

Area C

The Key to the Two-State Solution



INTRODUCTION

The struggle for land has been determining the Palestinian-Israeli conflict since 1947, when the United Nations recommended what it construed to be a 'more or less even' partition of Palestine into a Jewish state on 55% and an Arab state on 45% of the country (with a special status for Jerusalem and some no-man's land under UN supervision). This was despite the fact that only 7% of the country was owned by Jewish inhabitants, who made up only one third of the country's population. Palestinian rejection of the Partition Plan precipitated the Arab-Israeli War of 1948-49, causing the flight of two-thirds of the Palestinian people in the face of the Israeli forces and attacks, that went on to conquer 78% of the country.

In 1967, in the course of the June War, Israel occupied the remainder of Palestine, i.e., the West Bank, including East Jerusalem, and the Gaza Strip, comprising 22% of historic Palestine. Ever since, consecutive Israeli governments have pursued a policy that resulted in disrupting the integrity of the Palestinian community and creating apartheid-like enclaves, based on the presumption that the presence of Israeli settlements will make the withdrawal from the occupied territories a mission impossible and thus prevent the establishment of a truly independent Palestinian state.

Also in 1967, the adoption of UNSC Resolution 242, calling on Israel to withdraw from all captured territory as a basis for peace, required Palestinians to accept the remaining 22% of their homeland for an independent state. In November 1988, the Palestinian leadership formally accepted this resolution at the cost of 78% of historical Palestine, less than half the allotment of the 1947 Partition Plan.

Israel failed to consider this historical territorial compromise as a fundamental step in ending the conflict and continued to expand and establish new settlements. The drive to secure as much control over the territories as possible while restricting Palestinian access to land and other resources was even accelerated after the signing of the Oslo Accords (1993-95). The Oslo Agreement further divided the West Bank into areas A, B, and C, each with clearly defined but differing levels of civil and security control and responsibility assumed by both the Israelis and the Palestinian Authority. Since then, not only has the number of Israeli settlers doubled in the West Bank ('Area C'), but a complete new network of bypass roads has been established, and the separation barrier is further consolidating Israel's strategy. All these measures reduce the land area, territorial contiguity and economic viability of a future Palestinian state, thus preempting its mere establishment and the realization of a two-state solution.

This bulletin aims to demonstrate that unless the Israeli government is held accountable for breaches in international humanitarian law and human rights law, Israeli policies will continue to forcibly displace Palestinians, while integrating Area C into Israel proper, thus destroying the last hope for building a viable Palestinian state and rendering a just and lasting peace in the framework of a two-state solution impossible.

AREA C AT A GLANCE

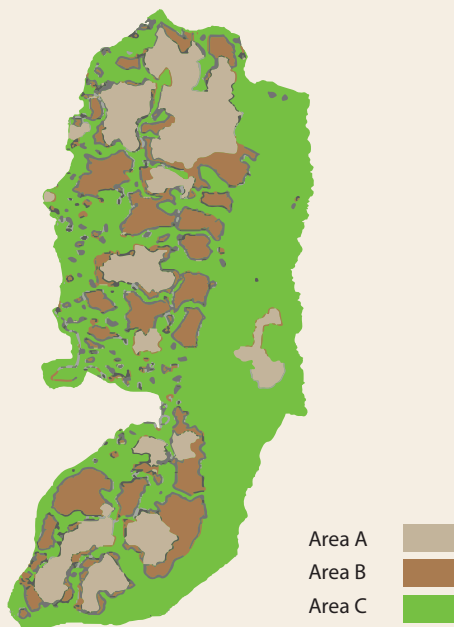
- Areas A, B and C were created by the Oslo II Agreement in 1995 as an interim, 5-year measure, dividing the West Bank into different security and administrative zones.
- Area C comprises some 59% of the West Bank and holds an estimated 63% of the West Bank's agricultural lands.
- Approximately 40% of Area C is privately owned Palestinian land on which illegal settlements have been built.
- Some 70% of Area C (about 44% of the West Bank) is classified as settlement areas, firing zones, or nature reserves and thus off limits to Palestinians.
- In the remaining 30% construction is heavily restricted, with less than 1% eligible for Palestinian development.
- Area C is home to 150,000 Palestinians in 542 communities.
- Some 325,000 Israeli settlers illegally live in over 200 settlements and outposts in Area C.
- Some 94% of Palestinian permit applications to construct infrastructure have been rejected in recent years.
- On average, 500-600 Palestinian structures are destroyed annually in Area C.
- Over 11% of all Area C Palestinians were forced to move their place of residency at least once since 2000. Thousands of others are at immediate risk of displacement.
- Over 60,000 Palestinians living in Area C are not connected to a water network.

Area C

The Key to the Two-State Solution

CREATING AREA C

The Interim Agreement on the West Bank and the Gaza Strip (Oslo II), signed on 28 September 1995, created - as an interim, 5-year measure - three distinct zones in the West Bank: Areas A, B, and C. Each of them had different security and administrative arrangements which were to last until a final status agreement was reached within the following five years:



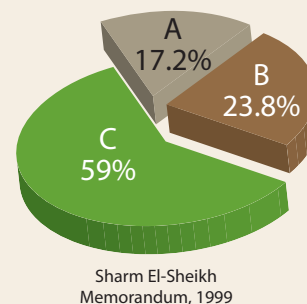
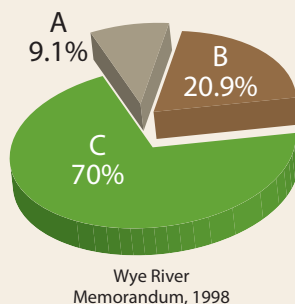
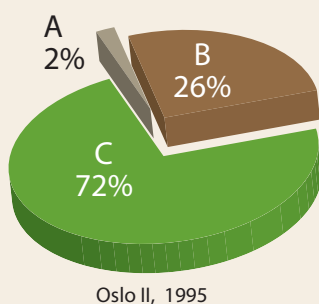
Area 'A': Full Palestinian control; mainly urban areas (cities & towns, such as Hebron, Ramallah, Nablus, Tulkarem, and Qalqilya): Palestinian Authority police patrol the streets and deal with all needs of the residents of the area.

Area 'B': Palestinian civil and Israeli security control; mainly populated rural areas/villages on the outskirts of Area A cities.

Area 'C': Full Israeli military and civil control, including over education, power and water supplies; settlements, settlement access roads, buffer zones (near settle-ments, roads, strategic areas and Israel) and almost all of the Jordan Valley. Area C holds 63% of the West Bank's agricultural lands.

