

Better Than C

How the EU can pass its own test and work to improve the lives of Palestinians in Area C

Over 60 percent of the occupied West Bank is designated as “Area C”, meaning it falls under full Israeli military and civil control. An estimated 150,000 Palestinians live there among 325,000 Israelis living in settlements that are illegal under international law.¹ Area C is home to some of the most vulnerable Palestinian communities that are struggling to build simple homes, graze sheep and goats, make a living and raise their children without the ability to regularly access land, water and basic services such as schools, medical facilities and a responsive police force. Isolated from services provided by the Palestinian Authority in other parts of the West Bank, Palestinians living in Area C rely heavily on humanitarian and development assistance.

In May 2012, European foreign ministers issued one of the strongest Foreign Affairs Council statements on the Occupied Palestinian Territory (OPT) to date. The ministers called on Israel to address worsening conditions for Palestinians living in Area C, among them fundamental rights violations such as forced transfer, access to water, settlement construction, violence from settlers, and access to humanitarian aid.

In the last year, however, little has changed for Palestinians. European responses to ongoing demolitions of homes, schools and other basic infrastructure remain ad-hoc and uncoordinated. And Europe’s leaders are still reluctant to collectively and systematically raise with their Israeli counterparts the need for fundamental changes to Israeli policies that harm Palestinian rights and development in Area C.

Members of the Association of International Development Agencies (AIDA), an umbrella organization of more than 80 international aid and development agencies working on the ground in the OPT, are urging EU member states to act now to reinforce their statements with coordinated, systematic action backed by high-level political leadership in order to protect the most vulnerable.

This report examines developments since the Foreign Affairs Council conclusions in four areas (those that address Area C and settlements) that pose immediate problems for the work of AIDA members,² assessing EU and members states’ performance and proposing actions they can take to improve the lives of Palestinians in the OPT, especially Area C.

Violation	What the EU said in May 2012	What’s happened since	What can and should be done
Demolitions & Displacement	“The EU calls upon Israel to meet its obligations” which include “halting forced transfer of population and demolition of Palestinian housing	<ul style="list-style-type: none">• 94% rejection rate for Palestinian requests for building permits• demolition of 464 Palestinian-	Significantly improve EU-wide coordination of prevention and response actions to protect Palestinians from displacement and demolitions, including: <ul style="list-style-type: none">• systematic high-level political action by European

	and infrastructure, simplifying administrative procedures to obtain building permits, ensuring access to water and addressing humanitarian needs.”	owned structures in the West Bank (including residential structures, emergency tents, livelihood infrastructure, water cisterns, and roads). Of these demolitions, 399 occurred in Area C and 65 in East Jerusalem, forcibly displacing 402 people, of whom more than half (218) were children.	governments (for example, demarches, statements, and if necessary recalling ambassadors from Tel Aviv) <ul style="list-style-type: none"> • providing insurance or budget allocations to allow demolished structures to be rebuilt • providing diplomatic convoys for aid agencies that support Palestinians living in areas that are under heavy Israeli restrictions.
Discriminatory Permits & Planning	“The EU calls 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...”	<ul style="list-style-type: none"> • Of 32 master plans funded by the EU since 2009, none have been approved by Israeli authorities. Without master planning, communities develop ad hoc and are vulnerable to Israeli demolitions. • Israeli restrictions continue to mean that less than 3% of Area C can be included in master plans, leaving more than a hundred Palestinian villages outside of development plans and hindering the process of construction, growth and service provision. 	<ul style="list-style-type: none"> • Adopt a clear European policy to immediately begin construction of development infrastructure in areas where master plans were submitted more than 18 months prior. • Move forward with aid projects in localities where master plans have not yet been developed, if there is no response from Israeli authorities within six months of notification, or if objections are not related to minimal technical standards or legitimate security concerns. • Increase support for new, comprehensive Palestinian national development and spatial plans in order to address planning in a holistic manner.
Settlements	“Settlements remain	<ul style="list-style-type: none"> • 1,967 settlement housing units 	Press for immediate halt to settlements and establish a

