



A Palestinian boy grazes his sheep in Haddidya, which lies in the central part of the Jordan Valley and is surrounded by settlements. The sheep are not allowed to graze past these stones. *Photo by Simon Rawles.*

FAILING TO MAKE THE GRADE

HOW THE EU CAN PASS ITS OWN TEST AND WORK TO IMPROVE THE LIVES OF PALESTINIANS IN AREA C

In May 2012, European foreign ministers issued one of the strongest Foreign Affairs Council statements on the Occupied Palestinian Territory (OPT) to date. The ministers called on the government of Israel to address worsening conditions for Palestinians living in Area C. These included fundamental rights violations such as forced transfer, restrictions on access to water, settlement construction, violence from Israeli settlers, and obstruction of access to humanitarian aid.

After the release of the May 2012 Foreign Affairs Council Conclusions, there were high hopes that positive advances in EU policy could change an increasingly untenable situation. Violations of international law continue to contribute to “facts on the ground” that appear more irreversible by the day.

In this last year, however, little has changed for Palestinians. In the occupied West Bank, more than 600 houses have been built in the past year in Israeli settlements—illegal under International law—and 535 Palestinian-owned homes and structures have been destroyed, leaving approximately 784 people homeless or displaced.



This report was produced by the Association of International Development Agencies (AIDA), an umbrella organization of more than 80 international aid and development agencies working on the ground in the occupied Palestinian territory.

While a number of EU institutions and member states have issued strong statements in reaction to these developments, European responses to ongoing demolitions of homes, schools and other basic infrastructure remain ad-hoc and uncoordinated. And, despite a handful of initiatives by individual EU member states, Europe's leaders are still reluctant to raise collectively and systematically with their Israeli counterparts the need for fundamental changes to Israeli government policies that harm Palestinian rights and development in Area C.*

Over 60 percent of the occupied West Bank is designated as "Area C," meaning it falls under full Israeli government military and civil control. An estimated 150,000 Palestinians live in Area C, with approximately 325,000 Israelis living in settlements.¹

Area C is home to some of the most vulnerable Palestinian communities. They struggle to build simple homes, graze sheep and goats, make a living and raise their children. This is very difficult, however, without regular access to land, water and basic services such as schools, medical facilities and a responsive police force. Isolated

* We focus here on EU-Israeli relations because that is the focus of the FAC conclusions and of recent EU Heads of Mission reports. The EU and Israel hold a structured dialogue on human rights by virtue of their Association Agreement. AIDA condemns violence against civilians on all sides and calls on all parties to the conflict to uphold their obligations in line with international law.

from services provided by the Palestinian Authority in other parts of the West Bank, Palestinians living in Area C rely heavily on humanitarian and development assistance.

Members of the Association of International Development Agencies (AIDA), an umbrella organization of more than 80 international aid and development agencies working on the ground in the OPT, are urging EU member states to act now to reinforce their strong statements with coordinated, systematic action backed by high-level political leadership in order to protect the most vulnerable Palestinian communities.

This report examines developments since the Foreign Affairs Council conclusions in four areas (those that address Area C and settlements) that pose immediate problems for the work of AIDA members.² The report assesses EU and members states' performance over the year since the conclusions and proposes actions they can take to improve the lives of Palestinians in the OPT, especially Area C.

By using collective strength and political will, the EU and its member states can and should change conditions on the ground. Suggestions for how the EU and its member states can come together to create this change and improve the lives of vulnerable men, women, and children in Area C are summarized in the table below.

A Palestinian girl passes the time in her family's tent. Palestinians face great difficulties in obtaining Israeli construction permits to build homes, schools, roads, water networks, or electricity grids in the Jordan Valley, which is mostly Area C. *Photo by Simon Rawles.*



EU Commitments & Performance on Area C

Demolitions & Displacement

<p>What the EU said in May 2012</p>	<p>“The EU calls upon Israel to meet its obligations” which include “halting forced transfer of population and demolition of Palestinian housing and infrastructure, simplifying administrative procedures to obtain building permits, ensuring access to water and addressing humanitarian needs.”</p>
<p>What’s happened since</p>	<ul style="list-style-type: none"> • 94% rejection rate for Palestinian requests for building permits. • demolition of 535 Palestinian-owned structures in the West Bank (including residential structures, emergency tents, livelihood infrastructure, water cisterns, and roads). Of these demolitions, 464 occurred in the West Bank and 71 in East Jerusalem, forcibly displacing 784 people, of whom more than half were children.
<p>What can and should be done</p>	<p>Significantly improve EU-wide coordination of preventative and responsive actions to protect Palestinians from displacement and demolitions, including:</p> <ul style="list-style-type: none"> • systematic high-level political action by European governments (for example, demarches, statements, and if necessary recalling ambassadors from Tel Aviv); • providing insurance or budget allocations to allow demolished structures to be rebuilt; • providing diplomatic convoys for aid agencies that support Palestinians living in areas under heavy Israeli restrictions; and • advocating for the right of displaced people to return to their land and be compensated for any harm and damages they may have suffered.

