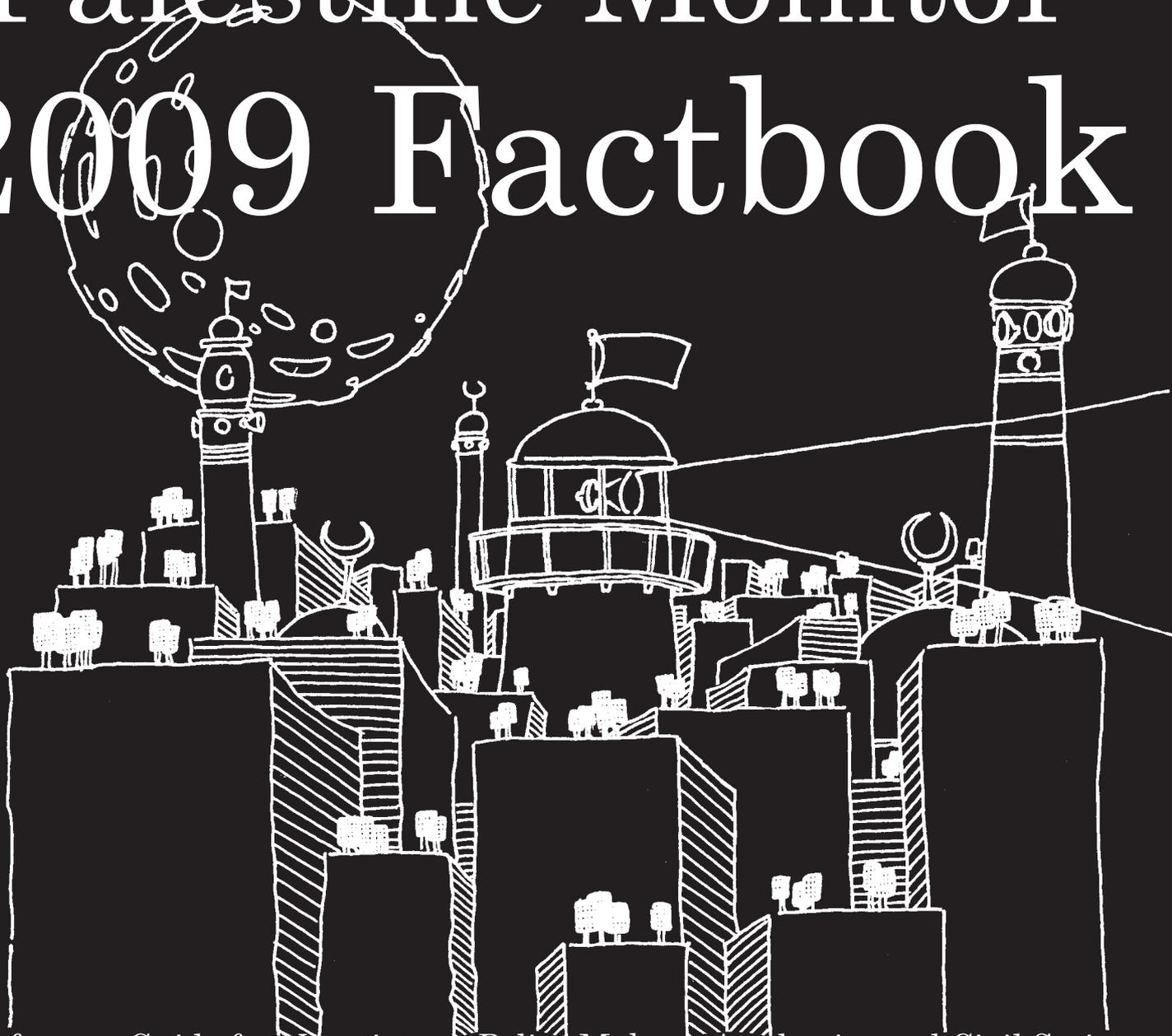
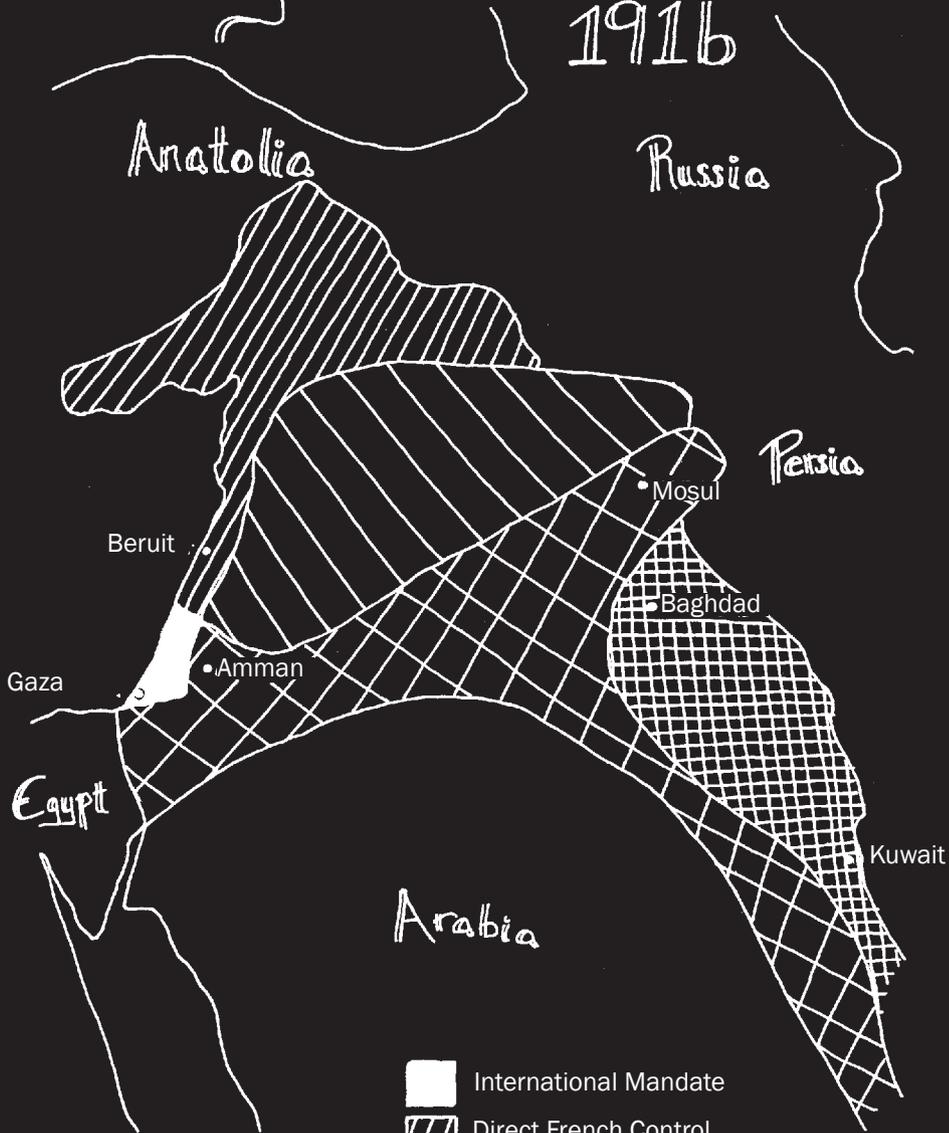


Palestine Monitor 2009 Factbook



A Reference Guide for Negotiators, Policy Makers, Academics and Civil Society
Actors on the One-Year Anniversary of the Annapolis Peace Process.

Sykes-Picot 1916



- International Mandate
- Direct French Control
- French Sphere of Influence
- Direct British Control
- British Sphere of Influence

1937 Peel Commission



Haifa

Jerusalem

Gaza



Proposed Israeli State



Internationally Administered Zone



Proposed Palestinian State

Foreword

Hello and welcome to the First Edition of the Palestine Factbook prepared by the team at The Palestine Monitor under the supervision of the Health, Development and Information Policy Institute (HDIP).

The book looks into each of the core issues facing Israelis and Palestinians in our quest for a just, lasting and peaceful two-state solution.

In order to one day arrive at such a solution, it is important to first know exactly where we are. The only way to find that out is to uncover the facts.

One year on from the Annapolis Peace Process things in Palestine have gotten worse rather than better. Checkpoints have increased; the wall continues to swallow Palestinian lands; settlements



In loving memory of Dr. Edward Said
'Truth Never Dies'

lives and flaunted so many chances for peace. Let us stop empowering those who play upon our fears, and open our ears to the silent majorities in both societies who scream for peace.

Sincerely
Dr. Mustafa Barghouthi

continue to be constructed at faster rates than ever; and not one of the final status issues have yet been resolved.

This is the reality of where we are today; it is our job as Israelis and Palestinians to transform this reality if our dreams of peace and justice are ever to be realized.

Over the coming year, 2009, we will once more have the eyes of the world upon us.

Let us not waste more time and yet another opportunity. Let us not lapse into the vicious cycle which has consumed so many

Table of Contents

Introduction

The Palestinian Economy

Palestinian Children

Palestinian Refugees

The Gaza Strip

Palestinian Prisoners

East Jerusalem

Israeli Settlements

The Wall

Movement Restrictions

Water

Non-Violence

Conclusion

Quick Reference Guide

Editors: Abu Yusef and the Hummingbird

Illustrations: Abu Yusef

Special thanks to the entire team at Palestine Monitor for their hard work, dedication and research

Introduction

The end of 2008 and the beginning of 2009 will be looked back upon as a pivotal time in the Israeli-Palestinian conflict – a time when peace was both at our fingertips, and far beyond our reach.

This book has been produced and printed to coincide with the one year anniversary of the opening of the US-brokered Annapolis Peace Conference in November of 2007. Though many meetings have occurred, and in spite of the fact that all parties have openly committed themselves to a two-state solution, little or no progress has been made. The feeling on the street is that we are going nowhere, and slowly.

There had not been a peace process of any type for the seven years preceding the Annapolis Conference; and when it finally did arrive; conditions on the ground were all but conducive.

All parties involved were plagued by internal political strife. The Palestinian government was bitterly divided along factional and geographical lines, the Israeli Prime Minister was largely discredited in his own society due to corruption, and the unpopularity of the Bush Administration at home and abroad all combined in what looked to be a formation of lame ducks. And that was just the beginning.

As this book goes to print:

the American public has just cast their ballots for a new President of the United States and a different set foreign policy priorities and strategies; the Israeli public will be gearing up for February elections after the Kadima party's failure to form a coalition, in which the Likud party, largely opposed to the Road Map, is expected to make large gains; and the Palestinian public remains divided and torn about the viability, character and constitutionality of their own leadership whose mandate is slated to end on January 1st 2009.

All of these factors will play heavily upon the prospects for peace in the foreseeable future. Israeli policy makers have called for a freeze on already lethargic talks with Palestinians until they have settled their internal

political scores, and the same has been implied by the Americans and Palestinians. It is a time of uncertainty to say the least; and it is on occasions such as these, when we should return to solid ground. This book aims to provide that solid footing to those still eager to learn and affect change in this conflict.

In this time of uncertainty, this book aims to arm you with the facts.



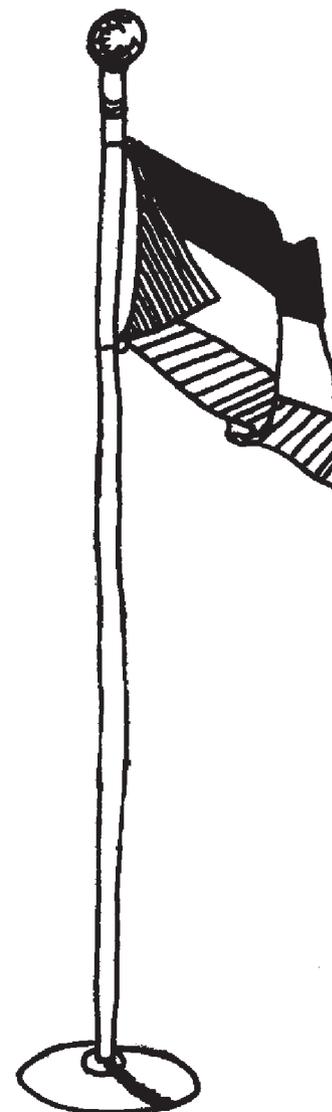
This conflict has gone on for many decades, during which both the facts and their meanings have been changed or manipulated to serve the needs of either party. For casual observers and researchers alike, credible, unbiased information concerning this conflict is nearly impossible to come by unless you know first where and why you are looking for it. Only then can you sift through the sea of numbers from a variety of NGOs from both sides, and from outside, who muddle the waters with numbers and speculations which vary by the thousands.

The numbers provided within aim to make your research both easier and more accurate at this critical time of reflection and analysis. Our team has compiled the most up-to-date information available about a wide variety of topics concerning the Palestinian reality of this conflict. We have combed through a variety of sources, and chosen those we felt are both objective and credible. In those cases where two such organizations differed greatly, we have provided the statistics of both.

The following pages are filled with the information one needs to better understand the status quo, and thereby understand the ways in which it can be changed. But after so many years we understand that facts alone are not enough to tip the scale of international favor toward the Palestinian people. We understand that, perhaps even more important than fact or truth, perception plays a key role in the judgment and resolution of this reality.

We believe that there is a misconception of this conflict's symmetry; that people around the world recognize it largely as a tit-for-tat ordeal that has gone back and forth for thousands of years. We also believe that the average person around the world is intimidated by the perceived complexity of this situation and that they stray far away from it due to this intimidation.

This book aims to dispel these myths, and expose both the current asymmetry and simplicity of the reality here in Palestine. It is timely, accurate, concise, and most importantly, it is black and white.



Poverty in Palestine

The economy of Palestine was destroyed by the 1967 war and the ensuing occupation of Palestine, which not only resulted in the immediate destruction and disruption of the economy, but also the ongoing obstacles that accompanied the military occupation. Perhaps the worst blow being the severing of Jerusalem from the West Bank, the virtual economic hub/heart of the surrounding villages/arteries of Ramallah, Nablus, Hebron and Bethlehem.

The economy faltered further still during the First Intifada and again following the closures of the Israeli economy to the Palestinian workforce during the Second. Over night thousands of jobs and thousands of household incomes dried up; and over night the brute of both the Israeli and Palestinian publics were severed from each other by an invisible wall. Day after day the economic contrast between the Israelis and Palestinians continued to sharpen.

In 2006, following the parliamentary electoral landslide of Hamas, Israel began withholding the value added taxes of the Palestinian Authority, purportedly costing 60 million USD per month. The further withholding of international aid to the PA by all donor governments led to the doubling of those Palestinians living in 'deep poverty' (less than 0.50 USD/day) from around 500,000 to 1,000,000 (2).

It was the first time that a region, already occupied militarily, was placed under an international sanctions regime; and as the world watched, Palestine slid further and further into a humanitarian crisis. Israel and the international community are said to have done this as a means of weakening the religious movement Hamas' grip on power and their popularity throughout Palestine. Though this may have been the intent, there were wild and irresponsible miscalculations made by those involved.

Hamas had never relied on the taxes from Israel or international aid flowing in from Europe and the United States, and thus were perfectly able to carry paying security personnel and providing populist social services with money collected in the mosques or smuggled in from neighboring countries unsympathetic to 'Western interests'.

Meanwhile, the largest employer in Palestine, the Palestinian Authority, saw its funds dry up and workers go unpaid. Those affiliated with Hamas did not experience this, and their popularity grew with the impression that they



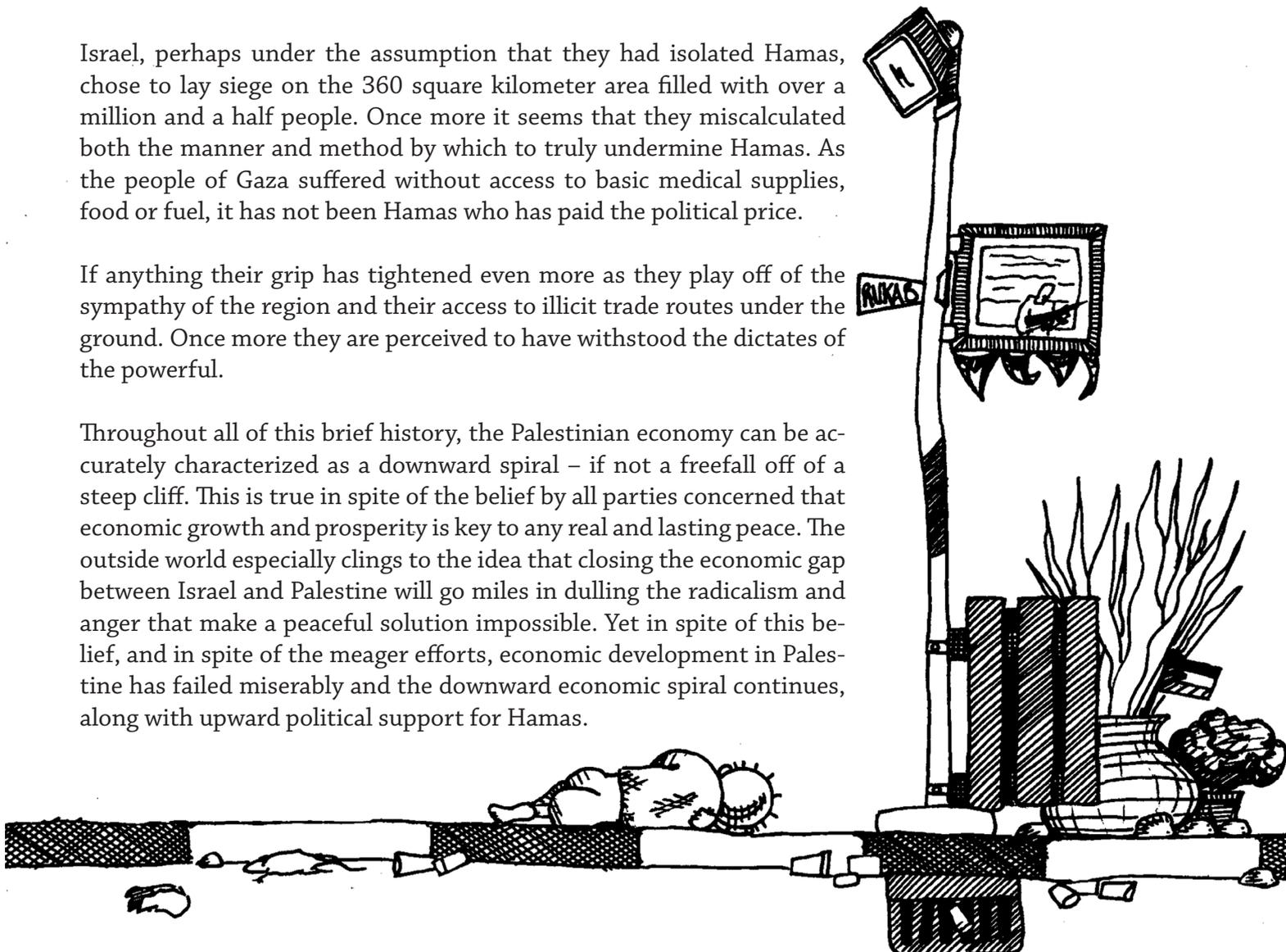
alone had stood strong against the dictates of the great powers. If the original plan had been to selectively weaken Hamas while not collectively punishing the Palestinian people, then it failed.

Whether by design or disaster, plan B, the removal of Hamas by force, also failed. In the summer of 2007, the two main rival factions in Palestine clashed for control which resulted in the geographical and political severing of Palestine between the Hamas-controlled Gaza Strip and the Fatah-controlled West Bank.

Israel, perhaps under the assumption that they had isolated Hamas, chose to lay siege on the 360 square kilometer area filled with over a million and a half people. Once more it seems that they miscalculated both the manner and method by which to truly undermine Hamas. As the people of Gaza suffered without access to basic medical supplies, food or fuel, it has not been Hamas who has paid the political price.

If anything their grip has tightened even more as they play off of the sympathy of the region and their access to illicit trade routes under the ground. Once more they are perceived to have withstood the dictates of the powerful.

Throughout all of this brief history, the Palestinian economy can be accurately characterized as a downward spiral – if not a freefall off of a steep cliff. This is true in spite of the belief by all parties concerned that economic growth and prosperity is key to any real and lasting peace. The outside world especially clings to the idea that closing the economic gap between Israel and Palestine will go miles in dulling the radicalism and anger that make a peaceful solution impossible. Yet in spite of this belief, and in spite of the meager efforts, economic development in Palestine has failed miserably and the downward economic spiral continues, along with upward political support for Hamas.



THE FACTS:

**Over half of Palestinians live in Poverty: 45.7% in the West Bank and 79.4% in Gaza (1).

**With the suspension of aid to Palestine in 2006 the number of people in deep poverty, (defined as those living on less than 50 cents a day) nearly doubled to over 1 million (2).

**Palestine's GDP has fallen 2.1% in Q1 of 2008 in comparison to Q4 of 2007, leading to estimates that GDP in 2008 will comprise 70% of that in 1999. Per capita GDP is expected to fall in 2008 by 7.4% (3).

**Unemployment, under the ILO definition, has increased in Q1 of 2008 from 22.6% - 25.8% in Palestine as a whole. In the West Bank unemployment actually lowered (19%-16.3%), while in the Gaza Strip it has heightened considerably under the Israeli seige (29.8%-45.5) (4).

**Labor force participation as a whole in Palestine is 40.6% (5).

Food Security

A recent World Food Program Survey reported rising food insecurity amongst Palestinians, finding that between 2006-2007, 75% reduced the quantity of food purchased and 89% reduced the quality (6).

Food insecurity has been further exacerbated by rising prices due to adverse environmental conditions, including prolonged frost, drought and dry winds. The continuing price rises in 2008 have caused average food prices to reach levels 20% and 23% higher than in 2007 in the West Bank and Gaza respectively (7).

The majority of Gazans are now unable to afford basic food and over 80% of families in Gaza currently rely upon humanitarian aid to survive. In less than 10 years the number of families depending on United Nations Relief and Works Agency (UNRWA) food aid has increased ten fold (8).

Filippo Grandi, Deputy Commissioner General of UNRWA declared after visiting the Gaza Strip on 9 August 2007: "Gaza risks becoming a virtually one hundred per cent aid dependent, closed down and isolated community within a matter of months, or even weeks, if the present regime of closures continues" (9).



Obstacles to Growth

The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) cites Israel's matrix of movement restrictions as "a primary cause of poverty and the humanitarian crisis in the West Bank and Gaza Strip" (10).

On the 18th November 2005, the Government of Israel and the Palestinian Authority signed an Agreement on Movement Access (AMA) brokered by US Secretary of State Condoleezza Rice. This was designed to facilitate the movement of people and goods within the Occupied Palestinian Territories (OPT), and to open Rafah Crossing on the Gaza-Egypt border in order to "promote peaceful economic development" and improve the humanitarian situation in Gaza (11).

Under the AMA, the Israeli Government clarified that it would not close a passage due to a security incident unconnected with the passage itself. However, between June 2006 and March 2007, the Rafah crossing opened just 16% of scheduled working hours. Each day the crossing was closed Palestinians in Gaza lost approximately \$500,000 worth of exports. The vast majority of exports from Gaza are perishable food items, such as fish and fruit (12).

In the West Bank the situation is very similar, as the occupation and its manifestation in terms of checkpoints, restrictions and the wall are blamed by the World Bank for stunting economic development (13).



The Gaza Strip

Economically, the Gaza Strip can be described as nothing less than a basket case after years of isolation on top of the recent siege which has all but starved the tiny Strip. This has not only increased the economic gap between Israelis and Palestinians living in the Gaza Strip, it has also markedly increased the gap between Palestinians living in Gaza and those who reside in the West Bank.

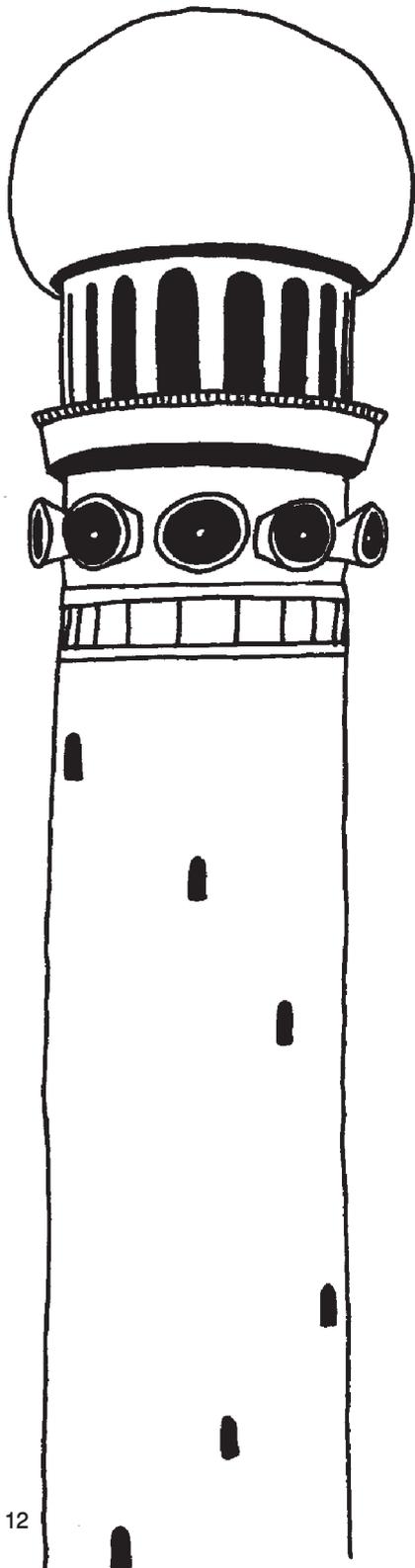
In 2007, PCBS calculated the total food expenditures in the Gaza Strip at 41.4% (14). This number is expected to be much higher in 2008 as the Israeli siege put an end to food shipments and fuel, drastically increasing the price of available supplies.

36% of Gazans depend immensely on international aid, while 50% depend on aid moderately (15). Though this aid is often the only thing keeping many Gazans alive, it also ensures that the economy remains dependant on the international community in the longterm, and chronically underdeveloped due to the lack of domestic investment.

In Q2 of 2008, no new companies were registered in the Gaza Strip (16). This is a prime indicator of the amount of domestic or foreign investment in the economy which is not related to international aid. The fact that there is absolutely no new registrations highlights the crippling effect of the siege.

Furthermore, by August of 2008, according to OCHA, 98% of industrial operations in Gaza had ground to a halt (17). Without the fuel to run their factories, nor the ways and means by which to deliver goods to the market, Gaza's economy is being sent back to the stone age.

In Q4 of 2007, unemployment sat at 29% with a difference between the employment rates of men (28.2%) and women (39.3%) (18), with the onset of the siege, the rate of unemployment in Gaza is said to be near 50% (4).



