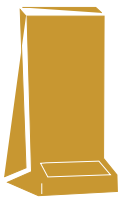
A LOCKED GARDEN

Declaration of Closed Areas in the West Bank



March 2015

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Humanitarian Aid and Civil Protection

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I REFUSE
DANGER
DANGER

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Executive Summary

On July 8, 1967, less than one month after the end of the Six-Day War, Order No. 34 was signed, declaring the entire West Bank as a closed military area. Since then, IDF commanders over the years have signed, in our estimation thousands more closure orders applying to West Bank lands. The overall number of these orders is unknown to us, and it is doubtful whether anyone knows, since the overwhelming majority of them applied to very limited areas and brief time spans. And yet, in addition to these temporary orders, over the nearly five decades that have passed since the occupation of the West Bank, military commanders have issued many dozens of permanent closure orders for vast territories in the West Bank for a variety of purposes. The main purposes for which the closure orders have been issued:

1. Closing off the borders of the West Bank – the border with Jordan to the east and the Latrun area to the west, and later, closure of the "seam-line area" (i.e. a considerable portion of the area west of the Separation Barrier)
2. Closing off military training areas
3. Closing off settlement jurisdictional areas
4. Closing of areas defined by the army as necessary for various military needs
5. Closing off security areas around certain settlements

After almost fifty years of military rule in the West Bank, over one half of Area C, which is under direct Israeli control (61% the entire West Bank area), i.e. approximately one third of the area of the West Bank overall, is thus officially defined today as a "closed military area."

Closure orders, seizure orders for security needs, and orders prohibiting construction are part of the barrage of "security" orders through which the army confiscates, or at least severely curtails, the ability of Palestinians to move freely and to safely use broad areas of the West Bank. This report is a first attempt to describe various aspects of the phenomenon of permanently closing extensive territories in the West Bank. The closure of lands has been the most effective administrative means to limit the movement of Palestinian residents of the area and their ability to use land, although the letter of the law applies to Israelis as well.

The declaration on the closure of territories in the West Bank began just days after the end of the war in June 1967. On August 1, 1967, the military commander of the West Bank signed a closure order regarding nine areas along the strip east of the West Bank hill country (gav ha-har), extending from the northern West Bank to the Jordan Valley, for training purposes, and so for the first time, hundreds of thousands of dunams in the West Bank were declared as "closed areas." It is clear that the closure of these "training areas" just weeks after the conclusion of the war could not have been directly connected to immediate IDF training needs, since at the time, the military training set-up was still located within the 1949 borders. In the months of October and November 1967, closure orders were issued for the Latrun area, which until June 1967 had been home to three Palestinian villages that were destroyed and their populations expelled, as well as the strip along the West Bank's eastern border with Jordan (an area closed under Order 151). As a result of the closure of these areas, already at the end of 1967, some 658,000 dunams had been incorporated into the closed areas.

In early 1970, a new wave of closures began, which included mostly the eastern strip of the West Bank, from Jericho to West Bank's southern border. During this wave of declarations, over 700,000 additional dunams of military areas were closed off for training purposes. It should be noted that with the conclusion of the second wave of declarations on December 25, 1972, the map of the training areas coincided almost completely with the map of the Alon Plan, according to which Israel was to retain military control of the area between the West Bank hill country and the border along the Jordan River. Despite Israel's claim that training areas do not include areas where Palestinian residents live and that the declaration of these closed areas does not interfere with the "fabric of life" of the Palestinian population, historical aerial photographs illustrate that these areas were home to Palestinian communities whose livelihood was based on livestock and land cultivation. The closure of these areas therefore dealt a mortal blow to the ability of these communities to continue existing on their lands. Together with the closure of training areas in the

eastern West Bank, several more closure orders were issued for territories defined as "training areas" that are flush with training areas declared already in the 1950s on the Israeli side of the Green Line. Until the mid-70s, over 1.5 million dunams of land were declared closed.

The bulk of adjustments to the boundaries of the training area were made several years after the signing of the Oslo Accords (1993-1995), following which the IDF redeployed in Area C. Since the early 90s and until the beginning of 2015 (with the cancellation of Training Area 911 north of Jericho), the closure of some 364,000 dunams was revoked. Some 300,000 dunams of the entire area whose closure was revoked were included in training areas that were reduced or cancelled, while the remaining area whose closure was revoked were included in the area closed under Order 151, reduced in 2002 when it was adjusted to correspond to the area fenced in east of Road 90. The training areas, with their new borders, as drawn up just a few years after the signing of the Oslo Accords, are flush with the borders of the Palestinian Authority (Areas A and B). As a result, the agricultural lands serving many Palestinian communities whose lands are in Area C have been incorporated into training areas.

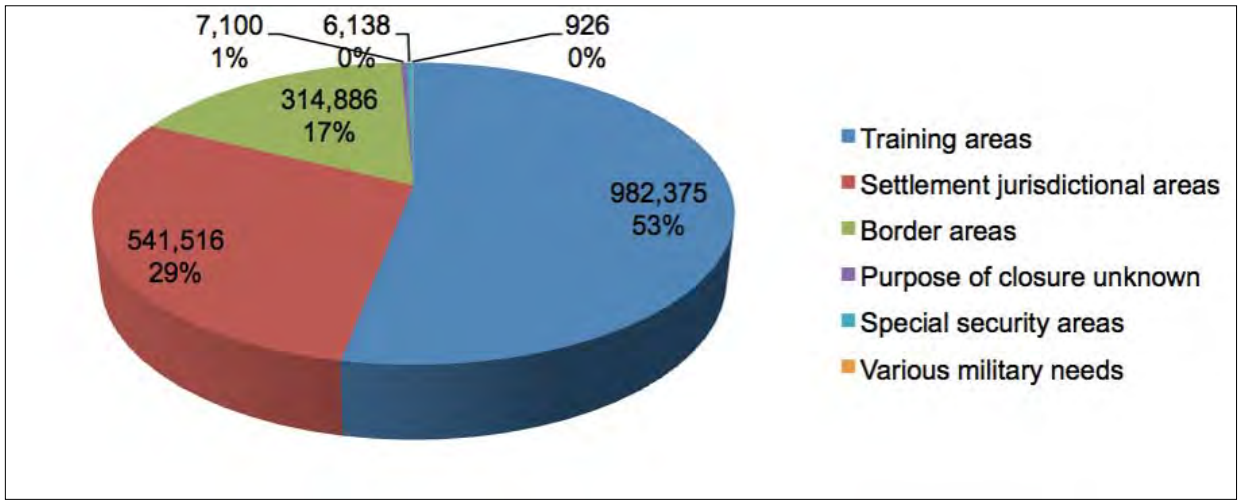
It should be noted that despite these reductions, the overall area of the closed land in the West Bank grew considerably in the 1990s with the declaration of the settlement jurisdictional areas, all of them a military area closed to Palestinians, totaling approximately 540,000 dunams, or 9.7% of the total area of the West Bank.

The overall closed area of the West Bank was greatly increased yet again after the outbreak of the Second Intifada, when Israel declared the "seam line" and the "special security areas" around a number of settlements as closed military zones. These closure orders added approximately 180,000 more dunams to the total closed area in the West Bank.

Main findings

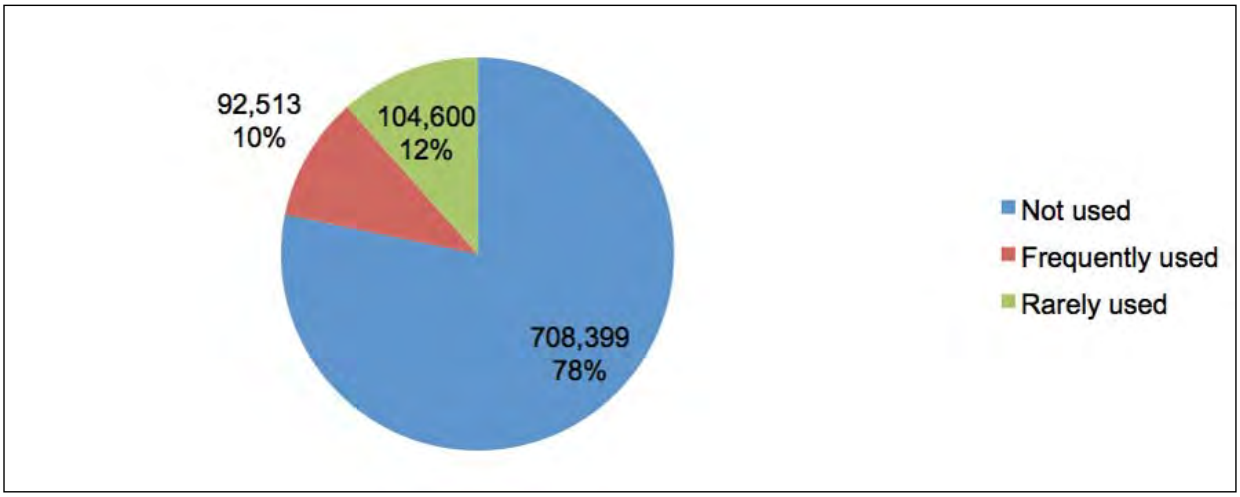
• Close to 1,765 million dunams, almost one third of the area of the entire West Bank, and over one half of Area C, are today defined as closed military areas for various purposes.

Closed Areas according to Stated Purpose of Closure



• Approximately 78% of the overall area declared closed for military training purposes is not actually used for training, while the rest of the area is divided into almost equal parts between areas used frequently (more than one training exercise quarterly) and areas that the army uses infrequently (less than one training exercise per quarter).

Size of Training Areas Based on Frequency of Use (in Dunams)



• A comparison of the maps of training areas and jurisdictional areas of the settlements illustrates the close correlation between these two "types" of areas, which together constitute some 82% of the entire closed area of the West Bank. It is clear that underlying this correlation is an intention to close off broad territories to Palestinians.

• Some 348,000 dunams of the areas that Israel declared as "state lands" in the West Bank are located in training areas. This is approximately 43.5% of Israel's total state-land declarations in the West Bank. In addition, the Blue Line Team of the Civil Administration mapped out approximately 35,000 additional dunams of "state lands" within training areas.. This fact indicates, in our view, that there is an intention to "rezone" some of these areas for future expansion of the settlements.

• There is no real oversight of Israeli construction within the training areas – in ten locations (settlements and outposts), houses and public buildings were built inside closed training areas. While the enforcement authorities issued demolition orders for more than 170 Israeli structures built in training areas (which comprise only a portion of the structures built in these areas), and Israeli civilian construction within these areas is illegal by definition, the state has carried out almost none of them.

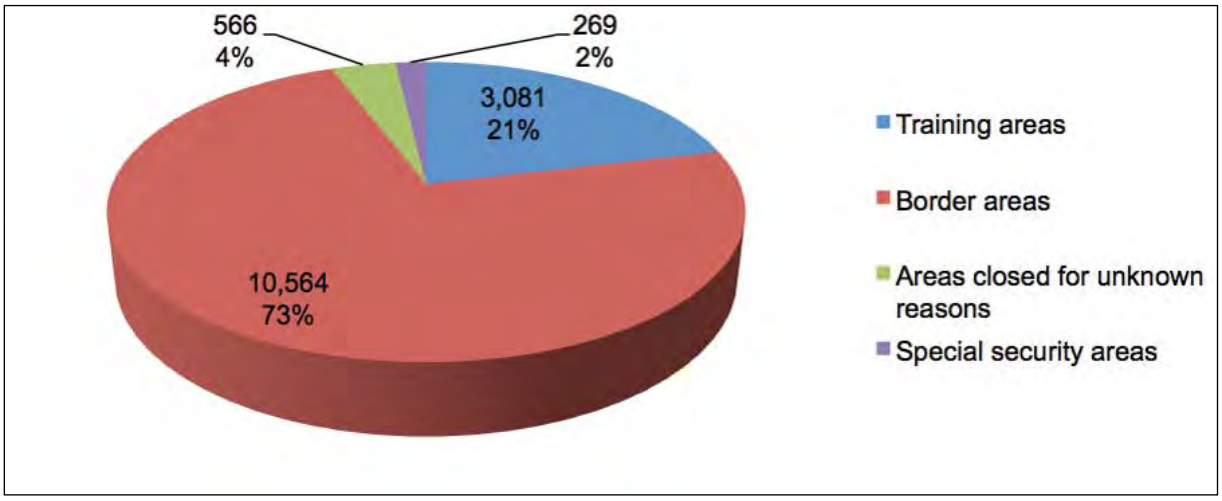
• In two cases in recent years, the state downsized training areas, transferring the land removed to settlements in order to expand them. In this context, it should be noted that in January 2015, the Commanding Officer of the Central Command signed an order that completely cancelled Training Area 911 north of Jericho, with the goal of advancing plans that it accommodate the forcible transfer to it of Bedouin currently living in the space east of Jerusalem and Ramallah.

• Israeli settlers today cultivate over 14,000 dunams of the closed military areas, even though, legally, Israeli citizens are also prohibited from entering them.[1] Most of these agricultural areas (73%) are transferred to settlers by the authorities in the border areas closed in practice only to Palestinians, both

[1] These numbers do not include, of course, the agricultural areas of the settlement jurisdictional areas, areas that are closed to Palestinians only.

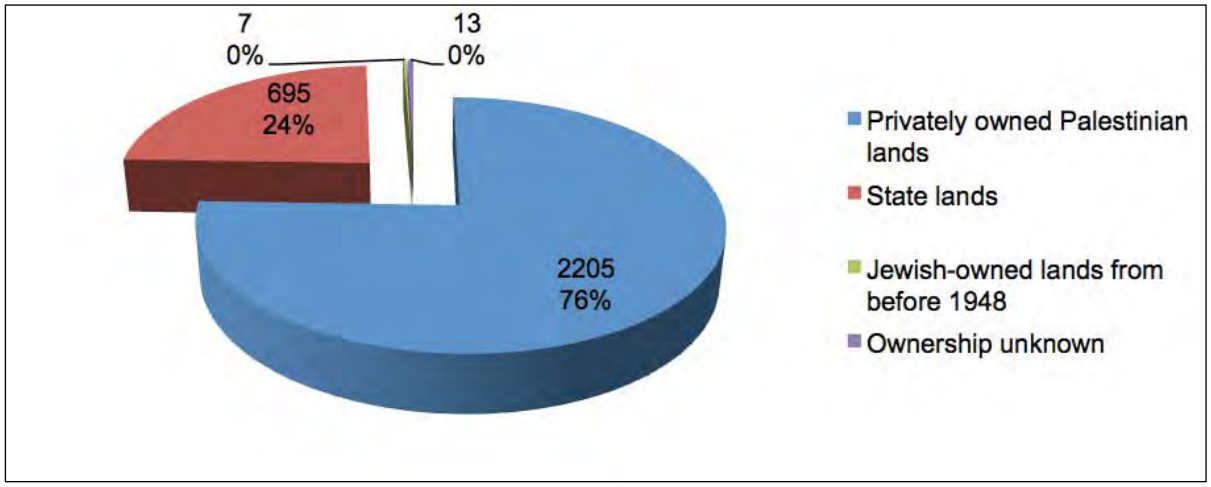
along the eastern border of the West Bank with Jordan (Area 151) as well as in the Latrun Area. At the same time, Israeli farmers take informal control of the land through agriculture usage inside training areas. Israeli settlers are cultivating at the present more than 3,000 dunams of agricultural land located in training areas.

Breakdown of Settler Agricultural Lands within Closed Military Areas, according to Purpose of Closure (in dunams)



• Some 60% of all of the agricultural lands cultivated by Israelis in closed military areas, and 76% of the total agricultural land in training areas, are privately owned Palestinian lands. Despite this, not only that measure are not taken to enforce these incursions, but the Israeli authorities even support them and view them as an inseparable part of the economic and spatial matrix of the settlement enterprise.

Agricultural Takeover by Settlers inside Training Areas, according to Land Ownership (dunams)



In summary, the State of Israel makes sweeping use of closure orders in the West Bank for varied purposes, foremost among them the closure of areas for the declared purpose of military training. This study reveals that the ongoing closure of the overwhelming majority of training areas in the West Bank is not intended to serve "military need," since in 80% of the area no actually military training is held. The size of these areas, their dispersal, the correlation between them and additional statutory elements that limit the possible Palestinian use of them, such as settlement jurisdictional areas and declared nature reserves, and the fact the Civil Administration continues mapping "state lands" in considerable portions of them and does nothing to evict settlers who enter these areas illegally (even when the lands in question are privately owned by Palestinians) lead to the conclusion that the ongoing closure of these areas is a key layer in the lands regime "orchestrated" by the State of Israel in the West Bank. It appears that the main goal of this regime, then, is to drastically reduce the Palestinian population's ability to use the land and to transfer as much of it as possible to Israeli settlers.

Introduction

On July 8, 1967, less than one month after the end of the Six Day War, the Commanding Officer of the Central Command, Major-General Uzi Narkiss, signed Order No. 34, which stated: **"The area of the West Bank is declared a closed military area."** [1] This order was introduced as an amendment to two similar orders issued in the preceding weeks, and is still valid today, almost 48 years later. However, implementation of the order is rare, and it has been applied only on an individual basis, in cases where the authorities have an interest in preventing the entry of particular people into the West Bank. Despite this order, it appears, over the years, the IDF, as the sovereign power in the West Bank, has issued thousands – if not more – closure orders for various areas within the West Bank. The overwhelming majority of these orders were temporary orders, whose validity was limited from the outset to a given period, but the validity of several dozen of them was never annulled, and they became permanent, to the extent that one can speak of a "permanent" reality in a legal state of belligerent occupation.[2]

On April 27, 2014, the Foreign Affairs and Security Council subcommittee convened. On the committee's agenda was a single topic: Illegal Palestinian building in Area C.[3] Only two Knesset members were present at this meeting, both identified with the extreme right of the settlements in The Jewish Home Party, MK, Orit Strook, and MK Moti Yogev. Yogev was also the chairman of the subcommittee. In addition to the two Knesset members, the meeting was attended by an additional 30 invitees, all affiliated with the Civil Administration, the IDF, the Israel Police, the Ministry of Justice, residents of the settlements in the Ma'aleh Adumim area, and members of the Regavim organization. During the meeting, which went on for two hours, operations officer of the Central Command, Col. Einav Shalev stated the following:

> **I think that one of the good maneuvers that could slip through our hands is to return the open-fire areas to the place they were meant to be where they do not yet exist. [This is] one of the main reasons that as a military system we are bringing a lot of drills down to the [Jordan] Valley. In other words, anyone who looks at the last divisional exercise with battle planes, helicopters and tanks that shoot, etc., I try to go back decades and I can't remember one. We are now placing an additional divisional exercise into this space . . . Where the regiments tread, people move aside, and I'm not making a distinction here between Jews and Palestinians, but speaking in general terms. . . We do a lot of enforcement in this space. One night this week, even, we are going to a very sensitive and large place [i.e. training area] in order to continue enforcement there. I'm saying this here since I think that the story of training exercises is a component that doesn't come up in a discussion of this sort, but it has considerable weight. In a place – there are such places – where we have significantly reduced the number of training exercises, weeds have grown. It's something that needs to be taken into the equation.**[4]

The officer's words are testimony that the IDF is completely aware of the connection between its training areas and the distribution of the Palestinian localities in the West Bank, as Col. Shalev states: "Where the regiments tread, people move aside." We, too, believe that "the story of the training exercises" is a component that has "considerable weight" in the overall picture of the goals and means through which the State of Israel manages land resources in the West Bank. Yet, unlike his approach of "not making a distinction . . . between Jews and Palestinians," reality teaches that this distinction is fundamental to the practice of closing off territory in the West Bank: it is doubtful that there is another aspect of the lands regime that Israel has imposed on the West Bank since 1967 whose ramifications are as far-reaching on the lives of the local Palestinian population as the declaration of areas as closed military zones. While the

[1] Order Concerning Closing of Territories (West Bank Area) (No. 34) – 1967.
[2] The concept "occupied territory" in this context does not include the areas of East Jerusalem (approximately 70,000 dunams) to which Israeli law was extended immediately after the war ended in June 1967. In the areas of East Jerusalem there are none declared as "closed," in contrast to the rest of the West Bank.
[3] In the Oslo Accords, the West Bank was divided into three administrative portions: A, B and C. Area C comprises approximately 61% of the West Bank; the State of Israel has complete control of Area C both in military-security affairs and civilian administration. Area B comprises approximately 21% of the area of the West Bank; the Palestinian Authority is responsible for civilian affairs in this area, while Israel retains control of security-military matters. Area A, where the Palestinian Authority is in charge of civil and security affairs, comprises approximately 18% of the West Bank (the major cities and towns).
[4] For the entire discussion protocol see: http://www.haaretz.co.il/st/inter/Hheb/images/amira1.pdf [Heb.].

closing off of training areas in the West Bank also applies, ostensibly, to Israeli citizens, the ramifications of the closing of territories on the Israeli population are completely different, including the patterns of enforcement.

The areas declared as closed in the West Bank span almost 1.765 million dunam (4 dunam = 1 acres), almost one third of the total area of the West Bank, and more than one half of Area C, which the IDF has administered directly since the Oslo Accords.[5] Almost one million dunams of these areas were closed for training purposes or for the establishment of military bases. These are expansive territories the IDF claims to be necessary for its purposes, even though they are located, of course, outside of the area of Israeli sovereignty. This was the spirit of the state's response to the petition submitted by the Association for Civil Rights in Israel regarding Training Area 918 in the South Hebron Hills, which made the headlines several times in recent years due to the army's intention to evict the residents of 12 shepherding communities that live in its bounds:[6]

> **Generally speaking, training areas were intended to build military strength, i.e. to instruct combatants and train them, to preserve operational fitness and to test the means of warfare. For these activities, the IDF required broad territories . . . Naturally, territory is a resource that is lacking, and it is therefore difficult to locate territories for training. Despite this, security training in the field requires utilizing broad areas for the practice of army units, and in the realm of the State of Israel – by way of example – firing zones span approximately one third of the open areas, and most of them are located in the Negev.**[7]

As stated, even within the boundaries of the State of Israel, vast territories have been declared as military training areas. However, in contrast to the legal situation in Israel, due to the West Bank's status in international law as occupied territory, the IDF is not authorized to declare no-go areas and prevent people from entering their lands in order to maintain the "operational fitness" of its forces, since this objective is not legitimate in the eyes of international law. In response to this argument, the state reiterates its position that the objective is indeed legitimate, since, it claims, IDF training in the West Bank is intrinsic to army activities there.

It was further written in the state's response (Art. 23) that **"the IDF as a rule avoids declaring training areas in places where there are permanent residents."** A similar approach is seen from the following passage appearing on the website of the Military Advocate General's Corps:

> **Prior to the declaration of a particular area as a training area, the IDF conducted comprehensive staff work, with the collaboration of many actors, whose role was to ensure, among other things, that the area zoned for firing practice contained no people, and that the use of the area for training would not infringe on the fabric of life of residents in the vicinity of the area to be closed off.**[8]

The question of permanent residency is a decisive issue in the state's view, since the military order through which the IDF declares areas as "no-go zones" in the West Bank (par. 90 of the Order Concerning Security Provisions [Judea and Samaria] [No. 378] 1970) stipulates the exception of permanent residents to whom it ostensibly does not apply. It therefore comes as no surprise that the state invests great effort in proving that

[5] This calculation of area does not include temporary closure orders issued for a number of territories in the West Bank regarding which we have very partial information. Furthermore, the calculation does not include closure orders issued for territories that today are included in the territories of the Palestinian Authority, which, as far as we know, have been cancelled or are not enforced.
[6] According to the estimates of a number of organizations, there are some 1,300 individuals who live in the 12 villages located in this training area. It should be noted that this is not a theoretical concern, since at the end of 1999, residents of these villages received eviction orders for illegally dwelling in a training area. Over 700 residents were subsequently evicted from these villages following the demolition of homes and water cisterns, and confiscation of property. The eviction was halted in 2000 in keeping with an interim order of the Israeli High Court of Justice issued at the request of the residents in two petitions, one submitted by the Association of Civil Rights in Israel, and the second by Atty. Shlomo Lecker (petitions 413/13 and 1039/13).
[7] State response to the petition of Mohammad Musa Shehadeh Abu Aram et al. v. Minister of Defense et. al., HCJ 413/13 and HCJ 1039/13, of July 29, 2013, par. 102, http://www.acri.org.il/he/wp-content/uploads/2013/07/hit413tguva.pdf.
[8] See: http://www.law.idf.il/163-6620-he/Patzar.aspx?SearchText.

A map of training areas within the State of Israel and the West Bank (from the national Geographic Information System)

the area declared as Training Area 918, for example, was not populated by permanent residents when it was declared a training area; however, a comprehensive comparative study of aerial photographs from the years when training areas were declared in the West Bank reveals that the state's explanation is imprecise, at best.

These aerial photographs prove that many of the places that were declared as training areas were already populated. Moreover, expansive agricultural lands on which most of the Palestinian population's livelihood was dependent during those years were also included in the declared training areas, while the built-up areas of the villages sometimes remained outside of the closed areas. As a result, free access to these areas was forbidden – certainly in theory, if not in practice – and entry into them was defined by the authorities as a punishable crime. Therefore, the claims that **"the IDF as a rule avoids declaring training areas in places where there are permanent residents," and that as a rule it has ensured, "among other things, that the area zoned for firing practice contained no people, and that the use of the area for training will not infringe on the fabric of life of residents in the vicinity of the area to be closed off,"** are very far from the reality as it takes shape based on the conclusions of the present study. We will return to and expand on this issue at length in the sixth and final section of this report. At present we will only mention that in the case of at least one area, the state even admitted explicitly that Palestinians had been living there prior to its declaration as a training area. These Palestinians were residents of the village of al-'Aqabah, whose village was included within Training Area 900 in the northern Jordan Valley. According to the state's admission, prior to its being incorporated into a closed area in 1979, when the adjacent existing training area was expanded to include it, four families were living there.[9]

As our research shows, use of closure orders is not limited to the allocation of lands for military practice, even though this is the main declared purpose for which most of the areas in the West Bank are closed.[10]

It is important to emphasize that the numeric data appearing in the report are official data, and in many cases, it is not possible to draw conclusions from them regarding the reality on the "ground", for two ostensibly contradictory reasons: On the one hand, most of the closed areas are not fenced in, and therefore, varying levels of access to extensive portions of them is possible. The concept "closed area" in this report is therefore an official administrative term, and in most cases, does not indicate the actual physical closure of an area. On the other hand, vast territories in the West Bank are not included on the maps of official closed areas, but Palestinians either cannot enter them at all, or can enter, but at a significant risk, and therefore, avoid entering them. This pertains, inter alia, to vast territories that lie west of the Separation Barrier and are not accessible to Palestinians even though they are not included in the area declared as "the seam line area," as well as large areas around the settlements that have not officially been declared as "special security areas," but in practice, Palestinians cannot set foot in them.

[9] Par. 16 of the state's response of August 6, 1999 to the petition of Sabih et al. v. Minister of Security et al. 3950/99, in which the HCJ was asked to order the cessation of training practice in the area of the village and removal of the village from the training area.

[10] Regarding the declared goals of closing areas in the West Bank, see below, p. 20 .

Two additional terminological notes should be mentioned:
This document makes frequent use of two terms: "closed military zones" and "training areas," also known as "firing zones." The distinction between these two terms is essential, since all declared training areas are closed military zones by definition. In contrast, only slightly more than one half of the closed areas in the West Bank were closed for training purposes, while the remaining areas were closed for other purposes.

Throughout this report, the term "state lands" occurs frequently. This refers both to lands that were registered as state lands prior to Israel's occupation of the West Bank in 1967, as well as to lands declared state lands by Israel beginning in the late 1970s.

Goals of the Report

This document seeks to present, for the first time, a comprehensive description of the sweeping phenomenon of land closure by the IDF in the West Bank in its geographical and historical contexts. In addition, it describes the pivotal role of land closure in shaping the reality in which severe restrictions in development and movement apply to the Palestinian population in considerable portions of Area C. [11]

The report addresses the following key questions:

1. When were the various areas declared as closed areas?
2. What is the area of the lands declared as closed areas over the years?
3. What changes have taken place in the location and size of the closed areas, and what factors caused these changes?
4. What are the declared goals for which these areas were closed?
5. Does the actual use of these areas (if they were indeed used in any way) correspond to the declared goals of the closure?
6. Does the practice of closing off areas in the West Bank operate in tandem with the additional measures that Israel uses in order to limit or completely prohibit Palestinian entry onto various lands in the West Bank?
7. What are the stated and unstated motives behind the closure of these lands?
8. In what portion of the closed training areas in the West Bank does training indeed take place?
9. What portion of the training areas has in practice been transferred to control of the settlements?

As stated, of all of the territories declared by the IDF as closed territories since 1967, most were closed for purposes defined as IDF "training areas." For this reason, a large portion of the discussion in this document will consider these territories, with a focus on a question that has not yet been systematically and comprehensively examined: **What portion of the territory closed by the IDF for training indeed serves this purpose?** The present study seeks to shed light on the IDF's patterns of use – including non-use – of these closed military areas, particularly those declared as military "training areas."

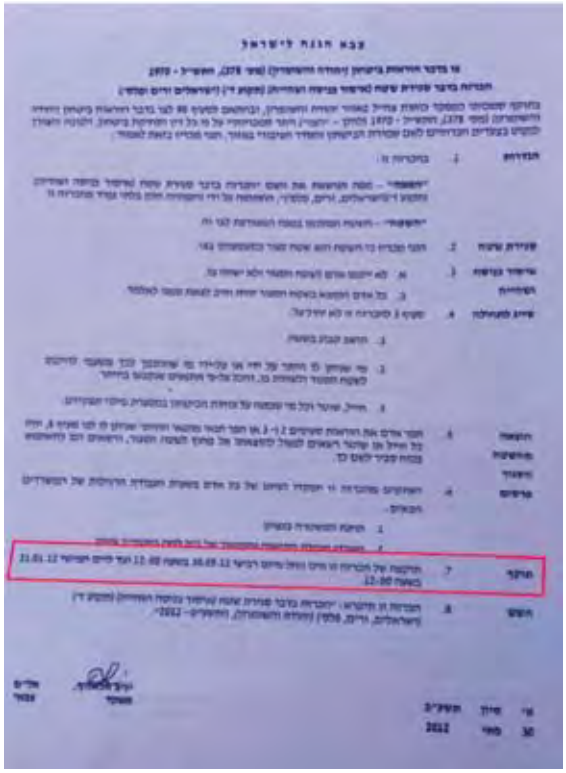
A discussion that intends to comprehensively explore this issue cannot ignore a number of additional questions, which relate to the formal and legal aspects of the phenomenon, the history of the use of military closure orders, the distribution of closed areas, the interaction with other means of land control that Israel employs and their effect of the closed areas on the lives of Palestinian residents of the West Bank who live within or near these areas. Therefore, close attention will be devoted to these questions later in this report.

Prior to concluding the introduction, it is necessary to point out a number of aspects pertaining to the closure of territories in the West Bank that this document does not address at all, whether because they fall outside the realm of our expertise, due to informational lacunae that make it impossible for us to present an overall, reliable picture, or because their humanitarian implications are negligible or nonexistent.

[11] In effect, all construction and development work in Area C requires approval of the Civil Administration, with the exception of lands in Area C where there is already an approved Palestinian building plan (a total of approximately 21,200 dunams). Regarding the building policy of the Civil Administration in Area C, see Bimkom's report: Nir Shalev and Alon Cohen-Lifshitz The Prohibited Zone: Israeli Planning Policy in the Palestinian Villages in Area C, June 2008, http://bimkom.org/eng/wp-content/uploads/ProhibitedZone.pdf.

1. This report will not discuss the theoretical legal question regarding the legitimacy of the closure of territories in the West Bank in general, and the closure of territories for military training in particular, and the influence of the closure on the way in which Israel fulfills its obligations to the Palestinian civilian population. This question has been addressed by scholars of international law who specialize in legal issues that touch on the relations between an "occupying power" and the civilian population that resides in the occupied territory. [12]

2. Since 1967, the military commanders of the West Bank have signed temporary and short-term closure orders for various areas. Although the precise number of such orders is unknown, we estimate that there have been thousands. Since the information available to us regarding these orders is very partial, we cannot provide a full picture of the facts.



A closure order issued by the military commander of the Bethlehem area to prevent a demonstration by Palestinians and Israeli left-wing activists in the area of the Settlement of Teqoa

3. An additional aspect of the phenomenon that will not be discussed in the report is the closure of areas to Israeli citizens. Over the years, and particularly since the outbreak of the Second Intifada in 2000, a number of territorial closure orders pertaining to Israeli citizens have been issued. Closure of these areas took place in three key contexts:

• The first context is protection of the personal security of Israeli citizens, following a number of cases where Israelis were attacked during the Second Intifada. In October 2000, all of Area A in the West Bank (18% of the total area of the West Bank) was closed off to Israelis, and in the following year, a number of villages in Area B were closed – the H-1 area in Hebron and the segment of Road 60 between Qalandia and the village of Jab'a, even though it is located entirely in Area C.[13]

• The second context in which closure orders are issued in the Occupied Territories for Israelis is much rarer, and relates to the protection of Palestinian property located near settlements whose residents are known for violent behavior towards Palestinian landowners in their vicinity. We lack complete information regarding these orders (issued only following intensive legal intervention by lawyers representing the landowners), although we know that they pertain to privately-owned Palestinian lands, whose total area is a few hundred dunams or less. The area affected by these orders is thus tiny relative to the overall area of the lands closed to the Palestinians. [14]

• The third context in which territories are closed off to Israelis is to prevent demonstrations and gatherings that the military commanders deemed (on several occasions in various locations) undesirable. It should be noted that military legislation grants the IDF almost unlimited authority in all that pertains to declaring a gathering as an "illegal assembly." [15]

[12] See the expert opinion written by legal professors David Kretzmer, Eyal Benvenisti and Yuval Shani regarding the petition of the residents of Training Area 918, http://www.acri.org.il/en/wp-content/uploads/2013/02/918-legal-opinion-SKB.pdf as well as Prof. Michael Bothe's professional opinion on this same matter, http://www.acri.org.il/he/wp-content/uploads/2013/01/hit413expert3.pdf [Heb.].

[13] A number of the closure orders targeting Israelis and issued since 2000 can be accessed through the Military Advocate General's Corps website http://www.mag.idf.il/979-he/Patzar.aspx. Enforcement of these orders is very selective, and two of the cases – a segment of Road 35 and the road that connects the settlement of Negohot with Road 60 – are roads with IDF protection for settlers travelling on them that lead to the settlements , even though they pass through Area A .

[14] Closure of territories to Israelis should not be confused with orders issued in response to "disruptive use," several dozen of which were issued in order to evacuate settlers who had taken over privately owned Palestinian lands. Regarding orders issued for "disruptive use," we have a nearly complete picture of their distribution. See: Amira Hass, "Continuous Invasions by Settlers Spoil the Joy of Palestinians' Olive Harvest," Haaretz English online, October 25, 2014, http://www.haaretz.com/news/diplomacy-defense/.premium-1.622690.

[15] See: http://www.acri.org.il/en/protestright/.

Structure of the Report

In the first part of the report, we survey the historical background of the broad declaration of closed areas in the West Bank, and examine the underlying causes for the unprecedented growth in the number of settlements in the 1990s and in the first decade of the new millennium, and the expansion of existing settlements. In this part, we describe the methodology used in the writing of this study, as well as the sources and data on which it is based. We also discuss the methodological limitations of our survey and mention a number of topics that the report does not cover, but that we believe are fundamental to further research in this area.

Distribution of the closed areas in the West Bank

In the second part of the report, we expand the scope regarding the military aspect of the takeover of lands in the West Bank. We describe the different manners in which the IDF deprives Palestinians of ownership rights or limits them in all that pertains to their land. In addition, in this section we describe the typology of closure orders, after which we clarify the legal basis on which the IDF relies when declaring "closed areas" in the West Bank.

The third part of this report is devoted to a chronological description of the process of closing off lands in the West Bank. In this section, we describe the purposes for which lands were declared closed in the past, and the factors that shaped the map of the closed areas in the decades that have passed since the occupation of the West Bank.

In the fourth part of the report we review the current reality that emerges from our survey. This chapter pools most of the numeric data regarding the closed areas and discusses it, inter alia, in terms of the seminal question: What part of the territories declared as closed territories in order to serve as IDF training zones are indeed used as such?

The fifth part of the report describes the manner in which the closed areas of the West Bank interact with other statutory elements, such as "state land," the formal jurisdictional areas of the settlements and the declared nature reserves. In this chapter, we also examine the attitude of the settlers towards training zones, and see how these territories in many cases became a "land reserve" which is part of the "land bank" that the State of Israel manages in the West Bank for the benefit of the settlements.

The sixth and final part of the report deals with the relationship between the closed areas and the Palestinian population in the West Bank. Among other things, we survey a number of phenomena, including forced temporary evacuations of Palestinian residents who live in training areas, the issue of demolition orders against Palestinian building in the closed areas, and the process by which expansive agricultural areas included in the territories declared as closed areas were abandoned due to constraints and prohibitions imposed on their Palestinian owners.

Part I: Topical and Methodological Framework of the Report

Approximately 1.765 million dunams in the West Bank are officially and permanently defined today as "closed military zones." The overwhelming majority of these areas are located in Area C, and cover approximately one third of the entire area of the West Bank, and over one half of Area C.[16]

The sweeping declaration of closed areas in the West Bank is closely tied to Israeli land administration policy in this area. This policy began to take shape already in the first weeks following the Israeli occupation in June 1967, and over the years developed and was adjusted to the civilian infrastructure being created in the West Bank (alongside the military presence), intended to attract Jewish Israelis to live in the evolving settlements.

The key claim that this document seeks to establish is that the phenomenon of closing off territories in the West Bank, with its various declared goals, must be analyzed first and foremost in its civil and political contexts, and not only in its military context. In other words, the closure of these vast territories is intended to serve not only military and security purposes, as it claims, but to advance Israel's land policy in the West Bank as a whole, spearheaded by the settlements.

In order to set the discussion within the appropriate historical and thematic context, we shall briefly describe the development of the settlement enterprise and the "symbiosis" that unfolded already in the first years between the IDF and the settlers in this area. During the first decade after 1967 (until the Likud's rise to power in May 1977), Labor governments founded approximately 30 settlements. Most of these settlements were established in the Jordan Valley and on the eastern slopes of the range to its west (gav ha-har, also known as West Bank hill country). The choice to settle these areas was the direct result of the policy of the Labor governments. This policy was based on the Alon Plan (see map, p. 34) and on the traditional perspective developed by actors involved in Zionist settlement during the first half of the 20th century, a perspective that viewed the outlying localities as an important means for determining the borders of Jewish settlement and for protecting it.[17] **Indeed, the map of the military training areas that took shape already in the first years after 1967 overlapped almost entirely with the settlement vision formulated during those years.**

From the end of the 1960s and throughout the 70s, settlements were established mainly by creating settlement points that were of both a military and civilian nature. With time, the civilian element in these settlement points became more dominant, but the military component never completely disappeared, and even today there is a permanent military presence in all of the Israeli settlements in the West Bank or in their vicinity. Close collaboration between the military and civilian systems was again recently exposed when Minister of Defense Moshe Yaalon ordered the army to evacuate a number of bases that over the years had been located in three settlements (Beit El, Kiryat Arba and Alei Zahav) and to transfer the lands to the settlers in order to fortify these settlements. The cost of moving the bases to another location will be absorbed by the IDF with its enormous budget, while the Palestinians are expected to "absorb" the additional loss of lands necessary for the construction of the new bases.[18]

The main challenge that architects of the settlement enterprise faced, from its first day, is how to maintain an efficient system of control over the land in an area where the Palestinian population is much larger than

[16] Area C is approximately 3.4 million dunams, and according to OCHA, home to approximately 300,000 Palestinians. See http://www.ochaopt.org/documents/ocha_opt_pressrelease_5_march_2014_en.pdf, as well as Amira Hass, "UN Report: 300,000 Palestinians Live in Area C of West Bank," Haaretz English online, March 5, 2014, http://www.haaretz.com/news/diplomacy-defense/.premium-1.577997.

[17] A draft of the plan was drawn up shortly after the Six Day War. The Alon Plan (named after Yigal Alon, one of the prominent leaders of the Labor Movement in the 1960s and 70s) aspired to bring an end to the Israeli Occupation of parts of the West Bank, and proposed relinquishing the densely-populated Palestinian areas and annexing most of the Jordan Valley, East Jerusalem and Gush Etzion to Israel, as well as Hebron and Kiryat Arba. No Israeli government adopted the Alon Plan as an official policy, but it served as the basis for the Labor government's settlement policy until 1977.

[18] Chaim Levinson, "Israel to Evacuate Army Bases to Expand Settlement," Haaretz English online, December 17, 2014, http://www.haaretz.co.il/news/politics/.premium-1.2514835.

the Israeli population.[19] The Israeli authorities responded to this challenge by spreading the settlements across the rural regions of the West Bank, and at the same time, concentrating a few settlements in specified areas of the West Bank where Israel had a special interest in order to create settlement blocks. This planning strategy was formulated at the end of the 1970s, and early 1980s – in other words, during the first year of the Likud government, years when most of the settlements had already been established – but it continued to shape the activity of the Israeli authorities in later decades as well, and continues to do so to this day. It should be further noted that during the first decade after 1967, the settlement enterprise, whose raison d'être was to fulfill the idea of a "greater Israel," was not yet part of mainstream Israeli politics, but beginning in 1977, all of the Israeli governments advanced it outright and with vigor, with the open and declared goal of foiling the possibility of establishing an independent Palestinian state.

