



Photo by OCHA

Gaza fisherman working on his nets Gaza fishing wharf. Gaza city, April 2013;

FRAGMENTED LIVES HUMANITARIAN OVERVIEW 2012

MAY 2013

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Coordination Saves Lives



FOREWORD

An important development in 2012 was UN General Assembly resolution 67/19, which accorded Palestine non-member observer State status in the United Nations. While this raised expectations, Palestinians in the occupied Palestinian territory (oPt) faced continued hardships and the Palestinian Authority faced continued restrictions on its ability to engage in the Gaza Strip and Area C and East Jerusalem. Meanwhile, the political deadlock continued, leading the UN and its partners to highlight the growing risk to the viability of the two-state solution and the dangers associated with a slide towards the one-state reality.

In my visits to Palestinian communities in both the West Bank and Gaza, I saw little tangible improvement in the daily lives of men, women and children who continue to face serious difficulties in accessing basic services and livelihoods and experience recurrent incidents of violence. This situation is compounded by a lack of accountability for violations of international humanitarian and human rights law. At the same time, I have been struck by the enormous potential and capacity of Palestinians to develop their communities – if only they were provided the opportunity to do so.

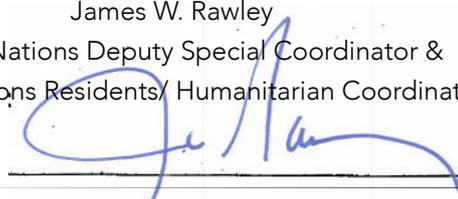
The escalation in hostilities between Israel and Palestinian armed groups in November 2012 had a serious impact on civilians in the Gaza Strip and communities affected by rocket fire in Israel. The violence resulted in the deaths of one hundred civilians and injury to hundreds more. In Gaza, the hostilities compounded what was already a very difficult humanitarian situation, where thousands are living without adequate shelter, many have only limited access to quality health and educational services, and where there are ever fewer opportunities for Palestinians to find decent work. The ceasefire understanding which ended the hostilities was much welcomed, and there have been periods of relative calm in recent months. However, there is growing frustration amongst many Palestinians at the lack of significant change on the ground, including with respect to the lifting of restrictions on the free movement of people and goods that is necessary to reduce the dependency on humanitarian assistance and to address the serious development issues in Gaza.

In the West Bank, including East Jerusalem, the situation remained volatile. On a positive note, there was a notable easing of restrictions on movement of Palestinians to the Jordan Valley and between urban centres. However, sporadic unrest throughout the year resulted in a sharp increase in the number of Palestinians injured. Moreover, there was an alarming increase in settlement activity, as well as the demolition of more than 600 Palestinian structures in Area C and East Jerusalem, which displaced hundreds of people and affected the lives and livelihoods of many others.

The territorial fragmentation of the oPt remains firmly entrenched, with immediate humanitarian as well as longer-term development and political consequences. In particular, the 1.6 million Palestinians in the Gaza Strip remain effectively isolated from the rest of the oPt by Israel's continuing blockade. And access to East Jerusalem – which has traditionally served as the focus of political, commercial, religious and cultural life for the entire Palestinian population of the oPt and where many key health and education services are located – has remained limited for Palestinians in the remainder of the oPt.

In 2012, international donors generously contributed to the Consolidated Appeal for the oPt, making it one of the most successful appeals globally. This funding helped ensure that some of the most vulnerable Palestinian families – including those affected by violence, demolitions, and restrictions on movement and access, as well as by extreme weather events – received much needed humanitarian assistance. Yet, while essential, humanitarian action can only provide temporary solutions that save lives and alleviate suffering. To address the root causes of vulnerability, action is urgently needed from political actors and all relevant authorities. It is only through such action that Palestinians will be able to capitalize on their potential, to build a sustainable economy, to realize the full range of their human rights, and achieve freedom from want, freedom from fear, and freedom to live in dignity.

James W. Rawley
United Nations Deputy Special Coordinator &
United Nations Resident/Humanitarian Coordinator



EXECUTIVE SUMMARY

This is the second year in which the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) has outlined the key humanitarian concerns in the occupied Palestinian territory in one *Humanitarian Overview* document. This annual report aims to serve as a comprehensive overview or 'snapshot' of the humanitarian situation in the oPt in a given year, to monitor trends and developments, and to inform policy and programming.

As with last year's report, the concerns outlined in the present report reflect the advocacy priorities identified by the Humanitarian Country Team (HCT), the main humanitarian coordinating body for UN agencies and Non Governmental Organization (NGO) partners in the oPt. In 2012, these priorities remain *Accountability; Life, Liberty & Security; Forced Displacement; Movement & Access;* and *Humanitarian Space*. The report is structured around these priorities, with the issue of accountability addressed throughout the report. In addition, concerns related to the main clusters – Health; Education; Water, Sanitation and Hygiene (WASH); and Food/Livelihood – are detailed in separate chapters at the end of the report, which were provided by the relevant cluster focal points.

As with all OCHA reports, the Humanitarian Overview 2012 is based on data collated and cross checked from multiple sources

including OCHA, UN agencies, international NGOs, Palestinian and Israeli NGOs and, where possible, government sources. To the extent possible, the data is correct at the time of publication.

The *Way Forward* addresses the need for improved accountability for violations of international humanitarian and human rights law in the oPt. There is a crisis of accountability in the oPt - the failure to hold all parties to the conflict to account for violations of international law, contributes to a culture of impunity and repeated threats to the enjoyment of human rights and dignity of the Palestinian people. Israel, as the occupying power, bears the primary responsibility for the protection of the civilian population and ensuring their basic needs are met, but all parties to the conflict must respect their obligations under international humanitarian law. In addition, all states share responsibility for ensuring respect for international humanitarian law in the oPt and promoting compliance with human rights obligations. The sections at the end of each chapter identify immediate and longer-term actions that need to be implemented by a range of stakeholders to improve the humanitarian situation and to remedy the protection concerns.

Life, Liberty & Security

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Palestinian civilians throughout the oPt continue to be exposed to a

range of threats to their lives, liberty and security as a result of conflict and the ongoing occupation. In 2012, the majority of Palestinian fatalities resulted from conflict between Israel and Palestinian armed groups in the Gaza Strip, largely due to the escalation in hostilities in November. Nearly 70 per cent of Palestinians killed in 2012 were civilians, compared to 45 per cent in 2011. The number of Palestinians injured in the Gaza Strip was also significantly higher than in previous years, although the West Bank still accounted for the majority of Palestinian injuries. These injuries doubled compared to 2011, mainly as a result of a significant increase in tear gas inhalation during demonstrations and clashes between Palestinians and Israeli forces. The number of Palestinians held in detention, including children, increased and failure to respect due process and fair trials remain serious concerns. Although the context in which civilians are killed or injured and their property destroyed and damaged vary, the common denominator affecting victims of unlawful acts of violence is a pervasive crisis of accountability and the lack of an effective remedy for victims of violence on both sides.

Forced Displacement

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Forced displacement of Palestinians continued in 2012 in the West Bank, including East Jerusalem, and in the Gaza Strip. The causes

of displacement in Gaza included recurring hostilities between Israel and Palestinian armed groups, as well as forced evictions by the de facto authorities. In the West Bank, forced displacement is driven by a number of occupation-related policies, linked to settlement activity and the restrictive zoning and planning regime in Area C, which prioritizes settlement growth at the expense of the development needs of Palestinian communities. In Area C, demolitions of homes and livelihood-related structures due to the lack of Israeli-issued building permits are the main immediate cause of displacement. In 2012, the number of demolitions of Palestinian-owned structures, 540, was almost as high as 2011 (571), which marked the highest number since OCHA started systematically collating statistics in 2008. Other policies, including restrictions on access to services and resources, the allocation of land for settlements, firing zones and nature reserves, and settler violence also increase the risk of displacement among vulnerable farming and herding communities. In East Jerusalem, Palestinian residents are at risk of displacement as a result of home demolitions, forced eviction and takeover of their property by settler organizations, and the lack of secure residency status. The year 2012 witnessed an increase both in the number of structures demolished (64) and in Palestinians displaced due to forced evictions (22), and the continuing revocation of the residency status of East Jerusalem Palestinians.

Restrictions on Movement and Access of Palestinians in the oPt

The movement of Palestinians within the oPt is restricted by a combination of physical obstacles – including checkpoints and roadblocks – and by bureaucratic constraints, such as permits and by designating areas as closed or restricted to Palestinians. These impede access to basic services – health and education – and livelihoods of the civilian population, and the ability of local and international organizations to deliver assistance to the most vulnerable populations. These restrictions compound the fragmentation of the oPt and impact on a range of rights of the Palestinian people, including the right of self-determination.

In the Gaza Strip, there was some improvement in pedestrian access through the Erez Crossing but movement to the West Bank continues to be denied for the vast majority of Gazans, whose main access to the outside world is increasingly through the Egyptian-controlled Rafah crossing. The volume of imports through the Israeli-controlled Kerem Shalom increased in 2012, but exports declined slightly. Israeli restrictions continued to limit Palestinian access to homes and agricultural land near the fence with Israel and access of fishermen to the Mediterranean Sea, although

some improvement was recorded following the ceasefire between Israel and Hamas in November.

In the West Bank, the easing of certain restrictions reduced the travel time for nearly 100,000 villagers to six main cities; however, approximately 55 Palestinian communities are still compelled to use long detours to reach the closest city. Although there was a significant improvement in movement of vehicles in the Jordan Valley, little change was registered in the restrictions affecting Palestinian access to large agricultural areas, including those located behind the Barrier, and in the vicinity of Israeli settlements. Despite easings during Ramadan, access to East Jerusalem for Palestinians from the rest of the West Bank and the Gaza Strip continued to be restricted by the Barrier, the checkpoints and the permit system. The application of these access restrictions is discriminatory, targeting mostly Palestinian residents, primarily for the benefit of the Israeli settler population.

Humanitarian space

Throughout 2012, humanitarian organizations continued to face a range of physical and administrative restrictions which hampered their ability to provide assistance and protection to Palestinians in need throughout the oPt. These obstacles primarily affected national employees, affecting in particular their ability to enter and work in East Jerusalem. Humanitarian operations in both

the West Bank and Gaza Strip were also hindered by difficulties in obtaining the required visa for international staff to enter and work in the oPt and in Israel.

Despite delays, the Israeli permit process, approval rate and processing time for permits for movement of both international and national staff into Gaza improved in 2012. The Israeli approval, coordination and verification process for international reconstruction projects in Gaza remained problematic, resulting in lengthy delays to implementation and increasing costs. Access to and from the Gaza Strip for humanitarian personnel was obstructed at times by the de facto authorities: humanitarian operations in Gaza continue to be hindered by the 'no contact' policy adopted by certain countries and donors, prohibiting contact with Hamas, even on an operational level.

Although the easing of physical closures has improved humanitarian access throughout large parts of the West Bank, physical and administrative restrictions continue to impede access to some of the most vulnerable communities in Area C and particularly those in the 'Seam Zone' and 'Firing Zones'. In Area C and East Jerusalem, the implementation of humanitarian assistance projects involving some form of construction or rehabilitation, continued to be severely hampered by the permit regime applied by the Israeli authorities.

The Way Forward

The HCT considers the situation described in this report a protection-based crisis, resulting from ongoing conflict and occupation, a lack of respect for international law, limited accountability and a system of policies that severely undermine the ability of Palestinian communities to live normal, self-sustaining lives. Were these factors removed, Palestinians have all the capacity, organisation, training and motivation to develop their economy and their lives without large scale humanitarian interventions.

To achieve progress in this regard, a range of actions is required by all relevant parties, including:

➤ Israel, the occupying power, must fulfil its primary obligations to protect the Palestinian civilian population and ensure their basic needs are met. This would include taking action to secure the physical protection of Palestinian civilians, ensure accountability for violence and abuse, and lifting restrictions on movement of people and goods, as well as on access to land and resources.

➤ All other parties, including Palestinian armed groups and the Palestinian authorities, must fulfil their legal obligations to ensure the protection of all civilians during hostilities and accountability for violence and abuse.

➤ All states share responsibility for ensuring respect for international humanitarian law in the oPt and promoting compliance with human rights obligations, and should take all necessary action stemming from that responsibility. In particular third party states must:

- Promote accountability, including by demanding all duty bearers to investigate alleged violations of international law;
- Take measures to ensure that states, citizens and corporations do not contribute to the commission of violations of international law, including in relation to the settlement enterprise.

LIFE, LIBERTY AND SECURITY



Photo by OCHA

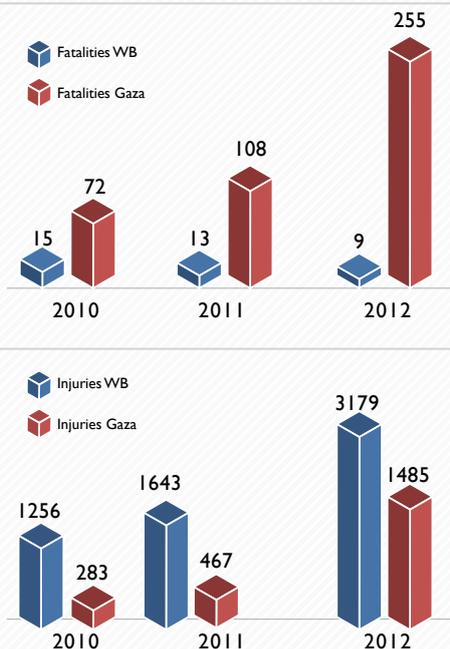
LIFE, LIBERTY AND SECURITY

Palestinian civilians throughout the occupied Palestinian territory (oPt) continue to be exposed to a range of threats to their lives, liberty and security as a result of conflict and the ongoing occupation. In 2012, the majority of Palestinian fatalities resulted from conflict between Israel and Palestinian armed groups in the Gaza Strip. These hostilities also accounted for the majority of conflict-related fatalities amongst Israelis. The number of Palestinians injured in the Gaza Strip was significantly higher in 2012, compared to previous years, largely due to an escalation in hostilities in November 2012. However, overall, the majority of Palestinians injured in 2012 occurred during demonstrations and related clashes between Palestinians and Israeli forces in the West Bank. In addition, there is a prevailing lack of accountability and effective remedy for victims of violence on both sides.

Main trends in Life, Liberty and Security in 2012

- The Israeli military operation 'Pillar of Defence' was launched in November, following a substantial increase in rocket attacks on Israel during October and November; it resulted in the highest number of Palestinian fatalities since the 'Cast Lead' operation in 2008/2009.
- Nearly 70 per cent of Palestinians killed in 2012 were civilians, compared to 45 per cent in 2011.
- There was a sharp increase in the number of Palestinians injured in the Gaza Strip, due to the escalation in hostilities in November.
- The number of Palestinians injured in demonstrations and related clashes in the West Bank almost doubled compared to 2011, mainly as a result of a significant increase in injuries related to tear gas inhalation.
- There was a rise (31 vs. 26) in the number of Palestinians killed in the Access Restricted Areas (ARAs) near the fence separating Gaza and Israel.
- The number of Israeli fatalities increased (7 vs. 4), mainly as a result of the escalation in hostilities in November 2012 between Israel and Palestinian armed groups in the Gaza Strip.
- The number of Palestinians injured and properties damaged as a result of settler violence decreased.
- The number of Palestinians held in detention, including children, increased: 4,743 compared to 4,377 in January 2012.

Palestinian fatalities and injuries in Gaza and West Bank



OVERVIEW

264 Palestinians killed and 4,664 injured, the highest number since 2009.

The year 2012 witnessed the highest number of Palestinian fatalities and injuries in the oPt since the Israeli military operation 'Cast Lead' in 2008/2009. This was primarily as a result of periodic outbreaks of hostilities in the Gaza Strip between Israel and Palestinian armed groups,

culminating in the Israeli military operation 'Pillar of Defence' between 14 to 21 November. The number of fatalities in the West Bank declined compared to 2011 (9 vs. 13) although the number of injuries increased significantly, 3,179 vs. 1,643. (See *Demonstrations* below).

Overall in 2012, 264 Palestinians were killed (including 42 children) and 4,664 injured (including 1,089 children) in direct conflict incidents in the oPt.¹ The majority of the fatalities occurred in the Gaza Strip (255 vs. 9); 174 Palestinians were killed during the escalation

in hostilities in November 2012 in the Gaza Strip and southern Israel. Most injuries occurred in the West Bank (3,179 vs. 1,485). The number of fatalities and injuries combined represents a 45 per cent increase compared to the overall number of Palestinian casualties in 2011, when 121 Palestinians were killed and 2,110 were injured. Nearly 70 per cent of this year's fatalities were civilians, compared to 45 and 33 per cent in 2011 and 2010 respectively.² All injuries in the West Bank were civilian, apart from one member of the Palestinian security forces.

THE GAZA STRIP

Significant rise in Palestinian casualties in the oPt as a result of the escalation in hostilities in November 2012

Between the end of the Israeli military operation 'Cast Lead' in January 2009 and 14 November 2012, OCHA recorded an average of ten limited escalations in hostilities between Israel and Palestinian armed groups per year in the Gaza Strip, each lasting for an average of 2.5 days. The latest and most serious escalation in hostilities began on 14 November when an airstrike by the Israeli

air forces killed the acting chief of Hamas' armed wing. During the eight days of hostilities that followed, Israel targeted over 1,500 sites throughout the Gaza Strip. In the first few days, sites targeted by the Israeli military appeared primarily to be sites allegedly used for the manufacturing, storage and launching of rockets, training camps, and members of armed groups. From 16 November onwards, the number of targets expanded significantly to include governmental and police facilities, tunnels under the border with Egypt, and private residences which Israeli official sources claimed belonged to members of Palestinian armed groups.³

Following verification by human rights organizations, it was confirmed that at least 174

Palestinians were killed in the Gaza Strip during the hostilities. Of these, at least 168 were killed by Israeli military action, of whom 101 were civilians, including 14 women and 36 children. Six civilians, including one woman and three children, may have been killed by Palestinian rockets falling short of their target. According to the Protection Cluster and human rights groups in Gaza, another 1,046 persons including 446 children and 105 women were injured.⁴ The increasing targeting of sites located within populated areas is reflected in the growing percentage of civilians among the overall death toll as the days passed: by the declaration of the ceasefire on 21 November, civilians accounted for 65 per cent of all Palestinians killed. The inherent vulnerability of civilians

was exacerbated by the high population density in the Gaza Strip (over 4,500 people per sq. km) and by the fact that unlike in Israel, civilians in the Gaza Strip lack any type of protective infrastructure, such as alarm systems and bomb shelters.

The escalation in violence in Gaza and southern Israel triggered concerns with regard to the respect by all parties for international humanitarian and human rights law in their conduct of the hostilities. In its analysis of the November hostilities, the Office of the High Commissioner for Human Rights

(OHCHR) raises 'concerns with regard to the conduct of hostilities of all actors to the conflict.'

These concerns are related to the respect for the basic rules on the conduct of hostilities on the part of the Israeli Defence Forces (IDF), including distinction, proportionality and precautions in attack. Several cases 'raise the question of whether the IDF took all feasible measures to verify that their targets were military objectives ... Under international human rights law these cases may constitute violations of the right to life.' OHCHR also queried whether the rules on distinction, proportionality and precautions in attacks were fulfilled regarding

destruction or damage to civilian properties. Concerns were also raised 'in relation to incidents in which media offices were destroyed and members of the media killed and injured' and cases where hospitals were damaged, which could 'amount to violations of international humanitarian law.'

When considering the actions of Palestinian armed groups, OHCHR concluded that 'many, if not the vast majority of the Palestinian attacks on Israel constituted indiscriminate attacks... Most rockets fired by the armed groups did not seem to be directed at a specific military objective. Furthermore, many Palestinian armed groups directly and indirectly indicated their determination to – and took



Photo by OCHA

Explosive Remnants of War

The main threat for the people of Gaza stems from the ongoing armed conflict. Data from the United Nations Mine Action Service (UNMAS) and the United Nations Department for Safety and Security (UNDSS) for 2011-2012 (pre-November escalation) indicated that an average of 53 munitions were fired by Israeli forces into Gaza on a monthly basis, and that fifty per cent of the rockets fired by armed groups in Gaza at Israel fall short and land in Gaza. Some of these munitions fail to explode on impact, posing a danger to the population. UNMAS data analysis in Gaza since 2009 indicate that periods of conflict escalation between Gaza and Israel are followed by a rise in civilian victims of explosive remnants of war (ERW) in Gaza. With the increase in hostilities throughout 2012, the number of ERW civilian victims had already increased by 40 per cent compared to 2011 prior to the November escalation. The majority of casualties were young boys.

The ongoing ERW risk in Gaza was aggravated by 'Pillar of Defence' in November, during which Israel targeted over 1,500 sites throughout the Gaza Strip, while Palestinian armed groups in Gaza fired over 1,700 rockets and missiles at Israel. A percentage of the ordnance has failed to explode and now lies buried in farmland and in the rubble of damaged buildings, posing a threat to the population and to those working on rubble removal and reconstruction. The population groups at higher risk of ERW hazard in Gaza include: children (particularly young boys who display risk-taking behaviour such as tampering with ERW found at home or while playing outside, or collecting scrap in the rubble); farmers (both men and women); rubble removal workers and supervisors, scrap collectors and construction workers (mainly men); Non-Governmental Organization (NGO) outreach workers (men and women); and members of the general population who return to destroyed or damaged homes after a large escalation (men, women, boys and girls). UNMAS data show that most casualties in Gaza are the result of munitions that were fired and failed to explode, live munitions dropped in open areas, and poorly stored munitions in people's homes.

In 2012, in total, there were 34 civilian victims of ERW in Gaza, comprising three killed (one boy and two men), and 31 injured (16 boys, nine men, three girls and three women.) 60 per cent of the victims were children.⁵



responsibility for – attacks on Israeli civilians or large population centres in Israel. Such acts clearly violate international humanitarian law, namely the principle of distinction. In addition, such acts could also have the aim of spreading terror among the civilian population, which would further violate international humanitarian law.' Concerning the launching of rocket attacks by Palestinian armed groups from populated areas in Gaza, OHCHR concluded that these acts constituted a violation of the obligation to take all precautions to protect civilians.⁶

Slight rise in fatalities in the Access Restricted Areas

Compared to 2011, there was a rise in the number of Palestinians killed in 2012 in the Access Restricted Areas (ARAs) - the land areas up to 1,000-1,500 metres from the fence separating Gaza and Israel, and sea areas up to three nautical miles from the shore, where Israel enforces access restrictions. In 2012, there were 31 fatalities

(including 13 civilians) and 201 injuries (185 civilian) in the land restricted areas in Gaza compared to 26 fatalities and 210 injuries in 2011. There was a decrease in the number of children killed and injured in the ARAs: four children were killed in addition to 21 injured in 2012, compared to nine children killed and 67 injured in 2011.

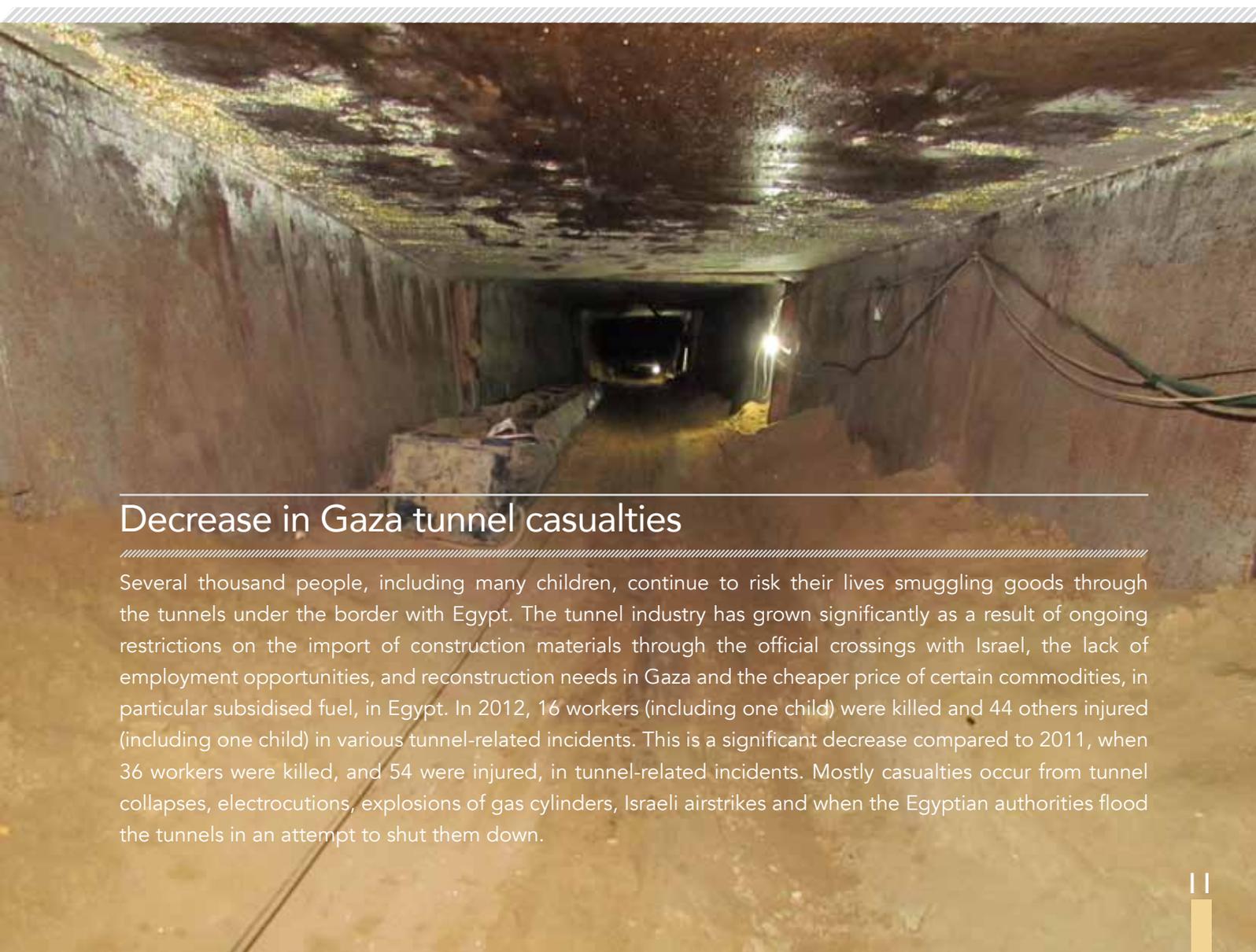
With respect to access to the sea off the Gaza shore, one fisherman was killed, two were injured and at least 32 boats were confiscated or their equipment damaged by Israeli naval forces

in 2012. Additionally, 84 fishermen were detained and subjected to interrogation by Israeli forces, compared to 43 cases of detention in 2011.⁷ In all cases, the Palestinian fishermen were later released, but the requisition of their fishing boats resulted in heavy financial losses. Following the 21 November ceasefire between Hamas and Israel, restrictions on the ARAs appear to have been eased, civilian access on foot was permitted up to 100 metres from the perimeter fence, for agricultural purposes only, and vehicular access to a distance of 300 metres. The Israeli authorities also extended the permissible fishing area from three to six nautical miles from the

As articulated by the UN Office of the High Commissioner for Human Rights, the use of live ammunition against civilians to enforce the ARA is not in conformity with international law regarding the right to life and security. It does not respect the rules on the use of force and firearms by law enforcement officials, and when taking place in the context of hostilities it violates the principle of distinction, which prohibits the targeting of civilians not directly participating in hostilities. Mere presence in a restricted area cannot be construed as participation in hostilities. As the occupying power, Israel has the obligation to protect civilians.⁸

Gaza coastline: on 21 March 2013 this was reduced to three nautical miles, and on 21 May the limit was again extended to six nautical

miles. (See *Update on the ARAs since the end of the November 2012 hostilities* in *Movement and Access* chapter.)



Decrease in Gaza tunnel casualties

Several thousand people, including many children, continue to risk their lives smuggling goods through the tunnels under the border with Egypt. The tunnel industry has grown significantly as a result of ongoing restrictions on the import of construction materials through the official crossings with Israel, the lack of employment opportunities, and reconstruction needs in Gaza and the cheaper price of certain commodities, in particular subsidised fuel, in Egypt. In 2012, 16 workers (including one child) were killed and 44 others injured (including one child) in various tunnel-related incidents. This is a significant decrease compared to 2011, when 36 workers were killed, and 54 were injured, in tunnel-related incidents. Mostly casualties occur from tunnel collapses, electrocutions, explosions of gas cylinders, Israeli airstrikes and when the Egyptian authorities flood the tunnels in an attempt to shut them down.

Increase in Israeli casualties as a result of hostilities in Gaza.

