

## OCCUPIED PALESTINIAN TERRITORY:

### Forced displacement continues

A profile of the internal displacement situation

10 September, 2008

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Through its work, the Centre contributes to improving national and international capacities to protect and assist the millions of people around the globe who have been displaced within their own country as a result of conflicts or human rights violations.

At the request of the United Nations, the Geneva-based Centre runs an online database providing comprehensive information and analysis on internal displacement in some 50 countries.

Based on its monitoring and data collection activities, the Centre advocates for durable solutions to the plight of the internally displaced in line with international standards.

The Internal Displacement Monitoring Centre also carries out training activities to enhance the capacity of local actors to respond to the needs of internally displaced people. In its work, the Centre cooperates with and provides support to local and national civil society initiatives.

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### **Internal Displacement Monitoring Centre**

Norwegian Refugee Council  
Chemin de Balexert 7-9  
1219 Geneva, Switzerland  
Tel.: +41 22 799 07 00  
idmc@nrc.ch

[www.internal-displacement.org](http://www.internal-displacement.org)

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# OVERVIEW

## Forced displacement continues

*Forced displacement has a long history in the Occupied Palestinian Territory (OPT), as both a consequence and root cause of the Israeli-Palestinian/Arab conflict over resources and land. Certain patterns of displacement in their severity and consistency attest to a policy of forced displacement for the purpose of acquiring land, redefining demographic boundaries, and divesting Palestinians of ownership guaranteed under international law. In other instances internal displacement is the direct result of violence stemming from incursions and human rights violations.*

*Since 1967, internal displacement has been a direct and indirect result of Israeli policies of occupation, including house demolitions, evictions and land expropriation for settlement expansion, construction of the Separation Wall and the limitations on freedom of movement which have accompanied it, revocation of residency rights, and military incursions and clearing operations. There is also clear evidence of indirect displacement as the “closure regime” has made the situation of residents of Palestinian enclaves untenable.*

*More than 110,000 people are reported to have been internally displaced during the last four decades. Since the second intifada in 2000, the number of Palestinians displaced and at risk of displacement has substantially increased. At present, an additional 30,000 to 90,000 people are reportedly at risk of displacement. Only recently has the humanitarian community in the OPT begun addressing the situation of displacement. Human rights and humanitarian NGOs have long called on the international community to address forced displacement, and warned of the potential impact of continuing displacement on the realisation of a viable two-state solution to the present conflict.*

## Background

Until the end of the Second World War, the West Bank and the Gaza Strip were part of the British Mandate of Palestine. UN General Assembly Resolution 181 of November 1947 recommended the partition of the Mandate into a Jewish state and an Arab state. The subsequent proclamation of the State of Israel in May 1948 was rejected by the Arab states, and during the war that followed between 600,000 and 760,000 people fled or were expelled and became refugees from what was to be recognised as the State of Israel (MERIP, 2001; Bligh, January 1998, p.124). At the end of the war, Egypt controlled the Gaza Strip, Jordan annexed the West Bank, and Jerusalem was divided between Israel and Jordan.

Further hostilities in June 1967 between Israel and Egypt, Syria and Jordan resulted in Israel's occupation of the West Bank (which includes East Jerusalem), the Gaza Strip, the Golan Heights and the Sinai Peninsula, which was later returned to Egypt. East Jerusalem and the Golan Heights were later annexed by Israel in violation of international law, and has not been recognised by the international community.

From 1987 to 1993, the first intifada, a popular uprising against the Israeli occupation, gained momentum in the Occupied Palestinian Territory (OPT). A process of reconciliation between Israel and the Palestinians began with the Madrid Conference in 1991 and continued up to the September 1993 signing of the Oslo Accords (Declaration of Principles on Interim Self-Government Arrangements, 13 September 1993). Under the Oslo Accords, OPT was divided into

three zones: Area A under full Palestinian control; Area B under Palestinian civil authority and Israeli security control; and Area C, comprising 60 per cent of the West Bank, under full Israeli control. A number of provisions of the Oslo Accords on refugees, settlements, East Jerusalem, and border demarcation were left outstanding pending future negotiations.

However continued political deadlock in negotiations under Oslo Accords gave rise to the second intifada in September 2000. After the failure of several international initiatives, the diplomatic Quartet, consisting of the United States, Russia, European Union and United Nations, with Israel and Palestinian representatives, issued the performance-based Road Map to Peace on 30 April 2003 which was endorsed by the Security Council in Resolution 1515 (2003). The Road Map is intended to bring an end to the conflict with the creation of a permanent two-state solution, in line with Security Council Resolution 1397 (2002).

In February 2005 a ceasefire was agreed at the first Palestinian-Israeli summit held in four years. In August and September 2005, Israel unilaterally withdrew military forces and around 7,000 settlers from the Gaza Strip and four settlements in the northern West Bank. While internal freedom of movement returned in Gaza, it nevertheless remained an occupied territory and Israel maintained "effective control" (UN CHR, 17 January 2006; OCHA, 11 April 2006; B'Tselem, 26 April 2006; UN HRC, 21 January 2008).

Legislative elections in January 2006 enabled Hamas, which supports Palestinian armed struggle and refuses to recognise the State of Israel, to form a majority government in the Palestinian Legislative Council. Israel responded with economic sanctions and security measures including the arrest of members of the Palestinian National Authority (PNA). The PNA's most important donors, the United States and the European Union, also decided to withdraw direct aid until the new Hamas-led government condemned Palestinian attacks on Israelis, recognised Israel and accepted previous agreements and obligations including the Road Map to Peace. This was followed by serious deterioration in the financial and humanitarian situation of OPT, internal factional fighting, renewed suicide attacks against Israeli targets and Israeli retaliation.

The international community imposed economic sanctions on the PNA from 2006 until mid-2007 due to Hamas' refusal to recognise the existence of Israel (Quartet, 30 March 2006; US DOS, 7 April 2006; BBC, 7 April 2006; Oxfam, 13 April 2007). In an effort to avoid a humanitarian crisis, the EU increased its aid and set up the Temporary International Mechanism (TIM) to channel funds. The TIM gave support to some of the very needy but it failed to address the needs of the majority, undermined Palestinian structures, and caused divisions within Palestinian society (Oxfam, 13 April 2007). The establishment of the National Unity Government between Hamas and Fatah in OPT in March 2007 with the assistance of Saudi Arabia proved only temporary, as the ceasefire brokered in Mecca collapsed and factional fighting in OPT increased. Israeli Defence Force (IDF) incursions and operations in Gaza resumed, as did firing of Qassam rockets into Israel from Gaza.

The factional fighting reached its peak in mid-2007 when Hamas forces seized control of Gaza Strip leading to the de facto political separation from PNA. The national unity government was dissolved and a caretaker government appointed, after which the international boycott imposed on the PNA since 2006 was lifted. The United States pushed for a resumption of peace negotiations which culminated with the Annapolis Conference in November 2007 during which Palestinian and Israeli delegations committed to resuming negotiations aimed at declaring a Palestinian State by end 2008. An international conference held in France in December 2007 pledged an unprecedented 7.5 billion US to the PNA over the following three years, while a conference held in Bethlehem in April 2008 on economic development in OPT announced pledges of more than \$5 billion (UN CERIPP, 14 July 2008).



Meanwhile the boycott of Gaza Strip continued through 2007 to June 2008 when a truce came into effect. Gaza was essentially closed by late 2007 and the stringent embargo had a severe impact on its 1.5 million inhabitants (UNWRA, 7 May 2008). Firing of rockets by Palestinian militants and IDF incursions increased significantly at considerable cost to civilian lives. In the West Bank, Palestinians continued to be affected by military incursions, arrests, restrictions and economic precarity. The UN reported that the situation of Palestinians in 2007 was worse than in 2006, and would worsen further in 2008 (OCHA, 10 December 2007).

On 19 June 2008, a six-month Egyptian-mediated truce was agreed upon, according to which Palestinian militants would stop cross-border rocket fire and Israel would allow essential goods into the territory and halt military raids. Since the ceasefire, crossing points have been sporadically or partially opened (AFP, 21 June 2008; Al Jazeera, 2 July 2008).

From September 2000 to July 2008, 5,447 Palestinians – including 577 in intra-Palestinian conflict – and 1,061 Israelis were killed in the conflict, and over 40,000 injured (B'Tselem, 31 July 2008; OCHA, 31 August 2007).

International bodies and NGOs have repeatedly condemned Israel's occupation of OPT as a result of the breadth of its violations of international law (UN HRC, 21 January 2008). Israel designates the OPT as disputed territory and does not recognise the applicability of Geneva Conventions to the OPT nor human rights law treaties to which it is party. Israel has however asserted that it applies humanitarian principles in the conduct of its occupation of the OPT. According to the international community, the OPT is territory under occupation, and Israel remains bound by international humanitarian law and applicable human rights law (UN HRC, 21 January 2008; ICJ, July 2004; ICRC, 27 May 2008).

### **Profile of displaced communities and patterns of displacement**

IDMC considers Palestinians who have been forcibly and arbitrarily displaced from their homes in Gaza and the West Bank (including East Jerusalem) and have remained in OPT, to be internally displaced people (IDPs). Under the Oslo Accords, Gaza and the West Bank are considered a single territorial unit (Declaration of Principles on Interim Self-Government Arrangements, 13 September 1993), so forced displacement between the two areas does not create refugee status. IDMC figures include refugees from 1948 and the 1967 war who have been since displaced within OPT. These people, though not IDPs, are considered secondary displaced refugees and are of concern to IDMC. Forced displacement shall be used to mean displacement within the OPT and include both displaced Palestinians and secondary displaced Palestinian refugees (IDMC Methodology Note, August 2008).

Since 1967, internal displacement has been a direct and indirect result of both Israeli policies of occupation and generalised violence in OPT. The severity and consistency of some Israeli government activities attest to a policy of forced displacement for the purpose of acquiring land, redefining demographic boundaries, and divesting Palestinians of ownership guaranteed under international law (ICHAD, March 2007; Al Haq, December 2007; Badil, 22 January 2008; CARE et al, 25 February 2008). The causes of displacement include military operations, house demolitions and land expropriation, the construction of infrastructure including the Separation Wall, settlements and settler violence, and the closures regime and the establishment of Palestinian exclaves in the West Bank, where limitations on freedom of movement and enjoyment of a range of rights have created an untenable situation for residents (Al Haq, December 2007; CARE et al, 25 February 2008; Badil, 12 September 2007; B'Tselem, July 2005).

Estimates of the total IDP population in OPT vary according to existing data and applicable definition. The Israeli Committee Against House Demolitions estimates that over 18,000

Palestinian houses were destroyed from 1967 until 2006 (ICAHD, March 2008). The Palestinian NGO Badil has estimated that over 115,000 have been displaced since the 1967 war up to 2006. These figures are rough estimates spanning several decades and it is unclear how many people have been displaced and continue to be displaced. Nevertheless there is general recognition of a significant rise in displacement since the second intifada.

### **House demolitions and direct displacement**

In OPT, house demolitions are the clearest testimony to displacement. ICAHD estimates that over 18,000 Palestinian houses were destroyed since 1967, as a result of conflict and clearing operations based on security concerns, punitive demolitions, and administrative demolitions for lack of building permits. Houses may be demolished on administrative grounds for failure to prove ownership, or because they are in a closed military area or designated nature reserve or for lack of permit (OCHA, 27 May 2008). Many such house demolitions have been linked to land confiscations. Since the Oslo Accords, demolitions on administrative grounds have been mainly restricted to East Jerusalem and Area C of the West Bank.

In ten years, Israeli authorities demolished more than 2,200 residences for lack of building permits, leaving more than 13,000 Palestinians homeless (B'Tselem, August 2008). According to national NGOs and international organisations, issuance of building permits is based on a discriminatory policy which has consistently refused planning permission to Palestinians while giving Israelis permission to set up settlements (UN CHR, 17 January 2006; EU, 25 November 2005, paras.11-13; AI, 18 May 2004; B'Tselem, May 2002; OCHA, 27 May 2008). A Palestinian seeking a building permit to build on land in Area C and East Jerusalem must undergo a prolonged, complicated, and expensive procedure which generally results in failure of the application and demolition of any structure built in the interim. (ICAHD, March 2007; OCHA, 27 May 2008) Land registration has been frozen for thirty years, so many applications are refused on the grounds of failure to prove ownership of the land (B'Tselem, August 2008).

OCHA found that over 1,600 houses were demolished in Area C from 2000 to 2007 for non-adherence to building regulations. There are as 3,000 structures located in Area C with pending demolition orders, and at least ten small communities in the West Bank are at risk of being almost entirely displaced as they are subject to a large number of pending demolition orders (OCHA, 27 May 2008). Other communities, such as the Bedouin of the West Bank's Jordan Valley, face repeated displacement as their traditional rights remain unrecognised (ICAHD, October 2007). Those that protest against demolitions are subject to additional fines, harassment, and arrest (ICAHD, March 2007). In April 2008, Israeli authorities put into effect a moratorium on house demolitions due to the lack of building permits in Area C of the West Bank. This moratorium does not affect East Jerusalem where demolitions continue (OCHA, 15 July 2008).

Israel's security strategy has entailed the destruction of homes deemed close to Israeli security infrastructure, Israeli byroads and settlements, homes which provide cover for Palestinian militants as well as homes of Palestinian militants on punitive grounds. This has also involved widespread destruction of neighbourhoods, villages, and refugee camps for alleged security or military purposes (HRW, October 2004). Property destruction and displacement in the 1967 war caused the displacement of more than 10,000 people in Latruna villages near East Jerusalem, and in 1971, the demolition of approximately 2,000 homes in refugee camps in Gaza displaced nearly 16,000 (AI Haq, December 2007; HRW, October 2004).

In 2003, the building of a separation wall along the Philadelphi Corridor on Gaza's border with Egypt, to tackle weapon smuggling and protect Israeli forces, led to over 900 house demolitions (ARIJ, 8 April 2006; FIDH, October 2004). OCHA has estimated that between September 2000

and October 2004, more than 24,500 people were displaced by house demolitions in the Gaza Strip (OCHA, 1 October 2004).

The Israeli government argues that house demolitions constitute security measures undertaken in self-defence and necessitated by terrorist threats and that civilian houses in such context are legitimate military objects (MFA, 20 May 2004; B'Tselem, February 2002). Such demolitions have been contested as unlawful under international humanitarian law and human rights law for destruction of private or public property, unlawfully targeting civilian objectives, and for failing to conform to lawful military purposes and necessity (HRW, October 2004; UNSC, 19 May 2004).

Israeli incursions, in the West Bank and Gaza also remain a major source of displacement. The frequency of military incursions in response to, or in an attempt to quell, Palestinian militancy has increased during the second intifada, with thousands being undertaken annually with varying degrees of intensity. Close to 5,000 military searches and arrests took place in 2007 (OCHA, 6 July 2008; UN HRC, 21 January 2008). In 2007, Israeli incursions repeatedly affected the city of Nablus causing the destruction of homes which led to the displacement of over 200 people (Ma'an Development Centre, 21 February 2008; UN HRC, 21 January 2008). In Gaza Strip and to a lesser extent in West Bank, victims have been forced to seek refuge in public buildings, schools, or with host communities pending the end of hostilities (UNWRA, 19 November 2006; OCHA, 18 April 2008)

Up to 5,100 Palestinians were displaced during the height of violence in Gaza in June 2006 (OCHA, 31 July 2006). In a successive incursion in November 2006, over 1,000 homes were damaged with scores demolished (UNRWA, 19 November 2006). In February 2008, an incursion into Gaza temporarily displaced several hundred Palestinians and the homes of close to 800 persons were damaged and scores destroyed (OCHA, 18 April 2008). A buffer zone along Gaza's border to Israel extends from 500 metres to a kilometre inside Gaza Strip (OCHA, 22 January 2008; IRIN, 16 June 2008). Communities living in or in close proximity to this buffer zone remain at risk of displacement (OCHA, 22 January 2008).

The practice of Palestinian militants to launch rockets to Israel from civilian locations has also repeatedly placed Palestinian civilian communities at risk of Israeli retaliation (IDMC, March 2008). Indiscriminate Palestinian militant firing of rockets has hit Israeli cities of Sderot and Ashkelon, southern Israel, and been a source of internal displacement there though far inferior to displacement witnessed in the OPT (IDMC Israel overview, July 2007)

Israeli punitive demolitions against homes of Palestinian militants officially ended in 2005. From 1987 to 2005, 1,115 houses were completely demolished on punitive grounds which has widely been condemned as violating basic human rights of due process (B'Tselem, February 2005, and 15 November 2004).

There are also reports of Palestinians displaced as a result of intra-Palestinian violence in mid 2007 when Hamas took control over Gaza Strip, and during heightened intra-Palestinian clashes (Ha'aretz, 3 August 2008; B'Tselem, 2 January 2008; The Guardian, 18 June 2007). Though there are no clear figures on Palestinians displaced, observers have commented that such displacement has been quite negligible (IDMC, March 2008).

### **Direct displacement due to the Separation Wall**

In June 2002, the Israeli government started the construction of the Separation Wall, arguing that such a measure is necessary to prevent terrorist attacks against Israeli citizens by physically separating Israel and Israeli settlements from OPT (Israeli Ministry of Defence, 25 April 2005; B'Tselem, December 2005). This Wall consists of an eight-meter concrete construction in some

areas, while in others it takes the form of a barrier, from 60 to 100 meters wide, which includes buffer zones, a two-lane patrol road and fortified watchtowers (OCHA, 7 March 2004; ICJ, 9 July 2004). 87 per cent of the Wall's route does not adhere to the Green Line (the 1949 armistice line generally accepted as the border between the two entities), but penetrates into OPT, leaving approximately ten per cent of the Palestinian territory and approximately 35,000 people in addition to the majority of the 250,000 Palestinian residents of East Jerusalem on the Israeli side (ICJ, 9 July 2004; UNRWA and OCHA, 10 July 2008; UN HRC, 21 January 2008; AI, June 2007). As of January 2008, 57 per cent of the planned 723 kilometres had been completed (UNRWA and OCHA, 10 July 2008). Although Israel maintains that the Wall is a temporary structure, the international community including the International Court of Justice (ICJ) have asserted the illegality of the construction in the OPT and its irreversible human rights and humanitarian consequences, and called for its dismantlement (UN CHR, 17 January 2006; EU, 25 November 2005; ICJ, 9 July 2004).

The Wall's route includes on its Western side the great majority of Israeli settlements in OPT, and all of East Jerusalem, the establishment of which are illegal under international law and in violation of UN resolutions (UNSC, 22 March 1979; ICJ, 9 July 2004, para.119; UN HRC, 21 January 2008). The completed Wall will enclose 360,000 settlers including over 190,000 in East Jerusalem, in other words 83 per cent of the West Bank settler population, and an estimated 35,000 Palestinians living in "closed areas" between the Green Line and the Wall, in addition to the majority of estimated 250,000 Palestinians living in East Jerusalem (UNRWA and OCHA, 10 July 2008; B'Tselem, October 2005; UN HRC, 21 January 2008). On the eastern side, excluding East Jerusalem, an estimated 125,000 Palestinians in 28 communities live or will soon live in enclaves surrounded on three sides by the Wall, while an additional 26,000 Palestinians will be surrounded on four sides with a tunnel or road connecting them to the rest of the West Bank (UNRWA and OCHA, 10 July 2008).

The Wall has already displaced a significant number of people and threatens to provoke further displacement. In 2006, UN Special Rapporteur on the situation of human rights in OPT has referred to a "new generation of internally displaced persons" (UN CHR, 17 January 2006, para.20). However, there have been no comprehensive assessments on actual or potential displacement. A study undertaken by the Palestinian Central Bureau of Statistics (PCBS) in May 2005 estimated that 14,364 persons had been displaced in the 145 localities through which the Wall passes (PCBS, 25 September 2005). The Wall once completed threatens to displace some 90,000 Palestinians (RI, 25 September 2003).

Land confiscations to make way for the building of the Wall have been accompanied by the uprooting of thousands of olive and citrus trees and the destruction of wells, greenhouses, businesses and private houses (OCHA, February 2005; UNGA, 26 September 2005). Palestinian homes located a few metres from the Wall may also be under threat of demolition (OCHA, February 2005; UNGA, 26 September 2005).

Documentation of property and land losses due to the construction of the Wall has not been systematic. The UN Registry on Damages (UNROD) established by the General Assembly in December 2006 for that purpose and based in Vienna, Austria, has yet to become fully operational. (UNGA, 15 December 2006; Diakonia, 8 April 2008) Israel has not cooperated to date with UNROD on grounds that existing Israeli compensation mechanism is adequate (UNGA, 16 December 2006; Reuters, 7 April 2008).

The Wall prevents people on both sides from gaining access to their land, places of work, schools and health facilities infringing upon their rights to an adequate standard of living and to family life (OCHA, 31 July 2007; UN GA, 18 August 2005; UN CHR, 31 October 2003). According to the UN Secretary-General's Special Rapporteur on the right to food "With the fence/wall cutting communities off from their land and water without other means of subsistence," wrote in 2003

“many of the Palestinians living in these areas will be forced to leave” (UN CHR, 31 October 2003, para. 53). In Qalqiliya town, which is almost totally surrounded by the Wall, an estimated 6,000-8,000 people have left following impact of the construction of the Wall (UN CHR, 31 October 2003; HEPG and LACC, 4 May 2003).

Palestinians in the “closed zone” between the Green Line and the Wall must obtain Israeli residence permits to remain and other special permits to access land on the other side. Permits are now mostly denied because the owner or user of the land has not been able to prove ownership (UN CHR, 17 January 2006; OCHA, November 2007). As of July 2008, only 20 per cent of those who used to farm in the “closed zone” have been granted permits (UNWRA and OCHA, 10 July 2008). An OCHA survey noted that about 1,200 households had left because of the Wall, while an additional 1,100 heads of households were said to have left to find work elsewhere (OCHA, November 2007).

These communities in the closed zones are increasingly at risk of forced displacement. On 29 October 2007, Israel expelled 200 residents of Khirbet Qasa, a village west of Hebron that was between the Green Line and the Wall. The army then destroyed the village (B'Tselem, 14 July 2008).

### **Gradual and direct displacement in East Jerusalem**

Since the 1967 war and Israel annexation of East Jerusalem, the international community has condemned actions taken by Israel which have sought to change the legal status of occupied East Jerusalem in violation of international law (UNSC, 21 May 1968; UN HRC, 9 January 2007). Israeli and Palestinian organisations have criticised Israeli policies that have sought to judaise East Jerusalem, expand the municipality of Jerusalem, and maintain a Jewish majority in Jerusalem at the expense of the Palestinian community, in violation of international humanitarian law and human rights law (UN CHR, 12 July 1995; ICAHD, March 2007; B'Tselem, July 2006). Today, the approximate 250,000 Palestinian Jerusalemites in East Jerusalem represent around 30 per cent of the total population.

Until the construction of the Wall in and around East Jerusalem, these objectives were pursued through a series of discriminatory regulations and considerable investment in Jewish settlements in East Jerusalem, illegal under international law, coupled with the prevention of the development of Palestinian neighborhoods (UN CHR, 12 July 1995; B'Tselem, July 2006). As of 2005, there were 12 Jewish settlements in East Jerusalem with an estimated population of 192,000. Jerusalem Municipal planning and building regulations discriminately affect Palestinians including limiting residential construction to only seven per cent of East Jerusalem, restricting construction permits, and discriminately limiting the municipal budget at the expense of East Jerusalem (UN CESCR, 4 December 1998; JC SER, August 2001; ICHAD, March 2007; B'Tselem, July 2006). While Jewish neighbourhoods and settlements have access to the “amenities of a modern western city”, Palestinian neighborhoods lack even the most basic infrastructure including connection to sewage systems, and services including access to health services (B'Tselem, July 2006).

The housing crisis, high density of Palestinian neighborhoods and pervasive difficulties in acquiring building permits have forced Palestinians to build outside the city's municipal boundaries or in violation of Israeli laws. The Ministry of the Interior and the Jerusalem Municipality assert that between 15,000 and 20,000 buildings in East Jerusalem have been built without permits (ICAHD, March 2007). By building illegally, Palestinians expose themselves to fines and demolition; roughly 800 houses were demolished from 1991 to 2007, and from 2003 to 2007 alone, 993 Palestinians were made homeless, or displaced, as a result of house demolitions (ICAHD, March 2007; B'Tselem, August 2008). In recent years, the rate of demolition has grown

significantly, coinciding with new land expropriations and development plans of settlements in the heart of Palestinian neighborhoods such as in Ras-al-amud or the Mount of Olives (FMR, 2 September 2006).

The Separation Wall isolates East Jerusalem from the rest of the West Bank, and it also divides Palestinian neighbourhoods of East Jerusalem, leading to the economic and social decline of entire communities, as well as severing access to livelihoods, education, and health services for larger part of West Bank population (UNWRA and OCHA, 10 July 2008; OCHA 31 July 2007). Associated to other Israeli measures, the Wall is altering the demography of East Jerusalem, and provoking important population movements (Al Haq, October 2005; UN CHR, 17 January 2006). The route of the Wall around Jerusalem avoids Palestinian communities and includes the largest Israeli settlements established around East Jerusalem, establishing territorial continuity between the settlements and the city.

Approximately 25 per cent of Palestinians living in East Jerusalem have been cut off from the city by the Wall (UN HRC, 21 January 2008). They can now only reach Jerusalem by crossing a checkpoint to access the services to which they are entitled, and are at risk of losing their permanent residency status (OCHA, 31 July 2007). Palestinians with means to do so have relocated across the Wall, vacating complete neighbourhoods separated from East Jerusalem (IDMC, March 2008). A household survey undertaken in mid-2006 in Jerusalem showed that 17 per cent of Palestinians who had changed residence had done so because of the Wall and its associated permit regime, while 64 per cent of respondents were thinking of changing their place of residence for this reason (Badil, 4 July 2006).

Palestinians holding Israeli permanent residency permits who now find themselves on the West Bank side of the Wall are set to lose their residency status under the “centre of life” policy as these face increasing difficulties accessing work or basic services (Al Haq, October 2005; EU, November 2005; UN CHR, 17 January 2006). Under the “centre for life” policy Israel may revoke residency and social benefits of Palestinians who stay abroad for at least seven years, or who are unable to prove that their centre of life is in Jerusalem (B’Tselem, August 2008; OCHA, 31 July 2007). Israel has since 1967 revoked the residency rights of over 8,000 Palestinians (B’Tselem, August 2008; B’Tselem and Hamoked, 31 January 2004).

Palestinians are also at risk of displacement due to the ban on family reunification and child registration in Jerusalem which came into force in 2003. The law discriminately denies spouses from the OPT who are married to Israeli citizens or Palestinian permanent residents the opportunity to acquire Israeli citizenship or residency rights (HRW, 19 May 2006; UN CERD, 1 October 2004; Ha’aretz, 14 May 2006). Palestinian spouses may have to choose between living separately on different sides of the Wall or losing their residency rights in Jerusalem, the social benefits attached and their jobs (OCHA, 31 July 2007; UN CHR, 17 January 2006; UNGA, 26 September 2005; B’Tselem and Hamoked, 31 January 2004). In 2004, it was estimated that the policy affected between 16,000 and 24,000 families (OCHA, 31 July 2007). According to the UN Special Rapporteur on the Situation of Human rights in OPT, “Israel hopes to further reduce the Palestinian population of East Jerusalem by compelling spouses to move to the West Bank side of the wall” (UN CHR, 17 January 2006). In July 2008, the Knesset approved the extension of the Citizenship and Entry into Israel Law (Temporary Order) for an additional year until July 2009 (Adalah, 7 July 2008).

### **Freedom of movement, separation policy, and Israeli settlements**

The phenomena of displacement cannot be dissociated from the fragmentation of the OPT as a result of land appropriation, continuing restrictions in access and movements and development of two tier infrastructure which benefits Israeli settlers in the West Bank and East Jerusalem.

Roughly 38 per cent of the West Bank, including East Jerusalem, is off limits to Palestinians or their access is tightly controlled (OCHA, 30 August 2007 *and* 22 January 2008). This includes Israeli settlements and informal outposts, military infrastructure and firing zones, Israeli-designated nature reserves and “closed areas” or “seam zones” between the Wall and the Green Line.

Since 2000 the West Bank has been increasingly fragmented. It is now divided into six distinct areas: North; Central; South; the Jordan Valley (and northern Dead Sea); “closed areas”; and East Jerusalem (B’Tselem, January 2008). Travel between them is limited by an elaborate regime of physical obstacles and checkpoints – there were 678 such obstacles as of April 2008 – including permit restrictions (OCHA, May 2008). In contrast, Israeli settlers benefit from extensive infrastructure wherein many major roads are exclusively for Jewish settlers. A network of 1,661 kilometres of roads connects settlements, outposts, military bases, national parks and closed military areas. Palestinian access on to this network is restricted by an extensive closure regime (OCHA, 30 August 2007; B’Tselem, 7 August 2007). Such restrictive measures beyond acceptable limitations in law and of a discriminatory nature have been widely condemned by the international community.

This regime is intended to protect Israeli citizens from Palestinian militant attacks (NYT, 28 April 2008). Yet its severity discriminately restricts access to health and education services, employment markets and social and religious networks, and subjects people to humiliation and abuse (UN CERD, 17 August 2007; UN CHR, 21 January 2008; B’Tselem, 7 August 2007; ICRC, 12 December 2007; WB, 9 May 2007). For Palestinian and Israeli NGOs the closure regime combined with Israeli infrastructure and discriminatory policies, serves to limit Palestinian access to, and claims to land, and compel Palestinians to leave their homes (Al Haq, November, 2006; ICHAD, March 2007).

Figures of displacement linked to the closures remain difficult to identify for lack of systematic study and for the fact that such restrictions have usually combined with, or preceded, other factors to cause displacement. The situation of Nablus typifies the effects of the closure regime. 14 settlements and 26 outposts encircle Nablus, and the settlements are connected to each other by roads used primarily by settlers (OCHA, 30 August 2007). These roads are linked to ten checkpoints, including seven encircling Nablus. All Palestinians going in and out of Nablus are required to cross these checkpoints and depending on age or sex can be denied entry/exit, or prohibited outright for lengths of time (OCHA, 22 January 2008). The effects on the city have been significant, with unemployment soaring and access to health and education services reduced (OCHA, 30 August 2007). Many businesses have been forced to relocate, but though trends have been identified, clear figures of displacement are unavailable (Ma’an Development Centre, 21 February 2008).

For many observers, the presence of settlements, illegal under international law, is a leading cause of the closure regime consisting of wide ranging restrictions in freedom of movement. (OCHA, 30 August 2007; B’Tselem, 7 August 2007; UN CHR, 21 January 2008) In 2007, there were more than 450,000 settlers living in 149 settlements in West Bank including East Jerusalem, in addition to over 100 outposts. Despite the Annapolis peace initiative there has been a substantial increase in the construction rate of settlement growth and outposts throughout West Bank including East Jerusalem (Peace Now, March 2008; ARIJ, February 2008). This has coincided with a substantial increase in the number of demolitions and eviction orders in Area C as well as East Jerusalem (Badil, 22 January 2008; OCHA, 27 May 2008).

There is general consensus that a substantial percentage of land appropriation, permit restrictions, house demolitions and evictions has been undertaken for the benefit of settlements and related infrastructure, thus ensuring their contiguity and their connection to Israel, and allowing for further expansion on Palestinian land (HRW, October 2004; B’Tselem, December

2005; AI, June 2007). Settler violence, including harassment and intimidation has also contributed to internal displacement (B'Tselem, December 2005; Ha'aretz, 11 October 2006; B'Tselem, May 2007). Incidents include the destruction, vandalism and theft of land and property, crops and livestock. The majority of these incidents are reported close to Israeli settlements and other parts of Area C (OCHA, 30 August 2007; B'Tselem, July 2005). In Old Hebron, where 400 to 800 settlers reside under the protection of the IDF, a combination of stringent security restrictions in movement and settler intimidation and violence has led over 1,800 businesses to shut down and over 1,000 Palestinian homes to be vacated (41 per cent of homes in the area) the majority since 2000 (B'Tselem, May 2007; UN CERIPP, 5 November 2007).

### **Protection needs of displaced Palestinians**

Palestinians, displaced or not, face a deepening protection crisis. Intermittent cycles of violence, pervasive restrictions in movement and access, and discriminatory policies and regulations against Palestinians, underline the precariousness and protection needs of the Palestinian community as a whole. Internal displacement has had a significant negative impact on people's enjoyment of basic rights, as well as standard of living and access to services. Palestinians displaced, or at risk of displacement, face acute protection concerns, which cannot be disassociated from the wider crisis that is faced by the Palestinian community. There is no comprehensive study that can identify protection needs of those that are displaced or at risk of displacement.

The wide diversity of forms of displacement that affect urban as well as rural communities, individuals and communities, also reveals a wide array of differing needs and responses, amplified by the existing humanitarian and socio-economic situation in OPT. Thousands have had their homes demolished, and been unable to retrieve possessions, compelled to seek housing elsewhere or make makeshift shelters for fear of losing rights over their land (ICHAD, March 2007; OCHA, 27 May 2008). Displacement has entailed loss of family unity, social welfare and livelihoods, and has also had wide-ranging physical and psychological impacts including trauma and anxiety for children as well as lack of access to health, clean water, and education (OCHA, 27 May 2008).

There is no clearly understood geographical distribution of displaced communities due to lack of registration and frequent displacement (Badil, 12 September 2007). The limited size of OPT also confines options of displacement. Generally many are forced to relocate away from Israeli settlements and related infrastructure, military zones and security strips, and areas under construction of the Wall and its associated regime. Others displaced due to incursions have sought temporary shelter and protection with relatives, in public buildings or in schools until violence ends or longer-term accommodation with relatives or a broader host community becomes possible. In certain cases of displacement, the village unit has tended to remain united to some degree despite displacement, though this seems principally so for displacement arising immediately after 1967 (Badil, 12 September 2007).

Within this context, the humanitarian situation for all Palestinians in OPT has sharply deteriorated over the last eight years, aggravating the situation for displaced and non-displaced alike (UNWRA, 30 April 2008; OCHA, 16 February 2008). In late 2007, 2.3 million Palestinians (58 per cent) in OPT lived below the poverty line, while the incidence of extreme poverty in November 2007 was approximately 40 per cent in Gaza and close to 20 per cent in the West Bank (ILO, April 2008; Save the Children, 3 October 2007).

Nearly 50 per cent of Palestinian households are dependent on food assistance provided by the international community, including 1.3 million people (80 per cent) in Gaza, and 700,000 people (33 per cent) in the West Bank (ILO April 2008; UNWRA, 7 May 2008). Communities in close



proximity to the Wall, notably in the “seam zone”, and in the northern West Bank are facing acute crisis (OCHA, January 2006). Water and sanitation needs have increased in areas close to the Wall due to impaired access to water sources and the destruction of water networks and cisterns (OCHA, November 2005; UN CHR, 31 October 2003; UN CEIRPP, 16 April 2004). In Gaza, the water table and the water quality are falling to such an extent that UN-HABITAT has warned that the entire fresh water reserves are in danger of being exhausted by 2020 (OCHA, 30 November 2005).

The closure of Gaza has also stalled humanitarian and development projects including the planned rehabilitation and construction of over 5,000 shelters destroyed from 2000 to 2004 by the Israeli clearing policy (OCHA, 28 November 2007). The financial crisis besetting the PNA and the subsequent Hamas-led authority has also caused a drastic reduction in social assistance to vulnerable communities, including displaced people (IDMC, March 2008). Infrastructure remains limited, with basic services such as hospitals, water and sewerage systems significantly affected by the lack of electricity and fuel due to Israel’s sanctions (Oxfam, 7 March, 2008). A clear testimony to the severity of the crisis was attested in March 2007 when waste water from a treatment plant flooded the nearby Bedouin village of Um al Nasser, killing five, injuring 25 and causing the temporary displacement of over 1,400 people (OCHA, 29 March 2007).

### **National and international responses**

Israel retains “effective control” over OPT and therefore holds the responsibility to secure and provide for the basic needs of the occupied population as specified in international humanitarian law (ICRC, 10 April 2006; UN HRC, 21 January 2008). If Israel’s supplies are inadequate, it must agree to relief provided by outside sources and is obliged to allow the free passage of objects necessary to the survival of the civilian population. Israel is also a state party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination (ICJ, 9 July 2004; Al Haq, June 2005). Israel however denies the applicability of the Geneva Conventions and the human rights treaties to which it is party to the situation of OPT, but nevertheless asserts that it applies the humanitarian provisions of the Conventions mindful of its security obligations, and that the closure regimes, isolation of Gaza, and construction of the Wall are vital to prevent Palestinian violence and protect Israeli citizens and property (Israeli MFA, November 2003; AI, 23 March 2006).

Internal displacement is generally not recognised by Israel, if not denied. The Israeli state remains the primary perpetrator of forced displacement and does not provide assistance or protection to IDPs (Badil, 12 September 2007). In certain instances, compensation is made available as under a mechanism associated with the construction of the Wall, yet such processes are limited by lengthy procedures and requirements – particularly with regards to property ownership – and the low level of compensation afforded. Palestinian communities have also been wary of agreeing to compensations which would jeopardise future claims. There are no statistics on the numbers that have sought and received such compensation. It is generally remarked by Palestinian and Israeli NGOs that the building of settlements, access roads and infrastructure, and house demolitions is carried out without compensation (IDC, February 2004; IDMC, March 2008).

Legal mechanisms established by Israel’s military administration in the Territory have often failed to provide effective remedies for displacement. In most cases, the Israeli Supreme Court has accepted the Israeli army’s arguments on what constitutes military or security necessity (AI, 18 May 2004; Adalah, 27 July 2005; IDMC, March 2008). In a few cases the Court has noted the applicability of provisions of humanitarian law and human rights law without necessarily conceding the applicability of the Geneva Conventions or human rights treaties. The Israeli

Supreme Court has on occasion ordered re-routing of the Wall owing to its disproportionate consequences on the daily life of Palestinian residents yet in these instances it has never decided to limit the wall to the Green Line (B'Tselem, 22 March 2006; Adalah, July 2008). The Court has disregarded most challenges to the Wall and to the legality of settlements under international law. In March 2008, it ruled in favour of separate roads for Israeli use in OPT. (Adalah, July 2008)

The PNA has been marred by political turmoil, limited jurisdiction – confined to Areas A and B of the OPT – poor governance, and a fiscal crisis which reached its peak from 2006 to 2007. The PNA has nevertheless made land available in Gaza Strip for re-housing Palestinians displaced, and provided financial assistance to victims of house demolitions though cut short by the financial crisis faced (Badil, 12 September 2007; IDMC, March 2008).

The Palestinian Reform and Development Plan (2008-2010), recently unveiled in Paris in December 2007, could enhance PNA response to vulnerable communities, including the displaced. This shall depend on whether it is capable of surmounting existing obstacles, such as restrictions in movements, which have shown no signs of abating as of May 2008 (PNA, 12 December 2007 *and* 2 May 2008).

In Gaza Strip, since June 2007 when Hamas assumed de facto control, Israeli restrictions, lack of funding and lack of coordination between Palestinian bodies have affected its ability to respond to Palestinians and displaced alike. Reconstruction programmes, including shelter provision for displaced communities, have been on standby since Gaza's isolation, while local municipalities have sought to address the needs of vulnerable displaced and non-displaced groups through existing social networks and available humanitarian assistance (IDMC, March 2008).

There is no international agency with an explicit protection mandate to assist victims of displacement in the OPT. The situation attests to a protection gap that has not been addressed by the international community. Only recently has the humanitarian community within the OPT begun addressing displacement through application of the UN Collaborative Approach. The Inter-Agency Protection Sub-Working Group on Forced Displacement was established in February 2008 under the Protection Sector headed by OHCHR. The protection concerns of IDPs were also included as one of many priorities in the CAP in 2008 (OCHA, 10 December 2007).

Number of actors have sought to respond to concerns of victims of displacement within their respective mandates. UNWRA is the main agency charged with providing relief assistance to Palestinian refugees, and has also been mandated to provide emergency humanitarian assistance to people who have been displaced as a result of the June 1967 war and subsequent hostilities (UNGA, 10 January 2008). UNRWA responded in 2006 in Gaza by providing shelter and other assistance for over 5,000 displaced people and by delivering water and food to areas isolated by military incursions. ICRC, whose mandate does not distinguish between displaced and non-displaced people, has responded to the immediate needs of people internally displaced as a result of incursions, general hostilities and house demolitions in the West Bank and Gaza.

UNDP and UNRWA have both established projects for temporary shelter construction and repair in Gaza, which have however been halted since the siege (OCHA, 28 November 2007). By November 2007, UNRWA had reconstructed 1,029 destroyed homes and repaired a further 3,939, with a further 5,000 housing units envisaged, while UNDP projects aimed to construct over 500 shelters for non-refugee displaced (OCHA, 28 November 2007)

Several Palestinian, Israeli and international NGOs are also active in researching and publicising the Israeli policy of house demolitions and the impact of the Wall on Palestinian populations, a few of which (including ICHAD, Badil, Al Haq, and Adalah) also provide legal and other assistance to victims of eviction orders or house demolitions. NGOs have also sought to assist grass-root communities to prevent or seek to reverse processes of displacement, as in Hebron or

the villages of Bilin, Yanoun, and Al Aqaba in the West Bank (Al Majdal, October 2007; IHT, 16 May 2008; IRIN, 4 May 2008)

Humanitarian access is often limited by Israel while the closure regime is one of the main causes limiting the impact of donor and humanitarian assistance (WB, 9 May 2007, 24 September 2007 *and* 22 November 2004). Constraints have included restrictions on movement, imposition of special access permits as well as arrest and detention of national staff. There were 179 such incidents for the month of April 2008 alone (OCHA, May 2008).

National civic organisations have also been subject to confiscation of materials, raids and closures by all parties. Islamic charitable institutions in the West Bank have been repeatedly targeted in IDF attacks and searches (OCHA, November 2006 *and* 12 August 2008). In West Bank and Gaza, hundreds of civic associations and charities have been closed or raided by the PA or Hamas authority for alleged affiliation to one or the other faction (HRW, 30 July 2008). In July, at the height of renewed factional fighting, Hamas authority raided 180 associations for alleged links with Fatah. Some of these associations were running programmes supported by UN agencies (OCHA, 12 August 2008).

Israel's denial of humanitarian access has included denial of emergency and regular medical assistance, and blocking of the delivery of medicines, food and water during hostilities, and the curtailment of civilian access to medical services (WFP, 28 April 2006; OCHA, 11 April 2006 *and* 18 December 2007). The near complete isolation of Gaza, widely condemned as contravening international law and amounting to collective punishment, has endangered humanitarian agencies' supplies of basic and essential goods, and halted countless projects for lack of materials or resources (HRW, 24 January 2008; UNWRA, 30 April 2008; OCHA, 11 April 2006). This has at times been aggravated by militant attacks on crossing points between Gaza and Israel (IRIN, 13 September 2007).

The benefits of humanitarian and development assistance have been undone by recurring damage and destruction of property constructed or repaired with international funding. Property belonging to humanitarian organisations has also been demolished or damaged during Israeli incursions (IDC, 2 February 2004). International and national staffs of humanitarian agencies, including UNRWA and the ICRC, have been kidnapped in the last few years by Palestinian armed factions and some of their buildings and vehicles have been attacked by all parties to the conflict (WFP, 28 April 2006; OCHA, 11 April 2006; UNRWA, 8 August 2005).

This humanitarian and development assistance has mitigated the effects of the occupation policies, but has arguably, in the absence of political will to find a rights-based solution, generated further dependency and vulnerability (Badil, 12 September 2007). Lack of international political will has left a situation in which violations continue to be perpetrated. The international community at large has exerted little diplomatic pressure on Israel regarding compliance with the ICJ decision on the Wall (ICJ, 9 July 2004; UNGA, 20 July 2004), nor with regards to the legality of settlements under international law, or the evolving situation in East Jerusalem.

Forced displacement has been raised by certain rapporteurs including the Special Rapporteur on human rights in the OPT, and Special Rapporteur on the right to food, though not by the Special Representative on the human rights of IDPs or the UN Committee on Inalienable Rights of Palestinian People. There has been repeated condemnation of the worsening situation and violations of human rights and humanitarian law including "demographic manipulation" and forced displacement (UN CHR, 12 June 2002; UN CHR, 17 January 2006; UN GA, 15 January 2007). Yet, the international community has largely failed to address the situation of forced displacement in OPT in a systematic and comprehensive manner.

For the vast majority of Palestinians displaced, the return of those forcibly displaced remains tied to reversal of policies of occupation, such as the construction of the Wall and establishment of settlements that are a root cause of displacement, short of a final resolution to the conflict. Final negotiations will likely define the parameters of return for IDPs and refugees alike. These negotiations should be subject to a normative framework found in international law, particularly humanitarian law and human rights law, the Advisory Opinion of the ICJ, Security Council resolutions, as well as the Guiding Principles on Internal Displacement. The international community should take heed of the dangers of a 'peace process between unequals' without due regard to the normative framework of international law (UN CHR, 21 January 2008).

International NGOs and experts have underlined that the failure of the international community to address underlying sources of forced displacement including the Wall, settlement and bypass infrastructure, and the restrictive closure regime is increasingly rendering any notion of a two-state solution defunct (CARE et al, 25 February 2008). This is ever more pressing in light of the demographic realities that displacement entails and the continuing consequences that this will have in the search for a rights-based solution.

## CAUSES AND BACKGROUND

### Background

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#### Background from the 1967 war to First Intifada

- In June 1967, Israel occupies Sinai of Egypt; Gaza Strip, and West Bank (including East Jerusalem), and Golan Heights of Syria.
- Security Council calls upon Israel to withdraw from Occupied territories in resolution 242 enunciating land for peace principle, repeated in resolution 338.
- Following the 1973 war, negotiations leads to peace treaty between Israel and Egypt and an armistice between Israel and Syria.
- In the General Assembly recognised the Palestinians' right to sovereignty in resolution 3236. In 1979-1980, Security Council resolutions condemned the establishment of settlements.
- In 1988, the Palestine National Council formally committed the PLO to a two-state solution, called for an international peace conference on the basis of UN resolutions 242 and 338 and for Israeli withdrawal from all territories occupied in 1967.
- In 1987-1993 A mass uprising— Intifada—against the Israeli occupation began in Gaza and quickly spread to the West Bank. It took the form of civil disobedience and stone-throwing against the heavily-armed Israeli troops.

#### Security Council Report, 31 July 2008

**“5-10 June 1967:** Israel launched what it described as a pre-emptive strike against the Egyptian Air Force in the belief that Egypt and Syria were planning to invade. Israel defeated the combined forces of Egypt, Syria and Jordan, and captured the Sinai Peninsula and the Gaza Strip from Egypt, East Jerusalem and the West Bank from Jordan and the Golan Heights from Syria.

**August-September 1967:** In an Arab summit in Khartoum, Arab leaders resolved that there would be “no peace, no recognition and no negotiation with Israel.” ....

**22 November 1967:** The Council passed [resolution 242](#) calling for Israeli withdrawal and establishing the land for peace principle.

**1969-1970:** ... Israel also began the policy of establishing settlements in occupied territories.

**3 February 1969:** After Fatah gained control of the executive bodies of the PLO, Yasser Arafat was appointed PLO chairman. The organisation’s ideology was also refined, particularly in the July 1968 revised National Charter.

**September 1970:** The PLO, largely based in Jordan, was increasingly seen as a threat to internal security. Military action was taken against the PLO by King Hussein. This resulted in the PLO re-establishing its headquarters in Lebanon and the spawning of other more radical terrorist groups....

**6 October 1973:** In a surprise attack, Egypt retook the Suez Canal and a narrow zone on the other side, and Syria retook the Golan Heights. Following massive US re-supply, Israeli forces pushed back the Syrian army on the Golan Heights and regained the Sinai. Israel eventually made gains beyond the 1967 ceasefire lines. Saudi Arabia led a petroleum embargo against states that supported Israel.

**22 October 1973:** Security Council [resolution 338](#) called for a ceasefire and for negotiations for peace.

**25 October 1973:** UNEF II was established with the mandate to supervise the implementation of Security Council [resolution 340](#) (1973), which demanded that a ceasefire between Egyptian and Israeli forces be observed and that the parties return to their previous positions. Following the ceasefire, Israel withdrew from parts of the Sinai in stages, and from a small part of the Golan Heights.

**31 May 1974:** Syria and Israel signed a disengagement agreement over the Golan, which provided for an area of separation and for two equal zones of limited forces and armaments on both sides of the area. Israel partially withdrew and the Security Council, through [resolution 350](#), established UNDOF to implement the agreement.

**22 November 1974:** The General Assembly recognised the Palestinians’ right to sovereignty in [resolution 3236](#) and granted the PLO observer status in [resolution 3237](#). The US rejected official contacts with the PLO until the PLO accepted resolutions [242](#) and [338](#).

**15 March 1978:** Israel invaded Lebanon ... after the PLO hijacked a bus in Israel. On 19 March the Council adopted [resolution 425](#) calling for the withdrawal of Israeli forces and for the strict respect for the territorial integrity, independence and sovereignty of Lebanon....

**17 September 1978:** ....Israel agreed to withdraw from the Sinai Peninsula in exchange for peace with Egypt. The peace treaty was signed on 26 March 1979. The return of the Sinai to Egypt was completed in 1982.

**1979-1980:** The Security Council adopted several resolutions deploring Israel’s failure to abide by previous resolutions with particularly strong language against Israel’s policy of settlements in the occupied territories. [Resolution 446](#) of 22 March 1979 established a commission composed of three Security Council members to “examine the situation relating to settlements in the Arab Territories occupied since 1967, including Jerusalem.” In response to Israel’s enactment of a

“basic law” in 1980 proclaiming a change in the status of Jerusalem, effectively annexing East Jerusalem, the Council adopted [resolution 478](#) of 20 August 1980.

**6 June 1982:** Israel launched a massive invasion of Lebanon—Operation “Peace for Galilee”—to fight PLO bases near Israel’s northern border....PLO forces were defeated and expelled from Lebanon....

**July 1988:** Jordan disengaged from the West Bank.

**15 November 1988:** The Palestine National Council formally committed the PLO to a two-state solution, called for an international peace conference on the basis of UN resolutions [242](#) and [338](#) and for Israeli withdrawal from all territories occupied in 1967.

**Mid-December 1988:** The PLO Chairman Yasser Arafat accepted resolutions [242](#) and [338](#), recognised Israel’s right to exist and condemned terrorism.

**December 1987-1993:** A mass uprising—the first Intifada—against the Israeli occupation began in Gaza and quickly spread to the West Bank. It mainly took the form of civil disobedience and stone-throwing against the heavily-armed Israeli troops.”

**See Also:**

[Humanitarian Law in the OPT: The Territory and the People](#), **Diakonia**, 12 May 2006

[Guide to the Mideast Peace Process](#), **Israel Ministry of Foreign Affairs (MFA)**, 21 November 2007

[39 Years of Occupation](#), **al-Haq**, 5 June 2006

[Israel and the Palestinians: A History of Conflict](#), **BBC News**, August 2008

**From 1991 to 2006: Making and Limits of Oslo Accords.**

- Madrid Peace Conference in 1991 reinitiated bilateral and multilateral negotiation tracks, culminating in the Oslo Accords in September 1993.
- The Oslo Accords in 1995 established the Palestinian Authority and granted Palestinians right to self government in Gaza Strip and in Jericho in the West Bank
- Palestinian National Authority was established in 1996 following elections of the Palestinian National Council, and Yasser Arafat was elected President.
- By 1999, the schedule outlined in the Oslo Accords was not adhered to, with further withdrawals hindered by disagreements over final status issues.
- Tensions and failure of arriving at political settlement would lead to second intifada – also known as al Aqsa intifada in 2000 to date. As of 2008, the intifada has not been officially ended.

**Security Council Report**, 31 July 2008

**30 October 1991:** Initiated by the US, the Madrid Peace Conference for peaceful resolution of the Middle East Conflict gathered Israel, Syria, Lebanon, Jordan and the Palestinians.

**13 September 1993:** Israel and the PLO agreed to mutual recognition in the Oslo Declaration of Principles. Yasser Arafat and the PLO were allowed to return to Gaza.

**26 October 1994:** Israel and Jordan signed a peace treaty, guaranteeing Jordan the restoration of its occupied land and equitable share of water from the Yarmouk and Jordan rivers, and defining Jordan's western borders. It also had a normalisation and defense and security component. Finally, the treaty outlined a number of areas in which negotiations would continue.

**28 September 1995:** The Oslo Interim Agreement was signed. It granted the Palestinians right to self-government on the Gaza Strip and the city of Jericho in the West Bank through the creation of the Palestinian Authority. It called for a redeployment of the Israeli Army to allow elections to take place.

**January 1996:** Elections allowed the Palestinians to set up the Palestine National Authority (PNA) as a negotiating partner representing the Palestinians, and as an administrative authority over the Palestinians. Yasser Arafat was elected President.

**October 1998:** The Wye River Plantation talks resulted in an agreement for further Israeli withdrawals from the West Bank, release of political prisoners and renewed Palestinian commitment to the Oslo accords.

**4 May 1999:** The five-year interim period defined by Oslo for a final resolution passed without being fully implemented. Further withdrawals from occupied land were hindered by disagreements and final status talks (on Jerusalem, refugees, settlements and borders) stalled.

**28 September 2000:** Palestinians initiated riots after leader Ariel Sharon visited the Temple Mount starting the second Intifada.

**March 2002:** Saudi Prince Abdullah announced a peace plan, according to which Israel would withdraw from the occupied territories in return for Arab recognition. On 12 March, the Security Council adopted [resolution 1397](#), demanding an "immediate cessation of all acts of violence" and "affirming a vision of a region where two states, Israel and Palestine, live side by side within secure and recognized borders".

**10 April 2002:** The Quartet, comprising the US, the UN, Russia and the EU, was founded with the aim of mediating the peace process. It issued its first statement calling for a two-state solution.

**19 November 2003:** The Council passed [resolution 1515](#) endorsing the Quartet's roadmap for peace.

**8 December 2003:** The UN General Assembly adopted [resolution ES-10/14](#) asking the International Court of Justice for an opinion on the legality of the Israeli security barrier in the West Bank.

**9 July 2004:** The International Court of Justice ruled that the Israeli security barrier violates international law and should be dismantled. The UN General Assembly later adopted a resolution demanding that Israel cease the construction of the wall and dismantle its structure ([A/RES/59/124](#) of 25 January 2005). Israel said it would ignore the resolution.

**August-September 2005:** Israel pulled out from four West Bank settlements and from Gaza."

**See Also:**

[Humanitarian Law in the OPT: The Territory and the People](#), Diakonia, 12 May 2006

[Guide to the Mideast Peace Process](#), Israel Ministry of Foreign Affairs (MFA), 21 November 2007

[39 Years of Occupation](#), al-Haq, 5 June 2006

[Israel and the Palestinians: A History of Conflict](#), BBC News, August 2008

### **Years 2006 - 2008: Palestinian Legislative Elections of 2006 to Gaza-Israeli Truce 2008**

- Following Hamas election in the Palestinian Legislative Elections in January 2006, Israel and international community boycott the Palestinian National Authority
- Intra-Palestinian tensions escalate through 2006 to 2007 culminating in June 2007 in Hamas taking control of Gaza Strip, and formation of new government by the Palestinian President.
- Shortly thereafter, the international community pledge support to the Palestinian National Authority, with the United States leading Annapolis peace conference held in November 2007
- In September 2007 Israel declares Gaza an enemy territory and proceeds to further reduce essential services and deliveries to Gaza forcing Gaza on the verge of humanitarian crisis.
- In June 2008, a ceasefire is declared between Israel and Hamas. Israel reopens the border crossings though the truce remains under tension.

### **Security Council Report**, 31 July 2008

**"26 January 2006:** Hamas won the Palestinian Legislative Council elections and Ismail Haniya, Hamas leader, became the Palestinian Authority Prime Minister. Israel, the US, the EU (considering Hamas a terrorist organisation) and some Arab states suspended all foreign aid, upon which Palestinians depend, promising to resume it if Hamas recognised Israel, accepts agreements made by the defeated Fatah regime and denounces violence. Despite the suspension of aid and border interdictions imposed by Israel, Hamas was able to smuggle enough money into the Palestinian territories to maintain some basic services. The defeated Fatah party maintained control over most of the Palestinian security apparatus.

**March-December 2006:** After the Fatah movement of the Palestinian Authority President, Mahmoud Abbas, refused to join a government led by Hamas, tensions between the two factions escalated. Several Hamas and Fatah leaders were assassinated and violent street clashes erupted in Gaza, leaving many dead.

**9 May 2006:** The Quartet endorsed a temporary mechanism to funnel assistance directly to the Palestinian people, bypassing the newly elected Hamas government....

**28 June 2006:** Israel launched an operation in the Gaza Strip to recover the Israeli soldier kidnapped by Hamas and stop Qassam rocket fire into Israel. It turned into a large-scale conventional battle between Hamas and the Israeli Defense Forces (IDF) that lasted until November. The operation did not succeed either in recovering the kidnapped soldier or in stopping the rocket attacks....

**15 December 2006:** After another failure to form a unity government between Fatah and Hamas, Mahmoud Abbas called for a Palestinian general election, but Hamas refused, maintaining its right to hold the full term of its democratically elected offices. Severe fighting broke out in the West Bank and continued throughout January 2007 in Gaza.



**8 February 2007:** Hamas and Fatah met in Mecca and reached an agreement to form a new unity government. A ceasefire was also agreed, but incidents continued through March and April....

**June 2007:** Hamas forces attacked Fatah forces and took control of the Gaza Strip. Fatah responded by reasserting control of the West Bank. On 14 June, President Mahmoud Abbas dissolved the unity government and declared a state of emergency. A summit in Sharm el Sheikh attended by Egypt, Jordan, Egypt and the Palestinian Authority pledged support to the Abbas government....

**19 September 2007:** Israel declared Gaza an enemy entity and indicated possible intentions to interrupt all essential services to the civilian population, such as electricity and fuel. The flow of people and commercial goods through border terminals had already been cut sharply. The UN Office for the Coordination of Humanitarian Affairs said that, if realised, the threatened Israeli restrictions would most likely lead to a humanitarian crisis.

**27 November 2007:** A US-sponsored conference convening Israeli Prime Minister Ehud Olmert and Palestinian President Mahmoud Abbas took place at the US Naval Academy in Annapolis. Participants also included the members of the Quartet, members of the Arab League (including Egypt, Jordan, Lebanon, Saudi Arabia and Syria), the G8, the P5 and other key international actors. In a joint understanding, both parties agreed to engage in negotiations within the framework of a steering committee led jointly by the delegation of each party, with a view to reaching an agreement before the end of 2008. The parties also pledged to implement their respective road-map obligations to a permanent two-state solution to the Israeli-Palestinian conflict, issued by the Quartet on 30 April 2003. "

#### **Palestinian-Israeli Journal of Politics, Economics and Culture, July 2008**

**6 January 2008:** According to Haaretz, the Israeli housing ministry is pushing forward with the construction of more than 1,000 residential units in East Jerusalem's Har Homa neighborhood, on land held by "absentee" Palestinians from the Bethlehem area. The move is in violation of both an instruction from the attorney-general to stop applying the absentee law in East Jerusalem and explicit promises to the U.S. not to apply that law in the capital's eastern quarters....

**8 January 2008:** Israeli PM Ehud Olmert and Palestinian President Mahmoud Abbas meet in Jerusalem to confirm the agreement to create negotiating committees and teams that will tackle the conflict's core issues....

**23 January 2008:** Tens of thousands of Palestinians pour out of Gaza into Egypt after masked gunmen blow dozens of holes in the wall marking the border, rushing to buy food, fuel and other supplies that have become scarce in Gaza due to the Israeli blockade on the Strip. "It is the responsibility of Egypt to ensure that the border operates properly, according to signed agreements," said Israeli Foreign Ministry Spokesman Aryeh Mekel....

**18 February 2008:** In an interview with Haaretz after his visit to Sderot, the United Nations' Undersecretary-General for Humanitarian Affairs Sir John Holmes says that the response to the Qassam rocket attacks must be proportional from a humanitarian point of view. He warned Israel against an invasion of the Gaza Strip and said that the crisis in the south can be solved only by diplomacy....

**2 March 2008:** The European Union joins the United Nations in condemning what it calls the "disproportionate" use of force by the Israeli forces in Gaza after more than 60 Palestinians are killed in the highest single-day toll since fighting erupted in 2000. In a statement, the EU urged

Israel to halt activities that endanger civilians, saying they were contrary to international law. It also called for an immediate end to Palestinian rocket attacks on Israeli territory and insisted that the peace process should not be interrupted....

**6 March 2008:** A coalition of 8 British-based human rights organizations release a scathing report claiming that the humanitarian situation in the Gaza Strip is at its worst since Israel captured the territory in 1967. The report said that more than 1.1 million people, about 80% of Gaza's residents, are now dependent on food aid, unemployment is close to 40%, and close to 70% of the 110,000 private-sector employees have lost their jobs. It added that hospitals are suffering from power cuts of up to 12 hours a day, and the water and sewage systems were close to collapse....

**23 April 2008:** The head of the UN relief operations in Gaza says that if Israel does not supply gasoline to Gaza immediately the UN would not be able to distribute desperately needed aid packages to Gaza residents. Some 860,000 of Gaza's 1.4 million people receive aid from UNRWA, and an additional 270,000 are serviced by the UN's World Food Program....

**19 June 2008:** The agreement for an Egyptian-proposed ceasefire between Israel and Hamas in the Gaza Strip goes into effect ...."

**See Also:**

[Humanitarian Law in the OPT: The Territory and the People](#), Diakonia, 12 May 2006

[Guide to the Mideast Peace Process](#), Israel Ministry of Foreign Affairs (MFA), 21 November 2007

[39 Years of Occupation](#), al-Haq, 5 June 2006

[Israel and the Palestinians: A History of Conflict](#), BBC News, August 2008

## Methodology

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### Methodology: Internal Displacement/Forced Displacement in the OPT

Methodology: who is an IDP in Israel and in the Palestinian territories

The Global IDP Project has decided to provide two profiles on internally displaced persons (IDPs): one for Israel and one for the Palestinian territories. The reasons behind this decision are explained below, as our conclusions may be subject to debate. We have looked at the definition of refugees according to UNRWA (United Nations Relief and Works Agency for Palestine Refugees), the definition of refugees in the 1951 Refugee Convention, and the IDP definition according to the UN Guiding Principles on Internal Displacement.

Mandate of the UNRWA A separate regime was created in December 1949 to provide assistance to the Palestinian refugees. The mandate of UNRWA was to assist all those who were residents in Palestine in 1946 and who lost their homes and livelihood in 1948 (UNRWA Overview). The definition of a Palestinian refugee included the people who lost their homes in 1948 but remained in what became the State of Israel. From 1950 to 1952, UNRWA assisted both the people who had fled or were driven from the State of Israel (1949 armistice line) and those who had lost their homes but stayed in what had become the State of Israel. In 1952, Israel took over the responsibility of the ones who had remained in Israel. Today, UNRWA provides basic services -

education, health, relief and social services - to over 3.8 million registered Palestine refugees in the Middle East (as of June 2001).

"Refugee" according to UN 1951 Convention Article 1 of the UN 1951 Refugee Convention defines a refugee as "a person who is outside his/her country of nationality or habitual residence; has a well-founded fear of persecution because of his/her race, religion, nationality, membership in a particular social group or political opinion; and is unable or unwilling to avail himself/herself of the protection of that country, or to return there for fear of persecution." (UN 1951 Refugee Convention).

"IDPs" according to the UN Guiding Principles on Internal Displacement: "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 Displacement). The Global IDP Project does not cover internal displacement due to natural and human-made disasters.

### **How to apply the above definitions in the case of Israel and the Palestinian territories**

Usually, the main way to distinguish between who is a refugee and who is internally displaced, is to look at whether the displaced have crossed an international border. According to UNHCR, "Refugees are people who have crossed an international border into a second country seeking sanctuary. Internally displaced persons (IDPs) may have fled for similar reasons, but remain within their own territory and thus are still subject to the laws of that state" (UNHCR 2002). This principle is problematic with the Palestinian refugee situation, because of the absence of agreed borders between Israel and some of its neighbors, including the Palestinian territory. Also, the Palestinian refugees were explicitly excluded from the coverage under the 1951 refugee convention, because they were covered under UNRWA (UN 1951 Refugee Convention, Introductory Note). To determine who is a refugee or an internally displaced person in Israel or in the Palestinian territories, we have compared the IDP definition with the one of refugees from the UN 1951 Convention. Using these definitions, we define five classes of displaced Palestinians:

#### **1. Palestinians, who fled or were driven from their homes in 1948 from Israel for Lebanon and other recognized states.**

These Palestinians became refugees and not internally displaced since they went from their country of habitual residence, whether considered the British mandate of Palestine or Israel, to Lebanon, etc. Even though they may not have crossed an agreed upon border, as in the case of Lebanon, they are still clearly outside their country of origin and defined as refugees.

#### **2. Palestinians, who fled or were driven from their homes from Israel in 1948 to Gaza and the West Bank.**

These Palestinians are refugees and not IDPs. They were displaced from what came to be Israel in 1948 to what is currently defined as the Occupied Palestinian Territory consisting of Gaza, and West Bank (which includes East Jerusalem). The contested borders are defined as per the Armistice Line of 1948, otherwise known as the Green Line.

Even though there is no agreed border between the Palestinian Territory and Israel, the international community has identified this Territory per the Armistice Line as under occupation and benefiting from humanitarian and human rights law regime, and has condemned Israeli de jure and de facto annexation of territory beyond the Armistice Line.

Israel annexed East Jerusalem, and in the construction of the Wall/Barrier has been condemned for illegally annexing areas between the Wall/Barrier and the Armistice Line. Israeli annexation of

East Jerusalem and de facto annexation of territory does not change the refugee status of Palestinian refugees.

**3. Palestinians, who fled or were driven from their homes during the 1948 war, and after that date, but remained within what has become the State of Israel.**

These Palestinians are not refugees, but are internally displaced persons. Palestinians who fled or were driven from their homes during 1948 still seek to return to their former homes, and do have outstanding claims against the State of Israel. They have Israeli citizenship. Most of them have joined forces under the National Committee for the Rights of the Internally Displaced in Israel to negotiate directly with the State of Israel.

Palestinian-Israelis, including Bedouin communities in the Negev, who have been forcibly displaced since 1948 are identified as internally displaced persons. Palestinian Israelis have been displaced as result of discriminate policies entailing land appropriation, eviction orders and house demolitions causing displacement.

**4. Palestinians, who are forcibly displaced from their homes in OPT, but have not left the Territory.**

These Palestinians are not refugees, since they have not left their country. They are internally displaced persons, because their displacement was a result of violations of human rights and humanitarian law. According to the Oslo Accords, Gaza and West Bank are considered as a single territorial unit (see Declaration of Principles on Interim Self-Government Arrangements, September 13, 1993), so movement between the two areas does not confer refugee status.

**5. Palestinian refugees who are forcibly displaced from their homes in OPT but have not left the Territory.**

These Palestinian refugees residing in OPT are categorised as 'secondary displaced refugees'.

Though they are not IDPs as their place of origin lies within Israel, they are identified as persons of concern for IDMC, because they have suffered from displacement within the OPT which exacerbates their vulnerability and exhausts their coping mechanisms. The term forced displacement refers to both IDP and secondary displaced refugees displaced within the OPT.

Secondary displaced refugees are of concern to IDMC on several grounds: (1) a protection gap persists in the OPT noting that UNWRA's protection mandate is confined to 'passive protection' (2) secondarily displaced refugees and IDPs as victims of displacement, or multiple displacement, show similar protection and humanitarian needs; and (3) excluding secondary displaced refugees would fail to take note nature, scope and severity of displacement taking place.

