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Plenary sitting

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B7-0374/2012

MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy

pursuant to Rule 110(2) of the Rules of Procedure

on EU policy on the West Bank and East Jerusalem
(2012/2964(RSP))

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United in diversity

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B7-0374/2012

European Parliament resolution on EU policy on the West Bank and East Jerusalem (2012/2964(RSP))

The European Parliament,

- having regard to its previous resolutions, in particular that of 29 September 2011 on the situation in Palestine, 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, and of 10 September 2010 on the situation of the Jordan River with special regard to the Lower Jordan River area,
- 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 on the latest developments in the Middle East and Syria of VPC/HR Catherine Ashton at the plenary session of the European Parliament of 12 June 2012,
- having regard to the statements of VPC/HR Catherine Ashton, in particular that on settlement expansion of 8 June 2012, on the decision of the Israeli authorities regarding the status of the settlements of Sansana, Rechelim and Bruchin in the occupied Palestinian territory of 25 April 2012, and on Israeli settlement approvals of 22 February 2012,
- having regard to the EU Heads of Mission report on East Jerusalem of January 2012,
- having regard to the EU Heads of Mission report ‘Area C and Palestinian State Building’ of July 2011,
- 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 pertinent UN resolutions, in particular UN General Assembly resolution 181 (1947) 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 Middle East Quartet statements, in particular those of 11 April 2012 and 23 September 2011,
- having regard to the advisory opinion of the International Court of Justice on ‘Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory’ of 9 July 2004,
- having regard to the judgement of the European Court of Justice of 25 February in Case C-386/08, Brita GmbH v Hauptzollamt Hamburg-Hafen,

- having regard to the two-year state building plan ‘Ending the occupation, establishing a state’ of Palestinian Prime Minister Salam Fayyad 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) of its Rules of Procedure,
- A. whereas the European Parliament has repeatedly expressed its support for the two-state solution with the State of Israel and an independent, democratic, contiguous and viable State of Palestine living side by side in peace and security, called for the resumption of direct peace talks between the parties, and declared that no changes to the pre-1967 borders, including with regard to Jerusalem, other than those agreed by the parties shall be recognised;
- B. whereas the right of Palestinians for self-determination and to have their own state is unquestionable as is the right of Israel to exist within safe borders; 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. 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 the recent EU Heads of Mission reports on ‘Area C and Palestinian State Building’ and on East Jerusalem, both leaked to the press, revealed again alarming developments on the ground in the areas concerned, which trends constitute a significant threat to the viability of the two-state solution;
- D. whereas the West Bank and East Jerusalem, together with the Gaza Strip, are occupied territory; whereas international human rights and humanitarian law, including the Fourth Geneva Convention, is fully applicable to this territory; whereas Israel as occupying power 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 as well as of the population of the occupied territory into its own territory;
- E. whereas the Oslo Accords of 1993 divided up the territory of the West Bank into three zones: Areas A, B, and C; whereas Area C, under Israeli civil and security control, constitutes 62% of the territory of, and is the only contiguous area with most of the fertile and resource-rich land in the West Bank; whereas the Interim Agreement on the West Bank and Gaza Strip of 1995 declared that Area C would be gradually transferred to Palestinian jurisdiction, which has not taken place;
- F. whereas Palestinian presence in Area C has been undermined by Israeli government policies; whereas, as a result of these policies, only 5.8% of the Palestinian population in

the West Bank is living in Area C while the number of Israeli settlers, estimated to 310.000, is more than double the estimated number of the Palestinian population in this area; whereas, therefore, protecting the Palestinian population and its rights in Area C is of the utmost importance for preserving the viability of the two-state solution;

