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EU policy on the West Bank, including East Jerusalem

Greens/EFA motion for a resolution

The European Parliament,

- having regard to its previous resolutions on the Middle East, Palestine and Israel with regard, in particular to the ones of 29 September 2011 on the situation in Palestine(1) and of 10 September 2010 on the situation of the Jordan River with special regard to the Lower Jordan River area(2),
- having regard to the Council conclusions on the Middle East Peace Process of 14 May 2012, 18 July and 23 May 2011,
- having regard to the statements of VP/HR Catherine Ashton, in particular the ones 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, to the EU Heads of Mission report “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 Council conclusions of 25 June 2012 on the EU Border Assistance Mission for Rafah,
- having regard to the statement of the Spokesperson of the High Representative on the case of Bassem Tamimi of 22 May 2012,
- having regard to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949,
- having regard to 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 Middle East Quartet statements, in particular those of 11 April 2012 and 23 September 2011,

– 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, whereas no changes to the pre-1967 borders, including with regard to Jerusalem, other than those agreed by the parties shall be recognised;

B. whereas direct peace talks between the parties are stalled and all recent efforts to resume negotiations have failed; whereas a credible, lasting and comprehensive settlement requires the application of international human rights and humanitarian laws, including the fourth Geneva Convention relative to the protection of civilians;

C. whereas the Council conclusions of 14 May 2012 underlined the urgent need to restart the Middle East peace process in relation also to the ongoing changes in Southern countries following the Arab spring so as to reply to the legitimate aspirations of all people of the region;

D. whereas the recent EU Heads of Mission reports on “Area C and Palestinian State Building”, on East Jerusalem, and on Settler Violence both leaked to the press, confirmed once more alarming and potentially irreversible developments on the ground in the areas concerned, which deeply undermine the viability of the two-state solution;

E. whereas according to international law the West Bank, including East Jerusalem together with the Gaza Strip, is an occupied territory where international humanitarian law including the Fourth Geneva Convention fully applies; whereas Israel as an 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;

F. whereas Area C in the West Bank, that under the 1993 Oslo Accords fall 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 division of the West Bank into Areas A, B and C were meant to be a temporary measure; 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;

G. 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 Area C;

H. whereas according to UNRWA reports 70% of Area C is off limits to Palestinian construction and 29% is heavily restricted; whereas in 2011 90% of all home demolitions and 92% of all displacement occurred in Area C; 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;

I. 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 an 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;

J. whereas current developments in East Jerusalem, as also underlined in the EU Heads of Mission report, make in practice the prospect of Jerusalem becoming the future capital of two states increasingly unlikely and unworkable;

K. whereas Palestinians living in East Jerusalem, that represent 37% of the population of 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;

L. whereas the year 2011 witnessed the greatest expansion of settlements in the Jerusalem area since 1967; 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.;

M. whereas settlers' violence, harassment and deprivation of private property against Palestinian civilians and international NGO activists supporting their rights resulted in serious incidents and fatal injuries; whereas, in lack of an effective EU control mechanism, Israeli settlement products continue to be imported to the European market under preferential regime;

N. whereas on 20 May 2012 Bassem Tamimi, a human rights defender engaged in nonviolent initiatives against the expansion of an Israeli settlement on Palestinian land was convicted by an Israeli military court on charges of taking part in illegal demonstrations and soliciting protesters to throw stones;

O. whereas the separation wall built by Israel, which does not follow the Green Line, cuts off a considerable part 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 regime, are contrary to international law";

P. whereas more than 4000 Palestinian prisoners, including 27 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; whereas since 2000, around 7 000 Palestinian children have been prosecuted in Israeli military courts after being arrested, interrogated and detained by the Israeli army, police or security agents and are subjected to inhumane and degrading treatment; whereas the majority of these children are charged with throwing stones;

Q. whereas Israeli authorities use administrative detention to restrict Palestinian political activism and apply the procedure for an unlimited period of time without informing of charges; whereas many Palestinians held in administrative detention have been on hunger strike in protest against the use by Israel of administrative detention without charge;

R. whereas water shortage is a crucial and vital issue for the Palestinian population in the West Bank, in Area C in particular, and in East Jerusalem; 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;

S. 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 Bedouins, 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); whereas according to UNRWA despite receiving humanitarian assistance 55% of Bedouins/herding communities in Area C are food insecure;

T. 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 Commission and a number of Member States such as France, Germany, the Netherlands, the United Kingdom, Poland, Ireland and Spain were destroyed by Israeli forces since January 2011;

U. whereas in many occasions the EU institutions and the Member States 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;

V. whereas the blockade of and the humanitarian crisis in the Gaza Strip has continued since June 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; whereas the closure and the isolation of the strip has paved the way for the firm grip by Hamas on Gaza self-government institutions; whereas over the last days on the Israeli-Gaza border the informal cease-fire in place for more than one year was broken by airstrikes of the Israeli forces and rockets fired by the armed wing of Hamas into Southern Israel;