	<p>illegal under international law. The EU condemns continuous settler violence and deliberate provocations against Palestinian civilians. It calls on the government of Israel to bring the perpetrators to justice and to comply with its obligations under international law.”</p>	<p>were included in new Israeli tendering processes and 613 new housing units have already been built, up from previous years</p> <ul style="list-style-type: none"> • 150 Palestinians were injured by settlers, including 33 children 	<p>response plan to systematically address incidents of settler violence that includes access to effective remedy</p>
<p>Hindering Donor Assistance</p>	<p>“The EU will continue to provide financial assistance for Palestinian development in Area C and expects such investment to be protected for future use. The EU will engage with the Government of Israel to work out improved mechanisms for the implementation of the donor funded projects for the benefit of the Palestinian population in Area C.”</p>	<ul style="list-style-type: none"> • 30 European-funded structures have been demolished by Israel authorities • No European donor has sought compensation for damage to EU-funded aid projects, or pressed for accountability by other means. • Support for community resilience projects is extended, but little support has been offered for infrastructure development that benefits Palestinians in Area C 	<ul style="list-style-type: none"> • Collectively demand compensation for damage to European-funded aid projects. • Advocate for the right of displaced people to return to their land and to be compensated for any harm and damages they may have suffered. • Ensure adequate financing is available for development activities that benefit Palestinian communities in Area C, including for the construction of infrastructure.

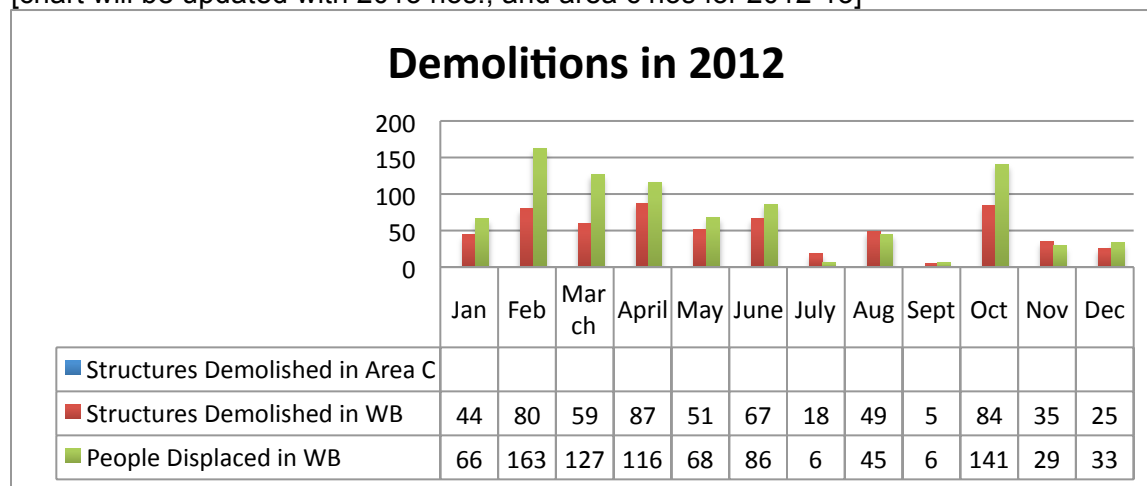
Demolitions & Displacement

One of the most basic needs—housing—is in short supply for Palestinians in Area C. Only 1 percent of land there is available for Palestinian use and development due to the presence of illegal Israeli settlements, Israeli military zones, the Wall, and other restrictions imposed by the Israeli government.³ Moreover, when Palestinians seek to build, they are stymied. Israeli authorities have granted less than 6 percent of construction permits requested by Palestinians over the past decade.⁴ Without building permits, residents either build anyway or resort to living in makeshift shacks and tents that offer little protection against the harsh winter rain and

summer heat. Many communities have had no choice but to build essential structures without permits, which in turn leaves these schools, homes and agricultural structures vulnerable to being demolished.

