



26/8/2020

To: The Higher Council for Planning
The Civil Administration

Greetings,

Objection to detailed plans number 420/4/7 and number 420/4/10

Introduction

We are hereby submitting to the respected committee our objections to detailed outline plans number 420/4/7 and 420/4/10 in question (will henceforth be referred to as "the plans"). Because our claims are related to the two plans together, we chose to submit the objections in one document. As every matter demands, we will request that the committee sees two separate objections in this document, and each of the plans as separate.

Our position, in essence, is that the plans must be rejected for the following reasons:

- 1. The plans will fatally injure the possibility of development for the Palestinian population in the West Bank and Jerusalem, and therefore the area should be left for Palestinian development and not for Israeli development.**
- 2. From an Israeli planning perspective, there is no advantage to establishing Israeli settlements in this area specifically. It will function as a suburb of Jerusalem without any urban or even territorial continuity.**

The planning principles that are the basis of our objections are valid to every political plan that is on the political agenda including the annexation plans and the Trump plan, a two states peace agreement or even in the case of maintaining status-quo.

The decision that rests on the shoulders of the honorable Planning Council regarding the plans in question bears the weight of determining the fate of future generations of Israelis and Palestinians. The establishment of the proposed settlement **will determine whether Israel will be allowed a chance for a stable and sustainable political agreement with a Palestinian state, or this possibility will be blocked.**

Even in isolation from a political agreement, the plan will determine whether it will be possible to achieve any sustainable development for the Palestinians in the West Bank, or whether the Palestinians will be doomed to live in underdevelopment with no possibility to create economic and social growth and decent living conditions. These questions are not “just” political questions, and the council must not excuse itself from dealing with these questions on the pretext that they are political and not planning questions. **These are vital planning questions, in terms of regional planning** that brings into account all residents of the area and future generations.

The following claims on the critical need of the planned area for Palestinian development, are valid in the scenario where the West Bank continues to be under Israeli control and even more so in the scenario in which a Palestinian state is established in the West Bank.

I. E1 and Palestinian Development

A. E1 is the only land reserve in East Jerusalem with significant size, quality and continuity for the development of the city. Israeli construction in E1 undermines the possibility of developing East Jerusalem as the central city of the West Bank (and if there is a political agreement, the future capital of Palestine).

