



Inter-Agency Task Force on Israeli Arab Issues

Urban Planning in Israel's Arab Communities

**Essential and Complex Challenge for
Economic and Residential Development**

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SECTION I: OVERVIEW

INTRODUCTION

Urban planning, the processes that determine land use and zoning in towns and cities, is central to municipal development in Israel. Up-to-code master and detailed local plans are the regulatory basis for all construction—public and private, large and small, and are therefore the prerequisite to quality of life via housing, public facilities, industry, and municipal income generation.

For most of Israel's municipalities, which are situated on state-owned land and developed within the scope of national and regional plans, Israel's centralized planning processes present a functional—if at times cumbersome—framework for addressing development needs and providing a modern standard of living. Arab municipalities,^{1,2,3,4} however, which sit mostly on private land in towns that predate the existence of the state, were mostly left out of Israel's planning processes and thus experienced decades of unplanned, organic development and population growth. The result has been ever-widening gaps between local realities and needs and national planning regulations, standards and practices.

Today, crowded conditions, a shortage of available land for residential and economic development and significant levels of unauthorized⁵ construction are just some of the challenges that make professional urban planning one of the most persistent and complex barriers to socio-economic development in Arab society, as well as one of the most sensitive sources of tension in state-minority relations.⁶

In 2003, planning and housing disparities were referenced as a major national priority in the watershed [Or Commission Report](#).⁷ They have since gained wider recognition within the growing government focus on closing economic gaps for Arab society and in the context of Israel's overall housing crisis. In [2011, social justice protests](#) sparked the general housing shortage led to large-scale planning reforms and interim measures to simplify and fast-track residential development nationally. But efforts to address the cumulated needs in Arab communities had limited success.

In 2014, a special 120-day government committee was created to formally map and recommend solutions for urban planning in Arab localities. Its far-reaching recommendations are widely viewed

¹ According to recent government statistics, most Arab citizens live in Arab-only localities, with more than 70% living in the Negev and Galilee. It is estimated that a little more than 20% of Arab citizens live in mixed cities (Jerusalem, Lod, Ramle, Haifa, Acre, Nof Hagalil etc.), and only 1-2% live in predominantly Jewish localities. Thus, it is relatively easy to distinguish between an Arab locality and a Jewish locality.

² The paper does not address the situation of Negev Bedouin localities, East Jerusalem, nor mixed cities which face additional circumstances beyond the scope of this paper.

³ There are 133 recognized Arab localities in Israel, 85 of them are larger communities where approximately 76% of Arab citizens reside. The localities include 11 cities, 70 Local Councils and 4 Regional Councils. An additional 25 localities are Arab communities inside Jewish regional councils. Most of these communities are small and medium-sized, up to 20,000 inhabitants. Rassem Khamaisi, Planning and Development of Arab Communities in Israel: A New Approach for both the Local Authorities and the State, *The Institute for National Security Studies (INSS)*, 2019, p. 52).

⁴ For purposes of this paper, "Arab citizens" includes Muslim, Bedouin, Druze, Christian and Circassian citizens.

⁵ Since the establishment of the state, any construction without a building permit is illegal according to Israeli law. However, due to the circumstances described in this paper, such construction is widespread in Arab towns and cities, reflecting tens of thousands of structures and even entire neighborhoods and is one of the greatest sources of state-minority tensions. Thus, related terminology is controversial, ranging from "illegal," to "unauthorized," "unregulated" and "unpermitted." In an effort to use neutral terminology, in this paper such structures are referred to as "unauthorized" or "unregulated" unless specifically referring to government efforts to enforce planning law, in which case "illegal" may be used.

⁶ [Home Demolitions and State-Minority Relations: The Events in Qalansawe and Umm Al Hiran](#), *Inter-Agency Task Force on Israeli Arab Issues*, January 2017.

⁷ [Israeli Arabs: The Official Summation of The Or Commission Report](#), *Jewish Virtual Library*, September 2, 2003, paragraph 25.

as a paradigm shift in identifying that existing planning processes and policies were not meeting needs and realities in Arab communities, and in recognizing the need to adapt as well as enforce planning regulations. Aspects of the 120 Days Committee recommendations were adopted into several government decisions and form the basis for the chapter on housing and planning in [Government Resolution 922](#) (GR-922), the historic five-year economic development plan for Arab society approved in December 2015 and entering its final year in 2020.

As a result, the past five years have seen unprecedented budgets and concerted efforts to advance planning, residential and commercial development in Arab society. While these have led to some significant achievements—not least of which are greater awareness and coordination among local and state actors—most of the budgets and initiatives have stalled on the level of planning. Little new construction has taken place nor has there been significant resolution of existing unauthorized construction. This lag, in turn, affects the ability of other economic development budgets and programs that rely on planning and construction to advance (i.e. public transportation, construction of public facilities, building industrial areas).

With the clock ticking on GR-922, pressure is mounting within Arab society and among government officials to use the historic opportunity to address planning challenges, mitigate the housing crisis, and advance economic development projects. Meanwhile, parallel pressure is being exerted by enforcement advocates to crack down on unauthorized construction. As a result, this past year has seen greater urgency among government, planners, civil society leaders and Arab municipalities to understand and tackle barriers to implementation of recent budgets and planning efforts

This paper is thus divided into three sections. The first provides an overview of urban planning in Israel as a priority and complex challenge for Arab localities and introduces the major government developments in recent years that accelerated efforts to address them. The second section then looks at the impact of these recent efforts, their current status of implementation, and takes a more detailed look at barriers to implementation of planning—even when supported by budgets and revised policies. Finally, the last section looks at lessons learned from the last few years of concerted efforts, and recommendations from government and the field going forward.

The appendices cover new government pilots, a success case study focused on Sakhnin, and a mapping of civil society organizations involved in planning issues.

AN ECONOMIC DEVELOPMENT PRIORITY

Over the last 10-15 years, the Government of Israel has recognized economic development for the country's Arab citizens, almost 21% of the population,⁸ among its top-most domestic priorities. Notwithstanding important progress, Arab citizens remain by far the most disadvantaged of Israel's populations, with high poverty rates, low rates and quality of employment, and towns and villages ranking lowest on Israel's socio-economic scale.⁹ Recent government projections suggest that, without targeted intervention, these gaps will [result in a lowering of overall GDP](#), prompting progressively large and sophisticated government investments into economic development for

⁸ About 19% of Israel's population are Arab citizens. Another 2% are Arabs residing in East Jerusalem with permanent residency status. The number is combined here because economic development efforts for East Jerusalem have also been prioritized and advanced in recent years.

⁹ For examples, poverty rates among Arab families in 2018 (the [most recent numbers available from the Israel National Insurance Institute](#)) were more than 44% (compared with 17% in the general population); Arab women are employed at nearly 40% (a steep rise from 27% about a decade ago, but still low compared with over 82% of Jewish women); and 80% of Arab local authorities rank in the three lowest socio-economic clusters on a government scale of 1-10.

Arab society.¹⁰ Broadly speaking, these economic development efforts fall into two major categories: (i) enhancing socio-economic opportunities for Arab individuals (i.e. access to higher education, advanced employment, and entrepreneurial ecosystems), and (ii) improving the economic status and level of services in Arab communities. While in the long run these two categories are deeply interlinked, there have been greater tangible outcomes in areas relating to individuals, such as integrating Arab citizens into higher education and the workforce,¹¹ for example, than in municipal-based issues such as establishing commercial zones, residential developments and other economic infrastructure in Arab towns and cities, largely because these depend on complex urban planning processes.¹²

The resulting development gaps in Arab communities have numerous consequences ranging from issues of health and safety, quality of education, open and recreational spaces, to municipal revenue, access to employment and business opportunities. Moreover, since most Arab citizens seek to raise their families in their parents or in-laws' hometowns, returning there after completing their academic or vocational training, the growing lag in residential and commercial development limits employment opportunities available for Arab individuals, especially women.

PLANNING BARRIERS FOR ARAB MUNICIPALITIES

Many of the contemporary challenges to advancing Master Plans and Detailed Plans in Arab society occur at key points of the planning process and can halt them for years. Standard procedures for repurposing land for new development, for example, can stall over difficulties applying standard methods of land valuation in Arab society. Likewise, problems related to illegal construction (sometimes entire neighborhoods) lack precedents or a clear path to resolution in Israel and can stall planning indefinitely.

To understand why these issues have reached such a level of intractability, it is important to look at the general framework of Israel's planning and building regulations and the historical, statutory and cultural factors differentiating Arab municipalities from Jewish ones in these processes.

Israel's Planning Processes

Urban planning in Israel is a top-down, centralized process that begins with national zoning and land allocation plans developed by the Planning Administration in the Ministry of Finance, the Ministry of Housing and the Israel Lands Authority that manages state land. Below the Planning Administration, six District Committees develop regional plans and approve municipal Master Plans (sometimes called Outline Plans) that define local characteristics and zoning on the municipal level. With approved Master Plans, local communities (via their Local or District Planning Committees) can create Detailed Plans that articulate exact planning for neighborhoods and development projects (i.e. apartment buildings, parks, commercial zones) and are the only plan from which any and all construction permits can be granted.

¹⁰ This includes a number of nation-wide plans by the Council for Higher Education [to enhance access of Arab students to higher education](#); a more recent plan to [enhance such access to Bedouin students](#); [Government Resolution 922](#); a NIS 10-12 billion five-year economic development plan for Arab society; a more recent [NIS 3 billion plan for Bedouin society](#); additional smaller plans for Druze and [northern Bedouin](#) citizens; and a plan to [boost high tech in Arab society](#).

¹¹ For example: employment of Arab women has risen [from 27% in 2008 to nearly 40% today](#); the number of Arab students in Israeli universities and colleges [increased by 80% over the past eight years](#) and the number of Arab students studying tech [doubled between 2012-2018](#) (from around 1,800 to over 3,700); the number of Arab engineers in Israeli tech [soared over the past decade](#), from around 350 in 2008, almost exclusively men, to around 6,600 today, a quarter of them women, and matriculation rates for Arab high school students have risen from 32% a decade ago to almost 65% in 2018.

¹² [GR-922 Mid-Term Update: Five-Year Economic Development Plan for Arab Society](#), *Inter-Agency Task Force on Israeli Arab Issues*, March 2019.

Challenges applying planning processes in Arab municipalities began early after the establishment of the state and have persisted since, meaning that most communities grew without Master or Detailed Plans and thus without the ability to approve construction. Today, densely crowded conditions and a high ratio of unauthorized and unplanned construction in Arab society add legal and physical complexity and mistrust to the underlying factors that complicated planning in Arab communities in the first place.

