



29/06/2023

To:

Mr. Eran Nitzan

Chairman of the North District Planning and Construction Committee

The planning manager

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**Subject: Objection to Masterplan Plan No. 256-0773945 -Majdal Shams**

**The Opponents:**

1. **Al-Marsad Association** -The Arab Center for Human Rights in the Golan Heights (Ref. 580424687) has been established and active since 2004 with an objective to document the state of the rights of the Syrian Arabs in the Golan Heights in accordance with international law. Among other things, Al-Marsad works on conducting studies and reports on the situation in the Golan Heights and provides legal assistance in cases where there is a violation and breach of human rights.
2. **The Association Bimkom** - The Planners for Planning Rights (Ref. 580342087) was founded in 1999 by a group of Israeli planners and architects. Their aim was to strengthen the link between human rights and the planning systems in the State of Israel. The organization, which operates throughout the country, is a professional body that promotes planning procedures and planning trends for the benefit of the community, and works with and for the benefit of populations and communities that are in a position of professional, economic or civil disadvantage. Its position represents the public interest for equality in the fields of local planning and development, fair allocation of resources and transparency in the planning procedures. The association is known as a public professional body that is authorized to submit objections according to section 100(3) of the Planning and Construction Law [1965]. The main funding of the association is from foreign political entities.



## The proposed plan

The primary objective of the discussed extensive Master plan No. 256-0773945 ("the plan"), is to offer a comprehensive planning response to the community of Majdal Shams ("the community", or "the village") in an area of 15,983 Dunam. This plan is intended to span until the year 2040 or until the community's population reaches 16,800 residents.

As outlined in its principal provisions, the plan proposes to create a continuous planning framework that connects all parts of the settlement, from its historic center to the new residential neighborhoods, and which also links the village to the natural and historical space surrounding it. The traffic infrastructure in the settlement is expected to be integrated into the regional traffic system. Further, the plan seeks to strengthen the core of the settlement as a hub for business, commerce, tourism and culture, to develop a variety of public spaces integrated into the urban framework that utilizes the existing resources in order to improve the quality of the public space for the residents; and establish special guidelines for the preservation of the Yaafuri Valley as a scenic complex with unique qualities.

Despite the extensive scope of the plan, a significant portion, comprising over 72%, approximately 11,580 Dunam, is intended to remain in a variety of open areas that are not intended for development. This encompasses a designated nature reserve, of around 4,990 Dunam, agricultural land spanning approximately 3,249 Dunam, open terrains spanning about 3,193 Dunam, and a man-made forest spanning approximately 148 Dunam. The remaining area allocated for local development, approximately 4,403 Dunam in size, is divided between distinct categories. These include residential and mixed urban zones, encompassing around 2,914 Dunam, economic uses such as trade, employment, and tourism as well as hotels spanning around 650 Dunams, and public zones such as roads, public buildings, a cemetery and an open public space at the level of the entire settlement, covering approximately 839 Dunam.

It should be noted that given the comprehensive descriptive nature of these areas, the expanse of the former settlement contains roads and diverse public areas. Further, during the subsequent detailed planning stage, it will be necessary to allocate a portion of the residential-designated area within the discussed plan, for the establishment of roads, public structures and neighborhood-level open spaces. The plan's editors anticipate that the plan's implementation will facilitate the construction and development of approximately 2,700 housing units<sup>1</sup> in the newly designated development areas, surpassing the current allowable construction capacity.

The planning process for the development commenced at least in 2017, during which several conferences were held for public participation<sup>2</sup>. On 5 July 2021, the District Committee for Planning and Construction in the North District ("the Committee") decided to deposit the plan with conditions. The last publication date for the plan's deposit in newspapers was 31 March 2023. Upon the request of the head of the local council, the Subcommittee for Objections

<sup>1</sup> According to the explanation of the assigned program. It should be noted that according to the breakdown of the construction potential according to section 4.2 of the instructions, the construction potential in the new areas reaches approximately 3,110 housing units.

<sup>2</sup> See the socio-economic appendix of the plan, "Description of the public participation procedure in the plan" (p. 42).

under the Committee decided to extend the deposit period by an additional 30 days until 29 June 2023.

## Background

Founded during the late 16<sup>th</sup> century, Majdal Shams is a Syrian Druze village in the southern foothills of Mount Hermon. After the Golan Heights was occupied during the Six Day War / 1967 War, the residents of Majdal Shams, who at that time numbered about 2,920 people<sup>3</sup>, remained in their place of residence. Many families were cut off from their relatives on the mainland Syrian side of the ceasefire line.

Prior to the occupation, the Druze population of the Golan Heights owned around 100,000 dunums, of which about 6,000 dunums belonged to the residents of Majdal Shams, which remained on the Syrian side of the border. Thus, the residents of Majdal Shams lost part of their agricultural lands and by extension, their source of livelihood. After that, the occupation army seized additional areas.

During the initial phases of the occupation, the remaining Syrian villages in the Golan Heights were placed under the authority of the military ruler, and thus the natural development process of the villages, which were growing from the inside out, and characterized by low construction, came to a halt and transitioned into a phase of contraction within the confines of the pre-existing urban framework, which contributed to an escalation in construction activities within the pre-existing urban framework. This was achieved by the adoption of vertical (multi-story) construction, along with the conversion of green spaces surrounding each house into urban areas. All of this was undertaken without comprehensive structural maps and without adapting the narrow streets and infrastructure systems to accommodate to these changes. This was particularly pronounced in the village nucleus, characterized by urban density, resulting in the loss of a significant portion of its historical architectural features, such as the traditional building around the inner courtyard (hakoura).

In 1981, Israel annexed the Golan, violating international law. Despite this action, the residents of Majdal Shams, like other residents of the Druze villages in the Golan, consider themselves an indigenous community and Syrian citizens. They are determined to preserve their societal life in all its aspects, in order to preserve the traditions and history of the place, along with the natural landscapes surrounding their villages, as it was until 1967.

The local council of Majdal Shams was already established in 1981, but it was only in 2018 the local elections were held for the council's leadership for the first time. However, a very small percentage of the population exercised their rights and participated in these elections. As of the end of 2021, the council had approximately 11,400 residents living in approximately 2,700 housing units<sup>4</sup>. In the last decade, Majdal-Shams falls under socio-economic ranking of Group Three (Group 1 being the lowest, and Group 10 being the highest). Its area of jurisdiction is 15,382 Dunam, but it should be noted that the local authority does not have control over extensive areas within its administrative boundaries; a significant portion of it is, in fact, a natural reserve and a closed military zone.

Over the course of hundreds of years, Majdal Shams developed spontaneously without deliberate planning and without organized infrastructure systems. Apparently, the first Master

<sup>3</sup> According to data from the Al-Marsad Association.

<sup>4</sup> As long as it is not stated otherwise, the data about the population and the social status of the council are according to Central Bureau of Statistics, the file of settlements, their population and their symbols (different years).



plan of Majdal Shams, plan No. C/6009 covering an area of about 1,700 Dunam, was only formulated in the 80's of the last century and it came into effect in 1993<sup>5</sup>. This plan was intended to reflect the built situation at the time and offered areas for construction around the old core of the village without detailed planning. Almost immediately after the approval of Plan C/6009, the preparation of the Council's valid outline plan, Plan No. C/9858, which slightly expanded the area designated for development up to approximately 2,200 Dunam. This plan was put into effect in 2005.

