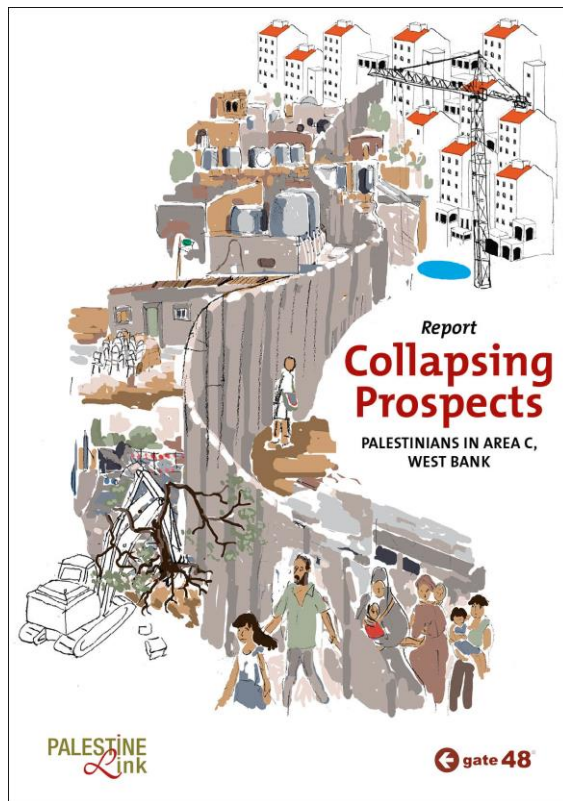


# Collapsing Prospects: Palestinians in Area C/ West Bank



Report by

Rachel Kurian, Aalt Leusink, Peter van Lieshout, Marloes van Noorloos, Dubravka Žarkov.

Secretarial support by Machteld Galema

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## Executive summary

In October 2015, a Dutch interdisciplinary team of experts visited Area C in the West Bank, aiming at two specific objectives: to assess the human security and sustainable development situation of Palestinian communities in Area C, and subsequently to offer Dutch policy makers recommendations for specific engagements. The Expert Team focused on three themes:

- the rule of law, human rights and violence;
- access to natural resources, in particular water and land;
- demolition and building policies and practices.

Before going to Area C the team consulted a substantial number of relevant sources. During the visit itself, it met with a large number of Israeli, Palestinian and international activists, NGO practitioners, experts and academics, Dutch diplomatic representatives as well as Palestinian farmers and refugees.

The team has identified three layers of Israeli military regime which directly impact – individually and cumulatively – human security and sustainable development in Palestinian communities in Area C:

- A. The development of Israeli settlements and outposts in the territory designated by the UN Resolution 181 (II) in 1947 as a Palestinian territory.
- B. A system which severely restricts freedom of movement for Palestinians, consisting of the Barrier/Separation Wall, mobile and permanent checkpoints, roadblocks, separate road systems for Israelis and Palestinians and various policies of segregation and restriction of mobility.
- C. The fragmentation of Palestinian territories and the introduction of different governing and judicial systems in the West Bank, through the creation of Areas A, B and C, East Jerusalem and zones E1, H1 and H2.

Some of the conditions described above - such as territorial, governance and judicial fragmentation - were created by the Oslo Accords, signed in 1993 and 1995. However, the accords were meant to be temporary, revisited after 5 years. Moreover, they were supposed to create the conditions for security and prosperity for both Israelis and Palestinians, and lead to a peaceful coexistence within the Two-state framework. This has not materialized. On the contrary, the Team wishes to stress with the utmost urgency that peace and security are getting ever further.

The mission resulted in two main conclusions:

First, the systematic institutional oppression and discrimination of the Palestinians in Area C have increased exponentially since the signing of the Oslo Accords, while human security and the prospects for growth and economic development have deteriorated dramatically. This process goes much deeper and faster than generally acknowledged.

