

EU SUPPORT OF ILLEGAL CONSTRUCTION IN AREA C UNDERMINES INTERNATIONAL LAW

The EU is supporting Palestinian take-over of Area C – in conflict with the Oslo Accords, and international law.

By Andrew Tucker

Since the Oslo Accords in 1993-5, the West Bank is divided into three administrative zones: Area A, where the Palestinian Authority (PA) administers civil and security matters; Area B, where the PA administers only civil matters; and Area C where Israel maintains full control. In a recently-leaked internal EU policy paper, which created an uproar in Israel, European bureaucrats propose options to “contain” Israeli settlements and “reinforce Palestinian presence in Israeli controlled Area C”, thus ignoring the outcome of the latest bilateral agreements between Israel and the PLO, and contravening Israeli law.

“The EU’s Area C program aims to foster the resilience of people, services and institutions, to reinforce Palestinian presence in Area C and to protect the rights of Palestinians living in Area C. The program contributes to serving Area C communities and Palestinian presence therein, so as to preserve Area C as part of a future Palestinian state,” the paper adds.

In fact, this is nothing new. In the last decades the EU, as part of the EU “two-state policy”, has already spent hundreds of millions of euros to enable the Palestinian Authority to erect more than 20,000 unauthorized buildings in Area C. The leaked report, however, shows a renewed focus on this practice which is worrying.

In our recent study, *Two States for Two Peoples?*, published by Sallux, we analyze the EU two-state policy. In the report, we expose how the EU uses international law as a cloak to justify policies that advance Europe’s political and economic interests. The base for the EU’s “two-state policy” can be traced back to the 1970s.

Following the 1973 Yom Kippur War, the European Economic Community entered into an agreement with the Arab world. Europe was desperate to obtain secure access to Arab oil, and to be rid of Palestinian terror on European soil. The Arabs promised both. In return, they demanded that Europe allow Arab/Islamic immigration into Europe, and support Palestinian rights. The nine European states, influenced largely by De Gaulle’s antisemitic pro-Arab attitude, were only too ready to comply. The result was the Euro Arab Dialogue (EAD): a set of institutions and policies implementing deep Europe-Arab political and economic ties. The European “two-state policy” developed out of the quid-pro-quo of the EAD.

In essence, the EU two-state policy argues that international law requires a Palestinian state to be established within the “1967 borders”, subject only to minor territorial adjustments. East Jerusalem must become the capital of the Palestinian state. The presumption is false, for a number of reasons. *First of all*, the “1967 lines” are not a border, but were merely Armistice Lines. Israel still has legitimate territorial claims to the West Bank based on earlier legal entitlements. Even though Israel is entitled to treat Judea and Samaria (the West Bank) as occupied under the international law of belligerent occupation, this doesn’t lead to Israel abandoning its sovereignty claim to the territory. The EU cannot simply surpass that with its policies. *Furthermore*, the Oslo Accords that divided the West Bank into administrative zones are binding treaties. Pending a final status agreement, Israel retains jurisdiction in Area C with regard to security, public order and all issues related to the territory, including planning and zoning. This binding bilateral agreement should be honored by the EU. *Also*, international law safeguards the right to self-determination, but there is no international legal provision requiring the establishment of a (Palestinian) State.

The promotion of Palestinian expansion in Area C is only a part of the more encompassing EU “two state policy”. This policy fails to meet legal, conceptual, and practical requirements and has therefore failed so far. By assisting the Palestinian Authority to build illegal constructions in Area C the EU is breaching the

very ideas it claims to promote. Not only does it conflict with international law, but it also has a counterproductive effect on the peace process.

This hypocrisy should end. It is time for a new approach.