Sanctuary in the city?

Urban displacement and vulnerability in the Gaza Strip

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Chapter 1 Introduction

In recent decades, many cities and towns around the world have seen dramatic population growth, with significant inflows from rural areas. A prominent feature of this global trend of urbanisation is forced displacement triggered by armed conflict, violence and political instability and slow- and sudden-onset disasters, or a combination of these factors. Many of those forcibly displaced have moved to urban areas in search of greater security, including a degree of anonymity, better access to basic services and greater economic opportunities. Today, approximately half of the world's estimated 10.5 million refugees and at least 13m internally displaced people (IDPs) are thought to live in urban areas (UNHCR, 2009; IDMC, 2010).

While a number of studies in recent years have sought to analyse urban livelihoods and urban governance, there remains little understanding of how the displaced negotiate their way in the urban environment, their relationships with the host community and governance institutions, and what their specific vulnerabilities are compared with other urban poor. In addition, the role of humanitarian and development actors in supporting these populations, and the strategies and approaches that are best suited to address the assistance and protection needs of urban IDPs, are still poorly understood.

Since 2010 the Humanitarian Policy Group (HPG) at the Overseas Development Institute (ODI) has been carrying out a series of studies on urban displacement. This multi-year research project, supported by the Ministry of Foreign Affairs of Denmark, explores the phenomenon of displacement in the urban environment and the implications and challenges it poses for humanitarian action. Through field research in eight urban centres in Africa, the Middle East and Asia, the study aims to consider the reality of life for displaced populations in urban areas, investigate the policy and operational challenges that confront national and international stakeholders when responding to the needs of urban IDPs and refugees, and offer recommendations for strengthening support to these populations.

This study is part of a larger body of work undertaken by HPG on urban vulnerability, including a DFID-funded research study on urbanisation in Sudan ('City Limits: Urbanisation and Vulnerability in Sudan', published in January 2011) and a study of urban refugees in Nairobi conducted jointly by HPG and the International Rescue Committee (IRC), in partnership with the Refugee Consortium Kenya (RCK) (Pavanello et al., 2010).

1.1 The study

Gaza was chosen as a case study for this report series because of its long history of urban displacement. The majority of the population of the Gaza Strip are registered refugees (over 70%), and so already live in displacement. Unlike cities where the vulnerabilities of the displaced population relate to the refusal of local authorities to accept their presence and provide for their needs, for several decades refugees have themselves driven the expansion of built-up areas with the acceptance and support of national and international authorities. Gaza is highly urbanised and military operations have often targeted densely populated areas. Urban displacement has therefore been the norm, rather than the exception.

The term 'displaced' is used here to refer to people who have been internally displaced since 2000. This is a conceptual distinction made in the interests of analysing recent patterns of displacement. It is not a legal definition and does not imply that people internally displaced before this date have found durable solutions, or that people displaced and subsequently rehoused within this period have not. The term 'non-displaced' similarly refers only to an absence of displacement *in this time period*. Many of the 'non-displaced' residents interviewed were registered refugees, and may have been otherwise forced to flee their habitual place of residence at earlier periods.

1.2 Objectives and methodology

The objectives of this case study are to:

- deepen our understanding of the drivers and history of urban displacement in the Gaza Strip;
- review national and international policies and legal frameworks for the urban displaced, including housing and land policies;
- discuss the specific protection threats affecting displaced people living in the Gaza Strip and how they compare with the threats other residents face;
- assess the specific vulnerabilities of these displaced people, particularly in relation to access to basic services, urban infrastructure and livelihood opportunities and how they compare with other residents; and
- contribute to policy debates about how the international aid community can best engage with displaced people living in Gaza's urban areas, and the implications for humanitarian and development programming in this regard.

This study was undertaken in several phases. The research began with a review of existing academic literature, evaluations of humanitarian and development programmes, independent studies and other documentation relevant to issues of urbanisation and displacement in the Gaza Strip and aspects of the Israel–Palestine conflict more broadly. Based on these initial consultations and the literature review, four main sites with high numbers of displaced residents were

identified for field data collection. Because Gaza is relatively ethnically homogenous, sites were not selected on the basis of population composition. Access to services within Gazan cities and towns also does not vary as starkly as it does in other cities looked at in this work. Consequently only one sample area was taken from each site. Sites within the 'Access Restricted Area'[1] (ARA) were not considered due to the risk to researchers in accessing them.

The sites were selected in order to capture a range of drivers of displacement and differences in the levels of coverage of humanitarian assistance. Given the disproportionate focus in the literature on *Operation Cast Lead*, the major Israeli military operation in 2008/2009, it was considered important to select sites that had experienced other large displacement events and incremental displacement in order to achieve a holistic picture of patterns of displacement. The profiles of the selected sites are as follows.

Rafah is a city of 71,000 residents, 80% of whom are registered as refugees with the United Nations Relief and Works Agency (UNRWA) (PCBS, 2006). Located in the southern Gaza Strip, Rafah is the site of the border crossing to Egypt. It has experienced several acute displacement periods. In the summer of 1971, the Israeli Defense Force (IDF) destroyed approximately 2,000 houses in the Gaza Strip including in the refugee camps of Rafah in order to create patrol roads for Israeli forces. After the Camp David Accords in 1979 Israel withdrew from the Sinai Peninsula and Rafah was divided, with part of it on the Egyptian side. To cope with this separation, smugglers dug tunnels under the border, creating a conduit for the movement of goods and people (HRW, 2004). Between 2000 and 2005 Israeli forces ostensibly searching for smugglers' tunnels destroyed over 1,600 homes in the town and refugee camp, displacing 10% of the population (HRW, 2004). Since then the tunnels have proliferated and grown in importance to the Gazan economy, and Rafah has become a major commercial centre. There are two large UN housing projects currently underway near Rafah, one undertaken by UNRWA and the other by UNDP.

Beit Hanoun is less than a mile from the Erez crossing between Gaza and Israel. Most of its 33,000 residents are UNRWA refugees (PCBS, 2006b). Because of its location, Beit Hanoun has come under repeated attack from Israeli air and ground forces, and its residents face movement restrictions and the destruction of homes and livelihoods. Beit Hanoun town is the centre of an agricultural area and was a leading producer of citrus fruit until Israeli bulldozers razed orchards in the early years of the second *intifada*. Farmers still plant wheat and other crops in and around the 'Access Restricted Area'. There is also an industrial centre in Beit Hanoun, which has now largely fallen into disuse.

Zeitoun is considered to be one of the poorer neighbourhoods of Gaza City. It comprises urban housing and light industry and agricultural land. The population comprises refugees, citizens whose families lived in Gaza before 1948 and Bedouins who have abandoned their traditional migratory lifestyle. Zeitoun was badly affected by *Operation Cast Lead* and continues to suffer frequent airstrikes.

Khan Younis is a city and adjacent refugee camp in the southern part of the Gaza Strip. With a population of 180,000 it is the Gaza Strip's second largest urban area (PCBS, 2006). As of 2012, Khan Younis had the highest unemployment rate in the West Bank and Gaza (Irving, 2012). During the second *intifada* it suffered high levels of violence between armed militants and IDF forces. Palestinians living in the Khan Younis camp were regularly targeted for housing demolitions for security reasons, as the Israeli settlement complex Gush Katif butted up to the edge of the camp. Khan Younis is currently the site of several large housing reconstruction projects being implemented by UNRWA, and a wastewater treatment plant is being built near the city.

The qualitative and quantitative methodology and tools used in this study were developed by HPG/ODI and translated into Arabic. These translations were refined with local researchers and adapted after trial use. Fieldwork was conducted over a six-week period in June and July 2012. With the help of consultants from a local human rights group, the Al Mezan Center for Human Rights, and staff from UNRWA, neighbourhoods within these towns were selected. Both UNRWA and Al Mezan provided lists of locally displaced families, and participants were randomly selected from these lists. Participants for focus groups were also recruited using a 'snowball' method, where participants referred researchers to other displaced or non-displaced people who met the criteria for the group. Focus groups had an average of seven to nine participants. The focus groups were led by experienced local field staff and conducted using a checklist of questions (available on request).

Each focus group participant was asked to complete a socio-economic survey that aimed to provide more detailed information about the households involved in the study. The results of the survey provided the basis for cross-checking answers provided in the focus groups and captured information, particularly about documentation, that was not discussed in detail in the groups. A quantitative analysis of the sample was conducted to corroborate trends observed in the qualitative data, but its results cannot be taken to be representative of the entire population in Gaza. Throughout this study participants in the focus groups will be referred to as 'respondents'.

1 Israel has not explicitly defined the 'Access Restricted Area'; this is a term employed by the UN and international NGOs. The only Israeli actions regarding definition of the 'Access Restricted Area' have been the dropping of leaflets in the 0–300m area stating that access is prohibited and that people in this area are at risk of being shot, and public statements. However, this boundary is not visible on the ground and enforcement of restrictions frequently goes beyond the stated area. While this area is also referred to as a 'buffer zone' this report, as it draws frequently on UN literature, uses the term 'Access Restricted Area'.

Table 1: Data collection methods

Source	Number and type	Total number of individuals consulted
Key informants	20 local key informants 42 national and international key informants	62
Focus group meetings (8 per district)	A total of 8 separate focus groups were held for displaced and non-displaced residents. They were divided between: Adult men Adult women Young women (16–25 years) Young men (16–25 years)	306
Socio-economic surveys	Focus group discussion participants	306

The field researchers were asked to write down observations regarding the level of responsiveness to questions by those interviewed in focus groups, and any difficulties experienced in carrying out fieldwork. To corroborate findings and investigate issues that participants may have been unwilling to discuss in a group setting, fieldwork staff were also tasked with interviewing local stakeholders in the study areas about issues that arose in the focus groups. Those interviewed included police officers, pharmacists and health workers, camp committee members, shop owners, local activists, engineers, community leaders and staff of the local municipality. Case histories were also taken of additional displaced residents. The field team and authors also made site visits to refugee camps, rehousing projects and sites of demolitions outside of the study areas.

In addition to this fieldwork, extensive semi-structured interviews were conducted with national and international key informants. These informants had particular experience with the four sample areas, expertise about the social, economic and political dynamics of Gaza or knowledge of the humanitarian response and experience in addressing humanitarian needs in this context. They included local community leaders, staff of human rights organisations, academics, independent analysts, government officials, international humanitarian and development staff and donor government representatives.

This work fed into a final analysis conducted by the authors of the most pressing challenges faced by displaced residents, and how these are affected by community-level and national political and economic forces. Follow-up interviews were conducted to corroborate unexpected findings coming out of the data analysis, and the draft report was reviewed by a range of national and international stakeholders and academics before finalisation.

1.3 Terminology

As discussed in Chapter 2, there has been much debate within the national and international community about how to define displacement in a territory where the majority of the population are registered refugees in protracted displacement, and where the population is not able to flee the territory. The definition of 'internally displaced persons' used in this literature review comes from the UN Guiding Principles on Internal Displacement (1998), namely:

> *internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.*

The term 'refugee' refers to people registered with UNRWA. UNRWA's operational definition of a Palestine refugee is 'any person whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948 and who lost both home and means of livelihood as a result of the 1948 conflict'.[2] Palestine refugees include those persons who fulfil the above definition, and the descendants of fathers fulfilling the definition.[3] It should also be noted that UNRWA 'camps' in Gaza, as in many sites in the Middle East, are not temporary structures but rather have over the years come to be composed of built structures and are serviced with electricity, water and other utilities. In many cases they have become indistinguishable from the cities that surround them. The use of 'camps' in the report therefore refers to these urban areas.

2 Available at www.unrwa.org.

3 In Gaza, UNRWA has also created a category for assistance to refugee women with children who have married non-refugee men. These children can access assistance through their mothers but are not registered themselves.

Chapter 2
History and drivers of displacement in the Gaza Strip

There is a long history of displacement in the Gaza Strip, a region whose demographic composition, development and politics have been determined by the consequences of the long-running conflict over self-determination in Palestine. Its population is composed primarily of refugees from the Arab–Israeli conflict in 1948 and their descendants. Prior to 1948 Palestine was under a British Mandate, established by the League of Nations just before the First World War. Gaza City was the centre of one of the 16 districts that made up Palestine, which also included the coastal cities of Ashkelon and Ashdod in present-day Israel (Alexander, 2007). The 1948 conflict prompted the displacement of between 600,000 and 760,000 Palestinians, who fled to Jordan, Lebanon, Syria, the West Bank and Gaza (IDMC, 2008; UNCTAD, 1994). The population of Gaza District swelled with thousands of refugees originating from other districts: 200,000 refugees were absorbed into a population of 80,000 (UNCTAD, 1994). When the war ended in 1949, Israeli forces occupied 78% of the former British Mandate, with the remaining 22% of the territory under the control of Arab forces (Fast, 2006; Badil, 2004). Jordan controlled the West Bank, and in 1949 Egypt, through an armistice agreement with Israel, gained control of approximately half of the area of the original Gaza District, which became known as the Gaza Strip (Alexander, 2007).

