

Planning for Oppression: Israeli Policies and Palestinian Access to Housing in East Jerusalem



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Abstract

This thesis seeks to identify the effects of Israeli urban planning policies on Palestinian access to housing in East Jerusalem. This study consists of two main parts, the first being an analysis of past and present Israeli laws, policies, and procedures regarding planning and land use as well as past and ongoing planning practices that exist within Jerusalem. The second part consists of interviews conducted with professors of urban planning, experts from various non-governmental organizations working on planning and land use issues within Palestine and Israel, and Palestinians who are currently living (or have lived) in East Jerusalem under the illegal Israeli occupation. Participants were asked a series of questions regarding housing, policies and procedures, and personal experiences and opinions. This thesis analyzes the Israeli urban planning system, both policies and practices, and its effects on Palestinian access to housing through the lens of planning control, as proposed by Yiftachel, and concludes that Israel exhibits control in all four of these dimensions: territorial, procedural, socioeconomic, and cultural. This research showcases the current state of planning East Jerusalem, which is perpetually hindered by Israel, and offers recommendations, including long-term and short-term changes such as an end to the illegal occupation, to better address the needs of the Palestinian people and facilitate future research.

1. Introduction

“We can not fight for our rights and our history as well as future until we are armed with weapons of criticism and dedicated consciousness.” –Edward Said

Just five days after its second anniversary the United Nations passed Resolution 181, also known as the United Nations Partition Plan, which called for the division of the British Mandate of Palestine into a Jewish state and an Arab state.¹ The newly created and somewhat naïve United Nations could have never imagined that its first large scale “solution” to an international land dispute would still be ongoing nearly seventy years later. While Jews from all across the globe rejoiced at the forthcoming establishment of a Jewish state, the Palestinians, and to a larger extent Arabs within the Middle East, refused to accept that the land they had cultivated and inhabited for centuries would just be given away. Per request of the Partition Plan, the city of Jerusalem (the Holy Land for Christianity, Islam, and Judaism) would be given an international designation falling under special jurisdiction.² Upon the removal of British forces and government personnel, the Jews declared independence and formally established the State of Israel. Clashes between Palestinians and the Jewish immigrants erupted resulting in a mass exodus of Palestinians, known colloquially as the Nakba in Arabic (catastrophe in English), from their homes and villages creating the largest refugee population to date. The United Nations Relief and Works Agency for Palestine Refugees in the Near East estimates that there are roughly five million Palestinian refugees worldwide.³ The Palestinians who remained within the newly established State of Israel and the Palestinian Territories (the West Bank and the Gaza Strip) began to face unprecedented

¹ United Nations, Resolution 181, 1947

² Ibid

³ United Nations Relief and Work Agency for Palestine Refugees of the Near East, “Who We Are”

discrimination that manifested in various forms. After what became known as the Six-Day War of 1967 between Israel and its neighboring Arab states Egypt, Jordan, and Syria, the Israelis began to illegally occupy the West Bank and the Gaza Strip, including East Jerusalem. In an effort to unify the Israeli-controlled West Jerusalem and the previously Jordanian-controlled East Jerusalem, the Israeli government illegally annexed East Jerusalem in 1967.⁴ Since the beginning, Palestinians living under illegal occupation have been treated as second-class citizens in nearly all realms of life, including access to housing, public services, human rights, political engagement, and social and economic development. Israeli legislation has made it nearly impossible for Palestinians to own land within the State of Israel and has simultaneously confiscated land owned by Palestinians, both within Israel and the Occupied Territories.

While just about every aspect of Palestinian life has been severely impacted by the illegal occupation and Israel's aggressive, and in some cases life-threatening, policies, housing continuously finds itself near the top of the list. Notably, there is a serious lack of housing in the Palestinian neighborhoods of East Jerusalem as documented by various Jerusalem-based and international NGOs. Palestinian housing in East Jerusalem is in dire need of improvements, additions, and adaptations to meet the current and future needs. Through an analysis of Israel's urban planning laws, policies, and practices and past events throughout the Palestinian-Israeli conflict alongside qualitative interviews conducted with professors, nongovernmental organization (NGO) staff, and Palestinians who live in or have lived in East Jerusalem, this research seeks to illustrate three main themes: (1) the importance of history and its inherent linkage to the present realities lived by Palestinians; (2) the effects of

⁴ Palestinian American Council-USA, History of Palestine-Chronology

Israeli planning on Palestinian housing, and subsequently Palestinians' livelihoods, specifically in East Jerusalem; (3) the very tangible ways in which urban planning has and continues to be used as a tool for creating and maintaining state-sanctioned oppression.

Urban planning has long been seen as area of academia and practice that aspires to uphold the needs of the public good through land use, public space, housing, social services, and infrastructure. However, more often than, not urban planning has become a tool used by those in positions of power and privilege, such as the state, to manipulate and marginalize communities that have been and continue to be systematically oppressed. Urban planning is for people, as are cities; therefore when people are left out of planning, urban planners need to be made aware and address the issue. By promoting the importance of cross-cultural dialogue and collaboration as they relate to positive social change, this research hopes to emphasize the important and intrinsic intersection between social justice and urban planning.

2. Background

History should almost always be referred to as histories, as recollections vary greatly based on experience and power, especially in colonial spaces and other places that are heavily militarized and perpetually prone to violence at the hands of the state. This section gives a very brief overview of the histories of Palestine, and to an extent Israel, in order to situate this research. The importance of histories cannot be neglected and current realities do not exist in a vacuum; rather, they are the accumulation of past events, laws, policies, and norms playing out in the present that will eventually shape the future.

2.1 The Ottoman Empire & Emergence of Zionism

The land that comprises Palestine and Israel fell under the Turkish Ottoman Empire's rule in the early 16th century and maintained that way until the imperialistic powers of Great Britain and France began colonizing the region known today as the Middle East in the early 20th century. Palestine was a part of the larger Syrian province of the Ottoman Empire and was home to a large portion of the Ottoman's Arab population.⁵ During the late 1800s the first European Jewish immigrants came to Palestine and it should be noted that, while they represented a very small minority, some native Palestinians were also Jewish.⁶ As noted by Benny Morris, a prominent Israeli historian, the emergence of Zionism⁷, while rooted in a religious promise and European nationalism, had been heavily intertwined with racism and

⁵ Morris, *Righteous Victims*, p. 7 & 18

⁶ *Ibid*, p. 5

⁷ Zionism is defined by Merriam-Webster Dictionary as "an international movement originally for the establishment of a Jewish national or religious community in Palestine and later for the support of modern Israel."

classism. This can be seen in the ideas and language used to describe the native Palestinians by its early theorizers and political founders such as Moses Hess and Theodor Herzl.⁸ Quite contradictory seeing as European Jews were fleeing just that: discrimination, poverty, and violence. This Jewish utopia turned nationalistic political platform would eventually become the foundation for years of systematic oppression of the Palestinian people. The Ottoman Empire's reign over Palestine ended in 1920 with the British Mandate of Palestine.⁹



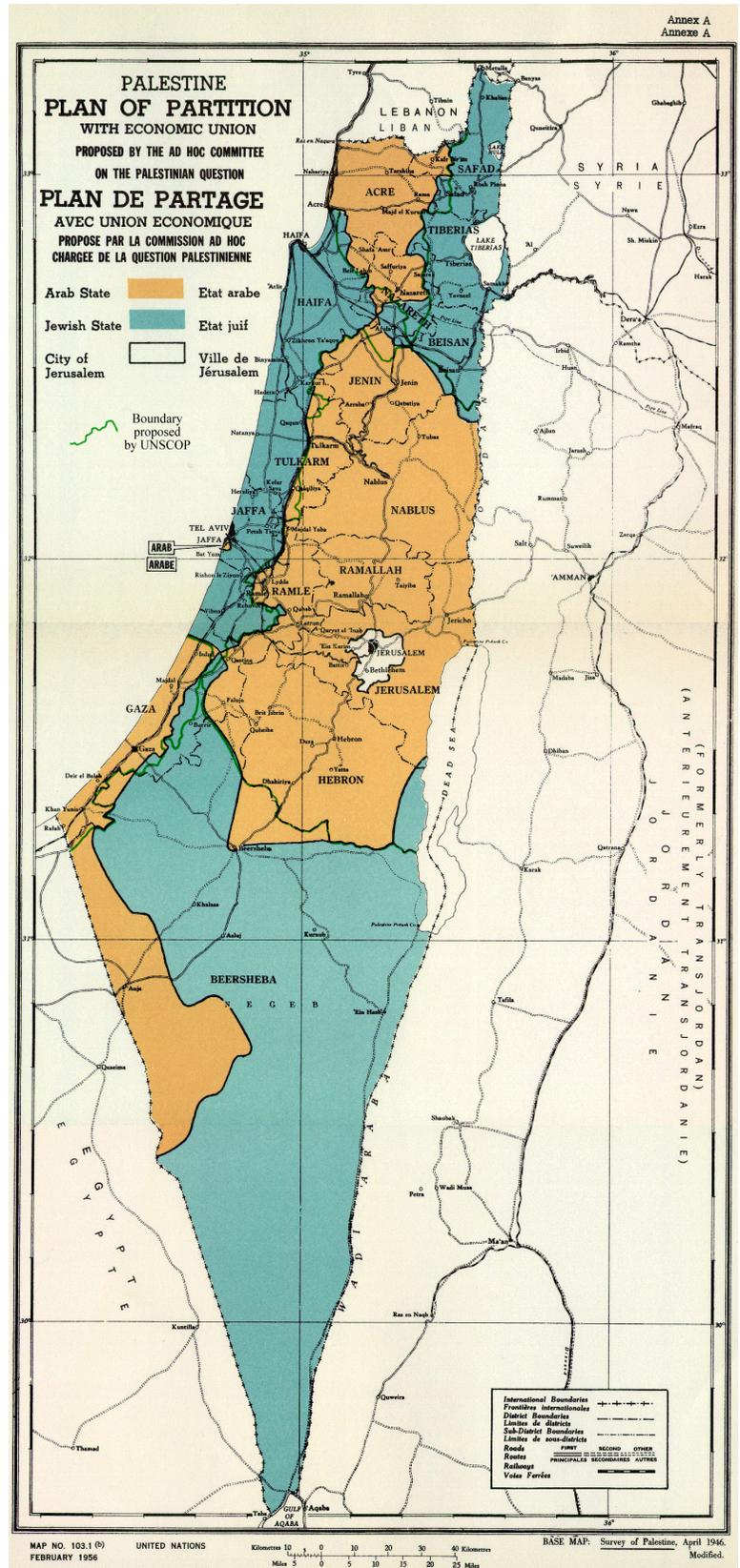
Map of Ottoman Empire, in particular the government districts of Syria (purple), Jerusalem (pink below Beirut), Beirut (orange), and Lebanon (pink above Beirut). (Source: The New Encyclopedic Atlas and Gazetteer of the World, 1909)

