Planned informality as a by-product of the occupation: the Case of Kufr Aqab Neighborhood in Jerusalem North

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The paper examines the planned mechanisms that the State of Israel is practicing on the Palestinians living in East Jerusalem, through displacing them into residual spaces. It will approach the discourse through presenting the policies imposed on Palestinians, and shall expand to focus on the spatial by-products of such executions. The case study is Kufr Aqab, which is the northernmost neighbourhood in Jerusalem, has been detached by the rest of Jerusalem through the separation wall and a military border crossing. Such apparatus has rendered Kufr Aqab as a space of legal and civil exception and an insecure setting between two hyper-secure environments. It seeks to contribute to the debate over informality via the Kufr Aqab case study.

Keywords: Planned informality, Displacement, Divided spaces, Occupation, Urban injustice.

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Introduction

This paper presents the case of a Jerusalem up north neighborhood, demonstrating the selective absence of the occupier as a mean to promote an unregulated process of violent dispossession and segregation. Such intended and planned lack of planning is aimed at weakening the civil status of the inhabitants by placing them at the margins of low living qualities, thus empowering their existence as an occupied population.

The process in producing and re-producing *informal spaces* allows the occupant and oppressor to structure its territorial control around this chaos, which then makes it easier to be removed and relocated (including the population present there) from the whole planning agenda.

The paradox in such a situation is the bouncing between the stiffness of building regulations imposed on the Palestinian Jerusalemites living in East Jerusalem, arriving to a severe level of impossibility in obtaining legal planning permits and the flexibility of the occupier to demolish those *illegal* houses, and in allowing the construction on the other side of the wall, both under the same sovereign, the occupier. Palestinians find themselves within a matrix of illegality, outside the legal planning framework when it comes to constructing their own houses in East Jerusalem, thus under continuous threats of demolitions and displacements, in search of any housing solutions that respond to their natural demographic growth.

Specifically, this case shows how among the effects of the occupation there is the intentional opposition to any formal process of urbanization. And then the production of informality is a mean to implement a clearer and defined *"Judaization"* and displacement policies at the larger scale.

Through the case-study we argue that the urban development in East Jerusalem is taking place informally (either inside or behind the Separation wall), without any formal rules and permissions, since the regulatory planning tools are able to underline and enforce the ties to the land and the statutory power of the occupied State.

In this perspective, the paper presents proofs and evidences of the correlation between lacking the regulations with the selective absence of sovereignty. It starts by giving an overview of the general context and situation in occupied East Jerusalem. The main focus is on the Israeli imposed policies that have influenced the Palestinian population residing there in terms of citizenship status and consequences based upon that. Then, the paper will reflect on the role of urban planning (presence and absence) in deepening the contestation of the city, by shifting the boundaries of the city (visible and invisible), which affect explicitly on the apparently informal and unplanned urban development as a whole.

Following that, the paper will present the case study of Kufr Aqab neighborhood as an example of a massive urban development, that seems to function without any regulations, but it is yet a clear effect of a unilateral action of the State of Israel in violation of the Palestinian Jerusalemites' rights. In this sense, the extensive housing development without any licenses has to be considered as a very important and serious manifestation of a by-product to the occupations' mere apparatus of isolation and displacement of the Palestinians in East Jerusalem. Thus, tailored urban planning theories and practices have to be produced to deal with this kind of planned informality under belligerent occupation.

Politics of Space: Re-drawing the Geographical Realities in East Jerusalem

Jerusalem is the prime example of cities deeply influenced by political and nationalistic aspirations through its urban policy making. Since the 1930s, the national struggle for Jerusalem began by the Zionist enterprise to claim Palestine as a national home for the Jewish people. In 1948, the partition of the city physically occurred and West Jerusalem became under Israeli control while the East part remained under the Jordanian rule.

In 1949, the armistice line or Green Line set the border between East (for the Arabs) and West Jerusalem (for the Jewish), by which East Jerusalem was adjoined to the Hashemite Kingdom of Jordan (West and East Banks at that time). In 1967, Israel conquered East Jerusalem and the rest of the West Bank from the Jordanian rule and annexed it to West Jerusalem. Such annexation gave Israel the full power over the land, in terms of spatial planning, housing policies, political arrangements and the re-drawing of the Jerusalem boundary (Khamaisi 2006; Khamaisi and Nasrallah 2006; Margalit 2006).