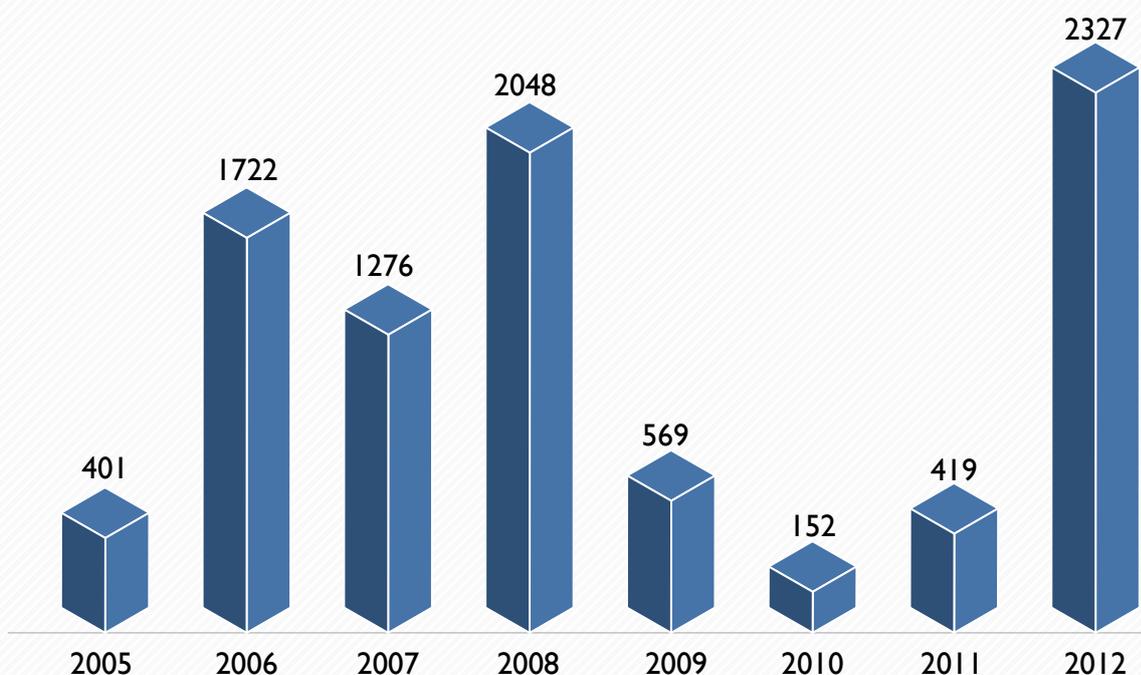
The number of Israeli casualties also increased in 2012 compared to 2011, mainly as a result of the escalation in hostilities in November. There was a sharp increase in rockets fired by Palestinian armed groups from the Gaza Strip towards Israel throughout the year; 2,327, of which 1,731 were launched between 14 and 21 November. This compares to 419 in 2011, and is the highest number recorded in a single year. The number of mortars fired at Israel decreased slightly from 244 in 2011, to 230 in 2012.⁹ In total, seven Israelis were killed in 2012

as a result of attacks by Palestinian armed groups launched from the Gaza Strip. During the hostilities in November, six Israelis were killed as a result of rocket/mortar attacks, including three civilians, two soldiers and a civilian-military contractor, and 232 others were injured, most of these civilians.¹⁰

The majority of attacks affected Israeli localities within a radius of 40 kilometres from Gaza's borders although some rockets reached the greater Tel Aviv and Jerusalem areas. According to the IDF, of the rockets launched, 58 per cent (875) landed in open areas, 28 per cent (421) were intercepted by the 'Iron Dome' missile interception system, 10 per cent (152) fell within the Gaza Strip, and 58, or less than four per cent, struck residential

built-up areas. Information released by Hamas' military wing indicated that at least some of the rockets fired by the armed group targeted Israeli military facilities.¹¹ During the hostilities in November, the firing of rockets and mortar by Palestinian armed groups at residential areas severely disrupted the lives of up to one million people in Israel, forcing many to flee their homes, and exposing many civilians to serious risk to life. The limited number of civilian fatalities is primarily attributable to the protective measures in place in Israel, in particular the 'Iron Dome' system, the availability of bomb shelters, and an effective alarm system.

Rockets launched from Gaza into Israel 2005-2012.¹²



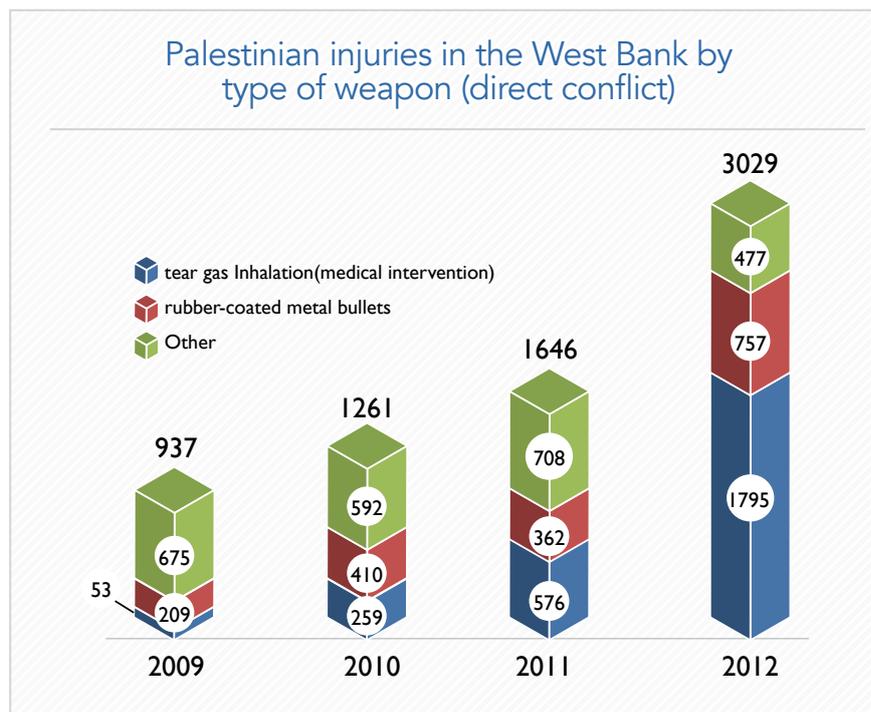
WEST BANK

Sharp increase in the number of Palestinians injured by Israeli forces in demonstrations

The number of Palestinian direct-conflict injuries¹³ in the West Bank in 2012 was almost double that of 2011, 3,029 vs. 1,646. However, this does not necessarily imply a more aggressive response on the part of Israeli forces. Instead, as part of a trend observed since at least 2009, over 90 per cent of the additional injuries in 2012 were attributable to tear gas inhalation. This trend can be attributed to the Israeli forces' increasing use of tear gas as the principal method of crowd-control during demonstrations, instead of rubber-coated metal bullets, live ammunition, physical assault and other means. This increase

in injuries is also attributable to the more frequent deployment of Palestinian ambulances at the site of demonstrations, resulting in more people being treated for tear gas inhalation and therefore

recorded as injured. While in 2009, only six per cent of all recorded injuries were caused by tear gas inhalation, this increased to 22 per cent in 2010, 35 per cent in 2011, and to 56 per cent in 2012.



Clashes between Palestinian demonstrators, protesting restrictions on movement, and Israeli forces in Kufr Qaddum village (Qalqiliya).

Some 1,473 of the 3,029 injuries, 49 per cent, occurred in ad hoc demonstrations, including those in solidarity with prisoners holding hunger strikes in protest against administrative detention, those held on 15 May ('An Nakba' day); and demonstrations protesting the Israeli military operation in the Gaza Strip in November. Approximately 43 per cent of injuries (995) occurred during demonstrations held in regular scheduled protests, including demonstrations protesting the Barrier held in the villages of Bil'in and Ni'lin, next to the Modi'in Illit settlement block (Ramallah district); protests against the closure of the main entrance to Kafr Kadum village, next to Qedumim settlement (Qalqiliya district); and demonstrations held in the village of An Nabi Saleh to protest the takeover of private land and water springs by settlers from the nearby Hallamish settlement (Ramallah district).¹⁴ These demonstrations often evolve into clashes with Palestinians throwing stones and Israeli forces using tear gas, stun grenades and pepper spray, as well as physical assault. Rubber-coated

metal bullets and live ammunition have been also used by Israeli forces in such demonstrations, but with less frequency.

There were no reports of investigations opened by the IDF's Military Police Investigation Unit (MPIU) into any incidents resulting in serious injury of Palestinians by Israeli forces. This is the only mechanism that can lead to the prosecution of a soldier. (See *Accountability Crisis* below.)

Concern at rise in injuries from tear gas canisters

In 2012, increasing numbers of injuries were caused by Israeli forces launching high-velocity tear gas canisters during demonstrations that struck the heads or torsos of Palestinian demonstrators. The firing of high-velocity tear gas canisters at demonstrators by Israeli forces has long been a cause for concern. These canisters can cause serious harm or even death when fired

'B'Tselem's documentation of hundreds of demonstrations throughout the West Bank reveals that soldiers and Border Police officers frequently fire tear gas canisters directly at demonstrators, or fire them carelessly, without ensuring that demonstrators were not in the direct line of fire. Such direct firing, sometimes at very short range, has already resulted in two fatalities and in injuries to many people, some sustaining moderate to serious wounds.'¹⁵

directly into a crowd or at specific persons as high-velocity rounds are used, the canisters are made of aluminium, and they are imprecise in nature. The Israeli military officially prohibits their use in this manner.¹⁶ Despite this prohibition, since the beginning of 2009, two demonstrators have been killed and 474 others have been injured in such circumstances, including 203 in 2012, representing the third highest contributor to injuries in 2012.



Photo by Rajae Mukhal

Weekly anti-Barrier demonstration in Bil'in, January 2011

SETTLER VIOLENCE

Violence by settlers in the West Bank includes physical assault on persons; harassment; takeover of, and damage to, private property; obstruction of access to grazing/agricultural land and water resources;¹⁷ and attacks on livestock, agricultural land and holy places. While some acts appear to be random, others are declared acts of retaliation for the Israeli authorities' announced or actual evacuation of settlement outposts (i.e. 'price tag' attacks) or they occur in the context of settlers' attempts to take over land and resources. Settler violence undermines the physical security and livelihoods of many Palestinian communities, particularly when combined with other difficulties, such as access and movement restrictions and house demolitions, and has the potential to incite wider unrest throughout the West Bank.¹⁸

“Violence against Palestinians also has an adverse effect on their access to livelihoods. Palestinian access to agricultural land in the vicinity of settlements has been limited not only by physical barriers but also by Israeli settlers persistently intimidating them. Indeed the majority of acts of violence directed against Palestinians occurs in agricultural or grazing areas. Such violence appears to be meant to spread fear among Palestinians who, because they are at risk of being victims of settler attacks, no longer go to certain areas that they had been cultivating for the purpose of sustenance.”

Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan: Report by the Secretary-General A/67/375, September 2012.

In 2012, OCHA recorded 98 settler violence incidents resulting in 150 Palestinian injuries, in addition to 268 incidents resulting in damage to Palestinian private property. This represents a decrease compared to 2011, when 121 incidents resulted in three fatalities

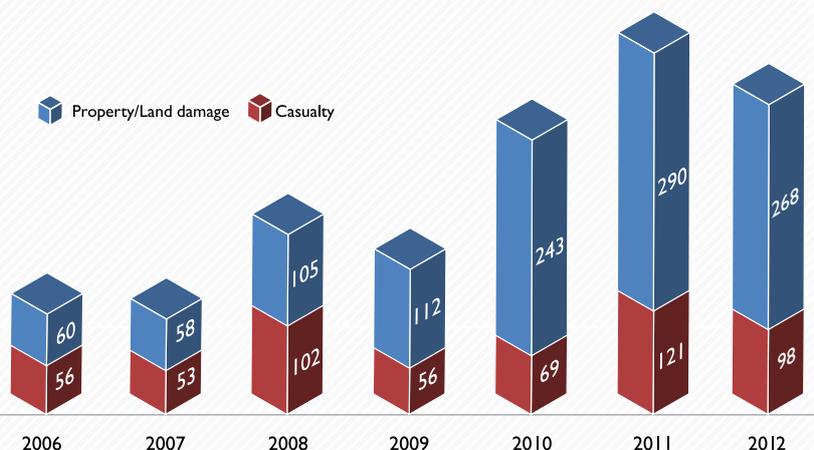
and 183 injuries, in addition to 290 incidents resulting in damage to Palestinian private property.

In 2012, another 68 Palestinians were injured by Israeli forces who intervened during clashes



Olive trees damaged by Israeli settlers in Beitillu village near Nahliel settlement, Ramallah. October 2012.

Settler attacks resulting in Palestinian casualties or property damage



According to the Israeli Security Agency (ISA) there was a 40 per cent decline in the number of attacks against Palestinians by 'radical right activists' in 2012: 18 attacks as opposed to 30 in 2011. 'The ISA, with the help of Israeli National Police (INP) and IDF, arrested dozens of activists for interrogation, mainly based on ISA intelligence. Throughout 2012, 43 indictments were issued (40 in 2011), 18 activists were put in house arrest, and 29 administrative restraining orders were issued (by IDF's Central Command Chief) against radical right wing activists.'²⁰

between settlers and Palestinians. In addition, almost one thousand Palestinians were injured in 2012 in settlement-related demonstrations, in particular in Kafr Qaddum (893) and An Nabi Saleh (69). 2012 also witnessed a rise in the number of settlers injured by Palestinians; 54 settlers were injured compared to 28 in 2011.

Notwithstanding the efforts of the ISA outlined above, law enforcement efforts remain inadequate. The continuing lack of accountability for settler violence is of particular concern; less than nine per cent of 781 investigations into incidents of settler violence between 2005 and 2011 conducted by Israeli police resulted in indictments.¹⁹ Inadequate law enforcement occurs in a context of structural discrimination, where two separate legal systems and sets of rights are applied by the

same authority in the same area, depending on the national origin of the persons. While Israeli civil law and court system is de facto applied to all settlers and settlements across the occupied West Bank, if arrested by the Israeli authorities, Palestinians from throughout the West Bank, except East Jerusalem which was illegally annexed to Israel, are subject to the Israeli military law and court system.

No Israeli fatalities in West Bank

For the first year since 1973, there were no Israeli fatalities in the West Bank in 2012, compared to eight in 2011. However, according to the ISA, 2012 witnessed an increase in the number of attacks on Israelis (settlers and military/security forces) in the West Bank (excluding East Jerusalem); 578 attacks were

reported compared to 320 in 2011, with a 32 per cent rise in the use of firearms, Improvised Explosive Devices (IEDs) and hand grenades.

An Accountability Crisis

Although the context in which civilians are killed or injured and their property destroyed and damaged varies, the common denominator affecting victims of unlawful acts of violence is a pervasive crisis of accountability. This crisis is characterized by the absence of effective remedies for violations – primarily effective investigations and redress for victims. The lack of accountability not only denies justice to victims, but also obstructs a potentially useful mechanism that could deter future violations.

November 2012 escalation in hostilities

The hostilities in November 2012 had a devastating impact on the civilian population in Gaza, and there has been no accountability or effective remedy for alleged violations of international humanitarian and human rights law to date.

Regarding alleged violations of international humanitarian law committed by Israel, on 11 April 2013, the IDF Military Advocate General (MAG) announced that following a preliminary examination, he found no basis for opening a criminal investigation into approximately 65 incidents, while additional inquiries had been ordered regarding some 15 other incidents. No information justifying the decision to close the cases without a criminal investigation

was provided in the majority of the cases, while the information provided in relation to a few cases was of a general nature and failed to provide meaningful reasons. In the absence of such information, the MAG's decision not to open a criminal investigation into any case raises serious concerns about the lack of accountability.

Human rights organizations in Gaza have also submitted complaints to Israel's Ministry of Defence seeking compensation for victims in 129 cases of death, injury and property damage arising from possible violations of international law. In order to access the civil court system to seek compensation, a complaint must be lodged within 60 days of the offence taking place. A myriad of procedural requirements and legal obstacles face Palestinian claimants taking cases to court, making the chances

of success extremely low. These include developments in Israeli law expanding an exemption of liability of the state for action taken by the IDF during 'military operations.'²¹

Regarding the de facto authorities in Gaza, there is no evidence of attempts to investigate alleged violations of international law committed by its forces or other armed groups, affecting Israeli civilians. While the de facto authorities have indicated their willingness to investigate incidents of killing of alleged collaborators, they have provided no additional information. Likewise, there is no available information regarding mechanisms that would allow civilian victims of violations to seek compensation. Therefore, lack of accountability and effective remedy for alleged violations by Palestinian armed groups also remain major concerns.



Weekly anti-Barrier demonstration in Bil'in, January 2012

Civilian killings and injuries by Israeli forces in the West Bank

In April 2011, the Israeli military began automatically initiating criminal investigations into incidents caused by Israeli military forces resulting in the death of Palestinian civilians in the West Bank only. While this was a positive development, the new policy left some significant accountability gaps.

In addition to cases that occurred in the Gaza Strip, the new policy is not applied in West Bank cases where civilians are killed in 'an activity clearly stated as combat (e.g. fire exchange between two parties)' or in incidents resulting in the injury of civilians, including serious injury.²² Such cases may trigger an internal 'operational inquiry', which shall inform the MAG about the possible need to open a criminal investigation. However, those inquiries do not meet

basic standards of effectiveness, independence, impartiality and transparency, as required by international standards.

Regarding those cases where a criminal investigation has been opened, Israeli human rights organizations have called into question the effectiveness of such investigations. According to B'Tselem, of seven Palestinian fatalities which they recorded in 2012, four triggered criminal investigations by the IDF's MPIU and two by the Israeli Police (who caused the fatalities in these incidents); however, none of the investigations led to an indictment.²³

Israeli settler violence

The longstanding failure by the Israeli authorities to adequately enforce the rule of law in

relation to Israeli settler violence against Palestinians remains of concern. Certain aspects of the current system, including the lack of resources to conduct thorough investigations, and the requirement for Palestinians to file complaints at police stations located inside Israeli settlements, actively work against the rule of law by discouraging Palestinians from filing complaints. In most cases, criminal investigations of settler violence against Palestinians are closed without indictment.²⁴

Underpinning the continuing problem of settler violence is the decades-long government policy of facilitating the presence of Israeli settlers in the West Bank, including East Jerusalem, in contravention of international law. Continued government support for settlement activity promotes a culture of impunity that contributes to ongoing violence.



Photo by OCHA

Palestinian-owned olive trees cut down by Israel settlers, Madama village, June 2012.

Under international humanitarian law and international human rights law, Israel is obligated to prevent attacks against Palestinian civilians and their property and ensure that all incidents of settler violence are investigated in a thorough, impartial and independent manner.

Increase in Arrests and Detentions in the West Bank

Arbitrary arrest and detention and ill-treatment of individuals while in detention, including children, women and elected members of the Palestinian Legislative Council, and failure to respect due process and fair trial guarantees, all remain serious concerns. In 2012, Israeli forces conducted around 4,007 search-and-arrest operations throughout the West

Bank, including East Jerusalem and in areas officially under the control of the PA²⁵, compared to 4,200 operations in 2011. Approximately 3,340 Palestinians were arrested (compared to more than 3,000 Palestinians in 2011). The Jerusalem governorate, with nearly 873 arrests, was the main focus for these operations, many of which involved children. As of 1 January 2013, there were some 4,743 Palestinians held by the Israeli authorities for acts, or on suspicion of acts, committed in connection to the Israeli-Palestinian conflict, compared to 4,377 in January 2012.²⁶ Included in this population were 193 children (including 21 under the age of 16), 10 women, 437 prisoners from the Gaza Strip and 178 others held under administrative detention, including 12 members of the Palestinian Legislative Council.²⁷

Of continuing concern in 2012 was the practice of administrative detention (178 in 2012 vs. 309 in 2011) where detainees can be held for indefinite renewable periods based on secret evidence and without charge or trial.²⁸ A hunger strike by two Palestinian detainees, Khader Adnan and Hanan Shalabi, to protest their detention, led to a mass hunger strike involving approximately 2,000 Palestinians in Israeli detention by the end of April 2012. The detainees demanded, among other things, an end to the practice of administrative detention and solitary confinement, the resumption of family visits for detainees from Gaza and better detention conditions and treatment. On 14 May 2012, the Israeli authorities reportedly agreed to end solitary confinement, to allow family visits to Gazan prisoners²⁹ and to discuss an improvement of

Administrative detention

In his annual report on practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, the UN Secretary General expressed concern regarding the practice of administrative detention:

'Administrative detention has been practised in the Occupied Palestinian Territory by the Israeli authorities since the beginning of the occupation in 1967. ... While administrative detention is not prohibited per se under international law, a number of principles govern its use: it should only be used in an exceptional manner and only for imperative reasons of security; it should never be used as an alternative to criminal proceedings; if a person is suspected of a criminal offence, he or she should be charged and be tried by a regularly constituted court that is independent, impartial and respects all judicial guarantees; administrative detention must be based on procedures established by law and should be subject to review by an independent and impartial body; the detainee must be allowed to receive effective legal assistance; and the detainee and his or her counsel should be present at the review of the lawfulness of the detention.... The Israeli practice of administrative detention falls short of these standards.'³⁰

Ofer detention center, May 2011

prison conditions, as well as the conditional non-extension of administrative detention orders against certain Palestinians. While this brought an end to the general strike, hunger strikes on the part of individuals or multiple prisoners continued throughout 2012 and into 2013.³¹ Noting with concern the ongoing hunger strike of Palestinians in Israeli

Monitoring by OHCHR and Non-Governmental Organization (NGO) partners indicated that arbitrary detention, torture and ill treatment at the hands of the de facto authorities in Gaza remained issues of concern. These practices typically, though not exclusively, targeted members and supporters of Fatah in relation to their political affiliation or opinion. On 3 July 2012, the Internal Security Agency (ISA) arrested a 33-year-old Fatah member from Khan Younis and detained him for nearly a month. The victim was questioned about his Fatah-related activities, subjected to shabeh (a form of torture), slapped, intimidated and solitary confined. The de facto authorities also continue to curtail freedom of expression, opinion and assembly. Journalists have been detained and ill-treated in relation to their perceived political affiliation or alleged lack of objectivity, while in other cases security forces have used excessive force to disperse peaceful assemblies. The de facto authorities have also continued to pass death sentences, sometimes in military courts, despite the accused being a civilian, and have carried out executions.³²

detention in February 2013, the UN Secretary General called on Israel to implement the agreement reached on 14 May 2012, including the implementation of prisoners' family visiting rights.³³

A key concern regarding Palestinian prisoners in Israeli detention is the denial of rights to due process during their trial and conviction in the Israeli military court system. Military court judges, themselves IDF officers, lack independence; detainees are not promptly informed of the charges against them; and the accused and their attorneys are not provided with the facilities, sufficient time and the information necessary for the preparation of an adequate defence.³⁴

Detainees are not informed of the right not to incriminate themselves

and human rights groups report that considerable physical and psychological pressure is placed on defendants during interrogations to sign confessions. Forms of reported abuse include beatings and threats, sleep deprivation, position abuse, prolonged cuffing, and having family members threatened and, in some cases, arrested. During this period, many detainees are often held in small windowless cells in extremely poor conditions, provided poor quality food, and denied adequate access to proper medical care. In almost all cases, a defendant's attorney is not allowed to be present during interrogation and most detainees will spend weeks before they are able to meet with a lawyer. The vast majority of Palestinians in Israeli detention are held in prisons and detention centres located outside



Israeli soldiers arrest a child during the weekly demonstration in Kfer Qaddum, a West bank village located east of Qalqiliya, on January 25, 2013. The child was later released. Yotam Ronen/Activestills

Following a review of practices related to children who come into contact with the Israeli military detention system, UNICEF (United Nations Children Fund) released a report that concluded that the ill treatment of Palestinian children 'appears to be widespread, systematic and institutionalized throughout the process, from the moment of arrest until the child's prosecution and eventual conviction and sentencing.' UNICEF reported that approximately 700 Palestinian children aged between 12 and 17, primarily boys, are arrested, interrogated and detained by Israeli forces every year. UNICEF identified examples of practices 'that amount to cruel, inhuman or degrading treatment or punishment according to the Convention on the Rights of the Child and the Convention against Torture' The common experience of many children is 'being aggressively awakened in the middle of the night by many armed soldiers and being forcibly brought to an interrogation centre tied and blindfolded, sleep deprived and in a state of extreme fear.' Most children are not informed of their right to legal counsel. Treatment inconsistent with child rights continues during court appearances, 'including shackling of children; denial of bail and imposition of custodial sentences; and transfer of children outside occupied Palestinian territory to serve their sentences inside Israel. The incarceration isolates them from their families and interrupts their studies.' While noting some recent positive developments, UNICEF recommended that additional measures be introduced 'to ensure the protection of children under military detention and compliance of the system with international norms and regulations, as well as to dissipate false allegations of misconduct by the Israeli authorities.'³⁵

the occupied territory, in violation of international humanitarian law which provides that residents of an occupied territory must be detained within the occupied territory.³⁶

Human rights organizations also report an almost complete lack of accountability for the alleged mistreatment of Palestinian detainees under interrogation; according to a joint report by the Israeli human rights groups B'Tselem and HaMoked, between 2001 and October 2010, 645 complaints by those interrogated were made to the Ministry of Justice concerning Israel Security Agency interrogators treatment of Palestinian detainees, but not one led to a criminal investigation.³⁷

Children in detention

A particular source of concern remains the arrest and detention of children, with the number of

children in detention increasing from 116 in 2011 to 193 in 2012. In September 2011, in a positive development in line with the Convention on the Rights of the Child the Israeli military issued an order raising the age of majority for Palestinians in the military courts to 18 (previously set at 16) for security-related matters; however, children are still not treated in a manner appropriate to their age, needs and special circumstances. Since the year 2000, the Israeli authorities have detained and prosecuted between 500 to 700 Palestinian children each year, and 7,000 Palestinian children, some as young as 12 years of age, are estimated to have been detained and prosecuted since then. The most common charge is for throwing stones at Israeli military forces or settlers in the West Bank.

Among a sample of 40 cases documented through affidavits in early 2012, all of the 40 Palestinian boys aged 13 to 16, who provided sworn affidavits, reported being

subjected to ill-treatment by Israeli security forces. Sixty-seven per cent of the children suffered at least 10 different types of ill-treatment, including, but not limited to, being hand-tied excessively tightly, blindfolded, strip-searched, leg-tied, verbally abused, denied access to water and food and denied access to toilets. They were not informed of their rights, and were not allowed the presence of a parent or lawyer.³⁸ On a positive note, from April 2012, the IDF will reduce the time minors suspected of security offences may be held in detention before they are brought before a judge, to 24 hours for 12 and 13-year-olds and 48 hours for 14 to 16-year-olds, although this incarceration period is still twice as long as that for Israeli youths.³⁹

WAY FORWARD: LIFE, LIBERTY AND SECURITY

Civilians are entitled to protection from the effects of hostilities and other threats to their life, liberty or security. The following measures, to be undertaken by Israel as the occupying power, the Palestinian authorities and Palestinian armed groups, would significantly contribute to increased protection of the civilian population:

- During hostilities, all parties must distinguish at all times between civilians and combatants and take all necessary precautions to avoid or minimize civilian casualties and damage to civilian objects. In particular:
 - » Israeli forces should refrain from launching attacks, if those are expected to cause loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the military advantage anticipated.
 - » Palestinian armed groups in the Gaza Strip must refrain from the indiscriminate firing of rockets and other projectiles at Israel, and must ensure that civilian areas in Gaza are not used to launch attacks or to shield military forces or installations.
- The Government of Israel should take all necessary measures to protect the Palestinian civilian population including by:
 - » Preventing excessive use of force by its military and security forces. This should include a review of regulations on the use of weapons and crowd-control measures, to ensure that these regulations are in line with Israel's international legal obligations. The right of Palestinians to peaceful assembly must be respected at all times;
 - » Taking appropriate measures to bring to an end to attacks by Israeli settlers against Palestinian civilians and their property. Measures should include, the appropriate training and deployment of law enforcement personnel tasked with ensuring the physical safety of the Palestinian civilian population, which is granted 'protected' status under international humanitarian law.
- All parties must end impunity for violations of international humanitarian and human rights law and ensure that victims have access to effective remedies, including compensation. All allegations of violations of international law must be investigated in a thorough, timely, impartial and independent and transparent manner, and those found responsible for violations must be held accountable in accordance with international human rights standards.
- In this regard the Government of Israel should fulfil its obligations by
 - » Reviewing the existing investigation mechanisms regarding allegations of violations of international law by its security forces and settlers to ensure these mechanisms are in accordance with international legal standards.
- The de facto authorities in Gaza should fulfil their obligations to ensure accountability by:
 - » Ensuring investigations are conducted into the launching of indiscriminate attacks at civilian areas in Israel;
 - » Ensuring investigations are conducted into allegations regarding the launching of attacks from civilian areas in the Gaza Strip and into the use of civilians and civilian areas to shield military forces or installations.
- All parties must ensure that persons detained are informed of the reason for their detention in a language they understand; are provided with immediate access to legal counsel; and have their detention reviewed by a competent judicial body. Persons deprived of their liberty must be treated humanely, and must not be subjected to any form of torture, or cruel, inhuman or degrading treatment. Due process should be respected at all times. Arbitrary arrest and detention by all parties, including the use of administrative detention not in accordance with international law, must end; and
- All parties must ensure that children are afforded special protection and take steps to facilitate, to the maximum extent possible, their survival and development at all times. Palestinian children in detention should be treated with due consideration to their age, in accordance with international legal standards.