Similar to the previous plan, Plan No. C/9858 also addressed the built-up area of the village as the main focus of development and designated a few agricultural areas for further development on its outskirts. This plan also allowed for construction within a total scope of 300% to 360% of the building plot area, reaching up to 5 stories above an open ground floor. These instructions, along with the lack of land available for residential development, led to an increased density of the built structure in the settlement and the erosion of the local building culture. The highly vertical construction contradicts the traditional rural living culture and lifestyle of Majdal Shams residents, resulting in a housing crisis that continues to affect the population to this day.

After the approval of Plan C/9858, several detailed plans were prepared that aimed to expand the area designated for local development. These include Plan No. C/19849 of 2017 for the industrial zone south of the old fabric of the village, Plan No. 256-0342428 from 2017 and Plan No. 256-0707059 from 2021 from the north part of the village. Nevertheless, the residents of Majdal Shams are facing a planning policy that affects their rights, as evident from the data in the attached appendix.

Like the other indigenous populations in the Golan Heights, the residents of Majdal Shams are committed to maintaining a communal way of life as well as cultivating and developing the lands surrounding the village, which are abundant with apple orchards, cherry trees, and other fruit trees. They are dedicated to safeguarding the natural resources and heritage of the area for their own benefit, as well as for the thousands of tourists who visit the region each year for hiking, to explore Mount Hermon, or to stay in the village. Like other places, tourists also visit agricultural areas, primarily during the harvesting season, but not exclusively.

The agricultural activity at its core, is centered around family and the community, where most of the lands are family owned and are passed down from generation to generation. As a result, there is a lot of fragmentation in the plots and their size is not uniform. Consequently, many individuals own several agricultural plots in different locations, which contributes to the creation of multiple neighborhood and community ties. Although there is no official registration of ownership in the land registers, the ownership of the land is regulated within the community according to an ancient local custom through a document of ownership "Hujah", which the residents rely on to prove ownership of the land and conduct transactions.

The relationship between the residents and the local community with the agricultural land is not solely a matter of ownership or livelihood. In the absence of open spaces within the village, the family plot is a place of refuge from day-to-day life in a crowded village. Growing apples and cherries require ongoing work throughout the year, so all family members are mobilized to take care of the orchard trees according to the season and they also find a place to rest, relax and sleep in the great outdoors, especially during the summer days during the picking season. Hence one can find in the agricultural area dozens of buildings called "estate", which are used for many purposes, not only for storing tools and agricultural produce. These buildings are also a place for the family to stay for days and are adapted for this purpose. Additionally, during the harvest season, these buildings are also used to provide accommodation and sell produce to travelers.

<sup>5</sup> All planning information is from the website of Planning Administration.

In other words, the agricultural lands surrounding the village are not a separate and disconnected area from the heart of the village, but an integral part of it. Many community activities take place there, reflecting the deep-rooted connection between the residents to their hometown, birthplace, identity, family and local community. This symbiotic relationship is a distinctive feature that ensures the continuity of culture, traditions, and local heritage

## **The objections**

**Unfortunately, the proposed plan does not give expression to these weaknesses and is not fundamentally different from previous plans**, so an objection is presented here that focuses on four issues as follows:

1. Adding a development area north of the existing building structure (Waqf lands).
2. Changing land uses from open areas to agricultural zones.
3. Regulating and defining the uses of "Ezbah" in agricultural areas.
4. Nabi Yaafuri complex.

### **1. Adding a development area north of the existing building structure**

The documents of the plan state that the plan addresses a projected population of approximately 16,800 residents in the future, based on an annual growth rate of 2.33% (built on an increase of 15% above the population growth rate according to the trends that were known when the social program was drawn up in 2017-2018)<sup>6</sup>. Additionally, there is an assumption that the average household size remains stable relative to its size at the time of the 2008 census. These data are of course the basis for calculating the number of housing units required within the program.

In our understanding, these basic assumptions are not correct, but it is possible that in the end the numbers converge in terms of the total number of housing units required in the area of the program. similar to the wider community, the growth rate of the Druze population is decreasing over the years, so it is unlikely to experience an annual growth rate of 15% every year. For evidence, the annual growth rate was 2.25% between the years 2006 and 2010 on average, 1.62% between the years 2011 and 2015, and 1.17% on average annually between the years 2016 and 2020 (see Table 1).

<sup>6</sup> See the socio-economic appendix of the plan, "Population Forecast" (p. 13).



**Table 1: Majdal-Shams - Demographic data between the years 1993-2021**

Year	population	Annual growth rate %	Number of housing units	Families with children up to 18 years	Children up to age 18 In families charge national insurance	Youngs up to age 19	Number of adults assuming that each family has a pair of parents	Youngs age 20-24	Average number of children up to age of 18 in the family	Number of residents in families with children up to age of 24	Rest of population	Families without children	Total number of families	average number Individuals in the family, according to number of families	Lack of housing units
	A Given	B Given	C Given	D Given	E Given	F Given	G Given G=D*2	H estimated	I estimated I=E / D	J estimated J=F+G+H	K estimated K=A-J	L L=K / 2	M estimated M=D+L	N estimated N=A / M	O estimated O=M-D
1983	5,648	5.85%													
1995	6,998	1.99%													
1999	7,700	2.51%		1,040	2,678	3,211	2,080	896	2.6	6,187	1,513	756	1,796	4.3	-
2000	7,900	2.60%		1,112	2,775	3,271	2,224	881	2.5	6,375	1,525	762	1,874	4.2	-
2001	8,100	2.53%	1,282	1,186	2,872	3,321	2,372	863	2.4	6,556	1,544	772	1,958	4.1	-676
2002	8,200	1.23%	1,292	1,242	2,948	3,305	2,484	849	2.4	6,637	1,563	781	2,023	4.1	-731
2003	8,400	2.44%	1,292	1,300	3,037	3,368	2,600	836	2.3	6,084	1,596	798	2,098	4.0	-806
2004	8,600	2.38%	1,374	1,352	3,124	3,414	2,704	843	2.3	6,961	1,639	820	2,172	4.0	-798
2005	8,847	2.87%	1,385	1,405	3,219	3,512	2,810	832	2.3	7,154	1,693	847	2,252	3.9	-867
2006	9,023	1.99%	1,404	1,433	3,290	3,564	2,866	808	2.3	7,238	1,785	893	2,326	3.9	-922
2007	9,180	1.74%	1,644	1,466	3,313	3,617	2,932	789	2.3	7,338	1,842	921	2,387	3.8	-743
2008 (2)	9,474	3.20%	1,626	1,473	3,332	3,723	2,946	772	2.3	7,441	2,033	1,016	2,489	3.8	-863
2009	9,636	1.71%	1,662	1,540	3,409	3,719	3,080	723	2.2	7,522	2,114	1,057	2,597	3.7	-935
2010	9,844	2.16%	1,688	1,562	3,453	3,751	3,124	743	2.2	7,618	2,226	1,113	2,675	3.7	-987
2011	9,927	0.84%	1,712	1,589	3,453	3,802	3,178	715	2.2	7,695	2,232	1,116	2,705	3.7	-993
2012	10,190	2.65%	1,750	1,623	3,476	3,903	3,246	708	2.1	7,857	2,333	1,167	2,790	3.7	-1040
2013	10,340	1.47%	1,702	1,628	3,470	3,878	3,256	734	2.1	7,868	2,472	1,236	2,846	3.6	-1162
2014	10,485	1.40%	2,388	1,641	3,415	3,879	3,282	744	2.1	7,906	2,579	1,290	2,931	3.6	-543
2015 (3)	10,643	1.51%	2,369	1,650	3,399	3,885	3,300	766	2.1	7,951	2,692	1,346	2,996	3.6	-627
2016	10,804	1.51%	2,375	1,652	3,358	3,814	3,304	810	2.0	7,928	2,876	1,438	3,090	3.5	-715
2017	10,930	1.17%	2,411	1,646	3,318	3,826	3,292	821	2.0	7,938	2,992	1,496	3,142	3.5	-731
2018	11,044	1.04%	2,468	1,632	3,276	3,799	3,264	845	2.0	7,909	3,135	1,568	3,200	3.5	-732
2019	11,180	1.23%	2,561	1,636	3,220	3,779	3,272	866	2.0	7,917	3,263	1,632	3,268	3.4	-707
2020	11,267	0.78%	2,648	1,633	3,185	3,696	3,266	896	2.0	7,857	3,410	1,705	3,338	3.4	-690
2021	11,405	1.22%	2,706	1,603	3,094	3,650	3,206	929	1.9	7,785	3,620	1,810	3,413	3.3	-707

