

A community on the Brink

A Study of the
Palestinian Cave Dwellers
in South Hebron



THE WORLD BANK

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as Report No. 1, World Bank Series on
Poverty and Marginality in the West
Bank and Gaza



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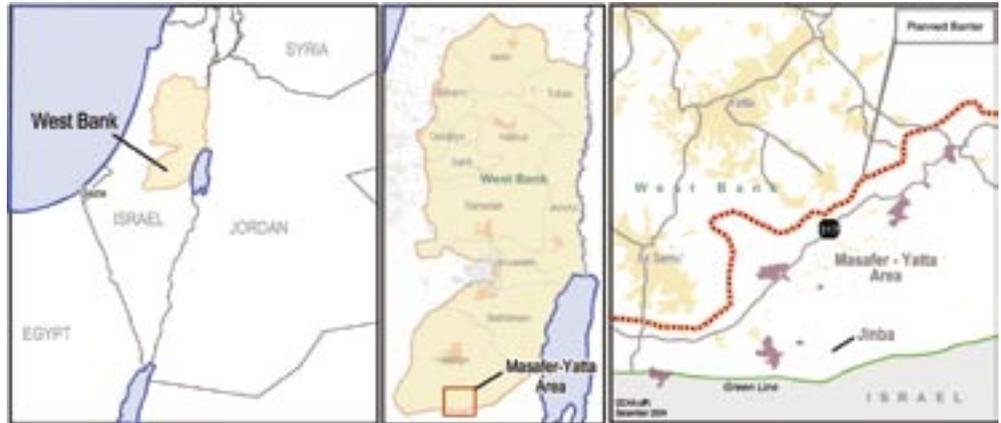


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INTRODUCTION

More than one thousand Palestinians currently live in Masafer Yatta, an area comprising 20 hamlets in the southeastern hills of Hebron. The area spans 36,000 dunums (3,600 hectares) of land between the town of Yatta and the Green Line. For 170 years its inhabitants have sustained a culturally unique lifestyle once emblematic of the regional desert frontier, based on habitation of built-out natural caves around which they practice dry land farming and rear sheep. Local families hold Ottoman titles to their lands - though these are not recognised by Israeli courts - and have over time built roads, houses, mosques and shops.

However, the survival of this community is now threatened. The Israeli Defence Forces (IDF) is planning to evacuate a majority of its inhabitants, clearing the central part of a “closed area” to be created by Israel’s Separation Barrier. If completed as per most recently disclosed Israeli plans, the Barrier would isolate Masafer Yatta from the

West Bank. Even if its inhabitants were able to remain on their land, they would accordingly be cut off from services and markets in nearby towns.

The IDF’s evacuation plan follows longstanding efforts, dating back to the 1970s, to convert the area into a military firing range. Subsequently, as Israeli settlements were built in and around the area, IDF closure policies and house demolitions, an effective freeze on local reconstruction and infrastructure development, together with cases of settler violence have undermined the community’s support mechanisms and forced some families to evacuate.

The inhabitants of Masafer Yatta are consequently highly vulnerable. They suffer among the highest poverty rates in the West Bank and lack access to basic amenities and social services, as well as secure and decent habitats. To date they have received little external assistance. In 1999 the IDF carried out mass evictions

in the area. Though local residents were temporarily allowed to return by order of the Israeli High Court of Justice (IHCJ), their status remains subject to a final IHCJ decision that will consider the IDF’s evacuation plan. Since then new demolitions have been undertaken in the area.

Despite these pressures the population of Masafer Yatta has continued to maintain residency in the area. Their lands remain central to their way of life and are integral to their economic subsistence. The following study details these considerations, the factors threatening Masafer Yatta’s present communal existence, and its current developmental and humanitarian needs. These include secure access to habitats, water, electricity, infrastructure and health services, as well as legal assistance. The report concludes with recommendations for some donor interventions that are necessary if the unique communities of Masafer Yatta are to survive in their present form.

HISTORICAL AND ETHNOGRAPHIC BACKGROUND

The inhabitants of Masafer Yatta are peasants- fellah - who are attached to and hold titles to the lands on which they reside and cultivate.

As noted by Israeli anthropologist Havacook³ they are accordingly both sedentary and distinct from nearby Bedouin populations with whom they have engaged in historic struggles over the desert/highland frontier - a frontier on which they have over time built a unique way of life.⁴

Among the communities known locally as “Daughters of Yatta,” the [a5]hamlets of Masafer Yatta date to the early decades of the 19th century. At this time pressure on existing land reserves around Yatta prompted outward migration towards the edges of the Hebron mountain range, an area that enjoys significant rainfall in the winter, thus permitting seasonal farming - also known as transhumance[a6].⁵ On these lands, Palestinians settled seasonally in tents and cave dwellings and then gradually built and/or supplemented the caves with extensions or stone

houses. A number of present day communities figure on area maps drawn by the Palestine Exploration Society in the mid 1870s.

Over the course of the last century further investments in local land and habitats led to transitions to conventional settlement[a7][a8]. Houses, roads, mosques and shops were constructed and olive and fruit trees were planted. In some locations, UN field workers have documented burial sites dating back sixty years. These communities followed a continuum of natural development observed among the other “Daughters of Yatta” notably Al Karmil north of Masafer Yatta. Here, original cave dwellings, sometimes used today to shelter animals and store fodder, can be observed next to early century stone houses and modern cement buildings.

Today, Masafer Yatta’s particular form of life is increasingly rarely observed in the rest of the Jordan basin, making its population a living

link with the region’s history. Due to the region’s particular geology, cave-dwelling communities have been a feature of settlement in the Jordan basin for millennia and are widely noted in Biblical references; a cave was believed to be the site of Jesus’ birthplace in Bethlehem, over which the present day Church of the Nativity is erected.

Although much of the area’s developed history has been damaged or destroyed over the past three decades, its historical significance is still evident. In Jinba, two Ottoman era stone houses extending out of natural caves with characteristically deep-set arches have survived demolitions and are still used by local inhabitants. The structures, growing out of folds in the local foothills, mirror smaller arches or rooms built into rows of caves in the nearby Mirkez hamlet. Inside older cave habitats, rock walls are traditionally lined with a combination of thatch and mud, out of which containers and shelves

for storage of flour, grains and household goods have been sculpted into free-flowing shapes. There are approximately 450 caves in the Masafer Yatta area

Before the Intifada, Masafer Yatta's combination of pristine open landscape and picturesque cave dwellings attracted informal tourist interest. Israeli and foreign

visitors stayed in the caves around At Tuwani. Under more favourable political circumstances, the area could accordingly be developed for niche tourism.



CASE STUDY:

MAPPING A MARGINAL COMMUNITY

The population of Masafer Yatta is marginalized both geographically and politically. To date it has received little attention from the international community or the Palestinian Authority. Many of its inhabitants are not accounted for in official maps and population statistics, including the area's biggest hamlet, Jinba, with a population of 216.6

A UN mapping of the area shows that there are at least 20 distinct hamlets in Masafer Yatta, seven more than accounted for on Palestinian Central Bureau of Statistics' (PCBSB) and Israel Defence Forces' (IDF) maps. Further UN field work has concluded that the area is inhabited by 1,211 persons - a population 150% larger than that officially accounted for in the Palestinian census.⁷ The majority of this population resides permanently in Masafer Yatta even while their extended families often retain a house outside the area.⁸

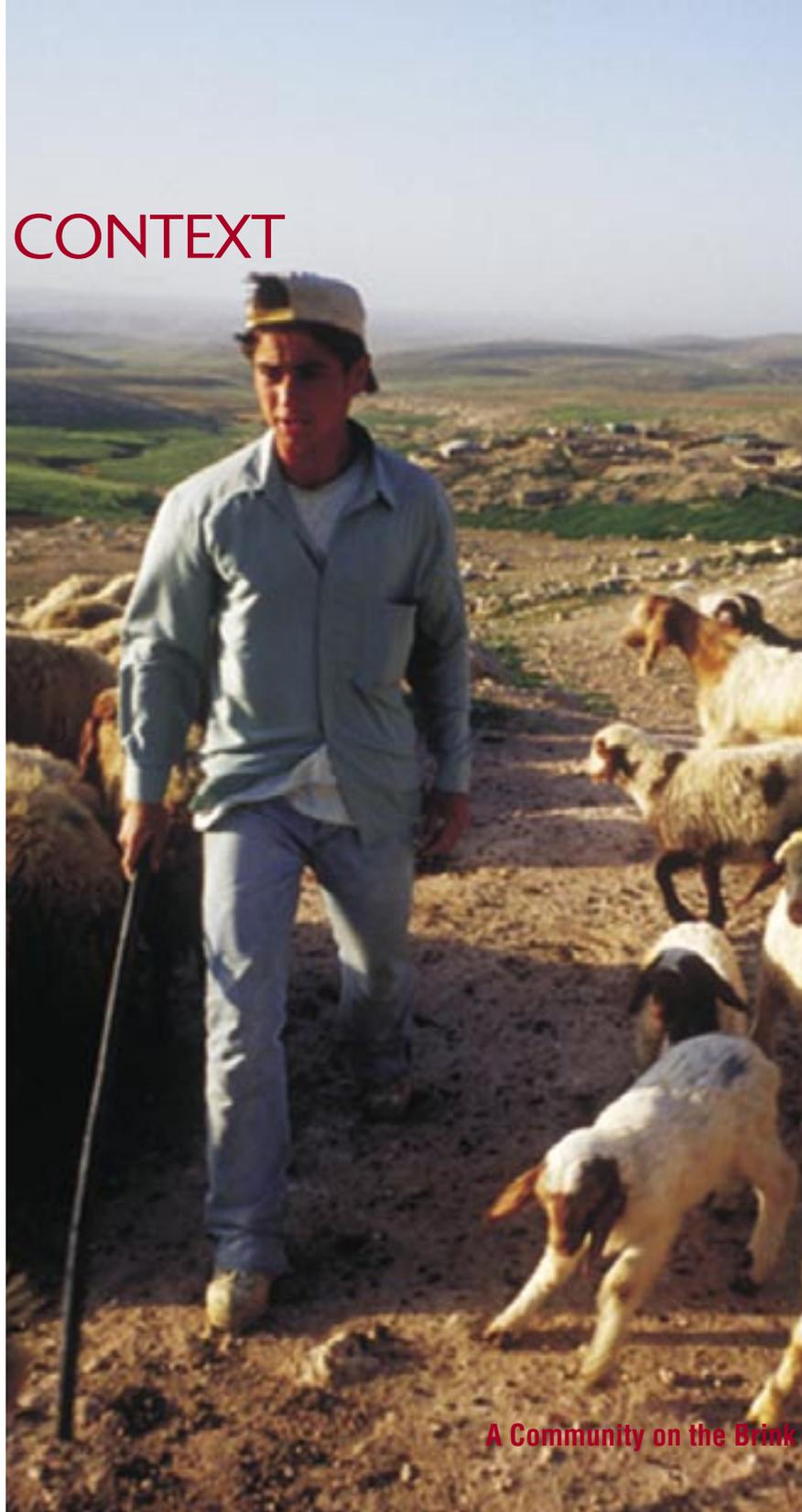
Notably, this pattern of settlement does not reflect a "normal" status quo situation, but is rather the cumulative result of IDF policies, as well as settler encroachment and harassment. ⁹ Inter alia, these have caused the evacuation of five hamlets since 1997. Though not fully accounted for in this study's population count, this population could accordingly be considered forcibly displaced. ¹¹ World Bank field research strongly suggests that local ability to maintain residency in the area has been further compromised by a tightening of IDF closures and administrative practices beginning in 2001.

