



# As Easy as A, B, C

**The Palestinian Authority's  
Weaponization of Schools  
as a Tactic for De Facto Annexation in Area C**

## **Situation Report**

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# Content

Regavim (R.A) is a public movement dedicated to the protection of Israel's national lands and resources.

The Regavim Movement acts to prevent illegal seizure of state land, and to protect the rule of law and clean government in matters pertaining to land-use policy in the State of Israel.

The Regavim Movement is active in the public, parliamentary and judicial spheres, through publication of opinion and research papers, and through the dissemination of reports, policy and opinion papers, media communications and, when necessary, legal action.

Regavim's activities are directed toward accomplishing one mission: Restoring the Zionist vision to its primary role in the Israeli policy process.



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## A. SUMMARY

In 2009, Salaam Fayyad, Prime Minister of the Palestinian Authority (PA), unveiled a blueprint for the de facto establishment of “an independent Palestinian State in the West Bank and Gaza,” focusing on the seizure of land in Area C, the area placed under full Israeli administrative and security jurisdiction under the Oslo Accords.

A significant portion of the plan, which has served as the basis for Palestinian Authority development and construction projects ever since, rests on large-scale construction that creates territorial contiguity between the rural Palestinian population blocs of Area B, which are under Palestinian Authority jurisdiction, while at the same time blocking access and contiguity between and among the Israeli communities of Area C. The Fayyad Plan continues to build residential structures, educational, health and religious facilities and more – all built in blatant violation of the construction and building laws in force in the area, without permits or permission of the State of Israel, the internationally recognized administrator of the territory.

In the context of this program of occupation and annexation, the Palestinian Authority has built a great number of schools. While education is certainly a worthy enterprise, this report will prove that there is no real educational need served by these schools. The Fayyad Plan itself describes the actual purposes served by the construction of these schools: First, schools built in Area C are a means of creating permanence, by anchoring the nomadic population in adjacent areas and drawing new residents to the area, who in turn build additional illegal (residential) structures in the vicinity of the school. In this way, schools serve as an important tool for the creation of territorial contiguity and dense Arab settlement in Area C. A second purpose served by these illegal schools is the ease with which they allow the Palestinian Authority to camouflage its intentions and hide behind a false narrative of human rights and universal values that guarantees the automatic sympathy of the international community and knee-jerk condemnation of Israel. In fact, the student-per-classroom ratio in Palestinian Authority schools is far lower than in Israel, or in Jordan, and does not justify the construction of additional school buildings. Neither do issues of access: The schools built in Area C after the launch of the Fayyad Plan are located at distances that range from a few hundred meters up to a maximum of only 3 kilometers (1.5 miles) away from existing schools, a clear indication that these structures do not fill real educational needs.

A significant number of schools (like many of the other illegal structures built by the Palestinian Authority in Area C) are funded by the European Union, foreign governments and other international organizations. For the most part, funders are well aware that they are enabling violations of planning and construction laws as well

as international law. These schools are extremely effective fundraising tools, and generate substantial donations that serve not only the construction of the school buildings themselves but also access roads and electricity and water systems to serve them. These illegal infrastructure elements then serve as the foundation upon which development of further illegal structures and outposts surrounding the schools develop, and are an important element in creating permanence and sustainability of the de facto annexation.

Since the inauguration of the Fayyad Plan, some 90 new schools have been built by the Palestinian Authority in Area C. A significant percentage of them are situated on land registered under Israeli state ownership or on state land that has been only partially registered (“survey land”). A number of these schools are located on land owned by private Jewish owners; other schools are located in IDF training grounds, nature reserve and archaeological sites. Because these structures are politically motivated rather than functionality-based, many of them are built literally overnight, at lightning speed and under cover of darkness, with the stated intention of establishing facts on the ground. At the same time, the Palestinian Authority takes full advantage of any and all of the legal tools at its disposal, including post-facto permit applications, petitions to block demolition, appeals and more.

While these facts make it clear that the construction of schools is an integral element in the Fayyad Plan’s systematic takeover of Area C, unfortunately the State of Israel, the Ministry of Defense and the enforcement authorities that are responsible for protecting Israel’s land resources and upholding the law in Judea and Samaria do not regard these schools as a tactical element of the Palestinian Authority’s strategic program, and have failed to prioritize them for enforcement during the initial stages of construction. When Israeli authorities finally issue orders against illegal structures, individual construction offenders petition the courts, with the financial and legal support of foreign entities and the Palestinian Authority; in what has become a virtually automatic process, this legal action leads to a suspension of enforcement and a “freeze” of demolition orders, leaving the offenders free to submit permit requests at their leisure in order to whitewash the illegal structures and obtain de facto recognition of the annexation of the land on which they are built. While in most cases the state rejects these permit requests, in the interim the schools are filled with students and become fully operational, and become facts on the ground against which no enforcement is carried out.

The bottom line is that in the majority of cases the result is virtually identical: Bureaucracy and inaction on the part of the enforcement authorities, coupled with the exploitation of the judicial process by offenders, amounts to an open invitation to violate the law, and unspoken support for the Fayyad Plan’s program of Palestinian annexation of Area C and the establishment of a de facto Palestinian state.

## B. INTRODUCTION: THE FAYYAD PLAN – FROM DECLARATION TO FACTS ON THE GROUND

In 2009, the Prime Minister of the Palestinian Authority Salaam Fayyad launched his plan for the establishment of an independent Palestinian state “in the territory of the West Bank and the Gaza Strip, within the 1967 borders.” The plan called for creating unilateral facts on the ground, irrespective of Israeli jurisdiction and regardless of Israeli consent or permission.

The Fayyad Plan rests upon three central pillars: (a) structural reform of central and local government; (b) rehabilitation and solidification of the Palestinian security and enforcement system; (c) building the economic and physical infrastructure necessary for statehood.

The Fayyad Plan’s basic premise is that Areas A and B are already under Palestinian Authority control, therefore the main objective that remains is the de facto annexation of Area C, which constitutes some 62% of the total area of Judea and Samaria and which is, under the Oslo Accords, under full Israeli civil and security jurisdiction. According to the plan, the method of annexation includes, among other things, the creation of territorial contiguity between the blocks of Judea and Samaria designated as Area B, while at the same time disconnecting the Jewish communities from one another, through large-scale construction and commandeering of open spaces in Area C. This combination of construction and land-grabs aims to establish the borders of the Palestinian state as solid, immutable facts on the ground – whether or not these borders are agreed upon.



The plan was put into effect immediately and in full force. While the State of Israel has stood idly by and continues to consider the situation created by the Oslo Accords as a reasonably stable status quo, The Palestinian Authority, with the help of generous funding provided by the European Union and its member states, Arab governments and international organizations, has succeeded in taking over very extensive portions of Area C, including IDF training grounds and registered state land, archaeological and historical sites (often causing massive, irreversible damage) – all of them under full Israeli jurisdiction under international law – virtually unimpeded.

A decade after the Fayyad Plan’s launch, the Regavim Movement published its “War of Attrition” report<sup>1</sup>, an overview of the changes on the ground in the ten years that had passed: The Palestinian Authority’s takeover of Area C is first and foremost a physical seizure of territory, without permits or permission, and in violation of the law, which is expressed in a number of ways:

1. Construction of tens of thousands of illegal structures, including residences and public facilities such as mosques, medical centers, libraries and schools. These schools were not built for the purpose of educating children: They were purposefully built in locations targeted by the Palestinian Authority for physical take-over and demographic expansion. This report will focus on Palestinian Authority attempts to take over Area C through the use of school building.<sup>2</sup>
2. Agricultural land seizure, including laying access and service roads, commandeering of water sources and takeover of property through forestation and agricultural use, including tree-planting, plowing and tilling land, landscaping, terracing, fencing off plots of land and other similar projects. All of these are carried out under the umbrella of the Roots Program, which is officially presented as a program of aid to local Palestinian farmers, but is actually a carefully planned and orchestrated program of systematic takeover of thousands of dunams of state land under Israeli jurisdiction and de facto annexation of this territory by the Palestinian Authority.<sup>3</sup>
3. Infrastructure development – creating new access roads, paving, laying electrical networks, water systems and sewage lines.

1 <https://bit.ly/2WoYVbL>: Also see the Shiloh Forum’s report, “Palestinian Takeover of Area C,” materials prepared for the Knesset Foreign Affairs and Defense Committee hearing 15 June 2020 (Hebrew). This report describes, among other things, the destruction of historical and archaeological sites: [https://fs.knesset.gov.il/23/agendasuggestion/23\\_asg\\_bg\\_573549.pdf](https://fs.knesset.gov.il/23/agendasuggestion/23_asg_bg_573549.pdf). Also see Shiloh Forum, Policy Paper No. 1 (June 2020): <https://www.shiloh.org.il/publications>

2 See “The Last Colony: EU Involvement in Illegal Construction in Area C,” <https://bit.ly/3kp3R9a>.

3 For a comprehensive survey of the PA’s takeover of Area C under the guise of agricultural aid, see “The Roots of Evil” (November 2018) <https://bit.ly/3kGKFUv>.



Parallel to this physical takeover, the Palestinian Authority has utilized other tactics to carry out its plans in Area C:

1. Land survey, registration and regulation throughout Judea and Samaria, including Area C. Activity of this nature is an unequivocal expression of jurisdictional authority, and is a very costly project. While the Palestinian Authority lacks the authority to carry out registration or regulation procedures, and the resulting registry has no legal standing or validity in Israel, this process sets the stage for the full Palestinian Authority takeover of the territory in the future.
2. Lawfare, which prevents Israeli counter-action in enforcement through the flooding of the planning, enforcement and judicial systems with hundreds of requests, appeals, objections and petitions that effectively suspend effective or systematic enforcement of the law.

Unfortunately, Israel's national systems of government, including the Civil Administration and the court system, for the most part have failed to block illegal construction or to enforce the law against it.

In 2019, following the announcement by Palestinian Authority president Mahmoud Abbas that the "Oslo Accords have been cancelled," Palestinian Authority Prime Minister Mohammad Shtayyeh announced that he had instructed heads of Palestinian local authorities to prepare long-term development plans, without distinction between areas under Israeli civilian and security jurisdiction and those under Palestinian Authority jurisdiction, and regardless of the Oslo Accords' division of Judea and Samaria into Areas A, B, and C.<sup>4</sup> Shtayyeh made similar pronouncements in 2020.<sup>5</sup>

In this report, we will document the PA's systematic use of illegally-built schools in order to anchor population and take control of land in Area C, as per the Fayyad Plan.

The information in this report is based on data culled from the official Palestinian Authority planning authority's website, as well as supplementary information gathered through fieldwork and mapping using the GIS System.<sup>6</sup>



4 Daniel Siryoti, "Palestinian Authority will build in Israeli-controlled parts of Area C," Israel Hayom, 1 Sept. 2019: <https://bit.ly/38siN0s>.

5 Amira Hass, "Palestinian prime minister to Haaretz: 'The Fact That We Even Survive Is a Miracle'" (Haaretz, 21 January 2020): <https://bit.ly/3zvWCHz>.

6 In February 2021, the Regavim Movement submitted a Freedom of Information request to the Civil Administration for official data on the extent of this phenomenon, but as of this writing the Civil Administration has not responded, as is the case with other Freedom of Information requests submitted by Regavim – in violation of the law.

## C. READING, WRITING – AND THE ARITHMETIC OF ANNEXATION

One of the elements of the Fayyad Plan is the construction of new schools in Area C, year after year, without permits. These classrooms, usually built in the late summer months and often in the dark of night<sup>7</sup> and a lightning speed, are filled with school children on the first day of the new school year. As will be shown in detail below, the average number of students in Palestinian Authority schools is considerably lower than the number per school in Israel. In fact, it is markedly lower than the classroom density in Jordan's schools. Nonetheless, the construction has continued, and even increased, in the decade since the Fayyad Plan was set in motion.

In short, these schools are not built to respond to any real shortage of classrooms or critical educational need, nor are they necessary to alleviate overcrowding in Palestinian Authority classrooms. These schools are built for the sole purpose of establishing facts on the ground, to take control of strategic property in Area C that is under Israeli jurisdiction, and to create territorial contiguity between Areas A and B while cutting off the contiguity of Jewish communities in Judea and Samaria. New schools are generally built in areas where illegal squatters have encamped, giving these clusters of illegal structures a veneer of permanence and drawing additional families into their orbit, who then set up camp around the schools.

It is no coincidence or whim that the Fayyad Plan's preferred tool is schools, rather than other public-use structures such as houses of worship, health clinics, commercial centers or other places of employment. Schools accomplish the core goals of the plan, drawing population to a given point on the map, anchoring population to the chosen spot and establishing a foothold in Area C – while at the same time offering the ideal camouflage for these intentions. Under the guise of universal values such as education and child welfare, the Palestinian Authority and its international benefactors use these schools to generate anti-Israel propaganda. Images of the evacuation or demolition of schools are quickly aired in the media, portraying Israel as a cruel and unjust oppressor.

This explains the illogical locations chosen for many of these schools, which may be seen abutting major roadways, in IDF firing zones, in nature reserves and archaeological sites, on state land and "survey land" and even on privately-owned Jewish property.

7 See, for example, this social media post by Walid Asaf, Minister of "Resistance to the Wall and the Settlements" in the Palestinian Authority: <https://bit.ly/3fsoRKi>.

These Palestinian Authority schools are built without the planning and permit procedures required by law, and often suffer from shoddy engineering and construction, endangering the children who learn in them.

The Palestinians, for their part, accompany the construction with an envelope of legal action designed to prevent demolition of the structures and to bog down enforcement, often entangling the process in legal and bureaucratic quicksand for years. One objective of this lawfare apparatus is to flood the planning and permit authorities with permit requests for projects that have absolutely no feasibility, endless appeals for rejected requests, followed by lawsuits when these appeals are denied and petitions against demolition orders, and so forth.

## 1. The Response of the Israeli government

For over 50 years, the State of Israel has sidestepped the issue of Judea and Samaria's legal status, and has avoided establishing clear policy.