- (1) Assuming that the average age for married people is 24 and unmarried young people live in their parents' house  
(2) Census year  
(3) Base year for calculating the population forecast

In light of this, we estimate that a reasonable population prediction for the target year 2040 could be based on estimates by the Central Bureau of Statistics according to the “low alternative” for the entire Arab population in the State of Israel which itself is relatively high compare to the population growth rate of the Druze in the Golan Heights. Therefore, the population of Majdal Shams in 2040 will be about 15,500 people, and by the year 2050, the population of Majdal Shams will reach only approximately 16,960 residents (see Table 2).

Since 2040 is the target year, and fairly close for the master plan (only about 15 years from the expected date of approval) and since the essence of the planning procedures is to prepare for the long term, it is in our opinion appropriate and correct to refer to the target population of 16,800 by 2050.



Table 2 - Population forecast in the settlement until the year 2065				
Year	Given	Average annual growth	forecast	Remarks
2015	10,634			
2020	11,267	1.9%	11,654	
2025			12,665	
2030		1.6%	13,678	
2035			14,692	
2040		1.1%	15,500	
2045			16,308	
2050		0.8	16,960	
2055			17,612	
2060		0.5	18,053	
2065			18,493	

We should keep in mind that the life expectancy of the population is increasing, resulting in a decrease in the average household size over the years. In 2020, it was estimated at 3.3 people on average. We estimate that this trend will continue, but in any case, we assume that the average household in the village will not decrease below 3.0 people. As a result of all this, more households are expected for which it is necessary to provide housing units within the Master plan. In the target year 2040, there are expected to be about 5,170 households in the village, while by the year 2050, their number will reach about 5,600 households.

For these households, it is necessary to offer an inventory of housing solutions and this is where we calculate the number of housing units required using a safety factor of 15%. This is because, on the one hand, it is not possible to accurately estimate the development dates for privately owned land, **as is the case in all Arab villages. On the other hand, unexpected difficulties must be taken into consideration during the development and marketing of state lands. Accordingly, the plan must offer total housing solutions for approximately 5,950 housing units for a population target of 15,500 residents in 2040. In addition, the planning infrastructure should be prepared for approximately 6,440 housing units for a population target of 16,800 residents approximately a decade later.** This implies additional construction of approximately 3,300 housing units and 3,790 units, respectively, in relation to the number of housing units that actually exist in 2020. This exceeds what is stated in the description and instructions of the plan.

We disagree with the data presented by the program's editors also in terms of the extent of the existing shortage of housing units in the village. According to the population census data for the year 2008, which program editors rely on, that year there were about 2,400 households in the village. According to a calculation based on cross-checking data on the number of families receiving child allowances, the number of children among those families, the number of young people under the age of 25 (average age for marriage) and the number of housing units in the village in that year, we (the objectors) estimate that the number of households in that year was estimated at 2,490. Since the difference is relatively small and there may be deviations arising from the method of calculation, we will rely on the figure provided by the Population Census Department.

For some reason, the editors of the Master Plan did not correctly examine the significance of the number of households on the housing market. In that year (2008), there were 1,626



registered housing units in the village, so it can be assumed that more than one household lived in each registered apartment or house. This means that there were households that found their housing solution by living in the homes of the extended family, either by dividing a large house into several apartments, or by having one of the married children and their family live in the parents' house together with other siblings, or by building additional floors above the original house without a proper permit. The difference between the number of registered apartments and the number of households gives us information about the scope of the housing crisis in the village: the number of households that did not have their own housing unit in 2008 was estimated at 774, close to a third of all households in the council.

We note that although there are no accurate data, it can be said with a high degree of certainty that the average age of marriage in Druze society, as in all groups in the country, is steadily increasing. Referencing an average age of 25 for married individuals is a reasonable estimate in reference to a series of factors such as the distinguishing factors between men and women, access to higher education, the family's financial capacity, and of course the existence of a housing solution for the benefit of the young couple. This situation is well known to decision makers in the government, as can be seen in the various plans formulated for the development of the Druze villages in the Golan Heights.<sup>7</sup>

There, officials admit that one of the reasons for the increase in the age of marriage is the lack of appropriate housing solutions, which stems from a long-standing policy of lack of planning and lack of budgets for physical development, failure to allocate residential construction areas that are available to meet the needs of the population, the need to promote urban renewal and the development of the old fabric in the settlements. The fact that these issues, chief among them the housing crisis within the Druze settlements in the Golan, are repeated in various decisions and policy documents undoubtedly indicates that the appropriate solutions have not yet been found for them.

Following on from this, in the absence of more precise information, we will rely on the same comprehensive calculation to estimate the number of households in the village that lack their own housing solution as of 2020. Therefore, in that year, the population of Majdal Shams was divided into approximately 3,330 households, living in approximately 2,650 housing units, meaning that around 680 households (roughly 20% of the total) still lacked their own housing solutions. In other words, despite the construction of about 1,000 new housing units between 2008 and 2020, there is still an acute housing crisis in the area of the council, and that is the reality of life for about 20% of the families within the local community, who lack a housing solution. **For those families, the master plan must find immediate solutions. Unfortunately, the program does not do so.**

It is important to draw attention to another issue. In the area of the town's old structure (complex 1), there is a real building capacity of about 6,340 units<sup>8</sup>. On the other hand, factually, this capacity is only partially realized because there are currently about 2,650 units in the village, representing approximately 42% of the current building potential. This is despite the fact that there are still about 680 households that do not have their own housing units. The explanation for this situation lies in the fact that since it is private land, each extended family

<sup>7</sup> See for example Government Resolution No. 2861 of 2011, Government Resolution No. 2861 of 2011 "Multiannual plan for the development and empowerment of the Druze and Circassian settlements for the years 2011-2014"; Government Resolution No. 1052 of 2013 "A multi-year plan for the development and empowerment of the Druze settlements in the Golan Heights for the years 2014-2017"; Government Resolution No. 717 of 2021 "Plan for empowerment and socio-economic development in Druze settlements in the Golan Heights for the years 2021 to 2023".

