PLANNING IN WHOSE INTEREST?

LAND USE PLANNING AS A STRATEGY FOR JUDAIZATION

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1. INTRODUCTION

Driving through the West Bank, one is faced by several iking features that symbolize Israel's policies toward the ritories it occupied in 1967. Simply by looking at the road self, one can clearly see what direction the occupation is ing. Even if one can ignore the settlements that spring up both sides of the road and the roadsigns that point to em, the road itself tells a clear story.

For example, in driving from Ramallah to Nablus, all ong the road the town of Nablus is referred to as "Shechem" Hebrew, and increasingly so in English. The Israeli thorities have taken away the name that the local population as used for nearly 2,000 years. Hebrew is the first language sed on almost all road signs in the West Bank although rabic, not Hebrew, is the official language in the Occupied erritories.

Further down the road, one can see a sign that says first n Hebrew, then in Arabic and English: "Shechem 7 Km, Netanya 19 Km, Jenin 49 Km". Netanya, which is inside the pre-1967 borders, is indicated on the sign as coming between two Palestinian towns under occupation, ignoring the fact that the Occupied Territories are not part of Israel and should have separate sovereignty.

Right after this sign, and just before you enter Nablus, the road itself has changed. Previously the road led straight into to the center of Nablus. Now, however, if you want to reach the town's center you have to make a sharp detour. The military government has built a new road linking the settlements that surround Nablus to each other. This new road continues straight on from the road from Jerusalem, and makes the original road to Nablus look like a secondary one. In other words, over 120,000 Palestinians living in the Nablus area have effectively been relegated to a side road, just so that a few thousand Jewish settlers have a direct link to the Israeli road network. 1)

Since 1968 Israel has referred to the West Bank officially as Judea and Samaria. In their policies and in their actions, the Israeli authorities consider the West Bank and Gaza as part of Israel. The Israeli policies towards the West Bank and Gaza can be summarized as aiming at the Judaization of these territories, which Israel cannot afford to annex formally, largely because of the one-and-a-half million Palestinians living in the area. If Israel were to annex the Territories, it would then be faced with two options, either of which it would see as impossible to implement. Israel could give the Palestinians full political rights, but this would demographically affect the Jewish nature of the state which Israel would like to maintain. Alternatively, Israel could deny these rights to the Palestinians, and thus have a clearly legislated form of apartheid.

Israel's only option therefore is to pursue the policy they have adopted: to annex the land without the (native) population after they have established a strong Jewish presence in the Occupied Territories. Many in Israel hope that this will make it impossible for the Palestinians to exercise their right to self-determination and to create a state of their own, if they so choose. The Israeli authorities were able to "create facts", i.e. Jewish settlements, once they had seized control of the legal and administrative apparatus that governs land use planning in the Occupied Territories. The Palestinian population of the West Bank and Gaza, having lost its influence on planning decisions, has thus been faced since 1967 with a growing number of planning decisions which clearly discriminate against their interests to the benefit of the Israeli population.

The purpose of this paper is to outline the changes the Israeli authorities have effected in the West Bank to serve Israel's own long-term interest, to analyze these actions in the light of international law, and to demonstrate the impact of such changes on the local situation through a case study.

. SETTLEMENTS AND LAND USE PLANNING IN THE WEST BANK

The policy of expanding Jewish settlement in the Occupied ıtories has been advocated by Israeli officials across the :ical spectrum, and the settlement policy has continued ɾ all Israeli governments since 1967. The Jerusalem Post rted on 11 January 1985, for example:

> Six new settlements are to be established by September in various parts of Judea and Samaria, according to a Labour/Likud agreement announced yesterday ... The decision was a compromise between the conflicting views of Labour and Likud. The Likud wanted Jewish settlement throughout Judea and Samaria, while Labour sought to leave some areas free of Jewish settlement to make possible territorial compromise ... The council of Jewish Settlement in Judea, Samaria, and the Gaza District said that the decision was a message to King Hussein and residents of the territories that this government too would set up settlements in the areas. [Emphasis added]

