

# **THE FABRICATION OF ISRAEL**

## **About the usurpation and destruction of Palestine through Zionist spatial planning**

### **A UNIQUE PLANNING ISSUE**

*Kassem Egbaria*

#### **3. Discriminative Housing Policy in Israel's Palestinian localities: The Example of Tayibe**

##### **Conclusion from last part:**

... The development of the physical planning of the Palestinian Arab sector is guided by the geopolitical views and ideological considerations of the planning authorities, aiming to promote Zionist ideology and enhance Jewish immigration and settlement. Fear of being surrounded by Palestinian villages and towns was the primary factor influencing the physical development of Jewish colonies; consequently, this affected all Palestinian localities.

Furthermore, control over land was also achieved by expropriating land from Palestinian residents and transferring it to the state for the establishment of new Jewish colonies, or the development of national and regional infrastructure networks. This transfer was carried out gradually and systematically from the earliest days of the state, and has resulted in decreasing the space available to Palestinian localities.

Accordingly, it is obvious that the expropriated private land owned by Palestinian residents as a matter of fact constituted the Israeli urban and rural development. On the other hand Palestinian citizens suffered from the fact that very little public land was devoted to the development of their community, whether in urban or rural areas. In addition, Israeli Palestinian citizens have very limited possibilities to own or use Israeli public land due to a series of discriminatory laws and practices. ...

It becomes clear that existing spatial planning in Israel harms the Palestinian citizens in all aspects of life. Certainly, such policies can create very strong feelings of frustration and alienation. Land and questions about control of land are the main issues of the dispute between the Palestinian citizens and the governmental institutions. Allocating space and land on an equal basis regardless of ethnic belonging might solve the problems of spatial development of Palestinian citizens. Thus, it becomes clear that the problem is not easy to be solved, since the Israeli territorial planning is an issue of 'ethnocracy'. For this reason, a policy debate on land allocation, land ownership, municipal boundaries, land confiscation and settlement patterns is urgently needed – against and in opposition to the announced policy of 'transfer' (of the Palestinians) of some members of the recent Israeli government. Comprehensive institutionalised spatial planning covering all aspects of inequality in the allocation of spatial resources might be the first step to creating a more equitable situation for Palestinian and Jewish communities. Certainly, such a framework would not only improve the socio-economic situation of the Palestinian residents, but will also enhance the solidity of the state and serve as evidence of a real change to a democratic character of the State of Israel.

### III

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#### **3. Discriminative Housing Policy in Israel's Palestinian localities: The Example of Tayibe**

Israel is a country of a widely diverse population from many ethnic, religious, cultural and social backgrounds. Of its 7.411 inhabitants, 5.472 million Jews (including 187.000 living in West Bank colonies, 20.000 in Golan Heights and around 177.000 in East (Palestinian) Jerusalem). According to the Israeli Central Bureau of Statistics (CBS, 2009), 'Arabs' in Israel comprise about 20,6% of the overall population. Almost all Palestinians have been resident since before the establishment of the State of Israel. The Palestinians in Israel are mainly concentrated in three geographical regions that include; the Galilee, Triangle and Negev regions.

Israel is a welfare state that views the development of housing for its citizens as a major goal within which all social and ethnic groups should have an easy access to housing market mainly through offering subsidised mortgages and land provision and other aspects that help in the process of housing supply. It is argued that in contradiction to that, the combination of urban factors such as demographic growth, lack of development/master plans; land expropriation applied by the state; rigid building and planning regulations; lack of an appropriate housing finance system; limited land market; and discriminative government social policies contributed to the decline of housing provision (supply) in the Palestinian areas in Israel.

With regard to demographic growth, according to a research published by Soffer (2002), the projected number for the Palestinian population could reach to 23% per cent in 2020 and 31% in 2050. Accordingly, the total population of Israel (including East Part of (Arab) Jerusalem) in the 2020 is predicted to rise to about 9.5 million. The Jewish population will increase to 7.2 million, or 77% of the total – and that is on optimistic assumptions about continued immigration. The non- Jewish population (mainly Palestinians) will increase much more rapidly, to 2.3 million. According to Israeli CBS (2009), people under the age of 15 comprise about 42% of the non-Jewish population and about 28,4% of the Jewish population. This indicates the high amount of population growth of Palestinian Israeli population as compared to Jewish Israeli population. This means that continued rapid urban growth can be anticipated and the potential of growth must be incorporated and integrated to the development of the whole country.

However, with respect to urban factors which have direct relationship with the phenomenon of housing supply, institutional and ideological principles as well as geo-political objectives guide the general housing policy in Israel. Several Israeli authors argue that different discriminatory mechanisms and policies are applied by the state to control the urban factors and housing resources in the Palestinian areas in most urban development spheres such as the availability of land, housing funds and socio-physical infrastructure networks (Khamaisi, 1990, 2002; Rosenhek, 1996; Yiftachel, 1995, 1999). For instance, the exclusion of most of Palestinian areas from equal opportunities in state assistance programs (e.g., land allocation, housing finance, housing aid, social and public housing) negatively influenced their access to housing resources. This unequal institutional treatment resulted in severe disparities

between Jews and Palestinian citizens in housing domain as well as in other dimensions. This does not mean that the government has not paid little efforts to solve housing problems in some Palestinian localities (via giving approvals to some land use plans [developmental plans] or providing a limited number of residential plots). However, these little efforts were not comprehensive and characterised by little success. For instance, the government decided in the year 2000 to plan and develop land plots for 40,000 housing units in the Palestinian areas. However, this program was delayed until the year 2003, and only a limited number of new plots (in Nahaf and Manda – Palestinian villages) were approved and completed.

Thus, the present institutional housing delivery system has been leading away from direct housing provision for the Palestinian citizens in Israel, particularly for those who are ranked as low-income households. The most obvious and visible manifestations of this failure are the numerous 'illegal' and informal housing areas scattered in the peripheries of most Palestinian localities (cities, towns, villages and neighbourhoods). These policies have resulted in about 36,000 house units that lack building permissions in the Palestinian sector versus a very limited number in the Jewish sector. In addition, the average number of persons per room is about 1.41 in Palestinian homes versus 0.88 in Jewish counterparts. These policies and others such as the rise in land price, limited access to land owned by the state, imposing restrictions on municipal boundaries and land use and the lack of formal and stable flow of housing funds are obstacles that tackle Palestinian residents to meet their residential needs. The limited governmental interventions in housing market in Palestinian areas, has resulted in overcrowding, high occupancy densities, with inadequate or non-existence of public facilities and amenities in some cases, beyond of all social and political uncertainties. In recent years, rapidly deteriorating economic conditions in Israel and particularly in Palestinian localities have encouraged families to build another house/s, or expand existing buildings in the same residential plot by breaking building regulations.

The primary objective of this research is to systematically analyse land supply, housing finance and planning and building regulations, that influence the process of housing provision/supply of the Israeli Palestinians (as a minority ethnic group) in Israel (as a democratic state) in order to advance appropriate guidelines of urban residential policies that meet their present and foreseeable future needs. It is believed that this goal promotes sustainable patterns of social well-being, physical and economic development in Israeli Palestinian residential areas. In addition, the study provides an insight into the general housing delivery system in the Palestinian areas in Israel and the problems associated with the failure of the Israeli planning authorities to provide housing for all inhabitants. This study does not focus on all issues and problems that affect housing development in Israeli Palestinian residential areas, nor addresses all of the relationships and effects of the Israeli planning system on the housing development phenomenon. (see III.2)

### ***Housing Policy versus Housing Supply – Theoretical Perspective***

Shelter is one of the most fundamental aspects that people need in their life in order to protect, secure and sustain themselves. Satisfactory homes (in terms of durability, spaciousness, crowding and density, cost etc.) help users to develop roots and personal (or collective) identity with the place. Furthermore, it helps to develop a sense of community, family and personal achievement (Rappaport, 1969; Duncan, 1981). Not least, the economic investments households make in their homes represent an important goal.

Due to the importance of housing to the human psyche, as well as in society or the economy, it is not surprising that government policy in this area is subject to more than just commentary and criticism. Insufficient and inadequate (qualitatively and quantitatively) housing as well as an inability of people to obtain (or construct) a home, can immediately expose a government (especially in welfare democratic states), to a great criticism by the disappointed and needy. This is not to say that the author is titled 'Utopias, ideals and dreams' with housing policy, communities and environments, but it is important to be aware of housing in its wider context, and the ways in which social public "government" planners link policies for better housing, better communities and better environments.

Housing policy refers to a wide range of government (or quasi-government) and non-government organisations. In this study, the focus is solely on government intervention (directly and indirectly) with residential activities. A government is the formal body of a policy making process. Keeping this argument in mind, Balchin (1995) and Blakemore (2001) define housing policy within the context of government domain, as any government action, legislation or economic policies which have a direct and indirect effect on housing, whether this relates to the supply of housing, house prices, tax policies affecting house purchase, housing standards or patterns of tenure (such as rental agreement or ownership).