FORCED DISPLACEMENT



FORCED DISPLACEMENT

Overview

Forced displacement of Palestinians continued in 2012 in the West Bank, including East Jerusalem, and in the Gaza Strip. The causes of displacement in the Gaza Strip included the recurring outbreak of hostilities between Israel and Palestinian armed groups, as well as forced evictions by the local authorities. In the West Bank, the triggers included a combination of policies relating to the occupation.

In the Gaza Strip, displacement during 2012 was mainly due to Israeli military operations conducted during the escalation in hostilities in November. In the West Bank, forced displacement of Palestinians is driven by a number of occupation-related policies, linked to settlement activity. In Area C, home demolitions due to the lack of Israeli-issued building permits are the main immediate cause of displacement and are a consequence of the restrictive zoning and planning regime

Main trends in Forced Displacement in 2012

- > The escalation in hostilities between Israel and Palestinian armed groups in the Gaza Strip in November 2012 resulted in the highest number of Palestinians displaced since the Israeli military operation 'Cast Lead' in 2008-2009.
- > Demolitions of homes and livelihood related structures in Area C of the West Bank were almost as high as 2011, the highest since OCHA started systematically collating statistics in 2008.
- > None of the planning schemes for communities in Area C which have been submitted by Palestinian village councils to the Israeli Civil Administration (ICA) over the past two years has been given final approval.
- > The long-standing designation of land as 'firing zones' continues to place vulnerable Palestinian communities at increased risk of displacement.
- > There was an increase (54 per cent) in the number of structures demolished and in Palestinians displaced due to forced evictions (22 vs. 6) in East Jerusalem.

applied by the Israeli authorities in Area C, which prioritizes settlement growth at the expense of housing, livelihood and development needs of Palestinian communities. Other policies, including restrictions on access to services and resources, the allocation of land for settlements, firing zones and nature reserves, and settler violence also increase the risk of

displacement among vulnerable farming and herding communities in Area C. In East Jerusalem, Palestinian residents are at risk of displacement as a result of home demolitions, forced eviction and takeover of their property by settler organizations, and the lack of secure residency status.

THE GAZA STRIP

Highest rate of internal displacement in Gaza and southern Israel since 2009.

Ongoing hostilities, in particular in Gaza, are a key cause of forced displacement within the oPt. The escalation in hostilities

in November 2012 resulted in the highest number of persons displaced since the Israeli military operation 'Cast Lead' in 2008-2009. During the eight days of hostilities, thousands of Palestinians in Gaza fled their homes in search of safety, mostly with relatives and friends, and in 14 UNRWA (United Nations Relief and Works Agency) and two government schools in northern and central Gaza.⁴⁰ While

the majority of the displaced, including all those accommodated in schools, returned home immediately after the ceasefire, the number of people still displaced was estimated at approximately 2,400, primarily those whose homes had been destroyed or severely damaged.⁴¹ Tens of thousands of civilians in southern Israel were also believed to have fled their homes during the period

of hostilities to other parts of the country and returned home upon the declaration of the ceasefire.

The Shelter Sector estimates that in total, in 2012, there were approximately 2,003 families or approximately 12, 600 persons,

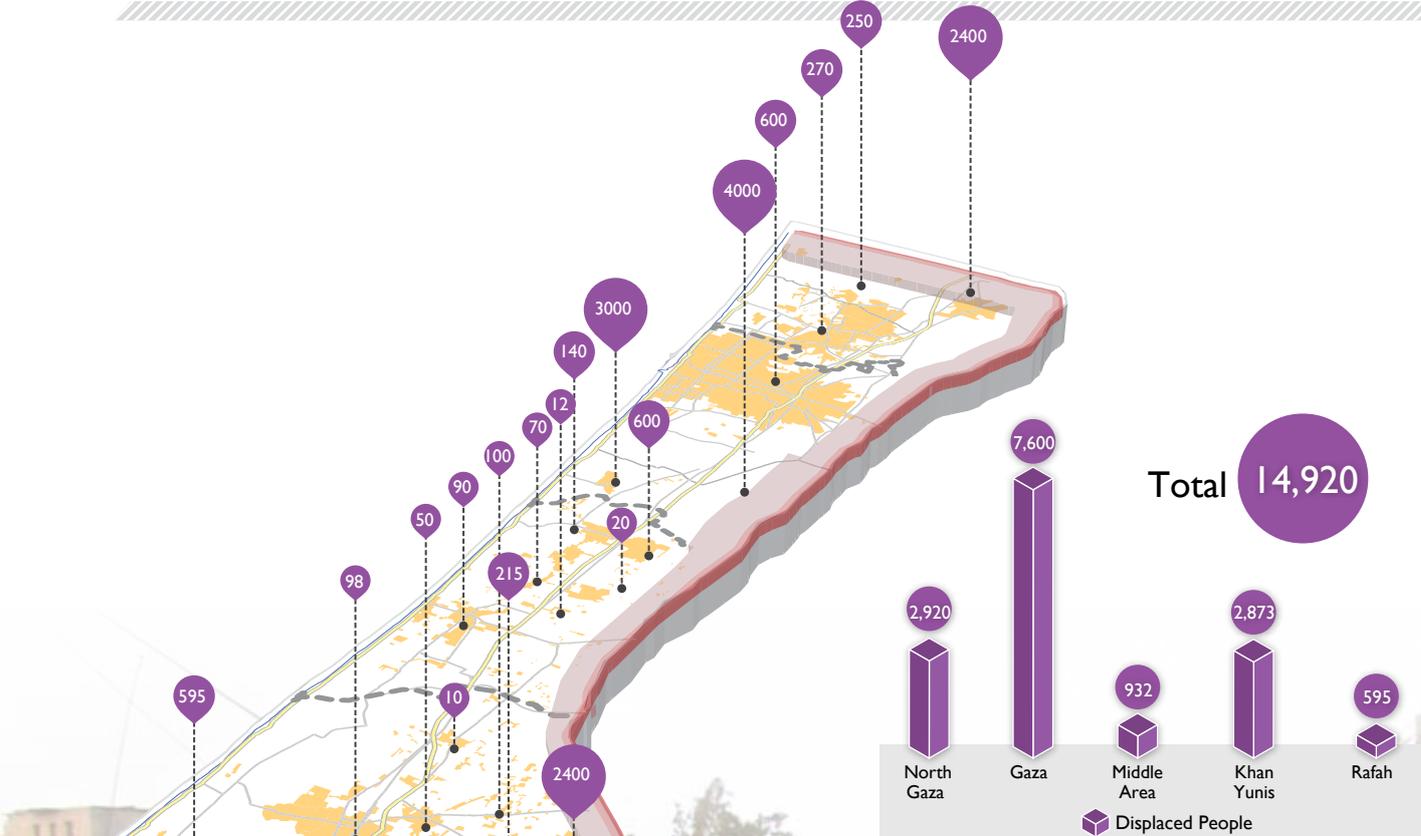
who remain displaced as a result of hostilities between Israel and Palestinian armed groups, including those who are still displaced following the Israeli military operation 'Cast Lead' in 2008/9.⁴²

Some 382 housing units (including structures with single and multiple housing units) in Gaza were totally destroyed (184 units) or severely damaged (198 units) during the hostilities, displacing most of their residents; an estimated 10,000 houses sustained minor damage.⁴³

United Nations Office for the Coordination of Humanitarian Affairs occupied Palestinian territory

GAZA STRIP: INITIAL RAPID ASSESSMENT, DISPLACED PEOPLE

March 2013



A family fleeing its home in Beit Lahiya, Gaza 20 November 2012

Photo by OCHA

Evictions by the de-facto authorities in Gaza

In July, the Hamas authorities demolished more than 100 homes in the Abu Amra neighbourhood of Gaza City, displacing approximately 771 people. A further 75 families (some 450 individuals) remain in the area and are at risk of forced eviction. The forced eviction follows nearly a decade of negotiations between the Land Registration Authority (LRA) and the affected families, aimed at relocating the residents away from the area, which is public land (i.e. 'state land'). Members of

the Abu Amra clan are registered refugees from the Beersheba area (now Israel) who settled in their current location in 1948. In 2003, the LRA reportedly reached an agreement with the families providing for their voluntary relocation to an alternative site in the southern part of Gaza City. However, following the Hamas takeover of the Gaza Strip in June 2007, the agreement was frozen. In late-2011, the LRA began a new round of consultations with the residents; however, all but four families rejected the offer of alternative sites reportedly due to the proposed sites' poor location, as well as the lack of adequate services and infrastructure.

Following their eviction, despite 'rental assistance' from the local authorities, most families were staying with relatives although some families have erected tents on the site of the demolished homes. There are concerns regarding the compliance of these evictions with domestic legislation and international human rights legal standards. In a separate case, on 3 September, the Gaza authorities demolished 18 structures in an agricultural area northwest of Beit Lahya, on the grounds that they were established without permit on 'state land'. Some 25 people were displaced and 75 were otherwise affected.

WEST BANK

Demolitions in Area C in 2012 almost as high as record rate in 2011.

Area C constitutes over 60 per cent of the West Bank, is the only contiguous territory, and contains the most significant land reserves available for Palestinian development. Israel maintains full security control and control over building and planning in Area C.⁴⁴ The entire Palestinian population in Area C, living in 562 communities, of which 281 are located entirely or mostly (50 per cent of their built-up area) in Area C, is estimated at 150,000.

The ICA has assumed responsibility for planning and zoning in Area C, including the issuance of building permits and the demolition of structures built without such

permits. The existence of an approved planning scheme is considered by the ICA as a precondition for the issuance of building permits. However, of the 562 Palestinian communities in Area C, only 75 (13 per cent) have an approved planning scheme: 32 plans submitted by Palestinian village councils are currently under consideration by the Israeli authorities. Thus, the approved planning schemes for Palestinian communities encompass less than 0.6 per cent of Area C. This is in

contrast to the 8.5 per cent of Area C where planning schemes have been approved for Israeli settlements and the additional 61 per cent of Area C land which comes under the jurisdictional areas of the settlements' local and regional councils and which can be made available for settlement planning and development in the future. Palestinian construction in the remaining 29 per cent of Area C is extremely difficult, as the Israeli authorities also prevent the development of most private lands

“Area C's significance, as the only contiguous land in the West Bank connecting 227 separate geographical areas (A and B), is the key to economic cohesion and is the most resource abundant space in the West Bank holding the majority of the territory's water, agricultural lands, natural resources, and land reserves that provide an economic foundation for growth in key sectors of the economy.”⁴⁵

in Area C, on the grounds that they were zoned for agricultural use, despite the fact that extensive areas of Area C have been changed from 'agricultural' to 'residential' to allow for the establishment of settlements.

These restrictive and discriminatory planning policies render it effectively impossible for the Palestinian residents of Area C to meet their basic housing, livelihood and development needs, and thus increase the risk of displacement. Palestinians who build, extend or rehabilitate residential housing, commercial structures, animal shelters and other livelihood structures without the required permits face demolition orders, fines and actual demolition of their property. The inability to

obtain construction permits is disproportionately affecting young couples, who are moving to Areas A and B in order to meet their housing needs.⁴⁶

In 2012, 540 Palestinian-owned structures were demolished in Area C, comprising 165 residential structures and 375 livelihood and animal structures, infrastructure and other structures. This resulted in the displacement of 815 people, including 474 children. In addition, 3,691 others were affected by demolitions, including 1,149 children. Approximately, 89 per cent of demolitions occurred in vulnerable farming and herding communities in Area C who live in very basic structures (tents, tin shelters), and have little or no service infrastructure. These

numbers were almost as high as 2011, the highest since OCHA started systematically collating statistics in 2008; in 2011 571 structures were demolished in Area C, 1,006 people were displaced (including 565 children), and an additional 3,940 people were affected.

Many of those structures demolished were funded by international donors, often in response to prior demolitions of Palestinian-owned homes and other structures. In 2012, OCHA recorded the demolition of 79 structures (in 36 incidents) that were fully or partially funded by various donors (including the PA). This included, among others, 25 residential structures (mostly emergency shelters), 18 animal



Demolition in At-Tur, Jerusalem, May 2013

Forced displacement has a serious physical, socio-economic and emotional impact on Palestinian families and communities. Demolitions deprive people of their homes, often their main source of physical and economic security. Displacement also results in disruption to livelihoods, a reduced standard of living and increases dependency on humanitarian aid. It disrupts access to basic services such as education and water/sanitation. Women often feel a loss of control over domestic matters and a heightened sense of insecurity while men commonly report increased stress and anxiety. The impact of displacement on children can be particularly devastating, including post-traumatic stress disorder, depression and anxiety.

shelters, 11 water cisterns, 10 latrines, 3 electricity networks and 5 roads. Also recorded were 22 incidents involving the seizure/confiscation of assistance, including 17 shelters/shelter materials, 7 vehicles, 22 latrines and 8 water tanks. These figures are, however, not comprehensive. The vulnerability of Palestinian communities living in Area C has been exacerbated by the recent increase in the targeting of WASH facilities by the Israeli authorities, including basic water and sanitation systems and assistance funded by international donors. (See Wash Section.)

A number of humanitarian organizations are involved in efforts to provide emergency responses in such cases. Unfortunately, in a number of cases, emergency shelters (usually tents) and other items provided as a form of emergency response

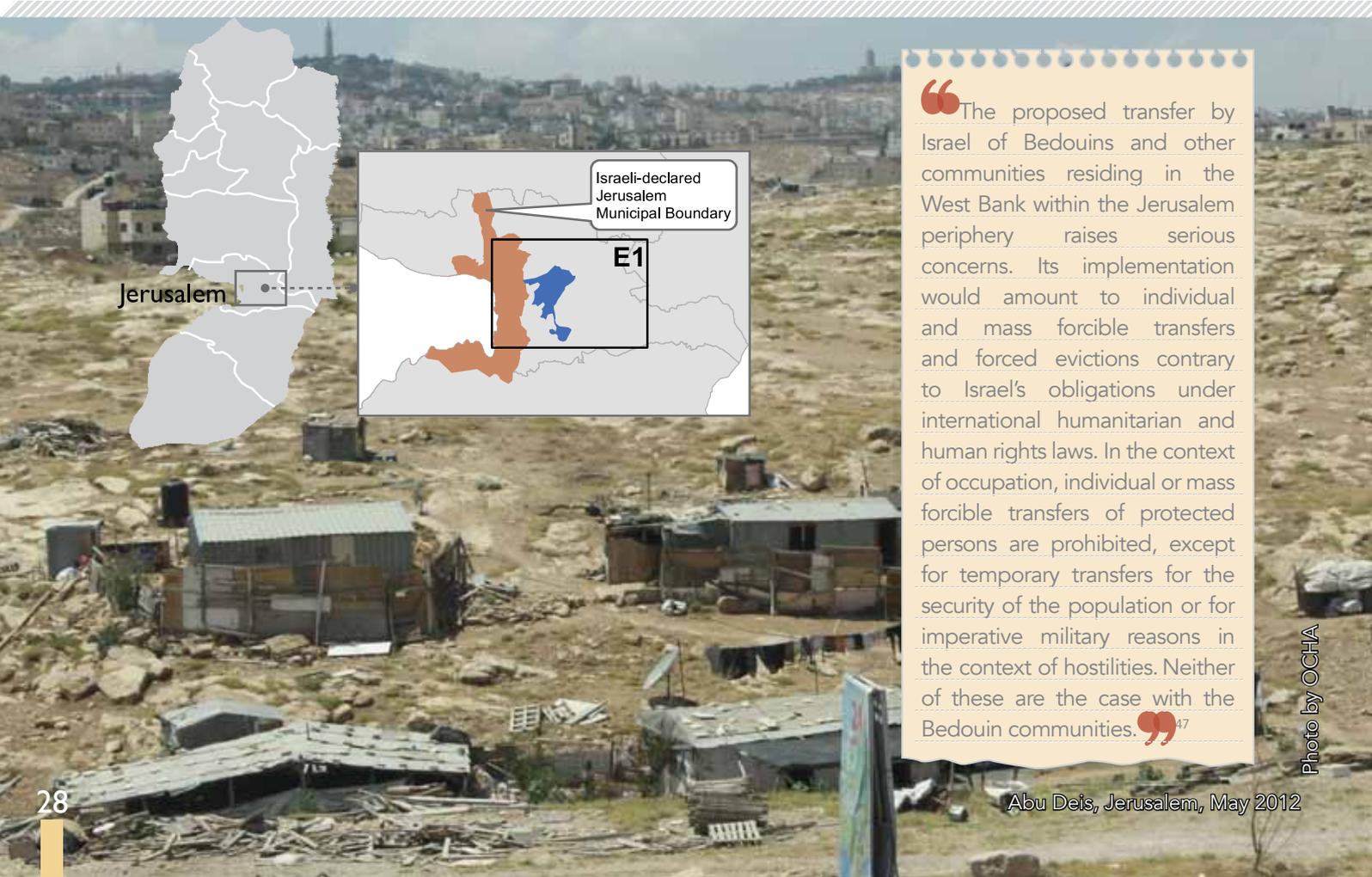
have also been demolished and/or confiscated by Israeli authorities, severely hampering the ability of such actors to address urgent humanitarian needs.

Update on Bedouin communities in E1

Palestinian Bedouin communities are at risk of forced transfer. In July 2011, the ICA informed OCHA of its intention to 'relocate' Bedouin communities from areas throughout Area C, with priority given to those located in the Jerusalem periphery, the strategic area between East Jerusalem and the Israeli settlement of Ma'ale Adummim. The threatened populations, most of whom are refugees, consist of 20 Bedouin communities with a population of 2,300 (two thirds of them children.) They have suffered repeated displacement over the years, including due to previous

demolitions. All the communities have lost access to grazing land due to settlement expansion, most have demolition orders pending against their homes, none have been connected to the electricity network and only half are connected to the water network.

In September 2012, the Israeli High Court rejected a petition lodged by the Israeli settlement of Kfar Adummim which urged the Israeli authorities to enforce an outstanding demolition order against the elementary school in Khan al Ahmar. However, the court also rejected a second petition lodged by the Khan al Ahmar community to try to prevent the enforcement of demolition orders against structures at risk, indicating that the enforcement of demolition orders is at the discretion of the ICA. The ICA, for its part confirmed that it still intends to relocate the community, preferably within a



“The proposed transfer by Israel of Bedouins and other communities residing in the West Bank within the Jerusalem periphery raises serious concerns. Its implementation would amount to individual and mass forcible transfers and forced evictions contrary to Israel’s obligations under international humanitarian and human rights laws. In the context of occupation, individual or mass forcible transfers of protected persons are prohibited, except for temporary transfers for the security of the population or for imperative military reasons in the context of hostilities. Neither of these are the case with the Bedouin communities.”⁴⁷

Photo by OCHA

year; that they are currently in the process of identifying relocation sites and planning solutions; and that they aim to affect the transfer by peaceful means if possible.

On 30 November, the day after the UN General Assembly accorded Palestine Non-member Observer State status in the United Nations, the Israeli government indicated that planning would proceed on several thousand housing units in the 'E1' area of the West Bank between Jerusalem and the settlement of Ma'ale Adummim. There is concern that approval of the E1 plan may expedite plans to transfer Palestinian communities who live within and next to the area designated for the plan.

Firing zones

In the 1970's, Israel declared large areas of the West Bank as 'firing zones', which are distinct from other closed military areas, such as those declared around Israeli settlements and the 'Seam Zone' between the Barrier and the Green Line. Approximately

18 per cent of the West Bank has been designated as a closed military zone for training, or 'firing zone'; this is roughly the same amount of the West Bank under full Palestinian authority (Area A, at 17.7 per cent). A Palestinian presence is formally prohibited in these zones without permission from the Israeli authorities, which is rarely granted. However, approximately 5,000 Palestinians reside in the firing zones, (in 38 communities), mostly Bedouin or herding communities; many of them had been living in these areas before they were designated as 'firing zones'. The firing zones, the boundaries of which are not clearly marked on the ground, have remained largely the same since their establishment, despite significant changes to the security situation.

Palestinians living in what are now firing zones are among the most vulnerable in the West Bank, with high levels of humanitarian need. Most residents have limited or restricted access to services (such as basic education and

health facilities) and there is no service infrastructure (including water, sanitation and electricity infrastructure). The Israeli authorities regularly carry out demolitions of homes and other structures in these communities, either in the context of demolition orders or when executing eviction orders. Many of the communities have been subjected to multiple incidences of demolitions of property. However, Israeli settlement outposts established in the firing zones do not normally face demolitions of their structures built in violation of Israeli domestic law. Palestinian residents of firing zones face a range of other difficulties including the confiscation of property, settler violence, harassment by soldiers, access and movement restrictions and/or water scarcity, and in some instances the conduct of military training exercises in or near their communities. Combined, these conditions contribute to a coercive environment that creates pressure on Palestinian communities to leave these areas.



Firing Zone 918

The area of Massafer Yatta in the southern Hebron area covers around 36,000 dunums, and comprises 19 Palestinian hamlets or small villages with a combined population of approximately 1,700 people. Most of the residents, who have lived in the area for decades, rely on traditional farming and herding of livestock. In the 1970s, most of the area, including 12 of the 19 hamlets, was designated by the Israeli military as a closed military area for training purposes, named Firing Zone 918. As a result, approximately 1,000 residents of the affected villages were placed at a serious risk of displacement.

In 1999, Israeli authorities issued eviction orders against the residents, instructing them to leave the area. A few months later, on 16 November 1999, the Israeli military forcibly evicted and destroyed the homes and other property of over 700 residents. The following year, the Israeli High Court, in a response to two petitions lodged on behalf of the residents by the Association for Civil Rights in Israel (ACRI) and a private lawyer, issued a temporary injunction order, allowing the residents to return to the area pending a final ruling on the case. While many residents returned, others did not, as their homes had been destroyed and they were not given permission to rebuild and further develop their communities to meet basic needs.

The legal case resumed early in 2012 following repeated delays. In July 2012, the Israeli

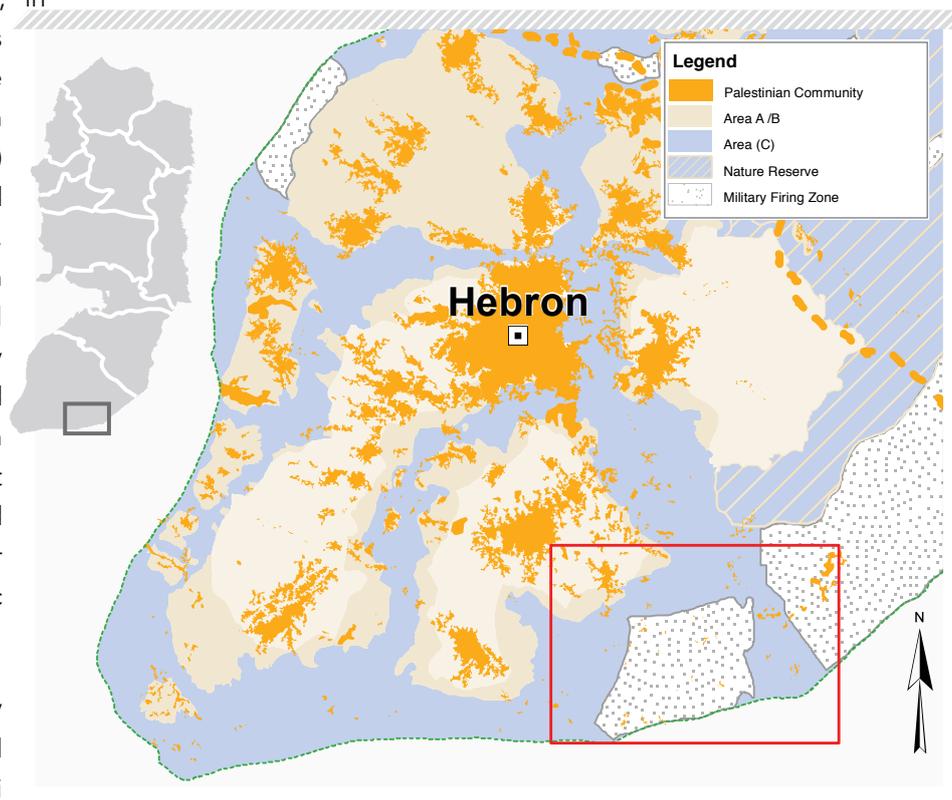
authorities reiterated the main points of their previous position to the Court, i.e. that the majority of the area, encompassing eight Palestinian villages, should remain a closed military zone for training purposes and the residents evicted. According to a recent assessment, the eviction would affect approximately 1,000 people, more than half of them children. According to the authorities, the residents could however be allowed to enter the area on weekends and Jewish holidays, and during two one-month periods a year, to work the land and graze their flocks. During a hearing in August, the Court eventually dismissed the case, leaving the interim orders in place and inviting a new petition from the residents. The initial deadline for the submission of a new petition was extended to January 2013.

As a result of the declaration of the area as a firing zone, the Palestinian communities in the area have suffered over a decade of insecurity and deteriorating living conditions. Restrictions on building and development, combined with settlement expansion, settler violence and harassment, and restrictions on movement and access, and more recently military training exercises, have all combined to undermine their livelihoods, reduce their standard of living and increase their dependency on humanitarian aid. The same restrictions also hamper the ability of humanitarian organizations to provide basic assistance to the communities, with aid projects aimed at addressing the urgent needs of these communities either threatened with demolition or seizure and confiscation.

United Nations Office for the Coordination of Humanitarian Affairs occupied Palestinian territory

HEBRON GOVERNORATE

March 2013



EAST JERUSALEM

Rise in demolitions compared to 2011

As in Area C, demolitions of homes and other property due to lack of Israeli building permits are one of the primary causes for the displacement of Palestinians in East Jerusalem. 'Illegal' construction has been widespread in East Jerusalem, largely because opportunities for authorized construction have been extremely limited as a consequence of the restrictive planning regime enforced by the Israeli authorities in the city. Only 13 per cent of the total East Jerusalem area is available for Palestinian construction, and much of this is already built-up.

Even within the permitted areas, technical requirements, related expenses and lengthy time-frames discourage Palestinians from applying for building permits, as do the penalties, including costly fines, confiscation of building equipment and possible prison sentences, applied to those who build without permits.⁴⁸ According to the Israeli organization, Ir Amim, natural growth among Palestinians in East Jerusalem requires the construction of 1,500 housing units per year. However, only an average of 400 new housing units per year are authorized, resulting in a disparity of over 1,000 units per year between housing needs and legally permitted construction.⁴⁹

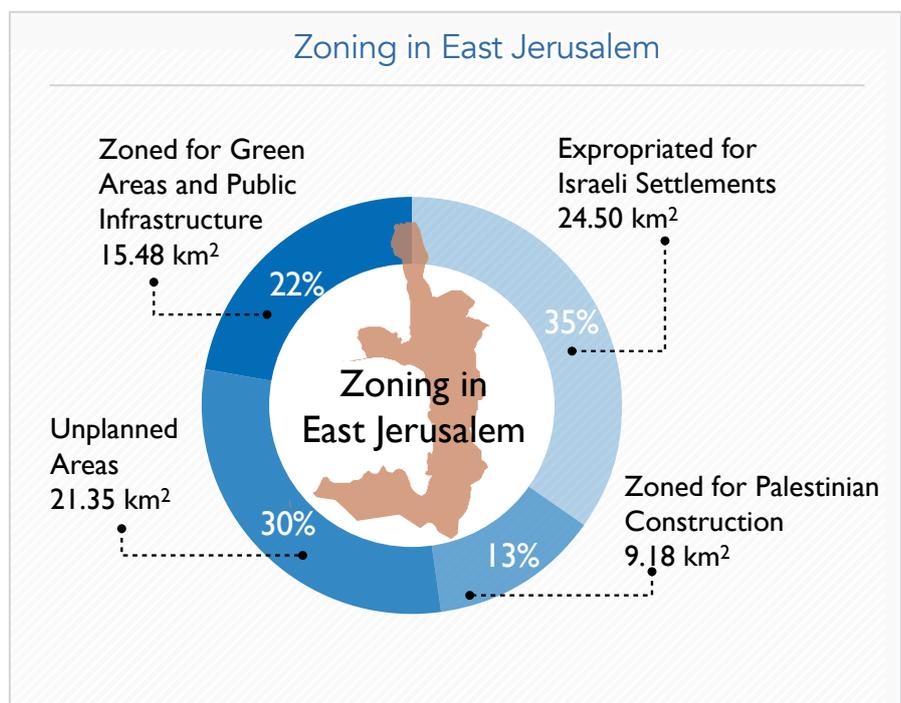
In 2012, there were 64 demolitions in East Jerusalem, comprising 24 residential structures and 40

others, including livelihood and animal structures, and 15 'self demolitions'. These demolitions resulted in the displacement of 71 people, including 27 children. In addition, 411 others were affected by demolitions. Overall, there has been an increase of 54 per cent in the number of structures demolished in 2012 compared to 2011 (64 vs. 42), a decrease of 19 per cent in those displaced (71 vs. 88), but a 102 per cent increase in those affected (411 vs. 192). It is estimated that at least 93,100 East Jerusalem residents live in structures built without permits and are at potential risk of displacement.⁵⁰

Evictions

Since 1967, the Government of Israel has continued to construct settlements within the extended municipal boundary and in the

wider metropolitan area of East Jerusalem, in contravention of international law. The territory expropriated for settlement building and expansion has resulted in a corresponding reduction in the land and resources available for Palestinian construction and development. In addition, land and property has been expropriated from Palestinians to create an 'inner' layer of settlements within Palestinian residential areas, in the so-called 'Holy Basin' area. The impact of this settlement activity in Palestinian areas includes restrictions on public space, residential growth and freedom of movement. In the most severe cases – in the Old City, Silwan, and most recently Sheikh Jarrah – expropriation by settlers of Palestinian land and property has resulted in the loss of property and the eviction of the long-term Palestinian residents.



