



# The Humanitarian Impact of the Barrier

FOUR YEARS AFTER THE ADVISORY OPINION OF THE  
INTERNATIONAL COURT OF JUSTICE ON THE BARRIER

**July 2008** Update No. 8  
(Updated August 2008)



The report is compiled by the  
United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA)  
United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)  
[www.ochaopt.org](http://www.ochaopt.org) [www.unrwa.org](http://www.unrwa.org)

The image shows a person's hands holding several Israeli identification documents. The documents are as follows:

- Blue ID Card:** Located at the top right, it features a photo of a man and Hebrew text. The date "23/01/1953" is visible.
- White ID Card:** Located in the center, it has a Star of David emblem and Hebrew text. The date "12/12/2005" is visible. It also contains a section titled "לתשומת לב !!!" (Attention !!!).
- Green ID Card:** Located at the bottom, it has Hebrew text and a date "12/12/2005".

The person holding the documents is wearing a dark jacket. The background is a plain, light-colored surface.

# The Humanitarian Impact of the Barrier

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## Introduction

In summer 2002, following a campaign of suicide bombings by Palestinian militants, the Government of Israel approved construction of a temporary 723-kilometer-long Barrier with the stated purpose of preventing Palestinian suicide bombers from entering Israel.<sup>1</sup>

On 9 July 2004, the International Court of Justice (ICJ), the principal judicial organ of the United Nations, issued an advisory opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*. The opinion recognised that Israel 'has the right, and indeed the duty, to respond in order to protect the life of its citizens [but] the measures taken are bound nonetheless to remain in conformity with applicable international law'.<sup>2</sup> In analysing the Barrier route, the Court stated that the sections which ran inside the West Bank and East Jerusalem together with the associated gate and permit regime, violated Israel's obligations under international law. The ICJ called on Israel to: cease construction of the Barrier 'including in and around East Jerusalem'; dismantle the sections already completed; and 'repeal or render ineffective forthwith all legislative and regulatory acts relating thereto'.<sup>3</sup>

The ICJ also called on Israel to 'make reparations' for the 'requisition and destruction of homes, businesses and agricultural holdings' and 'to return the land, orchards, olive groves, and other immovable property seized'.<sup>4</sup> Although this is an advisory, non-binding legal opinion, on 20 July 2004, General Assembly Resolution ES-10/15 demanded that Israel comply with the ICJ opinion. The Court also obligated member states not to recognize the illegal situation created by the Barrier and to ensure Israel's compliance with international law.

Four years on, Barrier construction continues, with approximately 57% of the Barrier constructed and 9% under construction.<sup>5</sup> The majority of the route, approximately 86%, runs inside the West Bank and East Jerusalem, rather than along the 1949 Armistice Line (Green Line). This has a major impact on Palestinian villages, towns and cities, isolating communities and separating tens of thousands of people from services, lands and livelihoods.

This report provides an analysis of the impact of the Barrier route on Palestinian communities, including updated statistics on the land and persons affected, with special reference to the declining economic situation in Qalqiliya City and the fragmentation of the Salfit district.

In the northern West Bank where the Barrier is already constructed, a restrictive permit and gate regime has severely limited the access of Palestinian farmers to their lands and water resources in the closed area between the Barrier and the Green Line. The main part of this report focuses on the village of Jayyus, most of whose productive land is cut off in the closed area. Reduced opportunity for cultivation has led to the dismantling of greenhouses, and a change to lower-maintenance but lower-yield crops. As a result, there is increased unemployment, evidence of displacement especially among young men, and the transformation of a community which formerly exported food to a recipient of food aid. The concern is that if the land to the west of the Barrier in the



Photo: Marc Juillard, 2007





View of a northern Palestinian community through the Barrier. Photo, UNRWA 2007

rest of the West Bank is declared closed by military order; and the permit and gate regime is instituted, the predicament of Jayyus, Qalqiliya and Salfit will be replicated with devastating consequences for Palestinian livelihoods.

The report also includes a summary of the ICJ opinion and a brief description of the UN Register of Damage, which was set up pursuant to a General Assembly Resolution A/RES/ES-10/17 (2007) to record the damages caused by the Barrier

# Part I

## Analysis of the Humanitarian Impact of the Barrier

Various routes of the Barrier have been approved by the Israeli cabinet since construction began. The map of the current route was published on the website of the Ministry of Defense in April 2006.<sup>6</sup>

The Barrier compounds the fragmentation of the West Bank by creating non-contiguous enclaves of Palestinian communities and territory, which are isolated from each other and from the remainder of the West Bank. Movement and access for Palestinians is controlled by permits and gates, or channelled through 'Fabric of Life' routes – secondary roads, tunnels and underpasses created or upgraded by the Israeli authorities to restore transportation contiguity between disconnected Palestinian localities. These physical and bureaucratic measures add to the closure regime of checkpoints and roadblocks, preventing and delaying Palestinians from accessing essential services and workplaces.

The constructed parts of the Barrier in the northern West Bank are already creating geographical and bureaucratic hardships for hundreds of thousands of Palestinians.

In October 2003, the area between the Barrier and the Green Line was declared closed by military order, and a permit and gate regime was introduced. Approximately 10,000 Palestinian residents reside in these areas and have become physically separated from the rest of the West Bank. The majority require 'permanent resident' permits from the Israeli military to continue to live in their own homes.<sup>7</sup> As documented in previous UNOCHA-UNRWA reports, health and education services are generally located on the east, or 'Palestinian' side, of the Barrier, so children, patients and workers have to pass through gates to reach schools, medical facilities and workplaces and to maintain family and social relations.<sup>8</sup> When complete, approximately 35,000 West Bank Palestinians will be located between the Barrier and the Green Line.

A far greater number of Palestinians who reside to the east of the Barrier have been isolated from farms, grazing lands and water resources located on the west side. In the northern West

### Key Points

#### When complete:

- This route will run to 725 kilometres, more than double the length of the 1949 Armistice (Green Line), with 86% located inside the West Bank (including East Jerusalem).
- The Barrier will isolate approximately 9.5% of West Bank territory, including East Jerusalem and No-Man's Land.
- Approximately 385,000 settlers in 80 settlements will be located between the Barrier and the Green Line.
- Approximately 35,000 West Bank Palestinians will be located between the Barrier and the Green Line, in addition to the majority of the approximately 250,000 residents of East Jerusalem.
- Approximately 125,000 Palestinians in 28 communities will be surrounded on three sides by the Barrier.
- Approximately 26,000 Palestinians in 8 communities will be surrounded on four sides by the Barrier, with a tunnel or road connection to the rest of the West Bank.

Bank, these Palestinians need 'visitor' permits to cross the Barrier to reach their farms and wells located in the closed area. According to a UNOCHA-UNRWA Barrier Monitoring survey, less than 20 percent of those who used to farm their lands in these areas before completion of the Barrier are now granted permits.<sup>9</sup> Even if granted, permits are not always issued to the most appropriate person, leaving older family members unable to effectively carry out the work, while the more able-bodied remain idle at home.

