

Protecting Civilians

A cornerstone of Middle East peace

Civilians are paying a high price for the escalating violence in Israel and the occupied Palestinian Territories. Hundreds of innocent lives are being lost and hundreds of thousands deprived of their basic rights as the security situation deteriorates. A solution to the conflict can only lie in a political process. In the meantime, civilians caught up in armed conflict are guaranteed the right to protection under international humanitarian law. They cannot afford to wait for a negotiated settlement. Moreover, their protection will strengthen the path to peace and help to reduce poverty.

The international community, through member governments of the Quartet (the EU, USA, UN, and Russia) and governments in the region, must act now and fulfil the obligations under international law to ensure the right of civilians to protection. Oxfam is calling on the Quartet to convene an emergency meeting with the Israeli Government and Palestinian National Authority to ensure that ordinary people on both sides are protected.

Preface

Oxfam International and its affiliates have been working with poor and marginalised communities in the occupied Palestinian Territories since 1949, and in Israel since the 1960s. We are deeply concerned at the impact of the conflict on Israeli and Palestinian civilians, on our programmes and those of our Israeli and Palestinian partner organisations, and the effect of the conflict on the wider region. Oxfam believes that the protection of civilians will ultimately only come through a just peace for Palestinians and Israelis based on UN resolutions 242 and 338, which call for Israeli withdrawal from territory occupied since 1967. Oxfam believes that civilians caught up in the conflict cannot afford to wait for a political solution, however; they need protection now. Oxfam reaffirms the right of Israel and a viable, sovereign Palestinian state to exist within secure borders. This briefing paper is one of a series in which our primary concern is **for the Government of Israel (Gol), the Palestinian National Authority (PNA), and the international community to act urgently to mitigate the impact of conflict on poor people and to provide effective protection to civilians living under conflict.**

In 'Foundations for Peace: Urgent Steps to Address the Israeli–Palestinian Conflict' (March 2002), Oxfam International called on all parties to take steps 'to reverse the long-term damage that will affect the livelihoods of the poorest and most marginalised people in Palestine and Israel for decades to come' and to protect the rights of civilians under international law.¹

In 'Forgotten Villages: Struggling to Survive Under Closure in the West Bank' (September 2002), we documented the impact of the Israeli policy of closure on vulnerable rural communities living in the occupied Palestinian Territories.

'Protecting Civilians' (May 2004) urges the international community with the Gol and PNA to put the protection of civilians first, according to their obligations under international humanitarian law. It proposes that an external mechanism be found to protect civilians in the occupied Palestinian Territories and to improve the humanitarian situation. Safeguarding the lives and livelihoods of Palestinians and Israelis will enhance the prospects for peace and a renewed political process, as well as regional and global security.

This paper is based on detailed, verifiable, and objective research carried out by a range of reputable organisations, whose principal concern is the welfare of the people of the region and a just and sustainable solution to the conflict. It documents the violence inflicted on civilians by Israelis and Palestinians and the suffering experienced by people on both sides. It is based on Oxfam's direct experience with poor communities and our work with partners in the occupied Palestinian Territories

Summary

The Israeli–Palestinian conflict has claimed nearly 4000 lives since October 2000. Families in both Israel and the occupied Palestinian Territories have been torn apart as their loved ones have had their lives cut short. Nearly 3000 Palestinians, a majority of whom are unarmed civilians,² have been killed by the Israel Defence Forces (IDF) and more than 600 Israeli civilians have died as victims of Palestinian terrorism, in addition to the 265 Israeli security-force personnel who have been killed.³ At least 25,000 Palestinians and 5467 Israelis have been injured,⁴ and Palestinians have died because curfews and the checkpoints imposed by the Israeli military around their towns or villages have prevented them from receiving medical attention. Thousands more have had their homes destroyed.

The current violence is taking place against the background of Israel's 37-year military occupation of the Palestinian Territories, and the breakdown of the Oslo peace process.

Israel's separation barrier, the stated aim of which is to prevent Palestinian suicide bombers reaching Israel, is now limiting the access of more than half a million West Bank Palestinians to their land, livelihoods, and water. Fear has become a part of everyday life for ordinary people everywhere. Moreover, the majority of the 3.8 million Palestinians in the occupied Palestinian Territories, as well as a significant percentage of the Israeli population, live in poverty as a direct result of the conflict.

Civilians are more vulnerable than ever before in the current climate of violence. Yet the protection of civilians is a central obligation of states in the law of war (also called international humanitarian law, or IHL).⁵ **Under IHL, civilian protection means that people have the right to have their basic needs met as well as to be protected from personal violence.** All parties have committed grave abuses of human rights. The Israeli government has failed to fulfil its obligations towards the occupied population; the Palestinian Authority has failed to defend civilians and to stop the violent actions of the extremist groups. The international community has also failed to ensure respect for the rules of international humanitarian law, prejudicing the prospects for a just and peaceful resolution to the conflict. A political solution based on international law is required to bring about a sustainable and just peace. However, ordinary Palestinians and Israelis cannot afford to wait for one. They need protection now.

Fresh thinking is required to change this situation, and Oxfam is calling for **urgent action to be taken by the international community to ensure protection for civilians on both sides.** The effective protection of civilians is essential for establishing peace through a political process that must lead to an end of occupation and the creation of a viable, sovereign Palestinian state.

Several models of international action exist already. All put the protection of civilians first, under international humanitarian law. Some have been successfully deployed in other conflicts. We suggest some ideas and models for consideration in the Israeli–Palestinian conflict. **Oxfam does not commit itself to any particular model; only to the principle that in armed conflicts, international humanitarian law should be respected and**

civilians protected. We believe that their protection will, in turn, increase support for a peaceful settlement and marginalise those who wish to pursue violence. It would also greatly enhance the prospects for regional peace and global security. The application of these models needs urgent discussion and implementation by the GOI, the PNA, and member governments of the EU and UN via the Quartet. This would demonstrate that members of the Quartet and other governments are acting according to their responsibilities under Common Article One of the Geneva Conventions.

