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The Palestinian Campaign for Area C – Shaping a Security Reality on the Ground, Description and Implications



“We have decided to take the initiative, to accelerate the end of the occupation through hard work and establishing facts on the ground, which are consistent with the concept that the establishment of a State is not something that can be ignored...”

Palestinian Prime Minister Salam Fayyad, 2009

“Conquering of the land... is not achieved through securing political rights and diplomatic guarantees, but rather through continual settlement work, through deepening roots and establishing oneself on the ground...”

David Ben-Gurion, 1915



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Executive Summary

The C territories are a product of the Oslo Accords (1993, 1995) and later on the Wye Agreement (1998), as an interim solution until a permanent agreement is reached (within five years), during which time these territories remain under the civil and security responsibility of the State of Israel. The civil planning, construction and enforcement authority in Area C lies with the State of Israel, which enforces them through the Civil Administration. It must be noted that according to the Israeli legal approach, the territories of Judea and Samaria, and in particular Area C, are “disputed territories”. Despite this, Israel has voluntarily extended the validity of the Fourth Geneva Convention (which is relevant to territories captured through belligerent occupation) – which affects their legal status. The Palestinian Authority, on its part, has declared that it has frozen the Oslo Accords.

The territories span an area of approximately 3,641 square kilometers (approximately 62 percent of the area of Judea and Samaria), of which 57 square kilometers have already been used for construction for 476,000 Jewish inhabitants, spread over approximately 150 settlements. Arab construction occupies approximately 80 square kilometers for 230,000 to 290,000 Arab inhabitants (of which approximately 27,000 are Bedouins), spread over approximately 532 settlements, including approximately 180 which are fully within Area C.

Arab construction totals approximately 60,000 structures (of which approximately 40,000 have been built in the past decade) and approximately 910 square kilometers of the land is used for agricultural cultivation. Another approximately 223 square kilometers are nature reserves and about 869 square kilometers are military zones. State/survey lands account for approximately 60% of the land and another 27% are in military use. In terms of land registration, only 15% of the total Area C lands have been regularized and, according to various estimates, it is possible to allow development of the legal construction on only about 30% of Area C.

Since the implementation of the Oslo Accords in Judea and Samaria and the division of the land, the Palestinians have been taking action to occupy lands in Area C. Since 2009 (the Fayyad Plan), these efforts have been guided centrally by the Palestinian Authority (2009) in order to establish a state “from the bottom up” through unilaterally establishing facts on the ground and in view of the Authority’s recognition that it is unable to advance a political solution on its own terms. Since 2015, these efforts are done as part of a central plan of the Palestinian Authority, referred to as “the Campaign for Area C”. As part of this “campaign,” the Palestinian



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occupation of lands is organized, planned, financed and directed by the Palestinian Authority in order to achieve the Palestinian objective of maximum Judea and Samaria territories under Palestinian sovereignty. The Palestinian work is directed in accordance with a set of detailed, synchronized master plans which are coordinated between all of the government ministries, local authorities, special executive bodies, security organizations, NGOs and foundations, while maintaining an apparatus which coordinates and monitors matters closely, orchestrated by the Palestinian prime minister.

The plan enjoys foreign support in the form of the European decision (2012) that they are compelled to act in Area C not only for humanitarian or economic purposes as in the past (while avoiding harming the Oslo Accords), but also through a formative rationale for advancing policy toward the political agreement and in response to Israel's moves to expand its settlements.

Impetus was also given through Security Council Resolution 2334 of December 2016, which defines the Israeli settlements as being illegal, in flagrant violation of international law and posing an obstacle for achieving a lasting peace based on the two-state solution.

The foreign aid effort as part of this campaign includes: political support, media and diplomatic outreach support, a legal campaign, preparation and advancement of outline plans, advancement of projects (public construction, infrastructure, employment, education and agriculture), completion of the registration and organization of the lands on the part of the Authority, and support for communities (including the Bedouins). We estimate that this foreign funding of the various programs totals approximately 0.5 billion euros. This is an organized, multilateral effort, supported by foreign governments (the Netherlands, Denmark, Sweden, France, Switzerland, Britain, Belgium, German, Turkey, Qatar, Jordan), a range of international support agencies, economic organizations such as the World Bank, UN bodies and the European Union, and also, in separate channels, a variety of Arabic and Islamic organizations. The Palestinian Authority itself connects directly between local authorities and the foreign entities, in favor of advancing projects which have been prioritized.

So far, the Palestinian campaign has racked up a succession of substantial successes. The Palestinian land registration project, which encompasses 100% of all of the Judea and Samaria territory, and which is an alternative to the Israeli land registration, has covered (as of the end of 2019), approximately 45% of all the plots, totaling an area of approximately 940 square kilometers. The litigation efforts, which are geared toward preventing demolitions by delaying



the execution of demolition orders affecting approximately 4000 structures, have been successful in preventing the demolition of some 98% of the private illegal construction and approximately 94% of public construction. In addition, the process of “legalizing” 113 illegal settlements is also ongoing. Under instructions from Turkish President Erdogan, the Palestinian Authority received a copy of the Kushan archive as a legal “weapon” in the campaign to appeal against the State’s property rights. The Israeli planning authorities have been inundated with 118 urban building plans for approximately 125 villages (about 75 square kilometers), which are home to some 260 thousand inhabitants.

On the ground, in recent years, Palestinian private illegal construction has increased in Area C by approximately 150%. In addition, over 1,000 public buildings have been built (some 80 different public construction projects are in the planning process) and over 1,000 km of new roads have been built. At the same time, a variety of infrastructure projects (water and electricity) are also in the pipeline. In terms of agricultural seizure, which enables capturing especially large tracts of land (and therefore the most significant part of the Palestinian projects is being planned in this area), the Palestinians have in the past five years seized several hundreds of square kilometers. It must be noted that this activity has also included harming natural assets (building inside nature reserves, illegal quarries, pollution and dumping of waste), harm to antiquities (there are approximately 10,000 archaeological sites in Judea and Samaria) and demands to turn part of them into Muslim sites.

The Palestinian activity is reshaping the terrain ahead of a future agreement. Already now this Palestinian activity has created a significant constraint on the freedom of movement along the main traffic arteries in the region, while transforming “traffic corridors” from the Oslo era into “lanes”, which are overseen and have come under threat, which might impact the security of the traffic along sections of some of the most important routes: Route 60 (the mountain ridge road), the Trans-Judea Road, the Trans-Samaria Road and Road 90 (the valley road). The Palestinian activity exacerbates the isolation of settlements which are not part of the settlement clusters, such as Elon Moreh. From the political standpoint, this Palestinian activity is shaping the future settlement boundaries by connecting between parts of Judea and Samaria and Jerusalem, altering the situation along the Seamline Region.



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Recommendations

In view of the results of this Palestinian campaign on the ground, it appears that the Israeli establishment, in its current modus operandi, is having difficulties in implementing the directive from the political level to work to freeze the situation, in such a way that it retains the political freedom of activity ahead of the possibility of an agreement, and it is doubtful that it is going to be able to meet this target using the existing means going forward.

We recommend that under its responsibility for the Area C land, Israel should initiate and advance a two-pronged counter-attack to shape this region. This will be a counterbalance to the Palestinian initiatives and will reinforce Israel's claims in a future agreement:

- 1) The first prong is a “defensive prong”, which will work to thwart and prevent the initiation of moves by the opponent [Palestinian] establishment by tightening enforcement, carrying out proactive measures to “return the situation to its previous state” wherever this is legally possible. Thwarting and prevention will roll out along all dimensions and will include subsystems: legal, a planning campaign, an international diplomatic campaign, a public diplomacy campaign and thwarting of funding (private and governmental). In this respect, we recommend that the State of Israel lead an advocacy campaign aimed at the western donors and at the local population which is violating the law. Additionally, we recommend that Israel use its intelligence resources to intercept money, expose opponent moves, etc. In addition, as part of this campaign, enforcement needs to be strengthened, assigning the relevant bodies the authorities and resources they need. This would include strengthening the civil administration organs, the IDF Central Region Command, the Judea and Samaria Police, the supervisory organs of the Ministries of Agriculture, Infrastructures and Environment, the legal apparatus and a network of volunteer scouts. We recommend that this move also include allocation of the relevant resources for setting up and implementing an advanced technological solution serving the campaign and its enforcement.
- 2) The second prong is a formative-offensive prong. It requires that Israel establish its spheres of interest which are within the consensus in Judea and Samaria, where it will have to work to develop the area and strengthen the Israeli grip on it on the one hand, while at the same time it has to develop a master plan for development for the Palestinians in Area C. For these areas, a long-term plan has to be developed for Area C



in accordance with an internal order of priorities of the various areas and with a view toward future arrangements. At the same time, it must be noted that the Abraham Accords have laid the foundation for economic ties between Israel and the Gulf States through Jordan. Development of the Jordan Valley as an “Eastern Gateway” for linking Israel and the Palestinian Authority to the Arab East can serve the interests of the various parties and can be helpful in legitimizing these development plans. This plan will also include a humanitarian effort and regularization of the fabric of life by reorganizing the region through planning the deployment of a new road network (similar to the arrangements which shaped the area following the Oslo Accords). In this shaping vision, activities in Area B must also be tracked and included, with emphasis on those adjoining Area C, and which have potential to impact Area C territories in the future.

As part of these efforts, it is recommended that civil society organizations and private organizations be included, in order for them to take part in shaping the region, legally, through definition of clear spheres of influence and in view of synchronized targets as defined by the State.

In order to enable this, we see it fit that the campaign be assigned a status within the framework of the government decisions, that an interministerial task force be set up and also a special staff unit with sweeping authorities to lead the campaign and earmark a special budget for it. Another requirement is that one of the intelligence organizations be assigned responsibility for providing the intelligence necessary for forming strategic plans, for providing alerts, to thwart, to sever financing channels, to incriminate and support the campaign for hearts and minds.



Chapter 1 – Introduction

Overview

- 1) “The Campaign for Area C,” which is being waged by the Palestinians to occupy areas within this region, is by no means a new concept. This is a process which began sporadically (following the division of the area as part of the roll-out of the Oslo B Accords in 1996) and later on for more than a decade (beginning in 2009) officially, under the guidance of the Palestinian Authority. Since 2015, this process has intensified and escalated throughout Judea and Samaria as a centralized, planned effort, together with, and backed by, international bodies. This effort involves the promotion of construction plans – residential and public – within Area C. It includes the building of infrastructures, opening roads, and agricultural development for the Arab population. It must be emphasized that these moves are advanced in contradiction to Israeli law as part of the de-facto shaping of the borders of a future Palestinian state, by establishing facts on the ground.
- 2) Over the years, intelligence organizations, Ministry of Defense organs, public NGOs and the media have reflected on the emerging situation in a range of reports, which even received government attention and response. A political-security debate was held on this issue (July 29, 2019), following which a directive was issued regarding the importance of holding on to Area C from an overall national perspective. Therein, the importance of continuing to roll out an organized enforcement plan was emphasized. The Coordinator of Government Activities in the Territories (COGAT) was assigned responsibility for this issue and a special project manager was appointed to map, carry out a survey, and present to the Cabinet periodic status updates, to raise the existing planning and enforcement issues and their implications. This issue even received close parliamentary oversight, as the Foreign Affairs and Defense Committee held discussions (July 2020, August 2020) and dealt with this issue. A special subcommittee was set up for the issue of the campaign for Area C. It was headed by Gideon Sa’ar and it even appointed (November 2020) a special adviser on the issue on its behalf.
- 3) Following the Cabinet decision, the Civil Administration and the Central Command formed a plan for coping with the challenge, with the establishment of an



intelligence-operational apparatus being at the core of the plan to map and maintain a situation picture of the emerging pattern of the gradual seizure of the lands, installing a routine of ongoing situation assessments and to provide an enforcement solution. This was done according to the priorities set by the Minister of Defense which included: top priority for the Jerusalem envelope region, the South Hebron Hills and Ma'ale Adumim. Enforcement in military zones as required for security reasons and for practice. A lower priority of enforcement in the Jordan Valley and along main arteries. The final enforcement group included prevention of the seizure of "state lands."

- 4) The current document is intended to integrate the intelligence-operational picture, as reflected in classified reports, with the events on the ground as reflected in reports of the public organizations involved in this issue and to recommend coping strategies.

About the study

- 5) The purpose of the study is to present to the cabinet an intelligence picture related to Palestinian moves "to seize C territories," a description of the plan, the efforts, the modus operandi and examination of the status of the execution of these plans in the field, to identify trends and to form a forecast regarding future trends. This will enable examining the potential implications of the move and presentation of the main recommendations for coping with the threat.
- 6) Methodological reservation: It is appropriate to emphasize that as part of the writing of this document, there is no intention to integrate a broad situation picture on what is happening in C territories in an attempt to balance between mutual violations of the populations in the Arab C territories and the Jewish C territories. Any description of this type would be of an analytical nature, deeply rooted in substantial legal disputes and suspected of taking a political position. Therefore, we intend to focus on presenting an intelligence picture which will professionally describe the systematic, institutional effort of the opponent [Palestinian] establishment to alter the security and civil reality in C territories in a manner which undermines the State's authority and undermines the commitments the Palestinian Authority took upon itself as part of these agreements.
- 7) Information sources: Methodologically, the document aggregates a great deal of knowledge about this phenomenon, as reflected in reports and documents submitted to



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government bodies by the intelligence agencies and as they arise from publicly available coverage in the media or from civil society groups.

- a) Thus, the theoretical part of the document is based on:
- i) Central Command intelligence material. The publication distinguishes between unclassified material, which is included in all its versions, and sensitive intelligence materials, which are only included in the classified version of the document.
 - ii) Materials which have been made public by the Ministry of Defense/Civil Administration, the Knesset, the State Comptroller, and other government bodies: the Central Bureau of Statistics, the Land Administration and Survey of Israel. Reports by: the Palestinian Authority/Ministry of Strategic Planning, the Palestinian Central Bureau of Statistics (PCBS), the Ministry of Domestic Affairs, the Union of Agricultural Work Committees (UAWC).
 - iii) Reports from foreign bodies operating in the region: EU, World Bank, UN Office for the Coordination of Humanitarian Affairs (OCHA), UN-Habitat.
 - iv) Reports and publications of civil society organizations in Israel, which present various aspects of this campaign, including: Regavim, B'Tselem, Yesh Din, Ad Kan, Shomrim al HaNetzach, the Yesha Council, Peace Now, Machsom Watch, Emek Hashaveh, Im Tirtzu and others.
- b) To create a reliable, up-to-date situation picture of what is happening on the ground, geographic information layers and deciphering data have been used:
- i) Materials received from the Ministry of Defense/Civil Administration and from intelligence provided by the Central Command (in the classified version).
 - ii) Deciphering infrastructures provided for the Office's use by public bodies and private NGO's which are based on Ofek update photographs.



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iii) Layers received from the Survey of Israel.

- 8) This paper is distributed in two versions: one classified as secret – which includes classified intelligence information and operational information – and the unclassified report, which is based on information gathering from openly available sources only.