II SOCIO ECONOMIC CONTEXT

Because of Masafer Yatta's cultural and economic significance, its people continue to reside in the area despite increasingly difficult living conditions. The following section details the socio economic basis of their life in the area and the challenges to their survival as presently existing communities.

Historically, the economy of Masafer Yatta is based on a combination of shepherding, involving the rearing of animals for sale as meat, and the sale of derivative dairy products like cheese and ghee (samneh). In addition, dry-land farming - entailing the rain-fed cultivation of grains, pulses, fodder and olives - and smaller scale cultivation of vegetables and tobacco for community consumption play key economic roles.

In time, many households secured additional sources of income. Since British Mandate times, the labour force in the area has worked in nearby urban centres. Following Israel's occupation of the West Bank in 1967, a growing proportion found seasonal employment in construction and other manual jobs within Israel; others took jobs in Palestinian cities and, as they were increasingly educated, entered professions there. Meanwhile, they or other members of their family continued to work and reside on the land in Masafer Yatta, collectively pooling earnings within extended families.





Qualitative World Bank field research suggests that earnings from work in Israel accounted for a significant portion of household and extended family income until the imposition of extensive Israeli closures during the current Intifada. The closures have restricted movement across the Green Line, as well as travel to street side “pick-up” spots in Jerusalem, where local men used to meet Israeli contractors. Local unemployment is since reported to have risen sharply and household incomes declined significantly.¹³

As in other rural communities of West Bank, the people in Masafer Yatta now rely primarily on agriculture and livestock rearing. [a15] Income derived from the agriculture and livestock is distributed among extended family networks in Yatta and surrounding hamlets. Accordingly, the area currently provides economic security for a population greater than its local inhabitants. However, they are confronting longstanding and growing obstacles in seeking to maintain their life on these lands, as detailed further below.

Historic impediments to development

Aerial photography and World Bank/ UN field interviews indicate that the hamlets of Masafer Yatta enjoyed growth and physical development until the middle of the last century. Subsequent decades were however marked by destruction and insecurity. During cross border raids in 1966, approximately 7 houses, 3 shops and 1 mosque were destroyed in Jinba¹⁴ (footnote with reference to statement of Mayor of Yatta, Abu Jamal, whose father owned one of the demolished shops). Earlier in April 1950, Israeli Army engineers destroyed the nearby village of Qarryatain, which was inside Israel. Since Israel’s occupation of the West Bank in 1967, added pressure was brought to bear on the area complicating any process of economic development.

Since the 1970s the IDF has sought to empty Masafer Yatta of its Palestinian inhabitants for the stated purpose of converting it into a military firing range -designated Fire Zone 918¹⁵. Beginning in the 1980s a belt of Israeli settlements - today including Ma’on, Susya and Karmel - were then built between Masafer Yatta and the urban interior of the Hebron governorate.

Later, four additional settlement outposts were established inside Masafer Yatta.¹⁶ This process was accompanied by extensive demolitions and land clearance. Between 1985 and 1987, the IDF demolished approximately 30 caves, 14 houses and the reconstructed mosque in Jinba alone. During the same period, more caves were destroyed in the Ar Rakeez hamlet.

Israeli administrative practices have been at odds with local humanitarian [D16]needs and have exacerbated the consequence of this destruction. After 1967, the inhabitants of Masafer Yatta were required to obtain permission from the IDF and later its Civil Administration to undertake reconstruction of historic habitats destroyed by the IDF. In addition, they required permission for infrastructure development frozen during this period, including provision of roads, basic amenities and health facilities. As a rule such permission has not been granted, leaving its residents dependent on the environs of Yatta for access to housing, vital amenities and social services. This situation persisted after the 1994 Oslo accords, which designated the Masafer as “Area C.” (See box below). To date its inhabitants have been largely unaided by external assistance.

CASE STUDY:

JINBA HAMLET

Located in the south-western corner of Masafer Yatta, Jinba was first settled by families from Yatta in the early decades of the 1800s. In time, they secured Ottoman titles to land eventually stretching southward to present day Arad across the Green Line, and eastward to the Dead Sea. By the 1870s Jinba and several other local communities appeared on maps drawn by the Palestine Exploration Society; half a century later, Jinba was large enough to warrant mention on regular British Mandate maps. The community had about 30 to 40 houses - many built out of natural caves - three shops, a mosque, a pottery factory and fruit trees groves: aerial photography from 1945 shows extensive orchards surrounding the community. Today however, only two houses, four trees and a number of graves¹⁸ remain. Palestinian Authority maps make no reference to the community.

Much of the destruction occurred between 1985 and 1987, when the IDF demolished some 30 caves and 11 houses, as well as the mosque, which had been destroyed once before. The cutting down of trees continued until 2000. By the mid 1980s, the area had been designated a military firing zone. Live-fire exercises still take place in the area. The people of Jinba have continued to live in the area despite an Israeli prohibition against rebuilding structures or improving infrastructure, modern facilities and amenities. The community has no access to piped water and only one small electricity generator.

In 1993, Jinba and its surrounding hamlets invested some US\$27,300¹⁹ to pave a road that would connect them with Yatta. The road was closed the following year by Israeli settlers and remaining work was aborted. Following a tightening of Israeli closures after 2001, a trip from Jinba to Yatta now takes up to three hours instead of 30 minutes, and requires the use of a tractor. As a result, such trips are made at most once a week and then only to purchase basic goods, fodder or medicines.²¹

Pressure on the area mounted dramatically in the fall of 1999, when the IDF expelled approximately 700 inhabitants and sealed or destroyed some of habitats.²³ In early 2000 the inhabitants were allowed to temporarily return to their homes, following a petition to the Israeli High Court of Justice (IHCJ) filed by Israeli lawyers representing some 200 local family heads.²⁴ The case did not progress and in December 2002, the petitioners were persuaded by the IHCJ to agree to non-binding mediation by a retired general, a former head of the IDF Civil Administration in the West Bank.²⁵ In 2002, the IDF also carried out mass evacuations in the area of Susya, just west of Masafer Yatta.

In October 2003, the Israeli government released plans for the Barrier it is building in the West Bank. Though there is speculation that the Israeli government may consider amending these plans, subsequent updates do not show any changes in the route for the south of Hebron. Standing plans indicate that Masafer Yatta would be enclosed in the central part of the Barrier's south Hebron "closed area" and separated from the rest of the West Bank.²⁶ In February 2004 the IHCJ appointed-mediator received a plan by the IDF to transfer majority of Masafer Yatta's inhabitants to a location outside the "closed area," near the town of Yatta. Local inhabitants have rejected the plan. (See box below) While the dispute remains subject to legal mediation, the IDF has resumed demolitions in the area, including destruction of habitats and sanitation and water facilities. Similar demolitions have also been undertaken across the entire southern stretch of Hebron's "closed area."²⁸

CASE STUDY:

IDF EVACUATION PLANS

In the context of their ongoing legal dispute with the IDF, residents of Masafer Yatta were on 2 June 2004 informed of a final IDF proposal²⁹ to evacuate nine communities in an area roughly comprising three fourths of Masafer Yatta, and to transfer their 800 inhabitants to 200 to 300 dunums (20 to 30 hectares) of land outside the Barrier's "closed area" near the town of Yatta. Designated "state land" by the IDF, the area is located north of bypass Road 317 and lies between the Israeli settlement of Susya and the Palestinian village of As Samu.³⁰ According to this plan, residents of the north-western part of Fire Zone 918 would be allowed to remain in their communities, but military training would continue, though without live ammunition. In the area to be evacuated, owners of private property would be allowed to cultivate their land and graze their animals on Saturdays and Jewish holidays and for two months a year, during harvest and planting season, subject to the permission of the IDF Civil Administration.

On 1 July, the petitioners formally rejected this offer on the grounds that it would entail the displacement of most families and the loss of their livelihoods. Field work by UN and World Bank staff suggests that the area's labour intensive agricultural economy could not be competitive and thus sustainable under access provisions that fall short of allowing farmers a continual presence on their land. It also appears unrealistic to envisage farming and herding on land used for extensive firing exercises. Such exercises are already being conducted on a limited basis in Masafer Yatta and have caused damage to agricultural land,^{[a18]32} injured and killed local residents and contributed to a local atmosphere of fear and insecurity.³³ Meanwhile the Masafer Yatta's case in the IHCJ is still pending; it is expected that if mediation is exhausted, a decision from the IHCJ may be forthcoming within 2005.

