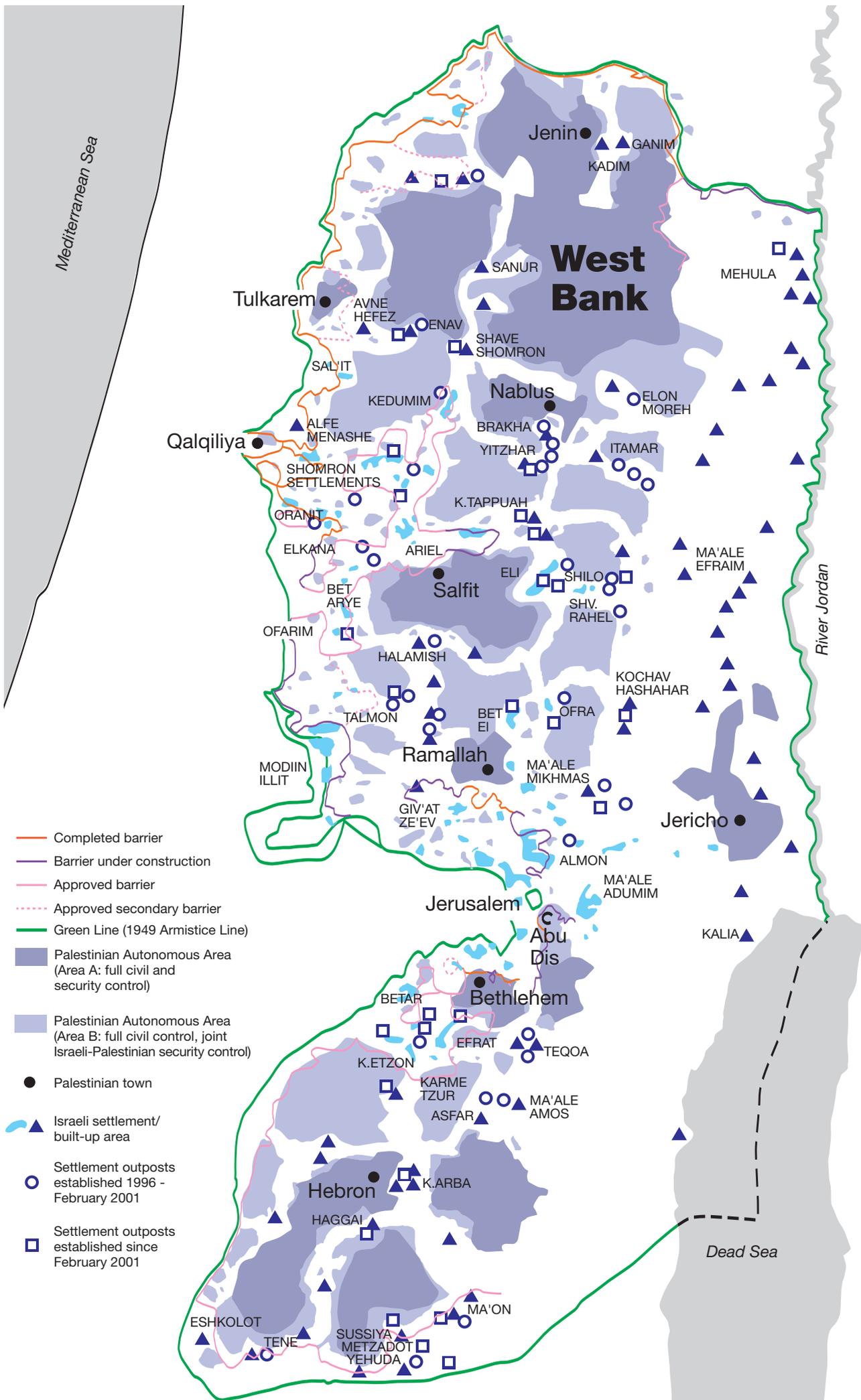




Facts on the ground

The end of the two-state solution?



Mediterranean Sea

West Bank

River Jordan

Dead Sea

Jenin ● GANIM ▲ KADIM ▲

Tulkarem ● AVNE HEFEZ ▲ OENAV ○ SAL'IT ▲ SHAVE SHOMRON ▲

Qalqiliya ● ALFE MENASHE ▲ KEDUMIM ○ Nablus ● BRAKHA ○ YITZHAR ○ ITAMAR ○

SHOMRON SETTLEMENTS ○ ORANIT ○ ELKANA ○ ARIEL ○ Salfit ● ELI ○ SHILO ○ SHV. RAHEL ○

OFARIM ○ OFRA ○ TALMON ○ BET EI ○ RAMALLAH ● MA'ALE MIKHMAS ○

MODIIN ILLIT ○ GIV'AT ZE'EV ○ ALMON ○ MA'ALE ADUMIM ○

Jerusalem ● Abu Dis ● KALIA ▲

Bethlehem ● BETAR ○ EFRAT ○ TEQOA ○ K.ETZON ○ KARME TZUR ○ ASFAR ○ MA'ALE AMOS ○

Hebron ● HAGGAI ○ K.ARBA ○ ESHKOLOT ○ TENE ○ SUSSIYA ○ METZADOT ○ YEHUDA ○ MA'ON ○

MEHULA ▲

MA'ALE EFFRAIM ▲

KOCHAV HASHAHAR ▲

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Preface

Christian Aid is the official relief and development agency of 40 church denominations in the UK and Ireland. We work wherever the need is greatest, regardless of religion, by supporting local organisations which are best placed to understand local needs. Christian Aid believes in empowering poor people and helping them to find their own solutions to the problems they face. It strives to expose the scandals of poverty and to contribute to its eradication. Our main charitable objective is 'the furtherance of charitable purposes which relieve or combat malnutrition, hunger, disease, sickness or distress throughout the world.'¹

Christian Aid works in some of the world's poorest communities in more than 50 countries. Informed by our work with 600 local organisations, our commitment to poverty eradication encompasses a commitment to human rights and justice. An essential dimension of our work is identifying the underlying causes that contribute, in part or wholly, to the impoverishment of a given community. An integral part of our core purpose is to be prophetic in challenging the structures and systems that keep people poor or marginalised. In this context, we speak out on behalf of, and with, those who are poor.

Because we have worked in the Middle East for five decades, we have been in a unique position to witness the deterioration of the social and economic status of Palestinians. Development work alone cannot improve their humanitarian situation: advocacy is also required. Without a political solution and an end to the Israeli occupation of Palestinian territory, an accountable Palestinian government, and a long-term framework within which external assistance is clearly framed, Palestinian dependency on emergency relief will grow as poverty deepens.

Christian Aid's board of trustees has, over the years, discussed issues relating to Israel and the Occupied Palestinian Territories. At a meeting in November 2003, it was unanimous in its view that

Christian Aid should continue to discuss and listen to the views of different groups. It agreed that we need to reiterate that our mandate requires us to speak out on behalf of poor people and that it would not compromise on this fundamental principle.

Christian Aid believes that Israel has the right to protect its citizens. Its right to recognition and security as well as its right to economic development is not in question. Christian Aid believes that the Palestinian people should be afforded those rights as well.

Introduction

Without determined intervention by governments, including the United Kingdom, Ireland and their European partners, the vision of two states will surely disappear, condemning generations of Palestinians and Israelis to a future of crippling poverty and relentless insecurity

Land is the problem and the solution in the conflict between Palestinians and Israel. This report examines the impact of Palestinian land loss and movement control on ordinary Palestinians, and the wider implications for the future of both Israeli and Palestinian societies.

Based on the experience of Christian Aid's Palestinian and Israeli partners, and on first-hand accounts from the people with whom they work, it looks at the settlement policies of successive Israeli governments in the West Bank, Gaza Strip and East Jerusalem – the creation of 'facts on the ground' which are redrawing the map of the Occupied Palestinian Territories and Israel. It illustrates how these policies have ensured that impoverishment now characterises a beleaguered Palestinian society.

Israel has steadily built and then expanded settlements on the land which it has occupied since 1967 in violation of international law. The announcement, in August 2004, that another thousand homes were to be built in the West Bank is a sign of the impunity with which Israel operates. This steady expansion, together with the construction of a separation barrier through the West Bank, is creating ever greater hardship.

These settlements have all but destroyed the possibility of a viable Palestinian state. In the West Bank, settlements control 42 per cent of land.

Israeli-only roads and highways criss-cross Palestinian territory, intersecting villages in the West Bank and cutting the Gaza Strip in three. Unable to get their goods to market or to travel to work, Palestinians are seeing their economy strangled and their future vanish before their eyes.

The two-state solution would make it possible for Palestinians to tackle the endemic poverty that permeates the Occupied Palestinian Territories. It also offers Palestinians and Israelis the prospect of security and sovereignty that both peoples so desperately need. But it is this solution which is today under threat.

In 2003 Christian Aid published *Losing Ground*, a report which documented the rapidly increasing poverty of Palestinians in the West Bank, Gaza Strip and East Jerusalem.² It looked at the underlying cause of the humanitarian crisis, that is, at Israel's occupation. *Facts on the Ground* illustrates how the situation has deteriorated even further, with many Palestinians' livelihoods now irretrievably lost.

For 37 years, states have voted in the United Nations that Israel's settlements and settlement expansion are illegal under the Geneva Conventions. International law provides the framework for resolving this conflict and must underpin any peace process. Yet despite successive UN resolutions,

international humanitarian law and the recent advisory opinion of the International Court of Justice (ICJ), Israel's land policies have continued unimpeded.

Christian Aid has worked for 50 years in the Middle East, since it first responded to the creation of the Palestinian refugee crisis in 1948. It has never witnessed such a climate of fear, hopelessness and insecurity as exists now.

New realities

In an exchange of letters in April 2004, US President George W Bush confirmed Israeli Prime Minister Ariel Sharon's view that 'the realities on the ground' should be taken into account in future negotiations with Palestinians. He was referring to the 'realities' created by Israeli settlement policy since 1967 in defiance of international law.³

Sharon has proposed the 'disengagement' of Israeli military forces from the Gaza Strip and withdrawal from its 21 settlements there. Under domestic political pressure, he modified the plan to a step-by-step withdrawal throughout 2005. British Prime Minister Tony Blair and many other EU leaders welcomed Sharon's plan. They indicated that this could be 'a first step' back to the road map to peace and lead to further withdrawals.

However, many of the local NGOs with which Christian Aid works are concerned that donor governments might now deal with Gaza as a separate entity from the West Bank, further isolating it from the remainder of the Occupied Palestinian Territories. There is no indication that Prime Minister Sharon intends the removal of the Gaza settlements as a 'first step' towards dismantling more than a handful of smaller settlements in the West Bank. The announcement of new housing construction strongly hints at the Israeli government's long-term intentions. Prime Minister Sharon has proposed withdrawal from only four out of 120 settlements in the West Bank. These decisions have been taken

unilaterally because, the Israeli government argues, there is no 'negotiating partner among the Palestinians'.

The 'understanding' in the Bush-Sharon exchange of letters suggests that major settlement blocks could become part of Israel in the future. This follows the establishment over the past two years of a separation barrier in the West Bank, leaving some of the largest and most important settlement blocs on the Israeli side of the barrier.

The Bush-Sharon exchange departs from the international consensus that the 1949 Armistice Line in the West Bank, known as the Green Line, is the starting point for negotiations on boundaries and territory.

Facts on the ground

The image of settlements is of distant outposts – caravans on a hill. In reality, most settlers live in what appear to be commuter towns, pleasant and tree-lined, complete with swimming pools and schools and with populations running to tens of thousands. The remainder are more ideological: remote settlements with smaller populations that actively promote Israeli expansionism. Israeli-built highways link the settlements to the rest of Israel so that residents of some of these new Israeli West Bank towns can be at their workplace in Tel Aviv, for example, within half an hour.

By contrast, Palestinians are not allowed to use these roads and are forced to take convoluted routes and negotiate numerous Israeli roadblocks, of which there are more than 700 in the West Bank alone. It is a similar story in Gaza, with settlement roads and military checkpoints that divide the strip into three. For Palestinians, journeys that used to take half an hour can now take more than five hours, if they can be made at all. The needs of the local population to go to school, get to work, seek medical care or visit family and friends have been ignored.

The separation barrier, which began construction in 2002 officially as a security measure, appears to be an attempt to ensure that settlements fall within the future borders of the state of Israel. Many observers, including Christian Aid partners, see the barrier as creating a de facto border between Israel and a future Palestinian entity.

This creation of 'facts on the ground' has been systematic and methodical. A range of bureaucratic instruments – zoning, planning, law and permits – have been used to establish the settlements. While the international community and the United Nations have ritually condemned settlements as illegal, the settler population has grown steadily since 1967, to a population that today exceeds 400,000. These people and their communities are, indisputably, facts on the ground. But to accept the status which Israel seeks to give them is to accept the politics of an illegal *fait accompli*.

Years of aid to the Palestinians from international donors, including the United Kingdom, Ireland and other European Union member states, have been consistently undermined – and in many cases destroyed – by Israeli actions. EU taxpayers have the right to ask how much longer their money will be squandered due to a lack of a concerted political effort to confront Israeli policies which have made that aid necessary.

Urgent international action is required

The deliberate Israeli policy of establishing settlements beyond the Green Line has dramatically changed the map of the region, progressively removing land from Palestinian control, altering it and building on it. In the 37 years since 1967, changes to the map would be expected – new roads, new towns – but in this case, it is not the local Palestinian inhabitants who are driving change. Instead, it has been implemented by successive Israeli governments and by Israeli citizens in a region that, according to international law, is under military occupation and therefore not part of Israel.

These developments highlight Palestinian loss of access to land and call into question the possibility of a viable Palestinian state. This urgent issue has largely disappeared from international public debate under the rising tide of violence in the Occupied Palestinian Territories and Israel since 2000. The shrinking area available to the Palestinians has altered economic realities and fuelled a huge rise in poverty levels.

The continuing loss of land, both before and since the beginning of the second intifada in September 2000, combined with the current scale of violence, repression and bloodshed on both sides, calls for immediate international action. From the Gaza Strip and West Bank, we hear of mounting levels of malnutrition and anaemia, of unemployment, of farmers prevented from tilling their land. In researching this report, Israelis also told us of the fear and uncertainty they suffer and the anxiety for their children's safety. They hope, too, for peace and stability.

Israel has the right to exist in safety and with security for all its citizens. Christian Aid unequivocally condemns all violence, especially indiscriminate violence against civilians. The increasing culture of violence, marked by suicide bombings, overwhelming military force in civilian areas and wanton destruction, threatens people in the region and beyond. But the policies of separation and division which we see today are heightening, not solving, the conflict. As our Palestinian and Israeli partner organisations tell us, without urgent measures to address land – at the heart of the conflict – there will be no end to the violence. Israel's current effort to secure as much Palestinian land as possible, inhabited by as few Palestinians as possible, is fanning the flames of conflict, and potentially putting Israelis in greater, not less, danger.

Without a determined and unambiguous intervention by governments including the United Kingdom, Ireland and their European partners, the

vision of two states will surely disappear and generations of Palestinians and Israelis will be condemned to a future of crippling poverty and relentless insecurity. For ordinary Palestinians and Israelis, the failure of the international community to act has had serious consequences. The implication for the wider world is further polarisation, leading to continued international instability.

As a matter of urgency, Christian Aid recommends that European Union member states, including the UK and Ireland, take greater responsibility and put the Israeli-Palestinian conflict high on the agenda of their respective presidencies of the EU by the end of 2005 to ensure that:

- all settlement activity, including ‘thickening’, or natural growth, is immediately frozen without exception. The settlements and their infrastructure, as currently constituted, must be dismantled. The EU must take appropriate measures if Israel fails to comply, in order to demonstrate that such illegal activity will not be tolerated
- construction of the separation barrier must be stopped and existing sections dismantled in line with the advisory opinion of the International Court of Justice. If Israel wishes to build such a barrier, it must be on its own territory and not on Palestinian land
- as a precursor to any peace initiative, ways are found to end Israeli rule over the Occupied Palestinian Territories, and that lessons are learnt from the failures of both the Oslo peace process and the road map. Negotiations must lead to a final settlement and not to an incremental process that can be derailed by those opposed to a just peace
- Palestinians are able to hold free and fair elections throughout the Occupied Palestinian Territories. The Palestinian Authority must

announce a date for national elections and do everything in its power to ensure they meet international standards. In addition, Israel must lift roadblocks, curfews and remove checkpoints in order to facilitate movement of Palestinians within their own territory

- the EU, according to conditions laid out in its budgetary support, holds the Palestinian Authority to account for good governance. This must include a commitment to transparency, accountability and democratic principles
- prioritisation of targeted aid for the most vulnerable people, in addition to the support given to reforming Palestinian institutions, be continued.

Facts on the ground: the creation of settlements

'In determining the map and in determining our desire for a new map, I see settlement as the most symbolic factor and the one that will most bind us...'

Moshe Dayan, Israeli Minister of Defence, 1968

High on the hill overlooking the town of Bethlehem is the Israeli settlement of Har Homa: stark white blocks with the blank look of shuttered windows – a futuristic architectural enclave in a biblical valley.

For residents here, it is, no doubt, a convenient modern neighbourhood. Har Homa is just 30 minutes' drive – easy commuting distance – from central Jerusalem, offering fresh air, space and quality housing.

But it is a neighbourhood built on someone else's land, illegal and in violation of successive United Nations resolutions.

Har Homa is merely the most recent of the 11 Israeli settlements built on illegally annexed land to form a ring around Jerusalem. Constructed in 1997, it is symbolic of the gulf between what was formally agreed under the Oslo Accords and the reality of what has happened – the unilateral establishment of 'facts on the ground'.

The Oslo Accords promised a process towards peace and a final agreement. In practice, settlements continued to grow, establishing an ever-larger Israeli presence on Palestinian land. Roads, electricity supplies, sewage systems, schools, taxation, municipal boundaries: these are the concrete signs of permanence.

For all the complexity of the Israeli-Palestinian conflict, the map created by the steady construction of settlements shows a reality that is very simple.

In this and following chapters we show how settlement policy has developed and taken Palestinian land, effectively fragmenting the occupied territories. As we see how these policies have made movement for Palestinians virtually impossible, we will look at how the West Bank, Gaza Strip and East Jerusalem have been affected in different ways.

In the West Bank today, 42 per cent of Palestinian land is under Israeli control. In 2002, there were 123 settlements with more than 200,000 people in the West Bank; 7,500 settlers in 21 settlements in the Gaza Strip; and, in 2001, a further 177,000 settlers in settlements in and around Jerusalem. The number of settlers in the West Bank has continued to rise – to an estimated 236,000 by the end of 2003. This brings the total number of Israeli settlers to more than 400,000, living in 144 settlements built on Palestinian land occupied in 1967. A look at the map on p 25 shows a Palestinian territory broken up by ever-growing areas in which Israelis live on Palestinian land, but under Israeli law and guarded by Israeli military forces.

But Israel's land policy is not simply a matter of bricks and mortar. The white-walled, red-roofed homes and municipal buildings of the settlements are just its most graphic illustration. In fact, the term 'settlements' is shorthand for large-scale de facto expropriation of land and the creation of an extensive system of roads to serve them, and military watchtowers and 'security zones' to protect them.



View across the valley from Beit Jala to Gilo settlement, built on land illegally annexed by Israel. Most Israelis regard Gilo as merely a Jerusalem neighbourhood

Determining the map: from occupation to Oslo

Successive Israeli governments since 1967 have promoted settlements differently but with essentially common goals:

- to establish an incontrovertible presence in the Palestinian territories occupied in 1967
- to change the demographic composition in key areas, especially around 'greater' Jerusalem, by introducing a Jewish population and displacing Palestinians
- to lay claim to strategic areas of land such as the Jordan Valley.

'I regard settlement as the most important thing,' Israeli defence minister Moshe Dayan declared in 1968. '[It is] the factor that has the greatest weight in creating political facts... We will not leave a place in

which we have established a settlement or outpost. In determining the map and in determining our desire for a new map, I see settlement as the most symbolic factor and the one that will most bind us...' ¹⁴

In the decade following the 1967 Israeli occupation of the West Bank, Gaza Strip and East Jerusalem, the government focused on securing areas considered strategic for Israel. The Israeli Defence Forces (IDF) entered and took control of the Jordan Valley, and areas around Jerusalem and south of the Hebron mountains.

A new settlement strategy was launched in 1977 with the election of a Likud government. This involved building settlements between Palestinian towns and villages. The settler movement, Gush Emunim, also began to establish outposts in the

central highlands of the West Bank, claiming the Jewish 'right' to live everywhere in biblical 'Eretz Israel', from the sea to the Jordan Valley. Between 1976 (the first year for which population figures are available) and 2001, the number of West Bank settlers grew from 3,200 to nearly 200,000.⁵

The settler movement has since become increasingly influential in government circles and in the Knesset.⁶ In a succession of government posts – in agriculture, housing, infrastructure and defence – Ariel Sharon played an important role in influencing the priorities for settlement. In particular, he considered it important to create settlements on the western slopes of the West Bank hills. His Seven Stars Plan, launched in 1991, envisaged a series of adjacent settlements on either side of the Green Line to create a buffer between Israel and the Palestinian populations of the West Bank highlands.⁷

Creating 'facts' under Oslo

The 1993 Oslo Declaration of Principles did not explicitly prohibit the establishment of new settlements. Nonetheless, the 1995 Oslo Accords stated that: 'Neither side shall initiate or take any step that will change the status of the West Bank or Gaza Strip pending the outcome of the permanent status negotiations.' International law already forbade the settlement of civilians on land occupied in war. But Israel, notes a recent UN report, does not 'consider the construction of settlements, roads or the Wall as an infringement of the Interim Agreement'.⁸

After the signing of the Declaration of Principles, Israel slowed the rate of settlement construction. In the West Bank, the number of settlements officially recognised by the Ministry of the Interior grew by only three from 1993 to 2002, to a total of 123. But, crucially, the number of settlers in the West Bank more than doubled in the same period, from 100,000 to more than 200,000. As we see in the tables on p 10, Prime Minister Ehud Barak (1999-2001) oversaw the greatest growth, both in numbers of settlers and new housing.