⁸ Morris, Righteous Victims, p. 15 & 22

⁹ Palestinian American Council-USA, History of Palestine-Chronology

2.2 The British Mandate & Partitioning

During the midst of the Great War (1914-1918), which would later become known as World War I, Britain sought Arab support against the Ottoman Empire in exchange for an eventual Arab independence, which resulted in a British colonial rule from 1920 to 1948.¹⁰ As discussed in the introduction, the United Nations was formed in 1945 immediately following World War II, a very devastating time for the world's Jewish population as they fell victim to the genocide led by Adolf Hitler and the Nazis after years of global persecution. While Zionism was well under way in Palestine, World War II created an influx of Jewish immigrants to Palestine as they fled famine, economic deprivation, and death. However, once in Palestine the Jewish immigrants would soon play an integral role in what would become



Source: United Nations

¹⁰ Palestinian American Council, History of Palestine-Chronology

years of armed fighting. In the late 1930s the Palestinian revolt began between British forces, Jewish militias, and Palestinians that ultimately ended when the British no longer sought to be involved and solicited the United Nations for assistance.

2.3 Wars

Immediately following Israel's Declaration of Independence it found itself engaging in many militarized attacks both against Palestinians and its neighboring countries. In total, Israel fought in five wars from 1948 to 1973. While all of these wars were not directly related to the Palestinian struggle for independence, Palestinians faced severe consequences as a result of these wars. The War of 1948 was a result of the Arab rejection of Resolution 181 that called for the partitioning of the British Mandate of Palestine. This war, by far, had the largest effect on Palestinians as well as their land, villages, and individual housing. The War of 1967, known as the Six-Day War, also had grave implications for the Palestinians, especially those living in the Egyptian-controlled Gaza Strip and the Jordanian-controlled West Bank.

2.4 Occupation

The end result of the Six-Day War was the illegal occupation of the Palestinian territories (both the West Bank and Gaza Strip) by Israeli military forces. The United Nations and other internationally recognized nations, organizations, and individuals have condemned this occupation on various occasions. This illegal occupation has been the source of considerable amount of civil unrest within Palestine, which has attempted to asphyxiate (politically, socially, and economically) Palestinians and their hope for a future State of Palestine. There have been

two Intifadas, or prolonged periods of civil disobedience, in response to the occupation that resulted in many Palestinian deaths at the hands of Israeli military forces and economic sanctions on the Palestinian authority.¹¹ There is current discussion throughout the world that believes the current situation in the occupied Palestinian territories could potentially manifest into the third Intifada.

2.5 Laws, Policies, and Procedures

The Israeli legal system has been structured through a discriminatory lens, prioritizing and privileging Jewish residents while simultaneously disenfranchising its Palestinian population and the Palestinians living in the illegally occupied Palestinian territories. The discrimination that has plagued Palestinians, in a large part, has been based on governmental laws and legislation dating back to 1950. In 1950 the Knesset, the Israeli legislative branch, passed the Absentees' Property Law of 1950 which stated that all of the belongings including but not limited to villages, houses, clothes, personal belongings, and bank accounts left by Palestinians after November 29, 1947 who were fleeing the ensuing war, and in many cases persecution and death, would be transferred, unilaterally, to the control and ownership of the Israeli government.¹² Three years later the Knesset passed the Land Acquisition Law of 1953, which expropriated over 32,000 acres of Palestinian land and placed it under Israeli jurisdiction. Other laws such as the Israel Land Administration Law of 1960, including Amendment 7 of 2009, and the National Planning and Building Law of 1965 will be further outlined in the analysis. The municipality of Jerusalem has their own set of policies and

¹¹ United Nations Conference on Trade and Development, Report on UNCTAD assistance to the Palestinian people, p. 4-6

¹² Adalah, Discriminatory Laws Database: Absentees' Property Law (1950)

procedures that pertain to planning and housing that will also be further outlined in the analysis below.

2.6 Palestinian and Israeli NGOs Focused on Planning

There are various organizations that are working both within Palestine and Israel on issues related to urban planning. As like most things, many other realms of life effect urban planning. These organizations work within urban planning, urban development, housing, land use, human rights, land rights, policy, civic engagement, and/or community engagement. These organizations have played a much needed advocacy role for Palestinians in helping them address some of the most pressing urban planning issues, such as housing and infrastructure. The International Peace and Cooperation Center (IPCC) is a Jerusalem-based, Palestinian non-profit that is dedicated to creating an informed Palestinian society through the realization of economic, political, and social rights.¹³ IPCC is heavily involved in Palestinian development and often takes the role of an advisor to Palestinian-led urban planning initiatives, which will be further detailed in the following section. The Palestinian Housing Council (PHC) is also a Jerusalem-based, Palestinian non-profit founded in 1991 that is primarily focused on the housing sector of Palestinian society, including housing development and contributing to the national Palestinian housing strategy with the Palestinian National Authority.¹⁴ PHC has devoted much of its time and resources to various programs including individual loan lending to Palestinians who wish to construct and finish their homes in Jerusalem, grants for Palestinian families of low socioeconomic status to renovate their

¹³ International Peace and Cooperation Center, "About, Goals, Vision"

¹⁴ Palestinian Housing Council, "About PHC"

homes, and financial strategy programs such as their “saving fund for housing” which is for low and middle income Palestinian families to help them save for future housing needs.¹⁵ Many Israelis, both within Jerusalem and Israel, are working with Palestinians in East Jerusalem in order to make sure that their access to the city and housing is not limited by discriminatory, and often illegal, Israeli planning policies and practices. For example, Bimkom – Planners for Planning Rights is a Jerusalem-based Israeli non-profit, founded in 1999 and comprised of urban planners and architects, that seeks to create a more democratic and just society through spatial planning and housing policies while upholding the importance of social justice and community participation.¹⁶

2.7 Palestinian Urban Planning (Formal and Informal)

Palestinians’ ability to freely, creatively, and practically engage with urban planning in all capacities, especially in East Jerusalem, has been and continues to be severely hindered by the continuing illegal occupation of Palestinian land and the lack of statehood. Much of the urban planning that has taken place in the occupied Palestinian territories has been done informally.¹⁷ This informal sector of planning happens for various reasons. First and foremost, given the aforementioned laws and regulations enacted by the Israeli government and military impose severe discriminatory restrictions on Palestinians looking to develop their land or build on their property.¹⁸ The State of Palestine’s Ministry of Planning and Administrative Development handles the formalized sector of Palestinian urban planning. They released a

¹⁵ Palestinian Housing Council, “Programs”

¹⁶ Bimkom, “Our Mission”

¹⁷ Abu Helu, *Urban Sprawl in Palestinian Occupied Territories: Causes, Consequences and Future*, p. 134-135

¹⁸ Kaminker, *For Arabs Only: Building Restrictions in East Jerusalem*, p. 12

National Development Plan 2014-2016 outlining their two-year goals for the planning and development of Palestine, emphasizing the need for statehood. It is important to note that only 135 United Nations members recognize the State of Palestine as an independent state.¹⁹ While informal planning in Palestinian neighborhoods of East Jerusalem may be common, there are many Palestinians and Palestinian non-profits that engage with the formal planning process, in hopes that working within the confines of the bureaucracy that is the municipality of Jerusalem will bring about the much need large-scale change as it pertains to planning. The International Peace and Cooperation Center (IPCC) has led much of this work within East Jerusalem by working with their partners and sponsors on developing their own master plans for various Palestinian neighborhoods in and around East Jerusalem. IPCC has begun working on preparing a partial master plan for the Ashkareyeh neighborhood, which is located in Beit Hanina just north of Jerusalem, including the development of 162 new housing units and a mosque, amongst other new amenities.²⁰ They have also opened a planning file with the city of Jerusalem for the neighborhoods of Aqqabeh and Kharayeb, also located within Beit Hanina, that includes plans for green space, public space, a cultural center, and a community center.²¹

