

BUSTANEI HEFETZ INDUSTRIAL ZONE RAMIFICATION ON TULKARM GOVERNORATE



Fact Sheet

February 2020

Settlement Expansion

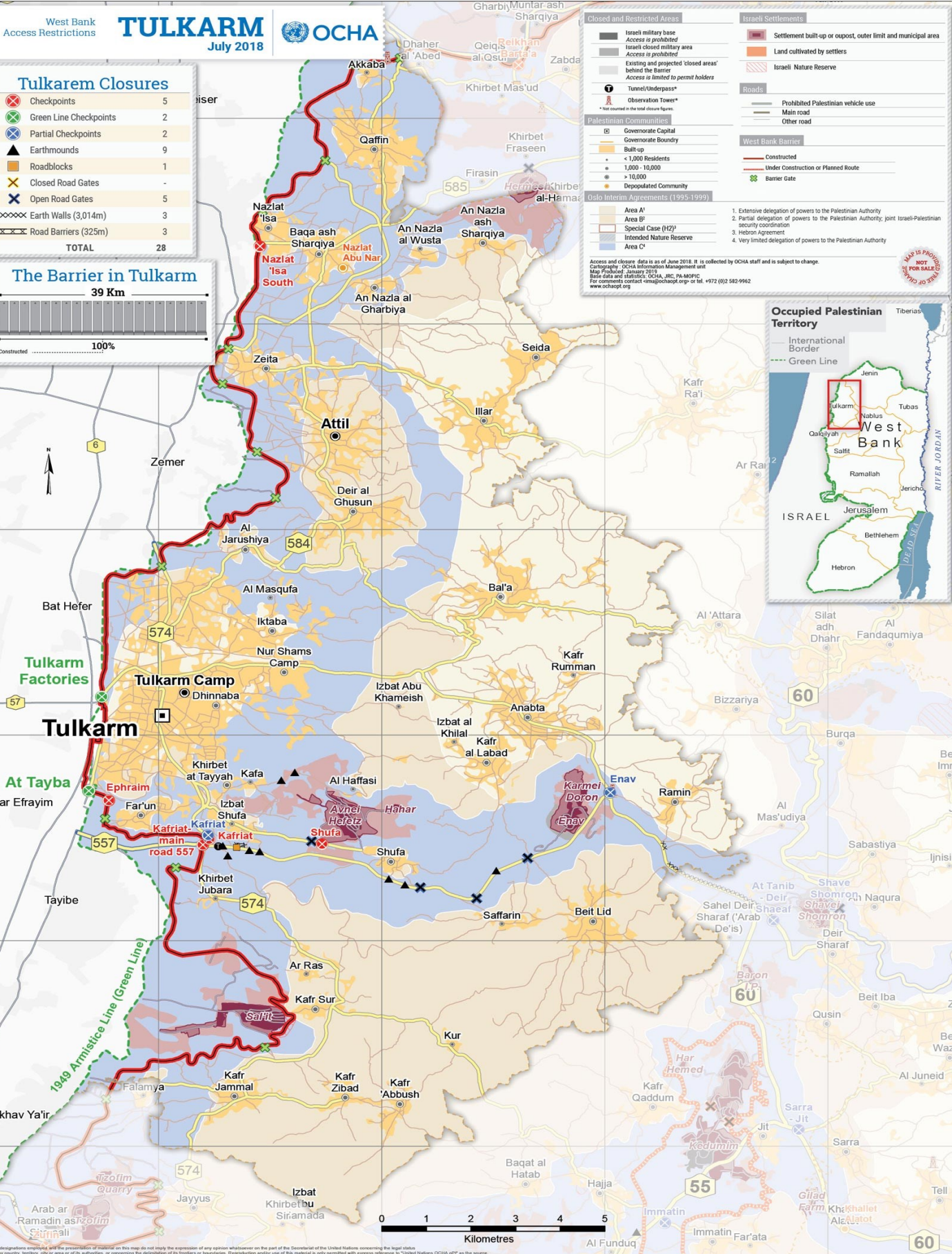
The Tulkarm governorate in the north west of the West Bank, is facing eminent risk of being severed, enclaved, and further dispossessed by settlement expansion as had the governorate of Qalqiliya been in preceding years. Falling along the green line (bordered by Israel along its entire western border), the Tulkarm governorate is fertile grounds for Israeli annexation and expansion into the West Bank, with efforts underway to ensure the contiguity of Israeli settlements within Palestinian bounds to each other and to Israel, at the expense of Palestinians security, livelihood and larger rights to a viable homeland and self-determination. In addition to serving as close suburbs for Israeli urban hubs as Tel Aviv and Netanya, settlements in the area also provide industrial zones for Israel and the ability to evade environmental/ labor laws, monopolize pillaged natural resource, and exploit the local population as cheap laborers.

