers and responsibilities related to the territory, including planning and zoning, in populated areas (Areas A and B; correspond primarily to Palestinian urban areas), will be transferred to, and assumed by the council. According to article 22 of the protocol concerning civil affairs of the signed accords; "*civil authority related to land includes registration of land transactions in the land registry, first-time registrations of land and administration of land registry offices.*" However, the planning and zoning of Area C that remained under the Israeli full control were to be transferred to Palestinian jurisdiction during the further redeployment phases, "*to be completed with 18 months from the date of the inauguration of the Council.*"⁷ But in fact, the Israeli occupation policies and encroachments in the West Bank in general, and area C in particular, have manifested through confiscating lands, building and expanding Israeli settlements, constructing bypass roads, demolishing Palestinian houses, and finally constructing the Segregation Wall. All this has been done in order to extract the Palestinian character from the land and coerce facts on the ground that will add more complications and jeopardize the comprehensive peace of meaning framed and governed by the final - stalled peace process negotiations (World Bank, 2008).

Additionally, the PNA have inherited a legacy of inefficient and chaotic institutions that deal with different facets of the Palestinian domestic life, both poorly and inefficiently. Unfortunately, based on the fact that Palestinian development is run by a donor driven vision, they face the trouble of financing future plans, especially when they are of hefty budgets related to the state building scheme. This is coupled by the dominant vague vision in place for the related Palestinian Planning institutions. For instance, MoPAD has changed its name three times since its inception; first it was Ministry of Planning and International cooperation; second it became to know as Ministry of Planning, and now it is known as MoPAD. Couple of years ago, MoPAD signed a Memorandum of Understanding with Ministry of Local Government (MoLG) to clarify the sharing responsibilities of planning activities and functions in the oPt. Since after, MoPAD is mandate with planning activities and functions at the national level, whereas MoLG is mandated with the planning activities and functions at the local level. The regional level is considered a shared responsibility for both MoPAD and MoLG. Nevertheless, the relationship between MoPAD and other government entities including MoLG was characterized by unclear and overlapping mandates. This put a strain on collaboration with various entities (NRO, 2009).

In the same token, the related PNA institutions lack the capacity and the sound experience to plan for a sustainable urban society. Also, they lack the capacity of performing and managing the required related applications such as the use and utilization of the state-of-the-art technology of remote sensing and geographic information tools and functions.

⁷ See Article 27, Appendix 1, Annex III: Protocol Concerning Civil Affairs, Oslo Accords.

3. Two Competing Schemes: Palestinian VS. Settlers Urbanization in the West Bank

Since its occupation of the West Bank, the consecutive Israeli governments enabled the environment for the Israeli settlers to colonize the West Bank (Map 1.2.2). This has been approached following careful plans that yielded to the soaring number of Israeli settlers. Nowadays, statistics show that more than 628,000 Israeli settlers inhabit around 188,267 dunums of the West Bank territory in terms of built-up areas⁸. In comparison, circa 2,700,000 Palestinians inhabit only 282,503 dunums, in terms of built-up areas (Map 1.2.2). However, the Palestinian inhabitants are trapped and cantonized into military-administrative designations of areas A, B, C, and Nature Reserves. The current distribution of the Palestinians into areas A, B, C, and Nature Reserves is 52.1%, 41.4%, 6.4%, and 0.1%, respectively. This means that 93.5% of the Palestinian West Bankers inhabit only 36% of the West Bank mass area that falls under the PNA planning jurisdiction (i.e. area A and B) (ARIJ GIS-Database, 2011).

A thorough analysis of the available aerial photos of the West Bank, would reveal that the Israeli slated future plans exceeds those of the Palestinian communities in 8 out of the West Bank 11 Governorates; namely: Ramallah & Al-Bireh, Jerusalem, Nablus, Bethlehem, Salfit, Qalqiya, Jericho & Al-Agwar, and Tubas (Figure 1.2.3).

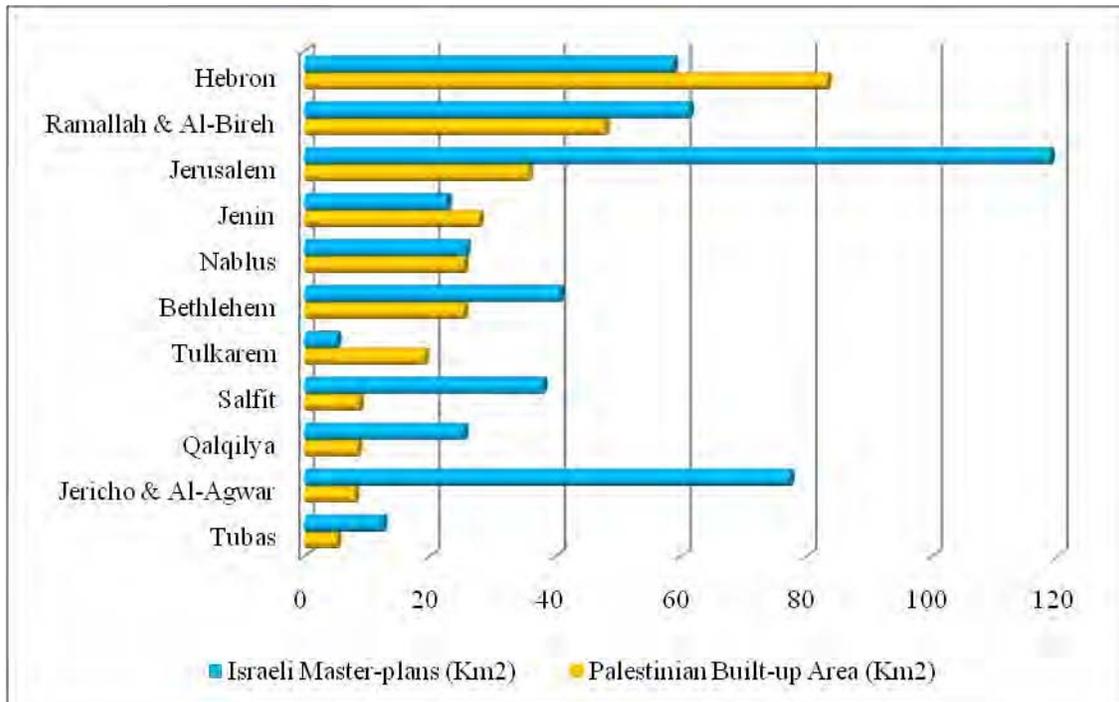
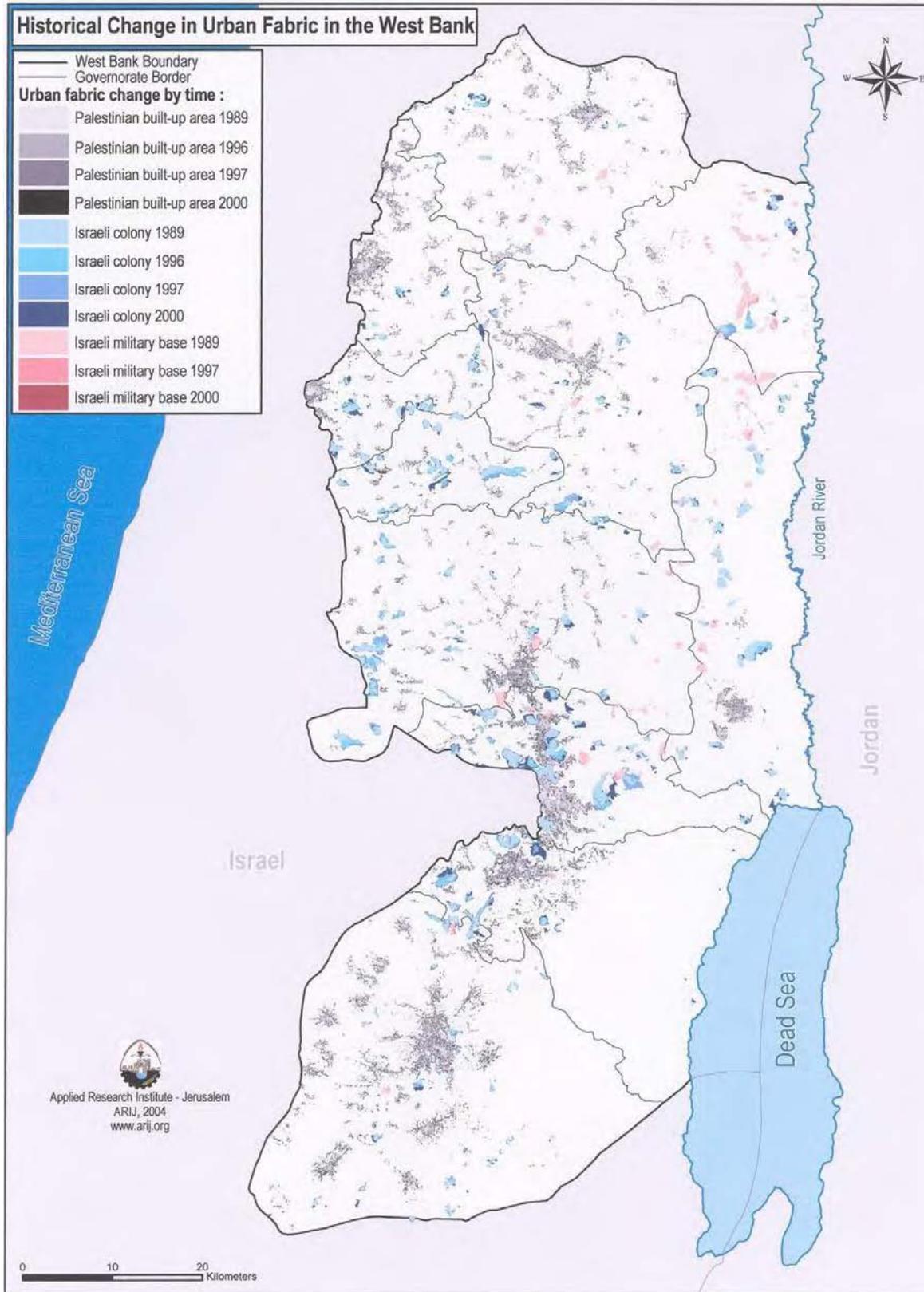


Figure 1.2.3: Allocated Area for Palestinian and Israeli Settlers in the West Bank

Source: ARIJ GIS-Database (2011)

⁸ According to the analysis of the latest aerial photos of the West Bank, the Israeli settlements have future master-plans that calculate 486.262 km² of the West Bank total mass area (ARIJ GIS-Database, 2011).



Map 1.2.2: Historical Changes in Urban Fabric in the West Bank

4. Available Land Area for Urban Growth in the Western Segregation Zone

This section will study and analyze the current land-use and land-cover allocations in the Western Segregation Zone (WSZ), in order to provide a factual overview of the prevailing anthropogenic urbanization of the West Bank.

Methodologically, one could follow the CORINE classification scheme for land-use and land-cover ([Annex 1](#)) to check-out the current land allocation scheme in the WSZ. The hierarchical structure of the CORINE classes allows logical class aggregation, and is extendible by adding classes to level four and five ([Wehrmann, 2000](#)), but at this level of research examination the detailed level of analysis was set up to level 3 ([Table 1.2.3](#)).

The CORINE classification scheme for land-use and land-cover was adapted and re-structured to calculate the available land for future urban development in the WSZ ([Table 1.2.4](#)).