In total in 2012, 22 Palestinians, including 10 children, were evicted in four separate incidents in East Jerusalem (Beit Hanina, Ras al 'Amud, At Tur and Jabal al Mukabber). In three of the incidents, settlers subsequently took over the properties. This contrasts to one settler-related eviction, affecting six Palestinians, (two adults and four children) in 2011.

Such forced displacement has grave physical, social, economic and emotional impact on the Palestinian families concerned. In addition to depriving the family of a home – its main asset and source of physical and economic security – displacement frequently results in disruption of livelihoods, increased poverty and a reduced standard of living, as well as limited access to basic services,

such as water, education and health care. Families may also be obliged to refund the municipality for the expenses related to their own eviction. The high legal fees families incur when defending their case in court strain their already meagre financial resources.

Lack of secure civil status

Since 1967, Israel has retained control over the residency status of the Palestinian population of the oPt. Discriminatory policies applied by Israel have resulted in the denial or revocation of civil status and documentation, restricting Palestinians' right to reside in, and move, between different parts of the oPt, and their right to return to the oPt following visits abroad. In response to an

application to the military under the Freedom of Information Act, by the Israeli organization HaMoked, in June 2012, the Coordinator of Government Activities in the Territories (COGAT), revealed that until the establishment of the PA in 1994, the military had revoked the status of a quarter of a million Palestinian from the West Bank and the Gaza Strip, not including the East Jerusalem residents detailed below.⁵¹ The categories currently at most risk of denial or revocation of their residency status are East Jerusalem ID holders who live outside the Israeli-defined municipal boundary, their non-Jerusalem spouses, and Gaza residents who live in the West Bank.⁵²

Forced evictions are prima facie incompatible with international human rights law, in particular the right to adequate housing and freedom from arbitrary or unlawful interference with privacy, family and home, pursuant to article 11 of the International Covenant on Economic, Social and Cultural Rights and article 17 of the International Covenant on Civil and Political Rights. They are only justified in the most exceptional circumstances, must pursue a legitimate purpose and must be implemented in accordance with international law, including the prohibition of discrimination.⁵³

Photo by Mahmoud Ilean, September 2010

Um Haroun in Sheikh Jarrah

According to official data from the Interior Ministry, in 2012, Israel revoked the residency of 116 East Jerusalem Palestinians, including 64 women and 29 children, compared to 101 revocations in 2011.⁵⁴ This brings to 14,263 the number of East Jerusalem Palestinians who have had their residency revoked between 1967 and 2012. Discriminatory policies which apply only to Palestinian residents of Jerusalem, mean that a permanent resident who marries a non-resident must submit, on behalf of the spouse, a request for 'family unification' in order for the partner to reside in East Jerusalem. This process is currently frozen for those from the West Bank and Gaza, although temporary 'military' permits may be obtained.⁵⁵ If the father does not hold permanent residency status, the children of such unions

East Jerusalem 'Permanent Residents'

Following the war of 1967, the Government of Israel unilaterally annexed East Jerusalem and the surrounding West Bank hinterland, an area of approximately 70 Km².⁵⁶ The right to reside in East Jerusalem was restricted to those Palestinians who were recorded as living within this expanded municipal boundary. These Palestinians were defined as permanent residents of Israel rather than citizens, and their residency status is conditional on their proving that their 'centre of life' lies within the Israeli-defined municipal boundary or in Israel proper. The status of permanent resident expires if that person lives for a period of seven years or more outside East Jerusalem or Israel, including in any other part of the West Bank or Gaza Strip, and/or if he/she obtains citizenship or residency in another country.⁵⁷

can face problems in obtaining registration numbers from the Israeli Ministry of Interior, which are required for them to receive their own IDs cards at the required age of 16. Because of the arduous

process, many West Bank spouses and children of such unions have no alternative other than to live apart from their partners, or to reside in East Jerusalem 'illegally'.⁵⁸



There are estimated to be over 30,000 Palestinians from the Gaza Strip living in the West Bank, without an official recognition of their change of address and who are therefore at risk of arrest, detention and return to the Gaza Strip. Under the Oslo Accords, the West Bank and Gaza are considered a 'single territorial unit', and every change of address between the two parts should be updated by the PA in its version of the population registry, provided that it informs the Israeli authorities. However, Israel has frozen the updating of its version of the registry since 2000, with negative implications for those Palestinians from Gaza who had moved to the West Bank with temporary permits and then decided to stay permanently.

Although the role of the Israeli authorities should be limited to updating information provided by their Palestinian counterparts, according to *HaMoked* between early 2008 and mid-2010, 85 Palestinians registered as Gaza residents were transferred by the Israeli authorities from the West Bank to the Gaza Strip, including Gazans who had married in the West Bank and some who had been living in the West Bank prior to the start of the second intifada. New requests for permanent relocation and change of residency from Gaza to the West Bank have been routinely refused, unless they meet narrow criteria for the 'humanitarian case' outlined by the Israeli authorities. However, in a positive development, between February 2011 and March 2012, some 2,700 Gazans living in the West Bank have had their addresses changed.⁵⁹

WAY FORWARD: FORCED DISPLACEMENT

There is a number of measures that could be taken by the Israeli and Palestinian authorities to end the forced displacement of Palestinians and the related increase in vulnerabilities. Actions that may be taken with immediate effect, include the following:

- During hostilities, all parties should ensure the protection of civilian homes and infrastructure:
 - » Israel should refrain from launching attacks which target or are likely to result in damage to civilian homes and essential infrastructure; and
 - » Palestinian armed groups should refrain from launching attacks against civilian residential areas in Israel and must cease launching attacks from, or shielding military forces or installations in civilian residential areas in the Gaza Strip;
- The Government of Israel should protect the Palestinian population from forced displacement by:
 - » Ceasing the forced eviction of Palestinian families and the demolition of Palestinian homes and other structures, such as animal shelters, water cisterns, schools, electricity networks, roads and other infrastructure in the West Bank, including East Jerusalem;
 - » Reconsidering current zoning of large areas of land in the West Bank with a view to allocating public 'State' land, including land designated as 'closed military zones for training purposes' (firing zones) for Palestinian use and development;
 - Reforming the current planning regime to bring it in line with international human rights standards, thereby ensuring that Palestinians have access to a fair, effective and participatory planning framework for their communities that effectively meets their needs for growth and development.
 - Ceasing requisition of Palestinian private land and resources;
 - Ensuring that Palestinians have a secure legal status and are able to reside, without arbitrary restrictions, in any part of the oPt. This includes:
 - Repealing policies that result in the denial or revocation of the residency status of Palestinians or restrict their right to reside in, and move between, the different parts of the territory;
 - Restoring the status of Palestinians whose residency has been revoked and ensure that requests for change of residency and family unification are processed in a timely, fair and effective manner;
 - » Allowing families that have been forcibly displaced to return to their homes in safety and dignity, and ensure that they are given access to an effective remedy for any harm they have suffered, including the destruction of land, homes and other property;
- The de facto authorities in the Gaza Strip must ensure that civilians are protected from forced evictions not conducted in conformity with international legal standards, including due process, security of tenure and the provision of alternative housing.

RESTRICTIONS ON MOVEMENT AND ACCESS OF PALESTINIANS IN THE OPT



Photo by OCHA

OVERVIEW: OPT

Movement of Palestinians within the oPt is restricted by a combination of physical obstacles – including checkpoints and roadblocks – and by bureaucratic constraints, such as permits and by designating areas as closed or restricted to Palestinians. This multi-layered system impacts the flow of persons and goods to and from the Gaza Strip, between the Gaza Strip to the West Bank, and between areas of the West Bank. These restrictions are compounding the fragmentation of the oPt, impacting on a range of rights of the Palestinian people, including the right of self-determination.

Within the Gaza Strip, Israeli restrictions limit Palestinian access to homes and agricultural land near the fence with Israel and access of fishermen to the Mediterranean Sea. Access and movement is strictly curtailed within the West Bank and also to East Jerusalem for Palestinians from the rest of the West Bank and the Gaza Strip. In the West Bank, the application of access restrictions is discriminatory, targeting mostly Palestinian residents, primarily for the benefit of the Israeli settler population. Given the illegality of settlements under international law, and the close relationship between the settlements and the system of restrictions on movement and access for Palestinians, the legality of the complex system of movement restrictions is called into question. Restrictions on access to land and water resources

Main trends in movement and access restrictions on Palestinians in 2012

West Bank

- Easing of certain restrictions by Israel reduced the travel time for nearly 100,000 villagers to six main cities; however, approximately 55 Palestinian communities are still compelled to use long detours.
- Little change was registered in the restrictions affecting Palestinian access to large agricultural areas, including those located behind the Barrier, and in the vicinity of Israeli settlements.
- There was a significant improvement in movement of vehicles in the Jordan Valley.
- Despite easings during Ramadan, and at Qalandiya checkpoint, access to East Jerusalem for Palestinians who hold West Bank ID cards continued to be restricted by the Barrier, the checkpoints and the permit system.

Gaza Strip

- There was some improvement in pedestrian access through the Erez Crossing but movement to and from the Gaza Strip via Erez is denied or the vast majority of Palestinians.
- The volume of imports through Kerem Shalom increased in 2012, but exports declined slightly.
- Following the ceasefire between Israel and Hamas on 21 November 2012, there was some improvement in access to the sea and to areas near the fence.
- There was no significant easing of restrictions on the movement of people and goods through the Israeli-controlled crossings, although in the last week of 2012, Israel began allowing a daily quota of 20 truckloads of aggregates into Gaza for the private sector via the Kerem Shalom crossing.

also undermine the presence of Palestinians, particularly in Area C of the West Bank.

Throughout the oPt these restrictions also impact access to basic services – health, education, housing and food – and livelihoods of the civilian population. The same restrictions also limit the ability of local and international organizations to deliver assistance to the most vulnerable populations (see chapter *Humanitarian Space*).

The restrictions systematically undermine the economic potential of the oPt: the World Bank has stated that ‘real prospects for progressing on a path towards sustainable Palestinian economic growth will be challenging absent fundamental and significant changes that remove the impediments caused by the dissection of the Palestinian territories – impediments which constrain investment, raise costs and hinder economic cohesion.’⁶⁰

OVERVIEW: WEST BANK

Following the beginning of the second Intifada (September 2000), the Israeli authorities began implementing a comprehensive system of physical obstacles and administrative restrictions to limit the freedom of movement of Palestinians within the West Bank. The Israeli authorities have justified these as temporary measures to contain violent confrontations with its military and to protect Israeli citizens, both in Israel and in the West Bank, from attacks by Palestinians. Although some of these restrictions on the main traffic routes have been removed or eased since 2008, most have remained in place, even though security conditions in general in Israel and the West Bank have improved significantly since then.

The year 2012 was characterized by mixed trends regarding this system of obstacles; despite some easing in certain areas, Israel has continued to maintain effective control of movement of Palestinians to and throughout the West Bank, and this continues to impact their daily lives and increase the fragmentation of land within the West Bank. Although the number of obstacles was slightly increased – from 529 to 542 - a number of easing measures reduced the travel time for nearly 100,000 villagers to six main cities (Nablus, Tulkarm, Salfit, Ramallah, Jericho and Hebron), thus facilitating their access to key

services, particularly hospitals and universities, as well as to markets, workplaces and other sources of livelihood. For the most part these easings entailed the opening of blocked routes while maintaining some of the infrastructure on the ground, typically the replacement of roadblocks with road gates, which are generally kept open. These road gates, however, still allow for the re-closure of the respective routes at any given moment with minimum resources.

Despite these easings, as a result of the remaining obstacles and restrictions, approximately 55 Palestinian communities, with a combined population of about 180,000, were still compelled to use detours that are two to five times longer than the direct route to the closest city.⁶¹ This represents a slight decrease compared to the figure for 2011: 70 communities and 195,000 people.

However, little change was registered in the restrictions affecting Palestinian access to large agricultural areas, including those located behind the Barrier, and in the vicinity of Israeli settlements; although there was significant improvement in Palestinian access to the Jordan Valley. Movement within the Israeli-controlled part of Hebron City, H2, also remained severely restricted, with Palestinian vehicles banned from using most of the roads leading to the Israeli

settlements and pedestrian movement also prohibited in other areas, including parts of what was once the main commercial artery, Shohada Street.⁶²

With respect to access to East Jerusalem from the remainder of the West Bank, a number of easing measures implemented since mid-June 2012 at Qalandiya Checkpoint significantly reduced the time spent by some 15,000 Palestinians travelling to and from Jerusalem every day. However, more generally, access for West Bank ID holders to the city continued to be restricted by the Barrier, the checkpoints and the permit system. There was also no noticeable improvement in restrictions related to the Barrier, which, in conjunction with its gate and permit regime, continues to be the main obstacle to Palestinian movement within the West Bank.

The Barrier

Barrier construction continued in 2012, albeit at the reduced scale of recent years.⁶³ Approximately 62.3 per cent of the Barrier is now complete, a further 9.1 per cent is under construction and 28.6 per cent is planned but not yet constructed. The Barrier's impact has been particularly severe on Palestinian rural communities, as the intrusive route cuts through eight of the West Bank's eleven governorates, isolating farms,

greenhouses, grazing lands and water resources. Farmers in approximately 150 communities who have land isolated between the Barrier and the Green Line are obliged to use a 'prior coordination' mechanism or to obtain 'visitor' permits from the Israeli authorities to access their farming land and water resources, with access restricted to a designated gate. While comprehensive data on the number of permits granted is not available, a larger number of permits are approved each year on the eve of the olive harvest season. For the 2012 olive harvest, in the northern West Bank⁶⁴ the approval rate for permit applications was approximately 48 per cent, much the same as for the 2011 harvest, but significantly below 2010 when the permit approval rate was over 80 per cent. In the Ramallah area, where 12 of the 18 gates operate on a permit system, the approval rate was significantly higher than the north, at 79 per cent. In Hebron, seven of the eight Barrier gates operated, and the approval rate was 87 per cent, with approximately 1,000 out of the 1,150 farmers who applied receiving permits.

For those farmers granted access to their groves behind the Barrier by permit or prior coordination, passage is restricted to Barrier gates and checkpoints. The number of gates accessible to authorized farmers increased from 67 to 73 during 2012. Over 70 per cent of these gates (52) are only open during the olive harvest season

International Court of Justice Advisory opinion on The Barrier, July 2004

On 9 July 2004, the International Court of Justice (ICJ), the principal judicial organ of the United Nations, issued an advisory opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory. The ICJ recognized that Israel 'has to face numerous indiscriminate and deadly acts of violence against its civilian population' and that it 'has the right, and indeed the duty, to respond in order to protect the life of its citizens. [However], the measures taken are bound nonetheless to remain in conformity with applicable international law.'

The ICJ stated that the sections of the Barrier route which ran inside the West Bank, including East Jerusalem, together with the associated gate and permit regime, violated Israel's obligations under international law. The ICJ called on Israel to cease construction of the Barrier 'including in and around East Jerusalem'; dismantle the sections already completed; and 'repeal or render ineffective forthwith all legislative and regulatory acts relating thereto.'⁶⁵

The Court's Advisory Opinion stated that UN member states should not recognize the illegal situation created by the Barrier and should ensure Israel's compliance with international law. UN General Assembly Resolution ES-10/15 of 20 July 2004, demanded that Israel comply with its legal obligations as stated in the ICJ opinion.

and only for a limited amount of time during the day, while the rest open daily (11) or on a weekly basis following prior coordination (10). The limited allocation of these permits together with the restricted number and restricted opening times of the Barrier gates continues to severely curtail agricultural practice and undermine rural livelihoods throughout the West Bank. Data collected by OCHA in the northern West Bank over the

last four years show an almost 60 per cent reduction of yield in olive trees behind the Barrier compared to trees on the 'Palestinian' side of the Barrier, where essential activities such as ploughing, pruning, fertilizing and pest and weed management can be carried out on a regular basis.

Settlements and 'Seam Zone' communities

The inclusion of Israeli settlements, and of areas planned for their future expansion, on the 'Israeli' side of the Barrier is the principal reason for the deviation of the Barrier from the Green Line into the West Bank; 71 of the 150 Israeli settlements in the West Bank and over 85 per cent of the total settler population are located on the 'Israeli' side of the Barrier's route. This intrusive route also isolates approximately 11,000 Palestinians in 33 communities or isolated households, between the Barrier and the Green line, in the so-called 'Seam Zone.' The majority of those aged 16 and above require 'permanent resident' permits from the Israeli authorities to continue to live in their homes: Israeli settlers living in the 'Seam Zone' area are exempt from this regulation.

Few health and education services are available between the Barrier and the Green Line for Palestinians, obliging residents to pass through Barrier checkpoints to reach workplaces and essential services, and to maintain family and social relations on the 'Palestinian' side of the Barrier. To date there are a total of 15 checkpoints along the Barrier controlling the access of people from these communities to and from the rest of the West Bank. Over the past few years, nine of these checkpoints have been handed over from the Israeli army (IDF) to the Crossing Point Administration (CPA) of the Israeli Ministry of Defence. Although in theory, the procedures applied by both bodies are the same, in practice, the latter implements stricter and more invasive inspections of Palestinians crossing the checkpoints. Restrictions at checkpoints controlling access to Palestinian communities within Barrier enclaves apply not only to people but also to goods, both for commercial use and for personal consumption. Except in and around East Jerusalem, businesses in the closed areas depend on a limited number of pre-registered trucks, which are allowed to bring commercial goods from West Bank suppliers. Of particular concern is the provision of emergency services, such as the evacuation of patients to hospitals located on the 'Palestinian' side of the Barrier and the response to incidents of fires by civil defence forces.⁶⁶



Access into East Jerusalem

East Jerusalem has traditionally served as the focus of political, commercial, religious and cultural life for the entire Palestinian population of the oPt. Since the unilateral annexation of East Jerusalem by Israel in 1967, and the designation of a separate residential status for East Jerusalem Palestinians, Palestinians from the remainder of the West Bank have been prevented from residing within the Israeli-defined municipal boundary, other than through the increasingly restrictive process of 'family unification.' Since the early 1990s, when Israel imposed a general closure, non-Jerusalem Palestinians have been required to obtain permits to enter the city. Access to East Jerusalem for this population has been further restricted following Barrier construction around the city; in 2012, the restrictions on access of Palestinians from the rest of the West Bank to East Jerusalem remained, with permit

holders limited to four of the 16 checkpoints functioning along the Barrier, which they can only cross on foot.⁶⁷

Access to essential services in East Jerusalem, especially medical services in the six Palestinian non-profit specialized hospitals in East Jerusalem, including during emergencies, remains a serious concern (see chapter *Health and Nutrition*). Additional access problems are caused by the Barrier dividing East Jerusalem neighbourhoods and suburbs from each other and 'walling them out' from the urban centre. For example, approximately 55,000 residents of Kufr Aqab and Shu'fat refugee camp now need to cross checkpoints to access health, education and other services in the heart of the city to which they are entitled as residents of Jerusalem. (See chapter on *Displacement*). Conversely, in other areas, West Bank communities are now on the 'Jerusalem' side of the Barrier, which has meant they are separated from their centre of life but they are also prohibited from

accessing Jerusalem municipal services.⁶⁸ The Barrier and permit system also impedes the access of Muslims and Christians who hold West Bank ID cards to places of worship in East Jerusalem.

Improvements at Qalandiya checkpoint and during Ramadan

The main improvement regarding access to East Jerusalem involved a series of easing measures implemented by the Israeli authorities since mid-June 2012 at the checkpoint controlling the northern entrance to East Jerusalem (Qalandiya), which have significantly reduced the delays for people entering the city. In addition, during Ramadan (July-August 2012), the age criteria used to allow people access to the Friday prayers without a permit were expanded to include both men and women above the age of 40; in practice, women of all ages were able to cross at most



times. During Ramadan and the concluding holiday (Eid Al Fitr), Israel issued an exceptionally high number of 'family visit' permits, allowing West Bank ID holders to enter East Jerusalem and Israel. Overall, during August, some 820,000 Palestinians crossed East Jerusalem checkpoints, more than double the figure for 2011 (340,000).⁶⁹ However, Palestinians from the Gaza Strip continue to be prevented from accessing the Islamic sites in East Jerusalem: in August, the Israeli Supreme Court, while approving a government policy that allows Christians from the Gaza Strip to access holy sites in Israel and the West Bank during holidays, also upheld a state policy which prohibits similar access for Muslim residents of the Gaza Strip.⁷⁰

Improvements in vehicular access to the Jordan Valley and Dead Sea area

The Jordan Valley and Dead Sea area⁷¹ covers about 30 per cent of the West Bank and is home to nearly 60,000 Palestinians and about 9,500 Israeli settlers living in 37 settlements and settlement outposts. Palestinians in this area have been severely affected by

the access restrictions imposed since the beginning of the second Intifada. These restrictions have rendered the main roads and the bulk of the natural resources available, almost exclusively, to Israeli settlers and the Israeli military. The denial of Palestinian access to the Dead Sea has also prevented the development of revenue and employment, at the same time as Israeli settlers have developed profitable mineral and touristic projects from these resources.

The Jordan Valley area is separated from the rest of the West Bank by dozens of physical obstacles, including almost 30 kilometres of trenches and earth walls. Traffic to and from the area is limited to six routes, four of which are controlled by checkpoints (Tayasir, Hamra, Ma'ale Ephraim and Yitav).

In 2011, the two most southern checkpoints (Ma'ale Ephraim and Yitav) were staffed on an irregular basis, becoming partial checkpoints. Over the past seven years, only Palestinians registered as Jordan Valley residents were allowed to cross with their vehicles through the Tayasir and Hamra checkpoints, provided that their vehicles were also registered in the Jordan Valley in the name of the driver. Non-residents were only

allowed to cross these checkpoints as pedestrians or if travelling on registered public transportation, although they were sometimes exceptionally allowed through these checkpoints after performing a 'prior coordination' procedure with the ICA.

In August 2012, on the occasion of Ramadan, all Palestinian vehicles were allowed through the Tayasir and Hamra checkpoints, regardless of the driver's address or registration place of the vehicle. These measures were temporarily rescinded after Ramadan. However, as of 10 October, and 18 months after the Association for Civil Rights in Israel (ACRI) sent a letter to the Israeli Ministry of Defence requesting the lifting of movement restrictions to and from the Jordan Valley, the Israeli authorities lifted these restrictions. Since then, all Palestinian vehicles have been allowed through the checkpoints, irrespective of the driver's address and the registration place of the vehicles, subject to security checks. As a result of these easings, family connections between the Jordan Valley and nearby communities such as Tubas and Tammoun have improved, as has access for children who travel by bus to schools in the Jordan Valley.



Photo by OCHA

Road Gate, Al Hadidiya, Jordan Valley, July 2012

Also in the context of Ramadan, in July, the Israeli authorities removed an earthmound blocking the historic entrance to Jericho City from the north, via Road 90, which had been in place since the start of the second Intifada. The removal of the earthmound has restored direct access to Jericho City for Palestinian residents of the northern part of the Jericho governorate, as well as the rest of the northern Jordan Valley. This follows the replacement in May of another earthmound, blocking a route into the city from the west, by a road gate that has remained open since, allowing residents of two Bedouin communities to access Jericho directly.

Access to Palestinian private land within settlements

Since 1967, large swathes of land in the West Bank, including East Jerusalem, have been allocated by the Israeli authorities to the establishment of Israeli settlements, contrary to international humanitarian law. At present, there are some 150 settlements along with approximately 100 unauthorized outposts, with a total population of over 520,000. Citing

security and safety reasons, the Israeli authorities have restricted Palestinian access to agricultural land in the vicinity of these settlements and key transportation routes used by Israeli settlers. The municipal boundaries of the approximately 135 settlements in Area C have been designated by an Israeli military order as closed military zones to which the entry of Palestinians is restricted. In other cases, Palestinian access to agricultural land in the vicinity of settlements has been limited by military orders and physical barriers and by systematic intimidation by Israeli settlers.

As in recent years, in 2012 access to Palestinian private land within the settlements' outer limits was subject to 'prior coordination' with the Israeli authorities, even in cases where the fencing off of the Palestinian private land was carried out by Israeli settlers without any kind of permit or authorization by the Israeli authorities. If 'prior coordination' was approved, Palestinian farmers were generally granted a limited number of days during which they could access their land within or next to a settlement's outer limits. To that effect, farmers were required to submit a request to the Palestinian District Civil Liaison (DCL) office in

their area, including documents proving their ownership over a relevant parcel of land, which was then transferred to the Israeli DCL for consideration.⁷²

During the year, the 'prior coordination' regime was in place in relation to access to land within, or in the vicinity of, 55 Israeli settlements and settlement outposts, affecting farmers residing in some 90 Palestinian communities and villages. This procedure was implemented throughout the West Bank during the 2012 olive harvest in an effort to facilitate access of farmers and communities to olive groves that are otherwise off-limits through the remainder of the year. Farmers requesting this 'prior coordination' during the olive harvest were generally able to access their olive groves at the coordinated times and relatively few incidents of settler violence were reported during these scheduled occasions.