CURRENT SOCIO-ECONOMIC PRESSURES

In the context of current IDF plans to forcibly displace the majority of Masafer Yatta's population, the area is subject to a combination of mounting external pressures. These include IDF destruction of habitats and infrastructure, razing of land; closures tightened since the outbreak of the current Intifada; and settlement encroachment on local lands, accompanied by settler violence and harassment. Such difficulties have not been countered by adequate Israeli provisions for the protection of local Palestinian civilians. The ongoing construction of Israel's Separation Barrier in the south Hebron area threatens to exacerbate and render permanent the area's consequent isolation and destitution.

Destruction of habitats, vital infrastructure and crops: On 29 April 2004, the IDF demolished three houses, as well as sanitation facilities and water cisterns built by the non-governmental organisation, Environmental

Resource Management (ERM) in the hamlets of Al Maqu'ra (Isfey Tihta), At Tabban, Um Fagarah, and Jinba. Demolitions have since then taken place in Khirbet Ar Rahwa and Um Sidreh (3 June), Khirbet Zenuta and Ar Ramadin (5 July). Between September 2004 and the publication of this report, appeals brought to the IDF Civil Administration for

the demolition of 16 DFID-funded sanitation facilities in Al Majaz, Isfey Foqa and Halaweh were denied and further demolition orders were issued in Halaweh as well as in Saadet Tha'lah³⁶. Inhabitants of these hamlets report that representatives of the IDF Civil Administration have informed them that their communities will soon be removed.³⁷





A number of existing houses and built-out cave dwellings in Masafer Yatta are also under threat from yet-to-be implemented demolition orders.³⁸ Across the entire area projected to fall in the southern Hebron “closed area”, OCHA has estimated at least 315 demolition orders affecting habitats, water cisterns and sanitation facilities.

In addition to destruction of physical structures, on 15 January 2004 three Israeli crop-dusting planes sprayed chemicals on fields that belong to Palestinian residents of the hamlets of Jinba, Maghayir Al Abeed and At Tabban. The spraying destroyed the crops. Residents of Jinba say that such spraying has been ongoing periodically for the past few years, and that it has caused many of their livestock to fall sick and die.³⁹

Closures: A combination of Israeli settlements, bypass roads south of Hebron and closures imposed during the current Intifada have effectively disconnected Palestinians living in Masafer Yatta from urban areas in the West Bank’s interior. The Israeli settlements of Beit Yatir, Susya, Ma’on, and Karmel together with bypass Roads 316 and 317 create a barrier to the movement of residents of Masafer Yatta. Palestinians are restricted from using the roads and

from crossing them. Consequently the area can only be reached by a rough dirt road running from Jinba to Um Al Kher/Al Faqir in the east. Travel times and associated costs have consequently multiplied. This has forced local residents to balance their need for markets, amenities and services available there, with access to their land and habitats in Masafer Yatta. Health services not available in Masafer Yatta are now difficult if not impossible at times to reach.

Settler encroachment and violence: Israeli settlement outposts established in Masafer Yatta have encroached on the lands of its inhabitants and has limited the space available for grazing sheep. Large portions of these lands have been designated by Israel as “state land” available for future settlement expansion. Additional land actively cultivated by Masafer Yatta farmers is currently threatened by Israeli confiscation. In the area that the IDF wishes to evacuate, the former category covers of ???% of land, the latter %. [figures to be inserted, based on map calculation.] 44

In addition, local residents have long encountered settler violence and harassment, which has increased considerably in the Hebron area in

2004.⁴⁵ This has resulted in injuries to persons, their animals and destruction of private property,⁴⁶ which has in turn generated widespread local insecurity, restricted access to land and the led to the effective closure of local roads. On the road to At Tuwani School, settlers throw stones at the local children.⁴⁸ Since 1997, four hamlets (listed in Annex A) have been emptied, their inhabitants leaving largely due to settler harassment and violence.⁴⁹ A fifth hamlet, Qawawis, was inhabited illegally by settlers up until November 2004.

The Israeli police are the body responsible to ensure protection of Palestinian civilians in these areas by investigating acts of violence against them. However, local Palestinian inhabitants have had difficulties in reaching the police station due to distance and movement restrictions. Moreover, inhabitants express concerns that even when incidents are reported, follow up and remedial action by the police is rarely taken. These complaints are corroborated by independent Israeli and international human rights organizations.⁵¹

Israel's Barrier: In May 2004, the first military order was issued to requisition land for the construction of Israel's Separation Barrier in the Governorate of Hebron. If completed, it is expected to completely isolate the residents of Masafer Yatta. According to projections of the Barrier route issued by the government of Israel in October 2003 and last updated at the end of June 2004⁵⁴ the area would be enclosed together with two other population clusters centred around Ar Ramadin and Um al Kher/An Najada. These include sizeable Palestinian Bedouin and refugee communities in total numbering 8,000 people. Comprising an estimated 170,000 dunums (17,000 hectares), this area will become the largest “closed area” created by the Barrier in the West Bank. Based on the experience of Palestinian communities living in “closed areas” created by completed segments of the Barrier, it is expected that the main impact of the structure in this area will be to render permanent and tighten existing closures access restrictions, with a profoundly negative impact on the lives and livelihoods of the local population. 57

CASE STUDY:

A FAMILY DESCRIBES ITS COPING MECHANISMS

Mohammed is the second oldest of eight brothers who work their father's 200 dunums (20 hectares) of land in Masafer Yatta. Most land is currently used for grazing sheep. For the past three decades, the brothers, five of whom are now married, have shared financial responsibility for an extended family of 25. Earnings and expenses are pooled. While some of the brothers worked seasonally in Israel prior to the current Intifada, others tended the family herds in Masafer Yatta. This activity is now central to their survival.⁵⁸ "Our economic life is in Masafer Yatta. We don't own land elsewhere," says Mohammed.

In 1999, the family was expelled from their hamlet in Masafer Yatta. Their herds were confiscated and dropped off some 200 kilometres away, in the northern West Bank. The family had to pay NIS 60 per animal to transport them back to the Masafer, and thirty animals died during the journey. Subsequently, the family has been forced to sell additional animals in order to purchase water, fodder and household necessities. Their herd has shrunk by one third. Mohammed's oldest brother currently owns 150 sheep. In total, the others own another 150. Despite coping strategies, the family has been forced to go into debt and says it is often unable to pay utility bills.⁵⁹

The returns to their remaining assets have meanwhile declined. In the current market, sheep sell for between 70JD and 120JD (1 JD equals NIS 6.3) - depending on weight, age and quality - a price that often barely covers the cost of fodder, medicines and water over the span of an animal's life. Water is a major constraint. The family has three wells in Masafer Yatta. Outside the rainy season, each family and their animals consume three to four cubic metres of water per day. Though they share a three cubic metre tank, they have to rent a tractor for NIS 50 per day to truck the water. (See case study: Critical Improvements in Water Access)

The difficulties are compounded by the establishment of a settlement outpost 20 metres from their land, where Israeli settlers graze their own sheep. Two years ago, settlers killed a number of the family's animals. A complaint filed with Israeli police was not followed up. In a subsequent encounter with a "settler security patrol" on the family's land, their mother was shot in the leg and hospitalized. Israeli closure of roads imposes additional hardships on the family. Whereas it used to be a 40 minute walk to the school in At Tuwani, the closing of local roads by settlers means that their children now walk three hours every day.

HUMANITARIAN AND DEVELOPMENTAL NEEDS

The cumulative impact of restrictive administrative practices and currently prevailing external pressures has left the population of Masafer Yatta one of the most deprived and vulnerable communities in the West Bank. Its consequent humanitarian and development needs are detailed further in this section.

Legal aid: In addition to representation in their ongoing IHCJ case, the inhabitants of Masafer Yatta require legal aid in a number of areas, including the securing of building permits, contestation of

demolition orders and protection against settler violence. Both the inhabitants and their lawyers are concerned that their current combination of legal representation is unaffordable, and/or unable to expend enough time, specialized legal expertise and financial resources to address these needs.

Shelter: Restricted access to decent, secure and accessible housing constitutes a major pressure on the inhabitants of Masafer Yatta. As a result, local families are forced to endure sub standard living conditions, despite the fact that

Masafer Yatta is only 5-10 kilometres from Yatta, and could readily be connected to its road and utility networks. Given the high cost of land in the Yatta area it would, under normal circumstances, have been natural for some of its rural hamlets to serve as housing options for local families and eventually develop into extended suburbs, similar to villages surrounding the towns of Ramallah and Bethlehem/Jerusalem. Instead, families in Masafer Yatta have been left to accommodate themselves with inadequate housing options, as detailed in the following box.

CASE STUDY:

HOUSING NEED IN MASAFER YATTA

Ahmed (not his real name) and his younger brother own a house in Yatta, which they inherited from their father, and caves in Masafer Yatta. Collectively, these are barely sufficient to satisfy the minimum housing needs of their families. Ahmed has three sons. One is in university, one is married and unemployed, and one helps him tend his sheep. He also has five daughters, four of whom are married and one who attends university.

The house in Yatta town has four rooms. In the house, Ahmed and his wife reside seasonally, along with his married son's family, Ahmed's university age children, and his elderly mother. It is crowded and there is no space for his other sons' future families. During Israel's invasion of Hebron in 2001, the house was damaged and Ahmed lost most of his savings.

Ahmed now stays in Masafer Yatta, even during summer months. He would like to improve his family's situation in the hamlet - if possible, to build a new house. Living conditions in his cave are poor and he is certain that he will be denied permission to build.



Livelihoods: The livelihoods of the Masafer Yatta are under considerable strain. Currently, local incomes and food security are mainly sustained by subsistence farming and shepherding. However, the return to such activities has decreased with declining regional demand for meat products, due to their relatively high cost. Meanwhile, the supply of animals on the market has increased as shepherds sell animals to raise money for fodder, water and household purchases. These items have become more costly since the

beginning of the current Intifada as a result of higher transportation costs and steeply rising water prices in the Hebron Governorate.

