

THE ISRAELI OCCUPATION OF THE PALESTINIAN TERRITORIES:

Too Many Reports,
Too Little Action.

SEPTEMBER 2013



Euro-Mid Observer
المراقب الإقليمي للشرق الأوسط والبلقان



It has been 65 years since more than 6 million Palestinians were displaced to make way for the state of Israel, and 46 years since the creation of another 834,000 refugees in the aftermath of the Israeli occupation of the West Bank. The tragic consequences for the Palestinian people have been documented in literally hundreds of official reports issued by international, regional and national agencies, NGOs and governments. Warnings about the resulting human rights abuses and destruction of the Palestinian economy have accelerated to a crescendo, each year raising the same alarms, while adding a new layer of statistics that up the ante.

Yet, with one recent exception (the European Commission's announcement that in 2014 it would withhold its "grants, prizes and other financial instruments" from Israeli entities that operate in the occupied Palestinian territories), action has not followed words.

Perhaps because the reports are isolated from each other, they are too quickly relegated to the archives -- duly announced with a news release and then sinking to obscurity.

This report attempts to counteract that trend, assembling in one document the salient facts and conclusions from the most recent investigations conducted by both international and European bodies charged with oversight of the Occupied Palestinian Territory (OPT). (Treatment of Palestinians living in the current State of Israel and the status of refugees exiled to the diaspora are beyond the scope of this report.)

The period of examination includes all of 2012 and January-July 2013, including reports issued by the various

branches and affiliates of the United Nations and the European Parliament, as well as findings issued by international think tanks and human rights organizations.

The observations and calls to action highlight all facets of Israeli control of Palestinian land and people, each now stretched to a breaking point that cannot be sustained any longer. It is past time to progress beyond words to action. As the U.S. Secretary of State shepherds yet another attempt to forge an agreement between Benjamin Netanyahu's Israeli administration and Mahmoud Abbas' Palestinian Authority, the timing is ripe for international and European governing bodies to play the role the United States cannot due to its internal political climate – that of enforcer. Only by adding a stick to the United States' carrot will impunity end and an opportunity for a just peace be created.

Investigatory Findings

by Issue and Source

Mandates of International Law _____

A number of international agreements ratified by Israel obligate it to respect, protect, promote and fulfill the full range of social, economic, cultural, civil and political human rights of all persons living within its jurisdiction: the International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; Convention on the Elimination of All Forms of Discrimination Against Women; Convention on the Rights of the Child; and International Convention on the Elimination of All Forms of Racial Discrimination.

The bodies of the UN that monitor the implementation of these treaties have consistently concluded they are applicable to acts committed in the Occupied Palestinian Territory (OPT), both during peace and war. The International Court of Justice confirmed this conclusion in 2004.

Further, as an occupying power, Israel is bound by obligations stipulated in the Hague Regulations of 1907 and the Fourth Geneva Convention. The applicability of the Fourth Geneva Convention to the OPT has been confirmed

by the International Court of Justice and re-affirmed by the UN's Commission on Human Rights, Human Rights Council, Security Council and General Assembly.

Lack of Good Faith_____

‘State building’ has been a dead end, contributing to the creation of a dependency culture in the West Bank and masking the hollowing-out of the real economy. Public opinion across the European Union is consistently less patient with Israeli policies [than the elites’] and more sympathetic to the Palestinians’ predicament. Israel is in danger of “losing” Europe.

Further entrenchment of the occupation as hope for a two-state solution fades will make the parallels with apartheid South Africa increasingly difficult to ignore.

The UN’s September 2011 report to its Ad Hoc Liaison Committee concluded that a fundamental rolling back of the occupation is now essential. Despite some advances in the following six months, this objective was not achieved.

Instead, what has transpired is a slowdown in the easing of restrictions on movement and access, and increased demolitions of Palestinian infrastructure and displacement of Palestinians. Furthermore, significant settlement activity continues to take place in the West Bank, including East Jerusalem, heightening tension on the ground.

Legalized Discrimination _____

Jewish settlers living in Area C of the West Bank (62 per cent of the land, under full control of the Israeli military administration) are subject to Israeli domestic law. In contrast, a patchwork of Israeli military orders and Ottoman, British and Jordanian rules govern Palestinians.

For example, the so-called “seam zone” (Palestinian land in the West Bank that falls in between the 1967 “Green Line” and the Separation Barrier) is closed to Palestinians, while Israelis and foreign visitors have unrestricted access. Likewise, in 2012, the UN’s Committee on the Elimination of Racial Discrimination reiterated its objection to the Citizenship and Entry into Israel Law that prohibits, with rare exception, reunification of families who have members living in both Israel and the OPT.

Public Welfare _____

Overall, 25.8 per cent of persons living in the Palestinian territories (17.8 per cent of residents in the West Bank and 38.8 percent of the Gaza population) earned below the poverty line in 2011. Deep poverty afflicted 12.9 percent (7.8 and 21.1 per cent, respectively). Without international and local aid programs, however, those numbers would be much worse; for example, in Gaza, the overall poverty rate would rise to 49.9 per cent.

One of the sectors that suffers the most from the occupation is education. For example, approximately 5,500 Pal-

estonian children in East Jerusalem do not attend school because they cannot be legally registered as residents. There also is a chronic shortage of facilities and teachers; 1,100 additional classrooms are needed to accommodate all of the Palestinian children in East Jerusalem eligible to attend.

The Gaza Strip suffers from a severe classroom shortage as well, due to limits on the ability of the United Nations Relief & Works Agency (UNRWA) to build new facilities. Most schools are overcrowded and run on double shifts, with some using shipping containers as classrooms. As a result, an estimated 40,000 children cannot be served, exacerbated by electricity blackouts for 6-18 hours a day.

Two in three - 33 percent of households - do not have adequate access to sufficient food. The percentage of food-insecure households is even higher in Gaza – an alarming 52 percent.

The main food-security challenge faced by Palestinian households is not food unavailability; it is the inability of many families to afford it. Households in both the West Bank and Gaza Strip spend more than 40 percent of their total cash expenditures on food. Recent fuel price increases, which are expected to continue, increase the expense of transport and thus contribute to the high prices.

In the Gaza Strip, the problem is particularly severe. Seventy-five percent of the Gazan population relies on some form of humanitarian assistance, and given their low incomes, residents are especially vulnerable to fluctuations in prices of food and fuel.

Further reductions in poverty and improved food security can be achieved only with sustainable, inclusive economic growth and job creation, which in turn require further easing of movement and access restrictions.

Health care is another social sector in crisis. For example, the health sector in Gaza suffers from insufficient investment in facilities and continues to struggle to meet the increasing needs of a rapidly growing population. Most existing health facilities are unable, in their current condition, to provide safe and adequate services and are in need of rehabilitation and upgrading.

While Israeli authorities permit the access of medical supplies into Gaza, there are frequent breakdowns of medical equipment, resulting from power interruptions and water impurities, among other factors. For this and other reasons, many patients are forced to seek treatment outside of Gaza. Restrictions on movement of Gaza residents have particularly adverse consequences for those patients referred to health facilities in the West Bank, Jordan or Israel, as they must apply for permits not more than 10 days from their scheduled appointment. 7% of the more than 3,200 permit applications between October 2011 and January 2012 were denied or delayed beyond their appointment. Elsewhere in the OPT, access to quality healthcare also is a challenge.

According to the East Jerusalem Hospitals Network, some 1,600 Palestinian employees work at its six hospitals, and 65% of them are from elsewhere in the West Bank and hence require permits to work there. Permit denials and delays affect the access of hospital staff and negatively im-

limit their ability to offer consistent and predictable treatment. Patients referred from elsewhere are subject to the same regime, as are their family members.