While generally, Palestinian access to these areas is effectively off-limits for the remainder of the year, undermining maintenance and productivity in a number of cases in 2012, farmers in some areas were periodically allowed to access their land in the vicinity of settlements, outside the olive harvest season. For example, in



Esh Kodesh settlement outpost, Nablus, January 2013

April 2012, farmers from more than 30 villages and communities in the Nablus governorate were allocated between two to four days to plough their land next to 11 different Israeli settlements.⁷³

However, the application of the 'prior coordination' regime continues to be of concern. This regime not only puts the onus on farmers who must adapt their access to their private land, rather than on Israeli settlers whose presence in the West Bank is in contravention of international law, but has also proven largely ineffective in preventing attacks by

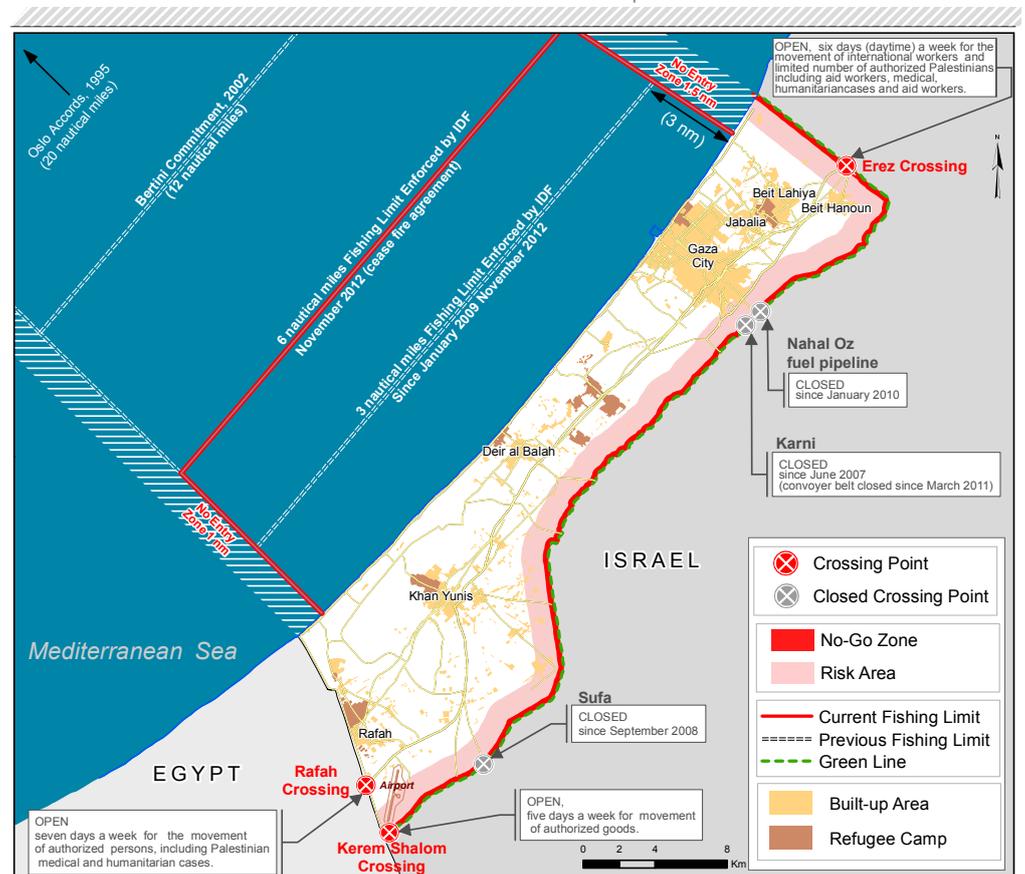
settlers against Palestinian trees and crops; as most settler attacks occur outside the times allocated through the 'prior coordination' process when Palestinian farmers cannot access or protect their land and property. In addition, the system has proven largely ineffective in preventing the vandalizing or theft of olive trees throughout the year. Despite the increased efforts of the Israeli DCLs, during the 2012 season OCHA recorded 53 settler attacks resulting in property damage or injuries, the same as during the 2011 olive harvest season.⁷⁴ The general absence of farmers from

their lands throughout most of the year facilitates the perpetration of acts of vandalism by Israeli settlers. During 2012, over 8,600 trees were reported burned, uprooted, or otherwise vandalized, including in areas adjacent to settlements at times when Palestinian access was restricted. While this figure represents a decrease compared to 2011 (approximately 9,500 trees damaged), this is, in part, the cumulative result of past years' attacks, leading to a gradual decrease in the amount of productive trees in the vicinity of settlements.

OVERVIEW: GAZA

In recent years, Palestinian access between the Gaza Strip, Israel and the West Bank, including East Jerusalem, has been gradually reduced to the point of permitting the movement of people only for humanitarian cases and businessmen, and the movement of goods to meet little more than basic humanitarian needs. Following the Hamas takeover in June 2007, Israel severely tightened the existing restrictions on the movement of goods and people to and from the Gaza Strip and restrictions were increased in relation to access to the sea and to areas near the fence with Israel. This regime has 'locked in' over 1.6 million people in

United Nations Office for the Coordination of Humanitarian Affairs occupied Palestinian territory
GAZA STRIP: AREAS RESTRICTED FOR PALESTINIAN ACCESS
 April 2013



what is one of the most densely populated areas on earth, has led to 'de-development' with degrading living conditions, the depletion of livelihoods, and a serious decline in services and infrastructure for education, healthcare and water/sanitation. The system of restrictions imposed on the free movement of people and goods to, from and within the Gaza Strip since 2007 raises serious humanitarian issues. While Israel has legitimate security concerns, it also has an obligation under international law, as the occupying power, to ensure that the people of Gaza can maintain normal lives.

In 2012, the restrictions on free movement of people and goods largely reflected those in place in 2011.⁷⁵ The movement of Palestinians to and from the Gaza Strip to the West Bank and Israel has been denied to all but a small number of so-called humanitarian cases (those travelling for medical care or for specific family reasons) authorized businessmen and some Palestinian staff of international organizations. Access to the agricultural areas and other property near the fence with Israel has been restricted as has access to the sea beyond three nautical miles from the Gaza shore for most of the year. In 2012, the Rafah border crossing between Gaza and Egypt remained open for Palestinians but this does not facilitate access to the West Bank, including East Jerusalem. Following the ceasefire agreement with Hamas on 21 November 2012, Israel announced an increase in sea access – allowing fishermen access to 6 nautical miles from

Students from Gaza prevented from pursuing academic studies in the West Bank

In a 2-1 ruling issued in September 2012, the Israeli Supreme Court rejected a petition challenging the Israeli authorities' refusal to let five women from the Gaza Strip travel to the West Bank to complete their master's degrees. The petition was jointly filed earlier in 2012 by an Israeli and a Palestinian human rights organization (Gisha and Al Mezan) on behalf of the affected women. Four of the women, who are now in their 40s, were forced to discontinue their studies in 2000, following the outbreak of the second Intifada and Israel's subsequent revocation of travel permits for many Gazans between the Gaza Strip and the West Bank. All four women hold various positions in civil society organizations promoting democracy and women's rights. The fifth is a 19-year-old woman who was accepted into a law programme at Bir Zeit University.

In the majority opinion the Court accepted the government's position that Israel is not obliged to allow Palestinian residents of Gaza to study in the West Bank, and that it may treat them as 'enemy citizens' for purposes of passage.⁷⁶ It also accepted the position that allowing the students to travel would 'undermine the "separation" policy which is based on both security and political considerations.' In doing so, the court effectively approved restrictions on civilian travel between Gaza and the West Bank, even where no individual security concerns are raised.

the Gaza shore. There were also some indications, although no official policy, that there may be increased access to agricultural land near the fence with Israel. However, between 21 November and 31 December, there was an increase in the number of incidents when Israeli forces opened fire at Palestinian civilians in order to enforce access restrictions, resulting in civilian casualties. In the last week of 2012, Israel also began allowing a daily quota of 20 truckloads of aggregates into Gaza for the private sector via the Kerem Shalom crossing.

Increase in movement of people through the Erez Crossing with Israel

The movement of Palestinians from the Gaza Strip through the Erez Crossing is largely prohibited, except for 'humanitarian cases', which include Palestinians requiring medical care and their escorts, a number of businessmen and traders and staff of international organizations.⁷⁷ Even

for those who may qualify, the permit application process is time consuming, arduous and uncertain. Applications by persons who meet the established criteria can still be denied on security grounds, without provision of details for the denial. The burden of proof always falls on the individual, and often requires lengthy follow up, when the initial request is denied.

In June 2010, Israel announced a 'streamlining' of the permit policy regarding the movement of people for humanitarian purposes and 'additional ways to facilitate' such movement. In practice, in 2012 very little has changed for the general population. There was a 12 per cent increase in the number of people travelling from Gaza via Erez in 2012 compared to 2011 (59,000 vs. 52,515). However, the figure for 2012 is still 63 per cent less than the volume of travellers in 2006, and only about 1 per cent of the amount of people allowed to exit prior to the start of the second intifada in 2000, when some 26,000 Palestinians crossed Erez on a daily basis (see chapter on *Health* for medical referrals from Gaza).

Improved flow of people through Rafah Crossing

The volume of Palestinians crossing through Rafah to Egypt increased by 77 per cent in 2012 compared to 2011, an average of 37,000 crossings per month in 2012 compared to 21,000 in 2011. This represents 92 per cent of the numbers crossing in the first half of 2006 (roughly 40,000 per month), before the crossing was restricted following the Hamas capture of the Israeli soldier, Gilad Shalit.⁷⁸

However, there remain restrictions on access through Rafah, imposed by both the Egyptian and the Palestinian authorities in the Gaza Strip. The Egyptian authorities continue to require that persons between 18 and 40 years old obtain a visa in advance of their travel and they cross-check their names against a 'black list' of passengers banned from entering Egypt. For passengers outside of that age range, medical patients and students are given priority, and those wishing to travel must

register 10 days in advance with the Palestinian authorities at Rafah and are later informed if and when they are scheduled to cross.

The ongoing conflict between Palestinian authorities in the Gaza Strip and the West Bank and Israel's control over the Palestinian population registrar have made it difficult to obtain the necessary travel documents to travel to Egypt via Rafah. The PA Ministry of Interior in Ramallah has been slow to issue passports to Gazan applicants, many of whom claim their applications are refused on the basis of their political affiliation with Hamas or other groups in Gaza.

While the de facto authorities claim that 10,000 passports per month are applied for, only 18,000 in total have been issued since August 2008. As a temporary measure, in 2011, Egypt began recognizing travel documents renewed by the de facto authorities that would allow Gazans to enter Egypt but not travel onto other countries. In addition, an estimated 20,000 to 25,000 Palestinians in the

The 'Red Lines' document

In September 2012, following a three-and-a half year legal appeal by the Israeli human rights organization Gisha, the Israeli Supreme Court ordered the state to release the so-called 'red lines document.' This established the minimum caloric intake required for the survival of residents of the Gaza Strip, in terms of the amount of goods allowed into Gaza from Israel, as part of a policy following the Hamas takeover of Gaza in June 2007 until June 2010. The document, dated January 2008, reportedly details the minimum number of calories that Gaza residents would be permitted to consume, according to demographic data such as gender and age. It was calculated that 'a daily shipment of 106 trucks to the Gaza Strip per business day would suffice for supplying its residents with their "daily humanitarian portion" which included basic food, medicine, medical equipment, hygiene products and agricultural inputs.' According to the Israeli Ministry of Defence and COGAT, this was a draft position paper and was never intended to be used as a base for implementing policy in the Gaza Strip.⁷⁹

Gaza Strip are not registered as residents in Gaza and therefore are ineligible to apply for a travel document from there, as until now, Israel has resisted changing their place of residency to the Gaza Strip. Notwithstanding the ongoing increase in Rafah passenger volumes, the combined impact of these restrictions continues to limit travel to basic humanitarian cases, leaving the majority of the population of the Gaza Strip unable to travel.

Restrictions on the movement of goods: Imports from Israel

Since June 2007, Israel has imposed restrictions on the transfer of goods into the Gaza Strip, allowing entry only for goods defined as vital for the survival of the civilian population. The package of relaxation measures announced in June 2010 has led to an increase in the volume of imports; according to UN data, there was a 16 per cent increase in imports in 2012 compared to the previous year (57,352 truckloads in 2012 compared to 49,283 in 2011). However, the monthly average of truckloads into Gaza through Kerem Shalom in 2012 was still only approximately 39 per cent of the quantity entering in the first five months of 2007, before the intensification of the blockade, with the tunnels under the Egypt-Gaza border accounting for the majority of restricted goods, such as construction materials, and for cheaper goods, such as Egyptian-subsidised fuel.

Update since the escalation in hostilities in November 2012

In the last week of 2012, Israel began allowing a daily quota of 20 truckloads of aggregates into Gaza for the private sector via the Kerem Shalom crossing. At the same time, Egypt authorized the entry of aggregates for a range of Qatar-funded projects through the Rafah crossing. Combined, this constitutes only about 15 per cent of the estimated demand (5,000-6,000 tonnes a day),⁸⁰ and less than 10 per cent of the average volume that entered Gaza in the first five months of 2007. Additionally, while the Kerem Shalom crossing has the capacity to process some 350 imported truckloads per day, the daily average in January 2013 was just 220 truckloads.

In 2004-05, prior to the Agreement on Movement and Access, an average of 390 daily truckloads of goods were imported to Gaza from Egypt via the Rafah crossing.⁸¹ Egypt has exceptionally granted permission for materials for the Qatari projects to pass through the Rafah crossing, on the basis that these are 'humanitarian' and not regular cargo goods.

On an exceptional basis, in July 2012, Israel allowed the import of 20,000 tons of aggregates to the Gaza private sector through the Sufa Crossing without the user-end verification required of international projects. Since June 2007, Israeli restrictions on building materials through Kerem Shalom has allowed only basic building materials for specific projects to be carried out by international organizations and supported by the PA, and these are considered on an individual basis. In addition, many other items defined as 'dual use' by the Israeli authorities are banned completely. As a result of restrictions on the entry of construction materials, only a fraction of identified housing and infrastructure needs have so far been addressed.

By the end of 2012, COGAT reported that a total of 235

internationally-financed projects have been approved since 2010 compared to 176 at the end of 2011, indicating 59 projects were approved in 2012.⁸² OCHA can only provide conclusive data on UN recovery-construction projects in Gaza; out of 117 pending project components at the beginning in 2012 (US\$ 225 million), 36 were approved (US\$ 119 million). However, the UN programme of work began in 2010 and so needs to be analyzed from that date until the end of 2012. Accordingly, out of a total 269 projects and project components submitted for COGAT approval (US\$ 529 million), by the end of 2012, 165 had been approved (US\$ 395 million), 72 were still pending (US\$ 83 million) and 25 had been rejected (US\$ 52 million). Approvals took on average 10 months to be processed while pending approvals have been waiting on average eight months,

significantly delaying project implementation and unnecessarily prolonging the hardship of beneficiaries.

The multi-layered system of approvals imposed by Israel to regulate the entry of each individual consignment of materials, together with the limited capacity of the Kerem Shalom crossing, have resulted in lengthy delays to project implementation and increased costs. More importantly, this had led to delayed access to adequate housing and service infrastructure for some of the most vulnerable families and communities in the Gaza Strip, especially for those whose homes have been destroyed or damaged during Israeli military operations. In 2011, UNRWA and UNDP (United Nations Development Programme) alone spent US\$ 2.3 million addressing these regulations, the equivalent of building 50 housing units or constructing a school for 2,000 children. Several UN projects included in the programme of work for Gaza, worth a total of US\$ 356 million, will be submitted for approval to the Israeli authorities once design and funding issues have been finalized.

The first non-agricultural exports permitted from Gaza since the start of the blockade

Since 2007, Israel has exceptionally allowed the export of a minimal amount of cash crops – strawberries, flowers, peppers and tomatoes – from the Gaza Strip to the Netherlands, as part of an agreement with the Government of Holland. While this is positive, actual economic recovery depends on a significant rise in the volume and type of exports from Gaza to all available markets, including Israel and transfers to the West Bank, which historically accounted for over 80 per cent of Gaza's exports. The high shipping costs associated with the double back-to-back transfer system employed at Kerem Shalom also undermine the economic viability of further exports. In addition, the Israeli authorities – citing security concerns – limit the pallet height of each export consignment to one metre, rather than the standard

1.6 metres, requiring the use of additional trucks to carry the same volume of goods. This significantly increases transport costs and decreases the competitiveness of traders in Gaza.

As a result, the 2011/2012 Gaza export season for agricultural cash crops witnessed mixed results. Despite a 37 per cent increase in the volume of fruit and vegetable exported compared to the previous season, flower exports decreased by 18 per cent.⁸³ Overall, authorized exports in 2012 were 201 truckloads of agricultural crops, a 22 per cent decrease compared to 268 in 2011. While no reliable figures exist regarding the tonnage of pre-blockade cash crop exports, a comparison between the number of truckloads of strawberries and cut flowers shows an 82 per cent decrease in these commodities between this season and the 2006/2007 season, prior to the blockade, when 1,297 truckloads were exported.

However, 2012 witnessed the first non-agricultural exports since June 2007, albeit on a minimal

The Tunnel Economy

The blockade and its related restrictions on imports and exports has led to the proliferation of tunnels under Gaza's border with Egypt, used for the entry of goods otherwise unavailable or available at a higher price from Israel, such as construction materials, livestock, fuel, cash, and food products. With the easing of the blockade in June 2010, and the resumption of the import of most consumer goods and raw materials through the crossings with Israel, the number of tunnels has decreased to approximately 200 to 300.⁸⁴ Most of the tunnels that remain operational have shifted to the transfer of construction materials, which are still restricted, or fuel, which is significantly cheaper in Egypt than in Israel, partially due to subsidies. In 2012, an estimated 1.7 million tonnes of aggregate, cement and steel bars reached Gaza via the tunnels compared to approximately 1 million tonnes of the same materials which entered through the Kerem Shalom crossing for authorized projects; in 2011, the respective figures were 2.25 million and 600,000 tonnes.

scale. In January, Israel permitted one truckload of furniture to leave Gaza through the Kerem Shalom crossing, which was subsequently transferred to Jordan via the King Hussein (Allenby Bridge) crossing in the West Bank.⁸⁵ In May, a second non-agricultural export was permitted by Israel, consisting of one truckload of 2,000 sweaters made in Gaza and exported to the UK.⁸⁶ While these exports were welcome, they did little to reinvigorate the debilitated export sector in Gaza.

First transfer of goods between the Gaza Strip and the West Bank in almost five years

In March 2012 Israel permitted the first transfer of goods from the Gaza Strip to the West Bank since June 2007. The transfer occurred after the World Food Programme (WFP) received Israeli approval for the pilot transfer of 140 metric tons of locally produced fortified date bars for their School Feeding Programme in the West Bank.⁸⁷ WFP already purchased 100 per cent of its fortified date bar requirements in Gaza for its Gaza School Feeding Programme, which covers 80,000 students in 145 schools. However, date bars for its West Bank programme (covering 75,000 students in 292 schools) had to be purchased from abroad. In September, WFP was also granted approval to transfer seven truckloads carrying 77 metric tons of date bars produced in Gaza for their West Bank school-feeding programme.

Also in September, the first commercial transfer from the Gaza Strip to the West Bank took place since 2007. A private sector company was allowed to deliver four truckloads of Gaza-made furniture (school chairs and desks) to the West Bank.

This consignment was ordered by the PA Ministry of Education for use in their West Bank schools; it was expected that this would be the first in a series of tenders for school equipment.

Update on the Access Restricted Areas (ARAs) since the end of the November 2012 hostilities.

Over the past ten years, the Israeli military has gradually expanded restrictions on access to farmland on the Gaza side of the 1949 Armistice Line ('Green Line'), and to fishing areas along the Gaza Strip coast – the ARAs. From early 2009 until November 2012, the Israeli authorities, citing security reasons, totally or partially prevented Palestinians from accessing land, in some places located up to 1,000-1,500 metres from the border fence with Israel.⁸⁸ Overall, the land restricted area was estimated to encompass 17 per cent of the total land mass of



Date bars produced in the Gaza Strip at a West Bank school, March 2012

the Gaza Strip and 35 per cent of its agricultural land, with farmers losing an estimated 75,000 metric tonnes of produce each year as result of limited access.

In addition, from early 2009, fishing boats were prohibited from going beyond three nautical miles from the coastline by the Israeli authorities, again citing security concerns. This is only 15 per cent of the maritime areas accessible under the Oslo Agreements, according to which, Palestinian fishermen should have access up to 20 nautical miles off the Gaza coast. These restrictions on access to land and sea are effectively enforced through use of live ammunition by the Israeli military and naval forces. According to the UN's Food and Agricultural Organization (FAO), the majority of high value fish are found at and beyond 12 nautical miles from shore, where the sea bed descends and becomes rocky. An expansion of the accessible

area to 12 nautical miles would allow fishermen to further increase their catch, exploit high value bottom-feeding fish, and enjoy higher economic returns. The fishing industry is currently the main source of livelihood for over 3,000 Gaza families.

As part of the 21 November ceasefire between Hamas (along with other armed groups) and Israel, access to the sea was eased. The text of the 'Cease-Fire Understandings' released by Egypt calls for 'opening the crossings and facilitating the movements of people and transfer of goods, and refraining from restricting residents' free movements and targeting residents in border areas,' stating that, 'procedures of implementation' would be negotiated 24 hours after the start of the ceasefire. Shortly after the cease-fire announcement, the Israeli Navy moved the sea buoys marking the open areas to the new six nautical mile limit and Gaza fishermen began sailing up to this area.

However, since the ceasefire there has been an increase in the number of incidents in which Israeli naval forces have opened fire at

Palestinian fishermen, detained fishermen and confiscated their boats (see chart). The Israeli Ministry of Defence reports that between 21 November 2012 and end January 2013 it recorded dozens of cases where fishermen exceeded the permitted fishing areas, including to the west (the new six nautical mile limit), as well as to the north and south (along the maritime border with Israel and Egypt); in January alone, it recorded more than 5,500 such cases.⁸⁹ The Ministry of Defence also stated that the navy only confiscates fishing boats when a boat significantly exceeds the permitted area, or if the boat has been repeatedly involved in violations of the permitted area.

The temporary expansion of the accessible fishing area had a positive, albeit limited, impact on the livelihoods of fishermen. The total fishing catch reported in November 2012 represented a 46 per cent increase compared to the equivalent figure in November 2011; however, the following month recorded a modest eight per cent increase from the previous year.⁹⁰ On 21 March 2013, COGAT and the IDF spokesperson issued a joint statement declaring that,

in response to rockets fired from Gaza to Israel that morning, the fishing zone at sea would again be reduced from six to three nautical miles: This remained in place until 21 May when the limit was again extended to six nautical miles.⁹¹

There has been an increased level of uncertainty regarding the ARAs by land since the November agreement. COGAT informed the humanitarian community on several occasions that farmers were permitted access to up to 100 metres on foot; this information was published on the COGAT website on 25 February 2013. However, on 10 March, the Israeli organization Gisha was informed in writing by the IDF spokesperson that farmers continue to be prohibited from accessing areas within 300 metres of the fence. The COGAT statement was subsequently removed from the website and there is currently no publicly available information setting out the Israeli policy on the ARA by land.⁹²

Since 21 November, there was an increase in the number of incidents in which Israeli forces opened fire on Palestinians entering the ARAs on land, as compared to the monthly average in 2012 prior to



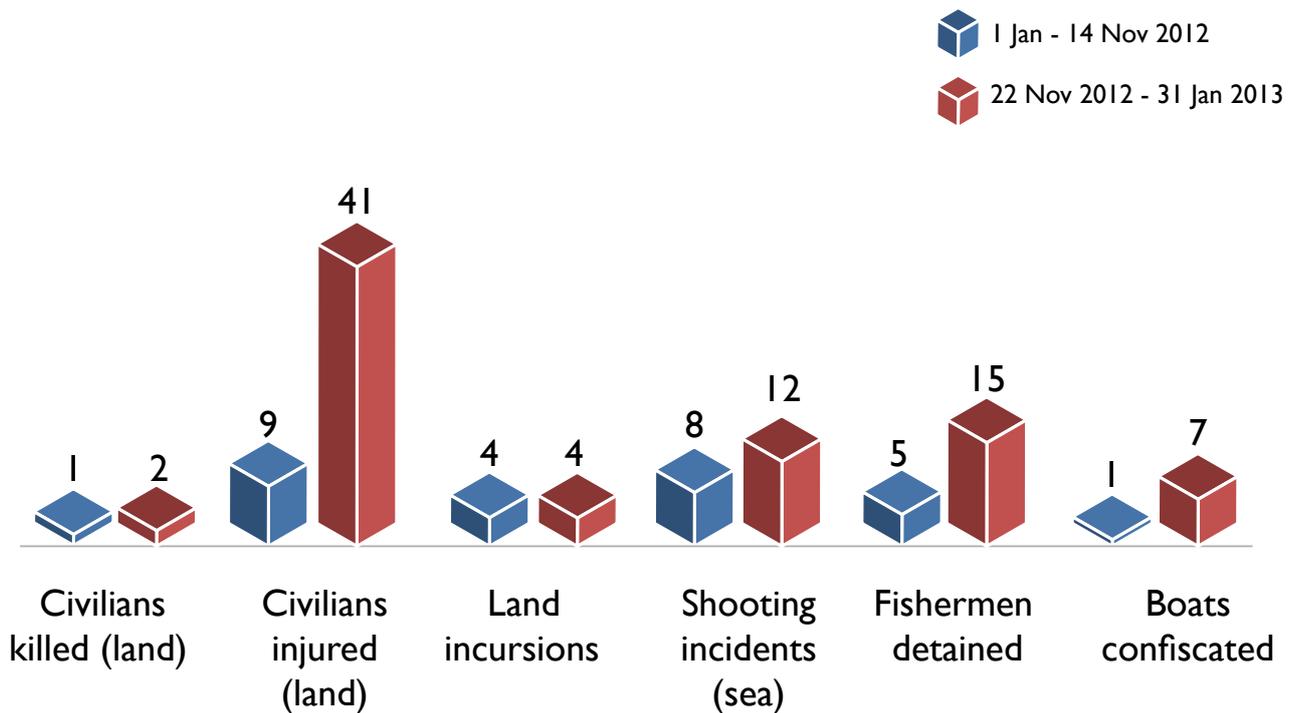
Photo by OCHA

November (see chart). Between 21 November 2012 and end of January 2013, Israeli forces killed four Palestinian civilians and injured another 94 in multiple incidents.⁹³ Initial information indicates that three quarters of the deaths and injuries occurred in the no-go zone closer than 100 metres to the fence, and the large majority of the victims were unarmed demonstrators.⁹⁴ The Israeli Ministry of Defence recorded a weekly average of 85 incidents involving Palestinians attempting to reach and damage the fence during this same period.⁹⁵

Initial monitoring and analysis undertaken by the Protection Cluster in Gaza indicates that

access to the ARA on land varies throughout the Gaza Strip, both between and within governorates. In most places, with few exceptions, farmers are not reaching closer than 300 metres to the fence and have not been able to use tractors in these areas. More positively, in many areas, farmers and herders are accessing new areas for the first time since the November agreement and cultivating land up to 300, 400 or 500 metres from the fence for the first time in years. In areas that were already accessed prior to the November agreement, 500 metres or more from the fence, farmers reported feeling more physically secure.

However, the crops planted in newly accessed areas are often rain-fed and were planted in the days and weeks following the November agreement, when the easing of access appeared to have been officially sanctioned. Given, the subsequent uncertainty, farmers expressed concern to the Protection Cluster that they would be unable to harvest these crops. While asserting that they were prepared to take the physical risk inherent in planting in areas close to the fence, most farmers could not afford to take the financial risk after years of losses, with many requesting assistance from the humanitarian community to ensure that they would be able to safely access areas to harvest their crops.⁹⁶



WAY FORWARD: RESTRICTIONS ON MOVEMENT AND ACCESS OF PALESTINIANS IN THE OPT

Palestinian civilians should be able to move freely and in safely to and from and within the oPt, subject only to restrictions provided for in international law. The complex system of restrictions imposed by Israel on the free movement of people and goods to, from and within the oPt is one of the key factors driving humanitarian needs in the West Bank, including East Jerusalem, and the Gaza Strip. Restrictions on free movement imposed by other relevant authorities are further compounding this situation. As such, the following actions aimed at lifting restrictions on free movement of people and goods would affect an immediate improvement in the humanitarian situation in the oPt,

- All relevant parties, including Israel as the occupying power, the Palestinian authorities and Palestinian armed groups, should respect the rights of Palestinian civilians to free movement, including by facilitating access to essential services, access to land and resources, and should ensure residents' ability to freely choose their place of residence within the oPt;
- All relevant authorities must rescind the administrative barriers to free movement of people between Gaza and the West Bank, including East Jerusalem;
- All relevant authorities must facilitate the free passage of goods between Gaza and West Bank (including East Jerusalem), as well as imports from, and exports to, Israel and beyond;
- The Government of Israel must fulfil its obligations to ensure free movement of people and goods throughout the oPt by:
 - » In the West Bank, removing physical obstacles and administrative restrictions on free movement that are not necessary for legitimate security purposes. This includes lifting the arbitrary restrictions on the movement within, to and from East Jerusalem, the 'Seam Zone' and the Old City of Hebron; the re-designation of 'closed military zones' as land available for Palestinian use; and the removal of restrictions on access to Palestinian private land currently located within settlements;
 - » Complying with the ICJ Advisory Opinion on the Barrier in the West Bank and the subsequent General Assembly resolution, and stop all Barrier construction, dismantle or re-route the constructed sections to the 1949 Armistice Line ('Green Line'), and repeal the gate and permit regime;
 - » Fully lifting the blockade of the Gaza Strip, subject only to restrictions provided for in international law. Specific actions in this regard include the following:
 - Allowing, as an immediate measure, unrestricted travel for normal family visits, access for patients, ambulances and health personnel to health care facilities, students' access to educational institutions and for people seeking legal remedies in the Israeli judicial system;
 - Granting the Palestinian Authority the power to approve changes of residency within the oPt and support family unification;
 - Immediately expanding access to the sea to 12 nautical miles from the Gaza shore, as a technical recommendation without prejudice to the agreement under the Oslo Accords for 20 nautical miles, in order to allow fishermen to exploit high value bottom fish, enjoy higher economic returns and increase the fish catch by an estimated 65 percent;
 - Allowing land owners access to their land, property and livelihood opportunities in the Access Restricted Areas near the fence with Israel, subject to specific security arrangements;
 - Reviewing methods used by the Israeli military to enforce access restrictions on land and sea in the Gaza Strip: methods used should be consistent with Israel's international legal obligations and should not include the use of live ammunition against unarmed civilians;
 - Where security threats necessitate closure or additional restrictions on the passage of goods by Israel, ensuring that any such action is proportionate to a specific threat and temporary in nature and ensuring that alternate passages for goods are put in place to facilitate continuous movement of goods at adequate capacity and speed, including in the event of temporary closure/restrictions on the principal goods crossing.