The analysis shows that the available land for future urban development in the WSZ is at 210,009 dunums (i.e. 28.6% of the West Bank's gross area) is satisfactorily enough bearing in mind that the WSZ is a sparsely populated area and the already developed area within it is only 25,316 dunums (i.e. 3.45% of the gross area). However, according to the adapted definition ([Map 1.2.3](#)) of the CORINE classification scheme, the available areas consists mainly from open spaces with little or no vegetation, along with shrub and/or herbaceous vegetation associations. This means that, though the status-quo urban development in the WSZ could be feasible without any physical expansion, still the urban development is considered unsustainable as it will come over the allocated open space areas. Furthermore, the WSZ is not under the planning or administrative jurisdiction of the PNA, which would definitely exacerbate the side effects of such urbanization trends, in terms of urban sprawl. The land use/land cover analysis has proven that more than 95% of the designated available land for future urban development in the WSZ at 210,009 dunums falls under area C ([ARIJ GIS-Database, 2011](#)).

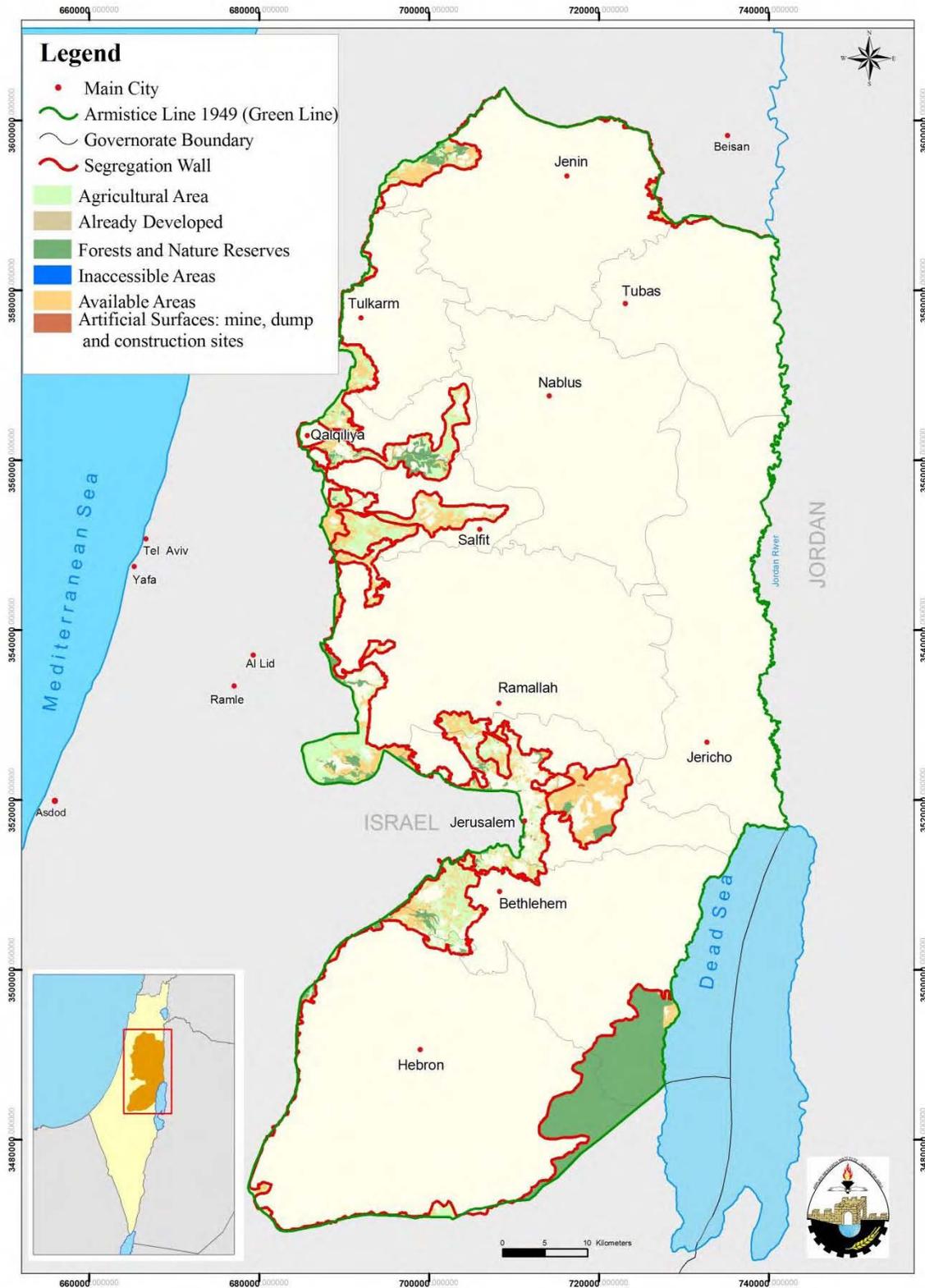


Table 1.2.3: Western Segregation Zone Land use Land cover (2009)

Land-use / Land-cover Classification			Total
LEVEL 1	LEVEL 2	LEVEL 3	Area (Dunum)
Agricultural areas	Arable land		63881.603
Agricultural areas	Heterogeneous agricultural areas		18852.029
Agricultural areas	Permanent crops		101436.279
Agricultural areas	Plastic Houses		728.724
Artificial Surfaces	Artificial non-agricultural vegetated		56.874
Artificial Surfaces	Mine, dump and construction sites		971.012
Artificial Surfaces	Urban fabric	Palestinian Built-up Area	24929.000
Artificial Surfaces	Urban fabric	Israeli Settlements, Military Base, and Outposts	110861.390
Artificial Surfaces	Industrial, commercial and transport		96.536
Water bodies	Inland waters (water bodies)		234.061
Forests and semi-natural areas	Open spaces with little or no vegetation		173357.747
Forests and semi-natural areas	Shrub and/or herbaceous vegetation associations		36651.792
Forests and semi-natural areas	Forests and pastures		197226.990
Segregation Wall	Wall zone		4411.635
Total Area			733,696

Source: ARIJ GIS-Database (2011)

Table 1.2.3: Calculations of Available Land for Future Urban Growth in the Western Segregation Zone (2011)

Parameter	Area (Dunums)	Percentage (%)	Remarks
Gross Area	733,695.87	100.00	The gross area is based on the digitized trajectory of the Segregation Wall in reference to the Green Line.
Agricultural Sensitivity	184,898.64	25.20	Including: arable land; heterogeneous agricultural areas; permanent crops; and plastic houses
Already Developed	25,316.68	3.45	Including: Palestinian built-up areas; water bodies; cemeteries; roads; artificial non-agricultural vegetated areas; industrial; and commercial and transport unit
Artificial Surfaces: mine, dump, and construction sites	971.01	0.13	Including: stone quarries and facilities. These could be considered as brown fields, which are qualified for re-use or subversion “transformation” using their structures to ends other than those they were designed for in the future
Inaccessible Areas	115,273.01	15.71	Including: Segregation Wall; and military bases
Forests and Nature Reserves	197,227.00	26.88	Including pastures
Available Areas	210,009.54	28.62	Semi-natural areas including: open spaces with little or no vegetation; along with shrub and/or herbaceous vegetation associations
N.B.: Rounding of figures may produce some minor anomalies			

Source: ARIJ GIS-Database (2011)

5. Human Rights in the Context of Urban Sphere

At the advent of the Universal Declaration of Human Rights for the year 1948, the world was characterized by a rural nature, and in spite of the existing concern for the over-growth of some cities, the problem had not been focused on from the human rights perspective (COHRE, 2010). Therefore, many charters, laws, constitutions, and international human rights treaties have been presented with the overarching goal of pointing out the need for protecting “rights” in a specific sphere, namely: the urban one. . The most prominent (yet incomprehensive) charter in this regard is the World Charter on the Right to the City that was elaborated at the Social Forum of the Americas (Quito, Ecuador–July 2004) & the World Urban Forum (Barcelona, Spain–September 2004).

COHRE (2010), traces the legal antecedents of World Charter on the Right to the City, and concludes that the founding principles are extracted from the following documents:

- General comment n° 4,7 and 15 of the Committee of Economic, Social, and Cultural Rights (CESCR) of the UN;
- Articles 34.1 and 45.f of the Organization of American States (OAS) Charter;
- European Charter for the Safeguarding of Human Rights in the City (Saint Denis, 2000);
- Statute of the City (Brazil, 2001);
- Montreal Charter of Rights and Responsibilities (Montreal, 2004);
- Constitution of the Autonomous City of Buenos Aires (Argentina, 1996);
- Article 65 of the Constitution of Portugal (1976);
- Article 47 of the Constitution of Spain (1978);
- Article 182 and 183 of the Constitution of Brazil (1988);
- Action Program of the XVII Ibero-American meeting of Heads of State and Government (2007) point 29; and
- Articles 31 and 376 of the Constitution of Ecuador (2008).

It is worth mentioning that there have been discussions on what would be the proper term to dominate those “human rights” applied to the urban sphere. In Europe, they are classified as “human rights in the city” with some legal experts call them “Urbanistic Law”. However, in other places like Latin America, the clearest way of expressing the set of “human rights” within the urban sphere is “the right to the city”.

There are several definitions for the Right to the City, but the most common one is that codified in the World Charter; *“the right to the city is the collective right of all people that dwell in a city to equitable usufruct of cities within the principles of sustainability, democracy, equity, and social justice.”* Like other human rights, this is an interdependent right (COHRE, 2010).

This paradigmatic shift of conceptualizing the human rights into the urban sphere unquestionably offers a richer view that is a better reflection of its intrinsic complexity. Alexander (2007) claims that the most prominent fruition from such a paradigmatic shift is how one could link different levels of conceptualizing planning that have been relatively discrete. The first level is the micro-level of interaction between actors in the planning process, which is the focus of communicative practice that became the trend in the current planning practices in the oPt (MoLG, 2009). The second level is the macro-

level of socio-cultural and political-economic processes and institutions, which enable and constrain planning and form the institutional contexts for planning systems and processes. It is argued that the second level is of great importance, especially in volatile geo-political contexts as in the oPt (ARIJ, 2011).

Following is an empirical investigation compounded by factual statistical information on the case of Jerusalem city, where one could conceptualize the repercussions of institutionalized planning practices amid variant and dynamic socio-cultural and biased political-economic planning processes.

6. The Case of Jerusalem Warehousing

Jerusalem is an epicenter of a series of contested confrontations and events both from the past and throughout modern history; today it is a living paradigm of distinctive apartheid that is epitomized, among many of its other forms, in the prevailing spatial planning system practiced in the city and its environs, where indigenous Palestinian Jerusalemites have substandard living rights.

To provide the context, the Palestinian Jerusalem Governorate sits in the central location of the West Bank (Map 1.2.4); it has an area of 353.7 Km² and is home to 350,051 Palestinian Jerusalemites, of whom 86.4% live in urban areas, 11.2% live in rural areas and 2.4% live in refugee camps (PCBS, 2009). The city of Jerusalem is the foreseen capital and heart of the Palestinian statehood. Jerusalem is considered an attractive touristic site, as it holds several sites of sacred religious and spiritual importance, such as the church of the Holy Sepulcher, Al-Aqsa mosque, and many others.