As stated, following the signing of the interim agreement with the PLO (the Oslo Accords) and the establishment of the Palestinian Authority during the second half of the 1990s, the territory of the West Bank was re-divided into three areas: A, B and C.[20] Areas A and B comprise some 39% of the area of the West Bank (Area A – 18%, and Area B – 21%), and the civil and security control over them (in practice only partial) rests with the Palestinian Authority. The Israeli settlements are all located in Area C, which is some 61% of the West Bank, and the civil and security control over them rests with Israel. This division left Israel with civil control in most of the West Bank, and led those in Israel who supported advancement of the settlement enterprise to take advantage of the window of opportunity created after the Oslo Accords in order to reinforce the settlements project in an unprecedented manner.[21]

Sources and Research Methodology

The present study is based on the following sources:

- **Official mapping of the closed areas** – the official GIS shape files of the Civil Administration that we received during 2012-2014, in which present and past closed areas of the West Bank are marked. This information was received from an official Israeli government entity, and should thus be viewed as official information of the State of Israel. During the study, it was established that some of the closed areas were closed in different stages, and by more than one order. [22] In order to avoid inaccuracies in the quantitative data pertaining to the area of the closed territories in the West Bank, we calculated overlapping areas as if they had been declared only once.
- **Area tours** –in recent years we toured all of the areas declared as "closed areas," and mainly areas closed for training purposes, in order to re-assess the situation on the ground to see if the areas had been used, and if so, in what way. It is important to emphasize that the findings presented in this report in all that pertains to use of training areas are based not just on these tours, but on knowledge regarding this state of affairs over the entire past decade, and even earlier.
- **Aerial photographs** – with the help of our collection of aerial photographs, which covers most of the closed areas from the 1960s to this day, we identified military and civilian patterns of activity in these locations, when such activity existed.
- **Interviews with Palestinian residents** – a long series of interviews with Palestinians who live in or near these areas provided us with information regarding how they are used.
- **Interviews with soldiers** – a series of interviews with soldiers released in recent years from compulsory army service has helped us piece together a picture of the key active IDF live-fire training areas in the West Bank.

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[19] According to the Israel Central Bureau of Statistics, at the end of 2013, 356,000 settlers were living in the West Bank (not including Jerusalem). See: http://www.cbs.gov.il/reader/shnaton/templ_shnaton.html?num_tab=st02_13&CYear=2014. Based on the average 5% rate of population growth among settlers in the past decade, it is reasonable to assume that at the end of 2014, this number increased to approximately 372,000. A 2007 census taken by the Palestinian Central Bureau of Statistics counted 2.35 million Palestinians in the West Bank. See: http://www.pcbs.gov.ps/Portals/_PCBS/Downloads/book1487.pdf, p.61, Table 1. This figure also includes the Palestinian population living in East Jerusalem, which at the time numbered 260,000. See: http://www.jiis.org.il/imageBank/File/shnaton_2007_8/shnaton%20C0106.pdf.

[20] See also note 3.

[21] See: "Kerem Navot: Israeli Settler Agriculture as a Means of Land Takeover in the West Bank", 22, October 2013, http://rhr.org.il/eng/wp-content/uploads/Kerem-Navot-Eng-Final.pdf. (22-23 in HEB)

[22] For example, areas included both in the jurisdictional areas of the settlements and along the seam line, or areas closed because they fall within declared training areas as well as within the jurisdictional areas of the settlements.

• **Information collected by OCHA** – the UN Office for the Coordination of Humanitarian Affairs, the organization that monitors humanitarian issues affecting the entire Palestinian population in the West Bank, including that living in or near the closed military zones.

Limitations of the Information in our Possession, Informational Gaps, and Questions for Further Study

Since this document deals with a phenomenon that embraces very broad territories and has been taking place for decades, we do not claim to represent a perfectly precise picture. Some of the numerical data presented in this document, and mainly those relating to IDF usage patterns in training areas (see below, end of Part IV), are general data that represent ongoing trends and patterns of use. We have tried to the best of our ability to be precise regarding the details that appear in this document, but we cannot reject the possibility that during the past 48 years, military activity has taken place in a particular area of which we are unaware.

The information regarding the size and distribution of the closed areas of the West Bank is based, as stated, on GIS data provided to us by the Civil Administration between 2012-2014. Our request for information under the Freedom of Information Law, submitted on February 2014 to the Civil Administration, in which we requested all of the maps and historical information about the closed areas and the changes that occurred in them, received no response. We subsequently submitted a petition to the District Court, following which the Civil Administration sent us maps of only 18 training areas.[23] It is therefore doubtful as to whether we possess sufficient geographical information to describe the process of the declaration of closed areas in the West Bank in complete detail. At the same time, we believe that the information we do possess affords a sufficiently clear sketch of the developments, especially those that were set in motion following the signing of the Oslo Accords and Israel's withdrawal from Areas A and B.

An estimation of the overall effect on Palestinian communities of Israel's policy of extensive land closures is a complex issue, and requires additional study based on diverse of sources (see Part VI, below). This report is only a preliminary discussion on this multi-faceted and complex topic, and in it we will suggest a number of avenues of inquiry that are worthy, in our opinion, of further serious and in-depth research, that, if pursued, will be a welcome outcome of the labor and exertion invested in the present document.

One of the interesting questions that surfaced during this study, and for which we at present have only a partial answer, is the question of the residential and agricultural presence of Palestinians in areas declared as closed areas. Addressing this question in particular is likely to yield information of great legal significance to the orders applying to Palestinians whom the Israeli authorities seek to forcibly transfer from their places of residence in the closed territories. However, this task requires resources currently unavailable to us.

The question of the distribution of traditional Palestinian agriculture in these areas is like to be very helpful in better understanding the economic and humanitarian ramifications of closing these territories off to the Palestinian population. Agriculture is an important source of income for the Palestinian population in the West Bank. A census conducted by Israel in 1967, shortly after the war, revealed that 34.2% of Palestinian men in the West Bank and Gaza Strip worked in agriculture.[24] In 2011, the Palestinian Authority's Central Bureau of Statistics reported that only 13.8% of the residents of the West Bank were employed in agricultural work.[25] According to a survey conducted from 1982-1984, Palestinians cultivated approximately 1.6-1.7

[23] Administrative petition 24523-09-14, Dror Etkes v. Civil Administration.
[24] See: http://www.levyinstitute.org/pubs/1967_census/vol_4_intro_tab_e.pd. During the years after 1967, the percentage employed in agriculture dropped, and in 1984 stood at 28%. See: Meiron Benvenisti, Lexicon Yehudah ve-Shomron, Jerusalem 1987, 67-69 [Heb.].
[25] These data do not include the Palestinians in the West Bank employed in agriculture in Israel or in the settlements. The proportion of Palestinians employed in Israel and the settlements in various agricultural branches is 6.8%. See: http://www.pcbs.gov.ps/Portals/_PCBS/Downloads/book1878.pdf, 86, Table 22.

million dunams in the West Bank.[26] The Palestinian Central Bureau of Statistics estimated that in 2010, 1.105 million dunams were cultivated in the West Bank[27] on approximately 90,000 Palestinian farms.[28] There has therefore been a significant drop in the area of Palestinian territories devoted to agriculture during these three decades, and whether this is related to the declaration of extensive territories in the West Bank as closed military zones is a question worthy of future research.

[26] See: Meiron Benvenisti, Lexicon Yehudah ve-Shomron, Jerusalem 1987, 67-69 [Heb.].
[27] Ibid., "Agricultural Census 2010: Results," 71.
[28] Ibid, 82.


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Part II: The Military Aspect of the Land Control Mechanism in the West Bank

In order to advance the process of taking control of lands in the West Bank, the State of Israel has operated – and continues to do so – through a number of official channels. These channels have two aspects: a civilian aspect and a military aspect. As will become apparent in what follows, in a large portion of cases, these two aspects are interconnected, although in this report we will deal only with the military aspect.[29] At the same time that the map of civilian settlement in the West Bank was created, the map of military control – which in many cases was and still is, as stated, directly related to the civilian presence of Israeli settlers in the West Bank – was also created. Military takeover of lands in the West Bank is carried out both through fixed presence and "administrative presence" – i.e. places that the IDF declared through various means to be areas it required for its use, even though in practice it is not occupying them at all, or is not present on them most of the time.

In addition to the sweeping declaration of land closures throughout the West Bank, which this report will address at length, we will consider two additional measures that the IDF frequently employs in order to take over territories completely, or in order to limit the ability of landowners to use them:

1. Land Seizure for Security Purposes

Since 1967, the IDF has issued over 1,100 seizure orders for security purposes, applying to an area of approximately 105,000 dunams.[30] These are orders the army used to take complete control of various territories. In contrast to closure orders, which do not apply to permanent residents, the areas that were seized for security reasons, although also ostensibly time-limited, are completely closed to the landowners.[31] In the first decade following the occupation of the West Bank, most of the settlements were established through land seizure orders intended, ostensibly, for military purposes. Over the years, some 40 settlements were established in this manner.[32] The allowance in international law permitting seizure of territories for security purposes is based on the assumption that the seizure is temporary only; in order to bypass the problem of time limitation posed to the settlements, the Israeli authorities retroactively declared that a significant portion of the territories seized had the status of "state lands." Areas that could not be declared as state lands (whether because they were registered private lands, or because they were lands that were not registered but were cultivated by Palestinians beyond a doubt before the IDF seized them) remain to this day under the official status of "military seizure" and are part of the official jurisdictional areas of the settlements.[33]

Twenty-one settlements are currently situated on private Palestinian lands under military seizure. In some cases, the entire area is under military seizure (such as Beit El, Rimonim and Kokhav Ha-Shachar), and in others, only some of the area was taken in this fashion, while other portions were allocated to settlers through alternative administrative procedures, such as declaring them as state land (Kiryat Arba, Maon, and Elkana). After the Elon Moreh HCJ ruling in October 1979,[34] the state drastically reduced the use

[29] Regarding the civilian aspect of land expropriation, see B'Tselem's report: Eyal Hareuveni, *By Hook and By Crook: Israeli Settlement Policy in the West Bank*, July 2010, 21–33, http://www.btselem.org/download/201007_by_hook_and_by_crook_eng.pdf.

[30] The precise number of seizure orders and the area to which they apply is not known, because the IDF has refused to provid complete information on this matter since 2012. Therefore, the information presented here does not include seizure orders issued or cancelled since 2012 and we therefore lack complete data regarding them.

[31] Although the seizure orders are meant to be temporary, all orders issued by the army prior to 1989, including orders issued for the establishment of settlements, were issued without expiration dates. Orders issued with expiration dates are meant to be extended if the army continues to use them, but in many cases, the army does not formally extend the orders, even though in practice the seizure continues after the order expiry date. This fact is mentioned in the State Comptroller's Report, 56a, 210 [in Heb.]

[32] The numbers appearing here are based on the GIS data we received from the Civil Administration in May 2012.

[33] Although the HCJ Elon Moreh ruling (7/390 Dweiqat v. State of Israel, PD 34[1] 1979) reduced the state's ability to continue to issue military seizure orders for private lands in order to establish settlements, in practice, the Israeli authorities continued to do so until the beginning of the 1980s. Settlements such as Pesagot, Maon, Dolev, Har Bracha, Kochav Ha-Shachar and Ma'aleh Levonah were established in the 1980s on land seized for military purposes. As stated, in slightly more than half of the cases, the seizure was later replaced with a retroactive declaration that the lands were actually state lands.

[34] See note 33.

of seizure orders for building settlements, but continued establishing them on lands seized prior to the ruling.[35] In recent decades, the IDF has made use of seizure orders to construct military installations, erect fences and install other security measures around settlements, in order to build the Separation Barrier and to pave "alternative roads" for Palestinians following construction of the barrier.

2. Orders Preventing Construction

On April 18, 1972, the military commander of the West Bank signed Order No. 465 Concerning the Prohibition on Construction. We do not have maps of all of the orders prohibiting building issued to this day, but as far as we know, they can be divided into four main categories:

- Prohibition against building in a large area east of Jericho.[36]
- Prohibition against construction along roadsides.[37]
- Prohibition against building in the territories around the settlements that the IDF has declared as "special security areas."[38]
- Areas along the Separation Barrier.[39]

Material in our possession reveals that according to data current to 2012, the IDF declared some 196 thousand dunams as areas where all construction is prohibited.[40] This number does not include the area of the orders that prohibit construction along a number of roads in the West Bank.

Typology of Closure Orders

The IDF signed ongoing closure orders (in contrast to temporary orders) during the entire period of Israeli military control of the West Bank. To this date, as far as we know, thousands of closure orders have been issued, though the overwhelming majority was temporary orders, issued *ad hoc*. As stated, the information in our possession regarding these temporary orders is extremely partial, and it is thus not possible to examine the phenomenon methodically. Therefore, the data appearing in this document do not include these orders.

Based on an examination of the ongoing orders in effect today, a number of main goals for which the areas were closed emerge:

- Closing for military training
- Closing the area of the border between the West Bank and Jordan, and closing off territories along parts of Israel's border with the West Bank.
- Closing settlement jurisdictional areas
- Closing security areas around the settlements
- Closing for other military uses (not included in the above categories)

Legal Aspects of the Closure Orders

Par. 125 of the Defense (Emergency) Regulations, instated in 1945 and valid to this day both in the West Bank and in Israel's sovereign territory, enable the IDF to close any territory off to any person for an unlimited period:

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[35] See B'Tselem, By Hook and by Crook, p. 24.
[36] This relates to three orders issued in 1983 for the area located east of Jericho, whose reason for closure is unclear. These orders cover a very broad area. Most of the area has been included since 1993 in Area A, and apparently the orders do not apply to them. And yet, it appears that the order is still valid for lands included in Area C.
[37] This pertains to orders 1/80 and 1/96. To date, the area included in these orders is unknown to us.
[38] On this topic, see B'Tselem's report: Ofir Feuerstein, Access Denied: Israeli Measures to Deny Palestinians Access to Land around Settlements, September, 2008, http://www.btselem.org/download/200809_access_denied_eng.pdf.
[39] See: Amos Harel, "Israel Preventing Building in Palestinian-controlled Territories for Security Reasons,"Haaretz, February 25, 2013, http://www.haaretz.com/print-edition/news/israel-preventing-development-of-palestinian-owned-land-near-separation-barrier-1.505564.
[40] Of these, some 8,000 dunams are located in Area A, around Jericho, and therefore apparently, the relevant orders are not valid. In this case, as well, the most current data are not known to us, since from 2012, the IDF has refused to provide complete information in response to our requests..

A Military Commander may by order declare any area or place to be a closed area for the purposes of these Regulations. Any person who, during any period in which any such order is in force in relation to any area or place, enters or leaves that area or place without a permit in writing issued by or on behalf of the Military Commander shall be guilty of an offence against these Regulations.[41]

However, as a rule, independent of the stated goal of the declaration of a particular area as a "closed area" and the period for which the order applies, the IDF does not invoke this paragraph of the Defence (Emergency) Regulations in order to close areas, but rather, uses par. 90 of the Order Concerning Security Provisions (Judea and Samaria) (No. 378) 1970:

(a) The military commander is authorized to declare any area or place as closed (henceforth in this paragraph – "closed area")
(b) If an area or place as stated in sub-paragraph (a) was closed, the military commander is authorized to determine that one of the following provisions applies to it:
a. No person shall enter the closed area;
b. No person shall exit the closed area;
c. No person shall enter or remain in the closed area;
d. No person shall enter the closed area and not exit it;
(c) The Military Commander is authorized by individual or general permit to exempt a person from provisions of the declaration regarding closure of an area or place, as stated in this paragraph.
(d) When a person violates a declaration regarding the closure of a territory or place, according to which entering or remaining in a closed territory is prohibited, or the condition of a permit issued based on this paragraph, any soldier, police officer or authorized authority appointed for so doing is permitted to remove him from the closed area. This sub-article will not apply to a permanent resident of the closed area.[42]
(e) A person who violates the provisions of the declaration regarding closure of an area or place or condition or a permit issued based on this paragraph, or a person who interfered with a soldier, policeman or authorized authority appointed for this in fulfilling their jobs according to this paragraph or by its virtue – will be charged for a crime based on this order.[43]

As stated previously, in the present report we will not expand on the legal aspects of closing off areas in the West Bank. And yet, it should be noted that the question of "permanent dwellings" of Palestinians within the closed areas (par. 90d) has over the years become a key legal basis used by Palestinian residents to appeal the authorities' attempts to evict them from their places of residence. The reason for the petitions is that the territories in question are vast, serving mainly the rural and Bedouin shepherding population in the West Bank. The core of the debate relates to training areas that are spread throughout the West Bank hill country, the hundreds of thousands of dunams east of the central range ("gav ha-har") that lies west of the Jordan Valley stretching from Yatta in the southern West Bank to Tubas in the northeastern West Bank. Along this strip are hundreds of satellite villages (i.e. offshoots of large villages, known in Hebrew slang as khirab and 'uzbat (based on the Arabic: خرَب وعزبات), located mostly in the more elevated areas along the ridge. These are shepherding villages that developed over the generations in the natural grazing areas of the villages, whose residents remained tied to the mother village, where most of their extended families live.[44]

Naturally, the interpretation that the state would like to attach to the vague concept "permanent resident" is a very narrow interpretation that only includes the people who were living in the closed area on the day of the declaration and during the entire year. This approach, which derives from permanent residency tests

[41] See: http://nolegalfrontiers.org/military-orders/mil02?lang=en.
[42] Par. 125 of the Defense (Emergency) Regulations makes no mention of the issue of permanent residents in closed territories, and therefore, it stipulates no qualifications that might limit a sweeping closure. Par. 90 of the Order Concerning Security Provisions also initially had made no mention of this issue. The exception made for permanent residents, which appears in sub-par. 4, was added as Amendment No. 14 to the order in 1978. The exception made for permanent residents also appears in par. 4h of a document published by the Legal Advisor of Judea and Samaria entitled: "Main Emphases – Closure of an Area" [Heb], http://www.acri.org.il/he/protestright/24780.
[43] See: http://www.hamoked.org.il/items/2140.pdf,]Heb] 45-46.
[44] See, David Grossman, The Arab Village and its Daughters – Processes in Arab Settlement in Eretz Israel during the Ottoman Period, Jerusalem, 1994, 40-52 [Heb].

used in the State of Israel and in Western society in general, is projected onto people who live in an entirely different reality.[45] This is reflected clearly in the legal discussion on the question of the entry of Palestinian civilians into training areas. The very characterization of these people as "trespassers" (see below) works in agreement with the assumption that the IDF is justified in using the areas of the West Bank defined as areas of "belligerent occupation" for maintaining operational fitness of its soldiers. This assumption can be seen from the Military Advocate General's website:

> **For purposes of maintaining operational fitness of forces active in the Judea and Samaria area, the IDF is required to carry out training in the area. To this end, in the 1970s and 80s, the uninhabited areas in the region were declared as a closed military territory, so that they could serve as training areas ("firing areas"). . . Since the firing areas were declared, and particularly over the past twenty years, a phenomenon of trespassing onto firing areas and illegal building has taken place in the area. This phenomenon, beyond the limitations that it places on the IDF in carrying out training in the area and being illegal, is likely to place the trespassers in danger, due to the military training taking place in the training areas. In order to handle the trespassing, the enforcement and oversight authorities are acting to submit eviction warnings to those who enter a firing area or remain in it without permission. As a rule, the warnings grant the trespassers reasonable time to evacuate the area, prior to the enactment of enforcement measures against them. In parallel, the Civil Administration is taking enforcement measures against illegal building in live-fire areas. Despite the above stated, out of consideration for residents of the area, the Military Commander, as a rule, enables the entrance of civilians into live-fire areas on weekends, holidays, and other dates when training is not taking place, for flock grazing, cultivation of plots, outings, etc.**[46]

A large number of petitions have been submitted by Palestinians through the High Court of Justice (HCJ) against the authorities' demand to evict them from training areas, claiming that they should be viewed as permanent residents of these areas. The last ruling given on this matter was in response to a petition submitted by three brothers, residents of Training Area 904 and originally from the village of 'Aqrabah, on whose land most of the training area is located. The three brothers and their families lived close to Khirbet 'Ein al-Khorzilia, near the Jiftlik (in the Jordan Valley) and the settlement of Masuah, along the eastern outskirts of the training area.[47] The petitioners claimed that from the time they were born (1968-1971) they lived in the area for most months of the year, and during the summer months, due to the heat, they would return to live in the mother-village of 'Aqrabah. In the ruling (handed down on December 3, 2013) the HCJ approved the forced evictions of the petitioners claiming that it had not been proven that they were permanent residents prior to the last time the area was declared a closed military zone. Among other things, the HCJ ruled that shepherding there was not tantamount to "permanent residency." This ruling is a clear expression of the narrow interpretation that the government authorities, with the backing of the HCJ, give to the concept "permanent residency" in this context. This interpretation strikes a mortal blow to the economy and tradition of many Palestinian communities that have earned their livelihood from shepherding for generations.[48]

Bringing Palestinians to Trial for Entering a Closed Military Area

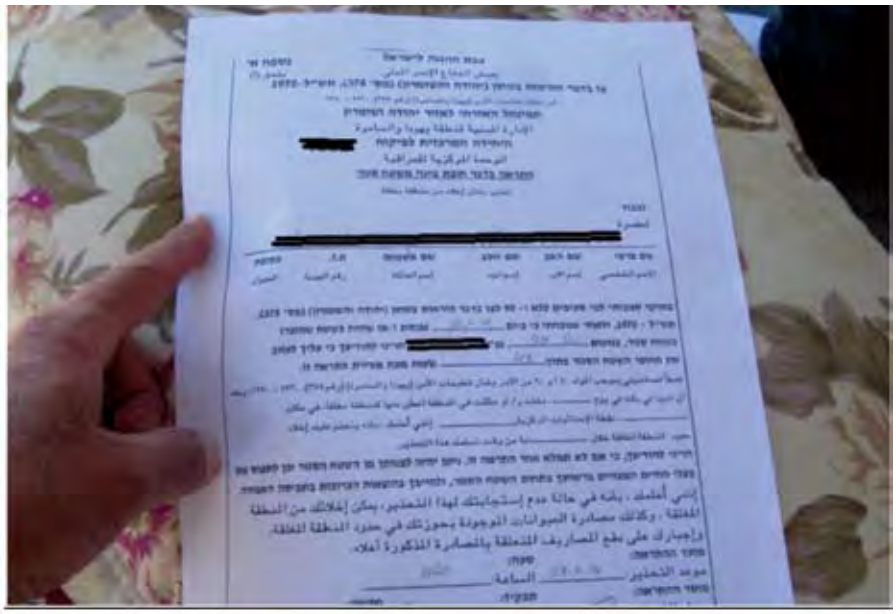
According to data we received from the IDF Spokesperson, since the beginning of 2008, more than 7,500 Palestinians have been tried for entering closed military areas.[49] According to the IDF Spokesperson, most of these cases are opened against Palestinians for entering the State of Israel, which is in its entirety defined as area closed to Palestinian residents of the West Bank. According to the Army Spokesperson's Office, the army does not have numbers regarding the cases opened against Palestinians for entering closed military areas within the West Bank only. However, from a conversation with an attorney knowledgeable about such cases, pressing charges against Palestinians for entering areas considered to be a part of the jurisdictional area of a settlement is very common.

[45] For further discussion on this matter, see: Dr. Amiram Oren, "Live-fire [Training] Areas in Judea and Samaria and Permanent Residency in Closed Territory," November 1, 2006, http://www.amiramoren.com/%d7%a1%d7%a7%d7%99%d7%a8%d7%95%d7%aa [Heb.].
[46] See: http://www.law.idf.il/163-6620-he/Patzar.aspx?SearchText [Heb.].
[47] HCJ 613/10, 'Attiyah Fahami Bani Maniyah et al v. Commander of IDF Forces in the West Bank et al.
[48] For the record, to be fair, in the ruling on this petition, Justice Naor related, inter alia, to the opinion written by the author of this report on behalf of the petitioners, but determined that it was not relevant to the petition, since it had not been proven that the petitioners were residents of the place.
[49] Letter from the IDF Spokesperson to Haaretz journalist Amira Hass, February 17, 2015.

The Administrative Procedure for Demolitions in "Closed Areas"

According to military legislation, the administrative procedure required to demolish structures in closed military areas can be carried out quickly relative to that required in the case of building without a permit elsewhere in Area C, though the Israeli authorities do not always take advantage of this option. The procedure for the demolition of buildings built without a permit in areas that are not closed areas includes issuing a warning order by the supervisory subcommittee, summons to a discussion, the possibility of submitting a request for a retroactive building permit, and in cases in which the request is rejected (as happens every time, in practice), the option for owners to submit a petition to the Planning and Licensing Subcommittee. This is a protracted process, the completion of which is a condition for carrying out the demolition. In contrast, in areas declared closed areas, the process can be much briefer. The declaration of a particular area as a "closed military area" makes it possible to issue an eviction order (usually stipulating an evacuation time of 48-72 hours, and in certain cases, even immediate evacuation), since when one's very presence is prohibited in a particular area, by extension, it is automatically prohibited to erect structures there, and the administrative-planning procedure (that retroactively legalizes the construction) becomes superfluous.

In summary, official takeover of lands in the West Bank occurs along two routes, the civilian route, which is used for the benefit of the settlements enterprise, and the military channel, which is also directly connected to the interests of this enterprise. Military takeover includes seizure of lands for security purposes, prohibition against building in broad areas, and of course, declaring the closure of territories for different purposes.



Evacuation order issued for Palestinians from the Jahalin Tribe who live at the edge of Training Area 912 ("Ha-Biq'ah"), east of Ma'aleh Adumim. The order requires the residents to evacuate within 48 hours.

Live-Fire Training Areas and Military Camps Inside Israel

Par. 125 of the Defense (Emergency) Regulations, mentioned above, is the legal basis for the closing off of territories inside Israel. Comparatively, it is evident that the reality inside the State of Israel is not significantly different than that in the West Bank, and in both areas, the IDF is the dominant factor in all that pertains to the civilian use of land resources. Approximately one third of the territory of the State of Israel today is defined as military training areas, totaling some 6.4 million dunams. The State Comptroller's Report (61a, 2011) that dealt with the issue of the army's use of state lands asserts the following:
State lands are a national resource, essential for its [the state's] development and construction, and their lack is growing increasingly dire. The more that the state develops and the population

continues to grow, the demand for land everywhere in the country grows, particularly in central, population-dense areas, for various needs such as trade, industry and housing. Given these circumstances, the inherent conflict between the needs of the civilian sector and the needs of the army, which maintains possession of some 39% of all of the lands of the State of Israel and imposes use restrictions on approximatley 40% more, is intensifying. The existing legal infrastructure grants the IDF significant special consideration, manifested in the Planning and Building Law, in all that pertains to the erection of security structures and the imposition of limitations on civilian land use; it even enables it to close off areas and retain possession of them, mainly for purposes of training its forces, in keeping with the Defense (Emergency) Regulations.

Despite the importance of how lands are managed by the IDF and the oversight of their use, our review revealed that over the years, the activity of all relevant actors – the IDF, the DMO [Defense Minister's Office], and the ILA [Israel Lands Administration] – has been deficient. Moreover, in some cases, the activity of the IDF, DMO and ILA failed, sometimes leading to a significant violation of the rules of proper administration. In an overall view, an ongoing omission was created, whose main results are a waste of land resources, waste of public monies, and harm to the public interest.

The government of Israel does not carry out proper oversight of lands that were allocated for IDF use, and the security establishment does not act satisfactorily to update it regarding changes made in these territories. In order to possibly address this situation, leaders of the Israeli government must ensure that its districts carry out oversight and review of the lands in IDF possession, and act without delay to establish a database and computerized system for managing the lands in IDF possession; the security establishment must at the earliest opportunity complete the mapping of the boundaries of the IDF camps and act without delay to update them vis-à-vis the Committee for Security Installations pertaining to the matter and to changes in land allocations vis-à-vis the government of Israel. Moreover, it must send the government of Israel ongoing reports regarding its live-fire areas, including the changes it carried out in them in comparison to areas allocated to it. The Ministry of Defense must determine procedures for oversight and control regarding the manner in which the IDF uses lands, including the manner of reporting it will receive from IDF organizations involved in the matter. In addition, the government of Israel and the Ministry of Defense must create a formal arrangement for all that pertains to the allocation of lands to the IDF.

There are many abandoned and unsecured army camps spread throughout Israel, some of which pose a danger to safety and [potential] grave harm to the environment and health, since the IDF does not maintain them. Without detracting from the IDF's responsibility in this realm, the security establishment, government of Israel and Ministry of Finance must act at once to formulate a joint program to clean them and return the land on which they were established to the authority of the government of Israel. And yet, as long as the grounds of these camps have not been transferred from the IDF to the government of Israel, the IDF is responsible for them, and therefore it must take all steps to ensure that these areas cease to pose a safety hazard to the public. In addition, in light of the large number of camps abandoned and neglected without the planning branch approving them as is necessary, it must take steps to ensure that the phenomenon is eradicated. The IDF controls some 33% of the area of the state (not including Judea and Samaria) as live-fire areas, without sufficient oversight of their efficiency of use. The IDF must act to strengthen the oversight on the use of live-fire areas, while formulating a policy in all that pertains to their administration, including approval of requests by civilian entities for secondary use of the land. In addition, it must implement tools that will ensure their optimal use.

The complete document can be viewed on the State Comptroller's website: http://old.mevaker.gov.il/serve/contentTree.asp?bookid=594&id=2&contentid=&parentcid=undefined&sw=2133&hw=1130 [Heb.].

For further reading on training areas within the State of Israel, see:

- Amiram Oren, "Procedures for Determining the Legal Status of Live-Fire Training Areas in the 1950s," Tzava ve-Mishpat 19, 287-312 [Heb.] http://www.amiramoren.com/wp-ontent/uploads/2011/06/KviatShtahimImonim.pdf
- Elad Moretzki, "The Legal Basis for Determining Training Areas and Basic Constitutional Rights," Tikhnun 8, 1 (2011), 238-258 [Heb.] http://www.wblaw.co.il/uploads/the%20legal%20status%20of%20determining%20training%20areas%0constitunal%20basic%20rights.pdf
- Dafna Barak-Erez, "Live-Fire Zones and Training Areas – The Legal Aspect," Mishpat ve-Tzava 11-12 (1991), 153-172 [Heb.]
- Yanai Shlomo, "IDF Land Policy," Qarqa 50 (2000), 32-42, [Heb.].

Part III: Early History of the Closure of Territories in the West Bank

In this chapter, we will trace the historical process that occurred with the occupation of the West Bank, during which large areas within it were declared closed military zones. It is important to make clear that the ability to present a precise historical reconstruction of this sequence of events is limited, since some of the relevant information is not available to us. And yet, based on the information we do have, based entirely on data supplied by the IDF and the Civil Administration, it is possible to sketch a chronological outline of this process which, as stated, was more influential than any other in shaping the government administration of lands in the West Bank.

During the Six-Day War, Israel conquered vast territories. Acquisition of these territories led to a threefold increase in the area that Israel had controlled previously. These territories, as is known, are the Golan Heights, the Sinai Peninsula, the Gaza Strip and the West Bank.[50] The IDF's entrance into the West Bank, and becoming established there, was carried out during the first stage by seizing Jordanian military and government centers. Most of these centers were inside cities and along main roads, while others were dispersed throughout the rural areas.[51]

Declaring the First Training Areas

As was already stated at the beginning of this composition, on July 8, 1967, Major General Uzi Narkiss, then Commanding Officer of the Central Command, signed Order No. 34, and in so doing declared, in effect, that the entire West Bank was a closed military zone. However, this order was never upheld according to the letter of the law, and access by most residents of Israel to most of the areas of the West Bank was not limited.[52] On August 1, 1967, Maj.-Gen. Narkiss, in his position as Military Commander of the West Bank, signed a closure order for nine areas east of the West Bank hill country (*"gav ha-har"*), from the northern West Bank to the Jericho Valley, for training purposes, and so for the first time since the war, hundreds of thousands of dunams in the West Bank were declared "closed areas."[53]

Closing off these "training areas" just weeks after the end of the war could not have been directly connected to the IDF's immediate training needs, since during that time, all Israeli military training still took place within the borders of the State of Israel, west of the Green Line, and is not likely that the IDF, in the short span of just a few weeks, relocated its entire training array to the new territories whose military and political future were shrouded in uncertainty.[54]

Closure of the Strip along the Jordanian Border– Order 151

Just a few months after the closure of the first territories, on November 1, 1967, Closure Order 151 closed off an approximately 237,000-dunam strip along the border of the West Bank with the Hashemite Kingdom of Jordan, i.e. the entire area up to the Jordan River, east of Jordan Valley Road 90. This order was intended to prevent free passage between the eastern and western banks of the Jordan River, which until June 1967 had both been under Jordanian control. Following the closure of this area, the residents of a number of Palestinian villages were evicted from their homes. During the years following the signing of Order 151, tens of thousands of dunams were transferred from the closed territory to the settlers of the Jordan Valley, including the agricultural areas cultivated today by Israeli settlers to the east of Road 90.

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[50] In this war, some 69,000 km² were occupied, in contrast to some 21,000 km² that had been under Israeli sovereignty prior to the war.

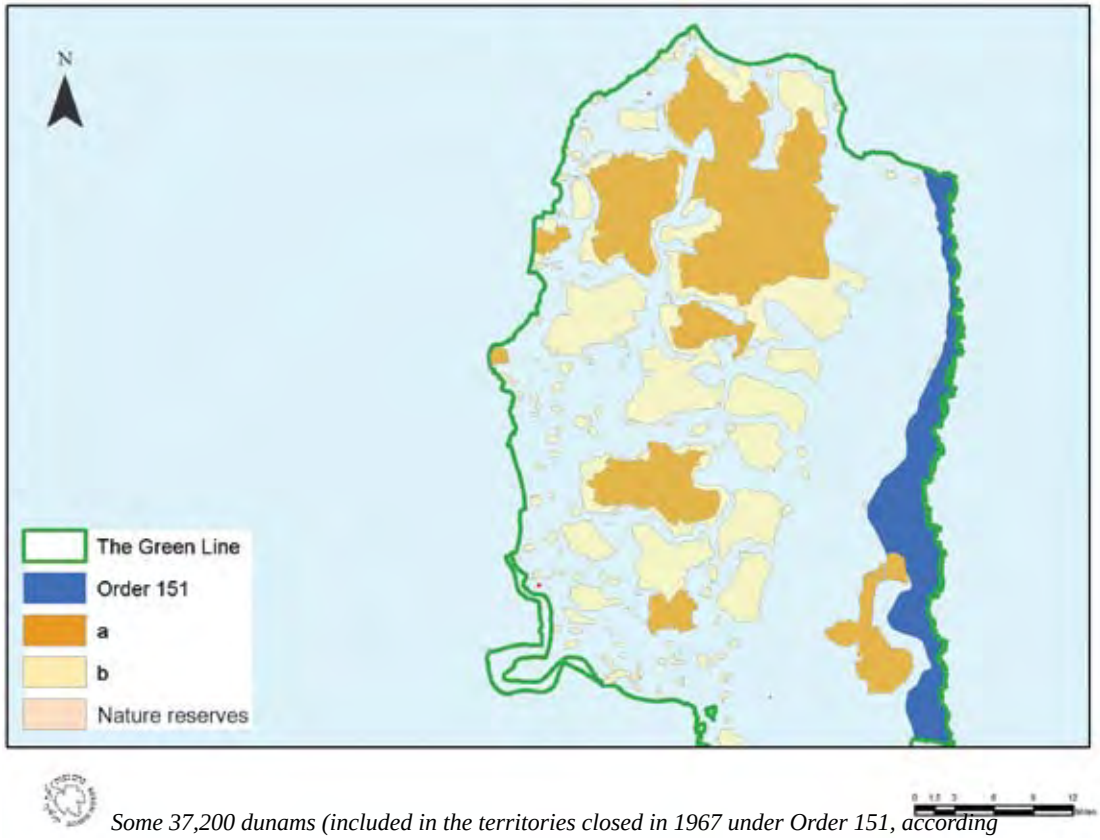
[51] These were mainly bases near the villages of Sanur, Qabatiya, Dir al-Sharaf, Hawara, Bitin, Beit 'Ur, Beit Sahour and Dahariyah.

[52] In a few cases, these orders were used on an individual basis to close an area off to the extreme right of the settler camp. See: Haim Levinson, "Kahane's Grandson Banned from West Bank for a Year," Haaretz, March 4, 2015, http://www.haaretz.com/news/israel/.premium-1.645375.

[53] The training areas in question are 900, 901, 902, 903, 904, 905, 906 and 907. Firing Zone 904 was divided into two. We are unable to specify the size of each of those firing zones overall, since zones 905 and 907 are no longer referred to by these numbers, and we cannot state with certainty what their size was. In addition, we do not know where these zones were located, though it can be assumed that it was in the eastern part of the West Bank.

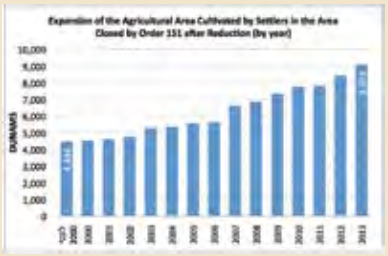
[54] In their book, A Land in Khaki, Amiram Oren and Rafi Regev state that at the initiative of Ariel Sharon, who was then Head of the Army Training Branch, the training bases of a number of army units were relocated to the West Bank immediately after the war, and established on the site of Jordanian army bases See: Amiram Oren and Rafi Regev, A Land in Khaki: The Geographic Dimension of Defense in Israel (Jerusalem 2008) 82, note 16 [Heb.].

This area comprises some 237,000 dunams, approximately 70% of the area declared by Israel as state lands, or that were already state lands before 1967 (registered as such by Jordan), while the remainder of the area (some 30%) are private lands or lands owned by the Muslim Waqf.[55]



Some 37,200 dunams (included in the territories closed in 1967 under Order 151, according to its original boundaries) are cultivated by Israeli farmers east of Road 90 and extending to the Jordan River.

Settler Agriculture in the Area Closed by Order 151



The area to which Order 151 applies was legally reduced on paper in 2002 and later, it was closed in practice such that in its final form, it was flush with an area effectively closed by the construction of the electronic Separation Barrier that runs the length of the Jordan Valley. These territories were transferred to Israeli settlers, apparently gradually, from the 1980s onwards. According to the maps we generated based on aerial photographs current to 2014, 9,013 dunams were being cultivated by Israeli settlers, and of these, over half (4,850 dunams) are privately-owned Palestinians lands whose owners have had no access to them since 1967. The settlers and their hired laborers have special permits that enable them to enter and exit this area. Approximately one half of the areas that the settlers cultivate today (mainly date orchards) were given to them over the last decade. This is therefore a growing trend in recent years, and it is part of a broader trend of a marked increase in the date industry in the Jordan Valley and northern Dead Sea area.

See:

Chaim Levinson, "Palestinian Owners Barred from Jordan Valley Land, while Israeli Farmers Profit," Haaretz English online, January 3, 2013, http://www.haaretz.com/news/diplomacy-defense/palestinian-owners-barred-from-jordan-valley-land-while-israeli-farmers-profit.premium-1.491546.

Chaim Levinson, "Document Confirms World Zionist Organization Allocates Land to Settlers in Jordan Valley," Haaretz English online, September 9, 2013, http://www.haaretz.com/news/diplomacy-defense/1.545856.

Chaim Levinson, "Palestinians Petition High Court to reclaim Jordan Valley Land," Haaretz English online, October 1, 2013, http://www.haaretz.com/news/israel/.premium-1.549925.

[55] See: Akiva Eldar, "Documents: Israel Used Waqf Land to Build Settlements, Separation Fence," Haaretz English online edition, August 5, 2012. http://www.haaretz.com/news/diplomacy-defense/documents-israel-used-waqf-land-to-build-settlements-separation-fence-1.455936.

Tesimonty of Abu Hatem al-'Arinatt – 'Ujah, June 2, 2015

My name is Abu Hatem al-'Arinat and I am the mukhtar of the al-'Arinat family, which numbers 400-500 people, and is divided here in the West Bank between: 'Ujah, Fasail, and Far'ah. There is another larger part of the family that numbers 4,000-5,000 people, living in Jordan. I was born in 1953. I was born and grew up in the village of Fasail a-Tahta [Lower Fasail] which was approximately one kilometer east of the village of Fasail al-Fowqa [Upper Fasail], which today is just known as Fasail. Our lands extended as far north as Wadi al-Ahmar [some 2.5 km north]. In the place where I grew up were 100 tents and small tin shacks, and all the residents were Bedouin of the al-'Arinat family. East of us, closer to the river [the Jordan], were other small villages where a few hundred more people lived.

After the war, Israel fenced in a strip along the river, and everyone who was already living in that strip was forced to leave. Some crossed into Jordan, and some remained in the West Bank. We, in any case, continued living where we had previously, which was more or less a kilometer west of the fence. That's to say, we lived in the area between what is today Road 90 and the fence built along the river. After they built the fence, the army came to us and told us to leave, but we refused. They began to harass us and plow our lands with their tractors, but we refused to leave. They saw it wasn't working [and] came to suggest to us that we trade our lands for other lands, but we refused that, too.

Every summer, we would leave our homes and go to the more elevated areas with the whole family and our flocks, and live near the villages in the Nablus area, such as Jalud and Hawara, due to the heavy heat in the valley. We would usually leave Fasail in the month of June, and return in September, at the beginning of the school year. In '68 or '69 we went like every year to the Jalud area, and when we returned, we found out that they had destroyed all of our houses and hadn't left us anything there. We were forced to leave and to move to 'Ujah. There we began our lives again, from nothing. From that day, they forbade us from crossing the line of the road [route 90] eastward. This prohibition applies to this day, and only the Palestinian laborers who work for the settlers are allowed to be in the areas located east of Road 90. Our lands, on which we raised seasonal un-irrigated crops – things such as wheat, barley and vegetables – were transferred to the settlement of Petza'el, and that is the situation to this day.

The effect of closures during this period is described in an August 1969 article by Yosef Waxman, a journalist for the Maariv newspaper who published his impressions after touring the northern West Bank. The paper's editors entitled the article: "You're Here and It's Not So Bad . . . " Among other things, Waxman wrote:

> **The farmers of Tubas are complaining that 60,000 dunams of their lands are located in "live-fire zones," [quotation marks in original] where cultivation and access are prohibited. They extend throughout the Jordan Valley, and it is clear that only if the terrorists stop their attempts at infiltration and quiet is restored to the valley will it be possible to resume cultivating them.**[56]

The events that the Maariv reporter alludes to are the attacks by groups of armed Palestinians operating from Jordan during the first years after the war (until September 1970), in order to strike a blow to the Israeli presence in the recently occupied West Bank.

