# Politics of Informal Urbanization and the Battle for Urban Rights in Jerusalem

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The informal urbanization process in East Jerusalem has been politically charged and motivated since the Israeli occupation started in 1967. Israeli authorities' *de facto* measures have unleashed uncontrolled and undirected spatial growth for Palestinian communities in East Jerusalem that has had unavoidable negative repercussions on the built environment. Israeli authorities have strived to alter the demographic and spatial settings of Jerusalem and its environs in favor of a Jewish hegemony to predetermine the political resolution of the conflict in Jerusalem. Accordingly, Israeli authorities have maintained a matrix of geopolitical control based in part on physical infrastructure, including the separation barrier, Israeli settlements, bypass roads, and the like. This policy of separation and control was enabled by a *de jure* planning system, where the bulk of Palestinian houses in East Jerusalem are considered unauthorized and as such are under threat of demolition and their inhabitants subject to forced displacement. As of 2014, there were 11,000 pending demolition orders in East Jerusalem, amounting to a quarter of all Palestinian families in East Jerusalem. The Israeli occupation has not been a short-term affair, and Israeli governments have had ambitions that go beyond administrative goals to include goals of territorial control over the occupied territory. This has been achieved by adopting a complex legal system of planning. The extent of the legal system that has facilitated the expropriation and reallocation of formerly Arab land to primarily Jewish hands makes it difficult to capture in its entirety.

Since the start of the occupation, the Israeli authorities cancelled all plans prepared and approved during the Jordanian administration. In 1974, the Israeli Jerusalem municipality declared the area of East Jerusalem annexed in 1967 part of the planning milieu under its jurisdiction.

According to the prevailing law, the Israeli municipality was mandated to prepare (local) outline plans covering the entire area of East Jerusalem for approval by the District Planning Committee within three years. In 1975, the Israeli Jerusalem municipality, in the absence of any master plan for East Jerusalem, specified the areas in East Jerusalem where building permits could be obtained based on article 78 of the prevailing building and planning law. In 1977, the first master plan for East Jerusalem covering the Old City and its environs (TPS 9) was approved. TPS 9 required that detailed plans be prepared before granting any building permits. In 1983, the municipality decided to prepare outline plans for the Palestinian communities in East Jerusalem. By 2002, only 20 outline plans were approved. The dismal situation resulting from the planning crisis in the Palestinian communities of East Jerusalem is evidence of the failure of the currently adopted statutory planning processes in East Jerusalem to meet the local population's needs and to defend their personal and collective rights to housing, safe water, and sanitation, to name a few. It has spurred the Palestinian community of East Jerusalem to develop "bottom-up" Palestinian alternative plans for the "top-down" Israeli plans that do not meet the basic building and planning rights. Nevertheless, these initiatives remain sporadic and lack an overall strategic outlook to the future of the Palestinian communities in East Jerusalem.

## Theoretical Boundaries

Israeli authorities have used planning as a tool to control and shape the Palestinian habitat in the city. The current planning boundaries of East Jerusalem are being set in an artificial manner based on geopolitical artifacts that cut East Jerusalem from its natural urban and rural hinterland. Israeli authorities have also restricted the expansion of Palestinian neighborhoods and undermined their contiguity through designating the surrounding land as green areas. On the ground, this land use designation is ignored, and the land has been repeatedly expropriated to build new Jewish-only neighborhoods. Hardly any building permits are granted for the Palestinian neighborhoods of East Jerusalem through the Israeli planning system, since there is a lack of approved plans for the Palestinian neighborhoods. Furthermore, there are no adequate financing and lending mechanisms.

As a result, there has been a severe housing shortage and a dramatic increase in housing prices, which force locals to build without formal authorization or to be relocated outside the municipal boundaries. Nevertheless, Palestinian neighborhoods continued to grow, within their limited boundaries, with an increased level of informality. Almost one-third of the houses are considered informal areas, which lack adequate infrastructure and basic services. By the same token, Israeli planning policies aim to engineer a "demographic balance" in Jerusalem (namely a 70 percent Jewish majority in the city). To achieve this goal, Palestinian residents have to prove that Jerusalem is their "center of life," otherwise their residency rights will be revoked and they will be forced to leave their homes. The context of East Jerusalem presents a special case of complex paradoxes. While Palestinians in East Jerusalem continue to refuse the legitimacy of the Israeli Jerusalem

municipality, they continue unabatedly their struggles to defend their planning and building rights within the system.

