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Occupied Palestinian Territories: West Bank Wall main cause of new displacement amid worsening humanitarian situation

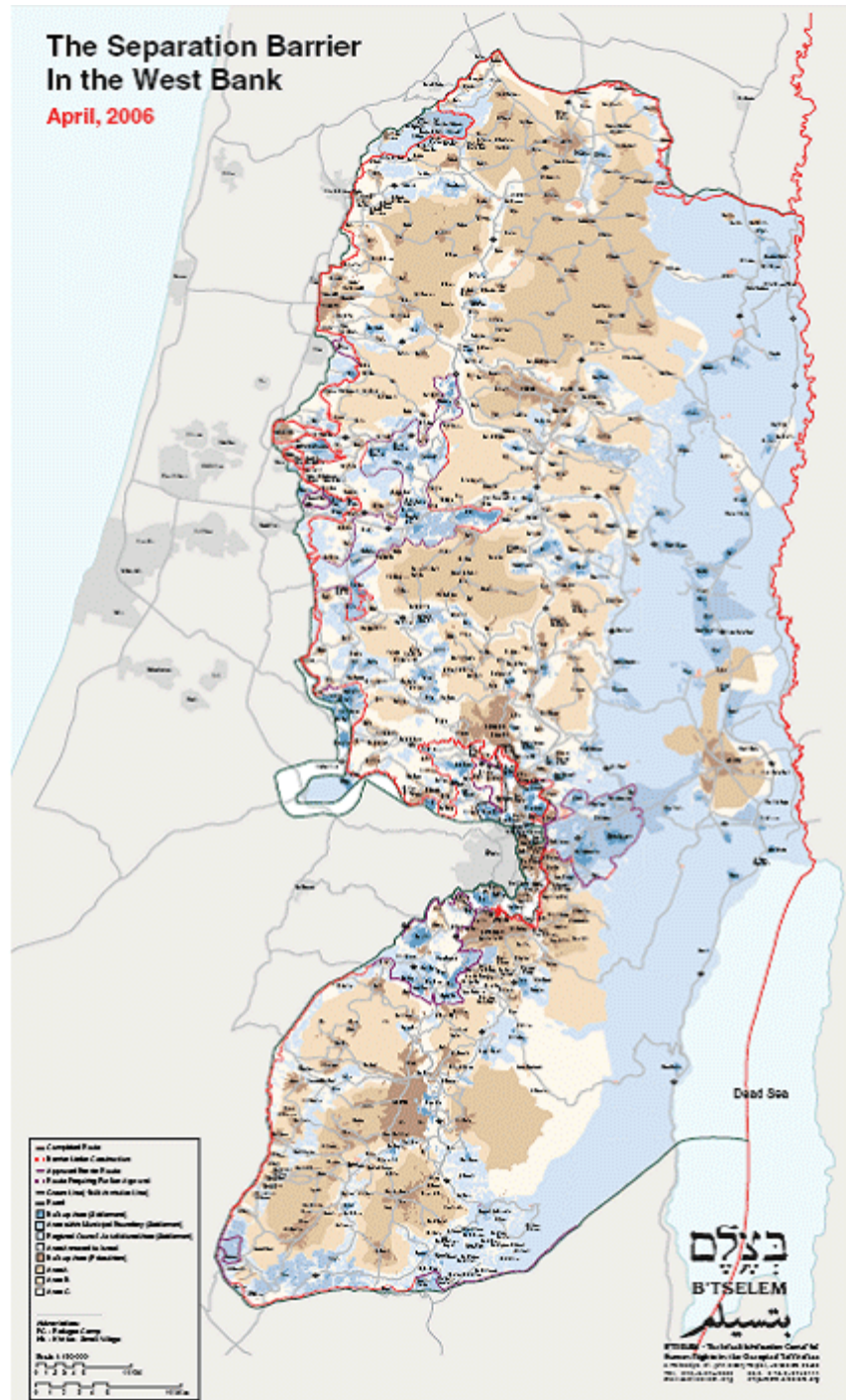


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Map of the West Bank



Source: B'Tselem, April 2006

Executive summary

Since 2005, internal displacement in the Occupied Palestinian Territories has largely been the result of house demolitions and land confiscation by the government of Israel in connection with the construction of the West Bank Wall. While displacement is ongoing, the humanitarian situation in the Occupied Territories has gravely deteriorated following sanctions taken by the Government of Israel and major donors against the new Palestinian Government.

Since Israel's occupation of the Gaza Strip and the West Bank in 1967, the Israeli government has ordered the demolition of thousands of homes in the Territories and has confiscated land, for example in East Jerusalem. According to the Israeli government, these measures have been taken for security and administrative reasons and to deter or prevent militants from suicide-bombings and other terrorist attacks on Israel. According to many international organisations and UN human rights bodies, however, Israel's policy of house demolitions and land confiscation in the Occupied Territories violates international humanitarian and human rights law, including protection against arbitrary displacement. There are no reliable figures on the number of people displaced in this way, but estimates run into the tens of thousands over the past few decades. Whereas house demolitions in the course of military incursions or so-called "clearing operations" constituted the primary source of internal displacement in 2003 and 2004 in the Occupied Territories, the construction of the West Bank Wall and its associated regime have now become the major cause of forced displacement.

In 2002, Israel started the construction of a Wall in the West Bank designed to physically separate Israel and Israeli settlements from the Occupied Territories and to protect Israeli citizens from Palestinian militant attacks. Largely built on Palestinian confiscated land in order to incorporate Israeli settlements on its Israeli side, this 670 kilometre-long Wall has led to extensive expropriation and destruction of property, which has been the most direct cause of displacement. The Wall and the associated Israeli security measures also provoke internal displacement by rendering the life of Palestinians residing in its vicinity increasingly intolerable. Residents often find themselves cut off from their jobs, health facilities, schools, lands and family members. The Wall causes severe hardships for Palestinians living in the Jerusalem area since it practically seals off the city from the rest of the West Bank, leading to the economic decline of entire communities. It also exposes thousands of Palestinians to the loss of their residency rights in Jerusalem.