Closure of the strip of the eastern border of the West Bank with Jordan took place, of course, also through the establishment of Nachal outposts. These outposts were constructed at the end of the 1960s and early 1970s at a few points along the valley down to the northern shore of the Dead Sea, and were populated later, as well as outposts at points farther north: Mecholah, Argaman, Kalia, Niran, Gilgal, Masuah and

[56] Yosef Waxman, "You're Here and it's Not So Bad." Maariv, August 11, 1969 [Heb.] From the Jewish Historical Press website, http://www.jpress.org.il.

Mitzpeh Shalem.[57] This move, which was, as stated, two-pronged – military and civilian – also included the creation of the Alon Road, a road paved gradually during the early 1970s leading from the Jerusalem-Jericho Road (Road No. 1) in the south to Mecholah in the north. This road was intended to enable convenient access to the settlements constructed during these years and subsequently along the line that separates between the agricultural lands east of the Palestinian villages in the West Bank hill country (gav ha-har) and the more eastern and drier strip, where there is no intensive agriculture due to the arid climate. Once paved, this road became a main artery for the IDF, and it enabled access to areas where military training is conducted.


National Library of Israel

„אתם יושבים פה – ולנו לא רע אתכם..."

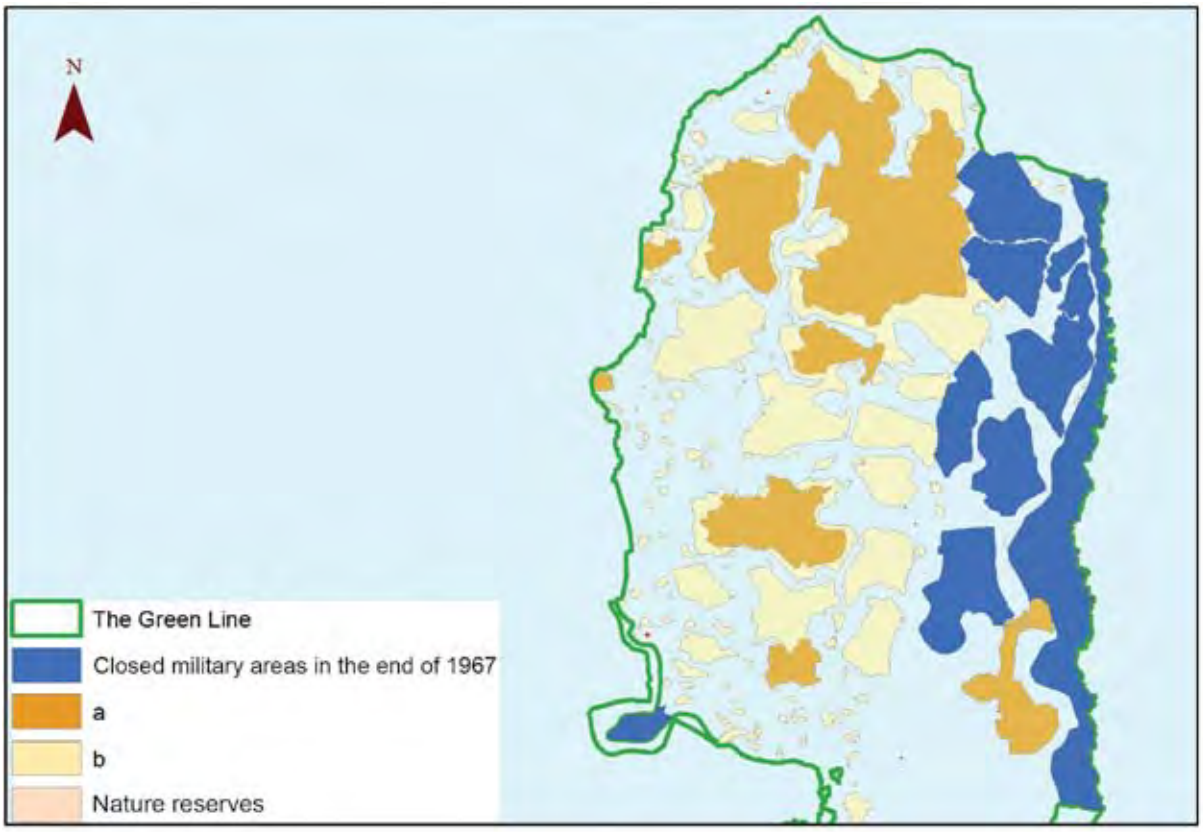
אומרים רבים מתושבי ג'נין, שכן ה„יד הישראלית" מורגשת בשגשוג הכלכלי ובתנופת הפיתוח

You're Here and It's Not So Bad . . . say many residents of Jenin, since the "hand of Israel" can be felt in economic flourishing and in the momentum of development

[57] See: Oren and Regev, A Land in Khaki, 81–82 [Heb.].

Closure of "Area J" – Latrun Salient

The closure of some 15.5 thousand dunams in the area of Latrun preceded the declaration of the closure of the strip of border with Jordan (Order 151). This area was declared a closed area on October 13, 1967. Closure of this area was intended to prevent the return of residents of the three Palestinian villages of Imwas, Beit Nuba and Yalu, demolished by the IDF immediately at the end of the fighting, whose populations were deported eastward, into the West Bank.[58] Following the deportation, and despite the closure order that applied, ostensibly, also to Israelis, in 1969, the settlement of Mavo Horon was established on the remains of the village of Beit Nuba, now home to some 2,300 persons.[59] Approximately one half of the closed area (some 7,300 dunams) is set aside for a nature reserve. These areas were transferred already in the 1970s to the Jewish National Fund, which established, on part of the territory, the Ayalon-Canada Park.[60]



The territories declared as "closed areas" during the first month after the occupation of the West Bank in June 1967

We have no original maps pertaining to all of the closure orders issued during the first months after the war, but according to our estimates, these territories amounted to approximately 685,000 dunams. It is clear, therefore, that the closure of these vast territories, even though the overwhelming majority of them were declared "training areas," was intended first and foremost to create a physical and geographical divide between the population of the West Bank, which lived mainly in the hill country along the range east of the Jordan Valley (gav ha-har) and to the west of it, and the population living on the eastern bank of the Jordan, and in order to prevent the return of deportees from the villages of the Latrun area to their areas.

[58] See report of Al-Haq: John Reynolds, Where Villages Stood: Israel's Continuing Violations of International Law in Occupied Latroun, 1967-2007, December 2007, http://www.vho.org/aaargh/fran/livres10/Latrun.pdf.
[59] The following information about Mavo Horon appears in the database of Baruch Spiegel: "The locality was established without any government decision on lands that are mainly private, within a closed area in the Latrun Enclave (Area J). The area was allocated in 1995 to the Zionist Histadrut, issued by deviation from authority apparently according to a political directive." See: http://www.peacenow.org.il/sites/default/files/Spiegel_Report.pdf, [Heb].
[60] See: http://www.kkl.org.il/eng/tourism-and-recreation/forests-and-parks/ayalon-canada-park.aspx.

My name is Heidar Ibrahim Abu Kteish, born on September 21, 1953 in Imwas. Imwas is a village located about 20 kilometers west of Jerusalem in the Latrun area. I attended school in Imwas until 7th grade.

In 1967 Israel occupied the West Bank and other areas. In Imwas we were near the border with Israel, so we spent the night between June 5th and June 6th 1967 in our neighbors' basement. Sometime after midnight our parents came and woke us up and said we had to move, because the "Jews" were entering the village. We escaped to the Latrun Monastery which they thought would be safer. On the way to the monastery, the Israeli bombing came close to the village. We managed to get inside the monastery.

In the early hours of Tuesday, June 6, 1967, the Israeli army knocked on the gate of the monastery and ordered the priests to bring all villagers out of their monastery. An Israeli officer ordered us to start walking towards Ramallah and nobody was allowed to go back to their homes to bring anything.

We got to Bitunia (five kilometers before Ramallah) and stayed there for six days in the house of a relative of my grandfather. After that the Israeli army announced through loudspeakers in their cars that all villagers from different villages must go back to their villages.

We, the villagers of Imwas, Yalu and Beit Nuba (the three demolished villages in the Latrun area) began our way back to our homes. Before we reached Beit Nuba, the Israeli soldiers started shooting over our heads ordering us to get away from the area. We spent the night in Beit Liqya (a neighboring village) and tried to go to Imwas the next morning. We faced the same threat from the Israeli soldiers, who said that it was a military closed area. Three days later, after the unsuccessful attempts to get back to our village, we embarked on a new painful walk to Ramallah (30 kilometers) where we had to establish a new life, while holding on to the demand to get back to our Imwas.

Israeli Agriculture in the Latrun Salient

After the eviction of the residents of the villages in the Latrun salient, most of the village lands were transferred to moshavim in the Mate Yehudah local council: Ta'oz, Mesilat Tzion, Even Sapir, Nacham and Eshtaol, all within the Green Line and a great distance from the Latrun salient. This is a territory of approximately 1,500 dunams within the West Bank, cultivated today mainly by the Mateh Yehudah Crop Farming Association. Larger areas that were allocated to these localities are located within the no man's land delineated in the separation of powers agreements in April 1949, whose status has not been formalized to this day, although Israel administers it like sovereign territory.

As far as we know, this is the second case in which village lands in the West Bank were transferred illegally to Israeli localities within the State of Israel through the Israel Lands Administration, an organization that has no statutory authority in the West Bank.

See: Akiva Eldar, "Israel Effectively Annexes Palestinian Land near Jordan Valley," Haaretz English online, November 18, 2011, http://www.haaretz.com/news/diplomacy-defense/israel-effectively-annexes-palestinian-land-near-jordan-valley-1.396225.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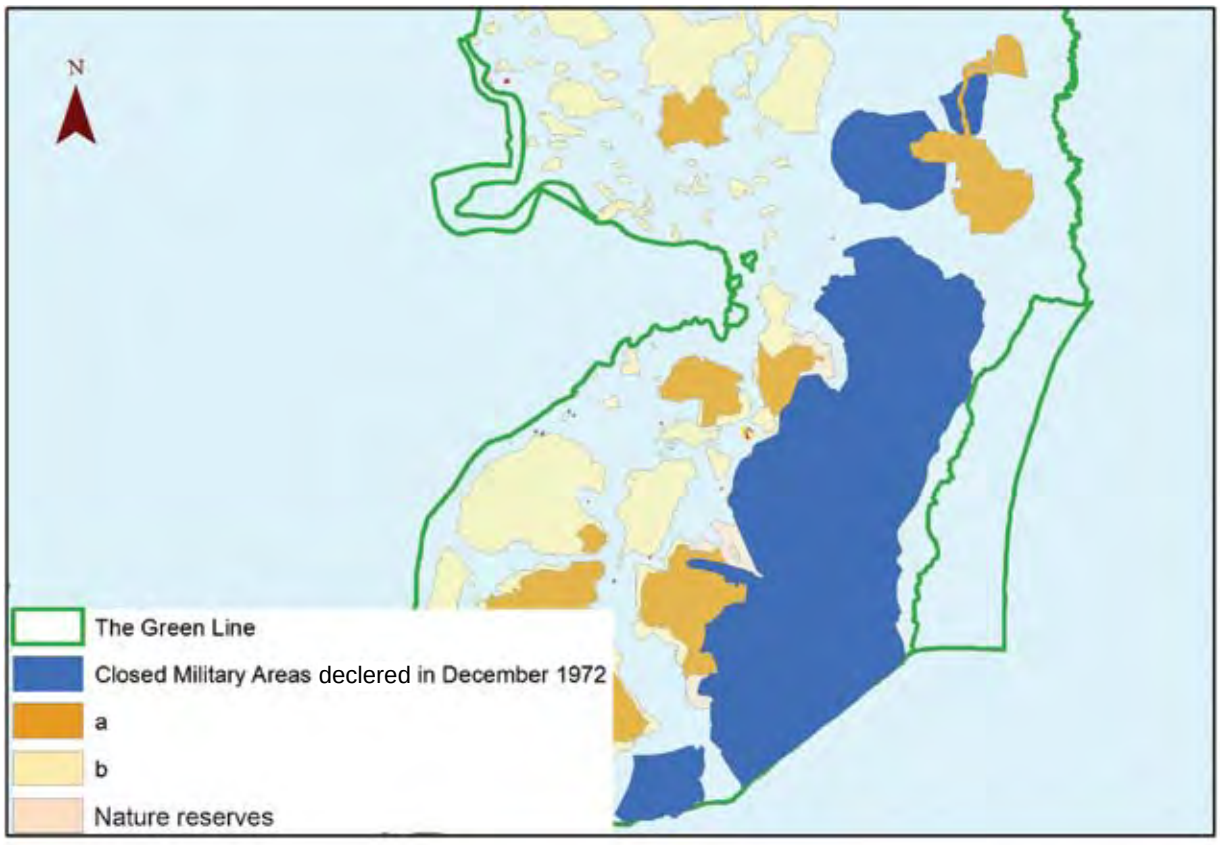
FH16

Second Wave of Training Area Declarations

Beginning in the 1970s, an additional wave of declarations of closed areas began. As far as we know, the first training area declared in this wave was Training Area 930, declared on October 2, 1971, totaling approximately168 dunams, and located roughly one kilometer east of where the settlement of Kiryat Arba was being established at the time.[61]

Most of the declarations of closed areas during this wave were in the eastern area of the West Bank, along the contiguous areas in the strip that stretches from the Beqa't 'Ujah in the northern West Bank to the lands belonging to Yatta at its southern boundary. This is a very broad area of approximately 713,000 dunam, and it was declared a closed military zone on December 25, 1972.[62]

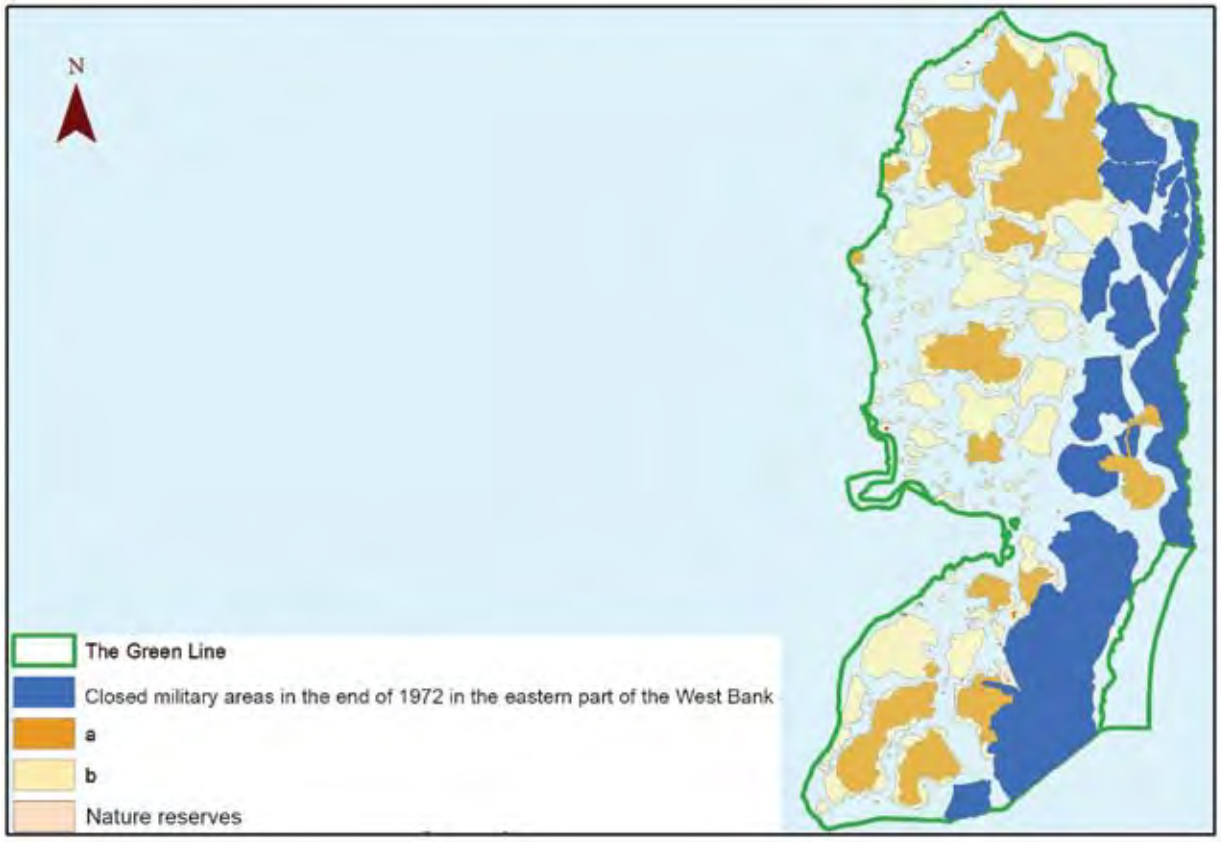
Closure of these areas, more than one of whose western boundaries bordered directly on Palestinian localities, greatly reduced the ability of these localities to make use of their lands, and left a physical barrier between them and the Jericho Valley and the northern shore of the Dead Sea.



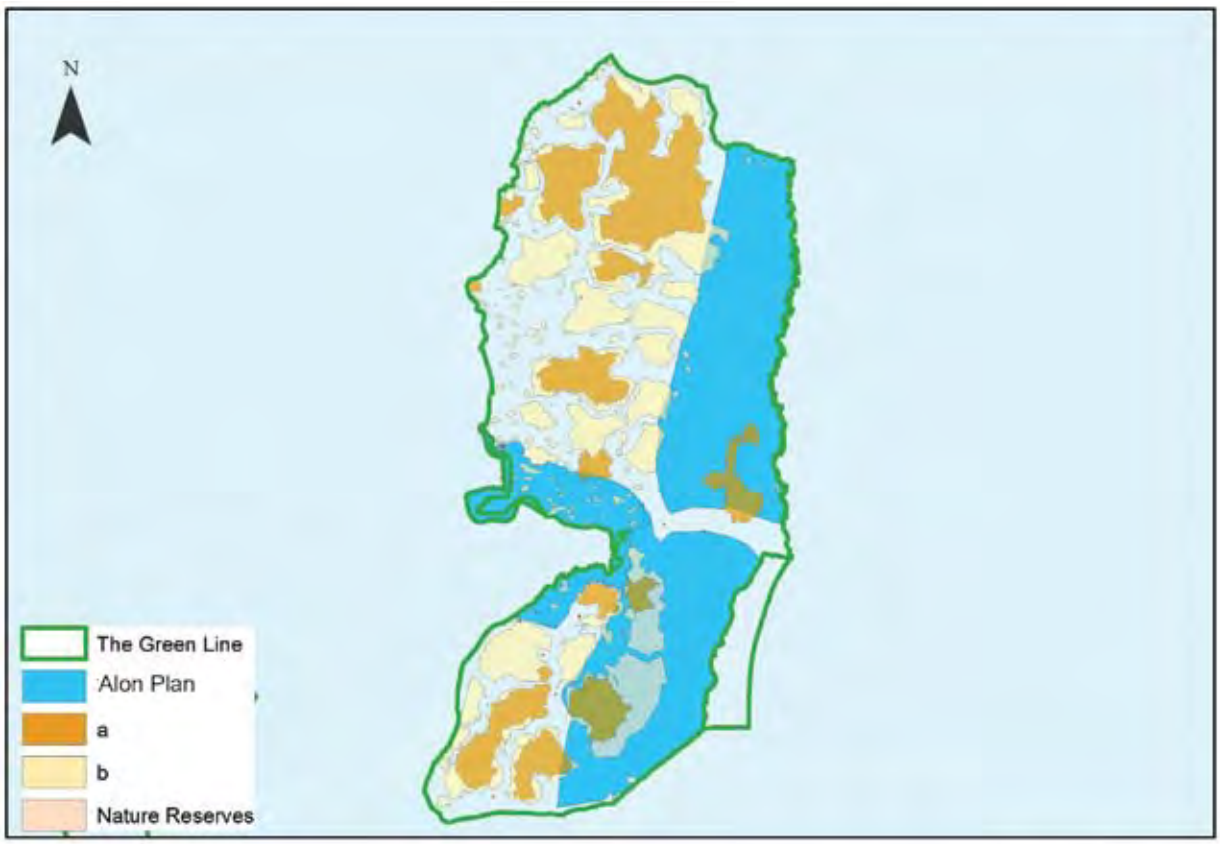
More than 713 dunam were included in the areas closed for training purposes on December 25, 1972.

At the end of the second wave of declarations, declared training areas had taken over most of the eastern strip of the West Bank, sprawling across some 1,140,000 dunams. It is difficult not to notice that the map of the training areas overlapped almost completely with the eastern strip of the West Bank, as drafted by Yigal Alon already in 1967 in order to advance the political plan named after him. As stated, although the official map of the Alon Plan was never published, and no government ever adopted the plan as part of its official policy, the Alon Plan had more influence than any other on Israel's settlement policy from 1967-1977.

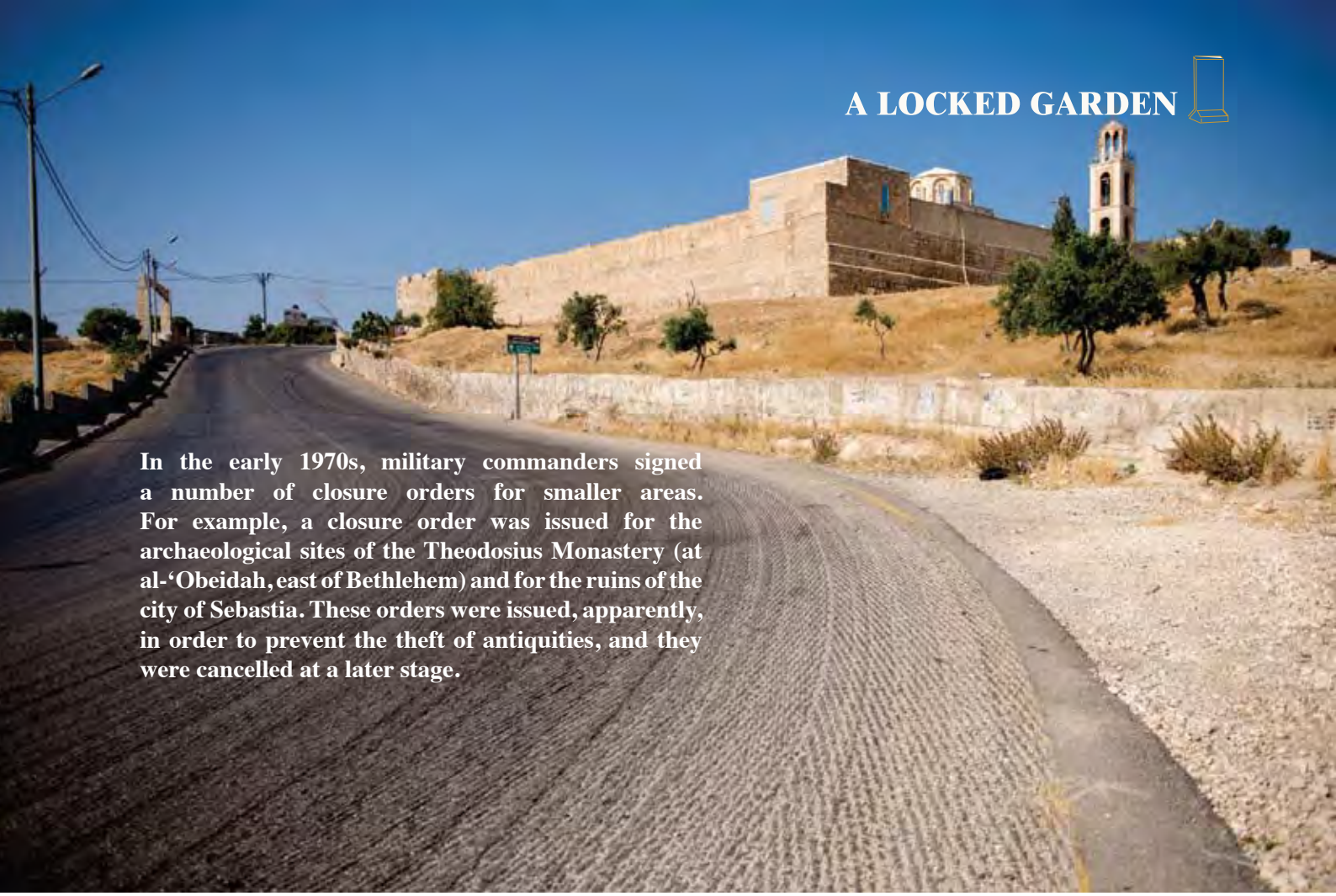
[61] Kiryat Arba was built on lands seized for military purposes during 1970-1971.
[62] This calculation is based only on live-fire areas that were identified with certainty – Training Areas 911-918. As for Training Areas 919-926 that were declared under the same order, we have no information regarding their location, since these numbers are no longer in use today. In any case, it is likely that these were small training areas relative to the areas in the eastern part of the West Bank.



Closed areas in the eastern strip of the West Bank, 1972. Some 1,140,000 dunams were incorporated into training areas at that time.



Map of the Alon Plan. According to this plan, the entire eastern strip of the West Bank, as well as the Gush Etzion area and the strip along Road 433, were slated to remain under Israeli control.



In the early 1970s, military commanders signed a number of closure orders for smaller areas. For example, a closure order was issued for the archaeological sites of the Theodosius Monastery (at al-'Obeidah, east of Bethlehem) and for the ruins of the city of Sebastia. These orders were issued, apparently, in order to prevent the theft of antiquities, and they were cancelled at a later stage.

Photograph of the Theodosius Monastery

Training Areas on the Green Line

The map of the areas declared as training areas within the West Bank is related, inter alia, to the map of territories closed earlier for training purposes within the State of Israel. As early as 1955, then Chief of Staff Lieut.-Gen. Moshe Dayan issued closure orders for 280,000 dunams in twenty locations throughout Israel, based, as stated, on the Defense (Emergency) Regulations.[63] Some 170,000 dunams of these territories are located in areas very close to central Israel, along the Green Line, in the area between Rosh Ha-Ayin and the Adulam region (today the area south of Beit Shemesh).

Clearly, this dispersion of training areas is intended to close off the border of the State of Israel with the West Bank, a border that at the time had no real expression on the ground.[64] An examination of the map of territories closed for training purposes in the western part of the West Bank, as well as in its southern end (where Training Area 918 is located) reveals that declaration of training areas within the West Bank was carried out in order to extend training areas within Israel into the West Bank, i.e. in order to create a large block closed to Palestinians.[65] As stated, Training Area 918 in the southern West Bank was first closed already on December 25, 1972. In contrast, the closure dates of the areas in the western West Bank are unknown to us.[66] And yet, it is reasonable to assume that the closure of most – if not all – of these territories was also ordered in the early 1970s, during the second wave of declarations.

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[63] See p. 27-28 in this document.
[64] See: Oren and Regev, A Land in Khaki, 46-47 [Heb.].
[65] The overall size of the training areas immediately adjacent to the Green Line (including Training Area 918) was approximately 82,000 dunams.
[66] In the state's response to the petition of Muhammad Mussa Shehade Abu 'Aram et al v. Defense Minister et al, HCJ 413/13 and HCJ 1039/13, July 29, 2013, par. 4d states that the area was declared a training area in 1980. However, we have located a military order already from 1972 declaring this and other training areas as closed, http://www.acri.org.il/he/wp-content/uploads/2013/07/hit413tguva.pdf [Heb.].

Table of Training Areas on the Green Line

Adjacent Training Area West of the Green Line	Training Area in the West Bank (East of the Green Line)
522	918
522	917
none	(southern part of the "Biq'ah" Training Area") [67] 309a
Shooting Range 81	309b
208	208a
203	203

Map of the training areas in the West Bank contiguous with training areas west of the Green Line

Third Wave of Training Area Declarations

In orders published on May 25, 1975, two additional training areas were declared:

- Training Area 927 in the northern West Bank (between Nablus and Jenin), an area covering some 16,000 dunams and subsequently expanded on two occasions (dates unavailable) to ultimately include almost 22,700 dunam.
- Training area near the abandoned Adorayim Base, located in the al-Majnuneh area, on the lands of the village of Dura, southwest of Hebron. This area originally included 76 dunams, and after it was expanded (date unavailable), its area totaled 246 dunams.

These areas were intended for use by field units whose training was nearby. However, in both cases, the bases were evacuated in the 1990s, although the closure orders remained in effect.

[67] This training area is sub-divided into a number of training areas whose numbers are: 912, 913, 914, 915, 916, 917.

Border Amendments to Training Areas

In the early 1970s, the IDF began issuing "amendment orders" for determining the boundaries of the training areas declared immediately at the end of the war, just a few years earlier. In 1970, areas 906 and 907 were amended.[68] On December 25, 1972, a closure order was published that included amendment of the borders of six training areas in the northeastern Jordan Valley: Training Areas 900-903, and Training Areas 904 and 904a. We have no information regarding the circumstances that led to the decision regarding the amendments, but it seems reasonable to assume that they were intended to reduce and not expand the training areas. This assumption is based, among other things, on an article published a few months earlier in the Davar newspaper, entitled, "Training Areas in the West Bank to be Reduced." The articles stated that **"authorized sources have informed us that the areas closed by order of the military governments in the territories of Judea and Samaria total some 2.5 million dunams."**[69]

Our own data, in contrast indicate that the area closed is much smaller. Based on maps in our possession, we can state that by the mid-1970s, over 1.5 million dunam of closed territories (mainly for the closure of borders and training areas) had been declared, slightly less than 47% of the West Bank. In addition, based on information in our possession, the map of the training areas in the West Bank in their present array, with the exception of a few changes that have been made, was created already during the years 1967-1972.

Davar - דבר, 06.09.1972, page 4

Practice Areas in the West Bank to be Reduced

יצומצמו שטחי האימונים בגדה

מאת דויד מושיוב,
סופר „דבר"

צה"ל ערך לאחרונה בחינה מחודשת של שטחי האימונים המוחזקים על־ידו באיזורי יהודה ושומרון. במסגרת זו נשתרר צה"ל שטחי אימונים באיזורים שונים ביהודה ושומרון וכן בדרום הר חברון ויאפשר לכפריים לעבד שטחי אדמות נוספים.

מקורות מוסמכים מסרו, כי השטחים שנסגרו לפי צו המושלים הצבאיים בשטחי יהודה ושומרון מגיע לכדי 2.5 מיליון דונם. אולם רוב שטחי אימונים אלה הם הרריים ומדבריים ואינם מתאימים כלל לעיבוד חקלאי. מתוך השטח המוחזק יש 100.000 דונם שנסגרו ונתפסו לצורך הקמת גדר הבטחון לאורך נהר הירדן. מתוך השטח המיחזק הנותר, רק 50.000 דונם ראויים לעיבוד ולאחר הבחינה המחודשת יחזור לכפריים רבע משטח זה.

בין ההקלות שכבר נכנסו לתוקפן הוא באיזור כפר מוקיבלה. בעקבות החלטה זו שוחררו והוחזרו לכפריים 4.000 דונם אדמה חקלאית טובה. השטח הנותר בן 1500 דונם שיישאר שטח אימונים סגור יגודר, כדי למנוע חדירת כפריים לתוכו.

הקלה נוספת שנכנסה לתוקפה היא מתן רשות לכפריים באיזור בקעת הירדן להקדים את היצאת עדריהם למרעה משעה 12 בצהריים לשעה 10 בבוקר.

[68] The borders of Training Area 906 were amended in August 1970, and the boundaries of Training Area 907 were amended on March 19, 1970.

[69] David Mushayov, "Training Areas in the West Bank to be Reduced," Davar, [Heb.], September 6, 1972, from the Historical Jewish Newspapers website, http://www.jpress.org.il.

Dates of Training Area Declarations in the West Bank, and Dates of their Border Amendments[70]

Training Area	Date of Closure Order	First Amendment	Second Amendment	Third Amendment	Fourth Amendment
900	1.8.1967	25.12.1972	1979 (exact date unknown)	30.6.1991	1.9.1992
901	1.8.1967	25.12.1972			
902	1.8.1967	25.12.1972			
903	1.8.1967	25.12.1972			
904north	1.8.1967	25.12.1972	9.2.1975		
904south	1.8.1967	25.12.1972			
905	1.8.1967				
906	1.8.1967	1.8.1970			
907 ג	13.6.1968				
907 א-ו	1.8.1967	19.3.1970			
911	25.12.1972				
912	25.12.1972				
913	25.12.1972				
914	25.12.1972				
915	25.12.1972				
916	25.12.1972				
917	25.12.1972				
918 ("Firing Zone 4)	25.12.1972	8.6.1980	12.11.1982		
919	25.12.1972				
920	25.12.1972				
921	25.12.1972				
922	25.12.1972				
923	25.12.1972				
924[71]	25.12.1972				
925	25.12.1972				
926	25.12.72				
927	9.2.1975				
929	27.5.1975				
930	2.10.1971				

[70] This list includes only training areas for which we have information on the dates of declaration and border amendments. There is a considerable number of additional relatively small training areas regarding which we have no such information. In addition, it is possible that additional changes were instituted in the borders of the areas noted here, but regarding which we are lacking information.

Peace Accords with Egypt and Israeli Withdrawal from Sinai

In 1978, the peace treaty between Israel and Egypt was signed, following which Israel withdrew from the Sinai Peninsula, which had been occupied for 11 years. By April 1982, Israel had evacuated all of the Sinai settlements, and all of its military installations there; a number of the installations were transferred to the West Bank. The bulk of the new military presence in the West Bank focused naturally on the eastern strip, which was less populated than the other areas. During these years, permanent bases were established at Mishor Adumim, the Jericho Valley, the entrance to the Jiftlik, and the eastern entrance to the villages of Tamun and Tubas. Following this process, military training was held for the first time on a broader scale in a number of the territories declared earlier as training areas.[72] One might say that the period from the end of the 1970s until the signing of the Oslo Accords in 1995 was the period of the greatest number of military maneuvers in the training areas of the West Bank. Although this is difficult to verify absolutely, supporting evidence appears in an article published in the Davar newspaper on December 18, 1979, entitled, "IDF Opposes Establishment of Settlements in the [Jordan] Valley."[73]

IDF OPPOSES ESTABLISHMENT OF SETTLEMENTS IN JORDAN VALLEY:
Demands Existing Settlement be Moved Because of Training Area

National Library of Israel

Davar - דבר, 18.12.1979, page 1

צה"ל נגד הקמת
ישובים בבקעה

דורש להזיז ישוב קיים –
בגלל שטחי אימונים

מאת טובה צימוקי
כופרת „דבר"

צה"ל מתנגד להקמת שני ישובים בצפון בקעת הירדן בחמש השנים הבאות כפי שתוכנן על ידי ועדת השרים לעניני התיישבות זאת בטענה שהם יוקמו בשטחים המיועדים לאימונים.

כן דורש צה"ל להעביר ישוב בבקעה למקום אחר, בגלל אותה טענה. חטיבת ההתיישבות של ההסתדרות הציונית מתנגדת לדרישות אלה, וטוענת שעל צה"ל למצוא מקומות חילופיים לאימוניו. טענות צה"ל כלולות במכתב ש' שלח קציר בכיר במטכ"ל למנכ"ל מחלקת ההתיישבות של הסוכנות היהודית שמעון רביד.

מנהל חטיבת ההתיישבות בהסתדרות הציונית מתי דרובלס הכריח אתמול את הידיעות האלה ב-

(המשך בעמוד 2, טור 1)

[71] This is the northwestern part of Training Area 918, originally known as Training Area 924. The state, in July 2012, following petitions by residents of this area, agreed to enable residents to remain in it, and promised that it would be used only for "dry" training, i.e. training without live-fire. See State Response to Petition of Muhammad Mussa Shehadeh Abu 'Aram et al v. Defense Minister, et al, HCJ 413/13 and HCJ 1039/13, July 29, 2013, par. 24 http://www.acri.org.il/he/wp-content/uploads/2013/07/hit413tguva.pdf.

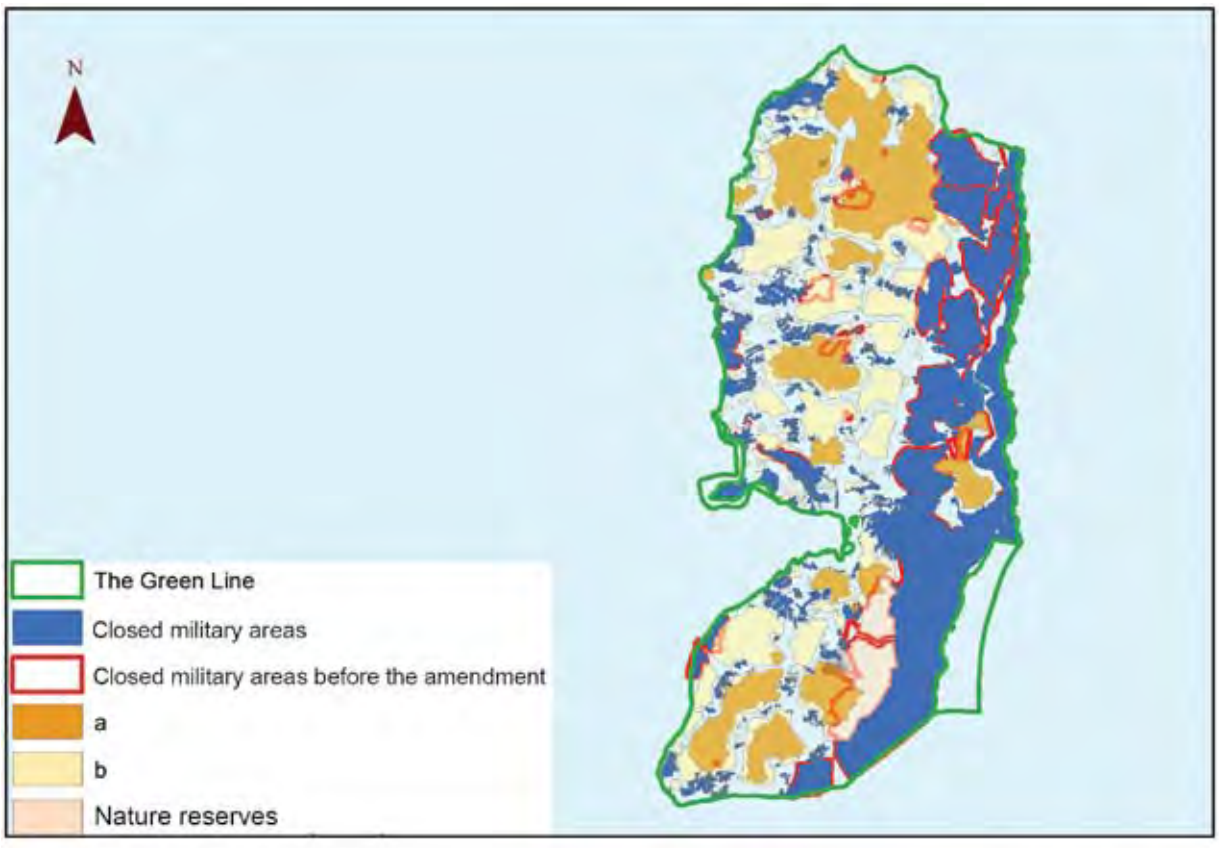
[72] See: Oren and Regev, A Land in Khaki, 108 [Heb.].

[73] Tova Tzimuki, "IDF Opposes Establishment of Localities in the [Jordan] Valley," Davar, December 18, 1979, from the "Historical Jewish Press," website [Heb.], http://www.jpress.org.il.

1990s Following the Oslo Accords

The Oslo I (1993) and Oslo II (1995) Accords (which led to the IDF's withdrawal from some 39% of the West Bank's total area to form Areas A and B), led to the official cancellation of a portion of the training areas and to a change in the borders of the areas of others. In most cases, the training areas were reduced in size, although in a few cases they were expanded. During these years, the map of the closed areas was drawn up and remained in effect until March 1997, immediately prior to the declaration of the closure of the jurisdictional areas of the settlements. (The logic underlying the cancellation is directly related, in most cases, to the map of the areas of the Palestinian Authority determined with the signing of Oslo II.) Some 244,000 dunams of these closed areas (i.e. approximately 67% of the overall area annulled) were cancelled since they overlapped with the Palestinian Authority and with areas defined as designated "Green Areas and/or Nature Reserves" following the Wye Agreement in October 1998, while the other areas whose closure was cancelled are part of Area C.[74]

From the second half of the 1990s until the beginning of the Second Intifada (September 2000), the closure orders for most of the closed areas remaining in Areas A and B were cancelled, and the borders of other training areas were redrawn, often so that they would be flush with the areas of the Palestinian Authority. **A calculation based on the maps of the closed areas provided by the Civil Administration illustrates that the closure of some 364,000 dunams was annulled between the early 1990s and the beginning of 2015.**[75]



Map of the cancelled closed areas in juxtaposition to the areas that remained closed after their amendment (Red - old borders; Blue - new borders)

[74] The nature reserves extend over some 166,500 dunams, slightly less than 3% of the area of the entire West Bank. See: "The Wye River Memorandum" (October 1998), http://www.knesset.gov.il/process/docs/wye_eng.htm.
[75] The official cancellation of the maps of the closed areas took place years after the cancellation of the closure following the transfer of territories to the Palestinian Authority.