- G. whereas Israel, in its 'Basic Law: Jerusalem, Capital of Israel' of 1980, declared Jerusalem the complete and united capital of Israel; whereas UN Security Council resolution 478 (1980) determined that all legislative and administrative measures and actions taken by Israel, as occupying power, which had altered or purported to alter the character and status of Jerusalem, and in particular the Basic Law, were null and void and must be rescinded forthwith; 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;
- H. whereas current developments in East Jerusalem, as also underlined in the EU Heads of Mission report, make the prospect of Jerusalem becoming the future capital of two states increasingly unlikely and unworkable, undermining the two-state solution; 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;
- I. 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, has been closed by Israeli authorities in East Jerusalem, creating an institutional and leadership vacuum in the local Palestinian population, which remains a key concern;
- J. whereas Palestinians living in East Jerusalem have the status of permanent resident, which can only be transferred to children under certain condition and is not automatically transferred through marriage, preventing spouses and children of many East Jerusalem permanent residents from living together with their family members; whereas, on the other hand, approximately 200 000 Israeli settlers are living in and around East Jerusalem;
- K. whereas Palestinian presence in Area C and in East Jerusalem has been undermined by Israeli government policies; whereas a key element of these policies is 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 subsidized by the Israeli government with considerable incentives in the fields of taxation, housing, infrastructure, roads, access to water, education, health care etc.; whereas the year 2011 witnessed the greatest expansion of settlements in the Jerusalem area since 1967; whereas settler violence and harassment against Palestinian civilians resulted in serious incidents and fatal injuries;
- L. whereas, in lack of an effective EU control mechanism, Israeli settlement products continue to arrive on the European market under preferential treatment; whereas the European Parliament, in its resolution on the proposal for a Council decision on the conclusion of the regional Convention on pan-Euro-Mediterranean preferential rules of origin of 16 February 2012, expressed its serious concern about the practices employed by certain companies in exploiting the terms of the EU-Israel Association Agreement by

exporting goods produced in the occupied Palestinian Territory to the European market under preferential treatment, noted that the solutions offered by the relating technical arrangement between the EU and Israel were not satisfactory in this regard, considered that a simple, efficient and reliable mechanism to replace this arrangement should be agreed with Israel, urged however Member States to ensure that their customs authorities effectively apply the existing technical arrangement, and invited the Commission to put forward new proposals and to work together with the European Parliament to find a solution to this abuse of preferential access to the Union's internal market;

- M. 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 on '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, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated régime, are contrary to international law';
- N. 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 water and other natural resources, the lack of basic social services and assistance etc. have a significant negative effect on the living conditions of Palestinians in the West Bank, with special regard to Area C, and in East Jerusalem; whereas the economic situation in these areas, aggravated by the restrictions on access, movement and planning, remains a major source of concern;
- O. whereas the European 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, also in response to the sense of neglect felt by Palestinians living in these areas;
- P. whereas more than 4500 Palestinian prisoners - including 27 members of the Palestinian Legislative Council, more than 200 minors under the age of 18, and more than 300 administrative detainees - continue to be held in Israeli prisons and detention centres; whereas the arbitrary and excessive use of administrative detention of Palestinians by Israel as occupying power contravenes the Fourth Geneva Convention;
- Q. 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;
- R. whereas Arab Bedouins are an 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 (Naqab);