Israel promised the US that it would only build in existing settlements to meet 'natural growth' (except in the Jordan Valley and greater Jerusalem), but this was interpreted by Israel to include migration as well as net births. In a process referred to as 'thickening' settlements, the extensive land reserves held by the larger settlements were used for this expansion.⁹

The Oslo agreements created a new map by carving up the West Bank and Gaza Strip into Palestinian- and Israeli-controlled areas whose borders were largely determined by the distribution of Palestinian and Israeli settler populations. The prior existence of Israeli settlements, army bases and infrastructure therefore played a key role in shaping the map, since all the settlements were placed in the Israeli-controlled Area C, which makes up 59 per cent of the West Bank and at least 15 per cent of the Gaza Strip (see glossary for an explanation of Areas A, B and C).

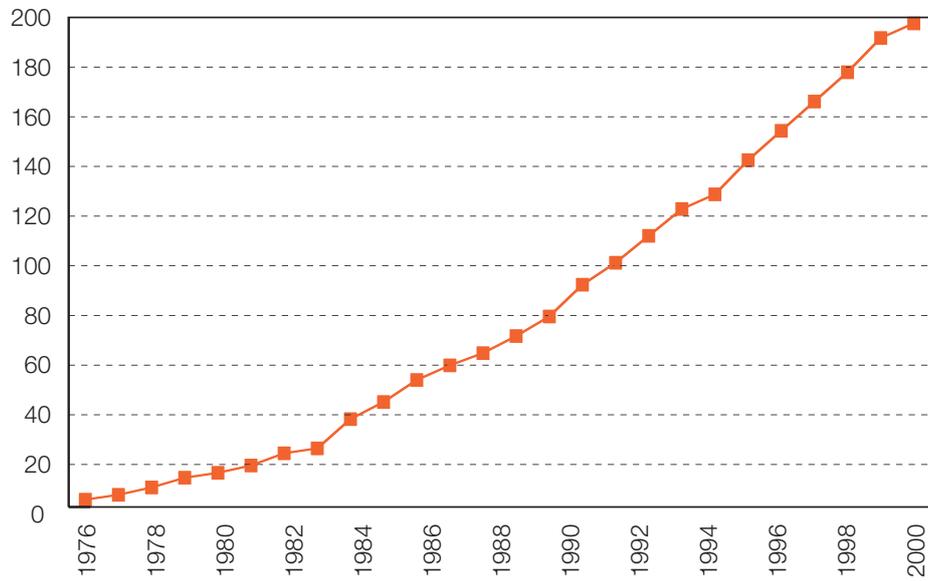
It is therefore not surprising that some observers blame the settlements for the collapse of the Oslo peace process. Professor Avi Shlaim of St Antony's College, Oxford, argues:

The subsequent decline of the Oslo peace process [after the assassination of Prime Minister Rabin in November 1995] was caused more by Israeli territorial expansionism than by Palestinian terrorism. Israeli settlements on the West Bank, which Sharon's government continues to expand, are the root of the problem.¹⁰

Establishing facts: the role of government

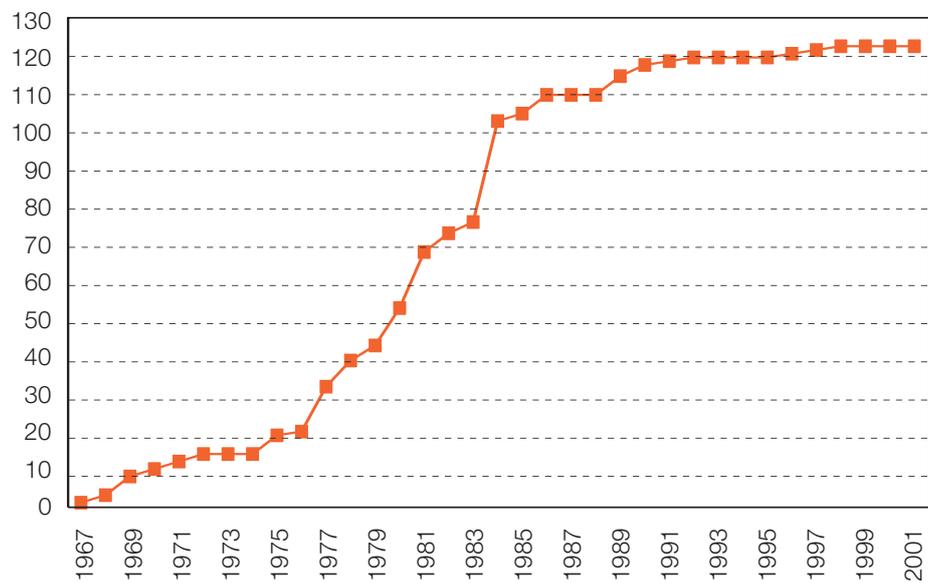
A variety of methods has been used to promote the taking of Palestinian land, and the accompanying transfer of Israeli civilians onto it. Although the settlements are often popularly presented as the product of eager Zionists and are, indeed, often funded and supported by private Jewish organisations overseas, they are the result of systematic policies implemented by the Israeli state. The law, the planning system, financial support and

Settlers in the West Bank* (in thousands)



*Not including East Jerusalem

Settlements in the West Bank*



*Not including East Jerusalem

Source: State of Israel, Central Bureau of Statistics, *Israel Statistical Yearbook* (various years), not including a 'number of settlements' for the years 1967-1981, based on Benvenisti and Khayat, *The West Bank and Gaza Atlas*, pp 138-140.

tax incentives all directly contribute to the construction and creation of settlements. As we will see in more detail in Chapter 6, this is illegal under international law, principally under the Fourth Geneva Convention's prohibition on the transfer of civilians to occupied territory by an occupying power.

The use of law

Until the late 1970s, the main justification for taking land to build settlements was 'military necessity'. The 1907 Hague Regulations allow for seizure of privately owned land for military needs (for example, to house military forces and administrative units) as long as the seizure is temporary and the owners are offered compensation. From 1968 to 1979, some 11,570 acres were seized in this way. Much of this land was used to establish military outposts that later became civilian settlements, clearly making them illegal.

The Likud party and its settler allies used a different legal argument, rejecting any notion that the settlements would be temporary. 'Military necessity' has rarely been used as a justification since the late 1970s, with the exception of the building of some bypass roads during the first intifada and since the intifada that began in 2000. More generally, expropriation for public purposes has been used as a pretext for taking land to build the network of settler highways.

Israel often asserts that no private Palestinian land has been seized to establish settlements. It says that settlements are built on 'state land'. But the designation of land as 'state land' in occupied territory has been politically driven. Starting in the 1980s, the most common way to acquire land for settlements was through the government's designation of non-urban land as 'state land'.

The term 'state land' is derived from the Ottoman categorisation, *miri* land. This was normally land close to places of settlement and suitable for agricultural use. Ownership of this land could be secured by holding and working it for ten years. However, if the

landholder failed to cultivate it for three years without an accepted reason, it was forfeit to the sovereign, who could assign it to someone else.

When the Israelis occupied the West Bank and Gaza Strip in 1967, there was no complete register of land titles. The British had begun a survey of the territories to settle title to land, but by 1967 the Jordanians had not completed it. Israel halted all registration, ostensibly to protect the rights of absentee landholders. The Custodian of Government Property registered the surveyed land and land directly held by the Jordanian government as state land, with the onus on any claimant to show why the custodian should not register it as government property. In this way, 171,750 acres, amounting to 13 per cent of the West Bank, became state land.

After 1979, the definition of state land was broadened to include all uncultivated rural land. The appeals process required anyone who claimed this land to prove that it was theirs. Given the incomplete registration of titles, this was often difficult. Between 1980 and 1984, 200,000 acres were declared and registered as belonging to the state.¹¹ For an occupying power to act in this way and claim ownership is manifestly illegal. Palestinian land cannot be the 'state land' of the Israeli state since Israel does not have sovereignty over it. Moreover, article 43 of the 1907 Hague Regulations provides that an occupying power must respect, 'unless absolutely prevented, the laws in force in the country'.

What was the result of this legally tortuous process? According to Professor David Kretzmer, professor of international law at the Hebrew University in Jerusalem:

The connection between widening the scope of state land and the settlement policy of the Likud government was quite explicit... Although purporting to preserve the right of the public in state land, such land was regarded as

**Area of the settlements in the West Bank, by region (in thousands of dunums)
(1 dunum = 4 acres)**

Region	Developed area	Non-developed municipal areas	Land reserves*	Area under control of settlements
Eastern strip	14.8	61.1	1,203	1,279
Mountain central strip	16.9	45.3	409.4	472
Western hills strip	30.9	78.9	265.2	375
Jerusalem metropolis**	34.3	95.1	90.6	220
Total	96.9	280.8	1,968.2	2,346
Total as a percentage of the West Bank***	1.7%	5.1%	35.1%	41.9%

*Within the jurisdiction of the regional councils.

**Both greater Jerusalem and municipal Jerusalem. The 'area of jurisdiction' of the settlements in municipal Jerusalem is calculated according to the area attributed by the Central Bureau of Statistics for each 'neighbourhood' as a statistical locale (Jerusalem Institute for Israel Studies, *Jerusalem Statistical Yearbook*, Table 4/A).

***A total of some 5,608,000 dunums, which includes the areas annexed to Jerusalem. The calculation does not include no-man's-land, a small piece of land located northwest of Jerusalem and the proportionate area of the Dead Sea.

Source: B'Tselem, *Land Grab: Israel's Settlement Policy in the West Bank*, May 2002.

a resource to be used for the settlement of nationals of the occupying power.

This use of the law to declare land to be state land has created a large reserve of land for settlements, as shown in the table above. A government attorney involved with the state land policy estimated that in 1985, 90 per cent of settlements were built on state land.¹² Often, Palestinians who consider that they own the land – indeed, those whose families have lived there for generations – are not even aware that it has been designated state land until it is suddenly fenced, or until soldiers or settlers inform them that they can no longer use it.¹³ Palestinian landowners who go to Israeli courts to achieve recognition of their land rights usually find it difficult to prove ownership even if they have a deed or have paid taxes.

The attempt by successive Israeli governments to find legal arguments for their policy has led some Israelis to regard the designation of state land as a

legitimate means to gain land for settlements. 'This neighbourhood is a beautiful place,' says Robert, who has lived in the settlement of Giv'at Ze'ev for 16 years. 'It's not on stolen land or anything like that. The land from here to Jerusalem was state land that was bought before the country was founded. There are, I'm sure, plots here and there that weren't. But I'm talking about the major chunks of land. No, I didn't check before I moved here. We're not ideologues here. This isn't Gush Katif.'¹⁴

The use of planning

All Israeli governments have stopped short of attempting to annex settlements in the West Bank and Gaza Strip formally, although Israel did annex East Jerusalem in 1967. In practice, however, settlers live in the occupied territories as Israeli citizens, subject to Israeli civil law, and are not subject to the military law that rules the lives of all Palestinian inhabitants under occupation. In 1984, a comprehensive framework was put in place to

apply all Israeli laws to settlers, including national insurance law, army service obligations and entry on the population register.¹⁵

Planning laws were adapted to allow settlements to be treated as Israeli municipal or local councils. Economically, the settlements have been favoured by being declared national priority areas. Like 'development towns' inside Israel, they receive incentives and benefits to attract new residents. These incentives have included tax breaks, cheap mortgages and special incentives for teachers and social workers.

The settlements are included in regional master plans drawn up by government bodies that map out future development and growth. The settlements' local authorities submit plans developed in cooperation with the Ministry of Housing and Construction or the settlement division of the World Zionist Organisation, a non-government body.

The use of subsidies

Settlements are built with funds from government ministries and the World Zionist Organisation's

settlement division. This funding also pays for the infrastructure that links settlements to Israeli water and electricity systems, and to the road network. The Israeli Defence Forces and Israeli Ministry of Defence provide security.

Estimates of the total costs of the settlement programme are hard to come by, but in September 2003 the Israeli daily newspaper *Ha'aretz* produced a series of estimates for the civil (non-military) spending on the settlements. It concluded that the total cost since 1967 was more than £5.5 billion/€8.14 billion.¹⁶ Estimates of the annual expenditure on settlement activity by the Israeli government amount to £296 million/€433 million for 2001 and £233 million/€342 million for 2003 – an average of £1,120/€1,639 per settler per year (based on a figure of 236,000 settlers in the West Bank by end of 2003).¹⁷

For many potential settlers, the allure is a purely financial one, as successive Israeli governments have provided incentives:

Separate and unequal

Settlers and Palestinians live worlds apart. As Israeli architects Rafi Segal and Eyal Weizman point out, the fact that many settlements are built on hilltops, high above their Palestinian neighbours, is a symbolic act of domination. Looking down on Palestinian villages, Israeli settlements rule the landscape, command the field from military checkpoints and dominate resources.¹⁸

Judeh Abdullah Jamal, deputy general director of a Christian Aid partner, the Palestinian Agricultural Relief Committees (PARC), points out: 'The settlements create an imbalance in natural resources. Settlements enjoy swimming pools while Palestinian villagers are catching rain to increase their water supplies.' On average, the amount of water per person used by settlements is at least five times that used by each Palestinian.¹⁹

Before the second intifada, Palestinians worked in settlements and even helped to build them.²⁰ Israelis shopped in Palestinian towns and Palestinians travelled to work in Israel. But today permits for Palestinians to work in Israel and settlements are restricted and neither Israelis nor Palestinians travel to each other's communities. Kept separate by their segregated roads and the physical space provided by 'security zones' and watchtowers, settlers and Palestinians live in different universes.

- until 2003, settlers as residents of 'national priority areas', received a tax break on all salaries up to a ceiling of £15,180/€22,242 per year
- water supplies are subsidised. The government compensates the water provider Mekorot for the additional cost of supplying the territories as it does for the Negev and the Galilee. A rough estimate of the cost of creating the water infrastructure for the settlements is £148 million/€217 million, not including the infrastructure for water delivery within each settlement ²¹
- despite the slump in construction in the Occupied Palestinian Territories, in 2003, the housing ministry allocated some £62 million/€91 million for settlement construction. In 1992, when Ariel Sharon was minister of construction and housing, its expenditure in the Occupied Palestinian Territories reached a peak of £235 million/€344 million.²²

Excluded from this bill is defence expenditure on settlements. Prior to the second intifada, the yearly cost of maintaining 10,000 troops in the Occupied Palestinian Territories, largely for guarding settlements and their infrastructure, was £247 million/€362 million. Senior defence officials estimate the additional military cost of the intifada at £309 million/€452 million a year.²³

A network of segregation

These methods have effectively created, in a period of just under four decades, a substantial Israeli civilian population in the Occupied Palestinian Territories. As this population has grown, so has Israel's interest in retaining control of the areas where settlements are located and linking them ever more closely to Israel itself.

Israeli roads and highways run throughout the West Bank and Gaza Strip, creating a territory-wide network of segregation. Well-maintained

settler roads are for use solely by Israelis, a policy enforced by checkpoints and implemented through the different licence plates issued to vehicles by the Israeli authorities. By contrast, Palestinian roads, akin to a secondary network, take the back routes, winding through the hills and often blocked by mounds of earth created by Israeli bulldozers. During the 1990s, and more particularly since the beginning of the second intifada, increasing numbers of internal checkpoints and roadblocks are placed where Israeli and Palestinian systems intersect, as well as where they pass the boundaries between the fragmented Areas A, B, and C.

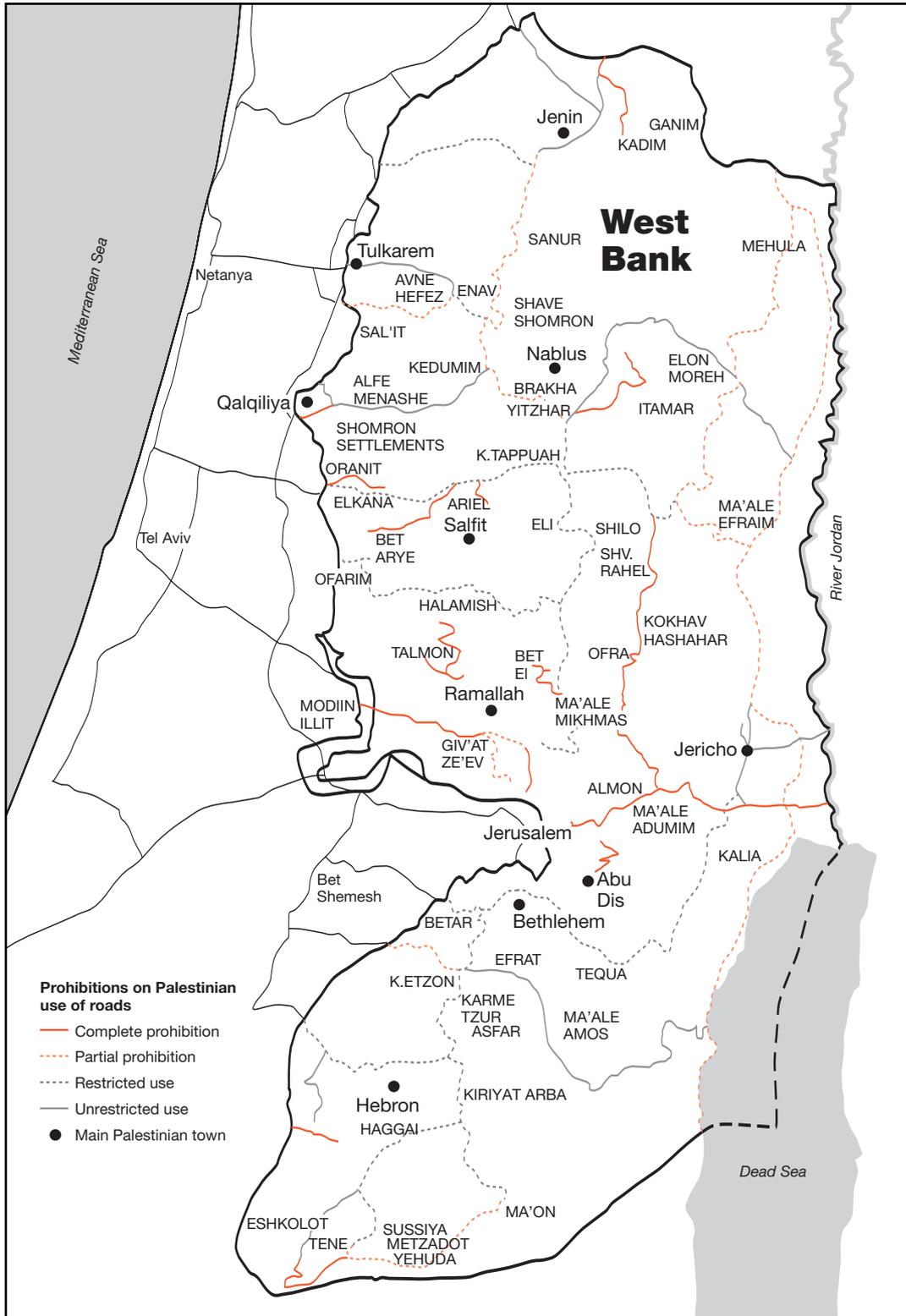
During the Oslo process, the government rapidly expanded the system of bypass roads to link settlements together and to integrate them into the Israeli transport system. The goals of this programme, said the Israeli ministry of defence, were to:

- facilitate Israeli civilian travel in the occupied territories so that they could get home or to the office without passing through Palestinian villages or neighbourhoods
- ensure that Israelis could travel by the shortest route, helping create commuter communities
- maintain the 'internal fabric of life in the Israeli settlement blocs'
- prevent Palestinian traffic passing the settlements.²⁴

As the map on p 15 shows, the arterial road network treats Israel and the Occupied Palestinian Territories as one. With the construction of the Trans-Israel Highway, the central spine of the road network has shifted from the coast to just west of the Green Line. The settler roads now feed into this network.

Settlements and the 'defence of Israel'

Settlers are often portrayed (and frequently see themselves) as victims of Palestinian aggression, needing IDF protection against terrorists. Charles



Shamas of the Palestinian human rights advocacy group Mattin counters this view. ‘The settlement process is a belligerent measure – the objective is to be achieved at the expense of civilians, and is secured and defended by the military. Illegal means are used to achieve demographic ends.’

From early on in the occupation, the need to secure settlements against attack created a chain of responses. Emma Playfair comments:

Having purportedly introduced settlers to serve security purposes, the provision of security for the settlers themselves provides the justification for a whole range of additional measures. For their protection in hostile territory, settlers are allowed to carry arms, creating a further distinction between them and the Palestinians living in the same area, and lending a higher risk factor to any confrontation. The settlers pass through towns

and refugee camps on their way through the occupied territories to their settlements, so high wire fences have been erected in front of many refugee camps, to satisfy their concerns about safety. In the longer term, new roads are planned to provide access for the settlers and to bypass Palestinian population centres, for the settlers’ security, necessitating acquisition of more land.²⁵

Since the 1980s, the scale of settlement security has increased. Many settlers are armed, primarily by the IDF, to defend their settlements. A close relationship often develops between settlers and the soldiers and army commanders in their areas. ‘The IDF provides protection, but the settlers are active participants – as soldiers on regular and reserve duty, as Shin Bet [internal security] coordinators and border police officers and as security officers for the local councils.’²⁶

Living in fear

On both sides of settlement boundaries, people live in fear.

