

# Humanitarian Bulletin

## occupied Palestinian territory

JANUARY 2017



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### HIGHLIGHTS

- Nearly 1,100 structures demolished or seized by Israeli authorities in 2016 in the West Bank, the highest on record since 2009, and double those of 2015.
- Over 12,500 final demolition orders outstanding against Palestinian-owned structures across Area C.
- The oPt Humanitarian Fund allocated \$ 3 million to support 181,000 Palestinians at risk of displacement and/or facing safety hazards due to the winter weather conditions.
- The expansion of Elon Moreh settlement over privately-owned Palestinian land has severely undermined the livelihoods of three villages in the Nablus area.



### Overview

Last year ended with a record number of demolitions and seizures of Palestinian property (nearly 1,100 structures targeted) by the Israeli authorities across the West Bank, mostly on the grounds of lack of building permits, which are almost impossible to obtain. The practice accelerated in the first month of 2017 with 140 structures destroyed or seized, more than 50 per cent higher than the monthly average in 2016. Among the hardest hit was the herding community of Khirbet Tana (Nablus) which witnessed the fifth wave of demolitions since February 2016. The destruction of homes and sources of livelihood, along with other practices such as access restrictions, the denial of basic services and relocation plans, has generated a coercive environment that places already vulnerable communities at risk of forcible transfer.

In this context, this Humanitarian Bulletin highlights the challenges that face the residents of 12 herding communities in southern Hebron (Masafer Yatta) in accessing basic healthcare. The Israeli authorities previously designated this area as a “firing zone” for military training, based on which they are seeking to evict Palestinians living there. In December 2016 the authorities seized a donor-funded caravan used as a clinic in one of these communities, and in January they issued stop-work orders against caravans providing similar functions in another two communities in this area.

Access to healthcare is also a concern in the Gaza Strip. In 2016 the Israeli authorities approved 64 per cent of the applications for exit permits by patients referred for medical treatment outside Gaza, down from over 77 per cent in 2015. The number of exits from Gaza via Israel for permit holders of all categories declined by 13 per cent in 2016 in comparison with the previous year. According to the Israeli authorities, in recent months they have put in place a more restrictive vetting process to address security risks.

The phenomenon of attacks by individual unaffiliated Palestinians that started in October 2015 continued in the first month of 2017. In the most serious incident, a Palestinian man drove a truck into a group of Israeli soldiers on an educational tour in Jerusalem, killing four of them and injuring another 15 before being shot and killed. In the aftermath of the attack, measures implemented by the Israeli authorities against residents of the Jabal al Mukabber area, where the perpetrator lived, raised concerns regarding collective punishment. These measures included the demolition and threat of demolition of dozens of buildings lacking building permits; the revocation of family unification permits from several members of the perpetrator’s family; and initial steps to demolish the perpetrator’s family home.

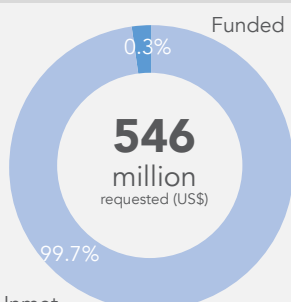
### JANUARY FIGURES

Palestinian killed (direct conflict)	3
Palestinian injured (direct conflict)	44
Israelis killed (direct conflict)	4
Israelis injured (direct conflict)	17
Structures demolished in the West Bank	140
People displaced in the West Bank	237

### HUMANITARIAN RESPONSE PLAN 2017

546 million requested (US\$)

0.3% funded



Unmet requirement



This month's Bulletin also presents the third in a series of articles on the humanitarian impact of de facto settlement expansion, featuring Elon Moreh in Nablus governorate. This settlement was originally established in 1979 on private Palestinian land that Israel requisitioned citing military needs; it was subsequently relocated to nearby "state land" following a ruling by the Israeli Supreme Court. In recent years, Elon Moreh settlers have extended their control over an area eight times larger than the official boundaries. Most of this land is privately owned by Palestinians from three nearby villages and their sources of livelihood have been severely undermined.

*The Israeli Parliament approved the "Regularization Bill", allowing the retroactive legalization under Israeli law of other settlements erected on private Palestinian land.*

On 1 February 2017, the Israeli authorities implemented a long-overdue court ruling ordering the removal of Amona (Ramallah) settlers from private Palestinian land. The ruling does not include a provision to allow the Palestinian landowners to regain access to their land. On 6 February, the Israeli Parliament approved the "Regularization Bill", allowing the retroactive legalization under Israeli law of other settlements erected on private Palestinian land. In recent weeks, the Israeli authorities have announced the construction of thousands of new housing units in existing settlements and reportedly pledged to construct an entire new settlement in the Ramallah area. These developments follow UN Security Council Resolution 2334 of 23 December 2016, which reaffirmed the illegality of Israeli settlements and demanded that Israel cease all settlement activities. The resolution also condemned all acts of violence against civilians, incitement and the destruction of property.

## Record number of demolitions and displacements in the West Bank during 2016

### January 2017 demolition figures exceed monthly average for 2016

During January 2017, OCHA recorded the demolition of 140 structures by the Israeli authorities, displacing around 240 Palestinians and affecting another 4,000. The number of structures demolished during the first month of the year was over 50 per cent higher than the monthly average of structures targeted in 2016 (91). All of these demolitions were carried out in Area C and East Jerusalem on the grounds of lack of building permits, although these are nearly impossible to obtain for Palestinians.

*The number of structures demolished in January 2017 (140) was over 50 per cent higher than the monthly average of structures targeted in 2016 (91).*

The largest incident took place on 3 January where nearly 50 structures were demolished in the Palestinian herding community of Khirbet Tana (Nablus). This was the fifth demolition incident experienced by this community since the start of 2016. Khirbet Tana is located within an area designated as a firing zone for Israeli military training. Firing zones are closed areas and constitute about 30 per cent of Area C. They are home to more than 6,200 vulnerable Palestinians, many of whom resided there prior to the area being designated as closed.

On 11 January the Israeli authorities destroyed sections of a dirt road connecting agricultural land in Area C to the community of al Buweib (Hebron), rendering it inaccessible to vehicles, and affecting the livelihoods of some 3,000 people living in the Masafer Bani Naim area (Hebron).

In East Jerusalem, a ramming attack on 8 January that killed four Israeli soldiers and injured 15 others prompted the Jerusalem Municipality to adopt several measures in the Jabal al Mukabber neighbourhood, where the perpetrator of the attack had lived. These included the demolition of 11 non-residential structures on the grounds of lack of a building permit and the distribution of "warning notices" for approximately 80 buildings for planning and zoning "violations." A preliminary assessment carried out by OCHA indicates that up to 240 households (approximately 1,200 people) living in these buildings may be at risk of displacement if follow-up measures are implemented.

## Nearly 1,100 structures targeted in 2016

During 2016 the Israeli authorities demolished or seized 1,093 Palestinian-owned structures throughout the West Bank, including East Jerusalem, displacing over 1,600 Palestinians, around half of them children, and affecting the livelihoods of more than 7,000 others. These figures are nearly double those of 2015 and the highest since 2009, when OCHA began the systematic monitoring of demolitions.