<sup>8</sup> See the plan program, section 4.2.1.1



builds according to its needs on the land that is in its possession, therefore those who do not have land available for construction cannot fulfill their housing needs in their own housing units. It is likely that the rate of residential construction progress in the old structure of the village will not increase significantly in the coming years, if at all. Therefore, families lacking a housing solution cannot find relief for their housing crisis in the old structure.

The opponents claim that a similar scenario is likely in the proposed new development areas, as most of these areas are privately owned: Zones 2, 3, and the eastern part of Zone 4. Therefore, the plan's editors are correct in their assessment that implementing residential construction on private lands in the proposed new neighborhoods outlines in the master plan by 2040 would only reach approximately 20% of their total building potential. It can be assumed that after another decade the realization of construction will reach about 35% on private land. We do not agree with the assessment that all construction on state land will be realized by 2040. Instead, there will be specific stages, and only by 2050 will 100% of the construction potential in Zone 4 be realized. Based on these assumptions, it is possible to recalculate the expected progress of residential construction according to the proposed plan (see Table 3).

Defined area	Residential construction capacity	Land Ownership	Expected realization of new residential construction			
			Year 2040 (15,500 inhabitants)		Year 2050 (16,800 inhabitants)	
1- "Heart of the village"	6,340 Units	private	up to 50%	520 Units (1)	up to 60%	1,150 Units (2)
2 - "Rihan" - neighborhood	960 Units	private	up to 20%	190 Units	up to 35%	340 Units
3 - "Mount Hermon" neighborhood	850 Units	private	up to 20%	170 Units	up to 35%	300 Units
4 - "New Majdal" neighborhood	710 Units	State (3)	up to 75%	530 Units	up to 100%	710 Units
	590 Units	private	up to 20%	120 Units	up to 35%	210 Units
Total capacity / expected construction	8,650 Units		1,530 Units		2,710 Units	
The number of required residential units according to the target population			3,300 Units		3,790 Units	
Shortage is expected			<b>1,770 Units</b>		<b>1,080 Units</b>	
<p>(1) 520 units in addition to 2,650 units exist in 2020 until the completion of a quota of 50% of the real construction potential in the old texture.</p> <p>(2) 1,150 units in addition to 2,650 units exist in 2020 until the completion of a quota of 60% of the real construction potential in the old structure.</p> <p>(3) According to detailed plan No. 219-0674796 "New Majdal" in deposit. It should be noted that the fate of objections submitted to the plan has not yet been determined.</p>						



Several conclusions emerge from the above analysis:

**First**, the scope of the proposed development within the master plan does not provide a realistic answer to the village's population growth projections towards the target year 2040, nor does it align with the anticipated population census of 16,800 residents. The expected construction progress by 2040 only fulfills approximately half of the projected needs for that year and only about 70% of all housing units required to accommodate the target population of 16,800 residents. **This housing crisis will only worsen as a result.**

**Second**, most of the proposed construction opportunities within the framework of the master plan rely on private land, which cannot provide any solution for those who currently lack housing solutions. As is the case with the existing village structure, it is expected that those who own designated residential land in the discussed plan, will build according to their needs, leaving those without land ownership without a housing solution. The residents who do not own land will not benefit from the fruits of this plan.

**Thirdly**, there is another problem regarding the proposed housing solutions on private lands (continuation of construction in Zone 1 and developing of Zones 2, 3 as well as the eastern part of Zone 4): the uneven distribution of land ownership. There may be a situation whereby a few residents collectively own an area of dozens of dunams proposed for construction, but they will not be inclined to support development in that area. In such cases, they may not cooperate with the planning, land expropriation, redistribution procedures, nor the development efforts. This situation may further delay the construction and housing phases of the new zones. Moreover, the concentration of most housing solutions in the hands of private landowners may lead to an increase in the price of land and future construction on it in the few existing transactions.

Although, the neighborhood "New Majdal" (Majdal Al-Jadeeda) is currently being planned on state-owned lands and is supposed to provide housing solutions for those who have no other alternatives. In addition to this, as we mentioned, it constitutes a small part of the basket of housing solutions offered. The editors of the plan ignore the cultural and historical aspect that is embodied in this neighborhood, and which may deter many of the residents of Majdal Shams from accepting such a solution for themselves. The lands on which the neighborhood of "New Majdal" is planned are historically connected with the lands of the demolished village of Jubatha El-Zet, centered around the current settlement of "Neve-Ativ", and whose agricultural areas reached east to this point on the eve of the occupation of the Golan. After 1967, the residents of Jubatha El-Zit were deported and expelled to Syria, and their lands were declared state lands, on which the "New Majdal" neighborhood is currently planned. Therefore, it is possible that the residents of Majdal- Shams would prefer not to live on lands that do not belong to them and for this reason, the plan is unlikely to achieve its intended purpose.

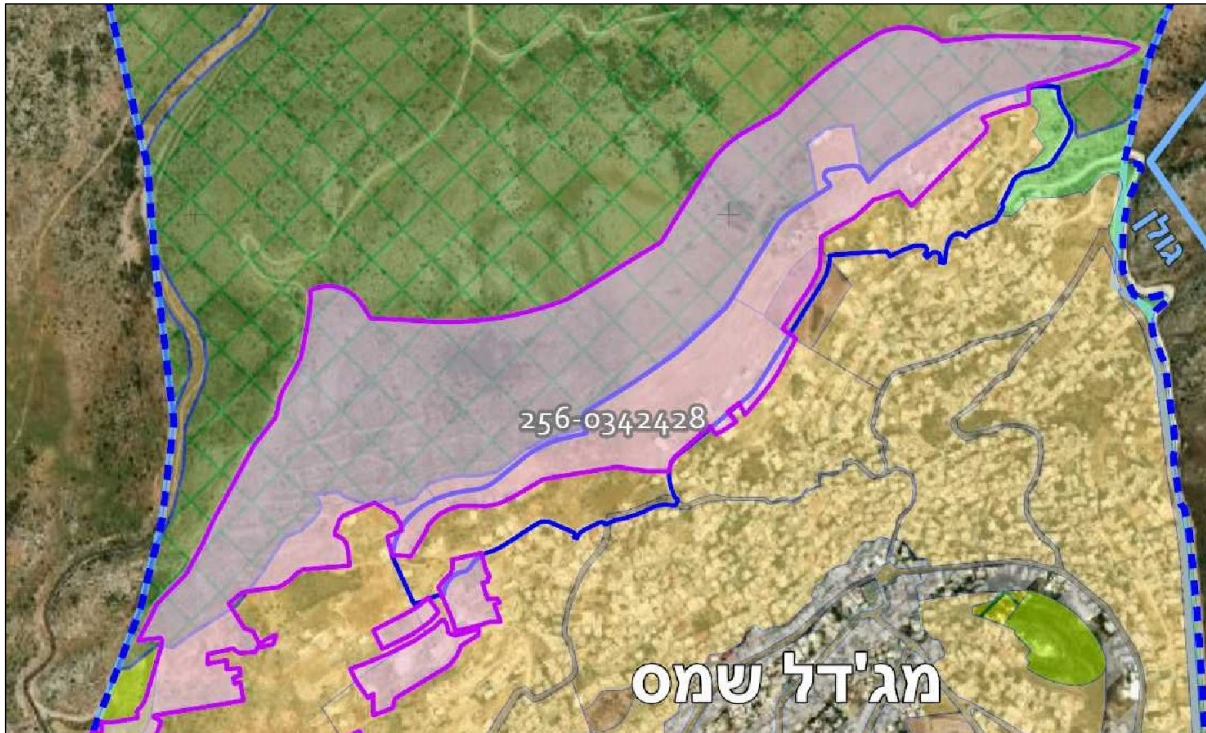
**In light of these issues**, the plight of those who lack housing solutions will not be answered, and they are the ones who will pay the heavy price of the lack of suitable housing solutions for all strata of the population in the settlement. **Hence there is a need to add residential areas that are not privately owned lands and do not conflict culturally and socially with the values of the community.**

The opponents believe that a solution to this predicament can be achieved by adding the land owned by the endowment (waqf) to the designated residential construction area, situated to the north of the village, covering an approximate area of 530 dunams (**see Map 1**).

