

30 December 2009

Occupied Palestinian Territory:

Gaza offensive adds to scale of displacement

According to the UN, 2009 marked one of the most violent periods experienced by the Palestinians of the West Bank and Gaza since the occupation began in 1967. The three-week Israeli offensive in Gaza launched in December 2008 cost the lives of over 1,000 Palestinians and led to the displacement of over 100,000 people. In Gaza, the continued Israeli blockade has stalled reconstruction and limited the access to assistance of the tens of thousands of people still displaced. In the West Bank (including East Jerusalem) demolitions of houses by the Israeli authorities has continued to cause displacement, displacing close to 600 Palestinians in 2009.

Though estimates vary, at least a further 129,000 people were reportedly displaced within the Occupied Palestinian Territory (the OPT) during the four decades to 2008. In addition, close to 100,000 people are reportedly at risk of displacement. Since the outbreak of the second intifada in 2000, these figures have substantially increased. Human rights agencies and humanitarian NGOs have long called on the international community to address forced displacement, and warned of the potential impact of continuing displacement on prospects for a viable two-state solution to the conflict. However, only in the last few years has the humanitarian community in the OPT begun addressing displacement.

Forced displacement in the OPT is both a consequence and cause of the Israeli-Palestinian/Arab conflict over resources and land. The severity and persistence of patterns of displacement 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.

Background

Until the end of the Second World War, the West Bank and Gaza were part of the British Mandate of Palestine. In November 1947, UN General Assembly Resolution 181 recommended its partition into Jewish and Arab states. During the war which followed the proclamation of the State of Israel in May 1948, between 600,000 and 760,000 people fled or were expelled and became refugees (MERIP, 2001; Bligh, January 1998, p.124). When the war ended, Egypt controlled Gaza, 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 the Israeli occupation and subsequent settlement of the West Bank including East Jerusalem, Gaza, the Golan Heights and the Sinai Peninsula. Sinai was returned to Egypt in 1979 as part of the Camp David Accords. In 1980, the government of Israel declared Jerusalem the united capital of Israel and in 1981 it annexed the Golan Heights. The international community has maintained that these acts have been in violation of international law.

From 1987 to 1993, the first *intifada*, a popular uprising against the occupation, spread throughout Gaza and the West Bank. A process of reconciliation between Israel and the Palestinians began with the Madrid Conference in 1991 and eventually led to the September 1993 signing of the Declaration of Principles on Interim Self-Government Arrangements (the Oslo Accords). Envisaged as an interim agreement pending a final settlement, the Oslo Accords divided the

Occupied Palestinian Territory (OPT) into three zones: Area A under full Palestinian control; Area B under Palestinian civil authority and Israeli security control; and Area C, comprising approximately 60 per cent of the West Bank, under full Israeli control. The Oslo process was intended to lead to the subsequent resolution of “final status” issues: the borders of a Palestinian state; the status of East Jerusalem; and the situations of Palestinian refugees and Israeli settlements. However, frustration at the failure of post-Oslo negotiations helped trigger a second *intifada* in September 2000.

In June 2002, the Israeli government started construction of the Separation Wall within the West Bank, arguing for the need to prevent terrorist attacks against Israeli citizens by physically separating Israel and Israeli settlements from the OPT (Israeli Ministry of Defence, 25 April 2005; B’Tselem, December 2005). 87 per cent of the length of the Wall does not follow the Green Line (the 1949 armistice line between Israel and the OPT), but penetrates into the West Bank, and will, when complete, leave some ten per cent of the territory of the West Bank and an estimated 35,000 people (in addition to most of the 250,000 Palestinian residents of East Jerusalem) on the Israeli side of the Wall (ICJ, 9 July 2004; UNRWA and OCHA, 10 July 2008; UN HRC, 21 January 2008; AI, June 2007). The International Court of Justice (ICJ) has ruled its construction to be illegal, noted its irreversible human rights and humanitarian consequences, and called for it to be dismantled (UN CHR, 17 January 2006; EU, November 2005; ICJ, 9 July 2004).

In April 2003, the United States (US), Russia, the European Union (EU) and United Nations (UN) (the “Quartet”) proposed the Road Map for Peace, a performance-based plan leading to the permanent two-state solution envisaged in UN Security Council Resolution 1397 (2002). The Security Council endorsed the Road Map in 2003 through Resolution 1515.

