

POLICY BRIEFING

Area C:

More than 60 % of the occupied West Bank threatened by Israeli annexation

Abstract

Under the terms of the 1993 Oslo peace accords, over 60 % of the occupied Palestinian territory in the West Bank remains under full Israeli military and administrative control. Here, in what is known as 'Area C', Israel restricts Palestinians' access to land and resources by instituting systemic segregation, forcibly evicting and displacing Palestinian residents, demolishing civilian property and expanding Israeli settlements. Israeli law applies in the area, and Israeli control is gradually reinforced. Amounting to *de facto* annexation, the Israeli's government's measures are in clear violation of international law. The situation is undermining hopes for a two-state solution, effectively creating a single-state with only isolated 'islands' ('Area A') under Palestinian rule. The situation has recently grown more dire, as the most committed proponents of Area C's unilateral annexation have entered Israel's new government coalition. 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 effective action is long overdue.

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1. Israel defies international law

The 1993 Oslo Accords divided the West Bank into Areas A, B and C.

Area C comprises 62 % of the West Bank territory but only a small percentage of the Palestinian population.

Israeli policy in Area C is in flagrant violation of international law. Although the international community recognises this, no effective measures have been taken against Israel.

The 1993 Oslo Accords between Israel and the Palestinian National Authority (PNA) divided the Israeli-occupied West Bank (excluding East Jerusalem¹) into three separate areas²:

- Area A: most major Palestinian cities, under civil and security control of the Palestinian Authority. This area constitutes 18 % of the territory and includes 55 % of the population.
- Area B: most rural communities, under Palestinian civil and joint Palestinian-Israeli security control. This area constitutes 20 % of the territory and includes 41 % of the population.
- Area C: the most sparsely populated areas, under full Israeli civil administrative and military control. This area constitutes 62 % of the territory, but includes only a small percentage of the population — estimated at 150 000 of the West Bank's total 2.5 million Palestinians.

As an occupying power, Israel's rights and responsibilities in all these areas are specified by the Fourth Geneva Convention. Israel is not permitted to settle its own population in the occupied territory. It is obliged rather to protect the population of the occupied territory and to administer the territory for the benefit of the population. Confiscating or intentionally destroying private civilian property is also prohibited under Article 46 of the 1907 Hague Regulations and Article 53 of the Fourth Geneva Convention.

In Area C, Article 27 of the Oslo Accords stipulates that Israel will gradually relinquish control: 'powers and responsibilities related to the sphere of planning and zoning will be transferred gradually to Palestinian jurisdiction' by 1999. Until now, Israel has not transferred its authority. Instead, it consistently refuses to allocate land for Palestinian use and increasingly restricts access to Area C³. Israeli activities in Area C are in fact increasing at a rate that has raised serious concerns about the territory being annexed into Israel.

In flagrant violation of international law, Israel continues expanding settlements in East Jerusalem and Area C⁴. Israeli practices in Area C have severely undermined the existence of the local Palestinian population, especially among the poorest and most vulnerable communities. Israel reserves the most fertile and resource-rich parts of the occupied territory

¹ In 1980 Israel unilaterally annexed occupied East Jerusalem into Israel.

² See UNOCHA Restricting Space map on the last page of this briefing.

³ For a UN map illustrating restrictions on Palestinian access in Area C see:

http://www.ochaopt.org/documents/ocha_opt_Area_C_Fact_Sheet_July_2011.pdf

⁴ UNOCHA, "Lack of Permit" Demolitions and Resultant Displacement in Area C

http://www.ochaopt.org/documents/Demolitions_in_Area_C_May_2008_English.pdf

⁵ UNOCHA, 'Displacement and Insecurity in Area C of the West Bank', *Special Focus*, August 2011: <http://unispal.un.org/UNISPAL.NSF/0/9100B847ECAD72C4852578DF006748BE>

for its own population⁵.

The United Nations has widely documented the details of Israel's demolition of Palestinian homes, basic infrastructure and sources of livelihoods, its restrictions of access to land and vital resources and its forced displacement of Palestinian populations to areas outside Area C. Yet the international community has not halted Israel from gradually integrating Area C into Israel. The expansion of illegal settlements, large-scale infrastructure development (i.e. Israel's West Bank transport network connecting settlements to one another) and transfer of Israelis to the West Bank continue unabated.

The overwhelming majority of the UN General Assembly supports the creation of a Palestinian state defined by pre-1967 borders — a position reflected in the vote to admit Palestine as a UN non-member observer state. 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 supports the creation of a Palestinian state, but has failed to safeguard the rights of Palestinians living in Area C

The developments in Area C are laying the demographic and physical foundations for unilateral annexation. To prepare the legal basis of this annexation, a special report⁶ 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' — contrary to the interpretation of the international community — and argued that settlement activities are 'permitted under international law'.