These lands have long been intended by the Druze endowment for the purpose of building residences for the landless members of the community, and in order to promote this initiative, a distribution plan was prepared for approximately 700 building lots.



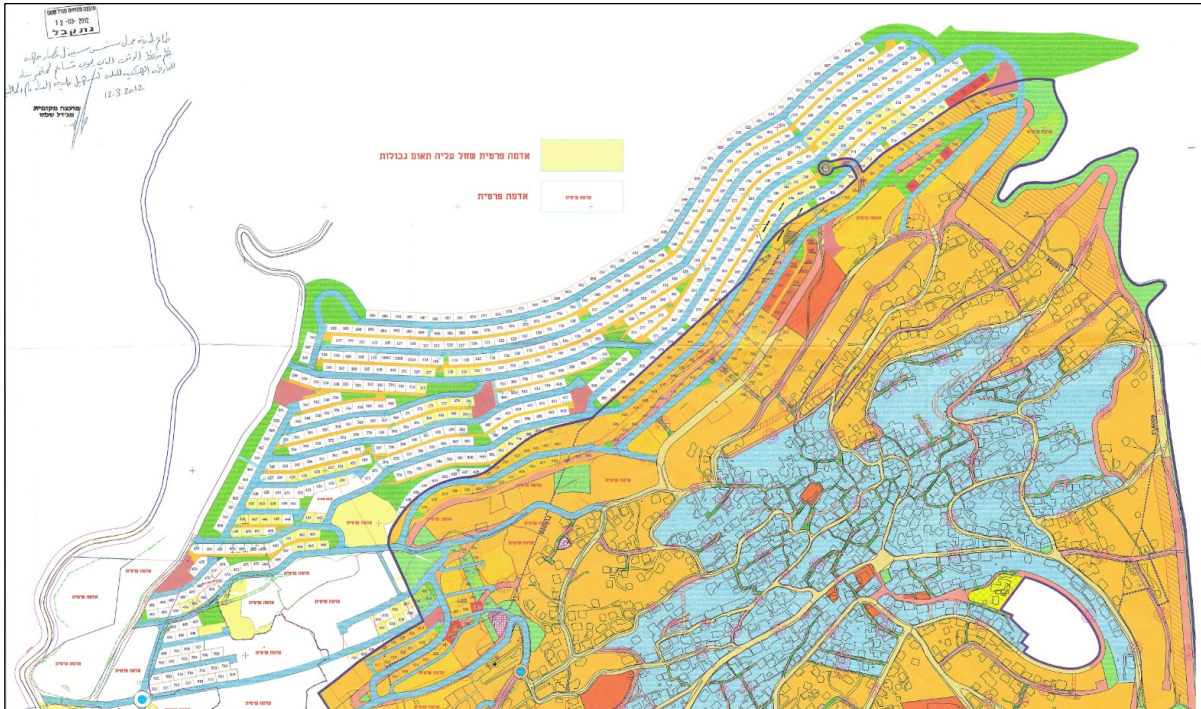
Map 1 - Location of the waqf land complex on the background of the Masterplan 256-0773945



In 2012, a land distribution process for residential construction was carried out to assist those in need amongst the town's residents. This distribution was based on the social and economic circumstances of the individuals. Roads were established, and all of those developments self-funded by both the Waqf and by the local community (i.e. the beneficiaries themselves) (see Map 2).



## Map 2 – Distribution plan of waqf lands on the background of the Masterplan C/9858



The opponents believe that adopting of the local waqf's initiative to designate the lands north of the existing village structure for the purpose of residential construction for those without land is a viable solution that will first and foremost lead to a just and fair distribution of the building lots among the residents who need it. In order to implement this solution, it is necessary to deduct the strip of land from the "Mount Hermon" nature reserve according to plan No. 219-0976852 (C/20776) effective from 2021. It should be noted that the Mount Hermon nature reserve has not yet been officially designated, which will somewhat ease the process of reclassifying the area from its designation as a nature reserve at the planning level. On the other hand, it is known that the Nature and Parks Authority opposes the approval of the "New Majdal" plan, so there is room for dialogue and finding a solution that all stakeholders can agree upon.

It is important to remember that the main purpose of urban planning is to organize and develop the living space of people, so that it serves them without harming or compromising their values. The role of a local master plan is to identify the necessary tools for implementing the planning policy, and its effectiveness is measured by its responsiveness to the needs and demands of the population it is intended to serve in the various aspects, including housing, employment, culture and environment.

Listening to the diverse perspectives of the public, who are the target audience of the planning, is necessary for the success of the planning itself. This concept is particularly important when it comes to planning that must respond to the unique needs of a population group with a cohesive and unique identity that is determined to preserve its identity despite the political and social pressures in the area around it. The residents of Majdal Shams stand by their approach to preserve their community life and their traditions and history of the neighboring villages in

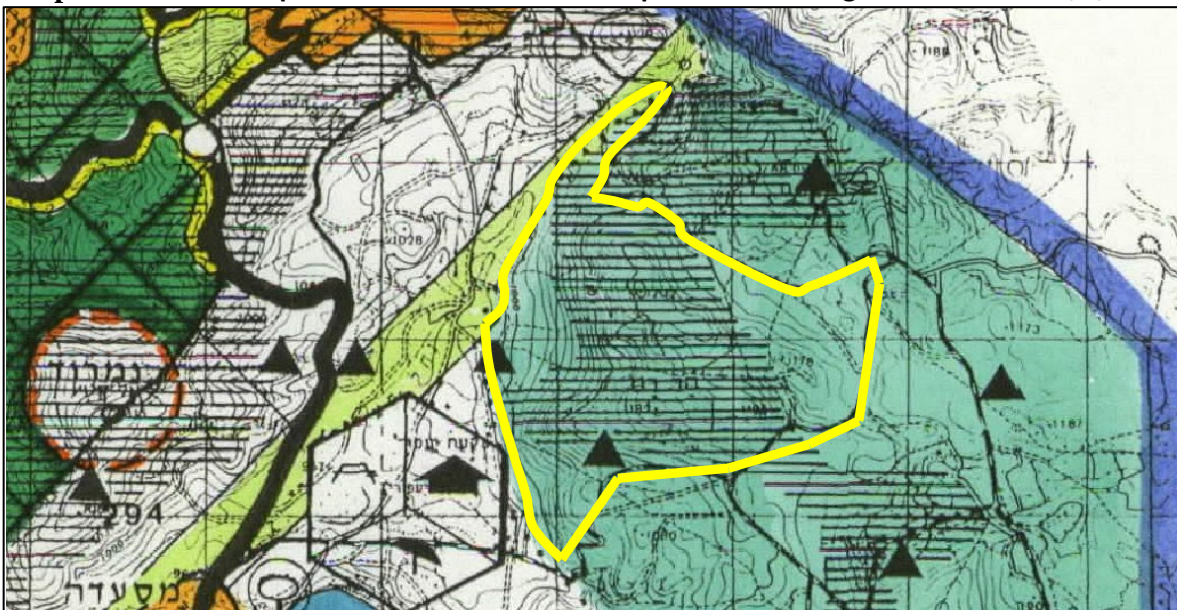
the face of Israeli occupation. Therefore, for them, the development of the Waqf land complex is undoubtedly preferable to promoting the neighborhood of "New Majdal".