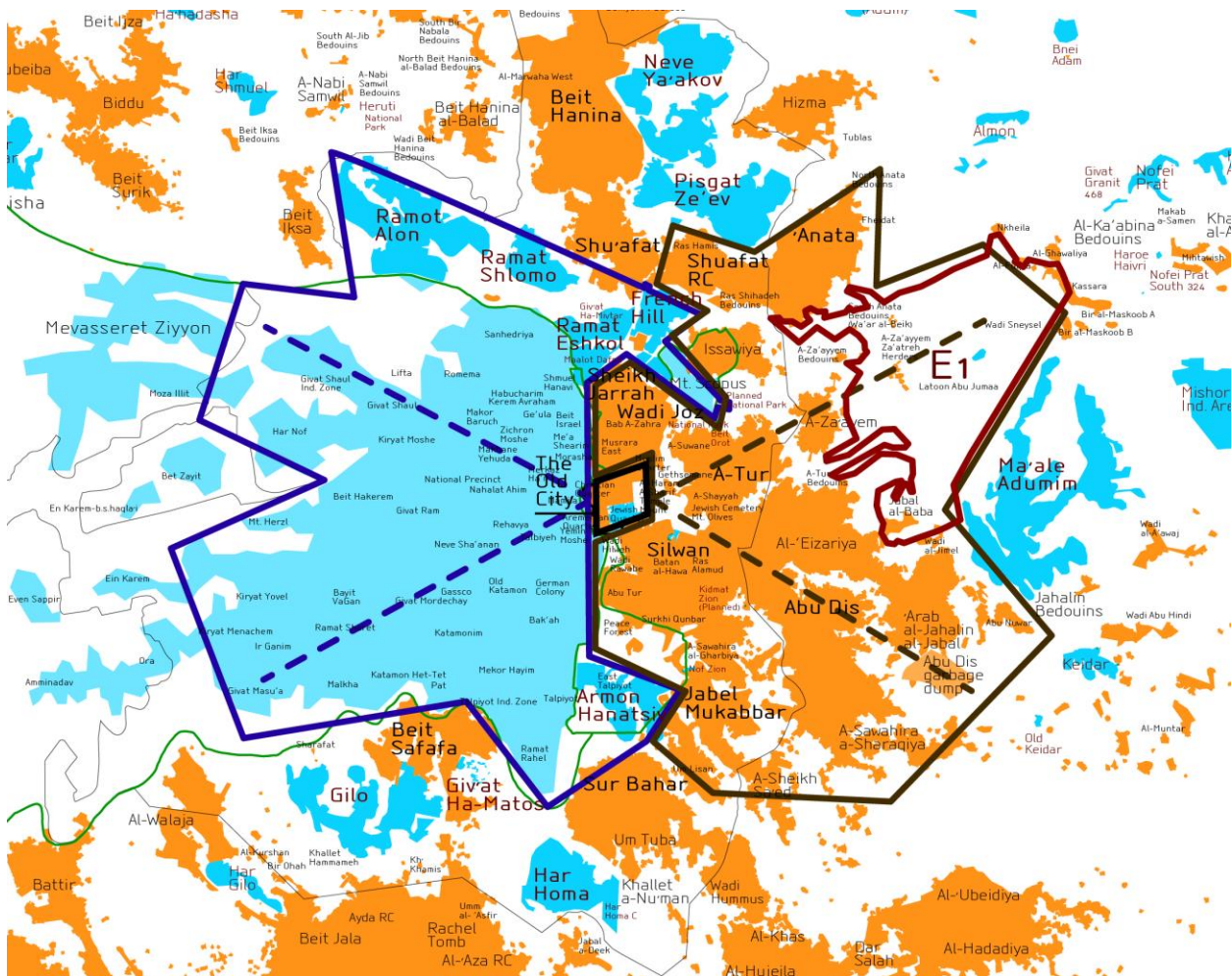
1. East Jerusalem is the largest Palestinian city in the West Bank. Together with the suburbs, the city becomes a metropolitan area with over 450,000 residents. (The East Jerusalem metropolitan area includes Palestinian neighborhoods within the Israeli Jerusalem municipal boundaries and adjacent neighborhoods such as Abu Dis, Anata and more)¹.
2. As a central city and as a future capital city, East Jerusalem will be used at least for the central and national government institutions as well as auxiliary functions: academic and research institutions, employment and infrastructure, tourism and

¹ Israeli CBS data as of 2018, for the Palestinian neighborhoods within the Jerusalem municipal boundaries; for the neighborhoods outside of it, the data is from the Palestinian CBS, 2017.

trade, culture and sports. In the long-run, market forces and planning will show an above-average demand for development in the area.

3. Although there are those who claim that the land reserves in East Jerusalem for the Palestinian population today are larger than those of West Jerusalem for the Jewish population (something that itself is controversial), there is no doubt that in terms of future development, the ratio is completely the opposite: East Jerusalem has a severe shortage of land reserves in relation to the expected land required for development. Preventing Palestinian construction in the E1 area will further exacerbate the housing crisis in the East Jerusalem area, it will force people to emigrate outside the area, lead to a significant increase in housing prices, increase the density and distress of those who will remain in the city.
4. Moreover, development which is part of a central regional city requires land reserves with unique characteristics:
 - a. Large continuous land.
 - b. Proximity to existing urban centers of residence, employment opportunities, and tourism (for example, the Old City of Jerusalem).
 - c. Versatile area - for a variety of large and singular uses, and combining them in mixed-use planning.
 - d. "Edge contiguous" area (according to Israeli planning principle decided in National Plan 35), with continuity of uses and built-up, and not just roads to the city.
5. **E1 is a unique land reserve in the area**, with a size of 3,000 acres that are adjacent to East Jerusalem. It is located on three ridges descending from Mount Scopus and the Mount of Olives in Jerusalem. **The topography creates a high level of connectivity to East Jerusalem and disconnection to the south (towards Maale Adumim)**. Unlike other open tracts of land in the area, E1 has relatively less environmental value in terms of scenic views and agriculture. Hence E1 is the only land reserve that meets the conditions described above.
6. E1 is the only site around Jerusalem that can serve a variety of purposes such as integrated construction of residence, employment, and public buildings in a unified manner on a large scale, as well as public infrastructure and public complexes such as sports.
7. E1 can be connected in "edge contiguous" construction to East Jerusalem through a dense and direct network of roads through a-Zaim and from there to El Azariya and from there to Silwan and the Old City, and of course to the entire eastern city. Such an intensive and continuous urban fabric is walkable and creates community and economic ties throughout the city.