Since 1967, the state of Israel has been drawing on various territorial levels through adopting systematic spatial-demographic policies that influenced the organization and disorganization of the space in the aim of achieving its vision for the Greater Jerusalem Metropolis. This is being mainly achieved by playing the game of inclusion and exclusion; the first be including more Jewish settlements and the later by pushing Palestinian neighborhoods behind the separation wall. Both have been merely influenced by the elasticity of the Jerusalem boundary when it comes to Israeli settlements and to its rigidity when dealing with peripheral Palestinian neighborhoods. Such planned mechanisms have largely and explicitly altered the Palestinian socio-spatial fabric within a process of ghettoization and enclavization. East Jerusalem, which used to be the centre of commerce, trade, religious and cultural activities of the West Bank, is now under a systematic policy of exclusion, separation and despair.

Shrinking Palestinian Demography: Citizenship Status and Demographic laws in East Jerusalem
Since 1967, the Palestinian Jerusalemites living in East Jerusalem were given the default status of 'Permanent Residents' in Israel. Such status signifies that Palestinian Jerusalemites carry Israeli ID cards yet are not Israeli citizens and do not hold Israeli passports. Thus, their residency is under threat of confiscation if they fail to prove that their "centre of life" lies within the Israeli-defined municipality border of Jerusalem. The centre of life law, enforced by the Israeli government in 1996, stipulates that Jerusalemites must reside within the Jerusalem district limits in order to maintain their residency right in the city. This requires residents to prove that Jerusalem has been their centre of life by providing proof of payment for services and taxes to Israel[4].

The 'Permanent Residency' status has its own consequences on Palestinian Jerusalemites, not holding an Israeli citizenship leaves them without rights to participate in the Israeli Parliament (Kennest). However, they are entitled to participate in the municipal elections, yet they cannot candidate for Mayor or high positions. It is essential to mention that most Palestinian Jerusalemites have to date preferred boycotting the municipal elections as a manifestation of their refusal to recognize the Israeli occupation or forced annexation (Khamiasi 2007).

Therefore, the Palestinian Jerusalemites are absent from the planning system in Jerusalem. Their permanent residency does not allow them to have prominent jobs in Jerusalem especially in positions that are related to the city planning and development[5]. Most of the plans prepared and authorized were prepared by Israeli planners and follow the planning standard and guidelines determined by Israeli policies to fulfil the territorial, demographic and governmental Israeli national and municipal goals (Khamaisi 2011).

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[4] Since 1967, Israel has revoked the residence of over 14,000 Palestinians who have not complied with this law, by living outside of the municipality borders. According to the Israeli Ministry of Interior, 4,557 Jerusalemite IDs were revoked in 2008, while 8,700 persons between years 1967-2007 (JLAC 2012).

[5] In the year 1988, the "Authority for Developing Jerusalem" law stated that it is not allowed for a non-Israeli citizen to serve as a council member or to be in the management of the "Authority for Developing Jerusalem", which has powers in everything related to planning and city development.

Furthermore, to ensure that a Jewish demographic superiority is maintained in the city, a policy of "demographic balance" has been adopted by the State of Israel aiming to limit the Palestinian population in Jerusalem to a percentage of 30% of the city's total population versus 70% Israelis. This has of course been reflected on the spatial planning of the city of Jerusalem, mainly by expanding the city's municipal boundaries westward. In addition to an accelerated development and construction of Jewish neighborhoods in West Jerusalem and Jewish settlements in East Jerusalem, this has been a crucial attempt in limiting the natural development and expansions of the Palestinian neighborhoods.

Another hinder to the natural growth of the Palestinian population in East Jerusalem is through making it impossible for the family reunification since 2003. The 'Permanent Residency' status is not automatically transferred through marriage[6]. This has as well created severe problems in the registration of children where one parent is a Jerusalem resident and the other is a resident of the West Bank or Gaza Strip. Therefore, many Palestinian families failing to obtain the family reunification have been forced to live in an area that provides them with the requirements of proving that they live within the Jerusalem municipality limits but also offers a legal base for the Palestinian ID holders who are members of the family (OCHA 2011).

Such demographic mechanisms inflicted on the Palestinian population continue to have several explicit effects on the organization of the space in East Jerusalem. The utilization of specific territorial policies as instruments to weaken the Palestinian land control had its severe influences on intensifying the segregation and confinement of the Palestinians neighborhoods, as well in deepening the invisible division and inequalities between East and West Jerusalem.

Urban Planning as a Powerful Apparatus to Re-draw the Jerusalem Boundaries
Urban planning in East Jerusalem falls under the dual authority of the Jerusalem municipality and the Jerusalem district of the Ministry of the Interior. Generally speaking, with the highly centralized Israeli nation state, little space is foreseen for citizen-based urban development, especially in the highly contested city of Jerusalem. Urban space management and development remains heavily controlled and supervised by the centralized governments with little involvement of the local population (Khamaisi 2007). The Palestinian Jerusalemites are thus dominated by policies and spatial planning regulations over which they have no control, and their quality of life is severely restricted and highly altered due to these decisions (Pullan 2009).

