



# Own Goal

Israeli football clubs  
in West Bank settlements

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הכניסה אסורה  
רק באישור המנהל  
הפועל אורנית



## Introduction

On September 26, 2016, Human Rights Watch released a short report titled **Israel/Palestine: FIFA Sponsoring Games on Seized Land**. The report addresses the participation of six Israeli football clubs, located in five different settlements, in the league's games in Israel. The settlements at hand are **Oranit, Ariel (home to two different teams), Givat Ze'ev, Ma'aleh Adumim and Tomer**. All these settlements are located in Area C, which constitutes approximately 61% of the West Bank and is part of the occupied Palestinian territories. Area C has remained under Israeli civil and military control, although according to the Oslo Accords, signed in 1993-1995, it was supposed to be transferred to Palestinian civil control within five years, which did not take place.

The worldwide football association, FIFA, has been at the heart of an ongoing dispute between the Israeli Football Association (IFA) and the Palestinian Football Association (PFA). The PFA claims that the IFA is violating FIFA rules that prohibit member associations from holding competitions on one another's territory without permission from the respective party. The IFA regularly conducts matches in settlements that are recognized as occupied Palestinian territories under international law, though Israel and the IFA insist that the territory is 'disputed,' and that FIFA should not take a stance on the matter.

Human Rights Watch's report was published mere weeks before the FIFA Council's meeting, scheduled to take place on October 13-14, 2016, in which the six clubs that play in the settlements will be discussed. FIFA is facing the question of whether or not to ban the participation of these clubs from the IFA.

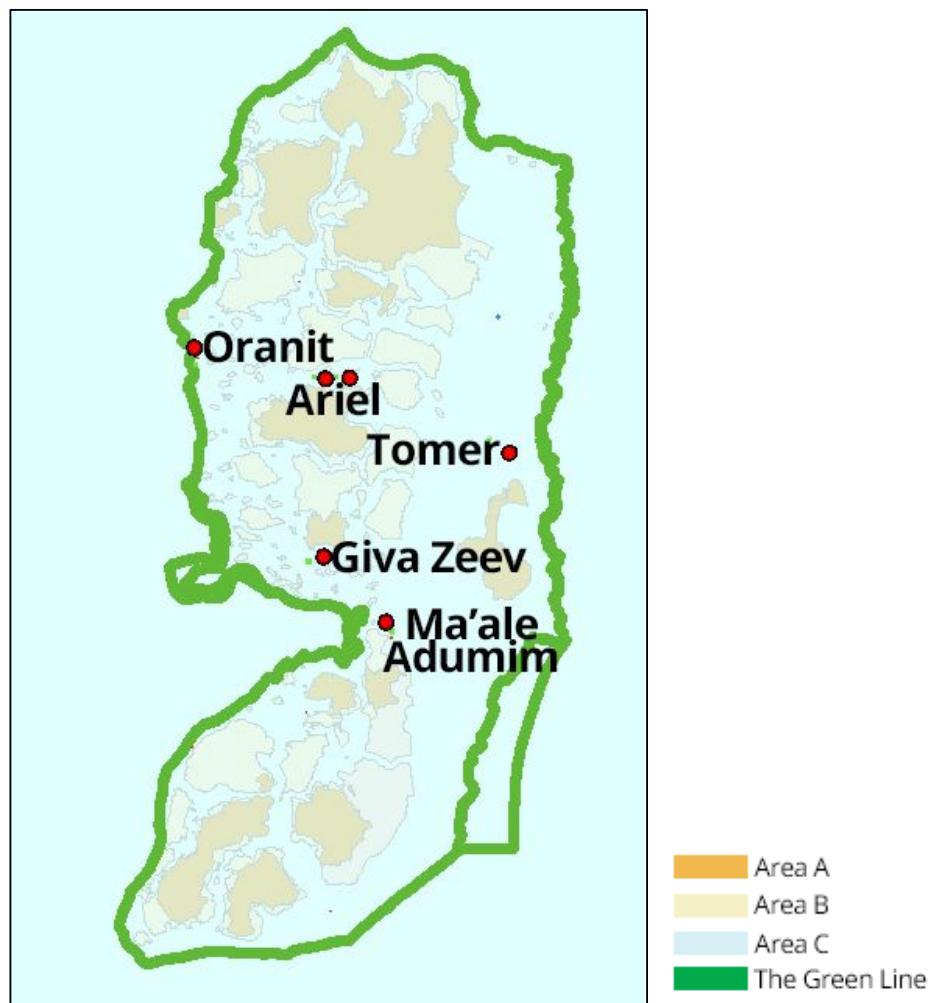
As the problematic legal and political nature of this reality was made very clear by the authors of the report, the purpose of this new short report by Kerem Navot is to clarify the status of the land on which the six compounds were established to host the league's matches in the settlements. The report also includes brief descriptions of the mechanisms that enabled Israel to take over the land and transfer it to settlers for their



exclusive use. It is important to make clear that all of the mechanisms systematically and contiguously used by Israel are considered strictly illegal according to international law and by the vast majority of the international community.