The inclusion of 'secondarily displaced refugees' as a category of concern takes note that there are significant differences to bear in mind: (1) Palestinian refugees benefit from distinctive regime through a UN mandated agency, albeit providing 'passive protection', whereas there is no agency specifically mandated to address IDPs in the OPT. (2) Durable solutions, notably with regards to the question of return, are quite distinct for both categories of IDPs and 'secondary displaced refugees'.

**Conclusion:**

IDMC advocates for recognition of internally displaced populations and secondary displaced refugees in OPT based on the UN Guiding Principles on Internal Displacement and relevant body of law. This gives visibility to people whose specific plights are neglected by authorities, and international community. IDMC considers as internally displaced in Israel those who fled or were driven from their homes during the 1948 war but remained within what became the State of Israel and who are still seeking to go back to their former homes.

## Causes

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### Principal Causes of displacement in the OPT

- The 1967 war, and subsequent Occupation, are the principle causes of displacement in the OPT since 1967. This includes the destruction of villages within Green line during and shortly after 1967 war including areas in East Jerusalem
- Internal displacement has largely been the result of house demolitions and land confiscation by Israel in connection with the construction of the West Bank Wall, establishment of settlements and subsequent expansion, and associated two tier infrastructural development.
- Other sources of displacement include Israeli military incursions in West Bank and particularly in Gaza including the creation of buffer zones in northern Gaza and along the Philadelphia Corridor.
- Several indirect forms of displacement are attributed to the 'closure regime' as it applies in the West Bank, construction of the wall, and settlement expansion and settler violence including intimidation by Israeli forces.

**CARE International, NRC, DIAKONIA, Doctors Without Borders, Premiere Urgence, ICAHD, MA'AN Development Centre, and CISP, 25 February 2008**

"Forcible displacement is both a consequence and root cause of the Israeli-Palestinian/Arab conflict. The international community needs to address forced displacement in OPT as a matter of urgency. While restrictions on freedom of movement and closure continue to have grave consequences in both Gaza and the West Bank and many Palestinians are thus unable to leave their habitual places of residence, many of those same Palestinians have been previously displaced, and still more continue to be forcibly displaced daily.

The deteriorating security situation and policies of occupation – military incursions, settler expansion, demolishing of homes, and land appropriation, revocation of residency permits, construction of the Separation Wall and its associated regime which includes fences, barriers, security systems, land and property confiscations, permits systems and regulations, and considerable environmental degradation – continues to cause displacement changing the demographic boundaries of the OPT within the confinements of a territory increasingly subject to restrictions on people's movement tantamount to a state of siege.

If the international community is committed to the establishment of a Palestinian State then displacement must be systematically and comprehensively addressed as a matter of urgency. The changes to facts-on-the-ground by means of forcible displacement, and the international community's modest response is rendering a political solution to the Palestinian right of self determination increasingly bleak and unforgiving."

**al-Haq, December 2007**

"Unfortunately, the destruction of the property of the Latroun villages which was set in motion before the Six-Day War had ended was not an exceptional incident never to be repeated by the Israeli army in the OPT, but, rather, the start of a trend. This trend forged ahead with the destruction of the entire Mughrabi Quarter in the Old City of occupied East Jerusalem on the night of 11 June 1967, with 135 Palestinian families roused from their sleep to look on helplessly as Israeli bulldozers mowed down their homes and the area's two mosques. The trend has

continued through the 40 years of Israel's occupation of Palestinian territory since the Six-Day War, resulting in the destruction of over 18,000 Palestinian homes and reaching its nadir during the second intifada, with destruction of property being carried out extensively and with impunity, from Jenin in the northern West Bank to Rafah in the southern Gaza Strip, in persistent violation of international humanitarian law. "

**al-Haq**, November 2006, p.35

"The hardships imposed on the population of al-Nu'man are indicative of a concerted and deliberate policy on the part of Israel to force the villagers to leave. The Occupying Power's systematic property destruction, land appropriation and *de facto* annexation, physical and psychological harassment and restrictions on movement all combine to create living conditions so unbearable as to bring about the gradual indirect forcible transfer of residents out of the village."

See Also:

[Human Rights Situation in Palestine and Other Arab Occupied Territories A/HRC/7/17](#), **UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967**, 21 January 2008

[18,000 Houses Destroyed](#), **Israeli Committee Against House Demolitions**, December 2006

[Nablus From Economic Metropolis to Shrinking City](#), **Ma'an Development Centre**, 21 February 2008

[Israel Maintains its Programme of Population Transfer as More Palestinians are Forcibly Displaced from their Homes and Lands](#), **BADIL Resource Center for Palestinian Residency and Refugee Rights**, 22 January 2008

[Survey of Palestinian Refugees and Internally Displaced Persons 2006-2007](#), **BADIL Resource Center for Palestinian Residency and Refugee Rights**, 12 September 2007

[18,000 Houses Destroyed](#), **Israeli Committee Against House Demolitions**, December 2006

[Palestinian Towns and Villages: Between Isolation and Expulsion](#), **Ma'an Development Centre**, 2007

## **Peace Process**

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### **Peace efforts**

- There have been numerous peace initiatives prior and since 1948 with regards to the Israeli-Palestinian conflict. More recently the Oslo Agreement of 1993 forms the backdrop of present negotiations.
- Though the Oslo Agreement would be considered a milestone in the peace process, many of the key issues were left for future negotiations which remain to be finalised. . As no final settlement has yet been agreed, this interim situation has remained geographically frozen.
- The Oslo Agreement would demarcate the Occupied Palestinian Territory as one continuous territorial entity consisting of West Bank, and Gaza.
- In the past five decades of Middle East peacemaking (the 'international community') as the preferred solution the most recent formulation is found in the April 2003 Performance-Based Road Map to a Permanent Two-State Solution to the Israeli-Palestinian Conflict endorsed by the Security Council.

**UN Office for the Coordination of Humanitarian Affairs (UN OCHA), May 2008, Annex I**

The Oslo negotiations between Israel and the Palestine Liberation Organization (PLO) called for the transfer of power from the Israeli military and its civil administration to Palestinian authority. This phased transfer of power, called for in the 1993 *Declaration of Principles*, saw its first implementation following the 4 May 1994 signing of the *Agreement on the Gaza Strip and Jericho Area*, and the Palestinian Authority's (PA) deployment in those two areas. As part of this phased process, the 1995 *Israeli-Palestinian Interim Agreement on the West Bank and Gaza Strip* divided the West Bank (with the exception of East Jerusalem) into three areas: A, B and C. Area A was made up of the major Palestinian cities and came under Palestinian civil and security authority. Area B comprised most Palestinian rural communities. In this area, civil authority was transferred to the Palestinian Authority and security authority was shared by Israelis and Palestinians. In Area C, Israel retained military authority and control over the building and planning sphere, while other civil matters were transferred to the Palestinian Authority. As a result of direct negotiations, there were a series of IDF re-deployments in the West Bank between 1994 and 2000. By 2000, approximately 36% of the West Bank had been categorized as Areas A and B, while the majority of the West Bank was Area C. There has been no official change to this division since the beginning of the second Intifada in September 2000. Even though the interim arrangements were supposed to be temporary, as no final political settlement had been agreed between Israelis and Palestinians, this interim situation has remained frozen.

**UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, 21 January 2008**

56. The Oslo Accords have been criticized for failing to consider normative aspects of the Palestinian issue. In particular they failed to pay adequate attention to international law and to the human rights dimension. It is important that the Annapolis process does not make the same mistake. Unfortunately the first indications suggest that this is a serious possibility as the joint statement of 27 November agreed to by the parties as a starting point for the negotiations is premised on the proposals contained in the Quartet road map of 2003 rather than on the legal norms proclaimed by the International Court of Justice in its Advisory Opinion on the construction of the wall. Indeed the joint statement makes no mention of the Advisory Opinion at all. The Secretary-General in his statement at Annapolis also invoked the road map but made no mention of the Advisory Opinion. In the opinion of the Special Rapporteur, the road map is an inappropriate and unhelpful framework for negotiations for the following reasons. First, it is outdated as it takes no account of the Advisory Opinion, Palestinian democratic elections, Israel's withdrawal from Gaza and the June 2007 separation of Gaza from the West Bank. Second, Israel attached 14 reservations to the road map in May 2003, which makes Israel's commitment to it unclear. Third, it is, in its own language, "a performance-based and goal driven roadmap" which takes little account of the normative aspect.

57. It must be recalled that article 47 of the Fourth Geneva Convention provides that persons in an occupied territory shall not be deprived of the benefits of the Convention by any agreement concluded between the authorities of the occupied territory and the occupying Power, or by the annexation by the occupying Power of part of the occupied territory. This means that any agreement between the Palestinian authorities and the Israeli Government that recognizes settlements within the occupied Palestinian territory, or accepts the annexation by Israel of Palestinian land within the wall, will violate the Fourth Geneva Convention. This is but one example of the dangers of a peace process between unequals which has no regard to the framework of international law. In its approach to previous peace negotiations, the Israeli Government has insisted on negotiations being restricted to the agreed framework. The

Annapolis joint statement which refers refers only to the road map suggests that Israel does not see itself as being bound by the normative framework accepted by the United Nations.

58. In the opinion of the Special Rapporteur negotiations should take place within a normative framework, with the guiding norms to be found in international law, particularly international humanitarian law and human rights law, the Advisory Opinion of the International Court of Justice, and Security Council resolutions. Negotiations on issues such as boundaries, settlements, East Jerusalem, the return of refugees and the isolation of Gaza should be informed by such norms and not by political horse-trading. In this respect parties might learn from the experience of the negotiations that led to a democratic South Africa in the mid-1990s, which took place within the framework of accepted democratic principles, the rule of law and international law (with special reference to human rights law).

59. The creation of a Palestinian State will not heal the wounds of 60 years of conflict. If real peace and security is to be achieved every effort should be made to achieve reconciliation between Palestinians and Israelis. To do this it will be necessary for both people to address the events, actions and sufferings of the past. Consideration should therefore be given to the establishment of a Truth and Reconciliation Commission to hear the stories of the sufferings of both peoples. Without truth-telling of this kind tensions between Palestinians and Israelis will remain to threaten peace between the two nations.

**BADIL Resource Center for Palestinian Residency and Refugee Rights**, 12 September 2007, p.164

Resolving the plight of refugees and internally displaced persons in accordance with international law has become an integral part of peace agreements. A rights-based approach to refugees and IDPs includes acknowledging the right to return, property restitution and compensation, and has been recognized as one of the pillars of just and durable peace. However, peace negotiations between Israel and Arab states, and later the Palestine Liberation Organization (PLO), have not followed a rights-based approach. Official efforts to find a solution to the Palestinian refugee question have been politically driven, and this has sidelined Palestinian refugees and IDPs, as well as their rights to return, restitution and compensation. A first round of official negotiations on the question of 1948 Palestinian refugees was facilitated by the United Nations (1949–1952) and based on UN Resolution 194. A second round was conducted under the sponsorship of the United States and based on the 1993 Declaration of Principles (Madrid-Oslo process 1991–2001). The issue of 1967 Palestinian refugees was raised during the peace negotiations between Egypt and Israel in the late 1970s (at Camp David), as well as during the interim negotiations of the Madrid-Oslo process. Internally displaced Palestinians in Israel and the OPT, considered an internal matter by those taking part in the discussions, were not explicitly addressed during the negotiations of the Madrid-Oslo process.

These politically-driven efforts, however, have failed to bring about Israeli Palestinian peace or indeed durable solutions for Palestinian refugees and IDPs. The gap between the positions of the negotiating parties has remained unbridgeable, as Israel rejects refugee return and restitution as a principle or right, so as to safeguard a Jewish majority among its population and retain control over land confiscated from Palestinian refugees. Regardless of persistent demands by Arab states and the PLO, no mechanism for enforcing international law, including UN Resolution 194, has been established in peace negotiations with Israel, due to the lack of political will on the part of powerful Western states, most recently the United States and the European Union within the framework of the United Nations Security Council and its “Quartet”. In the absence of effective protection of their rights to return, restitution and compensation, Palestinian refugees and IDPs have attempted to protect these rights themselves. During the 1990s, marginalization by the Madrid-Oslo process set in motion a renaissance of organizing and protest by Palestinian



refugees, exiles and civil society. This in turn created a Palestinian constituency for the right of return that could no longer be dismissed by Palestinian negotiators or ignored by the international community. In 2005, Palestinian refugee and IDP community organizations joined in a broad Palestinian civil society call for a strategic campaign of boycotts, divestment and sanctions (BDS) against Israel until it complied with international law on the right of return, including the right to return to homes and properties in Israel.

**See Also:**

[The Israeli-Palestinian Conflict: Annapolis and After](#), **International Crisis Group (ICG)**, 20 November 2007

[Security Council must take over Israeli-Palestinian peace efforts – UN rapporteur](#), **UN News Service**, 20 October 2006

[A Rights-Based Approach to Durable Solutions for Palestinian Refugees and Displaced, Summary of Preliminary Findings: BADIL Expert Forum Concept Paper, Prepared for the BADIL Expert Seminar - 4 "Rights-Based Durable Solutions for Palestinian Refugees – Ways Forward" Haifa, 1-4 July 2004](#), **Rempel, Terry and Gassner, Ingrid Jaradat**, 2004

[Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, 28 September 1995, A/51/889 -S/1997/357](#), **United Nations General Assembly (UN GA)**, 5 December 1997

[Agreement on the Gaza Strip and the Jericho Area, 4 May 1994, A/49/180 - S/1994/727](#), **United Nations General Assembly (UN GA)**, 20 June 1994

[Declaration of Principles on Interim Self-Government Arrangements, A/48/486, S/26560, 13 September 1993](#), **United Nations General Assembly (UN GA)**, 11 October 1993

[Progress Report of the United Nations Mediator, A/RES/194 \(III\)](#), **United Nations General Assembly (UN GA)**, 11 December 1948

## Applied Law

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### Applicable Law in the OPT

- The primary instrument of humanitarian law pertaining to the protection of civilians in times of armed conflict and occupation is the Fourth Geneva Convention, ratified by Israel in 1951, as confirmed by the International Court of Justice(ICJ)
- It is established that the existence of occupation and consequent applicability of humanitarian law does not preclude the application of human rights law.
- Forcible transfers are explicitly illegal under international humanitarian law as stipulated in Article 49 of IV Geneva Conventions.
- Evacuation is permissible only in limited circumstances: Such measures remain provisional measures. The Occupying power has duty to facilitate the return of evacuees to their homes once hostilities have ended.
- According to the jurisprudence of the ICTY, the term 'forced' when used in context of forcible transfer is not to be interpreted in a restrictive manner but also factors other than force itself.
- As well as constituting a violation of international humanitarian law, forcible transfer can also amount to a "grave breach" of the Geneva Conventions
- The concept of indirect forcible transfer is coined in international criminal law by Article 8(2)(b)(viii) of the Rome Statute of the ICC, which delineates the war crime of forcible transfer direct or indirect

**Diakonia**, 15 August 2008

"According to article 42 of the Hague Regulations, a territory is considered occupied when it is actually placed under the authority of a hostile army. In 1967, the Israeli army invaded the Palestinian territory and gained effective control over it. Since then, the West bank - including East Jerusalem - and the Gaza Strip constitute occupied territory. The International Committee of the Red Cross (ICRC) has stated that the occupied Palestinian territory (oPt) is a territory under occupation. In its Advisory Opinion from July 2004, the International Court of Justice (ICJ) reaffirmed that the oPt is a territory under occupation. The laws applicable to the oPt are the laws of belligerent (hostile) occupation, which are part of international humanitarian law (IHL). These laws are binding on Israel according to the international community.

The implementation of the Disengagement Plan in September 2005 raised questions regarding the continued status of Gaza as occupied territory, especially in light of the withdrawal of the Israeli army (IDF) land forces from the Gaza Strip. According to IHL, occupation ends when the occupying power no longer exercises effective military control over the occupied territory and does not apply government authorities there.

Israel refers to the occupied Palestinian territory (oPt) as disputed territory. Its main argument is that the Egyptian and Jordanian seizures of the territory were never recognized as legal acquirement of sovereignty according to the international community. Since, according to Israel, neither part of the territory had prior legitimate sovereign, the area cannot be considered as occupied by it under international law. The most accurate description would instead be "disputed territory". However, UN General Assembly and Security Council resolutions such as Resolution 242 and Resolution 338 do not follow Israel's legal interpretation and consider the oPt to be under belligerent (hostile) occupation. In August 2004, a team of jurists that were appointed by the Israeli Attorney-General recommended to thoroughly examine the possibility of formally applying the Fourth Geneva Convention to the West Bank and the Gaza Strip. As of June 2007, this recommendation has not been implemented."

**International Court of Justice (ICJ)**, 9 July 2004

"101. In view of the foregoing, the Court considers that the Fourth Geneva Convention is applicable in any occupied territory in the event of an armed conflict arising between two or more High Contracting Parties. Israel and Jordan were parties to that Convention when the 1967 armed conflict broke out. The Court accordingly finds that that Convention is applicable in the Palestinian territories which before the conflict lay to the east of the Green Line and which, during that conflict, were occupied by Israel, there being no need for any enquiry into the precise prior status of those territories.....

106. More generally, the Court considers that the protection offered by human rights conventions does not cease in case of armed conflict, Save through the effect of provisions for derogation of the kind to be found in Article 4 of the International Covenant on Civil and Political Rights. As regards the relationship between international humanitarian law and human rights law, there are thus three possible situations: some rights may be exclusively matters of international humanitarian law; others may be exclusively matters of human rights law; yet others may be matters of both these branches of international law. In order to answer the question put to it, the Court will have to take into consideration both these branches of international law, namely human rights law and, as *lex specialis*, international humanitarian law.....

111. In conclusion, the Court considers that the International Covenant on Civil and Political Rights is applicable in respect of acts done by a State in the exercise of its jurisdiction outside its own territory."

**al-Haq**, November 2006

"The residents of al-Nu'man are protected persons under Article 4 of the Fourth Geneva Convention, which covers "those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals." International humanitarian law prohibits deportations and forcible transfers of such protected persons. Both deportation and forcible transfer relate to the imposed evacuation of individuals from the territory in which they reside, by the Occupying Power. Deportation presumes displacement beyond State borders, whereas forcible transfer relates to displacements within a State or occupied territory. Article 49(1) of the Fourth Geneva Convention provides, 'Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.' The International Committee of the Red Cross (ICRC) has confirmed that the prohibition of forcible transfer is enshrined in customary international law.

In essence, it is the absence of genuine choice by the individuals displaced that makes displacement unlawful. The authoritative commentary of the ICRC on the Fourth Geneva Convention confirms that Article 49(1) applies to transfers which are contrary to the free will of the protected persons. Whether a transferred person exercised genuine choice depends on the prevailing situation, atmosphere, and all relevant circumstances, including the victim's vulnerability. According to the jurisprudence of the International Criminal Tribunal for the Former Yugoslavia (ICTY), the term "forced", when used in the context of forcible transfer, is not to be interpreted in a restrictive manner. The Appeals Chamber has held that it is "not to be limited to physical force" but that "factors other than force itself may render an act involuntary, such as taking advantage of coercive circumstances." The ICTY's recent *Krajišnik* judgement provides a precedent that is relevant for al- Nu'man: Serb municipal authorities and Serb forces created severe living conditions for Muslims and Croats which aimed, and succeeded, in making it practically impossible for most of them to remain. The Tribunal concluded that by creating such conditions through house searches, arrests and physical harassment, as well as cutting off water, electricity and telephone services, the Serb authorities succeeded in causing many Muslims and Croats to abandon their homes. This was held to constitute, with regard to those who departed to other areas within the same territory, forcible transfer. This concept of indirect forcible transfer is codified in international criminal law by virtue of Article 8(2)(b)(viii) of the Rome Statute of the International Criminal Court, which delineates the war crime of forcible transfer, stating that the transfer can occur "directly or indirectly." Article 49(2) of the Fourth Geneva Convention does allow for two exceptions to the otherwise "absolute" prohibition on forcible transfer of protected persons, namely when it is demanded by the security of the occupied population, or by imperative military reasons. However, the forcible transfer of this tiny village's residents can in no conceivable way be demanded by the security of the Palestinian population or the imperative military necessity of Israel. The severity of forcible transfer is highlighted by its inclusion as a "grave breach" of the Fourth Geneva Convention.

Grave breaches are the most heinous of violations of the Convention. Article 147 brands as a grave breach the "unlawful deportation or transfer" of protected persons by an Occupying Power. Article 147 must be read in conjunction with Article 49, and, as such, encompasses within its ambit indirect forcible transfer, such as that which is occurring in al-Nu'man. Article 146 requires High Contracting Parties establish universal jurisdiction over grave breaches of the Convention. A person commits the war crime of forcible transfer if he or she carries out an act amounting to

such transfer (material element or *actus reus*), and does so “wilfully and knowingly” (mental element or *mens rea*),<sup>41</sup> in the context of an armed conflict. The severe living conditions imposed on the residents of al-Nu‘man by the Occupying Power are gradually compelling these protected persons to move elsewhere. The comments of Davier Kahana in 2003 show that these conditions were constructed deliberately. Finally, the policy of indirect forcible transfer is carried out in connection with the Israeli occupation of the OPT and associated armed conflict. The actions examined in the present study therefore qualify as war crimes and imply the criminal liability of their authors. The criminalisation of deportations and forcible transfers has been codified in the Statute of the International Criminal Court.<sup>42</sup> The grave breach and war crime of unlawful forcible transfer of the population of al- Nu‘man is the direct result of the combination of numerous other contraventions of international humanitarian and human rights law, namely property destruction, land appropriation, and violations of the rights of the villagers to freedom of movement, to education, to supplies and services, and to family life.

As the Occupying Power, Israel has an obligation to provide for the welfare of the population of the OPT. Article 27 of the Fourth Geneva Convention has been described as “the basis on which the Convention rests”<sup>43</sup> and indeed “the leitmotiv of the four Geneva Conventions.”<sup>44</sup> It articulates the fundamental principles, pertaining to protected persons, of respect (“for their persons, their honour, their family rights...”), protection (“against all acts of violence or threats thereof...”), and humane treatment. The acute failure of the Israeli authorities to respect their legal duties as they pertain to the occupied civilian population serves to further Israel’s goal of transforming al- Nu‘man into an “open and uninhabited space”. Israel’s violations of both international humanitarian and human rights law are contributing to the indirect forcible transfer of the residents of al-Nu‘man, ....”

#### **United Nations Commission on Human Rights (CHR), 17 January 2006**

"8... The withdrawal of the Israel Defense Forces from Gaza has led some to claim that the occupation of Gaza has come to an end. In deciding on this matter regard must be had to whether Israel retains effective control over the territory as this is the test for occupation recognized by international humanitarian law.<sup>2</sup> While the Special Rapporteur concedes that the absence of a military occupying power in Gaza has removed many of the features of occupation, it is wrong to suggest that the occupation has ended. In the first place, it must be stressed that technological advances since 1949 have changed the whole nature of control. It is no longer necessary for a foreign military power to maintain a permanent physical presence in a territory to exercise control, as Israel has demonstrated since its withdrawal from Gaza. Sonic booms, which terrorize and traumatize the population (and constitute a form of collective punishment) and the targeted assassination of militants (and innocent bystanders) by rockets fired from the skies, serve as a constant reminder to the people of Gaza that they remain occupied. In the three months following Israel’s withdrawal from Gaza, 15 Palestinians have been targeted and assassinated, 18 civilians killed and 81 injured in response to Qassam rockets fired by militants from Gaza. Such actions of the Israel Defense Forces must be viewed in conjunction with the fact that Israel retains control over airspace, territorial waters (fishing is allowed only within 10 nautical miles of the coastline) and external borders. While it is true that the Rafah crossing is now open to Palestinian ID cardholders, Israel reserves the right to complain about who crosses at Gaza and has already done so (the crossing is administered by the Palestinian Authority and Egypt, but supervised by European Union inspectors and followed by Israeli officials on TV monitor screens). Karni crossing was largely dysfunctional at the time of writing and allowed passage of only 35 to 40 trucks compared with the 150 trucks promised by the 15 November agreement. This is a serious problem for greenhouse agricultural products harvested in December/January and exported to Israel and the West Bank. The passage of persons between Gaza and the West Bank by bus convoys, scheduled to start on 15 December, has been stopped by Israel, as a result of a suicide bombing in Netanya and Israel’s dissatisfaction with the Rafah crossing.<sup>3</sup> (One

fears that even if such convoys do commence, they will be frequently suspended for security reasons.) Control is also maintained by means of the Gaza population register, which Israel still administers, thereby allowing it to control the issue of identity documents to Gazans - a precondition for control in and out of the territory. Other facts confirm Israel's control of Gaza: first, Israel still holds some 650 Gazan prisoners, despite article 77 of the Fourth Geneva Convention, which provides for the release of prisoners "at the close of occupation"; secondly, Israel maintains military control over a buffer zone ranging between 150 and 300 metres within Gaza along its eastern and northern borders from which all Palestinians are excluded (farmers are thus denied access to their lands in this zone); thirdly, Israel may, and has already threatened, to cut off electricity supplies to Gaza. Finally, Palestine constitutes a single self-determination unit, comprising the West Bank and Gaza. To suggest that Gaza should enjoy a status different from that of the West Bank would violate the territorial integrity of Palestine and the substantive law of self-determination.

9. Undoubtedly, the nature of Israel's occupation has changed. Many of the provisions relating to the treatment of protected persons in the Geneva Convention relative to the Protection of Civilian Persons in Time of War (the Fourth Geneva Convention) are premised upon the physical presence of the occupying Power - but not all. For instance, article 27, requiring protected persons to "be humanely treated" and to "be protected especially against all acts of violence" and article 33, prohibiting collective penalties and "all measures of intimidation or of terrorism", continue to apply and appear to have been violated by sonic booms and targeted assassinations that routinely cause collateral loss of life and injury. The silence of the principal protector of the Fourth Geneva Convention, the International Committee of the Red Cross, on the continuation of the occupation tends to confirm that it does indeed continue.

10. Israel's occupation of both Gaza and the West Bank is unusual. The occupation of a territory for 38 years and the physical withdrawal of the occupying Power from a separate part of the occupied territory were clearly outside the contemplation of the drafters of the Fourth Geneva Convention. But despite the unusual features of the Gaza occupation, it remains occupation as Israel continues to maintain effective control over the territory. It is not a fully liberated part of an occupied territory. Certainly the mood of the people of Gaza confirms this. They perceive themselves to be still subject to occupation as was repeatedly stressed to the Special Rapporteur on his visit to Gaza."

**See Links:**

[To ICRC's website and Article 42 of the Hague Regulations](#)

[Read more about the Hague Regulations](#)

[Read more about the Advisory Opinion of the International Court of Justice](#)

[Read more about occupation](#)

[To the Israeli Ministry of Foreign Affairs and the Disengagement Plan](#)

[Read more about the end of occupation](#)

[Read more about the Gaza Strip and the Disengagement Plan](#)

[To the UN Security Council website and Resolution 242](#)

[To the UN Security Council website and Resolution 338](#)

[To the Israeli Government's legal analysis](#)

[Read more about the Fourth Geneva Convention](#)

## **POPULATION FIGURES AND PROFILE**

## Global Figures

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### Global Figures

- Lack of agency specifically addressing internal displacement within the OPT renders it difficult to provide global figure on currently displaced in the OPT.
- There are no confirmed statistics of the number of IDPs in the OPT. BADIL suggests that in excess of 115,000 persons have been displaced since 1967. ICHAD notes that in excess of 18,000 residences have been demolished since 1967.
- Risks of displacement continue due to construction of Separation wall and associated regime, military incursions, revocation of residency rights, settlement expansion and settler violence, effects of closure regime.
- Estimates note of 30,000 to 90,000 at risk of displacement.

### **BADIL Resource Center for Palestinian Residency and Refugee Rights, 12 September 2007**

"Internally displaced Palestinians fall into two groups. The first is made up of IDPs who remained in the area that became the state of Israel in 1948 (338,000). ....The second group includes Palestinians internally displaced in the 1967-occupied Palestinian territory during and after the 1967 war (115,000).... The second group includes IDPs in the 1967-occupied Palestinian territory, who were and continue to be displaced as a result of land confiscation, house demolition, the construction of the Wall and its associated regime, and revocation of residency rights in eastern Jerusalem.

Internal displacement is difficult to track in the context of the Palestinian/Arab-Israeli conflict, as ceasefire lines have changed frequently and there is no internationally recognized border between Israel and the 1967-occupied Palestinian territory. UNRWA records cover about 75% of the 1948 Palestinian refugee population and possibly covers up to 55% of the total population of Palestinian refugees and IDPs. .... UNRWA registration data is not statistically valid, as reporting is voluntary. UNRWA has never carried out a comprehensive census of all Palestinian refugees under its mandate. In general, UNRWA registration records do not include:... IDPs.

### **Table 2.1: Palestinian Refugees and Internally Displaced Palestinians (IDPs)**

| Year | UNRWA registered 1948 Refugees | Estimated non-registered 1948 Refugees | Estimated 1967 Refugees | Estimated 1948 Internally Displaced Persons (IDPs) | Estimated 1967 Internally Displaced Persons (IDPs) |
|------|--------------------------------|--|-------------------------|--|--|
| 1950 | *914,221                       | 304,740                                | –                       | 47,610   | –  |
| 1955 | 905,986                        | 301,995                                | –                       | 56,546   | –  |
| 1960 | 1,120,889                      | 373,630                                | –                       | 67,159   | –  |
| 1965 | 1,280,823                      | 426,941                                | –                       | 79,763   | –  |
| 1970 | 1,425,219                      | 475,073                                | 266,092                 | 94,734   | 15,235   |
| 1975 | 1,632,707                      | 544,236                                | 316,034                 | 112,514  | 22,501   |
| 1980 | 1,844,318                      | 614,773                                | 375,349                 | 133,631  | 30,158   |
| 1985 | 2,093,545                      | 697,848                                | 445,797                 | 158,712  | 38,278   |
| 1990 | 2,422,514                      | 840,838                                | 529,467                 | 188,500  | 46,949   |
| 1995 | 3,172,641                      | 1,057,547                              | 628,841                 | 223,879  | 56,275   |
| 2000 | 3,737,494                      | 1,245,831                              | 746,866                 | 265,898  | 66,377   |
| 2001 | 3,874,738                      | 1,291,579                              | 773,006                 | 275,205  | 68,504   |
| 2002 | 3,973,360                      | 1,324,453                              | 800,062                 | 284,837  | 70,668   |
| 2003 | 4,082,300                      | 1,360,767                              | 828,064                 | 294,806  | 72,872   |
| 2004 | 4,186,711                      | 1,395,570                              | 857,046                 | 305,124  | 101,700  |
| 2005 | 4,283,892                      | 1,427,964                              | 887,043                 | 315,804  | 107,918  |
| 2006 | 4,396,209                      | 1,465,403                              | 918,089                 | 326,857  | 115,349  |
| 2007 | 4,510,510                      | 1,503,503                              | 950,222                 | 338,297  | 115,349  |

The estimate includes persons internally displaced from destroyed Palestinian villages in the OPT during the 1967 war (10,000 persons). This figure is increased by the average annual growth rate of the refugee population (3.5%). The figure is also increased to include the average number of Palestinians displaced by house demolition (1,037) each year between 1967 and 2006. The number of Palestinians affected by house demolition is not increased according to the average annual population growth, as it is not known how many IDPs return to their home of origin.

The increase in the number of internally displaced persons in the 1967-occupied Palestinian territory for 2004 is due to Wall-induced forced displacement in the occupied West Bank, as well as the vast scope of demolitions undertaken in the occupied Gaza Strip, which left 2,224 families homeless (approximately 15,123 persons based on a household size of 6.8 persons). This number also includes 11,461 persons who were displaced by the Wall as of July 2004 [further] 103 persons were displaced as a result of the construction of the Wall between July 2004 and June 2005. This figure also includes the demolition of 198 house in 2005, leaving approximately 1,208 persons homeless, based on an average rate of 6.1 persons per household in both the occupied West Bank and the Gaza Strip. [There was] also 5,100 persons displaced as a result of Israel's military action in the Gaza Strip in the summer of 2006.

Finally, this number does not include those refugees in the Gaza Strip who remained homeless and displaced as of June 2005 as a result of the demolition of their shelters since the beginning of the intifada, a group that UNRWA estimates at 16,000. The number of IDPs include those displaced as a result of ID confiscations in Jerusalem; the total number of IDs confiscated since 1967 amounts to 8,269. This number does not include persons under the age of 16 years, which means that thousands more were affected by the revocation of Jerusalem IDs. There is no data on how many IDs were returned to their owners, if any."

**Israeli Committee Against House Demolitions, December 2006**

"These are figures for Palestinian homes as compiled by Israeli Coalition Against House Demolitions. If approximately 120,000 Druze and Arabs were expelled from the Syria Golan Heights in 1967 and their villages (134 in number) were completely demolished, that makes about 20,000 additional demolished homes, assuming six people per family unit. The following sources are by year. In years without sources, the figures were arrived at through interviewing Israeli government or military personnel, or by collecting Palestinian testimonies.

| year | # of demolitions | UN Sources  | NGO Sources  | Other Sources   |
|------|------------------|---|--|---|
| 1967 | 6,317            | <b>United Nations General Assembly</b> (1967). "Report of the Secretary-General under General Assembly resolution 2252 (ES-V) and Security Council resolution 237 (1967)."        |  | Thomas Aboud (2000) "The Moroccan Quarter: A History of the Present." Jerusalem: <i>Jerusalem Quarterly</i> . |
| 1968 | 140              | <b>1967-1982. United Nations General Assembly</b> (1984). "Report of the Secretary-General, Living Conditions of the Palestinian People in the Occupied Palestinian Territories." |  |   |
| 1969 | 301              |   |  |   |
| 1970 | 191              |   |  |   |
| 1971 | 2,231            |   | <b>1971. Human Rights Watch</b> (2004). <i>Razing Rafah</i> . New York: Human Rights Watch. Jeff Halper (2005) <i>Obstacles to Peace</i> (Third Edition). Jerusalem: PalMap. |   |
| 1972 | 35               |   |  |   |
| 1973 | 34               |   |  |   |
| 1974 | 61               |   |  |   |
| 1975 | 77               |   |  |   |
| 1976 | 24               |   |  |   |
| 1977 | 1                |   |  |   |
| 1978 | 2                |   |  |   |
| 1979 | 18               |   |  |   |
| 1980 | 30               |   |  |   |
| 1981 | 24               |   |  |   |
| 1982 | 35               |   |  |   |
| 1983 | 12               |   | <b>1983. Ronny Talmor</b> (1989). <i>Demolition and Sealing of Houses As a punitive measure in the West Bank and Gaza Strip during the Intifada</i> . Jerusalem: B'tselem.   |   |
| 1984 | 2                |   |  |   |
| 1985 | 44               |   |  |   |
| 1986 | 49               |   |  |   |



|                      |   |  |   |
|----------------------|---|--|---|
| 1987                 | 104   |  | <p><b>1987. B'tselem (2005).</b> "Statistics on demolition of houses as punishment 1987-2005." Retrieved 25 September 2006 from &lt;<a href="http://www.btselem.org">http://www.btselem.org</a>&gt;.</p> <p><b>2000-2004. B'tselem (2006).</b> "Statistics on houses demolished for alleged military purposes." Retrieved 25 September 2006 from &lt;<a href="http://www.btselem.org">http://www.btselem.org</a>&gt;.</p> <p>UN Office for the Coordination of Humanitarian Affairs (2005-2006). Weekly Humanitarian Briefings #s 86-178.</p> |
| 1988                 | 587   |  |   |
| 1989                 | 567   |  |   |
| 1990                 | 306   |  |   |
| 1991                 | 307   |  |   |
| 1992                 | 193   |  |   |
| 1993                 | 130   |  |   |
| 1994                 | 153   |  |   |
| 1995                 | 69  |  |   |
| 1996                 | 168   |  |   |
| 1997                 | 257   |  |   |
| 1998                 | 180   |  |   |
| 1999                 | 142   |  |   |
| 2000-2004 (Intifada) | 4,747<br>(2,781 military)<br>(1,966 administrative) |  |   |
| 2005                 | 290   |  |   |
| 2006                 | 319   |  |   |
| <b>TOTAL</b>         | <b>18,147</b>                                       |  |   |

#### See Also :

Thomas Aboud (2000) "The Moroccan Quarter: A History of the Present." Jerusalem: *Jerusalem Quarterly*.

[Discrimination in the Heart of the Holy City](#), Meir Margalit, 2006

[House Demolitions as Punishment](#), B'Tselem, February 2005

[Statistics on demolition of houses as punishment 1987-2005](#), B'Tselem, February 2005

**Ronny Talmor** (1989). *Demolition and Sealing of Houses As a punitive measure in the West Bank and Gaza Strip during the Intifada*. Jerusalem: B'tselem.

[Razing Rafah: Mass House Demolitions in the Gaza Strip](#), **Human Rights Watch** (HRW), October 2004,

Jeff Halper (2005) *Obstacles to Peace* (Third Edition).

## Profile

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### Profile of Persons Displaced

- The living conditions of Palestinians in the OPT, displaced and not alike, in the OPT have declined dramatically in 2006 through to 2007.
- This is due to the ongoing conflict, Israel's withholding of Palestinian taxes, sanctions imposed by the international community, shortfall in donor contribution, and unresolved gaps in the international protection regime.

- There are no statistics of international displaced persons however the age structure and profile of IDP is likely to follow that of Palestinians inside the OPT.
- Palestinian community in OPT comprises various statuses including host, refugee and IDP.
- More than a third of population is below the age of 15. The mortality rate of Palestinians in the OPT is relatively low with infant and child mortality having declined. There are indications that child mortality has been increasing in the Gaza Strip.
- There is a high rate of unemployment and since 1999 per capita income has declined by 40% in the OPT with rising figures of Palestinians living in absolute poverty.

**BADIL Resource Center for Palestinian Residency and Refugee Rights, 12 June 2006**

"The Palestinian refugee and IDP population is young. More than one-third of all registered refugees are below the age of fifteen... There are no statistics for internally displaced Palestinians.... However, as differences between refugee and non-refugee populations in major Arab host states are negligible ....The age structure of IDPs is likely to follow that of Palestinians inside Israel and in the OPT. Palestinian refugees have a lower fertility rate than the non-refugee population. The fertility rate among internally displaced Palestinians inside Israel and in the OPT is likely to be similar to the non-refugee Palestinian population...."

The mortality rate of the Palestinian population in the OPT is relatively low; similar to that in Western countries in the early 1960s.... Infant and child mortality rates of the refugee population have declined over the past six decades. Infant mortality rates among refugees, for example, declined from around 200 per 1,000 births in 1950, to around 24 per 1,000 births in the 1967-occupied Palestinian territory in 2006, and eight per 1,000 births inside Israel in 2003.... However, there are indications that child mortality has actually been increasing in the Gaza Strip since 2000. The Palestinian refugee and IDP population also has a high growth rate. This is similar to the Palestinian population as a whole, which has roughly doubled every twenty years.

Unemployment rates range from 11% to 34%, with rates in the OPT substantially higher as a result of the Israeli occupation and military activity since the second intifada, and more recently, the international sanctions against the democratically elected Palestinian Authority.... Annual per capita... in the OPT ranges from US \$450 to US \$600. Since 1999, per capita income has declined by 40% in the OPT. The crisis engendered by sanctions has hit refugees in the OPT harder than the general population with respect to employment and poverty. A study undertaken by UNRWA in the OPT in 2005 found that there were 623,200 refugees officially recognized as poor (living on less than US\$2.4 per day) and 406,000 refugees in deep poverty (living on less than US \$2 daily)....While refugees accounted for 42% of the population of the OPT, they accounted for about half of those in deep poverty....

.....The primary infrastructural problem facing all refugee households is access to safe and secure supplies of drinking water.....Palestinian households in Israel, including IDP households, suffer from a shortage of land designated for development. Around 23% of Palestinians households have suffered from land confiscation between 1947 and 2004, while 8.7% of households have had their homes demolished or confiscated by the Israeli government during the same period..... Around 44% of Palestinian households have reported that their inability to build a needed housing unit is due to the scarcity of available building land. In the southern part of the country (i.e., Naqab), 24.1% of the Palestinians live in tents and shacks..."

## **Geographical distribution**

- Remains difficult to identify geographical distribution of IDPs due to lack of registration system and frequent displacement over four decades of occupation.
- IDPs are forced to relocate away from Israeli settlements, related infrastructure, military zones, and construction of the Wall and associated regime.
- In certain cases of displacement the village unit has tended to remain to some degree despite displacement. This is case for displacement arising in 1967.
- The rise and fall of inhabitants in refugee camps are clear indicators of important internal displacement and migration.

## **BADIL Resource Center for Palestinian Residency and Refugee Rights, 12 September 2007**

"The distribution of Palestinians displaced from and within the OPT since 1967, and who are neither 1948 nor 1967 refugees, is difficult to determine given the lack of a registration system and frequent displacement over four decades of military occupation. ....In the OPT, IDPs are frequently forced to relocate away from Israeli colonies, related infrastructure (such as bypass roads), and military zones. More recently, the Wall and its associated regime has forced fresh relocations....

Despite almost 60 years in exile, the village unit has tended to remain to some degree intact even after mass displacement. In other words, the majority of the residents of a particular village tended to be displaced to the same host country, and often to the same area within the host country. The same phenomenon is also evident in those Palestinian villages inside Israel that provided refuge for internally displaced Palestinians in 1948. In many villages, neighbourhoods are named for the origin of the displaced persons who reside in them....

Approximately 39% of the total refugee population in the OPT lives in camps. These refugees reside in and around cities and towns in the host countries, often in areas adjacent to refugee camps.<sup>28</sup> Many West Bank villages and towns, for example, host a significant refugee population. There are approximately 100 localities in the occupied West Bank in which 1948 refugees comprise more than 50% of the total population.

Between 1997 and 2006, the proportion of refugees living in West Bank communities showed a significant change. For instance, the percentage of refugees decreased in Salfit(-63%) and in Tulkarem (-5%) ,showing important internal displacement and/or migration. Meanwhile, the proportion of refugees has significantly increased in Jericho (+20%), Qalqilya (+20%) and Jenin (+4%). Colonization, the Wall and its associated regime, and closure may explain why refugees are displaced to or "stuck" in some West Bank communities. In the Gaza Strip, the proportion of refugees has increased in Rafah (+15%), Khan Younis (+7%) and Gaza (+5%). This may be the result of home demolitions and Israeli military operations in their previous place of residence."

## **Voices of the Displaced**

### **Ma'an Development Centre, 2007**

"We turned out to be the 21st century refugees with peoples life at stake. The issue is not security but rather the creation of an atmosphere of silent transfer, to create a situation where we

ourselves reach the conclusion that our lives are unliveable. ....We will not live the Nakba twice... We are staying here, we are not leaving." **Jamal Der'awi. Nu'uman village.**

"We shall remain steadfast. When they demolish our homes we will rebuild them with determination." **Haj Ibrahim Jadallah, Khibet Zakaria village.**

**International Committee of the Red Cross (ICRC), 12 December 2007**

"I had to build a high fence around my house to protect my children. Before, my children were stoned by settlers when they were playing outside. They stone us for the simple reason that we continue to live on our land and do not want to leave." **Anwar, Hebron**

"First, they took land for the road, then more land for the security zone along the road, and then they destroyed my house because it was too close to the security zone. Now they have levelled the land again. I have nothing left." **Abdul, Gaza**

"Even after the disengagement, they did not leave us alone, they return every now and then, levelling our land, uprooting our trees and destroying our houses. In addition, you only know that you are inside the buffer zone when they shoot at you." **Saleh, farmer, Gaza**

**Office of the Special Representative of the Secretary-General for children in armed conflicts, October 2007**

"We live in a *huge prison*, deprived of the least simple rights that any individual should have." **Young woman, 17, Occupied Palestinian Territory**

"I hate nights because they scare me. I ask my mother to let me sleep in her room during the attacks." **Boy, 10, Occupied Palestinian Territory**

**B'Tselem and Hamoked, 31 January 2004**

"In 1995, I married Ishak Taha. He was a resident of Qatana, a village located northwest of Jerusalem. Since we got married, we have lived in rented apartments in the Shu'afat refugee camp, which is in Jerusalem. Two years ago, we started building a house in the refugee camp, but the municipality demolished it. My husband and I have three children: Amal, 5, 'Omar, 4, and Muhammad, 3.

After we got married, I submitted a request – at the East Jerusalem office of the Interior Ministry – for family unification on behalf of my husband. Since 2000, I have been going to the Interior Ministry to check the status of the request. About two years ago, we received a notice of rejection. Now, HaMoked: Center for the Defence of the Individual is handling my request.

In the past, my husband worked at a restaurant in Jerusalem and was able to support us with dignity. Two years ago, it became much harder for residents of the West Bank to enter Israel, and he stopped working in Israel. The children and I can leave the refugee camp and go to Jerusalem or wherever else we want to go, but my husband can't come with us. He cannot work outside the camp, and inside the camp, he is unable to find work. He is imprisoned inside the camp and can't come with us anywhere."

**Testimony of Jada, married with three children, Shu'afat refugee camp, Jerusalem**

"I was born in Jabal Mukaber, which is in [East] Jerusalem. On 5 June 1994, I married Jalal Rabi'a, from al-'Obediyya, Bethlehem District. We have six children. The three older children were born in the hospital in Bethlehem, and are not recorded on my identity card. The three younger children were born in Jerusalem and are listed on my card. I never lived in the Occupied Territories. I gave birth in Bethlehem because it was less expensive there. At the time, I did not have health insurance or the money to pay the hospital. After we got married in 1999, we lived with my parents.

... When I was pregnant with our first child, I submitted an application for family unification.... I went, and the clerk told me that my request had been rejected, and that I could file an appeal. I filed the appeal.... In 2000, I went to the Interior Ministry to register my children. I submitted all the documents they requested, such as receipts for municipal taxes, electricity, and water, and confirmation from their school.... 26 June 2001,... [t]he clerk told me that my request to register the children had been rejected... In January 2002, I did [a new request]....

We do not visit my husband's family in Bethlehem because I am afraid that it will affect the requests that are pending with the Interior Ministry."

**Testimony of N. R., married with six children, Jabal Mukaber, Jerusalem**

**See Also:**

[Shooting Back](#), B'Tselem, 2007

[Photostory: refugees forced from their homes by Israeli shelling](#), **Electronic Intifada**, 10 August 2006

# **PATTERNS OF DISPLACEMENT**

## **General Patterns**

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### **General Patterns of Displacement**

- There are general patterns of displacement associated with the Occupation since 1967, and to this date by Israel in the OPT.
- Such patterns of displacement in their severity and consistency attest to a policy of forced displacement for the purpose of acquiring land and divesting Palestinians of ownership guaranteed under international law.
- These take the form of direct displacement arising out of house demolitions, and land expropriation; settlement expansion and related infrastructure; construction of the Wall and associated regime; revocation of residency rights in East Jerusalem, and Israeli incursions.
- There is also clear evidence of indirect displacement through effects of 'closures', or establishment of enclaves wherein human rights are restricted and limited, in effect indirectly forcing displacement by establishing an untenable situation for residents within the OPT.

## **House Demolitions & Displacement**

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### **General House Demolitions**

- Demolition of houses is a regular feature of Israel's occupation of the OPT. Different justifications are advanced including military necessity, administrative sanction for illegal building, as well as instances of punitive demolitions. (UNSR on HR, 2008)
- Evictions and demolitions are linked to Israel continual expansion of Jewish colonies and related infrastructure, and construction of the Wall and its associated regime, as well as military clearing operations.
- Reasons for demolitions have varied from lack of permit for construction, to issues associated with the construction of the wall, to security concerns. (Ma'an January 2008)
- Israel continues to inflict forcible displacement through house demolitions and evictions. Israel would demolish and evict Palestinians affecting 208 persons in January 2008 in occupied west Bank. Many of these displaced have already been displaced a number of times. (Badil January 2008)
- The demolition of Palestinian homes by the Israeli authorities has been raised by a number of UN human rights treaty monitoring bodies, including the Committee Against Torture, Committee on Economic, Social and Cultural Rights and highlighted multiple times in the reports of the Special Rapporteur on the situation of Human Rights in the Palestinian territories occupied since 1967.

## **Israeli Committee Against House Demolitions, December 2006**

**"Clearing Operations.** The clearance of houses for military purposes. Often the homes are too close to Israeli 'security infrastructure', Jewish roads, or provide cover for Palestinian military operations. Clearing Operations have continued to be conducted in all areas of the West Bank and Gaza, although to a lesser extent in Area 'A', and in Gaza since the 2005 withdrawal.

**Punitive Demolitions.** Homes of families or neighbors of Palestinians caught or suspected of carrying out attacks against Israelis. This collective punishment policy was ended in 2005 after the army issued a report declaring it counter-productive in reducing terror attacks.

**Lack of building permits.** The vast majority of home demolitions fall within this category. Until the Oslo Agreements of 1993 all Palestinians in the Occupied Territories had to apply for a building permit from the Israeli 'Civil Administration' in order to build or expand a home. Since 1993 Palestinians living in Jerusalem and area 'C' continue to fall under Israeli jurisdiction. East Jerusalem Palestinians apply for permits from the Jerusalem Municipality, while those living in area 'B' continue to apply to the Civil Administration. Permit applications are very expensive (over \$20,000) and are routinely denied."

## **UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, 21 January 2008**

"The demolition of houses has been a regular feature of Israel's occupation of the OPT. Different reasons or justifications are advanced for such demolitions: military necessity, punishment and failure to obtain a building permit. Although the IDF claims to have discontinued punitive home demolitions, instances of such demolitions still occur. On 29 August 2007, the IDF demolished seven housing units in the Naqar neighbourhood of Qalqiliya, which were home to 48 persons (including 17 children) on the ground that they housed members of the military wing of Hamas. Houses are frequently demolished for "administrative" reasons, on the grounds that no permit has been obtained to build - which Israel defends as a normal feature of town planning. Both law and fact show, however, that houses are not demolished in the course of "normal" town planning operations, but are instead demolished in a discriminatory manner to demonstrate the power of the occupier over the occupied.

In both East Jerusalem and that part of the West Bank categorized as Area C (60 per cent of the West Bank, comprising villages and rural districts), houses and structures may not be built without permits. The bureaucratic procedures for obtaining permits are cumbersome and in practice permits are rarely granted. As a result, Palestinians are frequently compelled to build homes without permits. In East Jerusalem house demolitions are implemented in a discriminatory manner: Arab homes are destroyed but not Jewish houses. In Area C the IDF has demolished or designated for demolition homes, schools, clinics and mosques on the ground that permits have not been obtained. Between May 2005 and May 2007, 354 Palestinian structures were destroyed by the IDF in Area C.

Many Bedouin communities have had their structures demolished. In September 2007 the Special Rapporteur visited Al Hadidiya in the Jordan Valley where the structures of a Bedouin community of some 200 families, comprising 6,000 people, living near to the Jewish settlement of Roi, were demolished by the IDF. This brought back memories of the practice in apartheid South Africa of destroying black villages (termed "black spots") that were too close to white residents. Article 53 of the Fourth Geneva Convention prohibits the destruction of personal property "except where such destruction is rendered absolutely necessary by military operations". According to B'Tselem, the Israeli Information Centre for Human Rights in the Occupied Territories, the destruction of homes in the Naqar neighbourhood of Qalqiliya failed to meet this test. The

demolition of homes for administrative reasons can likewise not be justified. Both East Jerusalem and Area C are occupied territory, in respect of which the prohibition contained in Article 53 applies."

**BADIL Resource Center for Palestinian Residency and Refugee Rights, 22 January 2008**

"As Israel continues to expand Jewish-only colonies and related infrastructure and construct the Wall and implement its associated regime, Palestinians are left with nowhere to go. Since January 1st 2008, the Israeli army demolished the homes of and evicted from their lands 208 persons in the occupied West Bank. Over half of those who have been forcibly displaced are registered refugees with UNRWA. Bedouin communities in the Jordan Valley (Area C), many of whom have already been displaced a number of times since the Nakba (1948), have been especially targeted. The home demolitions and evictions have affected the communities of al Baqaa (55 persons lost their homes on 2 January), Furush Beit Dajan (39 persons on 3 January), Fasayil (83 persons on 3 January), Jiftlik (one person on 3 January) and Jahalin Bedouin (30 persons on 16 January). Livestock and personal belongings were damaged because some families were not given time to remove them. While many families were able to seek temporary shelter with family and friends, some slept outside during some of the coldest winter nights in years. More families (Al Baqaa and Jahalin Bedouin) are at risk of imminent displacement as further demolition and eviction orders are pending."

**United Nations Special Rapporteur on Adequate Housing, 10 November 2006**

"Since 25 June 2006, the most recent Israeli incursion into the Gaza Strip, I continue to receive alarming reports about deliberate attacks by Israeli forces resulting in the destruction of homes, civilian property and infrastructures in the Gaza Strip. Such acts have a devastating impact on civilians particularly, women and children, and create insecurity and psychological trauma. Thus, these forced evictions and unjustifiable destruction constitute breaches of international laws of human rights, war and humanitarian norms. International law strictly prohibits the destruction of private or public property when not absolutely necessary by military operations."

**United Nations Security Council (UN SC), 11 August 2004**

"During the last month, Israel had continued demolishing Palestinian houses, despite repeated calls by the international community to halt the practice, he [Kieran Prendergast] said. The Israeli Government had continued the practice of demolishing the homes of the families of persons connected to suicide bombing attacks. Such punitive demolitions affecting persons not charged with a crime were a form of collective punishment."

**United Nations Secretary General (UN SG), 26 June 1997**

"23. A number of further activities deemed to be in violation of international law continued to raise tensions and to jeopardize both the peace process and the rights of Palestinians in the occupied territories. ... Israeli demolitions of Palestinian homes in Jerusalem and other parts of the occupied territories continued.

24. ... Further evidence of the deteriorating political and security situation included punitive house demolitions, curfews, transfer of Bedouin population and unlicensed house demolitions."



**United Nations Secretary General (UN SG), 15 June 1982**

“38. From information provided by Governments of Arab States and the PLO, it seems that the official housing policy in the West Bank and, to a lesser extent, in the Gaza Strip, is not merely one of "benign neglect" but, in many instances, one of positive obstruction of efforts of individuals to build houses. Building permits are difficult to obtain and, in some cases, applications have been pending for as long as two years. It is stated that Palestinians, in desperation, have resorted to building houses without the required permit and that these houses are demolished by the authorities as unauthorized. Such demolition, which does nothing to alleviate the acute housing shortage, has been carried out in addition to the punitive demolition of 1,259 houses carried out by the end of 1980.”

**UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, 7 December 2004**

“10. In the past year the IDF has carried out regular military incursions into the Gaza Strip. ... The reasons advanced by Israel for these incursions are, in the case of Rafah, the destruction of tunnels used for smuggling arms and in the case of Beit Hanoun and Jabaliya, the destruction of the capacity to launch Qassam rockets into Israel. However, these incursions must be seen in a broader political perspective. Israel has announced that it is planning to withdraw its settlements and military presence from Gaza. It clearly does not wish to be seen to be withdrawing in weakness, with the result that it has chosen to demonstrate its power in Gaza before it withdraws. Also, in order to maintain control over the border between Gaza and Egypt, Israel has decided to create a buffer zone of about 400 metres along the "Philadelphi" route, which requires the destruction of homes in Rafah presently in the buffer zone.

11. In pursuance of the above policies, Israel has engaged in a massive destruction of property in Gaza. Sometimes property, the homes of suspected militants, has been destroyed for punitive reasons. Sometimes homes have been destroyed for strategic purposes, as in the case of homes along the Philadelphi route. Often, however, the destruction is wanton. Homes have been destroyed in a purely purposeless manner. Caterpillar bulldozers have savagely dug up roads with a "ripper" attachment, which has enabled them to destroy electricity, sewage and water lines in a brutal display of power. Moreover, there has been a total lack of concern for the people affected. On 12 July 2004, in the course of a raid into Khan Yunis, the IDF destroyed a house in which 75-year-old Mahmoud Halfalla, confined to a wheelchair, was present. Despite appeals to allow him to leave, the house was destroyed above him and he was killed.

17. The actions of the IDF in Gaza in the past year must be examined and judged in the context of the rules of humanitarian law held to be applicable to Israel's actions in the OPT in the ICJ advisory opinion on the construction of the Wall. Article 53 of the Fourth Geneva Convention provides that any destruction by the occupying Power of personal property is prohibited except when such destruction is rendered "absolutely necessary by military operations". Failure to comply with this prohibition constitutes a grave breach in terms of article 147 of the Convention requiring prosecution of the offenders. As shown in this report, the IDF has frequently destroyed houses, roads and agricultural land in order to expand the buffer zone at the Rafah border zone or to inflict damage for punitive reasons unconnected with military combat. Moreover, these operations have been conducted without regard for two of the most fundamental principles of international humanitarian law - the principle of distinguishing at all times between civilian objects and military objectives (article 48 of Protocol I to the Geneva Conventions) and the principle of proportionality.

20. The demolition of houses - homes - is a central feature of Israel's policy towards Palestinians. "The human suffering entailed in the process of destroying a family's home is incalculable. One's

home is much more than simply a physical structure. It is one's symbolic center, the site of one's most intimate personal life and an expression of one's status. It is a refuge, it is the physical representation of the family, it is home". The demolition of a home destroys the family unit, causes a decline in standard of living and has a severe psychological impact on the family, particularly children.

21. The second intifada has witnessed the intensification of house demolitions, resulting in the destruction of 4,170 Palestinian homes. Some 60 per cent of the houses demolished have been destroyed as part of "clearing operations" to meet Israel's military needs. ... Since September 2000, the IDF has demolished 2,540 housing units in which 23,900 Palestinians lived in the course of clearing operations. Some 25 per cent of the houses demolished have been destroyed for having being built without the required permit from the Israeli authorities, which still retain building authorization rights in Area C of the West Bank and East Jerusalem. Israel demolished 768 structures in the West Bank between 2001 and 2003 and 161 structures in East Jerusalem between 2001 and 2004 for having being built without a permit.

22. A third kind of house demolition, accounting for 15 per cent of the houses destroyed, is that of punishment of the family and neighbours of Palestinians who have carried out or are suspected of having carried out attacks against Israelis. Such punitive action is not confined to the family of suicide bombers: indeed, in 40 per cent of the cases involving demolition of houses, no Israelis had been killed in the incidents giving rise to such demolitions. Punitive home destruction is the subject of a recent disturbing publication by Israel's premier human rights NGO, B'Tselem (Israeli Information Centre for Human Rights in the Occupied Territories). This study shows that since October 2001, the IDF has demolished 628 housing units, home to 3,983 persons. 47 per cent (295) of the homes demolished were never home to any one suspected of involvement in attacks upon Israelis. As a result, 1,286 persons unconnected with any acts against Israelis have been punished. Figures do not bear out Israeli claims that advance notice is given to owners of houses to be demolished; only in 3 per cent of the cases had proper warning of demolition been given. This disquieting study strongly suggests that house demolitions are carried out in an arbitrary and indiscriminate manner.

23. It is difficult to resist the conclusion that punitive house demolitions constitute serious war crimes. Article 53 of the Fourth Geneva Convention prohibits the occupying State from destroying the property of civilians "except where such destruction is rendered absolutely necessary by military operations". "Military operation", according to the official commentary of the International Committee of the Red Cross, means "the movements, manoeuvres, and actions of any sort, carried out by the armed forces with a view to combat". House demolitions are not carried out in the context of hostilities "with a view to combat" but as a punishment. They cannot be described as part of a "military operation" and they certainly cannot be considered "absolutely necessary" for action not constituting a military operation. Moreover such demolitions violate the prohibition imposed on collective punishment by article 33 of the Fourth Geneva Convention, which reads:

"No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited."

49. *This report has drawn attention to the serious violations of human rights and humanitarian law flowing from the actions of the Government of Israel in the OPT. Israel is both legally and morally obliged to bring its practices and policies into line with the law. That Israel has legitimate security concerns cannot be denied. However, these concerns must be addressed within the parameters of the law for, as the High Court of Justice of Israel has rightly declared, "There is no security without law" (Beit Sourik case, para. 86)."*

**United Nations Commission on Human Rights (CHR), 12 June 2002**

"23. Israel's demolition policies have been a subject of discussion at the meetings of the United Nations treaty bodies each time a report of the State party is examined. The Committee on Economic, Social and Cultural Rights (CESCR) has been seized with the issue since its review of Israel's implementation of the Covenant in 1998, deploring the "continuing practices...of home demolitions, land confiscations and restrictions on family reunification and residency rights, and its adoption of policies [which] result in substandard housing and living conditions, including extreme overcrowding and lack of services..." [E/C.12/1/Add.27 of 4 December 1998, para. 22. See also paras. 11,12,22,28 and 41, in which CESCR addressed the practice of demolishing Palestinian homes and policies leading to declining living conditions on both sides of the Green Line (Israel's 1948 border).] Most recently, the Committee against Torture (CAT) expressed concern that "Israeli policies on house demolitions...may, in certain instances, amount to cruel, inhuman or degrading treatment or punishment"."

**UN Committee on the Exercise of the Inalienable Rights of the Palestinian People, 5 October 1984**

"27. There is at the same time an overall annual decline in residential construction in towns and villages of the occupied territories (see A/39/233-E/1984/79, paras. 12-14). New construction of housing barely covers the need resulting from the natural increase in population. For many years, no low-income housing has been publicly subsidized. In addition, punitive demolition of houses continues at an accelerated rate; this is made worse by a new measure of sealing houses or rooms with concrete. Absence of construction to replace dilapidated and substandard housing, together with restrictive policies of the occupying authorities concerning building permits and transfer of funds from abroad, is expected to worsen the serious housing condition."

**United Nations Security Council (UN SC), 19 May 2004**

"1. Calls on Israel to respect its obligations under international humanitarian law, and insists, in particular, on its obligation not to undertake demolition of homes contrary to that law;  
2. Expresses grave concern regarding the humanitarian situation of Palestinians made homeless in the Rafah area and calls for the provision of emergency assistance to them..."

**United Nations Committee on Economic, Social and Cultural Rights, 23 May 2003**

"26. The Committee reiterates its grave concern about the continuing practices by the State party of home demolitions, land confiscations and restrictions on residency rights, and its adoption of policies resulting in substandard housing and living conditions, including extreme overcrowding and lack of services, of Palestinians in East Jerusalem, in particular in the old city.

42. ...the Committee urges the State party to cease the practices of facilitating the building of Israeli settlements, expropriating land, water and resources, demolishing houses and carrying out arbitrary evictions."

**United Nations Committee on the Rights of the Child, 9 October 2002**

"50. The Committee is deeply concerned at the large-scale demolition of houses and infrastructure in the occupied Palestinian territories, which constitutes a serious violation of the right to an adequate standard of living for children in those territories.

51. The Committee recommends...that the State party...refrain from the demolition of civilian infrastructure, including homes, water supplies and other utilities. It further recommends that the State party provide the victims of such demolitions with support for the rebuilding of their homes and with adequate compensation.”

**United Nations Committee Against Torture (CAT), 23 November 2001**

“6. The Committee expresses concern about ...(j) Israeli policies of house demolitions, which may, in certain instances, amount to cruel, inhuman or degrading treatment or punishment (article 16 of the Convention).

7(g) The State party should desist from the policies of closure and house demolition where they offend article 16 of the Convention.” [According to art 16 of the UN Convention against Torture “each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in art. 1....”]

**See Also**

[Israel demolishes homes of 30 Palestinian Bedouins near Jerusalem](#), **Ma'an News Agency**, 28 January 2008

[Ruling Palestine: A History of the Legally Sanctioned Jewish-Israeli Seizure of Land and Housing in Palestine](#), **Centre on Housing Rights and Evictions (COHRE) and BADIL Resource Center for Palestinian Residency & Refugee Rights**, 11 May 2005

[The legality of house demolitions under International Humanitarian Law](#), **Harvard University**, 31 May 2004

[Demolishing Peace: Israel's policy of mass demolitions of Palestinian houses in the West Bank, B'Tselem](#), 25 December 1997

[Humanitarian Monitor January 2008](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, 28 February 2008

[Discrimination in the Heart of the Holy City](#), **Meir Margalit**, 2006

[Concluding Observations of the Committee on the Rights of the Child: Israel. CRC/C/15/Add.195](#), **United Nations Committee on the Rights of the Child**, 9 October 2002

**Military Clearing Operations & House Demolitions:**

- Clearing operations are part of Israel's defense strategy witnessed in West Bank though particularly in Gaza Strip, and consists of the destruction of homes deemed close to Israeli security infrastructure, Jewish roads, or provide cover for Palestinian military operations.
- Unlike in 1948, population displacement and property destruction after the 1967 war was concentrated mostly in border areas: along the boundary that had separated the West Bank from Israel (known as the Green Line) and near the external borders of the West Bank.
- Clearing operations in Gaza strip would consist of house demolitions, uprooting of orchards, and destruction of farm lands.
- This policy has been used mostly in areas surrounding the settlements, on both sides of the bypass roads along which the settlers drive, and around army posts, and mostly along the

border of Gaza, particularly in the Philadelphi Corridor and Erez crossing point in the creation of 'security strips' or buffer zones.

- Clearing Operations have continued to be conducted in all areas of the West Bank and Gaza, although to a lesser extent in Area 'A', and in Gaza since the 2005 withdrawal.

**B'Tselem**, 11 August 2008

"Since the beginning of the al-Aqsa intifada, Israel has employed a policy of house demolition, uprooting of orchards, and destruction of farmland in the Gaza Strip. This policy has been used mostly in areas surrounding the settlements, on both sides of the bypass roads along which the settlers drive, and around army posts, mostly along the Egyptian border. .... This policy is part of Israel's defense strategy in the Gaza Strip.... As a safeguard against Palestinian attacks, Israel is creating "security strips" around places where Israeli civilians or armed forces are located.

..... The scope of house demolitions and destruction of farmland is especially extensive along the border between Rafah and Egypt. This strip of land, along which Israel has set up army posts, covers 16.5 square kilometers. Part of the strip lies at the edge of the extremely densely-populated Rafah refugee camp. Israel's policy of destruction in the camp has been systematic and continuous since the beginning of the intifada. In implementing this policy, the IDF has conducted a number of special operations in which it destroyed large numbers of houses in a short period of time. "

**Human Rights Watch (HRW)**, October 2004

"While Israel's punitive and administrative house demolition policies have targeted individual homes, Israel has also in the past undertaken widespread destruction of neighborhoods, camps, and villages for putative security or military purposes. The apparent rationales for much of the destruction in Rafah since 2000 – namely, the need for "clear" borders and, to a lesser extent, to facilitate maneuverability of forces in densely populated areas – are not new. Such demolitions have also been linked to demographic changes.

Unlike in 1948, population displacement and property destruction after the 1967 war was concentrated mostly in border areas: along the boundary that had separated the West Bank from Israel (known as the Green Line) and near the external borders of the West Bank. The IDF razed the villages of Beit Nuba, 'Imwas, and Yalu, located near the strategic Latrun salient northwest of Jerusalem, in June 1967; later, a recreational area called "Canada Park" was built in their place. The same month, the IDF demolished the Green Line villages of Beit 'Awa and Beit Marsam near Hebron. From June 9-18, the IDF destroyed 850 of the 2,000 dwellings in the town of Qalqiliya, located near the Green Line; only the intervention of a group of Israeli intellectuals saved the rest. Equally important to Israel was the Jordan Valley, on the external border of the West Bank. While up to a quarter of the population of the West Bank left after the war, the Jordan Valley's population fell by eighty-eight percent, to 10,778. In subsequent years, the population grew to some twenty thousand. The bulk of those who fled across the river to Jordan were fifty thousand refugees living in three large camps in the valley – 'Ein al-Sultan, Nu'aymah, and 'Aqbat Jabir. According to the International Committee of the Red Cross, the IDF bulldozed the Jordan Valley communities of Jiftlik, Ajarish, and Nuseirat in late 1967. Israel's first settlements in the OPT were also in the Jordan Valley, underlining the importance given by Israel to control over the external borders of occupied territories.

