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**PROFILE OF INTERNAL DISPLACEMENT :
PALESTINIAN TERRITORIES**

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PROFILE SUMMARY

Summary

Occupied Palestinian Territories: Thousands displaced by house demolitions and Separation Barrier

Executive Summary

Internal displacement in the Occupied Palestinian Territories (Occupied Territories) has largely been the result of house demolitions and land confiscation by the government of Israel. Since Israel's occupation of the Gaza Strip and the West Bank in 1967, Israel has ordered the demolition of thousands of homes in the Palestinian Territories and has confiscated land, such as in East Jerusalem. According to the Israeli government, these measures have been taken for security and administrative reasons and to deter militants from suicide-bombings and other terrorist attacks on Israel. According to many international organisations and UN human rights bodies, however, Israel's policy of house demolitions and land confiscation in the Palestinian territories violates international humanitarian and human rights law, including protection against arbitrary displacement.

House demolitions constituted the primary source of internal displacement between mid-2003 and mid-2004 in the Occupied Territories. Between 1 and 25 May 2004, in one of the most intense military operations since 2000, Israeli incursions in southern Gaza resulted in the demolition of almost 300 residential buildings and the displacement of 3,800 people. In response to the situation in Rafah, the UN Security Council adopted Resolution 1544 (19 May 2004), which calls on Israel to respect its obligations under international humanitarian law, in particular its obligation not to undertake house demolitions. The Security Council also expressed grave concern regarding the humanitarian situation of Palestinians displaced in the Rafah area and called for the provision of emergency assistance to them.

The debate on the legality of the Israeli Defence Force (IDF) demolition of homes in Rafah was renewed in response to petitions by residents of Rafah against the demolitions of their homes in May 2004. The petitions led to an interim order by the Israeli Supreme Court temporarily banning the IDF from demolishing homes. On 17 May 2004, however, the Supreme Court ruled that Israel had the right to demolish Palestinian homes without granting residents a right to a court appeal when the lives of Israeli soldiers were at stake or where informing residents would jeopardise military operations.

UN organisations estimate that since the renewal of the Israeli-Palestinian conflict in September 2000, a total of about 21,142 people have been displaced by house demolitions in the Occupied Palestinian Territories. There is no overall figure, however, of conflict-induced internal displacement in the Occupied Territories. The Palestinian NGO BADIL provisionally estimates that 10,000 Palestinians were displaced during the 1967 war and a total of 50,000 Palestinians were internally displaced due to land expropriation and house demolitions in the West Bank, eastern Jerusalem and Gaza Strip after 1967. It should be noted that these figures are rough estimates and it is unclear how many affected people have been able to return and how many remain in a situation of displacement. Generally, estimates of the total internally displaced population in the Occupied Territories are controversial and vary according to source, available data, and applicable definition of internally displaced people (IDPs). There are no comprehensive and systematic data on internal displacement in the territories and no IDP registration system.

The building of the West Bank Separation Barrier, an Israeli security measure designed to separate the West Bank from Israel, identified by the UN as "the most alarming development in 2003 in the West Bank",

has also raised concern amongst the international community about further internal displacement. The UN Office for the Coordination of Humanitarian Affairs estimates that close to 680,000 people (about 30 per cent of the Palestinian population in the West Bank) will be directly affected by the Barrier. However, no overall assessment of potential or actual displacement as a result of the Barrier's construction has been undertaken. B'Tselem, an Israeli NGO, estimates that up to 90,000 Palestinians could be displaced due to the construction of the Barrier. UN and NGO reports document some isolated cases of population displacement in villages close to the Barrier. A survey by the Palestinian Bureau for Statistics undertaken in 76 localities directly affected by the Barrier's construction suggests that 2,323 people had been displaced due to the barrier's construction as of August 2003. According to the survey, most barrier-related displacement has occurred in the regions of Qalqiliya, Jerusalem and Tulkaram. Among the most affected are villages enclosed in what has been proclaimed by Israel as a closed "military area" located between the Barrier and the "Green Line", which demarcated the separation of Israeli and Palestinian territories under the 1949 armistice agreement and is the closest to being an internationally-recognised border. In addition to being cut off from social and economic livelihoods, residents face the possibility of expulsion due to special permit requirements. As of October, 2003, the Israeli administration issued new directives which require all Palestinians over the age of 12 living in these areas to obtain a permanent resident permit from the civil administration to continue living in their homes. The criteria for receiving such a permit are unclear and it appears that the Civil Administration will have full discretion to grant or deny such permits.

The issuing of the Road Map to peace on 30 April 2003, proclaimed by the UN as a positive step towards peace and security, was intended to bring an end to the conflict with the creation of a permanent two-state solution. In June 2004, the Israeli cabinet approved Prime Minister Ariel Sharon's plan to remove all 21 Jewish settlements in the Gaza Strip and four more in the West Bank in four stages to be completed by the end of 2005. There has been little tangible progress, however, towards the implementation of the Road Map and an escalation in violence by both sides in early 2004 indicates that the situation remains unstable.

Overall the humanitarian conditions in the territories continued to deteriorate in 2003-early 2004, affecting all Palestinians, displaced and not. In mid-2004, the UN once more identified Israel's closure policy as the main cause of humanitarian crisis in the territories, which includes restrictions on movement, demolition of property, confiscation of land, and the construction of the West Bank Separation Barrier. In particular, between February and June 2004, the humanitarian situation worsened for communities living along the Barrier due to a new system of permits and road restrictions as well as in the Gaza Strip which was closed for extended periods in early 2004.

