



**diakonia**

PEOPLE CHANGING THE WORLD

**Svenska kyrkan**   
INTERNATIONELLT ARBETE



Kvinna till Kvinna

16 June, 2015

**Minister of Foreign Affairs  
Margot Wallström  
Regeringskansliet  
103 33 Stockholm**

cc Utrikesutskottet

**Dear Minister Wallström,**

In view of the deteriorating situation on the ground and in light of EU's determination to step up its engagement in the MEPP, we see the upcoming meeting of the Foreign Affairs Council (FAC) as a crucial moment to follow-up and transform policies into practice.

First of all, we the undersigned want to use this opportunity to welcome the Swedish Government's expressed support for the right of Palestinians to self-determination as well as the recent statement made in support of accountability for crimes committed in the context of the Israel-Palestine conflict.<sup>1</sup> We also welcome the feminist foreign policy pursued under your leadership.

**With this letter we call for FAC's engagement through the following five demands;**

- **an end to, and accountability for, the settlement policies leading to forcible transfers;**
- **an end to the blockade of Gaza, hindering reconstruction and constituting collective punishment; - access to, and protection of, humanitarian assistance;**
- **support for the unity government with insistence on free and fair Palestinian elections and**
- **a time-frame for MEPP negotiations based on international law towards an end of the occupation.**

**Forced removals constitute grave breaches of Fourth Geneva Convention**

The Government of Israel has recently decided to advance its plan to forcibly relocate as many as 7,000 Palestinian Bedouins from 46 communities in occupied Palestine. Further, at the beginning of May 2015, the Israeli High Court ruled that officials could carry out demolition orders on the entire village of Susiya in the southern West Bank. This vulnerable community is adjacent to the Israeli settlement of Susiya, which has been steadily expanding on land expropriated from the Palestinian village of Susiya. Forcible transfers amount to grave breaches of the Fourth Geneva Convention, and the transfer of Bedouin communities for likely settlement expansion risk making it impossible to achieve a contiguous, viable Palestinian state.

The FAC should call on Israel to immediately freeze the above mentioned demolition orders and to cancel the transfer plans of the Bedouin communities, as well as all related settlement activities. The EU

should condemn the plans to forcibly transfer the inhabitants of the village of Susiya, the Palestinian communities located in E1 to the Nuweima, Al-Jabal and Fasayil relocation sites.

Restate that forcible transfer, willful killing and demolition of private property<sup>ii</sup> may amount to war crimes and give rise to individual criminal responsibility of those responsible (in line with the EU Guidelines on the Promotion of Compliance with International Humanitarian Law).<sup>iii</sup>

#### **End the Gaza blockade which hinders reconstruction and constitutes collective punishment**

In Gaza, the Israeli blockade continues to undermine the rights of Palestinians, severing social, economic, and political ties between Gaza and the West Bank, including East Jerusalem, and impeding progress on desperately needed reconstruction. The Gaza Reconstruction Mechanism (GRM) is not a solution to the blockade and it cannot deliver the meaningful social and economic growth Gaza desperately needs. It allows for only a very narrow set of building materials to enter for individuals and entities pre-approved for reconstruction and rehabilitation projects and therefore cannot meet the needs in Gaza.

The FAC should demand an immediate end to all Israeli actions constituting violations of international humanitarian law and international human rights law and condition its bilateral relations with Israel on tangible progress toward respect for international law including the lifting of the blockade of Gaza.

The FAC should urge the parties to negotiate a comprehensive and durable ceasefire agreement with guarantees of non-repetition, the compliance of which should be monitored by a neutral party based on well-defined benchmarks. The EU should provide for mediation and technical assistance if necessary.

The FAC should condition its bilateral relations with Israel and Palestine on their investigation of all allegations of serious violations of international law, hold perpetrators accountable, and provide victims with redress and compensation in line with international standards. The EU and Member States should support Palestine's accession to the ICC and encourage Israel to do the same.<sup>iv</sup>

#### **Demand access for humanitarian assistance and protest against destruction of EU-funded projects**

The illegal Israeli planning and building permit regime in Area C serves to facilitate the settlement expansion and continues to interfere with both humanitarian and development assistance to the protected Palestinian population.