The vast majority of these structures were located in Area C and East Jerusalem and were destroyed or seized for lack of an Israeli-issued building permit. The rest were demolished on punitive grounds or during military operations. Nearly 30 per cent (308) of the structures demolished in 2016 were donor-funded humanitarian assistance structures. This figure is nearly three times higher than that for 2015 (108 structures) and the value of the assistance destroyed or seized is estimated at over €655,000.

More than 63 per cent of the structures demolished or seized during the year were in Palestinian herding and/or Bedouin communities in Area C, including 283 structures provided as humanitarian assistance. The demolition of homes and livelihoods in combination with access restrictions, lack of adequate services, settler violence, military training and relocation plans, generates a coercive environment and places these vulnerable communities at risk of forcible transfer (see case study on access to health care in southern Hebron).

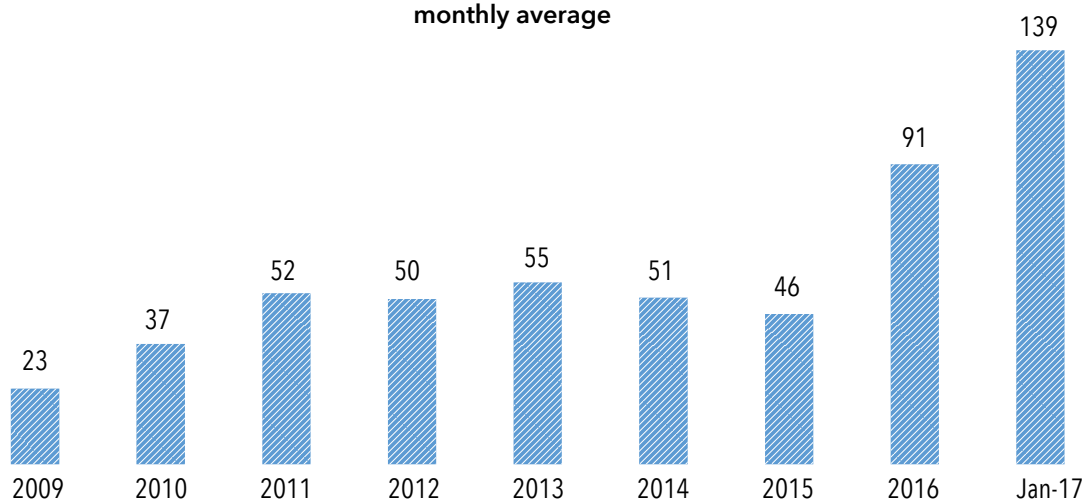
In 2016, 17 per cent of the structures demolished or seized (190) were in East Jerusalem. This is more than double the figures for 2015 and the highest since 2000.

According to new data provided by the Israeli Civil Administration (ICA), by the end of 2016 there were approximately 12,500 final demolition orders outstanding against Palestinian-owned structures across Area C.<sup>1</sup> Some orders were issued as far back as the late 1980s. The orders have no expiry date and can be implemented at any time. The data also indicate that nearly one quarter of these orders (over 2,900) are on hold due to legal appeals submitted to the ICA or Israeli courts.<sup>2</sup> In 2016, more than 100 donor-funded aid structures received demolition, stop-work and eviction orders, or verbal warnings.

Also according to ICA data, during the first half of 2016 there were 428 applications for building permits in Palestinian communities in Area C, of which 391 (91 per cent) were rejected. The majority of the 37 applications approved were reportedly issued independently by the Israeli authorities for one of the “relocation” sites planned for Palestinian Bedouin communities rather than a response to a Palestinian application.

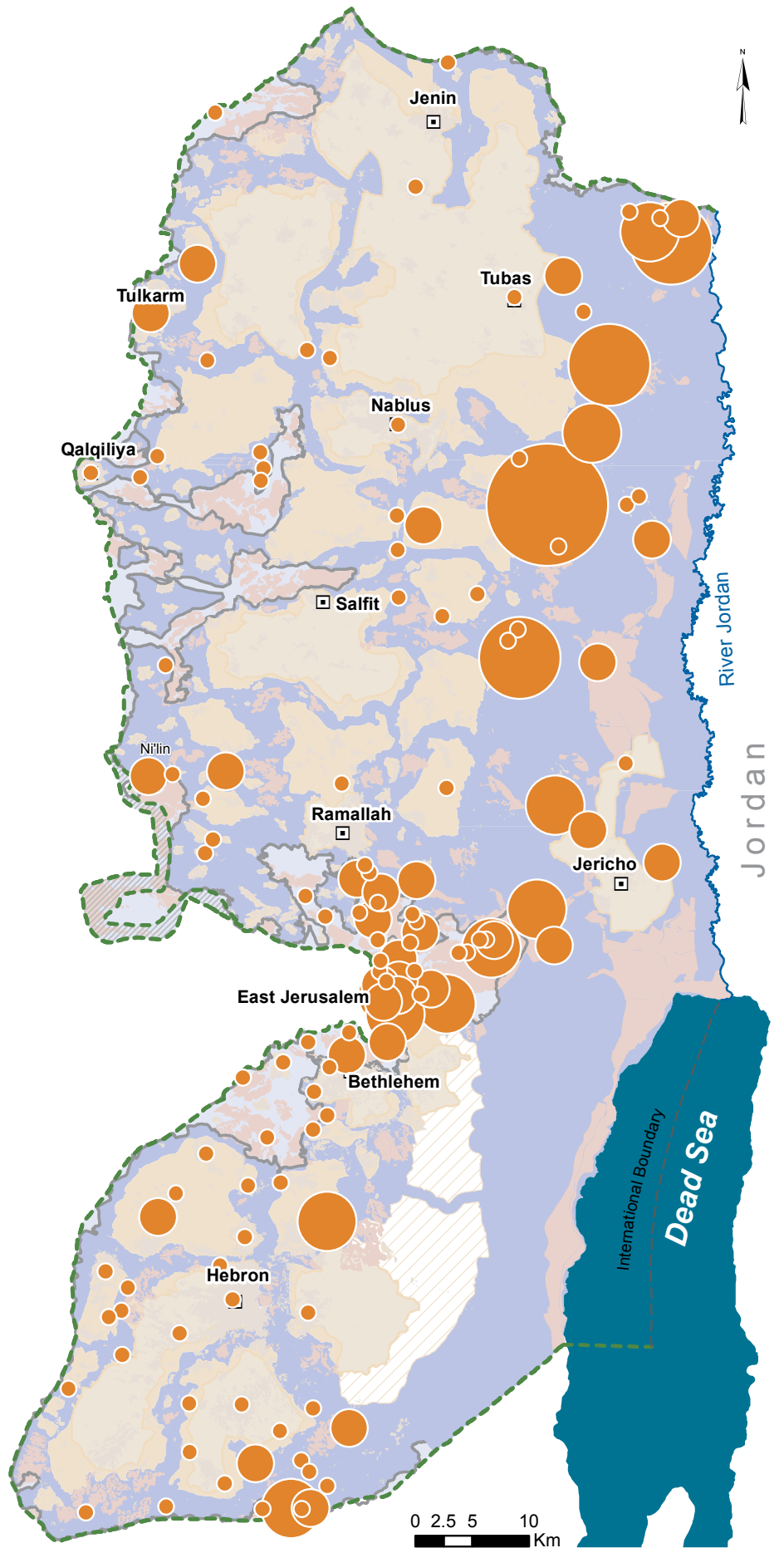
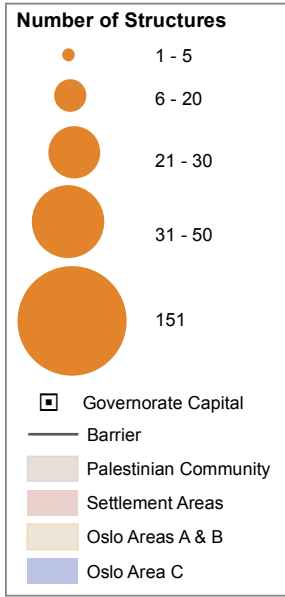
*More than 63 per cent of the structures demolished or seized in 2016 were in Palestinian herding and/or Bedouin communities in Area C, including 283 structures provided as humanitarian assistance.*