On the one hand, the official policy of the State of Israel is that it has rights to Judea and Samaria, and that this territory is not "occupied." On the other hand, the lack of clear and unequivocal policy creates a vacuum of governance and sovereignty. This makes efficient law enforcement impossible, particularly when faced with the Palestinian Authority's concerted efforts to take over the territory.

Enforcement systems of the IDF and the Civil Administration have failed to grapple with the reality that is taking shape in this area, for several reasons:

1. Policy vacuum – When the political echelon fails to establish organized policy directives and clear operational procedures, policy (or purposeful non-policy) is shaped by military commanders and Civil Administration functionaries, each as he or she sees fit and as per their personal world view. This state of affairs makes it nearly impossible to initiate complex processes that require big-picture thinking.
2. Unsuitable organizational structure and insufficient allocation of resources – The Civil Administration's inspection unit is designed to address individual, localized infractions of the Construction and Planning Law, and is incapable of providing comprehensive, effective solutions to strategic threats. Additionally, the Civil Administration is under the professional jurisdiction of the civilian government, but is a branch of the military. This bifurcation results, automatically, in a cumbersome approach to problem solving and disrupts the flow of communication with the other ministries and arms of government. Likewise, the Civil Administration suffers from a systemic deficit of manpower and resources.

3. Deficient legal-legislative infrastructure – The legal-legislative foundation in force in Judea and Samaria is comprised of layers of law, including Ottoman, British and Jordanian legislation as well as Israeli military directives. This foundation is both anachronistic and backward, and fails to incorporate modern legislation that is the norm in the State of Israel and other developed countries.

The Civil Administration, which is the authority empowered with enforcing the law on behalf of the State of Israel in Judea and Samaria, conducts itself in a manner that is sluggish and inefficient when confronting illegal Arab construction, and pays no attention to the systemic and strategic aspects of the Fayyad Plan.

In the rare cases in which the Civil Administration issues a demolition order for an illegal structure, months or even years after its construction, it delays – often indefinitely – the execution of its own orders. In the majority of cases, the Civil Administration's explains this failure as "adherence to enforcement priorities." These amorphous priorities notwithstanding, even when the Civil Administration classifies an illegal structure as "high priority," it does not enforce demolition orders.

The Civil Administration compounds this enforcement void by obscuring its inaction and maintaining systematic non-transparency, in violation of the law.<sup>8</sup> As a general rule, Regavim's correspondence with the Civil Administration regarding law enforcement in specific cases of illegal construction receive laconic replies; as a result, Regavim is forced to appeal to the courts to compel enforcement.

The courts, too, fail to address the broader ramifications of the Palestinian Authority's takeover, and focus solely on localized aspects of each case individually, resulting in a failure to offer real assistance in upholding the law or creating deterrence. The Regavim Movement's experience, in dozens of court petitions, indicates that in the final count the courts give preferential treatment, both procedurally and substantively, to petitions submitted by Palestinian construction offenders who turn to the court in an effort to prevent demolition of illegal structures. The court consistently capitulates to the Palestinian exploitation of Israeli legal procedures, and favors these appellants over those who seek to uphold and enforce the law against illegal construction. For the most part, by the time the legal process has been exhausted, these illegal structures have been standing for years, and are therefore rarely demolished; this is equally true for all types of illegal structures, including schools. For all practical purposes, Israeli courts have encouraged the execution of the Fayyad Plan and empowered the Palestinian Authority's de facto annexation of Area C.

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<sup>8</sup> This modus operandi violates the Legislative Amendment to the Rules of Procedure (Decisions and Arguments) 1958, as well as the Freedom of Information Law of 1998, among others.

## 2. Sources of Funding

It is no secret that extensive financial support for the Fayyad Plan's implementation, which includes construction of buildings and infrastructure projects, is provided by donations from the Gulf States, Europe and the United States. Over time, European Union support for the Palestinian Authority has increased,<sup>9</sup> to the tune of millions of Euros annually. According to the European Commission's annual reports, in 2017 the EU donated €495 million, and in 2018 – €566 million.<sup>10</sup>

In recent years, the European Union has shifted away from outright donation to the Palestinian Authority, and now favors direct involvement in Palestinian Authority land-grab projects in Area C, including funding for agricultural projects and land resource development in this region.<sup>11</sup> Additionally, the European Union, member states, non-EU governments and international organizations continue to fund the establishment of illegal Palestinian settlements in Judea and Samaria. Included in this policy is the funding provided for anchoring semi-nomadic Bedouin populations in the eastern



*Illegal school, adjacent to the Maaleh Hever Junction, bearing EU symbol and sponsorship sign. Credit: Regavim*

- 9 See Regavim's report, "The Last Colony: EU Involvement in Illegal Construction," February 2015: <https://bit.ly/3kp3R9a>.
- 10 External Actions – Commitments and Partnerships: <https://bit.ly/3ilGyx4> ; <https://bit.ly/3A7BAdd>.
- 11 See European Commission Report of 1 September 2020: "Commission Implementing Decision of 1-9-202 on the Annual Action Programme for 2020 in Favor of Palestine," <https://bit.ly/3fpFNBi>, particularly Annex 2 (pp. 19, 28, 29).

Jordan Valley ridge and the Judean Hills corridor leading toward the Judean Desert, the Dead Sea and even more southerly regions; in the Arad area, in the outskirts of the Judean desert and in the desert itself – including the Wye Plantation–designated Nature Reserve (an area of the Judean Desert bounded by the Dead Sea that was ceded by Israel to Palestinian Authority civil jurisdiction in the Wye River Plantation Accords. In the context of this agreement, all activity in this no-construction zone requires explicit, advance Israeli consent).

The funding, and in recent years the direct involvement in planning, is carried out with the clear understanding that no permits have been applied for or received, as required by law; in fact, some of the funding is used to rebuild structures that were demolished by enforcement authorities precisely because they were built without permits.<sup>12</sup> This constitutes a gross violation of the Planning and Construction Code in force in Judea and Samaria, as well as international law.<sup>13</sup>

Foreign funding of this kind is often funneled through special funds, agreements or other special instruments, such as the European Union Area C Development Programme in the West Bank, and is used to for construction of permanent structures including public, institutional structures, residences, educational institutions, schools and sanitation structures, as well as infrastructure projects such as roads and water and electricity systems.<sup>14</sup> Although the EU classifies these projects as "humanitarian aid," construction and infrastructure projects in these areas do not respond to any humanitarian needs, and circumvent normal planning and permit processes required by law, as per international law and the Oslo Accords, to which the EU itself is a signatory.

The EU, its member states, UN agencies and other international organizations regularly

- 12 See, for example, a report dated 2 February 2021 on the Norwegian Refugee Council website, describing the demolition of illegal Bedouin structures at Humsa al Bqai'a in the northern Jordan Valley. Most of the structures that were demolished were built by the EU, by ten Members States and the UK, following earlier impounding or demolition of illegal structures at the site: <https://bit.ly/3J7Fd8o>.
- 13 "The Last Colony," See note 9, above.
- 14 See, for example, an article published on the website of the Office of the European Union Representative to the West Bank and Gaza Strip – UNRWA dated 14 July 2020, which reported the inauguration of a joint EU – Denmark – Palestinian Authority initiative, part of a larger European Union project for illegal construction in Area C. This "humanitarian aid program" funds the completion of 16 social and public infrastructure projects in 15 illegal Palestinian Authority outposts in Area C. This extraordinary funding brought the total funding for the entire program – covering 58 projects in 46 illegal outposts overall – to EUR 15.2 million (approximately NIS 56 million). The European Union Area C Programme is funded by the European Union and its member states: <https://bit.ly/3g7l2jw>, and attempts to categorize illegal activity as humanitarian aid – which would require Israeli permission nonetheless.





Sponsorship sign on an illegal school in IDF Firing Zone 917. Photo Credit: Regavim

fund educational initiatives; this is, in fact, a core objective. Thus, for example, in the context of financial agreements, member states of the European Union make general grants to the Palestinian Authority in order to promote “inclusive and equitable quality education and lifelong learning opportunities for all.”<sup>15</sup>

For this reason, the EU, its member states and other governments often support the construction of schools in Area C. For example, in the context of the Area C Development Program, France and the EU donated EUR 350,000 for the construction of an illegal school in Area C, in the northern Jordan Valley. According to the EU’s website, funding for this school was made available through the “EU and Member States support to developmental interventions in Area C” program of humanitarian aid.<sup>16</sup>

As in other areas of involvement, the European Union has shifted from background support to active involvement in the construction of schools, taking a proactive, blatant role in the Palestinian takeover of Area C. Funding provided by the EU for the construction of these schools is a well-publicized matter of public record, and great care is taken to post signage declaring this support on the illegal schools in Area C.

<sup>15</sup> See, among others, the European Commission Report: Commission Staff Working Document – Progress of the EU and its Member States, Goal by Goal” 10 May 2019 (<https://bit.ly/3ym8feR>), p. 9.

<sup>16</sup> See European Union statement of 23 September 2020: <https://bit.ly/3zYWfAe>.

Furthermore, while the European Union is well aware that this construction is illegal, it actively demands that Israel refrain from demolishing the structures it has funded.<sup>17</sup>

Naturally, schools are an attractive tool for raising foreign donations. Access roads and water systems created to serve these schools then serve all the illegal construction that develops in the school’s vicinity, which in turn serve to give permanence to the annexation of the land on which they are built.



Illegal school near Susiya, bearing the emblem of the European Union. Photo: Regavim

<sup>17</sup> An article published in the Independent (5 February 2018) reported the demolition of an illegal Bedouin school in the Jordan Valley, built with funds donated by European non-profit organizations and the European Union. The article quoted Shadi Othman, head of media in the EU office in Jerusalem: “The European Union demanded from Israel more than once not to demolish projects the European Union funds and which aim to improve the living conditions of the Palestinians.” <https://bit.ly/3A20NUF>.



# D. Schools in the Palestinian Authority: Situation Report

## 1. Introduction

The Interim Agreements between Israel and the PLO, signed in the 1990s, are commonly referred to as “the Oslo Accords.” This set of internationally recognized treaties created the Palestinian Authority, to which jurisdiction over certain areas of Judea and Samaria was transferred. The entire disputed region was divided into three distinct jurisdictional-territorial areas, as follows:

1. Area A – comprised of territory placed under full Palestinian Authority security, civil and municipal jurisdiction. Area A accounts for some 17% of the total territory of Judea and Samaria, and includes all of the Palestinian Arab urban population centers as well as some rural areas.
2. Area B – territory transferred to the Palestinian Authority’s jurisdiction for civil matters, where Israel maintains responsibility for security. Area B accounts for some 18% of Judea and Samaria, and is comprised mainly of Palestinian Arab villages, rural areas, nature reserves and firing zones. Approximately 89% of the Palestinian population resides in Areas A and B.<sup>18</sup>
3. The Wye Accords Nature Reserve – A nature reserve in the Judean Desert-Dead Sea region that was transferred to Palestinian Authority civilian jurisdiction, comprising some 3% of the territory of Judea and Samaria. The Wye River Plantation Agreement stipulated that any Palestinian activity in the nature reserve requires Israeli consent.
4. .Area C – The remainder of the territory, placed under full Israeli jurisdiction for

18 There is no precise population data for Palestinian residents of Judea and Samaria. The Civil Administration presented estimated data to the Knesset Foreign Affairs and Defense Committee (as reported in Globes, 21.03.2019 (Hebrew): <https://bit.ly/3CcjW8>) placing the number, as of March 2018, between 2.5 – 2.7 million, excluding East Jerusalem. On the other hand, other researchers estimated the same population as numbering 1.7 million (see Yoram Ettinger and the American-Israeli Demographic Research Group. This estimate calculates two additional parameters that the Civil Administration did not: Hundreds of thousands of Palestinians who are registered as residents of Judea and Samaria actually reside abroad, and the birth rate among Palestinian women has been in steady decline. See Nadav Shragai, “The Settlements: The Data and the Trump Plan,” Jerusalem Center for Public Affairs 10 April 2019: <https://bit.ly/3CdT8GO>.

both civilian and security matters. Area C comprises nearly 62% of the overall area of Judea and Samaria, in which the entire Jewish population of Judea and Samaria resides alongside some 11% of the total Palestinian Arab population. Area C includes firing zones, nature reserves, archaeological sites, state land and survey land.<sup>19</sup>

## 2. Schools in the Palestinian Authority, in Areas A, B and C

According to the Palestinian Ministry of Education, in the 2017-2018 academic year, 711,906 Palestinian pupils attended 2,269 schools.<sup>20</sup>

Analysis of Palestinian Authority data indicates that there are 870 schools in Area A.