Background

Until the end of the Second World War, the West Bank and the Gaza Strip were part of the British Mandate of Palestine. UN General Assembly Resolution 181 of November 1947 recommended the partition of the Mandate into a Jewish state and an Arab state. The subsequent proclamation of the State of Israel in May 1948 was rejected by the Arab states. A war followed between Arab and Israeli armies during which between 600,000 and 760,000 people fled or were expelled from Israel and became refugees (MERIP 2001; Bligh, January 1998, p.124).

At the end of the 1948 war, Israel controlled the area which became the State of Israel, Egypt controlled the Gaza Strip, Jordan annexed the West Bank, and Jerusalem was divided between Israel and Jordan. Further hostilities in June 1967 between Israel on one side, and Egypt, Syria and Jordan on the other resulted in Israel's occupation of East Jerusalem, the West Bank, the Gaza Strip, the Golan Heights and the Sinai Peninsula (later returned to Egypt). East Jerusalem and the Golan Heights were later annexed by Israel, but this was never internationally recognised. As a result of the 1967 war, as well as evictions which took place soon afterwards, several thousand Palestinians left Jerusalem for other parts of the Palestinian territories and elsewhere in the world.

From 1987 to 1993, the Intifada, a popular uprising against the Israeli occupation, gained momentum in the Palestinian Territories. A political process of reconciliation between Israel and the Palestinians began with the Madrid Conference in 1991 and continued with the September 1993 signing of the Oslo Accords (Declaration of Principles on Interim Self-Government Arrangements, 13 September 1993). A Palestinian Authority was established and given a certain degree of control and jurisdiction over parts of the West Bank and Gaza Strip. A number of provisions of the Oslo Accords, such as border demarcation and the return of refugees, remained outstanding. In September 2000, a second Palestinian popular uprising (Intifada) broke out. Since 2000, the Palestinian-Israeli conflict has intensified and several international initiatives have failed to revive the peace process.

The issuing of the Road Map to Peace on 30 April 2003 by the Quartet composed of the United States, Russia, the European Union and the United Nations, with the involvement of Palestinian and Israeli representatives, has been endorsed by the UN as an important achievement towards establishing peace and security in the region (UN Security Council Resolution 1515, 19 November 2003). The Road Map is intended to bring an end to the conflict with the creation of a permanent two-state solution as affirmed in Security Council Resolution 1397 (2002). Israeli and Palestinian civil society leaders also signed the "Geneva Accord" on 1 December 2003, a comprehensive set of principles aiming to address the issues dividing Israel and Palestine. In February 2004, Prime Minister Ariel Sharon announced Israel's intention to withdraw Israeli forces and settlements from the Gaza Strip and a small number of settlements from the West Bank. In June 2004, the Israeli cabinet approved Sharon's plan to remove 21 settlements in the Gaza Strip and four more in the West Bank in four stages to be completed by the end of 2005 (BBC, 7 June 2004; WB, 23 June 2004).

There has, however, been little tangible progress towards the implementation of the Road Map, as of mid-2004. Escalations in violence on both sides and an increasingly deteriorating humanitarian situation in 2003–mid-2004 in the Occupied Territories underline the volatility of the situation.

Population profile and figures

Palestinians may be one of the least recognised groups of internally displaced people (IDPs) in the Middle East due to the lack of internationally recognised borders between Israel and its neighbours, including the future state of Palestine. Additionally, many IDPs are considered refugees under the mandate of the United Nations Relief and Works Agency (UNRWA), the main agency providing relief assistance in the region. UNRWA does not distinguish between "refugees" and "IDPs" and provides aid to all "persons whose normal place of residence was Palestine between June 1946 and May 1948, who lost both their homes and means of livelihood as a result of the 1948 Arab-Israeli conflict", as well as their descendents (UNRWA 2004).

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

Estimates of the total IDP population in the Occupied Territories are controversial and vary according to sources, existing data, and applicable definition of internally displaced people (BADIL, 6 July 2004). There are no comprehensive and systematic data or registration system on internal displacement in the territories. As a result, there is no overall figure of the number of people currently internally displaced within the Occupied Territories. In total, UNRWA estimates that since 2000 up to 21,142 people have been displaced by house demolitions in the Palestinian territories (UNRWA, 31 May 2004). Of these, an estimated 3,800 people (560 families) were newly displaced in the month of May 2004 in the Gaza area. The Palestinian

NGO BADIL provisionally estimates that 10,000 Palestinians were internally displaced during the 1967 war, the majority from the villages of Imwas, Yalu, Beit Nuba, Beit Marsam, Beit 'Awa, Habla and Jifliq, as well as from the cities of Qalqiliya and the old city of Jerusalem. Additionally, BADIL estimates a total of 50,000 Palestinians have been displaced internally due to land expropriation and house demolitions in the West Bank, eastern Jerusalem and Gaza Strip since 1967. It should be noted that these figures are rough estimates and it is unclear how many affected people have been able to return and how many remain in a situation of displacement (BADIL, 6 July 2004). Along with house demolitions and land confiscation during IDF incursions, people have reportedly been displaced due to the construction of the West Bank Separation Barrier. Overall figures on potential displacement due to construction of the Barrier are unavailable although B'Tselem, an Israeli NGO, estimates that it could potentially displace 90,000 Palestinians (RI, 25 September 2003). More detailed figures are provided below according to cause of displacement.

In addition, it is estimated that inside Israel, approximately 150-200,000 Arabs are internally displaced, as well as 70,000 Bedouins, displaced due to the 1948 war and subsequent forced resettlement by Israeli authorities (Global IDP Project, Israel country profile, 12 May 2004). The total number of Palestinian refugees is estimated at nearly four million (UNRWA 2004).