Water: Rainwater harvesting with cisterns has the potential to cater for a large share of local demand. However, Israeli restrictions on local construction and demolitions have set back local attempts to improve water self sufficiency. Instead, all local hamlets rely extensively on water trucked at considerable added cost from two Mekorot water-points

tapped informally by Bedouins in the village of Um Ad Daraj/Az Zuweidin, 10 kilometres away.⁶² As a result, Masafer Yatta pays around NIS 100 to 150 per 10 cubic metres more than Yatta village. In 2004, this underlying vulnerability has been exacerbated by reportedly poor winter rainfall, inadequate to fill existing cisterns and water cultivated land. Since April, when temperatures started to rise, shepherds have needed to buy larger quantities of expensive fodder for their animals.

CASE STUDY:

WATER CRISIS IN SOUTH HEBRON⁶³

Since the beginning of the current Intifada, water prices have risen sharply across the West Bank, accompanied in many locales by absolute water shortages. The situation is most dire in the Hebron Governorate,⁶⁴ and particularly in the area of Yatta. In addition to suffering from district-wide capacity and allocation constraints, the area is poorly served by existing water networks. The Palestinian Water Authority plans to extend the regional network to south Hebron within five years, first incorporating the area of As Samu and later, Ad Dhahiriya. However, it will not be able to extend transmission lines to the area of Masafer Yatta within the medium term and has asked the international humanitarian community to help relieve the water shortage in the area.⁶⁵

Consequently a large percentage of rural communities rely on water trucking. Israeli closures have increased the cost of trucking, and thus also the cost of water, which has risen by some 100% over the past four years. This rise has been accompanied by a widening urban-rural bias that imposes added costs on isolated rural communities. By example, the water price differential between Yatta village and Masafer is currently about 100 to 150 NIS per 10 cubic metres. In general, whereas rural end users paid NIS 100 to 150 for 10 cubic metres prior to 2001, the cost now stands at NIS 200 to 250. For a family of 10 seeking to sustain existing levels of household water consumption - already inadequate by World Health Organization (WHO) standards⁶⁶ - this translates into a monthly increase of NIS 100 to 300.

Health Care: In addition to current economic strains, the inhabitants of Masafer Yatta suffer from restricted access to basic services, including health care, and veterinary care for their animals.[a23] The closest pharmacy is located Al Karmil/ Birke. Basic health care is provided through Level 1 health clinics located in Karmil and in the Bedouin cluster [a24] east of Masafer Yatta, in Najada/Hameeda, Um Al Kher/Al Faqir and Um ad Daraj/Az Zuweidin and Kashem Ad Daraj/Hathaleen. The capacity of these facilities is constrained. Mobile teams from the Palestinian Ministry of Health visit each clinic for only one hour each week. For anything beyond first aid, inhabitants have to travel to Yatta or Hebron, a journey that takes two to three hours on a tractor.

Education: Primary level education is available through schools in Az Zuweidin and At Tuwani. From At Tabban hamlet, children walk for three hours to reach the school in At Tuwani. For secondary education, most children go to Yatta where they stay for the school week, hosted by relatives in town. The children return to their homes in Masafer Yatta on the weekend or on a monthly basis. The distance and the time it takes to reach the school discourage attendance. The Directorate of Education reports that attendance and dropout rates in this area are among the worst in the governorate⁶⁷. The long stays in Yatta also have a negative impact on traditionally close family structures. And the situation could further deteriorate. The only proximate educational facility serving the area, located in At Tuwani village north of Masafer Yatta is currently under threat from a demolition order temporarily stayed by an IHCJ injunction.

V CONSIDERATIONS FOR INTERVENTION

The need for external assistance in Masafer Yatta is far ranging and likely to grow in the immediate future. As noted above, interventions are needed in every developmental sphere, from social services provisions - utilities, infrastructure and housing assistance - to income generation, legal aid, and local governance and capacity building. (See details below.) To date, these needs have been relatively overlooked by the Palestinian Authority, the local Hebron municipality and international donors and aid organisations. In light of Masafer Yatta's urgent predicament, it is hoped that both bilateral donors and independent aid organisations will be willing to redress this relative neglect. To this end the following section outlines considerations for implementation of donor assistance, as well as detailing and costing suggested project-level interventions.

Organisations wishing to extend assistance to Masafer Yatta are confronted with numerous obstacles. To date, physical investments in infrastructure and even mobile services have been subject to Israeli impediments.¹⁰⁵ The area is difficult - particularly for local Palestinian staff - to reach due to closures and the presence of settlers and army exercises. Movement inside Masafer Yatta is also difficult and time consuming. In addition, there are considerable institutional and capacity constraints. Local have only recently begun to organise themselves in a manner that allows them to articulate community developmental needs and partner in project planning and implementation. (See case study: Channels of Assistance)

It follows from the above discussion that donors seeking to extend humanitarian and development assistance to Masafer Yatta must

in the future be able to expect improved cooperation with Israeli authorities. On the part of the latter, this would entail the following: allowing field personnel, implementing partners and contractors to access Masafer Yatta; granting permits for reconstruction and construction of local habitats in line with humanitarian and developmental needs; allowing improvement and maintenance of necessary infrastructure such as roads; permitting provision of basic amenities like water and electricity; providing guarantees that externally funded investments be safeguarded from future destruction; and allowing local residents to safely access facilities and services funded by international donors.

Priorities for planning and implementation

Despite existing obstacles to external intervention in Masafer Yatta, organisations like ERM have sustained and continue to expand projects in the area. Their modest interventions are making a crucial difference to the economic security and viability of life in the area. (See case study: Critical Improvements in Water Access) In consultation with ERM, the following lessons for further assistance were singled out.

Prioritise support for basic needs: The difficulty of operating aid projects in Masafer Yatta - particularly involving physical investments - militates for assistance to be focused in innovative ways on basic needs. There is an overarching need for legal aid. Other needed interventions are largely small scale, including improving roads, providing basic household improvements, like sanitary facilities and storage solutions for rainwater harvesting. There is also possible scope for service provision through mobile facilities providing schooling, health and veterinary services. In addition, there may be possibilities for assistance with water tankering - possibly modelled on an existing International Committee of the Red Cross programme operating in Yatta¹⁰⁷ - or transport within the area for school children suffering settler harassment.



CASE STUDY:

CRITICAL IMPROVEMENTS IN WATER ACCESS

In 2001, ERM completed a £3 million pilot for a Hebron Water Access and Storage Project (HWASP) funded by DFID and implemented in cooperation with the Palestinian Hydrology Group, a Palestinian non-governmental organisation (NGO). Covering 1,000 households in the southern Hebron Governorate over a three-year period, the project has funded construction of toilets, habitat sanitary improvement and cisterns as well as supported income generation and the construction of school buildings and health clinics. In particular, it has demonstrated that small investments in rainwater harvesting, cisterns and sanitation facilities can provide critical assets for the sustainable development of exigent rural communities. Local participation in the program is conditioned on a willingness to pay for services and contribute to costs through labour and household investments. Participatory planning and the strengthening of social networks are regarded as key objectives. In the area - and in Masafer Yatta - HWASP has helped establish a number of community based organisations that are presently members of the Yatta Joint Services Committee (see box below) Currently, HWASP is seeking to develop further links between the private sector, NGOs and the PA.



Promote local self sufficiency and institution building: Aid organisations should avoid temporary “emergency relief” assistance to the area. Rather, support should be focused on humanitarian and developmental projects around which developing local institutions can mobilise and build community trust and capacity. Such institutions could in turn draw directly on external donor assistance channelled through the Palestinian Authority or regional development committees[a38] (see box below)

CASE STUDY:

CHANNELS OF ASSISTANCE

Historically, the inhabitants of Masafer Yatta have been both poorly organised and unrepresented in regional or national governance structures established after 1994. This has contributed to a deep local sense of marginalisation. In 1997, the PA ministries of Local Government, Finance and Planning jointly began an effort to improve institutional links to rural communities, particularly marginalised and scattered ones, with the help of World Bank administered Emergency Municipal Services Rehabilitation Project. Assistance was also provided by the United Nations Development Programme (UNDP) and United States Agency for International Development (USAID). With the help of legislation passed by the Palestinian Legislative Council, Joint Services Committees (JSCs) were established that would serve as effective rural municipalities with the ability to undertake projects, operate services and retain revenue.

One such committee is based in Yatta and is represented by two Village Councils/Project Committees (VC/PC) established with the help of ERM and grouping hamlets around At Tuwani and Jinba in Masafer Yatta. It has largely been unsuccessful, owing to limited planning capacity, no direct government funding and poor links with member communities - a record replicated elsewhere in the West Bank. Following the unsuccessful establishment of complementary Micro Regional Planning Committees (MRPCs) intended to compensate for some of these shortcomings, the Ministry of Local Government is currently in the process of merging these models into a more robust institutional design - Joint Services Committees for Planning and Development (JSCPD's), which would be eligible for direct assistance from the ministry. The Yatta JSC/JSCPDs as well as its two member VC/PC, who yet possess limited capacity to plan or implement projects, require considerable help with capacity building and participatory planning.

