



Resident of the Bedouin community of Um al Kher (South Hebron). Photo by OCHA.



DISPLACEMENT AND INSECURITY IN AREA C OF THE WEST BANK

This report examines the issue of displacement in Area C of the West Bank, where Israel retains full control over security, planning and zoning. It is based on field visits to 13 Palestinian communities in Area C, designed to assess whether Palestinians are being forced out of their communities because Israeli policies and practices in Area C have created conditions that leave them

with no other choice but to move. OCHA's interviews, along with field observations, highlight worrying displacement trends and demonstrate the manner in which Palestinian livelihoods are being undermined. They also show the way in which Israeli settlement activity is central to the hardships facing Palestinian communities in Area C.

Palestinian civilians living in the occupied Palestinian territory (oPt) continue to bear the brunt of ongoing conflict and the Israeli occupation. This has resulted in a protection crisis with serious and negative humanitarian consequences.

In the midst of this ongoing crisis, the Humanitarian Country Team (HCT) and its partners in the oPt have identified five key protection themes as priorities for targeted advocacy:

- Accountability and Third State Responsibility
- Life, Liberty and Security
- Forced Displacement and Population Transfer
- Movement and Access
- Humanitarian Space

This report, one of a series that will address these priorities, focuses on the displacement of Palestinian civilians and communities. Displacement in the oPt is caused by a combination of factors, including lack of access to and control of land and resources; restrictive zoning, planning and permit regulations; forced evictions and house demolitions; restrictions on freedom of movement and access to services and assistance; violence, intimidation and harassment; and finally, revocation of civil status.

The displacement and dispossession of hundreds of Palestinian men, women and children in the oPt each year must be brought to an end and the policies and practices placing thousands of others at-risk of displacement must change. Families that have been displaced must be allowed to return to their land and homes, in safety and dignity, and be given access to an effective remedy for the harm that they have suffered, including the destruction of land, homes and property.

More generally, all parties to the conflict must abide by their obligations under international law to protect and respect the rights of the civilian population. Israel, as the occupying power, bears responsibility for administering its occupation in a manner that benefits the Palestinian population and for ensuring that the basic needs of that population are met. All states share responsibility for ensuring respect for international law in the oPt. The protection of civilians and assistance are basic rights that must be respected at all times.

Executive Summary

Introduction

In spring 2011, OCHA carried out a series of field visits to 13 Palestinian communities located in Area C, the over 60 percent of the West Bank where Israel retains control over security and the planning and building sphere. These visits focused on the issue of displacement from Palestinian communities.

Since 2006, OCHA has monitored the Israeli authorities' demolition of Palestinian homes in Area C due to lack of building permits, and, since 2008, has monitored the level of displacement resulting from this policy. Other incidents of displacement have not been systematically monitored. In this context, OCHA's recent visits were designed to gain a better understanding of displacement taking place in Area C, where some of the most adverse impacts of Israel's continued occupation are felt. OCHA particularly wanted to examine whether Palestinians are being forced out of their communities because Israeli policies have created conditions that leave them with no other choice but to move. The visits were intended to identify any push factors causing displacement and placing others at-risk of future displacement.

The total Palestinian population of Area C is estimated at around 150,000, two-thirds of whom live in localities which are partly located in Area A and B, and one-third in communities located entirely in Area C¹. This report focuses on the latter, which generally face more severe humanitarian and protection needs, compared to those that are only partially located in Area C. Of those living entirely in Area C, approximately 18,500 live in small, sedentary villages and 27,500 reside in Bedouin and other herding communities, many in remote areas². Those living in the Bedouin and other herding communities are the most vulnerable of West Bank residents; they live in very basic structures (e.g. tents, tin shelters, etc.); have limited access to services; and have no service infrastructure (including water, sanitation and electricity infrastructure). Food insecurity among these communities is high, at 55 percent, post-assistance, compared to the overall level of 22 percent for the West Bank.³

In selecting the targeted communities, OCHA sought a geographically diverse group that represented sedentary villages and Bedouin and other herding communities, including refugee and non-refugee populations⁴. In each community, OCHA carried out semi-structured interviews with community representatives, either members of the village council or the community mukhtar, or leader, and small groups of residents.

The 13 communities visited by OCHA identified a number of policies and practices that contribute to displacement and create conditions which make it difficult for residents to meet basic needs and maintain their presence on the land, ultimately threatening the viability of their communities. The majority of these policies are implemented by the Israeli authorities and include:

- restrictive and discriminatory planning and zoning policies that severely limit Palestinian construction and limit Palestinian use of land;
- restrictions on movement and access⁵, including the Barrier, that make access to land, water and basic services difficult;
- lack of effective law enforcement in response to settler attacks; and
- military violence and harassment.

Additional factors raised were insufficient support from the Palestinian Authority to assist communities in dealing with the negative impact of Israeli practices in Area C and drought conditions affecting Bedouin and herding communities.

Main Findings

The findings, along with field observations, highlight worrying trends regarding the displacement of Palestinians in Area C and demonstrate the significant extent to which others are at-risk of displacement. In particular, the following emerged:

- ***Clear patterns of displacement are occurring in the Area C communities visited, with residents being forced to move in order to meet their basic needs:*** Ten of the communities reported that families are moving out of their communities. The single most

common reason causing people to move stems from the restrictive planning regime applied by the Israeli authorities in Area C, which makes it virtually impossible for Palestinians to obtain permission to build; in many cases, it is due to a combination of other factors, such as settler violence, movement restrictions, including the Barrier, reduced income, demolitions, or difficult access to services/resources (e.g. education, water, etc). Displaced families are moving to Areas A and B as well as to other parts of Area C. Thousands of others are at-risk of displacement due to the same factors.

- ***Israeli policies and practices in Area C are undermining livelihoods among the herding and agriculture-based communities visited, contributing to displacement:*** Eleven of the 13 communities visited by OCHA reported that their sources of livelihood have eroded over the past 10 years, as a result of Israeli practices in Area C. For example, Bedouin and other herders consistently reported reduced herd sizes and farmers reported deteriorated access and ability to cultivate agricultural land. Both cases are due to Israeli authorities' restrictions on land use, access to water resources and ongoing settlement activity.
- ***Israeli settlements and the impunity surrounding settler activity are central to the range of hardships forcing many families to leave the visited communities:*** Ten of the 13 communities identified factors related to Israeli settlement activity as key to the difficulties they are facing on a daily basis; six communities reported that they regularly face physical violence and other harassment from Israeli settlers, while these communities and the remaining ones identified other settlement-related problems, particularly restrictions on access and land use due to settlements. Almost all interviewed residents noted that while the development of their communities has been restricted in the past 10 years, adjacent Israeli settlements have continued

to develop in contravention of international law.⁶

- ***Many of the residents report living in a state of pervasive insecurity and instability due to administrative practices implemented by the Israeli authorities.*** In each of the communities visited, this feeling of insecurity was extremely evident with multiple residents commenting on its effect on day-to-day life and the extent of its impact on the psycho-social health of community members, particularly children. This is particularly true for refugee communities, many of which often express feelings of helplessness over having been displaced multiple times since their original displacement in 1948.

In the majority of these communities, interviewees noted that their day-to-day life has deteriorated in significant ways compared to that of the previous generation, particularly with regard to the level of security, freedom of movement and access to livelihoods and services. Residents also reported that the level of difficulty these factors cause in daily life is shaping major life choices; for example, a number of communities indicated that one criterion being used to evaluate marriage proposals is where the prospective spouse resides.⁷

Of the 13 communities visited by OCHA, four have experienced demolitions by the Israeli authorities since the time of their interview: Khirbet Yarza, Susiya, Al Hadidiya and KHALLET Sakariya. An additional community, Wadi Abu Hindi, has received tens of stop-work and demolition orders that have put most structures in the community at-risk of imminent demolition.

Irrespective of the motivation behind the various policies applied by Israel to Area C, their effect on the visited communities has been to make development virtually impossible, to impose living conditions that are untenable for many and to prevent residents from earning a sustainable livelihood.

The difficulties raised by residents of the 13 communities are consistent with those highlighted

by other Area C communities, about which OCHA and partner agencies regularly report (e.g. inability to build, movement and access restrictions, settler violence, etc.). Based on the recent field visits, along with our monitoring of Area C communities over the past several years, OCHA is concerned that trends identified in this report impact other Area C communities. This underlines the need for additional research on displacement in the oPt with a view to better understanding the full extent of the population affected.

