



RECOGNIZING
PALESTINE

AN INVESTMENT IN PEACE



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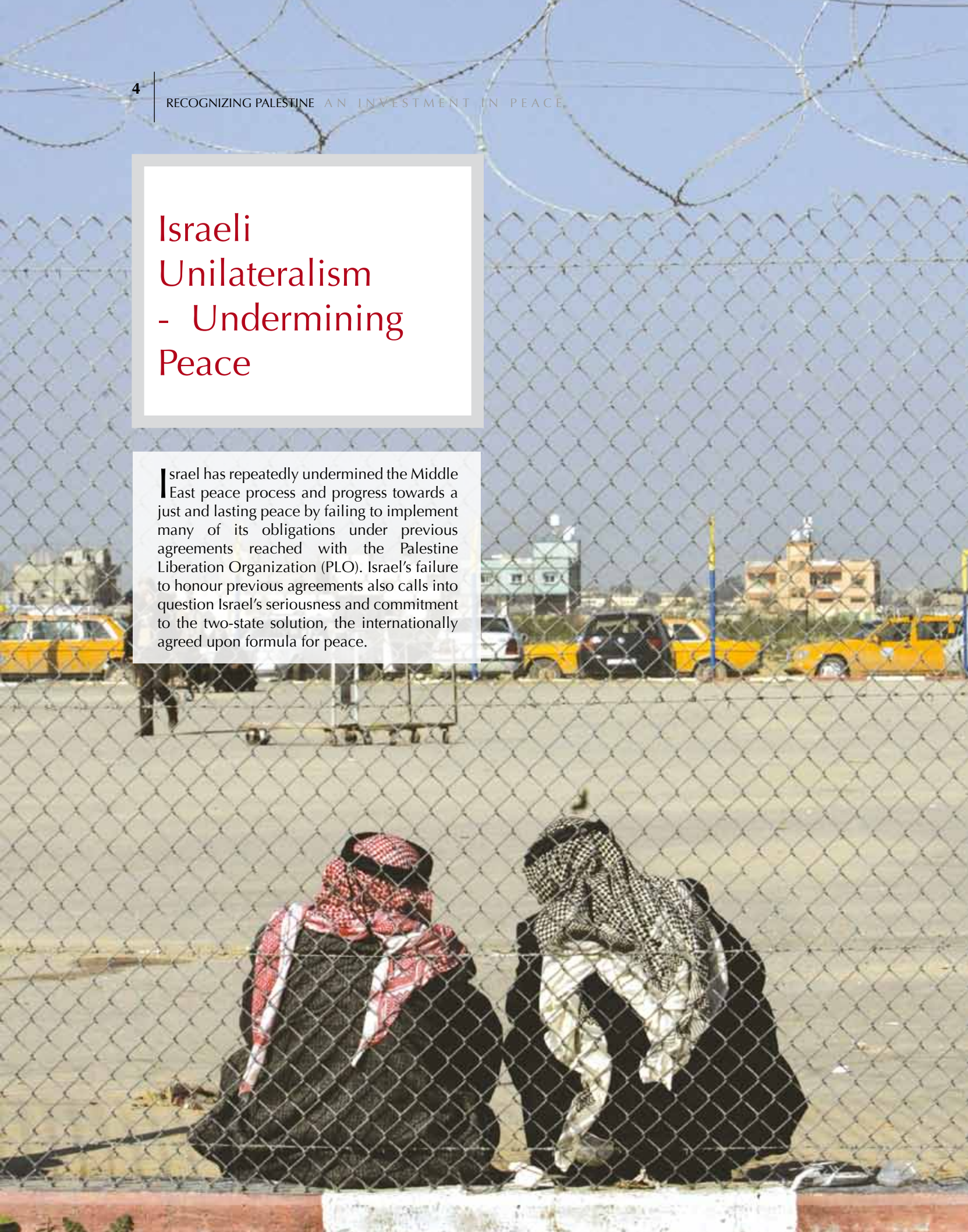
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Israeli Unilateralism - Undermining Peace

Israel has repeatedly undermined the Middle East peace process and progress towards a just and lasting peace by failing to implement many of its obligations under previous agreements reached with the Palestine Liberation Organization (PLO). Israel's failure to honour previous agreements also calls into question Israel's seriousness and commitment to the two-state solution, the internationally agreed upon formula for peace.





OSLO ACCORDS

In the early 1990s, Israel and the PLO entered a period of negotiations to “achieve a just, lasting and comprehensive peace settlement and historic reconciliation through the agreed political process”,¹ “based on Security Council Resolutions 242 and 338²” and the principle of land for peace.

The *Declaration of Principles on Interim Self-Government Arrangements* (*Declaration of Principles*), concluded on 13 September 1993, established a framework for PLO-Israeli relations in the interim period, lasting at most five years, in which the Palestinians in Gaza and the West Bank would establish a self-government authority. On 28 September 1995, the parties signed the *Palestinian-Israeli Interim Agreement on the West Bank and the Gaza Strip* (*Interim Agreement*), a comprehensive agreement governing Palestinian-Israeli relations during the interim period. Thereafter, the parties concluded a series of other agreements collectively known as the *Oslo Accords*.

In addition to the Declaration of Principles, the Palestine Liberation Organization (PLO) formally recognized Israel and its right to exist within secure and internationally recognized borders. While Israel joined the international community in 1993 in recognizing the PLO as the sole legitimate representative of the Palestinian People, it has yet to reciprocate the Palestinian recognition. To date, Israel has failed to honour the Accords, as it has violated many of its provisions, some of which are detailed below.



THIRD REDEPLOYMENT

The *Oslo Accords* detail mechanisms for the withdrawal of Israeli troops from the occupied Palestinian territory (OPT). The 1994 *Agreement on the Gaza Strip and the Jericho Area* called on Israel to withdraw from Gaza and Jericho within a set timeframe. This was followed by the *Interim Agreement*, which listed four additional phases for Israeli ‘redeployment’ in the West Bank. The first phase was to be Israeli redeployment from “populated areas” of the West Bank, to be completed before elections for the Palestinian Council were held.³ The remaining three phases would involve gradual redeployment to “specified military locations” over the following 18 months, to take place at 6-month intervals.⁴ Accordingly, Area C, “except for the issues that will be negotiated in the permanent status negotiations [Jerusalem, settlements, specified military locations], will be gradually transferred to Palestinian jurisdiction”⁵ as part of the three-stage “further redeployments.”⁶

¹ *Declaration of Principles on Interim Self-Government Arrangements* (13 September 1993), Preamble [*Declaration of Principles*].

² *Ibid.*, Art. I.

³ *Interim Agreement*, Art. X(1); Art. XI(2)(a); Art. XVII(8); and Annex I, Art. 1(1).

⁴ *Ibid.*, Art. X(2); Art. XI(2)(d); Art. XVII(8); Annex I, Art. I(9); and Annex I, Appendix I, para. B.

⁵ *Ibid.*, Art. XI(3)(c).

⁶ *Ibid.*, Art. XIII(2)(b)(8).

In fact, redeployment from Hebron, which was to be part of the first redeployment under the *Interim Agreement*, was delayed, as was implementation of the following two phases under the agreement. The final Israeli redeployment in the West Bank – one of the main Israeli obligations set out in the *Interim Agreement* – remains unfulfilled. Thus, to date, Israel remains in exclusive control of 61% of the West Bank (Area C), despite its commitment to redeploy its forces from the lion's share of the West Bank.

SETTLEMENTS

According to Article XXXI (7) of the *Interim Agreement*, “[n]either side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the permanent status negotiations.”⁷

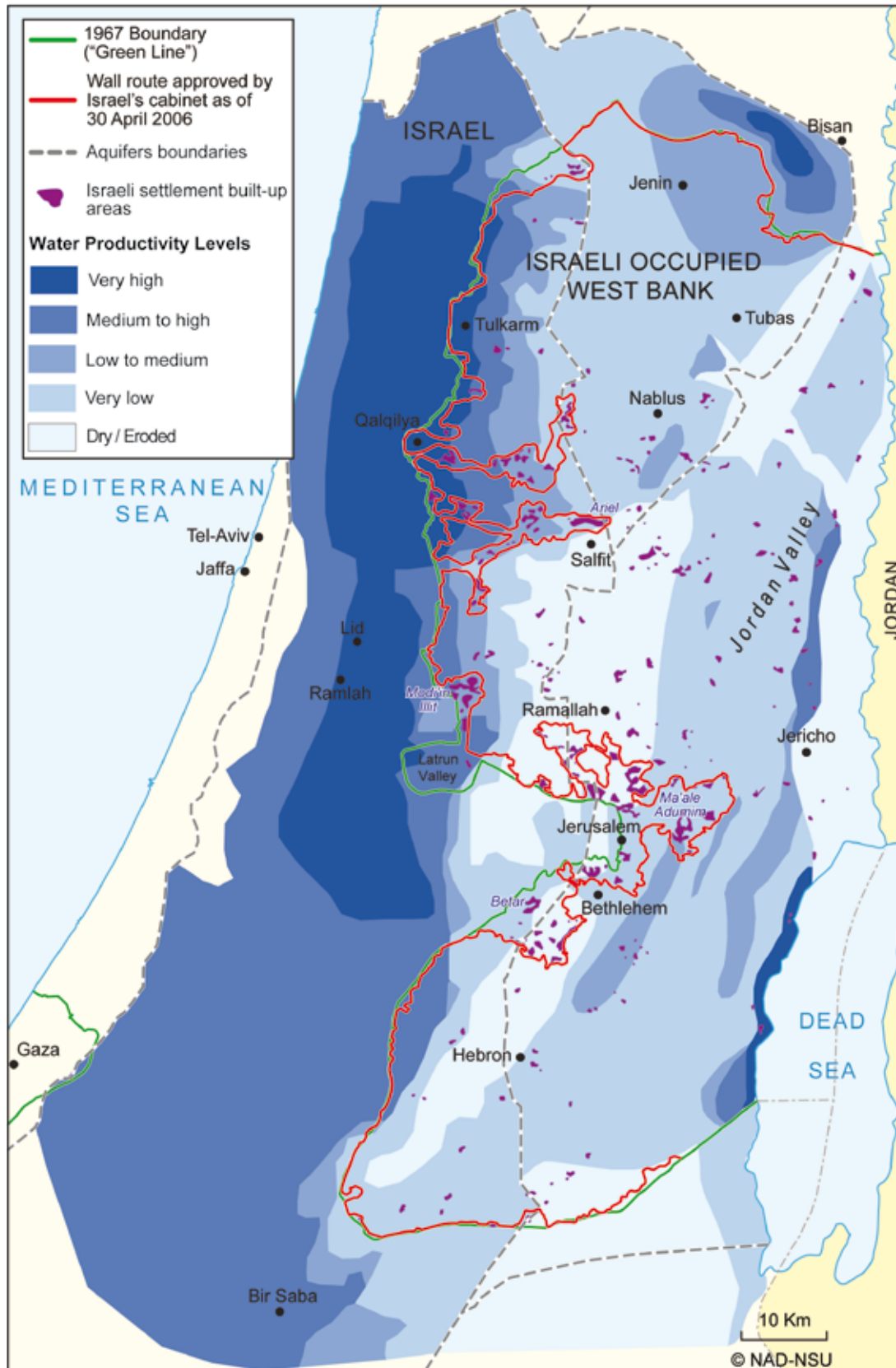


For the past 16 years, Israel has violated this article by continuing to build and expand settlements in OPT, including East Jerusalem, thus illegally altering the status of the OPT, both physically and demographically, to prevent its return to Palestinians. Since 1993, Israel has doubled the settler population to over 500,000 settlers.