Second, it is the strong conviction of the Expert Team that such circumstances are neither sustainable nor tenable even in the short-run, and that they pose a serious and immanent threat to any possible just solution to the conflict

Israeli military occupation in all its forms of domination affects the daily life of Palestinians to the extent of creating an overall context of deep human insecurity and little hope for the future of Palestinians as a people under occupation. Development aid and projects supported by international donors contribute to the survival of Palestinian communities, easing some of the

immediate dire needs, but under these conditions they do not and cannot contribute to either human security or sustainable development in Palestinian communities in Area C.

With this in mind, the Expert Team wishes to point to its following key concerns:

1. There is a dual judicial system in Area C, with Israeli settlers being subject to Israeli Civil Law and Palestinians governed by Israeli Military Law. The high degree of Palestinian convictions, the harsh sentencing of Palestinians and the systematic failure of Israeli authorities to enforce the law and protect the Palestinians when facing settler violence, are viewed by national and international human rights organizations as institutionalised discrimination against the Palestinians.
2. In spite of it being illegal under international law, Israeli support for the development and expansion of settlements and outposts continues and is even accelerating in Area C, depriving the Palestinians of, and driving them from their land.
3. Restrictions on the freedom of mobility of Palestinians have intensified exponentially since the Oslo Accords and the Second Intifada, and most recently since the outbreak of violence in October 2015. The Wall – built as a temporary security measure – and the strict system of checkpoints and mobility permits have resulted in Palestinian communities being cut off from their farmlands and water resources. Moreover, Palestinians are not allowed to use the bypass roads designated for the use of Israeli settlers only. These restrictions are being broadened continuously, affecting more and more Palestinian populations and territories.
4. The Israeli military and civil administrations have appropriated land in Area C by designating it as ‘state land’, ‘military zone’ and ‘nature reserve’. Palestinians either have extremely restricted access to these lands or are actively expelled from. At the same time, Israeli settlements and companies have full access to, and rights of use of the appropriated Palestinian lands. Spatial planning is one of the major tools used for these designations and for the restriction of the demographic, economic and social development of Palestinian communities.
5. The fragmentation of agricultural land, the denial of access to adequate water supplies and the prohibition to breed livestock and farm the fertile land in Area C have left Palestinians dependent on import for their daily sustenance. Basic food security, already low, is likely to become a major problem.
6. The lack of adequate investments in the Palestinian water and sanitation infrastructure, the disproportionate extraction and usage of water per person/per day by Israel and Israeli settlers and the active and systematic denial of access to, as well as the destruction of Palestinian water resources are characteristic of what has been named ‘water-apartheid’.
7. The denial of permits for the construction of private, community and public property for Palestinian use, either by donors or with Palestinian funds, as well as the demolition of property – including essential water and energy supplies - by the Israeli civil administration and military authorities constitute a major violation of some of the basic human rights, including the right to development.
8. Palestinian land and residences in key places in Area C and East Jerusalem have been declared Israeli/Jewish ‘archaeological sites’ and ‘national heritage sites’, and Palestinians residing there are being forced to leave their homes. At the same time, Palestinian cultural and national heritage is being denied and destroyed.
9. The space for non-violent resistance is drastically shrinking, as the right of Palestinians to peaceful assembly and association is restricted. Lately protests and other non-violent actions by both Israeli and Palestinian human-rights defenders and organizations have been delegitimized much more systematically, countered by heavy military force and by threats, and criminalized by the passing of laws that limit and control such activities.

The Expert Team wishes to emphasize that no independent, sustainable and secure livelihood for Palestinian communities is possible under these conditions.

The Palestinian population in Area C lives under an Israeli military regime which the United Nations and the international community still call *occupation*. However, international law forbids occupying states to move their own population to the occupied territory and to evict occupied populations from their land. It also forbids the exploitation of natural and other resources of the occupied country, denying occupied communities health, education and due social, economic and political development, violating the social, civil and political rights of the occupied population, the use of collective punishments and causing the occupied people undue suffering. Israel does all of this.

Together with the international community, the Dutch government has supported the Oslo peace process and the two-state solution, hoping that a combination of security and economic development would pave the way for an economically and politically independent and viable sovereign Palestinian state living in peace with Israel as its neighbour. It is however the conclusion of this Expert Team that, under the current conditions, the social and economic resources of such a Palestinian state are being either destroyed or appropriated by the State of Israel, while negative political processes extinguish the options for non-violent engagement.