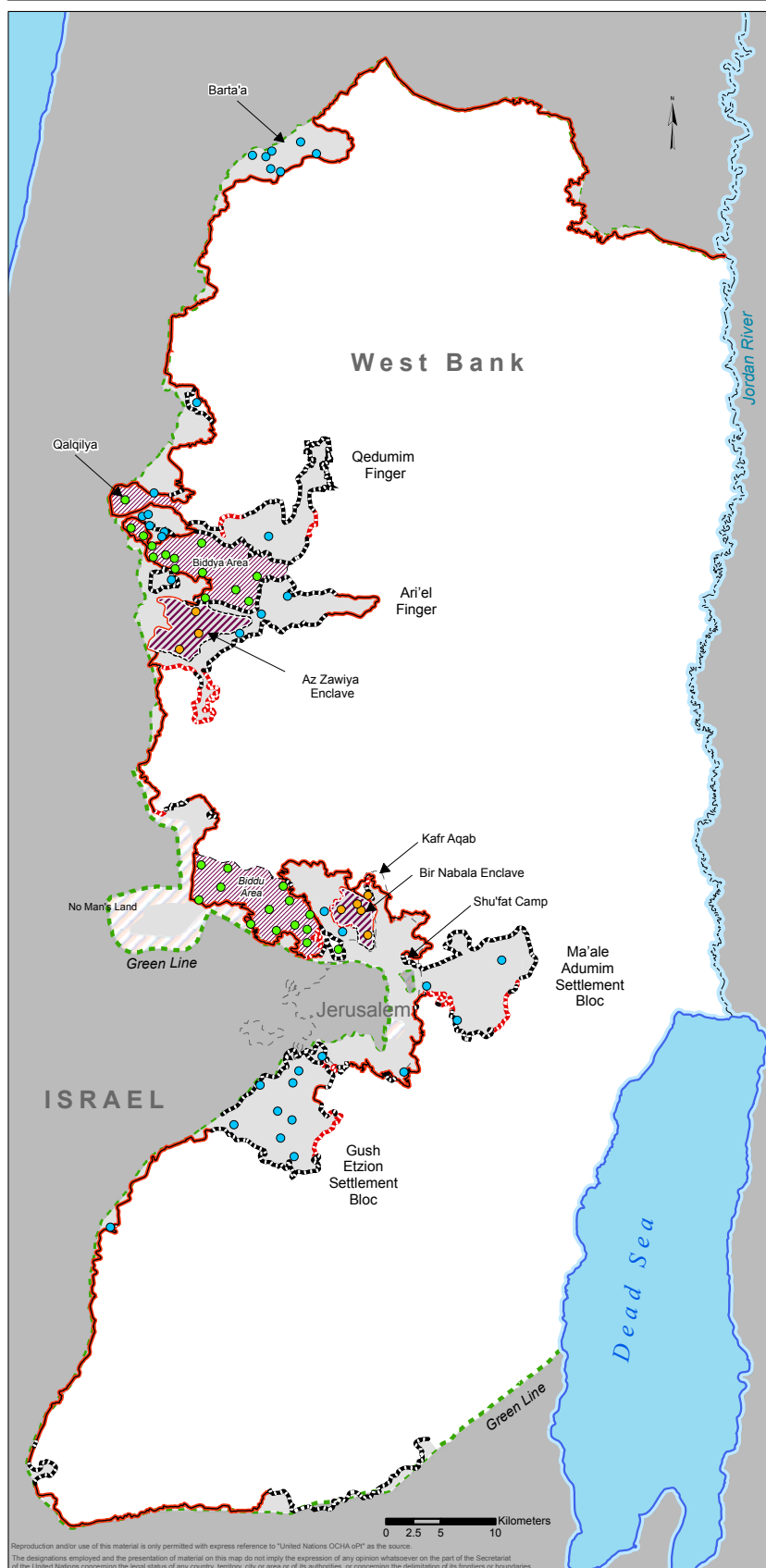
For the minority granted permits, access is through a limited number of designated gates. Along the total length of the Barrier, there are 64 gates currently open on a daily, weekly and/or seasonal basis (See table Page 9). The irregular placement of the gates and the restrictive opening times severely curtail the time available for farming with negative impact on rural livelihoods.



UN Office for the Coordination of Humanitarian Affairs

## West Bank Barrier Route Projections

July 2008



### Area Affected

The Barrier's total length is 725 km, more than twice the length of the 1949 Armistice Line (Green Line) between the West Bank and Israel.

The total area located between the Barrier and the Green Line is 9.5 % of the West Bank, including East Jerusalem and No Man's Land.

When completed, approximately 14 % of the Barrier will be constructed on the Green Line or in Israel with 86 % inside the West Bank.

### Populations Affected

If the Barrier is completed based on the current route:

Approximately 35,000 Palestinians holding West Bank ID cards in 35 communities will be located between the Barrier and the Green Line.

The majority of the approximately 250,000 Palestinians with East Jerusalem ID cards will reside between the Barrier and the Green Line. However, Palestinian communities inside the current municipal boundary, Kafr Aqab and Shu'fat Camp, are separated from East Jerusalem by the Barrier.

Approximately 125,000 Palestinians will be surrounded by the Barrier on three sides. These comprise 28 communities; the Biddya and Biddu areas, and the city of Qalqilya.

Approximately 26,000 Palestinians in 8 communities in the Az Zawiya and Bir Nabala Enclaves will be surrounded on four sides by the Barrier, with a tunnel or road connection to the rest of the West Bank.

### Barrier Route

- Completed
- - - Under construction
- . . . . . Planned

Cartography and Barrier Themes: OCHA-oPt IMU  
Map July 2008  
Base data: MoPIC (2000) updates OCHA (2006)

For comments contact <[ochaopt@un.org](mailto:ochaopt@un.org)>  
Tel. +972 (02) 582-9962 <http://www.ochaopt.org>



Deir Al Ghussun, Gate 623, Photo by Marc Juillard/EAPPI

Projected Barrier construction will also affect some of the most productive lands and water resources in the West Bank. In the north, the Qedumim and Ariel 'Fingers' will fragment the Qalqiliya district, adding to the deteriorating economic situation in Qalqiliya City, and compounding the problems faced by agricultural communities such as Jayyus. The 'Fingers' will also gravely impact the Salfit governorate, disrupting the geographical contiguity and dissecting the territory into three disconnected pockets, north, south and west, with communities surrounded on three sides (the Biddya Area) or four sides (Az Zawiya enclave) by the Barrier.

In the central West Bank, the completed Barrier isolates neighbouring West Bank communities -- such as the villages in the Deir Ballut enclave -- that were once closely connected to East Jerusalem. Densely-populated Palestinian localities inside the Jerusalem boundary are also physically separated from the city, with residents now needing to cross a checkpoint to access the services to which they are entitled. Completion of the Barrier around the Ma'ale Adummim settlement bloc will physically

separate East Jerusalem from the rest of the West Bank, and as documented in a previous UNOCHA Barrier report, will further restrict Palestinians' access to workplaces, health, education, and other services, and to places of worship.<sup>10</sup>

Further south, the Barrier already separates Bethlehem from Jerusalem, with which it shares historic religious, social, and economic ties. Construction of the Barrier around the Gush 'Etzion settlement bloc will sever the territorial contiguity of Bethlehem and curtail its potential for natural growth. It will also separate the city from its agricultural hinterland, which comprises 9 Palestinian communities of approximately 22,000 residents, who will face restricted access to services in Bethlehem, including markets, health services, and higher education.



**Table of all Barrier gates, North to South**

District	Gate Name	Status	District	Gate Name	Status
Jenin	Al Mutilla	S/W	Qalqiliya	'Izbat Salman South	A
Jenin	Jalbun South	S	Qalqiliya	'Azzun 'Atma	CACpt
Jenin	Faqqu'a East	S	Qalqiliya	Beit Amin	S
Jenin	Faqqu'a North	S	Salfit	Masha North	S
Jenin	'Arrabuna Door	S	Salfit	Masha West	S
Jenin	At Tayba West	S/W	Salfit	Az Zawiya	S
Jenin	Anin	S/W	Salfit	Salfit Door West	PC
Jenin	Al 'Araqa North	S	Salfit	Salfit Door	PC
Jenin	Tura	CACpt	Salfit	Salfit Door East	PC
Jenin	Reikhan Barta'a	CACpt	Ramallah	Rantis	PC
Jenin	Dhafer Al 'Abed	S/W	Ramallah	Khirbet Dasra	PC
Tulkarm	Qaffin	S/W	Ramallah	Budrus	PC
Tulkarm	Nazlat 'Isa North	S/W	Ramallah	Kharbatha Bani Hareth	PC
Tulkarm	Nazlat 'Isa South	CACpt	Ramallah	Bilin	24 hr
Tulkarm	Zeita South	S/W	Ramallah	Saffa	PC
Tulkarm	'Atil	A	Ramallah	Beit Sira	PC
Tulkarm	Deir al Ghusun	A	Ramallah	Beit Nuba	PC
Tulkarm	Shweika	A	Jerusalem	Kh. Umm Al Lahim	PC
Tulkarm	Far'un	S	Jerusalem	Har Adar	PC
Tulkarm	Jubara	CACpt	Jerusalem	Beit Surik	PC
Tulkarm	Sal'it	A	Jerusalem	As Sahal (Biddu)	PC
Qalqiliya	Falama North	A	Jerusalem	Beit Ijza Jdid	PC
Qalqiliya	Jayyus North	A	Jerusalem	Beit Ijza	PC
Qalqiliya	Jayyus South	A	Jerusalem	Jaba'	PC
Qalqiliya	An Nabi Elyas	S	Jerusalem	Hizma	PC
Qalqiliya	Zufin	CACpt	Hebron	Khirbet Ad Deir	PC
Qalqiliya	Jaljoulia	CACpt	Hebron	Tarqumiya	PC
Qalqiliya	Isla	A	Hebron	Idhna	PC
Qalqiliya	Kafr Thulth	S	Hebron	Deir Samit	PC
Qalqiliya	Ras 'Atiya	CACpt	Hebron	Beit Awa	PC
Qalqiliya	Habla	A	Hebron	Deir Al Asal	PC
Qalqiliya	'Izbat Salman North	A	Hebron	Ar Ramadin	PC