The following section outlines major factors affecting planning in Arab communities, from underlying historical and cultural factors to more recent statutory and management barriers:

Unique Characteristics and Challenges in Arab Localities

- **Arab Towns Predate the State:** Arab communities in Israel have been in existence for at least a century, often longer, predating the establishment of the State of Israel. Except for seven new Bedouin localities in the Negev (subject to circumstances beyond the scope of this paper), no new Arab towns or villages have been created in Israel. Most Arab communities have been slated to remain within the jurisdiction of historical boundaries, which at times became more limited still, and are based on traditionally constructed villages rather than modern planning norms.
- **Mistrust of State Planning Processes:** In the first years of Israel's establishment, significant land expropriation took place throughout Israel including in and around Arab localities under the *Land Ordinance* of 1943, a law passed by the British Mandate authorizing confiscation of private land for public purposes. Later amended and substituted by Israeli laws, some level of expropriation of land privately owned by Arab citizens (with and without compensation) continued until the 1980s. According to the government's Or Commission Report, "[i]n the consciousness of Arab society, the massive expropriations ... were perceived as a process of disinheritance."¹³ The lasting impression, expressed annually in 'Land Day'¹⁴ commemorations, have anchored land struggles as a central and unifying aspect of Arab citizens' grievances against the state. As a result, state planning systems are often viewed as a "tool discriminating against [the Arab community] and limiting its development options."¹⁵
- **High Ratio of Privately-Owned Land:** In Israel, 93% of land is owned by the state, with the remaining 7% that is privately owned concentrated mostly in localities founded before 1948.¹⁶ In contrast, only 17% of land in Arab localities is fully owned by the state, while 45% is privately owned either by Arab citizens or by Church institutions, and another 24% is jointly owned by private owners (often multiple owners per plot) and the Israel Land

¹³ Jewish Virtual Library, [Israeli Arabs: The Official Summation of the Or Commission](#), chapter 1, paragraph 33. Exact numbers and interpretations are under dispute, but experts speak of between 4.2-5.8 million dunams that were Arab-owned in 1948 (before Israel's establishment), of which around 0.7 million currently remain under Arab private ownership. Prof. Reiter Itzhak, Land Issues, *The Abraham Initiatives, Information Folder on Arab Society*, 2013, Chapter 5 (Hebrew). After riots that broke out around land expropriation in the Galilee in 1976 – later known as Land Day Demonstrations – massive land expropriation ceased.

¹⁴ [Land Day](#) is a day of commemoration for Arab citizens of Israel held each year on March 30th to commemorate the events of that date in 1976. In 1976, in response to the Israeli government's announcement of a plan to expropriate thousands of dunams of land for state purposes, a general strike and marches were organized in Arab towns from the Galilee to the Negev. In the ensuing confrontations with the Israeli army and police, six Arab citizens were killed, about one hundred were wounded, and hundreds of others arrested.

¹⁵ Khamaisi, Planning and Development of Arab Communities in Israel: A New Approach for both the Local Authorities and the State, p. 63.

¹⁶ [Spatial Planning and Policy in Israel The Cases of Netanya and Umm Al-Fahm \(Policy highlights\)](#), *Organisation for Economic Co-operation and Development (OECD)*, 2017.

Authority, accounting for about half of all the privately-owned land in the country.^{17,18} Urban planning for areas with private land requires additional steps to ensure registration, consolidation, consent and compensation to landowners where relevant. Arab landowners are not only less likely to consent to developing their plots, they are often hard to identify since many plots are not properly registered with the state and may have been divided among multiple family members over time. The additional steps required to plan on private land can add significant time and complexity to planning.¹⁹

- **Predominantly Unplanned Growth:** As late as 2011, despite a government initiative launched in 2000 to advance urban planning in Arab society, research shows that less than one-quarter of the population in 119 Arab localities was living in communities with updated Master Plans.²⁰ For most of Israel's history, Arab neighborhoods grew organically according to traditional cultural practices in which most married couples build their homes on top of or adjacent to existing family homes on their private plot. As a result, even communities with city-sized populations developed as sprawling villages, lacking infrastructure to support a modern standard of living and the needs of a growing urban society (i.e. sidewalks, public facilities, roads that can accommodate public transportation, commercial and industrial zones), nor a viable housing and real-estate market.
- **Overcrowding and Shortage of Land for Development:** Decades of population growth²¹ limited to historical municipal boundaries²² and little-to-no large-scale residential development means that today there is a substantial shortage of housing and available land in Arab localities. A government resolution in 2012 estimated an annual deficit of 4,000-5,000 housing units in Arab society, out of a need of 12,000 to 13,000 annually.²³ The availability of private plots for new housing depends on the interest of individual owners in developing them, with many reluctant to do so. State land near or adjacent to Arab localities is usually not available for development because it is defined as agricultural or natural reserves.²⁴ In terms of residential density, there are today an average 1.35 persons per room in Arab society compared to 0.82 in Jewish society (60% more crowded.)²⁵ Lack of available land for development is considered the most significant barrier, posing challenges for residential and commercial projects, development of public facilities and infrastructure such as modern transportation.

¹⁷ Hagit Naali-Joseph and Ron Gerlitz (editor), [From Barriers to Opportunities: Marketing State Land for Housing and Development in Arab Localities](#), *Sikkuy | The Association for the Advancement of Civic Equality*, 2011.

¹⁸ While Arab towns have a high ratio of privately-owned land, most Arab citizens are not landowners. Current estimates land ownership is concentrated among about 30% of Arab citizens.

¹⁹ [Spatial Planning and Policy in Israel: The Cases of Netanya and Umm Al-Fahm \(Policy highlights\)](#), p. 8.

²⁰ [Outline Planning for Arab Localities in Israel](#), *Arab Center for Alternative Planning and Bimkom - Planners for Planning Rights*, 2012 (Hebrew with English Abstract).

²¹ The number of Arab citizens of Israel grew from 156,000 in 1948 to 1.9 million in 2019, a 12-fold growth.

²² Most Arab localities are located in Israel's Galilee and Negev peripheries where they are often adjacent to areas of state lands that are defined as natural reserves or are part of existing regional councils, making it difficult to add state lands to the jurisdiction of these Arab localities and enhance their development potential.

²³ According to a government decision on Strategic Housing Plans, the government has set an annual target of constructing 17,000 housing units in Arab localities in the coming 15 years (not including Bedouins in the Negev and Druze localities). Prime Minister's Office, [Government Decision Strategic Housing Plan No. 2457](#), March 2, 2017 (Hebrew).

²⁴ [120 Days Committee report](#), *Ministry of Finance*, June 2015, p. 11 ([Hebrew](#)).

²⁵ Khamaisi, *Planning and Development of Arab Communities in Israel: A New Approach for both the Local Authorities and the State*, p. 47

- Unauthorized Construction:** Population growth, shortage of available land and decades-long delays in planning processes have led to significant unregulated construction in Arab localities. While figures vary widely, civil society experts estimate that in 2017, there were approximately 50,000 unapproved structures in Arab society, including entire neighborhoods where residents have built houses in the absence of urban plans or building permits. Of this number, most are homes or commercial structures built without approval or regulation but within the jurisdiction of the locality (the "blue line", which is the area slated for future construction), and an estimated 7,000 unauthorized units exist outside current municipal jurisdictions.²⁶ This widespread unregulated construction has ramifications for safety, standard of living, environmental quality, and municipal ability to collect tax revenues. It also creates physical and statutory obstacles to planning because there are few clear legal guidelines or precedents for retroactively regulating large-scale unpermitted construction. Meanwhile, enforcing existing construction regulations via demolitions and penalties has become a key source of tension in state-minority relations²⁷ and widely considered untenable on such a large scale.
- Lack of Planning Capacities and Dependency on Central Authorities:** A significant planning barrier is the lack of professional planning capacities in Arab localities stemming from a host of issues: (i) Few Arab citizens study urban planning or related fields, and few experienced urban planning professionals and engineers work within local Arab government. (ii) The financial, civic and professional weaknesses of Arab localities²⁸ means that most have understaffed, under-budgeted engineering departments²⁹ with neither experience nor propensity for planning. (iii) At the same time, there is little familiarity with the unique circumstances and needs in Arab society within district and national planning bodies, nor adequate representation of Arab professionals, leading to policy, regulatory and communication problems.³⁰ Most regulations, tenders and professional materials exist only in Hebrew, making them less accessible to Arab localities and professionals. (iv) Only four Arab cities (Rahat, Taibe, Nazareth and Tira) have Local Planning Committees, compared with more than 50% of Jewish localities. Planning for the remaining Arab municipalities is managed by District or Rural Planning Committees, which are responsible for several localities. This dependence on regional bodies perpetuates the professional and planning weaknesses in Arab localities, while not addressing the unique planning needs of each Arab locality.³¹

²⁶ The Arab Center for Alternative Planning, A Review of Unauthorized Buildings. This number doesn't include mixed cities and Bedouin towns in the Negev.

²⁷ [Home Demolitions and State-Minority Relations: The Events in Qalansawe and Umm Al Hiran](#), *Inter-Agency Task Force on Israeli Arab Issues*, January 2017.

²⁸ 80% of Arab localities are ranked in the bottom three socio-economic clusters of the Ministry of Interior (on a scale of 10), with financial weakness stemming from lack of adequate income from local taxation, lack of adequate business and industrial areas, and high poverty rates among Arab society in general. For more see research by and INJAZ: [From Deficits and Dependence to Balanced Budgets and Independence - The Arab Local Authorities' Revenue Sources](#), Michal Belikoff and Safa Agbaria Edited by Shirley Racah, April 2014. In addition, historically, about 70% of Arab mayors and council heads are [replaced after a single term in office](#) (5 years), making long-term planning more difficult to promote.

²⁹ In Israel, municipal 'engineering' departments are responsible for urban planning and are usually staffed by architects and planners or civil engineers.

³⁰ According to the 2019 State Comptroller report, "The representation rate of minority members in the National Planning and Building Council, in the National Infrastructure Committee and in the District Planning Committees is meagre, even more so when compared to their rate in the population, and cannot be seen as constituting fair representation, especially since [such representation] is required by law." State Comptroller Report, [Government Actions on the Housing Shortage in Minority Communities](#), May 2019 (Hebrew).

³¹ Khamaisi, Planning and Development of Arab Communities in Israel: A New Approach for both the Local Authorities and the State, p. 155-156

- **Traditional culture and mismatched policies:** Arab localities in Israel have retained strong traditional residential patterns and cultural approach to land and place, even in localities numbering tens of thousands, perpetuated in part due to lack organic and unplanned sprawl. In contrast with Jewish families, in which people move as nuclear units, will relocate for work, and buy and sell land and property as commercial assets, Arab families tend to live in extended family units in close proximity to each other and usually in their family's historic hometown. In addition, Arab landowners value land as an inheritance with inherent value for future generations, not as a marketable asset.³² In many Arab towns, family land is divided among children who build homes near or on top of family residences over generations, and families who own land are usually reluctant to sell it. Though a growing Arab middle class is becoming more mobile, many of these norms remain prevalent, rendering ineffective many financial and real estate vehicles used in Jewish society and adding sensitivity to development processes already laden with mistrust.

GROWING GOVERNMENT FOCUS

Government efforts to implement planning processes in Arab communities began in the 1970s, several years after Israel's national planning system was defined by the Planning and Building Law of 1965. These efforts progressed slowly and with few successes. In parallel, contentious land appropriations continued into the 1980s (see [second bullet](#) above). In 2000, concerns about growing planning gaps and rising tensions around housing shortages and illegal construction led the Ministry of Interior to launch an effort to create updated Master Plans for all Arab communities, later focusing on 66 localities in central and northern Israel. But by the end of 2011, only 36 of these plans were finalized, 27 others were in various planning stages, and the other 22 Arab localities lacked any urban plan whatsoever.³³ Meanwhile, the need to address the housing shortage and unauthorized construction continued to grow.