Nevertheless, such definitions do not indicate why housing is of any special significance in the community development and social policy. Blakemore (2001) identifies three reasons for such importance:

- Housing is an area of welfare in which the market is by far one of the most important means of settling who gets what, or how needs are to be met.
- Housing is an area of special interest because it highlights the complex nature of needs and how needs can be defined.
- Housing is intimately connected with a wide range of other welfare issues such as health.

In this context Blakemore (2001:144) argues that "in terms of social division, a housing policy may for instance contribute to either a lessening or a heightening of racial tensions, or to either prevent or encourage the formation of 'underclass' housing estates, where people with low income and who are experiencing high rates of unemployment, may be concentrated". This does not mean that a government housing policy has the ability to solve every issue related to housing development, but it can be argued that decisions made in housing policy have a direct impact on the social, demographic, economic, territorial (spatial) and environmental qualities of the users.

Any successful housing provision policy (either with a direct or indirect involvement of authorities) has to develop functioning housing markets with flexible supply mechanisms – especially a flexible supply of land, public infrastructure and housing finance to suit people of different income and preferences. In this context, Friedmann (1973:144-45) states that a housing policy is "basically concerned with the provision of shelter, land and essential public services (water, waste disposal, electricity, and transportation), and building of community environments that will facilitate social process (family formation, upbringing of children, social mobility and social integration)". Turner (1976) and Friedmann (1973) argue that these are needs whose satisfaction depends, in part, on public intervention.

This analysis indicates that material quantities and qualities of housing goods and services depend on the availability and use of resources, such as land, services, finance, infrastructure networks and materials. Social, economic and political authorities govern both the accessibility and use of those resources. Despite this fact, Kelly & Becker (2000) emphasise that governmental institutions should help to ensure that there would be housing opportunities for people of many different socio-economic and cultural conditions. One of the key challenges facing localities (especially in communities characterised by rapid population growth) is the provision of adequate housing (Kasarda & Parnell, 1993; UNCHS, 1996; Ogu & Ogbuozobe, 2001).

The chances of making efficient and adequate housing policy are high in any particular society, if they are properly studied. In order to study housing provision phenomenon, Hall & Pfeiffer (2000) and Tipple, et al, (1999) have adopted a comprehensive approach that includes the following components: land provision, housing finance, building regulations (land use and zoning), infrastructure networks, building materials and labour. Therefore, the author will use this approach to investigate housing provision in Palestinian residential areas in Israel in two aspects: housing finance and building regulations.

### ***Why case study***

Because of the complexity of the issues under investigation, it was essential to establish a strong, clear and transparent research design that facilitates the translation of the abstract (or implicit) meaning of the key factors identified in the theoretical framework into an operational definition (or practical explicit descriptions). Therefore, a research design that utilises the use of a case study as an analytical approach seems to be the ideal tool for this study. Yin (1989:13) discussed the power of selecting such a research approach, and he states “case studies are preferred strategies when ‘how’ or ‘why’ questions are being posed, when the investigator has little control over events, and when the focus is on contemporary phenomenon with some real-life context”. Moreover, Babbie (1998) and Stake (1998) argue that the case study approach has the potential of establishing a research design that embraces the combination of multiple methods, approaches and techniques of data collection and analysis. Using as many data sources as possible is crucial to a strong case study (Yin, 1994). Because the subject of Palestinian urban housing in Israel and its direct relation to living conditions is complicated, the investigation went beyond this specific case study to include the current conditions of the Palestinian in Israel since the city of Tayibe cannot be isolated from the general society of the whole Israeli Palestinian population. Thus, the approach of discussion has taken the form of a top-down approach, in other words, from general to specific, i.e., from the state to shelter.

Following an exploration visit to most of the urban localities in the Triangle region to investigate this study, the city of Tayibe was selected to be the setting of the current investigations. The city of Tayibe is considered as a typical urban Israeli Palestinian settlement in terms of residential development, historical background, socio-economic development, size, population and geographical characteristics. Furthermore, the existence of approved (by Israeli authorities) contemporary planning development “Master Plan/ Outline or Development Plan” associated with more detailed land use plans was another criterion, since not all Palestinian towns in the Triangle region have approved master plans.

As indicated previously, the power of case study stems from its ability to embrace multiple methods and approaches. Multiple sources of quantitative, qualitative and documentary information were sought and used for this study. Within the scope of collecting qualitative empirical data, 16 in-depth open-ended interviews were conducted with families living in the case study location, and 20 interviews were also conducted with key figures in and around the city. In addition to this technique, social and physical observations were recorded in the period of data collection that was between August 2001 and December 2003. All interviews were tape-recorded, and later transcribed. Moreover, these methods were supplemented by visual methods, as they include photographing and sketching.

However, with the scope of quantitative data, a face-to-face questionnaire was used. The questionnaire was distributed and conducted with 300 informants (households). The rate of return and completion was encouraging, and resulted in the accumulation of 264 (88%) completed questionnaires. The questionnaire helped the researcher to get a sharper and insight understanding of the linkage between the Israeli urban residential planning and housing development issues in the city of Tayibe. Documentary information was also utilised for the investigation process, and it was obtained from a variety of sources, most notably: public planning archives, national newspapers, literature, protocols and documents. Descriptive and content data analyses were used to interpret and evaluate the findings.

Even though this research goes back to 2003 facts, results are not out of date. Quite the contrary, the situation of Palestinian Israelis in general is declining and in the housing sector accordingly.

The Palestinian community in Israel identifies itself as an integral part of the Palestinian people, while at the same time accepting full Israeli citizenship. However, they are not provided with the same rights as Jewish citizens of the state (see previous sector III 2). Discriminatory laws are placed to disadvantage the Palestinian Arab population in Israel (Adalah, 2000). The common terms used by Israelis to describe the Palestinian minority are “Arab citizens”, “Israeli Arabs”, “Arab Israelis”, “Palestinian Arabs”, “Arab sector”, “Arab minority”, “non-Jews” or “other”. We will use Palestinians if not other context demand to speak about 'Arabs'.

### **3.1 Tayibe, Palestinian Community in the Israeli Context**

Tayibe lies in the southern part of the Triangle region in the central district in Israel. It is located at a distance of about 15 kilometres from the coastline on the coastal plain terrain, and 5 kilometres from the West Bank town Tulkarem (see figure 1a,b,c). Literally, Tayibe means “the good settlement” or “the fertile settlement” (Dabbag, 1988). Tayibe is located between two Palestinian localities that are closely related and dependent on it for various services such as Islamic judicial courts, business centre and local building materials. These localities are: Tira and Kalansawe forming a sub region called the Small Triangle. Its prime location also enhances its position in any future development plans, as it is located at the regional road that extends from Tulkarem in the West Bank to Kfar Saba city (near Tel Aviv).

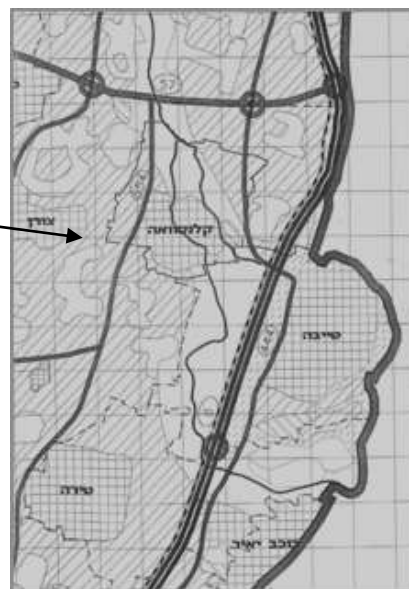
**Map 1 a,b,c Location of Tayibe  
Israel**



**Triangel Region**



**The City of Tayibe**



Source: Egbaria 2006

The total jurisdiction of Tayibe is approximately 19,053 dunam (10 dunam = 1 ha). Nearly 14,158 dunam are agricultural land and about 4,895 dunam are assigned for 8 different land use categories. The amount of land in Tayibe devoted to each of the 8 designated land use categories is shown in Table 1. Most surprising is the amount of land occupied by regional and national infrastructure and national overhead transmission lines. They occupy about 15.35% (2,925 dunam) of the total jurisdiction area of Tayibe, or 20.66% of the total agricultural land (see table 1). This figure includes setback lines of the regional and national roads.