Israel Defense Forces Order Concerning Security Provisions (Judea and Samaria, No. 378) – 1970
Closure Order for Area No. 1/99 S (Amendment of Borders, No. *8)

Closure order for amending borders of "Ha-Biq'ah" Training Area, September 2007

Closures Canceled Following the Oslo Accords

Official cancellation date	Name of area (as it Appears in Civil Administration Data)	Area in dunams
5.1.2000	Air Force Firing Range at Muqbileh[76]	1,608
28.9.1997	Masliyah Firing Zone (south of Jenin)	272
5.1.2000	Area of the Yatma outpost[77]	754
5.1.2000	Closure of area for security purposes (on the lands of Dura al-Qar'a, north of Beit El).	1,024
5.1.2000	Dir Qadis Police	173
5.1.2000	Yosef Liaison Office (south of Tubas)	4,888
5.1.2000	Training Area 927 (south of Jenin)	15,976
5.1.2000	Training Area, Dahariyah Police	203
5.1.2000	Training Area 932 (southwest of Nablus)	17,198
5.1.2000	Training Area 933 (Divided into three separate areas east of Salfit)	9,999
18.1.2015	Training Area 911	11,452

[76] This area is actually south of Muqbileh (which is within the boundaries of the State of Israel) within the West Bank, on the lands of the village of Burqin, east of Jenin.
[77] This is actually the area of the settlement of Reheilim, established as an illegal outpost in 1991 and located south of Nablus in Area C. Although it is impossible to link cancellation of this order with certainty to the redeployment after the Oslo Accords, it, too, was cancelled at the time. At the beginning of 2013, the outpost was legalized and became an official settlement and part of the Samaria Regional Council, and the jurisdictional area of the settlement again became formally a military zone closed to Palestinians only. See below: "Closure of Settlement Jurisdictional Areas."

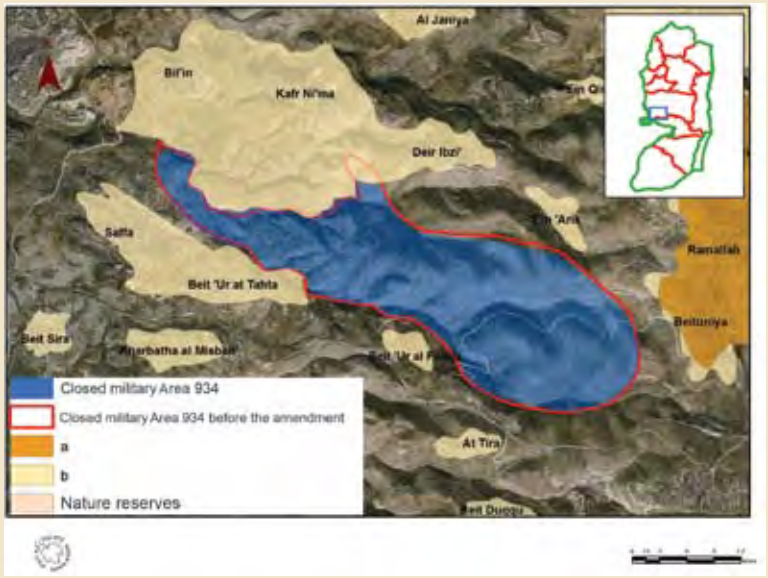
Closed Areas Whose Borders were Amended after the Oslo Accords

Name of area (as it appears in Civil Administration List)	Date of border amendment	Area in dunams before amendment	Area in dunams after amendment	Area in dunams after second amendment
Training Area 309a	July 1, 1999	8,863	8,263	
Training Area 900	December 28, 1997	78,391	73,077	
Training Area 901	December 28, 1997	54,153	49,229	
Training Area 902	December 28, 1997	12,512	10,654	
Training Area 903	December 28, 1997	87,664	80,309	
Training Area 904	December 28, 1997	63,215	60,781	
Training Area 904a	December 28, 1997	50,003	42,497	
Training Area 906	December 28, 1997	85,615	88,256	
Training Area 911 (divided into two parts)[78]	December 28, 1997	11,732	11,452	
Training Area 918	December 28, 1997	36,399	32,713	
Training Area 927, extension A (divided into two parts)	January 1, 2000	6,720	2,064	
Training Area 929	December 28, 1997	62,963	58,711	
Training Area 934	May 5, 1999	15,257	14,745	
Training Area 935	July 21, 1999	14,447	8,954	
Training Area "Ha-Biq'ah"	December 28, 1997	605,152	423,972	409,294[79]
Training Area 151	March 20, 2002	238,353	172,062	
Training Area 203	February 19, 2012	32,674	30,567	

[78] This training area was cancelled on January 18, 2015.
[79] The order was amended for the second time on September 10, 2007 (see following page).

Firing Zone 934

Firing Zone 934 is spread over the lands of four villages west of Ramallah. We are unable to say when the closure order (13/99/o) for this area was first issued; it is known that it was closed at the latest on May 5, 1999, although in all likelihood, it was probably earlier. The area of this territory is 15,260 dunams, and some 212 of them overlap with lands in Area B. On January 5, 2000, the area of the order was amended, and the areas overlapping with Area B and additional areas in Area C were removed from the order. Following the amendment, its area totaled 14,755. As far as we are aware, military training was never held at this location, there are no enforced limitations on entry into the area, and the majority of the land is occupied by thousands of olive trees. During 2008-2009, a fabric of life road was paved through its center. The road connects a number of villages west of Ramallah with one another, villages whose access roads were blocked following the closure of Road 443 to Palestinians at the beginning of the Second Intifada. We learned after inquiring with Palestinian residents of the villages whose lands are included in the closure order that residents of the area are unaware that it is a training area, and no military training activity of any kind was observed there. It should also be noted that this training area does not appear at all on the military training layer of the national GIS map (http://beta.govmap.gov.il).



Borders of Training Area 934 west of Ramallah

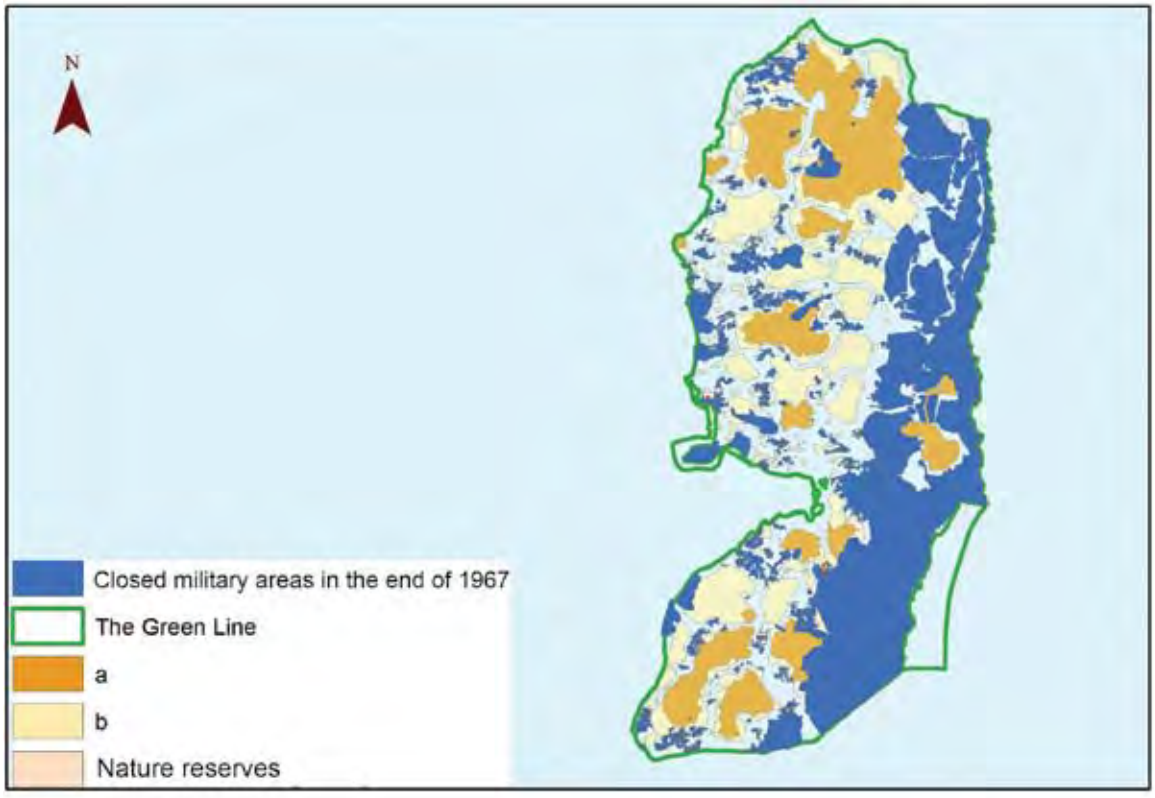
Closure of Lands within the Jurisdictional Areas of Settlements, March 1997

The jurisdictional areas of all of the official settlements in the West Bank are defined on maps signed by the Military Commander of the West Bank.[80] These are vast territories, some 541,500 dunams, which constitute approximately 9.7% of the territory of the West Bank and close to 16% of Area C.[81] On March 28, 1997, the Military Commander of the West Bank signed an order stipulating the closing off of the areas of Israeli localities in the West Bank to Palestinians.[82] This order included all of the areas formally part of the settlements, as well as areas not included in their territory in practice. As stated, it applies only to Palestinian residents of the West Bank, and does not apply to "Israelis," including anyone eligible to immigrate to Israel under the Law of Return, or anyone who has a valid entry permit into Israel. Due to the vastness of these territories, and because in most cases the official jurisdictional areas of the settlements do not, in practice, overlap with their areas, it is of course impossible to enforce this closure order in most areas.

[80] For a comprehensive survey of the topic of the jurisdictional bounds of the settlements, see special report of the Settlement Watch Project of Peace Now: Dror Etkes and Hagit Ofran, Construction and Development of Settlements beyond the Official Limits of Jurisdiction July 2007, http://peacenow.org.il/eng/content/construction-and-development-settlements-beyond-official-limits-jurisdiction.

[81] The size of the jurisdictional areas of the settlements changes on occasion based on amendments made to the map by the military commander. These data are based on maps current to November 2014, released to Shomrei Mishpat – Rabbis for Human Rights in January 2015 under the Freedom of Information Law.

[82] "Declaration Concerning the Closure of an Area (Israeli Localities) (Judea and Samaria) 1997." We do not know what spurred the signing of the order at this particular time. On June 6, 2002, then Commanding Officer of the Central Command, Yitzhak Eitan, again signed an order to close areas of the Israeli localities in the West Bank (Declaration regarding the Closure of an Area [Israeli Localities] [Judea and Samaria] 2002). The reason for issuing the second order is unknown to us, since we have been unable to ascertain whether the first closure order of 1997 was ever canceled.



Map of Closed Areas after Closure of the Jurisdictional Areas of the Settlements in 1997

צבא הגנה לישראל

צו בדבר הוראות ביטחון (יהודה והשומרון) (מס' 378), התש"ל - 1970

תכרזה בדבר סגירת שטח (ישובים ישראלים)

בתוקף סמכותי כמפקד צבאי באזור ועל פי סעיף 90 לצו בדבר הוראות בטחון (יהודה והשומרון) (מס' 378), התש"ל - 1970, ויתר הסמכויות על פי כל דין ותחיקת בטחון, ובהיותי סבור כי הדבר נחוץ מטעמי בטחון ולנוכח הנסיבות המיוחדות השוררות כיום והצורך בנקיטת צעדי חירום מיוחדים ומידיים, הנני מכריז בזאת לאמור:

הגדרות 1. בהכרזה זו:

"תחום הישובים" - תחומי המועצות המקומיות המנויות בתוספת לצו בדבר ניהול מועצות מקומיות (יהודה והשומרון) (מס' 892), התשמ"א - 1981, תחומי הישובים המנויים בתוספת לצו בדבר ניהול מועצות אזוריות (יהודה והשומרון) (מס' 783), התשל"ט - 1979, וכן אזורי התעשיה שבניהול ישראלים.

"ישראלי" - תושב ישראל, מי שמקום מגוריו באזור והוא אזרח ישראלי או שהוא זכאי לעלות לישראל לפי חוק השבות, התש"י - 1950, כפי תוקפו בישראל, וכן מי שאינו תושב האזור, ובידו אשרת כניסה בתוקף לישראל.

סגירת הישובים 2. (א) הנני מכריז בזאת כי תחום הישובים הינו שטח צבאי סגור.

(ב) לא יבנס אדם לשטח הצבאי הסגור ולא ישהה בו אלא בהיתר מאת מפקד צבאי או מי מטעמו ובהתאם לתנאי היתר כאמור.

(ג) מי שנמצא בשטח הצבאי הסגור בלא היתר כדין, חייב לצאת ממנו לאלתר.

היתר כללי 3. הוראות הכרזה זו אינן חלות על ישראלים.

תחילת תוקף 4. (א) תחילת תוקפה של הכרזה זו מיום חתימתה.

(ב) הכרזה זו תעמוד בתוקפה עד לתתן הוראה אחרת על ידי.

השם 5. הכרזה זו תיקרא: "הכרזה בדבר סגירת שטח (ישובים ישראליים) (יהודה והשומרון), התשנ"ז - 1997".

יז אדר ב התשנ"ז
28 מרץ 1997

גבי אופיר, אלוף
המפקד הצבאי
לאזור יהודה והשומרון

Israel Defense Forces
Order Concerning Security Provisions (Judea and Samaria) (No. 378) – 1970 / Declaration regarding Closure of an Area (Israeli Localities)

And yet, the closure of the jurisdictional areas of the settlements has a far-reaching effect on the freedom of movement of the Palestinians who own the lands trapped in enclaves between the realms of the settlements, or lands whose access requires travel on roads over which the settlements have taken control. Any entry into the closed area and travel through it require special permission from the military commander and advance coordination. As a result, in most of the cases, it is almost impossible for the landowners to access their lands, and sometimes, they are completely blocked from them; in many cases, it is not long before settlers take over these territories.[83]

The Second Intifada

The eruption of the Second Intifada in September 2000 radically changed the security situation known in the West Bank in the 1990s. The Intifada turned all the soldiers who trained in the West Bank into targets in the eyes of armed Palestinians,[84] and apparently, this change was also a decisive factor in the IDF's decision to return most of the training of the ground forces to sovereign Israeli territory, west of the Green Line.[85] Following this, a number of military bases in the West Bank were abandoned, and the IDF's use of these training areas declined considerably. The IDF has meanwhile not resumed regular training in most of these areas, and rarely utilizes them for this purpose. A broad picture of the IDF patterns of use in these training areas will be explained below, in Part IV.

Military base dismantled in 1999, east of Bethlehem

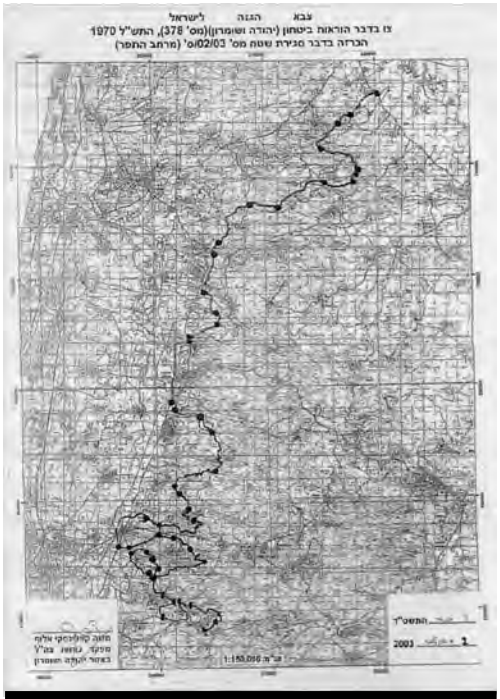
The abandoned "Gadi Camp" in the Jordan Valley (the Jiftlik area).
The pre-military program Hararei Tzion operates in a small portion of the buildings of the abandoned camp.

[83] This policy received a stamp of approval of the HCJ. See, for example, the ruling in petition 10462/09 and 8171/09 of October 20, 2011, http://elyon2.court.gov.il/files/09/620/104/M26/09104620.M26.pdf [Heb.].
[84] For example, on March 19, 2002, one officer was killed and three soldiers were wounded in Hamam al-Maliach in the northern Jordan Valley.
[85] The only brigade whose training base is in the West Bank is "Kfir," all of whose activities are concentrated in the West Bank. The training for this brigade takes place at the Peles Base in the northern Jordan Valley, near Firing Zone 901.

Closures in the Seam Line Area

On April 14, 2002, the Ministerial Committee on National Security Affairs decided to approve the Seam Line Program, following which it was decided to build the Separation Barrier.[86] The plan was introduced as a national emergency plan intended to prevent terror attacks, mainly inside the State of Israel following the second Intifada. The Internet site established by the Defense Ministry to explain the decision stated the following on its FAQ page:

> **Is the fence not a political border? Certainly not. Its route was determined based on strategic security considerations. In the future, when permanent status arrangements will be made with the Palestinian Authority, the border will be determined, and if necessary, the path of the fence will be altered. Such changes were carried out in the past in the framework of igniting the peace agreement with Jordan.[87]**



Israel Defense Forces Order Concerning Security Provisions [Judea and Samaria] [No. 378] 1970 Declaration Concerning Closure 02/03/o' (Seam Line Area)

In June 2002, the first stage of the route of the Separation Barrier was approved, followed in December 2002 by approval of the second stage, including the part that passes from the border between the West Bank and the Beit Shean Valley to the settlement of Elkanah east of Rosh Ha-Ayin and Kfar Qasem, as well as the route of the fence around Jerusalem. The approved route of the fence was changed several times over the years, and future changes are very likely, since large expanses of it have still not yet been built at all, or their construction began and was subsequently halted.[88]

According to the route of the fence approved to this day, an area of some 520,000 dunams will remain to its west (and to the east of the Green Line), constituting slightly more than 9.2% of the entire area of the West Bank.[89]

The Military Commander of the West Bank declared 137,219 dunams of this area as a "closed military area on the seam line" that can be entered only with a special permit.[90] The lands included in this declaration are located in one of the following two areas:

1. The space remaining west of the portion of the Separation Barrier's route that has already been built, extending from north of Road 5 in the southern West Bank to the Salem Roadblock in the northern West Bank.
2. The space around the area annexed to Jerusalem after 1967, and mainly northeast of the territories annexed to Jerusalem in the direction of Road 433.

According to OCHA data, in July 2014, some 11,000 Palestinians lived in these two areas, 5,500 of them residents of the village of Barta'ah.[91]

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[86] See the advisory opinion of the International Court of Justice at the Hague, July 9, 2004, stipulating that construction of the Separation Barrier in the area of the West Bank is illegal. http://www.icj-cij.org/docket/index.php?/docket/index.php?pr=71&p1=3&p2=4&ca=&case=131&code=mwp&p3=4.

[87] The text appearing above is our translation of the Hebrew website: http://www.securityfence.mod.gov.il/Pages/Heb/shelot.htm. The English website version is slightly different: http://www.securityfence.mod.gov.il/pages/ENG/questions.htm.

[88] These are portions of the fence's route that most penetrate into the area of the West Bank. According to data we received from the UN Office for the Coordination of Humanitarian Affairs (OCHA), on November 24, 2014, the construction of 448 kilometers of the route of the fence were completed, and work began on an additional 63 kilometers, although in most of these places, it was halted for several reasons. This includes overall some 72% of the approved route of the fence – 713 kilometers.

[89] This calculation also includes the parts that remained to the west of the Separation Barrier in East Jerusalem as well as the strip of no-man's land near Latrun, spanning 46,336 dunams.

[90] Declaration regarding Closure of Area 02/03 (Seam Line). According to the Spokesperson of the Government Liaison Office in the Territories, the seam line area today totals 127,347 dunams. The source of this discrepancy is changes in the route of the Separation Barrier subsequent to the year 2003. The data in this report are based on this figure.

[91] See: http://www.ochaopt.org/documents/ocha_opt_10_years_barrier_report_english.pdf.

It important to note in this context that the concept "seam line area" is misleading, since the declaration on this seam area did not include all of the areas of the West Bank west of the constructed portions of the Separation Barrier (i.e. on its "Israeli" side). In effect, over 170,100 dunams of the West Bank area (not including East Jerusalem) are located west of the route of the completed portion of the barrier. In addition to these territories, an additional 65,617 dunams, included within the area annexed to Jerusalem (East Jerusalem) are also located west of the barrier.[92] Moreover, it should be noted that of the territories included in the declaration of the seam line area, some 32,500 dunams (approximately 24%) are jurisdictional areas of settlements and defined as closed areas by the order that closes off Israeli localities, issued in 1997 and once again in 2002.

Closure of Areas near Settlements and Declaration of "Special Security Areas"

In addition to the closure of all the jurisdictional areas of the settlements to Palestinians, broad territories defined as "special security areas" to which Palestinian access is limited or completely prohibited surround a significant portion of Israeli settlements in the West Bank. These "special security areas" have grown considerably since the outbreak of the Second Intifada, during which a number of attacks and murders of Israeli civilians took place within the settlements. The closure of areas around the settlements began already in the late 1970s, with the closures of the western area of the Beit El settlement, and continued, as stated, in the years after the outbreak of the Second Intifada. A total of 6,140 dunams were officially closed around 18 settlements, although two of these settlements (Kadim and Homesh) were evacuated during the Israeli withdrawal from Gaza in 2005.[93] Most of these territories are lands surrounding the settlements, and in certain cases, such as in Elon Moreh, they extend from the boundary of the settlement to a point located more than one kilometer from it. Access of Palestinians to their lands trapped within these "special security areas" is possible in coordination with the army, but the experience of recent years shows that in most cases, it is very limited and sometimes even entirely denied.

It should be stated that in addition to the areas declared as special security areas during the Second Intifada, in recent years additional plots have been closed off to their Palestinian owners, even though they were not declared as "special security areas" and are not enclosed by a fence. The overall area of these plots is several hundred dunams, and entrance of the landowners is conditional on coordination with the IDF.

Settler Takeover of Lands within "Special Security Areas"

According to the military laws and regulations, settlers who enter these territories are required to abstain from any damage to private property that remained within the fenced-in realm. Despite this, there are several known cases where settlers took over private lands within the special security area, including by the method of converting them into agricultural areas. Cases of this type are documented around the settlements of Kiryat Arba, Teqoa, Pnei Haver (south of Hebron), Negohot (west of Hebron), Ateret (west of Ramallah) and Itamar (east of Nablus). Even though these are not large areas relative to all of the agricultural territories that settlers in the West Bank cultivate, the lack of enforcement is evident of the phenomenon of turning a blind eye to settler activity in the service of the lands regime. In addition to these agricultural takeovers, additional takeovers are known in territories within a number of "special security areas" declared around the settlements. These takeovers were carried out through other means, such as paving roads, and erecting buildings and sports facilities. Experience therefore teaches that even in cases when the closure of areas took place initially on security grounds, with time, these closures became a means for expanding a particular area for settler use.

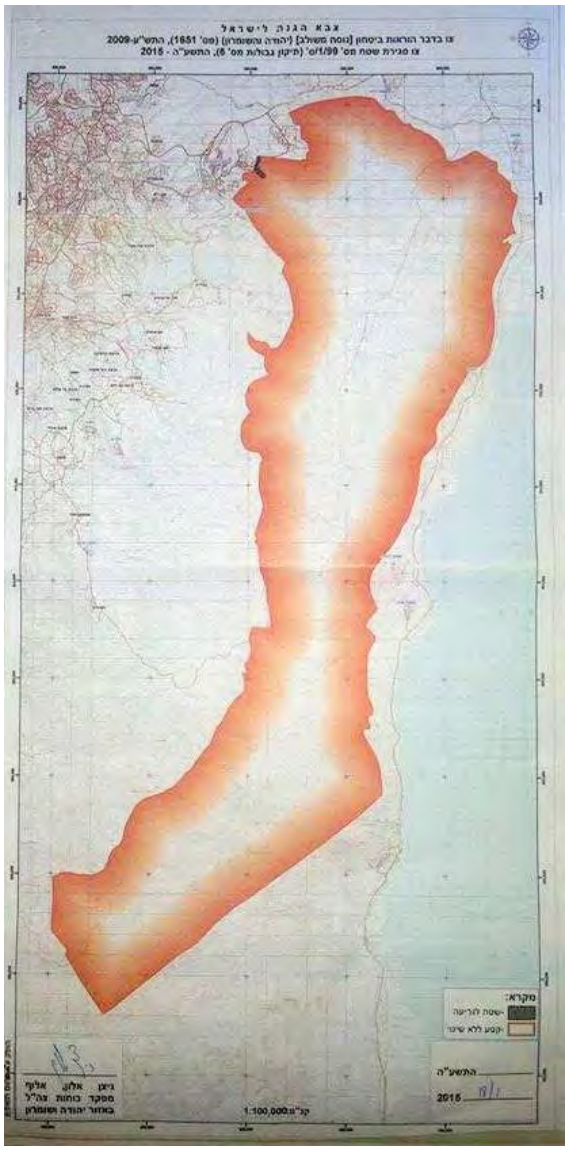
[92] This calculation does not include the no-man's land territories in the Latrun area which also, of course, are not accessible to Palestinians. The area of these territories is approximately 45,000 dunams.

[93] On this matter see B'Tselem: Ofir Feuerstein, Access Denied: Israeli Measures to Deny Palestinians Access to Land around Settlements, September, 2008, http://www.btselem.org/download/200809_access_denied_eng.pdf. The report discusses only 12 settlements, but this number is inaccurate, since it does not take into account some of the closure orders issued for the areas around the settlements. This group of orders also includes closure orders for two streets adjacent to the Avraham Avinu neighborhood, a settlement in the heart of Hebron. In addition, an electronic warning fence was constructed around the settlements of Itamar and Negohot, although these places were not officially declared as special security areas.

Changes to the Training Area Maps in Early 2015

On January 18, 2015, Lieut. Gen. Commanding Officer of the Central Command Nitzan Alon signed two orders that for the first time, after many years, changed the distribution of training areas in the West Bank. The first order completely cancelled Training Area 911 north of Jericho. This is an area of some 11,500 dunams, a large portion of which overlaps with Area A. Cancellation of this training area is part of Israel's maneuver to transfer the Bedouin who live in the areas between Jerusalem and Jericho to the area of Nu'eimeh, north of Jericho (see below, Part VI).[94]

The second order pertains to the reduction of Training Area 912 (the northern portion of "Ha-Biq'ah" Training Area), in an area that borders on the settlement of Ma'aleh Adumim from the East. This is a very small area (in our estimate, no more than 200 dunams, though its precise size is unknown to us) intended to enable the expansion of the Ma'aleh Adumim settlement towards the east.[95]



Map marking the area removed from Training Area 912 on January 18, 2015

In summary, the closure of vast territories in the West Bank began just a few weeks following the occupation of the West Bank in June 1967, with the closure of its borders from the east and west (in the Latrun area). During the years that followed and until the beginning of the 1970s, Israel declared very large territories along the eastern strip of the West Bank as training areas, together with the establishment of the settlement infrastructure in the Jordan Valley. The declaration of training areas continued into the heart of the West Bank and its western portions in the first half of the 1970s, and by the mid 1970s over 1.5 million dunams had been declared closed areas.

From 1999 and until the beginning of 2015, the maps of the training areas were amended. Most of the changes were a result of the Oslo Accords and the transfer of parts of the West Bank to the Palestinian Authority. These changes reduced the training areas by some 364,000 dunams, leaving a remaining overall area of slightly less than one million dunams. In 1997, all of the jurisdictional areas of the settlements were formally closed to Palestinian entry, leading to a very significant increase in their overall contribution to the size of the closed territories in the West Bank. An additional significant increase occurred with the declaration of an area of approximately 137,000 dunams west of parts of the Separation Barrier (the "seam line" area) in 2003 as a closed military area, although the official size of the closed area according to Order 151 along the border with Jordan had been was decreased a year earlier by some 66,000 dunams. During 2005, thousands of additional dunams surrounding settlements were declared closed as part of what the army calls "special security areas." These declarations, in combination with a number of additional amendments in the maps of the training areas made in the last decade, shaped the map of the closed areas to their present form.

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[94] Amira Hass, "Firing Zone North of Jericho Cancelled as Part of Preparations for Establishing Bedouin Town," Haaretz [Heb.], February 23, 2015, http://www.haaretz.co.il/news/politics/.premium-1.2572242.

[95] Chaim Levinson, "IDF Cancels Status of Firing Zone to Enable Expansion of Nearby Settlement," Haaretz English online, March 8, 2015, http://www.haaretz.com/news/diplomacy-defense/.premium-1.645771.

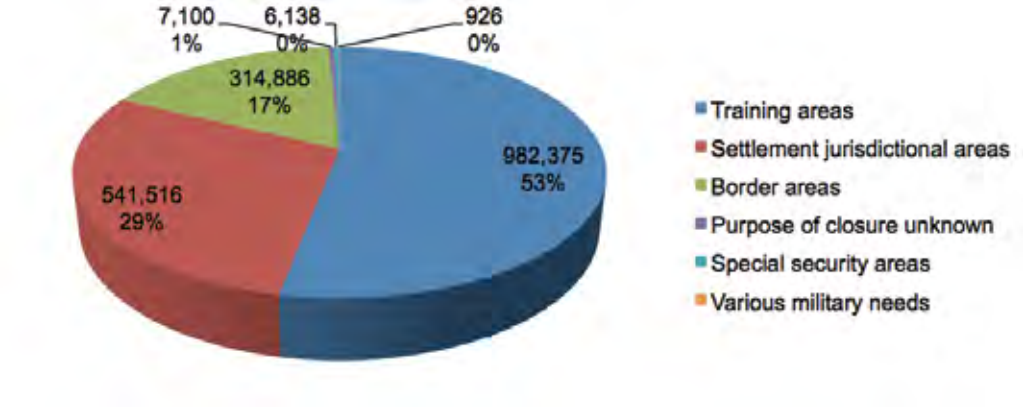
Part IV: The Closed Territories in the West Bank – Current Situation

As stated, the closed territories in the West Bank are dispersed over an expansive area. The officially-stated goal for which approximately one half of the area was closed is military training, but two additional goals for which very broad areas were closed are the closure of jurisdictional realms of the settlements, and the closure of the border areas between the West Bank and Jordan in the east, and of some of the areas where the West Bank borders Israel in the West. The remainder of the lands was closed for other various reasons, some of which were not stated and are therefore unknown to us.[96]

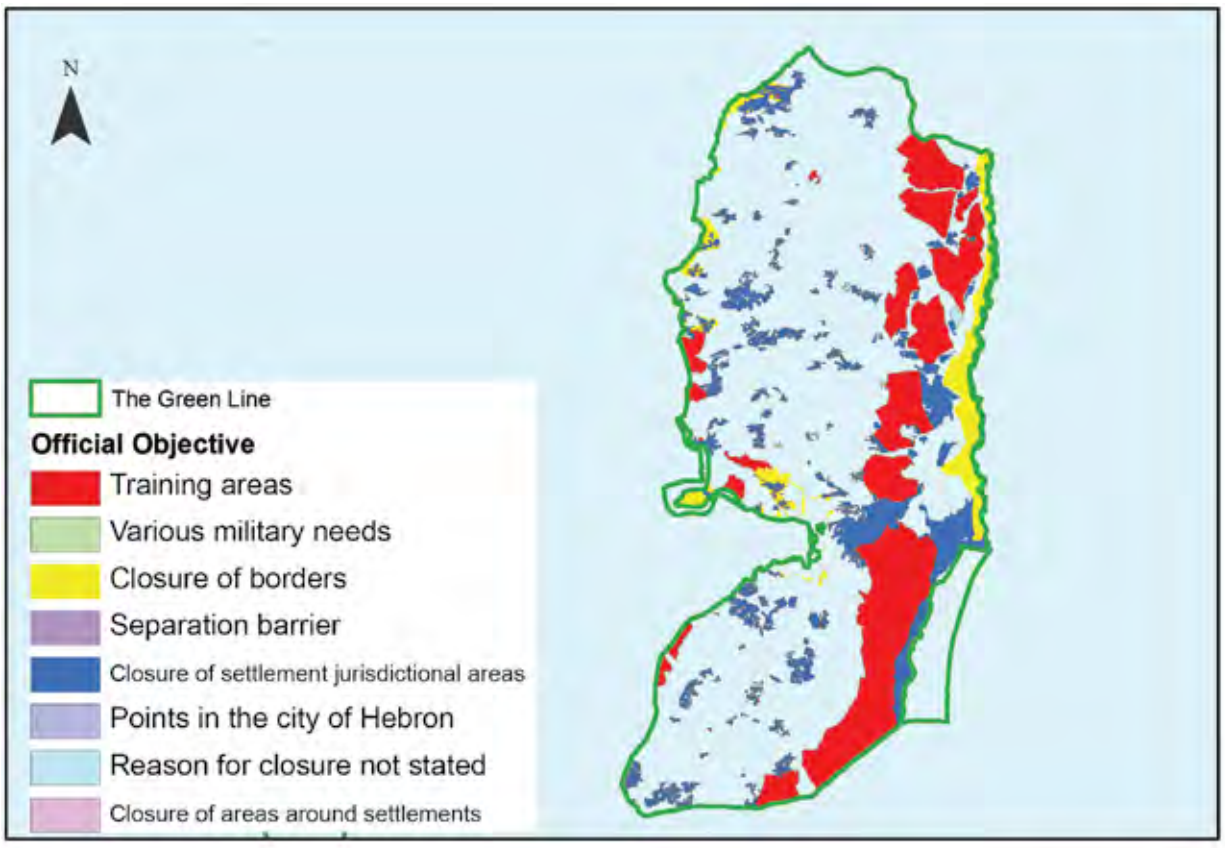
In what follows, we will consider the current dispersal of the closed territories, the declared goals for which these areas were closed, and they manner in which they are used.

Declared Goal of Closure	Area (in dunams)	Percentage of Area C	Percentage of Entire West Bank	No. of orders
Training areas	982,375	29	17.5	27
Settlement jurisdictional areas	541,516	15.9	9.7	1
Borders (Area 151 along the Jordan the Latrun salient and the seam line west of the (Separation Barrier	[97] 314,886	9.26	5.6	3
Reason for closure not stated	7,100	0.227	0.126	5
Areas around settlements	6,138	0.18	0.109	23
Various military needs	926	0.024	0.016	1
Total including overlapping territories	1,852,941			60
Total with overlap discounted	**1,764,782**	**51.9**	**31.5**	

Areas closed, according to Purpose of Closure



[96] This refers mainly to very old closure orders regarding which no reason for closure was stated in the Civil Administration data in our possession, and for which the location of the areas provides no indication of a possible reason.
[97] The area of the territory west of the Separation Barrier is much greater than the area stated in official army publications as the "seam line."

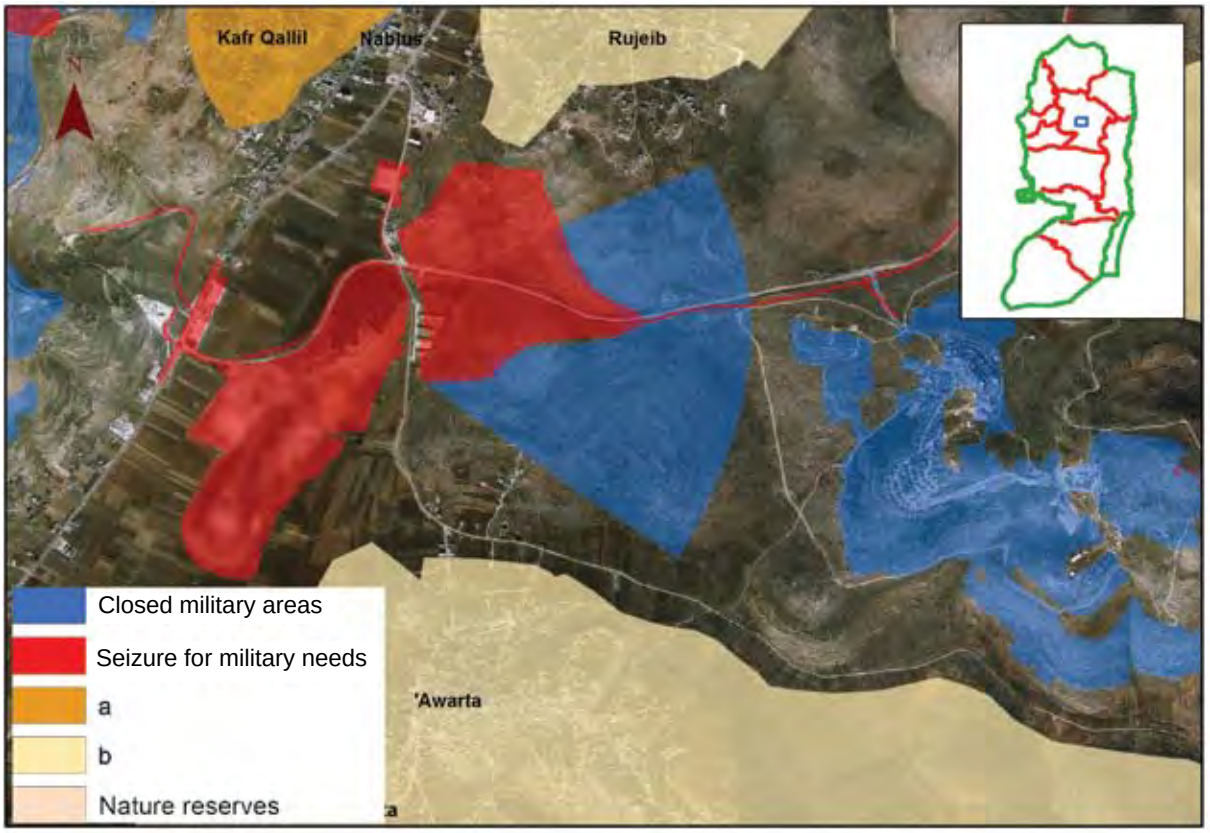


Closed areas in the West Bank, according to year of closure

Closure of Areas for Unknown Purposes[98]

From 1993-1994, a number of closure orders were issued for reasons that are unclear, and as far as we know, three such orders are still in effect, although they are not enforced, or not enforced in their entirety. Two of the three areas to which these orders apply are located close to the settlements of Beit El and Itamar, but not at a distance that makes it possible to define them as "special security areas" of these settlements. A comparison of these orders and the seizure orders previously applying to these areas indicates that the new, "inexplicable" orders were planned in order to correspond precisely to the seizure orders that preceded them, in order to create contiguity between the territories to which Palestinian entry is prohibited. The goal of the closure, apparently, is to limit Palestinian access to the areas between these settlements and the neighboring villages – the village of Bitin adjacent to Beit El, and the villages of 'Awarta and Rujib, near Itamar. It is reasonable to assume that the reason that these two orders were issued during the first half of 1994 is related to the IDFs redeployment following the Oslo Accords.

[98] In addition to these three orders, we know of an additional order pertaining to the area of the settlement of Teqoa from 1975, whose goal is unclear to us. The area to which this order applies is included in the jurisdictional area of the settlement, and therefore, it is closed to Palestinian entry in any case. For this reason, we determined it was unnecessary to discuss it here.



Closure of Areas for Unknown Purposes

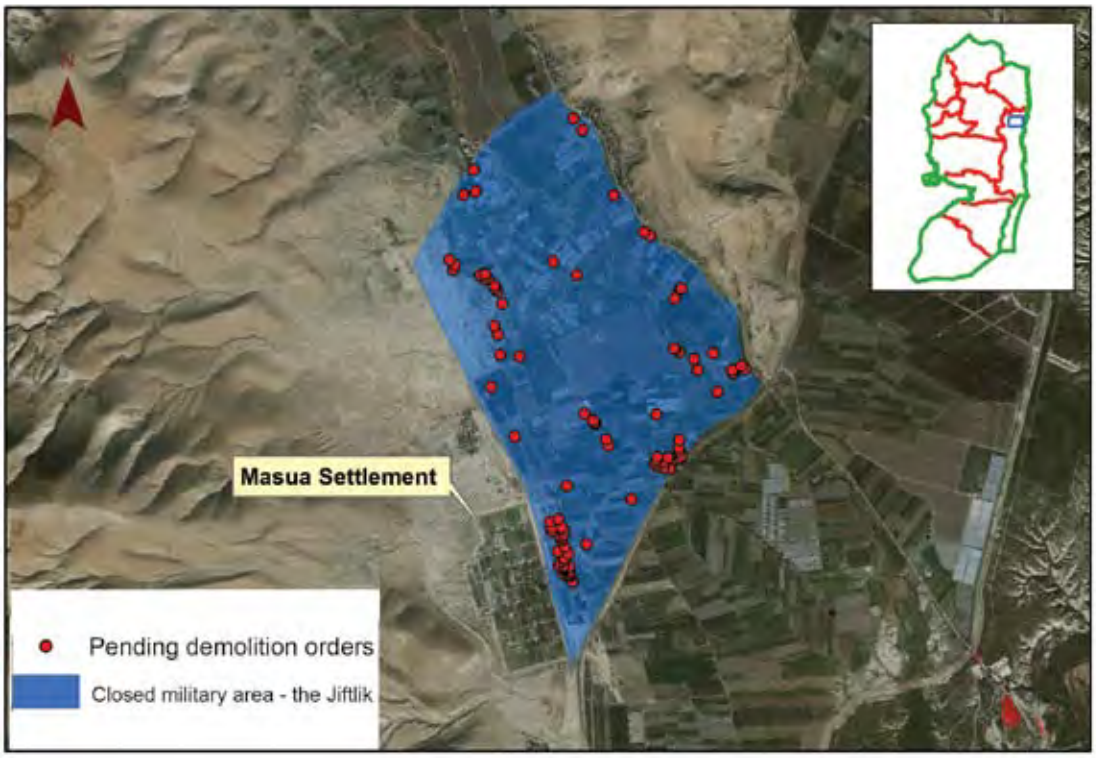
Name of Order	Area (in dunams)	Order No.	Date of Order
Closed Area – The Jiftlik	5,072	4/93/ט	November 29, 1993
Closed area near camp	612	3/94/ט	May 19, 1994
4.4.1994	1,251	Closed area near Itamar	

The Jiftlik area, which is the most populated in Area C, is home to a population of 5,500, and was closed in 1993.[99] This is an area spanning more than 5,070 dunams, hemmed in on four sides by four roads. Almost the entire area is cultivated intensively by Palestinians. And yet, settlers of Masoah also cultivate grapes in the area (in the compound known as the "Yugoslavian Farm"). In addition, other areas in this region that in the past were declared as "absentee properties"[100] were transferred to settlers in the area, and in turn, rented out by the settlers to Palestinians on a seasonal basis through an arrangement known in Arabic as Dhaman (ضمان).[101]

[99] See also report by Bimkom: Nir Shalev and Alon Cohen-Lifshitz, The Prohibited Zone: Israeli Planning Policy in the Palestinian Villages in Area C, June 2008, 151-155.
[100] Prior to 1967, the population of the Jiftlik area numbered several tens of thousands, many of whom were refugees who settled in the area after 1948. However, most of the population in the region fled to Jordan during the occupation of the West Bank in 1967, and, as stated, today some 5,500 people live there.
[101] See: Dror Etkes, Kerem Navot: Israeli Settlers' Agriculture as a Means of Land Takeover in the West Bank, 2013, 56-57.

