



PERSPECTIVES

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The ABCs of Judea and Samaria: Towards Breakdown?

by Prof. Hillel Frisch

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EXECUTIVE SUMMARY: The three types of area jurisdiction in Judea and Samaria (the West Bank) – A, B and C – were meant as a short-term fix until a real Israeli-Palestinian peace accord could be crafted. More than 20 years later, both sides have broadly infringed on these parameters. Israel regularly penetrates Area A for security reasons, while the PA (with EU support) is building illegally and dangerously in key parts of Area C that are critical to Israel. Israel should halt this encroachment with determination.

Most would agree that the ABCs are indispensable to literacy and a gateway to Western literature and culture. Similarly, knowing the difference between areas A, B and C in Judea and Samaria and the ramifications thereof is indispensable to understanding the politics and violence that affect many of us on an almost daily basis.

Take any social or political activity of consequence for either Israelis or Palestinians, from agriculture to construction to employment, settlement and of course security and taxation, and the importance of these designations is bound to arise.

It has been more than twenty years since the terms "Areas A, B and C" came into existence, but even avid followers of Israel's political scene might be confused over what they mean. They were first used in legal documents during the Oslo negotiations, most notably the interim agreement between Israel and the PLO signed in September 1995 known as the Oslo II Accord. That agreement extended the jurisdiction of the newly formed Palestinian

Authority (PA) to the major towns in Judea and Samaria. The PA had secured jurisdiction over most of Gaza and Jericho a year and a half earlier.

These three types of jurisdiction—which have important differences—were only intended to have meaning for five or six years, at which point a final settlement to the Palestinian issue was supposed to be achieved. The date for that auspicious occasion, as agreed upon by then-US president Bill Clinton, then-Israeli prime minister Yitzhak Rabin and then-PLO leader Yasser Arafat, was to be no later than five years from the establishment of the PA in May 1994; that is to say, in 1999.

Seventeen years later, a final agreement seems as distant as ever. The differences between the legal definitions of areas A, B and C and the realities on the ground have grown. Yet despite those differences, Israel, the PA, the US and most if not all of the international community still regard these legal distinctions and the documents in which they were inscribed as binding, only to be supplanted by the signing of a final agreement.

This primer tries to make sense of these differences and their ramifications for issues such as settlements, security and the prospects for a peaceful resolution of the Palestinian issue.

Area **A** is the space in which the PA has political and military jurisdiction over its residents, all of whom are Arab. This includes all the major towns and their immediate environs, with the partial exception of Jewish Hebron, which came under exclusive Israeli control in the 1997 Hebron protocol between Israel and the PLO. This area comprises approximately 18 percent of Judea and Samaria's land mass.

According to the Oslo Accords, the PA was never given jurisdiction over Israeli citizens and foreign nationals. Israeli citizens have the right to enter and pass through Area A unmolested, provided they are not involved in illicit activity, in which case the PA can only temporarily apprehend them until they are transferred to the Israeli authorities. Joint Israeli-PA patrols were intended to handle such cases.

Area **B** signified less built-up areas, many of which shared space with settlements created in the massive settlement drive in the 1980s launched by the Likud government. In Area B, which comprises approximately 22% of Judea and Samaria, Israel and the PA share jurisdiction. Israel enjoys exclusive jurisdiction over the Jewish inhabitants and exclusive authority over security for both its Arab and Jewish inhabitants.

The PA has political, administrative and police jurisdiction over the Arab inhabitants. They are subject to its laws, pay the necessary taxes and benefit from the same public services the PA provides in Area A. Strictly speaking, only the IDF and the Israel Police can make arrests in these areas.

Most of Judea and Samaria (60% of the area) is designated Area C, over which Israel has exclusive jurisdiction both administratively and in security matters. Area C's distinguishing characteristic is that it is sparsely populated by Arab inhabitants and in which much Jewish settlement has taken place. Most of this area lies east of the populated mountain spine from Jenin in the north to Hebron in the south. The eastern slopes descending into and including the Jordan Valley are characterized by harsh climate and low to no rainfall.

The Jordan Valley, the South Hebron Hills and the area in the vicinity of Ma'aleh Adumim—from east of Mount Scopus to Jericho—are by far the most politically contested spaces in Area C, due to both Jewish settlement and Israeli security concerns.

It is important to note that a fourth letter of the alphabet was left out of these legal designations: "J" for Jerusalem. The issue of Jerusalem in the relevant legal documents was mentioned only as one of five crucial issues that were to be resolved in the final talks. This meant that Jerusalem remained formally under exclusive Israeli jurisdiction.