**Palestinian structures demolished/seized  
monthly average**



Source: OCHA

# DEMOLITIONS & SEIZURES IN THE WEST BANK 2016



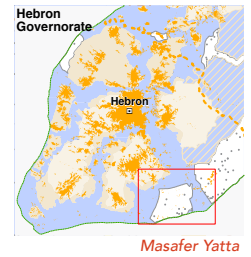
## Israeli measures undermine access to primary healthcare in southern Hebron

On 13 December 2016 the Israeli authorities seized a caravan in the Al Mirkez community in the Masafer Yatta area of Hebron, and also issued stop-work orders against two similar caravans at the end of January in the neighboring communities of Al Fakheit and Al Majaz, all on the grounds of lack of a building permit. The caravans were provided by an international NGO to serve as primary healthcare centers and are run by a mobile medical team visiting the communities once a week.<sup>3</sup>

The designation of this area as a firing zone for Israeli military training (Firing Zone 918) makes it very difficult for the residents of the 12 herding communities (pop. 1,300) located within it to access basic services, including healthcare. “Life in al Mirkez is very difficult. We cannot move freely and we face harassment from Israeli soldiers and settlers. We have asked the Palestinian Ministry of Health to provide us with health services all year round. My son has a disability and it’s hard for us to get the services he needs,” a resident of Al Mirkez told the World Health Organization (WHO).<sup>4</sup>

When OCHA visited the al Mirkez community on 11 January 2017, the day the medical team provides its weekly two-hour visit, the room serving as a substitute clinic was packed with about 15 women and children seeking treatment. The room was small and minimally furnished: a few chairs, two desks and one bed, and offered no privacy at all. It had no sink or water facilities to wash hands. One of the patients, an elderly woman, complained that two hours a week of healthcare is insufficient and it is very difficult and risky to reach the neighboring town of Yatta. “I became ill last week and had to lie in bed without treatment for days. When my situation deteriorated, I had to go to the town of Yatta,” she said. “The road to Yatta is not smooth. There is no public transport and the terrain is harsh, especially in winter. Cars are old and get stuck in the mud. One feels anxious about being delayed, sent back, or having the car confiscated by the Israeli army.”<sup>5</sup>

Two women who were waiting in the room with four children, including a seven-month-old baby, were from the neighboring community of Al Halaweh. The women and their children, accompanied by their father-in-law, had had to walk for more than one hour to reach the clinic. One of them, Amal, a mother of two, was diagnosed two years ago with systemic lupus erythematosus, a chronic auto-immune disease with symptoms that include swelling and damage to the joints, blood, kidneys, heart and lungs. “The journey was tiring for me and the children. We had to stop and rest on the way. Getting here is not easy for us. I wish we could have access to healthcare more than once a week and have it available also in Al Halaweh,” said Amal. “On rainy days the road takes more than two hours; sometimes we simply don’t come,” said Jameel, Amal’s father-in-law. “We don’t have a car and the clinic is far away. Amal has multiple illnesses: kidney problems and low platelet count, and needs her medication regularly.”



*“Getting here is not easy for us. I wish we could have access to healthcare more than once a week and have it available also in al-Halaweh.”*

*Amal, a patient with a chronic disease from Masafer Yatta.*

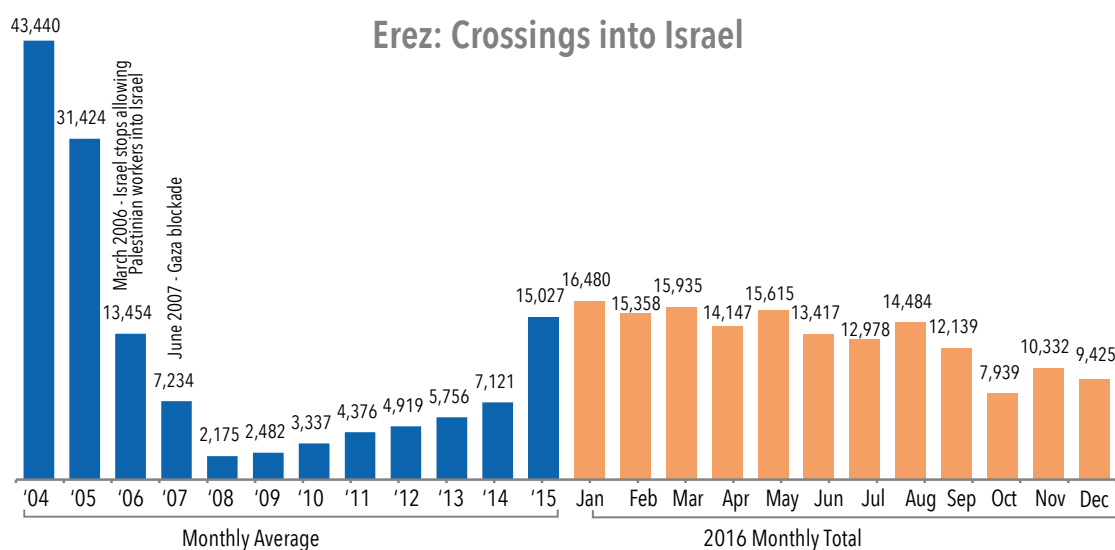


Amal and her sister-in-law and their children receiving treatment at al Mirkez mobile clinic

## Overview of access of Palestinians from Gaza in 2016

### After a rise in the first half of 2016, the number of Palestinians permitted to cross Erez fell compared to 2015

As part of the “policy of separation” between the Gaza Strip and the West Bank, the Israeli authorities prohibit the passage of Palestinians in and out of Gaza.<sup>6</sup> Exceptions are made for certain categories - principally businesspeople, medical patients and their companions, employees of international organizations and specific humanitarian cases - who are eligible for exit permits, subject to security checks. The situation has been compounded by the restrictions imposed by the Egyptian authorities on the Rafah Crossing since October 2014 and the inability of the Government of National Consensus to assume control over of the Palestinian side of the crossings, due to the ongoing internal divide.