Ministers of Israel's new government coalition have also made public calls and plans to annex at least a subset of Area C. Such plans, coupled with Israel's ongoing policies on the ground, severely undermine the EU's efforts in Palestine. An immediate response is necessary.

2. Squeezing Palestinians out

According to the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), Palestinians are effectively prevented from using or developing 70 % of Area C by the Israeli Civil Administration (ICA)⁷, the governing body that exercises planning and zoning functions in the West Bank under the authority of the Israeli Ministry of Defence⁸. Less than 1 % of Area C land has been approved for Palestinian development, and much of this land has already been built up. Development is in any case only permitted when plans have been approved by Israeli authorities.

Palestinian construction is

Construction is banned in 31 % of Area C (reserved for military use,

⁶ See Chapter 5 for a detailed account of the Levy Committee report.

⁷ The ICA established in 1981 is responsible for civil matters in territories occupied in 1967.

⁸ UNOCHA 'Restricting Space: The Planning Regime Applied by Israel in Area C of the West Bank', p. 1, Dec. 2009: http://www.ochaopt.org/documents/special_focus_area_c_demolitions_december_2009.pdf

limited to less than 1 % of Area C.

Most of the separation wall runs within, rather than beside, Area C.

Israel considers Area C to be subject to Israel's laws and applies a restrictive policy on building permits.

nature reserves, barrier 'buffer zone'). Another 39 % of the area remains under the jurisdiction of local or regional Israeli settlement councils⁹. In the remaining 29 % — which represents 18 % of the West Bank as a whole — a military permit regime practically eliminates the possibility of obtaining building permits¹⁰.

The current route of Israel's 450-km-long separation wall also creates serious difficulties for Palestinians who wish to access lands within Area C. Approximately 88 % of the wall runs deep within the West Bank, mostly in Area C, effectively placing about 9.5 % of the territory on the Israeli side of the wall¹¹. The separation wall also has an enormous human impact: it places about 85 % of the Israeli settler population to the Israeli side, while cutting off Palestinians from their agricultural lands¹².

Israel has imposed its own legal system on Area C. Israel's demolition orders, which are frequently issued to remove Palestinian residences, are justified with the argument that Palestinians lack the required (Israeli) building permits. Since 1967, Israeli authorities have demolished over 27 000 Palestinian homes in the occupied territory. The Israeli Committee Against House Demolitions (ICAHD), an Israeli peace and human rights non-governmental organisation (NGO), counts 160 000 displaced Palestinians as victims of the 'policy of displacement' since 1967¹³. Many Palestinians are threatened with forcible eviction (many with only a few hours' notice) and with demolition and displacement by the Israeli military or, in some cases, by armed Israeli settlers.

Israel's permit regime and 'eviction policy'¹⁴ has meant that Palestinians have no other choice than to build 'illegally' on what Israel considers 'state land' (i.e. lands allocated only for Jews)¹⁵, inevitably risking demolition and displacement. It is nearly impossible for Palestinians living in Area C to receive a building permit. In the 2000-2008 period, an average of 95 % of requests for building permits in Area C were rejected, according to Bimkom, an Israeli NGO working on planning and construction permit issues. Without permits Palestinians cannot

⁹ For an detailed UN map example of such zoning designations in Area C see: http://www.ochaopt.org/documents/ocha_opt_jordan_valley_factSheet_february_2012_english.pdf

¹⁰ UNOCHA 'Restricting Space' page 6.

¹¹ United Nations oPt Barrier Report: http://www.ochaopt.org/documents/ocha_opt_barrier_report_july_2009_english_low_res.pdf

¹² EU Parliament Policy Briefing 'Israeli Settler Violence in Palestine', December 2012, p. 22: <http://www.europarl.europa.eu/committees/en/studiesdownload.html?languageDocument=EN&file=79522>

¹³ Aljazeera 'Infographic: Palestinian homes demolished', August 2012: <http://www.aljazeera.com/indepth/interactive/2012/08/2012830754014332.html>

¹⁴ New UN report shows sharp rise in Palestinians uprooted by Israeli demolitions, January 2012: <http://www.un.org/apps/news/story.asp?NewsID=41051>

¹⁵ For a definition and explanation of 'state land' see: Bimkom 'The Prohibited Zone: Israeli planning policy in the Palestinian villages in Area C', June 2008. https://docs.google.com/gview?url=http://www.ochaopt.org/documents/opt_prot_bimkom_prohibited_zone_june_2008.pdf&chrome=true

