



“Lack of Permit” Demolitions and Resultant Displacement in Area C

Key Points

- To date, more than 3,000 Palestinian-owned structures in the West Bank have pending demolition orders, which can be immediately executed without prior warning. At least ten small communities throughout the West Bank at risk of being almost entirely displaced due to the large number of pending demolitions orders.
- During the first quarter of 2008, Israeli authorities demolished 124 structures due to a lack of permits; this is more than the total number of demolitions carried out in the whole of 2007 (107). Sixty-one of the demolished structures were residential and led to the displacement of 435 Palestinians, including at least 135 children. Most of these demolitions occurred in the Jordan Valley and South Hebron areas. This trend, however, was discontinued in the following two months (as of 20 May), when only one structure was demolished.
- Children are frequently disproportionately affected by the demolition of their homes and the subsequent displacement of their families. According to a recent study, children are separated from their parents and face gaps in access to education, health facilities and clean water in the immediate aftermath of a house demolition.
- Since the beginning of the occupation in 1967 Palestinian-owned structures lacking building permits have been demolished by Israeli authorities. However, following the division of the oPt into different jurisdictional areas in the framework the Oslo agreements, such demolitions have been restricted to areas classified as C, which cover approximately 62% of the West Bank territory. Demolitions are being carried out by the IDF (Israel Defense Forces) also during military operations, including arrest operations, and due to proximity to the Barrier route.
- Over 400 Palestinian villages and towns (excluding East Jerusalem) have at least part of their built-up area in Area C. The number of Palestinians living in those areas is estimated at over 228,000. Among them, about 44,000 reside in 130 communities, whose built-up area lies *entirely (greater than 99%)* in Area C.
- Over 94% of applications for building permits in Area C, submitted to the Israeli authorities by Palestinians between January 2000 and September 2007, were denied. During this period 5,000 demolition orders were issued, and over 1,600 Palestinian buildings were demolished.
- Given the inability to obtain building permits, many Palestinians no longer apply and instead build without them in order to meet their needs, despite the ever-present risk of demolition.



OCHA Special Focus: “Lack of Permit” Demolitions and Resultant Displacement in Area C

Introduction

Demolitions of Palestinian-owned structures in the West Bank by the Israeli authorities have taken place throughout the period of Israel’s occupation. However, since the onset of the Oslo negotiations and the division of the West Bank into Areas A, B and C, demolitions due to lack of permit have been largely restricted to a specific area of the West Bank – Area C, where Israel retains military authority and control over the building and planning sphere.¹

During the first quarter of 2008, there was a marked increase in the number of demolitions of Palestinian-owned structures located in Area C. Whereas 29 structures (including 22 residential structures) were demolished in the West Bank (excluding East Jerusalem)² due to lack of permit in the last quarter of 2007, the first quarter of 2008 witnessed a four-fold increase, with the demolition of a total of 124 structures (including 61 residential structures). This trend, however, was discontinued in the following two months (as of 20 May), when only one structure was demolished (excluding East Jerusalem).

Demolition of Palestinian buildings (residential, agricultural, public and other) for lack of permit constitutes one of the most significant issues affecting Area C, which covers some 3,400 km² and represents almost 61% of the West Bank.³ Under the 1966 Jordanian Planning Law⁴ which is still in force in the West Bank, virtually any construction requires a permit, and such a permit may be given only in line with an approved planning scheme. In Area C, such permits are issued by the Israeli Civil Administration (ICA). However, the ICA rarely issues building permits for Palestinians.

According to information supplied by the Israeli Ministry of Defence (MoD) to the Israeli parliament (Knesset), over 94% of Palestinian applications for building permits in Area C, submitted between January 2000 and September 2007 were denied.⁵ Given the inability to obtain building permits, many Palestinians no longer apply and build without them in order to meet their needs, despite the ever-present risk of demolition.

The official statistics provided by the MoD indicate that for each permit allowing Palestinian construction that is issued by the ICA, 18 other buildings are destroyed and 55 demolition orders are issued for structures in Area C.⁶ Between January 2000 and September 2007, close to 5,000 demolition orders were issued against Palestinian structures in Area C and more than 1,600 Palestinian buildings were demolished – over 30% of total orders.⁷

¹ For a brief historical background and explanation on the division of the West Bank into these three areas, see Annex I.