In September 2005, Israel completed a unilateral withdrawal of military forces and around 7,000 settlers from Gaza and four settlements in the northern West Bank. While internal freedom of movement within Gaza became possible, it remained an occupied territory as Israel retained “effective control” (UN CHR, 17 January 2006; OCHA, 11 April 2006; B’Tselem, 26 April 2006; UN HRC, 21 January 2008). The Israeli government imposed intermittent closures on Gaza and in 2007 a blockade which has since brought the entire civilian population to the brink of humanitarian crisis (HPN, September 2009).

The parliamentary majority won by Hamas in January 2006 elections to the Palestinian Legislative Council enabled the Islamic movement to form a government. Israel responded with stringent security measures and the US and the EU imposed economic sanctions on the Palestinian National Authority (PNA) and withdrew direct aid until the Hamas-led government condemned attacks on Israelis, recognised Israel and accepted previous agreements including the Road Map. However, renewed suicide attacks against Israeli targets, and Israeli retaliation, exacerbated a growing humanitarian crisis across the OPT. Attempts to forge a national unity government were dashed

by factional fighting which culminated in Hamas’s seizure of control of Gaza in June 2007, while in the West Bank the rival Fatah group led a caretaker government and the international boycott of the PNA was lifted.

A gradual escalation of violence between Israel and Palestinian militants in Gaza led in late 2008 and early 2009 to a three-week Israeli offensive which proved one of the most violent episodes since the beginning of the occupation (OCHA, November 2009). A UN fact-finding mission established that Israel had violated humanitarian law and human rights law and that its actions may have amounted to war crimes and crimes against humanity. Palestinian military groups were also identified as having possibly committed war crimes (UN HRC, 15 September 2009).

The blockade of Gaza, which constitutes a fundamental denial of a raft of basic human rights and amounts to the effective collective punishment of the civilian population (UN SC, 27 January 2009), has been tightened since the 2008/2009 military offensive. Israeli-Palestinian negotiations have not resumed and reconciliation talks between Fatah and Hamas have not achieved tangible results (NYT, 16 December 2009).

In 2009, there were more than 450,000 settlers living in 149 settlements in the West Bank including East Jerusalem, in addition to over 100 outposts not sanctioned by the Israeli government (Peace Now, June 2009; BBC, September 2009; OCHA, July 2007). Such settlements are illegal under international law. Despite Israeli commitment to a two-state solution at the Annapolis Conference in No-

ember 2007, the rate of settlement subsequently increased (Peace Now, March 2008; ARIJ, 3 February 2008).

In an effort to resume stalled peace talks, and under pressure from the US, in November 2009 the Israeli government declared a temporary moratorium on construction of new settlement housing (but not infrastructure) in the West Bank, excluding East Jerusalem (OCHA, November 2009). The PNA has continued to call for a complete halt to all settlement construction in the OPT, as set out in Security Council resolutions, as a precondition for negotiations. PNA intimations in late 2009 of declaring statehood for the OPT with East Jerusalem as its capital have met with vigorous opposition from the US, EU, and Hamas (AFP, 17 November 2009; Haaretz, 27 November 2009).

Displacement figures

IDMC considers Palestinians who have been forcibly and arbitrarily displaced from their homes in Gaza and the West Bank, and who have remained in the OPT, to be internally displaced people (IDPs). Under the Oslo Accords, Gaza and the West Bank are considered a single territorial unit and so forced displacement between the two areas does not create refugee status. Figures of displacement include refugees from 1948 and the 1967 war who have subsequently been displaced within the OPT. These people, though not IDPs, are considered “secondary displaced refugees” to whom the Guiding Principles on Internal Displacement apply by way of analogy (IDMC methodology note, August 2008).

There are no confirmed statistics on the number of IDPs in the OPT and the numbers provided by various sources are only estimates. Lack of profiling makes it hard to say where IDPs are. Generally, IDPs are forced to relocate away from the vicinity of Israeli settlements, related infrastructure, military zones, and the Separation Wall. Badil, a Palestinian NGO, suggests that between 1967 and 2008 over 129,000 people were displaced (Badil, 30 September 2009). The total number displaced during the subsequent offensive in Gaza remains unclear, but is estimated to have reached over 100,000 at the height of the conflict (UN, 15 January 2009). The UN Office for the Coordination of Humanitarian Affairs (OCHA) reported in November 2009 that more than 20,000 people were still displaced in Gaza (OCHA, November 2009). Reconstruction in Gaza has remained at a standstill because of Israeli refusal to permit the transit of construction materials.