**Table 1 Land use acc. to Tayibe's land use plans (2003)**

Zone	Approx. Area (in dunam)	% without agri-culture land	% includ-agri-culture land	Gross square-mtr./ person
residential	2.764	56,47%	14,5%	55,3 qm
public open space	290	7,96	2,05	7,8
for public buildings	275	5,61	1,44	7,8 qm
cemetries	51	0,31	0,08	0,3 qm
Industrial zone	220	4,49	1,15	4,4 qm
<b>roads and parking</b>	<b>1.200</b>	<b>24,51</b>	<b>6,3</b>	
private open space	31	0,64	0,16	0,61 qm
agricultural land	14.158		74,32	
total	4.895 Without agric.	100%	19,053 Including agric.	

Source: Tayibe municipal council archives 2003

A review of documents in the archives of the local municipal council indicates that the population of Tayibe has undergone rapid growth during the last century. Analysis of data collected from both the Central Bureau of Statistic and the archives of the local council indicates that at the end of 2002, the city had a population of approximately 31,000 inhabitants living in approximately 5,200 dwelling units (today 2009 35,800 inhabitants, CBS 2009). It is expected that by the year 2020 the total population will rise (natural population growth) to about 50,000 inhabitants.

Examining land use plans targeting the years 2015-2020, reveals that about 85-90% of the allocated land for residential purposes is already developed and dwelling units have been constructed, leaving nearly about 10-15% left to be built. However, demographic analysis indicates that by 2020 the population of Tayibe will increase by 60%. Linking the rapid growth of the population with the spatial organisation of the city, it reveals that residential density will increase from 15.38 persons/dunam (or 64.6 persons/acre) in 2000, to 18.18 persons/dunam (or 76.36 persons/acre) in 2020. As a result, residential development in the city is taking the form of “fill-in” policy within small municipal ‘blue-line’ boundaries. This is achieved by preventing the expansion of the built-up areas on to privately owned agricultural land. This indicates that the urbanisation process will be behind and overcrowded. In other words, the city will witness housing and land shortages.

In addition to the demographic and spatial situation of Tayibe, it is important to mention that economic disparities between the Israeli Palestinian and the Jewish areas are visible and clear. According to Central Bureau of Statistics (CBS, 2009), about half of the Palestinian families in Israel live under poverty line, compared with about 17% of Jewish households (see III.2 CBS 2009). It is suffice to indicate that the current socio-economic situation in Tayibe is much worse than the numbers presented here (Egbaria and Luckily, 2002). All these facts have to be considered in a research about housing needs and a beneficiary system.

### **3.2 The Israeli Housing Policy**

Once again, Israel is a welfare state that views the development of housing for its citizens as a major goal. Contemporary Israeli housing development is the combination of two approaches. These are the “provider” and the “enabler” (supporter), depending on the extent and the nature of public involvement in housing delivery (Rosenhek, 1996; Khamaisi, 1994). In the main, both are carried out according to a statutory (procedural) planning framework that is operated under the auspices of the Planning and Building Law of 1965 which is the basis for statutory planning in Israel and does not differentiate between 'Arabs' and Jews in all its means and forms. However, these two communities have substantial social and cultural differences. Nevertheless, procedural planning attitude has been favoured by the authorities because of “the multi ethnic nature of its society and the overriding need to foster a national consensus ideology in a young state” (Fenster, 1996:406).

In Israel, the *provider approach* advocates that public authorities essentially control the development of houses in order to reduce housing deficits and improve quality of housing. It ensures the provision of land, financial sources and the production of housing units with related public amenities. It is mainly operating in urban areas and large cities. However, the *enabler approach* favours indirect involvement of public authorities by encouraging householders, co-operative organisations and private construction firms to develop private houses by securing all housing components



such as the provision of land, facilitating housing finance schemes and providing public facilities. This approach is mainly operated in small towns and rural localities.

The Israeli government published its housing policy statements since the date of the establishment of the state. The statements set out a wide range of policies to modernise housing so that every resident has the opportunity of a decent home and to promote social cohesion, well being and self-dependence (Building and Planning Law of 1965; Soffer, 1983; Schnell, 1994; Kipnis, 1991, 1996; Carmon, 1999; The State of Israel, 1999; Ministry of Housing and Construction, 2000). Accordingly, the key aims of housing planning policy are:

- To provide a sufficient supply of housing land during the plan period to meet the needs of the local inhabitants.
- Where possible to locate housing development near employment opportunities and existing or planned facilities.
- To ensure that the need for different types of housing accommodation, including affordable housing and special needs can be met.
- To encourage quasi-governmental bodies such as the Jewish Agency and the Jewish National Fund to establish new socio-economic developments over all the regions in the state.
- To insure that the housing provided meets the needs of the population in respect of location, size, affordability, whilst achieving the aims of sustainability and preserving the quality and character of the environment.
- To provide housing aid and long-term loans from the Ministry of Finance and the Ministry of Construction and Housing.

But why is this not realised at all for the Palestinian minority?

Goldscheider (1996) and Yiftachel (1995, 1999) argue that all consecutive Israeli governments emphasise the need to increase the size of the Jewish population relative to Arabs to assure Jewish political legitimacy and control in order to solve Jewish problems of disadvantage, anti-Semitism, and assimilation of Jews from countries where Jews lived as minority. To further Israel's demographic goals, the Israeli government continuously establishes new Jewish localities, expand the existing limits of villages and cities and grants them significant budgets in order to make better social and economic development for them (Kark, 1994; HRA, 2000, Sikkui 2005). Goldscheider (1996) confirms that to fulfil the Zionist 'dream' there was a need to develop lands for adequate housing, health care, education, jobs and cultural activities to new Jewish immigrants. (see III 1,2)

### ***3.2.1 Housing Policy and Housing Development in Israeli Palestinian Localities***

Contrary to described official policy contemporary housing development in Israeli Palestinian urban areas is substantially the product of the private sector carried out by householders, independent builders, and private enterprise and mostly executed on private land (Khamaisi, 1990, 2002). This housing sector is characterised by formal, informal and 'illegal' (squatter) units constructed through self-management construction methods for most of the Israeli Palestinian residents, regardless of their social and economic status. The direct governmental contribution in the housing development to the Israeli Palestinians comprises supply of only quite small numbers of residential plots, limited financial resources and the provision of a basic infrastructure of formal housing stock.

In a report published by Mossawa (2003), it is indicated that “Arab families are disqualified from 70 % of the budgets allocated by the Ministry to assist families in buying their homes. The percentage of Arab families that received this aid is 0.28 % while in the Jewish sector 0.68%”. Furthermore, analysis of a report published by the Ministry of Housing reveals that in the last four years only 40% of Land Administration budget allocated for Palestinian households was used and utilised. The indirect governmental intervention is the provision of legislative measures concerning building, zoning and regulations. (see III 1,2)

According to Sikkuy (2000), in the years between 1975 and 1999, about 337,000 residential units have been built throughout the country under public initiative, including planning, marketing and supervision by the Ministry of Housing. Only 1,000 residential units have been constructed in Palestinian communities since the establishment of the State. These figures indicate that successive Israeli governments consider housing development to be one of its top priorities, however obviously mainly for the Jewish Israelis. According to Khamaisi (1990) and Sikkuy (2001), about 64% of all housing in the Israeli Jewish urban localities is public, less than 0.3% of all public housing has been built in 'Arab' urban areas (Sikkuy, 2000).

These issues are considered in the context of the institutional principles and political objectives that guided the "general" housing policy (that is, the governmental allocation of housing resources to selected groups within the Jewish population). This crystallised into a dual policy that led to the almost total exclusion of the Palestinian citizens of Israel from the domain of governmental action in the sphere of housing. Their exclusion from the groups eligible for state-run assistance programs severely reduced their access to residential elements and housing resources and negatively influenced their chances in other dimensions as well. This has meant that Palestinian areas in Israel have been provided with inferior levels of development, service, public amenities, infrastructure, limited access to land and housing finance.

This is the fact in addition to lack of social and cultural activities and facilities and limited access to jobs when compared with the rest of Israel's population, despite their nominal status as equal citizens of the state. It is significant to highlight that as a result of these severe policies “there exist over 130 Arab localities (villages) that the government does not recognise officially” (HRA, 2000). About 100,000 (nearly 8-9% of the total Palestinian population in Israel) Palestinian citizens live in these neighbourhoods and villages that are threatened with destruction, prevented from development and growth. (see III.4)

This had a serious impact on the ability of the Palestinian citizens whose population growth (3.8%) has exceeded their capacity and ability to participate in the housing market as consumers, especially in a shrinking private land supply market and difficulties and hardship to access to public land owned by the government. At the same time Israeli Palestinians are characterised by the lack of residential mobility between residential areas especially to the Jewish. Various factors are responsible for this phenomenon. The most obvious are the ideological priorities. Fenster (1993), Yiftachel (1995, 1999) and Khamaisi (1990, 2002) argue that Palestinian citizens in Israel clearly have suffered discrimination, and they do not have the choice of lifestyle either urban or rural that is available to Jews; hence, it is argued that housing policy in Israel is also serving the judaising process as revealed before.