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Chapter 2 – What Is Area C

The legal-agreement framework

- 9) As part of the efforts to reach an agreement with the Palestinians, Shimon Peres and Mahmoud Abbas signed (August 20, 1993) in Oslo, initially covertly, a document which later on developed, under American sponsorship, into a package agreement which was named the “Declaration of Principles on Interim Self-Government Arrangements (Oslo Accords).” The agreements set forth a framework in principle for mutual recognition between Israel and the PLO [Palestine Liberation Organization], and they outlined understandings relevant to the interim stage until the achievement of a permanent agreement based on resolutions 242 and 338 of the UN Security Council. On September 23, the Knesset ratified this agreement, which came to be known as Oslo A. Later on in the process, the parties signed a follow-up agreement, Oslo B (September 28, 1995) in Washington, which gave the Palestinians self-rule in the cities and in approximately 450 of the West Bank villages, and also transferred to their control about 90% of the Palestinian population in the West Bank.¹ According to this agreement (which was approved in the Knesset on October 5, 1995), various statuses were laid out for Areas A, B and C.
- 10) This division was initially planned to remain in place for a limited period of five years only. Therefore in Oslo B, Area C was defined as a “permit” area, which was supposed to be handed over to Palestinian control gradually downstream in the negotiations.² The current situation was formed on the ground after Israel eventually implemented it under the Sharm el-Sheikh Agreement (which was signed on September 4, 1999). In reality, the Sharm el-Sheikh Agreement continued the roll-out of the withdrawal plan as this was decided earlier in the Wye Agreement (signed October 23, 1998), which was launched

¹ The data on the actual number of villages, as well as the population estimate, were relevant to the time the agreements were signed and they do not reflect the current reality.

² According to the agreement, “Area C” means areas of the West Bank outside Areas A and B, which, except for the issues that will be negotiated in the permanent status negotiations, will be gradually transferred to Palestinian jurisdiction in accordance with this agreement.



with the involvement of President Clinton to implement the Oslo B Agreement."³ However, following the initial withdrawal according to the Wye Agreement, the government delayed (December 12, 1998) the further implementation until the Palestinians completed their end of the bargain they had committed to in the Wye Agreement. Ultimately, as part of the Sharm el-Sheikh Agreement, Israel completed the transfer of approximately an additional 13% of the territory of Judea and Samaria, from their status as Area C territories to Area A territories (1%), and Area B territories (12%), of which 3% would be an "agreement nature reserve". In addition, Israel transferred 14.2% of the land which had previously been included under Area B to Area A.

11) Following roll-out of these stages, the status of division of the Judea and Samaria territories was de-facto established according to the following key:

- a) Area A: An area of approximately 1000 square kilometers, or 17% of the total area (including the urban and rural space). Under total civil and security control of the Palestinian Authority.
- b) Area B: An area of approximately 1030 square kilometers, or 18% of the total area, consisting mostly of the Palestinian rural space. In these areas, civil authority was assigned to the Palestinian Authority while security remained in the hands of the State of Israel. In addition, this includes an area termed an "agreement nature reserve" – a special area comprising approximately 3% of the area of Judea and Samaria (167 square kilometers) – a nature reserve under Palestinian Authority control, but in which any activity requires prior agreement from the Israeli side.
- c) Area C: Totaling 3,641 square kilometers, this comprises 62% of the territory of Judea and Samaria. This area is home to the entire Jewish settlement. Area C was assigned to civil and security control of the State of Israel. The civil planning, construction and enforcement authority in Area C lies exclusively with the State of Israel, which enforces this authority through the Civil Administration.

³ Another component in this issue was the realization of the Hebron Agreement, which had a lesser effect on the shaping of Area C in its broader sense.



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12) Currently, from a formal agreement standpoint, the very fact of the division of Judea and Samaria into Areas A, B and C is the subject of legal dispute, against the backdrop of [Palestinian Authority] Chairman Mahmoud Abbas' announcement that he was freezing the Oslo Accords and the decision, taken by the Palestinian Authority government (August 2019) to cancel the division, unilaterally assuming all of the civil responsibilities in this sphere. This move is a link in a long chain of allegations made by the Palestinian Authority regarding systematic violations of the accords, which were in any case only intended for a specific interim period, and which were never extended. The Palestinians allege that the Israeli violations, for example violation of the agreement on Area A (since Operation Defensive Shield), and violations, according to them, in the form of Israeli construction in Area B, in any case void the validity of the Accords.

Area C basic characteristics

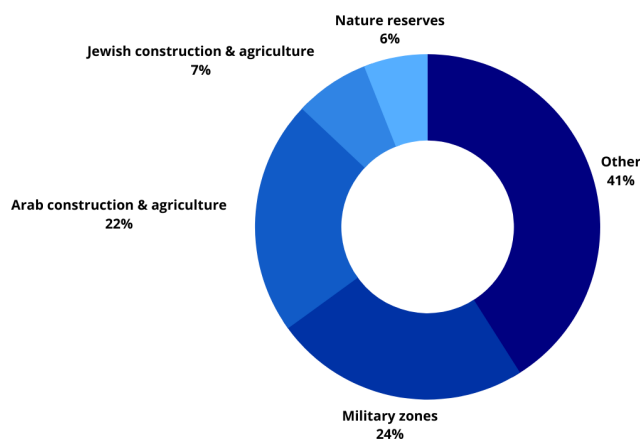
13) The characteristics of the land and its designation: The size of Area C is approximately 3,641 square kilometers, of which some 80 have already been used for Arab construction (almost 60,000 structures in total). There are several estimates for the size of the cultivated agricultural land, but on average these cover approximately 910 square kilometers.⁴ As far as Jewish construction is concerned, this occupies approximately 57 square kilometers. Nature reserves total 223 square kilometers and another portion of the land, 869 square kilometers, is allocated as military zones.

⁴ According to data presented in the Area C report of the JISS, out of which the estimate of the Jewish agriculture portion is based on a report by: World Bank Area C and the Future of the Palestinian Economy.



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Distribution of Land Use in Area C



14) Demographics: There is a lack of clarity regarding the demographic data concerning the Judea and Samaria territories, which is exacerbated due to the political impasse. Israel abstains from conducting an orderly population census in this area⁵, while on the other hand it does not recognize the findings published by the PCBS.⁶ This is so due to a range of disagreements and opinions revolving around the authorities and counting methodology, and there is also doubt as to the reliability of the findings.

- a) **Arab population:** The estimated, inaccurate number of Arab inhabitants in Area C is estimated at between 0.23 million (according to the conservative estimate of the Israel security forces) and 0.297 million inhabitants (according to the Palestinian Central Bureau of Statistics). Since the total number of Arab inhabitants in the Judea and Samaria region is unclear (estimated at between 1.8 to 3.05 million inhabitants), it is usually estimated that Area C is home to between 5% and 10% of the total Arab Judea and Samaria population. It must be noted

⁵ The last full-scale census in Judea and Samaria was conducted in 1967. In 1997 the Palestinian Central Bureau of Statistics conducted a census of its own, however Israel has not recognized its results.

⁶ Palestinian Central Bureau of Statistics.



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that according to various estimates, approximately 27,000 Arab residents of the Palestinian Authority in Area C are Bedouins. The population growth rate is estimated at 2.5% annually on average.⁷ This population lives in approximately 532 settlement locations, including some 180 towns and villages whose territory is entirely within Area C (approximately 25 relatively large towns).

- b) Jewish population⁸: Regarding the Jewish population living in some 150 settlements in Area C, there are quite accurate estimates. There are approximately 476 thousand inhabitants⁹ (7% of the total Jewish population of Israel)¹⁰, with an annual growth rate of 4.8%¹¹ living in 250 settlement locations, of which 110 are recognized Israeli settlements which include four cities, six regional councils, 13 local councils, and the Kiryat Arba Municipal Committee.

Statutory state

15) The legal situation: In civil affairs including planning, registration, land allocations, civil enforcement etc., the State of Israel operates in Area C as if it was subject to belligerent occupation. However, the commitments Israel has taken upon itself in this context is defined, according to the Israeli approach, as voluntary, since according to the Israeli definition, Area C is a “disputed territory” to which Israel has a preferential claim to ownership. Israel’s voluntary extension of the Fourth Geneva Convention over the area, and consistent Israeli rulings highlighting the property rights, have transformed the techno-litigatory preoccupation in the real estate registration status into an explosive political issue due to the realization that the issue of sovereign control will to a large extent be determined based on identification of legal title to the land.

16) Land ownership: There is uncertainty in Area C regarding many questions related to land ownership.

⁷ According to PCBS estimate.

⁸ This report deals with an intelligence picture about the opponent system, data on the Jewish population in Area C is presented only in order to complete the picture.

⁹ According to the Yesha Council data as of the end of 2020.

¹⁰ The Israeli population (as of the end of 2020) is estimated at 9.291 million inhabitants, of whom 6.870 million are Jews.

¹¹ According to the Yesha Council data as of 2015.



- a) In many cases the boundaries of plots are unclear, as are the identities of their legal owners. There are duplicate cadastres covering Judea and Samaria, mostly partial, some overlapping: the Ottoman, the Mandatory, the Jordanian and even the Israeli and – lately – also the Palestinian (illegal). These records were based on different legal systems, they relied on non-matching surveys and maps (some of which are lacking in detail and accuracy) and used variable registration methods. It must be noted that Israel de-facto discontinued the work of creating an organized cadastre (1969) when the registration process was canceled on the orders of the military commander of Judea and Samaria.¹² Therefore, in all of Judea and Samaria, some 35% of the territory has so far been regularized¹³ (mainly in the northern Jordan Valley, north and west Samaria and parts of Gush Etzion). A closer look at Area C shows that only 15% of the total land area is regularized territory.
- b) There is also a degree of uncertainty concerning various property issues due to the lack of transparency of the transactions and difficulty in accessing the purchase documents, following a Jordanian law making the sale of land to anyone not of the Arab race a capital offense (and its subsequent extension by the Palestinian Authority prohibiting the sale of lands in Judea and Samaria to Israeli Arabs). Additionally, it is worth noting that regarding some of the lands, protracted litigation is underway in the legal system. In view of all these, it is difficult to pinpoint the statutory statuses of the lands in Area C.
- 17) Under these circumstances, the State enacted a method in Area C which divides the territory, in terms of ownership, into the following categories:
- a) State lands: Lands originally registered in the Land Registry as government property during the British Mandate, or in the name of the Hashemite Kingdom of Jordan, and after 1967 they were registered as state-owned lands and also other lands (mostly from within lands under study of ownership), which the State declared to be State property. The main declarations were made in the 1970s and 1980s. As of 1992, these lands in Area C are estimated at approximately

¹² Issued by Brigadier-General Rafael Vardi.

¹³ According to Survey of Israel data. However, in most cases lower data are cited, totaling only 30%.



1,200 square kilometers.¹⁴ It must be noted that approximately 34% of the State lands have already been included within the jurisdictions of the Jewish settlement.¹⁵ Although this figure includes 780 square kilometers which were declared state lands from within the lands under study of ownership (see below), and regarding which declaration is in legal interpretation dispute (this, at least, is the opinion of NGOs which systematically launch legal attacks against the legality of the declaration, however they do not include lands which have been declared since 1992, regarding which the State has not disclosed their exact extent. According to certain interpretations, they may total up to 1,900 square kilometers).

- b) Survey lands: Lands regarding which the rights of ownership are in doubt. The state, therefore, has to make progress in this area “study proceedings,” which are intended to examine the possibility of declaring them State lands. According to the State’s legal position, the Commissioner of Government Property and Abandoned Lands is claiming ownership of “lands under study of ownership,” however this process has not yet been completed, the lands under study of ownership in Area C are estimated at about 720 square kilometers. There are about 100 square kilometers of territory which have already been studied, but their declaration as State lands is being delayed.
- c) Lands appropriated for military use: Private lands appropriated by a major-general order for unavoidable, urgent military needs (the appropriation does not alter the land ownership, it only appropriates the right to use it temporarily, until the unavoidable, urgent military need passes). There are an estimated 1,000 square kilometers of such lands in Area C.
- d) Privately-owned lands – Palestinian or Jewish: The size of these lands is politically and legally disputed, since in most cases their registration in the Land Registry in the name of their owners has not been regularized. In some cases, the recognition was done by the courts of Israel. Regarding Jewish ownership, this is estimated to total 2% to 3% of the territory, possibly 123 square

¹⁴ These lands are the lion’s share of the State lands in the whole of Judea and Samaria, which are estimated at approximately 1,440 square kilometers.

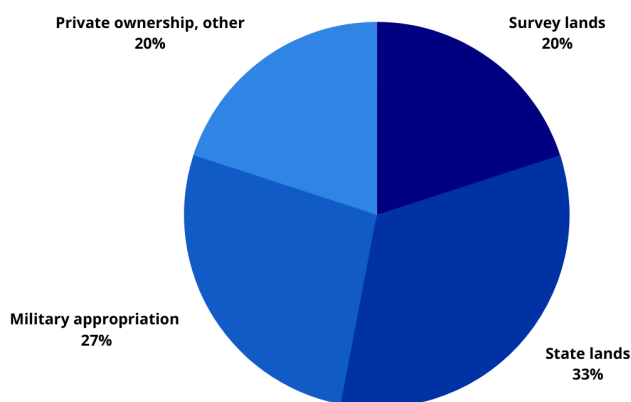
¹⁵ According to data provided by B’Tselem.



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kilometers¹⁶, which were purchased prior to 1948. as for the Arabic ownership, in the absence of the data, this can be estimated, in comparison to the registration data regarding the lands regularized prior to 1967. Of these lands, some 74% were privately owned, however it appears that in Area C (which are mostly vacant lands and a large proportion of them are lands which were never prepared for agricultural use), only a small part of those were apparently privately owned.

Distribution of Land Status in Area C



18) The authority to register the lands in Area C (as opposed to the Area B and Area A lands, where the Palestinian Authority has the authority) lies by law with the “Committee for Initial Registration of Real Estate Which Have Not Yet Been Registered.” The committee is under the responsibility of the Israeli Civilian Administration/Real Estate Staff Officer.¹⁷ As a rule, the registration in Area C is managed similarly to the way it is done in Israel itself¹⁸, however as opposed to the registry in Israel, this registry is not

¹⁶ According to the Yesha Council data.

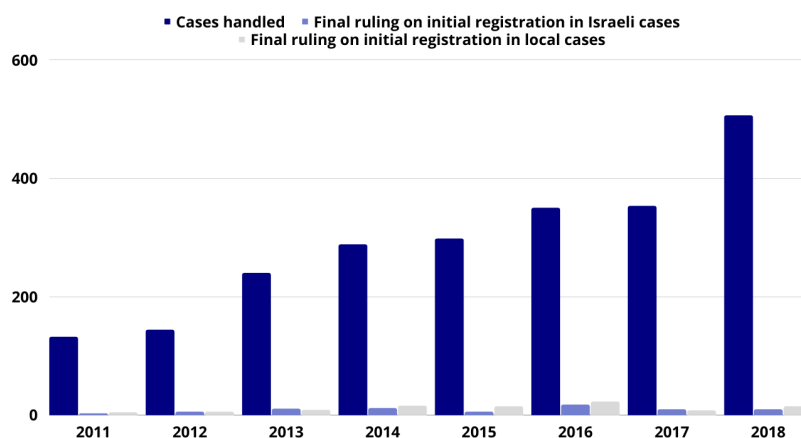
¹⁷ The initial registration process is based on the provisions of the Jordanian law, the “Law of Registration of Immovable Property Not Previously Registered, Law No. 6, 1964,” and on its amendment in the Security Legislation in the “Order regarding amendment of the Law of Registration of Immovable Property Not Previously Registered (No. 1621) (Judea and Samaria) 5768-2008.”

