Human Development Report 2009/10

occupied Palestinian territory

**Investing in *Human Security*
for a Future State**

Cover Page: "The Olive Tree of Jerusalem Mural" by Balain- Aremenian Ceramics of Jerusalem

FOREWORD

The human security paradigm calls on policymakers and other stakeholders to move away from a traditional, State-centric conception of security to one that concentrates on the security of individuals, their protection and empowerment. It is particularly relevant to the occupied Palestinian territory (oPt) because much of the narrative surrounding the conflict has focused on State security to the detriment of other concerns.

A new approach is required as it becomes ever clearer that the dominant conflict resolution and development paradigms applied to the oPt are in need of extensive re-evaluation to assess their relevance and approriateness. The fifth Palestinian Human Development Report 2009/10, *Investing in Human Security for a Future State*, captures and explains this predicament. It argues that all stakeholders must now prioritize the "liberation of human beings from those intense, extensive, prolonged, and comprehensive threats to which their lives and freedom are vulnerable". In so doing, it draws attention to a multitude of threats which cut across different aspects of human development in the oPt, highlighting the need for an integrated, participatory approach to advancing development, human rights and the emergence of an independent, viable Palestinian State.

The Report has drawn on the scholarship of the Arab Human Development Report 2009 *Challenges to Human Security in the Arab Countries*. It is hoped that together the documents will enhance the profile of the human security paradigm and prove its relevance to improving the lives of women, men, girls and boys in the Middle East.

Since 1990 the United Nations Development Programme (UNDP) has been issuing annual human development reports to assess the state of global development from a people-centred perspective; one that places the expansion of human capabilities, choices and opportunities at the heart of the development process. Human development reports are not statements of UNDP policy: the independence of the writing team is crucial, allowing for a solid analytical critique based on an impartial political and cultural analysis. The Palestinian Human Development Report for 2009/10 is the product of an independent research team, comprised of Palestinian and international readers and researchers who have scrutinized Palestinian society and the occupation critically. We hope that the Palestinian Human Development Report 2009/10 will be a useful tool for motivating discussion on human development issues in the oPt and beyond.

I wish to extend my thanks to all the contributors to the Palestinian Human Development Report 2009/10. My sincere hope is that the Report makes a modest contribution towards achieving justice and peace in the region.

Jens Toyberg-Frandzen
Special Representative of the Administrator
Jerusalem, January 2010

ACKNOWLEDGEMENTS

ACRONYMS

BBC...............................British Broadcasting Corporation
CMWU..............................Coastal Municipalities Water Unit
CPI................................Consumer Price Index
DCAF.............................Geneva Centre for the Democratic Control of Armed Forces
DCI................................Defence for Children International
DCO...............................District Coordination Office
EC-ECHO........................European Commission Humanitarian Aid Office
EU.................................European Union
FAO...............................Food and Agricultural Organization
GA.................................General Assembly (UN)
GDI................................Gender Development Index
GDP...............................Gross Domestic Product
GEM...............................Gender Empowerment Measure
HRC...............................Human Rights Council (UN)
HDI................................Human Development Index
HPI-1.............................Human Poverty Index
ICAHD............................Israeli Committee Against Housing Demolitions
ICCPR............................International Covenant on Civil and Political Rights
ICESCR..........................International Covenant on Economic Social and Cultural Rights
ICG...............................International Crisis Group
ICJ................................International Court of Justice
ICRC..............................International Committee for the Red Cross
ID..................................Identification card
IDF................................Israeli Defence Force
ILO................................International Labour Organization
IMF...............................International Monetary Fund
IRIN..............................Integrated Regional Information Networks
IWC...............................International Women's Commission
MCM..............................Million Cubic Meters
MDG..............................Millennium Development Goals
NUG..............................National Unity Government
NGO...............................Non-governmental Organization
NIS................................New Israeli Shekel
OCHA............................Office for the Coordination of Humanitarian Affairs
oPt................................occupied Palestinian territory
PA.................................Palestinian Authority
PCBS.............................Palestinian Central Bureau of Statistics
PCHR.............................Palestinian Centre for Human Rights
PHDR.............................Palestinian Human Development Report
PLO...............................Palestinian Liberation Organization
PNA...............................Palestinian National Authority
UDHR.............................Universal Declaration of Human Rights
UN.................................United Nations
UNDP / PAPP.................United Nations Development Programme / Programme of Assistance
                              to the Palestinian People
UNESCO.........................United Nations Educational Scientific and Cultural Organization
UNFPA............................United Nations Populations Fund
UNICEF...........................United Nations Children's Fund
UNRWA..........................United Nations Relief and Works Agency for Palestine Refugees
                              of the Near East
U.S................................United States of America
USAID.............................United States Agency for International Development
USD...............................United States Dollar
VTC...............................Vocational Training Centre
WHO..............................World Health Organization

Table of Contents

List of maps

List of boxes

List of figures

List of pictures

PREFACE

Decades of conflict have exposed people in the occupied Palestinian territory (oPt) to profound insecurity, loss of opportunities, desperation and increased political frustration. During the period covered by this Report, 2005 to early 2010, internal political polarization has surfaced as a new and growing threat to human security in the oPt. In concert with the increasingly restrictive physical and administrative framework of the prolonged occupation, political divisiveness is reversing social development gains, undermining governance institutions, eroding the human security of Palestinian men, women and children, and creating a crisis of confidence. In short, the Israeli/Palestinian conflict, the prolonged occupation and the recent breakdown in intra-Palestinian political relations create a situation in which multiple dimensions of human security are undermined and opportunities and space for human development are obstructed.

This, the fifth Palestinian Human Development Report (PHDR 2009/10), builds on the themes and conclusions of the four previous PHDRs. The first Report (1997) reflected on the complexity of promoting human development in the absence of a sovereign State. The 1999 Report went further, proposing how the foundations for that State might be laid. The PHDR 2002 was written under the shadow of renewed conflict. The extreme violence of the second *intifada* (uprising) prompted a call for a re-evaluation of the Oslo Accords and a re-assessment of the performance of the Palestinian Authority (PA). The most recent Report (2004) rightly predicted that territorial fragmentation would lead to further social and political disintegration, a theme which the current Report (2009/10) will explore in more depth, and it focused on individual empowerment, a subject which will be elaborated here. Deepening the themes that precede it, the fifth PHDR will introduce human security as a new concept for advancing development in the oPt. This concept is most simply described as a strategy through which to pursue a perfected triangle of development, freedom and peace as a necessary prerequisite to the achievement of full and secure Statehood.

As a series, the PHDRs collate and analyse knowledge that has been built up nationally and internationally on core issues affecting human development in the oPt within a context of prolonged occupation, Statelessness, external and internal conflict, the global economic crisis and irregular and derailed development. While such reports can only provide a synopsis of nuanced and complex matters, they endeavour to present accurate facts on the ground to reflect local perceptions that also reach out to a global audience. The PHDR 2009/10 presents information and analysis that will facilitate policy development by Palestinian civil society and political actors, the international community and concerned individuals.

The Report begins with a presentation of traditional indicators of human development. It goes on to describe key mechanisms and processes driving fragmentation and political divisions in the oPt, explores their concrete effects on the human security of Palestinian men, women and children, and presents recommendations on how to reinforce conditions that will facilitate human security, end the occupation and assist Palestinians and the international community to create a sovereign and democratic Palestinian State. The report concludes with a suggested way forward in which key policy messages and recommendations are captured.

Sufian Mushasha
oPt: Human Development Report , Team Leader
Jerusalem, January 2010

THE REPORT IN BRIEF

The Palestinian Human Development Report 2009/10 *Investing in Human Security for a Future State* is the fifth volume in the series of Palestinian Human Development Reports sponsored by the United Nations Development Programme (UNDP). The Report has been authored by an independent writing team comprised of international and Palestinian academics and development practitioners. The Report was prepared in the tradition of independence. Human development reports are deliberately not official UN or UNDP documents: they intend to stimulate and inform a dynamic, new, public discourse across the oPt and beyond. They do not reflect the official views of either organization, and some of the views expressed by the authors are not shared by UNDP or the UN.