The FAC should insist on the parties allowing access for humanitarian assistance and reinforce that the delivery of humanitarian assistance is protected by international humanitarian law<sup>v</sup> and commit to ensuring accountability for any interference.<sup>vi</sup>

The FAC should call for a halt to the demolitions of EU funded projects and state that it will demand compensation for damage to their aid-funded projects in Gaza and the West Bank, that compensation also include women, and promptly protest all Israeli actions and policies that run counter to the humanitarian imperative as expressed in established and widely recognised principles for humanitarian assistance.

The FAC should recognise the illegality of the planning regime and commit to initiate a legal and humanitarian assessment of EU's engagement in Area C.

The FAC should recommit to ensuring full and effective application of EU legislation with regard to settlement products and to limit the application of all bilateral agreements to the territory of Israel within its pre-1967 borders.

The FAC and member states should commit to give effect to existing guidance for businesses and citizens of the legal and reputational risks of operating and investing in settlement-related activities.

#### **Unity government – free and fair elections**

The PA and Hamas have failed to agree on the Government of National Consensus (GNC) deployment in Gaza, and disagreements over civil sector reform has meant that ministerial integration remains stalled.

The FAC should call on the new Palestinian unity government to comprehensively implement the UN human rights treaties and conventions to which Palestine recently acceded, complete the process of reunification and work towards the full functioning of the Palestinian Unity Government, and moving rapidly towards free and fair elections.

**Need for new principles and a time frame for the end of occupation and peace negotiations**

EU and its member states are key allies in, and generators of, meaningful and realistic time-bound peace negotiations for ending the occupation.

The FAC should commit to the principles that any future EU supported negotiating framework imperatively should be based on the following:

1. The establishment of a negotiating framework that ensures inclusivity, national ownership, representativeness and transparency in line with internationally agreed standards<sup>vii</sup>;
2. An unambiguous commitment from the parties to refrain from violations of international humanitarian law and human rights law;
3. Respect for internationally agreed principles regarding the inclusion of women in peace negotiations;
4. An unambiguous commitment from the mediator that any condition placed on the parties and any agreement reached shall be consistent with international law.<sup>viii</sup>

All the above recommendations are in line with obligations under international humanitarian law as prescribed by the EU Guidelines on the promotion of compliance with international humanitarian law.

**Yours sincerely,**



**Bo Forsberg, Generalsekreterare, Diakonia**



**Lena Ag, Generalsekreterare, Kvinna till Kvinna**



**Erik Lysen, Internationell chef, Svenska kyrkan**



**Karin Wiborn, Generalsekreterare, Sveriges Kristna Råd**

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<sup>i</sup> Svar på skriftlig fråga 2014/15:602, Straffrihet i Mellanöstern; [http://www.riksdagen.se/sv/Dokument-Lagar/Fragor-och-anmalningar/Svar-pa-skriftliga-fragor/Straffrihet-i-Mellanostern\\_H212602/](http://www.riksdagen.se/sv/Dokument-Lagar/Fragor-och-anmalningar/Svar-pa-skriftliga-fragor/Straffrihet-i-Mellanostern_H212602/)

<sup>ii</sup> Fourth Geneva Convention of 1949, Arts 49 and 53; Hague Regulations of 1907, Arts. 46 and 56

<sup>iii</sup> Fourth Geneva Convention of 1949, Art. 147. For a recent and detailed description of the measures creating a coercive environment in the case of the E1 area (plus confirmation that this plan may result in individual criminal responsibility), UNSG, Report to the GA, A/69/348, 25 August 2014, para. 13 - 16).

<sup>iv</sup> In line with the EU's Council Decision on the ICC , EU Guidelines on the promotion of compliance with international humanitarian law and UNSC/RES/2171 on the use of system-wide approach to conflict prevention. § 13 *"calls on States which have not already done so to consider ratifying the instruments of international humanitarian, human rights and refugee law, and to take appropriate steps to implement these instruments domestically, which could contribute to timely prevention of conflicts"*

<sup>v</sup> Fourth Geneva Convention of 1949, Art .59.

<sup>vi</sup> Statement by the spokespersons of High Representative Catherine Ashton and Commissioner Georgieva on the confiscation of humanitarian assistance by Israeli security forces, 21 September 2013

<sup>vii</sup> United Nations Guidance for Effective Mediation in response to a request from the General Assembly (A/RES/65/283) and UN Security Council Resolution 1325. ,

<sup>viii</sup> PSC note on Strengthening EU Mediation and Dialogue Capacities in *"EU mediation efforts must be fully in line with and supportive of the principles of international human rights and humanitarian law, and must contribute to fighting impunity for human rights violations"* (either when it promotes, leverage, supports, or funds mediation).