Oxfam is calling on these key players to meet around the negotiating table without delay, to decide what action to take in order to protect civilians on both sides – and to start to put an end to the suffering.

1 Protected by law

Civilians, whose protection is central to international humanitarian law (IHL),⁶ have never been more at risk in the Israeli–Palestinian conflict than today. The current violence is taking place against the background of Israel’s 37-year military occupation of the West Bank and Gaza. In the absence of a political process, the violence is compounding the poverty now experienced by the majority of the 3.8 million Palestinians in the occupied Palestinian Territories, depriving them of their basic needs for survival, and for many, denying them their right to life. Raids by the Israel Defence Force (IDF) into high-density civilian areas in the West Bank and Gaza, using disproportionate force, result daily in the death and injury of Palestinian civilians. Excesses of the IDF have been amply documented, for example by the Department of State of the United States Government.⁷

Palestinian extremist groups send suicide bombers to target and kill civilians inside Israel. Armed Israeli settlers in the occupied Palestinian Territories threaten and attack their Palestinian neighbours, and their farms, olive groves, and water sources. Palestinians target settlers. The costs of the conflict in the occupied Palestinian Territories are significantly impoverishing vulnerable groups in Israel, as funds are diverted away from welfare budgets for security and military purposes (see section 4).

The ethical duty to protect civilians on both sides is intimately linked to the prospects for peace. The way in which the conflict is fought can either make peace easier, or more difficult; the worse the conduct of conflict, the harder it is to make peace. Commitment to civilian protection could strengthen civil society, in which all participate, allow the voices of non-violence and peace to be heard, and marginalise those bent on violence.

Israel Defence Force excesses

It is estimated that between 2596⁸ and 2813⁹ Palestinians died in the period October 2000 to 10 March 2004. Estimates of those injured range from 25,347¹⁰ to 41,000.¹¹ The Palestinian Human Rights Monitoring Group reports that 486 children (255 of them below the age of 15) were killed by IDF soldiers up to 29 February 2004.

While recognising the difficulty for Israeli soldiers of distinguishing between combatant and civilian in some circumstances, the tactics used by the IDF to find and kill extremists have frequently breached fundamental tenets of international humanitarian law. IDF operations cause disproportionate harm to civilians, and in many

cases destroy 'objects indispensable to the survival of the civilian population'¹² (for example, water tanks and pipes in Palestinian villages which were repaired or built by Oxfam water teams and by partner organisations.) The deaths of bystanders and residents who venture to their windows at the sound of shooting are all too frequent.

On 7 March 2004, Israeli forces with heavy military vehicles and aircraft moved into Al-Nusseirat refugee camp in the Gaza Strip, which has been cut off from Israel by a security fence since 1994. Israel described the action as a 'pinpoint strike' against the 'terrorist infrastructure', unrelated to the forthcoming withdrawal.¹³ They used one of the residents to walk in front of soldiers as a human shield as they searched three civilian residences. Soldiers set up sniper positions on the top floors of the properties. Oxfam partner, the Palestinian Centre for Human Rights (PHCR) observed that 'Israeli troops opened fire randomly into the streets of the camp, including from the positions taken in the three houses. Eyewitnesses reported that Israeli helicopters flying overhead also opened fire in the area'.¹⁴ Six hours later, 10 Palestinian militants and four children had been killed, and more than 80 civilians (26 of them children) injured, some critically.

In other attacks, the IDF has caused huge destruction of personal property.¹⁵ Between 9 and 11 October 2003, Israeli forces invaded Rafah town on the southern border of the Gaza Strip. A sweeping raid by air and land, Israel said the operation aimed to uncover tunnels being used to smuggle weapons across the Egypt-Gaza border. Israeli forces demolished 120 homes 'without permitting residents to remove their belongings',¹⁶ leaving 1240 people homeless.¹⁷ Oxfam partner, the Palestinian Hydrology Group (PHG), reported that Rafah refugee camp experienced extensive destruction of its water and waste-water networks 'which cut the supply of water to these and other areas in the camp',¹⁸ causing sewage to flow into the streets and to mix with the water network. Due to a curfew imposed on the camp, the local maintenance team could not reach all of the main valves in the water network. These attacks, which collectively punish the Palestinian civilian population, 'create only hardship and bitterness, and can only undermine hope for future reconciliation and peace.'¹⁹

Most recently, the bulldozing of many Palestinian houses in Rafah²⁰ has been permitted by the Israeli High Court, but has attracted widespread international condemnation, including from the US Secretary of State Colin Powell: 'We know Israel has a right for self-defence, but the kind of actions they are taking in Rafah with destruction of Palestinian homes, we oppose'²¹

International humanitarian law puts clear restraints on the occupying power's use of force, requiring that civilians be protected both individually and collectively from disproportionate violence used on the grounds of military necessity. The Government of Israel has justified such attacks through its own interpretation of what 'military necessity' means in IHL. 'While we believe Israel has the right to act to defend itself and its citizens, we do not see that its operations in Gaza in the last few days serve the purposes of peace and security', John Cunningham, US Deputy Ambassador to the UN speaking on the Australian Broadcasting Corporation, 20 May 2004. Oxfam, like others, believes that the interpretation of the GoI is frequently carried too far.

Javier Solana, in a statement from the EU 19 May 2004, said, 'I am deeply distressed by the recent Israeli action in Gaza which appears to have left a large number of casualties among Palestinian civilians, including children. I condemn such indiscriminate actions. The steadily mounting death toll and the continuing destruction of houses in Gaza cannot but disturb all those who want to promote a settlement in the Middle East. This is not the way to fight terrorism effectively, nor to prepare for a successful disengagement from Gaza in the conditions defined by the (diplomatic) Quartet.'