2.8 Spatial & Geographic Changes of East Jerusalem

Israeli planning policies and practices have physically changed the landscape of East Jerusalem through its developments of illegal Jewish settlements, restrictions on Palestinian building resulting in informality, and more controversially the construction of the separation

¹⁹ Tharoor, Map: The countries that recognize Palestine as a state

²⁰ International Peace and Cooperation Center, "Ashkareyeh Neighborhood – Beit Hanina"

²¹ International Peace and Cooperation Center, "Aqqabeh and Kharayeb Plan – Beit Hanina"

wall. This is a large-scale concrete wall that stretches over 420 miles and is more than 26 feet tall.²² The development of the wall, under the pretense of security measures, will result in the expropriation of more Palestinian land from the Israeli government upon its completion. Roughly giving Israel 10-16% of the West Bank's territory.²³ Other very noticeable and large-scale changes in Palestine, and in East Jerusalem in particular, include the increased densification in population and housing given the limited room for expansion. The Palestinian city of Abu Dis (pictured below), amongst many others, has been completely disconnected from Jerusalem by the separation wall. Despite Israel's claim that the apartheid wall is necessary for the safety and security of Israel and its citizens, it continues to allow Israeli citizens to live illegally within the West Bank and East Jerusalem. According to the United Nations Office for the Coordination of Humanitarian Affairs, 35% of the land in East Jerusalem has been confiscated for illegal Israeli settlement use in which 200,000 illegal settlers reside.²⁴ While the majority of the illegal settler population lives on the Israeli side (read: land they are expropriated from the Palestinian West Bank) of the barrier within 71 settlements, there are still 79 illegal Israeli settlements within the West Bank.²⁵ If safety and security concerns of their citizens were of true importance to the Israeli government, then it would be expected that it would remove its citizens from the areas in which it has deemed "dangerous" and "unsafe" for them, yet this is far from reality as many Israelis still live in the West Bank.

²² Yiftachel & Yacobi, *Barriers, Walls and Urban Ethnocracy in Jerusalem*, p.171

²³ Ibid

²⁴ United Nations Office for the Coordination of Humanitarian Affairs, *East Jerusalem: Key Humanitarian Concerns Update August 2014*

²⁵ United Nations Office for the Coordination of Humanitarian Affairs, *The Humanitarian Impact of the Barrier July 2013*

View from the West Bank of an illegal settlement in East Jerusalem. | Source: Patrick Kazyak, 2016



View of Abu Dis and barrier from East Jerusalem | Source: Katie Trenery, Walking Walls, 2012

2.9 Housing

In an attempt to unravel the complexity of Palestine's housing crisis, this research focuses on six issues related to housing access, specifically within East Jerusalem. They are as follows: number of units, land ownership, permits, cost, demolitions, and illegal Israeli settlements. However, these issues are not unique to East Jerusalem as all of the occupied Palestinian territories are facing these very same issues. Much like post-apartheid South Africa's lack of response to the needs of their urban poor, who lack affordable and adequate housing, Israel's lack of ambition and action over Palestinian housing crisis emphasizes that its racism-ridden history and the incompetence of elected officials have failed the Palestinians once again.²⁶ Aside from the discriminatory planning policies that the Israeli government imposes within the occupied Palestinian territories, Palestinians find themselves financially unable to afford the very costly fines and taxes imposed on them and their land. Houses and other structures that are built without the proper permits given by the Israeli government are subject to demolition, as they are deemed unplanned and informal. However, Palestinian housing that is built without the proper permits are not the only houses that are subject to demolition by the Israeli military. On multiple occasions, the Israeli military forces have demolished homes of Palestinians, per the orders of the Israeli government, under the guise of security concerns and antiterrorism.²⁷ In November 2014, the Israeli government issued orders to demolish a home within East Jerusalem belonging to a Palestinian man who killed a woman and child with his car, while just this November the Israeli Supreme Court issued demolitions orders for the houses of

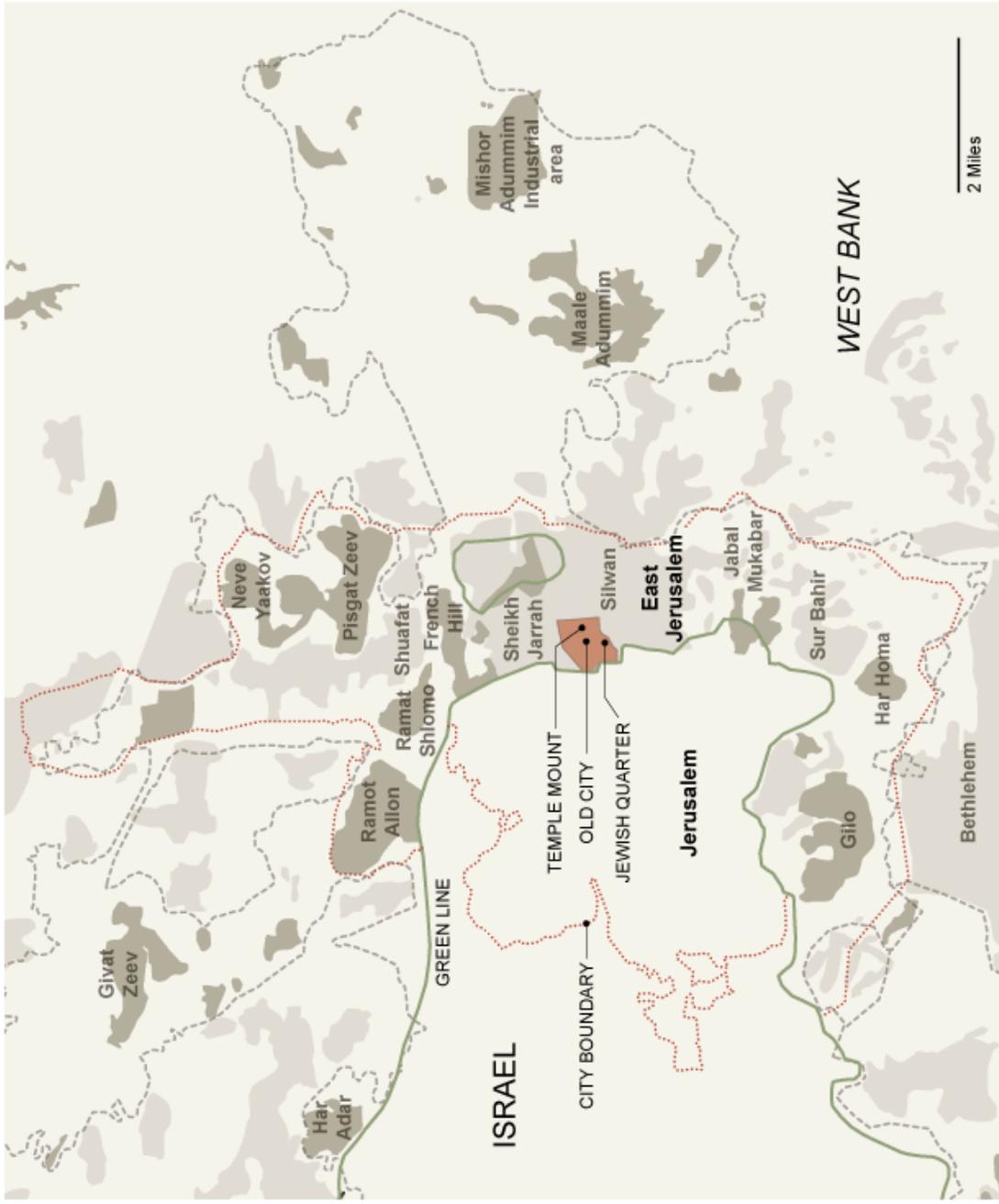
²⁶ Murray, *Taming the Disorderly City: The Spatial Landscape of Johannesburg after Apartheid*, p. 94-95

²⁷ Hadid, *Israeli Forces Destroys Families Homes of 4 Palestinians Accused in Shootings*

three Palestinian men who were involved in a shooting.²⁸ Palestinians also face delays in obtaining permits due to a lack of a proper land registration. When Palestinian residents of East Jerusalem cannot show verification that they own the land, or when the owners are found living outside of Palestine or Israel such as a grandparent or parent, Israel usually takes ownership of the land under the aforementioned Absentees' Property Law prohibiting the building permit and taking away the land from the Palestinian residents.²⁹ The policies and laws that create the realities of the six aforementioned housing issues within East Jerusalem will be addressed throughout the analysis.

²⁸ Hadid, Israeli Forces Destroys Families Homes of 4 Palestinians Accused in Shootings & Rudoren, Israeli Forces Demolish Home of Palestinian Who Used Car to Kill 2

²⁹ Margalit, Demolishing Peace, pg. 86



- Barrier constructed, under construction, approved or pending approval 2009
- Green Line: Armistice lines of 1948-49 between Israel and Palestinian territories.
- Jerusalem city boundary
- Israeli settlement beyond the Green Line
- Built up areas (Palestinian)

Map detailing the complexity of Jerusalem, including the route of the separation wall, illegal Israeli settlements in East Jerusalem, and the city's boundaries as defined by Israel. (Source: Joe Burgess, The New York Times, 2010)

3. Literature Review

Much of urban planning theory and history, specifically within the United States and other Western societies, uphold Western ideals rooted in imperialism, colonialism, and hierarchy. It should be noted that there are many urban planners, theorists and practitioners alike, who have been and continue to push back on hegemony within the planning world. This literature review will consist of two parts: theory and practice. The theory portion will detail theoretical frameworks by which this research will be framed. Given that theories are created on the basis of assumptions, it should be made clear that the complexity of Palestine and Palestinian planning will not fit neatly within any of the frameworks. Instead, these frameworks will serve merely as a template, being both malleable and imperfect, to analyze and address the current realities within Palestinian planning in Jerusalem. The practice portion will analyze previous research that broadly assesses Israeli urban planning policies and practices as they pertain to the occupied Palestinian territories as well research that is more focused on specific areas of urban planning within the occupied Palestinian territories, such as development, housing, and urban sprawl. Finally, it will identify how this research complements the past, current, and future work in the field of urban planning with regards to Palestine.