WATER

In accordance with principles set out in the *Interim Agreement*, Israel is obliged to coordinate management of water and sewage with the PNA. In addition, Israel must not increase its utilization of water resources beyond those amounts allocated under the Agreement, must obtain prior approval for any water extraction exceeding these allocated amounts, must practice sustainable water use, and must exchange data on both how much water is extracted from all three aquifers, as well as the maximum amount of water that could potentially be extracted from them.

⁷ The *Wye River Memorandum* (23 October 1998), Art. V, and the *Sharm el-Sheikh Memorandum*, Art. 10 contain similar provisions.





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Israel has violated every one of these obligations. It has obstructed coordinated management of shared water resources throughout the interim period. Israel has also increased its use of West Bank ground water, extracting 50 percent more than the sustainable yield from West Bank aquifers, and exceeding by 80 percent its agreed allocation from the West Bank aquifers detailed under Article 40, Schedule 10 of the *Interim Agreement*. As to the Western Aquifer alone, a World Bank report shows that by 1999, Israel had extracted 389 million cubic meters (MCM) *more* than the 483 MCM allocated to it under the Agreement without prior joint approval. According to the same World Bank report, per capita water availability for Palestinians in the West Bank has dropped to one quarter that of Israel's.

Today, Palestinian annual per capita consumption of fresh water is barely 70 cubic meters, which is significantly less than the minimum water consumption levels recommended by the World Health Organization.⁸

RELEASE OF PRISONERS

Israel continues to use imprisonment and detention, including administrative detention, for political ends as a way of targeting Palestinian resistance to occupation. So widespread are these practices that Palestinians in the OPT have one of the highest incarceration rates in the world.

Section 1 of Article XVI of the *Interim Agreement* and Annex VII thereof ("Release of Palestinian Prisoners and Detainees") provides for the release of Palestinian political prisoners as well as the release of political prisoners from Arab countries. These releases were to take place in three phases, the last of which was to occur during the permanent status negotiations. Israel failed to carry out the release of all prisoners. The 1999 *Sharm el-Sheikh Memorandum* also calls for the release of Palestinian and other political prisoners; the release was to have taken place in September and October 1999 and during Ramadan of that Muslim calendar year (December 1999 and January 2000).



Despite these agreements, more than 6,000 political prisoners remain in Israeli jails, including 209 children⁹. These prisoners are held in detention centres in Israel, in violation of the 1949 Fourth Geneva Convention Relevant to the Protection of Civilians in Times of War.

Israel has also rejected efforts to reactivate the work of the joint committee on prisoners established in

8 Palestinian Water Authority, <http://www.pwa.ps/desktopmodules/newsscrollEnglish/newsscrollView.aspx?ItemID=514&mID=11850>

9 Defense for Children International – Palestine Section <http://dci-palestine.org/content/child-detainees>

the *Sharm el-Sheikh Memorandum*, insisting that Israel should decide on further prisoner releases, if any, unilaterally. While Israel released approximately 1,200 prisoners between 2007 and 2009, they were selected on the basis of Israeli criteria, including many who had already completed most of their sentences.

ECONOMIC RELATIONS

The *Paris Protocol* annexed to the *Interim Agreement* was intended to bring prosperity to the Palestinian economy by ensuring greater access to Israeli and international markets. After an initial surge, export growth slackened; diversification in external trade has not taken place; and the Palestinian economy's dependence on Israel remains as acute as ever.



Following are the main violations of the Paris Protocols:

- Closures and restrictions on the movement of goods and people, including those created by the Wall and its associated illegal regime, have led to significant fiscal and economic losses.
- Israel has violated its duty to consult and notify the Palestinians before making any changes to Israeli import policy or rates that affect Palestinians (as outlined in Article III(6)).
- Israel continues to deny the PNA full authority to implement its own import policy at the international border crossings in the West Bank and Gaza Strip, in violation of Article III (14). This has meant that Israel has maintained exclusive control over deciding the kind, type, and quality of goods allowed into the OPT.
- Israel refuses to recognize Palestinian standard certificates and conformity marks, and restricts the PNA's right to set its own petroleum products policy (in violation of Article III (12)).
- Israel applies different standards for plants and animals, animal products and biological products than those adopted or recommended by relevant international organizations, resulting in trade barriers between the two parties and between Palestinians and the rest of the world in agricultural products (in violation of Article VIII).
- Israel has attempted to prevent Palestinian dairy and meat products from entering East Jerusalem, which forms part of the OPT, and the Israeli market (in violation of Article VIII).

- Although the parties have agreed to establish a Joint Economic Committee (JEC) to follow up on the implementation of the Paris Protocol, Israeli actions have paralyzed the JEC. For example, Israel continues to delay the implementation and resolution of outstanding issues, including approving goods that are already on Lists A1, A2, and B annexed to the Paris Protocol (in violation of Article III).
- Israel has arbitrarily restricted labour mobility between the OPT and Israel, refusing to discuss the matter at the JEC.
- Israel has not transferred all taxes it has collected from Palestinian workers, mainly the equalization levies, national insurance contributions and pension funds (in violation of Article V).
- According to Article III, Palestinian importers should receive equal treatment at Israeli ports of entry. In practice, Israel discriminates against Palestinian importers, resulting in delays and added costs to the Palestinians.

STATE-TO-STATE RELATIONS

The *Interim Agreement*, including the *Paris Protocol*, provide the guiding framework for, and established bilateral committees to deal with, state-to-state related issues, such as agriculture, archaeology, energy, environment, health, justice, monetary affairs, post, telecommunications, transportation and tourism. In many cases, Israel has implemented very little under the Agreement. In some cases, such as archaeology, the bilateral committees have not met in over 15 years. In other cases, such as tourism, extensive efforts by the Office of the Quartet have failed to persuade Israel to accept the application of existing agreements as a basis for reconvening the Joint Tourism Committee.



Examples of Israeli non-compliance include the following:

- **Telecom** (Article 36, Annex III of the *Interim Agreement*): The international gateway, access to frequencies, management of the electromagnetic sphere, and the importation of new technology and equipment are essential to developing the Palestinian telecom sector. Provisions for each of these areas are either provided for in existing agreements or through international rights awarded to Palestine at the International Telecommunications Union.

Israel continues to obstruct implementation of technical agreements, including most recently, the “Frequency Assignment Agreement” negotiated with the assistance of the Quartet Representative in July 2008 for a second mobile operator. In addition, Israel generally denies the importation of essential equipment and fails to issue permits to build infrastructure in Area C. Lastly, Israeli mobile companies provide unauthorized coverage in Palestinian areas in clear violation of Article 36.

- **Fishing** (Articles XVII and XXXI of the *Interim Agreement*, Articles 13 and 38 of Annex III, and the *Paris Protocol*): Israel arbitrarily limits Palestinian fishing access to three or less nautical miles from the shore as opposed to the 20 mile zone provided for in the *Interim Agreement*. Arbitrary Israeli naval enforcement has resulted in the death and injury of dozens of Palestinian fishermen and has almost terminated a once vibrant Palestinian fishery industry.
- **Tourism** (Article 37 of Annex III of the *Interim Agreement*, Article X of the *Paris Protocol*): Israel is required to permit entry to all tourism professionals and buses licensed by the PNA. Yet, Israel permits fewer than 80 Palestinian tour guides to enter Jerusalem and Israel, while over 5,000 Israeli tour guides have access to tourist sites in Israel and the OPT, including illegal settlement sites.
- **Electricity** (Article 10 of Annex III of the *Interim Agreement*, and the *Paris Protocol*): The supply of electricity to the PNA is charged at some of the highest rates in the world. Israel continues to refuse to enter into a commercial agreement for tariffs of bulk supply and to charge the PNA on an ad hoc basis the same rate it would charge private consumers in Israel.

POPULATION REGISTRY

Israel arbitrarily withholds approvals for PNA-requested approvals for permanent residency and work and study visas. Israel grants only a handful of such approvals every year. Travel to Gaza for foreigners has become virtually non-existent and requires a special, and rarely granted, Israeli permit. Since mid-2009, some foreigners entering the West Bank have been issued visas for the “Palestinian Authority only,” preventing them from entering not just Israel, but Jerusalem and Area C as well. Other foreigners entering Israel have been required to sign statements committing themselves not to enter PNA-controlled areas of the West Bank under penalty of legal action. These practices are in clear violations of Annex III of the *Interim Agreement*.

According to Article 28 of Annex III of the *Interim Agreement*, the PNA has the right, with the prior approval of Israel, to grant permanent residency in Gaza and the West Bank to investors, employees, spouses and children of Palestinian residents, and other persons for humanitarian reasons. The PNA may also grant renewable, one-year visitor permits for the OPT with Israeli approval. Additionally, the PNA may, with Israeli approval, grant renewable 3-month visitor permits for the OPT, which also permit holders to enter Israel. Alternatively, visitors may enter the OPT with a visa for Israel. Furthermore, paragraph 1(e) of Article 9 of Annex I of the *Interim Agreement* states that tourists to the OPT who have entered through an international crossing are not required to pass any additional control before entering Israel.



