

BUSTANEI HEFETZ INDUSTRIAL ZONE

JLAC LODGES PETITION AGAINST PLAN



Legal Update

January 2020

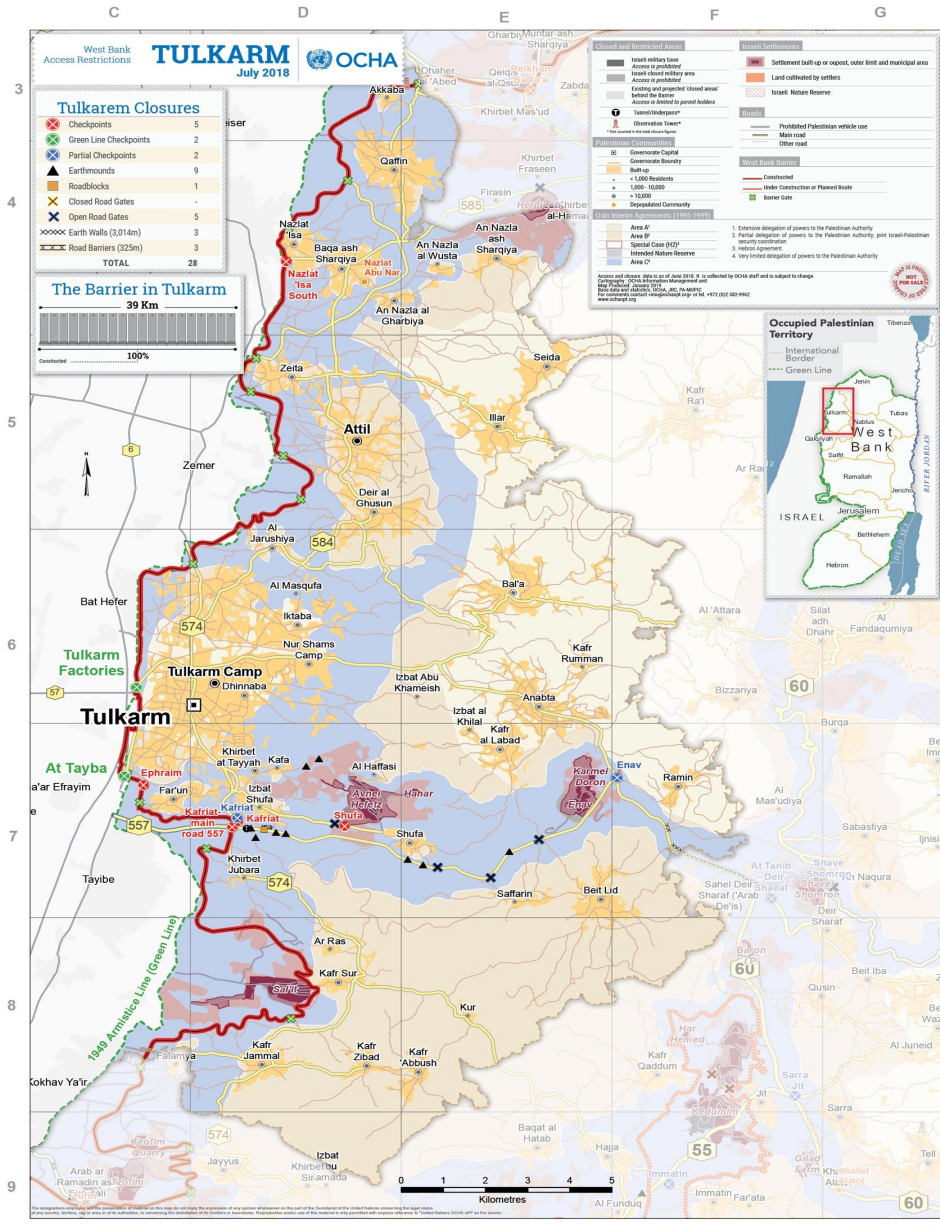
JLAC lodged a petition before the Supreme Planning Council of the Israeli Civil Administration (ICA) at Beit El on January 9, 2020 against the planned Bustanei Hefetz plan no. 158-T (aimed to annex 788 dunums) on behalf of over 20 individual land owners and three local councils (Shufa, Kirbet Jubara, and Ar Ras in the Tulkarm governorate). The below is a summary of JLAC's legal arguments submit therein:

- Developers intentionally prohibited the public objections process by publishing announcements in newspapers relatively un-known/inaccessible to the rights holders (land owners and local councils involved in the plan); i.e. the Israeli newspapers of Maariv on November 14, 2019 and Maariv Boker on November 15, 2019 and Arab-Israeli press Sot El Arab on November 18, 2019. Such was done in bad will towards consuming the 60 days allotted for objection.
- The ICA stipulated that persons seeking to petition the plan must submit needed ownership documents and survey maps, a costly (when involving 788 dunums) and even unfeasible endeavor (involving lands in close proximity to the Wall and the existing settlement of Avnei Hefetz, rendering areas inaccessible/dangerous).
- Use of State Land is intended to serve a public benefit. The proposed settlement will pose a detriment to the villages involved and to their sources of livelihood. A better use of the land earmarked for the planned settlement would be the expansion of the villages' outdated masterplans. JLAC noted that tens of demolition/eviction cases have been undertaken by its lawyers involving structures situated on privately owned Palestinian lands outside of the villages' masterplans, indicating a need for their expansion.
- In response to the lands being allegedly previously designated as "State Land", JLAC argued that it is not the ICA's Blue Line Department (as had been the case in question) that is authorized to classify an area as State Land or not. The department is merely mandated with recommending to the ICA's State Land Designation areas for State Land designation; whom then is to go on to initiate an announcement/public objections process, with the Israeli High Court making the final ruling/designation (as per the existing legal framework, i.e. Othman and Jordanian laws and Israeli Military Orders). This process was not followed in the case in question.
- As per the Oslo Accords, authority over areas classified as C was to transfer to the PA within 18 months of the signing and a Palestinian Planning Council was to be formed. Neither commitments have been fulfilled since 1995.
- Violations of international humanitarian law in regards to the denial of property rights and transferring citizens of the occupying state to administered territories (the Fourth Geneva Conventions, banned pillage, confiscation of private property of protected persons, transferring citizens of the occupying state, and other acts engrained in Israel's settlement enterprise).
- Plan consistent with prior efforts to evade Israeli environmental laws by relocating Israeli industries (i.e. chemical gas, fiberglass, heavy metals, etc.) to occupied territory, with emissions degrading the Palestinian environment and the illegal dumping of hazardous waste affecting Palestinian farmlands.

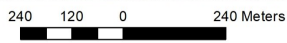
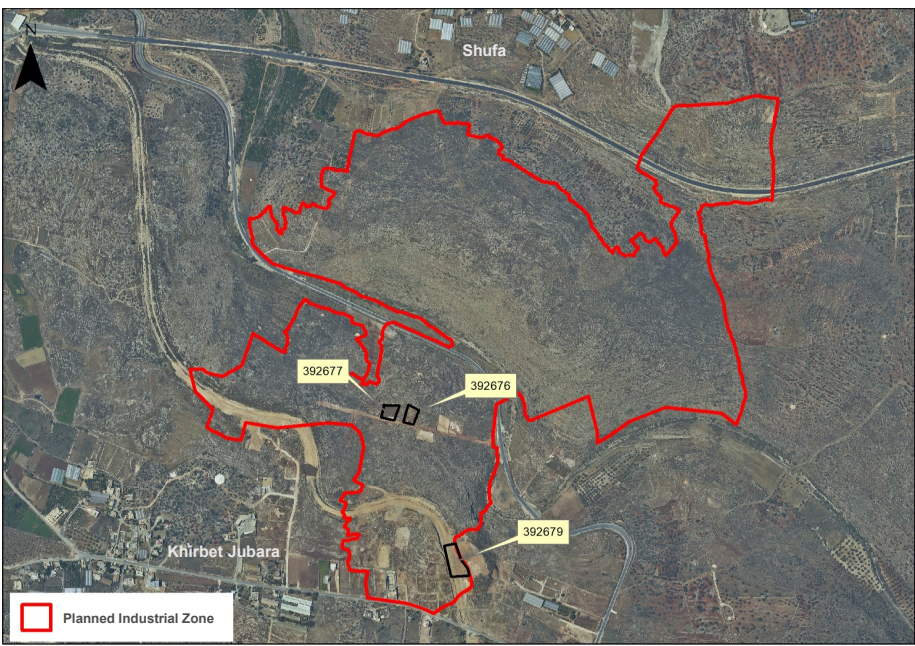
About JLAC

The Jerusalem Legal Aid and Human Rights Center (JLAC) is a Palestinian non-governmental organization mandated with providing pro-bono legal aid, community awareness, and advocacy in both East Jerusalem and in the remainder of the West Bank.

JLAC is awaiting a response from the ICA and for hearings to be scheduled in the coming months.



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