3.1 Theory

From a theoretical perspective there are a limited number of urban planners with research and writing that is devoted to theorizing urban planning as an inherently oppressive area of academia and practice. However, urban planners have researched and written on the

intersections of urban planning and specific systems of oppression such as racism, sexism, and classism. Most notably, in regards to this research, is the work of Oren Yiftachel, an Israeli urban planner, who's article, *Planning and Social Control: Exploring the Dark Side*, illustrates the ways in which urban planning can be used by state and local officials to levy power against already marginalized communities. This can be seen all across the globe from the unplanned streets of Brazilian favelas to the cramped corridors of Palestinian East Jerusalem. Yiftachel breaks down planning control into four different dimensions: territorial, procedural, socioeconomic, and cultural.³⁰ Placing his analysis into the context of this research it can be said that the State of Israel exerts all four of the aforementioned dimensions of planning control over the occupied Palestinian territories. While Yiftachel highlights that urban planning can, and in many cases does, have progressive implications on a society, he also iterates that both theorists and practitioners more often than not fail to acknowledge the many ways in which urban planning can be regressive and oppressive.³¹ This research situates both the Israeli planning system and the realities of Palestinians living under occupation in the lens of these four dimensions of planning control proposed by Yiftachel.

Since the beginning of urban planning as a field of academia, theorists have created new theories to describe the different types of planning that exist, detailing the processes involved and the stakeholders as well as the types of political, social, and economic environments in which these types of planning occur. Given that theories can be and often are flawed, it should come as no surprise that newer planning theories were born out of inconsistencies, loopholes, or gaps within previous planning theories. Through her Indonesian

³⁰ Yiftachel, *Planning and Social Control: Exploring the Dark Side*, p. 401-403

³¹ *Ibid*, p. 403-404

case study, Victoria Beard sheds light on the theoretical gap that exists within planning in regards to citizen participation and societies in which engaging in activism can be dangerous, and even deadly, especially in nondemocratic spaces.³² She argues that covert planning, or planning that does not challenge the societal power structure outright, allows a citizen to engage in the planning process, both formal and informal, in ways that benefit society but are not necessarily radical or transformational such as planning and implementing a community library.³³ In her analysis, Beard states that synoptic, collaborative, and radical planning all fall short in their assumptions of an established formal planning process and democratic structures and purposes and that covert planning can bridge the theoretical gap when those assumptions do not hold true. Yet in her case study, the residents of Yogyakarta alongside the Code River had access, however minimal, to the political and planning realms through local elections of leadership positions within the district and sub-districts of the city. This is often not the case for Palestinians living both Jerusalem and the other occupied Palestinian territories. In regards to this research specifically, I believe that the work of various planning-based NGOs and even some of the work of leftist Israelis in government could be categorized as covert planning. While it is also possible for the Palestinians to engage in covert planning, I would argue that most Palestinians, especially those living in East Jerusalem, would be more likely to engage in and benefit from insurgent planning, a form of radical planning.

John Friedmann, an urban planner and planning theorist, first detailed radical planning in his 1987 book, *Planning in the Public Domain: From Knowledge to Action*. This form of planning theory and practice seeks to actively challenge the status quo and the power

³² Beard, *Covert Planning for Social Transformation in Indonesia*, p. 15

³³ *Ibid*, p. 16

relations often linked to colonialism, apartheid, and other forms of oppressive governments. Faranak Miraftab conceptualizes insurgent planning as radical planning in the context of the global south.³⁴ While her article, *Insurgent Planning: Situating Radical Planning in the Global South*, focuses on insurgent planning that exists in response to the persistent inequalities produced (and reproduced) by neoliberal societies, she makes it very clear that it also exists in colonial and apartheid states, both of which have been terms used to describe the illegal Israeli occupation of the Palestinian territories.³⁵ The ways in which Miraftab describes radical and insurgent planning as it pertains to theory, practice, and scholarship offer new approaches that should be incorporated into planning academia and adopted by current planners. Insurgent planning recognizes the planning exists in legitimate ways outside of the formal planning realm, in which those of marginalized identities, including racial minorities and undocumented immigrants, can engage in spaces where they are invited but also in new ways they create invented spaces in order to achieve their needs.³⁶ Three components of Miraftab's understanding of insurgent planning are extremely applicable to this research, its analysis and recommendations: the importance of history, especially in regards to the struggle for inclusion of marginalized groups and dominance exerted by the privileged; the decolonization of planning, including questioning continuous "modernization" and rejecting Western imperialistic planning; and finally, placing the emphasis on the lived experiences of marginalized people (as detailed by them), past, present, and future.³⁷

³⁴ Miraftab, *Insurgent Planning: Situating Radical Planning in the Global South*, p. 43

³⁵ Haaretz, *Pioneer Jewish South African Freedom Fighter Calls Israel 'Apartheid State'*

³⁶ Miraftab, *Insurgent Planning: Situating Radical Planning in the Global South*, p. 41-42

³⁷ *Ibid*, p. 44-45

3.2 Practice

While this research is concerned with the implications of Israeli urban planning on Palestinian access to housing, it would be facetious to disregard how British colonialism essentially created the current planning situation in Palestine. The colonization of Palestine, as did most of Britain's other colonial conquests, sought to give the gift of modernity vis-à-vis urban planning (read: Eurocentric imperialism) for all of its inhabitants. This pseudo progressive modernist British fantasy, like all other ideologies that center on white supremacy and racism, quickly and severely oppressed the native population in all aspects of life, in this case the Palestinians, while benefitting the privileged, in this case the Zionist settlers. In his article, *Dividing Jerusalem*, Nicholas Roberts outlines Britain's role, through the introduction of urban planning, in privileging Zionist development while simultaneously hindering native Palestinian development that has manifested into the severe inequalities that exist between present-day West (Jewish) Jerusalem and East (Palestinian) Jerusalem.³⁸ Roberts notes that near the end of the Ottoman Empire, all religious groups worked together on urban planning, reminding readers that the widely assumed notion that Zionist settlers (white European Jews) and Palestinians (of all religions) were inherently doomed by difference is a fallacy created when British colonizers promoted and enforced sectarianism.³⁹ This should not be hard to believe given that inequality is fundamental in colonialism's success and a colonial power will do all it can to exploit the indigenous population by stealing their resources (natural and manufactured) and forcing labor, potentially through slavery or indentured servitude. When Britain's colonial planners realized that their orientalist image of Jerusalem was in fact far from

³⁸ Richards, *Dividing Jerusalem: British Urban Planning in the Holy City*, p. 7-8

³⁹ *Ibid*, p. 8

reality, they insisted on attempting to create their fictional Jerusalem through the implementation of urban plans that controlled development and construction. The British pushed for economic development in the modern (read: newly constructed) West Jerusalem, while they stripped the Old City (East Jerusalem) of their economic activities to promote a romanticized version of this antiquity, one that would likely attract tourists for strictly symbolizing religious and cultural spaces.⁴⁰ Britain's willful ignorance of the histories of Palestine and their racist assumptions about Palestinians maintained an environment in which the local voices were ignored. The British furthered the imbalance between the two sides of the city by establishing the government offices and a commercial district within West Jerusalem.⁴¹ This strategic localization of governmental offices enabled the British to further entrench the Palestinians into oppression by giving the Jewish community, in large part Zionist settlers, political rights alongside their civil and religious rights while the native Palestinians only received religious and civil protections.⁴² Britain's colonialism and urban planning in Palestine set the foundation for the State of Israel and its discriminatory laws that perpetuate grave inequalities and an illegal occupation.