**LEGEND**

Type	Description	No.
Closed Area Community Checkpoint (CACpt)	Primarily designed to allow communities in the closed areas access to the wider West Bank for essential services, schools etc: Generally open during the day and closed at nights. Can also be used by farmers with visitor permits to access land in the closed area.	8
Agricultural gates (A)	Open daily, generally for one hour early morning; noon; late afternoon to allow farmers holding valid permits access to their land in the closed areas. Only a minority of permit-holders, generally herders, are allowed to stay on their land overnight.	11
Seasonal/ weekly gates (S/W)	Open seasonally, usually only in olive harvest, to allow farmers access to olive groves; and one to three days weekly throughout the year, to allow for ploughing, weeding, pruning etc.	7
Seasonal gates (S)	Only open during the olive season, (October – December) - from one week to one month.	12
Prior Coordination gates (PC)	Access is not dependent on permits but by ID cards and/or list of names on gate. Gates are open through prior coordination with the DCL usually seasonally, and sometimes several days weekly.	25
Other gates	Bil'in is open 24 hours following a order by the Israeli High Court of Justice.	1
Total		64

# Part 2

## The Salfit governorate and the city of Qalqiliya

### Salfit Governorate

In April 2006, the government of Israel approved a revised route of the Barrier which, if completed, will lead to an increasing fragmentation of the Salfit governorate with severe implications for its agricultural economy.

The Palestinian population of Salfit governorate has already been fragmented by Israeli settlements and the closure regime (physical obstacles placed on roads restricting Palestinian access), protecting the Israelis living in these settlements. Approximately 12% of the land area of Salfit has been seized by the Israeli authorities and allocated for the construction of 13 residential settlements, two industrial zones, a military base and a quarry. An additional 10% has been declared a fire zone, used for military training.

The closures have led to the gradual transformation of the main road network in the governorate to roads for exclusive Israeli use. Road 4775, for example, which connected Salfit City to most of the villages in the governorate, has been totally blocked by the IDF and turned into a road for exclusive Israeli use. This prohibition has forced the residents of most villages in the governorate to make long detours and cross a staffed checkpoint to access Salfit City.<sup>11</sup>

Overall, the reduction in the availability of land and the tightening of movement restrictions have led to a deterioration in living conditions. Moreover, the establishment of residential settlements and industrial zones, has created a serious threat of pollution to the underground water resources of Salfit. The main cause is the continuous discharge of raw sewage from these settlements into and through neighbouring Palestinian villages. In the settlement of Ariel, for example, more than two million cubic metres of untreated wastewater is regularly discharged into the Al Matwi valley, west of Salfit City.

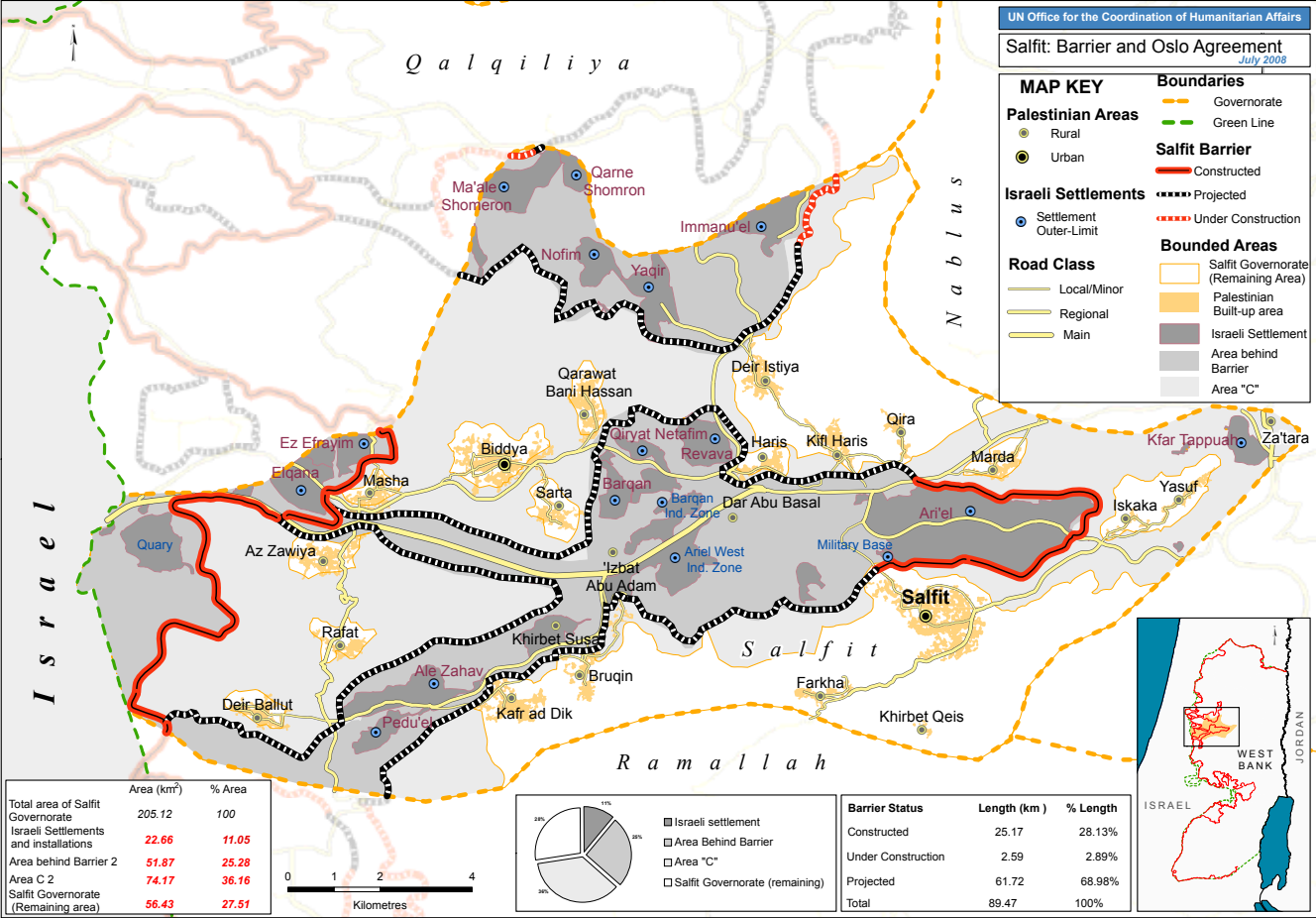
The Ariel 'Finger', a 22-kilometre-long corridor into the West Bank, will link Ariel and other settlements to Israel. A separate corridor in the northern part of the governorate, the Qedumim 'Finger', will link the Shomron settlement bloc and Qedumim settlement to Israel, cutting off another significant section of

Salfit. Altogether, close to 100 square kilometres, almost half of the governorate land area, will be effectively cut off on the 'Israeli' side of the Barrier. As a result, the geographical contiguity of the governorate will be disrupted and its territory dissected into three disconnected pockets: north, south and west undermining access to land, water resources and markets.