Over the last decade, government approaches to planning issues can be broadly grouped into two tracks, one defined by government emphasis on economic development of Arab society, and the other by intensifying interest in stricter law enforcement and deterrence of unauthorized construction. The economic-development approach prioritizes the need to resolve planning issues by reforming processes that are difficult to apply or are incongruent with the realities and circumstances of Arab communities, while the enforcement approach takes a rule-of-law and penalties for non-compliance. Interlinked, both approaches have gained momentum in recent years.³⁴

Development Approach: 120 Days Committee to GR-922

Israel's [Social Justice Protests of 2011](#), sparked by a national housing shortage, raised awareness of inefficiencies and rigidity in Israel's planning systems. Government response included reforms to planning and housing policy, budgets to increase housing supply and creation of alternative planning tracks, including several budgets and supports specific to Arab communities. By 2014, when these measures proved only minimally effective for Arab localities,³⁵ the Ministry of Finance established an inter-ministerial committee to conduct—in 120 days—a first-ever comprehensive mapping and evaluation of the issue.³⁶ The recommendations of "[The 120 Days Committee](#)"

³² Khamaisi, Planning and Development of Arab Communities in Israel: A New Approach for both the Local Authorities and the State, p. 80.

³³ Arab Center for Alternative Planning and Bimkom – Planners for Planning Rights, [Outline Planning for Arab Localities in Israel](#).

³⁴ Meirav Arlozorov, [The Arabs are Building Illegally, Mainly Because They Have No Choice](#), *The Marker*, February 18, 2016 (Hebrew).

³⁵ State Comptroller Report, [Government Actions on the Housing Shortage in Minority Communities](#).

³⁶ Not including Negev Bedouin communities which were being addressed by other processes.

represent a shift in government approach to planning and construction challenges in Arab localities, acknowledging that formal planning processes have been mismatched with realities in Arab localities and thus “non-implementable;” and that resulting planning gaps and barriers, including unauthorized construction, need to be addressed and resolved.³⁷ Towards this end, the committee made far-reaching recommendations:

The 120 Days Committee (2014 – 2015)

The 120 Days Committee was established to “address the housing strife in Minority localities.” In doing so, the committee conducted the first-ever formal mapping and evaluation of the issue. Its recommendations focused on urban planning barriers at the heart of all development in Arab communities as well as barriers specific to residential development.

- **Lack of Local Planning Capacities and Updated Plans**
 - Creating local planning committees where they do not exist
 - Subsidies and training for urban planning consultants
 - Increasing subsidies for detailed planning
 - Strengthening oversight and coordination between central, district and local government bodies
- **Planning and Development on Private Land**
 - Relevant training and supervision for planners
 - Updating registration of private land
 - Development incentives for landowners
 - Supports for parcellation and compensation processes
- **Lack of Available Land for Development**
 - Review and expansion of some Arab municipal boundaries
 - Reducing public use requirements for private land development, drawing more from state land
- **Unauthorized Construction**
 - Create detailed mapping of unauthorized construction
 - Retroactive approval of unauthorized construction in built-up areas that is over five years old, is within city limits, and meets other conditions.
- **Residential Development**
 - Reduce unit minimums for Arab developments in fast-track planning channels
 - Funding for construction of public institutions and infrastructure that support residential development
 - Establishing a pilot program for long-term rent
 - Advancing Development Tax Law to generate municipal income that can support long-term residential development

³⁷ Full text of the Committee recommendations ([Hebrew](#))

The 120 Days Committee recommendations influenced and were adopted by several government resolutions. Perhaps most significantly, they form the basis for the housing chapter in **Government Resolution 922**, the [NIS 12 billion, five-year economic development plan for Arab society](#) approved in December 2015, adding major budgets and defined goals to the approach.

Though the chapter focuses on residential development, it is the only chapter of the plan that directly addresses urban planning capacities. It includes budgets and measures for Master and Detailed Planning, Land Registration, and allocation of land for public use that are relevant to all urban development and construction. Major components of this chapter are summarized below:

Government Resolution 922 | Housing Chapter

The housing chapter of GR-922 is by far the longest and most elaborate in the plan and the one that deals explicitly with urban planning processes. Committing NIS 1.2 billion to the issue, its aim was to develop a minimum of 40,000 new housing units in Arab localities.³⁸

- **Master and Detailed Planning:** The chapter includes budgets of NIS 80 million to finalize Detailed Plans for all participating Arab localities with more than 5,000 residents, and a budget of NIS 176 million to subsidize Detailed Plans of no less than 40,000 housing units.
- **Large-scale housing development projects:** NIS 385 million for signing strategic agreements with Israel's 15 largest Arab localities toward the goal of planning and building large-scale residential complexes on state and private land. These include subsidies for infrastructure, as well as advancing Master and Detailed Plans and regulating at least 500 unauthorized structures in each of the towns and cities.
- **Targeted development plans:** NIS 252 million was budgeted to advance detailed planning, marketing and construction in an additional 43 Arab localities.
- **Public Facilities:** NIS 883 million for building and renovating public facilities and open spaces.
- **Building Capacities:** NIS 110 million to strengthen local planning committees and engineering departments in Arab localities.
- **Strategic Planners:** In 2018, the Planning Administration approved a new "Strategic Planner" position for Arab municipalities that have at least 10,000 residents, with the goal of strengthening their engineering departments and planning capacities.

As focus on the specific needs in Arab localities grew, additional government decisions and amendments were made to make planning more effective and relevant for them. Among them, the VATMAL stands out for enabling complex planning process in Arab localities to advance quickly. Based on an original interim fast-track channel established after the Social Justice Protests to address state-wide planning inefficiencies, an updated model of this channel was created in 2014, amended to support planning on private land and to accommodate smaller scale projects to make it suitable for Arab residential developments. Since 2016 it has been an important vehicle for planning in Arab localities.

³⁸ Not including Bedouin and Druze localities, which are covered by other governmental resolutions.

‘VATMAL’ in Arab localities

VATMAL, the Hebrew acronym for “National Committee for Planning and Construction of Preferred Residential Developments,”³⁹ is a special interim zoning committee established in July 2014 as second version of a similar structure created right after the Social Justice Protests. It enables rapid planning and approval processes for large residential developments. The VATMAL consolidates the otherwise multiple processes required for detailed zoning, construction permits, and compensation for private land when necessary, and has the authority to facilitate allocation of additional state lands to municipalities.

Initially designated for residential development plans of 750 housing units or more on state lands in Jewish localities, and 500 housing units or more on both state land and private lands in Arab localities, the minimum for Arab localities to qualify for VATMAL approval was dropped to 200 units after the 120 Days Committee recommendations were adopted.

Though it was not used in Arab society until 2016, there are now about around two -dozen VATMAL plans representing more than 25,000 housing units pending in Arab communities—Tur’an, Taibeh, Kfar Kassem, Um El Fahem, Ar’ara and others—and a large-scale VATMAL plan to build a new Arab city near Acre.

The interim legislation that created the VATMAL has now been extended several times. While there is criticism of how this rapid planning process affects public participation, long-term planning, and the environment,⁴⁰ Arab mayors and civil society organizations advocate for its extension for Arab localities as an “unusually important tool in addressing the numerous obstacles to urban planning processes”⁴¹

Rule of Law and Enforcement Focus

In parallel with government initiatives to resolving planning barriers, other government efforts emphasize the need for greater law enforcement of unauthorized construction. The 120 Days Committee briefly addressed the issue of unauthorized construction as a “phenomenon with serious negative effects” and urged the state to create forward-looking policies that balance legalizing existing construction for planning purposes with upholding the rule of law to refrain from appearing to reward unpermitted construction.

Consequently, in February 2015, the government established a special committee headed by Deputy Attorney General Erez Kaminitz to make recommendations regarding the issue of illegal construction nationwide. The Committee presented its findings in January 2016, focusing discussion on the extent of such construction in Arab localities and recommending that “significant steps must be taken to upgrade enforcement.”⁴²

The report formed the basis of new legislation, approved in April 2017, known informally as the “Kaminitz Law,” which aims to deter unregulated construction through swifter and stricter enforcement of laws and regulations.

³⁹ The Committee has 17 members: 10 government ministry representatives, four local government representatives, one urban planning expert, one Israeli Land Authority representative and one representative of an environmental body and has a subcommittee for appeals. Plans can be submitted to the VATMAL by the Israeli Land Authority, the Ministry of Housing and the relevant local authority.

⁴⁰ Arik Meirovski, [VATMAL ignores environmental risks and loses the public’s confidence](#), *Globes*, January 10, 2019 ([Hebrew](#)).

⁴¹ Gili Melnitcki, [Arab communities oppose the cancellation of the VATMAL: a tool to reduce gaps in construction](#), *The Marker*, March 11, 2018 (Hebrew).

⁴² [Full Hebrew text](#)

'Kaminitz' Law | 2017

In April 2017 the Knesset passed an amendment of Israel's Planning and Construction Law⁴³, known as the Kaminitz Law for Deputy Attorney General Erez Kaminitz. It intends to deter unauthorized construction by concentrating enforcement powers for planning issues in the hands of a national authority, expanding the use of the state's administrative powers to carry out demolition and eviction orders, and substantially increasing the use of financial penalties while limiting the ability of courts to take individual circumstances into consideration. It went into effect in mid-2018. The law:

- Enhances the mandate, oversight, and staffing of government inspection authorities and granting them broader authority to intervene, investigate and halt unauthorized construction.
- Enhances the use of administrative warrants for immediate cease and desist or demolition orders, which are easier to issue, more broadly applicable, and harder to postpone or revoke than court-based processes.
- Defines a set of aggravated circumstances for unauthorized building and the use of unregulated structures, which result in stiffer penalties, such as building on plots designated as natural reserves, agricultural lands, beaches or for national infrastructure.
- Increases fines for unauthorized construction or use of a facility built without permits, with companies or legal entities receiving double the fines of individuals.
- Increases use and length of imprisonment for unauthorized construction from a maximum of two years to a maximum of three.

In the wake of significant criticism, the final law was amended to apply to only new construction.

Since it is perceived as disproportionately targeting Arab localities⁴⁴ the Kaminitz Law has been met with significant criticism. Jewish and Arab planning professionals, civil society leaders, Arab mayors and members of Knesset state that illegal construction is the result of decades of neglect and lack of planning, and that since recently introduced measures and planning solutions have not yet taken effect, unauthorized construction is still the default and often the only option for residents of Arab localities who need new structures.

In addition, leaders and professionals in Arab society contend that, in the absence of notable development progress, strict enforcement and penalties against unauthorized construction can hinder implementation of planning measures and cooperation between local government and state planning agencies.⁴⁵ As a result of opposition on these grounds, the final law was amended to apply to only new construction and did not define regulation of existing unauthorized construction as a precondition to awarding government development budgets to municipalities.

⁴³ [Full Hebrew text](#)

⁴⁴ According to a Knesset Research Center report from 2015, 97% of all demolition orders issued between 2012 and mid-2015 relate to Arab localities ([Hebrew](#)).

⁴⁵ Examples of opposition by [the Public Defender's Office](#), by the [Association for Civic Rights in Israel \(ACRI\)](#); and by [Bimkom- Planners for Planning Rights](#).