² While many policies applied vis-à-vis Area C are similar to those applied to Palestinian residents of East Jerusalem, particularly with regard to construction issues and demolition, East Jerusalem has a distinct administrative status from that of Area C. For that reason, it has been excluded from figures in this report, unless otherwise noted.

³ This figure excludes areas comprising about 3% of the West Bank, which were designated in the “Wye River Memorandum”, signed in 1998 by the Palestinian Authority and Israel, as “Natural Reserves”. The status of these areas became very similar to the status of Areas C, as the Palestinian Authority is prohibited from authorizing any construction there.

⁴ The Law of Cities, Villages and Buildings no. 79 of 1966.

⁵ The data was provided to MK Chaim Oron in response to a parliamentary query he placed, and later published by Peace Now in: *Area C: Palestinian Construction and Demolition Stats* – February 2008. Available at: <<http://www.peacenow.org.il>>.

⁶ Ibid.

⁷ In contrast, during the same period, 2,900 demolition orders were issued for structures in Israeli settlements, but only 200 demolitions (7% of total orders) were carried out. Ibid.

Assuming the remaining orders issued but not yet implemented remain valid, there could be as many as 3000 structures located in Area C with pending demolition orders, in addition to those structures with orders issued against them before January 2000 or after September 2007. At least ten small communities throughout the West Bank are at risk of being almost entirely displaced as a result of the large number of pending demolition orders.

Communities and Population in Area C: Facts and Figures

There is no definitive data regarding the population of Area C as Area C is a territorial division that does not correspond directly with the built-up areas of Palestinian locales. Towns and villages rarely fall entirely within one area. For example, 418 West Bank villages have part (more than 1%) of their built-up area in Area C. Of these, 162 villages and towns have more built-up area in Area C than in Area A and B. Of the 162, 130 West Bank villages are located entirely (more than 99%) in Area C.

An additional factor impeding the ability to precisely determine the Area C population is that the distribution of the population within a particular village is unknown (i.e. while it is generally possible to ascertain what percentage of a locale's built-up area is located in Area C vs. Area A or B, no data exists indicating the distribution of population in these areas).

Keeping in mind the above limitations, the following can be said regarding the population of Area C:

- Close to 44,100 Palestinians reside in the 130 villages whose built-up area lies entirely in Area C.
- If one includes the population of villages whose built-up areas lie more in Area C than in any other area, the population figure reaches up to 69,900 people.
- However, if one assumes an even distribution of population within the built-up areas and includes the population for any portion of the built-up area located in Area C, over 228,600 Palestinians reside in Area C.⁸

In any case, the number of Palestinians residing in Area C does not accurately reflect the total number of Palestinians affected by Israel's policies in Area C. Also affected are those Palestinians who own land in Area C but reside elsewhere as well as those living in areas adjacent to Area C., given that tens of thousands of Palestinians who live in adjacent areas or who own land in Area C, but reside elsewhere, are affected. Moreover, because Area C holds the most significant land reserves available for Palestinian development, the entirety of the West Bank population is affected.⁹

Denial of Building Permits in Area C

The process of issuing demolition orders in Area C begins when the ICA Inspection Division identifies a Palestinian building that has been or is being erected without a permit, outside the boundaries of the so-called Special Partial Outline Plans (hereafter: Special Outline Plans).¹⁰ The Special Outline Plans were created by the ICA and do not exist in the Jordanian Planning Law. Within the boundaries of these plans, the area is divided into up to three residential zones, differing from each other in permissible densities (number of housing units per hectare). These plans do not allocate lands for

⁸ If 100% of a particular locale is located in Area C, then 100% of the population was included in the figure. If 5% of a particular locale is located in Area C, then 5% of the population of that locale was included in the figure.

⁹ For a brief explanation of the importance of Area C for Palestinian development see Annex II.

¹⁰ OCHA oPt thanks the Israeli NGO Bimkom – Planners for Planning Rights, for its assistance in preparing this section of the report.



public buildings or parks and often do not even provide suitable planning solutions for roads. In terms of ICA practice, the significant element of the Special Outline Plans is the line demarcating the plan's boundaries: beyond this line construction is practically prohibited and the prohibition is enforced; inside the line, however, regulations for building are almost never enforced. Although precise figures are not available, it is clear that as of April 2008 only a minority of Palestinian communities located entirely in Area C had Special Outline Plans.