There are no comprehensive statistics or assessments on actual or potential displacement as a result of the construction of the Wall. The most comprehensive study – by the Palestinian Central Bureau of Statistics – estimates that nearly 14,500 persons had been displaced in the 145 localities through which the Wall had already passed by May 2005. B'Tselem, an Israeli human rights organisation, has estimated that the Wall threatens to displace some 90,000 Palestinians. Displacement is ongoing and substantial displacements may be expected in the coming years. Construction continues despite the International Court of Justice's Advisory Opinion, issued in July 2004, which found that the Wall and its associ-

ated regime violate international humanitarian and human rights laws and demanded the immediate dismantling of the Wall in the Occupied Territories, including East Jerusalem.

Despite a relative easing of Israeli restrictions on Palestinians' freedom of movement during the first half of 2005, the humanitarian situation in the Occupied Territories continued to deteriorate. Recent Israeli and international sanctions imposed on the new Hamas-led government of the Palestinian Authority plunged the Territories into a serious economic and humanitarian crisis. UN agencies warn that the Authority may collapse, with disastrous potential consequences for the delivery of humanitarian aid and the stability of the region.

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. A war followed between Arab and Israeli armies during which between 600,000 and 760,000 people fled or were expelled from Israel and became refugees (MERIP 2001; Bligh, January 1998, p.124).

At the end of the 1948 war, Israel controlled the area which became the State of Israel, 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 on one side, and Egypt, Syria and Jordan on the other resulted in Israel's occupation of East Jerusalem, the West Bank, the Gaza Strip, the Golan Heights and the Sinai Peninsula (later returned to Egypt). East Jerusalem and the Golan Heights were later annexed by Israel, but this has not been internationally recognised. As a result of the 1967 war, as well as evictions which took place soon afterwards, several thousand Palestinians left Jerusalem for other parts of the Occupied Territories and elsewhere in the world.

From 1987 to 1993, the Intifada, a popular uprising against the Israeli occupation, gained momentum in the Occupied Palestinian Territories. A political process of reconciliation between Israel and the Palestinians began with the Madrid Conference in 1991 and continued with the September 1993 signing of the Oslo Accords (Declaration of Principles on Interim Self-Government Arrangements, 13 September 1993). A Palestinian Authority was established and given a certain degree of control and jurisdiction over parts of the West Bank and Gaza Strip. A number of provisions of the Oslo Accords, such as border demarcation and the return of refugees, remained outstanding. In September 2000, a second Palestinian popular uprising (Intifada) broke out and the Palestinian-Israeli conflict intensified considerably. After the failure of several international initiatives, a Road Map to Peace was issued on 30 April 2003 by a diplomatic "Quartet" of the United States, Russia, the European Union and the United Nations, with the involvement of Palestinian and Israeli representatives; it has been endorsed by the UN Security Council as an important achievement

towards establishing peace and security in the region (UN Security Council Resolution 1515, 19 November 2003).

Following the death of the Palestinians' historical leader Yasser Arafat, Mahmoud Abbas, candidate of the Fatah (the party founded by Arafat), was elected president of the Authority. In February 2005, Abbas and Israeli Prime Minister Ariel Sharon agreed on a ceasefire at the first Palestinian-Israeli summit held in four years. In August and September 2005, Israel unilaterally withdrew military forces and around 8,000 settlers from the Gaza Strip and four small settlements in the northern West Bank, following Sharon's "disengagement plan". While internal freedom of movement has been recovered in Gaza, it remains an occupied territory since Israel maintains effective control of the Strip (CHR, January 2006; OCHA, 11 April 2006; B'Tselem, 26 April 2006). In January 2006, the Islamic party Hamas – which advocates Palestinian armed struggle and refuses to recognise the State of Israel – won Palestinian legislative elections. In reaction, Israel imposed severe economic sanctions along with drastic security measures. The Palestinian Authority's most important donors, the United States and the European Union, also decided to withdraw direct aid to the Palestinian Authority 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. The Occupied Territories have been plunged into a deep financial and humanitarian crisis while the security situation remains extremely volatile. Since December 2005, suicide attacks against Israel and subsequent Israeli retaliatory attacks have resumed.

Population profile and figures

Palestinians may be one of the least recognised groups of internally displaced people (IDPs) in the Middle East due to the lack of internationally recognised borders between Israel and its neighbours, including the future state of Palestine. Additionally, many IDPs are considered refugees under the mandate of the United Nations Relief and Works Agency (UNRWA), the main agency providing relief assistance in the region. UNRWA does not distinguish between "refugees" and "IDPs", and provides aid to all "persons whose normal place of residence was Palestine between June 1946 and May 1948, who lost both their homes and means of livelihood as a result of the 1948 Arab-Israeli conflict", as well as their descendants (UNRWA 2006).

The Internal Displacement Monitoring Centre considers Palestinians who have been displaced from their homes in Gaza and the West Bank due to deliberate house demolitions and evictions and have remained in these areas, to be IDPs and not refugees since they have not left their country (For more information, see Methodology Note). Under the Oslo Accords, Gaza and the West Bank are considered a single territorial unit (see Declaration of Principles on Interim Self-Government Arrangements, 13 September 1993), so movement between the two areas does not create refugee status. They are internally displaced, because their displacement is a result of generalised violence and human rights violations.

Estimates of the total IDP population in the Occupied Territories are controversial and vary according to sources, existing data, and applicable definition of internally displaced people. There are no comprehensive and systematic data on internal displacement and no registration system (BADIL, Autumn 2005). The lack of overall figure for Palestinian IDPs seem partially attributable to their lack of visibility, as displaced Palestinians are often able to live with family relatives. It also seems to derive from the failure of most international and governmental agencies to recognise the existence of IDPs and distinguish them from refugees. It finally stems from the general difficulty of obtaining reliable data and statistics in the context of the Israeli occupation. The Palestinian NGO BADIL provisionally estimates that 10,000 Palestinians were internally displaced during the 1967 war, the majority from the villages of Imwas, Yalu, Beit Nuba, Beit Marsam, Beit 'Awa, Habla and Jifliq, as well as from the town of Qalqiliya and the old city of Jerusalem (BADIL, 6 July 2004).