SECTION II: IMPLEMENTATION STATUS AND BARRIERS

The 120 Days Committee and the Housing Chapter of GR-922 have had profound impact on the planning efforts over the last five years and yielded some significant successes. However, overall progress has fallen far short of targets. On one hand, there are more Master Plans for Arab localities, more detailed planning underway for neighborhoods and economic infrastructure (e.g. industrial zones, roads, sewage, public transportation etc.), and more public facilities built than in previous decades. Moreover, communication, transparency and coordination between central government, Arab localities and experts have improved significantly and there is greater overall awareness and attention to these issues. In addition, emphasis on Arab planning needs and lessons-learned over the last few years of implementation have prompted innovative government pilots that are yielding some exceptional success cases (see [Appendix I](#) and [II](#))

At the same time, due to the depth and breadth of planning barriers listed in [Section I](#) and to government policies and processes that are still incongruent with local realities, not much actual construction has taken place. Only a small percentage of GR-922 budgets for planning and development have been spent and no new neighborhoods or industrial zones have been built. In turn, this lack of progress is preventing many economic development processes from being realized and is leading to renewed frustration and mistrust among government officials, Arab leadership and the wider Arab public. According to planning expert Prof. Rassem Khamaisi even today, after various land and urban planning reforms, the central government is having a hard time “moving planning processes in Arab localities from the political realm to the civilian realm.”⁴⁶

In 2019, these persistent implementation challenges have been the subject of heightened government and civil society attention:

- In early 2019, the Ministry of Justice convened a new **Inter-Ministerial Committee**⁴⁷ of senior officials from relevant ministries to study the current status of urban planning and housing development in Arab localities and make recommendations. The Committee released a preliminary summary of its conclusions in September, inviting Arab leadership, planning professionals and the wider public to provide comments and input.
- In April, the **Ministry of Justice** hosted a conference in Nazareth, "*Housing Solutions - From Vision to Reality: Removing Barriers Related to Private Land*," bringing together senior officials from relevant government ministries, Arab municipal leadership, urban planners, and civil society organizations in an unprecedented effort to further deepen the level of coordination and transparency.⁴⁸

⁴⁶ Khamaisi, Planning and Development of Arab Communities in Israel: A New Approach for both the Local Authorities and the State, p. 147.

⁴⁷ The Inter-Ministerial Committee includes senior officials from relevant ministries, including the Planning Administration, Ministry of Housing, Israel Land Administration, Budgets Division at the Ministry of Finance, Ministry for Social Equality and Ministry of Interior. The draft consultation document titled “Lifting Barriers to Housing and Real Estate” in Arab localities” suggests a number of important modifications to existing policies (see in next section in this paper), calling on experts, Arab leadership and civil society organizations to provide further input.

⁴⁸ Notably, at that conference government officials presented official data on implementation status and barriers, acknowledging that despite substantial new budgets, implementation has been significantly delayed, and that some governmental policies and programs should be altered ([Hebrew](#)).

- In June, the **National Council of Arab Mayors (NCAM)**⁴⁹ and the **Authority for Economic Development of the Arab Sector within the Ministry of Social Equality**, organized a three-day conference to [track and discuss government investments in developing Arab localities](#) including urban planning, which again brought senior government officials, mayors, planners and civil society organizations together to surface barriers and discuss possible measures.
- In May 2019, the Israel **State Comptroller's Office** issued a special report, "*Government Actions Regarding the Housing Crisis in Minority Localities*" ([Hebrew](#)) which reviewed gaps in implementation and major barriers, recommending modifications to existing policies.
- **Civil Society:** In parallel, several civil society organizations issued publications on housing and planning developments. Sikkuy issued a detailed report titled: *Barriers and Recommendations to Resolve the Housing Shortage in Arab Localities* ([Hebrew](#)), and a guide for Arab municipalities on expanding urban jurisdiction areas ([Hebrew](#)). Planning expert Prof. Rassem Khamaisi authored a book entitled *Planning and Development of Arab Communities in Israel: A New Approach for both the Local Authorities and the State* ([Hebrew](#)) which was published jointly by the Israel Democracy Institute (IDI), the Institute for National Security Studies (INSS) at Tel Aviv University, and the Arab-Jewish Center at Haifa University. [Bimkom-Planners for Planning Rights](#) issued a report on Government Resolution 922 – Implementation in the Sphere of Planning ([Hebrew](#)). Finally, [The Arab Center for Alternative Planning \(ACAP\)](#) and [Sikkuy](#) prepared detailed presentations on planning status and barriers that were presented at the above-mentioned June NCAM conference.

The two chapters below draw largely on updated information and assessments of these publications and presentations. The first one below summarizes the current status of recent efforts to advance planning and new insights into barriers limiting their implementation. It is followed by a summary of the most recent government recommendations based on these assessments.

CURRENT STATUS

Today, more Arab municipalities have a approved Master and more Detailed Plans are underway than ever before, but large planning gaps remain. Still not *all* Arab localities have Master Plans, which are the foundation for all other planning and construction, and not all newly approved or pre-existing plans are adequately up-to-date, applicable or relevant to local needs. Moreover, the large number of Detailed Plans approved or in progress face significant obstacles to actualization.

- **Master Plans**

Progress: Today, 67 out of 132 Arab localities in Israel have updated Master Plans (approved since 2006), of which 34 have been approved within the past five years. Master Plans for an additional 18 localities are in the approval process, and 25 more are being prepared for submission.⁵⁰ According to government data, once approval process is finalized, these Master Plans will cover around 96% of the population within the Arab localities of 5,000 residents or more.⁵¹

⁴⁹ The National Council of Arab Mayors is a civil society organization that unites and represents all Arab local authorities and municipalities in Israel. Its members are the elected heads of these local councils and municipalities, except for Druze localities that have a separate council.

⁵⁰ Data presented at the Ministry of Justice Conference and Israel Planning Administration Conference in Nazareth on: "[Housing Solutions - From Vision to Reality: Removing Barriers Related to Private Land](#)", April 2019 (Hebrew).

⁵¹ Not including Bedouin villages in the Negev.

Remaining gaps: While this is more than a 100% increase in the number of Arab localities with updated Master Plans over the last five years, 65 localities are still without an approved Master Plan, and of those, 22 have not begun the planning process. Furthermore, the completed and approved Master Plans have issues related to their relevance or applicability in terms of adequately responding to local needs and ongoing community development. For example, some plans take so long to complete that by the time they are approved, the local situation has changed.⁵² In other cases, the broad strokes in which Master Plans lay out development directions may prove unimplementable or exceedingly complex once detailed planning and higher resolution rezoning takes place.

- **Detailed Planning**

Progress: Today, according to the Ministry of Housing, there are an unprecedented number of Detailed Plans for housing developments in progress for Arab localities. At least 19 plans have been submitted for approval as of mid-2019, representing more than 25,000 housing units, more than 20,000 units in initial planning stages, and a commitment from the Ministry of Housing to provide another 21,000 annually—progress that the Ministry calls “a new era” for Arab society.⁵³

Ongoing gaps: While Detailed Plans in the pipeline surpass the GR-922 target of 40,000 new housing units, actual implementation lags far behind. Within the GR-922 housing chapter, NIS 176 million was budgeted for detailed planning, initially mostly for state land and ultimately for both state and private lands. According to the State Comptroller Report, about NIS 76 million of this budget has since been earmarked for Detailed Plans on private lands. Of that amount, only NIS 1.2 million has been used within Arab localities as of mid-2019—a pace of progress the State Comptroller’s report calls “extremely partial.”⁵⁴ Likewise the report details “very meagre implementation” of less than 1% of the roughly NIS 46 million allocated for planning on state lands in Arab localities for the years 2016-17.⁵⁵

Along with the challenges of advancing from planning to actual construction, there are questions about the quality and applicability of the approved plans. Some civil society organizations and planning professionals have raised concerns about the quality of life within the newly planned neighborhoods, and whether they respond to local concerns and socio-economic needs beyond numbers of housing units. For example, a recent report from [BIMKOM – Planners for Planning Rights](#), describes plans that create over-crowded neighborhoods with little open space, lack of entry and exit roads and public services, or plans that that grossly alter a small community’s existing character and override the interests of existing residents.⁵⁶

⁵² For example, the new (Jewish) City Engineer of Tira, an Arab city of 26,000, said in a 2019 interview that the existing Master Plan, approved two years earlier after a decade-long process, no longer responds to local needs, since “people in Tira today seek less traditional crafts and more high-tech...In the past people stayed at home with their family and today they want to go out to the park.” Arik Meirovski, [The New City Engineer who came to make a difference: “Tira is so close to Herzliya yet so far away”](#), *Globes*, July 10, 2019 (Hebrew).

⁵³ Ministry of Justice and Israel Planning Administration Conference: Housing Solutions - From Vision to Reality: Removing Barriers Related to Private Land.

⁵⁴ State Comptroller Report, [Government Actions on the Housing Shortage in Minority Communities](#), p. 574

⁵⁵ State Comptroller Report, [Government Actions on the Housing Shortage in Minority Communities](#), p. 575-6

⁵⁶ Cesar Yehudkin, [Government Resolution 922 Level of Implementation in the Sphere of Planning - Intermediate Report](#), Bimkom- Planners for Planning Rights, August 2019 ([Hebrew](#)).

- **GR-922 Strategic Agreements**

The flagship housing effort in GR-922 is a set of strategic agreements with the 15 largest Arab communities, with NIS 252 million allocated to promote agreements between the Ministry of Housing and these localities for large-scale residential complexes on private and state land, including public facilities, open spaces and economic infrastructure. This includes regulation of at least 500 existing unpermitted housing units in each participating locality. An additional NIS 252 million was allocated for focused housing agreements with 43 smaller communities, where there is potential for housing development projects.

Within the strategic agreements, budgets were to be released to each locality upon the completion of each stage, with the move from stage A to B planned by the end of 2017 at the latest. However, as of mid-2019, only five localities were approved to move from stage 1 to stage 2 of the process, and only 5% of the total budget allocated for the strategic agreements has been spent.⁵⁷

Challenges: According to experts in the field, the preconditions set for the move from stage A of the planning process to Stage B were unrealistic and inapplicable for most Arab localities. For example, according to a presentation by Sikkuy, the two-year timeframe allotted for finalizing detailed planning within this program is unrealistic as the average time for such a process is closer to 3.5 years. Moreover, only about 45% of the budgets for planning allocated for the first stage of the process have been transferred by government, further weakening the localities' ability to comply with the conditions set.⁵⁸

Recent Progress: The Inter-Ministerial Committee's report acknowledged that "policy considerations may require re-evaluating the criteria in order to allow the [participating] localities to advance to the second stage"⁵⁹ and the Ministry of Social Equality announced in a recent conference that they are working to create a "tailor-made suit for each Arab locality."⁶⁰ Following these statements and significant pressure from Arab mayors and civil society organizations, the Ministry of Housing announced in November 2019 that 10 of the 13 Arab localities were approved for stage B of the process, allowing the allocation of NIS 112 million to be transferred for planning new neighborhoods and regulating around 3,000 unauthorized buildings. According to Deputy Attorney General Erez Kaminitz, this was made possible "after substantial examination convinced us that we should ease the bureaucratic conditions set in the government resolution."⁶¹

- **Public Facilities**

The lack of adequate public facilities—such as early childhood centers and schools, parks, and community, sports and cultural centers—is one of the notable gaps in Arab localities and has been recognized as curtailing commercial, community and recreational activities. As a result, GR-922 budgeted NIS 750 million for development of public facilities (with 60% allocated for existing neighborhoods and 40% for new neighborhoods).

