



Operations Support Officer Programme  
West Bank

## Case Study

### **UNRWA's access to Barta'a enclave disrupted by IDF restrictions.**

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Since the building of the wall/fence, Barta'a is a totally enclosed enclave with entry at two gates, Barta'a and Shaked. All inhabitants are designated as 'long-term residents' and as such, since the introduction of the gate and permit system in October 2003, must have a permit to live in and to enter and leave the enclave. Shaked gate is only open for a few minutes in the morning and at lunchtime for the school children from the villages of Daher al Mahler and Um al Rehan who go to school in a near-by village. Everyone aged twelve and over must have a permit to pass Shaked gate. To the west, fines, not barriers prevent 'long-term residents' from entering Israel. Out of all the twenty three operational gates in the wall/fence, Barta'a is the only gate for which UNRWA staff with West Bank identity cards require a permit for. (See appendix 1 for map of Barta'a enclave.)

In his statement to the UN General Assembly in December 2003, Israel's Ambassador to the United Nations stated, 'The fence is not a border and has no political significance. It does not change the legal status of the territory in any way'.

However, the introduction of the permit system has required both Palestinian civilians and international agencies (including UNRWA) moving between two parts of the West Bank at Barta'a to obtain a special permit from the Israeli authorities similar to those required to move from the West Bank into Israel. Out of the twenty three operational gates in the wall/fence, the one at Barta'a is the only one for which UNRWA staff with West Bank identity cards require such a permit. General Paz, the head of IDF Civil Administration has stated that the UN has free access to the enclave. However, on the ground the reality is different with the operational commander stating that nobody will enter the enclave without a permit, UN or not. This situation casts a shadow

over the Ambassador's statement claiming that the construction of the wall/fence does not change the legal status of the isolated territory.

This case study will show how UNRWA's relief and assistance operation has been negatively impacted and caused a reduction in services for recipients due to the IDF's refusal to allow its staff to enter Barta'a enclave without permits

Since the wall/fence was constructed, UNRWA's relief and other humanitarian efforts have been no exception to IDF restrictions. Since the completion of the wall/fence in the Barta'a area, UNRWA staff members have faced delays, abuse and intimidation at the gates of the enclave on a number of occasions. Since 1 October, access for UNRWA's staff members has been denied for lack of permit to be inside the enclave, designated 'seam zone' by the Israeli government. The official reason being that after the gate, there are no more checkpoints before entering Israel. Thus the enclave is effectively de facto annexed to Israel a fact not lost on Israeli Defense Force soldiers who consistently refer to the enclave as 'Israel'.

### **Barta'a gate**

#### Residents

When the wall/fence was first completed and the gate installed, 'long-term residents faced many problems in crossing the gate. Delays were lengthy, particularly when the metal detector was not working and women had to wait for long periods of time for female soldiers to search them. The quantity of food allowed into the enclave is also restricted. 'Long-term residents also complained of harassment at the gate. Women in labour have also been denied access through the gate.

In recent months, a new Israeli Defense Force District Coordinators Office has opened within a new gate complex at Barta'a. This gate has what appears to be permanent infrastructure, including metal detectors and shelters.

Overall, there have been attempts by the Israeli authorities to improve the humanitarian access for the permit-holding 'long-term residents', for example, with better staffing at the Barta'a gate (below) meaning less delays. Although the restrictions of goods being taken across the gate remain. For *non*-'long term residents', however, access through this gate has become more and more restricted. For example, women from Barta'a who have married and live outside the enclave are not able to visit their families in Barta'a enclave. Workers from the east of the fence in the West Bank are unable to get into the enclave to work.

#### **Humanitarian access**

The requirement for permits has also impacted on UNRWA operations, especially in food delivery, medical care and special hardship relief. The food convoys are unable to cross the gate along with distribution staff who see to the food's safe delivery for recipients. Refugees complain that they no longer see their social workers and doctors.



The new Barta'a gate. Passage for 'long-term residents' has improved according to the local mayor.

### **Shaked gate**

Since the introduction of a gate at Shaked, access has been restricted according to the will of the IDF soldiers present. In the main, most residents were able to pass to the West Bank side of the wall/fence after a security check. However, since 1 October, a reduction in access at Shaked gate is also reflected by the reduction of infrastructure at the gate.

Shaked gate Spring 2004



Shaked gate Winter 2004



Where a watchtower once stood, only two small shelters remain. From 1 October 2004, the gate has been open to school children only, with the exception of one month during the olive harvest. By gradually reducing the opening hours of the gate, the IDF is putting pressure on local residents. Not knowing the exact time of opening and only having a few minutes in which to cross makes it much harder for international organizations to actually find the gate open and attended by soldiers, even if they could, in theory cross.