The war between Israel and Syria, Jordan and Egypt in June 1967 resulted in Israel seizing the Golan Heights, the Sinai Peninsula, the West Bank and the Gaza Strip (IDMC, 2011). The war prompted another wave of refugees: an estimated 300,000 Palestinians, including from Gaza, fled to Egypt, Syria, Lebanon and Jordan (PLO, s.a.). Many were already refugees from 1948, and so were displaced for a second time.[4] The 1967 war marked the beginning of the Israeli occupation of the West Bank, including East Jerusalem and Gaza, and of a range of physical and administrative restrictions on the movement of people and goods. The primary justification for these measures was to protect Israeli settlers. The first Israeli settlement, Kfar Darom, was established in Gaza in 1970 as a paramilitary outpost (Alexander, 2007). In total, 21 Israeli settlements were established in Gaza between 1970 and 2005. At the last census in 2004 the total settler population in Gaza was put at 7,826 (FMEP, s.a.). Internal movement of Palestinians within the Gaza Strip became increasingly constrained, and many Palestinians were internally displaced as a result of home demolitions carried out by the IDF around Israeli settlements and military outposts, and to widen streets as the narrow alleyways of refugee camps were seen as a security threat (Alexander, 2007).

4 Half (193,500) were refugees from 1948, while an estimated 240,000 were displaced from the West Bank and Gaza Strip for the first time (Badil, 2010).

The first Palestinian *intifada*, or uprising, began in December 1987 in Gaza as a popular protest against the Israeli occupation and settlement expansion (Rempel, 2006). Demonstrations and clashes broke out frequently throughout the Occupied Palestinian Territory (OPT). Israel imposed curfews, closed Palestinian institutions and detained, injured and killed thousands of Palestinians (Rempel, 2006). The Oslo Accords in 1993 raised hopes of a reconciliation between the two sides, but key issues were left unaddressed, notably the question of the right of return for Palestinian refugees and the demarcation of the borders between the two territories.

Frustration over the lack of tangible benefits from the peace process and political gridlock sparked the second Palestinian *intifada* in September 2000. Renewed violence between Palestinians and Israelis led to increased restrictions on movement for Palestinians in the West Bank and Gaza, as well as yet more forced displacement. In Gaza, house demolitions and frequent IDF incursions, which involved the uprooting of trees and razing of agricultural land and property with tanks and bulldozers, were the main causes of forced displacement in the period until 2004 (HRW, 2004). Between 2000 and 2004 approximately 2,500 houses were demolished: Israel justified this as necessary responses to Palestinian militant attacks (HRW, 2004). Palestinian communities in Gaza living near settlements, settler roads and army positions were particularly exposed to the violence (*ibid.*). Israeli military operations intensified dramatically in 2004, with two major incursions, *Operation Rainbow*, which focused in part on targeting tunnels in the Rafah area, and *Operation Days of Penitence* (Alexander, 2007). According to UNRWA, in *Operation Days of Penitence* alone 645 people were left homeless and some 30 greenhouses destroyed (UNRWA, 2004). Numerous other operations resulted in destruction and loss of life.

In 2004 Israel announced that it would unilaterally disengage from Gaza, a process completed in September 2005 with the redeployment of the Israeli army out of the Gaza Strip and the evacuation of the military installations and civilian settlements established there since 1967 (OCHA and WFP, 2010). While the disengagement led to overall improvements in freedom of movement *inside* the Gaza Strip, Israel has continued to exercise significant control on the movement of people and goods in and out of the Gaza Strip, and ongoing Israeli military activity after 2005 has continued to expose Palestinian civilians in Gaza to high levels of violence, insecurity and displacement. In June 2006 the intensification of hostilities between the IDF and Palestinian militants and the kidnapping of Israeli soldier Gilad Shalit triggered the launch of *Operation Summer Rain*, which involved

direct attacks on civilian infrastructure, including Gaza's only power plant (OCHA, 2006a, in O'Callaghan, 2009).[5] Two years later, in December 2008, Israel launched *Operation Cast Lead*, an intensive military offensive consisting of large-scale air strikes, extensive artillery bombardments and ground operations. At the height of the conflict nearly 120,000 Palestinians in Gaza were thought to be displaced, and many more were trapped in unsafe areas (OCHA, 2009b; HRW, 2010a, in IDMC, 2011). Around 6,400 houses were de-molished or seriously damaged and nearly 52,000 suffered minor damage (OCHA, 2009b). At least 15,700 people were thought to still be displaced in January 2012, mainly because they were unable to reconstruct destroyed homes as a result of Israel's ongoing ban on the import of construction materials (UN Shelter Cluster, 2012).

Israel has also increased constraints on the movement of Palestinians out of the Gaza Strip, including a dramatic reduction in the number of permits given to Palestinians in Gaza to allow them to work in Israel. A blockade has been imposed on the Strip, and an 'Access Restricted Area' (see Box 1) along the border fence erected in 1994 has been progressively expanded, and now covers 60km², or 17% of the Gaza Strip's total area and its most valuable arable land (OCHA and WFP, 2010; UN, 2012b). The enforcement and expansion of restricted access measures have exposed residents of these areas to serious threats to their physical safety, led to the repeated destruction of greenhouses, orchards, fields and homes, devastated local livelihoods and forcibly displaced entire families. OCHA estimates that approximately 113,000 people, or 7.5% of Gaza's total population, are affected by the 'Access Restricted Area' (OCHA and WFP, 2010).[6] Access to the sea for Gaza fishermen has also become increasingly difficult due to Israeli restrictions on how far boats can venture from shore, and on occasion outright bans on fishing lasting from a few days to a year. IDF gunboats routinely fire at fishing boats on the grounds that fishermen have gone beyond the officially permitted distance.

In addition to movement restrictions within the Gaza Strip, a blockade by Egypt and Israel has effectively sealed the Strip off from the outside world. Meanwhile, restrictions on the number of permits given to Palestinians in Gaza to work in Israel has contributed to rising unemployment in a context of progressive isolation and increasingly limited economic growth.[7]

5 In August 2006, in the neighbourhood of Al Shoka in Rafah alone, which was invaded three times in less than a month, more than 3,400 people were displaced (MacAllister, 2008).

6 A household is deemed to be affected if: it owns land in the restricted area; one of its members works or used to work in the restricted area in agriculture or in the collection of scrap metal; the house is located within 100 metres of the boundary of the restricted area; the family was displaced and relocated elsewhere as a result of the destruction of its house and assets within the restricted area; and at least one of its members studies or works in an affected school (OCHA and WFP, 2010: 11).

7 Recently, some of the movement restrictions at the Rafah crossing with Egypt have been relaxed particularly for men under 40, but it remains to be seen if this will be extended (Al Akhbar English, 2012). Movement through the Rafah crossing remains unstable and unpredictable, as indicated by its temporary closure following an attack on Egyptian soldiers in the vicinity in August 2012.

Box 1: The 'Access Restricted Area'

According to a recent OCHA and WFP report, the 'Access Restricted Area' near the border fence can be roughly divided as follows (OCHA and WFP, 2010):

- A 'no-go zone', which covers the area up to 500 metres from the fence, where access is totally prohibited. IDF forces monitor this area, and anyone entering it is at risk of being fired upon. The IDF also carries out incursions into this zone a number of times a week, during which land is levelled and any property found there is destroyed.
- A 'high-risk zone', which covers the area between 500 and 1,000–1,500 metres from the fence. People entering this area are commonly shot at, though generally the risk is greater the closer one moves to the fence. As in the no-go zone, land and property in this area is commonly destroyed.

At the time of writing in November 2012 a ceasefire had brought an end to the latest escalation of violence between Israel and Hamas in the Gaza Strip. While Hamas launched rockets toward southern Israel, the IDF undertook *Operation Pillar of Defence*, involving the intense bombardment of targets in the Gaza Strip. In Israel there were four civilian casualties, and 224 mainly civilian injuries; in Gaza 103 Palestinian civilians were killed and 1,269 injured, the majority of them civilians. Up to 11,000 Palestinians in Gaza took temporary refuge in 14 UNRWA schools during the conflict. According to the Shelter Cluster, an estimated 298 houses in Gaza were destroyed or seriously damaged and more than 1,700 houses sustained minor damage. Nearly two-thirds of the commercial tunnels in Rafah were destroyed. While the ceasefire agreement contained provision for easing the blockade on Gaza it was unclear how this would be implemented. Humanitarian agencies mounted an effective emergency response to mitigate the effects of the conflict on civilians, providing shelter to displaced families, food assistance and medical services.

Internal factors have also affected life in the Gaza Strip, notably Hamas' victory in legislative elections in the OPT in 2006. The win prompted Israel and the members of the Quartet on the Middle East (the UN, US, EU and Russia) to impose economic sanctions on Hamas, which had been designated a terrorist organisation by the US in 1995 and by the EU in 2003 (Pantuliano et al., 2011). Meanwhile, internal political disputes between Hamas and Fatah[8] escalated, peaking with violent conflict in June 2007, when Hamas took control of Gaza. Hamas has played a direct role in causing displacement in Gaza, evicting families living on state land and demolishing over 100 homes (affecting nearly 800 people) in Gaza City (PCHR, 2010; MacIntyre, 2012; OCHA, 2012d). Hamas has justified these actions by claiming to be acting

8 Until Hamas' victory in 2006, Fatah had been the dominant political party and the ruler of the Palestinian Authority (PA) since the PA's establishment in 1994 under the Oslo Accords.

Table 2: Settlement patterns in the Gaza Strip

Governorate	Urban	Rural	Camp	Total	% of population per Governorate
North Gaza	225,502	2,811	41,933	270,246	19%
Gaza	449,221	12,542	34,648	496,411	35%
Deir al Balah	129,050	1,873	74,612	205,535	15%
Khan Younis	218,061	15,213	37,705	270,979	19%
Rafah	132,506	6,308	34,558	173,372	12%
% of population per settlement type	81%	3%	16%	1,416,543	

Source: PBCS, 2009.

according to the law, as these families were illegally squatting on state land. Human rights and international organisations argue that evictions have been carried out with excessive force and without due legal process (OCHA, 2012d).

2.1 Urban growth and settlement patterns

Gaza is divided into five administrative zones, called Governorates, of roughly equal area; Gaza City is its administrative and commercial centre (see Map 1 and Table 2). During the first Arab–Israeli conflict in 1948 Gaza's population almost tripled with the sudden influx of refugees (Badil, 2004; UNCTAD, 1994). In recent years, natural growth, sustained by high fertility rates in a context of stringent restrictions on the movement of people out of the Gaza Strip, has been the key driver of the expansion of the population. Using projections based on the last official census, in 2007, the Palestinian Central Bureau of Statistics (PCBS) estimates that the population has grown to almost 1.6m (PCBS, 2011), confined to a relatively small area of just 365km^2, making Gaza one of the most densely populated areas in the world (4,353 people/km^2). The population is expected to reach 2.13m by 2020 (PCBS, 2012a, unpublished data cited in UN, 2012a). Already heavily urbanised and facing a current shortfall of 71,000 housing units, overcrowding in Gaza is a serious problem (OCHA, 2012a). Most of the housing shortage is the result of family expansion and population growth, but the destruction of houses in *Operation Cast Lead* alone accounts for some 9% of this backlog. Displacement, therefore, is one factor contributing to the housing shortage and overcrowding.

Most Palestinians in Gaza are UNRWA-registered refugees, and most live in urban areas. There are around 1.1m registered refugees, accounting for almost 70% of the population (PCBS, 2008). The great majority of the population – 81% – live in urban areas, 16% in camps and only 3% in rural areas (PCBS, 2009). Eight refugee camps were established in Gaza in the immediate aftermath of the 1948 conflict (see Map 1), but many refugee families have left the camps and bought property, or currently reside on state land. The camps have been gradually upgraded by UNRWA and by refugees themselves, who have built more permanent structures and service infrastructure. Today, more refugees reside outside than inside these camps.