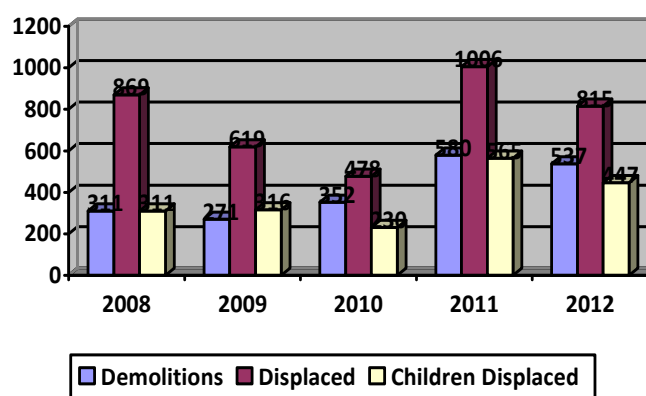
construct proper housing or obtain basic services such as water and electricity.

The UN has reported a sharp increase in the demolition of Palestinian property (i.e. houses, shelters, schools, clinics, water wells, cisterns, playgrounds, mosques) in the West Bank (including East Jerusalem) in 2011, when Israeli forces destroyed 622 structures. This represented a 42 % increase from 2010, and led more than 1 100 Palestinians (over half of them children) to be displaced — a sharp increase (more than 80 %) over 2010. Of all the demolitions in the West Bank, 90 % occurred in Area C; the area's displacements represented 92 % of the West Bank's total¹⁶. In 2012, the numbers dipped slightly, although more than 600 Palestinians lost their homes that year to demolition orders, and more than 900 were displaced. In 2013, a total of 132 Palestinian structures have already been demolished, displacing 248 Palestinians, 149 of them children¹⁷.

Of all the demolitions in the West Bank, 90 % occurred in Area C.

Nearly half of those displaced by demolitions are children.

Figure 1:
Demolitions and displacement of Palestinians in Area C



Source: UNOCHA & UNRWA¹⁸

A 2013 UNRWA Emergency Appeal affirmed that thousands of Palestinians face the threat of dispossession and forced displacement in Area C as a result of Israel's permit regime, pending demolitions orders, restrictive planning and zoning policies, expropriation of Palestinian land and settlement expansion activities¹⁹.

The most vulnerable populations in Area C are Bedouins in herding communities (some 27 500 people) and residents of small and sedentary villages (approximately 18 500). More than half of these vulnerable people are refugees who were originally displaced from Israel in 1948. Contentious settlement plans known as 'E-1' (East One, in an area east of East Jerusalem), coupled with plans for Jerusalem's southern areas, will displace thousands of Bedouins. The two-state solution will effectively

Bedouins are among the most vulnerable groups facing forced evictions.

¹⁶ OCHA 'Demolitions and Forced Displacement in the Occupied West Bank', January 2012 http://unispal.un.org/pdfs/OCHA_Demolitions-Displacement.pdf ;

¹⁷ New UN report shows sharp rise in Palestinians uprooted by Israeli demolitions, January 2012: <http://www.un.org/apps/news/story.asp?NewsID=41051>

¹⁸ UNOCHA OPT 'Forced out of Area C' <http://www.ochaopt.org/annual/c2/3.html> ; UNRWA Demolition Statistics <http://www.unrwa.org/etemplate.php?id=1629>

¹⁹ UNRWA Emergency Appeal occupied Palestinian territories 2013: <http://www.unrwa.org/userfiles/2013012971846.pdf>

be rendered impossible, as the settlement plan will cut the Palestinian territory in the West Bank in two²⁰. Despite strong EU opposition and milder US protests (which have labelled the project 'counterproductive', Israel has in principle approved construction in this controversial plan. It is only a matter of time before construction commences²¹.

3. Expanding Israeli settlements

The number of Palestinians living in Area C has dropped dramatically since the beginning of the Israeli occupation.

The Jewish settler population in the West Bank exploded in the late 1990s and early 2000s.

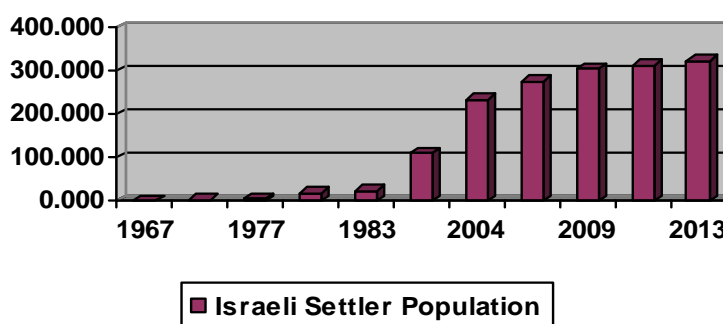
Article 49 of the Fourth Geneva Convention prohibits an occupying power from transferring its civilian population to the occupied territory.

