

## **Continuing forced displacement in Area C: uprooting any chance of a just peace**

Brussels, 07/04/2014

Between 1988 and 2013, the Israeli military issued 12,570 demolition orders in Area C. Destruction of private Palestinian property and displacement of Palestinians in Area C have surged over the last five years, with a 196% increase in demolitions and a 152% increase in resulting displacement.<sup>i</sup>

In terms of international humanitarian law (IHL), Israel, as the occupying power, is prohibited from forcibly displacing Palestinians (who hold the status of protected persons) and from destroying their property, except where rendered absolutely necessary by military operations.<sup>ii</sup> Displacement of Palestinians in occupied territory may also amount to forcible transfer, which is a grave breach of the Fourth Geneva Convention.<sup>iii</sup> We recall the EU's position that home demolitions and evictions are illegal and an obstacle to peace.<sup>iv</sup> The destruction of private property cannot be viewed in isolation, but rather as part and parcel of the illegal settlement enterprise. According to UN OCHA, 60% of all demolitions take place in land allocated to settlements. Over the longer term, these policies create a situation where the only apparent viable option for Palestinians is to leave their homes and/or livelihoods in Area C to be contained in the mostly densely urbanized, fragmented cantons of Areas A and B.

**APRODEV** and **CIDSE** welcome the specific attention that the EU has devoted to issues of demolition and displacement in Area C, and hope to see stronger and more effective actions to counter these illegal policies. In view of the Foreign Affairs Council of April 2014, we invite you to consider the following recommendations:

**1. The EU and its Member States should systematically engage with Israel with a view to preventing displacement of Palestinians and demolition of their property.**

In particular, Israel should be urged to comply with its international obligations by revoking all demolition orders which are not justified by absolutely military necessity. As a first step, the EU and Member States should exert their leverage in order to ensure the revocation of demolition orders in urgent cases, as well as an end to demolitions more generally. To this end, the operational measures outlined in the EU Guidelines on Promoting Compliance with International Humanitarian Law should be put into effect as appropriate.

**2. Where damage or destruction is caused to EU funded aid projects by internationally unlawful acts or policies, the EU and its Member States should take steps to claim compensation.**

We welcome the incident-tracking system initiated by the EU in May 2013 for EU-funded projects in Area C and East Jerusalem, and the attention paid to this issue in bilateral dialogue with Israel.<sup>v</sup> We would however, encourage efforts to claim compensation and hold Israel accountable for its violations of international law and IHL more specifically.

**3. The EU should support individuals and local organisations working to protect Palestinians from demolitions and displacement.**

We welcome the EU's support for civil society projects that aim to protect Palestinians from forced displacement and maintain their presence.<sup>vi</sup> Where appropriate, the EU should also consider giving more visibility and protection to individuals and local groups working to prevent displacement in communities at risk by recognizing their status as human rights defenders.

**4. The EU should review its aid projects to ensure that they do not entail any recognition of unlawful Israeli policies, mechanisms and practices driving forcible transfer and settlement expansion.**

In particular, we call upon the EU and its Member States to cease seeking approval of development projects (whether structures or master plans) via the Israeli planning regime in the West Bank, in light of its illegality under IHL and its facilitation of forced transfer and settlement expansion.<sup>vii</sup> Continuing to seek such

approval entails the risk of the EU implicitly recognizing illegal policies such as settlements and the Wall. Further, master planning for Area C which depends upon the prerogative of the Israeli military authority to accept, reject, amend or ignore the plans heightens the risk that approved plans will be used to justify displacement of communities or structures outside the planned area.

**5. The EU should advocate for the transfer of planning authority to Palestinian institutions, in line with international humanitarian law.**

The EU should advocate for the withdrawal of Military Order 418 and facilitation of the operation of a lawful planning system by Palestinian institutions.

**6. The EU and its Member States should take stronger operational measures to ensure that European actors do not assist in maintaining the settlement policy.**

As a minimum, the EU and its Member States should implement existing commitments relating to settlements in the December 2012 Council Conclusions,<sup>viii</sup> as well as act upon the EU's call for full implementation of the UN Guiding Principles on Business and Human Rights in the Israel/OPT context<sup>ix</sup> by providing effective guidance for businesses regarding the human rights/IHL compliance-related risks of involvement in settlement activity.

The EU should condition any progress of its bilateral relations with Israel on a freeze in demolitions and settlement construction and in Area C and East Jerusalem.

**7. The EU should use ENP instruments and other bilateral fora to systematically address issues of property destruction and forced displacement.**

Continuing forced displacement is a central obstacle to a just peace, and continues to have devastating consequences on the ground for communities in the West Bank, Gaza and Israel. As such, we call upon the EU to make full use of EU-Israel instruments and fora to address these policies and practices in a rights-based manner wherever Israel bears responsibility for the rights of the population, in terms of IHL or IHRL.



**APRODEV** is the Association of World Council of Churches related Development Organisations in Europe. The members of the APRODEV Middle East Working Group - **Brot für die Welt, Christian Aid UK, Church of Sweden, Dan Church Aid, Diakonia, Finn Church Aid, HEKS-EPER, ICCO, Kerk in Actie, Norwegian Church Aid** -share a vision of peaceful co-existence in the Middle East with their partners in Israel and the Palestinian Occupied Territories. This begins with a respect for international law, and deepens with a rights-based recognition of the need for security-for-all. [www.aprodev.eu](http://www.aprodev.eu)



**CIDSE** is an international alliance of Catholic development agencies. Its members share a common strategy in their efforts to eradicate poverty and establish global justice. The members of the Working Group on Palestine/Israel – **Broederlijk Delen, CAFOD, CCFD, Cordaid, Misereor and Trócaire** – are actively involved in the region through partners in Israel and the occupied Palestinian territory. Together with our local partners, we work to reduce poverty and build peace through development and humanitarian programmes. [www.cidse.org](http://www.cidse.org)

<sup>i</sup> OCHA, Protection of Civilians Database 2009-2013, last accessed 29 January 2014, updated 24 January 2014

<sup>ii</sup> Fourth Geneva Convention of 1949, [Arts 49](#) and [53](#); Hague Regulations of 1907, [Arts. 46](#) and [56](#).

<sup>iii</sup> Fourth Geneva Convention of 1949, [Art. 147](#). All States parties are obliged to search for persons suspected of committing grave breaches, and to bring them before their own courts or extradite them for trial ([Art. 146](#)).

<sup>iv</sup> Foreign Affairs Council, [Council Conclusions on the MEPP of 8 December 2009](#), § 6

<sup>v</sup> [Answer](#) given by the HR/VP to Parliamentary Question [E-008784/13](#) "EU policy in the West Bank and East Jerusalem" (Sept. 2013)

<sup>vi</sup> European Commission, DG- Development and Cooperation, "[Action Fiche for the West Bank and Gaza Strip: Land development and basic infrastructure in Area C](#)" (March, 2013)

<sup>vii</sup> Cf. "[Planning to Fail: The Planning Regime in Area C of the West Bank: An International Law Perspective](#)", Diakonia International Humanitarian Law Resource Center, September 2013.

<sup>viii</sup> Foreign Affairs Council, [Council Conclusions on the MEPP of 14 May 2012](#), § 4.

<sup>ix</sup> "[EU intervention - Interactive Dialogue with Special Rapporteur on occupied Palestinian territories occupied since 1967](#)", UN Human Rights Council, 23<sup>rd</sup> Session, 11 June 2013