The Gaza Strip has been the major site of mass demolitions for the stated purpose of enhancing the mobility of military vehicles in urban areas; such security considerations also dovetailed with

demographic ones. General Ariel Sharon, head of the IDF Southern Command after the 1967 war, believed the Palestinian refugee “problem” could be solved by reducing or eliminating the refugee camps. In November 1969, the IDF described to UNRWA plans “to improve the water and electricity supply and to widen roads in refugee camps, noting that some houses would have to be removed.” UNRWA demurred, citing the need for permission from the U.N. General Assembly. The IDF eventually went ahead without UNRWA’s cooperation. In the summer of 1971, the IDF destroyed approximately two thousand houses in the refugee camps of the Gaza Strip, including Rafah. Bulldozers plowed through dense urban areas to create wide patrol roads to facilitate the general mobility of Israeli forces; they were not connected to combat activities. The demolitions displaced nearly sixteen thousand people, a quarter of them in Rafah. At least two thousand of the displaced were moved to al-Arish, in the Sinai peninsula (then also under Israeli control), and several hundred were sent to the West Bank. Israeli officials reportedly argued that demolitions would serve both developmental and demographic aims:

The Israelis say that their program of demolishing houses and putting in patrol roads and lighting will begin by restoring security to the camps’ inhabitants. In the long run, they say, by reducing congestion and building new housing and other facilities, they will provide the beginnings of a decent life. Israeli officials are not yet prepared to discuss the long-range aspects. They say they are legally justified in moving refugees from Gaza into occupied Egyptian territory in the Sinai Peninsula. Some of those displaced in 1971 again lost their homes in May 2004.

During the current uprising, property destruction in the Gaza Strip for the security of the IDF and settlers has far surpassed punitive demolitions. Most people inside the Gaza Strip who have lost their homes were not alleged to have any connection with those who participated in armed attacks. Rather, the IDF has seized property, razed land, and destroyed homes in the context of creating “buffer zones” for military bases, Israeli settlements, and the roads that serve them."

### **Punitive House demolitions**

- Israel implemented a policy of demolishing and sealing houses in West Bank and Gaza Strip as a punitive measure against the Palestinian population since 1967. The scope of the punitive house demolitions has varied.
- The declared objective was deterrence through harming of relatives of Palestinians carried out, or were suspected of carrying attacks against Israeli citizens. Main victims of demolitions were family members among them women, elderly and children.
- In many cases in the Al Aqsa intifada, the IDF has also damaged nearby homes. Almost half of homes demolished during the Al Aqsa intifada were adjacent to homes.
- The policy of punitive house demolitions was stopped in February 2005. There have however been reported number of cases of punitive house demolitions however following 2005 through to 2008.
- Punitive house demolitions have been widely condemned for violating basic principles and rights of international human rights and humanitarian law.
- From 1987 to 2005, 1,115 houses were completely demolished, 64 partially demolished, 299 residences were sealed, and 118 were partially sealed. (B'Tselem 2005)

**B'Tselem**, February 2005

"On 17 February 2005, Defense Minister Shaul Mofaz adopted an IDF committee's recommendation to stop demolishing the homes of Palestinians suspected of carrying out attacks against Israelis. The committee found that house demolitions are not an efficient deterrent.

Since 1967, Israel has implemented a policy of demolishing and sealing houses in the West Bank and Gaza Strip as a punitive measure against the Palestinian population. The scope of punitive house demolitions has varied over the years (in the four-year period 1998-2001, it was not used), in part because most Palestinians were living in areas in which governing powers had been transferred to the Palestinian Authority, and the IDF did not enter those areas. In October 2001, during IDF actions in Area A in the West Bank, Israel renewed its policy of punitive house demolitions.

The declared objective of house demolitions was deterrence, achieved by harming the relatives of Palestinians who carried out, or were suspected of involvement in carrying out, attacks against Israeli citizens and soldiers. Indeed, the main victims of the demolitions were family members, among them women, the elderly, and children, who bore no responsibility for the acts of their relative and were not suspected of involvement in any offense. In the vast majority of house demolitions, the person because of whom the house was demolished no longer lived in the house, either because he was "wanted" by Israel and was in hiding, or because he was being held by Israel and was awaiting a long prison sentence, or because he had been killed by security forces or in the attack he carried out.

Furthermore, unlike house demolition in the past, in which the IDF was careful to damage only the house of the nuclear family of the person because of whom the house was being demolished, in many cases during the al-Aqsa intifada, the IDF has also damaged nearby homes. In some instances, the damage to neighboring homes apparently resulted from the force of the explosion, and was not deliberate. However, B'Tselem's research clearly shows that in some cases, soldiers intentionally damaged adjacent homes. Destruction of nearby homes is especially common when the residents of the nearby homes belong to the suspect's extended family. Almost half of the homes demolished by the IDF as punishment during the current intifada were adjacent homes.

Israel tried to give the impression that it destroys only homes of Palestinians who were directly involved in attacks that caused many Israeli civilian casualties. In practice, the IDF also demolished homes of Palestinians who were involved in any kind of violent actions against Israelis, from suicide attacks that caused many casualties, to failed attempts against soldiers' lives. Also, not only did Israel demolish houses of persons suspected of carrying out attacks or of attempting to carry out attacks, it also demolished the house of Palestinians suspected of planning, dispatching, or assisting in the commission of attacks. ...It should be mentioned that the deterrent effect of house demolitions has never been proven."

**B'Tselem**, 6 December 2005

"From October 2001 to the end of January 2005, Israel demolished 667 Palestinian houses in the Occupied Territories as a means of punishment, which left more than 4,200 persons homeless. Half of the demolished houses were situated adjacent to houses of the family of the person because of whom the demolition took place. In February of this year, the committee appointed by Chief-of-Staff Ya'alon recommended that the policy be stopped. The committee found that the demolition of houses is not an efficiency means of deterrence. In 17 February, Defense Minister Mofaz adopted the recommendation. "

**UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967**, 7 December 2004

"22. A third kind of house demolition, accounting for 15 per cent of the houses destroyed, is that of punishment of the family and neighbours of Palestinians who have carried out or are suspected of having carried out attacks against Israelis. Such punitive action is not confined to the family of suicide bombers: indeed, in 40 per cent of the cases involving demolition of houses, no Israelis had been killed in the incidents giving rise to such demolitions. Punitive home destruction is the subject of a recent disturbing publication by Israel's premier human rights NGO, B'Tselem (Israeli Information Centre for Human Rights in the Occupied Territories). This study shows that since October 2001, the IDF has demolished 628 housing units, home to 3,983 persons. 47 per cent

(295) of the homes demolished were never home to any one suspected of involvement in attacks upon Israelis. As a result, 1,286 persons unconnected with any acts against Israelis have been punished. Figures do not bear out Israeli claims that advance notice is given to owners of houses to be demolished; only in 3 per cent of the cases had proper warning of demolition been given. This disquieting study strongly suggests that house demolitions are carried out in an arbitrary and indiscriminate manner.

23. It is difficult to resist the conclusion that punitive house demolitions constitute serious war crimes. Article 53 of the Fourth Geneva Convention prohibits the occupying State from destroying the property of civilians "except where such destruction is rendered absolutely necessary by military operations". "Military operation", according to the official commentary of the International Committee of the Red Cross, means "the movements, manoeuvres, and actions of any sort, carried out by the armed forces with a view to combat". House demolitions are not carried out in the context of hostilities "with a view to combat" but as a punishment. They cannot be described as part of a "military operation" and they certainly cannot be considered "absolutely necessary" for action not constituting a military operation. Moreover such demolitions violate the prohibition imposed on collective punishment by article 33 of the Fourth Geneva Convention, which reads: "No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited."

**United Nations Commission on Human Rights (CHR), 21 August 2003**

"16. ...In the Committee's opinion the demolition of property and houses of families some of whose members were or are suspected of involvement in terrorist activities or suicide bombings contravenes the obligation of the State party to ensure without discrimination the right not to be subjected to arbitrary interference with one's home (art. 17), freedom to choose one's residence (art. 12), equality of all persons before the law and equal protection of the law (art. 26), and to be subject to torture or cruel and inhuman treatment (art. 7). The State party should cease forthwith the above practice."

**United Nations Commission on Human Rights (CHR), 12 June 2002**

"22. Israel's administrative housing destruction as a punitive action does not comply with the norms of the rule of law with a view to ensuring human rights. The demolitions ordered either for lack of permit or another pretext have a military dimension and a gratuitously cruel nature. Orders are often issued without specifying the affected home(s), without indicating the date of the order or demolition, and without sufficient warning to inhabitants. Some administrative demolitions are carried out with no orders at all. In most cases of demolition for lack of permit, authorities wait until construction is complete before coming to destroy the home, inflicting the heaviest possible material loss to the victim. With regard to the arbitrary, disproportionate and discriminatory nature of this form of Israeli punishment, housing rights defenders note that even the Israeli assassination of former Prime Minister Yitzhak Rabin was not subjected to the demolition of his family's home, the common collective punishment for Palestinians merely suspected of a real or potential act of resistance. "

**See Also:**

[Statistics on demolition of houses as punishment 1987-2005](#), **B'Tselem**, February 2005  
[Jewish Voice for Peace welcomes end of punitive home demolitions, calls for end to all home demolitions](#), **Jewish Voice for Peace**, 23 February 2005  
[Jewish Peace News Commentary: The announced change applies only to punitive demolitions](#), **Jewish Voice for Peace**, 17 February 2005



[Israel Should Reject Proposal for Additional Home Demolitions](#), **Human Rights Watch (HRW)**, 14 January 2005

[B'Tselem to Mofaz: Prevent the renewal of house demolitions](#), **B'Tselem**, 6 December 2005

al-Haq, *Israel's Punitive House Demolition Policy: Collective Punishment in Violation of International Law*, 2003;

al-Haq, *A Thousand and One Homes: Israel's Demolition and Sealing of Houses in the Occupied Palestinian Territories*, 1993;

B'tselem, *Demolition and sealing of homes in the West Bank and the Gaza Strip as a Punitive Measure During the Intifada*, 1989.

### **House Demolitions based on Administrative Regulations**

- Last 40 years, Israel has employed in the West Bank a policy of planning, development, and building that severely restricts construction by Palestinians. Israel has created a situation in which thousands of Palestinians are unable to obtain permits to build on their land, and are compelled to build without a permit because they have no other way to provide shelter for their families.
- The existing planning schemes, which have been frozen for past 30 years, serve as the basis for approval - more often rejection - of applications for building permits. Land registration has been frozen for thirty years, making it easy to deny applications for permits on the grounds of failure to prove ownership of the land.
- Israel administers the building authorities, which have no Palestinian representation. A Palestinian wanting to obtain a building permit to build on his land in Area C [that part of the West Bank which remains under complete Israeli control] must undergo a prolonged, complicated, and expensive procedure which generally results in denial of the application.
- House demolitions for lack of building licence on administrative grounds, lack of Palestinian planning areas, denial of construction permits, as means of compelling Palestinians to leave areas of land that are wanted for Israeli settlements, bypass roads, or to prevent Palestinians from establishing claims to land that Israel wants to keep in final status negotiations. (Al Haq, Nabulous 2006)
- Rather than change this situation, Israel has adopted a policy of mass demolition of Palestinian houses. In the past ten years, the authorities have demolished more than 2,200 residences, leaving more than 13,000 Palestinians homeless. This policy continues today in Area C. (Betselem 2007)

**UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, May 2008, p.1

"To date, more than 3,000 Palestinian-owned structures in the West Bank have pending demolition orders, which can be immediately executed without prior warning. At least ten small communities throughout the West Bank at risk of being almost entirely displaced due to the large number of pending demolitions orders.

During the first quarter of 2008, Israeli authorities demolished 124 structures due to a lack of permits. In 2007, 208 Palestinian-owned structures have been demolished under the same circumstances. Sixty-one of the demolished structures were residential and led to the displacement of 435 Palestinians, including at least 135 children. Most of these demolitions occurred in the Jordan Valley and South Hebron areas. This trend, however, was discontinued in the following two months (as of 20 May), when only one structure was demolished.

Children are frequently disproportionately affected by the demolition of their homes and the subsequent displacement of their families. According to a recent study, children are separated

from their parents and face gaps in access to education, health facilities and clean water in the immediate aftermath of a house demolition.

Since the beginning of the occupation in 1967 Palestinian-owned structures lacking building permits have been demolished by Israeli authorities. However, following the division of the oPt into different jurisdictional areas in the framework of the Oslo agreements, such demolitions have been restricted to areas classified as C, which cover approximately 61% of the West Bank territory. Demolitions are being carried out by the IDF (Israel Defense Forces) also during military operations, including arrest operations, and due to proximity to the Barrier route.

Over 400 Palestinian villages and towns (excluding East Jerusalem) have at least part of their built-up area in Area C. The number of Palestinians living in those areas is estimated at over 228,000. Among them, about 44,000 reside in 130 communities, whose built-up area lies *entirely (greater than 99%)* in Area C.

Over 94% of applications for building permits in Area C, submitted to the Israeli authorities by Palestinians between January 2000 and September 2007, were denied. During this period 5,000 demolition orders were issued, and over 1,600 Palestinian buildings were demolished. Given the inability to obtain building permits, many Palestinians no longer apply and instead build without them in order to meet their needs, despite the ever-present risk of demolition. .... [Footnote 6] In contrast, during the same period, 2,900 demolition orders were issued for structures in Israeli settlements, but only 200 demolitions (7% of total orders) were carried out. "

**B'Tselem**, 11 August 2008

"Over the past three decades of occupation, Israel has employed in the West Bank a policy of planning, development, and building that severely restricts construction by Palestinians while allocating broad expanses of land to establish and expand Jewish settlements. In this way, Israel has created a situation in which thousands of Palestinians are unable to obtain permits to build on their land, and are compelled to build without a permit because they have no other way to provide shelter for their families.

Israel froze planning in Palestinian towns and villages. The existing planning schemes, which date back fifty years and more, serve as the basis for approval - more often rejection - of applications for building permits. Land registration has been frozen for thirty years, making it easy to deny applications for permits on the grounds of failure to prove ownership of the land. Israel administers the building authorities, which have no Palestinian representation. A Palestinian wanting to obtain a building permit to build on his land in Area C [that part of the West Bank which remains under complete Israeli control] must undergo a prolonged, complicated, and expensive procedure which generally results in denial of the application.

In this situation, and with no option, many Palestinians are compelled to build without a permit. The construction is not a political act or an act of protest. Rather, the construction is the only way left to them to provide housing for themselves and their families. Rather than change this situation, Israel has adopted a policy of mass demolition of Palestinian houses. In the past ten years, the authorities have demolished more than 2,200 residences, leaving more than 13,000 Palestinians homeless. This policy continues today in Area C.

At the same time, at least 155 Israeli settlements, containing more than 170,000 Jewish Israeli citizens, have been established. These settlements benefit from an efficient system of planning and supervision of construction, and establishment of comprehensive planning schemes for all the settlements. Despite this, thousands of houses were built in these settlements without permits. Israel refrained from demolishing these houses, and instead issued retroactive building

permits for thousand of houses constructed without permits. This building-permit policy blatantly discriminates between settlers and Palestinians.

Planning and building is a purely civilian matter. The military authorities have the right to intervene in planning and building only where patently military matters are involved. Conversely, individuals have a basic right to be involved in determining the future of their surroundings, including the right to elect and direct the planning and building authorities, and occupation cannot justify denial of this right. "

**B'Tselem**, July 2005, p.36

### **Refusal to permit building and development**

"The entire closed area is classified Area C. According to the Oslo agreements signed between Israel and the PLO, Israel continues to have sole authority over planning and building in Area C of the West Bank. These powers are exercised by the Civil Administration. Planning in Area C continues to be based on two regional outline plans prepared by the British Mandate in the 1940s: one for the southern section of the West Bank and the other for the northern section. The southern section outline plan classifies the entire closed area as farmland, on which construction is forbidden. Because the Civil Administration has refrained from amending the Mandatory outline plans, as a rule, it is impossible to obtain building permits in Area C. The rule does not apply to lands held by the settlements. To enforce the outline plans, the Civil Administration operates a Building Inspection Unit and issues demolition orders when a new structure is detected. It is not surprising, therefore, that the closed area looks as if time has stood still. Israel uses the planning system to deny the residents their right to live in the area as a community. This system blocks all construction intended to meet the residents' basic needs, including residential dwellings, structures to supply services to the residents (education and basic medical care, for example), pens for their sheep and goats, and water reservoirs."

### **See Also:**

[Land Grab: Israel's Settlement Policy in the West Bank](#), **B'Tselem**, May 2002

[The legality of house demolitions under International Humanitarian Law](#), **Harvard University**, 31 May 2004

[Ruling Palestine: A History of the Legally Sanctioned Jewish-Israeli Seizure of Land and Housing in Palestine](#), **Centre on Housing Rights and Evictions (COHRE) and BADIL Resource Center for Palestinian Residency & Refugee Rights**, 11 May 2005

[The legality of house demolitions under International Humanitarian Law](#), **Harvard University**, 31 May 2004

[Demolishing Peace: Israel's policy of mass demolitions of Palestinian houses in the West Bank](#), **B'Tselem**, 25 December 1997

## **Separation Wall**

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### **Separation Wall/Barrier**

- Construction of the Separation Wall has led to multiple forms of displacement and significant consequences on Palestinian communities on both sides of the wall.
- The Wall is planned to extend 723 kilometers with 87% located inside the West Bank (including East Jerusalem). It is currently 59% completed

- When completed an estimated 35,000 to 60,000 Palestinians will be residing in the closed zone between the Wall and the Green Line in addition to the majority of the approximately 250,000 residents of East Jerusalem. The area will constitute 9,8 to 10,2% of Palestinian Territory. (CHR, 21 January 2008; OCHA and UNWRA, July 2008)
- Approximately 125,000 Palestinians in 28 communities will be surrounded on three sides by the Barrier. Approximately, 26,000 Palestinians in 8 communities will be surrounded on four sides by the Barrier, with a tunnel or road connection to the rest of the West Bank. (OCHA and UNWRA, July 2008)
- The Wall has serious humanitarian consequences for Palestinians living within the closed zone. They are cut off from places of employment, schools, universities and specialized medical care, and community life is seriously fragmented.
- Sample household survey undertaken in mid 2006 in Jerusalem indicates that 17,3% of Palestinians who had changed previous residence did so because of the Wall and associated regime. (BADIL and PCBS 2006)
- There are several ways in which communities are affected by the Wall and its associated regime: villages and suburbs that are walled from three sides by the wall and where movement through the fourth is tightly monitored; and villages and population centres located between the Separation Wall and the Green Line (Seam zone).

**UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, 21 January 2008**

"36. ...The wall that Israel is at present building, largely in Palestinian territory, is clearly illegal. The International Court of Justice in its Advisory Opinion on the construction of the wall found that it is contrary to international law and that Israel is under an obligation to discontinue construction of the wall and to dismantle forthwith those sections that have already been built. Israel has abandoned its claim that the wall is a security measure only and now concedes that one of the purposes of the wall is to include settlements within Israel. The fact that 83 per cent of the West Bank settler population and 69 settlements are enclosed within the wall bears this out.

37. The wall is planned to extend for 721 kilometres. At present 59 per cent of the wall has been completed and 200 kilometres have been constructed since the International Court of Justice handed down its Advisory Opinion declaring the wall to be illegal. When the wall is finished, an estimated 60,000 West Bank Palestinians living in 42 villages and towns will reside in the closed zone between the wall and the Green Line. This area will constitute 10.2 per cent of Palestinian land in the West Bank. There are, however, suggestions that the route of the wall will be revised to include additional Palestinian lands in the south-eastern West Bank near to the Dead Sea. If this plan is implemented some 13 per cent of Palestinian land will be seized by the wall. The closed zone includes many of the West Bank's valuable water resources and its richest agricultural lands.

38. The wall has serious humanitarian consequences for Palestinians living within the closed zone. They are cut off from places of employment, schools, universities and specialized medical care, and community life is seriously fragmented. Moreover, they do not have 24-hour access to emergency health services. Over 100 persons residing in the closed zone have not received permits to leave the area. Palestinians who live on the eastern side of the wall but whose land lies in the closed zone face serious economic hardship, as they are not able to reach their land to harvest crops or to graze their animals without permits. Permits are not easily granted and the bureaucratic procedures for obtaining them are humiliating and obstructive. The Office for the Coordination of Humanitarian Affairs (OCHA) has estimated that only about 18 per cent of those who used to work land in the closed zone before the construction of the wall receive permits to visit the closed zone today. The opening and closing of the gates leading to the closed zone are

regulated in a highly restrictive manner: in 2007 OCHA carried out a survey in 67 communities located close to the wall which showed that only 19 of the 67 gates in the wall were open to Palestinians for use all the year round on a daily basis. To aggravate matters Palestinians coming into and out of the closed zone are frequently subjected to abuse and humiliation at the gates by the IDF. Hardships experienced by Palestinians living within the closed zone and in the precincts of the wall have already resulted in the displacement of some 15,000 persons.

39. The plight of the village of Jayyus, visited by the Special Rapporteur on 30 September 2007, illustrates the hardships faced by communities living near to the wall, but in the West Bank. The 3,200 residents of Jayyus are separated by the wall from their farmland; 68 per cent of the village's agricultural land and its six agricultural wells lie in the closed zone between the wall and the Green Line and are off limits to those without a visitor's permit. Scores of greenhouses are situated in the closed zone, producing tomatoes, cucumbers and sweet peppers, which require daily irrigation. Only about 40 per cent of the residents of Jayyus are granted permits to access farms, and gate opening times are both limited and arbitrary. By August 2004, one year after the construction of the wall, local production had fallen from 7 to 4 million kilograms of fruit and vegetables. The situation has further deteriorated over the past three years.

40. The section of the wall within the Jerusalem Governorate measures 168 kilometres in length. Only 5 kilometres of its completed length runs along the Green Line. The route of the wall runs deep into the West Bank to encircle the settlements of Maale Adumim. In contrast, many Palestinian villages which are currently in the Jerusalem municipality are placed outside the wall and thus separated from Jerusalem. In some places, such as Abu Dis, the wall runs through Palestinian communities, separating neighbours and families. About 25 per cent of the 253,000 Palestinians living in East Jerusalem have been cut off from the city by the wall. This means they can only enter Jerusalem through checkpoints, which makes it difficult to access hospitals, schools, universities, work and holy sites - particularly the Al Aqsa Mosque and the Church of the Holy Sepulchre."

**UNWRA & UNOCHA**, July 2008, p.1 to 8.

"Various routes of the Barrier have been approved by the Israeli cabinet since construction began. The map of the current route was published on the website of the Ministry of Defense in April 2006. The Barrier compounds the fragmentation of the West Bank by creating non-contiguous enclaves of Palestinian communities and territory, which are isolated from each other and from the remainder of the West Bank. Movement and access for Palestinians is controlled by permits and gates, or channelled through 'Fabric of Life' routes – secondary roads, tunnels and underpasses created or upgraded by the Israeli authorities to restore transportation contiguity between disconnected Palestinian localities. These physical and bureaucratic measures add to the closure regime of checkpoints and roadblocks, preventing and delaying Palestinians from accessing essential services and workplaces. The constructed parts of the Barrier in the northern West Bank are already creating geographical and bureaucratic hardships for hundreds of thousands of Palestinians.

In October 2003, the area between the Barrier and the Green Line was declared closed by military order, and a permit and gate regime was introduced. Approximately 10,000 Palestinian residents reside in these areas and have become physically separated from the rest of the West Bank. The majority require 'permanent resident' permits from the Israeli military to continue to live in their own homes. As documented in previous UNOCHA-UNRWA reports, health and education services are generally located on the east, or 'Palestinian' side, of the Barrier, so children, patients and workers have to pass through gates to reach schools, medical facilities and workplaces and to maintain family and social relations. When complete, approximately 35,000 West Bank Palestinians will be located between the Barrier and the Green Line.

A far greater number of Palestinians who reside to the east of the Barrier have been isolated from farms, grazing lands and water resources located on the west side. In the northern West Bank, these Palestinians need 'visitor' permits to cross the Barrier to reach their farms and wells located in the closed area. According to a UNOCHA-UNRWA Barrier Monitoring survey, less than 20 percent of those who used to farm their lands in these areas before completion of the Barrier are now granted permits. Even if granted, permits are not always issued to the most appropriate person, leaving older family members unable to effectively carry out the work, while the more able-bodied remain idle at home.

For the minority granted permits, access is through a limited number of designated gates. Along the total length of the Barrier, there are 66 gates currently open on a daily, weekly and/or seasonal basis .... The irregular placement of the gates and the restrictive opening times severely curtail the time available for farming with negative impact on rural livelihoods. Projected Barrier construction will also affect some of the most productive lands and water resources in the West Bank. In the north, the Qedumim and Ariel 'Fingers' will fragment the Qalqiliya district, adding to the deteriorating economic situation in Qalqiliya City, and compounding the problems faced by agricultural communities such as Jayyus. The 'Fingers' will also gravely impact the Salfit governorate, disrupting the geographical contiguity and dissecting the territory into three disconnected pockets, north, south and west, with communities surrounded on three sides (the Biddya Area) or four sides (Az Zawiya enclave) by the Barrier.

In the central West Bank, the completed Barrier isolates neighbouring West Bank communities -- such as the villages in the Deir Ballut enclave -- that were once closely connected to East Jerusalem. Densely-populated Palestinian localities inside the Jerusalem boundary are also physically separated from the city, with residents now needing to cross a checkpoint to access the services to which they are entitled. Completion of the Barrier around the Ma'ale Adummim settlement bloc will physically separate East Jerusalem from the rest of the West Bank, and as documented in a previous UNOCHA Barrier report, will further restrict Palestinians' access to workplaces, health, education, and other services, and to places of worship.

Further south, the Barrier already separates Bethlehem from Jerusalem, with which it shares historic religious, social, and economic ties. Construction of the Barrier around the Gush 'Ezion settlement bloc will sever the territorial contiguity of Bethlehem and curtail its potential for natural growth. It will also separate the city from its agricultural hinterland, which comprises 9 Palestinian communities of approximately 22,000 residents, who will face restricted access to services in Bethlehem, including markets, health services, and higher education.

.... When complete: This route will run to 723 kilometres, more than double the length of the 1949 Armistice (Green Line), with 87% located inside the West Bank (including East Jerusalem). The Barrier will isolate approximately 9.8% of West Bank territory, including East Jerusalem and No-Man's Land. Approximately 385,000 settlers in 80 settlements will be located between the Barrier and the Green Line. Approximately 35,000 West Bank Palestinians will be located between the Barrier and the Green Line, in addition to the majority of the approximately 250,000 residents of East Jerusalem. Approximately 125,000 Palestinians in 28 communities will be surrounded on three sides by the Barrier. Approximately, 26,000 Palestinians in 8 communities will be surrounded on four sides by the Barrier, with a tunnel or road connection to the rest of the West Bank."

**UN Office for the Coordination of Humanitarian Affairs (UN OCHA), November 2007**

"Of the 67 communities surveyed in the northern West Bank, 52 are located to the east of the Barrier and 15 in the closed area between the Barrier and the Green Line.

The total population is 218,556, including 77,403 refugees. Of these, 208,627 (including 75,534 refugees) reside to the east of the Barrier and 9,929 (including 1,969 refugees) live in the closed area.

67 Barrier gates have been recorded by the UN in the Jenin, Tulkarm, Qalqiliya and north Salfit districts in the northern West Bank. Of these, 19 are currently open to Palestinians on a daily basis with appropriate permits. A further 19 are open to Palestinians on a seasonal/ weekly basis. 29 are never open to Palestinians to access land in the closed area.

Only about 18% of those who used to work land in the closed area before completion of the Barrier receive 'visitor' permits today.

Approximately 3,000 people have stopped applying for permits, discouraged because of repeated refusal. Approximately 1,800 families do not have an able bodied member with a permit.

26 men, 81 women, and 4 children residing in the closed area have not received 'permanent resident' permits, restricting their freedom of movement outside of the closed area.

7 communities in the closed area have no access to local primary health care and only 1 community has access to 24-hour-emergency healthcare. 9 communities in the closed area report that expectant mothers leave the closed area weeks before delivery to ensure access to proper care.

29 out of 67 communities reported that households have left because of the Barrier, representing about 1,200 households – just over 3 percent of the population surveyed.

36 communities reported that heads of households have left to find work elsewhere, representing about 1,100 additional individuals.

42 of the communities complained of regular harassment or verbal abuse, 17 reported incidents of physical violence and 13 complained of seizure, confiscation or destruction of produce.

....All 67 communities surveyed have land under the Barrier and/or isolated in the closed area between the Barrier and the Green Line in the northern West Bank. The communities included one city (Qalqiliya), towns, villages, *khirbehs* (hamlets) and Bedouin communities. Of the 67 communities, 52 are located to the east of the Barrier and 15 are in the closed area between the Barrier and the Green Line. The majority of communities are rural and highly dependent on agriculture for their livelihoods. The area affected includes some of the most agriculturally productive land and richest water resources in the West Bank. The total population, as reported by community officials, is 218,556, including 77,403 registered refugees. Of these, 208,627 (including 75,534 refugees) reside to the east of the Barrier and 9,929 (including 1,969 refugees) live in the closed area.

Those granted visitor permits can only enter and access the closed areas through designated gates. In the 200-kilometre length of the Barrier surveyed, the total number of gates is 67. Gates may have multiple functions: and OCHA/UNRWA have divided them into seven categories. Of the 67 gates recorded, only 19 are open on a daily basis, a further 19 are open seasonally or seasonal/ weekly, and 29 are never open for Palestinians to access the closed area.

The survey also attempted to address the issue of displacement as a result of the negative impact of the Barrier on movement and livelihoods. Some 29 communities reported that households have left because of the Barrier, representing about 1,200 households, or three percent of the population surveyed. As reported by respondents in 36 communities, heads of households have also left to seek employment elsewhere in the West Bank, representing about 1,100 additional individuals."

#### **Ma'an Development Centre, 2007**

"The Palestinian ghettos that exist today have been built gradually since 1948. As described by successive Israeli Ministers since that time, they serve a dual purpose: to exert severe economic and social pressure on the Palestinian population in order to force them to leave; and to allow

complete control of the Palestinian population who remain in order to facilitate the expansion of the Jewish settlements onto their confiscated land.

In 2007, the policy of ghettoization is almost complete. Six ghettos have been shaped:

- The Northern Ghetto - Jenin, Tulkarem, Qalqilya, Nablus.
- The Central Ghetto - Salfit and Ramallah.
- The Southern Ghetto - Hebron and Bethlehem
- The Jordan Valley
- The Gaza Strip
- Jerusalem

The ghettos contain 27 enclaves surrounded by barbed wire, walls and control towers, with 266,442 Palestinian residents. The physical restrictions, coupled with the Occupation's control of the planning system mean that there is no possibility that these centers can expand to meet the needs of the Palestinian population. Between the ghettos are walls, military outposts and roadblocks. Movement between the ghettos is extremely difficult for Palestinians and in many cases actually impossible, with deleterious effects on social relations, education and commercial activity. The restrictions are imposed in defiance of international conventions and human rights.

In spite of the ever-tightening restrictions, Palestinians have been steadfast in their resistance and their determination not to relinquish their rights and land. Palestinian national identity and struggle have endured decades of Israeli policies of fragmentation, culminating today in the Bantustanization of the West Bank and Gaza. Among Palestinians in the ghettos, across the Green Line and in the Diaspora the spirit of defiance remains undimmed: 'We will not live the Nakba twice' is our message to the Occupation and the world."

#### **BADIL Resource Center for Palestinian Residency and Refugee Rights, 4 July 2006**

"Within the framework of the PCBS surveillance system on impact of the Israeli measures on the wellbeing of the Palestinian people, PCBS conducted in cooperation with BADIL, the Resource Center for Palestinian Residency and Refugee Rights, a household survey on the impact of wall on forced displacement in Jerusalem. The sample size of the survey is 1,008 households; interviews were completed with 981 households comprising 5,148 persons. The main objective of this survey is to quantify the impact of the wall on the forced displacement of the Palestinian people in Jerusalem and on their social and economic conditions. Data collection took place between 15 May and 10 June 2006. The following summarizes the main findings of the survey.

#### **Changing Place of Residence**

The results of the survey show that 32.9% of the Jerusalemite people have changed their last place of residence. This percentage reached 29.7% for those living in localities inside the wall, against 83.3% from localities outside the wall. The percentage of persons who changed their place of residence for the first time after the beginning of constructing the wall in 2002 amounted to 53.9% of the total persons who have involuntarily changed their previous place of residence (54.9% inside the wall and 51.7% outside the wall). The wall and its associated regime was the main cause for changing the place of residence for 17.3% of all persons who have changed their previous place of residence.

At the household level, the results reveal that 18.9% of the Jerusalemite households have changed their previous place of residence (11.7% of those inside the wall and 32.2% outside the wall). The wall and its associated regime was the cause of 34.8% of these changes. The percentage of persons (16 years and over) who thought in the past to change their current place of residence due to the wall and its associated regime is 52.2% (51.4% inside the wall and 52.8% outside the wall). The percentage of those currently thinking to change their place of residence



due to the wall and its associated regime is 63.8% (78.9% inside the wall and 58.0% outside the wall).

### **Requirement to Stay in the Current Place of Residence**

The results show that 86.7% of persons (16 years and over) in Jerusalem governorate require adequate services in order to be encouraged to stay in their place of residence (91.8% inside the wall and 63.6% outside the wall). Availability of adequate infrastructure was the requirement of 84.8% (88.6% inside the wall and 77.9% outside the wall). In addition, 76.9% (89.6% inside the wall and 53.7% outside the wall) of the household required social security, and 72.9% asked for suitable jobs (77.9% inside the wall and 63.6% outside the wall).

### **Land Confiscation**

The results reveal that the percentage of households in Jerusalem governorate who had all or part of their land confiscated is 19.2% (5.3% inside of the wall and 31.4% outside of the wall).

### **Impact of the Wall on Education**

The results of the survey show that 80.0% of the households with students in higher education used alternative roads to reach university/college. About 75.2% of the households with students enrolled in basic/secondary education reported use of alternative roads to reach schools. In addition, 72.1% of the households with students in higher education were forced to be sometimes absent from university, compared with 69.4% for households with students enrolled in basic/secondary education.

### **Separation from Relatives due to the Wall**

About 21.4% of Palestinian households reported to have at least one member who was separated from relatives (15.5% inside of the wall and 32.6% outside of the wall). In addition, 18.0% of the Palestinian households in Jerusalem governorate are separated from the father (14.3% inside of the wall and 26.2% outside of the wall), whereas 12.7% of the households are separated from the mother (12.9% inside of the wall and 12.3% outside of the wall).

### **Access to Health Services**

The results of the survey show that access to health centers in the center of town was a difficulty for 34.5% of the households in Jerusalem governorate (5.8% inside of the wall and 88.3% outside of the wall). The inability of medical staff to reach health centers is an obstacle for 31.3% of the households (4.4% inside of the wall and 81.8% outside of the wall).

### **Population Mobility**

The results show that the time spent to pass checkpoints was an obstacle for 94.7% of the households (94.5% inside of the wall and 95.0% outside of the wall), whereas timing of passage was considered an obstacle for 92.7% of the households (93.4% inside of the wall and 91.2% outside of the wall).

### **Impact of the Wall on Social Networking**

The results reveal that the ability of 84.6% of the households in Jerusalem to visit family and relatives has been affected by the wall (84.3% inside of the wall and 85.2% outside of the wall). About 56.3% of the households were affected in their ability to practice cultural and social activities and entertainment (48.5% inside of the wall and 70.5% outside of the wall). The wall has also affected the ability of 40.0% of the households to visit religious and holy sites. The survey results indicate also that the percentage of households who faced obstacles to marrying a partner living on the other side of the wall has increased from 31.6% before the construction of the wall to 69.4% after construction of the wall."

**See Also:**

[Saving Lives – Israel's Security Fence](#), **Israel Ministry of Foreign Affairs (MFA)**, November 2003

[The Humanitarian Impact on Palestinians of Israeli Settlements and Other Infrastructure](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, July 2007

[A village cut in two: the goal is displacement, looting and land confiscation](#), **Palestinian News Network (PNN)**, 15 November 2006

[Israel-OPT: Palestinian shepherds forced to move on](#), **Integrated Regional Information Networks (IRIN)**, 19 December 2007

[OCHA Special Focus](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, 8 November 2006

[Three Years Later: The Humanitarian Impact of the Barrier Since the International Court of Justice Opinion](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, 9 July 2007

[Under the Guise of Security: Routing the Separation Barrier to Enable Israeli Settlement Expansion in the West Bank](#), **B'Tselem**, December 2005

[General Assembly Emergency Session overwhelmingly demands Israel's compliance with International Court of Justice Advisory Opinion](#), **United Nations (UN)**, 20 July 2004

[Profile of Jayous - The West Bank Barrier update Feb 2006](#), **United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)**, 28 February 2006

[Profile of Al-Jab'a Village - The West Bank Barrier update Feb 2006](#), **United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)**, 28 February 2006

[Profile of Nahalin Village - The West Bank Barrier update Feb 2006](#), **United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)**, 28 February 2006

[Preliminary Analysis: The Humanitarian Implications of the February 2005 Projected West Bank Barrier Route](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, March 2005

[The Humanitarian Impact of the West Bank Barrier on Palestinian Communities](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, September 2004

[General Assembly Emergency Session overwhelmingly demands Israel's compliance with International Court of Justice Advisory Opinion](#), **United Nations**, 20 July 2004

[Cabinet approves Disengagement Plan and Security Fence route](#), **Government of Israel**, 20 February 2005

[Al Nu'man village: A case study of indirect forcible transfer](#), **al-Haq**, November 2006, p.35

## **International and Israeli Rulings on the Separation Wall**

- On 9 July 2004, the International Court of Justice (ICJ), in an advisory opinion, ruled that the Barrier constructed by Israel in and around the West Bank and East Jerusalem was in breach of international law. It ruled that construction should cease and that the constructed areas of the Barrier should be dismantled.
- The Advisory Opinion of the ICJ has noted that the construction of the Wall is entailing displacement and altering the demographic composition of the OPT.
- Following the ICJ ruling, on 20 August 2004, the UN General Assembly adopted resolution A/RES/ES-10/15, which demanded that Israel comply with the legal obligations identified in the ICJ advisory opinion. It also requested the UN Secretary-General to establish a register of damages caused to the Palestinian population by the Barrier's construction.
- Israeli High Court has ruled on several occasions requesting the Government of Israel to re-route the Separation Wall, for the effects it has on Palestinian lives. The most notable case is the Beit Surik Ruling in June 2004. Such rulings by the Israeli High Court have been far and in between.

**International Court of Justice (ICJ), 9 July 2004**

"122. The Court recalls moreover that, according to the report of the Secretary-General, the planned route would incorporate in the area between the Green Line and the wall more than 16 per cent of the territory of the West Bank. Around 80 per cent of the settlers living in the Occupied Palestinian Territory, that is 320,000 individuals, would reside in that area, as well as 237,000 Palestinians. Moreover, as a result of the construction of the wall, around 160,000 other Palestinians would reside in almost completely encircled communities (see paragraphs 84, 85 and 119 above). In other terms, the route chosen for the wall gives expression in *loco* to the illegal measures taken by Israel with regard to Jerusalem and the settlements, as deplored by the Security Council (see paragraphs 75 and 120 above). There is also a risk of further alterations to the demographic composition of the Occupied Palestinian Territory resulting from the construction of the wall inasmuch as it is contributing, as will be further explained in paragraph 133 below, to the departure of Palestinian populations from certain areas. That construction, along with measures taken previously, thus severely impedes the exercise by the Palestinian people of its right to self-determination, and is therefore a breach of Israel's obligation to respect that right....

133. That construction, the establishment of a closed area between the Green Line and the wall itself and the creation of enclaves have moreover imposed substantial restrictions on the freedom of movement of the inhabitants of the Occupied Palestinian Territory (with the exception of Israeli citizens and those assimilated thereto). Such restrictions are most marked in urban areas, such as the Qalqiliya enclave or the City of Jerusalem and its suburbs. They are aggravated by the fact that the access gates are few in number in certain sectors and opening hours appear to be restricted and unpredictably applied. For example, according to the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967, "Qalqiliya, a city with a population of 40,000, is completely surrounded by the Wall and residents can only enter and leave through a single military checkpoint open from 7 a.m. to 7 p.m.".... There have also been serious repercussions for agricultural production, as is attested by a number of sources. According to the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories "an estimated 100,000 dunums [approximately 10,000 hectares] of the West Bank's most fertile agricultural land, confiscated by the Israeli Occupation Forces, have been destroyed during the first phase of the wall construction..... The Special Rapporteur on the Right to Food of the United Nations Commission on Human Rights states that construction of the wall "cuts off Palestinians from their agricultural lands, wells and means of subsistence" It has further led to increasing difficulties for the population concerned regarding access to health services, educational establishments and primary sources of water. The Special Rapporteur of the United Nations Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967 states that "Palestinians between the Wall and Green Line will effectively be cut off from their land and workplaces, schools, health clinics and other social services." (E/CN.4/2004/16, 8 September 2003, para. 9.) In relation specifically to water resources, the Special Rapporteur on the right to Food of the United Nations Commission on Human Rights observes that "By constructing the fence Israel will also effectively annex most of the western aquifer system (which provides 51 per cent of the West Bank's water resources)." (E/CN.4/2004/10/Add.2, 31 October 2003, para. 51.)

Similarly, in regard to access to health services, it has been stated that, as a result of the enclosure of Qalqiliya, a United Nations hospital in that town has recorded a 40 per cent decrease in its caseload (report of the Secretary-General, para. 24). At Qalqiliya, according to reports furnished to the United Nations, some 600 shops or businesses have shut down, and 6,000 to 8,000 people have already left the region (E/CN.4/2004/16, 8 September 2003, para. 10; E/CN.4/2004/10/Add.2, 31 October 2003, para. 51). The Special Rapporteur on the Right to Food of the United Nations Commission on Human Rights has also observed that "With the fence

/ wall cutting communities off from their land and water without other means of subsistence, many of the Palestinians living in these areas will be forced to leave." (E/CN.4/2004/10/Add.2, 31 October 2003, para. 51.) In this respect also the construction of the wall would effectively deprive a significant number of Palestinians of the "freedom to choose [their] residence". In addition, however, in the view of the Court, since a significant number of Palestinians have already been compelled by the construction of the wall and its associated régime to depart from certain areas, a process that will continue as more of the wall is built, that construction, coupled with the establishment of the Israeli settlements mentioned in paragraph 120 above, is tending to alter the demographic composition of the Occupied Palestinian Territory.

132. From the information submitted to the Court, particularly the report of the Secretary-General, it appears that the construction of the wall has led to the destruction or requisition of properties under conditions which contravene the requirements of Articles 46 and 52 of the Hague Regulations of 1907 and of Article 53 of the Fourth Geneva Convention. 133. That construction, the establishment of a closed area between the Green Line and the wall itself and the creation of enclaves have moreover imposed substantial restrictions on the freedom of movement of the inhabitants of the Occupied Palestinian Territory (with the exception of Israeli citizens and those assimilated thereto). Such restrictions are most marked in urban areas, such as the Qalqilya enclave or the City of Jerusalem and its suburbs....

134. To sum up, the Court is of the opinion that the construction of the wall and its associated régime impede the liberty of movement of the inhabitants of the Occupied Palestinian Territory (with the exception of Israeli citizens and those assimilated thereto) as guaranteed under Article 12, paragraph 1, of the International Covenant on Civil and Political Rights. They also impede the exercise by the persons concerned of the right to work, to health, to education and to an adequate standard of living as proclaimed in the International Covenant on Economic, Social and Cultural Rights and in the United Nations Convention on the Rights of the Child. Lastly, the construction of the wall and its associated régime, by contributing to the demographic changes referred to in paragraphs 122 and 133 above, contravene Article 49, paragraph 6, of the Fourth Geneva Convention and the Security Council resolutions cited in paragraph 120 above....

163. For these reasons, the Court finds... The construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated régime, are contrary to international law; ...Israel is under an obligation to terminate its breaches of international law; it is under an obligation to cease forthwith the works of construction of the wall being built in the Occupied Palestinian Territory, including in and around East Jerusalem, to dismantle forthwith the structure therein situated, and to repeal or render ineffective forthwith all legislative and regulatory acts relating thereto, in accordance with paragraph 151 of this Opinion.... Israel is under an obligation to make reparation for all damage caused by the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem;...."

#### **United Nations (UN), 20 July 2004**

"The General Assembly GA/10248, 20 July 2004 today voted overwhelmingly to demand that Israel heed last month's advisory opinion of the International Court of Justice (ICJ) to halt construction on its security barrier in the West Bank, tear down the portions built on Palestinian land, and provide reparations to Palestinians whose lives have been harmed by the wall.

By a vote of 150 in favour to 6 against (Australia, Federated States of Micronesia, Israel, Marshall Islands, Tuvalu, United States), with 10 abstentions, the Assembly's tenth resumed emergency special session adopted a resolution which also calls on both the Israeli Government and the Palestinian Authority to immediately implement their obligations under the Road Map peace plan,

which calls for a series of parallel and reciprocal steps by each party leading to two States living side by side in peace by 2005.

On 9 July, the 15-judge Court issued its opinion, saying that the 450-mile-long system of walls and fences in the occupied Palestinian territory "gravely" infringed on the rights of Palestinians, could not be justified by military needs or national security, and violated international law. Though the decision was non-binding, 14 of the 15 judges called on the Assembly and the Security Council to "consider what further action is required to end the illegal situation resulting from the construction of the wall".

The measure adopted today called on all United Nations Member States to comply with their obligations as contained in the finding by the ICJ -- the United Nations highest legal body -- which include a duty "not to recognize the illegal situation resulting from the construction of the wall in the occupied Palestinian territory, including in and around East Jerusalem" and "not to render aid or assistance in maintaining the situation created by such construction".

The text also requests the Secretary-General to set up a register of all damage caused to "all the natural or legal persons" in connection with Israel's construction of the barrier. It also invites Switzerland, as the depositary of the Geneva Conventions, to conduct consultations and report to the Assembly on the matter, including the possibility of resuming the Conference of High Contracting Parties to the Fourth Geneva Convention."

#### **B'Tselem, February 2005**

"On 26 February 2004, residents of several villages northwest of Jerusalem, among them Beit Sourik, petitioned the High Court of Justice in opposition to the route of the Separation Barrier planned for their area. .... The High Court gave its decision on 30 June 2004. The three justices - President Aharon Barak, Eliahu Matza, and Mishel Heshin - held that thirty of the forty kilometers of the barrier's route involved in the petition (the area between Givat Ze'ev and Maccabim) was illegal and that the state must change the route. The judgment discussed at length two questions: whether the military commander had the power to seize private land to build the Separation Barrier, and whether the barrier's route in the relevant section was lawfully set.

In examining these questions, the justices discussed reasons that could provide the legal basis for actions to be taken by the defense establishment in building the barrier. The Court assumed that the West Bank is occupied territory, subject to international humanitarian law: the Hague Regulations, of 1907, and the humanitarian provisions of the Fourth Geneva Convention (as defined by Israel). On this point, the justices held:

We accept that the military commander cannot order the construction of the separation fence if his reasons are political. The separation fence cannot be motivated by a desire to "annex" territories to the State of Israel.. Indeed, the military commander of territory held in belligerent occupation must balance between the needs of the army on one hand, and the needs of the local inhabitants on the other. In the framework of this delicate balance, there is no room for an additional system of considerations, whether they be political considerations, the annexation of territory, or the establishment of the permanent borders of the state. (Par. 27)

Based on this determination, the justices found that "construction of the fence comes within this framework," in that the decision was made in light of legitimate military needs. However, as it has done for many years, the justices ignored the case law on the question of the illegality, in international law, of the settlements that Israel established in the West Bank. Thus, the High Court did not examine the effect of this illegal action on the legitimacy of the considerations underlying construction of the barrier.

According to the judgment, the fact that the barrier is motivated by legitimate security concerns does not release the military commander from his duty to choose a "proportionate" route that balances between security and the inhabitants' needs. The judgment states that most of the route in the area under review is disproportionate because it severely impairs the residents' fabric of life:

The injury caused by the separation fence is not restricted to the lands of the inhabitants and to their access to these lands. The injury is of far wider a scope. It strikes across the fabric of life of the entire population. In many locations, the separation fence passes right by their homes. In certain places (like Beit Sourik), the separation fence surrounds the village from the west, the south, and the east. (Part. 94)

After the High Court gave its decision, Prime Minister Ariel Sharon directed the defense establishment to review the entire route of the Separation Barrier and to conform it to the spirit of the Court's judgment. The new route, which was proposed by the defense establishment in September 2004, was approved by the Cabinet on 20 February 2005."

**Reuters**, 26 October 2006

"Israel's Supreme Court on Thursday rejected Palestinian petitions against the route of an Israeli barrier that cuts deep into the occupied West Bank to take in a Jewish settlement bloc. In its ruling, the court cited security considerations and said the three settlements at the centre of the case -- Emanuel, Maale Shomron and Karnei Shomron -- had been "targets of harsh terror attacks over recent years". Residents of nearby Palestinian villages argued in their petitions the 6-km (3.5 mile)-long stretch of steel-and-concrete construction would cut them off from their fields. The court said they could appeal again if arrangements for farmers to reach their crops through passages controlled by the Israeli military proved unsatisfactory.

About a third of the network of razor wire-tipped fences and towering concrete walls has been completed and Israeli officials say the project has already stopped several suicide attacks. Palestinians say it is a move to seize land that Israel has occupied since the 1967 Middle East war and will deny them the viable state they want in the West Bank and Gaza Strip. The International Court of Justice, in a non-binding advisory opinion in 2004, ruled the construction of the barrier on occupied land was illegal and should be stopped immediately. The segment of the barrier discussed by the Supreme Court is one of two thin "fingers" reaching into the West Bank near the Palestinian city of Nablus to enclose two clusters of settlements. Emanuel is located 18 km (11 miles) inside the West Bank. Maale Shomron and Karnei Shomron are slightly closer to Israel."

**See Also:**

[Separation Barrier: Opinion of the International Court of Justice](#), **B'Tselem**, July 2004

[Israel court urges barrier review](#), **BBC News**, 15 September 2005

[High Court errs in denying petition against separation barrier around Ariel](#), **B'Tselem**, 24 July 2006

[Israeli High Court judgement on the Barrier around Zufin](#), **B'Tselem**, 15 June 2006

[Village's battle against Israel's fence](#), **International Herald Tribune**, 16 May 2008

## Settlements & Displacement

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### Settlements, Separation Wall and Settler Violence in OPT

- Israel's settlements and outposts are illegal under international humanitarian law, as per Article 49(6) of IV Geneva Convention and reiterated in ICJ Advisory Opinion of 2004, and by Security Council. (ICJ, 2004)
- The impact of the Israeli construction of the wall and the policy of construction of settlements is 'altering the demographic composition' of the Palestinian Territory. (ICJ 2004)
- According to UN OCHA there are currently 149 settlements, over 100 outposts, in the West Bank, including East Jerusalem. The numbers of settlers have reached about 260,000 in the West Bank and around 200,000 in East Jerusalem
- Establishment of settlements and outposts has entailed the expropriation of private Palestinian land, undermined the safety of Palestinian civilians, and entailed policies discriminatory against Palestinians.
- Settlements, as mentioned by former UN Secretary General, remains the single biggest impediment to realizing a viable Palestinian State with territorial contiguity.

Diakonia, 24 October 2006

**"Transfer:** The common legal interpretation by the international community maintains that [article 49](#) of the Fourth Geneva Convention does not allow any kind of transfer of the occupier's population to the occupied territory and therefore settlements are illegal

**Settlements illegal according to international humanitarian law:** There is no difference under international humanitarian law (IHL) between settlements and unauthorized outposts. All types of settlements are illegal according to IHL. Many UN resolutions reaffirm that Israeli settlements in the occupied Palestinian territory (oPt), including East Jerusalem, are illegal and pose an obstacle to peace and to economic and social development of that area. Several resolutions also demand the complete halt of settlement activities. The International Court of Justice (ICJ) in its Advisory Opinion from July 2004 concludes "that the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law" (section 120).

**Israeli Stand:** Israel's stand is that article 49 of the Fourth Geneva Convention forbids only intentional, and mass transfer that is conducted by the government. Israel contends that since the settlements in the oPt were established by individuals, without a directing government policy, the establishment of the settlements is not illegal.

**Destruction of Private Property:** The building of settlements has entailed the expropriation of private Palestinian lands contrary to [articles 53](#) of the Fourth Geneva Convention and [articles 52](#) and [23\(g\)](#) of the Hague Regulations.

**Violation of the Obligation to Ensure Public Order:** The construction of settlements is also a violation of [article 43](#) of the Hague Regulations which obliges the occupying power to take all measures within his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country. Settlements have undermined the public order and safety of Palestinian civilians in the oPt, and introduced a major change to the laws in force in Palestine at the time of their construction.

**Violation of the prohibition against Discrimination:** Settlements have also violated the prohibition against discrimination based on [article 3 \(1\)](#), [article 13](#) and [article 27](#) of the Fourth Geneva Convention. In many issues related to civilian life, settlers are under the jurisdiction of the Israeli law, either directly or indirectly through military orders, while Palestinians are under the jurisdiction of military law.

*Laws differ depending on nationality :* In many issues related to civilian life, settlers abide by the Israeli law, either directly or indirectly, through military orders that apply Israeli law to them. Palestinians, on the other hand, fall under the Israeli military law, in addition to relevant parts of ancient laws that applied to the oPt before the Israeli occupation like the Ottoman, British, Jordanian and Egyptian laws. Palestinians go to military courts and to local Palestinian civil courts, while Israeli settlers cannot be brought before neither of those - this according to Israeli law and the Oslo Agreements.

*The transportation network is also affected:* Separation and discrimination also take place in the transportation network, when some roads are exclusive to Israeli settlers, and some for Palestinians. There is also discrimination in services like planning, water, electricity, etc. Israeli and Palestinian workers get different benefits, and salaries although both may work in the same workplace in the oPt. In any case, the legal protection and services provided to Palestinians by the Civil Administration are systematically inferior to the comparable Israeli ones."

#### **International Court of Justice (ICJ), 9 July 2004**

"120.... the information provided to the Court shows that, since 1977, Israel has conducted a policy and developed practices involving the establishment of Settlements in the Occupied Palestinian Territory, contrary to the terms of Article 49, paragraph 6, just cited. The Security Council has thus taken the view that such policy and practices "have no legal validity". It has also called upon "Israel, as the occupying Power, to abide scrupulously" by the Fourth Geneva Convention and: "to rescind its previous measures and to desist from taking any action which would result in changing the legal status and geographical nature and materially affecting the demographic composition of the Arab territories occupied since 1967, including Jerusalem and, in particular, not to transfer parts of its own civilian population into the occupied Arab territories" (resolution 446 (1979) of 22 March 1979)i. The Council reaffirmed its position in resolutions 452 (1979) of 20 July 1979 and 465 (1980) of 1 March 1980. Indeed, in the latter case it described "Israel's policy and practices of settling parts of its population and new immigrantis in [the occupied] territories" as a "flagrant violation" of the Fourth Geneva Convention. The Court concludes that the Israeli settlements in the Occupied Palestinian Territor;! (including East Jerusalem) have been established in breach of international law.

121. Whilst the Court notes the assurance given by Israel that the construction of the wall does not amount to annexation and that the wall is of a temporary nature (see paragraph 116 above), it nevertheless cannot remain indifferent to, certain fears expressed to it that the route of the wall will prejudice the future frontier between Israel and Palestine, and the fear that Israel may integrate the settlements and their means of access. The Court considers that the construction of the wall and its associated régime create a "fait accompli" on the ground that could well become permanent, in which case, and notwithstanding the formal characterization of the wall by Israel, it would be tantamount to *&,facto* annexatioi-i.

122. The Court recalls moreover that, according to the report of the Secretary-General, the planned route would incorporate in the area between the Green line and the wall more than 16 per cent of the territory of the West Bank. Around 80 per cent of the settlers living in the Occupied Palestinian Territory, that is 320,000 individuals, would reside in that area, as well as 237,000 Palestinians. Moreover, as a result of the construction of the wall, around 160,000 other



Palestinians would reside in almost completely encircled communities (see paragraphs 84, 85 and 119 above).

123. ....In other terms, the route chosen for the wall gives expression in *loco* to the illegal measures taken by Israel with regard to Jerusalem and the settlements, as deplored by the Security Council (see paragraphs 75 and 120 above). There is also a risk of further alterations to the demographic composition of the Occupied Palestinian Territory resulting from the construction of the wall inasmuch as it is contributing, as will be further explained in paragraph 133 below, to the departure of Palestinian populations from certain areas. That construction, along with measures taken previously, thus severely impedes the exercise by the Palestinian people of its right to self-determination, and is therefore a breach of Israel's obligation to respect that right... The Court concludes that the Israeli settlements in the Occupied Palestinian Territory; (including East Jerusalem) have been established in breach of international law."

**United Nations Security Council (UN SC), 11 December 2006**

"19. In the period that I have served as Secretary-General, the number of Israeli settlers living in the West Bank (excluding East Jerusalem) has grown from 140,000 to 240,000. The settler population of East Jerusalem grew during this period from approximately 160,000 to 190,000. The area formally controlled by the settlements, according to Israeli law, now encompasses some 40 per cent of the West Bank (excluding East Jerusalem). In a welcome development, the Government of Israel withdrew all settlements from the Gaza Strip and four settlements in the West Bank in August 2005. However, during the year following this disengagement, West Bank settlements grew by 3,000 more people than had moved out of Gaza. Indeed, according to official Israeli figures, more than 1,000 settlers a month took up residence in the Occupied Palestinian Territory during 2005, a rate that appears to be continuing. In total, in the decade and a half after the Oslo Accords, Israel more than doubled its physical presence in the West Bank through settlements — a policy that was implemented under Labour, Likud and Kadima Governments. This remains the single biggest impediment to realizing a viable Palestinian State with territorial contiguity. Just as Israelis are dismayed that terrorism continued after Oslo and the Israeli disengagement from the Gaza Strip, Palestinians are dismayed when they see prospects for a viable Palestinian State disappearing and the entrenchment of the occupation."

**United Nations Committee on Economic, Social and Cultural Rights, 4 December 1998**

"21. The Committee is deeply concerned about the adverse impact of the growing exclusion faced by Palestinians in East Jerusalem from the enjoyment of their economic, social and cultural rights. The Committee is also concerned over the continued Israeli policies of building settlements to expand the boundaries of East Jerusalem and of transferring Jewish residents into East Jerusalem with the result that they now outnumber the Palestinian residents.

22. The Committee deplores the continuing practices of the Government of Israel of home demolitions, land confiscations and restrictions on family reunification and residency rights, and its adoption of policies which result in substandard housing and living conditions, including extreme overcrowding and lack of services, of Palestinians in East Jerusalem, in particular in the old city...."

**See Also :**

[Resolution 2/4: Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#), **United Nations Human Rights Council (UN HRC)**, 9 January 2007

[Means of Expulsion : Violence, Harrassment and Lawlessness against Palestinians in the Southern Hebron Hills](#), B'Tselem, July 2005  
[Summary of the Opinion Concerning Unauthorized Outposts](#), Talia Sasson, Government of Israel, May 2005

### **Nature and impact of Settlements & Outposts**

- The impact of the settlements on daily Palestinian life is significant, resulting in a matrix of bypass roads, movement restrictions and closed areas which severely limits the free movement of Palestinians, and serves to substantially appropriate Palestinian land and natural resources, particularly water
- In 2007, there are more than 450,000 settlers living in 149 settlements in West Bank including East Jerusalem.
- Settlements are organised communities of Israeli civilians established on land in the occupied West Bank, including East Jerusalem, with the approval and direct or indirect support of the Israeli government. (OCHA, 2007)
- An outpost is a settlement which has been set up without the proper authorisation. Outposts are illegal under Israeli law because they have not been authorized or planned by the Israeli government (OCHA, 2007; Sasson, May 2005)
- While settlements are illegal under international law, over 40% of land appropriated by settlements are privately owned Palestinian registered land the appropriation of which is illegal to Israeli law. (Peace Now, October 2006)
- Since the beginning of the Oslo Accords period in 1993, which left the issue of settlements to final status negotiations, the total settler population has increased by 63%. By 2005, the number of settlements had grown to 149 but the amount of land they covered had increased by nearly 400% to 16,375 hectares. (OCHA, 2007)

**Diakonia**, 13 May 2008

"During the Israeli occupation Israeli settlers have built Israeli settlements in the occupied Palestinian territory (oPt) with the political, military, and financial support of the Israeli government. These lands were seized from Palestinians by military orders. According to B'Tselem, the Israeli information center for human rights in the occupied territories, Israel has, since 1967, established 152 settlements in the Gaza Strip and the West Bank, including East Jerusalem. The settlements were recognized by the Israeli Ministry of Interior even though they are illegal under international humanitarian law.

In September 2005, 23 settlements in the Gaza Strip were evacuated by Israel as part of the Disengagement Plan. Prior to the evacuation, the 7,595 settlers have controlled 38 percent of the Gaza Strip. Currently settlements in the West Bank comprise over 42 percent of the entire area (excluding Jerusalem, no-man's land, and the Dead Sea waters). According United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA) there are currently 149 settlements in the West Bank, including East Jerusalem. The numbers of settlers have reached about 260,000 in the West Bank and around 200,000 in East Jerusalem.

The annual growth rate of the number of Israeli citizens living in settlements in the West Bank is 5.5 % compared to a population growth rate of less than 2% inside Israel. In concrete terms, the settlement population increases with one and half bus loads each day - this despite the clear

reference in the Quartet 2002 "Road Map for Peace" that the Israeli government must halt the expansion of settlements.

#### **New Settlements (Outposts)**

In addition to the above, settlers have established dozens of small settlements of varying size, commonly referred to as outposts. The term "outpost" refers to a relatively small settlement (generally on a hilltop) occupied with a number of residential structures. The distance between an outpost and a permanent settlement can be a few hundred meters; however, a majority of the outposts tend to span a number of kilometres. These outposts wish to become de facto settlements in their own right. Each outpost collects its own taxes, has its own secretariat and committees that are established to maintain civilian life in the settlement. Commonly the Israeli Ministry of Interior does not grant them formal recognition and municipal status. According to Peace Now, in 1996 the government of Israel articulated for the first time a commitment not to establish any new outposts. As of that date, this commitment remains officially binding; however, this has not prevented the establishment of over 100 new outposts on the West Bank. The purpose of these new settlements is to minimize the existing open space between permanent settlements by creating large settlement blocs encompassing more land. The majority of these outposts are inhabited and around 60 percent of them were established since Ariel Sharon became Prime Minister in February 2001.

#### **Illegal structures also in the settlements**

According to Israeli law, outposts are illegal - no building permits are given for their construction - and the Israeli government has promised to dismantle them. While international law does not distinguish between outposts and settlements - both are considered illegal, Israel maintains its differentiation, claiming that the settlements are lawful. A recent report by Peace Now, however, shows that thousands of illegal structures (lacking permits) can be found inside the settlements - not only in outposts. Among the construction offenders are commercial and cellular companies, public figures and the IDF itself. Some demolition orders have been issued for the illegal structures both in the settlements and the outposts, but the implementation of those orders is close to non-existent."

#### **UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, 21 January 2008**

"There are 149 settlements in the West Bank and East Jerusalem. Despite promises by Israel to freeze settlement growth, the number of settlers has increased by 63 per cent since 1993 to its present population of 460,000. At present new construction is under way in 88 settlements and the average growth rate in the settlements is 4.5 per cent compared with the average growth rate of 1.5 per cent in Israel itself. In addition there are 105 "outposts" - that is, informal structures, which serve as a prelude to a new settlement, and are unauthorized but still funded by Government ministries. Despite Israel's undertaking in the road map to dismantle all outposts built after 2001, no such action has been taken in respect of the 51 such outposts. More than 38 per cent of the West Bank consists of settlements, outposts, military areas and Israeli nature reserves that are off limits to Palestinians. Settler roads link settlements to each other and to Israel. These roads are largely closed to Palestinian vehicles. (Israel has therefore introduced a system of "road apartheid", which was unknown in apartheid South Africa.)

Settlements are illegal under international law as they violate article 49, paragraph 6, of the Fourth Geneva Convention. This illegality has been confirmed by the International Court of Justice in its Advisory Opinion on the construction of the wall, by the High Contracting Parties to the Fourth Geneva Convention in a declaration published in 2001, and by both the Security Council and the General Assembly. Furthermore settlements constitute a form of colonialism which is contrary to international law

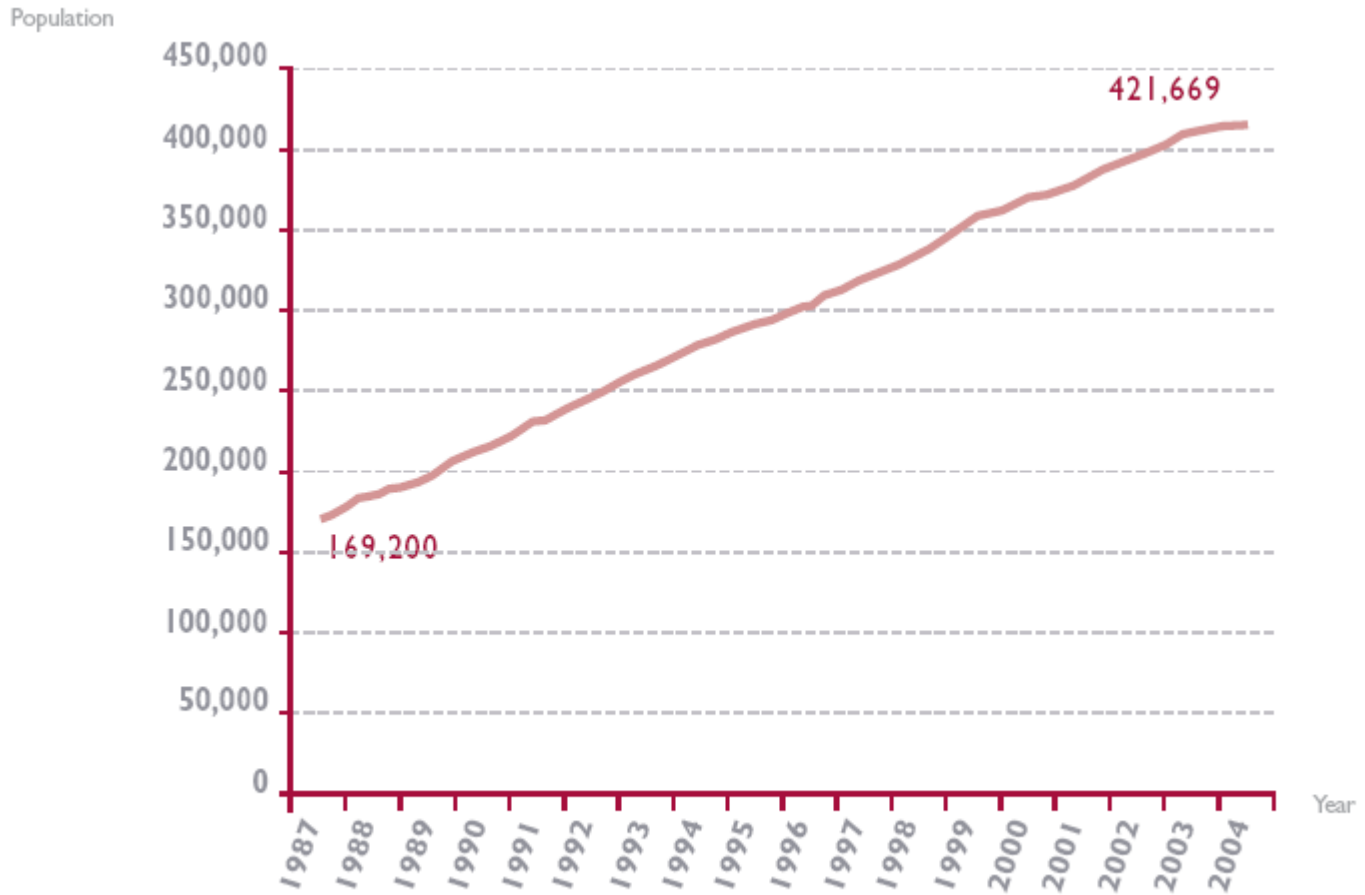
33. Israel's contempt for international law and opinion is illustrated by recent Government decisions. First, in December shortly after the Annapolis meeting, the Israeli Government announced plans to build 307 new apartments in the settlement of Har Homa. Secondly, in October it announced that it would proceed with plans for the development of E1, a planned new settlement which will have 3,500 apartments, 10 hotels and an industrial park, to accommodate 14,500 settlers, situated adjacent to Maale Adumim. At present Israel has built a police station on E1 (visited by the Special Rapporteur on 25 September) but is prevented from proceeding with its plans to start construction on E1 by the presence of the main road from East Jerusalem to Jericho, which is used by Palestinians. Israel has now confiscated Palestinian land in Abu Dis, Sawareh, Nabi Moussa and al-Khan al-Ahmar to enable it to build an alternate road for Palestinians to Jericho which will free the area for E1. The road is part of Israel's broader plan to replace territorial contiguity with "transportational contiguity" by artificially connecting Palestinian population centres through an elaborate network of alternate roads and tunnels and creating segregated road networks, one for Palestinians and another for Israeli settlers, in the West Bank."