All Israeli settlements in the West Bank (excluding those in East Jerusalem) are located in Area C. Settlements consume about 42 % of the land in that territory²². Once they are established, they become *de facto* an integrated part of Israel.

While the exact number of Palestinians currently living in Area C is unknown, a 2011 report from EU Heads of Mission report on Area C estimates the figure at 150 000 — a number that is considerably lower than it once was.

In 1972, there were some 1 000 settlers in the West Bank. This population grew exponentially during the late 1990s and early 2000s. Today, nearly 350 000 Jewish settlers live in around 250 settlements and outposts clustered throughout Area C. Settlement encroachment is a major obstacle for the peace process and imperils a future viable Palestinian state.

Figure 2:
Population of Israeli settlers in Area C since 1967 (excluding settlers in unauthorised outposts)



B'Tselem and Foundation for Middle East Peace²³

Source:

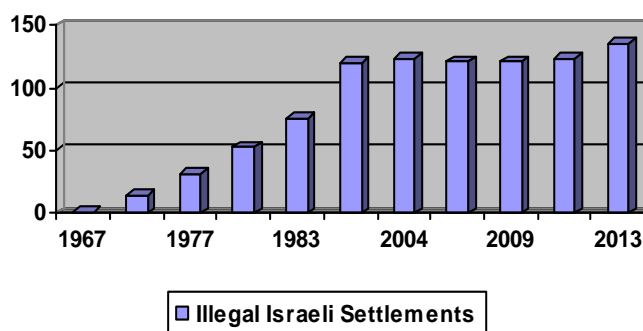
²⁰ IRIN 'Briefing: Inside the E-1 Israeli settlement', March 2013: <http://www.irinnews.org/Report/97644/Briefing-Inside-the-E-1-Israeli-settlement> ; IRIN 'Briefing: Beyond the E-1 Israeli settlement', March 2013: <http://www.irinnews.org/Report/97676/Briefing-Beyond-the-E-1-Israeli-settlement> UNOCHA Map of E1, 'Bedouin Relocation: Threat of Displacement in the Jerusalem Periphery, October 2011: http://www.ochaopt.org/documents/ocha_opt_map_of_threat_of_displacement_jerusalem_periphery_october_2011_english.pdf

²¹ Declared non-public by the EEAS, the report is widely available on various internet sites, e.g. on <http://972mag.com/resource-eu-heads-of-mission-report-on-israeli-settlements/66814/>

²² This figure does not include the settler outposts which are illegal under Israeli legislation even if they have access to basic services and are protected by the IDF.

²³ B'Tselem 'By Hook and By Crook: Israeli Settlement Policy in the West Bank', July 2010, page 9-10: http://www.btselem.org/download/201007_by_hook_and_by_crook_eng.pdf ;

Figure 3:
Israeli settlements in Area C
(excluding outposts)



Source UNOCHA and B'Tselem²⁴

A 2012 UN Human Rights Council report concluded that 'the establishment of settlements [... leads] to a creeping annexation that prevents the establishment of a contiguous and viable Palestinian State'. The report also highlights that 'settlements are established for the exclusive benefit of Israeli Jews; maintained and developed through a system of total segregation between the settlers and the rest of the population [...]. This system of segregation is supported and facilitated by a strict military and law enforcement control to the detriment of the rights of the Palestinian population'²⁵. 'The systematic discrimination [...] which occur[s] on a daily basis' has been conducted openly by successive Israeli governments since 1967.

The report clearly states that the motivation behind Israel's policies of 'violence and intimidation against the Palestinians as well as their properties is to drive the local populations away from their lands and allow the settlements to expand'.²⁶

A 2012 UN Special Committee to investigate Israeli practices reported that 'Israeli settlement activity is transforming the very demographics of the two nations into one that is inherently Israeli' in a 'systematic' manner²⁷. The report suggests that Israel's policies of blocking Palestinian development and expanding Israeli settlements 'virtually deprive Palestinian residents of Area C of any means of livelihood' and 'clearly demonstrate Israel's gradual annexation of large portions of Area C'²⁸.

The UN has concluded that Israel's policies on Palestinians serve to systematically drive the local populations away from their lands and allow the settlements to expand.