The West Bank

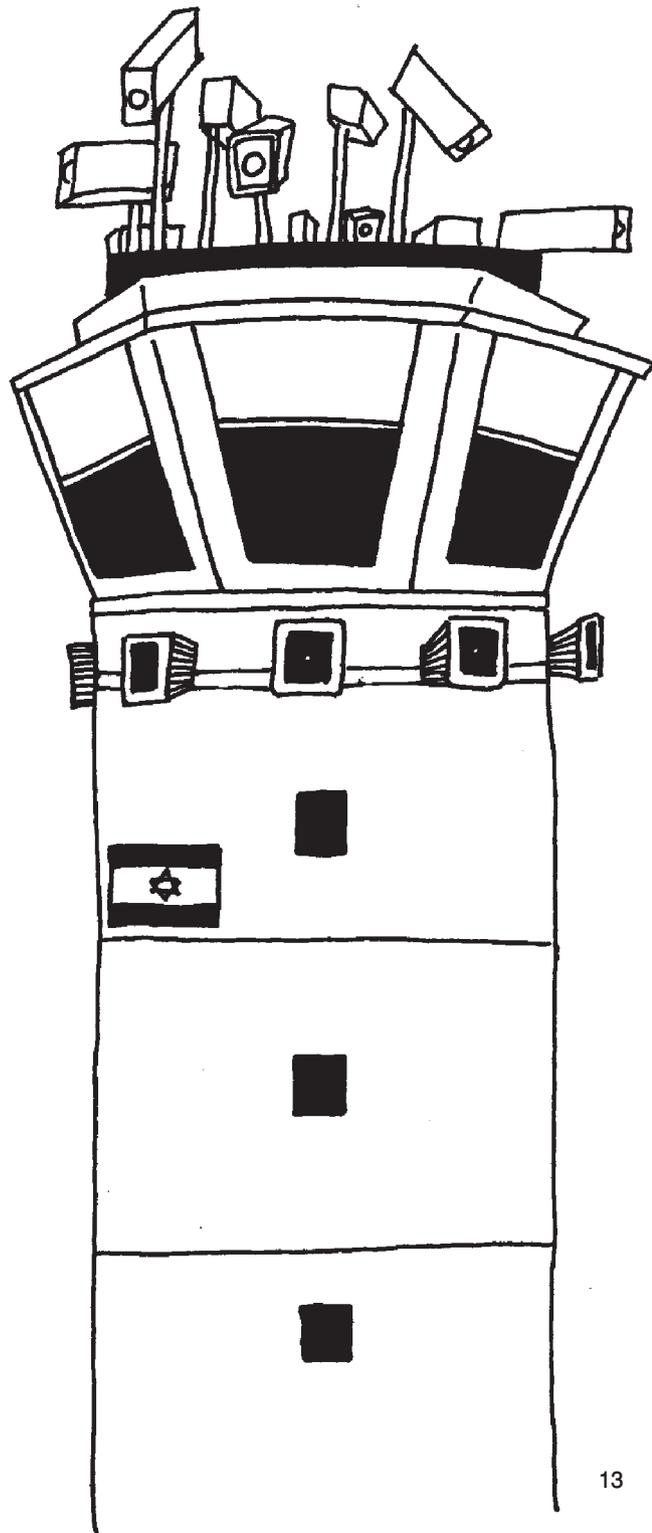
Despite the various mechanisms and restrictions of the occupation, the economy of the West Bank is faring much better than that of the Gaza Strip under the Israeli siege. A big reason for this is the amount of money flowing into the coffers of the PA from the international community, which is used to pay public sector workers. Hamas, since their 2006 electoral victory, have been denied this funding.

In 2007, The Palestinian Central Bureau of Statistics (PCBS) calculated the total food expenditures in the West Bank at 36.8% (19), meaning that Palestinians living in the West Bank as opposed to Gaza are paying less of their income on basic food needs.

47% of Palestinians living in the West Bank are below the poverty line according to MAS, though this is slightly higher than the number provided by the ME Quartet (45.7), the latter number excludes remittances from abroad (20). Though this number is staggering, it is nearly 30% lower than the level of poverty in the Gaza Strip.

In Q2 of 2008 there was an overall decrease of 5% in new company registration in Palestine. However, all of the 247 companies registered during the period of study were in the West Bank (21).

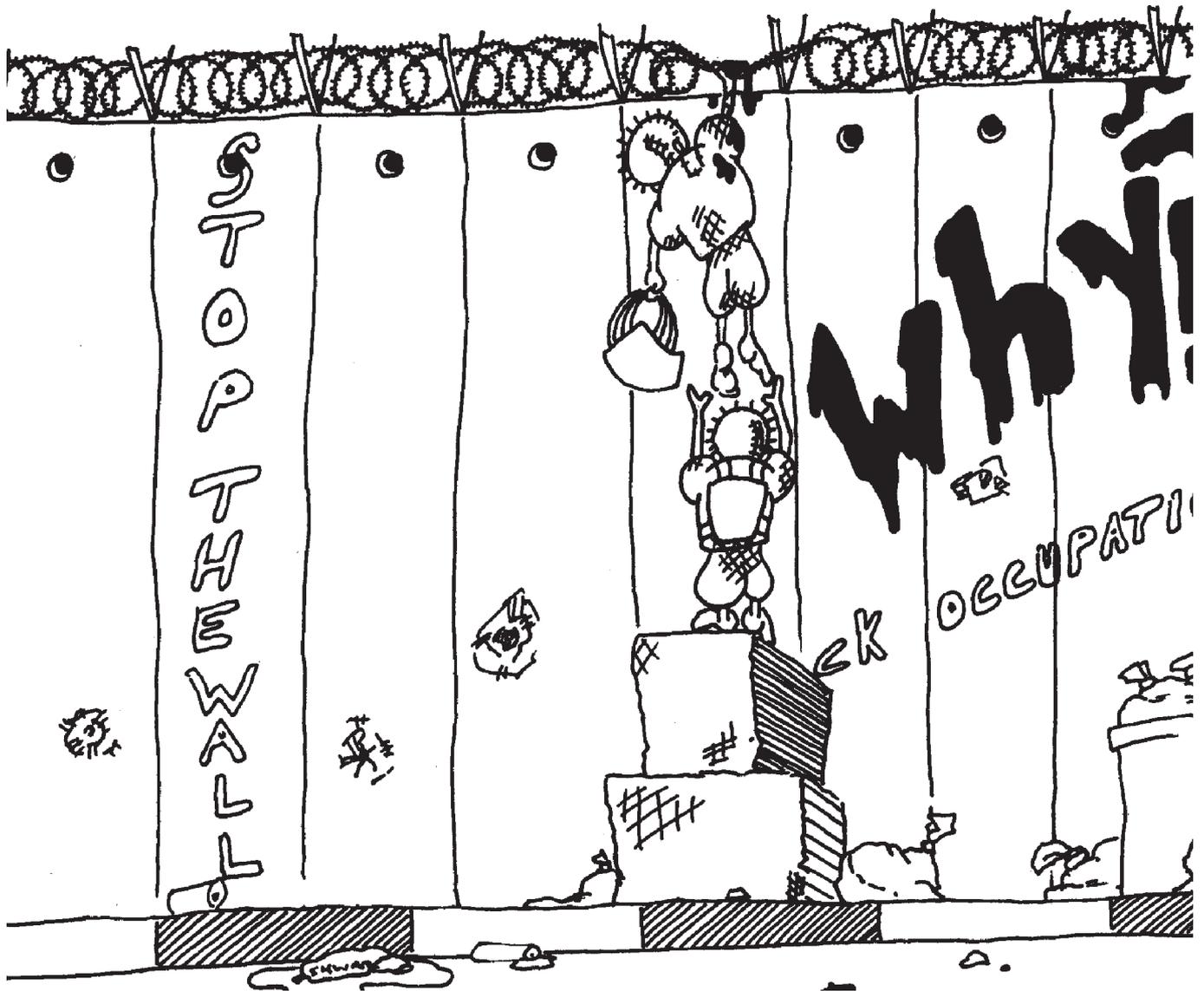
In Q4 of 2007, unemployment sat at 19% with a difference between the employment rates of men at 19.9% and women at 15% (22). In Q1 of 2008, the unemployment rate in the West Bank actually lowered to around 16% (4). This is in sharp contrast to the employment rate of the Gaza Strip in which nearly half of the participating workforce is unable to find work.



Endnotes

1. Crisis Action (2008). 'Middle East Quartet; A Progress Report'. These statistics are based on household income and excludes food aid and remittances.
2. UNRWA (2006). 'Prolonged Crisis in the Occupied Palestinian Territory: Recent Socio-economic impacts, Jerusalem: UNRWA.
3. Palestinian Monetary Authority, Palestinian Central Bureau of Statistics, Palestinian Economic Policy Research Institute. August 2008. Palestine Economic and Social Monitor. Volume 13. p1.
4. *ibid.*
5. *ibid.*
6. World Food Program (2008). 'Food Security and Market Monitoring Report'.
7. OCHA (2008). 'The Humanitarian Monitor, August 2008', No 28.
8. Amnesty International UK, Care UK, Christian Aid, CAFOD, Medecins de Monde UK, Oxfam, Save the Children UK and Trocaire (2008). 'The Gaza Strip; a humanitarian implosion'.
9. UNRWA (2007). Press statement by Filippo Grandi Deputy Commissioner General UNRWA Gaza City 09/08/07.
10. UN General Assembly (2006). 'Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories'.
11. OCHA (2007). 'Agreement on Movement and Access Report' (online). Available at www.ochaopt.org.
12. *ibid.*
13. World Bank (2007): 'Investing in Palestinian Economic Reform and Development', report for the Pledging Conference, Paris. Available Online at: <http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/294264-1166525851073/ParisconferencepaperDec17.pdf> p.6f
14. PCBS, 2007. Poverty and Living Conditions in Palestinian Territory - Press Release. p.3.
15. Palestinian Monetary Authority, Palestinian Central Bureau of Statistics, Palestinian Economic Policy Research Institute. August 2008. Palestine Economic and Social Monitor. Volume 13. p1.
16. *ibid.*
17. OCHA (2008). 'The Humanitarian Monitor, August 2008', No 28. Available at www.ochaopt.org.
18. Palestinian Monetary Authority, Palestinian Central Bureau of Statistics, Palestinian Economic Policy Research Institute. August 2008. Palestine Economic and Social Monitor. Volume 13. p1.
19. PCBS, 2007. Poverty and Living Conditions in Palestinian Territory - Press Release. p.3.
20. Palestinian Monetary Authority, Palestinian Central Bureau of Statistics, Palestinian Economic Policy Research Institute. August 2008. Palestine Economic and Social Monitor. Volume 13. p1.
21. *ibid.*
22. *ibid.*

Children in Palestine



Going to School

The Palestinian demographic is weighted heavily toward the youth, in which the majority of the population is under the age of eighteen. In the Gaza Strip, it is estimated that the median age is nearly 15 years old. This generation and those preceding it know nothing but military occupation and war.

They are often called the 'lost generation' as they have been robbed of the tools and structures by which to develop a normal life.

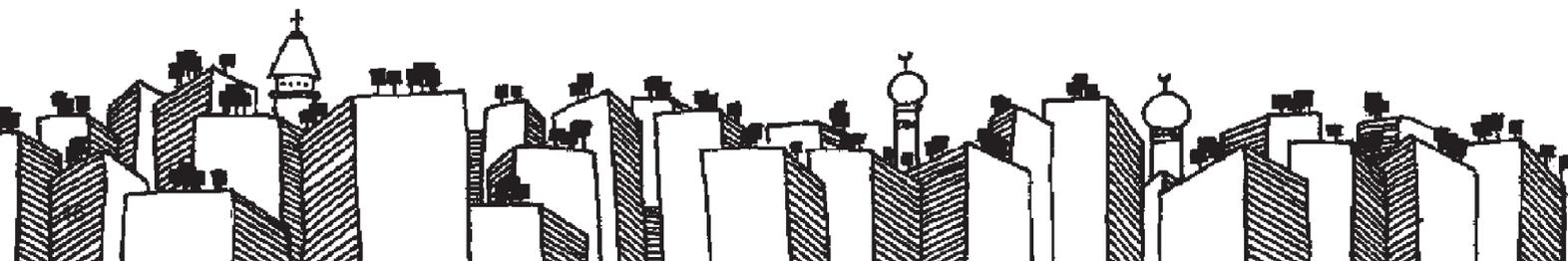
In a reality where the adults are engaged in daily violence and aggression, the emotion and outlook of young Palestinians is built upon anger, loss and trauma. All Palestinian children can tell you about their relationship to the occupation and the horrors they have witnessed at such a young and vulnerable age - from death to injury to daily humiliation. Many children, far more than in other countries, suffer from acute psychological, emotional and social problems which exhibit themselves in a variety of ways.

It is commonly said that 'the children are our future', and that this brutal conflict must come to an end so that they will have the opportunity to live and develop in a peaceful secure environment.

The following chapter attempts to outline why we have failed as Israelis and Palestinians to provide this environment, and how the standard of living for Palestinian children has declined along the same trajectories as the Palestinian economy. This is unacceptable according to every national and international law, standard or moral code. Moreover, it makes peace that much harder to reach between our two peoples.

The children of the 'lost generation' have, more often than not, never met an Israeli who was unarmed, unafraid, and not dealing with them from a position of power. To them, the guard at the checkpoint represents all Israelis; and within this they have found something to fear and hate.

Soon this 'lost generation' will arrive to their adulthood knowing only occupation, and nothing what-so-ever of peace. It is them with whom peace will have to be struck, and it is their accumulated anger and trauma which will sit on the opposite side of the negotiating table. To those who say that there have been no real 'partner for peace' before on the Palestinian side...wait until you meet the ones with no hope at all.



Education

Though Palestine is often cited as the most educated society in the Arab world, it is a very misleading notion. In order to achieve the level of education that they have, incredible obstacles to their learning and access to learning have to be overcome on a daily basis.

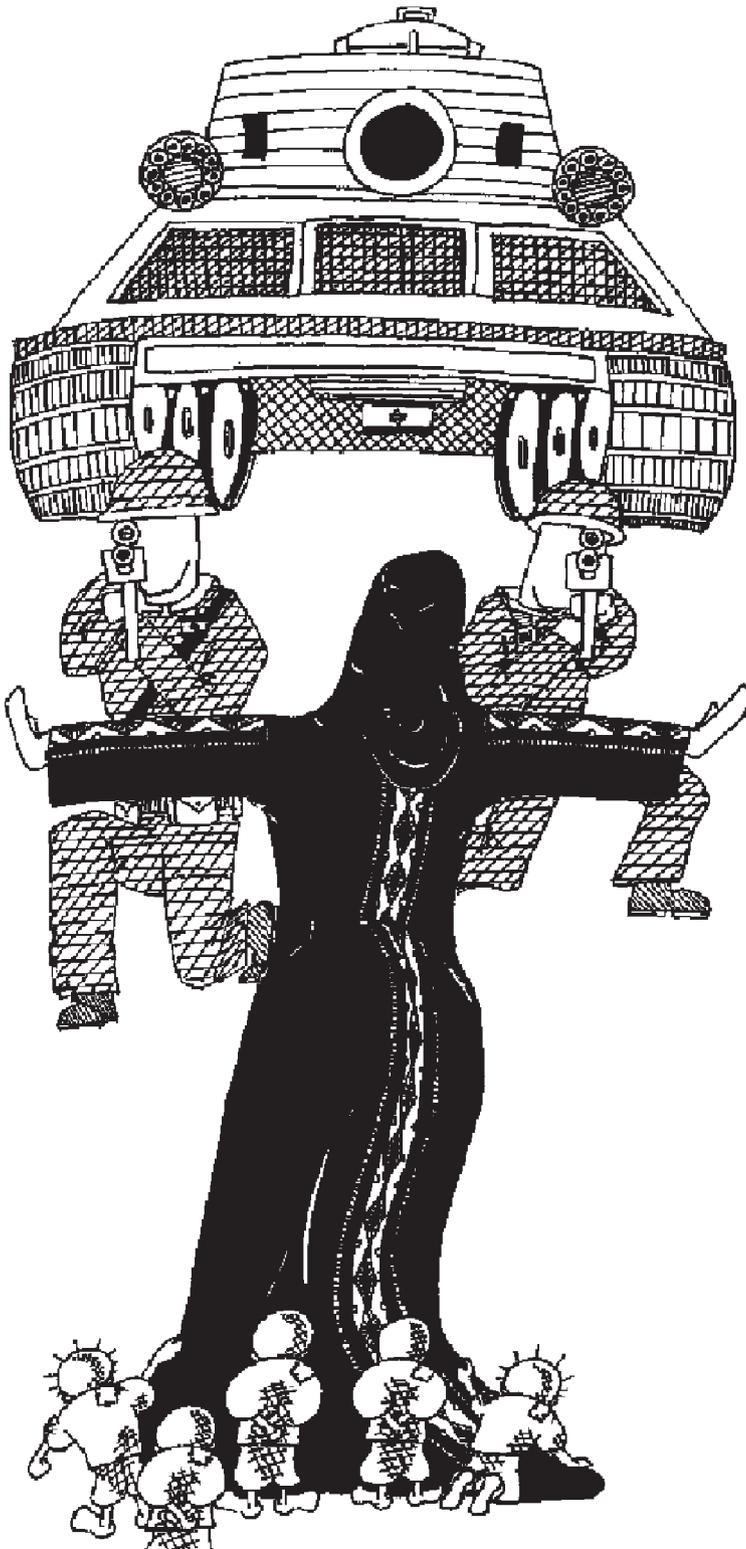
Classrooms are crowded, and the school day has been shortened dramatically to coincide with cuts in public funding resulting from the Israeli and international sanctions on Palestine following the 2006 election of Hamas.

The occupation, which affects virtually every area of life in Palestine, has not made the education of children any easier. Stories abound throughout the West Bank of children being hampered or harassed on their way to school by either the Israeli army or settlers. The schoolhouses themselves, meant to be sanctuaries where children can feel safe, have often been the site of Israeli incursions or clashes between the army and militants.

In spite of these and many more challenges, Palestine has many impressive statistics to show the world in terms of its education.

According to a 2006 study by UNESCO, male and female youth aged 15-24 have a 99% literacy rate (1)

Meanwhile, the gross primary school enrollment for male and female youth sat at 89% and 88% respectively (2).



In Conflict

The conflict between Israel and Palestine has disproportionately affected children, who often find themselves directly in the line of fire in a war where neither side can seem to draw the line between civilian and combatant.

According to Defense of Children International (DCI), whose field workers document each case of child death or injury, a total of 974 Palestinian children were killed in the seven years from the onset of the second Intifada to the opening of the Annapolis Peace Conference (5). The vast majority of these deaths came as a result of Israeli air and ground assaults into Palestinian Territory. The second most common cause of death is cited as 'random Israeli gunfire' (6)

Since the talks began at the end of last year until September of 2008, the firing has not stopped. As a result, 79 Palestinian children have been killed, and a further 370 injured. During this same period of time, 4 Israeli children have been killed and a further 11 injured as a result of the conflict (7).

Though it has been widely reported, there are no credible publications citing the number of child fatalities in the month of October 2008. In spite of this the reader should be made aware that this disturbing statistic is expected to rise in comparison to previous months.

The 2008 Palestinian Olive Harvest has been met with intense violence from the settlers making it one of the bloodiest autumns in recent memory.

In Israeli Prisons

Contrary to international norms and the United Nations Convention on the Rights of the Child, to which Israel is a signatory, children under the age of 16 in the oPT can be arrested, tried and treated in the same manner as adults.

Israel has often chosen to sidestep both its own regulations, and those of the UN Convention by charging and sentencing children as young as twelve years old.

Between the ages of 12-14, children can be sentenced for offenses for a period of up to 6 months. After the age of 14, Palestinian children are tried as adults. There are no juvenile courts, and children are often detained in centers together with adults (8).

This practice is also illegal according to the UN Convention on the Rights of the Child which states that "every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so" (9). Over the last eight years an estimated 6,700 Palestinian children were arrested and detained in Israeli prison facilities and treated in the same manner as adults (10).



Child Psychology

The ongoing occupation of Palestine, and the humanitarian crisis which it entails, is an endless source of trauma in Palestine, especially among the young who lack the understanding and coping skills of adults. Furthermore, those adults who are mentally ill or affected by the occupation bring their traumas home where their wives and families bear the brunt.

According to Dr. Eyad El Sarraj, 'the psychological effects of violence (on children) are severe and traumatizing. While many injured children have acquired a permanent physical disability, many more have developed psychological impairments. The prevalence of neurotic symptoms and behavioural problems among children, such as disobedience or irritability, is high. According to recent research in the Gaza Strip, some 32.7% of children suffer severe levels of post-traumatic stress disorder, 49% moderate levels, and 16% low levels' (11).

According to World Health Organization's Rajiah Abu Swai, 'children are more vulnerable (to mental illness). It is particularly important for children to be able to grow up in a situation in which they can feel secure and in which they do not experience fear. It is essential that they can sense that their parents are protecting them... When the Second Intifada started in 2001, there were many incursions, shellings and bombings into the West bank and in Gaza.'

'In parallel, there were more recorded instances of violence in schools as well as aggression, nightmares and bedwetting at home. This is normal, because when a child sees that his parents are as scared as he is and are unable to control or stop a negative situation, he will become even more frightened or anxious' (12).



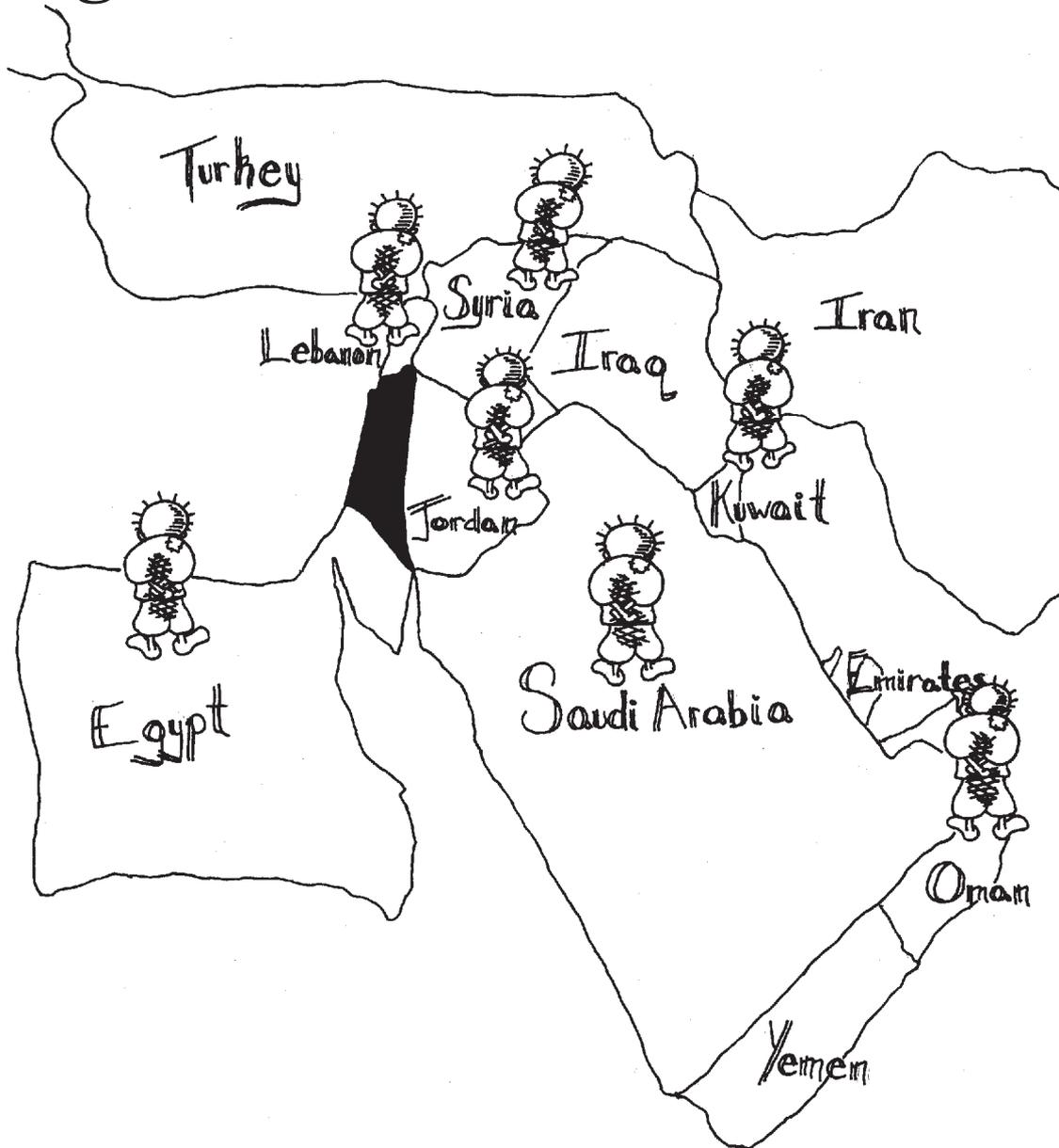
'Children have the right to be protected from being hurt and mistreated, physically or mentally. Governments should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them.'

-Article 19 of the United Nations Conventions on the Rights of the Child

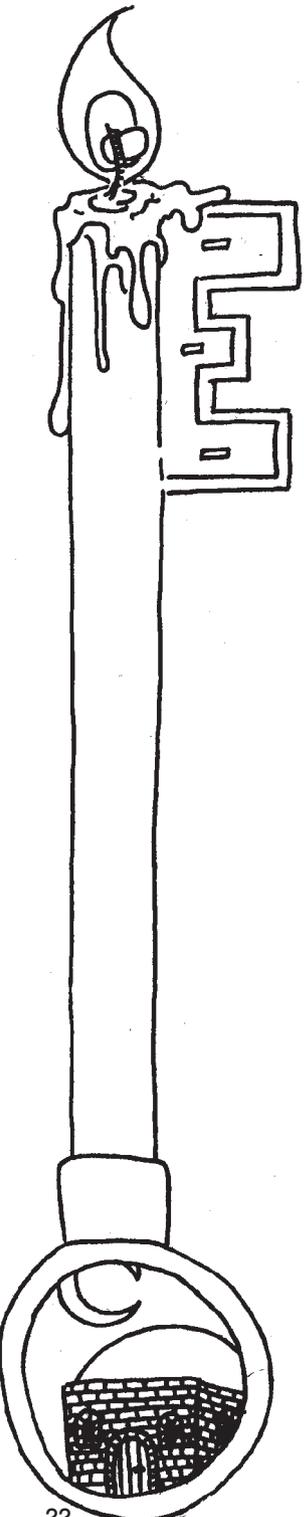
Endnotes

1. United Nations Educational Scientific and Cultural Organization. 2006 Assessment of the Palestine's education, including the 2000 Education for All Assessment. Available at: http://portal.unesco.org/education/en/ev.php-URL_ID=48798&URL_DO=DO_TOPIC&URL_SECTION=201.html.
2. *ibid.*
3. Save the Children UK, Autumn 2007. Child Rights Monitor Issue 2. Available at: http://www.childrightsmonitor.org/newsletter.php?issue_id=2
4. *ibid.*
5. Defense of Children International, 2008. Statistics on Children injured in the Palestinian Territories since the Beginning of the Second Intifada. Available Online at: <http://www.dci-pal.org/english/Display.cfm?DocId=284&CategoryId=11>. Updated Sept 24th, 2008.
6. *ibid.*
7. Statistics from September 2007 to July 2008 were compiled using data from OCHA's 'Protection of Civilians Monthly' Bulletin. Available at: http://www.ochaopt.org/documents/ocha_opt_protection_of_civilians_monthly_tables_2008_08.pdf. The Statistics from August 2008 to September 2008 were compiled using data from the Negotiations Affairs Dept's, 'Monthly Summary'. Available at: <http://www.nad-plo.org/pmg/pmg-month/PMG.September.Monthly.2008.pdf>
8. Addameer Prisoner Support and Human Rights Association. Addameer Fact Sheet: The Palestinian Prisoners of Israel. Last updated September 2008. P.3.
9. UN Convention on the Rights of the Child. Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989. Article 37 (c). Available Online at: <http://www2.ohchr.org/english/law/crc.htm>
10. Ministry of Detainees and Ex Detainees Affairs. Palestinian Child Detainees in Israeli Prisons. August 2008. As quoted in PLO Negotiations Affairs Department. Palestinian Political Prisoners. Updated August 2008. P.6. <http://www.nad-plo.org/facts/others/Political%20Prisoners%20-%20August%202008.pdf>.
11. SARRAJ, EYAD EL, ABDEL HAMID AFANA, SAMIR QOUTA 2007. Mental Health Needs in Palestine. Available at: <http://www.odihpn.org/report.asp?id=2663>.
12. *ibid.*

Refugees



There are a total of 4,618,141 registered Palestinian refugees in the Middle East(7) and an estimated 5.5 million Palestinian Refugees worldwide, making them the largest refugee population anywhere in the world(12).



On 29 November 1947, the United Nations General Assembly (UN GA) passed Resolution 181, endorsing a partition plan to divide the land of historic Palestine between the Jews and Arabs. War ensued and resulted in the state of Israel being created on 78% of the total area of historic Palestine (1). The plan was rejected by the wider Arab world.

During the ensuing war of 1948, over 750,000 Palestinians (75% of the Arab population in Palestine) were displaced and dispossessed of their homes and land, creating what has become the largest refugee population in the world. Some 531 villages and towns were destroyed, amounting to estimated total losses of 209 billion USD (2).

The majority remained in the West Bank and the Gaza Strip, but a large number fled to neighboring countries; Jordan, Lebanon and others throughout the world (3).

40,000 Palestinians were internally displaced within the new Israeli state. Many lost their homes and land and few were allowed to return despite the fact that they would later become Israeli citizens (4).

During the 1967 “Six-Day War”, Israel forcefully annexed the West Bank and Gaza Strip; and 240,000 Palestinians were uprooted. In addition, approximately 95,000-193,500 refugees from 1948 who had been living in the West Bank and Gaza Strip became refugees for the second time (5).