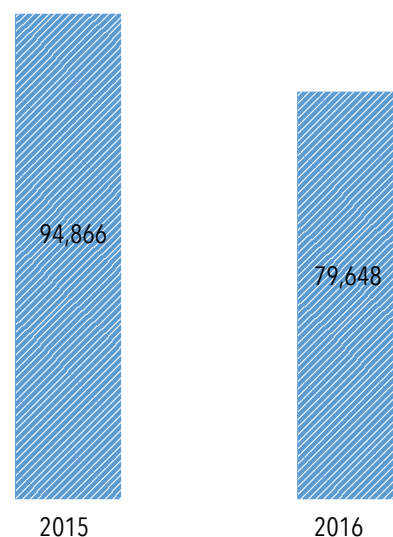


Source: OCHA

Following the ceasefire which ended the summer 2014 hostilities, there was an increase in the volume of Palestinian exits from Gaza through the Erez crossing, with the numbers more than doubling in 2015 compared to the previous year.<sup>7</sup> This trend continued into 2016, but was reversed in the second half of the year: overall, 2016 witnessed a 13 per cent decrease compared to 2015.<sup>8</sup> Prior to the start of the second intifada in 2000, some 26,000 Palestinians exited Gaza daily for wider purposes, primarily for work in Israel: work permits for Palestinians from Gaza were suspended in 2006.

This downward trend was particularly pronounced for businesspeople, with this category witnessing a 20 per cent decline in the number of crossings in 2016 compared to the previous year.<sup>9</sup> Restrictions were also increased on senior businesspeople who hold businessmen Gaza permits “BMG”, which is intended to facilitate easier access compared to the normal permit.<sup>10</sup>

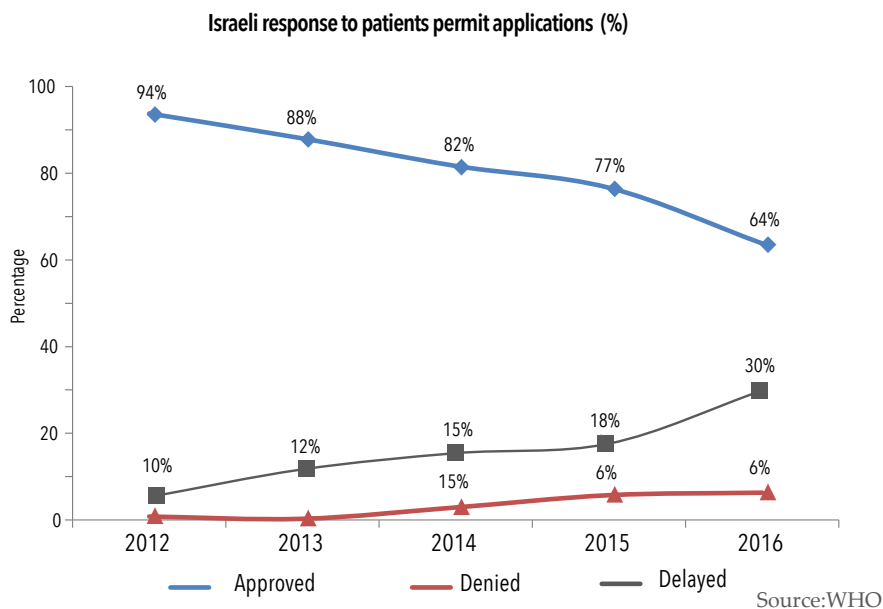
### Exits of Palestinian businessmen from Gaza through Erez



Source: OCHA

## Number of medical permit applications increases while approval rate declines

In 2016, there was an increase of about 20 per cent in the number of applications for permits by patients to cross through the Erez Crossing, but a decline in the approval rate; 63.8 per cent in 2016 compared to 76.6 per cent in 2015.<sup>11</sup> The majority of those patients whose permit applications were not approved fall into the 'delayed' (30 per cent) rather than 'denied' category (6 per cent). A 'delayed' application means that no response was provided by the date of the hospital appointment, requiring patients to re-schedule the missed appointment and submit another permit application. The rise in denials and delays has led to recent protests in Gaza on the part of female cancer patients, who claim that restrictions on their access to treatment in Israel and the West Bank amounts to a "premeditated death sentence."<sup>12</sup> (See Case Study). Approval rates for patients' companions have also declined steadily to the lowest levels monitored by WHO, from 83 per cent in 2012 to under 35 per cent in December 2016.<sup>13</sup>



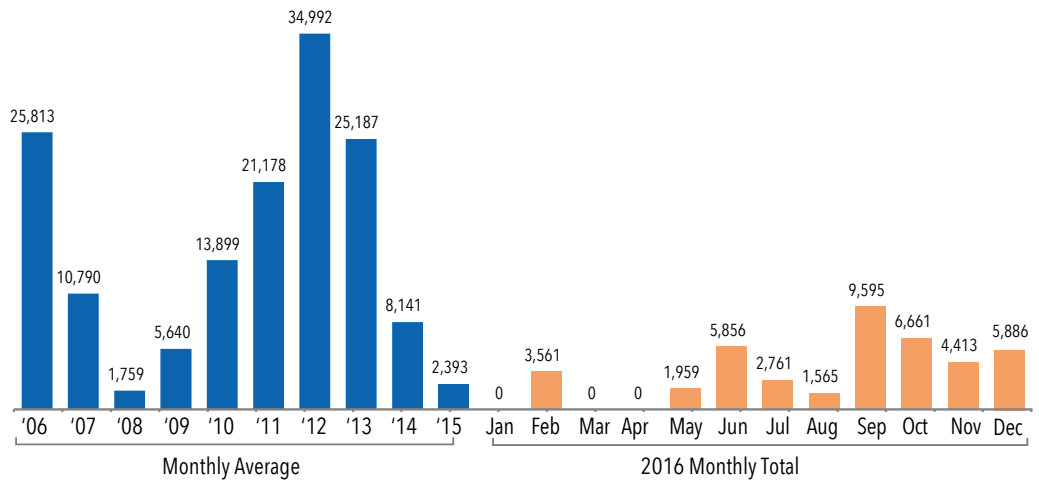
*In 2016, there was an increase in the number of applications for permits by patients to cross through the Erez Crossing, but a decline in the approval rate.*

## Deterioration in access of humanitarian staff to and from Gaza

Israeli restrictions on the entry of national staff of aid organizations to and from Gaza also intensified, with the rate of permit denial for Gaza ID holders increasing, on average, from four per cent in 2015 to 34 per cent in 2016.<sup>14</sup> The average time for processing permit applications increased from 21 days in 2015 to 26 in 2016. By year's end, at least 28 UN national staff based in Gaza, had been prohibited from obtaining a permit for a further twelve months. Additional access obstacles include lengthy interrogations of national staff and instances of permit withdrawal, with at least eight permits of UN and INGO staff cancelled or confiscated at the Erez crossing since January 2016. Such restrictions are gradually hindering the ability of aid organizations to operate and restrict Gaza-based humanitarian and development operations by prohibiting communication, planning and programme development between West Bank and Gaza offices. Over time, current access constraints risk limiting the ability of organizations to respond to the needs of vulnerable populations and increase the costs of humanitarian and development operations.