Chapter 3
Policy and legal frameworks

This section addresses the issue of responsibility for displaced populations. The International Court of Justice (ICJ), international NGOs, the UN, the International Committee of the Red Cross (ICRC) and most legal experts hold that Israel is the occupying power of the Gaza Strip and has legal obligations with regard to Gaza, particularly under International Humanitarian Law (IHL). Israel's disengagement in 2005 has not changed the overall legal classification of the Gaza Strip as occupied territory. In practice, however, the Palestinian Authority (PA), Hamas and UNRWA assume responsibility for providing assistance to displaced people. None of these actors has an official policy towards internally displaced people, but all have provided assistance to different degrees.

3.1 International legal frameworks applying to the Gaza Strip

The military occupation of the OPT was formally recognised by the ICJ in its Advisory Opinion on *The Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (ICJ, 2004), and by a number of other actors, including the UN Fact Finding Mission on the Conflict in Gaza (otherwise known as the Goldstone Report) (UN, 2009a), the UN Special Rapporteur on the Situation of Human Rights in the Palestinian Territory (Dugard, 2006) and the ICRC (ICRC, 2007). The law of occupation sets out rules regulating the relationship between the occupying power and the population of the occupied territory (including refugees and stateless persons), as well as rules governing the administration of occupied territories. As such, the international community maintains that the law of occupation imposes a number of duties upon Israel, as the occupying power, to protect civilians and property under its control, and provide for the security and welfare of the civilian population (ICJ, 2004; UN, 2011a).

Israel's disengagement in 2005 has not altered the view of the international community that Israel is the occupying power of Gaza. UN and international human rights and humanitarian law actors argue that Israel's continued control of Gaza, the length of its occupation and its ability to quickly regain control of the territory internally mean that the law of occupation still applies (UN, 2011a; UN, 2009a; Bashi & Mann, 2007). Israel also controls Gaza's borders, coastline and airspace (OHCHR, 2009: 49), its population registry and the flow of people and goods into and out of the territory, and Palestinians in Gaza use the Israeli currency (OHCHR, 2009). In addition, Israel retains significant control over humanitarian and development interventions; for instance, construction projects carried out by international actors need to be approved by and coordinated with Israeli authorities. For its part, Israel denies the existence of an occupation and the legal obligations that entails. Although it ratified the Fourth Geneva Convention in 1951, Israel disputes its applicability in this case. The ICJ reports that, prior to 2004, Israel cited 'the lack of recognition of the territory as sovereign prior to its annexation by Jordan and Egypt', thereby inferring that it is 'not a territory of a High Contracting Party as required by the Convention'. The ICJ, however, has confirmed the application of the Fourth Geneva Convention to the OPT (ICJ, 2004). Since the disengagement in 2005 Israel has further downgraded the application of the law of occupation established by the Geneva Conventions to the Gaza Strip, and argues that the absence of Israeli military forces in Gaza, which it classifies as a 'hostile entity', prevents it from governing there. This has entailed a further reduction in the responsibilities that Israel will accept towards Palestinians in Gaza.

Israel has ratified several of the most important international human rights treaties.[9] In its Advisory Opinion on *The Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* the ICJ ruled that, as a party to these treaties, the conduct of Israel in both Gaza and the West Bank is bound by human rights obligations. This was also the position of the UN Fact Finding Mission (UN, 2009a). The International Covenant on Civil and Political Rights (ICCPR) in particular obliges a state to respect and ensure the rights of people, not only within its borders but also in territories subject to its jurisdiction (UN, 2009a). In 2008 the Israeli High Court of Justice took the position that, while it does not consider Gaza to be occupied, Israel 'still has special obligations towards Gaza and its residents. These obligations are derived from Israeli control of the borders and the dependency created during 38 years of occupation' (RULAC, 2012). However, for most of its occupation of Gaza Israel's position has been that it was not responsible for the implementation of international human rights law in the OPT. As such, the Israeli government denies various responsibilities established by both international humanitarian law and human rights law, and is unresponsive when these legal instruments are used to appeal for redress for victims of Israeli policies and actions, for instance where these policies and actions have been a cause of displacement.

Palestinian authorities – both the PA and Hamas – are also considered to 'have an obligation to respect the rights of Gaza residents in the spheres they control' (Gisha, 2011: 62).

9 The International Convention on the Elimination of All Forms of Racial Discrimination (1979); the International Covenant on Civil and Political Rights (ICCPR) (1991); the International Covenant on Economic, Social and Cultural Rights (ICESCR) (1991); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); the Convention on the Elimination of All Forms of Discrimination against Women (1991); and the Convention on the Rights of the Child (CRC) (1991). See http://www.unhchr.ch/tbs/doc.nsf/Statusfrset?OpenFrameSet.

The Human Rights Council, in its ruling on the *Human Rights Situation in Palestine and other Occupied Arab Territories*, concludes that non-state actors that exercise government-like functions and control over a territory – such as ensuring public order – are obliged to respect human rights norms when their conduct affects the human rights of the people under their control (UN, 2009b). The human rights obligations of non-state actors in other contexts are confirmed by other UN bodies such as the UN Commission of Inquiry on Darfur (UN, 2005). Hamas governs education, health, internal security and sanitation in Gaza, and has some control over population movements through its management of the Palestinian side of the crossings with Israel and Egypt. The PA has much more limited but still relevant control of the funding of public services and public sector salaries (Gisha, 2011: 62). Although only states can ratify and formally accede to IHL treaties, Hamas is also subject to the rules of customary international law, and has confirmed its commitment to respect 'international law and international humanitarian law insofar as they conform with our character, customs and original traditions' (UN, 2008). The PA has also officially expressed its commitment in basic law and through its international agreements to international law and major human rights treaties (Gisha, 2011: 63).

3.2 Policy frameworks for displaced populations

Three primary actors within Gaza assume responsibility for helping displaced people: the PA, Hamas and UNRWA. While internal displacement is not specifically addressed by internal law, comprehensive protections are afforded to internally displaced people through International Human Rights law, IHL and International Criminal Law. The Guiding Principles on Internal Displacement bring together in one document the main applicable laws and sets out the rights of IDPs and the responsibilities of states and other authorities towards them (GPCWG, 2010). Neither Israel nor these actors currently have a policy for internal displacement in the Gaza Strip which is based on these principles, but de facto positions can be inferred by their responses to recent internal displacement crises.

3.2.1 Palestinian Authority

There is no evidence of a formal PA policy toward internally displaced people. During his tenure, the late PA President Yasser Arafat issued statements of support for people displaced in Rafah and made a commitment to provide material assistance. However, when the PA effectively lost control of the Gaza Strip in 2007 its ability to guide policies for displaced people or provide assistance became severely limited. After *Operation Cast Lead* the PA provided funds for displaced people via UNDP (UNDP, 2010b).

3.2.2 Hamas administration

The Hamas administration has no formal policy for responding to displacement, but in practice has undertaken both emergency and long-term programmes. Hamas frames the official response to displacement in terms of a duty towards its citizens.[10] This assistance is delivered though the Hamas Ministry of Social Affairs (MOSA). In the aftermath of *Operation Cast Lead* the government distributed cash, blankets and non-food items to affected families. The Hamas Ministry of Housing and Public Works (MOHPW) in Gaza also maintains a beneficiary list of families affected by Israeli demolitions and has undertaken 13 housing projects for those affected by Israeli military operations. The Hamas Ministry of Agriculture has provided emergency livelihood support to farmers whose crops have been destroyed due to proximity to the 'Access Restricted Area'. Hamas Prime Minister Ismail Haniyeh declared his support for the victims of *Operation Cast Lead*, and local government officials offered a 40% discount on building licences to families wanting to rebuild their homes. Such measures are however ad hoc, and as noted the Hamas government has itself engaged in forced evictions.

In all areas respondents remarked that assistance provided by local authorities was politically biased. According to the World Bank, about a quarter of Gaza's households receiving assistance from the Hamas Ministry of Social Affairs belong to the richest 40% of the population, which would indicate that aid is not allocated on the basis of need (World Bank, 2011a).

3.2.3 UNRWA

While UNRWA has a major role in the lives of Palestinians in all its fields of operation, in Gaza its footprint is particularly sizeable as it provides basic services to almost 70% of the population. UNRWA has been providing assistance to Palestinian refugees for over six decades, and has developed a symbolic role as a 'tangible manifestation of international responsibility for the Palestinian refugee issue' (Brynen, 2012). According to a synthesis of opinion polls in the OPT over 2005–2011 by Fafo, UNRWA is the single most trusted institution in both Gaza and the West Bank, beating Palestinian political parties, Palestinian NGOs and other UN agencies, and is far more trusted than international NGOs (Tiltnes et al., 2011).

UNRWA's mandate is specifically tied to refugees. However, while it does not have an IDP policy it has been given a mandate by the UN General Assembly to assist persons displaced (even if not registered Palestine refugees) during the hostilities in Gaza in 2005 and *Operation Cast Lead*.[11] There is also an UNRWA Gaza Emergency Response Plan in place. This plan was applied in *Operation Cast Lead* to help internally displaced Gazans. UNRWA programmes on the understanding that internal displacement does not lead to vulnerabilities that are substantially different to those of the general population. The agency believes that the needs of

10 In an August 2012 report by the International Crisis Group (ICG), a Hamas official was quoted as saying 'we have to break the siege on the Gaza Strip and re-construct 4,000 homes destroyed in the Gaza War … people in Gaza have enough problems, from their standard of living to gas, fuel, electricity and materials to rebuild their homes, and we want to provide them with the ability to solve these problems' (ICG, 2012).

11 See UN General Assembly Resolutions 60/102 of 2005, 63/93 of 2008 and 64/89 of 2009.

displaced families will be covered by its regular programming, including food assistance, transitional shelter cash assistance and assistance to repair or rebuild shelters. However, the agency does not rule out the possibility of displacement-specific vulnerabilities, albeit these are unreported or poorly understood by the humanitarian community. While UNRWA keeps a list of refugees whose houses have been demolished and who have applied for reconstruction and rental or other assistance, it does no further specific monitoring of displaced people.

Chapter 4
Protection and access to justice

The UN has characterised the situation in Gaza as primarily a human rights and protection crisis (OCHA, 2012e). Any area in Gaza can be affected by military operations, and under the blockade the living standards and dignity of almost the whole population are deteriorating. All this entails permanent threats and uncertainty for civilians, which humanitarian and human rights actors and the population at risk have little ability to change. While the entire population faces some level of risk, threats to basic security and livelihoods are substantially higher in areas that fall in or next to the 'Access Restricted Area', or where Palestinian militants are active. This study found no evidence of protection threats related exclusively to displacement, but some people in displacement are at heightened risk due to overcrowded conditions, psychosocial problems and insecure rental arrangements. In Rafah in particular displaced respondents frequently reported conflicts with their neighbours related to political affiliation. In most study areas support from the extended family, the immediate neighbourhood and local organisations remain important sources of assistance and moral support and perform a crucial function in insulating families from the worst effects of displacement.

4.1 Major protection threats affecting Gaza

Following Israel's military disengagement and the removal of Israeli settlements, the areas adjacent to them – such as the Khan Younis refugee camp – are at less risk from ground troop operations, though these do still occur. However, other threats have become graver for the Gaza Strip at large, notably through the tightening of the blockade, and violations of rights have occurred continuously over this period. With regard to threats of death or injury as a result of military operations, respondents remarked that there was no way to ensure safety during escalations of hostilities.

Those living near the border or 'Access Restricted Area' are at most risk on a day-to-day basis. Respondents in areas close to the border zone try to minimise the time they spend there, but are reluctant to move away entirely. Some claimed that this was because of the sense that to leave would be a victory for Israeli policy, which they understand as seeking to clear the border zone, but it is also often because they lack the resources to acquire a livelihood or land elsewhere in Gaza. While the threat that closure measures pose to livelihoods and access to services is not as stark as death or injury as a result of military action, humanitarian practitioners on the ground say that the impacts 'go to the core of human life and dignity' (HPG interviews, 2012). Respondents in all areas frequently referred to falling living standards and the difficulties associated with living in polluted environments, with contaminated water and electricity blackouts as major challenges in their lives.