Economic Development _____

Following robust GDP growth in recent years, economic activity in the OPT significantly slowed in 2012. This slowdown was due in large part to the absence of any further easing of Israeli restrictions and the lack of fiscal stimulus caused by a persistent shortfall in donor aid. Much greater attention must be given to the removal of obstacles that prevent real growth in the Palestinian private sector. The Oslo Accords of 1993 were based on an expectation that its provisions would be temporary, remaining in effect for a five-year interim period while a permanent agreement was negotiated. The indefinite continuation of restrictions and the absence of real opportunities to open the Palestinian economy are having a lasting, negative impact on its ability to be competitive and support the population.

The longer the current, restrictive situation persists, the more costly and time-consuming it will be to restore the productive capacity of the Palestinian economy.

The West Bank and Gaza are now in a far more precarious situation (than seen in previous assessments):

- Real growth in gross domestic product (GDP) declined from an annual average of 11 per cent in 2010-11 to 5.9 per cent in 2012. At the current trajectory, GDP growth will drop to 5 per cent in 2013 and decline still lower, to

an average of 4 per cent per year, through 2016.

- In a deepening liquidity crisis, domestic sources of financing are drying up, with both the bank and non-bank private sector increasingly reluctant to finance the government.

While regional economic and political uncertainties are contributing factors, many of the core obstacles to robust growth and reduced unemployment are long term consequences of the occupation: a lack of broad-based easing of Israeli restrictions on the West Bank and Gaza, shortfalls in aid and private sector reticence to invest, given the uncertainties. The risks to this already somber outlook are tilted to the downside.

In Gaza, which faces special challenges, the persistence of Israeli export restrictions and import controls continue to undermine medium-term growth prospects. Indeed, the projected GDP growth rates are well below what is needed to absorb new entrants to the labor market, let alone significantly reduce unemployment.”

The Israeli government must remove restrictions on movement and (market) access to allow the private sector’s footprint in the West Bank and Gaza economy to grow. Without this, all other measures cannot work.

In contrast with the experience of the Occupied Palestinian Territory, per capita GDP in Israel -- with which the OPT is bound in a customs union -- was 22 per cent higher in 2011 than its 1999 level, and 20 times that of the Palestinians.

Earlier, positive growth in the economy of the OPT has ground to a halt as a result of both weak donor support and Israel's "punishment" of the PA in retaliation for its bid for UN state recognition. In November 2012, the government of Israel once again withheld disbursement of customs-clearance revenues to the Palestinian Authority, with grim impact.

The impact of occupation on the Palestinian productive base, especially the agricultural sector, has been devastating. In the West Bank, the economy is deprived of access to 40 per cent of the land overall, more than two-thirds of the grazing land and 82 per cent of the region's ground water. In Gaza, half of the cultivable area and 85 per cent of fishery resources are inaccessible.

While the Palestinian economy has grown, real gross domestic product per capita in Gaza in 2011 was still 10 percent below the 2005 level. Likewise, what growth occurred was primarily driven by reconstruction-related activities, necessitated by the devastation from the Israeli December 2008/January 2009 military operation in Gaza. Thus, growth remains easily reversible and vulnerable to Israeli security policy.

The long-term prospects for Palestinian economic development became even more unattainable in 2011 than in previous years. Restrictions on movement, faltering aid flows, a paralyzed private sector and a chronic fiscal crisis cloud the horizons.

The key long-term constraints blocking the emergence of a strong economy are the loss of Palestinian natural re-

sources – such as land and water -- to occupation and settlements and the isolation of Palestinian producers from regional and global markets, leading to their inability to obtain supplies needed for production and to export their goods and services.

Prolonged occupation, and the socio-economic impact of confrontation with an expanding settler/colonial-type enterprise, is the main cause of the failure of Palestinian economic development efforts. Ending settlement and occupation is the *sine qua non* for sustainable development to take root.

By the year 2020, the population of Gaza will increase to around 2.1 million, from an estimated 1.6 million people today. The substantial population growth rate will thus add some 500,000 people to a living area that is restricted and already heavily urbanized. Fundamental infrastructure for electricity, water and sanitation, and municipal and social services is struggling to keep pace with the needs of the growing population. By 2020, electricity provision will need to double to meet demand, damage to the coastal aquifer will be irreversible without immediate remedial action, and hundreds of new schools and expanded health services will be needed for an overwhelmingly young population. Tens of thousands of housing units are needed today.

Gaza is an urban economy, heavily reliant on intensive trade, communication and movement of people. The area has been essentially isolated since 2005, meaning that, in the longer term, its economy is fundamentally unviable under present circumstances.

Gaza is currently kept alive through external funding and the tunnel economy. The people of Gaza remain worse off than they were in the 1990s, despite increases in real gross domestic product (GDP) per capita over the past three years. Gaza's GDP per capita is expected to grow only modestly in the coming years, making it ever more difficult for Gazans to secure a decent living.

The challenges will only become more acute, particularly if the current political status quo continues. As a heavily urbanized environment with little room for further growth, Gaza needs to be open and accessible to the world. The viability of a future Palestinian state depends on a proper connection between the West Bank and Gaza, providing access to the Mediterranean for the entire Occupied Palestinian Territory.

It is essential that the inhabitants of Gaza are able to exercise and enjoy the full range of fundamental human rights to which they are entitled. They must be able to live safe and secure lives free of the various forms of violence that afflict them at present; benefit from proper health care, education and housing; elect and hold accountable representatives of government; be subject to fair and impartial justice; and have ready access to the world beyond Gaza for religious, educational, medical, cultural, commercial and other purposes. In short, the Palestinian people of Gaza must be enabled to live dignified, healthy and productive lives in peace and security, both now and in the future.

Employment

Unemployment (across the OPT) has remained consistently above 20 per cent since 2000, when opportunities for Palestinians to work in Israel were dramatically curtailed.

Unemployment in the OPT rose from 21 per cent in 2011 to 23 per cent in 2012. However, unemployment is significantly higher among youth; for example, in 2012, 62.2 per cent of young Palestinian women (15-24) in the OPT were unemployed along with 34.5 per cent of male youth. These rates are likely actually much higher overall, since those who have given up looking are not included.

In the West Bank, poverty, unemployment and lack of alternatives drive many Palestinians to work in the Jewish settlements. Workers seeking to claim their rights are easily dismissed, and the power imbalance easily induces them to endure substandard working conditions. There is, in essence, a separate legal paradigm governing these workers. Palestinian labor law does not apply to the Israeli-controlled Area C, in which the settlements are located, leaving Palestinians in limbo. In contrast, Israel's strict labor laws protect the settlers.

A stringent system of permits and quotas continues to limit who can work legally in Israel proper and lends itself to abuse by contractors and middlemen. (Since April 2006, Palestinians in Gaza have been barred from obtaining permits to work in Israel.) Although the number of permits issued has increased in recent years, approximately 26,000 Palestinians continue to work in Israel without permits,

exposing them to exploitation – including abusive pay practices and artificially low social security entitlements.

Unless the absorptive capacity of the Palestinian economy is allowed to grow in a way that will provide decent employment opportunities, the appeal of higher incomes will continue to outweigh the cost, time and risk associated with crossing the Separation Barrier without a permit.

Meanwhile, those who *are* able to work legally in Israeli businesses are deprived of their social security contributions, which are supposed to be transferred to Palestinian institutions. However, that requirement has never been implemented.