90,000 people are reportedly at risk of displacement, including an estimated 60,000 in Jerusalem alone (OCHA, 30 November 2009). Palestinian communities at particular risk of displacement include those in East Jerusalem, in Area C of the West Bank (particularly Bedouins and others living close to the Separation Wall, settlements, military facilities and roads) and those living near the extended buffer zone along Gaza’s border with Israel (Save the Children, October 2009; OCHA, January 2008).

Causes and patterns of displacement

Since 1967, internal displacement has directly and indirectly resulted from the continuing occupation, Israeli policies of

populating the West Bank including East Jerusalem, and generalised violence. The widespread denial of basic human rights and the severity and consistency of some Israeli government activities attest to a systematic and calculated state policy of forced displacement for the purpose of acquiring land, redefining demographic boundaries, and divesting Palestinians of ownership rights guaranteed under international law (OCHA, 30 November 2009; ICAHD, March 2007; Al Haq, December 2007; Badil, 22 January 2008; CARE *et al.*, 25 February 2008).

The Representative of the UN Secretary-General on the human rights of IDPs has reported that forced displacement in the OPT has often been caused by incursions and military clearing operations, evictions, land appropriations and house demolitions, the illegal expansion of settlements and related infrastructure, the construction of the Separation Wall, violence by settlers, discriminatory denial of building permits, and the revocation of residency rights in East Jerusalem (UN HRC, March 2009). Displacement has also been caused by restrictions on the right to freedom of movement and a system of closures that make life untenable for many residents in Palestinian enclaves (UN HRC, March 2009; Al Haq, December 2007; CARE *et al.*, 25 February 2008; Badil, 12 September 2007; B'Tselem, July 2005).

In 2006, the former UN Special Rapporteur on the situation of human rights in the OPT, referring to displacement arising from the construction of the Separation Wall, commented that the situation in the OPT was analogous to what has been described as ethnic cleansing in other contexts, but “political correctness

forbade such language where Israel was concerned” (UN GA, October 2006).

Israeli incursions and house demolitions
Land clearing operations carried out with the support of the Israeli Defence Forces (IDF) are among the leading sources of displacement. The Israeli Committee Against House Demolitions (ICAHD) estimates that over 24,000 Palestinian houses have been destroyed since 1967 as a result of conflict, punitive demolitions and administrative demolitions of houses without building permits. The Israeli government argues that demolitions constitute security measures necessitated by terrorist threats (MFA, 20 May 2004; B'Tselem, February 2002). Such demolitions have been contested as unlawful under human rights law and under international humanitarian law as they fail to conform to lawful military purposes and necessity (HRW, October 2004; UNSC, 19 May 2004).

The frequency of military incursions in response to Palestinian militancy increased during the second *intifada*. Between September 2000 and October 2004, more than 24,500 people were displaced by demolitions in Gaza, particularly along the border with Egypt (OCHA, 1 October 2004; ARIJ, 8 April 2006). In successive incursions in Gaza in 2006, over 5,000 people were displaced, 1,000 homes damaged and scores demolished (UNRWA, 19 November 2006; OCHA, 31 July 2006). In 2007, hundreds of people were displaced by demolitions in Nablus (UN HRC, 21 January 2008).

The 2008-2009 Gaza offensive coincided with, and led to, the highest rate of internal displacement due to demolitions since

1967. Over 4,000 houses were demolished, close to 3,000 were seriously damaged and nearly 53,000 suffered minor damage, most of them by IDF in the course of the Gaza offensive (ICAHD, 7 April 2009; OCHA, July and September 2009). At the height of the conflict in mid-January, over 50,000 people were seeking refuge in facilities run by the UN Relief and Works Agency for Palestine Refugees (UNWRA). Tens of thousands also took shelter with host families, friends or relatives, and many more were trapped in insecure or damaged housing. Following the unilateral ceasefire on 18 January 2009, thousands of people returned to find their homes and property destroyed or severely damaged, and many have remained displaced because of the blockade and denial of access to construction materials.