Since 1967, another 400,000 Palestinians have been displaced from the occupied Palestinian territories due to Israeli policies. These policies include home demolitions, settlements and wall construction as well as revocation of residency rights and deportation of Palestinians (6).

Following the 1948 Arab-Israeli conflict, UNRWA, the United Nations Relief and Works Agency for Palestine Refugees in the Near East, was established by United Nations General Assembly resolution 302 (IV) of 8 December 1949 to carry out direct relief and works programmes for Palestine refugees. The Agency began operations on 1 May 1950. In the absence of a solution to the Palestine refugee problem, the General Assembly has repeatedly renewed UNRWA’s mandate, most recently extending it until 30 June 2011 (5).

UNRWA defines Palestine refugees as being “persons whose normal place of residence was Palestine between June 1946 and May 1948, who lost both their homes and

THE FACTS:

** Registered Palestinian Refugees in the Middle East total 4,618,141 (7).

** Estimated Palestinian Refugees worldwide 5.5 million (12).

** The war in 1948 resulted in over 750,000 Palestinian refugees (2).

** The 1967 “Six-Day War” a further 240,000 refugees were created (5).

** Since 1967, another 400,000 Palestinians have been displaced (6).

means of livelihood as a result of the conflict.” UNRWA’s definition of a refugee also covers the descendants of persons who became refugees in 1948 (6).

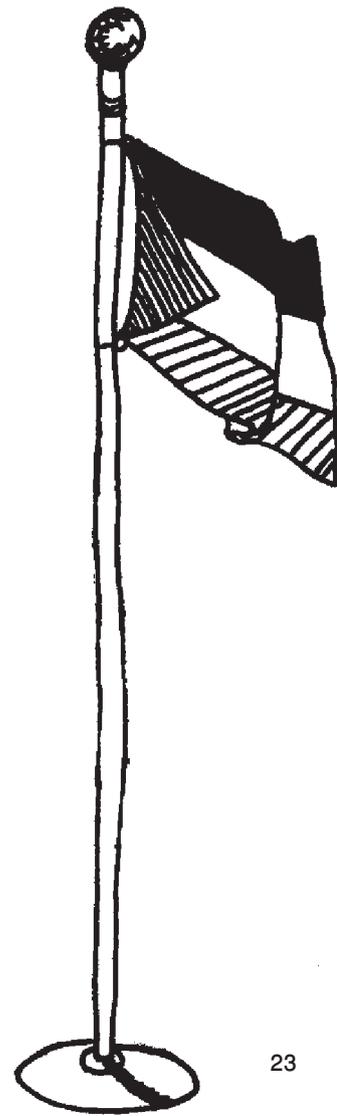
At the end of June 2008, there were a total of 4,618,141 refugees registered with UNRWA; 1,930,703 in Jordan, 416,608 in Lebanon, 456,983 in Syria, 754,263 in the West Bank, and 1,059,584 in the Gaza Strip (7).

One-third of the registered Palestine refugees, about 1,3 million, live in 58 recognized UNRWA refugee camps in Jordan, Lebanon, Syria and the West Bank and Gaza Strip. The other two-thirds of registered refugees live in and around the cities and towns of the host countries, the West Bank and Gaza Strip, often in a close vicinity to the official camps (8).

The socio-economic conditions in the refugee camps are generally poor with high population densities, cramped living conditions and inadequate basic infrastructure such as roads and sewers (9).

The rights of the refugees vary from one host country to another; whereas in Jordan all Palestinian refugees have full Jordanian citizenship (with the exception of about 120,000 refugees originally from the Gaza Strip – who are eligible for temporary Jordanian passports but who do not have the right to vote or to work with the government), the refugees in Lebanon have no social and civil rights, and have very limited access to the government’s public health or educational facilities (10).

According to UNRWA’s estimates, the number of registered refugees who have returned to the occupied territories since 1967 is about 30,563 (11).



International Law

The UN GA has reaffirmed the right to return in response to the Israeli occupation since 1949 and on numerous occasions since, most recently in January 2008 (13). In addition to this, four bodies of international law dictate the right of return for Palestinians; humanitarian law, human rights law, the law of nationality as applied to state succession, and refugee law (14).

UN GA Resolution 194 (III) states that refugees and their descendants have a right to compensation and repatriation to their original homes and land due to 'loss of or damage to property (.)' The Resolution defined three distinct rights: return to their homes, restitution of their property and/or compensation, and has been reaffirmed every year since 1948 (15).

The Fourth Geneva Convention (Article 49) prohibits "individual or mass forcible transfers...regardless of their motives" and calls for evacuated persons to be "transferred back to their homes as soon as hostilities in the area of question have ceased." (16)

Universal Declaration of Human Rights (Article 13) reaffirms that "Everyone has the right to leave any country, including his own, and to return to his country" (17).

Annapolis

Throughout negotiations refugees have been a major sticking point. Following the failure of the Oslo Accords, the international media put the blame on the doorstep of PA head Yasser Arafat and his refusal to give up the refugee right of return.



The controversy concerning refugees has not faded with time. On March 30th, 2008, nearly four months into the Annapolis negotiations, Ehud Olmert stated in an interview with the Jerusalem Post that:

"I will never accept a solution that is based on their (Palestinian refugees) right to return to Israel, any number...I will not agree to accept any kind of Israeli responsibility for the refugees. Full Stop. It is a moral issue of the highest level. I do not think we should

accept any kind of responsibility for the creation of this problem" (18).

Neither side is moving from these positions, at least publically. Meanwhile nearly 5.5 million refugees have been asked to remain patient and let their rights become bargaining chips in the negotiating process.

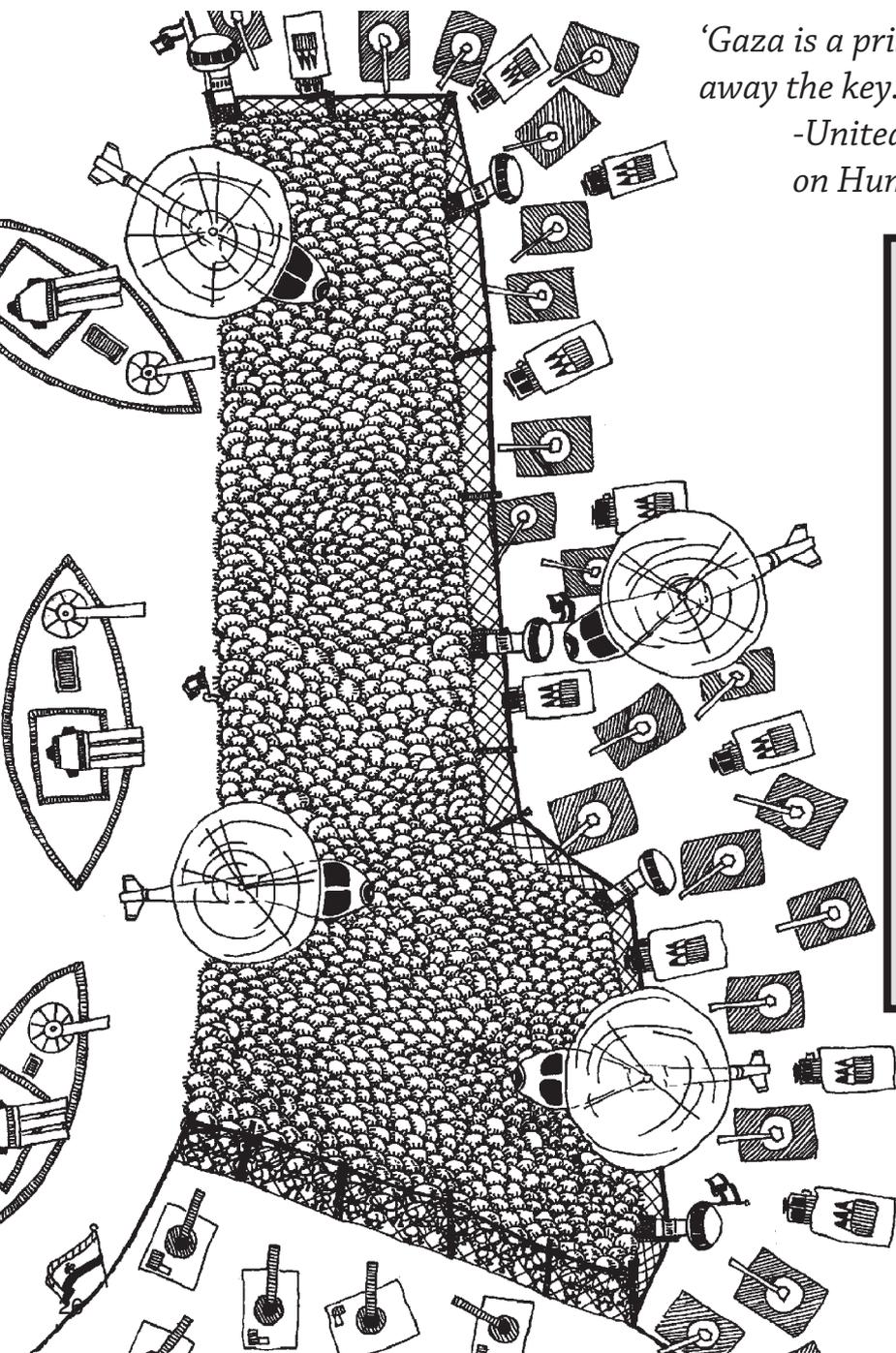
Endnotes

1. PLO Negotiations Affairs Department. Palestinian Refugees. May 2008. Available Online at: <http://www.nad-plo.org/facts/refugees/Palestinian%20Refugees.pdf>
2. Palestinian Academic Society for the Study of International Affairs (PASSIA). Fact sheet on Refugees. 2008. Available at: http://www.passia.org/palestine_facts/pdf/pdf2008/Refugees.pdf
3. *ibid*
4. Badil Resource Center for Palestinian Residency & Refugee rights. Survey of Palestinian refugees and Internally displaced persons, 2006-2007. As quoted in: PLO Negotiations Affairs Department. Palestinian Refugees. May 2008. P.2. Available Online at: <http://www.nad-plo.org/facts/refugees/Palestinian%20Refugees.pdf>
5. PLO Negotiations Affairs Department. Palestinian Refugees. May 2008. P. 2. Available Online at: <http://www.nad-plo.org/facts/refugees/Palestinian%20Refugees.pdf>
6. United Nations Relief and Works Agency (UNRWA). Who is a Palestine Refugee. Updated 2008. Available Online at: <http://www.un.org/unrwa/refugees/whois.html>
7. *ibid*.
8. UNRWA. Where do the Refugees live? Updated 2008 Available at: <http://www.un.org/unrwa/refugees/wheredo.html>
9. UNRWA. Refugee Camp Profiles. Updated 2008 Available at: <http://www.un.org/unrwa/refugees/camp-profiles.html>
10. United Nations General Assembly. Persons displaced as a result of the June 1967 and subsequent hostilities – Report of the Secretary-General. 20 August 2008. Available at: <http://unispal.un.org/unispal.nsf/eed216406b50bf6485256ce10072f637/b5ff42e5a833a94b852574c0004df21a!OpenDocument>.
11. United Nations General Assembly Resolution 194, passed on 11 December 1948, paragraph 11.. Available at: <http://domino.un.org/unispal.nsf/9a798adbf322aff38525617b006d88d7/c758572b78d1cd0085256bcf0077e51a!OpenDocument>.
12. UNRWA (2008). 'Number of Registered Refugees' (online). Available at: www.un.org/unrwa/refugees.
13. United Nations General Assembly Resolution 194, passed on 11 December 1948, paragraph 11.. Available at: <http://domino.un.org/unispal.nsf/9a798adbf322aff38525617b006d88d7/c758572b78d1cd0085256bcf0077e51a!OpenDocument>.
14. Global Policy Forum (2004). 'Why a Right of Return is Necessary' (online). Available at: www.globalpolicy.org.
15. United Nations General Assembly Resolution 194, passed on 11 December 1948. Available at: <http://domino.un.org/unispal.nsf/9a798adbf322aff38525617b006d88d7/c758572b78d1cd0085256bcf0077e51a!OpenDocument>.
16. Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949, article 49. Available at: <http://www.icrc.org/ihl.nsf/385ec082b509e76c41256739003e636d/6756482d86146898c125641e004aa3c5>.
17. Universal declaration of Human Rights. Adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948. Available at: <http://www.un.org/Overview/rights.html>.
18. Ehud Olmert, 2008. Jerusalem Post Interview concerning Refugees and the Annapolis Process. March 30th, 2008.

The Gaza Strip

'Gaza is a prison and Israel seems to have thrown away the key.'

-United Nations Special Rapporteur on Human Rights, John Dugard



THE FACTS:

**Total Population - 1,500,202 (1)

**Population Density - 4117 per sq km (2).

**Fertility Rate - 5.19 children/woman (6)

**Total Refugees - 1,059,584 (3).

**Refugees as % of Population - 70% (4).

**Unemployment - 45.5% (7)

**Average Age - 17.2 years (5) -some estimates have put the median age at 15.3.

**Life Expectancy - 73.16 years (9)

**% dependant on foreign aid - 86% (8)

1948 Arab-Israeli War - Gaza Strip's boundaries were defined by the 1949 Armistice and placed under Egyptian rule to be held in trust for a future Palestinian state.

1956 Suez-Sinai War - The Gaza Strip was occupied by Israel. A year later they withdrew their troops and a UN Emergency Force was placed in the Gaza Strip.

1967 War - Israel recaptured the Gaza Strip on June 5th. In November of the same year, UN Security Council called for the 'withdrawal of Israeli armed forces from territories occupied in the recent conflict' (10).

1970 - The first settlement, Kfar Darom, was built in the Gaza Strip. The Israeli settlement movement continued to expand as did confrontations between settlers and Palestinians.

1987 - The first Palestinian Intifada and Hamas, an Islamic Resistance Movement, begin in Gaza. The Intifada comes to an end with the signing of the Oslo Accord and establishment of the PA in 1993.

2000 - The Camp David Summit renewed hopes for peace until Ariel Sharon's visit to the al-Aqsa Mosque sparks the Second Intifada in September.

2005 - Ariel Sharon 'disengages' from the Gaza Strip in September - unilaterally and without consultation or coordination with the the Palestinian Authority. Though the settlers are gone, Israel maintains effective control of the Strip.

2006 - Hamas wins the January Parliamentary Election by a landslide. Israel and the international community place sanctions on Palestine and withhold VAT. Tensions grow within Palestine between factions.

2007 - Violent clashes erupt between Fatah and Hamas in Gaza, resulting in Hamas securing control of the Strip. Egypt responds by sealing off the border (11).

2008 - On January 17th Israel sealed off the borders to Gaza following a rise in rocket attacks. They retain full control over the amount of medical supplies, food and fuel imported to the Gaza Strip by land or sea (12). In June 19th, Israel and Hamas agreed to a ceasefire. As this goes to print, they are fighting again (Nov).



Constant Crisis in Gaza

The Gaza Strip has been facing a humanitarian crisis ever since April of 2006, when border closings and the lack of foreign aid caused a severe shortage of fuel, foods and medical care. Gazans suffer shortages of essential commodities and the rise in market prices has made it difficult for families to have an adequate, healthy and balanced diet.

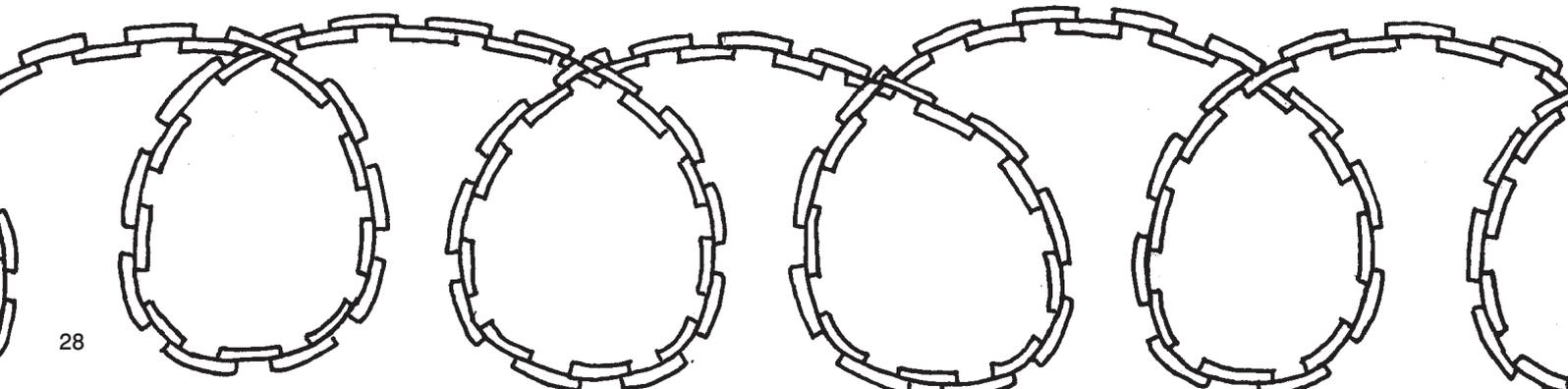
The Karni crossing, which serves as the main conduit for commercial goods into Gaza, has been closed since June 13th, 2007. This has devastated the Gazan economy. "In June 2007, there were 748 truckloads of exports leaving Gaza for Israel and other countries. A month later there were none" (13).

In Gaza over 80% of Palestinians are now depending on foreign aid compared to 63% of 2006 (14). Unemployment in Gaza is close to 40% and is set to rise to 50%. The private sector – that generates 53% of all jobs in Gaza is crumbling (15).

The health sector remains unstable as the severe lack of fuel causes power cuts. According to the July 2007, UNRWA Gaza Situation Report, primary and secondary health care facilities are still functioning despite shortages of electricity and supplies such as X-ray film, laboratory kits, patient beds and examination tables. However there are ongoing shortages of chronic disease drugs and anaesthetics, and a considerable portion of equipment and machines are out of order, overloading the remaining capacity of hospitals (16).

WHO reports that at least 51 people have died from October 2007-July 2008 as a direct result of not being able to access medical care outside Gaza – among these were 11 children (17).

The fuel shortage and the lack of spare parts required to repair and upgrade Gaza's wastewater treatment plants have forced the Coastal Municipalities Water Utility to continue dumping approximately 84,000 m3 of raw and partially treated sewage into the Mediterranean Sea each day (18).



Connecting Gaza and the West

One of the most complex aspects of the peace process has always concerned the necessity for a link between the West Bank and Gaza Strip. A series of proposals and ideas have been floated. One suggesting a land corridor between the two which would be 'bought' in land swaps with Israel coming from the West Bank; another a bridge; and still another suggests building a tunnel. The geographical complexities of the issue have kept negotiators and their advisors up at night.

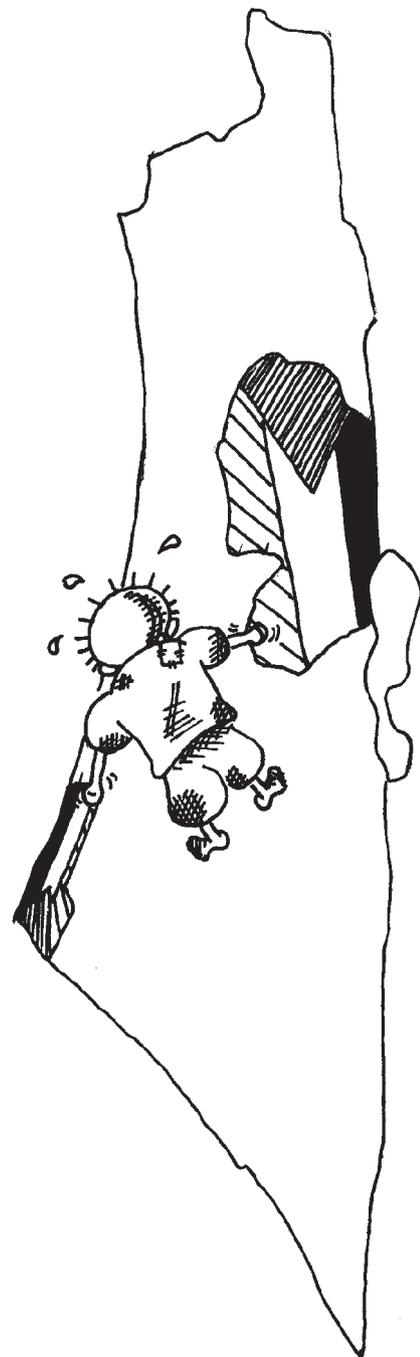
What has kept the rest of us awake is the way in which the Gaza and the West Bank can be reunited politically and socially following the tragic schism of 2007. While the PA was at work preparing itself for negotiations on the geographic complexities, it quickly became clear that moving forward in the peace process with Israel hinged upon prior national reconciliation and the formation a national unity government.

Sporadically throughout 2008, attempts were made to bring the two major factions together, but it was not until the closing months of the year (as this goes to print) that there appeared to be any sort of breakthrough.

Reconciliation will not however make negotiations any easier. In fact, allowing Hamas any say in the process might cause Israel to reject them on the premise that the party are neither part of the PLO nor credible partners for peace.

Because of these conflicting realities, 2009 promises to be a very delicate year. The PLO and PA are now clinging to an emergency mandate that began in 2007. The legitimacy of the emergency government has been questioned throughout, but maintains its hold on power through the promise of being able to make tangible improvements in people's lives by moving towards a negotiated two-state settlement.

The inability to do so will increase support for Hamas. Furthermore, not co-opting Hamas into the process gives them immense power to disrupt progress. Meanwhile the people of the West Bank and Gaza Strip drift further and further apart.



Endnotes

1. CIA World Fact Book, 2008. Available at: <https://www.cia.gov/library/publications/the-world-factbook/geos/gz.html>.
2. *ibid.*
3. UNRWA. Available at: <http://www.un.org/unrwa/publications/index.html>. For further reading, see the section; Selected refugee statistics.
4. *ibid.*
5. CIA World Factbook. Gaza Facts. Available at: <https://www.cia.gov/library/publications/the-world-factbook/geos/gz.html>.
6. *ibid.*
7. Palestinian Monetary Authority, Palestinian Central Bureau of Statistics, Palestinian Economic Policy Research Institute. August 2008. Palestine Economic and Social Monitor. Volume 13. p1.
8. *ibid.*
9. CIA World Factbook. Gaza Facts. Available at: <https://www.cia.gov/library/publications/the-world-factbook/geos/gz.html>.
10. Security Council Resolutions – 1967, see UN Resolution 242 Available at: <http://www.un.org/documents/sc/res/1967/scres67.htm>.
11. For a further information on the border issue between Egypt and the Gaza strip please see; Dunn, Michael 2008, "Egypt's Quandary Over the Gaza Border", Middle East Institute, MEI Commentary, January 30, 2008. Available at: <http://www.middleeastinstitute.org/commentary/egypt-quandary-gaza-border>.
12. OCHA oPt 2008, "The Humanitarian Monitor", Issue 29, 2, September 2008.
13. OXFAM, 2008: "The Gaza Strip: A Humanitarian Implosion", March 2008. For additional information on the truckloads leaving and entering Gaza, please see; OCHA oPt 2008, "The Humanitarian Monitor", Issue 29, 5, September 2008.
14. OCHA Special Focus. "The closure of the Gaza Strip: the economic and humanitarian consequences", December 2007
15. OXFAM, 2008: "The Gaza Strip: A Humanitarian Implosion", March 2008
16. OCHA oPt 2008, "The Humanitarian Monitor", Issue 27, 7, July 2008
17. WHO 2008, "Access of Patients to Specialized Medical Services, Summary situation, July 2007- July 2008."
18. *ibid.*

Throughout the Israeli military occupation of Palestine since 1967, Palestinians from all walks of life have been illegally detained by Israel. Since 1967, over 700,000 Palestinians have been detained - totalling approximately 20% of the total Palestinian population remaining within the oPT (1). The majority of those detained are male, meaning that the number constitutes approximately 40% of the total male Palestinian population in the oPT (2). This places Palestine among the leaders of another gruesome statistic - as one of the most imprisoned peoples on earth. The irony, as opposed to nations such as China or the United States, is that Palestinians are not incarcerated by their own government.

The arrest and detention of Palestinians living within the oPT is governed by a wide-ranging set of Israeli military regulations that control every aspect of Palestinian civilian life. There are over 1,500 of said military regulations governing the West Bank and over 1,400 governing the Gaza Strip. Often Israeli military commanders in particular regions issue military orders which remain unknown by the Palestinian population subject to them, who in turn find out only once they are implemented or 'broken' (6).

Despite the illegality of Israel's detention policy in the occupied Palestinian Territories, the international community has largely stood silent for fear of offending the much more economically and militarily powerful Israel. The silence becomes deafening when one considers the amount of evidence compiled concerning the treatment of Palestinian detainees at the hands of their captors. According to Israeli, Palestinian and international human rights organizations, Israel routinely utilizes torture.

Throughout the Annapolis process, prisoners have played a key role in what are called 'confidence building measures' where a certain amount of prisoners are released back to the Palestinian Authority in exchange for promises or good behavior. Somewhat cynically, there have been more Palestinians imprisoned throughout the last year than there have been released as part of these measures.

THE FACTS:

**Prisoners are held in the approximately 30 detention centers (21 prisons, 5 detention, 4 interrogation centers, and at least 1 secret interrogation facility) located within the 1967 borders of Israel (3).

**The figures of Palestinian detainees vary between sources. ICRC is following-up on roughly 10,500 prisoners (October 2008); whereas Addameer, who get their data from HaMoked, who in turn get their data from the Israeli Prison Service, estimate that there are 9,493 Palestinian prisoners held by Israel (4).

**Out of the 9,493 – 750 are administrative detainees, 349 are aged 18 and under, and 75 are female. Israel also detains 47 Palestinian parliamentarians. According to the Israeli Government 70% of prisoners have "blood on their hands". The political make-up of prisoners is: 44% Fatah, 26% Hamas, 14% Islamic Jihad, 5% Popular Front, 1% Democratic Front, and 10% are undefined (5).

Israeli Regulations

The majority of Palestinian political prisoners are charged with offenses under Israeli military orders. There are approximately 1,500 military regulations that govern the West Bank, and 1,400 governing the Gaza Strip (6). These orders carry a broad definition of “security” and they ban, amongst other things, political expression.

As stated previously, the issuance of new orders usually remains unknown and only become apparent when they are implemented. For example, according to Military order 101 it is “forbidden to conduct a protest march or meeting (grouping of ten or more where the subject concerns or is related to politics) without permission of the Military Commander”. The distribution of political articles and pictures with “political connotations” is also forbidden under the same order (7).

Furthermore, according to Military Order 938 “supporting a hostile organization by holding a flag or listening to a nationalist song” is considered a “hostile action” (8). Because of Israel’s wide definition of “security”, Palestinians can be arrested or imprisoned for practically any form of public activity, regardless of whether or not they actually present any legitimate security threat to Israel.

Process of Detention and Release

The arrest can happen anywhere: at home, on the street or at Israeli checkpoints. In most cases the arrests happen during house raids, often conducted after midnight, and in which no reason is given for the detention. The soldiers frequently open fire against the building before entering, raid the family homes, beat the family members or use them as human shields during the arrest. Arrest is often carried out in a humiliating way; the person is either beaten or forced to strip in public, before being taken away to a location undisclosed to either the detainee or their family (9).

Often at politically convenient moments, the Israeli authorities agree to high-profile prisoner releases. A recent example was on August 25th, 2008, when 198 prisoners were released. According to the Israeli Ministry of Foreign Affairs this was a unilateral move to release “convicted terrorists” - all of whom came from the ranks of those factions that support the leadership of PA President Abbas” in the “hope of promoting dialogue with those pragmatic Palestinians who are both engaged in diplomacy with Israel and opposed to terrorism” (10).

However, statistics show that in August alone, another 338 Palestinians were arrested (11). Also, in 2005 Israel released some 900 prisoners, while during the year they captured an additional 1000 (12).

Administrative Detention

Administrative detention is detention without charge or a trial, and is authorized by administrative order rather than by judicial decree.

Administrative detention is allowed under international law to prevent the danger posed to a state by a specific individual. However, since Israel has never defined the criteria for what constitutes “state security”, its use of administrative detention is in clear violation of international law.

Under Israeli law (Military Order 1229, of 1988) administrative detention orders may last for up to six months, with no trial or charges brought. While detainees can appeal the detention, neither they nor their lawyers are allowed to see the evidence or know the reason for the detention, thereby making it very difficult for them to counter the allegations against them (13).