Between May 2012 and April 2013, Israeli authorities destroyed 464 Palestinian-owned structures (including residential structures, emergency tents, livelihood infrastructure, water cisterns, and roads), displacing 2,217 people in the West Bank. Of these demolitions, 399 occurred in Area C and 65 in East Jerusalem, displacing 402 people, more than half (218) of them children.⁵

[chart will be updated with 2013 nos., and area c nos for 2012-13]



The human toll of these demolitions is great, resulting in disruption in children’s education, separation of family members, and the declining economic, physical and mental health of families that experience them.⁶ According to the Geneva Conventions, demolition in occupied territory is illegal and the extensive destruction of property constitutes a grave breach.⁷

[OFFSET QUOTE]

“The humanitarian community reiterates its call to the Government of Israel to immediately halt demolitions of Palestinian homes and property and to establish a fair and equitable zoning and planning system. [...] Israel, as an occupying power, has an obligation under international law to protect Palestinian civilians and to administer the territory in a manner that ensures their welfare and basic needs.”—Maxwell Gaylard, UN Humanitarian Coordinator for the occupied Palestinian territory and Deputy Special Coordinator for the Middle East Peace Process.

[END QUOTE]

[Fact Box: DEMOLITIONS ON THE RISE]

[January 2013 witnessed a spike in demolitions: 139 Palestinian structures including 59 residential structures were demolished—the highest number in a single month in over two years, and an almost three-fold increase compared with the monthly average of demolitions in 2012 and 2011. Nearly 90 percent of January’s demolitions took place in Area C.⁸

Just three months later, between April 23-30, Israeli bulldozers destroyed 36 basic Palestinian homes and structures, including five emergency shelters the French Consulate provided for families who were left homeless by the Israeli demolitions in January. During the same week,

the Israeli military temporarily displaced at least 70 Palestinian families from six different villages in the Jordan Valley to conduct military training drills.

[END FACT BOX]

During the same period, Israeli military training exercises displaced 370 households located in “firing zones”.⁹

In July 2011, the EU Heads of Mission in Jerusalem recommended that as a first step to prevent Palestinian displacement, the EU and its member states should “more systematically voice objections to involuntary population movements, displacements, evictions, demolitions and internal migration.”¹⁰ The EU and its member states have not done so.

The EU currently lacks a coherent response to preventing and responding to demolitions and displacement in the OPT. It can and should develop an EU-wide systematic response plan to address violations by the Israeli government and support the most vulnerable.

[TEXT BOX: BLOCKING EDUCATION]

Restrictions on development in Area C are affecting children’s access to education, a right enshrined in the Convention on the Rights of the Child¹¹ to which Israel is a signatory, and other instruments of international law.

Restrictions on building in Area C have resulted in a shortage of classrooms and community-based primary schools, meaning that young children often walk long distances to get to school, on the way facing settler and military violence, passing checkpoints, and running the risk of being detained. Girls are often forced to stay home because parents fear for their safety.

In Khan al Ahmar, a Bedouin community located in the politically sensitive Jerusalem periphery known as E1, parents, children, and international donors sought to avoid building restrictions by assembling a sturdy school built from car tires and mud.

On June 23, 2009, Israeli authorities issued the first stop work and demolition orders against the school because no building permit had been obtained. With legal aid, the community has managed to delay demolition, but the school has faced a series of legal and physical challenges since, including the confiscation of school materials, settler attacks and harassment, road works preventing safe access and the blocking of the community entrance.

[END TEXT BOX]

[TEXT BOX: RESTRICTING ACCESS TO WATER]

Said is a 47-year old farmer from Al Fawwar, a refugee camp south of Hebron. He owns 10 dunums of land in Area C, just outside his village, where he grows olives, almonds, grapes, cherries and plums. Most of this produce feeds his large family of nine children, with some also sold in the village to augment his job as a construction worker in Israel.

In 2007, Said built a large 240 m³ capacity cistern on the hillside in his fields to collect rainwater that spills from the hills during the rainy season to irrigate his trees through the dry summer.