Kerem Navot urges FIFA not to accept football clubs that play on stolen land, and to suspend their participation in the Israeli football association.

## Israeli Football Clubs in the West Bank





## The mechanism for taking control of land in the West Bank

Mere months after the occupation of the West Bank, the first settlement, Kfar Etzion, was established in the West Bank on land purchased by Jews before 1948. In the years following, the Israeli settlement enterprise in the West Bank further intensified, in turn compelling Israel to create mechanisms of control on the ground to enable it to progress. The following is a brief survey of the legal mechanisms that Israel devised, institutionalized, and continues to implement today, five decades after the occupation of the West Bank.

### **Land registration in the West Bank and its suspension in 1968**

Prior to Israel's occupation of the West Bank in 1967, the regulation and registration of about one third of the West Bank was completed. The regions included land around Ramallah, Nablus, Jenin, Tulkarem, Qalqilya and the northern part of the Jordan Valley. In these regions land registry was advanced by British mandatory authorities, and then under Jordanian rule, which included the distribution of village land into blocks and plots, and registration of the owners of each tract. Land registered in the West Bank listed, among other things, approximately 600,000 dunams under the ownership of the 'state,' which originally belonged to British mandatory authorities and thereafter to the Jordanian Treasury, upon Jordan's annexation of the West Bank. In time, in many cases Israel gained control of these lands (as in the case of the settlement of Tomer - see below) and transferred them to Israeli settlers. In December of 1968, a year and a half after Israel entered the West Bank, the process of land registration in the area was suspended through a military order signed by a regional commander. With that, land registration in the West Bank has effectively ceased to date.



### **Land seizure for security purposes and the allocation of settlements**

In the first decade after the occupation of the West Bank, most settlements were established through land seizure supposedly intended for 'security purposes.' About forty settlements in total were established over the years in this fashion. International law permits the seizure of land for security purposes under the assumption that the seizure of the areas is temporary, as a security situation is inherently variable by nature. To evade the issue of 'temporariness' regarding these seizures, Israeli authorities retroactively declared a substantial portion of the territories that were seized and transferred to settlements (as is the case in parts of the settlement of Ariel, for instance), state land.

### **The case of Elon Moreh and the transition to the strategy of declaring state land**

The Supreme Court's ruling on Elon Moreh (HCJ 390/79 - Duweikat et al. v. the Government of Israel et al.) led to severe limitations on the country's ability to use 'seizure for security purposes' in order to establish new settlements or expand pre-existing settlements. As a result, a new mechanism needed to be instated that would allow for ongoing control over the land in order to transfer it to dozens of settlements that the Likud government planned to establish or expand. The transition to an 'active' policy of state land declaration transformed what previously appeared to be a coincidental matter with limited implications, to an issue with far-reaching implications regarding Israel's land regime in the West Bank. For the two-thirds of the West Bank in which the process of land registration was not initiated or completed, Israel makes use of Article 68 of the Ottoman Land Code of 1858, according to which it is permissible (according to its own interpretation of the law) to take possession of uncultivated land - or even land not thoroughly cultivated - for a period of over three years.

### **Declaration of state land - the quantitative aspect**

Over the years, the State of Israel has declared approximately 755,000 dunams of the West Bank to be state land. Approximately 100,000 dunams of this land includes territories (in Areas A and B) transferred over the years to the Palestinian Authority throughout the implementation of the Oslo Accords in the 90s, and as such, approximately 655,000 dunams of land in Area C were declared. About 273,000 dunams



(which comprises 42% of the declared land designated for Area C) were included in Israeli settlements' area of jurisdiction. The rest of the territory - aside from the most isolated areas that were transferred to Palestinians - was declared state land and included in the areas of jurisdiction of six Israel regional councils in the West Bank.

### **The allocation of state land**

Over the years, declaration of state land became the most important mechanism used by Israeli authorities to allocate land in the West Bank to settlements. A few years ago, the organization Bimkom revealed that a mere 0.7% of state lands (both those declared and those listed prior to 1967 as state land in the land registry), were transferred for Palestinian use<sup>1</sup>. In other words, the concept of 'state land' allows Israel to maintain a policy of allocating land unequally to Israeli settlements, rather than managing land resources for the benefit of the local Palestinian population, as required by international law.