Given the small size of the most vulnerable communities visited, there are real concerns that in the absence of concrete policy changes in Area C, along with a significant influx of support, some of these communities may disintegrate and disappear altogether over the course of the next generation, or sooner. This possibility, along with the other patterns of Palestinian displacement and Israeli settlement activity in Area C, give rise to concerns over demographic shifts and changes to the ethnic make-up of the West Bank.

The Way Forward

The humanitarian community in the oPt is working to meet the most urgent needs of Area C communities. These interventions, however, are limited, with humanitarian organizations facing many of the same difficulties confronting Palestinian communities, particularly restrictive planning and zoning regulations. For example, tents provided by the international community to house poor families displaced following the demolition of their homes have been targeted with demolition orders by the Israeli authorities. Even the most successful humanitarian intervention, however, will be unable to resolve the core issues creating the pattern of displacement highlighted during OCHA's recent field visits. Only substantive changes to policies and practices applied by the Israeli authorities in Area C can do so. The humanitarian community, including senior UN officials, has repeatedly raised the urgency of making such changes to its Israeli

counterparts on all levels, particularly with regard to the demolition of structures. Despite highlighting the negative humanitarian impact of policies applied by the Israeli authorities in Area C on vulnerable Palestinian communities, there has been no significant change on either a policy-level or in the day-to-day practices of the Israeli authorities.

As the occupying power, Israel is responsible under international humanitarian law (IHL) for administering its occupation in a manner that benefits the local Palestinian population. Likewise, under international human rights law, Israel must ensure that persons under its jurisdiction enjoy fulfillment of their human rights, including the right to be free from discrimination, to effective legal remedies, and an adequate standard of living, housing, health, education, and water. With particular reference to Bedouin communities, international law guarantees that their unique way of life as indigenous persons must be respected and protected.

There are a range of measures that would benefit the local Palestinian population and facilitate Israel's progress towards meeting its obligations under international law, including:

- End the displacement and dispossession of Palestinians in the oPt, including immediately ceasing demolitions of Palestinian-owned structures, including housing, schools, livelihood structures and rainwater collection cisterns, until Palestinians have access to a fair and non-discriminatory zoning and planning regime, including community participation in all levels of the process;
- Families that have been forcibly displaced must be allowed to return to their homes in safety and dignity, and be given access to an effective remedy for any harm they have suffered, including the destruction of land, homes and property;
- Stop facilitating the transfer of Israeli civilians into the oPt, including by freezing all settlement activity in accordance with the Roadmap;

- Investigate and prosecute all forms of violence and intimidation by Israeli settlers in an independent, impartial, effective, thorough and prompt manner;
- Improve Palestinian access and movement in the West Bank, particularly to land and resources in the Jordan Valley, to areas behind the Barrier, to land in the vicinity of Israeli settlements, and to land designated closed for military training or as nature reserves;
- In decisions regarding the use of “state land” and water resources, priority should be given to the most vulnerable Palestinian communities in Area C; “state land” should not be allocated for the use of Israeli settlements;
- Implement measures that assist Bedouin communities in sustaining their traditional lifestyles. Decisions regarding these communities should be made only with the consultation, participation and acceptance of community members themselves;
- Stop all Barrier construction, dismantle or re-route the constructed sections to the Green Line, and repeal the gate and permit regime in compliance with the 2004 Advisory Opinion of the International Court of Justice; and
- Enable the humanitarian community to meet basic humanitarian needs in Area C (e.g. erecting a tent, rehabilitating a well, etc.) in accordance with the humanitarian imperative, without fear of prosecution or other recrimination to either agencies or beneficiaries by the Israeli authorities.

Further measures are encouraged from the Palestinian Authority, with the assistance of the donor community, to increase their support to Area C locales, particularly Bedouin and herding communities, which struggle to sustain both their livelihoods and their presence on their land, in the midst of the difficulties outlined in this report.

CREATING AREA C

In the 1995 Interim Agreement on the West Bank and the Gaza Strip, Israel and the Palestine Liberation Organization (PLO) agreed to the temporary division of the West Bank (excluding East Jerusalem) into three areas: A, B and C. In Area C, Israel retained full control over security and planning and zoning, as well as other aspects related to ‘territory’. This division was intended to last until a final status agreement was reached within five years.

With the breakdown in negotiations in 2000, approximately 36 percent of the West Bank had been categorized as Areas A and B, with an additional three percent of land, designated a nature reserve that was to be transferred to the Palestinian Authority under the Wye River Memorandum. This left the majority of the West Bank as Area C. There has been no official change to this division since 2000. Of particular importance is that responsibility over planning and zoning in Area C, which was to be transferred to the Palestinian Authority by the end of 1998, has remained with Israel.⁸

Because the division of the West Bank into Areas A, B and C did not correspond to the built-up area of Palestinian communities, the exact population of Area C is unknown, but it is estimated that around 150,000 Palestinians live in Area C. However, this number does not reflect the total number of Palestinians affected by Israel’s policies in Area C. Also affected are those Palestinians who own land in Area C, but reside elsewhere as well as those living in areas adjacent to Area C, particularly Area B communities that are completely surrounded by Area C, many of which report difficulties similar to those facing Area C communities.

Moreover, Area C holds the most significant land reserves available for Palestinian development, as well as the bulk of Palestinian agricultural and grazing land. It is also the only contiguous territory in the West Bank; therefore, any large-scale infrastructure projects (roads, water and electricity networks, etc.) also involve work in Area C. As a result, the entire West Bank population is affected by what happens in Area C.



UNITED NATIONS

Office for the Coordination of Humanitarian Affairs, occupied Palestinian territory