House demolitions and forced evictions for military or security reasons

Today, the primary source of internal displacement in the Occupied Palestinian Territories are house demolitions, defined as "intentional physical destruction of a house[s] or portion thereof by governmental actors" (HPCR, May 2004, p.1; BADIL, 6 July 2004). According to international and Palestinian NGOs, Palestinians residing in border areas, areas identified by Israel as security zones, and areas targeted for Jewish settlements have been displaced in order to prevent the establishment of contiguous Palestinian built-up areas, to create territorial contiguity between the settlements and link them to the territory of Israel (HRW, 22 February 2004; BADIL, November 2002). The Israeli government has ordered the destruction of houses located in what it deems strategic areas, near the Israeli settlements, on the sides of bypass roads along which the settlers travel, and near army positions, particularly along the Egyptian border (B'Tselem February 2002, p.4). It says that house demolitions are undertaken as part of military operations, for security requirements, and as a punishment against persons taking part in or supporting criminal or guerrilla activities (HPCR, May 2004, pp.1-2; AI, 18 May 2004, pp.6-7, 10). Israeli officials argue that Israeli operations are directed toward apprehending terrorists and their accomplices, and bringing them to justice (MFA, November 2003). Israeli military forces have undertaken numerous military operations in the Gaza Strip, particularly in the Rafah area, where it says terrorist organisations smuggle weapons through tunnels from Egypt into Gaza, frequently using civilian homes (IDF 2004). Significant numbers of houses have been destroyed in the course of these operations (HPCR, 10 June 2004, p.2). Many demolitions have occurred near Gaza's border with Egypt where Israel is building the security Barrier. Increasingly, explosives rather than bulldozers are used to destroy property, creating widespread collateral damage (UNRWA, 7 May 2003).

There has been widespread criticism by international and national human rights organisations and UN bodies over the punitive character of forced evictions and house demolitions. NGOs report that in most cases forced evictions and house demolitions are carried out without warning, often at night, and usually giving occupants little or no time to gather their belongings (AI, 18 May 2004). The Israeli army has also frequently failed to evacuate surrounding houses which are also destroyed or damaged in the process (AI 18 May 2004, B'Tselem 2002 and February 2002, p.8).

Mid-2003 and mid-2004 witnessed a sharp increase in people displaced as a result of IDF house demolitions. The rate of destruction was more than double that of preceding years, with an average of 73 Palestinian homes demolished each month in the first half of 2003 (UNRWA, 2003). In total, UNRWA estimates that since 2000 up to 21,142 people have been displaced by house demolitions in the Palestinian territories (UNRWA, 31 May 2004). Demolition of homes by Israel's security forces has been most

extensive in the Gaza Strip. Between 31 August 2003 and 31 March 2004, IDF incursions in Rafah alone resulted in the complete demolition of 972 homes and the partial demolition of 158; 10,579 people were displaced in this period (OCHA, 15 June 2004, p.12). In the West Bank, the largest single operation occurred in Jenin refugee camp in April 2002 displacing some 4,000 people (AI, 18 May 2004).

Large-scale displacement occurred in May 2004 during a concerted incursion by Israeli security forces in Gaza. Between 1 and 25 May, an estimated 3,800 people (560 families) were displaced and 298 buildings demolished in Rafah and surrounding neighbourhoods including Brazil, Tel Sultan and As-salaam (UNRWA/OCHA, 6 June 2004; UNRWA, 31 May 2004, p.3). UNRWA estimates that in addition to the displacement of 3,800 people, the homes of another 2,931 individuals (496 families) suffered considerable damage (UNRWA, 31 May 2004, p.4). A preliminary UN inter-agency assessment indicates that between 10 and 40 per cent of Rafah's water network was also damaged during the incursion (OCHA, 15 June 2004). In another concerted operation in October 2003, over 1,240 people living in Rafah refugee camp were displaced. Since 2000, over 1,476 houses have been demolished and 14,666 people displaced in Gaza, which is one of the most densely populated places in the world (UNRWA, 26 May 2004).

Legal mechanisms established by Israel's military administration in the territories have often failed to provide effective remedy to displacement. In August 2002, the Israeli Supreme Court ruled that homes belonging to families of persons who are believed to have carried out attacks against Israelis could be demolished without the right to judicial review (BADIL, November 2002, ICAHD, September 2002). Many Palestinians have petitioned the Israeli Supreme Court to be compensated for the loss of their homes and property. As of mid-2002 however, legislation was being drafted that would place the vast majority of IDF acts in the Occupied Territories under the rubric of "acts of warfare", thus exempting the state from liability by law (Jerusalem Post, 20 March 2002; B'Tselem 2004). In August 2002, the Israeli Supreme Court ruled that it was up to the Israeli military to decide which families of alleged terrorists should be warned about planned demolitions, and thus to weigh the rights of the families in respect of the desire to protect soldiers' lives as well as military considerations (Ha'aretz, 7 August 2002). In most cases, the Israeli Supreme Court has accepted the Israeli army's arguments on what constitutes military/security needs and allowed the demolitions (AI, 18 May 2004). In September 2002, the High Court ruled that relatives of Palestinians suspected of an attack against an Israeli target could be expelled from the West Bank to Gaza providing that the relatives presented a threat to Israeli security (BBC News, 3 September 2002; Jerusalem Post, 10 September 2002).

In May 2004, the debate on the legality of the IDF demolition of homes in Rafah was renewed following a petition to the Israeli Supreme Court by 13 residents of the town whose homes had been destroyed and another 45 people who petitioned against the destruction of their homes. The petitions led to an interim order by the Israeli Supreme Court temporarily banning the IDF from demolishing homes. On 16 May 2004, however, the Supreme Court ruled that Israel had the right to demolish Palestinian homes without granting the residents a right to a court appeal in the event of "immediate operational necessity", when it endangered the lives of Israeli soldiers or jeopardised military operations (Ha'aretz, 16 May 2004; Ha'aretz, 17 May 2004).