### **Expropriation for public use**

In a number of individual cases throughout the 70s and 80s, Israel made use of various executive mechanisms in order to establish settlements. Expropriation of land for 'public use' was carried out through Land Law Order 321 (Judea and Samaria) in 1969. The land registration rights were permanently transferred to the supervisor of government property. Land expropriated through this mechanism is intended to serve the general public in the West Bank. In practice, Israel established several settlements on expropriated land in this fashion. The largest among them is Ma'ale Adumim, which was established in the mid-70s following the expropriation of an area comprising over 28,000 dunams from several villages located east of Jerusalem. It is important to note in this context that in March of 1997, Israeli settlements were declared closed military zones for all Palestinian residents of the West Bank, who are solely permitted entry with special permits to date.

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<sup>1</sup> Haim Levinson "Just 0.7% of State Land in the West Bank Has Been Allocated to Palestinians, Israel Admits," Haaretz, 3.28.2013, <http://www.haaretz.com/israel-news/just-0-7-of-state-land-in-the-west-bank-has-been-allocated-to-palestinians-israel-admits.premium-1.512126>



### **Pirate tactics**

In parallel to the various official mechanisms through which Israeli authorities transferred hundreds of thousands of dunams of expropriated land from Palestinians in the West Bank to settlers exclusively, Israel has continued to foster an alternative tactic - informal, so to speak - intended to advance the takeover of land. Through use of pirate tactics, Israel encourages, organizes, and finances settler takeover of private Palestinian land for which there is no legal way to allocate to settlers. In the vast majority of settlements, there are pirate takeovers of Palestinian territories that even Israel recognizes as privately owned Palestinian land.

## **Analysis of the statutory status of the six football fields**

The following section is dedicated to specific examinations of each of the compounds on which football fields were built. We will view historic aerial photographs indicate how Israel took over each of these sites. All of the statutory information referenced on the following pages was provided by the Civil Administration, as part of the Freedom of Information Act. All layers of geographic information (GIS) are displayed in different colors on aerial photographs.

In each of the six areas we review, we will address the following parameters:

- Executive means of land takeover
- Formal commencement of takeover
- Land cultivation prior to construction
- Year/s of construction of the compound

## Oranit



- Executive means of land takeover: declaration of state land
- Formal commencement of takeover: likely from 1988-1989
- Land cultivation prior to construction: seasonal crops
- Years of construction: 1997-1999



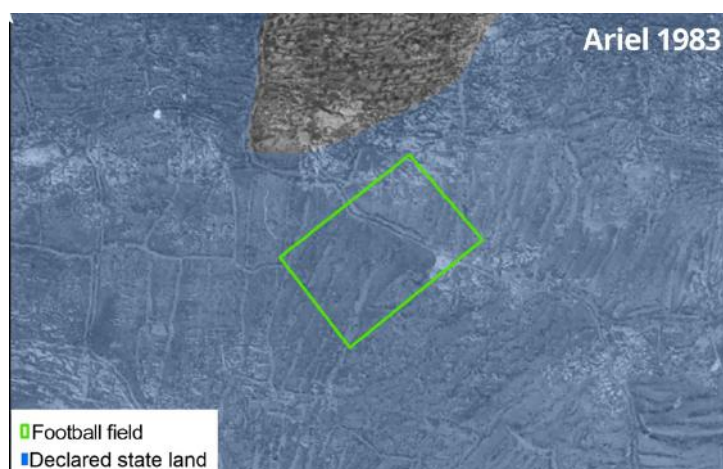




## Football field in Ariel



- Executive means of land takeover: seizure for security purposes followed by declaration of state land
- Commencement of formal takeover: seizure for security needs was declared on November 7, 1979 (Order 22/79). The precise date of the declaration of state land is unknown, though it likely occurred during the 80s
- Land cultivation prior to construction: seasonal crops
- Years of construction: construction likely took place during the '90s, though the exact years unknown



## Ariel indoor football field (futsal)



- Executive means of land takeover: military seizure for security purposes followed by declaration of state land
- Commencement of formal takeover: the military takeover took place on April 6, 1978 (Order 13/78); though the precise date of the declaration of state land is unknown, it likely occurred during the 80s
- Land cultivation prior to construction: we don't possess old enough aerial photographs to enable us to appraise the land's conditions prior to construction
- Years of construction: the precise years are unknown, though it likely occurred during the '90s