Israel regularly renews the detention orders and may do so a number of times, thus holding the Palestinian prisoner(s) indefinitely (14).

One of the longest Palestinian administrative detainees remained in custody for over 8 years, without being charged for a crime (15).

In 2007, Israel held a monthly average of 830 administrative detainees, which was 100 higher than the monthly average in 2006 (16).

International Law

On July 6th, 1951 Israel ratified their membership in the both the third and fourth Geneva Conventions concerning the treatment of captured prisoners of war and the protection of civilians during times of war respectively.

Despite the very clear and concise implications of these treaties, Israel has breached their obligations on numerous occasions according to a number of credible local and international human rights organizations. Israel has been found to be in contravention to nearly every article of the conventions including treatment, process of detention and even location of detainees.

For instance, the transfer of detainees to prisons located within Israeli territory is illegal according to The Fourth Geneva Convention which states that “Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein”.

Furthermore, the detention of the prisoners inside Israel also infringes the right of the detainees to receive family visits as these are at best very difficult and more often than not impossible. The majority of residents from the West Bank are denied entry into Israel even for a short visit; and all visits for families from Gaza to their relatives detained in Israeli prisons have been suspended since June 2007 (17).

Torture

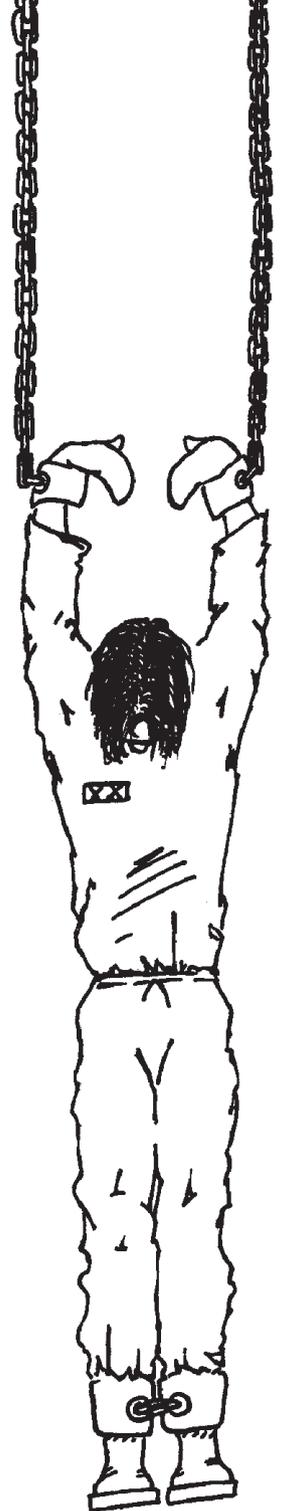
Following their arrest by Israel, Palestinian detainees are often beaten and stripped in a humiliating manner inconducive to cultural norms. The interrogation is then carried out in an inhumane and degrading way, which often amounts to torture. Although the Israeli High Court outlawed in September 1999 the use of various methods of torture by the Israeli Security Agency, the practice remains widespread. According to Israeli Human Rights Group B'tselem, up to 85% of Palestinian detainees are subject to torture (18).

Methods of torture include: sleep deprivation, tying a detainee to a chair in painful positions, beating, slapping, kicking, threats, verbal abuse and humiliation, bending the body in extremely painful positions, intentional tightening of handcuffs, stepping on worn manacles, application of pressure to different parts of the body, forcing the detainee to squat in a painful position, choking and other forms of violence and humiliation (eg spitting and pulling hair out). Ill treatment in solitary confinement includes: sleep deprivation, exposure to extreme heat and cold, continuous exposure to artificial light, and confinement in inhuman conditions (18).

Furthermore, the prison conditions are appalling; many detainees are accommodated in tents which are extremely hot in the summer and cold in the winter. There is serious overcrowding and the food is poor, resulting in high rates of anaemia among prisoners (19).

“It would be better to drown these prisoners, in the Dead Sea if possible, since that’s the lowest point in the world.”

-Former Israeli Deputy Prime Minister Avigdor Lieberman speaking on the release of Palestinian prisoners.



Child Prisoners

According to the military regulations in force in the occupied Palestinian Territories, a child over the age of 16 can be considered as an adult, contrary to the definition of a child as being under 18 in the UN Convention on the Rights of the Child (to which Israel is a signatory).

In practice however, children as young as 12 have been charged and sentenced in Israeli military courts. Between the ages of 12-14, children can be sentenced for offenses for a period of up to 6 months. After the age of 14, Palestinian children are tried as adults. There are no juvenile courts, and children are often detained in centers together with adults (20).

This is again in direct contravention with the UN Convention on the Rights of the Child which states that “every child deprived of liberty shall be separated from adults unless it is considered in the child’s best interest not to do so” (21).

Between September 2000 and August 2008, an estimated 6,700 Palestinian children were arrested and detained in Israeli prison facilities and treated in the same manner as adults (22).

Endnotes

1. United Nations Human Rights Council. Human Rights Situation in Palestine and other occupied Arab Territories. Available Online at: <http://daccessdds.un.org/doc/UNDOC/GEN/G08/402/29/PDF/G0840229.pdf?OpenElement>. January 2008.
2. Addameer Prisoner Support and Human Rights Association. Addameer Fact Sheet: The Palestinian Prisoners of Israel. Last updated September 2008.
3. *ibid.*
4. *ibid.*
5. Israeli Prison Service. Israeli Prison Service. Available Online at: http://www.ips.gov.il/NR/rdonlyres/CD985B51-45D2-4FE8-9638-0C7EF008316A/0/Shabas_Id_Eng_08.pdf. June 2008.
6. Addameer. Addameer Fact Sheet: The Palestinian Prisoners of Israel. Last updated September 2008.
7. Military Order 101, Concerning prohibition of incitement and hostile propaganda (1967) as cited in PLO Negotiations Affairs Department. Palestinian Political Prisoners. Available online at: <http://www.nad-plo.org/facts/others/Political%20Prisoners%20-%20August%202008.pdf>. Updated August 2008.
8. PLO Negotiations Affairs Department. Palestinian Political Prisoners. Available Online at: <http://www.nad-plo.org/facts/others/Political%20Prisoners%20-%20August%202008.pdf>. Updated August 2008.
9. *ibid.*
10. Israel Ministry of Foreign Affairs. Behind the Headlines: Israeli release of Palestinian prisoners. 25 August 2008. <http://www.mfa.gov.il/MFA/About+the+Ministry/Behind+the+Headlines/BTH+Israel+releases+Palestinian+prisoners+25-Aug-2008.htm> Accessed 28 October 2008.

Endnotes cont...

11. PLO Negotiations Affairs Department. Monthly Summary of Israeli Violations 1 – 31 August 2008. Published 11 September 2008. Available Online at: <http://www.nad-plo.org/pmg/pmg-month/August%202008%20report.pdf>.
12. United Nations Economic and Social Council. Question of the Violation of Human Rights in the Occupied Arab Territories, including Palestine. Report of the Special Rapporteur of the Commission on Human Rights, on the situation of human rights in the Palestinian territories, occupied by Israel since 1967. 17 January 2006. Available Online at: <http://domino.un.org/unispal.nsf/fd807e46661e3689852570d00069e918/0306124470443c948525712b006a70b7!OpenDocument>.
13. B'Tselem Israeli Information Center for Human Rights. Administrative Detention. Available Online at: http://www.btselem.org/English/Administrative_Detention/. Accessed 28 October 2008.
14. PLO Negotiations Affairs Department. Palestinian Political Prisoners. Available Online at: P.5. <http://www.nad-plo.org/facts/others/Political%20Prisoners%20-%20August%202008.pdf>. Updated August 2008.
15. Addameer. Addameer Fact Sheet: The Palestinian Prisoners of Israel. Last updated September 2008.
16. B'Tselem. Administrative Detention. Available Online at: http://www.btselem.org/English/Administrative_Detention/. Accessed 28 October 2008.
17. UNITED NATIONS GENERAL ASSEMBLY, HUMAN RIGHTS COUNCIL. Human Rights Situation in Palestine and other occupied Arab Territories. Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967m John Dugard. 21 January 2008. P. 20, para 47. <http://daccessdds.un.org/doc/UNDOC/GEN/G08/402/29/PDF/G0840229.pdf?OpenElement>
18. Reports by B'Tselem and the Public Committee Against Torture in Israel are quoted in PLO Negotiations Affairs Department. Palestinian Political Prisoners. Available Online at: <http://www.nad-plo.org/facts/others/Political%20Prisoners%20-%20August%202008.pdf>. Updated August 2008.
19. UNITED NATIONS GENERAL ASSEMBLY, HUMAN RIGHTS COUNCIL. Human Rights Situation in Palestine and other occupied Arab Territories. Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967m John Dugard. 21 January 2008. P. 20, para 47. <http://daccessdds.un.org/doc/UNDOC/GEN/G08/402/29/PDF/G0840229.pdf?OpenElement>
20. Addameer Prisoner Support and Human Rights Association. Addameer Fact Sheet: The Palestinian Prisoners of Israel. Last updated September 2008. P.3.
21. UN Convention on the Rights of the Child. Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989. Article 37 (c). Available Online at: <http://www2.ohchr.org/english/law/crc.htm>
22. Ministry of Detainees and Ex Detainees Affairs. Palestinian Child Detainees in Israeli Prisons. August 2008. As quoted in PLO Negotiations Affairs Department. Palestinian Political Prisoners. Updated August 2008. P.6. <http://www.nad-plo.org/facts/others/Political%20Prisoners%20-%20August%202008.pdf>.



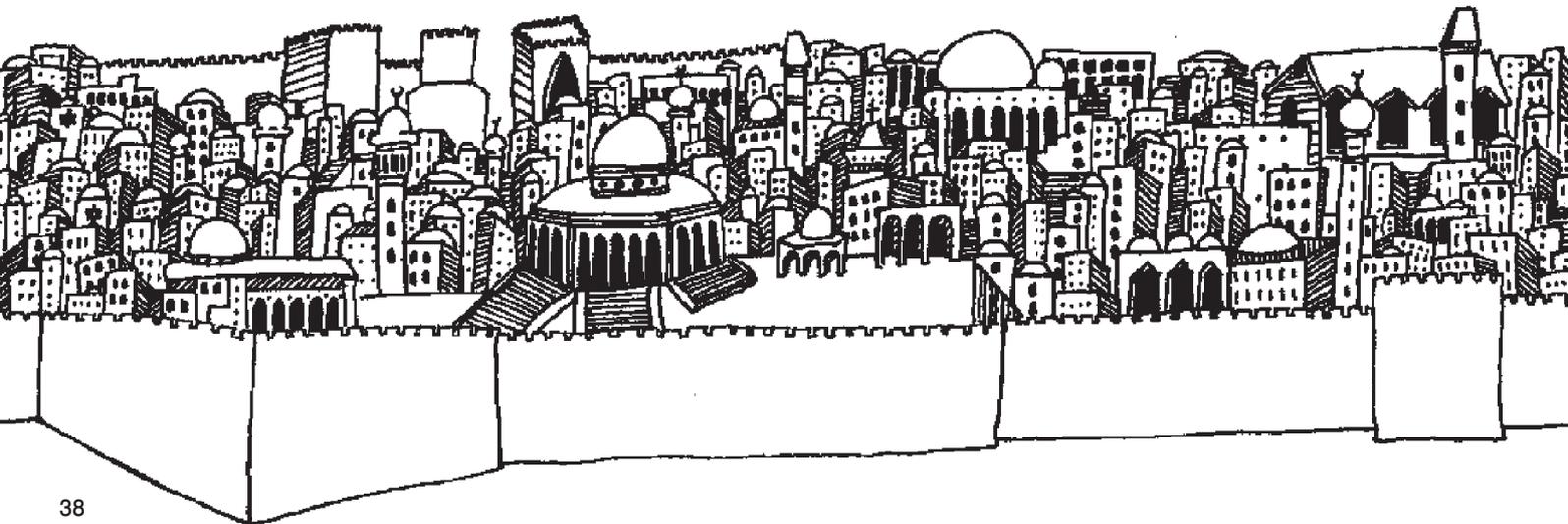
East Jerusalem

In the 1947 UN Partition Plan (See rear inside cover) Jerusalem was declared a 'corpus separatum' to be placed under a special international regime administered by the UN. The UN Partition Plan was not accepted by Palestinians, nor the larger Arab world, resulting in the 1948 war in which Israel captured up to 85% of the city, primarily in the west, while the Jordanian army held onto 11% primarily in the east. The remaining 4% was considered 'no man's land'.

64,000-80,000 Palestinians were forcibly expelled from their homes in West Jerusalem and 40 of the surrounding villages, which were destroyed by Israeli forces to preclude the return of their inhabitants. The property, homes and possessions of Palestinians who fled were considered 'left' by the previous inhabitants under Israel's 1950 Absentee Property Law and transferred to the Israeli state.

The remaining 15% of Jerusalem, including the 'Old City', remained in the hands of Palestinians until it too was captured by Israel in the war of 1967. After having 'unified' the city, Israel began to implement a complex series of policies and regulations meant to control or expel the remaining Palestinian population, so as to build a strong Jewish majority in the city.

In 1980, the Israeli government officially annexed East Jerusalem by amending the "Basic Law" to extend Israeli jurisdiction to the occupied area of the city. This act unofficially, but quite effectively, severed the remainder of the city from Palestinians living in either the West Bank or Gaza Strip. Travel to and from East Jerusalem today requires special permits from the Israeli authority which are often difficult or impossible to get for the majority of Palestinians.



'The 75 kilometre wall being built in East Jerusalem is an instrument of social engineering designed to achieve the Judaization of Jerusalem by reducing the number of Palestinians in the city'

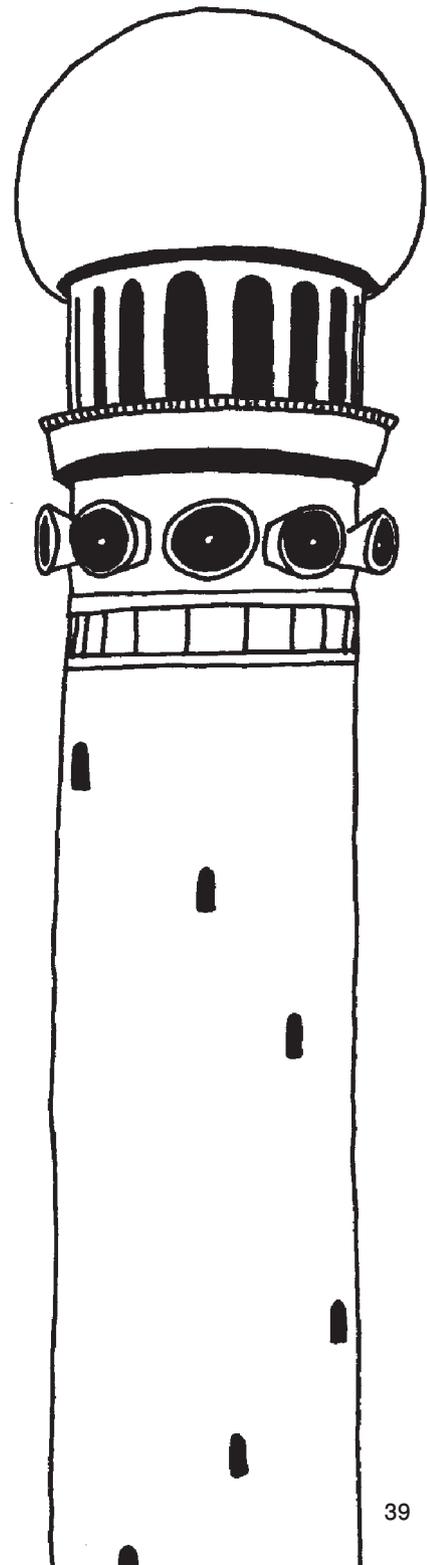
-Professor John Dugard, UN Special Rapporteur

The annexation of Jerusalem by Israel has had two important consequences for Palestinians revolving around culture and economics. Culturally and historically Jerusalem was the original capital of Islam, where the Prophet Mohammed not only began his ministry, but from where he also ascended to heaven. After the center of Islam moved to the Arabian Peninsula, Jerusalem, or 'Al Quds' as it is known in Arabic, remained its third most holy site.

Economically, the severing of Jerusalem from Palestine can be likened to the removal of the hub of a bicycle wheel. The cities of Hebron, Bethlehem, Ramallah and Nablus to name only a few, developed as suburbs over time like the spokes of a wheel - all connected to and dependant upon Jerusalem as the center of trade and commerce. The removal of the hub has left each of the spokes disconnected and economically impotent - greatly hampering the economic development of the occupied Palestinian territories.

Despite international law, and the implications that Jerusalem has for the viability of a future Palestinian state, Israel has thus far refused to put the city on the negotiating table. Many believe that this is not politically feasible in an Israeli politic in which small, extreme or religious parties are given great power in the coalition building process - powers which are effectively able to veto any negotiations or even collapse a coalition-building process as was done in October 2008.

Meanwhile it is highly unlikely that any Palestinian leader would be able to sign an accord which does not include East Jerusalem in a Palestinian state as it would exacerbate the economic challenges of state-building and deliver a heavy blow to the pride of not only Palestinians, but the entirety of the Muslim and Christian world.



Land Confiscation

THE FACTS:

**A 2006 study estimated that 62% of Palestinians in East Jerusalem live in poverty, as compared with 23% of Jewish families in East Jerusalem (22).

**In 2005 the Arab and Jewish birth-rates in Jerusalem were equivalent at 3.9 children per woman (22).

**In the first three years of occupation, Israel confiscated 18270 dunums (18,27 sq kms) of Palestinian land (4).

**By 1991 that number had reached 23378 dunums (23,4 sq kms) (5).

**By 2007, the Wall resulted in the confiscation of land belonging to 19.2% of Palestinian families in Jerusalem (6).

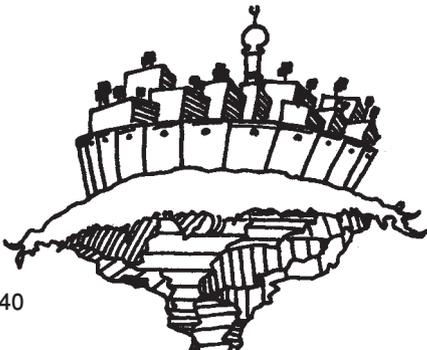
**From 1967 until the end of 2006, Israel had revoked the residency rights of around 8,269 Palestinian Jerusalemites (12).

In the 1949 Armistice Agreement Jerusalem was divided between Israel in the West and the Jordanian East Jerusalem. In 1950 the 'Absentee Property Law' was passed transferring all property considered 'abandoned' during the war, to the Israeli state. In the late 1980's a number of properties in Silwan and the Muslim Quarter in the Old City were turned over to the Custodian for Absentee Property, and then to a settler organization (1).

In June 1967, Israel unilaterally expanded the boundaries of Jerusalem by annexing some 70 sq kms to the municipal boundaries of the West Bank area and evicting "over 6,000 Palestinians from the Old City's Mughrabi Quarter (...) in order to create a plaza in front of Al-Buraq (the Western Wall)" (2).

Following the Six-Day War and the annexing of Palestine, Jerusalem was declared capital of Israel. This prompted the UN GA to pass a resolution (2253), which ordered Israel "to desist forthwith from taking any action which would alter the status of Jerusalem" (3). However Israel, in the first three years of occupation, confiscated 18270 dunums (18,27 sq kms) of Palestinian land (4) - by 1991 that number had reached 23378 dunums (23,4 sq kms) (5).

The construction of the separation Wall is also important in terms of land confiscation. By 2007, the Wall resulted in the confiscation of land belonging to 19.2% of Palestinian families in Jerusalem (6). Over the course of the occupation, Israel has expropriated over 60,000 dunums (60 sq kms) of Palestinian land in occupied East Jerusalem, all of which have been converted exclusively to Jewish use (7). This amounts to roughly 86,5% of the total land area of occupied East Jerusalem (8).



Demolition

According to the Fourth Geneva Convention as signed by Israel, an Occupying Power is prohibited from destroying property or making use of collective punishment. Article 53 states that; “Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, to the State, to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations” (9). East Jerusalem is regarded ‘occupied territory’ by the United Nations, therefore, the practice of demolishing Palestinian houses is not legal.

Israeli law, however, differs. Construction, built without an Israeli permit is considered illegal. In large parts of East Jerusalem no building permits are obtainable due to the inability to meet the conditions required. The Municipality notes that NIS 185 million is required to “promote conditions for construction in the eastern city,” and to provide infrastructure that will enable building permits to be issued. The Municipality was given NIS 9 million, but so far, no project has been launched (10).

Many Palestinian Jerusalemites choose to construct buildings without permits, which provides the Ministry of Interior and the Jerusalem Municipality the judicial pretext to demolish their homes.

It is to be noted that illegal constructions are being built in West Jerusalem, but demolition of these are seldom carried out and “if they are actually carried out, are committed against minor structures – balconies, sheds, staircases and so on – while in East Jerusalem most demolitions are of entire dwellings and multi-storey apartment buildings(.)” (11).

Residency & ID

From 1967 until the end of 2006, Israel had revoked the residency rights of around 8,269 Palestinian Jerusalemites. Losing residency means losing the right to live in Jerusalem, access to social services and the right to travel within and out of Israel (12).

Jerusalem IDs were issued to Palestinian Jerusalemites in 1967 when they refused to accept Israeli citizenship following the occupation of East Jerusalem. This would have required them to take an oath of allegiance to the Israeli state and would have meant the de facto acceptance of the occupation (13).

Jerusalem IDs entitle Palestinian Jerusalemites to all the social and economic rights granted to Israeli citizens. They are allowed to work, travel and reside anywhere in Israel. However, Palestinian ‘permanent residents’ of Jerusalem are not entitled to an Israeli passport and they are not allowed to participate in Israeli national elections. They do have the right to participate in Jerusalem municipal elections, but most residents choose not to, as a principled protest over the Israeli controlled East Jerusalem (14).

Jerusalem under International Law

Israel unilaterally annexed East Jerusalem in June 1967 and extended Israeli law, jurisdiction, and administration to this part of the city. In 1980, the Knesset passed the Basic Law, which declared Jerusalem the Capital of Israel, including East Jerusalem (15). In response to Israel's expansion of the Jerusalem borders, UNSCR 252 of 1968 states that the Security Council "Considers that all legislative measures by Israel, including expropriation of land and properties thereon, which tend to change the legal status of Jerusalem are invalid and cannot change that status" (16).

In response to Israel's annexing of occupied East Jerusalem, UNSCR 476 of 1980 states that the Security Council "Reconfirms that all legislative and administrative measures and actions taken by Israel, the occupying Power, which purport to alter the character and status of Jerusalem have no legal

validity and constitute a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and also constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East" (17).

Furthermore, West Jerusalem, which was declared Israel's capital in 1949 in contravention of United Nations General Assembly Resolutions 181, which stated that; "The City of Jerusalem shall be established as a *corpus separatum* under a special international regime and shall be administered by the United Nations" (18). See Map on inside rear cover.

This point was further restated in UN General Assembly Resolutions 303 of 1949 (19). Despite these resolutions, the Judaization of Jerusalem and the oppression of the remaining Palestinians continues right into the present.

Jerusalem in the Annapolis Process

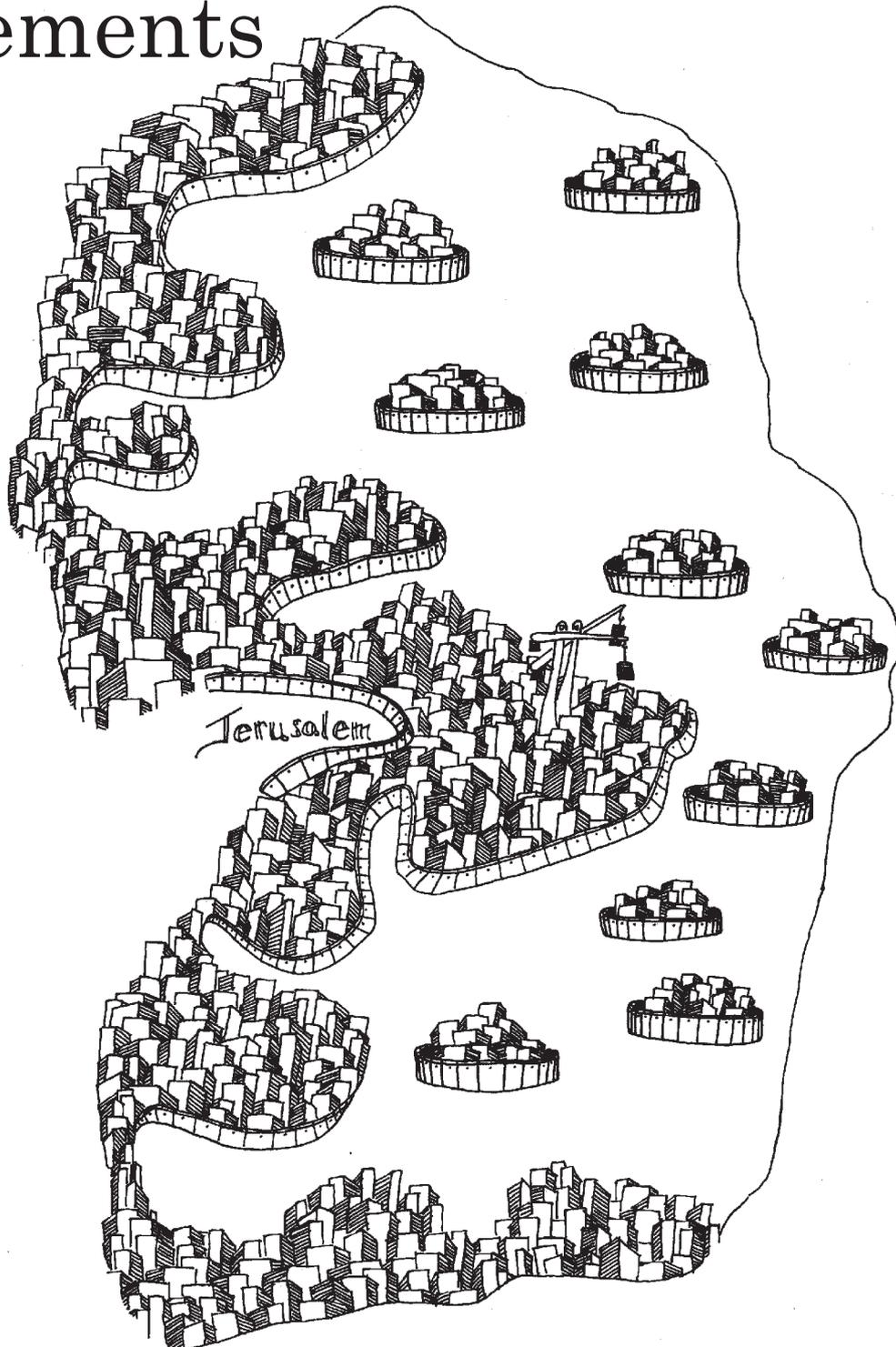
The issue of East Jerusalem was too controversial to be addressed in the Oslo Accords (1993) and left to be decided at a later stage. Since then we have seen the outbreak of the Second Intifada (2000-2007) and the continued expansion of settlements in occupied East Jerusalem, as well as the construction of the separation Wall, which encloses and divides Palestinian communities while incorporating illegal Israeli settlements on its western side (20).

In this current round of talks the issue of Jerusalem has remained controversial to say the least. Though we will perhaps never know what is discussed behind closed doors, the negotiators of both sides have publically admitted that the final status of the Holy City has not yet been discussed in the year since the launch of the Annapolis Peace Process. Even the rumor of Israeli Foreign Minister Tzipi Livni carrying on discussions concerning the partition of Jerusalem is said to have been part of the reason Kadima was unable to form a coalition in October of 2008, which in turn has frozen the peace process pending new Israeli elections.