The current status - frozen at the levels of the 1999 Sharm El-Sheikh summit, after which the negotiations broke down - is as follows:¹

West Bank Areas A, B, C:



While one of the aims of the Oslo Accords was to gradually transfer Area B and Area C from Israeli to Palestinian control (Area A), the reality has never approached this scenario: since 1999, none of the land in Area C has been transferred to the PA and today, 17 years after Oslo, the entire West Bank remains occupied territory with Areas A and B consisting of 227 non-contiguous enclaves, cut off from one another as well as from their land and other resources. Israel retains full control over building and planning in Area C, leaving 70% of it (about 44% of the West Bank) classified as settlement areas, firing zones, or nature reserves² and thus off limits to Palestinians³, thereby making the realization of a viable Palestinian state impossible.

¹ Note: Neither East Jerusalem nor Hebron City, which is divided into H1 and H2 sections, nor Gaza, which geographically completely disconnected from the West Bank, are part of any of Areas A, B and C.

² The 1998 Wye River Memorandum foresaw that the PA should be handed over land reserves (some 3% of the West Bank) to be used as 'Green Area/Nature Reserve,' but to date the PA has not been allowed to utilize this area.

³ PA has some authorities concerning the delivery of services in Area C, such as health and education, excluding those that require infrastructure and construction.

DEMOGRAPHY

In 1972, there were some 1,200 settlers in what is today Area C (excluding East Jerusalem), which have grown to 350,000 in 2012, more than double the Palestinian population of the area, which is estimated at 150,000⁴ (or some 5-6% of the West Bank Palestinians, excluding East Jerusalem). However, Israel's policies in Area C impact actually a much higher number, e.g., Palestinians from other areas who own land in Area C, Area B residents who are encircled by Area C, and, more generally, the entire West Bank population which is affected by territorial interruption and severe restrictions on access and development.



View over the separation barrier to Pisgat Ze'ev settlement

In contrast, the settlers live in 124 settlements and 100 outposts⁵ spreading among the over 520 Palestinian communities located in Area C (of which 230 are entirely located in Area C).⁶ Many of those communities live in remote areas and under substandard conditions with inadequate access to basic social services and assistance.⁷

Israeli goals in Area C are clear cut: to drive out as many Palestinians as possible by making their lives so unbearable that they will seek a better livelihood in Areas A or B. Only in 2012, the Israeli government announced several plans to forcibly displace Palestinian villagers in the southern Hebron hills and Jordan Valley under the pretext that the land was needed for military training exercises.⁸ Similarly, house demolitions are implemented at an unprecedented level with an estimated 3,000 demolition orders remaining in place in Palestinian communities of Area C.⁹ To counter Israeli attempts at grabbing more of Area C and forcibly displace its Palestinian inhabitants, international agencies have, in recent months, become increasingly involved in projects in the area.

⁴ The exact Palestinian population residing in Area C is unclear due to communities overlapping Areas A, B, and C. Of the estimated 150,000 Palestinians living in Area C, some 18,500 live in villages and 27,500 in Bedouin communities located entirely in Area C. See: EU Heads of Missions Report on Area C, December 2011.

⁵ EU Heads of Missions Report on Area C, December 2011.

⁶ OCHA, *Special Focus: Displacement and Insecurity in Area C of the West Bank*, August 2011.

⁷ OCHA, *Response Plan Fact Sheet*, 3 September 2010, http://www.ochaopt.org/documents/ocha_opt_area_c_humanitarian_response_plan_fact_sheet_2010_09_03_english.pdf.

⁸ See, for example, <http://www.aljazeera.com/indepth/features/2012/08/201289105546220691.html>.

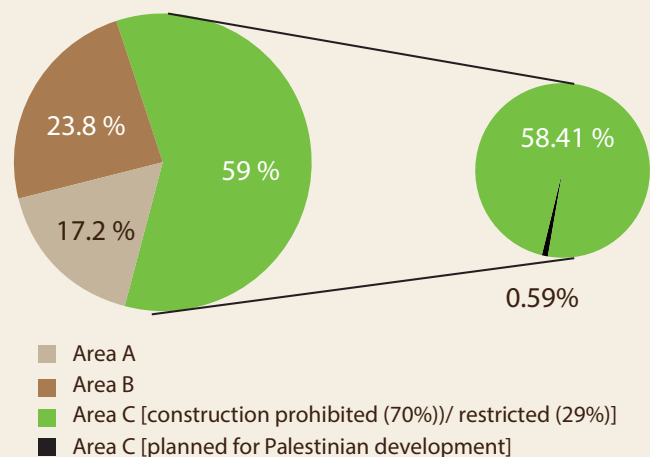
⁹ OCHA, *Humanitarian Factsheet on Area C of the West Bank*, July 2011.

PLANNING AND DEVELOPMENT

With Israel's abolishment of the Local and District Planning Committees through Military Order No. 418 Concerning Towns, Villages, and Buildings Planning Law in 1971, control of the entire planning process was out of the hands of the Palestinians. This is in stark violation of international law, according to which an occupying power is obliged to respect the laws applying in the area before the onset of its occupation, except if there is an absolute military or humanitarian need for these to be changed.¹⁰ Planning and building in Area C should thus be subject to the Jordanian Towns, Villages, and Buildings Planning Law of 1966 which provided, for example, that a representative of the public health system sit on all the planning committees. However, Israel amended the law to serve its own (planning) purposes. As a result, the planning institutions now operating in Area C do not include any such representatives.¹¹

Civilian affairs in Area C are governed by the Israeli Civil Administration, which is subordinate to the Israeli Ministry of Defense and restricts Palestinian life in every aspect - whether in regard to development, security, humanitarian assistance, or movement - and thus also the prospects for state-building. In fact, Israel conducts two separate legal systems in the West Bank - one for Palestinians and the other for settlers - providing preferential services, development, and benefits for the latter while imposing harsh conditions on the former.

Under the Israeli planning regime, Palestinian construction is effectively prohibited in some 70% of Area C (about 44% of the West Bank), mainly in areas designated for the use of Israeli settlements or the military. In the remaining 30% (18% of the West Bank), obtaining a building permit is almost impossible as Palestinian construction is only permitted within the boundaries of a specific area that has a detailed scheme from the Civil Administration. These plans cover less than 1% of Area C, of which a large portion is already built-up, depriving Palestinians of housing and infrastructure development.¹²



¹⁰ See 1907 Hague Convention, Regulation 43 of the Regulations concerning the Laws and Customs of War on Land.

¹¹ Bimkom, *The Prohibited Zone - Israeli planning policy in the Palestinian villages in Area C*, 2008.