### 3.3 The Case of Tayibe: Residential Environment and Housing Conditions

In order to understand the phenomenon of housing provision and analyse its main components (factors or aspects) in the research settings, it is important to reflect the national policy implemented by the Israeli planning authorities as revealed in previous sections. It was stated that planning regulations and decisions in Israel disadvantage the residential development of Arab minority citizens by lack of participation and representation in planning institutions on the one hand, and the general ideological approach related to Zionist conception of the Jewish character of Israel on the other (see section III 1,2).

The main purpose of this section is to evaluate the current housing conditions in Tayibe (as an Israeli Palestinian locality) and to investigate the main components that affect the phenomenon of housing provision. Thus, the main questions that arise here are:

- What is the current condition of housing in Tayibe?
- How do the main components of housing supply influence the housing sector in Tayibe?

#### 3.3.1 Housing Conditions in Tayibe

Based on the conceptual framework developed in this study, housing in Tayibe can be divided into two main modes:

- a) **authorised**: houses located in approved residential zones located within the boundaries of land use or outline plans, and
- b) **unauthorised**: this mode is divided into two main subcategories.
  - *Firstly*, houses located within the approved residential areas, are built (the whole structure or parts of them) without building permits (for the purpose of analysis this type will be called informal).
  - *Secondly*, houses located outside the allocated residential areas, i.e., in agricultural areas within the boundaries of the jurisdiction of the city. This type will be called "illegal".

It was found that 97.7% of the houses included in the survey were built through the use of self-management construction method (houses developed and provided by households). However, only 2.3% of the informants reported that private local commercial entrepreneurial construction companies and private developers provided their houses. These houses are mainly rented to tenants. Data revealed that the houses provided by government or quasi-government organisations are non-existent.

The dominance of privately built houses, the insufficient number of houses initiated by commercial construction companies and the lack of houses developed by public agencies in Tayibe, has three implications.

- *Firstly*, Israeli planning authorities did not make any move toward (directly and indirectly) housing production by public entrepreneurial construction companies such as Solel-Bonah and Amidar.
- *Secondly*, acquisition of housing finance and public land for residential development remains a serious constraint to housing development in Tayibe.
- *Finally*, the determining factor of house type, construction method and home ownership, in both authorised and unauthorised houses, are not only due to the latent patterns of life of the households, rather it is the complex interrelation between land supply, household income and building regulations.

## **Ownership**

With relevance to dwelling type, analysis indicates that slightly less than one half (48.1%) of dwellings surveyed were owner-occupied in a single family detached unit (see table 2). Owner-occupied unit in a multi-family apartment building (several nuclear families residing in separate dwelling units, usually brothers or a father and his son/s), was rated in second place (39.5%). While, 7% of the dwellings surveyed were owner-occupied in semi-detached units (duplex), and only 5.4% of the informants reported that they lived in dwelling units located in private apartment buildings assigned for rental use.

**Table 2 Housing Typology in Tayibe in Terms of Tenure 2003**

Type of dwelling	Frequency	Percent
Owner-occupied in a single family detached unit	124	48,1%
Owner-occupied in semi-detached units (duplex)	18	7,0
Owner-occupied unit in a multi-family apartment building	102	39,5
A rented unit in a private apartment building	14	5,4
Total	258	100%

Source: Egbaria 2003

## **Density**

The issue of high-density buildings is evident in the fact that the number of houses per dunam (1 dunam =  $\frac{1}{4}$  acre, or  $\frac{1}{10^{\text{th}}}$  of a hectare) and the high number of persons per bedroom are significant factors that determine the quality of life as well as the quality of the residential environment. Calculations of plot areas and the number of people per household, indicated that the proportion drops to about 275 persons per hectare in single semi-detached dwelling units (duplexes), and reached to about 180 persons per hectare in single-family detached dwelling units. It is worth mentioning that the housing policy in Tayibe allows for more residential density depending on types of residential zone. Furthermore, analysis reveals that about one-fifth (20.5%) of the informant's housing was made up of two bedrooms. 51.5% of the informants lived in three bedroom houses, and 21.2% lived in four bedrooms. Only a small fraction (6.8%) of informants lived in more than four bedroom houses. Furthermore, statistical analysis revealed that the average number of persons per room is 1.94, although about one fifth of all dwellings included in the survey have three or more people per bedroom.

### **3.3.2 Unauthorised Buildings: a Home rather than demolishing it**

The phenomenon of unauthorised residential buildings in Tayibe is divided into two parts.

- Firstly, unauthorised buildings located within authorised land use and outline plans (i.e. informal buildings).
- Secondly, unauthorised residential buildings built outside the authorised land use and outline plans (i.e. 'illegal' buildings).

Both forms are considered in compliant constructions because such constructions were executed in a manner that does not comply with planning regulations, or the Planning and Building laws of 1965, which lays down the statutory regulations and the rules according to which a building permit may be granted. According to those laws, buildings without a permit transgress the law, and sanctions (such as fines,

imprisonment and demolition) must be imposed on transgressors (see III 1,2). This section will focus on the second form of unauthorised buildings– 'illegal' buildings located outside the authorised outline plans.

Data collected from both local municipal council and interviews with informants living in 'illegal' dwelling units (mainly located in the south-western part of the city in Goshem ("Block or Land Parcel" No. 7835 and 7832) indicated that the total number of 'illegal' houses reached about 600-700 dwelling units. Those units were built on private lands designated for agricultural use. Interviews revealed that of those 'illegal' houses about 400 had demolition orders issued against them by 2001. Data extracted from the planning archives of the local municipal council indicates that the number of 'illegal' houses increased in the last fifteen years (when the Markowitz committee was appointed), by about 1000%.

It must be stressed that despite the demolition orders and powerful restrictions employed by Israeli planning authorities, residents of Tayibe still continue to build their houses outside the approved outline and land use plans in their private land. Households of 'illegal' houses in Palestinian localities (including Tayibe) know that they intentionally violate building laws via building houses in their agricultural lands without permit; nonetheless, they were forced (by their social, territorial and economic circumstances) to violate such laws because this community lacks an appropriate framework to resolve their urgent and basic needs – i.e. shelter. It was found that 'illegal' neighbourhoods (Gelemeh and Bedew) in Tayibe lack most municipal services such as sanitation, modern sewage, urban roads, and open parks and so on. Such conditions have caused extreme difficulties such as overcrowding and absence of health and education facilities.

'Illegal' neighbourhoods and 'illegal' buildings do not only suffer from a lack of modern and urban social and economic development and poor living conditions, but also this phenomenon affected their residents financially and psychologically. Residents that built their houses 'illegally' are aware of the consequences of breaking the rules. However, lack of alternatives forces them to do so. It can be concluded that the phenomenon of 'illegal' residential buildings in Tayibe developed as a result of two main factors.

- *Firstly*, growing demands for housing caused by natural population growth – so crucial in solving housing demands.
- *Secondly*, local outline plans that were supposed to provide more approved residential areas for building new houses provided limited areas under the jurisdiction of the local authority.

There are differences in the treatment of 'illegal' residential buildings in the 'Arab sector', as opposed to the 'Jewish sector'. Alexander (1979:20) pointed out that there were many cases of unauthorised buildings and deviation from plans in the 'Jewish sector'. Furthermore, Alexander (1979) found in his research that demolition orders issued by the court (against Jewish house owners) were rarely, if ever carried out. Accordingly, execution of demolition against unauthorised and 'illegal' residential structures in the 'Jewish sector', are found to be non-existent.

### **3.3.3 Housing Provision in Tayibe**

Traditionally, the provision of housing in Tayibe has been within the remit of the local households, and informal measures (such as borrowing money from other family members or friends, or getting help from the local community), and have helped to a certain extent to solve the most urgent housing needs. Today, to some extent, the

same principles still continue, despite shifts toward modernisation and urbanisation that occurred since the last half of the last century. Housing activity in Palestinian localities (including Tayibe) did not receive much support from the state and relied principally on individual and family sources (Lustick, 1980; Khamaisi, 1990, Yiftachel, 1995; Abu-Rass, 1997; Ittijah, 1998; Sikkuy, 1999, 2000, 2005; Bubis, 2000).

Insufficient government involvement in housing development has significant impacts on the phenomenon of housing provision because the government controls most of the factors that contribute to the process of building residential buildings. Such policies (insufficient and inadequate government involvement) pose many challenges for the provision of housing and to all sections of the population in housing need, especially those who are more weak and helpless in the local community.

Housing supply and conditions in Israeli Palestinian localities have not yet been fully explored. Accordingly, new roles and responsibilities have not been fully established. Thus, in order to understand the provision of housing in Tayibe, the following sections will discuss in detail the key factors of this phenomenon. In this study, also factors of housing finance and planning regulations will be investigated.

