

# Humanitarian Bulletin

## occupied Palestinian territory

FEBRUARY 2017



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Khan Al Ahmar school at risk of demolition after receiving demolition order from the ICA on 5 March 2017.

### HIGHLIGHTS

- All structures in Khan al Ahmar, a Palestinian Bedouin community in the Jerusalem governorate, were served with final demolitions orders, increasing the risk of a mass forcible transfer.
- Largest seawater desalination plant in Gaza inaugurated and expected to serve 275,000 people, less than 15% of Gaza's population.
- Key measures by humanitarian organizations can mitigate the humanitarian impact of de facto settlement expansion.
- Eight years after the 2008-2009 (Cast Lead) hostilities in Gaza, victims are still bearing the consequences while lack of accountability persists.

### Overview

On 28 February 2017, the Israeli State Comptroller released the findings of its investigation into decision-making by the Israeli Cabinet prior to the 2014 hostilities in the Gaza Strip. According to the report, the Cabinet ignored the deteriorating humanitarian situation in Gaza, despite early warnings provided by the military, particularly regarding the state of Gaza's infrastructure. Addressing issues such as the hardship in Gaza ahead of time, according to the State Comptroller, "could have probably prevented the escalation". In a briefing to the Knesset Foreign Affairs and Defence Committee on 1 March 2017, the IDF Head of Military Intelligence indicated that the current economic situation in Gaza is grave and the area is on the verge of a crisis.

Two articles in this month's Bulletin cover long-standing issues affecting the humanitarian and human rights situation in the Gaza Strip. The first cites a UN report published in 2012 examining the challenges that will confront Gaza by 2020, by which time the population is estimated to surpass 2.1 million. Perhaps the most critical of the many pressing concerns raised by the report is the perilous state of the underground aquifer, Gaza's sole source of water for drinking and irrigation. Persistent over-extraction and seawater infiltration from the Mediterranean has rendered 95 per cent of the groundwater unfit for human consumption and damage to the aquifer may be irreversible by 2020.

In an important step to counter this threat, in January, UNICEF inaugurated Gaza's largest seawater desalination plant to date, which will initially produce 6,000 cubic metres of desalinated water a day. The ultimate target is to achieve more than three times this volume, which will serve 275,000 people, less than 15 per cent of Gaza's population. Despite this positive development, the ability of service providers in Gaza to implement critical water and sanitation projects remains significantly impeded by Israeli import restrictions, citing security concerns.

The second article addresses the lack of accountability by all sides for violations of international humanitarian law and human rights law during

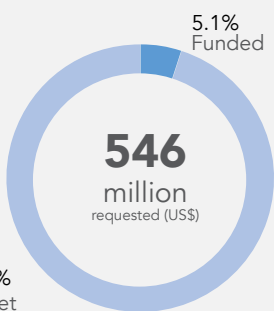
### FEBRUARY FIGURES

Palestinian killed (direct conflict)	3
Palestinian injured (direct conflict)	97
Israelis killed (direct conflict)	0
Israelis injured (direct conflict)	37
Structures demolished in the West Bank	34
People displaced in the West Bank	46

### HUMANITARIAN RESPONSE PLAN 2017

546 million requested (US\$)

5.1% funded



successive hostilities in Gaza, specifically those of Cast Lead in 2008/09. One of the cases during the latter conflict, profiled in this Bulletin, was an Israeli airstrike on the home of the al-Daya family: a survivor, still awaits redress for the 22 family members killed in that attack, as well as for his house which got destroyed during the 2014 hostilities.

Lack of accountability has been a longstanding concern also in the West Bank. On 21 February, an Israeli military court sentenced to 18-month imprisonment the Israeli soldier who, in March 2016, shot dead a wounded Palestinian in Hebron city after the latter carried out an attack. The ruling confirmed that the injured man was lying on the ground without posing any threat, when he was killed. According to the Office of the High Commissioner for Human Rights, “while the prosecution and conviction are very welcome steps towards accountability, the punishment - which is excessively lenient - is difficult to reconcile with the intentional killing of an unarmed and prone individual”.

*Israeli State Comptroller investigation into decision-making by Cabinet prior to 2014 hostilities finds that the latter ignored deteriorating the humanitarian situation in Gaza.*

The further two articles in this Bulletin address the humanitarian impact of Israeli settlements in the occupied West Bank that have been established in contravention of international law. One article examines 18 vulnerable Bedouin communities residing in the so-called E1 area on the outskirts of East Jerusalem, which is allocated for the expansion of the Ma’ale Adumim settlement. The article describes measures adopted by the Israeli authorities since the beginning of 2017 which exacerbate the coercive environment under which these communities live and increase the risk of their forcible transfer.

In his February briefing to the Security Council, the UN Special Coordinator for the Middle East Peace Process, Nikolay Mladenov, noted that since the start of the year: “The Israeli authorities promoted some 4,000 housing units in Area C, including tenders for around 800 units, advancement of around 3,000 units and approval of plans for an additional 230 units. These numbers are all the more worrying if compared to the whole of 2016, when 42 units were tendered and some 3,000 were advanced in Area C.”



## Tightening of coercive environment on Bedouin communities around Ma'ale Adumim settlement

Since the beginning of 2017, a number of developments have generated additional pressure on Palestinian Bedouin communities located within and around the area allocated by the Israeli authorities for the E1 settlement plan and the expansion of Ma'ale Adumim settlement in eastern Jerusalem governorate. The 18 communities in this area belong to a larger group of 46 Bedouin communities in the central West Bank, which the Israeli authorities seek to "relocate" to three designated sites.