Much of the research conducted in and pertaining to Palestine begins with a brief history lesson on the complexities of the Palestinian situation. Like many other fields of work, urban planning cannot be discussed without understanding the historical background of the locations that have been or are to be planned. In order to understand the current housing crisis that has plagued most, if not all, of the occupied Palestinian territories we must first understand the general approach to Israeli urban planning policy. Abdul-Ilah Abu Ayyash has

⁴⁰ Richards, *Dividing Jerusalem: British Urban Planning in the Holy City*, p.12-13

⁴¹ *Ibid*, p.17

⁴² *Ibid*, p. 18

described Israeli planning policy as having a core-periphery relationship with the occupied Palestinian territories, one that has an end goal of complete colonization and incorporation of what little land that is left of Palestine into Israel.⁴³ The core-periphery relationship is one in which the core regions are disproportionately more developed and likely to experience growth, in this case Israel and the illegal Israeli settlements within the occupied Palestinian territories, while the periphery region, in this case Palestine, is systematically disenfranchised by the core region.⁴⁴ This hierarchical relationship involves displacement of resources in the occupied Palestinian territories as well as the exploitation of those resources (including human labor) and unequal trade between Israel and Palestine, all for the benefit of Israel at the expense of Palestinians and their land.⁴⁵ The physical manifestation of this relationship can be seen all throughout the occupied Palestinian territories. Israel's incessant expropriation of Palestinian land, in part for the construction of illegal Jewish settlements, has been used to isolate Palestinian neighborhoods from each other. Ayyash's article was published in 1981 and indicates that by the end of 1979 there had been seventy-eight illegal Jewish settlements within the West Bank.⁴⁶ However, in 2011 the Council for European Palestinian Relations reported that there were 121 illegal Jewish settlements within the occupied Palestinian territories including East Jerusalem.⁴⁷ Aside from the physical constraints placed upon Palestinians, Israeli planning policy has severe economic effects on Palestinians and their economy. Israel uses Palestinians for their labor within its economy while simultaneously infiltrating the Palestinian economy with Israeli products and allowing for Palestinian products

⁴³ Ayyash, *Israeli Planning Policy in the Occupied Territories*, p. 113

⁴⁴ *Ibid*, p. 113

⁴⁵ *Ibid*, p. 113-114

⁴⁶ *Ibid*, p. 117

⁴⁷ The Council for European Palestinian Relations, *Illegal Israeli Settlements*

to be sold in the Israeli economy.⁴⁸ These paradoxical mechanisms are used to keep Israel economically superior to Palestine by forcing Palestinians to not only work within the Israeli economy but also to support it by forcing them to buy Israeli products both within the Israeli economy and Palestinian economy. Ayyash offers a critical, yet crucial, analysis of Israeli planning policy within a Palestinian context, which has been militaristically driven and rooted in colonialism.

Jerusalem is internationally known as one of the holiest cities in the world. When Israel began illegally occupying East Jerusalem in 1967, which was previously under Jordanian jurisdiction, it became one of the most contested areas of land in the world. In 1980 Israel's Knesset passed a law declaring Jerusalem, including East Jerusalem, to be the unified capital of Israel.⁴⁹ However, well before this law was established, Israel began planning for a unified city, one that would ultimately alienate the native Palestinian population and alter the urban landscape. Sarah Kaminker, a Jerusalem city planner and one of the founders of Bimkom-Planners for Planning Rights, illustrates the institutionalized discrimination that Palestinians experience from municipality planning in East Jerusalem in her 1997 article, *For Arabs Only: Building Restrictions in East Jerusalem*. Even after Kaminker and her team created plans for the Palestinian neighborhood, they were denied approval and given that building permits are only allotted to those who own property in a area that has been planned, Palestinians could not, and in some instances still cannot, use their own land.⁵⁰ She notes that the Jerusalem municipality would create and approve plans for brand new Jewish neighborhoods in less

⁴⁸ Ayyash, *Israeli Planning Policy in the Occupied Territories*, p. 119

⁴⁹The Knesset, *Basic Law: Jerusalem, Capital of Israel* (1980)

⁵⁰ Kaminker, *For Arabs Only: Building Restrictions in East Jerusalem*, p. 7

time than it would approve plans for existing Palestinian neighborhoods.⁵¹ Unfortunately for Palestinians living in East Jerusalem (and in reality all throughout the occupied Palestinian territories) this was just the beginning of the discrimination they face. As if illegally occupying Palestinian territories was not enough, Israel expropriated over a third of Palestinian land in East Jerusalem for future Jewish neighborhoods, and given what is left of the Palestinian land only about fifty percent was fortunate enough to be planned by the Jerusalem municipality. While fifty percent of the remaining Palestinian land was given neighborhood plans, roughly fifty percent of that cannot be developed, as it was arbitrarily designated as land that must be kept as “open views on the landscape.”⁵² Alongside these aforementioned attempts to limit Palestinian growth and development within East Jerusalem, Palestinians who are lucky enough to be given a residential designation for their land find themselves burdened by height restrictions, absurdly large fees for building permits, and a severe lack of space.⁵³ For Arabs Only gives this research an essential insight to the planning policies and practices that are being executed in East Jerusalem and in large part are the reason there is still, present-day, a housing crisis in the Palestinian sectors of the city. Written by Kaminker almost twenty years ago, this current research expounds upon her work while focusing more specifically on Palestinian access to housing in East Jerusalem and the effects it has on the lives and livelihoods of Palestinians.

The urban fabric of Palestine has been forever changed by the planning mechanisms enacted by Israel within the Palestinian territories. Most urban areas, globally, experience urban sprawl to some extent, which is being exacerbated in the occupied Palestinian

⁵¹ Kaminker, *For Arabs Only: Building Restrictions in East Jerusalem*, p. 8

⁵² *Ibid*, p. 9

⁵³ *Ibid*, p.12-13

territories by Israel's discriminatory planning policies and practices. Urban sprawl usually coincides with an increase in urban migration, lack of services, and informal settlements. In his article, *Urban Sprawl in Palestinian Occupied Territories: Causes, Consequences and Future*, Musallam F. Abu Helu gives a detailed overview of the urbanization trends within the Palestinian territories and how urban sprawl has manifested with the assistance of Israeli planning policies. Having some of the highest density rates in the world, and having experienced an increase in urban population by fifteen percent between 2004 and 2007, Palestine's urban centers are suffocated by illegal Israeli settlements and Israeli military bases that make expansion nearly impossible.⁵⁴ At the core of Palestine's urban sprawl problem is the issue of housing; existing and future structures, as well as the social services and infrastructure in those areas, face complications given the plethora of Israeli-implemented restrictions.⁵⁵ The main reason behind the urban sprawl within the Palestinian territories is none other than the illegal military occupation by Israel. The occupied Palestinian territories have been divided by Israeli into three subcategories: area A, area B, and area C; these are byproducts of the 1994 Oslo Peace Accords used to determine the amount of political, security, and planning autonomy that will be given to the Palestinian National Authority. Area A is given full autonomy in regards to political and security control as well as planning and development, area B only gains planning autonomy, while area C receives neither.⁵⁶ Given Palestine's lack of statehood, which is directly related to the illegal Israeli occupation, there is a serious lack of capacities at a national level to enact large scale and cohesive planning

⁵⁴ Abu Helu, *Urban Sprawl in Palestinian Occupied Territories: Causes, Consequences and Future*, p. 122-123

⁵⁵ *Ibid*, p. 128

⁵⁶ *Ibid*, p. 129

policies and practices. This includes staff members qualified to complete such work.⁵⁷ The effects of urban sprawl vis-à-vis Israeli planning policies and practices on Palestinian housing include an increase in housing densification, deadlocked development, and house demolitions for those constructed without permits.⁵⁸ Abu Helu concludes with recommendations in moving forward with the current situation in Palestine. This article resonates well with this research as it focuses on the Israeli planning policies and practices on Palestinian planning and what the future could and should look like. While this research specifically focuses on Palestinian access to housing within East Jerusalem, it offers recommendations that can be used throughout Palestine for the sole benefit of the Palestinian people, their lives, and their cities.

Nongovernmental organizations and international governmental organizations have worked tirelessly for years alongside Palestinians in order to address the grave urban planning problems Palestine has been and continues to face. The United Nations, having broadly created the current state of Palestine, has been a major stakeholder in the lives of Palestinians. Various entities within the United Nations have contributed to Palestine such as UN-Habitat, the United Nations Relief and Works Agency of Palestine Refugees of the Near East, and the United Nations Conference on Trade and Development. In 2015, UN-Habitat released *Right to Develop*, an eighty-page report outlining the current state of urban planning in the Palestinian communities of East Jerusalem. Within their study UN-Habitat focused on seven different neighborhoods, all of varying sizes (both geographic and population-wise, amongst other factors) and varying planning concerns. One thing remained constant in each

⁵⁷ Abu Helu, *Urban Sprawl in Palestinian Occupied Territories: Causes, Consequences and Future*, p. 130

⁵⁸ *Ibid*, p. 132-134

of the seven neighborhoods: the need for more housing. The report begins by emphasizing that Israel's persistent attempts to erase Palestinian history and existence from Jerusalem, through methods of mapping and stealing Palestinian land in order to maintain what the Israeli government calls a "demographic balance" of 3:1 Jewish-Palestinian ratio.⁵⁹ Urban planning within the occupied Palestinian territories has been and continues to face severe challenges. *Right to Develop* details several spatial planning challenges currently facing East Jerusalem and places emphasis on housing, which is categorized as a "chronic problem" as there is currently a need of more than 10,000 housing units.⁶⁰ The competition for housing in East Jerusalem, given its deficit, is compounded by the extremely high prices. Average housing prices increased roughly 192% between 2007 and 2012, while the average wage only increased by 12%.⁶¹ What is most beneficial from this report is the analysis of seven Palestinian communities and their local planning experiences. These experiences include the creation of several alternative plans that have to be proposed to the Israeli officials in order to counter the Israeli plans, which sometimes includes the proposal of moving whole communities.⁶² It concludes with looking forward and what can be done in terms of Palestinian urban planning. However, the recommendations of this report focus on (non-legally binding) policy rather than a paradigm shift in the status quo. This report proves very useful when thinking about recommendations for the future of urban planning within Palestine.