The primary duty for ensuring the protection of the occupied civilian population according to IHL rests with the Israeli State. Yet only a handful of Israeli soldiers have ever been charged with unlawfully killing unarmed civilians or bystanders. This culture of impunity, in which the deaths of foreign activists and journalists have also occurred in the last three years, is a grave violation of international humanitarian law.

Growing Palestinian lawlessness

Between October 2000 and 10 March 2004, at least 870 Israelis were killed,²² of whom 605 were civilians, 104 of them under the age of 18, and 267 members of the Israeli security forces.²³ The number of Israeli civilians injured, many very seriously, between 29 September 2000 and 1 May 2004 is at least 5467.²⁴

As noted in a report of Médecins du Monde, 'the violent acts conducted by the armed Palestinian groups mainly affect civilians'.²⁵

The Palestinian National Authority (PNA) has consistently failed to stop the activities of the Palestinian extremist groups, who recruit suicide bombers to target civilians within Israel, which is therefore a very grave violation of international humanitarian law. Unarmed settlers in the occupied Palestinian Territories are also guaranteed their safety under international humanitarian law. Their safety has been seriously compromised by the legal status of the settlements,

and by attacks by some armed settlers against Palestinian civilians, but this does not reduce the unarmed settlers' rights as civilians, or the PNA's responsibility towards them.

The capacity of the PNA ministries to operate has been seriously reduced by Israel's destruction of Palestinian government buildings and security infrastructure. Many institutions have all but collapsed. Israeli checkpoints and closures throughout the occupied Palestinian Territories have prevented Palestinian government staff from being able to carry out their work. Palestinian police are unable to carry arms.

Nevertheless, the PNA has consistently failed to help Palestinians who need protection from others within their own society. In 2003, there were at least 48 cases of death by people taking the law into their own hands and the misuse of firearms in the occupied Palestinian Territories.²⁶ The security services failed to form credible investigative committees to follow up these incidents and to hold those responsible to account.²⁷ Many Palestinians have been shot dead in public without trial for being suspected collaborators with Israel.²⁸ The Palestinian Human Rights Monitoring Group reports a steep rise in the number of murders arising from crime or family feuds.

Recognising a growing deterioration in law and order, Palestinian Prime Minister Ahmad Qureia announced in March 2004 that his government had decided to tackle the 'chaos' that is spreading in the Gaza Strip and the West Bank. But he faces the serious fragmentation that is occurring among armed extremist groups and within the PNA, and struggles with a climate of tension in which both incitement and restraint are at odds with each other across the different factions.

Elections at all levels, delayed for years, should take place according to electoral law, despite the difficult circumstances, to allow the Palestinian public a voice and a chance to resolve the political impasse among themselves.

International law and the political process: protection is a right, not a reward

International humanitarian law is not to be tacked on to a political process, but should be intrinsic to it. It is the basis for fundamental rights during war, and not a prize for good behaviour to be awarded at the end of hostilities. Safeguarding human rights not only helps to protect civilians and reduce suffering, but also lends legitimacy to the peace process and those conducting it, and is likely to make it more sustainable. As Human Rights Watch points out, standards defined in IHL provide a useful tool for 'providing impartial definitions of

behaviour, benchmarks of good practice, and well-documented comparative experience.’²⁹ All parties – and especially the Quartet, Israelis, and Palestinians – must ensure compliance with IHL by all sides.

Unilateral plans, such as Israel’s plan to withdraw from Gaza and to annex the five largest blocks of West Bank settlements, cannot abrogate Palestinian rights under international law. There is no substitute for a negotiated agreement founded in international law, which although pragmatic, respects the rights of both peoples. The Road Map, which remains to date the peace process officially supported by the international community, is at odds with IHL in terms of its overarching logic; it confuses principles of IHL and human rights with the specific steps required of each party. Actions cited in the Road Map text such as ‘deportations, attacks on civilians ...’ are prohibited in IHL, and some are war crimes. They cannot be elements for negotiation, or be bargained away as part of the reciprocal steps required by each party in the Road Map.

Civilian protection on either side must not be bargained for. Oxfam contends that a fundamental requirement is to **privilege the protection of civilians above all other considerations**, whether or not political progress is made in the Road Map or any other process.

2 The separation barrier³⁰

The separation barrier that is being constructed by Israel to stop Palestinian suicide bombers entering Israel is supported by 84 per cent of the Israeli Jewish population.³¹ This wide public support for the barrier crosses the political spectrum. Seventy per cent of Israelis believe the barrier can protect Israeli citizens by significantly reducing the number of attacks inside Israel. However, while the barrier is making Israelis feel more secure, it is greatly increasing the suffering of Palestinians.

Afaf M. from Ras Tira village was seven months pregnant and on her way to the doctor in Qalqilya when she was refused entry at the checkpoint. Suffering from high blood pressure, she started to walk through the trees around the checkpoint, but delivered the baby, stillborn, on her way. Because of the barrier, she can no longer get to Qalqilya for medical appointments. *'If one of our children becomes ill, we start worrying'*, she says. Her relatives cannot help her, as they live in villages on the other side of the barrier.

Oxfam interview, July 2003, Ras Tira village

A closed zone

Started in June 2002, the construction of the first 180km of the barrier, involving the confiscation of 107 square km of land,³² has demonstrated that it does not just separate Palestinians from Israelis. Ninety per cent of the barrier is being built *inside* the West Bank, trapping approximately 115,000 Palestinians in 53 villages into what Israel calls a 'seam zone' between the barrier and the Green Line (the 1949 armistice line that divides the West Bank and Israel). The barrier itself is sometimes a series of trenches, barbed wire, electronic fences, and security-patrol roads, spanning 60m to 100m. At other times, it is an 8m-high concrete wall with armed concrete turrets, cameras, and infrared sensors. It is constructed up to 20km inside the West Bank in places, looping around Israeli settlements to keep them contiguous with Israel.