The number of settlements in the Occupied Territories has ushroomed in recent years. Authoritative sources cite a .otal of 130,000 settlers inhabiting close to 130 settlements (including those in the area of annexed Jerusalem) at the end of 1984. Population growth of settlers in the West Bank averaged about 50 percent in the 1982-84 period. 2) Israel's settlement policy constitutes a clear violation of international law. The final paragraph of Article 49 of the IV Geneva Convention of 1949, which was designed specifically to protect the rights of people in occupied territory, reads: "The occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies." Israeli arguments that settlers are not trandsferred but voluntarily settle in the Territories are contradicted by offical statements in support of settlement in the West Bank and Gaza, as for example the policy statement approved by the

Israeli Knesset on 5 August 1981, which reads in part: "The Government will act to strengthen, expand and develop settlement." This statement came in spite of UN General Assembly Resolution 32/5 of 28 October 1977 which declared that the Israeli settlements "have no legal validity and constitute a serious obstruction of efforts aimed at securing a just and lasting peace in the Middle East."

Plans for new settlements are initiated either by settler organizations or by the Israeli government. All of the steps involved in the planning of a new settlement are taken within the framework of overall land use planning for the West Bank, which is based to a large extent on the master plan of the World Zionist Organization (WZO). The WZO is a semi-governmental organization and one of the main institutions to raise funds for Israeli settlements both inside the pre-1967 borders and in the Territories, and it is closely involved in the planning of them.

The declared objectives of the master plan of the World Zionist Organization (WZO, 1983-1986) are, according to Meron Benvenisti who had access to the Plan, "to disperse maximally large Jewish population in areas of high settlement priority, using small national inputs and in a relatively short period by using the settlement potential of the West Bank and to achieve the incorporation [of the West Bank] into the [Israeli] national system." (Emphasis in original). 3)

The Israeli planning process in the West Bank goes one step further in advancing the objectives of the WZO and those of other organizations concerned with promoting settlement in the West Bank and Gaza. Other organizations, like the settlers' councils and Amanah (the settler wing of the Gush Emunim which set up Kiryat Arba, Ofra, and many other settlements) are also involved in the planning process.

The first step in the process of planning a new settlement is a decision to be taken by a ministerial settlement committee on the exact location of a particular settlement. This is done in collaboration with legal experts in the

l settlement department of the Ministry of Justice who
ine the legal status of the area chosen for settlement.
decision is then passed to the Israel Land Authority.
.s in violation of international law governing occupation
provide for a separation of the authority of the
ying power in its own territory and that in the territory
ccupies. In the IV Geneva Convention of 1949, for
le, this point, although nowhere explicitly articulated,
theme underpinning many of the Convention's provisions.

Methods employed in the acquisition of land vary. Much
been written on this subject and I will not deal with it
his paper. 5) I will rather focus on land use planning
the West Bank, and what changes the Israeli authorities
made in this respect both in law and in practice to
ieve their aims.

3. A NOTE ON INTERNATIONAL LAW

According to international law, the occupying power must
:t according to the dictates of the local laws that were in
orce at the time it began the occupation. The occupying power
ay only impose new provisions if this is necessary for the
ecurity of its forces, or if it is in the interest of the
opulation under occupation.

It is important to keep in mind that the occupation is by
definition temporary in nature. This means that the occupying
power cannot weigh the national, economic, or social interests
of its own state against the interests of the indigenous
population. 6)

Israeli policies in the Occupied Territories violate the
criteria stated in international law. The legal and practical
aspects of this question will be discussed in depth below. The
position held by the Israeli authorities on this issue is

quite clear, and they make no effort to hide the fact that they are planning in their own interest, and not in the interest of the occupied population. For example, Defense Minister Yitzhak Rabin told a group of Knesset members at the beginning of 1985 in reference to the economic situation in the West Bank and Gaza:

> There will be no development in the territories initiated by the Israeli government, and no permits given for expanding agriculture or industry [there], which may compete with the State of Israel. 7)

4. THE JORDANIAN PLANNING LAW OF 1966 AND HOW IT WAS AMENDED

The Jordanian Planning Law of 1966 8) is the basic law in force in the West Bank governing the issue of land use planning. Since the beginning of the Israeli occupation, this law has been amended by several military orders. Both the structure and the logic of the law were fundamentally changed by these military orders to serve the interest of the occupier. This is contrary to the criteria stated above that changes in the law must be made only for reasons of security or for the benefit of the local indigenous population.