Discrimination in Permits & Planning

<p>What the EU said in May 2012</p>	<p>“The EU calls upon Israel to meet its obligations regarding the living conditions of the Palestinian population in Area C, including by accelerated approval of Palestinian master plans...”</p>
<p>What’s happened since</p>	<ul style="list-style-type: none"> • Of 32 master plans funded by the EU since 2009, none have been approved by Israeli authorities. Without master planning, communities develop in an ad hoc way that does not support their development. They are also left vulnerable to Israeli demolitions. • Much of Area C is still out of bounds for Palestinian development due to Israeli restrictions. Hundreds of Palestinian villages remain outside of development plans and therefore cannot proceed with construction, growth and service provision.
<p>What can and should be done</p>	<ul style="list-style-type: none"> • Adopt a clear European policy of starting to build development infrastructure in areas where master plans were submitted more than 18 months prior, even if the plans remain unapproved. • Move forward with aid projects in localities where master plans have not yet been developed if there is no response from Israeli authorities to building permit applications within six months of submission, or if objections are not related to minimal technical standards or legitimate security concerns. • Increase support for new, comprehensive Palestinian national development and spatial plans in order to address planning in a coherent manner.

Settlements	
What the EU said in May 2012	“Settlements remain illegal under international law... The EU condemns continuous settler violence and deliberate provocations against Palestinian civilians. It calls on the government of Israel to bring the perpetrators to justice and to comply with its obligations under international law.”
What’s happened since	<ul style="list-style-type: none"> • 1,967 settlement housing units were included in new Israeli tendering processes and 613 new housing units have already been built. This represents a significant increase over previous years. • 150 Palestinians were injured by settlers, including 33 children.
What can and should be done	<p>Press for an immediate halt to settlements.</p> <p>Establish a systematic monitoring and response plan to address settler violence that ensures the government of Israel is upholding its obligation to protect Palestinian civilians and their property by:</p> <ul style="list-style-type: none"> • investigating in a systematic, timely, and transparent manner alleged incidents of settler violence; • prosecuting known perpetrators; and • ensuring victims have access to effective remedy and justice.
Hindering EU-funded Assistance	
What the EU said in May 2012	“The EU will continue to provide financial assistance for Palestinian development in Area C and expects such investment to be protected for future use. The EU will engage with the Government of Israel to work out improved mechanisms for the implementation of the donor funded projects for the benefit of the Palestinian population in Area C.”
What’s happened since	<ul style="list-style-type: none"> • 30 European-funded structures have been demolished by Israel authorities. • No European donor has sought compensation for damage to EU-funded aid projects, or pressed for accountability by other means. • Support for community resilience projects is extended, but little support has been offered for infrastructure development that benefits Palestinians in Area C.
What can and should be done	<ul style="list-style-type: none"> • Collectively demand compensation for damage to European-funded aid projects. • Ensure adequate financing is available for development activities that benefit Palestinian communities in Area C, including for the construction of infrastructure.