### Relative rise in the opening of the Rafah Crossing

Rafah: Crossings in both directions



*In 2016, only 1,713 patients were permitted by the Egyptian authorities to travel to Egypt via Rafah for health care compared to more than 4,000 residents prior to the September 2014 closure.*

The Rafah Crossing with Egypt, which until recent years was the main crossing point used by Palestinians in Gaza given the broad restrictions on the Israeli-controlled crossings, has been largely closed including for humanitarian assistance since 24 October 2014. Rafah opened on a partial basis for 44 days in 2016 compared to 32 days in 2015. Some 42,200 crossed in both directions compared to 28,700 in 2015, an increase of 47 per cent: in 2013, the figure was approximately 300,000. Even when operational, procedures regarding the opening times and the permitted categories are unpredictable: on occasion, only pilgrims have been permitted to exit or return. In 2016, only 1,713 patients were permitted by the Egyptian authorities to travel to Egypt for health care on the 38 days it was open for patients. Prior to the 2014 closure, more than 4,000 residents from Gaza crossed to Egypt monthly for health-related reasons. Over 20,000 people, including humanitarian cases, are pre-registered to cross Rafah, according to the Palestinian authorities in Gaza.







### Account of a cancer patient from Gaza

Salma<sup>15</sup> is a 53-year-old refugee woman from Gaza with cancer. She is a mother of 10 children. She lives with her husband, and children, including four married sons, their wives and 10 children, in a five-bedroom house. Her married sons are university graduates but are unemployed. During the 2014 Gaza hostilities, her house was partly damaged. Fearing further delays in getting a permit, Salma refrained from applying for a permit for her husband to accompany her. The following is her account of being a cancer patient from Gaza:

"In 2013 I was diagnosed with chronic lymphocytic leukemia. This was the beginning of a long, painful and expensive journey. The tumor started with the

neck but spread to the armpits. For further investigation and because of shortages in medical equipment and drugs in Gaza, as well as the difficulties of getting permits to cross via Erez, the doctor referred me to Egypt. Crossing to Egypt was physically, psychologically and economically exhausting, and at times dangerous. At the crossing there are no concessions for cancer patients. You are never sure whether you'll be allowed to cross. The road to Cairo is dangerous with all the security tensions in the Sinai. Egyptian taxi drivers also take advantage of our condition and charge us more. While receiving treatment in Cairo, I contracted hepatitis C. The doctors there did not inform me and I only learned that I had it a few months later when I was back in Gaza.

Last May (2016), I was put on chemotherapy as new cancerous tumors were found in my stomach and hips. The course of treatment ran for seven sessions that had to be completed without interruption every 21 days. I only managed two because the drugs were not sent from Ramallah to Gaza. I waited more than two months and then my doctor referred me to the Augusta Victoria hospital in East Jerusalem. Twice I missed my appointment because I lacked a permit. All I heard from the [Israeli] authorities was that the permit application was being processed. About five months after I first applied, and only after referring my case to human rights organizations and protesting, did I finally get a permit to leave Gaza. A day before coming to Jerusalem, I learned that the cancer has spread to the thyroid.

The repeated closure of Erez and Rafah sentences cancer patients to death. It's a slow death. We are humanitarian cases. We demand our right to be treated.... We just want to be treated and go home. We are not dangerous or a threat to anyone's security. We should have an open permit to avoid all the difficulties. The permit they give us is valid for one day only. If we encounter a checkpoint in Jerusalem, they send us back to Erez. A one-day permit is not enough." Salma, Augusta Victoria Hospital, East Jerusalem.

*"The repeated closure of Erez and Rafah sentences cancer patients to death. It's a slow death. We are humanitarian cases. We demand our right to be treated..."*

*Salma, a cancer patient from Gaza.*

## Eight winterization projects launched in December and January

### Implementation followed the allocation of US\$3 million by the oPt Humanitarian Fund

Eight winter-related projects of the 2016 Humanitarian Response Plan are underway following the allocation of around \$3 million by the oPt Humanitarian Fund (HF) in late November 2016. More than two thirds of the projects are run by national NGOs either directly or in partnership with UN agencies/ international NGOs. The projects target more than 181,000 Palestinians who are at risk of displacement and/or face safety hazards due to winter weather conditions, particularly flooding and storms. Six projects are in the Gaza Strip and two in the West Bank.

In Gaza, poor storm-water drainage and power cuts place between 430,000 to 500,000 people, 64 schools and 10 health centers at risk of flooding. Children are at risk of drowning or contracting waterborne diseases such as diarrhea, hepatitis A, meningitis and typhoid. Four of the HF projects provide infrastructural, technical and educational support to service providers and households in the areas most vulnerable to winter flooding. The interventions benefit over 176,000 people through the construction, rehabilitation and improvement of drainage systems and stormwater networks; isolating sewage networks; and awareness campaigns about private/public hygiene, public health hazards and environmental pollution. Support to households includes the provision of hygiene and winter clothing items, especially to the most disadvantaged families such as female-headed and displaced households.

The other two Gaza projects, run by UNRWA and UNDP, provide emergency rental subsidies to relocate internally displaced families, some 1,600 individuals, who lost their homes during the 2014 conflict and have been living in dilapidated, poorly insulated and unsafe metal caravans.<sup>16</sup> By the end of January, with HF support, these families had found more suitable housing and the caravans are no longer in use.

In the West Bank, the two funded projects address the shelter needs of 1,235 Palestinians living in communities in Area C that face a coercive environment due to Israeli policies, and whose homes and livelihood facilities are particularly vulnerable to winter-related hazards.

One project run by a national NGO (the Ma'an Development Center) supports the rehabilitation of homes in four Palestinian herding communities in south Hebron comprising 192 women, 188 men and 131 children. The average income of households in these communities is less than \$571 a month (\$3 per member per day), more than half of which is spent on food and medicine. Due to their low income, residents cannot afford to maintain their homes, which are in poor condition.

*By the end of January 2017, about 1600 internally displaced people who had been living in dilapidated caravans in Gaza had moved to more suitable housing.*



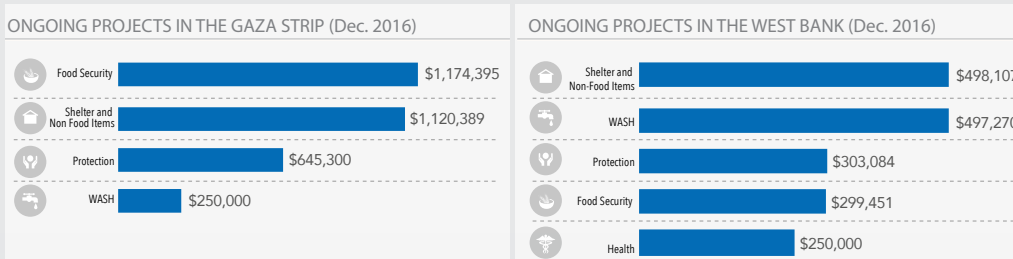
The second project, run by an international NGO (Agency for Technical Cooperation and Development), provides emergency shelter to vulnerable households whose homes and animal shelters are demolished by the Israeli authorities or damaged as a result of winter storms and/or flooding.<sup>17</sup> The HF allocation bridges the funding gap in regular inter-agency demolition response mechanism, incurred by the sharp upsurge in demolitions in 2016, which more than doubled compared to 2015.

