

Texts adopted

Thursday, 5 July 2012 - Strasbourg

EU policy on the West Bank and East Jerusalem

European Parliament resolution of 5 July 2012 on EU policy on the West Bank and East Jerusalem (2012/2694(RSP))

The European Parliament,

- having regard to its previous resolutions, in particular those of 29 September 2011 on the situation in Palestine⁽¹⁾, of 16 February 2012 on the proposal for a Council decision on the conclusion of the regional Convention on pan-Euro-Mediterranean preferential rules of origin⁽²⁾, and of 9 September 2010 on the situation of the Jordan River with special regard to the Lower Jordan River area⁽³⁾,
- having regard to the Council conclusions on the Middle East Peace Process of 14 May 2012, 18 July and 23 May 2011, and 8 December 2009,
- having regard to the speech delivered by VP/HR Catherine Ashton at Parliament's plenary sitting of 12 June 2012 on the latest developments in the Middle East and Syria,
- having regard to the statements of VP/HR Catherine Ashton, in particular those of 8 June 2012 on settlement expansion, of 25 April 2012 on the decision of the Israeli authorities regarding the status of the settlements of Sansana, Rechelim and Bruchin in the occupied Palestinian territory, and of 22 February 2012 on Israeli settlement approvals,
- having regard to the EU Heads of Mission reports on East Jerusalem of January 2012 and on 'Area C and Palestinian State Building' of July 2011, and to the EU Heads of Mission report on settler violence of April 2011 and the accompanying EU Heads of Mission note on settler violence of February 2012,
- having regard to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949,
- having regard to the Charter of the United Nations,
- having regard to UN General Assembly resolutions 181 (1947) and 194 (1948), and UN Security Council resolutions 242 (1967), 252 (1968), 338 (1973), 476 (1980), 478 (1980), 1397 (2002), 1515 (2003), and 1850 (2008),
- having regard to the UN International Covenant on Civil and Political Rights of 1966,
- having regard to Middle East Quartet statements, in particular those of 11 April 2012 and 23 September 2011,
- having regard to the joint statement by Israel and the Palestinian Authority (PA) of 12 May 2012,
- having regard to the advisory opinion of the International Court of Justice entitled 'Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory' of 9 July 2004,
- having regard to Palestinian Prime Minister Salam Fayyad's two-year state-building plan entitled 'Ending the Occupation, Establishing a State' of August 2009,
- having regard to the Interim Agreement on the West Bank and Gaza Strip of 18 September 1995,
- having regard to the Oslo Accords ('Declaration of Principles on Interim Self-Government Arrangements') of 13 September 1993,
- having regard to Rule 110(2) and (4) of its Rules of Procedure,

A. whereas the EU has repeatedly confirmed its support for the two-state solution with the State of Israel with secure and recognised borders and an independent, democratic, contiguous and viable State of Palestine living side by side in peace and security, and declared that no changes to the pre-1967 borders, other than those agreed by the parties, will be recognised, including with regard to Jerusalem as the capital of two states; whereas the right of Palestinians to self-determination and to have their own state is unquestionable, as is the right of Israel to exist within safe borders;

B. whereas the Council conclusions of 14 May 2012 underlined that ‘the ongoing changes across the Arab world make the need for progress on the Middle East peace process all the more urgent’ and that ‘heeding the aspirations of the people in the region, including those of Palestinians for statehood and those of Israelis for security, is a crucial element for lasting peace, stability and prosperity in the region’;

C. whereas direct peace talks between the parties are stalled and all recent efforts to resume negotiations have failed; whereas the EU has called on the parties to pursue actions conducive to an environment of confidence necessary to ensure meaningful negotiations, to refrain from actions that undermine the credibility of the process and to prevent incitement;

D. whereas Israel and the Palestinian Authority issued the following joint statement on 12 May 2012: ‘Israel and the Palestinian Authority are committed to achieving peace and the sides hope that the exchange of letters between President Abbas and Prime Minister Netanyahu will further this goal’;

E. whereas international human rights and humanitarian law, including the Fourth Geneva Convention, is fully applicable to the West Bank, including East Jerusalem and the Gaza Strip; whereas Israel is obliged, inter alia, to ensure in good faith that the basic needs of the occupied Palestinian population are met, administer its occupation in a manner that benefits the local population, protect and preserve civilian objects, and avoid the transfer of its own population into the occupied territory and of the population of the occupied territory into its own territory;