### **3.4 Israel's Housing Finance Policy**

The policy (the regulations for calculating the amount of a government mortgage) of the Ministry of Housing in terms of providing subsidised government housing loans (mortgage or “Mashkanta”) and aids (grants or assistance) is based on some socio-economic criteria of the recipient. Subsidised government mortgages are offered by governmental mortgage banks whereas housing aid “grant” is offered directly by the government. Almost every eligible household - who takes up his/her eligibility - in Israel has the right to obtain both. The most predominant factors that affect the amount and eligibility of mortgage are: family size (number of children), period in army service, marital status (marriage certificate) and number of years married, location of dwelling to be purchased or built, and other documents such as building permit and proof of land ownership.<sup>1</sup>

In the context of housing finance in Israel, the figures in Table 3 reflect that the financing sector is well developed. About New Israeli Shekel (NIS) 10 billion (about US \$2.5 billion 2001) is allocated for the Ministry of Housing. According to the Israeli Ministry of Finance (2001), the proposed budget for fiscal year 2001 submitted to the Knesset was about NIS 199.4 billion (about US \$ 44 billion). This means that the government allocated about 5% for housing purposes with the intention of allowing sufficient dwelling units to be built to meet the growing demand. Of its NIS 10 billion, about 5.4 billion is allocated for housing grants and mortgages, 1.8 billion for grants and 3.6 billion for mortgages.

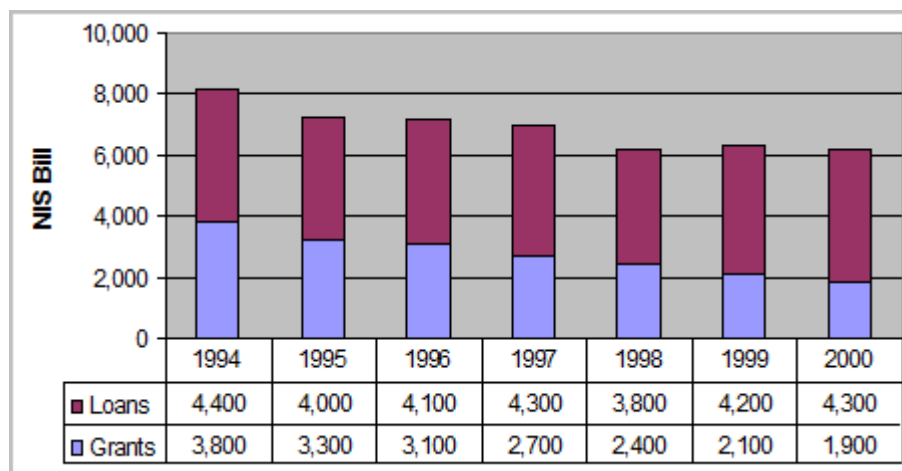
These figures indicate that Israel is one of the most predominant countries in the world which allocates housing finance for its citizens (see Israeli Ministry of Housing and Ministry of Finance). Furthermore, numbers in figure 1 indicated that the

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<sup>1</sup> Housing aids (grant or assistance) is a non refundable (free money) amount of money given by the government to every eligible household in Israel. This means that a part of a government subsidised mortgage (Housing finance loan) turns into a grant. The aim of this grant is to support in resolving the housing problems and improving housing conditions. The amount of aid depends on many factors, most profoundly are: building permit, location, service in army and proof of land ownership (see Israel Ministry of Housing and Construction, 2000).

amounts of housing loans for purchasing or building a house were stable between 1994 and 2000. However, the decline in housing aid perhaps reflects the fact that most of the Jewish immigrants during that period took up their eligibility. It also can be explained that the real value of government housing aid decreased. Nevertheless, according to the Ministry of Construction, Tenancy Division and Central Bureau of Statistics (1990), over 87% of all Jewish immigrants who arrived in 1989 have bought apartments with the provision of governmental housing finance. Moreover, provision of adequate, stable flow of institutional funds promoted over 80% of overall Jewish Israelis to own houses.

**Figure 1: Housing Purchase Assistance Budget 1994-2000 in NIS billions**



Source: Ministry of Finance, Adva Center, Ministry of Construction and Housing, for various years

### **3.4.1 Housing Finance and the 'Arab Sector'**

The socio-economic gap between Palestinians and Jews in Israel is also deeply rooted in the disparity between the governmental allocations of housing finance (building or purchasing a house) to selected groups in the country. Chronological analysis of the Palestinian situation based on a review of literature, may give the reader a general overview of this phenomenon. Statistical analysis indicated that there is a difference in housing financial support (for both mortgages and aids) per household of the two social groups. For instance, a report published in 1971 shows that the Ministry of Housing “through the Department of Minorities”, allocated only about 1% of its housing loans and aid for the 'Arab sector' living in Palestinian localities, as opposed to 93% for the 'Jewish sector' (Kessek and Gerissi, 1977:3). This comparison revealed that the issues of housing resources to selected groups are considered in the context of political objectives that guided this dual housing policy. This policy led to the almost total exclusion of the Israeli Palestinians from the domain of governmental involvement in housing finance and subsidised mortgages in the private housing market.

In 1978, the Ministry of Housing ordered a survey that aimed to gather information about housing aid in Palestinian localities. The team submitted conclusions and recommendations (see Kipnis, 1982). It appears that the recommendations dealt solely with housing aid and excluded housing mortgages. Nevertheless, statistical figures reported by the Ministry of Housing and Jerusalem Center for Public Affairs (2002) revealed little improvement of Israeli Palestinians access to the mortgage and aid programmes. It has been reported that only 8% of the Israeli Palestinian (not

including Druze and residents who live in mixed cities), received building loans and aid.

It should be stressed that both reports did not mention appropriate solutions or alternatives to the housing finance issues in the 'Arab sector'. The low proportion of government housing finance of Israeli Palestinian households was also confirmed in an interview during data collection with Jerusalem Bank (Israeli Mortgages Bank) Manager Mr. Mehameed in Um El Fahem city. Mr. Mehameed said "since 1994 the percentage of Palestinian households almost did not change...the ratio was fluctuating from 12.0% to 13.5%, including the Druze and other Arab minorities who join the army" (see table 3).<sup>2</sup> This indicates that the rate of government housing mortgage for Israeli Palestinian did not improve over time, while the value of government housing assistance is decreasing.

**Table 3 Proportion of Palestinian householders who receive Governmental Housing Finance Loans during 1994-2000**

Year	Percent among all Arab Houses
1994	12,0
1996	13,0
1997	13,5
1998	13.5
2000	13,0

Source: Jerusalem Bank Manager in Um El Fahem; figures are on estimation

### **3.4.2 Housing Finance versus Management Costs in Tayibe**

In order to investigate the effects of the phenomenon of housing finance and aid in relation to housing provision in Tayibe, four related questions were asked to the informants (respondents). Informants were asked whether they have applied for government financial loan and aid. Analysis of the questionnaire revealed that one third (88 out of 264) of the informants applied for housing loan. This indicates that the number of mortgage applicants is not high despite their low economic status. This can be explained in two ways:

*Firstly*, the amount of government housing loans and aid for citizens of Tayibe in particular and Israeli Palestinians in general (as they do not serve in the army services) covers relatively a small fraction of the cost or the value of the dwelling unit. It was revealed that "the amount of loan and aid given by the government covers only about 25-30% of a house of an area of about 100-110 square metres built out of standard building materials".<sup>3</sup> Investigation revealed that the average area of a dwelling unit of low and middle class households was 140 square metres.

Furthermore, it was found in the literature that government housing aid ranges from NIS 30,000 to 80,000 (about \$7000 to \$18000) according to areas designated National Priority Areas (see Ministry of Construction and Housing, 2000). Tayibe is

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<sup>2</sup> Interview with the Manager of Jerusalem Bank (Israeli Mortgage Bank) in Um El Fahem, 12/08/02.

<sup>3</sup> Interview with a builder (small-scale construction contractor) from the city of Tayibe, 1/07/02.



located in a Class B Area within which only NIS 30,000 is granted for every eligible household. This small amount (proportionally) of housing finance aid is insufficient to Palestinian householders to make the effort to apply for housing finance, since applicants have to pay building permit fees (about \$15-20 per square metre) to get a building permit and to hire an architect and surveyor to make the application, and in most cases to hire a mortgage commissioner to get the mortgage. These entire criteria add up to thousands of dollars.

*Secondly*, only high-income groups are able to comply with limitation and conditions of the current housing loans policy. A report published by Ahavat Israel (2002) states that mortgage banks give 75% of the value of the residence for Jewish immigrants as well as for Israeli born Jewish citizens. Some other banks give as much as 80% of the value of the residence if the monthly repayment of the household (of both spouses) is equal to a third of their monthly income. This indicates the disparities in the amounts allocated for both groups.