The authorities have justified the plan claiming that the residents lack title over the land and/or building permits, and that the relocation will improve their safety and access to services. The residents, most of whom are registered refugees originally from what is now southern Israel, firmly oppose this plan and have requested protection and assistance in their current locations.

As stated by the UN Secretary-General, relocation may amount to a forcible transfer, a grave breach of the fourth Geneva Convention, even in the absence of direct physical force.<sup>1</sup> This is because the coercive environment imposed on these communities (including the destruction and threat of destruction of property, access restrictions, and denial of service infrastructure) prevents the achievement of genuine consent.

According to media reports, the Ministerial Committee for Legislative Affairs of the Israeli Cabinet recently held a series of discussions on a draft bill for the unilateral annexation of Ma'ale Adumim settlement to Israel. This is a preliminary step towards submission of the bill to the parliament for approval.<sup>2</sup>

### *Demolitions and displacement*

During the first two months of 2017, the Israeli authorities demolished a total of 24 homes and other structures in the 18 Bedouin communities in the affected area on the grounds of lack of Israeli-issued building permits. Since none of these communities has a planning scheme approved by the Israeli authorities, it is impossible for residents to obtain such permits.

Around half of the structures destroyed over the two-month period had been funded by donors, provided as humanitarian assistance. This resulted in the displacement of 133 people, more than half of them children. While most have remained on the same sites in very precarious conditions, others have temporarily moved in with relatives in nearby communities (see case study on *Jabal al Baba*).

The incidents follow a significant increase in demolitions and seizures in the area during 2016, in which a total of 85 structures were targeted compared with an average of 32 during the previous three years (2013-5). Ten per cent of all structures demolished in Area C during 2016 were located in this area compared with 6 per cent in the preceding three years. Between 2013 and 2016, approximately 180 structures were targeted in 13 of the 18 communities and over 500 people were displaced.<sup>3</sup>

*During the first two months of 2017, the Israeli authorities demolished a total of 24 homes and other structures in the 18 Bedouin communities in the E1 area on the grounds of lack of Israeli-issued building permits.*

*Khan al Ahmar*

In the early hours of 19 February 2017, Israeli Civil Administration (ICA) officials, accompanied by a large group of army and police forces, distributed dozens of stop work orders in one of the 18 affected communities: Khan al Ahmar-Abu Al Helu (around 140 people). The community leader told OCHA that during the incident, a senior ICA official informed him that they had no choice but to move to one of two “relocation sites” (Al Jabal or An Nuweimeh). Four days earlier, notices had also been received about a last chance to object to previous demolition orders on some additional structures in the community.

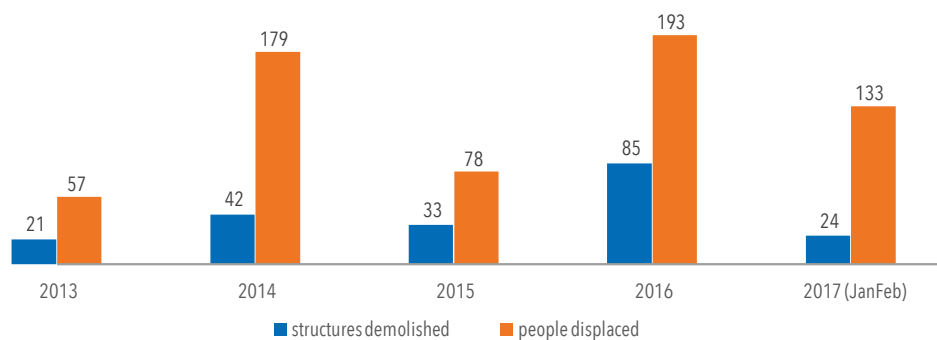
An initial assessment by OCHA indicates that all of the community’s structures (some 140) were included in the recent orders and notices. These include a donor-funded primary school built in 2009 with the support of an international NGO and run by the Palestinian Ministry of Education. The school currently serves around 170 children from five Palestinian Bedouin communities in the E1 area.

The rationale and legal implications of the recent orders remain unclear because nearly all of the structures have outstanding demolition or stop work orders issued in previous months or years. Most of them are covered by a temporary injunction issued by the Israeli Supreme Court that prevents the ICA from executing these orders.

**LATEST DEVELOPMENTS:**

On 5 March the ICA issued final demolitions orders to all structures in the community, which could be implemented as soon as 12 March