In a response to a petition to the Israeli High Court of Justice against the route of the Barrier around Ariel settlement, the State Attorney stated that in setting that route, the IDF took into account an unapproved plan to expand Ariel southwards, on West Bank land that would be on the 'Israeli' side of the Barrier.<sup>12</sup>

In its advisory opinion, the ICJ warned of the legal consequences should the Barrier route be determined not only for security reasons but also to facilitate settlement expansion:

*'Whilst the Court notes the assurance given by Israel that the construction of the wall does not amount to annexation and that the wall is of a temporary nature (see paragraph 116 above), it nevertheless cannot remain indifferent to certain fears expressed to it that the route of the wall will prejudice the future frontier between Israel and Palestine, and the fear that Israel may integrate the settlements and their means of access. The Court considers that the construction of the wall and its associated régime create a "fait accompli" on the ground that could well become permanent, in which case, and notwithstanding the formal characterization of the wall by Israel, it would be tantamount to de facto annexation'*<sup>13</sup>



## ■ Qalqiliya City

Since completion of the Barrier in mid-2003, Qalqiliya City has been surrounded on its northern, western and southern sides by a concrete wall and a system of electronic fences, trenches and patrol roads. Access in and out is only possible through a narrow 'bottleneck' opening on the eastern side of the city, and through a 'Fabric of Life' underpass constructed by the Government of Israel (GoI) under Route 55 to re-connect the city southwards with communities cut off by the Barrier.

The Barrier has had a negative impact on the living conditions of the population, primarily on two groups. The first consists of those who own or used to work the land which is now located in the 'closed area' between the Barrier and the Green Line, and whose access is now limited by the permit and gate restrictions described in this report. The other consists of workers who were previously informally employed within Israel, mainly in the construction sector, and who have lost access to their places of work.<sup>14</sup>

The economic situation in Qalqiliya has deteriorated further since July 2007, when the two checkpoints into the city were staffed permanently. The DCO checkpoint is located at the main entrance to Qalqiliya City from the east, and a second checkpoint is next to Izbat Jal'ud village, south of the underpass. Soldiers at both checkpoints register most people entering Qalqiliya and conduct car and luggage searches on a random basis, resulting in queues from 10 to 30 minutes.<sup>15</sup> Trucks with Israeli license plates are now prohibited from entering Qalqiliya, and Palestinians with Israeli citizenship must park outside the city and enter on foot. A back-to-back system operates, whereby commodities transported by Israeli-plated trucks must be unloaded in an area next to the DCO checkpoint and then be reloaded onto trucks with Palestinian license plates.

These measures have had a negative impact on the economic life of the city, in particular on commercial activities. The number of Palestinians with Israeli citizenship who now shop in the city has dropped from about 50% of total customers to 10% since July 2007.<sup>16</sup> The cost of goods imported from Israel has risen due to the back-to-back system. In addition, traders from neighbouring villages have stopped purchasing from wholesalers in Qalqiliya and turned instead to distributors in Nablus and Beita.

As a result of the dramatic reduction in revenues, businesses are shrinking, shifting to activities requiring lower capital or shutting down entirely. The Chamber of Commerce estimates that approximately 750 of the 5,000 establishments operating in Qalqiliya governorate have shut down since July 2007, the great majority in Qalqiliya City itself.





The Barrier is affecting economic and commercial activities in communities along its route, OCHA 2007

# Part 3

## Restricting access to land

### The Case of Jayyus

Jayyus is an agricultural community of 3,500 inhabitants, located in the Qalqiliya district in the northern West Bank. In addition to olive cultivation, the village's six groundwater wells allow for intensive irrigated agriculture. Tomatoes, cucumbers, beans and sweet peppers are cultivated in scores of greenhouses, and citrus, avocado, and guavas orchards flourish. In previous years, the produce was exported to Israel and to the Arab world, and to local markets in Nablus and Ramallah. Proximity to the Green Line allowed residents to work in Israel but in recent years, lack of access to the Israeli labour market and increasing movement restrictions inside the West Bank have led to a greater dependence on agriculture, both as a primary occupation and for supplemental income.

Barrier construction around Jayyus began in October 2002 and was completed in August 2003, resulting in the uprooting of 4,000 olive and citrus trees. The route is one of the most circuitous in the northern West Bank, deviating 6 kilometres from the Green Line to within metres of village homes. Approximately, 8,600 dunams<sup>17</sup> – the bulk of the community's cultivated land – is cut off by the Barrier, which includes 50,000 fruit and olive trees, all of the greenhouses and the six groundwater wells which are used for irrigation. This has impacted hundreds of families, impeding their source of livelihood, and freedom of movement.

#### The Associated Regime: permits

In the northern West Bank, the land between the Barrier and the Green Line was declared closed by military order in October 2003. For Palestinian communities with land on the west side of the Barrier, those above the age of 12 require a 'visitor' permit to access the closed area. Jayyus was one of the communities most affected by this order. On 19 October 2003, the Israeli Civil Administration District Co-ordination Office (DCO) distributed permits to affected communities, including 630 three-month permits to Jayyus municipality. The DCO allocation was haphazard: in addition to landowners and landless labourers affected by the new regime, deceased and emigrated residents, and minors were included. Conversely, over 100 landowners, including 30 greenhouse owners, were denied permits on security grounds.

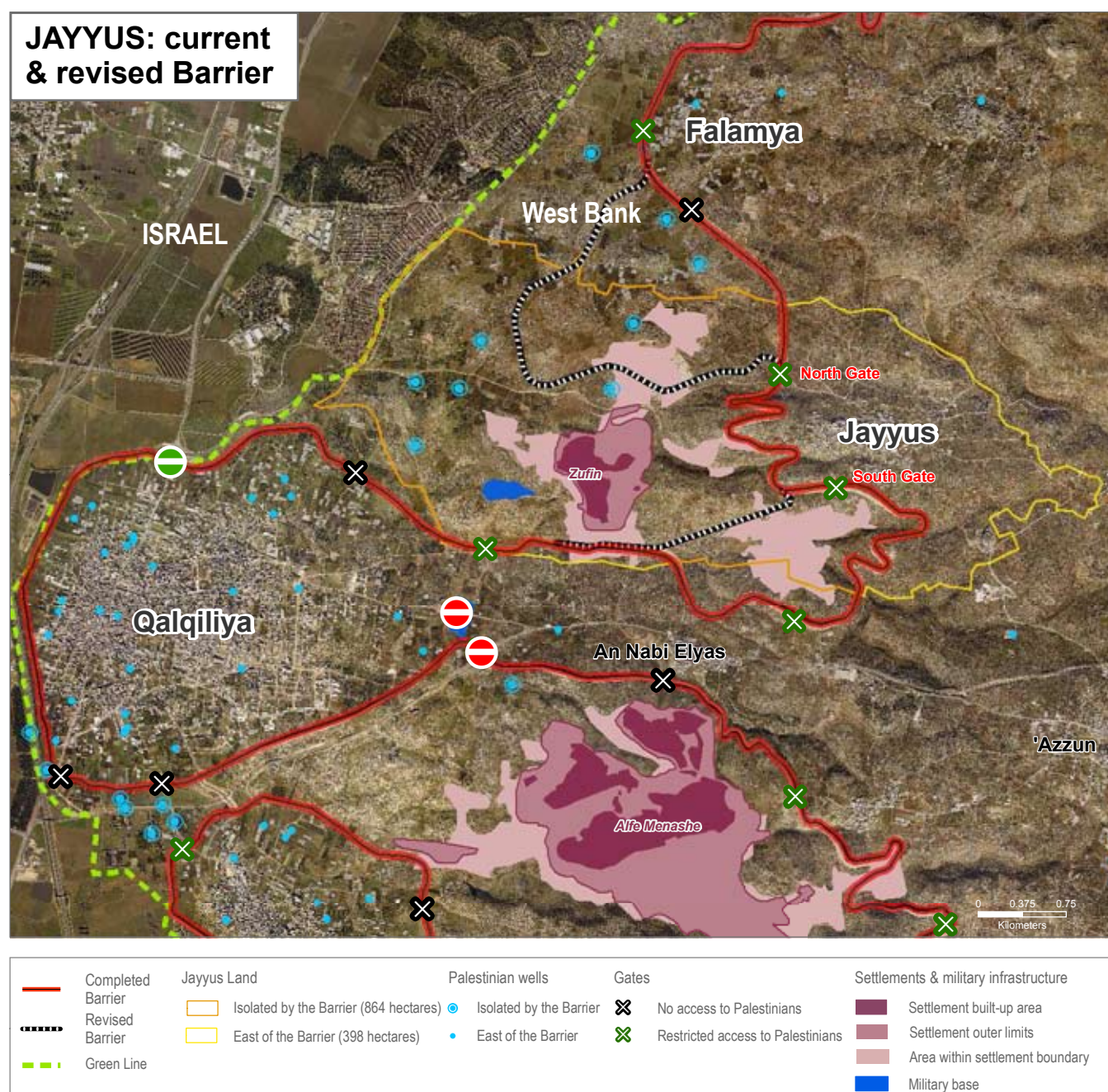
#### Route of the Barrier and Zufin Settlement