In Gaza, there is a particularly huge dearth in sustainable employment opportunities for new graduates and other youth, keeping most girls out of the labor market and forcing many young men to seek hazardous work in the informal tunnel economy.

If young people and others who are able and willing to work cannot claim their rights in a peaceful and legitimate manner, it should not come as a surprise if they seek to do so through more radical means.

In the fourth quarter of 2012, unemployment increased to almost a quarter of the labor force (23 per cent, up from 21 percent during the same period the year before). Youth are the hardest hit – with unemployment reaching 28 per cent in the West Bank and 49 per cent in Gaza.

Given the high rates and duration of unemployment, many Palestinians of working age do not have the opportunity to

develop on-the-job skills. Furthermore, the concentration of the labor force in small, largely service-based enterprises is not conducive to the development of skills that prepare Palestinian workers to be competitive in the global economy.

The growth in public sector employment has supported job creation but is not a sustainable solution in the medium and long term. The worrisome implication of these phenomena is that the long-term employability prospects for the Palestinian labor force are being eroded. In addition to the economic implications, protracted unemployment, especially among youth, tends to weaken social cohesion.

Trade

The growth potential of a small economy depends to a large extent on its capacity to compete in global markets – yet, since 1994, the Palestinian economy has been steadily losing this capacity. Exports account for approximately 7 percent of the overall Palestinian economy (compared to around 10 percent in 1996) -- among the lowest proportions in the world.

Moreover, Palestinian exports are highly concentrated in low value-added goods and services and are accessible to only a small number of countries, with more than 85 percent destined for Israel.

In particular, the manufacturing sector, one of the key drivers of export-led growth, has largely stagnated be-

tween 1994 and the present and its share of gross domestic product (GDP) has declined substantially. Likewise, while employment has doubled in the agricultural sector, its productivity has declined by 50 per cent.

The resulting decline in capacity is so severe that even with the removal of Israeli-imposed restrictions, the Palestinian economy is ill-positioned to benefit quickly and sufficiently from export opportunities and recovery will require significant resources and time.

The agricultural sector is the cornerstone of Palestinian economic survival and the viability of the two-state solution. However, the sector has not been able to play its strategic role, because of Israel's dispossession of land and water resources, as well as its limitations on Palestinians' access to domestic and external markets to sell their products and buy supplies needed for production.

It is estimated that agricultural productivity has declined by 20-33 per cent since the enforcement of the Israeli security ban on imported fertilizers, which does not apply to Israeli settlers living on West Bank land.

For Palestinian agriculture – currently operating at about one quarter of its potential – to develop, Palestinian control must be restored over land and water resources.

Overall, Palestinian exports declined by \$136 million in 2011, dropping to slightly more than \$1 billion. Imports declined as well, falling by \$434 million to reach a low of \$4.2 billion.

Israel accounted for 83 per cent of total Palestinian trade

in 2011. This high dependence on one “captor market” deprives the Palestinian economy of more competitive sources of imports and markets for exports, and heightens its vulnerability to the Israeli business cycle and security policies. As a result of tightened restrictions, for example, Palestinian exports to Israel plummeted by 24 per cent between 2008 and 2011. It is essential to reduce Palestinians’ economic dependence on Israel and to facilitate their integration into Arab and other regional economies.

Many West Bank and Gaza businesses are increasingly prohibited from importing certain inputs critical to production, due to a growing list of “dual-use” items the government of Israel deems a security threat.

Adding to significant costs for trade into and out of both the West Bank and Gaza is the mandated back-to-back truck-loading system, which requires goods to be offloaded from a Palestinian truck and inspected before being moved to an Israeli vehicle for final delivery within Israel or overseas.

And then there is the near-total separation of Gaza and the West Bank (which should be one market), with no foreseeable implementation of the trade corridors stipulated by the November 2005 Agreement on Movement and Access to which the government of Israel was a signatory.

For all practical purposes, the Israeli blockade of Gaza remains in force. Limitations on access to land along the borderlands have idled 35 percent of Gaza’s farming acreage and fishermen are largely unable to work, since they

are limited to sailing three to six nautical miles out and the most profitable catch is found beyond 12. [Ed - The UN estimates that the total fish catch in Gaza has decreased by almost 50 percent since 2008 and sardine catches, once the backbone of the fishing industry, have fallen by as much as 80 percent. As a result, although there is no easy livelihood alternative, UNCTAD reported in September 2013 that the number of fishermen has declined by 66 percent since 2000.] Although the Israeli military expanded access to the “buffer zone” as part of a ceasefire agreement reached in November of 2012 in the wake of “Operation Pillar of Defense,” it has been inconsistently practiced.

Currently, Karem Shalom is the only functioning commercial access point into and out of Gaza. Its capacity was increased in 2011 to be able to handle up to 400 truckloads per day (called for in the Agreement on Movement and Access signed by Israel in November 2004), yet a mere trickle of 459 truckloads of agricultural products left Gaza through Karem Shalom in *all* of that year.

The high costs and lengthy time associated with exporting through Karem Shalom make Gazan produce uncompetitive on international markets. Likewise, the acute deficiency of legitimate trading opportunities has prevented the re-generation of industries that were destroyed in Israel’s 2009 Cast Lead military offensive. Consequently, the Palestinian private sector has given way to a new entrepreneurial class that operates and profits from the smuggling tunnels (without which vital supplies such as construction materials and affordable fuel would not be available).

The tunnel trade is now at least four times larger than the legal movement of goods through Kerem Shalom. An estimated 9,000 workers rely on the tunnels for their livelihood, resulting in more than 200 fatal accidents to date. [*Ed* - These numbers have declined sharply in recent weeks as Egyptian military authorities seek to isolate Palestinians in Gaza as part of its crackdown on the Muslim Brotherhood – a move tantamount to collective punishment.]

The natural markets for Gaza are in the immediate region (West Bank and Israel). Yet the March 2012 export of 19 truckloads of date bars to the West Bank under the auspices of the United Nations World Food Programme took more than six months to negotiate. Alternative markets in Europe and elsewhere may have a symbolic value, but they cannot bring long-term prosperity. Overall exports from Gaza have been effectively ended since June 2007. Throughout 2012, a mere 210 truckloads of goods were allowed to exit the Strip.

In total, the Palestinian Ministry for the National Economy estimates that the economic cost of the Israeli occupation totaled approximately \$6.9 billion in 2010, or nearly 85 percent of the total GDP. Lifting the occupation could practically double the size of the local economy.

The Palestinian economy has reached limits that cannot be overcome without agreement and action on the major constraints it faces: occupation and separation. The cost of failure is increasingly evident: the result is a lose-lose situation with repercussions beyond the immediate parties.

Under these conditions, Palestinian businesses find it difficult to grow, thus depriving them of the benefit of economies of scale. [Thus], recent economic growth has been led by donor-funded public expenditure. Further measures to ease the movement and access of people and goods are therefore required to enable a shift to sustainable, private sector-led growth.

A key source of the Palestinian Authority's fiscal instability is the channeling through Israel of Palestinian customs-clearance fees (70 percent of its total revenue), which Israel collects on behalf of the PA as stipulated by the Paris Protocol. In May and November 2011, Israel withheld Palestinian revenue to further its political goals. This destabilizes the PA's fiscal position and the Palestinian economy. Withholding revenue undermines the PA's ability to meet its contractual obligations in the private sector and to pay wages on time.

Access to Water _____

A plentiful, reliable source of water is critical not only for drinking, but also to irrigate fields and feed livestock. Yet in the West Bank, 56 water springs are inaccessible to Palestinians because they have been seized by Israeli settlers who prohibit their access, using intimidation and/or physical barriers. Eighty-four per cent of those springs are located on land recognized even by the Israeli Civil Administration as privately owned by Palestinians.