### The oPt Humanitarian Fund

The oPt Humanitarian Fund (oPt HF) primarily supports the delivery of strategic humanitarian responses identified under the Humanitarian Response Plan (HRP), while retaining the flexibility to allocate funds to unforeseen events or other special requirements. The HF allocates funding to needs-based priority sectors and geographic areas. The fund has the following main objectives: support life-saving and life-sustaining activities while filling critical funding gaps; promote needs-based assistance in accordance with humanitarian principles; strengthen coordination and leadership primarily through the function of the Humanitarian Coordinator and by leveraging the cluster system; improve the relevance and coherence of humanitarian response by strategically funding priorities as identified under the HRP; expand the delivery of assistance in hard-to-reach areas by partnering with national and international NGOs.<sup>18</sup>

The oPt HF projects are funded by the United Nations/ Humanitarian Fund (UN/ HF) with the generous support of Belgium, Germany, Ireland, Italy, Norway, Spain, Sweden and Switzerland.

*The oPt Humanitarian Fund addresses critical needs by funding life saving assistance.*



Dismantled caravan site in Beit Hanoun, Jan 2017

## The humanitarian impact of de facto settlement expansion: The case of Elon Moreh

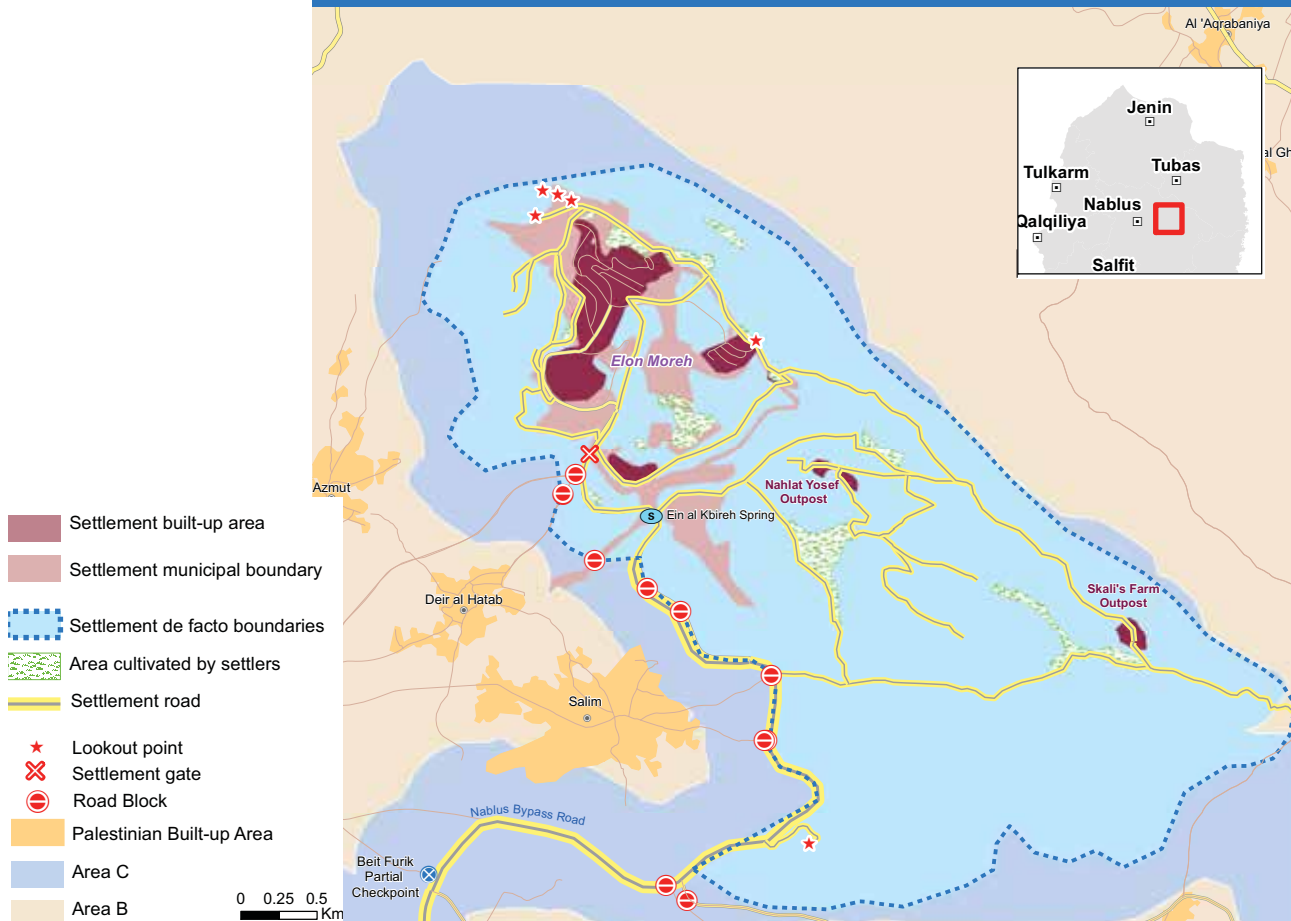
### New research to improve humanitarian response and preparedness

The establishment and continuous expansion of settlements, in contravention of international law, is a key driver of humanitarian vulnerability.<sup>19</sup> It has resulted in Palestinians being deprived of their property and sources of livelihood, restricted access to services and has given rise to a range of protection threats that trigger demand for assistance from the humanitarian community.

Research and the monitoring of settlement expansion has focused on the construction of residential areas and has neglected other means of expansion such as road networks and the development of agricultural and tourist sites, mostly on privately owned Palestinian land without formal permits, but with the acquiescence of the Israeli authorities (hereafter de facto expansion). Additionally, while issues such as settler violence and access restrictions to protect settlements are regularly monitored, their relationship to the phenomenon of settlement expansion is often overlooked.

To enhance the humanitarian community's understanding of these patterns and its ability to respond, OCHA has collected and analyzed data on several affected areas in the West Bank.<sup>20</sup> The following case study of Elon Moreh settlement in the Nablus governorate is the third in a series of Humanitarian Bulletin articles on the findings of this research.<sup>21</sup>

### Elon Moreh settlement: official and de facto boundaries



## Background

Elon Moreh settlement (currently some 1,800 residents) was established in 1979 next to Rujeib village (Nablus), on privately-owned Palestinian land requisitioned by the army for citing military purposes. Following a petition by the landowners, the Israeli High Court of Justice (HCJ) ruled the requisition unlawful under international humanitarian law (IHL) and ordered the evacuation of the land and its return to the Palestinian owners.<sup>22</sup> A few months later, the settlement was relocated to a nearby site registered as “state land”, where it stands through the present.

While, while the relocation of the settlement was prompted by an IHL provision protecting private property during military occupation, Elon Moreh subsequently became an emblematic case of de facto expansion on private Palestinian land.

Although the official municipal boundaries of Elon Moreh are declared by the Israeli authorities to be 1,844 dunums,<sup>23</sup> OCHA’s research found that the area of land controlled by the settlement and where Palestinian access is severely restricted or impossible is more than eight times larger, i.e approximately 15,500 dunums.<sup>24</sup> According to official Israeli records, 63 per cent of the land within this area is privately-owned by Palestinians from three nearby Palestinian villages: Azmut, Deir al Hatab and Salem, with a combined population of 11,500.<sup>25</sup>

## Expanding a permanent settler presence

While the majority of the land within the settlement-controlled area remains undeveloped, Elon Moreh settlers have gradually expanded their presence on it. The first wave of de facto expansion took place during the 1990s and primarily entailed residential building. By 2000, the settlement’s built-up area was 40 per cent larger than its official boundaries. In the following years, two residential outposts (“Skali Farm” and “Nahlat Yosef”) were erected on strategic hilltops a few kilometers away from the settlement’s core. Although the latter was dismantled by the Israeli authorities in 2009, it was subsequently rebuilt and remains in situ today.