West Bank: Visited Communities

July 2011

Legend

- Visited Community
- Israeli Settlement

West Bank Barrier

- Approved Route of the Barrier
- Area behind the Barrier

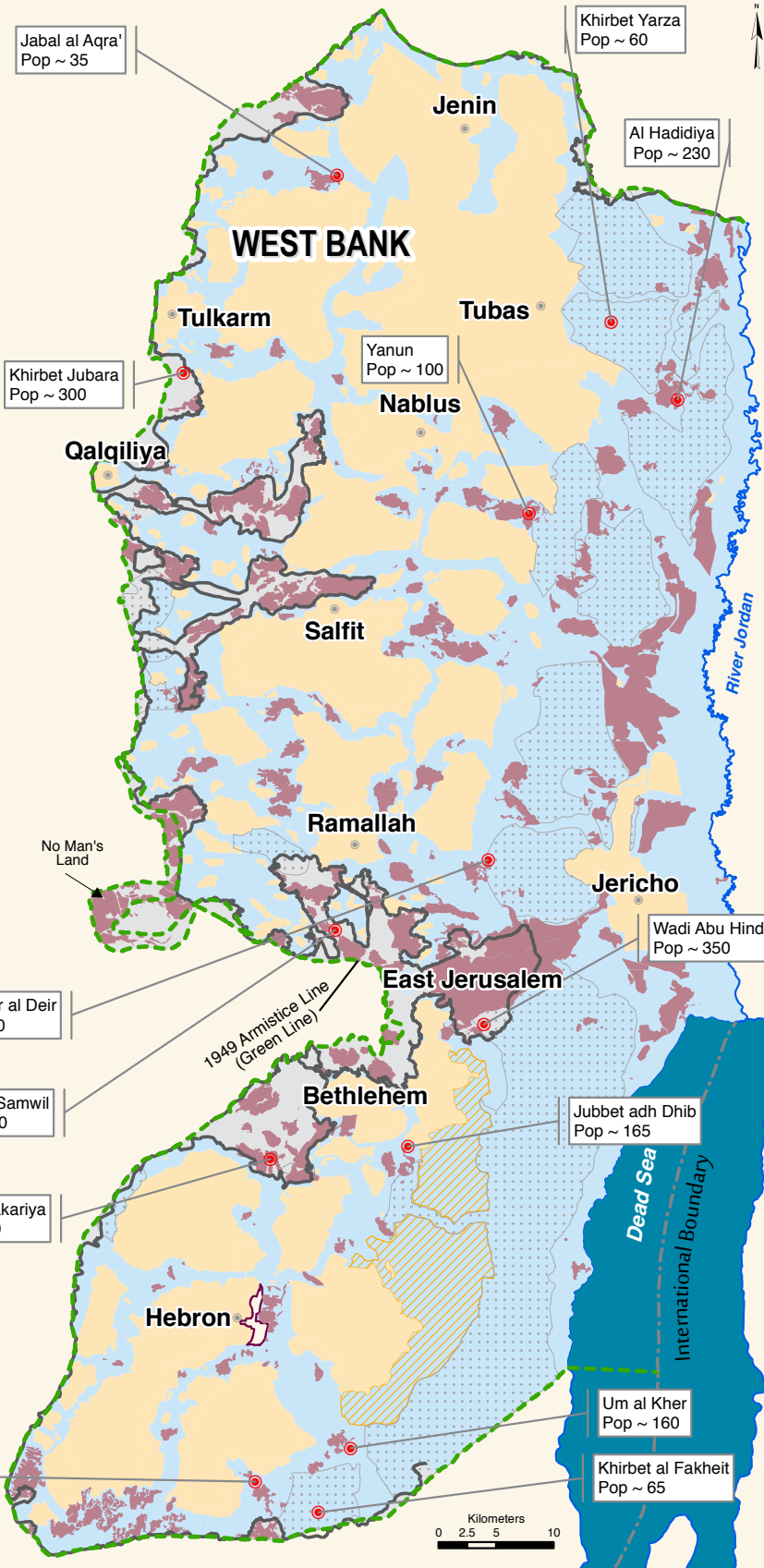
Oslo Agreement














- Area A and B
- Area C
- ▨ "Wye River" Nature Reserves
- Special Case (H2) "Hebron Agreement"

Oslo Interim Agreement

Area A : Full Palestinian civil and security control
 Area B : Full Palestinian civil control and joint Israeli-Palestinian security control
 Area C : Full Israeli control over security, planning and construction

United Nations Office for the Coordination of Humanitarian Affairs
 Cartography: OCHA-oPt - June 2011. Base data: OCHA, PA MoP, JRC update 08. For comments contact ochaopt@un.org or Tel. +972 (02) 582-9962 <http://www.ochaopt.org>



Village/Town/ Community	Governorate	Type of Community	Main reason for leaving	Refugee population?	Specifically mentioned settlements as a source of difficulty?	Specifically mentioned difficulties related to livelihoods due to Israeli policies?	Located in a closed military zone (CMZ)? ¹
■ Jabal al Aqra'	Jenin		Settlement activity, restrictions on access to land, checkpoints	✓	✓	✗	✗
■ Khirbet Jubara	Tulkarem		Location in closed area between the Barrier and the Green Line / no building allowed	✓	✗	✗	✓
■ Khirbet Yarza	Tubas		Poor access to services (e.g. education), lack of security due to CMZ	✗	✗	✓	✓
■ Al Hadiya	Tubas		Demolitions, no building allowed, general harassment, difficult access to water	✗	✓	✓	✓
■ Yanun	Nablus		Settler violence, no building allowed	✓	✓	✓	✓
■ Maghayar al Deir	Ramallah		Demolitions / no building allowed	✓	✓	✓	✓
Wadi Abu Hindi	Jerusalem		n/a	✓	✓	✓	✓
■ An Nabi Samwil	Jerusalem		No building allowed	✓	✓	✓	✗
■ Khallet Sakariya	Bethlehem		No building allowed	✗	✓	✓	✗
■ Jubbet adh Dhib	Bethlehem		No building allowed, lack of services (e.g. no electricity)	✗	✓	✓	✗
■ Susiya	Hebron		Demolitions, lack of physical protection	✗	✓	✓	✗
Um al Kher	Hebron		n/a	✓	✓	✓	✗
Khirbet al Fakheit	Hebron		n/a	✗	✗	✓	✓

 = Sedentary
 = Herding

■ = Communities that indicated families had moved in the past 10 years due to policies of the Israeli authorities in Area C.

1. This list includes areas closed by the Israeli military for training purposes ("firing zones") as well as the closed area between the Barrier and the Green Line and areas closed due to their proximity to an Israeli settlement. Included on the list are communities whose built-up area, or the area immediately surrounding it, is located in a CMZ

► Identified Trends in Displacement

Clear patterns of displacement are taking place in the visited communities: ten out of the 13 communities visited by OCHA reported that families from their community have moved to other areas due to policies implemented by the Israeli authorities in Area C.

Of the six sedentary communities visited, all of the reported cases of displacement in the last 10 years are a result of restrictive planning policies which have left residents with no option but to move to Area A or B in order to meet their housing needs.

In the herding communities that OCHA visited, the trend was mixed: four communities indicated that residents had moved out due to unstable living conditions stemming from Israeli administrative practices applied in Area C, including demolitions, restrictions on movement and access and the inability to obtain building permits from the Israeli Civil Administration (ICA). Of the remaining three herding communities, none reported that residents had recently moved out. Several residents, however, indicated that they had not moved due to lack of resources or lack of viable alternatives. In several cases, residents own the land on which they are currently located, but would be unable to afford to purchase similar land in a different location.

Many residents also reported their desire to stay on the land, in spite of the difficult conditions, including demolitions, out of a conscious desire not to succumb to what is perceived as intentional pressure exerted on them by the Israeli authorities or settlers to leave. This was expressed as a particularly strong sentiment among refugee communities. Because moving to Areas A and B is not a viable option for herding communities, given the difficulties of finding suitable grazing land, on which their livelihoods are based, most of the families who have left have re-located to other parts of Area C.

In three cases, communities reported that families had either moved into or returned to their community

“For the purposes of these Principles, internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.”

UN Guiding Principles on Internal Displacement⁹

from other parts of Area C in the past five years, due to the loss of work or difficulties related to Israeli administrative practices elsewhere in Area C. For example, in the refugee community of Wadi Abu Hindi in the Jerusalem governorate, the community leader indicated that around five families – members of the extended family – had moved into the community in the past five years from other parts of Area C. Their decision to move to Wadi Abu Hindi was influenced in part by the absence of any recent demolitions in Wadi Abu Hindi as well as the presence of an elementary school. Since the time of the interview, however, Wadi Abu Hindi, which is located in the area to be enclosed by the Barrier around Ma’ale Adumim settlement, has received over 80 stop-work and demolition orders, leaving most structures at-risk of imminent demolition and their inhabitants at-risk of displacement. They also have outstanding requisition orders for Barrier construction; if implemented, the route of the Barrier will run through the community.

Impact of Displacement

Displacement has serious immediate and longer-term physical, socio-economic and emotional impacts on Palestinian families and communities. It results in disruption in livelihoods, reduced standard of living and increased dependency on humanitarian aid. In many cases, it also disrupts access to basic services such as education and water/sanitation.

These impacts are felt in general when families are forced to move and are particularly exacerbated when families are displaced due to the destruction of their homes. The impact of displacement on children can be particularly devastating, including post-traumatic stress disorder, depression and anxiety.

Displacement also erodes families' coping mechanisms, leaving those who suffer multiple waves of demolitions increasingly vulnerable. Many families in the oPt are being pushed deeper into poverty and are increasingly unable to cope with the range of difficult conditions in Area C. This is particularly true for refugee communities, who are generally more vulnerable than non-refugee communities.¹⁰

In Wadi Abu Hindi, residents reported that a wave of demolitions in the late 1990s left community residents fearful that their structures will be

demolished again and they remain anxious about outsiders approaching the community. In the community of Um al Kher in the Hebron governorate, which has been the site of multiple demolitions due to the absence of building permits, one resident stressed the psychological impact of demolitions, particularly on children:

*"Demolitions are like a rocket falling on the house. Everything you have worked for is destroyed. The children are frightened. They can't believe that a soldier can come with a bulldozer and destroy everything and we can do nothing. They have nightmares about it happening again."*¹¹

The negative psycho-social impact also extends to the thousands of Area C residents served with outstanding demolition orders,¹² who live with the fear that their homes or other structures could be demolished by the Israeli authorities at any point.

AN NABI SAMWIL (JERUSALEM GOVERNORATE): TRAPPED BY THE BARRIER

An Nabi Samwil, population approximately 250, is located in Area C, northwest of the city of Jerusalem. Although most of its residents hold West Bank ID cards, Barrier construction around the Giva'at Ze'ev settlement bloc in 2005 placed it on the "Jerusalem" side of the Barrier. As such, its residents face a complicated range of movement restrictions; access to all services in the remainder of the West Bank now requires passage through a nearby checkpoint (Al Jib) and movement into the rest of Jerusalem for most residents is prohibited.

