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**Human rights situation in Palestine and other
occupied Arab territories**

Written statement* submitted by the Norwegian Refugee Council, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[27 May 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Gaza: From Reconstruction to Recovery

1. In the summer of 2014, Gaza suffered its third round of open hostilities in less than a decade, claiming over 2,000 lives and displacing 100,000 people. The humanitarian response has made progress in addressing the needs of Palestinians in Gaza, however the lack of access for persons and materials continues to impede meaningful recovery. In a recent study it was estimated that 75,000 people are still displaced,¹ and economic figures indicate that the blockade and land closure have resulted in the collapse of Gaza's economy with unemployment rising to over 40%.² This drastic de-development, combined with the worsening humanitarian crisis, has dire implications for the human rights of Palestinians in Gaza.

The Right to Adequate Housing

2. In the wake of the 2014 conflict, it was estimated that over 160,000 units³ were in need shelter assistance, with approximately 20,000 housing units having been destroyed or severely damaged to the point where they were no longer inhabitable.⁴ The remainder of the shelter need was for major and minor repairs. Due to the longstanding closure and shortage of construction material, the reconstruction efforts also had to contend with a significant housing backlog from prior hostilities and natural population growth.
3. Over the past two years there has been a concerted effort to reconstruct Gaza; repairs have been carried out on over 77,000 homes, and over 1,000 homes have been built.⁵ Repairs are currently underway for a further 16,000 homes, and reconstruction is in progress for 1,900 homes.⁶ One particularly notable element, has been the progress in pursuing a “build back better” strategy, whereby holistic reconstruction seeks to address underlying issues including the need for town planning, the identification and prioritisation of vulnerable groups, and addressing the lack of housing, land and property rights (HLP) – particularly for women.
4. Despite this progress, the housing needs of the population in Gaza remain vast. Recent estimates suggest that over 58,000 housing units still need repair assistance, and over 8,000 houses are awaiting reconstruction.⁷
5. The right to adequate housing is fundamental,⁸ not only in allowing people to live in safe conditions, but also in promoting the exercise of a range of other rights. Over the past two years, displaced persons in Gaza have been subject to extreme weather conditions including winter

¹ OCHA *Gaza Internally Displaced Persons* (April 2016) at p.1 accessed at https://www.ochaopt.org/documents/idps_report_april_2016_english.pdf

² The World Bank “Gaza Economy on the Verge of Collapse, Youth Unemployment Highest in the Region at 60 Percent” (21 May 2015) accessed at <http://www.worldbank.org/en/news/press-release/2015/05/21/gaza-economy-on-the-verge-of-collapse>

³ The Detailed Needs Assessment (DNA) indicated that 169,269 housing units were affected. Detailed Needs Assessment, *Ministerial Committee for the Reconstruction of Gaza* (August 2015) at p 104 accessed at http://www.lacs.ps/documentsShow.aspx?ATT_ID=21974

⁴ Gaza Response Update, *Shelter Cluster Palestine* (11 October 2014) accessed at <http://www.shelterpalestine.org/AllDocuments.aspx>

⁵ Shelter Cluster, *Shelter Cluster Situation Report* (May 2016) p.5 accessed at <http://www.shelterpalestine.org/Upload/Doc/924010fa-5ba1-4f28-9a31-1a368d475158.pdf>

⁶ Ibid at p.6

⁷ Ibid at p.6.

⁸ Article 11(1), International Covenant on Economic, Social and Cultural Rights (ICESCR) (3 January 1976)

flooding and extreme summer heat.⁹ Temporary shelter assistance has been provided to over 2,000 families, however this is only 17 percent of the total number of families displaced.¹⁰ Beyond the physical stresses faced by displaced persons, the societal effects were also notable, particularly in vulnerable populations, including women and children. Violence against women in Gaza is nearly double that in the West Bank, with 76% having been exposed to psychological violence and 78.9% having been exposed to social violence.¹¹ Furthermore, nearly 60% of children in Gaza report being exposed to violence in the home.¹² The provision of adequate shelter is essential to stabilizing displaced populations and allowing people to live in security and dignity.