¹² UN OCHA, *Restricting Space: The Planning Regime Applied By Israel in Area C of the West Bank*, OCHA Special Focus, 2009; OCHA, *Humanitarian Factsheet on Area C of the West Bank*, July 2011.

Moreover, some 94% of Palestinian permit applications to construct infrastructure have been rejected in recent years,¹³ resulting in a severe shortage of water, sanitation, schools and health clinics as well as an increase in food insecurity.

In contrast, the nearby Israeli settlements, which steadily increase in size and numbers, do not even seek approval for their water security from the Joint Water Committee as obliged under the Oslo Agreement (see also section on access to water below).

When Palestinian Prime Minister Salam Fayyad introduced his two-year statehood plan (“Ending the Occupation, Establishing the State”) in August 2009, one of the stated objectives was the development of large infrastructure projects in Area C, such as wastewater treatment plants, landfills, water pipelines, and main roads. Although backed by the Quartet, the EU and others, Israel’s obstructive rules and regulations - especially denials of permits or work visas and “stop work” orders to existing projects - have hindered the PA to implement most of these projects and led to the suspension of several donor-funded initiatives. A recent survey by the Association of International Development Agencies (AIDA) showed that 87.5% of the members had modified their strategies in Area C as a result of Israeli policies and many had decreased funding because staff and goods could not access project areas, although 92.5% of the respondents also said that they are still implementing projects there despite restrictions.¹⁴ Unless Israel changes the access and planning regulations in effect in Area C, unfavorable land use and unsound environmental management will continue to prevail.

However, it must be also said that although international bodies such as the World Bank, the Ad Hoc Liaison Committee (AHLC) and the Quartet have stressed the fundamentality of Area C and its resources to Palestinian development and state-building as well as the negative impact Israeli restrictions regarding the access to land and resources have had on potential private investment and economic growth,¹⁵ neither the Palestinian Reform and Development Plan (2008-2010) nor the subsequent Palestinian National Development Plan (2011-2013) included concrete recommendations or steps on how to deal with that territory and its inhabitants. Only recently has the PA embarked on a special Area C strategy; its 12-page position paper “Equitable Development: Moving Forward Despite the Occupation,” submitted to the AHLC meeting, for instance urged the international community to step up its development efforts in Area C and East Jerusalem.¹⁶

DEMOLITIONS AND DISPLACEMENT

Among the means employed by the Israeli authorities to seize control over Area C are denial of building permits for Palestinians and the destruction of shelters, water infrastructure, schools, clinics, storages and animal shacks, resulting in displacement and severely hampering any local development. Most of the demolitions are justified by the lack of a building permit (i.e., for violating Israeli zoning and planning laws), which, however, is almost impossible to obtain. It is estimated that since 2000 almost 5,000 Palestinian houses and structures have been demolished for lack of a building permit in Area C.¹⁷



Destruction of wells near Hebron

Under International Humanitarian Law destruction of objects essential for the survival of the civilian population is prohibited under any circumstances and extensive destruction is considered a war crime (Art. 147 IVGC).¹⁸ Notwithstanding, Israel pursues this policy unabated, as the following figures show:

- According to B’Tselem, Israeli forces destroyed 149 homes in Area C in 2011, up from 86 in 2010 and 28 in 2009. In 2012, as of September, 65 housing units were destroyed.¹⁹
- According to ICAHD, 486 structures were destroyed during 2011, 171 of them residential, displacing 887 people, over half of them children. Some 36% of all demolitions took place in the Jordan Valley. In 2012, at least 600 structures, 189 of them residential, were destroyed.²⁰
- According to the UN OCHA Displacement Working Group, a total of 1,570 structures were demolished in Area C between 2009 and July 2012, leaving 2,371 people displaced.²¹

¹³ OCHA, March 2012; also Peace Now, which has revealed that, between 2000 and 2007, the Israeli Civil Administration has approved only 91 of 1,624 Palestinian applications.

¹⁴ Quoted in EWASH, “Down the drain” - Israeli Restrictions on the WASH Sector in the Occupied Palestinian Territory and their Impact on Vulnerable Communities, March 2012.

¹⁵ See, for example, World Bank, *Fiscal Crisis, Economic Prospects: The Imperative for Economic Cohesion in the Palestinian Territories, Economic Monitoring Report to the AHLC*, Sept. 2012.

¹⁶ Wafa, 19 March 2012.

¹⁷ ICAHD, *Demolitions Overview Table*, 26 Oct. 2011.

¹⁸ For more details on international law and home demolitions see <http://www.icahd.org/international-laws-and-house-demolition>.

¹⁹ http://www.btselem.org/planning_and_building/statistics.

²⁰ ICAHD, *Demolitions Overview Table*, 26 Oct. 2011.

²¹ 275 in 2009, 439 in 2010, 580 in 2011, and 358 as of July 2012; see The Displacement Working Group, OCHA, *The Monthly Humanitarian Monitor*, July 2012.



Home demolition in Um Al-Kher, West Bank

- OCHA further reports that between 2009 and 2011, Israeli forces demolished over 100 water and sanitation structures in the West Bank alone.²²
- Of 444 building permit applications Palestinians submitted in 2010 in Area C, only four (less than 1%) were approved, and only about 15 building plans over the past decade.²³
- According to Bimkom, over 11% of all Area C Palestinians were forced to move their place of residency at least once since 2000. Thousands of others are at immediate risk of displacement.²⁴

Not at all surprising, over 60% of the demolished structures in 2011 were located in areas near Israeli settlements.²⁵ Besides homes and other structures, Israeli forces also destroy fruit stalls and uproot trees, making, together with the discriminatory planning laws, life unbearable for Palestinians. They are left with two options: either building illegally due to humanitarian necessity (and risking demolition) or moving to Area A or B (“silent transfer”). Aid agencies estimated the costs of demolished infrastructure in the West Bank during the first ten months of 2011 alone at around US\$100,000.²⁶

In addition to the practice of demolishing Palestinian property, the mere existence of the illegal Israeli settlements is central to the hardships facing Palestinian communities in Area C.



Destroyed Palestinian crops

²² <http://www.lifesource.ps/english/water-in-palestine/area-c/>; OHCHR news release, *West Bank: demolitions and attacks against Palestinians must stop – UN experts*, 27 September 2011.

²³ “The Battle for Area C,” *Al-Jazeera*, 10/8/2012 (http://www.aljazeera.com/indepth/features/2012/08/20128910554622069_1.html)

²⁴ Quoted in EU Heads of Missions Report on Area C, December 2011.