The land use/land cover analysis for the year 2008 in Jerusalem Governorate, reads that the Israeli built-up area at 39.593 Km² is larger than that of the Palestinian one at 35.646 Km² by 11%, but the gross population densities in the Arab neighborhoods inside East Jerusalem are larger than that of the illegal Israeli settlers numbers by 50%. Furthermore, the population densities for the Palestinian neighborhoods and Israeli settlements inside occupied East Jerusalem are 13,500 and 9,000 persons per square kilometer, keeping in mind that the Israeli population densities inside the eastern part of Jerusalem is larger than that of the western part that calculates 8,300 person per square kilometers (ARIJ GIS-Database, 2011).

Following the 1967 war, the Israeli authorities declared Jerusalem city as its “eternal unified capital,” and succeeded since after in altering the geographic and demographic layout of the city and made tremendous strides in promoting their actions as a legitimate part of the democratic governing of the city. This has been achieved using a *de jure* policy of fluid city boundaries or gerrymandering. Accordingly, the area of the *de facto* defined boundary of occupied East Jerusalem was classified as indicated in Table 1.2.5

boundaries from 6.5 km² (including the old city) to 71 km² (ARIJ-GIS Database, 2011) (Map 1.2.4).

The new boundaries of the city were delineated for security reasons and demographic considerations; to create a geographic integrity and demographic superiority for Jews in Jerusalem. (Cohen, 1993) points out that the placement of the new boundary line: “*was determined according to strategic-demographic policy and not according to pure planning considerations. The interest of this policy was to include within the city ridges and sites which provided strategic control of the city and the roads leading to it, along with large additional territories containing a minimum Arab population.*”

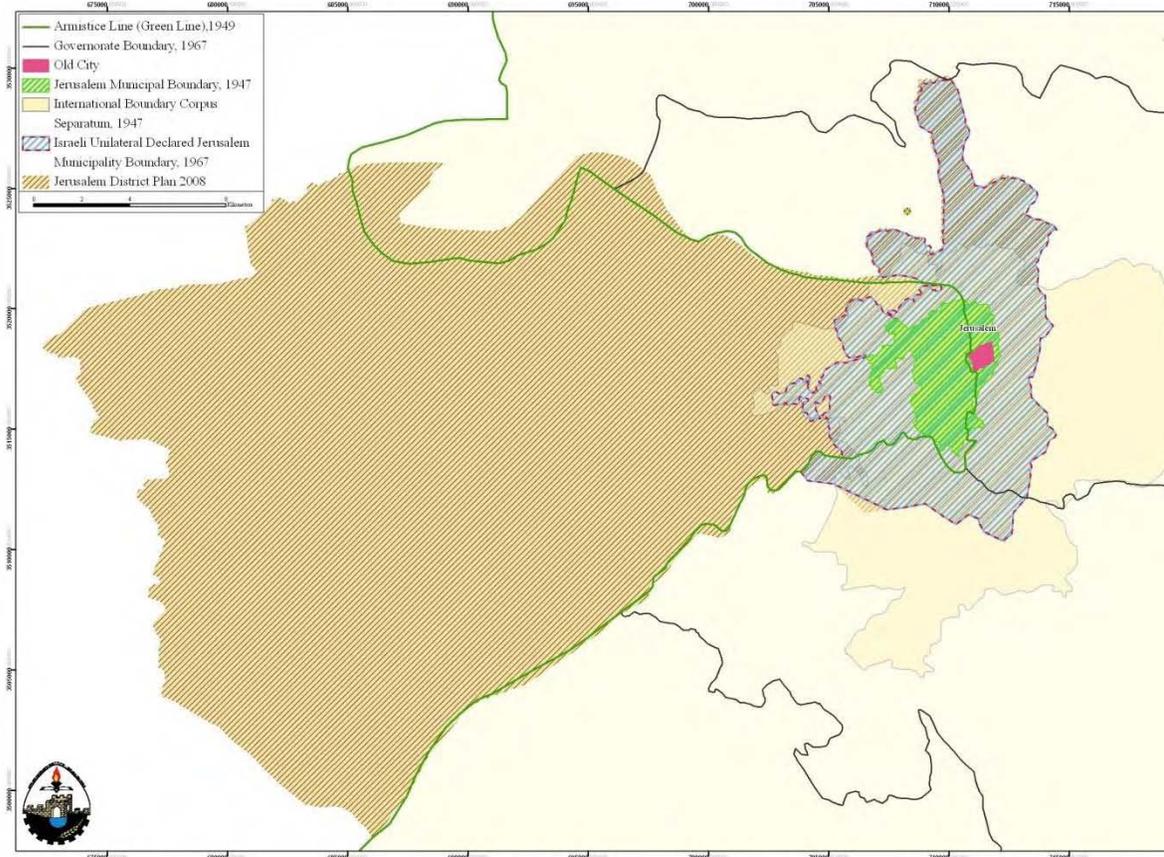
For that, the expansion of the Jerusalem municipal boundary excluded the densely Palestinian communities (the residence but not the lands) in the North including Beit Iksa and Beir Nabala, where the sparsely populated communities' lands in the south were included (Bethlehem and Beit Sahour)⁹. However, the municipal planning deliberations were of secondary importance in setting the new boundaries.

In 2004, the Israeli Jerusalem Municipality disclosed TPS of 2000 that will serve till the year 2020. Accordingly, the boundary of the western part of the city is extended by 40% and the total area of the city is quadrille (i.e. 142 km²). According to the new master-plan, more than half of the eastern part of Jerusalem city is zoned as built-up areas and 24.4% is zoned as open “green natural” areas (ARIJ GIS-Database, 2011).

A new chapter of the Israeli colonial politics in Jerusalem city is the Jerusalem District Plan (30/1) that was disclosed in September 2008. The Plan accentuate on achieving the Zionist dream of a “unified” Jerusalem capital; as Jerusalem city is extracted from the milieu of the West Bank and consequently entrenches the land of Palestine in a state of “*neither two states nor one*,” framing a process coined by the Israeli geographer Oren Yiftachel as a “*creeping apartheid*” (Yiftachel, 2005). This Plan comes after five decades from the last regional plan for Jerusalem that was prepared by the British planner Kendel and named after him. The plan is also known under the name RJ5 (Coon, 1992). However, this plan was not finalized and was lost during the 1948 war. The plan is 655,526 dunums in area (ARIJ, GIS-Database, 2011). The plan set its border as a consolidation to the unilateral and illegal Israeli Jerusalem municipal boundary of 1967. However, the plan extends to the western parts ending with a non-symmetric figure (Map 1.2.5). About 55% of this area is zoned off green scenery; this includes mountain reserves, agricultural areas, nature reserves, public parks, and forests. In natural circumstances, this will present a balance to the exponential population growth in a metropolitan or megacity, as in the case of Jerusalem. The proposed boundary for Jerusalem district encompasses more than 1,200,000 inhabitants (84% Jews and 16% Arabs) (PCBS 2009; ICBS 2007).

⁹ The land confiscated due to the Israeli Jerusalem Municipality's decision of the expansion of the Jerusalem municipal boundaries, are parts of the British division of the middle and northern parts of Palestinian villages and cities, which is larger and therefore totally different than the existing administrative boundaries.

To this end, the gerrymandering of Jerusalem boundary throughout modern history ensured a Jewish demographic hegemony through the expropriation of Palestinian owned lands that calculated more than 95% in the Ottoman defined Jerusalem District boundary for the year 1947.



Map 1.2.5: The Unilateral Changes on Jerusalem Boundary Prior and After the Israeli Occupation (1947-2008)

As elaborated above, the Israeli policy in Jerusalem aims at keeping demographic hegemony in their favor by the initiation of an unprecedented spate of building schemes in the aftermath of the 1967 War. However, this supremacy or “anthropogenic” population growth represents a false reality. Though Jewish gross population density inside the 1947 Jerusalem municipal boundary was almost four times of that of Palestinians in 1948, they remain the minority even including the later illegally declared 1967-Jerusalem municipal boundary.

Due to the fact that Jerusalem is under occupation, the *de facto* Jewish presence in the city came at the expense of the Arab Palestinian presence, especially in the western part (Figure 1.2.4). The exodus of Palestinian from historical Palestine in general, and Jerusalem in particular, which began after the 1948 War and accelerated after the 1967 War, has caused a situation in which now a majority of Palestinians are living outside historical Palestine. This has created a demographic de-cosmopolitanization of the city of

Jerusalem, where even Jewish neighborhoods, such as the Jewish quarter of Jerusalem, once a “mixed neighborhood,” has become exclusively Jewish as settlers illegally took over lands and properties formerly owned by Palestinian Arabs.

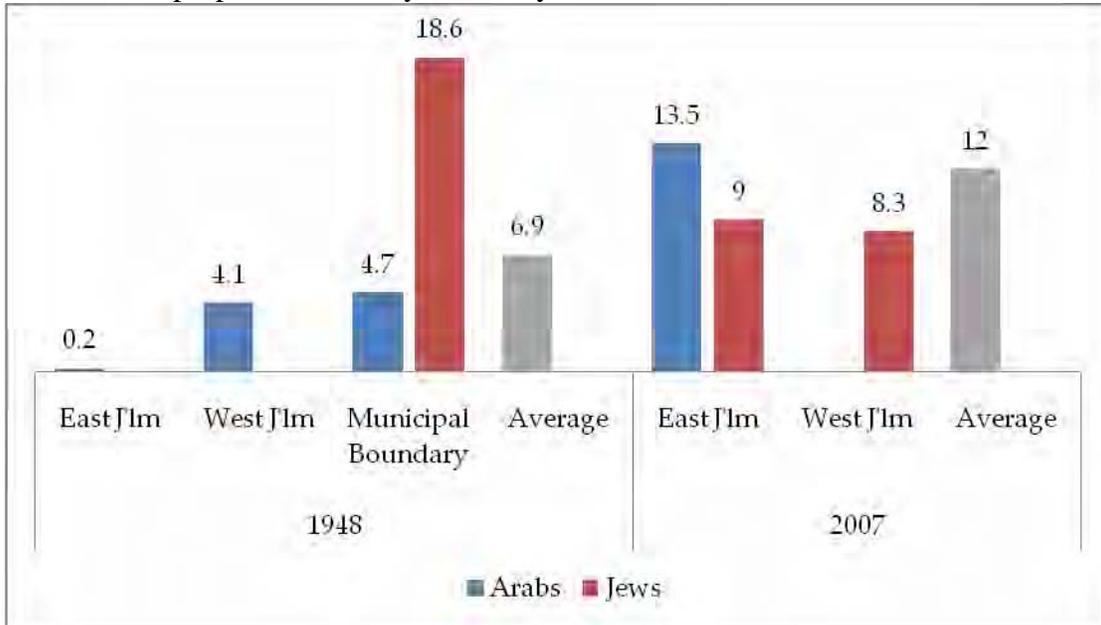


Figure 1.2.4: Proportions of Gross Population density Inside the 1967-Declared Jerusalem Municipal Boundary (Inhabitants/Dunums)

Sources: (Hodgkins, 1998; PCBS, 2009; ICBS, 2007)

Comparing Arab–Jewish existence inside the 1947 Jerusalem municipal boundary represents, according to the revealed figures of the Israeli Central Bureau of Statistics (ICBS), the possibility of population dominance by Palestinians, who had a 50% higher growth rate than Jews from 1948 to the present (Figure 1.2.5).