Demolitions & Displacement

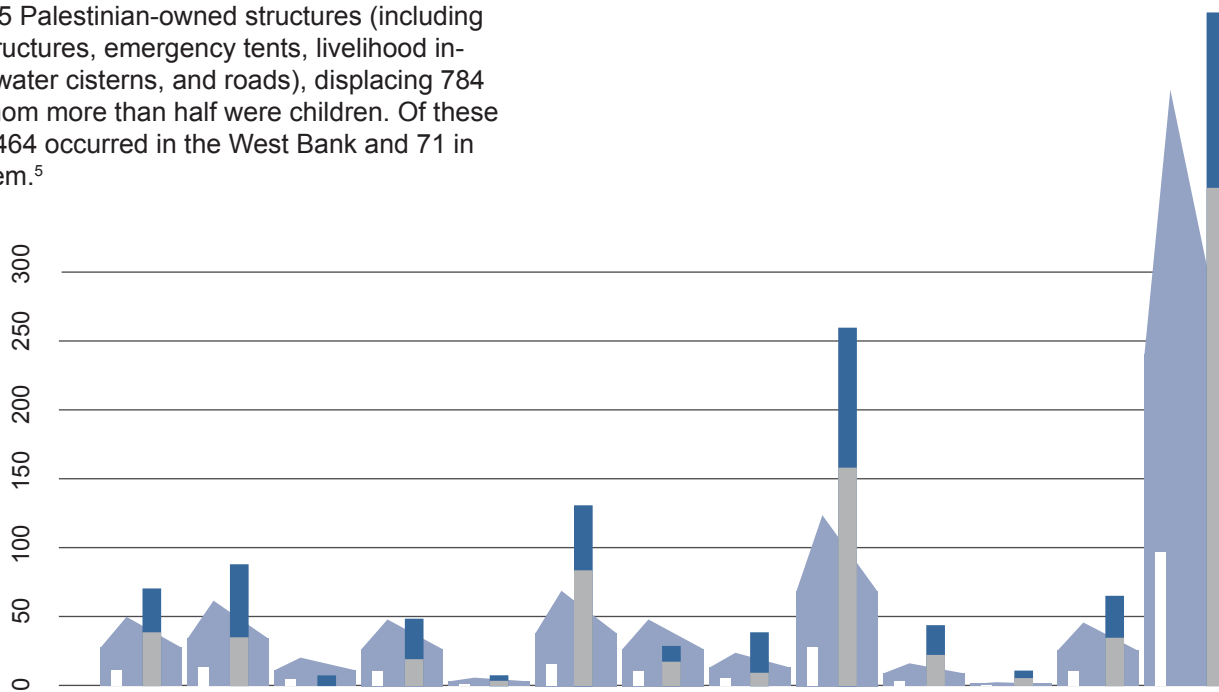
One of the most basic needs—housing—is in short supply for Palestinians in Area C. Only one percent of land there is currently available for Palestinian construction. Potential development is restricted in most of Area C due to the presence of illegal Israeli settlements, Israeli military zones, the Wall, and other restrictions imposed by the Israeli government.³




Moreover, when Palestinians seek to build, they are generally denied permission. Israeli authorities have granted less than 6 percent of construction permits requested by Palestinians over the past decade.⁴ Without building permits, residents either build anyway or resort to living in makeshift shacks and tents that offer little protection against the winter’s cold rain or summer heat. Many Palestinian communities have felt they had no choice but to build essential structures without permits, which in turn leaves their schools, homes and agricultural structures vulnerable to demolition.

Between May 2012 and April 2013, Israeli authorities destroyed 535 Palestinian-owned structures (including residential structures, emergency tents, livelihood infrastructure, water cisterns, and roads), displacing 784 people, of whom more than half were children. Of these demolitions, 464 occurred in the West Bank and 71 in East Jerusalem.⁵

“The humanitarian community reiterates its call to the Government of Israel to immediately halt demolitions of Palestinian homes and property and to establish a fair and equitable zoning and planning system. [...] Israel, as an occupying power, has an obligation under international law to protect Palestinian civilians and to administer the territory in a manner that ensures their welfare and basic needs.”

—Maxwell Gaylard, UN Humanitarian Coordinator for the Occupied Palestinian Territory and Deputy Special Coordinator for the Middle East Peace Process



	May '12	June '12	July '12	Aug '12	Sept '12	Oct '12	Nov '12	Dec '12	Jan '13	Feb '13	March '13	April '13	Total
 Structures Demolished	50	67	18	49	5	83	35	25	140	13	2	48	535
 Total No. of People Displaced	65	86	6	45	6	135	29	33	257	48	10	64	784
 Children Displaced	42	40	0	23	3	87	14	10	156	23	5	38	441

The human toll of these demolitions is enormous, disrupting children's education, separating family members, and causing the declining economic, physical and mental health of the families that experience them.⁶ According to the Geneva Conventions, demolition in occupied territory is illegal and the extensive destruction of property may constitute a grave breach of the Fourth Geneva Convention.⁷

In July 2011, the EU Heads of Mission in Jerusalem recommended that, as a first step to preventing Palestinian displacement, the EU and its member states should "more systematically voice objections to involuntary population movements, displacements, evictions, demolitions and internal migration."⁹

The EU and its member states have not yet done so on a systematic basis, nor at the ministerial level. So far such objections have been voiced only sporadically. In 2011, for instance, Poland issued a *démarche* and called the Israeli ambassador for a meeting with the Polish Ministry of Foreign Affairs after repeated demolitions of cisterns rehabilitated by Polish funds. Similarly, in April 2012, France confronted Israel's ambassador in Paris over the demolition of two water cisterns in Hebron in the southern West Bank that were financed under a French agricultural cooperation project. These remain, however, the exceptions that prove the rule.

DEMOLITIONS ON THE RISE

January 2013 witnessed a spike in demolitions: 140 Palestinian structures including 59 residential structures were demolished—the highest number in a single month in over two years, and an almost three-fold increase compared with the monthly average of demolitions in 2012 and 2011. Nearly 90 percent of January's demolitions took place in Area C.⁸

Just three months later, between April 23-30, Israeli bulldozers destroyed 36 basic Palestinian homes and structures across Area C and East Jerusalem, including five emergency shelters the French Consulate provided for families who were left homeless in the northern Jordan Valley by the Israeli demolitions in January. During the same week, the Israeli military temporarily displaced at least 70 Palestinian families from six different villages in the Jordan Valley to conduct military training drills.