¹⁸ Both are based on British Mandate-era foundations.



open for public review. This confidentiality supposedly provides better protection for the Arab sellers of land. In view of the abovementioned difficulties, the registration process in Area C proceeds at a relatively slow pace (see the attached chart).

Number of Cases Handled at the Committee - Initial Registration (2011 - 2018)



Planning aspects

19) Already today, the availability of additional lands for planning in Area C is lower than it appears and the planning process in these areas is especially lengthy and complicated. Thus, according to various estimates, it is possible to allow development of the legal construction only in about 30% of Area C, since: 25% to 30% is used by the military, 14% of the area is allocated to national parks and nature reserves (8% of which are within military zones).

Another 3.5% is not available for use due to their proximity to the security fence. Another part of the land is not available for planning since it is included within the areas of the relevant national outline plans for several approved plans, which allocate the land for a variety of public uses (for example the national outline plan 50 for road building, which defines areas forbidden for construction along existing or planned roads, 70-150 meters from each side of the roads), and also water-related national outline plans, plans related



to energy installations, railways etc.

20) The approval of outline plans in Judea and Samaria is assigned to the Supreme Planning Council in the Civil Administration. The political and legal sensitivities, which come on top of the administrative straits in which the Civil Administration is stuck, make the task of orderly planning all the more difficult. Therefore, the progress on outline plans, which are already painfully slow in the Israeli reality, is even slower in Area C. So it is that, out of all the 180 Arab towns and villages entirely within Area C, the Civil Administration has drawn up and approved plans only for 16. The total area of these plans is approximately 18 square kilometers. This state of affairs is largely relevant also to outline plans prepared independently by the Palestinians: approval for 6 plans covering an area of approximately 10 square kilometers, out of 118 that were planned¹⁹ (in many cases the background for the failure to obtain the approvals was various professional problems, which prevented the plans from being approved). The bottom line is that only about 1% of all of Area C has received a planning solution for the Arab population. It must be noted that these disparities were resolved (some would claim only partially) in a set of plans which Israel approved (July 2019, January 2021). On the other hand, for the Jewish population, there are extension plans for another approximate 7% of the land.²⁰ However, the planning practice shows that the materialization of these plans will require overcoming a set of political and legal hurdles.

21) Only about 9% is currently included under urban construction plans of the Jewish settlement and of IDF bases, and the built-up area of the Jewish settlement amounts to about 2.5%. At the same time, there are claims that, due to liberal definitions of areas of jurisdiction and of the calculations of lands appropriated under Major General's Orders or private lands, approximately 63% of Area C is not available for planning for the Palestinians.²¹ On the one hand, in the system where the planning for expanding the Jewish construction is restricted, it is not possible to advance construction in this area also for the Jewish population. In effect, this turns substantial parts of the lands in Area C into "dead assets."

¹⁹ As of March 2020, according to the control table of the local government in the Palestinian Authority.

²⁰ According to data presented in the Area C report of the JISS.

²¹ According to data in the B'Tselem report.



Chapter 3 – The Plans to “Seize Area C”

Unilateral land seizure moves: from concept to action

22) Beginning of the trend: As part of the campaign against the erection of the security fence in the seam zone, several Palestinian organizations and international organizations focused their work in the Bil'in sector, where they began a campaign over the village's farmlands, including opposite the neighborhoods being planned for Kiryat Sefer. As part of a litany of provocations, the Palestinians on several occasions (2006-2007) set up “outposts” within Area C and adjoining the town under the pretext that they intended to “mimic the illegal land seizure method used by the (Jewish) settlers.” The media coverage and legal leverage they gained with their squatting made the Palestinians realize the potential value of these unilateral moves for establishing facts on the ground.

23) The Fayyad plan: Another important stage in development of the concept of unilateral moves was a plan hatched by Salam Fayyad, who at the time was the prime minister of the Palestinian Authority. The plan (published in August 2009) for setting up the infrastructure for the Palestinian State, was titled “Ending the Occupation, Establishing the State”. It was a Palestinian attempt to offer an alternative which would be acceptable to the international community as a replacement for the Oslo Accords, which at the time had been in deep freeze for over a decade. Thus:

- a) The plan focused on describing the practices necessary for realizing the vision of establishing a Palestinian state within the 1967 borders with Jerusalem as its capital. According to Fayyad, the failure of the Oslo Accords released the Palestinians from their commitments regarding the division of the territory and gives them once again, under international law, the right to claim the establishment of a state in all of the territory of Judea and Samaria. The plan promoted a policy of establishing facts on the ground as a response to the policy, practiced by Israel, of establishing settlements and “dispossessing” the Palestinians of their assets through the “separation fence” in the seam zone and the Jerusalem envelope.



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b) As an alternative, Fayyad suggested a series of practicable targets across all areas of activity, intending to set out a plan for this task and to enlist support from the international community for this move. As far as he was concerned, the plan would achieve its goals through a series of unilateral Palestinian measures, which would be legitimate in the eyes of the international community since these were territories necessary for realizing the potential for further economic and social development of the future Palestinian state. According to the Fayyad concept, the seizure efforts by civil society organizations, humanitarian organizations and international organizations would make it difficult for Israel to counteract the plan and would increase the international pressure applied to Israel.

24) Stymied (2010-2015): Fayyad's moves indeed garnered public support. However, they came up against numerous intra-Palestinian hurdles and foot-dragging on the part of the Palestinian Authority's apparatus, such that:

a) The most important breakthrough in those years from the Palestinian perspective was the success in enlisting the international support for the idea of development of Area C. The Palestinian Authority and the European Union signed (March 2013) a framework agreement to this end; "Land Development and Access to Basic Infrastructure in Area C." Two years later (March 2015), a follow-on plan was also signed. It must be emphasized that this was a genuine breakthrough since following the signing, the Palestinians were able to set independent development programs in motion for Area C, backed by resources. Furthermore, the signing of the plans was in fact legitimization by the European Union of the Palestinians to take unilateral action in Area C, which beforehand had been unacceptable since the Europeans sought to preserve the framework of the Oslo Accords.

b) In reality, as part of the program, dozens of projects got underway in Area C, which had previously been submitted to the Civil Administration for approval, and some of which had been in the pipeline for years on end, but of which only a



handful had received the stamp of approval.²² The bottom line is that the vast majority of the projects drawn up during this period never actually saw the light of day. Following Fayyad's resignation (2013), the program effectively was defunct. This being said, the program contributed toward recognition for the concept of unilateral moves and for the blurring of the status of Area C. It also stimulated the readiness of the international community to join in on projects inside Area C, which so far had, in their view, been out of bounds. Additionally, the program created an organizational infrastructure for future advancement of similar ideas within the Palestinian Authority.

- c) At the same time, thanks to an improvement in the security situation in Judea and Samaria, Israel was able to ease its security policy, which tightened the control over the rural regions of Judea and Samaria through lockdowns, isolations and restrictions on movement. Under these circumstances, many Palestinians began squatting sporadically within Area C adjoining their villages, out of their own particular motivations, in local-private initiatives for agricultural purposes and for improving their living conditions. In some of the cases, these activities received support from private organizations and NGOs (such as for example the UAWC²³). These moves were initially met with a tepid enforcement response from Israel.

25) The current stage: What makes the current move unique is the readiness of the Palestinian leadership to assume responsibility in leading the campaign while being attentive, allocating resources and harnessing the Authority's apparatus in favor of rolling it out. Thus:

- a) Behind the current wave of renewed intensive activity realizing the unilateral seizure plans in Area C, which began in 2015, is the recognition, on the part of the Palestinian leadership, of its inability to advance an effective diplomatic offensive in favor of building an independent state (all the more so during the

²² Despite the many claims on this matter, there is a methodological difficulty in precisely estimating the part the Civil Administration's bodies played in foiling this move. However, at the factual level, Israel had eventually granted permission for only a handful of projects. As of early 2013, out of a sample of over fifty projects the Palestinians intended to propose, only three received the stamp of approval.

²³ The Union of Agricultural Work Committees which had been established to help Palestinian farmers. According to a report, in the period reviewed, the organization assisted in agricultural seizures of approximately 5,000 Dunams (approximately 1,300 acres) in total.



Trump administration), the waning interest on the part of the international community and the Arab states in promoting the establishment of the Palestinian state from the top down and the absence of effective levers with which to pressure Israel. All these have placed the past rationales back on the table, now being promoted under a new intra-Palestinian guise – initially by the second Hamdallah government (2015) and now, repackaged in a new ideological and organizational wrapping, also by the Ashtiah government. In order to advance the campaign, and in view of Fayyad's previous experience, the Palestinians regularized the effort organizationally and set up an overarching apparatus to bridge the existing interorganizational disparities and create synergies to advance agreed interests and national preferences. In this context, the Authority regularized the authorities of some of the main organizations taking part in the campaign, clearly distributed the authorities among the agencies and organized the financing mechanism.

- b) Recently (January 2020), following the announcement of the American peace initiative (the Deal of the Century), which included a map outlining the boundaries of the future negotiations, and also the conversation over sovereignty (in particular in the Jordan Valley, which began following the announcement of the plan), the Palestinians, in the absence of effective channels for dialog with the administration and with European encouragement, were forced to accelerate the roll-out of the unilateral processes, among other things by seizing land in Area C, which had been marked as being assigned to Israeli sovereignty.

The Palestinian Authority as the leader of the campaign – planning and administration bodies

26) The running of the campaign for Area C is a deliberate policy advanced as a pivotal effort by the Palestinian Authority. Therefore, various government bodies have in the past five years begun exercising responsibility for advancing the campaign within their professional fields, as follows:



- a) The Area C National Coordination Office ²⁴: المكتب الوطني للتنسيق للمناطق "ج": At the national level, the campaign for Area C is managed by the Council of Ministers. Over the years, the cabinet has had difficulties realizing this responsibility. Therefore, in 2016, Prime Minister Hamdallah worked to set up a special body to operate while formally reporting directly to the head of the Palestinian Authority in order to function as a headquarters for forming national interests and for prioritizing the development of Area C, to synchronize through an interministerial coordinating committee dealing with the activity of all of the government bodies and coordinating between them and 17 relevant organizational bodies under the umbrella of another government committee. In addition, the office had to organize the inclusion in the campaign of the international organizations, the legal campaign bodies and the planning apparatuses. The Office also worked to organize the financing for the various projects and for connecting between the foreign donor governments donating toward local needs and the local authorities. The Office also had to collect data relevant to the campaign and to supervise and control the realization of the various projects through formation of the reports and their submission to the cabinet. With the formation of the Ashtiah government, the Office was canceled and its authorities were transferred, prima facie, directly to the cabinet.
- b) The Ministry of Local Government (MoLG): This is a central body, which initially received responsibility for managing the campaign. For this purpose, it established an organizational framework named "Area C Development Program" in order to set up an operational arm for the program under the Ministry, which would be charged with forming (including finding sources of funding) national development plans through providing a professional planning solution for advancing the projects arising from the districts. While the main role of the "Ministry of Coordination" (in the years it existed) was to perform administrative work and coordination, the Ministry of Local Government has the statutory authorities, the infrastructure (data, information, systems, experts and professionals), lateral professional contacts with the UN bodies and the European Union, and budgets intended to facilitate the actual work. All these resulted in quite considerable tensions and battles over prestige against the

²⁴ <https://www.24fm.ps/ar/news/1488797889>.



“Coordinating Office.” Eventually, the MoLG prevailed in this battle. One of the important activities of the Ministry is the preparation of detailed development plans for the various regions, with emphasis on “the regional community development plan in Area C,” and a set of regional development plans (until 2030). The plans were prepared by the Ministry for the districts jointly with UN-Habitat. These are master plans for the Jerusalem Districts (which are under full Israeli civil administration), Hebron, Ramallah and even a plan for the Jordan Valley etc.

- c) MoA (Ministry of Agriculture): The Palestinian Ministry of Agriculture has defined the development of agriculture in Area C and supporting farming communities in this zone in order to develop their “resiliency” as one of the main national goals. The Ministry’s moves were planned (2016) in accordance with a multi-year national plan, financed for the most part by donations from the National Agricultural Sector Strategy (2017-2022).²⁵ It must be noted that one of the plan’s goals is to support the Bedouin communities. In order to coordinate between the Ministry’s efforts as part of the overall campaign, and to prevent duplication of the efforts directed mainly by the MoLG, an interministerial coordinating committee was set up under the Prime Minister’s Office.²⁶
- d) The rest of the organs of government: Besides the central role of the MoLG, it is worth mentioning that the professional echelons in all the government ministries are working to advance the campaign (sometimes as part of plans prepared by the MoLG, other times separately), as part of broader moves made by their respective ministries. Thus, for example, real estate registration processes are undertaken by the Land and Water Settlement Commission (see details below). Other allies in the campaign are the Ministries of Tourism and Antiquities, the Ministry of Education, Ministry of Health, Ministry of Economy, Ministry of Communications and Information Technologies, Ministry of Transport, Minister of Labor, Ministry of Waqf and Religious Affairs, Ministry of Agriculture, Ministry of

²⁵ It is worth mentioning that the sub-heading of the plan is “Resilience and Sustainable Development.”

²⁶ Another body which has partnered with the committee is the Ministry for Jerusalem Affairs, which is also a major player in the campaign.



Jerusalem Affairs²⁷, and even regarding culture and welfare projects, the Ministries of Public Works, Culture and the Ministry for Women's Affairs. Additionally, considerable parts of this campaign are played out under the auspices of the Water, Electricity, and Environment Commissions. These bodies create a long list of professional programs in a broad range of issues for various lengths of time, partly relevant also to the campaign over Area C (some of them include this distinction, while others conspicuously ignore it). Upstream some of the professional programs receive government endorsement and are assigned the status of national programs.²⁸ Others serve primarily as a platform for fundraising.

- e) Local authorities: The campaign extends to hundreds and thousands of local projects. Therefore, the space occupied by local government organs at the various levels remains significant. First of all, this refers to district/governate authorities, which are able to advance processes with the Palestinian Authority ministries and in particular with the village councils in Area B and in a small number of cases also in Area C, which are the main beneficiaries of the projects. The organs of local government bring the initiatives up to the central institutions, obtain consent and funding for the approved projects. In some cases, they manage the execution through engagement of the local contractors.²⁹ Finally, they also use projects which have been realized for local needs.³⁰ Another channel through which the local authorities operate is the APLA, a Local Authorities Association, which has been advancing (since 2018) a European Union-funded project of Area (C) Resilience Development initiative (ARD).³¹

²⁷ As a rule, this refers to an additional ministry of significant standing regarding the issue of the Palestinian campaign, however in this document we shall not expand on it since most of the issues it handles which relate specifically to Area C (in particular in the rural region adjoining Jerusalem), are handled in accordance with the division of responsibilities by other ministries.

²⁸ For example, if they have been developed under a formal umbrella of the NPA - National Policy Agenda 2017-2022.