The Jordanian planning law is based on a multi-level hierarchy, with each level having its participants, jurisdiction, powers, and goals clearly defined by law. Israeli military orders cancelled the middle planning levels, replacing them with special committees without specifying these committees' goals, jurisdiction or participants.

The Jordanian planning law also assures the participation of the local population and indigenous institutions in each level of the structure. Israeli military orders changed this structure to deny the local population and indigenous institutions any role at all at the top level, and any

gnificant role at the bottom level. The whole process of nd use planning in the West Bank has, however, evolved so at all Israeli planning authorities, including presentatives of regional and local councils of the ttlements, are represented and consulted in it. 9)

The Jordanian law, as it stands, establishes that all anning must take place within specific frameworks. It ovides technical criteria and standards that must be llowed. The Israelis, rather than following the guidelines entioned in the law, which are unambiguous, have attempted to eave many important issues vague to allow themselves lexibility to fill these gaps as it suits them, without ccountability to the local population.

A brief outline of the planning structure is described elow. All references to "the law" are to the Jordanian lanning law of 1966.

i) The Minister of the Interior

According to the law, the Minister of the Interior is the head of the planning system and the chairperson of the Higher Planning Council (see below). His responsibilities include coordinating the use of the land under his authority according to the public interest, and seeing to it that the planning schemes conform with the overall development plans and economic and social objectives of the government. Under Military Order 418 (the "Order Concerning Town, Village and Building Planning", 1971), these tasks and responsibilities were transferred to a position filled by a person appointed by the military commander of the area. 10) Until 1985 this appointee was the Israeli officer in charge of interior affairs, who assumed the powers of the Jordanian Minister of the Interior. Since the summer of 1985 this position has been filled by an appointee from the "infrastructure branch" of the Civil Administration in the West Bank. This branch is also responsible for the confiscation of land. 11) Palestinian land which has been confiscated so far has been used almost

exclusively for the establishment and expansion of Jewish settlements in the West Bank.

Keeping in mind that under international law the occupying power cannot weigh the national, economic, and social interests of its own state against those of the indigenous population, the official responsible for planning, who is governed by these regulations, would be committing a violation of international law if he is planning in the interest of the occupying power rather than that of the local population. Appointing the person responsible for confiscating land for the purpose of creating settlements as the head of planning for the West Bank is an indication that the Israeli authorities are planning in their own interest, and not in the interest of the indigenous Palestinian population.

Most of the planning process as envisioned by the Jordanian law comes under the jurisdiction of the Minister of the Interior. The committees, councils, and other planning bodies are as follows:

ii) The Central Planning Department

The law established a Central Planning Department under the jurisdiction of the Ministry of the Interior. This office has now also come under the "infrastructure branch" of the Israeli Civil Administration, as described above. This department is responsible for preparing regional and outline schemes for towns where these plans do not exist, and to serve as a consultant for planning committees, among other tasks.

iii) The Higher Planning Council

This is the main planning body according to the law. The law provides that amongst the responsibilities of the Council are declaring specific areas as planning zones, approving planning schemes for the West Bank, and amending and

elling building licenses granted by the lower planning ls in cases where these were issued contrary to the law or existing plans. The Council also serves as an appeals ittee for decisions made by district committees.

The Council, according to the Jordanian law, must lude the head of the Engineers' Union, the Attorney-eral, the head of the Housing Institute, and other ividuals representing the various interests of the local ulation. According to Israeli Military Order 418, the IDF mander of the area has the authority to appoint this ncil, but the order does not specify the Council's nposition. 12) In fact, the Council is now comprised solely Israelis. The local population and indigenous institutions o could safeguard the public interest have effectively been cluded from the planning process which affects Palestinians their everyday lives.