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.

If planned settlement expansion efforts are implemented (along with associated bypass roads, checkpoints, and fences/walls) the settlements will serve to form a bloc enshrouded by the Wall which will enclave the city of Tulkarm, bisect the governorate and sever it from the governorate of Qalqiliya; annexing lands and pillaging resources along the way and strangulating the villages in the area, by rendering them with small access points in which their residents may come in and out of. One recent component of this manifestation is the settlement of Avnei Hefetz (established by an Israeli governmental decision in 1984, initially allotting 1,300 dunams of mostly Shufa lands and later expanding into surrounding villages) and the various expansion plans it has underway within its bounds. To the north east of the settlement, a residential area is being developed (erecting 108 housing units) and being marketed by developers as a separate settlement using a construction plan from 1998. Kedem is to operate autonomously and consequently will have the capacity to infringe more upon Palestinians than if it had expanded as part of Avnei Hefetz (Peace Now 2018 Annual Construction Report).

More threatening still is the planned industrial zone to the south east of Anvei Hefetz ("Bustanei Hefetz" plan no. 158-T), which allocates 788 dunams (of Shufa, Kirbet Jubara, Far'un, and Ar Ras lands) for the commercial and industrial expansion. 130 establishments are planned, with a revenue cycle of hundreds of millions of shekels. The Bustanei Hefetz plan was approved by the ICA (Israeli Civil Administration) on December 26, 2018 and deposited for public objections on November 7, 2019, giving 60 days from that date to file objections. The plan was published on-line (November 11, 2019 on the ICA site), in the Israeli press (Maariv newspaper November 14, 2019 and Maariv Boker November 15, 2019) and Arab-Israeli press (Sot El Arab November 18, 2019), all mechanism relatively un-known/inaccessible to the local population harmed by the plan (Israeli Civil Administration official site).