The authors note with considerable concern that since the publication of the first Palestinian Human Development Report in 1997, Palestinians in the occupied Palestinian territory (oPt) have witnessed more violence – from the second *intifada* up to the Israeli entitled 'Operation Cast Lead' – and endured an increasingly overpowering and intrusive occupation system that penetrates their political, economic, social and cultural lives. Concomitantly, following the Oslo Accords in 1993, there has been an increased emphasis, from the Palestinian political representatives and the international community, on State-building in the oPt. However, it is evident that the State-building process and accompanying development policy has been largely abstracted from the needs of the Palestinian people. By utilizing the concept of human security, the PHDR 2009/10 calls for reconsideration of the State-building process in the oPt, involving people-centred development policies, and improved preparedness from systemic shocks, increased militancy and outside intervention. Human security is a pre-requisite for human development, and its widespread absence in the oPt has greatly impeded Palestinian progress.

Methodology

The methodology for the Report was designed to be participatory and to integrate public opinion and perceptions wherever possible. An Advisory Board co-chaired by the UNDP and the Ministry of Planning, involving a number of key Palestinian figures, was formed to lead the preparation process of the Report. After a theme was selected, reflections were gathered in a series of workshops in the West Bank and Gaza Strip, involving a range of commentators and research centres. Eighteen background papers were commissioned and prepared by fifteen local and three international individuals / organisations. In addition to this, an extensive survey was undertaken: *Palestinian Perceptions towards the Human Security Situation in the occupied Palestinian territory (2009)*, which has also been published as an independent document.

An independent Palestinian consultancy firm (Near East Consulting) was commissioned to conduct the human security survey; the findings and analysis drew on 4,700 randomly sampled telephone interviews with Palestinians living in the Gaza Strip and West Bank, including East Jerusalem. To ensure that the perceptions and analysis were accurately captured and conceptualised, the PHDR team and Near East Consulting took a number of steps to ensure reliability, including an examination of sampling and sample design, the interview process, fieldwork procedure for interviewers, the questionnaire, pre-testing, fieldwork, data cleaning and manipulation, data weighting and analysis.

After draft zero was produced the findings and recommendations were released for further consultation with a range of stakeholders in focus group discussions in the West Bank and Gaza Strip. A completed first draft was then submitted for external review by a range of experts.[1]

The PHDR 2009/10 builds on the scholarship of the UNDP's 1994 Global Human Development Report and the Arab Human Development Report 2009, both of which developed the theme of human security.

The concept

Human insecurity is the result of pervasive, recurrent or intense threats, and can only be remedied by the protection and empowerment of people. While the human security paradigm places a concern with human life and dignity at the fore, it is considered to be the rearguard of human development.[2] This Report explores the facets of human security (economy, food, health, environment, political, personal, community) from the perspective of establishing freedom from want, freedom from fear and freedom to live in dignity.

The consideration of these themes marks a move away from traditional concepts of security, where security was narrowly defined, in defensive terms, as security of territory from external aggression. The reframing of the concept of 'security', to one that places the security of individual on par with the State, is essential when reflecting on Israel and the oPt, and is particularly significant given the application of a security based discourse by the State of Israel to legitimise its actions in the oPt.

The status and trends of human development

The Report presents an overview of traditional development indicators, in addition to reviews of employment, poverty including food security, health including nutrition, women's empowerment and gender equality, education, and environmental sustainability.

The authors find a clear correlation between sectoral authority and the ability to positively affect human development in the oPt. They present a commanding argument that until Palestinians are afforded full economic and environmental control, specifically control over macro-economic policy, trade, livelihoods, water resources and borders, sustained development will remain elusive.

Territorial fragmentation and political polarization

Since 1967, the territorial breakup of the oPt has become gradually more pronounced. The State of Israel has systematically segregated Palestinians communities into a series of fragmented archipelagos (referred to variously as isolated islands, enclaves, cantons, and Bantustans) under a system that has been deemed "one of the most intensively territorialized control systems ever created".[3] Israel controls Palestinian air space, territorial waters, natural resources, movement and the macro-economic

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[1]   Mary Kaldor, Professor of Global Governance, London School of Economy; Mient Jan Faber, Professor of Human Security in War Situations, Free University, Amsterdam; Sally Stares, Postdoctoral fellow, Methodology Institute, London School of Economics; George Gicaman, Director of Muwatin, and Professor of Philosophy in Bir Zeit University; Jamil Hillal, scholar and major contributor to all previous PHDRs.

[2]   UNDP (2009) 'Arab Human Development Report 2009: Challenges to Human Security in Arab Countries'.

[3]   David Delaney, 'Territory: A Short Introduction', Blackwell Publishing (2005).

instruments that enable economic autonomy.

The Report contends that the territorial fragmentation of the oPt has severely weakened the central authority of the PA. A territory carved into small, disconnected enclaves, subject to Israeli military and economic closures, unable to offer justice to its dispersed people, and without its most sacred symbols of religion and identity, can hardly be viable and functioning. The more the central authority and central institutions of governance are eroded, the Report concludes, the greater the potential for political polarization. The consequence is that political difference is not resolved democratically but through force.

The Report finds that political polarization between Fatah and Hamas, has especially affected social cohesion in the oPt. This phenomenon has been greatly exacerbated by an increase in political violence and the suppression of civil rights by the authorities in the West Bank and Gaza Strip. The Report argues that some sort of national reconciliation process may be necessary to overcome the damaging effects of political violence and redress the marginalization of ordinary Palestinians from the political process.

Freedom from want, freedom from fear and freedom to live in dignity: human security in the oPt

The human security paradigm, informed by the UN's concept of 'In larger freedom', provides an important entry point for redefining engagement with Palestinian development issues in a more useful way. This approach takes into account both the ravages of prolonged occupation and the failings of conventional development techniques.

The pillars of human security, when understood in terms of their contribution to the basic goals of freedom from want, freedom from fear, and freedom to live in dignity, can bring about multiple benefits. The merit of this approach is that it allows neutral donors to ask what types of programmes could address Palestinian needs without contributing to the downward spiral of legitimacy which has beset Palestinian political representatives and institutions from the Oslo years to the present day. The Report gives a careful assessment of the multi-faceted insecurities faced by Palestinians; it also gives examples of existing Palestinian initiatives that are beginning to tackle these problems.

The Report finds that in the Palestinian case, as in other cases of occupation, the freedom to live in dignity is palpably absent. The Report find that building a self-sustaining economy, working on consensus regarding liberation strategies and galvanizing a popular movement aimed towards the realization of civil and political rights will be the key to alleviating insecurity.

Towards Cohesion: Investing in Human Security in the oPt

The on-going realities of occupation and the political polarization it creates result in a situation in which people in the oPt face multiple risks and threats, and live with broad-based insecurity. Whilst acknowledging that a continuation of the status quo is untenable, the Report supports a pragmatic approach to promoting human security whilst Palestinians are still under, or emerging from, occupation. Assuming a prolonged transition to sovereignty and self-determination within a state of internal incoherence, and following from its emphasis on popular mobilisation, the Report focuses on participatory State-building as critical to the promotion of political and social cohesion and overall human security in the oPt.

It is argued that social, economic and political participation is crucial both for building a viable Palestinian State and for galvanising a large scale civil rights movement. The participatory State-building priorities are highlighted as: gaining territorial integration / contiguity, economic integration, social cohesion, sovereignty and political reconciliation. To this end, a reformulation and reactivation of the long-serving principle of *sumud'* with proactive emphasis in the face of the prolonged occupation, is proposed as one strategy for popular mobilisation which could contribute to these priorities. Another important recommendation emerging from the Report is the need for an internal, indigenous reconciliation mechanism. A 'National *Sulha'* is proposed to repair some of the damages of political polarization and the resultant political violence.