Previous discussions indicated that most of Tayibe's households particularly and the Palestinian citizens in general were ranked in the category of low-income, and most spouses do not have jobs despite that the majority of Tayibe's households fall within the low-income brackets. An interesting question can be raised. Why don't Tayibe's households apply to get the opportunity of government housing finance loan and aid despite its relatively small contribution to the cost of constructing a dwelling unit? This will be discussed in the next section.

### 3.5 Fulfilment "Obligations" of Housing Finance Criteria

Government funds are expected to ease and facilitate the provision of the housing sector for every eligible Israeli household and ensure improvement of their houses. Accordingly, a related question that informants were asked was if they applied to government housing finance and was the application approved. Slightly more than one third of households who applied for housing finance said their applications were approved (see table 4). This low rate of approval can be explained in two ways:

- *Firstly*, the present practice of mortgage banks clearly discriminates against non-salary people, small business owners and workers in informal sectors since they have to show their salary slips (i.e., Tlush Maskoret). Loans are deducted directly from salary cheques through banks. Most of that segment lacks such proof because they do not have a steady income.
- *Secondly*, householders, developers and beneficiaries of housing finance are required to present a valid building permit (authorised building) according to planning specifications and regulations and proof of site ownership.

**Table 4 Number of approved applications for Government housing finance in Tayibe**

Category	Frequency (N)	Percent
Yes	34	38,6
No	54	61,4
total	88	100

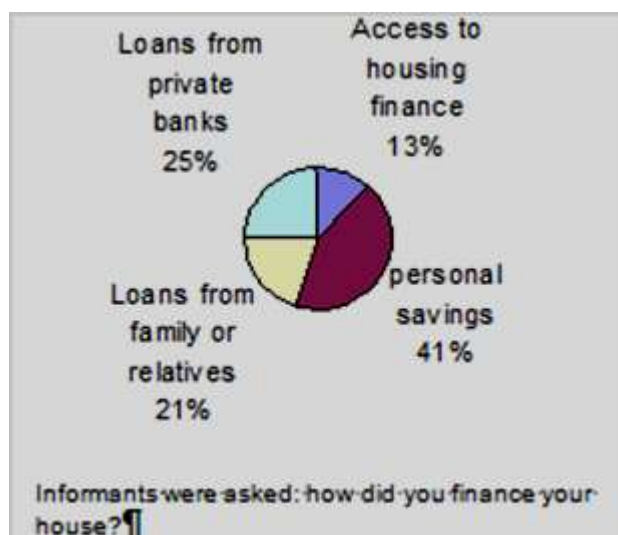
Source: Egbaria 2003

Investigation revealed that in many cases these conditions were not fulfilled because some of the residential areas in the city are located outside the approved outline boundaries ('illegal' buildings) or were not built according to building regulations (informal within formality). Similarly, the process of land ownership approval or transferring inherited lands from fathers to sons or to grandsons is still limited and involves high costs. Consequently, a high segment of Tayibe's population does not have the right to housing finance – i.e. mortgage and aid.

### 3.5.1 Financing a House in Tayibe

It was found that only 34 (about 13%) of the 264 informants had access to government housing finance for housing construction. 108 (about 41%) informants reported that they financed their dwellings from personal savings, 56 (about 21%) had borrowed money from family members and friends, while 66 (25%) informants had obtained a loan from private banks at a high interest rate (see figure 2). These figures show that the individual savings, particularly inheritance from parents or selling properties to other residents from the same community, form the main basis of housing investment. The informal money market such as private money-lenders was not used because of high cost of usury interest, and for religious purposes, Muslims are not allowed to deal with usury.

**Figure 2: Financing a House in Tayibe**



Source: Egbaria 2004

A large segment of the sampled population (especially low-income and middle income households) indicated that they are in need of government housing finance, and they showed willingness to accept financial help from Israeli authorities (Ministry of Housing and Construction) in order to overcome the process of housing provision and shortage. In an attempt to understand the Israeli planning policies on the phenomenon of government housing finance towards the Palestinian citizens, it was revealed that "we are not strangers and we are cut from the same cloth of other Israeli residents." It is our right to get better Mashkantans (Mortgages)", a household member said.<sup>4</sup> The levels of need for housing finance from the government were significantly higher among families with large numbers of children and with households of low levels of socio-economic status.

<sup>4</sup> In an interview with a low income female informant (in her early thirties) living in a rented dwelling unit located in a public apartment, 17/08/01.

The housing finance system in Israel is capable of financing the majority of Israel's population, especially the poor segment (Adva, 2002). Nevertheless, only a small fraction of Tayibe's community received government housing loans and assistance that covered a small fraction of the value of the dwelling unit. Furthermore, those who did not serve in the army are entitled to about 60% of the loans given to those who completed their army service. It is apparent that only a very small percentage of the Palestinian minority men (Muslims and Christians) join the army. However, the willingness to receive housing finance for the huge number of young couples who are in need for housing is large.

It is also worth mentioning that in theory, it is possible for any householder above 18 years old who is reasonably employed married and on a steady income, to obtain a housing finance loan for housing provision or development. However, in practice, the story is different. Accordingly, a special home buying or home building finance program is needed for the Palestinian population in Israel, especially for those who were left without solutions to their housing issues.

### **3.6 Planning Zoning Regulation a prerequisite for Building Permissions**

As indicated in the previous discussions, the Israeli planning and building law (1965) requires a statutory outline (development plan or master plan), or land use (detailed) plans to be prepared for each settlement or zone (such as residential, commercial and industrial zone). Without such plan, no building can be approved, and no state services (such as electricity, sewage, water, roads and telephones) can be approved (Yiftachel, 1995).

In addition to the three hierarchical steps of planning committees (see Yiftachel, 1995; Egbaria. 2003, see III,2), three influential government bodies are involved in the process of approval: the Israeli Land Authority (ILA), the Committee for the Protection of Agricultural Land and the Environmental Protection Committee.

Studies carried out by Haider (1991), Khamaisi (1992), Rabinowitz (1992) Yiftachel (1995) and Egbaria (2003) argue that most 'Arab' localities in Israel encountered continuous problems when dealing with the complex Israeli planning system. Those studies have highlighted problems that dealt with the process of planning preparation and approval and the constant land conflict between the Israeli authorities and Palestinian localities. Few of those studies and others have widely investigated the consequences of those imposed planning regulations on the process of housing provision in Palestinian localities.

#### **3.6.1. Rigid Planning Regulations, also for Tayibe**

Investigations of planning regulations of Tayibe's outline and land use plans revealed that they have five rigid characteristics.

- *Firstly*, they imply what should be done rather than describe what exists and why it should be done this or that way. This indicates that building regulations are imposed from above and dictate what should be done, rather than understand the inspirations, circumstances (especially social and economic) and the needs of the beneficiaries.

- *Secondly*, they contain a negative sense of a penalty for non-compliance such as fines, demolition and imprisonment for those who contravene regulations.<sup>5</sup>
- *Thirdly*, it was also revealed that planning regulations focus only on the physical and technical aspects of housing units. Physical aspects of housing include the power to make plans, set back requirements and building height, plot coverage and housing densities, (i.e. number of houses per dunam). This means that the regulatory system had few links to the reality of the social, cultural and economic aspects of the local community.<sup>6</sup>
- *Fourthly*, building in accordance with planning regulations usually involves bureaucratic procedures for receiving building permission such as approval of land ownership, site survey and structural engineering. It is estimated that the average amount of time required for obtaining building permits stands at no less than one year, and in some cases it stands at two years or more. Finally, the associated inspection and registration fees are very high. It is estimated that the average registration, inspection, land subdivision and planning fees for a house of an area of 140 m<sup>2</sup> stands at about US \$ 4.000-6.000 in 2004.

In conclusion, apart from the delays often entailed by the approval process, the cost of securing the required authorisation could be an obstacle to self-management private housing developers. Planning regulations should consider the fact that over 55% of Tayibe's residents are low-income earners, and the majority of this segment lives below the poverty line. If building regulations are to enhance the phenomenon of housing provision they must consider the change of social, economic and physical circumstances of the majority. It is apparent that overage codes (Building and Planning Law of 1965) still apply to Tayibe. Building regulations should promote and encourage households and developers to develop more houses and residential activities. However, the condition in Tayibe is the reverse. Households, who contravene those regulations and build in their private agricultural land or build a new dwelling (mostly for their sons families) over their existing units, are subjected to fines, housing demolition and imprisonment.

Thus, it appears that instead of relaxing building regulations to facilitate proper housing provision, these regulations have made it more severe. The next section is devoted to investigating the extent to which residential development does not comply with urban development and planning regulations in the city of Tayibe.