F. whereas the recent EU Heads of Mission reports on ‘Area C and Palestinian State Building’, on East Jerusalem, and on settler violence, confirmed once more alarming and potentially irreversible developments on the ground in the areas concerned; whereas the Israeli Ministry of Foreign Affairs rejects the claims made in the EU papers and has criticised the papers stating that they do not help to advance the peace process;

G. whereas, since the 1995 Oslo Agreements, the West Bank has been administratively divided into three zones or areas; whereas Area C composes the largest portion of the West Bank territory; whereas social and economic developments in Area C are of critical importance for the viability of a future Palestinian state;

H. whereas the Palestinian presence in the West Bank, with special regard to Area C, and in East Jerusalem has been undermined by Israeli Government policies, especially by the building and expansion of settlements; whereas Israeli settlements are illegal under international law and constitute a major obstacle to peace efforts while they are subsidised by the Israeli Government with considerable incentives in the fields of taxation, housing, infrastructure, roads, access to water, education, health care, etc.;

I. whereas Israel, in its ‘Basic Law: Jerusalem, Capital of Israel’ of 1980, declared Jerusalem the complete and united capital of Israel, which is in contradiction with UN Security Council resolution 478 (1980); whereas the Council conclusions of 14 May 2012 reiterated again that a way must be found through negotiations to resolve the status of Jerusalem as the future capital of two states; whereas current developments in East Jerusalem, make the prospect of Jerusalem becoming the future capital of two states increasingly unlikely and unworkable in practice; whereas East Jerusalem is increasingly detached from the West Bank while the Historic Basin within Jerusalem is increasingly detached from the rest of East Jerusalem;

J. whereas, while Palestinians living in East Jerusalem represent 37 % of the population of Jerusalem and account for 36 % of the municipality's fiscal revenues, only 10 % of the municipal budget is spent in East Jerusalem, with the provision of services being highly inadequate; whereas most Palestinian institutions, including the Orient House, have been closed by the Israeli authorities in East Jerusalem, creating an institutional and leadership vacuum in the local Palestinian population, which remains a key concern;

K. whereas Palestinians living in East Jerusalem have a permanent-resident status which can only be transferred to children under certain conditions and is not automatically transferred through marriage, preventing spouses and children of many East Jerusalem permanent residents from living with their family members; whereas, on the other hand, approximately 200 000 Israeli settlers are living in and around East Jerusalem;

L. whereas protecting the Palestinian population and its rights in the West Bank, with special regard to Area C,

and in East Jerusalem is of the utmost importance for preserving the viability of the two-state solution; whereas the ongoing expansion of settlements and settler violence, planning restrictions and the consequent acute house shortage, house demolitions, evictions and displacements, confiscation of land, difficult access to natural resources, and the lack of basic social services and assistance are having a significant negative impact on the living conditions of Palestinians; whereas the economic situation in these areas, aggravated by the restrictions on access, movement and planning, remains a major source of concern; whereas, according to the annual ILO report, 53,5 % of young women and 32,3 % of young men between the ages of 15 and 24 in the West Bank are unemployed;

M. whereas the Palestinian population in the West Bank, in Area C in particular, and in East Jerusalem faces serious water shortages; whereas Palestinian farmers are seriously affected by the lack of water for irrigation, which stems from the use of most of the water in question by Israel and by Israeli settlers; whereas the availability of sufficient water resources is essential to the viability of a future Palestinian State;

N. whereas the separation wall built by Israel, which does not follow the Green Line, cuts off considerable parts of Palestinian territory both in the West Bank and in East Jerusalem; whereas the advisory opinion of the International Court of Justice entitled 'Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory' of 2004 declared that 'the construction of the wall being built by Israel ..., and its associated régime, are contrary to international law';

O. whereas Parliament has repeatedly expressed its support for the state-building efforts of President Mahmoud Abbas and Prime Minister Salam Fayyad and acknowledged and welcomed the success of the two-year state-building plan of Prime Minister Fayyad; whereas Area C and East Jerusalem should remain priorities in Palestinian national development plans, particularly in response to the sense of neglect felt by Palestinians living in these areas;

