



## Reality of Area C A human rights perspective

Even after signing the Oslo Accords with the PLO, Israel as an occupying power has still not adhered to the UN Security Council resolutions on which it was based on, UNSC resolutions 242 and 338, and the applications of their main following principle: the withdrawal of Israel armed forces from territories occupied in the recent conflict.<sup>1</sup> The Israeli occupied West Bank was divided Areas A, B and C during the 1995 Oslo II agreement. Area A, making up less than 18% of the West Bank was exclusively administered by the Palestinian Authority, while Area B, which is supposed to be under Palestinian civil control and joint Israeli-Palestinian security control makes up about 21% of the West Bank. Area C includes more than 61 per cent of the area of the West Bank, runs between Areas A and B, and is under complete Israeli control, including security, planning and zoning.<sup>2</sup> As part of the interim agreement, all three Areas A, B and C were supposed to be reassigned to the full governance of the Palestinian Authority in five years, ending in 1999 and in accordance to Palestinian Right to Self Determination, which until now has not materialized.

Despite the fact that Area C represents the largest part of West Bank land, “less than 1 per cent of Area C, which is already built up, is designated by the Israeli authorities for Palestinian use; the remainder is heavily restricted or off-limits to Palestinians, with 68 per cent reserved for Israeli settlements, circa 21 % for closed military zones and circa 9 % for nature reserves” (World Bank, 2013).<sup>3</sup> Area C remains under total Israeli civil and military control and is subject to severe restrictions seen to obstruct Palestinian development while simultaneously facilitating Israel’s exploitation of Area C’s resources. This includes the exclusion of Palestinians from their own farmlands, and the extraction and exploitation of resources including water, Dead Sea minerals, and mined commodities.<sup>4</sup> The estimated annual lost gross value added to the Palestinian economy from quarrying and mining is \$575 million while the estimated annual loss to the Palestinian economy due to restrictions on products/ sale of magnesium, potash, and bromine was projected to reach \$918 million US Dollars<sup>5</sup>. These natural resources are embezzled by Israel- as the occupying power- to the benefit of its own citizens who were positioned in Jewish only settlements throughout the West Bank.

Over 250 Israeli settlements and settlement outposts have been established across the West Bank including East Jerusalem since 1967, through which Israel provides housing, protection and numerous subsidies to roughly 628,000<sup>6</sup> Jewish settlers in the occupied

<sup>1</sup> <https://unispal.un.org/DPA/DPR/unispal.nsf/0/7D35E1F729DF491C85256EE700686136>

<sup>2</sup> [https://unctad.org/en/PublicationsLibrary/gdsapp2015d1\\_en.pdf](https://unctad.org/en/PublicationsLibrary/gdsapp2015d1_en.pdf)

<sup>3</sup> Ibid

<sup>4</sup> [http://www.ps.undp.org/content/dam/papp/docs/Publications/UNDP-papp-research-PRC\\_Building%20Resilience%20in%20Area%20C.pdf](http://www.ps.undp.org/content/dam/papp/docs/Publications/UNDP-papp-research-PRC_Building%20Resilience%20in%20Area%20C.pdf)

<sup>5</sup> <https://al-shabaka.org/briefs/how-israeli-settlements-stifle-palestines-economy/#return-note-4951-5>

<sup>6</sup> <https://www.hrw.org/world-report/2019/country-chapters/israel/palestine>



West Bank. This is of course a breach in international law, more specifically Article 49 of the Fourth Geneva Conventions, which provides that, “The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies,” and Article 8 of the Rome Statute which states that “[t]he transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies” constitutes a war crime in international armed conflicts”<sup>7</sup>.

In addition to land Israel has taken for the expansion of already existent settlements, (including complex apparatus of roads, checkpoints, military zones and industrial areas), construction of new settlements and non-official outposts, more Palestinian land was confiscated to build Israel’s “Separation Wall”. The Walls route was only 15% on the Green Line(1949 Armistice), whereas the other 85% of the Wall crept into inside the West Bank, including East Jerusalem, making Palestinian territorial contiguity virtually impossible. The land between the Wall and the Green Line constitutes some of the most fertile in the West Bank and is home for 49,400 West Bank Palestinians living in 38 villages and towns<sup>8</sup>.

