The E1 plan and its implications for human rights in the West Bank

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The E-1 plan and its implications for human rights in the West Bank In late November 2012, the media reported that the Israeli government had issued instructions to promote the planning of thousands of apartments that would constitute an expansion of the Ma'ale Adumim settlement as part of the E-1 plan, in the segment that connect Ma’ale Adumim to Jerusalem. According to the media reports [2], these instructions were issued following the UN General Assembly's recognition of Palestine as a state with UN observer status. After the directive was issued, the Civil Administration approved two of the three E-1 residential plans to be filed for objections. In August 2013, the plans had not yet been filed and no progress has been made toward their approval.

The implementation of construction plans in E1 will create an urban bloc between Ma’ale Adumim and Jerusalem, exacerbate the isolation of East Jerusalem from the rest of the West Bank and disrupt the territorial contiguity between the northern and southern parts of the West Bank. The establishment of settlements in occupied territory is a breach of international humanitarian law, which prohibits the transfer of people from the occupying state into the occupied area. It also prohibits any permanent changes in the occupied territory, with the exception of changes mandated by military needs or in order to benefit the local population. In addition, the establishment of Israeli settlements leads to numerous violations of Palestinians' human rights. In addition, the Civil Administration is planning to expel the Bedouin communities [3] currently residing in this area. If the expulsion goes through, it will be a further breach of international humanitarian law, which prohibits the forcible transfer of "protected persons", such as these communities, other than for their own safety or for an urgent military need. Even then, it is permissible only on a temporary basis. These exceptions are not applicable in this case.

The Judea and Samaria district police headquarters in the E1 area. Photo: Eyal Hareuveni, B'Tselem,

14 Nov. 2011.

What is E1?

The E1 master plan (Plan No. 420/4) was approved in 1999. It covers approximately 1,200 hectares of land – most of which Israel declared as state land in a legally dubious procedure. During the 1990s these lands were made part of the jurisdiction of the settlement of Ma'ale Adumim, so it now encompasses approximately 4,800 hectares. The northern and southern edges of the plan largely correspond to the route planned for the Separation Barrier in the area, which would leave Ma'ale Adumim on the "Israeli" side of the barrier and separate it from neighboring areas of the West Bank. The E-1 compound is interspersed with enclaves of privately owned Palestinian land. The overall area of these enclaves is approximately 77.5 hectares. Israel was unable to declare them state land and they are not officially included in the plans. However, it is clear that the physical reality resulting from the plan will greatly limit Palestinian landowners' access to their lands.

In addition to residential units, the plan designates areas for tourism, commerce, regional services, a regional cemetery, roads, etc. Detailed plans have already been approved for two of the plans, enabling the building permits to be issued:

- Plan 420/4/2 designates 135 hectares in the north-west section of the E1 compound, bordering on Jerusalem's municipal jurisdiction, for a metropolitan employment and business center serving both Ma'aleh Adumim and the Jerusalem municipality. The plan, submitted by the Ministry of Industry and Trade and prepared by the firm of Reches-Eshkol, was approved in 2002 but has yet to be implemented.

- Plan 420/4/9 designates approximately 18 hectares for the Judea and Samaria district headquarters of the Israel Police. Approved in 2005, this plan has already been implemented, and the police headquarters has been in operation there since 2008. As part of the development of the area for the implementation of the plan, additional infrastructure was put in place, including the paving of roads, the construction of supporting walls, traffic roundabouts and street lighting, costing an estimated total of about NIS 200 million. The scale of this development is much larger than would be required simply for allowing access to the police headquarters. It appears to be part of the future development of the planned residential compound near the police headquarters.

At least three detailed plans for residential construction in the E-1 compound are being prepared, proposing 4,000 residential units and ten hotels. To date, Israeli governments have delayed any further construction in the area, partly because of strong objections on the part of the US administration and the European Union. According to media reports, Prime Minister Binyamin Netanyahu promised the US president that he would not build in E-1. Nevertheless, in response to the UN decision to admit Palestine as an observer state, the government issued directives in late November 2012 to promote the detailed plans. Further to the government instructions, the Civil Administration approved the filing for objections of two of the three E-1 residential plans. The plans had not yet been filed in August 2013 and no progress had been made in the process of their approval.

Whom does the plan harm?

Implementation of the E1 plan will have significant repercussions for the entire population of the West Bank. Jerusalem borders on the narrowest area of the West Bank, where it spans only about 28 kilometers from east to west. Construction in E-1 will further reduce the already narrow corridor that connects the northern and southern West Bank and will impede the establishment of a Palestinian state with territorial contiguity. Israel is planning to build an alternative road that would connect between the two parts of the West Bank for use by Palestinians, but this is no more than a traffic solution.

Although all settlements are designated as closed military zones, this order is generally enforced only for their built-up areas. Implementation of the plan will result in the privately owned Palestinian lands inside E-1 becoming enclaves surrounded by built-up areas of settlements and there is concern that the landowners will not be able to access and farm these lands. The implementation of the plan will also harm the Bedouin communities [3] in the area, whose access to grazing lands will be denied. In any case, the Civil Administration is already planning expulsion of the members of these communities. In addition, the roads currently used by Palestinians will become local roads used by settlers and Palestinians will be denied access to them. If no alternate roads are built, this access ban will significantly reduce Palestinian freedom of movement in the area.

Construction in E-1 will enclose East Jerusalem from the east and link up with the Israeli neighborhoods built north of the Old City. East Jerusalem is part of the West Bank and had once served as an urban center for West Bank residents. However, the ban Israel imposed on the entry of Palestinians into the city has artificially separated it from the rest of the West Bank. This separation will be intensified with the implementation of the E-1 plan.

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