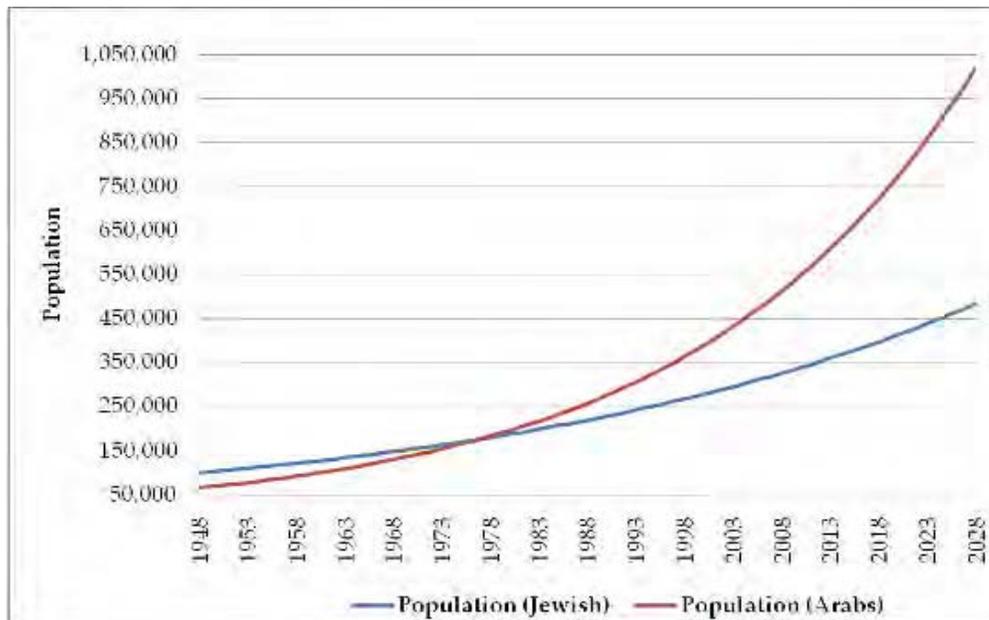


Figure 1.2.5: Supposedly Natural Growth Inside the 1947-Jerusalem Municipal Boundary

Sources: (Hodgkins, 1998; PCBS, 2007; ICBS, 2007)

N.B.: According to the ICBS the average growth rate for the Jews and Arabs in Jerusalem City, since 1948 to present are 2% and 3.5%, respectively.

Evidently, demography was utilized to shape geography. This is intrinsically linked to the “ethnic cleansing; un-mixing of people” concept, which has always been the corollary to unilateral Israeli partition plans, epitomized by the construction of the Segregation Wall. Arab Jerusalemites were slowly but strategically cleansed from their own homes and properties. For instance, soon after the 1967 War, Israeli Authorities bulldozed the Palestinian Al-Magharba Quarter, which became later the Plaza of the Wailing Wall, or “Al-Bouraq Wall.” However, when taking into account other dimensions of demographic engineering, such as socio-economic rather than merely political and cultural interventions, other factors present themselves. Some of these factors are not unilateral, as in the case of the ongoing Israeli practices, but are actually bilateral, and supposedly could be reconciled with the cessation of Israeli practices and the establishment of a credible Palestinian state with Jerusalem as its sovereign capital.

Israel has used various methods to achieve its goal of demographic hegemony. These include; physically isolating East Jerusalem from the rest of the West Bank, adopting a discriminating policy with regard to land confiscations, revoking residency rights of Palestinian Jerusalemites who stay abroad or just live outside the city’s boundary for more than seven years, or who are unable to prove that their center of life is in Jerusalem. Nevertheless, the imposed restrictions on the Palestinian neighborhoods, in terms of planning and issuance of building permits has lead to the classification of more than 28% of all Palestinian homes in East Jerusalem as houses slated for demolitions, as they

violates the Israeli “as though” legal zoning policies, which means that at least 60,000 Palestinians are at the risk of having their homes demolished (UNOCHA, 2009).

Now, with the introduction of the Segregation Wall it is expected that the percentage of Palestinians inside the Jerusalem Governorate will plummet to 15%, almost half of the current percentage (Table 1.2.6). This could be described as human warehousing.

Table 1.2.6: Consequences of the Segregation Wall on Palestinian Population in East

Current Status			Following the Construction of the Israeli Segregation			
Jerusalem's Population	Population (thousands)	%	Will be isolated by the Segregation Wall (thousands)	Will be annexed by the Segregation Wall (in thousands)	Total	%
Palestinians	254	3	130	0	124	15
Jews	470	6	0	210	680	85
Total	724	1			804	100

Source: ARIJ GIS-Database (2011)

Needless to say, this planning doctrine of “human warehousing” has implications in terms of political hegemony. Halper (2008) argues that it is in many ways worse than the Bantustans of apartheid-era South Africa, stating that:

Human warehousing is the starkest of political concepts because it represents the depoliticization of repression, the transformation of a political issue of the first degree into a non-issue, a regrettable but unavoidable situation best dealt with through relief, charity and humanitarian programs, together with schemes for economic “development.” It is a dead-end, a “given,” for which no remedy is available. This, of course, is not the case, and we cannot let it be presented as such. Warehousing is a policy arising out of particular interests of the most powerful. Our use of the term “warehousing,” then, should be to “name the thing” in order to give us a grasp of it, all the better to combat and defeat it (Halper, 2008).

Under international humanitarian law, Israel as the Occupying Power is obliged to ensure the well-being of the Palestinian residents in the oPt, including East Jerusalem¹⁰. Moreover, as the International Court of Justice in 2004 authoritatively affirmed that international human rights law is applicable in the oPt (ICJ, 2004), Israel is bound by its obligation to respect the right to an adequate standard of living – from which a right to housing can be derived - of all Palestinians residing in the West Bank, including East Jerusalem¹¹. In clear and serious violation of these international obligations, Israel for decades has practiced discrimination in planning, construction and land expropriation, as well as in budget allocation towards physical infrastructure and municipal services.

¹⁰ See Article 43 of the Hague Regulations.

¹¹ See articles 6 and 11 of the International Covenant on Economic, Social and Cultural Rights. Israel ratified the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 3 January 1992.

According to [Margalit \(2006\)](#), in 2003 Palestinian residents of Jerusalem were allocated only 12% of the municipal budget although these people make up 33% of the total residents. Due to this discriminatory policy and a shortage in services, 67% of the Palestinian families in Jerusalem live below the poverty line, while the percentage of people living below the poverty line in West Jerusalem is 29%. Overall, Palestinian Jerusalemites' share of the services' budget is less than 12%, meaning a ***four-to-one difference in spending per person between Jews and Palestinians***.

In clear violation of international law, Israeli policies have resulted in overcrowding in Palestinian neighbourhoods which consequently has major health impacts on the lives of Palestinian Jerusalemites ([Alyan, 2009](#)). Municipal services in the Palestinian neighbourhoods are minimal, especially in comparison to services provided in the settlements. Chronic sanitation facility shortages are a threat to human life and dignity. Essential infrastructure is inadequate and highly neglected. As a result, roads are in poor condition. The few existing sidewalks are in serious disrepair, and recreational facilities and public parks are a rarity.

Sewage and drainage infrastructure have fallen into disrepair, as a result of years of neglect. Some neighbourhoods have no connection to the system, relying instead on cesspits, while in other areas facilities are poorly maintained or out-dated. For example:

- There is one kilometer of paved road for every 710 persons in the western part of the city, compared to one kilometer of paved road for every 2,448 persons in Palestinian neighborhoods in East Jerusalem.
- There is one public garden for every 447 persons in West Jerusalem compared to one for every 7,362 persons in Palestinian neighborhoods in East Jerusalem.
- There is one kilometer of sewage system for every 743 persons in West Jerusalem compared to one kilometer for every 2,809 persons in East Jerusalem.

Furthermore, the municipality neglects basic street sanitation in the Palestinian neighborhoods in East Jerusalem ([Isaac and Abdul-Latif, 2007](#)).

As a result of the lack of quality sewage lines, wastewater flows close to homes and children's play areas. Despite repeated complaints, these chronic problems have not been addressed. Even when residents are willing to subsidize the cost, bureaucratic delays obstruct the commencement of much needed work. Over half of East Jerusalem residents are also not connected to the municipal water system. As a result, their only choices are often to rig makeshift connections to water mains, rely on stored containers, or buy privately-supplied water at an extortionate cost. These options create substantial risks: water pressure is weak and unreliable, stored amounts can be contaminated, and lacking a clean, fresh supply makes residents vulnerable to infectious diseases.

7. Recommendations

There is no need for a long exposition at this stage as to why stringent actions need to be undertaken, at once to help the Palestinians control the business-as-usual urbanization trends in the oPt and mitigate its negative consequences on the local environment. It is indeed a prerequisite for an affluent and sustainable statehood. It is explicable and understandable, but in its consequences by no means always consistent with the local capacities and scope of interventions. Therefore, the environment should be enabled for promoting sustainable urban growth strategies within the Palestinian context, keeping in mind that they are interrelated and dependent.

Generally speaking, Palestinian planners do not have till now a clear strategy that would lead the future urban development. This could be more tangible in the case of the current Israeli controlled areas, e.g. Israeli Settlements and area C. Experiences have shown that Palestinians have always been indulged into hectic day-to-day activity management. This weakened the links between the different levels, and a loss of focus resulted (NRO, 2009). Therefore, there is a need to formulate a strategic urban development vision at the local, regional and national levels. A clear vision would, undoubtedly clarify the role of each actor and stakeholder within the structure of decision making. In order to make sure that a consensus is reached between the stakeholders, the vision should be formulated in a participatory manner. This will ensure that social welfare considerations are given the proper weight, and local ownership of the urban development projects, which to be endorsed by the central government, will be enhanced.

It is quite important to accentuate on the importance of instigating the local stakeholders to think from a new angle when it comes to urban growth. As the consequences of the present scenarios of urban growth could be dramatic, there is a pressing need to consider other alternatives and their effects on the sustainable development process. This could involve strategies of compactness and smart growth scenarios, where a mixed land-use pattern along with friendly transportations modes would dominate the current trends characterized by randomness and sprawl (El-Atrash, 2010).

Therefore, a series of stringent measures should be proposed and adopted, which would help meet the [will be] developed strategic objectives for the future urban growth, in a participatory manner. Nevertheless, such measures should be considerate to the fact that the Israeli occupation tends to last for indefinite time, and such a case would exacerbate the difficulties faced in engaging with Israeli authorities regarding the environmental-planning issues. Furthermore, such measures should be considerate, also to the fact that there is low level of priority for environment-planning issues within the Palestinian society. And finally, the prevailing donor-driven paradigm would affect the slated interventions by the Palestinian relevant authorities to be engaged in the accomplishment of such measures.

The blueprints of such measures could be scantily presented, as follows:

- Establish a vision for future sustainable urban growth in the oPt, based on the Palestinian rights to urban self-determination; to appropriation of public spaces; and to participation.

- Promote and adopt of local strategic planning for the urban environment.

- Enhancing the environment-planning capacities, and orienting an alternative planning paradigm.

- Pooling and networking with regional and international expertise in the multi-facets fields of interest.