The barrier is creating enclaves of an additional 148,000 Palestinian residents of 28 villages³³ who will be entirely circled by the barrier (see map at the end of this document). New regulations issued by the Israeli military on 2 October 2003 require all Palestinian residents in the seam zone (comprising 14.5 per cent of the total area of the West Bank³⁴) to apply for permits to continue to live in their houses, farm their land, and to travel. Teachers, farmers, or traders wanting to enter the area from the eastern side to gain access to their jobs and services must now also apply for permits. This applies to 400,000

people.³⁵ When complete, the barrier will be double the length of the Green Line.

Livelihoods under threat from the barrier

For the farmers and residents of the closed zone, life is grinding to a halt. Many are becoming dependent on food aid, unable to farm, travel to work, or earn an income. Traditionally, communities living on or close to the Green Line in the fertile north West Bank had the best access to food, water, and well-paid jobs in Israel. Palestinian traders sold their produce in vibrant border markets to Jewish and Palestinian citizens of Israel, who found it cheaper than Israeli produce.

The barrier has directly reversed this situation. With the boundary with Israel fenced off, legal trade with Israelis is no longer an option, markets have collapsed, and permits for entry into Israel are almost impossible to get. In addition, it has created boundaries between Palestinian communities, preventing internal trade. In Nazlat Isa, a northern West Bank village near the Green Line, 200 shops and six houses were demolished to make way for the barrier. Oxfam partner, the Palestinian Hydrology Group, went to look at the effect of the barrier on the people.³⁶

'Whilst we were talking with the people, a man called Bassem H. lay down at the foot of the wall and started to call someone on the other side. Then I saw a bundle of green onions coming out of a hole six inches wide in the bottom of the wall.' The barrier divides Nazlat Isa, splitting families. For Bassem's family, the holes left for water drainage have now become a means of survival. *'I used to sell vegetables to people who now live behind the wall'*, he said. *'I have five children. When they built this wall, I lost my income and there is no market here. Therefore, I let my eldest son live there, and everyday I buy him the vegetables here, which I then pass through this hole as I've shown you. He sells these vegetables on a cart, and this is how we manage our life through this hole. This hole in the wall is our income now.'*

Communities on the Green Line are the 'new poor' – families who before closure had incomes from jobs in Israel, but now lack access to welfare available to the chronic poor.³⁷ A UN Food and Agriculture Organisation (FAO) study found that the highest levels of food insecurity in the West Bank can be traced along the path of the barrier, west of Jenin, Tulkarm, Qalqilya, Salfit, and Ramallah.³⁸

Water remains a critical issue for many Palestinians. The unresolved political issues relating to the Israeli occupation of the Palestinian Territories has meant a continuous degradation of the water-supply infrastructure over 37 years. Israelis control and utilize 89 per cent of the total water sources available,³⁹ and consumption by Israelis and

settlers is six times higher than that of Palestinians in the West Bank and Gaza.⁴⁰ In spite of an Oslo II agreement to increase the annual supply of water to the occupied Palestinian Territories by 28.6m cm (million cubic metres) per year, in reality the amount of water allocated since 1967 has not increased to match population growth, and thus falls short of meeting basic needs. The actions of the IDF and of Israeli settlers in the West Bank have seriously damaged the water infrastructure of many communities during the second Intifada.

Oxfam's experience in providing water to local communities in the West Bank has revealed that the construction of the barrier is now compounding this situation by the further large-scale confiscation and destruction of water resources and infrastructure. In the first phase of construction from Jenin to Qalqilya, 26 groundwater wells with a total discharge of 3.6m cm per year have been confiscated;⁴¹ another 14 are threatened for demolition in the seam zone,⁴² and Israeli bulldozers have damaged or destroyed 35,000m of pipes.

Households not connected to a network rely on rain and spring water stored in cisterns in the rainy season, and buy water from tankers in the summer.⁴³ Those trapped on the west side of the barrier now depend entirely on tankered water. Ten cubic metres of tankered water costs up to \$23, and renders many income-less families' debts insurmountable. The increasing cost of transport to negotiate checkpoints has pushed up the price of tankered water by as much as 80 per cent. Many communities can no longer afford the water they need. The separation barrier highlights how Israel's pursuit of security for its own citizens undermines the security, in the broadest sense, of its Palestinian neighbours.

3 Palestinian exhaustion

There are signs that the deterioration of the humanitarian situation has accelerated in the last year, particularly since the Road Map negotiations came to a halt in August 2003. Palestinians remain resilient in trying to pursue their daily lives, in spite of the 730 checkpoints, roadblocks, and ditches placed in their way.⁴⁴ However, the coping mechanisms used by communities, which we examined in 'Forgotten Villages' in 2002, are now showing signs of strain. The most vulnerable Palestinian people are now totally dependent on charity, having sold everything they can to stay alive. Many are in a cycle of debt. Many of those who were previously able to survive without it, are now dependent on food aid. 'Their ability to recover should the situation improve is compromised by their desperate attempts to survive today.'⁴⁵

According to the FAO, 40 per cent of people in a society that should be self-sufficient in food are now dependent on food aid. 'Food insecurity is a reality for 1.4 million people and a near constant worry for an additional 1.1 million people who are under threat of becoming food insecure should current conditions persist.'⁴⁶ The two main causes are man-made: lack of access to food and declining incomes, both of which are a direct result of the checkpoints, closures, and the separation barrier. Per capita income fell 23 per cent in both 2001 and 2002, resulting in 60 per cent of the population dropping below the poverty line of US\$2.10 per day (World Bank definition) in early 2003.

One widespread survival technique is to reduce spending on food. The Palestinian Central Bureau for Statistics found that 51 per cent of households reduced the quantity of food consumed, and 63 per cent reduced the quality of food.⁴⁷ Families have also cut back on education, health, household maintenance, and social life, either completely or to a point where they can cut back no further.