- S. whereas the European Union is the largest donor to the Palestinian Authority; whereas the humanitarian and development aid provided by the international community, and the EU and its Member States in particular, does not relieve Israel as occupying power of its obligations under international law; whereas more than 60 projects financed by the EU or its Member States were damaged or destroyed by Israeli forces since January 2011 and more than 100 similar projects are under threat of demolition;
 - T. whereas the European Parliament has repeatedly expressed its strong commitment to the security of the State of Israel; whereas the Council conclusions of 14 May 2012 also reiterated the fundamental commitment of the EU and its Member States 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;
 - U. whereas the blockade of and the humanitarian crisis in the Gaza Strip continues 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 again its strong support for the two-state solution on the basis of the 1967 borders, with Jerusalem as capital of both states, with the State of Israel and an independent, democratic, contiguous and viable State of Palestine living side by side in peace and security; fully supports the Council conclusions on the Middle East Peace Process of 14 May 2012, reiterating 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;
 2. 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, which trends undermine the viability of the two-state solution; calls on all parties to avoid any unilateral step that may undermine on the ground the prospect of a negotiated agreement, with special regard to Israeli settlement activities; welcomes and fully supports paragraphs 6 and 7 of the Council conclusions of 14 May 2012 focussing on the questions of settlements, East Jerusalem, and Area C;
 3. 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;
 4. Stresses again that Israeli settlements in the West Bank and in East Jerusalem are illegal under international law; calls for an immediate, complete and permanent freeze of all Israeli settlement construction and expansion activities, which constitute a major threat to the viability of the two-state solution, as well as for the dismantling of all outposts erected since March 2001;
 5. Condemns strongly all acts of settler extremism, violence and harassment against

Palestinian civilians and calls on the Israeli government and authorities to bring the perpetrators of such acts to justice and to hold them accountable, as the lack of accountability creates impunity;

6. Calls for full respect of the EU's obligations under international law and of existing EU legislation in the implementation of EU-Israel bilateral agreements; calls, in this context, for the establishment by the Commission of an adequate and effective EU control mechanism in order to avoid that Israeli settlement products arrive on the European market under preferential treatment; underlines that Israeli entities having their headquarter, branches or subsidiaries registered and/or conducting activities in the territory occupied by Israel in 1967 should not be allowed to participate in cooperation with the EU;
7. Calls on the Israeli government and authorities to meet their obligations as occupying power in particular by
 - an immediate end to house demolitions, evictions, and forced displacement of Palestinians,
 - facilitating Palestinian planning and building activities as well as the implementation of Palestinian developments 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;
8. Calls for the reopening of Palestinian institutions in East Jerusalem, with special regard to the Orient House;
9. Calls for an end to the arbitrary and excessive use of administrative detention without formal charge or trial against Palestinians by Israeli authorities, for access to a fair legal process by all Palestinian detainees, and for the release of Palestinian political prisoners, with special regard to 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;
10. Calls for the protection of Arab Bedouin communities living in the occupied Palestinian Territory and in the Negev (Naqab); calls for an immediate end to any forced displacement, dispossession or demolition against this population and for the improvement of their living conditions by providing them adequate services on their ancestral lands; calls, in this context, for the withdrawal of the Praver Plan by the Israeli government;
11. 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;

12. Stresses again that peaceful and non-violent means are the only way to achieve a just and lasting peace between Israelis and Palestinians; calls again for the resumption of direct peace talks between both parties; continues to support, in this context, the policy of non-violent resistance of President Abbas and to encourage intra-Palestinian reconciliation and Palestinian state-building with presidential and parliamentary elections being important elements of this process;
13. Reiterates its strong commitment to the security of the State of Israel; condemns any act of violence by any party deliberately attacking civilians, including rocket attacks from the Gaza Strip;
14. 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, however, for an improved coordination between the EU and Member States in this field; calls also for holding Israel financially accountable for the demolition of projects funded by the EU and its Member States in the occupied Palestinian Territory;
15. 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 occupied Palestinian population shall be taken into full consideration in the EU's bilateral relations with the country, including at the upcoming EU-Israel Association Council meeting, and that relating performance indicators shall be mainstreamed in all instruments of this partnership;
16. Urges again the EU and Member States to play a more active political role, also 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;
17. Reiterates its call for the immediate, sustained and unconditional lifting of the blockade of the Gaza Strip and for steps allowing for the reconstruction and economic recovery of this area; calls also, by recognising Israel's legitimate security needs, for an effective control mechanism preventing the smuggling of arms into Gaza;
18. 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 Middle East Quartet Envoy, the Knesset and the Government of Israel, the President of the Palestinian Authority and the Palestinian Legislative Council.