⁵⁷ For example, only around NIS 3.5 million of the NIS 85 million budgeted for urban planning in the first phase for the 15 localities has been allocated in the field and none of the planned housing compounds have yet been advanced.

⁵⁸ Sikkuy | The Association for the Advancement of Civic Equality, "Detailed Planning and Housing Regulation", [Council of Mayors Conference, Neve Illan](#), June 2019 (Hebrew).

⁵⁹ Inter-Ministerial Committee, [Lifting Barriers to Housing and Real Estate in Arab Localities – Draft Consultation Document](#), September, 2019.

⁶⁰ Ministry of Social Equality, Presentation, [National Council of Arab Mayors Conference – Neve Illan](#), June 2019.

⁶¹ Gili Melnitcki, [10 Arab Localities will receive NIS 112 million for planning new neighborhoods](#), *The Marker*, November 26, 2019, (Hebrew).

Progress: As of early 2020, approximately NIS 423 million has been allocated for public facilities in Arab localities. So far, 105 facilities have been budgeted in existing neighborhoods and 10 have been completed (46 more are “in progress”), an 11% implementation rate. Within this general budget, the NIS 284 million designated for building public facilities in new neighborhoods has not yet been implemented.⁶²

Challenges: The process of planning and building public facilities has proven to be difficult and prolonged due to a combination of factors detailed below, including the length and complexity of detailed planning and the lack of available state or private land on which such facilities can be constructed. In addition, as some planning and construction is contracted to private companies by the Ministry of Housing, and some managed directly by Arab localities, the State Comptroller identified a need for the Ministry of Housing to “implement a tightly managed control mechanism over the managerial companies and help Arab localities overcome barriers so that [these] public facilities can be constructed according to schedule.”⁶³

IMPLEMENTATION BARRIERS

As indicated by the status section above, challenges persist in both initiating and completing the planning process for Arab localities and in ensuring plans are ultimately applicable and implementable. This section briefly explains how the planning barriers outlined in the first section manifest in advanced planning stages notwithstanding recent budgets and policy reforms.

Notably, many planning processes and preconditions remain incongruent with the realities, capacities and needs in Arab localities. As discussed in the Sakhnin case study ([Appendix II](#)), the handful of success cases are those in which local leaders and planners have had the professional capacities and close coordination opportunities with government authorities, often with the assistance of civil society professionals, to carefully navigate and develop solutions for these gaps on a case-by-case basis.

Complexity of Planning Processes

According to government and civil society experts, one of the main barriers to initiating and completing urban plans remains the complexity and duration of the planning process.

- **Duration of Planning Processes.** Master and Detailed Planning in Arab society can take many years to be approved and finalized, and years more to be updated when needed. Because detailed planning for Arab localities involves private land, the processes can be significantly more complex than standard procedures. When private land is involved, there are two stages of planning, one for developing the detailed plans and then another for parcellation⁶⁴ through which building permits are allotted. According to research by [Sikkuy](#), because of this multi-stage process, the duration of time between submission of a Detailed Plan and granting of construction permits can range between 12-18 months for Fast Track VATMAL plans and more than six years for standard planning processes. This length of time means that plans are often ultimately irrelevant and unimplementable since realities on the ground (i.e. unauthorized construction, population growth) have changed in the interim.

⁶² Ministry of Housing Implementation Status, GR-922 Executive Committee presentation, January 2020.

⁶³ State Comptroller Report, [Government Actions on the Housing Shortage in Minority Communities](#), p. 588.

⁶⁴ Parcellation is a process for unifying small separately owned land plots for a larger housing or commercial project and/or re-designation of agricultural land for urban use in return for building rights or compensation. Khamaisi, *Planning and Development of Arab Communities in Israel: A New Approach for both the Local Authorities and the State*, p. 141.

- **Lack of Professional Capacities.** The Ministry of Housing reported in mid-2019 that many planning processes are still delayed or halted due to a lack of professional and planning capacities in Arab localities. Some municipalities are unable to comply with government procedures and preconditions, nor lead sensitive processes with the public. For example, municipalities may struggle or neglect to sign contracts on time, submit billing and receipts, or advertise housing tenders.⁶⁵ In addition, many municipal leaders face difficulty minimizing unauthorized construction as a precondition to advancing residential projects, or promoting and marketing high-rise apartments that are not the cultural norm in Arab localities⁶⁶ [Local elections held in October 2018](#) also affected the capacity of Arab localities. The six-month period prior to elections was overshadowed by political campaigning and election outcomes resulted in turnover of about 70% of mayors—most of whom serving a single five-year term. This not only means that new mayors now need to learn these intricate planning processes, but that they will most likely not be in office long enough to get credit for implementation, removing an incentive for them to commit to the difficult and politically charged process.
- **Dependence on External Planners.** According to Prof. Rassem Khamaisi, the lack of professional staff in local engineering departments leads to reliance on external private consultants, often from Jewish society, and on the District Planning Committees that still oversee planning for most Arab localities. Both the consultants and the district committees are often unaware of local needs and realities and are not familiar with all the new government-led mechanisms, policies and budgets available for Arab society. This reliance on bodies that are disconnected from Arab municipal realities results in prolonged processes, unrealistic plans and budgetary waste,⁶⁷ as well as prolonging professional dependency within municipal governments. In a survey conducted by Khamaisi in 2016 among Arab mayors, 69% of respondents said their localities have approved Master Plans but only 37% said these plans address current and future local needs.⁶⁸
- **Partial Implementation of Capacity-Building Measures.** The 120 Days Committee recommended professional development for Arab planners and GR-922 includes budgets for training and additional staffing for Arab municipal engineering departments, as well as mentoring and assistance by state authorities. However, according to the State Comptroller's report, by May 2019, only a portion of these commitments have been realized. Training courses for engineers and planning professionals by the Ministry of Housing have reached more than 100 professionals from Arab localities and relevant external bodies. At the same time, a new "strategic planner" position that was approved by the Planning Administration for Arab municipalities with 10,000 residents or more has not advanced. A budget was established for 32 strategic planners, but although 23 municipalities were approved for such a position by the end of 2018 and a budget of NIS 28 million was allocated, no strategic planners have yet been selected, trained or placed.

Land and Construction Issues in Arab Communities

Arab municipalities that have the capacities to complete Master Plans and begin detailed planning and construction processes find themselves navigating some of Israel's most complex and sensitive

⁶⁵ Ministry of Housing, Presentation, [National Council of Arab Mayors Conference – Neve Illan](#).

⁶⁶ Khamaisi, Planning and Development of Arab Communities in Israel: A New Approach for both the Local Authorities and the State, p. 151

⁶⁷ Ibid, p. 142-3.

⁶⁸ Ibid, p. 133-4

issues related to land and real estate development. Following are the most salient challenges identified over the last five years of efforts to increase and fast-track such planning.

- **Focus on State Land.** According to planning experts, developing on state lands is the most viable option to address overcrowding, housing shortages and advance commercial development. First, most state policies are geared towards planning and development on state lands, allowing central bodies such as the Ministry of Housing and the Planning Authority to issue large-scale tenders and incentives that in principle should be better able to circumvent the difficulties of planning on private land. Although most land in Arab localities is privately owned, this ownership is concentrated among approximately 30% of the Arab population. Most Arab landowners do not view this land as a commodity to develop into commercial or residential assets, but as an inheritance to hand down or build homes for extended family members for generations to come. Therefore, planning and building on private land is not only more complex, but does not present a viable solution for the needs of the 70% of the Arab population that does not own land.⁶⁹ Until 2019, most of the planning budgets provided by GR-922 were designated for planning on state land.

Developing on state land for Arab society presents its own set of challenges:

- **Lack of State Land Within Municipal Boundaries.** In cases where there is no available state land within municipal boundaries for urban development, there have been efforts to allocate state land that is adjacent. These efforts are sensitive since most such adjacent lands are zoned as natural reserves or agricultural lands and the state is reluctant to change these designations. Moreover, such changes often raise significant controversy among neighboring Jewish localities.⁷⁰ According to a recent article, an unprecedented scope of 18,000 dunams of state lands have been designated by state bodies to the jurisdiction areas of Arab localities in the past decade⁷¹, but many of these areas are still in dispute. Still, there have been a few successful cases and due to the potential as well as complexity of this solution, [Sikkuy](#) recently issued a manual for Arab local professionals explaining how to work with the state to identify and successfully rezone state land and expand their municipal borders for such development.⁷²
- **Top-Down Development.** When state land is available and allocated for large-scale residential development, the project is often contracted to large real estate developers as is customary throughout Israel. However, in the case of Arab localities, most of these developers lack local familiarity and residential plans are often approved without accounting for local cultural and demographic realities. Thus, large-scale neighborhoods may be designed in areas where unauthorized construction has already taken place, in areas that lack infrastructure or planning for any additional amenities, are in use by the municipality for other purposes, or present obstacles to attaining building permits. Developers are often required to attain building permits as part of the marketing process, and most are not prepared for the additional complexity of doing so in Arab localities, leading to additional delays.

⁶⁹ Naali-Joseph and Gerlitz, [From Barriers to Opportunities: Marketing State Land for Housing and Development in Arab Localities](#).

⁷⁰ Gili Melnitcki, [Jewish Residents Allege Illegal Construction by Neighboring Arab Town, in Bid to Keep It at a Distance](#), *Haaretz*, August 22, 2019.

⁷¹ Meirav Arlozorov, [The Netanyahu Government is Returning Lands to Arab Localities](#), *The Marker*, February 9, 2019, (Hebrew).

⁷² Sikkuy | The Association for the Advancement of Civic Equality, [Skeleton Report for Arab Local Authorities on Expanding Jurisdiction Areas](#), November 2019, (Hebrew).

- **Marketing.** Developers contracted to build large scale residential projects on state land reduce their financial risk by beginning to sell units early, prior to and during construction. Those working in Arab society are finding it difficult to sell units, often causing delays in breaking ground and even failed projects. Since 2016, of all the low-cost apartment development tenders put on the market by the Ministry of Housing, 18% were issued in Arab localities, but only 2% of all low-cost apartment units were successfully sold there.⁷³ According to a Ministry of Housing presentation from June 2019, fewer than half of housing units put on the market in regular state tenders in Arab localities between 2016-2018 were sold, with the Ministry listing this issue as one of the main “challenges to enhanced implementation.”⁷⁴

In a joint report, [Sikkuy](#) and [ACAP](#) explain that "marketing is currently implemented in the Arab localities in an identical manner as in the Jewish localities, and therefore a mismatch is created between the marketing process and the (cultural and communal) characteristics of Arab society."⁷⁵ Such marketing of units is new for most Arab communities, and there is a high level of uncertainty and inexperience among residents, discomfort with the financial risks, and mismatch with existing residential patterns. In addition, most tenders are not translated to Arabic, a fundamental barrier for potential buyers. The longer a planned project does not break ground, the more uncertainty and skepticism develops among Arab residents, and the fewer units will sell.