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<sup>5</sup> In an interview (20/06/02), an architect in Tayibe said "planning authorities provide us a set of regulations and laws, and we [architects] make plans for our clients according to those regulations, but when we visit the construction site we find clients add an extra storey or storeys, and sometimes new units for their sons or brothers...our clients are forced to do such actions because they are concerned about their children so why don't the authorities .. make regulations accordingly".

<sup>6</sup> Most interviews with key figures and householders indicate that Arab residents prefer to live closer to their brothers and sons in one compound. "We Arabs [in Israel] prefer and do whatever possible to build our houses near to our sons' houses and brothers...we believe in mutual relations between family members for social and economic aspects. if living far from their houses, our social cohesiveness will be broken down, and we do not want this to happen to our society...such cohesiveness gives more security, more relationship more love more intimacy", the former Mayor of the city of Tayibe said in an open ended interview in 14/06/02.

### **3.7 Latent Informality “Informality within Formality”**

Informality or incompliance here means the extent to which residential buildings deviate from the plans of residential buildings submitted to the local planning commission inside the approved outline plans. Prior to investigating the extent to which the housing sectors comply with required regulations, it is essential to have an understanding of the extent to which Tayibe's residents are aware of this phenomenon. This is because understanding this question can in part determine the extent of compliance with these regulations. Therefore, informants were asked if they were aware of the existence of building regulations in the city. It is revealed that 93.2% (246) were aware of the existence of building regulation, and only 6.8% (18) reported an unawareness of this.

In searching the same phenomenon, in the pilot study informants were asked: what aspects did they deviate (i.e., not comply) from the terms of their construction permit. A very low rate (only 1 out of 15) of informants replied to the question. Probably, informants were sceptical regarding this issue because of the current political and social climate (i.e., that the planning authorities might inform about their situation). Therefore, the same question was investigated through empirical physical observations and interviews with local planners. Aspects such as set back from adjacent roads, setback from neighbour's property, number of storeys, plot coverage, overall elevation, fence and boundary walls, interior changes were under investigation.

Investigations of 20 approved building designs were randomly selected from the municipality archives and from various planning offices in the city to study the differences and changes between the reality on the ground and what has been approved. The extent of compliance shows that 35% (7) of the residential buildings complied with the regulation on setback from adjacent roads, 15% (3) complied with neighbours' property, while 0% complied with plot coverage because none of these buildings were built according to building permission. Furthermore, none of the residential buildings adhered to the overall elevation, and only 25% (5) adhered with the approved number of storeys. None of those buildings complied with the fence and boundary wall regulations.

This indicates that all the visited and observed 20 residential buildings have witnessed substantial informal ('illegal') changes (by at least one aspect of building regulations) from the original designs that were approved by the Local and District Planning and Building Committees. Households have carried out informal interior and exterior modifications and additions to their home environment, such as family rooms, bedrooms, balconies, complete floors above the existing one, or a porch, or a living room or a threshold, and so on. Informal extensions of these spaces appeared either horizontally or vertically.

This low level of compliance with planning regulations can in part be attributed to the need of land and to the use to which the plot of land is put. Poverty certainly plays a major factor to the degree of violating planning regulations. Interviews with developers, planners and ordinary informants revealed that there is a general consensus among them that these regulations are not in consonance with the socio-economic characteristics, cultural norms and values of people. They are also seen as inhospitable, not transparent, outdated, extremely rigid, restrictive and reactive. The fact is that most of them were introduced many years ago (about forty years) and that they are no longer relevant in present days, since people have witnessed social, economic and physical (territorial) changes. Furthermore, interviews with research

informants revealed that the original use of more than 25% of their houses has been changed in part from residential to commercial or institutional uses such as schools, nurseries, offices, shops and so on. This can be attributed to the fact that the lack of mixed land use (i.e., uni-functional land use) and the absence of commercial and institutional land caused those houses to be converted.

Data could not be found on the number and rate of houses that contravene building regulations in the Jewish sector. It has been estimated (from personal experience in construction and architectural activities in the 'Jewish sector'), that only a small fraction of Jewish residents contravene (mostly the changes occur in interior partitions) planning regulations. This high level of compliance suggests that building regulations in the 'Jewish sector' are designed in balance with the physical and socio-economic circumstances of this community.

The high degree of breaching planning regulations in Tayibe can mainly be related to the lack of residents' participation mechanism within which residents can participate in the development process. UNCHS (1986), Tipple et al (1999) and Arimah and Adeagbo (2000) found that participatory management ensures the goals and strategies are related to the needs and aims of the population. Interviews with research informants indicated that Tayibe's community is not given the opportunity to participate in the planning process, especially in planning regulations.

Planning regulations should reflect the physical, economic and social context of the city, otherwise residents are most likely to breach them. Furthermore, the plan approval process is tedious, bureaucratic, time consuming and expensive. Since the inhabitants lack land and need planning approval in a relatively short space of time and inexpensive building fees, they are forced to avoid these obstacles and build in contravention of existing regulations. Incompliance with planning regulations in Tayibe should not be too surprising because the phenomenon of housing provision is the residents' daily struggle.

It is arguable that official planning regulations in Tayibe are not appropriate to the process of contemporary housing supply. The real value (social, physical and economical) of housing cannot be measured in terms of how it conforms (or obeys the rules) to decision makers, rather it must be measured in terms of how well it serves the household. Israeli planning regulations were designed in 1960s, and no major amendments were carried out through the years especially for low income and landless people. No considerable efforts were introduced to revise building regulations in Tayibe in this new millennium. The question that might rise is: can these codes apply and perform effectively in the new millennium?

### **Conclusion: Towards a Supply Oriented Future**

The main purpose of this chapter has been to investigate the impacts of Israeli planning and housing policies on the factors that influence the phenomenon of housing provision in Tayibe, while at the same time to identify the current situation of the residential environment in the city.

With regard to housing conditions, analysis indicated that issues of overcrowding (houses per dunam), highly dense residence (number of people per room) and unauthorised houses phenomenon in the city are even more severe in light of the statistics. This means that there appears to be no alternative for Tayibe's citizens to extricate themselves from severe housing and land shortage, but to build their

houses either without compliance with planning regulations inside the legal (approved) residential zones or outside permitted residential zones in their own agricultural land (that is adjacent to the legal residential zones). The consequences of such understandable and known behaviour (by residents) are too great and the uncertainties too high for such actions. Demolition is the most feasible action perpetuated by planning authorities. Demolition of unauthorised, of 'illegal', of informal houses is clearly not the solution especially for the poor and landless. Demolition only serves to reduce the supply of housing and raise rents.

The provision of housing and dwelling units in the city lags behind demand, and housing conditions continue to worsen as a result of vigorous latent demographic revolution, formal and informal discriminative social and economic and political conditions and ethnic affiliation. These factors have created a multidimensional demand for housing. New generations will come, new children will be born and new young couples will get married. All will enter the housing market and look for a decent shelter, competing with each other in: a shrinkage land market, inhospitable and not transparent planning regulations, high prices of building materials, low and discriminative government residential aids and loans, high daily-fees of manpower, relatively low construction skills of households, diminishing traditional financial resources – especially among the weaker families. It is clear that these aspects are the key issues for housing provision in Tayibe.

The high level of housing issues and shortage can be explained by the lack of governmental attention and lack of empirical studies in dealing with housing developments in Israeli Palestinian localities. Accordingly, policies implemented in Tayibe and other Israeli Palestinian localities widened the gaps between supply and demands. Thus, it is essential to review the existing Israeli housing policy in Tayibe so that a new and relevant policy, approach, mechanism or a framework has to be adopted if the housing challenge is to be met (or overcome). Accordingly, this study aims to relevant recommendations that might ease the process of housing provision in terms of housing finance and building regulations.

***Improving economic conditions of housing development:*** There is a need to develop a mechanism that reduces the financial inequalities between Palestinian and Jewish local authorities. Furthermore, there is a need to create more opportunities and avenues of government financial sources for housing finance that secure the needs of needy households.

***Provision of land and land configuration:*** There is a need to develop mechanisms to secure sufficient suitable plots with appropriate size and configuration to accommodate decent site layout and design. Furthermore, to promote certain areas for mixed-use development that encourages a range of daily life activities such as shopping, work, and recreation activities within specific areas.

***Provision of transparent building regulations:*** To review and revise residential development regulations and to include flexible, suitable techniques that reflects the socio-cultural and economic realities for creating a variety of housing types with appropriate densities following an acceptable definition of net density (according to types of residential land uses categories).