The Report strongly suggests that if Palestinians deem that a two-State solution is part of the preferred resolution to the conflict, then in order that a sovereign Palestinian State is viable, such a State *must* have popular legitimacy and not be driven by either top-down or external actors. In its assistance to the emerging Palestinian State, the international community, and particularly the UN, must maintain neutrality and adopt a Do No Harm[4] approach to the provision of aid, whilst simultaneously honouring their obligations under international law, and ensuring compliance amongst the conflicting parties.

Framework for moving forward

Determined and courageous actions are necessary now to achieve the human security of Palestinians and ensure their self-determination and sovereignty. The framework for moving forward focuses on making the findings operational.

 A snapshot of the priorities highlighted include: ensuring aid be de-linked from the political process so that institutional arrangements can be established to ensure that the rights of Palestinians are protected and their needs are addressed; establishing a Commission for Effective Governance to monitor implementation in the short to medium term, building accountability and lending credibility to the State-building project.

The Report finds that the biggest obstacles to Palestinian unity remain the occupation, especially through its imposition of limited movement and access between the Gaza Strip, the West Bank and East Jerusalem, and the current internal political divisions. If these issues are addressed in line with international and Palestinian law, opportunities for reconciliation and national unity will be improved. Ensuring the accountability of political leaders, ending the siege of Gaza and encroachments into the West Bank including East Jerusalem are immediate and essential actions, and will hopefully have a catalytic effect on human security in the oPt at large.

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[4]   Mary B. Anderson (1999) 'Do No Harm: How Aid Can Support Peace – or War', Boulder: Lynne Rienner Publishers.

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Introduction and Context

Human development is incomplete without human freedom. Throughout history, people have been willing to sacrifice their lives to gain national and personal liberty.[1]

Global Human Development Report, 1990

1.1 Introduction

The situation in the oPt has been described as a crisis of human dignity in which the population is denied the basic rights to security, self-determination, movement, and access to employment and basic services.[2] After the Oslo Accords[3] and their unrealized promise, Palestinians have continued to face an overpowering and intrusive occupation that increasingly penetrates their political, economic, social and cultural lives, effectively limiting their life choices. The multi-faceted system of occupation employed by the State of Israel includes the blockade of the Gaza Strip, physical impediments such as roadblocks, settlements, and the Wall,[4] and restrictive administrative policies and practices that impact on every aspect of ordinary Palestinian life. It curtails freedom of movement and compromises individual and communal capacities to engage in economic and social life, to access health, education and

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[1] UNDP (1990) 'Human Development Report 1990: Concept and Measurement of Human Development'.

[2] UN (2009) 'Occupied Palestinian Territory Consolidated Appeals Process'.

[3] The Oslo Accords established several core principles: (i) the interim period would be of a limited duration (not exceeding five years); (ii) nothing would be done to prejudice the outcome of permanent status negotiations; and (iii) the final settlement "will lead to the implementation of Security Council Resolutions 242 and 338," which reaffirm the principle that territory cannot be acquired by force. The Declaration of Principles on Interim Self-Government Arrangements (13 Sep. 1993), PLO Negotiations Affairs Department available at http://www.nad-plo.org/listing.php?view=nego.

[4] 'The Wall' is referred to variously as the 'annexation wall', the 'separation wall', the 'security fence', the 'security barrier', and 'the apartheid wall'. This Report adopts the language used by the International Court of Justice (2004) in its advisory opinion 'Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory', Advisory Opinion, I.C.J. Reports.

commercial services.[5] The fragmenting impacts of these externally imposed constraints are also being compounded by a weak political and legal authority and the effects of internal division between the two main political parties, Fatah and Hamas. Recent years have seen flashes of factional fighting and signs that Palestinian trust and unity are becoming compromised.

The relationship between the two dominant political parties and their associated factions has deteriorated dramatically, especially after the international boycott of Hamas and its takeover of Gaza in 2007. There have been increasingly violent inter-Palestinian confrontations and the geography of the division, which sees Fatah in control of the West Bank and Hamas in control of the Gaza Strip, aggravates the political discord. Decades of persistent conflict have exposed Palestinians to profound insecurity and violence, loss of opportunity and increasing political frustration. From a human security perspective, which understands that development can only proceed if supported by security and human rights, one of the most tragic aspects of these losses is that the will and creativity needed to sustain a coherent peaceful resistance strategy is now seriously compromised. Within the overall context of the Israeli/Palestinian conflict, the prolonged occupation and the recent breakdown in intra-Palestinian political relations are creating a situation in which human security in all its dimensions is undermined and the opportunities for human development are obstructed or wholly thwarted.

1.2 Human security, human development and human rights in oPt

At its core, human security is concerned with freedom and dignity.[6] This Report understands human security as the best means to safeguard

lives from pervasive threats and promote long-term individual and collective fulfilment.[7] Palestinian men, women and children face persistent and multiple forms of insecurity including large numbers of deaths resulting from both the occupation and internal fighting, other human rights violations, injustice, weak governmental authorities, a lack of political legitimacy and the global economic crisis. Even during periods of relative calm, their lack of self-determination remains constant. Why is this state of affairs allowed to persist, and indeed escalate, and what can be done to stop it? The Report aims to answer these questions through reference to a human security model which focuses on people, their human rights and desire for freedom.

Traditionally, security has been narrowly defined, in defensive terms, as "security of territory from external aggression."[8] According to UNDP's Human Development Report 1994, the concept of security was originally related more to nation-States than to people. From this perspective, "forgotten were the legitimate concerns of ordinary people who sought security in their daily lives". The Report notes that for most people, insecurity is intricately connected to the lived realities of daily life captured in questions such as these: "Will they and their families have enough to eat? Will they lose their jobs? Will their streets and neighbourhoods be safe from crime? Will they be tortured by a repressive State? Will they become a victim of violence because of their gender? Will their religion or ethnic origin target them for persecution?"[9]

The reframing of what 'security' can mean is particularly important in Israel and the oPt because the Israeli focus on State security over and above the requirements of human security has been a dominant theme since the inception

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[5] World Bank (2009) 'West Bank and Gaza Assessment of Restrictions on Palestinian Water Sector Development', Report No 47657-GZ, Middle East and North Africa Region. See Chapter 3 for additional details.

[6] UNDP (1994) 'Human Development Report 1994 New Dimensions of Human Security', New York: Oxford University Press.

[7] Sen, Amartya (2000) 'Why Human Security', Text of Presentation at the International Symposium on Human Security Tokyo, 28 Jul. 2000.

[8] UNDP (1994) 'Human Development Report 1994 New Dimensions of Human Security', New York: Oxford University Press.

[9] UNDP (1994) 'Human Development Report 1994 New Dimensions of Human Security', New York: Oxford University Press.

of the State. This uncompromising focus on State security – to the significant detriment of human concerns – has been supported by external powers.[10] It is imperative, if development and lasting peace are to be secured, that security be re-envisioned as something that guarantees the collective safety of Palestinians and Israelis rather than just the military security of the State of Israel.

Human security, as a people-centred approach, enables a comprehensive identification of threats to the "survival, daily life, and dignity of human beings," and promotes efforts to overcome them.[11] Human security also requires a guarantee that gains made today will not be taken away tomorrow. The human security paradigm acknowledges that some States are increasingly failing in their fundamental responsibility to provide individual and collective safety. Indeed, in some instances, States themselves are the primary threat.[12] As this Report documents, this is the case in the oPt because the authorities, whether Palestinian or Israeli, are routinely involved in egregious violations of human rights.