In the research of Oxfam partners, insecurity and despair emerge as the dominant themes of Palestinian life. High levels of stress were found in all West Bank Palestinian cities after the Israeli military incursions in 2002, by a survey conducted by the Institute of Community and Public Health, Birzeit University, a partner of Oxfam.⁴⁸ It documented great fear among children, bed-wetting, uncontrolled shivering, lack of sleep, crying, loss of appetite, exhaustion, disagreements between the family and neighbours, and 'the feeling of insecurity and the inability to protect one's family.'⁴⁹ The family unit, one of the strengths of Palestinian society, is seriously strained. The further Palestinian society declines, and the

longer it is deprived of its basic rights, the more distant the prospect of recovery becomes.

'This despair is now being consolidated not only by grave violations of human rights and the destruction of the infrastructure needed for survival, but also by the continuation of episodes of re-invasion and curfew as well as closures and siege so strict that they preclude possibilities for rehabilitation and reconstruction.'⁵⁰

Israeli military incursions devastate daily life. Officially for the purpose of tracking down Palestinian 'gunmen', they happen without warning. They entail house searches and arrests in the middle of the night. They mean house demolitions, of which there were 8000 between September 2000 and March 2003.⁵¹ They mean innocent casualties due to the unpredictability of gunfire, especially in the narrow alleyways of refugee camps. Oxfam funded a group of young people to lead a study on the role of youth in Palestinian society, prompted partly by reports that 43 per cent of all Palestinians killed in the occupied Palestinian Territories during the second Intifada have been people between the ages of 15 and 26.⁵²

Every day is a crisis

After three years of curfew, closure, and almost nightly raids by Israeli soldiers, the strain is starting to show on Randa R., a mother of four and an educated middle-class doctor. Normally you'd find her at her busy municipal clinic treating patients. Now she is sitting in her darkened apartment, on sick leave herself, due to stress.

'Israeli soldiers come into town every night and sometimes in the day. We live under constant stress. There are no gunmen in my house, but it doesn't matter to the Israelis. They raid and they search. If someone throws a stone at them from this building, they could just order everyone out and destroy the building.'

'If the Israelis come into town in the day, I have to think of three things. First: where are the kids? They are all at separate schools, so I have to run round in the car collecting them. Secondly, I have to ask myself do we have enough vegetables? We might be under curfew for days, so I have to think about how we will eat.'

'Thirdly, I think: Where is my husband? I try to reach him on the mobile phone, but it's usually jammed because everyone is trying to find out where their children and husbands are.'

'Living like this is living in a crisis every day. You are always on the edge. You don't know that is going to happen next. Normal life is not possible. All Palestinians want is a normal life, the right to have a job, employment, an income.'

Interview conducted by Oxfam, 25 March 2004, Nablus

Dilemmas for the international community

International agencies, including Oxfam, have faced repeated and serious restrictions in delivering assistance to the Palestinian community. On 1 April 2004, the UN took the unprecedented step of suspending its food-aid operations in Gaza, on which more than 600,000 people depend. Israel refuses to allow local UN staff to pass through the Erez checkpoint into Gaza in their vehicles, thereby forcing them to cross the border in exposed areas, which Peter Hansen, Commissioner General of UNRWA, says creates 'unacceptable risk and danger.' The International Committee of the Red Cross (ICRC) cut most of its 2002 food-aid programme at the end of 2003, deeming it no longer an appropriate response to the situation.

The international community is bearing the huge costs of Israel's occupation. The World Bank has argued that the donor community cannot spend its way out of the crisis. 'If donor disbursements were doubled to US\$2bn in 2003 and 2004, poverty would fall by only 7 per cent. In contrast, if internal closures were lifted and exports facilitated, Palestinian GDP would surge by 21 per cent in 2003 and poverty would fall by 15 per cent by the end of 2004.'⁵³

4 The cost to the Israelis

Fear of suicide bombers permeates all aspects of life in Israel. The attacks organised by Palestinian extremist groups are indiscriminate and brutal. They have killed foreign workers and Palestinian Israelis as well as Jewish Israelis. Parents worry for their children going to school or university on the bus. Young people's social life is restricted out of concern for their safety. Normal life is dependent on a heavily armed security guard presence on the beaches, outside the supermarket, at the entrance to cinemas, shopping malls, and national parks. Israeli towns near Gaza live in fear of attacks by extremists using crude unguided missiles called *Qassams*.

The conflict is affecting Israeli civilians in another way: the poorest and most vulnerable sectors of Israeli society are suffering serious consequences from the government's prioritisation of national security over social welfare. The government states that its major priority is the 'war against terrorism'. It has channeled billions of dollars into maintaining the occupation of the Palestinian Territories, the settlements, and the physical barriers that prevent Palestinian movement. The Central Bank of Israel said on 31 March 2004 that the military operation in the occupied Palestinian Territories since the start of the Intifada in October 2000, cost the country between \$7bn and \$9bn.⁵⁴ This includes the construction of the separation barrier, which costs \$4.7m per km, and in 2003 alone, approximately \$222m.⁵⁵ As a result, funding going into the Israeli welfare system has been drastically reduced.

In 2002, minimum-income benefits were cut by 30 per cent, affecting 160,000 adults who live below the Israeli poverty threshold (a monthly income of \$529 for an adult, \$860 for a couple, \$1247 for a family of four), as defined by the government-appointed National Insurance Institute (NII). In addition, all Israeli families suffered a 15 per cent cut in their child-support benefit, directly affecting 2,100,000 children.⁵⁶ In a shrinking economy with increasing unemployment and a collapsing welfare system, the 34 per cent of the population defined as poor are surviving in tough conditions, and have little chance to invest in the future. Dr Yigal Ben-Shalom, the NII's director general, declared 'supplemental income allowances provided by the NII are not enough for subsistence.'⁵⁷ There is a growing number of soup kitchens in the country, as a way to feed the Israeli poor.