The UN 2004 consolidated humanitarian appeal identifies emergency accommodation and re-housing to meet the needs of people whose houses have been demolished as an increasing priority in the territories. In most cases families whose homes have been demolished cannot afford to pay for alternative accommodation and instead move in with relatives or friends, often in conditions that are cramped and insanitary (UNRWA/OCHA, 6 June 2004).

House demolitions for lack of a building permit

Restrictions by the Israeli government on construction by Palestinians in East Jerusalem and in the West Bank have also resulted in internal displacement. Few Palestinians are granted building permits and many have built their homes without them. Houses built without official authorisation have been subject to

demolition by the Israeli army. Israeli military estimates provided to B'Tselem indicate that in 2001-2002, the Israeli army demolished 419 structures for lack of building permits in the West Bank (AI, 18 May 2004). Up-to-date figures on the numbers of people displaced are not available but Amnesty International received information indicating that the situation has not improved (AI, 18 May 2004). The Israeli government argues that house demolitions enforce Israeli building laws. It claims that neither Palestinian nor Israeli construction is allowed on agricultural land. It asserts that the Municipality of Jerusalem can issue a demolition order when the illegal construction of buildings interferes with plans for public facilities, such as schools or roads, or with the city's historical heritage (ECOSOC, 14 May 2001). It also reports that many Palestinians refrain from requesting building permits in Jerusalem, because they regard this action as recognition of Israeli sovereignty over Jerusalem (Israeli MFA 2002).

According to Amnesty International and B'Tselem, house demolition for lack of a building permit is based on a discriminatory policy which has consistently refused planning permission to Palestinians while giving Israelis permission to set up settlements (AI, 18 May 2004; B'Tselem 2002). Many of these house demolitions have been linked to land confiscation. Under the Israeli Absentee Property Law (1950), the Israeli government may acquire land in the West Bank on the premise that this land was not officially registered or not under continuous cultivation (AI, 18 May 2004). The confiscation of Palestinian property has occurred with frequency in the eastern areas of Jerusalem and in the West Bank. Israeli authorities have also confiscated or refused to grant identity cards to several thousand residents of East Jerusalem, rendering the holders' continued presence in their native city illegal (BADIL, April 1999; B'Tselem, September 2003).

The West Bank Separation Barrier

The construction of the West Bank Separation Barrier has also threatened to result in the further displacement of Palestinians within the Occupied Territories. A September 2003 report by the Humanitarian and Emergency Policy Group, notes "A degree of population displacement appears to have already occurred as a result of the Barrier's construction" (HEPG, 30 September 2003, p.4). In July 2003, the Israeli authorities finished the construction of the first phase of the Barrier, which was begun in 2002, in order to physically separate the West Bank from Israel. It is currently over 185 km long and is expected to extend to 630 km (OCHA, 23 April 2004). It is made up of 8-9 metre high concrete walls, ditches, trenches, roads, barbed wire, electric fences and an electrical monitoring system (OCHA, 7 March 2004, p.2). According to the Israeli government, "The Security Fence is a central component in Israel's response to the horrific wave of terrorism emanating from the West Bank, resulting in suicide bombers who enter into Israel with the sole intention of killing innocent people" (Israeli Ministry of Defence, 2004). While it is meant to separate Israel from the territories, only ten per cent of Barrier actually follows the 1949 armistice line (the Green Line), approximately 90 per cent encroaches on West Bank territory. Large areas of Palestinian land have been confiscated for the construction. In the summer of 2003 alone, the Israeli authorities issued at least 28 orders seizing hundreds of acres of land (OCHA, 4 January 2004). UNRWA estimates 210,000 Palestinians in 67 towns and villages have already suffered direct harm due to the Barrier's construction (UNRWA 2003). According to UN OCHA, Palestinian and Israeli NGOs, 227,000 to 875,000 people may be affected by the construction of the wall (PICCR, June 2003; OCHA, December 2003; B'Tselem, March 2004).

Causes of displacement in connection with the construction of the Barrier include land confiscation, demolition of homes, and severe restrictions on freedom of movement and access to employment, education, health care, and extended family (BADIL, 6 July 2004). The UN Consolidated Appeal identifies the Barrier as the "most alarming development in 2003 in the West Bank", adding to an already critical humanitarian situation by further restricting access, isolating communities from each other, severely damaging the economy, destroying livelihoods and eroding coping mechanisms (OCHA, 18 November 2003, pp.9-12; OCHA, 15 June 2004, p.3). UN and NGO reports document increasing difficulty for Palestinians to continue living in their homes and cultivating their land due to the enclosure of entire villages and the arbitrary administrative procedures to gain passage through the Barrier (OCHA, 4 January

2004; HEPG, 30 September 2003; UNRWA, January 2004; IUED 2004; B'Tselem, February 2004; FAO/WFP; 2004; OCHA, 7 March 2004, p.9; B'Tselem, June 2004). The UN Special Rapporteur on the violation of human rights in the Palestinian territories notes that "[P]assage through the wall or barrier at checkpoints is administered in an arbitrary way, apparently designed to pressure Palestinians into leaving their homes to relocate on the other side of the wall, thereby creating another generation of internally displaced persons" (UNCHR, 27 February 2003, para.10). Despite existing access points, free movement through the Barrier is severely limited due to ad hoc and complicated procedures including special permit requirements, inconsistent opening hours and extended periods of closure (OCHA, 7 March 2004; HRW, 22 February 2004; OCHA, 15 June 2004). As of March 2004, 46 gates had been installed in the Barrier, of which only 19 were reported as generally accessible (OCHA, 7 March 2004, p.10).