Human security involves both empowerment and protection and recognises that both strategies are mutually reinforcing. Empowerment can be defined as "…strategies [that] enable people to develop their resilience to difficult situations"[13]. It is a "bottom up" approach, aimed at developing the capabilities of individuals and communities to make informed choices and to act on their own behalf. Empowering people not only enables them to develop their full potential but it also allows them to find ways and to participate in solutions to ensure human security for

themselves and others. Protection can be defined as "…strategies, set up by states, international agencies, NGOs and the private sector, [to] shield people from menaces"[14] It is a "top-down" approach, recognising that people face threats that are beyond their control (e.g., natural disasters, financial crises and conflicts). Human security therefore requires protecting people in a *systematic*, *comprehensive* and *preventative* way. States have the primary responsibility to implement such a protective structure. However, international and regional organizations; civil society and non-governmental actors; and the private sector also play a pivotal role in shielding people from menaces.

Human security is an essential complement to State security because it is driven not by military concerns but by a determination to address economic, social, political and cultural failings that undermine personal safety and can eventually erode the very existence of the State. It understands State security as intimately connected to human security and the wellbeing of the polity as inextricably linked to the wellbeing of the State.

By acknowledging that there can be multi-faceted and interrelated threats to individuals and communities, a human security paradigm encourages an assessment of risks to economic growth, political freedoms, food, health, and environmental security, and community and personal safety. From this holistic paradigm, a human security perspective prioritizes freedom from fear, freedom from want, and freedom to live in dignity.

While human development also encompasses the expansion of freedom, choices and dignity,[15] there are some important differences between the concepts of human security and human development. Human security is not as broadly defined as human development: its aim is not to open-handedly expand all capabilities, but rather to define and provide vital capabilities to all persons equally. Human development, by contrast, is more

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[10] The Quartet is made up of the European Union, Russia, the United States and the UN, and has the responsibility to mediate the conflict between the Israelis and the Palestinians.

[11] Sen, Amartya (2000) 'Why Human Security', Text of Presentation at the International Symposium on Human Security Tokyo, 28 July. UNDP (2000) 'Human Development Report 2000: Human Rights and Human Development', New York.

[12] Ogata, Sadako (2003) 'Fifth Ministerial Meeting of the Human Security Network', Graz, Austria, 8 May.

[13] Commission on Human Security (2001) *Human Security Now*.

[14] Commission on Human Security (2001) *Human Security Now*.

[15] Sen, Amartya (2000) 'Why Human Security', Text of Presentation at the International Symposium on Human Security Tokyo, 28 Jul. 2000.

extensive and can address issues that are clearly not basic.[16] The second difference is that the human security paradigm tries to address threats such as violence or economic downturn directly: it recognizes that wars are a real possibility and in some cases, such as the oPt, an entrenched reality. While the objective of human development has been "growth with equity," human security can address "downturn with security".[17] To a larger extent than a human development policy, a human security agenda foresees and develops responses to multi-faceted threats.

UNDP's Human Development Report (2000) reasserts that "human rights are possessed by all persons, by virtue of their common humanity, to live a life of freedom and dignity," and indeed, human rights and a rights-based approach help ensure sustained and sustainable human security and human development. Universal, inalienable and indivisible, "Human rights express our deepest commitments to ensuring that all persons are secure in their enjoyment of the goods and freedoms that are necessary for dignified living."[18]

Human security and human development, informed by human rights "share a common vision and a common purpose: to secure the freedom, well-being and dignity of all people everywhere."[19] They aim to protect:

- Freedom from discrimination-by gender, race, ethnicity, national origin or religion

- Freedom from want-to enjoy a decent standard of living

- Freedom to develop and realize one's human potential

- Freedom from fear-of threats to personal security, from torture, arbitrary arrest and other violent acts

- Freedom from injustice and violations of the rule of law

- Freedom of thought and speech, and to participate in decision-making and form associations.[20]

Given that the oPt lacks State sovereignty, Palestinians must rely on the international law, specifically human rights law and humanitarian law, as appropriate, to protect these rights. These include:

- Customary international law, which are a set of rules developed from international and national jurisprudence, in addition to State practice. The rules are legally binding on all States

- International humanitarian law, including Hague and Geneva law, most relevantly the Fourth Geneva Convention governing situations of belligerent occupation

- International human rights law, particularly those Conventions signed by Israel (engaging extraterritorial obligations in the oPt): International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; Convention on the Rights of the Child; Convention on the Elimination of Discrimination Against Women; International Convention on the Elimination of All Forms of Racial Discrimination; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The occupation of the oPt is now over forty years old. The Oslo Accords – elements of which are still relevant today – envisaged a five year transition period to an independent state; but they are now over fifteen years old. Development gains achieved during the relative calm of the Oslo period (1993-1999) are being rapidly eroded and as a result, human insecurity is growing as Palestinians continue to suffer prolonged occupation, conflict and other multi-faceted chal-

[16]   Alkire, Sabrina (2003) 'A Conceptual Framework for Human Security', Centre for Research on Inequality, Human Security and Ethnicity, CRISE.

[17]   Sen, Amartya (2000) 'Why Human Security', Text of Presentation at the International Symposium on Human Security Tokyo, 28 Jul. 2000.

[18]   UNDP (2000) 'Human Development Report 2000: Human Rights and Human Development' New York

[19]   UNDP (2000) 'Human Development Report 2000: Human Rights and Human Development' New York.

[20]   UNDP (2000) 'Human Development Report 2000: Human Rights and Human Development' New York.

lenges to their human security. It is becoming increasingly clear that the dominant conflict resolution and development paradigms applied to the oPt are in need of extensive re-evaluation to assess their relevance and appropriateness. By contrast, the human security paradigm is suited to the Palestinian situation because policies to promote human security foresee threats of diverse origins and work to create the capacities needed to prevent, mitigate, or cope with that which cuts into people's vital interests.[21]

1.3 Context

The oPt consists of the West Bank, including East Jerusalem, and the Gaza Strip (see Map 1). The Gaza Strip and the West Bank are not contiguous[22] and the State of Israel[23] controls the borders of the territory with Egypt and Jordan.

The Gaza Strip is approximately 41km (25 miles) long and between 6-12 km (4-7.5 miles) wide, with a total area of 360 km² (136 miles²). This narrow coastal plain is

Map 1: Israel and the oPt

Source: UNEP, 2009

bordered by Egypt to the south-west, Israel on the east and north and the Mediterranean Sea on the west. It is divided into five governorates of roughly equal area north to south: Rafah; Khan Younis; Deir al-Balah; Gaza City; and the Northern District (containing the towns of Beit Hanoun and Beit Lahia). With an estimated population of 1.4 million people,[24] the Gaza Strip is one of the most densely populated areas in the world.

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[21] Alkire, Sabrina (2003) 'A Conceptual Framework for Human Security', Centre for Research on Inequality, Human Security and Ethnicity, CRISE.

[22] The final status of the oPt, including borders, has still to be negotiated. In 1980 the State of Israel claimed to have annexed East Jerusalem. The UN's Security Council Resolution 478 noted that this annexation is in violation of international law and declared it null and void.

[23] The 'State of Israel' and the 'Occupying Power' are used interchangeable in the Report.

[24] For exact population figure see Chapter 2.

The West Bank is a landlocked area located on the west bank of the Jordan River with a population of approximately 2.3 million. On its west, north and south is Israel and Jordan lies to its east. The West Bank has a total land area of approximately 5,640 km² (2178 miles²) and borders of 404km (251 miles), although because the borders are so contentious this is difficult to calculate precisely. The West Bank is divided into eleven governorates: Hebron; Bethlehem; East Jerusalem; Ramallah and al-Bireh; Jericho; Salfit; Qalqilya; Nablus; Tulkarm; Tubas; and Jenin.