Annex (1): CORINE Classification Scheme

- Agricultural Areas
 - Arable Land
 - Heterogeneous Agricultural Areas
 - Pastures
 - Permanent Crops
 - Permanently Irrigated Land (Green Houses)

- Artificial Surfaces
 - Artificial Non-Agricultural Vegetated Areas
 - Industrial, Commercial and Transport Unit
 - Mine, Dump and Construction Sites
 - Urban Fabric

- Animal Parks
- Israeli Settlement
- Israeli Military Bases
- Built-up Areas

- Forests and Semi-Natural Areas
 - Forests
 - Open Spaces with Little or no Vegetation
 - Shrub and / or Herbaceous Vegetation Associations

- Water Bodies
 - Inland Waters
 - Marine Waters

- Wetlands
 - Coastal Wetlands
 - Inland Wetlands

CHAPTER TWO

Palestinian Landscape Response to Socio - natural And Geopolitical Interactions

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Chapter Tow: Palestinian landscape response to socio – natural and geopolitical interactions

1. Introduction

Landscape is a term that is so often disputed in the scientific literature. The term is multi-faceted and could be defined in various contexts and used in different disciplines. Therefore, the planning of landscape is influenced and shrewdly managed by each specific perspective. For example, in architecture, landscape is used to denote the visual or aesthetic appearance of a space. This is related to the physiognomy perspective of landscape. Anthropologists and sociologists define the landscape as an artefact with associated cultural process values (Taylor, 2008), as an outcome from relationships between nature and society. Geographers, agronomist and specialists in earth sciences use the term landscape to identify individual patterns and features of land surface, defined in terms of each disciplines to understand its spatial and systemic functions. As for ecologists and biologists, landscape is perceived as a heterogeneous area composed of interacting ecosystems that is repeated in a similar form (Forman & Godron, 1986).

From the previous discipline-oriented definitions of the landscape, one can deduct that generally accepted definitions of landscape are based on two concepts; space and perspective (Burel & Baudry, 2003), and it encompasses natural and cultural elements. Thus, landscape can be outlined by a synthesis of the previous landscape definitions; it can be defined as a *complex system of various interrelationships of cultural and ecological diversities*. It is composed of a structural pattern shaped by various spatial components produced by different actions and interactions of human and natural factors in the past and continuing the present. These spatial components are composed of elements that are more or less fragmented or connected, creating a mosaic of spatial heterogeneous configuration that is attached to people's identity. Heterogeneity has two components: the diversity of landscape elements and the complexity of their relationships (Burel & Baudry, 2003). Knocking effects to the associated value to people's identity with the landscape, it is worthy to shed lights on Assche and Costaglioli's (2011) commentary that even in silence, landscapes can unfold in raw presence, or in befuddling intimacy. Silent landscapes are not merely passive receptacles of emotions associated with the narrative and character; they can also become characters in themselves, shaping the interpretation of the later unfolding of narrative.

For decades, landscape was managed by land use planning and management, which established and implemented measures to confine or regulate the use of landscape for residential, industrial, agricultural or recreational purposes. Land use development was mainly seen as a development and expansion of physical infrastructures, being pierced all over the landscape with the aim of providing services to the people. However, the rapid growth in demography, industry and economy, in addition to the lack of integrated and adequate regional landscape management and planning, accelerated the rate of landscape changes and transformations; in most cases degrading them. This has led to a growing international awareness that landscape is far more than just another sectoral interest; it is a subject that corresponds to the

distinctiveness of places and regions, which relies on landscape characteristics and that ubiquitously and insidiously powerful forces are eroding it (Selman, 2006). In addition, worldwide, it has been recognized that contributes to people's quality of life, and therefore there is a need for a systematic comprehensive approach within which natural and human processes are amalgamated, and where socioeconomic and ecological objectives can be balanced in pursuit to sustainable development (Selman, 2006).

This new approach for landscape planning and management has encouraged the development of designated instruments, law and regulations for actions and proceedings to manage and protect the landscape. There are a set of international conventions and agreements that deal with the right to a protected landscape for the quality of both the environment and people's lives. In the following section, an overlook of the related international legal instruments on cultural and natural landscape development and sustainability will be presented.

2. Legally Protected Right of Landscape

2.1 International Instruments that Protect the Landscape

Many conventions that were developed for environmental protection and balanced development indirectly address landscape management and protection. However, those conventions did not create measures to influence land use decisions, which would certainly affect landscape sustainability. Therefore, there was a need for an initiative to deal directly with landscape issues. Up to date there are two instruments that directly addressed the protection and better management of landscape; these are Seville Charter and European Landscape Convention. Those instruments that directly or indirectly address landscape management will be mentioned and commented upon.

The *Convention on Nature Protection and Wild Life Preservation in the Western Hemisphere*, held in 1940 in Washington can be considered the first international legal document to indirectly address the landscape in the Governments of the American Republics. This convention discusses the protection of all species of fauna and flora and their habitats, in addition to the establishment and management of protected areas of various categories, such as: national parks, national reserves, natural monuments and wilderness reserves. Landscape protection was addressed in the preamble of the convention: "*The Governments of the American Republics... Wishing to protect and preserve scenery of extraordinary beauty, unusual and striking geologic formations, regions and natural objects of aesthetic, historic or scientific value, and areas characterized by primitive conditions in those cases covered by this Convention*".

The *Ramsar Convention (The Convention on Wetlands of International Importance, especially as Waterfowl Habitat)*, signed in Ramsar in 1971, recognizes in its preliminary, the interdependence of man and his environment. It considers the fundamental ecological functions of wetlands as regulators of water regimes and as habitats supporting a characteristic flora and fauna, especially waterfowl. It recognizes that wetlands constitute a resource of great economic, cultural, scientific, and recreational value, and its loss would be irreparable ([The Ramsar Convention on](#)

Wetlands, 1994). The Convention further recognizes the aesthetic value of the landscape presented by wetlands indicating its fragility as an ecosystem and thus the importance of its protection. For more details on this convention please see Chapter Four

The *Convention Concerning the Protection of the World Cultural and Natural Heritage* of the General Conference of the of the United Nations Educational, Scientific and Cultural Organization (UNESCO) meeting in Paris in November 1972, at its 17th session, aimed at the protection of cultural and natural heritage threatened with destruction by traditional causes of decay and the evolution of social and economic life. The Convention considers that the deterioration or disappearance of any item of the cultural or natural heritage constitutes a harmful impoverishment of the heritage of all the nations of the world, and therefore the protection of this heritage should be implemented at national and international levels (UNESCO World Heritage Convention, 1992).

The *Convention on International trade in Endangered Species of Wild Fauna and Flora (CITES)*, signed in 1973 in Washington and recognizes that wild flora and fauna in their many beautiful and varied forms are an irreplaceable part of the natural systems of the earth and must be protected for this and the generations to come. It additionally recognizes the ever-growing value of wild flora and fauna from aesthetic, scientific, cultural, recreational and economic perspectives (CITES, 1973). For more details on this convention please see Chapter Four.

The *Convention on Biological Diversity (CBD)* signed in Rio de Janeiro in 1992 and aims at the conservation of biological diversity, sustainable use of its components and the fair and equitable sharing of benefits arising from of genetic resources, through adequate access to resources and appropriate transfer of relevant technologies. It defines the biological diversity as the variability among living organisms from all sources including; *inter alia*, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems. The convention recognizes in its preamble the intrinsic value of biological diversity and of the ecological, genetic, social, economic, scientific, educational, cultural, recreational and aesthetic values of biological diversity and its components (CBD, 1992). For more details on this convention please see Chapter Four.

In 1993 the *Mediterranean Landscape Charter (Sevilla Charter)* addressed in details issues of the Mediterranean landscape. The document is considered to be, at that time, the first to address the status of mediterranean and to stress the needs for the protection of the natural and cultural landscape of the whole area (Vogiatzakis, *et al.*, 2008). This document was the launch of the *European Landscape Convention (ELC)*, the first international convention entirely dedicated to landscape issues. The member states of the European Council signed the first regional treaty of landscape protection in Florence 20th October, 2000, which entered into force 1st March, 2004, upon the ratification of ten signatory states; as required by the text of the treaty.

Landscape was defined in article 1 (a) as *an area, perceived by people, whose character is the result of the action and interaction on natural and/or human factors.*

Its protection was stated in article 1 (d) should be through taking *actions to conserve and maintain the significant characteristics features of a landscape, justified by its heritage value derived from its natural configuration and/or from human activity*. The scope of submission was mentioned in article 2, by which it *applies to the entire territory of the Contracting Parties and covers natural, urban and peri-urban areas. It includes land, inland water and marine areas. It concerns landscapes that might be considered outstanding as well as every day or degraded landscapes*.

The Convention recognizes in its preamble the cultural, ecological, environmental and social values of the landscape, as constituting a resource favourable to economic activity and economic protection, and by which its management and planning can contribute to job creation. The Convention also recognizes that the landscape contributes to the formation of local cultures and is a basic component of the European natural and cultural heritage, contributing to human well-being and consolidation of the European identity. Landscape is an important part of the quality of life for people everywhere: in urban and rural areas, in degraded areas as well as in areas of high quality, in areas recognized as being of outstanding beauty as well as everyday areas. It is a key element of individual and social wellbeing, and its protection, management and planning entail rights and responsibilities for everyone.

Furthermore, the Convention notes that development in agriculture, forestry, industrial and mineral production techniques, together with the practices followed in town and country planning, transport, networks, tourism and recreation, and at a more general level, changes in the world economy, have in many cases accelerated the transformation of landscapes, and therefore, there is a need for the implementation of a comprehensive landscape protection, planning and management instruments and techniques. However, the convention notes that protection and management should not be limited to those landscapes of special values, neither protected indirectly through indirect protection Multilateral Environmental Agreements (MEAs). There should be a direct and integrated policies for the protection, management and planning of all landscapes.

2.2 Landscape and human rights

Landscape is connected to and affects the quality of life of the people utilizing it; however, the association of landscape with the rights of people has not yet been clearly established. An indirect relationship or reference might be abducted from the Universal Declaration of Human Rights adopted by the United Nations (UN) General Assembly in 1948. The Declaration affirms that the economic, social and cultural rights are indispensable for everyone's dignity and the free development of everyone's personality¹². It also affirms an existence worthy of human dignity¹³ and a standard of living adequate for the health and well-being of each person and of his family¹⁴.

According to the ELC, landscape is an identity of each society and an important factor for their quality of life, these are the two approaches to ELC linked to the rights of individuals, and landscape planning is one of the main instruments to implement those rights. The relationship between landscape and quality of life can be understood as a widening of the references cited above of the Universal Declaration of Human Rights. It is considered from a natural and cultural perspective, in an attempt to incorporate human knowledge and feelings; it restores a harmonious relationship between the society and the space it occupies. Lately, the relationship between landscape and ethics is being addressed frequently where the relationship conveys the idea of harmonic association of the society with nature, in addition to the idea that landscape surround a society is the context in which the society operates and is developed, landscape is a legacy and testament to the daily experience creating an important component of a whole context by which all activities and actions of all generations who occupied this piece of land, should be protected and managed in the present and projected to the future.

2.2 Legally Protected Landscape in the Palestinian Context

Throughout history, the existence of successive cultures in the Palestinian lands has marked the development of various land uses that shaped the landscape with a unique composition and configuration. In the northern part of the West Bank, the landscape is represented by green plains, agricultural lands, and numerous mountains with shrubs and several woodlands. In the middle, the land is composed of mountains with different terraced slopes, ostentatious parade of olive trees. Heading to the southern

¹² The Universal Declaration of Human Rights (1948) - Article 22: *“Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality”*.

¹³ The Universal Declaration of Human Rights (1948) - Article 23 (3): *“Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection”*.

¹⁴ The Universal Declaration of Human Rights (1948) - Article 25 (1): *“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control”*.

part, the land is decorated with arid and semi-arid mountains interlaced with the Jordan Valley (MoP, 1996). This heterogeneity of the landscape has created a wealthy cultural and natural heritage to the Palestinians. Conserving and maintaining this cultural and natural heritage is essential to the sustainability of the Palestinian identity and economy.