The most comprehensive figure concerning house demolitions is provided by the Israeli Committee Against House Demolitions which estimates that since 1967 close to 12,000 Palestinian houses have been destroyed (ICAHD, 2006). Since the beginning of the Second Intifada in September 2000, between 4,000 and 5,000 houses have been destroyed and tens of thousands have been left uninhabitable, displacing altogether around 50,000 persons (ICAHD, 2006). It should be noted that these figures are rough estimates and it is unclear how many affected people have been able to return and how many remain in a situation of displacement.

Along with house demolitions and land confiscation, people have been displaced due to the construction of the West Bank Wall¹ and its associated regime. Further displacement is expected. Overall figures on potential displacement due to construction of the Wall are unavailable. B'Tselem, an Israeli NGO, has estimated that it could potentially displace 90,000 Palestinians (RI, 25 September 2003). According to the Palestinian Central Bureau of Statistics, 14,364 persons have already been displaced in the 145 localities through which the Wall currently passes (PCBS, June 2005). More detailed figures are provided below according to cause of displacement.

In addition, it is estimated that inside Israel, approximately 150-200,000 Arabs are internally displaced, as well as 70,000 Bedouins, displaced due to the 1948 war and subsequent forced resettlement by Israeli authorities (IDMC, Israel country profile, 2 June 2005, p.4). The total number of Palestinian refugees under the mandate of UNRWA is estimated to exceed four million (UNRWA, 31 March 2005).

¹ There is some debate regarding the terminology used to describe the structure being built by Israel. The terminology ranges from "security fence" to "apartheid Wall". In this report, the IDMC has opted to use the term "Wall" in accordance with the terminology used by the International Court of Justice (ICJ, 9 July 2004, para.67).

House demolitions and forced evictions

House demolitions were until recently the primary source of internal displacement in the Occupied Palestinian Territories. House demolitions and forced evictions remain important factors of forced displacement, but they have principally occurred since 2005 in connection with the construction of the Wall in the West Bank and East Jerusalem so that Wall-induced displacement (in its diverse manifestations) now is the main cause of new displacements (B'Tselem, Statistics 2006).

House demolitions and land requisition for military/security reasons

The Israeli government has ordered the destruction of houses located in what it deems strategic areas – near Israeli settlements, on the sides of bypass roads along which settlers travel, near army positions and particularly along the Egyptian border – in order to create security zones or buffer zones (B'Tselem, February 2002, p.4; AI, May 2004, pp.14-24; HRW, October 2004, pp.2-3). Most have been carried out in the framework of what Israel calls “clearing operations”, undertaken as part of military operations, for security requirements, and as a response to attacks against Israeli citizens or infrastructures (PCHR, May 2004, pp.1-2; AI, 18 May 2004, pp.6-7, 10). The Israeli government argues that house demolitions constitute “security measures taken in self-defence and necessitated by terrorist threats” and justifies the harm it causes to civilians on the grounds that their houses are a “legitimate military object” (B'Tselem, October 2004, p.8; MFA, May 2004). Israeli military forces have undertaken numerous clearing operations in the Gaza Strip, particularly in the Rafah area, where they say terrorist organisations smuggle weapons through tunnels from Egypt into Gaza, frequently using civilian homes (IDF, 2004). Significant numbers of houses have been destroyed in the course of these operations (FIDH, October 2004, p.12). Israel subsequently created a buffer zone along Gaza’s border with Egypt. In 2004, a total of 10,704 Palestinians were displaced (B'Tselem, Statistics 2006). OCHA estimates that between September 2000 and October 2004, more than 24,500 people were displaced by house demolitions in the Gaza Strip, one of the most densely populated places in the world (OCHA, 1 October 2004). Since 2005, this type of house demolition has above all been carried out in the West Bank around settlements, near settlers' bypass roads and in connection with the construction of the Wall. The latter are dealt with in the section on the Wall.

There has been widespread criticism by international and national human rights organisations and UN bodies over the disproportionate character of forced evictions and house demolitions. According to their reports, house demolitions and forced evictions, almost invariably serve the purpose of creating buffer zones around Israeli settlements, settlers' by-pass roads and/or military installations, thus ensuring the contiguity of the settlements and their connection to Israel and allowing for further settlement expansion on Palestinian land (UNSC, 19 May 2004, S/RES/1544; AI, May 2004; HRW, October 2004; CHR, 7 December 2004). NGOs and UN human rights experts denounce these actions as measures of collective punishment, a war crime (AI, May 2004; HRW, October 2004; CHR, 7 December 2004). NGOs report that in most cases forced evictions and house demolitions are carried out without warning, often at night, and usually giving occupants little or no time to

gather their belongings (AI, 18 May 2004). The Israeli army has also frequently failed to evacuate surrounding houses, which are also destroyed or damaged in the process (AI 18 May 2004, B'Tselem, February 2002, p. 8).

Legal mechanisms established by Israel's military administration in the Territories 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/security needs and allowed the demolitions (AI, 18 May 2004; Adalah, 27 July 2005).

Punitive house demolitions

The so-called punitive house demolitions are those targeting the houses where Palestinians who carried out or are suspected of involvement in attacks against Israeli civilians or soldiers used to live. These demolitions are not intended to meet military needs, but rather to harm the occupants of the house that is destroyed (B'Tselem, November 2004, pp.3 and 8). With the beginning of the Second Intifada, punitive house demolitions became systematic. According to B'Tselem, from October 2001 to January 2005, Israel demolished 668 homes as a punitive measure in the Occupied Palestinian Territories (AI, May 2004, pp.10-13; B'Tselem, November 2004, pp.5-7). This practice has been widely denounced as a violation of international humanitarian law and various human rights law standards, notably the prohibition of collective punishment, of destruction of civilian property and the principle of presumption of innocence (AI, May 2004, p.13; B'Tselem, November 2004, pp.24-44; Al Haq, January 2004).