Respondents in all areas, but particularly displaced respondents, reported anxiety and stress in their households related to uncertainty about the future, physical insecurity, trauma from past conflict, the inability of household heads to provide for their families, a lack of privacy and their own inability to address these threats. None reported violence within families, but given cultural taboos on discussing such things it is unlikely that this would have been discussed in a group setting. According to PCBS, half of married or previously married women in the Gaza Strip were victims of violence within the home in 2011, and almost 60% of children had been exposed to violence inside the household by another household member, an increase on previous years (PCBS, 2011b). The causal link between domestic violence and overcrowding in Gaza is not proven, but a link between them was frequently remarked upon by key informants.

Parents of school-age children and young people reported that displacement had affected their educational attainment, citing an inability to concentrate in overcrowded housing and a loss of motivation due to stress after traumatic events. In a 2011 survey by the American Friends Service Committee (AFSC), 79% of young males and 90% of young females reported suffering from depression, anxiety and fear. Parents were especially concerned by the psychological effect displacement and military operations had had on their children, and complained that teachers in UNRWA and government schools were not trained to deal with traumatised children.[12] Focus group discussions in Beit Hanoun indicated that the lasting effects of traumatic events seemed to be more pronounced for respondents who had not been rehoused after displacement.

4.2 Access to justice

Israel does not offer compensation to civilians whose homes have been demolished, nor does it pay for their relocation to alternative accommodation. There are also de facto barriers to accessing justice within the Israeli court system erected by the technical requirements involved in launching cases. For example, until recently Israeli courts refused to accept faxed power of attorney forms, and there is no postal system between Gaza and Israel. They also required claimants to be present in person to put forward their case, which is obviously problematic given the movement restrictions on Palestinians wishing to enter Israel from Gaza. Another obstacle is the requirement for large financial guarantees for compensation

12 UNRWA is working with NRC and GiZ to help teachers deal with traumatised children. However, independent experts have cautioned that there should be modest expectations of what psychosocial programmes can achieve given the severity of the physical threats against Palestinians in Gaza and their inability to mitigate these risks (HPG interviews, 2012).

claims, levied per person represented in the case rather than per case. There are also strict time restrictions on the prosecution of a crime which leave only 60 days to file with the Israeli Ministry of Defense and two years to file in Israeli courts from the date of the incident.

For violations committed inside the Gaza Strip by Palestinian actors, victims have recourse to the local judicial system and the Hamas police force. Before Hamas' takeover, the judiciary in Gaza under the PA was weak, corruption was rife and there was a general lack of confidence in the ability of the security forces to ensure protection (Amnesty International, 2006; OCHA, 2007c). Hamas' takeover in 2007 had an immediate effect on the PA security forces and judicial institutions, which refused to cooperate with the newly established administration (Hovdenak, 2010; OHCHR, 2009). All judicial personnel affiliated to Fatah either boycotted Hamas or were fired and replaced with Hamas loyalists with little or no legal or judicial experience. The lack of independence of the justice system means that victims of rights violations are apparently afraid to go to human rights groups or the media for fear of reprisals (HRW, 2008). Many Palestinian NGOs refuse to work with the civil judiciary in Gaza.

The PA security forces were also replaced with Hamas members and supporters. While Hamas reportedly succeeded in improving security, ending months of chaos and widespread lawlessness and years of ineffective and corrupt policing, the Internal Security division of the police has been repeatedly accused by Palestinian and international human rights organisations of widespread abuses against groups that threaten its control (Hovdenak, 2010; HRW, 2012), including members of opposition parties, powerful families and religious groups. No respondent mentioned problems with crime or disorder, except in Rafah where residents blamed increased theft and conflict on men entering Gaza through the smugglers' tunnels. The police deny that there has been a rise in crime associated with the tunnels.

In all areas residents said that they used customary dispute-resolution mechanisms, which they believe to be fairer, faster and cheaper than formal systems. (There are however concerns that these mechanisms compromise the rights of women and minorities, and have been co-opted by Hamas (NRC, 2012).) Respondents told the study that *mukhtars*[13] (traditional 'wisemen') are their first port of call following a dispute. These mechanisms have now been formally incorporated into the Ministry of Tribal Affairs, and so have a quasi-formal character. The formal police force is usually called on only when conflicts escalate to the point of violence. In Rafah, some respondents expressed reluctance to go to the police, as they claimed that they would be charged a fee for doing so. Hamas police themselves encourage the use of *mukhtars* to resolve disputes (NRC, 2012), according to key informants in order to reduce their workload or out of belief in their efficacy.

4.3 Informal protection and social support mechanisms

Social networks, particularly the extended family, protect families against the worst effects of displacement and the loss of relatives through hosting, providing assistance and offering moral support. 'We share everything. We became a close family since *Cast Lead*' reported one respondent. This effect was emphasised particularly in Beit Hanoun, Khan Younis and Zeitoun. However, respondents in Rafah, where neighbourhoods have been dispersed after displacement, were mixed in their assessment. Those who had been rehoused in housing projects and non-displaced residents who had remained in their neighbourhoods for several decades said that social cohesion was strong, whereas those who were dispersed into other parts of Rafah in rental accommodation reported greater levels of dissatisfaction and disagreement with their neighbours, going as far as to call their new neighbours 'Israeli settlers' (HPG interviews, 2012). Reports of friction in Rafah also appeared to be a consequence of tension between supporters of Hamas and Fatah, which respondents said was felt in all neighbourhoods to the extent that 'even the mosques are divided into conflicting interests' (HPG interviews, 2012). Respondents reported having to move because of their political affiliation, and in one case because they had openly supported a political party that was unpopular with their neighbours. One respondent in Beit Hanoun reported frequent harassment by the police because he was not a Hamas supporter.

13 The position of *mukhtar*, traditionally male family leaders and clan elders, originated in the Ottoman era. They are approached directly by the parties to a dispute and have no enforcement mechanisms for their decisions. For more on *mukhtars* and other customary justice actors see NRC, 2012.

Chapter 5
The economy and livelihoods

As a result of the blockade and the long-term effects of conflict on Gaza's economy, poverty and unemployment are high and increasing across the population. Displaced and non-displaced people alike face essentially the same severe challenges in securing a livelihood. Respondents reported turning to exploitative and dangerous work or to limiting young adults' education in order to cope with income shortfalls. Non-refugees are the most vulnerable to poor economic conditions as they do not have access to reliable rental assistance or the cash-for-work opportunities provided by UNRWA. Aside from this chronic economic decline for the whole population, there have been acute effects from military operations, particularly for households that have lost property or agricultural land. While respondents overwhelmingly called for measures to improve their self-reliance, evidence suggests that Palestinians in Gaza are becoming increasingly aid-reliant.

5.1 The economy

Over the past 15 years the Gazan economy has restructured itself as a result of closure measures and the effects of conflict. The building and public sectors and private services have grown significantly, while manufacturing and agriculture have shrunk. This has concentrated jobs in unskilled work, with consequently lower wages. The blockade has had a dramatic impact on the private sector, particularly manufacturing and industry, as have military operations that have targeted factories and other economic infrastructure. The 'Access Restricted Area' has affected agriculture, most directly by making arable land inaccessible. Gross domestic product (GDP) per capita in Gaza was lower in 2012 than it was in the late 1990s (World Bank, 2012). Unemployment is high at 31.9% in the third quarter of 2012 (PCBS, 2012b). Wages are declining and in late 2011 were at 32% of the (pre-blockade) 2006 level (UNWRA, 2012b). There was a brief resurgence in the economy in 2010/2011 due to the easing of import restrictions on construction materials (primarily for donor projects) and greater imports of commodities through the Kerem Shalom border crossing, freeing up space in the tunnels for construction materials for the private sector, but these gains are not sustainable (World Bank, 2012).

Smugglers' tunnels in Rafah have had an impact on the economy by allowing the import of goods, particular construction materials, and have made an elite of tunnel-owners and those connected to the industry rich, but this has not translated into sustainable growth or widely shared benefits. Notably, respondents in this study who were residents of Rafah itself, where the tunnels are based and where the local municipality benefits financially from their presence, were highly negative about their effect. Respondents attribute increased insecurity to them without tangible benefit to their livelihoods or improvements to their local environment through investment by the municipality.

The main sources of money in the economy are international humanitarian and development funds and the PA's continued salary payments to 70,000 public servants. International aid is a vital stopgap, and has kept the situation from becoming a humanitarian emergency. UNRWA reports that, while in 2000 only 10% of Palestinians in Gaza were reliant on its assistance, this had risen to 70% in 2012 (UNRWA, 2012). While the high coverage of the population by international agencies is laudable, funding for these programmes is precarious and this increasing reliance on international funding is taking place in the midst of an attrition of skills that cannot be put to use or developed through employment, especially as opportunities for education are limited by movement policies and deepening poverty.

5.2 Livelihoods and livelihood support

Respondents in employment pursued a variety of livelihoods. Many were government employees, such as teachers, some worked for UNRWA and others have found jobs as tunnel workers, administrative staff, farmers, taxi drivers and traders. However, in all areas of Gaza respondents described facing huge difficulties in securing a livelihood and many adult respondents, both displaced and non-displaced, were unemployed. Farmers whose land fell in the 'Access Restricted Area' described having to abandon their land and livelihoods. Over the last ten years the uprooting of trees and the destruction of arable land due to the 'Access Restricted Area' and during military operations has ravaged large parts of Gaza. The hardest-hit area remains the agricultural heartland of Beit Hanoun, which saw a 62% decrease in the number of trees between 2001 and 2004 and a halving of the vegetation cover by 2005 (OCHA 2005). One farmer described his destroyed orchard of olive trees as 'so big that even Israeli tanks could find shade under them'. Another displaced farmer in Beit Hanoun has coped by leasing out his tractor and selling fruit and vegetables on the wholesale market.

In its testimony to the UN Goldstone Report on *Operation Cast Lead*, the Palestinian Federation of Industry stated that 324 investment-heavy factories (e.g. food processing) had been destroyed, at a cost of 40,000 jobs (UN, 2009a). In addition, 17% of orchards were destroyed and thousands of factories, farms and other infrastructure were bombed (Save the Children, 2012). Several respondents who were in employment prior to *Operation Cast Lead* described losing work with the loss of cars, repair workshops, markets and other assets.

Respondents described education and food as their main expenses, although for those in rental accommodation rent was the primary outgoing. According to a survey conducted in 2011, the average household in Gaza allocates nearly half of its budget to food (WFP, 2011). Education is highly prized as a form of resistance to the occupation and one of the few spheres outside of the control of Israeli authorities. Respondents in families with young adults claimed that education was a priority in their household, and they often put meeting the costs of their own or their children's education before other important expenses.[14] Even so, many respondents reported that they did not attend university or dropped out as meeting fees required too great a sacrifice from their parents, who took out loans or worked long hours to pay their fees, or because they themselves had to work to contribute to their family's income.

Livelihood support outside employment came from a variety of sources, including government, political parties and UNRWA, including as food aid and rent compensation for displacement. UNRWA's Job Creation Programme, established in 2001 as an emergency response to the cancellation of work permits for Israel, is the largest in Gaza, though other agencies also run cash for work programmes. UNRWA claims that the Job Creation Programme has generated 'an average of 36,440 job opportunities each year for an average duration of six months each [for unemployed refugees] ... [and] injected an average of US $28.1 million per year directly into poor families and the ailing economy' (UNRWA, forthcoming). However, funding shortages have caused UNRWA to cut the programme back, reducing the number of jobs it provides by 75% in 2012 (UNRWA, forthcoming). The Hamas Ministry of Social Affairs offers support ranging from NIS1,000 (US$258) to NIS1,800 (US$464) every three months to the displaced. However, it is a policy of the MOSA not to give benefits to households with at least one working male (above 18 years), ruling out a significant portion of households in Gaza. As mentioned, respondents also allege that assistance provided by Hamas is politically partisan or influenced by nepotism.

14 Despite the value placed on it, since 2011 education has been negatively correlated with success in the job market (World Bank, 2012, cited in UNRWA, 2012b). Despite the premium placed on academic achievement, employers complain that it is difficult to hire qualified applicants. There is a mismatch between the skills offered by a large pool of unemployed youth, including many with university degrees, and those demanded by the labour market (World Bank, 2011a).

5.3 Survival strategies

Survival strategies include risky and exploitative work, primarily in the tunnel industry, which provides highly dangerous, irregular and, for many, ill-paid work for as little as NIS20 (US$5) a day. Several workers have died in accidents or periodic Israeli bombardments of the tunnel area. Children are especially prized workers in the tunnels due to their agility.