Some of the uncertainty is cultural. Most Arab citizens live among extended family and are reluctant to purchase units as nuclear families, unsure who they will live next to in the same building. Developments on state land may not currently give priority to family groups in marketing (although this idea is currently being discussed for projects in Arab society). Until recently, another cultural barrier was a marriage requirement for purchasing state-subsidized apartments, whereas in Arab society a couple will often not get married until they have a home of their own.⁷⁶

- **Mix of State and Private Land.** When state land is used for development, it is usually only a portion of the area included in Detailed Plans. The inclusion of private land makes plans subject to the challenges of planning on private land, described in the next section.
- **Planning on Private Land.** In 2019, the government enabled use of additional GR-922 budgets for planning on private land as well as state land by allowing municipalities to request use of funds intended for state lands to be redirected for private land planning purposes. Most Detailed Plans in Arab society incorporate at least some private land, and the challenges of planning on them is proving to be both costly and time consuming.

⁷³ Ofer Petersburg, [Price For Buyer – only 2% of Low Cost Apartments Marketed in Arab Localities](#), YNET, August 12, 2019, (Hebrew).

⁷⁴ Ministry of Housing, Presentation, [National Council of Arab Mayors Conference – Neve Illan](#).

⁷⁵ Naali-Joseph and Gerlitz, [From Barriers to Opportunities: Marketing State Land for Housing and Development in Arab Localities](#).

⁷⁶ In January 2019 the Ministry of Housing changed eligibility criteria for young Arab couples who seek access to state-subsidized apartments. Until then, only married couples were eligible to participate in this program, one of the state's flagship efforts to resolve the housing crisis and rising housing costs throughout the country. But the requirement has been a significant barrier in Arab society where home ownership is often a precondition for marriage. The Ministry followed the change with an Arabic-language campaign on social media informing Arab citizens of the new criteria and calling on them to present their candidacy ([Arabic](#)).

- **Land Registration Gaps:** Many privately-owned plots of land in Arab society have not been properly registered with the state in decades. At the same time, lot ownership has frequently been divided and handed down to family members. This means that finding the rightful owners of privately-owned land can be difficult and time-consuming as well as sensitive because the possibility of decades of unpaid or improperly paid property taxes can make owners reluctant to self-identify. While Master Planning can advance without such registration, detailed planning and building permits cannot and processes can thus be held up for years.
- **Parcellation⁷⁷ and Compensation:** Once landowners are identified, land plots must be re-registered according to their updated ownership and dimensions. Only then can they be unified and rezoned for development. While there are reasonably effective mechanisms for compensating private landowners in Jewish communities for their lots, this is not the case in Arab society where there is a history of mistrust over land confiscations and an attachment to the land that supersedes financial considerations. Many Arab landowners are thus reluctant to sell or develop their lots and may perceive the parcellation processes as a form of confiscation or encroachment of the state, even if compensation is offered. For local planners and municipal leadership, there is an interest in advancing development plans in a constructive manner that engages the community, but the sensitivities around ownership and compensation are often beyond the political capacities and resources of local leaders.
- **Public Use Requirement:** Urban plans in Israel are required to include a preset portion of land from any plot for public facilities—usually 40%.⁷⁸ This is usually not a problem in planned communities that were built with such allocation in mind. However, in most Arab communities (which are overcrowded today due to years of unplanned development on mostly private lands), securing such space is problematic. It often requires splitting a privately-owned lot, with or without compensation, and/or appealing to the state to expand municipal borders in cases that adjacent state land is available. Both paths are professionally and politically difficult and time-consuming efforts since repurposing a portion of privately-owned plots is often “perceived as expropriation of land.”⁷⁹ Furthermore, sensitive issues of fairness among local landowners arise since repurposing portions of private plots for public use may not fall equally on all landowners. For example, a school or a main road that serves old and new neighborhoods may require only owners from the new neighborhood to re-purpose land for public use. Since it is more likely that vacant land will be used for these purposes, landowners who did not build on their property are more likely to have portions taken, while those who built despite not having permits are inadvertently rewarded. As described earlier in this chapter, this is one of the main challenges limiting the number of public facilities constructed to date.

⁷⁷ See footnote 62.

⁷⁸ Israeli law allows a local authority (also bodies like the Electrical Company and the Railway Authority) to confiscate privately-owned lands for public use (roads, facilities, sidewalks, parks). According to the law, a local authority can confiscate up to 40% of a plot without compensating owners (assuming owners will benefit from the planned public services, which will also raise the value of the remaining plot). That said, compensation for the percentages confiscated and for the de-valuation of the rest of the plot can be given in the form of money or lands elsewhere.

⁷⁹ Inter-Ministerial Committee [Lifting Barriers to Housing and Real Estate in Arab Localities – Draft Consultation Document](#).

- **Unauthorized Construction.** The 120 Days Committee recommended mapping the extent of unauthorized construction in Arab society and retroactively regulating structures within Arab municipal boundaries that are over five years old and meet additional criteria.⁸⁰ To date however, no formal mapping has been done and retroactive regulation has only been advanced in a few cases. In 2017, the [Arab Center for Alternative Planning \(ACAP\)](#) estimated there are about 50,000 unauthorized structures in Arab localities, including entire neighborhoods, many of them dating decades back.⁸¹

According to [Sikkuy](#), in 2017-2018, 887 structures were retroactively regulated (made legal), and another 2,300 are set to be regulated by the end of 2020.⁸² A Ministry of Housing presentation from mid-2019 cites 2,200 units as approved for regulation and another 1,500 units in the process.⁸³ Within the implementation of the aforementioned Strategic Agreements, an additional 3,000 structures are slated for regulation within the 10 largest participating localities. Meanwhile, civil society organizations report a noticeable increase in demolitions since the enactment of the Kaminitz Law.⁸⁴ In parallel, with ongoing planning delays, residents cannot obtain building permits, buy or build new houses, and unauthorized construction continues to increase.

Unauthorized construction and its enforcement remains one of the most sensitive planning barriers. The issue is politically incendiary on local and national levels and presents physical and judicial obstacles to planning:

- **Political controversy:** The issue of unauthorized construction is often [raised by the Arab leadership](#) as an issue of special importance and concern. Instances of demolitions of homes built without permits in recent years have [led to significant clashes and violence](#), as well as heated exchanges between Jewish and Arab political leaders and in the media. The politically charged nature of this issue make trust-building and practical professional discussions tense and difficult. As a result, no broad, implementable and budgeted government policies have yet been developed.
- **Equality and Fairness:** Prof. Khamaisi writes that the Kaminitz Law that aims to address unauthorized construction through increased penalties is problematic because the new stricter measures are imposed mostly in response to new construction and do not address older instances of unauthorized construction that often limits community development.⁸⁵ The Inter-Ministerial Committee also writes that illegal construction “leads to inequality” because “experience shows that planning usually regulates previously unauthorized construction...which undermines distributive justice.” As a result, in an already built compound, appropriating land for public use “falls only on those who have not yet built” meaning those who built despite lack of permits are unintentionally rewarded.

⁸⁰ The 120 Days Committee distinguished between most unauthorized construction, and the relatively smaller number of unauthorized buildings that are less than five years old, have been built outside the formal jurisdiction of any locality, on the paths of planned national infrastructure (e.g. major roads, railway), or that are violating existing plans by more 30%.

⁸¹ The Arab Center for Alternative Planning, A Review of Unauthorized Buildings. This number doesn't include mixed cities and Bedouin towns in the Negev.

⁸² Sikkuy | The Association for the Advancement of Civic Equality, “Detailed Planning and Housing Regulation”, [National Council of Arab Mayors Conference – Neve Illan](#).

⁸³ Ministry of Housing, Presentation, [National Council of Arab Mayors Conference – Neve Illan](#).

⁸⁴ For example, the [Association for Civic Rights in Israel \(ACRI\)](#) reports an increase in Arab home demolitions since 2016. ACRI filed two Freedom of Information requests for data on the actual application of the Kaminitz Law but has yet to receive answers to the requests.

⁸⁵ Khamais, Planning and Development of Arab Communities in Israel: A New Approach for both the Local Authorities and the State, p. 174-5

- **Physical Planning Obstacles:** Regulating an entire neighborhood that has been built without planning often requires reverse engineering for public infrastructure such as roads, electricity and sewage, as well as for allocating space for public facilities. Not regulating such neighborhoods limits further planning and creates safety issues; while planning for redevelopment of the area without addressing the unauthorized construction is not possible.

SECTION III: LOOKING AHEAD

INTERMINISTERIAL-COMMITTEE

The Inter-Ministerial Committee convened by the Ministry of Justice in 2019 to review the current status and efficacy of efforts to advance planning and housing development in Arab localities issued a draft report of its findings in September, soliciting feedback from multiple stakeholders and relevant experts. This draft paper represents the most current and forward-looking government approach.

Public Participation

The report acknowledges that current policies are still incongruent with realities and communal needs in Arab localities and underscores the need for greater outreach and public participation in “the aim of promoting, in partnership with the non-Jewish community, implementable solutions in the sphere of housing and real estate, while recognizing the community’s characteristics and needs.”⁸⁶

Policy Recommendations

The Committee also recommends greater flexibility and nuance in the government’s processes and approaches to Arab society. For example, policies that differentiate between types of localities (urban vs. rural), between the older and younger generations, and between subgroups within Arab society could resolve some of the difficulties implementing them.

The report also includes specific policy recommendations:

- **Use of private land for public facilities:** (i) Landowners who allocate a portion of their plots for public use will also benefit (i.e. receive a portion of profits of the community center/public swimming pool that will be built on a portion of their land). (ii) In some cases, instead of allocating a percentage of their private land for public use, landowners would pay an equivalent sum to a pooled “public facilities fund” that will then be used to benefit the entire community. (iii) A higher percentage of land for public facilities will come from state land, while a smaller percentage will be come from private plots.
- **New neighborhoods and a rental market on state lands:** (i) Reexamining existing policies to enable a certain number of units to be marketed to for “locals,” to allow young couples to receive precedence in building their homes in their family’s community. (ii) Examining the option of allowing acquisition groups of family members in order to increase the chance of success of housing tenders on state land, by catering for “the wish to ensure homogeneity in an apartment building.” (iii) Creating a push for a rental market via [Apartment for Rent Governmental Company](#) (mentioned below).

⁸⁶ Inter-Ministerial Committee, [Lifting Barriers to Housing and Real Estate in Arab Localities – Draft Consultation Document](#).

- **Additional budgets and governmental support:** (i) Add government budgets and subsidies for planning and land registration processes, to help overcome existing backlog in these issues and to incentivize landowners to register and parcel their lands by eliminating the expense. (ii) Greater government assistance to Arab municipal governments, via local positions such as the Strategic Planners⁸⁷ and the Integrators⁸⁸, as well as by officials from government ministries. This includes helping to educate the wider Arab public as well as officials in Arab local government about new policies, leniencies, and budgets, and enhances the knowledge of government officials about realities on the ground (e.g. via field visits and seminars for relevant government officials).