The use of punitive house demolitions was officially discontinued in February 2005 by the Israeli Defence Minister, Shaul Mofaz, following a study which found that house demolition was not an efficient means of deterrence. However, Israeli officials have recently publicly considered reinstating this policy, which is legal, according to the Israeli High Court (IDF, 17 February 2005; Al Haq, 2004, pp.66-71 and pp.105-110).

House demolitions for lack of a building permit

Restrictions by the Israeli government on construction by Palestinians in East Jerusalem and in the West Bank have also resulted in internal displacement. Few Palestinians are granted building permits by Israeli authorities. Houses built without official authorisation have been subject to demolition by the Israeli army. According to the statistics provided by the Israeli Civil Administration to B'Tselem, a total of 1,049 houses and structures have been demolished for lack of a building permit in the West Bank between 1999 and 2004 (B'Tselem, Statistics 2006). In East Jerusalem, between 1999 and 2003, 229 houses and other structures were demolished, while in 2004 and 2005 alone, 198 houses were demolished, displacing 594 people. This sharp increase has been underlined by the UN special rapporteur on the situation of human rights in the OPT (CHR, 17 January 2006, para. 33). There are, however, no consolidated data on the total number of people displaced by this type of house demolition in the West Bank and East Jerusalem.

The Israeli government argues that house demolitions enforce Israeli building laws. It claims that neither Palestinian nor Israeli construction is allowed on agricultural land. It asserts that the Municipality of Jerusalem can issue a demolition order when the illegal construction of buildings interferes with plans for public facilities, such as schools or roads, or with the city's historical heritage. It also reports that many Palestinians refrain from requesting building permits in Jerusalem, because they regard this action as recognition of Israeli sovereignty over Jerusalem (Jerusalem Municipality website). According to NGOs and international organisations' experts, house demolition for lack of a building permit is based on a discriminatory policy which has consistently refused planning permission to Palestinians while giving Israelis permission to set up settlements (CHR, January, 2006; EU, 25 November 2005, para. 11-13; AI, 18 May 2004; B'Tselem 2002). Many of these house demolitions have been linked to land confiscations. Under the Israeli Absentee Property Law (1950), the Israeli government may acquire land in the West Bank if it was not officially registered or not under continuous cultivation (AI, 18 May 2004). The confiscation of Palestinian property has occurred with frequency in the eastern areas of Jerusalem and in the West Bank, often in order to expand settlements. On the other hand, the so-called "settlement outposts", illegal even under Israeli law, have not been dismantled (CHR, 17 January 2006, para.24; EU, 25 November 2005, para.13).

Wall-induced displacement

Background

In June 2002, the Israeli government started the construction of a Wall officially devised to prevent terrorist attacks against Israeli citizens by physically separating Israel and Israeli settlements from the Occupied Palestinian Territories (Israeli Ministry of Defence, April 2005). This Wall consists of an eight-meter concrete construction in some areas (around Qalqiliya, Tulkarm, Bethlehem and East Jerusalem). In other places, it takes the form of a barrier, from 60 to 100 meters wide, which includes buffer zones with trenches and barbed wire, trace paths to register footprints, an electric fence with sensors to warn of any intrusion, a two-lane patrol road and fortified watchtowers at regular intervals (CHR, September 2003, para. 7; OCHA, 7 March 2004, p.2; ICJ, 9 July 2004, para.82). It does not follow the Green Line (the 1949 armistice line generally accepted as the border between the two entities), but penetrates into the OPT, leaving substantial parts of Palestinian territory and some Palestinian communities on the Israeli side (ICJ, 9 July 2004, para. 119; OCHA, September 2005; CHR, August 2005). As of 25 April 2006, 335 km of the Wall had been completed and were operational and 145 km were under construction (Ministry of Defence, 25 April 2006).

Although Israel maintains that the Wall is a temporary structure, numerous institutions and experts have expressed concerns that it may have irreversible human rights and humanitarian consequences (CHR, January 2006; EU, 25 November 2005; ICJ, 9 July 2004, para. 121). Not only does the Wall separate Palestinian communities living on its western side

from other communities of the West Bank, but it also prevents Palestinians on both sides from gaining access to their lands, places of work, schools and health facilities and consequently causes considerable hardships (OCHA, February 2005; CHR, August 2005, para.12-20; UNSG, A-ES-10-248, 24 November 2003). In July 2004, the International Court of Justice (ICJ) held, in an Advisory Opinion requested by the United Nations General Assembly, that the Wall being built on the Palestinian territory violated international humanitarian and human rights laws and should be dismantled. The Court called on all other governments not to provide aid or assistance in maintaining the situation created by the Wall's construction (ICJ, 9 July 2004, para.137, 149-159). On 20 July 2004, the UN General Assembly adopted resolution ES-10/15, a legally binding document, which demands that Israel comply with the legal obligations identified in the Advisory Opinion (UNGA, 20 July 2004, A/ES-10/15).

Construction has been slowed down or altered mainly because of petitions submitted by Palestinians affected by the Wall to the Israeli High Court. The Court has on occasions ordered the re-routing of small portions of the Wall in the light of its harsh consequences for the affected Palestinian population (HCJ, 30 June 2004, 2056/04). However, the High Court's position does not reflect Israel's obligations under international law and ignores the ICJ Advisory Opinion (CHR, January 2006, para.13; HCJ, September 2005, 7957/04).