Galit, a mother of four from the West Bank settlement Giv’on Hahadasha, told us: ‘If we had another option, we would not live here. For three years, I have not gone out alone at night. My kids never go out alone either.’

‘I don’t think they will dismantle us. Even in the event of an actual agreement, I think they will consider us as belonging to Jerusalem. Maybe they will leave Gaza and some settlements in Judea and Samaria – at least the isolated and smaller ones. I am unequivocally in favour of leaving Gaza. But I’m not in favour of leaving in the current situation. Not like a one-sided flight.’

‘In the event of real peace, we’ll leave our house. But not peace like Oslo. I don’t think peace will ever happen. I think they want to throw us into the sea.’

From a Palestinian viewpoint, areas around settlements in Gaza have become free-fire zones. ‘If I approach my farm,’ one farmer in Beit Hanoun told us, ‘the settlers don’t say anything, but they shoot at anyone coming near.’

‘Once soldiers and settlers came to the village – now we just see bulldozers and jeeps,’ says Mazen, a farmer in the southern Gaza Strip, speaking of the relations which had been quite friendly until 2000, with the nearby settlement of Morag. When he tried to stop Israeli bulldozers from flattening his farm to create a ‘security zone’, he was arrested. His vegetable fields are mostly empty, and his greenhouses are damaged and olive trees uprooted.²⁷

Some settlers take the law into their own hands. They establish their own roadblocks outside settlement boundaries; 'discourage' Palestinian farmers from trying to reach land closed to them by settlers or the army, sometimes use guns, and damage crops and trees. On occasion, settlers have staged armed attacks on Palestinian civilians.²⁸

Since the onset of the second intifada, most settlements (aside from those in Jerusalem) have become virtual fortresses, with IDF-guarded security zones of cleared land and demolished houses, watchtowers, cameras and electric fences. Israeli forces have often moved their positions inside the settlements, further blurring the division between soldiers and settlers.²⁹ A Palestinian ambulance driver with Christian Aid partner, the Union of Palestinian Medical Relief Committees, observed that in the early stages of the second intifada 'it was armed settlers who would stop us or shoot at us'. More recently, fixed IDF checkpoints have largely taken their place, controlling movement throughout the Occupied Palestinian Territories.

The Israeli military is in the position of defending settlements that are illegal in international law. Some IDF personnel who have refused to serve in the Occupied Palestinian Territories since the intifada explicitly state that they believe the defence of settlements is illegitimate.³⁰

Imprisoned in Gaza

The Gaza Strip is only 12 km at its widest point and 45 km long – a total of 365 sq km. It is home to more than 1.3 million Palestinians, the vast majority of whom live in the 210 sq km that are under Palestinian self-rule. There are also 21 Israeli settlements, which house 7,500 settlers.

The whole Gaza Strip is now encircled by a fence and 'security zone', which has recently been widened. Permanent roadblocks divide this narrow strip of land into three sections centring on the three main towns – Gaza City in the north; Khan Younis in

the centre; and Rafah in the south. The division of Gaza by roadblocks effectively fragments an already small land into tiny cantons.

Closures are frequent and unpredictable. Living in one part of Gaza and working or studying in another makes for a long and difficult daily commute – if, indeed, it is possible to cross the checkpoints at all. Every day is a lottery.

Palestinian militants regularly attack Israeli settlements in Gaza, targeting soldiers and civilians alike. In response, the IDF has created ever-widening 'security areas' around the settlements – clear sight lines for military watchtowers, bare of trees, homes and crops. These are effectively war zones. As a result of IDF incursions, Palestinian houses, businesses and farms have been destroyed on an enormous scale.

On the edge of the Palestinian city of Khan Younis, the settlement of Neve Dakalin – part of Gush Katif bloc – is now protected by a high wall in front of which is a devastated area where houses have been demolished by bulldozers. The army says that snipers shoot from the houses, but the operation to clear them has affected hundreds of families, many of whom received little or no notice that their houses would be demolished.

Neve Dakalin was established in the 1970s on the edge of Al-Amal refugee camp. In the early 1990s, a former inhabitant of Al-Amal camp recalls, settlers began to take more land. As the settlement grew, the distance between it and Palestinian homes shrank and, as Palestinian fighters began to shoot at the settlement, the low wall that divided them at the beginning of the intifada was quickly raised. His family fled when they woke one morning to find bulldozers approaching their home.³¹

Most Palestinians in the Gaza Strip welcome the possible evacuation of Israel's settlements. But some are sceptical as to whether this will influence their future significantly.

‘A big jail’

A farmer’s wife in the northern Gaza Strip, near the settlement of Nesanit, told Christian Aid how, during the first year of the intifada, the IDF bulldozed the house next to theirs and three others. ‘Now at night the area is empty and we are afraid. We can’t sleep and the children are often frightened.’

These days, she and her husband are afraid to go to the fields to farm, after they were shot at. The oldest of their seven children is 14. She likes school and wants to study for *tawjihi* (matriculation).

‘I didn’t get a chance to be educated; I can’t read or write,’ she says. ‘I want my daughter to have the chance. But it’s very difficult at present. I’m afraid to let my daughter go on the road to school – it’s dangerous – so I have to go with her. If my husband is at home he looks after the younger children, but if he is not, I have to take them with me.’

She sees some hope in the future. ‘It would be good if the settlements were removed. Then one day perhaps we could be happy.’

At a women’s club in Beit Hanoun, run by Christian Aid partner PARC, women agree that the removal of settlements would be welcome. But several raised concerns that Israel would still control Gaza’s borders – ‘creating a big jail’, one woman said. ‘We will not be out of this cycle – the Israeli message to the Palestinians is: “we are always ready to come back”.’³²

‘We could try to start again, without fear’

Muhammad and Raja’a live with their seven children in one room of a relative’s house in the Nasiri quarter of Gaza City. They have been there since they lost their home and a small plot of land about 600 metres from the settlement of Netzarim. They had lived there since 1991, growing vegetables and keeping animals. Muhammad also worked on neighbouring farms as a day labourer. Relations with the settlers were distant – the children say they did not have any contact with the settlers’ children. ‘The settlers drove around in jeeps,’ Raja’a said, ‘but they left us alone.’

After 2000, everything changed. Muhammad spent three months in hospital after a beating by IDF soldiers. He still has trouble walking. Their house was bulldozed in November 2002.

They have received some compensation from the Palestinian Authority, but Muhammad says his financial situation is very bad. He cannot find work because he is not fit; yet he still has to repay a bank loan and cover the costs of his son’s university course.

His youngest son Wisan, 14, wants to go to university, too, but he also pines for their destroyed home. ‘I didn’t care about the settlement before or the wall around the settlement. Now I see two walls. I want them taken away, I want to return to our house. Before, I used to feel free.’

‘Even now he goes back to the area where the house was, though it is dangerous,’ his mother says. ‘We hope the settlement will be removed. We could try to start again, without fear.’³³

A tale of two cities: Ma'ale Adumim and Jerusalem

'There has been a policy, pursued by all Israeli governments since 1967, of surrounding the greater Jerusalem with two concentric rings of settlements, access roads and military positions. This is designed to cut off Arab East Jerusalem from its West Bank hinterland'

Professor Avi Shlaim, St Antony's College, Oxford

Many settlements began life as a few prefabricated houses or caravans on a hill. But the efforts of settler organisations, and large investments from successive Israeli governments in the past 30 years, have created substantial cities such as Ma'ale Adumim, Kiryat Arba and Ariel, and scores of dormitory towns. These are home to anything from a few hundred to more than 25,000 people.

Most Israelis do not think of the large housing complexes, where the majority of the settlers live, especially those in the Jerusalem area, as settlements. 'They are normalised,' says Israeli journalist Daphna Baram. Certainly they look like, and are perceived as, ordinary city neighbourhoods.

The creation of Ma'ale Adumim, and of the Jerusalem suburban neighbourhoods, tells the story of occupation: how, in the banal setting of a suburban commuter town, an illegal land grab takes place.

As this chapter shows, Jerusalem's city boundaries have been enlarged significantly since 1967. Together with surrounding settlements such as Ma'ale Adumim that extend deep into the West Bank, this is threatening the contiguity of a future Palestinian state and, therefore, its viability. Jerusalem, once the hub of the Palestinian economy, has been effectively cut off from the West Bank, profoundly damaging both markets and freedom of movement.

'Peace is the correct path'

Despite the fact that Israelis and Palestinians rarely meet, some Israeli settlers believe that change is possible.

'Why wouldn't my kids want to keep living here? They're not frightened,' says Robert, a resident of the settlement of Giv'at Ze'ev, near Jerusalem, for the past 16 years. His eldest daughter was injured in a suicide bomb in Jerusalem. 'Terrorism doesn't recognise people,' he says. 'It doesn't matter where you are.'

He believes in peace but feels that 'Ramboism' and power politics make the chance of it remote. 'Peace is the most correct path, to take down fences and to allow local leaders to be in power, not Bush, not Sharon and not Arafat. I don't know if that will ever happen. It's money and power that speak and are heard. But I believe that at the end of it all, we'll make it to better days.'



Christian Aidi/Ramani Leithard

The separation barrier dividing the Palestinian suburb of Abu Dis in Jerusalem

‘Build it as big as possible’: Ma’ale Adumim

‘Building Ma’ale Adumim right next to Jericho was a government decision and its location was accurately specified – at the end of the desert – the furthest place from Israel that was conceivably possible,’ Israeli architect and town planner Thomas Leitersdorf says in an interview with architect Eran Tamir-Tawil. ‘I was given map coordinates and was told to build a town. “How big?” I asked. “As big as possible,” I was told.’

Ma’ale Adumim began life in 1976 as a small settlement between Jerusalem and Jericho. Today, its population is 26,500 and it controls an area of land the size of Tel Aviv.³⁴ It is so large, and so strategically placed, that it cuts the West Bank in half, blocking the north/south route between Bethlehem and Ramallah.

The site was not suitable for a large town, Thomas Leitersdorf says. But even though he was in charge of planning the development, ‘the decision about Ma’ale Adumim’s location was, no doubt, political.’

Leitersdorf tells this history in an interview published in *A Civilian Occupation*, an examination of the role of architecture in Israel’s settlement policies. ‘Ma’ale Adumim was built and subsidised by the government. The government was interested in supporting young couples, so it offered them a higher quality of housing next to Jerusalem, for significantly less money.

‘We quickly realised that the route between Jerusalem and Ma’ale Adumim that went through Azaria and Abu Dis, two Palestinian neighbourhoods in the northeast of Jerusalem, was a politically unstable connection. Once every

few weeks there was a stone-throwing incident. We realised that the only way to strengthen the connection between Ma'ale Adumim and Jerusalem was to create an alternative route that did not go through these neighbourhoods.³⁵

Now a tunnel runs from Ma'ale Adumim to central Jerusalem, so that settlers do not have to travel through Palestinian areas of East Jerusalem. During the Barak government, an additional area called E1 was attached to Ma'ale Adumim in order to encircle fully Palestinian East Jerusalem with Israeli settlements. Construction of infrastructure has started in this area. In August 2004, the government announced a plan to build 600 new homes.

Zoning Jerusalem

Israel occupied East Jerusalem in 1967 and began establishing settlements there soon afterwards. Most Israelis, however, are under the impression that these are simply Jerusalem neighbourhoods, an erroneous perception in which they are encouraged by their government. As Christian Aid partner B'Tselem points out, Jerusalem's settlements are an example of the 'elimination of the Green Line through contiguous urban development'.³⁶

'Municipal Jerusalem' includes West Jerusalem, along with occupied East Jerusalem, and about 17,500 acres from the West Bank. Israel annexed Palestinian Jerusalem unilaterally in 1967 in defiance of international law. In 1980 a Basic Law passed by the Israeli Knesset stated that 'Jerusalem complete and unified is the capital of Israel.'³⁷ Palestinians living in Jerusalem have different identity papers from people in the West Bank, allowing them greater freedom of movement, but further isolating Palestinians living in other areas who require special permits to enter Jerusalem.

About a third of the illegally annexed area was expropriated in the 1970s and 1980s to build 12 settlements, an industrial zone and an airport at Atarot, as shown on the map on p 22. Forty per cent

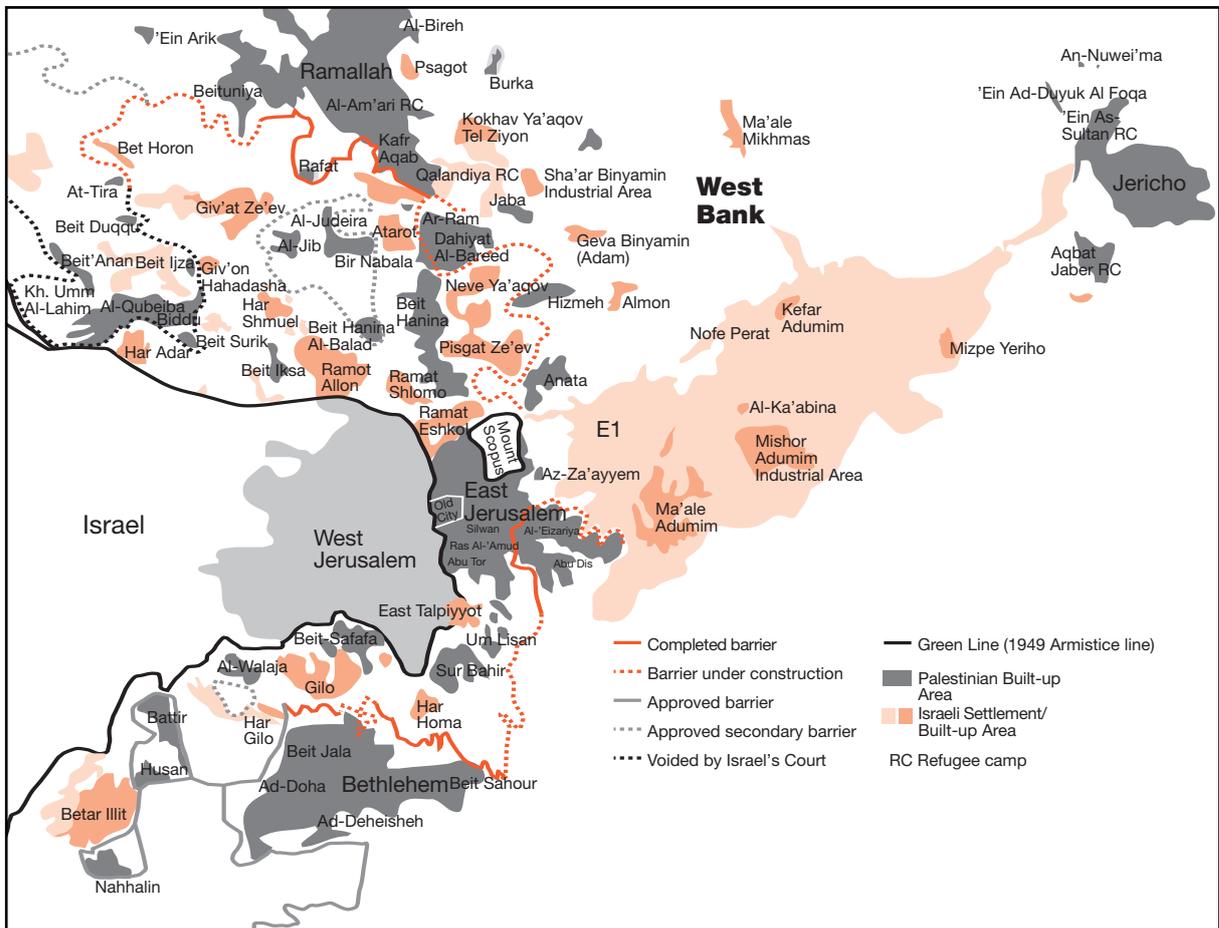
of the remaining area was designated as 'open landscape'. The placement of the settlements means that by 1999, only 11 per cent of that area was available for Palestinian construction, in a patchwork of non-contiguous neighbourhoods.³⁸

As historian Avi Shlaim comments, there has been a policy 'pursued by all Israeli governments after 1967, whether Labour or Likud, of surrounding greater Jerusalem with two concentric rings of settlements and access roads and military positions.'³⁹ One of the most recent expropriations in municipal Jerusalem was the land taken for Har Homa from the area of Jebel Abu Ghoneim, near Bethlehem.

Israel has created extensive planning zones that further isolate East Jerusalem from the West Bank. This attempt to create a 'Greater Jerusalem' takes in a much larger area than the current municipal boundaries. It incorporates the settlements of Giv'at Ze'ev to the north west, Gush Etzion to the south west and Ma'ale Adumim to the east, all linked by a series of roads integrating the east with the west of the city.

Since the Oslo Accords, Israel persisted with a policy designed to alter the demographic balance throughout the city in favour of its Jewish population. Since 1993, Israelis have become the majority in the occupied eastern part of the city as a result of this policy.

The Israeli Ministry of Interior enacted a series of laws and regulations to prevent family reunification and – between 1995 and 1999 – to deny or cancel the permanent resident status of 3,000 Palestinian Jerusalemites, thus reducing the number of Arab residents in the city. At the same time, Palestinians from the West Bank were barred from entering Jerusalem without a permit.



Municipal planning policy has aimed to prevent Palestinian housing development outside existing neighbourhoods, and to limit construction rights in those neighbourhoods. Systematic demolitions of houses built without permits on the one hand, and Palestinian emigration from the city on the other, are direct by-products of this policy.⁴⁰

The ultimate fact on the ground: the separation barrier

Israel's construction of a barrier to surround large parts of the West Bank is the starkest sign yet of its politics of separation. For Palestinians, there will be no freedom of movement between the two sides except through IDF-controlled military checkpoints

Across the hill in the distance snakes an enormous, sinuous structure of concrete and barbed wire. A village is bisected, a mosque on one side and homes on the other. Here, on the other side of the valley, east of Jerusalem, we see the wide path of the bulldozers, which have cleared the way for the construction of 'the wall' – a huge separation barrier.

For the people living here, the inexorable march of the barrier is a final blow. One farmer who did not wish to be named has lived here since birth, on the land of his

father and grandfather. He points to his house to show where he lives. Just across the road, not 15 metres away, is his daughter's home. Every day of the week he goes there for lunch with his family. But once the barrier is built he will be separated physically from his family; he will not be able to cross the 25-foot-high wall. Nor will he be able to cross the boundary at the Israeli-controlled gate; his West Bank identity papers will not allow him to see his daughter, who has Jerusalem identity papers.

Christian Aid/Antonio Olmos



View of the separation barrier under construction near Bethlehem. When it is completed, the movement of Bethlehem residents will be severely restricted

Separation and stranglehold

Israel's construction of a barrier to surround large parts of the West Bank is the starkest sign yet of its politics of separation. For Palestinians there will be no freedom of movement between the two sides except through IDF-controlled military checkpoints. Already it is illegal for Palestinians to travel to Israel, to Israeli settlements and to Jerusalem except with permits; it is illegal for Israelis to travel to Area A in the Occupied Palestinian Territories (with the exception of medical personnel and, of course, those serving in the Israeli army). This physical barrier, running through towns and villages and across farmland, will complete the separation.

According to the UN, an estimated 280,000 Palestinians in 122 towns and villages will be directly affected by the barrier through loss of their farmland and orchards and through the strangling of local economies.⁴¹

Qalqiliya, for instance, was once a bustling small city of 80,000 people where Israelis from neighbouring communities used to come to get their cars repaired and do their shopping. Now there's only one road, guarded by an IDF checkpoint, that leads in and out of town. Many people have now left; 600 small businesses and shops have closed. At the much-photographed wall on the edge of town, near a primary school, watchtowers and cameras maintain constant surveillance of foreign visitors and farmers in their fields.

Altogether, a total of 49,959 people in six communities, including Qalqiliya, are trapped in enclaves almost completely surrounded by the barrier.⁴² PENGON, a network of Palestinian non-governmental organisations, some of whom are Christian Aid partners working in the area, identified 49 communities which were separated from their lands. Twenty-eight were cut off from their wells, other water sources or irrigation systems.⁴³

The barrier and international law

Since construction began in June 2002, about 185 km of the barrier have been completed, out of a total of up to 660 km. The estimated cost of the wall in October 2003 was £1.9 billion, or €2.8 billion – £2.6 million, or €3.8 million, per kilometre.⁴⁴

For about 12 km – around urban areas, such as Tulkarem, Qalqiliya, East Jerusalem and Bethlehem – the barrier takes the form of a concrete wall 25 feet high in moulded vertical sections. For the rest of its length, the barrier is an electronic fence with patrol roads and barbed wire on either side, some 60-100 metres wide.