The EU currently lacks a coherent response to preventing and responding to demolitions and displacement in the OPT. It can and should develop an EU-wide systematic response plan to address harmful policies by the Israeli government and support the most vulnerable.

BLOCKING EDUCATION

Restrictions on development in Area C are affecting children's access to education, a right enshrined in the Convention on the Rights of the Child¹⁰ to which Israel is a signatory, as well as other instruments of international law.

Restrictions on building in Area C have resulted in a shortage of classrooms and community-based primary schools, meaning that young children often walk long distances to get to school. On the way, they face settler and military violence, checkpoints, and the risk of being detained. Girls are often kept at home because parents fear for their safety.

In Khan al Ahmar, a Bedouin community located in the politically-sensitive Jerusalem periphery known as E1, parents, children, and international donors sought to avoid building restrictions by assembling a sturdy school built from car tires and mud.

On June 23, 2009, Israeli authorities issued the first stop work and demolition orders against the school because no building permit had been obtained. With legal aid, the community has managed to delay demolition, but still faced a series of legal and physical challenges. These include the confiscation of school materials, attacks and harassment by settlers, and the blocking of school access through road works and a barrier at the community entrance.

At right: A boy plays outside his home in Khan al Ahmar, which sits between the Jordan Valley and Jerusalem. Like the school, his family's simple shack made from plastic and tin has been issued a demolition order because it was erected without permission from the Israeli authorities. *Photo by Simon Rawles.*

RESTRICTING ACCESS TO WATER

Said is a 47-year old farmer from Al Fawwar, a refugee camp south of Hebron. He owns a small plot of land in Area C, just outside his village, where he grows olives, almonds, grapes, cherries and plums. Most of this produce feeds his large family of nine children, with some also sold in the village to augment his job as a construction worker in Israel.

In 2007, Said built a large 240 m³ capacity cistern on the hillside in his fields to collect rainwater that spills from the hills during the rainy season. He used it to irrigate his trees through the dry summer.

At 5:15 am on April 29, 2013, a convoy of Israeli army jeeps and a bulldozer demolished his cistern, filling it with earth, rubble and uprooted trees in the process. Building the cistern had cost him approximately 40,000 NIS (about \$11,000), and now clearing and rebuilding it would cost perhaps 60,000 NIS (\$16,800).

“I can’t afford to build a new cistern,” he says, “so for now I will have to buy water brought by truck, but it won’t be enough. My vines will surely die, and I just planted small olive trees that need to be watered every two weeks.”

Discriminatory Planning & Permits

All over the world, towns and cities are built with proper urban planning in mind. In most areas, forums for planning and zoning consider future development against current public needs and then decide where to allot space for parks, businesses, and residential areas. In Area C, however, Palestinians have been largely excluded from participating in such a planning process, because it is controlled by Israeli authorities. While Israel as the occupying power has an obligation to provide for the well-being of the Palestinian population, it has not upheld this obligation and has hindered development and favored Israeli settlements at the expense of Palestinian communities.

Without inclusive planning mechanisms, the needs of ordinary Palestinian men, women and children remain unaddressed. Many communities do not have adequate housing, health clinics, or primary schools, and have no formal plan to prepare for future population growth, or to connect them to water and electricity networks.

While acknowledging the need for new infrastructure in Area C, most European donors have also been reluctant to fund such development in the absence of fully approved “master plans” and building permits. They cite the increased risk of demolition. Recently, therefore, the international donor community has invested in the development of master plans and committed to pushing for fairer systems for obtaining building permits.¹¹



THE LEGAL QUESTION

Even without final approval, the submission of master plans seems to have temporarily halted the demolition of infrastructure in the handful of communities that have developed such plans.¹⁹ However, the process of creating master plans may legitimize an illegal system and de facto “justify” demolitions outside of master planned areas, thus not serving to protect the most marginalized and vulnerable, such as herding and mobile communities.²⁰

The Israeli planning system in the West Bank may itself be in breach of international law.²¹ Third states and international organizations are obliged to ensure that they do not aid, assist or recognize such illegal Israeli policies and practices. European donors’ current engagement (through implementing organizations) with the Israeli planning and permitting system in Area C may fall short of these requirements. For example, master plans currently up for approval by Israeli authorities have *de facto* recognized illegal Israeli policies and practices in Area C, such as the Wall and settlements.²²

“*The current planning process is at best a stop-gap solution for vulnerable communities living in Area C and though some plans have so far proved a successful short-term protection tool, this is the case for only a handful of communities. At worst, however, the process is counterproductive: it risks creating a two-tiered hierarchy of Palestinian villages in Area C, giving the Israeli administration the choice of which plans to discuss and which to reject or ignore. There is a huge risk that [Israeli authorities] could use planning to further justify the displacement of communities which have not been included in the system.*”

—Alon Cohen-Lifshitz, planner working at Bimkom – Planners for Planning Rights, an Israeli non-profit organization that aims to strengthen democracy and human rights in the field of planning



Thirty-four families were displaced from Al Malih in June 2013 when the Israeli army used their community as a live fire military training area. Photo by Simon Rawles.