²⁹ In other cases, and particularly in lateral projects, the engagements are not done by the municipalities.

³⁰ Sometimes with assistance of other government ministries, such as in operating a school that was built as part of the project.

³¹ APLA: The Association of Palestinian Local Authorities, which includes 16 authorities (two of which are in the Gaza Strip).



27) The Municipal Development and Lending Fund (MDLF): The MDLF was set up (2005) from within the MoLG as an independent body with national institution status, out of the desire to advance a wide variety of infrastructure projects with the districts, municipalities and village councils. As for Area C, the Fund has been leading (since 2013) an “Area C Development Program” which is intended to improve the services provided to the Palestinian population in Area C, in order to strengthen the Palestinian presence in this area. This has been done through supporting public projects for this area and strengthening the bodies working for the Palestinians in the region. In reality, the Fund serves as a major financing entity, which connects local government bodies, government ministries and foreign donors. It is one of the most substantial players in the campaign.³² However, the synchronization between the projects the Fund is advancing and the rest of the programs is less than perfect. In fact, they can also be funded through other sources of funding, including foreign, not through the Fund. It must also be noted that as a modus operandi, the Fund employs a range of technical consulting bodies (LTC); private companies in charge mainly of supervision on its behalf.

28) The UAWC (Union of Agricultural Work Committees): The UAWC is a central executive body which executes a large part of the agricultural seizure programs. This is a veteran NGO (established in 1986), which raises donations from more than thirty countries and channels them toward strengthening and enhancing the agricultural work of the 11,000 farmers in Judea and Samaria that are spread out over 190 villages. As part of its activity, the NGO focuses on forming and setting up farming communities and supporting them (training, resources), preparing land for agricultural work, planting, road building, and legal and media campaigns on behalf of the farmers. This ostensibly private NGO has a web of symbiotic relations with the Authority’s apparatus. It is deeply rooted in the Palestinian campaign, it is a fully-fledged partner in BDS [Boycott, Divestment and Sanctions movement] and is even tainted by contacts with the Popular Front for the Liberation of Palestine terrorist organization. This NGO takes pains to transact its work in close coordination with the Authority’s ministries while exhibiting deep commitment to the campaign for Area C territories in particular, which exposes its true ideological motivations, which outweigh any other utilitarian or professional interest. Although the UAWC is a highly important NGO, it is not the only one operating in the agricultural

³² Generally speaking, the substance of the MDLF can be restricted, and its role in the campaign can be limited to a kind of parallel organization to the Jewish National Fund (Keren Kayemet LeIsrael, KKL) in the pre-state period.



space, and therefore a large proportion of the seizure moves take place under the guise of other/competing bodies.

- 29) Covert campaign organizations:** Although officially the role of these bodies in the land seizure plan has not been defined, in practice the preventive Palestinian security bodies and the [PA] General Intelligence are active in the field on this issue. These organizations use collection and prevention units to neutralize potential threats of lands creeping into Jewish hands. These actions, which are carried out violently, are intended as a deterrent for the local Arabic population against potential collaboration with the Israeli bodies.

Strategic planning of the campaign

- 30)** The campaign that the Palestinian Authority is leading is based on advancing long-term project processes. This makes the need for planning all the more acute in view of transparent goals and priorities, the outputs of which can be used with foreign entities. Thus:

- a) This realization has led (since 2012) to the emergence of organized planning and staff processes, which have proliferated since 2015, when the campaign for the Area C lands became a core Authority endeavor. The many parties involved in this campaign have also given rise to numerous plans which have been made parallel to one another and have also resulted in loose coordination between all the parties involved, in timeframes of between one year and a decade ahead. This reality necessitated the formation of comprehensive, synchronized strategic plans.
- b) The next serious attempt to form such a plan, which included also a vision for the development of Area C, was the formation (2016) of a national plan; the National Policy Agenda-2017 (NPA 2022). For this plan, all the government ministries prepared 18 detailed sectorial plans derived from the Agenda. It must be emphasized that this Agenda includes, inter alia, the “Resilience” component. As for the rest of the components, the Palestinians made a significant effort to adapt it to the set of terms and goals of the UN’s Agenda 2030, in such a way that it transforms the campaign for Area C into a goal under the “Sustainable



Development Goals.” The Agenda also set itself a goal of working to improve the contact between the government and the various NGOs in various areas, which later on became one of the main activities in the Authority’s plans for Area C.

- c) During 2016-2017, the Palestinians laid out several master plans, which aggregated under one ideological umbrella hundreds of projects and defined priorities and financing methods for their accomplishment, divided into efforts managed in the various government ministries. Since then, under the government of Mohammad Ashtiah (2019), the Palestinian Authority has not laid down a comprehensive, up-to-date plan, despite a long series of administrative works which were done on the issue. At the same time, the very issue of development of Area C continues to be high among the priorities of the Palestinian government. This can be seen, among other things, in the inclusion of Area C in Ashtiah’s flagship program - the “Clusters Program” - which makes no distinction whatsoever between areas A, B or C, while placing the emphasis on development of the various branches of the economy in specific geographic regions. In addition, Ashtiah instructed the district administrators, the MoLG and the Divisions to submit plans for enlarging the Palestinian towns and villages at the expense of the green spaces surrounding them, disregarding the division according to the Oslo Accords.

31) Besides the ministries, foundations, offices and authorities listed above, which mostly function as administrative units, some 600 activists work on a daily basis in the field, employed by the Palestinian Authority and/or by the local authorities. These activists are the ones that carry out the “land seizure work” in practice.³³

32) The willingness of the population to cooperate with the Palestinian Authority’s unilateral moves is a substantial prerequisite for the complete and successful realization of the land seizure moves. There are various reasons why the Arabic population in Judea and Samaria is willing to go along with the illegal seizure of lands in Area C. Although one can count among these reasons values consistent with the Palestinian national vision, there are also numerous practical considerations:

³³ According to data from the Israeli Civilian Administration.



- a) The map of the interim agreement created a situation on the ground in which, in most cases, the Palestinian rural lands (which are almost entirely included in Area B) are surrounded by Area C from all sides, turning them into enclaves. In Area C, there are 169 enclaves which are included under Area A and B, while another part of the villages is not entirely within enclaves, but rather they adjoin the security fence or the Jerusalem envelope fence. Therefore, for these communities, the entire development of the construction intended to address the needs of the population, which over the past 25 years has naturally grown, necessitates a solution which might include “creeping” into the areas close to the existing village limits, areas which in many cases will fall under Israeli civil jurisdiction.
- b) According to UNOCHA data, over one-third of the Palestinian Area C inhabitants are employed in agriculture. In addition, a large proportion of the inhabitants of Area B are recognized as the legal owners of agricultural land in Area C. In total, the estimate³⁴ is that there are approximately 150 thousand farmers. The current Accords map in effect leaves all of the cultivated farmlands and all of the agricultural land reserves (according to the PCBS approximately 1800 square kilometers in total³⁵) within Area C. Therefore, most of the activities in this sector take place in Area C and these include improvement of farmlands which are already now in Palestinian use (aggregation, terraces) and also continued development of “available” farmlands.
- c) Under the prevailing circumstances, within the Judea and Samaria territories, there is a huge disparity in the per-dunam price of land in Area C and those lands in Areas A and B. Thus, a parcel of land of equal size, of the same status and in the same area, which falls within Area C, might cost 50 times more than an identical parcel which might be very near to the Area C parcel but is in Area A or B.³⁶ Therefore, from the private “land seizure” perspective, there is a clear economic motivation to deliberately “annex” the more expensive lands.

³⁴ Surveying Staff Officer in the Israeli Civilian Administration.

³⁵ This number, for political reasons, also includes approximately 200 square kilometers which are currently being used by the Israeli settlements.

³⁶ According to the data from the Israeli Civilian Administration / Surveying Staff Officer as of 2015.



- d) Besides the already-existing difficulty in preparing and submitting applications for building permits, the method of issuing the permits applied in the Israeli Civilian Administration does not permit this to be done at a pace commensurate with the family, business and public needs of the Palestinians applying for a permit. Thus, for example, between January 2000 and mid-2016, 5,475 Palestinian applications have been submitted for building permits on ostensibly private lands in Area C. Following a protracted process, only 226 applications have actually been approved (only 4%).³⁷ These difficulties compel the Palestinians to seek alternative routes, to abstain in the first place from issuing the permits or to submit them as part of “violation campaigns” led by the Palestinian Authority, international organizations and civil society organizations which are participants in the campaign for Area C.

³⁷ According to data from B'Tselem.



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Chapter 4 – Enlistment of Foreign Bodies to the Effort to “Seize Area C”

Foreign support – background

33) A small proportion of the international organizations started dealing with the Area C issue already in the early 2000's. Initially, they focused on coping with “Israeli violations”³⁸, while the issue of advancing unilateral Palestinian moves was not on the agenda for fear that this might result in further deterioration of the situation created following the Oslo Accords. In this context, an important turning point was a report prepared by the European Union (2011), “Area C and Palestinian State Building,” which stated the necessity of unilateral processes. The recommendations of this report were received as a directive for action in a European Parliament decision (2012)³⁹, in which they set forth the envelope of legitimacy for actions within Area C, both for the organization as a whole and for the member states, and for the organizations and agencies working on behalf of the Union.

34) The international support, particularly from foreign governments, is perceived by Israel to be unacceptable interference and an illegal, subversive act. However in the view of those players, this is a deliberate, legal decision reflecting the evolution over the past decade of their traditional positions, against a backdrop of the following considerations:

- a) Fair-play and economic development: One of the main reasons for the enlistment of various international bodies in favor of the Palestinian plan to seize Area C lands is the endorsement of the Palestinian narrative which alleges that Israel, under various pretexts, is preventing Palestinians from the access they need to

³⁸ OCHA - documentation of the Israeli violations - submitted already back in 2006 by the UN Office for the Coordination of Humanitarian Affairs.

³⁹ European Parliament resolution of July 5 2012 on EU policy on the West Bank and East Jerusalem (2012/2694(RSP)).



maintain day-to-day life and development in Area C. This narrative, backed up by ostensibly neutral international organizations (such as the UN agencies or the World Bank), manages to filter into the consciousness of the international community, as expressed so succinctly by US secretary of state between 2013-2017 John Kerry: "Area C is effectively restricted for any Palestinian development."

- b) Humanitarian considerations: It was also claimed that Israel is neglecting its duty to provide proper solutions for the humanitarian needs of the local population and to provide it with proper services. Therefore, activity of the international players is intended to fill in the voids which have developed. Thus, according to a European Union report from 2016, "The assistance in financing is being done in cases where Israel fails to fulfill its obligations as an occupying force, to provide for the humanitarian needs and for other basic needs such as access to housing, water, education, health and the right to a decent standard of living").
- c) Legal considerations: The international community disputes the legality of the Israeli claims regarding its authority to maintain real estate cadastre processes, planning and construction in Area C, being an "Occupying Force" which is prevented from doing so. In any case, moves brought forward by the Israeli Civilian Administration and in particular enforcement moves (evictions, seizure of machinery, demolitions) are perceived to be illegal and discriminatory towards the Palestinian population. This approach, which is backed up by legal opinions, provide impetus for moves to finance activities which are perceived by Israel to be illegal.
- d) Political considerations: Vis-à-vis foreign donors, the plan is presented by the Palestinian Authority as a necessary means for sustaining the relevancy of the two-state vision. Therefore, in some of the cases (and in particular the European Union's position⁴⁰), the support for the unilateral Palestinian moves in Area C are a legitimate counterbalance, in the eyes of the donors, to Israel's illegal settlement project. The building on the ground is even perceived to be an

⁴⁰ As expressed for example in the European Parliament resolution of July 5 2012 on EU policy on the West Bank and East Jerusalem (2012/2694(RSP)).



effective means of shaping the future borders of the Palestinian state in the spirit of the UN resolutions (and European Parliament [resolutions]). This is done through the view that it is necessary to “retain a window of opportunity for a settlement”, which is gradually closing due to Israel’s moves on the ground. This approach received additional impetus and “backwind” following Security Council Resolution 2334, of December 2016, which defines the Israeli settlements as being illegal, in flagrant violation of international law and posing an obstacle for achieving a lasting peace based on the two-state solution.

Foreign aid as a substantial accelerator in the seizure processes

35) Nowadays, in view of the abovementioned considerations, a long list of foreign players continues to show increasing commitment to the Palestinian agenda. This activity intensified during the Trump administration period as part of the differences in approach between the USA and Europe regarding the solution of the Israeli-Palestinian conflict, a decline in the Palestinian Authority’s relevancy and the absence of relevant policy tools. In effect, the foreign entities provide the Palestinians support in their campaign over Area C through the following channels:

- a) Political and public diplomacy backing: Foreign countries (primarily European) provide political backing for Palestinian Authority moves⁴¹, through application of pressure in bilateral channels with the Israeli government and also through leveraging their stature in the international forums to disseminate the issues related to legitimizing and backing the Authority’s moves, and on the other hand through thwarting countermeasures taken by Israel and delegitimizing enforcement measures. Among the other pressure levers: supporting international, Israeli and Palestinian NGOs which promote relevant activism in the political, media, public and legal arenas. In some cases, the European governments take advantage of the media and outreach platforms at their disposal to advance a narrative which provides the Palestinian campaign legitimacy as a legal humanitarian measure and for undermining the Israeli public

⁴¹ The most outstanding example is the enlistment of foreign governments in the campaign against the eviction from Khan al-Ahmar.



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diplomacy efforts.

- b) Support and funding for Palestinian Authority projects: In effect, the funding is the most substantial, most active channel in the entire web of international support for the Palestinian campaign. The money is transferred through a vast array of direct and indirect channels. Some is invested in financing NGOs and organizations which operate inter alia within (but not only within) the framework of the campaign for Area C. For this reason, and also for methodological reasons and due to lack of coverage, it is difficult to produce a definitive, agreed estimate of the possible scope of the amount invested by these bodies in the campaign for Area C. According to a rough estimate, in the 2014-2021 timeframe, the Palestinians have received, through various channels, no less and maybe even much more than half a billion dollars. These funds have been, in one way or another, been intended for use in the campaign.
- c) Construction efforts in the field: Concerns the planning and execution of a long list of projects managed in project mode, which include construction, renovation, upgrading of public buildings, community buildings and clubhouses, construction of educational institutions (schools, kindergartens), parks and public gardens. This component also includes the laying of water and sewage infrastructures, upgrading the electricity grid and particularly roadbuilding. For this activity over the past five-year period (and only for projects managed separately and not as part of a larger initiative in the UNOCHA pipes), close to 120 million euros have been invested. In addition to these sums, foreign funding has financed, via other channels, work on opening farm roads, terrace building, irrigation, wells, channels, planting, deployment of containers and the supply of equipment. This activity has been financed over the past five years with approximately 30 million euros for infrastructure, and also as projects.⁴² This financing comprises, according to various evidence, up to 90% of the total resources of the Palestinian organizations operating in these areas.
- d) Assistance in the legal campaign: The foreign governments maintain a system of organized assistance, which is synchronized with the Palestinian Authority's

⁴² Such as financing (2014) of the "Roots" program totaling 3.6 million euros by the EU.



moves to alter the legal landscape on the ground through: a legal campaign focusing on legal undermining of the Israeli attempts at enforcement, legalization of illegal Authority activities, provision of legal services to the population against demolition orders of the Civil Administration and support in the legal battle against Israeli settlements and the security fence. To advance this issue, the Europeans invest considerable financial resources. Thus, through the EU pipelines, some 20 million euros are channeled every year in favor of the legal campaign.⁴³

- e) Assistance in registration and cadastre efforts: In order to alter the land status and designation. In recent years, these plans have been receiving international assistance and generous funding, since advancement of the registration process has been designated by the European Union to be a strategic goal⁴⁴ requiring the strengthening of the Registration Authority, which is budgeted as part of some 30 million euros the EU has allocated for various activities in the Palestinian arena. The professional support for the Palestinian Registration Authority (training, conferences and meetings) is done through the UN-Habitat (Human Settlements Programme). In addition, the organization is setting up a computerized registration system for the project (at a total cost of 4.4 million dollars). Another significant partner to the registration work is the World Bank, which is financing the Palestinian Real Estate Registration Authority to an annual amount of 12.6 million dollars (as part of the Real Estate Registration Project). Although this project primarily provides a solution for Areas A and B and investment in modernization of the registration authority, it also concerns scaling up the registration capabilities in Area C.
- f) Preparation of outline plans: Invalidation of Israeli grounds for withholding building permits and providing apparent legal impetus to the seizure moves. It must be noted that this is a long, complicated and costly process, which the EU has paid at least 170 million euros to bring it about (and the actual amount might even be twice as much). These funds have been provided to the planning authorities by the European Union, Britain, France and Belgium. This foreign

⁴³ This figure is true to 2017 according to EU reports.