Investment in a missile target: life in an Israeli development town

'Last year we suffered a lot from "Qassams" [home made rockets]. We had to bring psychologists to deal with the trauma. Children couldn't sleep at night. They wet their beds. Everyone was jumpy and scared.'

Liz Elizirov works in the Israeli development town of Sderot for a community organisation that offers counselling and welfare-benefit advice to the poor. Sderot, a fairly new town just a kilometre from the barbed wire fences surrounding Gaza, is home to a mixture of Caucasian, North African, Russian, and Ethiopian Jews.

Palestinian extremists frequently fire *Qassams* into Sderot, which, to date, have killed no one. But they are imprinted on the minds of its 20,000-strong population, some of whom are the poorest Israelis. There is little industry left in the town since the second Palestinian Intifada began in 2000.

Liz says the insecurity is bearable – just. But people find poverty harder to deal with. *'No one wants to invest in a missile target. Many citizens feel marginalised by the state. Many live on welfare, and their benefits have been slashed in the last three years in a government cost-cutting exercise. For example, we give hot meals at schools to kids whose parents can't afford them. There are people here who, because of the budget cuts, cannot keep up with their mortgage payments. Many families come here on the brink of being evicted from where they live. We try to help them with lawyers and letters. This whole cycle of impoverishment is getting bigger and bigger.'*

Oxfam interview conducted in Sderot, 25 February 2004

Israeli civilians in Sderot used to feel more secure when they had personal relationships with Gazans. Palestinian labourers built their villas. Sderot residents did their weekly shopping in Gaza. *'It wasn't always like this. We used to be neighbours,'* reported one school principal. *'I taught many, many young Gazans and helped them out. Now we cannot even have a conversation, we can't even meet.'*⁵⁸ Real security needs to be found in trust, which is being eroded by on-going violations of rights and the mechanisms of separation.

5 International protection is urgently needed

There is a clear difference in the extent and nature of suffering of Palestinians and Israelis, but it is civilians on both sides who pay the price of the conflict physically, emotionally, and psychologically. If civilians are not protected while a political solution is found, people will continue to be killed and injured, civil society will continue to be weakened, and there will be little chance of the political process taking root in a climate of growing and unjustified violence.⁵⁹

The GoI's recent proposal to withdraw from the Gaza Strip has provoked discussions in the international community about the need for international protection in the territory. While the debate about protection is welcome, this reactive approach is too *ad hoc* and limited. What is really needed is a comprehensive international protection strategy for the whole of the occupied Palestinian Territories; one which requires the GoI to meet its obligations under IHL, matched with credible efforts by the PNA to meet its obligations to eradicate terrorism. Furthermore, Israel's unilateral plan has aroused strong criticism, not least from the EU, for completely omitting any co-ordination with the PNA.

Practical action throughout the occupied Palestinian Territories by the international community, and with the agreement of the PNA, could help to create the space needed in which ordinary life could resume and the foundations of a political peace process be rebuilt. Many Israelis and Palestinians believe that any such foreign presence must be linked to a clear and well-planned exit strategy, in order to avoid it becoming a new form of occupation. In a survey conducted in December 2003, 49 per cent of Palestinian respondents believed a third party would play a useful role in the conflict, and 46 per cent believed that an international presence should have authority and power.⁶⁰

To succeed, practical action by the international community must have as its final goal the establishment of an independent, sovereign and viable Palestinian state that can protect its citizens and address Israeli fears about its security and future position in the region. Without such an end goal, any external help will risk appearing as, or turning into, another form of occupation.

Civilian protection must be the precursor to a lasting peace. It is up to the participating parties, that is, the GoI, PNA, and the Quartet and its member governments to determine a model of action that stops civilian suffering and lays the foundations for peace. Several options,

though not exhaustive, have emerged as possibilities for considering how best to ensure civilian protection.

With the conflict intensifying and polarising, Oxfam urges the following action to be taken swiftly, regardless of other events:

1. A high-level meeting, focused purely on the protection of Palestinian and Israeli civilians, should be convened as a matter of urgency between the EU, UN, USA, Russia, the Government of Israel, and the Palestinian National Authority. The meeting could be called by any party of the Quartet, (the President of the EU for example,) and would have as its task to consider and develop a plan for protection and an implementation timetable. A Protection Plan, as such, could aim to provide practical short-to-medium-term solutions to the current threats facing civilians on both sides, and could also provide some confidence to civilians who are suffering as a result of the conflict. The meeting would *not* attempt to deal with the broader political processes, as these constitute the political stalemate, and might limit the degree to which Quartet members would be free to engage on the question of protection.
2. A Protection Plan should address the critical question of violence with impunity, and seek a renewed commitment from both sides to respect international humanitarian law, and to prosecute in law those who commit criminal acts.
3. Protection of civilians is not just about security of life and limb, but also about peoples' right to meet their basic needs. On the basis that immediate action could be taken to ensure civilian protection as outlined in this paper (that is, on both sides), Oxfam recommends that the construction of the separation barrier, which causes so much deprivation, should stop and that sections inside the West Bank be dismantled and removed. In addition there should be a renewed commitment to ensuring access for humanitarian agencies.
4. A Protection Plan could incorporate a number of possible external interventions, again to provide mutual accountability and confidence building measures. Some ideas and models are offered below, ranging from short-term to medium-term measures. Oxfam does not attach itself to any one model in particular. Each has strengths and weaknesses and should be considered alongside efforts to resume political and diplomatic dialogue:

(I) A stronger protection or Observation Force for civilians

Attempts in the UN Security Council to establish an international force to observe and monitor the occupied Palestinian Territories have failed because of Israeli refusal, American veto, or British abstention. In 1990, after 17 Palestinians were killed on Temple Mount, UNSC 681 was adopted with a mandate to monitor and observe Palestinian civilians under Israeli occupation. Its mandate lapsed. The Temporary International Presence in Hebron (TIPH) was set up to guarantee the safety of Palestinian civilians after a massacre of Palestinians at the Ibrahimi mosque in Hebron in 1994 (UNSC 904). Staffed by civilians from six European countries, TIPH has documented human-rights violations in Hebron since 1997, but it is unable to intervene, and its influence is small because its reports go only to Israel, the Palestinians, and the six European countries involved.