HUMANITARIAN SPACE



Photo by WFP

WFP trucks delivering date bars produced in Gaza to be distributed in West Bank schools.

HUMANITARIAN SPACE

Overview

Throughout 2012, humanitarian organizations continued to face a range of obstacles which hampered their ability to provide assistance and protection to Palestinians in need across the oPt. These obstacles primarily include physical and administrative restrictions on the access of (International) Non Governmental Organizations (INGOs) and UN personnel, especially national employees; restrictions on the delivery of materials needed for humanitarian projects; and limitations on the implementation of projects that involve building, expanding or rehabilitating infrastructure in the Gaza Strip and Area C of the West Bank. Humanitarian operations in the Gaza Strip are also hampered by the 'no contact' policy adopted by certain countries and donors, prohibiting contact with the de facto Hamas authorities, even on an operational level.

Main trends in Humanitarian Space in 2012

- Humanitarian operations in both the West Bank and Gaza have been hampered by difficulties in obtaining the proper visa for international staff to enter and work in the oPt and in Israel.
- Despite continuing delays, the Israeli permit process, approval rate and processing time for permits for movement of both international and national staff in Gaza improved considerably in 2012.
- Although the easing of physical closures has improved humanitarian access throughout large parts of the West Bank, physical and administrative restrictions continue to impede access to some of the most vulnerable communities living in Area C of the West Bank, and particularly the 'Seam Zone' and closed military areas.
- There was a seven per cent decrease in the number of access incidents at West Bank checkpoints in 2012 compared to 2011; 29 per cent fewer personnel were affected, and seven per cent fewer staff hours were lost.
- National humanitarian personnel continue to face limitations imposed by Israel on their ability to enter and work in East Jerusalem.
- Access to and from the Gaza Strip for humanitarian personnel has been obstructed at certain times by the de facto authorities in the Gaza Strip.
- In the Gaza Strip, the Israeli approval, coordination and verification process for international reconstruction projects remains problematic, resulting in lengthy delays to implementation and increasing costs.
- In Area C and East Jerusalem, the implementation of humanitarian assistance projects that involve some form of construction or rehabilitation, continues to be severely hampered by the permit regime applied by the Israeli authorities in these areas.

Humanitarian space refers to an operational environment that allows humanitarian actors to provide assistance and services according to humanitarian principles and in line with international humanitarian law. In resolution 58/114, the UN General Assembly calls upon all Governments and parties in complex humanitarian emergencies, in particular in armed conflicts and in post conflict situations, in countries in which humanitarian personnel are operating, in conformity with relevant provisions of international law and national laws, to cooperate fully with the United Nations and other humanitarian agencies and organizations and to ensure the safe and unhindered access of humanitarian personnel as well as supplies and equipment in order to allow them to perform efficiently their task of assisting the affected civilian population, including refugees and internally displaced persons.⁹⁷

Humanitarian access in oPt

Humanitarian operations in both the West Bank and Gaza continue to be hampered by difficulties in obtaining the necessary visa to enter and work in the oPt and in Israel. The personnel of (I)NGOs must meet a requirement to work 15 hours in Jerusalem in order to obtain a work visa from the Israeli Ministry of Interior, often preventing Gaza-based staff and those engaged in legal and advocacy-related activities that the Israeli authorities claim are not 'humanitarian functions' from obtaining a work visa. In late 2012, Israel began re-issuing visas with a stamp specifying movement is limited to 'Judea and Samaria only' for those applying for a non-

Humanitarian Space in International Humanitarian Law

Israel, as an Occupying Power, has a primary obligation to protect and ensure the basic needs of the civilian population are met. When unable or unwilling to provide such assistance, Israel has an obligation to allow, facilitate and protect the rapid and unimpeded passage of assistance (including personnel and materials). Consent for humanitarian operations must not be refused on arbitrary or unlawful grounds. Humanitarian personnel must be protected and respected at all times and given full and unhindered access to populations in need. Temporary restrictions on movement of personnel are only permissible for imperative military necessity.

work visa obtained through the PA, preventing them from entering East Jerusalem, Israel or travelling to Gaza. The Israeli authorities have also announced plans to

introduce further changes to the procedures for INGO personnel to obtain visas, although the nature of these procedures remain unclear.

THE GAZA STRIP

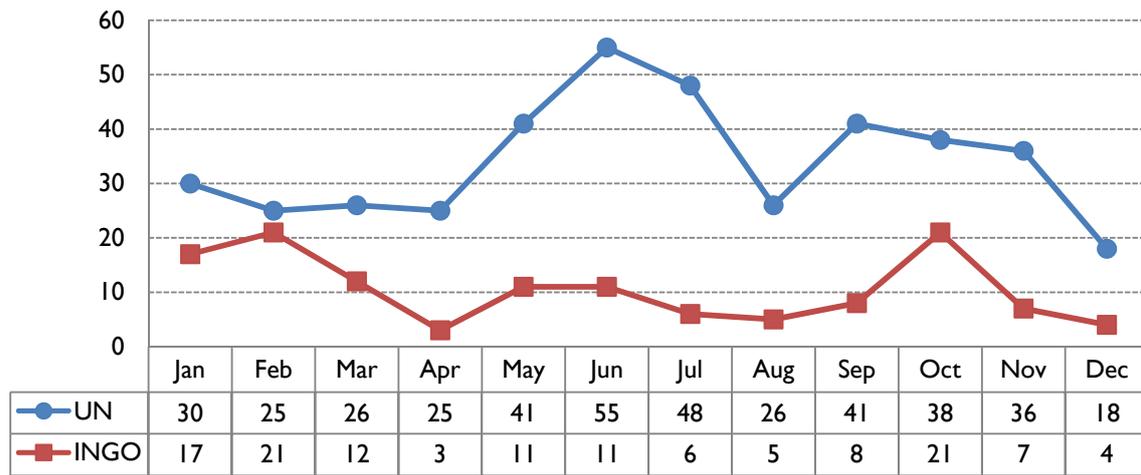
Throughout 2012, one of the key factors impeding provision of humanitarian assistance in the Gaza Strip remained the approval, coordination and verification process for international reconstruction projects; this process impedes the ability of humanitarian agencies to respond to urgent needs, increases project costs considerably and ultimately prolongs the hardship of some of the most vulnerable people in the Gaza Strip. Since the intensification of the blockade in June 2007, Israel has continued to prohibit the entry of a range of items classified as 'dual use' including basic construction materials such as aggregates, steel bars and cement. In June 2010, following the flotilla incident, Israel

eased this policy, allowing the import of construction materials for international projects approved by Israel and the PA, a system that remained in place throughout 2012.

Currently 75 per cent of the value of international projects submitted to the Israeli authorities have been approved; however, it has taken two and a half years to reach this level of approval. On average, it takes 12 months for a project to receive a response, whether denied or approved, from the Israeli authorities. According to an internal COGAT document, rather than releasing projects to agencies once approved, projects are placed in a 'bank', and are

'released for implementation... periodically and purposively with the objective of preserving continuity of and legitimization for Israeli policy toward the Gaza Strip.'⁹⁸ Once a project is approved, the import of the necessary material needs to be coordinated with the Erez Coordination and Liaison Authority, and while the coordination process has improved since 2011, this is due in large part to the considerable resources organizations have dedicated to managing the process (see below). Ultimately, the fact that in 2012 almost twice as much construction materials entered Gaza through the tunnels than via Kerem Shalom calls into question the continued rationale for this approval

ACCESS INCIDENTS IN 2012



process for international projects. Given their commitment to use legitimately sourced materials, only international reconstruction is affected by the Israeli approval process. Many vulnerable families who would normally rely on international organisations for housing or other infrastructure have become increasingly reliant on the de facto authorities, who have been able to implement a range of infrastructure projects and also increase their revenues by ‘taxing’ the tunnel trade.⁹⁹

In addition to ongoing restrictions on the entry of humanitarian goods into the Gaza Strip, (I)NGO and UN personnel continue to face difficulty in moving in and out of Gaza. All (I)NGO personnel as well as UN national personnel are required to obtain permits from the Israeli authorities to travel in and out of Gaza. Permits for international personnel of (I)NGOs are typically valid for six months, however national (I)NGO and UN personnel from the West Bank and East Jerusalem often only receive time-bound permits, often valid for days or weeks, and have to apply repeatedly for such permits. All national humanitarian workers are required by the Israeli authorities

to walk through the Erez crossing – they are not permitted to enter in a UN or other vehicle, posing an increased security risk for them. In addition, through the course of 2012, 37 humanitarian personnel lost 600 working hours due to the lengthy processing and security procedures at the crossing. Although international UN personnel are able to cross Erez in vehicles, only a limited number of staff are able to drive UN vehicles through without being subject to demands to search their vehicles.

There has been progress with regards the permit process for movement of international humanitarian personnel to the Gaza Strip in 2012. Despite ongoing delays, the Israeli permit process, the approval rate and processing time for permits to Gaza improved considerably in 2012. Over two thirds of all Gaza permit applications for international personnel of (I)NGOs were approved on time compared to just 20 per cent in 2011. In some cases, the late approval date prevented staff

from attending specific events and meetings; however since permits for international INGO staff are valid for six months, in many cases, personnel were often still able to utilize them during this period. The processing time also decreased to an average of 22 days in 2012 compared to an average of 63 days in 2011.

Likewise, the overall permit approval rate for UN national staff members to enter or exit the Gaza Strip via Erez increased



UNRWA housing project in Rafah Camp

to 83 per cent in 2012, compared to 72 per cent in 2011. Out of a total of 786 permit requests, 659 were approved, 35 were denied and 88 were still 'pending' as of the requested date of travel. The approval rate for West Bank ID holders and East Jerusalem Palestinians seeking to travel to Gaza was slightly less than the overall approval rate, but was slightly higher than in 2011 (78 per cent in 2012 compared to 76 per cent in 2011).

Humanitarian operations in the Gaza Strip are also hampered by the 'no contact' policy of some donors, which prohibits contact with the Hamas de facto authorities, often even on an operational level. In addition, the de facto authorities in Gaza have requested compliance of international NGOs with certain administrative procedures, such

as the payment of registration and administrative fees. Similar to previous years, in 2012 several organizations continued to face demands to register with and pay taxes to the local authorities, which would violate the anti-terror legislation and no-contact policies of certain donors.

Humanitarian Space during Operation Pillar of Defence

The escalation of hostilities in Gaza and southern Israel in November led to temporary limitations on the movement and access of humanitarian personnel and assistance. Several attempts to relocate UN and (I)NGO personnel out of Gaza were obstructed by the closure of the Hamsa-Hamsa

checkpoint by the de-facto authorities in Gaza. The Kerem Shalom goods crossing was closed by the Israeli authorities for several days due to the fighting; however, they permitted some trucks of medical supplies to enter Gaza via the Erez crossing to address the severe shortage of supplies in Gaza hospitals. The ability of humanitarian actors to respond effectively to the ongoing needs of those affected by the escalation in hostilities in November 2012 is impacted by the range of restrictions imposed by the Israeli and the de facto authorities in Gaza on movement and access for humanitarian personnel and supplies.

WEST BANK

Physical access for humanitarian personnel

The easing of physical closures between the main cities, and between cities and many of their satellite villages, has improved humanitarian access throughout large parts of the West Bank in recent years. However, in 2012, physical and administrative restrictions continued to impede access for humanitarian actors to, some of the most vulnerable Palestinian communities especially in the 'Seam Zone', firing zones and closed military areas, and other parts of Area C.

Incidents at West Bank checkpoints continue to obstruct and delay the movement of personnel and goods to the 'Seam Zone' areas of the West Bank and East Jerusalem. However, there was some slight improvement in 2012 – there was a seven per cent decrease in the number of access incidents in 2012 (366) compared to 2011 (392), resulting in 29 per cent fewer personnel affected (2,041 vs. 2,872), and seven per cent fewer staff hours lost (8,784 vs 9,408). Similar to the previous year, over two-thirds of all access incidents at West Bank checkpoints involved UN staff attempting to enter Jerusalem. 70 per cent of these incidents were the result of

The property and assets of the United Nations, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

Article II, Section 3 of the 1946 Convention on UN Privileges and Immunities

requests to search UN vehicles, in violation of the *Convention on UN Privileges and Immunities*, to which Israel is a signatory. Such access

incidents disproportionately affect national UN personnel.

Humanitarian personnel continue to face limitations on their ability to enter and work in East Jerusalem. National staff with West Bank ID cards need to apply for permits to access and work in East Jerusalem, which are typically valid for a limited period of time (0700 am to 1900). Permits may be turned down based on 'security grounds', delayed or not renewed in a timely manner. In such cases, work is interrupted for staff whose duty station is in East Jerusalem or whose duties require visits there, for example, for coordination or other work-related meetings, trainings or workshops.

Impediments to implementation of humanitarian projects in Area C and East Jerusalem

In 2012, the implementation of humanitarian assistance projects that involve some form of construction or rehabilitation of housing or essential infrastructure in East Jerusalem and in Area C continued to be severely hampered by the permit regime applied by the Israeli authorities in these areas. The construction, expansion and rehabilitation of schools, medical clinics, shelters and water infrastructure require

Israeli-issued building permits, which are only granted, if at all, after a complex and costly application process that often takes several years to complete. Humanitarian organizations providing assistance to Palestinians in Area C whose homes or other property have been demolished by the Israeli authorities, on the grounds that they do not have building permits, have come under increasing pressure from the Israeli authorities, resulting in confiscation of assistance and vehicles, harassment and arrest of personnel and demolition of donor-funded structures.



Photo by OCHA

Agricultural structures demolished in Bani Naim, Hebron. April 2012

OFFICIAL ISRAELI REPORT HIGHLIGHTS APPROVAL OF A LARGE NUMBER OF PROJECTS IN AREA C; ONLY SMALL MINORITY DIRECTLY BENEFIT VULNERABLE POPULATIONS

In September 2012, COGAT released a report providing an overview of projects in Area C of the West Bank that it approved in 2011 and the first half of 2012.¹⁰⁰ The majority of the approved projects were submitted by international organizations or with international funding and aimed to support Palestinian communities. The need for such approval stems from Israel's exclusive control over planning and zoning in Area C.

These approvals represent an important step towards meeting some key infrastructure and developmental needs of many Palestinian communities throughout the West Bank. However, while many of the projects are located in Area C, they benefit, for the most part, Palestinian communities in Areas A and B; the basic needs of Palestinian communities in Area C, particularly small herders who are among the most vulnerable communities in the West Bank, have remained unaddressed.

According to the COGAT report, since 2011 the ICA approved a total of 328 projects to be implemented (totally or partially) in Area C. A review of each individual project description indicates that, at most, only 72 per cent (236 out of 328) involve some kind of construction or activity which requires a permit, and the project was approved during the reporting period. Of the rest, 57 are still under consideration

(i.e. not yet approved), 28 do not involve construction, and six were approved in the past, outside the reporting period.¹⁰¹

Based on the limited information presented in the project descriptions included in the report, OCHA classified the remaining 236 projects according to the location of the communities that would benefit (as opposed to the location of the project itself). This review found the following: 102 projects target Palestinian communities located entirely or mostly in Areas A and B; 104 projects entail general infrastructure that would benefit a whole geographical area (including Areas A, B and C). Only 19 of the projects directly target Palestinian communities that are located mostly (i.e. over half of their built up area) in Area C. It was not possible to determine the location of beneficiaries of the remaining 11 projects.

The most common type of project benefiting a whole area or localities in Areas A and B was the installation of a cellular communication tower (57 projects), with each tower counted as one project. The second most common type of project was the rehabilitation or upgrading of roads (54 projects), typically the paving and/or widening of a secondary or tertiary road. Of note, in some cases the upgraded roads serve as alternatives to principal roads in the area that are now exclusively

or primarily designated for use by Israelis. Other projects listed in the report include the expansion of electricity lines; construction of water infrastructure, including connections (or upgrading of connections) to the water network; construction of waste water infrastructure; renovation/expansion of existing schools; and land rehabilitation projects involving irrigation systems.

Of the 19 projects targeting communities located entirely or mostly in Area C, eight involve renovations of health clinics or schools, three connections to the electricity network, two connections to the water or sewage network, five road repairs, and one land rehabilitation. Overall, these projects benefit a total of 13 communities, with some benefiting from two or three projects.

In the community of Al Buweib (Hebron), for example, the ICA approved the addition of eight classrooms to the local, overcrowded school, as well as the renovation of the community's health clinic and the addition of a testing laboratory. In Al Jiftlik, in the central section of the Jordan Valley, the ICA approved the repair of an internal road, and the expansion of the electricity network to allow the connection of 27 households; these households have been waiting since 2008 for connection to the network.

Impact

These impediments to humanitarian operations in the oPt have both practical and financial implications. Many organizations have been forced to hire additional personnel, creating finance, administration, security or technical posts in both Gaza and the West Bank, where previously one post could cover both locations. Some organizations have been compelled to hire additional international staff, as they can travel more easily than their Palestinian counterparts. Additional costs

also result from hours spent in extended delays at checkpoints and crossings, unnecessary travel costs, extra equipment (such as teleconferencing equipment) and accommodation costs. In addition, some have changed hiring practices, favouring East Jerusalem residents or international passport holders, who can move freely between the different parts of the oPt, reducing employment opportunities for West Bank professionals. In 2011, the total costs related to impediments to the delivery of humanitarian assistance for AIDA

(Association of International Development Agencies) members were estimated at 4.5 million US\$ per year.¹⁰² In 2012, UN agencies spent at least US\$ 7.3 million on additional staff and logistics costs due to access restrictions in Gaza alone.

In addition to the financial consequences, access restrictions also result in reduced quality and scope of humanitarian programmes, particularly in remote locations, such as in Gaza's ARAs, the 'Seam Zone' and other parts of Area C.

WAY FORWARD: HUMANITARIAN SPACE

Noting that Israel has been unable or unwilling to fulfil its responsibilities with regards the Palestinian civilian population in the West Bank, including East Jerusalem, and the Gaza Strip, humanitarian organizations have sought to address the urgent needs of some of the most vulnerable Palestinian populations. Rooted in international law and grounded in operational practice, humanitarian principles provide a practical framework in which humanitarian organizations can ensure that these populations receive the protection and assistance they so desperately need in a safe and effective manner, with priority given to the most urgent cases of distress. Adherence to these principles by all actors and authorities is therefore critical.

The following measures are recommended with a view to improving respect for humanitarian principles and international humanitarian law by all relevant authorities:

- All relevant authorities should afford safe, rapid and unimpeded access of all staff of UN agencies, NGOs and other organizations providing protection and humanitarian assistance to populations in need. Such access must be afforded continuously, uniformly and regardless of the nationality of the staff.
- The Government of Israel should fulfil its responsibilities to facilitate the work of humanitarian organizations by undertaking the following actions:
 - » Providing clarity on the permit and visa system relating to the movement of international and national staff of humanitarian agencies (including UN and international and national NGOs). Specifically, information is required on the criteria for issuing or denying permits and visas; in individual cases, information on the rationale for denial of a permit or visa should be provided; a periodic review of denied or refused applications should be provided for; and timelines for completion of the application process should be outlined;
 - » Rescinding the current requirement for permits for any form of construction or rehabilitation in Area C and East Jerusalem to humanitarian projects;
 - » Ceasing confiscation, seizure, demolition or destruction of assets, including relief items, of agencies implementing humanitarian projects;
 - » Removing construction materials from the list of restricted 'dual-use' items and ending the system of approvals, coordination and user-end verification applied to international reconstruction efforts in the Gaza Strip;
 - » Ensuring that all military and civilian staff at checkpoints and border terminals respect the provisions of the UN Convention on Privileges and Immunities, ensuring passage of all UN staff without delay.
- The de facto authorities in the Gaza Strip should fulfil their responsibilities to facilitate the work of humanitarian organizations by:
 - » Taking appropriate measures to ensure free movement of humanitarian personnel, irrespective of their nationality, to and from the Gaza Strip through all relevant crossings;
 - » Aligning their policies and practices with those already signed into Palestinian law or policy with regards the registration and treatment of international organizations.
- Donor countries should support humanitarian operations in the oPt by:
 - » Strengthening their advocacy in support of principled humanitarian action – undertaking concrete steps to secure compliance by all parties with the obligation to ensure safe, rapid and unimpeded passage of humanitarian relief and personnel to and within the oPt; and
 - » Ensuring their funding policies support the provision of humanitarian assistance aimed at alleviating suffering wherever it is found and guided solely by needs, with priority given to the most urgent cases of distress.

HEALTH AND NUTRITION SECTOR



Photo by OCHA

THE GAZA STRIP

The quality of public health services continues to be adversely affected by the continuing occupation of Palestinian territory. The fragmentation of the West Bank and division of West Bank and Gaza, in turn, has affected national health planning and the ability to implement health programmes, from health promotion to vaccinations and primary and secondary medical care. It has also led to a shortage of highly qualified doctors and other health personnel.

Access to quality health services for Palestinians across the oPt remains problematic, particularly in Gaza due to the ongoing blockade. The challenges facing the health system were brought into stark relief during the escalation of hostilities in November 2012, when the weakened health system proved unable to cope with the high levels of casualties and the large-scale demand on services.

The ongoing restrictions on movement of people and supplies to and from the Gaza Strip continued to adversely affect the quality of medical services in 2012 hindering national health planning efforts, limiting health personnel access out of Gaza for professional development training and the movement of health professionals into Gaza. Together with the internal Palestinian divide and the PA's financial crisis, such restrictions disrupt power and fuel supplies and exacerbate the chronic shortages of essential medicines (zero drug stocks¹⁰³ ranged from 29 per cent to 43 per cent in 2012)

Right to Health in International Law

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 12

To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring and maintaining, with the cooperation of national and local authorities, the medical and hospital establishments and services, public health and hygiene in the occupied territory... Medical personnel of all categories shall be allowed to carry out their duties.

Fourth Geneva Convention, Article 56

and medical disposables (which ranged from 26 per cent to 65 per cent).¹⁰⁴ Coordinating the entry of 'dual use' equipment for the health sector continues to be a time-consuming process.

The Ministry of Health (MoH) continued to refer patients for specialized care to medical facilities outside the Gaza Strip; however, referral numbers were reduced by 24 per cent in 2012 compared to 2011 due to the PA's financial crisis, political developments in Egypt, and the escalation of hostilities in November. While referrals were reduced to Israel, Jordan and Egypt, they increased to East Jerusalem hospitals.

Referrals of Gaza patients for medical care in Israel and the West Bank, including East Jerusalem, continue to be restricted by the requirement for an Israeli-issued permit. In 2012, of 9,329 patients who applied for permits to leave

Gaza via the Erez crossing in order to access hospital treatment, 84 patients were denied, representing an approval rate of 92.5 per cent; this was slightly higher than in 2011 (89.8 per cent). A recorded 617 patients experienced delays in the issuing of their permits. Four patients and/or patient-

According to UNRWA, the incidence of psychological trauma and post-traumatic stress disorder (PTSD) rose by more than one hundred per cent following the escalation of hostilities in November, supporting the findings of a UNICEF survey which also revealed a sharp rise in conflict-related psychological disturbances. As of January 2013, 42 per cent of the patients UNRWA was treating for psychological trauma were under the age of nine.¹⁰⁵

companions were detained at the Erez crossing between Gaza and Israel while crossing with a valid permit.¹⁰⁶ Access for patients via the Rafah crossing between Gaza and Egypt was eased in 2012 due to the regular opening hours of the crossing. However, patient referrals to Egypt dropped for a second consecutive year, from 4,355 in 2010 to 3,866 in 2011 to 3,255 in 2012, representing around 24 per cent of Gaza referrals each year.¹⁰⁷

Electricity cuts of eight to twelve hours per day continued throughout Gaza in 2012, impacting upon the delivery of

health services. The main hospitals in Gaza have relatively stable direct power lines reducing power cuts to a few hours daily, and they are also able to reserve power for essential medical services. During the year, government hospitals were able to maintain seven days of reserve fuel supplies, but the power cuts strain back-up power sources, affect medical equipment, and mean that medical treatment is interrupted or postponed. The lack of financial resources to ensure fuel supplies to both the power plant and the backup generators in hospitals continues to be a major problem.

Additional hospital beds, doctors and nurses will be needed in the coming years to serve a growing population. Based on population projections, maintaining the current ratio of 1.3 hospital beds per 1,000 people in the Gaza Strip would require almost 800 additional beds by 2020, for a total of about 2,800. Similarly, to maintain the current ratios of doctors and nurses per 1,000 people, the number of doctors would have to increase by more than 1,000 to 4,900, and the number of nurses by more than 2,000 to 8,200.¹⁰⁸

WEST BANK

In the West Bank, restrictions on the movement of persons and goods affect access to health care for many Palestinians, both in terms of physical access for patients to health facilities and the availability of quality health care services and infrastructure.

In particular, the Barrier and its related checkpoints and permit system undermine access of residents from the rest of the West Bank to the six Palestinian-run non-profit hospitals in East Jerusalem, which provide specialized health services unavailable elsewhere in the oPt. More than half of all patients with MoH referrals to Palestinian hospitals within the oPt require Israeli permits to access this health care. Restrictions on the free movement of Palestinians also affect private patients and patient-companions from the West Bank and Gaza.

In 2012, in the West Bank, the rate of approval for permit applications to access East Jerusalem hospitals by patients and their companions was 79.7 per cent (out of 222,188 applicants) compared to 81.4 per cent in 2011 (out of 175,228 applicants), meaning that one in five applications was denied or delayed.¹⁰⁹ Restrictions on movement also affected ambulance transfers; in 2012, only 9 per cent of all ambulance transfers of patients into Jerusalem were permitted direct entry into the city. The remaining transfers of patients were conducted using a back-to-back process from a Palestinian-plated to an Israeli-plated ambulance.

The effective functioning of East Jerusalem hospitals is undermined by the requirement for permits for many of the health care workers

residing in the rest of the West Bank. 1,053 health workers in the six main specialized hospitals in East Jerusalem hold West Bank IDs and are obliged to apply every six months for permits to travel to East Jerusalem. They also face frequent delays at checkpoints, often resulting in delays reaching hospitals to start work. In addition, 21 hospital employees were denied permits to travel to work in late 2011.

In 2012, the PA's ability to cover the costs of medical care in the East Jerusalem hospitals for many Palestinians remained limited: the PA has accrued a debt totalling US\$30 million for referral patient care in the East Jerusalem hospitals, in part as a result of the decrease in donor support. This debt means that many hospitals are now experiencing significant

cash flow problems and this has meant delays in payment of staff salaries and suppliers.¹¹⁰ The application of Israeli laws, which require the procurement of medical equipment and medication within Israel rather than the West Bank, continues to raise the cost of health care. In addition, measures to restrict access for private patients have reduced income for many of the East Jerusalem hospitals.

In the rest of the West Bank, approximately 11,000 Palestinians residing in the Seam Zone face particular challenges accessing health care since they must cross Israeli checkpoints to access basic health services located in Palestinian cities on the other side of the Barrier. In addition, efficient and effective health care is not always available for Palestinians requiring emergency treatment,

and specialized secondary and tertiary health care is also hindered. Checkpoints in the West Bank are not always open, and this restricts the entry of mobile medical teams and clinic staff.



Man on crutches waiting to cross Qalandiya checkpoint.

CLUSTER SPECIFIC CASE STUDIES: EDUCATION



Photo by OCHA

Overview

The education sector throughout the oPt suffers from a variety of challenges: sub-standard school infrastructure and a chronic shortage of classrooms; restrictions on building, expanding and rehabilitating schools; and impeded access to educational facilities for teachers and pupils due to physical, bureaucratic and other obstacles.¹¹¹ These factors often result in a high drop-out rate, low learning achievements and, in some cases, mean that families have to move to obtain better access to education for their children.

Armed conflict also continues to have a negative impact on the right to education in the oPt, with armed hostilities and other conflict-related violence resulting in disruptions to schooling.¹¹² During the escalation of hostilities in November 2012, education in the Gaza Strip was suspended for a total of six days affecting all of Gaza's 460,000 basic and secondary school students, and exams were interrupted or postponed for many students in their final year. 280 educational facilities were damaged or destroyed during the period, affecting approximately 250,000 students; these included schools, kindergartens and tertiary education institutions.¹¹³ The Ministry of Education and Higher Education (MoEHE) in Gaza reported that 11 students and four teachers and staff members were killed, while more than 300 students were reported injured.

The States Parties to the Present Covenant recognize the right of everyone to education ... primary education shall be compulsory and available free to all.

International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 13

The Occupying Power shall, with the cooperation of the national and local authorities, facilitate the proper working of all institutions devoted to the care and education of children.