⁴⁴ https://ec.europa.eu/neighbourhood-enlargement/system/files/2019-01/c_2018_7933_palestine_aap_2018.pdf.



support for advancing the planning moves stresses the fact that foreign governments and EU institutions have together financed approximately 99% of the total urban construction plans submitted.

- g) Supporting communities: Advancement of local education, health, culture, employment, and welfare projects; particularly for the Bedouin communities. In addition, the Authority is also advancing, with European financing, support programs for housing, encouraging migration [within the West Bank] (and in particular provision of special financial support for youths and students that will agree to move to the Jordan Valley region), a special program for economic development and employment assistance, setting up and development of industrial parks.⁴⁵ Training of farmers and assistance in setting up advanced agricultural projects.

36) Involved organizations: There is a complex system of support which has been forming over the past decade, which at the organizational level is operating at several levels: institutional support for the Palestinian Authority for the relevant channels in the context of the “campaign,” support for the civil society organizations and private NGOs which are promoting a series of issues extending as far as highly peripheral issues of indirect value from the campaign’s core tasks standpoint, and there is also a significant effort to help the local authorities and communities. On the other side, the following assisting organizations are standing alongside the Palestinians:

- a) Foreign governments which transfer direct assistance for projects or to the Authority with emphasis on governments: The Netherlands, Denmark, the United Kingdom, Belgium and Germany, including donations which are transferred from specific government ministries. Mostly through organizations and agencies serving as an executive branch of those governments, such as: Swedish International Development Cooperation Agency (SIDA), UK Department for International Development (DFID), Agence Francaise de Développement (AFD), International Cooperation Agency of the Association of Netherlands Municipalities (VNG), German Development Bank (KfW), German Technical Cooperation (GIZ), Swiss Agency for Development and Cooperation (SDC) and

⁴⁵ In particular, a series of such programs have been launched (2019) in Hebron, Jenin, and the Jordan Valley.



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the Belgian Development Agency (BTC).

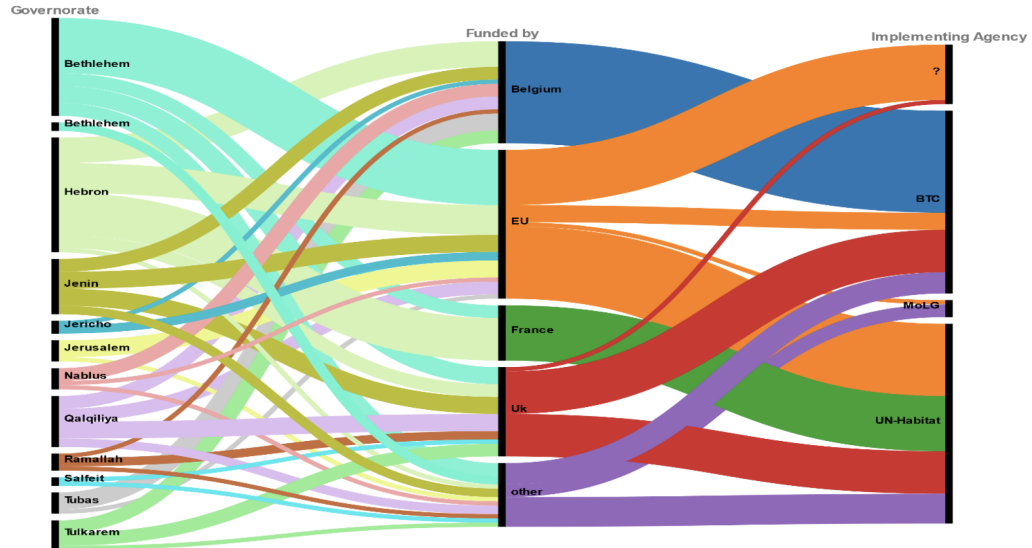
- b) International organizations, international humanitarian aid agencies and specialized professional agencies: UN agencies: United Nations Development Programme (UNDP), UNRWA (Relief and Works Agency for Palestine Refugees in the Near East), UNOCHA (Office for the Coordination of Humanitarian Affairs), and a less well-known body, albeit significant primarily in urban planning, UN-Habitat (Human Settlements Programme). Besides these agencies, other bodies are operating in the sphere, in some of the cases through coordination with UN agencies and sometimes directly with the Authority. Among the highest-profile bodies are the World Bank (WB) and the European Union (EU).
- c) Arabic and Islamic organizations: In addition, various Arabic and Islamic organizations also take part in various aspects. These bodies usually operate to directly support specific projects relating to agriculture, education, social and charity issues, and they are not integrated in the campaign formally or directly. Among the most prominent bodies are the Arab Fund and the Islamic Bank, highly-influential Qatari NGOs such as Qatar al-Huria (which in Israel is designated as a forbidden association) and Ayadi al-Hir and the Al Aqsa Foundation, which coordinates a great deal of donations from the Arab and Islamic world, including for the struggle for Area C. Bodies affiliated to the Turkish activities and pan-Islamic organizations, and possibly the OIC (Organization for Islamic Cooperation (and also the Arab Monetary Fund (صندوق النقد العربي), The Arab Bank for Economic Development in Africa (تمويل المصرف العربي للتنمية الاقتصادية في افريقيا) and other organizations operating in specific areas such as the Jordanian Arab Group for the Protection of Nature (APN).

37) Modus operandi: To minimize the bureaucratic foot-dragging to advance the programs, to enable a more flexible response to the population's needs, and to streamline the utilization of the resources while preventing duplications of effort and corruption through improving oversight, a unique method has been developed, which theoretically ensures that the money will reach the local authorities directly. Under this framework:

- a) The coordination and planning apparatus has been created, which makes direct contact between the local authorities charged with the projects that have been



approved for them by the Authority, through a view toward overall planning of the campaign. Later on each program/project is linked to a financing organization and then also to an executing organization (see the attached diagram).



The analysis shows that each governorate is linked to three financiers as a minimum, where the large financiers for construction projects are Belgium, France, Britain and the European Union. The projects are carried out by a small number of financing bodies, the most significant among them being UN-Habitat (Human Settlements Programme), the Belgian Development Agency (BTC), which also carries out a variety of projects which are unrelated to the Belgian government, and the Palestinian Ministry of Interior MoLG.

- b) Later on, executive bodies make contact with a small number of local companies with links to the Authority, which perform the planning and rollout of the programs in this framework. These are mostly companies with “close relationships,” some of which are not even engineering companies in the direct sense, and which in their work are assisted by a long list of subcontractors. From this one can see the importance of the IPCC, which is a platform for enabling the use of the foreign money for all of the involved executive bodies. See also the attached diagram.



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The links between executive bodies for the foreign programs to the companies:





Chapter 5 – The Main Efforts In Advancing the Seizure

The campaign for establishing statutory facts on the ground

38) The main points of the process: In recent years, the Palestinian Authority has been investing considerable efforts in registering the lands, exploiting a legal vacuum created on this matter after Israel deliberately froze (1968) the cadastre process in Area C due to legal and resource considerations. In this framework, the Authority is advancing a real estate regularization project, the “Palestinian Tabu (Land Registry)”, which is portrayed as the direct continuation of the registration process from the Ottoman, British and Jordanian eras. Since 2002, the Authority has, to no avail, sought to set up a registration mechanism in several tranches, which would provide a solution for the registration in Areas A and B. The process began in its current configuration with the establishment (2016) of a special body under the Ministry of Justice (separate from the Land Authority), named the “Land and Water Settlement Commission.” It must be noted that already when it was established, it was decided that the new Commission would deal also with settlement of the lands in Area C.

39) The project’s objective: From the Palestinian perspective: the creation of a land registration infrastructure is a national goal with practical significance on the way to statehood “to achieve the goal of setting up the property rights on the real estate, safeguarding them and completing the settlement process to cover all parts of the land.”⁴⁶ On the other hand, from the European perspective, the approach of strengthening the individual’s capabilities is at the core. Therefore their support for the registration and settlement processes is being done “to serve as bargaining power in the hands of the Palestinian stakeholders.”⁴⁷ Besides these considerations, the project also embodies the Palestinian Authority as being a sovereign authority, strengthens its control over its citizens and provides the Palestinians with an important tool in its legal campaign. It must be emphasized that in the absence of an alternative registration

⁴⁶ Excerpt from the Palestinian Land Authority.

⁴⁷ https://ec.europa.eu/neighbourhood-enlargement/system/files/2019-01/c_2018_7933_palestine_aap_2018.pdf.



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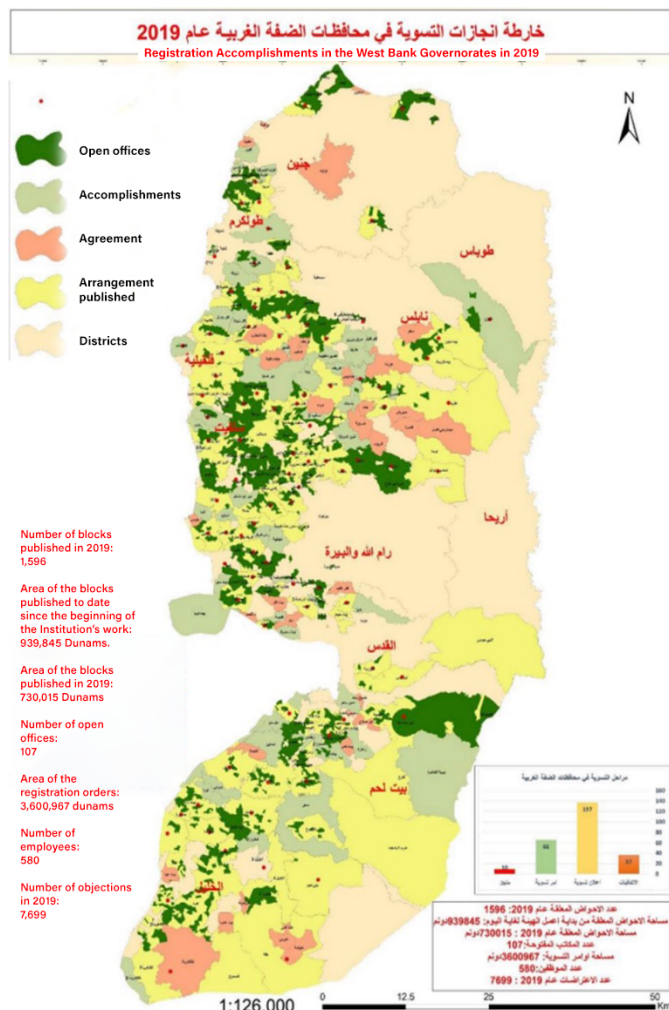
arrangement, it is quite likely that at one time or another, the legal authorities in Israel and/or worldwide will endorse the Palestinian registration.

- 40) Method:** To do the registration, a sizable bureaucracy was set up, employing 600 employees working in 100 registration branches (surveying in the field and in the bureau) throughout Judea and Samaria. The legal platform on which the registration is based is derived mainly from the Jordanian land laws. The registration in each village is done under the responsibility of the district bureaus with a person responsible for each village being nominated. The process consists of several stages: local advertising and invitation to all those claiming title to submit documents and evidence within a limited period, examination of the claims and settlement of disputes (presided over by a judge). Registration, payment, computerization (including GIS system) and issuance of title documents. In accordance with the data the Authority publishes, by the end of 2019, the Palestinians “achieved” (in their words) title registration on over 45 percent of all the plots on an area of approximately 940 square kilometers spanning the entire area of Judea and Samaria, including Area C. The fact that over 80% of the plots registered were handled in 2019 alone is indicative of the extremely rapid rate of registration. For the time being, the entire project is supposed to end by 2022.
- 41) The project runs contrary to any normative or treaty system:** It must be emphasized that this is a deed committed without authority, since according to the Oslo Accords, the land registration is divided between the Palestinian Authority, which is responsible for Areas A and B, and Israel, which is exclusively authorized in registration matters in Area C. Registration of privately-owned titles to land is in some of the cases done through application of pressure to the land owners, including threats of rescinding of title. The process is not restricted to the registration of lands under private Arab ownership only. Rather, it is intended to create a comprehensive parcellation which includes State lands, lands under study of ownership, lands beyond the separation fence, areas which are currently included within the jurisdictions of the Jewish settlements and even plots on which Jewish construction has already been done, military zones and IDF bases. It must be noted that for surveying and registration in areas where Palestinian access is restricted, registration has been done based on orthophoto or surveying done on the Sabbath to reduce friction with the Jewish population.