### Demolitions and displacement in Bedouin communities in and around the area of the E1 settlement plan

*New**“Fabric of life” road*

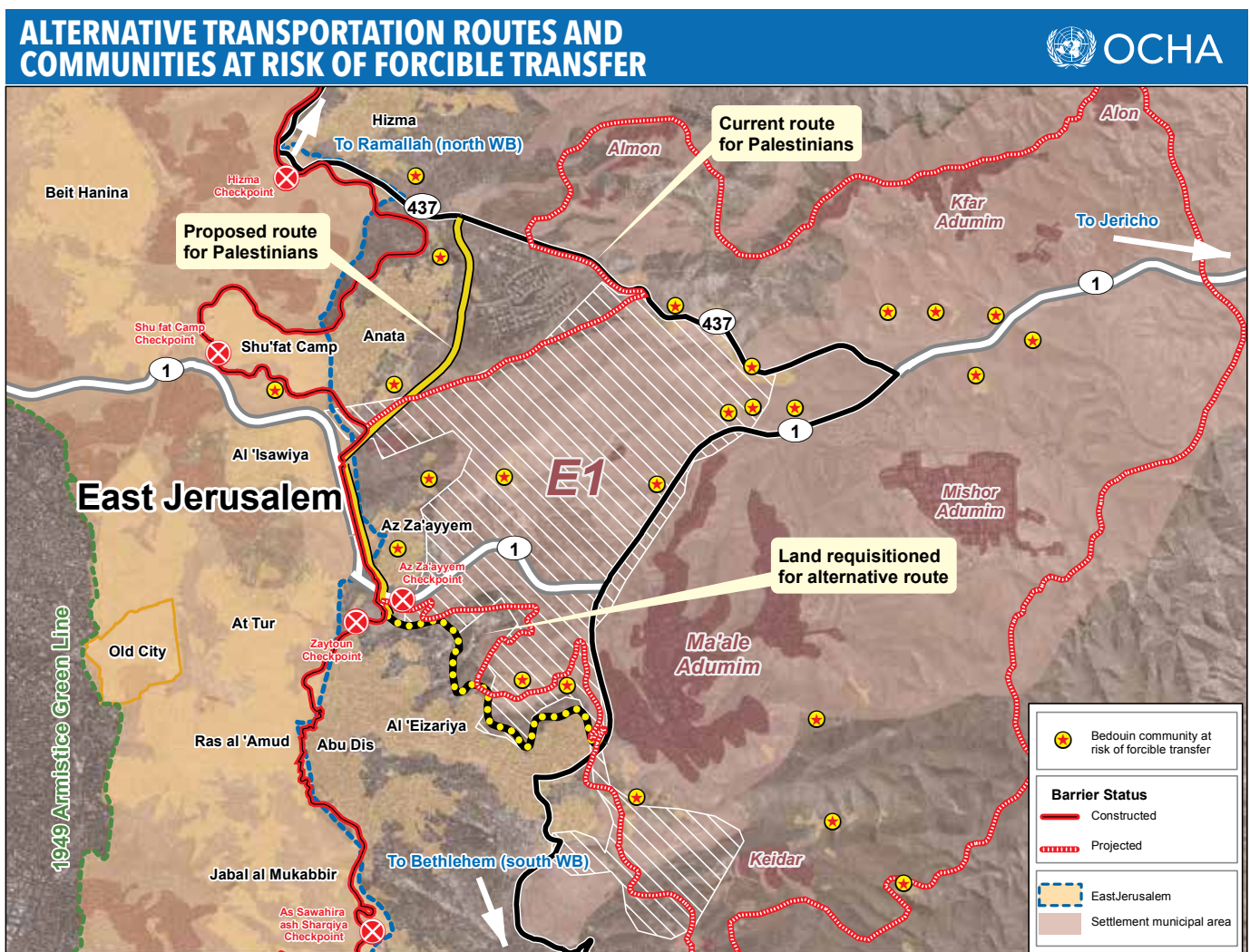
In December 2016, the Israeli authorities issued a military order requisitioning 415 dunums of land next to two of the affected communities: Wadi Jimel and Jabal al Baba, citing security reasons.<sup>4</sup> According to official information, the land will be used for the construction of a new road that will serve as the main route for all Palestinian traffic between the southern and central West Bank, and will connect to the northern section of this alternative route, which was completed several years ago but has not yet been opened (see map). The planned road would effectively divert Palestinian traffic from the current route running along Ma’ale Adumim settlement, making the latter for the almost exclusive use of Israeli settlers.<sup>5</sup>

As approved by the Israeli Cabinet in 2006, the Barrier will surround Ma'ale Adumim, along with the 18 Bedouin communities and a few adjacent settlements; this section of the Barrier has not yet been constructed. The new road, including the completed and planned sections, would not be included inside this area. Over the past decade, the Israeli authorities have built dozens of road sections (often made of tunnels, underpasses and sunken roads), reconnecting Palestinian areas that were cut off from each other by the Barrier, referring to these as “fabric of life” roads.

Although these roads have improved Palestinian access, they have also raised concerns about the seizure of land and destruction of property located along these routes, and their contribution to the fragmentation of the West Bank.

Community sources in Jabal al Baba and Al Eizariya told OCHA that during two of the demolition incidents that took place in January 2017, an ICA official indicated to them that their properties were being demolished because they were located along the route of the planned road. This road exacerbates the coercive environment experienced by some of the Bedouin communities at risk of transfer. Representatives of Al Eizariya municipality also raised concerns that the road will severely disrupt existing urban development plans for the town.

*Fabric of life roads have improved Palestinian access, they have also raised concerns about the seizure of land and destruction of property located along these routes, and their contribution to the fragmentation of the West Bank.*



## JABAL AL BABA DEMOLITION

On 26 January 2017, the ICA, accompanied by the army, demolished six structures belonging to two households in Jabal al Baba, one of the 18 communities within the area allocated for the E1 plan. The demolition targeted three residential structures, two animal shelters and one outdoor toilet, on the grounds of lack of building permits.

On 15 February 2017, OCHA visited one of the two displaced families whose property and belongings were reduced to rubble. The demolition had targeted two residential units made of corrugated iron and wood, and a pen where they kept chicken, turkeys and ducks. According to the owner, Salem, the demolition took the family by surprise as they had a court injunction against it and had received no prior warning.