The case of East Jerusalem promises to unpack new theoretical notions of the relationship between the process of informal urbanization and the struggle for political recognition and inclusion. From one perspective, urban informality in East Jerusalem provides strong evidences of "emancipatory" approaches that foster sense of place in the shadow of a national steadfastness strategy that encourages informality at present, while claiming East Jerusalem as the capital of the coming Palestinian statehood. From another perspective, urban informality is the result of lack of meaningful exercise for Palestinians to the "right to the city," and thus informality patterns in East Jerusalem are considered bold expressions of urban inequality. Within the context of alternative planning in East Jerusalem, geopolitics is best described as referring to the emergence of discourses and forces connected with the tools and technologies of control, as well as patterns of migration by individuals and communities. To this end, this article focuses on urban informality to highlight the challenge of dealing with the "unplannable" within the planned realm. In other words, how would current exceptions to the order of formal planned urban spaces of East Jerusalem solidify Palestinians' "right to the city"? And how does the indigenous social structure of Palestinian neighborhoods in East Jerusalem create new spatial structures conceived as "unplannable"? To better understand the spatial context and settings of Jerusalem, it is important to classify it against the ethnic cities of Palestine/Israel. The coming section provides some insights.

## Ethnic Cities in Palestine/Israel: How to Position Jerusalem?

Looking at the past century, one can classify the cities of Palestine/Israel into four main categories, as follows:

1. Cosmopolitan: where Jews and Arabs lived under the same municipality prior to the establishment of the State of Israel (for example, Haifa before 1948).
2. De-Palestinianized: where Palestinians used to live prior to 1948, but which became dominated by a Jewish majority after the establishment of the State of Israel (for example, Lydda, Ramla, Acre, and Jaffa post-1948).
3. Judaized: new Jewish-Israeli towns that were established after 1948 as an attempt to Judaize the space of the State of Israel and have accommodated Palestinian migration during the last three decades (for example, Carmiel and Upper Nazareth). This process contributes not only to the change of the historic cities as we know them, but also it contributes to the change of the city-region, and creates new facts on the ground.
4. Precarious: Post-1967 Jerusalem that emerged out of war is also an example of a Jewish-Arab "mixed city" although it is more commonly referred to as divided or contested, in terms of its urban space and ethno-national lines, and within a colonial context, its Palestinian areas are occupied by Israel.

Jerusalem has long been known as a "cosmopolitan city," in which people from different socio-cultural, economic, political, and religious backgrounds have coexisted. Nevertheless, rereading the modern history of the city shows the dynamic spatial order within the Holy City and its environs (fig. 1). The heterogeneous urban environment of Jerusalem during the Ottoman period (1516–1917) was perceived as a "mixed city," wherein various modes of joint sociality between different ethnic and religious groups existed. At the outset of the British Mandate era (1918–1948), Jerusalem became a "divided city," split along ideological and political lines, but within an accepted political framework, to a certain extent. Segregation and social exclusion of Arabs was evident in Jerusalem at the time, especially in the Old City, which was penetrated by the new waves of Jewish immigrants. By the end of the Mandate, Jerusalem came to be perceived as a "polarized city," where the political framework was increasingly rejected, and the conflict transformed into an ethno-national one between Arabs and Jews. In 1948, Jerusalem became a "partitioned city," where two separate political and administrative frameworks emerged – the western part under Israeli control and the eastern part under Jordanian administration (1948–1967).

Since 1967, the eastern part of Jerusalem has been occupied by the Israeli military, and Jerusalem became a "colonial city," where the many administrative and planning interventions of the Israeli authorities aimed at enabling ever growing numbers of Jewish immigrants, who infiltrated the Arab Palestinian urban fabric in East Jerusalem and whose population mushroomed there. Under the 1980 Jerusalem Law, Jerusalem was declared a "united city," but this did not result in unity. Actually, this has been a farfetched vision. Jerusalem has become Israel's poorest city, and the stratification and division between secular Israelis and Orthodox Jews (30 percent of Jerusalem's population) has became more problematic by the day.