Among the most affected areas are those entirely enclosed between the Barrier and the Green Line (B'Tselem, February 2004). In October 2003, the Israeli authorities declared the West Bank area between the Barrier's first phase and the Green Line "a closed military zone" (HRW, 22 February 2004; OCHA, 7 March 2004, p.10). The "closed area" has affected 22,000 acres of land and enclosed some 5,200 Palestinian residents in enclaves. If the Barrier continues according to the Israeli government plans of October 2003, it is estimated that 13.5 per cent of West Bank land (excluding East Jerusalem) will lie between the Barrier and the Green Line. OCHA estimates 20,000 people living in this area will find themselves trapped in "closed areas" between the Green Line and the Barrier. Another 169,000 will live in nine enclaves, totally surrounded by the Barrier (OCHA, 4 January 2004). According to directives issued by the Israeli authorities in October 2003, all residents within the "closed area" over the age of 12 will be required to obtain a permanent resident permit from the Civil Administration to continue living in this area. Palestinian residents whose request is rejected may appeal before a military committee; however, if their appeal is denied, they must leave their homes. The criteria for permit eligibility are unclear, which in effect grants the civil administration almost complete discretion to deny and grant permits (B'Tselem, 2003). OCHA notes that the prohibitive effect of the permit system "raises serious concerns of effectively causing thousands of Palestinians to leave these areas..." (OCHA, 9 November 2003).

There is a lack of comprehensive statistics or assessments on actual or potential displacement as a result of the construction of the Barrier. B'Tselem, an Israeli human rights organisation, estimates that the Barrier threatens to displace some 90,000 Palestinians (RI, 25 September 2003). Individual reports indicate that the numbers of people forcibly displaced or who fear displacement as a result of the Barrier's construction is increasing (HEPG, 30 September 2003; OCHA, 30 November 2003 and 23 April 2004; BBC, 24 February 2004; HEPG, 9 October 2003; OCHA, 9 November 2003). A survey by the Palestinian Bureau for Statistics undertaken in 76 localities directly affected by the Barrier's construction suggests that 2,323 people (402 households) had been displaced as of August 2003 due to the Barrier's construction (PCBS, April 2004). According to the survey, most Barrier-related displacement has occurred in the regions of Jenin, Qalqiliya, Jerusalem and Tulkaram (PCBS, April 2004, pp.38-39). UN reports document small-scale population displacement in villages close to the West Bank Barrier, mainly as a result of houses being destroyed to make way for the construction (OCHA, 23 April 2004 and 7 March 2004; HEPG, 30 September 2003). B'Tselem has reported the forced displacement of 25 per cent of residents from the Sheikh Sa'ad village in East Jerusalem and of the likelihood of displacement in a number of villages, including Nu'man in East Jerusalem, due to the village's isolation from the rest of the West Bank (B'Tselem, September 2003 and February 2004). The city of Qalqiliya has also been entirely enclosed by the Barrier and has only one access gate which is controlled by the IDF. It is reported that some 600 shops have been closed and an estimated 4,000 people have been forced to leave the area (B'Tselem, 2004).

In most appeals to date, displaced Palestinian land and property owners have been unable to receive compensation due to a number of factors including the lack of a clear compensation system and the fact that the Appeals Committee is part of the Israeli military and therefore lacks independence (OCHA, 4 January 2004; OCHA/UNRWA, 30 November 2003; HEPG, 30 November 2003; OXPIL, February 2004, p.22).

Importantly, however, the Israeli Supreme Court has issued changes to the route of the Barrier and orders for the dismantling of certain sections in response to international criticism (B'Tselem, 2004). In June

2004, the Israeli Supreme Court, in a landmark ruling, ordered changes to the planned route of 30 km of the Barrier north-west of Jerusalem, on the grounds that security considerations must be balanced with the needs of local residents. While the Supreme Court does not have the authority to ban building of the Barrier, its ruling has temporarily frozen construction in that particular region (Ha'aretz, 30 June 2004). In the first week of July, the Supreme Court issued another interim injunction in bringing to a halt a stretch of the Barrier near the West Bank villages of Dir Balut, Rafat and Azzawiya (Ha'aretz, 6 July 2004).

UN identifies Israel's "closure policy" as main cause of humanitarian crisis

The humanitarian situation in the Palestinian territories continued to decline in 2003 and in the first months of 2004 affecting all Palestinians, whether displaced or not (OCHA, 15 June 2004, p.3). Despite some steps by Israel to reduce internal restrictions in 2003 and early 2004, including shorter curfews and unmanned checkpoints in certain areas, freedom of movement did not improve in the West Bank or Gaza. In a number of areas, restrictions remained or were even reinforced (OCHA, 1 June 2004, p.5; OCHA, 18 November 2003, p.9; IUED October 2003, p.17).