1. Reiterates its conviction that there is no alternative to a negotiated 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 a viable State of Palestine living side by side in peace and security; stresses once more that no unilateral changes on the ground will be recognised by the EU;
2. Expresses its full support to the Council conclusions on the Middle East Peace Process of 14 May 2012 and deplores, in this respect, the negative response of the Israel Ministry of Foreign Affairs to these conclusions;
3. Endorses in particular the reiterated position of the Council regarding the applicability of international humanitarian law in the Occupied Palestinian Territory and calls in this respect on the HR/VP to ensure that Israel's obligations under international human rights and humanitarian laws as an Occupying Power are mainstreamed in all ENP instruments, including in the Country Human Rights Strategy, so as to ensure full implementation of the EU guidelines on the promotion and respect for IHL;
4. 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 again to avoid any unilateral step on the ground that may undermine the prospect of a negotiated agreement in order to create a favourable environment for such resumption, with special regard to Israeli settlement activities;
5. Calls, in this respect, 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 and represent the major obstacle to the resumption of direct peace talks, as well as for the dismantling of all checkpoints erected since March 2001;
6. Strongly condemns all acts of settlers' extremism, violence and harassment against Palestinian civilians and calls on the Israeli government and authorities to put an end to the current environment of lawlessness

and impunity by bringing the perpetrators of such acts to justice and hold them accountable; expresses its solidarity to the victims of such acts and extends its sympathy to all human rights militants struggling to defend in a peaceful and nonviolent way the rights of Palestinians;

7. Calls for upholding fully and effectively existing EU legislation when implementing EU-Israel bilateral agreements, including through the establishment of an adequate and effective Commission-led EU control mechanism in order to avoid that Israeli settlement products are imported to the European market under preferential regime; reiterates the fact that the EU should allow only Israeli entities with headquarters, branches, subsidiaries registered and established in Israel proper and who conduct activities over the same territory, to participate and grant benefit from existing and future EU-Israel instruments of cooperation;

8. Reminds the Israeli authorities of their obligations as an occupying power and in particular to stop immediately house demolitions, evictions, and forced displacement of Palestinians, facilitate Palestinian planning and building activities as well as the implementation of Palestinian developments projects and protect the rights of Palestinian residents to land and property; urges in this context Israel to immediately reverse its decision to demolish homes and structures in Sousiyya near Hebron which would affect 160 Palestinians including 60 child;

9. Urges the Israeli authorities to make all efforts so as to improve the access of Palestinians to farming and grazing locations and to ensure a fair distribution and sharing of water resources that meet the needs of the Palestinian population;

10. 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; condemns the practice of administrative detention and calls on the Israeli government to end this policy; calls for the release of Palestinian children, political prisoners and administrative detainees, including Hassan Safadi who according to the agreement was supposed to be released; reiterates its call for the release of the imprisoned members of the PLC, including Marwan Barghouti;

11. Calls for the protection of the Arab Bedouin population 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;

12. Calls for the resumption of direct peace talks and emphasizes that a genuine, substantial and result-oriented engagement of both sides can have a positive impact on the whole region and contribute to a peaceful transition process in all the countries concerned;

13. Supports, in this context, the policy of non-violent resistance of President Abbas and encourages intra-Palestinian reconciliation and Palestinian state-building with presidential and parliamentary elections being important elements of this process;

14. Reiterates its strong commitment to the security of the State of Israel and condemns any act of violence, including rocket attacks from the Gaza Strip;

15. Calls on the EEAS and Commission to open an official inquiry in order to verify on the ground all the allegations concerning the destruction and damages to EU-funded structures and projects in the Occupied Territories by Israeli forces and calls on the Council to hold Israel financially accountable for such acts;

16. Calls on the Council and the Commission to spare no efforts 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;

17. Expresses its deep concern at the recent clashes on the Israeli-Gaza border which have caused the death of 18 Palestinians including 4 children and injured several dozens from both sides; calls on all the parties to immediately stop all military operations and acts of retaliation and to uphold their obligations under international law notably towards civilians; reiterates its call for the immediately, 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;

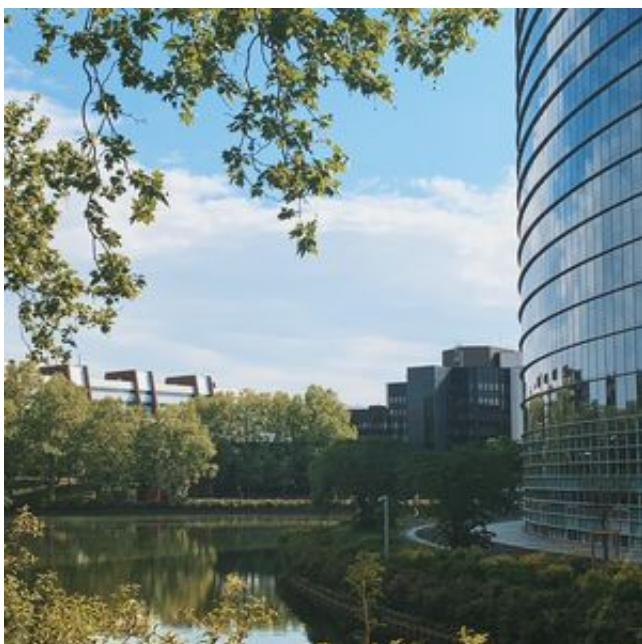
18. Takes note of the decision of the Council to extend the European Border Assistance Mission for the Rafah Crossing Point until 30 June 2013 and expects it to fulfil its tasks and play a decisive and effective role as regards the daily management of cross-border relations and the build-up of confidence between Israel and the Palestinian authority;

19. 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.

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