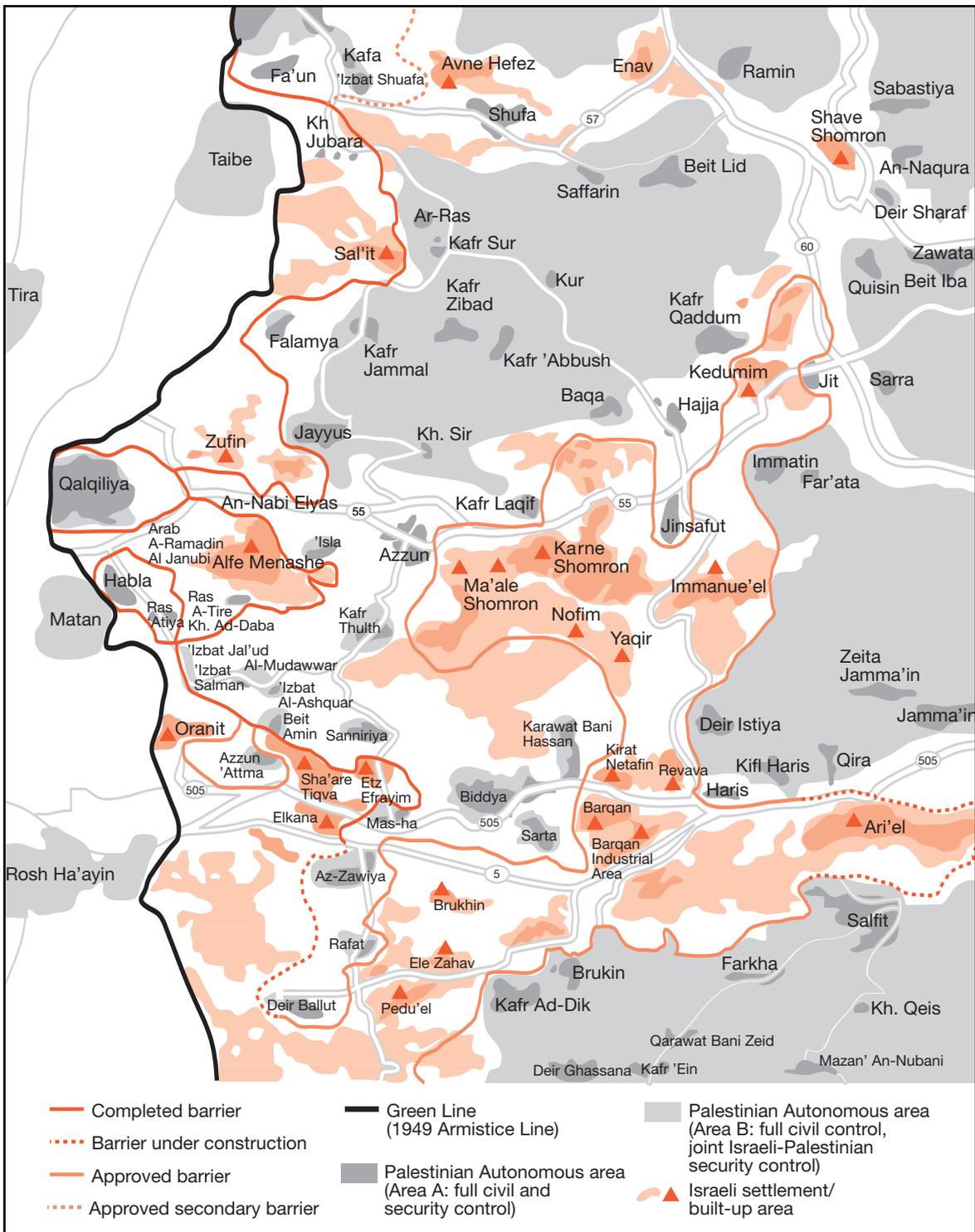
There are also proposals for a number of secondary or 'depth' barriers behind clusters of Palestinian villages near settlements, isolating the villages between the two barriers. These are additional fences, which, in Israeli thinking, will enhance security for settlers.

As currently planned, 56 settlements, including some of the largest, and 63 per cent of all settlers in the West Bank will be located on the Israeli side of the barrier.⁴⁵ In June 2004, work began to bring the barrier 22 km inside the West Bank to enclose some of the major settlements in the West Bank hills, including Ariel and Emmanuel.

This latest twist in Israeli land policy effectively redraws the map. The barrier is being built by Israel on land that does not belong to it, to protect Israeli settlements which are already in violation of international law.

John Dugard, the UN special rapporteur for the Palestinian territories, concludes:

The building of the barrier, in such a way that it separates farmers from their land, isolates villages from employment, schools and healthcare, brings settlers within the de facto borders of Israel and confirms the unlawful



Progress of the construction of the separation barrier through the Qalqiliya area of the West Bank

annexation of East Jerusalem, suggests that the main purpose of the barrier is annexation, albeit by de facto means, of additional land for the state of Israel.⁴⁶

The idea of separation

The barrier lays down a marker to the parts of the West Bank over which Israel wishes to retain control. One international observer said the barrier was a way of 'joining the dots' between the settlements. Some Israelis on the right regard it as a new border.

Arnon Soffer, a demographer at the University of Haifa and an advisor to current and past Israeli governments, argues for the present route of the separation barrier primarily on demographic grounds. He says that Jews in Israel will soon be in a minority because of high birth rates in the Palestinian population and 'infiltration' from the West Bank. The alignment of the barrier should leave a 'solid Jewish majority within' (that is, on the now-Israeli side of the barrier). Security considerations are secondary to these demographic considerations, which, he says, define the future shape of the Jewish state.⁴⁷

It is important to consider that Israeli security fears are motivated both by physical attacks and concerns that the Jewish population will become a minority group within Israeli borders.

The case for security

The Israeli government argues that the barrier route is determined by security needs as defined

by the IDF. It says that: 'Data reveals a clear correlation between the construction of the fence and a drop in the number of terrorist attacks from those areas adjacent to the parts of the fence that have been completed.'⁴⁸

Most Israelis support the building of the barrier. They believe it will put a halt to suicide bombs in Tel Aviv and other Israeli cities. Settlers are demanding that their communities are on the western (Israeli) side of the barrier. 'The fence [barrier] is wrong for us and it is wrong for them,' Dov of Salit settlement told us. 'But if it was your children in the line of fire, then you would want a fence, too.'

Attacks on all civilians are gratuitous and in complete violation of international human rights law. Some Palestinians justify attacks on settlers, taking the view that settlers cannot be counted as civilians, particularly as many of them carry arms. However, Christian Aid condemns all killings and injury to civilians, and all damage to private and communal property. Israelis have an unquestioned right to be free from the threat of attack and for their children to travel to school free from fear.

However, it is difficult to justify the current route of the barrier through the West Bank on the grounds of security. Although the number of suicide attacks has fallen since its construction, if physical safety for Israeli citizens were the aim, simply building the barrier along the Green Line and within Israeli territory would suffice.

'The match that sparked the fire'

'The separation barrier has only brought us problems. After they started building it, Palestinians in the area began to make trouble. All the time that we've been here, everything's been fine, until they started building the fence.'

'It's the match that sparked the fire. Ever since there have been riots and days of disorder that have not been pleasant. Tear gas. Not nice at all. The kids go to the sports field and there have been times when Palestinian kids have thrown rocks with slingshots. Not a nice atmosphere. Maybe in the long term it will work, I don't know.'

Galit, from the West Bank settlement of Giv'on Hahadasha

The Israeli government contends that it will defend its citizens wherever they live. For this reason, it says, the route of the barrier follows for the most part the boundaries of land held by the municipalities or local councils of Israeli settlements. In a High Court case, the government's response was that the barrier was designed to pass to the east of the settlements to protect them and their access roads.⁴⁹

It could be argued instead that, having encouraged its citizens to live illegally in areas where Israel does not have sovereignty, the state is putting its civilians at risk. Indeed, it is clear that for Israelis, settlements themselves are fuelling insecurity; if it were not for the presence of settlements in occupied territory, there would be little need for a barrier that runs inside that territory, or for the backlash against the barrier that will inevitably follow. Although most Israelis feel safer with the barrier, not all do. Robert, in Giv'at Ze'ev, told us: 'The separation barrier does not make me feel any safer. Terror has been and will be. What then, a protective sky dome? If there's peace, we will not need any fences.'

Slicing through Jerusalem

In East Jerusalem, the security value of the barrier – which is still under construction – is even less evident. Here it does not separate the two populations, since there are Israelis and Palestinians living on both sides of the barrier. It takes the form of a high wall of dark grey concrete, towering over houses, shops and public buildings. It winds its way along the eastern municipal boundary of the city through densely populated areas, creating havoc. It separates students from their schools and university, employees from their workplaces, patients from their health clinics and taxi drivers from their customers.

At certain points, the barrier deviates from the municipal boundaries, leaving some Palestinians

with Jerusalem identity cards living on the West Bank side of the barrier. They are faced with the stark choice between relinquishing their Jerusalem residential status or moving to the Jerusalem side of the barrier where the cost of accommodation is several times higher.

The human cost

The barrier cuts through some of the most fertile areas on the western slopes of the West Bank, where farms and orchards produce olives, fruit and vegetables. These farming communities rely on trade both within the West Bank and with Israel and beyond. The north-western districts of Jenin, Tulkarem and Qalqiliya, where the barrier has been completed, are already feeling the effects.

An estimated 3,670 acres of land were confiscated and 102,320 olive trees destroyed in the first phase of building the barrier, according to Palestinian sources.⁵⁰ Many farmers allege that contractors uprooted and stole olive trees to sell. Olive trees are particularly precious as they live and bear fruit for hundreds of years. Because they are slow to mature, they are also a major investment for farmers who have to wait five to ten years for their first significant crop.

The areas most affected by the barrier are largely in Israeli-controlled Area C, where Palestinians are still required to obtain permits to build but are rarely given them. Now, both homes and commercial premises are being destroyed on the grounds that they were built without permits, and the Israeli authorities have imposed local freezes on construction.

But the greatest fear is that of losing land. If farmers are not able to cultivate their land for three years – if movement restrictions make it impossible to grow and harvest a crop each year, for example – then under Israeli law, these farms could be declared 'state land' and the farmer forced to leave. The result could be a consolidation of Israeli landholding in the area to the west of the barrier.⁵¹ The damage

‘The separation barrier provides us with security’

‘My wife and I saw something in the *moshav* [cooperative] that made us want to live here. It was convenient – not deep inside Judea and Samaria. It was not stolen property, but desolate land. Our decision to live here was suitable from a moral perspective.

‘The separation barrier divides us from [the neighbouring village of] Kafr Sur. Before, our relations were closer. Many Palestinians from neighbouring villages worked in the privately owned industrial factories and greenhouses of Salit – it was not the *moshav* that employed them. Before the intifada there was less fear. Jews would visit Palestinians in their villages and used to be invited to events – weddings and such. That doesn’t happen any more.

‘The separation barrier definitely provides us with security. I am in touch with the manager of the fence in our area to make sure the gate has regular opening and closing times.

‘For the future, when a political agreement is reached, I hope that Salit will stay in Israel, in exchange for other territories. I do think that most of the other settlements deeper in Judea and Samaria will need to be dismantled.

‘Palestinians deserve a state. But all the talk of the “holy Green Line” has nothing to do with the actual topography of the land, which villages and cities lay where. The focus on the Green Line seems to be the result of a historically short vision. We must find a compromise.’

Yoav, an Israeli resident of Salit settlement for 21 years⁵²

and loss of land caused by the first phase of the barrier’s construction does not bode well for the many people who will find themselves in the path of its next 400 km.

In a few instances, injunctions, local action and international pressure have led to changes in the barrier’s route – for example, between Qaffin and Zeita and at Baqa al-Sharqiya in Tulkarem district – but in many cases expropriations have gone ahead. The planned route of the barrier south west of Ramallah has been altered as a result of the Israeli Supreme Court ruling in June 2004.

Farmers have been reluctant to accept compensation, partly because the Palestinian Authority discourages this on the grounds that compensation legitimises the transfer of land to

Israeli control, but also because they do not want to give up their land.⁵³

The Israeli government has made some changes to the system of issuing permits to farmers, visitors and residents of areas cut off by the barrier, and access through the barrier gates, particularly for schoolchildren. However, whichever route is chosen, and whatever forms of mitigation are introduced in its operation, the barrier itself – combined with all the other forms of movement restriction – is disrupting people’s lives. It is not the minor inconvenience claimed by the government.⁵⁴

In April 2004, of the 53 gates that were observed along existing structures of the barrier, just 15 were actually open to Palestinians with permits. These were open for only limited periods.⁵⁵

Trapped or transferred?

‘When a man sees a wall that will isolate him from his neighbours, he feels imprisoned’

Faraj Hanna Lati, teacher, Beit Sahour

Faraj Hanna Lati and his wife are teachers in Beit Sahour, near the town of Bethlehem. They live with their two daughters and one son in a house they built in 1995, on land owned by Faraj Lati for more than two decades. Last year, the Israeli army began to construct a road on one side of his house. The IDF claims that his house is illegal and must be demolished; the case is now in court.

But the road and the threat of demolition hanging over them is only one of the family’s problems. Another is the separation barrier that looms over their home from the other side of the new road. They are trapped between the barrier and the military road.

‘When a man sees a wall being built in front of his house and he knows that this wall will isolate him from his neighbours and impede his ability to make personal peace some day with the Israelis, he feels controlled and imprisoned,’ he says.

‘My family is feeling lonely and isolated. The children cannot play outside the house because they are afraid of the soldiers. Relatives and friends cannot easily get to the house, because there is no access road, and we are afraid of what the soldiers might do. Last Christmas, when people were visiting, we were shot at and soldiers came to the house.’⁵⁶

This family is one of thousands trapped by the barrier. Demolition, land requisition and the economic stranglehold are forcing people like the Lati family to choose between being trapped by the barrier or leaving their homes.

It is hard to imagine the international community tolerating ethnic cleansing or forced expulsion – so-called hard transfer – such as that in the Balkans

in the 1990s. However, ‘soft transfer’ – creating the conditions under which people find it very difficult or impossible to continue living in their homes – does not seem to generate the same concern. In village after village throughout the West Bank, we found that construction of the barrier and settlement expansion encourage ‘soft transfer’ because of their impact on the economy. If they cannot make a living and feed their families, people told us, they will have to consider leaving.

Some voices in Israel actively call for transfer. One Israeli political party, Moledet, which provided Ariel Sharon with his then-minister of tourism, Benny Elon, claims on its website that it ‘has successfully raised the idea of transfer in the public discourse and political arena in both Israel and abroad, within the framework of achieving comprehensive peace in this region’. It also claims to be ‘actively involved in establishing these facts on the ground, by encouraging the emigration of displaced and hostile elements from our Land.’⁵⁷

The idea that Palestinians would have to be moved is not new. Indeed, the 1948 exodus of Palestinian refugees during the war that established the state of Israel is testimony to Israel’s vision of a Jewish state. David Ben-Gurion, Israel’s first prime minister, speaking to the Jewish Agency Executive in June 1938, clearly articulated his vision: ‘After we constitute a large force following the establishment of the state – we will cancel the partition of the country and we will expand throughout the Land of Israel.’⁵⁸

Caught in the ‘seam zone’

As the barrier has snaked through the West Bank, enveloping settlements, it has also carved off some Palestinian villages and placed them on what is now

the Israeli side of the barrier. As of April 2004, 12 Palestinian villages or towns were located in this 'seam zone' – the closed military area between the barrier and the Green Line.⁵⁹ Many people in the 'seam zone' are cut off from their land and businesses. Trapped on the wrong side of the barrier, these villagers now have to cross through gates in the barrier, which could be many miles from their homes, in order to reach their places of work or schooling, or to visit medical services.

Despite official insistence that the barrier is temporary and designed to ensure Israeli security, Israeli authorities have already altered the terms of residence for Palestinians living in the seam zone. They are required to apply for permits to remain in their homes. In order to do so they have to prove that they are permanent residents of the seam zone. However, Military Order 378, which declares the zone a closed military area, does not define what constitutes permanent residency.⁶⁰

There are, in addition, 12 categories of Palestinian 'visitors' who require permits, including Palestinian Authority and local council employees, local employees of international organisations, medical workers, teachers and farmers. Permits are not required for:

- Israeli citizens and residents of Israel listed in the population registry
- anyone entitled to immigrate to Israel according to the Law of Return⁶¹
- tourists with valid visas⁶²
- Palestinians possessing permits to work in Israel or in settlements
- children under 12 if they are travelling with an adult with a permit.

Ghost villages

The pressure is on villagers to leave – to move to the interior of the West Bank, abandoning their land behind and creating a virtually Palestinian-free zone for Israeli annexation. If enough people move, there



Christian Aid/Antonio Olmos

Men scrambling down the hillside to avoid Israeli soldiers who have appeared from the nearby checkpoint at Wadi al-Nar, near Beit Jala

will be 'ghost villages' left behind which are economically unviable.

Most people to whom we spoke in the course of researching this report clearly want to stay in their homes, especially those who have already lost land, or are refugees from 1948. Lawyer Hassan Darwish, in the village of Beit Ijza, near the route of the barrier, told us: 'We need to have alternative ways to earn a living and stay in the village. We will not leave. If the villagers could get help to start new, more intensive methods of agriculture, this would help.'

But lack of work is creating a crisis exacerbated by the problems of commuting to work. Some employees are now temporarily moving from their villages to their workplace, but this is not sustainable. Currently, the scale of movement out of areas near the barrier and where commuting is difficult is not clear, because the Palestinian Authority does not keep records.

People talk openly of how they will survive. Will they emigrate to other countries? Will opportunities open up? No one quite knows what the future behind the barrier will be.

'I'm scared for my children'

The story of Al-Midya, near Ramallah and adjacent to the Green Line, is typical of many West Bank villages.

A village of around a thousand people, it has little land left to lose. Most of its land was lost to Israel in 1948; in 1986, olive groves were destroyed to make way for a settlement. Here, the proposed line of the separation barrier runs close to the Green Line. Al-Midya's remaining olive groves slope westwards down to the Green Line, with Israeli forest plantations on the opposite slope.

The barrier will turn the village into a peninsula surrounded by the barrier on three sides, and faced on the south and east by a large bloc of settlements, Mod'in Ilit and Hashmona'im, on the other side of the barrier. So far, the separation line demarcating the route of the barrier has only been bulldozed on the side facing the settlements – the route of the section

near the Green Line is still being demarcated.

'Three or four months ago soldiers came and said we will build a barrier,' recalls Samia, a mother of seven whose home faces the Green Line. 'We asked why. The soldiers said they were doing it "to save themselves from terrorists".'

'On the first map we were given, the house was on the line of the wall but on the second one the wall runs a few metres in front of it. So they won't demolish the house but the wall will be right in front of us. We will also lose some of the olive trees in front of the house.

'We have nowhere else to go. But no one knows what we will do. I'm so worried about my children. How will I feed them? Their father is only making NIS 50 a day now; with the barrier, he will have no work.

'Sometimes I feel it was wrong to have kids. I look at them every night and I'm scared for their safety. We don't see settlers in the village, only soldiers. We are already having problems with soldiers shooting people. We see settlers up on the mountain – I feel they want to kill us.'

A settler's view

'There is a [Palestinian] state, it's called Jordan. The Palestinians want more land, and Jordan is not enough for them, so now they want here. The idea for a Palestinian state began with Arafat. Thirty years ago, there was no thought of it, because this belonged to Jordan, who made no claim on it.'

Dov, a resident of Hashmona'im, a moderate Orthodox settlement less than a half an hour's drive from Jerusalem and Tel Aviv. Now retired, he is originally from Brooklyn

The real cost of land: poverty and despair

The Palestinian economy is being held in a tightening grip, and it is ordinary Palestinians and their children who are paying the price

Christian Aid's 2003 report, *Losing Ground*, documented the fuelling of Palestinian poverty by the Israeli occupation and its acceleration into a humanitarian crisis since the second intifada.

Today, the loss of land, the inability of people to move freely or to get their goods to market, and the tightening of controls at checkpoints are heightening this humanitarian crisis even further. In the formerly prosperous areas close to the Green Line, such as Qalqiliya, the barrier is killing off the economy, strangling trade and commerce. Living standards are declining sharply as farmers lose their land, their greenhouses, their citrus and olives groves and their access to markets. Some people cannot travel to work. Across the landscape on the other side of the huge concrete barrier, the abandoned greenhouses of Qalqiliya's former farmland are testimony to the economic crisis.

In the local medical clinic run by Christian Aid partner the Union of Palestinian Medical Relief Committees (UPMRC), the doctors tell the story: rising malnutrition, anaemic mothers, increasing numbers of stillbirths and miscarriages, elderly people who cannot get to hospital for the treatment they need.

Poverty has intensified especially in areas that were already among the poorest – the Gaza Strip, most refugee camps, and rural areas in the more isolated north and far south of the West Bank. By 2003, half the population of the Gaza Strip was dependent on food aid and almost 84 per cent lived below the poverty line.⁶³ In the West Bank and Gaza Strip, recipients of UN Relief and Works Agency (UNRWA) food aid rose from 11,000 families before the second intifada to almost 220,000 families in 2003.⁶⁴

According to a recent World Bank report, real per capita income in the West Bank and Gaza Strip – already down by a third in the last four years – will lose another 12 percentage points by 2006. Unemployment and poverty, conservatively estimated at 28 and 50 per cent respectively, are projected to rise by seven per cent in the next 16 months.⁶⁵

This is the real cost of Israel's land policy: unemployment, malnutrition, dependency on aid, the vanishing of family assets and the threat, at any moment, of the bulldozer that might destroy olive groves. In UPMRC's medical clinics, and in the poor

Poverty in the Occupied Palestinian Territories

	1998			2003		
	Occupied Palestinian Territories	West Bank	Gaza	Occupied Palestinian Territories	West Bank	Gaza
Poverty incidence (% of population)	20.3	14.5	33.0	62.3	51.8	83.4
Number of people in poverty	625,709	274,812	350,897	2,369,259	1,226,391	1,142,868

Note: based on a poverty line of US\$3.60 expenditure per day for a household of two adults and two children
Source: International Labour Conference, 92nd session, 2004, International Labour Office, Geneva.

communities of Gaza City, where the Middle East Council of Churches works, poverty and its consequences – illness, psychological problems and despair – are getting worse. The Palestinian economy is being held in a tightening grip, and it is ordinary Palestinians and their children who are paying the price.

