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Dynamic Planning Initiated by Residents

Implementable Plans for the Informal Built Urban Fabric of the Palestinian Neighborhoods of East Jerusalem

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The residents of the Palestinian neighborhoods of East Jerusalem live in the midst of a planning chaos stemming from decades of neglect and discrimination by an ideologically motivated Israeli establishment, and manifested in a severe housing shortage, poor physical infrastructure, limited municipal services, and a lack of public areas, both open and institutional. The often outdated neighborhood plans grant extremely limited building rights and allocate little vacant area for expansion. Attaining building permits is virtually impossible due to insensitive and inflexible zoning schemes and other bureaucratic obstacles. In the face of the growing housing shortage, Palestinian landowners have resorted to unauthorized construction, as a result of which many Palestinian homes in the informally built-up fabric of East Jerusalem are under the threat of home demolitions.²

Al-Ashqariya is a small sub-neighborhood in the western part of Beit Hanina in northern East Jerusalem. The residents of the neighborhood, Palestinian Arabs living under Israeli control since 1967,³ have built their homes gradually over the course of the past 20 years. However, their land is designated in the neighborhood plans as open scenic area and therefore it is impossible for the residents to obtain building permits.⁴ In the wake of this

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² For a description of the sequence of events that led to the current situation and a detailing of the obstacles towards achieving building permits, see: *Bimkom – Planners for Planning Rights, Policy, Planning, and Development in East Jerusalem* (Jerusalem, forthcoming).

³ In 1967, Israel occupied the West Bank, including the eastern part of Jerusalem, which had been in Jordanian hands since 1949. After the war, Israel demarcated new municipal borders, de facto annexing East Jerusalem as well as the lands of more than twenty villages from the city's agricultural periphery. Israeli law was applied to East Jerusalem and the approximately 70,000 Palestinian residents who lived there were granted permanent residency though not Israeli citizenship. Since then, Israel has worked to increase its hold over East Jerusalem by building huge Israeli neighborhoods on lands expropriated from Palestinian villages. Planning has been one of the key tools in the mission of thwarting Palestinian claims to East Jerusalem.

⁴ According to the Israeli Planning and Construction Law, a structure built without a building permit is subject to demolition. A structure built without a permit is also not entitled to being connected to the water, sewerage, electricity, and telecommunications infrastructure. Because of the large amount of

informal construction, residents have been served with demolition orders, and some homes have actually been demolished. One resident, following the partial demolition of his home, convinced his neighbors to join in preparing and promoting a new plan for the neighborhood so as to legalize their homes and remove the threat of demolition.

Subsequently, a group of landowners organized and approached the neighborhood community center for assistance,⁵ as they embarked on the dynamic planning process. Their planning mission was a complex one: they had to designate sufficient residential areas to meet the growing needs of expanding families, while allocating substantial areas for public use (roads, public and educational buildings, playgrounds, local commerce, etc.), all without there being a need to destroy existing structures or to resort to the re-parcelization method. The plan was drawn up at the initiative of the residents, with their full consent and participation; every detail of the plan was decided upon by consensus and to the satisfaction of all the partners, with no big winners or losers. In order to achieve this, the residents, in consultation with their planner⁶ and the community center, had to try new and creative planning solutions.

Plan # 9713 for al-Ashqariya was thus drawn up in an unconventional way relative to what is commonly accepted in Israel and Jerusalem. The significant innovations and creative solutions developed in the plan, and in other plans done concurrently, are the basis for the idea of implementable planning as presented in this article.⁷ The plan, which covers an area of about 83 dunam,⁸ was approved in early 2012 after about 10 years of intense planning work. The mechanisms of balance and consensus developed in the plan, combined with flexibility on the part of the planning institutions, enabled its ultimate success. Since the validation of the plan, and prior to requesting retroactive and new building permits, the residents have been working to formalize the new division of the land among themselves and between them and the municipality,⁹ in accordance with the divisions stipulated in the

unauthorized construction in the Palestinian neighborhoods of East Jerusalem, the Israeli authorities in fact demolish only a small number of the houses, while the others are subject to fines and extended legal proceedings.

⁵ The community center is a body that functions on the neighborhood and municipal level. On the one hand it is subordinate to the (Israeli) Jerusalem Municipality, while on the other hand it works to assist the Palestinian population, among other things in the field of planning.

⁶ Architect Ayala Ronel, one of the authors of this article.

⁷ This article is an abridged version of a longer document proposing a solution for the housing shortage in East Jerusalem through implementable planning initiated by the residents. The longer document is being used by Bimkom – Planners for Planning Rights, as an advocacy tool facing the Israeli planning authorities.

⁸ 83 dunam is the equivalent of about 20 acres.