Military Order 418 also granted the Council the uthority to assume the jurisdiction over other committees. In ne particular case (1351/83, in the Magistrate's Court in ebron, 1983) in which this author was professionally nvolved, the Council cancelled the building license of Mr. bed al-Jabbar Siyouri of Hebron which the local committee described below) had granted him, because - or so the Council claims - the license was for an area which had previously been declared a closed area. Significantly, Mr Siyouri's land is situated near Kiryat Arba, a large Jewish settlement near Hebron.

The Council based its decision on the comprehensive master plan that the Israeli authorities prepared for the area of Kiryat Arba (Plan no. 510). The land of the settlement of Kiryat Arba itself is not linked together in all places, and the remaining areas are mostly owned and used by Palestinians. The plan established a "special planning zone" covering almost 30,000 dunams. Israeli researcher Meron Benvenisti, who heads the West Bank Data Base Project in West Jerusalem, concludes in his analysis of the plan: "The purpose of the Kiryat Arba Master Plan is three-fold: to impose a freeze on Palestinian

land in the vicinity of Jewish housing estates; to expropriate all Palestinian land needed to connect and serve the pockets of Jewish settlements; and to ensure that Jewish areas will be used extensively for housing". 13)

The Council was also given greater authority in amending, cancelling or suspending a license for a certain period of time. For example, in exercising this power the Planning Council in 1979 cancelled 24 building licenses which had been granted by the Council itself in the period between 1 August 1978 and 5 March 1979. The licenses belonged to individual members of a teachers' cooperative located near Qalandia Refugee Camp in the Ramallah area. The Council claimed before the Israeli Supreme Court (in HC 145/80) that the licenses had been granted contrary to the Region Jerusalem Number 5 (RJ5) Plan, which will be discussed below.

Military Order 418 further gave the Council the right to appoint sub-committees and to define the authority and jurisdiction of these committees. Neither the number of these committees nor their authority and jurisdiction were specified in the order or elsewhere. I am aware of the existence of two such sub-committees: the Sub-Committee for Settlements and the Sub-Committee for Nature Reserve Zones. The latter committee was involved in one of the cases which we will examine below.

iv) The District Planning Committees

Israeli Military Order 418 cancelled the level of District Planning Committees entirely by abolishing such committees and transferring their jurisdiction to the Higher Planning Council. In their place, the Military Commander, through Military Order 604 (the "Order Concerning Town Village and Building Planning", 1975) which amends M.O. 418, appointed special committees in areas which fall outside municipal boundaries or the jurisdiction of village councils. 14) In practice this means that for the most part Jewish settlements have been included in these areas. According to an unpublished regulation which was passed on 11 March 1981, the

raeli settlements were given administrative structures that ry widely from the structures of the existing municipal and llage councils, which are the councils formed according to rdanian law. 15)

The committees that were abolished had guaranteed that e local population played a crucial role in the planning ocess. The law stated that these committees were to be tablished in each district. The responsibilities of these mmittees included: 1. approving the detailed plans in their ea; 2. serving as an appeals committee to look into the jections submitted against the regional, outline, and tailed plans in the area of their jurisdiction, and making commendations to the Higher Council; and 3. serving as a ocal committee in the area of their jurisdiction in those llages and zones where no local committee existed.

) The Local Planning Committees

The law also established local committees in areas that ad been designated as planning zones. Most of the West Bank owns enjoyed this status, as did some villages. The unicipal councils in the towns and villages played the role f planning committee.

The responsibilities of a local committee, according to the law, include the duty to prepare the outline and detailed schemes, to organize construction, and to issue building licenses - or issue violation notices in cases where construction was proceeding contrary to the license issued in the area of its jurisdiction.