At 5:15 am on April 29, 2013, a convoy of Israeli army jeeps and a bulldozer demolished his cistern, filling it with earth and rubble and uprooted trees. Building the cistern had cost him

around 40,000 NIS (about \$11,000), and now clearing and rebuilding it would cost perhaps 60,000 NIS (\$16,800).

“I can’t afford to build a new cistern,” he says, “so for now I will have to buy water brought by truck, but it won’t be enough. My vines will surely die, and I just planted small olive trees that need to be watered every two weeks.”

[END TEXT BOX]

Discriminatory Planning & Permits

All over the world, towns and cities are built with a master plan in mind. In most places, there are platforms where planning and zoning committees consider future development against current public needs and then decide where to zone for parks, businesses, and residential areas. In Area C, Palestinians have largely been excluded from participating in the planning process, as it is controlled by the Israeli authorities. While Israel has an obligation to provide for the well-being of the Palestinian population, it has failed to do so and planning has favored Israeli settlements at the expense of Palestinian communities. Without planning mechanisms, the needs of Palestinian communities remain unaddressed. Communities do not have adequate housing, health clinics, or primary schools, and have no formal plan to prepare for future population growth, or connect them to water and electricity networks.

While acknowledging the need, most European donors have been reluctant to fund new infrastructure development in Area C in the absence of fully approved master plans and building permits due to the increased risk of demolition. Recently, the international donor community has invested in the development of community plans and committed to pushing for fairer systems for obtaining building permits.¹²

Since 2009, the EU and the UK government have funded the development of 32¹³ community master plans that have been developed in consultation with the residents and submitted to Israeli authorities. An additional 35 plans are currently being prepared (29 funded by the Belgian Technical Cooperation and six by the UK government).¹⁴ Planning organizations and UN Habitat consider the plans, of good quality.¹⁵ The German government and other donors are investing in quality control mechanisms and the integration of such plans into the wider national development plan of the Palestinian Authority (PA).

Approximately €2,710,000 (\$3.5 million) is being invested in these efforts,¹⁶ but the funds remain less than a quarter of what is needed for the EU to meet its commitment to plan for all communities in Area C—which only ultimately comprise 3 percent of the land area of largely undeveloped Area C.¹⁷

Moreover, none of this investment has born tangible fruit. In May 2013, four years after the first UK-funded master plans were prepared and 16 months after the majority were submitted to the Israeli authorities, *not a single master plan has received final Israeli approval*.¹⁸ Despite a benchmark established by the EU to work for Israeli approval no later than 6-18 months after submission, European-funded master plans remain on the shelf.¹⁹

[TEXT BOX: THE LEGAL QUESTION]

Even without final approval, the submission of master plans seems to have temporarily halted the demolition of infrastructure in the handful of communities that have developed such plans.²⁰ However, the process of creating master plans may legitimize an illegal system and de facto

“justify” demolitions outside of master planned areas, thus not serving to protect the most marginalized and vulnerable, such as herding and mobile communities.²¹

The Israeli planning system in the West Bank may itself be in breach of international law.²² Third states and international organizations are obliged to ensure that they do not aid, assist or recognize such illegal Israeli policies and practices. European donors’ current engagement (through implementing organizations) with the Israeli planning and permitting system in Area C may fall short of these requirements. For example, master plans currently up for approval by Israeli authorities have *de facto* recognized illegal Israeli policies and practices in Area C, such as the Wall and settlements.^{23 24}

[END TEXT BOX]

[OFF-SET QUOTE]

“The current planning process is at best a stop-gap solution for vulnerable communities living in Area C and though some plans have so far proved a successful short-term protection tool, this is the case for only a handful of communities. At worst, however, the process is counterproductive: it risks creating a two-tiered hierarchy of Palestinian villages in Area C, giving the Israeli administration the choice of which plans to discuss and which to reject or ignore. There is a huge risk that [Israeli authorities] could use planning to further justify the displacement of communities which have not been included in the system.”

—Alon Cohen-Lifshitz, planner working at Bimkom – Planners for Planning Rights, an Israeli non-profit organization that aims to strengthen democracy and human rights in the field of planning.