Since 1967, the planning and development needs of the Palestinian population have been systematically ignored (Bimkom 2005). The authorities have adopted a range of planning policies and measures that have constrained the development of Palestinian neighborhoods in East Jerusalem. The Israeli Authorities issue around 1000 building permits annually in East Jerusalem for the 270,000 residents. With only 13% of East Jerusalem currently zoned for Palestinian construction[7], and the fact that most of this area is already built-up (densification is not even allowed), Palestinians are discouraged from applying for building permits because of the difficulty of obtaining it and the very expensive process it entails, which could last for years.

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[6] The Palestinian population living in the West Bank are not allowed to reside in East Jerusalem and visits are allowed through obtaining permits to enter Israel that are rarely issued only for exceptional reasons like medical treatment.

[7] The total area of East Jerusalem is 70.5 km2, by which 24.5km2 (35%) are expropriated for Israeli settlements, 15.48 km2 (22%) are zoned for green areas and public infrastructure, 21.35 km2 (30%) are unplanned areas, and 9.18 km2 (13%) for Palestinian construction (OCHA 2011).

Therefore, Palestinian residents are forced into building illegally inside the East Jerusalem neighbourhoods and face demolition orders, imprisonment and fines, which has led to severe housing shortage.

To further enclose Jerusalem, the Israeli authorities have prioritized the construction and expansion of the Israeli settlements[8], at the expense of the natural expansion of Palestinian neighbourhoods[9].

Even though, the construction of the settlements in East Jerusalem has been in contravention of the international law, yet the State of Israel has used such urban development in order to achieve the *"Judaization"* of the entire of Jerusalem and lower the division of the city by making it the capital. In other words, establishing a substantial Jewish presence throughout the parts of the urban area occupied militarily in 1967, as to make the redivision of the city impractical, in favour of the Jewish presence and supremacy (Bollens 1998).

The construction and development of the Israeli settlements has occurred on three different layers, inner, municipal and metropolitan (OCHA 2011):

- an 'inner layer': Land and property also expropriated from Palestinians to create settlements in Palestinian residential areas, the 'Holy Basin' area;
- a 'municipal layer' including some of the largest settlements in the Occupied Palestinian Territories, with population of approx. 200,000;
- a 'metropolitan layer' constructed in wider area of Jerusalem.

All the aforementioned has been directly controlling the Palestinian built-up areas and strangling the Palestinian residents in over-populated neighbourhoods that suffer from inadequate infrastructure. Such crisis results from the lack of appropriate urban planning, which takes into account the informal, dense and under-serviced reality of most Palestinian neighbourhoods, and the insufficient investment in public infrastructure and services (OCHA 2011).

In addition, one of the most common planning tools to restrict Palestinian construction in East Jerusalem is the designation of areas within the boundaries of the local plan as open landscape areas (green areas and national parks) on which no construction is allowed[10].

Finally, the separation wall around the city of Jerusalem has cut through Palestinian neighborhoods, separating Palestinians from each other before separating them from the Israeli population and neighborhoods.

Thus, the separation wall did not only act as a security "barrier" between Palestinians and Israelis, but rather as a demographic structure annexing more land with the minimum Palestinian localities. With the erection of the separation wall and the establishment and redefinition of the Jerusalem municipality boundaries, many "periphery" neighborhoods of the city have been forced to adapt new geo-political realities and function as enclaves of inhabitance, in other words, *residual spaces*.

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[8] These settlements today in East Jerusalem are homes to approximately 160 000 Jewish residents. Since 1967, 88 per cent of all housing units built in east Jerusalem have been built for the Jewish population (B' Tselem 1995).

[9] According to Bimkom (Planners for Planning Rights), the shortage in housing for the Palestinians in East Jerusalem has arrived to almost 10,000 housing units. It is expected that this shortage will increase with a rate of 1500 housing units/year. Further, house demolitions in East Jerusalem have arrived to 2000 Palestinian demolished houses since 1967. (Bimkom 2012)

[10] The Jerusalem Municipality prefers National Parks to neighborhoods for the Palestinian residents in East Jerusalem. According to Bimkom, The designation of land as a national park is a powerful and unjustified planning tool that is harmful for the population of East Jerusalem. (Bimkom 2012)