Since 2009, the EU and the UK government have funded the development of 32¹² community master plans that have been developed in consultation with the residents and submitted to Israeli authorities. An additional 35 European-funded plans are currently being prepared (29 funded by the Belgian Technical Cooperation and six by the UK government).¹³ Planning organizations and UN Habitat consider the plans to be of good quality.¹⁴ The German government, the EU and other donors are investing in quality control mechanisms and the integration of such plans into the wider national development plan of the Palestinian Authority (PA).

Approximately €2,710,000 (\$3.5 million) is being invested in these efforts,¹⁵ but this funding represents less than a quarter of what is needed for the EU to meet its commitment to plan for all communities in Area C.¹⁶

Moreover, none of this investment has yet born tangible fruit. In May 2013, four years after the first UK-funded master plans were prepared and 17 months after the majority were submitted to the Israeli authorities, *not a single master plan has received final Israeli government approval.*¹⁷ Despite a benchmark established by the EU to work for Israeli approval no later than 6-18 months after submission, European-funded master plans remain on the shelf.¹⁸

Will the EU deliver by June 2013, the 18-month deadline of master plan submission, on its commitment to hold the government of Israel to account for its unnecessarily drawn-out procedures? The EU can and should work to protect its investment with a collective plan to press for fair and responsive planning policies for Palestinians.

Israeli Settlements

While official obstacles stand in the way of Palestinian development, Israeli settlement construction in the occupied West Bank is pursued with speed and resources. In 2012 alone, the Israeli Minister of Defense approved construction plans for 6,676 housing units in Israeli settlements.²³ This was a four-fold increase in defense approvals for housing units compared with 2011.²⁴ Since May 2012, 1,967 settlement housing units were included in new tendering processes and between May and December 2012, 613 new housing units had already been built.²⁵

Israeli settlements in the OPT are not only illegal, they also have a profound humanitarian impact on Palestinians living in their vicinity. The settlements have given rise to formidable restrictions on movement and a discriminatory system of laws, rules, and services in the OPT that curtail the rights of Palestinians.

In addition, Israeli settler violence continues to pose a significant threat to the safety of Palestinians. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), from May 2012 to April 2013, 150 Palestinians were injured by settlers, including 33 children.²⁶ UN OCHA reports that instances of settler violence rose from an average of seven attacks on Palestinian people

WITHOUT RECOURSE

On May 10, 2013 at about 6 a.m. Palestinians from the Hebron village of At-Tuwani found that 62 of their olive trees had been cut down during the night. Later that day, a nearby Palestinian wheat field was torched.

On a small wall nearby the olive field the phrase “price tag” was scrawled. The “price tag” policy (Hebrew: ריחמ גת תינידמ) is a campaign of violence and vandalism carried out by some Israeli settlers as a means of protesting international and Israeli governmental actions that are perceived set-backs for the settlement movement. Since 2008, the price tag campaign has been responsible for around a hundred cases of settler violence, including the destruction of income-producing trees and crops, and vandalism to homes, cars, and mosques. Such incidents have a profound economic and psychological impact on Palestinian men, women, and children. Palestinians face substantive barriers in reporting and filing claims because police stations in Area C are housed in Israeli settlements, which Palestinians are barred from entering without official permission.

and property per week in 2012 to eight weekly in 2013. Settlers faced on average one instance of violence per week during the same period.²⁷ Indictment rates for cases of settler violence have remained below 10 percent.²⁸

While the EU and some member state governments have issued strong official statements condemning plans for settlement construction and expansion, they also can and should press for a complete halt to the construction of settlements and develop an action plan to potentially prevent and respond to settler attacks.

Donor Funding in Area C

Violations of international law and unreasonable policies in the OPT can have a direct impact on Palestinian living standards. They can also prevent vulnerable communities from benefiting from assistance made on behalf of the European taxpayer. Thirty EU-funded projects have been demolished since May 2012 when the Foreign Affairs Council committed to investing in Area C and to protecting those investments. Yet, no compensation or other form of accountability has been sought by the EU or member states.

In order to ensure Palestinian communities fully benefit from European aid, Europe can and should take a new, stronger approach for those structures that are still standing, but under threat of demolition.