²⁵ OCHA, *Demolitions and Forced Displacement in the Occupied West Bank*, January 2011.

²⁶ <http://www.oxfam.org/en/pressroom/pressrelease/2010-07-24/palestinian-village-destroyed-israeli-military>.

SETTLEMENTS & THE SEPARATION BARRIER

Since 1967, all Israeli governments have pursued an expansionist policy. The first settlement, Kfar Etzion, was established near Bethlehem in late 1967; by the end of 1968 there were some 30 settlements, housing about 5,000 settlers. From the outset, the goal has been to create irreversible facts on the ground so as to make the establishment of a viable future Palestinian state impossible. Despite the centrality of the issue to the Palestinian-Israeli conflict, Palestinians - with the signing of the Oslo Accords - agreed to defer it to a later stage in exchange for an Israeli commitment to disengage from the Occupied Palestinian Territories and preserve their territorial integrity. This, although the Oslo Accords include a broad range of protective measures for the settlements and settlers - such as their exclusion from Palestinian jurisdiction, blanket limitations on Palestinian land use near settlements as well as Israeli control over land registration, zoning and security. Israel has nevertheless continued to take unilateral actions - in violation of international law - and has built from 1993 to 2009 alone 40,071 new housing units in the settlements.²⁷



Destruction of trees at Masha village, West Bank

Settlements breach international law (e.g., Art. 49(6) of the Fourth Geneva Convention states: “The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies”) and various UNSC resolutions (e.g., Res. 465 of 1 March 1980 calling on Israel “to dismantle the existing settlements and in particular to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem”). Likewise, the Road Map of 30 April 2003 called for the “freezing” of all settlement expansion, including natural growth of settlements. However, despite the commitments made under the Road Map and later at Annapolis, Israeli settlements have continued to expand and very few outposts have been removed. In April 2012, the outposts of Sansana, Bruchin and Rehelim were even legalized under Israeli law, marking the first completely new settlements to be approved since 1990.²⁸ Since 1993, the number of settlers in the West Bank has almost tripled.

²⁷ Peace Now, *West Bank and Jerusalem Map*, 2011.

²⁸ Peace Now, March 2012.



Har Homa settlement and the separation barrier

Today all settlements are located in Area C and East Jerusalem. The actual municipal area of the Area C settlements comprises some 9.3% of the West Bank territory, but this figure grows to 40% if the settler road network and restrictions on Palestinian access to land are taken into consideration.²⁹ The planned expansion area of the Israeli settlements in Area C is nine times larger than their built-up area.³⁰ Approximately 40% of Area C is privately owned Palestinian land on which illegal settlements have been built, while Palestinian development is being prevented.³¹ According to Peace Now, in 2012 alone, construction for 6,676 residential settlement units was approved (compared to 1,607 units in 2011).³²

Besides the physical presence of the settlements and their road network and buffer zones - all of which are 'closed military areas' and thus off limits for Palestinians unless they have a prior obtained permit - Palestinians also face physical violence and other harassment from settlers, including attacks on livestock and agricultural land. These are coupled with general harassment from the Israeli military and among the main reasons why families are moving out of the area.

The separation barrier, under construction since 2002,³³ also aides the strategy that aims to annex large parts of West Bank land while encircling Palestinian population centers. The barrier's total length is more than twice the length of the 1949 Armistice Line (Green Line) between the West Bank and Israel; upon completion, only 15% of the barrier will run on the Green Line or in Israel, while 85% will be inside the West Bank. The barrier runs through some of the most fertile parts of the West Bank and has severely harmed agricultural activity, which is one of the main sources of income for many villages. Over 100,000 Palestinians from 31 communities will be surrounded by the

barrier on three sides, while some 28,000 Palestinians in 9 communities will be surrounded on four sides, connected only by a tunnel or road to the rest of the West Bank.³⁴ Moreover, the barrier's route denies Palestinians access to some of the richest water sources in the region (Western Aquifer) that contain the most resources for extraction and development of wells. Israel's goal here is, again, to consolidate its occupation by fragmenting the territory, while expanding its settlements and exploiting the resources.

ACCESS TO NATURAL RESOURCES

Area C covers almost 60% of the West Bank territory, including most of its fertile and resource-rich land and almost all of the Jordan Valley, which contains the largest (uninhabited) land reserves of the West Bank and much of its natural resources (e.g., water and minerals). Restrictions on movement and access to these resources severely undermine the livelihoods of the Palestinians, limit economic activity, and obstruct the potential of Palestinian agriculture to compete in regional and global markets. Currently, some 90% of the Jordan Valley is off limits to development for the 65,000 Palestinians residing in 29 communities and the additional 15,000 Bedouins there, while the area's 30 settlements with their 9,400 settlers³⁵ grow water-intensive crops for export and enjoy swimming pools.

- **Land**

Access to farming and grazing locations is becoming increasingly difficult throughout Area C, some 23% of which is designated by the Israeli authorities as either "fire zones" or "nature reserves."³⁶ Palestinians can hardly access those areas and any Palestinian development is prohibited there.

²⁹ B'Tselem, *Access Denied: Israeli Measures to Prevent Palestinian Access to Land around Settlements*, see <http://www.btselem.org>.

³⁰ OCHA, *Humanitarian Factsheet on Area C of the West Bank*, July 2011, see http://ochaopt.org/documents/ocha_opt_Area_C_Fact_Sheet_July_2011.pdf.

³¹ <http://peacenow.org/images/112106PNReport.pdf>.

³² <http://peacenow.org.il/eng/2012-summary>.

³³ The barrier itself was considered "contrary to international law" by the International Court of Justice in its 2004 advisory opinion (section 163 ICJ advisory opinion 9 July 2004).

³⁴ OCHA, *West Bank Barrier Route Projections*, July 2010.

³⁵ B'Tselem, *Dispossession and Exploitation: Israel's Policy in the Jordan Valley and Northern Dead Sea*, May 2011 (<http://www.btselem.org/publications/summaries/dispossession-and-exploitation-israels-policy-jordan-valley-northern-dead-sea>).

³⁶ The 2010 Consolidated Appeal Process (CAP).