In many focus groups respondents reported having debts, some to a variety of agents including municipalities, family members and private lenders, and some reported difficulties servicing their debts. Many respondents cited debt as a significant source of anxiety, if only for reasons of shame attached to indebtedness, especially in relation to other family or community members. One displaced respondent in Beit Hanoun said that, having lost all his furniture, he had had to borrow from relatives, friends and shop owners and, out of embarrassment, now avoided walking down certain roads so as not to encounter his creditors. High proportions of each focus group said that they had sold possessions to meet household expenses or debt payments

Chapter 6
Access to services

Several UN reports have highlighted the effect of the Israeli–Egyptian blockade on service delivery (UN, 2012a; OCHA, 2011; OCHA, 2012c), and both displaced and non-displaced respondents confirmed that service provision in Gaza is deteriorating and is a major source of difficulty in their lives. Many of the challenges can also be traced to the effects of the political division between Hamas and the PA, on top of decades of neglect of the Palestinian public service's institutional and physical infrastructure. In addition to the Hamas ministries, UNRWA is a major service provider, and there is small-scale private sector provision of some services. This mix achieves wide coverage for most services, but quality, reliability and costs vary widely between providers. The poor and declining state of Gaza's public services has particular bearing on the poorest Palestinians, who cannot afford private sector providers (where these exist), and poor non-refugees, who cannot access UNRWA services either. Population growth compounds the challenges of access to health services, education, electricity, water and sanitation and waste management.

In respect of housing, while many poor families live in overcrowded and unsafe conditions the displaced face clear and specific challenges to securing alternative shelter as the blockade prevents the import of construction materials for new housing. While those who can afford to do so are able to purchase materials on the market, poorer displaced families must wait to move into houses built by the Hamas Ministry of Public Works and Housing (MPWH) or the UN. These projects provide high-quality alternative housing, but UN projects are held up by the need for approval from the Israeli government for the import of construction materials.

6.1 Water, sanitation and waste management

Providing clean water, sanitation and waste management are crucial challenges facing the Gaza Strip at large. Displaced and non-displaced alike have difficulty accessing these services, though services are better in the UNRWA camps than outside them. The population of Gaza relies on an underground coastal aquifer for their water, which is heavily depleted as it is used more intensively than it can be replenished through rainfall and run-off from the Hebron hills (UN, 2012a). This has led to seawater intrusion and the infiltration of nitrates. Only 10% of water in Gaza is drinkable without treatment (UN, 2012a). Gazans are forced to purchase water privately, which is expensive, or resort to drinking and bathing in contaminated water. The UN is concerned that the aquifer will be completely unusable by 2016 (UN, 2012a).

The impact of the water crisis was raised in focus groups, and both displaced and non-displaced participants cited water as one of their main challenges. Many respondents complained that fuel shortages made it more difficult to access piped water, as energy is needed to run water pumps. Power shortages leave people with only a few hours of water per day. Meanwhile, contaminated water raises health risks, including skeletal fluorosis, kidney malfunction and the discoloration and decay of teeth due to high concentrations of fluoride, chlorine and nitrates. WHO believes that 26% of the disease burden in Gaza is water-related (World Bank, 2009). Gaza's three wastewater treatment plants function only intermittently, and large amounts of untreated sewage end up in lagoons and the sea (Shomar, 2011). According to the UN this problem has worsened after *Operation Cast Lead* as key infrastructure was destroyed (UNEP, 2010; UN, 2009a). Approximately 50–80 million litres of sewage are discharged directly into the sea, a recreational area used by thousands of Gazans each week during the summer. The dilapidated state of wastewater plants makes them prone to overflowing, especially during the winter rainy season, posing significant health hazards and triggering the displacement of communities in the vicinity (see Box 2) (Shomar, 2011). About 60% of Gaza households are connected to a sewage network, though some respondents reported that, despite paying to be connected to municipal sewage networks, they were not receiving the associated services (EWASH, 2012; UNICEF, 2010).

Responsibility for waste management (including household, medical, commercial and manufacturing waste) in the Gaza Strip falls to the municipalities, and to UNRWA in refugee camps and in respect of UNRWA facilities. The municipalities reportedly provide a much inferior waste collection service to that in refugee camps, due to scarce resources and low capacity in local government. Respondents across Gaza said that waste was left to accumulate outside their homes for weeks, and in some cases residents would resort to burning their rubbish. *Operation Cast Lead* worsened the already inadequate solid waste management system because of damage to collection vehicles and the destruction of roads and access routes (UNDP, 2010). The functioning of incinerators has been compromised by electricity shortages and a lack of spare parts because of the blockade (*ibid.*).

If left unaddressed, deficient waste management may herald an environmental crisis. Yet the government and municipal institutions responsible for environmental issues, such as the Environmental Quality Authority and the Palestinian Water Authority, do not have a strategic response at the level of either municipalities or ministries (UNEP, 2010). International agencies have made some efforts to integrate sustainable technologies and approaches into their operations; UNRWA schools, for instance, have plans to use solar panels to generate energy (Haaretz, 2011).

Box 2: Flooding in Um al Nasser

Um al Nasser is a village near the town of Beit Hanoun, towards the north-eastern edge of Gaza. It has a population of around 2,500. The majority of this community are 1948 refugees and are registered with UNRWA. Flooding in this area was widely reported to be a persistent problem, but Israel has refused to permit work on a nearby treatment plant. In March 2007 a basin collapsed, resulting in 30,000 cubic metres of sewage flooding into the village. This resulted in the deaths of two children and three women; 110 houses were damaged or destroyed and 1,450 people displaced (MacAllister, 2008).

6.2 Electricity

Gaza's sole power plant was originally planned to cover the energy demands of the whole Strip, but only produces about half the wattage required. The fuel it needs is restricted by the Israeli–Egyptian blockade. Given the dramatic decline in fuel legally entering Gaza due to the blockade (UNSCO, 2012), the power plant relies on precarious 'imports' of fuel via the tunnels and on purchases from Israel via the PA, which has led to severe delays due to the poor relations between the PA and Hamas (Sherwood, 2012). Additional electricity is imported from Israel and Egypt. In general, energy supply is uncertain and the service is irregular. Respondents receive an average of between four and eight hours of electricity per day. Most own or share a generator and must budget on average NIS80/US$21 a week per household to cover the costs. Respondents in Rafah complained about the redirection of electricity to the tunnels.

6.3 Health

The blockade has had a severe effect on health services, and the political divisions within Gaza have exacerbated the deterioration of care. Displaced and non-displaced respondents face the same serious challenges to accessing health services. Differences in access are instead in respect of wealth and whether patients are in the 'refugee' category; poor non-refugees face the greatest obstacles to accessing healthcare.

There are four main health service providers in Gaza. The Hamas Ministry of Health (MoH), the largest actor, manages 12 hospitals and 57 primary healthcare clinics for more than three-quarters of a million patients. UNRWA is another major provider, albeit at the level of primary healthcare only, and operates 21 health centres. UNRWA also provides physiotherapy, dental, eye and other specialist services, and subsidises secondary and tertiary care for those refugees not covered by the government healthcare scheme. NGOs deliver out-patient and in-patient care, psychosocial support and health education programmes. Lastly, private healthcare providers operate hospitals whose services are perceived as better than those provided by Hamas, but which are unaffordable for the majority of the population (CSIS, 2012).

The quality of the service that medical staff provide in Gaza is declining. In 2007 the PA ordered its health professionals in Gaza to leave their posts. By August 2007 60% of administrative staff and 40% of doctors and nurses had gone on strike. To cope, Hamas enlisted volunteers, medical graduates and even students (Hovendak, 2010). This inexperienced workforce proved unable to provide comparable treatment. The blockade also means that Hamas MoH and UNRWA's Palestinian medical staff are shut off from the wider community of medical practice, preventing doctors from receiving specialised training or staying abreast of medical innovations and improvements (WHO, 2012).

According to an agreement reached in 2007, the PA MoH is supposed to provide medical supplies to the Hamas MoH, but the relationship between the two ministries is fraught and the PA claims that budgetary shortfalls prevent this. Hamas MoH clinics provide basic medications like painkillers, but according to respondents they often run out of antibiotics and other medicines. Private pharmacies and clinics also offer drugs, but these are not affordable for most Gazans and numerous respondents listed the prices of medicines at private clinics as prohibitive. The PA is also supposed to facilitate patient referral to health facilities outside Gaza (Associated Press, 2012). This is complicated by disputes between the PA and Hamas and because approval from the PA MoH is contingent on patients obtaining approval to enter either Israel or Egypt, which is highly problematic.

Hamas MoH doctors earn as much as 20% less than UNRWA medical staff and are not paid regular entry-level salaries (HPG interviews, 2012). These financial pressures contribute to poor morale and have driven many Hamas MoH doctors to moonlight in the for-profit sector. Respondents in Beit Hanoun claimed that doctors in government clinics offered better care for patients who come to them privately. A respondent from Zeitoun complained of the inadequate quality of care delivered at the nearby health clinic, saying: 'sometimes they don't even check the baby before writing a prescription … I have to tell them what the baby has' (HPG interviews, 2012). UNRWA has consistent access to drugs, and offers services and medicines free of charge, which has led to growing demand; consultations at UNRWA clinics increased by 11% between 2009 and 2011. According to UNRWA doctors, due to insufficient staff budgets the average time spent with patients can be less than five minutes as they see an average of 113 patients per day.

The lack of affordable and reliable transport is another obstacle to accessing healthcare in many parts of Gaza. In Zeitoun, clinics and hospitals take nearly an hour to reach by foot. For those in the most inaccessible parts of the neighbourhood, taxis and ambulances often refuse to make calls because of the dirt roads they would have to drive on; even if access is possible, poverty precludes many residents from using private

taxis. One respondent's six-week-old daughter allegedly died en route to hospital after both emergency vehicles and private taxis refused to service their area. In order to avoid transport and consultation costs, some respondents in Zeitoun said that they did not bother visiting doctors, and instead obtained medicines at pharmacies without a consultation.

6.4 Education

Conflict, damaged schools, demographic pressures, the blockade and the political divide are all having an impact on education, for displaced and non-displaced families alike. Education in Gaza is provided by three main actors: the Hamas Ministry of Education and Higher Education (MEHE), UNRWA and a diverse private sector (OCHA, 2009c). Basic education is compulsory for ten years, followed by two non-compulsory years of secondary education that end with the general secondary school certificate (the *tawjihi*). Of 640 schools in Gaza, serving 441,452 students, 383 are Hamas MEHE schools (60%), 221 are UNRWA schools (34%) and 36 are private (6%) (OCHA, 2009c). There are five universities, five colleges and six community colleges in Gaza, with approximately 70,000 students. In addition, UNRWA runs two vocational training centres which provide diplomas and accredited programmes.

Problems surrounding education were widely cited in focus groups, including overcrowded and ill-equipped classrooms, badly paid and poorly prepared teachers and unconducive conditions at home, including power cuts, a lack of space and onerous household chores. The issue of affordability was raised by study participants in all regions. Like the healthcare sector, the education system in Gaza has been affected by the conflict between Fatah and Hamas. In 2007, Fatah-controlled unions ordered a series of strikes that crippled government schools just before classes started in August. Hamas immediately fired striking teachers and replaced them with loyalists. Vacancies were filled based more on ideological allegiance than academic qualifications and many recruits were fresh university graduates with little teaching experience (Brown, 2012). Educational attainment has also been affected by high levels of stress amongst children due to the conflict, family violence, violence at school and overcrowding. Lacking the professional skills and knowledge to manage these problems, untrained teachers routinely fall back on corporal punishment as a method of classroom control. Some 27% of children have experienced violence at the hands of teachers (PCBS, 2011a).

The education system also confronts a 'youth bulge', with more than half of the population of Gaza – 780,578 or 53% – under the age of 18 (OCHA, 2009c). This demographic pressure has been compounded by the loss of school buildings during periods of conflict. During *Operation Cast Lead* 18 schools and kindergartens were destroyed and over 250 damaged; at the peak of the offensive almost 51,000 people, including some 28,560 children, sought refuge in 44 UNRWA schools across Gaza, causing considerable wear and tear on classrooms, sanitation facilities and furniture (OCHA, 2009c). To make up for the lack of facilities, classrooms have been accommodated in temporary structures such as shipping containers. It is estimated that 230 new schools need to be built by 2013 to meet demand, including 100 UNRWA schools. Even more schools will be needed in subsequent years to match population growth.