### **Access – restrictions for UNRWA**

Along with ordinary West Bank Palestinians, restricted access through the gates has also impacted UNRWA operations in the enclave. While the number of humanitarian interventions in the enclave compared to, for example, Nablus, is relatively low, given its small population, the number of checkpoint incidents is very high and has a significant impact.

There have been twenty incidents of denial of access for social workers, doctors, nurses and other UNRWA humanitarian practitioners from January

2004 to the beginning of December at Barta'a gate. <sup>1</sup> At both gates, in total, almost 300 hours have been lost this year affecting seventy-one employees (due to IDF restrictions on permit holders only entering through this gate).

In this past year, UNRWA's Relief Department (RSSO) has lost 220 hours and fifty of its employees have been affected. These staff are responsible for special hardship cases as well as food delivery. Instead of using Barta'a gate to reach Barta'a village, these team have to cross outside the West Bank, taking a 39 kilometer detour which adds one hour and twenty minutes to their journey time, instead of travelling just seven kilometers through the gate, which takes nine minutes.

UNRWA's health department faced similar problems. In response to the difficulties faced by refugees living in Barta'a enclave in reaching UNRWA's Ya'abad health centre, UNRWA's health department made special provision of care for them which included running mobile clinics. This included running mobile health clinics to the communities of Um Rehan and Dher al Mahler.

This initiative also enabled them to reach the non-refugees of these communities living beside the Shaked settlement which have faced difficulties in reaching medical help. Instead of going to the Tura health centre which is less than one kilometer from their village but is now on the other side of the wall/fence, residents have to cross through Barta'a gate to get there. This journey is fifteen kilometers. For many, the transport costs have become prohibitive.

UNRWA's presence was helping both refugees and non-refugees. However, due to Israeli restrictions, in the past year, sixteen mobile health clinic employees were refused access to the enclave through the gate due to not having a special permit. Since 1 October the UNRWA mobile health team has been unable to reach Dahler al Mahler and Um Rehan. This has had a healthi

For example, a forty-eight year old widow with nine children from Dahar al Mahler explained that because she had not had access to the UNRWA doctor, her diabetes was now out of control. Her neighbour added, 'She needs the doctor very, very much, she does not have a permit and so she cannot go out'. The presence of the gate and the delays experienced there mean that many people rely on the UNRWA medical team visits. When UNRWA cannot get through, many residents have little alternative recourse.

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The reason for these problems has been the IDF commander's refusal to allow UNRWA staff members on West Bank identity cards access to the enclave without a permit to be inside the 'seam zone' on the grounds that

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The Operations Office Research Department reports that, in general, UNRWA staff frequently do not report minor delays in entry to 'the seam zone' that are under twenty minutes, so the figures relating to delays and lost man-hours are under-reported.<sup>1</sup>

there are no more checkpoints between the gates and Israel. Israeli authorities require them to apply for and obtain a permit to enter 'Israel' proper, along with the residents. This is contrary to both International Humanitarian Law and Israel's agreements with the United Nations regarding humanitarian access and UNRWA's role in the provision of care for refugees. This lack of humanitarian space, both physical and psychological is not in accordance or compatible with UNRWA's right to freedom of movement in the West Bank and is a far cry from Israel's obligation to facilitate access to the refugee population which UNRWA is mandated to serve.

Other humanitarian agencies and Non Government organizations such as Oxfam, who have a water project in the enclave and COOPI an Italian development organization, have been already been forced to obtain permits for their staff. (Some staff were also refused permits). This sets a precedent for other agencies and gives credence to Israel's claim that this territory is legally set apart from the West Bank. The Palestinian Red Crescent are only able to enter the enclave with co-ordination through the International Committee of the Red Cross and Red Crescent. They have refused to apply for permits. To date, no UN agencies have applied for permits to enter the enclave.

Despite the Israeli government's claims that the status of the 'seam zone' has not changed, facts on the ground show that this is not the case. The status of the area isolated to the west of the wall/fence which the Israeli authorities now term 'Israel' has changed. This change in status has resulted in systematic disruption to services offered by UNRWA. This has negatively impacted UNRWA's relief and other operations by reducing the time spent working with and assisting the refugees as well as preventing the material assistance from being delivered. Besides losing this land, for the Palestinians and UNRWA, the cost is both humanitarian and financial.

## Appendix

Barta'a enclave, between the wall/fence and the Green Line. A new gate exists between Daher al Abed and Zebada. It is also called Barta'a gate.