According to the PA Ministry of Agriculture, demolitions of agricultural assets (e.g., livestock shacks, plants, orchards, water-related structures) have been on an alarming rise. During January-June 2012 alone, Israeli forces and settlers destroyed and demolished agricultural structures and assets belonging to 242 families living in Area C, depriving over 1,452 people from their main or only source of livelihood.³⁷ In addition, as of June 2012, there were 542 internal checkpoints and other physical impediments to Palestinian movement inside the West Bank,³⁸ which exist primarily to protect settlers and facilitate their movement. Nowhere is this more evident than in the fertile Jordan Valley where it is estimated that due to Israeli restrictions over 98% of Palestinian farmers have lost production capacity³⁹ and some 60,000 dunums of agricultural land has become unavailable to Palestinians.⁴⁰ According to a recent study, removal of Israeli restrictions would allow the cultivation of an additional 50 km² of land in the Jordan Valley with high-value, export-oriented products (herbs, vegetables, flowers), potentially contributing over US\$ 1 billion per year - or some 9% of GDP - to the Palestinian economy, significantly reducing dependence on donor aid.⁴¹



Irrigation in settlements, Jordan Valley

In addition, the West Bank is increasingly becoming a waste dumping site, especially for settlements,⁴² which jeopardizes the health of the population and severely harms both the groundwater resources as well as the environment.⁴³ One emblematic case is Salfit, where sewage from nearby settlements causes serious disease, including cholera and cancer; and waste from the industrial zone of Barqan settlement is threatening the valley's agriculture.⁴⁴

³⁷ PA Ministry of Agriculture, *Demolitions of agricultural assets: An alarming rise in the Israeli Occupation aggressions against vulnerable Palestinian farmers and herders*, July 2012.

³⁸ OCHA, *West Bank Movement and Access Update*, Special Focus, September 2012.

³⁹ Issac, Jad & Nader Hrimat, "Constraints Facing the Agricultural Sector," in *A Review of the Palestinian Agricultural Sector*, Jerusalem:ARIJ, 2007.

⁴⁰ The World Bank, *West Bank and Gaza: Assessment of Restrictions on Palestinian Water Sector Development*, 2009.

⁴¹ OXFAM, *On the Brink - Israeli settlements and their impact on Palestinians in the Jordan Valley*, Briefing paper, 5 July 2012 (http://www.oxfam.org/sites/www.oxfam.org/files/bp160-jordan-valley-settlements-050712-en_1.pdf). See also Gal et al., 2010, cited in The Palestinian Ministry of National Economy & ARIJ, *The economic costs of the Israeli occupation for the occupied Palestinian territory*, September 2011, pp. 15 & 16.

⁴² See, for example, Frykberg, Mel, "Israel treats West Bank as its garbage dump," *The Electronic Intifada*, 18 May 2009, "The Socio-economic Impact of Settlements on Land, Water, and the Palestinian Economy," *Le Monde Diplomatique*, January 2006 (<http://www.monde-diplomatique.fr/cahier/proche-orient/settlements-2>).

⁴³ In order to avoid the strict Israeli environmental laws governing the disposal of waste, the West Bank has become a cheap and easy alternative for dumping Israel's hazardous waste. For instance, untreated wastewater discharged in the West Bank from settlements is estimated at 39 mcm per year. See PWA, *National Sector Strategy for Water and Waste Water in Palestine 2011-2013*, March 2010.

⁴⁴ <http://www.maannews.net/eng/ViewDetails.aspx?ID=465699>.

• Water

In the context of the peace process, water was considered an interim issue; the Palestinian Water Authority (PWA) assumed responsibility and a Joint Water Committee (JWC) was established, but Israel maintained control of the flow and volume of water. Ever since, Israel constantly vetoed Palestinian water projects, forcing Palestinians to purchase high-priced water from Israel instead of developing their water resources. A 2009 World Bank report found that approval for 106 water projects and 12 large-scale wastewater projects from the JWC was pending, in some cases since 1999, while all but one Israeli-proposed projects for development in the West Bank had been approved.⁴⁵ In 2011, only three of a total of 38 projects submitted by the PWA to the JWC were approved.⁴⁶



Herding community beneath a lush settlement

Moreover, as of September 2012, only four of the 30 Palestinian wastewater treatment plants submitted to the JWC since 1995 had received approval from the joint body but none from the Civil Administration. At present, only one Palestinian wastewater treatment plant is functioning in the West Bank, treating less than 3% of all sewage produced.⁴⁷



Settlement greenhouses, Jordan Valley

⁴⁵ The World Bank, *West Bank and Gaza: Assessment of Restrictions on Palestinian Water Sector Development*, 2009.

⁴⁶ EWASH, "Down the drain" - *Israeli Restrictions on the WASH Sector in the Occupied Palestinian Territory and their Impact on Vulnerable Communities*, March 2012.

⁴⁷ PWA, *Palestinian Water Sector: Status Summary Report*, September 2012.

Area C

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Only recently has the head of the PWA, Dr. Shaddad Attali, warned that Israeli restrictions on the construction and rehabilitation of Palestinian water infrastructure in Area C as well as the practice of “conditioning JWC approval for Palestinian water projects on prior Palestinian approval of water projects benefiting illegal Israeli settlements” not only keep the area “underdeveloped and inadequate to meet current needs” but are also aimed to “consolidate the presence and facilitate the expansion of illegal Israeli settlements in the West Bank.”⁴⁸

While Palestinians are practically prohibited from having any access to the Jordan River, Israel controls and utilizes over 65% of its discharge.⁴⁹ Moreover, Palestinians utilize only 15% of water from the ground water aquifers, Israelis, including settlers, utilize the remainder, 85%.⁵⁰ This, although international law calls for “equitable and reasonable” allocation of water among the parties with a claim to shared watercourses (the Jordan River is such), meaning that Palestinians should have full sovereignty over all the Eastern Aquifer resources that lie beneath the West Bank, and at least equitable water rights regarding the Western and Northeastern Aquifers, as these are recharged almost entirely from the West Bank. Under international law, Israel should further pay compensation for the past and ongoing illegal use of Palestinian water resources.⁵¹

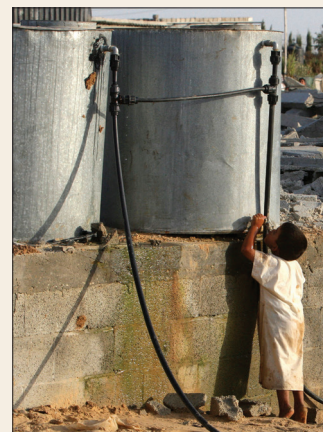
While Palestinian water projects are obstructed (and with it economic development and employment creation), Israeli settlements, especially those in the Jordan Valley, have been able to develop a specialized export-oriented agriculture, using most of the area’s water resources,⁵² often to the extent of over-extraction.