The village council of An Nabi Samwil reports that at least 10 residents with spouses and children have left the community in the past 10 years due to their inability to build new structures.¹³ Young people who marry must either leave the village or reside with their families in existing, over-crowded housing.¹⁴

In addition to the de-facto ban on residential construction, restrictive planning has prevented the development or repair of village infrastructure, contributing to poor living conditions in the village (lack of a proper road, a one-room school for lower elementary school, no health facilities, an old water network with high levels of leakage, no sewage network (only cess pits), weak phone network, etc.).

Discussions with village representatives suggested that those who have the ability to pay rent in another location are relocating. However, given high unemployment in the village, many do not have the resources to do so.

Those who move risk losing their ability to access the village (and thus visit their families, attend weddings, funerals, etc.); access to the village from the remainder of the West Bank is strictly limited to people whose names appear on a list at Al Jib checkpoint. The fear is that if the Israeli authorities discover a particular family is no longer residing in the village, their name will be removed from the list and their ability to even visit the village will be lost, unless they are able to obtain an entry permit to East Jerusalem.

► Main Factors Placing Area C Residents At-risk of Displacement

While the main issues causing displacement or placing residents at-risk of displacement vary in each of the communities visited, all of them are simultaneously confronted by a combination of factors. For example, while the primary difficulty identified by residents of the village of Yanun in the Nablus governorate is settler violence and settler take-over of land, they, like all Area C communities, are unable to expand or develop their community due to Israeli planning policies. In Khirbet Yarza, located in the northern Jordan Valley, residents face a range of restrictions, including threats to physical safety as a result of the Israeli army's declaring that the area in which they live is a closed area for

military training.¹⁵ In addition, the community has faced repeated waves of demolitions, including of the community's mosque due to the inability to obtain permission to build legally. This section examines the key policies and practices identified by communities as forcing residents to leave.

Restrictive planning and zoning policies

Restrictive and discriminatory planning and zoning policies applied by the Israeli authorities in Area C are directly and indirectly causing displacement in Palestinian communities. The most direct cause of displacement is the demolition of structures built

BACKGROUND ON PLANNING AND ZONING IN AREA C

Each year, hundreds of Palestinians in Area C are displaced following the Israeli authorities demolition of their homes due to their inability to obtain building permits.

Palestinian construction is effectively prohibited in some 70 percent of Area C, in areas that have been allocated for the use of Israeli settlements or the Israeli military (including areas closed by the Israeli military for training). In the remaining 30 percent, there are a range of other restrictions that greatly reduce the possibility of obtaining a building permit. In practice, Palestinian construction is normally permitted only within the boundaries of a plan approved by the Israeli Civil Administration (ICA), which covers less than one percent of Area C, much of which is already built-up.¹⁷ As a result, Palestinians needing to build in Area C are left with no other choice than to build without a permit and risk demolition of their structures.

In the first six months of 2011, OCHA recorded the Israeli authorities' demolition of 342 Palestinian-owned structures in Area C, including 125 residential structures, displacing a total of 656 Palestinians, including 351 children. This is almost five times as many structures demolished and people displaced as during the equivalent period in 2010.¹⁸

Discriminatory Planning and Zoning

While the ICA has heavily restricted Palestinian construction in Area C, it has established parallel practices for Israeli settlements. Though it has failed to sufficiently plan for Palestinian villages in Area C, it has approved detailed plans for almost all Israeli settlements located in the West Bank. Also, while the Israeli authorities have excluded Palestinian community participation in the preparation of plans, the approval process or the issuance of building permits,¹⁹ settlers participate fully in planning and zoning activities and are generally responsible for enforcement activities within settlement areas. Also of concern, reports indicate that settlers themselves staff some of the ICA committees that handle planning and zoning issues for Palestinian communities, raising concerns over conflicts of interest. Current planning practices have contributed to the expansion of Israeli settlements in contravention of international law (see box, Background on Israeli settlements, herein).

without an Israeli-issued permit; at least seven of the communities visited by OCHA had experienced demolitions in the past 10 years. According to residents interviewed by OCHA, one of the main factors forcing people to leave their communities is the inability to obtain permission for legal construction, both residential construction and that related to service provision, particularly to build schools and service infrastructure.

This inability to build is disproportionately affecting young couples in the communities visited, including those from sedentary villages who are moving to Areas A and B in order to meet their housing needs. For example, in Jubbet adh Dhib village in the Bethlehem governorate, the village council indicated that in the past three years, some 15 young men have married and all are now living outside the village. In Khallet Sakariya in the Bethlehem governorate, an estimated 50 people have left in

“It’s not lack of food or water that is killing our future, but lack of space.

“We just want to be able to build on our own land.”

Resident of Khallet Sakariya

the past 10 years, while in An Nabi Samwil in the Jerusalem governorate, at least 10 young couples have moved to nearby villages in Areas A and B. In the community of Khirbet Jubara, located in the closed area between the Barrier and the Green Line in the Tulkarem governorate, residents reported that three young couples had left in the past year alone. Until recently, the community had dealt with the inability to build by dividing existing housing among family members; however, capacity has now run out.¹⁶



Photo by OCHA.

The community representative of Al Hadidiya, in the northern Jordan Valley, and his daughter.

AL HADIDIYA (TUBAS GOVERNORATE): A CHRONOLOGY OF SYSTEMATIC DISPLACEMENT

Al Hadidiya is a herding community in the northern Jordan Valley. There are some 230 residents, half of whom live in the community on a seasonal basis in a closed military zone. According to the community representative, a combination of factors namely, demolitions and access restrictions have prompted some 40 families to leave the community since 1997. The majority of these families re-located to other parts of Area C.

- In 1997, three to four families left the community after they experienced wide-scale demolitions by the Israeli authorities. In addition, water tankers were also turned over or confiscated for months at a time.

- In 2000, over 15 families left due to measures imposed by the Israeli army that limited the community's access to water. For example, according to the community representative, tractors and water tankers were confiscated on the grounds that they were located in a 'forbidden zone.' One water tanker was confiscated for eight months and only released when residents paid a NIS 12,000 fine.

- In 2002 and 2003, some eight families left the community after the Israeli army dug a trench to the west of Al Hadidiya, impeding residents' access to food, water and basic services. A few of the families sold their sheep and moved to Tamun, which is located in Area A. These families now survive as paid laborers or rely on their children, who are herders. Others went to the Khirbet Atuf area and continued herding.

- Between 2003 and 2008, approximately eight families left for different reasons namely, additional demolitions by the Israeli authorities, which occurred between 2005 and 2007, and the installation of a road gate to the west of the community, affecting the community's access to water.

- In 2008, four additional families left the community following demolitions.

In June 2011, following OCHA's interview with the Al Hadidiya representative, the Israeli authorities carried out two sets of demolitions in Al Hadidiya, demolishing 33 structures, leaving 37 residents without homes and undermining the livelihood of a further 15. Most of these, 29, were demolished on 21 June 2011. The demolition team comprised of one Israeli Civil Administration vehicle with two officers, nine Israeli military vehicles with more than 100 soldiers, one Israeli border police vehicle and two bulldozers. Several families were prevented from removing their belongings from the tents before the demolition, which were buried under the rubble.

BACKGROUND ON ISRAELI SETTLEMENTS

Around 300,000 Israeli settlers live in approximately 135 Israeli settlements and 100 settlement outposts located in Area C.²⁰ These settlements – many of which have been built partially on privately-owned Palestinian land²¹ – control vast swathes of land and resources in the West Bank at the expense of Palestinian communities.²²

Some 39 percent of the West Bank falls under the jurisdiction of Israeli Local or Regional Councils, the local authorities that run the settlements. This area is almost 40 times more than the territory taken up by the built-up area of settlements and five times more than the municipal area. Most of the territory in this area is land that has been declared by the Israeli government as “state land”, as well as land registered as “government” land in the Land Registrar during the British Mandate or Jordanian rule; the rest was seized by other means, including requisition for military purposes, confiscation, etc.²³ The Israeli authorities have consistently refused to allocate such land for Palestinian use,²⁴ though allocations to Israeli settlements continue.²⁵ In addition, after the Interim Agreement, the Israeli military issued an order declaring the municipal areas of the various settlements as closed military zones for Palestinians, into which a Palestinian may not enter without a permit.²⁶

The amount of land included within the jurisdiction of settlement councils is particularly important in the Jordan Valley and Dead Sea area where almost all of the area falls under the jurisdiction of two Regional Councils. The practical implication of this is that Palestinian development is prohibited in nearly all of the Jordan Valley.