European financing is critical to ensuring Palestinians have access to basic services and infrastructure in Area C. However, insufficient political backing from European governments means the failure of these projects in the face of the Israeli permit system and other restrictive policies detailed above.

“This agreement [at the Ad Hoc Liaison Committee] is aimed at supporting the Palestinian presence and promoting social and economic development in Area C, which we all know is of crucial importance for the economic viability of Palestine. I’m looking forward to working constructively with all partners towards a significant change in Area C.”

—EU High Representative Catherine Ashton, March 19, 2013

The adoption of the Foreign Affairs Council conclusions in May 2012 was followed by the release of €7 million in EU funding designated for donor-funded projects for Palestinians living in Area C. It included approximately €1 million for support to master plans, €2m–€2.5 million for small-scale infrastructure and €3.5–€4 million for land development and reclamation in Area C.

Disappointingly, few individual member states have followed suit. To date, less than half of EU member states currently invest any money at all in Area C (outside of contributions to the EU, UN and the Emergency Response Fund). As long as there is no collective plan for confronting damage to donor investment, it is difficult to urge donors to commit funds.

The EU and its member states can and should ensure adequate financing for development activities in Area C, in addition to collectively demanding compensation for damage to European-funded projects. The welfare of the Palestinian population demands it.

Meeting Expectations, Making the Grade & Supporting Palestinians

After the encouraging, strong messages from EU ministers a year ago, AIDA's humanitarian and development agencies working on the ground in the OPT had high hopes that concrete changes in EU policy would translate into a dramatic improvement in the conditions facing Palestinians. Unfortunately, the concrete action has not materialized and the situation on the ground has continued to deteriorate.

To create real improvement in the lives of Palestinians in 2013 and beyond, high-level political action and calculated diplomatic and financial risk-taking is urgently needed. The EU and its member states can and should ensure that they complement small-scale, technical goals with bold, coordinated actions to translate EU policy, as stated in the 2012 Foreign Affairs Council conclusions, into reality.

RECOMMENDATIONS TO EU INSTITUTIONS & MEMBER STATES

Demolitions & Displacement

- ✓ Significantly improve coordination of joint actions to prevent and respond to protection threats by agreeing on a clear, **systematic EU-wide plan** that includes:
 - ensuring an increased coordinated presence by diplomats at demolitions;
 - communicating systematically and at a high level with Israeli authorities immediately when demolition or other threats arise;
 - consistently advocating for displaced people to be allowed to return to their land and to be compensated by the government of Israel for any harm or property damage;
 - negotiating long-term donor protective custody over projects where communities want this; and
 - systematically demanding compensation from Israeli authorities for damage to European-funded aid projects on behalf of European tax-payers;
- ✓ Press the government of Israel to cease all measures that contribute to a coercive environment and to **immediately cancel all demolition orders** against Palestinian structures in the OPT and put in place a fair and legal system that supports Palestinian development in line with international law.
- ✓ Increase financial and political support to **ensure Palestinian communities, particularly those in Area C, have access to natural resources, basic infrastructure and essential services**, including health and education in their current locations.

Planning & Permits

- ✓ **Adopt a clear European policy to begin construction of development infrastructure in areas where master plans were submitted over 18 months ago.**

- ✓ In localities where master plans have not yet been developed, the EU should **adopt a standardized approach to development activities**, which should include:
 - seeking approval of activities from relevant Palestinian communities and authorities;
 - coordinating construction with relevant Israeli authorities on behalf of aid agencies and Palestinian communities; and
 - agreeing to move forward with aid projects if there is no response from the Coordinator of Government Activities in the Territories (COGAT) within six months of notification, or if Israeli authorities' objections are not related to minimal technical standards or legitimate security concerns, as stipulated under international law. Systematic mechanisms to legally review Israeli government rejections should be established to ensure compliance with international legal standards.

Settlements

- ✓ Urgently press for an **end to all settlement construction** in accordance with UN resolutions and international law.
- ✓ Establish a response plan for addressing and responding to settler violence against Palestinians and their property, guaranteeing access to an effective legal remedy, and ensuring that all allegations of violence are investigated and prosecuted in a timely, independent, impartial and thorough manner.

Donor Financing

- ✓ Ensure adequate financing is available for development activities that benefit Palestinian communities in Area C, including for the construction of basic infrastructure.
- ✓ Establish clear minimum standards for protection and international humanitarian law (IHL) mainstreaming in European-funded aid projects, ensuring IHL is systematically incorporated into program planning, implementation, monitoring and evaluation.
- ✓ Demand information about Israeli government allocations to Palestinian development in Area C and ensure this reaches the most vulnerable communities.