Trucked water

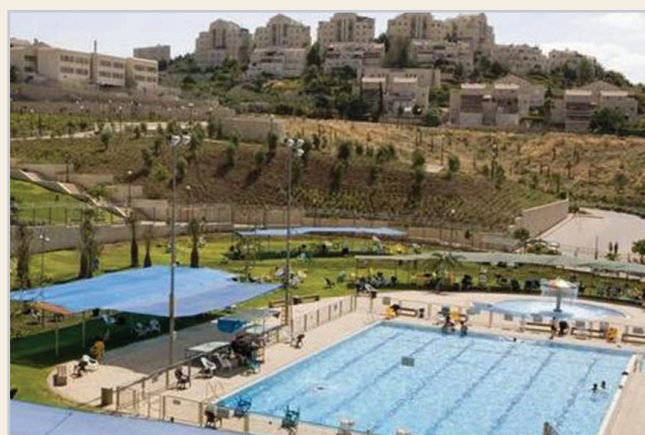
In addition, the water sector is a main target of demolitions by Israeli forces; in 2012 alone, 60 water and sanitation structures, including 36 cisterns, were destroyed, affecting 1,632 people including 426 children.⁵³

Further assault on Palestinian natural resources include the destruction of rainwater collection structures and cisterns, which is particularly harmful taking into consideration the fact that an estimated 60,000 Palestinians living in Area C are not connected to a water network⁵⁴ and thus depend on rain harvesting cisterns and trucked water, which costs up to 400 % more per liter.⁵⁵ According to the PWA, Israeli forces demolished 46 rainwater-harvesting cisterns and 25 wells in 2011 alone, with these numbers expected to be surpassed in 2012.⁵⁶



Water tanks

Settlers not only enjoy subsidized water prices (up to 75%!) from the Israeli water company Mekorot,⁵⁷ but their daily per capita water consumption is up to 20 times higher than that of Palestinians.⁵⁸ The less than 10,000 settlers living in the Jordan Valley and Northern Dead Sea area use one-third of the total water amount that is accessible to the entire Palestinian West Bank population (estimated at over 2.5 million).⁵⁹ In remote areas of Area C, Palestinian communities have often no more than 20 liter per capita per day (l/c/d) – a mere fifth of the WHO recommendation of 100 l/c/d.⁶⁰



Swimming pool in the Ma’ale Adumim settlement

⁴⁸ “JWC in danger of collapse, while ICA permits in Area C destroying prospects for Palestinian statehood” Press Release, 10 Sept. 2012. Unlike the case with Area A and B projects, Area C projects need after JWC approval further approval from the Civil Administration.

⁴⁹ PWA, *Water Resources*, at <http://www.pwa-pna.org/status/res.php>.

⁵⁰ PCBS, Press Release on World Water Day, March 2011.

⁵¹ NAD-PLO, *Water Non-Paper*, June 2010, see: <http://www.nad-plo.org/userfiles/file/Non-Paper/Water%20Non-Paper%202010.pdf>.

⁵² *The Underpinnings of the Future Palestinian State: Sustainable Growth and Institutions, Economic Monitoring Report to the Ad Hoc Liaison Committee, World Bank*, Sept. 2010; <http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/WorldBankSep2010AHLReport.pdf>.

⁵³ In 2011, 89 such structures were demolished; Reliefweb, *Access to water in Area C of the West Bank, Factsheet*, December 2012.

⁵⁴ Displacement Working Group oPt, *Demolition Summary Table*, 31 December 2010

⁵⁵ Reliefweb, *Access to water in Area C of the West Bank, Factsheet*, December 2012.

⁵⁶ *Maan News*, “Israel ‘blackmailing’ Palestinian Water Authority,” 10 September 2012, http://www.maannews.net/eng/View_Details.aspx?ID=518888.

⁵⁷ Badil, *Al-Majdal*, Nos. 39/40 (Autumn 2008-Winter 2009).

⁵⁸ Amnesty International, *Thirsting for Justice - Palestinian Access to Water Restricted*, Oct. 2009.

⁵⁹ BTselem, *Dispossession and Exploitation: Israel's Policy in the Jordan Valley and Northern Dead Sea*, May 2011.

⁶⁰ Amnesty International, *Troubled Waters - Palestinians Denied Fair Access to Water*, 2009.

ACCESS TO SERVICES

Under the 1995 Oslo II Agreement, the PA is responsible for providing services (education, health, etc.) to all Palestinians in the West Bank, including Area C. While Israel initially retained military control over Area C, the accords foresaw that it would gradually transfer civil authority to the PA until 1999 - a stipulation that was never implemented. Thus, due to Israel's complete control over all construction in Area C, the Palestinian government is until this day unable to provide the necessary additions and upgrades in the health and education sectors and deliver the services expected from it. Settlers, in contrast, receive numerous educational benefits from the Israeli Ministry of Education, rental subsidies, exemption from tuition and matriculation exam fees, almost free (because subsidized) transportation to school, priority for scholarships, etc.⁶¹



School in Susiya, Hebron Hills

Many Palestinian Area C communities have severe problems to access services, including such basic ones as education and health, or have to deal with sub-standard facilities.



School in Massafer

For example, some 31% of schools in the area have inadequate water and sanitation facilities and often unsafe tents, caravans, crude cement buildings and tin shacks serve as school.⁶² At least 18 schools are currently threatened with demolition for lacking a building permit.⁶³

Besides Israel's restrictive planning policies and the hundreds of obstacles limiting movement, Palestinian students are also subjected to increased settler violence, which in some villages has led to children being escorted to school by Israeli soldiers. Another problem is that most Area C communities have no secondary and higher education and access to Areas A and B is often difficult if not impossible.

A similar problem exists with regard to the health sector. More than 20% of communities in Area C have extremely

limited access to health services.⁶⁴ Specialized clinics as well as hospitals are only available in the larger population centers of Area A and B and anyone reaching them requires passing checkpoints and other travel burdens. Movement restrictions also apply to ambulances and medical personnel.



Mobile clinic of the Palestinian Red Crescent Society (PCRS)

OUTLOOK AND CONCLUSION

In light of the above it is no accident that many observers believe that Israel aims at an eventual annexation of Area C, with the remaining Palestinian population being possibly offered Israeli citizenship. The report of the government-appointed so-called Levy Committee, published in July 2012, recommended de facto annexation of more than half of the West Bank, concluding that neither Israel was an occupying power nor settlements illegal, and that outposts should be legalized. Similarly, as the battle for votes intensified in the run-up to the January 2013 general elections in Israel, several high-ranking members of the Likud-Beiteinu alliance as well as the newly established Jewish Home party led by Bennett Naftali repeatedly and bluntly called for annexation of Area C.