Israeli settlements also enjoy preferential treatment in terms of access to water resources.²⁷ For example, according to a recent report from the Israeli human rights organization B'Tselem, the water allocation to the Jordan Valley and Northern Dead Sea settlements (with less than 10,000 settlers) is almost one-third the quantity of water that is accessible to the 2.5 million Palestinians living in the West Bank.²⁸ Jordan Valley settlements also benefit from a per capita daily allocation of 487 liters for their household needs,²⁹ compared to an average of 70 liters per capita per day for West Bank Palestinian communities; this latter figure reaches as low as 20 liters per day in some of the remote communities of Area C.

The preferential treatment in terms of land and water use has been complemented by government incentives³⁰ provided to settlers and settlements, such as housing subsidies, loan forgiveness schemes, discounts on education, etc.

While settlement outposts have been established without official authorization, many are connected to the electricity and sewage network. Additionally, though they have no approved master plans, and, thus, no building permits have been issued, they rarely face the demolition of their “illegal” structures.

The preferential treatment given by the Israeli government to settlers has facilitated the expansion of Israeli settlements, in contravention of international law, and allowed the settler population to grow at a much faster pace than the population of Israel, significantly altering the ethnic composition of the West Bank. Between 1999 and 2009, for example, the population of Israel grew by 19 percent.³¹ By comparison, according to the Israeli movement Peace Now, the settler population in the West Bank (excluding East Jerusalem) increased by some 56 percent between 2000 and 2009, from approximately 191,000 to 297,000.

Reduced livelihoods due to restricted access to land and water resources

Eleven of the 13 communities visited by OCHA reported that their sources of livelihood have eroded over the past 10 years due in large part to Israeli practices in Area C. Reduced access to grazing land and water resources along with drought have forced herders to increasingly rely on purchasing water and fodder, with the latter increasing significantly in price in the past few years. As a whole, Bedouin communities are finding it increasingly difficult to sustain their traditional livelihoods. In many cases, these communities are forced into a cycle of ever-increasing debt, their herd sizes reduced, the overall value of their herd diminished, and the off-spring of remaining livestock earmarked to pay outstanding debts. In other communities, access to cultivated agricultural land is restricted due to settler violence or restrictions on Palestinian movement in settlement-adjacent areas.

“ ... movement restrictions and the constant threat of displacement have rendered seasonal migration impossible for us, and we are now watching the collapse of our traditional livelihood.”

Mohammed al Korshan, West Bank Bedouin Representative

Statement to the UN Forum on Minority Issues, 2010

In the community of Um al Kher, for example, residents report that the average herd size has decreased in the past 10 years from approximately 200 heads of sheep to between 130 and 150. Likewise, in the community of Wadi Abu Hindi, a combination of Area C policies and drought have forced herders to sell off parts of their herd; shepherds who used to have some 200 heads of sheep now have around 50, some even less. Other

MAGHAYER AL DEIR (RAMALLAH GOVERNORATE): SHRINKING SPACE AND REDUCED LIVELIHOODS

In the refugee community of Maghayer al Deir (approximate population 140³²), some 20 people have left in the past five years. According to the community representative, the families moved out because there was no possibility of building and a wave of demolitions by the Israeli Civil Administration between 2007 and 2009 demonstrated that any new construction without a permit would be destroyed.

Maghayer al Deir is partially located in a closed area used by the Israeli military for training purposes. In the 1980s, the ICA identified a limited area in which construction by the community would be permissible, allegedly outside the bounds of the military area. This area is now covered with structures and there is no room for expansion. The recently displaced families have moved to different places, mainly in Area C and all continue to rely on herding for their livelihoods.

Restrictions on construction have been coupled with reduced access to grazing land and restrictions on access to water sources, causing significant damage to the livelihoods of the community. Overall, the community representative noted a general deterioration in conditions of living between his generation and that of his father's:

“My father didn't face building restrictions, or settlements and settlement outposts, the way we do. When he needed water for his herd, he got it from a well in the valley. Over the years, settlements, supported by the Israeli government, have expanded, while the space we can use has been repeatedly restricted and there is no support for us, not from Israel or the PA. Prices for everything have increased, including water and fodder, which we need more, given water shortages in recent years. The water sources he used to access are no longer accessible to us, due to Israeli restrictions, so we have to buy water at high cost, from a nearby filling point. Our grazing areas are much smaller. Not only do we have less space to graze livestock, we have to pay for hay now (NIS 130 per bail), whereas we used to gather it ourselves. This has all taken a toll and the size of our herds has decreased dramatically; the person who used to own 200 heads of sheep now has half that much. The others have been sold to cover expenses or because there is not enough land to graze them and it is too expensive to feed them fodder.”

BACKGROUND ON SETTLER VIOLENCE

Israeli settler violence and related impunity is a key factor undermining the physical security and livelihoods of Palestinians in many areas throughout the West Bank. Forms of settler violence that Palestinians are exposed to include: physical assaults, acts of intimidation and harassment, damage to private property, denied access to grazing and agricultural land, and attacks on livestock and agricultural land.

OCHA has identified 22 communities with a combined population of nearly 76,000 people identified as being highly vulnerable to settler violence. An additional 61 communities (pop. 173,000) have been identified as being moderately vulnerable.³³

The Israeli authorities consistently have failed to enforce the rule of law when it comes to Israeli settler acts of violence against Palestinians. Key concerns are that Israeli soldiers often fail to intervene to stop the attacks and that follow-up to complaints filed by Palestinians is inadequate or poorly conducted. The Israeli human rights organization Yesh Din, which is monitoring the Israeli authorities' enforcement of the rule of law on Israeli settlers, has found that over 90 percent of complaints regarding settler violence filed with the Israeli police in recent years have been closed without indictment.³⁴

communities, such as Khallet Sakariya and Jubbet adh Dhib in the Bethlehem governorate, have lost regular access to cultivated agricultural land due to Israeli settlement expansion, with a subsequent decline in agricultural output.

Several of the communities expressed frustration regarding the level of support provided to farmers and herders by the Palestinian Authority in the midst of these difficulties; a key issue raised was the lack of support to cover rising fodder and water costs.

Settler violence

Six of the communities visited by OCHA reported that community members regularly face physical violence and other harassment from Israeli settlers. In the Nablus governorate, residents of Yanun village regularly report incidents of settler violence and harassment; the level of insecurity generated by this pattern of violence was so severe in 2002 that the community evacuated en masse (see case study herein). In the Tubas governorate, residents of Al Hadidiya report repeated physical attacks and harassment from Israeli settlement guards on herders and their livestock, while in the Ramallah governorate, residents of the community of Maghayer al Deir noted that one of the factors that makes access to education difficult is that students

"Everything that is okay for settlers is denied for us.

"We are refugees, but nothing is allowed for us, not even a house, a bathroom, or a playground."

Resident of Wadi Abu Hindi

waiting along main roads for taxis to reach their schools have been the target of settler violence.

In addition to physical attacks, settler activity in some areas restricts access to agricultural land and water resources and impacts or damages agricultural crops, thereby, reducing sources of livelihood. For example, residents of Jabal Aqra' in the Jenin governorate, Yanun village and Jubbet Adh Dhib, all report that livestock from nearby settlements graze in their fields and damage their crops. Other communities reported that their access to water is prohibited by Israeli settlers and that certain roads or areas are off-limits due to their proximity to Israeli settlements.

The regular threat of settler violence creates pressure and constant hardship on some Palestinian communities, leaving many at-risk of forced displacement. A number of communities visited

YANUN VILLAGE (NABLUS GOVERNORATE): A HISTORY OF SETTLER VIOLENCE AND PERVASIVE INSECURITY

According to the head of the Yanun village council, in the past 10 years, a total of ten families have moved out of Yanun, including three families in 2010. This is due to a combination of factors, primarily a history of settler violence, which has left residents with an ongoing feeling of insecurity, and the inability to build new structures. Of the 10 families, seven were new couples or young families.

According to residents, since the late 1990s, the community, which is surrounded on all sides by Israeli settlements and settlement outposts, has been the target of regular settler violence. In October 2002, the situation deteriorated significantly, prompting residents to evacuate en masse. All families, except one, later returned, after Israeli and international activists began a permanent protective presence in the village, which continues to date.³⁵ Settler violence has left residents with a pervasive lack of security and a feeling that the Israeli army will not intervene to protect them in the case of settler attack.³⁶ Settler violence also affects access to the village, access to services, and access to village land.³⁷

According to the head of the village council, daily life is significantly affected by settler activity in the area: *“For my father’s generation, safety and security existed. He could go to work without constraints. People could come and go to the village at any time of day or night without fear. That life is gone. Now we are isolated, have less land to farm and earn a livelihood, and we live with fear. Though my father used to farm some 500 dunums of land, I now have access to only around 50 dunums, and, of that, I need prior coordination with the Israeli authorities in order to access 30 dunums, because it is near settlements. Our children see Israeli soldiers protecting settlers and learn from an early age that we are unable to ensure their safety.”*

stressed that the pattern of violence along with the lack of protection or follow-up from the Israeli authorities appears designed to frighten them into leaving their land.