Overall, Israel uses 86 per cent of the water extracted from the region's Mountain Aquifer, the sole source of water for

West Bank Palestinians and a resource that by international agreement must be shared equitably by both sides.

The practices involved in the (settler) takeover and development of springs—including trespass, intimidation, theft and building without permit—are illegal under both international and Israeli military legislation. Yet, the Israeli authorities have systematically failed to enforce the law on those responsible for these acts and to provide Palestinians with any effective remedy.

Particularly vulnerable are the Bedouin communities, 80 percent of whom live in the Jordan Valley, Dead Sea area or in the vicinity of Hebron. More than 90 percent of these Bedouins face water scarcity, living on less than one-quarter of the minimum standards set by the World Health Organization.

The Interim Agreement on the West Bank and Gaza Strip of 1995 (Oslo II) and the Joint Water Commission it established created fundamental asymmetries – of power, capacity and information – and allows Israel to dominate the allocation of West Bank water resources.

The ability of the Palestinian Water Authority to transfer water to areas facing shortages is severely limited by territorial fragmentation, since almost every project requires movement through Area C and thus is heavily regulated. Likewise, destruction of rainwater cisterns by Israeli authorities has accelerated since 2010 – doubling in 2012 over the previous year.

While Israel controls the quantity of water extracted by the Palestinians, and has veto power over Palestinian investment in water

infrastructure, the Palestinian Authority does not have the same authority; it does not even have access to Israeli water-use data. Israel has long extracted quantities of water well above the level set by Article 40 of the 1993 Oslo Accords [unfair at the time and not revised since] by confiscating 82 percent of Palestinian ground water for use inside its borders or settlements.

At the same time, both the PA and Palestinian farmers are denied the right to dig new wells to meet the growing demand for water, even from sources that almost entirely originate within the West Bank. Palestinian per capita water extraction has been falling; by 2009, it was just 25 percent of the consumption in Israel. Palestinian use of water for agriculture is estimated at one-tenth of Israel's. On a per capita basis, water use in Israel is more than five times consumption by Palestinians in the West Bank.

In the Gaza Strip, there are no water springs and all agricultural water comes from wells. The primary problem is the deterioration of water quality caused by destruction of infrastructure (which particularly occurred during the Israeli military operation of December 2008/January 2009) and the continued blockade, which make repair and replacement difficult if not impossible.

Land Use _____

Under the terms of the 1993 Oslo peace accords, more than 60 per cent of the occupied Palestinian territory in the West Bank remains under full Israeli military and administrative control. (Article 27 stipulated that Israel would gradually relinquish control by 1999. That did not occur.) Israel restricts Palestinians' access to land and resources

through systemic segregation, forcibly evicting and displacing Palestinian residents, demolishing civilian property and expanding Israeli settlements. Amounting to *de facto* annexation, the Israeli government's measures are in clear violation of international law.

The Israeli Civil Administration effectively prevents Palestinians from using or developing 70 percent of Area C. Less than 1 percent of the land has been approved for Palestinian development and much of it has already been built up. Construction is banned in 31 per cent; another 39 per cent remains under the jurisdiction of local or regional Israeli settlement councils. In the remaining 29 per cent, a military permit regime practically eliminates the possibility of obtaining building permits.

The situation has recently grown more dire, with the most committed proponents of Area C's unilateral annexation joining Israel's governing coalition. To prepare the legal basis for this annexation, a special report commissioned by Prime Minister Netanyahu (the Levy report) was released in July 2012. The text described Israel's presence in the West Bank as "not occupation" and argued that settlement activities are permitted under international law.

Although Israel's encroachment into Area C has long been condemned by the European Union, efforts to improve the situation are continually undermined. Nothing of substance has been accomplished to implement the minimal recommendations set out by the EU's 2011 report on Area C. While the EU has expressed its concern about the state of affairs, decisive action is long overdue.

The overwhelming majority of the UN General Assembly supports

the creation of a Palestinian state defined by pre-1967 borders. Yet Israel's practices in Area C – the only contiguous area in the West Bank – have rendered the likelihood of creating a contiguous Palestinian state based on the 1967 borders territorially impossible.

The international community considers Israel's activities in Area C to be in direct violation of international law. Like the UN, the EU has demanded that Israel meet its international obligations and immediately cease demolishing Palestinian homes and facilities built with funds from humanitarian organizations.

On 14 May 2012, the EU's Foreign Affairs Council called on Israel to meet its obligations in Area C, "including accelerating approval of Palestinian master plans, and halting forced transfer of the population and demolition of Palestinian housing and infrastructure." The Israeli Ministry of Foreign Affairs rejected the EU position. In March 2013, the EU and the Palestinian National Authority signed a new financing agreement aimed at supporting the Palestinian presence in Area C and promoting social and economic development. These measures, however, will not suffice.

In December 2011, the Israeli High Court of Justice rejected a petition challenging the legality of 10 Israeli-owned stone quarries in Area C, since 94 per cent of the output is transported to Israel for its exclusive use.

Since the beginning of the occupation, Palestinians have seen more than 1 million dunums (247,104 acres) of their land seized for military or state use or due to archaic absentee property laws. Seized lands are placed within the jurisdictional boundaries of local and regional settlement councils and used for urbanization, buffer zones or recre-

ation/nature areas – to which Palestinians have no access.

The agricultural productive base of the OPT has been systematically eroded by the uprooting of trees, land leveling and prohibited access to water. It is estimated that the Israeli military has uprooted about 2.5 million fruit trees since 1967. Likewise, more than 800,000 olive trees were uprooted, including 7,500 in just the first three-quarters of 2011.

Likewise, by 2009, almost 9,000 dunums (2,223 acres) of irrigated land had been expropriated to build the Separation Barrier, and 10 percent of West Bank land is now trapped in the “seam zone” between the barrier and the Green Line. Thousands of Palestinians who own land in this zone are required to obtain hard-to-get permits to access and work their own land. Gates that are closed for days limit even those who are granted permits.

Meanwhile, in Gaza, farmers are denied access to agricultural lands within the “buffer zone” along the border with Israel.

Restrictions on Movement _____

Physical barriers such as checkpoints and roadblocks, combined with complex, equally onerous administrative controls, continue to confine daily life and economic development in the West Bank.

As of December 2012, the Separation Barrier was 62.3 per cent complete, with a further 9.1 per cent under construction. When complete, 85 percent will extend inside

the West Bank. It isolates 9.4 per cent of the West Bank landmass from the rest of Palestinian territory – on the Israeli side of the wall -- including substantial agricultural land and water resources. [By February 2013, a European Parliament report on Area C reported that approximately 88% of the wall intrudes into the West Bank.]

A total of 532 permanent obstacles to movement (not including those associated with the Separation Barrier) were recorded in December 2012. In parallel, there has been an expansion of an alternative road network specifically for Palestinians and a marked tightening of access to East Jerusalem and the “seam zone” between the Separation Barrier and the 1949 Armistice Line (commonly referred to as the Green Line).

Restrictions on freedom of movement have a detrimental impact on access of Palestinians to their land, and have direct consequences for their ability to work and earn a livelihood. ..Human rights treaty bodies have expressed deep concern at restrictions on freedom of movement, describing them as being targeted at a particular national or ethnic group and amounting to gross violations of economic, social and cultural rights.