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The planning campaign

42) General: One of the most significant directions the campaign is taking is the planning of the lands: surveying, formation and submission of outline plans and their processing through the planning institutions. Preparation of urban building plans, submission of plans to the Civil Administration's institutions and following up on their progress. This is a long, complicated, technical and legal process that requires a great deal of resources



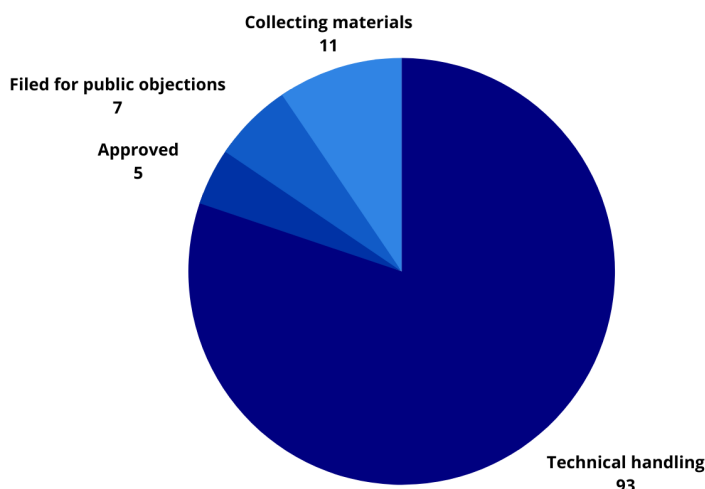
and therefore it relies, as mentioned earlier, almost exclusively on foreign funding. From the Authority's perspective, the effort of preparing the plans for large regions of Area C is one of the key efforts of the entire campaign, where the registration has a three-pronged goal:

- a) Removal of procedural obstacles to the continued seizure while ruling out various pretexts related to planning gaps and the quality of the planning and establishing potentially legally valid facts regarding the land use assignment.
 - b) Inundating the approvals system of the planning authorities in the Administration while demonstrating their failure to provide an adequate solution for the population's needs and creating grounds for the future claims, which will provide a justification for illegal, unilateral actions.
 - c) Provision of "immunity" against evictions of buildings in the area for which the plans have been submitted, since according to the Administration's interpretation of the law, the very existence of the process is a de-facto confirmation of the discontinuation of the handling of the demolition orders. This way, a large number of applications can be submitted to the Administration, even though there are no approved urban construction plans for them.
- 43)** In reality, since 2014 and until today, the well-oiled Palestinian bureaucracy has handled approximately 118 urban construction plans, which are in various stages of preparation and submission to the Civil Administration. The plans are intended to provide a solution for 125 villages and they cover an area of 75 square kilometers. According to the declaration, the urban construction plans that have been submitted will serve the needs of some 260,000 people.⁴⁸ Already now, the bottom line is that one can claim that the existing planning covers most of the relevant rural space.

⁴⁸ <https://www.ochaopt.org/page/community-driven-outline-plans-area-c>.



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44) The process is advanced through contractual engagement between local entities in the rural space and private planning offices (sometimes leading offices in their field and in a large proportion of the cases also with a nationalistic orientation and an extensive network of connections with senior figures in the Palestinian Authority), that are experienced in submission of the plans to the Israeli planning institutions. All this is done through direct connection of foreign financiers to the transaction. This move is usually done with Palestinian Authority support, which is intended to ensure a match between the local plans and the goals of the national plan.⁴⁹

45) In the context of the urban planning project, it is worth highlighting the scope and cost of this project, which is a substantial part of the overall budget of the campaign. Thus it appears that since the project has gained traction, the planning expenses so far have stood at approximately 35% of the expenditure invested in practice in construction in the field.⁵⁰ Besides the foreign bodies, which financed approximately 99% of the project, it is

⁴⁹ An outstanding example of this is in the Hebron governate, where the regional plan, which the Palestinian Authority published aggregated local plans, which empowered the regional planning such that in fact over one quarter of the total plans submitted refer to this space.

⁵⁰ The yardstick for comparison is the foreign budget, approximately 170 euros that were invested in the registration project, compared with approximately 120 that have been invested in construction projects.



worth highlighting [the PA's] deep involvement in the Palestinian Authority's project. The Authority's representatives, according to their report, were present in approximately a thousand professional meetings that were held to advance the urban construction plans over these years. In our view, this figure is yet further evidence of the load the project incurs on the Civil Administration, which has been successful in delivering a solution for only a small proportion of the urban construction plans submitted so far.

- 46) It should be pointed out that, at this stage, the submission of the applications to the Administration has come to a virtual standstill due to the Palestinian decision to freeze the Oslo Accords and the application of the Palestinian planning authorities to the entire Area A, B and C, which – in their view – obviates the role of the Administration.

The legal campaign

- 47) From the Palestinian Authority's point of view, and that of the international bodies, it is highly important to advance the legal effort to back up the work being done in the field, where this area also receives generous foreign funding. The main thrust of the legal campaign is geared toward exploiting the Israeli legal system to inundate it with a long string of appeals, objections and petitions, which bring the enforcement system to a standstill. Among the primary goals of the campaign is to counteract demolition orders issued by the Administration, to legalize illegal Palestinian outposts, to attack the legality of the Administration's planning decisions, and to systematically undermine the State's property rights and those of private Jewish landowners. To achieve these ambitious goals, the Palestinian legal campaigners take a set of measures, backed by legal campaign bodies and international entities.

- 48) Prevention of the demolition of buildings: From the legal campaigners' perspective, delaying the demolition of buildings through relentless legal battles is perceived as a highly effective tool. According to the reports, in recent years there have been petitions regarding at least 4,000 structures. This method has prevented the demolition of approximately 98% of the illegal private construction and approximately 94% of public construction. This modus operandi includes:

- a) Delaying the demolition order immediately after it has been issued by submitting an application for a building permit to the Israeli Civilian Administration (even if



from the outset this is an application in contradiction of the planning rules, and which is destined to be overruled). Due to the proliferation of applications, the usual waiting time until the application can be discussed is approximately two years. During this period, the structure is immune of demolition since it is assigned a lower enforcement priority due to its being an 'old building,' as opposed to the new structures entering the queue.

- b) Submission of an appeal against the overruling decision, a stage which takes an extra two or more years. During this period the structure maintains its immunity against being demolished until a ruling is made on the petition.
 - c) After the appeal has been rejected, a petition is filed with the High Court of Justice (up until 2018, and since then to the Administrative Affairs Court), claiming that the order has to be canceled since the demolition of a structure is regarded to be an extreme, irreversible measure. In the vast majority of the cases, the court issues an interim order delaying the demolition until a different ruling is given, while allocating the State a fixed period for submitting a response.
 - d) Due to the huge number of petitions (between 2016-2018 alone, 475 petitions were filed with the High Court of Justice), the State's responses in many cases amount to a compromise between the parties, which includes striking off the petition with a promise that the structure will not be demolished. In other cases, the court officials issue notice of cancellation of the case due to inaction. This is done while retaining the interim order in place. It must be noted that it appears that in the overall calculation, which is based on partial data, during these years over 90% of all petitions ended this way.
- 49) Legalizing structures:** This is a sizable course of action. In 2017, the project of recognizing 113 illegal outposts in Area C got underway, based on plans which had been submitted (but not approved), but which created a backlog in the system, which requires that the applications be attended to, a process which takes over 18 months. Another component in the campaign is recognition by the Authority of these villages. It also appears⁵¹ that in many cases, the Palestinian Authority encourages the local inhabitants

⁵¹ According to data from the Israeli Civilian Administration.



of the unofficial villages to change their residential addresses to the illegally built Khirbe's.

50) The Kushan (title deeds) archive: This is a powerful tool of the campaign, which deals with the land rights, since in recent years the ruling in Israel assigns legal status to Kushans for disputed lands. Therefore, one of the projects that poses the biggest “threat” to the State’s standing in claims by Palestinians to gain recognition of their private ownership of the lands, which have been declared State lands, is the Turkish Kushan project. The Authority has received a copy of the Ottoman archive following an order from the Turkish President.⁵² The material that has been provided to the Palestinians contains tens of thousands of pages and land registration documents in the Land of Israel from between 1516-1917 (the Ottoman Empire period). This is being kept at the Institute For Reviving the Islamic Heritage and Research – Jerusalem (Matthak) in Abu Dis. This is not an historic research institution, since in reality the purpose of bringing the archive over was to exploit it in favor of the legal campaign. “The Ottoman archive is a lifeline for proving land and real estate ownership”.⁵³ The documents in the archive are not accessible to Israeli jurists. It is therefore impossible to establish their authenticity. They are written in Turkish and are being translated by Palestinian experts. They mostly do not include maps and surveying data or precise descriptions. In any case, the use of the Kushans in Israeli courts can potentially serve as another substantial tool in the legal campaign.

51) In the legal battles, besides the Authority, there are numerous private organizations and NGOs taking part, which benefit from foreign funding. One of the most outstanding among these organizations is a Latin association in Jerusalem named St. Ewe, which files the lion’s share of the private claims, and also an illustrious organization named the Norwegian Refugee Council (NRC). In addition, and primarily in funding, there are numerous Christian support organizations which are affiliated with the Catholic Church in Germany, the United States, Canada, Sweden, Ireland and Italy and also the European Union and the UN, Trocaire and the United Nations Development Programme UNDP. In addition, and specifically in the areas of planning and coping with the demolition orders,

⁵² According to the chairman of the Matthak, Khalil al-Refa'i, “Turkey is smoothly providing us with all the documents we want. The Turkish government has transferred the archives to Palestine under order from President Recep Tayyip Erdogan.”

⁵³ According to the person in charge of the Ottoman documents in the Matthak Foundation, Morad Abu Subkh.



the “Bimkom – Planners for Planning Rights” NGO operates a special program for Area C.

Construction in the field

52) Construction: To understand the nature of this effort in the campaign, one should distinguish between the structures built in Area C by local residents or by the “squatters” from Area B, mostly in private initiatives on the one hand and, on the other hand, construction of public structures as part of a deliberate Authority effort, guided by the planning authorities, the relevant ministries and in many cases by foreign financing.

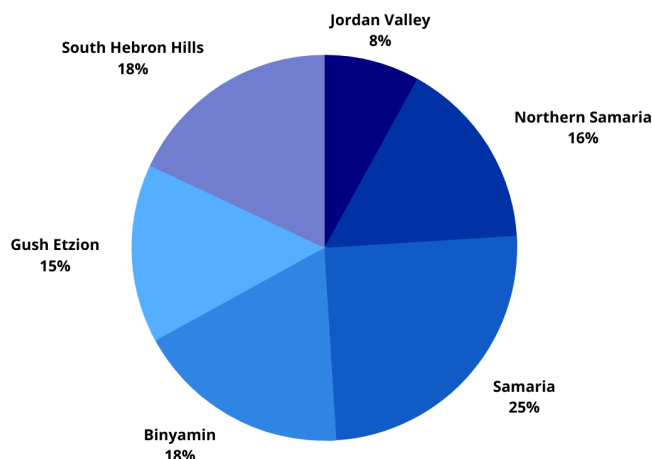
- a) **Private construction:** Over the past decade, over 800 Palestinian settlements have been set up, including some 46 Bedouin settlements in Area C. The bottom line is, as part of the moves to seize territory, between 35,000-40,000 structures have been built in the area, intended for various uses, including agriculture and industry. These structures cover an area of approximately 35 to 80 square kilometers.⁵⁴ It should be noted that the most significant increase in absolute terms was recorded in the northern Samaria region, where the area of the lands seized by the Palestinian construction in Area C increased by over 150%. As for the geographic distribution of the construction, the data shows that over the decade until 2019, before the debate on extending sovereignty over the Jordan Valley began and the Trump Plan was declared, Samaria was a priority development area, whereas the efforts in the Jordan Valley remained on a much lower scale. It is also worth noting the deficit in enforcement resources on the part of Israel in view of this reality, since in the five years leading up to 2019, only about 2,000 demolition orders were issued against the violators.

⁵⁴ The difference in the data is due to the differences in the method of calculating the area near the structures, between the minimum calculations and the maximum calculation, which “aggregate the area of the entire built-up cluster”.



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Palestinian Construction in Area C By Geography



- b) Construction of public buildings: This is an effort to build hundreds of community structures for education, health, employment, culture and social affairs (with emphasis on youth and women's clubs). It should be noted that this channel is financed almost entirely by foreign donations. The western donors also regard this to be the most significant issue for investment, since it is presented both as urgently addressing pressing humanitarian needs which Israel does not provide and also as an action aimed at strengthening local communities as a platform for continued development in an area of private construction. As part of this effort, over the past five years, through UNOCHA channels alone (this is the main channel), approximately 80 different projects have been advanced (see the breakdown below).⁵⁵ To comprehend the magnitude of the work being done, we should mention that until 2019, and only through the European Union's pipeline, 1,596 structures have been constructed in Area C.⁵⁶ It must be emphasized that this effort is directed in particular in favor of providing a solution for the Bedouin population, such that it will consolidate its residence in areas of territorial significance by building structures for the community needs.

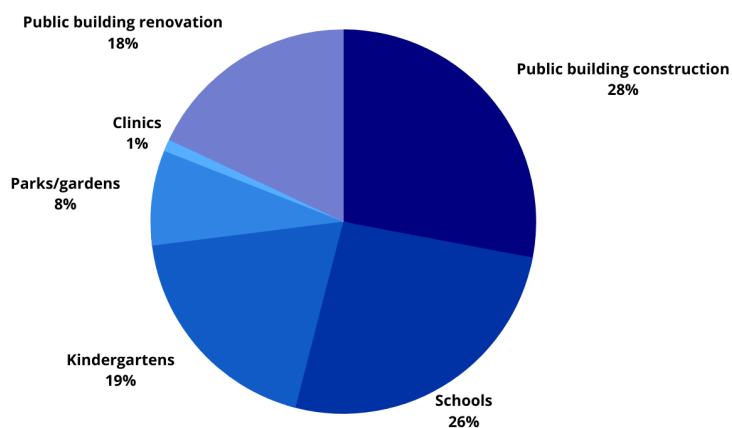
⁵⁵ According to UNOCHA data and see <https://www.ochaopt.org/page/community-driven-outline-plans-area-c>.

⁵⁶ According to a European Union summary document 2019.



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Public Construction Projects in Area C With Foreign Financing



In reality, it is worth noting that the progress in this channel is not fast enough. We estimate, without taking into consideration projects in eastern Jerusalem, which have been included in the original plans, in Area C only 15% of the total public structures have been inaugurated, relative to the original planning. However, a large proportion of the projects are still in the various planning or construction stages. This being said, for the time being the Authority and its European partners are continuing to advance a great deal of additional plans, for which the funding has already been found.

- c) Construction of religious structures This is another type of activity related to the construction in the field of illegal structures. Besides addressing the needs of the local populace and strengthening the Islamic indoctrination, the construction of religious structures in Area C is intended to impede the Israeli enforcement measures. This is extensive activity of construction/renovation of religious structures, which is taking place with financing from donations transferred directly for the construction of the structures by local branches of Islamic charities, which to a large extent depend on the money sent from the Gulf States and from Turkey. In recent years, in Area C, these have mainly been projects in the



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envelope zone.

53) Roadbuilding: This is a primary infrastructure activity which serves the seizure efforts in the field, since the linking of temporary structures to trunk transport systems not only makes the lives of the local inhabitants easier and helps attract more Palestinian residents, it also is substantial grounds for future legalization of the squatters and it provides a pretext for demands for funding from foreign bodies for the construction of public structures and additional infrastructures in the area. Regardless of the abovementioned direct benefits, from a national perspective of the Palestinian state in the making, road building is an important tool for stabilizing the layout of the region, creation of convenient parcellations, supplanting and differentiating Jewish settlements and disrupting the settlement continuity. These realizations have already caused feverish Palestinian activity, which in the past decade (up until mid-2020) has seen approximately 2,000 km of roads and tracks being built.⁵⁷ As for future planning, considerable funds have already been invested in the planning of infrastructure-related projects. Thus, for example, with the encouragement and funding of those entities, over the past five years some 30 roadbuilding-related projects have been initiated (24 projects). These are not projects of opening agricultural access routes. These are actual main roads connecting the villages.