Salem, his wife, Umm Muhammed, and four children are now homeless. Umm Muhammed, her two sons (aged 17 and 18) and two unmarried daughters (aged 23 and 24) are staying with Salem's married brother in the neighbouring town of Al Eizariya. Salem is living close to his demolished house in an old Ford transit van converted into a makeshift home and covered with a tarpaulin to shelter from the rain and cold wind. The van's back seats are the bedroom and sofa, and the side mirror is a peg for hanging clothes. The area outside the van's side door serves as the living room and kitchen. It is small, muddy and chaotic, and can barely fit two chairs.

The family received basic humanitarian relief items, including two tents, but reported that they have not been able to put them up because of the wet ground, the wintery, windy conditions, and fear of demolition by the ICA and the army. This was the second time the family experienced a demolition since 2014. Salem said that after the first time round he was in a much better financial position and was able to rebuild his house. This time, he tried to make a temporary shelter out of car tyres but was unsuccessful.

Umm Muhammed, Salem's wife, described the psychological and physical difficulties faced by the family. "The demolition has been devastating and our situation is miserable. We're homeless. It's been psychologically tiring for all of us. I personally feel powerless and unwell. Where shall we go? And how shall we live here? Our stuff is under the rubble. I have had to borrow clothes and shoes from my sister. The girls are very sad; they lost everything: the clothes they like and things they need. They do not feel comfortable or free at their uncle's house, which is already crowded with his kids (over 13 of them) and two wives. They do not even feel comfortable to make a cup of tea there. Before the demolition, I loved keeping our house clean and tidy. Now look around. No one can live like this. I cannot understand how my husband can live in such conditions... I come to see him here (in the van) for a few hours every day. My daughters also come but cannot stay for long. There is nowhere to stay and nowhere to cook. There is no toilet or bath... Where we stay is not our home. I don't feel comfortable and relaxed to cook. To demolish someone's house is to wreck their life..." said Umm Muhammed.



© Photo by OCHA

Salem from Jabal al Baba between the rubble of his demolished house , January 2017.

## Largest seawater desalination plant opened in Gaza

### Desalination plant slows down pollution of aquifer and reduces economic burden and health hazards on households

In the Gaza Strip more than 95 per cent of the water extracted from the aquifer lying underneath it is unfit for human consumption. This stems mainly from long-standing over-extraction, compounded by infiltration of raw sewage and seawater. Chloride and nitrate levels in the water extracted in most areas exceed the levels recommended by the World Health Organization (WHO) for potable water by up to eight times. As Gaza's population continues to grow, a 2012 UN report predicted that water demand in Gaza would increase by 60 per cent by 2020, while damage to the aquifer may become irreversible.<sup>6</sup>

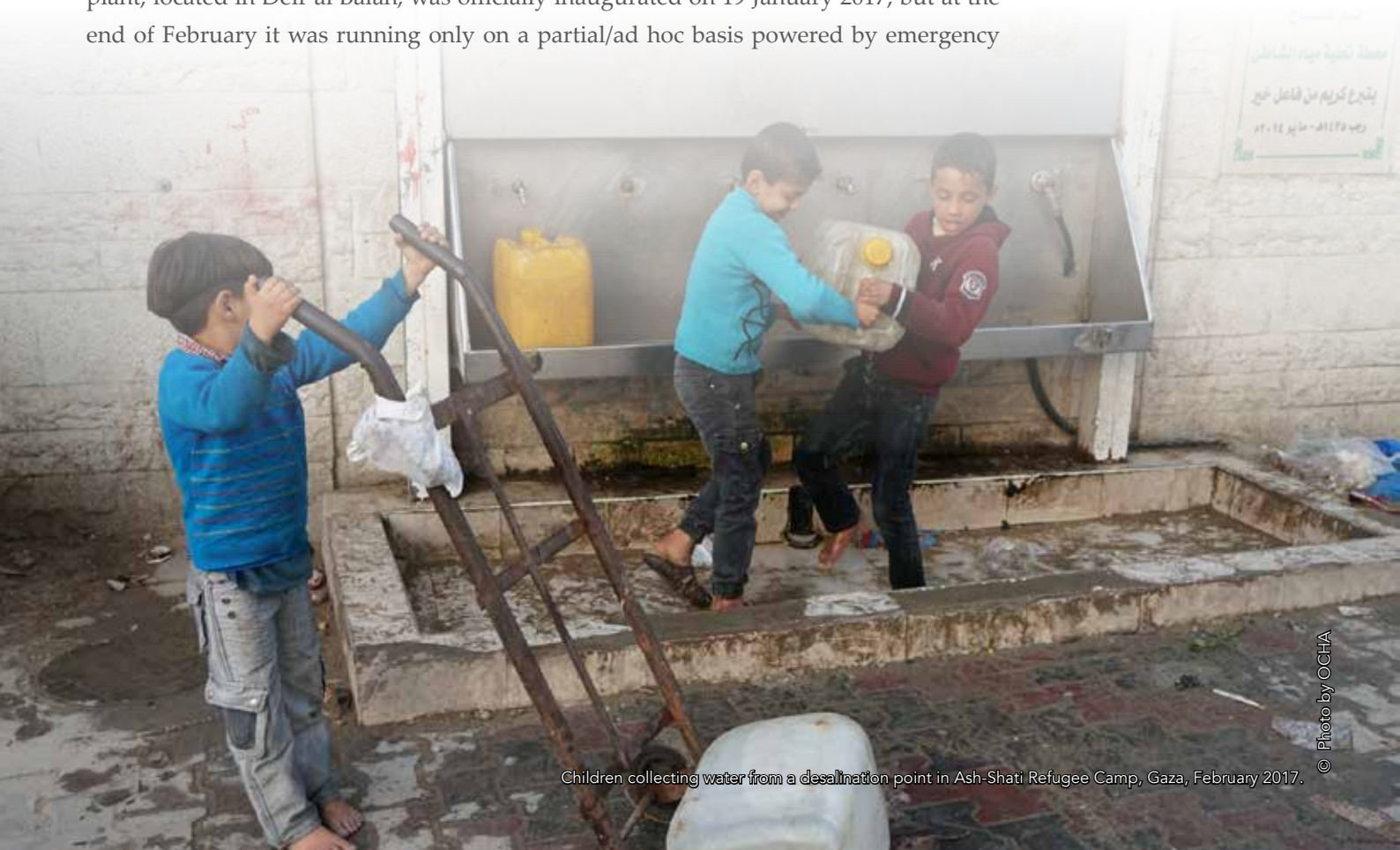
Aware of the dangers of consuming tap water, nine out of ten people in Gaza rely on desalinated trucked water, at least for drinking and cooking purposes. Over 80 per cent of desalinated water currently available in Gaza is produced by the private sector based on groundwater.<sup>7</sup> Reliance on this source for domestic water consumption poses a heavy financial burden on already impoverished families and can be 30 times more expensive than water supplied through the network. Moreover, this source also poses a health hazard: studies show that nearly 70 per cent of privately produced desalinated water has some level of contamination, despite recent efforts led by the Palestinian Water Authority (PWA) to monitor its quality.<sup>8</sup>