Following the plan approved by the Israeli Cabinet in February 2005, and modified in April 2006, the Wall once completed will be 670 km long, of which 135 km will be along the Green Line (OCHA, March 2005). The Wall's route goes further into the West Bank to include the Gush Etzion settlement block near Bethlehem and the settlements of Ma'ale Adumim and Ariel near Nablus. As a result, some 10 per cent of the Palestinian territory will be de facto annexed to Israel. While all Israeli settlements in the Occupied Territories have been established in breach of international law, the Wall's route has been traced in such a way as to include on its Israeli side the great majority of the settlements in the Occupied Palestinian Territory (including East Jerusalem) (UNSC res.244, 22 March 1979; ICJ, 9 July 2004, para.119). The Wall will enclose on the Israeli side 170,000 settlers (in addition to the 190,000 settlers in East Jerusalem), in other words 76 per cent of the West Bank settler population, and 49,000 Palestinians (in addition to the over 200,000 Palestinians living in Jerusalem) (OCHA, March 2005; B'Tselem, Statistics, October 2005). According to a study led by B'Tselem, the Israeli human rights organisation, and Bimkom, one of the primary reasons for choosing the route of many sections of the Wall was to place certain areas intended for settlement expansion on the "Israeli" side of the Wall (B'Tselem, December 2005). 244,000 Palestinians live or will soon live in enclaves, surrounded by the Wall and/or Israeli settlements and by-pass roads on at least three sides (OCHA, March 2005; B'Tselem, Statistics, October 2005).

The Wall: A source of displacement

The Wall has already displaced a significant number of people and threatens to provoke further displacement. The UN Special Rapporteur on the situation of human rights in the OPT has referred to a "new generation of internally displaced persons" (CHR, January

2006, para. 20). However, there is a lack of comprehensive statistics or assessments on actual or potential displacement as a result of the construction of the Wall. The most comprehensive is a study undertaken by the Palestinian Central Bureau of Statistics (PCBS) in May 2005 in the 145 localities through which the Wall already passes. The study estimates that 14,364 persons have been displaced in these localities (PCBS, June 2005). B'Tselem, the Israeli human rights organisation, has estimated that the Wall threatens to displace some 90,000 Palestinians (RI, 25 September 2003).

Causes of displacement in connection with the construction of the Wall include land confiscation, demolition of homes, and severe restrictions on freedom of movement and access to employment, education, health care and members of the extended family (BADIL, 6 July 2004). According to a survey on the impact of the Wall, 35 per cent of the Palestinians surveyed declared that the Wall increases transportation costs, 31 per cent that it prevents them from getting to work, 29 per cent that it separates them from their relatives, 19 per cent that it makes access to basic services difficult, 15 per cent that it makes buying certain food items difficult or impossible, and 11 per cent that it separates them from their lands (IUED, PPP9, April 2006, p.32).

Land confiscation and property destruction for the building of the Wall have been the most direct causes of population movements. The UN estimates that the majority of the Wall (525 km) is planned to be built on confiscated Palestinian land (OCHA, March 2005). A study by the Palestinian Central Bureau of Statistics suggests that, as of May 2005, 4,800 hectares have been confiscated since the beginning of construction (PCBS, June 2005). Land confiscations – implemented through military orders and often at short notice – have been accompanied by the uprooting of thousands of olive and citrus trees and the destruction of water wells, greenhouses, businesses and private houses (CHR, February 2004, para.15; OCHA, March 2005; UNGA, A/60/380, 26 September 2005, para.42-47, para.65-66). Israeli authorities have also decided to create a buffer zone along the Wall, a 150-200m strip of land on the West Bank side of the Wall where construction is prohibited (OCHA, March 2005, para.13). As a result, in the Northern West Bank, where 1,350 hectares have been requisitioned for the construction of the Wall, 6,300 hectares are affected by the buffer zone. For alleged security reasons, a number of Palestinian structures in the newly-declared buffer zone have been demolished. Palestinian homes located a few meters from the Wall may also be under threat of demolition in the future (OCHA, March 2005; CHR, August 2005; UNGA, A/60/380, 26 September 2005, para.37-49).

Documentation of property and land losses due to the construction of the Wall has not been systematic, although there is an indication that the UN is in the process of setting up a registry to monitor the damage (BADIL, Al Majdal, Autumn 2005).

A second main cause of displacement related to the Wall is restriction on free movement and access, particularly for Palestinians living close to the Wall as they are cut off from their jobs, health facilities, schools, land and family members (CHR, August 2005; OCHA, March 2005). Almost 50,000 Palestinians find themselves in the “closed zone”, between the Green Line and the Wall, while 244,000 live in enclaves surrounded on at least three

sides and over 500,000 live within a kilometre of the Wall (OCHA, March 2005; B'Tselem, Statistics October 2005). Palestinians living in the "closed zone", that is on Palestinian territory but on the Israeli side of the Wall, are the most vulnerable to forced displacement as they are isolated from the rest of the West Bank and subjected to a special permit regime. On 7 October 2003, the Israeli military declared the areas between the Green Line and the Wall closed and requested Palestinian residents of these areas to obtain Israeli residence permits in order to remain (Order Regarding Security Regulations (No 378) 537-1970 [Declaration concerning closing an area No. S/2/03 (Seam Zone)]). Those who succeeded in obtaining such permits are now only able to access the West Bank through entry gates in the Wall. To date, there are 65 gates in the Wall; 27 are open to Palestinians and ten are open on a seasonal basis. Entry gates are only open a few hours per day (OCHA, January 2006, p.2; CHR, January 2006, para.18-19). There are reports of humiliation and harassment, including of children, by the Israeli Defence Forces at entry gates (CHR, February 2004, para.20-21; OCHA, January 2006, pp.19-21).

Many Palestinians live on the Palestinian side of the Wall while their agricultural land is in the closed zone. The UN estimates that 10 per cent of the land of the West Bank will be in the closed zone once the Wall is completed (OCHA, March 2005). Palestinians must obtain special permits from the Israeli military authorities in order to enter it. In 2005, the number of permit refusals was higher than in 2004 and around 40 per cent of applications for permits were refused (CHR, January 2006, para.17; OCHA, January 2006, p.13). Whereas landowners were previously refused these permits mainly for security reasons, permits are now mostly denied because the owner or user of the land has not been able to prove ownership sufficiently (although land titles are alien to Palestinian traditions) or direct relationship to the land (OCHA, January 2006, pp.13-17). In addition, permits are often granted for short periods only. Farmers face other obstacles; gates are few and administered in an arbitrary manner, and they are often unable to take tractors and farm vehicles through (CHR, December 2004, para.36; OCHA, January 2006, pp.19-21). Palestinians living in enclaves experience similar difficulties in accessing lands, schools, health services and places of work. They have to travel long distances and often wait a long time at checkpoints. In February 2004, in the enclave of Qalqiliya, 600 shops had closed and an estimated 6,000 persons had left (CHR, February 2004, para.24).