INSIGHTS FROM THE FIELD

The initiatives set in motion since the government’s 120 Days Committee of 2015 involve numerous government bodies, Jewish and Arab civil society organizations, and planning experts who have been key to various aspects of implementation. This section aims to aggregate the main insights and recommendations from the field for areas of development and potential models going forward.

Building Professional Capacities: A major challenge remains the weakness and lack of capacities in Arab local government to lead professional planning processes. New government-budgeted positions such as Strategic Planners and Mowared Integrators mentioned above,⁸⁹ may add important capacities, especially if they and municipal leadership have the support and training they need to make the placements effective. Civil society organizations that have planning expertise also often accompany municipal leaders in these processes, serve as a liaison to the central government to support advancement of plans and their alignment with realities on the ground, and increasingly serve as resource centers for addressing Arab planning needs in Israel as a whole. Finally, increasing the number of qualified Arab planning professionals through academic programs, professional development and training is essential for enhancing these capacities in the long run.

Representation and Awareness in State Planning Bodies: Like inadequate capacities on the local level, representation of Arab professionals and familiarity with planning needs of Arab society continues to be a challenge in all government planning bodies. According to the State Comptroller’s report, “the representation rate of the minority population [in national planning institutions] is meagre, even more so when compared to their rate in the population, and cannot be seen as answering the need for fair representation as required by law.”⁹⁰ Consequences range from plans that are not compatible with realities on the ground to under-utilized policy reforms and budgets available to Arab society due to lack of awareness of them.

⁸⁷ *Strategic Planners* are a new position for Arab municipalities with 10,000 residents or more, defined and budgeted by the Planning Administration in 2018, with the goal of strengthening local engineering departments and planning capacities. As mentioned above, to date, although a budget has been allocated and 23 Arab localities requested these positions, they have not been staffed.

⁸⁸ “Mowared” Integrators are a new professional position within Arab municipalities, tasked with leveraging and implementing GR-922 and other government socio-economic development budgets. *Mowared* (Arabic for “resources”) is a collaboration between [JDC-Israel's Leadership Institute](#), the Ministry of Social Equality, the Authority for Economic Development of the Arab Sector and the Ministry of Interior. In early December 2019, 29 professionals selected by Arab municipalities started their training in Nazareth to be “Mowared” integrators. The program is planned to grow to 44 “Integrators” who will work within Arab local authorities.

⁸⁹ See footnotes 87 and 88

⁹⁰ For example, in the Northern District Committee, only one of 17 members is Arab, representing 6% of the committee, while Arab citizens represent around 50% of the community served by the District Committee. State Comptroller Report, [Government Actions on the Housing Shortage in Minority Communities](#), p, 575-6.

Trust-Building and Public Engagement: Despite the greater level of cooperation and coordination in recent years, mistrust between Arab society and state planning bodies remains high due to historical experiences and lack of public engagement in and awareness of planning processes. Left unaddressed, this mistrust becomes a barrier to implementing new planning policies.⁹¹ The Arab public, Rassem Khamaisi explains, continues to experience the state’s centralized planning policies “as a tool for control and oversight over the limitation of spatial planning in Arab localities.”⁹² Likewise, the Inter-Ministerial Committee emphasized the “special importance in implementing wide-reaching public participation on this issue.”⁹³ Opportunities to deepen cooperation and understanding between central planning bodies and Arab society, apply greater flexibility in centralized policies, and promote cases of success in which advances in planning yielded benefits to the community would ease the sense of coercion and increase interest in participation among Arab leadership, landowners and the Arab public.

Mechanisms for Multilevel Cooperation on the Local Level: The handful of successful cases in recent years, in which neighborhoods have been effectively planned and construction has taken place, have benefited from opportunities to generate broad-based cooperation and engagement of multiple stakeholders around specific planning needs and challenges. The need for such coordination is recognized at a high level, and has resulted in more conferences, committees, professional feedback efforts (i.e. the Inter-Ministerial Committee Report). However, the complexity and sensitivity of each local detailed planning process lends itself to benefit from such engagement. Face-to-face interaction between state planning representatives, local leaders, and public stakeholders can generate shared understanding and goodwill to resolve barriers on a case-by-case basis in a way that has not been possible through general policy and awareness-raising.

Monitoring Implementation: External experts and civil society bodies have an important role in monitoring the implementation of new government policies and budgets, thus making the process more transparent, providing feedback to government, and enhancing trust by the Arab leadership and public. For example, the work of civil society experts has been key to modifying the initial preconditions set for the Strategic Agreements, making them more applicable to local realities, and ultimately allowing 10 Arab localities to move to the second stage of the process in the fall of 2019.

Developing and piloting new models: Several new models are currently in initial planning or pilot phases. These include, for example, urban regeneration projects in six Arab communities and the “Apartment for Rent” pilot in Jaljuliya (detailed below). In these cases, government bodies rely on assistance and knowledge of local experts and civil society bodies, as well as on their legitimacy in local circles, to promote the projects and enhance their relevance to local realities. Moreover, some of these pilot programs cannot rely solely on governmental funds and require additional business investment or philanthropic assistance.

⁹¹ Khamaisi, Planning and Development of Arab Communities in Israel: A New Approach for both the Local Authorities and the State, p. 140 and p. 151.

⁹² Ibid, p. 135.

⁹³ Inter-Ministerial Committee, [Lifting Barriers to Housing and Real Estate in Arab Localities – Draft Consultation Document](#).

APPENDIX I: NEW GOVERNMENT PILOTS

Revised policies and lessons learned from the past few years are leading to government pilots of innovative solutions. Two recent examples include:

- **Urban regeneration pilot in six Arab localities:** [The Urban Renewal Authority](#), a government body responsible for all urban regeneration projects in Israel, launched a pilot for planning in five Arab localities in early 2018: Sakhnin, Arara, Taibeh, Kfar Kassim and Jisr A-Zarka. The goal is to overcome planning barriers that have made existing urban regeneration models in Israel ineffective in Arab localities to date.

Most of Israel's urban regeneration projects assume that owners of the structures to be redeveloped have a financial interest in upgrading them and would be willing to vacate for a period of time in exchange for enhanced building rights or higher property value. In Arab localities, owners are not necessarily looking to develop their land for anything other than their family's future generations. In addition, developing old urban centers in Arab towns often means working with run-down structures in neighborhoods that have not been updated in decades. Together, these factors make the urban regeneration less likely to work, slower, riskier and more expensive than in Jewish localities, and thus less likely to attract investors.

As such, this pilot provides government subsidies and support in order to create successes and models for making urban regeneration viable in Arab localities. The pilot begins with an initial feasibility study, account for land ownership, local interests, and social and economic potential for the town. In the second stage, a compound within the old city center is identified and planning commences. Lastly, within this compound, one urban regeneration project is advanced in partnership between government, private investors, and philanthropy.

[Apartment for Rent \(Dira Le'haskir\)](#): "Apartment for Rent", the Government Company for Housing and Rental Ltd., was established to promote housing development, including long term rental apartments, within a National Housing Project framework. Its main aims include: locating areas for development in order to create thousands of long-term rental housing as an alternative to the purchase of apartments; land marketing by public tenders in rental housing formats; planning of residential neighborhoods, and statutory promotion of these areas; purchase, rental, and sale of land and residential buildings; and management and supervision of long-term rentals, from award stage until end of lease.

This past year, the company announced it is promoting, for the first time, a large-scale project in an Arab city – Jaljulya.⁹⁴ In cooperation with the local municipality and the Israel Land Authority, 100 housing units for long-term rent will be built within 4-5 new high-rise buildings. The apartments will be marketed by Apartment for Rent Company in "a way compatible with [the needs of] Arab society and young local couples" with around one quarter of them rented in reduced rent. According to this publication, rent contracts will be signed for up to 10 years with fixed rent prices, monitored by the governmental company. According to the Mayor of Jaljulya, the [Arab Center for Alternative Planning](#) (ACAP) is assisting the city in this process.

⁹⁴ Adi Cohen, [In a First: Apartment for Rent is Advancing a Long-Term Rent Project for the Arab Population](#), *The Marker*, September 1, 2019, (Hebrew).

APPENDIX II: SUCCESS CASE STUDY - SAKHNIN⁹⁵



Sakhnin Shopping Center, February 2020. Photo Credit: Avivit Hai

Sakhnin is one of the larger Arab municipalities in Israel, a city of over 31,000 residents. It is symbolic significant in Arab society for its centrality in [Land Day](#) events of 1976, its former role in the leadership of the National Council of Arab Mayors, and its current focus on innovation and education—it is one of the only Arab localities in Israel with a college. According to City Engineer, Sliman Athman: “if people see that out-of-the-box *avant-gard* solutions are working in Sakhnin, they are likely to adopt them in other localities.”

In recent years, Sakhnin has experienced economic growth and development, including successful urban planning and development. Their success is due to a confluence of factors including strong municipal leadership and planning capacities, the support of civil society organizations, ability to work with central government bodies, capacities to lead public participation processes, and the good fortune to have a central square on state land that was not densely constructed.

The municipality’s ability to tap into various planning budgets, pilots, supports and opportunities indicates what is possible when barriers are effectively addressed:

Main Street Renovation

Sakhnin’s main street is a major road (no. 805) that connects localities across the Galilee. Over the past few years, in cooperation with the Ministries of Housing and of Transportation, the municipality developed it from a run-down, two-lane, over-crowded street to a four-lane central economic artery. One barrier to its development in the past has been private ownership of land on both sides of this main road, with owners of adjacent houses and shops unwilling to allocate their land for the sake of widening the road. The municipality led a public participation process - including public and individual meetings and a local campaign, through which every land and

⁹⁵ Thank you to Sakhnin City Engineer, Eng. Sliman Athman, to Dr. Dafna Ben Baruch and to Noa Zarmon-Brent from the Urban Renewal Authority, who provided data and insights for this case study.

business owner was successfully convinced to allocate space (approximately 15 feet) to allow wider sidewalks and public parking alongside the main road. As a result, today numerous shops, cafes, restaurants and other businesses are flourishing along the main road; traffic has been significantly reduced as parking is available; and wider sidewalks are encouraging pedestrian activity. According to the municipality, the next planned step is to legislate local regulations that enable collecting parking fees along the road, thus further enhancing local revenues.



Sakhnin Main Street February 2020. Photo Credit: Avivit Hai

Expansion of Municipal Borders

Sakhnin has been in long-term negotiations with the neighboring Regional Council of Misgav to allow land from the regional council to be transferred to the city. While Sakhnin is a city of over 31,000 residents with a municipal area of 11.5 square kilometers and density of 2,633 residents per kilometer, Misgav Regional Council comprises 35 smaller localities over 164 square kilometers with a density of 170 residents per kilometer. Moreover, much of the state land in the Regional Council was historically owned by Sakhnin residents and confiscated by the state in the early years. Following a number of geographic committee meetings and with the assistance of a local Jewish-Arab NGO⁹⁶, a partial agreement was reached, and 1.8 square kilometers of state-land were transferred to Sakhnin in 2017. Currently, the municipality is holding renewed negotiations with Misgav regarding the transfer of additional areas. The shortage of available land within existing municipal boundaries is one of the major planning challenges for Arab localities. Adding state-land is a widely recommended solution but has proven difficult for most municipalities to implement.