Additionally, at least 440 dunums of land have been taken over by settlers to grow vines, olives, almonds and field crops. With the exception of one 18-dunum plot, all this land is privately owned by Palestinians. In a few cases, complaints by landowners led to the Israeli authorities issuing evacuation orders against the settler squatters and uprooting seedlings planted by them. However, access restrictions and continuous settler intimidation (see below) severely limit the ability of Palestinian farmers to resume cultivation of their land.<sup>26</sup>

*While the relocation of Elon Moreh to its current site was prompted by an IHL provision protecting private property, subsequently the settlement became an emblematic case of de facto expansion on private Palestinian land.*



Elon Moreh settlers have also taken advantage of the impressive views from some hilltops to develop six tourist lookout points, with the financial support of official bodies.<sup>27</sup> An additional tourist site was developed around 'Ein al Kbireh spring (renamed 'Ein Kfir) which historically served as Deir al Hatab's main water source.<sup>28</sup> Although the authorities demolished a settler-built pool and a memorial erected next to the spring for lack of a permit in 2010, settlers have reconstructed and expanded the site, which remains intact today.

Elon Moreh settlers have also developed a widespread internal grid of dirt roads extending over nearly 30 kilometres to connect the multiple sites across the de facto boundaries. As with the rest of the infrastructure, this network benefits from the lack of enforcement of planning regulations by the Israeli authorities.

### **Discouraging Palestinian access**

In a series of group discussions conducted by OCHA, residents of the villages affected reported that the presence of armed settlers within the settlement-controlled area, primarily the settlement security coordinator and guards, has played a critical role in intimidating and discouraging them from accessing their land.<sup>29</sup> Soldiers stationed in a military base within the area are also responsible for patrolling the area and backing up the settlement's security coordinator.

The intimidating effect of an armed settler presence has been compounded by sporadic attacks against farmers and their property. The group discussions suggested that the attacks were at their highest during the years of the second Intifada (2000-2005), although comprehensive documentation is not available for this period. Since OCHA began to document settler violence in 2006, 37 attacks resulting in Palestinian injuries (eight incidents) or property damage (29 incidents) have been recorded around Elon Moreh. This figure excludes prevention of access, trespass onto Palestinian property or the expulsion of farmers from their land through intimidation, all incidents that occur on a more frequent basis. Of at least ten complaints filed with the Israeli police and followed up by the Israeli human rights group Yesh Din, only two have led to the indictment of suspects and the rest were closed on the grounds of lack of evidence.

*The construction by Israel of the Nablus bypass road in 1995 connecting Elon Moreh to the south separated Palestinian villages from their farming land.*



Palestinian access to the area has been also impeded by physical obstacles. In 1995, the construction by Israel of the Nablus bypass road connecting Elon Moreh to the south<sup>30</sup> separated the three villages from their farming land. Following the start of the second Intifada in 2000, Palestinians were prohibited by the army from using this road, although no written order had been issued to that effect. In practice, this road and the related ban serve to demarcate the western boundary of the area under de facto settlement control.

In recent years, the Israeli authorities have allowed Palestinians access to the Elon Moreh-controlled area twice a year, for a few days on each occasion, during the olive harvest and ploughing season, subject to prior coordination with the military. During these days, the entry of Israeli settlers to the specific areas is officially banned and Israeli soldiers are deployed on the ground to prevent confrontations. According to an official Israeli map, there are eight such sections encompassing approximately 2,500 dunums, or less than a quarter of the private Palestinian land within this area. However, farmers reported that the designated areas immediately adjacent to the settlement's built-up area have remained entirely inaccessible.

*Subject to prior coordination with the army, Palestinians can access their land that is under Elon Moreh control for a few days, in the olive harvest and ploughing seasons.*

“My family owns 224 dunums of land close to the settlement, which we can only access during the olive harvest for one or two days a year. We cannot plough the land or pick the olives properly. The few days we're allowed are also nerve-racking because of army and settler presence. Sometimes, they [the settlers] pick the good olives before we are allowed to reach our land... One of the settlers set up a sheep farm on part of my land and fenced it around. To get to it I need his permission and need him to open the gate. He controls the land, which he ruined with his sheep.

I'm not the only one who suffers. About 8,000 dunums that belong to Deir al Hatab are inaccessible to their owners because of the settlement, the close military zone, the bypass road, etc. I was born in this land and spent my childhood on it. The land is our life and we've been deprived of it. “

Ismael Anees, Deir al Hatab



Ismael from Deir al Hatab with Elon Moreh in the background, November 2016

Many of these access restrictions by both the army and settlers followed acts of violence by Palestinians and have often been justified by settlers as a security response. In the focus group discussion, Palestinians alluded to the killing of a nine-year-old child from Elon Moreh in 1987, attributed to Palestinians, as the trigger for the first wave of restrictions.<sup>31</sup> Since, eight Israeli settlers have been killed in or next to Elon Moreh; the last incident occurred on 1 October 2015, when armed Palestinians shot and killed a settler couple en route to the settlement. In the wake of this incident, the military strengthened the ban on Palestinian use of the Nablus bypass road.

### Shrinking space and reduced livelihoods

*It is estimated that there are over 12,000 dunums of cultivable land within Elon Moreh's de facto boundaries, which would generate an output of about \$3.3 million a year, if Palestinian had free access to their land.*

Based on statistics about the scope of land cultivation outside of built-up areas in the Nablus governorate, it is estimated that there are over 12,000 dunums of cultivable land within Elon Moreh's de facto boundaries. Assuming free access, cultivation of this area on the same model observed in the rest of the governorate (in terms of scope of irrigation and variety of crops), and assuming the same rates of return, would generate an output of approximately \$3.3 million a year.<sup>32</sup> This is a conservative estimate based on the existing limited irrigation and excluding other significant income-generation activities such as herding. The severe constraints impeding Palestinian access to this area mean that only a negligible portion of this economic potential is being realized.

The three Palestinian communities affected by Elon Moreh's de facto expansion face a fragile socio-economic situation:

- The unemployment rate in Deir al Hatab and Salem ranges between 25 and 30 per cent, while in Azmout it may have reached 50 per cent, according to estimates by village councils, compared with 17 per cent in Nablus governorate as a whole;<sup>33</sup>
- 119 families (approx. 600 people) are classified as "hardship cases" thus receiving cash assistance from the Palestinian Ministry of Social Development (MoSD);<sup>34</sup>
- 139 households (approx. 700 individuals) not covered by the MoSD require food assistance (food rations or vouchers) provided by the UN's World Food Programme (WFP).





The restoration of permanent access and security for Palestinians to their land in the settlement-controlled areas would not only increase respect for international humanitarian law and international human rights law, but would also generate much-needed livelihood and employment opportunities to alleviate the hardship of families affected by unemployment and food insecurity. The return of land to its Palestinian owners and its cultivation would also generate an economic spillover effect, with the additional income spent on local goods and services to multiply the impact of the initial growth.