**UN Office for the Coordination of Humanitarian Affairs (UN OCHA), July 2007**

"In 2007, approximately 57% of the total settler population in the West Bank lived within a 10 kilometre radius of the Old City of Jerusalem, many of them inside the Israeli declared Jerusalem municipal boundary. The encircling settlements have increasingly isolated East Jerusalem, home to approximately 250,000 Palestinians, from the rest of the West Bank.... Eighty per cent of the settler population lives within a 25 kilometre radius of Jerusalem in the Ramallah and Bethlehem governorates. Most of the settlements deeper into the central West Bank are located on hilltops affording them a commanding presence over surrounding Palestinian communities. Other settlements, such as those in the Jordan Valley, have large areas of agricultural land under their control ....

Establishments of new settlements was particularly prolific in the decade between 1977 and 1987.

While fewer settlements were established after 1987, overall the settler population increased by nearly 150% between 1987 and 2004 – an average annual growth rate of 5.5% per year. Since the beginning of the Oslo Accords period in 1993, which left the issue of settlements to final status negotiations, the total settler population has increased by 63% (an absolute increase of more than 163,000 settlers between 1993 and 2004). By 2005, the number of settlements had grown to 149 but the amount of land they covered had increased by nearly 400% to 16,375 hectares.



Source: OCHA *Israeli presence in the West Bank geo-database*. For more details see Annex 2.

Construction is ongoing in approximately 75 settlements in the West Bank, in particular around East Jerusalem, according to Peace Now, an Israeli movement which monitors settlement activity. Peace Now also notes that in 2006 a total of 952 tenders were published for construction contracts in the West Bank while 1,272 new construction “starts” were noted in the first three-quarters of 2006.... Over the years, much of the attraction of residing in settlements has come from the range of financial incentives such as housing subsidies, preferential loans and lower taxes that settlers typically enjoy.

....In 2006, there were more than 100 outposts in the West Bank with a population of approximately 2,000 settlers according to Peace Now. The establishment of outposts started in 1995 and has continued for more than a decade since Gol, responding to international pressure, largely stopped approving new settlements. Creating outposts has enabled the settler movement to circumvent the freeze on the establishment of new settlements. The majority of outposts were established in the years before and immediately after the start of the second Intifada, between 1998 and 2002.

In 2005, Talia Sasson, the former head of the State Prosecution Criminal Department, conducted an inquiry at the request of the Israeli Prime Minister’s Bureau into the establishment of “unauthorized outposts” and the involvement of state and public authorities. Her investigations

revealed that many public authorities had illegally supported outposts through funding, allotting land and issuing permits for connection to water and electricity networks....

Approximately 90% of all outposts are located within three kilometres of an established settlement and some of these are situated inside its outer limits. Their close proximity to settlements provides not only the benefit of settlement services, infrastructure and security but also enables residents to claim that the outpost is not a new settlement develop their infrastructure and in some cases eventually merge.... The remaining outposts located further away (between 3–6 km) are linked to their nearest settlement(s) by a road. The physical features that connect settlements to outposts such as roads and fences and other infrastructure divide Palestinian areas, restricting Palestinian movement and access to agricultural land."

**See Also:**

[Summary of the Opinion Concerning Unauthorized Outposts](#), Talia Sasson, Government of Israel, May 2005

### **Settlements & Outposts Since Annapolis**

- Number of Jewish settlers in West Bank excluding Arab east Jerusalem rose by 5,1% in 2007, released by Ministry of Interior, Jewish population increased to 283,362, excluding a further 200,000 settlers in East Jerusalem.
- The "freeze" in the settlements, is no more than an ongoing trend of a relative slowdown in construction which began following the eruption of the second Intifada in the end of 2000. This "slowdown" is still of few thousands of new housing units every year.
- Since Annapolis construction rate in settlements and illegal outposts has increased throughout West Bank including East Jerusalem. (Peace Now, March 2008)
- Despite Israeli authorities commitments to remove illegal outposts, this has not seriously been undertaken. Of the more than 100 outposts occupied by more 2,000 settlers, less than 2% were removed by 2008. (Ha'aretz, January 2008)
- According to the Road Map agreement, and underlying principle of reciprocity, Israel is under commitment to dismantle 'outposts' and freeze settlement construction subject to PNA commitments. (Ha'aretz, 25 October 2007)
- Settlement expansion violates the Oslo Accords which stipulates that no party can take unilateral steps to change the situation in the territories until final-status negotiations status are completed. (Peace Now, July 2007)

### **Peace Now, March 2008**

"In 101 settlements construction took place. Over 500 buildings are currently being built in the settlements, in each of them several housing units (East Jerusalem excluded).... 20% of the construction is taking place in settlements east of the Separation Fence. ... Mobile Structures (Caravans) - in some of the settlements, particularly east of the fence, new caravan neighborhoods have been established, using the "Lego System" so that construction is faster and cheaper, without a construction permits or approved planning. At least 184 new caravans were brought and installed in the settlements, some 150 of them (82%) in settlements located east of the fence... Approval of new construction plans – the Minister of Defense has approved several plans for construction. A total of (at least) 946 housing units.

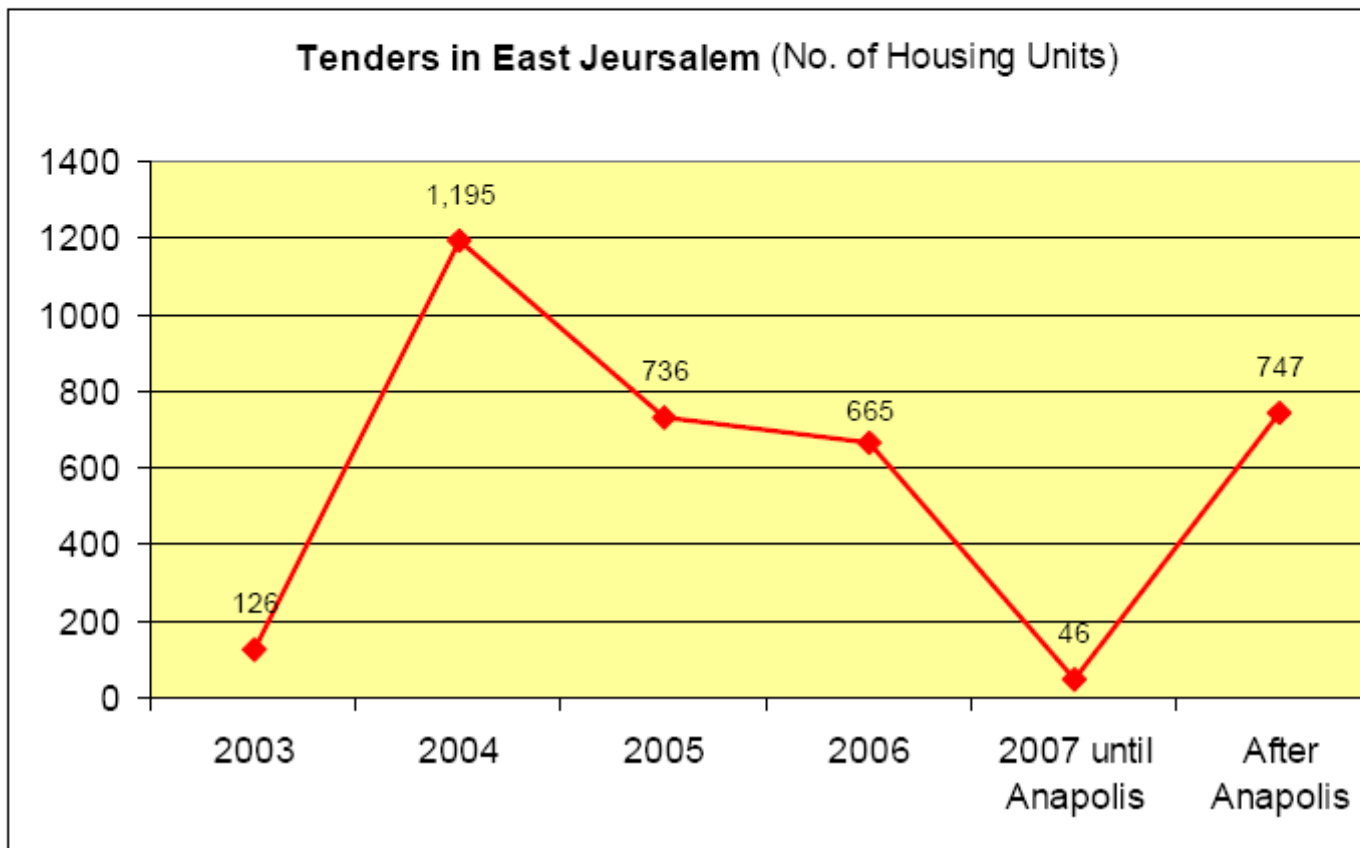
### **Construction in East Jerusalem**

Since the Annapolis summit there was a leap in the number of tenders and construction plans in East Jerusalem. Tenders for the construction of at least 750 housing units in East Jerusalem were issued between December 2007 and March 2008, while throughout all 2007 until the summit, only two tenders for 46 housing units were issued. In 1967, the State of Israel annexed some 70,000 dunams of land east of the Green Line to Jerusalem, and constructed tens of thousands of housing units for Israelis on that land. One of the largest construction projects in Israel is the one in Har Homa, East Jerusalem, which began at the end of the 1990's and is still continuing today at an accelerated pace. Another neighborhood, "Nof Zion", is located in the heart of a Palestinian neighborhood in East Jerusalem, and the construction of some 100 housing units at the place continued in the last few months and is just about completed. The goal of such construction is to make it much harder to resolve the Israeli-Palestinian conflict based on a two states solution. Such a solution would have to include a compromise in Jerusalem based on a separation between the Palestinian and the Israeli neighborhoods.

### **Construction in "illegal outposts"**

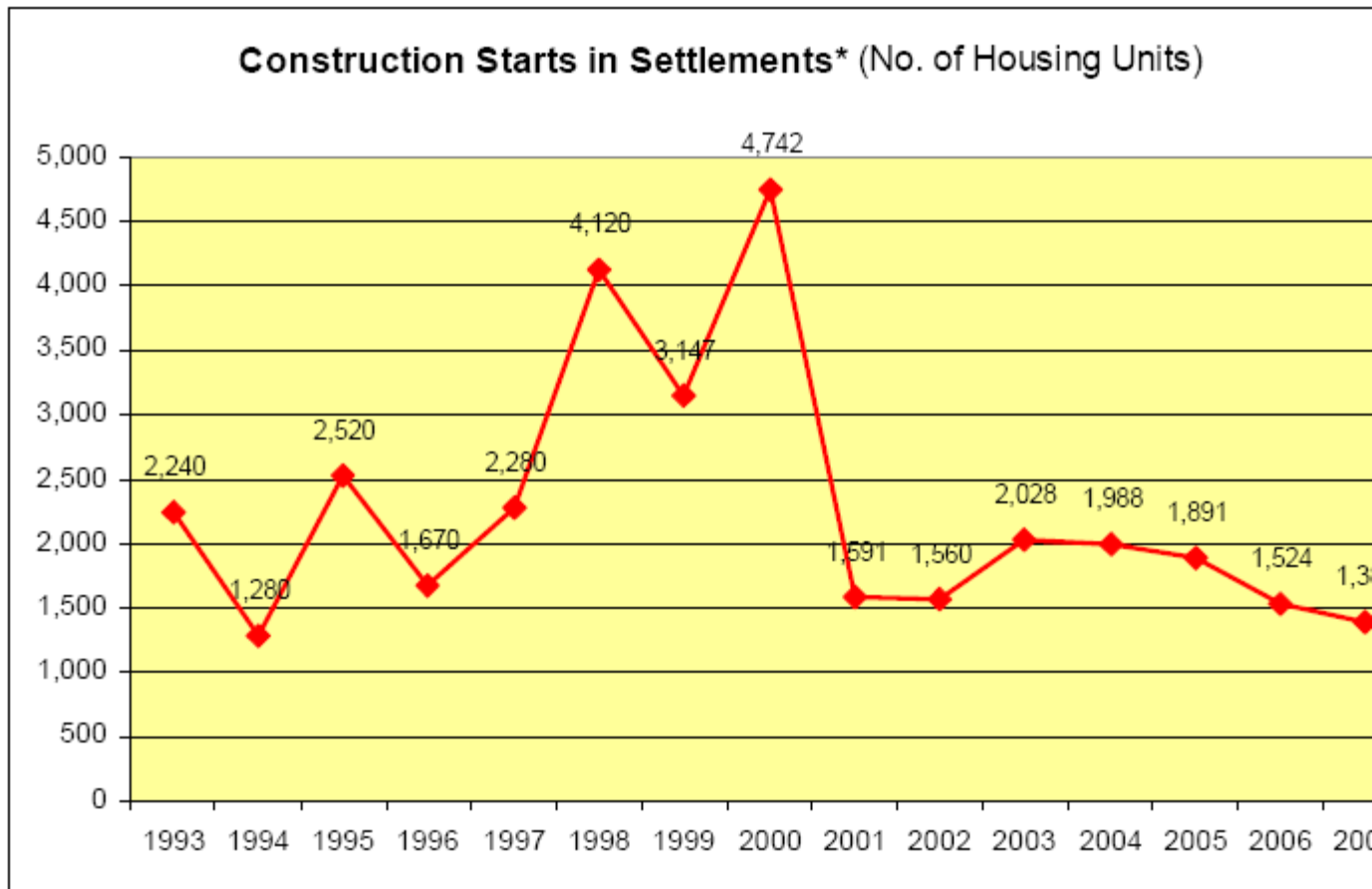
In 58 outposts there was construction or development. At least 16 new permanent structures have been constructed in seven different outposts, and construction on eight more structure continued. At least 38 new mobile structures have been added in outposts. 53 structures in the outposts were expanded. No outposts were evacuated – the Government's declaration on evacuation of two outposts in 17/3/08 seems to be a little misleading. One of the "outposts" was a single broken caravan, and the other was never evacuated. outpost with the adjacent settlement of El'azar. By so doing the Israeli government indicated that not only does it not prevent the construction, but it encourages it by confirming the de-facto annexation of the illegal outpost to the existing settlement by building a new neighborhood connection them.

| Date       | Settlement         | Status                   | Number of Housing Units            | PI |
|------------|--------------------|--------------------------|------------------------------------|----|
| 02/12/2007 | Har Homa           | Building tender          | 307                                | 75 |
| 31/12/2007 | East Talpiyot      | Building tender          | 440                                | 79 |
| 28/01/2008 | Ramot <sup>6</sup> | Deposited for objections | 105                                | 68 |
| 28/01/2008 | Givat Hamatos      | Deposited for objections | 2337                               | 58 |
| 29/01/2008 | Gilo               | Building tender          | Hotel or altered for housing units | 30 |
| 20/02/2008 | Neve Yaakov        | Deposited for objections | 393                                | 65 |



Throughout the Oslo process Israel continued to build in the Occupied Territories. Under all Israeli governments the construction continued, and reached its peak under Barak's government in 1999-2000. The settlers' complaint regarding a "freeze" in the settlements, is no more than an ongoing trend of a relative slowdown in construction which began following the eruption of the second Intifada in the end of 2000. However, this "slowdown" is still of few thousands of new housing units every year."





**See Also:**

- ["And Thou Shalt Spread ..." Construction and development of settlements beyond the official limits of jurisdiction](#), **Peace Now**, July 2007
- [West Bank Jewish settler population rises by 5.1 percent](#), **Agence France-Presse (AFP)**, 21 January 2008
- [Security forces evacuate two small outposts in West Bank](#), **Ha'aretz**, 16 January 2008
- [Human rights organization appeals to Israeli government to stop settlement expansion](#), **Al-Jazeera**, 17 October 2006
- [After war in Lebanon, Israeli settlements growing again](#), **Christian Science Monitor (CSM)**, 5 October 2006
- [Report on Israeli Settlement in the Occupied Territories](#), **Foundation for Middle East Peace (FMEP)**, April 2008

**Settlements, and Settler Violence**

- Settler violence and harassment particularly in Area C under Israeli Civil Administration in number of instances colluded with policies of the IDF and Civil Administration causing directly or indirectly displacement.
- Harassment and attack by settlers has grown more prevalent after the second intifada. The IDF and the police have shown to be more often than not, absent, helpless or apathetic though IDF, Civil Administration and the police are bound by Israel Court rulings in 2006 to protect Palestinians property rights. (Ha'aretz, 10 October 2006; B'Tselem, May 2007)

- Settler violence often revolves around control of natural resources. Incidents include the destruction, vandalism and theft of land and property, crops and livestock.
- Incidents show a seasonal pattern, with increases in property and land damage observed during periods of intensive agricultural activity for Palestinians. The majority of these incidents are reported close to Israeli settlements and other parts of Area C. (OCHA 2007, B'Tselem, July 2005)

**UN Office for the Coordination of Humanitarian Affairs (UN OCHA), July 2007**

"Israeli settlement construction in the West Bank has taken place under every government since the beginning of Israel's occupation following the 1967 Arab-Israeli War. In 2007, there are more than 450,000 settlers living in 149 settlements in the West Bank including East Jerusalem.... The conflict over resources in the West Bank has led to violence between settlers and Palestinians. Settler violence often revolves around control of natural resources. Incidents include the destruction, vandalism and theft of land and property, crops and livestock. Incidents show a seasonal pattern, with increases in property and land damage observed during periods of intensive agricultural activity for Palestinians, e.g., preparing land or harvesting olives. The majority of these incidents are reported close to Israeli settlements and other parts of Area C. During the olive harvest season (October - November), the IDF has facilitated safe access for some Palestinians. They arrange for seasonal gates in the Barrier to be opened, allowing access to olive groves in the closed areas. They also accompany harvesters to land near settlements where settler harassment is most common.

Despite its obligations under international humanitarian law to protect the life, property and rights of Palestinians under occupation, the Israeli authorities frequently do not investigate incidents of reported settler violence nor take a proactive approach to protecting local Palestinian populations near Israeli settlements and outposts. In her 2005 report into unauthorized settler outposts, Talia Sasson, former head of the State Prosecution Criminal Department of Israel, concluded that: "IDF soldiers have the enforcement powers like those given to the police officers, by virtue of the procedure for enforcing the law in the territories, which is included in the IDF command. In practice, however, IDF soldiers do not enforce the law, are not aware of the law enforcement procedure, and are not at all interested in functioning like police officers...."

Settler numbers continue to grow at a rate of 5.5% a year – equivalent to adding one and a half busloads of new settlers each day to the 450,000 living in the West Bank in 2007. This rate of growth is three times that of Israel itself. The majority of new arrivals settle in the large settlement blocs west of the Barrier where over 80% of all settlers currently reside. Based on the current growth rate, the settler population will double to nearly 900,000 in just 12 years. Meanwhile, the Palestinian population is growing at a rate of around 2.5% a year – which means the Palestinian population will double in less than 30 years to around four million. The problem is obvious: the West Bank's resources are finite. As both settler and Palestinian populations expand, it is inevitable that the pressure on natural resources – namely land and water – will increase. It is equally inevitable, based on trends of the last 40 years, that the growth of settlements, roads and other infrastructure will come at the expense of Palestinian development and freedom of movement around the West Bank."

**Ha'aretz**, 11 October 2006

"Harassment and attacks by settlers, who tried to terrify the villagers, existed even before 2000, but they grew more prevalent after the second intifada began. The army and the police turned out to be either absent, helpless or apathetic. The military commanders found an easy way out: They

closed vast areas of farmland to their owners, the Palestinians, as a means of "protecting them" against the settlers.

But in July 2006, the court handed down a ruling that obliged the security forces to protect Palestinians' property rights and their right to cultivate their land. The IDF, the Civil Administration and the police are now bound by the court's ruling. That is why they now sound more resolute than ever before in their warnings to the settlers."

**B'Tselem, May 2002**

"The transfer of certain powers to the Palestinian Authority in the context of the Oslo Accords changed matters only slightly. Most Palestinians are still exposed to the bureaucratic controls of the Israeli occupation, and the IDF is still able to impose, for example, broad restrictions on movement, to restrict entry and exit from the Occupied Territories, and to detain Palestinians. The settlers, on the other hand, remain subject to total civilian control, just like Israeli citizens living within the Green Lines, and are not subject to the Palestinian Authority in any matter. This situation, in which an individual's rights are determined according to his or her national identity, constitutes a flagrant breach of the right to equality."

**See Also:**

[Shooting Back](#), **B'Tselem**, 2007

[Means of Expulsion: Violence, Harassment and Lawlessness Toward Palestinians in the Southern Hebron Hills](#), **B'Tselem**, July 2005

### **Settlements, 'Closed Military Areas', and Settler & IDF violence and intimidation: Example of South Hebron Hills**

- In South Hebron Hills, Israeli authorities having declared the area a 'closed military area' in 1970s leading to many forced evictions. Israeli authorities for the past 7 years been trying to expel some one thousand Palestinians from the area.
- Settler intimidation and the gradual encroachment onto Palestinian land began when settlements were established in southern Hebron in 1982. Between 1998 and 2002, 75 families (837 people) from 11 hamlets were forced to leave the area of Masafer Yatta in southern Hebron.
- In addition to the threat of expulsion, residents are victims of violence and property damage from settlers of nearby settlements. In a survey conducted by B'Tselem, some 88% of the Palestinians in the closed military area were victims of settler violence or witnessed such violence against a member of their immediate family...Due the intensity of this violence, the residents of two villages to abandon their villages in 2000. (B'Tselem, July 2005)
- Israel contends that expulsion of the cave residents is justified because they are not permanent residents of the area, and that the expulsion is an "imperative military need." B'Tselem's report demonstrates that these contentions are baseless, and shows that Israel has continually sought to annex the area and expand the nearby settlements. (B'Tselem, July 2005)

**UN Office for the Coordination of Humanitarian Affairs (UN OCHA), July 2007**

"In the early 1970s, the IDF designated part of Masafer Yatta a closed military area, leading to many forced evictions of Palestinian residents. Settler intimidation and the gradual encroachment onto Palestinian land began when settlements were established in southern Hebron in 1982. Between 1998 and 2002, 75 families (837 people) from 11 hamlets were forced to leave the area of Masafer Yatta. The settlements and outposts built along the southern ridge of the Hebron hills are today connected to Israel and other settlements by a network of roads catering for settlers and which cut off Palestinians living in Masafer Yatta from the rest of the West Bank. Most residents who have been displaced report either being victims of, or witnesses to, attacks by settlers. Half of the families interviewed reported filing complaints with the IDF or with the Israeli Police. None, however, had resulted in punitive action against settlers. Families forced to move away from southern Hebron lose their traditional lifestyle and means of support. Many have exhausted their savings, fallen deeper into debt and rely increasingly on humanitarian aid. Of the 122 persons who considered themselves employed before their displacement, only 28 have jobs today."

#### **B'Tselem, July 2005**

"In the southernmost West Bank, some one thousand Palestinians have maintained the way of life of their ancestors: living in caves and earning a living from farming and livestock. In the 1970s, the Israeli military commander declared the area a "closed military area," and for the past five years, Israel has been trying to expel them from the area. In November 1999, soldiers and Civil Administration officials expelled the cave residents and confiscated their meager belongings. The army sealed caves, destroyed wells and outhouses, and prohibited the residents from returning to the area. The cave residents petitioned the High Court of Justice, and in March 2000, the Court issued a temporary injunction, returning the residents to the area and preventing the state from expelling them until the court reaches a final decision in the matter. Since then, the residents live with the threat of expulsion hovering over their heads. Israel contends that expulsion of the cave residents is justified because they are not permanent residents of the area, and that the expulsion is an "imperative military need." B'Tselem's report demonstrates that these contentions are baseless, and shows that Israel has continually sought to annex the area and expand the nearby settlements.

In addition to the threat of expulsion, the cave residents are victims of violence and property damage from the residents of nearby settlements. Due to the intensity of this violence, the residents of two villages abandoned their villages in 2000. In a survey conducted by B'Tselem, some 88% of the Palestinians in the closed military area were victims of settler violence or witnessed such violence against a member of their immediate family. The abuse reported in the survey can be divided into four patterns: blocking of roads and preventing access to fields (51 percent of the cases), property damage, including destruction of crops and theft of sheep and goats in particular (21 percent), intimidation (17 percent), and physical violence (11 percent).

The police do little to enforce the law against the settlers, and the army does even less. In some cases, soldiers have even assisted settlers in carrying out their violent acts. On a few occasions, the army at its own initiative destroyed the residents' farmland by driving tanks and other armored vehicles onto the fields. In addition, the Civil Administration prohibits the residents from building in their villages, contending that the area is designated for agricultural use. The prohibition also covers construction to ensure proper water supply and to meet other basic needs. The report documents Israel's attempts over the past five years to expel the cave residents through legal proceedings, and describes the lives of the residents under the intimidation of settlers, the military, and the Civil Administration.

Since the occupation began, in 1967, every Israeli government has been active in developing and strengthening the settlement enterprise. Every governmental plan for settling the West Bank has indicated a clear intention to annex parts of the southern Hebron hills near the Green Line, including the closed area. Their proximity to the Green Line, and the sparse Palestinian population living there make the southern Hebron hills a "natural" candidate for annexation, as well as an attractive site for settlement that will create a contiguous Jewish presence on both sides of the Green Line. Israel's declared policy and statements over the years suggest that the real motive for turning the area into a closed military area and attempting to expel the cave residents is expansion of settlements and annexation of the area."

## **East Jerusalem**

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### **East Jerusalem (West Bank)**

- In 1967, Israel annexed East Jerusalem in addition to 64 square kilometers in West Bank, unilaterally defining this as expanded Jerusalem municipality, and would in 1980 pass legislation reinforcing position of Israel since 1967.
- This decree was declared illegal in flagrant violation of international law by the UN Security Council. (UN Security Council resolution 252, 1968; HRC resolution 2/4, January 9 2007).
- Since the annexation, Israel has implemented policies aimed at reducing the number of Palestinians in the city. These take the form of legislation, measures limiting services granted by law, and discriminatory law enforcement in such areas as discriminatory application of municipal planning regulations, access to services, family reunification, and revocation of residency rights (B'tselem, July 2006, ICAHD, 2007)
- The ideological motive is rooted in a policy decision establishing that a demographic balance must be maintained in the city at a ratio of 70% Jews to 30% Palestinians. (ICAHD, 2007)
- Israeli and Palestinian organizations have criticized Israeli policies that have sought to Judaize East Jerusalem and maintain a Jewish majority in Jerusalem at the expense of the Palestinian community, in violation of international humanitarian law and human rights law.(ICAHD, March 2007; B'tselem, July 2006).

### **B'Tselem, July 2006**

"During the 1967 war, Israel took control of the West Bank and East Jerusalem. While the West Bank remained under military occupation, Israel annexed East Jerusalem and applied Israeli law there. The annexed area included, however, not only the 6 square kilometers of East Jerusalem prior to 1967, but an additional 64 square kilometers that were part of the West Bank. In its re-drawing of the Jerusalem borders, one of the factors Israel took into account was demographic: ensuring a large Jewish majority in the city. This was accomplished by including sparsely populated Palestinian areas in the territory annexed, while attempting to exclude the more populated areas. As a result, several villages and neighborhoods were divided in two. In other cases, farmlands belonging to a village were annexed to Jerusalem, while the village itself remained in the West Bank. Immediately following the occupation of the West Bank, Israel's Parliament passed the "Jerusalem Law", annexing the area within the newly determined municipal boundary, and proclaiming Israeli sovereignty over it. Israel conducted a population census, and Palestinians residing inside what was now under municipal jurisdiction, were granted the status of "permanent resident" and the option of becoming Israeli citizens. East Jerusalemites found themselves in an awkward situation. In order to become citizens they were obliged to pledge allegiance to Israel. Thus, most declined citizenship, opting to be permanent residents

instead. This status resembles the one granted to non-Jewish immigrants: it allows Palestinian Jerusalemites to work in Israel, and enjoy health insurance and social welfare benefits provided to all Israeli residents. However, residents lack political clout and are subject to a variety of measures intended to ensure a Jewish majority in the city. The result is an inequality between Jewish and Palestinian Jerusalemites that is present in all aspects of daily life in the city."

#### **Israeli Committee Against House Demolitions, March 2007**

"The ideological motive is rooted in a policy decision establishing that a demographic balance must be maintained in the city at a ratio of 70% Jews to 30% Palestinians. The ministerial committee known as the Gafni Commission laid down this policy in 1973. Underlying the policy was concern at the rate of increase of the Palestinian population in Jerusalem and the fear that within a few years, they would succeed in changing the Jewish character of the city and would even choose the mayor! A municipal paper prepared by the Planning Policy Division in 1977 states, "One of the cornerstones of Jerusalem's planning process is...the preservation of the demographic balance between the ethnic groups [in accordance with] the resolution of the Government of Israel."

The new outline scheme currently being prepared reiterates the same trend of preserving "demographic balance in accordance with Government resolutions," even though the planners recognize the fact that, according to the forecasts, the increase in the population toward 2020 will be in a ratio of 40-60. Amir Cheshin, who observed the planning process in East Jerusalem in the Teddy Kollek era, attests that in Jerusalem: Israel has transformed urban planning into a tool in the hands of the Government whose object is to prevent the spread of the non-Jewish population of the city. This was a cruel policy, if only by reason of the fact that it disregarded the needs (not to mention the rights) of the Palestinian residents. Israel regarded the institution of a stringent urban planning policy as a way to restrict the number of new houses being constructed in Palestinian neighbourhoods, and thus ensure that the percentage of Palestinian residents in the city's population – 28.8% in 1967 – would not increase. If we permit 'too many' new homes to be built in Palestinian neighbourhoods, that will mean 'too many' Palestinian residents in the city. The idea is to move as many Jewish residents as possible to East Jerusalem and to move as many Palestinians as possible out of the city altogether. Housing policy in East Jerusalem has focused on this numbers game. The same fear of demographic increase underlies the Ministry of Interior's three moves aiming to reduce the city's Palestinian population, all of which are still in force today: confiscation of identity cards from residents moving outside the city's municipal boundary, obstacles placed before the registration of infants in the Population Register, and difficulties created for those trying to bring spouses from the territories or Jordan within the municipal boundary."

#### **See Also:**

[Jerusalem Center for Economic and Social Rights \(JCESR\), August 2001, Occupied East Jerusalem, A New Soweto?](#)

#### **East Jerusalem & House Demolitions**

- House demolitions remain a reoccurring source of internal displacement in East Jerusalem discriminately affecting Palestinian communities residing in East Jerusalem.
- This has been aggravated in recent years as result of the construction of the Separation Wall and continuing discriminatory policies affecting Palestinian communities in East Jerusalem.
- 2003–2005 were among the worst known to East Jerusalem for house demolitions; not only did the number of demolitions reach a peak of 350 buildings, but there was also an unprecedented severity in punitive enforcement measures. (ICAHD, 2007)
- Punitive enforcement measures have included reopening of legal proceedings for cases which had remained dormant, doubling of penalties, confiscation of building equipment and incarceration. (ICAHD, 2007)
- The Ministry of the Interior and the Municipality assert that between 15,000-20,000 buildings in East Jerusalem have been built without permits, which is to say, about 40% of the total number of buildings. (ICAHD, 2007)
- Contrary to the impression the Israeli authorities have created, since 2003 there have been many cases in which homes have been demolished in violation of court orders.

#### **Israeli Committee Against House Demolitions, March 2007**

"The years 2003–2005 were among the worst known to East Jerusalem for house demolitions; not only did the number of demolitions reach a peak of 350 buildings, but there was also an unprecedented severity in punitive enforcement measures. Residents of East Jerusalem found themselves: in a far more severe situation: enforcement measures were stepped up and there was an increase in red tape; those wishing to build legally found themselves frustrated at almost every turn. This report shows that from 2003 until 2005 the authorities took increasing steps to tighten the noose around the necks of East Jerusalem residents; faced with the incessant proliferation of bureaucratic, planning, legal, and economic hurdles, making it hopeless to obtain a building permit, they had to resort to unlicensed construction. Thus, fewer than 100 buildings were built under licence in East Jerusalem each year. Yet in the same period demand for housing in East Jerusalem rose steeply, due to the Wall construction around Jerusalem. As a result, thousands were forced inside Jerusalem's municipal boundaries, enormously boosting illegal construction, which peaked in 2004 at 1,189 houses. Various red lines were crossed during that period. Shamelessly eager to demolish houses at all costs, municipal and Ministry of Interior inspectors resorted to underhand tactics of evasion or deception, disregarding court-issued decisions. The inspectors were prepared to trample the rule of law underfoot, so that the bulldozer did not, heaven forbid, return to base without having destroyed a home.

## Demolitions in East Jerusalem during recent years<sup>2</sup>

|              | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003            | 2004 | 2005 | 2006 |
|--------------|------|------|------|------|------|------|------|------|------|-----------------|------|------|------|
| Municipality | 7    | 15   | 6    | 9    | 12   | 17   | 11   | 32   | 36   | 66              | 128  | 76   | 7    |
| MOI          | 22   | 10   | 11   | 7    | 18   | 14   | 7    | 9    | 7    | 33              | 24   | 18   | 1    |
| Total        | 29   | 25   | 17   | 16   | 30   | 31   | 18   | 41   | 43   | 99 <sup>3</sup> | 152  | 94   | 8    |

[The decline in recent years since 2004]... disguises the fact that the total area of demolished structures increased dramatically from 9,000 square metres in 2004 to 12,000 square metres in 2005, as the demolitions concentrated on large buildings, including four, five and even seven-storey structures... [Nor does] [t]he above table .... include homes demolished by owners themselves when offered a plea bargain whereby they could destroy their own home in return for being awarded only a small monetary fine. We do not have figures for houses demolished in this category, but estimate their number at only slightly less than those destroyed by the authorities.

As the figures show, the years 2003–2005 were amongst the worst since the Occupation commenced, as to administrative demolitions.... [In addition, it] is characterized by harsher enforcement measures, in order to deter residents from building without a permit. These measures include, apart from the actual demolitions, a significant increase in financial fines, confiscation of building equipment and imposition of prison sentences for building offences. The increased stringency of municipal policy may be explained as a response to pressures exerted on the mayor by the public that voted him into office, and the policy of judaisation of the eastern part of the city, as envisioned by the right-wing circles he represents.....

[Scope of Illegal Building]

The Ministry of the Interior and the Municipality assert that between 15,000-20,000 buildings in East Jerusalem have been built without permits, which is to say, about 40% of the total number of buildings. According to the Municipal Tax Collection Department, 5,300 residential units were constructed in East Jerusalem in the years 2000 – 2004. In the period covered here, building permits were issued for only 481 buildings (of which a certain number would, in normal circumstances, contain more than one residential apartment), which is to say that for every building erected under permit, ten were built without permit. In the year 2004, the Municipality and the Ministry of the Interior destroyed 152 of 1,435 “illegal” buildings, or 11% of the total unlicensed construction started that yea.... [This] must take into account the tremendous demand for housing arising in recent years as a result of two policy decisions of the Government of Israel: annulment of residency of those living outside the municipal boundaries, and construction of the Wall around Jerusalem. Since the government instituted these two moves, housing demand in East Jerusalem has increased, giving illegal construction a tremendous boost.



[Discrimination]

The proportion of cases that either result in or end in a demolition order being awarded against structures, out of all the building infractions taken to court, is far higher in the case of East Jerusalem. In West Jerusalem, far fewer structures receive demolition orders; in fact, in West Jerusalem no entire residential buildings have ever received demolition orders or been demolished. One notes that in 2005 there was a 65% rate of demolition in West Jerusalem, whereas in East Jerusalem the rate was 95%. There is a certain screening process at work by which infractions in East Jerusalem are dealt with faster, while in West Jerusalem there is a system at work that delays such legal procedures.

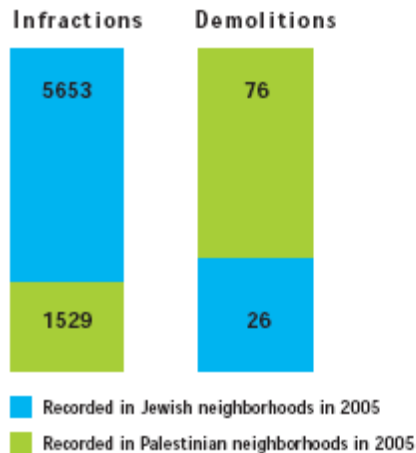
[Illegality of Demolish orders within Israeli Law]

Contrary to the impression the authorities have created, since 2003 there have been many cases in which homes have been demolished in violation of court orders. All too many cases provide proof that the inspectors of both the Municipality and the Ministry of Interior have no qualms about bypassing the law as long as the bulldozer is fed its pound of flesh."

**B'Tselem**, July 2006

"Severe overcrowding and no hope of obtaining a building permit – even to build a house on land they own - lead many Palestinians to build without permits. They do so knowing they will forever live in fear that, after investing their life savings to build, their home may be demolished. In fact, both Jews and Palestinians build illegally. Yet the response of the authorities is not equal. Palestinians account for about 20% of illegal construction, yet more than 75% of the demolitions are carried out on Palestinian homes. While demolitions carried out in Jewish neighborhoods target either commercial buildings or additions to a house, in Palestinian neighborhoods such demolitions leave entire Palestinian families homeless. The rate of house demolition has increased dramatically since Israel began constructing the Barrier. The lack of housing solutions drove many East Jerusalem Palestinians to the suburbs, even at the risk of losing social security benefits. Following the construction of the Barrier, which cuts off the suburbs, many of these same people are moving back into the city. Thus, the Barrier is only exacerbating the housing shortage for Palestinians in Jerusalem."

## Who Builds Illegally? Whose Houses Are Demolished?



\*Data provided by the head of the department of construction administration in Jerusalem Municipality.

### Municipal Planning & Building Permit in East Jerusalem

- Rather than addressing the welfare of its residents, urban planning in Jerusalem is first and foremost aimed at maintaining the Jewish majority in the city. (B'Tselem, July 2006)
- This is achieved by massive investment in Jewish neighborhoods/settlements in East Jerusalem, coupled with the prevention of the expansion of Palestinian neighborhoods (B'Tselem, July 2006; ICAHD, March 2007)
- Urban development plans discriminately affect Palestinian community, with municipal budgets allocating proportionally far less funds to Palestinian community in comparison to the Jewish community.
- Only roughly 7 percent of the land in municipal East Jerusalem is available for Palestinian residential construction, most of which is in already built-up areas. (ICAHD, March 2007, B'Tselem, July 2006)
- Restrictions in building permits and associated costs, discriminately affect Palestinian community and underline the basis for illegal construction in East Jerusalem.
- Such factors as discriminatory building permits, and regime are noted to have contributed to relocation of 50,000-60,000 Palestinians outside the municipal boundaries of the city (FMR, 2 September 2006).

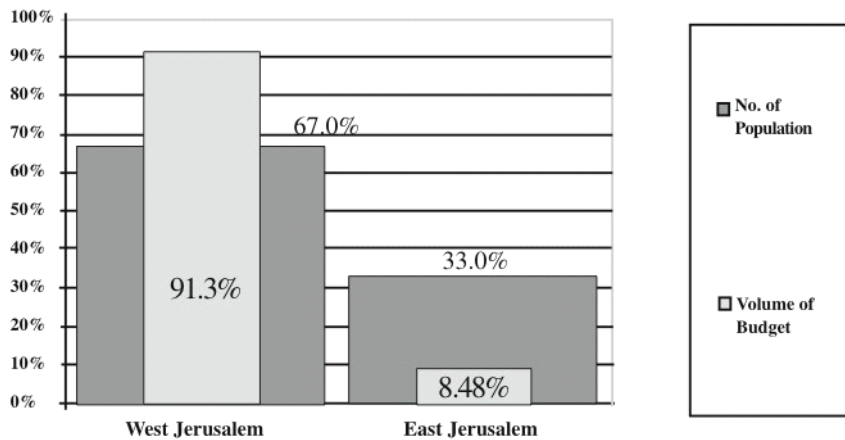
**B'Tselem**, July 2006, p.18-21.

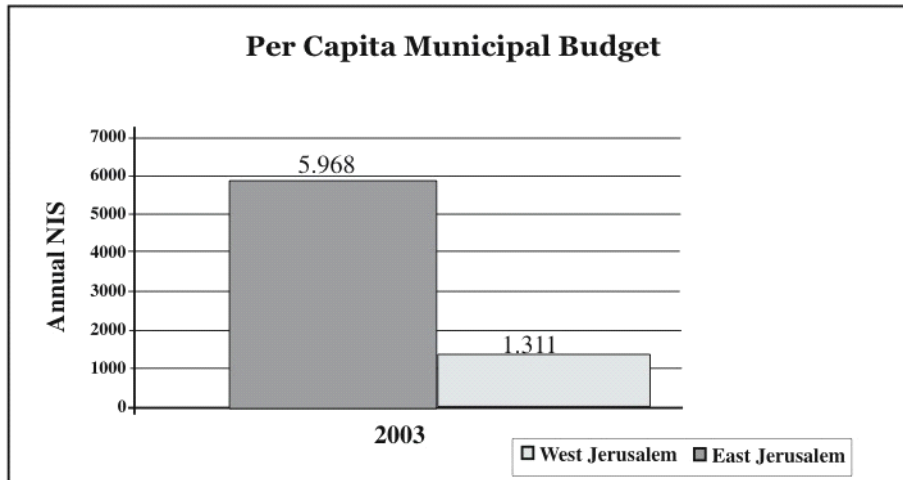
"Municipal budgets exacerbate social inequalities. Although Palestinians are required to pay taxes like all other residents of Jerusalem, the city invests meagre sums in services and infrastructure in Palestinian neighborhoods. In contrast to the claim that Jerusalem is the united capital of Israel, ethnic divisions in the city have remained largely unresolved. Israel has invested vast resources to build new Jewish settlements in areas of East Jerusalem expropriated from Palestinians. At the same time, Palestinian villages and neighborhoods incorporated into the city have turned into its new slums. Palestinians and Jews may now live side-by-side, yet inequality keeps them completely alienated from one another..... A walk through Jewish and Palestinian

neighborhoods in Jerusalem reveals striking inequalities. Jewish neighborhoods enjoy all the amenities of a modern western city. Most Palestinian neighborhoods lack even the most basic infrastructure, such as sidewalks and street lamps. Many are not connected to a sewage system. An examination of the municipal budget reveals that the disparities are not an accident; they are clearly the result of official policy. In each section of the municipal budget, the Jewish population receives the lion's share of investment, while the Palestinian population is allocated much less than its fair share. Palestinians constitute a third of the city's population, yet in no budget item do they receive a third of the allocations. The discrimination is even more severe when you consider that in some spheres, Palestinians should receive more than a third of city investment: 42% of Jerusalem's children under the age of 10 are Palestinian; 67% of Palestinian families in Jerusalem live below the poverty line (compared with 29% of Jewish families)."

**Israeli Committee Against House Demolitions, March 2007**

| year | Municipal Budget | East Jerusalem's Share | Percentage |
|------|------------------|------------------------|------------|
| 2003 | 3,547,261,000    | 300,978,132            | 8.48%      |





**Israeli Committee Against House Demolitions, March 2007**

"In a discussion on the question of house demolitions in East Jerusalem that took place in February 2005 in the office of Minister of the Interior Ophir Pines-Paz, she summarized the reasons why it is so difficult for residents of East Jerusalem to obtain a construction permit. Among them she pointed to the low plot ratios in the Palestinian sector that do not cover the needs of the population, problems of parcellation of different areas, and problems with proof of land ownership. She added that the existing Urban Development Outline Plans do not give satisfactory answers to these problems and that the Ministry of the Interior had not yet come up with any alternative active urban development plans because of budgetary constraints. The importance of the District Commissioner's testimony rests on the fact that she stressed overall planning problems for which the state is responsible, and that she also took professional responsibility for the longstanding ministerial planning failure....

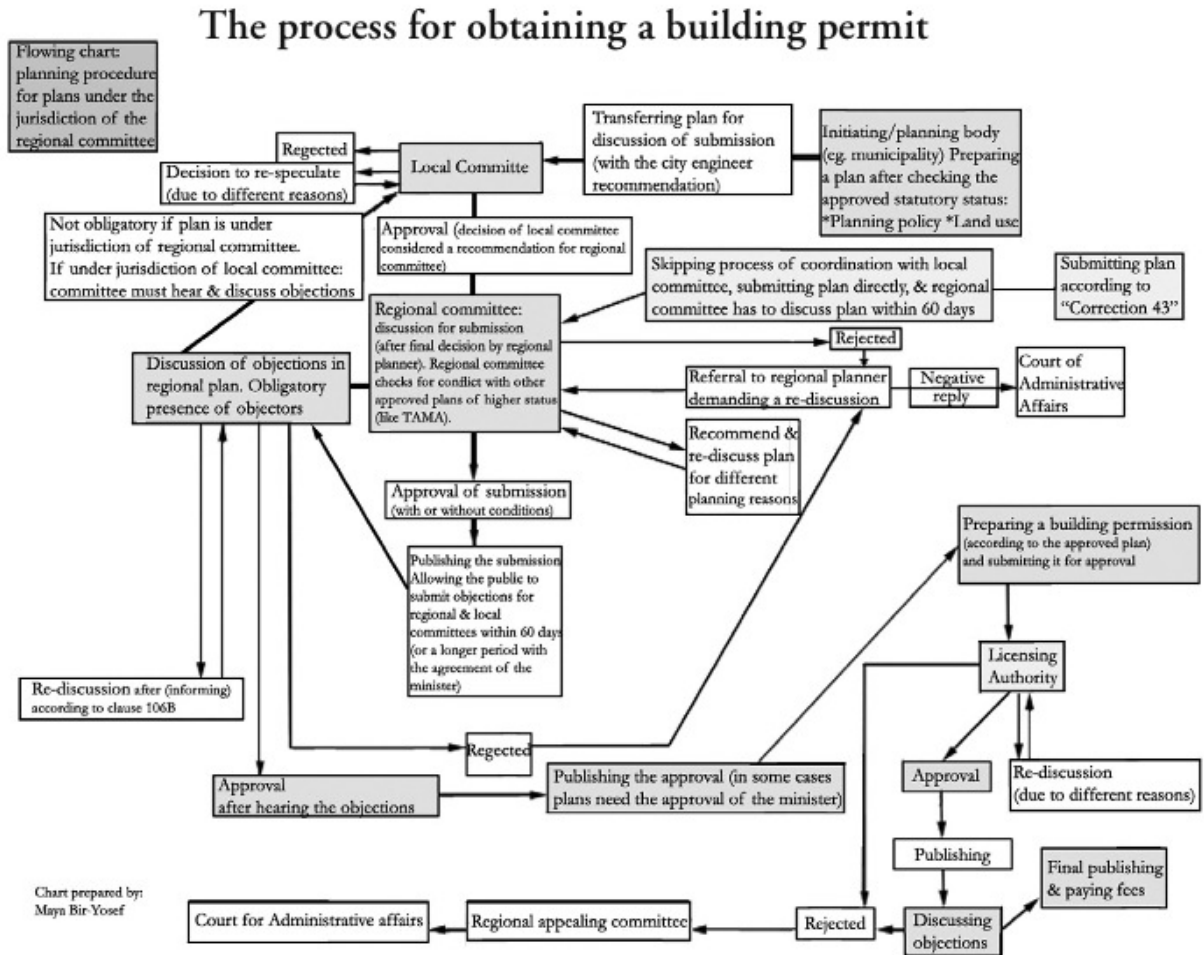
The total area of East Jerusalem, meaning the Palestinian neighbourhoods east of the Green Line, exclusive of the Jewish settlements built there, amounts to some 46,000 dunams (11,500 acres). Just over half the area, 24,655 dunam (6,163 acres), is covered by 25 approved zoning plans; another seven proposed zoning plans are as yet unapproved. The size of the area zoned for construction appears, on the face of it, reasonable. Under the approved plans, however, only 37% [of 6,163 acres] is allocated for residential purposes. Construction is prohibited on the rest of the land: some 40% has been defined as open land or green areas where a sweeping ban is imposed on construction, and 20% of the area is designated for public institutions and roads.

Just as the area zoned for construction is restricted, so are plot ratios within that area. In most of the area permitted for construction in East Jerusalem, the plot ratio is in the range of 35%-75%, whereas in West Jerusalem it is in the range of 75%-120%. This is made on the pretext of preserving the "rural character" of the area, and because this is seen as compatible with residential patterns in Palestinian society. In West Jerusalem, up to six housing units per dunam may be constructed in three or four-storey buildings, while in the East, only two land-attached housing units may be built per dunam. The most blatant examples of plot ratio discrimination are found in the Jewish precincts located in the heart of Palestinian villages....

The following requirements are notable among these newly-added difficulties:  
 Requirement to prove ownership of the land by means of registration.

Personal particulars and signatures of all landowners.  
 Confirmation from the Ministry of Justice that there are no additional claims to the lands appearing in the Jordanian Table of Claims.  
 Confirmation from the Custodian of Absentee Property that the land is not under its management.  
 Confirmation from the Israel Mapping Centre that the land is plotted and that it has no competing claims.

It must be noted once more that *the ownership of about half the land in East Jerusalem cannot be proved*. Moreover, even if residents of East Jerusalem wish to register their land today at the Lands Registry, they would be unable to do so, since the Israeli government has frozen land registration as far back as 1967....



### The cost of obtaining a permit

Beyond the statutory difficulties, anyone seeking to build legally discovers the cost of obtaining a permit is well beyond his ability..... Jews and Palestinians seeking to obtain a building permit pay in accordance with the same parameters; there are, however, two obvious differences between Palestinian residents wishing to buy a self-contained house and their Jewish neighbours living in high-rise apartment buildings: (a) the expenses payable in Jewish neighbourhoods are distributed among a large number of occupants, whereas in the Palestinian sector the costs fall on a single

family, and (b) the socio-economic level in East Jerusalem is far lower than in West Jerusalem, and most East Jerusalem residents cannot meet such expenses. According to data from the Municipal Welfare Division, 67% of East Jerusalem residents live below the poverty line. The burden of fees and levies is far more than they can bear."

**See also:**

['Quiet transfer' in East Jerusalem nears completion](#), **Forced Migration Review (FMR)**, 4 September 2006

B'tselem, *A Policy of Discrimination: Land Expropriation, Planning and Building in East Jerusalem*, 1995.

[Civil Administration demolishes hut of al-Moher family on grounds that it was built without a permit, near Zububa Village, Jenin District, B'Tselem](#), 16 May 2005

[Jerusalem Center for Economic and Social Rights \(JCESR\), August 2001, Occupied East Jerusalem, A New Soweto?](#)

### **Settlements in East Jerusalem**

- Since 1968, settlements were established in East Jerusalem and within Jerusalem expanded municipal boundary creating a new demographic boundary within East Jerusalem. The settler population inside East Jerusalem would expand phenomenally.
- Between 1987 and 2004 settler population expanded by 65% from 111,300 to 184,034 while the area covered by settlements increased by 143% from 890 hectares to more than 2,170 hectares
- Establishment and construction of settlements in East Jerusalem compares significantly with Israeli policies which prohibit development of Palestinian neighborhoods.
- There continues to be continuous risk of further displacement as settlers in East Jerusalem continues to grow.

### **UN Office for the Coordination of Humanitarian Affairs (UN OCHA), July 2005**

"Construction of settlements in and around Jerusalem dates back to the period immediately after [1967]. In 1968, settlements were established surrounding the Old City in areas such as French Hill, Ramat Eshkol and Ma'alot Dafna as well as in the Old City itself. Further settlements were established within the expanded Jerusalem municipal boundary such as Ramot Allon (1973) in the northwest, Newe Ya'akov (1971) and Pisgat Ze'ev (1985) to the north, and Gilo (1971) and Har Homa (1998) in the south. In addition, an outer ring of settlements (including Givat Ze'ev, Ma'ale Adumim and Betar Illit) were established around Jerusalem as is visible on the maps opposite. The construction of settler housing and infrastructure within East Jerusalem and surrounding areas created a new demographic reality on the ground. In 1980, the Knesset, the Israeli parliament, passed legislation declaring that "Jerusalem complete and united, is the capital of Israel", reinforcing the position that the Gol had held since the 1967 War. This decree was declared to have "no legal validity and constitute a flagrant violation of the Geneva Convention" by the UN Security Council in 1980.... [T]he settler population inside East Jerusalem expanded by 65% from 111,300 to 184,034 between 1987 and 2004 while the area covered by settlements increased by 143% from 890 hectares to more than 2,170 hectares. Pisgat Ze'ev was the fastest-growing settlement in East Jerusalem between 1987 and 2004. Created in 1985, its population grew to 40,911 by 2004 and, the population increased annually on average by 11%, due in large

part to the arrival of immigrants from the former Soviet Union, many of whom moved there in the early 1990s."

**B'Tselem**, July 2006

"One third of the area annexed in 1967 was expropriated, mostly from individual Palestinian land-owners, and was used exclusively to build Jewish neighborhoods. Today there are 12 Jewish neighborhoods in East Jerusalem, populated by some 192,000 people. According to international law, the status of these neighborhoods is identical to the settlements throughout the West Bank.

At the same time, virtually all construction is prohibited in Palestinian neighborhoods. There are various means to implement this policy. Over a third of East Jerusalem lacks outline plans, making construction impossible. Plans for the remaining areas define vast tracts of land as Green Areas, where building is forbidden, allegedly for ecological reasons. Jabal Abu Ghaneim, a hilltop amongst neighboring Palestinian villages, was defined as a "Green Area" until 1999, when it was turned into the Jewish settlement of Har Homa, inhabited today by over 2,000 people. As a matter of fact, Palestinian building is only allowed in 7% of East Jerusalem, mostly in existing Palestinian neighborhoods. Even within these neighborhoods, Palestinians will generally not get permits to expand their houses."

**See Also:**

[Jewish group begins new construction in East Jerusalem](#), **Ha'aretz**, 31 January 2008

### **Revocation of Jerusalem Residency & Family Reunification**

- The origin of the 'Jerusalem residency' originates from 1967 when, following a census of Palestinian residents in the Israeli created municipality of East Jerusalem.
- Jerusalem residents who left temporarily during the 1967 war missed the census and were denied permanent residency, in addition, to around 30,000 Palestinians who were living immediately adjacent to, but not within, the Israeli-declared new municipal boundaries. (OCHA, July 2007)
- Palestinians who hold Jerusalem ID cards are permanent residents of Israel. Approximately 253,000 Palestinians hold Jerusalem ID cards. They can live and enter Jerusalem without a permit, buy property and work in Israel, and receive Israeli taxpayer benefits. (OCHA, July 2007; OCHA, 2005)
- Palestinians residing outside of Jerusalem for seven or more years lose their Jerusalem residency status. In order to maintain their card, under Israeli law, the onus lies on Palestinians to provide proof that Jerusalem is their 'centre of life' and that they are living inside the Jerusalem municipal boundaries. (OCHA, July 2007) Since 1967 to 2006 over 8,269 Palestinians had their ID card revoked. (B'Tselem, August 2008)
- Israel's centre of life policy would lead to return of 20,000 to 30,000 Palestinians Jerusalemites residing outside municipal borders of East Jerusalem – aggravated by the construction of the Wall which would lead to second wave. (JCESR, December 2001; ICAHD, March 2007; EU, November 2005).
- Center of life policy contributing to displacement as families face increasing difficulties in exercising the rights to family reunification and child registration in Jerusalem. They may have to choose between living separately on different sides of the Wall or losing their residency rights in Jerusalem (CHR, January 2006; Al Haq, October 2005).

### **Israeli Committee Against House Demolitions, March 2007**

"Any attempt to explain the reasons for illegal construction in East Jerusalem must take into account the tremendous demand for housing arising in recent years as a result of two policy decisions of the Government of Israel: annulment of residency of those living outside the municipal boundaries, and construction of the Wall around Jerusalem. Since the government instituted these two moves, housing demand in East Jerusalem has increased, giving illegal construction a tremendous boost.

The policy of annulling resident status of those residing outside the city's municipal boundaries has been in force for more than ten years. The former Minister of the Interior, Eli Suissa, instituted the policy. Until that time, young couples had preferred to live on the city's outskirts, due to a shortage of rental apartments and the high rents collected within the city. Many communities of Jerusalemites arose in the peripheral villages, from Beit Jala in the south to Ar-Ram in the north, and in eastern villages such as Hizma, Anata, Abu Dis and Al Azariah. In 1993, the Ministry of Interior published regulations revoking the residency of those living outside the city's boundary, also removing social rights ranging from health care services to the various National Insurance allowances. Confiscation of blue identity cards (Jerusalem IDs) even deprived such individuals of freedom of movement within the city, access to places of work, and prevented them from visiting family. As a result, tens of thousands of Jerusalemites started migrating back inside the city causing a tremendous demand for apartments and a steep increase in rent.

This phenomenon was stepped up again in 2002, when construction of the "Separation Barrier" or "Jerusalem Envelope" started to be discussed, and yet again in 2003, when people realised the implications of living behind the Wall. We have since witnessed waves of families relocating to the 'right side' of the Wall, locking their houses and leaving everything behind, moving to any vacant spot within the city. The area north of the Qalandia Wall, where over 20,000 Jerusalemite families live, is losing its inhabitants. Entire families are relocating, even if only by a few hundred metres, in order not to lose their place of work, not to be cut off from schools, hospitals or family members, and especially in order to save themselves the daily humiliations involved in crossing the checkpoints. Rent in Kufr Aqab village plummeted by 50% in 2003, while at the same time, rent on the other side of the Wall rose by more than 100%. This massive return to within the municipal boundaries has caused a demographic explosion followed by a wave of illegal construction. From that time, the Municipality has lost all control of construction in East Jerusalem, since the need for shelter is stronger than any of the 'deterrent measures' imposed by the Municipality. Faced by urgent necessity, no penalty can deter. Indeed, as Jewish scholars taught, no edict should be imposed upon the public that is more than the public can endure. He who thought to battle the 'demographic demon' through the use of administrative measures created a far worse 'urban demon.' The late Faisal Hussein, one of the leading Palestinian leaders, once said that the day the Palestinian state awarded "Freedom of Al-Quds" honours, he would recommend awarding them to Minister Eli Suissa for his contribution in reinforcing East Jerusalem."

### **UN Office for the Coordination of Humanitarian Affairs (UN OCHA), June 2007**

"Approximately 253,000 Palestinians hold Jerusalem ID cards. They are permanent residents of Israel who can live and enter Jerusalem without a permit. ....Jerusalem ID holders can buy property and work in Israel and receive Israeli taxpayer benefits such as health insurance, social security, and public schooling. Permanent resident status is not the same as Israeli citizenship. In the early 1990s, Israel offered Jerusalem ID card holders the possibility of obtaining Israeli citizenship and some Palestinians chose to become Israeli citizens during this limited period. The origin of the 'Jerusalem residency' originates from 1967 when, following a census of Palestinian residents in the Israeli created municipality of East Jerusalem, 66,000 people were granted



'permanent residency' status. Jerusalem residents who left the city temporarily during the 1967 war missed the census and were denied an opportunity to gain permanent residency<sup>15</sup>. They can no longer return to live in Jerusalem. In addition, around 30,000 Palestinian residents of Jerusalem who were living immediately adjacent to, but not within, the Israeli-declared new municipal boundaries at the time of the census were also excluded. They hold West Bank IDs, and require a permit to enter Jerusalem, despite the municipal boundary sometimes being only a few metres away from their homes.

Palestinians residing outside of Jerusalem for seven or more years lose their Jerusalem residency status. In order to maintain their card, under Israeli law, the onus lies on Palestinians to provide proof that Jerusalem is their 'centre of life' and that they are living inside the Jerusalem municipal boundaries. In 2006 over 1360 Palestinians had their ID card revoked. This was five times more than in 2005, and more than in any previous year since 1967. The law continues to force Palestinian residents of Jerusalem to make hard choices about where to establish their lives. If two people marry and one spouse does not hold a Jerusalem ID card he or she faces extreme difficulty in obtaining permission to live with their spouse in East Jerusalem. As a result, thousands of married couples are forced to live apart from one another to ensure that at least one of the partners retains his or her Jerusalem status. Since 1982 the Israeli Interior Ministry has not permitted the registration of Palestinian children as Jerusalem residents if the child's father does not hold a Jerusalem ID card, even if the mother is a Jerusalem ID card holder."

#### **B'Tselem and Hamoked, 31 January 2004**

"Since 1967, Israel has made great effort to preserve the "demographic balance" in Jerusalem by reducing the number of Palestinians living in the city and by maintaining a seventy-percent Jewish majority. To accomplish this goal, Israel imposes broad restrictions on Palestinian building in East Jerusalem, does not invest in infrastructure there, and allocates significantly smaller sums than it does for West Jerusalem.

The Interior Ministry – which is responsible for implementation of the Entry into Israel Law – plays a major role in implementing this policy of discrimination. The Ministry sets rigid rules for the approval of family unification and registration of children in the Population Registry. In almost every request for family unification or child registration, the residents must submit numerous documents. If they fail to do so, their requests are rejected. It was the Interior Ministry that implemented the policy of "quiet deportation" from 1996-1999, in which the Ministry permanently revoked the residency of hundreds of Palestinians on the grounds that they lived for a prolonged period outside of Israel, including the Occupied Territories.<sup>4</sup> People going to the East Jerusalem office of the Interior Ministry face physical conditions far worse than at other Ministry branches.

On 31 July 2003, the Knesset passed the bill into law. The Nationality and Entry into Israel (Temporary Order) Law, 5763-2003, prohibits Israelis who are married to, or marry in the future, residents of the Occupied Territories to live in Israel with their spouses. Children born in the Occupied Territories to one parent who is a resident of East Jerusalem and a parent who is a resident of the Occupied Territories are forbidden under this law to live in Jerusalem with their family.<sup>5</sup> The law does not establish a new immigration policy for residents of the Occupied Territories. International law recognizes the right of every state to determine who is entitled to enter its territory – aliens have no intrinsic right to enter the state. Some countries set immigration quotas, based on varying criteria. However, when the foreigners are married to nationals or residents of the state, different rules apply, and there are limitations to the discretion that the government may exercise. As in every case where a state authority exercises discretion, the rules must be reasonable, based on substantive grounds, and applied without discrimination. The question involved here is not whether the alien has a right to enter the state. We are dealing with

the right of citizens and residents of the state to live with their spouses in their (the citizens and residents) own country."

**Jerusalem Center for Economic and Social Rights (JCESR), August 2001**

*"Centre of life' policy* – In 1995, the Interior Ministry introduced the 'centre of life' policy. Palestinians with Jerusalem IDs were required to prove continuous residency in Jerusalem by submitting documents to demonstrate that they actually resided in the city for the previous seven years. The burden of having to prove the individual's 'centre of life' in Jerusalem is placed on the Palestinian. The requirements to prove the 'centre of life' are so detailed that even persons who never left the city have difficulties meeting them. The following elements are part of the 'centre of life' policy:

Revocation of residency status by confiscating ID Cards from persons who cannot prove that their 'centre of life' is in Jerusalem.

Refusal and complicated procedures to show one's 'centre of life' for family unification.

Refusal to register children born to parents of whom only one is an East Jerusalem resident in the Population registry.

Incidents of ID Card confiscation increased by over 600 percent after the implementation of the 'centre of life' policy. This policy greatly strengthened the ability of the Interior Ministry to confiscate ID cards and re-established the burden of proof to renew residency rights on the Palestinians themselves. In 1993, the Interior Ministry began examining who was a resident of Jerusalem and who had moved out of the city. It was decided that the Jerusalem suburbs would be considered to be outside the city borders. It was estimated that between 50,000 and 80,000 of East Jerusalem's 180,000 Palestinian inhabitants had moved to the suburbs outside the Jerusalem city. With this decision their status was being invalidated. The period, in which these actions took place, became known as the 'quiet transfer'.

No public notice was given of the change of policy and procedures. Many people lost their residency, including health and social benefits. Decisions could be given verbally without any justification or explanation. People were not allowed to appeal against the decisions. This policy was applied solely to Palestinian Jerusalemites, not to any other ethnic group in the city. In contrast to this policy towards Palestinians, all Jews, also those who are not Israeli citizens, are entitled to move to the Jewish settlements in the Occupied Territories without the move affecting their status. Also their return is guaranteed contrary to Palestinians.

The policy of ID Card confiscation accomplished the contrary as between 20,000 and 30,000 residents of the suburbs returned to live in Jerusalem. Others returned to fictitious addresses. The result was that at the end of 1997, the Ministry decided to slow down implementation. In 1999, it announced that it would no longer revoke the residency rights of East Jerusalem residents who had transferred their 'centre of life' outside the city boundaries on condition that the validity of their exit card had not expired. However, the demands for documentation verifying a person's 'centre of life' by the Interior Ministry and the National Insurance Institute continuous despite announcements to stop this policy. As a result of these requirements, many residents of East Jerusalem are still unable to benefit from many of their rights and have their residency status threatened.

2. *Family unification* – Jerusalem residents married to persons who are not Israeli residents or citizens must apply for family unification in order to live legally in the city. The application is being checked on 'centre of life', security and criminal record. It can take years before the applicant receives a decision to his or her application. When the applicant receives approval, a process of five years starts. Every year both the applicant as well as the one for whom the applicant applies

have to show all the requested documents and the application is checked on the above three issues. During the first two years the person receives a so-called B1 permit, which means that the person can stay, but has no residency rights. After two years the person receives a temporary residency permit. After five years one receives a permanent residency permit.

This policy severely affects family life, the right of a couple to live together, and the right of children to live with their parents. Many families are divided because of this policy. Family unification for Jewish families is an automatic right.

3. *Child Registration* – A child born to parents of whom only one is a resident of East Jerusalem does not receive an identity number. After birth, the parents receive only a form titled 'notification of live birth'. To receive an identity number, the parents must submit a 'request to register a birth' and submit to this request proof that the 'centre of life' is in Jerusalem. It is estimated that there are currently at least 10,000 children residing in East Jerusalem who are not registered. Without a Jerusalem ID number, Palestinian children are denied some basic rights. A child must have his/her birth registered in order to be recognised by the state. By denying or restricting registration, the state can effectively disclaim their rights to any benefit or service, including access to and provision of education, health care and others. It is estimated that up to 23.6 percent of children are unable to register at government schools in East Jerusalem.