Jerusalem is the disputed capital city of Israel and the oPt. Between 1948 and mid-1967, it was divided in two: West Jerusalem, which covered an area of about 38 km², was under Israeli control. East Jerusalem, which contained an area of some 6 km², was ruled by Jordan. In June 1967 Israel annexed approximately 70 km² to the municipal boundaries of West Jerusalem and imposed Israeli law there.[25] This annexation included not only the part of Jerusalem that had been under Jordanian rule, but also an additional 64 km², most of which had belonged to 28 villages in the West Bank and part of which belonged to the municipalities of Bethlehem and Beit Jala. Following this annexation, the area of West Jerusalem tripled, and Jerusalem became the largest city in Israel. The Jerusalem Institute for Israel Studies reports that the total area of the Jerusalem Municipality is now 126,400 dunams.[26] Figures from the Institute for 2008 record the total population of Jerusalem as 747,600 (265,000 Palestinians and 487,100 Israelis).[27]

In 2008 there were 10.5 million Palestinians worldwide, approximately 70% of whom are refugees constituting the world's largest refugee population.[28] One in three refugees around the world is Palestinian; around half of all Palestinian refugees and displaced persons are Stateless.[29] In response to the mass displacement of Palestinian refugees in 1948, the UN General Assembly passed Resolution 194, which states that "…the [Palestinian] refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date".[30] For decades, the State of Israel has ignored this decision and denied refugees their right to choose to return to their homeland. Within the oPt, 44.6% of the population or approximately 1.7 million people are refugees, of which 31% are in the West Bank and 67.6% are in the Gaza Strip.[31] This amounts to 1,059,548 registered refugees in the Gaza Strip and 754,263 in the West Bank. 191,408 refugees live in 19 United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) camps in the West Bank, and 492,299 refugees live in 8 camps in the Gaza Strip. The remaining refugees live in cities, villages and unofficial camps across the oPt.[32] The population density in the Gaza refugee camps, according to UNRWA, is the highest in the world.[33]

Prior to 1967, the West Bank was under Jordanian control and the Gaza Strip was under Egyptian control. Since the Six-Day War in 1967 the Gaza Strip and the West Bank, including East Jerusalem, have been under occupation by the State of Israel resulting, among other things, in a violation of the right of the Palestinian people to exercise self-determination. During the reporting period, the machinery of occupation, including checkpoints, closures and curfews, placed severe restrictions on Palestinian individuals, families, and communities, restraining their economic, social and cultural affairs. Settlement expansion,

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[25] B'tselem (2009) 'East Jerusalem: Legal Status'.

[26] A dunum is a unit of land measurement dating back to the Ottoman Empire; it is equivalent to a thousand square metres, or 0.25 acres. Jerusalem Institute for Israel Studies (2008) 'Statistical Yearbook'.

[27] Jerusalem Institute for Israel Studies (2008) 'Statistical Yearbook'. For more information on the status of Jerusalem, see Chapter 3.

[28] PCBS (2008) 'Special Report on the 60th Anniversary of the Nakba', 15 May. 2008.

[29] Rempel, Terry (2006) 'Who are Palestinian Refugees?', Forced Migration Review, Issue 26, Sep. 2006.

[30] UN General Assembly Resolution 194 (1948) available at http://daccess-ods.un.org/TMP/9037396.html.

[31] PCBS (2008) 'Special Report on the 60th Anniversary of the Nakba', 15 May 2008.

[32] 'Unofficial camps' pertains to urban neighbourhoods – not administered by UNRWA – with a heavy concentration of refugees.

[33] See UNRWA statistics available at http://www.un.org/unrwa/refugees/gaza.html.

a separation barrier which will be referred to in this Report as the Wall, and demolitions of Palestinian-owned houses and structures in Area C and East Jerusalem and dispossessing hundreds of Palestinians in the West Bank.[34] Such restrictions, the fragmenting effects of the Wall, the containment and blockade of Gaza, the many military incursions and the violence stemming from a growing internal conflict, are eroding the social fabric of Palestinian society.

To varying degrees, the mechanisms of occupation shape the life trajectories of the majority of the population, with all Palestinians under 40 having lived their lives under occupation. The occupation has become a structuring element of everyday life in the oPt. Palestinian individuals, families and communities have been forced to negotiate and adapt to it over the past two decades and most acutely in the past eight years. Generalized insecurity and anxiety colour the backdrop of Palestinian life; violence, intimidation and humiliation meted out by the IDF, Israeli settlers and increasingly by intra-Palestinian fighting, are often daily experiences.

Map 2: the West Bank and Gaza Strip
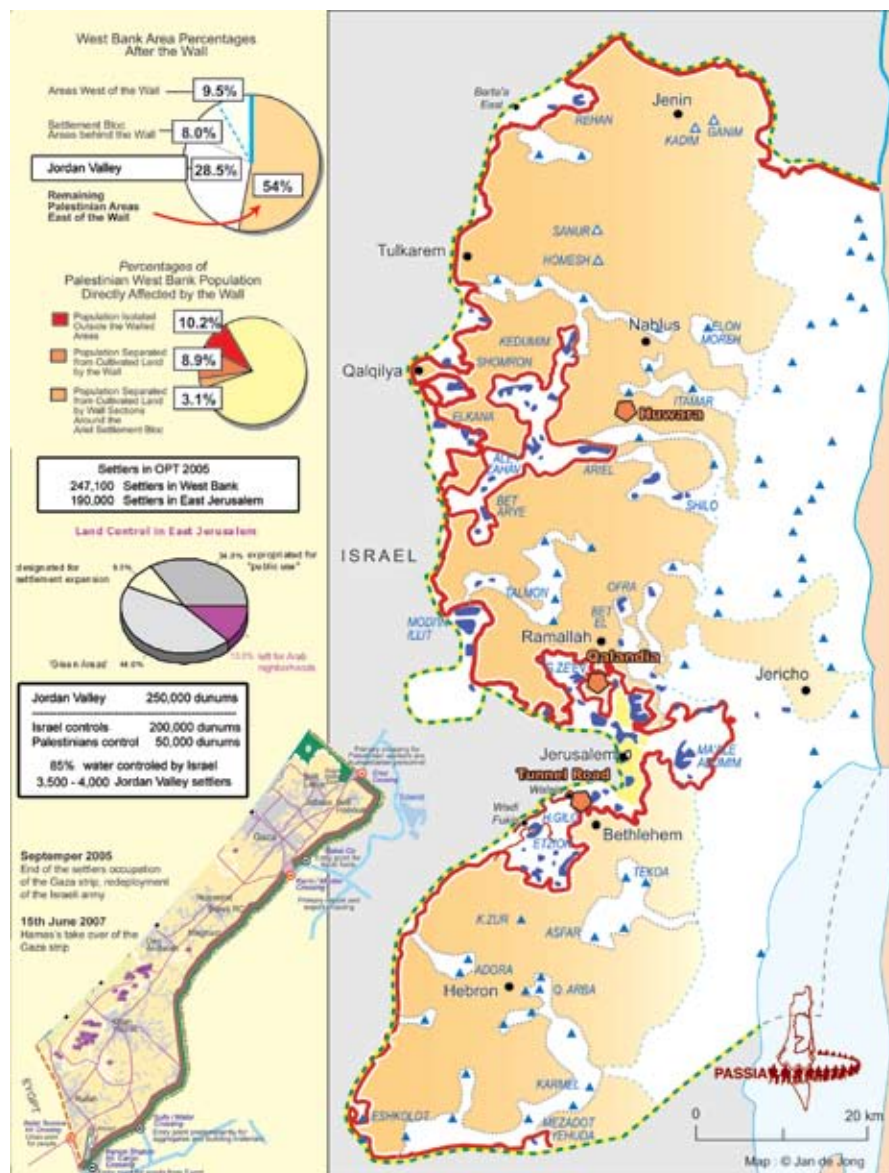
Source: PASSIA, 2006