Photo 2.1: Panorama of Palestinian Landscape

Source: ARIJ Database, 2011

In the Palestinian context, landscape is an ambiguous and imprecise term. It is not treated or addressed as a fully independent subject or sector; instead, it is integrated and presented within other sectoral strategic policies. So far, landscape subject in oPt was tackled in two sectors; tourism and environment.

In 1999, The Ministry of Planning and Administrative Development (MoPAD), formerly named the Ministry of Planning and International Cooperation, published the *Landscape Assessment for the West Bank Governorates*. In this assessment landscape was treated as a constitutive part of the environment. It had been surveyed and analyzed, in addition, sensitive and valuable landscapes had been identified. The main purpose of the assessment was to provide data about elements of Palestinian landscape, their characters and qualities (MoPAD, 1999) from an ecological point of view, to be included later within the Natural Resource Protection Plan.

On the other hand, the Palestinian Ministry of Tourism and Antiquities has adapted the landscape as a human heritage and is working on promoting the cultural and historic side of the Palestinian landscape. The ministry published the *Inventory of Twenty Cultural and Natural Heritage* with the assistance of UNESCO. The Inventory mirrors cultural and natural heterogeneity of Palestinian landscape. In continuation, in the 26th session of World Heritage Committee the value of the Palestinian cultural and natural heritage was recognized to be exceptional and its protection is indispensable. It is worth mentioning that in January 2011, Battir village, under the name Battir Cultural Landscape, in Bethlehem Governorate, has been bestowed UNESCO award for protection and management of cultural landscape on the West Bank, so as to enhance the management of this unique cultural landscape.

In January 2010, the Environment Quality Authority (EQA) prepared a *Sectoral Environmental Strategy* (For further details on this Strategy see the Introduction), in which it has identified environmental issues of concern and the strategic objectives and priorities at the national level (EQA, 2010). The EQA had drawn up a number of strategic policies that contribute to the sustainable management of the Palestinian natural environment and cultural heritage. These include:

- *Rehabilitation and management of natural reserves and the coast including: protection of biodiversity and the preservation of living and endangered species organization and management of natural reserves, national parks and the coast.*
- *Protection of the aesthetic scene and conservation of cultural heritage including: protect and improve landscape and aesthetic scene, and protection of natural and cultural heritage and to promote eco-tourism.*

In October 2011, MoPAD through the National Spatial Planning project in collaboration with all Palestinian ministries and governmental institutions elaborated a draft of the “National Spatial Plan for the Protection of Natural Resources and Historical Monuments”, in addition to a set of laws and regulations for the plan’s implementation.

The plan interlinks spatial planning with development planning. It was developed to put forward national strategies and policies for land use management to achieve a rational use of natural resources of high values and that are environmentally sensitive, in addition to historical monuments and archaeological sites, with the aim of protecting the environmental balance and enhancing sustainable development.

The plan addressed landscape management and protection indirectly through the elaboration of a plan to protect its main elements, including water resources, agricultural lands, environmentally sensitive areas, natural environment (natural landscape), and historical and archaeological sites.

From above, one can deduct that landscape has not yet been characterized and delineated in the Palestinian context; landscape elements are not defined, not is the interrelationships between them. The ecological functions, the importance of the landscape to human, and how to be able to manage and protect those functions and values are not yet thoroughly investigated. The following section will introduce the landscape, and landscape dynamics between 2006 and 2010 to provide a look at Palestinian landscape components and analyze its current status in order to understand its importance and be able to manage and protect the landscape.

3. Palestinian landscape dynamics

The Palestinian landscape is considered a very dynamic area, where the land continuously changes and is reshaped. Changes in landscape are a result of natural and human activities, which influence the landscape, creating a complex of mosaic of multiple ecosystems typified by patterns that control the ecological functions. Any changes in landscape structure may significantly affect ecosystem’s functioning and land-dependent livelihoods. The landscape structure is composed of patches¹⁵ that are of special composition and configuration. Each patch corresponds to a specific class, which has its own characteristic, complexity and variability. The amount, shape and spatial distribution of a single patch type (of a land use/cover class) determine the within dynamics and the thus the ecological background and function of the class.

¹⁵ A patch is defined in landscape ecology as the fundamental unit of the landscape which is formed of homogeneous area that differs from its surroundings.

Changes in landscape taking place in the West Bank are spatiotemporal and are threatening landscape integrity and sustainability. Fragmentation is the main spatial process responsible for Palestinian landscape disintegration and transformations. The main reasons behind this are the political and socio-economic instabilities in the territory. Both circumstances have exposed the land to pollution and land abandonment and therefore resulted in isolation and/or loss of habitats.

The Palestinian landscape is composed of 9 main categories (classes); they include agricultural lands, woodlands, shrub- and scrublands, open space, Palestinian artificial surface, Israeli artefacts, inland water, a Wall Zone (an area that it is expropriated by the Israeli occupation for the construction of the Segregation Wall), and finally rangelands. For the definition of each category please see **Error! Reference source not found.**

Table 2.1: Landscape classes, their definition, and the percentage of landscape in the West Bank in 2006 and 2010.

Landscape Class	Definition	% of landscape ¹⁶	
		2006	2010
Agricultural area	Refers to lands suitable for agricultural production and it includes arable land; heterogeneous agricultural areas; permanent crops; and plastic houses.	41.71	37.99
Forest	Denotes to areas covered with trees (woodland).	1.39	1.38
Shrubland / scrublands	Refers to lands covered by shrubs and/or herbaceous vegetation associations.	3.78	4.94
Open space	Refers to areas with little or n vegetation.	29.92	31.85
Artificial surface	Indicates areas of Palestinian-built structure and it includes Industrial, commercial and transport units; mine, dumps and construction sites; artificial non-agricultural vegetated areas; cemetery; and Palestinian built-up area (urban fabric).	5.55	6.24
Israeli artefacts	Refers to objects and obstacles formed by the Israeli Occupation and it includes Israeli military base, Israeli outpost, Israeli settlements.	4.17	4.15
Water bodies	Denotes inland water.	0.02	0.02
Wall zone	Refers to the Segregation Wall; Western Segregation Wall which is the area trapped between the Segregation Wall and the Green Line.	0.15	0.21
Rangelands	Refers to land use for pasturing.	13.31	13.23

Source: ARIJ – GIS Database, 2011.

¹⁶ The percentage of landscape corresponds to how much of the landscape is comprised of a particular class type and it equals the sum of the areas (km²) of all patches of the corresponding patch type, divided by total landscape area (km²), multiplied by 100 (to convert to a percentage) (McGarigal & Marks, 1995). The area is calculated from land use and land cover analysis of 2006 and 2010

The most dominant landscape class is ‘agricultural lands’, covering around 38% of the total area of the West Bank in 2010. The second dominant class is formed by the category ‘open space’ and totals 32% of the West Bank’s landscape. The ‘natural vegetation cover’ extends over a relatively small area whereas woodlands, shrublands and rangelands comprised 1.38%, 4.94% and 13.23% of the total West Bank area, respectively in 2010. The ‘artificial surface’ of the West Bank landscape constitutes of two main components, a Palestinian artificial surface and comprised 6.24% of the total landscape in 2010, and the illegitimate physique of Israeli embedded artefacts including the Segregation Wall, expropriating 4.15% and 0.21% of the West Bank landscape in 2010 (See Chapter 1.1).

As for the Gaza Strip, the percentage of classes occupying the landscape was slightly different. According to the land use and land cover analysis of Gaza Strip in 2005, ‘agricultural lands’ were found to be the most dominant class comprising 51% of the total landscape; taking into consideration that agricultural lands included active cultivated land (24%) and arable lands (27%). Following this is the artificial surface class which constituted of urban fabric in addition to industrial, commercial and transport unit, and all comprised around 37% of the total Gazan landscape. On the contrary to the West Bank, open space comprised only 12%, while inland water constituted only 0.2%. As for the green natural cover, it only comprised 0.5% of the total area of Gaza.

Each of the abovementioned classes form a unique system, and their integrity and functionality are necessary to supply the present and future needs for economic, environment and social development in the oPt. However, those ecosystems are within open systems by which they interact, affect and get affected with the surrounding systems. Consequently, the landscape will go through many changes. To understand the changes and dynamic amongst landscape classes, a land use and landscape pattern analyses have been carried for the West Bank between 2006 and 2010. The analysis was not done for Gaza Strip as such analysis should be carried over a period of time to be able to compare changes and depict the landscape dynamics, which is beyond the capacity of this research study.

As a start, [Table 2.1](#) gives a small indicator of the changes in landscape composition in the West Bank that took place between 2006 and 2010. From the analysis, it was observed that around 20% of the total area underwent changes in its structure in 4 years period. That is, some classes had increased in size and other had decreased and suffered habitat loss. In general, fragmentation was the major spatial process that changed the landscape structure in the 4 years. The number of total patches¹⁷ increased 3% from 2006 to 2010 indicating that many classes were further split into smaller fragments, and increasing the level of fragmentation¹⁸ by 17%. Naturally, the

¹⁷ Number of patches refers to the number of patches of the corresponding class. It is a simple measure of the extent of subdivision or fragmentation of the patch type (McGarigal & Marks, 1995).

¹⁸ Level of fragmentation was calculated by FRAGSTATS 3.3 software, which is used for computing landscape pattern metrics. To quantify the level of fragmentation the index SPLIT was calculated. It is based on the cumulative patch area distribution and is interpreted as the number of patches with a constant patch size when the corresponding patch type is subdivided into S patches, where S is the value of the splitting index.

induced change and subsequent derivative land cover can create a new system that might be like the one existing before, or might represent an entirely new ecosystem (Hobbs & Cramer, 2007). In both cases, the creation of new covers changes the structure and function of the landscape.

Of the overall landscape changes that took place in the 4 years, 10% were considered to be degradative,¹⁹ whilst around 2% were irreversible²⁰. It is worth mentioning that the most dynamic and affected class was found to be that of agricultural areas.

Land use and land cover analysis showed that the isolated Palestinian lands, due to the building of the Segregation Wall, is of agricultural nature; comprising one-quarter of the area, plus almost 6% of forests scenery. Anani (2007) named the former, “Agrarian Landscape,” which is characterized by a vivid change in its physique, due mainly to what he called rurbanization; the mix in the property (e.g. social and physical) of urban and rural areas to a degree that is regarded as interacting and inseparable.

Between 2006 and 2010, the agrarian landscape decreased by 9%, and the number of active agricultural patches increased by 24%, taking in account that the largest patch index²¹ decreased by 3%. These results indicate that the agrarian landscape suffered fragmentation and shrinkage of agrarian area in a period of 4 years due to abandonment of agriculture. The end result of these spatial processes is habitat loss of a number of agricultural parcels. Around 16% of the agricultural areas were degraded and transformed into open space, where 4% of abandoned fields underwent natural vegetation recovery, by which shrubs and/or herbaceous vegetation associations covered the land.

To elaborate further the fragmentation of the agrarian landscape is a product of the socio-economic and political changes that the area has witnessed in the aforementioned period. The perpetual and increasing migration from Palestinian rural areas to urban ones, due to the Israeli oppressive practices, including the Segregation Wall, has its adverse effects on both sides. More agricultural lands were abandoned and the urban fabric increased (Palestinian artificial surface increased by 12.5% during the same period). The borders between these urban areas and its rural hinterlands can be best described by the term used by Shehadah (2006), the “Vanished Landscape” due to the growth rates of urban sprawled areas and the uncontrolled expansion of villages in the direction of urban centers (Photo 2.2). Consequently, the organic relationship between Palestinian manpower and agrarian landscape became more fragile, jeopardizing the agricultural production-consumption cycle of agri-economics; ending with agriculture abandonment. Weber (1991) argues that those who are disconnected from their production-consumption relationship with the

¹⁹ A landscape change is assigned a character of being degradative when the transformation of a land cover to another, causes a loss of a natural cover.