Increase diplomatic facilitation:

Following the IDF's 1999 expulsions, public advocacy by Israeli civil society organizations was instrumental in bringing attention to the predicament of Masafer Yatta. Some donors accordingly believe it is important that the area's current crisis be highlighted both locally and internationally, possibly through advocacy work.¹¹¹ Concomitantly, it has been suggested by some donors that the implementation of international humanitarian and developmental projects in the area should be subject to greater diplomatic follow up and facilitation than has previously been the case.¹¹²

Maintain an area-wide focus: The threat to Masafer Yatta's inhabitants is most immediate in the sub-area composing Fire Zone 918, where the IDF has demanded to carry out direct expulsions. Nevertheless, it is important that interventions do not overlook the remainder of Masafer Yatta, nor the important relations that endure between Masafer Yatta and its surrounding towns and areas. Even that part of the area that does not fall within Fire Zone 918 is likely to face continuing pressure, particularly if included in the Barrier's "closed areas."¹¹⁴ Furthermore, Masafer

Yatta functions as a single social and economic unit, and relies extensively on services provided outside the area. Indeed, some of communities that fall outside Masafer Yatta - such as At Tuwani - are potentially important staging grounds for programs that would serve the area's interior. Most notably, this is presently illustrated by the At Tuwani School.¹¹⁵

Details of possible interventions

Drawing on the above lessons, the following section identifies and provides preliminary cost estimates for project-level interventions that could be supported by donors wishing to provide assistance to Masafer Yatta. These include interventions in the areas of legal aid, habitats, water and sanitation, electricity, infrastructure, health and schooling.¹¹⁶ Since needs vary by community and household, cost estimates are provided on a per household basis. Furthermore, it should be noted that these interventions are only intended as preliminary suggestions, and do not compose an exhaustive response to the area's humanitarian and development needs.

Legal aid

To date, a number of donors, such as Norwegian Agency for Development Cooperation, have funded legal aid projects in the West Bank and Gaza. Such assistance is of high priority in Masafer Yatta, inter alia to help secure local residency and building permits; protect against land confiscation or demolitions of habitats or infrastructure; and help implement local zoning and building plans to formalize and safeguard local development. In addition, legal aid could support follow up with Israeli police on specific instances of violence and harassment by Israeli settlers and denial of access to local roads. It could also enable submission and follow up on claims to legal compensation for damage to property and body - including damages due to military orders.

In the preliminary, it is estimated that over the course of a year, such work would require the part time retention of a lawyer, a research assistant, purchase of relevant materials and defraying of court case fees, and hiring of surveyors for zoning and land registration. The full time monthly fee of a Palestinian lawyer is estimated to be between US\$1,000-1,500 per month. The corresponding figure for an

Israeli lawyer is US\$2000-3000 per month, and the cost of research assistance, US\$500-1000 per month. It would likely be most economical to implement such a project in cooperation with an established local legal assistance organization. Depending on the range of services provided, the cost of implementing such a project over a one year period could range between US\$40,000- \$200,000.

Habitats

In order to improve local access to safe and decent habitats and help preserve Masafer Yatta's unique cultural heritage, donors should consider supporting reconstruction and rehabilitation of local caves and houses. The scale and cost of the required interventions would be relatively modest in relation to the improvements they could effect in the daily lives of their beneficiaries. It is estimated that significant rehabilitation of a one-family cave would cost US\$1,100 to US\$1,600, with beneficiaries providing unskilled labour. This would include removal of loose or crumbling rock; completion of interior plaster work; floor paving with cement, and installation of a door and small cave extension.

Water and sanitation

While it is in the long run desirable to connect Masafer Yatta to a piped water network, technical constraints accompanied by water shortages in the Hebron region militate for shorter term solutions based on rainwater harvesting. Again, as shown by ERM's work, relatively modest investments can in this respect make significant contributions. It is estimated that a single 70 cubic metres household cistern can provide one year's supply for family of eight with 10 sheep. The cost of such a cistern is US\$2,200 to US\$2,700, with the beneficiary contributing unskilled labour and transport.

Similarly, sanitary improvements like outdoor toilets can provide cost effective improvements in local sanitation. The cost of building a single household toilet, with the beneficiary supplying some unskilled labour, is approximately US\$750, with an additional \$340 required for construction of a cesspit with a 10 to 25 year life span. Environmental impact assessments for Masafer Yatta have already been completed and show no detrimental impact on groundwater resources.

Electricity supply

The longer term development needs of Masafer Yatta mandate that the area be connected to a central electricity network, which is technically feasible. In the meantime however, the needs of local communities can be accommodated through provision of electricity generators. A 6 Kilowatts generator can furnish the daily consumption of ten households, at an initial cost of US\$5,000. This includes US\$2,700 for generator itself, and US\$2,200, for cables and a fuel tank. Cost of fuel would be covered by the beneficiaries. Equipping households with electrical wiring and a board with safety switch and fuse would cost approximately US\$45 to US\$90 per habitat.

Road infrastructure

There are approximately 40 kilometres of rocky, unpaved roads in Masafer Yatta connecting its hamlets with each other and with the rest of the Hebron region. Most of these roads are passable only at slow speeds, by tractor or an off-road vehicle. This raises both the cost and time required to transport food, water, sheep and people within the area. Relatively modest investments in smoothing and paving with gravel could substantially improve the condition of these roads. With

local beneficiaries providing some unskilled labour and transport, the resulting cost is estimated at US\$6,000 per kilometre of road, not including future maintenance.

Health

The cost of building in Masafer Yatta a health clinic is estimated at \$28,000 for the structure itself, including a waiting room, doctor's room, storage room and toilet. Furniture would cost an additional US\$4,000 to US\$4,500. To operate the clinic as a Palestinian Ministry of Health Level 1 primary outreach clinic, staffed by one health worker providing advice and information but no curative care or medical dispensary, would cost US\$300-400 per month, covering the health worker's salary - but not training, information materials and operating costs. To operate the facility as a Level 2 women's health clinic would require specialized equipment purchases of US\$1,900 and US\$2,000 for other tools.

The cost of staffing a general practitioner, nurse and health worker once a week would be about US\$1,200 a month, including cost of medicines and other running costs. The cost is scalable if increased attendance would be required.

An alternative is to provide services through a mobile clinic, the cost of which is estimated at US\$700 to US\$800 per month for one weekly visit, covers a general practitioner, nurse, community health worker, medications and operating costs, and is scalable if more frequent visits were required. In 2002, Medecins Sans Frontiers (MSF) operated a mobile clinic in Masafer Yatta and is currently considering re-establishing the service. Mobile service provision or other health interventions in Masafer Yatta should be provided in the context of an integrated health plan for the area, also taking into account health needs in nearby communities, particularly in the area west of Masafer Yatta.

Schooling

Though there are an estimated 300 to 400 school age children in Masafer Yatta, the only nearby school is located in At Tuwani, and is difficult for local children to reach due to settlement harassment and closure of local roads. Many older children have to make arduous trips to Yatta to attend upper level classes. Accordingly, the Yatta JSC is currently considering building a school in Jinba, covering grades 1 to 4. The estimated cost of a four room pre fabricated building is estimated at US\$40,000, including labour, transport and assembly.