Is the approval of a Special Outline Plan a step forward?

Past experience shows that the demarcation lines of Special Outline Plans are generally drawn tightly around the main built up area of each community. Lands located on the margins of this area and which are available for development are typically excluded. In this case, while the approval of a Special Outline Plan will lift the threat of demolition for families whose houses are included within it, the level of threat for those excluded from the approved areas will actually increase. Overall, development opportunities for the community as a whole tend to be reduced.

Any construction in Area C outside of an approved Special Outline Plan is subject to the regulations stipulated in the Mandatory Regional Outline Plans, which were approved by the British Mandate government of Palestine in the 1940s. These regulations constitute the only statutory plans legally in force for West Bank areas without more recent plans (i.e. Special Outline Plan). In general, however, given that these plans were developed over sixty years ago, they are completely inadequate to deal with current planning needs.¹¹ These regional plans (RJ/5 in the south and S/15 in the north), designate most of Area C as an agricultural zone. Despite this, the regional plans allow for construction to take place in the agricultural zone, provided various conditions are met.

Once the ICA identifies a building located outside the boundaries of a Special Outline Plan, a “stop construction” order is issued. The order invites the owner to submit a request for a building permit and to come to a hearing before the ICA's Sub Committee of Inspection at Beit El. If the owner does not apply for a permit, the Sub Committee of Inspection automatically issues a final demolition order, which cannot be appealed within the planning system. Affected persons, however, can challenge the legality of demolition orders by petitioning the Israeli High Court of Justice. Although not required by the military legislation, the ICA frequently delivers an informal additional warning before the demolition is executed. If an application for a building permit is received, then the Sub Committee considers the possibility of issuing a building permit. In practice, however, according to the information submitted by the MoD to the Knesset, less than 6% of applications are approved.¹² The reason most frequently cited by the ICA is an alleged violation of the regulations of the relevant Mandatory Regional Outline Plans.

In other cases, requests for permits are denied on the grounds that: (a) the applicant failed to prove ownership of the land;¹³ (b) the construction is in an IDF (Israel Defense Forces) declared “closed area” (e.g. vast areas over the Jordan valley); (c) the construction is within an area otherwise prohibited for building (e.g. near existing or planned roads); and (d) the construction is located on land designated as a nature reserve or an archaeological site, among other reasons. These reasons are stated less

¹¹ For more details on the limitations of these plans, see Anthony Coon, *Town Planning Under Military Occupation*, Dartmouth Publishing Company, London, 1992, p. 65 – 83.

¹² See footnote 5.

¹³ Failure to prove ownership is related to the fact that over 2/3 of the West Bank lands has not been registered in the Land Registry and therefore no titles are available to the owners. In addition, since the late seventies the Israeli authorities implement a policy by which unregistered and uncultivated land is declared “State Land” and the control over them transferred to the ICA. For a background on this policy see: B'Tselem, *Land Grab – Israel's Settlement Policy in the West Bank*, May 2002, Ch. 3.

frequently. Denial based on alleged inconsistencies with Mandatory-era planning regulations is the most commonly given reason.

Impact of House Demolitions on Children

Demolitions lead to the displacement of Palestinian families and have wide-ranging physical and psychological impacts. A recent survey conducted by the Palestinian Counseling Center and supported by Save the Children – UK and the Welfare Association¹⁴ found that in the immediate aftermath of a house demolition, children have been separated from their parents, and that there are gaps in children's access to education, health facilities and clean water. Moreover, even though demolition is a single event, its impact is similar to multiple and continuous traumas.

The survey found that emotional and behavioral problems persist beyond the first six month period following a demolition. Long-term effects include lower academic achievement rates and early school drop-out. Symptoms of psychological distress found among children included: increased aggression; depression; difficulty concentrating and bedwetting, among others. The survey also found that only 12 % of surveyed families reported that they had the chance to empty the house of its contents prior to demolition and that over 65% of surveyed families reported that they moved more than one time following the demolition of their home.