Mobility restrictions on Palestinian people and goods have been especially harmful to the agriculture sector. They undermine the ability of farmers both to access their land and to market, import and export agricultural inputs and outputs. Perishable and short shelf-life agricultural produce have been disproportionately impacted by these restrictions and by the requirement to unload and reload products at checkpoints. As a result, production and trans-

action costs have increased dramatically and have eroded the profits of Palestinian producers, who find it increasingly difficult to compete with the subsidized products of Israeli settlements (whose producers benefit from advanced technology, unconstrained access to water and unfettered access to markets at normal costs).

“Restrictions on Palestinian movement and access continue to compromise economic growth, undermine livelihoods, hinder access to basic services including education, health and water supply, and contribute to conditions in which a continuation of external aid is required.”

Settlements _____

The settlements violate Article 49 of the Fourth Geneva Convention of 1949, which prohibits the transfer of an occupying power’s civilian population into occupied territory. This illegality has been confirmed by the International Court of Justice, the High Contracting Parties to the Fourth Geneva Convention and the UN Security Council.

Roughly 250 Israeli settlements and outposts now consume approximately 43 per cent of the West Bank, with the total population (including East Jerusalem) estimated at more than 520,000 (double what it was upon negotiation of the Oslo Accords, which were originally intended to create a framework for ending the occupation). During 2012, there was a significant increase in settlement activity. By November, the number of new housing units award-

ed tenders was already three times the total in 2011.

Even when Israel labels “outposts” as illegal under its own laws, they often receive public support in the form of electricity and sewage networks (despite the fact that in the Road Map to Peace initiative of 2003, the Israeli government committed to dismantling any such outliers established since March 2001).

Even decisions of the High Court of Justice of Israel, ordering the dismantling of certain settlements and outposts, are extremely difficult to enforce.

If there are to be any real prospects for peace [via the recent high-level visits to the region and the new start to the U.S.-mediated negotiations], at the very least the tide of settlement activity must be turned. This is not only a political imperative. Lifting the human and economic burden arising out of the settlements is necessary for any viable growth of the Palestinian economy.

In Resolution 67/19, the UN General Assembly reaffirmed “the right of the Palestinian people to self-determination and to independence in their State of Palestine on the Palestinian Territory occupied since 1967.”

The International Court of Justice concluded that construction of the wall and expansion of the settlements is altering the demographic composition of the OPT and thus severely impeding the Palestinians’ ability to exercise their right to self-determination.

The government of Israel has openly led and directly participated in the planning, construction, development, consolidation and/or encouragement of settlements. Since the 1970s, Israel has transferred approximately 8 percent of its citizens into the OPT. According to the Israeli Central Bureau of Statistics, the settler population has expanded at a much higher rate than in Israel proper – 5.3 per cent (excluding East Jerusalem) vs. 1.8 percent over the past decade. Israeli government spending has followed suit, with a 38 per cent increase in funds allocated to settlements in 2011 over the previous year.

In December 2012, the Office for the Coordination of Humanitarian Affairs reported that while the fenced areas of settlements cover only 3 percent of the West Bank, in reality 43 percent of the territory is under the control of settler councils.

Statistics compiled by the Office for the Coordination of Humanitarian Affairs show that from 1 July 2011 to 30 June 2012, Israeli settlers injured 147 Palestinians, including 34 children. Property also is at risk. From January to mid October 2012, more than 7,500 olive trees (a primary source of income) on Palestinian land were damaged or destroyed. Yet, little is done to rein in settler violence. According to Yesh Din, an Israeli NGO that evaluated 869 cases between 2005 and 2012, more than 91 per cent of all investigations of settler violence against Palestinians and their property in the OPT were closed without an indictment. In contrast, between 90 and 95 percent of such cases against Palestinians go to court.

The mission (of the UN Human Rights Council) considers that the right to self-determination of the Palestinian people...is clearly being violated by Israel through the existence and ongoing expansion of the settlements. New initiatives being advanced by the government of Israel to retroactively legalize settler takeover of privately owned Palestinian land are of great concern. The UN Secretary General has repeatedly stated that settlement activity is illegal, runs counter to the goals of the Quartet for Middle East Peace and Israel's commitments under the Roadmap, and will not be recognized by the international community.

Many requirements in the current system of Israeli military governance of the OPT, such as the stipulation that Palestinians must file complaints at police stations located inside settlements, actively work against the rule of law, discourage Palestinians from seeking legal recourse (against settler violence) and result in low rates of prosecution, thus helping to create an atmosphere of impunity.

The European Union is deeply dismayed by and strongly opposes Israeli plans to expand settlements in the West Bank, including in East Jerusalem, and in particular plans to develop the E1 area (12 square miles populated by many Bedouins located between the city and the settlement of Maale Admumim). The E1 plan, if implemented, would seriously undermine the prospects of a negotiated resolution of the conflict by jeopardizing the possibility of a contiguous and viable Palestinian state and of Jerusalem as the future capital of two states. It could also result in the forced transfer of civilians. The European Union reiterates that settlements are illegal under international law and constitute an obstacle to peace.

As an occupying power, Israel does not have the right to establish settlements — or even to turn a blind eye to the settlements. The settlements exist because the government of Israel allows the passage of civilian Israelis from Israel proper into the occupied territory — a transfer expressly forbidden under the 1949 Geneva Convention, signed by Israel. Rather than protect the Palestinian population, as further required by international law, the Israeli government and its security forces instead enable settlers to abuse the Palestinian population. An environment of impunity reigns.

Even before Israel's decision on 30 November 2012 to approve 3,000 new housing units in settlements in the West Bank and East Jerusalem, the EU had expressed its clear position on the illegality of the settlements and its condemnation of settler violence.

The continual expansion of settlements, the settlers' daily violence and harassment of Palestinians, and Israel's leniency towards the perpetrators not only threaten Palestinians' livelihood and physical security, but also undermine any possibility of achieving a just peace.

The EU's position is clear: the settlements are illegal; they constitute an obstacle to peace, and may render a two-state solution unattainable. The Union has repeatedly condemned settler violence. These declarations need to be followed by concrete policy actions.

East Jerusalem

In the year 2000, former U.S. President William Clinton proposed a compromise for Jerusalem: What is Jewish would be Israeli, what is Arab would be Palestinian and a special regime would govern sites holy to the three monotheistic religions. Since then, however, the Jewish population of East Jerusalem has grown significantly in each of three belts – an outer belt that defines Greater Jerusalem, a middle belt that surrounds the city centre, and an inner belt that runs through the city's core. The good news is that, so far, much of the increase has been in previously built-up areas. The bad news is that settlement construction over the past 45 years has been so extensive that even minor developments in strategic locations are highly detrimental to the prospects of one day dividing the city.

For many Arab East Jerusalemites, the battle for their city is all but lost. Settlements have hemmed in their neighbourhoods, which have become slums in the midst of an expanding Jewish presence; trade with the West Bank has been choked off by the Separation Barrier and checkpoints; organised political life has been virtually eradicated by the clampdown on Palestinian institutions; and their social and economic deprivation is rendered the more obvious by proximity to better-off Jewish neighbours. Although Israel may not have achieved its demographic goal, its policies have had profound effects: Arab Jerusalemites are disempowered and isolated from the Palestinian polity as rarely before.

In East Jerusalem and its environs, the year 2011 will be recorded as the year of the greatest expansion of Israeli

settlements since 1967. The Israeli policy of severing political, economic and social links between the West Bank and East Jerusalem caused a serious deterioration in Palestinian living conditions.