- 1 See index and map in Annex.
2 See discussion on p. x of report.
3 Gutman, Matthew. "Cave-dwelling tribe caught between fence and a hard place" Jerusalem Post. July 22, 2004.
4 According to information provided during meeting with legal representatives of some 200 petitioners from Masafer Yatta; private lawyers Schlomo Lecker and the legal representative of the Association for Civil Rights in Israel, Limor Yehuda, on August 5, the IDF is not willing to amend its current proposal.
1 See index and map in Annex.
- 3 Havakook, Yakov, Life in South Hebron Caves, Israeli Ministry of Defence, Lior publishing, 1985, p. 57.
4 Shmueli, Avhsalom. "The Desert Frontier in Judea" in The Changing Bedouin. Eds. Avhsalom Shmueli and Emanuel Marx, pp 27-33.
5 Ibid.
6 Jinba was not listed by the Palestinian Central Bureau of Statistics (PCBS) census of 1997 and does not appear on official Palestinian Authority maps. A number of other local communities were also overlooked by the census. In July 2004, OCHA representatives undertook a comprehensive GIS mapping exercise in the area, also drawing on information from Environmental Resource Management (ERM), a British organisation managing a Department for International Development-funded programme in the southern part of the Hebron Governorate.
7 The PCBS identified 13 hamlets in 1997. This is also the number identified on IDF satellite maps of Fire Zone 918, though the IDF and PCBS have in some instances identified different communities. OCHA population estimates are supported by the fact that over 200 petitions were filed with the IHCJ against evacuations carried out by the IDF in 1999. In addition, local community representatives note that many of the families affected by the evacuation did not file petitions.
8 Information based on World Bank and UN field research. See also B'Tselem, Expulsion of Palestinian Residents from the South Mt. Hebron Area, February 2000, Case Study No. 9. It is on this basis that ERM operated in Masafer Yatta projects aimed at improving local sanitation and access to water. Until the PCBS undertakes its next planned census in 2007, the figures from ERM are deemed to provide the most accurate count of the Masafer Yatta population, particularly in so far as the organization has been able to observe residence patterns over a period of several years (2001 - 2004).
9 Human rights group B'Tselem has collated evidence that the establishment of the Ma'on settlement in 1997 was followed by a sharp increase in harassment, intimidation and violence directed by Israeli settlers against the local population.
10 The "Ma'on Farm" settlement outpost was established in 1997. Human rights group B'Tselem has collated evidence that this establishment saw a sharp increase in harassment, intimidation and violence directed by Israeli settlers against the local population.
11 According to the village council of Jinba, in 1997, residents of Al Kharuba were forced to move to Al Karmil. Villagers from Sarura also fled there in the same year as well as to Yatta. In 1999, Palestinians living in Qawawis left for Al Fakheit and Al Karmil. Residents from At Tawamin fled in 2001 to Yatta, Jinba and Mirkez, while in the same year those from Bir al Idd moved to Al Karmil and Jinba.
12 Pp. 27-33. Shmueli, Avhsalom. "The Desert Frontier in Judea." In The Changing Bedouin. Eds. Xxx Pp 17-38.
13 Information obtained from World Bank field interviews is corroborated by ERM representatives and representatives of the Yatta Joint Services Council (JSC).
14 Information provided during an OCHA field interview on 1 December 2004 by the Mayor of Yatta, Mr. Jamil Mohammad Younes, who was born in Jinba and whose father owned one of the demolished shops. .
15 The map was issued on 19 March 2003 by the Central Supervision Unit of the Civil Administration Yehuda and Shamron region.
16 The outposts are known as Avigail, Mitzpe Yair, Nof Neshet and Ha'vat Ma'on
17 Evidence of demolitions and the sealing of caves can still be observed in Jinba (PHOTO OF MOSQUE AVAILABLE)
18 OCHA staff has mapped graves in Jinba and Um Fagarah dated to 1947 by the local population.
19 Currency conversion rates: \$1 = NIS 4.40, 1 JD = 6.3 NIS
20 OCHA field visit, 29 January 2004
21 OCHA and World Bank field visits January to August 2004.
22 Evidence of demolitions and the sealing of caves can still be observed in Jinba (PHOTO OF MOSQUE AVAILABLE)
- 23 See B'Tselem, Expulsion of Palestinian Residents from the South Mt. Hebron Area, February 2000, Case Study No. 9, p. 5.
24 HJC 517/00 Hamamde et. vs. Minister of Defense et. (pending). The petitioners were represented by lawyers from the Association for Civil Rights in Israel (ACRI) and by a private lawyer.
25 The mediator, retired Brigadier General Dov Tzdaka was head of the IDF Civil Administration in the West Bank when the 1999 evictions were carried out.
26 For details see the case study in OCHA, "South Hebron closed area", in The Humanitarian Impact of the West Bank Barrier on Palestinian Communities, 1 September 2004, p. 29.
27 During the first half 2004, numerous demolitions have also been carried out in communities located in the southern part of the Hebron governorate "closed area". See UNRWA "Demolitions in Ramadin Village, Hebron" UNRWA Case Study: Reports on the West Bank Barrier, July 2004.
28 See UNRWA, "Demolitions in Ar Ramadin Village, Hebron" UNRWA Case Study: Reports on the West Bank Barrier, July 2004.
29 According to information provided by the mediator to the legal representatives of the 200 petitioners from Masafer Yatta, the IDF is not willing to amend its current proposal.
30 The site was visited by OCHA on 21 July. Known locally as KHALLET al Hommous, the area is owned by two families in Yatta, Ida'asat and Ibhasat, who use it to cultivate cereals, olives and vegetables. The area is also used for the grazing of animals although often shepherds are discouraged from using the area by the IDF soldiers from the nearby Susya military base. On 10 July, Mr. Mohammed Ida'asat was detained for one day as he was grazing his sheep 2 kilometres away from the base (OCHA interview on 21 July 2004)
31 The site was visited by OCHA on 21 July. Known locally as KHALLET al Hommous, the area is owned by two families in Yatta, Ida'asat and Ibhasat, who use it to cultivate cereals, olives and vegetables. The area is also used for the grazing of animals although often shepherds are discouraged from using the area by the IDF soldiers from the nearby Susya military base. On 10 July, Mr. Mohammed Ida'asat was detained for one day as he was grazing his sheep 2km away from the base (OCHA interview on 21 July 2004)
32 As of the first quarter of 2004, a military base used to be located just a couple of kilometres to the south of the hamlet of Jinba. The military base was dismantled in April 2004 as a result of the intervention of the lawyer of the petitioners who argued that the presence of the army frightened residents and that military vehicles from the base were destroying agricultural land.
33 See inter alia, B'Tselem, p 6.
34 Statements from members of the Italian human rights organisation "Operazione Colomba" who have been residing during the month of August with local villagers, confirm that the IDF is currently training from Sunday to Thursday.
35 See OCHA, Weekly Briefing Notes, 27 Oct - 2 Nov. 2004.
36 Interview with World Bank staff on 17 July 2004.
37 According to an OCHA survey conducted in August 2004, demolition orders have been served by the IDF on approximately 23 houses in Masafer Yatta, with 7 already executed. Demolition orders have also been served on approximately 33 water cisterns and 50 sanitation facilities in the same area.
38 During a field visit in January, OCHA staff observed that the crops that had been sprayed had withered. This event is documented by the Israeli Alternative Information Centre, Settler Violence and Occupation Watch: Report XXV, 15-30 January 2004. The practice of crop spraying has been used several times on Bedouin communities in unrecognized villages in the Negev to discourage them from cultivating the land. See "Israel: hopes for return of the displaced after 50 years put on hold", Global IDP Project, Norwegian Refugee Council, 11 May 2004, p. 4. Also see "By all means possible. A report on the destruction by the state of crops of Bedouin citizens in the Naqab (Negev) by aerial spraying with chemicals", Arab Association for Human Rights, July 2004.
40 These are roads 317 and 316, both requiring permits issued by the Israeli DCL in the Hebron DCO
41 Evidence of demolitions and the sealing of caves can still be observed in Jinba (PHOTO OF MOSQUE AVAILABLE)
42 The outposts are known as Avigail, Mitzpe Yair and Nof Neshet
43 OCHA and World Bank field visit, 17 July 2004. Lands were observed by the hamlets of Markaz and Halaweh.
44 OCHA and World Bank field visit, 17 July 2004. Lands were observed by the hamlets of Mirkez and Halaweh.
45 The worsening trend for the whole of the Governorate of Hebron is also reflected in a recent report by the Police as reported in "15% rise in settler attacks on Palestinians since

- January”, Haaretz, 10 June 2004.
- 46 See “Settler Violence and Occupation Watch Report”, Alternative Information Centre, web site at www.alternativenews.org.
- 47 Please refer to “Settler Violence and Occupation Watch Report”, Alternative Information Centre, web site at www.alternativenews.org.
- 48 World Bank and OCHA interviews with inhabitants of several hamlets and representatives of the Israeli civil rights organisation Ta’ayush, who have over the past years on several occasions escorted children to and from the school. In November, settlers from the outpost of Ha’vat Ma’on attacked a group of schoolchildren accompanied by staff from the human rights organisation Christian Peacemaker Team on their way to school from their village of Tuba. Two US citizens sustained injuries so serious they had to be hospitalised in Be’er Sheva. Further attacks in the same area have been reported by Amnesty International (see www.amnestyusa.org/news/). The IDF is currently providing an armed escort to ensure the children are not harmed by settlers, however attacks continue.
- 49 See previous endnote.
- 50 According to the village council of Jinba in 1997, residents of Al Kharuba were forced to move to Al Karmil. Villagers from Sarura also fled there in the same year as well as to Yatta. In 1999, Palestinians living in Qawawis left for Al Fakheit and Al Karmil. Residents from At Tawamin fled in 2001 to Yatta, Jinba and Mirkez, while in the same year those from Bir al Idd moved to Al Karmil and Jinba. Ar Rakeez currently appears to be inhabited only seasonally, though it is not clear for what part of the year.
- 51 World Bank staff interviews with residents of Tuba, Maghayir al Abeer and Jinba. See also B’Tselem, Amnesty International.
- 52 These are roads 317 and 316, both requiring permits issued by the Israeli DCL in the Hebron DCO
- 53 Military order T/47/04, was issued on 19 May 2004, authorising the IDF to seize 404.5 dunums (40.4 hectares) in the area of Sikka, western Hebron district.
- 54 See www.seamzone.mod.gov.il
- 55 In this area one must also include the villages of Imneizel, At Tuwani, Khirbet ar Rahwa and Khirbet Zanuta.
- 56 Military order T/47/04, was issued on 19 May 2004, authorising the IDF to seize 404.5 dunums (40.4 hectares) in the area of Sikka, western Hebron district.
- 57 See inter alia: World Bank. “The Impact of Israel’s Separation Barrier on Affected West Bank Communities: Update 2”, Report of the Mission to the Humanitarian and Emergency Policy group (HEPG) of the Local Aid Coordination Committee (LACC), World Bank; OCHA, The Humanitarian Impact of the West Bank Barrier on Palestinian Communities, September 2004 and B’Tselem, Behind The Barrier: Human Rights Violations As a Result of Israel’s Separation Barrier. Jerusalem, April 2003.
- 58 Interview with World Bank staff on 21 July 2004.
- 59 Non payment of utility bills - one tactic by which households expand effective indebtedness in response to shrinking incomes - is currently widely observed across the West Bank, and is inter alia noted in a non published World Bank community field research conducted in the West Bethlehem area.
- 60 The outposts are known as Avigail, Mitzpe Yair and Nof Neshet
- 61 OCHA and World Bank field visit, 17 July 2004. Lands were observed by the hamlets of Markaz and Halaweh.
- 62 Local farmers say that they pay a 100% mark-up on the price of water purchased from the Bedouin, not including cost of transport. Interview by World Bank staff in At Tabban, 17 July, 2004 and with ICRC, August 2004.
- 63 Information based on OCHA and World Bank field research and World Bank interview with ICRC, August 2004
- 64 The Governorate does not straddle any of the West Bank’s major aquifers, relying instead on water piped from the Bethlehem area by the Palestinian Water Authority and the Israeli water carrier Mekorot.
- 65 This was repeated by the representative of the Palestinian Water Authority at a meeting of the water working group, an informal group of national and international NGOs with water projects in Hebron, held on 13 October 2004.
- 66 Average water consumption in the West Bank is 50 to 60 litres per capita per day in households connected to water networks, and 30 to 40 litres for unconnected areas. The World Health Organization recommends a minimum daily water consumption of 100 litres per capita. Emergency consumption is designated at 20 per capita per day. Source “Focus on Water”, ICRC Newsletter for Israel/The Occupied and Autonomous Territories, 4 May 2004.
- 67 See OCHA Humanitarian Update November 2004.
- 68 OCHA staff have mapped the presence of graves in Jinba and Um Fagarah dating, according to the local population, as far back as 1947.
- 69 Currency conversion rates: \$1=NIS 4.50, 1 JD= 6.3 NIS
- 70 OCHA field visit, 29 January 2004
- 71 See B’tselem, “Expulsion of Palestinian Residents from the South Mt. Hebron Area”, February 2000, Case Study No. 9, p. 5.
- 72 HCJ 517/00 Hamamde et. vs. Minister of Defense et. (pending). The petitioners were represented by lawyers from the Association for Civil Rights in Israel (ACRI) and by a private lawyer. Mr. Shlomo Lecker YOUR EITHER PUT BOTH NAMES OF LAWYERS OR NONE.
- 73 The mediator, retired Brigadier General Dov Tzdaka use to be the Head of the IDF Civil Administration when the 1999 evictions in Masafer-Yatta were carried out.
- 74 The site was visited by OCHA on 21 July. Known locally as Khallet al Hommous, the area is owned by two families in Yatta, Ida’asat and Ibhasat, who use it to cultivate cereals, olives and vegetables. The area is also used for the grazing of animals although often shepherds are discouraged from using the area by the IDF soldiers from the nearby Susya military base. On 10 July, Mr. Mohammed Ida’asat was detained for one day as he was grazing his sheep 2km away from the base (OCHA interview on 21 July 2004)
- 75 Statements from members of the Italian human rights organisation “Operazione Colomba” who have been residing during the month of August with local villagers, confirm that the IDF is currently training from Sunday to Thursday.
- 76 Up until the first quarter of 2004, a military base used to be located just a couple of kilometres to the south of the hamlet of Jinba. The military base was dismantled in April 2004 as a result of the intervention of the lawyer of the petitioners who argued that the presence of the army frightened residents and that military vehicles from the base were destroying agricultural land.
- 77 The site was visited by OCHA on 21 July. Known locally as Khallet al Hommous, the area is owned by two families in Yatta, Ida’asat and Ibhasat, who use it to cultivate cereals, olives and vegetables. The area is also used for the grazing of animals although often shepherds are discouraged from using the area by the IDF soldiers from the nearby Susya military base. On 10 July, Mr. Mohammed Ida’asat was detained for one day as he was grazing his sheep 2km away from the base (OCHA interview on 21 July 2004)
- 78 OCHA field visits, consultations with a representative of the PCBS Office in Hebron as well as local NGO representatives have established that the population of Masafer-Yatta is both under-reported and under-mapped. The biggest of the area’s hamlets, Jinba, with a population of 216, is not listed in the Palestinian Bureau of Statistics (PCBS) census of 1997, and does not appear on official Palestinian Authority maps. In July 2004, OCHA representatives undertook a comprehensive GIS mapping exercise in the Masafer, also drawing on information from Environmental Resource Management, a British organisation managing a Department for International Development-funded programme in the south Hebron governorate.
- 79 Overall, the PCBS identified 13 hamlets in 1997; this is also the number identified on IDF satellite maps of Firing Zone 918, though the IDF and PCBS have in some instances identified different communities. Revised population figures are supported by the fact that over 200 petitions were filed with the IHCJ against evacuations carried out by the IDF in 1999. In addition, local community representatives note that many of the families affected by the evacuation did not file petitions.
- 80 It is on this basis that ERM currently operates in the Masafer multi-year projects aimed at improving local sanitation and access to water. Until the PCBS undertakes its next planned census in 2007, ERM’s figures are deemed to provide the most accurate count of the Masafer’s population, particularly in so far as the organization has been able to observe residence patterns over a multi year period.
- 81 Pp. 27-33. Shmueli, Avshalom. “The Desert Frontier in Judea.” In *The Changing Bedouin*. Eds. Xxx Pp 17-38.
- 82 Information obtained from World Bank field interviews is support by information provided by ERM representatives and representatives of the Yatta Joint Services Council.
- 83 These are roads 317 and 316, both requiring permits issued by the Israeli DCL in the Hebron DCO
- 84 Interview with World Bank staff, July 17th, 2004. OCHA interview on 12 August 2004.
- 85 According to an OCHA survey conducted at the end of July 2004, 23 houses have received demolition orders with seven already implemented.
- 86 OCHA visited the site on 29 January and observed that the shoots in the fields sprayed by the planes had withered. (Although confirmed, no tests were carried out by the Ministry of Agriculture-LEAVE OUT IF UNHELPFUL)
- 87 See also reference to this event in “Settler Violence and Occupation Watch: Report XXXV”, 15-30 January, AIC, p. 1. This policy has been used several times on Bedouin communities in unrecognized villages in the Negev to discourage them from cultivating the land. See “Israel: Hopes for return of the displaced after 50 years put on hold”, Global IDP Project,