The specific case of Jerusalem

Not only does the 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. Associated to other Israeli measures, the Wall is likely to provoke important population movements in this area (Al Haq, October 2005; CHR, January 2006, para.30-35). Some 230,000 Palestinians with Jerusalem ID currently live in East Jerusalem and surrounding neighbourhoods. However, this population is being severely reduced by the construction of the Wall to the west of neighbourhoods previously part of the municipality of Jerusalem (the Shu'afat refugee camp and West Anata with a population of 55,000) and neighbourhoods entirely dependent on Jerusalem for their survival (Abu Dis, Anata and Al-Eizariya)

(CHR, August 2005, para.32). The Wall in East Jerusalem may cause secondary displacements among refugee communities living in the area. 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). About 680 persons, including some 50 children, left their homes in East Jerusalem during the first part of 2005 (UNGA, A/60/380, 26 September 2005, para.53).

Since the annexation of East Jerusalem in 1967, all Palestinians who did not choose to become Israeli citizens have been required to obtain a residence permit to live in Jerusalem. While at the time such permits were granted to all Palestinians residing in the city, Israel started in 1995 to implement the so-called “centre of life” policy, under which Palestinians must prove that they currently live in the city of East Jerusalem or risk losing their permit (JCESR, Residency rights). This proof includes certificates of payment of the Israeli residency tax, electricity and telephone bills, school certificates and work certificates (JCESR, 2001; JCESR, Residency rights). One of the central concerns regarding the construction of the Wall in the East Jerusalem area is that Palestinians on the West Bank side of the Wall who will not be able to travel to Jerusalem to work or access basic services are likely to lose their residency rights in East Jerusalem (their blue Israeli ID) and the social benefits attached to it (Al Haq, October 2005; EU, November 2005, para.19-20; CHR, January 2006, para.34). ID confiscation will particularly affect Palestinian residents of East Jerusalem who were forced to relocate outside the municipal boundaries of the city because of the discriminatory tax regime and the building permit restrictions imposed by Israeli authorities on Palestinian residents (approximately 50,000 people) (CHR, August 2005, para. 32; Al Haq, October 2005). 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).

People may also be displaced because many spouses and family members hold different ID cards due to 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, the social benefits attached to it and their jobs (AI, July 2004; CHR, January 2006, para.34; UNGA, A/60/380, 26 September 2005, para.56-61, Al Haq, October 2005).

Israel's "closure policy" remains the main cause of humanitarian crisis

The humanitarian situation in the Occupied Palestinian Territories sharply deteriorated in late 2005 and in the first months of 2006 affecting all Palestinians, whether displaced or not (OCHA, September 2005; OCHA, January 2006, Humanitarian Update). During the first half of 2005, though restrictions to freedom of movement in the Occupied Territories decreased, these changes remained insufficient (OCHA, December 2005, p.3). Increased tensions following the Israeli unilateral disengagement from the Gaza Strip and the Palestinian parliamentary elections prompted a new rise in the number of obstacles to movement and a worsening of the humanitarian situation (OCHA, Nov-Dec 2005, p.7; OCHA, January 2006, WB Closure, p.1).

According to the Israeli government, restrictions on the Palestinians' freedom of movement – which have reached unprecedented levels since the beginning of the Second Intifada – are intended to protect Israeli citizens from Palestinian militant attacks (OCHA, January 2006, p.1; AI, 8 September 2003). Since 2000, the UN has repeatedly identified Israel's "closure policy" as the primary cause of poverty and humanitarian crisis in the territories (OCHA, December 2005, p.3; OCHA, 18 November 2003). It restricts Palestinian access to health and education services, employment markets and social and religious networks. Obstacles to the freedom of movement include permanent and partially manned checkpoints, roadblocks, metal gates, earth mounds, earth walls, trenches, road barriers, permit restrictions and the West Bank Wall (OCHA, January 2006). Internal and external closure – restrictions on Palestinians' movements within and to and from the OPT – is one of the main causes of the economic crisis in the territories and limits the impact of donor spending (WB, December 2005; WB, 22 November 2004).

In the West Bank, between August 2005 and January 2006, OCHA recorded a 25 per cent increase in the number of physical obstacles imposed by the Israelis. This increase was most noticeable in Hebron governorate and in the northern West Bank (around Nablus and Tulkarm governorates) (OCHA, January 2006, WB Closure). Due to the separation of Palestinian and Israeli traffic, Palestinians are required to travel longer distances to reach openings in increasingly numerous road barriers. The West Bank is now in practice divided into three distinct areas – north, central and south; travel between them is hampered by a combination of physical obstacles, including checkpoints, and permit restrictions (OCHA, May 2006). Since October 2005, a special permit has been necessary to cross the four checkpoints providing access to the Jordan Valley. In addition, the number of rejections of requests for permits to cross the Wall and enter the "closed area" between the Wall and the Green Line has risen considerably (OCHA, January 2006, WB closure). Finally, while the Wall around Jerusalem is nearly complete, West Bank ID card holders can now only enter Jerusalem – the economic, political, medical, religious, educational and cultural centre for Palestinians in the West Bank – through four crossings. The closures, the permit regimes, the gate crossings and the Wall practically seal off Jerusalem from the rest of the West Bank (OCHA, February 2006).

After completion of Israel's withdrawal from Gaza on 12 September 2005, internal movement has been restored in the area. However, no significant improvement of the humanitarian situation has been witnessed as the Gaza economy depends greatly on access to the outside world. Contrary to the Agreement on Borders and Access concluded in November 2005 between the Palestinian Authority and the Israeli government, access to and from the Gaza Strip has been considerably restricted since the beginning of 2006 (WB, December 2006, Annex I; OCHA, February 2006; OCHA, April 2006). As of 30 April 2006, the Karni crossing – the main commercial and humanitarian crossing between the Gaza Strip and Israel – had been closed for 58 days since the beginning of the year. Such a level of closure is unprecedented. In addition, the Erez crossing – the only access point for Gazan workers and traders with valid permits to enter Israel – has been closed for over two months without a break. There is no indication that it will reopen (OCHA, April 2006).