Demolition Trends in First Quarter (January – March) 2008

There has been a marked increase in the number of demolitions and the level of resultant displacement during the first quarter of 2008. Between January and March 2008, the Israeli authorities demolished a total of 124 Area C structures (including 61 residential structures) due to lack of permit. This is more than the total number of demolitions carried out in Area C due to lack of permit in 2007 (107) and equivalent to some 82% of total “lack of permit” demolitions in 2006 (151).

- Area C demolitions during the first quarter of 2008 resulted in the displacement of some 435 Palestinians (including at least 135 children).
- Area C lack of permit demolitions constituted some 90% (124 out of 138) of total demolitions carried out by the Israeli authorities in the West Bank (excluding east Jerusalem), during the first quarter of 2008. The remaining 10% of the demolitions were carried during military operations, including arrest operations, and due to proximity to the Barrier route.
- This is consistent with the trend of the previous two years, when the majority of demolitions in the West Bank (excluding East Jerusalem) were also due to the lack of building permit—82% in both 2006 and 2007.¹⁵
- In addition to the marked increase in the number of Area C lack of permit demolitions, there has been a significant increase in demolitions in communities whose built-up areas are located *entirely* in Area C. This trend is reflected in both percentages and raw numbers: in 2005, 31%

¹⁴ “Long Term Implications of Israel’s House Demolition Policy and Practice on Palestinian Children and Their Families”, *forthcoming*. The survey sample included 59 families (105 children, 96 control children, 42 fathers and 53 mothers) whose homes were demolished between 2000 and 2006 in the West Bank or Gaza Strip.

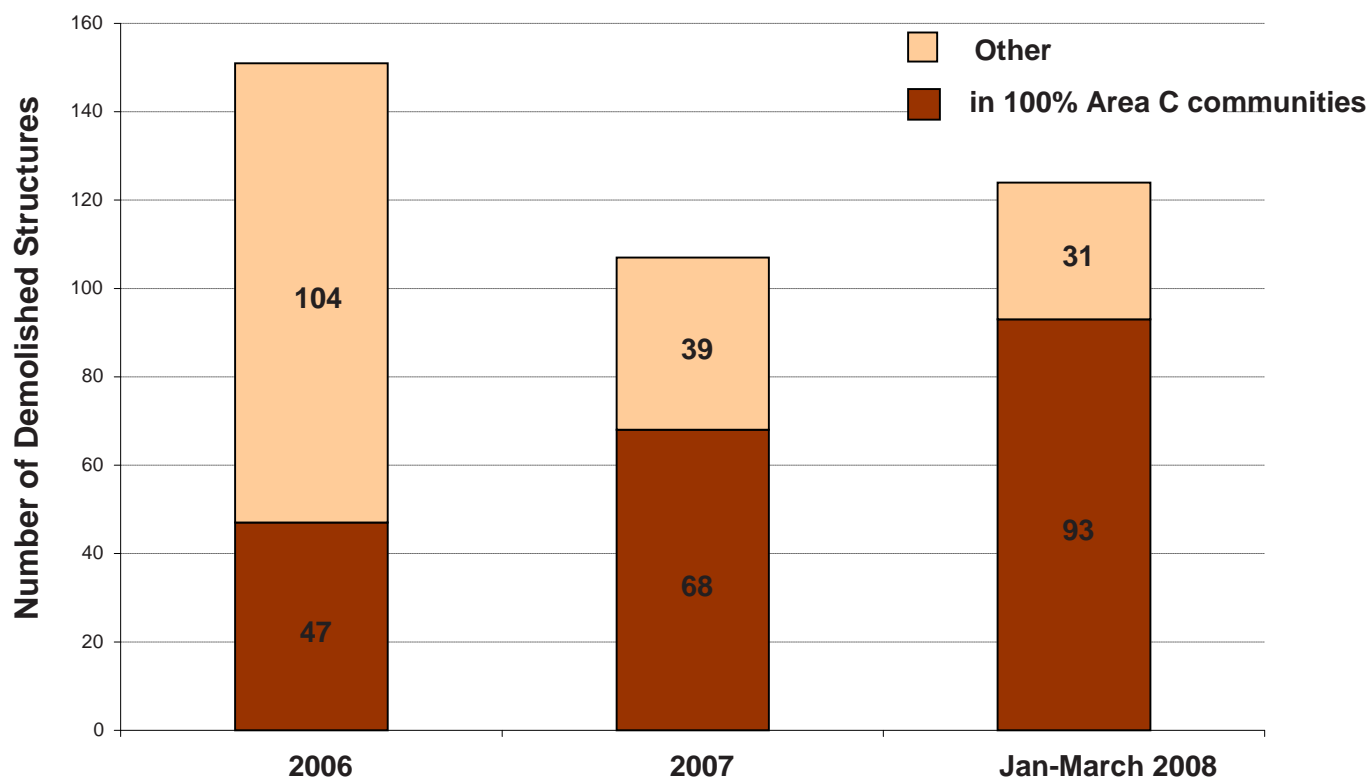
¹⁵ Other reasons for demolition include, for example, military operations, search and arrest operations, punishment, and settler action.