Most of the elected municipal councils in the West Bank were dismissed in 1982 and replaced by Israeli-appointed officials. While the decision to dismiss these councils was apparently made for political reasons, it also served Israel's planning interests in the West Bank. Raja Shehadeh, in his book Occupier's Law, states:

> In Hebron, for example, where a Jewish settlement has been established, the existence of an Israeli mayor is a great asset to the development of the settlement. Before his dismissal, the Palestinian mayor, Mustafa Natshe, had taken proceedings before the Supreme Court of Justice to challenge the expansionist activities of the Jewish settlement inside his town. When the Israeli mayor took over, he promptly withdrew the case from the court. On 21 May 1984, the boundaries of this town were changed to allow more areas to be given to the nearby settlement of Kiryat Arba. The Israeli mayor has also been granting licenses for the settlers inside the town to proceed with the enlargement of their settlement and, in some cases, has withdrawn licenses that had been granted to Arab residents by the previous mayor. In one case he even took criminal proceedings against a Palestinian who had built a house on the basis of a license given to him by the previous mayor...
>
> On 5 May 1983, the Israeli mayor moved the bus station and transferred the old site to the Jewish settlers. In other West Bank towns, town plans are being designed by Israeli planners while the Palestinian planning boards are presided over by Israeli officials. The Jewish Council's planning committee members are elected by the settlers. 16)

By changing the structure of the planning hierarchy in the West Bank through the amendment of Jordanian laws, Israel has denied the local Palestinian population the right to participate in the planning process, while at the same time granting the settlers representation. Thus Israel has been able to plan for the West Bank in a way that serves its own exclusive interests.

In order to understand the impact of these changes, it is important to look at specific cases. What follows is an example illustrating how the Israeli authorities have used the

changes in the law they themselves effected through military orders to plan for their own interests in the occupied West Bank.

5. A CASE STUDY IN LAND USE PLANNING: THE ABU LIMUN NATURE RESERVE

In this section will be analyzed the case of the planned Abu Limun Nature Reserve, which was presented by the Israeli authorities as an amendment to the Region Jerusalem 5 plan, a plan which itself deserves further study because of its far-reaching implications for the future of the entire area that stretches from Ramallah in the North to Bethlehem in the South. Other important amendments to this plan were made in 1982, but for purposes of this article we will limit ourselves to the Abu Limun case.

On 2 February 1986 the Higher Planning Council declared 15 dunums (one dunum equals approximately 1/4 acre) in the village of Bil'in in the Ramallah area as a nature reserve. The announcement was published in the local newspapers as is required by law. The plan was identified as "Outline Detailed Plan No. 43/51 -- An amendment to RJ5 Plan", and was prepared by the Higher Council's Sub-Committee for Nature Reserve Zones. The local population was invited to submit their objections against this plan to the Higher Planning Council. The announcement also stated that a map of the proposed nature zone could be seen at the Central Planning Department in Ramallah.

The Regional Outline Scheme, Region Jerusalem, commonly known as the RJ5 plan, was passed for publication on 11 September 1941 (during the British Mandate of Palestine), and was finally approved on 16 April 1942. The plan, though prepared at the end of the British Mandate, was never implemented even during Jordanian times, both for practical and for technical reasons: although the regulations which

govern the plan have been published and are known, the map that makes part of the plan has been lost.

The Israeli authorities revived this old plan in the late 1970s, and began implementing it, clearly without taking into consideration the natural growth of the Palestinian population in the 40 years since the plan was first drafted.

The legality of RJ5 has been challenged before the Israeli Supreme Court (HJ 145/80, "The Teachers Housing Cooperative vs The Minister of Defence"). The importance of the Court's ruling in this case is that it set a precedent for all future cases in which the legality of RJ5 would be called into question. It will be very difficult, for example, to reverse the declaration of the Higher Planning Council in the Abu Limun case, outlined below, on the basis of claims that RJ5 is not a legal plan.

In its ruling in the case of the Teachers Housing Cooperative in Qalandia, the court upheld the Higher Planning Council's decision to cancel licenses given to members of the cooperative to build 21 units, on the basis that these licenses contradicted the RJ5 Plan. The court noted that the plan had been approved by the British Mandatory government on 16 April 1942, and had remained in force since then on the basis of provisions in the Jordanian law and Israeli proclamations - which the court cited - in which both Jordan and Israel pledged that they would continue to apply the laws that were in effect prior to their assumption of control over the territory they came to occupy. Thus, the court concluded, RJ5 could legally be implemented.