We have no information regarding the reason for the closure of this area or its particular timing. We can assume, however, that closure of the area is related to its plentiful supply of groundwater and agricultural areas that supply a considerable portion of the domestic consumption in the Nablus area, and closure of the area was intended enable the authorities to prevent any construction there. This assumption is supported by the rates of implementation of demolition orders issued against structures in this area, which is very high relative to other territories in Area C.[102]

It is important to note that the closure order in this area is not enforced, and the entire area is open to anyone who seeks entrance, though severe limitations in building and development indeed apply to it. A query posed to staff from the local council of the Jiftlik revealed that the council was not aware of the closure order, nor were the residents with whom we spoke. In contrast, the entire strip that extends from east of the Jiftlik to Road 90 down to the border with Jordan (a strip that in the past was part of the area closed by Order 151 and whose borders were reduced in 2002) is closed to the entry of Palestinians from 6 pm to 6 a.m. every day by military directives.[103]



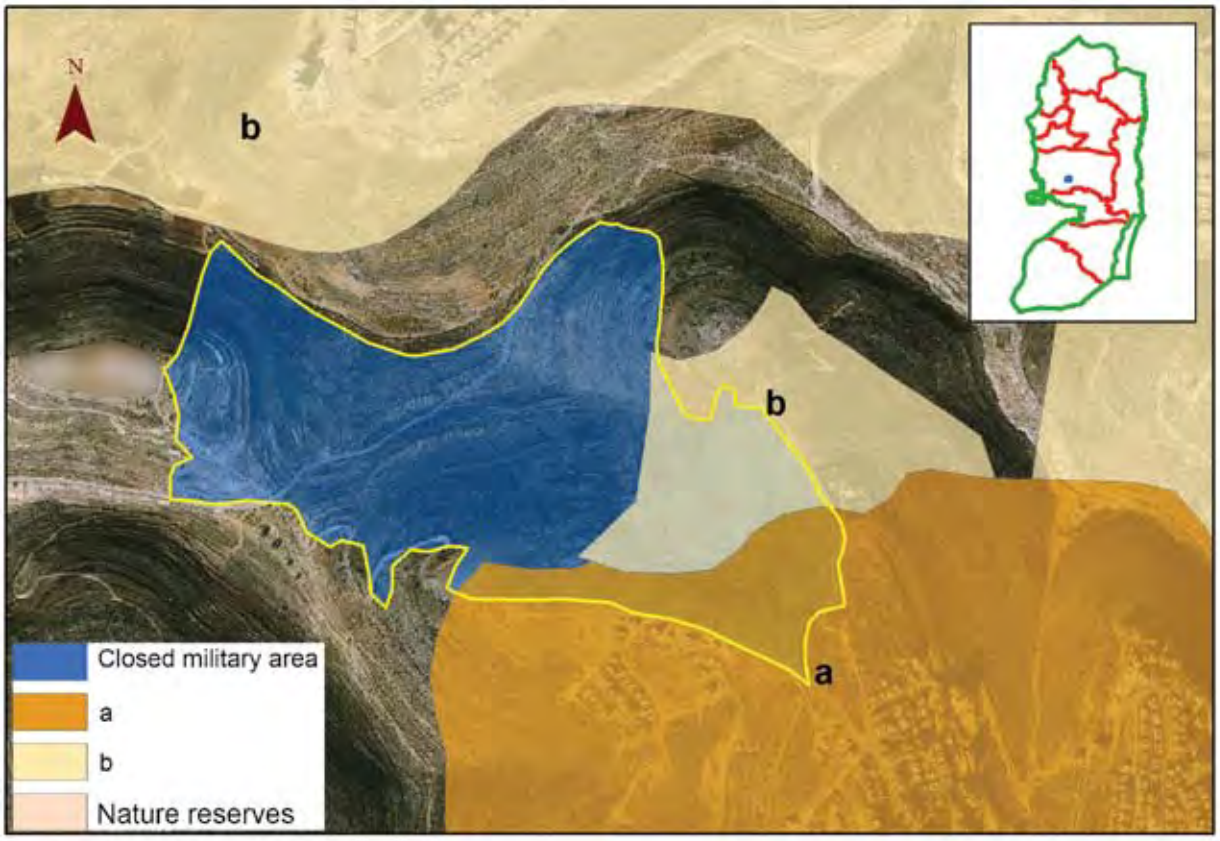
Of 94 illegal building sites in an area in the Jiftlik declared as a closed military zone, 30 structures have been destroyed.

Closure of Areas Located within the Palestinian Authority

The closure of extensive areas within the West Bank has also "percolated" into a number of areas that under the Oslo Accords were to be part of the Palestinian Authority, a total of 1,730 dunams. Some 560 of them are located in the Palestinian enclave of Area A around Jericho. These territories are part of Training Area 929 (west of Jericho) whose maps were redrawn and signed on May 5, 1999. In other words, a number of years after they were defined as Area A. To this day, we have found no explanation for this closure, which is in contravention of the essence of the Oslo Accords. However, our field investigations have revealed that in practice, they are not closed to Palestinian entry.[104]

[102] Of 94 demolition orders issued for illegal structures in the closed area in the Jiftlik region, 30 orders, or 33%, were implemented. In contrast, the rate of implementation of demolition orders in the Palestinian sector in Area C as a whole (these figures do not include the tremendous self-demolition and self-evacuation of structures among the Palestinians) is only 18%.
[103] According to reports from Jiftlik residents, the closure of this area during these hours was strictly enforced in the past, while in recent years, the army has not enforced it consistently.
[104] On January 18, 2015, the closure order for Training Area 911 was cancelled. This order also applied to 5,740 dunams in Area A, north of Jericho. See note 94.

In 1991, the Military Commander of the West Bank signed a closure order for an 800-dunam area (91/1/o)) west of the A-Tirah neighborhood in Ramallah. With the marking of Areas A and B in this region in 1995, 244 dunams of these closed areas were included in Areas A and B, and to the best of our knowledge, the closure order has not been cancelled to this day.



Order for the closure of an area west of Ramallah (91/1/o). The order applies to 800 dunams, 244 of them located in areas A and B.

Actual Use of Training Areas

As stated, one of the key questions that this report attempts to answer is whether the IDF uses the areas declared as closed areas, and if so, what use does it make of them? This matter is important **mainly in areas declared as training areas**, which are more than one half of the area declared as closed military zones in the West Bank. Military training activity has very clear patterns in terms of location and frequency, and therefore, it is usually possible to track. However, answering these questions requires, first of all, using a classification system.

Table of the Closed Territories in Areas A and B

Reason for closure	Area of the Palestinian Authority	Area in dunams
Training Area 929	A	563
Closure order for the area west of Ramallah, for routine security needs	A and B	244 (118 dunams in Area A and 126 dunams in Area B)
Seam line	B	921

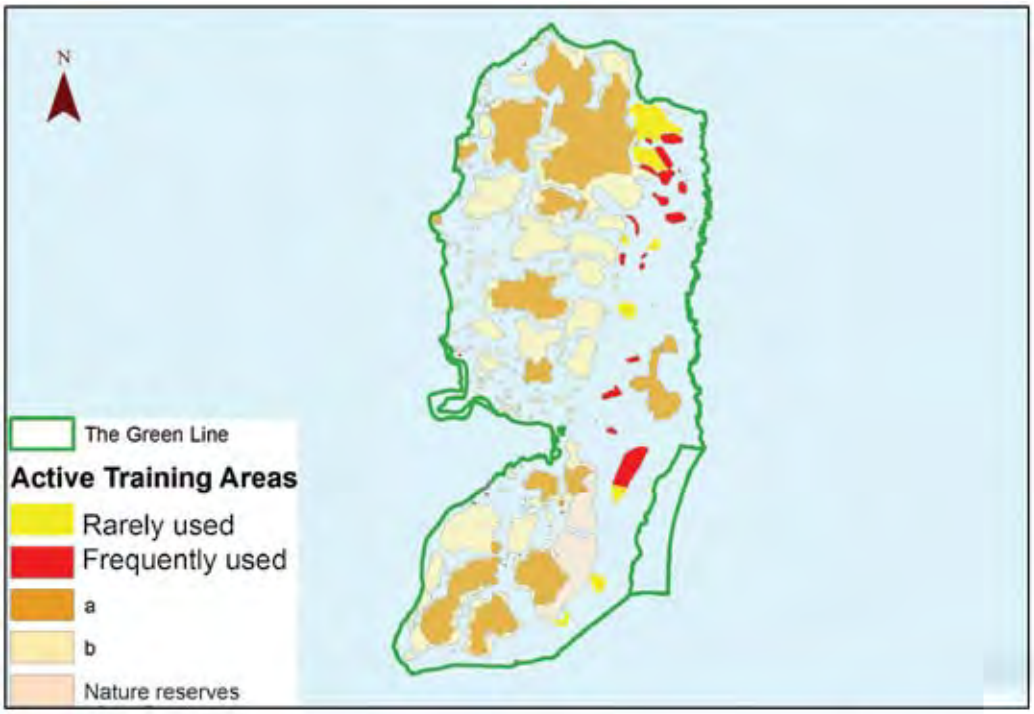
For purposes of this study, we defined three types of areas:
Areas not used for any military purposes.
Areas rarely used– i.e., areas where there is less than one training exercise per quarter.
Areas used frequently, i.e., areas where there is an average of at least one training exercise per quarter or more.[105]
As is stated at the beginning of this report, this survey was carried out through field work that included visits in all training areas of the West Bank, interviews with Palestinian residents of these areas, interview with soldiers who trained in these areas, and comparison of historical aerial photographs with current photographs.

Before proceeding to the numerical findings of this survey, we must emphasize the following qualifications:

1. Both due to the size of the areas and since the military activity does not always leave clear traces, it is very difficult to present an entirely accurate picture of military training in the closed areas. Therefore, the data below present an overall picture only, which we do not claim to be precise.
2. In every place where we identified military training, we estimated the size of the active areas generously, in order to avoid underestimating the active area.

The survey results are as follows:

1. All of the active IDF training areas are located in the eastern part of the West Bank.
2. The IDF makes no use of some 78% of the declared training areas.
3. The IDF rarely uses of some 12% of the training areas.
4. The IDF makes frequent use of some 10% of the training areas.
5. None of the training areas along the western border of the West Bank are in use.



Map of active training areas in the West Bank.
Eighty percent of the area is not used by the IDF in any manner.

[105] In this context, it should be noted that due to the weather conditions in the active training areas, most training takes place between October and April, and therefore, we assessed their use based on a yearly average.

Testimony of a Female Soldier, Coordinator of Training Areas in the Central Command, 2000-2001

Several months after I was drafted, I was placed at the training coordination center of the Central Command. My job was to coordinate between units that wanted to train in the various training areas. The area I was responsible for was between Hamam al-Maliach in the north, and Area 918 in the south, which continued to the [Mediterranean] sea in the west. There was no difference in terms of the work between coordinating training areas within Israel or in the West Bank. Every unit that wanted to train somewhere would come to me, and I would check with whom they had to coordinate the training at that place and time. I would give them a form on which they needed to obtain the signature of the unit that was responsible for the specific training area where they wanted to practice, as well as the other units that wanted to practice in the same area on nearby dates.

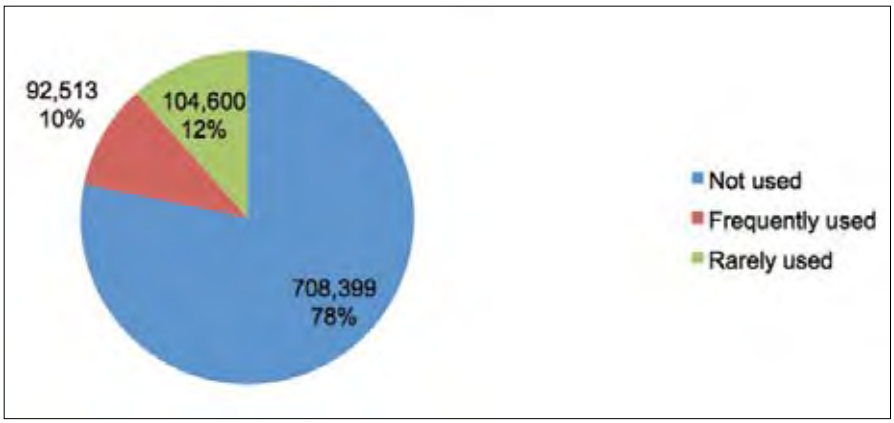
When the Second Intifada began [September 2000] I remember that for months I did nothing, because there were simply no trainings. After a few months the units gradually began resuming training, and by the end of my service, in October 2001, the amount of trainings was already as before the Intifada. Most of the coordination that I did was in the training area in the northern [Jordan] Valley. Army units and civilians that wanted to hike in the training areas on weekends also had to coordinate with me.

Table of Active Live-Fire Training Areas (Only)[106]

Training Area	Size of entire declared area (in dunams)	Size of area used frequently (in dunams) and percentage	Size of area used infrequently (in dunams) and percentage
900	73,068	(11.8%) 8,600	(67%) 49,100
901	49,229	(20.4%) 18,050	(39.6%) 19,500
902	10,654	(1.1%) 113	
903	80,309	(19.1%) 15,350	
904	60,781	(3.3%) 2,000	(6.6%) 4,000
904a	42,497	(13.4%) 5,700	(4.9%) 2,100
906	88,256	(2.9%) 2,600	(10.6%) 9,400
929	58,711	(9.7%) 5,700	
"Ha-Biq'ah"	409,294	(8.1%) 33,400	(5%) 20,500
918	32,713	(3%) 1,000 (with no use of live fire)[107]	
Total	905,512	(10.2%) 92,513	(11.5%) 104,600

[106] Training areas in which no training whatsoever takes place do not appear in this table.
[107] Live-fire training next to Training Area 918 occurs only south of the Green Line, in Training Area 552 located inside the State of Israel.

Size of Training Areas Based on Frequency of Use (in Dunams)



In summary, the overall data that describe the IDF's patterns of use over expansive territories declared as training areas illustrate that the overwhelming majority of the area is not used by the army in any way. The IDF uses approximately one-fifth of the closed military zones for training, and half of this area is used only minimally (less than one training exercise every three months). Only approximately one tenth of the area is used frequently by the army, i.e., at a rate of at least one training exercise per quarter. As stated, all of the active training areas are located in the eastern part of the West Bank, and it appears that one of the reasons for this is that the army's access to the training areas in the western part of the West Bank (that from the outset were much smaller, even though they were directly adjacent to training areas west of the Green Line) was cut off with the construction of the Separation Barrier.

In light of these findings, it is clear that the ongoing closed status of all of the training areas in the West Bank cannot conceivably be defined as a "military need." The size of these areas, their dispersion, the existence of statutory elements that limit – and even forbid entirely – Palestinian use of them, such as the jurisdictional areas of the settlements and the declared nature areas, and the fact that the Civil Administration continues mapping "state lands" in considerable portions of them and turns a blind eye to settlers' entry onto them (including when the land in question is not only closed but also privately owned by Palestinians) lead to the conclusion that continuation of their closed status is a key factor in the state pattern of land control in the West Bank. The main goal of this control is to drastically reduce the ability of the Palestinian population to use the resource of land and to transfer as much of it as possible to Israeli settlers.

Structures that serve for combat training in a built-up area,
south of the village of al-'Aqaba (in the background), northern West Bank

Training in Areas not Declared as Live-Fire Training Areas

Beyond the expanses of territory declared training areas in the West Bank, there are other places, not declared as training areas, where live-fire training or military maneuvers without live-fire take place. These are very small and contained areas that serve as firing ranges, where the army, and often, settlers, make frequent use of them. Most of these sites are located near military bases, and some of them are included in areas seized for military needs in the past. A fairly large area that the IDF uses rarely (and to the best of our knowledge, without live fire) is along the Jerusalem-Jericho Road (north of the Good Samaritan Museum and the Bedouin community at al-Hatrurah). This is an open compound of approximately 850 dunams.

Firing range on the abandoned base of Adorayim in the al-Majnuneh area, southwest of Hebron. This area is not part of the declared live-fire practice zones located further south.

Part V: Declaration of Closed Areas – A Vital Link in the Mechanism of Land Takeover in the West Bank

As was described in detail in Parts Two and Four of this report, declaration of closed areas, particularly on military training areas in the West Bank, is a key means – though not the only means – used by the Israeli authorities to limit Palestinian access to these areas. In this section, we will describe the policy of declaring closures in the broad context of Israeli land policy in the West Bank, of which the settlement enterprise is the main component.

The Correlation between Practice Areas and Jurisdictional Areas of the Settlements

The six Israeli regional councils in the West Bank were established based on Order 783, issued in 1979, and operate by virtue of its authority.[108] Most of the settlements are located within these regional councils, with the exception of a number of larger settlements that are themselves local councils or municipalities (such as the Givat Ze'ev and Efrat local councils, and the municipalities of Ariel and Ma'aleh Adumim).

The order states, inter alia:

> [By virtue of my authority as the Area Commander and my other authorities by virtue of any law and military legislation, I hereby order as follows:
>
> 1. In this order
>
> `Regional Council' - Any of the following –
>
> (1) the aggregate of the boundaries of the settlements included in the attached schedule beneath the name of that regional council
>
> (2) The area that is designated by the name of the regional council as specified in the attached appendix, is delineated and sketched in red on the map signed by the Area Commander, **with the exception of closed areas** [my emphasis, D.E.], and privately owned lands that are not in the jurisdiction of the locality, but including areas seized for military purposes.
>
> "Closed areas" – Like their meaning in the Order Concerning Security Provisions (Judea and Samaria) (No. 378), 1970, including areas used for training or military installations;

This order, then, defines the jurisdictional area of the regional councils and stipulates that closed areas "that are not situated within the locality" (i.e. that are not within the jurisdictional area of the settlements) **cannot be included in the area of the regional councils, and therefore cannot, of course, be included in the jurisdictional areas of the settlements themselves.**[109]

An overall look at the dispersion of the jurisdictional areas of the settlements in comparison to the maps of the training areas shows a clear correspondence between the two. It is therefore clear that those responsible for allocating lands to settlements and mapping them were well aware of the boundaries of the declared training areas, and the inverse – those who determined the boundaries of the training areas were aware of the boundaries of the jurisdictional areas of the settlements.

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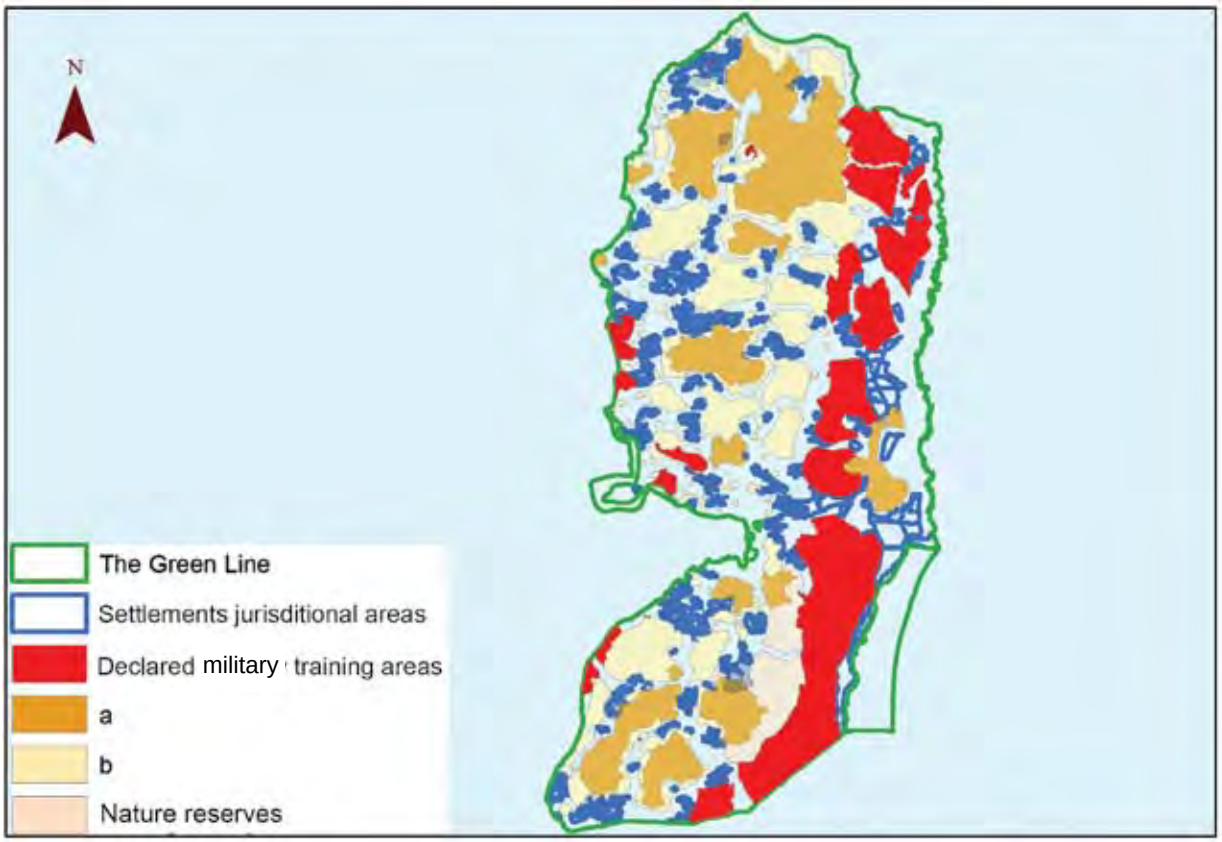
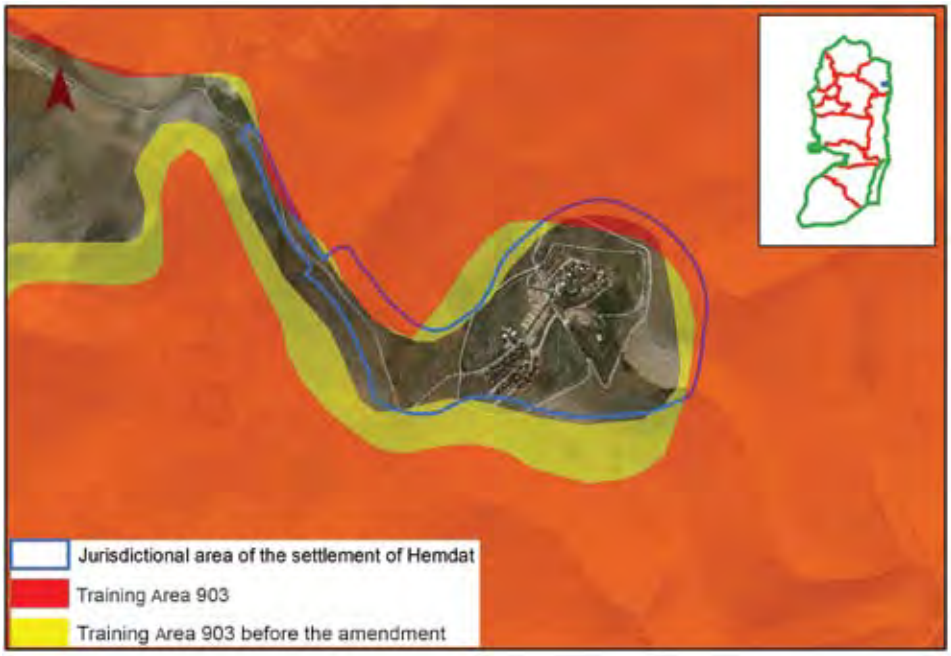
[108] Order Concerning Administration of Regional Councils (Judea and Samaria)(No. 783), 1979.

[109] Based on military maps, B'Tselem estimated that 41.9% of the lands of the West Bank are included in the jurisdictional areas of the regional councils (See B'Tselem's report, Yechezkel Lein, Land Grab, May 2002, 112, http://www.btselem.org/download/200205_land_grab_eng.pdf). However, in our estimation, since there are no precise maps of the jurisdictional areas of the West Bank, it is impossible to determine what their areas are. The maps of the jurisdictional areas of six Israeli regional councils that were signed by military commanders from 1979-1982 on which B'Tselem relied are inaccurate, since they are in complete contradiction to Order 783 and include lands that, according to this order, cannot be included in their territories.



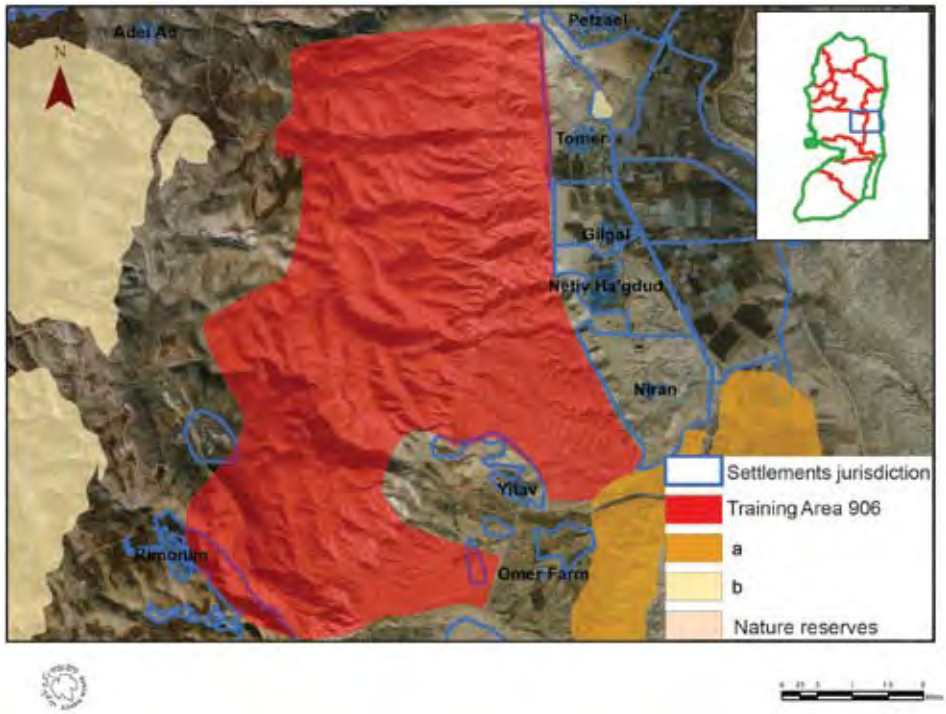
Map of the jurisdictional areas of the settlements and training areas.
It appears that an effort has been made to have their boundaries touch but not overlap.

The settlement of Hemdat – One of the places where a clear correspondence can be seen between the boundaries of the settlements and those of the training areas is the settlement of Hemdat (in the northern Jordan Valley on the lands of the village of Tubas). A map of the jurisdictional area of Hemdat was signed by the military commander of the West Bank on June 23, 1999, and included 676 dunams.[110] Approximately one week later, on July 2, 1999, an amendment was introduced to the borders of Training Area 903, which encircles Hemdat from almost all sides. An examination of the borders of Training Area 903 prior to this amendment shows that the amendment was made in order to enable Hemdat to spread out into areas defined by the authorities within the enclave in the heart of the training area (see map in the coming page). However, beyond the non-coincidental proximity between the two dates of signature, it is clear that the establishment of a civilian settlement in the heart of a training area, which essentially surrounds it on all sides, reveals that not all of the area is used for training, since a civilian locality cannot exist in an active training area.



Jurisdictional area of the settlement of Hemdat with Training Area 903 in the background, according to the border amendment of July 2, 1999 and subsequently.

Settlements of the central Jordan Valley – An additional area where one can see the non-coincidental correlation between the jurisdictional areas of the settlements and the training areas is the Jordan Valley. The jurisdictional areas of the settlements in this area were redrawn in military orders signed from 1994-1997, while the borders of the training areas in this region were amended in orders signed from 1999-2000. In this case, as well, there is no doubt that there is intentional coordination between the types of areas. The training areas and settlements together create a continuous statutory area of closed areas that prevent the surrounding Palestinian population from making any secure and long-term use of these lands.



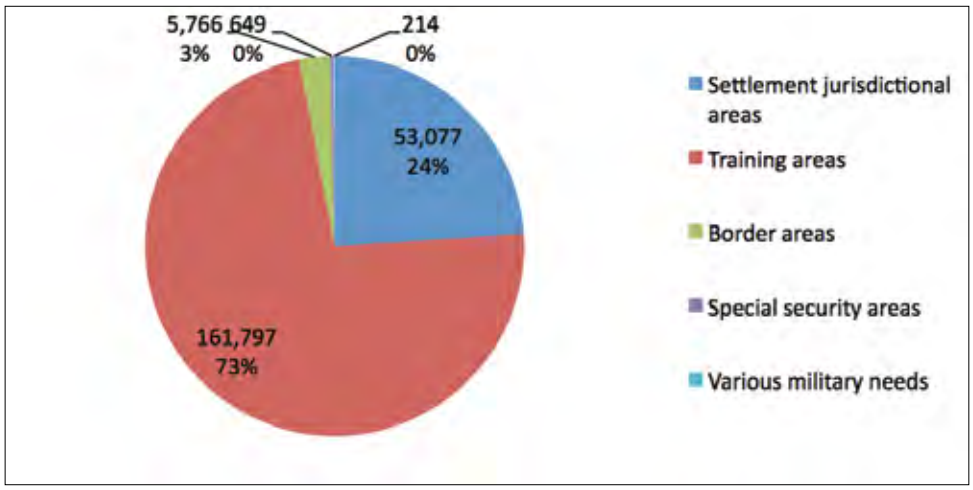
The jurisdictional areas of the settlements of the central Jordan Valley were determined from 1994-1997. The boundaries of Training Areas 904, 904a and 906 were drawn up in 1999-2000 in order to create contiguity between them and the jurisdictional areas of the settlement.

In conclusion, an examination of the distribution of the jurisdictional areas of the settlements and the military training areas shows that the borders of these areas were determined through close coordination and careful planning so that there would be no overlap between them (as required in 783). This coordination created a contiguous area of territories where Palestinians are legally forbidden to enter, and any attempts by Palestinians to use them involved risk of eviction. The jurisdictional areas of both the settlements and the military training areas today cover an area of more than 1.5 million dunams, which is some 45% of the area).

The Correlation between Closed Areas and Declared Nature Reserves

From the end of the 1960s to the late 1990s, the Israeli authorities rezoned land to create dozens of nature reserves and parks in the West Bank.[111] The military order by virtue of which these areas were declared imposes severe development restrictions that prevent commencing any construction or new agricultural cultivation after the rezoning.[112] The overall area of the reserves and parks is approximately 341 thousand dunams, though large portions of them were incorporated into the area of the Palestinian Authority after the Oslo Accords (Areas A and B); after the Oslo Accords, some 298,000 dunams of declared nature reserves and parks remained in Area C. Almost 221,500 dunams of the land declared as a nature reserves overlap with various closed military areas.[113]

Designated Nature Reserves and Parks that Overlap with Closed Areas, based on Purpose of Closure (in dunams



The important issue in this context is not the overlap between the nature reserves and the closed areas themselves, or between the closed military areas and the areas of the settlements, but the ramifications of the contiguity created between all of these areas. This issue is relevant mainly in the eastern and northeastern part of the West Bank. In this part of the West Bank, the Israeli authorities created contiguous closed areas comprising training areas, jurisdictional areas of settlements (which are closed military areas for Palestinians), and immediately adjacent to these, nature reserves (the development of which is also limited by severe strictures), resulting in enormous territories where Palestinians are barred from developing, and in many cases, cannot even enter.

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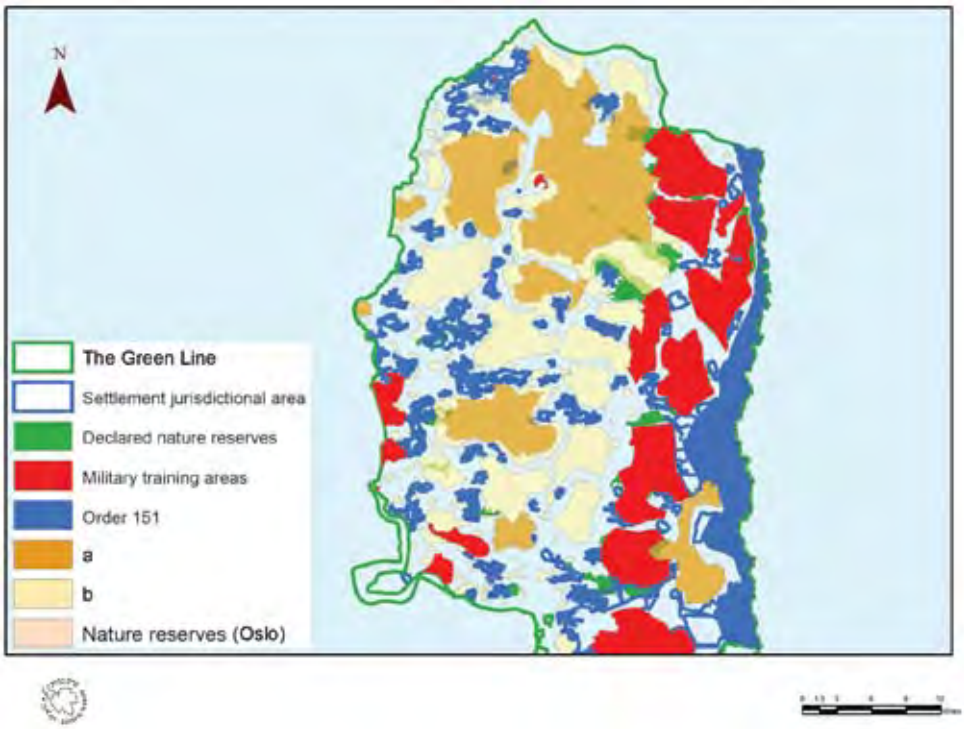
[110] According to Baruch Spiegel's database, Hemdat was established in 1979 as a Nachal outpost, became a civilian locality in 1991, and was returned to the Nachal in 1993. Since 1997, there has been a civilian there established by the Amana movement.

[111] These reserves should not be confused with reserves determined by the Wye Agreement, which was signed in October 1998.

[112] Order Concerning Protection of Nature (No. 363, 1969).

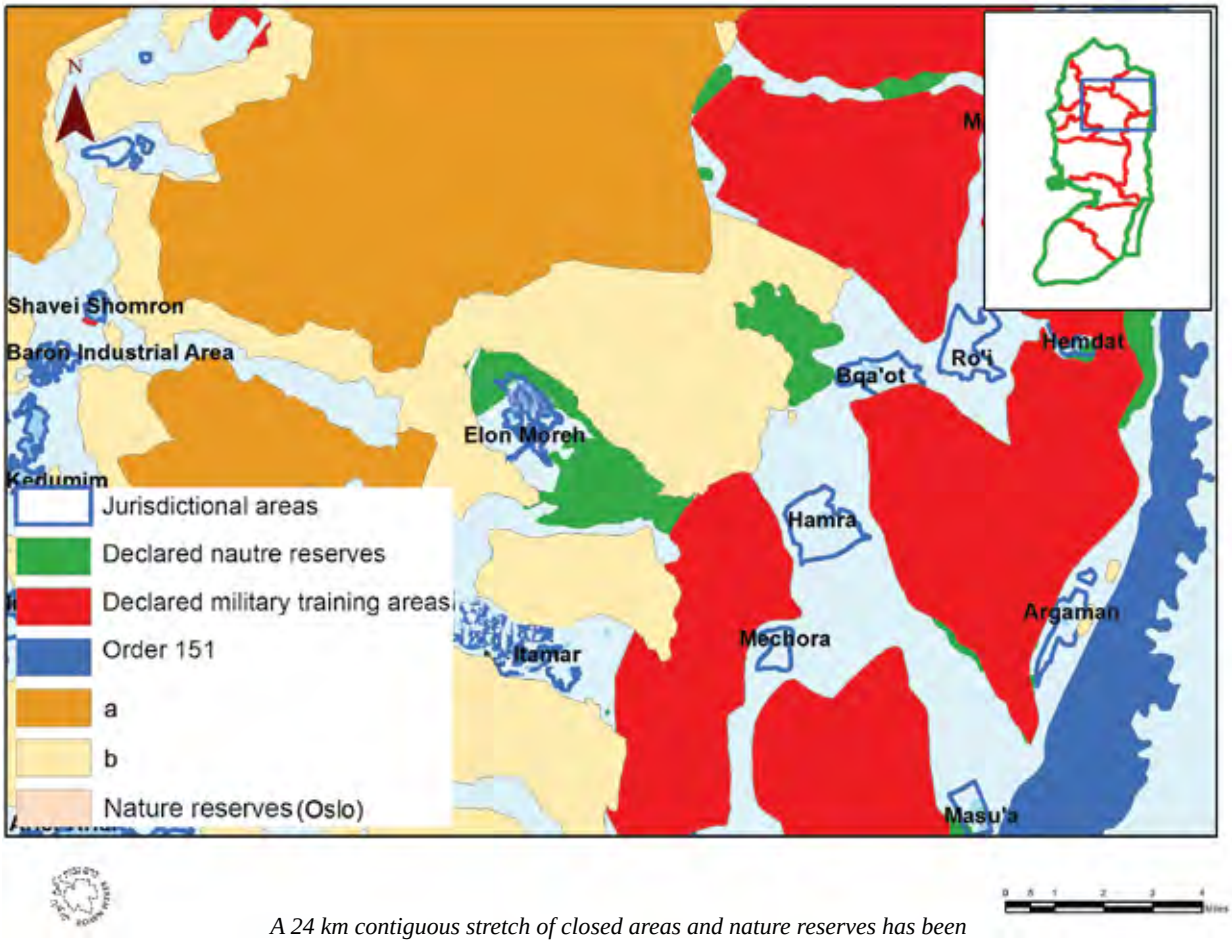
[113] This situation is not unique to the nature reserves declared in the West Bank. Within Israel as well there is considerable overlap between training areas and nature reserves. See: Oren and Regev, A Land in Khaki [Heb.] 433-439.



The training areas, nature reserves and jurisdictional areas of the settlements in the northeast West Bank create a contiguity of closed areas or areas where development is severely restricted.

Area of Elon Moreh Settlement – One of the places where the combination between these three factors – closed military areas, settlement areas and nature reserves – can be clearly seen how , is an area of the **Elon Moreh** settlement, located on Mt. Kabir, on the lands of the villages of Salem, Dir al-Khatab and 'Azmut, northeast of Nablus. Elon Moreh was established in 1980, and its jurisdictional area is approximately 1,278 dunams. Approximately two years after its establishment, 24,226 dunams west of the settlement were declared as the Mt. Kabir Nature Reserve, and 14,354 dunams remained in Area C (while the rest became areas A and B). It should be noted that the area of the nature reserve was mapped around the settlement, and it runs flush against its northern and northwestern boundaries. In 1996, an area of some 900 dunams west of the settlement was declared as a closed military are in order to protect the settlement ("special security area") while Training Area 904a lies to the east of the settlement and contiguous with the area of the reserve.

East of Training Area 904a are the settlements of Hamrah and Mekhorah, and east of these are Training Areas 903 and 904a, which border Road 90 (the "Jordan Valley Road," in Hebrew, "Kvish Ha-Biq'ah.") East of Road 90 is a sprawling area closed by Order 151, which is a fenced-in area that Palestinians have been unable to enter since 1967. In this manner, through a number of official orders reinforced by a series of violent takeovers by settlers from Elon Moreh on the ridge of Mt. Kabir, an area of almost completely contiguous Israeli control was created over 24 kilometers from the eastern outskirts of Nablus to the eastern border of the West Bank with Jordan.



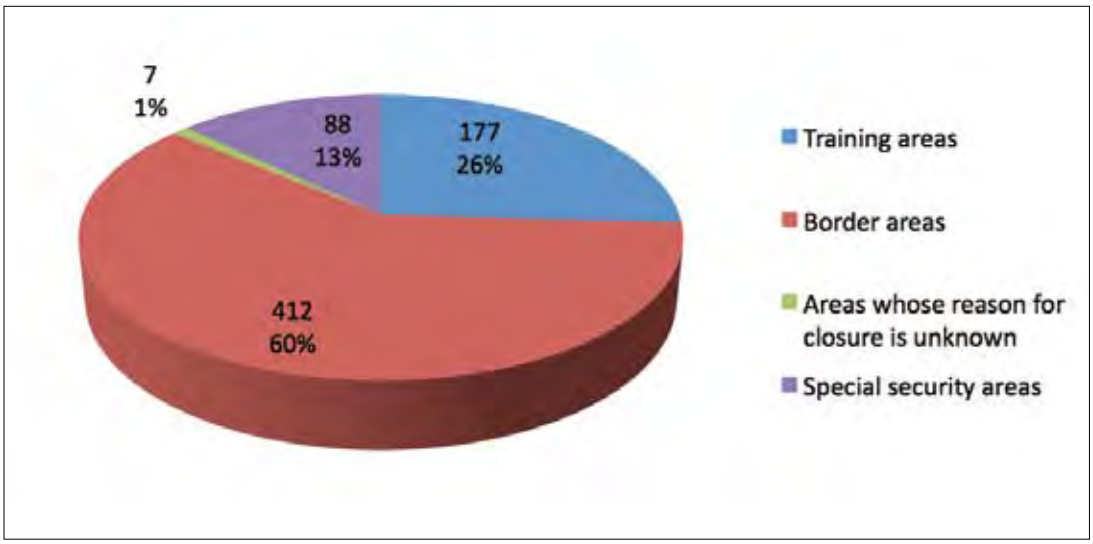
A 24 km contiguous stretch of closed areas and nature reserves has been lined up between the settlements of Elon Moreh and the West Bank's border with Jordan.