The Israeli authorities have continued to demolish Palestinian houses on administrative grounds, citing failure to prove ownership, location in a “closed military zone” or Israeli-designated nature reserve, or the lack of a building permit (OCHA, 27 May 2008). Many “administrative” demolitions have been linked to land confiscations and since the Oslo Accords have been mainly restricted to East Jerusalem and Area C of the West Bank. In these areas in 2009 alone, a total of 237 Palestinian-owned structures including 57 in East Jerusalem and 180 in Area C were demolished, displacing 588 people (OCHA, October 2009). Most recent demolitions in Area C have targeted pastoralists residing in “closed military zones”. Demolitions are accompanied by seizure of animals, equipment and other livelihoods assets (OCHA, 15 December 2009).

Although the policy of punitive demolitions was officially ended in 2005, there has reportedly been an increase in the number of cases. In Gaza, such demolitions accounted for 8.5 per cent of all demolitions during the offensive in January 2009. They constitute collective punishment and are in violation of international humanitarian law (COHRE, May 2009).

East Jerusalem

Since Israel annexed occupied East Jerusalem in 1967, its policies 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 approximately 250,000 Palestinian Jerusalemites in East Jerusalem represent around 30 per cent of the total population. Given the extreme difficulty in obtaining building permits, East Jerusalem Palestinians have no choice but to build “illegally” (UN CHR, 17 January 2006; EU, November 2005, paras.11-13; AI, 18 May 2004; B’Tselem, May 2002; OCHA, 27 May 2008). There are currently at least 60,000 Palestinians in East Jerusalem who are at risk of having their homes demolished because of their “illegal” construction (OCHA, November 2009).

The Separation Wall isolates East Jerusalem from the rest of the West Bank, and divides Palestinian neighbourhoods, leading to the economic and social decline of entire communities. The Wall has severed access to livelihoods, education, and health services in Jerusalem for most Pal-

estonian residents of the West Bank (UNWRA and OCHA, 10 July 2008; OCHA, 31 July 2007).

Palestinians holding Israeli permanent residency permits who now find themselves on the West Bank side of the Wall are set to lose residency rights as a result of the Israeli government's "centre of life" policy (Al Haq, October 2005; EU, November 2005; UN CHR, 17 January 2006). This allows Israel to revoke the residency rights 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). The Israeli government revoked the residency rights of over 12,500 people from 1967 to 2008, including over 4,500 people in 2008 alone (B'Tselem, August 2008; B'Tselem and Hamoked, 31 January 2004; Haaretz, 8 December 2009; Hamoked, December 2009).

Displacement resulting from the Separation Wall

The Separation Wall has already displaced a significant number of people and threatens to provoke further displacement. In 2006, the UN Special Rapporteur on the situation of human rights in the OPT referred to a "new generation of internally displaced persons" (UN CHR, 17 January 2006, para.20). A 2003 report estimated that the completed Wall would leave some 90,000 people at risk of displacement (RI, 25 September 2003); the Palestinian Central Bureau of Statistics (PCBS) estimated in May 2005 that over 14,000 people had already been displaced in the 145 localities through which the Wall passed (PCBS, September 2005).

Construction of the Wall has involved land confiscations and has severely curtailed the access of people living alongside it to livelihoods and services (OCHA, 15 July 2009). In 2008, an estimated 10,000 Palestinians lived between the Wall and the Green Line in a "closed military zone". The Israeli authorities continue to designate new "closed military zones" which Palestinian owners must obtain "visitor permits" to access (OCHA, October 2009).

Freedom of movement and Israeli settlements

The pattern of displacement is linked to the fragmentation of the OPT as a result of land appropriation, access and movement restrictions and network of roads, water, electricity and other infrastructure developed to exclusively serve the needs of Israeli settlers. Roughly 38 per cent of the total area of the West Bank, including East Jerusalem, is off limits to Palestinians or their access is tightly controlled (OCHA, July 2007 and 22 January 2008). This includes Israeli settlements and un-sanctioned outposts, military infrastructure and firing zones, Israeli-designated nature reserves, "closed areas" and "seam zones" between the Wall and the Green Line. Despite the removal in 2009 of some roadblocks, Palestinians' freedom of movement remains restricted by at least 578 checkpoints, roadblocks and earth mounds.