Although traditionally the economic center of the West Bank, entry permits are required for Palestinians living outside the Israeli-declared municipal limits. In January 2012, the Israeli Supreme Court ruled constitutional the Citizenship and Entry into Israel Law, which imposes severe restrictions on the right of Palestinians living in Jerusalem to obtain legal residency for a spouse from the West Bank. Likewise, 10,000 children are currently unregistered and thus deprived of access to public services such as education. In turn, Palestinian Jerusalemites risk losing their residency status if they live or work outside.

Only 13 percent of the land in occupied East Jerusalem is zoned for Palestinian construction. At least 93,100 Palestinians are at risk of displacement, since they live in structures without a permit.[According to a 2013 UN Human Rights Council report, 33 per cent of Palestinian homes in East Jerusalem lack building permits, and at least 93,100 residents are at risk of being displaced.]

The result is a poverty rate among Palestinians in East Jerusalem that was 78.4 per cent in 2011, up from 64 per cent in 2006. The humanitarian emergency in East Jerusalem is increasingly visible and tangible. If the current trend in East Jerusalem continues, it will increasingly be closed off and choked by settlement activity, expropriation of buildings and re-allocation of land from living space to parks, historical sites and tram terminals. Tens of thousands of Pales-

tinians now live in buildings that lack permits and thus can be demolished at any time. Housing units are becoming unaffordable. High youth unemployment and low school enrollment/attendance aggravate tensions and increase the potential for violence.

East Jerusalem's poverty rate is higher than Gaza's, despite it being encompassed by an Israeli urban metropolis. Poverty jumped from 64 percent in 2006 to 78 per cent in 2012. This sharp poverty is rooted in the high level of unemployment that affects 40 percent of Palestinian men and 85 percent of Palestinian women in Jerusalem; the lack of municipal infrastructure, housing and economic opportunities; and the adverse impact of the Separation Barrier on the social and political integration with the rest of the West Bank.

Palestinian institutions in Jerusalem have traditionally served as the main provider of services for Palestinians in the city. Since August 2001, the government of Israel has closed approximately 30 organizations, including the Orient House, the Jerusalem Chamber of Commerce and the Arab Studies Society. The United Nations has continued to call for the re-opening of the institutions.

Only 13 per cent of the annexed municipal area in Jerusalem is allocated for Palestinian construction. While natural population growth among Palestinians is estimated to require 1,500 additional housing units annually, only an average of 400 new housing units are actually authorized, resulting in an additional shortage of some 1,100 housing units every year. This differential effectively means that unauthorized construction is the only real option for East Jerusalem Palestinians.

Israel's occupation and unilateral annexation of East Jerusalem in 1967, followed by its incorporation into Israel in 1980 by law, have gone in tandem with economic separation from the rest of the Palestinian economy.

Segregation strategies include the city's annexation and expansion of Jewish settlements in and around East Jerusalem, as well as the construction of the Separation Barrier, which has effectively redefined the borders inside the pre-1967 armistice line. The resulting deterioration in socioeconomic conditions has had a significant impact on Palestinian Jerusalemites' standard of living, housing, health care and education.

Poverty among Palestinians in East Jerusalem has been rising steadily over the past decade: In 2010, 77 percent of Palestinian households in Jerusalem lived under the Israeli poverty line, compared to 25.4 percent of Jewish families. The picture is even bleaker for children. In 2010, 84 percent of Palestinian children in East Jerusalem were poor, compared to 45 percent of Jewish children. Although Palestinians accounted for a third of the city's population, only three welfare offices were operating in East Jerusalem compared to 18 in West Jerusalem serving Israelis.

Persistent economic adversity has forced Palestinians to rely on emigration and education to cope with high poverty and unemployment. However, the education system in East Jerusalem has been greatly affected by Israeli policy neglect. According to the Israeli compulsory education law, all children between the ages of 5 and 18 years are entitled to free education. The Israeli Ministry of Education is responsible for overseeing and providing education, including

in East Jerusalem. All Palestinians who hold valid Jerusalem ID cards should be entitled to enroll in municipal schools. However, fewer than half of Palestinian school-age children actually are able to do so due to a severe classroom shortage. Families are forced to seek costly alternatives.

The employment situation is no better. Employment conditions of East Jerusalem Palestinians are harsh and manipulative, and Palestinian workers are not allowed to participate in Israeli labor unions. The economic separation of East Jerusalem resulted in the contraction in the relative size of its economy and the gradual redirection of employment towards the Israeli labor market. Palestinians traditionally form the lowest rank in the Israeli labor market; they work in jobs categorized as least desirable, difficult and dangerous. Palestinians dominate manual labor, such as construction workers hired on a daily basis. While facing the same cost of living as Israelis, the average monthly wage for East Jerusalem Palestinians working in Israel and its settlements was 4,032 NIS in 2009, less than half the average monthly wage in Israel.

In addition to being paid less than Israeli employees, Palestinian workers have a longer working day, the average length of which exceeds 10 hours -- often with no additional compensation as required by Israeli labor law.

There is an entire program of possible improvements that are incumbent on Israeli authorities as the occupying power. But the record to date suggests that they are less interested integrating the Palestinian East Jerusalem economy than in driving Palestinians from the city and replacing them with Israeli settlers. Daily confrontations by aggressive settlers,

along with the intensification of government-funded settlements ringing the city, imply nothing less.

The disputed status of Jerusalem under international law means that external interventions are not only legitimate but also incumbent upon the international community, which in 1949 assumed the moral responsibility for the city's future. An international consensus persists (in Security Council resolutions 242, 338 and 478) that the occupation/annexation of East Jerusalem must be reversed, notwithstanding "facts on the ground."

Demolitions

Since 1967, Israeli authorities have demolished more than 27,000 Palestinian homes in the occupied territory. The Israeli Committee Against Home Demolitions (ICAHN) counts 160,000 displaced Palestinians during that time period.

The UN reported a sharp increase in the demolition of Palestinian property in 2011, when Israeli forces destroyed 622 structures – a 42% increase – and displaced more than 1,100 Palestinians (more than half children). In 2012, the numbers dipped slightly, although more than 600 Palestinians lost their homes to demolition orders and more than 900 were displaced. As of April 2013, a total of 132 Palestinian structures had already been demolished, displacing 248.

Building permits in the West Bank are rarely if ever granted; in the past 20 years, 94 percent of applications were denied. Building without a permit is an offense under military rule and a large fine accompanies the execution of

a demolition order. In East Jerusalem alone, 33 percent of Palestinian homes lack building permits, and at least 93,100 residents are at risk of being displaced.

Detention of Prisoners _____

It is estimated that 700,000 Palestinians have been held in Israeli military detention since the beginning of the occupation. In 2012, approximately 4,100 Palestinians were in Israeli military detention, of whom 143 were aged 16-18 and 21 were below 16.

It is well documented that the military court system does not ensure Palestinians fair trials, including clear evidentiary or procedural rules, the presumption of innocence, or the right to hear witnesses or examine all material evidence. Each year for the past 10 years, approximately 700 Palestinian children age 12-17 (mostly boys) are arrested, interrogated and detained by the Israeli army, police or security agents – an average of two per day.

The ill-treatment of children who come into contact with the (Israeli) military detention system appears to be widespread, systematic and institutionalized throughout the process, from the moment of arrest until the child's prosecution and eventual conviction and sentencing. This conclusion is based on repeated allegations over the past 10 years and their volume, consistency and persistence.

International law applicable in both Israel and the Occupied Palestinian Territory (including Article 37 of the

Convention on the Rights of the Child) prohibits the use of torture and other cruel, inhuman and degrading treatment or punishment under any circumstances. The prohibition is absolute and unconditional. In addition, Israel's own Supreme Court concluded in a ruling in 1999 that a reasonable interrogation is one that is free of torture and cruel, inhuman or degrading treatment.