Some schools have been made inaccessible or unsafe by the expansion of the 'Access Restricted Area'. There are seven educational institutions in the Gaza Strip with facilities located within 1,500 metres of the border fence, accommodating approximately 4,400 pupils and 250 staff (OCHA and WFP, 2010). Children and staff can be exposed to live fire while attending or travelling to and from school. Young respondents in Beit Hanoun described the fear they experienced each day as they walk through the 'Access Restricted Area' to get to their school.

Students also face obstacles to pursuing higher education in the West Bank (UNISPAL, 2009). West Bank institutions offer a richer array of undergraduate programmes and 40% more graduate programmes than universities in Gaza. Israel frequently denies applications by students from Gaza to travel to the West Bank to pursue their studies. The closure regime also prevents universities from holding joint conferences and stops lecturers from the West Bank travelling to the Gaza Strip (Gisha, 2010).

6.5 Housing

The humanitarian Shelter Cluster in Gaza estimates that the current housing shortfall stands at 71,000 units (UN Shelter Sector, 2011). By 2017, Gaza will require 153,000 additional housing units (Asfour, 2012). In the meantime overcrowding is a widespread problem given the lack of mobility of the population, the high population growth rate, the destruction of housing stock and the difficulties caused by the blockade in constructing new housing. While wealthy Palestinians in Gaza are able to build through the private construction sector and materials available on the local market, low-income housing is provided by public, UN and NGO actors through international funding. Both Hamas, the UN and NGOs have plans to build housing, but the UN and NGOs are constrained by the blockade, under which materials such as cement and aggregate, which Israel considers 'dual-use' materials, must undergo an onerous approval process to pass through the Kerem Shalom crossing.[15] Although these materials are widely available in the Gaza Strip, restrictive donor policies prevent the UN and NGOs from purchasing them locally, forcing them instead to bring in all such items through Kerem Shalom, the sole official crossing for goods.

In the wake of *Operation Cast Lead*, the Gulf Cooperation Council (GCC) pledged US$1.6 billion for housing reconstruc-

15 'Dual use' goods are items which Israel considers can be used for military purposes.

tion. The GCC funds, managed by the Islamic Development Bank (IDB) and its Gaza-based private consultancy firm, have been used to implement rebuilding projects with the Palestine Housing Council (PHC), Al Rahma (of Kuwait), UNRWA and the Ministry of Public Works and Housing (MPWH), the main public entity responsible for public housing provision in Gaza. As of August 2012 approximately US$287 million of the original US$1.6 billion pledged had been disbursed. The slow rate of disbursement is reportedly due to the long waiting times involved in securing approval from all IDB members. In addition to public housing projects, the IDB allows beneficiaries to use materials from the local market. In total, approximately 1,500 homes have been rebuilt in this way. In addition to these IDB-funded projects the MPWH has plans for 13 more housing projects, which would create an additional 26,000 housing units, but it has not secured funding for these projects.

UNRWA is a major provider of public housing in Gaza. Since 2001, the agency has rebuilt houses (or helped refugees to rebuild themselves) for 1,389 families. Another 3,423 families whose houses were destroyed by Israeli military operations are still waiting for housing. UNRWA has funding to rebuild 3,155 housing units in Rafah and Khan Younis (see Table 3), of which approximately 2,380 will go to support families whose homes were demolished by Israel before and during *Operation Cast Lead*. This leaves another 1,000 or so families without funding to rebuild their homes. UNRWA's ongoing housing projects, such as those in Rafah and Khan Younis, have been designed to make life more dignified for refugees, and include gardens, fountains, commercial zones, mosques and schools (Economist, 2012). However, there have been serious delays in completing these projects due to the onerous Israeli system of approval for infrastructure projects.

UNDP also works in the housing sector, but its projects tend to cover the non-refugee population as UNRWA is primarily responsible for refugees. The UNDP project in Rafah is funded by Saudi Arabia for beneficiaries who lost their homes between 2000 and 2005. The PA was covering the rental fees for this caseload, but since 2005 displaced non-refugees in this group have been without rental support. This housing project has been held up by delays in receiving funds from the donor.

In addition to the current displacement caseload, at least another estimated 6,000 refugee families live in inadequate conditions due to poverty and also need assistance to rebuild their houses; of these UNRWA has funding for only 700.

Table 3: UNRWA housing projects

Donor	Project	Start date	End date	Units	Cost (US$m)
Saudi Fund for Development	S1	06/2011	End 2012	752	31.5
Saudi Fund for Development	S2	n/a	n/a	779	31.5
Japan	J1	06/ 2011	07/2012	226	7.5
Japan	J2	n/a	n/a	200	7.5
UAE	UAE 1	05/2006	10/2010 – 151 units by 10/2010 – 449 frozen from 2007 to 2012; now again in process	600	20
Netherlands	D1	05/2011	04/2012	223	7
IDB	Self-help	2010	Ongoing	1,908	34.7

Source: HPG interviews, 2012.

Table 4: UNDP housing projects

Donor	Location	Start date	End date	Units	Cost (US$m)
Saudi Fund for Development	Rafah	2006	2013	300	16
Saudi Fund for Development	Gaza North	2011	2013	100	9
Japan	Khan Younis	2006	2012	100	5
IDB	Self-help	2009	2013	50	2

Source: HPG interviews, 2012.

Chapter 7
Land

Land laws in Gaza are complicated and people tend to prefer informal transactions and dispute resolution mechanisms, making the legal basis of tenure and ownership for much of the population precarious. Displaced people often find that they are ineligible for reconstruction assistance because of unclear or inadequate proof of ownership of their land. Land is scarce and valuable, and it is hard for poor displaced Palestinians to acquire land to rebuild homes on. Many displaced people live as tenants, but their situation is increasingly difficult as rents are rising. Displaced non-refugees are the most affected by rising rent prices, as they are not eligible for the rental assistance that UNRWA provides.

These problems can be traced to the effects of the conflict and the lack of a recognised state structure. Since Ottoman rule many different administrations have controlled Gaza and its development, without regularising the land system or investing in infrastructure to keep pace with the needs of the population. There is currently no overarching development framework to guide the expansion of urban areas and address the chronic infrastructure problems affecting services and the environment.

Box 3: Classification of land types in Gaza (adapted from NRC, s.a.)

- **Waqf:** Lands are devoted by the owner(s) for pious or charitable purposes and are administered by the *Mutwally* (caretaker or person-in-charge).
- 'Private' land: In practice two categories constitute 'private' land, *mulk* and *miri*. *Mulk* land is in absolute ownership of the proprietor. For *miri* land, ultimate ownership lies with the state, but the right to use it can be bought by individuals. There is little difference between the two categories.
- **Public land:** A category of land introduced by the British Mandate. These lands are subject to the control of the government or are acquired for public purposes.
- **Refugee camp land:** Refugee camps were established in 1948 on public land. Through UNRWA refugees are granted private usage rights. The boundaries of these camps have not changed, although the population has grown.

7.1 Land law and administration

The history of land law in Gaza is complex and multi-layered: today's legislation straddles Ottoman, British, Egyptian, Palestinian and informal/customary (*urf*) laws.[16] This hybrid system means that the laws that govern and regulate land issues are sometimes inconsistent and are often poorly understood by the general population, as well as by the judiciary and other officials who regulate land transactions. For instance, refugees in camps often sell rights of usage of their properties as if they were on privately owned land (*mulk*) rather than public land[17] (see Box 3) (NRC, s.a.), without realising how little protection such agreements afford.

The primary public body in charge of land affairs is the Palestinian Authority Land Authority (LA), established in 2002. While its stated mission is to 'preserve land, property titles, and other ensuing rights of citizens and government' and to 'resolve disputes over land demarcation, and the preservation and proper disposal of public land and property' (Land Authority, 2011), no legislation has been enacted to demarcate its duties (NRC, s.a.). A land law drawn up by the PA Council of Ministers has been presented to the Palestinian Legislative Council (PLC). The current verdict of the PLC's Legal and Land Committees is that the draft law is flawed and cannot be passed in that form.

The land registration process in Gaza is complicated and costly, and so unofficial systems of titling tend to be preferred. In practice, most land sales in Gaza are unregistered and disputes over land are rarely resolved in court. Instead informal (*sulh*),[18] formal and hybrid systems operate simultaneously to resolve disputes (MoP, 2007). Although informal systems are quicker and cheaper than formal courts, many Palestinians in Gaza believe that they are unfair and are biased towards people of higher social standing (NRC, s.a; NRC, 2012).

Two main issues to do with land rights and tenure affect the displaced: the high price of land, and rising rental prices. Land prices are thought to be rising for a number of reasons, including population growth and land speculation by wealthy Palestinians, particularly the owners of smugglers' tunnels, who have grown rich through their control of black-market imports. The land market in Palestine is unregulated and its prices are set by traders who interfere with supply and demand and suppress competition (NRC, s.a.). Rising land

16 Customary law ('*urf*') tends to be highly regionalised; the principles applied are those that have developed within a particular community over time.

17 Since the refugee camps were established UNWRA has constructed many shelters for refugees. When handing over these shelters to refugee families UNRWA's practice is to require an undertaking that refugees will not attempt to sell the land (which does not belong to them or UNRWA) or transfer use of the shelter. Despite this refugees often transfer housing units to others.

18 *Sulh* is a conciliatory process that predates the establishment of Islam, although it has since evolved to include some principles of Shari'a law. The process of *sulh* is common in both rural and urban areas, altering to adapt to the nature of the dispute and the community interests at stake. In some cases, a single mediator handles a disputed matter. In other cases, a *sulh* committee, usually between four to six members, may convene and handle proceedings as a group.

prices are also thought to be contributing to renewed efforts by the authorities to evict families who have settled without title on public land. According to the Land Authority, public land accounts for 112,000 km² (31%) of the total land in the Gaza Strip. Of this, around a third has been informally settled (NRC, s.a.). Since 2010 Hamas has mounted several mass evictions, and has stated its intention to reclaim all state land. As noted above, human rights and humanitarian agencies are concerned that evictions have been unnecessarily forceful, have been undertaken while negotiations were still ongoing and incorrectly characterise affected people as illegal squatters.

Rental prices have also risen sharply, putting additional pressure on Palestinians struggling to cover basic household costs. Displaced refugees receive transitional shelter assistance (TSCA) from UNRWA to meet rental costs, but at an average of US$150 a month this is frequently short of what is required (FDG results indicate that on average US$200 is needed). UNRWA is aware that rents are outpacing the assistance it provides but is unable to increase the amount due to insufficient funding and the high caseload it covers. Due to the delays in building reconstruction housing the TSCA programme has been long-running and expensive: 1,440 families displaced in Rafah during 2000–2004 have been on TSCA from as early as 2001. In 2011 UNRWA paid rental assistance for 3,440 families, totalling over US$4.7 million. The delays to the completion of reconstructed housing and continued destruction of housing, including during *Operation Pillar of Defense*, prolong such costs, which are born by the international community.

Even though it is insufficient, displaced people receiving TSCA assistance are still in a better position than those who do not. Non-refugees are particularly vulnerable in these circumstances as they lack reliable formal rental assistance. The UNDP and the PA initially pledged to support non-refugees after *Operation Cast Lead*. However, only 50% of the US$50m pledged has been made available (reportedly due to lack of funds) (UNDP, 2012). How people coped with this shortfall in income varied depending on family size, region (as rental prices differ across Gaza) and employment, but many focus group participants owed money to family, friends and landlords. In extreme cases displaced people were known to move from one house to another without paying landlords.

The informality of land transactions has created serious misperceptions amongst Palestinians in Gaza about what constitutes proof of ownership. Many respondents believed that an electricity or phone bill would suffice for this purpose. In fact this is insufficient and in the worst case can lead to family disputes, reconstruction aid being withheld, the withholding of municipal services and eviction. Anyone with such poor documentation is at risk, but often people only confront this when their homes are destroyed or they are threatened with eviction. Many are unaware that they cannot prove ownership of their houses until, after they have been displaced, they find that they are ineligible for reconstruction assistance.

Tenants' rights are also poorly upheld. Respondents complained of being asked to leave a property without notice by their landlord; in one instance tenants in Khan Younis were summarily evicted because the landlord's son was getting married and the landlord wanted the property for the new couple.