[END QUOTE]

The current ad hoc and inconsistent responses by individual EU member states can and should be replaced with a comprehensive, joint EU response strategy²⁵ that creates protection and accountability (including to European taxpayers) for demolitions, displacement and other unlawful policies and practices.

Israeli Settlements

In contrast to official obstacles that stand before Palestinian development, Israeli construction in the occupied West Bank is pursued with speed and resources. In 2012 alone, the Israeli minister of defense positively reviewed construction plans for 6,676 housing units in Israeli settlements.²⁶ This was a four-fold increase in defense approvals for housing units from 2011.²⁷ Between May and December 2012, 1,967 of the approved settlement housing units were included in new tendering processes and 613 new housing units had already been built.²⁸

Israeli settlements in the OPT are not only illegal, they also have a profound humanitarian impact on Palestinians living in their vicinity. The settlements have given rise to formidable access restrictions and a discriminatory system of laws, rules, and services in the OPT that curtails the rights of Palestinians.

In addition, settler violence poses a threat to the safety of Palestinians: according to the UN Office for the Coordination of Humanitarian Affairs, from May 2012 to April 2013, 150 Palestinians were injured by settlers, including 33 children.²⁹ Indictments rates for cases of settler violence have remained below 10 percent.³⁰

While the EU and some member state governments have issued strong official statements condemning plans for settlement construction and expansion, they also can and should press for a halt to the construction of settlements and develop a response plan for settler attacks.

[Text box: On May 10, 2013 at about 6 a.m. Palestinians from the Hebron village of At-Tuwani found that 62 of their olive trees had been cut during the night. Later that day, a near-by Palestinian wheat field was torched.

On a small wall nearby the olive field the phrase "price tag" was scrawled. The "price tag" policy (Hebrew: *מחיר תג מדיניות*) is a campaign of violence and vandalism carried out by some Israeli settlers as a means of protesting international and Israeli governmental actions that are perceived as setting the settlement movement back. Since 2008 the price tag campaign has been responsible for around a hundred cases of settler violence, including the destruction of income producing trees and crops, and vandalism to homes, cars, and mosques. Such incidents have a profound economic and psychological impact on Palestinian men, women, and children, who face substantive barriers in reporting and filing claims as the police stations in Area C are housed in Israeli settlements, which Palestinians are barred from entering without official permission.

While Israel has an obligation to maintain law and protect Palestinians and their property in Area C, acts of settler violence routinely go unpunished, even when they are associated with the price tag campaign, which Israeli governmental officials have themselves condemned.]

Donor Funding in Area C

Accountability is not only due Palestinians, but also the European taxpayer. Thirty EU-funded projects were demolished after the Foreign Affairs Council committed to investing in Area C and protecting those investments, yet no compensation or other form of accountability was sought by the EU or member states.

Donor financing is critical to ensuring Palestinians have access to basic services and infrastructure in Area C. However, insufficient political backing from European governments means the failure of these projects in the face of the Israeli permit system and other restrictive policies detailed above.

The adoption of the Foreign Affairs Council conclusions in May 2012 was followed by the release of €7 million (\$9.1 million) in EU funding directly meant for donor funded projects for the benefit of the Palestinian population in Area C. It includes approximately €1 million (\$1.3 million) for support to master plans, €2m-€2.5 million (\$2.6-\$3.25 million) for small-scale infrastructure and €3.5m-€4million (\$4.5-\$5.2 million) for land development and reclamation in Area C.

Disappointingly, individual member states have not followed suit. To date, less than half of EU member states currently invest any money at all in Area C (outside of contributions to the EU, UN and the Emergency Response Fund). As long as there is no collective plan for confronting damage to donor investment, it is difficult to urge donors to commit funds.

But not only can and should the EU and its member states ensure adequate financing for development activities in Area C, but also collectively demand compensation for damage to European-funded projects. The welfare of the Palestinian population demands it.