²⁰ A landscape change is assigned to be irreversible when transformation that took place in the landscape cannot be recovered or returned to the initial state without human outputs and in the time period considered in calculating the change.

²¹ Largest patch index quantifies the percentage of total landscape area comprised by the largest patch. As such, it is a simple measure of dominance (McGarigal & Marks, 1995).

landscape tend to protest and resist. On the Palestinian arena, nucleus of civil protest and resistance, as in Ba'lián and Na'lin in the Ramallah Governorate, as well as Umm Salamuna in the Bethlehem Governorate provide an aspiration and motivation for other Palestinians that something could be done to stop the crime of the Segregation Wall against Palestinian lands and people.



Photo 2.2: Overlook View of Beit Jala Urban Center

Source: ARIJ database, 2011

On the contrary of the agrarian landscape, the number of patches of the open space decreased by 41%, but the total area of the class itself increased by 6%. This can be attributed to the abandonment of agricultural lands and degradation of the vegetation cover in some patches close to open space areas, in addition to the fact that in some other areas, some patches of open space was utilized for other land uses and thus were lost. The degradation of agrarian landscape and vegetation cover leads to the creation of an area of little with no vegetation that sums up to the small patches of open space, leading to the aggregation of all open space patches into a larger more connected area. However, land use and land cover change caused some patches to be lost to agricultural activities (14%), used for expanding the Palestinian artificial surface (4%), confiscated for Israeli measures (1.3%), or simply left to undergo secondary succession toward small scrublands (3%).

Forests underwent a slight change in this period. Around 1% of the forest area was lost and the number of patches decreased by 3% between 2006 and 2010. This indicates a loss of forest habitat, and it can be mainly attributed to the utilization of around 11% of the forest for agricultural activities, degradation of about 9% to open space along with 4% to shrublands, in addition to the confiscation and loss of 1% due to Israeli practices and around 0.6% for the construction of the Segregation Wall

zone. On the other hand, shrublands and scrublands increased in area and number of patches by 31% and 25%, respectively in the same period of 4 years. This can be explained by the gaining of some patches from other land uses in addition to 11% of inaccessible area to the Palestinian of the Segregation Wall zone that left for secondary succession and thus the development of shrubs and herbaceous vegetation associations.

The Palestinian artificial surface increased in the study period by 12%. This increase was a result of the urban sprawl as explained earlier in this section. The expansion took place mainly over open space. The process of urbanization increased the number of patches of artificial surfaces by 15%, and thus changing the landscape organization and structure of the accessed Palestinian area and increasing the interspersion and juxtaposition of this class type.

Rangelands, the third dominant class of the landscape did not really change in area or undergo transformations in its pattern. However, around 1% of the rangelands were used to develop agricultural activities, another 1% was degraded to open space, around 0.3% was urbanized, and about 1% was confiscated for Israeli occupation activities.

Israeli artifacts and the Segregation Wall zone are two classes that have been deposited and forced into the Palestinian landscape, as products of a colonial project that have reshaped and restructured the Palestinian landscape since 1967. The occupation has controlled the line and direction of Palestinian landscape development.

In the study period (2006-2010) the impact of occupation was not really observed as settlements already pierced the West Bank, disaggregating its integrity, and producing an unwholesome landscape. From the analysis it was shown that there was a decrease in the area of artificial surfaces by 0.6%. This decrease is due to the evacuation of two settlements to the north of the West Bank. As for the area of the Segregation Wall, it increased by 41% in 4 years, trying to decrease the distance and aggregate the wall segments to create a continuous linear barrier.

The following section provides a better understanding of the impact of Israeli occupation measure and practices during the last four decades of occupation.

4. Re-Reading the Palestinian Landscape: Notions of Geo-politics and Modernization

The Israeli colonial project ushered in to the oPt's landscape with a bundle of modern tools and artifacts. The Israeli occupation is considered the longest chapter in the neo-colonism (Post-World War II colonialism) (Graham, 2004), and acts in terms of separating wealthy occupying nations (i.e. Israel) from poor occupied resisting nations (i.e. oPt). Pieterse (2002) argues that “modernity, through most of its career, has been modernity at war,” and Graham (2004) assures that, “warfare, like everything else, is being urbanized.”

During the last 43 plus years of Israeli military occupation over the oPt, the Palestinian landscape composition and configuration have been the target of the Israeli Occupation Forces (IOF) (Hanafi, 2004). Weizman (2004) articulates that the

Palestinian urbanity provided not only the theatre of Israeli war, but also its very weapons and ammunition.

The spatial legacy of the Israeli colonial project is manifested in the redefinition of engineering metrics. The points, lines, surfaces, and volumes have been re-conceptualized to define a colonial engineering that mainly force facts on the ground, undermining the quest for peace and reconciliation. The phantasmagorical attitude of the Israeli planning authorities has been characterized with an ever-flexible interior frontier, where “demography shaped geography”. The Palestinian communities were besieged and put in a limbo. This is epitomized by the recent construction of the Segregation Wall in and around the oPt, where the imposed geo-political space resembles a territorial patchwork of enclaves that lay outside the surrounding jurisdiction (Taraki, 2008).

The following section will substantially present the geo-political status of the oPt, including the chronological transformations of boundaries in the Palestinian landscape to introduce the course of analysis that outlines the many Israeli imposed formidable constraints on the sustainability of Palestine. Halper (2001) calls the contemporary consequence of this colonial doctrine in the West Bank “the matrix of control.” This matrix is activated by immobilizing the indigenous Palestinians, by gaining control of key points of a matrix so that every time a Palestinian moves s/he encounters an obstacle of some kind. This replaces the necessity for Israeli forces to be directly present within Palestinian cities. The fixing of the Palestinian population as relatively stationary, and its separation into isolated, “immobile islands” (Weizman, 2004), makes it much easier to manage and control.

4.1 Points

In Hebrew “Nekuda” means “a point,” and represents “outposts,” “military bases,” and “settlements” in the Israeli planning authority’s vocabulary. Weizman (2004) made clear that “settlements” is indicative of a planning culture that considers the positioning of a settlement less in terms of its essence than in terms of its location strategy. This coincides with Lenin’s definition of strategy as “the choice of *points* where force is to be applied.” In the Israeli colonial project, the settlement “location strategy” is based upon a thorough reading of the terrain. The essence of this geometric engineering is to produce “panoptic fortresses” (Segal and Weizman, 2003), which are optical devices on an urban scale, laid out to generate observation, spatially and temporally, all round (Figure 2.1).

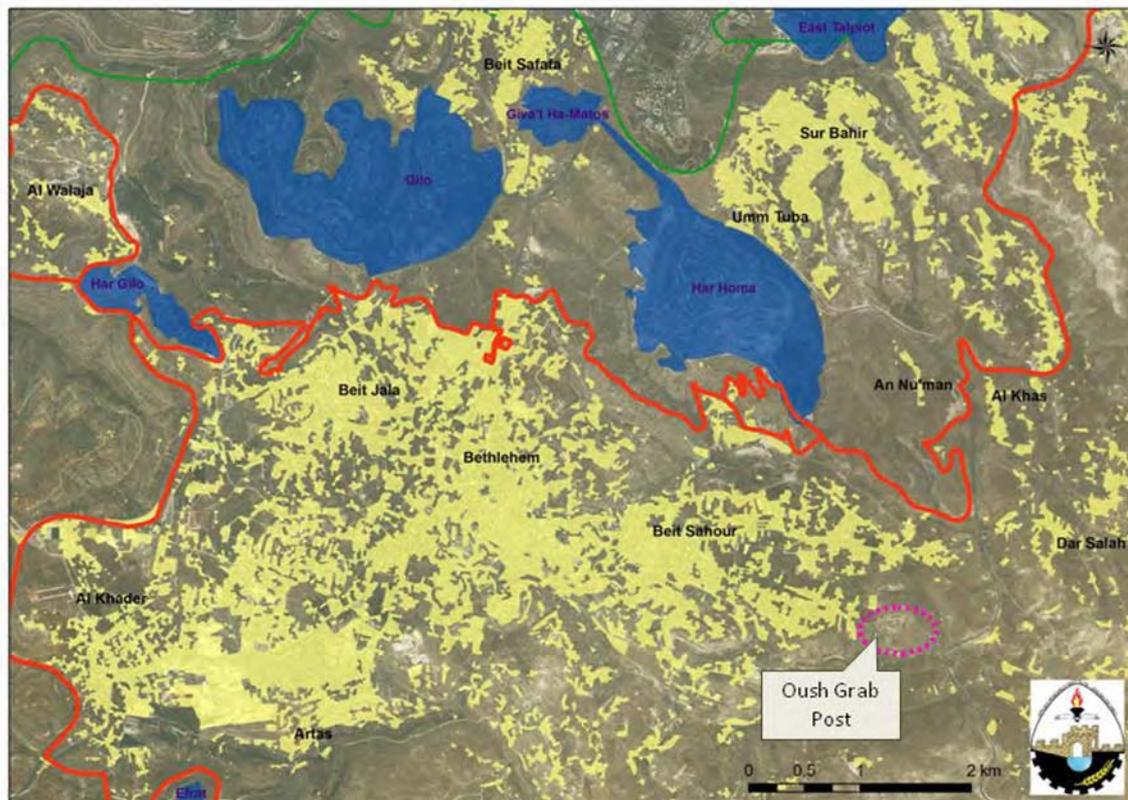


Figure 2.1: The Military Post of “Oush Grab” East of Metropolitan Bethlehem

Source: ARIJ-GIS database, 2011

Throughout the years of occupation Israel has confiscated Palestinian landscape to construct Israeli settlements, which are deemed to be illegal under international laws and UN Security Council resolutions. A total of 179 illegal Israeli settlements with an estimated settler population of more than 628,000 were constructed in the West Bank and occupy an area of around 187 km². Additionally, 232 Israeli settlements' outposts have also been established (ARIJ GIS-Database, 2011).

4.2 Surfaces and Volumes

According to Oslo II Interim Agreement, signed in September 1995 between the Palestinian Liberation Organization and the Government of Israel, the Palestinian landscape of the West Bank were divided into three categories; A, B and C. The aim was at facilitating a phased withdrawal by the Israeli military forces from these areas until the accomplishment of a final status agreement. Under this interim arrangement, area A is under full Palestinian control, area B is area under Palestinian civil administration and Israeli security control, and area C is under full Israeli control. Farsakh (2005) noted that the territorial fragmentation of the oPt under the Oslo accords, has contributed to the creation of disconnected Palestinian population reserves that have the characteristics of Bantustans rather than of cantons, in order to dismember the space of the remaining Palestinian population (Falah, 2005).

According to the Sharm El Sheikh Agreement in May 2000, 165 km² (2.9%) of the West Bank was transferred to the Palestinian National Authority (PNA) as natural reserves, but in reality this area remained under full Israeli control.