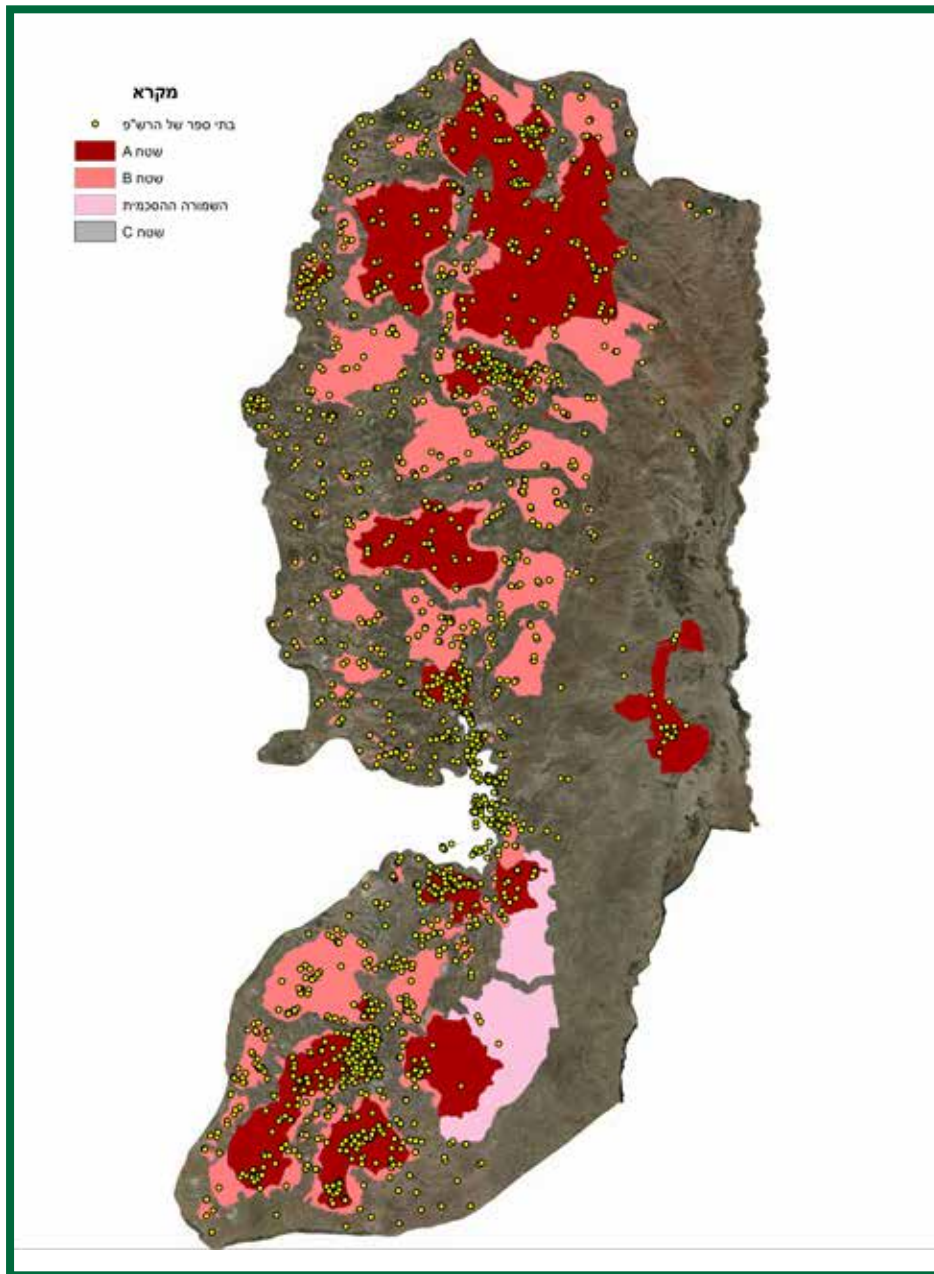
Area B has 909 schools.

In Area C, where 11% of the Palestinian Arab population of Judea and Samaria resides, there are some 245 schools (constituting 10.5% of the total number of schools). Some 110 of these schools were built between 2009-2020 in the context of the Fayyad Plan’s program of de facto annexation of Area C. Of the schools built in Area C in this period, three were built on land owned either by individual Jews or by the Jewish National Fund, some 30 schools were built on state land or survey land; seven schools were built in IDF firing zones, two in nature reserves, two in Mandatory nature reserves, and 6 in archaeological sites.<sup>21</sup>

19 The number of Arab residents living in Area C is also a matter of debate. See Knesset Foreign Affairs and Defense Committee: “A gap of more than one million Palestinian residents of Judea and Samaria between official state data and experts’ calculations,” 7 June 2016 (Hebrew): <http://bit.ly/2rnmD>. Minimalist calculations (which are most likely inaccurate) refer to some 50,000 people, while other estimates place the number closer to 100,000, whereas former Minister of Defense Avigdor Liberman referred to estimates of 230,000 (“We are responsible for all of Area C, where some 230,000 Palestinians also live.” From “The Battle for Qalqilya,” Yuval Karni and Elisha Ben Kimon, YNET 20 June 2017 (Hebrew): <http://bit.ly/35Ge8Fr> . Maximalist estimates presented by the Palestinian Central Bureau of Statistics, and adopted by the UN, claim that the number is closer to 300,000: UNOCHA Occupied Palestinian Territory, Basic Information: <https://tabsoft.co/2Z5cUB5>.

20 <https://bit.ly/37jbhV8>.

21 An additional school was built at the edge of an archaeological site. Some of these schools fit more than one category, such as schools built on land that is both within an IDF firing zone or nature reserve situated on state land.



Map of Palestinian Authority schools, based on data layers in the official Palestinian Authority website overlaid on Regavim's mapping data.

### 3. Classroom density in the Palestinian Authority – compared to Israel and Jordan

As we have noted, according to Palestinian Ministry of Education figures, in the 2017-2018 academic year, 711,906 children attended 2,269 schools; in other words, each Palestinian Authority school had an average of 313 pupils.

In comparison, in the same academic year (5778, 2017-2018) there were 1,762,372 children enrolled in 5,219 schools in Israel, an average of 337 pupils per school.<sup>22</sup>

In Jordan, classroom density is even higher: According to the Royal Jordanian Ministry of Education,<sup>23</sup> there are 5,619 primary and secondary schools in Jordan, in which a total of 2,679,855 pupils are enrolled.<sup>24</sup> In other words, an average of 476.9 pupils are enrolled per school in Jordan.

These data illustrate that the classroom density in Palestinian Authority schools in Judea and Samaria is lower than the rate in Israeli schools and much lower than in schools in Jordan, and make it clear that the overnight construction of schools in Area C in the late summer months is not a response to an actual need for additional classrooms, and is certainly not a response to an urgent need for additional school structures.

### 4. Availability of existing schools in Arab communities in close proximity to the new structures

Despite the attempt to portray the construction of new schools as “humanitarian relief” due to the great distance of Palestinian Arabs’ residences from educational institutions, Regavim’s research proves that these new school buildings are constructed at distances ranging from only a few hundred meters to a maximum distance of 3,000

22 Data on pupils and schools in Israel in 5788 are drawn from the Statistical Abstract of Israel 2019, No. 70, Charts 4.5 and 4.12: <https://bit.ly/3n9UwnA>.

According to this data, there were 782,228 children enrolled in 2,464 primary schools in the Jewish sector – an average of 317 children per school. Secondary schools numbered 1,658, with 539,458 pupils, for an average of 325.

In Israel’s Arab sector, 643 primary schools served 245,945 pupils, averaging 382 children per school. There were 454 secondary schools for 194,741 pupils, averaging 429 pupils per school.

23 Hashemite Kingdom of Jordan Official Website: <https://bit.ly/2WDSmCn>.

24 According to UNESCO data for 2019: <http://uis.unesco.org/en/country/jo>.

meters (from a few yards to a maximum of under 2 miles) away from existing schools. Additionally, new schools have generally been built in proximity to illegal Bedouin encampments, with the intention of making these population clusters permanent, and as a means of attracting and anchoring population growth around the school.

From every aspect, there is no justification for the construction of a new school for a small number of residents. One of the inevitable outcomes of living in a small, remote location is that the regional school will be located at a considerable distance from one's home. In fact, many Israeli children live in small communities and travel considerable distances to attend school. Thus, for example, children from the Upper Galilee community of Amukah travel to school in Sassa, a distance of nearly 18 kilometers (over 11 miles). The children of Kramim, in the Bnei Shimon Regional Council, attend school at Gva'ot Bar, located some 24 kilometers (nearly 15 miles) away, while many of the children of Hatzerim study at the Kibbutz Naveh Midbar school – 40 kilometers (25 miles) away from home. Children from Vered Yericho study at Kibbutz Qaliya, nearly 18 kilometers (11 miles) away, and the children of Neot HaKikar study in the Neveh Zohar schools located 32 miles away from their home community. Even in the Modi'in Region in central Israel, children from the Gimzo community study in Nehalim, some 20 kilometers (over 12 miles) away.<sup>25</sup>

25 This data was collected as reported on the internet sites of the schools or the regional councils in which these schools are located. The distances between the schools and the home communities was measured on Google Maps.

## E. The Schools: Exemplar Cases

The following are brief descriptions of 12 of the 100 illegal schools that serve as an illustration of the Fayyad Plan's method as a whole.

### 1. The School at Khan al Ahmar: The Prototype

The school at Khan al Ahmar is a test case, in which all the characteristic parameters of the method we have described may be observed in full bloom. The case of the school at Khan al Ahmar, which has become an international cause celebre, also illustrates the necessity of contending with these schools swiftly and decisively.

Khan al Ahmar is an illegal outpost made up of dozens of residential structures, located near the Jewish communities of Nofei Prat and Kfar Adumim, within the municipal lines of Kfar Adumim on the western shoulder of Route 1, the main traffic artery connecting Jerusalem to the Dead Sea. In 1988, a scattering of tents were pitched by Palestinian Bedouin who found employment in the nearby Jewish communities. In the 1990s, and in the years since, the tents were replaced by dozens of structures that were erected illegally, without permits, on state land – in Area C, under full Israeli jurisdiction.

The Khan al Ahmar School is one of the first of its kind, built soon after the Palestinian Authority launched the Fayyad Plan. The school, which eventually became a "regional school," serves as a central tool for anchoring the Bedouin population. Khan al Ahmar is the most famous in the Palestinian Authority's network of Bedouin outposts – clusters of illegal structures that constitute de facto annexation of territory in a strategically crucial point in Area C. In this particular case, which over the years has developed into an endless saga, extensive exploitation of any and every legal procedure has succeeded in "postponing" the demolition of the school and the structures that have sprung up around it. Illegal interference by a host of international actors has been a key element of Khan al Ahmar's story – from the actual construction of the illegal structures through the lawfare against their demolition, from the campaign of massive, blatant pressure on the State of Israel through the cynical manipulation of the residents of the encampment as pawns in the Palestinian Authority's game of wits against Israel.<sup>26</sup> The government's failures in this case – its repeated backpedalling

26 See Bassam Tawil, Gatestone Institute: "EU and Palestinian Illegal Facts on the Ground," 31 May 2018: <https://www.gatestoneinstitute.org/12416/palestinian-illegal-building>. Also see H. Hazony, "The Real Reason Khan al Ahmar is Still Standing," Makor Rishon (Hebrew), 20 November 2020: <https://bit.ly/3jllaad>.



and unfulfilled commitments to enforce the law by demolishing the illegal structures – are particularly glaring, given the repeated decisions of the High Court of Justice in this matter.

In June 2009 the residents of the outpost began to build a school and a kindergarten.<sup>27</sup> Some of the structures were built partially on land included in an approved regional plan for expansion of Route 1 (Plan 905/4) between Mishor Adumim and the Good Samaritan site, and partially on a no-construction zone adjacent to the highway.<sup>28</sup> The Civil Administration issued a demolition order, but the building offenders petitioned the High Court of Justice against its implementation. The Kfar Adumim community and the Regavim Movement also petitioned the High Court to issue and enforce demolition orders for the illegal structures, including the school.<sup>29</sup> Pursuant to the High Court's intervention, the structures built on the highway shoulder were demolished, but were rebuilt immediately with the assistance of an Italian organization,<sup>30</sup> in the non-construction area, only 30 meters (less than 100 feet) from their original location. The state informed the High Court that because of its location, demolition of the school



*The State of Israel invested millions developing residential and public-area plots adjacent to Abu Dis, for the relocation of the residents of Khan al Ahmar. Photo credit: Regavim*

27 See HCJ case 6288/09 Suliman Ararah v Yoav (Poli) Mordechai and others, 2 March 2010: <https://bit.ly/3ijW7W9>.

28 As per "Order Prohibiting Construction, 18 June 1996," which prohibits construction of structures within 120 meters of roadways.

29 HCJ Docket No. 7264/09 Kfar Adumim Collective Community Inc. and others v Minister of Defense Ehud Barak and others (unified with case 6288/09, above).

30 See Gatestone, above, note 25.

was designated a high enforcement priority, but nonetheless would not destroy the structure until the end of the school year on 30 June 2010. This round of legal proceedings – the first of at least six – concluded when the High Court removed the petition from the docket.

The 2010 school year ended, but the structures remained standing, and the Kfar Adumim community turned to the Civil Administration and demanded enforcement of the demolition orders. The Civil Administration responded that the "demolition orders would be enforced according to standard enforcement priority criteria." When the 2011 school year also ended without any sign of enforcement, another petition filed by Kfar Adumim received a similar response. The Kfar Adumim community was forced to submit a second petition to the High Court of Justice, seeking enforcement of the demolition order that had been issued against the school structures.<sup>31</sup> To avoid carrying out the order, the state's lawyers this time argued that the Minister of Defense had initiated steps to find an alternative location for the school in the coming months. A follow-up hearing of the petition was scheduled for September 2012; another school year came and went. At this hearing, the state informed the High Court that it intended to relocate the entire Khan al Ahmar compound to an agreed-upon location, and that if this relocation was not completed within one year the Civil Administration would consider relocating the school, and only the school, to an alternative location, even without the agreement with the squatters; alternatively, the Civil Administration would take steps to find educational solutions for the children of Khan al Ahmar in existing schools in Jericho or Abu Dis. In the course of the hearing, the state's representative stated that the objective was to begin relocating the school before the opening of the coming school year in September 2013. On the basis of this commitment, Kfar Adumim's second High Court petition was denied.

The state's "objectives" aside, when September 2013 arrived, a new school year began at the Khan al Ahmar school. For the third time, Kfar Adumim petitioned the High Court, hoping to compel the demolition of the school and bring this years-long saga to an end. Once again, the state described its alleged efforts to reach a mutually accepted resolution for relocation of the entire compound, including the school structures, and noted once again that planning processes are long and painstaking. Although the High Court expressed its dissatisfaction with the situation, it deferred to the government's position and once again rejected Kfar Adumim's petition.<sup>32</sup>

Another year passed, followed by yet another. It was now 2016. Once again, Kfar Adumim petitioned the High Court of Justice – for the fourth time – to demolish the illegal school. Once again, the construction offenders petitioned to prevent the

31 HCJ Docket No. 5665/11 Kfar Adumim et al. v Minister of Defense et al.: [37ddl7E/ly.bit.ly/https](https://37ddl7E/ly.bit.ly/https).