This regime is intended to protect Israeli citizens from Palestinian militant attacks (NYT, 28 April 2008). Yet its scope and severity restricts the access of Palestinians communities to health and education services, markets, employment opportunities and social and religious networks,

and subjects them to humiliation and abuse (UN CERD, 17 August 2007; UN HRC, 21 January 2008; B'Tselem, 7 August 2007; ICRC, 12 December 2007; WB, 9 May 2007).

Settler violence has also contributed to internal displacement (B'Tselem, December 2005; B'Tselem, May 2007; UN HRC, March 2009). There has been a dramatic increase in settler violence since 2008 (OCHA, November 2009). A high proportion of attacks are undertaken by settlers, with Israeli minors often implicated in order to limit criminal culpability (HPG, July 2009). Such incidents are typically reported close to Israeli settlements and in other parts of Area C (OCHA, November 2009; OCHA, July 2007; B'Tselem, July 2005). In the centre of Hebron, where up to 800 settlers reside under the protection of the IDF, a combination of stringent movement restrictions and settler intimidation and violence has led over 1,800 Palestinian businesses to shut down and over 1,000 Palestinian homes to be vacated (B'Tselem, May 2007; UN CEIRPP, 5 November 2007).

In 2008, a new pattern of violence emerged, which radicalised settler organisations have called the “price tag” strategy. In response to attempts by the Israeli authorities to dismantle unsanctioned outposts, groups of settlers have exacted a “price” against Palestinians and their property, through widespread and indiscriminate violence (ACRI, December 2009; OCHA, November 2009). There are rising concerns about the possible impact of further settler violence on the Palestinian population in the absence of adequate law

enforcement and accountability (OCHA, November 2009).

Protection of displaced people and access to basic needs

All Palestinians in the OPT, whether displaced or not, face acute protection concerns. Recurrent violence, pervasive restrictions on movement and access, and discriminatory policies and regulations underline the precariousness and protection needs of the whole Palestinian community. Internal displacement has had a significant negative impact on people's enjoyment of basic rights, family unity, standards of living and access to services.

Civilians bore the brunt of the Gaza offensive in January 2009; of over 1,000 people killed and more than 5,000 injured, approximately 44 per cent were women and children (OCHA February 2009). Movement restrictions inside Gaza, and the refusal to let people leave the enclave, left them few safe havens. In several cases, displaced people sheltering in UN-designated and clearly marked UNWRA emergency shelters were killed and injured (OCHA January 2009). Since the ceasefire violent incidents have continued, while unexploded ordnance has threatened the safety of displaced and non-displaced people alike (OCHA, February 2009 *and* November 2009).

At the peak of the Gaza offensive, more than half of those displaced were children (Save the Children, April 2009). Children endure the trauma of displacement and the deep insecurity of having been attacked in their own homes or in a shelter (UN HRC 15 September 2009). Many have not resumed their studies as they have been forced to work, and have con-

tinued to live in temporary shelters (Al Mazan, September 2009).

In the West Bank, house demolitions also cause significant trauma and have a negative impact on child welfare and family unity (Save the Children, April 2009). A UNIFEM study in Gaza revealed a rise in domestic violence and risk-taking behaviour particularly among the displaced (UNIFEM, 2009). Displaced people with disabilities were unable to access shelters equipped for their special needs (UN HRC, 15 September 2009).

The humanitarian situation for all Palestinians in the OPT has sharply deteriorated over recent years (UNWRA, 30 April 2008; OCHA November 2009). Restrictions on movement of people and goods has eroded agriculture and manufacturing and paralysed municipal services (NRC, 27 October 2009). In 2008, external aid to the PNA amounted to nearly 30 per cent of GDP. The unemployment rate was estimated at about 40 per cent in Gaza and 19 per cent in the West Bank, while poverty levels, based on data from a 2007 household survey, were estimated at 30 per cent in Gaza and 19 per cent in the West Bank (World Bank, 8 June 2009).

The latest offensive in Gaza entailed loss of livelihoods, and the reconstruction and rehabilitation of homes, land and property has been impeded by the continuing blockade. In the second half of 2009, the quantity of commodities authorised by the IDF to enter Gaza has fallen, the opening of crossings has been partial, unpredictable and intermittent, and construction materials may not be brought in (OCHA, October 2009 *and* November

2009; Aida, 3 September *and* 9 November 2009).