Foundation for Middle East Peace 'Israeli Settler Population':
http://www.fmep.org/settlement_info/settlement-info-and-tables/stats-data/israeli-settler-population-1972-2006

²⁴ Idem; UNOCHA 'Area C of the West Bank.

²⁵ UN Human Rights Council 2012 Report
<http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/FFM/FMSettlements.pdf>

²⁶ UN News Centre 'Independent UN inquiry urges halt to Israeli settlements in occupied Palestinian territory', January 2013:

<http://www.un.org/apps/news/story.asp?NewsID=44045#.UUifWDBYuHQ>

²⁷ UN Security Council, S/PV.6816, July 2012:

<http://unispal.un.org/unispal.nsf/47d4e277b48d9d3685256ddc00612265/c875fed771683f9d85257a4b00711bab?OpenDocument>

²⁸ UN Human Rights Council, A/HRC/21/NGO/65, September 2012:

<http://unispal.un.org/UNISPAL.NSF/0/2F91EC4DFF4F6D3A85257A770056107D>

The UN Special Rapporteur in the Palestinian territories Richard Falk has stated that Israeli settlement expansion, combined with the forced evictions of Palestinians, 'can only be described, in its cumulative impact, as a form of ethnic cleansing'²⁹. An independent UN enquiry acknowledges that Israel's settlement practices could amount to possible 'war crimes'³⁰. Israel swiftly rejected the report as 'counterproductive and unfortunate'.

Outposts are considered illegal also from an Israeli point of view, but serve as a way of seizing more land from Palestinians in Area C.

The Israeli settlements are complemented by Israeli outposts — smaller communities of settlers, consisting often of only a few caravans or structures. These are established without official authorisation from the Israeli state, but benefit from the material and moral support of the Israeli Defence Forces³¹. Outposts are typically built on hilltops, close to older, recognised settlements, and are usually connected to the main settlements by road.

The combinations of Israeli settlements and the approximately 100 outposts in the West Bank create a web of Israeli-dominated areas spreading across ever-wider swathes of Palestinian land and cutting Palestinian communities off from one another.

A new report from Yesh Din, an Israeli volunteer organisation working to defend the human rights of the Palestinian civilian population under Israeli occupation, examines the use of outposts as a means to seize control of Palestinian land³². The report demonstrates that the Israeli Civil Administration's demolition orders against buildings and construction work in outposts are not usually enforced. More than 90 % of the cases involving criminal offenses committed by settlers in the vicinity of outposts are closed due to failings on the part of the investigators and law enforcement officials. The process of land seizure ends when Palestinian landowners are denied all access to their land.

4. The Levy Committee report: A basis for future annexation?

Israel's control of Area C — which was to be temporary under the Oslo agreements — has in effect become a permanent state of affairs; *de facto*

²⁹ UNOCHA 'Israel: UN rights expert raises alarm on growing deterioration of human rights in occupied East Jerusalem', March 2011: <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10874&LangID=E>

³⁰ Reuters 'U.N. rights inquiry says Israel must remove settlers', January 2013: <http://www.reuters.com/article/2013/01/31/us-israel-palestinians-settlements-idUSBRE90U0EI20130131>

³¹ Outposts are illegal under Israeli law. <http://www.mfa.gov.il/MFA/Government/Law/Legal+Issues+and+Rulings/Summary+of+Opinion+Concerning+Unauthorized+Outposts+--+Talya+Sason+Adv.htm>

³² The report 'the Road to Dispossession' uses the outpost of Adei Ad as a case study. <http://972mag.com/report-how-settlers-turn-palestinian-lands-into-illegal-outposts/69541/>

³³ UN Human Rights Council Report of the Special Rapporteur on the situation of the human rights in the Palestinian territories occupied since 1967, John Dugard, January

annexation has already taken place. Israel has officially denied that it has the intention of either annexing Area C or removing Palestinians from the territory.

Under international law, Israel's control of the occupied Palestinian territories is regarded as 'belligerent occupation', and Israel's activities are only justified if militarily necessary³³. Despite a well established international consensus — held by the UN, the United States, the EU, Israel's Supreme Court³⁴ and others — that Israel is an occupying power in the West Bank, Israel denies this status and claims that its activities there are in compliance with the Oslo Accords and subject to the outcome of negotiations.

Israel does not regard the West Bank as an 'occupied' territory but rather as a 'disputed' territory.

Israeli politicians prefer to classify the West Bank as 'disputed territory' rather than 'occupied territory'³⁵. Some describe the current status as an informal annexation³⁶.