Article 28 of Annex III of the *Interim Agreement* authorizes the PNA to maintain and administer the population registry, while “informing” Israel of changes in the place of residence of any residents. Over the past few years, Israel has made it increasingly difficult – and since mid-2009 virtually impossible – for residents of Gaza to make the West Bank their place of residence.

In April 2010, Israeli occupation authorities adopted Military Order 1860. This Order granted Israeli soldiers in the OPT unprecedented power and discretion to take action against so-called infiltrators within the OPT. It is estimated that this order threatens approximately 80,000 Palestinians holding Gaza ID’s living in the occupied West Bank.

MOVEMENT AND ACCESS



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Over the years, Israel has pursued a policy that fragments the OPT through physical (e.g., settlements, the Wall and checkpoints), legal and administrative barriers. Movement between Gaza and the West Bank has become increasingly difficult for foreigners, and virtually impossible for Palestinian residents. Palestinian West Bank ID holders have not had free access to East Jerusalem and other Palestinian areas illegally annexed by Israel since the early 1990s. In addition, all areas west of the illegal Wall have become “closed zones” following the first such designation in the northern West Bank in 2003. Access to the Jordan Valley has also been restricted for non-residents of the area.

Clearly, these punitive measures amount to collective punishment. They are also in violation of Article I (2) of Annex I of the *Interim Agreement*, which compels both sides to “respect and preserve without obstacles, normal and smooth movement of people, vehicles and goods within the West Bank, and between the West Bank and Gaza Strip.” In both the *Declaration of Principles* and the *Interim Agreement*, the parties also agree that “[they] view the West Bank and the Gaza Strip as a single territorial unit, the integrity and status of which will be preserved during the interim period.”

SAFE PASSAGE AND MOVEMENT WITHIN THE WEST BANK AND THE GAZA STRIP

The *Declaration of Principles* and the *Interim Agreement* both affirmed the territorial integrity of Gaza and West Bank, irrespective of their geographical separation. The *Interim Agreement* also affirmed that the free movement of Palestinians and goods between these areas shall be respected.

Article X of the *Protocol Concerning Redeployment and Security Arrangements* annexed to the *Interim Agreement* required Israel to open a safe passage route connecting northern Gaza with the southern West Bank for “the movement of persons, vehicles and goods” which was to include separate northern and southern



roads through Israeli territory. Under the 1999 *Sharm el-Sheikh Memorandum*, the southern route for safe passage was to open on 1 October 1999 in accordance with a Safe Passage Protocol to be concluded by the parties by 30 September 1999. On 5 October 1999, the PLO and Israel concluded the *Protocol Concerning Safe Passage between the West Bank and the Gaza Strip*. Article 5(b) of the *Memorandum* also required the parties to agree on the specific location of the crossing point for the northern route by 5 October 1999.

Despite these agreements, Israel has failed to open a northern safe passage route between Gaza and the West Bank. It has also failed to provide safe passage for commercial goods via the agreed southern safe passage route. Israel only allowed the southern safe passage route to operate for the movement of people between October 1999 and September 2000, yet subjected this movement to a strict Israeli permit system. Many residents were only allowed to travel on special buses that received Israeli army escort, and thousands of others were forbidden altogether from travelling through the safe passage.

INCITEMENT

Israel has failed to undertake any concrete measures to curb Israeli incitement against Palestinians despite its obligations to do so under signed agreements. This is in contrast to the PNA, which has acted decisively to end all forms of incitement, including the introduction of a new Palestinian school curriculum and school textbooks.¹⁰ The issue of incitement first appeared in the 1994 *Gaza-Jericho Agreement*. Since then, appeals to end all forms of incitement have been included in subsequent agreements between the PLO and Israel, up to and including the 2003 Road Map.

Many examples exist of incitement against Palestinians in Israel: from calls to kill Palestinians, to state-sponsored commemorations that glorify individuals who have taken Palestinian lives, through to individuals and groups who advocate a policy of 'transfer' or the forcible displacement of Palestinians from their land and homes. Most ominously, incitement against Palestinians is commonplace within mainstream Israeli politics rather than being the purview of a radical few. For example, on 29 August 2010, the spiritual leader of the Shas party¹¹ Rabbi Ovadia Yosef, publically stated:

"Abu Mazen and all these evil people should perish from this world.... God should strike all these evil people with a plague, them and these Palestinians."

On 31 May 2011, Israeli Prime Minister Benjamin Netanyahu praised Rabbis known to be involved in incitement against Palestinians and Palestinian Israelis, including Rabbi Shmuel Eliyahu, who had lobbied in Safed against renting or selling lands and homes to Arabs, Rabbi Dov Lior, who took active part in incitement against the late Israeli PM Yitzhak Rabin, and Rabbi Yitzhak Shapira, who wrote the book

¹⁰ Forming part of the PNA's ongoing efforts to build a Palestinian state, Palestinian measures against incitement focus on promoting the democratic values of an independent Palestinian state, and showing Palestinians that there is an alternative to Israel's military occupation.

¹¹ Shas is a major coalition partner in the current Israeli government.

“Torat Hemlekh” advocating for the killing of “non-goy” children. In an address at the *“Merkaz Harav”*, the center of religious settler ideology, Netanyahu told the Rabbis, *“You are the elite special ops unit that leads the nation”*.

In 1999, the *“Committee to Prevent Incitement”* was formed under the auspices of the *Wye River Memorandum*. A joint initiative involving Palestinian, Israeli and American representatives, the committee ceased all activities with the outbreak of the second Intifada in September 2000. The PLO has repeatedly called for the committee to be reconvened to address questions of incitement. This has not yet happened.

AGREEMENT ON MOVEMENT AND ACCESS

Following the Gaza ‘disengagement’, the 2005 *Agreement on Movement and Access* (AMA) sought to facilitate the free movement of Palestinian people and goods within the OPT, as well as to Israel and the world, with a view to stimulating Palestinian economic growth. The AMA addressed: (a) the Rafah Crossing Point, (b) Israeli-Palestinian crossings, (c) safe passage between Gaza and the West Bank, (d) Israel’s closure regime in the West Bank, (e) the Palestinian seaport, and (f) the Palestinian airport. However, Israel’s failure to implement the AMA means that movement and access restrictions and the isolation of Palestinian communities persist today:

- After a few months of intermittent operation in late 2005, the Rafah Crossing Point linking Gaza to Egypt has remained virtually closed, and the EUBAM mission charged with oversight of the crossing point has effectively been prohibited by Israel from operating, undermining the AMA provision that *“Rafah will be opened as soon as it is ready to operate at an international standard . . . and as soon as the 3rd party is on site.”*
- In Gaza, Israel has maintained and tightened its crippling closure, which began before the Palestinian elections in 2006. The closure severely curtails all but a narrow list of enumerated imports from entering Gaza, while imposing a total ban on exports, resulting in a man-made humanitarian crisis across Gaza. Israel is in breach of the AMA provision requiring that crossing points between Gaza and Israel operate *“continuously.”*
- Almost immediately after the AMA was concluded, Israel called off discussions on the implementation of its commitment to *“allow the passage of [bus] convoys to facilitate the movement of goods and persons”* between Gaza and the West Bank. To this day, no bus convoys run between the Gaza Strip and the West Bank.
- In the West Bank, the number of checkpoints, roadblocks and other obstacles to Palestinian movement and access increased following the conclusion of the AMA, despite the commitment for Israel and the US *“to establish an agreed list of obstacles to movement [within the West Bank] and develop a plan to reduce them to the maximum extent possible.”* According to the UN, as of June 2010, 504 barriers to movement continued to exist in the West Bank alone – 34 percent more than when the AMA was concluded.



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- Finally, Israel has refused to discuss the re-opening of Gaza's airport and continues to block the construction of its seaport by refusing to guarantee non-interference to prospective investors.

The United Nations and the World Bank identified restrictions on Palestinian movement and trade as the primary cause of the humanitarian crisis Palestinians continue to face, and the main reason for their dependence on aid.

QUARTET ROAD MAP

In 2003, the Quartet – comprised of the United States, Russia, the European Union and the United Nations – proposed a road map for the peace process, “aim[ed] at progress through reciprocal steps by the two parties in the political, security, economic, humanitarian, and institution-building fields, under the auspices of the Quartet.” The UN Security Council endorsed the Road Map in resolution 1515 (2003). Both parties reaffirmed their Road Map commitments at the Annapolis Conference on 27 November 2007. Yet, Israel continues to violate all of its obligations, including:

- *Settlement activity:* As discussed above, Israel continues to violate its obligation, “[c]onsistent with the [2001] Mitchell Report, [to freeze] all settlement activity (including natural growth of settlements).” Israel also continues to violate its obligation to “immediately dismantle settlement outposts erected since March 2001”. To date, none¹² of Israel's approximately 100 outposts¹³ in the West Bank, 58 of which were established after March 2001, have been dismantled.
- *Actions undermining trust:* The Road Map also requires Israel to take no actions undermining trust, “including deportations, attacks on civilians; confiscation and/or demolition of Palestinian homes and property, as a punitive measure or to facilitate Israeli construction; [and] destruction of Palestinian institutions and infrastructure.” Israel has killed and injured thousands of Palestinian civilians, and confiscated thousands of dunums of Palestinian land. It has concentrated such measures in and around East Jerusalem where, for example, it has demolished at least 450 Palestinian homes since 2003.

On 21 August 2011, the Israeli Ministry of Transportation and the Israeli Jerusalem Municipality inaugurated the Jerusalem light train, which connects illegal Israeli settlements in Occupied East Jerusalem with West Jerusalem. The railway, which starts at the illegal settlement of Kiyat Yofeil, passes through several Palestinian neighbourhoods, including the Old City and Sheikh Jarrah. It is built on illegally expropriated Palestinian land and further divides Palestinian neighbourhoods. In effect, the light train provides additional incentives for Israelis to become settlers in the Occupied City and further entrenches Israel's occupation of occupied East Jerusalem.