To mitigate this situation, UNICEF, with financial support from the European Union, led a project for the construction of Gaza's largest seawater desalination plant. The plant, located in Deir al Balah, was officially inaugurated on 19 January 2017, but at the end of February it was running only on a partial/ad hoc basis powered by emergency



This section was  
contributed by UNICEF

*Over 80% of desalinated water in Gaza is produced by the private sector, and can be 30 times more expensive than water supplied through the network.*



Children collecting water from a desalination point in Ash-Shati Refugee Camp, Gaza, February 2017.

fuel funded by the Humanitarian Fund. It will initially produce 6,000 cubic meters of desalinated water a day, with a projected target by 2020 of more than three times this volume (approximately 20,000 cubic meters a day), serving 275,000 people in Rafah and Khan Younis with 90 litres of safe drinking water per capita per day.

*By 2020 the desalination plant is expected to supply 275,000 people with 90 litres of safe drinking water per day per capita.*

The appropriateness and environmental sustainability of materials used for the project had to be taken into account, along with the import restrictions imposed by Israel on items classified as “dual use” and a security concern. A monitoring mechanism was agreed and an official channel of communication with the Israeli Ministry of Defence was set up to ensure the regular supply of materials to the plant despite restrictions.

The plant adopted an energy efficient and innovative desalination technique that allows pumps to operate under medium voltage electricity rather than high voltage, which is not available in Gaza.<sup>9</sup> Solar systems installed on the roofs of structures will generate up to 12 per cent of the peak power requirement of the plant (1.2 megawatts). A feasibility study conducted by the EU identified options to further expand the share of renewable energy by up to 80 per cent. Additionally, the use of closed-circuit television to assess the condition of long disused pipelines resulted in significant cost savings. Finally, UNICEF is also conducting an awareness campaign for users about the value of desalinated water.

## Eight years after the 2008-2009 (Cast Lead) hostilities in Gaza: lack of accountability persists

Accountability for violations of international humanitarian law and human rights law by all sides during successive hostilities in Gaza is an urgent priority. Failure to ensure effective accountability for lives lost, homes destroyed and damage wrought fuels a culture of impunity that can lead to further violations. Eight years after the 2008-2009 (Cast Lead) hostilities in Gaza, victims are still bearing the consequences while lack of accountability persists.

No information is available about any investigations conducted by the Palestinian authorities on alleged violations by Palestinian armed groups in the 2008/09 hostilities. In Israel, the latest public figures show that at least 510 criminal complaints were submitted to the Israeli Military Advocate General by civil society organizations on behalf of victims of the 2008-2009 hostilities. Investigations were opened in 52 cases; only four cases resulted in an indictment and subsequent conviction. The highest sentence was seven and a half months imprisonment for a soldier convicted of stealing a credit card.

A total of 1,456 compensation claims were submitted to the Compensation Officer at the Israeli Ministry of Defence by civil society organizations on behalf of Palestinian victims, of which 100 civil cases were filed before Israeli courts seeking compensation for 620 victims. To date, only three claims (involving five people) have successfully obtained compensation. Ninety-one cases were dismissed due to legislative barriers, procedural issues and requests for prohibitive court guarantees. Six cases are still pending in the Israeli civil courts, with at least one of them set to be heard in March 2017.



*This article was contributed by Office of High Commissioner for Human Rights and Palestinian Center for Human Rights.*



## The al-Daya Family: Multiple family members killed in air strike

On 6 January 2009, Israeli forces fired a projectile at a three-storey residential building belonging to Fayez Musbah al-Daya, located in the Az-Zaitoun neighborhood in eastern Gaza City. Twenty-two family members were killed, including six women and 12 children. An Israeli investigation concluded that the attack on the house was the result of [“an operational error,”](#) and that the strike was aimed at a weapons storage facility located in a building next to the house. The investigation found that the IDF had fired warning shots to the roof of the Al-Daya residence.<sup>10</sup> After the attack, the Palestinian Centre for Human Rights (PCHR) filed a tort case before the Central Court of Nazareth. The court dismissed the compensation case, although the Israeli army admitted that the al-Daya house had been struck by mistake as it was located next to a weapons cache, which was the intended target.