⁵⁹ El-Attash, *Right to Develop: Planning Palestinian Communities in East Jerusalem*, p. 4-5

⁶⁰ *Ibid*, p. 9

⁶¹ *Ibid*, p. 11

⁶² *Ibid*, p. 23

4. Research Design

“If you are neutral in times of injustice, you have chosen the side of the oppressor” –Archbishop Desmond Tutu

This research is a qualitative analysis, one that involves two different portions. The first part of this study is an analysis of past, current, and proposed Israeli laws and legislation that are related to urban planning, zoning, land use, land rights, and housing. This includes reviewing Israeli policies and procedures at a municipal level to obtain building permits or change a land use designation. The second part of this research is a series of interviews, conducted with professors and experts from nongovernmental organizations (NGOs) working in one of the following realms within Palestine and Israel: urban planning, urban development, housing, zoning, land use, land rights, human rights, public policy, civic engagement, and/or community outreach. Finally, interviews were to be conducted with Palestinians who are currently living or have lived in East Jerusalem under the Israeli occupation.

I have chosen to focus this research within the context of Palestine for various reasons. As a sociologist and urban planner, I believe in collective action to bring out collaborative and inclusive change, both within my field of work and academia, and because of that I refuse to remain silent during times of injustice. This research is specifically focused on the situation of Palestinian housing within East Jerusalem, given Jerusalem’s importance to both Palestinians and Israelis. However, Palestinians living within the occupied Palestinian territories and Israel have been subjected to serious human rights violations and have been forced to live in substandard conditions while facing unprecedented oppression as documented by the largest supranational governing body, the United Nations. Since the United Nations partitioning of the British Mandate of Palestine, Jerusalem has been given a

special designation, as it is the proclaimed epicenter of monotheism. Given that Jerusalem has been named the capital of Israel and as the capital of a potential future Palestinian state it comes as no surprise that the city of Jerusalem has been and will continue to be a highly contested and controversial city.⁶³

The selection of participants for the interview portion of this research was not randomized and involved a snowball method of recruitment. I began by researching various NGOs both within Palestine and Israel that engaged in work that could be categorized into one or more of the aforementioned fields. After compiling a list of organizations I sent out emails explaining my research aims and asked if any of their staff would be willing to participate in an interview lasting no more than an hour and a half. I sent emails to organizations such as: Bimkom – Planners for Planning Rights, B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories, The Applied Research Institute – Jerusalem/Society, Adalah – The Legal Center for Arab Minority Rights in Israel, the Land Research Center in Jerusalem, Ir Amim, the International Peace and Cooperation Center – Jerusalem, the Israeli Committee Against Home Demolitions, and UN-Habitat in the occupied Palestinian Territories. Upon reading and reviewing books, articles, reports, and other works that have been published in relation to the topics of interest in this study, I compiled a list of professors and scholars who have dedicated their professional lives to analyzing the Palestinian/Israeli situation. These professors then received an email, much like the NGOs, that explained the research and inquired about participation. Emails were sent to professors from An-Najah National University, Ben Gurion University, Haifa University, and the

⁶³ Newton, East Jerusalem: 'The two-state solution is dead.'

Hebrew University of Jerusalem. Palestinians who live in or have lived in East Jerusalem were recruited to participate in the study through three different ways. Given that I do not know any Palestinians living in East Jerusalem currently nor do I live in East Jerusalem, I asked the NGOs if they would help me in finding Palestinians to participate. Therefore, one way of recruitment was by referral of an NGO. Secondly, colleagues and friends recommended Palestinians who are currently living in East Jerusalem or who have lived there and I emailed them to ask if they would like to be a participant in my research study. And finally, I reached out to NGOs in the New York City area and asked for referrals of Palestinians who have immigrated (both willingly or as asylum seekers/refugees) to the United States that would be interested in sharing their housing experiences while living in Palestine.

Most of the interviews were conducted mostly during my field visit to Palestine and Israel within the first two weeks of January 2016. Upon my return to New York, I conducted other interviews via Skype. Participants were asked a series of questions regarding housing, planning policies and procedures, and personal experiences and opinions. The interviews lasted roughly a half an hour and participants were free to withdraw at any time or skip any question they did not feel comfortable answering. The goal was that the interviews with professors and professionals shed light on the severity of the Palestinian housing crisis and what the future could potentially hold for Palestinians living under occupation. The interviews with Palestinians living (or who have lived) in East Jerusalem were to gain a better understanding of the effects of Israel's planning on the actual lives of people. As Palestinians are the only people who can honestly and accurately share their lived experiences and truths

it was essential that they were involved in this research to truly understand how Israeli planning policies and practices are affecting their lives and livelihoods.

4.1 Limitations

There were various limitations to this study that could have been alleviated given more time and resources. Quickly into the recruitment process I knew that there was going to be some difficulty in recruiting Palestinian participants who live in or have lived in East Jerusalem under the illegal Israeli occupation. I had hoped to interview Palestinians who are currently living in East Jerusalem about their experience with housing and life under occupation. The most obvious limitation to this portion of the study was that I did not personally know any Palestinians living in East Jerusalem; therefore I decided to use the snowball sampling to find participants through friends and NGOs in Jerusalem that work with Palestinians and Palestinian housing/urban planning. There were also logistical limitations, such as my lack of knowledge of the Arabic language, which limited participants to English speakers. This lack of language skills also limited this research in regards to the literature review and data collection, again only allowing me to review works published in English. This did not allow me to factor in sources of knowledge that has been produced in Arabic or Hebrew, the two main languages spoken within Palestine, Israel, and Jerusalem. Another limitation to this research is the inherent colonial power structure that exists within Jerusalem, and all of the occupied Palestinian territories, that is produced and upheld by the Israeli government. Power dynamics have the potential to create an instable and dangerous environment (physical, psychological, economical, social) for those of marginalized groups; an environment in which people cannot engage in any discourse that allows them to tell their lived experiences and circumstances

without the fear of persecution. This became ever apparent when interviewing a Palestinian United Nations official in Ramallah, who gave me the option to either record our conversation and receive very generic answers or not record our conversation and receive candid and very real responses. I chose the latter option. When an official for the largest intergovernmental organization, someone with professional clout who holds a position of power, has to be cautious of what to say out of fear of retaliation from the Israeli government and the potential risk of losing their job, it becomes evident that the current situation that is plaguing Palestine is of grave concern. Living under an illegal occupation ignites many emotions for Palestinians ranging from anger to sadness to fear and also is the source of a lot of trauma (physical, psychological, and emotional). This trauma in a sense can be a limitation for research, especially in colonial spaces and war zones. Palestinians already have to live these experiences under what seem like unchangeable circumstances and the act of recounting these experiences can be psychologically taxing and emotionally draining.

5. Analysis

As previously mentioned, this analysis will be of the data I collected during the interviews I conducted as well as various articles (both academic and news) that relate to Palestinian housing, land rights, and Israeli planning policies. The housing crisis that is plaguing Palestinian East Jerusalem, and to a greater extent all of the occupied Palestinian territories, will be analyzed through the four dimensions of planning control as outlined by Oren Yiftachel. As Yiftachel noted, these categories are not mutually exclusive, often times overlap, and are not an exhaustive list of control when it comes to urban planning.

5.1 Territorial Dimension

Territorial planning control is used, at least to some extent, by most governments. This is usually done so through laws about land use, zoning, and land tenure. Land is a very precious resource, and a unique one at that, as it cannot be created nor moved.⁶⁴ It then should come at no surprise that land is at the core of the Palestinian-Israeli conflict and that much of the issues facing Palestinian housing have to do with land in various regards. An Israeli professor with whom I interviewed on these issues reiterated that urban planning and architecture have played an essential role in the reshaping of the region since 1948 and mentioned that even today in 2016 Israel sees Palestinian land, especially in the West Bank, as potential for further expansion. Adalah – The Legal Center for Arab Minority Rights in Israel has an online database of all of Israeli discriminatory laws, fourteen of which are related to land and planning rights. I will highlight a few of them that exhibit either explicit or implicit

⁶⁴ Payne, Urban land tenure policy options: titles or rights?, p. 416

discriminatory effects that in turn place Palestinians under Israeli control. The National Planning and Building Law of 1965 created a National Council for Planning as well as local planning councils, none of which are required to have Palestinian representation, but does include provisions for the inclusion of women and the Yishuv.⁶⁵ The Israel Land Administration Law of 1960 created the Israel Land Administration (ILA) for which the government picks half of the members of a council that is in charge of the land policy for Israel and the Jewish National Fund gets to pick the other half. More recently, amendment 7 was proposed in 2009 that resulted in large swaths of land privatization, including land that the illegal Israeli settlements are built on in East Jerusalem.⁶⁶ These laws privilege Israeli citizens while disenfranchising Palestinians residents of East Jerusalem by further limiting their access to land and subsequently land ownership. Palestine's lack of a land registry, a western concept, is used against Palestinians who seek to utilize their land through the legal avenues created by Israel, especially in East Jerusalem. The municipality of Jerusalem requires all residents to acquire a certificate from the Land Registry of Israel as proof of ownership, however, regardless of the fact that a land registry does not exist in East Jerusalem, Palestinians who wanted to register their land in East Jerusalem were prohibited by the municipality in 1967 when the Israeli government closed the land registry, claiming it was difficult to determine who owned property.⁶⁷

Another territorial control tactic used by Israel is the approval and construction of illegal Israeli settlements on Palestinian land within East Jerusalem. Most recently, in November 2015 the Israeli Prime Minister approved 545 new units with two illegal settlements in East

⁶⁵ Adalah, Discriminatory Laws Database: National Planning and Building Law

⁶⁶ Adalah, Discriminatory Laws Database: Israel Land Administration Law & Amendment No. 7

⁶⁷ Margalit, Demolishing Peace, p. 81-82

Jerusalem in what seemed to be in response to escalating violence between Israelis and Palestinians.⁶⁸ A Palestinian professor that I conducted an interview with cited the confiscation of Palestinian land by the Israeli government as well as the expansion of Jewish settlements and related infrastructure, especially the by-pass roads, as having some of the most pressing effects on the Palestinian housing sector. This confiscation of land is usually for the expansion of illegal settlements or military purposes, as noted by my interviewees. Another large-scale policy that Israel enacts to limit housing and construction on Palestinian land is arbitrary demarcations of green space and open space, which constitutes roughly 60 percent of Palestinian land in East Jerusalem.⁶⁹ When one cannot develop on their own land due to these land use categories it leaves the property valueless and attributes to the shrinking potential land for the housing market. These are merely a few examples of Israel's exertion of power and control over the territorial autonomy of the Palestinian people.