UN reports continue to describe the economic situation in the OPT as one of "de-development" (UNSCO, October 2005, p.17). Unemployment is now at 27 per cent; poverty has increased, from 55 per cent in 2004 to 64 per cent in July 2005; and average income has fallen by over a third since 2000 (OCHA, December 2005, p.8). While the Palestinian labour market has successfully absorbed many of those who lost jobs in Israel due to movement and permit restrictions, most of the new work is informal, short-term and low-paid. The Gaza Strip is the hardest hit by unemployment with rates reaching 37 per cent. Other communities facing acute humanitarian crises are those living in close proximity to the Wall, in the "closed zone" notably, and in the northern West Bank (OCHA, Humanitarian update, January 2006). The latter are now experiencing the highest poverty, unemployment and food insecurity levels in the West Bank (OCHA, April 2005; December 2005, pp.9-10). In 2005, 70 per cent of the families in the OPT stated they needed assistance (IUED, PPP9, 2005). According to recent World Food Programme assessments, 37 per cent of Palestinians are now "food insecure" and an additional 27 per cent are at risk of hunger (WFP, December 2005). 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, December 2005, p.10). In Gaza, the water table and the water quality are falling to such an extent that UN-Habitat, the UN Human Settlements Programme, has warned that the entire freshwater reserves are in danger of being exhausted by 2020 (OCHA, December 2005, p.9). Recent tightening of Israeli security measures has provoked a further deterioration of the economic and humanitarian situation, in particular in Gaza where external closure has led to shortages of basic commodities and medicines, paralysed exports and hampered humanitarian agencies' activities (OCHA, 12 April 2006; WFP, 28 April 2006). In addition, the suspension of the transfer of tax revenues by Israeli authorities and the withdrawal of international aid since the victory of Hamas in the parliamentary elections have plunged the Palestinian Authority into a deep financial crisis (OCHA, 11 April 2006). According to World Bank forecasts, within one year unemployment could reach 47 per cent and poverty 74 per cent by 2008 (WB, April 2006; 7 May 2006) (for more details, see the chapter on international response).

Humanitarian Access

Humanitarian access has not significantly improved for UN agencies and NGOs. UN agencies continue to denounce frequent access denials, delays and obstruction by Israeli forces. From November 2004 through August 2005, more than 169 access incidents were reported by ambulance providers and a further 623 by humanitarian agencies, including UNRWA (OCHA, 30 November 2005, p.9). International agencies providing humanitarian assistance in the territories have their work hampered by administrative obstacles and physical barriers imposed by Israeli authorities. This includes denial of access for emergency and regular medical assistance, evacuation of the wounded or dead, and blocking of the delivery of medicines, food and water (WFP, 28 April 2006; OCHA, 12 April 2006; B'Tselem, March 2005). Since the beginning of 2006, access has been further hampered by new tensions and tightening of Israeli security measures. The closure of the Karni crossing endangered humanitarian agencies' supplies of food, medicines and other goods essential to their operation (WFP, 31 March 2006; UNRWA, 11 April 2006; OCHA, 12 April 2006). Israeli authorities started implementing stricter security procedures for international organisations' staff and vehicles at some crossings, notably at the Erez crossing between Israel and Gaza, and impeding particularly the circulation of Palestinian staff of international organisations (WFP, 28 April 2006; OCHA, 12 April 2006).

Since August 2005, security concerns have restricted humanitarian agencies' activities in the territories, in particular in Gaza (WFP, 31 March 2006). International and national staff of humanitarian agencies, including UNRWA and the ICRC, have been kidnapped by Palestinian armed factions along with government officials and some of their buildings and vehicles have been attacked (WFP, 28 April 2006; OCHA, 11 April 2006; WFP, 31 March 2006; UNRWA, 8 August 2005).

National response

From an international law perspective, the West Bank, East Jerusalem and the Gaza Strip qualify as "occupied territory" and Israel as the "occupying power" (UN Security Council Resolution 471 (1980); Resolution 1322 (2000); ICJ, 9 July 2004). As specified under international humanitarian law, Israel bears legal responsibility as the occupying power for providing protection and services to the Palestinian population (ICRC, 10 April 2006; OCHA, 11 April 2006). Israel is also bound by international human rights law in the Occupied Territories under the treaties to which it is a state party, including 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, para.102-113; Al Haq, June 2005).

Israel argues that security measures and the construction of the Wall are vital to prevent outbreaks of Palestinian violence and suicide bombings against Israeli citizens (Israeli MFA, 30 April 2006; OCHA, 19 March 2006; AI, 23 March 2006). While the international community has acknowledged that legally the government of Israel has a right and a duty to protect its civilian population, it has repeatedly condemned Israeli security measures for

failing to be within the bounds of what is “proportionate” under international human rights and humanitarian law. This position has been confirmed by the International Court of Justice (ICJ) in its 2004 Advisory Opinion on the legality of the Wall when it held that the construction of the Wall and its associated regime violated international law (ICJ, 9 July 2004, para.135-137). Israel has continued to deny its obligation to apply the UN human rights treaties to which it is party in the Occupied Territories and has not accepted that it is legally bound by the Geneva Conventions. It has however stated that it applies the humanitarian provisions of the Conventions (Al Haq, 2004). While it has, in very specific cases, ordered the re-routing of the Wall owing to its disproportionate consequences on the daily life of Palestinian residents (H.C. 2056/04, 30 June 2004; B’Tselem, 22 March 2006), the Israeli High Court of Justice rationalised the government’s refusal to accept the ICJ Advisory Opinion by a judgement in which it held that that the ICJ Advisory Opinion was flawed by reason of its failure to have access to the full facts surrounding the Wall, particularly the extent to which it was a necessary security measure to protect the lives of Israeli civilians within both Israel itself and the settlements on the West Bank. It accepted in particular that the Wall may be built to protect settlements, ignoring the incompatibility of the settlements with International Humanitarian Law (H.C.J. 7957/04, September 2005).