[OFF-SET QUOTE]

“This agreement [at the Ad Hoc Liaison Committee] is aimed at supporting the Palestinian presence and promoting social and economic development in Area C, which we all know is of crucial importance for the economic viability of Palestine. I'm looking forward to working constructively with all partners towards a significant change in Area C.”—EU High Representative Catherine Ashton, March 19, 2013

[END QUOTE]

Meeting expectations, making the grade & supporting Palestinians

After the encouraging, strong messages from EU ministers a year ago, AIDA's humanitarian and development agencies working on the ground in the OPT had high hopes that concrete changes in EU policy would press for dramatic improvement in the conditions facing Palestinians. Instead, we witnessed more of the same.

To create real improvement in the lives of Palestinians in 2013 and beyond, what is urgently needed is high-level political action and calculated diplomatic and financial risk-taking. The EU and its member states can and should ensure that they complement small-scale, technical goals with bold, coordinated actions to translate EU policy, as stated in the 2012 Foreign Affairs Council conclusions, into reality.

Recommendations to EU Institutions & Member States

Demolitions & Displacement

1. Significantly improve coordination of joint actions to prevent and respond to protection threats by agreeing on a clear, **systematic EU-wide plan** that includes:
 - Ensuring increased coordinated presence by diplomats at demolitions;
 - Systematic and intensified high-level communications with the Israeli authorities immediately when demolition or other threats arise;
 - Systematically advocate for displaced people to be allowed to return to their land and to be compensated by the government of Israel for any harm or property damage;
 - Negotiating long-term donor protective custody over projects where communities want this;
 - Systematically demanding compensation from Israeli authorities for damage to European-funded aid projects on behalf of European tax-payers;
2. Press the government of Israel to cease all measures that contribute to a coercive environment and to **immediately cancel all demolition orders** against Palestinian structures in the OPT and put in place a fair and legal system that supports Palestinian development.
3. Increase financial and political support to **ensure Palestinian communities, particularly those in Area C, have access to essential services, natural resources and basic infrastructure**, including health and education in their current locations.

Planning & Permits

4. **Adopt a clear European policy to begin construction of development infrastructure in areas where master plans have been submitted over 18 months ago.**
5. In localities where master plans have not yet been developed, the EU should **adopt a standardized approach to development activities**, which should include:
 - Seeking approval of activities by relevant Palestinian communities and authorities;
 - Coordinating construction with relevant Israeli authorities on behalf of aid agencies and Palestinian communities;
 - Agreeing to move forward with aid projects if there is no response from the Coordinator of Government Activities in the Territories (COGAT) within six months of notification, or if Israeli authorities' objections are not related to minimal technical standards or legitimate security concerns, as stipulated under international law. Systematic mechanisms to legally review Israeli rejections should be established to ensure compliance with international legal standards.

Settlements:

6. Urgently press for an end to all settlement construction in accordance with UN resolutions and international law.
7. Establish a response plan for addressing and responding to settler violence against Palestinians and their property, guaranteeing access to an effective legal remedy, and ensuring that all allegations of violence are investigated and prosecuted in a timely, independent, impartial and thorough manner.

Donor Financing

8. Ensure adequate financing is available for development activities that benefit Palestinian communities in Area C, including for the construction of basic infrastructure.
9. Establish clear minimum standards for protection and international humanitarian law (IHL) mainstreaming in European-funded aid projects, ensuring IHL is systematically incorporated into program planning, implementation, monitoring and evaluation.
10. Demand information about Israeli government allocations to Palestinian development in Area C and ensure this reaches the most vulnerable communities.

International Humanitarian Law

11. Make use of and implement the EU guidelines on promoting compliance with IHL, including by undertaking systematic assessments of the IHL situation in the OPT in EU reports regarding conflict.

¹The designations of Area A (under Palestinian security and civil control), Area B (Palestinian civil control and Israeli control) and Area C were part of the interim agreements signed by Israel and the PLO. For more on Area C, see United Nations Office for the Coordination of Humanitarian Affairs (OCHA), *Area C of the West Bank: Key Humanitarian Concerns*, January 2013. Available at http://www.ochaopt.org/documents/ocha_opt_area_c_factsheet_January_2013_english.pdf (last visited April 22, 2013).