Endnotes

1. Ir Amim 2005, "The Absentee Property Law in East Jerusalem: Recent Developments and their Significance".
2. PASSIA, "Special Bulletin – Jerusalem", p3, 2002.
3. United Nations General Assembly Resolution 2253, art. 2, "Measures taken by Israel to change the status of Jerusalem" July 1967.
4. PASSIA, "Special Bulletin – Jerusalem", p3, 2002
5. B'tselem, "East Jerusalem – Statistics on land expropriation in East Jerusalem", table available at; http://www.btselem.org/english/Jerusalem/Land_Expropriation_Statistics.asp.
6. Shabaneh, Luay "Palestine - Israel Journal of Politics, Economics & Culture" 2007, Vol. 14 Issue 4, p103.
7. United Nations, "Committee On the Exercise of the Inalienable Rights of the Palestinian People", The Status of Jerusalem, p22-23, 1997.
8. *ibid.*
9. United Nations, "Convention (IV) relative to the Protection of Civilian Persons in Time of War. Article 53." Geneva, 12 August ,1949. To read the full document, see <http://www.icrc.org> .
10. Margalit, Meir; "No Place like Home – House Demolitions in East Jerusalem", p18, 2008.
11. *ibid.*
12. Palestinian Ministry of State for Jerusalem Affairs 2005, Out of Gaza, Into Jerusalem: Israel's Threat to the Two-State Solution, August 2005.
13. PASSIA 2008, PASSIA Diary, p379 (chapter 14.2), 2008.
14. Ir Amim 2007, "The Civic Status of the Palestinian residents of East-Jerusalem".
15. Jerusalem Center for Social and Economic Rights, Legal Status of the Conflict, 2002. See the full article on; <http://www.jcser.org/english/legalstatus.html>.
16. United Nations Security Council Resolution 252, art. 2, May 1968. To read the full article, a pdf-version is available at; <http://www.un.org/documents/sc/res/1968/scres68.htm>.
17. Ir Amim 2007, "The Civic Status of the Palestinian residents of East-Jerusalem"
18. United Nations General Assembly Resolutions 181, Part III, A – The City of Jerusalem, November 1947.
19. United Nations General Assembly Resolutions 303, part I, December 1949.
20. Al-Haq (West Bank affiliate of the International Commission of Jurists, Geneva) 2005, "East Jerusalem Remains Occupied Territory Under International Law", June 2005.
21. UNDP, "Poverty in the occupied Palestinian territory - 2007", Development Times, issue No. 1, July 2007.
22. Haaretz, (Nadav Shragai) "Jerusalem's Palestinian and Jewish populations have equal fertility rates", 2007. Available at; <http://www.haaretz.com/hasen/spages/795793.html>.

Settlements



'Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, are illegal and an obstacle to peace and to economic and social development [... and] have been established in breach of international law.'

-International Court of Justice Ruling, July 9, 2004

The Israeli Settler movement has continued growing and expanding throughout the last few decades in spite of the international condemnation it has accrued for Israel, and regardless of which political party holds sway in Tel Aviv. That is to say that settlement building on the land occupied in 1967 is not a policy of either the right or the left; it is the policy of Israel. Even those in Israel who now loudly call for a swift two-state solution, for fear that it will soon become impossible, have done little or nothing to stop the expansion of settlements - even during the on-going Annapolis Peace Process.

Settlers and settlements compose one of the most difficult challenges to peace. Those who self-identify as settlers are ideologically committed to staying on their land regardless of what their government or military think. Many of these settlers have built their communities in areas far east of Israel proper and often far east of the illegal separation Wall that encloses the majority of illegal settlements. These settlers are often willing to use violence against both Israelis and Palestinians to have their way, and have stepped up their acts of terror and intimidation throughout the peace process.

Those settlers living in the blocks surrounding Jerusalem largely identify themselves as 'economic settlers', or those who have been enticed to settle in occupied lands by the variety of public and private incentives laid at their door. Ironically these settlers are the most willing to leave and repatriate back to Israel; while they are at the same time those settlements least likely to be conceded by Israel in negotiations.

It is important to remember that though the settlements and settlers themselves are significant obstacles to peace, the large security apparatus and infrastructure which unite them to Israel proper pose even more difficult challenges, as by-pass roads between settlements slice the West Bank into a series of economically and politically isolated 'bantustans'. Furthermore, settlements are often located in strategic areas which capture vital resources such as water and agricultural land.

Israel's continued insistence upon the legitimacy of the settler movement provides a tough challenge for negotiators who are able to recognize the inherent impossibility of maintaining nearly half a million hostile citizens of Israel in a future, highly incontinent Palestinian state. Regardless of this reality, the movement continues to grow stronger and more determined day by day.

THE FACTS:

**There are currently 121 Israeli settlements and approximately 102 Israeli outposts built illegally on Palestinian land occupied by Israel in 1967. All of these settlements and outposts are illegal under international law and have been condemned by numerous United Nations Security Council resolutions. Israeli outposts are considered illegal under Israeli law (1).

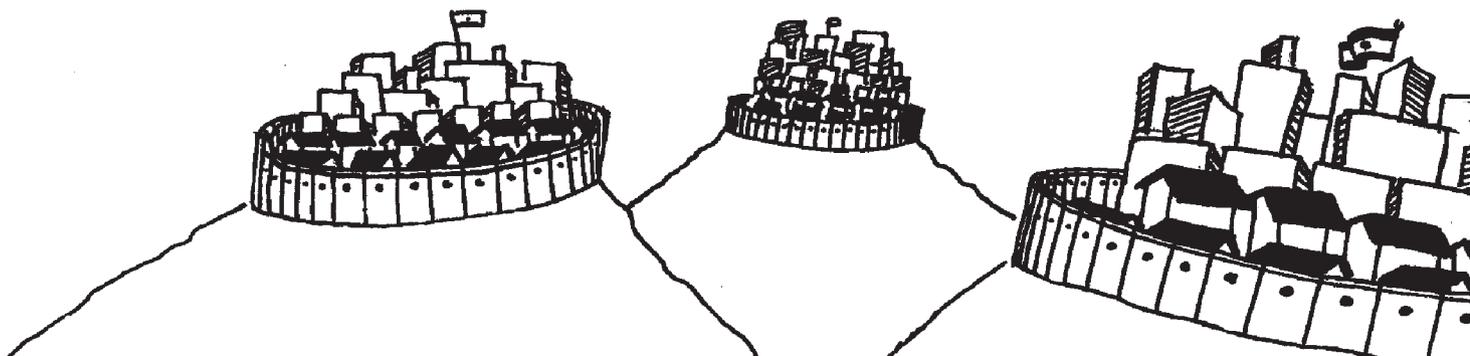
**These settlements and outposts are inhabited by a population of some 462,000 Israeli settlers. 191,000 Israelis are living in settlements around Jerusalem and a further 271,400 are further spread throughout the West Bank (2). The settler population has grown consistently between 4-6% per year over the last two decades, a much higher rate of growth than Israeli society as a whole (1.5%) (3).

**Approximately 385,000 settlers in 80 settlements will be located between the Separation Wall and the Green Line if Israel holds to projected plans (4).

**In 2008, amidst the 'settlement freeze' agreed upon in the Annapolis framework, tenders for new settlement building increased by 550% from 2007. Actual settlement construction has increased by 30% since the launching of the new round of peace talks. Settlement building around Jerusalem has increased by a factor of 38 (5).

**A total of 9,000 further housing units have been approved in East Jerusalem, and approximately 2,600 new housing units are being built east of the Separation Wall, comprising 55% of all settlement construction activity (6).

**Settlements are built on less than 3 percent of the area of the West Bank. However, due to the extensive network of settler roads and restrictions on Palestinians accessing their own land, Israeli settlements dominate more than 40 percent of the West Bank (7).



Settlement vs. Outpost

Since 1967, successive Israeli governments have established settlements in violation of international law; colonizing Palestinian territories in order to consolidate and secure control of these areas and prevent the emergence of a Palestinian state.

Originally used to describe any new Jewish development in Israel, the term 'settlements' now refers to Jewish-only housing units built in strategic areas of East Jerusalem and the West Bank, on land occupied by Israel in 1967.

Most settlements begin as 'outposts'. These are often composed of just a few families who live in caravans whilst awaiting infrastructure and financial support from the state and other sympathetic communities both inside Israel and abroad.

Of the more than 120 settlement outposts in the West Bank, 58 were established after March 2001. Only three have been dismantled since the Annapolis process began (8).

Moreover, Israel continues to speak of removing only "unauthorized" outposts (i.e., those established in violation of domestic Israeli law) and have identified only 26 which fit this description. Neither the Road Map, nor the successive UN resolutions, contain or respect Israel's domestic distinction between legal and illegal settlements or outposts (9).

By-Pass Roads

Settlements are linked to each other and to Israel by an extensive network of "bypass roads".

All bypass roads have a 50–75m buffer zone on each side, where no construction is allowed. These buffer zones have led to a great loss of agricultural and privately-owned Palestinian land.

Whilst illegally built on confiscated Palestinian land, these roads are forbidden for use by Palestinians. They consolidate Israel's creation of a system of Apartheid in the West Bank and fracture communities across Palestine.

In August of 2008 there were 794 kilometers of by-pass roads in the West Bank (10). To date it is unclear how many kilometers of road Israel is planning to build before it is finished. This is understandable within the context of the on-going negotiations and the uncertainty that they pose for the future of many settlements.

For Palestinian use there are currently a number of roads being constructed to facilitate their movement in a way which will separate them from the settlers. To date, about 40 kilometres of "fabric of life" roads, including 44 tunnels and underpasses, were completed. In addition, some five kilometres are under construction and another 40 kilometres and 18 tunnels are planned (11).

Resources

Settlements are the cause of great inequalities in access to natural resources between Israelis and Palestinians. Many settlements are built on prime agricultural land confiscated from Palestinians, or over key water resources such as the Western Aquifer basin, springs and wells.

Israeli West Bank settlers domestically consume an amazing 280 liters of water per day, per person compared to 86 liters per day available for Palestinians in the West Bank - only 60 of which are considered potable. The World Health Organization recommends a minimum of 100 liters per day – meaning that settlers utilize far more than double the water required, while Palestinians do not approach the minimum (12).

But only looking at domestic use is misleading. The brunt of water resources consumed by Israel are for farming and industrial purposes (13). When one looks at these numbers, the inequality between Israel and Palestinian resource sharing grows dramatically.

It is also misleading to look at the amount of land actually 'settled' in the West Bank (3%), as opposed to the more than 40% of West Bank residential and vital agricultural land confiscated around the settlements themselves (14).

By stealing both the land and water resources from Palestine, the Israeli settlers and the Israeli state have literally made the 'desert bloom' whilst Palestinians are left with little of their own wealth by which to compete.

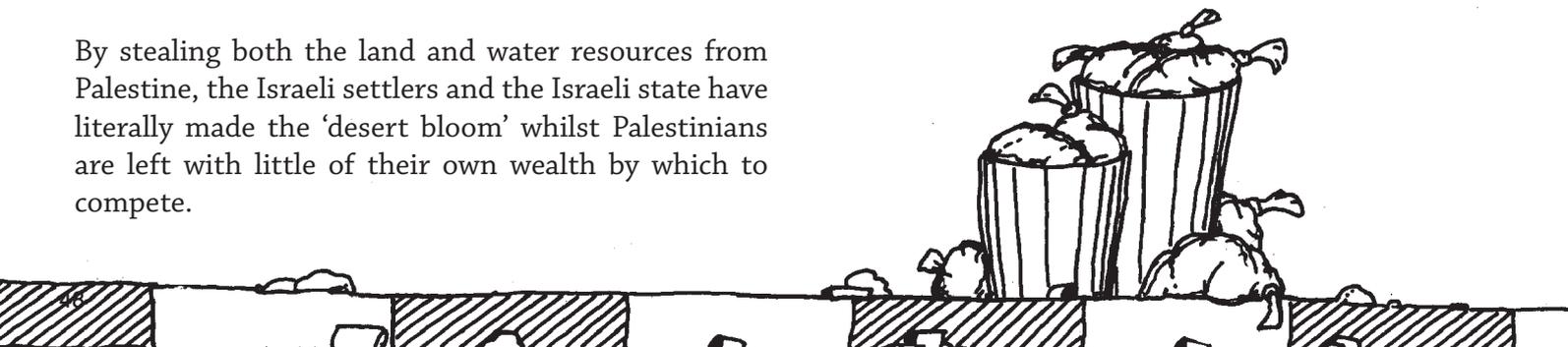
Settler Violence

Settlers often carry out violent attacks against Palestinians and their property with complete legal immunity, and often with more than implicit support from the military itself. In fact, Israeli soldiers often protect and assist settlers, and legal proceedings are rarely brought against them.

According to OCHA, 80-90% of the files opened against Israeli settlers following attacks on Palestinians and their property are regularly closed by the Israeli police without prosecution (15).

In the first eight months of 2008, there were a total of 112 people injured as a result of settler attacks. Nearly 80% of these incidents have occurred in the Hebron district (16).

However, as this book goes to print, there has been a dramatic increase in the number of settler attacks and murders coinciding with the Palestinian Olive Harvest (17). The ferocity and sheer number of such incidences have led to more calls within Israel to punish settler violence, but as of yet there has been no real effect on the ground.



Settlements and International Law

Israeli settlements are illegal under every basic reading of international law:

-Article 46 of the Hague Convention prohibits confiscation of private property in occupied territory. Article 55 of the same Hague Convention stipulates “the occupying state shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile State, and situated in the occupied country. It must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct” (18).

-Article 49, paragraph 6 of the Fourth Geneva Convention explicitly stipulates that “the occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies” (19).

-UN Security Council Resolution 465 (1980-unanimously adopted) made it clear that “Israel’s policy and practices of settling parts of its population and new immigrants” in the Occupied Territories constitutes “a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East”. The Security Council called upon Israel to “dismantle the existing settlements and in particular to cease, on an urgent basis, the establishment, construction or planning of settlements in the Arab territories occupied since 1967, including Jerusalem” (20).

-The 2004 ruling of the International Court of Justice in The Hague declared that “Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, are illegal and an obstacle to peace and to economic and social development” (21).

Settlements in the Annapolis Process

At the Annapolis Conference Israel and the Palestinians renewed their respective commitments under the Road Map. Chief among Israel’s obligations are “[freezing] all settlement activity (including natural growth of settlements)” and “immediately [dismantling] settlement outposts erected since March 2001” (22).

Despite Israel’s commitment during the Annapolis Summit to freeze all settlement activity, construction has continued and almost doubled in all of the settlements and outposts on both sides of the Separation Barrier. “Since Annapolis, Prime Minister Ehud Olmert and other senior Israeli officials have repeatedly made clear that Israel would not implement a genuine settlement freeze. Among other things, Olmert has said that Israel would continue building in settlements in and around East Jerusalem as well as in the so-called settlement ‘blocs’, thus effectively negating the very purpose of the freeze. Moreover, despite clarification by U.S. Secretary of State Condoleezza Rice that “the United States doesn’t make a distinction” between settlement activity in East Jerusalem and the rest of the West Bank, Israeli officials continue to make unilateral exemptions to their settlement freeze obligations” (23).

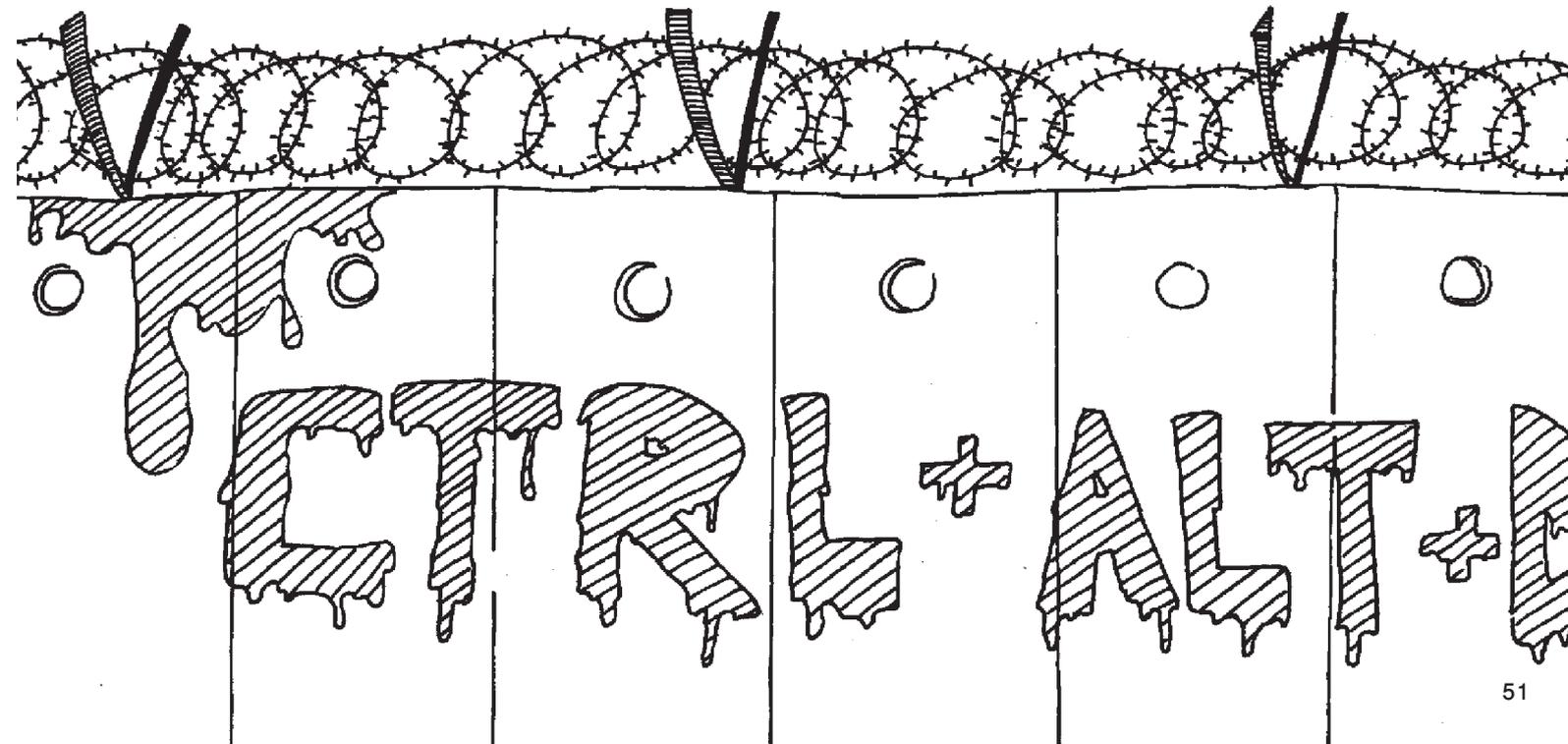
Endnotes

1. B'tselem: The Israeli Information Center for Human Rights. Land Expropriation & Settlements. Available Online at: <http://www.btselem.org/English/Settlements/>. Accessed on October 15th, 2008.
2. *ibid.* Available online at: <http://www.btselem.org/english/Settlements/Statistics.asp>.
3. *ibid.*
4. United Nations Office for the Coordination of Humanitarian Affairs, OCHA. The Humanitarian Impact of the Barrier. Available online at: <http://www.ochaopt.org/>. Updated August 2008.
5. Peace Now!, Israel is Eliminating the Green Line. Available Online at: http://www.peacenow.org.il/data/SIP_STORAGE/files/5/3775.pdf. August 2008.
6. *ibid.*
7. B'tselem: The Israeli Information Center for Human Rights. Access Denied: Israeli Measures to Prevent Palestinian Access to Land Around Settlements. Available Online at: http://www.btselem.org/english/publications/summaries/200809_access_denied.asp. September 2008.
8. PLO Negotiations Affairs Department. Israeli Settlement Activity Since Annapolis. Available Online at: http://www.nad-plo.org/listing.php?view=facts_col-sett. June 2008.
9. *ibid.*
10. Applied Research Institute in Jerusalem (ARIJ) and the Land Research Center (LRC), 2008. Monitoring Israeli Colonizing activities in the Palestinian West Bank and Gaza. Available at: http://www.poica.org/editor/case_studies/view.php?recordID=1513.
11. United Nations Office for the Coordination of Humanitarian Affairs, OCHA. Closures Update. Available Online at: http://www.ochaopt.org/documents/ocha_opt_closure_update_2008_09_english.pdf. September 2008.
12. Palestinian Hydrology Group, Closure and Siege on the Occupied Palestinian Territories, Ramallah 2003. Available at: <http://www.phg.org/>. -Numbers have been checked against the date held by the Negotiations Affairs Department which in turn relies upon the data supplied by the Israeli government.
13. *Ibid.*
14. B'tselem: The Israeli Information Center for Human Rights. Access Denied: Israeli Measures to Prevent Palestinian Access to Land Around Settlements. Available Online at: http://www.btselem.org/english/publications/summaries/200809_access_denied.asp. September 2008.
15. OCHA, 2008. The Humanitarian Monitor, n°28, August 2008. Available at: <http://www.ochaopt.org>.
16. *Ibid.*
17. United Nations Office for the Coordination of Humanitarian Affairs, OCHA. The Olive Harvest in the West Bank and Gaza Strip. Available Online at: http://www.ochaopt.org/documents/ocha_opt_fact_sheet_olive_harvist_2008_10_15_english.pdf. October 2008.
18. The Hague Convention, 1899. Available at: http://avalon.law.yale.edu/19th_century/hague02.asp#art49.
19. The Fourth Geneva Convention, 1949. Available at: http://www.jewishvirtuallibrary.org/jsource/History/Human_Rights/geneva1.html
20. UN Security Council Resolution 465, 1908. Available at: <http://domino.un.org/unispal.nsf/db942872b9eae454852560f6005a76fb/5aa254a1c8f8b1cb852560e50075d7d5!OpenDocument.w>
21. International Court of Justice, 2004.
22. Middle East Quartet, 2005. The Roadmap for Peace, 2005. Available at: news.bbc.co.uk/2/hi/middle_east/2989783.stm
23. PLO Negotiations Affairs Department. Israeli Settlement Activity Since Annapolis. Available Online at: http://www.nad-plo.org/listing.php?view=facts_col-sett. June 2008.

The Wall

'The construction of the wall being built by Israel...in the occupied Palestinian Territory, including in and around East Jerusalem...is contrary to international law. Israel is under obligation...to dismantle forthwith the structure...and make reparation for all damage caused'

-International Court of Justice Advisory Opinion, July 9, 2004



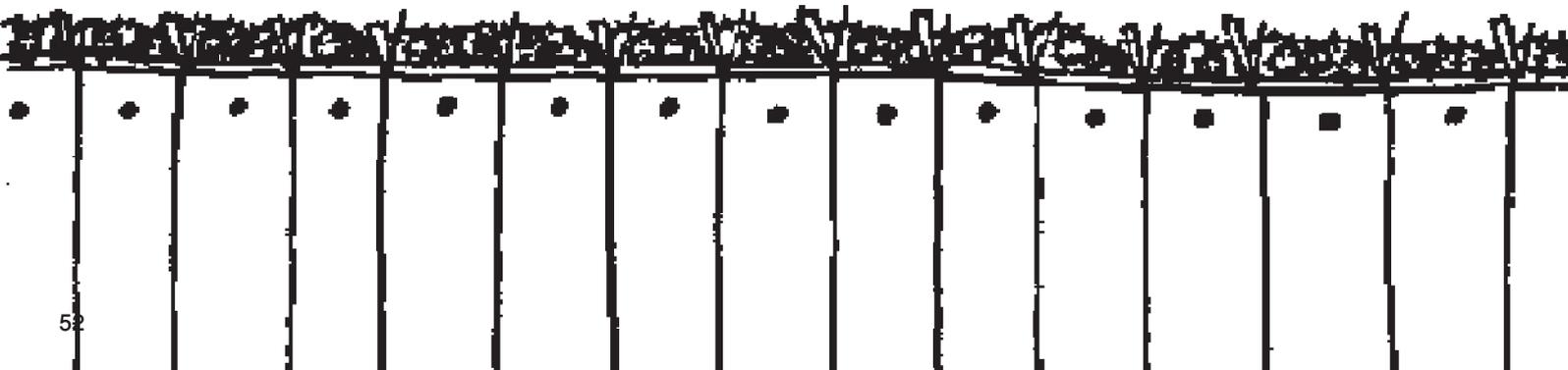
The construction of Israel's Separation Wall began on the 16th of June, 2002 and consists of a series of 25-foot-high concrete slabs, trenches, barbed wire "buffer zones", electrified fencing, numerous watch towers, thermal imaging video cameras, sniper towers and roads for patrol vehicles.

Israel originally claimed that the Wall was being built to protect Israel proper from attacks emanating from either the West Bank or the Gaza Strip, and that it was not meant to be a unilateral declaration of their borders (1). It quickly became apparent that neither of these claims were wholly true.

Israel's own security apparatus (2), as well as a number of independent military analysts have consistently concluded that the Wall does little or nothing to protect Israelis from Palestinians, and that in fact, any reduction in violence coinciding with the construction of the Wall is due to political conciliation rather than the Wall itself.

Rather than serving any real security needs, it is now clear that the Wall constitutes a further effort by Israel to annex Palestinian land and resources, and enclose the major settlement blocks. Only 16% of the Wall has been constructed on the 1967 'Green Line', while the rest snakes in and around major settlements. Despite rulings by both International Court of Justice and Israel's own Supreme Court, the trajectory of the Wall has not changed. Instead, much like the settlements that it captures, the Wall constitutes a 'fact on the ground', or de-facto border, from which Israeli negotiators will begin to bargain.

Many experts and observers have focused on what the Wall 'is not' or 'does not do' - namely provide security for Israelis living within and beyond the 1967 Green Line - while few look at what it truly 'is' and what it 'does do' to Palestinians and the prospects of a future state. The Wall in the West Bank, captures not only land and resources, it sometimes envelopes entire Palestinian cities. When combined with the buffer zones and service roads, the Wall destroys the contiguity of the West Bank and further slices any future state into a collection of isolated cantons.



THE FACTS:

**Currently, approximately 409 km (or 57%) of the planned route has been constructed. 66km (or 9%) is under construction; and construction has not yet begun on 248km (or 34%) of the planned route (3).

**The Wall's total length is 723km, which is twice the length of the 1949 Armistice Line (Green Line) between the West Bank and Israel (4).

**When completed, approximately 14% of the Wall will be constructed on the Green Line or in Israel, while 86% will be inside the West Bank (5).

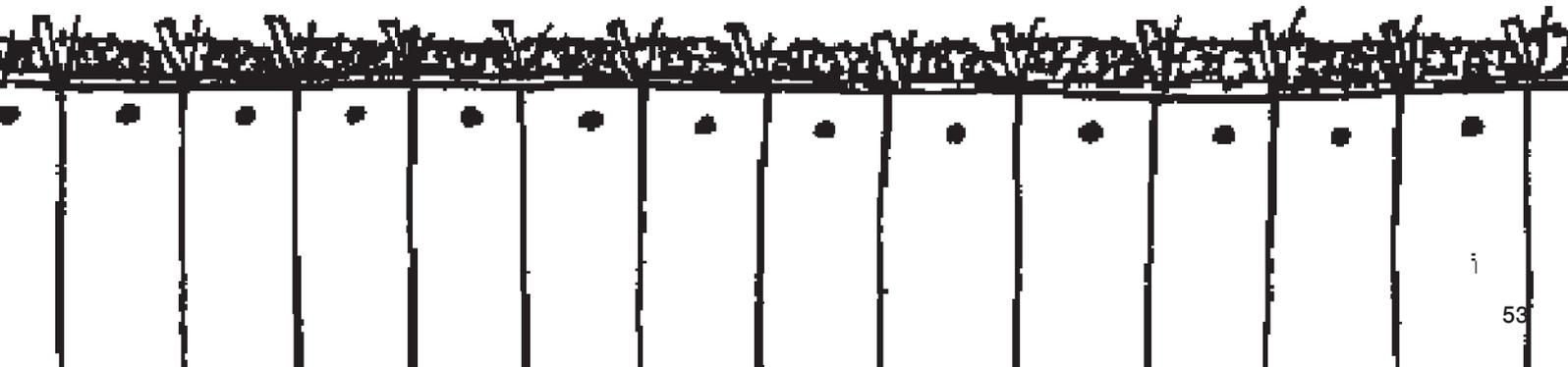
**Approximately 385,000 settlers in 80 settlements are located between the Wall and the Green Line (6).

**Approximately 35,000 West Bank Palestinians will be located between the Wall and the Green Line (an area known as 'no man's land'). They require permits to live in their homes and can only leave their communities via a gate in the Wall. This is in addition to the majority of the 250,000 East Jerusalem residents (7).

**Approximately 125,000 Palestinians in 28 communities will be surrounded on three sides by the Wall (8)

**Approximately 26,000 Palestinians in 8 communities will be surrounded on four sides by the Wall, with a tunnel or road connection to the rest of the West Bank (9).