Poverty and closure

It is hard to picture the obstacles to living everyday life that affect Palestinians. Some seem petty, even trivial: the mounds of earth that block traffic on a village's only road and consign everyone to travelling on foot. The gates that are sometimes, but not predictably, blocked by young, bored and often threatening Israeli soldiers, who may or may not let Palestinians pass. The roadblocks that appear overnight, leaving everyone in uncertainty, not knowing whether they can get to work that day.

The carefully drawn maps of the UN Office for the Coordination of Humanitarian Affairs (UNOCHA) tell the story: a total of 753 different types of obstacles to travel in the West Bank.⁶⁶ Together, these different impediments to free movement – roadblocks, gates, fences, trenches, earth mounds and military checkpoints – are what are known as 'closure', the system of movement control which exists not only around the West Bank and Gaza, but within them. Individually, they may seem small obstacles. But together they have a crippling effect on both economic and social life.

A report by the British House of Commons International Development Select Committee, in a detailed examination of poverty and development assistance, found that:

Checkpoints may be manned, permanent structures, or 'flying' temporary checkpoints in which Israeli military vehicles are used to block roads and restrict Palestinian movement. Other obstacles include concrete blocks placed across roads, trenches dug in

the ground and mounds of rubble piled across roads to prevent vehicular access.⁶⁷

MPs on the committee agreed with the World Bank's conclusions that 'removing "access controls" imposed by the Israelis would increase the size of the economy' and reduce poverty more efficiently than development assistance.

Closures are unpredictable, disrupting journeys to work and the transport of goods. At fixed checkpoints, Palestinian commercial vehicles have to unload their goods and reload them on another vehicle on the other side of the barrier, as well as being subject to checks.

Closures increase transportation costs and make Palestinian goods less competitive. Foreign buyers switch to other, more reliable, suppliers because of interruptions caused by production and shipping delays. At the same time, Palestinian producers switch to supplying local markets because exporting goods is too costly and difficult. Between early 2000 and late 2003, imports fell by 24.6 per cent and exports by 28.8 per cent.⁶⁸

Factories suffer from inconsistent flows of raw materials, and commercial businesses from interruptions in their supply chains. These conditions, as well as lack of future prospects, undermine businesses and create a disincentive to invest.

The turn-off to the West Bank village of Beit Lid from the settlement road is filled with earth mounds. There are sometimes also roadblocks impeding access from the village to the main road to Tulkarem. The mayor, Muhammad Mahmud Rashid, says: 'Even the ambulance can't go through without permission.'

'Anything brought from the city costs double because of the roadblocks. Many products like olive oil are unprofitable because of the cost of transport. Before the intifada, olive oil was exported to Italy, Jordan,

Israel, Gaza. Now it is forbidden to export to Jordan, and it is impossible to send it to Gaza or Israel, or export to Italy via Israel.⁷

Even the daily commute becomes impossible. A teacher from Beit Ijza who works in Ramallah (a distance of 10 km) says it now takes him three hours to get to work. He used to spend £25/€36 monthly on transport before the intifada. Now it costs him half his salary of £250/€360 because he has to change taxis at several checkpoints.⁶⁹

A Palestinian hospital administrator, for example, travelling from Bethlehem, in Palestinian-controlled Area A, can be prevented from reaching his meeting in Ramallah – also in Area A – because the two areas are not contiguous, and he may be stopped at roadblocks in the intervening Israeli-controlled area.

Because of the problems of permits and gates in areas affected by the barrier, workers are frequently unable to reach their place of work on time, or at all. They can therefore be branded unreliable. According to Christian Aid partner Kav La'Oved, movement controls have provided a pretext for employers who want to get rid of Palestinian workers without paying them the compensation to which they are entitled.

Damage to agriculture

Agriculture is now a lifeline for rural families who once relied on employment in Israel. In the Occupied Palestinian Territories as a whole, agriculture makes up eight per cent of gross domestic product.⁷⁰ It provides a higher percentage of employment, about 15 per cent in the West Bank and more than 17 per cent in the Gaza Strip in 2003.⁷¹

Christian Aid/Alex Klaushofer



A greenhouse near Deir al Balar in the central Gaza Strip, which fell into disuse after a farmer's land was cut off by Israeli forces

In the village of Shufa, in Tulkarem district, the Israeli army has taken over a house on the high promontory overlooking the village and the settlement of Avne Hefez in the valley below. It also overlooks a dirt road that leads from the village into the valley and past the settlement, where some of Shufa's land is located. Farmers told us that they were sometimes shot at or otherwise stopped from using that road to reach their fields.

Abu Bakr, 43, supports a family of ten. He lost his job as a builder after the second intifada began. For the first two years of the intifada, he worked on his land, even though it abutted a settlement. But now he can rarely reach his land because of military checkpoints. Last summer the settlers burnt many of the olive trees which were his primary source of income. He believes the settlers want the farmers to lose hope and leave their land.⁷²

Farmers in Beit Ijza, a village in the Jerusalem district famous for its grapes, used to make a good living from agriculture, and only a fifth of the working population was employed in Israel. Now, in addition to competition from Israeli grapes, it is no longer possible to export to Jordan or the Gulf because of closures. Beit Ijza's grape growers can only sell locally, in the markets less than 40 km away. But grapes are easily damaged, and when the cartons are opened at checkpoints and handled, they are spoiled.

Costs have risen, too. Before the intifada, a group of farmers told us that it cost £2.50/€3.60 to get a consignment to Ramallah. Now it is 1,500 per cent higher, at £37/€54. Eighty big trucks used to transport the grapes but now there are only 30 vans. It is not profitable any more.⁷³

The separation barrier causes new headaches for farmers trying to reach their land and water sources. Major events, such as the olive harvest, and even routine tasks – weeding, fertilising and irrigating vegetables – can be stopped by closed gates or lack

of a permit. Transport also becomes a problem, as farmers need permits to take vehicles, and sometimes even donkeys, through the barrier gates.

Kamil, 52, is a farmer in Kafr Sur in Tulkarem district. 'From January you need to fertilise olives, but I was not allowed to get to my olive grove for long enough. Olives need continuous care; neglect causes weeds to take hold. They get dry and settlers burn them and damage the trees. Last year, I could see the destruction but I couldn't reach the trees to save them.'

When farmers need to employ family members or wage labourers, the permit system restricts the number of people who can be employed. Anwar, from 'Isla in Qalqiliya district, has eight sons. But he could only get permission for himself and two sons to go to his land. In the past he would have had ten to 15 employees working for him.

In the Gaza Strip, most Palestinian farmers are smallholders with an average of three to five dunums (12–20 acres) of land. 'They are among the poorest of Palestinians and becoming poorer,' says Ahmed Sourani of PARC in Gaza. Farmers producing greenhouse vegetables face serious problems in marketing their produce – currently they consume 40 to 60 per cent of their crop because there is no access to markets in the West Bank and beyond, and prices are very low. Some have contracts for strawberries or carnations with Agrexco, the Israeli marketing company, but it pays a lower price compared with prices paid to farmers in Israel. Furthermore, Palestinian farmers often have to compete with settlements in selling produce for export.

The clearing of security zones around the edge of the Gaza Strip and near settlements has caused widespread damage to agriculture. Driving through northern Gaza, you can see the remnants of greenhouses which once were filled with tomatoes and cucumbers, now carcasses of twisted metal and

plastic sheeting, victims of bulldozers. In some areas of Gaza, PARC has had to replant fields twice: once after the first bulldozing by the IDF, and then again after the small shoots were bulldozed a second time.

Disrupting healthcare

Health and education are two areas in which Palestinian Authority ministries still have a tangible role, but are under considerable pressure, with movement restrictions creating many problems. In the Gaza Strip, UPMRC found that about 70 isolated communities did not have access to medical facilities, and established a mobile clinic. But because of checkpoints and closures, the mobile clinic often could not reach the south of the Strip, and UPMRC has had to fund a second mobile clinic.

Increasing poverty makes it harder for the poorest to pay the costs of consultations and medicines. UPMRC in Gaza notes that many people can no longer afford to pay the token amount of 43 pence (63 cents) that it charges for treatment. One doctor, from the Middle East Council of Churches clinic in Gaza City, added that people now have to choose between money for food or a visit to the clinic – ‘health suffers,’ he said.

In the northwest of the West Bank, the separation barrier and movement restrictions exacerbate weaknesses in the primary healthcare system. With clinics already thinly spread, staff face problems getting to work. In communities near to the barrier, only 44 per cent of nurses and health workers and 24 per cent of doctors live in the village where they work.

The Ramallah-based Health, Development, Information and Policy Institute (HDIP) estimates that 26 clinics (18 run by the Palestinian Authority’s Ministry of Health, four by non-governmental organisations, three by UNRWA and one private clinic) have either already been cut off by the barrier, are located in an enclave, or are likely to be affected by further ‘depth barriers’.⁷⁴

For villages where clinics have limited facilities, it was once usual to refer patients to larger clinics or hospitals. But now patients are hard-pressed to reach them. Health-service providers and community members interviewed by HDIP suggest that providing first aid training for villagers and volunteers might help as a fall-back measure. They also propose that more training be given to midwives so that women can deliver babies at home, rather than suffer the trauma of trying to get through checkpoints to hospitals. But in serious cases, it’s not sufficient to rely on volunteer first-aiders or home care.

Dr Muhammad Haddad at UPMRC’s clinic in Biddu, in Jerusalem district, told Christian Aid of a young woman who went into labour in her village and tried to take a taxi to hospital. At the checkpoint outside her village, she was delayed for six hours; IDF soldiers would not let her mother-in-law, a woman of more than 60, accompany her, and would not let her go to Augusta Victoria hospital in Jerusalem. Finally, the third ambulance that turned up was allowed to take her.⁷⁵

In response to situations such as this, UPMRC has developed a guide for pregnant women. It gives them advice on how to manage, especially if they are alone at a checkpoint. In a tacit acknowledgement that delay of ambulances is a problem, IDF soldiers at checkpoints have now been issued with birthing kits. But these only contain basic equipment – clamps, scissors, gloves. According to Dr Haddad, they do not have suction or oxygen so they cannot deal with complications. In any event, apart from the probable inability of young Israeli conscripts to perform such a task, the priority should be to get women to hospital, according to the Christian Aid-supported Israeli Physicians for Human Rights.

Blocking education

Where the barrier separates schools from the villages they serve, children wait at the barrier gates. They can only get to school on time, or at all, if IDF soldiers open the gates. Children travelling to

‘Each goes on alone’

Organisations supported by Christian Aid are directly affected by the barrier, movement restrictions and all other aspects of Israel’s control over Palestinian land. The result is both costly and immensely demanding for professionals determined to deliver essential services.

In the West Bank, PARC has established new offices in Qalqiliya and Tulkarem, and rented apartments where staff can stay when they are unable to get home. In the Gaza Strip, PARC is finding it necessary to recruit ‘local’ staff – from Gaza City, Khan Younis and Rafah – so they can avoid a commute which, on a ‘normal’ road would take half an hour or less, but can take up to five hours, if it can be completed at all. For UPMRC, a major problem is the unpredictability of closures, which may last for hours or days. PARC and UPMRC estimate that the cost of circumventing the obstacles of the occupation adds a third to their operating budget.

For the YMCA’s programme in Beit Sahour, freedom of movement is critical because of its counsellors’ outreach work. ‘It became difficult to reach our clients,’ says Nader Abu Amsha. ‘We have six teams in the West Bank and we have had to rent offices in each area, as a base for the counsellors and supervisors. But now there are even problems with moving around within each area.’ In areas near the barrier, permits are only given for specific gates, open only for short times each day and sometimes with unreliable opening times.

‘In the past we have brought people to the Beit Sahour centre for assessment and intensive counselling, but now they have to pass through several checkpoints,’ he says. ‘Sometimes they are denied permission to pass, or face abusive soldiers. This is particularly bad for people whose initial trauma has been caused by soldiers. Counsellors themselves need counselling because their jobs and living situation have become very stressful. They need to talk to each other and share experiences, but it is very difficult to get together.’

Between 2000 and 2002, the YMCA itself was hit five times in fighting, and was closed for several months.

There are also hidden costs: the loss of coordination, of project monitoring and face-to-face discussions. Problems on the ground are less easily spotted and dealt with at an early stage. Larger organisations use video conferencing but this is not the same as meeting face-to-face. According to Abdul Hadi Abu Khoussa of UPMRC in Gaza: ‘Since the beginning of the intifada, the Gaza Strip has been completely cut off. Members of the UPMRC board from both areas have never managed to attend a meeting together. Even though you can use phone, fax and email, this separation has a negative effect on the organisation – each area goes on alone, and is unable to share experiences or work together to solve problems.’

school in Habla from villages in the enclave created by the settlement of Alfe Menashe (Wadi Ar Rasha, Ramadeen and Arab Abu Farda), for instance, and from Azzun Atma to Beit Amin in Qalqiliya district, have faced delays at their respective gates, according to UNOCHA reports.⁷⁶

Secondary schools, and particularly universities and colleges which serve a number of villages, face more acute problems. In monthly surveys conducted by the Palestinian Central Bureau of Statistics for the World Bank since October 2003, in the four months to January 2004 student access to their colleges was 'very difficult' in the district of Qalqiliya, and 'difficult' in Jenin, Jerusalem and Nablus. Rural and refugee camp households experience the most problems, as they are subject to more checkpoints and roadblocks.⁷⁷ These difficulties have led some students to change to distance-learning programmes that are cheaper and avoid travel problems. Others share a room in their university town for the week, adding to their expenses but avoiding daily travel delays.

'Why are they not afraid?'

The World Bank notes the 'cohesion and resilience' of Palestinian society in the face of these crises.⁷⁸ Sharing within communities remains widespread and helps to compensate for the lack of social safety nets and the absence of an effective administration. Nonetheless, the strain is telling.

With ever-diminishing opportunities for employment, mutual support within families does not work as well as it once did, even in the large extended families of Gaza and rural areas. The people we interviewed often mentioned that their extended family could not support them because 'they are in the same situation as us'. Restrictions on movement also limit the frequency of family visits to relatives in other towns or villages, contributing to feelings of isolation.

Prolonged unemployment means men are deprived

of their role as breadwinners. As a result, report Christian Aid partners and others, there is increased violence, including within the family, and especially against women and children. Older men we interviewed expressed feelings of both violence and helplessness, particularly relating to the loss of their land and the restraints on farming. A farmer from Beit Amin in Qalqiliya district told us: 'It's the worst feeling when people take your land and you can do nothing.'

For women, who are still the primary providers of care, the burden of bringing up large families on rapidly shrinking incomes is immense, especially when many live in fear for their children's safety due to the conflict. Women's participation in the formal workforce is still low – 13.3 per cent – and the incidence of poverty in female-headed households is 1.3 times greater than those headed by men.⁷⁹

Those families who already have special difficulties – for example, families which include someone with a disability – face particular problems. Nader Abu Amsha of the YMCA's disability programme notes that its counsellors report that disabled adults and parents alike say their families are increasingly unable to help them as they did in the past. They have less and less money, and suffer increasing stress.

'People feel lost and alone,' comments Abu Amsha. 'They've lost their belief in the international community and they are poor – poverty is increasing. It's a jungle. People live with stress and depression. But what is strange is that most people behave normally, even when the situation is abnormal. Children play even when there is shooting. Why are they not afraid?'⁸⁰

Breaking the bounds: land and international law

‘Establishing civilian settlements in occupied territory in order to further the economic or political interests of the occupying power is incompatible with [Fourth Geneva Convention] principles’

Professor David Kretzmer, an expert on international law in Israel

International humanitarian law directly challenges the legality of Israel’s land policy, particularly the establishment and expansion of settlements. Two specific instruments of international law apply to territories under occupation: the Hague Regulations of 1907, and the 1949 Fourth Geneva Convention. They make clear that it is illegal for the occupying power to transfer its citizens into occupied territory; to destroy private property or annex land; or to encourage civilians in occupied territories to leave.

One of the most significant features of this conflict is the way every state with any influence has shied away from ensuring application of the Fourth Geneva Convention as required under article 1. There has been a progressive erosion of will. The United States, Israel’s main benefactor, bears much responsibility for the current state of affairs.

Shortly after the 1967 war, the US was forthright in expressing its view that the convention applied to the Occupied Palestinian Territories. Yet from the mid-1980s it began to abstain from referring to the convention as applicable, although it was careful to make no formal repudiation of it. In 1991, the US made a serious attempt at a negotiated Palestinian-Israeli peace through the Madrid Conference but without reference to the convention. Since then there has been an otherwise inexplicable international silence concerning the convention. In 1993, US President Bill Clinton presented Palestinians with a working paper for negotiations which accepted the Israeli claim that East Jerusalem and the rest of the Palestinian Territories were disputed – not occupied – territories.⁸¹ No

convention signatory seems to have had the courage to openly challenge this deliberate evasion of the requirements of international law.

Settlements and the law

The Fourth Geneva Convention

In the past, Israel has argued that the Fourth Geneva Convention and its associated protocols do not apply to its occupation of the West Bank, Gaza Strip and East Jerusalem. In the official Israeli view, there is no obligation under international law not to annex land or to transfer Israeli citizens to Palestinian land.

Even if it agreed that the clauses on occupation in the Fourth Geneva Convention applied, Israel says, voluntary transfers of individuals from the occupier’s population to occupied territory are not prohibited. In this interpretation of the Geneva Convention, the moving of individual Israeli citizens onto Palestinian land where the land is sold or rented to them, and with private Israeli or Jewish support, is not illegal.

As Professor David Kretzmer, a leading expert on international law in Israel, explains:

While it may be argued that this prohibition does not apply to the purchase of land in the occupied territory by residents of the occupying country and establishment of residence there on land purchased or rented, the widely accepted view is that it does apply to the establishment, or even promotion of, civilian settlements by the government itself. Establishing civilian

International law: the key conventions

More than 160 states, which include EU member states, are signatories to the Geneva Convention.

Among other provisions, the Fourth Geneva Convention states:

- Article 1: ‘The High Contracting Parties undertake to respect and ensure respect for the present Convention in all circumstances.’
- Article 33: ‘No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited. Pillage is prohibited. Reprisals against protected persons and their property are prohibited.’
- Article 47: ‘Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as a result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territory and the occupying power, nor by annexation by the latter of the whole or part of the occupied territory.’
- Article 49: ‘Individual or mass transfers, as well as deportations of protected persons from occupied territory to the territory of the occupying power or to that of any other country, occupied or not, are prohibited, regardless of their motive...
‘The occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies.’

The Hague Regulations (1907) are concerned with the conduct of war, particularly where a civilian population is affected by fighting, for example during the bombardment of a village or town. It focuses only partially on military occupation per se yet has important things to say about what an occupying power may or may not do. Particularly relevant are:

- Article 43: ‘The authority of the legitimate power, having in fact passed into the hands of the occupant, the latter shall take all 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.’
- Article 46: ‘Family honour and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected. Property cannot be confiscated.’
- Article 50: ‘No general penalty, pecuniary or otherwise, shall be inflicted upon the population on account of the acts of individuals for which they cannot be regarded as jointly or severally responsible.’
- Article 56: ‘The property of municipalities, that of institutions dedicated to religion, charity and education, the arts and sciences, even when State property, shall be treated as private property. All seizure of, destruction or willful damage done to institutions of this character, historic monuments, works of art or science, is forbidden and should be made the subject of legal proceedings.’

settlements in occupied territory in order to further the economic or political interests of the occupying power is incompatible with these principles.⁸²

Israeli legal spokespeople continue to insist on the temporary nature of settlements. Alan Baker, the legal advisor to the Israeli government, lives in the settlement of Har Adar near Jerusalem. He told the Israeli daily *Ha'aretz*:

I have a long-term rental agreement that is contingent on any future peace agreement. This is the condition by which all settlers must abide. Whether or not they are aware of or agree to this situation, they have no permanent residence status and are powerless to change their status or the land's ownership [as state land].⁸³

Nevertheless, any doubt concerning the illegality of Israel's settlements in the occupied territories (including East Jerusalem) has now disappeared following the recent advisory opinion from the International Court of Justice (ICJ). The opinion was concerned with the legal consequences of the separation barrier and much of the discussion centred on the applicability of the Fourth Geneva Convention, the main international convention which sets out the rights of civilians in occupied territories.

One judge, Thomas Buergenthal of the US, dissented from all operative paragraphs of the advisory opinion. But he stated in a separate declaration that there was much in the opinion with which he agreed. In particular, he said, he shared the court's conclusion reached by the other 14 judges that: 'International humanitarian law, including the Fourth Geneva Convention, and international human rights law are applicable to the Occupied Palestinian Territory and must therefore be faithfully complied with by Israel'. He also wrote a key passage which is worth quoting at length:

Paragraph 6 of article 49 of the Fourth Geneva Convention also does not admit for any exceptions on the grounds of military or security exigencies. It provides that 'the occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies'. I agree that this provision applies to Israeli settlements in the West Bank and that their existence violates article 49, paragraph 6. It follows that the segments of the wall being built by Israel to protect the settlements are *ipso facto* in violation of international humanitarian law. Moreover, given the demonstrable great hardship to which the affected Palestinian population is being subjected in and around the enclaves created by those segments of the wall, I seriously doubt that the wall would here satisfy the proportionality requirement to qualify as a legitimate measure of self-defence.