54) Agriculture: Seizures through agricultural cultivation is one of the main courses of action as part of the Palestinian program. Therein:

- a) **The main reasons for advancing agricultural seizures:** First of all, this is a relatively simple undertaking, due to the possibility of it being done by local entities out of authentic economic necessity, but mainly in view of the fact that the agricultural occupation enables the capturing of large tracts of land in one single move, compared against the seizure through construction. It must also be noted that a large proportion of the agricultural activity can be conducted without Administration permission, which makes the supervision and enforcement of the illegal activity that much more difficult. The background to this is the Ottoman law stating that stony ground that has never been cultivated belongs to the sovereign

⁵⁷ Although one can argue over the designation of many of them, about half of this mileage is most likely agricultural tracks.



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(in the case of Area C this is Israel), and on the other hand continual cultivation over a period creates possession of the land by the farmer. It is also noteworthy that the agriculture promotion moves are received with understanding and gain financing from foreign governments, which consider this to be a clear humanitarian aid issue.

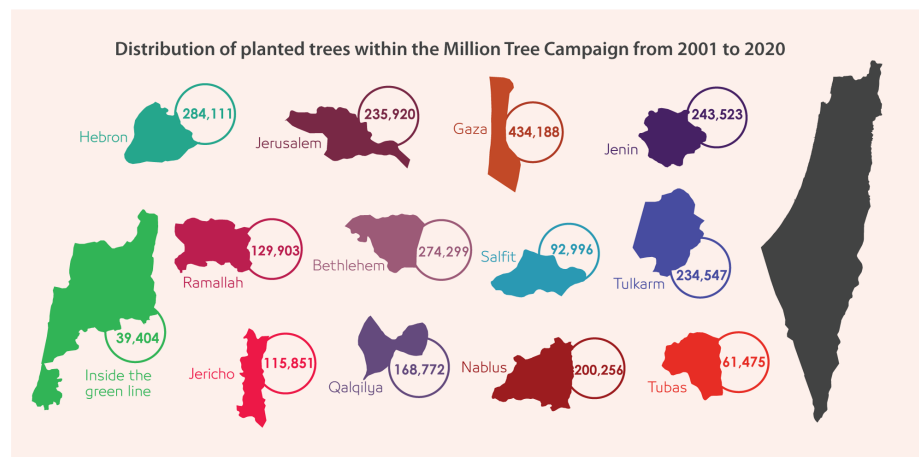
- b) Method: Once land has been located which meets the requirements of the campaign, the Authority initiates the opening of farming paths (sometimes paved). Later on, retaining walls and terraces are built, the terrain is improved, earthworks are carried out and the area is fenced. Water systems are deployed in the area, including the digging of wells and laying water distribution lines, construction of reservoirs or drainage ditches, following which one of the Authority's branches consolidates the land seizure through active agricultural cultivation: tree planting and ploughing of the plots. The next step, in some of the cases, sees the organizations continuing to support the local farmers by providing training and professional assistance and also by helping them deal with enforcement measures. Since a large proportion of the seizures are done independently by local farmers, in order to "direct" the activity, the Palestinian Authority lays down equipment which is used for agricultural construction in various places, places water tanks, etc.
- c) Status: The origins of the agricultural seizure process was in 2012. However, before that time, local farmers also seized land haphazardly (and continued to do so concurrent with the Palestinian Authority's efforts). This activity was greatly expanded between 2015-2017. Thus, in the five years ending in 2017, the Palestinians seized approximately 250 sites. For this, approximately 200 routes had to be opened, 600 km in length, 160 terraces, total 110 km in length, had to be built and approximately 1,200 water installations of various kinds had to be maintained in the area.⁵⁸ The work on expanding the agricultural seizures was once again accelerated in 2017. From this time onwards, due to "expansion easements" in the realization of the agricultural projects, Palestinians planned and executed a few hundred agricultural projects (we estimate these at about two-thirds of the total projects planned by the Palestinian Authority). These

⁵⁸ All the data according to the Regavim Movement's report.



projects saw the seizure of several hundreds of square kilometers, where the bulk of the seizures were done in the Jordan Valley.

- d) **Planting:** This is a type of agricultural activity, “under the guise of a green project,” which is intended for environmental-ecological purposes and for making a contribution toward local agriculture (planting olive groves), where in fact this is yet another way of seizing lands through mass planting. This effort is underway in all the Palestinian territories, including in Area C. This project was started in Judea and Samaria already back in the early 2000s, by the Jordanian organization “the Arab Group for the Protection of Nature” (APN) as part of the “Million Trees Program” and, over time, it also found its place under the guiding idea of the system. As part of this project alone, 2.5 million trees have been planted throughout the Judea and Samaria region (since 2000).



Distribution of the Palestinian agricultural seizure of Area C lands by region

- 55) **Infrastructure laying:** From the Palestinian planning perspective, the advancement of infrastructure projects is regarded as being important (about a quarter of the work being done), however in practice they are mostly marginalized (with the exception of water for agriculture projects which are managed under a different umbrella), and they are delayed until a financing backer (usually foreign) is found. Also the need for maintaining an orderly planning operation and the coordination of the construction of these



infrastructures with the Civil Administration severely delays their actual roll-out. In the field:

- a) The main focus in this work is related to water. Of the local needs of dozens of requested projects, the Authority has succeeded in realizing only a handful of projects in the past five years, usually the simpler of the required projects (such as sinking boreholes). Besides these, there are a range of additional projects in the pipeline, which have already obtained consent of foreign financing bodies. There are four more projects, which are related to the upgrading of water and sewage systems.
- b) In the energy sector, the Palestinians are having difficulties advancing meaningful projects and are making do with a limited number of projects involving upgrading of power lines and building transformer stations. On the other hand, the installation of solar power installations for isolated structures and for remote clusters of off-grid structures is picking up pace. This activity is even presented as being “green,” which entitles it to generous EU funding.

Damage to natural and heritage monuments

56) Heritage sites: Throughout Judea and Samaria, there are approximately 10,000 sites designated as archaeological sites (compared with approximately 3,000 inside the Green Line)⁵⁹, most of these in Area C. These sites have been suffering from vandalism and looting against a backdrop of difficulty in effecting efficient enforcement due to loopholes in the Jordanian Antiquities Law.⁶⁰ At the moment, these sites are exposed to a series of threats:

- a) Erasing Jewish heritage sites: For a decade now, and with increased intensity since 2016, there have been a series of deliberate moves on the ground to obscure and destroy sites relating to Jewish history, which cannot be “repurposed” as Palestinian heritage sites. Behind this move is the Palestinian Authority’s desire to obstruct Jewish claims for control over the space due to

⁵⁹ According to data from the Shomrim Al HaNetzach Organization.

⁶⁰ The Antiquities Law in force in Judea and Samaria is the Jordanian law (1966), and its enforcement is assigned to the Archaeology Staff Officer, who has one warden working under him to prevent antiquities theft.



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historic rights, and to discourage development of Jewish tourism and settlement (which effectively strengthen the control over the region). It must be noted that regarding these sites, besides deliberate destruction of antiquities for national reasons, in recent years there has also been destruction and vandalism perpetrated by locals (“ISIS-like”).

- b) Campaign to strengthen the Palestinian identity of sites: Such “treatment” of the archaeological sites is orchestrated by the Ministry of Awqaf and Religious Affairs throughout all of Judea and Samaria (including Area C). In this framework, the Authority is working to strengthen the Arab and Muslim identity in these places and to degrade their relation to Jewish history. These activities include: posting signs and fencing, advancing development and tourism plans, legal and public campaigns intended to bestow recognition of the sites as Palestinian heritage sites, restricting access to Jews and/or removing access restrictions for Muslims. These processes take place in a range of projects, such as the Makams, which deals with upgrading the status of 40 main religious heritage sites.
- c) Damaging antiquities for financial motives: Antiquities are being criminally damaged and looted, transforming the robbery of antiquities into an attractive source of livelihood. In many cases, the robbers do not operate in a focused or surgical manner, rather they allow themselves to sow widespread, unwarranted destruction at the sites, among other things because they have no fear of supervision or enforcement, which are absent. In some cases, the heritage sites are destroyed in the course of improving the site for agricultural use, including as part of the roll-out of the Authority’s plans in this area. It is unclear whether there is deliberate intent or just negligence behind this, along with failure to maintain good planning processes.

57) National parks and nature reserves in Area C are managed by the Israeli Civilian Administration under the responsibility of the Parks and Nature Reserves Staff Officer. These areas cover approximately 500 square kilometers and account for 14.5% of Area C. Most of these are in the Jordan Valley, in the Judean Desert region and in the South Hebron Hills, but only a few dozens of dunams are officially declared. The Israeli Civilian Administration (and in particular since 2017) conducts various activities promoting tourism in these areas, planting oversight etc. The Authority’s activity in Area C creates



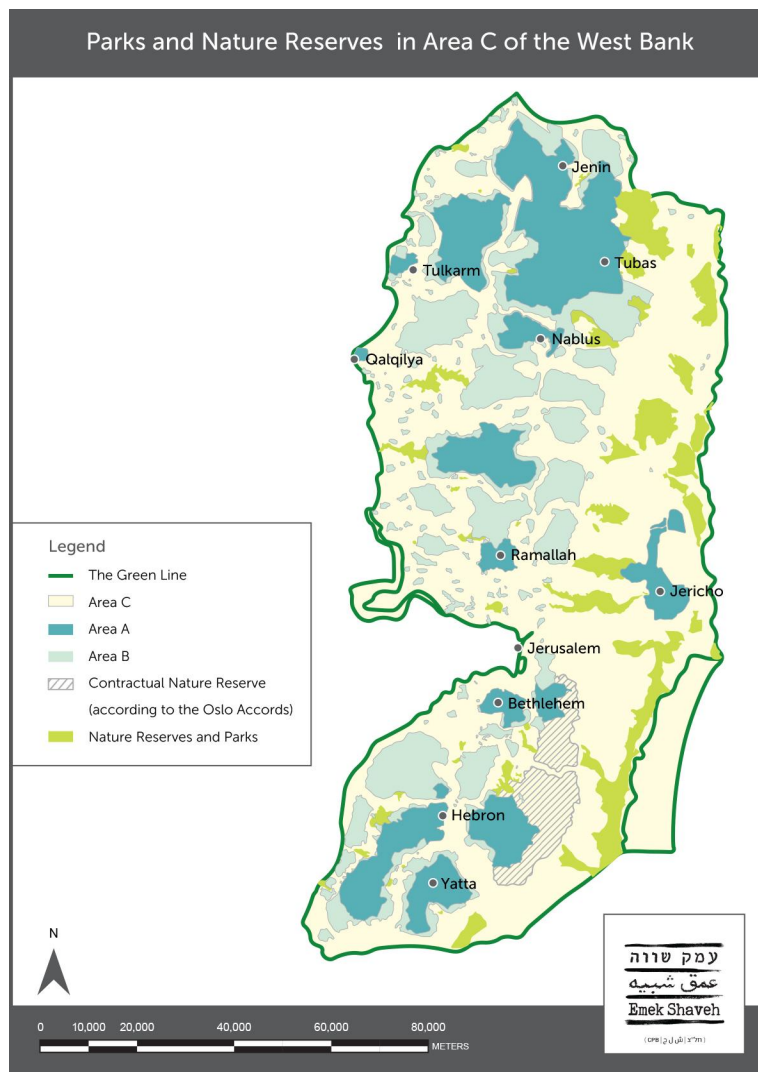
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several threats, challenging the task of conserving the landscape assets:

- a) Construction and agriculture projects: Including inside nature reserves and with no coordination or approval from the Administration. In particular, this refers to damage to "Agreement Nature Reserves," which are perceived in the Authority's interpretation as Area B territories to all intents and purposes. It should be emphasized that numerous Palestinian outline plans deliberately ignore the nature reserves' boundaries, claiming that they were declared intentionally to exclude and restrict the local Palestinian population. In addition, in some of the reserves (in particular in the Jordan Valley), the Palestinians are working to develop agricultural projects - both as part of the Authority's agricultural development programs and as local initiatives.



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- b) **Environmental damage:** Especially harming the landscape through the use of heavy engineering machines, and setting up illegal quarries. Causing environmental damage through the construction of unauthorized livestock corrals, discharging sewage and setting up illegal rubbish tips within the nature reserve boundaries.



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Chapter 6 – The Main Efforts in Advancing the Seizure

The idea emerging from the Palestinian land-shaping activities

- 58) Analysis of the features of the execution of the plans in the field indicate that the rationale behind the campaign for Area C is as described above: building the Palestinian state from the bottom up. This requires putting to use all of the construction devices at their disposal in the field in order to shape the future boundaries of the Palestinian State, in such a way as to establish “geographic” facts on the ground. This is necessary, in the Palestinian Authority’s mind, for creating the desired reality and to undermine the accomplishments of the extension of Israeli control of the past decades. Recently, the Palestinian plans also embody another idea: de-facto abrogation of the Oslo division and regarding all of Areas A, B and C as a single entity.
- 59) This being said, the takeover action is forced to balance between the national imperative and the limits of the possibilities, the everyday needs and the economic interests of the local population. Therefore, the takeover synchronizes between the desires of the local authorities and the national priorities dictated from Ramallah. The connection to the local authorities facilitates the advancement of a holistic campaign, which combines the overall plans in a given terrain unit, whether relevant in Area A, B or C, in a manner which is consistent with the policy of the current Palestinian government. Under this approach, all of the plans in Area A, B and C are executed as synchronized stages. Thus for example, in the first stage, plans which “lap up against” the boundaries of Area B will be rolled out, in such a way that they serve as a springboard for natural expansion and creeping of the construction deep into Area C. Alternatively, the “phased planning” creates situations in which expansion of the permitted construction apparently “chokes” the encircled Area C in an effort to drain it of its security or Jewish settlement assets, subsequently to take control of the Area C which has been vacated.
- 60) Although we do not have a document which lays out the goals of the Palestinian landscape planning campaign, actions on the ground, as well as the plans currently in various stages of approval clearly indicate the Palestinians’ intentions to achieve the



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following goals of the campaign:

- a) Shaping a state with territorial continuity: Creating a chain of settled Palestinian territory between the terrain islands of Area A and B, which enable connecting between all of the parts of Judea and Samaria, including eastern Jerusalem and the Jordan Valley and creating the conditions for future connection between the Palestinian state and areas where there is an Arab majority within the boundaries of the State of Israel and with the Bedouin settlement in the Negev.
- b) Shaping the region: Construction near main centers of life – whether existing or planned – shaping the seam zone, degrading the relevancy of the [security] fence as the formative factor of the area borders (with emphasis on the seam enclaves), seizure of military zones, construction outside clusters in the open areas and also peripheral construction to “surround” the entire area that can be planned in the area.
- c) Impacting the settlement project: Through severing the settlement continuity, creation of enclaves, and deepening the isolation and disconnect between “isolated settlements” and encroaching on the land reserves nearby the Jewish settlements, which might serve for their expansion.
- d) Depriving Israel of security assets: Degrading the effectiveness of the security fence and the Jerusalem envelope fence in terms of its security value for Israel, and also degrading the potential future role of the seamline obstacle as the border of the future Palestinian state. In addition, degrading the security value of the assets held by the IDF and creation of a reality that undermines the effectiveness of the ongoing security activity in the region.
- e) Creation of constraints on Israeli movement in the region, ranging from traffic corridors to dominated routes and transformation of routes into routes under threat: This activity is directed first and foremost to undermine the everyday lives in the Jewish settlements, however it is also intended to impede security deployment in the region.