West Bank closures and the Gaza blockade severely affect access to water, sanitation, health care and education services. Access to health facilities is particularly difficult for Palestinians living in remote and closed parts of Area C. Palestinian access to water is highly limited (AI, 27 October 2009). In the Jordan Valley this has led to the displacement of rural communities (AI, 27 October 2009). In Gaza, 90 per cent of groundwater is judged unfit for human consumption (AI, 27 October 2009; UNEP, September 2009). In Gaza, displaced people and the families hosting them are at most risk of food insecurity due to their shortage of income and productive assets (MAS, August 2009).

Those who live in areas with a high risk of displacement are more likely to be unable to realise their economic, social and cultural rights. These areas are significantly poorer, more marginalised and less protected. Assistance from local and international organisations is often not available, particularly in remote areas of the West Bank; over half of displaced families surveyed in 2009 in the West Bank reported receiving no humanitarian assistance (Save the Children, October 2009).

Durable solutions

There are no figures regarding the return of IDPs or secondary displaced refugees. The limited instances of restitution or return in the West Bank have largely been confined to Areas A and B under PNA jurisdiction, whereas most displacement is in Area C and in East Jerusalem. In Gaza, return has been subject to reconstruction of housing and access to land

which have been impeded by the blockade and an ever-expanding buffer zone.

The return of the vast majority of forcibly displaced Palestinians remains dependent on the policies of occupation, movement restrictions and settlement being reversed. Final status negotiations will probably define the parameters of return for IDPs and refugees alike. These negotiations should be subject to the international normative framework, particularly humanitarian law and human rights law, the advisory opinion of the ICJ, Security Council resolutions, and 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 these standards (UN HRC, 21 January 2008).

Humanitarian access

Throughout the 2008-2009 Gaza offensive, humanitarian access was restricted and limited (Guardian, 8 January 2009). The humanitarian situation is further exacerbated by the continuous Israeli blockade, inconsistency of access and onerous administrative restrictions that humanitarian agencies have had to face (OCHA, August and September 2009; Oxfam, December 2009). They have also had to bridge the gap between the Israeli insistence on “no contact” with Hamas (a policy which the international community has adopted) and Hamas’s role in coordination of aid delivery. This policy of “no contact” with a party to the conflict inevitably imposes considerable difficulties in addressing resulting humanitarian needs (HPN, September 2009). For its part, Hamas has steadily increased control over NGOs. Palestinian NGOs have reportedly been forced to suspend opera-

tions in Gaza or to submit to direct control by the Hamas authorities, and accept increasing intrusion into their activities (OCHA, 30 November 2009; HPN, 30 September 2009).

In the West Bank, access restrictions have affected UN operations and those of local and international actors. Demands for internal searches of UN vehicles, particularly at checkpoints on the outskirts of Jerusalem, have accounted for most reported UN access delays or denials (OCHA, 30 November 2009). In 2009, in a sign of increasing difficulties for international NGOs, the Israeli Coordinator of Government Activities in the Territories (CoGAT) announced that no new work permits were to be granted to foreign workers in the OPT (OCHA, November 2009).

National and international responses

Response of Israel as occupying power
International bodies and NGOs have repeatedly condemned Israel’s occupation of the OPT as a breach of international law (UN HRC, 21 January 2008). According to the international community, Israel remains bound as the occupying power by obligations derived from international humanitarian law and applicable human rights law (UN HRC, 11 February 2009, UN HRC, 21 January 2008; ICJ, July 2004; ICRC, 27 May 2008). As Israel retains “effective control” it is primarily responsible for securing and providing for the basic needs of the occupied population or, if unable or unwilling to do so, it is obliged to allow external providers of such assistance free passage of objects necessary to the survival of the

civilian population (ICRC, December 2009; UN HRC, 21 January 2008).

Yet the Israeli state remains the primary perpetrator of forced displacement, and generally does not recognise the phenomenon of displacement or provide remedy for situations of displacement (Badil, 12 September 2007; UN HRC, 15 September 2009; OCHA, May 2009). In rare instances, compensation has been provided to those affected by the construction of the Separation Wall, but applicants have been limited by onerous procedures and requirements (IDC, February 2004; IDMC, March 2008). The Israeli Supreme Court has, on occasion, addressed the causes of displacement by ordering the re-routing of the Wall to avoid disproportionate consequences for particular groups of Palestinian residents. However, in these few instances it has never decided to limit the Wall to the Green Line (OCHA, November 2009; B'Tselem, 22 March 2006; Adalah, July 2008). The Israeli Supreme Court and Israeli civil and military courts have in the vast majority of instances upheld Israeli government decisions related to displacement.