32 HCJ Docket 7969/13 Kfar Adumim et al. v Minister of Defense et al.





*International flags at Khan al Ahmar, adjacent to Route 1: A picture worth a thousand words. Credit: Regavim*

enforcement of the demolition orders. This time, the state informed the High Court of its intention to enforce demolition orders against all of the structures at Khan al Ahmar no later than June 2018. The state testified before the High Court of Justice that it had considered all practical alternatives, had exhausted all channels of dialogue, and had spent considerable resources developing a new neighborhood, complete with infrastructure and residential plots which were now available to the residents of the Khan al Ahmar encampment, free of charge. In a decision handed down on 24 May 2018, the High Court of Justice rejected all petitions filed by both sides, citing the considerable effort the state had invested in resolving the issue. Noting the impending enforcement of the demolition orders in the near future, pursuant to the residents' agreement to the technical aspects of evacuation of the illegal outpost, it was no longer necessary, the High Court decided, to demand that the state present a precise timetable for enforcement of the demolition orders.<sup>33</sup>

The squatters and their sponsors did not throw in the towel. In July 2018 they petitioned the High Court of Justice, once again, to prevent or postpone the enforcement of the demolition orders; this time, they asked that the orders be held in abeyance until a final decision was announced on a detailed construction plan they had attempted

33 HCJ Docket 3287/16 Kfar Adumim et al. v Minister of Defense et al.

to submit – a full nine years after building the school at Khan al Ahmar illegally.<sup>34</sup> At the same time, the construction offenders, represented by the Palestinian Authority's lawyer, submitted another petition to block the evacuation of the squatters of Khan al Ahmar.<sup>35</sup> The Regavim Movement petitioned the High Court to seal off the school – the fifth petition to the court to compel the authorities to enforce the law against the illegal school at Khan al Ahmar. These petitions, like those before them, were rejected, on the grounds that a final judgement for the demolition of the structures had been issued and there were no grounds for reopening the case or revisiting the judicial decision.<sup>36</sup> Once again, the High Court did not require the state to commit to a precise date by which the demolition orders would be carried out.

Yet another year passed; despite the state's assurances that demolition of the illegal structures at Khan al Ahmar was a high priority, and despite the declaration made by then-Prime Minister Benjamin Netanyahu in October 2018 in his opening remarks before a working-meeting of government that "Khan al Ahmar will be evacuated, either consensually or non-consensually. It will not take many weeks; it will take much less time than that,"<sup>37</sup> weeks turned into months with no enforcement in sight. In April 2019 the Regavim Movement once again petitioned the High Court of Justice – for the sixth time – for enforcement of the demolition orders and the government's commitment to uphold the law, both of which had been given the weight of judicial decision.<sup>38</sup> Time and time again, the hearing of the petition was postponed at the request of the government, and was eventually held on 29 November 2020. But in the course of the hearing, the court acquiesced to the state's request for a closed-door ex parte' hearing of its reasons for delaying enforcement of the demolition orders and its failure to carry out final judgements – behind closed doors and without the plaintiff (Regavim) in attendance. This round ended with the court requiring the state to submit an update on progress in July 2021, amounting to an additional eight month extension for the squatters and the illegal structures.

How did the state justify its inaction to the court? What were the confidential arguments it presented behind closed doors? Only the state's representatives and the judges know. What is known, on the other hand, is that foreign governments and international bodies continue to meddle at will, to intervene on behalf of the squatters and to take an active role in the Khan al Ahmar case. It is clear that the State of Israel's behavior

34 HCJ Docket 5193/18 The Residents' Committee of al-Khan al Ahmar et al. v Commander of the IDF Forces in the West Bank et al.

35 HCJ Docket 5257/18 Rabbi Abd al Haq Ibrahim Abd al Latif et al. v Commander of the IDF Forces in the West Bank

36 Decision of 5 September 2018: [37vLVDT/ly.bit://https](https://www.livdat.com/37vLVDT/ly.bit://https)

37 See, for example, news coverage in Israeli English-language media: "As right fumes, Netanyahu vows Khan al Ahmar 'will be evacuated' Times of Israel 21 October 2018: <https://bit.ly/3GmKK8M>.

38 HCJ Docket No. 2387/19 Regavim v Prime Minister of Israel et al.



*Exhibit of antisemitic art at the Khan al Ahmar school, attended by representatives of the UN and foreign diplomats.*

not only allows but encourages this blatant violation of its sovereignty, from funding the construction of the illegal structures through funding the lawfare campaign waged against the integrity of Israel's judicial and law enforcement systems. This foreign involvement also includes staging events and international conferences at the illegal school, some of which are platforms for virulent antisemitic content. In September 2018, for example, senior representatives of the United Nations and UNESCO, as well as European diplomats from Norway, Great Britain and Germany participated in a "cultural exhibition" at Khan al Ahmar at which blatantly antisemitic art was displayed, including an animated depiction of the State of Israel as a monstrous octopus whose tentacles are choking an Arab child and simultaneously uprooting a school, a church and the Al Aksa mosque. Other exhibits portrayed IDF soldiers pointing their weapons at little girls.

If that weren't enough, after the High Court of Justice handed down its ruling, a flood of threats and international pressure sought to block enforcement in a campaign of undisguised meddling in Israel's internal affairs: Federica Mogherini, High Representative of the European Union for Foreign Affairs, called on Israel to refrain from demolishing the illegal encampment at Khan al Ahmar, while stressing that the

EU is opposed to demolitions of the illegal structures in the squatters' camp and is equally opposed to Israeli construction in the settlements.<sup>39</sup> British Prime Minister Theresa May called upon Israel from the podium of the British Parliament to refrain from demolishing the illegal compound<sup>40</sup> and Edwin Samuel, Spokesman for Great Britain for the Middle East and North Africa (MENA) went even further, declaring the UK's support for the illegal outpost.<sup>41</sup>

Fatou Bensouda, then-Prosecutor of the International Criminal Court, announced in October 2018 that she was "monitoring with concern" the planned evacuation, which would, in her words, constitute a war crime. She went so far as to threaten, "I will not hesitate to take any appropriate action within the framework of my authority."<sup>42</sup>

In the final analysis, the Palestinian Authority and the European Union continue to make cynical use of the residents of Khan al Ahmar, as if they were no more than pawns on a chessboard. They have positioned themselves as the representatives of the residents before the Israeli courts and have kept them from accepting any of the State of Israel's offers for alternative living arrangements or for respectable, humane relocation – despite their publicly-expressed desire to do so. The Palestinian Authority and the EU will stop at nothing to create anti-Israel propaganda opportunities by forcing the situation to a violent confrontational evacuation and demolition.<sup>43</sup>

39 "EU's Mogherini: Israeli Demolition of West Bank Village Endangers Two-state Solution," <https://bit.ly/3FuVtNS>.

40 As reported on Kan Israel News: <https://bit.ly/33oNMvu>.

41 Senior UK diplomat delivers statement in Arabic at illegal outpost: The British Government is working to stop the evacuation of Khan al Ahmar." <https://bit.ly/3tPL10X>.

42 Yotam Berger, "ICC Prosecutor Warns Israeli Demolition of Bedouin Village Could Be War Crime." Haaretz, 17 October 2018: <https://bit.ly/33oRKEo>.

43 See note 26, above.



## 2. Herodion – Illegal School on State Land

The Herodion is an important archaeological site, located in the eastern section of the Etzion Bloc (“Gush Etzion”) of Area C. The site is surrounded by agricultural fields and a scattering of Palestinian Arab residences. Beyond them, to the north and east of the Herodion site, lies Area B and the Palestinian town Za’atra, among other PA-administered settlements. In April 2017, Regavim’s field coordinator documented land-clearing activity in the heart of the agricultural fields of Area C separating the Herodion from Za’atra. Palestinian construction offenders were preparing to build an illegal structure.

In June 2017 a brick structure was standing on the prepared plot, and by December the structure had a roof and by all indications, was completed. A new school was born.

The images above and below prove that although there was no reason not to build the school in Area B, near the existing population center, the new school was built according to the Fayyad Plan – in the middle of an empty agricultural area, far from any residential structures, in Area C. The objective is clear: to annex Area C, draw population and anchor it around the school, and eventually create a land bridge to Area B that cuts off the contiguity of nearby Jewish communities.

These are not theoretical constructs or empty words; comparison of aerial photos of the vicinity of the school in 2018 to photos of the same area from 2020 and 2021 shows that in this short period, a road was paved to enable access to the school, and nearby, in the heart of the agricultural land, numerous brick and mortar structures were built, some of them of imposing, impressive size.

Regavim’s formal requests to the Civil Administration for enforcement against the illegal school received either no response or standardized, laconic replies, leaving no choice but to petition the High Court of Justice to seek enforcement against this illegal school.<sup>44</sup> Only after Regavim’s petition was filed, the Civil Administration revealed that it had already issued a demolition order against the structure. As per the “rules of the game,” the construction offenders launched a barrage of legal proceedings and petitioned the High Court to prevent the demolition. According to the court’s decision, the offenders and the enforcement authorities (the Civil Administration’s Central Oversight Unit for Judea and Samaria) agreed to a 14 – day grace period in which plans and a building permit request would be submitted, and no enforcement of the demolition orders would be carried out before a final decision by the planning committee. This agreement stipulated that no further construction would be carried

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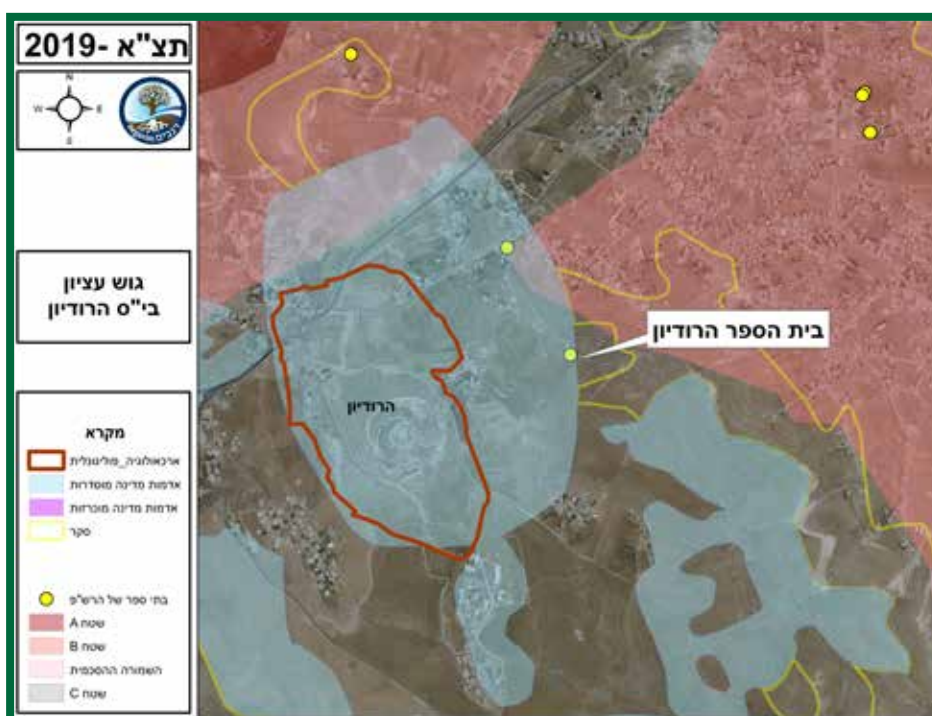
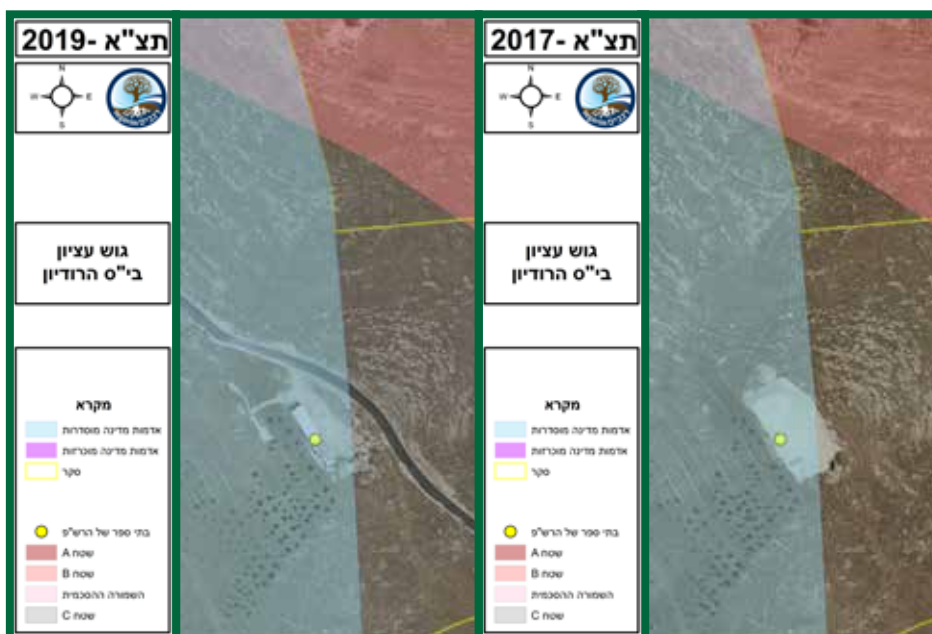
<sup>44</sup> HCJ Docket no. 2692/18 Regavim v Minister of Defense, Commander of the Civil Administration et al. <https://bit.ly/3A1SGJG>.



*Preparatory work in Area C, outside Zaatra village in Area B. Credit: Regavim*



*The Illegal School near Herodion, December 2017. Credit: Regavim*



out and that no changes would be made to the building's utility.<sup>45</sup> The offenders submitted a permit request, as agreed – which was rejected by the subcommittee; they submitted an administrative appeal in Jerusalem District Court<sup>46</sup> to overturn the subcommittee's decision, and a temporary injunction against enforcement of the demolition order was issued.

In February 2021, the administrative appeal was rejected and the temporary injunction against demolition was cancelled,<sup>47</sup> but even after the legal obstacles were removed, the Civil Administration was in no particular hurry to enforce the law, and the school continued its normal operations.

The Herodion School is a perfect illustration of the methods by which the Palestinian Authority exploits the judicial process to the point that enforcement authorities simply give up the fight.

45 HCJ Docket no. 7021/17 Salah v The Central Unit for Oversight in Judea and Samaria. Decision – 28 October 2018. <https://bit.ly/3Cd6S4j>.