Through Israel's expansion and building of illegal settlements, outposts and the Wall, as well as its designation of specific areas as military and nature zones, the oPt is evolving into a collection of narrower, more confined and increasingly isolated enclaves with high population densities that are subject to various residency status and other regimes of control. These 'islands' of populations are separated from each another by a range of obstacles to access and movement, including, in the West Bank, a complex permits system, military checkpoints, roadblocks, a segregated highway system which refuses Palestinians access to certain roads, and the Wall. Gaza has been closed off

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[34] Discussed in depth in Chapter 3.

from the outside world more or less hermetically since Israeli disengagement in September 2005, with a tight blockade in place since Hamas took over the Strip in June 2007. Through its physical and administrative architecture, the Occupying Power is able to assume control over the enclaves as well as the relationships between them. Living conditions have consistently deteriorated as the territory is too resource poor and overpopulated to be able to function in isolation from the rest of the world.[35]

The physical and administrative restrictions imposed by Israel on the movement of Palestinians is changing the physical landscape and built environment. For example, when certain residential and/or farming areas within the oPt (and Israel) are deemed to be for the sole use of the State of Israel and its citizens, Palestinians are forced to rebuild their lives elsewhere. One effect of this type of displacement is increased urbanization within an increasingly shrinking area of land. In essence urban centres, such as Ramallah, are becoming increasingly distinct and isolated economic islands that are largely subsistence-based; there is no 'national' economy per se.

Similarly, the Palestinian political field has experienced qualitative changes since the 1980s. It started out being led by a liberation movement, the Palestinian Liberation Organization (PLO), characterized by intellectual, political and organizational pluralism although dominated by one large political organization, Fatah. As a result of the Oslo Accords, the Fatah movement became – de-facto – the Palestinian Authority (PA) in 1995, a governing system that lacks the minimum elements of a sovereign independent State. Tensions between Hamas (the 'opposition' – Hamas considers Israel an illegitimate State and Israel views Hamas as a terrorist group that must be dismantled) and Fatah (the 'authority') began to climb in 2005 after the death of long-time PLO leader Yasser Arafat and intensified further after

Hamas achieved considerable success in the elections for the Palestinian Legislative Council on January 25, 2006, winning 74 of the 132 available seats, while Fatah's 45 seats positioned it as the opposition party.

While pluralism has survived, the political field has been transformed by the competition and conflict that marks the current political impasse between Fatah and Hamas. [36] The lack of legitimate political authority and State sovereignty is one of the principle drivers of human insecurity in the oPt.

The perceived corruption, fragmentation and lack of accountability of the internal Palestinian security services – ostensibly driven by political affiliation – is also a major concern in the oPt. In the West Bank, the newly taught and better equipped Palestinian National Security Forces, trained in Jordan with U.S. funding, are establishing a wholesale crack-down on Hamas operatives (and supporters).[37] Similarly, internal security services in the Gaza Strip, currently monopolized by Hamas, are violently impinging on civil and political freedoms. The Geneva Centre for the Democratic Control of the Armed Forces (DCAF) when reporting on the situation in Jenin in 2009, found that civil society no longer trusts those in authority and fears an increase in repression: "Arrests and investigations have become political," said civilians they interviewed. "The Palestinian authorities, whether here or in Gaza, have lost the trust of the people."[38]

Indeed, security service reform is one of the thorniest issues on the table at the national unity talks between Fatah and Hamas. The maintenance of basic law and order is also impeded by a compromised legislature and judiciary, as will be discussed in Chapter 5. The following section highlights some of the key actions influencing the human security and human development status during the reporting period.

[35] The international blockade has the harmful effect of unintentionally promoting informal and illegal economic activities – like for example the extensive tunnel economy – as well as doing more direct harm to the Palestinian population in the Gaza Strip.

[36] Hilal, Jamil (2009) 'Severe Polarization in, and Fragmentation of, Palestinian Society', background paper for the PHDR, commissioned by UNDP, Jerusalem.

[37] ICG (2008) 'Palestine Divided', Middle East Briefing No. 25, 17 Dec. 2008.

[38] DCAF (2009) 'Civil Society Spotlight' No. 3, Aug. 2009.

1.4 Key events shaping human security from 2005 to mid-2009

Israeli's unilateral disengagement from the Gaza Strip (September 2005) involved the removal of Israeli settlements and around 8,500 settlers, the demolition of buildings and farming infrastructure (at the request of the PA), and the evacuation of military personnel. The former Israeli Prime Minister, Ariel Sharon, declared that its withdrawal marked "the end of Israeli control over and responsibility for the Gaza Strip."[39] However, while disengagement did result in the relinquishment of certain controls over Gaza, it was followed by the introduction of a regime of containment and the tightening of control over air, sea and land borders. The first military actions, including bombardments, began and continue to this day. Despite what it claims, the highest authorities in international law have stated that its disengagement has not absolved the State of Israel of its obligations as an Occupying Power.[40]

After disengagement, *the Agreement on Movement and Access* and the Agreed Principles for Rafah Crossing (November 2005) signed by Israel and the PA were set up to decide the conditions of entry to and exit from Gaza. The Agreement on Movement and Access has the stated aim "to promote peaceful economic development and improve the humanitarian situation on the ground". It lays out several elements, including opening the international Egypt-Gaza border at Rafah and commercial crossing points from the Gaza Strip into Israel; facilitating movement of people and goods within the West Bank, including a plan to reduce obstacles to movement; facilitating movement of people between the Gaza Strip and the West Bank through bus and truck convoys; and constructing a seaport in Gaza. This Agreement has never been implemented and the ability of Palestinian residents of the Gaza Strip to access either the West Bank or the outside world remains extremely limited, except in a few special cases,

while the flow of commercial trade is negligible. Freedom of movement within the West Bank is also heavily restricted and continues to be eroded:[41] in 2008 alone, the number of fixed physical walls increased from 528 to 563.[42]

Adhering to the principles of democracy has also not brought Palestinian increased security. Voters in the Gaza Strip and the West Bank, including East Jerusalem, were eligible to participate in *the 2006 elections* which were described by the Quartet as "free, fair and secure."[43] Nonetheless, shortly after the elections, the State of Israel and the major donors imposed economic sanctions against the PA, directed specifically at Hamas. President Olmert stated "It is clear that in light of the Hamas majority in the Palestinian Legislative Council (PLC) and the instructions to form a new government that were given to the head of Hamas, the PA is – in practice – becoming a terrorist authority".[44] The sanctions consisted of: (i) withholding tax revenues collected in the oPt by Israel; (ii) cutting off international aid to the PA by the major donors; (iii) imposing Israeli restrictions on Palestinians' freedom of movement and the movement of goods in and out of the oPt; and (iv) imposing U.S. banking restrictions on the oPt. These sanctions were escalated in June 2007 following the Hamas take-over of Gaza when a more severe Israeli Blockade on the Gaza Strip was initiated. They undermine human security and are aggravating the splits and socio-economic decline of the territory.

The last few years have also seen a scaling-up of Israeli military actions against the oPt. *Operation Summer Rains* began on June 28, 2006 as the first large-scale conventional war

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[39] Gisha (2007) 'Disengaged Occupiers: the Legal Status of Gaza' Jan. 2009.

[40] Gisha (2007) 'Disengaged Occupiers: the Legal Status of Gaza' Jan. 2009. See Chapter 3.

[41] OCHA-oPt (2009) 'Report No. 85 Implementation of the Agreement on Movement and Access and Update on Gaza Crossings', 04-17 Feb. 2009. http://www.mfa.gov.il/MFA/Peace+Process/Reference+Documents/Agreed+documents+on+movement+and+access+from+and+to+Gaza+15-Nov-2005.htm. Chapter 2 explores movement and access in greater detail.

[42] OCHA-oPt (2008) 'Consolidated Appeals Process oPt'.

[43] ICG (2006) 'Palestinians, Israel and the Quartet: Pulling Bank from the Brink' Middle East Report No. 54, Jun.