**See Also:**

[Married but without rights, Integrated Regional Information Networks \(IRIN\)](#), 3 August 2008  
[Revocation of Residency in East Jerusalem: Statistics on Revocation of Residency Rights, B'Tselem](#), 14 August 2008  
[Humanitarian Update: Special Focus the Barrier and Access Points to Jerusalem, UN Office for the Coordination of Humanitarian Affairs \(UN OCHA\)](#), July 2005  
['Quiet transfer' in East Jerusalem nears completion, Forced Migration Review \(FMR\)](#), 4 September 2006  
[Jerusalem Center for Economic and Social Rights \(JCESR\), August 2001, Occupied East Jerusalem, A New Soweto?](#)  
[European Union \(EU\), November 2005, Jerusalem and Ramallah Heads of Mission Report on East Jerusalem \(Unofficial document\)](#)  
[Married but without rights, Integrated Regional Information Networks \(IRIN\)](#), 3 August 2008

## **East Jerusalem & Separation Wall**

- Wall isolate East Jerusalem, an occupied territory since 1967, from the rest of the West Bank, and de facto incorporate it to Israel, but it also divides Palestinian neighbourhoods of East Jerusalem, with serious consequences for their residents
- Approximately 25% of the 253,000 Palestinians living in East Jerusalem have been cut off from the city by the Separation Wall. They can now only reach Jerusalem by crossing a checkpoint to access the services to which they are entitled, and are at risk of losing their permanent residency status.
- The Wall is provoking important population movements in this area. this population is being severely reduced by the construction of the Wall to the west of neighbourhoods previously part of the municipality and neighbourhoods entirely dependent on Jerusalem for their survival.
- It is already responsible for the economic and social decline of entire communities as they are in practice cut off from Jerusalem and essential services they previously had access to (Al

Haq, October 2005, pp.8-11; EU, 25 November 2005, para. 22). (UNGA, A/60/380, 26 September 2005, para.53).

- Many of these people do not have access to alternative services or jobs, notably because of the economic decline in their areas of residence – which used to live mainly on the commercial exchanges between Ramallah and Jerusalem before the construction of the wall – and the difficulty of travel from Jerusalem to other West Bank cities. They risk being forced sooner or later to move eastward (Al Haq, October 2005; UNGA, A/60/380, 26 September 2005; CHR, March 2005, para.17-19).
- The construction of the Wall around Jerusalem along with the reactivation of the “centre of life” policy has prompted a wave of return of Israeli ID card-holders to Jerusalem and exacerbated the housing crisis with important consequences for property prices and rents (Al Haq, October 2005; EU, 25 November 2005, para.20).

### **United Nations Commission on Human Rights (CHR), 17 January 2006**

"30. East Jerusalem is not part of Israel. On the contrary, it is occupied territory, subject to the Fourth Geneva Convention. Unfortunately, Israel's illegal attempt at annexation of East Jerusalem has obscured this truth. As a consequence, world public opinion tends, incorrectly, to treat Israel's occupation of East Jerusalem as different from that of the West Bank and Gaza.

31. Israel has embarked upon major changes to the character of Jerusalem. In essence, these changes are designed to reduce the number of Palestinians in the city and to increase the Jewish population of the city, thereby undermining Palestinian claims to East Jerusalem as the capital of an independent Palestinian State. That this is the purpose of the wall in Jerusalem was acknowledged by the Israeli Minister for Jerusalem Affairs, Mr. Haim Ramon, on 10 July 2005 when he stated that the route of the wall would make Jerusalem “more Jewish”. He added “The Government is bringing security to the city and will also make Jerusalem the capital of a Jewish and democratic State of Israel.”

32. There are already some 190,000 Jewish settlers in Israeli-occupied East Jerusalem. Plans are, however, under way to increase the number of settlers and to extend settlements both to encircle Jerusalem and to cut the West Bank in half. Within the Old City of Jerusalem there are some 80 Jewish settler buildings and institutions. Moreover, there is a plan to build a large new Jewish settlement in the Muslim Quarter near Herod's Gate. Settlement expansion is also evident in neighbourhoods surrounding the Old City such as Silwan. Beyond this lie the more established settlements such as Ramot, French Hill, Har Homa and Gilo. The inner circle of settlements will be encircled by the settlement blocs of Givat Ze'ev to the north, Ma'aleh Adumim to the east, and Gush Etzion to the south. Particularly threatening to a future Palestinian State is Ma'aleh Adumim, which is to be expanded by “E1” (“East 1”), a 53-square-mile area larger than Tel Aviv designated to have 3,500 housing units to accommodate 15,000 to 20,000 new settlers. The expanded Ma'aleh Adumim will effectively cut the West bank in half, separating Ramallah from Bethlehem, with serious economic and political consequences.

33. Conversely, the Palestinian population of East Jerusalem, presently numbering some 230,000, is to be reduced by a number of stratagems. First, by house demolitions. There was a sharp increase in house demolitions in 2004, when 152 homes were destroyed in East Jerusalem. Plans to destroy 88 homes in the Silwan district are presently on hold. Secondly, this population is to be reduced by routing the wall to the west of neighbourhoods previously part of East Jerusalem. Thus areas such as the Shu'afat camp, with a population of some 55,000, and West Anata are excluded from the East Jerusalem municipality and transferred to the West Bank. Thirdly, this will be done by transferring neighbourhoods previously integrated into East

Jerusalem into the West Bank by means of the wall. Neighbourhoods such as Abu Dis, Anata and Al-Eizariya fall into this category.

34. The exclusion of large neighbourhoods from East Jerusalem and their transfer to the West Bank will cause great suffering to thousands of Palestinians and personal tragedies to many. A sharp distinction is made between Palestinians with blue Jerusalem ID cards and those with green West Bank ID cards living in East Jerusalem neighbourhoods. West Bank ID cardholders, and in due course Jerusalem ID cardholders living to the east of the wall, will no longer be able to access hospitals and schools in Jerusalem or to work in Jerusalem without special permits to enter Jerusalem. The differences in ID cards will also have a profound effect on family life, as many spouses hold different ID cards. They will be forced to live separately on different sides of the wall under Israeli law, which prohibits family unification. If one spouse elects to move east of the wall, he or she will lose his or her rights (such as medical insurance and social security) attached to the Jerusalem ID. In this way Israel hopes to further reduce the Palestinian population of East Jerusalem by compelling spouses to move to the West Bank side of the wall. The Special Rapporteur visited two of the neighbourhoods most affected by the wall - Abu Dis and Al-Eizariya. There he met husbands separated from their wives and persons separated from their livelihoods, schools and hospitals in Jerusalem. Words cannot convey the hardships to which Palestinians are subjected in the interests of the Judaization of Jerusalem. 35. In November 2005 the heads of 25 European Union missions stationed in East Jerusalem prepared a report on Israel's plans to change the character of East Jerusalem. The report condemned the construction of the wall and settlements, the demolition of Palestinian homes, the separation of Palestinian residents and families, and the discriminatory practices employed by Israel. It concluded: Jerusalem is already one of the trickiest issues on the road to reaching a final status agreement between Israel and the Palestinians. But several interlinked Israeli policies are reducing the possibility of reaching a final status agreement on Jerusalem that any Palestinian could accept. We judge that this is a deliberate Israeli policy - the completion of the annexation of East Jerusalem. Israeli measures also risk radicalizing the hitherto relatively quiescent Palestinian population of East Jerusalem."

**UN Office for the Coordination of Humanitarian Affairs (UN OCHA), June 2007**

"East Jerusalem is part of the West Bank. However, since 1993, the GOI has erected checkpoints on roads leading to the city and required West Bank Palestinians to obtain permits to enter East Jerusalem. Palestinian access to East Jerusalem was tightened in September 2000, with the outbreak of the second intifada. A series of additional military checkpoints and obstacles were set up to further restrict Palestinian movement into Jerusalem and Israel. In 2001, the GOI announced its intention to build a barrier to physically separate Israel from the West Bank to prevent suicide bombers from the West Bank entering Israel<sup>11</sup>. By May 2007, 408 km of the total 721km Barrier route has been completed (56.5%) while a further 10% is under construction. The Barrier in East Jerusalem solidifies the various Israeli mechanisms that have been put in place to restrict Palestinian movement between the West Bank and East Jerusalem, namely identity cards, permits and checkpoints. In effect, the Barrier is the physical culmination of these access restrictions which have weakened the connections between East Jerusalem and the West Bank....

The section of the Barrier within Jerusalem governorate measures 168 kilometres (km)<sup>21</sup> in length. Only five kilometers of its completed length runs along the Green Line. The remainder lies inside the West Bank. Construction of the Barrier progressed rapidly throughout 2006 and 2007 and is now near completion, physically separating East Jerusalem from the rest of the West Bank. In conjunction with the complex system of permits, checkpoints and gates, the Barrier has become a de facto border. The Barrier's route winds around the Israeli settlements that surround Jerusalem ensuring that the majority lie on the western side of the Barrier with easy access into Jerusalem and Israel. The route runs deep into the West Bank to encircle the large settlements of

Giv'at Zeev (pop. 11,000) and Ma'ale Adummim (pop. 28,000) which are currently outside the municipal boundary. By contrast, densely populated Palestinian areas – Shu'fat Camp, Kafr 'Aqab, and Samiramees with a total population of over 30,000 – which are currently inside the municipal boundary, are separated from Jerusalem by the Barrier. Other villages to the north and east of the city, with populations of more than 84,000 are also excluded. In addition, the Barrier runs through the middle of Palestinian communities separating neighbours and families from one another – this occurs in Abu Dis, for example. To the north of the city over 15,200 Palestinian residents of four villages in the Bir Nabala enclave are completely surrounded by the Barrier on three sides, with an Israeli security road on the fourth, closed to Bir Nabala residents. As a result, these residents are in a totally enclosed enclave isolated from the Jerusalem. The only way in and out is by means of an underpass to Ramallah, which passes under a motorway restricted for Israeli vehicles only.

Approximately 25% of the 253,000 Palestinians living in East Jerusalem have been cut off from the city by the Barrier. They can now only reach Jerusalem by crossing a checkpoint to access the services to which they are entitled (see next section), and are at risk of losing their permanent residency status. The Barrier route is largely determined by the location of settlements: it winds around the settlements, ensuring that they are physically connected to Jerusalem and Israel. As a result, over 80% of all Israeli settlers living in the West Bank now reside to the west of the Barrier. The population of the settlements and the area they cover have both expanded rapidly in East Jerusalem. In 2004, the Israeli settler population in East Jerusalem was approximately 190,000 compared to 110,000 in 1987. The area covered by the settlements has more than doubled – from 890 to 2,170 hectares in 2005. In addition to the settlements within the city, Israeli settlements have been built within the West Bank to form a ring around Jerusalem. The large Israeli settlements of Givat Ze'ev, Ma'ale Adummim and the Gush Etzion bloc located respectively to the north, east and south of Jerusalem are physically connected to Jerusalem by roads that pass through the Barrier and which Palestinians are prohibited or restricted from using. These large Israeli civilian populations in the West Bank and their associated infrastructure further isolate East Jerusalem from the rest of the West Bank. In 2004, 79% of the total settler population was located in Jerusalem and the surrounding Ramallah and Bethlehem governorates. The overall route of the Barrier in the West Bank incorporates 73 Israeli settlements between the Green Line and Barrier; approximately 10.2% of the West Bank lies between the Green Line and the Barrier. "

**See Also:**

[al-Haq, October 2005, Building Walls, Breaking Communities: The Impact of the Annexation Wall on Jerusalem Palestinians](#)

['Quiet transfer' in East Jerusalem nears completion](#), Forced Migration Review (FMR), 4 September 2006

[European Union \(EU\), November 2005, Jerusalem and Ramallah Heads of Mission Report on East Jerusalem \(Unofficial document\)](#)

[United Nations General Assembly \(UN GA\), 26 September 2005, Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories](#)

## **Military Incursions & Strategy**

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**Israeli Incursions & Clearing strategy in West Bank & Gaza**

- Israeli incursions in the West Bank and Gaza remain a source of displacement both direct and indirect in entailing temporary or long lasting displacement, destruction of public and private property, and creating an insecure environment for civilians.
- Israeli incursions as these entail displacement can be categorised in terms of clearing operations which form part of Israel's defense strategy witnessed in West Bank though particularly in Gaza Strip, and consists of the destruction of homes deemed close to Israeli security infrastructure, Jewish roads, or provide cover for Palestinian military operations;
- Israeli incursions can also be defined more strictly in terms of military operations in which displacement is induced by actions aimed at Palestinian militancy causing temporary displacement of civilian populations, or destruction of housing and private, and public property, contributing to displacement.
- The frequency of military incursions/raids has increased during the second intifada with thousands being undertaken annually with varying degrees of intensity – over 5,000 military searches and arrest would take place in 2007 (OCHA, 6 July 2008; UNSR on HR, 21 January 2008).
- The international community, while acknowledging Israel's right to self-defence has repeatedly stressed that Israel's right to self-defence must be carried out in accordance with international law, and condemned Israel's excessive use of force, and violations of humanitarian and human rights law. (UN SG, 11 December 2006; UN HRC, 23 January 2008; UN HRC, 6 June, 2008)

**See:**

[Human Rights Situation in Palestine and Other Arab Occupied Territories A/HRC/7/17](#), **UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967**, 21 January 2008

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[Nablus From Economic Metropolis to Shrinking City](#), **Ma'an Development Centre**, 21 February 2008

[Beit Hanoun Flash Appeal](#), **United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)**, 19 November 2006

[UN Human Rights Council denounces recent Israeli military actions in northern Gaza](#), **United Nations News Service**, 15 November 2006

[18,000 Houses Destroyed](#), **Israeli Committee Against House Demolitions**, December 2006

[Gazans want to protect homes, say rights activists](#), **Integrated Regional Information Networks (IRIN)**, 22 November 2006

[Report of the Secretary-General on the Middle East to the Security Council, S/2006/956](#), **United Nations Secretary General (UN SG)**, 11 December 2006

[UN Human Rights Council denounces recent Israeli military actions in northern Gaza](#), **United Nations News Service**, 15 November 2006

[UN Expert Urges Israel to stop destruction of houses and infrastructures in Gaza, calls for military sanctions](#), **United Nations Special Rapporteur on Adequate Housing**, 10 November 2006

[UN expert urges Israel to stop destruction in Gaza, calls for military sanctions](#), **United Nations (UN)**, 10 November 2006

[EU lawmakers 'shocked and appalled' by conditions in Gaza](#), **Agence France-Presse (AFP)**, 9 November 2006

[Renewed violence in Gaza raises serious concerns for children's safety](#), **United Nations Children's Fund (UNICEF)**, 6 November 2006

[Beit Hanoun under siege: Palestine refugees severely affected](#), **United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)**, 4 November 2006

[Israel bombards Gaza with deadly air strikes](#), **Agence France-Presse (AFP)**, 3 November 2006  
[UNRWA Commissioner-General Karen AbuZayd - Mass despair and a sense of abandonment in Gaza](#), **United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)**, 7 September 2006

[OPT: Refugees displaced by military offensive](#), **Integrated Regional Information Networks (IRIN)**, 7 September 2006

[The Humanitarian Monitor March 2008](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, 18 April 2008

[Human Rights Council Calls for Urgent International Action to End Grave Israeli Violations in Occupied Palestinian Territory](#), **UN Office of High Commissioner for Human Rights (OHCHR)**, 24 January 2008

[Human rights violations emanating from Israeli military attacks and incursions, in the Occupied Palestinian Territory, particularly in the occupied Gaza Strip, A/HRC/S-6/L.1](#), **United Nations Human Rights Council (UN HRC)**, 23 January 2008

[Human Rights Situation in Palestine and Other Occupied Territories: Report of the High Commissioner for Human Rights on the implementation of Human Rights Council resolution 7/1](#), **United Nations Human Rights Council (UN HRC)**, 6 June 2008

### **Israeli Incursions in West Bank and Gaza**

- Impact of incursions have varied in displacement that these entail. Several such operations have caused massive temporary displacement causing the temporary displacement of thousands, while other incursions have had incremental impact.
- Israeli incursions/raids have intensified during the second intifada throughout the OPT. In the West Bank, thousands of such raids occur annually though the severity varies significantly. Since Gaza disengagement in 2005 large scale incursions in Gaza Strip have occurred causing the displacement of thousands.
- In Gaza several large scale operations are of note: 'Operation Summer Rain' in June 2006 during which 5,100 Palestinians would be displaced as a result of IDF operations.
- In 'Operation Autumn Clouds' in November 2006 homes of over 1,000 Palestinians in Gaza were damaged and scores destroyed; (UNRWA, November 2006)
- 'Operation Hot Winter' in February/March 2008 during which several thousand were temporarily displaced in Gaza and homes of close to 800 persons were severely damaged, and scores destroyed. (OCHA, 2008)
- Though it is unclear to what extent these populations remains displaced, the subsequent lack of reconstruction process in Gaza particularly over the last 2 years suggests that these communities continue to be in a state of displacement.

### **UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 17 April 2008**

"The first two days of March saw the intensification of ongoing Israeli army air and ground operations throughout the Gaza Strip. The Israeli code-named 'Hot Winter' operation which took place in northern and eastern Gaza between 28 February and 2 March resulted in a total of 107 killed and 250 injured. This was one of the most violent incursions in Gaza since the granting of limited autonomy to Gaza in 1994. The Gaza Strip remains closed to the outside world, with the exception of limited humanitarian imports and the movement of a small number of international visitors, patients and Israeli-approved Palestinians. Fuel shortages have begun to have a more profound effect on all aspects of life in Gaza, as private reserves have been depleted and the needs of the harvest and fishing season have increased demand. In March, the supply of diesel



and gasoline by Israel was 57% and 80% less, respectively, compared to one year ago. The limited supply led to diesel and gasoline selling for 48% and 70% more on the black market compared to the regular market..... During the 'Hot Winter' incursion, 34 children lost a parent. Twenty-one homes were completely destroyed, leaving 147 people homeless. Eighty-eight homes were severely or partially damaged, affecting an additional 616 people."

**Integrated Regional Information Networks (IRIN), 26 September 2007**

"[In mid September 2007] Residents of the Ein Beit Alma refugee camp began to pick up the pieces after an intense [3 day] Israeli military incursion last week left dozens homeless, and many very frightened, especially children. The fighting with Palestinian militants also caused damage to sewer systems, residents said. Israeli military said the purpose of the three-day operation was to "prevent the execution of terror attacks into the Israeli home front", and that information obtained from arrested alleged militants, 49 in all, had led them to an explosive belt which had been smuggled into Tel Aviv. "The effects of these military operations at such close quarters have an incalculable impact on the well-being of the young," said Christopher Gunness from UNRWA, the UN agency for Palestinian refugees.

According to the residents in other homes ... a tactic, known as "through walls", was used. Soldiers go through neighbours' homes, destroying joint walls, to reach targets without being exposed in the narrow streets.... [a] building, four stories high, was totally demolished by Israeli bulldozers, leaving dozens homeless. Personal belongings like furniture, video tapes and clothes stick out of the rubble. The soldiers, searching for and fighting militants, did not give the residents time to get their possessions out, residents said. Several people said the soldiers used three locals as human shields, a practice deemed illegal by Israel's High Court. The Israeli military said it was "not aware of any such incident". In other areas, people were cordoned off while soldiers used their homes as observation points, residents said. "

**United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), 19 November 2006**

"On 1 November, approximately 70 Israeli armoured vehicles entered Beit Hanoun in north eastern Gaza marking the start of an operation codenamed Autumn Clouds, the stated aim of which was to counter the firing of home-made rockets into southern Israel. Between the 1st and 8th November, the Israeli army killed 82 Palestinians and injured more than 260 in northern Gaza. At least 39 of these fatalities were civilians, including 18 children and ten women. During the operation, one Israeli soldier was killed in Beit Hanoun and one wounded. Israeli troops pulled back from the town on 7th November leaving a trail of devastation in their wake.

| Description of damage        | Number of houses visited | Number of families impacted | Estimated Cost of Reconstruction and Repair (US\$) |
|------------------------------|--------------------------|-----------------------------|--|
| <b>Total demolition</b>      | 48                       | 48                          | 766,000  |
| <b>Partial demolition</b>    | 98                       | 100                         | 544,500  |
| <b>Minor/moderate damage</b> | 885                      | 906                         | 731,100  |
| <b>Total</b>                 | 1,031                    | 1,054                       | 2,041,600  |

The staggering decline of the economy and of the physical, humanitarian and social conditions in Gaza are, alas, not a recent phenomenon. The downturn started in 2000, when over a hundred thousand Palestinians lost their livelihoods because of the impossibility to work in Israel. It continued with major military operations in many of the cities of the Gaza Strip, the large-scale destruction of houses, agricultural land, and infrastructure. It worsened dramatically with the sanctions regime imposed upon the Palestinian Authority following the results of the Palestinian Legislative Council elections earlier this year, when both foreign economic aid and Palestinian public income were summarily withheld. And finally, it culminates today with the humanitarian disaster brought about by Israeli military assault on the town of Beit Hanoun, leaving 82 Palestinians dead, including 39 women and children, 260 wounded and more wanton destruction. I fully recognize the right and responsibility of Israel to protect its citizens, and its legitimate concern about the home-made rockets fired from Gaza, but for humanitarian agencies such as UNRWA it is becoming increasingly difficult to deal with the aftermath of such military operations without questioning their justification, their proportionality and their effects. The tragic events in Beit Hanoun have provided the clearest proof yet that the vicious circle of violence must be brought to an end....."

**Integrated Regional Information Networks (IRIN), 7 September 2006**

"The current Israeli military operation in Gaza began after an Israeli soldier was captured by Palestinian militants on 25 June. Israeli incursions since then, which have taken place on three occasions, have displaced more than 2,000 Palestinians, according to the UN's agency for Palestinian refugees (UNRWA). "Shouka has been the location of repeated Israeli Defense Force (IDF) incursions since June. Most of the people there have been evacuated on each of the three occasions that the IDF has gone in," said John Ging, UNRWA's Director of Operations in Gaza. "We have provided them with shelter in our schools in Rafah. We had more than 2,000 in and we have had to open the schools three times. They may stay for a week or so and then they go back," he said.

The Shouka residents, most of whom are Bedouins [nomadic Arab tribes people], are grateful to UNRWA - but they want to return home. "They provided us with covers, and put each family in a classroom. They promised us other assistance, but all we want now is to return to our homes. We cannot stay in this school forever," said Rashida, who added that she had left her eight goats and a camel behind. Shlomo Dror, Israeli spokesperson for the Coordination of Government Activities in the Territories, told IRIN, "We do not know that people have not been able to go back to their homes. We don't even know that people were forced to leave in the first place. We deny this information."

**UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 31 July 2006**

"... On the morning of 24 June, the IDF entered the Gaza Strip in a special operation and took two Palestinian prisoners, for the first time since the disengagement last year.<sup>4</sup> Since 28 June and the beginning of the IDF operation in the Gaza Strip, the IDF fired on average between 200 – 250 artillery shells each day and the IAF conducted more than 220 air strikes including the bombing of the Gaza power plant on 28 June. The destruction of the plant's transformers left Gazans with electricity for an average of between six to eight hours per day. This also led to a water shortage across the Gaza Strip with Palestinians in urban areas receiving as little as two to three hours of water supply per day as the water distribution has not been synchronised with electrical supply. The IDF operation has caused 5,100 Palestinians to flee from their homes at different times and seek shelter in UNRWA schools. Thousands of other Palestinians are

estimated to have been displaced and sought shelter elsewhere. The operation led to the destruction of 34 Palestinian structures and 3,666 dunums (367 hectares) of agricultural land."

**See Also:**

[Tensions across Palestinian territory as locals flee Israeli attacks, fire rockets – UN](#), **United Nations News Service**, 4 August 2006

[The Humanitarian Monitor March 2008](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, 18 April 2008

[Israel hits Gaza as PM pledges rocket protection](#), **Agence France-Presse (AFP)**, 17 February 2008

[WFP warns of deteriorating humanitarian situation in Gaza](#), **World Food Programme (WFP)**, 28 August 2006

[Schools shelter Palestinian families displaced by violence in Gaza](#), **United Nations Children's Fund (UNICEF)**, 22 August 2006

[UN official paints grim picture of Palestinian situation; urges renewed international effort](#), **UN News Service**, 22 August 2006

[In the shadow of war: Wave of violence by security forces against Palestinians in the West Bank](#), **B'Tselem**, 21 August 2006

[Report on Israeli Occupation Forces \(IOF\) violations against Palestinian civilians in the Gaza Strip for the period from the Palestinian paramilitary operation on 25 June 2006 till 31 July 2006](#), **Palestinian Center for Human Rights (PCHR)**, 7 August 2006 [UN Human Rights Council denounces recent Israeli military actions in northern Gaza](#), **United Nations News Service**, 15 November 2006

[Schools shelter Palestinian families displaced by violence in Gaza](#), **United Nations Children's Fund (UNICEF)**, 22 August 2006

[Israeli army raids West Bank refugee camp](#), **Agence France-Presse (AFP)**, 15 August 2006

[Report on Israeli Occupation Forces \(IOF\) violations against Palestinian civilians in the Gaza Strip for the period from the Palestinian paramilitary operation on 25 June 2006 till 31 July 2006](#), **Palestinian Center for Human Rights (PCHR)**, 7 August 2006

[Israeli army in for the long haul in Gaza Strip](#), **The Guardian**, 7 July 2006

[Gaza: UN agency reports significant damage in Beit Hanoun after Israeli withdrawal](#), **UN News Service**, 7 November 2006

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[U.N. AGENCIES WARN VIOLENCE IS PUSHING PALESTINIANS INTO DEEP CRISIS](#), **United Nations (UN)**, 6 October 2004

### **Military Clearing Strategy and establishment of Buffer Zones**

- Clearing operations are part of Israel's defense strategy witnessed in West Bank though particularly in Gaza Strip, and consists of the destruction of homes deemed close to Israeli security infrastructure, Jewish roads, or provide cover for Palestinian military operations. (B'Tselem, 2007)
- Unlike in 1948, population displacement and property destruction after the 1967 war was concentrated mostly in border areas: along the boundary that had separated the West Bank from Israel (known as the Green Line) and near the external borders of the West Bank. (B'Tselem, 2007; Human Rights Watch, October 2004; Al Haq, December 2007)

- Clearing operations in Gaza strip was used mostly in areas surrounding the settlements, on both sides of the bypass roads along which the settlers drive, and around army posts, and mostly along the border of Gaza, particularly in the Philadelphi Corridor and Erez crossing point in the creation of 'security strips' or buffer zones.
- Clearing Operations have continued to be conducted in all areas of the West Bank and Gaza, although to a lesser extent in Area 'A', and in Gaza since the 2005 withdrawal.
- Communities living in the Israeli-imposed 'buffer zone' (no-go area) along the boundary with Israel in the occupied Gaza Strip are at risk of displacement. Hundreds of families have already been forcibly displaced as a result of home and property demolitions, incursions and fear of attacks, such as in al-Shoka, while those remaining live in fear. (OCHA, January 2008; ICRC, 12 December 2007)

**al-Haq, December 2007**

"Seeking to demonstrate the link between the policies initiated by the Israeli occupying authorities in 1967 and continuing in 2007, this study examines some of the defining attributes of Israel's occupation of the Palestinian territory through the lens of the Latroun villages. Drawing on field documentation and historical research conducted by Al-Haq, the study first intends to provide a comprehensive factual account of what has happened in 'Imwas, Yalo and Beit Nouba since June 1967.

The purpose of the legal analysis component of the study is to assess the legality, under international law, of the practices adopted by Israel in the Latroun villages, in particular property destruction and population transfer, and the subsequent appropriation of the land of those villages in order to pursue its own settlement construction and territorial annexation agendas.

Israel's premeditated design to destroy the three villages of Latroun was implemented during and following the Six-Day War. .... And so when the armed conflict broke out in June 1967, the Israeli army did not hesitate to seize the opportunity created by the war to cleanse the Latroun region of its Palestinian inhabitants, to eradicate their villages from the face of the earth and to assert Israeli control over the area."

**United Nations Secretary General (UN SG), 15 September 1967**

"58. In the Latrun area are located the border-line villages of Emwas, Yalu and Beit Nuba, together containing a population of some 4,000 according to Israel information, and 10,000 according to information from the refugees. In the same area are located the villages of Beit Likquia, Beit Sira and Beni Hareth, with an estimated total population of 3,300. The first three villages mentioned have been destroyed.

59. An Israel liaison officer stated that the destruction had taken place mostly during the fighting, that the Jordanian Army in the area had been assisted by one battalion of Egyptian commandos, that the area had been heavily shelled, that fighting had gone on all through the night and that tanks had gone through the villages because these are located on the way from Tel Aviv to Jerusalem.

60. The Israel Minister of Defence, in his meeting with the Special Representative, stated that he had ordered the destruction of these damaged villages for strategic and security reasons since they dominated an important strategic area.... the State of Israel had informed the representatives of these three villages that it would help their population "to develop other areas".

...

62. According to accounts from displaced persons, the Israel forces entered the . three villages of Emwas, Yalu and Beit Nuba at 4.30 a.m. on 6 June and called the inhabitants to assemble, after which they were ordered under threat to leave in the direction of Ramallah. They were joined on the road by people from the "second line" villages of Beit Likquia, Beit Sira and Beni Hareth. After three days they were told that they could go back but they were allowed to reach the "second line" villages only. Those who wanted to go on to Emwas, Yalu and Beit Nuba were turned They then returned to Ramallah and some of them went to the East Bank...."

**B'Tselem, August 2008**

"Since the beginning of the al-Aqsa intifada, Israel has employed a policy of house demolition, uprooting of orchards, and destruction of farmland in the Gaza Strip. This policy has been used mostly in areas surrounding the settlements, on both sides of the bypass roads along which the settlers drive, and around army posts, mostly along the Egyptian border. .... This policy is part of Israel's defense strategy in the Gaza Strip.... As a safeguard against Palestinian attacks, Israel is creating "security strips" around places where Israeli civilians or armed forces are located.

The houses are usually demolished at night, without giving the residents any warning. In certain cases, where there were exchanges of gunfire between Palestinians and Israeli forces, some residents left their homes and moved to safer dwellings. However, in most instances, some members of the family remained in their house to protect their property. Dozens of testimonies given to B'Tselem indicate that these residents were given no warning and were forced to flee after hearing the noise of tanks and bulldozers at their door. Their personal possessions were buried under the ruins.

Israel calls this policy "clearing," a name that conceals the destructive and long-term consequences for the Palestinian residents in the Gaza Strip. Thousands of people have been made homeless and thousands have lost their sole source of income for many years to come. Israel caused this damage to people although it did not contend that they themselves were involved in attacks, or attempted attacks, against Israeli civilians or security forces.

The scope of house demolitions and destruction of farmland is especially extensive along the border between Rafah and Egypt. This strip of land, along which Israel has set up army posts, covers 16.5 square kilometers. Part of the strip lies at the edge of the extremely densely-populated Rafah refugee camp. Israel's policy of destruction in the camp has been systematic and continuous since the beginning of the intifada. In implementing this policy, the IDF has conducted a number of special operations in which it destroyed large numbers of houses in a short period of time. "

**Human Rights Watch (HRW), October 2004**

"IDF's justifications for the destruction, including smugglers' tunnels and threats to its forces on the border, in serious doubt. The pattern of destruction, it concludes, is consistent with the goal of having a wide and empty border area to facilitate long-term control over the Gaza Strip. Such a goal would entail the wholesale destruction of neighborhoods, regardless of whether the homes in them pose a specific threat to the IDF, and would greatly exceed the IDF's security needs. Under the plan, the IDF will maintain its fortifications and patrols on the Rafah border indefinitely. The plan explicitly envisions the possibility of further demolitions to widen the buffer zone on the basis of vague "security considerations" that, as this report demonstrates, should not require a buffer zone of the kind that currently exists, let alone further mass demolitions.

The Israeli military argues that house demolitions in Rafah are necessary primarily for two reasons: to deal with smuggling tunnels from Egypt that run underneath the IDF-controlled border

and to protect IDF forces on the border from attack. Rafah is the “gateway to terror,” officials say – the entrance point for weapons used by Palestinian armed groups against the Israeli military and civilians. In the case of Rafah, it is difficult to reconcile the IDF’s stated rationales with the widespread destruction that has taken place. On the contrary, the manner and pattern of destruction appears to be consistent with the plan to clear Palestinians from the border area, irrespective of specific threats.

The border between the Gaza Strip and Egypt is 12.5 kilometers long, of which four kilometers run alongside Rafah. The IDF refers to this border area as the “Philadelphi” corridor or zone, but it is better understood as two distinct areas: a shielded *patrol corridor* (between the border and IDF fortifications) and a *buffer zone* (the space between IDF fortifications and the houses of Rafah). .... Before the uprising, the IDF maintained a patrol corridor along the border some twenty to forty meters wide, separated from the camp in most places by a concrete wall, approximately three meters high, topped with barbed wire. In some areas, especially the densely populated Block O section of the camp, houses were situated within several meters of the patrol corridor.

While Israel’s punitive and administrative house demolition policies have targeted individual homes, Israel has also in the past undertaken widespread destruction of neighborhoods, camps, and villages for putative security or military purposes. The apparent rationales for much of the destruction in Rafah since 2000 – namely, the need for “clear” borders and, to a lesser extent, to facilitate maneuverability of forces in densely populated areas – are not new. Such demolitions have also been linked to demographic changes.

Unlike in 1948, population displacement and property destruction after the 1967 war was concentrated mostly in border areas: along the boundary that had separated the West Bank from Israel (known as the Green Line) and near the external borders of the West Bank. The IDF razed the villages of Beit Nuba, ‘Imwas, and Yalu, located near the strategic Latrun salient northwest of Jerusalem, in June 1967; later, a recreational area called “Canada Park” was built in their place. The same month, the IDF demolished the Green Line villages of Beit ‘Awa and Beit Marsam near Hebron. From June 9-18, the IDF destroyed 850 of the 2,000 dwellings in the town of Qalqiliya, located near the Green Line; only the intervention of a group of Israeli intellectuals saved the rest. Equally important to Israel was the Jordan Valley, on the external border of the West Bank. While up to a quarter of the population of the West Bank left after the war, the Jordan Valley’s population fell by eighty-eight percent, to 10,778. In subsequent years, the population grew to some twenty thousand. The bulk of those who fled across the river to Jordan were fifty thousand refugees living in three large camps in the valley – ‘Ein al-Sultan, Nu’aymah, and ‘Aqbat Jabir. According to the International Committee of the Red Cross, the IDF bulldozed the Jordan Valley communities of Jiftlik, Ajarish, and Nuseirat in late 1967. Israel’s first settlements in the OPT were also in the Jordan Valley, underlining the importance given by Israel to control over the external borders of occupied territories.

The Gaza Strip has been the major site of mass demolitions for the stated purpose of enhancing the mobility of military vehicles in urban areas; such security considerations also dovetailed with demographic ones. General Ariel Sharon, head of the IDF Southern Command after the 1967 war, believed the Palestinian refugee “problem” could be solved by reducing or eliminating the refugee camps. In November 1969, the IDF described to UNRWA plans “to improve the water and electricity supply and to widen roads in refugee camps, noting that some houses would have to be removed.” UNRWA demurred, citing the need for permission from the U.N. General Assembly. The IDF eventually went ahead without UNRWA’s cooperation. In the summer of 1971, the IDF destroyed approximately two thousand houses in the refugee camps of the Gaza Strip, including Rafah. Bulldozers plowed through dense urban areas to create wide patrol roads to facilitate the general mobility of Israeli forces; they were not connected to combat activities. The demolitions displaced nearly sixteen thousand people, a quarter of them in Rafah. At least

two thousand of the displaced were moved to al-Arish, in the Sinai peninsula (then also under Israeli control), and several hundred were sent to the West Bank. Israeli officials reportedly argued that demolitions would serve both developmental and demographic aims:

The Israelis say that their program of demolishing houses and putting in patrol roads and lighting will begin by restoring security to the camps' inhabitants. In the long run, they say, by reducing congestion and building new housing and other facilities, they will provide the beginnings of a decent life. Israeli officials are not yet prepared to discuss the long-range aspects. They say they are legally justified in moving refugees from Gaza into occupied Egyptian territory in the Sinai Peninsula. Some of those displaced in 1971 again lost their homes in May 2004.

During the current uprising, property destruction in the Gaza Strip for the security of the IDF and settlers has far surpassed punitive demolitions. Most people inside the Gaza Strip who have lost their homes were not alleged to have any connection with those who participated in armed attacks. Rather, the IDF has seized property, razed land, and destroyed homes in the context of creating "buffer zones" for military bases, Israeli settlements, and the roads that serve them."

**UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 22 January 2008**

"Communities in the 'buffer zone' at risk of displacement - Gaza Strip Communities living in the Israeli-imposed 'buffer zone' (no-go area) along the boundary with Israel in the occupied Gaza Strip are at risk of displacement. Hundreds of families have already been forcibly displaced as a result of home and property demolitions, incursions and fear of attacks, such as in al-Shoka, while those remaining live in fear. Men and boys often sleep in mosques and other buildings outside their homes for fear of detention and interrogation during night incursions by the IDF, leaving women and girls alone in the house.

This situation severely affects the right to family life and the well-being of children. There is no clear delimitation of the 'buffer zone'; this is left to the discretion of soldiers, but it varies between 150 and 1,000 meters. This situation also prevents farmers from accessing their land and has seriously aggravated the economic situation of these communities. The Israeli army imposed this 'buffer zone' through home and property demolitions, land leveling, and exposure to direct fire, all of which are factors contributing to the forcible displacement of Palestinian communities."

**International Committee of the Red Cross (ICRC), 12 December 2007**

"Since its unilateral disengagement in 2005, Israel has gradually established a buffer zone along the fence that surrounds Gaza, extending into the Strip's already cramped and overpopulated territory, with heavy consequences for the population. More and more agricultural land is being lost through the ill-defined extension of this buffer zone, and this is endangering anyone who gets too close. Indeed, Gazans are often killed, wounded or arrested when they approach the fence."

## **Closures and Displacement**

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### **Closure Regime, Restrictions in Freedom of Movement & Israeli Infrastructure**

- Closures is a policy of physical barriers in the form of checkpoints, and other road obstacles, and permit requirements, including the development of two tier road infrastructure is used to separate and control Palestinian movement in the West Bank.
- Elaborate closure including checkpoints, and various unmanned road obstacles, restrictive permit system and two tier road infrastructure and bypasses have further fragmented the West Bank.
- Israel has established roads primarily for settler use connect the settlements with Israel. While Palestinian access to the majority of these roads is prevented or restricted by checkpoints, roadblocks, and restrictive permit system for vehicles wanting to travel on them. The roads serve as corridors for settlers but barriers for Palestinian movement. Settlements are at the centre of movement and access restrictions
- Physical obstacles in the West Bank severely restrict Palestinians' freedom of movement. In 2007, there was monthly average of 552/561 such obstacles, a rise from 518 in 2006, an increase of 49.2% since 2005. This is in addition to 'Flying' or random checkpoints. In 2007, there were 113 on monthly average. (OCHA, January 2008)
- Together with the settlements and other Israeli infrastructure, the West Bank is fragmented into a multitude of enclaves for Palestinians. Many of these enclaves are connected to adjacent towns only via checkpoints or tunnels built under settler roads
- Israeli settlements, outposts, cultivated areas, military infrastructure, nature reserves and 'closed areas' west of the Barrier - have effectively placed 38.3% of the West Bank beyond the reach of Palestinians.
- Indirectly and directly these structures have caused internal displacement in various Palestinian enclaves and have had a negative impact on economic activity forcing internal displacement.

**UN Office for the Coordination of Humanitarian Affairs (UN OCHA), July 2007**

".... Israeli settlements, outposts, cultivated areas, military infrastructure, nature reserves and 'closed areas' west of the Barrier - have effectively placed 38.3% of the West Bank beyond the reach of Palestinians. As a result, the West Bank has been considerably narrowed for Palestinians, limiting their potential for growth and development.... This is true both vertically - east and west - and horizontally - see the narrowing in the Jerusalem area and the two large incursions of the Barrier in the northern West Bank. Moreover, in those areas remaining for Palestinians, a road system linking Israel with the settlements - and an accompanying system of closures - further fragments the West Bank and restricts Palestinian movement and activity. "

**UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, 21 January 2008**

"Checkpoints and roadblocks seriously obstruct the freedom of movement of Palestinians in the West Bank, with disastrous consequences for both personal life and the economy. There are 561 such obstacles to freedom of movement, comprising over 80 manned checkpoints and some 476 unmanned locked gates, earth mounds, concrete blocks and ditches. In addition, thousands of temporary checkpoints, known as flying checkpoints, are set up every year by Israeli army patrols on roads throughout the West Bank for limited periods, ranging from half an hour to several hours. In November 2007 there were 429 flying checkpoints.

Palestinians are subjected to numerous prohibitions on travel and to requirements for permits for travel within the West Bank and to East Jerusalem. Checkpoints ensure compliance with the permit regime. These restrictions violate article 12 of the International Covenant on Civil and



Political Rights which has been held to be binding on Israel in the OPT by the International Court of Justice in its Advisory Opinion on the construction of the wall.

Israel's argument that these restrictions are justified as security measures is difficult to accept. Many of the checkpoints and roadblocks are distant from the border of Israel, which is in any event protected by the wall. More likely explanations are to be found in the need to serve the convenience of settlers, to facilitate the travel of settlers through the West Bank and to impress upon the Palestinian people the power and presence of the occupier. According to a report in Yedioth Ahronoth, one quarter of all IDF soldiers who have served at roadblocks in the West Bank reported having witnessed or taken part in an act of abuse against a Palestinian civilian. Checkpoints serve to humiliate Palestinians and to create feelings of deep hostility towards Israel. In this respect they resemble the "pass laws" of apartheid South Africa, which required black South Africans to demonstrate permission to travel or reside anywhere in South Africa. These laws generated widespread humiliation and anger, and were the cause of regular protest action. Israel would do well to consider the South African experience. Restrictions on freedom of movement of the kind applied by Israel do more to create insecurity than to achieve security."

#### **UN Office for the Coordination of Humanitarian Affairs (UN OCHA), July 2007**

"Palestinian movement is inhibited by roads reserved primarily for Israeli use and the system of physical obstacles and permits that accompanies them. These roads have two major impacts. First, Palestinians are restricted from using roads between their key towns and communities. Second, the roads have become barriers for Palestinians wishing to cross them. One community has been separated from another by roads reserved for Israeli use. They have, therefore, further fragmented the West Bank, creating isolated Palestinian enclaves....Settlements depend on their connection to each other and to Israel; they cannot exist in isolation. A network of 1,661 kms of roads, on which Israeli vehicles must travel by IDF order, links settlements, military areas and other infrastructure in the West Bank with Israel. .... Via these roads Israelis move freely between the West Bank settlements and Israel. Palestinian access on to this network is restricted by a closure regime consisting of approximately 85 checkpoints, 460 roadblocks and a permit system for Palestinian vehicles....

The IDF states that the reason for the closure regime – which was mostly implemented in the course of the second Intifada – is to reduce attacks on Israelis by Palestinian militants by limiting their ability to move freely by vehicle. In practice, these measures have enforced the status of certain West Bank roads as almost exclusively for Israeli / settler use, thereby, creating a 'sterile' traffic flow for Israelis accessing settlements. The impact on Palestinian life has been profound. The key thoroughfares throughout the West Bank on which Palestinians have traditionally depended are closed or restricted, shutting routes traditionally used for trade, and normal movement to jobs, hospitals, schools, universities. The World Bank notes that "in economic terms, the restrictions arising from the closure have not only increased the transaction costs but have also led to a level of uncertainty and inefficiency which has made the conduct of business difficult and therefore has stymied the growth and investment which is necessary to fuel economic revival'....

.... In practice, Palestinians are compelled to use an alternative road network of secondary and more circuitous roads that run between the Israeli road network ... In effect a two-tier road system – Israeli and Palestinian – operates side-by-side. Limited Palestinian travel is still possible on the primary Israeli road system, but Palestinian drivers wanting to travel on these roads need permits. .... For those Palestinian drivers who succeed in obtaining permits, passage on the controlled road system is controlled by checkpoints. In addition to the 85 fixed and partially manned checkpoints, random – or flying checkpoints – are regularly set up by the IDF. In July 2007, approximately 100 – 120 flying checkpoints were observed each week. ....

The road system has fragmented the West Bank into a series of Palestinian enclaves. Each Palestinian enclave is geographically separated from the other by some form of Israeli infrastructure including settlements, outposts, military areas, nature reserves and the Barrier. However, the Israeli road network is the key delineator in marking the boundaries of the enclaves. The road network functions to provide corridors for travel from Israel, and between settlements in the West Bank, and barriers for Palestinian movement. .... In many places, the same checkpoints that regulate Palestinian traffic on the Israeli road network also check Palestinians moving between enclaves. A growing trend is to funnel Palestinian traffic under the Israeli road network via tunnels and underpasses. Palestinian vehicles, therefore, remain on their inferior secondary road network, but pass under roads primarily for Israeli use to Palestinian communities in nearby enclaves. In effect, Israelis and Palestinians use a parallel road system."

**See:**

[The Humanitarian Impact on Palestinians of Israeli Settlements and Other Infrastructure](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, July 2007

[Increasing Need, Decreasing Access: Tightening Control On Economic Movement](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, 22 January 2008

[Nablus From Economic Metropolis to Shrinking City](#), **Ma'an Development Centre**, 21 February 2008

[Palestinians Fear Two-Tier Road System](#), **NY Times**, 28 April 2008

[Movement restrictions limiting benefits of aid - World Bank](#), **Integrated Regional Information Networks (IRIN)**, 28 April 2008

[High Court closes off use of major highway to Palestinians](#), **Ha'aretz**, 20 March 2008

[Humanitarian Situation Update for the oPt](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, 20 March 2008

[Court case reveals how settlers illegally grab West Bank lands](#), **Ha'aretz**, 19 March 2008

### **Tightening Control and Displacement: Examples of Village of al-Nu'uman and City of Nablus**

- Figures of displacement linked to the closures remain difficult to identify for lack of systematic study and for the fact that such restrictions have usually combined with, or preceded, other factors to cause displacement.
- The situation of the small village of Al-Nu'man, and of the city of Nablus typifies the extent to which closure regime amongst other factors contribute to forced displacement.
- Al-Nu'man is a small village consisting of one street and approximately 25 houses situated southeast of Jerusalem and northeast of Bethlehem. It typifies effects of closure regime, Israeli infrastructure, and settlement expansion in entailing internal displacement.
- Nablus plays a central role as a regional market, manufacturing hub and a provider of jobs and services in the West Bank. Effects of closure regime and Israeli settlements have had severe impact on Nablus.

**al-Haq**, November 2006

"One of the most pervasive elements of Israel's occupation of the Palestinian territory, and the greatest single difficulty that al-Nu'man residents currently face, is the severe restrictions on movement imposed on Palestinians. Since the establishment of a checkpoint at the entrance of

the village in May 2006, only al-Nu'man residents holding West Bank IDs have been permitted access to the village. Moreover, the residents face regular delays when passing through the checkpoint, which causes significant inconveniences to any travel..... There is also evidence of Israeli Border Police refusing residents entry to the village on the basis that "there is no such thing as al-Nu'man," as well as attempting to impose conditions that residents may only leave the village if they do not come back...

Non-residents of the village, including relatives of residents and service providers, are systematically prevented from entering. Even the villagers' lawyer, Labib Habib, holder of an Israeli ID, is unable to enter the village.<sup>13</sup> For villagers, the delays, intimidation, and humiliation involved in moving through the checkpoint complicate and discourage travel, especially after dark. Because of the small size of the village, which has no shops, school, mosque or health facilities, residents are particularly dependent on neighbouring villages for education, practice of religion, food and supplies, utility services, and healthcare. Moreover, many al-Nu'man residents have family in neighbouring villages. The restrictions on movement have grave implications for almost every aspect of the residents' lives.... In addition to the severe restrictions on movement persistently imposed on al-Nu'man's residents, they endure physical harassment and psychological humiliation at the checkpoint. Numerous villagers have testified that they have been ordered to remove their clothes under threat of being shot. Children have also been subjected to intimidating and degrading treatment.....

In addition to the pressures imposed on residents by restrictions on movement and harassment at the checkpoint, Israeli construction and land use plans in the area have a direct and grave effect on village life....The Israeli government considers the area of al-Nu'man village to be "white land." Under this classification, building permits may not be issued, regardless of the status of the residents. However, the Jerusalem Municipality's Master Plan 2000 shows a.... planned expansion of Har Homa settlement ("Har Homa D") next to al-Nu'man village and indicates that it will consume 530 dunums of al-Nu'man land.<sup>17</sup> It is expected to contain approximately 12,000 housing units. The site of the planned settlement has been confirmed by both the Israeli military, in discussions with al-Nu'man residents, and by Bimkom's projection plans of the area.<sup>18</sup> Meanwhile, residents of al-Nu'man are prohibited from building under the pretext of a blanket ban on constructing new structures or adding to existing structures. This has been enforced against the village since 1992. Those who have built houses have been unable to obtain licenses retroactively, and have faced steep fines and/or demolition of their houses. .... Furthermore, ... the conditions in al-Nu'man village have sharply deteriorated over the past three years and are now such that village residents face severe obstacles in continuing to live there. Although many residents are determined to remain on their lands against all odds, some are already beginning to leave.....The stunting of al-Nu'man's natural growth, the gradual enforced departure of residents and the obstruction of any incoming residents can all be attributed to Israel's systematic campaign to ultimately rid the area of its Palestinian inhabitants. Should these policies be allowed to continue, the small village will become a ghost town."

**UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 22 January 2008**

"Nablus city, the economic and service centre of the northern West Bank, has a population of more than 130,000 people and serves as a regional hub for an estimated 350,000 people in the governorate.<sup>10</sup> Nablus is a market and manufacturing centre, a focus for services, an educational centre – home to the large An Najah University – and the location of important medical facilities. Nablus has 13 health centres and six hospitals including the major referral hospitals of Rafida and Al Watani. Access into and out of Nablus is, therefore, essential. Nablus is considered a centre of militant activity by the IDF and has been the focus of large scale military operations. The IDF conducts almost nightly search and arrest campaigns into Nablus and surrounding villages, in addition to its three refugee camps. Between June 2005 and April 2007, for example, the IDF

conducted over 1,000 search and arrest campaigns in Nablus governorate – an average of more than 10 each week.<sup>11</sup> Nablus is encircled by 14 Israeli settlements and 26 outposts (see map opposite). The settlements are connected to each other by a series of roads used primarily by settlers that stretch around the city and across Nablus governorate. These roads are in turn linked to ten checkpoints, including seven encircling Nablus city. All Palestinians going in and out of Nablus are required to cross these checkpoints. In April 2007, only 10% of Nablus buses (22 out of 220) and 7% of Nablus taxis (150 out of 2,250) had permits to access and use the checkpoints around Nablus city. Only 50 private Palestinian cars were permitted to use the checkpoints.<sup>12</sup> In addition, more than 70 obstacles installed by the IDF block the road junctions and physically prevent Palestinian traffic from reaching the roads used primarily by settlers. Palestinian vehicles also need a permit to travel on these roads. Palestinians caught without a permit can be fined or prosecuted. Under these conditions, it is impossible for the Nablus economy to function normally. Unemployment in Nablus governorate increased by 44.5 percent between 1999 and 2006 (18.2 to 26.3%).<sup>13</sup> Many businesses, no longer accessible by customers and traders, have been forced to relocate to smaller towns and villages.<sup>14</sup> These new centres, however, these new centres, however, cannot substitute for the large urban markets in terms of the volume of customers and levels of trade. There are also persistent difficulties for patients reaching hospitals and students reaching schools and universities."

**Ma'an Development Centre, 21 February 2008**

"While no definite numbers are available, anecdotal evidence suggests that these strains are taking their toll in the form of forced internal displacement out of Nablus city. Because jobs are no longer as available inside the town, workers are leaving to find jobs in other towns, particularly Ramallah, which was once a 40-minute drive south. Companies are either closing their doors or opening branches in Ramallah. These changes have been so dramatic as to reverse the Nablus governorate's standing as the main manufacturing center in the West Bank, with Ramallah governorate taking its place. ....Officials in both the Nablus municipality and the governorate express concern that their city is being emptied of people as a result of Israel's closure of the city and the resulting loss of markets, policies that are linked to Israel's settlement scheme for the Nablus area, the creation of infrastructure for the use of Jews and not Arabs, and Israel's collective punishment of Nablus residents.... UN OCHA's data on house demolitions is an important, albeit insufficient, indicator of forced displacement as a phenomenon. Over the past two years (since May 2005), OCHA has recorded the demolition of 15 structures in Nablus city and three of its refugee camps. Thirteen of these structures were residential and their demolition resulted in the displacement of 225 people (including 38 children). An informal survey carried out in the summer of 2007 by Save the Children UK found that Palestinians are moving away from their homes in response to home demolitions, settlement or infrastructure construction that blocks Palestinian building and movement, and direct evictions by Israeli forces, or to escape violence carried out by Israeli settlers. These triggers are almost prevalent in areas of Israeli settlement. The Nablus area was identified as one of three areas in the West Bank (alongside southern Hebron and the Jordan Valley) where internal displacement is underway. Many Nablus residents are moving further south, the study showed, to other urban areas."

# PHYSICAL SECURITY & FREEDOM OF MOVEMENT

## Physical Security

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### General Physical Security in OPT

- In the OPT, the occupation has engendered directly and indirectly a very insecure environment affecting Palestinian civilian population both internally displaced, and none displaced alike. From September 2000 to June 2008, 5,439 Palestinians – including 577 in intra-Palestinian conflict – and 1,057 Israelis were killed in the conflict, and over 40,000 injured (B'tselem, June 2008; UNOCHA, August 31 2007).
- The OPT security environment is affected by ongoing Occupation, Israeli military operations in West Bank and specifically Gaza, and Settler violence, including harassment and intimidation by IDF, and settlers. This has also been aggravated by Palestinian factional violence.
- There are reports of intimidation and harassment, and in certain cases violence against Palestinian communities at risk of displacement by settlers and by Israeli authorities as per example in Namuan village or Old City of Hebron, and Southern Hebron Hills.
- Palestinian communities also face risks during process of house demolitions, land confiscation, and evictions. This is particularly the case when house demolitions are undertaken with limited forewarning, or/and result of military operations.

### UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 22 January 2008

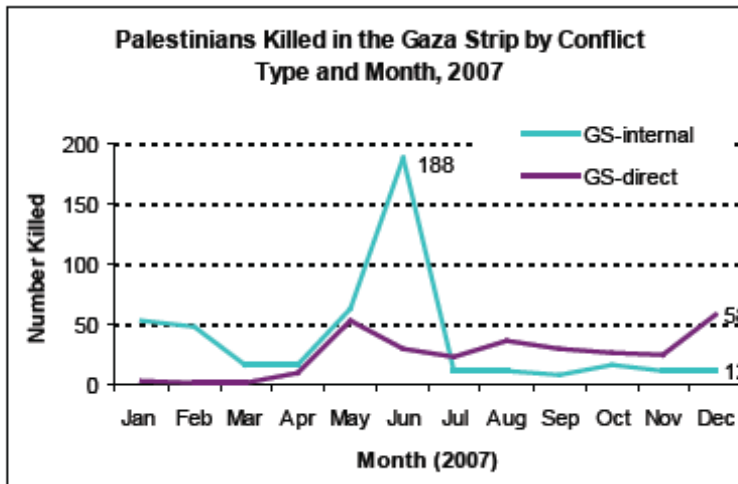
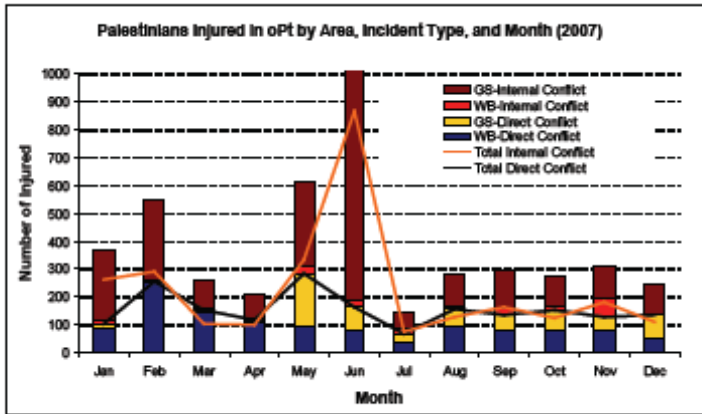
"In 2007, direct conflict deaths were largely accounted for by targeted killings (32%), military operations (28%), border incidents (15%), and undercover operations (8%). By contrast, one-fourth (1/4) of Palestinians injured in direct conflict (456) were injured in demonstrations in the West Bank, 14% in targeted killing operations by the IDF in the Gaza Strip, 12% in IDF operations in the Gaza Strip, and 10% in IDF operations in the West Bank.

The majority (85%) of Palestinians killed this year were in the Gaza Strip, due to both direct conflict and internal violence. Factional violence accounted for 78% of internal conflict deaths, 80% of internal injuries in the Gaza Strip, and 53% of internal conflict injuries in the West Bank. On the other hand, factional violence and family feuds constituted 8% and 47%, respectively, of internal violence deaths in the West Bank.

Out of the total number of Palestinians injured this year, 38% were injured in internal conflict in the Gaza Strip and 25% were injured in the conflict with Israel in the West Bank. A total of 13 Israelis were killed this year, including four IDF soldiers during military operations in the oPt and four Israeli settlers in the West Bank. In Israel, three Israelis were killed in suicide bombings and two by Qassam rockets.

Sixty-nine percent (or 175) of Israelis injured by Palestinians in direct conflict-related incidents this year were IDF soldiers. Of those injured, 47% were in the West Bank, 42% in Israel, and 11% in the Gaza Strip. A total of 78 Israelis were injured who were not IDF soldiers, 58% of whom were in the West Bank and 41% in Israel. Of the 103 Israelis injured by Qassam rockets and mortars in Israel, 71% were IDF soldiers. A total of 25 foreign citizens were injured in 2007, all in

the West Bank and the majority (60%) during demonstrations against the Barrier in the Ramallah and Bethlehem governorates. Twenty-four percent were injured by Israeli settlers in the Hebron governorate; the rest, 76%, were injured by the IDF."



## See Also:

[Press statement by the UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967](#), **UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967**, 18 January 2008

[Israel and the occupied Palestinian territories: Civilians on both sides pay price of escalation](#), **International Committee of the Red Cross (ICRC)**, 18 January 2008

[OCHA-oPt Protection of Civilians Summary data tables Reports to the end of December 2007](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, 31 December 2007

[Protection of Weekly Report 19 – 25 December 2007](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, 4 January 2008

[Protection of Civilians Weekly Report 12 – 18 December 2007](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, 2008

[Protection of civilians weekly report 02 – 08 January 2008](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, 19 January 2008

[OCHA Humanitarian Update: Access and Protection](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, August 2006

[Palestinian Public Perceptions Report IX: Mobility and Security](#), **Graduate Institute of Development Studies - Palestine Research Unit (IUED-PRU)**, November 2005

[Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem](#), **United Nations General Assembly (UN GA)**, 18 August 2005

## Israeli IDF Intimidation, Harassment & Military incursions

- Effects of intimidation and harassment affect host and displaced communities alike. There is no clear delineation. Intimidation and harassment, and risks to physical security is noted to take place such as in check points, process of house demolitions, or evictions, and process of arrests and during detention. (SR on HR, 21 January 2008; ICAHD, March 2007)
- Clearest testimony of risks to physical security has been during military incursions in which civilian and civilian private and public property are directly or indirectly affected by conflict between Palestinian militants and Israeli forces.
- Palestinians displaced or at risk of displacement in areas in proximity to Israeli installations or security zones established by the IDF remain vulnerable to arrest, or physical harm. (ICRC, December 2007)

**UN HRC**, 21 January 2008

"13. IDF military incursions into Gaza have continued regularly over the past year; 290 Palestinians were killed in Gaza in 2007. Of this number at least a third were civilians. On 26 September, the day the Special Rapporteur visited Gaza, 12 Palestinian militants were killed by IDF missiles. Since the Annapolis meeting on 27 November 2007, over 70 Palestinians have been killed of whom 8 were killed in a major military operation in southern Gaza on the day before the first round of talks between Israelis and Palestinians following the Annapolis meeting. A further 13 Palestinians were killed in three separate airstrikes on 18 December. The frequency of targeted killings raises a question as to whether the IDF acts within the permissible parameters for such action laid down by the Israeli Supreme Court in its 2006 judgement on targeted killings. Or does the IDF act without regard to its own law as well as international law in carrying out targeted killings?

14. In the past two years 668 Palestinians have been killed by Israeli security forces in Gaza. Over half - 359 people - were not involved in hostilities at the time they were killed. Of those killed 126 were minors; 361 were killed by missiles fired from helicopters; and 29 of those killed were targeted for assassination. During the same period, Palestinians fired some 2,800 Qassam rockets and mortar shells into Israel from the Gaza Strip. Four Israeli civilians were killed by Qassam rockets and hundreds were injured. Four members of the Israeli security forces were killed in attacks originating from Gaza....

29. Military incursions in the West Bank have intensified since June 2007. For instance, in November the IDF carried out 786 raids in the West Bank in the course of which one person was killed, 67 injured and 398 arrested; 12 public and private properties were damaged; curfews were imposed; and countless innocent civilians were terrorized by armed soldiers and dogs. Nablus has been particularly affected: on 17 October, the Israeli army raided the city of Nablus and fired tank shells, killing an elderly civilian and one armed individual, and injuring 14 civilians, including 2 children and a journalist. The IDF has frequently failed to distinguish clearly between military targets and civilians. As in the case of Gaza (see paragraph 25) these actions appear to violate rules of international humanitarian law (articles 48, 51 (4) and 52 (1) of Additional Protocol I).

35. According to a report in Yedioth Ahronoth, one quarter of all IDF soldiers who have served at roadblocks in the West Bank reported having witnessed or taken part in an act of abuse against a Palestinian civilian. Checkpoints serve to humiliate Palestinians and to create feelings of deep hostility towards Israel. In this respect they resemble the "pass laws" of apartheid South Africa, which required black South Africans to demonstrate permission to travel or reside anywhere in South Africa. These laws generated widespread humiliation and anger, and were the cause of regular protest action. Israel would do well to consider the South African experience. Restrictions on freedom of movement of the kind applied by Israel do more to create insecurity than to achieve security."

#### **Israeli Committee Against House Demolitions, March 2007**

"When the dreaded day arrives, it does so without warning. Demolitions take place in some *ad hoc* manner, with no discernible pattern, and can happen anywhere and at any time. This, too, is part of the fear theme underlying the "deterrence" policy. The demolition crews, accompanied by hundreds of soldiers, police officers and officials, generally appear early in the morning, usually after the men have left for work. The family is sometimes given a mere few minutes in which to take out its belongings before the bulldozers get to work, and when family and neighbours evidence resistance – or at least a protest – they are generally removed by force from the home. The work crews then throw the furniture out of the house. In addition to the destruction of the house, the ruin of private property deals the family a severe economic blow – not to mention the emotional suffering undergone by people looking on as their most personal possessions are slung out into the rain, sun and dirt. The bulldozer then proceeds with its methodical work of demolition. Sometimes, resistance to demolition elicits a great deal of violence: people are beaten, arrested, killed – as happened in the case of Zaki Nur-A-Din Obeid when he attempted to prevent the destruction of a home in Issawiya on 18 January 2001. And always, people are humiliated. Family and neighbours look on with restrained fury, as the home becomes a pile of rubble. Needless to say, families whose homes have been destroyed are abandoned to their fate. No use looking for social workers coming to the aid of families in distress, as one finds in West Jerusalem for people in far less dire straits. The families must move in with relatives or put up tents (one family in Jabel Mukaber is living in a bus) or pay out more money to rent an apartment."

**UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 22 January 2008**



"Violations were perpetrated during the arrest and interrogation period, during military court proceedings as well as during incarceration, and included: arbitrary detention, exposure to physical abuse and humiliating treatment during arrest and exposure to physical and psychological abuse during interrogation."

**International Committee of the Red Cross (ICRC)**, 12 December 2007

"Since its unilateral disengagement in 2005, Israel has gradually established a buffer zone along the fence that surrounds Gaza, extending into the Strip's already cramped and overpopulated territory, with heavy consequences for the population. More and more agricultural land is being lost through the ill-defined extension of this buffer zone, and this is endangering anyone who gets too close. Indeed, Gazans are often killed, wounded or arrested when they approach the fence."

### **Settler Violence & Lack of Law Enforcement**

**International Committee of the Red Cross (ICRC)**, 12 December 2007

"Palestinians living close to Israeli settlements are not only dispossessed of their land, but are often harassed by settlers. The number of assaults on civilians in the West Bank has grown steadily. ICRC data collected in the field indicates that the number of offences more than tripled in the last five years, while complete police investigations are rare and most of the time reach the conclusion that "the culprits could not be identified."

**Talia Sasson, Government of Israel**, May 2005

"IDF soldiers have the enforcement powers like those given to a police officer, by virtue of the procedure for enforcing the law in the territories, which is included in the IDF Commands. In practice, however, IDF soldiers do not enforce the law, are not aware of the law enforcement procedure, and are not at all interested in functioning like police officers. "The spirit conveyed by the commander," as described to me, is that IDF soldiers are not to examine in a legal framework the acts of the settlers, who are doing a Zionist act in building the outposts, even though it is illegal. Protecting the settlers is one of the army's principal missions. It carries out the mission in close cooperation with the settlers themselves. Settlers take an active part in guarding the settlements, and some of them serve as security coordinators, and are given powers and firearms by the IDF. Settlers have abused these powers and have misused the weapons given them to carry out attacks against Palestinians. A senior army official told *Ha'aretz* that, "in extremist settlements, security heads, their deputies and assistance, act outside the community's borders."

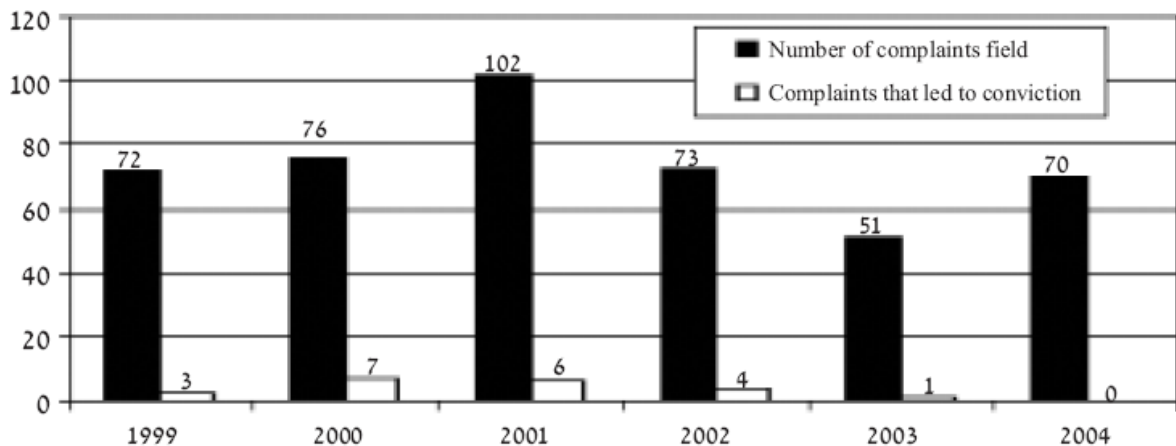
**B'Tselem**, July 2005

"[S]ettler violence against Palestinians is common all over the West Bank. However, throughout the history of the occupation, efforts to enforce the law against settlers have been limited and ineffective. In 1981, a committee headed by Deputy Attorney General Yehudit Karp was appointed to examine the police's handling of offenses by settlers. The committee was sharply critical of the efforts of the law enforcement authorities and stated that the police must find an urgent solution to the problem. In 1994, following the massacre committed by Baruch Goldstein in the Tomb of the Patriarchs, a state commission of inquiry, headed by former Supreme Court president Meir Shamgar, was appointed to investigate the massacre. The commission held that enforcement of the law against settlers had failed, and that for years no effort had been made to

improve the situation. Following the commission's recommendations, the police created the SHAI [Samaria and Judea] District, which was given responsibility for enforcing the law on settlers in the West Bank..... Recently, the media reported that Attorney General Menachem Mazuz, and Police Inspector-General Moshe Karadi agreed among themselves that, "from now on, enforcement would be more efficient and swift, and that the arrest and rapid release of rioters would not suffice. It was also decided that there would be careful documentation of events, and if there is sufficient evidence, shortly after the events occur, the state would not hesitate to file indictments against the rioters." These comments strengthen the contention that enforcement of the law against settlers is limited and ineffective, and that the top law enforcement officials are well aware of the fact. The number of military troops in the West Bank is far greater than the number of police officers, and generally they are the first to reach the scene of an attack. This is especially true in the closed area, as the closest police station is in Qiryat Arba, and the terrain does not generally enable ready access to the police. Yet, in most cases, not only do soldiers turn a blind eye to settler attacks on Palestinians, they aid the attackers.....