(47 of 151) of structures demolished due to the lack of building permit were located in communities that are *entirely* in Area C. This percentage rose to 64% (68 of 107) in 2007 and to 75% (93 of 124) in the first three months of 2008.

- Out of 435 Palestinians displaced during this period as a result of the demolition of residential structures, 80% lived in communities that are entirely in Area C, namely:
 1. Al Jiftlik (Jericho)
 2. Wadi as Sik (Ramallah)
 3. Al Baq'a (Ramallah)
 4. Al Hadidiya (Tubas)
 5. Frush Beit Dajan (Nablus)
 6. Izbet at Tabib (Qalqiliya)
 7. 'Arab ar Ramadin ash Shamali (Qalqiliya)
 8. Imneizil (Hebron)
 9. Qawawis (Hebron)
 10. Ad Deirat (Hebron)
- 86% (107) of the Area C lack of permit demolitions in the first quarter of 2008 were in Jordan Valley locales, up from 11% (12 demolitions) in 2007 and 46% (69 demolitions) in 2006.

Demolitions Due to the lack of Building Permit in the West Bank (excl. E. Jerusalem), 2006 - 2008



Demolitions, by Month

January 2008

The Israeli authorities demolished a total of 47 structures in Area C of the West Bank in January 2008 due to lack of permit. Of these, 25 were inhabited, residential structures, resulting in the forced displacement of 181 Palestinians.¹⁶

The majority of those displaced lost their homes over a two day period, on 2 – 3 January. About 77% (140) of those displaced are Bedouin from Fasayil (Jericho) and Al Baq'a communities (Ramallah). An additional 39 people were displaced when their residential structures were demolished by the Israeli authorities because the structures existed on land that the Israeli authorities consider “state land”.

February 2008

The Israeli authorities demolished a total of 40 structures in Area C, 19 of which were inhabited.¹⁷ This led to the displacement of some 135 Palestinians, including more than 50 children.

All of the displaced were Bedouin, not registered as refugees, who lived in Area C areas considered by the Israeli authorities to be “closed military zones.”¹⁸ The displaced include three Bedouin families in Al Hadidiya, four Bedouin families in Al Jiftlik, and eight Bedouin families in the Wadi as Sik area in Ramallah. They report that the areas from which they were displaced had been their home for many years, some for 20 to 30 years. In the case of Wadi as Sik, the eight families were still unable to pitch their tents four days later, which was due to the topography of the valley to which they were forcibly re-located. The families remain separated and the children are forced to seek shelter in nearby caves or with neighbours and friends.

March 2008

In March, 37 Area C structures were demolished, including 17 residential structures, due to lack of permit.¹⁹ This led to the displacement of 119 Palestinians (including 73 children). Twenty-four (24) structures, including nine residential structures, were demolished on 11 March alone.

Twelve of these structures were located in Al Hadidiya in the northern Jordan Valley. The affected families had experienced an earlier demolition on 6 February 2008, when the same structures were demolished and later re-built. During the 11 March demolitions, the Israeli authorities brought a machine that crushed the structures after the demolition and removed them from the site. The February

¹⁶ This figure includes 11 structures that were disassembled by their Palestinian owners following an order to do so by the IDF.

¹⁷ This figure includes four tents and four animal barracks that the IDF forced Bedouin families to disassemble because the bulldozer was unable to reach them.