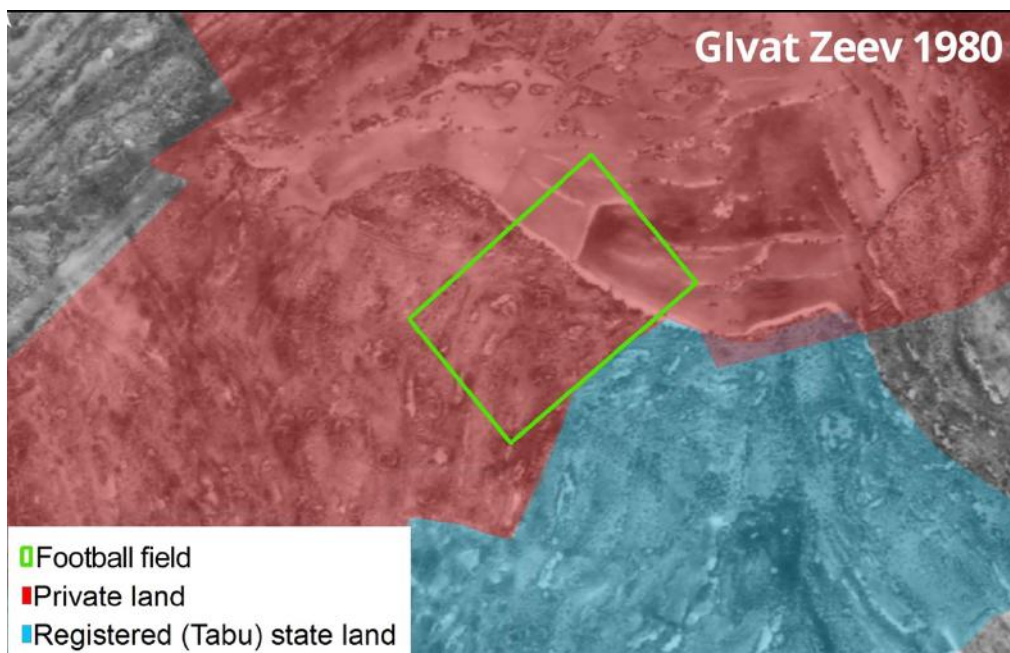




## Givat Ze'ev



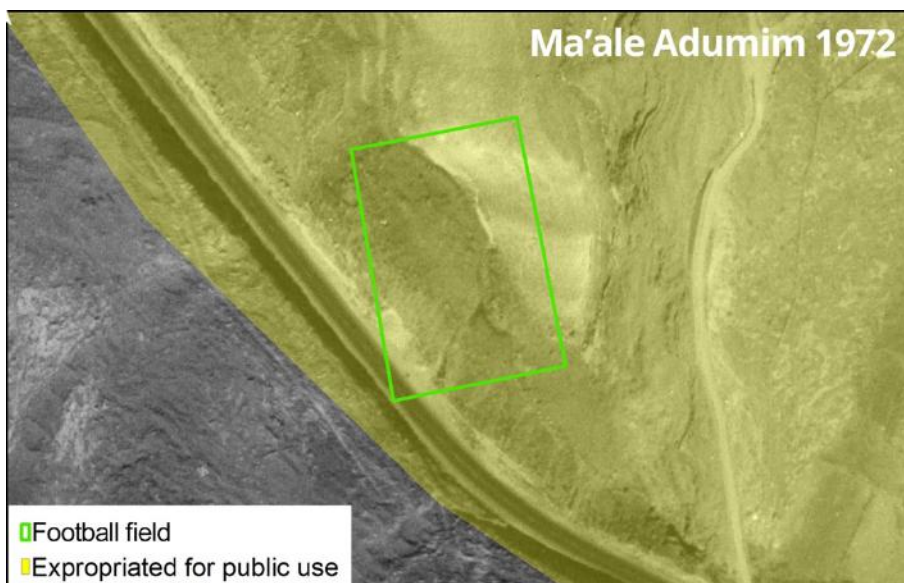
- Executive means of land takeover: there was no executive procedure, as this was a pirate takeover of private land owned by the al-Qurt family along with another Palestinian family that seeks to protect the privacy of its name
- Land cultivation prior to construction: seasonal crops
- Years of construction: 1999-20014



## Ma'ale Adumim



- Executive means of land takeover: expropriation for public use
- Commencement of formal takeover: April 1, 1975 (Order 14/75)
- Land cultivation prior to construction: seasonal crops were cultivated in the northeastern portion of the land prior to construction, while the remaining territory likely served as pastureland
- Years of construction: 1997-2000



## Tomer



- Executive means of land takeover: transfer of territory that was listed as state land in the land registry (Tabu) prior to 1967, to settlers
- Commencement of formal takeover: unknown
- Land cultivation prior to construction: fallow desert land that was likely used for grazing
- Years of construction: unknown, though likely during the early to mid 90s