The advisory opinion is addressed to the General Assembly of the United Nations. Given the unanimity of the judges on the issues expressed so succinctly by Judge Buergenthal quoted above, their views would seem to represent a consensus of the international community about these legal issues and reflect customary international law. It is hard to see how Israel can now reject this view if it is a state which accepts the rule of law.

The Hague Regulations

Israel does accept the applicability of the Hague Regulations to the situation in the West Bank and Gaza Strip. These regulations insist that the occupier should safeguard the security needs and welfare of the local population. As we have seen, in practice this does not happen in the Occupied Palestinian Territories. Settlements populated by civilians from the occupying power do not benefit the local population, and when they consist of large towns and housing complexes, they cannot be considered temporary.

In the early years of settlement activity, some settlements were justified by Israel on the grounds of security and began their existence as military outposts run by the IDF. But this argument has not been used in the courts since 1979, when the High Court rejected the claim of military necessity to justify the seizure of land to build the settlement of Elon Moreh.⁸⁴

The Israeli Supreme Court has heard a number of cases relating to land confiscation for settlements, but given the political controversy surrounding them, has been loathe to deal with the issue. As David Kretzmer comments: 'It was especially reluctant to address general arguments that challenged the government's entire settlement policy, as opposed to more restricted arguments that could affect the legality of a particular settlement.'⁸⁵

The establishment of 'unauthorised' settlements since the Oslo Accords muddies the issue of legality. Peace Now, an Israeli peace group, estimates that some 60 such outposts have been established since March 2001.⁸⁶ These outposts have created some confusion because Israelis themselves sometimes describe them as 'illegal' or 'unofficial'. The IDF has dismantled a few in response to international pressure, but some of them – usually little more than a few caravans and a generator on a hilltop – are said to have been re-established. A recent scandal revealed that despite their 'illegal' status in the eyes of the Israeli government, outposts have received £3.7 million/€5.4 million in Ministry of Housing funds for construction.⁸⁷ Most of these outposts are also guarded by the IDF.

Occupied or disputed? The legal status of the territories

As we have seen, Israel has not yet accepted that the West Bank, the Gaza Strip or East Jerusalem are 'occupied' for the purposes of the Fourth Geneva Convention.

Israel argues that sovereignty over the territories occupied in 1967 was disputed at the time Israel assumed control.

The fact that there were no established sovereigns in the West Bank and Gaza Strip prior to the Six Day War means that the territories should not be viewed as 'occupied' by Israel. When territory without an established sovereign comes into the possession of a state with a competing claim – particularly during a war of self-defence – that territory can be considered disputed.⁸⁸

However, in law, Israel does not have grounds for a claim to sovereignty over any part of the territories occupied in 1967. Put simply, the annexation of territory gained during war (including a war of self-defence) is illegal. Israel is committed by the Oslo process to negotiating secure and recognised boundaries with the Palestinians on the basis of Resolution 242 which is predicated on the inadmissibility of the acquisition of territory by war. 'Occupied territory' or, to be more precise, territory under belligerent military occupation, is a category of territory in international law to which particular rules apply. The territories occupied in 1967 fall in this category. There is no corresponding category of 'disputed territory' with its own rules. Any state may allege that territory is 'disputed' purely by making a statement to that effect, however baseless the claim.

Israel further points out that, in 1988 (the year that the Palestinian Liberation Organisation (PLO) recognised the state of Israel), Jordan waived any territorial claims over the West Bank. Thus, it says, the territories do not belong to a sovereign power as such. However, Jordan ceded to the PLO all its territorial claims to the West Bank, paving the way for Palestinian self-determination and thus an eventual Palestinian sovereign state.

Nevertheless, successive Israeli governments have considered that they are bound by 'customary

international law', including the Hague Regulations and certain selected humanitarian provisions of the Fourth Geneva Convention.⁸⁹

No other states party to the Fourth Geneva Convention, along with UN bodies including the Security Council and the General Assembly, the International Committee of the Red Cross and international NGOs, accept the Israeli interpretation. The rules on occupation are intended to apply whether or not sovereignty is disputed. Accepting the Israeli interpretation would defeat the main purpose of the Fourth Geneva Convention, which is to protect the civilian population and not the rights of a sovereign power.⁹⁰

The separation barrier: the legal issues

If Israel had built the barrier on the Green Line, or on its own territory, on the basis that it was protecting its citizens, most states would not have raised any legal objection, though there could have been concerns about the violation of human rights of people living near the barrier's path. However, if Israel's intention is to defend its citizens living in the settlements by building the barrier inside the West Bank, then it is using this justification to defend settlements that are themselves unlawful. As has already been pointed out, the judges and the ICJ are unanimous that this is illegal.

The present Israeli government argues that the 1949 Armistice Line is arbitrary, the product of military circumstances. The Green Line, it says, therefore has no legal significance. However, the Green Line has a standing in international law as a ceasefire line, which still operates as an absolute bar to Israel acquiring sovereignty over territory beyond it.

In October 2003, a UN General Assembly resolution called on the Israeli government to halt and reverse the building of the barrier. A further resolution requested an advisory opinion from the ICJ.⁹¹ The US and EU, including the British government, did not support the second resolution and asked the



Christian Aid/Antonio Olmos

View of Har Homa through the separation barrier. The International Court of Justice advisory opinion in July 2004 considered the barrier to be illegal

court to exercise its discretion not to rule on this issue. Israel objected to the terms of the resolution, which in its view referred to the illegality of the barrier without acknowledging the serious threats Israel faces.

Israel wrote a submission on the ICJ's jurisdiction, but neither participated in the oral session nor commented on the merits of the arguments. The Palestinian Authority presented its case at all stages of the proceedings. The ICJ's opinion, delivered on 9 July 2004, stated:

Israel is under an obligation to terminate its breaches of international law; it is under an obligation to cease forthwith the works of

construction of the wall being built in the Occupied Palestinian Territories, including in and around East Jerusalem, to dismantle forthwith the structure therein situated, and to repeal or render ineffective forthwith all legislative and regulatory acts relating thereto...⁹²

In July 2004, the Israeli Supreme Court ruled that planned sections of the barrier should take into consideration its impact on the Palestinians. However, a spokeswoman for the Israeli defence ministry asserted that the planners would not reconsider sections already built.⁹³ Politicians deny that there is any intention to present the barrier as demarcating the territory Israel would like to retain in any peace agreement. But the very fact of the barrier's existence, coupled with the existence of Israel's settlements, encourages the perception that Israel is drawing up a new de facto boundary, even without legal endorsement.

The Israeli state attorney's office told the High Court that seizures of land to build the barrier are 'temporary' – they are valid until the end of 2005, when the barrier is expected to be completed. But in response to an appeal by the residents of Kafr Aqab, on the edge of Jerusalem, against seizure of their land to build the barrier, he also asserted: 'The state is not prevented from seizing land by means of "temporary" seizure orders even for the purpose of erecting structures that are not necessarily temporary in nature.' For example, in the West Bank, he noted, 'Temporary seizure orders have been used to erect permanent structures of many kinds such as bypass roads and Israeli communities.'⁹⁴ As with the status of settlements themselves, this interpretation blurs the definitions of what can be considered 'temporary'. Anyone visiting the barrier, with its concrete walls and watchtowers, would not gain the impression that it is intended for rapid removal.

The building of the barrier, patrol roads and

associated structures has involved more expropriation of land. In the West Bank, private property is now being requisitioned under military orders based on 'military and security needs'.⁹⁵ In East Jerusalem, already purportedly annexed to Israel in defiance of international law, land is taken under the Land Seizure in Emergencies Act (1949). However, article 46 of the Hague Regulations provides that, in occupied territory, private property must be respected and must not be confiscated. The army is prohibited from seizing private land except out of military necessity.

Land loss, movement restrictions and human rights law

The very existence of the settlements implies a host of violations of international law. In the logic of settlement policy, movement restrictions, closures and the need for defence all flow from this first geographic step: establishing settlements. The following are some of the most serious of these violations.

Freedom of movement is guaranteed under the International Convention on Civil and Political Rights. Restrictions on movement can be imposed for security reasons, for example, in the case of the current intifada, but only if they are based on law, pursue a legitimate objective and are strictly necessary. Israel's military and emergency legislation gives it the scope to create closed military areas, restrict the use of roads and impose curfews. But the imposition of these measures is disproportionate and discriminatory because, according to Amnesty International, it affects all Palestinians simply because they are Palestinians. An extreme example is the blocking off of village roads so that all inhabitants, including older men and women, people with disabilities and young children, are obliged to walk long distances and scramble over earth barriers or through ditches to reach transport to the nearest town.⁹⁶

The discriminatory nature of access to settlements, settlement lands and roads, and to the 'seam zone' infringes the principle of equality and is inconsistent with the requirement of the Fourth Geneva Convention that the occupying power should treat all civilians the same, 'without any distinction based in particular on race, religion or political opinion', as well as a breach of article 2 of the International Covenant on Civil and Political Rights. The definition of an Israeli for the purposes of access to settlements is:

A resident of Israel, a person whose place of residence is in the region and who is an Israeli citizen or who was eligible to immigrate to Israel in accordance with the Law of Return 5710-1950... as well as a person who is not a resident of the region but holds a valid entry visa to Israel.⁹⁷

Palestinians resident in the West Bank and Gaza Strip are excluded from this definition and are unable to enter settlements or use roads designated for settlers.

Palestinians' rights to livelihood, healthcare and education under the International Covenant on Economic, Social and Cultural Rights, ratified by Israel in 1991, are also infringed. This has been particularly acute since the early 1990s, when restrictions on movement were tightened, and as the accessibility of places of work or study became increasingly uncertain and unpredictable.

Further restrictions on the provision of healthcare have been imposed with the erection of the barrier and broader movement controls. Under international humanitarian law, in particular the Fourth Geneva Convention, an occupying power must ensure the provision of public health and hygiene services, as well as ensure that medical personnel can carry out their duties.

As described in the previous chapter, movement controls, and now the barrier, cause widespread difficulties for health services in the West Bank and Gaza. Israeli authorities contend that the Palestinian Authority is responsible for services in areas where most Palestinians live, that is, Area A. However, there are Palestinians living in Areas B and C, where Israel is in overall control, and the checkpoints between the different parts of Area A cause constant problems for the ambulances and medical personnel seeking to move between them.

7 A viable state?

Continuity of land is important, but it has to be looked at with other factors if economic viability is the aim. These include control of borders and customs, and economic room to manoeuvre

The constantly diminishing amount of land available to Palestinians, and its increasing fragmentation, is threatening the possibility of any viable future state.

Prime Minister Sharon has suggested that the problem of viability can be addressed by the concept of 'transportational contiguity'. This is understood to mean joining fragments of Palestinian-controlled land by means of tunnels or bridges.⁹⁸ One such tunnel is already being built to facilitate travel between Qalqilya and the village of Habla, cut off by the separation barrier. Apart from the expense of creating such a network on a large scale, the question is: who would control access to the bridge or tunnel? The only experiment of this kind was the 'safe passage' in the late 1990s between the West Bank and Gaza Strip, but this still required Israeli permission and was never effective.

If movement restrictions remain in place in a fragmented state, with external borders under Israeli control, any real economic growth or development of new markets will be seriously impeded. The economy of the Occupied Palestinian Territories is highly import-dependent, with a weak export capacity. For example, in 2000, 73 per cent of total imports and 92 per cent of total exports were channeled to, or via, Israel.⁹⁹ Changing the structure of the economy under these unfavourable conditions would be very difficult.

Continued restrictions on movement inside the Occupied Palestinian Territories and on external borders would affect people's ability to develop trade relations with the rest of the region, for example, with Egypt and Jordan. It is also unlikely

that the previous level of demand for Palestinian migrant labour in Israel will be restored.

Continuity of land is important, but it has to be looked at with other factors if economic viability is the aim. These include control of borders and customs and economic room to manoeuvre. The question is how to make Palestinian businesses less dependent on the Israeli economy, and able to seek foreign, not just Israeli, partners for investment. The prospect of a viable state, where people can live in peace, go to work in the morning, and earn enough to feed their families, is vanishing before Palestinian eyes as the economy is strangled, land and water are lost and the Palestinian Authority fails to take control.

Water

Control of water is one of the most critical issues for the future of Palestinians. In a water-scarce region, only an equitable sharing of resources can be sustainable.¹⁰⁰ The whole region is 'hydrologically connected' so that changes in water quantity and quality in one area affect other areas. Nowhere is this more evident than between Israel and the West Bank and Gaza Strip.¹⁰¹

In 1967, Israel took control of water management for the West Bank and Gaza Strip, using the coastal and western mountain aquifers to supply its own needs and those of the West Bank, both of settlements and Palestinians. The Palestinians have been allocated fixed quotas by Israel since 1967, while Israel is – within hydrological constraints – free to pump according to its needs.¹⁰²

Water consumption in West Bank, Gaza Strip and Israel

	Available supply	Actual withdrawals (%)	
	mcm/year	Israel	Palestinians
Western mountain aquifer	360	94	6
Eastern aquifer	100	43	57
Northeastern aquifer	140	71	29
Coastal aquifer	340	75	25

Mcm/year = million cubic metres per year
 Source: Institute for Palestine Studies, Washington DC, 1997.¹⁰³

Settlements currently use five to six times as much water per capita as the Palestinian population – more than average Israeli use. The Gaza Strip settlements have dug deep wells and consume 15,000 mcm/year compared with 85,000 mcm/year for the entire Palestinian population.¹⁰⁴

The separation barrier exacerbates the problem of reaching water sources by isolating Palestinian farms from the shallow wells that serve them. If the separation barrier represents Israel's intention to retain control of settlements on the western slopes of the West Bank hills, it suggests that they also intend to deny Palestinians access to the best places to extract water from the western mountain deep aquifer. For the Palestinians, the so-called 'productive zones', where access to the aquifer is easiest, are a vital source of the water they need for a rapidly growing population and for economic growth.

The Israeli claim to the water of the western aquifer is based on the idea of 'prior use': the argument that

Israel has historically extracted water from that aquifer. Palestinians claim rights of sovereignty over water originating under the West Bank. Current Israeli arguments echo the Likud claim of the 1990s that if this aquifer were controlled by Palestinians, they would mismanage it by sinking deep wells and overpumping it, thus endangering Israeli water supplies. They also accuse Palestinians of polluting the aquifer because of poor sanitation infrastructure in the West Bank.¹⁰⁵ Israeli negotiators prefer to focus on using desalination to supply water to Palestinian territory rather than on making more efficient and equitable use of existing supplies.¹⁰⁶

The Palestinian Authority

Israeli actions since the beginning of the intifada in 2000 have frozen the Palestinian Authority's ability to govern effectively. The PA's weak and ineffectual leadership, due in part to corruption, has meant it is unable to provide political direction, meet basic needs, or provide law and order. Nor has the PA demonstrated any real effort to confront terrorism. On the few occasions when it has attempted to clamp down on extremist groups, this has been at the expense of human rights and the rule of law.

Many Palestinians, including Christian Aid partner organisations, fear that lack of democracy and weak governance structures are leaving Palestinian society in disarray, divided and unable to formulate clear strategies to achieve a viable state. The PA's inadequate response throughout the intifada reveals the result of years of patronage, incoherence and lack of vision. According to one Palestinian NGO and Christian Aid partner:

We've noticed that since 1993 the PA has not created systems – its approach is all based on personal relations. Although there have been some memoranda of understanding (for example, between the Ministry of Health and NGOs), there is an absence of vision and strategy. It's been ten



Swimming pool at Ma'ale Adumim near Jerusalem, the first settlement to be declared a city. For Palestinians in the occupied territories, water shortages are an ongoing problem

years of corruption and mismanagement, and of donor-related projects often imposed without consultation.

Speaking to us in his Ramallah office, former planning minister Nabil Kassis admitted that the PA has not implemented any long-term planning. In the 1990s, medium-term planning did take place but was disrupted by the violence and closures of 1996-97, and was then finally derailed by the second intifada. All plans are now shelved and the focus is on emergency relief. A socio-economic stabilisation plan for 2004/05 has been presented to donors, requesting £500 million/€732 million of new money and £167 million/€244 for ongoing programmes. Of the £500 million/€732 million, £361 million/€529 million is for budgetary support.

For ordinary people, the PA seems to have become a marginal presence. 'In the eyes of the people, the PA has no power,' says Nader Abu Amsha, director of the YMCA Rehabilitation Centre in Beit Sahour and Christian Aid partner. A number of people we asked about the role of the PA said they felt it was largely irrelevant, except in providing schools and some employment. One farmer had received a small handout from President Arafat's fund for his village.

No one claimed that the PA was active in developing policy or giving support to an embattled population under occupation.

Today, the only PA ministries which remain effective are health and education, although at a local level these services are seriously hampered by movement restrictions, as are those provided by NGOs. Those who defend the PA emphasise its importance as an employer of 130,000 people. Although pay levels are not high, these jobs are increasingly valued as other sources of employment dry up. At the end of 2002, the PA accounted for 26 per cent of all employment in the West Bank and Gaza Strip (compared with 17 per cent at the beginning of the intifada) and paid 40 per cent of the value of all wages. PA employment provides whole families with a regular pay packet, in contrast to the piecemeal and diminishing wages from occasional day labour.¹⁰⁷ But, leaving aside its own employees, the PA has failed to implement any large-scale employment-creation schemes to employ at least some of those who have lost their jobs in Israel.¹⁰⁸

The virtual paralysis of decision-making is evident in the PA's slow response to the rapid advance of the separation barrier. Nabil Kassis asserted that the barrier should not be seen as 'an act of God to be mitigated but an exercise in land grabbing that should be stopped'. The PA looks to the international community to find the political will to stop it. In the meantime, it has agonised over whether to give practical support to the affected population and potentially be accused of accepting the existence of the wall, or do nothing and be blamed for neglecting the needs of the people. More than a year after the completion of the first sections of the barrier, the PA is only now beginning to respond. For many, it is too little and too late.

The donors' dilemma

Aid workers now argue that international donors, the UN and NGOs are simply helping people survive under occupation, rather than supporting development

The almost complete destruction of the Palestinian economy, particularly the stranglehold on trade and commerce, means that financial remittances from Palestinians overseas and international aid are now keeping Palestinians afloat in the West Bank and Gaza Strip – with European taxpayers paying for the humanitarian cost of the occupation. Palestinians are poor not for reasons of natural disaster. They are poor because they are living under occupation. More international aid would make a small difference to living standards, whereas ending the stranglehold of closures and restrictions would have a much greater economic impact.

According to the World Bank, if internal closures were removed and exports facilitated, GDP would have risen by about 21 per cent in 2003 and poverty

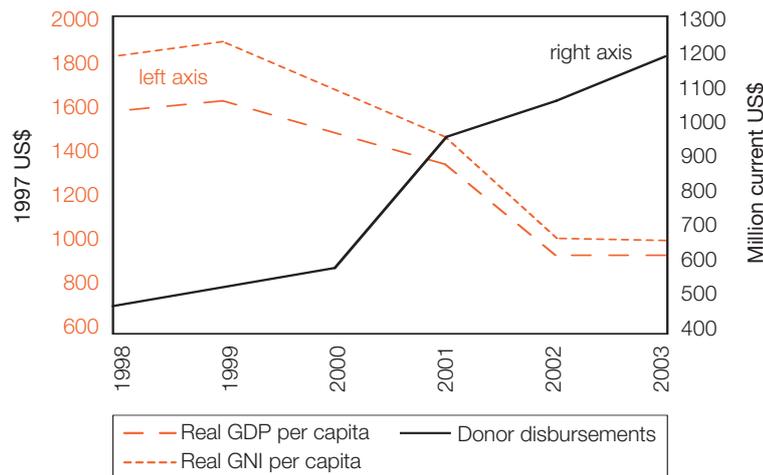
would have fallen by 15 per cent by the end of 2004. In contrast, doubling donor disbursements to £1.1 billion/€1.6 billion in 2003/04 would have reduced poverty by only seven per cent.¹⁰⁹

Emergency or development aid?

In response to mounting poverty, development aid has given way to emergency humanitarian assistance. The EU, for instance, has shifted from development assistance to relief, putting pressure on Palestinian NGOs to undertake more emergency work in response to the humanitarian crisis.

At the same time, some of the props that have sustained Palestinians in the past are being removed. For example, in 2003, despite increased demands on its services, UNRWA received £172 million/€252

Real GDP and GNI per capita and donor disbursements



Sources: PCBS, 2003; World Bank, 2003.

million against its General Assembly-approved cash budget of £178 million/€261 million.¹¹⁰

Under these shifting circumstances, it is even more important that NGOs continue to support Palestinian NGOs in their long-term development work. Agencies including Christian Aid endeavour to support a long-term approach to development and to provide backing for local organisations to help them to respond flexibly in the face of ever-shifting obstacles. Like many other agencies, we believe it is essential to support a vibrant Palestinian civil society.

This means extra support to help manage the many obstacles of the occupation: training to manage volunteers; helping with the costs of duplicating equipment and staff for areas cut off by closure; training in financial management for new offices. Palestinian organisations are also encouraged to develop ways of assessing the impact of poverty and closures on communities, to identify those who are in most need, and to move away from ‘solidarity giving’ – the temptation to spread assistance to everyone in a community regardless of the degree of their actual need.

Humanitarian access

It is not only Palestinian NGOs that face serious constraints from Israeli policies. Christian Aid has been prevented, up to nine months at a time, from visiting the Gaza Strip and projects in both the West Bank and Gaza which are partly supported by the UK and Irish governments. Donors, including the UK’s Department for International Development (DFID), require international NGOs to monitor and report on the projects they fund, but under these circumstances, direct monitoring is extremely difficult.