Although Palestinians have had their movement constrained to varying degrees since Israel's occupation of the territories in 1967, restrictions imposed by Israel on the movement of Palestinians within and between the territories have reached unprecedented levels since the beginning of the Intifada in 2000 (AI, 8 September 2003; IUED, October 2003). In mid-2004, the UN once more identified Israel's closure policy as the main cause of humanitarian crisis in the territories, which includes restrictions on movement, demolition of property, confiscation of land, and the construction of the West Bank Separation Barrier (OCHA, 15 June 2004; OCHA, 18 November 2003). The current closure policy comprises some 750 checkpoints, gates and roadblocks throughout the West Bank and Gaza, as well as an extensive imposition of curfews and permit systems (OCHA, 15 June 2004, p.1; UNCHR, 31 October 2003, pp.7-8; WB, May 2003, p.36; AI, 8 September 2003). The closure policy continues to have an effect on the daily lives of Palestinians in the territories who are required to make long and complicated detours to reach their homes, workplaces, educational facilities and hospital services (OCHA, 18 November 2003). In particular, between February and June 2004, the humanitarian situation for communities living along the West Bank Barrier worsened due to a new system of permits and road restrictions as well as in the Gaza Strip which was closed for extended periods in early 2004 (OCHA, 15 June 2004, p.5).

Studies reveal that the most significant factor in the decline of the Palestinian economy is the closure of roads and restrictions on movement which have essentially put the Palestinian Territories in a phase of "de-development" (OCHA, 1 June 2004, p.5; WB, 23 June 2004; OCHA, 18 November 2003). According to the World Bank, if the closure regime were lifted, poverty would fall by 15 per cent (OCHA, 15 June 2004, p.2). The Gaza Strip, for example, was closed for extended periods in early 2004 following a Palestinian suicide bombing in March 2004 that killed ten Israeli citizens. As a result, an estimated 10,000 Palestinian workers, each of whom supports an average of 7.7 persons, were unable to access jobs in Israel during long periods in March and April 2004 (OCHA, 15 June 2004, p.6). In mid-2003, 62 per cent of the population was estimated to live below the poverty line (about 2.4 million people) of under \$3.6 per day (ILO, May 2004, p.27; OCHA, 18 November 2003, p.4). Unemployment reached 32 per cent in the first three months of 2004 (OCHA, 15 June 2004, p.3). Female-headed households have been particularly hard hit, displaying 1.3 times higher incidence of poverty than households with male breadwinners (ILO, May 2004, p.28).

The food security situation has considerably deteriorated in the past three years, with four out of ten Palestinians in the West Bank and Gaza considered food insecure (FAO/WFP, 12 March 2004). Nutritional assessments indicate both acute and severe malnutrition in the territories and a growing dependency amongst the Palestinian population on humanitarian assistance (OCHA, 1 June 2004; UNCHR, 31 October 2003; WB, May 2003). Field studies confirm that severe restrictions on the movement of goods and people within and between the West Bank and Gaza Strip along with loss of employment and the destruction of assets and property has had a major impact on food security (FAO/WFP, 12 March 2004, p.141; UNCHR, 31 October 2003). About 40 per cent of the population (approximately 1.4 million) are facing particular

hardship and shortage of food. About 600,000 people are almost entirely dependent on humanitarian aid (OCHA, 15 June 2004, p.1; FAO/WFP, 12 March 2004). The Food and Agriculture Programme (FAO) and the World Food Programme (WFP) estimate an additional 1.1 million people (30 per cent) are under threat of becoming food insecure if current conditions persist (FAO/WFP, 12 March 2004). Restrictions on freedom of movement due to curfews and checkpoints have also meant that many inhabitants, particularly in rural areas, have been deprived of access to water (HEPG/LACC, 4 May 2003).

Humanitarian Access

Humanitarian access did not improve for UN agencies and NGOs operating in the territories in 2003 and early 2004. UN agencies continue to report frequent disruption and delayed access for humanitarian operations (OCHA, 18 November 2003, p.6; UNCHR, 31 October 2003, p.10). International agencies providing humanitarian assistance in the territories have their work hampered by administrative obstacles and physical barriers (including military closure, curfew and destruction of infrastructure) imposed by Israel. This includes denial of access for emergency and regular medical assistance, evacuation of the wounded or dead, and blocking of the delivery of medicines, food, water and temporary shelter (UNRWA, 12 May 2003; ICRC, 2 April 2002; UNICEF 2003; BADIL, November 2002).

UN agencies and NGOs issued written protests to the government of Israel regarding restrictions on movement in Gaza in May 2003 and March 2004 (UN, 18 May 2003 and 26 March 2004). Restrictions on the free movement of goods imposed by the IDF forced UNRWA to suspend delivery of emergency food aid to 600,000 refugees in April 2004 (OCHA, 15 June 2004, p.6; UNRWA, 1 April 2004).

National response

The West Bank, East Jerusalem and the Gaza Strip are defined as "occupied territory" and Israel as the "occupying power" (UN Security Council Resolution 471 (1980) and Resolution 1322 (2000)). As specified under international humanitarian law, the Fourth Geneva Convention (1949) and the Hague Regulations of 1907, Israel bears legal responsibility as the occupying power for providing protection and services to the Palestinian population (OCHA, 15 June 2004, p.1, 2; ICRC, January 2004). Israel is also bound by international human rights law in the Occupied Territories under the treaties to which it is a state party, including the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination (AI, 18 May 2004; HRW, 22 February 2004; UN Human Rights Committee August 2003 Concluding Observations).

Israel argues that security measures and the construction of the Separation Barrier are vital to prevent outbreaks of Palestinian violence and suicide bombings against Israeli citizens (OCHA, 18 November 2003, pp.1, 3; AI, February 2004). While the international community has acknowledged that legally the government of Israel has a right and a duty to protect its civilian population, it has largely condemned Israeli security measures for failing to be within the bounds of what is "proportionate" under international human rights and humanitarian law (OCHA, 18 November 2003, p.4; HRW 22 February 2004). Israel has continued to deny its obligation to apply the UN human rights treaties to which it is party in the Occupied Territories and has not accepted that it is legally bound by the Geneva Conventions (AI, 18 May 2004). It has however stated that it applies the humanitarian provisions of the Conventions.