Oxfam suggests that a Quartet-mandated Observation Force could augment and strengthen a model like TIPH throughout the occupied Territories and provide a much higher level of accountability from all parties.

In addition, States party to the Fourth Geneva Convention which have consular representatives could undertake regular monitoring and investigation in the occupied Palestinian Territories in areas where access is denied by the IDF. These consular representatives would meet the IHL definition of a 'qualified witness' and would require a clear UN mandate to act in this role.

(II) A verification and implementation mission

An international force with the authority and means to ensure that agreements were implemented could build the confidence necessary for a final political agreement, as suggested by the Geneva Initiative. An example of this was the Multinational Force and Observers created to monitor Israel's withdrawal from Sinai in 1982. More recently, the Quartet's Road Map called for an effective mechanism to 'monitor, evaluate, assist and facilitate', but US monitor John Wolf and a small team was unable to ensure implementation of the steps required, and violence took over. Such missions need a robust monitoring capability to prevent them being sabotaged by events and by extremists opposed to peace.

(III) A mechanism for settling disputes

This kind of international involvement is useful for diffusing tensions, monitoring cease-fires, and preventing escalations of violence. It was used in the south Lebanon region, where the

Israel-Lebanon Monitoring group was established through negotiations between Hizbollah and Israel, after Israel killed more than 100 Lebanese civilians in 1996 during its Operation Grapes of Wrath. *However, this kind of mechanism could only be used at specific stages of a political process, and could not stand alone as a way to protect civilians.*

(IV) A peacekeeping force

An international force could patrol borders and buffer zones once political agreement is reached between the two sides. Its total composition would be balanced, so it would be perceived to be objective. This approach would only work, however, if there was a real desire for peace, and would be useful only if a stable agreement had been reached. The approach was deployed in the Golan Heights, where the UN Disengagement Observer Force has patrolled the border since the 1973 war.

Conclusion

Now is the time for action. Civilian lives are being lost each day as the cycle of violence worsens. Oxfam's staff and partners continue to witness how Palestinians and Israelis urgently need their right to protection under international humanitarian law upheld.

Protecting civilians should not be a by-product of a political process, but should precede it and be intrinsic to it. Protection should be a cornerstone of peace in the Middle East, and could strengthen the political process, safeguard civil society, and reverse the decline in the humanitarian situation. This would start to reverse poverty, as well as lay the foundations for peace.

The Government of Israel and the Palestinian Authority have reached a deadlock, and are unable to address this situation without external help. Oxfam believes that member governments of the UN and the EU, through the Quartet and with governments in the region, can and must find a solution to protect civilian life.

Notes

- ¹ 'Foundations for Peace', Oxfam International Briefing Paper No. 21, p1.
- ² Accounting Palestinian combatant and civilian casualties separately is difficult, because most Palestinian combatants do not wear uniforms. Many accounts of individual incidents report more civilian casualties than combatant casualties.
- ³ Source: www.betselem.org.il/ and Palestinian Red Crescent Society and Israel Defence Force.
- ⁴ Source: Magen David Adom. Statistics for Palestinian injuries alone range from 26,129 (Palestinian Red Crescent Society), 38,000 (Palestinian National Information Centre), to 41,000 (*Palestine Monitor*).
- ⁵ International humanitarian law, also known as the law of armed conflicts or the law of war, is enshrined in the Geneva Conventions, designed to safeguard those not actively taking part in the conflict, particularly civilians, and in the Hague Regulations which regulate the conduct of military operations (see www.icrc.org).
- ⁶ The protection of civilians, particularly, is enshrined in the Fourth Geneva Convention of 1949, and in The Hague Regulations.
- ⁷ Country Reports on Human Rights Practices:
www.state.gov/g/drl/rls/hrrpt/2003/27929.htm#occterr
- ⁸ B'tselem, Israeli Centre for Human Rights, statistics for the period 29 September 2000 – 10 March 2004.
- ⁹ Palestinian Red Crescent Society (PRCS, to 1 March 2004). Other estimates of Palestinian fatalities include 2,859 deaths (*Palestine Monitor*, to 1 March 2004), and 3045 (Palestinian State Information Service, to 28 March 2004).
- ¹⁰ Palestinian Red Crescent Society, 1 October 2000 – 1 March 2004.
- ¹¹ *Palestine Monitor*, see www.palestinemonitor.org
- ¹² Fourth Geneva Convention, Article 48.
- ¹³ Article in the *Guardian*, 8 March 2004, the day after the incursion, by Robert Tait in Jerusalem.
- ¹⁴ Palestinian Centre for Human Rights (PCHR) press release, 7 March 2004.
- ¹⁵ The destruction of the personal property of civilians is prohibited in Article 53 of the Fourth Geneva Convention, except where rendered 'absolutely necessary by military operations'.
- ¹⁶ PCHR press release, 13 October 2003.
- ¹⁷ UN News Service, 13 October 2003.
- ¹⁸ PHG Wash project press release, 12 October 2003.

¹⁹ Peter Hansen, Commissioner-General of UN Relief and Works Agency (UNRWA), commenting on Israel's policy of house demolition, press release, 22 January 2004.

²⁰ Between 1 May and 15 May 2004, at least 190 homes were demolished by the IDF in Gaza, most of them in Rafah (statistics from UNRWA, 21 May 2004).

²¹ The *Guardian*, 17 May 2004.