¹⁸ Israel has designated over 20% of the West Bank as “closed military areas” / fire zones. These areas effectively limit access and use by Palestinians of 1.1 million dunams (115,034 hectares) of West Bank land unless they have prior permission from the IDF or settlement regional councils. The vast majority of these areas are located in the eastern West Bank, including the Jordan Valley. While there are no Israeli settlements located within these areas, they are located around and between them. The military areas act as a physical division between the settler population and local Palestinian communities. Land that had earlier been declared closed for military purposes has, in some case, been later allocated to settlements.¹⁸ For more details see, OCHA oPt, *The Humanitarian Impact on Palestinians of Israeli Settlements and Other Infrastructure in the West Bank*, July 2007, p. 42.

¹⁹ This figure includes the demolition of two houses in Hizmah village in the Jerusalem district (one of which was completed and the other of which was under construction). According to the village council, based on Palestinian Authority maps both houses are located in Area B. The completed house was built upon obtaining a permit from the PA. According to the demolition order issued by the Israeli Civil Administration, the two houses are located in Area C and, hence, their construction requires Israeli building permits. Because the reason for their demolition by the IDF is due to a lack of permit in Area C, they have been included here.



and March demolitions were preceded by earlier demolitions: on 13 August 2007, the Israeli army bulldozed the homes of at least 100 people from the Al Hadidiya community.

These demolitions, and similar operations in April 2007, occurred after a December 2006 Israeli High Court of Justice ruling²⁰ rejecting a petition against the demolition order issued by the ICA. The High Court justified the decision by saying that the ICA orders were reasonable, given that: 1) the affected buildings were located in an area defined as agricultural in the Mandatory Regional Outline Plans, and 2) the buildings posed a security threat to the Ro'i settlement. This ruling overturned two previous decisions by the Court in favour of the community's right to remain in the area, after its designation as a 'closed military area' in 1997.²¹

Families and Communities at Risk: Two Cases

Al 'Aqaba village, Tubas Governorate

The village of Al 'Aqaba lies at the edge of the Jordan valley and comprises 3,500 dunums of land. It is entirely situated in Area C, between two military bases. A third base, located at the village's western entrance was dismantled in June 2003. Since 1967, when the area was announced a closed military zone, Al 'Aqaba's population has decreased significantly and about 700 people moved to the neighbouring villages and to Jordan.

To date, 35 of the 45 structures in the village have received demolition orders due to a "lack of permit", most of them during 2003. These include private houses, a kindergarten, a water cistern, the clinic and the mosque. If all the demolition orders are carried out 38 families, or 211 people, will be displaced and approximately 130 children would be left without their kindergarten and therefore deprived of pre-school education. The village's kindergarten was built in 2002 through funding provided by the US-based 'Rebuilding Alliance', the Japanese and Belgian embassies and the Norwegian People's Aid.

On 17th April 2008, the Israeli High Court of Justice rejected Al 'Aqaba's petition to stop the demolition orders.²² The Court "took note" of a communication by the Israeli authorities that it was not intending at that time to demolish structures located in the village centre, which includes 16 structures and 115 people. Additional 184 people (including 94 children) and 19 structures are located outside the village centre. In any case, since this communication was not made legally binding by the Court, all 35 structures with demolition orders, including the kindergarten, the clinic, the water cistern and the mosque in the village centre, still remain vulnerable to demolition at any time.

Al-Adara Family, South Hebron

Isma'eel al-Adara (61) is married to four wives and has 30 children, nine of which are married. His younger children live with him in Umm Lassafa while most of his married sons live in the nearby community of Ad Deirat. Until 1999 his family, along with 13 others, lived in the hamlet of Bir al'Id in the Massafer Yatta area of south Hebron in Area C. Massafer Yatta is an area of 36,000 dunums, located south of Road 317, with 17 small scattered communities. The population in the area, which

²⁰ HCJ 2389/04, Abdallah Hussein Bisharat and others vs. The Military Commander of Judea and Samaria and others.

²¹ The Israeli settlers living in the Ro'i settlement, a few metres from the Al Hadidiya village, are able to continue residing in the area without IDF interference, though the settlement was established some 30 years after the village.