- f) Asset seizure: Land reserves, agricultural lands, natural and water resources, appropriation of natural and heritage monuments, taking control of dominating areas, including seizure of spaces which are helpful in creating fertile ground for deepening the economic development (and in particular agricultural ground) and social development, with emphasis on settling the Bedouin diaspora in the Palestinian Authority territories.

The Palestinian accomplishments so far

- 61) A set of projects intended to create a continuum of Palestinian settlement, linking between the “islands” and creating a wall blocking the development of Jewish settlement, including:
- a) “In the desert margin” (Carmel area) which separates between Hebron and the Jewish settlement areas in the region and the Negev (a project consisting of approximately 2,000 structures covering an area of about 10 square kilometers).
 - b) Creation of continuity between Area B in the region west of Tekoa and severing the possibility of building a road in future between Gush Etzion and the Dead Sea.
 - c) Several infrastructure construction projects (in Area B) intended to enable construction also in Area C (the construction is already creeping into Area C) in order to create continuity between Salfit Farha - Qarawat Bani-Zeid - Bruqin, and also along the Salfit-Luban route covering an area of approximately 10 square kilometers to create a continuum of construction enveloping the “Atsba Ariel.” And to complement that, from the “geographic isolation” standpoint - construction (in Area B), along the main road, in the area between the villages of Luban, Sawiya and Salfit, the area of the university site 4775, and two kilometer distance from it, several clusters of residential homes (see the attached picture).



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- 62)** Transforming the Jewish communities into enclaves and eroding the open space surrounding the settlements through the construction of structures and neighborhoods which come to within a few hundred meters from the neighborhood's homes:
- a) The community of Otniel is surrounded from three sides: From the east and southeast by the large village of Bayt Amra, from the southwest the villages of Ash-a-Tsarka and Rabud and from the north Khirbat Karme. In recent years, the construction (homes and road connecting sections in Area B), creeping into Area C, which encroach on the community from the east and southeast.
 - b) The community of Shim'a: Widespread roadbuilding, preparation of plots and laying of infrastructures in Area B, creeping into Area C from the north (the town of Dahiriya), approaching to within 600 meters from the houses in Shim'a.
 - c) Elon Moreh: The Area C peninsula, which is surrounded from all sides by Area B. The "causeway" into Area C extends eastwards toward the valley across approximately 1000 meters. Even before 2010, the Palestinian Authority attempted to "close" this causeway and began construction of a neighborhood on an area of approximately 1500 Dunams, extending from the nearby village of Bayt Dajan, and located on the connection of Area C surrounding Elon Moreh,



toward the valley. The construction of a neighborhood on Area C, which would cut off Elon Moreh, was halted. In the past two years, a different plan is being worked on to construct three sites (Area C/B boundary) in Al Aqrab, Khirbet Bayt Hassan and Bayt Dajan, which encircle Elon Moreh adjoining the route exiting Natzria southeastwards.

63) Creation of domination of sections along the main traffic arteries (which are designated as Area C) to the extent that the route is “choked” by illegal construction intended to restrict traffic along the route to the extent that it gets closed for Israeli traffic due to security considerations:

- a) The Jordan Valley Route, Route 90 in the Argaman-Jiftlik region (through extensive construction adjoining the route).
- b) The mountain ridge highway, Route 60, a set of new threats to a main traffic artery (Area C) and in particular in the connecting area to the Trans-Judea Route 35 at the Halhoul Bridge connection, in the area between Beit Hagay and Otniel, along the road section close to the village of Sinjil and near the British Police Intersection.
- c) Road 55, between the Emmanuel Intersection and Kedumim within the region of Kaft Funduk.
- d) Trans-Samaria highway, Route 5, in the Kafr Burkin area.
- e) Trans-Judea highway, Route 35, east of the Bypasses intersection.
- f) Tekoa-Har Homa Highway, Route 398 in the Sinsal area, laying infrastructures for construction of a new neighborhood between 50 and 400 meters away from the highway (see attached picture).



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64) It would be fair to say that the above findings indicate that besides increasing the threat to the roads, the Palestinian activity so far in Area C proper, has not yet created a situation, in our opinion, where irreversible facts have been established on the ground which have far-reaching implications on a future political agreement.



Chapter 7 – Summary and Recommendations

Comprehensive plan for a premeditated campaign

65) The future of Area C territories is at the heart of the political dispute in Israel, at the core of the national struggle between Israel and the Palestinians, and it is an important component in the rivalry of agendas within the regional and international system. Given this state of affairs, it is difficult to set forth a clear policy reflecting Israel's objectives in the region. For this reason, Israel is for the time being occupied with maintaining the current situation. We believe that, even without a deliberate Palestinian effort, the reality on the ground in the 25 years since the Oslo Accords effectively undermines the status quo. Israel, on its part, has also taken significant future-shaping measures in this period: freezing the expansion of Jewish settlement, construction of the security fence and the Jerusalem envelope and the rest of the developments in the field. On the other hand, as described above, a Palestinian campaign to shape the region has arisen. In the absence of a decision as to the future of Area C, we recommend that the security echelons work to preserve the leeway available for action through an expansive perspective, which includes not only activities to enforce the current situation, but which also sets forth more ambitious proactive actionable targets related to the shaping of a security and civil reality throughout this territory, which will be beneficial for Israel and its national goals in any future agreement.

66) The Palestinian campaign over Area C is a state-run organized effort led by the Palestinian Authority with substantial backing from foreign governments. This is a multidimensional effort which includes international, legal, diplomatic outreach aspects, and the issue of budgeting and financing as well as the physical dimension, within which a long list of broad-scoped construction and agriculture projects are aggressively being installed on the ground. We recommend that the Israeli government initiate a counter-campaign to foil these moves of the opponent [Palestinian] system, pursuant of its responsibility for Area C under the Oslo Accords. This campaign should be aimed at halting the continued seizure of lands, undermining the Palestinian achievements so far and, to the extent possible, to "return things to the way they were." By demonstrating the cost of these unilateral violations, the rationales for such actions will be undone,



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depriving the opponent [Palestinian] system of military and civil practical tools.

67) As part of the comprehensive move of seizing the initiative, an overall campaign plan must be formed, based on efforts of an attacking nature across all of the dimensions of the campaign which the Palestinians are using to challenge Israel. From this perspective, the “defensive” efforts (such as the efforts to increase the enforcement, which is at the core of the activity according to the current policy) will constitute just one tool in the basket of relevant tools. The plan must include components such as: a legal campaign, a planning campaign, an international campaign, a public diplomacy campaign, thwarting of funding (private and governmental) and a humanitarian/quality of life campaign.

68) The emerging complexity of such a campaign and the sparse successes in coping with the threat so far, bring into much sharper relief the realization that no single body, and particularly not a military-style body (the Central Command) and/or civilian body of limited capability and authority (COGAT/Civil Administration) has the power to lead the overall battle against it. We believe that the security forces have got to integrate the campaign concept in Area C as part of an overall solution provided to the Palestinian arena in routine and in emergencies, through a holistic resource-oriented and operative perspective.

69) In addition, as part of a proactive policy, we recommend that the State of Israel table an alternative plan of its own for long-term development of Area C, which will be formed in accordance with the State of Israel’s national goals. The plan will provide an appropriate, comprehensive solution for the needs of all of the population living in this area (Arab and Jewish), and will include development in the fields of infrastructure, transport, education, quality environment etc. The existence of this plan will demonstrate the State of Israel’s responsibility for the region, will reduce the influence of the Palestinian Authority in it, and will remove allegations of discrimination and humanitarian neglect. There is a possibility that this way it will be possible to direct part of the foreign funding toward the plan’s needs – funding which currently finds its way into the hands of the Palestinian Authority.

70) However, the complexities of strengthening the civilian aspects of the campaign, which diverge considerably from the ordinary pursuits of the security forces, require that this



should be led by a civilian echelon jointly with the security forces. We therefore recommend that to support the “campaign,” a dedicated budget be assigned, to provide the campaign a status enshrined in government decisions, and to set up an interministerial task force for this issue. The task force should include representatives from the Ministries of Finance, Defense, Justice, Foreign Affairs, Interior, Transport, Infrastructures, Economy, Environment and Strategic Affairs. It is also appropriate that given the decision to launch the campaign, a clear order of priorities be defined (and updated from time to time as part of a situation assessment), which lays out principles for planning the efforts.

- 71) Given the decision to embark on the campaign, the government will set up a special staff body with far-reaching authorities, which will be charged with creating a continuous situation picture and coordinating all of the campaign efforts through preparation of plans, managing the special budget, coordination across the ministries and authorities, leading an interministerial team which will supervise, track and report. It must be emphasized that this function will be equivalent to the one already set up by the legislative branch.
- 72) Such a campaign needs to be intelligence-based. To this end, each one of the intelligence organizations (or a special body, combining all of the intelligence organizations) must be assigned the responsibility of providing the intelligence necessary for: forming strategic plans, issuing advance alerts and thwarting of the moves of the opponent system in a way which will facilitate remaining ahead of the enemy’s moves in the field, tracking financing channels, incrimination and exposure of the contacts of persons and organizations vis-à-vis terrorist and illegal activity and delivery of intelligence required for the public diplomacy needs and for the battle over hearts and minds.
- 73) The Palestinian plan is intended to provide a solution, from their perspective, not only for the activities of the State of Israel, but also for coping on the ground with the efforts of private organizations and bodies dealing in shaping the region from the bottom up in accordance with the agendas they are leading. As a response to this challenge, we recommend that activities be included in the plan which would encourage the participation of civil society organizations and private organizations. After all, these organizations are already today active in the region on a voluntary basis. They have



accumulated knowledge and expertise in collecting intelligence, in public diplomacy, in blocking funding, litigation, and supervision in the field. Linking them with the coordinated effort, through the creation of coordination and synchronization between them and directing them in order for them to take part in shaping the region, legally, through definition of clear spheres of influence in view of targets as defined by the State. For this, the creation of a support system needs to be considered, forums should be set up and tools should be provided for sharing information and knowledge.

- 74) At the moment, Israel is running an enforcement drive against the Palestinians using “symmetric tools” (squatter versus inspector). Operating this way does not bring to bear the advantages the State of Israel has, such as intelligence superiority, organizational and resource capabilities and in particular the ability to make use of advanced technological means. We recommend that as part of the overall responsibility for running the campaign, the relevant resources be allocated for setting up and implementing the relevant advanced technological solution serving the campaign.

Main points of the recommended plan

- 75) There is an urgent need to strengthen the “pillar of enforcement,” assigning the relevant bodies the authorities and resources they need. This would include strengthening the civil administration organs, the IDF Central Region Command, the Judea and Samaria Police, the supervisory organs of the Ministries of Agriculture, Infrastructures and Environment, and the legal apparatus. This should be done while decentralizing the supervisory authorities and assigning additional enforcement powers to the military echelon. For this, already at this stage the focus must be on providing an urgent solution for the following issues:

- a) Creation of simplifying tools and issuing efficient authorizations to enforce against illegal construction, providing enforcement solutions against “aiding and abetting” – consumers of agricultural produce, consumers of stone from the illegal quarries. Extending the system of regulations/supervision enabling reduction of the transporting of transportable goods and confiscation of tools, raising the punitive threshold in environmental violations, application of a supervisory law on the roads, extending the validity of orders to remove new structures.



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- b) Creation of an enforcement system and efficient dealing with squatters in military zones (since the appearance of small clusters of residents causes the military to abandon large tracts of land because they cannot be used any longer for training purposes).

76) Defining clear enforcement tasks for the security forces, which will be consistent with the government policy, with prioritization of the application of the enforcement and measurable targets. As for prioritizing the handling, analysis of trends in the field so far indicates that the enforcement effort should be focused according to the following priorities:

- a) Enforcement in areas close to main roads, in particular the Trans-Samaria, Trans-Judea, Highway 60, Highway 1 Jerusalem-Dead Sea as far as its connection with Highway 90.
- b) Enforcement in the Jordan Valley and in particular in the areas close to Highway 90 with special emphasis on the Jiftlik-Argaman region and/or coping with the agricultural seizures.
- c) The areas separating between the Jewish settlements within the settlement blocs, between settlement blocs and between the settlement blocs and Jerusalem (Gush Etzion, Gush Shiloh, the Eastern Binyamin settlements).
- d) The seam zone and the crossings in general and in particular in the Ariel region, the southern region and the South Hebron Hills region settlements.
- e) Enforcement in areas of security significance (control, infrastructures, intelligence and telecommunication) and/or at sites of geographic/heritage significance and enforcement inside military zones.

77) The seizure of Area C is a deliberate effort with clear security characteristics, which is proactively guided by the opposing [Palestinian] system. We therefore recommend that Israel also include in this campaign intelligence tools taken from the worlds of anti-terrorist warfare, such as an effort to sever the government and private financing channels, which provide funding from abroad and which fuel the campaign by



incrimination of individuals and organizations which benefit from the foreign funding, discrediting and exposing their links to terrorist organizations.

- 78)** A plan for reshaping the region through deploying a network of roads (as was done when a network of new bypass roads was deployed following the Oslo Accords). The plan will need to balance between the need to shape the region and the development of the security and transport needs for the Arab and Jewish populations. In the plan, additional infrastructure components should be included – for example trains, tunnels, etc.
- 79)** In view of the attention this issue attracts on the part of the Palestinians and the European entities (as was evidenced in the Khan al-Ahmar incident), we recommend that the plan include a component dealing with regularizing the Bedouin settlement in Area C, in order to prevent the Palestinian Authority from extending its authority over the Bedouin community and to provide it with an appropriate solution consistent with the Israeli policy.
- 80)** The Jordan Valley is emerging as a substantial area in which there is still considerable leeway for shaping the region. It must be noted that the Abraham Accords have laid the foundation for economic ties between Israel and the Gulf States through Jordan. Development of the Jordan Valley as an “Eastern Gateway” for linking Israel and the Palestinian Authority to the Arab east can serve the interests of the various parties and can be helpful in legitimizing the Israeli development there.
- 81)** Measures must be taken to reduce the illegal activities in the field of the Palestinian security system, which are advancing the goals of the campaign through covert means and in particular reducing their involvement in the Israel Civil Administration (through low-level officials, in accordance with the recommendations of the State Comptroller from August 2020).
- 82)** The Palestinian moves deliberately disregard the definitions of Areas A, B and C. Therefore, the seizures in Area C are in its view a logical extension of its “legitimate” moves in Areas A and B. Therefore, we recommend that all of Israel’s moves be planned through a perspective which will also include tracking of (and responding to) the Palestinian activities in Area A and B, particularly in those areas adjoining Area C, which



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have potential future security impacts on Area C.

- 83)** The Palestinian campaign efforts also include public diplomacy. We recommend that the State of Israel lead an advocacy campaign aimed at the western donors (focusing on the illegal nature of the Palestinian actions) and at the local population (demonstrating the futility of joining forces with the Palestinian Authority effort, which does not serve it).