In July 2012, Israeli Prime Minister Benjamin Netanyahu established a three-member, top-level committee to clarify the legal status of settlements and unauthorised outposts in the West Bank. Headed by former Israeli Supreme Court Judge Edmund Levy, the committee also examined whether Israel's presence in the West Bank constitutes an occupation.

A committee established by the Israeli Prime Minister — the Levy Committee — concluded that Israel is not an occupying power in the West Bank.

The Levy Committee Report concluded that settlements are legal, that the government should legalise existing unauthorised settlement outposts and — contrary to the position of Israel's Supreme Court — that Israel is not an occupying power in the West Bank³⁷. These conclusions have led to serious concerns that Israel is attempting to annex Area C by expanding its jurisdiction from the areas bounded by settlements in the West Bank to the remaining parts of Area C.

These concerns have been bolstered by the suggestions made by the former Speaker of the Knesset, Reuven Rivlin. Rivlin advocates that Israeli law should be extended throughout the West Bank, that the Levy Committee report should be adopted by the Israeli government, and that the West Bank should be silently annexed without any formal legislative proceedings³⁸.

2007: 'elements of [Israel's military] occupation constitute forms of colonialism and of apartheid'. <http://unispal.un.org/UNISPAL.NSF/0/B59FE224D4A4587D8525728B00697DAA>

³⁴ http://www.zionism-israel.com/hdoc/High_Court_Fence.htm

³⁵ See Israel Ministry of Foreign Affairs 'Disputed Territories – Forgotten Facts About the West Bank and Gaza Strip', February 2003:

http://www.mfa.gov.il/MFA/MFAArchive/2000_2009/2003/2/DISPUTED+TERRITORIES-+Forgotten+Facts+About+the+We.htm

³⁶ Arutz Sheva 7 'Yaalon 'Not Aware' of British, French Plans to Recall Envoys', December 2012: <http://www.israelnationalnews.com/News/News.aspx/162786#.UW3HmZOiaHQ>

³⁷ UNISPAL 'The Commission to Examine the Status of Building in Judea and Samaria: Conclusions and Recommendations', Levy Report, July 2012:

<http://unispal.un.org/UNISPAL.NSF/0/D9D07DCF58E781C585257A3A005956A6>

³⁸ 'Rivlin: Adopt Levy Report, Don't Publicly Announce It', November 2012:

<http://www.israelnationalnews.com/News/News.aspx/161578#.UV8i3zCiaHR>

5. Ascent of the annexation advocates

Rivlin is not alone. A number of high-profile Israeli political figures have not only rejected the notion of a Palestinian state based on the 1967 border and having East Jerusalem as its capital, but have publicly called for the unilateral annexation of Area C. The most prominent of these include members of Israel's new coalition government.

Once at the forefront of the 'settlement movement', many pro-annexationists have ascended to political power. In fact, annexation would not be a novelty in Israel's history. The country has unilaterally annexed occupied territories of East Jerusalem in 1980³⁹ and the Golan Heights in 1981⁴⁰.

Party leader Naftali Bennett is the most prominent advocate of annexing Area C.

Naftali Bennett, leader of Israel's fourth biggest party, Bayit Yehudi, and Minister of Economy and Commerce, has been the most notable proponent of annexation and one of the most unyielding opponents of the establishment of a Palestinian state. Bennett has his own plan, which clearly includes Israel's unilateral annexation of Area C, even if this contravenes the opinion of the international community⁴¹. The plan also proposes granting Israeli citizenship to Palestinians living in annexed areas, while denying Palestinian refugees the right to return to the West Bank.

Israeli politicians have long expressed a rhetorical claim to 'Judea and Samaria'⁴². But this has recently been complemented by more specific calls from newly appointed officials⁴³:

- Gilad Erdan, Minister of Communications and leader of Likud Youth: 'Israel should announce the annexation of Jewish settlements in Judea and Samaria'⁴⁴.
- Silvan Shalom, Vice Prime Minister and Minister for Regional Development (Likud Beitenu): 'We cannot rule out the possibility of annexing the settlement blocs.'
- Yisrael Katz, Minister of Transportation (Likud Beitenu): 'Israel will need to take unilateral steps to extend Israeli sovereignty over the Jewish settlements in Judea and Samaria.'

Bennett's views are shared by a number of coalition members.