²² HCJ 143/04, HCJ 8440/04, Ahmad Hamdan Hassin Jaber and others v. The State of Israel and others. Available at the High Court's website: <http://elyon1.court.gov.il/files/04/430/001/o14/04001430.o14.htm> (in Hebrew).

currently consists of 1,100 people, has maintained the way of life of their ancestors, living in caves and earning a living from farming and livestock. Mr. al-Adara owns 131 dunums of land in Bir al'Idd.

In the 1970s, the Israeli military commander declared the area a “closed military area.”²³ In 1997, eviction orders were served to local residents of Massafer Yatta, and, in November 1999, soldiers and ICA officials expelled more than 700 of the cave residents, sealed their caves, destroyed their tents and filled their water cisterns with the debris from the demolitions.²⁴

The residents petitioned the Israeli High Court of Justice, and in March 2000, the Court issued a temporary injunction, permitting the residents to return to the area and preventing the state from expelling them, until the court has reached a final decision in the matter. The Israeli government, however, contended that the expulsion of the cave residents was justified because they were not permanent residents of the area, and that the expulsion was an “imperative military need.”

Only Mr. al-Adara, his son and their families returned to Bir Al 'Idd. Settlers from the nearby outposts of Nof Neshet (established in 1996) and Mitzpe Yair (established in 1998) soon carried out a campaign of harassment and physical violence against the returnees. According to Mr. al-Adara, he has filed at least 11 complaints with the Israeli Police related to attacks by settlers that he and his family were victims of, including a settler attempt to kill him with a knife; an attack on his wife by one of the settlers' dogs; an incident where some of his sheep were ran over and killed; and an incident where 15 of his sheep were poisoned and access to his land was prevented by settlers. However, to date, Mr. al-Adara has not been notified of any legal action taken against the assailants.

Because of the settlers' harassment, the al-Adara family gave up living in Bir al'Idd in 2001. They moved to a 26-dunum piece of land they had purchased near Umm Lassafa, located 11 kilometers north east of Bir Al 'Idd. So that his family would have a dwelling in which to live and a proper shelter for their livestock, Mr. al-Adara built make-shift housing, sheep pens and storage sheds on the land.

In January 2005, Mr. al-Adara received demolition orders for the new structures he had built in Umm Lassafa and, therefore, sought assistance from a local NGO in Hebron. He reports that he provided them with all the needed documents to file an appeal with the Israeli court system, but the NGO did not follow-up his case properly. Since then, he has had no further contact with the NGO.

On 30 June 2005, the Israeli authorities demolished three of the new houses Mr. al-Adara had built in Umm Lassafa. Additionally, they demolished a water-filled cistern and used a bulldozer to destroy a cave, in which Mr. al-Adara was storing fodder for his animals. The ICA also delivered a demolition order for a caravan that he used for storage. The reason given for the demolitions was that the owners had built their structures without a permit from the ICA.

Lacking other shelter, the family moved to the caravan that had also been issued a demolition order. In March 2007, however, the caravan was also demolished. The ICA further issued a demolition order for a house in which Mr. al-Adara's newly-married son was residing. On 19 March 2008, the demolition of his son's house was carried out. The family has rebuilt homes at the site as they have nowhere else to go and they continue to live under the constant threat of demolition.

²³ 2/3 of Bir al Idd is still a closed military area.

²⁴ For more details on the expulsion, see B'Tselem, *Means of Expulsion*, July 2005.



Annex I: Area C – Historical Background

The Oslo negotiations between Israel and the Palestine Liberation Organization (PLO) called for the transfer of power from the Israeli military and its civil administration to Palestinian authority. This phased transfer of power, called for in the 1993 *Declaration of Principles*, saw its first implementation following the 4 May 1994 signing of the *Agreement on the Gaza Strip and Jericho Area*, and the Palestinian Authority's (PA) deployment in those two areas.

As part of this phased process, the 1995 *Israeli-Palestinian Interim Agreement on the West Bank and Gaza Strip* divided the West Bank (with the exception of East Jerusalem) into three areas: A, B and C. Area A was made up of the major Palestinian cities and came under Palestinian civil and security authority. Area B comprised most Palestinian rural communities. In this area, civil authority was transferred to the Palestinian Authority and security authority was shared by Israelis and Palestinians. In Area C, Israel retained military authority and control over the building and planning sphere, while other civil matters were transferred to the Palestinian Authority.