Palestinian woman walking outside the Qalandia checkpoint near Jerusalem | Source: Daily Mail UK, 2014

⁶⁸ Al Jazeera America, Israel approves 454 new settlement homes in East Jerusalem

⁶⁹ Margalit, *Demolishing Peace*, p. 81-82

5.2 Procedural Dimension

Planning policies and procedures that are implemented by colonial states can be used to further alienate those of marginalized groups from the planning process and further perpetuate their oppression. As noted by various urban planners, organizations, Palestinians themselves, and even Israeli municipality workers, the process for obtaining the correct permits to build houses and to develop land is not only convoluted but also a lengthy one. In his 2015 book, *Demolishing Peace*, Meir Margalit explains that there are 41 bureaucratic steps one must take to obtain the proper permits and that often times this process deters Palestinians from obtaining the proper permits both due to the lengthy timeframe and the cost, which I will expound upon in the following section. The Jerusalem city comptroller in 2009 when referring to a diagram of the building permit procedures mentioned that it is “not user-friendly, and makes it difficult for the person applying for a permit to understand the process.”⁷⁰ While the process to obtain a building permit is perplexing, this does not mean that Palestinians simply ignore it, in fact many still attempt to work within the system but are not granted the permit in the end. In 2015 it was reported that over the previous five years there were approximately 11,603 building permits issued in Jerusalem and only 878 were approved for Palestinian neighborhoods.⁷¹ That is roughly 13% of the permits that went to Palestinian neighborhoods, when approximately 40% of the city's population lives in them.⁷²

Aside from the building permit process one of the most pressing procedures, if it can even be called that, that has an effect on Palestinian housing in East Jerusalem is the use of home demolitions. Every single interview conducted with professors and planning

⁷⁰ Margalit, *Demolishing Peace*, p. 91

⁷¹ Hasson, Only 7% of Jerusalem Building Permits Go to Palestinian Neighborhoods

⁷² Ibid

professionals in Palestine and Israel mentioned the detrimental effects of home demolitions and their impact on the Palestinian housing crisis. In discussing demolitions a Palestinian professor alluded that the use of demolitions whether it be houses or commercial buildings as a form of collective or individual punishment or as an enforcement measure against “illegal” construction is just a way of controlling the expansion of the Palestinian population in East Jerusalem. According to the Israeli Committee Against House Demolitions (ICAHD), there have been approximately 48,000 Palestinian structures that have been demolished since the illegal Israeli occupation of the Palestinian territories in 1967.⁷³ When asked what they felt were some of the most pressing issues facing Palestinians living under the illegal occupation, an Israeli NGO professional in Jerusalem mentioned that many Palestinians live under perpetual fear of home demolitions. These demolitions are very personal and become a direct threat to the livelihoods of the Palestinian homeowners and their families. Often times these demolitions obliterate an entire family's assets in a matter of seconds, leaving them with nothing but the clothes on their back. However, the effect that is left once the bulldozers and Israel Defense Force (IDF) leave much greater than damage to one family or even one neighborhood. Sometimes home demolition orders disrupt daily community life and physically damage more than just the unit or units that the orders were for, leaving more Palestinians homeless and heartbroken. In November 2015, the IDF entered the Al-Jabal neighborhood in the Qalandiyah refugee camp in the West Bank and ordered all of the Palestinian residents to the soccer field at 3 AM.⁷⁴ Only after waking them up to the sounds of soldiers outside of their homes these residents had to wait while they carried out a demolition order that damaged nine other

⁷³ ICAHD, Get the Facts

⁷⁴ Hass, One Palestinian Family's Demolition, Revenge on the Whole Neighborhood

units.⁷⁵ These procedural demolitions, whether as punishment for a crime or for lacking a permit, are mechanisms used by the Israeli government to quite literally tell Palestinians that it has the power and resources to take away their housing whenever it is deemed necessary.

As if these procedural forms of control did not seem sufficient, the Jerusalem 2000 Master Plan, which has been in the making for quite some years now, blatantly advocates for the segregation of populations. While they use the terminology “population groups,” it is apparent that they really mean racial and/or ethnic identity. The following is an excerpt of the Master Plan:

Within the boundaries of the city of Jerusalem a process of spatial segregation between the various populations inhabiting the city has occurred, and continues to occur. In a multicultural city such as Jerusalem, spatial segregation of the various population groups in the city is a real advantage. Every group has its own cultural space and can live its lifestyle. The segregation limits the potential sources of conflict between and among the various populations. It is appropriate, therefore, to direct a planning policy that encourages the continuation of spatial segregation with a substantial amount of tolerance and consideration.⁷⁶

This exemplifies just a snapshot of a much larger picture when it comes to procedures that Israel has in place that are used to control Palestinian people and spaces through the planning process. Below is a table from *Demolishing Peace*, which shows the unequal use of demolitions within East and West Jerusalem. In 2004, there was 4 times the amount of building violations in West Jerusalem (Jewish) than East Jerusalem (Palestinian), while buildings in East Jerusalem were 8.8 times more likely to be demolished. Again in 2007, there was 3.6 times the amount of building violations in West Jerusalem yet buildings in East Jerusalem were 1.9 times more likely to be demolished.

⁷⁵ Hass, *One Palestinian Family's Demolition, Revenge on the Whole Neighborhood*

⁷⁶ Jerusalem Planning Administration, *Local Outline Plan – Jerusalem 2000*

EAST JERUSALEM VS. WEST JERUSALEM DEMOLITION STATISTICS

Year	Area	Building Violations Detected	Indictments Handed	Demolition Orders Issued	Demolitions Carried Out
2004	East J.	1,386	475	252	115
	West J.	5,583	1,235	77	13
2005	East J.	1,529	432	122	76
	West J.	5,653	925	53	26
2006	East J.	1,031	407	113	71
	West J.	3,724	867	45	37
2007	East J.	905	494	110	69
	West J.	3,295	747	42	35
2008	East J.	1,047	695	133	88
	West J.	3,164	798	46	40

5.3 Socioeconomic Dimension

Given the shortage of housing within the Palestinian sector of East Jerusalem as noted earlier by the UN Habitat report *Right to Develop* as well as the Palestinian National Authority and various NGOs, it is safe to assume that housing prices will continue to increase as they have done already. This is just on the basic economical logic that as demand increases while supply is limited the prices rise. When talking with an Israeli professor about challenges faced by Palestinians in regards to housing, they mentioned the increase in housing prices in East Jerusalem neighborhoods as a direct result of the construction of the separation wall. This increase was created out of mass migrations of Palestinians with Jerusalem ID cards that

were living on the “wrong side” of the wall and needed to relocate to the other side in order to keep their Jerusalem IDs. As noted by Yiftachel, this dimension of control exhibits planning’s long lasting effects on the social and economic realms of life.⁷⁷ The long and tedious bureaucratic process to obtain a building permit is coupled with outrageous costs. Israel requires that levies be paid in order to obtain the correct permits, levies in which Israel pays for the Jewish sector while leaving Palestinians to pay absurd amounts of money such as \$249,000 for a “betterment levy” and \$78,000 for a “road levy”.⁷⁸ As outlined in the literature review, Sarah Kaminker, a Jerusalem urban planner in the 1970s through the 2000s, mentioned in her 1997 article the absurd prices that her Palestinian clients were forced to pay in order to receive permits for building. Almost 20 years later Palestinians are still being charged unrealistic amounts of money to utilize their own land.

In his book, *Demolishing Peace*, Meir Margalit highlights the preposterous amount of money that Palestinian families must pay, including various taxes, tolls, and municipal fees, before any development can even begin on the property. As shown below in the table, for a 200 square meter house (or 2,145 square feet) one would have to spend upwards of \$72,000 USD for these expenses in an expensive neighborhood and upwards of \$42,000 USD for an inexpensive neighborhood. However, one could assume that a family living in an “inexpensive” neighborhood would not have an extra \$42,000 USD just for the expenses required to begin any type of development. This further signifies the extreme socioeconomic burden that Israeli planning policies place on Palestinian families and their access to housing in East Jerusalem.