The petitioners, on the other hand, claimed that RJ5 could not be implemented because the relevant map had been lost. They argued further that since RJ5 is a regional plan, the planning department has an obligation to prepare a new plan, thereby taking into consideration the requirements of the Jordanian planning law, referred to above. The law states that the regional plan must specify the location of proposed construction in towns and villages, and must indicate the

expansion or restriction of existing villages, towns, industrial zones, commercial zones, public services, markets, schools, religious places, parks, etc. This plan, according to the Jordanian law, is to be published and submitted to the public for comment and objections, and revised accordingly.

In its ruling in this case, the court simply ignored the fact that the original map, which, according to the law, must accompany the regulations, had disappeared, and apparently is not to be found. The court argued, contrary to the provisions of the law, that the existence of the regulations which cite the boundaries of the area is sufficient in applying RJ5.

The Israeli authorities are, however, guided in their work by a map, which - so they claim - is the RJ5 map. This map is currently being used in the planning department.

Under RJ5, the type of map that is required has been specified in the RJ5's regulations. It has clearly been defined as "plan No. TP/362/41 of the scheme accompanying these regulations duly signed by the chairman and his Excellency the High Commissioner, and on which the roads, zones, etc., are indicated by district colour notation..."

The map that has been presented as the RJ5 map, however, is a photocopy of an aerial photograph in which it is impossible to clearly identify the location of villages, towns, or any geographic distinctions. This map is not colour-coded, as is required by the RJ5 regulations. Most importantly, the map itself does not have any signature, again as is required by the RJ5 regulations. This seems to imply that either it is not the final version of the RJ5 map, or it is a different map altogether.

In the Abu Limun case, introduced above, the RJ5 map was again called into question. The villagers of Bil'in (in the Ramallah area) went to the Central Planning Department in Ramallah to request a copy of the declaration which delineated the area that is intended to become a nature reserve, and a copy of the map of the area showing where the proposed nature

reserve would be. They were able to obtain a copy of the order of declaration which stated the written specifications and the regulations of the proposed zone, but their request to have a copy of the map was turned down. They were told by the Department's officials to bring a surveyor, who could then draw a copy by hand of the map the officials had of the nature reserve zone. This map was also a photocopy of an aerial photograph, which again does not meet the requirements of the RJ5's regulations, specified above.

The order of declaration obtained by the villagers states that they are restricted from using the land designated in the declaration for grazing or building purposes. The uses of the land that were permitted, however, included military training and military construction on the site, despite its status as a nature reserve. The villagers were concerned by this action because in the past areas that have been considered military areas were later used for Jewish settlements. (As in the case, for example, of Beit El, where land was originally taken for military purposes and then allocated for the construction of a civilian Jewish settlement).

The map shown to the Bil'in villagers was not adequate either for the outline or detailed scheme. The fact that the outline and detailed scheme were combined is in itself a violation of the logic and requirements of the law, which states that an outline scheme must be presented first, and that then a detailed plan must be prepared once the outline has been approved. Since Bil'in, in this case, is not covered by an outline scheme, a detailed plan could not be prepared. Thus in announcing the scheme as an amendment to RJ5, the planning department was trying to go around the fact that no outline scheme exists for Bil'in.

The law was violated in yet another way in the case of the Abu Limun Nature Reserve Zone in Bil'in. The Jordanian planning law states that a detailed planning map should include roads, buildings, and other details - clearly marked. Article 9c of the declaration for the nature reserve zone states that the nature reserve area will include plans for

places for parking, building roads, commercial places, fences, water and other utilities, places for visitors, and even military construction. The detailed plan itself, however, does not include any of this kind of information.

The lack of detail and the the vagueness of the plan appear to have been due both to carelessness and to an attempt by the authorities to leave themselves a measure of flexibility to fill in these gaps at a later date to suit their needs.

It is worth keeping in mind that the plan was announced as the work of the Higher Planning Council's Sub-Committee for Nature Reserve Zones. The local population is not represented either in the Higher Planning Council or in any of its committees, so the villagers of Bil'in were not able to participate in the planning process; indeed they were not even consulted in the preparation of the plan.