Given the increased poverty throughout the Occupied Palestinian Territories, the disruption of movement of both humanitarian staff and consignments of goods for humanitarian needs is



Christian Aid/Alex Kauschner

A Palestinian farmer follows the barrier enclosing the village of Jbarra in the northern West Bank

alarming.¹¹¹ But few governments, including the UK government, have intervened successfully with the Israeli authorities to ensure that humanitarian access is consistently possible. This is despite a request made by Prime Minister Sharon to the UN Secretary General to assist in addressing the humanitarian situation in the Occupied Palestinian Territories, suggesting Israeli government concern. The August 2002 mission report by the UN Secretary General’s special envoy Catherine Bertini identified closures and lack of freedom of movement as having a critical impact on Palestinian life. But in practice little has changed since then, thus throwing doubt on Israel’s suggested concern.

The result is a situation in which international NGOs are under pressure to compromise, even when they feel Israeli conditions are unreasonable, simply in order to remain working in the country.

Peter Hansen, commissioner-general of UNRWA, summed up the view of many agencies when he said: 'There can be no humanitarian solutions to this crisis, there can only be political solutions.'¹¹³

According to the UK's House of Commons International Development Select Committee report on development assistance in the occupied territories, two major problems are the amount of time aid workers spend negotiating access for themselves and humanitarian goods, and the lack of consistency between the stated policies of Israeli liaison officers and the actions of the IDF.¹¹² The separation barrier, where Israel demands that local staff of international organisations obtain permits to enter the seam zone, creates further dilemmas for international NGOs.

International NGOs: prolonging the occupation?

Some international aid workers now argue that international donors, the UN and international NGOs are merely helping people to survive under occupation, rather than supporting development. Informal discussions among some local and international NGOs have considered whether the PA should step down, and further, should request all humanitarian agencies to withdraw. Israel would then be obliged to shoulder the crippling economic cost of sustaining Palestinians in the Occupied Palestinian Territories.

Needless to say, international organisations are not likely to throw down this aid gauntlet – not least because the mandate of aid agencies under the Red Cross and Red Crescent Code of Conduct is to meet humanitarian need. But the argument brings into sharp relief current dilemmas for aid agencies and government donors. Each dollar, euro or pound sterling that is sent to the West Bank, Gaza Strip or East Jerusalem is, most agencies are aware, addressing the symptoms of the occupation rather than bringing a solution to poverty.

A climate of impunity

The Israeli assertion, supported by the Bush administration, that there is ‘no partner for peace’ does not bode well. Together with Israel’s continued development of facts on the ground, we are heading rapidly towards a situation in which a two-state solution is no longer tenable

The international community continues to turn a blind eye to the legal and political disputes surrounding Israeli expropriation of Palestinian land. The two crucial issues at the core of the conflict – those of borders and territorial claims, including the future of illegal Israeli settlements – remain on the to-do list for final status talks. But in the meantime, Israel’s creation of ‘new facts’ – the appropriation of even more land – has continued apace. Today, the continuing loss and fragmentation of Palestinian land, combined with mounting violence, repression and bloodshed, calls for immediate international action.

In the Occupied Palestinian Territories, our partners and staff tell us of a growing climate of despair, poverty and fear. We also hear of the economic cost to Israel, the loss of tourism, increasing poverty and economic slowdown as well as the growing anxiety and cost to ordinary Israelis who have lost family members in the overwhelming tragedy of a suicide bomb. For the sake of ordinary people, both Israelis and Palestinians, the world must act.

Wider implications

There is a second reason for urgent international action. As this report has demonstrated, in the Occupied Palestinian Territories, Israel operates outside the legal framework of what is required of it as an occupying power. Successive governments, Labour and Likud alike, have used their own interpretations of international humanitarian law

and have sidestepped its application in almost every case. Israel has introduced new laws to provide a legal framework for settlement policies, to build the separation barrier in the West Bank and to carry out military incursions such as those in Rafah in 2004. When these actions are not challenged on the basis of international law, the credibility of the whole system of international humanitarian and human rights law is damaged, along with the credibility of states which have signed up to it.

The question European governments need to ask themselves is: how much will they allow the redefinition of what is legally permissible in terms of armed conflict and occupation? It is not just a matter of the infringement of particular international humanitarian conventions, but the fact that permitting such breaches undermines the effectiveness of international standards for those states that do apply them.

Alongside this, the climate of impunity created by the ‘war on terror’ is causing widespread concern. The events of September 11, 2001 created a crack in the international consensus that accepted, at least in principle, that international law should guide the actions of states. The Bush administration justified its already emerging policy of bypassing international law on the basis that the needs of the ‘war on terror’ overrode these ‘outdated’ provisions. Prime Minister Sharon was

quick to proclaim that Israel was in the front line of this 'war' and continues to suggest that Israeli military actions are justified by its own 'war on terror'. Now other nations, including some in Europe, are moving towards a similar position of justifying the bypassing of international law in the fight against terror.¹¹⁴

As a development agency working with poor and marginalised people, Christian Aid does not prescribe solutions, in the Middle East or elsewhere. However, our 50 years of work in the region, and the growing demands on us and all humanitarian agencies to respond to today's humanitarian crisis, make it imperative to highlight the consequences of different courses of political action, or inaction. Unless the world addresses the issue of Palestinian land, a just and viable peace will remain a distant dream.

Recipe for a ghetto

What will happen in Israel and the Occupied Palestinian Territories if current Israeli policies continue without change or challenge? The Israeli assertion, supported by the Bush administration, that there is 'no partner for peace', and its unilateral approach to the Occupied Palestinian Territories does not bode well for a negotiated settlement. Together with Israel's continued development of facts on the ground, it is leading rapidly towards a situation in which a viable two-state solution is no longer tenable.

Writing in *Ha'aretz*, Yossi Alpher suggests that hardline settlers might be forced to accept a limited removal of settlements, but would 'seek to compel the Palestinians to acquiesce in a system of semi-autonomous enclaves surrounded by the remaining settlements'.¹¹⁵

'What [Sharon] envisages,' said Professor Avi Shlaim in the *International Herald Tribune* in May 2003, 'is an emasculated and demilitarised Palestinian entity built on less than half the land of

the occupied territories, with Israel in control of its borders, airspace and water resources. This is a recipe for a ghetto, not a free country.'¹¹⁶

Losing ground to a 'Greater Israel'

The separation barrier is a critical factor. If, despite the opinion of the International Court of Justice and minor changes to its route as a result of the Israeli Supreme Court's judgement, it is kept largely in place up to and beyond the end of 2005, its presence would inevitably influence any future negotiations by 'normalising' Israeli settlements to the west of the barrier. They would become a de facto part of Israel. East Jerusalem would become a small enclave stranded between the Old City and the ring of Israeli settlements on the city's edge. This would not be the case if the barrier was built along the 1949 Armistice Line.

For more than 50 years, Palestinians have reduced their expectations and, in the main, accepted the principle of territorial compromise. That is to say, their future state will consist of the West Bank, Gaza Strip and East Jerusalem: in all, only 22 per cent of mandate Palestine. In the same period, Israel has progressively increased its demands for more territory and imposed its demands by taking more land for settlements. The challenge for any real peace, therefore, is for the Israeli public, more than the Palestinians, to come to terms with the fact that Israel needs to comply with international law. Israelis have not yet been persuaded to make this choice.

Only a small group of Israelis disapprove of settlements on principle. But many commentators believe a majority is willing to consider the removal of the smaller settlements in the West Bank highlands. The sticking point is the major settlement blocs, especially around Jerusalem. However, for most Israelis, settlements do not seem to impinge directly on their lives. According to Roy Wagner of Kav La'Oved, based in Tel Aviv, 'Most Israelis don't acknowledge that closures, settlement policy and ideas of separation go back to Rabin's time – to the

Oslo era. If there is resentment against settlers it is from the middle class who think they are paying too much tax to maintain the settlements.¹¹⁷

Diminishing viability: two states or one?

Since the recognition of the state of Israel by the PLO in 1988, the two-state solution – that is, a Palestinian and an Israeli state existing side by side – has been the accepted formula for a resolution of the conflict. President George W Bush accepted the notion of a Palestinian state early in his presidency. But, as Jessica Montell of B'Tselem points out, 'A two-state solution can mean very different things – 100 per cent, 85 per cent, or 43 per cent [of the West Bank, Gaza Strip and East Jerusalem].'¹¹⁸

The 43 per cent solution, the percentage of land remaining if the barrier is completed as planned, would leave the most fertile land, and most productive areas of the major western aquifer, in Israeli hands. Even if no eastern separation barrier is built and the area up to, but not including the border on the Jordan River, is part of a Palestinian entity, economic viability would still be hard to achieve.

The construction of the barrier, with its implication of a new border, and US acceptance of the major settlement blocs as facts on the ground, essentially put an end to the feasibility of a two-state solution. The remaining fragments of Palestinian territory on offer could not, even given the most optimistic projections, form a viable state.

Palestinian society: fear of collapse

Christian Aid's Palestinian partners fear the collapse of Palestinian civil society and a further move away from the democratic processes that began in the mid-1990s. 'Very high unemployment has brought a change in Palestinian society,' says Abdul Karim Ashour, PARC's deputy general-director in the Gaza Strip. 'People are less receptive to ideas about civil society; they tend more towards the extremist groups.' Abdul Hadi Abu Khoussa of UPMRC in

Gaza adds: 'People don't want to talk about democracy when they are hungry.'

Both men see the need to revive political life and counter militarisation. Judeh Abdullah Jamal, PARC's deputy general-director in Jerusalem, considers that encouraging communities to organise themselves is 'a key to creating solidarity and non-violent resistance'. Such popular peaceful resistance may also be a way to shore up the resolve of people who are losing their land and their jobs.

In pursuit of this goal, some Palestinians advocate national and/or municipal elections. Objections come from those who point out that under the present conditions, free and fair national elections would be impossible. Municipal elections have not been held since 1976; some argue that they might be a more feasible way of encouraging greater grassroots participation in politics, while putting the current leadership on the spot. The PA has now said it will hold municipal elections in late 2004.

Unilateral Israeli action

The Oslo process left the final agreement on the issues of settlements, Jerusalem and refugees to be negotiated bilaterally, based on what the two parties could agree, which many assumed would take UN Security Council resolutions and the established norms of international law as a starting point. Current Israeli proposals have moved even further from the 'just solution' approach to one of unilateralism.

As we have seen, one of the key flaws in the Oslo process was that successive Israeli governments were allowed to continue developing and 'thickening' settlements so that the demographic 'facts' to be negotiated were constantly changing, entirely without the consent of the Palestinians or the international community. This was despite the fact that such actions were illegal and, it would seem, implied that Israel was not negotiating in good faith.

The fog of percentages created during the Oslo discussions of how much territory Palestinians would receive masked a key issue on which Israel would not make significant concessions. In greater Jerusalem, the ring of settlements on occupied territory did not 'count' in the percentage of territory to be given to the Palestinians. Furthermore, the discussion of percentages and land swaps did not highlight differences in the character of the territory being discussed. Clearly a barren tract of desert is hardly equivalent to a major settlement bloc with a complete infrastructure.

Importantly, the Oslo process did not expressly offer a Palestinian state with contiguous territory. The option on offer for the interim agreement was to have a state with most of the attributes of sovereignty, but in practice fragmentation would make it difficult or impossible to exercise that sovereignty in a meaningful way.

A lack of action

As Israel's largest regional trading partner and a major donor to the PA, the EU should be in a strong position to influence both parties. Currently this influence is barely visible. The EU merely reacts verbally to events on the ground while the proactive role has been left largely to the US. EU efforts to use the 'carrot' of the EU-Israel Association Agreement to induce Israel to change its policies in the Occupied Palestinian Territories have met with little success.

All proposals since the end of the Madrid process have called for direct negotiations between the two highly unequal parties. But, as we have discussed, it is not possible to find a viable solution with such a wide disparity in military, economic and political power between the two negotiating parties. The history since Oslo shows that lopsided power leads to no negotiation at all.

Christian Aid believes that this is a reason to seek support from a neutral third party in negotiations

and to find ways to ensure and monitor, through an impartial body, both parties' compliance with the norms of international law and any agreement reached. The road map had the advantage of wider sponsorship in the form of the Quartet – the EU, UN, US and Russia – but US reluctance to take it forward helped to stall the process. The US will clearly play a central role in any future negotiations, but, given its history in this conflict, it will be difficult to regard it as a neutral party. The EU must now assume an active political role as well as take humanitarian action.

10 Prospects: an end to the two-state solution?

If a two-state solution is to be realised, then the ‘realities on the ground’ that President Bush seemingly upholds, must be challenged rather than endorsed

In the face of ever-more facts on the ground, is the prospect of a two-state solution realistic? This report questions whether it is, despite the international community’s rhetoric promoting that goal. Immediate international action is required. But taking genuine steps to bring about peace requires resolve and adherence to principles and transparency, which have not always been forthcoming.

Non-negotiable: principles of international humanitarian law

On 5 June 2003, Prime Minister Sharon stood alongside President Bush, the then-Palestinian Prime Minister Mahmoud Abbas and King Abdullah of Jordan in Aqaba, Jordan. His speech upheld the principle that unilateral actions by either party should not prejudice any outcome to negotiations. He also appeared committed to the creation of a viable Palestinian state, adding that:

It is in Israel’s interest not to govern the Palestinians but for the Palestinians to govern themselves in their own state. A democratic Palestinian state fully at peace with Israel will promote the long-term security and well-being of Israel as a Jewish state.

At the same summit, President Bush said: ‘The issue of settlements must be addressed for peace to be achieved.’¹¹⁹

It was, therefore, a serious blow to these principles when in April 2004 President Bush agreed with Prime Minister Sharon’s view that ‘realities on the ground’ need to be taken into account in any negotiations with the Palestinians. He was referring to the ‘realities’ created illegally by Israeli settlement policy since 1967. Endorsing Sharon’s

proposal to disengage from the Gaza Strip, President Bush wrote:

In light of new realities on the ground, including already existing major Israeli population centers, it is unrealistic to expect that the outcome of final status negotiations will be a full and complete return to the armistice lines of 1949, and all previous efforts to negotiate a two-state solution have reached the same conclusion.¹²⁰

An international obligation

As a guiding principle it is essential that Israel’s occupation of Palestinian territory be viewed within the parameters of and subject to international humanitarian law and UN resolutions. Israel, and more recently the US, have spoken of ‘disputed’ – as opposed to ‘occupied’ – territories. In so doing, they have raised the possibility of ambiguity over exactly which territory is under discussion and whether international law applies. In fact, there is little ambiguity: UN Security Council resolutions 242 and 1397, as supported by the international community, refer to those territories occupied by Israel in 1967, that is, the West Bank, Gaza Strip and East Jerusalem. Absolute clarity is a prerequisite for any meaningful peace process and for the creation of a Palestinian state.

The Quartet stated that the road map to peace must aim for a viable and contiguous Palestinian state alongside Israel. But, as this report has shown, the two-state solution is looking increasingly illusory. Israeli journalist Amira Hass suggests that the pace of settlement expansion, especially since the Oslo process, has ‘created the geography of a single state’.¹²¹ If a two-state solution is to be realised,

then the 'realities on the ground' that President Bush seemingly upholds, must be challenged rather than endorsed.

Such an outcome entails an overall political settlement, since it requires effective Israeli withdrawal from the Palestinian territories it has occupied since 1967 as envisioned by resolution 242. As long as Israel retains control of the occupied territories, Palestinians have no prospect of flourishing economically or socially, or therefore of tackling poverty. Genuine independence, with Palestinian control over their own resources, international borders and access to external markets, must be achieved if a viable state is to become a reality. Put simply, that means an end to the occupation.

In order to achieve such an aim there must be an atmosphere of honesty and transparency. The ambiguity that characterised both the Madrid-Washington round of talks in 1990-93 and the Oslo Accords masked the glaring disparities between Israeli and Palestinian negotiators. Honesty and openness have often been obscured under the guise of confidence-building measures. The road map has perpetuated this state of confusion. When things have gone wrong, each protagonist has blamed the other. International powers have merely called for restraint, but they too have indulged in blaming Palestinian 'terror' or Israeli 'excessive force'.

Since 1973, the US has vetoed almost 30 United Nations Security Council resolutions on the conflict and abstained on a number of others. For example, on 26 March 2001 the US vetoed a draft resolution that condemned all acts of terror, extra-judicial executions, excessive use of force and destruction of properties, and demanded an end to all acts of violence, destruction and provocation. The resolution called on the parties to resume negotiations and to implement the recommendations of the Mitchell Report, a US-sponsored security

plan. It also encouraged the establishment of procedures to monitor its implementation.

Another concern is the US ability to act as an impartial arbiter between the Israelis and Palestinians, given the level of US aid to Israel. Although Israel is an industrialised and technologically advanced country with a standard of living similar to many European Union countries, almost a third of the entire US foreign aid budget goes to Israel. Israel is the single largest recipient of US military and economic aid. By the end of 2004, based on current trends, the US will have delivered almost US\$96 billion since 1949 in the form of loans and grants.¹²² These funds are not earmarked, except military aid, of which a percentage must be spent in the US. It is not possible, therefore, to guarantee that US aid has not been allocated to illegal settlement construction.

European responses and responsibilities The United Kingdom

Christian Aid welcomed UK Prime Minister Tony Blair's assertion in parliament on 26 March 2003 that: 'We are absolutely determined to move the peace process forward. This will be a central part of British foreign policy.' While acknowledging 'a great deal of cynicism and scepticism in the Muslim and Arab world' about peace plans, he pledged: 'It will be taken forward. It will be done.' However, it is worth noting that the UK's actions have suggested a less committed approach.

The UK has long held the view that the Fourth Geneva Convention applies to the Occupied Palestinian Territories, but the actions of successive governments appear to have facilitated breaches of the convention. The present government is no exception, despite its stated aspiration to an ethical dimension to its foreign policy.

On 15 May 2002, Prime Minister Blair criticised President Arafat for turning down the offer by then-Israeli Prime Minister Ehud Barak at Camp David in

July 2000. The Barak offer allowed Israel to retain almost ten per cent of the West Bank with a large settler population, including those in East Jerusalem. The crucial legal issue was that the Barak offer sanctioned grave breaches of the Fourth Geneva Convention, through the 'extensive appropriation of property not justified by military necessity' (article 147). The gentlest interpretation is that the UK, along with other governments, has facilitated or is complicit in a string of serious breaches of the Fourth Geneva Convention by Israel. They represent a failure to uphold article 1 of the convention.

As well as failing to adhere to its obligations under the convention, the UK has actively encouraged Israeli businesses to trade in London. More than 120 Israeli companies participated in a seminar hosted by the British embassy on how to register with the London Stock Exchange. London was promoted as the opening to European markets. The message from the UK government to Israel appears to be that, regardless of Israel's actions in the occupied territories, what matters is business as usual.

Christian Aid has not been alone in trying to encourage the government to act more effectively in its dealings with both Israel and the Palestinians. The House of Commons foreign affairs select committee comments in its seventh report, *Foreign Policy Aspects of the War against Terrorism*, July 2004, in relation to the separation barrier, that:

In May, we again wrote to the FCO [Foreign and Commonwealth Office] asking what steps the government has taken to dissuade the Israeli government from taking unilateral action in the Occupied Territories. In June, the FCO replied, telling us: 'We have raised our concerns at the highest level about the impact of building the barrier on occupied land... We will continue to do so, both bilaterally and as part of the EU, and will continue to press for it to be re-routed away

from occupied land. International engagement on this issue does appear to have had some influence on the routing of the barrier. The Foreign Secretary has made clear that the building of the barrier on occupied land is unlawful and is detrimental to the peace process.'

These efforts have clearly failed to stop the construction of the barrier in the Occupied Territories.¹²³

The UK government stresses the importance of its healthy relationship with Israel in order to be able to influence positive changes. It appears, though, that the UK either has little influence over Israel's illegal actions, which would suggest that the approach has not worked, or it is unwilling to use its bilateral leverage to hold Israel to account. If the latter is the case then its stated commitment 'to move the peace process forward' rings rather hollow and does not augur well for those living in poverty or for those who are victims of violence.

Ireland

Christian Aid also values the statement made by Ireland's foreign minister on 15 January 2004 at Tel Aviv University. Brian Cowen said:

The continued development and expansion of settlements by Israel in the Occupied Territories is against international law... and stands in contrast to Israel's commitment to implement the road map. It represents a direct challenge to the concept of a two-state solution which underpins the peace efforts of the international community.¹²⁴

Ireland's response to this challenge, however, has been characterised by caution. Leading the EU response to President Bush's acceptance of the 'new realities on the ground', Ireland sidestepped the threat to the road map and opted for a 'steady as she goes' message. Nor does Ireland favour the

application of the human rights clause in the EU-Israel Association Agreement. Yet Ireland's submission to the International Court of Justice argued that the separation barrier contravened both the Fourth Geneva Convention and international human rights law. The ICJ confirmed that view. It is unclear how the Irish government sustains these contradictory positions.

In investment and trade with Israel, Ireland, like the UK, supports business as usual. Cement Roadstone Holdings (CRH), one of Ireland's largest multinationals, has a significant stake in Neshor, the only producer of cement in Israel. Despite CRH's view that there are many other suppliers of cement and that cement is only one ingredient of concrete, the company accepts that 'in all probability' its cement is being used in the construction of the Israeli separation barrier which the ICJ considers illegal.¹²⁵

However, under pressure from Amnesty International and Jeff Halper, director of a Christian Aid partner organisation, the response of Ireland's Department of Enterprise, Trade and Employment was that the 'department did not have a role in monitoring companies' human rights records'.¹²⁶ In fact, the department has direct responsibility for the Organisation for Economic Cooperation and Development (OECD) guidelines for multinational enterprises, which Ireland has agreed to implement and promote.