The alphabetic division of the area clearly reflected Israeli geostrategic logic more than Palestinian interests, suggesting that Israel had the upper hand in the negotiation process. The division was supposed to facilitate Israeli security control while relieving Israel of the burden of caring for the area's Arab inhabitants.

BUT ISRAEL'S UPPER HAND in the negotiations was undermined by its policy on the ground over the six years between the emergence of the PA and the outbreak of the second intifada. The Israeli Defense Ministry, the IDF and the government attempted to buy quiet by turning a blind eye to PA encroachment with the encouragement of many Western governments.

The activities of Orient House, the shadow east Jerusalem municipality headed by Faisal Hussein, were probably the most striking deviation from the strategic logic of the Oslo agreements. Hussein, although dubbed a "peace advocate," was in fact one of the more extreme and influential Fatah leaders until his death in 2000. Palestinian security agents soon penetrated east Jerusalem and often kidnapped Arabs who were suspected of being informers, or for expressing opposition to Arafat, or even for penal matters.

Just as these infringements occurred in Jerusalem, they also occurred in Areas B and C. The fear they created must have made it difficult to gather intelligence, a constraint for which the Israeli public paid dearly. In the first two years of the second intifada, highly sophisticated squads of up to 12 terrorists belonging to Hamas, Islamic Jihad and Fatah expertly planned—undetected—large suicide bombings over an extended period of time.

Meanwhile, the PA achieved effective sovereignty over Area A, over which the Israeli authorities had the right to “hot pursuit” and in which Israeli citizens had the right to move and do business. Soon after the signing of the 1993 accord, settlers and most Israelis were barred from entering Area A after a few Beit El and Ofra inhabitants endangered their lives attempting to exercise their right of movement. Area A also became off limits to the IDF. As a result, sanctuaries of terrorism appeared in Arab towns such as Nablus, Jenin, Tulkarm and Bethlehem.

So ingrained did the idea of PA sovereignty become that when the IDF entered Gaza in April 2001, for the first time since the signing of Oslo II, the US Secretary of State assailed the operation as “excessive and disproportionate” and demanded that Israel withdraw its forces—a demand with which Israel quickly complied. Tragically for the 1,050 victims of Palestinian terrorism and their families, while Israeli sovereignty was being violated in Jerusalem, Israel effectively lost its right to prevent terrorism in Area A between 1996 and 2002.

It was only after 9/11 and Iranian complicity in the massive shipment of arms to the PA, exposed through the interception and takeover of the boat *Karin-A* in February 2002, that the US gave the green light for Israeli penetration of Area A. The suicide attack at a 2002 Passover Seder held in the Park Hotel that killed 33 Israelis—including many Holocaust survivors—provided the resolve to switch gears from a policy of essentially absorbing casualties to a major frontal assault.

At the end of March 2002, Israel launched Operation Defensive Shield, reconquering all the major Arab towns in Judea and Samaria, and essentially changing areas designated A to the status of B, where the IDF became responsible for security. Nothing characterized that change more than the preventive arrests carried out by the IDF on an almost daily basis ever since.

The numbers of those arrested is mind-boggling by Western standards. In 2007, IDF forces, working mostly at night, arrested 7,000 Arabs. The arrests declined to half that number in 2012, but have increased since then with the reemergence of terrorism on a large scale. In 2015, the number of people

arrested rose to 6,000, with sharp increases during the months that coincided with the ongoing wave of violence. To get a sense of the proportion of these arrests, consider that a senior security official in the British Home Office announced with alarm that the authorities had arrested 281 terrorist suspects in Great Britain in 2014.

IDF and Shin Bet (Israel Security Agency) forays into PA territory to make preventive arrests have been the most effective means by far in reducing terrorism (at least until the present wave of “own-initiative” terrorism). Thus, terrorism declined by a greater percentage before the erection of the security barrier than after it.

ISRAEL HAS NOT BEEN ALONE in changing the status quo in the alphabetic division of Judea and Samaria. Whereas Israel reduced PA control in Area A in its fight against terrorism, the PA and the EU, with financial support from Arab states such as Qatar and Kuwait, have over the past decade sought to actively encroach on Israeli rule in Area C, where according to the accords, Israel has exclusive administrative and security control.

The major arena in this intense yet quiet war extends from Anata (bordering the light rail depot on the northern side of the Jerusalem-Jericho highway) to Abu Dis and Eizariya, three kilometers to the south, landing on both sides of the highway parallel to Ma’aleh Adumim all the way down to Jericho. The PA and EU’s major objective is also their weapon: to create continuous Arab settlement from the south to the north of the West Bank.