In 2004, the International Court of Justice (ICJ) issued an Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, which stated 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”.<sup>9</sup> The United Nations Economic and Social Commission for Western Asia (ESCWA) estimates that “in the north of the West Bank about 80 per cent of Palestinians who own land on the other side of the barrier have not received permits from the Israeli authorities, and hence cannot cultivate their fields”.<sup>10</sup>

In other parts of Area C, where Palestinians can access their land, they still cannot cultivate their fields nor even build or renovate homes or any other structures and infrastructure in Area C without first obtaining permits from the Israel’s Civil Administration, who rarely issues these permits. Due to the complicated process of applying for a permit, which usually is not granted by the ICA, most Palestinians of Area C stopped bothering with the whole application process and built or repaired their structures “illegally” and under threat of Israeli demolition. According to The Israeli Information Center for Human Rights in the Occupied Territories (B’TSELEM), “from 2006 until 28 February 2019, Israel demolished at least 1,409 Palestinian residential units in the West Bank (not including East Jerusalem), causing 6,225 people – including at least 3,140 minors – to lose their homes”.<sup>11</sup> The same report stated that from January

<sup>7</sup> [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2\\_rul\\_rule130](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2_rul_rule130)

<sup>8</sup> <https://unispal.un.org/UNISPAL.NSF/0/32943465E443DEF8525700C0066B181>

<sup>9</sup> <https://unispal.un.org/DPA/DPR/unispal.nsf/0/3740E39487A5428A85256ECC005E157A>

<sup>10</sup> <http://unpan1.un.org/intradoc/groups/public/documents/unescwa/unpan035390.pdf>

<sup>11</sup> [https://www.btselem.org/planning\\_and\\_building/statistics](https://www.btselem.org/planning_and_building/statistics)



2016 through 28 February 2019, the Civil Administration demolished 645 non-residential structures (such as fences, cisterns, roads, storerooms, farming buildings, businesses and public buildings) in the West Bank and 167 non-residential structures in East Jerusalem<sup>12</sup>. As the occupying power, Israel is responsible under International Law for the welfare of residents of the Occupied Territories. Article 53 of the Fourth Geneva Convention states that ‘any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organisations, is prohibited, except where such destruction is rendered absolutely necessary by military operations’<sup>13</sup>.

There obviously is no necessary military need to demolish simple dwellings, fencing, solar panels or water storage tanks, other than intimidation and scare tactics aimed at pressuring Palestinians from leaving Area C. If Palestinians in Area C were allowed access to the most basic services such as running water and power (both provided by Israel to nearby settlements), then they would be in no need set up water tanks and solar panels.

Demolitions, demolition orders, forced evictions, and dispossession are used mostly against Bedouin and herding communities, who are the most vulnerable to these Israeli policies. Eighty per cent of them live in the Jordan Valley, the Dead Sea area and around Hebron, constituting the majority of the population in closed military training and firing zones. Many of these communities have already experienced multiple displacements.<sup>14</sup> From 2006 through 28 February 2019, the homes of at least 1,020 people living in these communities - including 489 minors - were demolished more than once by Israel<sup>15</sup>. The Israeli army is also expected to demolish the village of Khan al Ahmar, in the E-1 region East of Jerusalem in 2019, after the Israeli Supreme Court ruled in favor of the villages’ demolition. Israel intends to demolish the Palestinian village to connect two Israeli settlements, Ma’ale Adumim and Kfar Adumim with Jerusalem, cutting the West bank in half. Khan al Ahmar is home to approximately 180 people, more than half of which are children, and is one of the 46 Bedouin communities in the central West Bank that the UN views as at risk of forcible transfer.<sup>16</sup> In accordance with Article 49 of the Fourth Geneva Convention, forced transfer is strictly prohibited and “deemed to be a grave breach under Article 147 GCIV.”<sup>17</sup>

Although these communities will be physically forced to move from their areas, “the term ‘forcibly’ is not restricted to physical force, but may include threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power against a person or persons, or by taking advantage of a coercive

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<sup>12</sup> Ibid.