Settlements, Outposts, Quarries and Israeli Agricultural Areas within Training Areas

The military training areas are officially, of course, areas that are closed both to Israeli settlers in the West Bank and, as stated, according to Order 783, they cannot be included in the jurisdictional areas of the settlements. This fact has not stood in the way of settlers seeking to expand the areas of the settlements in practice. A number of outposts have been established within the training areas, and thousands of dunams of "closed areas" have become agricultural areas cultivated by settlers.

According to the data of the Civil Administration, in January 2015, 684 cases of illegal Israeli building, i.e. by settlers, were identified in closed areas (not taking into account, of course, the jurisdictional areas of settlements, which are not closed to Israelis) of a total of 6,967 cases of illegal Israeli building in Area C as a whole. Slightly less than 10% of the Israeli illegal building identified took place in closed military areas (of them, 25 in Area J in the Latrun region).

Breakdown of Illegal Israeli Building Identified according to Reason Given for Closing Area



Division of Identified Israeli Illegal Building According to Training Area

Training Area	Number of Illegal Building Incidents Identified
904a	70
906	53
935	1
903	3
918	50

Outposts in Training Areas

The state's actual position regarding illegal building in training areas, in contrast to its official position, was exposed in its response to the petition submitted by landowners from the village of Dir Jarir in the Ramallah District (HCJ 953/11 'Abd al Fatah Salha et al v. Defense Minister et al), on whose land most of the buildings of the Mitzpeh Keramim outpost (east of the Kokhav Ha-Shachar settlement) were built. The state's response (rendered on January 16, 2014), confirmed that these buildings were erected inside Area 906, which was closed for training purposes (par. 18c), but the discussion ended at this point, and the State Attorney's Office asked to erase the petition on various grounds in order to avoid evacuating the outpost (par. 56), which, even according to the state's approach, is ostensibly in contravention of the law. It should be stated that in an additional petition, in which the petitioners demanded evacuating the Avigayil outpost in the southern Hebron Hills (HCJ 5300/13 Muhammad Sa'id et al v. Defense Minister et al), the state, in its response (of October 23, 2014) ignored the fact that the access road to the outpost passes through Training Area 918, and in effect, rejected the demand to destroy it on the claim that it was the only access road to the outpost, and the petitioners themselves were not the owners of the land on which this part of the road was paved (par. 7). The conclusion resulting from the state's response to these two petitions is that the state does not believe that it is required to evacuate settlers who build illegally on private Palestinian lands, even if these lands are located in declared training areas.

The Mitzpeh Keramim outpost inside Training Area 906

Settlement/Outpost	Training Area/ Closed Area	Year Established/ Year Constructed
Ort Space and Flight School, Ma'aleh Adumum[114]	Ha-Biq'ah	2002
Mavo Horon	Area J (Latrun)	1969
Access road to Avigayil outpost and small portion of the outpost itself	Area 918	2001
Small portion of the Mitzpeh Yair outpost	Area 918	1998
Part of Havat Ma'on	Area 918	1999
New bypass road from east of Beit Aryeh (not opened)	Area 203	2007
Gidonim 777	Area 904a	1999
Havat Binyamin east of Gidonim 777	Area 904a	2012
Mitzpeh Keramim outpost	Area 906	1999
Small portion of Ma'aleh Hagit outpost	Area 929	2001

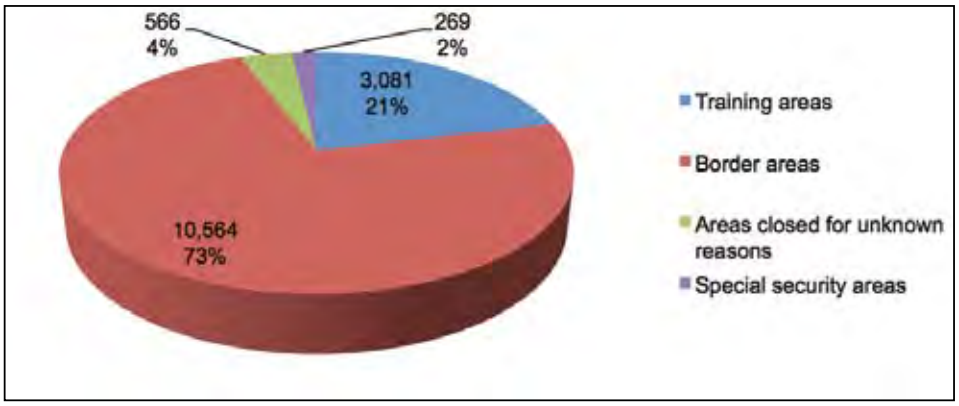
[114] On January 18, 2015, Lieut. Gen. Commander of the Central Command Nitzan Alon signed an order amending the area of the "Biq'ah" Training Area, through which it forfeited several dozen dunams around the Ort Space and Flight School in Ma'aleh Adumim. See p. 56.

Settler Agriculture in Closed Military Areas

A means of greater significance used by settlers to control lands is agriculture. Some 14,480 dunams of agricultural lands cultivated by Israelis is located within areas declared as closed military zones (this figure does not include, of course, the agricultural lands within the jurisdictional areas of the settlements themselves, closed off only to Palestinians).[115]

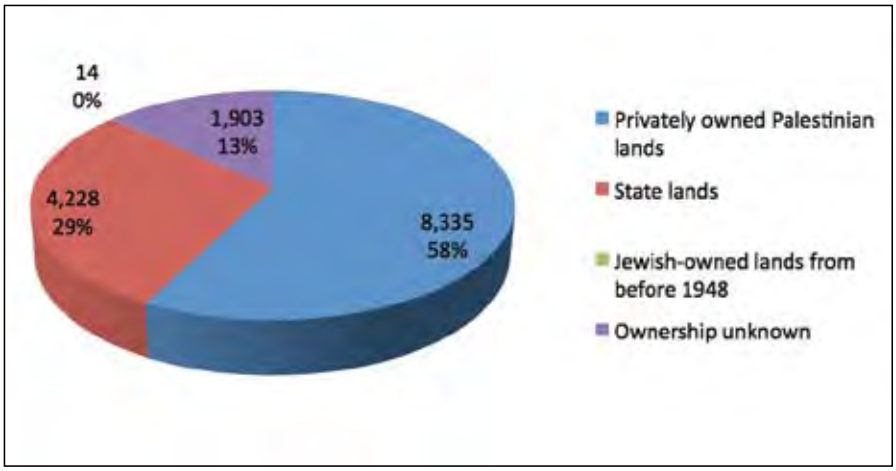
The bulk of the cultivated lands (73%) are located on the border of the West Bank – the area of the border with Jordan to the east (Area 151) and area of the border with Israel to the west (Area J in Latrun) – but approximately one fifth of these territories are located within training areas, and approximately 2% of the agricultural areas are located within the areas declared "special security areas" around the settlements.

Division of Settler Agricultural Areas in Closed Military Zones, according to declared purpose of closure (in dunams).



As can be seen in the following diagram, more than half of the lands (58%) that settlers cultivate in the closed territories are privately owned Palestinian lands, while less than one third (29%) are state lands. This fact is indicative of the close relationship between the closure of territories and the takeover of private lands and their transfer to Israeli settlers for cultivation.

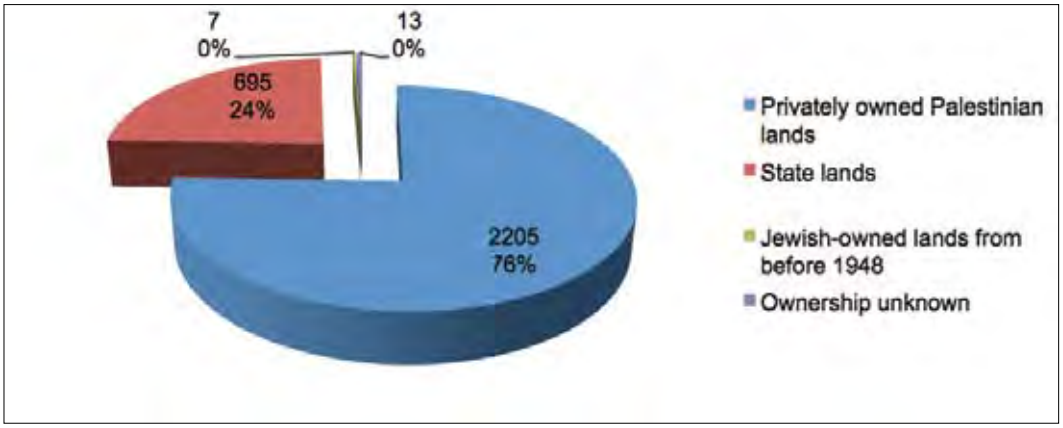
Agricultural Takeover by Settlers in Closed Military Areas, According to Land Ownership (in dunams



Many agricultural lands cultivated by settlers are also located, as stated, within areas closed for training purposes – some 2,920 dunams, the overwhelming majority of which (76%) is privately owned Palestinian land.

[115] Israeli farmers today cultivate approximately 96,000 dunams in the West Bank.

Agricultural Takeover by Settlers within Training Areas, According to Land Ownership (in dunams)



An examination of the map of the Israeli agricultural lands within the training areas shows that most of the agricultural takeover was carried out in training areas located north of the Jerusalem-Jericho line, apparently because the rainfall in the northern West Bank makes it more suitable for agriculture.

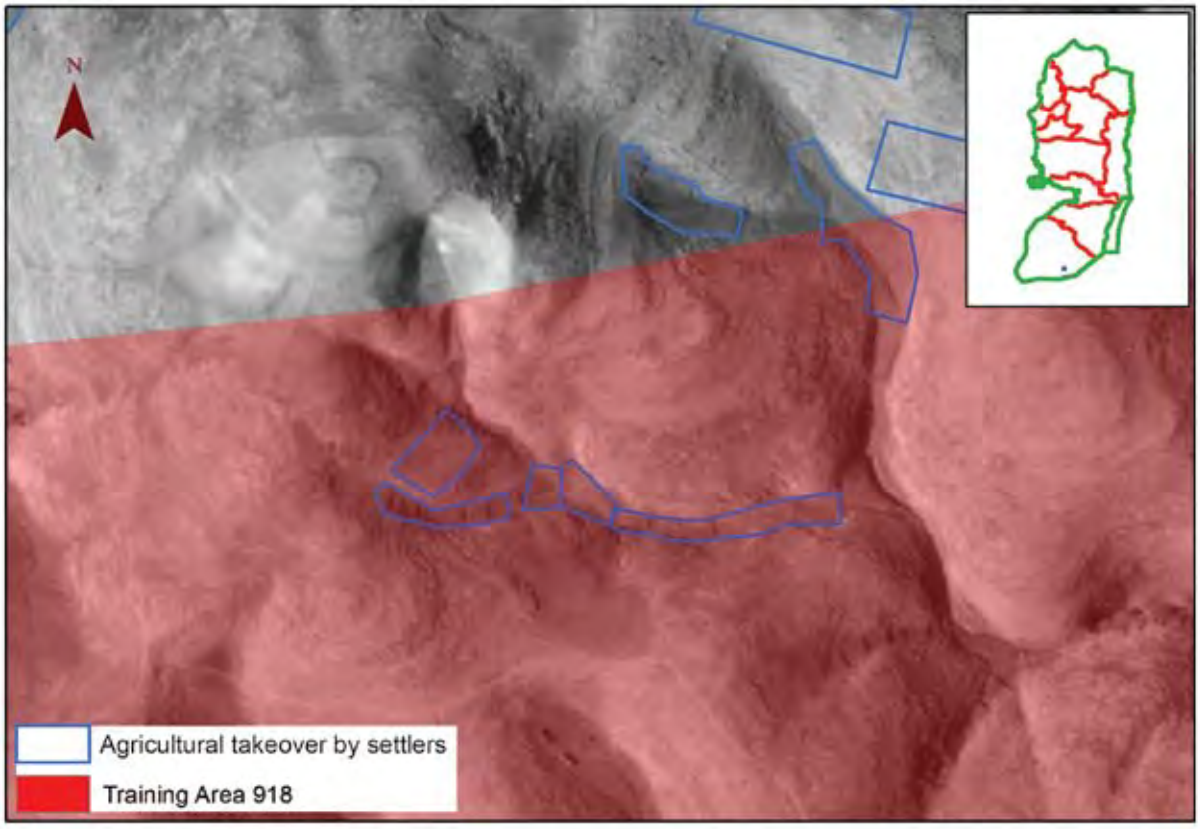
The Main Agricultural Areas Cultivated by Settlers within the Training Areas (in dunams)[116]

Training Area	Size of Agricultural Area (in dunams)
900	327
903	235
904	973
906	549
N904	755

Examples of the phenomenon of agricultural expulsion under the guise of the declaration of training areas can be seen, inter alia, around the settlements of Gitit, Mechorah and Beqaot in the northern Jordan Valley, the Gidonim 777 outpost east of Itamar, the Mitzpeh Keramim outpost east of Kokhav Ha-Shachar, the Einot Kedumim outpost ("Omer's Farm") west of Jericho (former site of Training Area 911), and the settlements of Maon and Mitzpeh Yair in the south Hebron Hills.

[116] We know of additional, relatively small agricultural areas within training areas that were not included in this table.

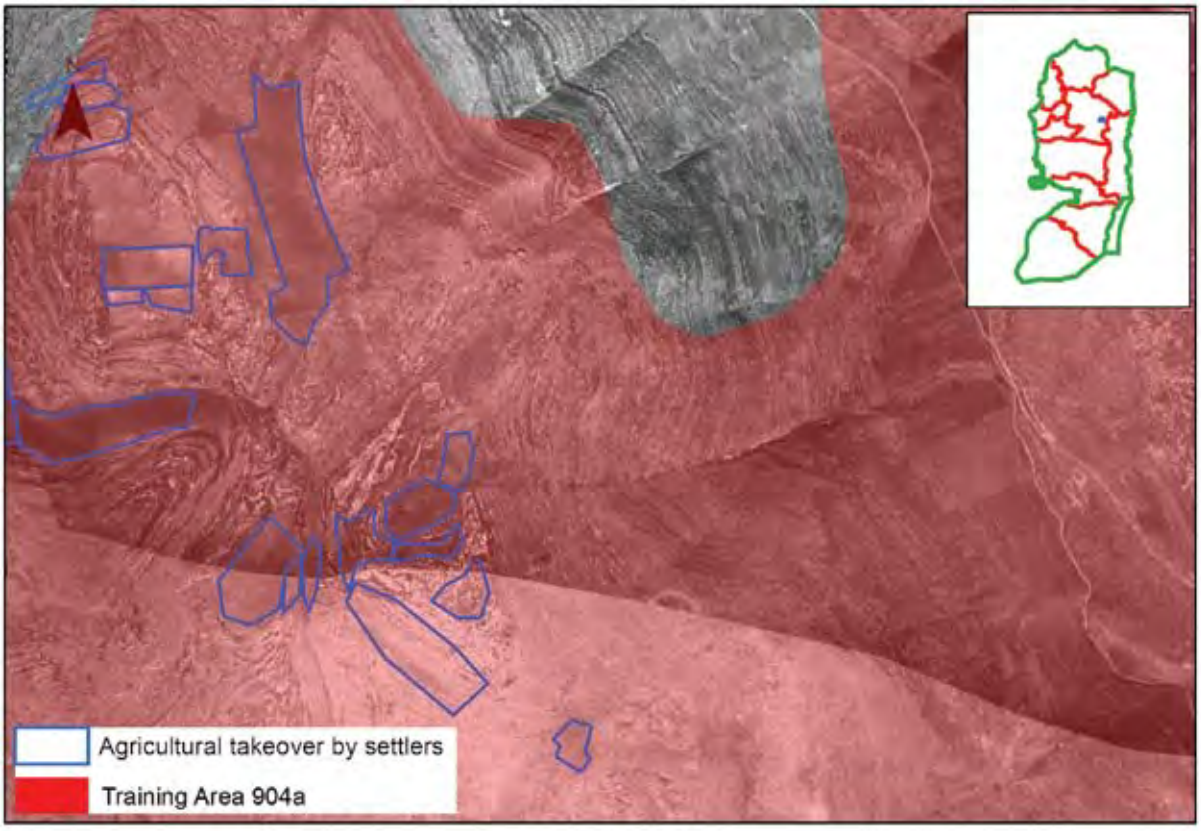
Agricultural Takeover by Settlers from Maon in Training Area 918



Aerial photograph of the area in 1969

Aerial photograph of the area in 2014

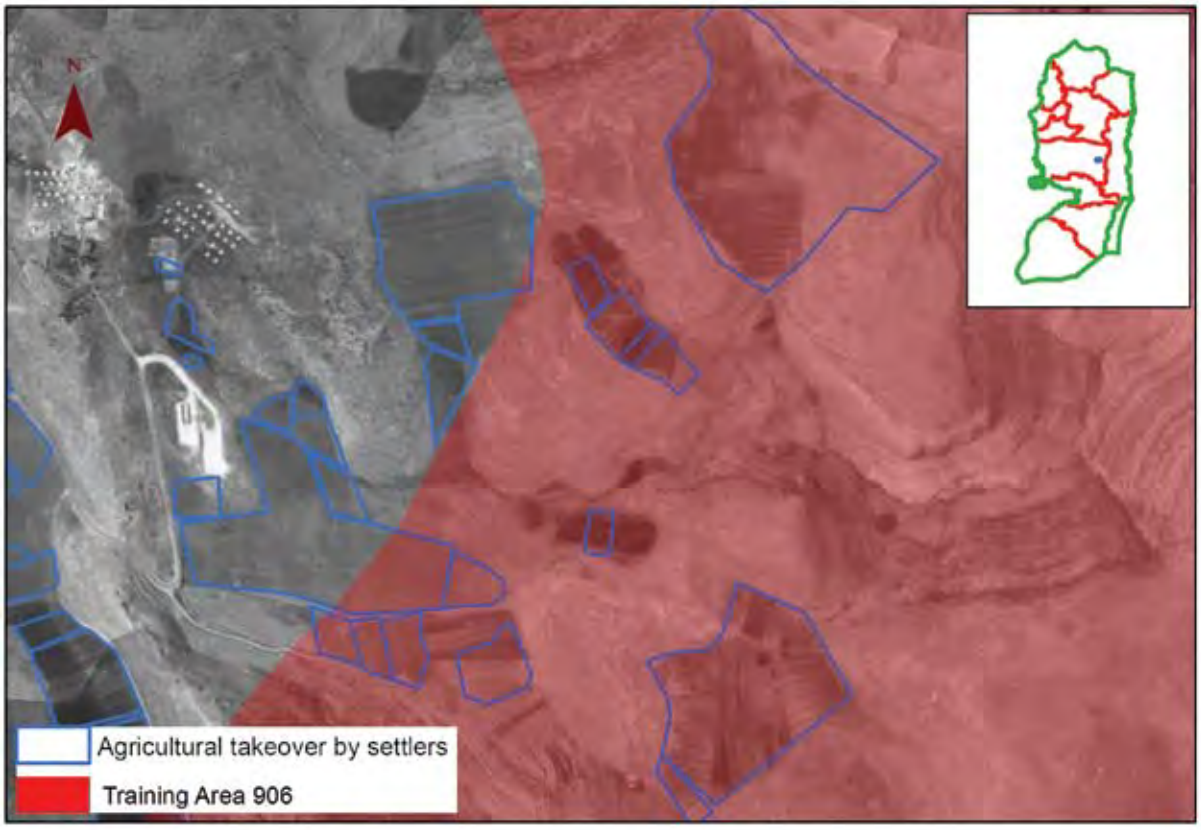
Land in Training Area 904a, Taken Over by Settlers from Itamar for Agricultural Use.



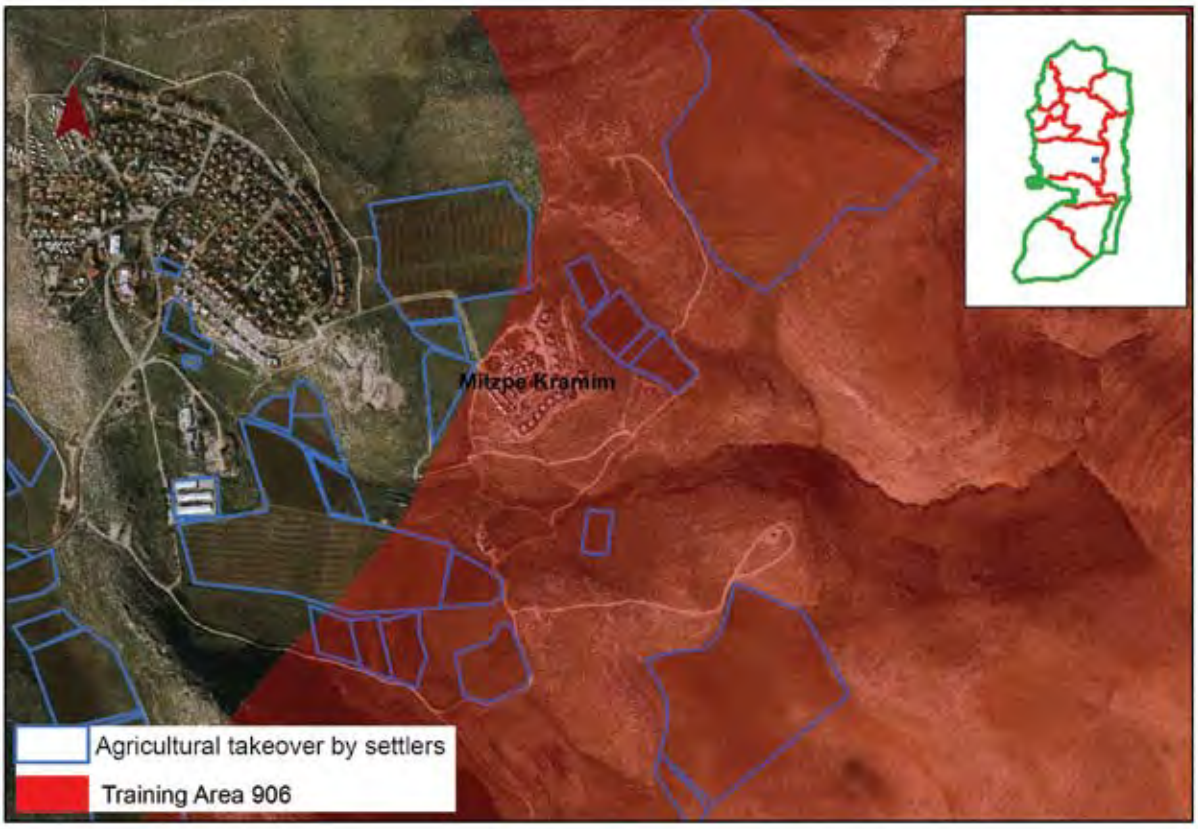
Aerial photograph of the area, 1969

Aerial photograph of the area, 2014

Land in Training Area 906, Taken Over by Settlers from Kokhav Ha-Shachar for Agricultural Use.



Aerial photograph of the area in 1981



Aerial photograph of the area in 2014

Based on the facts presented here, the conclusions are clear:

1. The Israeli authorities encourage Israeli agricultural activity in areas closed to the entry of Palestinians along the borders of the West Bank, both along the eastern border and in the Latrun salient.

2. The Israeli authorities have helped Israeli settlers establish a number of outposts within areas closed for training purposes, and they continue to invest in these outposts and defend their existence in the courts.

3. Under the cover of the closure of vast territories whose declared objective is military training, the Israeli authorities enable settlers to take control of thousands of dunams for agricultural purposes. In many cases, the legal owners of these territories were banished from them using violent means.

4. The Israeli legal authorities do not destroy illegal structures built by settlers, and do not evacuate agricultural incursions by settlers within training areas, even when the lands in question are privately owned by Palestinian.

Declaration of "State Lands" and "Blue Line" Team Work in the Training Areas

Since the early 1980s, the Israeli authorities in the West Bank have declared some 800,000 dunams as "state lands." [117] Over the years, the mechanism of declaring state lands has become a key mechanism through which Israel redefines landownership, and in so doing, prevents Palestinians from using these lands. Approximately 348,000 dunams of the areas that Israel declared as state lands in the West Bank, are located in training areas. This is 43.5% of all declarations, and it appears that this fact itself illustrates that underlying the closure of these areas are motives relating to the interest of the settlement enterprise. For if not, why would it have been necessary to declare so many lands as "state lands"?

A look at the map of the territories declared as state lands located within training areas shows that the overwhelming majority of these lands occupy eastern portions of the West Bank, along the axis between Tammun in the north and Yatta (in the southeast Hebron Hills), and mainly in the Ha-Biq'ah training zone, which is spread over a broad area from south of the Jerusalem-Jericho Road to the lands of Yatta.[118] And yet, over 21,700 dunams declared as state lands are located in training areas in the western part of the West Bank, mainly in the areas adjacent to the Green Line. This fact ties in with the manifest intention of the state to blur large segments the Green Line by building settlements and Israeli localities on both sides of it.

Map of declared state lands in training areas

[117] See p. 26 of this report.

[118] The lands of Tubas, located north of Tammun, were not declared as state lands, since they are properly registered lands that cannot be declared as belonging to the state.

Declaration of State Lands within Training Areas (Main Areas)

Training Area	Village Block	Size of declared area, in dunams
Ha-Biq'ah	• Ta'amrah • Rashaida • Jahalin	297,073
203	• Rantis • Khirbet Musmar • 'Abud • Dir Balut • Rafat • A-Zawlya	16,956
903	• Tammun	15,749
918	• Yatta	5,944
935	• Nuba • Beit Ula	4,334
904a	• Beit Dejan • 'Aqrabah • Yanun	3,999
904	• 'Aqrabah	a3,015
906	• Al-Meghayer	454
309a	• Adna • Khirbet Um Burj	368
934	• Bituniya	118

The conjecture regarding the state's motives for closing lands is bolstered by the fact that a significant portion of the work of the Civil Administration's "Blue Line Team" (a team that deals mainly with mapping state lands allocated to settlements for building or retroactive building approval) was carried out within training areas.[119] This team began working in 1999, and by November 2014 had already mapped, using modern mapping methods, some 261,000 dunams, 35,000 of them (13.4%) in declared training areas.[120]

[119] See: Chaim Levinson, "Israel Authorizes Record Amount of West Bank Land for Settlement Construction," April 29, 2014, Haaretz English online, http://www.haaretz.com/news/diplomacy-defense/.premium-1.587901.
[120] See Chaim Levinson, "IDF Cancels Status of Firing Zone to Enable Expansion of Nearby Settlement," March 8, 2015, http://www.haaretz.com/news/diplomacy-defense/.premium-1.645771.

An analysis of the mapping carried out by the Blue Line Team in the training areas reveals that their work focused on three goals:

1. Mapping areas adjacent to the Green Line (west of Salfit and west of Hebron) designated for the establishment of new settlements and creating continuous settlement with localities west of the Green Line.
2. Mapping the land on which outposts were built and their surroundings as part of the process to have them approved.
3. Mapping of areas around existing settlements in order to enable the expansion of their jurisdictional areas in the future.

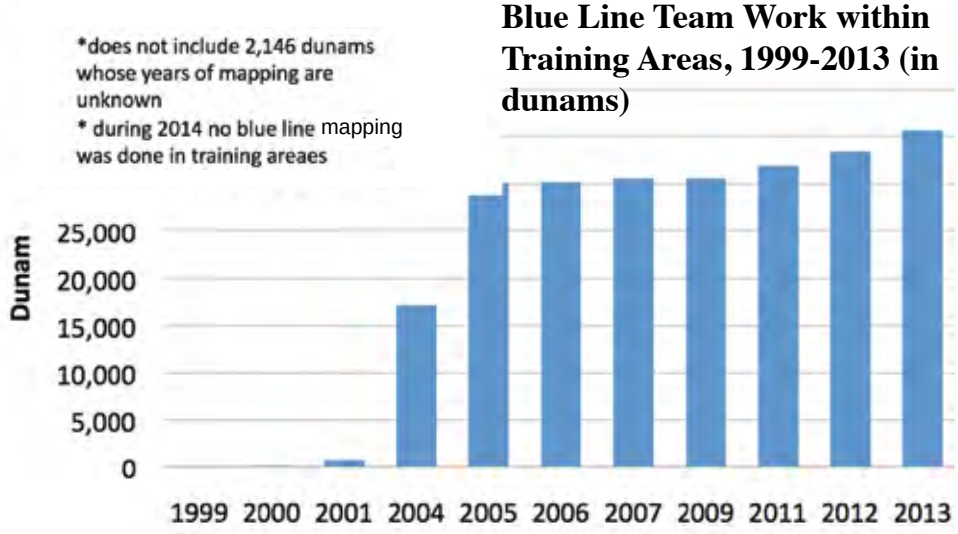
It is important to emphasize that the work of the Blue Line Team is a significant factor in the process of the takeover of new lands and retroactive approval of illegal construction already carried out in the settlements. An example of this can be found in the preparatory document for discussion sent by the Cabinet Secretary to representatives of the settlers in the government and outside it on October 23, 2014, entitled: "Discussion on infrastructure in Judea and Samaria with the Prime Minister Present." Par. 5 of the list of topics for discussion in this meeting, included **"advancement of survey processes with an emphasis on formalizing the outposts."**[121]

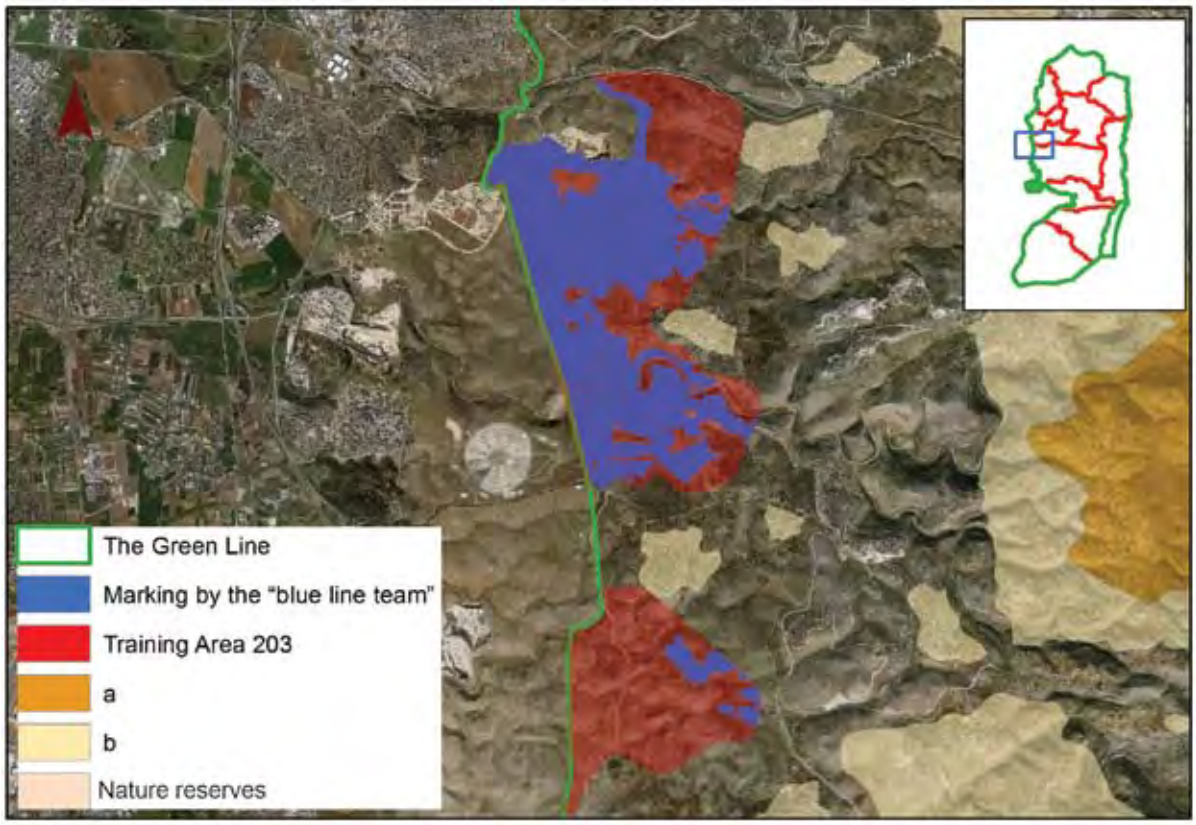
Blue Line Team Work within Training Areas, 1999-2013 (main areas)

Training Area	Village Block	Area Mapped (in dunams	Goal of Mapping	Year of Mapping
203	Rantis Khirbet Musmar 'Abud Dir Balut Rafat A-Zawiya	16,956	Mapping lands east of the Green Line	• 2000 • 2004 • 2005 • 2007
912Ha-Biq'ah	Abu Dis Nabi Musa	10,848	Expansion of Ma'aleh Adumim	• 2000 • 2001 • 2005 • 2006
935	Nuba Beit Ula	4,296	Mapping lands east of the Green Line	• 2005 • 2013
918	Yatta	2,808	Retroactive legalization of outpost in the south Hebron Hills: Avigayil, Havat Maon, Mitzpeh Yair, Havat Yaakov Talia	• 2001 • 2004 • 2011 • 2012
904a	'Aqrabah Yanun	699	Preparing Outpost 777	• 1999 • 2012

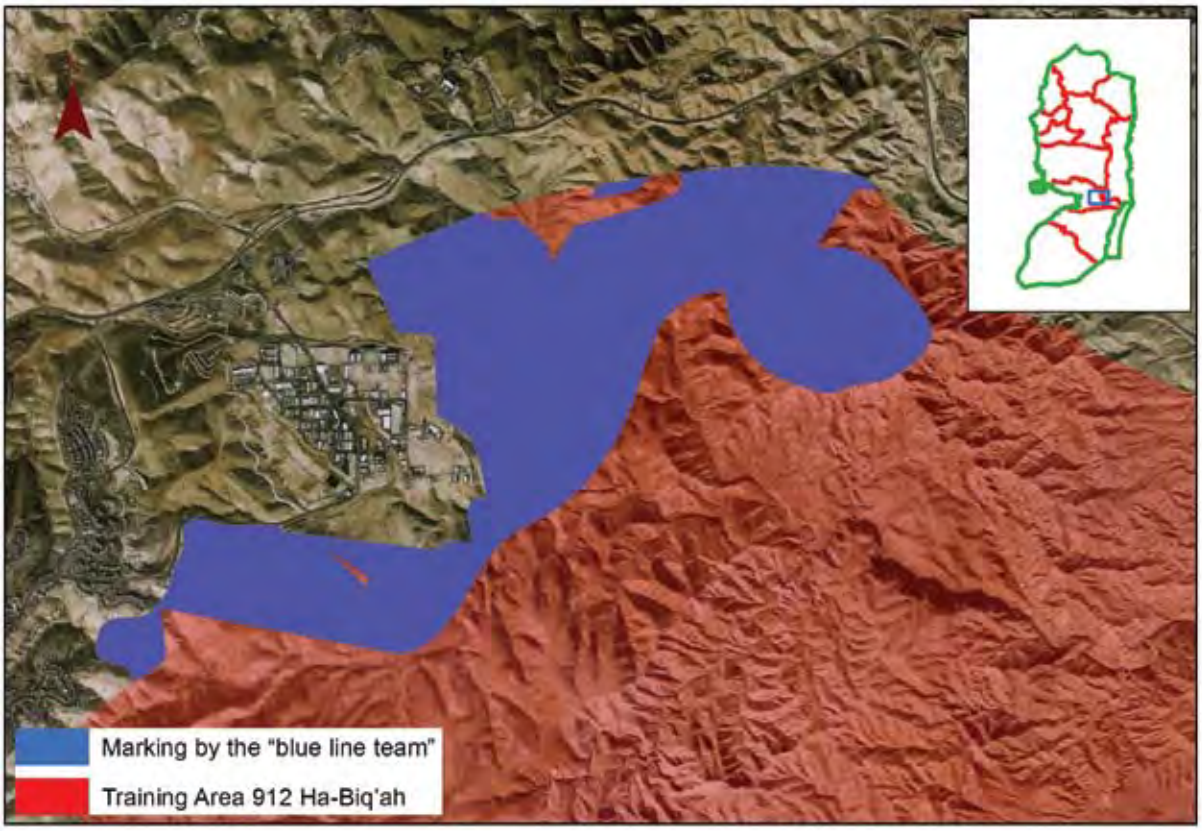
[121] The document was presented in a report of Channel 2 News, with the headline "Construction Severely Harmful to Israel," October 26, 2014, http://www.mako.co.il/news-military/politics-q4_2014/Article-7e963bb382e4941004.htm. The paragraph entitled "Electrical Infrastructure" (par. 4) mentioned "Itamar-Gitit." Apparently, this refers to the installation of a high voltage line that will connect Gitit with the outposts associated with Itamar, localities separated by Training Area 904a. The desire of the settlers to advance building a power line in this area is related to the attempt of the settlers of Itamar to continue the process of taking over the entire area between Itamar and Gitit, a process that began with the establishment of outposts east of Itamar during the second half of the 1990s.