## References

- Abu-Rass, Thabit (1997) Jurisdiction and spatial control in Israel: The case of the Little Triangle, Unpublished PhD Thesis, University of Arizona, AZ
- Adalah, The Legal Center for Arab Minority Rights in Israel (2000) Law and politics before the Or Commission, Shefa-Amr, Israel (hebrew)
- Adva, Adva Center, Information on Equality and Social Justice in Israel (1999) How the 2000 State budget affects Arab citizens, by Swirski, S & Yecheskel, Y., Tel Aviv, Israel
- Adva, Adva Center, Information on Equality and Social Justice in Israel (2002) Israel: A social report: 2002, by Swirski, S. & Konor-Attias, E., Tel Aviv, Israel
- Ahavat, Mortgage Bank Israel 2000: Report
- Alexander, Ernest R. (1979) Urban plan Implementation: An evaluation of the Israeli statutory planning system, Centre for Urban and Regional Studies, Technion, Haifa, Israel
- Arimah, Ben & Adeagbo, Demola (2000) Compliance with urban development and planning regulations in Ibadan, Nigeria, in: Habitat International, Vol. 24, No. 3, pp. 279-94
- Babbie Earl (1998) The Practice of Social Research, Wadsworth Publishing Company, Belmont, CA
- Balchin, Paul (1995) Housing policy: an introduction, Routledge, London
- Blakemore, Ken (2001) Social policy: an introduction, Open University Press, Buckingham, UK
- Bubis, Gerald (2002) Israeli Arabs: expectations and realities, in: Sivan, N0. 478.4, 15 May 2002
- Carmon, Naomi (1999) Housing policy in Israel: The first 50 years, in: David Nachmias and Gila Menahem (eds.), Public Policy in Israel. Tel-Aviv, Am Oved, Israel's Institute for Democracy, Israel (hebrew)
- Central Bureau of Statistics CBS (1990) Ministry of the Interior, State of Israel (hebrew)
- CBS (2001) Ministry of the Interior, State of Israel (hebrew)
- CBS (2001) Ministry of the Interior, State of Israel (hebrew)
- CBS (2003) Ministry of the Interior, State of Israel (hebrew)
- CBS (2009) Statistical Abstracts 2009-11-04
- CBS (2009) NII Annual Report 2009 poverty and social gaps 2008 (english)
- Duncan, J. (1981) Housing and identity: cross-cultural perspectives, Croom Helm, London
- Egbaria, Kassem & Lockley, S. (2002) The influence of socio-cultural values on residential satisfaction in contemporary Arab settlements in Israel: the case of Tayibe, in: 2<sup>nd</sup> International Postgraduate Research Conference in the Built and Human Environment, 11-12 April, 2002, Salford University, Blackwell Publishing, UK
- Egbaria, Kassem (2003) Urban Planning Policies in Arab Settlements in Israel, Unpublished PhD Thesis, School of Architecture, Planning and Landscape, University of Newcastle Upon Tyne
- Fenster, Tovi (1993) Settlement planning and participation under principles of pluralism, in: Planning in Progress, Vol. 39, pp. 167-242, Pergamon Press, Oxford
- Fenster, Tovi (1996) Ethnicity and citizen identity in planning and development for minority groups, in: Political Geography, Vol. 15, No. 5, pp. 405-18
- Friedmann, John (1973) Urbanisation, planning, and national development, Sage Publications, London



Goldscheider, Calvin (1996) *Israel's changing society: population, ethnicity, and development*, Westview Press, Oxford, UK

Haidar, Aziz (1991) *Social welfare services for Israel's Arab population*, Westview, Boulder, Tel-Aviv, Israel

Hall, Peter & Pfeiffer, U. (2000) *Urban future 21: a global agenda for twenty-first century cities*, E & FN Spon, New York

HRA The Arab Association for Human Rights (2000) *A glimpse at the Arab economic crisis*, Nazareth, Israel

Ittayah, Union of Arab Community Based Organizations (1998) *The unique Status and development needs of the Arab community in Israel*, Haifa, Israel

Jerusalem Center for Public Affairs (2002): *Report 2002*

Kark, Ruth (1994) *Planning, housing, and land policy 1948-1952: the formation of concepts and governmental frameworks*, in: *State, Government and International Relations*, Vol. 39, pp. 61-101 (hebrew)

Kasarda, John & Parnell, Allen (eds.) (1993) *Third World cities: problems, policies, and prospects*, Sage Publications, Inc. London

Kelly, Eric & Becker, Barbara (2000) *Community planning: an introduction to the comprehensive plan*, Island Press, Washington, DC

Kessek, Abu B. & Gerissi, S. (1977) *The problem of housing in the Arab sector*. In: *Survey*, No. 4, pp.3

Khamaisi, Rassem (1990) *Planning and housing policy in the Arab sector of Israel*, International Centre for Peace in the Middle East, Tel-Aviv, Israel

Khamaisi, Rassem (1994) *From restrictive to developmental planning in Arab localities in Israel*, The Floersheimer Institute for Policy Studies, Israel

Khamaisi, Rassem (2002) *Expanding municipal boundaries in Arab local authorities in Israel*, the Floersheimer Institute for Policy Studies, Jerusalem, Israel

Kipnis, Baruch (1982) *Planning housing aid policy for the urbanising Arab villages in Israel*, institute of Middle Eastern Studies of Haifa University, Haifa, Israel

Kipnis, Baruch (1991) *Housing aid for the Arab villagers: Moslems and Christians*, Haifa and Galilee Research Institute, The University of Haifa, Israel

Kipnis, Baruch (1996) *Changes in the housing normative values of the urbanizing Arab population of Israel*, in: *Social Security*, Vol. 45, pp.37-53 (hebrew)

Lustick, Ian (1980) *Arabs in the Jewish State: Israel's control of a national minority*, University of Texas Press, Austin, Texas

Ministry of Housing and Construction (2000, 2001) *Jerusalem*, Israel (hebrew).

Ministry of Finance (2001) *Jerusalem*, Israel (hebrew)

Mossava Center, The Advocacy Center for Arab/Palestinian Citizens of Israel (2003) *The Impact of the Emergency Plan on the Arab Citizens and the Arab Local Governments*. Haifa

Ogu, V.I. & Ogbuozobe, J.E. (2001) *Housing policy in Nigeria: towards enablement of private housing development*, in: *Habitat International*, Vol. 25. No. 4, pp. 473-92.

Planning and Building Law (1965) *The Ministry of Interior*, Jerusalem, Israel (hebrew)

Rabinowitz, Dan (1992) *An acre is an acre is an acre? Differentiated attitudes to social space and territory on the Jewish-Arab frontier in Israel*, in: *Urban Anthropologists*, Vol. 21, pp. 67-89

Rappaport, Alan F. (1969) *House form and culture*, Englewood Cliffs, N.J., Printice-Hall, Inc.

Rosenhek, Zeev (1996) *The housing policy toward the Arabs in Israel in the 1950s-1970s*, The Floersheimer Institute for Policy Studies, Jerusalem, Israel

Schnell, Izhak (1994) *Perceptions of Israeli Arabs: territoriality and identity*. London, Avebury

Sikkuy, The Association for the Advancement of Civic Equality (2000) Sikkuy's report on equality & integration of the Arab citizens in Israel 1999- 2000, Jerusalem, Israel

Sikkuy (2001) Sikkuy's report on equality & integration of the Arab citizens in Israel 2000- 2001, Jerusalem, Israel

Sikkuy (2005) Sikkuy's report on equality & integration of the Arab citizens in Israel 2000- 2001, Jerusalem, Israel

Soffer, Arnon (1983) Geographical aspects of changes within the Arab community of Northern Israel, in: Middle Eastern Studies, Vol. 19, No. 2, pp. 213-43

Soffer, Arnon (2002) Arab births present Israel with a growing problem, in: Conspiracy Theories and Global Threats, [www.Kolisrael.com](http://www.Kolisrael.com) - News From Israel

Stake, Robert (1998) Case studies, in: Denzin, N. & Lincoln, Y. (eds.) (1998) Strategies of Qualitative Inquiry, Sage Publication, London

The State of Israel (2000) in: <http://www.israel.org/mfa/go.asp>

Tipple, G., Korboe, D., Garrof. G. & Wills, K. (1999) Housing supply in Ghana: a study of Accra, Kumasi and Berekum, in: Progress Planning, Vol. 51, No. 4, pp. 255-324

Turner, Jean (1976) Housing by people: Towards autonomy in building environments, Marion Boyars, London

United Nations Centre for Human Settlements (HABITAT) (1986) Global report on human settlements, Oxford university press, Oxford

United Nations Centre for Human Settlements (UNCHS) (1996) An urbanizing world: global report on human settlements 1996, Oxford University Press, Oxford

Yiftachel, Oren (1995) Planning as control: Policy and resistance in a deeply divided society, in: Progress in Planning, Vol. 44, Pp. 115-84

Yiftachel, Oren (1999) Ethnocracy: the Politics of Judaizing Israel/Palestine, in: Constellations, Vol. 6, No. 3, pp. 364-90

Yin, Robert (1989) Case study research: design and methods, Sage Publications, Newbury Park, CA

Yin, Robert (1994) Case study research: design and methods, Sage Publications, Thousand Oaks