46 Docket 36234-12-20

47 Ayelet Kahane, "The Civil Administration is delaying demolition of an illegal school," (Hebrew) Makor Rishon 1 July 2021: <https://bit.ly/3iqdBJi>.



### 3. The Kisan School

Kisan is a cluster of illegal structures located north of the Jewish community of Maaleh Amos in eastern Gush Etzion. Some of the cluster's structures are in Area B, and others in Area C.<sup>48</sup> In early August 2020, construction began on a new, illegal school in the northern outskirts of the "village," on public property registered to the State of Israel, adjacent to the land slated for a new road (Route 80, approved in Judea and Samaria Master Plan No. 912/3). The structure encroaches on a lane of passage that must be clear of construction in general, and illegal construction in particular, and may jeopardize the road project – and all of this a mere two kilometers (just over a mile) away from an existing school.

The work on the new school was carried out at lightning speed. The groundwork, scaffolding, foundations, cement and frame were completed in a matter of days. Funding was provided by foreign donors – including the government of Switzerland, and apparently with European Union contributions as well. The work continued unperturbed by any interference by Israeli oversight or enforcement authorities, despite constant, urgent, real-time updates provided by Regavim and others who demanded immediate action.

Regavim petitioned the court,<sup>49</sup> to no avail: the work continued apace. Parallel with the legal action, Minister Michael Biton announced from the Knesset podium in November 2020 that the government intends to 'whitewash' the illegal school at Kisan, and grant it official status.<sup>50</sup> Nonetheless, in January 2021, in a hearing of Regavim's petition against the school, the state's representative announced that the plan to legalize the Palestinian construction had been abandoned, and stop-work and demolition orders had been issued, but the state declined to commit to a specific date by which these orders would be carried out, if at all. The state's waffling and indecision were not lost on the construction offenders, who stayed the course and completed the construction project. A three-story school building now operates on the site.

The Kisan School illustrates central aspects of the Palestinian Authority's use of illegal schools to deepen its territorial grasp in Area C. The most glaring aspect of the project is that it was, and it remains, unnecessary: An existing school continues to operate nearby. The location of the new school is also instructive: The precise location was chosen as a means of forming a land bridge between two different blocs of Area B,

48 Whether or not the government had intended at some point in the past to "legalize" some or all of the illegal structures, in a hearing of the petition filed by Regavim regarding the illegal school, the state announced that it decided to abandon this option.

49 Administrative Petition (Jerusalem) no. 26767-08-20 Regavim v Minister of Defense B. Gantz et al., <https://bit.ly/3lQ9WF>.

50 <https://bit.ly/3xkRS0K>.

Timeline: Construction of the illegal school in Eastern Gush Etzion near Kisan





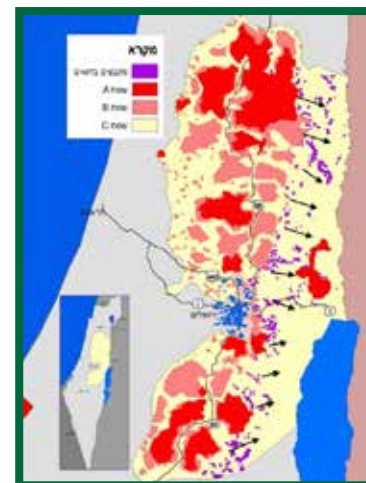
Aerial photo of Kisan and its surroundings. Circled in red: the new school. A mere 2 km (1.24 miles) away, marked by the blue circle, is the existing school. Area B is marked in orange.

one just to the south of the school and the other to the north, while at the same time driving a wedge through Area C and forming a stranglehold around the Jewish community of Maaleh Amos, located to the south of the illegal structure. The third salient point is that there was no reason not to build this new school in Area B, on the northern margin of the area; there is no shortage of open, available land under Palestinian Authority jurisdiction that could have housed a new school, had there been any real need for one.

## 4. The Uja Area School in the Jordan Valley

In the context of the program of strategic land grabs, the Palestinian Authority, with the active support of the European Union and foreign governments, encourages Bedouin to settle illegally in the Jordan Valley, the Judean Desert and the desert hinterland, the Dead Sea region and even further south, in the Arad Valley corridor. The objective, which is clearly discernable from the map of illegal Bedouin outposts in Area C, is to take over the valley and the desert region that border the State of Jordan and to create contiguous Palestinian settlement that forms a land bridge to Jordan. In this way, the Palestinian Authority is attempting to draw the borders of a Palestinian state that is not surrounded on four sides by the State of Israel, and to increase the likelihood of Israel's withdrawal from the Jordan Valley.<sup>51</sup>

The construction of the school in the illegal outpost near the Uja Village in the Jordan Valley takes this method to new heights: In or around September 2020, literally overnight, dozens of workers built the structure, and by the time Regavim's field coordinator discovered it, it was already fully operational, with children in the classrooms and bold signs declaring the auspices of the Ministry of Education of "the State of Palestine."



Network of Bedouin outposts in Area C. Mapping by Regavim



The Uja School in the Jordan Valley, September 2020. Credit: Regavim

<sup>51</sup> See Regavim's report, "The Last Colony: EU Involvement in Illegal Construction," February 2015: <https://bit.ly/3kp3R9a>.



## 5. The School in the Kochav HaShachar Quarry – The al Mughayer Encampment

In late 2020, Regavim received a tip-off about groundwork being carried out north of the Kochav HaShachar quarry, to the east of al-Mughayer; a new school was in the works. This is a classic example of the Palestinian Authority's methodical use of schools to annex territory in Area C, with each of the PA's trademark tactics in full view:

Tactic 1: The location of the new school is a mere 2 kilometers (just over a mile) away from an existing school in al Mughyar, the nearby Arab village located in Area B. At the same time, it is set quite a distance from the nearest existing Arab community; scattered Bedouin structures are located in closer proximity.<sup>52</sup> It is clear that the primary objective – in fact the only objective in building this school is to anchor the nomadic Bedouin population to this particular location, and thereby establish the Palestinian Authority's control, in keeping with the Fayyad Plan.

Tactic 2: At this location, as at the others we have documented, the work was funded by international organizations<sup>53</sup> and carried out in a lightning-speed campaign. Construction began in the dead of night; concrete was poured for a floor and walls were erected – and at this point, Regavim reported on the illegal construction to the Civil Administration.

The following week, internal walls were built, followed by a temporary roof.

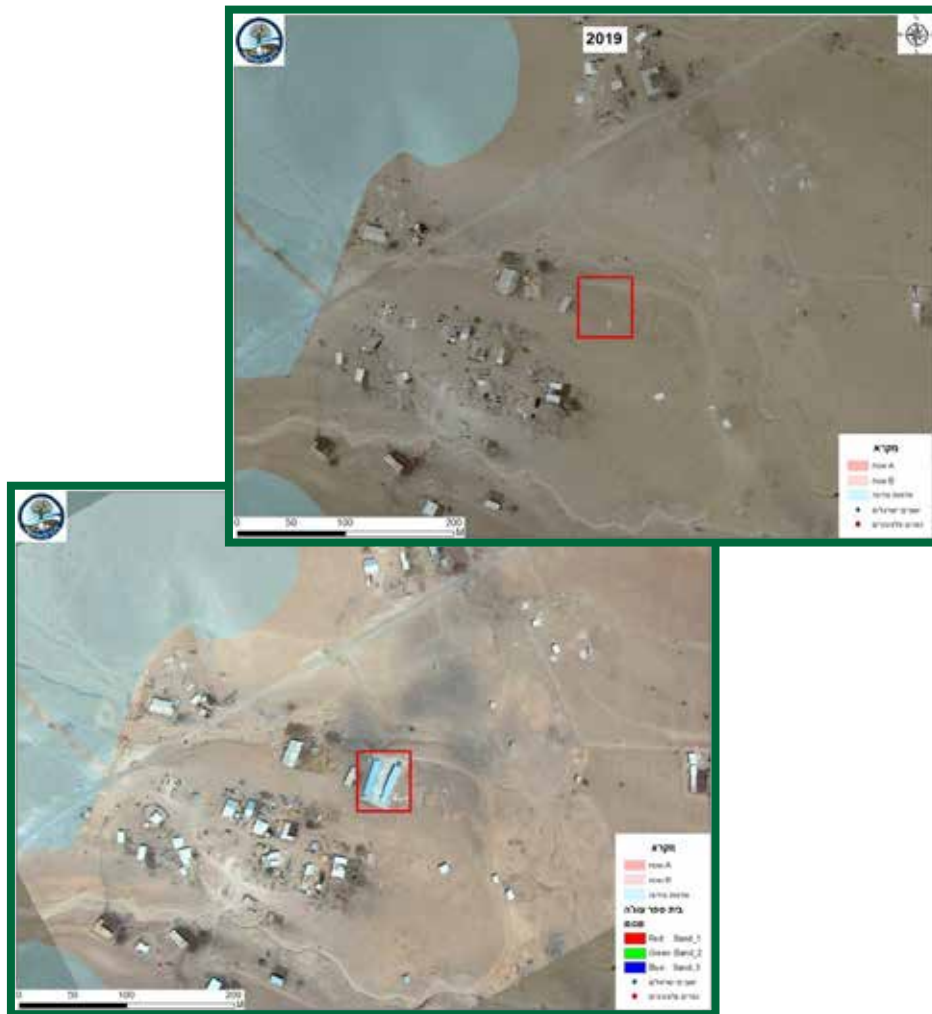
Tactic 3: In an attempt to block enforcement action by the Israeli authorities, even before the roof went up, before windows and doors were installed, before there was running water and bathrooms – the Palestinian Authority outfitted the structure with desks and chairs, and brought a few children in to the “classrooms” in order to score points in the battle for public opinion, creating “photo opportunities” to convince consumers of international media that this structure serves the needs of children who would otherwise be deprived of access to education.

But lies are very hard to sustain, and the leader of the Bedouin encampment eventually admitted that the school has neither teachers nor administration,<sup>54</sup> and there is no actual instruction or learning taking place there.

52 See videos published by Regavim on 24 December 2020 (<https://business.facebook.com/regavimeng/videos/452574365904551/>) 10 October 2020 (<https://business.facebook.com/regavimeng/videos/345460746538439/>) and 13 September 2020 (<https://business.facebook.com/regavimeng/videos/2797142200542792/>).

53 See post by Salah Khawaja, <https://bit.ly/3C79zEB>.

54 Salah Khawaja, <https://bit.ly/3C79zEB>.



Aerial photos of the school's location, 2019 versus 2020. The construction of the school spurred further construction in its vicinity

In this case, as in the others, the location of the school was anything but random: It was built in Area C, adjacent to Israeli state land, adjacent to a cluster of illegal structures that comprise a Bedouin encampment. The school is clearly designed and situated to provide permanence to the squatters' camp and to create a connection between existing and future structures to form a swath of settlement under Palestinian Authority control.



The school at Ras al-Tin (Kochav HaShachar)

Tactic 4: Here, too, the construction offenders took legal action to exploit the Israeli system to their advantage. After the Civil Administration issued administrative work-stop and demolition orders, they immediately petitioned the court to prevent demolition – while at the same time they carried on with construction work, including building a permanent roof.

Regavim presented these facts to the court; the offenders' petition to prevent demolition was rejected and the temporary work-stop order was rescinded, enabling the Civil Administration to demolish the structure. The offenders appealed to the High Court of Justice to suspend the demolition.

One might expect the judicial system to sanction parties who violate judicial orders. Unfortunately, in this case, as in so many similar cases, the High Court of Justice and the enforcement authorities allowed construction criminals to make a mockery of the entire system. Not only did they refrain from sanctioning the offenders in any way, they actually rewarded them: The High Court allowed them to take advantage of the judicial process by suspending enforcement of the demolition order while purposefully disregarding half of the order – the half that conditioned suspension of demolition on cessation of any further construction work on the school building. In this way, for all intents and purposes the offenders were given a green light to complete the structure, and the Palestinian Authority, with the protection of the Israeli authorities, succeeded in conquering another chunk of Area C.

## 6. A-Zawadin: A School in IDF Firing Zone 917

IDF Firing Zone 917 has served as a live-ammunition training ground for decades.

The South Hebron Hills region is a strategic area, an open space that separates the Judean Hills from the Negev. Together with the Jezreel Valley and the Nitzana Region, the South Hebron Hills area and its Jewish communities are the bulwark against contiguous Palestinian settlement stretching from Egypt to Lebanon. The strategic importance of this area is not lost on the Palestinians, and the South Hebron Hills is an important element of the Palestinian Authority's Fayyad Plan for the takeover and de facto annexation of Area C.

In practice, the Palestinian Authority relies on extensive European Union and foreign governments, which provide substantial resources for a wide range of projects aimed at taking control of the South Hebron Hills. In recent years we have documented an increasing volume of illegal construction in this region; our most recent data indicates that in four massive compounds there are some 2000 illegal structures<sup>55</sup> covering an

<sup>55</sup> For details, see Regavim's illustrative video (Hebrew): <https://bit.ly/3A6d2RU>.





The A-Zawadin School in IDF Firing Zone 917, January 2021. Photo: Regavim



Despite Civil Administration demolition orders (right), illegal schools continue "business as usual."

area of over 10,000 dunams and creating a land bridge between blocs of Palestinian settlement, including residential structures (some of which are palatial, massive homes), communal structures, clinics, schools and mosques.

The Palestinian Authority also created electricity and water systems, and paved hundreds of kilometers of roads to service these new illegal communities, and carried out significant agricultural projects that have commandeered hundreds of dunams of Israeli state land within the firing zone – all of which constitute blatant, brazen



Foreign support for the illegal "A-Tahadi (Resistance)" Schools in Area C: A-Zawadin

violations of Israeli law, which is in force in the area, as well as the Oslo Accords and other international law.<sup>56</sup>

This large-scale illegal construction has forced the IDF to retreat from its training grounds and to severely limit exercises in the area; the State of Israel has done absolutely nothing in response.