Until September 2011, a juvenile was defined as aged 12-15. Military Order 1676 increased the age of majority to 18. However, it does not apply to sentencing, during which youth 16-17 are still treated as adults. In addition, the new order's requirement that police notify parents about a child's arrest does not apply to the military, which is the main arresting body.

Another recent improvement requires juveniles to be brought before a judge within 24 hours of arrest if they are under the age of 14 or within 48 hours if they are between 14 and 18. However, that is still not in line with international standards, which recommend all children under the age of 18 appear before a judge within 24 hours.

International child rights law is clear and unequivocal: First and foremost, children should be diverted from law enforcement and judicial systems whenever possible. When absolutely necessary, actions must be in the child's best interests and be conducted in a manner that takes into account their age at the time of the commission of the crime and supports their re-integration into society.

In no other country are children systematically tried by juvenile military courts that, by definition, fall short of

providing the necessary guarantees to ensure respect for their rights. Israel established the world's first and only juvenile military court in September 2009. In many cases, it uses the same facilities and court staff as the adult military court -- a violation of requirements of the Committee on the Rights of the Child, which states that parties to the convention must establish separate facilities for children. There are many other instances of blurred boundaries between children and adults in the military detention system.

The majority of Palestinian children prosecuted in Israeli military courts are charged with throwing stones, which carries a maximum penalty of 10 years imprisonment (20 if thrown at a moving vehicle) for juveniles age 14-15 (dropping to six months for children aged 12 and 13).

Once in the "system," juveniles are often aggressively awakened in the middle of the night by armed soldiers and brought tied and blindfolded to an interrogation center. Children are not allowed access to a lawyer or family member, despite the requirements of article 37(d) of the Convention on the Rights of the Child. There is no independent oversight of the interrogation process.

Children are restrained during interrogation, sometimes for extended periods of time. They have been threatened with death, physical violence, solitary confinement and sexual assault, against themselves or a family member. Solitary confinement can last from two days to one month -- a practice prohibited by the Committee on the Rights of the Child and the Special Rapporteur on Torture. Most children confess by the end.

For hearing and sentencing, children are generally brought before a military court for in leg chains and shackles, in prison uniform. This is against the Standard Minimum Rules for the Treatment of Prisoners, which stipulates that chains and irons shall never be used. Most children see their lawyers for the first time here.

A military judge can extend the initial four-day detention up to 30 days, and then again and again up to 188 days. International standards require review every two weeks.

In most cases, bail is denied, in contradiction of article 37(b) of the Convention of the Rights of the Child, which says denial of liberty should only be a last resort.

Ultimately, almost all children plead guilty to reduce the length of their pre-trial detention. It is also the quickest way to be released. Two of the three prisons run by the Israel Prison Service are located inside Israel – a violation of Article 76 of the Geneva Convention. Family visits are difficult, if not impossible. [A 2012 European Union report found that approximately 60 percent of Palestinian children serve their sentences inside Israel.]

Administrative detention is a pre-emptive measure that allows authorities to detain suspects before the trial. As explicitly proclaimed in Article 10 of the Universal Declaration of Human Rights and Article 14 of the International Covenant on Civil and Political Rights, the right to a fair trial is essential in all countries that respect the rule of law. The majority of countries in the world are parties to the covenant — including Israel, which signed the treaty in 1966 and ratified it in 1991.

Israeli authorities use administrative detention principally to constrain Palestinian political activism and apply the procedure for an unlimited period of time without pressing charges. As of April 2012, there were 309 administrative detainees in Israeli prisons.

Just and humane treatment of prisoners is mandated by the:

- Universal Declaration of Human Rights of 1948.
- Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949
- UN International Covenant on Civil and Political Rights of 1966.
- UN Convention on the Elimination of All Forms of Discrimination against Women of 1979.
- UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984
- UN Convention on the Rights of the Child of 1989.

However, there is evidence that Israel is violating these covenants. More than 4,800 Palestinian prisoners and detainees -- including many women and children, more than 100 pre-Oslo prisoners and 15 members of the Palestinian Legislative Council (PLC) -- are being detained by Israel. According to a statement made by Palestinian and Israeli human rights organisations in March 2013, at least 71 Palestinian prisoners are reported to have died in Israeli detention centres as a direct result of torture since 1967.

The vast majority of Palestinian prisoners from the West Bank and Gaza are being held in prisons inside Israeli territory. For most, it is often impossible or very difficult to exercise their right to receive visits from their families.

Israeli military administrative detention orders allow detention without charge or trial on the basis of evidence that is not accessible to either the detainees or their lawyers. Such orders may be of up to six months' duration and may be renewed indefinitely. The Supreme Court of Israel recently criticised the military courts and the Military Advocate General's Corps for their continued extensions of administrative detention orders. The rule of law must be fully respected in the treatment of all prisoners in order for Israel to be considered a democratic country.

Solutions

Although all of these reports call for the cessation of the Israeli occupation as the only ultimate path to peace and justice, many interim actions are offered, with a selection reproduced below:

Europeans should ensure that no new steps are taken to enhance the EU–Israel bilateral relationship without considering what they might be traded for, in terms of easing occupation controls and restrictions.

Thus far, European aid has served to prolong the occupation, easing the impact on Palestinians and paying Israel’s costs.

This will not work without changing the established terms of the occupation: making more land available for Palestinian development; reformulating the Paris Protocol, which has regulated economic relations between Israel and the Occupied Palestinian Territory, to the latter’s disadvantage; ensuring a fairer division of water resources; and, of course, easing the closure of Gaza.

The mission (of the UN Human Rights Council) calls upon Israel to, in compliance with Article 49 of the Fourth Geneva Convention, cease all settlement activities without preconditions. In addition, it should immediately initiate

a process of withdrawal of all settlers from the Occupied Palestinian Territory. The mission also urges Israel to ensure adequate, effective and prompt remedy for all Palestinian victims for the harm suffered as a consequence of human rights violations that are a result of the settlements in accordance with the state's international obligation to provide effective remedy.

Private companies must assess the human rights impact of their activities and take all necessary steps – including by terminating their business interests in the settlements – to ensure that they do not have an adverse impact on the Palestinian people, in conformity with international law as well as the Guiding Principles on Business and Human Rights.

Fully recognising Israel's legitimate security needs, the European Union reiterates its call for the immediate, sustained and unconditional opening of crossings for the flow of humanitarian aid, commercial goods and persons to and from the Gaza Strip, the situation of which is unsustainable as long as it remains politically and economically separated from the West Bank.

The Israeli government must remove restrictions on movement and (market) access to allow the private sector's footprint in the West Bank and Gaza economy to grow.

The UN continues to call for the lifting of the ongoing restrictions on the movement of goods to and from Gaza, subject only to legitimate security concerns.

The EU must declare that any steps made by Israel towards formally annexing the occupied territories constitute “red

lines.” The Union’s repeated condemnation of Israeli actions in Area C of the West Bank needs to be followed by concrete policy actions. The EU should consider (among other actions):

- Demanding that Israel honor its commitments to evacuate outposts, halt the construction and expansion of settlements immediately and create a clear plan for evacuation.
- Ensuring that the Union and its Member States do not directly or indirectly support the settlements.
- Strongly responding if any part of the West Bank is formally annexed, including suspending the EU-Israel Association Agreement.

The campaign already underway to ensure that Europeans do not lazily extend to the settlements benefits (such as preferential access to the EU market) that should be limited to Israel proper is necessary to ensure that European actions match their policy, and indeed, international law – it will also usefully signal Europe’s non-acquiescence. The effort should be extended to cover advice to businesses and investors; removal of tax advantages for financial support to settlements; imposition of visa requirements for settlers; and avoidance of contact with the first university in the settlements.