Fourth Geneva Convention, Article 50

Gaza Strip

In the Gaza Strip, population growth, recurrent Israeli military operations, combined with the ongoing blockade have generated enormous infrastructural needs, which also affect the education sector. In Gaza, 460,784 children attend 688 basic and secondary schools, including 396 government schools, 244 UNRWA schools, and 48 private institutions.¹¹⁴ The package of 'relaxation' measures introduced by the Government of Israel in June 2010, which included approval for entry of construction materials for international projects, has allowed only some of the infrastructure needs in the education sector to be addressed. To make up for the lack of educational facilities, 80 per cent of government and 95 per cent of UNRWA schools run on double shifts; in some classrooms there now accommodate up to 50 students, and some classrooms have been accommodated in temporary structures, such as containers.¹¹⁵

Access to schooling for children living in the ARAs in Gaza is particularly risky. There are currently 12 MoEHE schools serving 3,889 girls and boys and employing 258 faculty members,¹¹⁶ while one UNRWA school serves 588 boys and employs 21 teachers.¹¹⁷ Access to these schools is often disrupted by clashes between the Israeli military and Palestinian armed groups or by use of live ammunition by Israeli soldiers against Palestinians

Additional schools are needed now to respond to an increasing number of children at school age in the coming years. The number of school-age children is projected to increase to 673,000 by 2020, by an average of 14,000 per year. Currently, there is a shortage of up to 250 schools in Gaza. Based on the number of schools needed now ... and population projections for the number of children of school-age, a further 190 schools would be needed by 2020, for a total of 440 schools that need to be built.¹¹⁸

seeking access to these areas near the fence with Israel. Nine of these schools sustained damage during the escalation of hostilities in November 2012.

West Bank/Area C

In the West Bank, there are approximately 50,000 students enrolled in schools in Area C,¹¹⁹ where the restrictive planning regime results in a significant shortage or inadequate school infrastructure and exposes schools to the threat of demolition. Although no school was demolished in 2012, at least 38 schools, serving approximately 3,000 children in Area C of the West Bank and in East Jerusalem, have been issued verbal or written stop-work or demolition orders by the Israeli authorities, meaning that they are under threat of demolition.¹²⁰ No school demolitions took place in 2012. Schools in Area C are often located far from the community they serve, imposing high transport costs on families or obliging children to walk long distances to reach school.¹²¹ Access to school is also hindered by physical obstacles, threats and harassment by the Israeli army and settlers.¹²² Impeded access to school can lead to high drop-

out rates, especially after the ninth grade and among girls.

East Jerusalem

In East Jerusalem, the education sector is composed of multiple providers, with little coordination and wide discrepancies in the quality of education offered. Although Israel's own domestic law obligates free and public education to all children until the age of 18, less than half of the student population, 38,331 out of 88,000, attend municipal schools.¹²³ Despite the variety of providers, approximately 4,300 children are not enrolled in any educational institution.¹²⁴ Among those enrolled, many fail to complete secondary school, with an especially high drop-out rate of boys aged 12 to 14.

The educational system in East Jerusalem is also characterized by a chronic shortage of classrooms, estimated at around 1,100.¹²⁵ Existing classrooms are often unsuitable or substandard, this being the case for more than half of the classrooms in the municipal system. Pupils are often accommodated in rented houses which fail to meet basic educational and health standards.

Consequently, parents have to resort to fee-paying alternatives, with a significant impact on the household economy. As is the case in Area C, zoning and other planning restrictions in East Jerusalem inhibit both new construction and the expansion of existing buildings. As a result, seven *Waqf* schools are threatened by demolition and sealing orders.¹²⁶

With the increasing isolation of East Jerusalem from the remainder of the oPt, permit restrictions, checkpoints and the Barrier mean that teachers and pupils with West Bank ID cards face difficulties accessing schools in East Jerusalem. Figures for *Waqf* schools indicate that 10 per cent of pupils, 20 per cent of teachers and almost 30 per cent of school staff cross a checkpoint on a daily basis to access their schools.¹²⁷ Children with East Jerusalem ID cards living in locations separated from the rest of the city by the Barrier, such as Kufr Aqab, need to cross a checkpoint to access their schools.¹²⁸ The main campus of Al Quds University is also separated from the city by the Barrier and the institution's certificates are not recognized by the Israeli authorities.¹²⁹

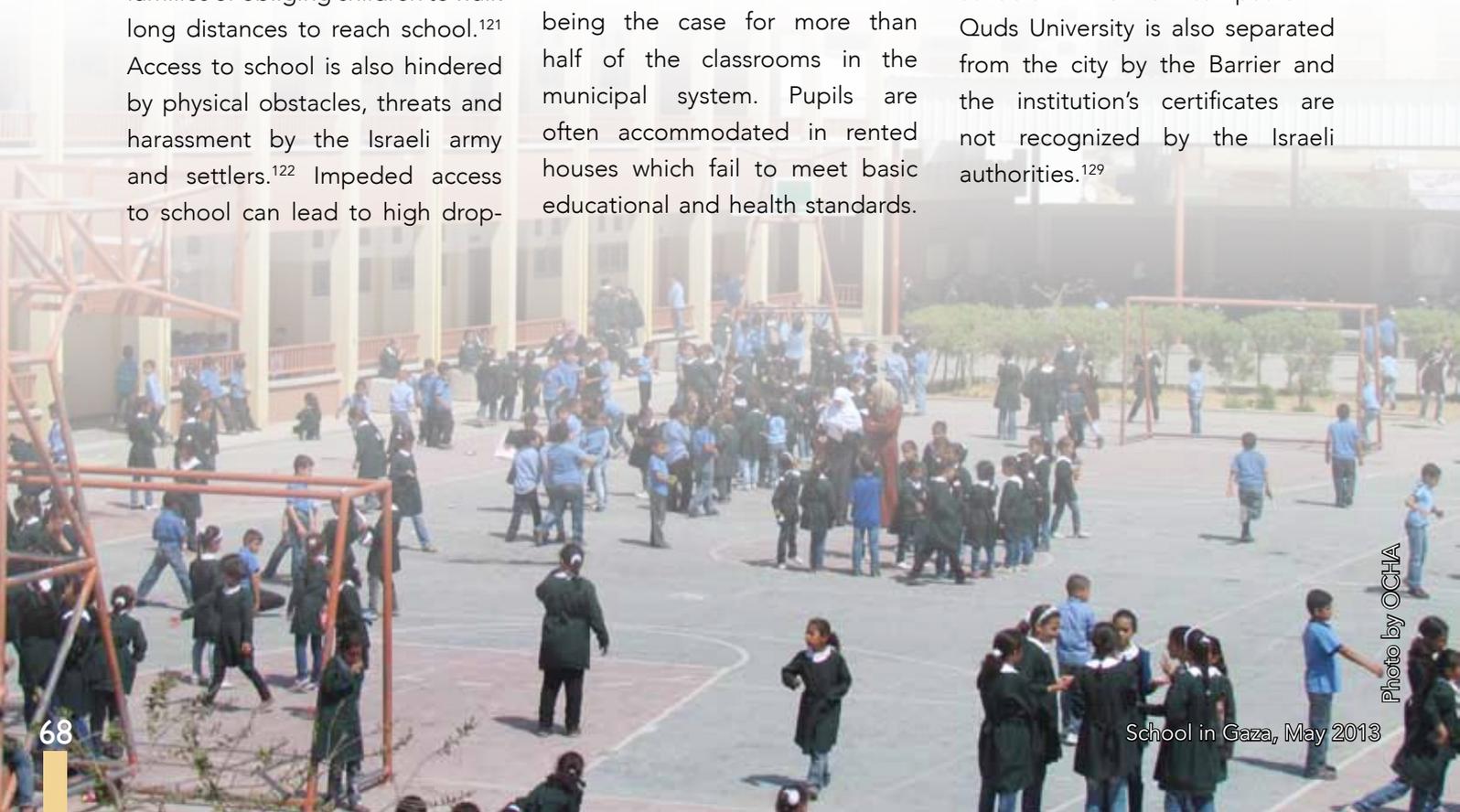


Photo by OCHA

School in Gaza, May 2013

CLUSTER SPECIFIC CASE STUDIES: WATER, SANITATION AND HYGIENE (WASH)



Photo by EWASH ATF, March 2013

12 million liters of raw sewage are being discharged from Wadi Gaza into the Mediterranean Sea every day

Overview

The ongoing blockade on Gaza and the cumulative effect of planning restrictions in the West Bank, have resulted in the most vulnerable populations in the oPt lacking urgently needed access to water and sanitation. In Gaza, the majority of the population is forced to purchase water from private vendors because of the high salinity (unsafe quality) of tap water. In the West Bank, water shortages are common, especially during the summer months.¹³⁰

Gaza Strip

The Gaza Strip suffers from chronic problems related to poor water quality. Between 90 and 95 per cent of water from the Gaza aquifer does not meet internationally accepted drinking water standards due to sea water infiltration and to a high percentage of infiltration of raw sewage. Gaza residents use an average of 91 litres of water per day (l/c/d), compared to the 280 litres used by Israeli residents for domestic consumption. Households spend up to one-third of their income on drinking water, of which 75 to 90 per cent is procured from private sources, which are subject to little or no regulation and quality control.¹³¹ Delays in the entry of materials

The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses.

General Comment 15, International Covenant on Economic, Social and Cultural Rights

through the Kerem Shalom crossing have stalled a number of major water and sanitation infrastructure projects further adding to sewage infiltration into the aquifers and contamination of drinking water sources. Restrictions on power supplies have impeded the functionality of treatment plants, while restrictions on the entry of spare parts and essential chemicals necessary to operate these plants and disinfect drinking water are further impeding the efficiency of the treatment facilities. This inevitably increases public health risks.

More long-term, over-extraction has resulted in a further deterioration of the aquifer leading to salt-water intrusion. A rapid water quality sampling assessment conducted by WASH partners including the Environmental Quality Authority (EQA) in August-September 2011 showed contaminated drinking water at vendor and/or household level in over 80 per cent of the tested localities.¹³² Bacteriological contamination was detected within the drinking water supplied by

private vendors in 22 of Gaza's localities, putting over one million people at high risk of consuming contaminated water supplies from private vendors in Gaza.

Most of the wastewater treatment plants in Gaza city are overloaded and working beyond their

The aquifer could become unusable as early as 2016, with the damage irreversible by 2020. UNEP (United Nations Environment Programme) recommends ceasing abstraction immediately as it would otherwise take centuries for the aquifer to recover. Even with remedial action now to cease abstraction, the aquifer will take decades to recover. Meanwhile the Palestinian Water Authority (PWA) expects demand for fresh water to grow to 260 MCM per year by 2020, an increase of some 60 per cent over current levels of abstraction from the aquifer. The situation with regard to treatment of waste water or sewage is no less problematic, with huge investment in treatment facilities and associated infrastructure desperately needed to cope with the existing demand, let alone for the future.¹³³

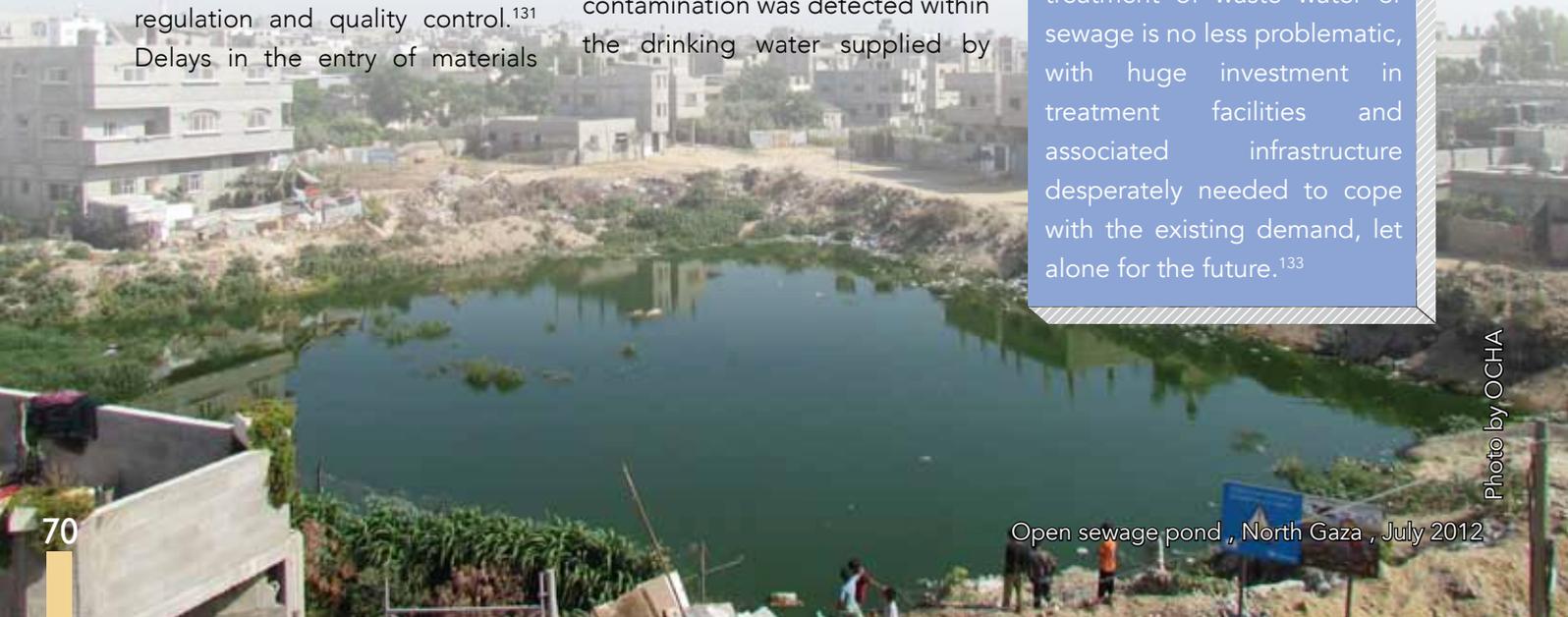


Photo by OCHA

Open sewage pond, North Gaza, July 2012

designed capacity. As a result, about 89 million litres of untreated or partially treated sewage are discharged directly into the sea every day.¹³⁴ The resulting contamination of seawater poses a potentially serious health and sanitation hazard to beaches and seafood. The sanitation crisis is compounded by the lack of adequate sewage treatment facilities: there are approximately 40,000 cesspits in use in Gaza, 84 per cent of which are manually emptied by household members, as they are not connected to the sewerage network.¹³⁵

West Bank

Limited water availability also affects the West Bank, where Israel retains almost exclusive control over all underground and surface water resources, the construction of new wells and cisterns, and the upgrading of existing wells and other water infrastructure.¹³⁶ Approximately one million people in 492 communities in the West Bank access or consume 60 litres of water per capita per day (l/c/d) or less, significantly below the World Health Organization (WHO) recommendation of 100 l/c/d.¹³⁷ In addition, an estimated 313,000 people from 113 communities are not connected to a water network, which translates into enormous costs related to water purchase.¹³⁸

This situation is in marked contrast to the water resources that are made available to Israeli settlers in the West Bank, who consume approximately six times the water consumed by Palestinians. In some cases, the discrepancies are even wider: the Dead Sea settlements of Mitzpe Shalem and Qalya consume

approximately 700 l/c/d, while the neighbouring Palestinian village of al-Jiftlik has access to only 66 l/c/d and the Palestinian villages of al-Nuwei'ma and al-Hadidiya are at humanitarian crisis levels with 24 and 22 l/c/d respectively.¹³⁹ This is the result of a discriminatory allocation of water resources between Israeli settlements and Palestinian communities. Moreover, those wells and springs that are available to Palestinians are generally degraded as the Israeli authorities deny Palestinians permits for installing, upgrading or protecting their water sources to provide sufficient quantities, while simultaneously, they continue to drill deeper and more efficient wells for their own use.

Physical obstacles to Palestinian movement inside the West Bank, such as roadblocks, checkpoints and the Barrier, obstruct Palestinian access to springs, wells and other water points, and compel Palestinians to travel long distances. These obstacles also hinder water tankers and sewage disposal trucks from accessing certain areas, with increased travel distance and costs. The limited availability of and access to water has a particularly severe impact on Bedouin communities in Area C, given their dependency on farming and herding as a source of livelihood. The WASH Cluster *Rapid Assessment 2011* indicates that there are 107 Palestinian communities (45,659 people) paying more than 20 NIS per cubic metre of water in contrast to Israeli settlements which pay less than 5 NIS for water from the network. This high price further restricts these communities' access to appropriate quantities of water.

Problems accessing water have been compounded by increased demolitions in the West Bank during 2012. Vulnerability has been further exacerbated by the recent increase in the targeting of WASH facilities by the Israeli authorities. A total of 218 WASH facilities were targeted between 2009 and 2011; in 2012, some 60 water-related infrastructures (cisterns, wells, pools and water tanks) were demolished, affecting over 1,600 persons. More demolitions are anticipated in the future, given the recent stop-work orders and demolition orders issued against WASH facilities. A new trend of seizures has also been reported, with over 20 items of WASH equipment, including plastic water tanks, mobile latrines and other basic humanitarian WASH equipment, confiscated by the Israeli Civil Administration in 2012.

Only 31 per cent of Palestinians in the West Bank, excluding East Jerusalem, are connected to the sewage network, and only one wastewater treatment plant is operational due to the Israeli authorities' refusal to grant the necessary permits or security clearance for the construction and operation of sanitation and wastewater treatment infrastructure.¹⁴⁰ As a result, almost all of the 40 to 50 million cubic metres of sewage generated in the West Bank each year reaches natural drainages as untreated sewage. Sections of open flow channels are a constant source of pollution to water well sources and agricultural land and have become a serious public health and environmental concern.¹⁴¹

CLUSTER SPECIFIC CASE STUDIES: FOOD/LIVELIHOOD



Photo by OCHA

Overview

Large population groups in the oPt suffer from food insecurity. For the most part this is caused by the loss of sources of livelihoods, unemployment and restricted movement and access. In 2011, 27 per cent of the population of the oPt was food-insecure and 14 per cent were vulnerable to food insecurity, compared to 33 per cent and 13 per cent respectively in 2010.

The highest food insecurity levels were found in Gaza, where 44 per cent of the population (approximately 784,000 people) were food insecure (52 per cent in 2010) and an additional 16 per cent were vulnerable to food insecurity (13 per cent in 2010). In the West Bank, food insecurity declined from 22 per cent in 2010 to 17 per cent in 2011 (approximately 475,000 people), with an additional 13 per cent of vulnerable households (12 per cent in 2010).¹⁴² These figures are particularly significant considering the number of Palestinians who receive food assistance from the UN annually, in the form of staple food parcels, cash vouchers for food, or school feeding programmes.¹⁴³

The main food security challenge faced by Palestinian households, including in Gaza during the strictest enforcement of the blockade, remains purchasing power rather than the availability of food in local markets, with a majority of food-insecure households spending over half of their income on food. Food insecurity is mainly attributable to

high prices and the lack of secure employment opportunities. Lower household incomes, poor food utilization due to poor quality water, sanitation and hygiene, limited access to health care, and declining quality of diets all contribute to food insecurity.

In particular, food insecurity, both in the West Bank and in Gaza, is prevalent among households whose livelihoods depend on agricultural production. Ongoing limitations on access to land in Area C, and to the 'Seam Zone' created by the Barrier in particular, and in Gaza's ARAs severely constrain farming, herding and fishing. High operating costs, including the cost of water for irrigation and fodder, place additional pressure on agricultural livelihoods. In the West Bank, vast tracts of land and many agricultural roads require rehabilitation. Livelihoods are also eroded by the damage caused by Israeli military operations to agricultural property, both as a result of demolitions of structures built without permits in the Area C and East Jerusalem, and the levelling of land in the Gaza ARAs.

Food security is ultimately dependent on broader economic and employment indicators. In the oPt, real GDP growth for the first three quarters of 2012 was 6.1 per cent, down from an average of 11 per cent in 2010 and 2011.¹⁴⁴ In the West Bank, real GDP growth had averaged nine per cent between 2010 and 2011, but declined to 5.5 per cent during the first three quarters of 2012, reflecting 'the absence of further easing of Israeli restrictions, the withdrawal of fiscal

stimulus due a persistent shortfall in donor aid, and uncertainty created by the PA's fiscal stress.'¹⁴⁵ In the Gaza Strip, where economic growth averaged 15 per cent between 2010 and 2011, this dropped to about 7.5 per cent in the first three quarters of 2012, due to 'the absence of further relaxation of restrictions since mid-2010 and interruptions in the tunnel trade with Egypt as a result of deteriorating security conditions in the Sinai.'¹⁴⁶ The International Monetary Fund (IMF) has warned that real GDP growth in the oPt 'is projected to decline to 5 per cent in 2013, far below recent growth rates, with a continuing downward trend in subsequent years.'¹⁴⁷

The overall unemployment rate in the oPt was 22.9 per cent in the fourth quarter of 2012, an almost two per cent increase compared to the equivalent period in 2011. Unemployment was 18.3 per cent in the West Bank and 32.2 per cent in Gaza,¹⁴⁸ which according to the World Bank, 'continued to be amongst the highest in the world.'¹⁴⁹ The figures for youth unemployment underlined this negative trend. In the West Bank, only 40.3 per cent of Palestinians aged 15 to 29 were active participants in the labour force in the last quarter of 2012, and 27.9 per cent of those were unemployed. In Gaza, youth unemployment was 48.9 per cent with a participation rate of 34.2 percent.¹⁵⁰ For Palestinian women unemployment was 31.7 per cent in the fourth quarter of 2012, an increase of 3.3 per cent from 2011.¹⁵¹

Food Security in the Gaza Strip following the escalation in hostilities

In the aftermath of the escalation of hostilities in November 2012, the Food Security Sector embarked on a rapid qualitative assessment to determine the impact of the conflict on the population's food security status by analyzing food production, availability, accessibility and access stability during and in the aftermath of the conflict.

The assessment found that the numbers of households that are highly food insecure was not significantly exacerbated by the conflict. In terms of food access, the price and demand for bread did not fluctuate significantly during the hostilities, with the price remaining stable before, during and after the conflict due to the price controls put in place by local authorities. Although some slight shortages of certain fresh

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.

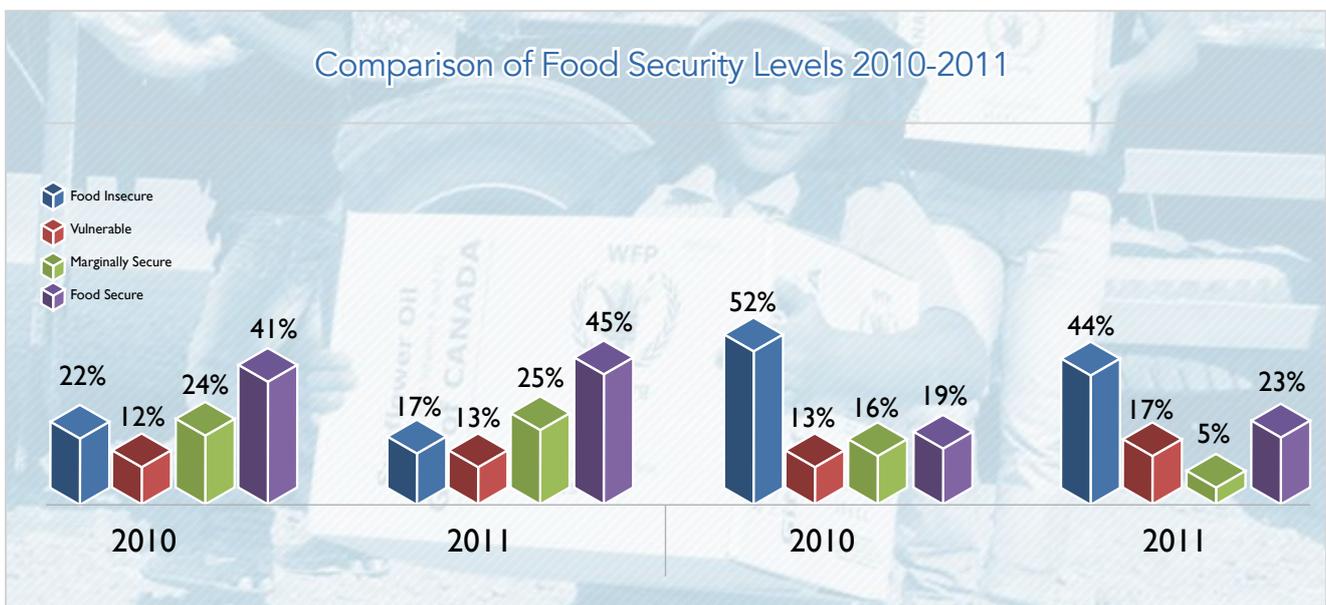
2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed.

International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 11

foods (some vegetables, dairy products, eggs) were experienced, supplies of food commodities soon returned to pre-conflict levels, with no shortages reported and no difficulties in procuring the commodities from wholesalers.

The Ministry of Agriculture estimated that the total direct and indirect losses of all sub-sectors from the November hostilities at US\$ 20.6 million. The hardest hit sub-sector was crop production which sustained US\$ 16.6 million in direct and indirect losses. The livestock sector sustained US\$ 2.2 million in damages, fisheries US\$ 590,000 and water infrastructure for agriculture, US\$ 1.2 million.

More specifically, the qualitative assessment, designed to complement the Ministry of Agriculture damage assessment, found that credit ceilings from suppliers decreased or halted completely as farmers lost all or part of their seasonal income. In general, the resilience of farmers has deteriorated as frequent losses of assets incurred since Operation 'Cast Lead' in 2008/2009 exhausted their ability to cope with the new crisis. The November 2012 hostilities also prevented farmers and wage workers from feeding their livestock and tending to their lands resulting in either livestock losses or emaciation and spoiling of over-ripe crops.