## **2. Changing land use from "open space" to "agriculture".**

To the southeast of Majdal Shams, to the east of the Yaa'furi valley, is Mount Ram (Al Khawarit) and at its foot, there is a significant portion of agricultural lands owned by the residents of Majdal Shams. This is a symbol of identity, traditions, and local culture. The agriculture that has been a part of this land for generations together with the recent development of agritourism, which has become a significant component in the lives of the residents of Majdal Shams.

The regional Masterplan TAMAM/3/2 from 1989 defined Mount Ram (Al Khawarit) as an "open space" land designation and parts of it carry a strict conservation supplement of "skyline or landscape form for visual preservation" (see map 3). The plan in question adopts these principles and proposes to determine that the western side of the mountain within its boundaries (area cell 420) will be in the "open areas" land designation (see map 4).

**Map 3—Mount Ram's part in the area of the Masterplan on the background of TAMAM/3/2.**

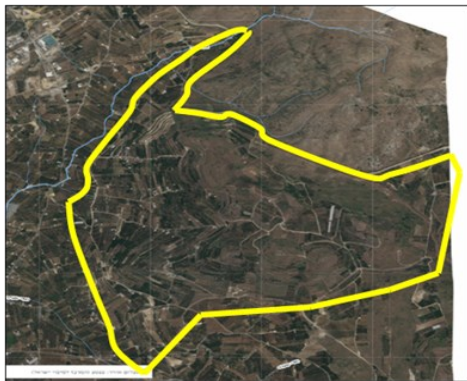


Recalling that the provisions of TAMAM/3/2 state that "open space" is an "area not intended for residential development", while in the area marked as "skyline or landscape form for visual preservation", no action will be allowed whose purpose is the construction of buildings or facilities over 4 m or other actions that may cause damage to the silhouette of the landscape. The instructions of TAMAM/3/2 also prohibit activities such as excavation, quarrying, digging or filling for commercial purposes, or for the purpose of building and marking roads, or any other actions that may damage or detrimentally impact the natural scenic beauty an view of the place. The natural landscape of the area is a remarkable blend of the land's inherent features and the agricultural work of generations that created terraces for orchards. This

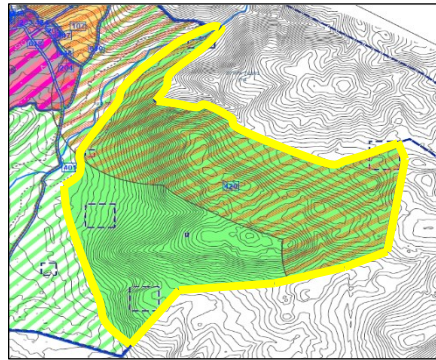


combination forms a stunning landscape that reflects both the natural terrain and the agricultural efforts of the people who built terraced orchards over generations.

It is important for the opponents to point out to the committee that these significant protections for the open space and the unique skyline were of no use at all when the State of Israel decided to advance the National Infrastructure Plan No. Sub-Tatal/47 "Wind Turbines in the North of the Golan". Despite the significant damages anticipated from the road construction leading to the wind turbine installation site, the situation worsens with the placement of wind turbines at a height exceeding 200 meters above ground level, resembling a blade piercing an open wound in the heart of that special landscape and unique scenery that both the regional Masterplan and the national Masterplan TAMA/35 at the time sought to preserve. However, the plan for "Tatal No./47- Winter Turbines in Northern Golan" received all the necessary approvals.. All of this is discussed without addressing the potential health risks that may be caused to the residents of Majdal Shams and Masa'ada due to the future operation of the wind turbines.



Map 5-The area in the "open areas"



Map 4 - The area in the "open spaces" land designation in the Master- plan

In fact, and evident in the Satellite photo, Mount Ram (Khawariyat/ Tel al-Fadoul) which has been designated as "open areas" the mentioned plan, is an active agricultural region entirely privately owned by the residents of Majdal Shams who are organized under registered agricultural associations that assist in the cultivation and preservation of the area. These are fields of fruit trees that distinguish the entire region, forming a direct continuation of the agricultural areas of the Yaafuri Valley (see map 5).

There is no logical planning rationale to continue labelling the land use as an "open space", as that designation has not proven effective in preserving and protecting the uniqueness of the area. This is an agricultural region, and the very agricultural activity that has taken place there for hundreds of years has contributed to the creation and shaping of the natural landscape that the district master plan, and now the comprehensive master plan, seek to preserve. These considerations are particularly relevant in light of the fact that, as previously mentioned, despite the desire to protect and preserve the landscape, within the framework of Tatal/47, a permit was given to destroy the place and the natural landscape, affecting the livelihoods of both the farmers and the residents of Majdal Shams.



In light of this, the opponents seek to determine the designation of Area 402 as an "Open Agricultural Area", allowing for the continuation of the current agricultural activity as the primary use. An examination of the permitted uses as defined under "Open Areas" in section 3.9 of the plan's regulations, compared to "Agricultural Lands" in section 3.10, reveals that they are virtually identical and it is difficult to find a substantial difference between them.<sup>9</sup>

There is no contradiction between the definitions and uses of these two land designations as outlined in the plan's regulations. Therefore, designating the land as an "Open Agricultural Area" will provide a protection that is at least satisfactory for the area. The customary use of the agricultural buildings for other purposes beyond storage for agricultural purposes will continue to exist, since on the one hand it is the lifestyle of the owners of the plots. On the other hand, the economic activity in the area contributes to the cultivation of a sustainable local economy which in turn will contribute to the collective desire and efforts of the landowners and the planners to protect and preserve the scenic uniqueness of Mount Ram (Al Khawarit).

In light of these considerations, **it is appropriate for the Masterplan to adopt a designation for the Land that accurately reflects the reality of a living and active agricultural area and gives due respect to those farmers whose activities over generations have contributed significantly to creating and shaping the natural landscape. This designation aligns with the aspirations of the planners and planning institutions to preserve and protect the unique natural surrounding that have been carefully cultivated over time.**

### 3. Regulating and defining the permitted uses in the "manors" in the agricultural areas.

As mentioned earlier, in the agricultural areas owned by the Druze population in the Golan, there are many buildings "Manors/Estates" that are used by their owners for a wide variety of purposes, all of which are related to the customs of the local farmers. The origin of these buildings dates back to a tradition practiced by the forefathers of the land workers, and it is possible to identify both ancient buildings alongside newer structures in the area. Today, landowners of the plots also use the estate for the occasional accommodation of travelers and tourists or to sell agricultural produce.