The Bil'in villagers - both those whose lands had been confiscated and those who represented all villagers opposed to the construction of the nature reserve in general - objected to the nature reserve for a number of reasons. The area in question has been planted primarily with olive trees, and constitutes the chief source of income for many of Bil'in's residents. Turning the area into a nature reserve will therefore deprive a significant portion of the local population of their livelihood. In addition, the area is situated in the middle of the village, and residents have expressed fears about the possible disruptive effects on the life of the village that a settlement or nature reserve in their midst might have.

In the Abu Limun case, as in similar cases in the past, the Israelis have justified their failure to consult the local population and their non-compliance with the Jordanian planning law by the claim that these plans constitute merely an amendment to RJ5. This claim, as I have attempted to show, is unfounded.

6. CONCLUSION

As I have demonstrated in the above, Israel has changed the Jordanian planning law to the extent that it has become a mockery of its former self. The Israelis are clearly benefiting from the changes and vagueness that they have created by amending the prevailing law. In this way they have been able to implement the law in a discriminatory manner such as to serve the exclusive interests of Jewish settlers and settlements in the Occupied Territories.

On the basis of the amended law, Israeli land use planning policies in the Occupied Territories have clearly been designed so as to serve Israeli interests, while the interests and needs of the indigenous Palestinian population are not only ignored, but seen as a threat that must be overcome.

In the final analysis, Israel's planning policies appear to be aimed at the Judaization of the area by "creating facts" which are bound to influence any future negotiations regarding the ultimate disposition of the Occupied Territories, and which will thus prevent Palestinians from excercising their right to self-determination, including their right to establish a state of their own.

Today, bulldozers continue to create more facts in the Occupied Territories, while a political solution to the conflict in the area remains as remote as ever.

NOTES AND REFERENCES

1) See also Aziz Shehadeh, Fuad Shehadeh and Raja Shehadeh, "Israeli Proposed Road Plan for the West Bank: A Question for the International Court of Justice?" (Ramallah: Law in the Service of Man, 1984 - in English, Arabic and French).

2) Al-Haq files, from a conversation with Meron Benvenisti, May 1985. See also Meron Benvenisti, "Index of Settlements in the West Bank and Gaza" (Jerusalem: The West Bank Data Base Project, 1983).

3) Meron Benvenisti, The West Bank Data Project: A Survey of Israel's Policies (Washington, D.C.: American Enterprise Institute, 1984), p. 27.

4) For example, see Articles 49, 51, 64, and 76.

5) See for example Raja Shehadeh, Occupier's Law: Israel and the West Bank (Washington, D.C.: Institute of Palestine Studies, 1985).

6) Article 64, IV Geneva Convention, 1949. The principles referred to here are the underlying spirit of the IV Geneva Convention and the Hague Regulations. The Israeli Supreme Court in HC 392/82 accepted the applicability of the Hague Regulations to Israel's occupation of the West Bank and Gaza, but qualified these principles on the basis of a so-called "long-term occupation", thus justifying Israeli practices in the Territories.

7) Jerusalem Post, 15 February 1985.

8) The Jordanian "Town, Village and Building Planning Law, No. 79, 1966", published in the official Jordanian Gazette, vol. 1952 (25 September 1966), p. 1921.

9) Meron Benvenisti, 1986 Report: Demographic, Economic, Legal, Social, and Political Developments in the West Bank (Jerusalem: The West Bank Data Base Project, 1986), p. 34.

10) M.O. 418, the "Order Concerning Town, Village and Building Planning", 23 March 1971, which was published in the Collection of Proclamations, Orders and Appointments issued by the IDF Commander of the West Bank, volume 27, page 1000.

11) Benvenisti, 1986 Report, p. 34.

12) Ibid., p. 32.

13) Ibid., p. 34.

14) M.O. 604, the "Order Concerning Town, Village and Building Planning", 20 July 1975, published in the Collection of Proclamations, Orders and Appointments issued by the IDF Commander of the West Bank, volume 36, page 1494.

15) Military orders and regulations which deal with settlements are usually either not published or are published only in Hebrew. For more detailed information on the administrative structure of Israeli settlements in the Occupied Territories, see Raja Shehadeh, "The Legal System of Israeli Settlements", in the ICJ Review, no. 27, December 1981.

16) Occupier's Law, pp. 55-56.