Fact is that ever since the creation of Area C - the only contiguous area in the West Bank - it has been part of Israel's farsighted political strategy to continuously and deliberately undermine the Palestinian presence there through discriminatory measures aimed at consolidating the Israeli state's control and undermining the two-state solution. A hint at the nature of any alternative to the two-state solution shows a recent poll conducted by Dialog, according to which a large majority of the Jewish public - 69% - objects to giving 2.5 million Palestinians the right to vote if Israel annexes the West Bank, and 74% favors separate roads for Israelis and Palestinians in the West Bank. Although the survey was contested it does nonetheless give the impression that a majority of Israelis is willing to accept an apartheid-like situation, which the continued settlement expansion policy (or even an annexation of Area C) would inevitably bring.⁶⁵

⁶¹ Suan and Neeman-Haviv, *Judea and Samaria Statistical Yearbook for 2007*, cited by B'Tselem, *By Hook and by Crook, Israel's Settlement Policy in the West Bank*, July 2010, p. 58.

⁶² UNICEF and MoEHE *Education Fact Sheet*, Sept. 2010.

⁶³ OCHA, *Displacement and Insecurity in Area C of the West Bank*, Special Focus, August 2011.

⁶⁴ OCHA, *Humanitarian Factsheet on Area C of the West Bank*, July 2011.

⁶⁵ "Survey: Most Israeli Jews Would Support Apartheid Regime in Israel" *Ha'aretz*, 23 Oct. 2012, <http://www.informationclearinghouse.info/article32833.htm>

To counter this, urgent Palestinian and international action is needed. However, so far, outside actors have proven incapable to effectively exercise influence on Israel and ensure adequate development conditions in Area C, while they have been astonishingly ready to bear the cost of managing Palestinians in the meanwhile.

Most international organizations avoid Area C and focus on Areas A and B, in part out of fear to have their projects demolished or other repercussions from Israel. This is an extremely counterproductive development since it leads not only to project congestion in Areas A and B but also induces Area C Palestinians to relocate to have better job opportunities and services and more reliable access to land and water. In recent months though, aid agencies have increasingly realized that Israel is creating a situation in which donor support for the Palestinians is undermining donor support for the two-state solution. One step to counter this development was a report issued by the EU in July 2011, slamming Israel over settlements and warning that

“If current trends are not stopped and reversed, the establishment of a viable Palestinian state within the pre-1967 borders seems more remote than ever. The window for a two-state solution is rapidly closing with the continued expansion of Israeli settlements and access restrictions for Palestinians in Area C...”

Among the actions urged by the EU are a change of Israel’s policy and planning system in Area C, the approval of Palestinian master plans there,⁶⁶ and donor-funded projects to build infrastructure, schools and clinics in order to “support Palestinian presence in, and development of the area.”



Palestinian farmers waiting to get access to their land

A recent UN report to the AHLC meeting in New York has also stressed the fundamentality of Area C to the viability of a future Palestinian state and that urgent action is required if the viability of the two state solution is to be preserved.⁶⁷

The international community must ensure that Israel fulfills its obligations under international law and grants the people under its jurisdiction their human rights, including the right to education, health, housing, and water. To realize this, Israel must allow Palestinian building and planning in Area C and stop its policy of demolition, displacement, and settlement expansion. For such a process donor support is crucial. One step in this direction was made on 14 September 2012, when the EU announced that it would double its aid to the PA to 200 million Euros, 7 million of which in support for Area C. However, without real outside pressure it is most likely that the Israeli government will pay some lip service by allowing a few infrastructure improvements in remote and less important areas while undermining real strategic Palestinian development and continuing to pursue its own goals in Area C. Reversing the current trend of Palestinians abandoning Area C is thereby certainly not one of Israel’s interests.

Since aid agencies are well aware of the needs in this part of the West Bank they should put less effort in doing what is allowed according to Israel and much more in protesting the existing conditions and advocating Palestinian rights. In detail, the international community and donor agencies must move beyond statements and:

- take concrete and quick steps to initiate and support development projects in Area C;
- hold the Israeli government accountable for breaches in international human rights law and humanitarian law;
- insist on guarantees from the Israeli government that it will not unilaterally annex any part of the Area C and end the construction or expansion of settlements;
- put pressure on the Israeli government to transfer planning authority relating to Palestinian land and locations in Area C to Palestinians;
- stop, otherwise, to waste its funds in indirect support of Israeli plans and policies and take concerted diplomatic action to restore Palestinian rights.

⁶⁶ In its Foreign Affairs Council conclusions of 14 May 2012, the EU called 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, 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.” For the full EU FAC Conclusions, see: http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/130248.pdf. For more on the Quartet’s advocacy in this regard see <http://www.tonyblairoffice.org/quartet/pages/oqr-strategy-for-area-c>.

⁶⁷ “Palestinian state-building at stake: preserving the viability of the two state solution”, Press Release on the UN report to the Ad Hoc Liaison Committee, New York, 20 September 2012.

Area C

The Key to the Two-State Solution



United Nations Office for the Coordination of Humanitarian Affairs
occupied Palestinian territory

