

10 September 2008

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## Occupied Palestinian Territory: Forced displacement continues

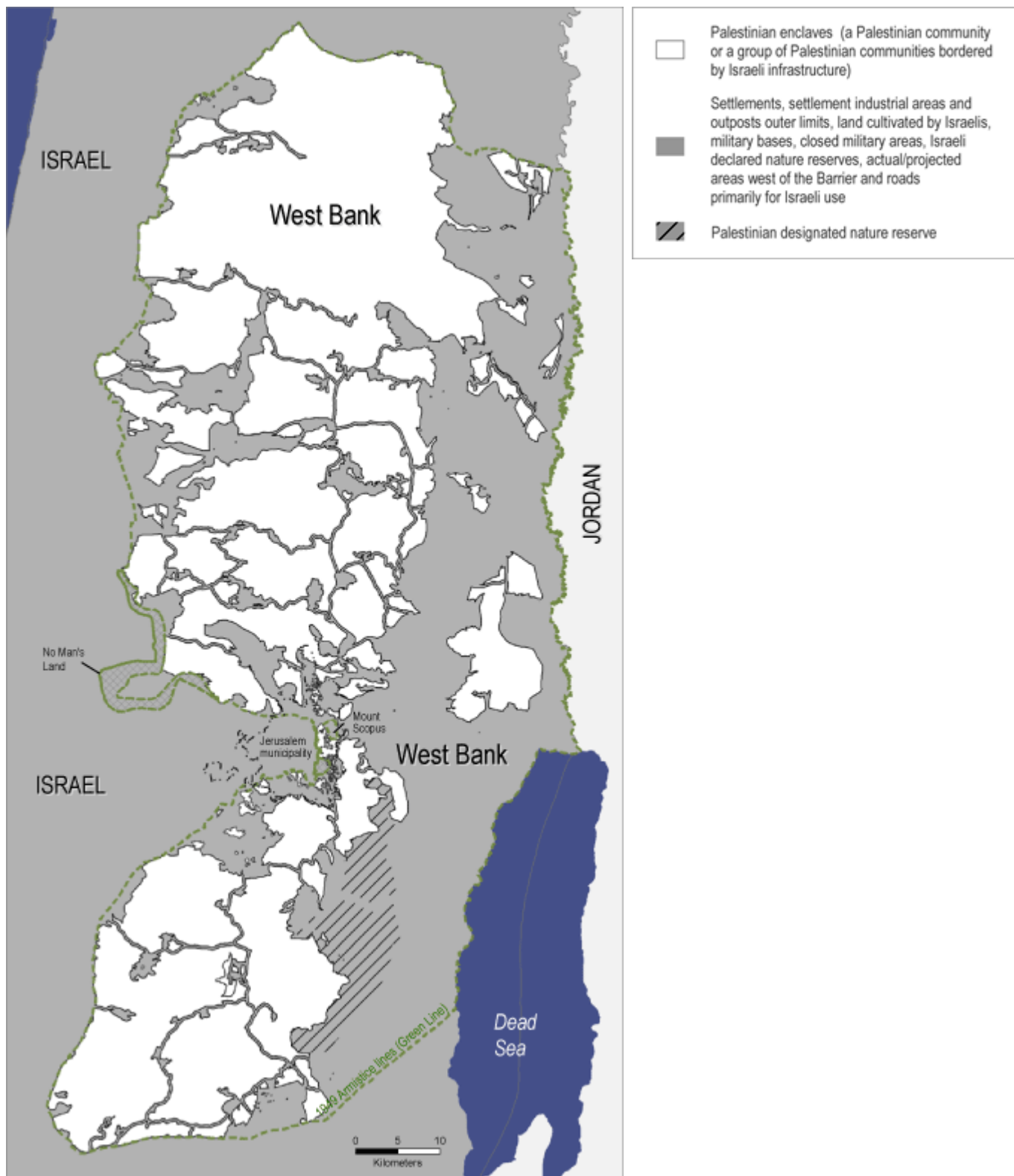
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*Forced displacement has a long history in the Occupied Palestinian Territory (OPT), as both a consequence and root cause of the Israeli-Palestinian/Arab conflict over resources and land. Certain patterns of displacement in their severity and consistency 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.*

## Palestinian enclaves in the West Bank



Source: OCHA

More maps are available on <http://www.internal-displacement.org/>

## 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 (Al 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 Judaize 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; JCSE, 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.

*Note: This is a summary of the IDMC’s Internal Displacement profile. The full profile is available online [here](#).*

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The Internal Displacement Monitoring Centre, established in 1998 by the Norwegian Refugee Council, is the leading international body monitoring conflict-induced internal displacement worldwide.

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.

For more information, visit the Internal Displacement Monitoring Centre website and the database at [www.internal-displacement.org](http://www.internal-displacement.org) .

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