In addition to the displacement risk, the threat of violence has significant psychological effects on Palestinian communities. One mother in the community of Susiya in the Hebron governorate, spoke of its impact on her family life:

“There is no longer a sense of peace and security as there is always the threat of settler attacks. It is particularly difficult to see how my children have lost their sense of security; they now have nightmares about settlers and soldiers attacking them. There are no recreational facilities for them and they are afraid to play too far away from the family home for fear of being attacked.”

Difficult access to education

The absence or presence of a school was mentioned as a key factor shaping some residents decision whether to remain in their community. Insufficient access to education prompted residents from two communities to move to other areas, while two other communities noted that difficult access has affected the level of education their children received. This has resulted in high drop-out rates, particularly among girls. In the Ramallah governorate, for example, residents of the community of Maghayer al Deir noted that few girls receive education above the primary school level due in part to the absence of a nearby high school and the threat of settler violence while en route to the closest primary school.



Photo by OCHA.

Resident of Jubbet adh Dhib (Bethlehem), next to stones from his demolished home.

BACKGROUND ON EDUCATION IN AREA C

Many communities in Area C experience difficult access to education or inappropriate educational facilities due to policies implemented by the Israeli authorities in Area C. At present, there are 18 schools with outstanding demolition orders in Area C, as a result of the lack of a building permit. In 2010, the Israeli authorities twice demolished a school in the herding community of Khirbet Tana, located in an area declared closed by the Israeli military for training in the Nablus governorate. In addition, as many as 10,000 students study in inadequate schools in Area C: many structures are unsafe or lack proper hygienic facilities, such as poor toilets or lack of drinking water. In a number of cases, the at-risk schools, such as in Khirbet Tana, are those that community residents have built, in part, with their own limited financial resources in order to ensure that their children will be educated.

Access to education is further compounded by Israeli settler violence as well as by restrictions on Palestinian access and movement. For example, an increasing number of incidents have been documented in 2010 and 2011 in which students are prevented from accessing schools, learning is disrupted, or where the safety of students is compromised.³⁸ In Area C, Israeli military escorts are provided to children in some villages due to the high incidence of settler violence which prevents children from safely reaching their schools. Despite the military escorts, incidents continue to be reported where children are harassed or attacked to or from school.

In the northern Jordan Valley, children of Al Hadidiya face ongoing difficulties accessing education due to restrictions on movement imposed by the Israeli military in the area. This has resulted in a range of impacts, as described by the community representative:

“To complete school, children go to Tammun and stay there during the week, while their parents remain in the community. One of the older children looks after the others in town. As a result, there is often little supervision of the children or support available to help with homework. For example, I have eleven children between the ages of 7 and 17 years living in the same apartment alone. In general, children either do not succeed at school or get homesick and want to return. I would say that around 80 percent of children drop out. The level of education of this generation is actually less than that of their parents.

If the roads were open and access to school not limited by checkpoints and other obstacles placed by the Israeli army, accessing education could be easier.”

An additional factor for remote communities is the high cost of transport to educational facilities. Some families living in isolated locations pay up to 100 NIS per child, per month on school transport. Families with five or six children of schooling age are often forced to choose only one or two of their children, frequently boys, to complete their education, while the others are withdrawn from the system after the primary years.

The above factors contribute to the high drop-out rates in affected schools, particularly among girls, as well as pose significant health and safety risks for students that continue to attend school.

KHALLET SAKARIYA (BETHLEHEM GOVERNORATE): STRUGGLING TO SURVIVE IN THE MIDST OF SETTLEMENTS

In the past ten years, many young couples have left Khamlet Sakariya (population approximately 350³⁹), located in the Gush Etzion settlement bloc, because they are not allowed to build new structures. Those who leave are moving to nearby towns in Area A and B. This has been a trend since the mid-1990s, when the village began receiving demolition orders and experiencing demolition of their structures. According to the village representative, there are around 50 families in the village and at least one from each family that has moved out of the village.

The community is composed of one main built-up area, with several pockets of a few families in the same general area. Almost all structures in the main area have received stop-work orders. In 2005, the village applied for a master plan that, if approved, would allow for residential construction in the main area. According to the village council, the ICA replied that if the families living in the other areas relocated to the main area, it would approve the plan. The community, however, refused this offer because the families living outside the main area do not own land in the main area, but rather own the land on which they currently reside. According to the residents, this offer was made several times but rejected due to the land ownership issue.

Villagers are also affected by a range of other issues, including settler violence,⁴⁰ settlements and settlement outpost expansion in the area, which has considerably reduced access to village land. Speaking about the effect that the combination of these factors have on the village, one resident reported:

Now there is a constant fear of losing your land to settlements or having it declared ‘state land,’ as has happened to some land in the area that farmers could no longer regularly cultivate because of its proximity to a settlement. There is the fear that we won’t be able to live a dignified life with our children – that we’ll have to leave our land because we can’t build and it will be lost and the families of our village dispersed.

On 5 July 2011, the ICA demolished one house in Khamlet Sakariya, displacing 14 people.

RESPONDING TO HUMANITARIAN NEEDS IN AREA C

Since 2010, the Humanitarian Country Team (HCT) in the oPt has been working to meet the most urgent humanitarian needs through its Area C Humanitarian Response Plan, submitted to the Israeli authorities in January 2010.⁴¹ The plan addresses some of the key humanitarian issues consistently raised with various Israeli officials, specifically, those related to access to water, shelter and education. It includes projects that are aimed at ensuring access to a minimal amount of water for vulnerable communities, providing safe access to basic primary education for children, and allowing basic shelter, at a minimum, to be weatherproofed. The plan also calls for a moratorium on all demolitions in Area C. The principle behind the plan is the “humanitarian imperative”, which recognizes that “the right to receive humanitarian assistance and to offer it is a fundamental humanitarian principle which should be enjoyed by all citizens of all countries.”⁴²

Though the Israeli authorities have largely failed, thus far, to facilitate the projects included in the plan,⁴³ humanitarian partners continue to carry out work in the targeted communities and have met some of the needs identified in the original submission. At the same time, structures funded by the international community have either been demolished or received demolition orders in the period since the plan was submitted. Negotiations with various Israeli interlocutors continue to date.

Responding to Displacement

The humanitarian community in the oPt has consistently called on the Israeli authorities to bring the forced displacement of Palestinian families and communities to a halt. Such incidents have continued, however. In 2010, the oPt Displacement Working Group (DWG) – the key coordinating body, chaired by OCHA, which brings together UN agencies and international and national NGOs working on displacement — piloted a coordinated emergency response mechanism. This mechanism involves partners which work within several clusters/sectors, including protection, livelihood, water/sanitation, education and health care. The response takes place in several phases, with the first response to take place within 24 hours of displacement. In addition, the DWG’s Legal Task Force works to ensure that families at-risk of displacement have access to legal support, while its Planning Task Force is coordinating and improving urban and rural planning efforts to help prevent and respond to displacement.



Photo by OCHA.

Residents of the herding community of Khirbet al Fakheit (Hebron).

▶ The Way Forward

The division of the West Bank into Areas A, B and C was agreed as a temporary measure, pending a final status agreement that was to be reached within five years. The absence of any meaningful changes to the interim arrangements since September 2000 has meant the continued application of a range of Israeli policies to the area, with negative humanitarian consequences for Palestinian communities throughout the West Bank.

As OCHA's recent field visits to 13 Area C communities highlight, Palestinian residents there face multiple difficulties. The highly restrictive and discriminatory planning regime applied by the Israeli authorities completely excludes their participation and contributes to poor living conditions, demolitions of housing and livelihood-related structures, poor access to services, water shortages, and poor service facilities. Settlement expansion has resulted in a reduction in the amount of land available for Palestinian use, with land being abandoned, in effect, in some settlement-adjacent areas. It has also resulted in a range of restrictions on Palestinian movement and access along with regular exposure to Israeli settler violence, which undermines the physical security, free movement and access and livelihoods of Palestinians. Settler attacks take place in an environment of almost complete impunity with the Israeli authorities largely failing to bring perpetrators to justice.