B'Tselem asked the police how many complaints residents of the closed area [South Hebron Hills] had filed against settlers for violence in recent years, and how the police handled the complaints. The police supplied figures on all complaints of Palestinians in the entire Hebron District for the years 1999-2004 (until October)....The number of Palestinian complaints to the police does not reflect the magnitude of settler violence. Many Palestinians do not have confidence in the Israeli authorities, and the police in particular, and do not think that the police will properly handle their complaints and prosecute the settlers to the full extent of the law. In many cases, therefore, they do not file complaints. Testimonies given to B'Tselem indicate that few Palestinians filed complaints, and of those who did, some said that they did not believe it would help..... Most of the complaints filed in the past five years whose handling has been completed were closed. Some were closed in the preliminary investigation stage and were not transferred to the Police Prosecutor's Office or to the State Attorney's Office, and the others were closed after the Police Prosecutor's Office and the State Attorney's Office reviewed the file. Files are closed for four reasons: lack of evidence, lack of public interest, lack of wrongdoing, and offender unknown. According to police figures, the absolute majority of files were closed for lack of evidence. A substantial percentage of the cases referred to the State Attorney's Office or the Police Prosecutor's Office over the past five years (in particular the years 2003 and 2004) remain open. Based on past experience, most of them will ultimately be closed."

**Graph No. 4: Number of Palestinian complaints compared with the number of Palestinian complaints that led to the conviction of an Israeli citizen, by year**



## See Also

[Forbidden to settlers, not the state](#), **Ha'aretz**, 11 October 2006  
[Honey makes Hebron life a bit sweeter](#), **Integrated Regional Information Networks (IRIN)**, 10 August 2008

## Intra-Palestinian clashes in West Bank and Gaza

- 2007 saw an increase in human rights violations committed by Palestinians against Palestinians, both in number and severity, as a result of the violent struggle waging between Fatah and Hamas in the West Bank and Gaza Strip. The violence peaked in June, when Hamas seized control of the security apparatus in the Gaza Strip. (B'Tselem, January 2008)
- The casualties occurred during violent clashes between members of the Palestinian Authority's security apparatus, most of whom belong to Fatah and are loyal to Palestinian Authority president Mahmud Abbas, and Hamas militias, headed by the Hamas Executive Force and the 'Iz a-Din al-Qassam Brigades. Violations included restrictions in freedom of association, arbitrary detention, extralegal executions. (B'Tselem, January 2008)
- There are reports of Palestinians displaced as a result of intra-Palestinian violence in mid 2007 when Hamas took control over Gaza Strip, and following violence in August 2008. Though there are no clear figures on Palestinians displaced, observers have commented that numbers of civilians displaced has been quite negligible. (IDMC, March 2008; Ha'aertz, 3 August 2008)

**Ha'aretz**, 3 August 2008

"Over 150 members of the Fatah-linked Hilles clan fled the Gaza Strip on Saturday and entered Israel, after a day of clashes with the ruling Hamas faction had left at least nine people dead and more than 80 wounded. Hamas security forces and members of the Hilles clan exchanged mortar shell and machine gun fire all day Saturday in the most violent round yet of Hamas' weeklong crackdown on political rival Fatah."

**B'Tselem**, 2 January 2008

"2007 saw an increase in human rights violations committed by Palestinians against Palestinians, both in number and severity, as a result of the violent struggle waging between Fatah and Hamas in the West Bank and Gaza Strip. The violence peaked in June, when Hamas seized control of the security apparatus in the Gaza Strip. From the beginning of the year to mid-November, at least 344 Palestinians were killed and thousands injured in the fighting between the factions. B'Tselem's figures indicate that at least 73 of the dead, 22 of them children, were not taking part in the hostilities and were killed during street fighting or from gunfire during demonstrations. Some three hundred of the dead were killed in the first six months of the year, the vast majority of them in the Gaza Strip. 160 persons were killed in June alone. The casualties occurred during violent clashes between members of the Palestinian Authority's security apparatus, most of whom belong to Fatah and are loyal to Palestinian Authority president Mahmud Abbas, and Hamas militias, headed by the Hamas Executive Force and the 'Iz a-Din al-Qassam Brigades."

**The Guardian**, 18 June 2007

"Hundreds of Palestinians are trapped at Erez, one of the main crossing points out of the Gaza Strip, hoping to escape through Israel to the West Bank. Israel's justice minister said the crowd should be allowed out, but so far the Erez crossing has remained closed, except to around 100 senior Fatah officials, who have been allowed out since Hamas seized control of Gaza last Thursday. Others have fled to Egypt. The crowd of up to 300 people was made up mostly of young men, members of the Fatah-led security services who have been locked in fighting with Hamas gunmen for months. With them were dozens of women and children, some sleeping on the ground."

**See Also:**

[Nine killed, 95 hurt in Hamas-Fatah violence in Gaza](#), **Reuters**, 2 August 2008

[Palestinian hostilities flare in Gaza](#), **Christian Science Monitor (CSM)**, 28 July 2008

[Hundreds flee Gaza as Hamas tightens grip](#), **The Guardian**, 17 June 2007

[Two Fatah men killed in Gaza; Hamas threatens W. Bank battles](#), **Ha'aretz**, 16 June 2007

[Victims of insecurity increase in oPt](#), **Integrated Regional Information Networks (IRIN)**, 11 October 2006

[Palestinian PM vows to avoid civil war, urges calm](#), **Reuters**, 23 May 2006

[In the shadow of war: Wave of violence by security forces against Palestinians in the West Bank](#), **B'Tselem**, 21 August 2006

[Palestinian factions close national talks ahead of deadline](#), **Agence France-Presse (AFP)**, 3 June 2006

[National Conciliation Document of the Prisoners](#), **Palestinian political prisoners in Israeli jails (representing FATEH, HAMAS, Islamic Jihad, PFLP, and DFLP)**, 26 May 2006

[Abbas calls controversial referendum as Hamas breaks truce](#), **Agence France-Presse (AFP)**, 10 June 2006

## **Freedom of Movement**

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### **General Freedom of Movement**

- Throughout the occupied Palestinian territory, in the Gaza Strip as well as in the West Bank, Palestinians continuously face hardship. Israeli policy of closures and the severe restrictions, including curfews and the permit regime, continue to be imposed on the movement of Palestinians.
- According to Israel, closure and movement restrictions for goods and people in the West Bank are necessary measures to protect Israeli citizens in Israel and in Israeli settlements in the West Bank. (OCHA, January 2008)
- The severity of these closures, discriminating against Palestinians collectively and has often amounted to collective punishment. (AI, September 2003) The denial of passage or delays at checkpoints, including curfews, has significantly affected the access of civilians, particularly children, to medical care and services, causing serious threat to their physical health. (OCHA, January 2008; IRIN 2008)
- The movement of the Palestinians in the West Bank is restricted by a series of physical obstacles such as checkpoints, roadblocks, trenches, etc. that severely restrict Palestinians' freedom of movement. In 2007, there was monthly average of 552/561 such obstacles, in

addition to monthly average of 113 flying/random checkpoints – an increase of 49.2% since 2005. (OCHA, January 2008; UNSR on HR, January 2008)

**UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, 21 January 2008**

"Checkpoints and roadblocks seriously obstruct the freedom of movement of Palestinians in the West Bank, with disastrous consequences for both personal life and the economy. There are 561 such obstacles to freedom of movement, comprising over 80 manned checkpoints and some 476 unmanned locked gates, earth mounds, concrete blocks and ditches. In addition, thousands of temporary checkpoints, known as flying checkpoints, are set up every year by Israeli army patrols on roads throughout the West Bank for limited periods, ranging from half an hour to several hours. In November 2007 there were 429 flying checkpoints.

Palestinians are subjected to numerous prohibitions on travel and to requirements for permits for travel within the West Bank and to East Jerusalem. Checkpoints ensure compliance with the permit regime. These restrictions violate article 12 of the International Covenant on Civil and Political Rights which has been held to be binding on Israel in the OPT by the International Court of Justice in its Advisory Opinion on the construction of the wall.

Israel's argument that these restrictions are justified as security measures is difficult to accept. Many of the checkpoints and roadblocks are distant from the border of Israel, which is in any event protected by the wall. More likely explanations are to be found in the need to serve the convenience of settlers, to facilitate the travel of settlers through the West Bank and to impress upon the Palestinian people the power and presence of the occupier. According to a report in Yedioth Ahronoth, one quarter of all IDF soldiers who have served at roadblocks in the West Bank reported having witnessed or taken part in an act of abuse against a Palestinian civilian. Checkpoints serve to humiliate Palestinians and to create feelings of deep hostility towards Israel. In this respect they resemble the "pass laws" of apartheid South Africa, which required black South Africans to demonstrate permission to travel or reside anywhere in South Africa. These laws generated widespread humiliation and anger, and were the cause of regular protest action. Israel would do well to consider the South African experience. Restrictions on freedom of movement of the kind applied by Israel do more to create insecurity than to achieve security."

**International Committee of the Red Cross (ICRC), 12 December 2007**

"Throughout the occupied Palestinian territories, in the Gaza Strip as well as in the West Bank, Palestinians continuously face hardship in simply going about their lives; they are prevented from doing what makes up the daily fabric of most people's existence. The Palestinian territories face a deep human crisis, where millions of people are denied their human dignity. Not once in a while, but every day. Nothing is predictable for Palestinians. Rules can change from one day to the next without notice or explanation. They live in an arbitrary environment, continuously adapting to circumstances they cannot influence and that increasingly reduce the range of their possibilities."

....

Many West Bank roads that used to connect Palestinian villages to nearby cities are now closed off by concrete blocks, ditches, earth mounds or iron gates. These obstacles separate Palestinians from their lands, their water sources and even their rubbish dumps. They divide one community from another, villages from cities, and districts from each other. .... People in the West Bank watch from their houses as Israelis use freshly paved roads, built on Palestinian land, connecting Israeli settlements to each other and linking them smoothly to Jerusalem and Tel Aviv.

Palestinians have to use dirt tracks, taking long detours to reach their schools, work places, hospitals and places of worship, or simply to visit relatives and friends. .... In the once booming city of Nablus in the northern West Bank, the population of 177,000 is limited to two exit roads. They are not allowed to continue southward in their own cars but have to use taxis, putting a further strain on their already limited economic resources."

**Amnesty International (AI)**, 8 September 2003

"This report analyses the impact of movement restrictions on the right to work of Palestinians in the West Bank and the Gaza Strip. It contends that the widespread and prolonged closures, curfews and other restrictions on movement currently imposed cannot be justified on security grounds, discriminate against Palestinians, and are often used as a form of collective punishment in reprisal for attacks committed by Palestinian armed groups. Amnesty International recommends that the Israeli government lift the restrictions on movement that constitute collective punishment and makes every effort to enable as normal a life as possible for the inhabitants of the Occupied Territories. It calls for the evacuation of Israeli settlers from the West Bank and Gaza Strip, on the grounds that their residence in the Occupied Territories violates international law and that measures purportedly taken to protect the security and freedom of movement of Israeli settlers inflict serious and discriminatory human rights abuses against Palestinians."

**Integrated Regional Information Networks (IRIN)**, 28 September 2006

"A report by the Palestinian Ministry of Health says that pregnant Palestinian women are often prevented by Israeli forces from reaching hospitals to receive appropriate medical attention, causing many miscarriages and the deaths of some women. Since the beginning of the second Intifada, a Palestinian uprising against Israeli military occupation, in September 2000, 68 pregnant Palestinian women gave birth at Israeli checkpoints, leading to 34 miscarriages and the deaths of four women, according to the Health Ministry's September report.

Thoraya Obaid, Executive Director of the United Nations Population Fund (UNFPA), said these figures underline the need to put an end to the agony of pregnant Palestinian women held at Israeli checkpoints. According to the Health Ministry's report, there are currently 117,600 pregnant women in the Palestinian territories. This includes 17,640 women who are suffering difficult pregnancies due to a lack of prenatal and postnatal care. "Inadequate medical care during pregnancy is the third leading cause of death among Palestinian women of childbearing age," said Abu Shaaban. UNFPA has been helping pregnant women avoid suffering at checkpoints by training health personnel and equipping them with delivery kits to provide services within their communities. It has also formed local community support teams to assist health providers and raise awareness of the availability of delivery services."

**See Also:**

[Special Rapporteur on freedom of religion or belief concludes visit to Israel and the OPT](#), **UN Office of High Commissioner for Human Rights (OHCHR)**, 28 January 2008

[Implementation of the Agreement on Movement and Access \(14-27 November 2007\)](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, 11 January 2008

[The Humanitarian Monitor: December 2007](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, 22 January 2008

[Implementation of the Agreement on Movement and Access \(28 November – 11 December 2007\)](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, 23 January 2008

[Dignity Dignied in the Palestinian Territories](#), **International Committee of the Red Cross (ICRC)**, 12 December 2007

[Special Rapporteur on freedom of religion or belief concludes visit to Israel and the OPT](#), **UN Office of High Commissioner for Human Rights (OHCHR)**, 28 January 2008

[Protection of Weekly Report 19 – 25 December 2007](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, 4 January 2008

[Children and armed conflict](#), **United Nations Secretary General (UN SG)**, 21 January 2008

[Humanitarian Update: Special Focus Closure Count and Analysis](#), , August 2005

[Palestinian Public Perceptions Report IX: Mobility and Security](#), **Graduate Institute of Development Studies - Palestine Research Unit (IUED-PRU)**, November 2005

[Fourteenth Report on the Implementation of the Agreement on Movement and Access](#), **United Nations (UN)**, 5 June 2006

[Between games and propaganda: the removal of checkpoints and roadblocks in the West Bank](#), **The Palestine Monitor**, 19 April 2008

[Israel general criticises West Bank roadblocks](#), **Agence France-Presse (AFP)**, 13 February 2008

[Security Council Resolution 1405 \(2002\)](#), **United Nations Security Council (UN SC)**, 19 April 2002

### **Internal Closures & External Closures in West Bank**

- Internal closures in West bank impose multifaceted system of physical and bureaucratic control including checkpoints, road blocks amongst in addition to flying checkpoints, curfews, and age restrictions on Palestinian movements. Internal closures have had significant impact by fragmenting social and economic fabric of West Bank.
- External closures consists Israeli controlled crossings that permit movement into and out of West Bank. The Barrier has progressively sealed the West Bank off from Israel. Crossing the Barrier is necessary for all movements of goods and people between the West Bank and Israel.
- As a result internal and external closures are effectively combined into one elaborate system of control of movements severely restricting freedom of movement in the West Bank, and isolating the Gaza Strip.
- Negotiations between Israel and the Palestinian Authority have included discussions on improving access as an essential element for security in the occupied Palestinian Territory. There has been very limited 'cosmetic' easing of restrictions. The 'Agreement on Movement and Access', signed in November 2005, has led to very limited, improvements.
- In West Bank in 2007, there was monthly average of 552/561 such obstacles, in addition to monthly average of 113 flying/random checkpoints – an increase of 49.2% since 2005. (OCHA Januray 2008; UN CHR, January 2008)
- Gaza crossing would see restrictions following June 2007. There was no movement of people from/to Gaza allowed, and overall worsening of movement and access. (OCHA, Januray 2008) The main entry points for goods were closed with intermittent openings on ad hoc basis made available for essentially humanitarian and commercial.

### **UN Office for the Coordination of Humanitarian Affairs (UN OCHA), July 2007**

"Settlements and other Israeli infrastructure, including the Barrier, have significantly narrowed the amount of land that Palestinians can live in, use or access. More than 38% of West Bank territory is effectively offlimits or restricted to Palestinians. There is an additional layer of restrictions placed on Palestinians. .... Palestinian movement is inhibited by roads reserved primarily for

Israeli use and the system of physical obstacles and permits that accompanies them ...[which] regulates or prevents Palestinian vehicles from using those West Bank roads primarily reserved for Israeli use.

Checkpoint : A barrier manned by the IDF, Border Police and/or private security companies with observation towers and other physical blocks used to control pedestrian and vehicular access.

Partial Checkpoint: An established checkpoint structure operating periodically.

Road Barrier: A fence or other physical barrier of more than 100 metres in length, which runs alongside a road primarily reserved for Israelis. This obstructs the free passage of Palestinian people, vehicles and animals onto, off, or across the road.

Earth wall : A series of earthmounds alongside a road used to prevent vehicles from crossing.

Road Gate A metal gate used by the IDF to control movement along roads.

Earth mound. A mound of rubble, dirt and/or rocks to obstruct vehicle access.

Road block : A series of one meter concrete blocks to obstruct vehicle access.

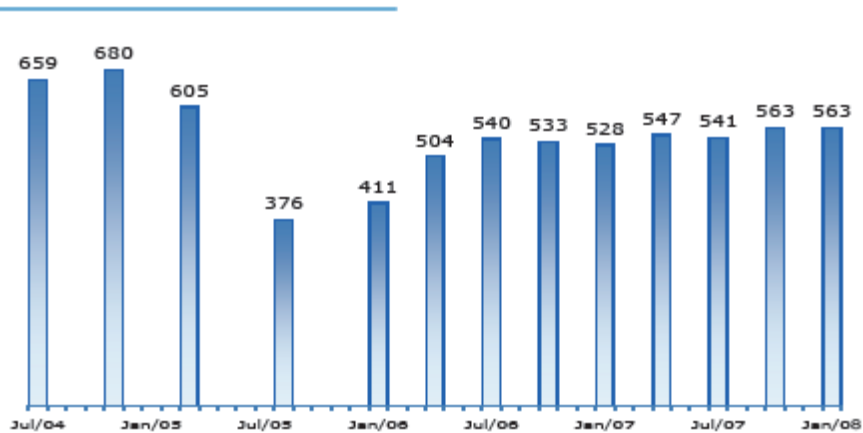
Trench: A ditch dug across or alongside a road to prevent vehicles from crossing."

#### **UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 22 January 2008**

"Internal closures in West Bank are imposed by a multifaceted system of physical and bureaucratic obstacles, which control all movements inside the West Bank, and onto the roads that are used primarily by Israeli settlers. In January 2008, there were 563 obstacles, including checkpoints, road blocks, earth mounds, trenches, fences and gates on roads inside the West Bank.... The term 'External Closure' refers to the use of Israeli controlled crossings that permit movement into and out of West Bank. The West Bank Barrier has progressively sealed the West Bank off from Israel. Crossing the Barrier is necessary for all movements of goods and people between the West Bank and Israel.... In 2005, the Israeli Ministry of Foreign Affairs indicated that "Israeli security forces will transfer the bulk of their monitoring and control efforts from the checkpoints inside the West Bank... to crossing points along the revised route of the security fence." And although tighter restrictions on movements across the Barrier are progressively being introduced, there has been no corresponding reduction on movements inside of the West Bank. As the construction of the West Bank Barrier has progressed, the Barrier crossings are now regarded by Israel as Border Terminals.... The control of these terminals has increasingly been handed over from the IDF to the Israeli Customs Authorities, civil Police and civilian security companies, and the movement of goods and labour has become increasingly difficult. Palestinian export trade has been particularly affected by these developments. Goods must first pass the internal closures around urban West Bank centres before exiting the West Bank via one of five Barrier Terminals into Israel or across the King Hussein Bridge into Jordan. Labourers with the required permits, who have successfully crossed all the internal checkpoints and obstacles inside the West Bank, may only cross the Barrier at one of eleven designated Barrier Crossing Points.....As a result internal and external closures are effectively combined into one system of control of movements."

Negotiations between the Government of Israel (GoI) and the Palestinian Authority (PA) have included discussions on improving access as an essential element for security in the occupied Palestinian Territory (oPt). The 'Agreement on Movement and Access', which was signed in November 2005, has so far led to very limited, if any, improvements<sup>4</sup>. According to the GoI, closure and movement restrictions for goods and people in the West Bank are necessary measures to protect Israeli citizens in Israel and in Israeli settlements in the West Bank....."





### UN Office for the Coordination of Humanitarian Affairs (UN OCHA), May 2008

"In April, the Government of Israel (GoI) announced that 61 (initially 50) closures or physical obstacles in the West Bank were removed in order to ease the lives of the Palestinians. Following the announcement, OCHA monitored the removal of the closures and identified that only 44 closures were actually removed, while six were still in place and 11 could not be found within a 400 metre-radius of the GPS (Global Positioning System) location provided by the IDF. Of the 44 closures: Only five closures were significant (i.e. facilitating access to services and land, or located between towns). Nine were of minimal significance; Seventeen were of no significance; Thirteen were 'questionable' regarding the circumstance of their original installation. Overall, the removal of 44 of the 61 obstacles announced has had little or no impact on movement and access and has not reduced the fragmentation within the West Bank."

#### See Also:

[UN says number of West Bank checkpoints on the rise](#), **Integrated Regional Information Networks (IRIN)**, 28 May 2008

[Pledge to remove 50 West Bank roadblocks](#), **Guardian (UK)**, 31 March 2008

[OPT: West Bank under lockdown](#), **Integrated Regional Information Networks (IRIN)**, 28 October 2006

[Inside the maze: movement restrictions in the West Bank](#), **Integrated Regional Information Networks (IRIN)**, 21 November 2007

[Pregnant Palestinians give birth at Israeli checkpoints](#), **Integrated Regional Information Networks (IRIN)**, 28 September 2006

[Movement restrictions limiting benefits of aid - World Bank](#), **Integrated Regional Information Networks (IRIN)**, 28 April 2008

[The issue of Palestinian pregnant women giving birth at Israeli checkpoints Report of the High Commissioner for Human Rights](#), **UN Office of High Commissioner for Human Rights (OHCHR)**, February 2008

### Disengagement of Gaza

- The Gaza Strip – home to 1,5 million Palestinians - is especially vulnerable because it has suffered from years of economic restrictions imposed since the Israeli disengagement in 2005.

- The Disengagement plan entailed Israel's withdrawal of its military forces and settlers from the Gaza Strip in 2005, but it still controls Gaza's airspace, territorial waters, and land borders. (Human Rights Watch, 24 January 2008)
- Under international humanitarian law, Israel remains the occupying power and therefore holds the responsibility to secure and provide the basic needs of the occupied population. Failing to do so constitutes a grave violation of their basic human rights. (Human Rights Watch, 24 January 2008; Oxfam, 24 January 2008)
- Israel supplies all of Gaza's fuel and more than two-thirds of its electricity, which is essential for water availability and sewage treatment. In addition, Israel controls Gaza's telecommunications network, its population registry, and its customs and tax revenues. Israeli security forces have frequently re-entered Gaza at will. (Human Rights Watch, 24 January 2008)
- Since the Disengagement Israel has frequently re-entered Gaza. Since Hamas control in 2006 Israel has imposed tight restrictions on movements of persons and goods significantly affecting the humanitarian situation in Gaza.

Human Rights Watch (HRW), 24 January 2008

"Israel withdrew its military forces and settlers from the Gaza Strip in 2005, but it still controls Gaza's airspace, territorial waters, and land borders – with the exception this week of the Rafah border area with Egypt. Israel is Gaza's primary supplier of electricity, which is essential for water availability and sewage treatment. In addition, Israel controls Gaza's telecommunications network, its population registry, and its customs and tax revenues. Israeli security forces have frequently re-entered Gaza at will."

**UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 7 August 2006**

"For the third time since 28 June, Palestinian families have fled the village of As Shoka seeking refuge in Rafah as a result of IDF artillery shelling and incursions. UNRWA provided emergency accommodation and assistance (medical care, food parcels and water) to over 3,400 people in three UNRWA schools. Following the withdrawal of the IDF on 6 August, families have gradually returned home. One UNRWA shelter remains open for 450 people (67 families) who had not returned to As Shoka or have fled the shelling of the Al Tanour Quarters in Rafah.

In the north, UNRWA has increased its emergency accommodation capacity to meet the increasing numbers of those fleeing the continued shelling east of Beit Hanoun and the area around the Al Nada housing estate in Beit Lahia, in the northern areas of the Gaza Strip. The number of Palestinians sheltered in four UNRWA schools in Jabalia has doubled to 1,405 people.

.... An additional six houses have been destroyed by IAF strikes after their occupants were informed over the telephone by the IDF of the impending attack (bringing the total number to 12). This practice is causing panic among entire Palestinian neighbourhoods who fear extensive collateral damage due to the high density of populated areas."

**United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), 9 March 2006**

"The situation for 1.5 million Palestinians in the Gaza Strip is worse now than it has ever been since the start of the Israeli military occupation in 1967. The current situation in Gaza is man-made, completely avoidable and, with the necessary political will, can also be reversed. Gaza has suffered from a long-term pattern of economic stagnation and plummeting development indicators. The severity of the situation has increased exponentially since Israel imposed extreme

restrictions on the movement of goods and people in response to the Hamas take over of Gaza and to indiscriminate rocket attacks against Israel."

**See Also:**

[Gaza Strip: Situation Report](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, 5 June 2006

[Gaza miserable and dangerous: UN relief chief](#), **Agence France-Presse (AFP)**, 6 September 2006

[UN warns of Gaza aid 'time bomb'](#), **BBC News**, September 2006

[Crisis in Gaza deepens](#), **Church World Service (CWS)**, 31 August 2006

[B'Tselem to Defense Minister: Stop using Rafah Crossing to pressure Gaza civilians](#), **B'Tselem**, 30 August 2006

[Gaza siege causing major health crisis](#), **Integrated Regional Information Networks (IRIN)**, 29 August 2006

[Israel presses deadly two-month offensive in Gaza](#), **Agence France-Presse (AFP)**, 28 August 2006

[WFP warns of deteriorating humanitarian situation in Gaza](#), **World Food Programme (WFP)**, 28 August 2006

[Gaza facts & figures since the beginning of the invasion on 28 Jun until 07 Aug 2006](#), **The Palestine Monitor**, 10 August 2006

[Gaza Strip Situation Report](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, 7 August 2006

**Blockade of Gaza**

- Restrictions increased after Hamas won the 2006 elections imposing severe limitations on movements of persons and goods. Israel put in place more extensive restrictions on the movement of goods and people to and from Gaza after Hamas seized power in June 2007. (OCHA, 17 April 2008)
- In September 2007 Israel declared Gaza "enemy entity" in response to continued rocket attacks by militants holding Hamas responsible for the missile attacks. Existing restrictions were further exacerbated at the end of October 2007. Israel has tightened its blockade on

several occasions, temporarily cutting off fuel to Gaza's main power plant following missile attacks (The Guardian, 31 January 2008)

- Israeli Supreme Court in January 2008 upheld Israel's blockade of fuel and electricity supplies to the Gaza Strip. The Court ruled that the fuel and electricity provided to the Gaza Strip was "sufficient to answer the vital humanitarian needs of the strip for the time being". (The Guardian, 31 January 2008)
- Israel's rightful self-defence against unlawful rocket attacks does not justify a blockade that denies civilians the food, fuel and medicine needed to survive, a policy amounting to collective punishment" (Human Rights Watch, 24 January 2008)

#### **UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 17 April 2008**

The first two days of March saw the intensification of ongoing Israeli army air and ground operations throughout the Gaza Strip. The Israeli code-named 'Hot Winter' operation which took place in northern and eastern Gaza between 28 February and 2 March resulted in a total of 107 killed and 250 injured. This was one of the most violent incursions in Gaza since the granting of limited autonomy to Gaza in 1994.

The Gaza Strip remains closed to the outside world, with the exception of limited humanitarian imports and the movement of a small number of international visitors, patients and Israeli-approved Palestinians. Fuel shortages have begun to have a more profound effect on all aspects of life in Gaza, as private reserves have been depleted and the needs of the harvest and fishing season have increased demand. In March, the supply of diesel and gasoline by Israel was 57% and 80% less, respectively, compared to one year ago. The limited supply led to diesel and gasoline selling for 48% and 70% more on the black market compared to the regular market

During the 'Hot Winter' incursion, 34 children lost a parent. Twenty-one homes were completely destroyed, leaving 147 people homeless. Eighty-eight homes were severely or partially damaged, affecting an additional 616 people. The Gaza Strip is especially vulnerable because it has suffered from years of economic restrictions imposed since the Israeli disengagement in 2005 and increased after Hamas won the 2006 elections. Most recently, Israel put in place new restrictions on the movement of goods and people to and from Gaza after Hamas seized power in June 2007. These restrictions were further exacerbated at the end of October 2007. Israel holds Hamas responsible for rocket fire from Gaza into Israel.

#### **International Committee of the Red Cross (ICRC), 12 December 2007**

Gazans are getting increasingly anxious as shelves in grocery shops begin to empty because of the closure. Prices have skyrocketed, and the little that comes in to Gaza is virtually unaffordable. The prices of many foodstuffs, such as chicken, have at least doubled in the past four months, as stocks dwindle without resupply. According to the World Food Programme, some 80,000 Gazans have lost their jobs since June 2007, increasing the already high rate of unemployment to the point where around 44% of the working population is jobless. Many local industries had to shut down and fire their personnel, as 95% of local production depends on imports of raw materials from Israel. Israel has restricted imports to what it deems "basic goods" – mostly staple food products – while other essential items needed to keep industry running or repair infrastructure cannot enter the Strip.

Gaza farmers remember how green and fertile their land was in the recent past. Rich harvests from their citrus and olive trees were exported to the West Bank and Israel. Today, a large part of their land has been levelled and their trees uprooted during the frequent military incursions. Some 5,000 farmers who rely on exporting tomatoes, strawberries and carnations to support their

families are about to suffer a 100% drop in sales. The harvest season for these important crops started in June, but the embargo on exports has left them rotting in containers at the crossing points.

The infrastructure of the Gaza Strip is in a fragile state. Some eight months ago, a wastewater lagoon in northern Gaza containing hundreds of thousands of litres of raw sewage burst its embankments. Sewage flooded a Bedouin village, killing five people, injuring 16 others and destroying the homes of thousands. Since then, no substantial repairs could be carried out due to a lack of funding and Israel's restrictions on imports of spare parts.

Basic services such as hospitals, water and sewerage systems can only function if they are connected to the electrical grid. If the grid fails to provide the required power, all basic services will suffer. Since Israeli air strikes destroyed a large part of the Gaza Power Plant in June 2006, it has been working at roughly half of its original capacity. The electrical supply to the Gaza Strip is precarious, unreliable and dependent on external sources. In its current state, it cannot produce sufficient power to meet the needs of the population.

**The Guardian**, 31 January 2008

The Israeli supreme court today upheld the government's blockade of fuel and electricity supplies to the Gaza Strip. Israeli human rights groups had challenged the sanctions, which the government claims are aimed at halting rocket attacks by Gaza militants. Palestinian officials say the cuts in fuel supplies harm Gaza's already impoverished residents by causing blackouts that cripple crucial utilities. The court ruled that the fuel and electricity provided to the Gaza Strip was "sufficient to answer the vital humanitarian needs of the strip for the time being".

In September last year, Israel declared Gaza - home to 1.5 million Palestinians - an "enemy entity" in response to continued rocket attacks by militants. The court said Gaza was ruled by "a murderous terror group", but found Israel still had an obligation under international law to avoid "deliberately" harming Palestinian civilians. Israel supplies all of Gaza's fuel and more than two-thirds of its electricity, and has reduced but not halted supplies. Israel tightened its blockade earlier this month, temporarily cutting off fuel to Gaza's main power plant after an increase in rocket attacks on southern Israeli towns.

**Human Rights Watch (HRW)**, 24 January 2008

This week's Gaza-Egypt border breach temporarily eased the humanitarian impact of Israel's blockade, but Israel as the occupying power remains responsible for the well-being of Gaza's 1.4 million residents, Human Rights Watch said today. Gazans remain almost completely dependent on Israel for fuel, electricity, medicine, food, and other essential commodities. Human Rights Watch also called upon Palestinian armed groups in Gaza to stop their indiscriminate rocket attacks into populated areas in Israel in violation of international humanitarian law. The attacks have wounded 82 Israeli civilians in the past six months.

"Israel's rightful self-defense against unlawful rocket attacks does not justify a blockade that denies civilians the food, fuel and medicine needed to survive, a policy amounting to collective punishment," said Joe Stork, acting director of Human Rights Watch's Middle East division. "Gazans can't turn on the lights, get tap water, buy enough food, or earn a living without Israel's consent."

**Al-Jazeera**, 2 July 2008

As part of the truce, Hamas is supposed to stop cross-border rocket fire by Palestinian groups in Gaza. In exchange, Israel will allow fuel, medicine and other essential goods into the territory, and halt military raids. Since the six-month ceasefire went into effect on June 19, goods crossings

into Gaza have been sporadically or partially opened, but none have been returned to the level of activity they saw over a year ago. Most recently, Israel halted the transit of goods into Gaza after two Qassam rockets were fired from the north of the strip into an open area in the western Negev on Monday, according to Israel's *Ynetnews*. Gaza's three main crossing are each used for specific goods transfers: Nahal Oz for fuel and gas, Sufa for products like fruits, vegetables and medicine - and Karni for raw construction materials such as as cement. Limited goods came through Sufa and Nahal Oz last Sunday, nothing has come through Karni for a week. The Erez passenger crossing - used mainly by diplomats and journalists - has continued to open regularly, but with the exception of a few special permit holders, it is inaccessible to ordinary Palestinians.

**See Also:**

[Tense calm on Gaza frontier as truce enters third day](#), **Agence France-Presse (AFP)**, 21 June 2008

[GAZA Humanitarian Situation Report: Escalation in Violence 27 FEB - 3 MARCH 2008](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, 3 March 2008

[Israel's blockade poses immediate threat to the lives of Gaza's sick and elderly](#), **Oxfam**, 25 January 2008

[Gaza Strip Inter-Agency Humanitarian Fact Sheet: March 2008](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, 17 April 2008

[Gaza Closure: Situation Report 18-24 January 2008](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, 24 January 2008

[Gaza Strip Humanitarian Report Power Shortages 8 January 2008](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, 8 January 2008

[OPT: Gaza strip humanitarian fact sheet, Dec 2007](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, 21 January 2008

[The Road Out of Gaza](#), **Carnegie Endowment for International Peace**, February 2008

## **Child Protection**

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## **Child Protection**

- The situation of Palestinian children, whether displaced or not, in OPT remains grave, with continued Israeli occupation and raids, in addition to an escalation in internal hostilities between rival Palestinian factions. Documenting the recruitment of children by Palestinian armed groups remains a challenge, and the extent of the phenomenon is not well known. (UN SG, 21 January 2008)
- Schools and hospitals continue to be attacked or occupied by both IDF and Palestinian armed groups, in some instances resulting in the killing or injury of children. There were at least 10 incidents where IDF soldiers attacked schools. In Gaza, Palestinian militants stormed several schools. (Save the Children, October 2007; UN SG, 21 January 2008)
- Total number of Palestinian children killed since the beginning of the second intifada to 944 and in 2007 93 killed and 345 injured, and 3 Israeli children were injured in 2007 by Qassam rockets. At any given time during the year 2007, there were between 310 and 430 children in detention. (Save the Children, October 2007; UN SG, 21 January 2008)
- Between January and August 2007, 425 people were affected or displaced by house demolitions, 40% of whom were children. (Save the Children, October 2007)
- Displacement, particularly as result of house demolition, has wide ranging physical and psychological impact on children. Displacement has significant impact on access to health, education and potable water is limited, and lead to post traumatic stress. (OCHA, May 2008)
- Symptoms of psychological distress found among children included: increased aggression; depression; difficulty concentrating and bedwetting, among others.
- Surveys have shown, 37% of children have reported violence at home and in 2005, 51% of mothers said at least one of their children (age 5-17) was exposed to domestic violence. (Save the Children, October 2007)

### **UN Office for the Coordination of Humanitarian Affairs (UN OCHA), May 2008, p.5**

"Impact of House Demolitions on Children: Demolitions lead to the displacement of Palestinian families and have wide-ranging physical and psychological impacts. A recent survey conducted by the Palestinian Counseling Center and supported by Save the Children – UK and the Welfare Association found that in the immediate aftermath of a house demolition, children have been separated from their parents, and that there are gaps in children's access to education, health facilities and clean water. Moreover, even though demolition is a single event, its impact is similar to multiple and continuous traumas. The survey found that emotional and behavioral problems persist beyond the first six month period following a demolition. Long-term effects include lower academic achievement rates and early school drop-out. Symptoms of psychological distress found among children included: increased aggression; depression; difficulty concentrating and bedwetting, among others. The survey also found that only 12 % of surveyed families reported that they had the chance to empty the house of its contents prior to demolition and that over 65% of surveyed families reported that they moved more than one time following the demolition of their home. "

### **Save the Children, 3 October 2007**

"There are 4 million Palestinians in the OPT (2.5 million, or 63%, in the West Bank, and 1.5 million, about 37%, in Gaza). Children make up 52.2% of the OPT population. That is an estimated 2.1 million Palestinians under the age of 18. 42% of Palestinian children in the OPT are

refugees; 69% of children in Gaza and 27% of children in the West Bank are refugees. Between January and September 2007, 38 children were killed and 209 children were injured as a result of direct Israeli military and settler violence. 29 children died as a result of Palestinian inter-factional fighting and 9 children died in incidents indirectly related to the conflict. By the end of September, 335 Palestinian children were being held in Israeli detention facilities. The majority of children detained in 2007 are from households with very low or no income, and the highest percentage has generally been from the northern West Bank.

More children living in rural areas are exposed to home violence (56%) than children in urban areas (50%) and children in refugee camps (47%). Between January and August 2007, 425 people were affected or displaced by house demolitions, 40% of whom were children. From late 2006 through early 2007, 450 children (aged 12 -17) in the West Bank and Gaza identified increased violence in school and domestic violence as priority issues for child protection.

Between October 2006 and September 2007, there were: At least 75 schools in Gaza which were disrupted or closed because of Palestinian inter-factional fighting. In 6 instances, militants stormed the schools and in 3 of those attacks, hand grenades were used. At least 11 incidents in which Israeli soldiers attacked PA and UNRWA-run schools. In 6 of these attacks, soldiers used either teargas, sound bombs or stun grenades inside the schools. At least 10 separate attacks by Israeli settlers on Palestinian students from Cordoba elementary school in H2/Hebron City, causing injuries among at least 18 students. At least 6 separate incidents wherein the Israeli military used schools (3 PA-run and 3 UNRWA-run) as detention facilities."

#### **Save the Children, June 2008**

"The percentage of Palestinian refugee girls married by age 18 is 35.4% in Gaza and 34.7% in the West Bank.... Refugees remain highly vulnerable to ongoing displacement. For example, ... 2,521 refugee shelters were destroyed in the Gaza Strip between October 2000 and June 2005 displacing 24,000 persons.... A 2003 study found refugees in the OPT were the most vulnerable to the effects of conflict. Whereas 20% of the Palestinian population required psycho-social support, the corresponding figure for refugees was 44%, rising to 53% among camp populations.

In the OPT refugee children are at risk of death and injury as a result of the conflict. 344 children in Gaza and 440 children in the West Bank were killed from September 2000 until end 2005, representing 19.9% of total fatalities. Among those killed, 159 were UNRWA school children, of whom four were killed by Israeli fire into UNRWA schools. In addition, a total of 1,548 children enrolled in UNRWA schools were injured, of whom 10 inside school premises. "

#### **Integrated Regional Information Networks (IRIN), 12 October 2006**

"Youngsters are suffering increasing levels of stress from violence and fear in the Israeli-Palestinian conflict, UNICEF said. "They are confronted with regular military operations, shelling, house demolitions and checkpoints on their way to schools," said Anne Grandjean, a UNICEF Child Protection Officer. "As a result we find high prevalence of signs of stress such as anxiety, eating and sleeping disorders, and difficulties concentrating in school. All of these signs need to be tackled as soon as possible to avoid a long-lasting impact on the child's development," she added. The bloodiest year for Palestinian children since the beginning of the second intifada was 2002, when 192 children met a violent death."

#### **See Also:**



[Selected Statistics](#), **United Nations Children's Fund (UNICEF)**, 21 July 2006  
[Children and Armed Conflict](#), **United Nations Secretary General (UN SG)**, 21 January 2008  
[Renewed violence in Gaza raises serious concerns for children's safety](#), **United Nations Children's Fund (UNICEF)**, 6 November 2006  
[Pregnant Palestinians give birth at Israeli checkpoints](#), **Integrated Regional Information Networks (IRIN)**, 28 September 2006  
[Israel's blockade poses immediate threat to the lives of Gaza's sick and elderly](#), Oxfam, 25 January 2008  
[Pregnant Palestinians give birth at Israeli checkpoints](#), **Integrated Regional Information Networks (IRIN)**, 28 September 2006

## SUBSISTENCE NEEDS

### Socio Economic Situation

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#### General: Deteriorating Economic and Humanitarian Situation in OPT:

- Remains difficult to distinguish between needs of internally displaced and that of the overall Palestinian population in West Bank and Gaza Strip. Issues of self reliance and subsistence needs are faced by both alike in the OPT.
- Economic decline and the resulting humanitarian needs in the West Bank are inextricably linked to the decline in trade as a result of imposed closures and movement restrictions as well as drops in remittances from Palestinian jobs in Israel. (OCHA, January 2008)
- The isolation of Gaza Strip through the continuing closure which has lasted for over six months has left the local economy to 'possibly face irrevocable damage' and the vast majority of the population in Gaza more reliant on aid than every before. (OCHA, January 2008)
- A 2007 joint WFP/FAO survey found that one-third of Palestinian households are food insecure, i.e. cannot afford a balanced meal, and an additional 12% are vulnerable to food insecurity. Gaza is the most hard hit, with 51% of the population food insecure. (Save the Children, October 2007)
- 58% of Palestinians in the OPT – or 2.3 million – live below the poverty line (\$2.40/day/person). 42% of households in Gaza live in extreme poverty (\$1.38/day/person) compared to 26% in the West Bank. (Save the Children, October 2007)
- In 2006, people in Gaza survived on an average of 81 liters of water a day, while West Bankers lived on just 58. (The World Health Organization recommends 150 liters/day for drinking, cooking, cleaning and bathing). In the West Bank, 25% of water sources are contaminated by fecal coliform bacteria. (Save the Children, October 2007)

#### Save the Children, 3 October 2007

"58% of Palestinians in the OPT – or 2.3 million – live below the poverty line (\$2.40/day/person). 42% of households in Gaza live in extreme poverty (\$1.38/day/person) compared to 26% in the West Bank. A 2007 joint WFP/FAO survey found that one-third of Palestinian households are food insecure, i.e. cannot afford a balanced meal, and an additional 12% are vulnerable to food insecurity. Gaza is the most hard hit, with 51% of the population food insecure. Recorded levels of child labour increased from 3.1% in 2004 to 4.2% in 2006, with the highest increase recorded among girls (from 0.7% to 3.1%). The fertility rate (child/Palestinian woman) for 2006 is 4.6. The rate is 4.2 in the West Bank and 5.4 in Gaza. Israel's fertility rate is 3. The infant mortality rate in the OPT increased from 24.2/1000 infants for the period of 1999-2003 to 25.3/1000 for 2004-2005. Israel's infant mortality rate in 2005 was 5/1000. 10% of Palestinian children under five are stunted, with proportions highest in Gaza, reaching almost 30% in north Gaza. More than 70% of 9-month-old children in Gaza and 50% in the West Bank are anemic. In 2006, people in Gaza survived on an average of 81 liters of water a day, while West Bankers lived on just 58. (The World Health Organization recommends 150 liters/day for drinking, cooking, cleaning and bathing). In the West Bank, 25% of water sources are contaminated by fecal coliform bacteria. "

#### See Also

[The situation of workers of the occupied Arab territories](#), **International Labour Organisation (ILO)**, April 2008

[Increasing Need, Decreasing Access: Tightening Control On Economic Movement](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, 22 January 2008

[The Closure of the Gaza Strip: The Economic and Humanitarian Consequences - December 2007](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, 14 December 2007

[Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan, ESCWA Report](#), **United Nations Economic and Social Council (ECOSOC)**, 3 May 2007

[The Humanitarian Impact on Palestinians of Israeli Settlements and other infrastructure in the West Bank](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, 30 August 2007

[OPT: Veteran loan client dealt a heavy blow](#), **United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)**, 4 January 2008

[Aida refugee camp residents say Barrier harming their livelihoods](#), **Integrated Regional Information Networks (IRIN)**, 31 December 2007

[Israel-OPT: Palestinian shepherds forced to move on](#), **Integrated Regional Information Networks (IRIN)**, 19 December 2007

[Household Economy Assessment: West Bank and Gaza](#), **International Committee of the Red Cross (ICRC)**, 21 November 2006

[The Human Rights Face of Poverty in the West Bank](#), **Palestinian Human Rights Monitoring Group (PRMG)**, 6 November 2006

[The Economy Of Gaza](#), **The Jerusalem Fund**, 2 October 2006

[Palestinian agricultural losses top US \\$1 billion](#), **Integrated Regional Information Networks (IRIN)**, 28 September 2006

[Depression increasing due to conflict and poverty](#), **Integrated Regional Information Networks (IRIN)**, 28 September 2006

[World Bank sees worst year for Palestinian economy](#), **Reuters**, 13 September 2006

[Poverty in the Gaza Strip](#), **Palestinian Center for Human Rights (PCHR)**, 12 June 2006

[The situation of workers of the occupied Arab territories](#), **International Labour Organisation (ILO)**, 26 May 2006

[Monitoring Project - Impact of the Current Crisis in the West Bank and Gaza Strip Survey Report #36, Water and Sanitation Hygiene Monitoring Project \(WaSH MP\)](#), 31 October 2006

[Freshwater shortage leads to health problems in Gaza Strip](#), **Integrated Regional Information Networks (IRIN)**, 2 October 2006

[The Humanitarian Monitor](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, 31 May 2006

[The situation of workers of the occupied Arab territories](#), **International Labour Organisation (ILO)**, 26 May 2006

[The Palestinian war-torn economy: aid, development and state formation](#), **United Nations Conference on Trade and Development (UNCTAD)**, 11 May 2006

[Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people](#), **United Nations General Assembly (UN GA)**, 3 May 2006

[Humanitarian Update. Special focus: Emerging Humanitarian Risks](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, 31 January 2006

[Humanitarian Update: Special Focus the Barrier and Access Points to Jerusalem](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, July 2005

[OCHA Humanitarian Update](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, 2005

[Humanitarian Information Factsheet](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, 20

## **Socio-economic impact of Closures in West Bank**

- The West Bank has limited natural resources and its economy depends on trade and remittances from jobs in Israel. Since the majority of the West Bank's trade is with Israel, the current closure regime is forcing many West Bankers into reliance on aid and worsening the already deteriorating socioeconomic conditions
- A dependency, which according to the World Bank, is not temporary: "aid reliance dismantles existing economic structures and leads to a decline, which is difficult to reverse." There is need for a fundamental restoration of freedom of movement. (OCHA, January 2008)
- In Hebron's Old City, the presence of settlers has led to strict security measures imposed by the IDF. These have included closing markets and shops to create "buffer zones". This has left Palestinian property increasingly at risk of being taken over by settlers. These measures have made it virtually impossible for Palestinians to bring their goods to sell in the Old Suq. (OCHA, January 2008)
- Before September 2000 there were 1,610 shops licensed in and around the Old City. Around 650 shops are closed by military order and another 700 closed due to the drop in trade. Of those remaining in the Old Suq, only 10% are still functioning. (OCHA, January 2008)
- In Ad Dahariya resulting from the closure regime more than 140 of an estimated 650 small and medium businesses (22%) have closed completely since 2000. The rate of unemployment in South Hebron is 38%, more than double the West Bank rate of 18.6%. (OCHA, January 2008)

### **World Bank (WB), 9 May 2007**

"ii. Currently, freedom of movement and access for Palestinians within the West Bank is the exception rather than the norm contrary to the commitments undertaken in a number of Agreements between GOI and the PA. In particular, both the Oslo Accords and the Road Map were based on the principle that normal Palestinian economic and social life would be unimpeded by restrictions. In economic terms, the restrictions arising from closure not only increase transaction costs, but create such a high level of uncertainty and inefficiency that the normal conduct of business becomes exceedingly difficult and stymies the growth and investment which is necessary to fuel economic revival. ...

v. While GOI has shown a willingness to consider a relaxation of specific restrictions, including the provision of several hundred permits to unique categories of Palestinians such as businessmen, or the removal of certain physical impediments, incremental steps are not likely to lead to any sustainable improvement. This is because these incremental steps lack permanence and certainty and can be easily withdrawn or replaced by other restrictions. Moreover, sustainable economic recovery will remain elusive if large areas of the West Bank remain inaccessible for economic purposes and restricted movement remains the norm for the vast majority of Palestinians and expatriate Palestinian investors. Only through a fundamental reassessment of closure, and a restoration of the *presumption of movement*, as embodied in the many agreements between GOI and the PA, will the Palestinian private sector be able to recover and fuel sustainable growth. "

### **UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 22 January 2008**

"The West Bank has limited natural resources and its economy depends on trade and remittances from jobs in Israel. Since the majority of the West Bank's trade is with Israel, the current closure regime is forcing many West Bankers into reliance on aid and worsening the already deteriorating socioeconomic conditions. UN agencies currently provide food aid to more than 790,650 Palestinians in the West Bank. A dependency, which according to the World Bank, is not temporary: "aid reliance dismantles existing economic structures and leads to a decline, which is difficult to reverse." If the West Bank economy is to recover and grow sufficiently simply to finance the basic humanitarian needs of the Palestinian population, trade must increase substantially. In 2007, with reference to the oPt, the World Bank stated that no economy can develop without mobility. Also the Palestinian Reform and Development Plan for 2008-10 (PRDP), "is built on the assumption that Israel is willing to take steps to remove administrative and physical barriers to the movement and access of people and goods". Negotiations between the Government of Israel (GoI) and the Palestinian Authority (PA) have included discussions on improving access as an essential element for security in the occupied Palestinian Territory (oPt). The 'Agreement on Movement and Access', which was signed in November 2005, has so far led to very limited, if any, improvements. .... [T]he examples of Nablus City and Ad Dahariya, .... [shows] how economic decline and the resulting humanitarian needs in the West Bank are inextricably linked to the decline in trade as a result of imposed closures and movement restrictions as well as drops in remittances from Palestinian jobs in Israel."

**UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 22 January 2008**

"..... Israeli settlements lie on the southern edge of the Old Suq [of Hebron]. They are home to approximately 600 settlers who are protected by around 1,500 IDF soldiers. The settlers are connected to the Tomb of the Patriarchs and to the larger settlement of Kiryat Arba, by a corridor lined with 87 obstacles that physically prevent access by the local Palestinian population. The presence of settlers has led to strict security measures imposed by the IDF. These have included closing markets and shops to create "buffer zones". This has left Palestinian property increasingly at risk of being taken over by settlers. These measures have made it virtually impossible for Palestinians to bring their goods to sell in the Old Suq. Increased restrictions and fears of settler violence have also driven potential customers away to rural markets in surrounding villages. All vehicle traffic is banned by the IDF in the Old Suq and many Palestinians who were living and running businesses there have since moved out. Today, the Old Suq is almost deserted. Before September 2000 there were 1,610 shops licensed in and around the Old City. Around 650 shops are closed by military order and another 700 closed due to the drop in trade. Of those remaining in the Old Suq, only 10% are still functioning. Of the 10% of the original population who still live in the Old City, eight out of 10 adults are unemployed and an estimated 75% live below the poverty line. A recent survey conducted by the Ministry of National Economy found that the average income per household in the area is about \$160 per month while the average for the West Bank is \$405.

Ad-Dahriya is a town 30 kilometres south of Hebron City with a population of 30,640, and is seven kilometers north of the 1949 Armistice line. Until 2000, Ad Dahiriya, as the southernmost West Bank town, was the largest commercial centre in the district after Hebron. As well as being the hub of 26 villages and hamlets, it was the market centre for another 140,000 Arab Israeli Bedouins from the Negev in the south of Israel. Arab Israelis were attracted by the cheaper prices and traditional Arab products available. The Wednesday animal market was used by both Israeli Bedouin and West Bank herders and attracted merchants from all over the West Bank. Currently, Ad-Dahriya is surrounded by roadblocks and there are more than eight earth mounds closing road entrances in the immediate vicinity, preventing travel south and east. To the north, poor quality secondary routes are open to Hebron, the regional trade centre. Arab Israeli Bedouin are

no longer able to reach to Ad-Dhahriya. Villagers from north of the Ad Dahariya have turned to Hebron rather than negotiating the closures around Ad Dahariya to reach their traditional markets. The Ad-Dhahiriya Chamber of Commerce states that more than 140 of an estimated 650 small and medium businesses (22%) have closed completely since 2000. "

**See Also:**

[Two Years after London: Restarting Palestinian economic recovery Economic Monitoring Report to the Ad Hoc Liaison Committee](#), **World Bank (WB)**, 24 September 2007

[World Bank criticises Israel over Palestinian economy](#), **The Guardian**, 9 May 2007

[World Bank sees worst year for Palestinian economy](#), **Reuters**, 13 September 2006

[Movement restrictions limiting benefits of aid - World Bank](#), **Integrated Regional Information Networks (IRIN)**, 28 April 2008

### **Socio-economic impact of Closure/Blockade on Gaza Strip**

- The isolation of Gaza Strip has lasted for over six months leaving the local economy to 'possibly face irrevocable damage' and the population in Gaza more reliant on aid than every before. (OCHA, December 2007)
- Low stock levels, rising prices, increased joblessness and loss of incomes are having devastating consequences for the population and local economy and the livelihoods of the people of Gaza. (OCHA, December 2007)
- Local industry and agricultural sector have significantly been affected by current embargo. Infrastructure remains precarious with basic services such as hospitals, water and sewerage systems significantly affected by significant lack of electricity. (ICRC 2007)
- Extensive closure of crossing points, particularly Karni, has significantly increased food dependence. At current levels, more than 1 million, or almost three quarters of Gaza Strip population are dependent on food aid provided by WFP and UNRWA. (DPA January 2008)
- Gaza since disengagement has had restrictions imposed. In 2006, Israeli citing security concerns had closed the Karni crossing more than 50 per cent of the time. Karni is the only crossing equipped to handle effectively the quantities of food required in Gaza Strip. (IRIN September 2006)

### **UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 14 December 2007**

"Since June 2007, in response to the Hamas take over of the Gaza Strip and the on-going and indiscriminate firing of rockets into Israel, Israel has increased restrictions on access of goods and people to and from Gaza. These have severe consequences for the day-to-day life of the 1.48 million Gazans.

The isolation of the Gaza Strip has lasted six months, leaving the local economy to possibly face irrevocable damage and the population in Gaza more reliant on aid than ever before. If the closures are not eased, the UN predicts the need for food and direct assistance will sharply rise above and beyond the current level of 80 per cent of the population. Tight controls are imposed on all Palestinian access in and out of the Gaza Strip, including those with permission to seek essential medical treatment in Israel, East Jerusalem or overseas.

Severe shortages and restrictions on imports and exports are already beginning to distort markets in the Gaza Strip, putting anything other than the most basic goods and foods beyond the buying power of a large portion of the population. Low stock levels, rising prices, increased joblessness

and loss of incomes are having devastating consequences for the population and local economy and the livelihoods of the people of Gaza. "

**International Committee of the Red Cross (ICRC), 12 December 2007**

"Gazans are getting increasingly anxious as shelves in grocery shops begin to empty because of the closure. Prices have skyrocketed, and the little that comes in to Gaza is virtually unaffordable. The prices of many foodstuffs, such as chicken, have at least doubled in the past four months, as stocks dwindle without resupply. According to the World Food Programme, some 80,000 Gazans have lost their jobs since June 2007, increasing the already high rate of unemployment to the point where around 44% of the working population is jobless. Many local industries had to shut down and fire their personnel, as 95% of local production depends on imports of raw materials from Israel. Israel has restricted imports to what it deems "basic goods" – mostly staple food products – while other essential items needed to keep industry running or repair infrastructure cannot enter the Strip.

Gaza farmers remember how green and fertile their land was in the recent past. Rich harvests from their citrus and olive trees were exported to the West Bank and Israel. Today, a large part of their land has been levelled and their trees uprooted during the frequent military incursions. Some 5,000 farmers who rely on exporting tomatoes, strawberries and carnations to support their families are about to suffer a 100% drop in sales. The harvest season for these important crops started in June, but the embargo on exports has left them rotting in containers at the crossing points.

The infrastructure of the Gaza Strip is in a fragile state. Some eight months ago, a wastewater lagoon in northern Gaza containing hundreds of thousands of litres of raw sewage burst its embankments. Sewage flooded a Bedouin village, killing five people, injuring 16 others and destroying the homes of thousands. Since then, no substantial repairs could be carried out due to a lack of funding and Israel's restrictions on imports of spare parts.

Basic services such as hospitals, water and sewerage systems can only function if they are connected to the electrical grid. If the grid fails to provide the required power, all basic services will suffer. Since Israeli air strikes destroyed a large part of the Gaza Power Plant in June 2006, it has been working at roughly half of its original capacity. The electrical supply to the Gaza Strip is precarious, unreliable and dependent on external sources. In its current state, it cannot produce sufficient power to meet the needs of the population.

As a result, essential infrastructure such as hospitals, water systems and sewerage systems is having to use backup generators. Relying on generators is risky, and creates new dependencies on fuel and spare parts, quite apart from the higher running costs. Current import restrictions are preventing delivery of essential fuel and spare parts, which means that vital services are in danger of complete collapse."

**Deutsche Presse Agentur (DPA), 11 January 2008**

"The number of people requiring food aid has risen sharply in the Gaza Strip since the closure of the main Karni border crossing point in June, according to figures published Friday by the United Nations World Food Programme (WFP) in Geneva. A study carried out last month by the WFP showed the number of people it was helping had risen 20 per cent to 302,000 from 252,000. Combined with refugees receiving assistance through the UN agency UNRWA, it meant more than 1 million people, or almost three quarters of the population, were now dependant on food aid, WFP spokeswoman Christian Berthiaume said. The UN has repeatedly urged the Israelis to

reopen the Karni border post which they closed after Hamas seized power in Gaza. WFP said 70 per cent of the population was surviving on less than 250 dollars a month. Food prices have risen significantly with households now spending 60 per cent of their budgets on food, compared with 38 per cent before June. The WFP has increased its appeal for funds from 107 million dollars to 141 million. So far 45 million dollars had been donated, but without further offers soon, the agency would be forced to begin cutting back its operations from March. "

#### **Integrated Regional Information Networks (IRIN), 4 September 2006**

"A United Nations aid agency has warned that Israel's intermittent closure of crossings into Gaza is severely hampering its ability to bring in food. Every two months, the UN Relief and Works Agency (UNRWA) gives out food to Palestinian refugees living in the Gaza Strip, a Palestinian-administered area bordering Israel and Egypt. Its latest food delivery has been delayed by a lack of access. "Food distribution will not start until we can get our products into Gaza. The 830,000 refugees we feed will not have any food from us," said John Ging, UNRWA's Director of Operations in Gaza. UNRWA usually brings food supplies through the Karni Crossing, a cargo terminal on the eastern end of a barrier between Israel and the Gaza Strip. But Israel has closed the crossing, saying it discovered a tunnel that could be used to attack its border personnel. "We had to close the checkpoint because we have civilians working there and we don't want them killed by the Palestinians," said Shlomo Dror, spokesman for Israel's Government Coordination Office, which monitors the humanitarian situation in the West Bank and Gaza Strip. Dror told IRIN that Israel had offered to open other border crossings such as Sufa, which is farther south - but said the Palestinian authorities had refused. "We are dependent on this border opening up," said Ging. "We have no alternative. The local market cannot supply us with the quantities [of food] that we need...." "

#### **See Also:**

[Gaza faces major food problems, warns UN agency assisting over 200,000 people there](#), **UN News Service**, 15 September 2006

[New UN report highlights conflict over resources in West Bank](#), **Integrated Regional Information Networks (IRIN)**, 11 September 2007

[Failing the Palestinian State, Punishing its People: the Impact of the Economic Strangulation on Human Rights within the Occupied Palestinian Territory](#), **Fédération Internationale des Ligues des Droits de l'Homme (FIDH)**, 20 October 2006

[Prolonged Crisis in the OPT: Recent Socio-Economic Impacts on Refugees and Non-Refugees](#), **United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)**, 22 November 2006

## **Access to Health**

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### **Impact of Closures on Access to Health in Gaza and West Bank**



- The health status of Palestinian refugees is in transition from a developing to a developed stage. The health of women and children has improved dramatically over the course of the last five decades. Recent years there is increasing concern on risks to health. Post traumatic stress disorders and domestic violence remains a constant concern. (Badil, September 2007)
- Around 42% of households affected by the Wall in the occupied West Bank are separated from health services. Impeded access to medical care is particularly acute in the closed zones between the Wall and the Green Line, where 79% of families are separated from health centres and hospitals. (Badil, September 2007)
- Palestinians rely on hospitals in East Jerusalem for routine, emergency and highly specialist treatment. There are six hospitals in East Jerusalem. The need and difficulties in obtaining a permit, has led to a 50% drop in patient admissions in these hospitals. (OCHA, August 2007)
- The denial of passage or delays at checkpoints has significantly affected the access of civilians, particularly children, to medical care and services, causing serious threat to their physical health. (OCHA, August 2007)
- Since the beginning of the second Intifada, in September 2000, 68 pregnant Palestinian women gave birth at Israeli checkpoints, leading to 34 miscarriages and the deaths of four women, according to the Health Ministry's September report. (IRIN, September 2006)
- Israel's closure of Gaza Strip have severely impeded operation of clinics and hospitals in Gaza and restricted access to needed medical supplies and equipment (Oxfam, January 2008; IRIN, January 2008)

**BADIL Resource Center for Palestinian Residency and Refugee Rights, 12 September 2007**

"The health status of Palestinian refugees is in transition from a developing to a developed stage. The health of women and children has improved dramatically over the course of the last five decades. The best reported health outcomes are in the 1967-occupied Palestinian territory. During the first intifada in the OPT, more than 73,000 Palestinians were killed or injured, while the number of casualties and injured in the current intifada stands at 35,000. Food insecurity and vulnerability are about 40% and 12% respectively among refugees in the OPT. The refugee population living in camps has the least food security (45%), which also indicates that food insecurity is highest in the Gaza Strip. Food aid has become increasingly significant as a source of food as agricultural areas (Qalqilya, Tulkarem, and the Jordan Valley) are affected by closures and Israeli military and settler movement, as well as restrictions on access and trade. Around 42% of households affected by the Wall in the occupied West Bank are separated from health services (hospitals and medical centres). Impeded access to medical care is particularly acute in the closed zones between the Wall and the Green Line, where 79% of families are separated from health centres and hospitals.

Low birth weight is not a significant problem among refugees; birth weights are more typical of developed countries than developing countries. Standard vaccination programs are well implemented. Infant mortality rates are also low, despite a stagnation of the infant mortality rate in the OPT. Childhood malnutrition has not been a significant problem, although increasing levels of child malnutrition in the OPT give grounds for concern: 10% of these children are malnourished, with children in the occupied Gaza Strip particularly affected. There are also signs of a resurgence of anaemia, affecting 55% and 34% of children under the age of three in the occupied Gaza Strip and West Bank, as well as micronutrient deficiencies, with 22% of children under the age of five suffering from Vitamin A deficiency..

Palestinian women in refugee camps in the OPT report high levels of spousal abuse, including psychological abuse (52%), sexual abuse (10%), and physical abuse on at least one occasion (24%). In 2006, physical disabilities and psychological problems among children in the OPT

...increased as a result of .... the occupation of the OPT. In the OPT, nearly all (97%) Palestinian students reported experiencing (73%) or witnessing (23%) varying levels of violence. Instances of bedwetting, psychosomatic and sleeping disorders, and behavioural changes including aggression, anti-social behaviour, nervousness and anxiety have been reported in the OPT. Most young Palestinians reported severe (32%) or moderate (58%) symptoms of hopelessness. Over 50% of students in UNRWA schools were subjected to beatings by schoolmates or teachers during the year preceding this report. Refugees in UNRWA schools may be at a greater risk of violence than students in other schools. Testimony from children recounting abuses at the hand of teachers include incidents such as putting a shoe inside a student's mouth, beatings, and pulling ears. Verbal abuse of students by teachers is also common."

**UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 30 August 2007**

"Palestinians rely on hospitals in East Jerusalem for routine, emergency and highly specialist treatment. There are six hospitals in East Jerusalem: August Victoria, Al Makassed, St. John Ophthalmic, St. Joseph's, Red Crescent Maternity and Princess Bassma hospitals, these offer specialist tertiary healthcare for the entire West Bank population. On average, 3,000 patients are referred by the Palestinian Ministry of Health (MoH) to East Jerusalem hospitals annually. West Bank ID card holders must have a letter of referral from a Palestinian hospital and coordination documents from the receiving hospital in East Jerusalem before they can apply to the Israeli authorities for a permit. This is a complicated and time-consuming process which can take many weeks to complete. The need to get a permit to reach a hospital, the difficulties in travelling to East Jerusalem because of the Barrier and checkpoints, in addition to the general unpredictability of access for patients, has led to a 50% drop in patient admissions in these hospitals. The number of out-patients also fell by more than half between 2002 and 2003, and continues to drop. Medical staff from the West Bank also faces difficulties getting to work. There are 1,168 employees working in the six non-governmental hospitals in East Jerusalem and approximately 70% are West Bank residents requiring permits. Permits generally need to be renewed every three months and are valid only until 7 pm. Few permits are given to people under 25 years old. Even those with permits face long lines at the four Jerusalem checkpoints open to them which can cause delays in patient care, including surgery schedules."

**Oxfam, 25 January 2008**

"The seven-month ongoing Israeli blockade is taking an ever-more severe toll on the health system in the Gaza Strip, says aid agency Oxfam International. The one-off relaxation of the blockade this week to allow the delivery of fuel and some other humanitarian supplies, cannot meet the needs of 1.5 million Gazan population, especially the sick, injured and vulnerable. Israeli fuel and electricity deliveries to Gaza had been reduced over the last couple of months. Even before the complete shutdown last weekend, clinics and hospitals in Gaza already largely relied on emergency generators due to frequent interruptions of electricity supply.

Unstable electricity supply and lack of fuel for emergency generators disrupt the functioning of equipment for acute care services like incubators for newborns, heart monitors in intensive care, dialysis machines for kidney patients as well as for lights and crucial equipment and machinery used in surgery. Other critical services, like machinery in prenatal care and the simple necessity of heating in wards have been also been put at risk. Last weekend, when Israel completely halted its fuel supply most hospitals were forced to close down their operating rooms and clinics and primary health care centres reduce their service delivery to an absolute minimum.

.... There is also a long list of essential medical equipment and spare parts that have not been allowed into the Gaza Strip since June 2007. .... Israel's escalating military attacks on Gaza

have naturally put additional pressure on emergency rooms and ordinary medical service delivery. Facing dismal conditions and lacking essential supplies, more casualties in need of treatment strip hospitals of their capacity to cope. The lack of car fuel since last weekend has made it impossible for ambulances to operate and for medical personnel to reach their work."

### **Integrated Regional Information Networks (IRIN), 28 September 2006**

"A report by the Palestinian Ministry of Health says that pregnant Palestinian women are often prevented by Israeli forces from reaching hospitals to receive appropriate medical attention, causing many miscarriages and the deaths of some women. Since the beginning of the second Intifada, a Palestinian uprising against Israeli military occupation, in September 2000, 68 pregnant Palestinian women gave birth at Israeli checkpoints, leading to 34 miscarriages and the deaths of four women, according to the Health Ministry's September report... According to the Health Ministry's report, there are currently 117,600 pregnant women in the Palestinian territories. This includes 17,640 women who are suffering difficult pregnancies due to a lack of prenatal and postnatal care. "Inadequate medical care during pregnancy is the third leading cause of death among Palestinian women of childbearing age," said Abu Shaaban."