In January 2021, Regavim's field operative noticed activity in a new section of the training ground, outside of the four existing illegal "polygons" in the firing zone, on 'survey land' some three kilometers east of the Jewish community of Maon: a new school was being built. The structure was in the final stages of completion and would clearly be ready to receive pupils in the near future. As the photos below illustrate, this structure is located only 1.5 kilometers (less than 1 mile) away from an existing school. It lies some 500 meters (550 yds.) away from a cluster of Bedouin structures, and was built in order to make these structures permanent and to entice additional population to settle the vicinity – illegally, of course – and help create and expand Palestinian territorial contiguity.

This new school enjoys funding and support of the European Union, foreign governments and international organizations, as evidenced by the signs that adorn the structure and grounds.

As a result of Regavim's correspondence with the Civil Administration, a demolition order was issued for the structure, but it remains, undisturbed, as of this writing.

<sup>56</sup> For more details and an in-depth analysis of the strategic impact of these projects, see Regavim's position paper, "The Wild South," July 2016: <https://bit.ly/3r4rE2w>.

## 7. Kedar – Wadi Abu Hindi: A school on state land in a firing zone

IDF Firing Zone 912 in the Judea Desert, east of Maaleh Adumim, is an active IDF training ground. To the east of the Jewish community of Kedar, in the firing zone on Israeli state land, a school was built in late 2016, ostensibly to serve the Bedouin residents of the illegal encampment at the site. Like the rest of this encampment, the school was built without permits and in violation of the law.

The school structure is made of brick and mortar, and the sign nearby indicates that its construction was funded by the European Union. Here too, the school was designed to anchor the Bedouin population that had begun to settle illegally in the vicinity, while serving as a tool of de facto annexation of one more swath of territory – not merely nondescript land in Area C, but registered state land in an IDF firing zone.

In the early stages of construction, Regavim turned to the Civil Administration and the enforcement authorities in the hope that they would act swiftly to enforce the law before the structure became a fait accompli. But the authorities took virtually no action and construction was completed. Regavim's aerial photos of the site from 2021 show that over the years the structure not only became operational, it grew and was expanded, without permits and in violation of the law, and the strategic location – state land in an IDF firing zone – has been overtaken.



School in IDF Firing Zone 912 under construction, December 2016



Aerial photo of the school in Firing Zone 912. Credit: Regavim



The school in Firing Zone 912, photographed in 2021. Credit: Regavim



## 8. Khirbet Zanuta: A School on an Archaeological Site

Khirbet Zanuta is an archaeological site located near the Shamaa Junction in the South Hebron Hills area, very near the Har Hebron Municipality building. The area was declared an archaeological site during the British Mandate period; the artifacts at the site span the Hellenistic, Roman and Byzantine eras, the Middle Ages and the Ottoman Period. At some point in 1999, Palestinians began to encroach on the site, erecting three tents and some corrugated structures. In the years that followed, extensive construction of illegal buildings began – without permits or oversight, in violation of the law. Not only did the construction damage the site, in some cases archaeological remains were used as building materials!

In September 2017, the High Court of Justice handed down a judgement in Docket No. 9715/07, a petition filed by the criminals themselves in an attempt to prevent the Civil Administration from demolishing the illegal structures at Khirbet Zanuta. The judgment required the government to refrain from enforcing the demolition orders until a final decision regarding legalization of the settlement cluster could be reached – on condition that no further construction would be carried out in the illegal outpost.

It should have come as no surprise when in the middle of the night in March 2018, a large mobile structure appeared at Khirbet Zanuta – a new school, violating both the spirit and the letter of the High Court of Justice's orders. The Civil Administration demolished it in April 2018. Knowing full well that the illegal structure constituted a substantive violation of the agreement – which gave the Civil Administration the right to enforce the original demolition orders and to remove all of the illegal structures at Khirbet Zanuta – the school was soon rebuilt, this time out of brick and mortar.

If this wasn't enough, in what can only be characterized as a poke in the eye of Israel's legal and enforcement systems, a gala opening event for the new and improved illegal school building, attended by senior members of the Palestinian Authority, served the dual purpose of inaugurating the school and celebrating the defeat of the Israeli government. It was clear to all concerned that the chances of law enforcement against this structure were nil.

The Civil Administration, for its part, did not issue demolition orders for the new school building; it lamely excused itself with mutterings about enforcement priorities – despite the fact that building in the heart of an archaeological site causes irreparable harm and violates the agreement reached in the High Court of Justice.

As of this writing, despite three separate petitions regarding the Khirbet Zanuta school submitted by Regavim, the school remains intact, and an access road – also illegal – was paved to serve it. In 2021, the school remained active and enforcement action against it has become increasingly challenging.



The brick and mortar school at Khirbet Zanuta, 2018. Credit: Regavim



Inauguration ceremony at the illegal school, Khirbet Zanuta. Photos are from the Facebook page of the Palestinian Authority's Ministry of Education



Khirbet Zanuta, 2021. Credit: Regavim

## 9. Khirbet Ghuwein al Fauqa: A School in the Heart of an Archaeological Site

Ghuwein al Fauqa is an archaeological site north-east of the Jewish community of Shani (Livne) in the South Hebron Hills region of Area C, under full civil and security jurisdiction of the State of Israel. A portion of the site lies within the municipal “blue line” boundaries of the Jewish community of Shani (Livne).

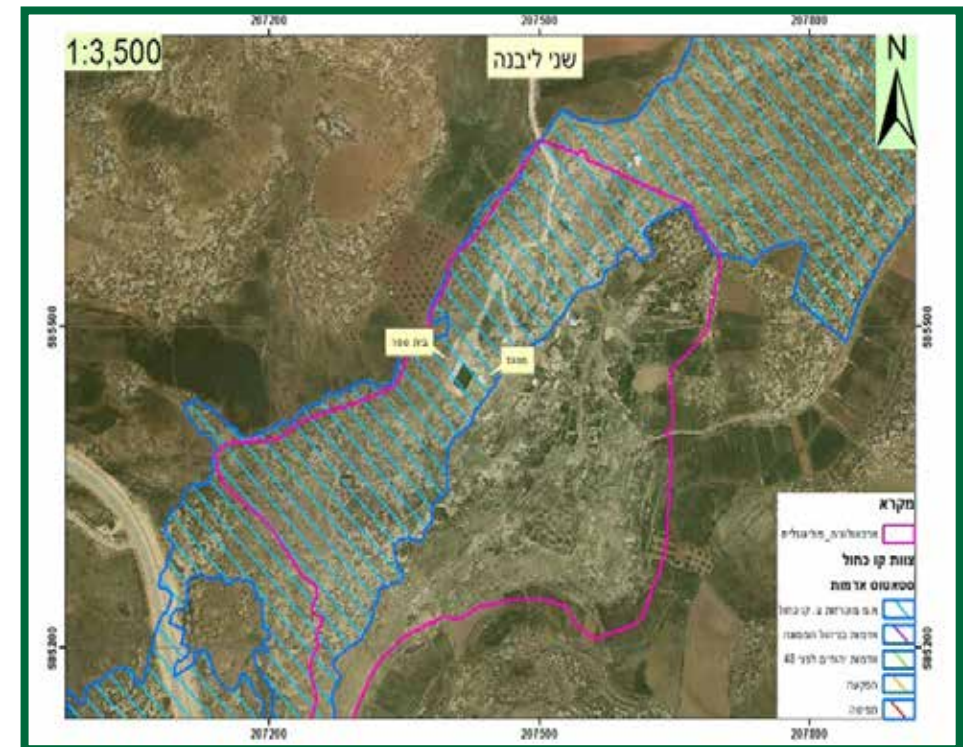
As we have seen, the Palestinian Authority is well aware of the strategic importance of the South Hebron Hills area, and goes to great lengths to build – without permits and in violation of the law – more and more outposts, residential structures, public buildings and infrastructure elements in the region, to facilitate de facto annexation and to create contiguous Palestinian settlement while disrupting the contiguity of Jewish settlement.<sup>57</sup>

Over the years, Arabs built illegal structures specifically in the archaeological site, rather than in the abundant open space in the vicinity. Over time, an outpost consisting



Illegal structures in the designated archaeological site. The school is marked by the yellow dot

57 See, “The Wild South,” Regavim, 2017: <https://bit.ly/3r4rE2w>.



In pink – the archaeological site; in blue – the municipal boundaries of Shani (Livne)

of nearly 30 illegal structures was established at the site – wreaking irreversible destruction on the archaeological treasures. Regavim’s repeated requests for oversight and enforcement, beginning in 2014, were unanswered. The Arab squatters received the message, loud and clear: No one will stop you from building more structures at the site.

In 2016, in adherence to the Fayyad Plan, a school and a mosque were built in the illegal outpost – all within the designated archaeological site, on state land, within the municipal lines of Shani (Livne).

The construction offenders soon began to take advantage of the legal tools at their disposal. They submitted a request for a construction permit, which was rejected. Only then, in October 2016, the Israeli authorities issued a demolition order for the school building. Although this was a final order, there was apparently never any intention to actually enforce it. The construction offenders, for their part, continued to wage lawfare. They appealed against the rejection of their building permit request, and the appeal was also rejected. Then they submitted a request for a waiver of permit requirements, which was also rejected. Although it is absolutely clear, and became



even more clear after the permit request was denied, that there is no possibility of legalizing a school built on an archaeological site within the municipal lines of Shani (Livne), the Israeli authorities did not bother to carry out the demolition order.

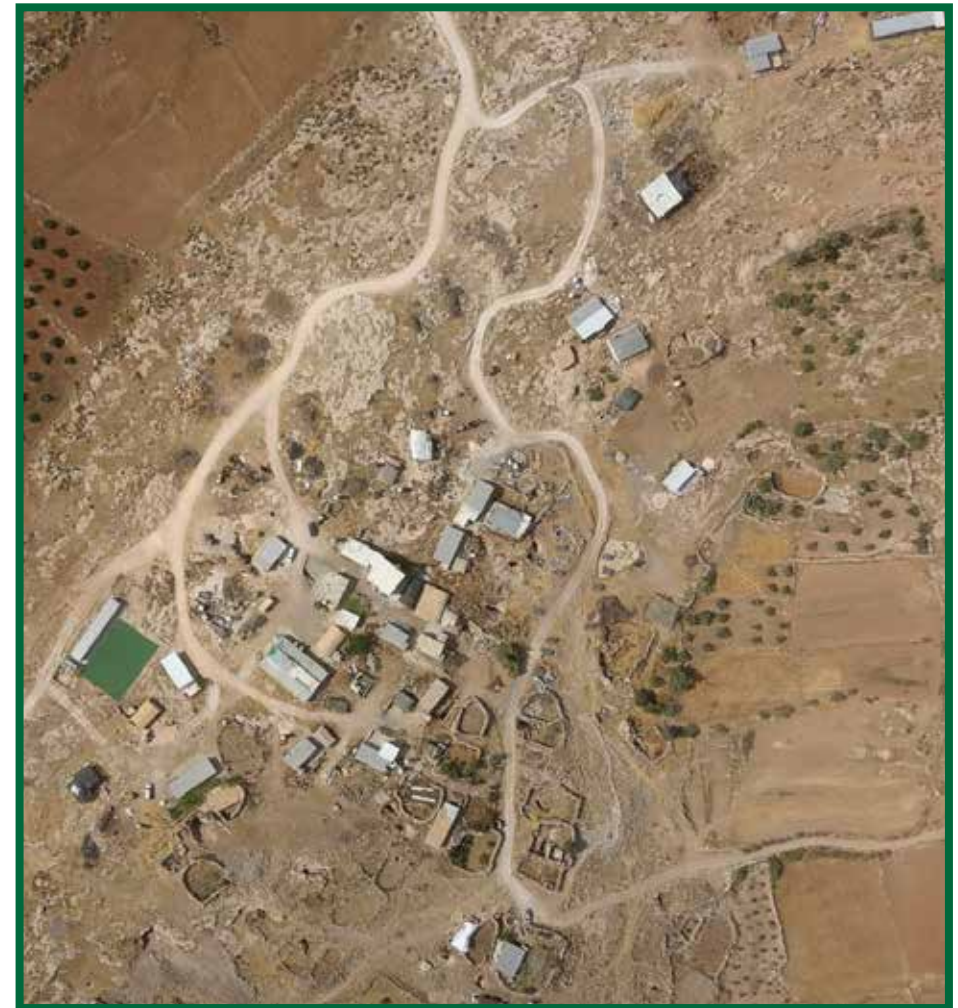
In August 2017, after the planning authorities rejected all of the absurd requests submitted by the construction offenders, the latter petitioned the High Court



*The school building, soon after completion, and nearby, at the edge of the lawn, the mosque. Credit: Regavim*



*2021: To the right, the school building. To the left, the mosque. In the interim, the roof was replaced. Adjacent to these structures is a new building. Credit: Regavim*



*Additional structures were built, some on archaeological remains. Credit: Regavim*

of Justice to prevent the demolition of the structure.<sup>58</sup> The High Court issued a temporary injunction against demolition. Eventually, in September 2018, the petition was withdrawn by mutual consent, and as of 2021 the illegal school remains on the site. Here too, the conduct of the enforcement authorities, or more precisely their complete inaction, plays into the Fayyad Plan's hands. Additional structures have been built around the school, some of them literally on top of archaeological remains, causing irreparable destruction of the historical record.

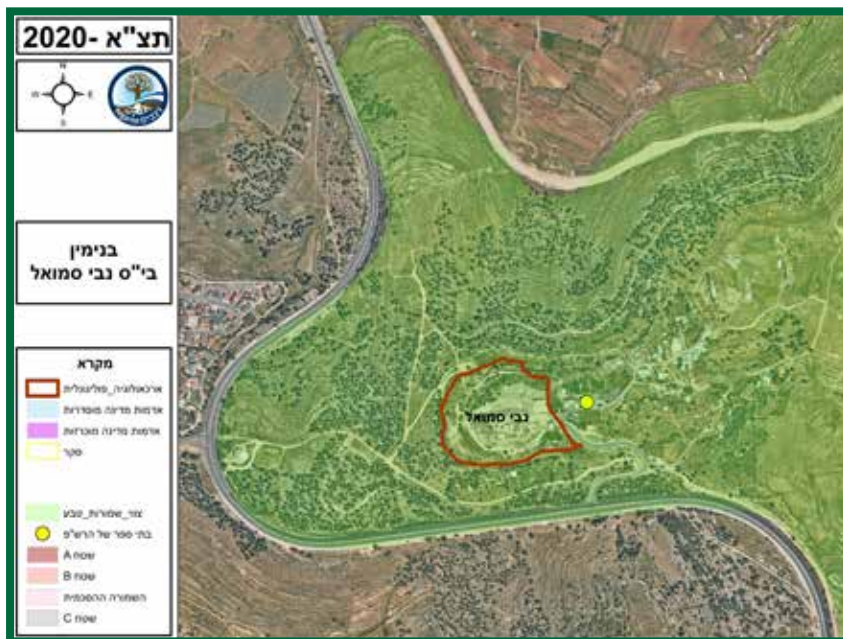
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58 HCJ Docket No. 6649/17 Bashir Muhamad Huamdah v Regional Military Commander for the West Bank et al.