These policies and practices are leading to clear patterns of displacement in the Area C communities visited by OCHA and place thousands of Palestinians at-risk of future displacement. Given the small size of the communities visited, there are concerns that should patterns of displacement continue many of these communities may disintegrate and disappear altogether over time. Though the number of communities visited recently is small, the difficulties they are facing are consistent with those reported by other communities that OCHA and partner agencies work with on a regular basis.

"All authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons."

UN Guiding Principles on Internal Displacement,
Principle 5

The situation for Palestinian communities in Area C stands in stark contrast to that of Israeli settlements, which have been built in violation of international law. These settlements enjoy preferential treatment, particularly in terms of West Bank land and water use and benefit from a range of government incentives. As a result, Israeli settlers generally have better access to resources and enjoy superior service infrastructure than do adjacent Palestinian communities. Combined, these factors have facilitated the significant growth of the settler population. This growth, along with patterns of displacement occurring in Area C, raise concerns over demographic shifts and changes to the ethnic make-up of the West Bank as a result of Israeli policy in Area C.

As the occupying power, Israel is responsible under international humanitarian law (IHL) for administering its occupation in a manner that benefits the local Palestinian population. IHL specifically prohibits any party to a conflict from ordering the displacement of civilians and confiscating or destroying civilian property, unless the security of the civilians involved or imperative military reasons so demand. The law also requires that displaced persons be allowed to voluntarily return in safety, as soon as those reasons cease to exist. Israel is also prohibited from transferring its own population into the territory under occupation. Likewise, under international human rights law, Israel must ensure that persons under its jurisdiction

enjoy fulfillment of their human rights, including the right to be free from discrimination, to effective legal remedies, as well as to an adequate standard of living, housing, health, education, and water. With particular reference to Bedouin communities, international law guarantees that their unique way of life as indigenous persons must be respected and protected.

There are a range of measures that would benefit the local Palestinian population and facilitate Israel's progress towards meeting its obligations under international law, including:

- End the displacement and dispossession of Palestinians in the oPt, including immediately ceasing demolitions of Palestinian-owned structures, such as housing, schools, livelihood structures and rainwater collection cisterns, until Palestinians have access to a fair and non-discriminatory zoning and planning regime, including community participation in all levels of the process;
- Families that have been forcibly displaced must be allowed to return to their homes in safety and dignity and be given access to an effective remedy for any harm they have suffered, including the destruction of land, homes and property;
- Stop facilitating the transfer of Israel's civilian population to the oPt, including by freezing all settlement activity in accordance with the Roadmap;
- Investigate and prosecute all forms of violence and intimidation by Israeli settlers in an independent, impartial, effective, thorough and prompt manner;
- Improve Palestinian access and movement in the West Bank, particularly to land and resources in

the Jordan Valley, to areas behind the Barrier, to land in the vicinity of Israeli settlements, and land designated closed for military training or as nature reserves;

- In decisions regarding the use of "state land" and water resources, priority should be given to the most vulnerable Palestinian communities in Area C; "state land" should not be allocated for the use of Israeli settlements;
- Implement measures that assist Bedouin communities in sustaining their traditional lifestyles. Decisions regarding these communities should be made only with the consultation, participation and acceptance of community members themselves;
- Stop all Barrier construction, dismantle or re-route the constructed sections to the Green Line, and repeal the gate and permit regime in compliance with the 2004 Advisory Opinion of the International Court of Justice; and
- Enable the humanitarian community to meet basic humanitarian needs in Area C (e.g. erecting a tent, rehabilitating a well, etc.) in accordance with the humanitarian imperative, without fear of prosecution or other recrimination to either agencies or beneficiaries by the Israeli authorities.

Further measures are encouraged from the Palestinian Authority, with the assistance of the donor community, to increase their support to Area C locales, particularly Bedouin and herding communities, struggling to sustain their livelihoods and their presence on their land, in the midst of the difficult conditions outlined in this report.

Endnotes

1. The division of the West Bank into Areas A, B and C did not correspond to the built-up area of Palestinian communities. There are over 520 Palestinian villages that have some part of their built up area in Area C; of these, over 230 are entirely located in Area C.
2. For the purposes of this report, a distinction is made between “sedentary villages” and “Bedouin / herder communities,” wherein the former consists of communities with mainly stone or concrete structures, whereas the latter are mainly composed of more basic structures (e.g. tents, tin shelters). Residents from the former category may also have livestock and be engaged in some herding activities. Some of the latter communities either have separate winter / summer locations or move around within the same general location throughout the year, in order to meet the grazing, water and climate needs of their livestock; others stay in the same location all year round.
3. Food distribution by UNRWA and WFP among Bedouin and other herders in Area C during 2009-10 succeeded in reducing food insecurity levels from 79 percent to 55 percent.
4. Of the 13 communities visited, three are located in the northern West Bank (Jenin, Nablus & Tulkarm governorates), three are in the central West Bank (Ramallah and Jerusalem governorates), two are in the northern Jordan Valley (both in Tubas governorate), and five are in the southern West Bank (Bethlehem and Hebron governorates). Seven are partially or entirely composed of refugees who were displaced in 1948.
5. There are over 500 obstacles to Palestinian movement in the West Bank, including over 60 staffed checkpoints. Citing security concerns for Israelis in the West Bank, including settlers, the Israeli military significantly increased the number of internal obstacles to Palestinian movement following the beginning of the second Intifada in September 2000. These obstacles have had a range of negative humanitarian impacts on the Palestinian population. For more information, see OCHA’s annual movement and access reports, available at: <http://www.ochaopt.org>.
6. Israeli settlements established in the West Bank are illegal under international humanitarian law (IHL), which prohibits the transfer of civilians from the territory of the occupying power into occupied territory. See Article 49, paragraph 6, of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War.
7. This phenomenon is not specific to Area C. Palestinians in some parts of East Jerusalem are also reportedly taking into account the residency situation when considering marriage proposals. This is particularly the case for communities located in Barrier-adjacent areas.
8. Interim Agreement, article 27.2, related to Planning and Zoning: “In Area C, powers and responsibilities related to the sphere of Planning and Zoning will be transferred gradually to Palestinian jurisdiction that will cover West Bank and Gaza Strip territory except for the issues that will be negotiated in the permanent status negotiations, during the further redeployment phases, to be completed within 18 months from the date of the inauguration of the Council.” NB. The Palestinian Legislative Council was inaugurated in March 1996.
9. *The Guiding Principles on Internal Displacement* are based on and reflect existing standards of international law. The Principles are widely recognized by States and have met with international acceptance. See for example, General Assembly Resolutions A/RES/60/1 and A/RES/58/177 and Resolution 2003/1 of the UN Commission on Human Rights.
10. For example, refugee unemployment rates in the West Bank are consistently higher than those of the non-refugee population.
11. UNRWA social workers working with Um al Kher have observed disrupted sleep patterns and even speech defects among children caused by stress, among many other symptoms.
12. There are over 3,000 outstanding demolition orders for structures in Area C.
13. According to the International Peace and Cooperation Centre (IPCC), An Nabi Samwil was declared an archeological area (*mantiqat athar*) and a plantation area (*mantiqat ahrash*) by the Israeli government and the Jewish National Fund in 1995. IPCC reports that this declaration has not been accompanied by an official designation with clear boundaries, particularly since the village is located outside of the Israeli-defined territory of municipal Jerusalem. Thus, the master plan applicable to the area is Mandatory Plan “RJ5” from the 1940s. IPCC has recently completed an outline plan for the village, in consultation with residents, to be submitted to the Israeli Civil Administration; if approved, residents would have a greater chance of obtaining a permit for construction.
14. According to IPCC, the average population size per unit is 8.1, which exceeds the 5.5 West Bank average.
15. Since 1967, the Israeli authorities have declared some 18 percent of the West Bank “closed” for military training, or “firing zones”. While Palestinian access to these areas is formally prohibited, as is construction, enforcement of the restrictions varies. Also, the exact boundaries are not clearly demarcated on the ground. Many of the communities located in the “firing zones” have lived there since before they were declared closed.
16. In the period since OCHA visited Khirbet Jubara, the Israeli authorities began re-routing a section of the Barrier next to the village, following an Israeli court decision from 2007. Once the old section is dismantled, the village’s over 300 residents will be “released” from the “seam zone”, the closed area between the Barrier and the Green Line, and re-connected to the rest of the West Bank. According to the village council, however, the new route will isolate around 600 dunums of the village’s agricultural land, planted with olive trees, behind the Barrier.
17. For more information on planning and zoning in