**The cost of the Wall to the Israeli government: approximately \$3.7 million per kilometer, and approx \$4 billion when completed. Building the Wall along the Green Line would have saved Israel 5.7 billion NIS i.e. approx \$1.7 billion (calculated with 3.4 exchange rate) (10).



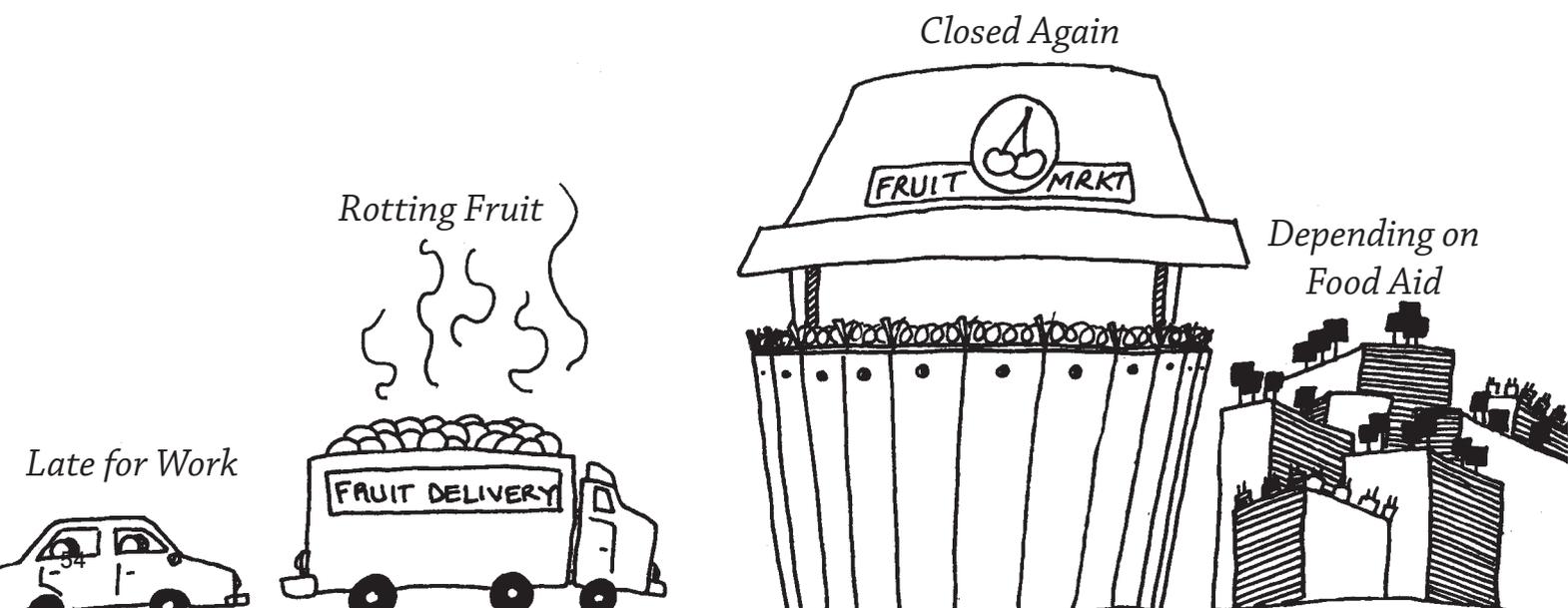
The Wall and a Viable Palestinian State

The Wall will isolate 10,2% of West Bank territory: the area located between the Green Line and the completed barrier, including East Jerusalem and 'No Man's Land'. In addition to this, another 28,1% of the West Bank is inaccessible to Palestinians (due to settlements, declared Israeli military areas or restricted road networks) bringing the total land area restricted from Palestinian access to 38,3% (11). The enclosed areas include some of the most valuable agricultural land and access to some of the richest water resources in the West Bank, which has had a severe impact on Palestinian farmers (12).

The Ministry of Defense Information website promises that: 'Israel will establish gates to allow free passage across the Area.' and that 'Special arrangements have been made for Palestinian farmers separated from their lands. Gates along the Security fence will enable Palestinian farmers and their workers to cross from one side to another' (13).

Despite these promises, of those Palestinians who are now separated by the Wall from their farming lands and wells, less than 20% have now been granted 'visitor' permits to access their own lands. Even if permission is granted, it is often not given to the most appropriate person, leaving older family members to do the work, whilst the younger generation has to remain at home (14). The access to agricultural lands is through 64 designated gates which are currently open on a daily, weekly and/or seasonal basis. The irregular placement of the gates and the restrictive opening times gravely limits the time available for farming (15).

The Wall does not only severely restrict the farmers' ability to tend to and harvest their crops, it also impairs them from selling their produce. The olive industry, which provides around 18% of the annual agricultural



production income in the West Bank (16), has not only been harmed by the cutting down of tens of thousands of trees, but also by the lack of ability for the farmers to harvest and sell their produce. The overall damage caused by the destruction of land and property for the Wall's construction will take many years to recover further hindering Palestinian development.

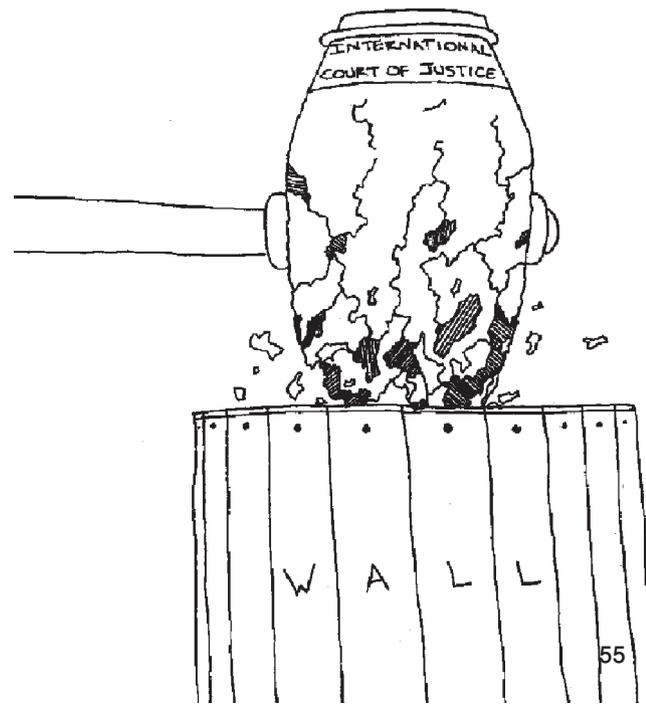
In addition to the approximately 630 closure obstacles such as checkpoints, earth mounds, and road barriers, other layers of the complex movement restrictions include: a permit regime, restrictions on the use of main roads, random checkpoints, curfews, and age and gender restrictions. The Israeli authorities are also investing large amounts of money into transport-related infrastructure in the West bank – the so called “fabric of life” roads. These are newly constructed or upgraded alternative routes designed to reconnect Palestinian communities that have been severed by the Wall or other closure obstacles. Most of these “fabric of life” roads include tunnels and underpasses going beneath the Wall or restricted road. The cost of the completed and planned infrastructure is approximately 2 billion NIS (17).

In September of this year OCHA commented on the Wall that, ‘what was once justified by the Israeli authorities as a short-term military response (...) appears to be developing into a permanent system’ (18).

The Wall under International Law

In its advisory opinion on 9 July 2004, the International Court of Justice stated that Israel is in breach of international law as the “construction of the wall and its associated regime create a “fait accompli” on the ground that could well become permanent” that there is a “risk of situation tantamount to de facto annexation”. Furthermore, “the construction of the wall severely impedes the exercise by the Palestinian people of its right to self-determination and is therefore a breach of Israel’s obligation to respect that right.” The Court also ruled that “the infringements resulting from that route (of the wall) cannot be justified by military exigencies or by the requirements of security or public order” (19).

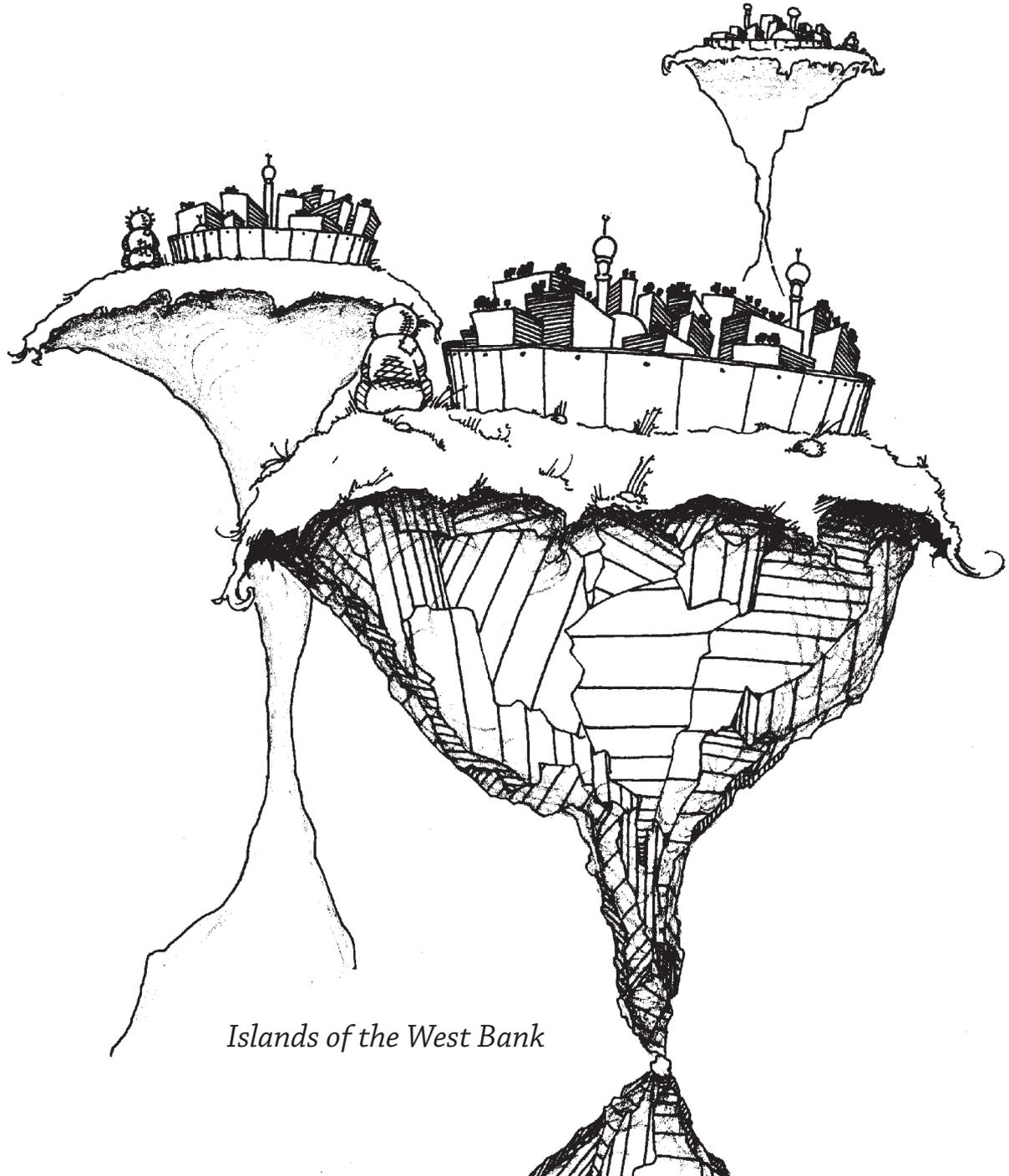
Israel was further obliged “to cease forthwith the works of construction of the wall, to dismantle it” and to “make reparation for the damage caused” to all those affected by the construction of the Wall, and “to return the land, orchards, olive groves and other immovable property seized” (20).



Endnotes

1. Israel, Ministry of Defense: Israel's Security Fence, Questions and Answers. Available at: <http://www.securityfence.mod.gov.il/Pages/ENG/questions.htm>. Question 1. Last updated: 22.02.2004. Accessed 22.10.2008.
2. Bannoura, S. Israeli Wall to blame for recent attacks. IMEMC News, 25 September 2008. Available at: <http://www.imemc.org/article/57118>.
3. United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) and United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA): The Humanitarian Impact of the Barrier – Four Years After the Advisory Opinion of the International Court of Justice on the Barrier. July 2008. Update No. 8. Updated August 2008. p. 6. Available at: http://www.ochaopt.org/documents/Barrier_Report_July_2008.pdf4.
5. *ibid*
6. *ibid*.
7. *ibid*.
8. *ibid*.
9. *ibid*.
10. SHADEH, S. Waste not, wall not. Haaretz 5 June 2008. Available at: <http://www.haaretz.co.il/hasen/spages/990643.html>.
11. World Bank: West Bank and Gaza – The Economic Effects of Restricted Access to Land in the West Bank. October 2008.P. 5-6. Available at: <http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/EconomicEffectsofRestrictedAccessToLandintheWestBankOct.21.08.pdf> Accessed: 23.10.2008.
12. *ibid*.
13. Israel, Ministry of Defense: Israel's Security Fence, Questions and Answers. Available at: <http://www.securityfence.mod.gov.il/Pages/ENG/questions.htm>. Question 1. Last updated: 22.02.2004. Accessed 22.10.2008.
14. United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) and United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA): The Humanitarian Impact of the Barrier – Four Years After the Advisory Opinion of the International Court of Justice on the Barrier. July 2008. Update No. 8. Updated August 2008. p. 6. Available at: http://www.ochaopt.org/documents/Barrier_Report_July_2008.pdf.
15. *ibid*.
16. United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) occupied Palestinian territory. The Olive Harvest in the West Bank and Gaza Strip. October 2008. P.2. Available at: http://www.ochaopt.org/documents/ocha_opt_fact_sheet_olive_harvist_2008_10_15_english.pdf.
17. UN OCHA attributes this information to an Israeli military expert, as quoted in Haaretz, The Marker Economic Supplement, 22 May 2008. United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) occupied Palestinian territory. OCHA Closure Update. September 2008. P.6. Available at: http://www.ochaopt.org/documents/ocha_opt_closure_update_2008_09_english.pdf.
18. *ibid*.
19. International Court of Justice: Legal Consequences of the Wall in the Occupied Palestinian Territory, Advisory Opinion of 9 July, para 137. Available at: <http://www.icj-cij.org/docket/files/131/1671.pdf>.
20. *ibid*.

Movement Restrictions



Islands of the West Bank

The Facts:

** By September 2008 there were 699 closure obstacles in the West Bank– approximately 130 of these have been added after the Annapolis Conference began in November 2007 (1).

** 630 of the obstacles have been identified: trenches (3%), partial checkpoints (3%), earth walls (7%), roadblocks (11%), road barriers (12%), checkpoints (12%), road gates (16%) and earth mounds (36%) (2).

** 74 % of the main routes in the West Bank are controlled by checkpoints or blocked entirely (3).

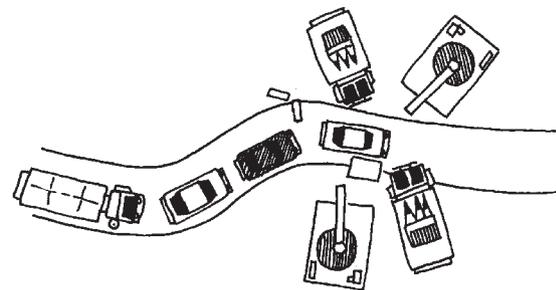
** In the period from April to September 2008 the weekly average of flying (or random) checkpoints was 89. Due to their unpredictable nature and more intensive search procedures, the flying checkpoints are usually even more problematic for the Palestinians than the regular ones (4).

Over the last forty one years of the military occupation of Palestinian land, Israel has implemented a policy of movement restrictions including checkpoints, earth mounds, trenches, gates, roadblocks, bypass roads, the Wall, and a complex system of permits .

From 1967 to 1991, restrictions on the movement of Palestinians were relatively light. However, with the beginning of the first Intifada in 1987, Israel increasingly restricted Palestinians' freedom of movement by implementing a permit system; and in 1988, Israel began preventing Palestinians from traveling between the Gaza Strip and the West Bank. With the start of the first Gulf War in 1991, the Israeli Military implemented further restrictions on the permit system. Every Palestinian was required to obtain an individual permit, instead of general permits that applied to the population as a whole. In 1993, Israeli military checkpoints were established along the 1949 Armistice Line between the West Bank and Israel; between the West Bank and East Jerusalem; and between cities within the West Bank.

From the beginning of the Second Intifada in 2000, the Israeli Military increasingly restricted Palestinians from moving freely. In 2001 it became illegal for Israeli citizens to travel into Area A (areas under full Palestinian control) in the West Bank. From 2002 to the present, closure policies have substantially tightened and the entry of Palestinian workers into Israel has drastically decreased.

Since the onset of the Annapolis Peace Process, there have been no changes in Israeli policy, and in fact a recorded increase in the number of movement restrictions face by Palestinians in the West Bank.

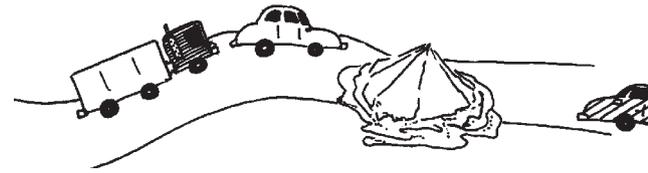


Check Point

Economic Impact

According to the World Bank, the recession in the Palestinian economy since 2000 is “among the worst in modern history” (5). The restrictions on freedom of movement that Israel has imposed on Palestinians since the outbreak of the second Intifada is the primary cause of the decline of the Palestinian economy and chronic increases in unemployment and poverty across the Occupied Territories (6). Examples of the fragmentation of the local Palestinian economy includes, but are not limited to: economic separation between the West Bank and Gaza, severe limitations on economic interaction with Israel, no access to markets for vendors of perishable products, isolation of markets in East Jerusalem from the rest of the West Bank and a decline in investments due to uncertainty and inefficiency (7).

A report by the World Bank published in May 2007 stated that economic recovery and sustainable growth within the West Bank would “... require a fundamental reassessment of closure practices, a restoration of the presumption of movement, and review of Israeli control of the population registry and other means of dictating the residency of Palestinians” (8).

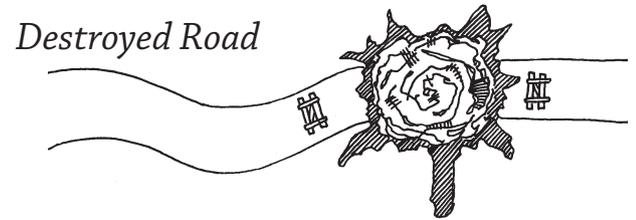


Earth Mound

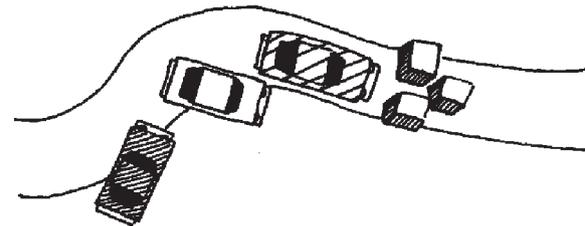
Access to Health Care

Restrictions on the freedom of movement of Palestinians have seriously affected their access to medical care, including emergency medical treatment (9). The ability to reach medical care and healthcare is very uncertain and depends on a number of arbitrary decisions and restrictions (10).

Soldiers at checkpoints consistently stop ambulances and patients. The Palestinian Red Crescent Society, has reported 112 deaths and 35 stillbirths as a result of preventing medical personnel and patients from crossing checkpoints (11). The World Health Organization deplores “the incidents involving lack of respect and protection for Palestinian ambulances and medical personnel (...) as well as the restrictions on movement imposed on them by Israel, the occupying power, in violation of international humanitarian law” (12).



Destroyed Road



Road Block

Checkpoint Birth

According to the World Health Organization, at least 69 women have given birth at checkpoints the the outbreak of the Second Intifada in September of 2000 to 2006. These women endure labor in some of the most unsanitary and inhumane conditions possible (13).

The risk to themselves and to their babies is grave. Out of these 69 cases recorded by WHO, 35 of the newborns have died and a total of five mothers have also perished. In all of the instances, whether the baby lives or dies, the mother carries deep emotional scars (14).



As is so often the case, the statistics vary from one source to another. The most recent reliable source has been the UN General Assembly, Annual Report of the UN High Commissioner from the 1st of February 2008, which states that by the time of the meeting, the number of women giving birth at checkpoints remained the same as the year before, i.e. 69 (paragraph 3). However, if you read further to paragraph 6, the report refers to at least 2 more births in December 2007 alone (15).

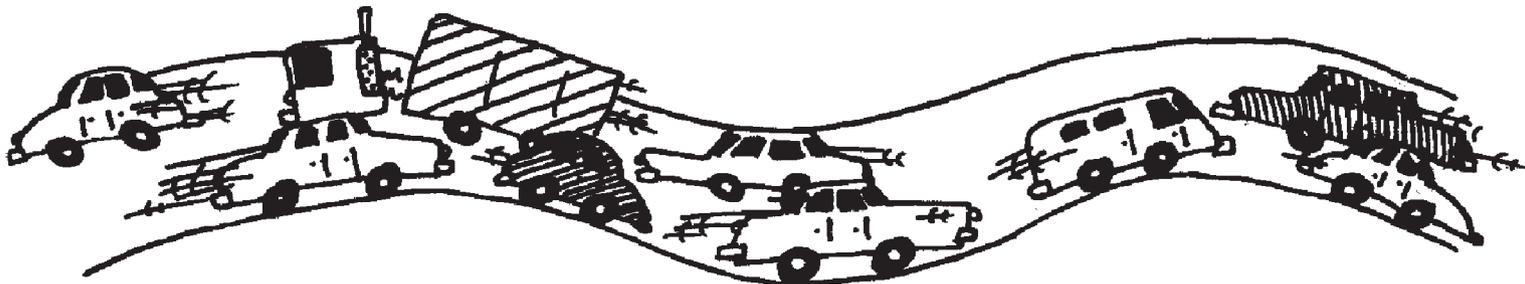
Furthermore, There is another case which has been reported to have taken place, but which has yet to be published in the findings of any human rights organization. In all of these cases, neither the state of the mother or the child is known (16).

The recent case of Halah Yousif, as reported by the Palestine Monitor (17) in October of 2008, is only one example of how this cruel statistic unfolds. This young woman, who was diagnosed with a condition called Toxemia, was not allowed to pass the Erez checkpoint separating the Gaza Strip from Israel, and separating Halah and her child from desperately needed health care. Despite the fact that she had been granted permission from the Israeli authorities to cross, she was not allowed by the border police.

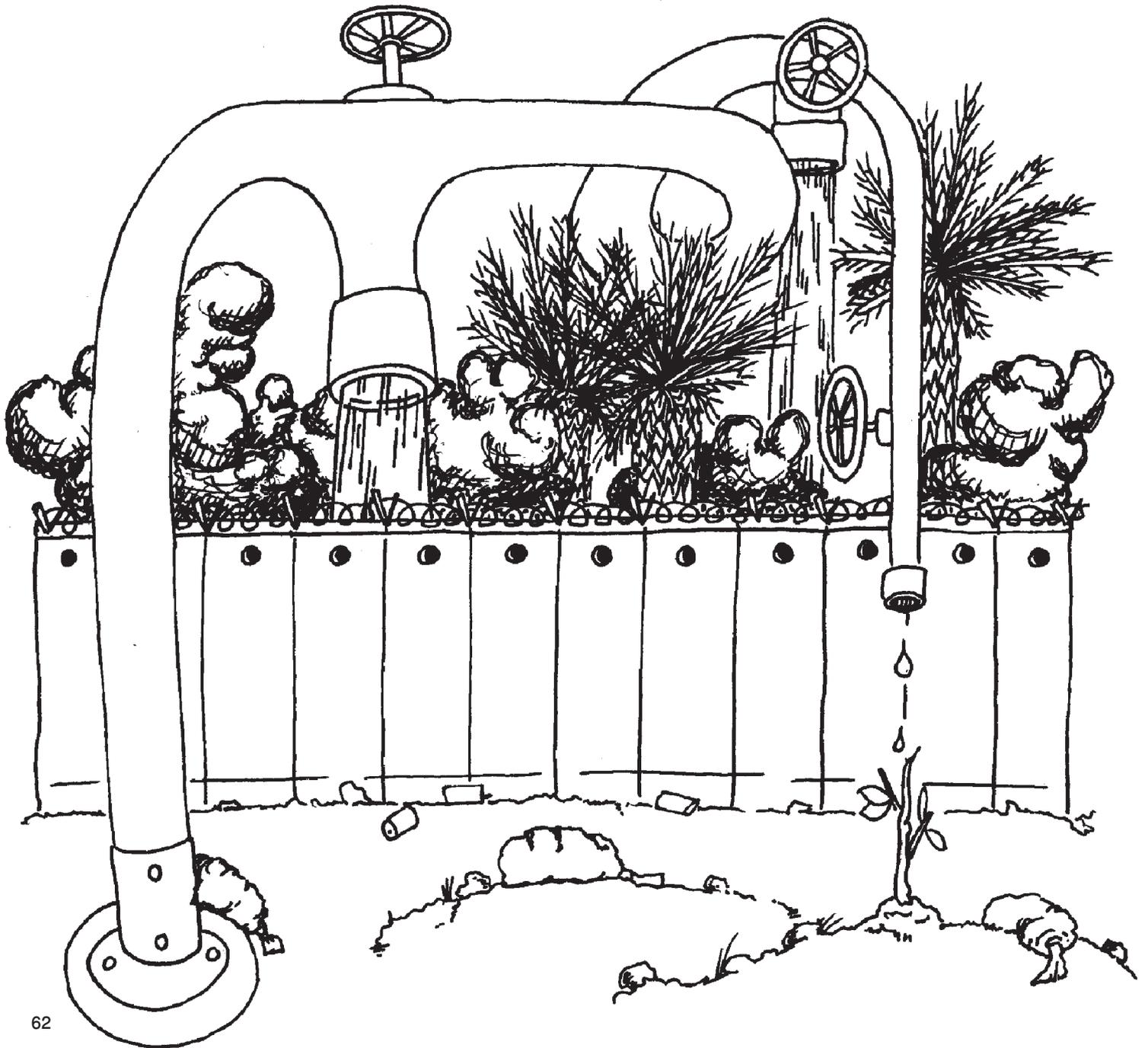
As this book goes to print, we are awaiting news of the fate(s) of her and her unborn child. Though there is a chance that she has received the attention she needed on time, she is only one more story in this most disturbing of statistical categories.

Endnotes

1. OCHA (2008): 'Closure Update occupied Palestinian territory', reports from May and September. Available Online at: <http://www.ochaopt.org/documents/UpdateMay2008.pdf>. Accessed October 20th, 2008.
2. *ibid.*
3. *ibid.*
4. *ibid.*
5. World Bank (2004): 'Disengagement, the Palestinian Economy and the Settlements'. Available at: <http://domino.un.org/unispal.nsf>
6. World Bank (2007): 'Investing in Palestinian Economic Reform and Development', report for the Pledging Conference, Paris. Available Online at: <http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/294264-1166525851073/ParisconferencepaperDec17.pdf> p.6f
7. OCHA (2006): 'Territorial Fragmentation of the West Bank'. Available Online at: <http://domino.un.org/UNISPAL.nsf/85255db800470aa485255d8b004e349a/bb027df1429e73c6852571720054c874!OpenDocument>.
8. World Bank (2007): 'Movement and Access Restrictions in the West Bank: Uncertainty and Inefficiency in the Palestinian Economy'. Available Online at: http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2007/08/06/00020953_20070806160232/Rendered/PDF/404450GZ0West0Bank0restrictions01PUBLIC1.pdf.
9. World Health Organization, 2008. Health conditions in the occupied Palestinian territory, including east Jerusalem, and in the occupied Syrian Golan. Available Online at: http://www.who.int/gb/ebwha/pdf_files/A61/A61_R3-en.pdf.
10. World Bank (2007): 'Movement and Access Restrictions in the West Bank: Uncertainty and Inefficiency in the Palestinian Economy'. Available Online at: http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2007/08/06/00020953_20070806160232/Rendered/PDF/404450GZ0West0Bank0restrictions01PUBLIC1.pdf.
11. Palestine Red Crescent (2008): 'An Awareness-Raising Campaign For the Respect & Protection of the Medical Mission'. Available Online at: <https://www.palestinercs.org/modules/news2/article.php?storyid=65>.
12. World Health Organization, 2008. Health conditions in the occupied Palestinian territory, including east Jerusalem, and in the occupied Syrian Golan. Available Online at: http://www.who.int/gb/ebwha/pdf_files/A61/A61_R3-en.pdf.
13. UN General Assembly, Annual Report of the UN High Commissioner, 2008. Available at: <http://domino.un.org/UNISPAL.NSF/9a798adb322aff38525617b006d88d7/fd246b9c33182c72852573ed005001d2!OpenDocument&Click=>.
14. *ibid.* Also available at: <http://www.france24.com/en/20080912-israeli-soldier-jailed-after-checkpoint-stillborn-death>.
15. *ibid.*
16. IMEMC, 2008. Three Palestinian women forced to give birth at Israeli checkpoints. Available at: <http://imemc.org/article/52233>
17. Palestine Monitor. October 9th 2008. The Fetal Terrorist. Available at: <http://www.palestinemonitor.org/spip/spip.php?article666>.