- Norwegian Refugee Council, 11 May 2004, p. 4 as well as “By all Means Possible. A report on the destruction by the state of crops of Bedouin citizens in the Naqab (Negev) by aerial spraying with chemicals”, Arab Association for Human Rights, July 2004.
- 88 Interview by World Bank staff, 20 July 2004. OCHA and the World Bank cannot independently confirm this assertion.
- 89 Local farmers say that they pay a 100% mark-up on the price of water purchased by the Bedouin, not including cost of transport. Interview by World Bank staff in At Tabban, 17 July 2004. Interview with ICRC representative Adnan Nashashibi in Jerusalem, August x, 2004.
- 90 Information based on OCHA and World Bank field research and World Bank interview with ICRC representative Adnan Nashashibi in Jerusalem, August 2004
- 91 The governorate does not straddle any of the West Bank’s mahor aquifers, relying instead on water piped from the Bethlehem area by the Palestinian Water Authority and the Israeli water carrier Mekerot.
- 92 Average water consumption in the West Bank is 50 to 60 litres per capita per day in households connected to water networks, and 30 to 40 litres for unconnected areas. The World Health Organization recommends a minimum daily water consumption of 100 litres per capita. Emergency consumption is designated at 20 per capita per day. Source. “Focus on Water” ICRC Newsletter for Israel/The Occupied and Autonomous Territories. 4 May. (SPHERE Standards Humanitarian Charter is 15lt/day per capita)
- 93 Average water consumption in the West Bank is 50 to 60 litres per capita per day in households connected to water networks, and 30 to 40 litres for unconnected areas. The World Health Organization recommends a minimum daily water consumption of 100 litres per capita. Emergency consumption is designated at 20 per capita per day. Source. “Focus on Water” ICRC Newsletter for Israel/The Occupied and Autonomous Territories. 4 May. (SPHERE Standards Humanitarian Charter is 15lt/day per capita)
- 94 Interview with World Bank staff. 21 July 2004.
- 95 Please refer to “Settler Violence and Occupation Watch Report”, Alternative Information Centre, web site at www.alternativenews.org.
- 96 Inhabitants from several different hamlets noted this in interviews with World Bank and OCHA staff. The information is corroborated by representatives of the Israeli civil rights organisation Ta’ayush, who have over the past years on several occasions escorted children to and from the school.
- 97 According to the village council of Jinba in 1997, residents of Al Kharuba were forced to move to Al Karmil. Villagers from Sarura also fled there in the same year as well as to Yatta. In 1999, Palestinians living in Qawawis left for Al Fakheit and Al Karmil. Residents from At Tawamin fled in 2001 to Yatta, Jinba and Mirkez, while in the same year those from Bir al Idd moved to Al Karmil and Jinba. Ar Rakeez currently appears to be inhabited only seasonally, though it is not clear for what part of the year.
- 98 The worsening trend for the whole of the Governorate of Hebron is also reflected in a recent report by the Police as reported in “15% rise in settler attacks on Palestinians since January”, Haaretz, 10 June 2004.
- 99 In interviews with World Bank staff, residents of Tuba, Mugharat Al Aheed and Jinba indicate that even when they succeed in filing complaints with the Police, follow-up and remedial action is very rarely taken.
- 100 See www.seamzone.mod.gov.il
- 101 In this area one must also include the villages of Imneizel, At Tuwani, Khirbet ar Rahwa and Khirbet Zanuta.
- 102 Military order T/47/04, was issued on 19 May 2004, authorising the IDF to seize 404.5 dunums (40.4 hectares) in the area of Sikka, western Hebron district.
- 103 See inter alia. World Bank. “The Impact of Israel’s Separation Barrier on Affected West Bank Communities: Update 2”, Report of the Mission to the Humanitarian and Emergency Policy group (HEPG) of the Local Aid Coordination Committee (LACC), World Bank, XXX, OCHA. XXX and B’Tselem, Behind The Barrier: Human Rights Violations As a Result of Israel’s Separation Barrier. Jerusalem, April 2003.
- 104 See inter alia. World Bank. “The Impact of Israel’s Separation Barrier on Affected West Bank Communities: Update 2”, Report of the Mission to the Humanitarian and Emergency Policy group (HEPG) of the Local Aid Coordination Committee (LACC), World Bank, XXX, OCHA. XXX and B’Tselem, Behind The Barrier: Human Rights Violations As a Result of Israel’s Separation Barrier. Jerusalem, April 2003.
- 105 In 2003, ERM partnered with Medecins Sans Frontiers (MSF) to bring a DFID-funded mobile health clinic to the village of Imneizel, located outside Masafer Yatta, just east of Jinba. It was intended that the caravan would be used by MSF, the ICRC and the Palestinian Ministry of Health to provide services across the entire area. However, following extended discussion with the IDF Civil Administration, they were denied permission to transport the caravan from Ramallah. No external diplomatic facilitation was provided during these discussions.
- 106 The experience of ERM illustrates the extent of this problem. In 2003, the organization partnered with Medecins Sans Frontiers (MSF) to bring a DFID funded mobile health clinic to the village of Imm Nezil, located outside the Masafer, just east of Jinba. It was intended that the caravan would be used by MSF, the ICRC and the Palestinian Ministry of Health to provide services across the entire area. However, following extended discussion with the IDF Civil Administration, they were denied permission to transport the caravan from Ramallah. No external diplomatic facilitation was provided during these discussions.
- 107 The ICRC started water trucking in West Bank in 2002 and expanded its project to the Yatta area in 2003. In 2004 it began working through the Yatta Joint Services Committee (JSC), subsidizing water transported by trucks operated by the JSC. Under the program, the ICRC covers the transport cost of water, about NIS 50 for 10 cubic metres, while the purchaser pays NIS 100. Households apply directly to the JSC for this service. In addition, the ICRC fully subsidizes water provided to exigent households classified as social cases, as well as schools and public health centres. This accounts of some 10% of approximately 1,000 monthly deliveries. The program operates in three two-month phases during dry season. In August September 2004, 1,030 truck loads were delivered at a cost of NIS 64,500. Because it is the duty of the occupying power to provide water to the local population, the ICRC does not operate the program in Area C of the West Bank.
- 108 The ICRC started water trucking in West Bank in 2002 and expanded its project to the Yatta area in 2003. In 2004 it began working through the Yatta Joint Services Committee, subsidizing water transported by trucks operated by the JSC. Under the program the ICRC covers the transport cost of water, about NIS 50 for 10m3, while the purchaser pays NIS 100. Households apply directly to the JSC for this service. In addition, the ICRC fully subsidizes water provided to exigent households classified as social cases, as well as schools and public health centers. This accounts of some 10 % of approximately 1,000 monthly deliveries. The program operates in three two-month phases during dry season. In August September 2004, 1,030 truck loads were delivered at a cost of NIS 64,500. Because it is the duty of the occupying power to provide water to the local population, the ICRC does not operate the program in Area C of the West Bank.
- 109 The IDF has provided assurances that the residence of families living in the north eastern part of the Masafer will not be challenged. Yet permission for investment in needed infrastructure and housing continues to be denied, demolitions are still carried out periodically, and local inhabitants continue to endure closures and settler violence, as detailed earlier.
- 110 At Tuwani is an important local centre in so far as it houses shops and is home to the only school in Masafer Yatta, serving children from the entire area. It is also the centre of a VC/PC including Tuba hamlet in Masafer Yatta, which is represented in the Yatta JSC. ERM is currently assisting construction of a health clinic in At Tuwani, and helping open and improve roads connecting it to Masafer Yatta
- 111 In early 2004, IDF demolitions of sanitary facilities built in nearby Wadi Al Khalil with the help of ERM/DFID were stayed after the British Consulate filed a complaint with Israeli authorities. The demolitions were eventually completed following extensive local house demolitions.
- 112 World Bank interview with representatives of ERM, Ramallah, July 20, 2004. In Jayyous village, located near Qalqiliya along the first phase of the Barrier, French authorities were successful during the Barrier’s construction in preventing the concomitant destruction of a water network funded by the French government.
- 113 Interview with World Bank staff. 21 July 2004.
- 114 The IDF has provided assurances that the residence of families living in the north eastern part of Masafer Yatta will not be challenged. Yet permission for investment in needed infrastructure and housing continues to be denied, demolitions are still carried out periodically, and local inhabitants continue to endure closures and settler violence, as detailed in report.
- 115 At Tuwani is an important local centre in so far as it houses shops and is home to the only school in Masafer Yatta, serving children from the entire area. It is also the centre of a VC/PC including Tuba hamlet in Masafer Yatta, which is represented in the Yatta JSC. ERM is currently assisting the construction of a health clinic in At Tuwani, and helping open and improve roads connecting it to Masafer Yatta
- 116 Sources of information and cost estimates for this section include the World Bank, EMAP/UK, Medecins Sans Frontiers, HWASP/ERM, Yatta JSCPD, ACRI and the Jerusalem Legal Aid Center.
- [D1] Term “legal battle” lends undue legitimacy to the Israeli justice system and might legitimize its ruling and the broader applicability of Israeli military law in the OPT. It is not a legal battle; it is a process with some legalistic veneer, that has little to do with the