²² B'tselem statistics for the period 29 September 2000 – 30 April 2004, www.betselem.org.il/

²³ Deaths caused by Palestinian suicide bombers inside Israel between 26 October 2000 and 31 March 2004 total 464 (379 Israeli citizens, 23 foreign citizens, 62 defence forces personnel) as reported by B'tselem (The Israeli Information Center for Human Rights in the Occupied Territories).

²⁴ Between September 29 2000 and May 1 2004, Magen David Adom, the Israeli emergency service, treated a total of 6,314 casualties as follows: 847 killed, 549 severely injured, 784 moderately and 4,134 lightly injured, among them 11 MDA staff members. (IDF casualties treated by IDF medical personnel are not included in these figures.) Source: Israeli Ministry of Foreign Affairs website.

²⁵ Attention is drawn to the detailed report of Médecins du Monde/FIDH, 'Israeli and Palestinian Civilians: Victims of an Endless Conflict', two-part study July 2002 and July 2003.

²⁶ Palestinian Independent Commission for Citizens Rights (PICCR), 'Annual Report 2003', section four: 'Violations of citizen's rights'.

²⁷ PICCR, 'Annual Report 2003', section three: 'The executive branch'.

²⁸ According to B'tselem, 86 Palestinians suspected of collaborating were killed by Palestinian civilians between 29 September 2000 and 10 March 2004. Twenty-nine Palestinians were executed by Palestinian security services, of whom two were accused of collaborating.

²⁹ 'The Road Map: Repeating Oslo's Human Rights Mistakes', Human Rights Watch, www.hrw.org/backgrounders/mena/israelpa050603.htm

³⁰ Oxfam uses the term 'barrier', as the term officially adopted by the UN.

³¹ 'Peace Index', March 2004, the Tami Steinmetz Centre for Peace Research.

³² *Palestine Monitor* Fact Sheet, January 2004.

³³ B'tselem Fact Sheet, 12 January 2004.

³⁴ The area between the Green Line and the barrier. See UN OCHA fact sheet, 'New Wall Projections', 8 November 2003.

³⁵ *Ibid.*

³⁶ Interview conducted by Abd al Latif, senior groundwater engineer of Oxfam partner, the Palestinian Hydrology Group, 2 March 2004.

³⁷ 'Forgotten Villages', Oxfam International, 2002, Preface, p8.

³⁸ 'Household Food Security and Nutritional Vulnerability in the West Bank', FAO Mission Technical Report, February 2004, p38.

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- ³⁹ PASSIA diary 2004, p283, source: Palestinian Water Authority.
- ⁴⁰ 'Not Even a Drop', B'tselem, Israeli Information Centre for Human Rights in the Occupied Territory, July 2001, p4.
- ⁴¹ Trilateral survey conducted by Israel, the Palestinian Authority, and USA, February 2004.
- ⁴² Palestinian Hydrology Group and PENGON, March 2004.
- ⁴³ 'Forgotten Villages', *op. cit.*, p26.
- ⁴⁴ UN OCHA reported the existence of 730 checkpoints, earth mounds, ditches, roadblocks, and gates surrounding West Bank towns and villages in December 2003.
- ⁴⁵ 'Household Food Security and Nutritional Vulnerability in the West Bank', FAO, *op. cit.* p45
- ⁴⁶ *Ibid.*, Executive Summary.
- ⁴⁷ 'Forgotten Villages', *op. cit.*, p11.
- ⁴⁸ Of the 154 households randomly surveyed using cluster sampling techniques in each city, 57 per cent of Nablus respondents reported lack of sleep, and hiding and mental distress; 57 per cent reported hearing shooting, explosions, and destruction in their neighbourhood; 14 per cent reported the family hiding in one room, whispering so as not to be heard by the army; 9 per cent had to attend to children 'crying and urinating uncontrollably on themselves'; 50 per cent of respondent's homes were searched by the Israeli army; 53 per cent reported mental-health problems in terms of fear (screaming, crying, inability to eat or sleep, and psychological disturbances generally); and a high of 74 per cent reported views expressing despair and misery at what is happening to their lives.
- In Bethlehem, 65 per cent of those interviewed reported hiding in fear, lack of sleep, and mental distress, and 87 per cent of respondents reported facing problems related to mental health.
- ⁴⁹ 'Life and Health during the Israeli Invasion of the City of Bethlehem', *Institute of Community and Public Health*, Birzeit University, 29 May 2002, p6.
- ⁵⁰ *Ibid.*, p7.
- ⁵¹ UN statistic quoted in 'The Road Map: Repeating Oslo's Human Rights Mistakes', *op. cit.*
- ⁵² "'We must be Heard", Policy Directions from the Youth Perspective', Nablus Region, Bisan Center for Research and Development, June 2003, p7.
- ⁵³ 'Twenty-seven Months of Intifada', World Bank, 2003, chapter 4.
- ⁵⁴ The equivalent of 31bn and 40bn New Israeli Shekels (NIS).
- ⁵⁵ Head of the Knesset Economics Committee, quoted in OCHA fact sheet, 9th November 2003.
- ⁵⁶ For further statistics, see 'Summary of Developments and Trends in Social Security', 2002, National Insurance Institute of Israel.
- ⁵⁷ *Haaretz*, 4 January 2004.

⁵⁸ Oxfam interview with Sderot residents, 25 February 2004.

⁵⁹ The UN Secretary General told the Security Council, 'Every effort to strengthen the international protection of civilians in armed conflict is a victory against terrorism which, by its very nature, seeks to undermine civilian status and weaken the legal and institutional frameworks through which civilian men, women and children are shielded from the violence of war', 26 November 2002, paragraph 61.

⁶⁰ *Palestinian Opinion Pulse*, 4 (13), December 2003, p14, a survey conducted by the Jerusalem Media and Communication Centre.

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Enclaves and Closed Areas between West Bank Barrier and the Green Line