## Endnotes

1. Information based on a GIS layer obtained by Bimkom, Planners for Planning Rights, from the Israeli Civil Administration on the basis of the Israeli Freedom of information Act.
2. For additional information about demolition orders in Area C, see OCHA, Under Threat, September 2015.
3. Prior to the installation of the caravan clinics, Masafer Yatta residents were served by two clinics located in the Jinba and al Fakheet communities. The clinics were tents that lacked basic infrastructure for medical services.
4. For further information on the communities of Masafer Yatta, see OCHA, May 2013, Life in a "Firing Zone": The Masafer Yatta Communities. [http://www.ochaopt.org/sites/default/files/ocha\\_opt\\_Masafer\\_yatta\\_case\\_study\\_2013\\_05\\_23\\_english.pdf](http://www.ochaopt.org/sites/default/files/ocha_opt_Masafer_yatta_case_study_2013_05_23_english.pdf).
5. The risk of vehicle confiscation stems from the fact that some residents have cars that are not registered.
6. See for example: State response in High Court petition of behalf of four women students who wanted to travel from Gaza to the West Bank to complete their Master's degrees (HCJ 495/12 Azat v. Minister of Defense). For further examples of official statements about the "separation policy, see, Gisha, "Separating Land, Separating People" June 2015 [http://gisha.org/UserFiles/File/publications/separation\\_policy\\_2014.pdf](http://gisha.org/UserFiles/File/publications/separation_policy_2014.pdf).
7. These figures reflect the number of "exits" from Gaza, not people, with those granted permits allowed to make multiple exits during the validity period of the permit.
8. The decline followed a new policy introduced in June 2016 that largely limited residents of Gaza to four permits of one month duration per year (with a minority of residents entitled to apply for three-month permits), in contrast to the previous practice of unlimited permit applications of up to three months. In December, the limitation of four permits per year was replaced with an unlimited number of permits, provided the total travel time does not exceed 120 days per year.
9. In August, the Gaza Ministry of Civil Affairs reported that since March, 1,545 of an estimated 3,200 to 3,500 businesspeople had had their permits cancelled or not renewed. See 'Decline in the number of Palestinians leaving Gaza', OCHA Humanitarian Bulletin, August 2016.
10. The quota for this category was increased in early 2015 from 250 to 450 as part of the post-2014 easing measures, but the Gaza Ministry of Civil Affairs reported in August that, some 150 BMG permits have been cancelled since March 2016. Ibid.
11. World Health Organization, "Health Access for Referral Patients from the Gaza Strip", December 2016. December, with 41.7 per cent approved, represented the lowest approval rates recorded by WHO since April 2009. About 22 per cent of patient applications in December were repeat applications by patients to cross Erez.
12. "Gaza Cancer Patients: Israel's refusal to let us in for treatment is a death sentence," Ha'aretz, 7 January 2017. According to the Israeli intelligence service, 'there have been a number of recent cases in which terror organizations cynically took advantage of patients seeking medical treatment outside of Gaza, were given entry permits to Israel and in whose possessions we found utensils and money designed for use in terror attacks. Therefore, the requests that we receive from Gaza for entry permits into Israel are thoroughly vetted before any such permit is issued.' 'Gaza Cancer Patients: Israel's refusal to let us in for treatment is a death sentence.'
13. World Health Organization, "Health Access for Referral Patients from the Gaza Strip", November 2016. Only one first-degree relative is permitted to accompany a patient and permits are conditional on security clearance for all patient companions under the age of 55. When a companion is rejected and patients have to find an alternative companion, the security process can take up to three weeks.

14. See 'Serious deterioration in access of Humanitarian staff to and from Gaza', OCHA Humanitarian Bulletin, November 2016.
15. Patient's real name was changed.
16. For further details on the conditions of IDPs living in metal caravans, see the October Humanitarian Bulletin: <http://www.ochaopt.org/content/winter-weather-threatens-living-conditions-internally-displaced-persons-idps-residing>.
17. The estimated number of ACTED beneficiaries for this project is 585 vulnerable individuals: 284 children, 53 elderly people and 145 women.
18. For more details on the HF, see oPt Humanitarian Fund, OCHA July 2016: <http://www.ochaopt.org/content/opt-humanitarian-fund>.
19. 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).
20. 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.
21. For additional information on the impact of the establishment and expansion of Elon Moreh on nearby villages, see B'Tselem, Expel and Exploit: The Israeli Practice of Taking over Rural Palestinian Land, December 2016.
22. HCJ 390/79, Azat Muhammad Mustafa Dweiqat and 16 Others v. Government of Israel et al. For further background, see B'Tselem, Under the Guise of Legality, February 2012, pp. 9-18.
23. Military Order 783 regarding the administration of Regional Councils (1979), Map of Elon Moreh, 21 January 1998.
24. This finding is based on a series of nine focus group discussions with residents of the three Palestinian communities affected, supplemented by dozens of visits and analysis of aerial pictures of the area since the late 1980s that show trends in cultivation, the development of built-up areas, appearance of new roads, etc.
25. Calculation based on a GIS layer obtained from the Israeli Civil Administration (ICA) marking the status of land in the affected area as either privately owned or public (also known as "state") land.
26. The eviction order was issued on the 17 December 2007 and refers to 75 dunums of land. In January 2007 the military commander for the West Bank enacted a "stop disruptive use" order that allows settlers to be evicted from land they have taken over up to three years (subsequently extended to five years) after the takeover is discovered. In the following seven years, the ICA has issued 25 eviction orders, of which seven have actually been enforced.
27. These include the Nature and Parks Authority, the Ministry of Tourism and the Shomron Regional Council.
28. In 1982, the installation of a pipeline connecting the spring to the community directly supplied about two thirds of the village households. This pipeline was severely damaged during work to open the bypass road connecting Elon Moreh to the south in 1994. A few years later, the pipeline was disconnected entirely as the community was being supplied by the Israeli water company (Mekorot).
29. The military orders also define the "guarding area" within which coordinators and guards are authorized to operate. In the case of Elon Moreh, this area includes slightly more than 2,000 dunums. However, this order appears to be of little practical relevance as the area of operation of Elon Moreh's security coordinators and guards has extended over the entire de facto boundaries of the settlement. For further background on the issue, see Yesh Din, The Lawless Zone, June 2014.
30. Construction of this road was part of the redeployment of Israeli forces under the Interim Agreement between the PLO and Israel (also known as the Oslo II Agreement).
31. Although the murderer was never found, Rami Haba was acknowledged after his death to have been a victim of terror activity, a status granted by a special committee of the Israeli MoD. This status provides some financial benefits to the families of victims. See <http://www.laad.btl.gov.il/Web/He/Victims/111.aspx?ID=38060>
32. Agricultural economic potential was estimated by FAO based on data provided by OCHA on the size of the affected areas and by PCBS (2007/8) on cultivation patterns in Nablus governorate.
33. Palestinian Central Bureau of Statistics, Labour Force Survey, Annual Report 2015, p. 78. These rates are well above the 17 per cent average for Nablus governorate as a whole.
34. Allocations range from NIS 750 to NIS 1,800 every three months depending on the severity of the case.