³⁹ The 1980 Jerusalem Law was declared 'null and void' by UN Security Council Resolution 478 (1980). <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/399/71/IMG/NR039971.pdf?OpenElement>

⁴⁰ UN Security Council Resolution 497 (1981) declares Israel's annexation of the territory null and void. <http://unispal.un.org/unispal.nsf/47d4e277b48d9d3685256ddc00612265/c875fed771683f9d85257a4b00711bab?OpenDocument>

⁴¹ See video of Naftali Bennett explaining his 'Israel Stability Initiative': http://www.youtube.com/watch?v=n1oFOEY_6IM&feature=player_embedded

⁴² official Israeli term corresponding to the territory usually referred to as the West Bank, but excluding East Jerusalem

⁴³ quotes from <http://www.rightsforum.org/citaten-israelische-politici>

- Dani Danon (Likud Beitenu), Deputy Minister of Defence: 'The real solution is to extend Israeli sovereignty over the settlements in Judea and Samaria.'

Other pro-annexation politicians have gone further, calling for the annexation of the entire West Bank

- Tzipi Hotovely, Deputy Minister of Transportation (Likud Beitenu): 'The state of Israel needs to put her unilateral solution on the table. Not the unilateral solution of withdrawals, but the unilateral solution of declaring sovereignty over Judea and Samaria.'
- Moshe Feiglin, member of Knesset and head of the powerful Manhigut Yehudit faction of the Likud party: 'Until we declare sovereignty on all areas of the Land of Israel in our hands, we have no real solution to the situation.'

6. The European Union's efforts undermined in Area C

The international community considers Israel's activities in Area C to be in direct violation of international law.

The UN has stated that Israeli policies undermine the livelihood of the Palestinian population⁴⁵ by prohibiting land development and limiting Palestinian access to crucial natural resources, such as water, and basic services (health, education, etc.) These illegal, 'deliberate and discriminatory' practices result in de-development and increased dependence on international aid, of which the European Union is the largest international donor.

The 2011 report of EU heads of mission has not been fully implemented by the Union's decision-makers.

The EU has a clear-cut position on the issue: a July 2011 report by EU heads of mission, titled '*Area C and the Palestinian State Building*⁴⁶', describes Israel's activities in detail and suggests the following measures to improve the situation in Area C:

- encourage Israel to change its policy and planning system and engage the Palestinian communities in access and development,
- reduce land and population vulnerability and facilitate better coordinated responses to basic needs,
- promote economic development,
- increase visibility and accountability for the delivery of aid.

The EU has described the restrictive planning and zoning system imposed by Israeli authorities in Area C as having 'wide-ranging impacts' and serving as an 'impediment for Palestinian development'⁴⁷.

Like the UN, the EU has demanded that Israel to meet its international

⁴⁵ UNOCHA 'Restricting Space', page 15.

⁴⁶ For the entire report see:

<http://thecepr.org/images/stories/pdf/area%20c%20%20final%20report%20july%202011.pdf>

⁴⁷ EU July 2011 mission report 'Area C and Palestinian State Building', page 4.

obligations and immediately cease demolishing the Palestinian homes and facilities built with funds from humanitarian organisations.

The EU considers Israeli policies in Area C an obstacle to peace.

The EU considers that Israeli policies in Area C constitute an obstacle to peace and render a Palestinian state unviable. On 14 May 2012, the EU's Foreign Affairs Council called on Israel to meet its obligations in Area C, 'including by accelerated approval of Palestinian master plans, halting forced transfer of population and demolition of Palestinian housing and infrastructure... and addressing humanitarian needs.' The Council stated that the 'social and economic developments in Area C are of critical importance for the viability of a future Palestinian state.' The Israeli Ministry of Foreign Affairs rejected the EU position, saying it was 'based on a partial, biased and one-sided depiction of realities on the ground'.

The 2012 Levy Committee report, Israel's continued settlement and demolition activities in Area C, and the explicitly pro-annexation agenda espoused by several ministers in the governing coalition severely challenge the EU's position.

In March 2013, the EU and the Palestinian National Authority signed a new financing agreement aimed at supporting the Palestinian presence and promoting social and economic development in Area C⁴⁸.

These measures, however, will not suffice.

7. Policy options

The EU should prepare measures to implement the recommendations made by the Union's local representatives in the July 2011 Area C report. The EU must also 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 needs to be followed by concrete policy actions. The European Parliament adopted a resolution on the subject on 5 July 2012⁴⁹.

The following policy options could be considered:

1. Demand that Israel honour its commitments to evacuate outposts (as set out in the 'Road Map for peace'), to halt the construction and expansion of settlements immediately, and to create a clear plan for evacuating Israeli settlements.
2. Reiterate its call for Israel to meet its obligations under international humanitarian law, and in particular stop demolishing houses and forcibly evicting and displacing Palestinians. Israel should also facilitate the implementation of Palestinian and international

⁴⁸ Remarks by EU High Representative Catherine Ashton Following her meeting with Palestinian Prime Minister Salam Fayyad: http://europa.eu/rapid/press-release_MEMO-13-239_en.htm?locale=en#PR_metaPressRelease_bottom

⁴⁹ <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2012-0298&language=EN>

development projects in the area.