P. whereas more than 4500 Palestinian prisoners, including 24 members of the Palestinian Legislative Council, around 240 children, and more than 300 Palestinian administrative detainees, are currently detained in Israeli prisons and detention centres;

Q. whereas Arab Bedouins are indigenous people leading a sedentary and traditionally agricultural life on their ancestral lands and are seeking formal and permanent recognition of their unique situation and status; whereas Arab Bedouin communities, threatened by Israeli policies undermining their livelihoods and including forced transfer, are a particularly vulnerable population both in the occupied Palestinian Territory and in the Negev;

R. whereas, according to the report of the Displacement Working Group (DWG) which was published on 14 May 2012 and to the monthly Humanitarian Monitor of OCHA, more than 60 structures, including solar panels, water tanks and agricultural buildings, funded by the European Union and a number of its Member States, were destroyed by Israeli forces since January 2011; whereas more than 100 similar projects are under threat of demolition;

S. whereas, on many occasions, including in the Council conclusions of 14 May 2012, the EU and its Member States have reiterated their fundamental commitment to the security of Israel, condemned in the strongest terms violence deliberately targeting civilians, including rocket attacks from the Gaza Strip, and called for the effective prevention of arms smuggling into Gaza;

T. whereas Article 2 of the EU-Israel Association Agreement states that relations between the parties shall be based on respect for human rights and democratic principles, which guides their internal and international policy and constitutes an essential element of this agreement;

U. whereas the blockade of and the humanitarian crisis in the Gaza Strip has continued since 2007 despite numerous calls made by the international community for the immediate, sustained and unconditional opening of crossings for the flow of humanitarian aid, commercial goods and persons to and from Gaza, as also reiterated in the Council conclusions of 14 May 2012;

1. Reiterates its strong support for the two-state solution on the basis of the 1967 borders, with Jerusalem as capital of both states, and with the State of Israel with secure and recognised borders and an independent, democratic, contiguous and viable State of Palestine living side by side in peace and security;

2. Welcomes the Council conclusions on the Middle East Peace Process of 14 May 2012 – which include conclusions on the West Bank and East Jerusalem – and reiterates that the EU will not recognise any changes to the pre-1967 borders, including with regard to Jerusalem, other than those agreed by the parties, also welcomes the

Middle East Quartet statement of 11 April 2012;

3. Stresses that ending the conflict is a fundamental interest of the EU, as well as of the parties themselves and the wider region, and that this can be achieved through a comprehensive peace agreement, based on the relevant UN Security Council resolutions, the Madrid Principles including land for peace, the Roadmap, the agreements previously reached by the parties and the Arab Peace Initiative; insists on the fact that any resulting resolution should not affect the dignity of either side; notes that the EU, as the largest donor to the Palestinian Authority and one of Israel's major trading partners has instruments at its disposal to more actively encourage both parties to work towards a solution; calls on both parties to work together with the EU, which should pursue all efforts to resolve the conflict; recalls the applicability of international humanitarian law in the occupied Palestinian territory, including the applicability of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War;

4. Stresses that direct negotiations leading to a two-state solution between Israelis and Palestinians should be resumed without delay and according to the deadlines called for by the Quartet, in order to overcome the unacceptable status quo; welcomes the exchange of letters between the parties initiated on 17 April 2012 and the joint statement by Israel and the PA of 12 May 2012;

5. Expresses its deepest concern about developments on the ground in Area C in the West Bank and in East Jerusalem, as described in the EU Heads of Mission reports on 'Area C and Palestinian State Building' of July 2011 and on East Jerusalem of January 2012;

6. Stresses the importance of protecting the Palestinian population and its rights in Area C and in East Jerusalem, which is essential for keeping the viability of the two-state solution alive;

7. Reiterates that all settlements remain illegal under international law and calls on the Israeli Government to stop all construction and extension of settlements in the West Bank and East Jerusalem and to dismantle all outposts erected since March 2001;

8. Strongly condemns all acts of extremism, violence and harassment committed by settlers against Palestinian civilians and calls on the Israeli Government and authorities to bring the perpetrators of such acts to justice and hold them accountable;

9. Calls for full and effective implementation of existing EU legislation and EU-Israel bilateral agreements to ensure that the EU control mechanism – the 'technical arrangements' – does not allow Israeli settlement products to be imported to the European market under the preferential terms of the EU-Israel Association Agreement;