In 1989, Zufin settlement was constructed on land belonging to Jayyus. Although a small 'rural community' of one thousand residents, the jurisdictional area of Zufin covers 2,000 dunams, ten times larger than its current built-up area. An extension to the settlement, *Nofei Zufin*, is planned some 700 metres north of the current built-up area on Jayyus land currently cut off by the Barrier. According to the Israeli organizations B'Tselem and Bimkom, "the primary consideration in determining the route of the Barrier around Zufin was to leave areas planned for the settlement's expansion and for a nearby industrial zone on the 'Israeli' side of the barrier."<sup>18</sup>

In June 2006, in response to a petition to the Israeli High Court of Justice, the State admitted that plans for an industrial zone for Zufin had been taken into consideration in planning the route. The High Court ordered a revision in the south-east section of the current Barrier route, affecting land belonging to the villages of Azzun and An Nabi Elyias. In a separate ruling, in response to petitions by the Association for Civil Rights in Israel (ACRI) on behalf of Jayyus and other communities in 2003 and 2005, the High Court ordered a revision to the Barrier around Jayyus.

On 1 June 2008, the IDF issued a map recommending a revision of two sections of the route of the Barrier in the greater Zufin area. The plan returns land to Jayyus, Azzun and An Nabi Elyias but does not re-route the Barrier in its entirety to the Green Line, as ACRI and the community of Jayyus requested. Instead, only approximately 2,500 of the 8,600 dunams currently isolated will be restored to Jayyus. The revision does not affect the *Al-Murooj* and *Stuah* areas, the most productive areas for fruit and vegetable cultivation, the four groundwater wells and the majority of greenhouses. Re-routing will also result in the uprooting of more trees to add to those destroyed during the original construction in 2002.





This first, unsolicited distribution was unique. By early 2004, the policy changed. All non-resident Palestinians who need to enter the closed area must submit a request for renewal on expiry of the current permit.<sup>19</sup> Requirements have become more stringent: in addition to satisfying the security considerations necessary for all Israeli-issued permits, applicants must present copies of both their ID cards and current permits, in addition to proving a connection to land in the closed area. The latter demand normally requires submission of valid ownership or land taxation documents, *Tabu* or *Ikhray Qayd/Maliyeh*, which are not always easily obtainable. Also required are, an accompanying map of the land in question, and both certificates

of inheritance and proof that the land has not been sold and still belongs to the applicant.

Tenant farmers and landless labourers are particularly penalised by a system where the onus is on the applicant to provide documentary proof of land ownership, which they do not possess. As detailed in a previous UNOCHA-UNRWA report, by 2005, spouses and second-degree relatives such as nephews, uncles, cousins and grandchildren, were also increasingly denied permits on the grounds of 'no connection to the land'.<sup>20</sup>

In early 2007, UNOCHA-UNRWA carried out a Barrier

Monitoring survey which included 52 communities with land isolated in the closed area. Village representatives reported that less than 20 percent of those who used to work land in the closed area before completion of the Barrier – whether in a full or occasional capacity – were granted permits.<sup>21</sup> Even in this restricted allocation, distribution is irregular with some families containing more than one permit-holder; others having a single successful applicant – not necessarily the youngest or most able-bodied – and many families having none at all.

As reported by the Mayor of Jayyus as of 12 June 2008, there were only 168 valid permits in his community, compared to 250 in February 2007 and 630 in October 2003. Approximately 350 families are without a single permit-holder. In addition to security reasons – for which no further explanation is given – applicants are rejected on the grounds of ‘no connection to the land’ and more recently, ‘not having enough land.’<sup>22</sup> Among those refused are farmers who had been granted permits in the past. Where permits were valid for one or two years previously, none of the recently-issued permits is valid for more than six months.

Because of the economic importance and labour-intensive nature of the olive harvest, additional short-term permits are usually issued by the DCO to members of extended families.



Routine check for farmers at northern Barrier gate, Photo, Marc Juillard, Dec 2007

Most households in Jayyus cultivate olive trees for commercial and domestic use. In the 2007 olive season, 419 persons applied for permits, of which approximately 25 percent were approved for a one-month duration, according to Jayyus municipality. In recent years, Israeli and international volunteers have assisted

## Proving inheritance

The question of proving inheritance is particularly problematic because of an inconsistency between the Jordanian and Israeli systems of registering names on land documents. As demonstrated below, this can result in a total incongruity in names between the original title-holder – where no clan name was registered under the Jordanian system – and the many inheritors of the land within a few generations. In practice in Jayyus, most young farmers are third-generation descendents with only one name in common with the title holder. Thus, proving a family connection to the original title holder – and obtaining a permit – is becoming increasingly difficult for young applicants.

	Personal Name	Father's Name	Grandfather's Name	Clan Name
Title Holder	Mohammed	Omar	Mohammed	None (Jordanian system)
Son	Shareef	Mohammed	Omar	Khalid (Israeli system)
Grandson	Azzam	Shareef	Mohammed	Khalid
Great-grandson	Shareef	Azzam	Shareef	Khalid



### Case Study: Abu Fathi

Abu Fathi a farmer from Jayyus, born in 1937, owns 25 dunams of land in the closed area. In the past, he cultivated olive trees, potatoes and a variety of fruits and vegetables in two greenhouses. This provided him and his family of seven daughters and four sons with a livelihood. Cultivation also allowed him to maintain ownership of the land. A common fear among farmers in Jayyus is if their land lies uncultivated, it will be confiscated as 'state land' and designated for settlement expansion.

Abu Fathi suffers from medical complications following open-heart surgery a few years ago. His wife is also in ill-health and Abu Fathi has to accompany her frequently to Nablus for medical treatment. His four sons have consistently been denied permits and none is currently working the land. Abu Fathi has dismantled his greenhouses and switched to wheat, which requires less intensive labour. He employs other permit-holding farmers to assist him in harvesting the wheat. Aging and in declining health, Abu Fathi constantly worries that none of his sons will be able to inherit the family land.

during the olive harvest, but a narrowing pool of permit-holders cannot make up the labour shortfall for the rest of the year.

### Barrier Gates: failing to meet the basic needs of the population

Along the 200-kilometre length of the Barrier where the permit and gate regime is operational – in the Jenin, Tulkarm and Qalqiliya districts – 38 gates are currently accessible to Palestinians. Of these, 19 open on a daily basis, and 19 for a limited period during the olive season or for an additional day, or days, per week throughout the year. In the past, farmers from Jayyus used the most direct route by vehicle, donkey or on foot to reach their land. The Barrier has severed traditional agricultural routes, increasing the time and distance involved in travelling. The minority who are now granted permits are channelled through designated gates.

Barrier gates constitute some of the most restrictive checkpoints in the West Bank. Permit-holders must queue for their documents to be inspected and their persons and belongings searched, before being allowed to access their land. Palestinians complain of regular harassment and humiliation at

Barrier gates, in addition to incidents of seizure, confiscation or destruction of produce, and of physical violence.<sup>23</sup> Once allowed through the gate, an individual's farm may be located a long distance over difficult terrain adding to the delay in reaching land.