² Those conclusions that addressed the situation in Gaza, intra-Palestinian reconciliation, and the Middle East peace process more widely have not been addressed here.

³ Humanitarian Factsheet on Area C of the West Bank July 2011, Data updated through December 2011. Available at http://www.ochaopt.org/documents/ocha_opt_Area_C_Fact_Sheet_July_2011.pdf (last visited April 22, 2013)

⁴ United Nations, Occupied Palestinian Territory- Consolidated Appeal Process, 2013, p. 24. Available at

http://www.ochaopt.org/documents/ochaopt_cap_2013_full_document_english.pdf (last visited 22 April 2013). AIDA meeting with Bimkom, Jerusalem, April 14, 2013.

⁵OCHA data

⁶ Save the Children UK, “Broken Homes: Addressing the impact of house demolitions on Palestinian children and families,” April 2009, available at <http://www.savethechildren.org.uk/resources/online-library/broken-homes-addressing-impact-house-demolitions-palestinian-children-and> (last visited April 22, 2013).

⁷ First Geneva Convention, art. 50; Second Geneva Convention, art. 51; Fourth Geneva Convention, art. 147.

⁸ OCHA, *The Monthly Humanitarian Monitor*, January 2013. Available at http://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2013_02_28_english.pdf (last visited April 22, 2013.)

⁹ OCHA, *Firing Zone Factsheet*, August 2012. Available at http://www.ochaopt.org/documents/ocha_opt_firing_zone_factsheet_august_2012_english.pdf (last visited April 22, 2013).

¹⁰ EU Heads of Mission Report.

¹¹ See CRC, arts. 28 & 29, available online at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx> (last visited May 9, 2013).

¹² According to Bimkom, the Israeli Civil Administration (ICA) is also working on outline plans, and has tendered out 18 of these to Palestinian private companies. There have also been several examples of Palestinian community-prepared plans that were presented to the ICA but all rejected (AIDA meeting with Bimkom, Jerusalem, 14 April 2013). Rabbis for Human Rights are involved in supporting legal work around community-designed plans and have also funded some plans using core funding that they receive from the Spanish government and the EU. Here, however, we are primarily concerned with the 32 ‘master plans’ drawn up by the International Peace and Cooperation Center (IPCC) because of the considerable EU investment in this process. References to ‘master plans’ in this document therefore pertain to these plans (AIDA phone conversation with Rabbis for Human Rights, 19 April 2013). We also refer to 35 additional plans (see footnote 23), however none of these have yet been submitted to the ICA.

¹³ 32 plans developed and submitted by the IPCC (i.e., covering 32 locations). While technically there are only 30 master plans, in two villages, master plans are subdivided into subsections). These were funded by the UK Conflict Pool but EU funding for their development and consolidation has also been provided.

¹⁴ The Belgian Technical Cooperation (BTC) has provided funding for the development of 29 new master plans, tendered out by the PA, while the UK government has provided additional funding for the development of six new masterplans by IPCC. None of these have yet been submitted for consideration by the Israeli Civil Administration and are in the process of being developed by planners.

¹⁵ AIDA discussions with community members and local council representatives in three villages in South Hebron and two village in the Northern seam zone (all of which are in the process of developing master plans, or have already submitted master plans to the ICA) confirmed robust attempts to involve the communities in planning (AIDA meetings with representatives of local councils in Tuwani, Imneizel and Susiya, 11 April 2013).

¹⁶ These are funded mainly by the UK, which has invested approximately €480,000 (\$620,000), and the BTC which has allocated approximately €380,000 (\$490,000). The French government has made €500,000 available to support master-planning by the Palestinian Ministry of Local Government through UN Habitat. The EU (through the European Neighborhood Policy Instrument) and the UK have recently allocated €1 million (\$1.3 million) and €350,000 (\$455,000) respectively to support and consolidate the existing master plans that have been submitted, in order to provide additional detailing.