8. Palestinian construction in E1 will consolidate the existing city -- **it will be a unique neighborhood** within the fabric of the East Jerusalem neighborhoods.
9. There is no substitute for E1 as a land reserve in the East Jerusalem metropolitan area with the necessary characteristics described above.
10. The Israeli construction plans in E1 are intended for the Jewish population (in terms of the nature of residence, the transportation network, and more) and cannot serve the Palestinian population.
11. **Israeli construction in E1 will harm the ability of East Jerusalem to function and grow as a central city in the West Bank.**



East Jerusalem development area (Palestinian neighborhoods in brown) and West Jerusalem (Israeli neighborhoods in blue): E1 is an essential and last land reserve for the development of the East Jerusalem metropolis.

B. E1 is the only land reserve in the Bethlehem-Jerusalem-Ramallah metropolitan area that enables continuity of urban uses between East Jerusalem and the rest of the metropolitan area. Israeli construction in E1 will harm the economic and public center of the West Bank and will turn East Jerusalem to an enclave in the area.

12. E1 is important not only for East Jerusalem, but impacts the whole metropolitan area.

13. The Bethlehem-Jerusalem-Ramallah metropolitan area does not just cover the governing, historical, and touristic center of the West Bank of the future State of Palestine, but is also presently the economic, public, and cultural center of the West Bank. It is similar to a combination of the Tel Aviv metropolis (“Gush Dan”) and West Jerusalem area for Israel.

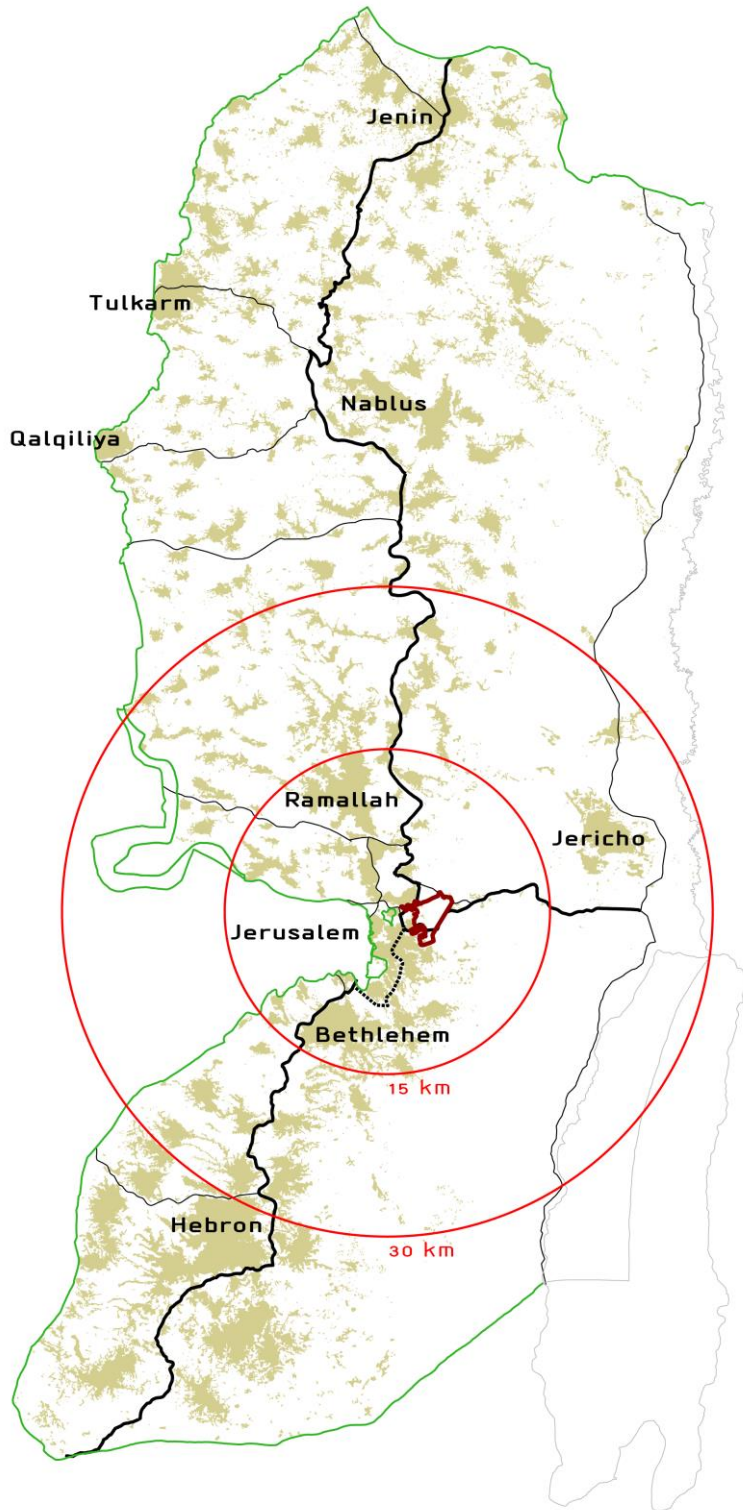
14. In the metropolitan area, long-term land reserves are required. E1 is one of the only land reserves that is located **in the heart** of the same central-regional metropolitan area (as opposed to its periphery). The development potential of E1 and the functional capacity of the site within the metropolitan area, are much more significant compared to other land reserves. For example, E1 is within driving distance to employment centers and can serve a larger number of neighborhoods and cities around it.