International response

No international agency is recognised as having an explicit protection mandate for internally displaced Palestinians in the territories. Since 1950, the United Nations Relief and Works Agency (UNRWA) has been the main agency charged with providing relief assistance (rather than protection) to refugees, which it defines as “persons whose normal place of residence was Palestine between June 1946 and May 1948, who lost both their homes and means of livelihood as a result of the 1948 Arab-Israeli conflict”, as well as their descendants (UNRWA, 2006; Badil, 2006). In September 2000, UNRWA began a programme of emergency activities in the West Bank and the Gaza Strip, including the provision of food, emergency shelter, emergency cash, and education and counselling programmes in schools. In addition, a plethora of international organisations and donors have been involved in or supported relief operations within the territories, including the World Food Programme, the UN Food and Agriculture Organisation, the United Nations Development Programme, the United Nations Office for the Coordination of Humanitarian Affairs, the United Nations Children’s Fund, the International Committee of the Red Cross, the World Bank and the European Union. In addition, NGOs such as Caritas, Save the Children and Oxfam, as well as local organisations, have provided food and non-food items to conflict-affected populations. Several Palestinian and Israeli NGOs are active in researching and publicising the Israeli policy of house demolitions and the impact of the Wall on Palestinian populations. These include Al-Haq, the Applied Research Institute Jerusalem, the Association for Civil Rights in Israel, B'Tselem, BADIL, the Israeli Committee against House Demolitions and many others.

The UN Consolidated Appeal for 2006 requests a total of \$215 million, emphasising however that international assistance can only have a limited impact on the humanitarian situation in the absence of an improvement in access for Palestinians and of political solutions.

It also reiterates Israel's primary responsibility, as the occupying power under the Fourth Geneva Convention, for meeting the needs of those under its occupation (OCHA, December 2005, p.1). The amount requested in the 2006 appeal is slightly lower than that of 2005 (\$302 million). Following the launch of a three-year Medium Term Development Plan (2005-2007) by the Palestinian Authority and the elaboration of a Rapid Action Programme by the donor community in 2005, the UN has indeed been able to shift more development-oriented projects out of the Consolidated Appeal and to focus on life-saving humanitarian needs: improving availability of food, emergency employment for vulnerable households, enhancing access to health services and improving awareness of the root causes of the situation (OCHA, December 2005, pp.14-17). As of 19 April 2006, only 9 per cent of the requirements had been met (\$19 million) (OCHA FTS, 19 April 2006).

Soon after the new Hamas-led government was sworn in, in March 2006, the United States and the European Union – the largest sources of funding to the Authority (respectively \$420 and \$620 million per year) – announced their decision to suspend and review their funding support. This decision officially sanctions Hamas' refusal to recognise the existence of the State of Israel and its overt support for armed struggle (Quartet statement, 30 March 2006; US DOS, 7 April 2006; BBC news, 7 April 2006). Combined with Israel's decision to suspend the transfer of the tax duties it collects on behalf of the Authority under the Oslo Agreements (\$60 million), these measures have plunged the Palestinian Authority into a profound financial crisis and opened the door to a serious humanitarian crisis (OCHA, 11 April 2006; Council on Foreign Relations, 21 April 2006; Reuters, 9 May 2006). Despite donors' commitment to continue supporting humanitarian and development efforts in the OPT through humanitarian agencies and NGOs, UN agencies express serious concern over the consequences of withdrawing support to the Authority and thereby disrupting payment of Palestinian civil servants' salaries. The non-payment of 70,000 armed security personnel could lead to a highly volatile security situation and to a possible rise in crime. As of 10 May 2006, civil servants' March and April salaries were still unpaid. International agencies working in the Territories have already indicated that they lack both the capacity and the mandate to take over the delivery of services from the Authority. UN agencies are assessing the additional humanitarian needs and the agencies' capacities with a view to launching a revised appeal (WB, 15 March 2006; ICRC, 11 April 2006; OCHA, 12 April 2006; UN News Center, 26 April 2006).

Since the International Court of Justice issued its Advisory Opinion on the legal consequences of the construction of a Wall in the Occupied Territories, the UN and the international community at large have exerted little pressure on Israel to comply with the decision of the UN's highest judicial organ and the subsequent UN General Assembly resolution (a legally binding instrument) which impose on Israel the obligation to immediately stop construction of the Wall and dismantle the sections built (ICJ, 9 July 2004, para.149-153; UNGA, 20 July 2004, A/ES-10/15; De Currea-Lugo, 2005). Although the General Assembly repeatedly referred to the Advisory Opinion in its resolutions concerning the situation in the Occupied Palestinian Territories, the question of implementation of the Opinion has not prompted further resolutions (UNGA, 20 July 2004, A/ES-10/15). On the occasion of the Opinion's first anniversary, eight Special Rapporteurs to the UN Commission on Hu-

Human Rights called on Israel to fully implement the ICJ decision and criticised the UN for ignoring this Opinion in favour of the Road Map process while there seems to be an incompatibility between the two. According to these UN experts, the United Nations should not make itself party to negotiations that are not based on the Opinion of its own judicial body (UN, 4 August 2005).

Note: For more detailed information on the internal displacement situation in the Occupied Palestinian Territories, please visit the Palestinian Territories [country page](#) on the IDMC's online IDP database.

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Through its work, the IDMC 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 IDMC website and the database at www.internal-displacement.org.

Media contact:

Jens-Hagen Eschenbächer

Head of Monitoring and Advocacy Department

Tel.: +41 (0)22 799 07 03

Email: jens.eschenbaecher@nrc.ch

Internal Displacement Monitoring Centre

Norwegian Refugee Council

Chemin de Balexert 7-9

1219 Geneva, Switzerland

www.internal-displacement.org

Tel: +41 22 799 0700

Fax: +41 22 799 0701