7.2 The urban development framework

For most of Gaza's history urban planning has been controlled by external actors rather than indigenous ones, and urban planning institutions in Gaza are consequently weak (Abdelhamid, 2006). Land laws were imposed under the Ottomans (1850–1917), during the British Mandate (1917–48), under the Egyptian administration (1948–1967) and most recently under Israeli occupation, leaving Gaza with multiple layers of different planning orders (Abdelhamid, 2006; Roy, 2001). Under the Israeli occupation urban growth was managed by the military to maximise Israeli control of the Gaza Strip and support Israeli settlements, rather than to promote sustainable urban growth, and infrastructure that was unrelated to the settlements was neglected. In the Hamas administration there is currently no central agency responsible for planning and financing development in the Gaza Strip. This has led to ad hoc rehabilitation and development and a lack of coordination across government departments. Development professionals who have carried out work with Hamas ministries complain that their capacity to develop strategic plans is weak.

Chapter 8 Governance

Palestinian governance institutions have long had limited power and legitimacy as a result of the control exerted by Israel and the administrations that came before its occupation. Hamas' rule since 2007 is believed to have reduced corruption amongst officials and improved public order, but Palestinians criticise the party for becoming increasingly corrupt itself, many resent its socially repressive policies and there are allegations of specific abuses related to the suppression of civic organisation and dissent. Like Fatah before it, Hamas has undertaken initiatives to address displacement, though it is accused of being partisan in allocating assistance and paying greater attention to people affected by *Operation Cast Lead* than to those displaced before it came to power. At the local level, municipalities have begun to modernise their information and revenue collection systems, but there remains a high level of mistrust of the municipalities amongst the population. Local government's track record in providing services is poor.

8.1 Formal governance systems

The Palestinian political party Fatah ruled Gaza between 2000 and 2006, when it lost parliamentary elections to Hamas. Hamas then gained complete control of Gaza following a violent conflict with Fatah in which 454 Palestinians died (HRW, 2010b). Since then sporadic and ultimately unsuccessful efforts have been made to reconcile the two sides. This political division is becoming deeply institutionalised, despite widespread calls among the Palestinian public for the two parties to end the split between them. While Hamas has maintained all of the institutions that existed under the PA, rather than creating parallel structures, at the management level it has filled key positions with loyalists, and at the municipal level it has dissolved the Fatah-controlled municipality councils and appointed its own members. The PA's parliamentary body, the Palestinian Legislative Council (PLC), has become defunct. PA President Mahmoud Abbas has begun passing laws by presidential decree, and Hamas has set up its own 'Gaza PLC' (Hovendak, 2010).

The politics around this division have affected the response to displacement. For instance, a respondent in Rafah claimed that Hamas had announced that 'the only people who are eligible for rehousing are those who have been effected by *Forqan* [the term Hamas uses for *Operation Cast Lead*]'. Focus groups in Rafah suggested that Hamas relegated mass displacements by the IDF in 2004 in Rafah to secondary importance because they fell outside their term of office. Respondents also complained that assistance and jobs were preferentially allocated to followers of Hamas, and that Hamas had rescinded a decision by Arafat to exempt people displaced in Rafah in 2004 from school fees and medical expenses.

8.2 Local governance

Gaza's 25 municipalities are decentralised and economically self-sufficient as they can retain 90% of property taxes, which they collect directly (Hovendak, 2010). Although on paper some municipalities remain in Fatah hands, in practice all are controlled by Hamas. Under Hamas the municipalities have improved revenue collection through a variety of measures. For example, the Gaza City municipality has unified and improved the accuracy of data on its constituents through the upgrading of its Geographic Information Systems (GIS). This has provided the municipality with a database of street names and numbers, a descriptive database of buildings, accurate numbers of families per building block and a unified database of water and electricity directories.

Despite the modernisation and improvement of revenue collection, respondents were largely negative about local government and the services it provides. Respondents reported paying for services they never received and municipal services were frequently seen as unacceptably poor. Poor displaced respondents also complained that building licences required by the municipality in Gaza City were prohibitively expensive, despite a 40% discount for victims of *Operation Cast Lead*. In Zeitoun many respondents were in serious debt with the municipality for water and electricity, leading the Gaza City municipality to withhold building licences.

Municipal services are seen as inferior to, and less reliable than, those provided by UNRWA in refugee camps. As a result, many refugees fiercely resist relocation to housing projects lying outside of refugee camp land, and hence not under UNRWA's remit.[19]

8.3 Political participation

Under Hamas the scope for dissent has shrunk, not only for factional rivals like Fatah but for independent voices overall. Hamas' campaign to monitor and curtail political expression goes beyond crackdowns against civil society groups, and has included, for example, the arrest of dozens of taxi drivers under the charge of 'spreading rumours' about fuel and electricity shortages (Associated Press, 2012). At the level of the local community, Islamic charitable organisations that were once broadly affiliated with Hamas but still operationally independent have come under the direct control of the government (Schaeublin, 2010). The capacity and appetite for democratic engagement remain strong, but most civic space is cordoned off by Hamas

19 The situation is further complicated by the politics surrounding refugee issues in the OPT. There has historically been opposition by refugee committees to improving shelter for refugees, lest this leads to the impression that refugees are 'resettled' and no longer entitled to repatriation or compensation. This has also been observed in refugee camps in Lebanon and Jordan.

Chapter 9
International assistance

After Israeli military disengagement in 2005, aid agencies expected that displacement would decrease and houses would be built to replace those that had been demolished. In practice this is far from being the case. The blockade intensified in 2007 with the Hamas military takeover, *Operation Cast Lead* wrought enormous damage and the 'Access Restricted Area' policy has been rigorously enforced, if not intensified, throughout this period. Not only have many thousands been displaced since 2005, but many of these families have remained in displacement, joining a caseload that stretches back to the pre-disengagement period. The operating environment has remained highly challenging.

Ultimately agencies in Gaza have to design programmes within a number of constraints, including the blockade, donor restrictions on contact with Hamas, the PA–Hamas divide and the inappropriateness of humanitarian modalities in this long-term crisis. As one humanitarian working for a US-funded NGO put it, 'programming in Gaza has been based on what is possible, not what is needed' (HPG interviews, 2012). Few organisations have programmes focusing on the displaced population in Gaza, and internal displacement is not considered a priority issue amongst other humanitarian concerns in Gaza.

9.1 Constraints on the humanitarian response

Since 2006 the operating environment has become more challenging. The blockade imposed by Israel not only generates humanitarian needs but also hampers their alleviation, at least beyond a minimum level. The inefficiency and financial and administrative burden caused by the blockade has been repeatedly documented by international organisations (OCHA, 2012a; OCHA, 2011; UNRWA, 2012b). Specifically, the blockade is a direct and heightened impediment to addressing the shelter needs of the displaced by preventing the import of construction materials. This became very clear in the immediate aftermath of *Operation Cast Lead*, when donors and agencies wishing to fund the physical reconstruction of Gaza quickly ran up against the twin constraints of 'no contact' and 'no materials'. Instead of building, many of these agencies have had to refocus their roles.[20] According to OCHA, although three-quarters of UN reconstruction projects submitted to the Israeli authorities between June 2010 and June 2012, those that had been delayed or rejected were for crucial assistance projects: 'the remaining 27% [of projects pending approval or rejected] is what makes people's lives unbearable' (OCHA, 2012a).

20 One agency has focused on fixing windows and other minor repairs allowed by the easing of the import restrictions on aluminium and glass in 2010; another has taken on a coordination function, pooling information about the availability of materials.

While humanitarian actors identify the blockade as the largest obstacle to addressing people's needs, donor policies aimed at limiting involvement with the Hamas government and its activities are also having a discernible effect on assistance. A range of policies and pieces of national legislation place limits on the contact that international NGOs and UN agencies can have with Hamas, and the benefits that their programmes can confer. These exist in order not to legitimise Hamas as a *de jure* authority of Gaza, and the most stringent actively seek to undermine its rule. Policies that seek to limit interaction with high-level Hamas political figures are often 'softly' enforced, but for the nationals of many countries potential liability exists in providing material and other support to 'terrorist' groups (see Pantuliano et al., 2011).

Donors have different positions on what might confer benefit or legitimacy, which means that agencies are constrained more by their sources of funding and the nationality of their staff than by the actual content of their activities. Whilst it lists Hamas as a terrorist organisation the EU does not impose a no-contact policy, though different member states encourage widely varying levels of dialogue. The UN has a formal no-contact policy that applies to political appointees within ministries, but work at the technical level is allowed (HPG interviews, 2012). The only donor that imposes an official no-contact policy on its humanitarian partners is the US. This is set out in USAID Mission Notice 2006-WBG-17, and backed up by the Palestinian Anti-Terrorism Act. Hamas is designated a terror organisation on the Office of Foreign Assets Control lists and on a separate list that makes providing material support for the organisation a crime under US law. Clauses are included in grant contracts to ensure that Hamas receives neither material benefit nor legitimacy through recognition by international agencies as a governing entity. Agencies are also barred from purchasing goods on the open market, as Hamas' control of smuggling tunnels allows it to levy a tax on most consumer goods in Gaza. The main effects of these restrictive policies are to prevent capacity-building, particularly in departments under the authority of the Ministry of the Interior (such as the judicial and security services). They also impose a significant financial and bureaucratic burden, make it more difficult to hand over projects to government departments and hamper coordination. Agencies reported being threatened with prosecution of individual staff if programmes such as providing school windows went ahead, and onerous, convoluted and expensive procedures to procure basic office equipment.

The 'emergency' frame of the humanitarian system can itself be a constraint on the humanitarian community's ability to programme for what is a protracted crisis requiring long-term programming. This is one of the cross-cutting challenges of working in the OPT and, while humanitarian and multi-mandate

agencies may have the internal capacity for development-style programming, humanitarian funding cycles often make it difficult to achieve continuity.

9.2 Key approaches amongst humanitarian actors

This study finds that the displaced share the same vulnerabilities as the non-displaced population, though some vulnerabilities may be heightened whilst in displacement. Respondents most frequently cited needs generated by a lack of livelihoods, poor-quality services and infrastructure, a lack of psychosocial support and, for those still in rental accommodation or being hosted by relatives, a lack of permanent shelter. The bulk of assistance, covering the majority of the population's core needs, is provided by UNRWA and has already been discussed in previous chapters. This section focuses on assistance provided by other agencies.

Displaced households highlight the lack of employment opportunities and rising living costs as the biggest difficulty they face in their everyday lives. A range of international NGOs therefore include livelihood support in their operations, though these are not targeted at displaced populations in particular. Livelihood support programmes run by international agencies include cash assistance, agricultural inputs, income-generating projects, cash for work schemes and targeted support of sectors including dairy farming, information and communications technology (ICT) and small-scale livestock breeding. Income-generating projects have sought to provide inputs and often a market for goods that can be produced in small spaces, such as rabbits or chickens. These tend to be peri-urban projects: the densely populated refugee camps rarely afford enough space even for backyard industries. Urban areas seem to receive less support for income-generating projects, though they have recently been the focus of ICT initiatives and a voucher programme implemented by the World Food Programme (WFP) and Oxfam. Under the Urban Voucher Programme (UVP) beneficiaries receive monthly vouchers worth NIS256/US$64, which can be exchanged for food commodities at shops.

Livelihood programmes are limited by the restrictions on what can be brought through the blockade. However, the main limitation for projects which seek to promote economic self-sufficiency is the inability of humanitarian actors to provide alternative markets for producers other than the deteriorating domestic one. Agencies such as Oxfam have argued that local economic development is still possible in respect of industries which have 'borderless exports', such as ICT services, or where there is scope for growth in the domestic market (Oxfam, 2012).

Several INGOs also run protection-oriented programmes, with a particular focus on psychosocial help. Many of the respondents in this study, displaced and non-displaced alike, highlighted the need for trauma counselling, most often for children at school. For some INGOs psychosocial programmes cannot be coordinated with the Hamas Ministry of Education due to 'no-contact' policies, and so cannot be embedded in schools. Hamas is also reportedly reluctant to allow INGOs to run these programmes. The length of humanitarian funding cycles is also a fundamental challenge, as trauma counselling can only be funded in six-month tranches, affecting the continuity of such services.

Some agencies have also tried to address aspects of the shelter crisis by tackling issues of land and legal aid. The Norwegian Refugee Council (NRC) is providing legal aid to people displaced during *Operation Cast Lead* to enable them to prove ownership of land and houses, and capacity-building with lawyers and training and information sessions with the emergency response team at UNRWA, affected communities and human rights and humanitarian fieldworkers. The Network of Legal Aid Providers in the Gaza Strip runs programmes which aim to prevent land disputes and protect land and tenure rights.