¹² This number does not include the handful of outposts removed by the Israeli army immediately or shortly after being established, or outposts that were only partially dismantled.

¹³ This number does not include the handful of outposts removed by the Israeli army immediately or shortly after being established, or outposts that are very temporary in nature (e.g., only inhabited during the day or periodically throughout the year).

- *East Jerusalem institutions:* Israel has failed to re-open Orient House, the Palestinian Chamber of Commerce and 8 other Palestinian institutions that it first closed in August 2001.

*“There is place only for one state on the land of Israel I do not believe in a two-states solution”¹⁴
 Danny Danon, Deputy Speaker of Knesset, August 2011.*

- *Commitment to Palestinian state:* Israel is required to issue an “unequivocal statement affirming its commitment to the two-state vision of an independent, viable, sovereign Palestinian state living in peace and security alongside Israel.” While the governments of Ehud Olmert and that of his predecessor Ariel Sharon have accepted the goal of creating a Palestinian state, no Israeli leader or government ever has articulated a clear and unequivocal commitment to the establishment of an “independent, viable and sovereign” Palestinian state.

In the past months, international efforts to launch credible final-status negotiations between Palestine and Israel have been stonewalled by Israel’s intransigent positions. The current Israeli government has refused to accept any terms of reference based on international law and relevant UN resolutions. Israel also rejects the 1967 borders as the boundaries of the two-states envisioned in relevant UN resolutions, including 242 and 338.



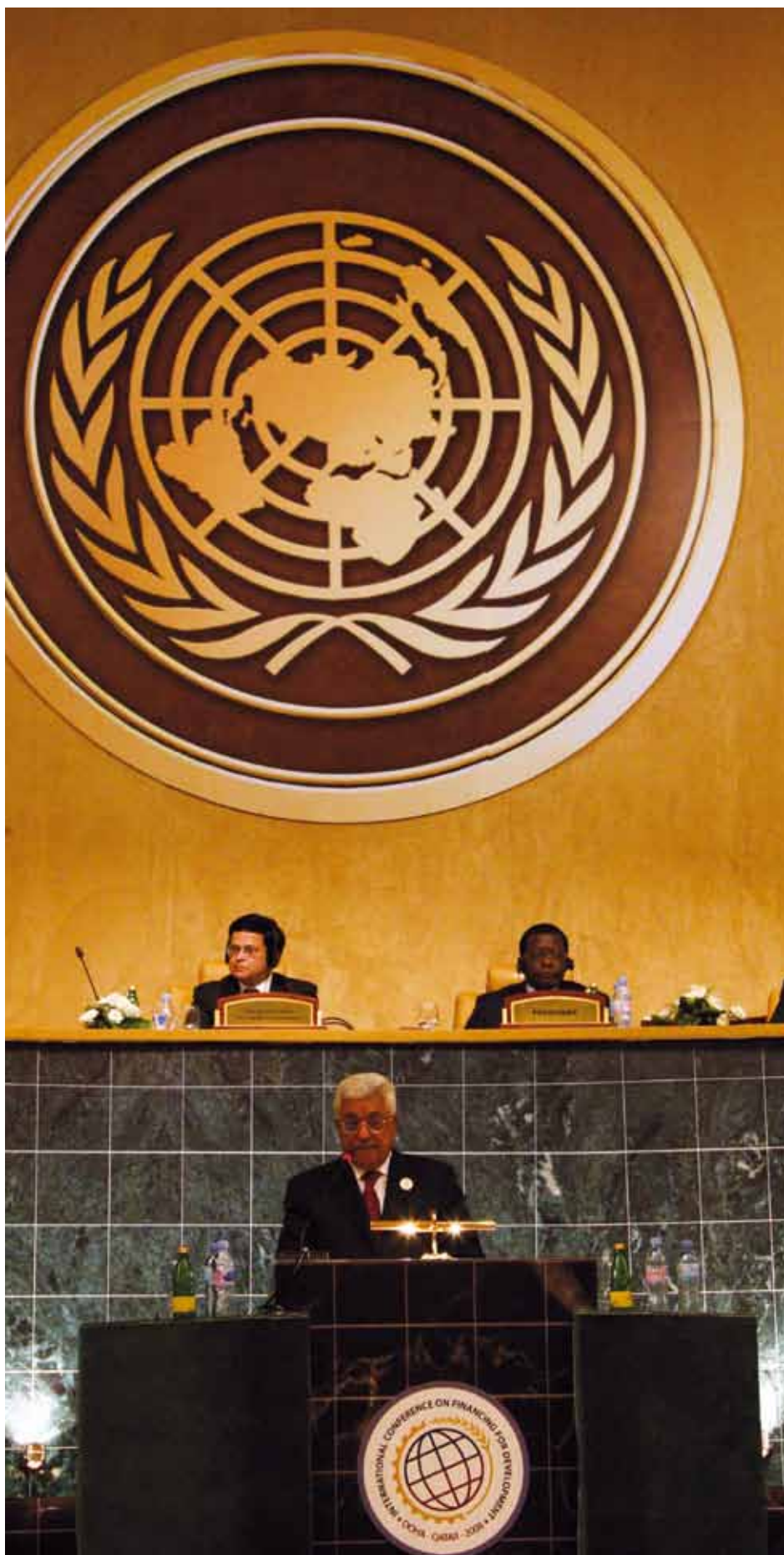
¹⁴ <http://english.aljazeera.net/programmes/talk-tojazeera/2011/08/201185103022120129.html>



International Responsibility towards the Question of Palestine

The Question of Palestine, the longest standing item on the United Nations agenda, dates back to 29 November 1947. On that day, the UN General Assembly (UNGA) adopted Resolution 181 II which partitioned for the first and last time in its history a homeland, Palestine, into two proposed states.

Almost seven decades since the adoption of resolution 181 II, Palestinians, who have suffered decades of displacement, disposessions, and the systematic denial of their national and human rights, have yet to exercise their inalienable right to self-determination and establish an independent and sovereign state of their own. By contrast, the State of Israel is a full member of the UN.





For its part, the Palestine Liberation Organization (PLO) advanced several proposals with the aim of achieving peace through the realization of legitimate Palestinian national rights. In 1988, it declared the establishment of the State of Palestine over the territory occupied by Israel in 1967 (the West Bank, including East Jerusalem, and the Gaza Strip). By limiting Palestinian national aspirations to 22% of the Palestinian people's historical homeland, the PLO made an historic compromise in the interest of peace. Palestine's declaration marked its endorsement of UN Security Council resolutions 242 and 338, which affirm the two-state solution and land for peace formulas. In return, Israel has responded to this compromise with intransigence and unilateralism.

For its part, the international community recognizes that the establishment of a viable, secure and independent Palestinian state is the key to peace in the region. The international community has also repeatedly affirmed its standing moral and legal obligation towards the Question of Palestine and the Palestinian people's just demand to realize their inalienable rights.

International law bodies, instruments, and covenants have established and repeatedly affirmed the Palestinian people's inalienable rights to self-determination, independence, and return among many others. In fact, the UNGA adopts fourteen resolutions every year by an overwhelming majority reaffirming Palestinian rights and standing moral and legal international responsibilities to protect and realize these rights. Moreover, the 2004 historic Advisory Opinion of the International Court of Justice (ICJ) on the consequences of the construction of the wall in the Occupied Palestinian Territory (OPT) left no doubt that the international community holds responsibility with regards to the Question of Palestine and the Palestinian people.

"Every State has the duty to promote, through joint and separate action, realization of the principle of equal rights and self-determination of peoples, in accordance with the provisions of the Charter, and to render assistance to the United Nations in carrying out the responsibilities entrusted to it by the Charter regarding the implementation of the principle . . ." UN General Assembly 2625 (XXV)

The right to self determination of the Palestinian people is an inalienable right that is not up for negotiations. It is a *jus cogens* norm that must be respected by states and it has been recognized as an *erga omnes* right, which makes the realization of this right the responsibility of the international community. The ICJ's 2004 Advisory Opinion stated, "The obligations *erga omnes* violated by Israel are the obligation to respect the right of the Palestinian people to self-determination, and certain of its obligations under international humanitarian law."¹⁵ The Court also reaffirmed the East Timor case of 1995, which described as 'irreproachable' the assertion that 'the rights of peoples to self-determination, as it evolved from the Charter and from United Nations practice, has an *erga omnes* character'¹⁶.

The Palestinian people must also be provided the opportunity to "freely determine their political status and freely pursue their economic, social and cultural development" as provided by Common Article 1 of the international covenants on Civil and Political Rights and on Economic and Social Rights. Likewise, UN member states have overwhelmingly and repeatedly recognized that Palestinians enjoy the human rights outlined by relevant Covenants and Declarations, which make up the body of International Human Rights Law.

"Everyone will benefit from the establishment of a Palestinian state - the Palestinians, the Israelis, the region, and all the peoples of the Middle East"; Dmitry Medvedev, President of the Russian Federation¹⁷

¹⁵ ICJ 2004 Advisory Ruling, page 131 <http://www.icj-cij.org/docket/files/131/1671.pdf>

¹⁶ Ibid.

¹⁷ <http://en.rian.ru/russia/20110118/162195319.html>

The Palestinian leadership seeks to consecrate the Palestinian people's natural, historical, and legal right to a state of their own. This step aims to consecrate this right and protect the two-state solution. It is also a step firmly rooted in previous important UN resolutions. This includes UNGA resolutions 3236, 2649, and 65/455, which declared this right as "inalienable" and said that the Palestinian people have a right to a "sovereign and independent" state. UNGA Resolution 2672 declared that respecting Palestinians' inalienable rights is an indispensable element in the establishment of a just and lasting peace in the Middle East. Moreover, in its 2004 Advisory Opinion, the International Court of Justice made clear that impeding the Palestinian people's exercise of its right to self-determination is illegal.

The international community has repeatedly promised the Palestinian people to exert all efforts to realize the two-state solution, affirming that this is the only viable peaceful resolution to the Middle East conflict.