15. Thus, an Israeli settlement in E1 is not similar to an Israeli settlement near a secondary Palestinian city in the West Bank, or in the periphery of regional development. Israeli settlement in E1 has a decisive impact on the center of the entire West Bank.

16. Moreover, Israeli construction in E1, together with the other satellite towns of Jerusalem in the West Bank, disconnects East Jerusalem from its surroundings, leaving it as an enclave. In the long term, this will ultimately lead to the demise of East Jerusalem. Instead of a central city that is an urban economic center (and possibly a future capital city), **it will be a periphery in the heart of the Palestinian state.**

C. E1 is a focal point for the entire West Bank due to its ability to connect major Palestinian population centers in the central north-south strip from Jenin to Hebron and in the central east-west continuum from Jerusalem to Jericho. Israeli construction in E1 will impair West Bank functionality on a regional level.

17. The West Bank can be divided into several longitudinal strips, where each strip has different functions and characteristics. The central strip, along Road 60 from Jenin to Hebron, is the main development area. E1 is at the heart of this strip and has a variety of uses at the regional level in addition to its uses at the metropolitan level. Palestinian development in the Jordan Valley, for example, does not replace development in the central strip where E1 is located.
18. The commuting radius around E1 (a daily driving distance to work etc., approximately 30 kilometers) includes not only the Bethlehem-Jerusalem-Ramallah metropolis but also an entire area including Jericho, Biddu, and more. There are no other land reserves in the region, with this potential for such a central development, for example into a regional central business and employment district.
19. In addition, E1 is also adjacent to the Jerusalem-Jericho road and thus, together with being part of the central strip of the West Bank, it is at a crucial intersection with regional importance. **Palestinian construction in E1 will not only connect the area to Jerusalem and form a metropolitan area, but will also create a regional hub connecting Jericho (and Jordan) to the northern and southern parts of the West Bank, adjacent to the main roads.** This area could have unique regional uses, such as a main transportation center, a national stadium, a district concentrating national institutes (governmental, judicial, cultural and more), a park, and open areas for a variety of uses that offer employment and housing in a unique and important location. **There is no other site in the West Bank that has this potential.**
20. Israeli construction in E1 will block the irreplaceable potential for Palestinian development in this area and will therefore harm the functionality of the West Bank.



E1 as a focal center in the West Bank

D. Due to the need for a dense, continuous network of metropolitan uses, constructing more interurban roads cannot mitigate the damage caused by Israeli construction in E1.