Arab states have long been substantial donors, notably through budgetary support to the PA, though many have preferred to fund Hamas directly, particularly after *Operation Cast Lead*. Much of this money is channelled through the IDB, one of the main players in reconstruction (Reuters, 2009). According to a 2009 report by UNDP, Gaza's recovery efforts after *Operation Cast Lead* received more support from Arab donors and Islamic international NGOs and organisations than they did from 'traditional' donors, UN organisations and Western international NGOs. Arab funding and funding for Arab NGOs through Islamic religious channels accounted for the greater share of repair and reconstruction work. The large role the IDB plays in infrastructure means that its programme is shaping the overall reconstruction effort as if it were, according to one economic development analyst, 'the de-facto Ministry of Planning' (HPG interviews, 2012). These funds tend to be channelled through the Hamas administration and the Red Cross/Red Crescent Movement. This means that a large source of funding is not formally coordinated with other humanitarian projects (and vice versa).

9.3 Displacement in Gaza as a priority concern?

Displacement in the OPT is increasingly seen as a serious and growing phenomenon (Abou Samra and Zeender, 2006), and a Displacement Working Group (DWG) has been set up to ensure a consistent response and joint messaging, and improve the interaction between operational and advocacy activities. The DWG is largely considered to have been successful at establishing systematic monitoring and a holistic approach to displacement that makes fuller use of the protection and assistance that humanitarian agencies can offer. However, although it was intended to cover the whole of the OPT, it currently only operates in the West Bank.

In general, internal displacement has lower prominence in Gaza than in the West Bank. While in both areas displacement is a

product of the occupation and the conflict, the precise factors driving displacement are different in Gaza. While displacement in the West Bank happens through a slow though constant process of attrition, there are fewer displacement events in Gaza, and they tend to affect a larger number of people than in the West Bank, such as *Operation Cast Lead* or the razing of Rafah. Some humanitarian actors argue that the needs of the displaced are similar enough to those of the non-displaced to be addressed through general programming and through the Protection Cluster. There is additionally an 'Access Restricted Areas' Working Group ('ARA' WG) under the Protection Cluster, which monitors and takes responsibility for displacement in the 'Access Restricted Area', which is currently the zone with the highest risk of displacement. The UN Office of the High Commissioner for Human Rights (OHCHR) is responsible for monitoring human rights events in the 'Access Restricted Area'. In the assessment of the 'ARA' WG there is no or very low current displacement there.

At the other end of the spectrum, some humanitarian actors criticise the current response as lacking in focus and making assumptions that are not grounded in evidence about the absence of displacement-specific vulnerabilities. Displaced families are not recorded on a protection of civilians database and the evidence that OCHA holds in the West Bank (where monitoring is more systematic) is lacking in Gaza. Ongoing displacement in Gaza is not systematically tracked and its extent is unclear. In addition, little is known about the vulnerabilities of the large number of people who are still in displacement, or whether those who have found alternative housing consider their displacement to have ended. The discussion around 'preferred solutions' is especially pertinent regarding those who have been displaced from the 'Access Restricted Area', who may be unwilling or unable to return. There are also concerns that displacement has been defined too narrowly as a shelter issue, when what is needed is a holistic approach involving a protection assessment, legal response and advocacy. In the West Bank the DWG has been crucial in making a distinction between 'shelter needs' and displacement as a condition.

The testimonies of displaced respondents support some concerns about inconsistency in the response and inadequate monitoring. The consequence of having different providers with different levels of funding and gaps in coordination is different standards of assistance. Victims of the conflict who may have suffered comparable losses and present similar needs may receive different levels of assistance. The most prevalent distinction is between UNRWA-registered refugees and non-refugees. Displaced respondents also hold the view that attention from international and national NGOs has declined since the initial post-*Operation Cast Lead* surge, even though many of their needs remain the same.

The findings of this study broadly support approaches which seek to address the vulnerabilities of the displaced through needs-based programming for the population at large, but there is also cause for raising the profile of displacement in Gaza in the narrative of threats facing Palestinians – both the threats entailed in long spells in overcrowded and unaffordable accommodation and the likelihood of repeat events, including a possible rise in evictions from state land.

Chapter 10
Conclusions and recommendations

Thousands of displaced Palestinians in Gaza are still waiting for a home. While many of those displaced since the second *intifada* have been rehoused, a significant number of families remain in rental accommodation or are hosted by family members. This caseload includes many who have been waiting since well before *Operation Cast Lead*. Yet the vulnerabilities of the displaced do not differ considerably from the non-displaced in Gaza, despite the trauma and material cost of losing their homes and possessions, and even after long sojourns in poor conditions. In Gaza the lack of displacement-specific vulnerabilities is unfortunately an indication of the adverse conditions facing the population at large.

As a result of Israeli and Egyptian closure policies, and Israeli enforcement of the 'Access Restricted Area', Palestinian civilians in Gaza, displaced and non-displaced alike, are becoming increasingly impoverished. Opportunities for employment are few and declining, and even then the work that is available is often dangerous or exploitative. Overcrowding is a widespread problem, and on a daily basis Gaza's population must contend with overburdened and deteriorating health and education services, undrinkable water and only a few hours of electricity. The blockade is a severe impediment to efforts to rebuild housing for those who have lost their homes. Although cement and aggregate are classed as 'dual-use materials' and so restricted, both are freely available, albeit of lower or unverified quality and higher cost, on the local market should militants want to use them. In such a situation the blockade on construction materials only prevents their use by the UN and INGOs, who are not allowed by donor policies to purchase them, and the poor, who cannot afford them. The population lives with the stress and anxiety of growing poverty, and the uncertain threat of military escalation. Those living adjacent to the 'Access Restricted Area' or relying on land or waters within it for their livelihood suffer even more insecurity and obstruction to their normal lives. Respondents were almost unanimous in expressing desperation and frustration at having no control over the policies that put them at risk, and little hope that the situation would improve.

This study found that displacement did heighten some vulnerabilities, largely by forcing families to live in overcrowded conditions and take on debt in order to rebuild homes or meet rental payments. Overcrowding may contribute to poorer mental health and lower educational outcomes for children, and may be linked to family violence. The financial strain of rent or rebuilding costs may lead to increased poverty and indebtedness. Respondents most frequently mentioned having to limit the education of their children or themselves in order to cope with this. The displaced may also be in greater need of legal assistance as the lack of correct documentation to prove ownership is a widespread problem – often unknown to the families in question until it renders them ineligible for reconstruction assistance. Within the caseload of those who are displaced, UNRWA-registered refugees appear to be in a better position than non-refugees, as they have access to more reliable, higher-quality and unbiased assistance. While exclusive targeting is not the most appropriate response, there is still scope for actors seeking to mitigate the effects of the conflict on civilians to pay greater attention to internal displacement in Gaza, both in respect of the current caseload and ways to lay the groundwork for an improved response to future displacement events, such as investment in local legal institutions.

Compared to cities in Asia and Africa with burgeoning slums of neglected populations, urban displacement in Gaza is being met with an effective emergency response by national and international actors, and displaced refugees can expect long-term support from UNRWA. If the blockade were lifted and construction went ahead most of the currently registered caseload could be rehoused by 2013, though some might still fall outside the scope of humanitarian assistance, especially non-refugees and those whose houses were destroyed either prior to or after *Operation Cast Lead*. This is, however, only a partial solution; the larger problems are the unresolved occupation and broader conflict over self-determination. The situation has benefited from the presence of several major actors that both recognise and want to deal with displacement – something which is unfortunately not prevalent in many situations of urban displacement. UNRWA, with a 63-year track record and a well-run system, helps support 70% of the population. Its long-term presence and mandate also means that its aid delivery more closely resembles public service provision than an emergency operation, heightening coverage and effectiveness. This is highlighted by its ability to provide long-term rental assistance to displaced people who are between permanent housing solutions, though UNRWA's chronic funding shortages and the growing population mean that this programme is precarious. INGOs have designed innovative programmes, within the constraints they are presented with, to support livelihoods and provide protection. The high level of political interest in the Israel–Palestine conflict translates into significant humanitarian pledges, from both Western and Arab donors. There is a functioning national and local government, which distinguishes Gaza from many other states that are either unwilling or unable to address issues of displacement. Hamas understands that its legitimacy depends upon protecting, as best it can, the citizens of Gaza. This attention is unreliable and partisan, as underscored by Hamas' role in forced evictions, but it does provide a starting point for designing effective policies to deal with the challenges facing the population.

These challenges are only expected to worsen. People in Gaza express a strong desire for self-sufficiency, but on its current trajectory the population will in fact become more aid-dependent and will 'de-develop'. According to the UN, if the economy remains closed by 2020 Gaza may be 'unlivable' given the projected rate of population growth and the growing need for electricity, safe water, health and education (UN, 2012a). There are still regular 'smaller' Israeli airstrikes and escalations that result in home destruction and displacement, and another acute displacement event like the one triggered by *Operation Cast Lead* is not unlikely. This makes humanitarian assistance to the population necessary in the interim, but more crucially underscores the ultimate need for a political solution.

10.1 Preliminary recommendations

10.1.1 National authorities – PA/Hamas

- Both authorities need to subordinate factional interests to national reconciliation and governing in the interests of the Palestinian population in both the West Bank and Gaza.
- Community-level support networks are vital to the population's ability to cope with the challenges posed by the blockade, the conflict, displacement and poverty. Hamas should ensure the freedom for people in Gaza to associate and organise and the civic space in which to do so should be expanded.
- Both authorities should establish a legal and administrative framework for displacement, for example along the lines of the Guiding Principles for Internal Displacement. This would be binding for the authorities concerned and also guide the responses of other national and international actors.
- Hamas should also develop guidelines for undertaking evictions, informed by relevant international legal frameworks, and should refrain from forced evictions and the destruction of homes in the absence of protections for affected populations and adequate compensation.
- Humanitarian assistance must be provided according to need and not political affiliation. The ministries of the de facto authorities in Gaza should codify and apply transparent criteria for the delivery of assistance to vulnerable groups.
- A coherent administrative and legislative framework for dealing with urbanisation is urgently needed for Gaza. Such a framework must be led by a central authority and developed in consultation with the wide range of actors engaged in these issues, and experienced urban planners. This process could explore sustainable approaches to development in Gaza, in the interests of protecting depleted natural resources at the same time as generating new employment opportunities.

10.1.2 International governments/donors

- Governments, especially those upon which Israel depends for financial and diplomatic support, should lobby Israel to end the blockade of Gaza. Urgent interim measures should include permitting the speedy entry of all materials for the construction of humanitarian relief projects and to allow exports from the Gaza Strip, as well as freedom of movement of Palestinians, particularly to pursue educational and career opportunities in the West Bank.
- Donors should evaluate the relevance of limiting interaction with Hamas in regard to the impacts on prospects for peace, promoting good governance and sound development planning and ensuring that assistance can be delivered impartially and effectively to populations in need. They should support efforts to communicate back to capitals the impact these restrictive measures are having on the internally displaced and other residents through lack of capacity-building in local government and the judicial system.
- Donors should support rights-based approaches and programming which confronts the policies that cause displacement.
- Donors should support funding for refugees and non-refugees in Gaza and the establishment of a body that can channel that support in a transparent and accountable way.

10.1.3 International humanitarian and development organisations

- UN agencies, international NGOs and national NGOs and the displaced should engage in a discussion about how durable solutions for internal displacement in Gaza should be assessed, especially for those who have been displaced from the 'Access Restricted Area'.
- Efforts should also be made to standardise assistance on the basis of need between UNRWA-registered refugees and non-refugees.
- Actors based in the Gaza Strip should use available mechanisms – or if necessary establish new ones – to provide a holistic response to displacement. Inspiration should be drawn from the DWG in the West Bank's effort to link legal action, advocacy and assistance in one comprehensive displacement response that provides consistent rights-based messaging on displacement and standard assistance to all victims.
- Depending on their mandate and competencies, aid actors should coordinate their efforts to maximise the impact of measures to ensure respect for fundamental rights.
- Greater investigation is needed of the gender dimensions of overcrowding and displacement. While such research is undoubtedly sensitive it is vital to a full appreciation of the protection concerns of the displaced and the population at large.
- There is more broadly a need for long-term planning for assistance in a region with rapid population growth and little freedom of movement to the outside world. In the absence of shelter solutions the need for more housing will only become more crucial and the consequences of overcrowding more severe.
- Humanitarian organisations should explore the possibility of greater collaboration with the municipalities, whose recently developed IT systems could be used to create and maintain a database on the living conditions of displaced populations, and the collection of data to enhance emergency response strategies

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