"China supports the Palestinian people and their cause. We also support the Palestinians to get the United Nations recognition of a Palestinian state on the lands occupied in 1967 with Jerusalem as capital". Wu Sike, Special Envoy to the Middle East of the People's Republic of China¹⁸

This internationally agreed on formula requires the establishment of a viable and sovereign Palestinian state. It is also consistent with the very basis of the Declaration of Principles, including the principle of the two-state solution and relevant UN resolutions like 242 and 338. This position has been reaffirmed repeatedly, especially over the past two years;

- On 8 January 2009, Security Council adopted Resolution 1860, which reaffirmed the urgency of achieving a comprehensive peace "based on the vision of a region where two democratic States, Israel and Palestine, live side by side in peace with secure and recognized borders, as envisaged in Security Council resolution 1850 (2008), and recalls also the importance of the Arab Peace Initiative"¹⁹.
- On 19 March, 2009 the Middle East Quartet, convening in Moscow, reiterated its commitment to the two-state solution. "The Quartet reiterates that Arab-Israeli peace and the establishment of a peaceful State of Palestine in the West Bank and Gaza is in the fundamental interests of the parties, of all the States in the region and of the international community"²⁰.
- On 9 December 2009, the EU Foreign Affairs Council also affirmed the need to establish a viable Palestinian state and repeated its long-standing position of not recognizing any and all illegal changes to the OPT, including East Jerusalem, undertaken by Israel.

"The European Union calls for the urgent resumption of negotiations that will lead, within an agreed time-frame, to a two-state solution with the State of Israel and an independent, democratic, contiguous and viable State of Palestine,

¹⁸ http://news.xinhuanet.com/english2010/china/2011-08/27/c_131077668.htm

¹⁹ <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/204/32/PDF/N0920432.pdf?OpenElement>

²⁰ <http://unispal.un.org/UNISPAL.NSF/0/409607B6476A9116852576EB004854B6>



living side by side in peace and security. A comprehensive peace, which is a fundamental interest of the parties in the region and the EU, must be achieved on the basis of the relevant UN Security Council Resolutions, the Madrid principles including land for peace, the Roadmap, the agreements previously reached by the parties and the Arab Peace Initiative... Recalling the Berlin declaration, the Council also reiterates its support for negotiations leading to Palestinian statehood, all efforts and steps to that end and its readiness, when appropriate, to recognise a Palestinian state.”²¹ Conclusions of EU Foreign Affairs Council, 9 December 2009

- In his address to the United Nations on 23 September 2010, US President Barack Obama declared that true security for Israel can only be achieved with the creation of an independent Palestine, “one that allows the Palestinian people to live with dignity and opportunity”²². He also stated that if the parties act in good faith and commit to a peaceful resolution, “when we come back here next year, we can have an agreement that will lead to a new member of the United Nations -- an independent, sovereign state of Palestine, living in peace with Israel”²³.

The international community also endorsed the Palestinian two-year state-building plan, which was launched in September 2009 and has now concluded. In April 2011, the World Bank, the International Monetary Fund, the European Union, and UN attested that Palestinian institutions are ready for statehood and agreed that the continued Israeli occupation is the sole remaining obstacle for Palestinian statehood. The IMF declared that Palestinians are able to perform as a “well-functioning state”. At the time, Palestinian Prime Minister Salam Fayad likened this recognition to a “birth certificate” of the Palestinian State.

Most recently, On 26 July 2011, Mr. Robert Serry, Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General warned against the continued political impasse, caused by Israel’s continued illegal unilateral actions, including settlement expansion. He told the Security Council during its open debate on the situation in the Middle East, including the Palestinian Question, “We must not lose sight of what is at stake. The World Bank, the International Monetary Fund and my own Office, the Office of the United Nations Special Coordinator in the Occupied Territories (UNSCO), have all acknowledged the unprecedented achievements of the Palestinian Authority in the West Bank. The Palestinian Authority has, in key areas, reached a level of institutional performance sufficient for a functioning State. The Palestinian Authority is ready to assume the responsibilities of statehood at any point in the near future.”²⁴

Almost seven decades since the birth of the Question of Palestine and twenty years after the launch of peace negotiations, the international community’s promise to help establish the State of Palestine is long-overdue.

²¹ http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/111829.pdf

²² <http://www.whitehouse.gov/blog/2010/09/23/president-un-general-assembly-we-can-say-time-will-be-different>

²³ Ibid.

²⁴ <http://domino.un.org/unispal.nsf/e872be638a09135185256ed100546ae4/8a3327daf7ca49c3852578db004e04ad?OpenDocument>

Israel's settlement regime – destroying the two-state solution

BACKGROUND

The first Israeli settlement in the Occupied Palestinian Territory, including East Jerusalem, (OPT) was established in 1967, the year the Territory fell under Israeli occupation. Since then, Israel, the occupying power, has engaged in the colonization and illegal exploitation of the Occupied Palestinian Territory, including East Jerusalem (OPT). This policy has seen the Israeli settler population grow from approximately 5,000²⁵ settlers in 1968 to over 500,000 today.

²⁵http://www.passia.org/palestine_facts/pdf/pdf2006/6-Land-Settlements.pdf



The illegality of all Israeli settlement activities in the OPT is not subject to dispute. International Law and International Humanitarian Law consider them illegal. This position has been repeatedly reaffirmed and embodied in various United Nations (UN) resolutions, including UN Security Council resolutions 904, 471, 465, 452, 446, 252, 267, 271, 478, and 672.

There is also international consensus that Israel's settlement activities constitute a grave violation of the 1949 Fourth Geneva Convention Relevant to the Protection of Civilians in Times of War.

“The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies”²⁶ Article 49, Fourth Geneva Convention Relevant to the Protection of Civilians in Times of War.

Additionally, in its Advisory Opinion of 9 July 2004, the International Court of Justice decided that Israel's Wall and its associated regime of settlements, infrastructure, and Israeli-only roads constitute grave violations of International Law and Israel's obligations as an occupying Power. The Court also decided that this regime “severely impedes the exercise by the Palestinian people of its right to self-determination, and is therefore a breach of Israel's obligation to respect that right”²⁷, which the Court said was of an *erga omnes* nature.

The ICJ also ruled that the international community had a responsibility to stop this illegal regime.

“...all States are under an obligation not to recognize the illegal situation resulting from the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem.... It is also for all States, while respecting the United Nations Charter and international law, to see to it that any impediment, resulting from the construction of the wall, to the exercise by the Palestinian people of its right to self-determination is brought to an end. In addition, all the States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 are under an obligation, while respecting the United Nations Charter and international law, to ensure compliance by Israel with international humanitarian law as embodied in that Convention.”²⁸ Advisory Opinion of the International Court of Justice, 2004

The Court also ruled that Israel's illegal settlement regime could be tantamount to *de facto* annexation of the OPT. It stated; “...the construction of the wall and its associated régime create a “fait accompli” on the ground that could well become permanent, in which case, and notwithstanding the formal characterization of the wall by Israel, it would be tantamount to *de facto* annexation”.²⁹

This annexation agenda, which effectively destroys the two-state solution, is a long standing Israeli policy and dates back to the early years of the occupation. In

²⁶ <http://www.icrc.org/ihl.nsf/385ec082b509e76c41256739003e636d/6756482d86146898c125641e004aa3c5>

²⁷ <http://www.icj-cij.org/docket/files/131/1671.pdf>

²⁸ ICJ 2004 Advisory Ruling <http://www.icj-cij.org/docket/files/131/1671.pdf>

²⁹ ICJ 2004 Advisory Ruling <http://www.icj-cij.org/docket/files/131/1671.pdf>

January 1981, the Israeli government adopted a plan entitled “Settlement in Judea and Samaria - strategy, policy and plans” by Matityahu Drobles. In the report, the intention of constructing the settlements in the OPT was made clear;

“There mustn’t be even the shadow of a doubt about our intention to keep the territories of Judea and Samaria for good. Otherwise, the minority population [Palestinians] may get into a state of growing disquiet which will eventually result in recurrent efforts to establish an additional Arab state in these territories. The best and most effective way of removing every shadow of a doubt about our intention to hold on to Judea and Samaria forever is by speeding up the settlement momentum in these territories.”³⁰

The report also made clear that building Israeli settlements around Palestinian population centers in the OPT would “reduce to the minimum the danger of an additional Arab state being established in these territories. Being cut off by Jewish settlements, the minority population [Palestinians] will find it difficult to form a territorial and political continuity”³¹.

Thirty years have passed since this Israeli policy report. The situation on the ground stands testament to the continuation of the colonization and annexation policy, which aims at denying the Palestinian People from exercising their inalienable right to self-determination hence destroying the two-state solution.



30 <http://unispal.un.org/UNISPAL.NSF/0/B795B2D7FE86DA4885256B5A00666D70>

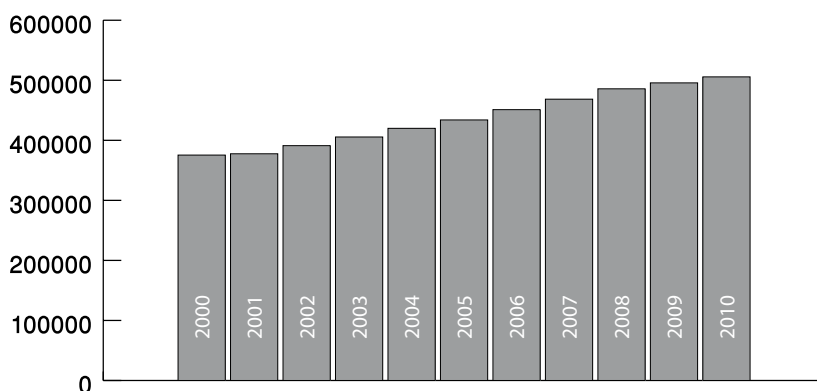
31 <http://unispal.un.org/UNISPAL.NSF/0/B795B2D7FE86DA4885256B5A00666D70>

PRESENT SITUATION

Settler Population in OPT, including East Jerusalem over the Past 10 Years

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
357,436	377,614	391,145	405,561	419,983	433,963	451,107	468,538	485,813	495,700	505,700

Israeli Settler Population in OPT



Almost twenty years ago, the international community launched the Middle East peace process in Madrid, Spain with the hope of reaching a historic and comprehensive settlement to the conflict. The Palestinian-Israeli track began shortly afterwards and resulted in the signing of the Declaration of Principles in 1993, which was based on International Law and relevant UN resolutions, including Security Council resolutions 242 and 338.