[44] BBC News (2006) 'Israel to impose Hamas sanctions', 19 Feb. 2006 available at http://news.bbc.co.uk/2/hi/middle_east/4729000.stm

since Israel's unilateral disengagement from the Gaza Strip in September 2005. According to the State of Israel, it was launched both to suppress the firing of rockets into the Negev area of Israel by Palestinian resistance groups and secure the release of Staff Sergeant Gilad Shalit, a member of the Israeli army who was kidnapped by Hamas on June 25, 2006. Israel "used tanks, troops, gunboats and aircraft to attack the Gaza area,"[45] causing the deaths of and injuries to many Palestinians as well as the destruction of essential infrastructure, including three bridges and the only electricity plant in the Strip.

When the Operation ended with an Israeli withdrawal and a ceasefire between Hamas and Israel, no deal for the release of Shalit had been reached. The destruction to civilian property and infrastructure caused by the war – which Israeli human rights organisation, B'tselem, described as punitive – adversely affected the electricity supply, water and sewage systems and medical facilities in the Strip.[46] The Swiss Foreign Ministry noted that a "number of actions by the Israeli defence forces in their offensive against the Gaza Strip have violated the principle of proportionality and are to be seen as forms of collective punishment, which is forbidden....There is no doubt that [Israel] has not taken the precautions required of it in international law to protect the civilian population and infrastructure."[47]

After Operation Summer Rains in June, mutually destructive conflict, military incursions and rocket fire involving Israel and residents of the Gaza Strip continued until another large military incursion, **Operation Autumn Clouds**, began on November 1st 2006. From July 1, 2006

to November 4, 2006, 391 Palestinians and five Israelis were killed.[48] The IDF began to withdraw from the Strip on November 7, 2006.

Following Israel's withdrawal, the fighting turned inwards with the breakdown in relations between the Hamas-led government and Fatah opposition leading to intense fighting from December 2006 to January 2007. Several ceasefire attempts failed as a result of continued battles until in February 2007, Fatah and Hamas met in Mecca and agreed to a ceasefire. Even so, minor incidents continued throughout March and April 2007, ending with another series of violent clashes in May 2007 and the **Hamas take-over of Gaza** on June 14, 2007. This move was described by President Abbas and Fatah as a premeditated coup d'état and by Hamas as the 'Second Liberation' of the Gaza Strip.[49] The ICRC estimated that at least 118 people were killed and more than 550 were wounded.[50] This bloody and violent confrontation was a shock to the Palestinian people who had prided themselves until then on being able to peacefully solve the internal conflict.

The **Israeli containment and blockade of Gaza** began in June 2007 and compounded the pre-existing policy of isolation, strangling Gaza's once thriving economy, reducing the supply of basic goods such as food, money, fuel, cement, glass, medicines, and spare parts for water and electrical infrastructure, and creating a severe crisis of human dignity and fear for the population. The State of Israel changed the movement arrangements at the five Gaza border-crossing points under its control (Erez, Karni, Kerem Shalom, Nahal Oz, and Sufa) and, except in some exceptional cases, does not permit the movement of people or goods between Israel and Gaza.[51] Egypt also partially sealed its border crossing with Gaza.[52]

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[45] The Jerusalem Post (2006) 'Switzerland: Israel violating int>l law', 3 Jul. 2006, available at http://www.jpost.com/servlet/Satellite?cid=1150885911457&pagename=JPost%2FJPArticle%2FShowFull

[46]   B'tselem (2006) 'Act of Vengeance: Israel's Bombing of the Gaza Power Plant and its Effects', Sep. Amnesty International (2006) 'Israel/Occupied Territories: Hostage-taking and wanton destruction must cease', 28 Jun. 2006.

[47] The Jerusalem Post (2006) 'Switzerland: Israel violating int>l law', 3 Jul. 2006, available at http://www.jpost.com/servlet/Satellite?cid=1150885911457&pagename=JPost%2FJPArticle%2FShowFull

[48]   OCHA-oPt (2006) 'Protection of Civilians: Weekly Briefing Notes'; Bt'selem (2006) 'Statistics: Fatalities'.

[49] ICG (2007) 'After Gaza', Middle East Report No. 68, 2 Jul. 2007.

[50]   ICRC (2007) 'Gaza-West Bank – ICRC Bulletin', No 22/2007.

[51]   B'Tselem (2007) 'The siege on the Gaza Strip', 24 Jul. 2007.

[52]   OCHA-oPt (2009) 'The Humanitarian Monitor', Apr. 2009.

In response, the U.S organised the **Annapolis Conference** on November 27, 2007 to bring together President Abbas of the PA, former Prime Minister Olmert of Israel and former President Bush of the U.S. A joint Statement was released expressing "determination to bring an end to bloodshed, suffering and decades of conflict between our peoples, to usher in a new era of peace based on freedom, security, justice, dignity, respect and mutual recognition, and to propagate a culture of peace and nonviolence, and to confront terrorism and incitement whether committed by Palestinians or Israelis."[53] The parties to the conference also committed to immediately implement their respective obligations under the 'Roadmap' – a proposed pathway to a permanent two-State solution issued by the Quartet on 30 April 2003 – and agreed to form an American, Palestinian and Israeli mechanism, led by the US, to follow up on the implementation. The implementation mechanism proved inadequate, however, and the 2008 deadline for a breakthrough in negotiations was never met.

On January 23, 2008 hundreds of thousands of Palestinians crossed the border into Egypt after entire sections of **the border fence at Rafah** were blown up in a reaction to the economic siege and containment of Gaza. "Within six hours, every store and pharmacy in the area was emptied of its merchandise, including food, milk, medicines and fuel," noted Egyptian journalist Hatem al-Buluk.[54] In addition, the hundreds of Palestinians who were stranded in Egypt due to the closure of Rafah returned home. The Egyptian authorities, citing humanitarian concerns, allowed Palestinian civilians to purchase foods, medicines, and other supplies which were, and continue to be at the time of the writing of this Report, scarce or unavailable in Gaza due to the blockade.

The State of Israel continued to conduct airstrikes and raids against Hamas and others in Gaza, and Qassam rockets and mortars were fired into southern Israel until, on June 19, 2008, an Egyptian brokered **Tahdi'a** (a temporary moment of calm and not a formal ceasefire) was declared between the Gaza Strip and Israel. In the twenty six weeks that followed, only one Palestinian was killed by the IDF. Neither side fully respected the terms of the *Tahdi'a*, however, and it started to falter during the last two months of 2008 before ending on December 19, 2008.

On December 27, 2008 Israel launched **Operation Cast Lead**, during which the air force bombed dozens of targets in the Gaza Strip, and on January 4, 2009 ground forces entered and took control of parts of it. On 18 January, Israel declared a unilateral cease-fire and the next day Hamas did the same.[55] In the three weeks of this military incursion, approximately 1400[56] Palestinians were killed and more than 5,320 were wounded; 350 of them seriously.[57] Large areas were reduced to rubble with approximately 15,000 houses damaged or destroyed, and extensive disruption was caused to water and sanitation networks, energy supplies and facilities, roads and bridges, and the telecommunications system.[58] There was also widespread destruction of cultivated land, greenhouses, livestock and poultry farms, water wells, irrigation networks and other productive assets, and approximately 14.6% of the total cultivated area was completely destroyed.[59] This Operation raised widespread allegations of war crimes including the use of white phosphorous by

[53] PLO Negotiations Affairs Department (2007) 'Joint Understanding on Negotiations Annapolis, Maryland', 27 Nov.

[54] Morrow, Adam & Khaled Moussa al-Omrani (2008) 'Egypt Welcomes Border Breach', 26 Jan. 2008, available at http://ipsnews.net/news.asp?idnews=40946.

[55] B'tselem (2009) 'Guidelines for Israel's Investigation into Operation Cast Lead 27 December 2008 – 18 January 2009', Feb. 2009.