3. Urge the Palestinian National Authority to devote more attention to Area C in national development plans in order to improve the living conditions of Palestinians living in this area.
4. Ensure that the Union and its Member States do not directly or indirectly support the settlements, as such support constitutes a contradiction of the EU's formal position. Measures should include banning products imported from Israeli settlements.
5. Consider strong political response if any part of the West Bank is formally annexed including suspending the EU-Israel Association Agreement.

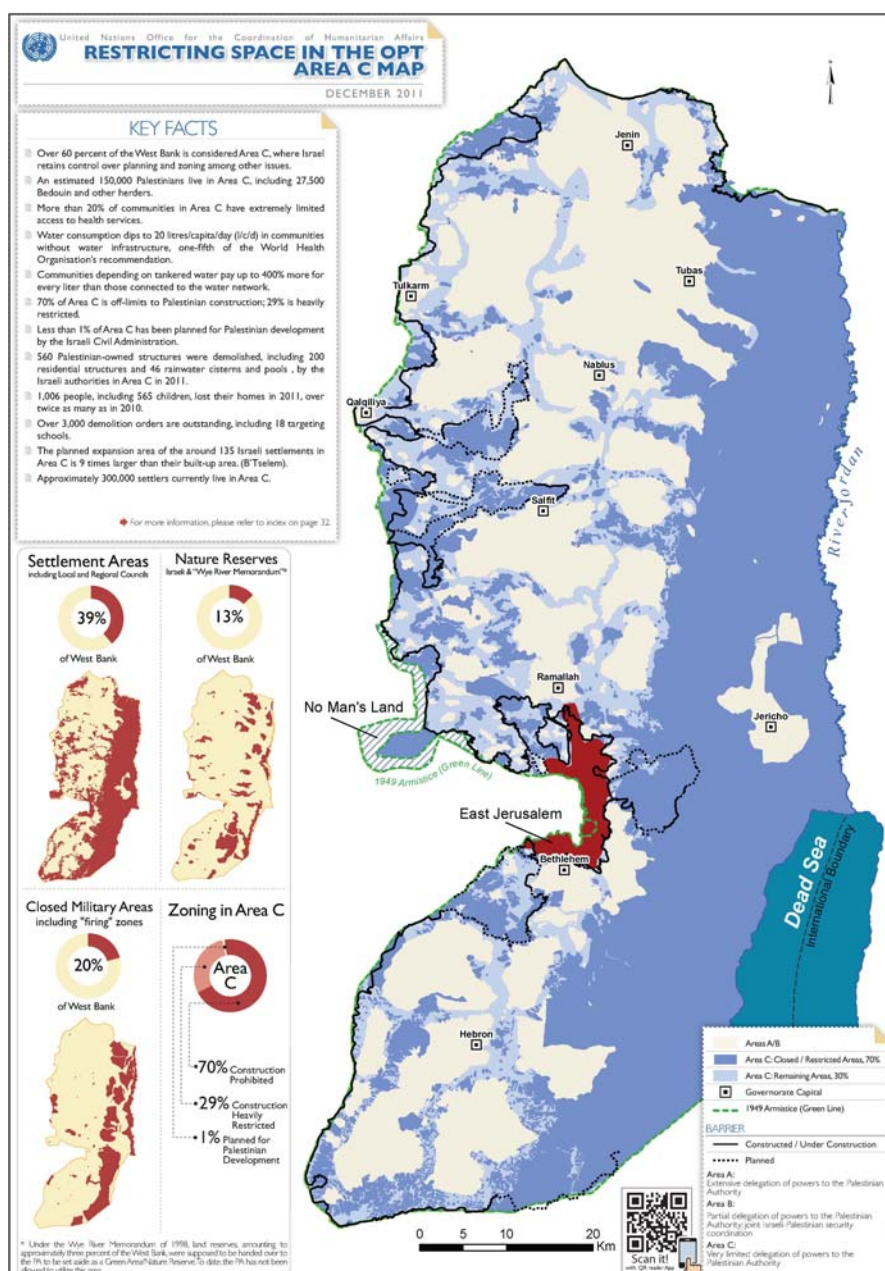


Figure 1: Map of Area C; Source: United Nations Office for the Coordination of Humanitarian Affairs (OCHA)