The old buildings (Manors) are protected from demolition, but their legally permitted uses are limited. On the other hand, new buildings are subject to demolition orders and their owners are forced to pay fines and undergo lengthy legal proceedings. The Ma'ale Hermon Committee for Planning and Construction has attempted for several years to promote a detailed plan aimed at regulating the existence and permitted uses of the existing estate buildings as well as defining guidelines and even limitations for the construction of new ones. However, this attempt has not made significant progress, and the issue remains unresolved.

The local committee for Planning and Construction has stuck to its position to provide a substantive solution that would lead to the settlement of the issue. Therefore, it made a clear recommendation before the district committee suggesting that the plan offer "a planning solution for the existing buildings in the open area and in the agricultural area..."<sup>10</sup>. Despite this, the district committee tasked the local committee with preparing a detailed plan that would

<sup>9</sup> See the instructions for the master plan - Majdal Shams, item 3.9.2-3.9. and item 3.10.2-3.10.

<sup>10</sup> See the protocol of the plenary session of the Ma'ale Hermon Planning Committee dated 08/01/2021 regarding the plan in question, section B.6.



regulate the activity of "agricultural tourism", including the required construction components, only in Zone 6 designated as "agricultural land". At the same time, enforcement activities would be carried out in the area specified as "open areas".<sup>11</sup>

It would have been appropriate for the overall outline plan to address the issue correctly and provide a complete principled solution for the presence and functions of the estates, since this is the most appropriate framework to do so. Instead, the plan refers to the existing solutions within the framework of the agricultural buildings plan in the Northern District, plan No. C/6540. Additionally, it allows the placement of outbuildings on agricultural land for the purpose for tourism purposes (Clause 3.10.1 of the regulations).

Without a doubt, neither of the two solutions blends better with the local natural landscapes: the traditional estate structure, a durable permanent building made of concrete or locally sourced stone that can be combined with the fence that separates the plots or as part of the terrace structure is immeasurably better than an artificial structure made of perishable materials foreign to the environment. Similarly, there is no doubt which structure is more suitable and cost-effective for construction and maintenance from the farmers' perspective: the estate structure.

**The opponents request that the plan establish guidelines for regulating existing construction and creating new buildings in any area designated for agriculture use** (both "agricultural lands" and "open areas" according to the definitions in the assigned plan). This serves a dual purpose:

- (1) Facilitating the presence of all customary uses for these buildings among the population.
- (2) Promoting tourism and commercial activities in the estate buildings within the agricultural areas.

#### **4. Nabi Yaafuri complex**

The complex of the Maqam of the Prophet Yaa'furi (Abu Dhar al-Ghafari) is a place of religious worship for the Druze community, located in the Yaa'furi Plain. The site was established as a place of prayer in the mid-nineteenth century (1840). Throughout the year, it is frequented by religious leaders from the Druze community in the Golan Heights, Galilee and Carmel region. As a result, various buildings and facilities have been developed at the site, providing a place for rest and hospitality for those who come from afar and stay for several days for prayer and relaxation during their journey. Over the years, a market has developed near the shrine for selling local agricultural products to visitors.

In the proposed master plan, the site is only marked with a symbol called "Building for Religious Purposes" without specifying its entire area. According to Section 4.2.6.3, Paragraph 5 of the master plan, the complex is indicated to be located within Zone 404, outlining the permissible land uses, as well as providing building guidelines and restrictions in preparation for the development of a detailed plan for the complex.

During the discussion held on 7 December 2021, in the subcommittee of the National Council for Principled Planning Issues (the National Council for Principled Planning Issues), it was noted that the planners of the plan in question are simultaneously preparing a detailed plan for the Nabi Yaa'furi complex. In such a situation, where both a comprehensive plan and a detailed plan for a specific area within its scope are being developed at the same time, it is

<sup>11</sup> See decision document of the North District Committee dated 07/05/2021 regarding the discussed plan, section 2.





advisable for the master plan not to unnecessarily restrict the detailed plan with additional instructions.

The purpose of the detailed plan, as its name suggests, is to optimally define the boundaries and area of the site, its permitted uses, the scope and guidelines of the construction, road systems, parking facilities, infrastructure, and all the other necessary elements required to enable the proper development and functioning of the place. All of this must of course be carried out in full coordination and collaboration with the religious authorities who manage the Nabi Yaafari complex, the regular worshipers who frequent the place regularly, the pilgrims who visits the place regularly, and also the farmers who bring their produce to the traditional market that exists there. Only in this way will it be possible to ensure that the place will faithfully serve its intended audience.

Therefore, **the opponents seek the removal of all definitions and provisions mentioned in section 4.2.6.3, paragraph 5 of the above-mentioned provisions of the comprehensive plan currently under discussion, and to suffice with a mere reference to the detailed plan that will be presented at a later stage.**

### Summary

In light of all the aforementioned points, the opponents request that the submitted plan not be approved in its current form. Prior to being granted approval, a response must be given to the multitude of issues detailed in the objection: expansion of the development areas to align with the genuine needs of future residents; designating a residential construction area that does not harm or compromise the sentiments and identity of the population of Majdal Shams; ensuring the accurate land zoning definition in the traditional agricultural areas in Mount Ram (Al Khawarit); and providing a solution for the existing agricultural buildings ("estates") that exist in the area of the program.

The opponents reserve the right to present additional claims during the hearing as they deem appropriate.

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## Appendix - Majdal Shams Master plan



Majdal-Shams

### The current situation in the Syrian villages of the occupied Golan.

Land constitutes a fundamental and essential element in the process of development, construction, and even in the issues of existence and survival. In addition to being an important economic resource, it has a distinct and clear impact on numerous aspects of life.

Before the occupation in 1967, the population of the five villages (Majdal Shams, Masa'ada, Buqa'atha, Ein Quniya, and Ghajar) owned more than 100,000 dunams (one dunam is approximately 1,000 square meters) of land. Over the years, the occupation authorities confiscated 56% of these lands for military and settlement purposes, leaving only 47,000 dunams in the hands of the Syrian village residents.

The lands were a primary source of livelihood for the inhabitants of the Golan Heights villages, where agriculture and livestock farming formed the backbone of the villages' economy. However, livestock farming gradually disappeared from the economic arena of the residents of the villages, due to the expropriation of pasture lands. Over the years, agriculture also due to discriminatory policies in the distribution of water resources. Farmers struggled to compete with the agricultural production of the Jewish settlements, which was generously organized, developed, supported and subsidized by the government, which resulted in the villages losing significant economic resources. In addition, the Golan villages suffer from severe overpopulation. The land policies contributed greatly to limiting urban development, transforming them into underdeveloped population centers.

The approved structural plans emphasize the goal of concentrating the population of the villages in a limited area by imposing vertical (multi-story) construction and limiting horizontal expansion, even though the vertical construction contradicts the residential culture of the villagers who rely on agriculture for their economy, as they have different social and housing



requirements than the residents of the urban areas. The imposition of vertical construction disregards these unique requirements and cultural considerations of rural residents.

The Golan villages suffer from severe overpopulation (overcrowding) due to land policies adopted by successive governments. These policies have greatly contributed to limiting urban development and limiting their presence to undeveloped population clusters, turning them into dense and suffocated housing estates, multiplying with random characteristics, far from urban planning, and looking like large concrete blocks (see photo of Majdal Shams).