<sup>13</sup> <https://ihl-databases.icrc.org/ihl/WebART/380-600060?OpenDocument>

<sup>14</sup> [https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-63\\_en.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-63_en.pdf)

<sup>15</sup> [https://www.btselem.org/planning\\_and\\_building/statistics](https://www.btselem.org/planning_and_building/statistics)

<sup>16</sup> <https://www.ochaopt.org/content/un-officials-visit-khan-al-ahmar-and-call-respect-international-law>

<sup>17</sup> [https://www.diakonia.se/globalassets/documents/ihl/ihl-in-opt/briefs/diakonia\\_forced\\_transfer\\_of\\_bedouin\\_communities\\_legal\\_brief-2.pdf](https://www.diakonia.se/globalassets/documents/ihl/ihl-in-opt/briefs/diakonia_forced_transfer_of_bedouin_communities_legal_brief-2.pdf)



environment.”<sup>18</sup> In this case, settler violence against Palestinians would also qualify as a means to forced transfer. According the Washington Post, Israel’s security agency, Shin Bet, documented 295 of what it calls “Jewish terror” incidents last year, a 40 percent increase”<sup>19</sup>, while Yesh Din reported that out of “185 investigations of settler attacks on Palestinians opened between 2014 and 2017 that reached a final stage, only 21, or 11.4%, led to the prosecution of offenders, while the other 164 files were closed without indictment.”<sup>20</sup> The UN Human Rights Council mission noted, “the impact of violence and intimidation on the lives and livelihoods of Palestinian farmers, by preventing the access of Palestinians to their land close to settlements through violence and intimidation; burning, uprooting and attacking Palestinian crops; settlers taking over the land and planting their own crops; and fencing off and building on Palestinian agricultural lands”<sup>21</sup>. Settler related violence resulting in Palestinian property damage in the West Bank more than doubled in January of 2019, in comparison to the same time period of the previous year<sup>22</sup>.

During February of 2019, dozens on Israeli ministers signed a petition to settle 2 million Jews inside of the West Bank.<sup>23</sup> A move that is in total contradiction to UN Security Council resolution 2334 (2016), which “reaffirmed its position that the establishment by Israel of settlements in the Occupied Palestinian Territory, including East Jerusalem, had no legal validity, and constituted a flagrant violation under international law. As recognized in numerous reports of the High Commissioner and the Secretary-General, continued expansion of settlements not only undermines the possibility of a two-State solution, but is also at the core of many human rights violations in the West Bank.”<sup>24</sup>

Given the current Israeli political environment, Palestinian development of Area C and the possibility of a two state solution seem highly unlikely. The vast majority of the dozen or so Israeli political parties are opposed to a Palestinian state, and support the construction and expansion of settlements in the occupied West Bank.<sup>25</sup> Israeli Prime Minister echoed that Zionist ideology by stating, “A Palestinian state will endanger our existence,”<sup>26</sup> pretty much ruling out any right for Palestinian self-determination.

A UN Human Rights Council report detailed, “How the settlements are extensively altering the demographic composition of the Occupied Palestinian Territory and fundamentally threatening the Palestinians’ right to self-determination. The violations of human rights associated with the settlements are pervasive and devastating, reaching

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<sup>18</sup> Report of the Preparatory Commission for the International Criminal Court, UN Doc PCNICC/2000/1/Add.2, at 7 fnnt 5.

<sup>19</sup> [https://www.washingtonpost.com/world/middle\\_east/attacks-by-israeli-settlers-surge-as-west-bank-tensions-boil/2019/02/17/5c69f176-2a30-11e9-906e-9d55b6451eb4\\_story.html?utm\\_term=.7f251f2f4658](https://www.washingtonpost.com/world/middle_east/attacks-by-israeli-settlers-surge-as-west-bank-tensions-boil/2019/02/17/5c69f176-2a30-11e9-906e-9d55b6451eb4_story.html?utm_term=.7f251f2f4658)

<sup>20</sup> <https://www.theguardian.com/world/2018/dec/30/palestinians-rise-attacks-israeli-settlers>

<sup>21</sup> [https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-63\\_en.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-63_en.pdf)

<sup>22</sup> <https://www.ochaopt.org/content/protection-civilians-report-1-14-january-2019>

<sup>23</sup> <https://www.maannews.com/Content.aspx?id=782495>

<sup>24</sup> [https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session37/Documents/A\\_HRC\\_37\\_39\\_EN.pdf](https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session37/Documents/A_HRC_37_39_EN.pdf)

<sup>25</sup> <https://www.timesofisrael.com/a-beginners-guide-to-the-2019-israeli-elections/>