### **See Also:**

[Child Rights Fact Sheet: Occupied Palestinian Territory](#), **Save the Children**, 3 October 2007  
[The Humanitarian Monitor: December 2007](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, 22 January 2008  
[ICRC deeply concerned about the interruption of health services for the Palestinian population](#), **International Committee of the Red Cross (ICRC)**, 15 November 2006  
[OPT: West Bank patients grow increasingly desperate for medical treatment](#), **Integrated Regional Information Networks (IRIN)**, 18 October 2006  
[Medical supplies in Gaza running low](#), **Integrated Regional Information Networks (IRIN)**, 28 January 2008  
[Gaza doctors say patients suffering mystery injuries after Israeli attacks](#), **The Guardian**, 17 October 2006  
[One in three sick babies dying in Gaza - UNICEF](#), **Reuters**, 13 June 2006  
[Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people](#), **United Nations General Assembly (UN GA)**, 3 May 2006

## **Access to Land**

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### **Restrictions and Limited Access to Land in West Bank & Gaza**

- Israeli control over land through closed military areas/fire zones, nature reserves, settlement construction, and outposts has significantly limited the land available for Palestinian farming and herding communities. This is particularly evident in the Jordan Valley. (OCHA, January 2008)
- Five Palestinian communities are located within Israeli declared closed military areas in Jordan Valley. Palestinian farmers caught grazing their livestock on the lands traditionally used by these villages face the risk of their animals being seized, identification cards temporarily confiscated, fines and arrest. (OCHA, January 2008)

- Bedouins particularly Jahaleen have also faced restrictions in terms of access to land, and been subject to multiple displacement. Traditional Bedouin rights are not recognized by Israel. The Bedouin community of 3,000 remain at risk of displacement. (ICAH, October 2007; OCHA, March 2007)
- When the Barrier is completed, over ten percent (10.2%) of West Bank land will be isolated in the area between the Barrier and the Green Line. This includes some of the most fertile land and water reserves in the West Bank. (OCHA, January 2008)
- By mid-2006, only 40% of farming families with land in 'closed areas' could reach their family holdings. For the minority who are granted permits, access is restricted to a specific gate. Gates open and shut irregularly limiting access. (OCHA, January 2008; ICRC, December 2007)
- Since unilateral disengagement in 2005, Israel has established a buffer zone along the fence that surrounds Gaza, extending into the Strip's territory by 500m to 1km. Agricultural land is being lost through extension of this buffer zone, .... Frequent Israeli incursions have also levelled significant amounts of agricultural land and uprooted trees. (ICRC, December 2007)
- Effect of closures has significantly affected agricultural production. 5,000 farmers who rely on exporting tomatoes, strawberries and carnations suffer a 100% drop in sales. The harvest season for these important crops started in June, but the embargo on exports has left them rotting in containers at the crossing points. (ICRC, December 2007)

**UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 22 January 2008**

"Rural communities depend on access to land, markets and commercial centres. They also rely on farm labourers. In May 2007, 40.4% of people in the West Bank (excluding East Jerusalem) reported difficulties getting to work in the previous six months. They cited the primary reasons as physical obstacles, such as checkpoints and road blocks (77.9%) and the inability to obtain permits from Israeli authorities (71.2%). Reaching markets has become an expensive and time-consuming problem for farmers and businesses. Since 2000, transport costs have nearly doubled mostly because of delays faced at checkpoints and the more circuitous routes that trucks are being forced to take to avoid roads primarily reserved for Israeli use (see graph below). Between 1967 and 1992, more than 1,300 military orders were issued to regulate Palestinian life in the West Bank.<sup>2</sup> Approximately one-third relate to economic issues including agriculture, land ownership, infrastructure development, water resources, tariffs and taxation and business licensing. Many of these regulations imposed additional costs, putting Palestinians at a comparative disadvantage to Israeli producers who often enjoy freer access to Palestinian markets.....

Since the start of the Israeli occupation of the West Bank in 1967, the Jordan Valley has been perceived as having a strategic importance to Israel's security. The first settlements in the West Bank were established in the Jordan Valley as early as 1968. Seventeen settlements were established by 1977 and by 2005 the number stood at 32. By 2004, the settler population had risen to 7,380. Although the population is quite small, most settlers in the Jordan Valley are farmers who cultivate large land areas. For Palestinians, the Jordan Valley is an integral part of the West Bank. An estimated 53,000 Palestinians live in the Jordan Valley (including the population of Jericho) with an economy based primarily on agriculture. As detailed in Chapter 1, much of the Jordan Valley has been declared closed military areas/fire zones and/or nature reserves by the Gol. This has significantly limited the land available for Palestinian farming and herding communities who are squeezed by Israeli settler infrastructure on the one hand and areas that are off-limits to them on the other. Five Palestinian communities (Al Farisiya, Al Malih, Khirbet as Ras al Ahmar, Khirbet Humsa and Al Hadidiya) are located within Israeli declared closed military areas. Palestinian farmers caught grazing their livestock on the lands traditionally used by these villages now face the risk of their animals being seized, their identification cards

temporarily confiscated, fines and even arrest. Palestinian access to the Jordan Valley had deteriorated sharply over the last two years with increased restrictions imposed by Israeli authorities. Access has improved since April 2007 although checkpoints and roads reserved primarily for Israeli use continue to restrict Palestinian movement....

....When the Barrier is completed, over ten percent (10.2%) of West Bank land will be isolated in the area between the Barrier and the Green Line. This includes some of the most fertile land and water reserves in the West Bank. In October 2003, the area between the Barrier and the Green Line in the northern West Bank was declared closed by military order. All Palestinians living in this area are required to obtain 'permanent resident' permits from the Israeli authorities. Non-resident Palestinians who need to enter the area, in particular farmers, must apply for a visitor permit to access their farmlands and water resources through designated gates. Eligibility requirements for Palestinians needing visitor permits have become increasingly stringent. Consequently, fewer Palestinians are obtaining such permits. Those who are unable to prove direct ownership of the land - for example, relatives to landowners such as nephews, uncles, cousins and grandchildren, landless labourers, sharecroppers and leaseholders - find that their access to the closed areas is now virtually impossible.

By mid-2006, only 40% of farming families with land in closed areas could reach their family holdings. For the minority who are granted permits, access is restricted to a specific gate. Gates open and shut irregularly, and can be totally shut without warning. Only 26 gates in the northern West Bank are open to Palestinians on a regular basis, typically for short periods in the early morning, noon and late afternoon, and 'visitors' are prohibited from staying on their land overnight. Many gates are 'seasonal', open only for a limited period during the olive harvest. This regime prevents the ploughing, pruning, spraying and weeding required throughout the year that is necessary for optimum yields. Tractors and other agricultural equipment and materials may not be allowed through, and an individual's land may be located a long distance from the gate over difficult terrain. Restrictive gate openings and permit allocations are already having a negative impact on agricultural practices and on rural livelihoods. Many farmers cultivate their land infrequently or not at all, or have changed to lower maintenance and lower yield crops. The longer term consequences for these communities is uncertain, as they lose contact with the land on which they depend both for their present livelihood and for their future survival."

#### **Israeli Committee Against House Demolitions, October 2007**

"Over the past few months, Jahalin Bedouin have remained under sustained pressure by the Israeli military to relocate outside the planned route of the Wall and the area set for the construction of the new E1 colony (settlement). Their forced relocation to land belonging to other Palestinian villages would cause tension with local communities, constitute forced displacement and would be detrimental to their semi-nomadic way of life. As available land shrinks, Bedouin refugees are faced with nowhere to go.

.... The Jahalin Bedouin are 1948 refugees originating from the area of Beersheba in the Naqab (Negev). The Jahalin Bedouin initially found shelter in the Hebron Governorate. In the 1960s they moved into the hilly Judean desert between Jerusalem and Jericho, next to Road No. 1. While all Jahalin Bedouin are 1948 refugees, only 80 to 85 percent are registered with UNRWA. Bedouin live a semi-nomadic lifestyle and - based on custom and tradition - use land they perceive as 'empty', i.e. not privately owned or used for crops. The Jewish colony of Ma'ale Adumim was built in 1976.<sup>1</sup> In 1996 and 1998, Jahalin Bedouin families were forced to relocate on so-called security grounds from the vicinity of Ma'ale Adumim to the Palestinian communities of Abu Dis and Al-Azariya. Remaining Bedouin families who were not issued an expulsion order stayed in the area around Ma'ale Adumim. However, as the colony expanded, and especially since the beginning of the construction of the Wall, they too face displacement. The Wall will include Ma'ale

Adumim and the E1 Block2 in Israeli-annexed Jerusalem, thus once more redrawing the boundaries of Israel's Jerusalem municipality. Approximately 3,000 Bedouin in the Ma'ale Adumim area are at risk of being forcibly displaced in this context."

**International Committee of the Red Cross (ICRC)**, 12 December 2007

"The humanitarian situation in the West Bank is also deteriorating day by day. Palestinians stand by powerlessly as their land is confiscated. Over the years, Israeli settlements and roads have expanded, taking over more and more of the land that the same families have cultivated for generations.....Since the construction of the West Bank Barrier, which lies deep inside Palestinian territory, large tracts of farming land have been out of reach for farmers, as the Barrier cuts off many villages from their lands. During the summer, farmers helplessly watched as wild fires destroyed olive trees isolated behind the Barrier. They were barred from the area because the gate was not scheduled to open or they lacked the appropriate permit. Some of the trees had taken over fifty years to grow – two generations of labour and care lost in one night....To get the permits needed to access his own land, a farmer has to fight his way through a bureaucratic maze, where he will be asked to provide an array of documents proving land ownership and residency. Most farmers spend hours at the offices of the Israeli Civil Administration applying for these permits. Many applications are eventually rejected on security grounds, which may include a relative once having been in an Israeli prison.....

Since its unilateral disengagement in 2005, Israel has gradually established a buffer zone along the fence that surrounds Gaza, extending into the Strip's already cramped and overpopulated territory, with heavy consequences for the population. More and more agricultural land is being lost through the ill-defined extension of this buffer zone, and this is endangering anyone who gets too close. Indeed, Gazans are often killed, wounded or arrested when they approach the fence.... Gaza farmers remember how green and fertile their land was in the recent past. Rich harvests from their citrus and olive trees were exported to the West Bank and Israel. Today, a large part of their land has been levelled and their trees uprooted during the frequent military incursions. Some 5,000 farmers who rely on exporting tomatoes, strawberries and carnations to support their families are about to suffer a 100% drop in sales. The harvest season for these important crops started in June, but the embargo on exports has left them rotting in containers at the crossing points."

**Ha'aretz**, 11 October 2006

"Harassment and attacks by settlers, who tried to terrify the villagers, existed even before 2000, but they grew more prevalent after the second intifada began. The army and the police turned out to be either absent, helpless or apathetic. The military commanders found an easy way out: They closed vast areas of farmland to their owners, the Palestinians, as a means of "protecting them" against the settlers. But in July 2006, the court handed down a ruling that obliged the security forces to protect Palestinians' property rights and their right to cultivate their land....

The Israeli occupation establishment constantly imposes various forms of harassment on Palestinians engaged in agriculture, one of the foundations of the Palestinians' existence: the separation fence, which imprisons the lands of 42 villages behind it; the settlers' constantly expanding security fences; the expropriation of lands for the construction of bypass roads and security roads; the destruction of wells; the closure of various areas (including the entire Jordan Valley) for military purposes; the closing of roads to Palestinian vehicles; the checkpoints every few kilometers; the diversion of trucks carrying produce to long and badly paved roads; the waiting in line for hours and days at Israeli crossings; the closing of the Gaza crossing for months, thereby making it impossible for Gazans to market agricultural produce; the discouraging

bureaucracy required at Civil Administration bases to obtain a pass to reach one's own lands - or to not obtain it at all.

All these forms of assault by the establishment, which appear to be more and more deliberate, explain why more and more Palestinian agricultural lands appear as if they have been abandoned, with unplowed soil and trees with rotten fruit. They also explain why more Israeli than Palestinian produce can be seen in Palestinian marketplaces, and why so very many farmers need food parcels."

**See Also:**

[Gaza Humanitarian Fact Sheet](#), UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 28 November 2007

[The Humanitarian Monitor Number 11](#), UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 18 May 2007

[The Humanitarian Monitor Number 10](#), UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 23 March 2007

[Humanitarian Update \(April 2005\)](#), UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 30 April 2005

## **Access to Water**

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### **Water Scarcity & Sanitation Concerns in West Bank & Gaza**

- Water scarcity is a major concern where access, and control over water resources is constrained. Israeli per capita water consumption is more than five times higher than that of West Bank Palestinians. (OCHA, January 2008)
- A 1993 report by Peace Now found that, per capita, irrigated areas of settlers were 13 times larger than the area accorded to Palestinians. Mekorot, the Israeli Water Company, which sells water to Palestinian towns and public bodies, supplies an estimated 54% of all water to Palestinians in the West Bank.. (OCHA, January 2008)
- B'Tselem reports that many Palestinians have indeed discontinued or reduced their involvement in agriculture, due in part to the policies introduced by Israel with regards to water. (B'Tselem, July 2000)
- In Gaza Strip basic services such as water and sewage systems are significantly undermined by import restrictions and limited capacity. Current restrictions entail that vital services are in danger of complete collapse. ( ICRC, December 2007 )
- In early 2007, raw sewage lagoon burst its embankments, and flooded a Bedouin village in Gaza, killing five people, destroying the homes of thousands, and caused displacement of 2,000. (ICRC, December 2007 )

**UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, 22 January 2008

"Water scarcity is a major concern in the West Bank where access to, and control over, water resources is a constant struggle. Under international law, a significant part of the water sources that Israel uses to meet its needs, including that of the settlements, should be shared equitably and reasonably by both Israelis and Palestinians. Israeli per capita water consumption is more than five times higher than that of West Bank Palestinians (350 litres per person per day in Israel

compared to 60 litres per person per day in the West Bank, excluding East Jerusalem). West Bank Palestinian water consumption is 40 litres less than the minimum global standards set by the World Health Organization (WHO). Under the Oslo Agreement, nearly six times more aquifer water was allocated for Israeli use. For example, of the 362 million cubic metres of water pumped from the Western Aquifer, that lies beneath Israel and the West Bank, 22 mcm is for Palestinian use while 340 mcm is for Israeli use.

Israel's agricultural settlements in the West Bank, in particular the Jordan Valley, are large consumers of water. A 1993 report by Peace Now found that, per capita, irrigated areas of settlers were 13 times larger than the area accorded to Palestinians. Mekorot, the Israeli Water Company, which sells water to Palestinian towns and public bodies, supplies an estimated 54% of all water to Palestinians in the West Bank. However, during times of shortage, such as in the summer months, the company prioritises settlements over Palestinian communities, often leaving Palestinian communities with a shortfall. In summer months, in particular, residents of a number of cities in the West Bank, such as Hebron, Bethlehem and Jenin, face water restrictions. Many Palestinian villages who find themselves short of water resort to buying supplies from water tankers at considerable expense. According to a 2005 report by the Palestinian Hydrology Group (PHG) an estimated 30% of surveyed communities in the West Bank (190 communities) were not connected to a water network and relied primarily on tankered water and rainwater collected in household cisterns."

#### **International Committee of the Red Cross (ICRC), 12 December 2007**

"The infrastructure of the Gaza Strip is in a fragile state. Some eight months ago, a wastewater lagoon in northern Gaza containing hundreds of thousands of litres of raw sewage burst its embankments. Sewage flooded a Bedouin village, killing five people, injuring 16 others and destroying the homes of thousands. Since then, no substantial repairs could be carried out due to a lack of funding and Israel's restrictions on imports of spare parts. Basic services such as hospitals, water and sewerage systems can only function if they are connected to the electrical grid. If the grid fails to provide the required power, all basic services will suffer. Since Israeli air strikes destroyed a large part of the Gaza Power Plant in June 2006, it has been working at roughly half of its original capacity. The electrical supply to the Gaza Strip is precarious, unreliable and dependent on external sources. In its current state, it cannot produce sufficient power to meet the needs of the population. As a result, essential infrastructure such as hospitals, water systems and sewerage systems is having to use backup generators. Relying on generators is risky, and creates new dependencies on fuel and spare parts, quite apart from the higher running costs. Current import restrictions are preventing delivery of essential fuel and spare parts, which means that vital services are in danger of complete collapse."

See Also:

[Monitoring Project - Impact of the Current Crisis in the West Bank and Gaza Strip Survey Report #36, Water and Sanitation Hygiene Monitoring Project \(WaSH MP\)](#), 31 October 2006

[Freshwater shortage leads to health problems in Gaza Strip, Integrated Regional Information Networks \(IRIN\)](#), 2 October 2006

B'Tselem, *Thirsty for a Solution - Resolving the Water Crisis in the West Bank in the Occupied Territories and its Resolution in the Final-Status Agreement* (Position Paper, July 2000)



# ACCESS TO EDUCATION

## General Access to Education

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### General: Access to Education

- In the 1967-occupied Palestinian territory, refugee children lost between 35% and 50% of class time during the first intifada. The second intifada has negatively affected access to education and the quality of education provided in the OPT. (Badil, September 2007)
- As many as 6,000 students and more than 650 teachers (of a total of 33,000 students and 2,000 teachers) in East Jerusalem face difficulties reaching their schools because of the Wall. (Save the Children, February 2007)
- Over three per cent of students in the localities affected by the Wall left school as a direct result of the Wall and its associated regime, while 26% of those who left school did so because of the worsening economic situation. (Badil, September 2007)
- UNRWA attributed lower academic scores and attendance in 2006-2007 to violence, overcrowding and poverty. From late 2006 through early 2007, 450 children (aged 12 -17) in the West Bank and Gaza identified increased violence in school and domestic violence as priority issues for child protection.
- In Gaza, schools suffer from lack of basic resources and materials, and reconstruction efforts have been halted due to import restrictions. (UNICEF, February 2008)

### **BADIL Resource Center for Palestinian Residency and Refugee Rights**, 12 September 2007

"Education is highly valued in the face of the protracted nature of the Palestinian refugee crisis. It is seen both as offering an opportunity for a better life and as a means of reaffirming identity. A study commissioned by UNRWA on adolescents' knowledge of and attitudes towards family, reproductive health issues and lifestyle practices, showed that 76% of the respondents aspired to higher education. Most refugees benefit from the elementary and preparatory education provided by UNRWA schools. Few study in private schools.

Education-related problems... In the 1967-occupied Palestinian territory, refugee children lost between 35% and 50% of class time during the first intifada. The second intifada has negatively affected access to education and the quality of education provided in the OPT. Israeli military and Jewish settler activity in the OPT has had a negative effect on the capacity of students to concentrate, participate in class, and meet amongst themselves for study purposes. During 2006, a decline was observed in test scores in schools and school attendance in the OPT.

Enrolment rates among refugee children are high, but tend to drop off at the preparatory level owing to poverty, lack of motivation, and (among young women) marriage and social constraints. Nearly all refugee children are enrolled at the elementary stage. .... In all fields and at nearly all ages, more women than men are enrolled.

**Table 2.11: Enrolment Levels (%) in West Bank & Gaza Strip**

| Age Group | West Bank & Gaza Strip |
|-----------|------------------------|
|           | M/F                    |

|       |       |
|-------|-------|
| 7-9   | 98/98 |
| 10-14 | 79/83 |
| 15-18 | 48/55 |
| 19-24 | 14/17 |

....In the OPT, however, over three per cent of students in the localities affected by the Wall left school as a direct result of the Wall and its associated regime, while 26% of those who left school did so because of the worsening economic situation.... In the 1967-occupied Palestinian territory, non-refugee Palestinians have a slightly lower enrolment rate than camp and non-camp refugees.... In the OPT, the enrolment rate for persons 6-24 years amounted to 80.6% of the total number of refugees (78.7% for males and 82.6% for females). .... Persons are defined as literate if they can read or write. In the OPT, female non-literacy is nearly three times that of males.... [In OPT] literacy is higher among camp refugees. In the former Palestinian territory, 93.6% of the refugees are literate (96.7% for males and 90.4% for females). There is little difference between refugee and non-refugee Palestinians in the 1967-occupied Palestinian territory. Among persons classified as special hard ship cases, 16.6% are illiterate, with the highest rates being in the West Bank (25%) .... and the lowest in the Gaza Strip (12%). "

**Save the Children**, 3 October 2007

"For the 2007-2008 school year, 1.1 million students were enrolled in schools, half of them females. 70% of those students attend PA-run schools, 23% attend UNRWA schools and 7% go to private schools. As many as 6,000 students and more than 650 teachers (of a total of 33,000 students and 2,000 teachers) in east Jerusalem face difficulties reaching their schools because of the Wall. More than two-thirds of Gaza's UNRWA school students in grades 4 through 9 failed math, and more than one-third did poorly in Arabic. UNRWA attributed this to violence, overcrowding and poverty. From late 2006 through early 2007, 450 children (aged 12 -17) in the West Bank and Gaza identified increased violence in school and domestic violence as priority issues for child protection."

**See Also:**

[Schools re-open to darker, colder classrooms](#), **United Nations Children's Fund (UNICEF)**, February 2008

[Children and armed conflict](#), **United Nations Secretary General (UN SG)**, 21 January 2008

[A letter from the Presidents of Palestinian Universities About Israeli Policy in Palestine, Particularly Education](#), **Al-Jazeera**, 17 October 2006

# ISSUES OF SELF-RELIANCE AND PUBLIC PARTICIPATION

## General Coping Strategies

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### General: Coping Strategies & Prevention

- Palestinian communities at risk of displacement have resort in many instances to legal channels to contest demolition orders. This is primarily the case in Area C which is under Israeli civil and military control. For areas under Palestinian control including Areas A and B, and Gaza, avenues for prevention remain limited, and recourse is primarily towards the Palestinian authorities.
- There is a general lack of assistance strategies for persons whose homes have been demolished. In many respects, Palestinians victims of house demolitions or evictions, reside in makeshift shelters in proximity to the demolished housing structure, or within host community, or rent accommodation.
- The extent and duration of the displacement, or integration takes place elsewhere is not on average known. Though the sources of displacement are quiet evident, there is in general lack of clear information on follow up of those displaced. It is alleged the majority of instances displaced have remained in close proximity to housing or land.
- Civilians which protest against demolitions as these take place are subject to fine, harrassment and arrest. (ICAHD, October 2007) There have been incidents of Palestinians killed preventing house demolitions. In Gaza, in extremis there were noted examples of communities shielding property from imminent destruction as a measure of last resort at great risk.
- Communities at risk of displacement have in several instances mobilised to protest against Israeli actions. This includes advocacy to international community as well as establishment of projects funded by international and national donors. (Al Majdal, Autumn 2007)

### Israeli Committee Against House Demolitions, March 2007

"Needless to say, families whose homes have been destroyed are abandoned to their fate. No use looking for social workers coming to the aid of families in distress, as one finds in West Jerusalem for people in far less dire straits. The families must move in with relatives or put up tents (one family in Jabel Mukaber is living in a bus) or pay out more money to rent an apartment...."

The emotional suffering involved in destruction of a family's home is unquantifiable. A home is far more than a mere physical structure. It is a symbolic centre; the site where the most intimate personal living takes place. It is a place of refuge, the family's physical representation, and its "home." It is the consistent physical presence in life, and location of familiar objects. For Palestinians, a house has added significance. Sons getting married build their homes near the parental home, thus preserving not only physical proximity but also continuity in the holding of ancestral lands. This latter aspect is of special importance in an agrarian society, and even more important to refugees torn from their homes in 1948 or 1967. Demolition of homes, similar to their expropriation, is one more aspect of the assault on a person's very being and identity."

### Israeli Committee Against House Demolitions, October 2007

"... Jahalin Bedouin are seeking ways to improve their general living conditions. A number of communities living in the area, and in particular near Kedar, have appealed to local and international organizations to support projects that will contribute to improving their conditions. They have identified the most pressing needs of their communities: water, electricity (generator), and education for their children. Projects should help the Bedouin to build sustainable livelihoods."

**Al Majdal**, October 2007

"Yanoun is located next to Nablus, and is surrounded by the settlement of Iteamar. As a result of repeated attacks, all the residents of Yanoun were forced to leave in 2002. They all came back after a permanent international presence had been established. Since then, the villagers have stood together against the continuous threat of the settlers. ....Al Aqaba, and its charismatic mayor, Sami Sadek, stands as another outstanding example of resistance against displacement. Located next to the Jordan valley, close to Tubas, the village lies in a very strategic location. Over the years, the pressure from the Israeli army has increased. ... Most houses and structures, including the mosque, the kindergarten, and the health clinic received demolition orders. Over the years, many families left the village. But Sami ... convinced some families to come back, managed to get funding from various organizations and governments to help build infrastructure, submitted petitions to the court, and mobilized a network of support from all over the world. With all his effort, Al Aqaba is far from dying, on the contrary it appears stronger every year and his villagers are more determined than ever that nobody would push them away from these beautiful landscapes. I went there for the first time four years ago. Since that time, I have seen the development of a new paved road, clinic, kindergarten, and new greenhouses, as well as a mosque whose minaret is one of the highest in the West Bank and can be seen from far as a symbol of determination."

**Integrated Regional Information Networks (IRIN)**, 22 November 2006

"Jaber Oshaah of the Palestinian Centre for Human Rights in Gaza told IRIN that he agreed with HRW's statement but could understand why this strategy was being used. Using people as human shields is not good and we denounce it. It is not good for the people of any side and they should not be used in that way, no matter what pressure they are under, Oshaah said. But the Gazans are also doing this to protect their own homes because when Israel fires at a house here they often damage or destroy others nearby added Oshaah. So the people are standing together to support each other because they do not believe the rest of the world will do anything for them. But it is a negative way of doing it. Israel frequently launches air and artillery strikes on the houses of militants, sometimes telephoning the house minutes beforehand to warn those inside to get out. According to the Israeli human rights organisation B'tselem, between July and 15 November this year, the IDF destroyed 251 homes in Gaza, leaving 1,577 people homeless. "

**See Also :**

[Village's battle against Israel's fence](#), **International Herald Tribune**, 16 May 2008

# DOCUMENTATION NEEDS AND CITIZENSHIP

## General Documentation Needs and Subsistence

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### General: Identification Regime in OPT

- Documentation and Citizenship remains linked to the ongoing peace process. Nevertheless under the Occupation policy various forms of identification can be underlined. These affect internally displaced as well as the general Palestinian community.
- Palestinian Israeli citizens account for 20% of Israeli society, and have full citizenship rights as Jewish Israeli citizens. Most Palestinian Israelis reside in Israel and very few in Jerusalem. Palestinian Israeli citizens, as well as Israeli citizens, are prohibited from entering Gaza, and Areas A and B.
- Palestinian residents of Jordanian administered East Jerusalem had Jordanian citizenship until 1967. Following census undertaken shortly thereafter, those identified within Jerusalem received permanent Israeli residency without rights conferred as citizens. They do receive social benefits as full Israeli citizens. Palestinian Israeli card holders are prohibited from entering Gaza, and Areas A and B.
- Palestinians who live in the OPT areas not annexed to Israel have not received Israeli residency status and remain subject to the Israeli government under the administration of the Palestinian Authority.
- Palestinians in OPT areas have limited freedom of movement and residency within the OPT. Extensive permit regime defines access and freedom of movement within the OPT.

### Alternative Information Center, February 2007

"1. Jewish Israeli: The most privileged (though far from most homogenous) group in Israeli society are the Israeli Jews, who enjoy the highest level of civil rights and who hold most of the political and economic power in Israeli society, specifically in Jerusalem.

2. Palestinian Citizens of Israel: About 20% of all Israeli citizens are Palestinians. Palestinian citizens of Israel are officially full citizens and share the same rights as Jewish citizens. In reality however, they are discriminated against in politics and in the allocation of national resources. As a result Palestinian citizens of Israel suffer from higher poverty rates when compared to their ratio of the population, and are at the same time underrepresented in official positions (Khaider, 2005). In Jerusalem there are comparatively few Palestinians with Israeli citizenship as most 'Palestinian Israelis' are resident in the areas that became the state of Israel in 1948.

3. Jerusalem Residents: Palestinian residents of Jordanian administered East Jerusalem had Jordanian citizenship until 1967. After the occupation and annexation of the area they received permanent Israeli residency which, crucially, is not full citizenship. These Palestinians are not allowed to vote or be elected to the Israeli parliament and their children do not become citizens of Israel. As a result they do not hold the citizenship of any country. However, they do receive social benefits like full Israeli citizens (though these benefits are often of a lower quality).

4. Green ID and Orange ID card: Palestinians who live in the OPT areas not annexed to Israel have not received Israeli residency status and remain until this day subjects of the Israeli government under the administration of the Palestinian Authority. These Palestinians have no

rights in Israel, though they often seek employment in Israeli cities and settlements. Many of the residents of outlying communities around Jerusalem carry green IDs or Orange IDs, indicating that they are not citizens of Israel."

| <b>Levels of Status of Palestinians in Jerusalem</b>  |   |   |   |
|---|---|---|---|
| This table shows the basic status of the residents of the Jerusalem area in their different categories. These clear distinctions have evolved since the occupation began in 1967. The second table summarizes the effects of the new wall on the status of Palestinian inhabitants. |   |   |   |
| <b>Status</b>   | <b>Israeli Citizens</b>   | <b>Permanent Residents</b>  | <b>OPT Palestinians</b>   |
| <b>Social Group</b>   | All Jews and Palestinians residing within the 1967 borders. Only a few thousand Palestinian citizens of Israel live beyond the 1967 borders.  | Palestinians residing in the areas around Jerusalem that were annexed by Israel in 1967. Today they comprise more than 90% of all Palestinian residents of Jerusalem, and about a third of all Jerusalem residents.   | Palestinians living in the OPT areas which were not annexed by Israel. These include the outskirts of Jerusalem. Areas which border Bethlehem, Ramallah and areas on the way to Jericho.  |
| <b>Rights</b>   | Formally, all Israeli Citizens are supposed to have full social and political rights. In practice, Palestinian citizens ("48 Palestinians") are subjected to systemic discrimination, under-development and political oppression. | Unable to elect and be elected to the Israeli parliament but have the right to vote for the Municipality. Formally, have full social rights which, in practice, are mostly embodied in social security benefits and public health insurance. Jerusalem Palestinians are subjected to deep systemic discrimination and political oppression of their Palestinian identity. | OPT Palestinians lived under "civil administration" of the military government. After the formation of the PA, the Jerusalem outskirts became a complex mosaic of regions C,B, and A, separated by numerous road blocks. Freedom of movement is still determined by the permanent regime of the civil administration.   |
| <b>Process</b>  | The city of Jerusalem has expanded rapidly with numerous Jewish suburban neighborhoods (built on occupied land) encircling the Palestinian annexed areas. There are 200,000 Jewish settlers in East Jerusalem (Hoshen, 2004).     | A fierce "demographic policy" aims at "judifying" the city, especially by encouraging the building of new Jewish settlements and by bureaucratic practices and policies whose goal is to reduce the number of Palestinian residents of the city and its surroundings (see below on family unification).   | The annexation, Political oppression, curfews, the permits policy and the road blocks on the main ways to the Palestinian cities—have already created a disparity between the Palestinian residents of Jerusalem and their compatriots in the city's outskirts and beyond. The difficulty individuals' encounter in trying to meet each other places their ability to maintain family, business and other relations, in jeopardy. |

**Forced Migration Review (FMR), 4 September 2006**

"Jerusalem permanent residency status differs significantly from citizenship. Permanent residents of Israel are entitled to live and work in Israel without special permits, to receive social benefits from the National Insurance Institute and to vote in local elections. Permanent residency is not

automatically granted to the holders' children or spouses, however, and permanent residents, unlike Israeli citizens, do not enjoy the right to return to Israel at any time. "

# ISSUES OF FAMILY UNITY, IDENTITY AND CULTURE

## General Family Unity

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### Family Unity, Family Unification & Legislation

- Family unity is severely hampered by existing legislation regarding family unification as this affects Palestinian holders of Jerusalem identification and Palestinian identity holders. In recent years this legislation has become more salient marked by the ongoing Separation Wall and its associated regime.
- Limited, or restricted, access to the 'closed areas' in between the Separation Wall and the Green Line, has caused families to separate following the construction of the Wall and the imposition of the permit regime. Family unity has also been affected by movement restrictions and access to Palestinian enclaves in the West Bank.
- In 2002, Israel froze all family reunification proceedings between Israeli citizens and permanent residents (Jerusalem ID card holders) and spouses from the OPT. The freeze denies spouses from the OPT who are married to Israeli citizens or permanent residents the right to acquire citizenship or residency status in Jerusalem.
- Family reunification proceedings under Israeli law prior to freeze in 2002, are lengthy and timely process, and can be rejected on the grounds of security with no recourse or reason for the denial.
- Palestinian residents of East Jerusalem face a real threat of losing their own permanent residency if they move to the West Bank or the Gaza Strip to join their spouses. Israeli citizens are prohibited by the IDF from entering Area A.
- Construction of the wall, in addition to the closure system in place in the West Bank, has had a significant impact on family unity and societal linkages within the OPT has entailed separation of family based on permit regime. (OCHA, November 2007)

### UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 30 June 2007

"In May 2002, the GOI decided to freeze, for the first time, all family reunification proceedings between Israeli citizens and permanent residents (Jerusalem ID card holders) and their spouses from the oPt. In July 2003, the Citizenship and Entry into Israel (Temporary Order) was enacted. The temporary order was renewed in 2004 and 2005. The temporary order denies spouses from the oPt who are married to Israeli citizens or permanent residents (Jerusalem ID card holders) the right to acquire citizenship or residency status and thus the opportunity to live with their partners in Israel and Jerusalem. In 2004 it was estimated that the law affected between 16,000 and 24,000 families<sup>29</sup>. In Israel, foreign spouses who are Jewish are automatically granted citizenship under the Law of Return. In other cases citizenship can normally be obtained after a minimum of four years, and temporary residency is routinely granted. In July 2005, when the order was renewed, limited exceptions were granted based on gender and age. The amendments permit Palestinian women over the age of 25 and Palestinian men over the age of 35 to apply for temporary visitors' permits to be with their Israeli spouses (including both citizens and permanent residents). However, applying for such a permit is administratively complicated, expensive and often requires the services of a lawyer. Amnesty International, citing Israeli human rights groups, noted that prior to the freezing of family reunification proceedings, "the Israeli Ministry of Interior



took an average of five years from the submission of an application to grant or deny the application. The applicant spent another five years in various statuses before receiving permanent residency or citizenship”<sup>25</sup>. Furthermore, permits can be rejected on the grounds of security with no recourse or reason for the denial. The temporary nature of the permits issued means that the spouse is not entitled to apply for social services or work permits<sup>26</sup>.

On 14 May 2006, the Israeli Supreme Court dismissed a petition filed by the Association for Civil Rights in Israel (ACRI) and Adalah (The Legal Center for Arab Minority Rights in Israel) requesting an annulment of this temporary law. According to Human Rights Watch, “the majority of justices did find that the current law violates the constitutional right of Israelis to equality and to family life ... However, only a minority of justices felt that the appropriate remedy was to overturn the temporary law” The temporary order expired in January 2007. In late 2006, the Israeli Cabinet advanced legislation extending the temporary order for another two years and in January 2007 the order was debated within the Knesset. It has been reported that draft revisions to the temporary order will establish a committee to deal with requests for exceptions on “humanitarian grounds” given the criticism of the temporary order by the minority judges in the Supreme Court ruling. Palestinian residents of East Jerusalem face a real threat of losing their own permanent residency if they move to the West Bank or the Gaza Strip to join their spouses. Israeli citizens are prohibited by the IDF from entering Area A (designated under the Oslo Accords as being under Palestinian Authority security and administrative control) and so have to break Israeli law in order to live with their spouses. If spouses from the oPt stay illegally in Israel with their Israeli spouse and children, they often can’t leave the house for fear of arrest and deportation.”

#### **UN Office for the Coordination of Humanitarian Affairs (UN OCHA), November 2007**

"Closed area status also results in a severing of social relations. Communities reported that relatives and friends experience difficulties in obtaining ‘visitor’ permits’ to attend weddings, funerals, and religious festivals in the closed areas since the gate and permit regime was established. All 15 communities also reported that proposed marriages have been prevented or married couples separated because of the Barrier and attendant permit regime. "

#### **See Also**

[The Barrier Gate and Permit Regime Four Years on: Humanitarian Impact in the Northern West Bank](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, November 2007

[Visa regime splits Palestinian families](#), **Integrated Regional Information Networks (IRIN)**, 7 November 2006

[Perpetual Limbo: Israel's Freeze on Unification of Palestinian Families in the Occupied Territories](#), **B'Tselem**, 31 July 2006

[Condemning the Upholding of the Ban on Family Unification](#), **al-Haq**, 16 May 2006

## **General Freedom of Religion**

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### **Religion & Freedom of Access**

- Israeli policy of closures and severe restrictions on movements including curfews and permit regimes continues to be imposed on Palestinians in their access to religious sites.

- Such restrictions are witnessed as these apply to Al Aqsa Mosque in Jerusalem as well as other religious sites.
- Israel contends that such restrictions are necessary for security reasons, however such practices have been seen as discriminatory, as well as disproportionate and arbitrary. (UN HRC, September 2007; OHCHR , January 2008)

**United Nations Human Rights Council (UN HRC), 21 September 2007**

*“Deeply concerned also at the Israeli policy of closures and the severe restrictions, including curfews and the permit regime, that continue to be imposed on the movement of Palestinians and their free access to their holy sites, including Al Aqsa Mosque, 1. Stresses that all policies and measures taken by Israel, the occupying Power, to limit access of Palestinians to their holy sites, particularly in Occupied East Jerusalem, on the basis of national origin, religion, birth, sex or any other status are in violation of the provisions of the above-mentioned instruments and resolutions and therefore must cease immediately...”*

**UN Office of High Commissioner for Human Rights (OHCHR), 28 January 2008**

“A major issue of concern for my mandate is the restricted access to holy places. Muslims and Christians are impeded from worshipping at some of their most holy places in the world due to an elaborate system of permits, visas, checkpoints and the Barrier. While the Israeli Government informed me that these restrictions are necessary for security reasons, I would like to emphasize that any measure taken to combat terrorism must comply with the States’ obligations under international law, including freedom of religion or belief. These intrusive restrictions strike me as disproportionate to their aim as well as discriminatory and arbitrary in their implementation. My concern also extends to problems of access to holy places revered by Jews.”

# PROPERTY ISSUES

## General Property Issues

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### General: Property Issues

- Since the beginning of the occupation, Israel has taken control of close to 40% of land throughout the West Bank. It has done this by declaring and registering land as "state land"; requisition for military needs, declaration of land as abandoned property and the expropriation of land for public needs. In addition, Israel has also helped its Jewish citizens to purchase land. (Peace Now, October 2006)
- This includes military areas and bases, settlement areas, including outposts, and linked agricultural areas, and construction of the Wall and by pass routes. In certain cases the appropriation of these lands has been illegal according to Israeli law. According to Peace Now, over 40% of settlements consist of privately registered Palestinian property, the appropriation of which is illegal according to Israeli law.
- Israel has made use of various approaches in acquiring land property in the OPT. Since 1967 Israel has made use of Ottoman Legislation to declare land 'State land', has seized private land for 'military purposes', made use of declaration of land as abandoned property and has expropriated land based on 'public needs'. (Peace Now, October 2006)
- Only small parts of the OPT land have been privately registered by Palestinians. Though under the British mandate a process of registration of land of farmers/residents would be initiated Israel would stop the registration in 1968. Land unregistered was subsequently declared 'State land', and private property subject to various forms of appropriation (Peace Now, October 2006)

See:

[The Humanitarian Impact on Palestinians of Israeli Settlements and Other Infrastructure](#), UN Office for the Coordination of Humanitarian Affairs (UN OCHA), July 2007

[Breaking the Law in the West Bank: One Violation leads to Another: Israeli Settlement Building on Private Palestinian Land](#), Peace Now, October 2006

[Land Grab: Israel's Settlement Policy in the West Bank](#), B'Tselem, May 2002

["And Thou Shalt Spread ..." Construction and development of settlements beyond the official limits of jurisdiction](#), Peace Now, July 2007

[Peace in the Middle East: getting real on the issue of Palestinian refugee property](#), Forced Migration Review (FMR), 2003

## Appropriation under Occupation

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### Property Appropriation under Israeli Occupation

- The State's main means of acquiring private land is "seizure for military purposes." In contrast to an "expropriation," in which ownership of the land is transferred to the State, "seizure" leaves the official ownership of the land in the name of its original owners, but transfers total control of the land, for a designated period of time, to the military. At the end of that period,

the military must either relinquish control of the land to the owners – something which has rarely happened in the West Bank – or renew the seizure order. (Peace Now, October 2006)

- According to the Order Regarding Abandoned Property, any property whose owner and holder left the West Bank before, during or after the 1967 war is defined as an abandoned property and Israeli authority acting as a custodian is entitled to take possession of the property and to manage it as it sees fit until the owners return. (B'Tselem, May 2002)
- Israel has further made use of Ottoman law under which all land is considered 'State land' unless proven otherwise. To formally register land as private land, the area must be cultivated for at least 10 years, and if not registered would be considered private land if the land is cultivated and taxes paid. If the land is not cultivated for 3 successive years, it may become 'State land'. (Peace Now, October 2006)
- Land expropriation has also been undertaken for public purpose. This in the West Bank (excluding East Jerusalem) has been under provisions of a Jordanian law that delineates expropriation of land for a public purpose, and in East Jerusalem based on a Mandatory order of the 1940s. (B'Tselem, May 2002) The acquisition of land for 'public purpose' is subject to compensation.
- The private acquisition of land in the West Bank was encouraged in the 1980s entailing the involvement of private entrepreneurs in the transfer of land to Jewish hands. This authorization embodied the commitment of the government to enable Jews to purchase land and settle throughout the West Bank, including areas where land could not be declared state land because it was registered in the owner's name and held according to the provisions of the Ottoman Land Law. (B'Tselem, May 2002) Currently less than 1% of land used for settlements is owned Jewish land. (Peace Now, October 2006)

#### **Peace Now, October 2006**

"To understand the mechanism of land seizure in the West Bank, one must go back to the political history of the region. During the 19th and 20th centuries, the West Bank came under the successive rule of four different powers: the Ottomans, the British, the Jordanians, and the Israelis. Each left a legal and administrative trail behind them, the implications of which play a significant role in today's legal reality. Since 1967, Israel has made use of Ottoman legislation dating back to the middle of the 19th century in order to declare land to be "State land." According to that law, all lands are considered "State Land" unless proven otherwise. To formally register land as private property, one must cultivate it for at least ten years. If the land is not registered, one would be considered the owner as long as he cultivates it and pays taxes on it. If the land is not cultivated for three successive years, it may become the property of the Ottoman State, i.e. "State Land". Israel has also exploited the fact that during the Ottoman period only small parts of the land of the West Bank were formally registered to a specific owner. During the 1920's, the British began a process of registering the land to the farmers who cultivated it or residents who owned houses that were built on it. This process continued throughout the Jordanian period. In 1968, the State of Israel stopped the land registration process by virtue of an injunction issued by the military governor in the occupied territories.

It was claimed that the injunction was intended to protect the owners of land that had been abandoned (from other Palestinians who might try to register ownership of it in their absence), and to prevent the rights of these owners from being discriminated against. However, in reality, this injunction left thousands of square kilometers of agricultural land unregistered, where it eventually was declared "State Land" and used for the sole benefit of Israel. The occupation in 1967 brought about a change in the Palestinian economy. Many Palestinians, who in the past had worked as farmers became workers in Israel. This situation paved the way for the "Custodian of Government Property in the Area of Judea and Samaria," to declare large parts of the uncultivated land as "state land", utilizing the Ottoman law. The "privately owned land" to which

this report refers is: A. Land that was registered and recognized as private property before 1968, at a time when the process of land registration was still open and available to Palestinians, or B. Cultivated land which is recognized by Israel as private land according to the Ottoman law.

In addition to the wholesale declaration that designated much of the West Bank as "State land" – land that was then allocated solely to the settlements and the settlers – there are a number of additional administrative means by which the State was able to take control of land in the West Bank. The State's main means of acquiring private land was "seizure for military purposes." In contrast to an "expropriation," in which ownership of the land is transferred to the State, "seizure" leaves the official ownership of the land in the name of its original owners, but transfers total control of the land, for a designated period of time, to the military. At the end of that period, the military must either relinquish control of the land to the owners – something which has rarely happened in the West Bank – or renew the seizure order. Many of the settlements established during the first decade of the Israeli occupation of the West Bank were built on land that had been "seized for military purposes." However, a landmark court decision in 1979, the result of the affair known as the Elon More case, brought this abusive practice to an official end. Based on the Elon More legal precedent, after 1979 the State was forced to cease using "seizure for military purposes" as a means of taking over privately-owned Palestinian land for the construction of settlements. However, during the decade following the signing of the Oslo Accords, Israel began once again to make regular use of seizure injunctions for military purposes, particularly in order to establish the bypass road system on the West Bank, intended to make it possible for settlers to travel without having to cross Palestinian population centers. Over the years, many additional seizure orders have been issued in order to create "secure zones" around the settlements, as well as to build the separation fence....

In spite of the clear ruling of the court, the State continued to initiate and allow the construction of settlements, as well as "new neighborhoods" of established settlements, on property that the State knew to be privately owned by Palestinians. Since such lands could not be declared "state land" and, based on the Elon More ruling, could not be seized under the pretext of "military purposes," these activities were carried out without any legal basis. In a harsh report regarding the conduct of the Civil Administration, the State Comptroller describes a case in which an Israeli industrial area was built, both by public and private investment, on privately-owned Palestinian land in the West Bank. Quoting the legal adviser of the Civil Administration on this affair, he writes: "This affair's severity does not indicate its exceptionality". ....Apart from "State Land" and "Private Palestinian Land", Israel established another category of land, "survey land." This refers to property whose ownership is in dispute, generally in cases where a Palestinian's title to the land is being challenged by the State. Under Israeli law, such land cannot be developed legally, either by the State or by the Palestinian claiming ownership. In reality..., settlement construction has been permitted on such land, too. In addition, the category of "Jewish land" was created, referring to West Bank property owned by Jews."

**See Also :**

[Land Grab: Israel's Settlement Policy in the West Bank](#), B'Tselem, May 2002

["And Thou Shalt Spread ..." Construction and development of settlements beyond the official limits of jurisdiction](#), Peace Now, July 2007

### **Protection of Property under Israeli and humanitarian law**

- Protection of private property is well grounded in international humanitarian law and human rights law, as well as Israeli law which recognises this right in Section 3 of the Basic Law

which provides that "There shall be no violation of the property of a person". (B'Tselem, May 2002)

- Also Israeli jurisprudence of the Supreme Court has also reiterated that because the Occupation is not sovereign and its administration of that territory is temporary it may take only two factors into account security needs and welfare of the local population. (B'Tselem, May 2002)
- Sasson Report when referring to outposts built on private owned Palestinian land has stressed upon the prohibition to create outposts on private Palestinian property, and stressed upon the jurisprudence which obligates the IDF to protect the right of possession. (Sasson, May 2005)

### **B'Tselem, May 2002**

"Article 55 of the Hague Regulations states the rules relating to the permitted use of government property under the control of the occupier: The occupying State shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile State, and situated in the occupied country. It must safeguard the capital of these properties and administer them in accordance with the rules of usufruct. The terms "administrator" and "usufructuary" indicate the right of the occupying state to manage the properties of the state it occupies and use them to meet its needs subject to certain limitations. These limitations are derived from the temporary nature of the occupation and the lack of sovereignty of the occupying state. Therefore, the occupying state is forbidden, *inter alia*, to *change the character and nature* of the governmental properties (in the context of the settlements, state land), except for security needs or for the benefit of the local population. ....

The Supreme Court held that, because the occupying state is not the sovereign in the territory under occupation and its administration there is temporary, it may take into account only two factors: security needs and the welfare of the local population. In the words of Justice Aharon Barak: The Hague Regulations revolve about two main pivots: one – ensuring the legitimate security interest of those holding the land by belligerent occupation; and the other – ensuring the needs of the civilian population in the territory subject to belligerent population... the military commander may not weigh national, economic, or social interests of his country insofar as they have no ramifications on his security interest in the area, or on the interest of the local population. Even military needs are his [i.e., the military commander's] needs and not national security needs in their broad sense.

..... Protection of private property is well grounded in international humanitarian law, and is found, *inter alia*, in the Hague Regulations (Article 46) and in the Fourth Geneva Convention (Article 53). Israeli law recognizes this right in Section 3 of the Basic Law: Human Dignity and Liberty, which provides: "There shall be no violation of the property of a person." The fundamental human rights, as they appear in the Universal Declaration of Human Rights, were drafted in two international conventions that the UN adopted in 1966: the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Israel signed and ratified both of these covenants. The two UN committees responsible for interpreting the covenants and monitoring their implementation have unequivocally stated that these covenants apply to all persons over whom the signatory states have control, regardless of sovereignty. Furthermore, the two committees expressly stated that they also apply to Israel in regards to its actions in the West Bank."

**United Nations Committee on Economic, Social and Cultural Rights, 4 December 1998**

"21. The Committee is deeply concerned about the adverse impact of the growing exclusion faced by Palestinians in East Jerusalem from the enjoyment of their economic, social and cultural rights. The Committee is also concerned over the continued Israeli policies of building settlements to expand the boundaries of East Jerusalem and of transferring Jewish residents into East Jerusalem with the result that they now outnumber the Palestinian residents.

22. The Committee deplores the continuing practices of the Government of Israel of home demolitions, land confiscations and restrictions on family reunification and residency rights, and its adoption of policies which result in substandard housing and living conditions, including extreme overcrowding and lack of services, of Palestinians in East Jerusalem, in particular in the old city....

24. The Committee notes that despite State party's obligation under article 11 of the Covenant, the Government of Israel continues to expropriate Palestinian lands and resources for the expansion of Israeli settlements. Thousands of dunams (hectares) of land in the West Bank have recently been confiscated to build 20 new bypass roads which cut West Bank towns off from outlying villages and farmlands. The consequence - if not the motivation - is the fragmentation and isolation of the Palestinian communities and facilitation of the expansion of illegal settlements. The Committee also notes with concern that while the Government annually diverts millions of cubic metres of water from the West Bank's Eastern Aquifer Basin, the annual per capita consumption allocation for Palestinians is only 125 cubic metres while settlers are allocated 1,000 cubic metres per capita."

**Talia Sasson, Government of Israel, May 2005**

"It is absolutely prohibited to establish outposts on private Palestinian property. Such an action may in certain circumstances become a felony. But first and foremost this is a serious prejudice of the right of possession. This right is a basic right in Israel – included in Basic Law: Human Dignity and Freedom, and was defined by the Israeli Supreme Court as a constitutional right. The Israeli High Court of Justice ruled that the Commander of the area must protect the fundamental rights of the Palestinians in Judea, Samaria and Gaza. This means that he must also protect their right of possession. It is the Commander's duty to prevent the intolerable prejudice of the Palestinians' right of possession, which the establishment of outposts on their property causes. There is no way to validate the establishment of an outpost on private Palestinian property, not even post factum. Such outposts must be evacuated, the sooner the better."

**United Nations Committee on the Elimination of Racial Discrimination (UN CERD), 14 June 2007**

"35. The Committee notes with concern the application in the Occupied Palestinian Territories of different laws, policies and practices to Palestinians on the one hand and to Israelis on the other hand. It is concerned, in particular by information about unequal distribution of water resources to the detriment of Palestinians, about the disproportionate targeting of Palestinians in the house demolitions and about the appreciation of different criminal laws leading to prolonged detention and harder punishments for Palestinians for the same offences. (articles 2,3, and 5).

The State party should ensure equal access to water resources tall without any discrimination. The Committee also reiterates its called for a halt to the demolition of Arab properties particularly in East Jerusalem and for respect for property rights irrespective of the ethnic of national origin of the owner. Although different legal regimes may apply to Israeli citizens living in the Occupied Palestinian territories and Palestinians, the State Party should ensure that the same crime is judged equally not taking into consideration the citizenship of the perpetrator. "

**See Also:**

[Concluding Observations of the Human Rights Committee : Israel. CCPR/C/79/Add.93](#), Human Rights Committee, 18 August, 1998

[Where Villages Stood: Israel's Continuing Violations of International law in Occupied Latroun 1967-2007](#), **al-Haq**, December 2007

## **Restitution and Compensation**

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### **Property: Right of Restitution & Compensation**

- Under humanitarian law states have an obligation to provide restitution or compensation for breaches of their obligations, and numerous human rights instruments include provisions relating to the right of every individual to an effective remedy for human rights violations.
- It is generally remarked that the building of settlements, access roads and infrastructure, and house demolitions is done without compensation. (DIFD, February 2004). Compensation has been provided by Israel, however such compensation has not been uniform and its application difficult to identify.
- Mindful of statements to the contrary, compensation are more derived for particular forms of property and resulting from litigations than a clear policy. Palestinian communities are further wary of agreeing to compensations which would jeopardise future claims. (ICAH, October 2007)
- For acts defined in terms of military operations which could be broadly defined, Israeli Compensation Law restricts significantly legal remedy through compensation. Israel "is not civilly liable for an act done in the course of a war operation" by the Israeli military, including acts of negligence. The breadth of scope of this law is highly contentious and is in violation of international law. (Al Haq, October 2005)

### **BADIL Resource Center for Palestinian Residency and Refugee Rights, August 2008**

"Under humanitarian law states have an obligation to pay compensation for breaches of their obligations in accordance with Article 3 of the 1907 Hague Convention (IV) respecting the Laws and Customs of War on Land, Article 148 Fourth Geneva Convention, and Article 91 Protocol I. The Hague Regulations annexed to the 1907 Convention provide for the individual right to demand an indemnity for losses sustained in cases of violations. The Geneva Convention relative to the Protection of Civilian Persons in Time of War also provides that an Occupying Power make arrangements to ensure that fair value is paid for any requisitioned goods. ....Numerous human rights instruments include express provisions relating to the right of every individual to an effective remedy for human rights violations. The right to adequate, fair or an enforceable right to compensation is also found in all three regional human rights conventions (i.e., African, inter-American and European). Under international refugee law states have focused on return and housing and property restitution rather than refugee compensation. Compensation is not a substitute for return and restitution. In 1992 the International Law Commission adopted the Declaration of Principles of International Law on Compensation to Refugees.

General Assembly [Resolution 194\(III\)](#) reaffirms the right of Palestinian refugees displaced in 1948 to at least two types of compensation: (1) payment to refugees not choosing to return to their



homes; and, (2) payment for the loss of or damage to (movable and immovable) property. The General Assembly rejected draft resolutions and amendments that did not include provisions for payment for the loss of or damage to property. The right to compensation applies to all refugees, irrespective of whether they choose to exercise their right of return. The phrase "loss of or damage to property which under principles of international law or in equity should be made good" indicates that the Assembly did not wish to arbitrarily limit claims to compensation for losses and damages. A broader set of claims may include compensation for human capital losses and psychological suffering.

To date, agreements between Israel and the PLO do not affirm the right of Palestinian refugees and displaced persons to compensation. The 1993 Palestinian-Israeli framework agreement ([Declaration of Principles](#)) (Article V (3)) and the [1995 Interim Agreement](#) (Chapter III, Article XVII) state that the issue of refugees displaced in 1948 will be addressed during permanent status negotiations. The 1993 Declaration of Principles [also] establishes a quadripartite continuing committee (Article XII) to decide on "the modalities of admission of persons displaced from the West Bank and Gaza Strip in 1967." Similar provisions for Palestinians who became refugees or displaced persons as a result of the 1967 occupation by Israel of the West Bank and Gaza are found in the [1994 Gaza-Jericho Agreement](#) (Article XVI(2)) and in the 1995 Interim Agreement (Chapter Four, Article XXVII(2))."

#### **BADIL Resource Center for Palestinian Residency and Refugee Rights, August 2008**

"[General Assembly Resolution 194\(III\)](#) reaffirms the right of Palestinian refugees displaced in 1948 to housing and property restitution. According to the UN Secretariat, the underlying principle of Resolution 194 is that Palestinian refugees should be permitted to return to their homes and be reinstated in the possession of the property which they previously held. It is clear from the phrasing "to their homes" that the Assembly intended to affirm the right of Palestinian refugees to housing and property restitution. If the General Assembly had not intended to affirm the right of Palestinian refugees to housing and property restitution, it is likely that the broader language in draft resolutions referring to the places from which they came would have remained. [Assembly Resolution 3236\(XXIX\)](#) reaffirms the "inalienable right" of Palestinian refugees to return specifically to their homes and properties.....

To date, agreements between Israel and the PLO do not affirm the right of Palestinian refugees and displaced persons to housing and property restitution. The 1993 Palestinian-Israeli framework agreement ([1993 Declaration of Principles](#)) (Article V (3)) and the 1995 Interim Agreement (Chapter III, Article XVII) state that the issue of refugees displaced in 1948 will be addressed during permanent status negotiations. The 1993 Declaration of Principles [also] establishes a quadripartite continuing committee (Article XII) to decide on "the modalities of admission of persons displaced from the West Bank and Gaza Strip in 1967." Similar provisions for Palestinians who became refugees or displaced persons as a result of the 1967 occupation by Israel of the West Bank and Gaza are found in the [1994 Gaza-Jericho Agreement](#) (Article XVI(2)) and in the [1995 Interim Agreement](#) (Chapter Four, Article XXVII(2)). The agreements do not establish procedures and mechanisms to enable Palestinian refugees to repossess housing and property. They do not call upon the government of Israel to repeal discriminatory legislation used to expropriate refugee properties. On the contrary, the 1995 Interim Agreement (Annex III, Appendix I, Article 16(3) and Article 22(3)) calls upon Palestinians to respect the "legal rights" of Israelis concerning "Government and Absentee property" that was "acquired" - most often through expropriation - in 1967 occupied Palestine."

#### **Israel Ministry of Foreign Affairs (MFA), November 2003**

"In addition to its efforts to ensure the security of its citizens, Israel attaches considerable importance to the interests of the local Palestinian residents. Israel recognizes the necessity of finding an appropriate balance between the imperative need to prevent terrorism and defend its citizens, and the humanitarian needs of the Palestinians. Most Palestinians will be on the eastern side of the fence. They will not be cut off from their commercial and urban centers. No Palestinians will have to relocate. Israel will make every effort to avoid causing hardship and interference with their daily lives. Dozens of crossing points have been set up to enable the movement of people and goods. The security fence was located, to the greatest possible degree, on unused land to avoid harming agriculture. Palestinian farmers will have access to their fields and will reach them through special gates that are being built into the fence. Trees affected by the construction will be replanted."

**International Development Committee, House of Commons, 5 February 2004**

"Settlements and their associated infrastructure have a major impact on Palestinians. A network of "by-pass" roads is arranged to provide access between settlements and links to Israel. Palestinians cannot use them. The by-pass roads add to the sense among Palestinian communities of being penned into enclaves, movement between which is at the discretion of the IDF. 28 Land is confiscated without compensation on which to build settlements, their access roads and infrastructure. Palestinian infrastructure is often destroyed in the process and Palestinian agricultural lands are cut through.... More than 11,000 homes have been demolished and their inhabitants left without compensation to live in ICRC tents until they can find a new home for themselves with family or friends.

Some NGOs already try to document destruction and wastage and have made suggestions for the standardising this process. NGOs such as ICAHD document demolition of Palestinian property. UN OCHA has a strong monitoring role in respect of checkpoints, movement restrictions, demolition and land confiscation. A future Palestinian state may be in a position to press for compensation or reparations, but this could only happen where destruction has been documented. DFID should investigate the possibility of its assistance to the PA being used for the systematic documentation of destruction."

**Israeli Committee Against House Demolitions, October 2007**

"The tribe, most of whose members had been expelled by force from the area of the neighborhood once know as "06" in Ma'ale Adumim, received monetary compensation for the move to their new location. Families with more than four children received NIS 38,000, smaller families received NIS 28,000. A total of NIS 4 million was allocated to the families for the construction, in addition to about 3,000 dunams (750 acres) of pasture land..... The CA [Civil Administration] said in response to this article that "for several years the Bedouin have been squatting on state land and building illegally. The administration is acting in coordination with the heads of the Jahalin tribe and their attorney in order to enforce law and order. As part of the enforcement activities, the Bedouin have been given alternative plots on state land. The administration even undertakes the connection of the plots to the water supply and builds access roads, provides aid with respect to structures used as classrooms, kindergartens and a clinic, and in addition provides monetary compensation. The administration will continue to take action to evacuate the illegal squatters.".... The families displaced in 1996 and 1998 received a small financial compensation for their relocation, between 15,000 and 30,000 NIS each (between \$3,500 and \$7,000). .... Over the years, lawyers representing the Bedouin have brought over 20 cases to the Israeli High Court. None, however, have prevented their displacement."

**Al Haq**, October 2005

"On 27 July 2005, the Israeli Knesset (parliament) passed the amended *Civil Wrongs (Liability of the State) Law* (the Compensation Law)..... This law proclaims that the State of Israel "is not civilly liable for an act done in the course of a war operation" of the Israeli military. Individual state agents are also protected from such liability. The amended law narrows the eligibility of Palestinians to submit claims for compensation as a result of illegal actions carried out by Israeli forces, including acts of negligence.

Israel's Compensation Law breaches international law both directly and indirectly. Firstly, it serves to deny Palestinians in the OPT their right to an effective remedy, which as has been illustrated is a violation of both international human rights and humanitarian law, and which has a severe and disproportionate impact on Palestinians. Further, the denial of compensation enables a culture of *de facto* impunity in which Israeli authorities turn a blind eye to such grave violations as extrajudicial killings, property destruction, and torture."

**See also**

[Peace in the Middle East: getting real on the issue of Palestinian refugee property](#), **Forced Migration Review (FMR)**, 2003

[Demolition for Alleged Military Purposes : Denial of the right to compensation](#), **B'Tselem**, August 2008

[Fora Available for Palestinian Refugee Restitution, Compensation and related claims](#), **BADIL Resource Center for Palestinian Residency and Refugee Rights**, February 2000

[The Meaning of UN General Assembly Resolution 194\(III\), 11 December 1948 \(The Right of Return\)](#), **BADIL Resource Center for Palestinian Residency and Refugee Rights**, April 2002

## **UN Registrar on Damages**

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### **Separation Wall & UN Registrar on Damages**

- ICJ affirmed that Israel is under an obligation to make reparation for all damage caused by the construction of the wall in the OPT, including in and around East Jerusalem (ICJ, July 2004)
- UN Register of Damage Caused by the Construction of the Wall in the OPT established by UN General Assembly Resolution is to serve as a record of the damage caused to all natural and legal persons concerned as a result of the construction of the wall by Israel, in the OPT (GA UN, 24 January 2007)
- There have been various critics and recommendations towards the Register mindful that the Register of Damage as envisaged by the UN resolution is not a claim mechanism.. The establishment of Register should however not be the only step the UN takes to implement the ICJ Advisory Opinion.
- Israel asserts that it has sought to build the Separation Wall/Barrier on public lands where possible, and where private land was used, provided opportunities for compensation.
- Israeli officials to date have refused to cooperate with UNROD stating that its mandate is illegitimate, that the route of the barrier was based simply on security needs, and that Palestinians had every right, as it is, to claim compensation through Israeli channels. (BBC, April 2008)

**Diaknoia**, 8 December 2006

"The establishment of a Register should not be the only step the UN takes to implement the ICJ Advisory Opinion. It is vital that the Palestinian society is included and consulted in the process of establishing the Register, as well as the work of the Register once it starts operating. The Register should co-operate with other UN agencies present in the occupied Palestinian territory (oPt), who already have obtained relevant information about damage caused by the Wall. The Register needs to operate independently from Israel's legal interpretation of land and property laws..... The Register should include not only material damage but also non-material damage that is economically assessable, such as loss of employment opportunities, mental harm etc. It is not sufficient to only list and document the damage. An evaluation and verification process is needed. To postpone verification of the damage, as suggested, will make the process later on more difficult and expensive, with the risk of evidence disappearing.... The Register should be placed in the oPt, and not in Vienna as planned, in order to be effective, and also to avoid appearing unreal and distant to potential claimants. The Register should cover not only individual claims but also collective claims, such as environmental destruction and use of water resources. The claims can, in the absence of a Palestinian state, be brought by the Palestinians as a people holding the right to self-determination."

**al-Haq**, November 2006

"The Register of Damage, if established as proposed, with all the above-mentioned weaknesses[cessation and restitution not addressed; no evaluations of damages or compensation; lack of field presence; addressing only individual claims and material claims; and lack of adequate verification measures], would likely contribute to the declining faith of Palestinians in the ability of the international community and international law to uphold their rights, thereby encouraging them to seek alternative means of obtaining justice. Al-Haq fears that the respect for human rights and the maintenance of international peace and security may suffer in consequence. The UN Secretary-General concludes in his Report that, "the General Assembly may wish to consider adopting a resolution requesting me to establish the Register of Damage along the lines set forth in the present report." Al-Haq respectfully disagrees with the Secretary-General on this point and calls upon the General Assembly to integrate the criticisms in the present legal brief into any future resolution establishing a Register of Damage. If and when a future Register of Damage is adopted, hopefully containing the aforementioned recommendations, it is essential that the primary obligations of cessation and restitution not be forgotten. In the Palestinian context of continuous dispossession since 1948, any talk about compensation must be very clearly accompanied by an explanation that, under international law as reflected in the ICJ AO, compensation goes hand in hand with restitution and does not replace it. Otherwise, popular hostility to the Register of Damage is to be expected."