With the Oslo process, discussion of the possibility of making Jerusalem a "separated city" became prevalent. The deep disfranchisement resulting from decades of Israeli military occupation had radically transformed the vision for Jerusalem from the city of peace (characterized by religious and socio-cultural assimilation) to the city of piece (characterized by social disintegration and physical fragmentation).
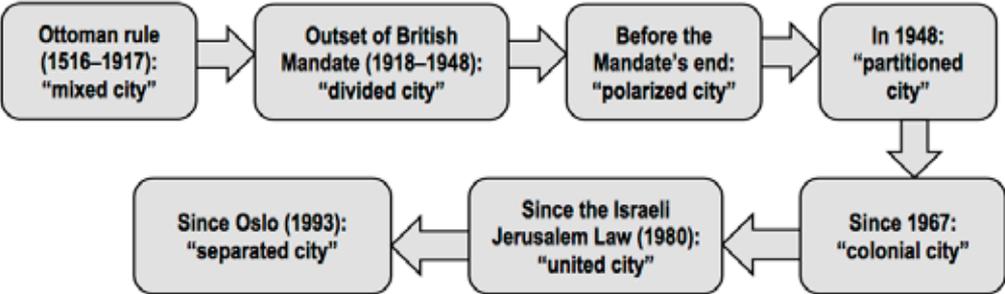


**Figure 1: Evolution of Jerusalem from a mixed city to a separated city.**

## Alternative Modes of Space Production

The urban fabric of East Jerusalem is fragmented, spatially composed of different communities that lack an urban connection of public spaces. This is due to a number of factors, including settlement construction and the Israeli policy of "green control." To fragment the Palestinian communities living in East Jerusalem, Israeli planning and development efforts have focused on building new Jewish-only settlements located deep between these communities. Not only has this undermined the contiguity of Palestinian spaces, it has also prevented the natural spatial expansion of Palestinian areas in the city. Some 11 percent of East Jerusalem lacks approved outline plans, and is thus considered "unplanned" under the Israeli planning and building apparatus. Furthermore, about 29 percent of the planned area in East Jerusalem is designated as "open/green areas," a category that consists of a multiple different types of space, including: open public areas, open private areas, open landscape areas, agriculture areas, municipal parks, and national parks.[1] The zoning categorization of "national parks" has become pervasive and has been used more frequently by Israel in recent years, as compared with the designation "open public land."[2] This is mainly due to financial and legal technicalities as well as national interests. The retroactive zoning of land as "national parks" does not require land expropriation under common municipal law; rather, the land is expropriated as a national emblem, which entails zero financial liabilities to compensate the owners. Also, this categorization automatically transfers authority from the local to the national level, as national park lands come under the authority of the Nature and Park Authority, which has no liabilities toward landowners under Israeli law.[3]

In the words of Sari Hanafi, the Israeli colonial project is "spacio-cidal" in the sense that it targets the landscape; it is a project that fears green space, seeking not only the fragmentation of the landscape, but ultimately its abolition.[4] A flagrant example on this "spacio-cidal" project is Har Homa. Har Homa is an Israeli settlement that was built on Jabal Abu Ghunaym, south of Jerusalem on the land of Bethlehem and Bayt Sahur. When Jabal Abu Ghunaym was annexed to the Israeli Jerusalem municipality in 1968, it was designated as a green area, where spatial development was restricted. In 1997, however, the designation of the area was suddenly changed to allow Har Homa's construction on what had been the largest forestland in Bethlehem region.

Drawing from Henri Lefebvre's normative concept of the right to the city and his analytical theory of the production of space, and recalling theories of collective rights, Yosef Jabareen argues that the Palestinian communities in East Jerusalem, in order to "plan, build, and produce their urban and human spaces," articulate alternative informal rights of survival and resistance – the "right to necessity" – to realize the needs and rights ignored by the formal planning apparatus.[5] Put simply, Israeli-imposed spatial planning strategies in Jerusalem have violated the right of the city's Palestinian inhabitants to the production of space. Palestinian Jerusalemites continue to find ways to produce their spaces informally, defying the Israeli-imposed spatial planning strategies and laws and using alternative modes of space production. In this undertaking, the "right to necessity" is an attempt by the Palestinians living in East Jerusalem to respond to the facts on the

ground, characterized by lack of possibility to produce, re-produce, and co-produce public space. Thus, these groups seek an alternative route for the production of space. The conceptualization and expression of the "right to necessity" is inseparable from basic civic and humanitarian rights.

## The Politics of Neighborhood Planning

The concept of alternative planning at the neighborhood level in the broader context of spatial planning in occupied East Jerusalem, as a social and spatial entity, is discursively linked to modern planning and emphatically nationalism. Since the end of the nineteenth century, the design of modern neighborhoods was at the core of spatial planning; its vision was not only the physical improvement of housing conditions but extended to *civitas*, i.e., the shared community of citizens. This has never been the case in the Palestinian communities of East Jerusalem.