ENDNOTES

1. All data, including statistics, included in this report has been collated and cross-checked by OCHA from a range of sources.
2. Two fatalities in 2012 were Palestinian security forces in the Gaza Strip.
3. Members of the Protection Cluster documented 52 such attacks on residences; in at least 35 of these attacks the Israeli Air Force dropped smaller munitions prior to the main air strike, to warn people to leave; in several other cases, prior warnings were delivered via phone calls.
4. According to Al Mezan Center for Human Rights, 1,046 persons were injured, including 446 children and 105 women. According to the Palestinian Center for Human Rights (PCHR), 648 injured persons, including 213 children and 92 women, sustained moderate or critical injuries during the eight days of the Israel military operation.
5. Source: United Nations Mine Action Service in Palestine.
6. *Report of the United Nations High Commissioner for Human Rights on the Implementation of Human Rights Council resolutions S-9/1 and S-12/1, Addendum: Concerns related to adherence to international human rights and international humanitarian law in the context of the escalation between the State of Israel, the de facto authorities in Gaza and Palestinian armed groups in Gaza that occurred from 14 to 21 November 2012*, Advance Version, 6 March 2013.
7. Protection Cluster database. The database includes information collected and triangulated across Protection Cluster members, including OHCHR, OCHA, PCHR and the Al Mezan Centre for Human Rights.
8. Report of the United Nations High Commissioner for Human Rights on the Implementation of Human Rights Council Resolutions S-9/1 and S-12/1, *Advanced Unedited Edition*, 6 March 2011, para. 18.
9. Israeli Security Agency, *2012 Annual Summary: Terrorism and Counter-Terrorism Activity; Data and Trends*, pp. 7-8. <http://www.shabak.gov.il/SiteCollectionImages/english/TerrorInfo/2012AnnualSummary-en.pdf>.
10. 29 Israelis were also injured as a result of a bomb attack on a bus in Tel Aviv on 21 November, during 'Pillar of Defence.'
11. http://www.qassam.ps/statement-1454-EQB_target_the_Israeli_military_bases_across_Occupation_Palestinian_Land.html
12. Israeli Security Agency, *2012 Annual Summary*, p.8.
13. 'Direct' conflict injuries arise directly from the conflict as opposed to 'indirect' injuries – accidents involving settlers, casualties related from tunnel collapse or denial of permits – and 'internal', Palestinian on Palestinian casualties.
14. Other incidents in the West Bank, where the Israeli army was responsible, took place in the context of night raids on Palestinian houses, after Israeli soldiers broke in covertly, at checkpoints or during routine patrols.
15. B'Tselem, *Crowd Control: Israel's Use of Crowd Control Weapons in the West Bank*, December 2012, p. 6. http://www.btselem.org/download/201212_crowd_control_eng.pdf, p. 11.
16. 'In light of these risks, military and police orders restrict the use of tear gas. The orders permit the use of tear gas only for the purpose of dispersing "serious disturbances that endanger public safety," and prohibit firing tear gas indoors and in densely populated areas. In densely populated areas, military procedure also prohibits the use of teargas launchers that fire salvos of grenades. Additionally, orders prohibit the firing of aluminium tear-gas canisters directly at demonstrators.'Ibid.
17. See OCHA, *How Dispossession Happens: The Humanitarian Impact of the Takeover of Palestinian Water Springs by Israeli Settlers*, March 2012. http://www.ochaopt.org/documents/ocha_opt_springs_report_march_2012_english.pdf.
18. In total, OCHA has identified over 80 communities with a combined population of nearly 250,000 Palestinians vulnerable to settler violence, including 76,000 at high-risk. OCHA, *Israeli Settler Violence and the Evacuation of Outposts*, November 2009. http://www.ochaopt.org/documents/ocha_opt_settler_violence_fact_sheet_2009_11_15_english.pdf.
19. Yesh Din, *Law Enforcement upon Israeli Civilians in the West Bank: Data sheet*, March 2012 http://www.yesh-din.org/userfiles/file/datasheets/LawEnforcement_datsheet_Eng_March_2012_Final.pdf
20. Israeli Security Agency, *2012 Annual Summary*, p. 13.
21. For further details on accountability and remedy for allegations of Israeli violations of international law see: UN High Commissioner for Human Rights (as coordinator of the Protection Cluster), *Update on accountability for reported violations of international law by Israel during the escalation of hostilities in Gaza and southern Israel between 14 and 21 November 2012*, 21 May 2013.
22. Announcement by the spokesperson of the IDF, 6 April 2011, available at: <http://dover.idf.il/IDF/English/News/today/2011/04/0604.htm>
23. In 2012 one indictment was filed against an IDF soldier accused of injuring a Palestinian, but that related to an investigation opened in 2011. For 2009 to 2011, only 14 of the 534 investigation files opened resulted in an indictment.
24. See Yesh Din Monitoring Update, *Law Enforcement upon Israeli Civilians in the oPt*, March 2012. http://www.yesh-din.org/userfiles/file/datasheets/LawEnforcement_datsheet_Eng_March_2012_Final.pdf
25. Under the Oslo Accords, Israel delegated responsibility for security in Area A to the PA and delegated joint authority for security in Area B to the PA.
26. According to the ISA, '2,300 terror suspects were arrested in 2012 as part of ISA Counter-terror activity. Following interrogations, 2,170 indictments were served against suspects. Approximately 100 significant attacks, intended to be executed this year, failed to occur due to counter-terror activity (not including high trajectory launchings). A third of these attacks were kidnapping intentions, half were IED and firearm attacks, (and) four suicide attacks.' Israeli Security Agency, *2012 Annual Summary*, p. 12.
27. *Quarterly Update on Palestinian Prisoners (1 September 2012 – 15 January 2013)* http://www.addameer.org/files/Quarterly%20Update/Quarterly%20Update%2001_09_12%20to%2015_01_13.pdf
28. For six months at a time under a decree from the Minister of Defence which is reviewed by a court and can be renewed indefinitely.
29. In July 2012, the Israeli authorities resumed family visits for Gazan prisoners jailed in Israel. However, children over eight years of age do not come under the category of first degree relatives and are prohibited from visiting imprisoned parents.
30. Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, *Report by the Secretary-General, A/67/372*, September 2012, paras. 26, 27.
31. In addition to the hunger strikes that were undertaken by Palestinian prisoners in Israeli jails, a number of Palestinian political prisoners in PA prisons also launched hunger strikes. Addameer documented 20 cases in which prisoners launched hunger strikes following the refusal of the Palestinian security services to release them in accordance with rulings by various Palestinian civil and military courts. Of the 20 hunger strikers, 17 were subsequently released. However, seven of those released were subsequently arrested. *Quarterly Update on Palestinian Prisoners (15 January 2012 – 30 August 2012)*. <http://www.addameer.org/etemplate.php?id=513>
32. See Report of the United Nations High Commissioner for Human Rights on the implementation of Human Rights Council resolutions S-9/1 and S-12/1, *A/HRC/22/35*, 6 March 2013, paras. 42-52.
33. *Statement attributable to the*

- Spokesperson for the Secretary-General on Palestinian prisoners on hunger strike, 19 February 2013; <http://www.un.org/sg/statements/index.asp?nid=6611>
34. See concerns raised in, *Report of the UN Special Rapporteur on the Independence of Judges and Lawyers*, 18 June 2010, A/HRC/14/26/Add.1. <http://unispal.un.org/UNISPAL.NSF/0/57D00BE6597450FF8525774D0064F621>
 35. UNICEF also provided a number of concrete recommendations to Israel aimed at addressing these concerns. See the report at http://www.unicef.org/oPt/UNICEF_oPt_Children_in_Israeli_Military_Detention_Observations_and_Recommendations_-_6_March_2013.pdf
 36. According to Defence for Children International – Palestine Section, more than half of the 195 Palestinian children from the West Bank are held in prisons outside the West Bank. http://www.dci-palestine.org/sites/default/files/copy_of_u_a_2_12_article_76_jan_2013.pdf
 37. HaMoked, B'Tselem, *Kept in the Dark; Treatment of Palestinian Detainees in the Petah Tikva Interrogation Facility of the Israeli Security Agency*, October 2010. http://www.btselem.org/download/201010_kept_in_the_dark_eng.pdf
 38. *Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem*, Report by the Secretary-General, A/67/372, September 2012, para. 29. 'These practices violate Israel's obligations under the Convention on the Rights of the Child and provisions of international humanitarian law. Article 37 (b) of the Convention provides that "the arrest or imprisonment of a child shall be used only as a measure of last resort and for the shortest appropriate period of time". Article 76 of the Fourth Geneva Convention highlights that 'proper regard shall be paid to the special treatment due to minors.'
 39. Amira Hass, 'IDF to reduce time Palestinian minors may be held without seeing a judge,' *Ha'aretz*, 20 December 2012.
 40. UNOCHA, *Gaza Initial Rapid Assessment*, 24-26 November, 2012.
 41. Shelter Sector Gaza, *Shelter Advocacy Fact Sheet 5*, March 2013. <http://www.sheltergaza.org/main.jsp?page=Facts%20Sheet#>
 42. *Ibid.*
 43. *Ibid.*
 44. Following the 1993 Oslo Accords and the 1995 Interim Agreements between Israel and the PLO, the West Bank was divided into three zones; Area A, B and C. Extensive responsibility was delegated by Israel to the PA in Areas A and B.
 45. World Bank, *Fiscal Crisis, Economic Prospects: The Imperative for Economic Cohesion in the Palestinian Territories: Economic Monitoring Report to the Ad Hoc Liaison Committee*, September 23, 2012, p. 4.
 46. For example, in Jubbet adh Dhieb village in the Bethlehem governorate, in the past three years, some 15 young men have married and all are now living outside the village. In Khallet Sakariya, also in the Bethlehem governorate, an estimated 50 people have left in the past 10 years, while in An Nabi Samwil in the Jerusalem governorate, at least 10 young couples have moved to villages in Areas A or B. OCHA, *Displacement and Insecurity in Area C of the West Bank*, p. 11. http://www.ochaopt.org/documents/ocha_opt_area_c_report_august_2011_english.pdf
 47. Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, Report by the Secretary-General, A/67/372, September 2012, para. 37.
 48. According to municipal figures, between 2006 and November 2010, only 55 per cent of applications for new construction in East Jerusalem's Palestinian neighbourhoods were approved. Municipal figures, provided to OCHA by Jerusalem Municipal Council member, Meir Margalit.
 49. Ir Amim, *A Layman's Guide to Home Demolitions in East Jerusalem*, March 2009, p. 4. [http://www.ir-amim.org.il/Eng/_Uploads/dbsAttachedFiles/HomeDemolitionGuideEng\(1\).doc](http://www.ir-amim.org.il/Eng/_Uploads/dbsAttachedFiles/HomeDemolitionGuideEng(1).doc). Average of authorized units based on municipal figures for the years 2006 - November 2010, provided by Meir Margalit.
 50. See OCHA Fact Sheet, *East Jerusalem Key Humanitarian Concerns Update*, December 2012. http://www.ochaopt.org/documents/ocha_opt_Jerusalem_FactSheet_December_2012_english.pdf
 51. See *Ceased Residency*, <http://www.hamoked.org/Document.aspx?dID=Updates1175>. 'The revocation of status of 108,878 Palestinians from the Gaza Strip was executed on the basis of two simple criteria: a stay abroad for a period of seven years, or non-attendance at one of the censuses the military conducted in the Gaza Strip in 1981 and 1988. Residents who fit one of these two criteria were automatically assigned a 'ceased residency status' – the military term for status revocation. Thus, without a hearing, without an individual review of their case, and without notice – either prior or subsequent – they lost their status in their homeland.'
 52. This categorization is not meant to be exhaustive and omits other vulnerable categories. For example, West Bank residents who move to the Gaza Strip to reunite with their family are often asked to sign a document by which they forfeit their right to return to the West Bank.
 53. Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, Report by the Secretary-General, A/67/372, September 2012, para. 31.
 54. See <http://www.hamoked.org/Document.aspx?dID=Updates1224>. In 2012, Israel 'reinstated' the residency status of 32 East Jerusalem Palestinians.
 55. The *Nationality and Entry into Israel Law* of 2003, citing 'security concerns,' cancelled the procedures for family unification between Israeli citizens and permanent residents of East Jerusalem and their spouses from elsewhere in the West Bank and the Gaza Strip and prohibits them from living with their spouses in Israel, including East Jerusalem. On 11 January 2012, in a 6 to 5 decision, the Israeli Supreme Court rejected a petition filed by a number of Israeli human rights organizations against the constitutionality of the law.
 56. Despite the initial argument raised by the Israeli Government, according to which the 1967 legislation did not constitute annexation but only 'administrative and municipal integration', the Israeli High Court of Justice established in a number of decisions that under Israeli law, East Jerusalem became part of the State of Israel. The first such judgment was HCJ 283/69, Ravid and Maches v. Military Court, Hebron District. Piskei Din 24(2) 419.
 57. In what is interpreted as a measure of ensuring greater security in their residency status, the number of East Jerusalem Palestinians requesting and receiving Israeli citizenship rose sharply between 2004 and 2010, with 3,374 Palestinians obtaining full Israeli citizenship. The past two years have seen a decline 'but everyone involved agrees that the reason for the falloff is not a decrease in the number of requests but foot-dragging in the Interior Ministry. Sources in the ministry admit that the rate of requests exceed the rate at which they are dealt with.' Nir Hasson, '3,374 East Jerusalem residents received full Israeli citizenship in past decade', *Ha'aretz*, 21 October 2012.
 58. OCHA, *East Jerusalem: Key Humanitarian Concerns*, March 2011, p.p. 11-26. http://www.ochaopt.org/documents/ocha_opt_jerusalem_report_2011_03_23_web_english.pdf
 59. Office of the Quartet Representative, Report for the Meeting of the Ad Hoc Liaison Committee, 22 March 2012, p. 11. <http://www.tonyblairoffice.org/page/-/quartet/documents/OQR%20AHLC%20Report%20March%2021%202012.pdf>
 60. *Fiscal Crisis, Economic Prospects: The Imperative for Economic Cohesion in the Palestinian Territories: Economic Monitoring Report to the Ad Hoc Liaison Committee*, September 23, 2012.
 61. A full list of these villages is available in Annex II, pp. 34-35 of OCHA, *West Bank Movement and Access Update*, September 2012. http://www.ochaopt.org/documents/ocha_opt_movement_and_access_report_september_2012_english.pdf
 62. See OCHA, *West Bank Movement and Access Update*, pp.19-22, for a detailed overview of access and movement restrictions in Hebron. September witnessed the building

- of a new road barrier in H2 along the street used by Israeli settlers to access the Al Ibrahim Mosque/ Cave of the Patriarchs from the Kiryat Arba settlement. http://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2012_10_23_english.pdf
63. These included the resumption of works around the villages of 'Azzun 'Atma (Qalqiliya), Al Walaja (Bethlehem), and Qalandiya (Jerusalem), as well as around the Eshkolot (Hebron), and Beit Aryeh and Ofarim (Ramallah) settlements. Additionally, works towards the rerouting of the Barrier next to the Tulkarm community of Khirbet Jubara continued. Plans to build the Barrier around the Bethlehem village of Batir have been delayed following a provisional ruling by the Israeli High Court of Justice which ordered an alternative route after objections by villagers and by Israeli environmental groups who claimed that the planned route would damage historic terraces and traditional farming practices. Nir Hasson, 'Israel's High Court orders state to find alternative to separation fence at West Bank village', *Ha'aretz*, 14 December 2012. In December, UNESCO informed the PA that it will accelerate the process of recognizing the ancient terraces near Batir as a world heritage site.
 64. Including Tulkarm, Salfit and Jenin governorates. Figures for Qalqiliya are not available due to a breakdown in communication between the Palestinian and Israeli DCLs.
 65. ICJ, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion of 9 July 2004, para. 141. The full text of the ICJ opinion can be found at: <http://www.icj-cij.org/docket/index.php?p1=3&p2=4&k=5a&case=131&code=mwp&p3=4>*
 66. See 'The Case of the Barta'a Enclave', OCHA, *West Bank Movement and Access Update*, p. 13.
 67. The remaining 12 checkpoints are used by Israelis, internationals and Palestinians holding Jerusalem ID cards.
 68. For more information, see OCHA, *Barrier Update*, July 2011, pp. 17-22. http://www.ochaopt.org/documents/ocha_opt_barrier_update_july_2011_english.pdf Additional case studies on West Bank communities isolated on the 'Jerusalem' side of the Barrier are available in OCHA, *East Jerusalem: Key Humanitarian Concerns*, March 2011, pp. 24-25; pp. 74-75; pp. 94-95; p. 103 and pp. 112-114. http://www.ochaopt.org/documents/ocha_opt_jerusalem_report_2011_03_23_web_english.pdf
 69. According to figures provided to OCHA by the Israeli DCL office for the Jerusalem periphery.
 70. The Court found that it was permissible to discriminate between Muslims and Christians for purpose of access to holy sites because 'the Christian residents in Gaza are a minority group, and according to the respondents, their freedom of worship is infringed upon under the Hamas regime in Gaza.' The court accepted the state's argument that Israel's obligations to residents of Gaza are limited to permitting travel in 'exceptional humanitarian cases.' See Gisha, http://www.gisha.org/item.asp?lang_id=en&p_id=1652.
 71. See: http://www.ochaopt.org/documents/ocha_opt_jordan_valley_factSheet_february_2012_english.pdf
 72. Following a landmark judgment issued by the Israeli High Court of Justice (HCJ) in 2006, the Israeli authorities began to gradually expand the 'prior coordination' regime to agricultural areas where settler intimidation was persistent.
 73. This followed negotiations between the Israeli and Palestinian DCL offices, which were supported by the International Committee of the Red Cross (ICRC), as well as by the Prime Minister's office of the Palestinian Authority.
 74. This includes incidents of damage to property only discovered during the olive harvest when farmers had access to their groves, but which were perpetrated earlier.
 75. In June 2007, the Karni Crossing, which served as the main crossing for goods, was closed, leaving only a single conveyor belt in partial service for grain and animal feed, and since the summer of 2010 also gravel, until it closed in March 2011. The Sufa Crossing, which served mainly for the transfer of building materials, closed in 2008, and the Nahal Oz Crossing, through which fuel was transferred into the Gaza Strip, closed in 2010. In June 2010, following the killing by Israeli forces of nine Turkish activists on a Gaza-bound flotilla, Israel announced a package of measures to ease the blockade. This included a relaxation of import restrictions (with the exception of 'dual-use items,' including basic building materials), the gradual approval of building projects funded by certain international organizations, and the expansion of the capacity of the Kerem Shalom crossing, currently the only commercial crossing that remains in operation.
 76. This ruling comes despite the court's criticism of the blanket ban, and a previous recommendation that the authorities consider exceptions to the ban.
 77. An official document released following a petition under the Freedom of Information Act specifies 16 categories of people who are eligible for permits to leave Gaza and enter Israel or the West Bank. These include patients in need of life-saving treatment, merchants, first-degree relatives of the very ill, journalists, and staff of international organizations.
 78. Rafah was officially reopened in June 2010 for six days per week.
 79. 'Red Lines' presentation released after 3.5-year legal battle: *Israel calculated the number of calories it would allow Gaza residents to consume.* http://www.gisha.org/item.asp?lang_id=en&p_id=1700
 80. 81 Estimate provided to OCHA by the Palestinian Industries Federation in Gaza.
 81. Gisha and Physicians for Human Rights, *Rafah Crossing: Who Holds the Keys?*, March 2009, http://www.gisha.org/item.asp?lang_id=en&p_id=1118
 82. COGAT, *Projects in Gaza 2010-2012*. p.2. http://www.cogat.idf.il/Sip_Storage/FILES/4/3834.pdf
 83. The harvest of strawberry, cherry tomato, and sweet pepper benefited from an unusually cold winter, which improved both yield and quality. Conversely, cold weather conditions combined with the fuel/electricity crisis adversely affected flower production; farmers were unable to regularly operate irrigation systems and cold storage facilities, which are critical for flower production.
 84. OCHA, *Easing the Blockade*, March 2011. http://www.ochaopt.org/documents/ocha_opt_special_easing_the_blockade_2011_03_english.pdf
 85. The goods, coming from six Gaza businesses, did not represent actual sales but were showcased in a furniture exhibition in Amman.
 86. This was made possible only after several months of negotiations between Israeli authorities and a range of international actors, including the British Government and its development office, and Office of the Quartet Representative.
 87. Extensive negotiations were required to obtain approval for the transfer. Negotiations between the UN (WFP and UNSCO) and the Israeli authorities for the March transfer initially began in June 2011. While the initial request was for the transfer of 106 metric tons, it was highlighted that an additional 500 to 600 metric tons of date bars could also be purchased from Gaza for the 2011/2012 school year. Negotiations continued for five months, and by the time the transfer was approved, most of the procurement for the school year in the West Bank had already been concluded, with only 140 tons still required for the final quarter. Had the full transfer of 600 to 700 tons occurred, an additional US\$ 850,000 could have been injected into the fragile Gazan economy, also saving WFP and their donors considerable procurement costs.
 88. This included a 'no-go' zone up to 300 meters from the fence and a 'high-risk' zone up to 1,000-1,500 meters.
 89. Ibid. OCHA has been unable to independently verify this information.
 90. Information provided by the Food and Agricultural Organization (FAO) of the UN.
 91. On 21 May, the following notice appeared on the IDF website, <http://www.idf.il/1153-19004-EN/Dover.aspx>. 'Prime Minister, Mr. Benyamin Netanyahu, and the Minister of Defense, Mr. Moshe (Bogie) Ya'alon, approved the expansion of the Gaza Strip's designated fishing zone from 3 to 6 nautical miles. The designated fishing zone was limited due to rocket fire from the Gaza Strip toward

- Southern Israel on March 21, 2013. The Coordinator of Government Activities in the Territories, Colonel Eitan Dangoth, has informed senior Palestinian, international, and Egyptian officials about the decision.'
92. Protection Cluster, *Analytical Update on the Access Restricted Areas in the Gaza Strip: Monitoring of Access to Land in the 'Buffer Zone' following the 21 November 2012 Agreement*, May 2013.
 93. OHCHR/Protection Cluster *Update on the Access Restricted Areas in the Gaza Strip*, February 2013; OCHA protection database.
 94. *Ibid.*
 95. Letter from COGAT to OCHA, 20 February 2013. OCHA has been unable to independently verify this information.
 96. Protection Cluster, *Analytical Update on the Access Restricted Areas in the Gaza Strip*, May 2013. Between 20 February and 20 March 2013, the Protection Cluster monitoring team undertook six field trips to the ARA, visiting each governorate. Approximately 35 interviews were conducted with individual and groups of farmers and to a lesser extent herders and gravel collectors.
 97. <http://www.undemocracy.com/A-RES-58-114.pdf>.
 98. *Appendix C: Procedures for Implementation of Internationally Funded Projects in the Gaza Strip*, <http://www.gisha.org/userfiles/file/freedomofinformation/Translations/AppendixC-ProjectProcedures-Oct2011.pdf>
 99. The de facto authorities currently charge 10 NIS per ton of aggregates, 20 NIS per ton of cement and NIS 50 per ton of steel bars in taxes on tunnel construction materials. Based on the estimated volumes of tunnel construction materials since mid-2010, the de-facto authorities could have collected as much as NIS 26 million in taxes on these items alone.
 100. COGAT, *Projects in Area C, 2011-2012*, September 2012, <https://www.dropbox.com/sh/tol1w2dcqm6gojg/Of7gmnnPTk>
 101. OCHA was unable to clarify one project.
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 104. WHO Monthly Report, *Referral Abroad of Patients from the Gaza Strip*, December 2012 http://www.emro.who.int/images/stories/palestine/documents/WHO_report_on_Gaza_patient_referrals_Dec_2012.pdf
 105. UNRWA, *Serious upsurge of post-conflict trauma in Gaza, says UN, 21 January 2013*.
 106. WHO monthly monitoring reports, <http://www.emro.who.int/pse/publications-who/monthly-referral-reports.html>
 107. WHO, *Right to health: Barriers to health access in the occupied Palestinian territory, 2011 and 2012*, at: http://www.emro.who.int/images/stories/palestine/documents/WHO_Access_Report-March_5_2013.pdf
 108. *Gaza in 2020: A Liveable place?, A Report by the United Nations Country Team in the occupied Palestinian territory*, August 2012, p.14. <http://www.unrwa.org/userfiles/file/publications/gaza/Gaza%20in%202020.pdf>
 109. *Ibid.*
 110. WHO, *Growing PA debt to East Jerusalem hospitals*, March 25, 2013, at <http://www.emro.who.int>
 111. There are 2,707 schools (basic and secondary) and approximately 1,130,000 students throughout the oPt, MoEHE database 2012.
 112. In 2011, there were 46 documented incidents which resulted in damage, threats of damage or other disruptions to schools in the oPt, compared to 20 incidents in the equivalent period in 2010.
 113. Education Cluster, *Gaza Damaged School Database*, 4 February 2013.
 114. MoEHE Database 2012
 115. OCHA, *Easing the Blockade*, March 2011. http://www.ochaopt.org/documents/ocha_opt_special_easing_the_blockade_2011_03_english.pdf
 116. Education Cluster *Vulnerable School Matrix*, February 2012 and MoEHE data 2011-2012, August 2010.
 117. UNRWA June 2012
 118. *Gaza in 2020: A Liveable place?, A Report by the United Nations Country Team in the occupied Palestinian territory*, August 2012, p.15. <http://www.unrwa.org/userfiles/file/publications/gaza/Gaza%20in%202020.pdf>
 119. UNICEF Factsheet, *My Right to Education*, September 2012.
 120. Education Cluster *Vulnerable Schools Management Sheet*.
 121. Some 15 per cent of 116 West Bank communities surveyed in a mapping exercise by the Child Protection Working Group and the Education Cluster, many of them in Area C reported that school children and youth must walk along busy or dangerous routes to get to school. *Ibid.*
 122. Some 31 per cent of these same 116 communities reported that school children, youth and teachers had to cross one or more military checkpoints to reach their schools. In one-quarter of the communities (26 out of 101), school children, youths and teachers experienced harassment and/or violence by Israeli military or security forces while going to and from school. A slightly higher number (28 out of 101) reported settler violence. *Ibid.*
 123. Municipality data 2011-2012, Another 26,000 study in 'recognized but unofficial schools', and 20,000 attend private, Waqf and UNRWA schools. ACRI, Ir Amim, *The East Jerusalem School system - Annual Status Report*, September 2011.
 124. *Ibid.*
 125. ACRI, Ir Amim, *Failed Grade: East Jerusalem's Failing Educational System*, August 2012, p.7. <http://www.acri.org.il/en/wp-content/uploads/2012/08/EJeducation2012en.pdf>
 126. East Jerusalem Directorate of Education, 2012. *Waqf schools are Islamic religious authority institutions run under the auspices of a joint cooperation between the Jordanian Waqf Department and the Palestinian Ministry of Education and Higher Education*.
 127. Waqf Directorate of Education, 2011-2012
 128. The problem is less pressing in Shu'fat Refugee Camp, also separated by the Barrier, where UNRWA provides most educational facilities.
 129. For more on the situation of education in East Jerusalem, see OCHA, *East Jerusalem: Key Humanitarian Concerns*, March 2011, chapter 5. http://www.ochaopt.org/documents/ocha_opt_jerusalem_report_2011_03_23_web_english.pdf
 130. EWASH, *Thirsting for Justice: Palestinian Rights to Water and Sanitation*, 2011. <http://www.ewash.org/en/?view=79YOcy0nNs3Du69tjVnyyumlu1jfxPKNuuzXkRpkQN7JpiMTTGT>
 131. A pilot survey of randomly sampled households and vendors detected bacteriological contamination in drinking water supplied by private vendors in 22 of 27 sampled localities in Gaza, *Occupied Palestinian Territory Consolidated Appeal (CAP) 2012*, p. 39. http://www.ochaopt.org/documents/ochaopt_cap_2012_full_document_english.pdf
 132. Results showed that while less than two thirds (27 of 46 localities) of all localities were tested, contaminated drinking water at vendor and/or household level has been found in nearly half (22 of 46) of Gaza's localities.
 133. *Gaza in 2020: A Liveable place?, A Report by the United Nations Country Team in the occupied Palestinian territory*, August 2012, p.11. <http://www.unrwa.org/userfiles/file/publications/gaza/Gaza%20in%202020.pdf>
 134. In July 2009, WHO reported that water samples taken from seven separate beach areas in the Gaza Strip were contaminated with faecal coliforms and faecal streptococcus. WHO, *Sea Water Biological Situation in the Gaza Strip*, July 2009.
 135. UNWRA, *Water & Health pilot campaign study*, July 2011.
 136. Under the Oslo Accords, Palestinians are only allowed to take 25 per cent of the 'estimated potential' of Mountain Aquifer underneath the West Bank: Israel extracts the balance. EWASH, *Thirsting for Justice*.
 137. Of these, 50,000 (in 151 communities)

- are in a critical position, accessing less than 30 l/pc/pd. OCHA, *Consolidated Appeal 2012* and OCHA, *Humanitarian Factsheet on Area C of the West Bank*, July 2011. http://www.ochaopt.org/documents/ocha_opt_Area_C_Fact_Sheet_July_2011.pdf
138. Communities depending on tankered water pay up to 400 per cent more for every litre than those connected to the water network. *Ibid.*
 139. Al Haq, EWASH, *Israel's Violations of the International Covenant on Economic, Social and Cultural Rights with regard to the Human Right to Water and Sanitation in the occupied Palestinian territory*, September 2011. http://www2.ohchr.org/english/bodies/cescr/docs/ngos/EWASH-Al-Haq_Israel_CESCR47.pdf
 140. EWASH, *Thirsting for Justice*, 2011.
 141. OCHA, *Consolidated Appeal 2012*.
 142. WFP, FAO, UNRWA, PCBS, *Socio-Economic and Food Security Survey*, 2011, preliminary findings.
 143. UNRWA delivered food aid to 714,000 refugees in Gaza in 2011, amounting to almost 50 per cent of the overall population and two-thirds of its refugee population. In the West Bank, UNRWA provided 10,070 families with food in 2011 (5,556 families under UNRWA's own assistance program and 4,514 under the joint WFP /UNRWA food aid assistance for Bedouin and Herder communities in Area C). In 2011, WFP assisted 351,132 beneficiaries in the West Bank and 313,929 in the Gaza Strip, both with in-kind food assistance and vouchers.
 144. The World Bank, citing the Palestinian Central Bureau of Statistics (PCBS) in *Fiscal Challenges and Long Term Economic Costs: Economic Monitoring Report to the Ad Hoc Liaison Committee*, 19 March, 2013, p.3.
 145. *Ibid.* 'In addition, the global economic slowdown, particularly in Israel, contributed to the declining trend in the West Bank.'
 146. International Monetary Fund (IMF), *Recent Experience and Prospects of the Economy of the West Bank and Gaza: Staff Report Prepared for the Meeting of the Ad Hoc Liaison Committee Brussels*, March 19, 2013, p. 6. The IMF adds, 'While data are not available, the military confrontation in November 2012 is bound to have inhibited economic activity in the fourth quarter, despite some easing of import controls on building materials into Gaza following the truce.'
 147. *Ibid.*, p.3. 'Underlying this outlook is the economic impact of virtually unchanged controls on internal movement in the West Bank, the persistence of obstacles to export and import in the West Bank and the virtual closure of Gaza, and, to a lesser extent, fiscal retrenchment.'
 148. State of Palestine, Palestinian Central Bureau of Statistics (PCBS), *Labour Force Survey, October- December 2012, Round Q4/2012*, p. 3. www.pcbs.gov.ps/portals/_pcbs/PressRelease/Press_En_LFSQ42012E.pdf
 149. World Bank, *Fiscal Challenges*, p.5.
 150. *Ibid.*
 151. The Portland Trust, *Palestinian Economic Bulletin*, Issue 78, March 2013.



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