Israel would like to prevent that contiguity by building on E-1, the area that would create continuous settlement from Ma’aleh Adumim to Jerusalem. But as Israeli building dwindles into insignificance under the stern gaze of Uncle Sam and a frightened Israeli prime minister, the PA, with the help of the EU, has succeeded in housing 120,000 Palestinians in a space no larger than nine square kilometers. This number is more than double the number of inhabitants of Ma’aleh Adumim and the other Israeli localities in the area extending to Jericho.

One hundred and twenty thousand inhabitants? Where do they all live? The answer can be found in Waze, but you probably don’t need it. Go to the French Hill junction and continue on Route 1 to Jericho. When you are one kilometer from the junction—literally meters from the security barrier—look north. You’ll find an urban jungle so dense it makes Bat Yam look like New York’s Central Park.

Welcome to Ras Khamis and Ras Shahada, which block from view the village of Anata, home to the prophet Jeremiah from Anatot. According to Palestinian media, Nasrin Alian, an attorney with the Association for Civil Rights in Israel, 120,000 inhabitants live in this urban monstrosity alone, all of which was erected since 2007. Umm Ishak al-Kaluti, of the same media site, confirms that ten years ago she owned one of the few homes on this once barren hill.

Most of this area is within the official municipal line and is thus formally under Israeli sovereignty. The remainder is Area C, which Israel presumably controls. Yet hundreds of six-to-ten-storey apartment buildings were built there, all of which are illegal, as a senior officer in the Border Police in charge of security in the area confirmed. This officer and Jamil Sanduqa, head of the makeshift local council of Ras Khamis, supported by the PA and the EU, would both agree—despite their quiet war—that these neighborhoods are a human disaster. Sanduqa characterizes living there as “life imprisonment.”

The only road that traverses this urban nightmare is two lanes wide. It is continuously clogged all the way to the 24-hour outpost, manned by the Border Police, which allows passage into Jerusalem. Fire trucks find it impossible to reach the scene in the event of emergencies like fires from electrical short circuits or explosions of gas balloons (most of which are illegally placed). They would be hard pressed to reach victims in the event of a major disaster like an earthquake.

Garbage burns in the open with devastating health effects on the inhabitants, and probably on the inhabitants of French Hill as well. This is also true of A-Zaim, a smaller version of Ras al-Khamis just two kilometers south, which is designated as Area B. In A-Zaim, illegal building is taking place toward the highway in violation of international conventions that stipulate mandatory distances between the building line and major arteries of traffic.

One must assume that the Israeli officials in Beit El responsible for seeing that the PA operates within legal confines have very rosy glasses. Otherwise, how can one explain that these illegal buildings, which can easily become ideal shooting sites for terrorist snipers, have not been dismantled?

From Ma'aleh Adumim onward, the EU has identified Bedouin makeshift encampments as the chief weapon for transforming Area C into the would-be Palestinian state. Were EU officials to allow such encampments in their home states, they would find themselves behind bars for abetting housing that is in contravention of civic ordinances in third-world states, let alone states that comprise the EU.

These fast-growing encampments are too close to a major highway, and bereft of sewage systems and organized garbage disposal. The Israeli authorities have leveled an area just south of Abu Dis that would provide all these amenities, but the EU continues to abet this inhuman settlement. Obviously, the EU believes that any illegal means justify the end of creating a Palestinian state. The story is being repeated in the Southern Hebron Hills.

The document written and signed in 1995 that created areas A, B and C, though hardly dramatic in its own right, set the stage for dramatic, often painful events. It directly relates to current affairs such as the recent proposal made by IDF Chief of Staff Lt. Gen. Gadi Eisenkot to return to the PA sole security control over some cities in Area A, beginning with Ramallah and Jericho.

Will Israel repeat the mistake of providing Hamas and Islamic Jihad with sanctuaries from which to launch not only attacks with makeshift weapons, as in the current wave of violence, but also massive suicide bombings, as in the second intifada?

The same can be said of the lenience Israel is showing in the face of massive illegal building abetted by the EU and some other Arab states. Israel might be making the same error it made between 1996 and 2002 when it allowed the PA to encroach on areas B and C, for which it paid a very high price during the second intifada.

Prof. Hillel Frisch is a professor of political studies and Middle East studies at Bar-Ilan University, and a senior research associate at the Begin-Sadat Center for Strategic Studies.

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