Joint Industrial Park on State and Private Land

At present, Sakhnin has a small, old and underdeveloped industrial area, mostly used for garages and building industries, which does not attract new businesses nor generate much municipal income. Meanwhile, the neighboring Regional Council of Misgav has a large and modern industrial park called [Teradion](#), which is a profitable pillar of its economic prosperity. Discussion around

⁹⁶ "Neighbors for Joint Development" (which has since ceased to exist).

sharing the income of this park caused historical conflict with a former Mayor of Sakhnin declaring “we get all the dust and pollution and you get all the taxes” ([Hebrew](#)).

Recently, an agreement was reached between Sakhnin and the Regional Council to create a new joint industrial park between the outskirts of Sakhnin and one of Misgav’s communities called Eshbal. The industrial park will be established on lands belonging to both communities and, as two-thirds of Sakhnin’s land in the project are privately owned, the city is suggesting a model by which private owners who allow their land to be used for the park will share in its future profits.

Open Areas

Like most Arab localities, the old center of Sakhnin is very densely built and has very few open spaces. To create more open space—as is required by planning regulations—the municipality plans to link a few larger open areas located in the outskirts of the city, but still within city limits, via a “green boulevard” with a bicycle trail, creating accessible recreational areas for the community.

New Neighborhoods – Successful Parcellation

in several instances, the municipality managed to reach agreements with landowners whose private plots are included in areas slated for new neighborhoods. In one planned neighborhood, designed on part private and part state land, private landowners agreed to repurpose 35% of their land for public uses (roads, sidewalks, schools), while 65% of state-owned plots would be used for this purpose. Residents were then compensated with attractive plots in a different area of the neighborhood. While these solutions to issues of allocation, parcellation and compensation when dealing with private land have been difficult to achieve on a national level, according to senior municipality staff there is rapid change in the approach of residents regarding land and real-state issues, with more residents open to valuing their plots as financial assets and participating in the real-estate development processes.

Urban Regeneration



Sakhnin was one of the first municipalities selected by the Urban Renewal Authority for a six-city urban regeneration pilot in Arab localities ([Appendix 1](#)). The Authority and municipality, along with public participation, selected the city’s central square which houses the new City Hall, as the site for redevelopment. The square, located on the main road, is currently covered by a large parking lot, includes a sports hall and smaller buildings, and is not used for any economic or community functions, except for the annual Ramadan Market. Mostly state-owned land and mostly open space, it provides a rare development opportunity in an Arab locality.

A plan has been developed for a city square with an urban park, cafes, playground and shops, surrounded by modern buildings. The parking lot will move underground, and current buildings will be demolished. Income from the enhanced economic activity will help finance the underground parking and the development of the square, together with outside investments. This is the most advanced urban regeneration model of the six pilots today.

APPENDIX III – CIVIL SOCIETY MAPPING

Arab Center for Alternative Planning (ACAP). Established in December 2000 to serve as a national address on issues of planning, land, housing, and development for Arab citizens of Israel. ACAP works in the following spheres:

- **Advocacy and consultancy vis-à-vis government bodies:** In 2004, ACAP was recognized by the Ministry of Interior as a public organization with the legal right to intervene in official planning procedures on national, district and local levels. ACAP therefore works with ministries and governmental planning bodies to represent the position of Arab localities, file objections and suggest alternative policies and procedures. Currently, for example, ACAP is working on the advancement of the Strategic Agreements signed with 15 Arab localities, advocating for extending the duration of the fast-track VATMAL planning channel, and representing Arab localities on the issue of widening municipal boundaries, among other activity.
- **Planning Support for Arab Localities and the National Council of Arab Mayors:** ACAP works with a core group of eight localities - Tamra, Kafr Kanna, Yafia, Shfar'am, Ar'ara, Majd al-Krum, Touran, and Mesh'had – as well as others, on specific planning issues. ACAP staff conducts workshops with municipal leaders and engineers on planning and building issues pertinent to each council, as well as on common interests such as expanding municipal jurisdiction boundaries. ACAP also works with the National Council of Arab Mayors as an expert on planning issues and steers the council's subcommittee on urban planning.
- **Raising Awareness:** ACAP enhances awareness in Arab society about local planning issues by holding workshops for local groups to map and discuss local planning challenges and possible solutions.
- **'Change Agent Planners and Architects' in partnership with the School for Peace at Neve Shalom-Wahat Al-Salam:** ACAP has been running a yearlong training course for Arab and Jewish professionals for the past four years, which includes 10 meetings held alternately at Neve Shalom/Wahat al-Salam and the ACAP office in Eilaboun. Previous graduates established (i) The Arab-Jewish Planning Forum, which meets twice a year to share and exchange experiences regarding the various projects on which they are working; and (ii) A working group on urban renewal in Arab towns.
- **Research and policy papers, conferences and publications:** ACAP holds [an annual conference on urban planning](#) in Arab localities and issues policy papers and research on related issues. For example, at its 2017 conference, ACAP published a first mapping of illegal construction in Arab localities.

Sikkuy - The Association for the Advancement of Civic Equality. Sikkuy works on urban planning and housing issues as part of its focus on equality in government policies and on the implementation of GR-922. Major activity areas include:

1. **Expansion of Jurisdiction Boundaries in Arab Local Authorities:** Improving and accelerating economic, municipal, and urban development in Arab local authorities by expanding jurisdiction boundaries and/or creating distribution of revenues from shared employment zones.
2. **Housing in Arab Towns:** Working with government ministries and assisting Arab local authorities to ameliorate the housing crisis in Arab towns, implement Government Resolution 922, remove barriers to development and ensure equal allocation of resources.

Within these areas, Sikkuy promotes the following activities:

- **Advocacy and Coordination with Government:** Sikkuy works with the Ministries of Finance, Housing and Interior, national and regional planning committees, Israel Land Authority and others to monitor progress of existing policies, promote the implementation and allocation of relevant budgets and suggest new modes of operation to ensure policies are applicable and budgets are allocated.
- **Support for Elected Arab Leadership:** Sikkuy assists Arab municipalities with planning and housing issues (e.g. approval of industrial zones, expansion of municipal boundaries). It supports the National Council of Arab Mayors in representing the interests of Arab citizens to the government. The work also includes preparing practical guidebooks for Arab localities and the wider public on such issues as [planning public transportation needs](#) and [presenting requests to widen urban jurisdiction](#). Sikkuy is also working to develop a national computerized mapping of the current planning status within all Arab localities via a GIS system.
- **Policy Papers:** Focused on identifying barriers to advancement of existing governmental policies and budgets and identifying alternative solutions. Recent papers include, for example, [The Marketing of State-Owned Land for Development and Construction in Arab Communities](#) (with the [Arab Center for Alternative Planning](#)), December 2017; [Land Registration in the Arab Society in Israel](#).
- **Urban Regeneration:** Together with the [Urban Renewal Authority](#) (see [Appendix I](#)), the [Arab Center for Alternative Planning](#) and [Hagar - the Affordable Housing Center](#) at Tel Aviv University's Faculty of Law, a new effort was recently launched to develop a model for urban regeneration in Arab localities, which would adapt existing urban regeneration mechanisms to circumstances and needs in Arab localities.

[Association of Civic Rights in Israel \(ACRI\)](#). ACRI seeks to close socioeconomic inequalities between Jewish and Arab citizens and consequently, much of ACRI's work involves addressing discrepancies in housing and infrastructure. Major activities include:

- **Monitoring and challenging Kaminitz Law:** Since the passing of the Kaminitz Law, ACRI has been monitoring its implementation, including the number of demolitions, confiscated equipment, and administrative sanctions on unpermitted construction. ACRI is preparing a rights booklet in Arabic that explains the punitive threats Arab citizens may face, the tools at their disposal to combat administrative fines and the rights and options available to them. Additionally, ACRI, Adalah and the Arab Center for Alternative Planning are preparing a petition to the High Court of Justice against the enforcement policy, stiff penalties and high fines.
- **Rights of unrecognized Bedouin localities in northern Israel:** In June 2019, ACRI and [Bimkom – Planners for Planning Rights](#), together with [The Galilee Society](#), curated a photo-essay exhibition "Citizens Without an Address" about unrecognized localities in the North of Israel. The exhibition was held in Nazareth for two weeks.

Bimkom – Planner for Planning Rights. Bimkom seeks to promote planning for the Arab towns and villages that is the same quality as planning for the Jewish population and includes the allocation of State lands for development. It also works to strengthen the capacities of Arab municipalities and residents to participate in the planning processes and work with state institutions to advance appropriate plans. Bimkom works on two major tracks:

1. **Monitoring state planning policies:** Including monitoring the implementation of GR-922's housing and planning section ([Hebrew](#)) and presenting written and verbal critiques and alternative policy suggestions vis-à-vis the state planning institutions in order to modify planning policies and practices.
2. **Accompanying urban planning processes on the ground:** Assisting Arab local authorities and groups of residents in challenging planning processes they deem as undermining their interests. Examples include:

Jdeydeh-Maker: There is a government initiative to build a major housing development near the village which would either be an extension or a [new Arab city](#). According to Bimkom, this plan is detrimental to the planning needs of village residents. Bimkom claims that the plan, which is fast-tracked via VATMAL, is now forcing the local council to approve a master plan that conforms to the new project, rather than the regular planning process which would be the other way around. Following work with resident groups and the local authority by Bimkom, in cooperation with Adalah, the Ministry of Housing announced in August that it plans to cut the number of planned housing units in half, from 16,000 to 8,000.

- **Jiser A-Zarka:** Bimkom is working with local groups and the local council to find alternatives that would allow the village to expand its jurisdiction, which has been significantly constricted by Jewish localities to the north and south and a coastal highway to the east.

National Council of Arab Mayors. The Council has established several sub-committees to monitor the progress of GR-922 and to develop its own expertise on this issue with the assistance of relevant NGOs. Two subcommittees relevant to housing and planning are the Subcommittee on Land and Housing, which is chaired by the **Arab Center for Alternative Planning (ACAP)** and the Subcommittee on Transportation infrastructure and services which is chaired by **Sikkuy**. Within these committees, representing mayors and professional NGOs prepare research, collect data and monitor and analyze governmental policies and GR-922 implementation status. These materials are then presented to the relevant government officials in ongoing periodic meetings and discussions.

The Urban Clinic at Hebrew University's Planning Platform for East Jerusalem. The Urban Clinic, in cooperation with the Jerusalem Municipality and the Community Centers (MATNASSIM) Association, held a series of encounters during 2018-19 for architects, urban planners and additional professionals for a joint learning process and in order to develop tools, network and relevant approaches. This Planning Platform aimed to "develop practical tools for professionals working in the public and private sectors in spheres related to the implementation of Government Resolution 3790 for narrowing socio-economic gaps and [enhancing] economic development in East Jerusalem." The encounters brought together dozens of professionals from East and West Jerusalem, including public and private planners working in East Jerusalem, community urban planners, city hall representatives and others. This platform is seen by professionals in the field as a model that could serve urban planning in Arab localities, as it brings together representatives of the various planning bodies involved with representatives of the community and professionals from public and private entities, allowing for cross-sector discussion, for resolution of problems and for building new tools to tackle specific problems presented by each Arab locality.