It is with this in mind that the Expert Team addresses the Dutch government, Dutch Parliament and Dutch policy makers with the following recommendations:

## Recommendations

In view of our main conclusions and key concerns, the Expert Team urges the Dutch Government, Parliament and policy makers to engage in debates about the nature of the Israeli military regime in the West Bank and the two-state solution. Very different positions are taken on these issues by various political and civil-society organizations in Palestine and Israel, in the Middle East, the EU, The Netherlands and other parts of the world. We recommend that the Dutch Government, Parliament and policy makers play an active role in discussing the different approaches and what consequences they bear for the Palestinian people, and that they engage in envisioning just and sustainable solutions to a Palestinian statehood.

In addition, we urge the Dutch Government, Parliament and policy makers to exert their influence on Israel and persuade it to acknowledge and respect international laws referring to the illegitimacy of Israeli occupation of Palestine and its devastating effects on the Palestinian people. In particular, Israel should be required to fulfil its obligations under Oslo I and Oslo II to transfer full governing power of Areas C and B to the Palestinian National Authority, and to stop all activities prohibited by international law, such as the building, expansion and planning of Israeli settlements in the West Bank.

We advise the Dutch Government, Parliament and policy makers to demand that Israel takes the following steps in order to slow down and ultimately stop the current near-collapse of Palestinian livelihood in Area C, and start creating the basic conditions for sustainable livelihood as well as personal and property security:

- a. Immediate acknowledgement and respect of the right of the Palestinians in Area C to human and property security, along with the abolishment of policies and practices which violate those rights. More specifically by:
  - Respecting the freedom of movement of persons and goods;

- Abandoning the dual legal system and other policies and practices which discriminate against Palestinians;
  - Securing the rule of law and fair trial rights;
  - Ensuring proper protection of Palestinians and their property against settler violence;
  - Stopping the expulsion and forced resettlement of Palestinians within Area C and the 'silent transfer' from Area C;
  - Abandoning discriminatory spatial planning and establishing Palestinian planning and building of institutions and agencies.
- b. Immediate withdrawal of policies and practices which have a direct negative impact on the economic development of Palestinian communities in Area C, as well as acknowledgement and respect of the right of the Palestinian people to sustainable economic development, in particular by:
- Allowing the Palestinians full access to their natural resources, guaranteeing a just distribution and hi-tech development of water resources under supervision of an independent party, as well as securing investments in basic water infrastructure;
  - Restituting appropriated Palestinian land with no delay, ensuring full Palestinian access to privately-owned and communal lands and allowing Palestinian farmers free access to their arable lands and pastures;
  - Securing the right of all Palestinians to exploit natural resources in the West Bank, especially drinking and irrigation water, quarries of building materials, minerals and nature reserves, for economic development and solving food insecurity;
- c. Protection of development aid, investments done by the national and international community, including the Dutch government, and all other investments enhancing personal and property security and livelihood in Area C , in particular by:
- Immediately dismantling the discriminatory building and demolition system with all its policies and institutions;
  - Stopping all demolitions and withdrawing all threats of demolition (be it as a measure of collective punishment or because a property was built without a permit).
- d. Immediate recognition and protection of the right of Palestinian, Israeli and international individuals, groups and civil-society organizations to freedom of expression, assembly and non-violent activity, as well as the abolishment of policies and practices which violate these rights:

In addition, the Expert Team urges the Dutch government to make a change within its own national space, to go further than the mere "discouraging policy" which advises companies, institutions and organizations to refrain from contributing economically, intellectually, technically or otherwise to the building and development of Israeli settlements, or to the Israeli occupation of Palestine, thus violating national and international laws and principles, and to see to it that Dutch companies and organisations that are involved in such international law violations are held accountable.

Finally, The Expert Team recommends that the Dutch government uses its position within the EU and assumes a leading role in creating, pursuing and supporting European policies which hold Israel legally, politically and economically accountable for its policies and practices in the West Bank which violate international law and impede human security and development of the Palestinians.