Water



'All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence'

-1966 International Covenants on Human Rights, common article 1

The average water supply to the Palestinian communities of the Occupied Territories is about 63 liters per capita per day (lc/day) in the West Bank and 140 lc/day in the Gaza Strip. However, water supply significantly varies throughout the Territories. In 7 percent of the Palestinian communities (43 out of 708), per capita supply is less than or equal to 30 liters per day; in 36 percent of them (225 communities) it is between 30 and 50 liters per day; in 41 percent of them (264 communities) it is between 50 and 100 liters per day; and finally, only in 16 percent (100) of these communities does the per capita supply exceed 100 liters per day, which is the minimum amount recommended by the World Health Organization (1).

Such surveys relate exclusively to that limited 69 percent of the Palestinian communities that are connected to water networks. The other communities are not reached by pipelines at all. Communities without linkages water must rely upon rainfall, springs, wells, and water purchased by private suppliers (2).

The quality issue is the second dimension of the water crisis. Quality is a primary concern, especially in the Gaza Strip, where over-extraction (the extraction of water in quantities outrunning the recharging capacity of the aquifers) leads to the seepage of

saltwater from the Mediterranean Sea into the underground aquifer and to the increase of brackish water from the deeper layers.

However, the situation is also difficult in the West Bank as all of the Palestinian Territories are characterized by an extensive and inappropriate use of pesticides and fertilizers in the agricultural sector and by the absence and inadequacy of the sewage infrastructure.

Today only 7 percent of water in the Gaza Strip meets the World Health Organization's standards. Diseases registered in the hospitals include cholera, dysentery, hepatitis, and yellow fever (3).

In Israel domestic per capita consumption of water is over three times higher. Two thirds of the water come from sources 'shared' by the Palestinians, to be mainly assigned (about 64 percent) to agriculture, even though typically Mediterranean agriculture is not traditionally water-intensive.



The Facts:

**The average water supply to the Palestinian communities in the oPT is about 63 liters per capita per day in the West Bank versus 140/day in Gaza (1).

**In 7% of the Palestinian communities (43 out of 708), per capita supply is less than or equal to 30 liters per day; in 36% (225 communities) it is between 30 and 50 liters per day; in 41% (264 communities) it is between 50 and 100 liters per day; and finally, only in 16% (100) of these communities does the per capita supply exceed 100 liters per day, which is the minimum amount recommended by the WHO (1).

**Only 69% of Palestinian communities that are connected to water networks (2).

**Only 7% of the available water in the Gaza Strip meets WHO standards (3).

**Israel, primarily the settlements, utilize 37% of the water from the Eastern Aquifer which is entirely located in the West Bank (4).

**the price of water supplied by private tankers has increased in 290 communities in Palestine, with 205 of them experiencing an increase of up to 150% and the remaining 85 of them up to 200% (7).

Access & Distribution

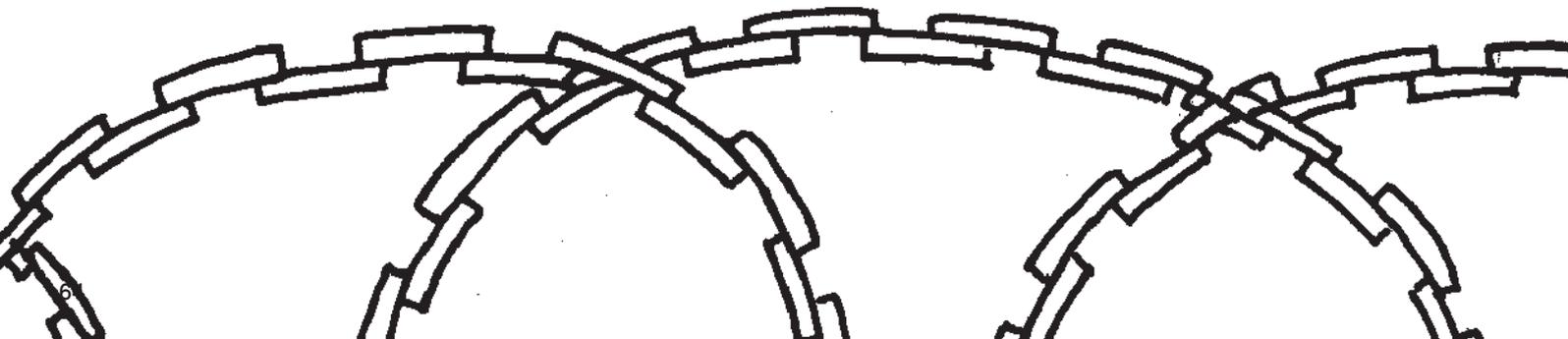
The Israelis and the Palestinians share two interrelated water systems:

The underground system - the Mountain Aquifer - traverses the border between the West Bank and Israel, while the surface system - the Jordan Basin - also belongs to Jordan, Syria and Lebanon.

The Mountain Aquifer extends for over 130 km, from Mount Carmel in the north to the Negev in the south, and is 35 km wide, from the Jordan Valley in the east to the Mediterranean Sea in the west.

It is typically divided into three sub-aquifers. The primary one, due to the high quality of its water, is the Western Aquifer. Most of its recharge area lies in the West Bank, while the entire storage area lies in Israel. 95% of its water is used by Israel.

The second one, the Northern Aquifer, has both its recharge and storage areas essentially located within the West Bank. However, Israel extracts about 70% of the water. Finally, the Eastern Aquifer, which is entirely within the West Bank, has 37% of its water consumed by Israel - mostly by settlers.



The Jordan Basin stretches over 330 km from the Upper Galilee in the north to the Dead Sea in the south, with an average width of 30 m. The whole ecosystem is now endangered by the diversion of over 90 percent of the water, with dams and pumping stations installed all along its route and the discharge of sewage and agricultural waste.

The Palestinians have no access at all to this aquifer's water. By contrast, Israel enjoys a share of 31 percent of the water produced (4).

Israel prevents the Palestinians from accessing water resources legally, technically and physically. Legally, the main consequence of the classification of water as (Israeli) public property requires a permit in order to drill new wells or fix existing ones. Permits go through eighteen stages of approval in various administrative departments. Furthermore, quotas limit the drawing of water from each well. In many cases, Palestinians are deprived of access to water resources by being deprived of access to their land in general. De facto expropriations are frequently carried out by the establishment of military areas on natural reserves, especially in the Jordan Valley (5).

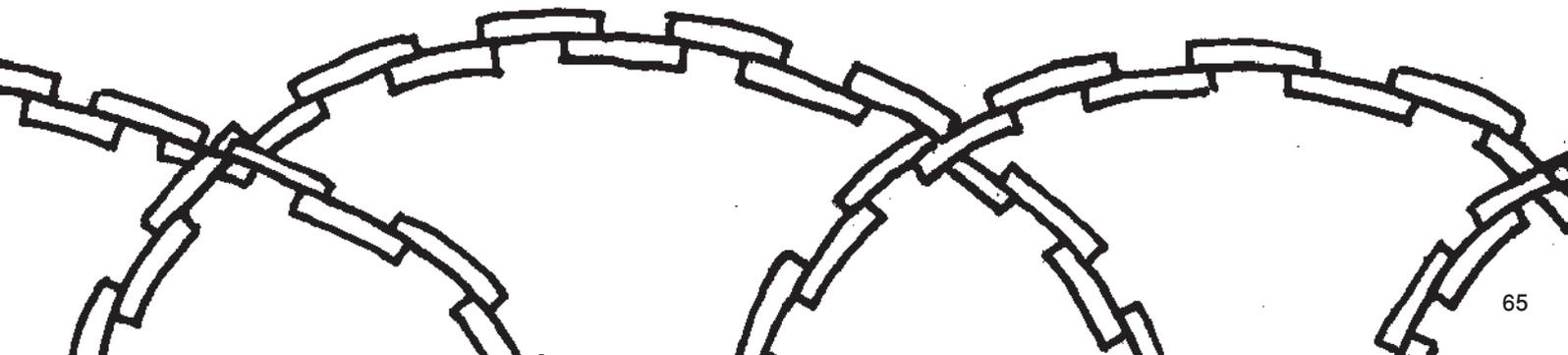
Technically, Israel makes no effort to maintain the water system, nor do the Palestinian municipalities - which depend on allocations set by Israel - have

the financial means to intervene. Neglect of infrastructure is a deliberate Israeli policy well beyond the water sector. The amount of public expenditure in the Territories in all fields is less than the fiscal revenues that Israel collects from the Palestinian population (6).

Due to the physical barriers and restrictions described throughout the book, the price of water supplied by private tankers has increased in 290 communities, with 205 of them experiencing an increase of up to 150 percent and the remaining 85 of them up to 200 percent (7).

Barriers and curfews are routinely accompanied by the targeting of Palestinian infrastructure and property, not only during military incursions but also by hand of settlers rather than soldiers.

When the Wall is completed the Western Aquifer will lie mostly under Israeli control. Whatever its purposes might be, the Wall has already meant the uprooting of tens of thousands of trees and the isolating of hundreds of dunums of lands, with many farmers forced to abandon their property to become low-wage workers in nearby settlements. It has also deeply affected the hydrology of the watersheds, representing a barrier to the storm water which flows to the west that causes serious flooding in adjacent villages (8).



Water in Negotiations

The water sector in Palestine faces a multitude of problems and challenges in improving the effective use and management of their limited water resources. Many of these issues are a result of the stringent Israeli Military Orders which were put in place back in 1967. Consequently, this restricted access has led to the current state of underdevelopment in the water sector and the inequitable allocation of the transboundary water resources between Israel and Palestine. In 1995, as a result of the signing of the OSLO Interim Agreement between the Palestinian Liberation Organization (PLO) and the state of Israel, the Palestinian Water Authority (PWA) was established to develop the water sector in Palestine.

In the post-Oslo era, the additional water that was to be made available in the form of self-production as per the OSLO II Interim Agreement (9) has not been fully realized. At the time of the agreement Palestinians only utilized 17% of the mountain aquifers estimated safe yield. Over twelve years on, the Palestinian share of the mountain aquifer has dwindled, despite the fact that the population has increased by approximately 150% in this same period.

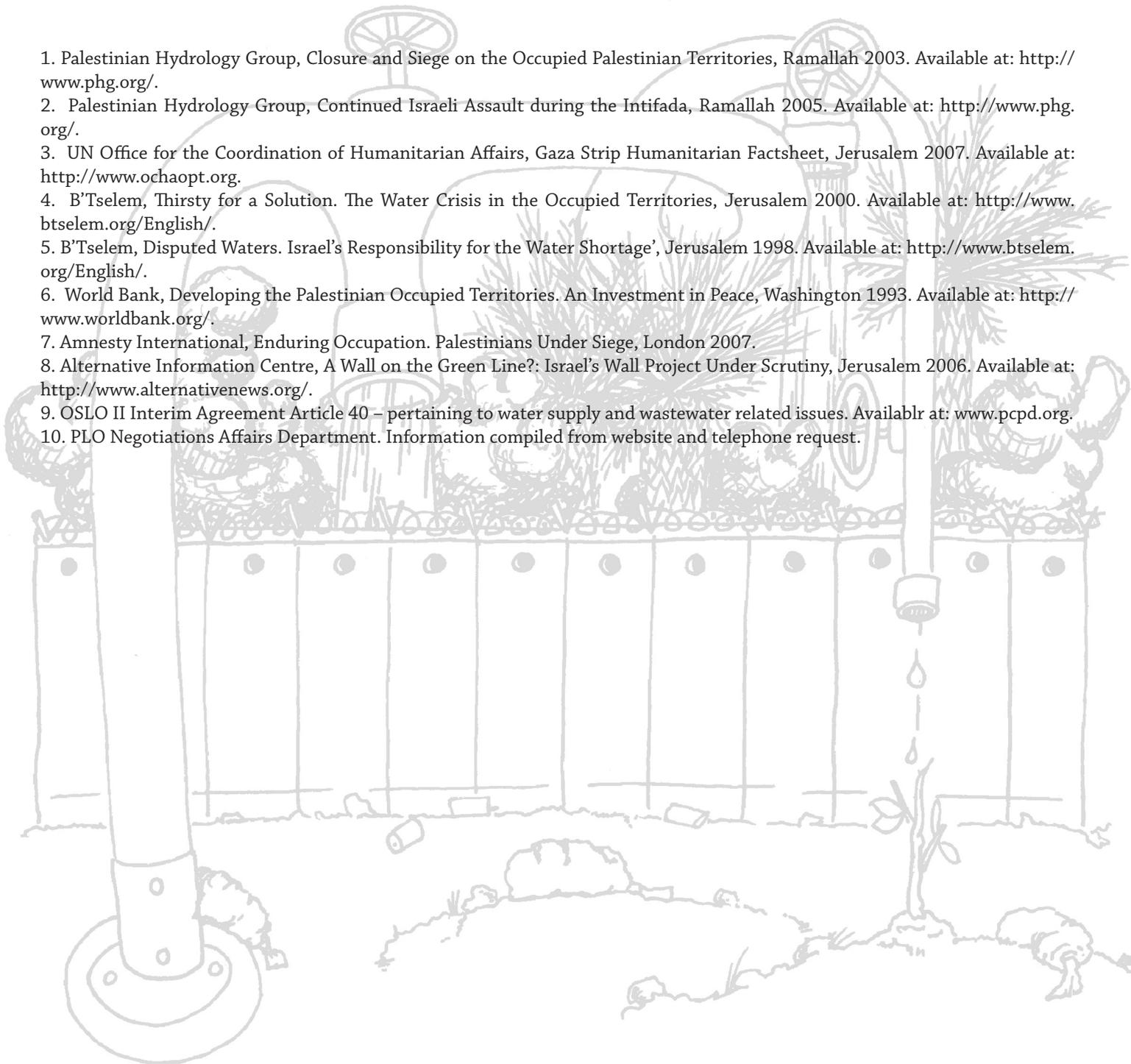
In Gaza, the situation is even worse, since the only access to water is limited to the coastal aquifer, which today remains in imminent danger of collapse. Essentially none of the available water from the coastal aquifer currently meets the widely accepted World Health Organization water quality standards for potable water. The only additional source of water which is available to the Palestinian Authority comes from the purchase of water from the Israeli Water Company Mekorot. In 2006, the total quantity of water purchased was limited to 50.3 mcm, which makes up for 15% of the total accessible quantity of 333.3 mcm for use by all sectors (domestic, industrial, and agriculture).

Since the OSLO II Interim Agreement took effect, the PWA has been faced with the bureaucratic nature of the Joint Water Committee (JWC) and the Israeli Civil Administration for the approval of both water supply and wastewater related projects in the West Bank. To date, over 140 projects remain pending in either the JWC or Israeli Civil Administration. Of these, a majority of the highest priority water supply and wastewater projects, in regards to strategic and master planning, continue to be held up by the Israelis and have therefore not been implemented, in some cases for over twelve years.

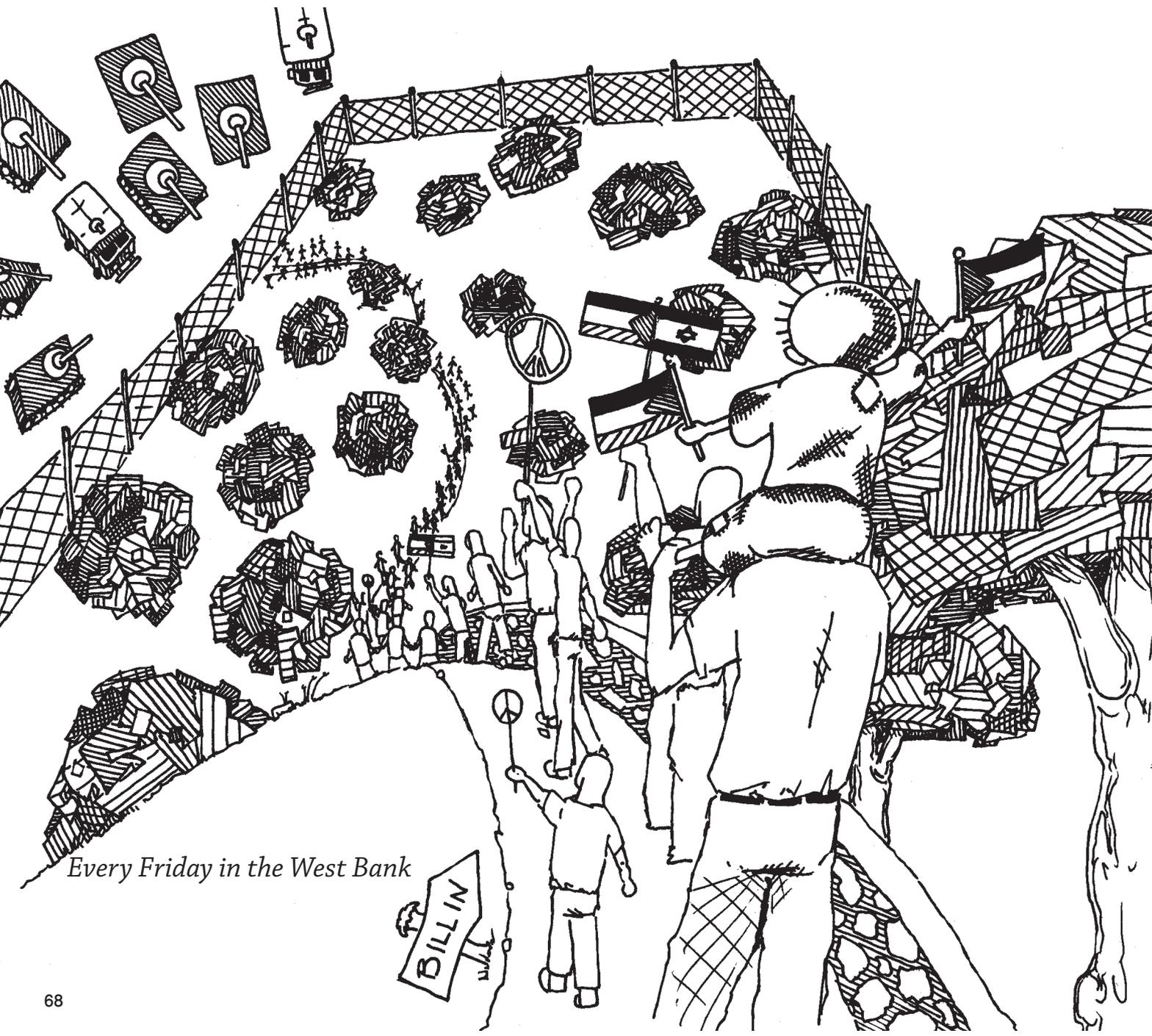
Despite the lack of attention water receives relative to the other core issues, finding a just resolution is as important to arriving at a lasting peace and a viable Palestinian state as is the removal of settlements or checkpoints. The difficulties surrounding this issue though could be unique from the others in that water usage, conservation and production provide Israel and Palestine the opportunity to work together to face a mutual problem in a scientific, rather than politicized atmosphere. This opportunity however, has yet to be taken advantage of (10).

Endnotes

1. Palestinian Hydrology Group, Closure and Siege on the Occupied Palestinian Territories, Ramallah 2003. Available at: <http://www.phg.org/>.
2. Palestinian Hydrology Group, Continued Israeli Assault during the Intifada, Ramallah 2005. Available at: <http://www.phg.org/>.
3. UN Office for the Coordination of Humanitarian Affairs, Gaza Strip Humanitarian Factsheet, Jerusalem 2007. Available at: <http://www.ochaopt.org>.
4. B'Tselem, Thirsty for a Solution. The Water Crisis in the Occupied Territories, Jerusalem 2000. Available at: <http://www.btselem.org/English/>.
5. B'Tselem, Disputed Waters. Israel's Responsibility for the Water Shortage', Jerusalem 1998. Available at: <http://www.btselem.org/English/>.
6. World Bank, Developing the Palestinian Occupied Territories. An Investment in Peace, Washington 1993. Available at: <http://www.worldbank.org/>.
7. Amnesty International, Enduring Occupation. Palestinians Under Siege, London 2007.
8. Alternative Information Centre, A Wall on the Green Line?: Israel's Wall Project Under Scrutiny, Jerusalem 2006. Available at: <http://www.alternativenews.org/>.
9. OSLO II Interim Agreement Article 40 – pertaining to water supply and wastewater related issues. Availablr at: www.pcpd.org.
10. PLO Negotiations Affairs Department. Information compiled from website and telephone request.



Non Violence



Every Friday in the West Bank

'Nonviolence is a powerful and just weapon which cuts without wounding and ennobles the man who wields it. It is a sword that heals.'

-Dr. Martin Luther King Jr.

What is Non-Violence?

Non-Violence is an alternative to either armed resistance or passive acceptance of the status quo. It is both a strategy and a philosophy which rejects violence as a means to promote change, and instead aims to change power relations through assertive acts of omission (refusal to do something) or commission (actively challenging the status quo). It is a method by which to change the minds of both the oppressor and oppressed so that a new reality can be built upon different perceptions of the 'other'.

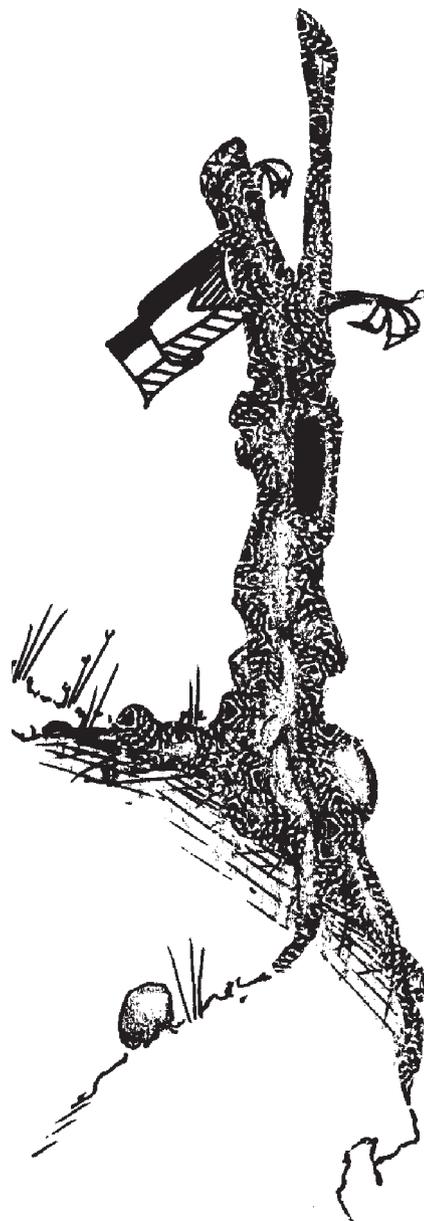
The many tactics of non-violence can be broken down into three broad categories:

1) Civil Disobedience: when individuals or a group refuse to obey rules and laws, therefore undermining the power of the oppressor. For example refusing to respect laws prohibiting the gathering of people, or the waving of a flag as has been the case in Palestine.

2) Reverse Strike: Involves community building and the creation of alternatives, in order to make a people less dependent on the facilities of their oppressor. This can involve boycotts of the oppressor's goods and services and the development of alternatives.

3) Direct Action: These are symbolic actions which are specifically directed to gain broad sympathy or express personal grief, opinions and commitment to a just cause. Direct action can take many forms along the spectrum between assertiveness and aggressiveness. For example a peaceful protest versus a group of individuals actively removing a roadblock or earth mound.

Successful non-violent campaigns are able to effectively utilize all three of these methods simultaneously.



Non-Violence in Palestine - Past and Present

Despite the common mischaracterization of Palestinian resistance as wholly violent or radical, there is a long and rich history non-violent actions and campaigns, as well as a large number of contemporary ones. For instance:

In 1902, the inhabitants of three Palestinian villages - al-Shajara, Misha and Melhamiyya - held a collective peaceful protest against the takeover of 70,000 dunums (7,000 hectares) of agricultural land by the first European Zionist settlers.

In 1936 Palestinians held a six-month non-violent industrial strike against the British Mandate's refusal to grant self determination to Palestine. The ultimate aim of the strike was to make Palestine ungovernable by anyone but the Palestinians themselves.

Fifty years later, in 1986, Hannah Siniora, then editor of the East Jerusalem Arabic Daily, called for Palestinian civic disobedience by boycotting Israel-made cigarettes. This led to a full-scale Palestinian boycott of Israeli soap, food, water, clothes and other consumer goods.

The 1987-1993 First Intifada was largely conducted non-violently. Palestinians held mass public demonstrations, refused to pay taxes, and sought out local alternatives to Israeli facilities. Community leader Mubarak Awad initiated olive tree planting on Palestinian land about to be confiscated by Israeli settlers. Israeli law prohibited any construction on land dedicated to growing fruit. Awad used non-violent resistance, and Israel's own laws, to challenge the encroaching settlements.

Currently, and especially since construction of the separation Wall began on June 16th 2002, Palestinian villages across the West Bank have cooperated in non-violent resistance.

The communities of Jayyous, Budrus, Bil'in, Ni'lin and Umm Salamonah have all non-violently resisted the Wall being built around them. Weekly non-violent demonstrations against the Wall are held in the cities of Bil'in and Nihlin (north of Ramallah) which bring together Palestinians and Israelis, as well international activists



The Logic of Non-Violent Resistance

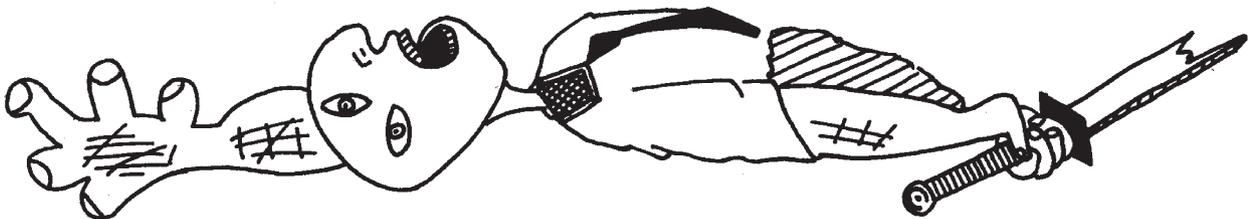
The logic of a non-violent strategy to resolve the Israeli-Palestinian conflict is simple. Turning this knowledge into a practical campaign effective in achieving Palestinian goals is much more difficult.

Practically, a non-violent strategy allows for a broader and therefore larger participation among the citizenry than armed conflict does. This was true in the First Intifada - largely credited with empowering civil society, women, as well as the young and old. The players in the Second Intifada, on the other hand, were restricted to their ability and willingness to fight violently.

Secondly, by unilaterally removing violence from one side of the equation, there is the possibility of transforming the perception of victimhood within Israel and the international community, which could in turn affect policy. Looking back through this book, it is clear that Palestinians and Israelis live in a rather asymmetric world, and that this conflict disproportionately affects Palestinians. Yet in the minds of Western Europeans and Americans especially, the perception of Palestinians has been shaped more by the sporadic acts of terror, rather than by the accumulation of suffering wrought by occupation.

It is assumed, but not guaranteed, that a nonviolent strategy would lead to a decrease in the cycle of death and injury. This sadly could be both bad and good for the Palestinian cause. A decrease in death and carnage is likely to coincide with a sharp decrease in media attention - precisely what is needed most to inspire change in opinion and policy.