Subsequent Interim Agreements addressed various concerns, including the pressing Palestinian demand for Israel to cease its illegal settlement activities in the OPT, which were altering the demographic and cultural composition of the Territory, especially in Occupied East Jerusalem.

“Neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the permanent status negotiations.”³² Article XXXI(7) of the Interim Agreement

However, Israeli violations of international law, relevant UN resolutions, and signed agreements in relations to settlement activity did not cease. Israel continued to build and expand settlements in the occupied West Bank, including in East Jerusalem and (until 2005) in Gaza, thus artificially altering the status of the OPT, both physically and demographically.

³² The Wye River Memorandum (23 October 1998), Art. V, and the Sharm el-Sheikh Memorandum, Art. 10 contain similar provisions.

Today, the on-going creation and expansion of Israeli settlements in the OPT pose the *single* greatest threat to the establishment of a sovereign Palestinian state and, by extension, to a just and lasting peace between Israelis and Palestinians. Israel's settlement expansion has fragmented the Occupied Palestinian Territory and society, and denied Palestinians access to vital land and water resources, commercial markets and essential social, educational and health services.

*"Consistent with the Mitchell Report, GOI freezes all settlement activity (including natural growth of settlements)."*³³ *Quartet Road Map for Peace*

In the absence of international accountability, successive efforts to stop this illegal Israeli regime have failed. Israel willfully violated the terms of the Quartet's Roadmap for Peace, which was later embodied in Security Council resolution 1515. It also refused to heed repeated international calls to cease settlement activities in the OPT in order to launch credible final status negotiations with the Palestinian side.

"...the continued expansion of Israeli settlements in the Palestinian Occupied Territory came to be the most important obstacle for concrete progress in negotiations leading to a just and durable solution to this Question." Permanent Representative of Brazil to the UN, Ambassador Maria Ribeiro on 18 February 2011 in statement to Security Council

Instead, Israel has continued to subsidize illegal settlement construction and encourage Israelis to move to the OPT and settle in one of the approximately 200 illegal settlements and outposts there. A recent study by Peace Now revealed that the Israeli government subsidy even includes settler transportation, with Israeli settlers paying about half the amount Israelis living in Israel do.³⁴

A review of statistical data about Israel's settlement regime demonstrates:

- Israeli settler population doubled since the signing of the Declaration of Principles in 1993, from approximately 250,000 to over 500,000 in 2011.
- Since 2000, the Israeli settler population in the OPT has grown each year by between 5 and 5.7%, three times the average population growth inside Israel.³⁵
- In some settlements, the growth rate in the past 10 years with available data (1999 – 2009) has tripled:
 - The population of Bitar Illit, grew from 12,700 in 1999 to 34,999 in 2009.
 - The population of Givat Ze'ev grew from 13,000 to 46,245.

Today, the illegal Israeli regime of settlements, Israeli-only roads, infrastructure, and Wall now take up approximately 45.5% of the OPT and illegally houses a population of over 500,000 Israeli settlers.

Clearly, this regime threatens the very viability of the two-state solution. In fact, the international community has been unanimous in endorsing this conclusion.

³³ The Quartet Road Map (July 2003)

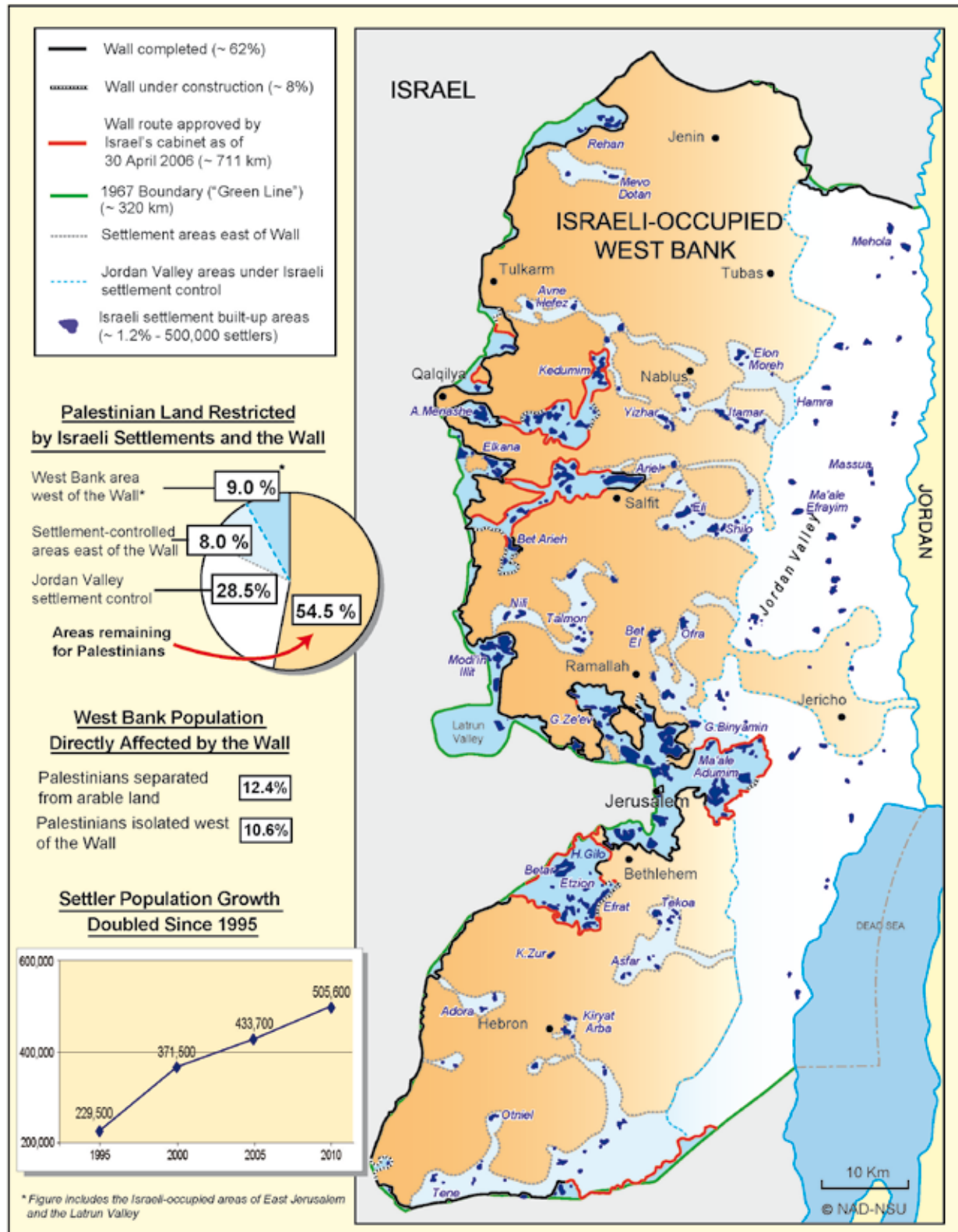
³⁴ <http://peacenow.org.il/eng/content/peace-now-research-reveals-settlers-freeloading-your-expense>

³⁵ <http://www.jpost.com/Israel/Article.aspx?id=170595>



ISRAEL'S WALL AND SETTLEMENTS (COLONIES)

AUGUST 2011



Israel's illegal settlement regime threatens the two-state vision for peace in the Middle East and is incompatible with the "land for peace" formula, contained in UNSC Resolutions 242 and 338 and on which the peace process is based. These principles require Israel to withdraw from the territories it occupied in 1967 in exchange for full peace with its neighbors.

"...we reject in the strongest terms the legitimacy of continued Israeli settlement activity. For more than four decades Israeli settlement activity in territories occupied in 1967 has undermined Israel's security and corroded hopes for peace and stability in the region. Continued settlement activity violates Israel's international commitments, devastates trust between the parties and threatens the prospects for peace." Permanent Representative of US to the UN, Ambassador Susan Rice on 18 February 2011

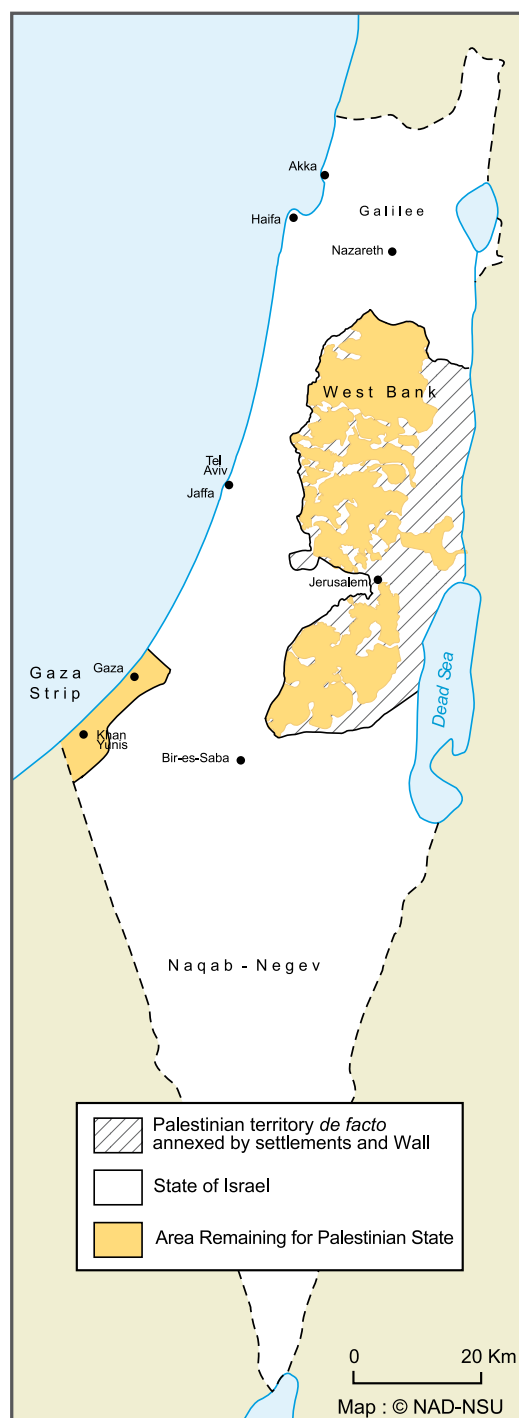
Israel's colonial regime now threatens the prospect of a viable, contiguous and sovereign Palestinian State. In reality, it is turning the occupation into annexation. This stark reality stands in conflict with the international community's efforts to reach comprehensive peace through the two-state formula, which necessitates the establishment of a Palestinian state on the 1967 borders, in accordance with relevant UN resolutions. Stopping this regime is a vital Palestinian need and an international demand. Indeed, the reality on the ground demonstrates that stopping Israel's expansionist enterprise must be an international priority of decisive significance.