The European Union

The European Union, responsible for distributing taxpayers' money to support relief and development in the Occupied Palestinian Territories, has consistently called for a freeze on settlement construction and for existing settlements to be dismantled. It needs to establish how these sentiments can be translated into actions that produce results.

The European Community (EC) has had a bilateral preferential trade agreement with Israel since

1975. In 1996 it was renewed as a full Association Agreement as part of the Barcelona process. The process was designed to establish a common Euro-Mediterranean area of peace and stability based on fundamental principles, including respect for human rights and democracy through the creation of a free-trade area between the EU and its Mediterranean neighbours.

As with all such agreements between the EU and non-EU states, it applies to *sovereign* territory only. In May 1996, an EC mission indicated the agreement was not being properly applied, that it believed produce from Israeli settlements in the occupied territories, that is, *outside* Israel's sovereign territory, was finding its way into the EC market labelled as 'made in Israel' and benefiting from preferential rates. In February 2000, Israel admitted it exports settlement produce from the territories.

Individually, European states have an obligation under the Fourth Geneva Convention. A minimal interpretation of article 1 is that a High Contracting Party may not facilitate a third-party violation. As settlements are illegal under the Fourth Geneva Convention, any item or produce originating in settlements is also illegal and should not benefit from preferential tariffs. Although member states are unable to prevent such a misapplication of the Association Agreement, they can encourage the EU to suspend the agreement as a response to these violations.

Despite an agreement between Israel and the EU in August 2004 that settlement products must be labelled bearing their town of origin – thus denying them tariff-free access to Europe – the products will still be labelled 'made in Israel' as well. This implies a toleration of Israel's view that the West Bank, Gaza Strip and East Jerusalem are part of its sovereign territory, and thus violates the member states' duties under article 1 of the convention.

Recommendations

A duty to act

If the 'facts on the ground' are allowed to continue unchecked, prospects for a two-state solution will disappear. It is hard to forecast what that will mean for either Israelis or Palestinians. What can be predicted is that, without concerted international action, Israel will not reverse a settlement policy that has been successfully pursued since 1967. Palestinians will continue to descend further into poverty, living in isolated cantons and relying on humanitarian aid to meet their basic needs. The world could once again see Palestinians leaving their homes in order to seek refuge elsewhere. The current route of the separation barrier, despite Israeli Supreme Court rulings in July 2004 forcing limited adjustments, is in danger of creating Palestinian-free zones.

The role of Christian Aid, alongside other development and humanitarian agencies, is to work with local communities to eradicate poverty and to expose to the wider world the causes and discrimination that have contributed to it. It is the duty of states to ensure that they have done all within their power to prevent other states from abusing their powers and to hold them to account when they do. It is time for UN-member states to exercise that duty and go beyond the familiar, traditional rhetoric of condemning violence and proclaiming the need for peace. Failure to act is already leading to devastating consequences for both peoples.

The UK and Irish governments have a duty to ensure that the EU conducts itself within the Quartet commensurate with its role as the main provider of aid and support for the Palestinians, as well as one of Israel's largest trading partners.

EU member states must take greater responsibility and put the Israeli-Palestinian conflict high on the agenda of their respective presidencies of the EU by the end of 2005 to ensure that:

- prioritisation of targeted aid for the most vulnerable people, in addition to the support

given to reforming Palestinian institutions, be continued. *Failure to prevent poverty levels from rising will seriously threaten prospects for future stability and economic development*

- all settlement activity, including 'thickening', is immediately frozen without exception. The settlements and their infrastructure, as currently constituted, must be dismantled. The EU must take appropriate measures if Israel fails to comply, in order to demonstrate that such illegal activity will not be tolerated. *Failure to demonstrate the EU's commitment to this principle not only weakens all international law but also destroys the two-state vision*
- construction of the separation barrier must be stopped and existing sections dismantled in line with the advisory opinion of the International Court of Justice. If Israel wishes to build such a barrier, it must be on its own territory and not on Palestinian land. *Failure to do so will result in Palestinian-free zones or 'soft transfer', as villagers will be forced to abandon their homes and villages in order to seek work and access to essential services such as health and education*
- as a precursor to any peace initiative, ways are found to end Israeli rule over the Occupied Palestinian Territories, and that lessons are learnt from the failures of both the Oslo peace process and the road map. Negotiations must lead to a final settlement and not to an incremental process that can be derailed by those opposed to a just peace. *Failure to do so will wreck the chances of building a viable, contiguous and stable Palestinian state*
- Palestinians are able to hold free and fair elections throughout the Occupied Palestinian Territories. The Palestinian Authority must announce a date for national elections and do all in its power to ensure they meet international standards. In addition, Israel must lift roadblocks,

curfews and remove checkpoints in order to facilitate movement of Palestinians within their own territory. *Failure to allow Palestinians their full democratic rights will damage any prospect for a peaceful solution and give a platform to extremists*

- Israel is held to account under the Fourth Geneva Convention. The EU must be prepared to apply those articles within its own treaties, such as the Association Agreement with Israel, that govern human rights and democratic principles, before it discusses plans to include Israel in any future agreements. *Failure to do so will undermine such treaties and jeopardise perceptions of Europe's commitment to the rule of law*
- EU member states must ensure that companies headquartered in their jurisdiction are not complicit in breaches of international humanitarian law and international human rights law in the Occupied Palestinian Territories. The UN norms on the human rights responsibilities of transnational corporations provide the most comprehensive frame of reference in this regard. *Failure to do so will undermine commitments that member states have made in the OECD guidelines for multinational enterprises*
- the EU, according to conditions laid out in its budgetary support, holds the Palestinian Authority to account for good governance. This must include a commitment to transparency, accountability and democratic principles. *Failure to do so will deny Palestinians good governance and legitimate representation and encourage extremist factions.*

Glossary

Allon Plan After the 1967 Six Day War, Yigal Allon, Israel's then-foreign minister, proposed that Israel relinquish the main Arab-populated areas of the West Bank to Jordan while retaining a 700 square-mile strip of land along the Jordan River (about a third of the total West Bank area) under Israeli military control. This would give Israel strategic control of the eastern West Bank. Additionally, he suggested that Israel needed to include the road connecting Jerusalem to the Dead Sea as well as a widened Jerusalem corridor west of Ramallah.

Areas A, B and C As part of the Oslo peace process, the West Bank and Gaza Strip were divided into distinct areas of control. The Palestinian Authority exercises control of civic and security issues in Area A, which is 17.2 per cent of the West Bank. In Area B (23.8 per cent of the West Bank), control of security is shared by the Palestinian Authority and Israeli government, with Palestinians retaining civic control. Israel has full security control within Area C, which comprises 59 per cent of the West Bank.

Checkpoints Israeli military checkpoints are placed throughout the West Bank and Gaza Strip. According to the UN's Office for Coordination of Humanitarian Affairs, there were 753 obstacles to movement in the West Bank in March 2004, some of which are manned by the Israeli Defence Forces (IDF). Some checkpoints are temporary, or flying, checkpoints placed at random along Palestinian roads.

Closure Israeli military checkpoints, trenches, roadblocks, gates and observation towers that divide up the West Bank and Gaza Strip and make the flow of people and trade contingent on Israeli approval.

Curfew IDF order restricting inhabitants of the Occupied Palestinian Territories to their homes for up to 24 hours a day.

Depth barrier The route of the separation barrier mostly passes within the West Bank. However, in

areas containing large Palestinian communities close to the Green Line it is not possible to continue the route on West Bank land. Therefore, Israel will erect an additional 'depth barrier' – a few kilometres east of the principal barrier – composed of a 25-metre wide trench filled with barbed wire.

EU-Israel Association Agreement The Association Agreement is a trade agreement between the EU and Israel which came into force in 2000. The main features of the agreement include trade liberalisation, the free movement of capital, the strengthening of economic cooperation and regular political dialogue. The agreement provides both parties with mutual preferential treatment in trade relations and low or zero customs duties.

Green Line/1949 Armistice Line After the end of the Arab-Israeli war in 1948, Egypt, Jordan, Lebanon and Syria signed a set of agreements with Israel in 1949. This delineated areas occupied by each party and designated the no-man's-land between them according to the location of their armies. This armistice line, commonly known as the 'Green Line', demarcated the borders between Israel on the one hand, and the West Bank, Gaza Strip and East Jerusalem on the other, as recognised by the international community.

Gush Emunim Gush Emunim, or Bloc of the Faithful, a movement formed in 1974 to encourage Jewish settlement of the West Bank and Gaza Strip in the belief that God allotted Eretz ('land') Israel to the Jews in order to bring closer the coming of the messiah.

International Court of Justice Situated in The Hague, the ICJ is the UN's principal judicial organ. In December 2003 the UN General Assembly requested an advisory opinion from the ICJ on the separation barrier. This was delivered by the court in July 2004.

Intifada In December 1987, a collective Palestinian uprising against Israeli rule began,

known as the intifada ('shaking off' in Arabic). A second intifada erupted on 28 September 2000 and is now in its fourth year.

Israel Defence Forces (IDF) The IDF is Israel's army.

Israeli Labour Party (Haavoda) An Israeli political party currently led by Shimon Peres. Labour used to dominate Israeli politics but is now in opposition.

Judea and Samaria Lands named and described in the Bible, Koran and Torah, parts of which are now in the West Bank. These terms are commonly used by Israel to refer to the West Bank, although the borders of biblical Judea and Samaria do not correspond to the current borders of the West Bank.

Likud One of Israel's major political parties, formed in preparation for the 1973 elections as a conservative opposition to Labour. Likud currently holds 40 out of 120 seats in the Knesset.

Madrid Peace Conference After the Gulf War in 1991, the US and the Soviet Union sponsored a conference in Madrid, bringing together Israel, Syria, Lebanon, Jordan and Palestinians from the Occupied Palestinian Territories in face-to-face negotiations for the first time.

Moledet A nationalist Israeli political party that advocates a resolution to the Arab-Israeli conflict by transferring Palestinians to neighbouring Arab countries.

Occupation Israel captured the West Bank, Gaza Strip and East Jerusalem during the 1967 Six Day War. These areas are known collectively as the Occupied Palestinian Territories. An Israeli military administration was established to govern Palestinian residents of the OPT. After the Oslo Accords, Israel's military administration was restricted to Areas B and C.

OCHA The Office for Coordination of Humanitarian

Affairs is part of the UN secretariat. It was established in late 2000 in response to the deteriorating humanitarian situation in the West Bank and Gaza Strip. OCHA's role is to disseminate public information and enhance coordination between aid providers and in the distribution of humanitarian assistance.

Oslo Accords and peace process The Oslo peace process refers to the negotiating process between Israel and the Palestinian Liberation Organisation begun in September 1993. The process attempted to establish a framework for resolving the conflict and resulted in the signing of the Declaration of Principles, the first in a series of agreements which are collectively known as the Oslo Accords.

Palestinian Authority The governing authority of the Palestinian territories, established within the Oslo Accords and currently led by President Yasser Arafat and Prime Minister Ahmed Qureia.

Permits Israel has effectively cut the West Bank into eight zones, isolated from one another, with movement between them controlled by the IDF. Palestinians needing to travel are required to apply to the Israeli occupation authorities for special permits to enter or leave a zone. In addition, Palestinians require permits for travel between the West Bank and Gaza Strip and to travel abroad.

PLO The Palestine Liberation Organisation was founded in 1964 with the intent to establish an independent Palestinian state originally in the area between the Jordan River and the Mediterranean Sea. In recent years its goal has been redefined to consist of establishing a state only in the West Bank, Gaza Strip and East Jerusalem. The PLO's leader is Yasser Arafat and it has observer status in the UN.

Seam zone/line The area between the separation barrier and the Green Line. Palestinian residents who find themselves on the western side of the

barrier in this 'seam zone' need monthly residential permits from Israel. Movements to and from their home villages are controlled by the IDF.

Shin Bet Also known as the General Security Services, or Shabak in Hebrew, Shin Bet is Israel's domestic security agency.

Six Day War The 1967 Six Day War was born of cold war rivalry, mutual hostility between Israel and the Arab states and regional insecurity. After six days of fighting Israel gained control of the West Bank, Gaza Strip, the Sinai Peninsula, the Golan Heights and Jerusalem. In November of the same year, the United Nations Security Council issued resolution 242 demanding that Israel withdraw from territories it had occupied in the war and that secure and recognised boundaries be negotiated between Israel and its neighbours, predicated on the inadmissibility of the acquisition of territory by war.

Soft transfer A term used by Avi Shlaim, professor of international relations at Oxford University, to describe the process in which Palestinians 'choose' to move due to the pressures exerted on them by Israel's occupation.

UNRWA The UN's special agency, the United Nations Relief and Works Agency, was set up in 1949 to serve the needs of Palestinians in refugee camps in the Middle East. It continues to operate in the West Bank and Gaza Strip, Lebanon, Jordan and Syria.

Zionism/Zionist movement An ideology that began primarily among Eastern European Jews in the last decades of the 19th century. Zionists called for the establishment of a Jewish homeland in which Jews would found a sovereign nation. Lobbying by the growing Zionist movement in Britain culminated in the Balfour Declaration of 1917, in which the British government stated that it viewed with favour the establishment of a homeland for Jews in Palestine, provided that it did not harm the rights of the existing non-Jewish population.

Notes

- 1 Christian Aid constitution, October 1994.
- 2 David McDowall with William Bell, *Losing Ground: Israel, Poverty and the Palestinians* (London: Christian Aid, 2003).
- 3 Exchange of letters between President George W Bush and PM Ariel Sharon, April 2004, quoted www.mfa.gov.il
- 4 Quoted in David Kretzmer, *The Occupation of Justice: The Supreme Court of Israel and the Occupied Territories* (Albany, NY: State University of New York Press, 2002) p 217, note 1.
- 5 Central Bureau of Statistics, cited in B'Tselem, *Land Grab: Israel's Settlement Policy in the West Bank* (Jerusalem, 2002), p 18.
- 6 *Ha'aretz*, 'The True Face of Messianic Israel', 26 April 2004.
- 7 *Ha'aretz*, 'Seeing Stars', 19 October 2001.
- 8 UNOCHA, 'The Impact of Israel's Separation Barrier on Affected West Bank Communities. Report of a Mission to the Humanitarian and Emergency Policy Group (HEPG) of the Local Aid Coordination Committee', Jerusalem, 4 May 2003, hereafter HEPG, May 2003, p 16.
- 9 B'Tselem, *Land Grab*, 2002, pp 15-16.
- 10 *Observer*, 'America Must See that Sharon is the Problem', 14 April 2002.
- 11 B'Tselem, *Land Grab*, 2002, p 54.
- 12 Kretzmer, *The Occupation of Justice*, pp 90-91.
- 13 B'Tselem, *Land Grab*, 2002, p 71.
- 14 Gush Katif is the largest settlement block in the Gaza Strip.
- 15 Eyal Benvenisti, *Legal Dualism: The Absorption of the Occupied Territories into Israel* (Boulder, Colorado and London: Westview Press, 1990) pp 3-21.
- 16 *Ha'aretz*, 'The Extra Civilian Price Tag: At Least NIS 2.5 Billion a Year', 26 September 2003.
- 17 International Labour Office, 'The Situation of Workers of the Occupied Arab Territories'. Report of the director-general, appendix, International Labour Conference, 92nd Session (Geneva, 2004) p 13. Hereafter ILO, 2004.
- 18 Rafi Segal and Eyal Weizman (eds) *Civilian Occupation: The Politics of Israeli Architecture* (London, New York and Tel Aviv: Babel/Verso, 2003).
- 19 Sharif S Elmusa, *Water Conflict: Economics, Politics, Law and Palestinian-Israeli Water Resources* (Washington, DC: Institute for Palestine Studies, 1997) p 224.
- 20 Under Israeli employment law, settlements are obliged to pay the minimum wage to Palestinian employees, though no other aspects of employment laws (for example, social security payments) apply. Christian Aid-supported Kav La'Oved, an Israeli workers' rights organisation, reports that Palestinian workers in settlements are sometimes paid as little as £1.70/€2.5 per hour instead of the legal minimum of £2.20/€3.25 per hour.
- 21 *Ha'aretz*, 'Water/Supplying Costs Twice as Much', 26 September 2003.
- 22 *Ha'aretz*, 'Housing NIS 11 Billion on Homes', 26 September 2003.
- 23 *Ha'aretz*, 'The Extra Civilian Price Tag: At Least NIS2.5 Billion a Year', 26 September 2003.
- 24 State Comptroller, *Annual Report 48*, Jerusalem, 1998 (in Hebrew) pp 1032-1033.
- 25 Emma Playfair, 'Playing on Principle? Israel's Justification for its Administrative Acts in the Occupied West Bank', in E Playfair, *International Law and the Administration of the Occupied Territories* (Oxford: Oxford University Press, 1992) pp 229-230.
- 26 *Ha'aretz*, 'The Ties that Bind', 25 September 2003.
- 27 Groups such as Yesh Gevul and Parents' Circle, an organisation of bereaved Palestinian and Israeli families which is supported by Christian Aid, oppose service in the OPT on moral grounds. Interviews April and June 2004
- 28 For accounts of settler attacks on Palestinians, see B'Tselem, *Foreseen but Not Prevented: The Israeli Law Enforcement Authorities' Handling of Settler Attacks on Olive Harvesters* (Jerusalem, 2003); B'Tselem, *Tacit Consent: Israeli Policy on Law Enforcement toward Settlers in the Occupied Territories* (Jerusalem, March 2001).
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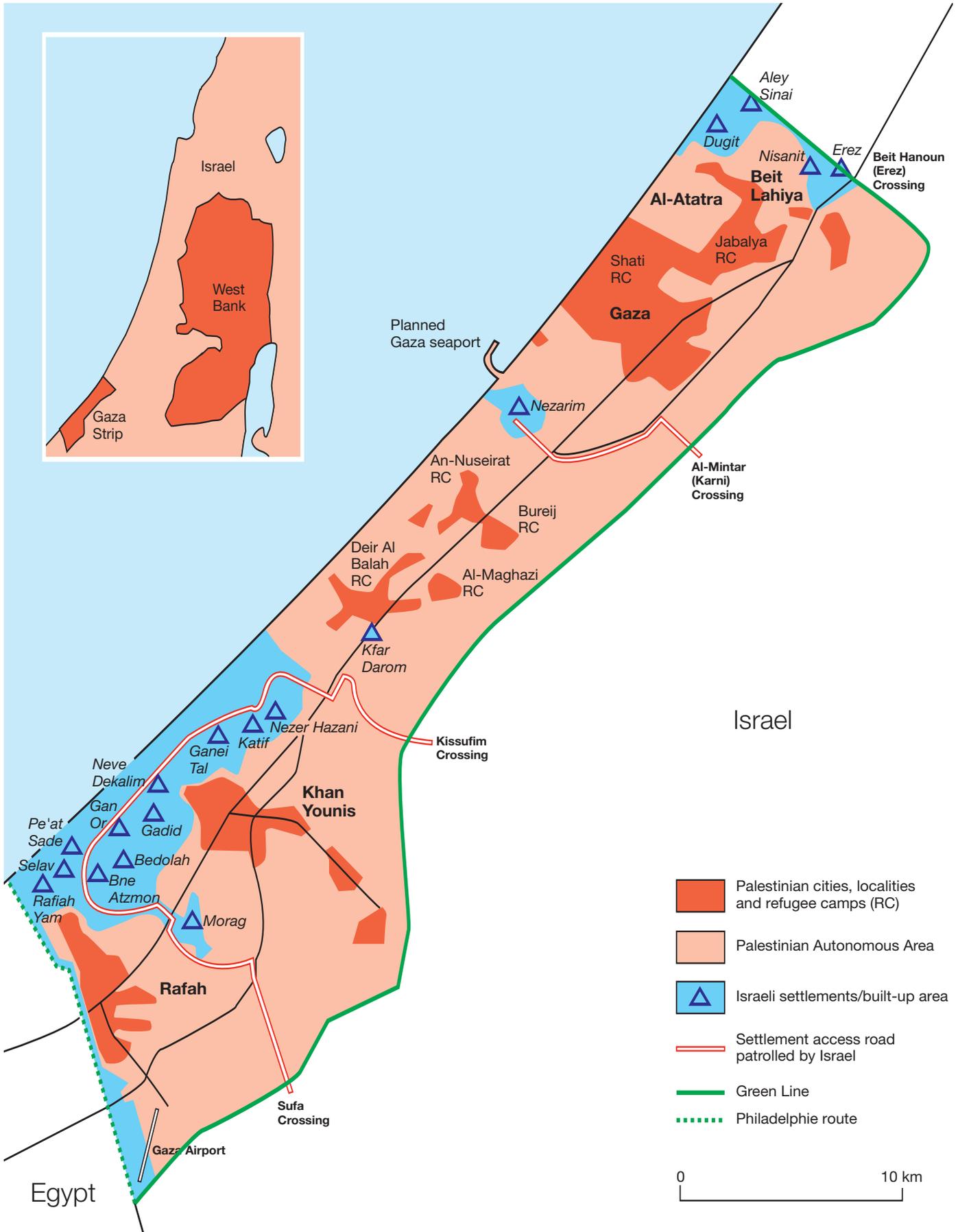
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Front cover: a view of the Har Homa settlement in the West Bank

Front cover photo: Christian Aid/Simon Townsley



- Palestinian cities, localities and refugee camps (RC)
- Palestinian Autonomous Area
- ▲ Israeli settlements/built-up area
- Settlement access road patrolled by Israel
- Green Line
- Philadelphie route

0 10 km

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