- application of law or justice under IHL.
- [D2] It may not be good to say that they need help securing legal title. Who determines what is legal? This might suggest that their ownership of this land is actually contestable. And they do have legal titles from the Ottoman era - that is not the problem - the problem is that the Israeli state doesn't recognize these titles/and doesn't care because military necessity would overrule mere land ownership. We should absolutely not suggest that their right to reside on this land is actually dependent on them having title, or jumping through whatever other arbitrary legal hoops the Israeli justice systems invents. From our perspective, officially the law that is relevant here is IHL not Israeli military orders or a 19th century Ottoman land law.
- [a3] Political - is not a good word for the court. If anything, the paper should stay away from politics and political analysis.
- [a4] I would use displacement instead of expulsion since it is internally within the occupied territory.
- [a5] I would use a different word since settlements for Israelis usually means Jewish settlements
- [a6] Since I do not understand exactly what it means, and Havakook wrote his book in Hebrew, I would prefer knowing what this word means in Hebrew to see if it has some implications reg. the court case. WB: comment. It simply means a lifestyle based on seasonal movement between two areas.
- [a7] If possible, I would not say strong social and cultural ties to Yatta.
- [a8] We should try and not balance social and cultural versus economic and identity since the HCJ interpretation of centre of life relies a lot on social focal point.
- [a9] The word "recently" may mean to the court that this is a new invasion of Palestinians to no-man's land... Unless we have the dates, I would not put timeframes.
- [a10] If there are no trees observed today in this area, I would suggest putting timeframe so it would not look as if we're trying to "beautify" reality.
- [a11] I am not clear- is Jinba, the village described in the last para. Part of Masafer-Yatta? WB. Yes.
- [a12] This whole section may undermines the idea that the people are permanent residents of the area, despite their history. I do not suggest to use "semi-nomadic" at all, especially since the source is a newspaper article. This is an anthropologic statement which I do not think we are qualified to do. In the petition to the HCJ it is clearly stated that in Havakook's book - the major research from 1980s- he wrote that "they are not Bedouins" (page 57). We can use this quotation, which better serves our purpose.
- WB. It is important to at least confront the mistelling and miscategorization of the area's inhabitants in official Israeli narratives. Also, we cannot pretend that they were not at some point seasonal - Hava Cook mentions this himself. But he has done as far we know no research on the area's post 1967 history and in particular the destruction caused by the IDF, which has pushed it back in time. His comments about the development of the area during Israeli rule are if any misleading, seeing the occupation as largely beneficial and an improvement on Jordanian rule. Yet during Jordanian rule roads were actually built for the use of local residents, for instance.
- [a13] I would not pursue this line of comparison and mentioning of Bedouins, since this is exactly what the IDF tries to do.
- [a14] The main thing for the court is residency- it should be mentioned that the residency is in Masafer-Yatta - in different forms - and there is no clear division in terms of the centre of live between residency in Yatta and agriculture in Masafer-Yatta.
- [a15] This sentence is not clear.
- I would elaborate on which security measures?
- [D16] The point about IDF policy is important in the context of the recent Susya case, in which the court criticized the IDF for not allowing residents a chance to obtain building permission. It also points to obligation of occupying powers under IHL, something which the IHCJ has recently evinced increased sensitivity towards?
- [a17] I am not clear- is Jinba, the village described in the last para. Part of Masafer-Yatta?
- [a18] I read in the footnote something about residents fearing a nearby military camp and dismantling of the camp. I think this is extremely important for the court to understand the consequences on the life of people, beyond the agriculture issue.
- WB. Text added in response to Neta's comments.
- [a19] I read in the footnote something about residents fearing a nearby military camp and dismantling of the camp. I think this is extremely important for the court to understand the consequences on the life of people, beyond the agriculture issue.
- [a20] I saw you used IDF Civil Adm. Throughout the document
- [a21] It is not clear why the development has been frozen. Was it frozen due to the need to receive

permits, which were denied by the Civil Administration or delayed for years? Since this regards donors, I would not say usually without specific accurate data.

- [a22] I do not understand exactly what is meant by this sentence. I would take it out and stay only with the settlement expansion since I don't think it is in our interest to comment on the settlements more than the minimum. The division between the two categories is also not accurate, since sometimes Palestinian land which has already been declared as State Land continues to be cultivated by the people.
- [a23] In general- it is good for the court to say that there are services given inside Masaferf-Yatta. Any sign of a normal community running its daily life in that area is necessary. Although it is good for the donors to show that there is a need for more services, our interest as far as the court is to show that there is existing and operating service infrastructure, independent from the one in Yatta.
- [a24] I would try to not use the word Bedouin due to the reasons I already mentioned.
- [a25] I think it is good to say here that it relates to the Barrier. The use of "closed area" and "closed military area" is confusing.
- [a26] I read in the footnote something about residents fearing a nearby military camp and dismantling of the camp. I think this is extremely important for the court to understand the consequences on the life of people, beyond the agriculture issue.
- [a27] Again- I think better to speak in directions and not "outside"/"inside"
- [a28] This whole section may undermines the idea that the people are permanent residents of the area, despite their history. I do not suggest to use "semi-nomadic" at all, especially since the source is a newspaper article. This is an anthropologic statement which I do not think we are qualified to do. In the petition to the HCJ it is clearly stated that in Havakook's book - the major research from 1980s- he wrote that "they are not Bedouins" (page 57). We can use this quotation, which better serves our purpose.
- [a29] I would not pursue this line of comparison and mentioning of Bedouins, since this is exactly what the IDF tries to do.
- [a30] This does not exactly follow the above mentioned sentence about Masafer-Yatta being the economic centre of these people. I would change this sentence to reflect the former.
- [131] The main thing for the court is residency- it should be mentioned that the residency is in Masafer-Yatta - in different forms - and there is no clear division in terms of the centre of live between residency in Yatta and agriculture in Masafer-Yatta.
- [132] This sentence is not clear.
- I would elaborate on which security measures?
- [a33] In general- it is good for the court to say that there are services given inside Masaferf-Yatta. Any sign of a normal community running its daily life in that area is necessary. Although it is good for the donors to show that there is a need for more services, our interest as far as the court is to show that there is existing and operating service infrastructure, independent from the one in Yatta.
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- [a36] It is not clear why the development has been frozen. Was it frozen due to the need to receive permits, which were denied by the Civil Administration or delayed for years? Since this regards donors, I would not say usually without specific accurate data.
- [a37] I would not state thinly populated since this is not for the petitioners advantage.
- [a38] I would not relate to areas A, B, and C reg. the recommendations, since there should not be a difference between the areas as far as the assistance is concerned. Sticking to this division only strengthens IDF policies and restrictions on planning.