21. Israeli construction in E1 will, of course, allow housing and other services only for the Israeli population (with the possible exception of Palestinian workers who will be allowed to enter). Hence Israeli construction in E1 entrenches the reality of separation and enclaves in the West Bank.
22. **It is impossible to plan an area as a scatter of enclaves.** The characteristics of the space affects the characteristics of the society. A fragmented space creates a fragmented society. However, a unified, continuous, diverse, and balanced space (like in the center of Israel) allows for a unified and diverse society, with connections between different communities that together create a thriving, sustainable society.
23. Fragmentations in such continuous areas are bridged together by a series of dense connections. For example, along the Yarkon River in Tel Aviv, there is a passage approximately every 500 meters, and outside the city every 2 kilometers. On the other hand, the fragmentation that E1 creates is 6.5 kilometers. This means that a bypass "fabric of life" road, detached from its surroundings, does not provide a solution even for just transportation continuity.
24. What is more important than a road network is what is between the roads (the Yarkon River is not just a cut, but it also serves as an integral part of an urban uses continuum in the center of the country, with infrastructure, ecological and leisure uses). Similarly, Palestinian construction in E1 will create an area of continuous intensive urban uses, that establishes necessary connections between various neighborhoods and cities around it, serving as a unified space for a prosperous Palestinian society.
25. **No transportation solution of a "string" of a road will allow for the creation of such dense, intertwined, varied connections, which enable collaborative communities and equitable growth. A series of connections is required.** Therefore, Israeli construction in E1 will leave the metropolis and the whole West Bank as fragmented land and society with limited development potential, even if there will be a road for the Palestinians to bypass the E1 settlement.

E. The negative effects of Israeli construction in E1 on Palestinian development are even more severe when they are measured in the long term (for example, 30 years ahead, as planning in Israel is conducted).

26. We should not examine the partial functionality of the space today, but rather the spatial needs of the population in the coming decades. Just as in Israel individual villages such as Kfar Saba and Raanana developed into unified metropolitan areas, so too should the Bethlehem-Jerusalem-Ramallah metropolitan area develop in a similar fashion.

27. This is not only about development on the basis of normal growth, but rather: 1. Development that reduces the economic disparities between Israelis and Palestinians (the GDP per capita of the Palestinian population (about \$ 3,350) and the Israeli (about \$ 44,200)²; 2. Development of infrastructure and institutions that are currently lacking or inadequate; 3. Migration - to the West Bank in general and to Jerusalem in particular. In other words, if Palestinian development is not allowed at E1, residents in the area will have fewer employment, education and public services options. As a result, they will not be able to reach their full potential and their economic growth will be more limited and slower.

28. Therefore, major land reserves must be preserved for the long term, even if it currently seems that there is little need for the land. (Just like in Israel's Government Quarter in Jerusalem: the land was allocated for the construction of government buildings many decades ago, but only in recent years did the construction of many of them start. It was the preservation of the land that enabled it).

F. In any future political scenario, there is a need for efficient, reasonable, balanced, and fair land allocation between different populations. Such allocation of land should be based on its quality (such as its proximity to existing centers).

29. Israeli construction plans in E1 result in inefficient, unbalanced land allocation that will harm development potential in Jerusalem and the surrounding area. As stated, this is true based on economic and planning examination regardless of the different political scenarios between Israelis and Palestinians.