⁷⁷ Yiftachel, *Planning and Social Control: Exploring the Dark Side*, p. 402

⁷⁸ Hasson, *Only 7% of Jerusalem Building Permits Go to Palestinian Neighborhoods*

VARIOUS EXPENSES RESIDENTS MUST PAY IN ORDER TO OBTAIN
A BUILDING PERMIT

Indicator	Amount for a 140-sq.m. house on a lot of a quarter of a dunam (NIS)	Amount for a 200-sq.m. house on a lot of half a dunam (NIS)
Opening the file	2,000	2,000
Roads and pavements toll on lot	11,000	22,000
Roads and pavements toll for building	12,208	17,440
Drainage and tunnels on lot	5,887	5,780
Drainage and tunnels for building	1,618	4,710
Development tax on building	7,466	10,600
Development tax on lot	1,985	3,970
Public sewage toll on lot	7,187	10,410
Public sewage toll on building	4,025	5,750
Sewage collection tax on lot	2,600	5,200
Sewage collection tax on building	1,747	2,496
Land registration plan	15,000	15,000
Total	68,698 NIS	105,356 NIS
	19.600 \$	30.100 \$

Betterment tax

After adding the Betterment tax, the total cost would be as follows (the calculation is for a 200 sq.m. house):	Inexpensive neighborhoods	Expensive neighborhoods
	147,356 (NIS)	255,356 (NIS)
	42.100 \$	72.950 \$

5.4 Cultural Dimension

Since its foundation, the State of Israel has attempted to erase Palestinians cultural identity through various manifestations of cultural control. Noga Kadman, an Israeli tour guide and author of *Erased from Space and Consciousness*, highlights in her book the importance of language and naming on maps and signage as well as the various ways in which the Israeli government have attempted, and in some sense succeeded, in ridding the landscape of the Arabic language and Palestinian identity. She quoted David Ben-Gurion, Israel's first prime minister, to highlight the pervasiveness of this sentiment: "we must remove the Arabic names due to political considerations: just as we do not recognize the political ownership of Arabs over the land, we do not recognize their spiritual ownership and their names."⁷⁹ This is a form of planning control in the cultural sense, as it strips away the names of landscape as a form of blatant colonialism and an attempt to show dominance and significance over the native Palestinians.

Language is extremely important and connected to collective identity and culture. Language is a common ground amongst those who speak it and allows for the building of relationships that eventually creates cultural identity. However, Israel has attempted the erasure of Palestinians and their cultural identity through the use, or lack thereof, of certain words for decades, which has since been perpetuated, in some cases unknowingly and naively, by authors and every day people. While conducting this research I lost count at how many times the word "Arab" was used instead of "Palestinian". And while yes, Palestinians are Arab, language is important and it matters. When Palestinians are constantly referred to as

⁷⁹ Kadman, *Erased from Space and Consciousness*, p. 93

Arabs it begins to shape an extremely harmful and fictitious idea that Palestinians are not really a collective identity therefore Palestine does not exist.

Sociologist Jeffrey Alexander's concept of cultural trauma, when a collective identity is subjected to traumatic events based on that identity and it in turn shapes their collective memory and society, becomes of concern for the Palestinian people. The killings of innocent Palestinians will have a profound effect on Palestinian society as a whole, especially the cultural dimension. It has been almost 70 years since the beginning of Palestine's struggle for statehood and self-sovereignty and its history has already been marked by violence and uncertainty in every aspect of life. Israel has played an active role in causing this cultural trauma and continues to do so, both aggressively and passively.

Most recently, in February 2016 the Israeli government began pressing Palestinian schools, as they operate segregated school systems, to change their curriculum to the Israeli system or face further budget cuts.⁸⁰ This curriculum change would have severe implications on Palestinian culture, history, and identity. The Palestinian education minister, Sabri Saidem, told Al Jazeera that "[t]his attack on our curriculum is part of Israel's war on Palestinian identity."⁸¹ Israeli authorities have also limited access, and in some cases banned access, to Al-Haram As-Sharif (also known to Jews as Temple Mount) for Palestinians living inside and outside of Jerusalem. The Mourabitoun and Mourabitat, a group of Palestinian who protect al-Aqsa Mosque, have been deemed illegal by Israel and many members have been banned from entering.⁸²

⁸⁰ Cook, How Israel is 'turning Palestinians into Zionists'

⁸¹ Ibid

⁸² O'Toole, Inside al-Aqsa: Who are the Guardians of al-Aqsa?

6. Conclusions

Adequate housing is seen as human right under the United Nations 1948 Declaration of Human Rights and the 1966 International Covenant on Economic, Social and Cultural Rights. The latter has been signed and ratified by Israel. Israel also claims that it is a democracy, a political system in which people are treated fairly. Then why is it that Palestinians living in the occupied Palestinian territories and Palestinian-Israelis are subjected to different standards, policies, and even laws in comparison to their Israeli counterparts, and treated like second-class citizens? The United Nations continuously documents that Israel is breaking various international covenants and laws, yet it is still an active member state of the organization. Israel's illegal annexation of East Jerusalem and subsequent claim of ownership of the land, as it was declared as a part of the nation's capital, seems to serve only as a symbolic exercise of power and privilege and not one of practice, as Israel routinely ignores East Jerusalem's most pressing urban planning issues. It has become evident that Israeli does not care about the Palestinian neighborhoods as much as they care about the land in which they are built upon. It would seem as if the municipality of Jerusalem as well as the national government of Israel are actively ignoring the needs of Palestinians, their neighborhoods, and their housing in hopes that someday, when the conditions become so unlivable, the Palestinians of East Jerusalem will simply leave. However, that dystopian dream is all too far from the reality. Palestinians, past and present, have demonstrated that they cannot, and in many cases will not, wait for the Israeli government to address their most pressing needs such as access to land, housing and basic infrastructure, such as schools and roads. This research has exhibited the significant, and very tangible, ways in which Israel

has used, and continues to use, planning as a form of state-sanctioned oppression, as outlined by Yiftachel's four dimensions of planning control: territorial, procedural, socioeconomic, and cultural.

6.1 Recommendations

In moving toward a more just, more progressive, and more sustainable Palestine that allows all Palestinians to reach their full potential there must be changes on all levels of government and in all realms of life. While interviewing a Palestinian UN employee they made it very clear that urban planning in Palestine cannot be discussed or remedied without addressing Palestinian life as a whole. The illegal Israeli occupation has made it nearly impossible for Palestinians to live, as it has severe implications and impacts on all aspects of life and not just simply urban planning.

There must be both immediate and long-term actions put in place by the Israeli government, in conjunction with Palestinians, in order for Palestine to prosper in all realms of life. First and foremost, the Israeli government needs to end its illegal occupation of all Palestinian territories, including but not limited to the removal of the separation barriers, all Israeli military forces, and all illegal Israeli settlers. While this seems like an ambitious goal, only when the occupation ends can Palestinians truly take hold of their planning and their future.

In the meantime, as the end of the occupation will be long-term solution, the municipality of Jerusalem must actively work to remedy the housing crisis currently facing the Palestinian neighborhoods. This can be done through various measures such as allowing for easier access to building permits (quicker and cheaper), an immediate end of demolition

orders, and improving the basic infrastructure of East Jerusalem. An Israeli NGO professional mentioned that while housing is of huge concern, the infrastructure of East Jerusalem is almost none existent and needs serious improvements and additions. The municipality of Jerusalem must also seek the advice and direction from Palestinian leaders and Palestinian residents. Palestinians are those who know best as to what they need and they cannot be continuously left out of the decision making process when it pertains to their lives and livelihoods. While the Palestinian education system has been insistently strained it does not mean that there are not qualified Palestinians who are knowledgeable about urban planning issues. Palestinians and the Palestinian diaspora, globally, are more than capable and highly qualified to address the most pressing Palestinian urban planning needs.

Palestinians and Palestinian-based non-profits should continue to create coalitions and partnerships that devote their time, energy, and resources to creating and implementing urban plans that will address the severity of Palestine's most pressing urban planning issues, including access to adequate housing. It is worth reiterating that Palestinians are living under an illegal occupation, a product of white supremacist colonialism, and their struggle for independence and self-sovereignty is intrinsically linked to the inhumane power imbalance enacted by the State of Israel. The oppressed can only do so much to better their situation when living in a constant state of systematic oppression. A resolution to this decades-long struggle can and should be done so peacefully, however, the hegemonic narrative that it can only be resolved through weapons, violence, and war is not only a dangerous narrative but one that is a direct result of the racist ideology that people of color are inherently violent.

It is most important that those of privileged groups and identities, Israelis in the case of this research, must begin the very tedious and life-long processes of learning and unlearning. Learning about the ways in which their privilege is oppressing others but also how it can be leveraged to bring about positive social change. Unlearning both the conscious and subconscious biases that are continuously reiterated and perpetuated through the process of socialization, including formal education and the media. Therefore as a final recommendation, Palestinians' human, civil, political, social, and economic rights must be granted and guaranteed in order for them to actively (read: freely without the fear of persecution and death) participate in the large-scale change needed for the creation of a sustainable, fruitful, and equitable Palestinian state.

6.2 Future Research

More urban planning practitioners and academics need to invest their time in research that truly analyzes the power imbalances that exist within urban spaces that contribute to the oppression of so many marginalized groups around the globe. As theorized by Faranak Miraftab, insurgent planning, planning that seeks to actively reject colonialism while uplifting marginalized voices through the importance of history, must become the norm for all of urban planning. We cannot seek to better the lives of urban residents if we continue to use the same tools that create and recreate severe inequalities.

As far as research on Palestinian urban planning, I recommend that it centers on the lived experiences of the Palestinian people as related to planning. They are the only people who can truly articulate their truths and realities. This would ideally involve spending a

significant amount of time in East Jerusalem and the occupied territories in order to meet Palestinians and build relationships that seek to better their lives through collaboration and listening. Urban planning must be centered on all people; in particular those of marginalized and oppressed groups, because planning without people is poor planning.

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