The UN Fact Finding Mission [thoroughly examined](#) the al-Daya case and found “a substantial failure of due diligence on the part of Israel” ... which “constitutes a violation of the right to life as set out in Article 6 of the International Covenant on Civil and Political Rights, to which Israel is a party.” The Mission concluded that Israel’s investigation of the incident “lacked transparency and credibility.”<sup>11</sup>

### GAZA 2008-2009 CONFLICT: “OPERATION CAST LEAD”

On 27 December 2008 Israel launched “Operation Cast Lead”, which lasted until 18 January 2009. The uninterrupted airstrikes, artillery shelling and ground operations resulted in the killing of 1,383 Palestinians, including 333 children and 114 women, and the injury of over 5,300. About 30 per cent of those injured were estimated to suffer from some form of long-term impairment. More than 3,400 Palestinian families had their homes completely destroyed, with many suffering long-term displacement. During the hostilities, the firing of rockets and mortars by Palestinian armed groups towards Israel killed three Israeli civilians, injured some 180, and led to significant displacement of Israelis living within the range of fire. Ten Israeli soldiers were also killed during the hostilities, including four in a “friendly fire” incident.

*Failure to ensure effective accountability for lives lost, homes destroyed and damage wrought fuels a culture of impunity that can lead to further violations.*



© Photo by UNICEF

Girl looking at destruction site after Gaza 2008-2009 conflict, February 2009.

**A SURVIVOR'S TESTIMONY<sup>12</sup>**

"On 6 January 2009, I was returning home shortly after the morning prayer. The majority of my family - my father, mother, brothers, sisters, my pregnant wife and five children - were in the house. As I arrived home, an airstrike struck the house without any prior warning. I sustained minor injuries to my chest but managed to stand up.

Twenty-one of my family members were killed instantly. Another family member (Radwan Fayez Musbah al-Daya) sustained serious injuries and was pronounced dead three days later. The neighbours arrived and a bulldozer removed the rubble. We started to recover the bodies, some of whom were dismembered. We could not locate the bodies of my wife and five children. Their bodies may have melted as a result of the heat of the explosion. The bulldozer continued digging for three days until I found a hand with a ring that bore my name and my wife's name.

My other brother Nafez, who was staying with his parents-in-law, came to support me after this event. I could not bear to return to my neighbourhood and lived with some friends for nine months.

After a year, my brother convinced me to re-marry. I received US\$150 per month in rental assistance from UNRWA for almost two years and my house was still not rebuilt. I agreed with my brothers to sell a house we inherited from my father and we managed to buy a new building for all of us with that money. My youngest brother moved to his apartment just two months before the 2014 conflict.

**Mohammed al Daya lost 22 family members, including his pregnant wife and five children, as a result of an Israeli airstrike that hit his house during the 2008-09 hostilities.**

During the 2014 conflict, on 14 July (16 Ramadan), a warning missile struck the roof of our new house. We evacuated immediately and the house was struck by a large projectile just as the last person got out. I learned afterwards that the Israeli army had called my brother, who was at that time in al-Remal in western Gaza City, and told him to evacuate the house in ten minutes. My brother told them that he was away and they needed to give more time. The Israeli army told him that they would give a warning.

After the conflict, my house was assessed by UNRWA. Two of my brothers managed to build housing units on the same site as the destroyed house. Last year I started receiving allocations from a Kuwaiti grant to construct a new house. I don't want to rebuild on the site of the destroyed house, and in the next round of conflict the house will be hit again. I want to leave this neighbourhood.

I now have five children. We live in a 60m<sup>2</sup> shop on the ground floor of my parent-in-law's house. Because of the damp, my children are always cold and sick, and often get eye infections. I have been visited by field workers; once they see my living conditions they feel sorry for my family and tell me no one could survive living in this house. I receive rental assistance (\$150) from UNRWA. I use \$100 for rent and the remaining for living expenses.

I was informed that the investigation into the 2009 incident has been closed and the compensation case was dismissed. I cannot understand why they killed my wife and my children. Why did they destroy my house in 2009 and again in 2014? What is their problem with the al-Daya family? I want to understand why they have done it. I cannot build another house in the same place. I no longer want to live in Az-Zaitoun neighbourhood."

© Photo by UNICEF

Destruction site after Gaza 2008-2009 conflict, February 2009.

## The humanitarian impact of de facto settlement expansion: conclusions and the way forward

### NEW RESEARCH TO IMPROVE HUMANITARIAN RESPONSES AND PREPAREDNESS

The establishment and continuous expansion of settlements, in contravention of international law, is a key driver of humanitarian vulnerability.<sup>13</sup> Settlements have deprived Palestinians of their property and sources of livelihood, restricted their access to services and given rise to a range of threats that trigger demand for protection and assistance from the humanitarian community.

To enhance the humanitarian community's understanding of patterns of settlement expansion which have been relatively neglected, and to improve the ability to respond, OCHA has collected and analyzed data on the de facto expansion of three settlement areas: Asfar in Hebron governorate; Talmon and Nahliel in Ramallah governorate; and Elon Moreh in Nablus governorate.<sup>14</sup> The past three Humanitarian Bulletins have focused on these cases. The following article, which is the fourth and last in this series, presents some common features, conclusions and recommendations.