International response

No international agency is recognised as having an explicit protection mandate for internally displaced Palestinians in the territories. The United Nations Conciliation Commission for Palestine (UNCCP), mandated to provide international protection for 1948 Palestinian refugees and internally displaced people

following the 1948 war, ceased to provide effective protection in the early 1950s (BADIL, November 2002). Since 1950, the United Nations Relief and Works Agency (UNRWA) has been the main agency charged with providing relief assistance (rather than protection) to refugees, which it defines as "persons whose normal place of residence was Palestine between June 1946 and May 1948, who lost both their homes and means of livelihood as a result of the 1948 Arab-Israeli conflict", as well as their descendants (UNRWA 2004). As of October 2000, UNRWA began a programme of emergency activities in the West Bank and the Gaza, including the provision of food delivery, emergency shelter, emergency cash, and education and counselling programmes in schools. In addition, a plethora of international actors and donors have been involved in or supported relief operations within the territories, including the World Food Programme, the UN Food and Agriculture Organisation, the United Nations Development Programme, the United Nations Office for the Coordination of Humanitarian Affairs, the United Nations Children's Fund, the International Committee of the Red Cross, the World Bank, and the European Union. In addition, NGOs such as Caritas, Save the Children and Oxfam, as well as local organisations, have provided food and non-food items to conflict-affected populations. Several Palestinian and Israeli NGOs are active in researching and publicising the Israeli policy of house demolitions and the impact of the Barrier on Palestinian populations. These include Al-Haq, the Applied Research Institute Jerusalem, the Association for Civil Rights in Israel, B'Tselem, BADIL, the Israeli Committee against House Demolitions and many others.

The UN Consolidated Appeal for 2004 requested a total of \$305 million, emphasising however that international assistance can only have a limited impact on the humanitarian situation in the absence of political solutions (OCHA, 18 November 2003, p.6). Despite increasing needs, delivery assistance has been affected by a severe funding shortage; donor response to the UN Appeal has been slow, with only approximately 26 per cent of the funding required provided as of June 2004 (OCHA, 15 June 2004, p.1; UNRWA 2003). The dilemma of providing international humanitarian assistance to the Palestinian communities in Israel's place is generally acknowledged by humanitarian organisations (OCHA, 15 June 2004). In November 2003, the International Committee of the Red Cross (ICRC) announced a decision to end large-scale emergency relief distribution in the West Bank. The ICRC justified its position on the grounds that humanitarian assistance was no longer an appropriate response to the situation when it was Israel's responsibility under international law (ICRC, January 2004; ICRC, 20 November 2003).

The applicability of humanitarian and human rights law, including protection against arbitrary displacement and the right to choose one's residence in the territories, has been regularly affirmed by relevant humanitarian and UN human rights bodies and spokespersons (OCHA May 2004; ICRC, 18 February 2004; CESCR, 23 May 2003; CERD, March 1998; UNCHR, 27 February 2004; HRC, August 2003; UNCHR, 31 October 2004; UNCHR, 8 September 2003). UN human rights bodies have repeatedly expressed concern over serious violations of international human rights, including the right to freedom of movement, family life, work, health, an adequate standard of living, food, clothing, shelter and education (UNCHR, 27 February 2004 and 28 May 2004).

The UN Security Council and General Assembly have deplored the practice of demolishing Palestinian homes and livelihoods in the Palestinian territories on a number of occasions. In May 2004, the Security Council adopted Resolution 1544, in response to the situation in Rafah, which calls on Israel to respect its obligations under international humanitarian law, in particular its obligation not to undertake house demolitions. The Security Council also expressed grave concern regarding the humanitarian situation of Palestinians displaced in the Rafah area and called for the provision of emergency assistance to them (UNSC, 19 May 2004). Senior UN spokespersons and human rights mechanisms publicly denounced Israel's policy of house demolitions in May 2004 (UNCHR, 28 May 2004; OCHA, May 2004). The UN Special Rapporteur on the Situation of Human Rights in the Occupied Palestinian Territories, the UN Committee against Torture, and the UN Committee on the Elimination of Racial Discrimination have expressly criticised Israeli policies on Palestinian house demolitions (UN GA, 4 October 2001, UN CAT, 23 November 2001, para. 6j; UN HRC, 18 August 1998, para.24; UN CERD, 30 March 1998, para.11).

According to the UN Special Rapporteur on the situation of human rights in the Occupied Territories, the demolition of houses in the territories, either for declared security purposes or administrative reasons, is irreconcilable with Article 53 of the Fourth Geneva Convention which allows demolition of houses and property during armed conflict or occupation only if "rendered absolutely necessary by military operations". The Special Rapporteur has pointed out that "While there are doubtless instances in which houses have been demolished for genuine security reasons, the extent of the damage and the evidence of witnesses suggests that the destruction of houses in many instances is not rendered absolutely necessary by military operations" (UNCHR, 6 March 2002, pp.13-14). International human rights organisations have also argued that demolitions of Palestinian houses may be illegal under Article 23 of the Hague Regulations and Article 53 of the Fourth Geneva Conventions (HPCR, 10 June 2004; HRW, 22 February 2004; AI, 18 May 2004, p.11; HPCR, June 2004; OXFAM, May 2004).