Compared to most agricultural communities, Jayyus is fortunate in that two agricultural gates open on a daily basis. However, the South Gate only opens for three periods of fifteen minutes and mainly serves a Bedouin refugee family isolated in the closed area. The majority of permit-holders use the North Gate. In 2003, ACRI petitioned the Israeli High Court on behalf of Jayyus and three other villages, charging that 'the gate opening hours are extremely limited, arbitrary and in no way reflect the basic needs of the civilian population.'<sup>24</sup> This led to an improvement in the length and regularity of opening times for the North Gate, which was extended to twelve consecutive hours for some months during 2005.

This proved short-lived and the North Gate is now restricted to three daily openings: 0700-0830, 1230-1330 and 1630-1700. Considered as 'visitors', few farmers are granted 24-hour permits to remain overnight and must return to Jayyus before the gate is locked for the last time in the late afternoon. The opening hours also penalise the employed and 'part-time' farmers who might otherwise cultivate family holdings after work for domestic consumption or for supplementary income.

Before the Barrier, a local farmer explained, 'we used to go to our farms whenever we wanted, preferring to work in the early morning and evening when the sun is not so hot.' Now, to make the best of the limited time available, permit-holders work in the summer when the sun is at its height and in the winter, queue in the dark and the cold weather before the first gate opening. As the gates are closed and un-staffed between the scheduled opening times, farmers cannot return immediately to the 'Palestinian side' in cases of accident or an emergency.

There are also restrictions on the vehicles and on the materials which are allowed into the closed area. According to farmers, agricultural tools, chemical fertilisers, construction materials, fodder, and spare parts for the pumping stations can be denied, depending on the mood of the soldiers at the gate. Tractors and donkey carts are allowed through the North Gate but only three trucks in Jayyus have permits to cross into the closed area.

## Case Study: Abu Jamal

Mohammed Taher Qaddumi (Abu Jamal) is an UNRWA-registered refugee, his father having fled from Jaljoulia to Jayyus in 1948. He is 34 and has been farming since he was 14. The family holding comprises land he inherited from his father and some he bought himself, and includes olive groves and 5 greenhouses. Since his father's death he has also taken over responsibility for looking after one of the 6 wells in the closed area, whose water irrigates the farms of dozens of families.

In the initial round of allocation in October 2003, Abu Jamal was refused a permit for security reasons. With others, he successfully appealed through a lawyer supplied by the municipality, and was granted permits successively, on one occasion for a 2-year period. His last permit was valid for 3 months for the 2007 olive season and expired on 18 December. Since then he has been refused repeatedly, again on security grounds.

His brother Saleh now tries to look after all the family greenhouses: a third brother who was imprisoned in the past has never been granted a permit and has given up applying. Saleh is hard-pressed to carry out his own work during the limited time which the gate openings allow, in addition to looking after the well. 'Only the farmer himself can look after his own land', he explains.

In the past the family hired extra workers to help at peak times, but it is impossible to obtain permits for these workers now. Abu Jamal describes his frustration at sitting at home during the most productive time of the year, knowing that his brother cannot do all the work and that his cucumbers and tomatoes wither from lack of care. 'We have the ability to work,' he declares, 'we just need the permits. I feel like a refugee all over again.'

Restrictions on vehicle access to the closed area have a major economic impact. In the past, wholesale merchants came to Jayyus from Qalqiliya and Nablus on a daily basis to buy directly from farmers in the fields. These merchants need to apply for 'visitor' permits to do so now. Even if granted, the first opening period is too late and the time insufficient to allow a truck to pass, stock up with fresh produce, and return through the gate, in time for business at a local market.

## Conclusion

The restrictive permit regime curtails the time available for cultivation in farming communities such as Jayyus. Landless labourers' applications are routinely rejected, those with security records have no hope of receiving permits, and those suffering repeated refusal are discouraged from re-applying. If permits are granted, they are not always issued to the most appropriate person, leaving older family members unable to effectively carry out the work, while the youngest and more able-bodied remain idle at home. The short validity period for permits also results in farmers' forced inactivity in the period between the expiry of the current permit and its (hoped for) renewal.

For the minority who hold permits, the opening times are such that only ten hours of farming are possible at best. This is not sufficient for the irrigated agriculture practiced in Jayyus, where the produce of the greenhouses requires daily irrigation,

otherwise crops fall victim to disease and rot. Irrigation is best carried out in the evening to lessen evaporation, but special permission is required to stay overnight, only granted to a few herders. However, as all six agricultural wells are located in the closed area, farmers do not have the option of relocating their greenhouses to the 'Palestinian' side of the Barrier, unlike in neighbouring Falameya.

Even those granted permits find it difficult to invest the time, labour and resources needed for long-term viability. Many cultivate their land infrequently if at all, or have changed to lower-maintenance and lower-yield crops. Approximately 100 greenhouses in Jayyus and neighbouring Falameya have been dismantled since the Barrier was constructed and 500 dunams of the villages' land have been converted from citrus trees to grain.<sup>25</sup> Productivity in the closed area has declined from approximately 9 million kilograms of fruit and vegetables in 2002 to 4 million kilograms in 2008. The Barrier has also isolated grazing land and although some sheep are allowed through the South Gate daily, the number of herders has declined, with only one family possessing the 24-hour permit necessary to tend sheep overnight in the closed area.

According to the Mayor, unemployment now stands at 70 percent and Jayyus has been transformed from an exporter of food to a community where social hardship cases receive periodic food aid. The first signs of displacement – a concern recognized by the



Abu Jamal's brother, Saleh, July 2008. Photo: John Tordai, UNRWA

ICJ<sup>26</sup> – are evident with young men, particularly the university-educated, moving to other West Bank cities or emigrating to Sweden, Germany and Canada in recent years.

Residents feel that the permit and gate restrictions are deliberate, 'a policy intended to create despair among the farmers, hoping that they will cease working their land west of the Barrier.'<sup>27</sup> Based on past experience, there is widespread concern that if land behind the Barrier remains inaccessible and uncultivated,

it can be declared 'State Land' and the owners dispossessed (see Appendix: *Land Law* and *State Land* in the West Bank.) These apprehensions are taking their toll on those who fear their permits will not be renewed and they will be unable to pass on land to their children. The concern is that if the land to the west of the Barrier in the rest of the West Bank is declared closed by military order, and the permit and gate regime is instituted, the predicament of Jayyus will be replicated with devastating consequences for rural livelihoods.



# Part 4

## International Court of Justice (ICJ)

### Advisory Opinion on the Barrier

#### 9 July 2004

In September 2003, the UN General Assembly (UNGA) passed a resolution calling on the Government of Israel to cease construction of the Barrier in the West Bank including East Jerusalem. In December 2003, the UNGA passed a resolution calling on the International Court of Justice (ICJ) to advise it on the legal consequences arising from Israel's construction of the Barrier in the oPt, considering the rules and principles of international law, including the Fourth Geneva Convention of 1949, and relevant UN Security Council (UNSC) and UNGA resolutions.<sup>28</sup>

The UN Secretary General, the PLO, Israel and more than 40 member states submitted written statements to the ICJ addressing the question posed by the UNGA. Israel's written statement was limited to challenging the jurisdiction of the ICJ to consider the case. On 23-25 February 2004 the ICJ held oral hearings and on 9 July 2004 issued its opinion.<sup>29</sup>

After determining that it had the jurisdiction to advise the UNGA on that matter, the ICJ opinion concluded that the Barrier route chosen by Israel to run inside the oPt, along with the associated regime of permits "gravely infringed a number of rights of Palestinians residing in the territory occupied by Israel" and thus breached various obligations of Israel under the applicable international humanitarian and human rights law.<sup>30</sup>

According to the Court "the infringements resulting from that route cannot be justified by military exigencies or by the requirements of security or public order".<sup>31</sup> In addition, the Court affirmed that the settlement of Israeli citizens in the oPt is illegal, and found that "the Wall's sinuous route has been traced in such a way as to include within that area the great majority of the Israeli settlements in the oPt."<sup>32</sup>

Finally, the court affirmed that international humanitarian and human rights law, including the Fourth Geneva Convention, apply to the West Bank including East Jerusalem, which "remain occupied territories and Israel has continued to have the status of occupying Power".<sup>33</sup>

The court called on Israel to cease construction, dismantle constructed parts and provide reparations to those materially damaged by the construction.