10. Calls on the Israeli Government and authorities to meet their obligations under international humanitarian law, in particular by:

- securing an immediate end to house demolitions, evictions and forced displacement of Palestinians,
- facilitating Palestinian planning and building activities and the implementation of Palestinian development projects,
- facilitating access and movement,
- facilitating the access of Palestinians to farming and grazing locations,
- ensuring a fair distribution of water meeting the needs of the Palestinian population,
- improving access of the Palestinian population to adequate social services and assistance, in particular in the fields of education and public health, and
- facilitating humanitarian operations in Area C and in East Jerusalem;

11. Calls for an end to the administrative detention without formal charge or trial of Palestinians by Israeli authorities, for access to a fair trial for all Palestinian detainees, and for the release of Palestinian political prisoners, with special regard for members of the Palestinian Legislative Council, including Marwan Barghouti, and administrative detainees; calls also for the immediate release of Nabil Al-Raei, the artistic director of the Freedom Theatre in Jenin Refugee Camp, arrested on and detained since 6 June 2012; welcomes the agreement reached on 14 May 2012 that allowed for the end of the hunger strike of the Palestinian prisoners and calls for its

full and immediate implementation;

12. Calls for the protection of the Bedouin communities of the West Bank and in the Negev, and for their rights to be fully respected by the Israeli authorities, and condemns any violations (e.g. house demolitions, forced displacements, public service limitations); calls also, in this context, for the withdrawal of the Praver Plan by the Israeli Government;

13. Encourages the Palestinian Government and authorities to pay increasing attention to Area C and East Jerusalem in Palestinian national development plans and projects, with the aim of improving the situation and living conditions of the Palestinian population in these areas;

14. Stresses again that peaceful and non-violent means are the only way to achieve a sustainable solution to the Israeli-Palestinian conflict; continues to support, in this context, President Abbas' policy of non-violent resistance and to encourage intra-Palestinian reconciliation and Palestinian state-building, and considers presidential and parliamentary elections to be important elements of this process;

15. Reiterates its strong commitment to the security of the State of Israel; condemns any act of violence by any party deliberately attacking civilians, and is appalled by the rocket attacks from the Gaza Strip;

16. Calls on the Council and the Commission to continue to support and deliver assistance to Palestinian institutions and development projects in Area C and in East Jerusalem with the aim of protecting and strengthening the Palestinian population; calls for improved coordination between the EU and Member States in this field; stresses that Israel must put an end to the practice of withholding customs and tax revenues belonging to the Palestinian Authority;

17. Calls on the EEAS and the Commission to verify on the ground all allegations concerning the destruction of and damage caused to EU-funded structures and projects in the occupied territory, and submit the results to Parliament;

18. Calls on the Council and the Commission to continue to address these issues at all levels in the EU's bilateral relations with Israel and the Palestinian Authority; stresses that Israel's commitment to respect its obligations under international human rights and humanitarian law towards the Palestinian population must be taken into full consideration in the EU's bilateral relations with the country;

19. Urges the EU and Member States again to play a more active political role, including within the Quartet, in the efforts aimed at achieving a just and lasting peace between Israelis and Palestinians; stresses again the central role of the Quartet and continues to support the High Representative in her efforts to create a credible perspective for re-launching the peace process;

20. Reiterates its call for the immediate, sustained and unconditional lifting of the blockade of the Gaza Strip in terms of persons, the flow of humanitarian aid and commercial goods, and for steps allowing for the reconstruction and economic recovery of this area; calls also, with due recognition of Israel's legitimate security needs, for an effective control mechanism preventing the smuggling of arms into Gaza; takes note of the decision of the Council to extend the mandate of the European Border Assistance Mission Rafah until 30 June 2013 and expects it to fulfil its tasks and play a decisive and effective role as regards the daily management of cross-border relations and the build-up of confidence between Israel and the Palestinian Authority; calls on Hamas to recognise the State of Israel and to give its support to the two-state solution; also calls on Hamas to put an end to the violence perpetrated both internally and externally against the State of Israel;

21. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the EU Special Representative to the Middle East Peace Process, the President of the UN General Assembly, the governments and parliaments of the UN Security Council members, the Middle East Quartet Envoy, the Knesset and the Government of Israel, the President of the Palestinian Authority and the Palestinian Legislative Council.