

# Acting the Landlord: Israel's Policy in Area C, the West Bank

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Report Summary, June 2013



Children of the Jahalin tribe. Israel plans to expel the area's Bedouin villagers to expand the settlement of Ma'ale Adumim (background). Photo: 'Ammar 'Awad, Reuters, 16 June 2012

Not long ago, Israeli Minister of Economy Naftali Bennett, former chairman of the Judea, Samaria and Gaza Council, called on Israel to impose sovereignty unilaterally on Area C and then grant Israeli citizenship to Area C's local Palestinian residents, whom he said numbered 50,000.

The above proposal considers Area C an independent region, separate from the rest of the West Bank. Yet the division of the West Bank into Areas A, B and C does not reflect a geographic reality, but rather an administrative division made as a part of the Interim Agreement of the Oslo Accords. The division was to have been temporary and to have enabled an incremental transfer of authority to the Palestinian Authority. It was not designed to address the needs of long-term demographic growth. Nonetheless, this "temporary" arrangement has remained in force for nearly twenty years.

Some 60 percent of West Bank lands have been classified as “Area C” and are under full and exclusive Israeli control. Area C is home to an estimated 180,000 Palestinians and includes the major residential and development land reserves for the entire West Bank. Israel prohibits Palestinian construction and development on some 70 percent of Area C territory, arguing various rationales, such as being “state lands” or “firing zones.” Israel’s planning and construction policy virtually ignores the needs of the local population: it refuses to recognize most of the villages in the area or draw up plans for them, prevents the expansion and development of Palestinian communities, demolishes homes and does not allow the communities to hook up to infrastructure. Thousands of inhabitants live under the constant threat of expulsion for living in alleged firing zones or “illegal” communities. In addition, Israel has taken over most of the water sources in Area C and has restricted Palestinian access to them.

In theory, Israel retains full control in the West Bank only of Area C. In practice, Israel’s control of Area C adversely affects all Palestinian West Bank residents. Scattered throughout the vast expanses of Area C are 166 “islands” of Area A- and B-land that are home to the major concentrations of population in the West Bank. The land reserves that surround the built-up sections of West Bank towns and villages are often designated as Area C, and Israel does not allow construction or development on these reserves. Israel thereby stifles many Area A and B communities, denying them the opportunity to develop. This is one of the contributing factors to the difficulty in obtaining lots for construction, the steep price hike in the cost of the few available plots, the dearth of open areas, and the total lack of suitable sites for infrastructure and industrial zones. If, for want of an alternative, residents of these areas build homes without permits on nearby land – owned by them but classified “Area C” – they live under the constant shadow of the threat of demolition.



This report presents Israel’s policy as implemented in Area C, primarily by the Civil Administration, and explores the policy’s implications for the population of the West Bank as a whole. The report focuses on several specific locations in Area C where the policy has considerable impact on the lives of the residents:

- There are dozens of Palestinian villages in the South Hebron Hills that the Civil Administration refuses to recognize and for which it does not prepare master plans. Over 1,000 people, residents of eight of these villages, currently live under the perpetual threat of expulsion on the grounds of residing in a designated “firing zone”.
- The Civil Administration plans to uproot at least two thousand Bedouins from land near the settlement of Ma’ale Adumim and transfer them to so-called “permanent communities” in order to expand nearby Israeli settlements and achieve a contiguous built-up bloc linking the settlements to the city of Jerusalem. Previously, hundreds of Bedouins from this area had been displaced for the establishment and then the expansion of Ma’ale Adumim.
- Palestinians in the Jordan Valley are subject to frequent house demolitions. They are occasionally evacuated for the benefit of military exercises and must deal with the confiscation of water cisterns that are the source of drinking water for them and their livestock.

- Al-Khader, Yatma and Qibyah are examples of Palestinian communities most of whose built-up area is located in Area B. Yet most of these communities' lands available for construction of homes, infrastructure and public services are located in Area C, where the Civil Administration does not allow construction and development. Palestinians in these communities who, for the want of any other options, built homes on their community's lands in Area C, face the constant threat of demolition.

Some Area C residents, harmed by Israel's planning and building policy, have applied to Israel's High Court of Justice for redress. However, of the dozens of petitions submitted, the court deemed not a single case worthy of its intervention with Civil Administration considerations. The court thus enabled the restrictive, harmful and discriminatory policy to carry on.

At the same time, and counter to international law, Israel encourages its own nationals to settle in the West Bank. Israel allocates vast tracts of land and generous water supplies to these settlements, draws up detailed plans that take into account both current requirements and future expansion, and turns a blind eye to violations of planning and construction laws in settlements.

Israel's policy in Area C is anchored in a perception of the area as meant above all to serve Israeli needs. Consequently, Israel consistently takes actions that strengthen its hold on Area C, displace Palestinian presence, exploit the area's resources to benefit Israelis, and bring about a permanent situation in which Israeli settlements thrive and Palestinian presence is negligible. Israel's actions have brought about a de facto annexation of Area C and have created circumstances that will influence the final status of the area.

Israel's policy in Area C violates the essential obligations of international humanitarian law, namely: to safeguard occupied territory on a temporary basis; to refrain from altering the area or exploiting its resources to benefit the occupying power; and, most importantly, to undertake to fulfill the needs of the local residents and respect their rights. Instead, through the Civil Administration, Israel pursues a policy designed to achieve precisely the opposite: the Civil Administration refuses to prepare master plans for the Area C communities and draws on the absence of these plans to justify the prohibition of virtually all Area C construction and infrastructure hook-ups. In cases where, having no alternative, residents carry out construction despite the prohibition, the Civil Administration demolishes their homes. Israel utterly ignores the reality that residents cannot build their homes legally. Israel conducts itself as though this situation were not in fact a direct result of its own policy.

As long as Israel controls the West Bank, including Area C, it must meet its obligations under international law and human rights law. First, Israel must revoke the allocation it has made of vast tracts of "state land" to the local and district councils of settlements' – whose very existence is in contravention of international law – and also retract the classification of extensive areas as firing zones. Second, Israel must allocate lands throughout Area C to Palestinians for housing, infrastructure and industrial zones, and pursue an expert planning process whose top priority will be the needs of the Palestinians in the West Bank. In accordance with Jordanian law which was in effect in the West Bank before Israel changed it, representatives of the local Palestinian population must be included in this process. The process must also feature recognition of existing communities in the West Bank, and all Palestinian residents of the West Bank must be promptly hooked up to water and power infrastructure. Israel must work in conjunction with Palestinian Authority representatives to promote overall planning in the West Bank and to address the planning and development needs of the residents of the entire West Bank.

As long as Israel retains planning authority in Area C and does not allow Palestinians to build legally, it must immediately desist from demolishing homes, business-related structures (e.g., buildings used for agriculture or trade) and rainwater-collection cisterns. In addition, Israel must not expel people from their homes in the absence of a clear, essential and immediate military justification.