6. Construction however goes beyond the right to shelter, also affecting education, water, sanitation and other basic services. The chronic lack of construction materials has meant that over 400 schools in Gaza are running on double shifts to accommodate all the students, and infrastructure projects in water and sanitation are frequently delayed by the inability to access materials.¹³

Naval Blockade and Land Closure

7. The blockade and land closure of Gaza have been consistently noted by the Secretary-General and the High Commissioner as a contravention of international law, with the Secretary General describing it as “a continuing collective penalty against the population in Gaza”¹⁴ and the ICRC considering it to be a form of collective punishment.¹⁵ The United Nations Special Coordinator for the Middle East Peace Process noted that “the restrictions on the [Gaza] Strip on the exit and entry of goods and people will continue to fuel instability, underdevelopment and conflict”.¹⁶ Despite this prognosis, the closure has remained largely unchallenged by the international community, with dire consequences for the population of Gaza.
8. Reconstruction of such extensive destruction is a slow and complex process, requiring extensive planning, coordination and financing. The complexity of the process in Gaza has been massively exacerbated by Israel’s restrictions on construction materials and other basic necessities under the imposed siege. Israel has enforced restrictions on any items it considers to be “dual use”. The list of “dual use” items is remarkably broad and includes items such as wood, water pumps, disinfectants, concrete blocks, cement, thermal insulation material, and welding equipment.¹⁷ These are essential civilian items, and when decision makers met in Cairo in October 2014 it was acknowledged that reconstruction would be impossible without their unhindered supply.

⁹ 3,360 families were provided with emergency assistance after winter floods in early 2016. Shelter Cluster, *Shelter Cluster Situation Report* (May 2016) p.4 accessed at <http://www.shelterpalestine.org/Upload/Doc/924010fa-5ba1-4f28-9a31-1a368d475158.pdf>

¹⁰ Ibid at p.4. 2,274 families received assistance out of 13,300 families displaced.

¹¹ Palestinian National Authority Palestinian Central Bureau of Statistics, “Main Findings of Violence survey in the Palestinian Society, 2011” at page 17, accessed at http://www.pcbs.gov.ps/Portals/_pcbs/PressRelease/el3onf2011_E.pdf

¹² Ibid. at page 18

¹³ EWASH, *Life Under Blockade: 86% of projects necessary to develop the ravaged wash sector in Gaza remain at risk*, (22 March 2016) accessed at

http://www.ewash.org/sites/default/files/inoptfiles/Press%20Release_EWASH%20World%20Water%20Day%20Palestine%202016_FNL.pdf

¹⁴ A/HRC/28/45, para. 70

¹⁵ ICRC “Gaza closure: not another year!” News Release 10/103 (14 July 2010)

<https://www.icrc.org/eng/resources/documents/update/palestine-update-140610.htm>

¹⁶ S/PV.7243.

¹⁷ Defense Export Control Order (Controlled dual use equipment transferred to areas under Palestinian civil administration) (amendment) 2015

9. In order to facilitate reconstruction, the parties negotiated the Gaza Reconstruction Mechanism (GRM), under the auspices of the UN. The mechanism has made significant progress in facilitating the importation of cement and steel bar, and by December 2015 had reached the highest levels since before the siege.¹⁸ Access to cement, combined with international funding for reconstruction, reinvigorated the construction industry in Gaza, which had previously accounted for 17% of Gaza's GDP but had all but collapsed after the tunnels to Egypt ceased importing materials.¹⁹ Reconstruction also had an important psychological impact, as people were able to see repairs taking place and witness progress which had previously been impossible.
10. While the advancement of construction under the GRM has been commendable, it is a temporary mechanism designed for a narrow purpose, and should not be seen as a solution to the siege. This was made evident in April 2016, when Israel summarily stopped the importation of cement for private projects in response to alleged diverting of cement from its intended beneficiaries.²⁰ This restriction lasted over 6 weeks, affecting over 70 per cent of the construction projects and causing numerous humanitarian organisations to suspend implementation, ostensibly penalizing those most in need of reconstruction.
11. The impact of the blockade on humanitarian projects is of particular concern. Even with the GRM, importing materials is administratively and financially burdensome, requiring agencies to devote substantial resources to procure basic materials. The lack of transparency and dependability of the system – as demonstrated by the latest stoppage – significantly increases costs and the risk of not being able to implement projects in time. Restrictions on movement of staff under the siege also diminishes humanitarian access, adding to the delays. This results in increased costs and the denial of essential humanitarian assistance. Palestinians are forced to live in substandard – and at times unsafe – conditions while they await reconstruction. In response, humanitarian organisations seek to provide transitional shelter solutions such as rental subsidies; however, the longer the reconstruction takes, the more aid is required to finance this, adding to the burden on international donors.