Increasingly, international attention has been drawn to the legal and humanitarian consequences underlying the construction of the West Bank Separation Barrier, including prohibitions against individual or mass forcible displacement (UN GA, 22 October 2003; OXPIL, February 2004; HRW, 22 February 2004; UNCHR, 8 September 2003). UN human rights bodies have also expressed concern that the Separation Barrier may constitute de facto annexation of Palestinian territory by forcible means, thereby violating Article 2(4) of the UN Charter and other key international standards as well as interfering with the Palestinian right to self-determination (UNCHR, 27 February 2004, paras.28,31). In October 2003, the construction of the Barrier was brought before the Security Council but no resolution was adopted. In February 2004, proceedings to consider the legal consequences of the West Bank Separation Barrier began at the International Court of Justice following the request of the UN General Assembly in 2003 (UN GA Resolution A/RES/ES-10/14; ICJ, 10 December 2003; ICJ, 25 February 2004).

CAUSES AND BACKGROUND OF DISPLACEMENT

Methodology

Methodology: who is an IDP in Israel and in the Palestinian territories

The Global IDP Project has decided to provide two profiles on internally displaced persons (IDPs): one for Israel and one for the Palestinian territories. The reasons behind this decision are explained below, as our conclusions may be subject to debate. We have looked at the definition of refugees according to UNRWA (United Nations Relief and Works Agency for Palestine Refugees), the definition of refugees in the 1951 Refugee Convention, and the IDP definition according to the UN Guiding Principles on Internal Displacement.

Mandate of the UNRWA

A separate regime was created in December 1949 to provide assistance to the Palestinian refugees. The mandate of UNRWA was to assist all those who were residents in Palestine in 1946 and who lost their homes and livelihood in 1948 (UNRWA Overview). The definition of a Palestinian refugee included the people who lost their homes in 1948 but remained in what became the State of Israel. From 1950 to 1952, UNRWA assisted both the people who had fled or were driven from the State of Israel (1949 armistice line) and those who had lost their homes but stayed in what had become the State of Israel. In 1952, Israel took over the responsibility of the ones who had remained in Israel. Today, UNRWA provides basic services - education, health, relief and social services - to over 3.8 million registered Palestine refugees in the Middle East (as of June 2001).

"Refugee" according to UN 1951 Convention

Article 1 of the UN 1951 Refugee Convention defines a refugee as "a person who is outside his/her country of nationality or habitual residence; has a well-founded fear of persecution because of his/her race, religion, nationality, membership in a particular social group or political opinion; and is unable or unwilling to avail himself/herself of the protection of that country, or to return there for fear of persecution." (UN 1951 Refugee Convention).

"IDPs" according to the UN Guiding Principles on Internal Displacement: "internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border." (UN Guiding Principles on Internal Displacement). The Global IDP Project does not cover internal displacement due to natural and human-made disasters.

How to apply the above definitions in the case of Israel and the Palestinian territories

Usually, the main way to distinguish between who is a refugee and who is internally displaced, is to look at whether the displaced have crossed an international border. According to UNHCR, "Refugees are people who have crossed an international border into a second country seeking sanctuary. Internally displaced persons (IDPs) may have fled for similar reasons, but remain within their own territory and thus are still subject to the laws of that state" (UNHCR 2002). This principle is problematic with the Palestinian refugee situation, because of the absence of agreed borders between Israel and some of its neighbors, including the Palestinian territories. Also, the Palestinian refugees were explicitly excluded from the coverage under the 1951 refugee convention, because they were covered under UNRWA (UN 1951 Refugee Convention, Introductory Note).

To determine who is a refugee or an internally displaced person in Israel or in the Palestinian territories, we have compared the IDP definition with the one of refugees from the UN 1951 Convention. Using these definitions, we define four classes of displaced Palestinians:

1. Palestinians, who left homes in 1948 from Israel for Lebanon and other recognized states.

These Palestinians became refugees and not internally displaced since they went from their country of habitual residence, whether considered the British mandate of Palestine or Israel, to Lebanon, etc. Even though they may not have crossed an agreed border, as in the case of Lebanon, they are still clearly outside their country.

2. Palestinians, who left homes in 1948 from Israel for Gaza and the West Bank.

These Palestinians are also refugees and not IDPs. They went from Israel to a different entity, which was never under Israeli sovereignty and is currently under partial Palestinian sovereignty. While there is no agreed border, they are not in their country of origin. Though it is difficult to define the legal status of the Palestinian territories, even the Israeli government has not claimed that these territories are part of the State of Israel, except for East Jerusalem. Israel occupies Gaza and the West Bank which are for a great part under its military jurisdiction but has not annexed them. The Israeli government has not extended citizenship to the Arab inhabitants of the territories, except to residents of East Jerusalem. Finally, while the Palestinian State has not yet materialized, the right of the Palestinian people to a state has been recognized by the international community.

3. Palestinians, who fled or were driven from their homes during the 1948 war, but remained within what became the State of Israel.

These people are clearly not refugees, but they are internally displaced, because they are still seeking to go back to their former homes and have outstanding claims against the State of Israel. They have Israeli citizenship and most of them have joined forces under the National Committee for the Rights of the Internally Displaced in Israel to negotiate directly with the State of Israel.

4. Palestinians, who are displaced from their homes in Gaza and the West Bank due to illegal or discriminatory house demolitions and evictions, but have not left these territories.

These Palestinians are not refugees, since they have not left their country. They are internally displaced, because their displacement was a result of human rights violations. According to the Oslo Accords, Gaza and West Bank are considered as a single territorial unit (see Declaration of Principles on Interim Self-Government Arrangements, September 13, 1993), so movement between the two areas does not create refugee status.

As a consequence, the Global IDP Project considers as internally displaced in Israel those who fled or were driven from their homes during the 1948 war but remained within what became the State of Israel and who are still seeking to go back to their former homes; we also consider as internally displaced those who have been displaced from the Gaza Strip or the West Bank and remained in these areas.

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