International Humanitarian Law

- ✓ Make use of and implement the EU guidelines on promoting compliance with IHL, including by undertaking systematic assessments of the IHL situation in the OPT in EU reports regarding the conflict.

Endnotes

1 The designations of Area A (under Palestinian security and civil control), Area B (Palestinian civil control and Israeli control) and Area C were part of the interim agreements signed by Israel and the PLO. For more on Area C, see United Nations Office for the Coordination of Humanitarian Affairs (OCHA), *Area C of the West Bank: Key Humanitarian Concerns*, January 2013. Available at http://www.ochaopt.org/documents/ocha_opt_area_c_factsheet_January_2013_english.pdf (last accessed April 22, 2013).

2 Those conclusions that addressed the situation in Gaza, intra-Palestinian reconciliation, and the Middle East peace process more widely have not been addressed here.

3 "Humanitarian Factsheet on Area C of the West Bank July 2011," Data updated through December 2011. Available at http://www.ochaopt.org/documents/ocha_opt_Area_C_Fact_Sheet_July_2011.pdf (last accessed April 22, 2013).

4 United Nations, "Occupied Palestinian Territory - Consolidated Appeal Process, 2013," p. 24. Available at <http://www.ochaopt.org/documents/>

[ochaopt_cap_2013_full_document_english.pdf](#) (last accessed 22 April 2013). AIDA meeting with Bimkom, Jerusalem, April 14, 2013.

5 Protection of Civilians database, OCHA

6 Save the Children UK, "Broken Homes: Addressing the impact of house demolitions on Palestinian children and families," April 2009, available at <http://www.savethechildren.org.uk/resources/online-library/broken-homes-addressing-impact-house-demolitions-palestinian-children-and> (last accessed April 22, 2013).

7 First Geneva Convention, art. 50; Second Geneva Convention, art. 51; Fourth Geneva Convention, art. 147. Human Rights Watch has stated that "The law of occupation applicable to the West Bank prohibits Israeli forces from destroying private Palestinian property and evacuating civilians unless their own 'security' or 'imperative military reasons so demand.'" The Israeli authorities have not claimed that in this case, citing instead only that the buildings lack permits...", see Human Rights Watch, "Israel: Halt Home Demolitions," June 21, 2011, available at <http://www.hrw.org/news/2011/06/21/israelhalthomedemolitions> (last accessed May 6, 2013).

8 OCHA, "The Monthly Humanitarian Monitor," January 2013. Available at http://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2013_02_28_english.pdf (last accessed April 22, 2013.)

9 EU Heads of Mission in East Jerusalem, "Area C and Palestinian State Building," July 2011, p. 11.

10 See CRC, arts. 28 & 29, available online at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx> (last accessed May 9, 2013).

11 According to Bimkom, the Israeli Civil Administration (ICA) is also working on outline plans, and has tendered out 18 of these to Palestinian private companies. There have also been several examples of Palestinian community-prepared plans that were presented to the ICA but all rejected (AIDA meeting with Bimkom, Jerusalem, 14 April 2013). Rabbis for Human Rights are involved in supporting legal work around community-designed plans and have also funded some plans using core funding that they receive from the Spanish government and the EU (AIDA phone conversation with Rabbis for Human Rights, 19 April 2013. Documentation available on request). Here, however, we are primarily concerned with the 32 'master plans' drawn up by the International Peace and Cooperation Center (IPCC) because of the considerable EU investment in this process. References to 'master plans' in this document therefore pertain to these plans (We also refer to 35 additional plans (see footnote 15) however none of these have yet been submitted to the ICA.

12 32 plans developed and submitted by the IPCC (i.e., covering 32 locations). While technically there are only 30 master plans, in two villages, master plans are subdivided into subsections). These were funded by the UK Conflict Pool but EU funding for their development and consolidation has also been provided. IPCC documentation available on request.

13 The Belgian Technical Cooperation (BTC) has provided funding for the development of 29 new master plans, tendered out by the PA, while the UK government has provided additional funding for the development of six new master plans by IPCC. None of these have yet been submitted for consideration by the Israeli Civil Administration and are in the process of being developed by planners.

14 AIDA discussions with community members and local council representatives in three villages in South Hebron and two village in the Northern seam zone (all of which are in the process of developing master plans, or have already submitted master plans to the ICA) confirmed robust attempts to involve the communities in planning (AIDA meetings with representatives of local councils in Tuwani, Imneizel and Susiya, 11 April 2013).