An intentionally: "Informal" Jerusalem neighborhood under the occupation

"Israel has transformed urban planning into a tool in the hands of the government whose object is to prevent the spread of the non-Jewish population of the city. This was a cruel policy, if only by reason of the fact that is disregarded the needs (not to mention the rights) of the Palestinian residents. Israel regarded the institution of a stringent urban planning policy as a way to restrict the number of new houses being constructed in Palestinian neighbourhoods, and thus ensure that the percentage of Palestinian residents in the city's population – 28.8% in 1967 – would not increase. If we permit 'too many' new homes to be built in Palestinian neighbourhoods, that will mean 'too many' Palestinian residents in the city. The idea is to move as many Jewish residents as possible to occupied East Jerusalem and to move as many Palestinians as possible out of the city altogether. Housing policy in occupied East Jerusalem has focused on this numbers game". (Chelsin *et al* 1999:34)

Evidently, Israeli planners and decision making circles within the Israeli government have utilized urban policies to weaken and hinder Palestinian presence in the city (Bollens 1998). Therefore residual spaces have been designated to host the displaced mobile demography and create an illusionary sense of existence within a *"Permanent Temporariness"* status of inhabitance.

With the impossibility of obtaining a building permit in East Jerusalem, a severe housing deficiency has emerged. Alternatively, many have decided to move to neighbourhoods where the building regulations are non-existent and the residency status can be somehow maintained through paying for taxes to Israel in addition to being able to live with their Palestinian ID holder spouses.

Those neighborhoods have been shifted – all around Jerusalem[11] – behind the separation wall and contain a total population of 90,000 Jerusalemites who are under the constant threat of losing their residency rights in the city (CCDPRJ 2012).

One of those residual spaces is the Kufr Aqab neighbourhood, which has been gradually excluded from the boundaries of the city. It is an East Jerusalem neighborhood, at 14km distance from the Old city of Jerusalem and 4km distance from Ramallah. It is one of the main neighbourhoods witnessing the Israeli planning attempts to displace the Palestinian Jerusalemites into areas that are undergoing exclusion from the city of Jerusalem.

Actually, the total area is under two different Jurisdictions: the 30% (1.8 km²) is under the Jerusalem municipality, and the rest 70% is classified as Area C[12] (part of the West Bank) of which 2.5 km² have been confiscated for settlement expansion and the erection of the separation wall. The segregation wall forcefully separates through this area from the rest of Jerusalem since 2002. Since then, the inhabitants of this area require crossing the main Qalandia military border crossing to reach Jerusalem, which is a daily nerve wrecking journey that could take hours instead of few minutes. Kufr Aqab is also located next to Qalandia refugee camp, established in 1949 on 0.35 km² of land. Most people refer to Kufr Aqab neighborhood *'as another form of a refugee camp but with very high buildings'* (Personal interviews 2012).

With such an influx of population to the ever expanding Kufr Aqab neighbourhood in the last 6 years, the number of inhabitants increased from almost 7,000 to 60,000 and the urban fabric boomed through a totally chaotic and uncontrolled urban development process because it became "the temporary alternative solution" for 60,000 inhabitants.

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[11] For instance, this includes Ras Khamees, Shufaat Refugee Camp, Dahiyet al Bareed and others.
[12] Area C constitutes 60% of West Bank, it is under both civilian and military control of the Israeli Forces. Area C contains all the natural reserves and resources of the West bank.

Kufr Aqab neighborhood is resembled with endless rows of towering buildings, average of 10 stories apartment blocks with commercial shops on street level all sharply adjacent to each other, almost like a row of matchboxes lined one after the other waiting to be pushed as to fall apart like a Domino. The streets are full of signs announcing vacancies for sale. The area is almost contaminated with the daily burning of garbage that is hardly ever collected, it lacks proper infrastructure, and most streets are not even asphalted. Streets and parking spaces are dominated by cars with the Israeli (yellow color) plates, yet none of the strict Israeli traffic laws seem to apply there: cars driving in the opposite direction on the high speed road, cars and transporters parked in every direction possible.

The aggressive urban development has reached its peak in 2009-2010, and has been deliberately ignored by the Municipality of Jerusalem regarding the unlicensed construction. The contradictory ease on buildings' construction in Kufr Aqab neighborhood, with respect to that in East Jerusalem neighborhoods, inside the wall, it has been obviously facilitated by the Jerusalem municipality. The municipality has carefully planned to allow for a space which provides an opportunity for construction of buildings without any legal supervision, thus, making the area a major attraction to Palestinian Jerusalemites who are looking for a housing solution responding to the severe crisis present in their original neighbourhoods in East Jerusalem.