## 10. Nebi Samuel – A School in the Heart of a Nature Reserve

Nebi Samuel National Park is located north of Jerusalem. In the heart of the nature reserve, on a hilltop towering 885 meters above sea level, lies the Nebi Samuel Park with its archaeological site, panoramic views of stepped slopes that have served farmers since antiquity, a natural mountain spring, and flowering orchards. At the very epicenter of the park stands a Crusader-era structure that houses the tomb of the Prophet Samuel. Nebi Samuel is a strategic area, a commanding vantage point over the entire region particularly over Jerusalem. Its location and altitude explain why Nebi Samuel has been the site of key military battles in various periods throughout history: During the First World War, the British conquered Nebi Samuel before they took Jerusalem. In the War of Independence, many Jewish lives were lost in the (unsuccessful) battle to take control of this important spot.<sup>59</sup>

In the National Park, located in Area C under Israeli jurisdiction, there are a number of Arab residential structures of questionable legal status. Due to the strategic



Aerial photo of Nebi Samuel. The location of the school is marked by the yellow dot

<sup>59</sup> <https://bit.ly/3rTYvq1>.



The Palestinian Authority school at Nebi Samuel, 2017. Credit: Regavim

The Nebi Samuel school, 2021. To the right of the stone structure new classrooms were built. Credit: Regavim



The Nebi Samuel school, 2021. In the background: The Tomb of the Prophet Samuel. Credit: Regavim



importance of the area, the Palestinian Authority made a conscious decision to establish a foothold of its own at the site, using the well-tested method of building a school.

And so it came to be that adjacent to the Tomb of the Prophet Samuel, the Palestinians built a structure that serves as a school; it goes without saying that this school never applied for or received permits of any kind.

Despite Regavim's repeated attempts to alert the authorities, and despite the fact that this construction was carried out in a nature reserve and in a key strategic area, the enforcement authorities turned a blind eye. Once again, the message came through loud and clear to the construction offenders: Thanks to the policy of non-enforcement, you are free to build whatever and wherever you choose, as if there is no law and no order, as if the words "Israeli jurisdiction" are meaningless.

Regavim has continued to monitor the site, and discovered that in 2021 the school not only continued operation, but actually grew, and as a result, so has the Palestinian Authority's presence in another important strategic area. Israeli authorities have not lifted a finger to stop them.

## 11. Rimonim – A school in the Makukh Stream Nature Reserve

The Nachal Makukh Nature Reserve covers 18,000 dunams in the northern Judean Desert, stretching from Maaleh Mikhmas to Mevo'ot Yericho. The reserve is known for its impressive desert canyons and riverbeds and for its many unique caves. The nature reserve hosts a large population of protected wildlife and fauna species, some of which are extremely rare and endangered, such as the *Iris atrofusca* (Judean Iris) and *Tulipa agenensis*.



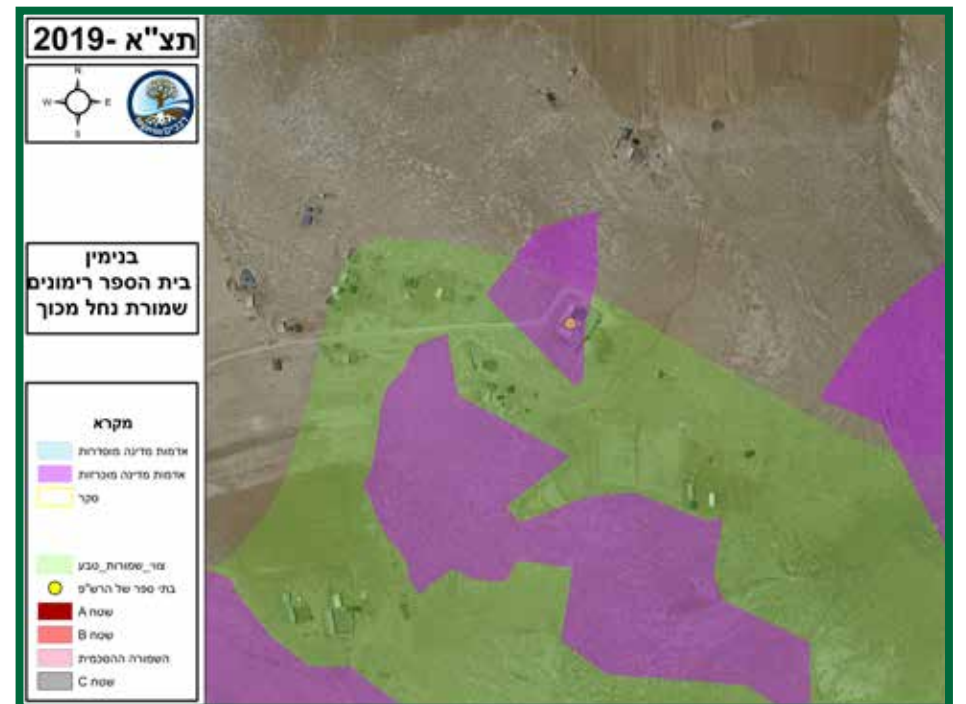
Aerial photos of the Nahal Makukh school: 2017, 2019



The school in the Nachal Makukh Nature Reserve, 2017. Credit: Regavim



Sign on the structure announcing that it is owned and operated by "The State of Palestine – Ministry of Schools and Higher Education." Credit: Regavim



The nature reserve is marked in green. The school, marked by a yellow dot, was purposely built within the boundaries of the nature reserve, and not on the empty land nearby



As an officially declared nature reserve<sup>60</sup> the Makukh Nature Reserve is subject to rules and laws designed to protect its unique ecosystem and natural beauty from harm, but these rules have not prevented residents of the Palestinian Authority from building more and more illegal structures in the nature reserve in recent years, devastating large sections of the reserve and causing irreparable damage to the wildlife and vegetation.



*Official Palestinian Authority databases designate the area as a nature reserve.*

Although it is a designated nature reserve, and despite the fact that it lies in Area C which is under full Israeli jurisdiction, enforcement authorities have ignored the destructive illegal activity, which has encouraged and empowered even more illegal construction.

The Palestinian Authority took note of the burgeoning illegal land-grab and the failure of Israeli law enforcement, and quickly jumped into action. Although there is an existing school nearby, with the aid of the European Union and a consortium of international foundations the Palestinian Authority built a new illegal building in 2017, which it designated as a school. It was built at the edge of the nature reserve, not far from the existing illegal residential structures, in order to give them permanence and to attract and encourage construction of additional homes in the area as a means of de facto annexation of territory under Israeli jurisdiction.

There is no shortage of empty land nearby outside the borders of the nature reserve, yet the Palestinian Authority chose to build the school inside the nature reserve, on state land, and to establish facts on the ground in defiance of the planning and environmental authorities.

In June 2019, Regavim turned to the Civil Administration and demanded law enforcement against the illegal school. The response: “The Civil Administration will take action, if appropriate, according to procedural guidelines and priorities.” Despite this commitment, and despite the fact that the school’s construction in the heart of a designated nature reserve has caused serious damage to a protected ecosystem and the rare species that once thrived there, the school has not been demolished. On the contrary, at the start of the 2019–2020 school year the illegal structure in Nahal Makukh opened on schedule. Regavim once again turned to the Civil Administration, to no avail. With all procedural options exhausted, Regavim turned to the courts with an administrative petition.

60 As per Article 2 of the Order for Protection of Nature (Judea and Samaria) (No. 363), 5730 – 1969.

The Civil Administration responded, at last – having been left little choice in the matter – and revealed that the construction of the Nahal Makukh school was accompanied by a parallel lawfare campaign: In keeping with the method described repeatedly in other cases above, a slew of make-work legal actions were initiated by the construction offenders in order to forestall demolition. Days after the school was built, they filed a request for a land allocation for the plot on which they had already built the structure (despite the fact that it is located in a designated nature reserve), as well as a request for waiver of permit requirements. The following day, they submitted a petition to the High Court of Justice to prevent the school’s demolition.<sup>61</sup> The petition was rejected on grounds of failure to complete preliminary disclosure. A few days later, the Civil Administration officially rejected the land allocation request as well as the permit waiver request, based on considerations that characterize every other case we have enumerated in this study: The structure was built on state land, without a permit, in a manner clearly indicative of lack of good faith; the small number of pupils living in the vicinity of the school do not justify the construction of a new structure, and an active, adequate school continues to operate nearby that offers this handful of children an educational framework.

Without missing a beat, the construction offenders submitted a second High Court of Justice petition, this time against the Civil Administration, and the court was asked once again to issue an order prohibiting demolition of the school building.<sup>62</sup> The court required the construction offenders to submit a detailed construction plan within 21 days, and issued an order prohibiting demolition of the school for 30 days after receipt of a final decision on the plan. A plan was, in fact, submitted, and was considered by the relevant committee; no decision has been handed down as of this writing.

In the context of another petition filed by the building offenders,<sup>63</sup> the Civil Administration notified the High Court of Justice of its decision to cancel the ‘Order for Removal of New Construction’ that had been issued against some of the structures in the school compound.

The end result is that some four years after the construction of the illegal school in the heart of the Nahal Makukh Nature Reserve, and after a disproportionate quantity of legal battles, this illegal school, like the others, remains untouched by enforcement hands and in full operation.

61 HCJ Docket No. 7680/17 Kaabneh v Minister of Defense.

62 HCJ Doct No. 125/18 Kaabneh v Minister of Defense.

63 HCJ Docket 7593/20 Abed Kaabneh v Commander of the Civil Administration.

## 12. Other schools – select examples

The 11 illegal schools described in the pages above are part of a much larger number that were built without permits or oversight in Area C, the section of Judea and Samaria that remains under full Israeli jurisdiction according to international law. Despite Regavim's efforts to compel enforcement, either by engaging the relevant authorities or, when necessary, through legal petitions, each and every one of these schools remains operational, and the structures undisturbed.<sup>64</sup>

1. 2010: Massive school built near Beit Sira Village. HCJ petition 8806/10.
2. 2014: Illegal school near the Adam (Geva Binyamin) Junction. HCJ petition 1612/15.
3. 2015: Illegal school near Susiya. HCJ petition 6/16.
4. 2016: Illegal school near Samua. HCJ petition 1125/17
5. 2017: Illegal school at the Maaleh Hever Junction.
6. 2021: Illegal school in the Hamam al-Malikh Preserve, in the Jordan Valley's Nahal Bezek Nature Reserve in Area C, funded by the European Union.



*The illegal school near Susiya*

<sup>64</sup> See Regavim's petition in the matter of the illegal school at Kisan, HCJ 26727-08-20, Regavim v Benny Gantz et al.



*illegal school near Samua*



*illegal school near Maaleh Hever Junction*



*illegal school in the Hamam al-Malikh Reserve*

## F. Summary

Construction of illegal schools is part of a broader Palestinian Authority plan for unilateral annexation of Area C, known as the Fayyad Plan.

The reason these schools were built has nothing to do with education. They were built in order to create a contiguous band of Palestinian settlement in strategic areas of Judea and Samaria, such as the Jordan Valley, the Judean Desert, the South Hebron Hills, and in IDF training grounds. The location of schools was determined by geo-strategic considerations, and construction was carried out in intensive, accelerated campaigns just before the beginning of the school year, often under cover of darkness.

Illegal schools are an element of a broader Palestinian Authority program that aims to wrest control of territory away from Israeli jurisdiction. This program includes construction of tens of thousands of illegal structures and infrastructures networks providing water, electricity and access roads to facilitate the establishment of new settlements, as well as a network of connecting roads between them, all positioned in order to drive a wedge between existing Jewish communities. On a parallel track, the Palestinian Authority's annexation program exploits a loophole in the law in force in the area, using extensive agricultural projects such as tree planting, farming and agricultural groundwork to commandeer enormous expanses of Israeli state land, survey land and unregistered land in Area C. Other elements of the Palestinian Authority's program of annexation include a massive land survey and registration project, and extensive legal action ("lawfare") to prevent law enforcement against these illegal activities.

Funding for this annexation activity is often provided by the European Union, foreign governments and other foreign groups that play an active and intimate role in the Fayyad Plan, usually contrary to the position of the State of Israel, and in a manner that undermines Israeli jurisdiction and authority and in blatant violation of the construction and planning laws in force in the area, and in violation of customary international law and internationally-witnessed treaties signed by the Palestinian Authority.

The State of Israel and its law enforcement apparatus in Area C, comprised of the IDF and the Civil Administration, have consistently failed to act against the Fayyad Plan,<sup>65</sup> for a number of reasons:

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65 See "The War of Attrition," Regavim: December 2019 [bit.ly/2WoYVbL](https://bit.ly/2WoYVbL).

1. The policy void – Because Israel's political leadership has failed to formulate clear, organized operational guidelines, policy – or non-policy, as it were – is created, for all intents and purposes, by the military commanders and Civil Administration functionaries on the ground, each according to his or her personal worldview and preference.
2. Lack of organizational compatibility to the tasks at hand and insufficient resources are contributing factors that have resulted in the failure to formulate a response to the strategic threat, as opposed to focusing on localized responses to construction infractions;
3. The deficient legal-legislative framework in force in Judea and Samaria is made up of many layers – Ottoman law, British Mandatory statutes, Jordanian law and Israeli military regulations –resulting in anachronistic, stunted, unnecessarily arcane and often inscrutable or even contradictory legislative and judicial outcomes.