Blue Line Team Work within Training Areas, 1999-2013 (in dunams)

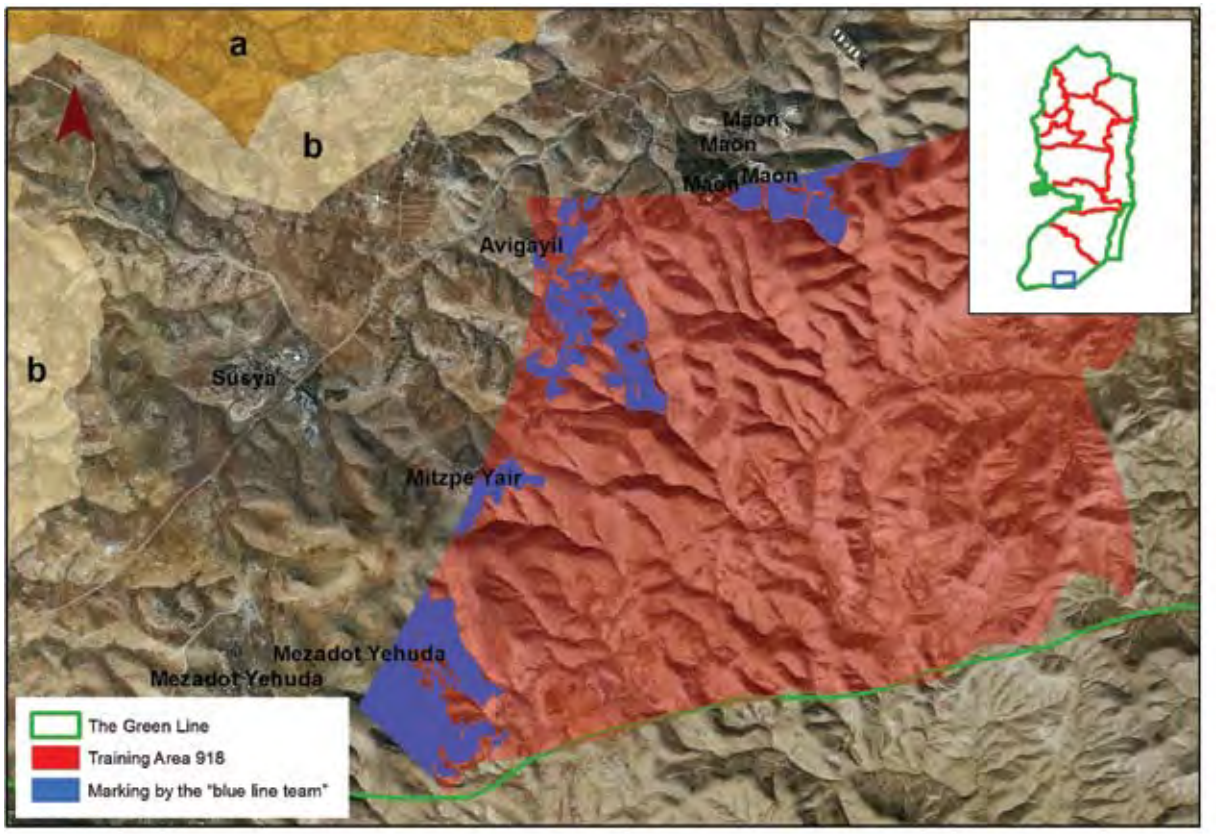




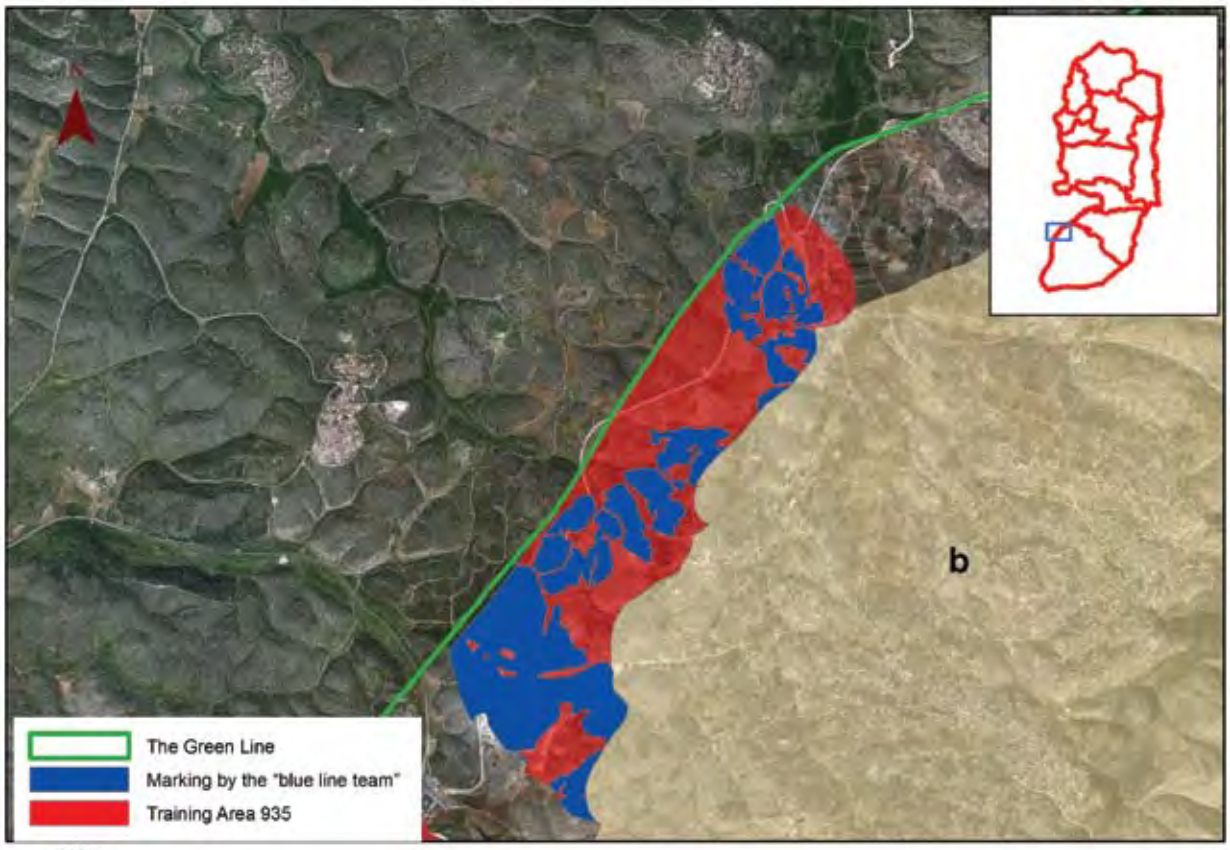
Marking by the "blue line team" in Training Area 203, adjacent to the Green Line, almost 16,956 dunams



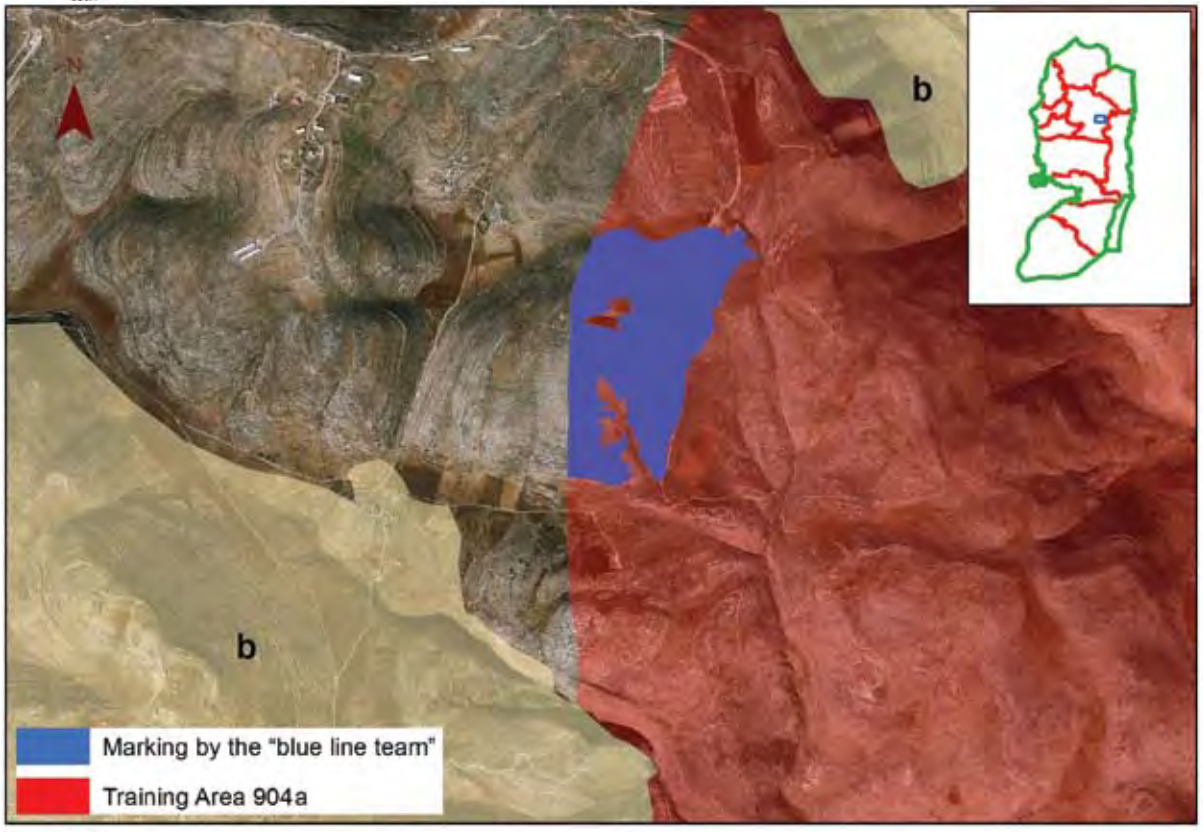
Marking by the "blue line team" near Ma'aleh Adumim, 10,848 dunams



Marking by the "blue line team" in Training Area 918. These territories, 2,808 dunams, are near four settlements and intended to enlarge their jurisdictional areas



Training Area 935, 6,442 dunams, designated for the building of new settlements east of the Green Line (Telem Block)



Marking of a blue line in Firing Zone 904a – 699 dunam intended for preparing the ground for building at the Gidonim 777 outpost and to enable it to expand eastward, in the direction of the Jordan Valley

Territories Removed from Training Area 203 and Transferred to Settlers

On October 23, 2011, then Head of the Civil Administration, Brigadier General Motti Almoz visited the settlement of Oranit (east of the Green Line, close to Kfar Qasem). Among the variety of topics discussed during his visit was the idea to establish a joint industrial zone, "Sha'ar Shomron," to serve the settlements of Oranit and Elkanah. The main problem facing the settlers who wanted to advance the project was that the land slated for the establishment of the industrial zone had not yet been annexed to the settlement, and its southern portion was even located in Training Area 203, and therefore, could not be part of the jurisdictional area of the settlement. One week after this meeting, the Head of the Civil Administration updated the Head of the Oranit Local Council regarding his progress on the topic:

The topic was presented… to the commander of the area, who approved the advancement of the request to join the jurisdictional area , and in the next few days, the position of the planning branch will be completed regarding the need to remove the southern part of the "Sha'ar Shomron" compound that juts onto firing areas.

On February 19, 2012, the borders of the settlement of Elkana were amended, and an area of over 900 dunams was added to it, located approximately two kilometers west of the settlement. That same day, the Commanding Officer of the Central Command, Avi Mizrachi, also signed the new map of Training Area 203. Following this change, the Nachal Raba* quarry was removed from the training area, as well as an additional area of some 2,100 dunams. This area, immediately adjacent to the Green Line, was declared as state land, and it is reasonable to assume that the Israeli authorities are allocating it to expansion of the settlements slated for construction in this area, east of Rosh Ha-Ayin, which itself is the site of extensive building adjacent to and west of the Green Line.

See: Chaim Levinson, "IDF to Probe Illegal Transfer of Pricey West Bank Land to Settler Body," January 28, 2015, Haaretz English online, http://www.haaretz.com/news/diplomacy-defense/1.639443.

The Unofficial Discourse – How Do Settlers Speak about Training Areas?

The topic of training areas, like other aspects of Israeli land policy in the West Bank, can be elucidated by paying close attention to what settlers say about it, since they usually see themselves as not bound by the official discourse to which the state's spokesmen feel obligated. The remarks of the Regavim organization, which defines itself as a "movement for preserving the lands of the nation" and receives budgets from Amana, a settlers' movement, and from the regional councils of the settlers, are a main source of information, since today, it is the extreme right-wing organization with the broadest and best most thoroughly developed position on all that pertains to land management policy in the State of Israel and in the West Bank.[122] In recent years, Regavim has been warning against "lawlessness in the training areas in Tze'elim"[123] and "Arab incursion onto training areas in the Jordan Valley," defining these phenomena as part of a "targeted [Palestinian] strategy."[124] In the case of training areas, Regavim members openly declare what the state's official spokespeople are reluctant to admit, namely, that the declaration of training areas on both sides of the Green Line is a vital component of Israel's land control policy. If so, one can conclude from the above that the declaration of training areas, both to the west and the east of the Green Line is part of an "intentional strategy" clothed in the garb of "military need," intended to accomplish this goal of distancing Palestinians from them.

[122] Regavim is a classic example of what is referred to in international jargon as a GONGO (Governmental Non-Governmental Organization), i.e. an organization that masquerades as a civil society organization, but, in effect, the state funds it indirectly and in turn receives its assistance to advance goals that it cannot always declare publicly. It was the Regavim organization that initiated the meeting of the Sub-committee for Judea and Samaria Affairs of the Knesset Foreign Affairs and Security Committee on April 27, 2014 (mentioned in the introduction to this document – see p. ___).

[123] See: http://regavim.org.il/%D7%9E%D7%90%D7%95%D7%AA-%D7%A7%D7%A6%D7%99%D7%A0%D7%99%D7%9D-%D7%9C%D7%A9%D7%99%D7%9D-%D7%A7%D7%A5-%D7%9C%D7%94%D7%A4%D7%A7%D7%A8%D7%95%D7%AA--%D7%91%D7%A9%D7%98%D7%97%D7%99-%D7%94%D7%90%D7%A9-%D7%91/.

[124] See: http://regavim.org.il/%D7%A2%D7%A8%D7%91%D7%99%D7%9D-%D7%A4%D7%95%D7%9C%D7%A9%D7%99%D7%9D-%D7%9C%D7%A9%D7%98%D7%97%D7%99-%D7%90%D7%A9-%D7%A9%D7%9C-%D7%A6%D7%94%D7%9C/.

An additional example of the common discourse among extremist settlers is revealed in an explanation appearing on the Amana website regarding the circumstances under which the Einot Kedem outpost ("Omer's Farm") was founded. This outpost was erected north of Jericho in 2004, with the knowledge and assistance of the authorities, and here as well, they have refrained from all actual law-enforcement activity.[125]

> **The context of the act was the dismantling of a sizeable portion of the large IDF bases in the Jordan Valley, at the end of 2003. The main evacuation took place in the southern Jordan Valley, in the area of the localities of Yitav and Na'aran, where the camp of the Eshet Armory Division was dismantled, followed by the Tzuri Base. As a result, Palestinians began taking over the territories of the bases and the territories of training areas in the Nachal 'Uja region, to steal equipment that remained in the field. In the 'Uja area the Palestinians erected structures, tin shacks and tents, between the Yitav stream and the Jericho border, creating a new Palestinian settlement. The response of settlers in the valley was to more strictly guard the state lands in the area.**[126]

It is clear from the above, therefore, that the settlers in the field view the declaration of broad territories in the West Bank as training areas to be a built-in part of Israel's overall policy for the administration of lands in this area. As in many other cases, the settlers are emissaries of the establishment, which enables and even encourages them to carry out a particular policy that it is prevented from stating publicly.

Training Areas as Hiking Sites for Israelis

A visit to the website of the settlement of Itamar, two of whose most eastern outposts (Gidonim 777 and Havat Binyamin) are located within Training Area 904a, reveals how local settlers understand the practical significance of training areas and the connection between them and the expansion of the settlement in the future. A colorful pamphlet featuring the logo of the Samaria Local Council and a number of other organizations, invites amateur hikers to a variety of routes that connect Itamar with the Jordan Valley.[127] Nowhere in the text or on the map appearing in the pamphlet (see below) is there any indication that the recommended routes pass through a declared training area, since the settlers in the area well know that the overwhelming majority of this training area is not used at all by the army for training.

In this context, we should state that Israeli tourism in the West Bank has developed in recent years, and its development activity includes, among other things, preparing foot trails and vehicle routes, marking and takeover of sites with historical value, lookouts and springs.[128] In a number of cases, this activity is described as intended for leisure and educational purposes, and not for "political"activity, even though the driving force behind it is individuals clearly identified with the right, most of whom even live in the settlement, and it is clear that this activity was also intended mainly to keep Palestinians away these places.[129]

> **In summary, the training areas in the West Bank, spread over almost one million dunams, are interwoven with areas to which additional orders also apply (closure order for the settlement jurisdictional realms, closure orders for the border area with Jordan and the nature reserves) that completely prohibit or greatly restrict the ability of the Palestinians to use them. The correlation between the various orders is not a chance occurrence, but rather the result of careful planning by the Israeli authorities, intended to limit the entry of Palestinians into vast territories in Area C, where Israel has full control of the land resource. At the same time, Israel enables settlers to assume control of lands within closed areas, both training areas and in the border areas along the Jordan River closed under Order 151. This is carried out both by building outposts and by agricultural takeover, and it sometimes occurs even on lands under private Palestinian ownership.**

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[125] According to the registries of the Civil Administration, in March 2013, 20 illegal building sites were identified at the site from 2004-2013, and only one of them was evacuated by the settlers themselves. The outpost itself and the vast agricultural area surrounding it, which spans 624 dunams, all occupy private lands owned by Palestinians. A portion of these lands were seized from the outset through military seizure in 1977, for agricultural use of the settlement of Yitav.

[126] See: http://www.amana.co.il/?CategoryID=22&ArticleID=194/ [Heb].

[127] See: http://www.myitamar.org.il/sites/default/files/travel.pdf [Heb].

[128] See OCHA report: The Humanitarian Impact of the Takeover of Palestinian Water Springs by Israeli Settlers, March 2012, http://unispal.un.org/pdfs/OCHA_PalWaterSprings-Factsheet.pdf.

[129] Spearheading this trend is the "Mishkefet" project, which describes itself as a "national acquaintance project" and "a-political tourism." Actually, this organization receives all of its funding from organizations that serve the settlers, such as the Amana movement and the regional and local councils of the settlers in the West Bank, and it is directed by settlers. See the project's website: http://mishkefet.org.il [Heb].

The fact that the training areas serve as a kind of "land reserve" used by the State of Israel to advance the settlement enterprise can also be seen in Israel's declaration of broad territories within the training areas as "state lands," and their precise mapping by the Blue Line Team. This mapping shows that these territories play a civilian role and are meant to serve the settlement enterprise.

Furthermore, in contrast to the formal spokespersons of the state, who are committed to the claim that the closure of territories takes place today for security reasons only, at least in their public comments, the settler spokespeople, who are familiar with the situation "on the ground" and know where training is actually carried out, reflect the true, uncensored policy. Their words are evidence that the real goal underlying the ongoing closure of a considerable portion of territories still defined today as "training areas" is to weaken viable and long-term Palestinian possession of these territories, and to limit Palestinian access to the land resource.

Testimony of Abu Fakher, Mukhtar of Khirbet a-Tawil (Located in Training Area 904a)

I was born in 1961, north of Khirbet a-Tawil in an area where the settler outpost known as Koby is now standing (some seven kilometers east of Itamar). The army came and declared our area to be a closed military zone in 1967. Afterwards, the limitations on movement began. The entry of people into the area was forbidden and shepherds caught in these areas were often required to pay fines. In order to intimidate, the army would occasionally shoot at flocks. I never saw an overall map of the military area, and I don't know exactly what its boundaries are.

The army comes from time to time for a few days, and practices at a certain point. Sometimes, they even enter the area of our houses. This year they entered the area of the houses three times. A closed military area is supposed to be far from people and residential areas, but they declared areas where people live and work as training grounds.

Today, the number of residents here in Khirbet a-Tawil ranges from 200-250 people, who are divided into approximately 25 families. Most of the families are divided between Khirbet a-Tawil and Aqrabah, since those who get married cannot build here. To date, eight houses have been demolished In Khirbet a-Tawil, and some of them have been demolished more than once. They also demolished the mosque there. The demolition orders issued here to people are not issued because the area is a closed military area, but based on its being part of Area C. But there is no way of receiving a building permit from the Israeli authorities. The army also destroyed the electricity and water networks that we built, but did not repair them.

Beginning in 1999, settlers started building outpost 777 (east of Itamar) within an area that the military initially used for training. When the settlers began building there, the army left the place and began training in other places. A few years ago, a settler named Koby came there and built a new outpost further east of outpost 777, which is also within an area that until then the army had declared a closed military area for training. Since then, the settlers forbid us from entering these areas and use them themselves without army limitation for agricultural purposes and grazing. If we try to enter, sometimes they come with the army, and sometimes the settlers themselves put on army uniforms and present themselves as army people and kick us out. Due to the construction of outposts east of Itamar within the area that initially served the army for training, thousands of dunams of grazing land and agriculture were lost to us completely.

The issue is that there is a law for the Palestinians and law for the Jews. An order to close the territories, it turns out, is valid only for Palestinians, while these very closed military areas are designated for building and agriculture for settlers

Orientation map from the website of the settlement of Itamar

Training Area or Party Grounds: During the Passover holiday in March 2014, a "nature party" was held in the northern Jordan Valley, with the participation of thousands of people who arrived from within Israel. The party became known retroactively since dozens of participants were hospitalized for dehydration and inebriation. The party was held in Training Area 901/903, near the training base of the Kfir Brigade and the settlement of Roi. These are lands privately owned by residents of the village of Tubas, and their owners are prevented from using them due to the army's presence in this area. The head of the Jordan Valley Regional Council, David Al-Hayani, was quoted in Haaretz as saying:

"Nature party" in Training Area 903, March 2014 (ynet website, Photo: Avi Marzan)

The party received all of the necessary permits and was strictly supervised by the enforcement authorities. I send my wishes for speedy recovery to the injured, and seek to emphasize: out of ten thousand participants, seven injured persons were evacuated, and 15 participants were arrested for drug possession. I do not take this lightly, but still, it is a miniscule percentage considering the tremendous number who attended the party.

(Eli Ashkenazi, "Eight Revelers Hospitalized after Outdoor Party in Jordan Valley," Haaretz English online, March 22, 2014, http://www.haaretz.com/news/israel/1.581399.)

The fact that this was a military zone escaped the reports of all of the media channels covering the event, as was the fact that according to military law, the regional council has no legal authority to approve any kind of use of these lands which, as stated, are both private and located within a closed military zone. These facts did not prevent the organizers from holding an additional party at the same location half a year later, during the Sukkot holiday in October 2014. It can be concluded from the lack of media coverage of the second party that it passed without incident.

Part VI: The Closed Areas and the Palestinian Population in the West Bank

There is no doubt that declaration of the closure of such broad territories in the West Bank has a deep influence on a number of aspects of the Palestinian population overall, and in particular, on the freedom of movement of West Bank residents. It is the residents of the communities living within or near the closed areas who are the most adversely affected by the closure of territories, and particularly, those who live inside training areas where intensive training takes place. Most of the discussion in this part will focus, therefore, on the Palestinian communities living within or near the territories closed for training. And yet, some of the numerical data that we will present in this chapter includes the areas closed for the entire range of reasons, including territories that are closed in law but not in practice.

It should be emphasized that what is presented in this chapter does not claim to cover every aspect of the effect of land closure on Palestinians. One should read this part of the report as an invitation to additional and thorough research on this topic.

Palestinian Communities inside the Training Area

In 2013, OCHA conducted a general survey of the Palestinian population in Area C. One of the findings was that over 300,000 Palestinians live in Area C, and they are distributed over 532 localities.[130] The survey found that thirty-eight Palestinian communities live in training areas, among them, some 6,200 individuals and an additional 50 communities living near the training areas that together constitute an additional population of 12,176 [131] Part of this population is rural (fallahin) and some is of Bedouin origin, such that the overwhelming majority of residents are dependent on raising livestock and agriculture, and the closure of military training areas limits their livelihood, and in some cases, even sounds a death knell on the ability to exist financially.[132] One of the reasons for this violation is that a sizable portion of the areas declared as training areas –mainly the areas in the eastern part of the West Bank – have for generations served as a granary and main grazing areas of the village communities in the West Bank hills and the Jordan Valley.

On a number of occasions, spokespeople of the State of Israel retracted the claim that declaring training areas in the West Bank took place only after checking as to whether "permanent residents" lived on the land, and that the declaration of these territories as training areas did not violate the residents' "fabric of life."[133] However, attempts to corroborate these declarations with the situation in the field reveal that they are devoid of content and misleading. Signs in the field and interviews with Palestinian residents who live near areas where army training activity takes place (including official training areas and sites where the IDF holds drills without declaring them training areas) reveal that the impact of training on the residents of nearby communities is tremendous.

For purposes of preparing this report, we examined aerial photographs of a number of localities included in training areas since 1967.[134] This examination revealed beyond a doubt that some of these localities existed before the declaration of these territories as closed areas. Based on the aerial photographs it is not possible, of course, to determine whether these localities were inhabited year-round, or only for a few months out of the year, as the state claimed in its response to the petition of residents of communities in Training Area 918. Either way, it is clear from the photographic evidence that these villages were part of the space where people lived, worked and earned their livelihoods for generations, and that declaring them to be closed training areas had a strong negative impact on the "fabric of life" of residents of these communities.

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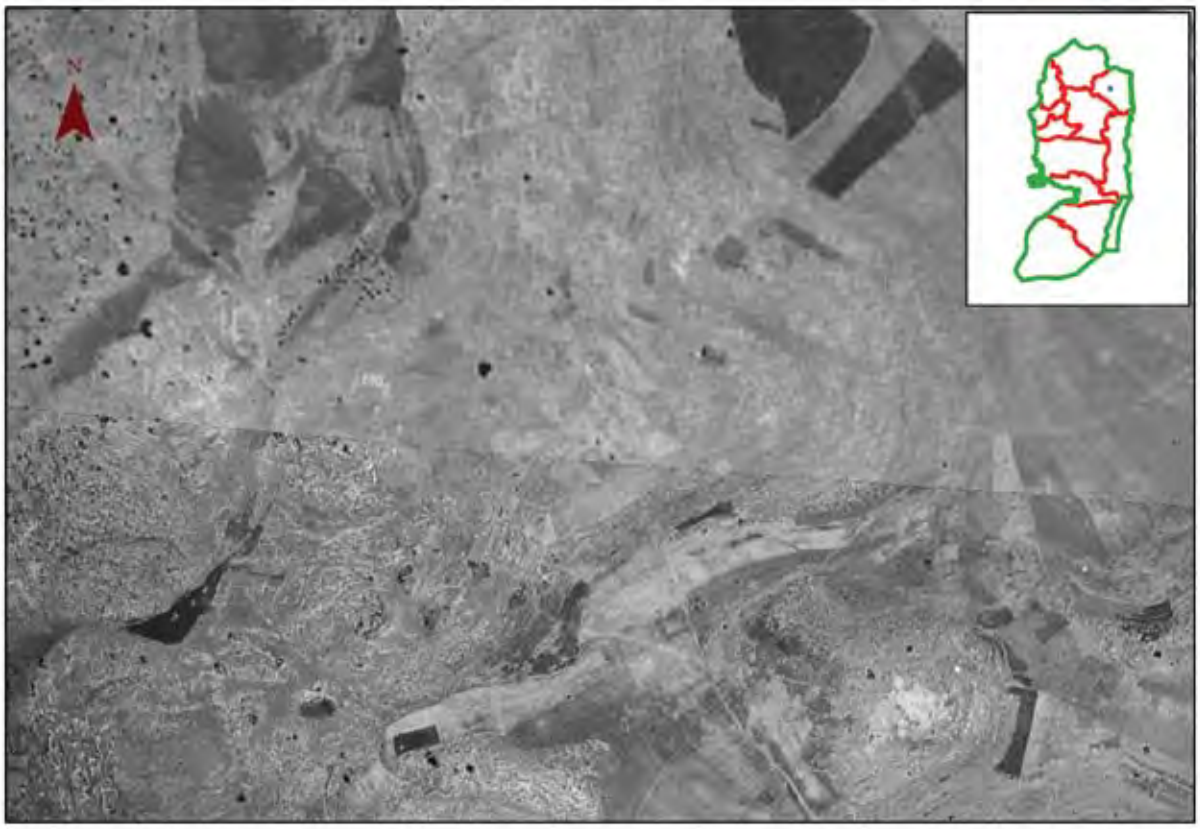
[130] See: http://www.ochaopt.org/documents/ocha_opt_pressrelease_5_march_2014_en.pdf and http://www.ochaopt.org/documents/ocha_opt_fact_sheet_5_3_2014_en.pdf.

[131] In effect, the number of residents in these territories is much higher than the number appearing in the survey, since the survey did not include the residents of the villages in the western part of the West Bank, villages whose lands are located partially inside training areas that are not in actual use. See p. ___ of this document.

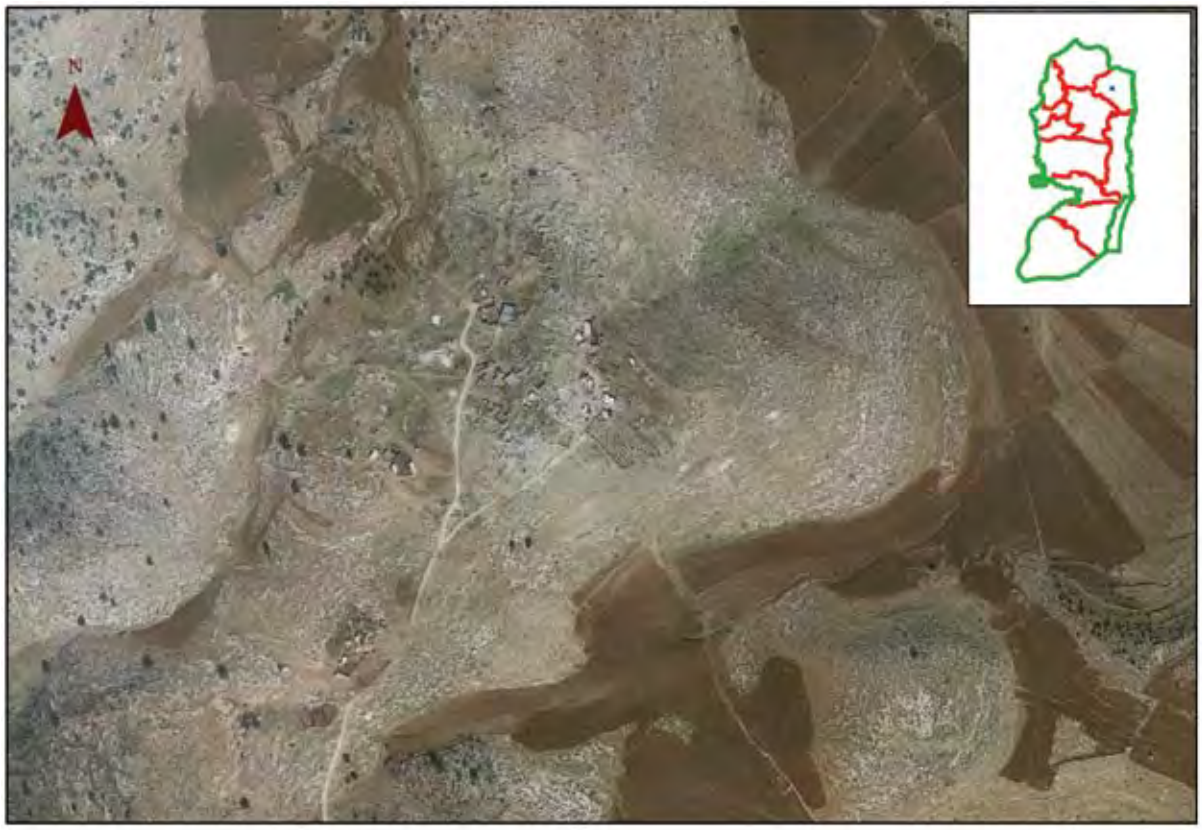
[132] Official data sent from the Civil Administration to the legal department of Shomrei Mishpat – Rabbis for Human Rights, show that from 1995-2010, over 109,000 sheep were deported from training areas.

[133] See pp. 15 of this document.

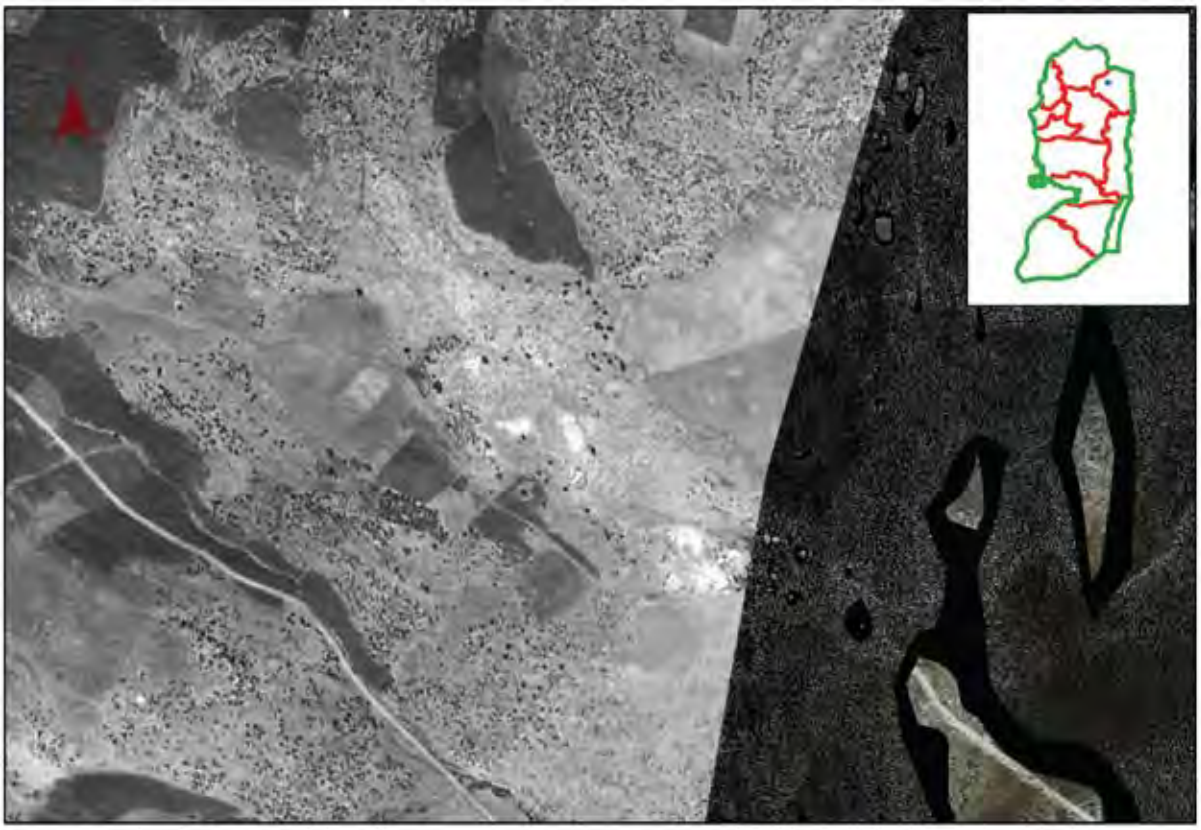
[134] We are unable to check all of the training areas due to the partial coverage of the aerial photographs at our disposal.



Khirbet Yarza in Training Area 901, east of Tubas, 1967

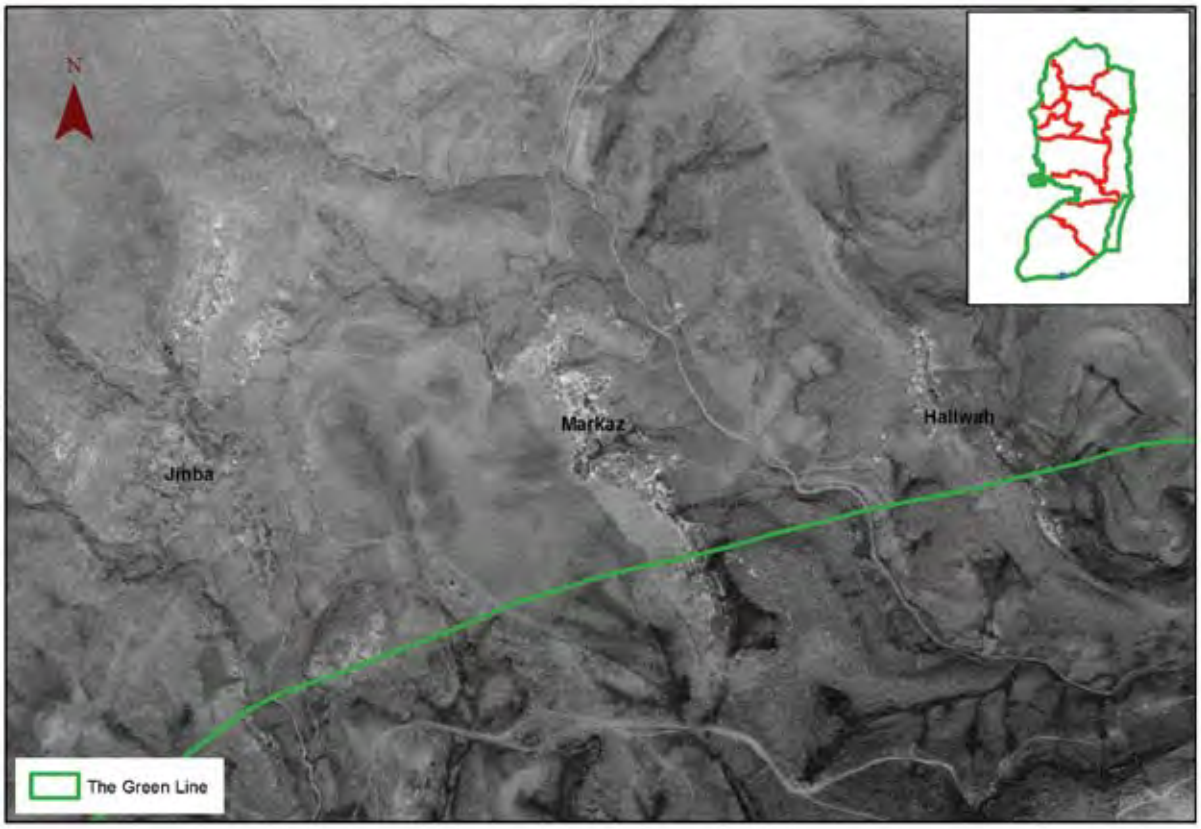


Khirbet Yarza in Training Area 901, east of Tubas, 2014

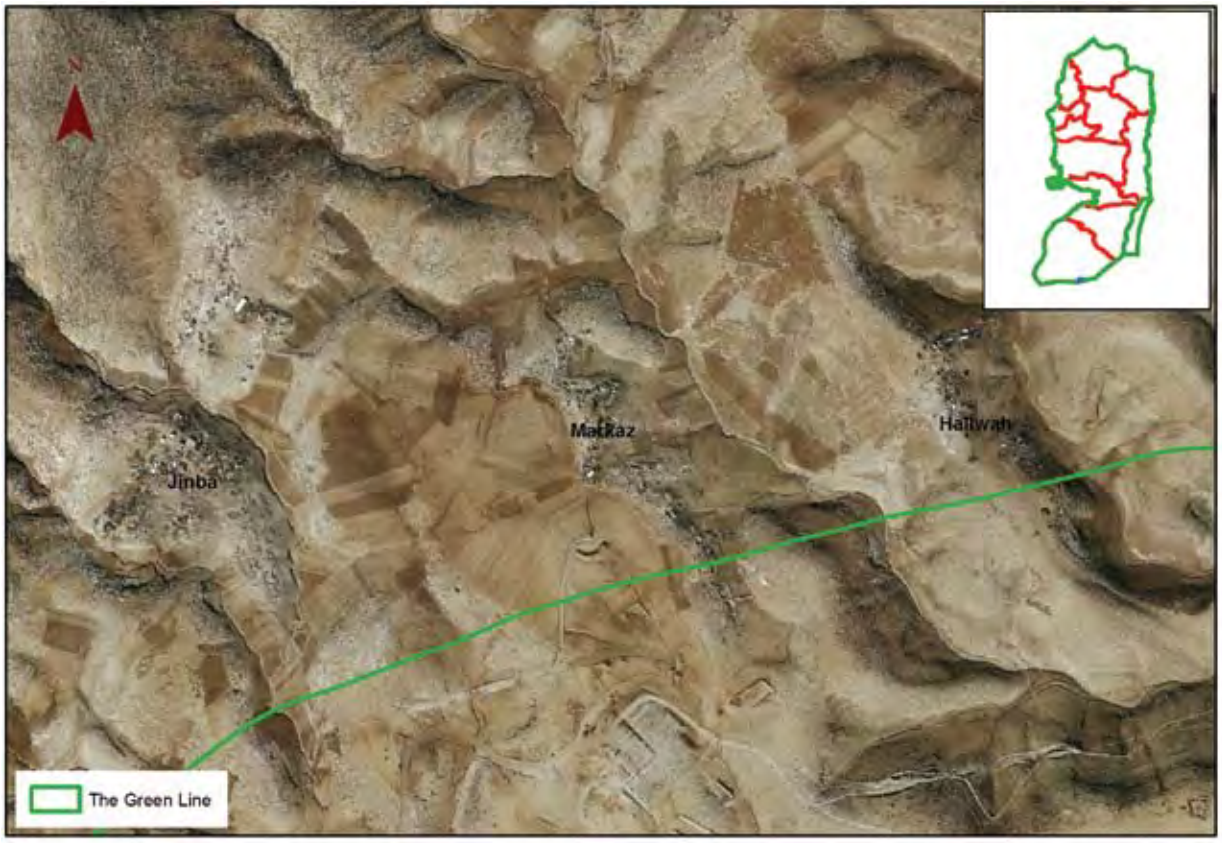


The village of al-'Aqaba in Training Area 900, northeast of Tubas, 1967

The village of al-'Aqaba in Training Area 900, northeast of Tubas, 2014



The villages of Jinba, Markaz and Halawa in Training Area 918, in the southeast Mt. Hebron area, 1967



The villages of Jinba, Markaz and Halawa in Training Area 918, in the southeast Mt. Hebron area, 2014

Testimony of Nadav Weiman – Reserve-duty soldier

In mid-November 2012, I participated in a divisional exercise. We began near Mt. Bazek, [east of Tubas] and continued in armored columns to the north. The exercise continued for five days, three and a half of them in the West Bank and the rest, inside Israel. At some point, we crossed the fence [Separation Barrier] in a crossing that had been opened for us, and only the armored personnel carriers and the jeeps continued into Israel. The heavy tanks and canons remained inside the West Bank, but we continued for another day and a half until Mt. Tabor.
In the West Bank, you go whatever way you want, and don't make any considerations. We passed through people's fields and through villages. The moment we crossed the Green Line, we first traveled on the Gilboa Scenic Route with the armored personnel carriers, and afterwards, only on JNF roads. You can't do whatever you want like in the West Bank, and every movement requires permits. There's no comparison whatsoever to what happened on both sides of the border. The army behaves entirely differently in these areas. It appears that the damage inflicted on property of the Palestinian population and the road infrastructure in the West Bank does not interest anyone.

Traditional Palestinian Agriculture within the Closed Areas

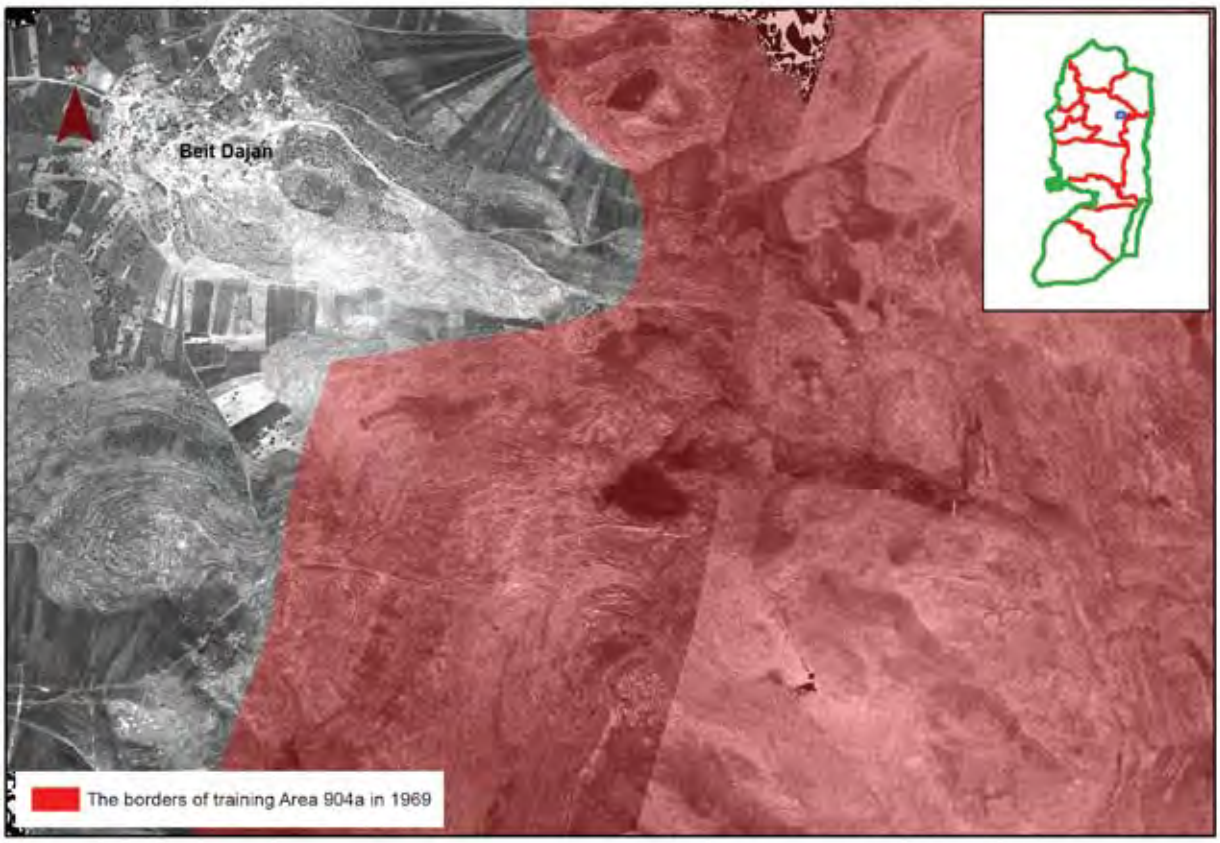
Despite the perceptible changes that have occurred in Palestinian society and economy since 1967, including the drop in the number of those engaged in agriculture, even today agriculture plays a considerable role in Palestinian culture and the economy of West Bank residents.[135] It would not be unreasonable to assert that the decisive majority of closed areas in the West Bank – if not all of them – have made some contribution to the Palestinian economy (the rural and the semi-nomadic), as cultivated agricultural lands or open seasonal grazing areas. There is no doubt that the limitations on entry into these territories and damages to crops in areas where there is military activity (mainly activity involving armored vehicles) cause actual damage felt in the pockets of many Palestinians.