#### From the advisory opinion:

*151. Israel accordingly has the obligation to cease forthwith the works of construction of the wall being built by it in the Occupied Palestinian Territory, including in and around East Jerusalem. Moreover, in view of the Court's finding (see paragraph 143 above) that Israel's violations of its international obligations stem from the construction of the wall and from its associated régime, cessation of those violations entails the dismantling forthwith of those parts of that structure situated within the Occupied Palestinian Territory, including in and around East Jerusalem. All legislative and regulatory acts adopted with a view to its construction, and to the establishment of its associated régime, must forthwith be repealed or rendered ineffective, except in so far as such acts, by providing for compensation or other forms of reparation for the Palestinian population, may continue to be relevant for compliance by Israel with the obligations referred to in paragraph 153 below.*





Deir Al Ghussun gate, July 2008, Marc Juillard

### International Legal Obligations of Member States:

The Court also stated that the obligation to respect the right of the Palestinian people to self determination, and certain of the international humanitarian law obligations listed in the advisory opinion, were the concern and obligation not only of Israel but of all States. "In view of the importance of the rights involved, all States can be held to have a legal interest in their protection".<sup>34</sup> The Court accordingly instructed States:

1. Not to recognize the illegal situation resulting from the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem.
2. Under an obligation not to render aid or assistance in maintaining the situation created by such construction.
3. To see to it that any impediment, resulting from the construction of the wall, to the exercise by the Palestinian people of its right to self determination is brought to an end.
4. To ensure compliance by Israel with international humanitarian law as embodied in the Fourth Geneva Convention.<sup>35</sup>

The Court was of the view that the United Nations, and especially the UNGA and the UNSC, should consider "what further action is required to bring to an end the illegal situation resulting from the construction of the wall and the associated régime, taking due account of the present Advisory Opinion".<sup>36</sup>

Full text of the ICJ opinion can be found at:

<http://www.icj-cij.org/docket/index.php?p1=3&p2=4&k=5a&case=131&code=mwp&p3=4>

## Part 5

# The UN Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory (UNRoD)

In its advisory opinion, the ICJ stated that the government of Israel must provide reparations to those materially damaged by the construction of the Barrier:

*"152. Moreover, given that the construction of the wall in the Occupied Palestinian Territory has, inter alia, entailed the requisition and destruction of homes, businesses and agricultural holdings, the Court finds further that Israel has the obligation to make reparation for the damage caused to all the natural or legal persons concerned..."*

*153. Israel is accordingly under an obligation to return the land, orchards, olive groves and other immovable property seized from any natural or legal person for purposes of construction of the wall in the Occupied Palestinian Territory. In the event that such restitution should prove to be materially impossible, Israel has an obligation to compensate the persons in question for the damage suffered. The Court considers that Israel also has an obligation to compensate, in accordance with the applicable rules of international law, all natural or legal persons having suffered any form of material damage as a result of the wall's construction."*

On that basis, in 2007, the UNGA voted to establish the UN Register of Damage caused by the Wall in the Occupied Territory (UNRoD).<sup>37</sup> UNRoD is a subsidiary organ of the UNGA, operating under the administrative authority of the Secretary-General.

The UN Register of Damage is to serve as a record, in paper and electronic form, of the material damage caused to natural and legal persons concerned as a result of the construction of

the Barrier by Israel in the oPt, including in and around East Jerusalem. UNRoD is not a compensation commission or a claims-resolution facility, nor is it a judicial or quasi-judicial body.

In accordance with the GA resolution, the Secretary-General has appointed three independent members to the Board, and the office is set up at the UN Office at Vienna.

In implementing its mandate, UNRoD will be guided by the relevant findings of the ICJ advisory opinion and general principles of international law. UNRoD will strive to ensure that all affected natural and legal persons may submit claims to register material damage that they sustained as a result of the construction of the Barrier.

## ■ Appendix

# Land law and State Land in the West Bank

The prevailing land law in the West Bank is comprised of Israeli military orders amending Jordanian land laws and prior British and Ottoman legislation.

### Ottoman Land Code – 1858

The Ottoman Land Code of 1858 divided all land in Palestine into five categories. The most dominant category was *miri* land - large fertile areas near a community whose ultimate ownership lay with the Ottoman Sultan. In exchange for a tax on crops from the land paid to the Sultan, farmers could earn a possession right. This right was inheritable and could be sold. It remained with a farmer as long as there was no break in cultivation for more than three years.

### Registration of ownership

Under the British Mandate (1920-1948), a comprehensive settlement of all land claims was undertaken including to register *miri* possession in the form of ownership. This continued under Jordanian rule (1948-1967). Owners could register the land in their names in the Land Registry and secure “indisputable title to it”.<sup>38</sup>

For unregistered land, ownership or possession of land continued to be recognised using the taxation document of the land (*ikhraj qaid / maaliyeh*) from the Ottoman or Jordanian era and the mutual recognition by neighbours and the village leader of possession rights. The British and the Jordanian authorities respected these traditional landownership systems.

Land registration of ownership was a slow process. By the time of the Israeli occupation in 1967, only one-third of West Bank land had been registered, mostly in the urban areas.<sup>39</sup>

### The State Land policy

Following the occupation of the West Bank, the IDF suspended the registration process in 1968 issuing Military Order No. 291 “Order Regarding the Regulation of Land and Water (Judea and Samaria)”.<sup>40</sup> It also passed a series of orders reinterpreting the Ottoman Land Code (Military Orders No. 58 and 59).<sup>41</sup> These orders gave the Israeli military commander the authority to assume the power of the Sultan, or State, and take possession of hundreds of thousands of dunums of unregistered *miri* land if the lands had not been cultivated for designated periods of time or a possession right under the Ottoman Land Code had not yet been secured.<sup>42</sup>

Under this authority, large tracts of land were declared State Land and confiscated from the Palestinian farmer (at times without his/her knowledge). The Israeli authorities then transferred title to Israeli companies and authorities to build settlements. Whereas, prior to 1967, only 13% percent of all the land in the West Bank had been officially declared State Land, by the 1980's, over 40% of the land was defined by Israel as State Land.<sup>43</sup>

### International humanitarian law

Under international humanitarian law, since the presence of an occupying power is considered temporary, it can act as an administrator or usufruct of “State” property. Article 55 of the 1907 Hague Regulations states:

*“The occupying State shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile State, and situated in the occupied country. It must safeguard the capital of these properties and administer them in accordance with the rules of usufruct.”*<sup>44</sup>

In addition, international humanitarian law requires the occupier to respect the laws in force prior to the occupation,<sup>45</sup> refrain from confiscating private property<sup>46</sup> and requisition property only for the needs of the army of occupation.<sup>47</sup>

Paragraph 6 of Article 49 of the IV Geneva Convention Relative to the Protection of Civilian Persons in Time of War, states:

“The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.”