...What Israel is Imposing Unilaterally

2008: Israeli Unilateralism (Settlements & Wall)
12% of Historic Palestine

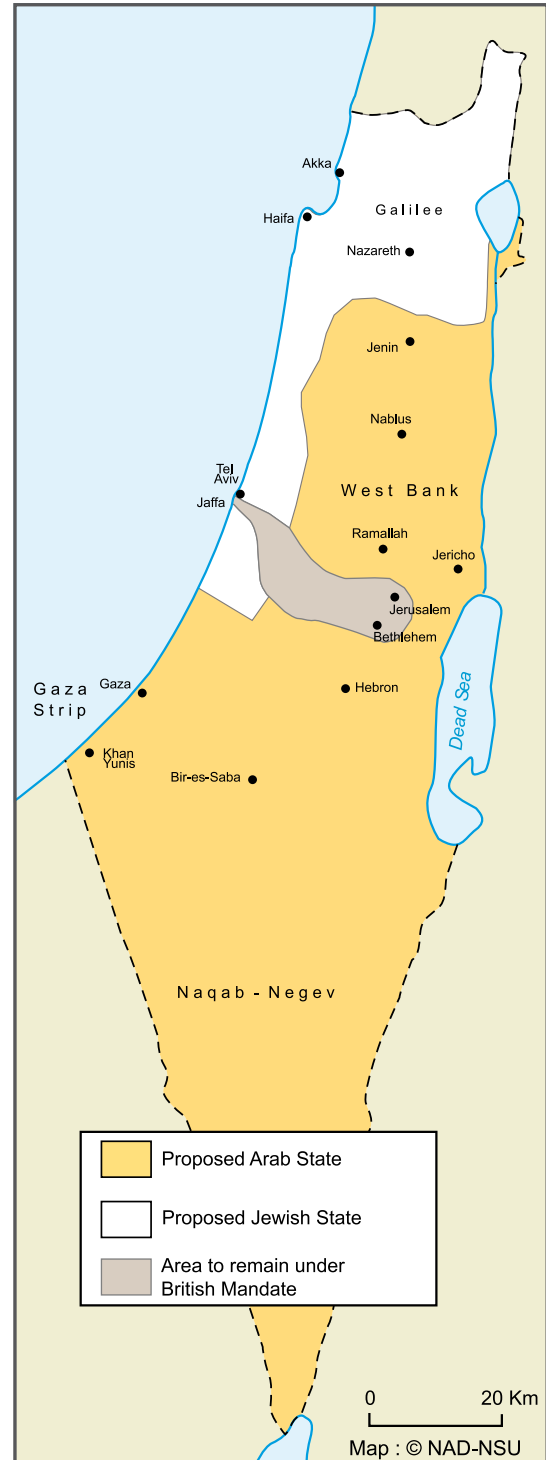


The Palestinians' Historic Compromise...

100% of Historic Palestine



1937 Peel Commission Partition Plan
80% of Historic Palestine

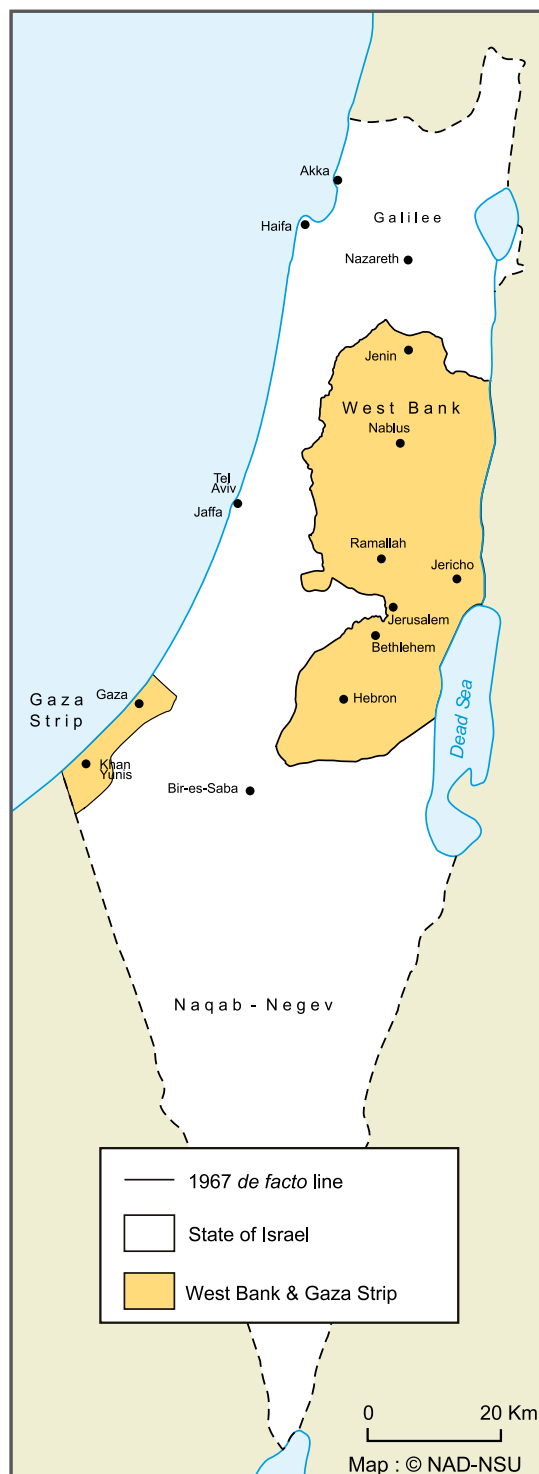




1947 UN Partition Plan
44% of Historic Palestine



1967 de facto Line (Endorsed by PLO in 1988)
22% of Historic Palestine

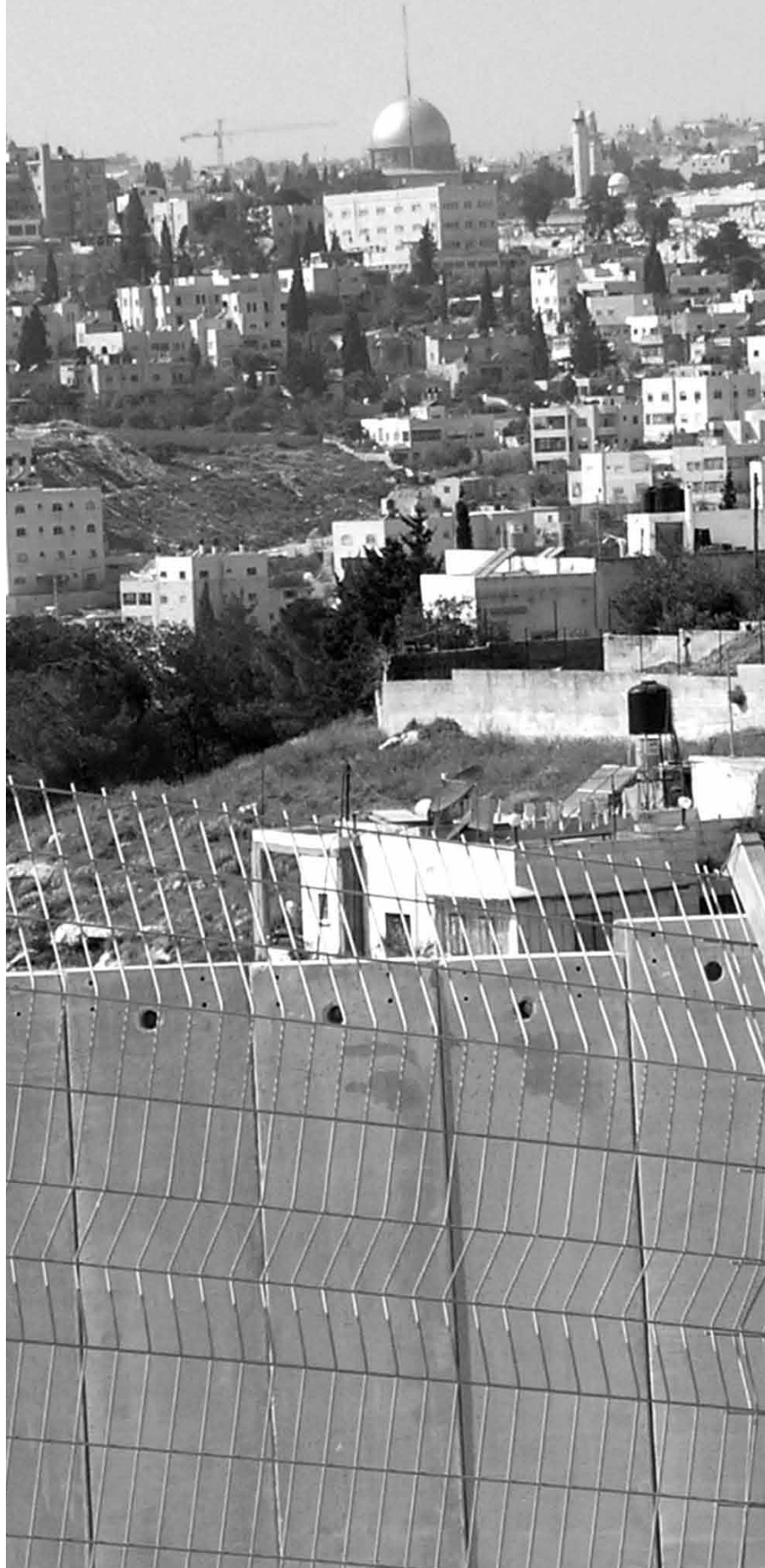


Maps are for illustrative purposes only. Boundary representations are not necessarily authoritative.