**See Also:**

[Establishment of the United Nations Register of Damages Caused by the Consequence of the Wall in the Occupied Palestinian Territory](#), RES/ES-10/17, UN General Assembly, 24 January 2007

[Jerusalem Diary: Monday 14 April](#), **BBC News**, 14 April 2008

[Letter dated 11 January 2005 from the Secretary-General to the President of the General Assembly A/ES-10/294](#), **United Nations General Assembly (UN GA)**, 13 January 2005

[Revised draft resolution: Establishment of the United Nations Register of Damage caused by the Construction of the Wall in the Occupied Palestinian Territory](#), **United Nations General Assembly (UN GA)**, 15 December 2006

[Establishment of the United Nations Register of Damage caused by the Construction of the Wall in the Occupied Palestinian Territory: Programme budget implications of draft resolution A/ES-10/L.20/Rev.1](#), **United Nations General Assembly (UN GA)**, 15 December 2006

[General assembly establishes register of damage arising from construction of wall by Israel in occupied Palestinian territory](#), **United Nations General Assembly (UN GA)**, 15 December 2006

[What's the Problem with the UN Register of Damage caused by Israel's Wall in the occupied Palestinian territories?](#), **BADIL Resource Center for Palestinian Residency and Refugee Rights**, 18 November 2006

[UN lays out function of office for Palestinians to claim damages from Israeli barrier](#), **UN News Service**, 27 October 2006

[Nothing New to Report': The Registry of Damage Resulting from the Construction of the Wall \(Al Majdal\)](#), **BADIL Resource Center for Palestinian Residency and Refugee Rights**, 2005

# PATTERNS OF RETURN AND RESETTLEMENT

## General Pattern of Return and Resettlement

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### General: Right of Return

- The United Nations resolutions are said to have established a specific framework for durable solutions for all persons displaced in 1948 and subsequently 1967. The United Nations has affirmed the right of Palestinians in refugee-like situations due to expulsion, deportation, and denial of residency rights to return to their places of origin. (Badil September 2007; Al Haq, December 2007)
- Oslo Declaration provided for the establishment of a committee “to decide by agreement on the modalities of admission of persons displaced from the West Bank and Gaza Strip in 1967. All such agreements, however, are notable by their failure to bring about the implementation of the right of return for those displaced from the Palestinian territories in 1967. (Al Haq, December 2007 )
- While it is recognized generally that Palestinian refugees and displaced persons have a right to return to their homes or origin realpolitik dictates that return is neither ‘realistic’ nor ‘practical’ for this group of refugees until peace process is concluded (Badil Expert Forum, July 2004)
- Factors impeding return include Israel’s non-recognition of the right of return, the lack of peace and protracted military occupation, length of displacement and ongoing effects of the occupation on status of OPT particularly though not exclusively East Jerusalem.
- Palestinian negotiators emphasis the right of return, while resettlement and compensation have been identified by Israel as the preferred solution. In 2006, 32% Palestinians were willing to relinquish the refugee right of return, 35% of respondents are willing to relinquish 5-10% of the land of the West Bank. (Badil, September 2007; IUED-PRU, April 2006)
- According to UNWRA the number of displaced registered refugees who are known by the Agency to have returned to the occupied territories since June 1967 is about 24,600. There are no figures regarding the return of internally displaced, or secondary displaced refugees, apart from notable publicised cases such as Yanoun village. (Al Magdal, Autumn 2007; UN GA, 14 July 2005)

### **BADIL Resource Center for Palestinian Residency and Refugee Rights, August 2008**

"General Assembly [Resolution 194\(III\)](#) reaffirms the right of Palestinian refugees displaced in 1948 to return to their homes of origin. Paragraph 11(a) states: “refugees wishing to return to their homes ... should be permitted to do so.” The resolution also affirms the right of refugees to return to their homes of origin. The General Assembly clearly meant the return of each refugee to “his[her] house or lodging and not to his[her] homeland.” The Assembly rejected two separate amendments that referred in more general terms to the return of refugees to “the areas from which they have come.” [Security Council Resolution 93](#) calls upon Israel to allow refugees expelled from the demilitarized zone in the north to return. [Assembly Resolution 3236\(XXIX\)](#) reaffirms the “inalienable right” of Palestinian refugees to return to their homes and properties. UN [Security Council Resolution 237](#) calls upon Israel to facilitate the immediate return of Palestinian refugees. The United Nations has repeatedly affirmed the right of return for those

Palestinians in refugee-like situations due to expulsion, deportation, denial of residency rights, among others....

To date, agreements between Israel and the PLO establish procedures and mechanisms to address the Palestinian refugee issue but do not affirm the right of return or the right to freedom of movement. The 1993 Palestinian-Israeli framework agreement ([1993 Declaration of Principles](#)) (Article V (3)) and the [1995 Interim Agreement](#) (Chapter III, Article XVII) state that the issue of refugees displaced in 1948 will be addressed during permanent status negotiations. The 1993 Declaration of Principles [also] establishes a quadripartite continuing committee (Article XII) to decide on "the modalities of admission of persons displaced from the West Bank and Gaza Strip in 1967." Similar provisions for Palestinians who became refugees or displaced persons as a result of the 1967 occupation by Israel of the West Bank and Gaza are found in the [1994 Gaza-Jericho Agreement](#) (Article XVI(2)) and in the 1995 Interim Agreement (Chapter Four, Article XXVII(2))."

#### **Rempel, Terry and Gassner, Ingrid Jaradat, 2004**

"The unresolved plight of Palestinian refugees and displaced persons encapsulates the often murky nexus between international law and international relations. While it is recognized generally that Palestinian refugees and displaced persons have a right to return to their homes or origin, *realpolitik* dictates that return is neither 'realistic' nor 'practical' for this group of refugees. Factors militating against return include the length of displacement, the ethno-national character the state of Israel and a protracted military occupation..... Resettlement and compensation have thus been identified by Israel and the primary western powers actively involved in the past five decades of Middle East peacemaking (the 'international community') as the preferred solution. The most recent formulation is found in the April 2003 Performance-Based Road Map to a Permanent Two-State Solution to the Israeli-Palestinian Conflict. The plan, endorsed by the United Nations Security Council in November 2003, affirms an "agreed, just, fair and realistic solution to the refugee issue." No definitions are provided in the document."

#### **al-Haq, December 2007**

"Although the legal status of forcibly displaced persons may differ according to where they were displaced, their rights under international humanitarian law remain the same, with Article 49(2) of the Fourth Geneva Convention requiring that persons forcibly displaced "shall be transferred back to their homes as soon as hostilities in the area in question have ceased," clearly indicating that protected persons may not be denied return. In the same vein and on the basis of the same principle (although not itself falling within the realm of international humanitarian law), binding Security Council Resolution 237, adopted unanimously in 1969 and since reaffirmed by a plethora of General Assembly resolutions, placed similar obligations on Israel with regard to Palestinians displaced as a result of the 1967 Six-Day War by calling upon the Israeli government "to facilitate the return of those inhabitants who have fled the areas since the outbreak of hostilities.".... [Furthermore] Principle 28 of the UN Guiding Principles on Internal Displacement bestows upon Israel the "primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence."

As evidenced from the continuing displacement of the residents of Latroun, however, the political will to enforce this inalienable right to return has thus far been lacking. Article XII of the Oslo Declaration of Principles on Interim Self-Government Arrangements (signed by the State of Israel and the Palestine Liberation Organisation in 1993) provided for the establishment of a committee "to decide by agreement on the modalities of admission of persons displaced from the West Bank

and Gaza Strip in 1967," an idea which was reproduced in several subsequent agreements between Israel, the Palestinian representatives, Jordan and Egypt. All such agreements, however, are notable by their failure to bring about the implementation of the right of return for those displaced from the Palestinian territories in 1967. It is imperative, therefore, that any future agreements on the OPT provide more concrete mechanisms to facilitate such return, with the unassailable principles of international law as their basis. As a final point, it must be noted that displaced persons unable to return to their home because it is occupied or has been destroyed, are legally entitled to compensation for losses and suffering. However, compensation is not a substitute for the right to return to the vicinity of one's home. "

**United Nations General Assembly (UN GA), 14 July 2004**

"In its resolution 58/92 of 9 December 2003, the General Assembly reaffirmed the right of all persons displaced as a result of the June 1967 and subsequent hostilities to return to their homes and endorsed the efforts of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) to provide humanitarian assistance, as far as practicable, on an emergency basis and as a temporary measure, to such persons. The Assembly also requested the Secretary-General to report to it, after consulting with the Commissioner-General of UNRWA, on the progress made in the implementation of that resolution. The Agency would not necessarily be aware of the return of any registered refugees who had not requested the provision of services. So far as is known to the Agency, between 1 July 2003 and 30 June 2004, 550 refugees registered with UNRWA returned to the West Bank and 148 to the Gaza Strip from places outside the Occupied Palestinian Territory. It should be noted that some of these may not themselves have been displaced in 1967, but may be members of the family of a displaced registered refugee. Thus, taking into account the estimate given in paragraph 4 of the 2003 report of the Secretary-General on the subject (A/58/119), the number of displaced registered refugees who are known by the Agency to have returned to the occupied territories since June 1967 is about 24,600. The Agency is unable to estimate the total number of displaced inhabitants who have returned. It keeps records only of registered refugees and, as pointed out above, even those records, particularly with respect to the location of registered refugees, may be incomplete..."

**Jerusalem Center for Economic and Social Rights (JCESR), August 2001**

"The Israeli Law of Return grants exclusive citizenship rights to members of the Jewish faith, regardless of where they are born. This right is not granted to Palestinians indigenous to the region. Jews do not need permits to settle in Israel. Meanwhile, similar rights are denied to the Palestinian population. ....Israel applies double standards when it comes to refugee rights and their right to return. Israelis, for example, are allowed to retrieve the houses they owned or where they resided in the Old City before 1948. However, this same right is denied when it concerns Palestinians who wish to return to their homes in West Jerusalem or even in the no-man's land that separated the two parts of the city after 1948. No Palestinian has succeeded in reclaiming his or her property until today. Israelis, on the other hand, whether as individuals or through governmental bodies, have been able to repossess their property in East Jerusalem, particularly in the Old City. Palestinians who fled or were forced to leave their properties in Jerusalem: In 1948 64,000 – 80,000 people; In 1967 20,000 – 30,000 people."

**Graduate Institute of Development Studies - Palestine Research Unit (IUED-PRU), April 2006**



"The vast majority of the Palestinian public (72%) supported a peace settlement with Israel. This result indicates a 15% increase in the levels of support since November 2004. However, the level of support varies according three independent variables, namely, "refugee status", "area of residence" and "geographic area".... In principle, the respondents seemed to be willing to make considerable concessions. When respondents were asked what the Palestinian Authority should relinquish in return for a viable Palestinian state, 35% of respondents were willing to relinquish 5-10% of the land of the West Bank and 32% were willing to relinquish the refugee right of return. This represent a striking change from the previous survey."

**See Also :**

[Palestinian Public Perceptions: Report XI](#), Graduate Institute of Development Studies - Palestine Research Unit (IUED-PRU), December 2007

[The Right of Return – An Analysis of Recent Debate in the Israeli Press](#), BADIL Resource Center for Palestinian Residency and Refugee Rights, April 2001

[Palestinian Refugees and the Right of Return: An International Law Analysis](#), BADIL Resource Center for Palestinian Residency and Refugee Rights, 8 January 2001

[The Right of Return and the Meaning of Refugee Choice](#), BADIL Resource Center for Palestinian Residency and Refugee Rights, February 2000

[One Year After: Update on the Situation in Al Aqaba and Yanoun Villages](#), Al Majdal, October 2007

[Survey of Palestinian Refugees and Internally Displaced Persons 2006-2007](#), BADIL Resource Center for Palestinian Residency and Refugee Rights, 12 September 2007

[NGO statement reaffirm the right to return, restitution and compensation of Palestinian refugees and internally displaced as the preferred solution](#), BADIL Resource Center for Palestinian Residency and Refugee Rights, 11 October 2006

[On the first anniversary of the Unilateral Israeli Disengagement: Gaza remains occupied...](#), Al Mezan Center for Human Rights, 11 September 2006

[UNRWA's Role in Protecting Palestine Refugees, from Closing the Gaps: From Protection to Durable Solutions for Palestinian Refugees, 5-8 March 2004](#), Parvathaneni, Harish, 8 March 2004

[UNRWA's Role in Protecting Palestine Refugees, from Closing the Gaps: From Protection to Durable Solutions for Palestinian Refugees, 5-8 March 2004](#), , 8 March 2004

[Government of Israel & P.L.O](#), 13 September 1993, Declaration of Principles on Interim Self-Government Arrangements

[A Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict](#), U.S. Department of State (U.S. DOS), 30 April 2003

[Settlements and the Wall: Palestinian Centre Information Brief](#), Jerusalem Fund, 19 November 2007

[Land Grab: Israel's Settlement Policy in the West Bank](#), B'Tselem, May 2002

Ron Pundak and Shaul Arieli, *The Territorial Aspect in the Israeli-Palestinian Final-Status Negotiations* (Peres Center for Peace, September 2004)

[Resolution 2/4: Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#), United Nations Human Rights Council (UN HRC), 9 January 2007

# HUMANITARIAN ACCESS

## General Humanitarian Access

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### General: Humanitarian Access

- Since 1967, Israel is obliged, as the occupying power, to provide humanitarian assistance to Palestinians under international humanitarian law. Provision of assistance also means that if Israel's supplies are inadequate, it should agree to relief provided by outside sources and allow the free passage for survival of the civilian population.
- Despite Israel's responsibility to provide humanitarian assistance, humanitarian access has often been affected. Access continues to be impeded in West Bank, and isolation in Gaza has significantly affected humanitarian assistance.
- Following Oslo Accords administration of civil affairs was transferred to the newly established Palestinian authority for Areas A and B, which served to mitigate Israel's financial burden of providing public assistance and humanitarian assistance. (Badil, September 2007)
- The continuing occupation and subsequent boycott of the Palestinian Authority in 2006 to 2007 has served to reduce the latter's ability to provide basic services to Palestinians. (Badil, September 2007) This has worsened with the isolation of Gaza and place all rehabilitation and reconstruction efforts on standby.
- Humanitarian projects are subject to demolition by Israeli authorities and have occurred without compensation. Seeking compensation seems to have limited effect. It has also be alleged to be difficult legally by the European Commission, because of the transfer of ownership of infrastructure from donor to recipient upon completion of the project

### **BADIL Resource Center for Palestinian Residency and Refugee Rights, 12 September 2007**

"Since 1967, Israel is obliged, as the occupying power, to provide humanitarian assistance to Palestinians in the OPT. Under international humanitarian law, "the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate." Provision of assistance also means that if Israel's supplies are inadequate, it must agree to relief provided by outside sources and is obliged to allow the free passage of objects necessary to the survival of the civilian population. Despite Israel's responsibility to provide humanitarian assistance, it has generally failed to provide and allow humanitarian assistance to both refugees and non-refugees, or delayed such provision. ....Following the 1993 Oslo Accords, administration of civil affairs was transferred to the newly established Palestinian Authority in the OPT, and Israel was partly released from the financial burden of providing public services and humanitarian assistance to the population under occupation, including Palestinian refugees and IDPs. Due to Israel's ongoing occupation and colonization and the 2006 international boycott of the Palestinian Authority, the latter has been unable to provide basic services and assistance to the population of the OPT. "

### **See Also**

[Gaza Humanitarian Fact Sheet](#), UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 28 November 2007

[The Humanitarian Monitor March 2008](#), UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 18 April 2008

[Gaza 'on point of explosion' warns UN](#), Independent, The, May 2008

[UN facing increased delays at Israeli checkpoints](#), Integrated Regional Information Networks (IRIN), 30 April 2008

[The humanitarian emergency in Gaza - "A shocking and shameful situation"](#), United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), 30 April 2008

## Access in West Bank

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### Humanitarian Access in West Bank

- Humanitarian access has faced various restrictions in assistance provided to Palestinian communities, displaced and host alike. Such restrictions have been significant increasing as of mid 2008. (IRIN, April 2008)
- These restrictions have been more pronounced during the first and second intifada. Such restrictions have included arrest and detention of staff, restrictions of movement, imposition of special access permits for access to Gaza Strip and for access in 'closed areas/seam zones'. (OCHA, April 2008)
- Restrictions have also involved closure of charities and non governmental associations. (Badil, September 2007; OCHA, November 2006) Restrictions on imports have affected all process of humanitarian assistance and reconstruction efforts.
- Continued reports of incidents limiting humanitarian access with reported 40 incidents on average per month in 2007 for the West Bank. In 2007 number of reported cases of ambulance access delays almost tripled between 2006 and 2007 (10 vs. 28) and the number of reported cases of ambulance access denials more than doubled (9 vs. 23) at West Bank checkpoints. (OCHA, January 2008)

### Integrated Regional Information Networks (IRIN), 30 April 2008

"Increased Israeli restrictions on the checkpoints around East Jerusalem have caused more delays and more lost man hours for UN staff in March 2008 than in all of 2007, operations were significantly affected" and almost daily UN vehicles were delayed and even turned back by Israeli soldiers at checkpoints south of Jerusalem. "Movement of UN staff between the West Bank and East Jerusalem has been increasingly restricted over the years, starting with the erection of checkpoints, the requirement that national staff carry permits, and the building of the Wall," Allegra Pacheco, the acting-head of UN OCHA in occupied Palestinian territory, told IRIN. "Beyond challenging its own commitments under the convention, it is also challenging the neutrality of the UN by demanding a search," Pacheco said, adding that on 29 April she herself was delayed for over one hour after soldiers demanded a search of her UN vehicle. Most of the delays take place as staff try to enter East Jerusalem, where nearly all UN agencies and non-governmental organisations (NGOs) have their headquarters or secondary offices. "It is becoming increasingly difficult to maintain large-scale, long-term humanitarian operations given the closures," Christopher Gunness, a spokesman for UNRWA, the UN agency for Palestinian refugees, told IRIN, adding that "aid is becoming more expensive and work is becoming less effective." In the Nablus and Hebron districts, as well, UN agencies and NGOs said they have suffered from delays and other problems at the checkpoints. The crossing points to the Gaza Strip remained problematic. National UN staff members in Gaza are generally unable to leave the enclave, even

on official UN duty. "Getting our [Palestinian] staff out of Gaza is next to impossible," a UN medical aid worker told IRIN. Also, when permits are issued for these workers they tend to be valid for short periods of time or may be granted only as single entry passes. International UN staff members have also been having a more difficult time obtaining documentation from the Israeli Ministry of Foreign Affairs, resulting in their inability to access the Gaza Strip and carry out their duties. "Everyone who deserves a card gets one, and we would be happy to look into any specific cases of people who did not get one," Aryeh Mekel, spokesman for the Israeli Ministry of Foreign Affairs, told IRIN."

**UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 8 November 2006**

"The IDF has closed down four Islamic charities in recent months and targeted many more in a string of raids across the West Bank. As a result more than 4,450 orphans, 157 widows and 3,000 destitute families are no longer receiving help.<sup>6</sup> Between May and August 2006, 37 charitable institutions in the West Bank were targeted in IDF attacks, searches and raids. The IDF stated that these organisations were closed down or raided to prevent militant attacks on Israeli citizens. Israel claims Muslim charities are being used as a front for militant activities..... As well as being centres for the distribution of charity, these institutions often provide an opportunity for social interaction, offering a forum for friends and neighbours to revive social ties while delivering a service to the community. Since the Hamas victory in the PLC elections in January 2006, the role of these organisations as a social safety net for the most vulnerable in Palestinian society is more important than ever. With the rise in the levels of poverty, the non-payment of PA salaries and the decline in the provision of basic health care, more and more Palestinians are turning to Muslim charities for help. A survey conducted by the Palestinian Central Bureau of Statistics (PCBS) revealed that between March and May 2006, approximately 5% of mainly food and cash assistance, was provided by charitable institutions. According to a poll conducted by Birzeit University in September 2006, 20% of assistance delivered was provided by NGOs and charitable institutions. The charities make up anywhere between 10% - 40% of all NGOs in the oPt<sup>13</sup>, and directly reach tens of thousands of people, and hundreds of thousands more indirectly. Their work is mostly carried out in isolated and rural communities, refugee camps, and in communities now cut off from services by the Barrier. Their constituencies are mostly the poor and marginalised. According to the latest Institut Universitaire d'Etudes du Developpement (IUED) survey, the refugees (58%) and hardship cases (55%) are the main beneficiaries."

**BADIL Resource Center for Palestinian Residency and Refugee Rights, 12 September 2007**

"UNRWA has faced various restrictions on delivery of humanitarian assistance to Palestinian refugees. During the first Palestinian *intifada* in the 1967-occupied Palestinian territory, for example, Israeli authorities refused to allow entry of foodstuffs and medical supplies through the port of Ashdod for so-called health and security considerations. The humanitarian aid supplies eventually had to be re-routed for use in Lebanon. Since the beginning of the second *intifada* in September 2000, UNRWA has faced a variety of restrictions and violations of the *Charter of the United Nations*, the 1946 *Convention on the Privileges and Immunities of the United Nations*, the 1949 *Convention Relative to the Protection of Civilian Persons in Time of War*, and the 1967 *Comay-Michelmores Agreement*.

These have included arrest and detention of local staff, restrictions on freedom of movement within the occupied West Bank and the Gaza Strip, confiscation of ID cards belonging to local staff, denying teachers access to schools, and doctors and nurses access to medical centres, the imposition of special access permits in the occupied Gaza Strip and "seam zones" created by the Wall in the occupied West Bank, and armed interference with Agency staff. These measures have affected or hindered the delivery of humanitarian aid. Other UN agencies and NGOs

working in the OPT have also reported the obstruction of the delivery of aid and/or movement of personnel by Israeli forces during 2006.

In April 2006, John Ging, director of UNRWA operations in Gaza, warned that "if Karni remains closed, we are, once again, counting down to a food crisis." He also noted that "distribution will have to be shut down entirely for the second time in less than a month if the crossing does not open immediately." During Israel's war against Lebanon in the summer of 2006, UNRWA's humanitarian operations were once again jeopardized in the Gaza Strip because of the difficulties of moving in and out of the occupied territory, which led to shortages of food, fuel and construction supplies. This led the UN Under-Secretary-General for Humanitarian Affairs, Jan Egeland, to warn that "Gaza was a ticking bomb that could lead to a social explosion in 10 days, or 10 months ... you cannot seal off an area, which is a little bigger than the city of Stockholm, has 1.4 million people, of whom 800,000 are youth and children, and then have 200 artillery shells go in virtually every day, seal off the borders ... [making it impossible] for people to live or even humanitarian supplies to get in." "

**See Also:**

[The Humanitarian Monitor: December 2007](#), UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 22 January 2008

## **Access in Gaza**

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### **Humanitarian Access in Gaza**

- Restrictions on humanitarian access to Gaza significantly increased in September 2007 when the Israeli cabinet declared the Gaza Strip a "hostile territory" and decided to implement cuts in electricity and fuel supplies to the Strip in response to Qassam rockets towards southern Israeli towns. These restrictions were validated by Israeli Supreme Court in January 2008.
- Such restrictions are in violation of international law, as these fail to distinguish between civilians and combatants and clearly defined as collective punishment against population of Gaza Strip. (Diaknoia, March 2008, UN SR on ME April 2008)
- Restrictions on imports have affected all process of humanitarian assistance and reconstruction efforts. Humanitarian projects for construction of shelters affecting internally displaced have been placed on hold in light of these restrictions as have countless other humanitarian assistance programs. (Badil, September 2007; OCHA, 27 November 2007)
- Restrictions in Gaza have also recently involved closure of charities and Palestinian non governmental associations by Hamas led authority in response to intra-Palestinian factional fighting. Restrictions on imports have affected all process of humanitarian assistance and reconstruction efforts.

### **Diakonia, 6 March 2008**

"On 19 September 2007, the Israeli security cabinet declared the Gaza Strip a "hostile territory" and decided to implement cuts in electricity and fuel supplies to the Strip in response to Palestinian armed groups launching Qassam rockets towards southern Israeli towns. The cuts in electricity and fuel are now in effect and have caused a humanitarian crisis in the Gaza Strip (January 2008). The cuts in electricity and fuel have had disastrous consequences in Gaza, affecting also water supplies, sewage systems and hospital equipment, which are all dependent

on a functioning electricity system. In turn, the back-up generators for electricity are dependent on fuel. Cutting off basic necessities to the population, crucial to lead daily life in the Gaza Strip, amounts to punishing the civilians in Gaza for crimes they have not personally committed. This amounts to collective punishment which is absolutely forbidden under international humanitarian law (article 33 IVGC). The cuts in power supplies are a way of pressing civilians for political purposes (trying to force the Gazans to turn against Hamas), which is also strictly prohibited under IHL. Israel has a legal right to defend its civilian population against armed attacks, but is under an obligation to do so in accordance with international law. One of the most fundamental principles of international humanitarian law is the obligation to at all times distinguish between civilians and combatants, as well as between civilian and military objects. The cabinet's decision to cut off electricity and fuel clearly targets the civilian population in Gaza, and therefore stands in clear violation of this principle. Israel, as an occupying power over both the West Bank and the Gaza Strip, has the ultimate responsibility to as far as possible ensure that public order and safety are upheld in the territory it occupies, including securing the welfare of the population (article 43, Hague Convention). The Israeli High Court of Justice has earlier confirmed that "supply of electricity needed by the local population is unquestionably a function imposed on the military government, so as to ensure the proper living.... The court argued that Israel, since the disengagement in 2005, is no longer in effective control over the Gaza Strip, and therefore has no responsibility to provide the population with supplies of food and fuel, but only to abide by rules in IHL on permissible means and methods of warfare. The court did not address the petitioners' arguments that the sanctions constitute collective punishment and violate the principle of distinction, but rather focused on whether "minimum humanitarian needs" were granted the Gaza population. "

**United Nations Information System on the Question of Palestine (UNISPAL), 23 April 2008**

"The UN is leading the humanitarian effort to sustain the people of Gaza under conditions of great adversity. We are also very active, politically and diplomatically, pushing all parties, and the international community, to work for a different and more positive strategy for Gaza. We are giving our strong support to the current Egyptian efforts to calm the violence, and we call on all concerned to work with Egypt in that effort. In this context, the recent attacks by Palestinian militants against crossing points into Gaza are deeply disturbing. I appeal to Hamas to immediately end attacks against the crossings, whether by it or any other faction or group. These attacks endanger both international and Israeli civilians, and cannot possibly contribute to Palestinian efforts to ease the blockade of Gaza. On the contrary, they serve only to deepen and prolong it. The United Nations has repeatedly condemned the killing of civilians by Israeli military operations here in Gaza, which is a depressingly and unacceptably regular occurrence. We have also repeatedly condemned deliberate attacks on civilians at crossings or by the firing of rockets into Israel. Not just because they bring nothing but misery to Palestinians, but because all attacks on civilians are wrong. It is also wrong for Israel to punish a civilian population for such attacks. I call on Israel to restore fuel supplies to Gaza, and to allow the passage of humanitarian assistance and commercial supplies, sufficient to allow the functioning of all basic services and for Palestinians to live their daily lives. The collective punishment of the population of Gaza, which has been instituted for months now, has failed."

**Integrated Regional Information Networks (IRIN), 13 September 2007**

"Palestinian militant groups' rocket fire and mortar attacks on crossing points between the Gaza Strip and Israel are forcing the temporary closure of crossing points and thus restricting the delivery of aid and basic supplies, according to the Israeli government. Since the Islamist group Hamas seized control of the Gaza Strip in June, the border crossings have only been open for importing basic goods, such as food and medicine. All exports are banned, forcing most factories

in Gaza to close, as 76 percent of their products were intended for sale abroad, according to Amer Hamad, the executive manager of the Palestinian Federation of Industries in Gaza. Israel says it cannot coordinate the crossings with Hamas, which does not recognize the Jewish state. Observers and Israeli security officials attribute the drop in imports of food supplies into Gaza in August, compared to July, to both the deteriorating economy - which has left Palestinians in the already impoverished territory with even less buying power - and the attacks on the crossings, which limit their opening hours."

**UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 28 November 2007**

"Lack of construction materials on the local market has forced UNRWA to suspend 8 housing/re-housing and infrastructure projects worth more than USD 90 million, thereby preventing the construction of 2,474 housing units for 2,645 families, or 18,204 beneficiaries. Three projects for the repair of 1,226 refugee shelters were also suspended, affecting 1,512 families, or 8,744 beneficiaries. In addition, UNRWA suspended projects to construct 3 schools and 3 health centers at a value of more than USD 3.5 million.

UNDP has had to suspend 2 important humanitarian re-housing projects in the Gaza Strip, preventing the construction of 500 housing units for non-refugee beneficiaries.

The suspension of these UNRWA and UNDP projects translated into the loss of an estimated 1,380,000 work -days for the construction sector, thereby increasing unemployment and economic hardship for thousands of workers and their families.

Provision of rental subsidies for refugees waiting for new shelters now on hold is costing UNRWA an additional USD 150,000 per month or about USD 750,000 since June 19."

**See Also:**

[Israeli court backs Gaza blockade](#), **The Guardian**, 31 January 2008

[Snow further complicates relief supplies to Gaza](#), **Integrated Regional Information Networks (IRIN)**, 30 January 2008

[Palestinian territories: ICRC steps up aid, calls for action to avert major humanitarian crisis](#), **International Committee of the Red Cross (ICRC)**, 12 June 2006

[Humanitarian Update: Special Focus Closure Count and Analysis](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, August 2005

[OCHA Humanitarian Update](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, 2005

[The Humanitarian Monitor March 2008](#), **UN Office for the Coordination of Humanitarian Affairs (UN OCHA)**, 18 April 2008

[Gaza 'on point of explosion' warns UN](#), **Independent, The**, May 2008

[United Nations International Conference on Palestine Refugees concludes in Paris](#), **United Nations General Assembly (UN GA)**, 30 April 2008

[The humanitarian emergency in Gaza - "A shocking and shameful situation"](#), **United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)**, 30 April 2008

## NATIONAL AND INTERNATIONAL RESPONSES

### National Response

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#### National response: Response of Israel as Occupying Power

- International community has squarely identified Israel as an occupying power in the OPT. The test for determining whether a territory is occupied under international law is effective control which remains in evident throughout the OPT. The Disengagement Plan of 2005 does not reduce the legal responsibility of Israel towards OPT. (UN SR on HR, January 2008)
- Following Oslo Accords administration of civil affairs was transferred to the newly established Palestinian authority for Areas A and B, which served to mitigate Israel's financial burden of providing public assistance and humanitarian assistance. The continuing occupation and subsequent boycott of the Palestinian Authority in 2006 to 2007 has served to reduce the latter's ability to provide basic services to Palestinians. (Badil, September 2007)
- It must be recalled that article 47 of the Fourth Geneva Convention provides that persons in an occupied territory shall not be deprived of the benefits of the Convention by any agreement concluded between the authorities of the occupied territory and the occupying Power, or by the annexation by the occupying Power of part of the occupied territory.... (UN SR on HR, January 2008)
- Nevertheless Israel does not recognise the phenomena of internal displacement within the OPT. Israel's policies remains the main cause of displacement of Palestinians inside the occupied territory.

#### UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, 21 January 2008

"9. Israel has been for 40 years and remains in military occupation of the OPT. This was reaffirmed by the International Court of Justice in its 2004 Advisory Opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, when it held that the Palestinian territories (including East Jerusalem) "remain occupied territories and Israel has continued to have the status of occupying Power". The consequence of this, in the opinion of the International Court, is that the Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) applies to the Occupied Palestinian Territory, as do the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. Furthermore, Israel's obligations have not diminished as a result of the prolonged nature of the occupation. On the contrary, they have increased as a result of it. It is now argued that Israel's occupation has become unlawful as a result of the numerous violations of international law that have occurred during the occupation.

In its Advisory Opinion on the construction of a wall in the West Bank and East Jerusalem, the International Court of Justice was not asked to pronounce on the legal status of Gaza. It, possibly therefore, confined its reaffirmation of the occupied status of the Occupied Palestinian Territory to the West Bank and East Jerusalem. The evacuation of Israeli settlements and the withdrawal of the permanent IDF presence from Gaza in 2005, has now given rise to the argument that Gaza is no longer occupied territory. On 15 September 2005 Prime Minister Sharon told the General Assembly that Israel's withdrawal from Gaza meant the end of its responsibility for Gaza.



10. On 19 September 2007 Israel seemed to give a new status to Gaza when its Security Cabinet declared Gaza to be "hostile territory" - a characterization that was shortly afterwards approved by the United States Secretary of State. Although the legal implications that Israel intends to attach to this "status" remain unclear, the political purpose of this declaration was immediately made known - namely the reduction of the supply of fuel and electricity to Gaza. The test for determining whether a territory is occupied under international law is effective control, and not the permanent physical presence of the occupying Power's military forces in the territory in question. Judged by this test it is clear that Israel remains the occupying Power as technological developments have made it possible for Israel to assert control over the people of Gaza without a permanent military presence. .... According to the Advisory Opinion of the International Court of Justice, all States parties to the Fourth Geneva Convention have the obligation "to ensure compliance by Israel with international humanitarian law as embodied in that Convention". Israel has violated obligations of an *erga omnes* character that are the concern of all States and that all States are required to bring to an end. In the first instance, Israel, the occupying Power, is obliged to cease its violations of international humanitarian law. But other States that are a party to the siege of Gaza are likewise in violation of international humanitarian law and obliged to cease their unlawful actions."

**BADIL Resource Center for Palestinian Residency and Refugee Rights, 12 September 2007**

"Almost 60 years after their initial displacement, Palestinian refugees and IDPs are still denied access to durable solutions in accordance with international law, relevant UN resolutions, and best international practice. A variety of factors have contributed to this stalemate. These include Israel's refusal to provide protection and allow Palestinian refugees and IDPs to return to their homes of origin; the collapse of UNCCP protection; the protracted Israeli occupation of the West Bank, including eastern Jerusalem, and the Gaza Strip; lack of effective protection by the Arab League and host states; limited protection afforded by the UNHCR and UNRWA; varying interpretations of relevant instruments; and the lack of sufficient international will to enable refugees to exercise their fundamental human rights under international law as affirmed in relevant UN resolutions.....

Israel has a special obligation to protect Palestinian refugees and IDPs for a number of reasons: Israel as a successor state to pre-1948 Palestine is the country of origin of the majority of Palestinian refugees and IDPs; it has played a direct role in their protracted forced displacement; and a heightened protection regime applies under international humanitarian law to those Palestinian civilians, including refugees and IDPs, residing in the occupied West Bank and Gaza Strip. Israel thus has a primary obligation to protect, including the facilitation of durable solutions. Israel is a signatory to the 1951 Refugee Convention (but not to the 1967 Protocol), but does not apply this in the case of Palestinian refugees. Neither does Israel apply the 1998 Guiding Principles on Internal Displacement to internally displaced Palestinians. Israel is a signatory to the Fourth Geneva Convention, but does not recognize its *de jure* applicability to the occupied Palestinian territory, and argues that international human rights conventions do not apply to their population. The Israeli High Court has however accepted the *de facto* application of certain provisions to the OPT....

In the 1967-occupied Palestinian territory, 4.0 million Palestinians effectively live under the military control of Israel; at least 2.8 million of them are refugees and/or IDPs. Under international humanitarian law, their protection is the responsibility and duty of the occupying power, Israel, and not the Palestinian Authority (PA), which is a non-sovereign entity under occupation that lacks the power to protect. In practice, the status and rights of Palestinian refugees and IDPs in the 1967-occupied territory are partially regulated by Palestinian Authority civil law, but this is in turn restricted by thousands of Israeli occupation policies.... The UN Office for the Co-ordination

of Humanitarian Affairs (OCHA) characterizes the situation as “the complex interaction of a lack of protection of the civilian population materializing by gross human rights abuses and increased violence [and] a lack of access leading to restricted movement of persons and goods within, to, and from the OPT.[...]”

..... Israel’s policies cause new displacement of Palestinian residents, as well as the repeated displacement of refugees and IDPs, both inside the occupied territory and across regional borders. Forcible displacement is caused by violations of international humanitarian and human rights law, including unnecessary and disproportionate damage inflicted on the civilian population, and violation of Article 49 of the Geneva Convention prohibiting the transfer of civilians (Jewish settlers) by the occupying power into occupied territory. Additional factors that induce forcible displacement include restrictions on movement, revocation of residency rights, denial of family reunification, confiscation of Palestinian land, and (since 2002) the construction of the Wall and its associated regime.”

### **National response: Response of Palestinian National Authority & Hamas Authority**

- Under international humanitarian law, protection is the responsibility of the occupying power, Israel, and not the PNA which is a non-sovereign entity under occupation that lacks the power to protect. This applies equally with regards to Hamas as defacto authority in Gaza.
- In practice, the status and rights of Palestinian refugees and IDPs in the 1967-occupied territory under Palestinian jurisdiction are partially regulated by Palestinian Authority civil law, but this is in turn restricted by thousands of Israeli occupation policies. (Badil, September 2007)
- PNA’s jurisdiction remains limited to areas under its control as per the Oslo Accords, and by Israeli policies of occupation which restrict the PNA’s ability to prevent, let alone protect, forced displacement. (Badil, September 2007)
- Palestinian Authorities have sought to assist victims of house demolitions, though provision of rental subsidies, compensation, and reconstruction or rehabilitation. Financial and political crisis combined with lack of clear, unified and consistent policy has limited the capacity to provide such assistance. (IDMC, March 2008; ICHR, April 2007)
- Palestinian Authorities rehabilitation efforts have been limited. In 2006, Ministry of Public Works and Housing in Gaza Strip is reported to have repaired 62.6% of partially demolished houses while less than 0,02% of demolished homes. (ICHR, April 2007)
- The Palestinian Reform and Development Plan 2008-2010, endorsed in March 2008 envisages to widen social net to address vulnerable Palestinians, and provision of affordable housing schemes and rehabilitation/construction of houses damaged by conflict through Ministry of Public Works and Housing and Ministry of Social Affairs. (PNA, May 2 2008; PNA, 17 December, 2007)
- No specific mention is made to forced displacement in the PRDP. Progress on implementation of PRDP has shown desirous results due to continuing violence and restrictions in movement, with limited economic improvement, despite resumption in international aid. (PNA, May 2 2008; PNGO, August 2008)

### **BADIL Resource Center for Palestinian Residency and Refugee Rights, 12 September 2007**

"Palestinian refugees in the 1967-occupied Palestinian territory came under the combined jurisdiction of the PA and the PLO, which viewed the occupied territory as a host country for Palestinian refugees. However, the ability of national authorities to protect this population, including refugees and IDPs, was limited from the beginning as a result of the limited powers

granted to them under the terms of the interim political agreements with Israel. The destruction of PA infrastructure by Israel since the beginning of the second *intifada* in 2000, and the imposition of sanctions against the democratically elected Palestinian Authority in January 2006, have severely curtailed the PA's ability to protect refugees and IDPs in the occupied territory."

#### **Independent Commission for Human Rights, April 2007**

"Local legislation should be enacted to regulate average apartment rentals, compatible with the average national income in the PNA territories, and to guarantee the rights of both landlord and leasee....The PNA should shoulder its responsibility of compensating citizens whose houses have been subjected to Israeli shelling in Gaza Strip and the West Bank. In the course of its military operations in 2006, the Israeli occupation forces demolished 292 houses in the occupied Palestinian territories, 279 of which were in Gaza Strip. The Israeli occupation forces also demolished 42 houses in the West Bank (including East Jerusalem), under the pretext that they were built without licenses. Palestinian citizens either take responsibility individually to file cases against the demolition of homes and confiscation of land or through specific institutions concerned with this issue, or by checking with the PNA ministries, as there is no unified Palestinian policy in this regard.

9. Despite the difficult conditions during the year, the Ministry of Public Works and Housing in Gaza Strip repaired some 62.6 % of partially demolished houses, while only 62 completely demolished houses out of 4669 or only 0.013 % were reconstructed. In the period between April and November the Ministry repaired 343 houses with a value of \$ 702,000, and finished the reconstruction of 14 houses with a value of \$ 450,000. UNRWA however, focused on people affected in the regions of Rafah and Khan Yunis, through two major projects. The first project is located near the European hospital, to the east of Khan Yunis, and the other in Tel Al-Sultan neighborhood to the west of the city of Rafah."

#### **Palestinian Non Governmental Organisations' Network, August 2008**

"While Palestinian society is living through an extremely acute political and security hardship and where the Israeli military occupation is shaping and affecting the daily lives of the Palestinian community, the plan simply assumes that economic prosperity is the major goal and makes no mention of other vital aspects of life such as free access, feeling secure, not being under constant, severe distress, and other freedoms of all kinds, which are lacking for Palestinians. Furthermore, the plan does not take into consideration supporting and strengthening the resilience of the people to cope with existing, enormous hardships, whether those are related to poverty or otherwise..... Thus, while continued international aid to the oPt is vital for survival, this is why it must not draw our attention away from the root cause of Palestinian de-development and social suffering: a long lasting military occupation of Palestinian lands and the inability of the international community to facilitate and conclude a meaningful political process that could bring about a just and lasting political settlement in accordance and compliance with international law, including international humanitarian law and human rights law..... The plan was developed based on the best case scenario that an anticipated improvement in the political situation will take place following the possible beginning of a meaningful political process that will ostensibly lead to a just political settlement, and that will bring about a more stable and conducive environment for development in the occupied Palestinian territory. Furthermore, the plan assumes that Gaza and the West Bank are a contiguous entity with no restriction of movement of people and goods between the two areas and with the outside world, nor within the West Bank itself. However, the existing facts on the ground demonstrate an opposing reality. Gaza has become a prison to 1.5 million persons and is physically separated from the West Bank. The severe restrictions on movement in the West Bank render economic growth impossible, as has been stated by the

World Bank and other international donors.....Indeed, the long-term geographical fragmentation as a result of the closure regime imposed by the Israeli Government on the WBGS and Jerusalem has severely impacted on social cohesion, the provision of services, access to work and to land, as well as initiatives in system building. These facts cannot be ignored and must be factored into any current development planning initiative. Yet, the current development plan has ignored these vital aspects of development."

**See Also:**

[Progress Report on the Implementation of the Palestinian Reform and Development Plan 2008-2010: Report to the Meeting for the Ad-Hoc Liaison Committee](#), **Palestinian National Authority**, 2 May 2008

[Building A Palestinian State: Towards Peace and Prosperity](#), **Palestinian National Authority**, 12 December 2007

[Inside Gaza: The Challenge of Clans and Families Middle East Report N°71](#), **International Crisis Group (ICG)**, 20 December 2007

[Ruling Palestine: the West Bank model?](#), **International Crisis Group (ICG)**, 17 July 2008

[Ruling Palestine: Gaza under Hamas](#), **International Crisis Group (ICG)**, 19 March 2008

**See Also Humanitarian Access: Humanitarian Access in Gaza, & West Bank.**

## **Regional Response**

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### **Regional Response to OPT**

- The Arab League has repeatedly voiced condemnation on Israeli violations of humanitarian law and human rights law and for an end to the occupation.
- The Arab League has nevertheless not addressed specifically the issue of internal displacement in the OPT but rather has called for an end the causes of displacement including the Separation Wall, Israeli settlements, and continual incursions.

**BADIL Resource Center for Palestinian Residency and Refugee Rights**, 12 September 2007

"The League of Arab States (LAS), the primary regional organization in the Middle East and North Africa, has consistently called for the return of Palestinian refugees to their homes and properties. The LAS framework for peace negotiations refers to UN Security Council Resolutions 242, 338, and 425, UN General Assembly Resolution 194, the Madrid-Oslo agreements, and the principle of land for peace. In March 2002, the LAS adopted the Arab Peace Initiative (Beirut Declaration). This calls for Israel to: (1) withdraw fully from the occupied Arab territory; (2) arrive at a just solution to the Palestine refugee problem in accordance with United Nations General Assembly Resolution 194(III); (3) accept the establishment of a Palestinian state in the occupied Palestinian territory. In exchange, Arab states shall: (1) consider the Arab-Israeli conflict at an end;(2) establish normal relations with Israel."

**United Nations Security Council (UN SC)**, 25 April 2007

"1. The Riyadh summit reaffirmed the need to adhere to the Arab peace initiative as adopted by the Beirut summit in 2002. It called on the Government of Israel and all Israelis to accept the

initiative and seize the opportunity to resume the process of direct, earnest negotiations on all tracks. The summit charged the Arab Ministerial Committee created to deal with that initiative with continuing its efforts and establishing task forces to make the necessary contacts with the Secretary-General of the United Nations, States members of the Security Council, the Quartet and other parties concerned with the peace process, with a view to the resumption of the peace process, the garnering of support for the initiative and the start of earnest negotiations on the basis of the agreed terms of reference...."

**See Also:**

[Arab states ask UN to condemn new Israeli settlements](#), **Deutsche Presse Agentur (DPA)**, 9 July 2008

[Beirut Declaration, The Arab Peace Initiative on Recognition of Israel in Return for Israeli-Palestinian Peace, UNGA Resolution A/56/1026](#), **United Nations General Assembly (UN GA)**, 15 August 2002

[Arab League sets terms for attending peace conference with Israel](#), **Deutsche Presse Agentur (DPA)**, 11 October 2007

[Arab leaders offer Israel guarded peace offer](#), **The Guardian**, 3 April 2007

[After Lebanon war, focus shifts back to Palestinian issue](#), **Deutsche Presse Agentur (DPA)**, 11 September 2006

[Gaza crisis deepens while spotlight on Lebanon](#), **Agence France-Presse (AFP)**, 10 August 2006

## **International Response**

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### **International response: Lack of Recognition of Internal/Forced Displacement**

- A plethora of international actors and institutions have condemned violations of humanitarian law and human rights law as it affects Palestinian community and IDPs alike including General Assembly and Security Council resolutions, the Human Rights Council amongst several Rapporteurs ad infinitum.
- Lack of political will to act by the international community, including the United Nations, continues to leave a political vacuum in which violations continue to be perpetrated.
- This is not withstanding that under international law, every State party has a broad obligation to "ensure respect" for the provisions of Geneva Conventions, regardless of whether or not it is a party to a specific conflict.
- There has been repeated condemnation to this date against the worsening situation in the OPT, and violations of human rights and humanitarian law including 'demographic manipulation' and forced displacement. (CHR, 12 June 2002; CHR, 17 January 2006; UN GA, 15 January 2007)
- Situation of internal displacement has been increasingly recognised by the humanitarian community yet there remains a general lack of awareness by the international community of the phenomena of displacement in the OPT and will to act on forced displacement. (CARE et al, March 2008)
- The international community currently recognizes no international agency as having an explicit mandate to protect internally displaced persons in the OPT. Though causing entailing displacement have been repeatedly condemned, the international community has not been able to address the question of internal displacement.

- Nevertheless internal displacement has been recognised by the humanitarian community in the OPT. Protection concerns of internally displaced were included though as one of many priorities in the CAP in 2008. A sub protection working group on forced displacement was established in February 2008 under the Protection Sector headed by OCHR.

**BADIL Resource Center for Palestinian Residency and Refugee Rights, 12 September 2007**

"No regional or international agency is mandated to provide protection to Palestinian IDPs in Israel and in the OPT, although UN agencies working on the ground do provide basic emergency humanitarian assistance to displaced Palestinians in the OPT or during humanitarian crises (e.g. Israel's War on Lebanon). However, the problem of internal displacement has not yet been officially recognized, and no comprehensive response to the needs and rights of the displaced has been developed.

Special Rapporteurs of the HRC have issued statements and reports regarding the situation of Palestinian refugees and IDPs.... Human rights treaty bodies have also made recommendations pertaining to Palestinian refugees and IDPs.... The International Court of Justice, established in 1945 by the Charter of the United Nations, is the highest legal authority in the world, and issues rulings on contentious and advisory cases.... In October 2003, ... the UN General Assembly passed resolution ES-10/14 requesting the International Court of Justice (ICJ) to issue an Advisory Opinion on the [Wall]... The Court ruled that it was incumbent upon Israel to cease the construction of the Wall and dismantle the sections already built. It further requested Israel to make reparations for all damage caused by its unlawful act. Of particular relevance for Palestinian refugees and IDPs is the affirmation by the ICJ of the principle of reparation, which includes the right to return, as well as restitution and compensation for the unlawful taking of private property. Israel officially rejected the ICJ ruling and has so far failed to comply with the demands therein.

The ICJ affirmed the responsibility of the international community and states "not to recognize the illegal situation resulting from the construction of the wall and not to render assistance in maintaining the situation created by such construction." States Party to the Fourth Geneva Convention were requested to "ensure compliance by Israel with international humanitarian law." The Court also insisted on the fact that the violation of the right to self-determination, which is a right erga omnes, entails certain obligations for states, which should "promote, through joint and separate action..."

**United Nations Commission on Human Rights (CHR), 12 June 2002**

"... [It is] the assessment of the international community, including the Commission on Human Rights and the United Nations treaty bodies, that Israeli occupation has had a devastating impact on the Palestinians' housing and living conditions and that Israel bears legal responsibility. The policies of belligerent occupation and collective punishment have been marked by land confiscations, punitive house demolitions, implantation of settlements and settlers, the dismemberment of the Palestinian territories through the building of bypass roads and other infrastructure to serve illegal settlers, and the control or theft of water and other natural resources in the occupied territories. All of these have had the result of consolidating occupation on the lands occupied by force in 1967.

The principle features of the condition of housing rights in the occupied Palestinian territories arise from breaches of the laws of war and humanitarian law. These include not only violations of the Geneva Convention, relative to the Protection of Civilian Persons in Time of War, on which Israel has reneged, but even more basic prohibitions of the Hague Regulations of 1907, which the

Israeli judiciary and military have formally accepted as applying .... it would be a disservice to the Commission not also to remind it of Israel's long record of depopulation and demographic manipulation by way of expulsion, destruction of homes and villages, and implantation of settlers prior to and since its establishment as a State."

**United Nations Commission on Human Rights (CHR), 17 January 2006**

"Israel continues with its construction of a wall within Palestinian territory in defiance of the 2004 advisory opinion of the International Court of Justice (ICJ). .... The wall causes great hardship to Palestinian communities between the Green Line and the wall and to Palestinians in the vicinity of the wall. The former are denied easy access to family, hospitals and schools in the West Bank while the latter are denied access to their lands beyond the wall. Israel allows Palestinians to cultivate their lands beyond the wall by means of a permit system, which is administered in an arbitrary and humiliating manner. ...Settlements continue to grow, particularly in the "closed zone" between the Green Line and the wall, which at present accommodates 76 per cent of the settler population in the West Bank. ... Settler violence remains a serious problem, particularly in the centre of Hebron, where settlers terrorize the local population. ....The character of East Jerusalem is undergoing a major change as a result of the construction of the wall through Palestinian neighbourhoods. The clear purpose of the wall in the Jerusalem area is to reduce the number of Palestinians in the city by transferring them to the West Bank. .... In November 2005, European Union missions in Jerusalem issued a report in which they accused Israel of embarking on the encirclement of the city by the wall in order to achieve "the completion of the annexation of Jerusalem". Although Israel has abandoned its plan to build a wall through the Jordan Valley, its policies in that region are designed to drive Palestinians from the area. Settlements are expanding; Palestinian land is being confiscated, homes destroyed, access denied to non-Jordan Valley residents, and access to water and electricity curtailed. "

**United Nations General Assembly (UN GA), 15 January 2007**

*"Expressing grave concern* about the continuing systematic violation of the human rights of the Palestinian people by Israel, the occupying Power, including that arising from the excessive use of force, the use of collective punishment, the reoccupation and closure of areas, the confiscation of land, the establishment and expansion of settlements, the construction of the wall inside the Occupied Palestinian Territory in departure from the Armistice Line of 1949, the destruction of property and infrastructure, and all other actions by it designed to change the legal status, geographical nature and demographic composition of the Occupied Palestinian Territory, including East Jerusalem,....

3. *Condemns* all acts of violence, including all acts of terror, provocation, incitement and destruction, especially the excessive use of force by the Israeli occupying forces against Palestinian civilians, resulting in extensive loss of life and vast numbers of injuries, including among children, massive destruction of homes, properties, agricultural lands and vital infrastructure, and the internal displacement of civilians; ...

**CARE, NRC, DIAKONIA, Doctors Without Borders, Premiere Urgence, ICAHD, MA'AN Development Centre, CISP, 25 February 2008**

"Forcible displacement is both a consequence and root cause of the Israeli-Palestinian/Arab conflict. The international community needs to address forced displacement in OPT as a matter of urgency. While restrictions on freedom of movement and closure continue to have grave consequences in both Gaza and the West Bank and many Palestinians are thus unable to leave

their habitual places of residence, many of those same Palestinians have been previously displaced, and still more continue to be forcibly displaced daily.

The deteriorating security situation and policies of occupation – military incursions, settler expansion, demolishing of homes, and land appropriation, revocation of residency permits, construction of the Separation Wall and its associated regime which includes fences, barriers, security systems, land and property confiscations, permits systems and regulations, and considerable environmental degradation – continues to cause displacement changing the demographic boundaries of the OPT within the confinements of a territory increasingly subject to restrictions on people's movement tantamount to a state of siege.

If the international community is committed to the establishment of a Palestinian State then displacement must be systematically and comprehensively addressed as a matter of urgency. The changes to facts-on-the-ground by means of forcible displacement, and the international community's modest response is rendering a political solution to the Palestinian right of self determination increasingly bleak and unforgiving."

**See Also:**

[Human Rights Council Calls for Urgent International Action to End Grave Israeli Violations in Occupied Palestinian Territory](#), **UN Office of High Commissioner for Human Rights (OHCHR)**, 24 January 2008

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**International & National Response: Humanitarian Assistance**



- Humanitarian assistance has mitigated the effects of the Israeli occupation and conflict on Palestinian refugees and IDPs. Though this assistance has prevented humanitarian crises from evolving it can neither prevent violations of international law, nor put an end to the Israeli-Palestinian conflict. (Badil, September 2007)
- Flow of humanitarian assistance reflects manifestation of donor's international political will mitigating the effects of occupation yet without corresponding political will to redress the situation. Perspectives within the donor community on how to approach forced displacement, including wall mitigation strategies remain unclear. (Badil, September 2007; HEPG & LACC, 30 March 2006)
- Despite the resumption of funds in 2007 to Palestinian Authority, the UN evaluates the situation of Palestinians in 2007 worse than in 2006, and foresees a continued degradation in 2008. This is particularly the case in the Gaza Strip where intensified closure since mid 2007 has had a devastating impact on the humanitarian situation. (OCHA, December 2007)
- Though there is no agency mandated specifically to assist IDPs, the Sub Working Group on Forced Displacement, as of July 2008 chaired by OCHA, aims to identify scope of displacement and coordinate efforts to respond to situation of forced displacement.
- UNRWA does provide ad-hoc emergency assistance to secondary displaced refugees and IDPs, or those living under siege on an exceptional basis, and construction programs for secondary displaced refugees. Several other actors including ICRC respond to specific emergency needs of IDPs and secondary displaced refugees.
- Several Palestinian and Israeli NGOs, as well as several international NGOs provide emergency assistance, legal aid, including construction and rehabilitation works. (ICAHD, March 2008; Al Majdal, October 2007)

**Graduate Institute of Development Studies - Palestine Research Unit (IUED-PRU),**  
December 2007

**"Need for assistance:** In May 2007, the need for assistance has reached an unprecedented level since 2004: More than 80% of the population claims that their household needs assistance...More than half of the Palestinians even claim their household needs assistance a lot. This proportion has been considered as an indicator for acute (reported) needs....The highest level of acute needs has been reached in the Gaza Strip where almost three quarters of the respondents live in a household that needs assistance a lot. Among the hardship cases of this region, this figure reaches 88%.....

**Priorities for assistance:** One third of the Palestinian population views employment as the top priority for their household's assistance. Roughly one fifth of them consider health and food assistance as the first priority... For those who claim acute needs for their household, employment and food are clearly of key importance....Among the households that have acute needs in the West Bank and Jerusalem, food is a higher priority than elsewhere. .... Considering infrastructure assistance, the access to water supply networks is valued as more important than electricity, sewage or solid waste disposal. Water is the first priority in particular for the West Bank and for the villages while the majority of Gazans report sewage disposal networks....

**Assistance delivery:** In May 2007, almost half of Palestinian households had received at least one type of assistance during the past six months. This proportion has significantly increased since May 2006 when one third only received aid. This result shows a clear increase in the assistance's coverage of the population....Assistance is clearly improving its targeting of the neediest segments of the population: Two thirds of hardship cases report having received assistance compared to half of those that live below poverty line and one quarter of those who are above it.... .... The Palestinian National Authority (PNA) and UNRWA are the most visible sources of assistance. Two trends appear: the coverage of UNRWA has increased sharply since

2006 and has now reached an unprecedented level since 2004. On the other, the PNA's has decreased by 5% since last year and reached its lowest level. ...The satisfaction of the population in the delivered assistance has increased in a striking manner.."

**BADIL Resource Center for Palestinian Residency and Refugee Rights, 12 September 2007**

"UNRWA is the main provider of services to Palestinian refugees in the OPT. There is no agency providing assistance to IDPs, although UNRWA does provide ad-hoc emergency assistance to IDPs or those living under siege on an exceptional basis. However, no steps have been taken towards applying the UN Collaborative Approach to situations of internal displacement to IDPs in the OPT. In addition to UNRWA, a number of United Nations agencies (including the World Food Programme, the World Health Organization and the UN Children's Fund) contribute relief and services to Palestinian refugees in the OPT. The three main sources of international humanitarian assistance to Palestinians in the OPT in 2006 were UNRWA, the Palestinian Authority Ministry of Social Affairs and relatives. Palestinians in the Gaza Strip, where the majority are refugees, required the most UNRWA assistance.

**Table 3.1: Main sources of Humanitarian/Emergency Assistance Received, as Reported by Palestinian Households in the OPT, 2006**

| Sources of Assistance                   | OPT   | West Bank | Gaza Strip |
|---|-------|-----------|------------|
| UNRWA                                   | 45.6% | 17.1%     | 61.7%      |
| PA Ministry of Social Affairs           | 14.4% | 11.1%     | 16.2%      |
| Relatives                               | 14.2% | 25.7%     | 7.7%       |
| International Organizations             | 9.1%  | 19.2%     | 3.4%       |
| Other PA Institutions                   | 5.1%  | 10.1%     | 2.2%       |
| Charitable Organizations                | 3.50% | 2.50%     | 4.00%      |
| Friends, neighbours, charitable persons | 2.1%  | 2.2%      | 2.0%       |
| Political Parties                       | 1.6%  | 1.4%      | 1.7%       |
| Zakat Committees                        | 1.1%  | 2.1%      | 0.6%       |
| Labour Unions                           | 0.5%  | 1.0%      | 0.3%       |
| Local Improvement Committees            | 0.3%  | 0.9%      | 0.0%       |
| Arab States                             | 0.1%  | 0.2%      | 0.0%       |
| Other                                   | 2.4%  | 6.5%      | 0.2%       |
| Total                                   | 100%  | 100%      | 100%       |

... In the 1967-occupied Palestinian territory, 60% of NGOs working in the refugee community were established during the 1990s. The growth of NGO activities can be attributed to the decrease in assistance provided by the PLO, greater political freedom, and growing international investment in the OPT related to the Oslo process. ...There were between 150 to 200 Palestinian and international NGOs in the OPT in 2006. Since the beginning of the second intifada, Palestinian and international NGOs have had to shift part of their activities towards emergency relief operations, such as providing food aid, emergency employment, and essential medical supplies....

Humanitarian assistance has mitigated the effects of the Israeli occupation and conflict on Palestinian refugees and IDPs. This assistance has also often prevented the worsening of humanitarian crises. Yet, humanitarian assistance can neither prevent violations of international law, nor put an end to the Israeli-Palestinian conflict. It is only ever a temporary measure aimed at alleviating suffering. UNRWA concurs that "emergency assistance is no substitute for a comprehensive political solution; it can only mitigate the effects of the crisis on the most vulnerable." In 2006, UNRWA expressed regret that "the root causes of humanitarian suffering and the structural constraints to development in the OPT remain unchanged."

... The long-term provision of humanitarian assistance in a political and protection vacuum, without any prospect of a rights-based solution, generates dependency and frustration among refugees and IDPs. This is especially true when humanitarian aid comes at a price, as the recent sanctions against the Palestinian Authority show: "With the political and economic isolation of the Palestinian Authority (PA) following the January 2006 elections in the 1967-occupied Palestinian territory (OPT) ... humanitarianism has been transformed into the primary manifestation of international political will as donor states condition additional aid (beyond that required to keep Palestinians alive) on Palestinian acquiescence to conditions that Israel itself has yet to fully accept." "

#### **Humanitarian and Emergency Policy Group (HEPG) and the Local Aid Coordination Committee (LACC), 30 March 2006**

"Perspectives within the international donor community on how to approach wall mitigation and address the implications of the ICJ Opinion are far from consistent. Some donors are strongly in favour of wall mitigation on humanitarian grounds, while others express serious concern regarding undertaking any form of wall mitigation initiative on political or legal grounds. Many donors, meanwhile, have not formulated a clear position. During interviews with donors<sup>4</sup> currently undertaking wall mitigation projects, three recurring issues emerged. The perceived contradiction between humanitarian obligations versus political concerns; the need for a common LACC position on how to approach wall mitigation in an effective and consistent manner, and which is legally consistent with the ICJ Opinion; and the need for the donor community to consider how to ensure compliance by the Government of Israel (GoI) with its obligations under International Humanitarian Law (IHL)."

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## **International & National Response: Peace Process**

- Negotiations between Israelis and Palestinians after having been stalled for several years since the Camp David in 2000, have resumed following an initial meeting in Annapolis in November 2007. The negotiations are premised on the proposals contained in the Quartet Road Map of 2003. (ICG, November 2007)
- The performance-based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict has remained the official political framework for international peacemaking as endorsed by Security Council resolution 1515 (2003).
- There are several criticisms of the Road Map in so far that it does not take into account of developments since that date including the ICJ's Advisory Opinion, Palestinian democratic elections, Israel's withdrawal from Gaza and the June 2007 separation of Gaza from the West Bank and remains a performance based process with little account of normative aspect. (UN SR on HR, January 2008)
- International NGOs have reaffirmed that failure of the international community to address the underlying sources of forced displacement in the OPT including the construction of the Separation Wall, Israeli settlements and by pass infrastructure, closure regime and effects in Gaza Strip is compromising any notion of a two state solution. (CARE et al, February 2008)
- Results of negotiations to this date remain unclear particularly with continual unilateral actions undertaken by Israeli including increase of settlements in West Bank and East Jerusalem since Annapolis. (UN Committee on Palestinian Rights, 14 July 2008; Ha'aretz, 28 July 2008)

## **UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, 17 April 2008**

"How long is this madness to continue without serious international intervention? It has become clear to many responsible persons with experience of the conflict, both in Israel and elsewhere, that only direct negotiations or talks between the real parties involved - Israel and Hamas - can stop the killings.

Israel's unwillingness to talk to Hamas is understandable, given Hamas' hostility to the State of Israel. But there is no reason why the United Nations, acting through the Security Council or the Secretary-General, should not intervene and assert its role as mediator. This is a role that the United Nations has traditionally played, even where one of the parties has been labelled as "terrorist". It is the responsibility of the United Nations, as the ultimate guardian of human rights and international peace, to open lines of communication between Israel, Hamas, and the Palestinian Authority in Ramallah, and to bring them to the negotiating table. Such a step would also contribute to the advancement of Palestinian national unity - another area which the United Nations has to date failed to address.

The right to life is the most precious and important human right. The United Nations, acting through the Security Council or the Secretary-General, must do its utmost to protect the lives of both Palestinians and Israelis. Surely it is not too much to ask of the Security Council, and if it cannot act, the Secretary-General, to protect human life, even if it means talking to a group of which it may disapprove politically. "

## **Joint statement of United Nations organizations on the fuel situation in Gaza, UNICEF, 15 April 2008**

"**Jerusalem, 15th April 2008** - United Nations humanitarian and development agencies working in the occupied Palestinian territory (1) are gravely concerned about the limited fuel supplies in

the Gaza Strip which are having a severe impact upon daily life for the population, and UN operations. Israel's announcement that it will resume deliveries of fuel to the power plant is a positive step, but is insufficient to address the severe shortages of fuel used for transport and generators. The current absence of fuel at petrol stations has meant that normal transportation has ceased; many students have been unable to get to school, and many health professionals have been unable to get to hospitals and clinics. There have been difficulties transporting essential items such as food throughout Gaza.

Israel ceased supply of all fuel supplies to Gaza following the attack on the Nahal Oz fuel terminal on 9th April. Prior to that 3.8 liters million of diesel fuel and 340,000 liters of benzene were transferred from Israel into Gaza for the month of March. This amount was inadequate to fulfill Gaza's requirements and compares with over 8.8 million liters of diesel and 1.7 million liters of benzene that was supplied a year previously in March 2007. The Israeli restrictions prompted the Gaza Petrol and Gas Station Owners Association to suspend supply, to protest at the effects of the limitations. As a result, existing stores of diesel and benzene, which are only adequate for two days usage, have not been distributed.

The current situation is a threat to the health and well-being of the population of the Gaza Strip, fifty six per cent of whom are children. The work of the United Nations organizations in Gaza has been severely hampered affecting schools, health facilities, and food distribution."

**UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, 21 January 2008**

"At the time of writing negotiations leading to a peace settlement between Israelis and Palestinians have commenced following an initial meeting in Annapolis on 27 November 2007. It is not within the mandate of the Special Rapporteur to comment on what is essentially a political process, except insofar as it has implications for human rights. In this context the Special Rapporteur wishes to make the following remarks.

56. The Oslo Accords have been criticized for failing to consider normative aspects of the Palestinian issue. In particular they failed to pay adequate attention to international law and to the human rights dimension. It is important that the Annapolis process does not make the same mistake. Unfortunately the first indications suggest that this is a serious possibility as the joint statement of 27 November agreed to by the parties as a starting point for the negotiations is premised on the proposals contained in the Quartet road map of 2003 rather than on the legal norms proclaimed by the International Court of Justice in its Advisory Opinion on the construction of the wall. Indeed the joint statement makes no mention of the Advisory Opinion at all. The Secretary-General in his statement at Annapolis also invoked the road map but made no mention of the Advisory Opinion. In the opinion of the Special Rapporteur, the road map is an inappropriate and unhelpful framework for negotiations for the following reasons. First, it is outdated as it takes no account of the Advisory Opinion, Palestinian democratic elections, Israel's withdrawal from Gaza and the June 2007 separation of Gaza from the West Bank. Second, Israel attached 14 reservations to the road map in May 2003, which makes Israel's commitment to it unclear. Third, it is, in its own language, "a performance-based and goal driven roadmap" which takes little account of the normative aspect.

57. It must be recalled that article 47 of the Fourth Geneva Convention provides that persons in an occupied territory shall not be deprived of the benefits of the Convention by any agreement concluded between the authorities of the occupied territory and the occupying Power, or by the annexation by the occupying Power of part of the occupied territory. This means that any agreement between the Palestinian authorities and the Israeli Government that recognizes settlements within the occupied Palestinian territory, or accepts the annexation by Israel of

Palestinian land within the wall, will violate the Fourth Geneva Convention. This is but one example of the dangers of a peace process between unequals which has no regard to the normative framework of international law. In its approach to previous peace negotiations, the Israeli Government has insisted on negotiations being restricted to the agreed framework. The Annapolis joint statement which refers only to the road map suggests that Israel does not see itself as being bound by the normative framework accepted by the United Nations.

58. In the opinion of the Special Rapporteur negotiations should take place within a normative framework, with the guiding norms to be found in international law, particularly international humanitarian law and human rights law, the Advisory Opinion of the International Court of Justice, and Security Council resolutions. Negotiations on issues such as boundaries, settlements, East Jerusalem, the return of refugees and the isolation of Gaza should be informed by such norms and not by political horse-trading. In this respect parties might learn from the experience of the negotiations that led to a democratic South Africa in the mid-1990s, which took place within the framework of accepted democratic principles, the rule of law and international law (with special reference to human rights law)."

**BADIL Resource Center for Palestinian Residency and Refugee Rights, 12 September 2007**

"The performance-based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict has remained the official political framework for international peacemaking, although Israel is implementing unilateral measures, which include components of colonialism and apartheid, in violation of both the Road Map and international law. These unilateral measures are applied in order to annex de facto the main Jewish colonies ("settlements") and large areas of Palestinian land in the occupied West Bank, while a Jewish demographic majority in Israel is maintained through an increasingly restrictive regime of separation on national grounds. There was no change in the fundamental positions of Israel and the Palestine Liberation Organization (PLO) regarding the parameters for durable solutions for Palestinian refugees and internally displaced Palestinians, and official political negotiations remained frozen. Israel continued to advocate for a politically-driven and pragmatic solution of the refugee question which excludes recognition of the right of return, arguing that Palestinian refugees should be resettled in Arab states or third countries outside the region. Israeli official and public debate concerning Palestinian refugees focused on demography (i.e., how to maintain a Jewish majority) and separation (i.e., how to separate from the Palestinian population while keeping control of its land). Official statements by the PLO continued to promote a rights-based approach to the refugee question, including a solution in accordance with UN Resolution 194 and the rights to return, property restitution and financial compensation of Palestinian refugees and IDPs. The United States and Israel continued to vote against UN resolutions that reaffirmed the applicability of international law to the solution of the Palestinian refugee question. The European Union has not formulated a clear policy regarding Palestinian refugees and IDPs, and has not explicitly recognized the right of return, or rights to restitution and compensation of Palestinian refugees. In the absence of effective protection of their rights to return, restitution and compensation on the part of much of the international community and the United Nations, Palestinian refugees and IDPs have attempted to effect these rights by themselves. In 2006-7, for instance, public participation in annual commemorations of the Nakba of 1948 continued to expand. Palestinian citizens of Israel published four interrelated proposals for reform of Israel's political and legal system, including demands for democratisation of the state of Israel and Israel's recognition of its responsibility for the Nakba."

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