The three cases highlighted in earlier humanitarian bulletins described the ongoing efforts by Israeli settlers to increase their spatial control over surrounding areas and natural resources through the development of new infrastructure and activities, alongside attempts to remove Palestinian presence (*see key indicators table*).<sup>15</sup>

### Modalities of expansion

The main modalities used by settler groups to consolidate their presence across the affected areas, typically with the support of the settlements' municipal authorities, include the erection of residential outposts; the development of tourist sites (primarily lookout points and water springs used as recreational sites); and the cultivation of de facto-annexed land.<sup>16</sup> Settler groups and local bodies enhance this process by creating an extensive road networks connecting such sites to the settlement's residential core. Other roads serve to demarcate key sections of the de facto boundaries.

The bulk of these activities lack official authorization from the Israeli authorities. In most cases this is due to the status of the lands in question, which are mainly classified as private Palestinian property. Nevertheless, despite the absence of official approval, much of this expansion has taken place with the acquiescence, and at times the active support, of the Israeli authorities. This is reflected in planning and building policies where violations of the relevant laws and regulations are either ignored or only enforced to a limited extent. Instances of active support include the direct funding of unauthorized activities by state institutions such as regional councils and the Settlement Division of the World Zionist Organization. Consistent state support to settlements established on private Palestinian land was explicitly acknowledged in the explanatory notes to the "Regularization Law" adopted by the Israeli parliament in January 2017.<sup>17</sup>

*Modalities of de facto settlement expansion include erection of residential outposts, development of tourist sites and cultivation of takeover land.*

## Discouraging Palestinian access

In the earlier case studies, the consolidation of a settler presence across these areas was enabled and facilitated by practices implemented concurrently by both settlers and Israeli forces to impede and discourage Palestinian access. These included various types of access restriction: the deployment of roadblocks and checkpoints; prohibition on the use of roads by Palestinian vehicles; the designation of areas as closed for military purposes or as “nature reserves”; the fencing off of privately-owned Palestinian land; and imposing a ‘prior coordination’ requirement for Palestinian access to farming land.

*Access restriction of Palestinians include roadblocks and checkpoints, preventing Palestinian vehicles from using roads, designating areas as closed for military purposes or as nature reserves, fencing off of privately-owned Palestinian land.*

Other practices involved intimidation by regular patrolling of the affected area by soldiers and armed settlers. The former are often stationed in military bases located within the settlement’s residential area with the stated goal of securing the area, while the latter primarily comprise the security coordinators and guards of the settlements, usually settlement residents who hold policing powers enshrined in military legislation.

Access restrictions often followed violent attacks by Palestinians, including the killing of Israeli settlers, and have been justified by settlers and/or the Israeli authorities as security measures to prevent the recurrence of attacks.

There were also direct attacks by settlers, which typically included physical assault, stone throwing, uprooting of trees, and setting fire to crops and equipment. While the frequency and location of attacks varied, the fear generated is often long-lasting. Law enforcement against violent settlers has been lax and the vast majority of attacks go unpunished.<sup>18</sup> Since 2014 the number of settler attacks has declined, possibly due to preventive measures adopted by the Israeli authorities, including increased deployment of forces in sensitive areas.



The temporal and geographical proximity between these violent attacks and takeover of new areas suggest that settler violence against Palestinians was not necessarily random but may well have been a calculated step towards settlement expansion.

Settler violence and intimidation have triggered protection-related interventions by humanitarian and human rights organizations, including a protective presence, primarily during the olive harvest season; the documentation of cases and pursuit of accountability; and the provision of psychosocial support to victims.

These powerful “push factors” are counter-balanced to a certain extent by “pull factors”: the strong attachment of Palestinian farmers to their land, and legal recourse against access-denial and dispossession. Supported by human rights and humanitarian organizations, some farmers have maintained or regained limited access to farming land absorbed within the settlements’ de facto boundaries. However, access is only permitted twice a year at best during the ploughing and harvest seasons, for two to three days each time, and only following prior coordination with the Israeli authorities.

### **Impact on livelihoods**

The humanitarian impact on the Palestinian population of such practices needs to be assessed holistically and over a significant period of time. The immediate impact of settler attacks may be limited (e.g. cutting branches of olive trees), but when combined with other factors (e.g. movement restrictions by Israeli forces, loss of access to water sources and systematic intimidation by armed settlers) may trigger a halt in cultivation that can have a long-term impact on a family’s living conditions.

Farming and grazing are traditional sources of livelihood for all the communities examined in the case studies. Loss of access to land due to de facto settlement expansion has had a major impact on the living conditions and food security of affected families; some have reported a change in diet because food items previously self-produced need to be purchased at market prices. Additional impacts may include the loss of access to

*Settler violence and intimidation have triggered protection-related interventions by humanitarian and human rights organizations, including a protective presence, pursuit of accountability; and the provision of psychosocial support to victims.*



Dolev settlement and cultivated area around it, December 2016.

water springs, previously used for irrigation and watering of livestock, as well as spaces that served for leisure and recreation.

This situation has prompted various humanitarian interventions, including cash assistance by the Palestinian Ministry of Social Development to families newly identified as “hardship cases”; food assistance (in-kind or vouchers) by UN agencies to food insecure households; and agricultural support by local and international NGOs in the form of land reclamation and water harvesting projects.