Nevertheless, Israeli national ambitions are playing out on the level of neighborhood planning in East Jerusalem, and some argue that this should be the starting point for Palestinians to realize their flagship project of state building, with East Jerusalem as its capital. Analysis of the prevailing trend of urban sprawl shows that Palestinian communities differ totally from Israeli settlements in terms of composition, density, spread, and functionality. This infers that both the Palestinian communities and Israeli settlements continue to live in proximity, but separately. Furthermore, providing space for sustainable urban growth with a more decentralized hierarchy for social service delivery, including health and educational facilities, would help bridge the urban-rural division in the East Jerusalem region. This should be done through comprehensive and strategic interventions of alternative planning – that is, outside the current structure of the Israeli Jerusalem municipality – at the neighborhood, city, and regional levels. Local governmental policies and incentives would be supported and developed in consultation and partnership with local stakeholders, with the ultimate goal of reducing environmental burdens and negative exacerbations on the urban Palestinian poor in East Jerusalem and beyond, in the West Bank at large. This means that the politics of informal urbanization within the context of East Jerusalem should lead to planning East Jerusalem as the capital of a Palestinian state. Such an exercise does not require ending the occupation in order to begin; Palestinian planners should start immediately in charting this plan with a strategic vision vis-à-vis the surrounding landscape.

The fundamental assumption behind this undertaking is that members of ethnic and national groups have a moral right to space production without being subject to discrimination. The right to space production should be regarded as a basic human right. The impact of engagement or disengagement with the Israeli planning regime must take into consideration the "Do No Harm" principle. Therefore, a human rights impact assessment mechanism should aim at facilitating an evidence-based analysis of potential risks of engagement and of disengagement with the Israeli authorities, especially the Jerusalem municipality. The policy decision at the national level, in each case weighing

the particular risks and opportunities involved, lays in the hands of the representatives of the Palestinian communities in East Jerusalem. However, any decision taken should give attention to the inviolable rights, including those enshrined in the Fourth Geneva Convention, of the Palestinians residents in the occupied territory.[6]

A feeling of impotence still exists nowadays among many policymakers and academics. The ever-elusive scepter of peace slips further from reach in light of the prolonged stalemate in negotiations between the Palestinian and Israeli sides and ongoing right-wing Israeli violations, especially against Palestinians in East Jerusalem. Taking control of planning in East Jerusalem might be perceived as a pipe dream at present, but hopefully public opinion (both Palestinian and Israeli) would be less enamored of what politicians deem attainable, especially if the repartition of the geopolitical space is presented as the one and only solution for conflict resolution in East Jerusalem. One hopes that, in the long run, both sides will be more empathetic about the unavoidability of coexistence, especially since, despite the dismal constructs and social apathy associated with everyday life practices during the past six decades of conflict, the longstanding history of the city of Jerusalem indicates that a huge reservoir of tenacity in terms of socio-cultural assimilation has existed among the people who inhabit the city.

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**Endnotes**

1  Bimkom – Planners for Planning Rights, *Under the Guise of Green* (Jerusalem: Bimkom, June 2014).

2  The National Parks Plan includes the King's Valley Plan in al-Bustan area at the heart of Silwan neighborhood and the Mount Scopus Slopes National Park between al-Tur and al-'Isawiyya. The national parks zoning policy aims to disposes Palestinians by advancing the "Holy Basin" plan that includes the Old City and its immediate surroundings in Silwan, Wadi Hilwa, al-Tur, and Shaykh Jarrah.

3  Bimkom, *From Public to National: National Parks in East Jerusalem*, 7.

4  Sari Hanafi, "Spaciocide," in *City of Collision: Jerusalem and the Principles of Conflict Urbanism*, ed. Philipp Misselwitz and Tim Rieniets (Bassel: Birkhäuser, 2006), 93–101. See also: Sari Hanafi, "Explaining Spacio-cide in the Palestinian Territory: Colonization, Separation, and State of Exception," *Current Sociology* 61, no. 2 (Mar. 2013): 190–205.

5  Yosef Jabareen, "The Right to Space Production and the Right to Necessity: Insurgent versus Legal Rights of Palestinians in Jerusalem," *Planning Theory* (June 2015): 1–26, quote at 3.

6  Article 47, Fourth Geneva Convention.