

## Christian Aid calls for UK legislation to end the trade in Israeli settlement products for the sake of peace and development

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*Israel's policy of constructing illegal settlements in the occupied Palestinian territory (oPt) is a major cause of poverty and a significant obstacle to peace. Settlements are illegal under international law. Trade in settlement products perpetuates their existence by making them economically profitable. Christian Aid believes that settlements will continue to expand and develop unless action is taken that backs statements of condemnation from the international community. We call for the UK Government to ban settlement products.*

### Settlements and international law

Settlements are illegal under international law as they violate Article 49 of the Fourth Geneva Convention which prohibits transfer of the occupying power's civilian population into occupied territory. The International Court of Justice, the High Contracting Parties to the Fourth Geneva Convention and the United Nations Security Council all concur. The failure to respect international law, including the lack of adequate law enforcement regarding settler violence, has created a state of impunity in the oPt that encourages further violence and undermines the security and livelihoods of Palestinians.

### Illegal settlements: a cause of poverty and an obstacle to peace

There are more than 100 illegal Israeli settlements in the oPt and dozens of additional 'illegal outposts' (settlements built without Israeli Government authorisation) housing approximately 530,000 Jewish Israelis. 42.8<sup>1</sup> per cent of the West Bank has been seized from Palestinians and allocated to regional settlement councils for settlement building and their future expansion. This has shrunk the space available for Palestinians to develop livelihoods and construct housing and infrastructure and has been accompanied by demolitions of Palestinian homes and displacement of people.

The World Bank states that addressing the inherent problems within the Palestinian economy 'will entail increasing the economic space available for Palestinian ... development in the West Bank, including addressing the increasingly entrenched and expanding impact of Israeli settlement activity...'<sup>2</sup>. According to the UNDP, Palestinian unemployment currently stands at almost 23% with zero real growth.<sup>3</sup>

Settlement construction, with its supporting infrastructure of bypass roads, checkpoints and the separation barrier, is a key factor behind the fragmentation of the West Bank including the isolation of East Jerusalem. This undermines the right and ability of the Palestinian people to achieve self-determination, which is critical for a viable solution to the conflict, by usurping the land and resources required to achieve it.

DFID spends an average of £86 million per year in the oPt<sup>4</sup> which makes the UK the sixth largest donor to a population with amongst the highest per capita aid in the world. It is incumbent upon all donor governments to tackle structures that cause and sustain poverty and de-development if this vital aid is to have lasting impact.

### UK and EU reactions to settlements

According to the FCO, UK policy is unequivocal stating "Israeli settlement activity is a major barrier to our pursuit of a lasting peace agreement ...they represent an attempt to create 'facts on the ground' which make a two-state solution harder to achieve."<sup>5</sup>

In November 2011 after further settlement construction announcements the Secretary of State for Foreign and Commonwealth Affairs Rt Hon William Hague declared "this ...is the latest in a series of provocative and unhelpful settlement announcements. I condemn the decision to accelerate such construction." Baroness Catherine Ashton the High Representative of the European Union for Foreign Affairs repeated that "Israeli settlement activity is illegal under international law...and an obstacle to peace. We have stated this many times before"<sup>6</sup>

<sup>1</sup> B'Tselem, 'By Hook or by Crook – Israeli Settlement Policy in the West Bank' p. 11

<sup>2</sup> World Bank: The Economic Effects of Restricted Access to Land in the West Bank, 2008, p. vi

<sup>3</sup> UNDP, Fast facts about the oPt-2012 <http://www.undp.ps/en/index.html>

<sup>4</sup> DFID, Overview oPt - <http://www.dfid.gov.uk/Where-we-work/Middle-East--North-Africa/OPT/>

<sup>5</sup> FCO website, Israel and the International Community, March 2012

<sup>6</sup> EU Business, 2 Nov 2011, <http://www.eubusiness.com/news-eu/palestinians-israel.das/>

*Christian Aid believes Middle East peace requires a long-term, just and peaceful solution that ends occupation and guarantees viability for both Palestinians and Israelis. Viability includes the protection of rights and security for all and requires a radical shift from the current political stalemate to a position where Palestinians, Israelis and the international community create the political will to take the bold steps necessary to implement such a viable solution.*

In 2009 the Foreign Affairs Committee concluded that “expansion of Israeli settlements on the West Bank prejudices prospects for a two-state outcome, and that, as such, continued settlement activity must call Israel’s commitment to such an outcome into doubt”. The situation has worsened since. In January 2012 the Deputy Prime Minister, Nick Clegg, described settlements as a “deliberate act of vandalism” to the peace process. While these strong words are welcome they have not been matched with the resolve to challenge the unsustainable status quo and political stalemate. Christian Aid believes that new UK legislation to end trade in Israeli settlement products would be an effective way forward.