Isolation, Disconnection – Israel's Policies in Occupied East Jerusalem

Jerusalem is the beating heart of Palestine. It is the center of the Palestinian identity and its source of cultural, historical, and spiritual heritage. The Palestine Liberation Organization (PLO) has long maintained that occupied East Jerusalem is the natural socio-economic and political center for the Palestinian state given its cultural centrality, commercial vitality, historical significance, and geographic centrality connecting the northern and southern parts of Palestine. It is an integral part of the Occupied Palestinian Territory (OPT), as recognized by the international community and relevant United Nations (UN) resolutions.

The international community recognizes that over the past four decades, Israel has implemented systematic policies and practices that aim to diminish the Palestinian population and transfer them to other parts of the occupied West Bank. These Israeli policies represent flagrant violations of international law, previously signed agreements and related United Nations Security Council Resolutions, including 242, 252, 298 and 476 among others.





“Given the character and the importance of the rights and obligations involved, the Court is of the view that all States are under an obligation not to recognize the illegal situation resulting from the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem. They are also under an obligation not to render aid or assistance in maintaining the situation created by such construction.” ICJ Advisory Ruling, 2004

Israel's practices also violate the Advisory Ruling of the International Court of Justice, which affirmed their breach of the provisions of the 1949 Fourth Geneva Convention Relevant to the Protection of Civilian Persons in Times of War, namely:

- Article 147 of the Convention prohibits extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.
- Article 49 of the Convention prohibits the “forcible transfer” of protected persons within the occupied territory, as well as their deportation to places outside occupied territory. This prohibition is absolute, and applies “regardless of their motive.”
- Article 49 of the Convention further prohibits the Occupying Power from transferring parts of its own civilian population into the territory it occupied.
- Article 53 of the Convention provides that “Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons ... is prohibited, except where such destruction is rendered absolutely necessary by military operations.”

In Addition, Israeli policies in occupied East Jerusalem violate the Universal Declaration of Human Rights (signed by Israel), namely:

- Denial of equal protection under the law (Article 7)
- Arbitrary arrest, detention, or exile (Article 9)
- Denial of the right to return to one's country (Article 13)
- Arbitrary expropriation of personal property (Article 17)
- Interference with religious worship and observance (Article 18)

“We'll make a pastrami sandwich of them. We'll insert a strip of Jewish settlements in between the Palestinians, and then another strip of Jewish settlements right across the West Bank, so that in 25 years, neither the United Nations, nor the U.S.A, nobody, will be able to tear it apart.” Ariel Sharon to Winston S. Churchill III in 1973³⁶

Since 1967, Israel has maintained a clear policy aimed at permanently and irrevocably annexing occupied East Jerusalem and the change of its demographic and cultural nature. In a 1973 report by the Israeli inter-ministerial Committee to Examine the Rate of Development for Jerusalem, the following recommendation was made; *“the demographic balance of Jews and Arabs must be maintained as it was at the end of 1972”³⁷*, which at the time was 73.5% Jewish and 26.5% Palestinian.

In 1980, Israel adopted the so-called “Basic Law” on Jerusalem, which ratified the annexation of occupied East Jerusalem to Israel. The international community does not recognize this annexation, in line with UN Security Council Resolution 478. This Resolution rejected the Israeli measure as a violation of the Fourth Geneva Convention and determined that “all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character and the status of the Holy City of Jerusalem, and in particular, the recent ‘basic law’ on Jerusalem, are null and void”.

³⁶ <http://blog.icahd.org/2007/10/quoting-ariel-sharon.html>

³⁷ Gafni committee, Haaretz 9/9/2002, Gideon Levy

REVOCATION OF RESIDENCY IN EAST JERUSALEM

After the 1967 occupation of East Jerusalem, Palestinian indigenous inhabitants of the city were given the status of “permanent resident”. Practically speaking, Israel treats the Palestinians in occupied East Jerusalem as aliens with a residence permit that can be revoked if they leave the city to live elsewhere, including the rest of the OPT.

Indeed, residency revocation has become a regular Israeli practice. According to human rights organizations, more than 14,000 Jerusalem IDs have been revoked between 1967 and 2009, affecting well over 20% of the Palestinian families in occupied East Jerusalem. Between 2006 and 2008 alone, 4,577 IDs were revoked—more than 50% of the total number of ID confiscations.³⁸

Israel’s policy of ID revocation in occupied East Jerusalem violates its obligations, as an occupying power, as outlined in the Fourth Geneva Convention. The Fourth Geneva Convention prohibits individual or mass forced transfer, as well as deportations of protected persons from the occupied territory to the territory of the occupying power or any other country.

In addition, Israel has unilaterally and illegally expanded the municipal boundaries of Arab East Jerusalem from the original 6.5 square kilometers before the 1967 occupation to 72 square kilometers. Of this expanded area, 35% of the 72 square kilometers (25 square kilometers) has been expropriated by Israel for settlements and settlement expansion, 30% (21.7 square kilometers) is unplanned area where no construction is allowed, 22% (16 square kilometers) is defined by Israel as “Green areas,” where no construction is allowed, which leaves only 13% of the land (9.3 square kilometers) for use of the indigenous Palestinian population of 303,000. These policies, especially the continued expansion of illegal settlements in and around occupied East Jerusalem, have resulted in increasing the number of Israeli settlers from negligible figures to nearly 200,000 today.

DEMOLITION OF PALESTINIAN HOMES

The demolition of Palestinian homes in occupied East Jerusalem by the Israeli authorities has persisted since 1967. The main purpose of the house demolition policy is to dispossess Palestinian families from East Jerusalem and change the nature of the city. Estimates indicate that more than 3,300 homes have been demolished since 1967, including several historic and religious sites such as the historic Moroccan Quarter in the Old City. According to the Palestinian Central Bureau of Statistics, Israel demolished 499 homes in the past six years alone, amounting to 15% of the total number of home demolitions since 1967.

IMPACT OF ISRAELI MILITARY CLOSURE AND THE WALL AROUND JERUSALEM

On average, one million tourists from around the world come to visit occupied East Jerusalem every year; yet, the only group forbidden to enter the Holy City are the Palestinians living in the rest of the OPT. The Israeli military closure has continued to obstruct the ability of Palestinians to enter occupied East Jerusalem and has worsened since the closure was made permanent in March 1993.

With the ongoing illegal construction of the Wall in and around occupied East Jerusalem, Palestinian access to and the ability to live in Jerusalem are continually eroded and have become increasingly difficult. Thus, the closure and the Wall have become a *de facto* (albeit illegal and unrecognized) unilaterally imposed “border.”

38 ACRI report, May 2010



This Wall, most of which has been completed around occupied East Jerusalem, is being used to consolidate and expand Israel's hold on Palestinian land in order to facilitate further settlement expansion. It also serves to physically and functionally sever the northern and southern West Bank.

*"We saw how the separation barrier cuts right through the Palestinian neighborhoods, dividing communities, families, friends. The wall is not only making it harder for people in those neighborhoods to live normally, to visit or do business with their family and friends on the other side. It is disrupting Palestinian contiguity, making a viable Palestinian state increasingly hard to imagine."*³⁹ Mary Robinson following 2010 visit to the OPT

One of the immediate implications of Israel's policy was and remains the prevention of three million Christian and Muslim Palestinians from accessing their holy sites and places of prayer located in occupied East Jerusalem. Moreover, the closure and the Wall have also disconnected up to 70,000 Palestinian residents of Jerusalem from their city as they are left outside the Wall. Consequently, the closure and the Wall severely limit trade and commerce in, through and around occupied East Jerusalem, the traditional Palestinian economic center. Lastly, it has severed social connections and the social fabric of life of Palestinians who live on both sides of the Wall.

The US State Department's Report on International Religious Freedom for 2010 recognized that the construction of the Wall has "significantly impeded Bethlehem residents from reaching the Church of the Holy Sepulcher in Jerusalem and [has] made visits to Christian sites in Bethany and Bethlehem difficult for Palestinians who live on the Jerusalem side of the barrier". The report also said that the portions of the Wall and the checkpoints that prevent access to Jerusalem also impede "the movement of clergy between Jerusalem and West Bank churches and monasteries, as well as the movement of congregations between their homes and places of worship"⁴⁰.

Israel has sought to impose its cultural and religious exclusivity on occupied East Jerusalem, in flagrant violation of international law and its obligations as an occupying power. In contrast, the PLO has maintained that while East Jerusalem is an integral part of the OPT and must be the capital of the State of Palestine.

The PLO vision is of Jerusalem as a shared city and the capital of two states and joins the three monolithic religions. The Palestinian vision on Jerusalem is rooted in the deep historical, political, cultural, social, religious and economic ties of the Palestinian people with the occupied City. The Palestinian position on Jerusalem is also based on the relevant provisions of international law and UN Security Council Resolutions as well as the principles of the Madrid Peace Conference and inadmissibility of the acquisition of territory by force in addition to the Arab Peace Initiative.

Israel's policies and practices in occupied East Jerusalem seek to eliminate the prospects for the two-state solution. By carving out occupied East Jerusalem from the OPT and severing it from its natural and historical surrounding, Israel disconnects the northern occupied West Bank from its south and makes the prospects of a viable, contiguous, and sovereign Palestinian state unviable.

Any political settlement over the future of Jerusalem must incorporate both Palestinians' basic rights and their national aspirations of having East Jerusalem as the capital of the Palestinian state. Without Jerusalem, neither a two state solution nor peace in the Middle East will be attainable. The State of Palestine, which is a prerequisite to peace and stability in the region, cannot be established without East Jerusalem as its capital. This is a fact, dictated by practical needs, international law, and the will of the international community. But to preserve this international agenda, Israel's destructive policies must be stopped.

³⁹ <http://www.theelders.org/middle-east/blogs/elders/jerusalem-heart-problem-%E2%80%93-and-solution>

⁴⁰ <http://www.state.gov/g/drl/rls/irf/2010/148825.htm>

ISRAELI WALL AND SETTLEMENTS AROUND OCCUPIED EAST JERUSALEM (AUGUST 2011)