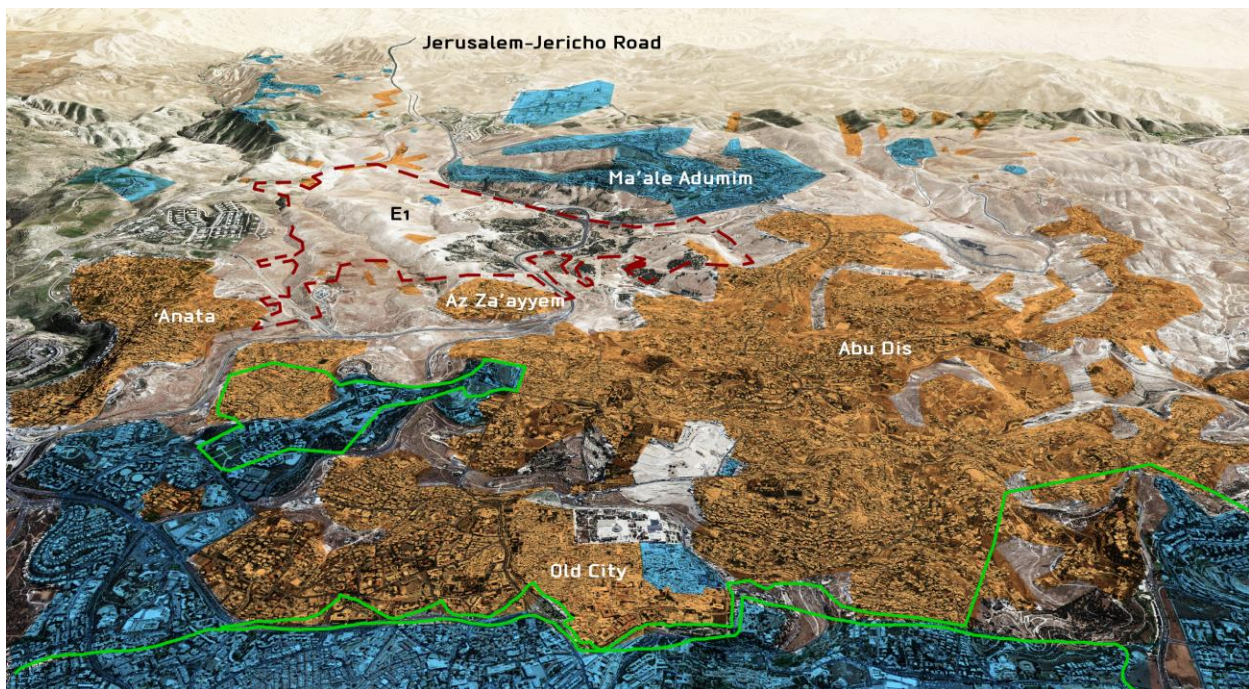
30. Additionally, guaranteed employment opportunities for Palestinians in the E1 settlement are not an economic solution to the issue of growth. Stable and

² UNDATA, GDP without Purchasing Power Parity adjustment, rounded.

sustainable growth requires ownership of the means of production, independent access to the land, and sources of financing and markets.

31. In this context, it should be noted that the Supreme Court recently ruled in a precedent-setting ruling regarding the "Regulation Law" that Palestinian residents of the Occupied Territories have the right to equality (**H CJ 1308/17 Silwad Municipality et al. V. Knesset et al.**). This unequivocal ruling also affects planning issues and obliges all government officials to work for the promotion of equality and certainly to avoid harming it. Preventing Palestinian development in the area of E1 will dramatically harm the potential of development and economic and social prosperity of the Palestinian residents, and therefore, will profoundly harm their right to equality and dignity.

Ultimately, the Israeli interest is that any future political agreement will be based on two states with equal opportunities and a balanced and sustainable growth horizon. Israeli construction in E1 is damaging the potential development of the future Palestinian state and therefore shutting the door on a peace agreement. In fact, the plan is not being promoted for urban planning reasons, but rather in order to achieve a political goal of thwarting the chance of reaching a political agreement.



The disconnection of the E1 area from the Israeli urban areas (in blue) and its centrality for the Palestinian areas (in brown).

II. E1 plans from the Israeli perspective

A. **E1 is topographically cut off from Maale Adumim and is not connected to West Jerusalem. Israeli construction in E1 is a new separated settlement. It is a land reserve of marginal importance for the development of Israeli Jerusalem.**

32. E1 is connected to the Maale Adumim settlement only by a single intercity road, which cannot create a continuity of urban uses due to the topography along the Jerusalem-Jericho Road and the limited connection to West Jerusalem via Mount Scopus. Even if the political map appears to represent continuity between Jerusalem and E1, **in reality E1 is a detached locality, from Maale Adumim and from West Jerusalem and does not meet the development standards required by Israel's national planning principles.** (In other words, it is not possible to reasonably walk from E1 to any other Israeli locality).

33. To the extent that there is an intention to develop Ma'ale Adumim (something which is inadvisable for Israel with negative consequences in the long term) the development should be done close to the existing settlement, south of the Jerusalem-Jericho Road, and not in E1, which is north of it. It should be noted that a master plan created by the Ministry of Housing for Maale Adumim designates residential construction for about 25,000 residents in the area adjacent to Maale Adumim to the south, which is much more reasonable for the development of the settlement rather than E1.