From Reconstruction to Recovery

12. The past two years of reconstruction have demonstrated that, despite substantial impediments, with a concerted international effort progress can be made in Gaza. It is now imperative that we begin the move from reconstruction to long term recovery, empowering the population of Gaza to improve their living conditions²¹ and live in a way which allows their human rights to be respected, protected and fulfilled. To achieve this we must reverse the conditions which have condemned Gaza to a chronic crisis, with over 80 per cent of the population reliant on some form of humanitarian assistance.²²

¹⁸ Over 100,000 tons of cement and steel bar came through the GRM in December. Shelter Cluster Palestine, *Construction Material Tracking for Gaza* (April 2016) at p.2 accessed at <http://www.shelterpalestine.org/Upload/Doc/574c3ce5-cf08-46a0-8926-ed79ae87cd14.pdf>

¹⁹ GISHA, *Where's the housing boom?* (17 August 2015) accessed at <http://features.gisha.org/wheres-the-housing-boom/>

²⁰ OCHA, *OCHA Flash Update: Ban on the import of cement into Gaza for the private sector results in scarcity and price increases* (28 April 2016) accessed at <https://unispal.un.org/DPA/DPR/unispal.nsf/0/CF19DC630075284185257FA3004ADAD4>

²¹ Article 11(1), *International Covenant on Economic, Social and Cultural Rights* (ICESCR) (3 January 1976)

²² The World Bank, *Economic Monitoring Report to the Ad Hoc Liaison Committee*, (27 May 2015) at p.6 accessed at http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2015/05/27/090224b082eccb31/5_0/Rendered/PDF/Economic0monit0oc0liaison0committee.pdf

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13. Since the blockade and closure, exports from Gaza have dropped by 97 per cent²³ with the number of trucks exiting Gaza being reduced from over a thousand per month, to less than 10.²⁴ The inability to export goods or work outside of Gaza has resulted in increasing unemployment and a rise in the price fuel and commodities have compounded the economic strain. By 2015 unemployment in Gaza was among the highest in the world, peaking at 43 per cent, with youth unemployment at over 60 per cent.²⁵ It is essential that restrictions on the flow of goods be lifted to allow the economy to recover.
14. Such economic de-development has dire consequences for human rights, and for the security of both Palestine and Israel. The reconstruction has shown that progress is possible, and that when mechanisms are put in place to increase the flow of goods and materials, it has a notable impact on Gaza, but more must be done. The international community must build upon this progress by insisting that Israel removes restrictions and provides for transparent and reliable mechanisms to move materials both into and out of Gaza, with a view to eventually lifting the siege entirely, recognizing the inseparable nature of occupied Palestinian territory. If Gaza is to recover, the obstruction of humanitarian assistance must cease forthwith, and avenues to export goods must be provided to stimulate the economy. The past two years have been a period of relative calm, and this must be capitalised on by lifting the restrictions and providing Palestinians in Gaza with hope for a better future.
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²³ Op Cit. 3 at p. 42

²⁴ GISHA "A Costly Divide" (February 2015) at p. 9, accessed at http://gisha.org/UserFiles/File/publications/a_costly_divide/a_costly_divide_en-web.pdf

²⁵ The World Bank "Gaza Economy on the Verge of Collapse, Youth Unemployment Highest in the Region at 60 Percent" (21 May 2015) accessed at <http://www.worldbank.org/en/news/press-release/2015/05/21/gaza-economy-on-the-verge-of-collapse>