West Bank: Area C Map

February 2011

Border

- International Border
- - - Green Line

Israeli Unilaterally Declared Municipal Area of Jerusalem¹

1. In 1967, Israel occupied the West Bank and unilaterally annexed to its territory 70.5 km² of the occupied area

Barrier

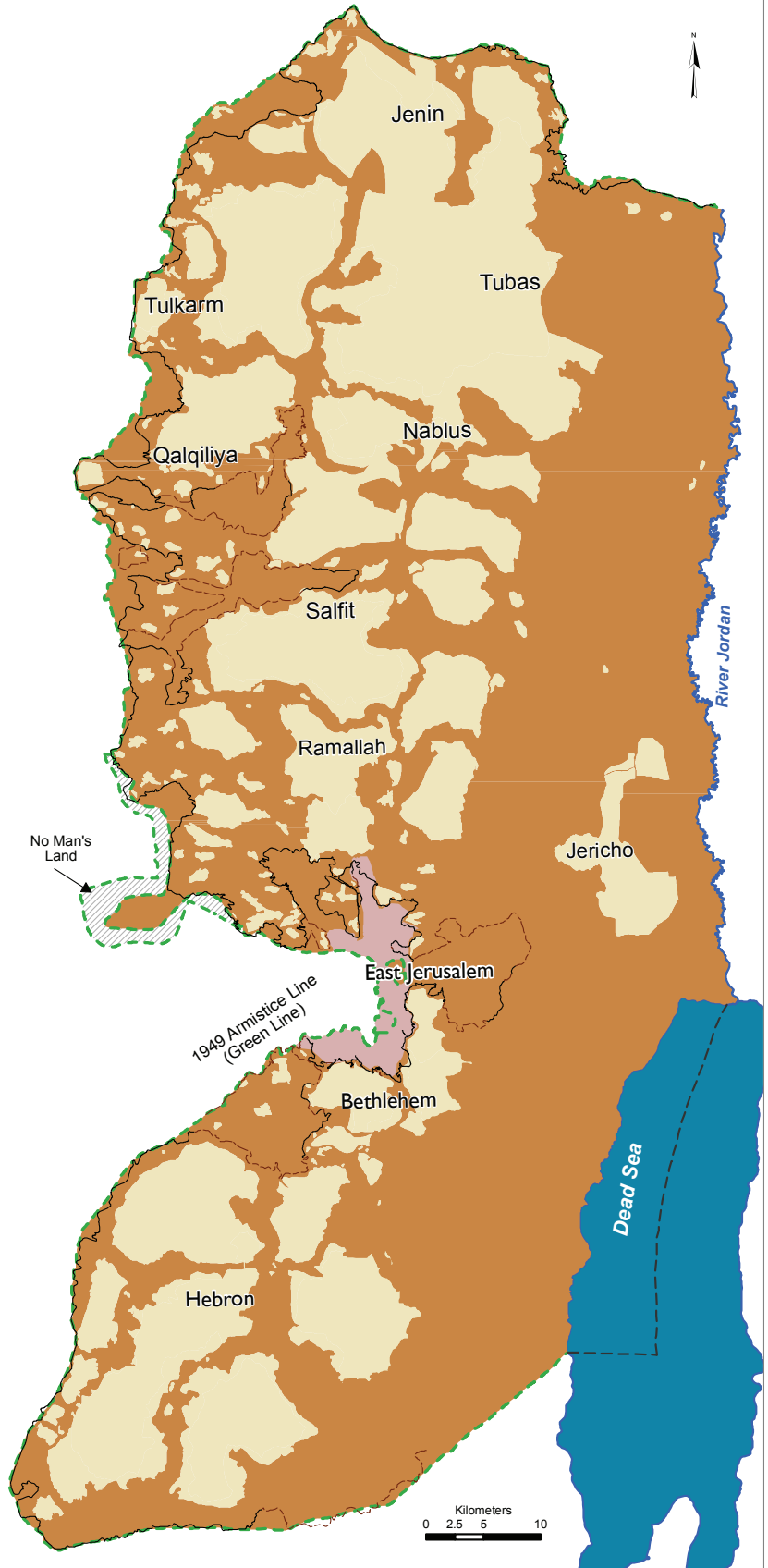
- Constructed / Under Construction
- - - Planned

Oslo Agreement²

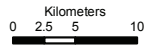
- Area (A), (B)
- Area C & Nature Reserves

Oslo Interim Agreement

2. Area A : Full Palestinian civil and security control
 Area B : Full Palestinian civil control and joint Israeli-Palestinian security control
 Area C : Full Israeli control over security, planning and construction



United Nations Office for the Coordination of Humanitarian Affairs
 Cartography: OCHA-oPt - February 2011. Base data: OCHA, PA MoP, JRC update 08. For comments contact ochaopt@un.org or Tel. +972 (02) 582-9962 <http://www.ochaopt.org>



REFERENCES / BIBLIOGRAPHY:

- ACRI, *What's the Difference? Illegal Outposts, Palestinian Towns in Area C, and Unrecognized Villages in the Negev*, March 2012.
- ARIJ, *The Israeli Policies in Area (C): "Silent Transfer of the Palestinian Population,"* 12 October 2008 (http://www.poica.org/editor/case_studies/view.php?recordID=1592)
- Amnesty International, *Troubled Waters – Palestinians Denied Fair Access to Water*, 2009.
- B'Tselem, *Access Denied: Israeli Measures to Prevent Palestinian Access to Land Around Settlements*, September 2008.
- B'Tselem, *Dispossession and Exploitation: Israel's Policy in the Jordan Valley and Northern Dead Sea*, May 2011.
- Bimkom, *The Prohibited Zone - Israeli planning policy in the Palestinian villages in Area C, 2008*, http://eng.bimkom.org/_Uploads/23ProhibitedZone.pdf.
- Council for European Palestinian Relations (CEPR), *Area C and Palestinian State Building*, July 2011.
- EU Heads of Missions, *Report on Area C*, December 2011.
- eWash, *Access to Water, Sanitation and Hygiene in Area C*, March 2010, <http://www.ewash.org/files/library/5Factsheet5-AccestoWASHinAreaC.pdf>.
- Foundation for Middle East Peace, "Area C Update," *Settlement Report*, Vol. 22, No. 4, July-August 2012.
- HRW, *Separate and Unequal - Israel's Discriminatory Treatment of Palestinians in the Occupied Palestinian Territories*, December 2010.
- Kuttab, Daoud, "The Next Battleground for the Palestinians - Areas C," *Huffington Post*, January 2012 http://www.huffingtonpost.com/daoud-kuttab/the-next-battleground-for_b_1200253.html
- Maan Development Center, *Parallel Realities: Israeli Settlements and Palestinian Communities in the Jordan Valley*, 2012.
- Maan Development Center, *Restricted Access and Its Consequences – Israeli Control of Vital Resources in the Jordan Valley and Its Impact on the Environment*, 2012.
- Maan Development Center, *The Status of Palestinian Agriculture in the Jordan Valley*, Spotlight 10, 2012.
- Maan News, "Israel 'blackmailing' Palestinian Water Authority," 10 September 2012, <http://www.maannews.net/eng/ViewDetails.aspx?ID=518888>.
- OCHA, *Demolitions and Forced Displacement in the Occupied West Bank*, January 2011.
- OCHA, *Displacement and Insecurity in Area C of the West Bank*, Special Focus, August 2011.
- OCHA, *Humanitarian Factsheet on Area C of the West Bank*, July 2011.
- OCHA, *Restricting Space: The Planning Regime Applied By Israel in Area C of the West Bank*. Special Focus, December 2009, http://www.ochaopt.org/documents/special_focus_area_c_demolitions_december_2009.pdf
- OXFAM, *On the Brink - Israeli settlements and their impact on Palestinians in the Jordan Valley*, Briefing paper, 5 July 2012 (http://www.oxfam.org/sites/www.oxfam.org/files/bp160-jordan-valley-settlements-050712-en_1.pdf).



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