⁹ The preparation of a Land Registry Plan is a prerequisite stipulated by the municipality for granting building permits on areas in which the land is not registered.

plan. Following is a summary of the planning mechanisms used by the residents in drawing up the plan for al-Ashqariya and those attempted in other implementable plans:

- Local initiative and key individual: One cannot overstate the importance of the fact that the initiative for the planning process in al-Ashqariya was a local and even an individual one, with one charismatic and dedicated landowner encouraging the rest of the participants to persevere in spite of the many problems that came up along the way. Another factor contributing to the success of the plan was the residents' organization and management of the process with the help of the community center. The community center's community urban planner, whom the residents trusted thanks to his longstanding reputation as an honest and devoted professional, was actively involved in the organization of the landowners and in the planning process. This high level of organization enabled the residents to continue and to develop implementable planning mechanisms, as follow:
- Balancing allocations for public areas: From the start of the planning in al-Ashqariya, it was clear that it would not be possible to achieve a classical balance in allocations for public areas, by which the landowners allocate areas of equal or relatively equal size for public use. When possible, land designations are determined by land ownership and by the deployment of existing construction in the area, with no need for monetary compensation. In most cases, even when such a balance in allocations for public uses is achieved, a joint cashbox is useful:
- A joint cashbox: Residents make periodic deposits into a joint cashbox enabling them to contract planning services, order a land survey, and compile a planning team. During the planning in al-Ashqariya, the residents found that there were not enough available open areas to serve as areas for public use. To reconcile this, they located a large vacant area at the edges of the plan, purchased it using the joint cashbox, and allocated most of it for public use as an open public area. The remainder was zoned as residential, and subsequently sold to a private investor who plans on building an apartment building on it, for sale or for rental. This is likely to enable the return of the original deposits made into the joint cashbox, with some revenue. But it is not always possible to find vacant land for sale, and sometimes other solutions are needed:
- Allocating public areas in exchange for increased building rights: With the help of the community urban planner (at the community center), the residents of al-

Ashqariya located another landowner who does not live in the neighborhood but owns land abutting their land, and convinced him to join the group. His land, unlike the built-up property of the original partners, was completely vacant and therefore suitable for public buildings. In their plan, the residents indeed zoned part of this area for public buildings, compensating the owner with increased building rights on the part that was zoned as residential. However, the success of the plan is not dependent only on the landowners' creativity in terms of allocations for public use, but also on the openness and flexibility of the planning institutions:

- The planning bureaucracy: The consensual planning of the residents must ultimately be supported by the planning authorities, as only the latter can approve the plan and render it statutory. The planning bureaucracy must therefore be open to the residents' initiative by removing obstacles in their way and encouraging them to proceed. Likewise, representatives of the authorities must familiarize themselves with the complexities of the area in question and with the agreements reached amongst the residents. This demands flexibility, creativity and even special administrative re-organization.

In recent years, new approaches have penetrated planning discourse, advancing the subject of grassroots (bottom-up) planning in an informal environment. These approaches are an alternative to modernist planning approaches, which demand a strict hierarchy, favor top-down establishment planning, and require general planning before detailed planning. Such conservative approaches assume that planning requires a degree of professional coercion and damage to the existing urban fabric so that it can last for generations. New approaches, however, are much more flexible and adaptable to the dynamic nature of contemporary life, allowing bottom-up planning to connect with top-down ideas.¹⁰

The underlying idea behind the mechanisms described in this article is that valuable planning equals implementable planning. Plans that do not recognize the needs and opportunities latent in the area in question are in effect un-implementable and therefore useless and a waste of public money. Every land designation and directive written into the plans must take this into account.

¹⁰ For further reading on this subject, see: P. Davidoff, "Advocacy and Pluralism in Planning," *Journal of the American Institute of Planning* 31 (1965), pp. 331-338; L. Sandercock, *Towards Cosmopolis* (London: Wiley, 1998); S. Fainstein, "New Directions in Planning Theory," *Urban Affairs Review* 35, 4 (2000), pp. 451-478; N. Alfasi and J. Portugali, "Planning Rules for a Self-Planned City," *Planning Theory* 6, 2 (2007), pp. 146-163; T. Fenster, "Planning from 'Below' in Israel: Reflections on the Public Interest," *Geography Research Forum* 29 (2009), pp. 138-151.

Implementable planning can only take place under a number of conditions: broad consensus among the landowners; a basic ability to organize and persevere in the face of obstacles; cooperation based on mutual trust between the partners, the community planner, and eventually the planning establishment; recognition by the planning authorities that “proper” planning regulations and principles can be an obstructive factor for vital planning initiatives; adoption of flexible and creative procedures and approaches by the authorities and recognition that valid statutory plans are not fixed in stone but rather a dynamic base for evolving needs. In general, the essence of planning is in its ability to adapt itself to a changing reality.

In summary, while the housing shortage in the Palestinian neighborhoods in East Jerusalem is severe, it does not exist within an urban vacuum, but rather within an existing urban fabric. While it may look chaotic from the outside, it is often dynamic and full of vital potential. The present proposal for implementable planning suggests a planning solution for the housing shortage through a deep understanding of the existing fabric of life that has developed in East Jerusalem outside of formal planning frameworks. The national and local planning establishment would be wise to stop treating the existing situation as merely an obstacle, and start to see the potential found in the places and the people as an impetus for development and the creation of complex and interesting built environments.

Today we are witness to many private planning initiatives in almost all of the Palestinian neighborhoods of East Jerusalem. The more we see residents succeeding in realizing their visions, removing the threat of home demolitions, and bringing a message of construction and development to their neighborhoods, the more new initiatives will sprout up, increasing chances for a better future. The mechanisms described in this proposal, learned from the successes and failures of resident-initiated plans done in recent years, are formulated for the benefit of the residents as a suggestion for a mode of action, and for decision-makers within the Israeli planning authorities, as an implementable solution for the housing shortage, which they have a responsibility for solving.

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