While the Palestinian Authority's strategy is neither a mystery nor a secret, the Israeli government has failed to take the necessary steps to counter these publicly-stated objectives in a comprehensive, planned, long-view manner.

The paltry enforcement action that is actually carried out by Israeli authorities, and the decisions handed down by the Israeli judiciary, indicate that the Palestinian Authority's annexation program is seen as no more than a collection of isolated incidents; Israel's judicial and enforcement establishments see the trees but ignore the forest, as it were.

The State of Israel continues to allow and even encourage the Palestinian Authority and construction offenders to make malign use of the legal system, sending a clear message that the Palestinian Authority may build illegal schools wherever and whenever it chooses, as a means of carrying out the Fayyad Plan and moving forward with its de facto annexation of Area C.

The only way to look beyond the "trees" and to face the challenge posed by the Fayyad Plan "forest" is through clear, unequivocal policy decisions, accompanied by swift and systemic action – all of which must be based on the understanding that the Fayyad Plan poses a serious strategic threat.

In the "War of Attrition" report, The Regavim Movement presented detailed recommendations for combatting the Palestinian Authority's program of unilateral, de facto annexation; below is a brief summary of those recommendations:

1. Create a specialized Land Protection Authority to safeguard the open spaces of Judea and Samaria, modeled on the Israel Police "Green Patrol" unit.



2. Complete the process of land regulation and registration in Area C.
3. Combat illegal construction: Add manpower for oversight and field work; initiate proactive identification of illegal construction using updated aerial photography; prioritize enforcement to reflect strategic imperatives; apply existing legal tools, such as the Order for Removal of New Illegal Construction, Delimiting Orders, and other legal steps to protect land resources; utilize military orders, and impound machinery on site.
4. Prioritize enforcement against agricultural annexation; create a map of front-line open areas for enhanced enforcement; draft a master plan for agriculture and forestation projects.
5. Approve construction plans for Arab residents of Area C only after a full and comprehensive population census is completed and clear jurisdictional lines are drawn, in order to ensure that construction in Area C is approved for Arabs whose residency pre-dates the 2008 Oslo-framework division of jurisdiction. Permit and planning requests designed to serve the Palestinian Authority's interests and promote Arab contiguity must be rejected, and the State of Israel must move forward on infrastructure projects, including roads, electricity, water and gas infrastructure for the benefit of all residents of Area C.
6. Formulate a systemic legal response to combat the lawfare currently waged by the Palestinian Authority and foreign organizations, and expand the use of administrative enforcement tools.
7. Develop comprehensive policy and formulate clear diplomatic guidelines to address the intervention by foreign governments and organizations that is undermining Israeli interests and sovereignty.

## G. Appendix – List of illegal schools in Judea and Samaria built in the context of the Fayyad Plan's system for de facto annexation of Area

No.	Name of village/outpost (PA records)	Region	Area status	Comments	Year of construction	Construction status	Distance from exisiting school (in meters)	x coordinate	y coordinate
1	Khan al Ahmar 2	Binyamin	Area C		2020	Populated	800	231357	635433
2	Shuqba	Binyamin	Area C		Post-2007	Populated	500	203979	655736
3	Jaba	Binyamin	Area C		Post-2007	Populated	300	225054	640009
4	Silwad	Binyamin	Area C		Post-2007	Populated	400	224811	652322
5	Al-Bireh	Binyamin	Area C		Post-2007	Populated	1000	220411	648642
6	Budrus	Binyamin	Area C		2007	Populated	100	199159	652660
7	Ras al-Tin	Binyamin	Area C		Aug-20	Under construction	1800	234775	657598
8	Jaba	Binyamin	Area C		Partially post-2007	Populated	400	224906	640257
9	Nahal Machoch	Binyamin	Area C	Registered state lands, Wye Accords Nature Reserve	2019	Populated	4000	231375	645575
10	Khan al Ahmar	Binyamin	Area C	Construction ban order	Post-2007	Populated	850	232202	635367
11	Nabi Samuil	Binyamin	Area C	Nature Reserve	2010	Populated	2030	217370	637824
12	Barqa	Binyamin	Area C	Areas B + C	Post-2007	Populated		223942	644557
13	Ni'lin	Binyamin	Area C	Areas B + C	Post-2007	Populated		201949	650170
14	Budrus	Binyamin	Area C	Areas B + C, Construction ban order	2007	Populated	100	199244	652582
15	Bardala	Jordan Valley	Area C		2019	Populated	1400	246573	698310
16	Al-Auja	Jordan Valley	Area C		Aug-20	Populated	3000	238281	649890
17	Fasa'il	Jordan Valley	Area C	Registered state lands	Post-2007	Populated	1000	241422	660144

No.	Name of village/ outpost (PA records)	Region	Area status	Comments	Year of construction	Construction status	Distance from exisiting school (in meters)	x coordinate	y coordinate
18	Bayt al-Kaabneh	Jordan Valley	Area C	Registered state lands	Post-2007	Populated	3500	238426	646871
19	Jiftlik	Jordan Valley	Area C	Registered state lands	Partially post-2020	Another structure in 2020	4000	242659	677439
20	Harmala	Gush Etzion	Area C		Post-2007	Populated	1000	221110	618856
21	Herodion	Gush Etzion	Area C	Registered state lands	2019	Populated	400	223560	619524
22	Al Fureidis	Gush Etzion	Area C		Post-2007	Populated	500	222030	619105
23	Al-Khader south	Gush Etzion	Area C		2007	Populated	800	215597	622765
24	Al-Walaja	Gush Etzion	Area C		Post-2007	Populated	1500	215492	626477
25	Kisan	Gush Etzion	Area C		Jul-19	Under construction	448	221398	613752
26	Wadi Fukin	Gush Etzion	Area C		Post-2007	Populated	500	209694	623432
27	Khirbet a Dir	Gush Etzion	Area C		Post-2007	Populated	300	220639	617453
28	Abu Hindi - Keldar	Gush Etzion	Area C	IDF Training Ground	2008	Populated		229838	629578
29	Hamuntar	Gush Etzion	Area C	Registered state lands, IDF Training Grounds	Start: 2007	Populated		231115	628807
30	Wadi Fukin	Gush Etzion	Area C	State lands in registration process	Post-2007	Populated	500	209673	623406
31	Al Minya	Gush Etzion	Area C	Construction ban order	2007	Populated	1000	219652	615101
32	Jab'a	Gush Etzion	Area C	Construction ban order	Post-2007	Populated	500	207729	620068
33	Bayt Jala	Gush Etzion	Area C	Construction ban order	Post-2007	Populated		219079	625395
34	Al-Khader	Gush Etzion	Area C	Areas B + C, Construction ban order	2007	Populated	100	215191	623565
35	Al Rawa'in	Gush Etzion	Wye Accords Nature Reserve	Nature Reserve	Post-2007	Populated	3500	224445	605831
36	Tekoa	Gush Etzion	Area C	Areas A + B	2007	Populated	300	220653	617100
37	Ma'in	Hebron	Area C		Post-2007	Populated	1100	212308	590909

No.	Name of village/ outpost (PA records)	Region	Area status	Comments	Year of construction	Construction status	Distance from exisiting school (in meters)	x coordinate	y coordinate
38	Hirbet Zif	Hebron	Area C		Partially post-2007	Populated	600	213497	596933
39	Jinba - Training Ground 918	Hebron	Area C	Nature Reserve, archaeological site	Post-2007	Populated	2800	213343	585789
40	Hirbet Zif	Hebron	Area C	State lands in registration process, archaeological site	Post-2007	Populated	800	213060	597378
41	Jab'a	Hebron	Area C		Post-2007	Populated	800	214578	595110
42	Dayr Samet	Hebron	Area C		Post-2007	Populated	895	198631	601935
43	Imneizil	Hebron	Area C		Post-2007	Populated	1500	210208	586499
44	Al Buweib	Hebron	Area C		2007	Populated	1500	215017	596900
45	Khirbet Adirat	Hebron	Area C		Post-2007	Populated	600	215186	594992
46	Dukaykeh	Hebron	Area C		Post-2007	Populated	3000	221297	587710
47	Khirbet Qilqis	Hebron	Area C		Post-2007	Populated	600	209660	600126
48	Bani Naim	Hebron	Area C		Post-2007	Populated	150	213492	604325
49	Bani Naim south	Hebron	Area C		Post-2007	Populated	1000	215184	600930
50	Halhul	Hebron	Area C		Post-2007	Populated	500	210708	610573
51	Sheikh Ahmad al Abed	Hebron	Area C		Post-2007	Populated	1900	192442	584814
52	al-Ramadin	Hebron	Area C		Post-2007	Populated		191871	588469
53	As-Samu	Hebron	Area C		2016	Works stopped	2000	208998	587408
54	Birin	Hebron	Area C		2020	Demolished	100	214085	599626
55	Birin	Hebron	Area C	State lands in registration process	2015	Populated	100	214127	599544
56	Khashem al Daraj	Hebron	Area C	State lands, IDF zones, construction ban order	2016	Populated	300	222571	592512
57	Khirbet Ayn al-Fuka	Hebron	Area C	Registered state lands	Post-2007	Populated	3000	207414	585450

No.	Name of village/ outpost (PA records)	Region	Area status	Comments	Year of construction	Construction status	Distance from existing school (in meters)	x coordinate	y coordinate
58	Khallet A-thab'a	Hebron	Area C	Registered state lands, IDF Training Grounds	2017	Portable structures, evacuated by the Civil Administration	2000	215255	589234
59	Um al Kher	Hebron	Area C	State lands in registration process	2007	Populated	500	218387	593155
60	Beit Umra	Hebron	Area C	State lands in registration process	Post-2007	Populated	1300	215832	594880
61	Zayed bin Kahrith	Hebron	Area C	State lands in registration process	Post-2007	Populated	1800	199376	599999
62	Susiya	Hebron	Area C	State lands in registration process	2009	Populated and expanding	2500	209391	590026
63	Khirbet Zanuta	Hebron	Area C	State lands in registration process, archaeological site	2019	Populated, demolished twice	3000	199657	586719
64	Khirbet A Tuwani	Hebron	Area C	Archaeological site	Partially post-2007	Populated	1500	214520	591130
65	Simia	Hebron	Area C	Archaeological site	2017	Demolished twice by the Civil Administration	500	202918	591871
66	Um al Kher	Hebron	Area C	State lands in registration process, construction ban order	2017	Populated	400	218500	592753
67	Simia	Hebron	Area C	Archaeological site	2019/20	Populated	500	203139	592259
68	Al Majaz	Hebron	Area C	IDF Training Ground	Post-2007	Populated	2300	218063	587670
69	Masafer Yatta - Training Ground 918	Hebron	Area C	IDF Training Ground, archaeological site	Post-2007	Populated	2000	215793	587289
70	Mantiqat Shi'b al Batin	Hebron	Area C	State lands in registration process	2016	Populated	1500	213248	589454

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71	Al Zawadin	Hebron	Wye Accords Nature Reserve	Nature Reserve	Post-2007	Populated	400	219339	594955
72	Al-Ram	Jerusalem Environs	Area C		Post-2007	Populated	600	221305	639386
73	az-Za'ayyem	Jerusalem Environs	Area C		Post-2007	Populated	300	225049	632998
74	Al-Ram	Jerusalem Environs	Area C		Post-2007	Populated	1500	220940	638575
75	Al-Eizariya	Jerusalem Environs	Area C	Private land	2019		600	226242	631237
76	West Jahalin	Jerusalem Environs	Area C	Registered state lands	Post-2007	Populated	500	226956	629713
77	West Jahalin	Jerusalem Environs	Area C	Registered state lands	Post-2007	Populated	500	226965	629672
78	Abu-Nuwar Hammadin	Jerusalem Environs	Area C	State lands in registration process	Post-2007	Populated	1000	228085	629747
79	Barta'a	Samaria	Area C	Areas A + B	2007	Populated	600	215167	708127
80	Shufa	Samaria	Area C	Areas A + B	Post-2007	Populated	200	208293	687087
81	Al-Ramadin	Samaria	Area C		Post-2007	Populated	1200	199160	675792
82	Dhaher al-Abed	Samaria	Area C		Post-2007	Populated	2000	209240	706158
83	Khirbet Jubara	Samaria	Area C		2007	Populated	1700	204420	686201
84	Markhah	Samaria	Area C		Post-2007	Populated	1800	221332	700005
85	Deir Ballut	Samaria	Area C		Post-2007	Populated	500	201689	663973
86	Jit	Samaria	Area C		Post-2007	Populated	600	216449	679871
87	Al-Jam'a	Samaria	Area C		Post-2007	Populated	2600	230107	702787
88	Khirbet a-Dir	Samaria	Area C		2007	Populated	2000	203231	618075
89	Ramaneh	Samaria	Area C		Post-2007	Populated	500	220178	715299
90	Faqqu'a	Samaria	Area C		Post-2007	Populated	300	237222	710542
91	Ta'anakh	Samaria	Area C		Partially post-2007	Populated	500	221145	713750
92	Imreiha	Samaria	Area C		2019	Populated	1300	213758	703721
93	Qarawat Bani Hassan	Samaria	Area C		2007	Populated, dozens of structures built later	500	209894	670582
94	Bir al Basha	Samaria	Area C	Registered state lands	2007	Populated	800	222398	702798



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95	Jalamah	Samaria	Area C	Registered state lands	Post-2007	Populated	500	230085	712359
96	Bruqin	Samaria	Area C	Registered state lands, Israeli community	Post-2007	Populated	100	209555	664921
97	Zababdeh	Samaria	Area C	Construction ban order	Post-2007	Populated	800	230320	700001
98	Silat ad-Dhahr	Samaria	Area C	Construction ban order	Post-2007	Populated	1200	219590	692965
99	Dhafer al Malih	Samaria	Area C	Construction ban order	2019	Under construction; orders issued by Civil Administration	500	215390	708584
100	Kafr Qaddum	Samaria	Area C	Areas A + B	Post-2007	Populated		213551	680441



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