34. As a new settlement, E1's impact on the Palestinian areas is fundamentally different than that of Maale Adumim.

35. E1 has no advantage over other satellite localities of West Jerusalem (such as Mevaseret Zion). **As a detached locality (only connected by the intercity road), it could exist anywhere else in Israel.**

B. **E1 as a new suburban settlement, on the outskirts of Jerusalem, is more detrimental than beneficial to the metropolitan economy. It comes at the expense of development of Jerusalem itself.**

36. Some argue that Jerusalem's satellite cities strengthen it, but in fact they take away Jerusalem's strong population and businesses. As in many other cases of suburbia, a "donut" is formed in which the center of the city is the weak part.

37. **Development should be focused on urban renewal efforts in Jerusalem itself -** a principle established in the Prime Minister's Office as a national policy, and implemented by all planning institutions in the country - **rather than building another satellite community.**

C. E1 is located outside the development area and areas in demand in Israel in general, contradicting Israel's development goals which are strengthening metropolitan areas and the periphery. Development at E1 comes at the expense of developing areas in high demand in Israel, as well as the Negev and the Galilee.

38. Unlike E1's connection to Palestinian areas of the West Bank, an Israeli settlement in E1 will remain an outskirts, or a border town. Any discussion of continuing Israeli development along the Jericho road will not change E1's isolation from other Israeli settlements in the West Bank and from the rest of Israel.

39. As a new suburban locality, the financial investment required in E1 is noticeably higher than in edge contiguous or urban renewal developments.

40. High levels of economic investment in Israeli construction in E1, along with a strong Israeli population and employment opportunities attracted to the area, come at the expense of developing existing critical areas of Israel such as areas of demand and the Negev and the Galilee.

41. The return on investment in E1 is significantly lower than the return on investment in existing communities in Israel that need further development.

42. In this context, it should be mentioned that during the 53 years of Israeli rule in the West Bank, a policy of blatant discrimination was adopted in everything related to land allocation, planning and construction. For example, **while Israel has established more than 130 settlements, dozens of Israeli industrial zones, Israeli quarries, tourist sites and more - not a single locality has been established for the Palestinian population** (Rawabi was established by the Palestinian Authority, and the Al-Jabal neighborhood was established by Israel in order to relocate the Jahalin Bedouin community for the purpose of expanding the Maale Adumim settlement). Out of hundreds of thousands of dunams of "state lands" allocated over the years in the Occupied Territories, 99.8% were allocated to Israeli use and only 0.2% (approximately 1,625 dunams) were allocated to Palestinians, most of it to enable the development of Israeli settlements³. The High Court recently

³ Civil Administration data: <https://peacenow.org.il/en/state-land-allocation-west-bank-israelis>

ruled in the matter of the Regulation Law that such discrimination is unacceptable (HCJ 1308/17, Silwad Municipality et al. V. Knesset et al.).

- 43. Therefore, in balanced and fair land allocation to different populations and cities, priority must be given in this case to East Jerusalem and the Palestinian population.**

Additionally:

44. There are no important heritage sites for Israel in E1.
45. As a new settlement, E1 (of which the plans in question are only a part), creates an almost irreversible situation in the area because of its size. Due to this irreversibility, These plans clearly violate international law regarding occupied territories.
46. As a professional planning act, the plan for E1 clearly contradicts the Israeli Planners Association's Convention on "Fairness in the Distribution of Costs and Benefits" and many other articles.
47. In the case of a peace agreement, Israel will have to give the Palestinians areas of the same quality as those it annexes in the West Bank as part of the land swap. As mentioned, E1 is an area with uniquely important characteristics (such as its proximity to existing Palestinian urban centers). Israel may need to evacuate E1 and find housing solutions for its thousands of residents. **But if it is nevertheless possible within the framework of an agreement to annex E1 to Israel, the price will be an exchange of territories in Israel close to existing Palestinian urban centers. In other words, in exchange for another suburban settlement, Israel will have to pay with giving up valuable Israeli land.**

In conclusion, Israeli construction in E1 creates irreversible long-term damage to development in East Jerusalem and its surroundings as well as in the West Bank in general. This prevents the existence of a viable Palestinian society and harms the prospect of a fair and stable political agreement between Israelis and Palestinians. In contrast, Israeli construction in E1 brings marginal benefit to Israel and may even inhibit development efforts in West Jerusalem and to Israel in general.

We therefore oppose the plans in question.