Fields owned by residents of the village of 'Aqrabah after military training in the area, December 2014. The area is included in Training Area 904a.

[135] See p. 23, this document.

Testimony of Abu al-'Abbas Rashaidah

It's been already a number of years that my sons and I leave the village from southeast of Bethlehem, and spend the winter months in the area of Nabi Musa with our flock, which numbers some 200 goats, because in this area there is much grazing land. We are always approximately a distance of a few kilometers south of the army training area. We sleep in a tent and drink water from the local wells. On Thursday, January 1, 2015, an inspector from the Civil Administration came to me and told me that I had to leave the place. I told him that we were far from the training areas, and it was an open and unfenced area, but nothing helped. He told me that I had to leave within a few days, or else he would confiscate my flock.



The village of Beit Dejan in the Nablus District, 1969, and the borders of Training Area 904a. This training area was declared a closed area in August 1967, and its territory spread over some 14,000 dunams, approximately one third of the village's agricultural and grazing lands in 1967.

Cutting off Historical Roads through Closure of Territories

As stated, an additional important aspect of the "fabric of life" of Palestinians in the West Bank affected by land closure is freedom of movement. The cutting off of historical roads that pass through closed areas severely infringes on the ability of Palestinian residents to move from place to place. Passing through declared training areas are both roads of local importance and roads whose significance extends to a wider area. In many cases, the closed area reshapes the road network open to the Palestinian population, since use of the roads passing through closed areas was rendered illegal, and in some cases, use of the roads even poses risks, whether legal or physical.

At present we lack precise data regarding all of the roads whose use was interrupted following a declaration that placed them – in whole or in part – within closed areas. Collection of the necessary data in order to estimate the scope of this phenomenon – the number of roads, their length and importance – and the analysis of this data, require additional focused research.

The historical road that connected Nabi Musa with the villages of A-Ta'marah southeast of Bethlehem through Biq'at Horqania was included in Firing Zone 912 ("Ha-Bik'ah"), obstructing Palestinian movement.

Privately Owned Palestinian Lands within Closed Military Areas

Hundreds of thousands of dunams of privately owned Palestinian land are included inside the closed areas. A mapping of the private lands in the West Bank carried out by the Civil Administration reveals that approximately 376,000 dunams of private lands are located within the closed areas. In other words, almost 21% of all of the closed areas are private lands. In addition to these private lands, another approximately 11,600 dunams of private land are located within some 250 enclaves located in settlement jurisdictional areas.[136] Although by law these enclaves are not part of the territory of the settlements, in many cases the owners are unable to enter them, or have limited access only.

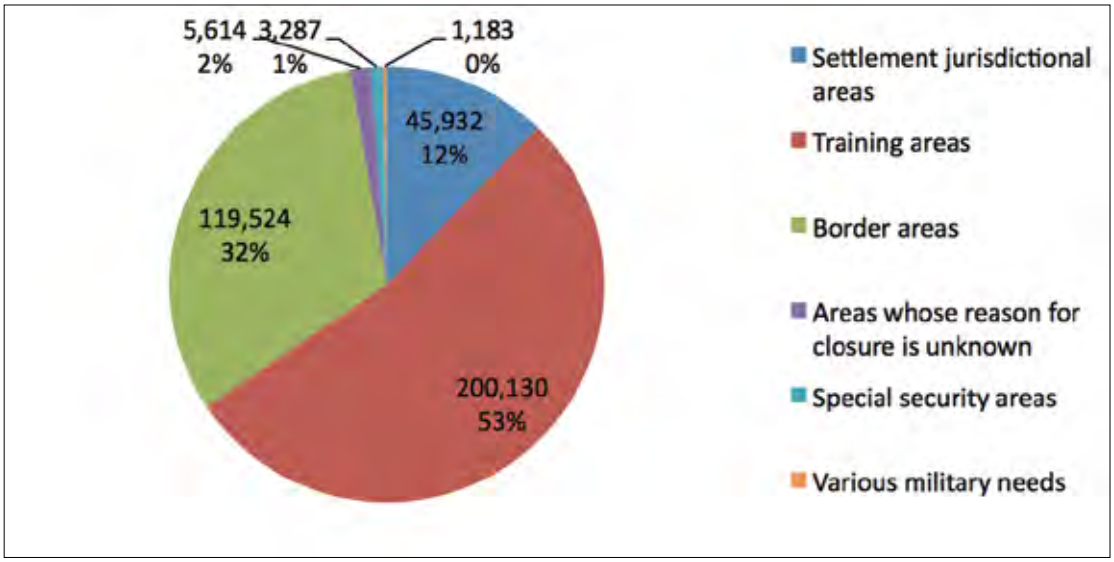
In this context, it is important to state that many Palestinians do not accept Israel's definition regarding the types of land ownership in the areas of the West Bank where the land ownership registration was not completed – in many cases, Israel defines a particular area as "state land," while the Palestinians view it as private property confiscated illegally; this is also the position from the standpoint of international law.[137] It is therefore certain that were the Palestinians to map the private lands within the closed areas, a much larger area would result.

[136] This number does not include thousands of dunams of privately owned land that belong to residents of the three Palestinian villages (Amwas, Nuba and Beit Yalu) within Area J in the Latrun enclave. We lack official data regarding the ownership of lands in this area, since the Civil Administration does not map them, apparently, since the annexation of this area to the State of Israel appears to be a fait accompli in the eyes of the authorities.

[137] On this matter see Nir Shalev, "Under the Guise of Legality, February, 2012, http://www.btselem.org/download/201203_under_the_guise_of_legality_eng.pdf.

A cross-section of the private lands within the closed areas according to declared purpose of closure reveals that slightly more than half are in training areas, which constitute, as stated, the largest category within the closed areas, and approximately one third of the private lands are located in closed areas along the borders of the west Bank (i.e. in the area closed under Order 151 and in the seam line area). It should be noted that 12% of the overall privately owned lands included in the closed areas are within settlement jurisdictional areas, even though Israel is obligated to refrain from using private lands for building settlements.[138]

Private Lands within Closed Areas, according to Purpose of Closure (in dunams)



Destruction and Abandonment of Agricultural Plots within the Closed Areas

In Part V, we presented a number of examples of the widespread phenomenon of the takeover by settlers of private lands in closed areas, including for agricultural use (see p. 76-78). However, these private lands taken over by settlers are only a small portion of the private lands located in the closed areas. Much larger areas are not accessible to their owners in practice, even though no use was made of them (for military, agricultural or construction purposes). According to our conservative estimate, there are tens of thousands of dunams of private lands in closed areas whose owners cannot reach them at all, or that can be reached only rarely under severe restrictions that make it impossible to derive any real benefit from them. Since at this stage we are unable to quantify the phenomenon, due to the wide-ranging and complex mapping this requires and has yet to be carried out, a few examples will suffice.

The aerial photographs below illustrate the processes of shunning Palestinian residents from the closed areas:

Shavei Shomron special security area – On September 20, 2005, a closure order was signed for 400 dunams of privately owned, cultivated lands belonging to residents of the villages of Naqura and Dir Sharaf, in the area of the Shavei Shomron settlement northwest of Nablus. Aerial photographs from 1999 and 2014 depict the sharp decline in the level of agricultural activity in this area following the closure and declaration of the settlement's special security area.

[138] See report of Peace Now's Settlement Watch Staff: Dror Etkes and Hagit Ofran, One Violation Leads to Another, November 2006, http://peacenow.org.il/eng/sites/default/files/Breaking_The_Law_in_WB_nov06Eng.pdf.

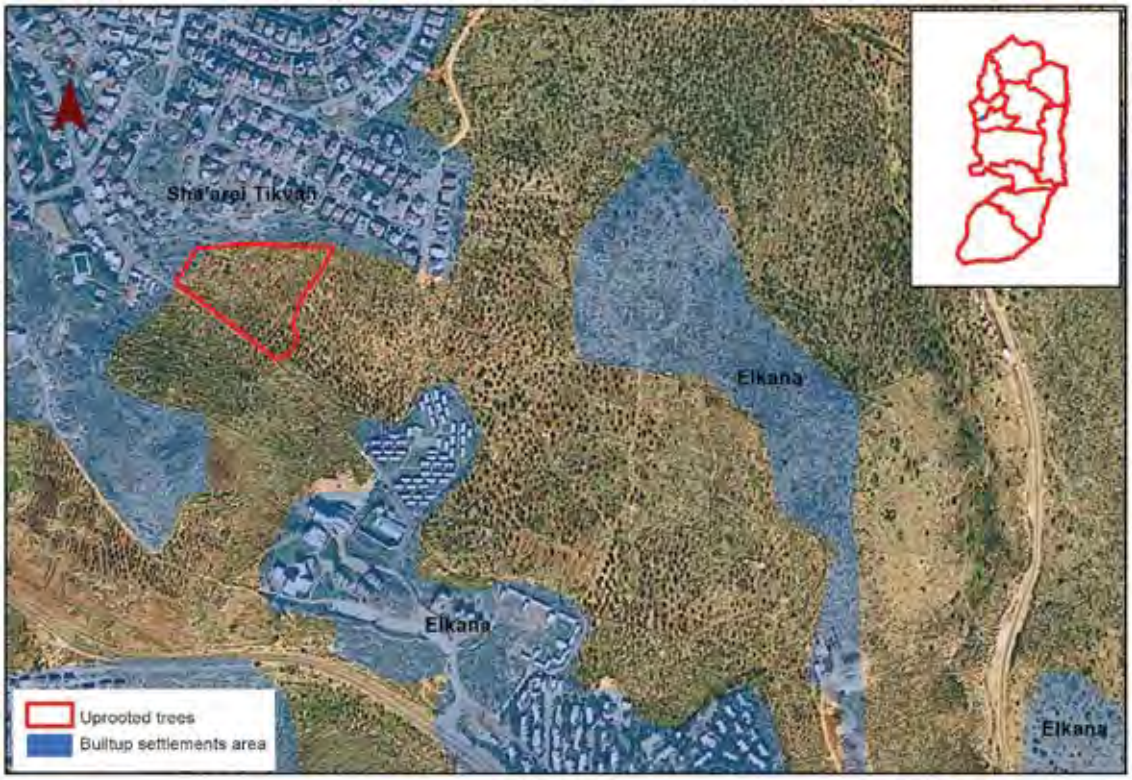

Shavei Shomron special security area

1999


Shavei Shamron special security area

2014

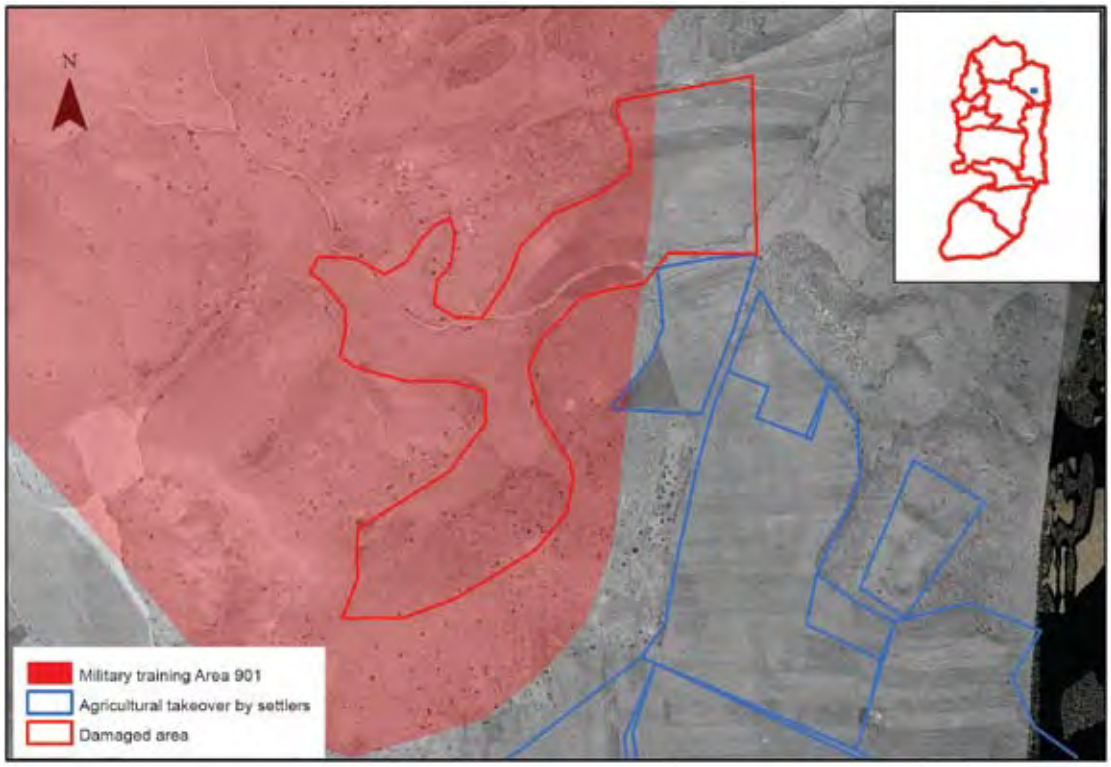
The settlements of Elkanah and Sha'arei Tikvah were included in an area closed in 2003 as part of the declaration of the closure of the seam line area. Spanning the space between the two settlements are hundreds of dunams of olive orchards belonging to residents of the village of Mascha, located east of the Separation Barrier. Due to the declaration of the area as a closed military zone, the owners are forbidden from entering their orchards, or at the least, access is limited to a few days per year. Photographs from 1999 and 2014 show the decline in cultivation of the area.



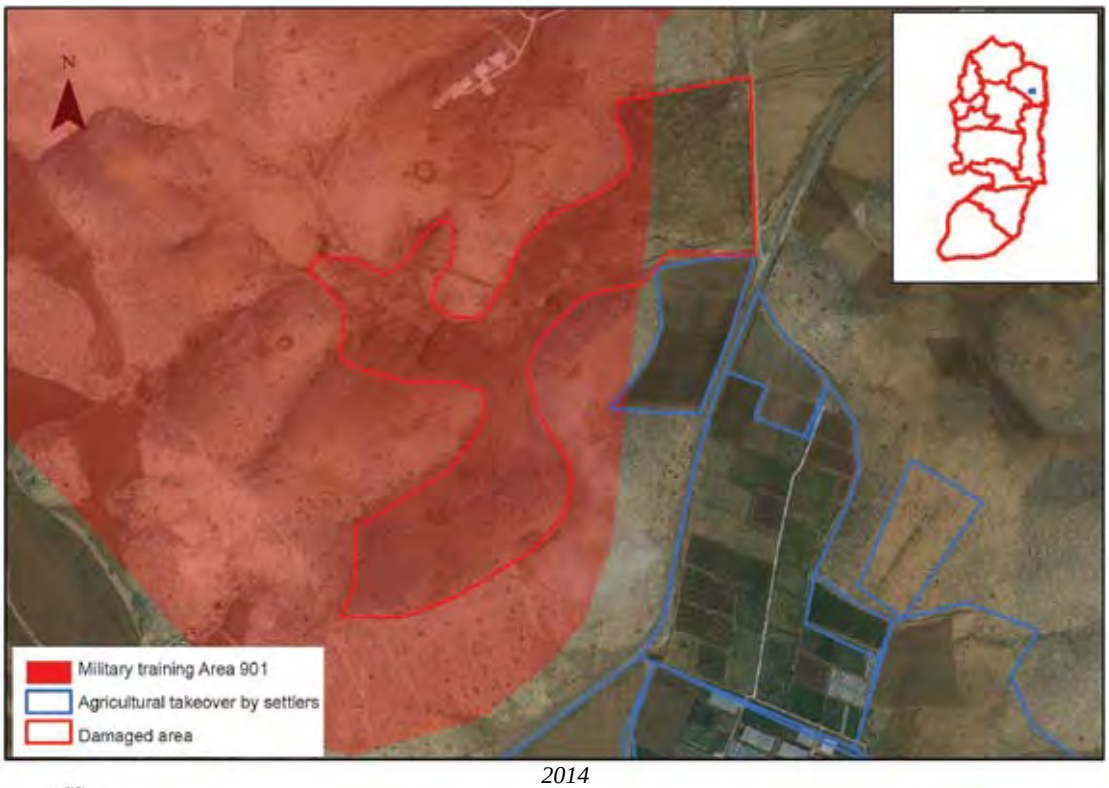
1999

2014

Training Area 901, east of the settlement of Roi, was closed already on August 1, 1967. This is a training area parts of which are in fact used often for military training. The training inflicts great damage on large parcels of land that in the past was cultivated by its owners, residents of the town of Tubas and its satellite villages to the east.



1967



2014

Unauthorized Palestinian Construction in the Closed Areas

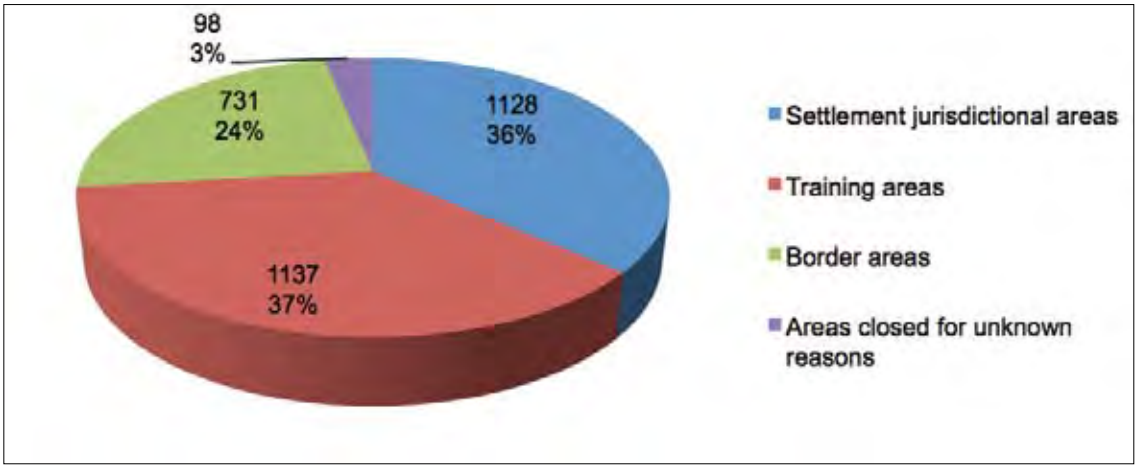
One way of measuring the impact of closure orders on the ability of Palestinians to make use of various portions of Area C is to check how many of the illegal Palestinian buildings in Area C are located within the closed areas. Indeed, according to Civil Administration data, in January 2015 there were 14,375 illegal Palestinian buildings identified in Area C, 3,094 of them (21.5%) in closed areas, including the area declared in 2003 as the seam line area. Of all of the illegal building identified in the closed area, 1,128 cases are within the settlement jurisdiction areas, and 1,137 in the training areas.[139] An additional 731 illegal structures are located in the areas of Israel's western border (most of which are on the seam line, home to some 11,000 Palestinian residents, and 98 are located in areas that were closed for unknown reasons.

The fact that even though the closed areas comprise 52% of Area C, only 21.5% of illegal construction is located in these areas, suggests that the closure of these areas indeed greatly reduces the pace at which Palestinians dare begin building in the first place, since they assume that they are proceeding at a greater risk relative to building in the rest of Area C (which also, in the overwhelming majority of the cases, takes place without receiving permits from the Civil Administration).[140]

At the same time, despite this figure, in our opinion, it is impossible at this stage to draw clear conclusions on this matter, since it may be the case that an additional reason for the small number of illegal building sites in these areas is that they are relatively far from the core of the villages and cities, and therefore, there is less building in them overall.

The effect that Israel's policy of closing vast territories has on the distribution of Palestinian localities and the decisions of residents regarding where and where not to build, is a complex question that requires additional research that integrates a variety of sources, including interviews with members of the Palestinian communities whose lands have been incorporated into the closed areas.

Breakdown of Palestinian Illegal Building in the Closed Areas, based on Stated reason for Closure



[139] It should be noted that approximately one half of the illegal Palestinian building identified in the jurisdictional areas of the settlements are in the area of Kfar Adumim, Ma'aleh Adumim and Keidar. These cases are in the residential areas of the Jahalin tribe.

[140] Bimkom report, Nir Shalev and Alon Cohen-Lifshitz, The Prohibited Zone: Israeli Planning Policy in the Palestinian Villages in Area C, June 2008, 151-155, http://bimkom.org/eng/wp-content/uploads/ProhibitedZone.pdf.

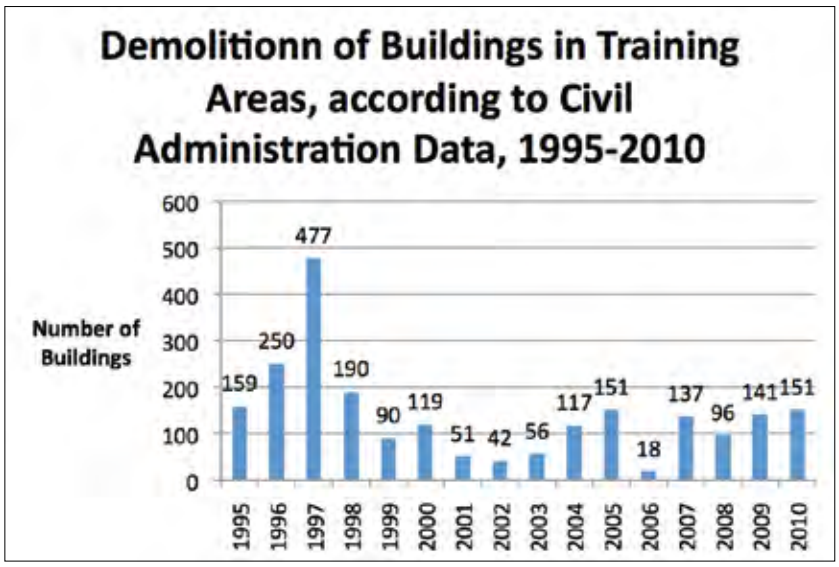
Breakdown of Illegal Palestinian Building in Training Areas (1,137 dunams), according to Training Area [141]

Training Area	Number of illegal structures
203	37
208	21
309a	172
900	133
901	58
903	19
904a	110
918	268
934	15
935	38
Ha-Biq'ah	230
906	13
929	13

Destruction of Palestinian Buildings in the Training Areas

Analysis of Civil Administration data we received in January 2015 reveals that a total of 198 structures were destroyed in training areas, 17.5% of the illegal building cases in these areas. This rate is very similar to the rate of demolitions of identified illegal Palestinian building in Area C overall, which, as stated, is approximately 18% (these numbers do not include demolitions and evacuations carried out by Palestinians themselves).[142] In other words, **the Civil Administration data illustrate that enforcement in the training areas is not greater than in Area C.**

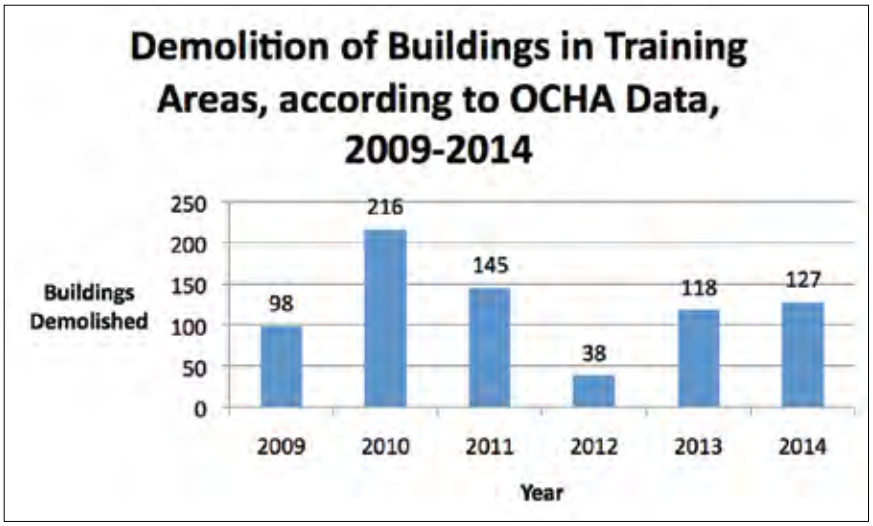
The annual reports of the Civil Administration oversight unit summarize the "enforcement activity" carried out in training areas from 1995-2010.[143] The most outstanding fact emerging from these reports is that that enforcement in training areas was carried out only against Palestinians, since there is no mention of enforcement of illegal agricultural work by Israelis in these territories.[144]



[141] Training areas with fewer than ten illegal building sites identified are not displayed on this chart.
[142] According to data of the Civil Administration, the percentage of demolition in identified illegal buildings in the Israeli sector in the West Bank is approximately 6.4% (this figure does not include the demolitions and evacuations themselves).
[143] These reports were sent to the legal department of Shomrei Mishpat – Rabbis for Human Rights at the beginning of 2012, in response to an official request for information.
[144] See above, pp. 78–86.

According to the OCHA report, (mentioned above, p. 89) from 2009-2014, 742 structures were destroyed in declared training areas in the West Bank, 688 of them (some 93%) in the Jordan Valley, and the rest in training areas elsewhere in Area C. This fact is unsurprising if one takes into account that most of the declared training areas and all of the active training areas are located along the Jordan Valley.

The data of the Civil Administration and of OCHA regarding the years 2009-2010 deserve special attention, since during these years, we have reports from both sources. In 2009, OCHA reported a lower number of demolitions than the number reported by the Civil Administration (141 versus 98), while for 2010 , the OCHA data are much higher than the Civil Administration data (216 versus 151).[145]



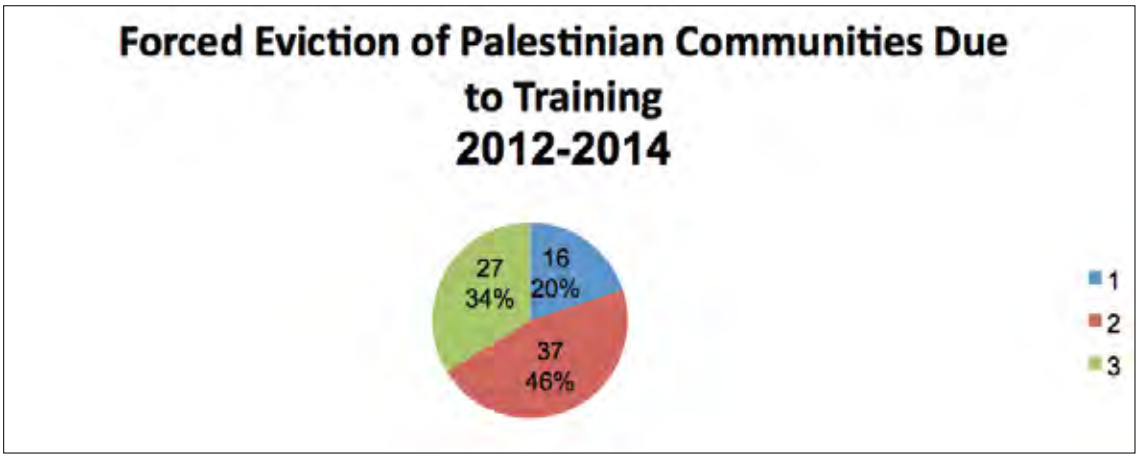
Demolished structures in Khirbet Yarza in Firing Zone 901.

[145] According to data presented by the Coordinator of Activities in the Territories on February 4, 2014 to the Foreign Affairs and Security Committee, in 2013, 237 "enforcement activities" were conducted in the training areas, though not all of the details regarding the character of these activities were presented.

Forcible Temporary Evictions of Palestinian Communities from Training Areas, 2012-2014

According to OCHA data, from the beginning of 2012 and until November 2014, there were 80 cases of forcible temporary transfers of 12 Palestinian communities due to military training.[146] Most of the cases were evictions for several hours (up to a full day), although in a few cases, the eviction carried on for a number of days. All of the evictions, save three, involved nine small Palestinian communities that live inside training areas east of the towns of Tubas and Tammun, in the northeastern West Bank, or near them (900, 901, 902, 903). Three additional evacuations took place in Khirbet Tana east of Nablus, in Training Area 904a, in Wadi Qelt east of Jerusalem and in the compound where an extended family from the Rashaida tribe lives in the "Ha-Biq'ah" Training Area east of Bethlehem. In at least one case (on November 7, 2013), a Bedouin community that lives in Wadi Qelt was evacuated for an entire day, from a place not included in or near any declared training area. This case is additional evidence that military training in the West Bank also takes place outside of declared training areas.[147]

Palestinian communities whose residents were evacuated temporarily for military training between early 2012 and November 2014.



[146] OCHA does not have data on evictions carried out prior to 2012.
[147] See p. 67 in this document.

The documentation of forcible evacuations is an additional source of information that can be instructive regarding where live-fire training takes place such that evacuation of local residents from time to time is required. The fact that the overwhelming majority of the evacuations in recent years has taken place in the same areas indicates that these are the areas where the most intensive training activity in the West Bank occurs, including live-fire training. And yet, the list of evacuations alone is insufficient for concluding that there are no other training areas in the West Bank where training is carried out.

Evacuation order for Palestinian residents in Training Area 901, October 21, 2014.

Palestinians Killed and Wounded by Unexploded Ammunition in Training Areas

According to OCHA data, from 2010-2014, four Palestinians were killed by non-detonated IDF ammunition, and 49 were injured. Not all of those wounded sustained their injuries in training areas. In a few cases, the injurious objects were non-training related items left by the army in sites where training had taken place. In a petition submitted by the Association for Civil Rights in Israel on behalf of residents of the village of 'Aqabah (Sabih et al v. Minister of Defense et al 3950/99) located in Training Area 900, in 1999, it was mentioned that eight Palestinians were killed from unexploded ammunition, and 38 more were injured. (http://www.acri.org.il/he/534 [Heb.]

Death announcement, Ahmad 'Abd al-Rahman Suafta. Suafta was killed from undetonated army explosives in Training Area 900.

Removing Land from Training Areas and Formalizing Palestinian Residency in Training Areas

In a handful of cases, the State of Israel removes territories from training areas. To this day, we know of two places where the state removed land from a training area and transferred it to a settlement: Training Area 203, transferred to the settlement of Elkanah and Training Area 912 transferred to the settlement of Ma'aleh Adumim.[148] In addition, we are aware of a number of cases in which the state agreed to remove lands from declared training areas in order to enable Palestinians to build on them, on its own initiative. The three cases involve communities that lived in these territories, and the state's willingness to formalize their status, although only partially and in a limited area, came only following petitions submitted to the HCJ by residents. In one case (Training Area 911), it was the state that initiated the formalization as part of its program to forcibly transfer to this area thousands of Bedouin who today live in the area east of Jerusalem and Ramallah.

1. Training Area 911 – according to the plans of the Civil Administration, over 900 dunams of Training Area 911 north of Jericho are to be allocated to a new town named Tlat Nu'eimah, where Bedouin living today east of Jerusalem and Ramallah will be forcibly relocated.[149] The plan overall includes 1,460 dunams in Area C (some 62% of which are within Training Area 911) and adjacent to Area A in the vicinity of Jericho. On January 18, 2015, the order closing Training Area 911 was canceled entirely as part of preparations for establishing the town.[150]

2. Training Area 917 ("Ha-Biq'ah") – following the petition submitted by residents, members of the Dhalin tribe (a branch of the Jahalin tribe), the Civil Administration agreed in June 2008 to reduce the area by 2,500 dunams.[151]

3. Training Area 918 – On July 22, 2012, during the discussions on the petition of residents of the villages in Training Area 918 in the south Hebron Hills,[152] the state announced that it was prepared to restore the northern portion of the training area to its original status – "training area without training," and to enable four Palestinian communities (of 12) residing in this training area to continue living in it, on condition that the eight other communities evacuate the training area.[153] The Palestinian residents in the area rejected the proposal, and as a result, the State reneged on its offer and demanded the evacuation of all of the communities from the entire training area. In October 2013, the discussion on this petition was transferred to mediation, and it is still underway with former Supreme Court Justice Yitzhak Zamir.

4. Training Area 900 – the village of Khirbet al-'Aqabah, was included already in 1967 within Training Area 900 (a relatively active area). Demolition orders were issued for all of the structures in the village, including public buildings (a school, infirmary, government council and mosque), for a current total of approximately 50. Following a petition submitted by residents in 2004 against the intention to destroy 16 buildings,[154] the Civil Administration agreed to delineate an area of approximately 100 dunams where construction would be allowed. The residents rejected the offer, since a large portion of the village homes were located outside of this realm, and in 2010 they submitted an alternative outline plan for 334 dunams in conjunction with the International Peace and Cooperation Center (IPCC). This plan was rejected by the Planning and Licensing Subcommittee of the Civil Administration's Higher Planning Council in March 2012.[155]

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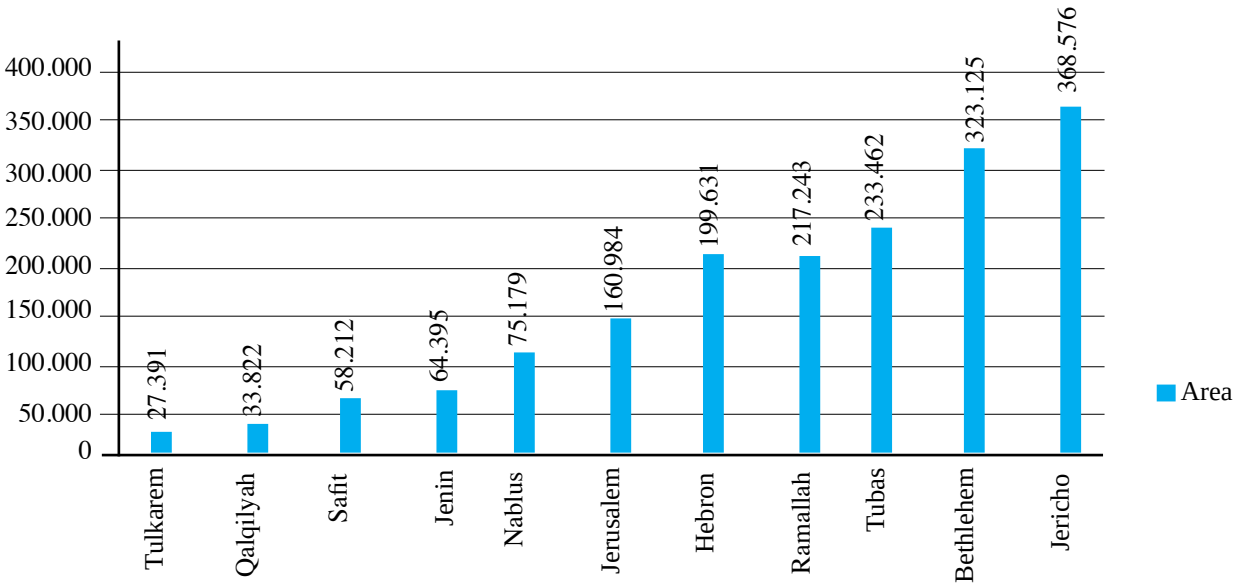
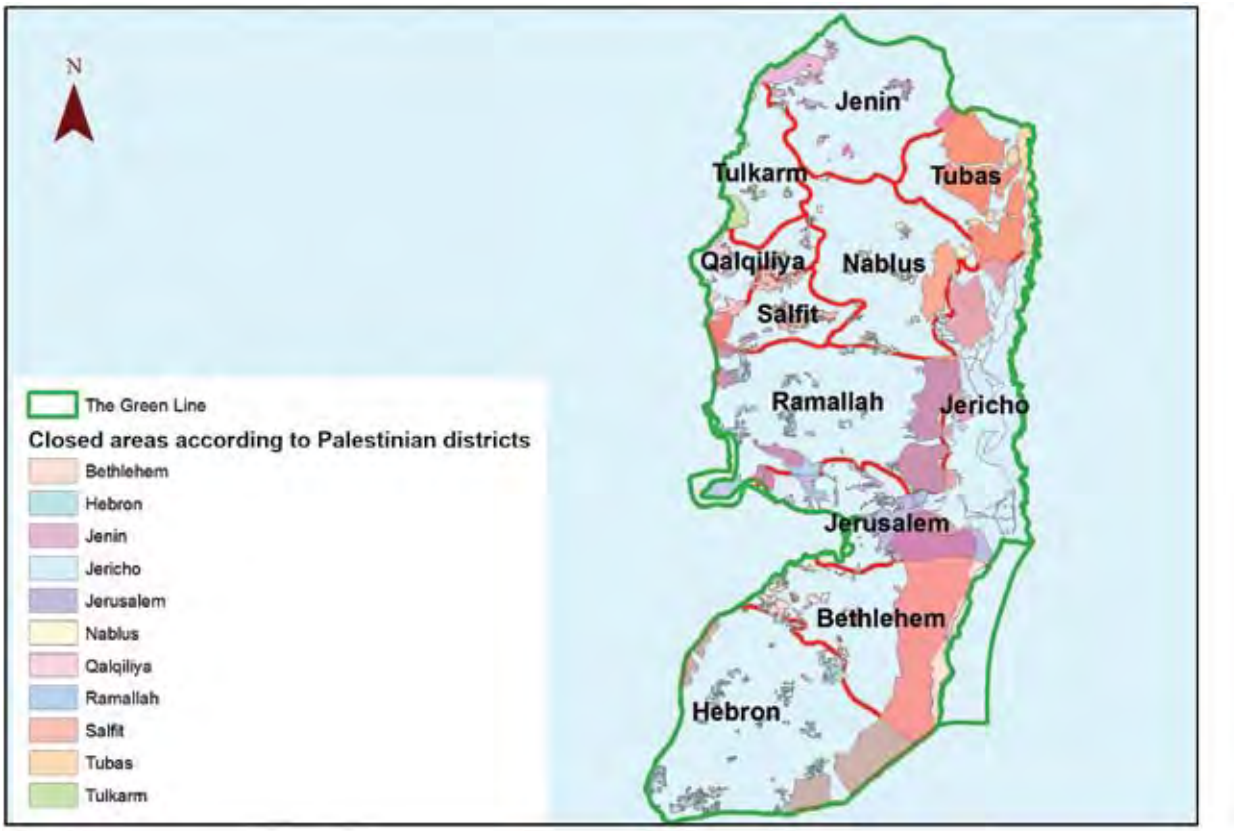
[148] See p. 93.
[149] See: Amira Hass, "Israeli Government Plans to Forcibly Relocate 12,500 Bedouin," Amira Hass, *Haaretz* English online, http://www.haaretz.com/news/israel/.premium-1.615986.
[150] From what we can ascertain, cancellation of Training Area 911 overall was intended to enable the state to claim that this area is zoned for grazing use by Bedouin residents of the planned town. See: Amira Hass, "Training Area North of Jericho Cancelled in Preparation for Establishment of Bedouin Town," *Haaretz* [Heb.], February 23, 2015, http://www.haaretz.co.il/news/politics/.premium-1.2572242.
[151] According to a letter from the State Attorney's Office to Shomrei Mishpat – Rabbis for Human Rights, dated June 11, 2008, as part of the processes set into motion by HCJ 310/05.
[152] Muhammad Musa Shehadeh Abu 'Aram et al v. Defense Minister et al, HCJ 413/13 and HCM 1039/13.
[153] According to the letter from the Judea and Samaria Regional Commander of July 1980, attached as Appendix 4 to the state's response to the petition of Muhammad Musa Shehadeh Abu 'Aram et al v. Defense Minister et al, HCJ 413/13 and Mahmud Yunis et al v. Defense Minister et al, HCJ 1039/13, July 30, 2013.
[154] HCJ 8440/04, Mamun Muhammad Rashid Dabaq et al v. State of Israel et al.
[155] Protocol 4/12, March 21, 2012.

Breakdown of Closed Areas According to Palestinian Districts





Distribution of Closed Areas in the West Bank according to district

In summary, over 6,000 Palestinians live today in training areas, and more than 12,000 more live near these areas (these numbers do not include more than 11,000 Palestinian resident who live in villages included within the seam line area, which has been physically isolated from the rest of the West Bank. The area and distribution of the closed territories in the West Bank limit the freedom of movement of all of the Palestinian residents in this region, and of course, the effect of closing these areas becomes more severe the closer a given Palestinian community lives to the closed area.

Historical aerial photographs reveal that in contrast to the claim of the Israeli authorities, Palestinians lived in the training areas before these areas were declared closed, and that these areas were of great importance for the rural economy, due to the vast farmlands and grazing areas they contained. The aerial photographs reveal that closure of these areas led to the "desertification" of much of the agricultural lands, since their owners cannot enter them and cultivate them. In addition, the inclusion of portions of many roads in training areas has prevented Palestinians from using them.

Civil Administration data reveal that approximately one-fifth of the demolition orders issued by the Civil Administration in Area C applied to Palestinian structures located in closed areas. However, we lack definitive data demonstrating that the reason for the low number of demolition orders relative to the size of the area is connected only to the fact that they are closed areas.

And yet, there were a few cases in which the Israeli authorities agreed to reduce the size of certain training areas (sometimes only formally and sometimes practically) in order to enable Palestinian communities to continue living in these areas, or in order to advance the forcible relocation of Palestinian-Bedouin living today in other parts of Area C, into these areas.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