15 These are funded mainly by the UK, which has invested approximately €480,000, and the BTC which has allocated approximately €380,000. The French government has made €500,000 available to support master-planning by the Palestinian Ministry of Local Government through UN Habitat. The EU (through the European Neighborhood Policy Instrument) and the UK have recently allocated €1 million and €350,000 respectively to support and consolidate the existing master plans that have been submitted, in order to provide additional detailing

16 There are currently 281 communities located entirely in Area C; current plans (both those that have been submitted and those that are in the development phase) cover 67 communities, less than a quarter of the total. OCHA, *Area C of the West Bank: Key Humanitarian Concerns*, January 2013. Available at http://www.ochaopt.org/documents/ocha_opt_area_c_factsheet_January_2013_english.pdf (last accessed April 22, 2013). If all the communities in Area C were planned for (given a generous estimated average of 360 dunums each), based on OCHA's calculation of 281 communities, then the planned areas would still account for less than 3% of land in Area C.

17 Sixteen months since submission refers to a submission date of January 2012, however 24 of these master plans were initially submitted in July 2011 and re-submitted in January 2012, so have effectively been under consideration by the Israeli Civil Administration (ICA) for almost two years. The remaining six were submitted between August and September 2012. Of the 32 International Peace and Cooperation Center (IPCC) master plans currently under review, six have been preliminarily approved by the

Israeli Ministry of Defense and are awaiting approval from the Water departments before being deposited for the 60-day objection period. An additional 10 have been signed by the Israeli Defense Minister as of March 20, 2013 and are awaiting approval from the Higher Planning Council and Road and Water departments before being deposited for public review (AIDA meeting with IPCC, Jerusalem, April 16, 2013. Documentation available on request).

18 16 of the 32 plans that have been submitted by IPCC to the ICA have not yet received approval from the Israeli Defense Minister, after which they will need to be approved by the Higher Planning Council and various technical departments (IPCC has estimated that the time needed for this part of the process is around 5 months). Following this, they will be deposited for a 60-day public objection period. Even if we take the date of submission of these plans to the ICA as being January 2012, they will not meet an 18-month deadline for approval (AIDA meeting with IPCC, Jerusalem, April 16, 2013. Documentation available on request).

19 There have been no reports of demolitions in the areas for which IPCC has submitted a master plan (AIDA meeting with Bimkom, Jerusalem, 14 April 2013. Also confirmed during AIDA meeting with IPCC, Jerusalem, April 16, 2013).

20 See Bimkom: Planners for Planning Rights, *The Prohibited Zone: Israeli Planning Policy in the Palestinian Villages in Area C*, June 2008, for an explanation of how the Israeli government has changed planning regulations in Area C. According to the World Bank, land use and planning regulations in Area C are "detrimental to Palestinian economic development [as they] tend to limit development within the confined of existing villages, with too little suitable space for demographic growth." World Bank, "The Economic Effects of Restricted Access to Land in the West Bank," 2008, pp. iv-v.

21 See Jerusalem Legal Aid and Human Rights Center, "Concealed Intentions: Israel's Human Rights Violations through the Manipulation of Zoning and Planning Laws in 'Area C'," May 2011, especially pp. 25-28.

22 AIDA meeting with IPCC staff, Jerusalem, April 16, 2013. Plans are intended to cover the needs of communities, and therefore all those that have been submitted "recognize the reality" on the ground, i.e. the existence of the Wall, settlements, etc. The IPCC is currently developing a regional plan to cover several localities north of Jerusalem that aims to provide a "guide for future development" but which will not be submitted to the ICA. In this plan, details include a road running along where the Wall currently stands, and settlements labeled as "Future Built-up Areas." This is an example of potential good practice that could be used in other planning processes. Documentation available on request.

23 Peace Now, "Summary of Year 2012 in Settlements," January 16, 2013. Available at <http://peacenow.org.il/eng/2012-summary> (last accessed April 22, 2013).

24 In 2011, 1,607 were approved. Peace Now, "Summary of Year 2012 in Settlements," January 16, 2013. Available at <http://peacenow.org.il/eng/2012-summary> (last accessed April 22, 2013).

25 AIDA members' email correspondence with Peace Now, April 30, 2013. Numbers of housing tenders come from their own monitoring, while their construction data is drawn from aerial photographs (and is thus partial, i.e. construction is likely to be higher). Documentation available on request.

26 Information provided from OCHA during AIDA member meeting in Jerusalem, April 22, 2013.

27 UN OCHA, "Protection of Civilians Weekly Report, April 23-29 2013". Available at http://www.ochaopt.org/documents/ocha_opt_protection_of_civilians_weekly_report_2013_05_03_english.pdf, last accessed May 20, 2013.

28 Yesh Din Monitoring Update, "Law Enforcement upon Israeli Civilians in the West Bank, Data Sheet," March 2012, available at http://www.yesh-din.org/userfiles/file/datasheets/LawEnforcement_datsheet_Eng_March_2012_Final.pdf (last accessed May 14, 2013). It was confirmed that indictment rates since March 2012 have remained constant during an AIDA telephone interview with a Yesh Din legal expert, April 18, 2013.