Nevertheless, such planning mechanisms have rendered Kufr Aqab as a space of legal exception (no law enforcement on the extensive construction process); a space of civil exception (public services are not rendered by the state of Israel via Jerusalem municipality or in some cases rendered far below required capacity), and an insecure environment between two hyper-secure environments (East Jerusalem and Ramallah). In fact, with the exclusion behind the wall, the provisions of services from the Jerusalem municipality have dwindled under security pretences and left thousands of residents with inadequate water, electricity, sewage and other vital infrastructure. Kufr Aqab inhabitants, although paying taxes to Israel, receive little to no municipality services including infrastructure development, health and public facilities.

In this context, the Jerusalem North Committee (JNC)[13] has emerged in response to such conditions. The JNC was established in 2011 by the residents of Kufr Aqab to resist the reality imposed on them. Confronting the municipality's inaction towards them, the committee seeks to confront the municipality through legal means and focus their campaigns on services that are lacking in the neighborhood. This has resulted in their success to increase the waste disposal and management plan and increase the number of bins allocated for the neighborhood in addition to a larger working force to manage the solid waste.

Currently, several more campaigns are being carried out to hold the municipality responsible for proper public services. Thus, the JNC aims to re-establish the status of this neighborhood as part of the Jerusalem municipality's boundaries therefore holding it responsible for the services provided and the wellbeing of the residents.

A deeper meaning of informality, without choice
Externally, Kufr Aqab is a neighborhood that is undergoing rapid exclusion from the city boundaries by the separation wall, and the continuous attempts of the municipality to disengage and cease its responsibility towards the residents of this neighborhood (CCPRJ 2012). Moreover, from the internal perspective, the massive urban development puts forward different urban dramas in terms of the quality of the urban fabric and in the provision of the basic services.

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[13] We met the members of the committee during the survey and personal interviews (with the JNC and other inhabitants in the area) conducted in Kufr Aqab between the periods March-July 2012.

Eventually, this process of forced dislocation entails weakening the Palestinian inhabitants' status to mere permanent residents rather than citizens in a quest to appropriate land without appropriating the people on that land.

The intended silence of the Jerusalem municipality on the urban development in Kufr Aqab has attracted people to act individually to function without any legal status and embark on the construction process as a response to the housing problems in East Jerusalem associated with the so called 'Jerusalem ID card dilemma'. The Palestinian Jerusalemites, in fact, are obliged to pay their full taxes to the Jerusalem municipality as to maintain their permanent residence within the Jerusalem municipal boundaries, yet in return hardly receive any of their basic civil rights, placed at the margins of a severe political instability that is vague and not clear.

All the aforementioned Israeli regulations, at the local level, have the complete power in creating such a dilemma and leaving the Palestinian Jerusalemites in a situation, requiring them to temporarily manage this dilemma rather that finding a stable and permanent (good) living condition.

In this sense, the production and re-production of city without the urban planning regulation is presented as a by-product of the occupation; even as the case represents, there is a form of reaction from the population that, despite the hardship, is organized to find a solution to their hardships and striving to claim more rights.

The complex and paradoxical reality that exists today in Kufr Aqab can be highlighted also by two poles. The first is the deliberate and systematic plan of the Jerusalem municipality to push Palestinian residents to the margins, attempting to cease their responsibility towards the residents as much as possible. The second is highlighted by the resistance and activism carried out by the residents in Kufr Aqab to oppose this silent transfer and exclusion. Nevertheless, we considered that the neighborhood has been extensively 'developed' also as a reaction to the status quo Israel is trying to impose on the East Jerusalem residents. Even if, in any case, they are without freedom to choice: 60,000 inhabitants accepting all the aforementioned circumstances as they find themselves trapped in this vicious cycle of maintaining their minimum right as permanent residents in Jerusalem within such an awful and aggressive environment as well within such political unsteadiness and insecurity (Personal interviews 2012).

Finally, by a larger reconsideration to the general condition of the Jerusalem urban development policies and their trends, this case study shows clearly how the urban development in East Jerusalem takes place without any formal rules and permissions, mainly to avoid the recognition and the acknowledgement of the statutory power of the occupied State and the Palestinian's rights to their own land.

Through Urban planning schemes against the Palestinian Jerusalemites, the Jerusalem municipality combined laws and an intentional unplanned strategy that is driving the whole population to the periphery areas, with a future plan to hand over the space and inhabitants to become part of the Palestinian Authority. Moreover, the Israeli authority would achieve the demographic balance by expelling Palestinian residents outside of the Jerusalem boundaries without making any political agreements over land authority and power. Over all, it demonstrate how the lack of urban regulations and requirements constitute the main features of the unilateral statutory sovereignty of the occupying power

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