Response of the PNA and Hamas

The PNA has been marred by political turmoil, jurisdiction limited to Areas A and B, poor governance, and a fiscal crisis which reached its peak as a result of its international exclusion during the post-2006 period of Hamas control. Nevertheless, land has been allocated in Gaza for re-housing displaced people, and financial assistance provided to victims of house demolitions, subject to its limited means (Badil, 12 September 2007; IDMC, March 2008). The current Fatah-led PNA envisages programmes to support those affected by the Wall, Israeli demolitions

and documentation policies (PNA, 2 March 2009). The PNA's Early Recovery and Reconstruction Plan for Gaza aims to address the situation of IDPs as well as those of host families (PNA, August 2009). It is, however, too early to judge the effectiveness of these measures.

The continued separation of Palestinian authority between Gaza and the West Bank has hindered the provision of assistance to displacement-affected communities. Since Hamas took control of Gaza, the lack of funding and of coordination between Palestinian bodies have limited their ability to respond to displaced and non-displaced groups alike. The authorities in Gaza have nevertheless sought to assist victims of displacement, through providing rental subsidies, compensation, and reconstruction or rehabilitation. In January 2009, the Gaza authorities pledged \$5,200 to each family whose home was destroyed and \$1,300 for every family with a member killed during the Israeli incursion (AFP, 24 January 2009). During the year, they also increased their role in coordinating aid delivery.

International response

International NGOs and experts have reported that the persistent failure of the international community to address the underlying sources of forced displacement has combined with the restrictive closure regime to render any prospect of a two-state solution remote (CARE *et al.*, February 2008). The international community's continued lack of will to address the situation enables continuing violations of law, including arbitrary displacement, to be perpetrated. The Goldstone Report, which was commissioned by the UN's Human Rights Council to investigate violations of international

human rights during the Gaza offensive, took note of the international community's silence and failure to ensure the protection of the civilian population in Gaza and elsewhere in the OPT (UN HRC, 15 September 2009).

There is no agency in the OPT mandated specifically to assist IDPs. This lack of mandated responsibility has led to gaps in response. In recent years, however, greater efforts have been made to provide a coordinated response to situation of displacement. In November 2007, the Inter-Agency Protection Sub-Working Group on Forced Displacement (DWG), which is chaired by OCHA, was established under the auspices of the Protection Working Group, which is led by the Office of the High Commissioner for Human Rights (OHCHR) (HPN, September 2009). The DWG has a broad membership and aims to ensure an effective inter-agency response to different phases of displacement and to appeal to the international community to address forcible and arbitrary displacement (HPN, September 2009).

Lack of protection for Palestinians in the OPT, including IDPs and those at risk of displacement, and lack of accountability for perpetrators, represent grave challenges for the DWG (HPN, September 2009). The operational environment remains constrained by the legal and administrative practices of the Israeli occupation authorities. The cluster approach, an initiative intended to ensure greater cohesion within the international humanitarian community, was applied to the OPT in 2009, but its effectiveness in enhancing inter-agency response is yet to be determined. In 2008 and 2009 the UN's Consolidated Appeals Process

(CAP), prioritised forced displacement and highlighted the need for a more coordinated response. The protection concerns of IDPs were included among the many priorities in the 2010 CAP (OCHA, 30 November 2009).

Agencies trying to respond to forced displacement face considerable constraints caused by lack of resources, restrictions in access, the magnitude of displacement and the reluctance of donors to address central issues. UNRWA provides assistance to secondary displaced refugees and IDPs in emergency situations. The International Committee of the Red Cross (ICRC) has responded to the immediate emergency needs of IDPs and has undertaken projects which are preventive in nature (HPN, September 2009). Several Palestinian and Israeli NGOs, as well as a number of international NGOs have provided legal aid to contest house demolition orders and revocation of residency rights, and emergency assistance to support construction and rehabilitation (ICAHD, March 2008; Al Majdal, October 2007).

Note: This is a summary of IDMC's new internal displacement profile on the occupied Palestinian Territory. The full profile is available online [here](#).

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About the Internal Displacement Monitoring Centre

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.

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