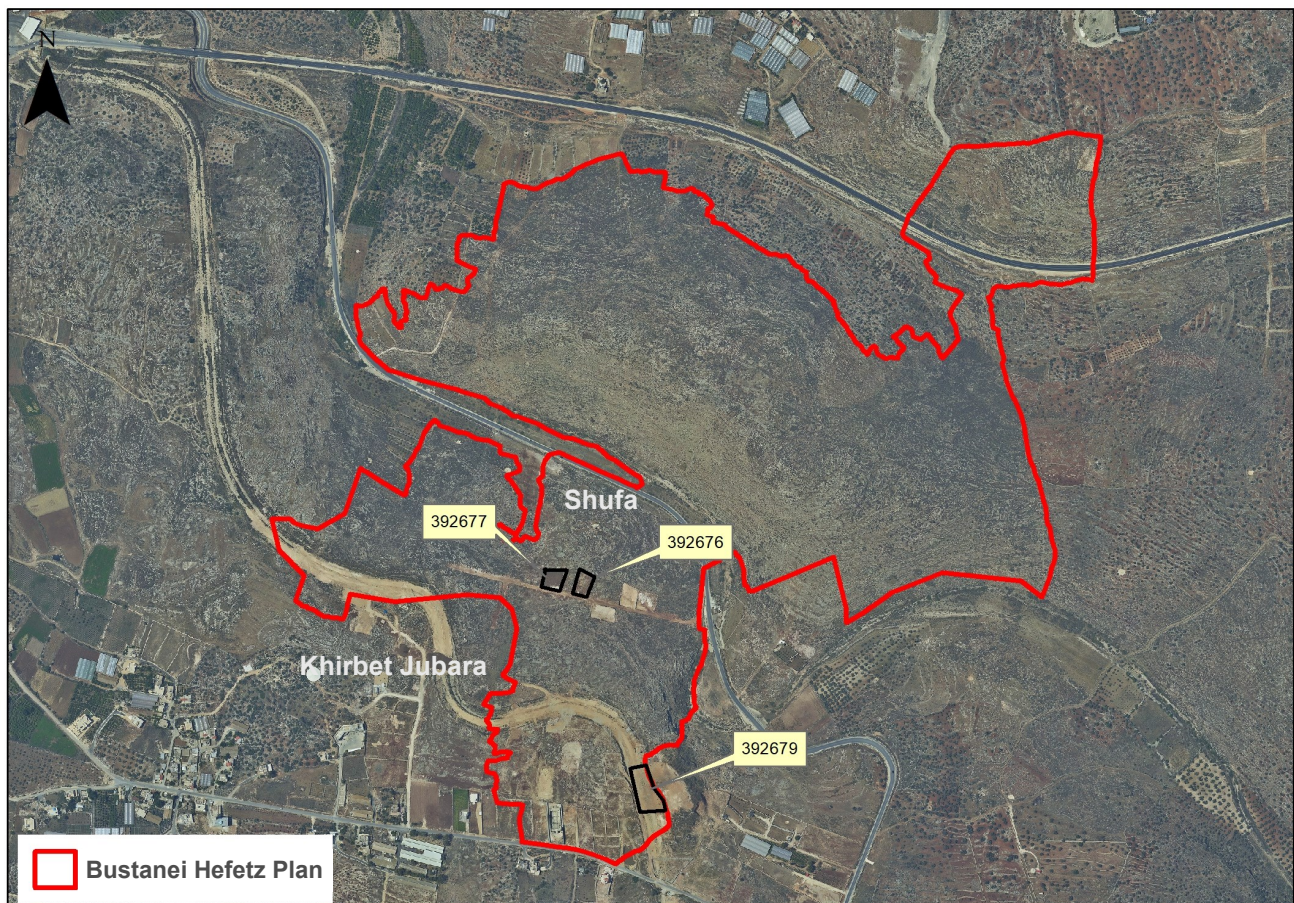


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The Israeli press (Israel Today Newspaper, "Palestinians delay the establishment of an industrial zone in Samaria"; by Gilead Zwick, August 31, 2019 <https://www.israelhayom.co.il/article/687645>) reports efforts on the part of pro-settler Israeli groups to push the implementation of the Bustanei Hefetz plan. In October of 2018, a tour was held by the Samaria Regional Council Chairman Yossi Dagan to the area for the Minister of Economy Eli Cohen, whom later said "Bustani Hafetz" was a priority of the Ministry of Economy. This was followed by an urgent letter being sent by Regavim in cooperation with the Samaria Regional Council to Prime Minister Benjamin Netanyahu, to the Civil Administration, the Supervisory Unit and the Israel Police, calling for the implementation of demolition/eviction orders against Palestinians in the vicinity towards implementing the Bustanei Hefetz plan.

A senior official in the Prime Minister's Office told Israel Today that "enforcement agencies in Judea and Samaria are guided by law enforcement in recent months. We are working to advance the development of the Avni Hefetz industrial zone in March. The issue is currently undergoing administrative proceedings and will be addressed as soon as possible by the relevant factors". The Civil Administration dually responded; "The case is known to the civilian enforcement agencies, and the structures in question are undergoing administrative proceedings. When a decision is made on them, the Civil Administration will act in accordance with the decision." JLAC infers from these statements, that "administrative proceedings" have no intention of ensuring the application of justice, but are just a procedural step in providing a "legal" cover to existing ulterior expansionist motives.

JLAC has felt this intension through Israeli practices on the ground in preparing for the implementation of the plan, with tens of demolition/eviction orders from the vicinity pouring into JLAC in recent months (96 cases of demolition/displacement undertaken in the vicinity in total). The plan had also been referenced by the military court during proceedings involving demolition/eviction cases for the village of Khirbet Jubara. Preceding recent demolition/eviction orders, Israel announced much of the area as "Sate Land" leaving little room for legal intervention in protecting the individual cases. As a result, JLAC attorneys are employing a two-fold legal approach; taking individual cases through available legal channels (although room for success in extremely limited) as to exhaust them, and lodging a major objection against the plan itself.



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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 planed 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 Deplanement 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.

A hearing was scheduled for March 9, 2020, an indicator of the ICA's urgency in moving forward with the plan. The session, has since been postponed by the ICA, stating their need for additional time to translate JLAC's submitted documentation.

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