In the past, urban expansion in the Golan villages would take place from the inside out, so that this expansion towards the outer circles allowed for the preservation of green spaces and open areas between the houses. However, due to the limited urban areas, the Golan villages are now experiencing a reverse urban expansion process - from the outside to the inside - which has resulted in the loss of open areas and an increase in the density of vertical construction, leading to a phenomenon known as "inverted urbanization". Also, this process led to perpetuating the housing crisis, transforming it into a worsening crisis, because of planning and programs that ignore the culture and needs of the Arab community in the villages.

The lack of land for construction and programs that meet the needs of the population make it difficult to obtain building permits, which has led to the worsening of the phenomenon of illegal construction. This phenomenon is the consequence of the lack of effective planning and the citizens' need for security and stability, which is inherently tied to their rights to adequate housing.

### Judgements issued against Building cases in the Syrian villages in the Golan, 2012-2021

Judgment year	Majdal-Shams		Buqaatha		Masaada		Ain-Qunya	
	Adverse Judgment (cases)	Fines (Shekel)	Adverse Judgment (cases)	Fines (Shekel)	Adverse Judgment (cases)	Fines (Shekel)	Adverse Judgment (cases)	Fines (Shekel)
2012	32	349,500	21	138,000	19	175,000	5	19,500
2013	20	99,600	8	131,000	21	323,500	3	33,000
2014	27	675,000	16	301,500	12	456,000	3	34,000
2015	44	1,638,000	21	835,000	28	886,500	8	180,800
2016	7	90,500	12	397,000	17	373,500	8	96,000
2017	12	380,000	5	26,000	8	296,000	2	27,000
2018	6	115,000	1	20,000	4	238,000	0	0
2019	2	86,000	2	76,000	0	0	0	0
2020	3	135,000	0	0	0	0	2	48,000
2021	1	160,000	0	0	4	126,000	1	28,000
<b>Total</b>	<b>154</b>	<b>3,728,600</b>	<b>86</b>	<b>1,924,500</b>	<b>113</b>	<b>2,227,500</b>	<b>32</b>	<b>446,300</b>

Prepared by: Dr. Nazeh Brik

**Source:**

**Planning and Construction Committee "Ma'ale Hermon-Masada".** The information was obtained from the Planning and Construction Committee, at the request of the Al-Marsad - the Arab Center for Human Rights in the Golan, via the Freedom of Information law. The Committee did not provide information about Ghajar, which may be due to its geopolitical situation, given part of the Ghajar lies within the Lebanese border, and Israel is unable to exercise any authority over this part.



Number of Housing Units Permitted by Year of Issuance of the Building Permit, 2012-2021										
Jewish Settlements	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Kazrin	64	20	10	25	98	125	75	13	47	27
(1) Regional Council-Golan	179	181	206	176	128	153	128	113	107	177
<b>Total</b>	<b>243</b>	<b>201</b>	<b>216</b>	<b>202</b>	<b>226</b>	<b>278</b>	<b>233</b>	<b>126</b>	<b>154</b>	<b>204</b>
Syrian Villages										
Majdal-Shams	27	33	60	42	71	62	37	35	71	44
Buqaatha	18	13	39	34	47	25	21	26	19	41
Masaada	18	7	10	10	53	34	23	26	13	10
Ain-Qunya	7	8	12	17	18	21	4	11	10	11
Al-Ghajar	0	0	0	0	1	1	0	0	0	0
<b>Total</b>	<b>70</b>	<b>61</b>	<b>121</b>	<b>103</b>	<b>190</b>	<b>143</b>	<b>85</b>	<b>98</b>	<b>113</b>	<b>106</b>
<p>(1) Including housing units in the settlement of Snir, which doesn't belong to the Regional Council-Golan. This doesn't include the Housing Units of the settlement Nimrod. The settlement of Ramat Trump was established by the Israeli authorities in 2020</p> <p>Sources:</p> <p><a href="https://www.cbs.gov.il/he/Pages/search/TableMaps.aspx?CbsSubject=%D7%94%D7%99%D7%AA%D7%A8%D7%99%20%D7%91%D7%A0%D7%99%D7%99%D7%94">https://www.cbs.gov.il/he/Pages/search/TableMaps.aspx?CbsSubject=%D7%94%D7%99%D7%AA%D7%A8%D7%99%20%D7%91%D7%A0%D7%99%D7%99%D7%94</a></p> <p><a href="https://www.cbs.gov.il/he/publications/LochutTlushim/2020/heter_yr_yv_01_2021.pdf">https://www.cbs.gov.il/he/publications/LochutTlushim/2020/heter_yr_yv_01_2021.pdf</a></p> <p><a href="https://www.btl.gov.il/medinyut/situation/statistics/btlstatistics.aspx">https://www.btl.gov.il/medinyut/situation/statistics/btlstatistics.aspx</a></p>										

The tables shed light on the policy of discrimination in planning. For example - as shown in the tables - the population of Syrian villages in 2012 was 1.15 times greater than the number of settlers. However, the number of building permits obtained by settlers reached 3.47 times the number of permits obtained by the residents of Syrian villages. This discrimination continues at this rate to this day, albeit in varying proportions.

Instead of responding to the population's need for urban expansion and addressing the issue of illegal construction, the planning authorities impose substantial fines on citizens through the courts. As a result, the financial penalties resulting from unauthorized construction have become a source of income for the Ma'ale Hermon Planning and Construction Committees.

### Majdal Shams

Majdal Shams is a village with a rich and ancient history, which was founded over four hundred years ago. On the eve of the occupation in 1967, Majdal Shams had a population of 2,918. Today (according to government data - the government databases for the end of April 2023), 11,795 residents live in Majdal-Shams. This means that the population of Majdal Shams has quadrupled over the course of 50 years under the occupation.



The administrative boundaries of Majdal Shams, according to the comprehensive plan, is 15,983 dunams, of which more than a third (5,759 dunams) fall within the Hermon Nature Reserve. Practically, the Majdal Shams local council has no use and no control over this area, because it functions as a military zone. This practically means that in practice, the administrative boundaries of Majdal Shams are only about 10,000 dunams.

The fact that the population has quadrupled since 1967, while the area of administrative boundaries has decreased fourfold, provides a clear insight into the direction of planning and the trajectory of development of the area in the future.

The area of the Master plan (c/ 9858) for Majdal Shams is 2,200 dunams. In comparison with the settlements of the Golan Regional Council, the individual's share of the plan area is 1.65 dunam, on the other side, the individual's share in the Syrian villages of the plan area is 0.25 dunam. (According to a study conducted by Almarsad at the end of 2021)

With the calculation of population and the size of the comprehensive master plans, the population density in Majdal Shams is 5,137 persons/km<sup>2</sup>, whereas the population density in the settlements of the Golan Regional District is 604 persons/km<sup>2</sup>.

These data not only explain the ranking of Majdal Shams in cluster 3 in the socio-economic ranking, (and the other villages in cluster 2) and rank 162 in the ranking of local authorities, and rank 177 in the population density ranking, they also reveal in a clear and significant way the background and direction of the planning policy.

Spatial planning, as reflected in Majdal Shams' Master plan, is authoritative and central in nature, in that its relationship with the residents of the village can be characterized within the concept of "dictation", thus the reality of the space is created without the residents having the possibility of actual influence in the definition and drawing of their reality.