To restart the peace process, Israeli settlement activity in East Jerusalem should be halted.

Interim policy options for the European Union include:

- Promote and strengthen the status of East Jerusalem as the capital of the future State of Palestine and of West Jerusalem as the capital of the State of Israel.
- In the interim period, promote the return of Palestinian political leadership to East Jerusalem.
- Encourage full respect for international law and UN resolutions, as well as mobility and social and economic development in East Jerusalem, as an integral part of Palestinian territory.
-
- Support the organisation of Palestinian elections (presidential, legislative and municipal) throughout the Jerusalem Governorate, including East Jerusalem.
- Discourage financial transactions that support settlement activity and prevent products manufactured in illegal settlements from entering the European market with the preferential treatment granted to Israeli products.
- Reactivate economic ties between East Jerusalem and the rest of West Bank.
- Insist, including through public and diplomatic pressure, that Israel refrain from building new settlements or expanding Jewish neighbourhoods in East Jerusalem.
- Make clear that any unilateral moves in East Jerusalem, including ending provision of municipal services to Arab neighbourhoods or establishing or expanding new settlements or Jewish neighbourhoods, will not be

allowed to prejudice the outcome of negotiations.

- Discourage the extension of urban and transportation infrastructure to planned Jewish settlements to the same extent as housing, as an act that prejudices final status negotiations.
- Urge Israel to find residential solutions in West rather than East Jerusalem and consider providing technical support for this purpose to Jerusalem's municipality on matters of urban regeneration, densification and planning.
- Provide funding to Arab organisations in East Jerusalem and push back against Israeli pressure not to do so.

While international human rights organisations have repeatedly condemned the Israeli practice of administrative detention as a violation of human rights, the issue has only recently attracted widespread international interest. The time is now ripe to place the issue on the agenda of European Union-Israel relations.

The EU should activate Article 2 of the EU-Israel Association Agreement, which states that both sides must respect human rights as a pre-condition for cooperation between the two parties.

The EU should urge Israel to abide by its obligations as a signatory to the International Covenant on Civil and Political Rights and review its legislation concerning administrative detention and solitary confinement, as well as the "Shalit bills," which currently bar prisoners from receiv-

ing family visits and restrict their access to media, recreation and education. Israel should also allow re-trials for prisoners who have not been convicted on solid evidence.

The EU should also call on Israel to respect the rules of the Fourth (1949) Geneva Convention ratified by Israel in 1951, according to which a civilian may only be interned or placed in assigned residence if “the security of the detaining power makes it absolutely necessary” (Article 42) or “imperative reasons of security” (Article 78) in occupied territory.

The status quo is not an option in Palestine... Given the reality on the ground, measures (are required) that directly affect the lives of workers and entrepreneurs. High-level moves to end the conflict must be accompanied by concrete evidence that the everyday hardships and harassment arising out of the occupation are being alleviated, and will be removed. Otherwise, leaders on all sides will be facing a skeptical and disillusioned population, which will not fail to demand accountability and its share of the fruits of the process.

There is no shortage of concrete proposals for action, yet few steps beyond warnings have been actually taken. It is time now to act. As Jonathan Cook observed in an Aug. 2 article in *The National*: “Israel and its supporters have long cultivated the idea that strong-arm tactics, such as boycotts and sanctions, serve only to push the Israeli public and politicians further to the right. This has been the U.S. and Europe’s rationale for treating Israel with kid gloves since the Oslo process began two decades ago. And yet the EU’s anti-settlement initiative suggests the opposite to be true. Both Mr. Netanyahu and Mr. Abbas hurried into the talks in the wake of the EU announcement - and for much the same reason.”

However, Cook goes on to warn that if the initial move by the European Union is not maintained and even broadened, that progress will quickly disappear. In fact, as this report went to press, the government of Israel announced had paved the way for construction of 1,000 more settler homes over the coming months. In addition, plans for a train line linking the settlements to Israeli towns, making them even more accessible and attractive, also was unveiled.

Will the international and European communities consign all of its extensive investigations and well-thought-out preventive actions be consigned to the dustbin of history?

End Notes

1. "Report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem," 7 February 2013, UN Human Rights Council (presented to the General Assembly).
2. "Europe and the Vanishing Two-State Solution," May 2013, European Council on Foreign Relations
3. "Palestinian State-Building: An Achievement at Increased Risk," 21 March 2012, Office of the United Nations Special Coordinator for the Middle East Peace Process
4. "Report of the Director-General: The situation of workers of the occupied Arab territories," May 2012 and 2013, International Labour Conference, 101st and 102nd Sessions
5. "Report on UNCTAD assistance to the Palestinian people: Developments in the economy of the occupied Palestinian territory," 17-28 September 2012, United Nations Conference on Trade and Development, Trade and Development Board: 59th session
6. "Fiscal Challenges and Long-Term Economic Costs: Economic Monitoring Report to the Ad Hoc Liaison Committee," 11 March 2013, World Bank
7. "Recent Experience and Prospects of the Economy of the West Bank and Gaza: Staff Report Prepared for the Meeting of the Ad Hoc Liaison Committee," 19 March 2013, International Monetary Fund
8. "Gaza in 2020: A liveable place?," 27 August 2012, report by the United Nations Country Team in the occupied Palestinian territory, United Nations Special Coordinator for the Middle East Peace Process (UNSCO)
9. "The Humanitarian Impact of the Takeover of Palestinian Water Springs by Israeli Settlers," March 2012, United Nations Office for the Coordination of Humanitarian Affairs-OPT
10. "Policy Briefing – Area C: More than 60% of the occupied West Bank threatened by Israeli annexation," April 2013, European Parliament, Directorate-General for External Policies/Policy Department
11. United Nations Conference on Trade and Development, Report on UNCTAD assistance to the Palestinian people: Developments in the economy of the occupied Palestinian territory. Trade and Development Board: 59th session, 17-28 September 2012
12. Council Conclusions on the Middle East Peace Process, 10 December 2012, 3209th Foreign Affairs Council Meeting, Council of the European Union
13. "Policy Briefing: Israeli settler violence in Palestine," December 2012, Directorate-General for External Policies-Policy Department, European Parliament
14. "Extreme Makeover? (I and II): Israel's Politics of Land and Faith in East Jerusalem and The Withering of Arab Jerusalem," International Crisis Group, 20 December 2012
15. "Jerusalem: The Heart of the Israeli-Palestinian Conflict," March 2012, Directorate-General for External Policies of the Union Policy Department, European Parliament
16. "The Palestinian economy in East Jerusalem: Enduring annexation, isolation and disintegration," 2013, United Nations Conference on Trade and Development
17. "Children in Israeli Military Detention: Observations and Recommendations," February 2013, Unicef
18. "Israel's Policy of Administrative Detention: Policy Briefing," May 2012, Directorate-General for External Policies of the Union Policy Department, European Parliament
19. European Parliament resolution of 14 March 2013 on the case of Arafat Jaradat and the situation of Palestinian prisoners in Israeli jails (2013/2563(RSP))





بَحْر
ENTRANCE



Euomid Observer


المركز الأوروبي لحقوق الإنسان


جميع الحقوق محفوظة

المركز الأوروبي لحقوق الإنسان

Maison des Associations Rue
des Savoises 15 CH-1205
Genève

جنيف - سويسرا

 info@euomid.org

 www.Euomid.org

Sponsored by

**cultures of
RESISTANCE
NETWORK**