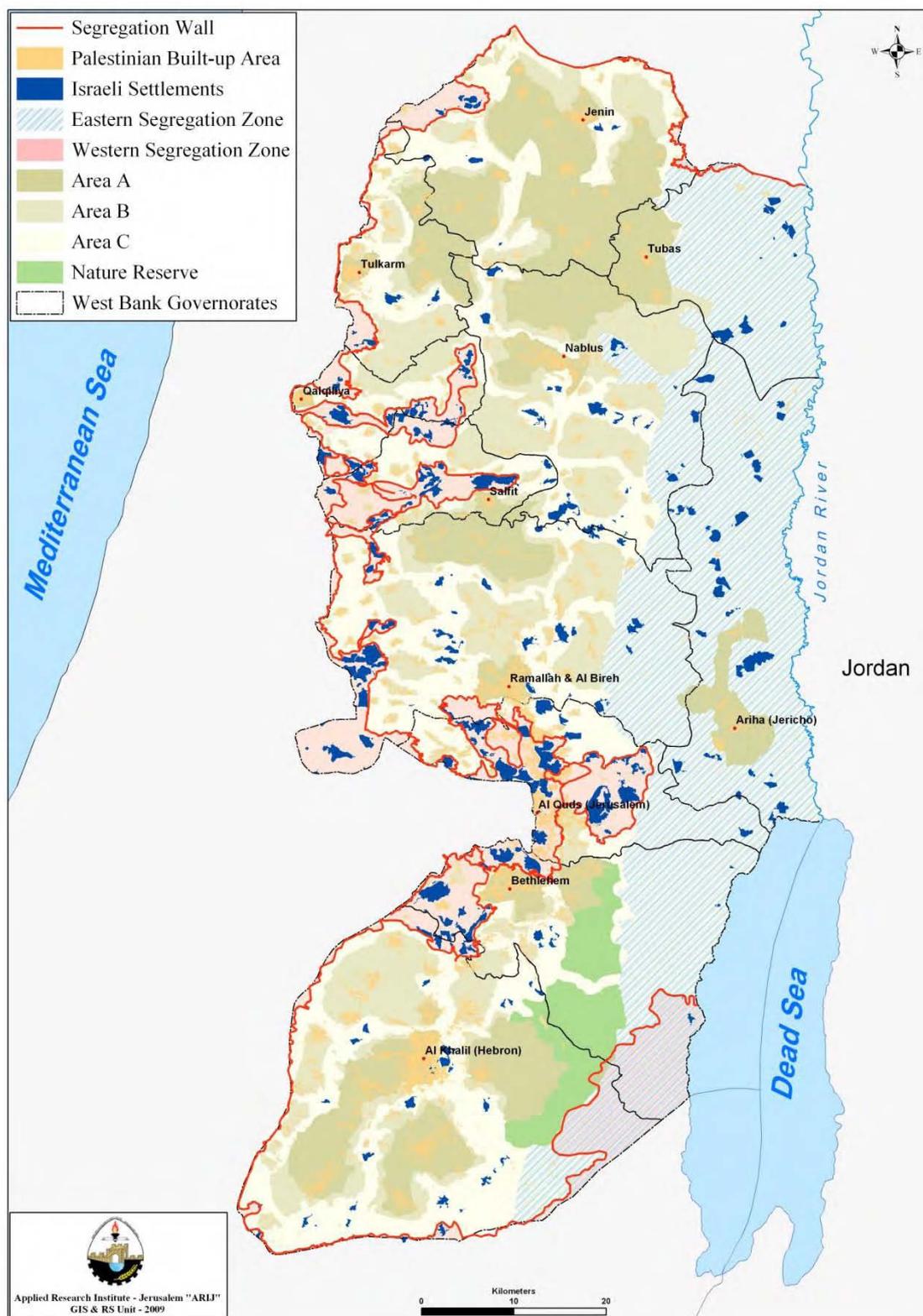
Based on the geographic analysis of the West Bank, only 36.1% of the Governorate's lands are within areas A and B and are inhabited by 93.5% of West Bank's total population (2,7 Millions) [ARIJ GIS-Database, 2011](#)). The rest are within area C and nature reserves where the PNA does not have sovereignty. This shows the high pressure on West Bank's urban environment and the de facto delimitation of urban growth. A vivid example on this regard is Jerusalem case ([See Chapter 1.1](#)).

To complicate things at the advent of the second *Intifada*, Israel intensified its “internal closure” policy (restriction of movement within the West Bank, even between nearby communities) in addition to the already present “external closure” (restriction of movement from the West Bank to Israel or Gaza Strip).

4.3 Lines

The existing Israeli bypass roads stretch nearly 859 km in length inside the West Bank. The Israeli bypass roads are ultimately used to link the illegal Israeli settlements to one another and with Israel, where Palestinians are often prohibited from using these roads although they are constructed over confiscated Palestinian lands. Over all, the Israeli designated bypass road system occupies 129 km² (i.e. 2.3%) of the West Bank's total land area ([ARIJ GIS-Database, 2011](#)).

In June 2002, the Israeli Government embarked on its Separation Plan that expropriates around 40% of the total West Bank area. Almost one-third of expropriated area is located between the Segregation Wall and Green Line that was delineated in the aftermath of the 1948 war “Western Segregation Zone.” The other two-thirds of the confiscated area are the de-facto created “Eastern Segregation Zone” on the eastern side of the West Bank, which was created without walls or fences, but through its control of access points along the Jordan Valley and the shores of the Dead Sea ([Map 2.1](#)).



Map 2.1: Geo-political Map of the West Bank

Source: ARIJ GIS-Database, 2011

The Israeli planning authorities has purportedly manipulated the land-use system in the oPt (Abdulhadi, 1990). The designated “green natural” zones were systemically annihilated and concretized with exclusive Jewish settlements. This contributes to the

developed theory of “agoraphobia; the fear of space” (Salmon, 2007) that was developed by Christian Salmon, where he outlines that the crux of the Israeli colonial politics relies not only on the division of territory but its abolition. “A trail of devastation stretches as far as the eye can see: a jumble of demolished buildings leveled hillsides and flattened wild and cultivated vegetation” (Salmon, 2007). The Israeli Jerusalem Municipality as-though legal maneuver of designating Palestinian lands into “green natural” zones only help them to gain time to strategically abolish the landscape by its concretization with illegal exclusive Jewish settlements, such as Har Homa Settlement that was built on Jabel Abu Ghneim South of Jerusalem city (Photo 2.3).



Photo 2.3: Concretization of Jabel Abu Ghneim

Source: Photo Courtesy of ARIJ, 2011

5. Conclusion and Key Recommendations

Landscape is an important planning tool for environmental, social and economic development and the pursuit of good life quality for people. Palestinian landscape falls under intrinsic and extrinsic pressures that reserve its development to provide a clean healthy environment to Palestinians. The land is highly fragmented and there are no laws or regulations to protect the whole ecosystematic, holistic, social, economic and environmental concept of the landscape. As a result, landscape is chaotically shaped into a disintegrated, highly fragmented mosaic.

Nevertheless, since landscape within the Palestinian context is defined as a complex system of various interrelationships of cultural and ecological diversities that being tangibly influenced by the natural and human-made activities alike, there is a pressing need for landscapers to unfold and correspond to the related causes of such activities. Such field of intervention is considered wide, but could be structured and directed based on the characteristics of the activities causing the distortion of the landscape.

To further elaborate the oPt is facing a serious crisis in its landscape development and sustainability. As mentioned earlier, that around 20% of the landscape has changed in a very short period which is 4 years. The limited access imposed by the Israeli occupation, in addition to the abandonment of lands in the West Bank leads to degradation of natural and cultural components of the landscape and hence loss of identity. Degradation of the Palestinian landscape emerged mainly from unplanned and/or illegal human activities. Such activities include the cutting and misuse of forests, uncontrolled pasturing, illegal expansion of Israeli settlements, chaotic building constructions, pollution, etc. In addition the lack of laws and regulations regarding protecting and managing the landscape have reserved the landscape development toward sustainability.

Though PNA addressed landscape, it has not yet provided a specific landscape policy documents. Landscape responsibilities have been divided mainly between Ministry of Planning and International Cooperation, Ministry of Tourism and Antiquities and Environment Quality Authority, which all of the three are already vested with other responsibilities. However, there is no framework for consultation between the three ministries to coordinate and harmonize landscape matters. Moreover, PNA have not yet delineated and outlined a legal definition of the term landscape neither constituted a specific landscape law, despite the fact that landscape has been taken into consideration in fields of environment and cultural heritage.

[Mansvelt and Lubbe \(1999\)](#) present a holistic checklist of criteria for the development of a sustainable landscape management. This checklist is pivoted mainly on three perspectives of the environment's quality.

First: quality of the biotic environment. This could be read and understood based on the environmental and ecological related targets. These include sustaining a clean environment; achieving food sufficiency and quality; developing regional carrying capacity; using resources in economic and efficient way; maintain sustainable, site-adapted and regionally specific production systems; integrating an ecological bio-diverse, coherent, and regulated biotic environment.

Second: quality of the social environment. The related economic and sociological targets include: paying-off good farming; greening the economy; achieving a regional autonomy; sustaining well-being in the area; educating farmers and landscapers; guaranteeing accessibility to participation in the related landscape activities; and granting a territorial accessibility to the landscape.

Third: quality of the cultural environment. Enhancing the quality of the cultural environment could be maintained through upgrading the precaution measures related to the psychological and physiognomic actors, including: compliance to the natural environment; good use of the landscape's potential utility; presence of naturalness; a rich and fair offer of sensory; qualities; experiences of unity; experienced historicity; presence of cyclical developments; careful management of the landscape; diversity of landscape components; coherence among landscape elements; continuity of land use and spatial arrangements.

Unequivocally, such an exhaustive list is applicable to the Palestinian context, but only after being adapted, where specific criteria are to be derived per landscape aspect, and consequently designated parameters are to be indicated to assess the criteria. This could efficiently and feasibly be done only through a consultation process with stakeholders where one could indicate the conceptual context of such criteria and its scale in time and space.

Nevertheless, the following key recommendations could enable far more effective environmental intervention towards a more sustainable management of landscape. All Palestinian decision makers and stakeholders alike are invited to invest in terms of time and money to ensure the successful transition from the current state of disorder and chaos in landscape management to a more sustainable management.

- (1) Vesting the related responsibilities of landscape management clearly to the relevant authoritative body; most likely the Palestinian Environment Quality Authority, whereby specific landscape policy documents are to be produced in coordination with other national stakeholders, such as MoPAD. This entails devoting human and financial resources within the current Palestinian plans.
- (2) Empowering Palestinian local authority units in respect of landscape management activities, and guaranteeing their effective participation in the process of landscape management.
- (3) Setting-up a framework for consultation between ministries on landscape matters. This includes setting-up a designated landscape council with certain mandates that would ensure sustaining the management process of landscape. For instance, there is a pressing need to define landscape in legal terms not merely in technical terms. This mean that there is a need to study the legal position of landscape within the Palestinian constitution or the basic law, and tailor specific codes and instruments that allow the integration of landscape into cultural, environmental, social, economic, and political policies.
- (4) Promoting landscape related training and education practices. A good example within this context is the Masters programme of landscape architecture at Birzeit University, initiated couple of years ago.
- (5) Carrying-out thorough measures to technically identify the landscape and the analysis of their characteristics in terms of catalogues parameters, codes, etc. This entails that there is a need to identify the landscape quality objectives based on the national efforts to build the statehood in the foreseeable future.
- (6) Ensuring the smooth exchange of information and experiences amongst Palestinian and international landscape stakeholders.