- Area C, see OCHA, *Restricting Space: The Planning Regime Applied by Israel in Area C of the West Bank*, December 2009.
18. During the first six months of 2010, the Israeli authorities demolished 72 structures, including 27 residential structures, displacing 135 Palestinians, including 56 children.
 19. Planning and construction in Area C is governed by the 1966 Jordanian Planning Law, as modified by an Israeli military order signed in 1971, Order Concerning Towns, Villages and Buildings Planning Law (Judea & Samaria) (No. 418). The military order nullified a number of provisions that allowed for community participation in the planning and zoning process. For example, under the 1966 Jordanian Law, Local Planning Committees had authority for planning over specific areas, prepared outline and detailed plans, and issued building permits in accordance with approved plans. Israeli military orders, however, annulled these committees for Palestinian villages. These functions are now performed by the Israeli Civil Administration's Local Planning and Licensing Sub-Committee, with no Palestinian representation.
 20. The Interim Agreement defined Area C as: "areas of the West Bank outside Areas A and B, which, except for the issues that will be negotiated in the permanent status negotiations, will be gradually transferred to Palestinian jurisdiction in accordance with this Agreement" (chapter 2, article XI, 3c). By excluding "issues that will be negotiated in the permanent status negotiations" from Area C, the agreements made it impossible to determine how much territory is actually included in Area C. For example, in the case of settlements, which are a permanent status issue, it was not specified if the land excluded from Area C was the built-up area, the municipal area, or the jurisdiction area of settlements. As a result of this ambiguity, Area C became defined by most observers as West Bank territory, excluding East Jerusalem, that had not been designated as Area A or B, or was not part of the nature reserve to be transferred under the Wye River Accord. This approach has been adopted in this report. The number of settlements is based on the Peace Now database of settlements, available at: <http://peacenow.org.il/eng/content/settlements-and-outposts>. Some sources cite a lower figure, approximately 125 settlements, excluding East Jerusalem; this is primarily due to definitional differences.
 21. The Peace Now settlements' database includes detailed information on the amount of private Palestinian land on which specific settlements are constructed. The database is available for download at <http://peacenow.org.il/eng/content/settlements-and-outposts>.
 22. In December 2010, Human Rights Watch (HRW) issued a report documenting significant discrimination between policies applied to Palestinian communities and those applied to adjacent Israeli settlements, in the areas of planning and zoning, freedom of movement, access to water, and land confiscation, in particular. At least three of the communities featured in this report – Al Hadidiya, Jubbet adh Dhib and Yanun – were also featured in the HRW report. See *Separate and Unequal: Israel's discriminatory treatment of Palestinians in the Occupied Palestinian Territories*, December 2010.
 23. According to Bimkom, Israel considers almost 30 percent of the West Bank to be "state land". This includes some 13 percent of land that was registered as "government" land when the occupation began in 1967. See Bimkom, *The Prohibited Zone, Israeli Planning Policy in the Palestinian Villages in Area C*, June 2008, p. 29.
 24. One notable exception is the re-location of the Jahalin Bedouins onto state land in the Jerusalem governorate, near the municipal garbage dump. In this case, the Israeli authorities decided to allocate state land for Palestinians because they wanted to evict the Jahalin Bedouins from land designated for the expansion of the nearby settlement of Ma'ale Adumim. See Bimkom, *The Prohibited Zone*, p. 33.
 25. In June 2011, Israeli media reported that some 54,000 dunums of previously-declared "state land" had been newly allocated for Jordan Valley settlements, almost doubling the amount of land available to these settlements for cultivation. Tovah Lazaroff, "State Gives More Land to Settler Farms in the Jordan Valley", *The Jerusalem Post*, 29 June 2011.
 26. Bimkom, *The Prohibited Zone*, p. 17, and B'Tselem, *Land Grab: Israel's Settlement Policy in the West Bank*, p. 70.
 27. Article 40 of the 1995 Interim Agreement contained a number of provisions related to water and sewage issues in the West Bank. In particular, it created a "Joint Water Committee" that was intended to oversee the shared management of water resources. According to a World Bank assessment, "(T)he JWC does not function as a "joint" water resource governance institution because of fundamental asymmetries - of power, of capacity, of information, of interests - that prevent the development of a consensual approach to resolving water management conflicts. ... The consensual formal rules, set out in Article 40, are undermined by the informal practices of decision-making and enforcement." Whereas Area C concerns, water-related projects also require the approval of the Israeli Civil Administration. See World Bank, *Assessment of Restrictions on Palestinian Water Sector Development*, April 2009, p. iv - ix.
 28. B'Tselem, *Dispossession and Exploitation: Israel's Policy in the Jordan Valley and Northern Dead Sea*, May 2011, p. 39.
 29. *Ibid*, p. 37.
 30. For more information see, B'Tselem, *Land Grab*, pp. 73 -84.
 31. According to the Israel Central Bureau of Statistics, the population in Israel grew from 6,369,300 in 2000 to 7,552,000 in 2009; these figures include the settler population.
 32. This community is one of several communities of the Ka'abne Bedouin clan that gather together in one location in the Jericho governorate in the winter months, but who disperse to a number of different locations in the summer months.
 33. Three of the communities visited by OCHA are among those identified as being highly vulnerable

- to settler violence, while an additional four of the visited communities were among those identified as being moderately vulnerable to settler violence.
34. For regular monitoring on the lack of enforcement, see the website of Yesh Din, <http://www.yesh-din.org>. For background, see Yesh Din, *A Semblance of Law, Law Enforcement upon Israeli Civilians in the West Bank*, 2006, and OCHA, *Unprotected: Israeli Settler Violence against Palestinian Civilians and their Property*, December 2008.
 35. This protective presence is ongoing as a result of the work of the Ecumenical Accompaniment Programme in Palestine and Israel (EAPPI). Reports by members of the EAPPI presence in Yanoun village. Available online at: <http://www.eappi.org>.
 36. Israeli, Palestinian and international human rights organizations have raised concerns that the Israeli authorities fail to intervene to prevent attacks by Israeli settlers from the Yanoun area on Palestinians or their property, or fail to adequately follow-up Palestinian complaints against settlers. See, for example, Human Rights Watch, *Separate and Unequal: Israel's Discriminatory Treatment of Palestinians in the occupied Palestinian territory*, 2010, pp. 102 – 105. Also see, Yesh Din, *A Semblance of Law, Law Enforcement upon Israeli Civilians in the West Bank*, 2006, p. 98.
 37. The main entrance to the village, which allowed residents to access Nablus in around 20 to 25 minutes, is no longer used by residents because of fear of settler attacks. Instead, villagers take a longer route to reach Nablus that takes an hour.
 38. These incidents have occurred throughout the oPt and are documented by the UNICEF-led Israel/OPT Working Group on Grave Violations Against Children, which monitors child protection issues in the context of UN Security Council Resolution 1612.
 39. There are an additional approximately 250 people who own land in Khallet Sakariya, many of whom stay on their land during planting and harvest periods.
 40. Residents have reported regular instances of settler violence to OCHA's field teams, including damage to property and agricultural land, with little or no protection or follow-up from the Israeli authorities. One resident, for example, has reportedly filed over 25 complaints over the past five years, with no known action being taken by the Israeli police or the Israeli army in connection to these complaints.
 41. See the *Area C Humanitarian Response Plan Factsheet*, at http://www.ochaopt.org/documents/ocha_opt_area_c_humanitarian_response_plan_fact_sheet_2010_09_03_english.pdf.
 42. See International Federation of Red Cross and Red Crescent Societies and the ICRC, "The Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief," *International Review of the Red Cross*, No. 310, 1996.
 43. A number of elements included in the WATSAN component of the plan received written approval from the Israeli Civil Administration (ICA), but various other impediments have meant that very few of the identified needs have been met. A separate written response from the ICA concerning the education component of the plan was received by the UN, but it simply requested that the UN provide details on the projects for building permit applications, rather than agreeing to facilitate the projects that will meet the identified humanitarian needs. In terms of shelter, there has been no moratorium on demolitions, rather a significant increase.



The Bedouin community of Um al Kher (Hebron), looking towards the adjacent Israeli settlement of Karmel.



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