<sup>26</sup> <https://www.jpost.com/Middle-East/Did-Netanyahu-just-renounce-his-support-for-a-Palestinian-state-581577>



every facet of Palestinian life. Owing to settlement development and infrastructure, Palestinians suffer from restrictions on freedom of religion, movement and education; their rights to land and water; access to livelihoods and their right to an adequate standard of living; their rights to family life; and many other fundamental human rights.”<sup>27</sup>

The Palestinians most vulnerable to these restrictions on basic freedoms and rights are the ones living in Area C and constantly targeted by Israel, as are the Palestinian civil society organizations, human rights organizations, and international donors who provide goods and/or services to the desperately marginalized Palestinians of Area C. The Israeli Government, via their Ministry of Strategic Affairs in collaboration with numerous right-wing Israeli organizations has continuously staged vicious smear campaigns aiming to delegitimize and defame Palestinian civil society organizations and human rights defenders who document Israeli violations in Area C or provide basic services or assistance to the Palestinians of the area. The campaigns, which spread falsities and misinformation even targeted the European Union<sup>28</sup>, in an effort to intimidate the EU into defunding Palestinian organizations working on attaining rights, services and humanitarian assistance to Palestinian residents of Area C. Federica Mogherini, the EU's foreign minister wrote that the allegations that the EU might be funding terror as “vague and unsubstantiated” in a letter to the Israeli Strategic Affairs Minister continuing that “Allegations of the EU supporting incitement or terror are unfounded and unacceptable. The title of the report itself is also inopportune and misleading; it mixes terrorism with the boycott issue and it creates unacceptable confusion in the public eye regarding these two distinct phenomena.”<sup>29</sup>

Finally, it's worth to mention that, Area C includes the majority of West Bank land that is suitable for agricultural production in addition to the greatest percentage of total water resources. According to the World Bank, access to Area C could deliver an additional \$700million in value added to the Palestinian economy, as a result of access to fertile land, and the availability of water to irrigate it<sup>30</sup>.

In addition to above mentioned facts, the humanitarian conditions of the Palestinian communities in Area C – furtherly explained OCHA's report below - requires urgent interventions from donors, and Palestinian and international NGOs to initiate development projects in Area C that prioritize provision of water, fodder, and shelter in the event of demolitions, and initiate sustainable livelihoods opportunities for Palestinian farmers and herders.

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<sup>27</sup> [https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session37/Documents/A\\_HRC\\_37\\_39\\_EN.pdf](https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session37/Documents/A_HRC_37_39_EN.pdf)

<sup>28</sup> <https://s3.eu-central-1.amazonaws.com/euobs-media/9b0cf3aa196d4ab17f4cf47679f9f675.pdf>

<sup>29</sup> <https://www.haaretz.com/israel-news/.premium-eu-s-mogherini-to-israeli-minister-you-feed-disinformation-1.6280308>

<sup>30</sup> <http://www.worldbank.org/en/news/feature/2013/12/03/Palestinian-Access-Area-C--Economics-Recovery-Growth>

OCHA:<sup>31</sup>

#### WEST BANK AREA C: KEY HUMANITARIAN CONCERNS

- Less than 1% of Area C is covered by a planning scheme for Palestinian communities approved by the Israeli authorities.
- The annual average rate of approval of applications for building permits in Area C for Palestinians between 2009 and 2016 stood at less than 3%.
- Between 2009 and 2016, Israel demolished over 4,000 Palestinian-owned structures in Area C on the grounds of lack of building permits, while over 12,500 demolition orders are currently outstanding.
- Palestinian entry to, or residence in, nearly 30% of Area C is prohibited on the grounds that the area is designated as a ‘firing zone’ for military training; 6,200 Palestinians living in 38 communities in these areas face the risk of forcible transfer.
- The development or cultivation of 14% of Area C designated by Israel as ‘nature reserves is severely restricted.
- More than 70% of communities located entirely or mostly in Area C are not connected to the water network and rely on tankered water at vastly increased cost. Water consumption in some Area C communities drops to 20% of the minimum recommended standard (20 out of 100 litres per day per capita).
- Nearly half of the Area C communities report that their access to emergency and basic health care is hampered by the long distances to the nearest clinic, and/or the need to pass a checkpoint

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<sup>31</sup> [https://www.ochaopt.org/sites/default/files/area\\_c\\_key\\_humanitarian\\_concerns.pdf](https://www.ochaopt.org/sites/default/files/area_c_key_humanitarian_concerns.pdf)