¹⁷ There are currently 281 communities located entirely in Area C; current plans (both those that have been submitted and those that are in the development phase) cover 67 communities, less than a quarter of the total. OCHA, *Area C of the West Bank: Key Humanitarian Concerns*, January 2013. Available at http://www.ochaopt.org/documents/ocha_opt_area_c_factsheet_January_2013_english.pdf (last visited April 22, 2013).

¹⁸ Sixteen months since submission refers to a submission date of January 2012, however 24 of these master plans were initially submitted in July 2011 and *re-submitted* in January 2012, so have effectively been under consideration by the ICA for almost two years. The remaining six were submitted between August and September 2012. Of the 32 IPCC master plans currently under review, six have been preliminarily approved by the Israeli Ministry of Defense and are awaiting approval from the Water departments before being deposited for the 60-day objection period. An additional 10 have been signed by the Israeli Defense Minister as of March 20, 2013 and are awaiting approval from the Higher Planning Council and Road and Water departments before being deposited for public review..

¹⁹ 16 of the 32 plans that have been submitted by IPCC to the ICA have not yet received approval of the Israeli Defense Minister, after which they will need to be approval by the Higher Planning Council and various technical departments (IPCC has estimated that the time needed for this part of the process is around 5 months). Following this they will be deposited for a 60-day public objection period. Even if we take date of submission of these plans to the ICA as being January 2012, they will not meet an 18-month deadline.

²⁰ There have been no reports of demolitions in the areas for which IPCC has submitted a master plan (AIDA meeting with Bimkom, Jerusalem, 14 April 2013. Also confirmed during AIDA meeting with IPCC, Jerusalem, April 16, 2013).

²¹ See Bimkom: Planners for Planning Rights, *The Prohibited Zone: Israeli Planning Policy in the Palestinian Villages in Area C*, June 2008, for an explanation of how the Israeli government has changed planning regulations in Area C. According to the World Bank, land use and planning regulations in Area C are “detrimental to Palestinian economic development [as they] tend to limit development within the confined of existing villages, with too little suitable space for demographic growth.” World Bank, *The Economic Effects of Restricted Access to Land in the West Bank*, 2008, pp. iv-v.

²² See Jerusalem Legal Aid and Human Rights Center, “Concealed Intentions: Israel’s Human Rights Violations through the Manipulation of Zoning and Planning Laws in ‘Area C’” (May 2011), especially pp. 25-28.

²³ AIDA meeting with IPCC staff, Jerusalem, April 16, 2013.

²⁴ AIDA meeting with IPCC staff, Jerusalem, April 16, 2013. Plans are intended to cover the needs of communities, and therefore all those that have been submitted “recognize the reality” on the ground, i.e. the existence of the Wall, settlements, etc. The IPCC is currently developing a regional plan to cover several localities north of Jerusalem that aims to provide a “guide for future development” but which they will not submit to the ICA. In this plan, details include a road running along where the Wall currently stands, and settlements labeled as “Future Built-up Areas”. This is an example of potential good practice that could be used in other planning processes.

²⁵ The legal aid program implemented by an AIDA member and financed by DfID, ECHO, SIDA and the French consulate can be cited as an exception, as it provides legal follow-up to permit and planning applications. However, the program, alongside the PA

and other legal aid providers, lacks capacity to provide comprehensive coverage of needs throughout the whole of Area C, nor does it have political "endorsement", run as it is by a non-governmental organization.

²⁶ Peace Now, *Summary of Year 2012 in Settlements*, 16 January 2013. Available at <http://peacenow.org.il/eng/2012-summary> (last visited April 22, 2013).

²⁷ In 2011, 1,607 were approved. Peace Now, *Summary of Year 2012 in Settlements*, 16 January 2013. Available at <http://peacenow.org.il/eng/2012-summary> (last visited April 22, 2013).

²⁸ AIDA members' email correspondence with Peace Now, April 30, 2013. Numbers of housing tenders come from their own monitoring, whilst their construction data is drawn from aerial photographs (and is thus partial, i.e. construction is likely to be higher).

²⁹ Information provided from OCHA during AIDA member meeting in Jerusalem, April 22, 2013.

³⁰ AIDA telephone interview with legal expert from Yesh Din, April 18, 2013.