As a result of direct negotiations, there were a series of IDF re-deployments in the West Bank between 1994 and 2000. By 2000, approximately 36% of the West Bank had been categorized as Areas A and B, while the majority of the West Bank was Area C. There has been no official change to this division since the beginning of the second Intifada in September 2000. Even though the interim arrangements were supposed to be temporary, as no final political settlement had been agreed between Israelis and Palestinians, this interim situation has remained frozen.

Annex II: Importance of Area C for Palestinian Development

Though most Palestinians reside in Areas A and B, Area C is critical to Palestinian development and livelihoods. Area C holds the land reserves necessary for the expansion of Palestinian population centres, the development of national infrastructure and the agricultural and private sector.²⁵ Given that Area C is less-densely populated, it is the desired location of sanitary landfills, waste-water treatment plants and other environmentally sensitive infrastructure. Additionally, the bulk of Palestinian agricultural and grazing land is located in Area C. Moreover, because Areas A and B are composed of dozens of disconnected territorial units surrounded by Area C, any infrastructure connecting Palestinian communities (roads, water and electricity networks, etc.) needs to cross through Area C to be effective.

Israel's retention of control within the building and planning sphere is impacting Palestinian efforts to develop Area C. Though the Palestinian Authority possesses some authority in Area C, it has limited ability to implement national development projects. If it needs to construct anything or develop infrastructure, it must receive ICA permission to do so, effectively leaving control over development in Israel's hands. For example, while the Palestinian Authority is allowed to allocate additional teachers to a given school in Area C, it can not build new classrooms for the schools without the approval of the ICA. Donors face similar problems in implementing projects.

Policies restricting building and development in Area C have humanitarian implications for the entire Palestinian population. Increasingly, there is less land available for expansion for the 2.3 million Palestinians living in the West Bank. While Palestinian development in Area C has been impeded, the expansion and development of Israeli settlements and other Israeli infrastructure has flourished, in comparison,²⁶ despite these settlements' status as illegal under international humanitarian law²⁷ and that Palestinian residential areas already have a population density double to that in the Israeli settlements.²⁸

All Israeli settlements (excluding those in East Jerusalem) are located in Area C, as are the Israeli-used roads built to connect the settlements to one another and to Israel. At present, more than 38% of the West Bank consists of Israeli settlements, outposts, military bases, closed military areas and Israeli-designated nature reserves.²⁹ These areas are tightly controlled or off-limits to Palestinians and virtually all of them are located in Area C. The majority of the obstacles to Palestinian movement, put in place by the IDF since September 2000 are also located in Area C, mainly blocking access to the roads primarily reserved for Israeli use. As a result, the West Bank has been fragmented into dozens of enclaves that geographically separate Palestinian communities and the territory is considerably narrowed for Palestinian use and development.

²⁵ For an example of a village located in Area B, which has most of the available lands for development in Area C, see attached map of Qibya Village.

²⁶ From January 2000 until September 2007, while only 91 permits were issued to Palestinians for construction in Area C, 18,472 housing units were constructed in Israeli settlements in the West Bank (excluding East Jerusalem), according to the Israel Central Bureau of Statistics. See footnote 5.

²⁷ Settling an occupied territory is illegal under international law. By its very nature, military occupation is seen as temporary. The Fourth Geneva Convention (article 49) relative to the Protection of Civilian Person in Time of War explicitly prohibits the transfer of the Occupying Power's civilian population into the territory it occupies since it makes terminating occupation more difficult. (See OCHA oPt, *The Humanitarian Impact on Palestinians of Israeli Settlements and Other Infrastructure in the West Bank*, July 2007, p. 128.) The illegal status of Israeli settlements has been confirmed by the United Nations Security Council (Resolution 466 of 22 March 1979) and the International Court of Justice (Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, of 9 July 2004).

²⁸ According to OCHA data, the population density in Israeli settlements is 2.4 persons per dunum. The population density in Palestinian built-up areas is 4.6 persons per dunum.

²⁹ See OCHA oPt, *The Humanitarian Impact on Palestinians of Israeli Settlements and Other Infrastructure in the West Bank*, July 2007.