The UN Security Council has declared on numerous occasions the construction of Israeli settlements on West Bank land has no legal validity and violates the Fourth Geneva Convention.<sup>48</sup> The ICJ reaffirmed these Security Council declarations in its advisory opinion in July 2004.<sup>49</sup>

# Endnotes

1. Since 2004, the number of suicide bombings has decreased. In 2005, Palestinian militant groups declared a ceasefire on suicide bombings in Israel.
2. ICJ, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion of 9 July 2004, para. 141.
3. Ibid., para. 163.
4. Ibid., paras. 152-53.
5. The planned Barrier route is based on the Israeli government map, published in April 2006 and data provided by Economic Cooperation Foundation (ECF) in July 2008. The constructed and under-construction Barrier route is extracted from satellite imagery (December 2007), compared to ECF data and verified by field surveys as of July 2008.
6. See [www.seamzone.mod.gov.il](http://www.seamzone.mod.gov.il)
7. This restriction does not apply to Israeli citizens and the settlers living in the area, tourists, or persons of Jewish origins.
8. UNOCHA/UNRWA Special Focus: Three years later: the Humanitarian Impact of the Barrier since the International Court of Justice Opinion, July 2007. ([http://www.ochaopt.org/documents/ICJ4\\_Special\\_Focus\\_July2007.pdf](http://www.ochaopt.org/documents/ICJ4_Special_Focus_July2007.pdf))
9. UNOCHA/UNRWA Special Focus: The Barrier Gate and Permit Regime Four Years On: Humanitarian Impact in the Northern West Bank, November 2007 ([http://www.ochaopt.org/documents/OCHA\\_SpecialFocus\\_BarrierGates\\_2007\\_11.pdf](http://www.ochaopt.org/documents/OCHA_SpecialFocus_BarrierGates_2007_11.pdf)).
10. For an assessment of the Barrier's impact on Palestinian access to health, education, religious and economic services and facilities in Jerusalem, see OCHA: The Humanitarian Impact of the West Bank Barrier on Palestinian Communities: East Jerusalem, Update No. 7, June 2007 (<http://www.ochaopt.org/documents/Jerusalem-30July2007.pdf>).
11. For example, the traditional route from Kifl Haris to Salfit was 5 kilometres long, whereas now the detour needed is 21 kilometres long.
12. HCJ 1348/05, Mayor of Salfit and others v. State of Israel and others. This petition was finally rejected and the route declared lawful. In its decision, the Court pointed out that if the plan to expand the settlement would have been "the sole" or "dominant" consideration, the route of the Barrier would have been declared illegal. However, the Court reached the conclusion that this was not the case.
13. ICJ, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion of 9 July 2004, para. 121.
14. The percentage of the workforce in Qalqiliya governorate employed in Israel and in Israeli settlements has dropped from 26.5% in Q3 2000 to 9% in Q3 2003. Source: Palestinian Central Bureau of Statistics (PCBS), Labour Force Surveys. The unemployment rate in Qalqiliya governorate was almost 19% in Q3 2007. This figure does not include discouraged persons who have stopped seeking work.
15. OCHA field monitoring reports.
16. Information provided to OCHA by the Qalqiliya Chamber of Commerce.
17. One dunam is 1,000 square metres.
18. Bimkom and B'Tselem: Under the Guise of Security: Routing the Separation Barrier to Enable the Expansion of Israeli Settlements in the West Bank, December 2005, p.19 ([http://www.btselem.org/Download/200512\\_Under\\_the\\_Guise\\_of\\_Security\\_Eng.pdf](http://www.btselem.org/Download/200512_Under_the_Guise_of_Security_Eng.pdf)). In its advisory opinion, the ICJ observed that 'the route chosen for the wall gives expression in loco to the illegal measures taken by Israel with regard to Jerusalem and the settlements, as deplored by the Security Council (see paragraphs 75 and 120 above).' Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion of 9 July 2004, para. 122.
19. Initially these requests were submitted by the applicant in person to the Israeli DCO, which proved costly in terms of the time and distance involved. Applicants were then allowed to submit requests through the Palestinian DCO who forwarded them to their Israeli counterpart. This arrangement was suspended following the Hamas victory in the Palestinian Legislative Council elections in January 2006 but has been re-instituted since July 2007.
20. UNOCHA/UNRWA Special Focus: Crossing the Barrier: Palestinian Access to Agricultural Land, January 2006 (<http://www.ochaopt.org/documents/OCHABarRprt-Updt6-En.pdf>).
21. UNOCHA/UNRWA Special Focus: The Barrier Gate and Permit Regime Four Years On: Humanitarian Impact in the Northern West Bank, November 2007. ([http://www.ochaopt.org/documents/OCHA\\_SpecialFocus\\_BarrierGates\\_2007\\_11.pdf](http://www.ochaopt.org/documents/OCHA_SpecialFocus_BarrierGates_2007_11.pdf)). This figure was replicated in a follow-up survey of the same communities in May-June 2008. UNOCHA's request for statistics from the DCO has to date not been granted but the Israeli authorities claimed, in response to a World Bank report, 'that over 75% of all permit requests by Palestinians have been approved' (<http://www.justice.gov.il/NR/rdonlyres/9D7CB483-33A7-4CC0-8F85-B5A9BF38DDC0/0/ResponseToWorldBankReportdec2507.pdf>).
22. According to the Israeli DCO in Qalqiliya, the minimum amount of land necessary to obtain a permit is half a dunam.
23. For several years, the Barrier gates in Jayyus and nearby Falameya have been monitored by groups of Ecumenical Accompanier volunteers, an initiative set up by the World Council of Churches. See [www.eappi.com](http://www.eappi.com).



24. ACRI press release, 'ACRI petitions Supreme Court: open access points in separation barrier', 29 December 2003.
25. Since completion of the Barrier, approximately 150 greenhouses have been established in Falameya which has access to agricultural wells on the 'Palestinian' side of the Barrier. This is as a result of lack of access to greenhouses and citrus farms on the 'Israeli' side of the Barrier. The greenhouses belong to farmers from Falameya, Jayyus and Kafr Jammal who are denied permits and have lost access to the closed area.
26. The ICJ stated that causing such displacement and changes to demographic composition breached Israel's legal obligations: "There is also a risk of further alterations to the demographic composition of the Occupied Palestinian Territory resulting from the construction of the wall inasmuch as it is contributing, as will be further explained in paragraph 133 below, to the departure of Palestinian populations from certain areas. That construction, along with measures taken previously, thus severely impedes the exercise by the Palestinian people of its right to self-determination, and is therefore a breach of Israel's obligation to respect that right." Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion of 9 July 2004, para. 122.
27. B'Tselem: Not All it Seems; Preventing Palestinians Access to their Lands West of the Separation Barrier in the Tulkarm-Qalqiliya Area, June 2004, p.22. [http://www.btselem.org/Download/200406\\_Qalqiliya\\_Tulkarm\\_Barrier\\_Eng.pdf](http://www.btselem.org/Download/200406_Qalqiliya_Tulkarm_Barrier_Eng.pdf)
28. Resolution ES/10/14 adopted by the General Assembly of the United Nations on 8 December 2003 at its Tenth Emergency Special Session.
29. ICJ, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion of 9 July 2004.
30. Ibid., para. 137.
31. Ibid.
32. Ibid., para. 119 and 120. See also, the Declaration by Judge Buergenthal, para. 9, where he states that "the segments of the wall being built by Israel to protect the settlements are ipso facto in violation of international humanitarian law."
33. Ibid., para. 78.
34. Ibid., para. 155.
35. Ibid., para. 159.
36. Ibid., para. 160.
37. UNGA Resolution A/RES/ES-10/17 (2007).
38. West Bank Data Project, p. 32.
39. According to one official in the PA's Ministry of Planning, only 28 percent of all land in the West Bank had been registered in 1967. Most of this was in the north. To this day there are no cadastral maps (blocks and parcels maps) available for these 'unregistered lands' at the Palestinian Land Authority (meeting on 19 May 2005).
40. B'Tselem, Land Grab – Israel's Settlement Policy in the West Bank (May 2002), p. 54 (hereinafter, "Land Grab").
41. Ibid.
42. Land Grab, p. 53.
43. Ibid.
44. Section III, Annex to Convention (IV) respecting the Laws and Customs of War on Land, Hague, 18 October 1907 (hereinafter the Hague Regulations).
45. The Hague Regulations, Section III, and Article 43: "The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country."
46. Section III of the Hague Regulations, Article 46: "Family honour and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected. Private property cannot be confiscated."
47. Section III of the Hague Regulations, Article 52: "Requisitions in kind and services shall not be demanded from municipalities or inhabitants except for the needs of the army of occupation. They shall be in proportion to the resources of the country..."
48. SC Res. 446 (1979) as of 22 March 1979, SC Res. 452 (1979) as of 20 July 1979, SC Res. 465 (1980) as of 1 March 1980.
49. Advisory opinion of the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, 9 July 2004, para. 120.



The report is compiled by the  
United Nations - Office for the Coordination of Humanitarian Affairs  
occupied Palestinian territory  
(UNOCHA)  
United Nations Relief and Works Agency  
for Palestine Refugees in the Near East  
(UNRWA)

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Swiss Agency for Development  
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