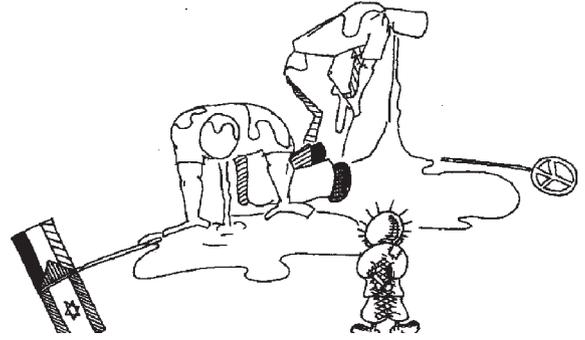
Only a strategy that is assertive, coordinated, inclusive, creative, and one that is more and more adept at creating its own media can hope to succeed in making lots of noise without firing any bullets. There have been powerful, if not controversial, attempts by isolated villages to begin building this movement. It is time now to learn from their experiences and begin coordinating a national non-violent strategy.



Israel's Response to Non-Violence

Israeli, Palestinian and international human rights organizations routinely catalogue, and often film, Israel's response to non-violent actions. The response usually consists of using overwhelming force to disburse crowds.

Most typically, Israel employs tear gas, concussion grenades and rubber bullets to do so, but on many documented occasions they have employed live ammunition, and most recently have begun showering protesters with a mixture of sewage water and chemicals from nearby settlements.



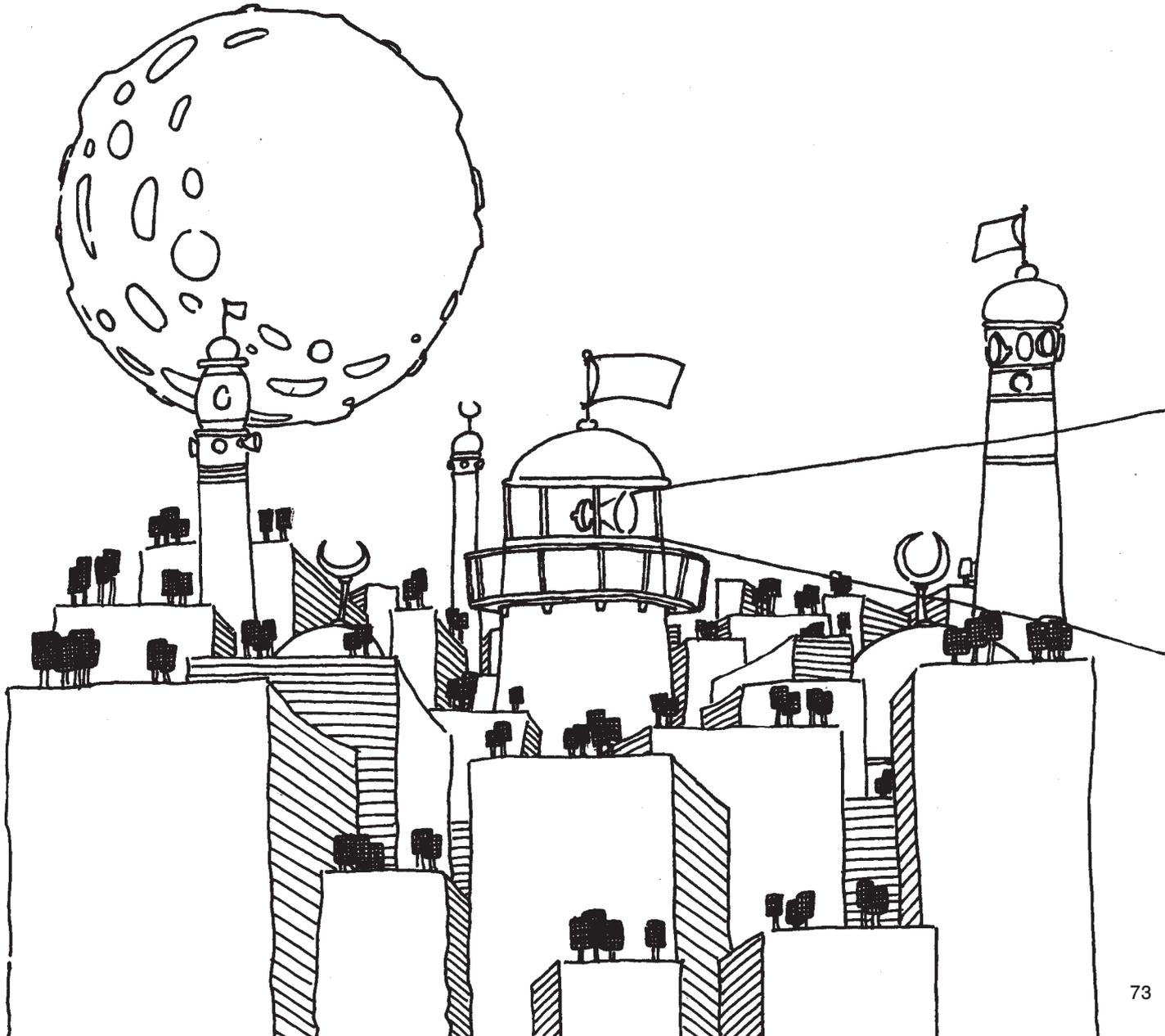
The saddest part of this response is the effect that it has upon the non-violence movement in general. The fact that protesters have been literally showered in sewage, beaten and sometimes killed in the daily or weekly events, reaffirms the notion amongst those most skeptical of a peaceful strategy that 'Israel only responds to violence'.

This perception is further strengthened by the lack of accountability laid upon those soldiers and their commanders who routinely sidestep the law in their use of force. Rarely, if ever, has anyone been punished; and never have these punishments made their way up the ranks or into the realm of those who design policies. This lack of accountability has endowed soldiers with a sense of immunity from their actions; a perception which no doubt adds to their willingness to utilize force - even when unnecessary.

This last summer the small village of Ni'lin north of Ramallah began to organize weekly, and sometimes daily demonstrations against the encroaching wall. On July 29th, the ten year old unarmed Ahmed Hassan Yusef Musa was struck in the head by a rubber bullet and killed at one such demonstration. The following day, at Ahmed's funeral -turned demonstration, 19 year old Yusuf Ahmad Amira was shot dead by the IDF. Neither case has resulted in punishment.

This is the same village where a 17 year old girl Salaam Kanan was able to capture video footage of a bound and blindfolded Palestinian man being shot at point blank range by a soldier a few feet from his commanding officer. This particular case received a lot of attention; however, Israeli, Palestinian and international human rights organizations insist that many more incidents like this take place when no cameras are present.

In Conclusion



More of the Same...

This factbook is more than a reference guide; it is an open letter to the incoming Israeli government about the realistic challenges and options they have with regard to peace in the foreseeable future. It has not been a flattering letter, and it has not focused upon the faults of our, the Palestinian side; but it has been honest. We hope that honesty from your perceived 'enemy' at this crucial and historic time will be of real use.

'More of the same' means that Israel can continue to 'manage' this conflict with no real solution, or even plan with which to get there in sight. There will be more violence and death on both sides, and Palestine will remain chronically underdeveloped and on the brink of failed statehood before ever arriving at a state.

The gap between us neighbors has grown exponentially over the last decades economically, politically and socially. Driving only a few kilometers from any part of 'Palestine' into any part of 'Israel' is not like merely driving across a border into a different country; it is like arriving on a different planet.

Palestine, and in many ways Israel, have become dependant on the international aid that this conflict allows. Unlike Israel, Palestine's economy remains on the perennial border of collapse. In this scenario there is little doubt that the neighborhood in which we live will remain both unsafe and in many ways quite unattractive to the millions upon millions of visitors waiting to arrive.

The occupation and poverty of Palestine sully the image of the Holy Land and stand out starkly amidst the beauty and wealth of Israel - significantly cheapening the state's achievements.

The walls, fences and barriers of all types that Israel has constructed have proven to neither make them safer, nor 'hide' the Palestinians from either Israel itself or the outside world. What these structures have done is separate the two peoples from each other to a degree that building a more beautiful neighborhood has been made more and more difficult.

Our day to day experience with Israelis - for a long time now - has been either with the military or the settler movement. These experiences have been almost universally negative and humiliating.

On the other hand, your perception of Palestinians is shaped by the violent and ideological individuals to whom border and Walls mean nothing.



...or Something Different

The bulk of normal Israelis or Palestinians cannot cross paths, and usually do not when they have the opportunity. In effect those who could and would make peace can no longer try; and those who crave war are our only ambassadors.

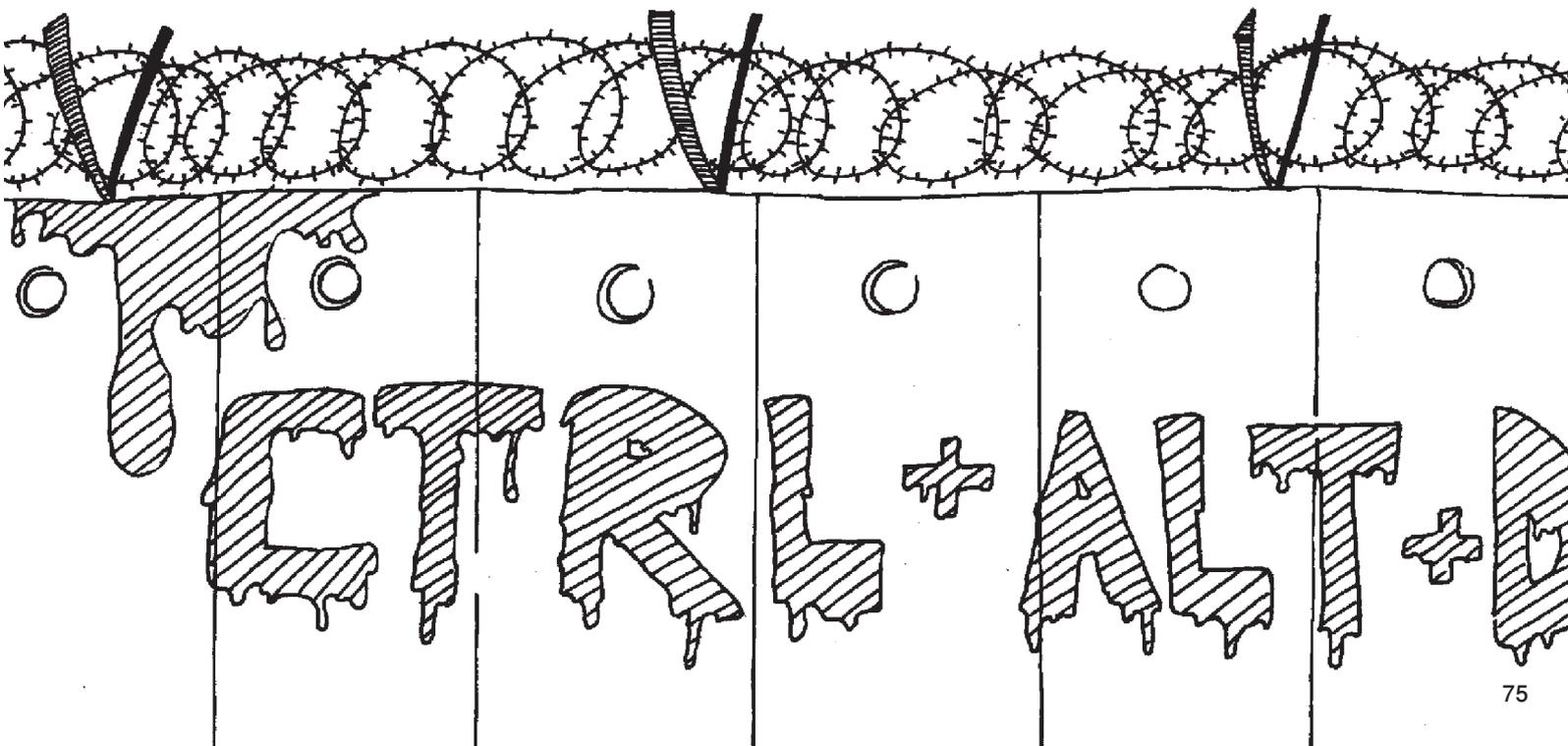
'Something Different' refers to the ideas running throughout this book that:

A: The status quo is unacceptable; and

B: We must one day live together and resign this sad chapter to the annals of our shared history.

We can choose to put the past behind us now, in this yet another 'historic opportunity of a decade'; or we can choose to prolong this tragedy until we can pass this bloody mess down to our children - hoping that they will have the tools and strength to do what we could not.

It is the hope of this publication that we choose the former....



Quick Reference Guide

Economy

- **Over half of Palestinians live in Poverty: 45.7% in the West Bank and 79.4% in Gaza.
- **With the suspension of aid in 2006 the number of people in deep poverty nearly doubled to 1 million people.
- **Palestine's GDP has fallen 2.1% in Q1 '08 from Q4 '07, leading to estimates that GDP in 2008 will comprise 70% of 1999's.
- **Per Capita GDP is expected to fall in 2008 by 7.4%.
- **Unemployment has increased in Q1 '08 from 22.6% to 25.8% in Palestine as a whole.
- **In the West Bank unemployment actually lowered (19%-16.3%).
- **In the Gaza Strip it has heightened considerably under the Israeli seige (29.8%-45.5%).
- **Labor force participation as a whole in Palestine is 40.6%.

Refugees

- ** Registered Palestinian Refugees in the Middle East total 4,618,141.
- **Estimated Palestinian Refugees worldwide 5.5 million.
- ** The war in 1948 resulted in over 750,000 Palestinian refugees.
- ** The 1967 "Six-Day War" a further 240,000 refugees were created.
- ** Since 1967, another 400,000 Palestinians have been displaced.

The Gaza Strip

- **Total Population - 1,500,202 / Population Density - 4117 per sq km
- **Fertility Rate - 5.19 children/woman / Life Expectancy - 73.16 years
- **Average Age - 17.2 years / Some estimates have put the median age at 15.3
- **Total Refugees - 1,059,584 / Refugees as % of Population - 70%
- **Unemployment - 45.5% / **% dependant on foreign aid - 86%

Prisoners

- **Prisoners are held in the approximately 30 detention centers located within the 1967 borders of Israel.
- **ICRC is following-up on roughly 10,500 prisoners.
- **Addameer estimates that there are approximately 9,493 Palestinian prisoners held by Israel.
- **Out of the 9,493 – 750 are administrative, 349 are aged 18 or less, 75 are female, 47 are Palestinian parliamentarians.
- **According to Israeli Prison Services: 70% have been found guilty or arrested for crimes with "blood on their hands".
- ** According to Israeli Prison Services: The political make-up of prisoners is: 44% Fatah, 26% Hamas, 14% Islamic Jihad, 5% Popular Front, 1% Democratic Front, and 10% are undefined.

East Jerusalem

- **19% of East Jerusalem households live below the poverty line (21).
- **A 2006 study estimated that 62% of Palestinians in East Jerusalem live in poverty, as compared with 23% of Jewish families in East Jerusalem (22).
- **In 2005 the Arab and Jewish birthrates in Jerusalem were equivalent at 3.9 children per woman (23).
- **In the first three years of occupation, Israel confiscated 18270 dunums (18,27 sq kms) of Palestinian land (4).
- **By 1991 that number had reached 23378 dunums (23,4 sq kms) (5).
- ** By 2007, the Wall resulted in the confiscation of land belonging to 19.2% of Palestinian families in Jerusalem (6).
- **From 1967 until the end of 2006, Israel had revoked the residency rights of around 8,269 Palestinian Jerusalemites (12).

The Wall

- **Currently 409 km (or 57%) of the planned route has been constructed
- **66km (or 9%) is currently under construction; and construction has not yet begun on 248km (or 34%) of the planned route.
- **The Wall's total length is 723km - twice the length of the Green Line between the West Bank and Israel.
- **When complete, 14% of the Wall will be constructed on the Green Line or in Israel, while 86% will be inside of the West Bank.
- **Approximately 385,000 settlers in 80 settlements will be located between the Wall and the Green Line.
- **Approximately 35,000 West Bank Palestinians will be located between the Wall and the Green Line AKA 'no man's land'.
- **This 35,000 is in addition to the majority of the 250,000 East Jerusalem residents who will be in a similar scenario.
- **Approximately 125,000 Palestinians in 28 communities will be surrounded on three sides by the Wall.
- **Approximately 26,000 Palestinians in 8 communities will be surrounded on four sides with a tunnel or road connection.
- **The Wall costs the Israeli government: approximately \$3.7 million per kilometer, and approx \$4 billion when completed.
- **Building the Wall along the Green Line would have saved Israel 5.7 billion NIS (approx \$1.7 billion).

Checkpoints and Movement Restrictions.

- ** 74 % of the main routes in the West Bank are controlled by checkpoints or blocked entirely.
- ** In September 2008 there were 699 closure obstacles in the West Bank
- **Approximately 130 of these have been added since the Annapolis Conference in November 2007.
- ** 630 of the obstacles have been identified as follows: trenches (3%), partial checkpoints (3%), earth walls (7%), roadblocks (11%), road barriers (12%), checkpoints (12%), road gates (16%) and earth mounds (36%).
- ** From April to September 2008 the weekly average of flying checkpoints was 89.

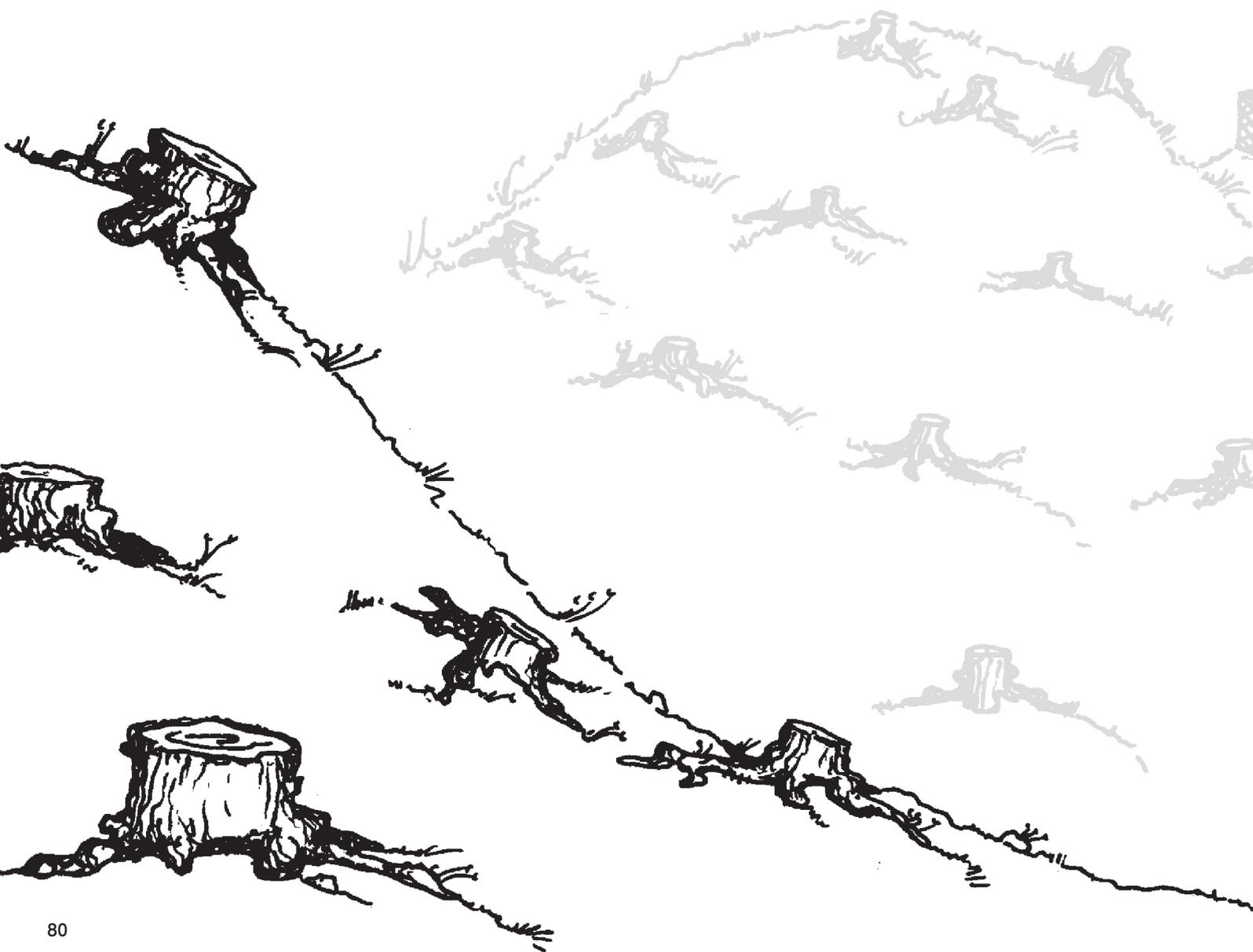
Settlements

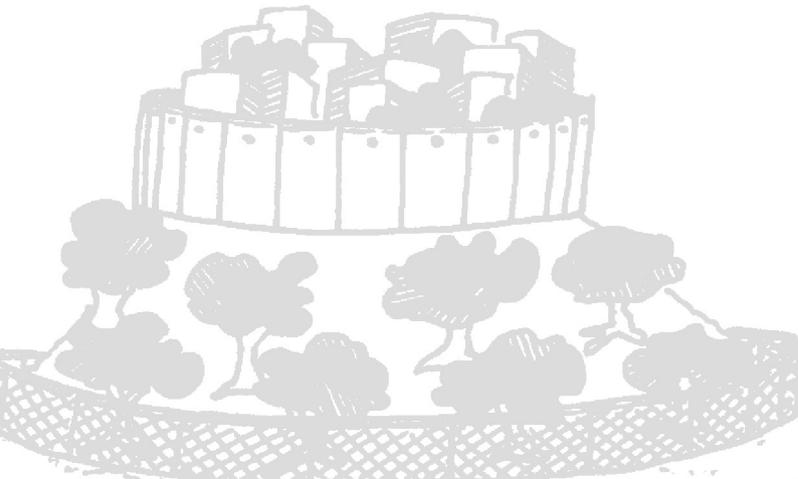
- **Currently 121 Israeli settlements and approximately 102 Israeli outposts. Both are built illegally on lands occupied in 1967.
- **There are approximately 462,000 Israeli settlers.
- ** 191,000 are in settlements around Jerusalem and 271,400 are further spread throughout the West Bank.
- **The settlers have grown between 4-6% per year over the last two decades in comparison to Israeli society as a whole (1.5%).
- **Approx. 385,000 settlers in 80 settlements will be located between the Separation Barrier as envisioned and the Green Line.
- **In 2008 tenders for new settlement building increased by 550% from 2007.
- **Settlement construction has increased by 30% since the launching of the new round of peace talks.
- **Settlement building around Jerusalem has increased by a factor of 38.
- **9,000 new housing units have been approved in E. Jerusalem, and approximately 2,600 new housing units are being built east of the Separation Wall, comprising 55% of all settlement construction activity.
- **Settlements are built on less than 3% of the oPT; yet due to the extensive infrastructure they comprise more than 40%.

Water

- **The average water supply to the Palestinian communities in the oPT is about 63 liters per capita per day in the West Bank versus 140/day in Gaza.
- **In 7% of the Palestinian communities (43 out of 708), per capita supply is less than or equal to 30 liters per day; in 36% (225 communities) it is between 30 and 50 liters per day; in 41% (264 communities) it is between 50 and 100 liters per day; and finally, only in 16% (100) of these communities does the per capita supply exceed 100 liters per day.
- **Only 69% of Palestinian communities are connected to water networks.
- **Only 7% of the available water in the Gaza Strip meets WHO standards.
- **Israel, primarily the settlements, utilize 37% of the water from the Eastern Aquifer which is entirely located in the West Bank.
- **the price of water supplied by private tankers has increased in 290 communities in Palestine, with 205 of them experiencing an increase of up to 150% and the remaining 85 of them up to 200%.

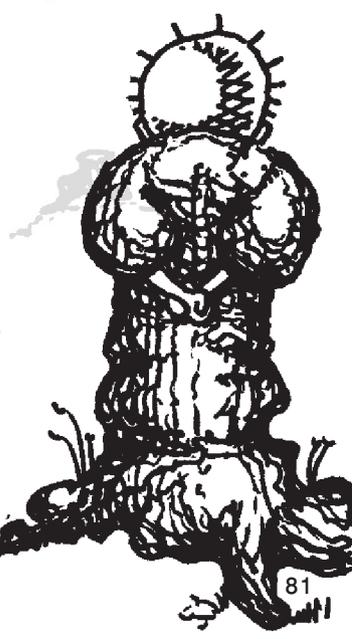
Notes





Stay tuned to Palestine Monitor and
HDIP for upcoming publications in 2009.

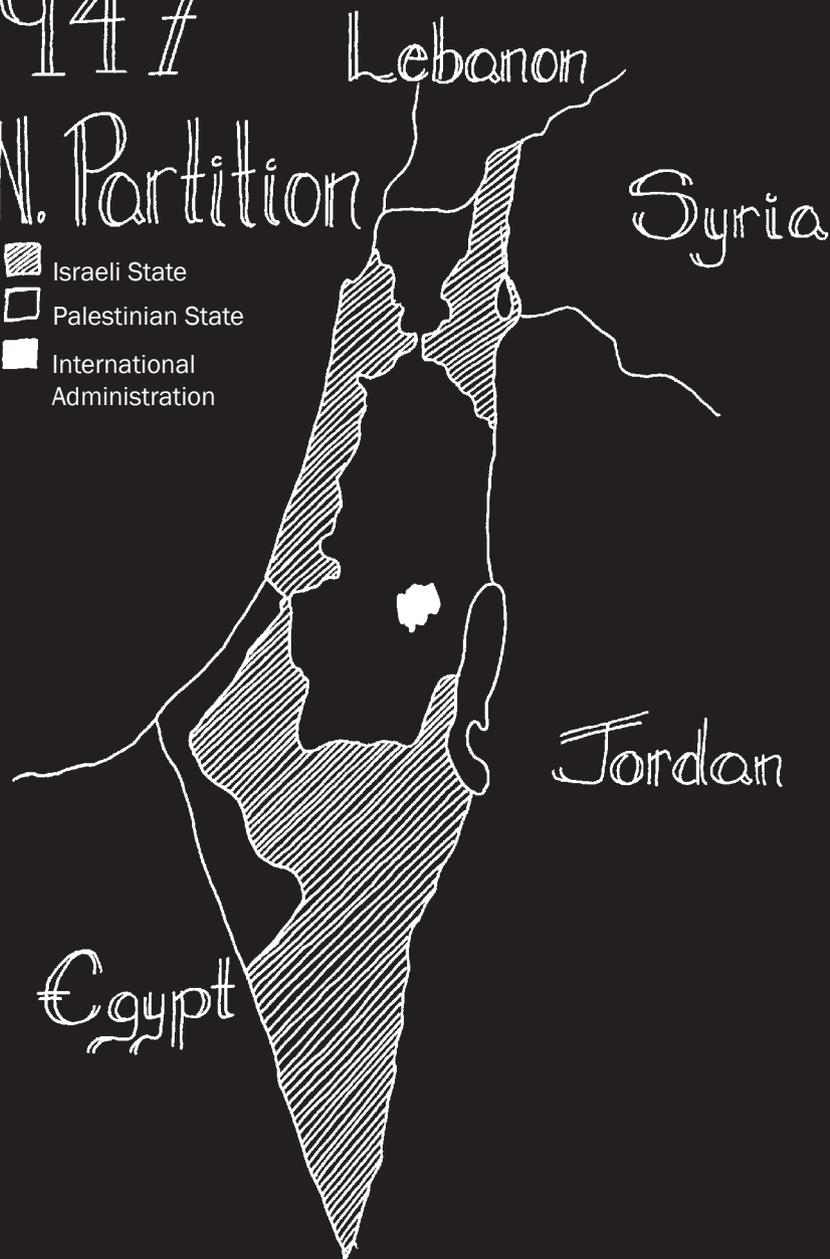
Electronic copies of the 2009
Factbook are available online at:
www.palestinemonitor.org



1947

U.N. Partition

- ▨ Israeli State
- Palestinian State
- International Administration





1949 Armistice Line



State of Israel prior to war



Land Captured by Israel in 1948



Remainder of Palestine following the
1948 war, later occupied in 1967

Palestine Monitor

Exposing Life Under Occupation

www.palestinemonitor.org

Health, Development and Information Policy Institute HDIP

Skills Toward Empowerment and Peace

www.hdip.org