### **The Jordan Valley: restrictions to land and water**

The Jordan Valley covers 28.8 per cent of the West Bank. It is home to approximately 48,000 Palestinians who live in 20 permanent communities and in dozens of Bedouin communities and to approximately 9,500 Israelis living in 37 settlements. Israel has allocated 86% of the Valley for settlements leaving the majority inaccessible for Palestinian use.

Israel has restricted Palestinian access to the Valley’s rich water resources and strict movement restrictions are in place throughout. In 2011 Israel demolished over 200 Palestinian structures displacing around 430 people. Palestinian-Bedouin water consumption is around 20 litres/capita/day compared to the WHO recommendation of 100 l/c/d. WHO classifies 20 l/c/d as the amount necessary for “short-term survival” in humanitarian disasters. The average Israeli settlement consumption is 300 l/c/d.<sup>7</sup> In total, 44 million m<sup>3</sup> of water a year is allocated to fewer than 10,000 settlers living in the Jordan Valley and the northern Dead Sea area. This is almost one-third the amount of water accessible to the 2.5 million Palestinians living in the entire West Bank.<sup>8</sup> This has enabled settlements to develop year round intensive agriculture with products sold in EU markets.

### **A new approach is required**

During Israel’s settlement freeze in 2010, Israeli Minister of Construction Yisrael Katz said, “The wave of building in Judea and Samaria has never been higher. Thousands of units are being built in every location. ... The government remains committed to renew a wave of construction ... I know that as far as I am concerned, there is no freeze.”<sup>9</sup> Clearly a new approach is required that moves from declaration to concrete disincentives. This point is reinforced by the EU Heads of Mission in oPt, in their December 2011 report which proposed that the EU develop appropriate legislation to prevent and discourage financial transactions in support of settlement activity. The UK could lead the way within the EU as it has done with the settlement labelling issue.

In May 2011 the EU Commission confirmed that Member States could ban Israeli settlement goods “on grounds of public morality, public policy or public security”<sup>10</sup>. On 17 February 2012 the European Parliament called on the Commission to work with customs authorities of the Member States to find a simple, efficient and reliable mechanism that would replace the inadequate existing technical arrangement and place responsibility on Israeli exporters to identify settlement products and finally enable EU customs authorities to enforce existing EU laws that prohibit the granting of any EU benefits to settlement products.

### **Christian Aid recommendations**

The 2009 DEFRA advisory on labelling of settlement products was a significant first step but it hasn’t solved the problem. An unambiguous demonstration of action to match UK policy is now required if a viable peace is to be achieved. Christian Aid therefore recommends that:

- The Foreign Affairs Select Committee examines the adequacy of existing UK policy on Israeli settlement activity in light of the developments since 2009;
- The Foreign Secretary works with EU partners to ensure that the EU develops a new technical arrangement which obligates Israel to clearly identify all settlement products;
- The UK Government prepares legislation against the importation of products from illegal settlements.

A ban on trade with Israeli settlements is not a ban or boycott on trade with Israel, which we do not support. Christian Aid believes it is the role of government to end trade with illegal sources and protect consumers from purchasing goods from such sources. Although consumer choice can send a powerful message, on its own it cannot adequately tackle the problem.

<sup>7</sup> UNOCHA, Factsheet Feb 2012 [www.ochaopt.org/documents/ocha\\_opt\\_jordan\\_valley\\_factSheet\\_february\\_2012\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_jordan_valley_factSheet_february_2012_english.pdf)

<sup>8</sup> B’Tselem, Factsheet, Jordan Valley [http://www.btselem.org/jordan\\_valley/water](http://www.btselem.org/jordan_valley/water)

<sup>9</sup> Ma’ariv 7 May 2010

<sup>10</sup> EU Commission 27 May 2012 [www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2011-003262&language=FR](http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2011-003262&language=FR)