### **The way forward**

Humanitarian and human rights organizations can improve their support to Palestinian communities affected by de facto settlement expansion and mitigate the humanitarian impact of this phenomenon by:

- Developing early warning systems of humanitarian vulnerability to identify areas at risk of takeover by Israeli settlers.
- Expanding legal support to farmers facing access restrictions or denied access to their land.
- Providing technical support and/or financial subsidies to resume land cultivation.
- Deploying observers/companions as a protective presence for farmers accessing their land within settlement affected areas.
- Increasing engagement with the Israeli authorities to prevent the takeover of additional areas and to secure Palestinian access to areas affected by settler violence.

*Humanitarian and human rights organizations can support communities and mitigate the humanitarian impact of de facto settlement expansion.*



## KEY INDICATORS OF THREE CASE STUDIES

	ELON MOREH	TALMON-NAHLIEL	ASFAR
Date of establishment	1979	1984	1983
Current built-up area (dunums)	625	775	150
Municipal boundaries (dunums)	1,844	6,200	7,800
De facto boundaries (dunums)	15,500	15,100	10,100
Percentage of private Palestinian land within de facto boundaries*	9,793 (63%)	7,894 (52%)	1,117 (11%)
Palestinian communities affected	3	6	3
Population of affected communities	11,500	20,000	33,400
People in affected communities receiving food assistance	700	700	3,700
People in affected communities receiving cash assistance	600	550	1,700
Unauthorized outposts	2	6	1
Area cultivated by settlers (dunums)	440	150	320
Tourist sites	7	6	0
Road network (km)**	43	60	18
Settler attacks leading to casualties or damage (2006-2016)	37	88	18
Potential annual income from farming (US\$)	\$3.3 million	\$2.3 million	\$2.1 million

\* Private land as defined in a GIS layer produced by the ICA.

\*\* Including unofficial dirt roads but excluding streets within the built-up areas.

## Endnotes

1. See Report of the Secretary-General, A/HRC/31/43, 20 January 2016, para. 68.
2. Jonatan Lis, After Trump-Netanyahu Meeting: New Push to Annex West Bank Settlement, *Ha'aretz*, 2 March 2017. According to this report, Prime Minister Netanyahu was keen to postpone a decision on this issue.
3. Since some families had their home demolished more than once, the cumulative figure of people displaced includes cases of "double counting".
4. The order renews a previous order originally issued in 2007 but not executed. The current order is in force for three years, with an option for extension.
5. This would be the second diversion of Palestinian traffic travelling between the northern and southern West Bank: following the 1993 "closure" imposed on the West Bank, Palestinian plated vehicles were banned from using the main route running through East Jerusalem.
6. *Gaza in 2020: A Livable Place?* United Nations Country Team in the occupied Palestinian territory, 2012.
7. AFD, Public-Private-NGO Partnership for Adaptation to the Drinking Water Crisis in the Gaza Strip - Concept Paper - May 2016, p.1.
8. *Survey of Private and Public Brackish Desalination Plants in Gaza Strip which will Provide the Necessary Data and Information to Improve the Drinking Water Supply in the Gaza Strip*, CEP, PWA, GiZ, September 2015.
9. The performance requirements for energy consumption of the plant is set at a maximum of 4kW per cubic meter of desalinated water.
10. "Conclusions of investigations into central claims and issues in Operation Cast Lead", 22 April 2009, annex C.
11. Goldstone Report, paras. 864-866.
12. Interview with Mohammed Fayez Musbah al Daya, 19 February 2017, Gaza.
13. Since 1967, about 250 Israeli settlements and settlement outposts have been established across the occupied West Bank, including East Jerusalem. This violates Article 49 of the Fourth Geneva Convention, which prohibits the transfer by the occupying power of its own civilian population into the territory it occupies. This has been confirmed numerous times, among others by the International Court of Justice (Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory of 9 July 2004); the High Contracting Parties to the Fourth Geneva Convention (Declaration from 5 December 2001); and the United Nations Security Council (Resolutions 471 of 1980 and 2334 of 2016).
14. Cases were selected to represent different geographical areas of the West Bank and the extent to which settlement activities in each of the cases has been addressed by humanitarian actors.
15. While the facts and figures presented in this report refer only to the three cases examined, during the preliminary stage of this research (case selection), OCHA has collected evidence suggesting that the phenomenon of informal settlement expansion is widespread. Similar patterns to those documented in these three case studies were identified in another eight settlement areas: Eli-Shilo bloc (Nablus); Kochav Hashachar (Ramallah); Ma'ale Michmash (Ramallah); Bracha (Nablus); Ofra (Ramallah); Bat Ayin (Bethlehem); Teqoa-Noqedim bloc (Bethlehem); and Susiya (Hebron). The specific distribution of these cases suggests that the geographical focus of this phenomenon is the central West Bank mountain ridge, rather than the western strip close to the Green Line or the Jordan Valley.
16. These residential and tourist sites are usually located on high elevation points to allow for an overview of the surrounding areas.
17. This law allows the expropriation of land taken over with the support of the state. This phenomenon was previously documented by a fact-finding committee on the question of settlement outposts appointed by the Government of Israel (also known as the Sasson Committee after its chair Talia Sasson), which published its conclusion in 2005. See: Opinion Concerning Unauthorized Outposts.
18. For a comprehensive review of this phenomenon see: Yesh Din, *A Semblance of Law*, June 2006; Yesh Din, Data Sheet, October 2015.