[56] Palestinian NGOs estimate the persons killed during Operation Cast Lead as between 1,387 and 1,417. The Gaza authorities report 1,444 casualties and the State of Israel provides a figure of 1,166. Figures from Report of the United Nations Fact Finding Mission on the Gaza Conflict (2009) 'Human Rights in Palestine and other occupied Arab territories' A/HRC/12/48, 15 Sep. 2009 (hereafter referred to as 'the Goldstone Report').

[57] B'tselem (2009) 'Guidelines for Israel's Investigation into Operation Cast Lead 27 December 2008 – 18 January 2009', Feb. 2009.

[58] PNA (2009) 'Palestinian National Early Recovery and Reconstruction Plan for Gaza 2009-2010', Mar. 2009.

[59] PNA (2009) 'Palestinian National Early Recovery and Reconstruction Plan for Gaza 2009-2010', Mar. 2009.

Israel.[60] During the incursion, rockets and mortar shells continued to be fired out of Gaza into southern Israel. These attacks killed three Israeli civilians and one soldier and injured more than 84 people, four of them seriously. Nine soldiers were killed in combat within the Gaza Strip (four by IDF fire). 113 Israelis were wounded, one critically and 20 moderately or seriously.[61]

In the aftermath of Operation Cast Lead, Egypt organized a **conference at Sharm El Sheikh** on March 2, 2009. The conference concluded with international donors pledging USD 4.5 billion for the Early Recovery and Reconstruction Plan for Gaza. Although President Abbas commented that money was "insufficient" without a political solution, political change was not obligatory for recovery and reconstruction.[62]   Given that the blockade is ongoing, very little of the money pledged has been able to reach the people of Gaza; the early recovery of Gaza is subject to political negotiations revolving around the release of Staff Sergeant Shalit. The continued blockade also means that no materials necessary for early recovery and reconstruction are allowed in, and the situation has deteriorated to the extent that some Gazans have no other option but to rebuild their homes from mud.[63]

In the most recent threat to the oPt, on May 3, 2009 the Israeli Ministry of Interior approved plans to begin **expansion of the settlement at Ma'ale Adumim** just outside Jerusalem. The proposed construction will take place on the highly contested area of land, referred to by the Israeli authorities as "E1", in the Jerusalem Municipality. The expansion of Ma'ale Adumim will further

disconnect East Jerusalem from the northern and southern parts of the West Bank and sever the continuity between East Jerusalem and the Jordan Valley.[64] The plans have been consistently blocked by international diplomatic interventions and most recently, the Obama administration has requested a settlement freeze. Yet Israel's settlement policy continues: the number of settlers living illegally in the West Bank and East Jerusalem has increased from approximately 426,487 in 2005[65] to between 480,000 and 550,000 in 2008.[66] U.S. President Barak Obama appears to be using the issue of settlements as a litmus test for Israel's commitment to peace, noting that "stopping settlements and making sure that there is a viable Palestinian State" is in the long term security interests of Palestine, Israel and the U.S.[67]

The **Palestinian unity talks** hosted by the Egypt – headed by intelligence chief Omar Souliman – have been ongoing in Cairo since March 2009, and are aimed at forming a national unity government that can better achieve Palestinian self-determination. Initially the talks involved 13 Palestinian factions, plus independent academics, politicians and businessmen, but in the succeeding months, the talks were narrowed down to representatives of Hamas and Fatah alone.[68] The talks have, however, overlooked the peace-building work that continues in oPt and Israel through civil society initiatives such as the International Women's Commission (IWC).[69] Representatives from Palestinian civil society have also been marginalized from the discussions. The thorniest points on the table at Cairo include:

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[60]   Report of the United Nations Fact Finding Mission on the Gaza Conflict (2009) 'Human Rights in Palestine and other occupied Arab territories' A/HRC/12/48, 15 Sep. 2009.

[61] B'tselem (2009) 'Guidelines for Israel's Investigation into Operation Cast Lead 27 December 2008 – 18 January 2009', Feb. 2009.

[62]   BBC News (2009) 'Billions pledged to rebuild Gaza' (2 Mar. 2009).

[63] BBC News (2009) 'Scant movement on Gaza blockade', 16 Jun., available at http://news.bbc.co.uk/2/hi/middle_east/8101002.stm. While this is a testament to the resourcefulness and resilience of Palestinians, it is important to note that Palestinians typically build their homes with concrete.

[64]   Human Rights Council (2008) 'Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan', Resolution 7/18, 27 Mar. 2008.

[65]   B'tselem (2009) 'Statistics' on 'Land expropriation and settlements' available at http://www.btselem.org/english/Settlements/Statistics.asp.

[66] UN Special Rapporteur (2008) 'Situation of human rights in the Palestinian territories occupied since 1967', A/63/326 25 Aug. 2008.

[67]   The Guardian (2009) 'Obama: halt to new Israeli settlements is in America's security interests' (29 May. 2009).

[68]   Al Jazeera News (2009) 'A slight pause for national unity', Nour Odeh (22 Mar. 2009).

[69]   IWC available at see http://www.iwc-peace.org/.

Map 3: Jerusalem Barrier: Ma'ale Adumim Land Requisitioned

Source: OCHA-oPt, 2004

- The political programme of a transitional national unity government

- Reforming the security services in the oPt

- Political prisoners in the West Bank and Gaza Strip

- Reforming the PLO

- Resistance and negotiation strategies including recognition of Israel, the targeting of civilians, the prospect of *hudna* (a long-term truce) versus a peace treaty with Israel.

The aim of the Cairo negotiations was to produce a transitional government of national consensus to act as a bridge until the next Palestinian elections, due to begin in January 2010. The deadlines for completion of these negotiations have, however, consistently been broken.

1.5 Conclusion

As the situation worsens, Palestinians of all ages continue to try to live their lives with a semblance of normality. Some, particularly those in civil society organizations, remain actively engaged in exploring peaceful solutions to the current impasse, both internal and vis-à-vis Israel. However, an examination of the current human security situation of Palestinians reveals that both the security and development gains of the past are being eroded.

This Report aims to describe those mechanisms that serve to promote insecurity in the hopes that naming the issues will help prevent the current uneasy situation from dissolving into chaos as the prolonged "transition to self-determination" drags on.[70] The next Chapter provides details on the trends and status of human development in the oPt from a human security perspective.

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[70] Khan, Mushtaq H (2009) 'Palestinian State Formation since the Signing of the Oslo Accords', background paper for the PHDR, commissioned by UNDP, Jerusalem.

Palestine Pheasant's eye

2

The current status and trends of human development

No progress can be reported regarding sustainable *development in the occupied Palestinian territory [emphasis added].*[71]

2.1: Introduction

Human development can only occur when a basic level of human security and predictability exists within a society. The Palestinian Human Development Report 2004 noted that it is difficult to increase human choices when an expansion of individual and collective freedoms, equality, and higher levels of social justice is not taking place. The 2004 Report was also critical of traditional development indices (HDI, GDI and so on) since they cannot fully account for circumstances and conditions that impede sustainable human development and violate human rights. However, development indicators are useful for general comparisons and help to present general development trends in the oPt – or the lack thereof.

This Chapter presents the current status of human development in the oPt from 2005 to early 2010. It presents an overview of traditional development indicators including the HDI and the GDI, and assesses specific macro-economic indicators, including GDP and the CPI. In addition, reviews of employment, poverty including food, health including nutrition, women's empowerment and gender equality, education, and environmental sustainability status and trends are presented. It must be acknowledged that the quality and relevance of statistical data available in the oPt has been questioned due to a range of factors such as access, availability and quality of data. It is important therefore to read the statistical data in context and with reference to the circumstantial evidence presented in the rest of the Report. The 2002 and 2005 Arab Human Development Reports note that the Israeli occupation is one of

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[71] Commission of the European Communities (2009) 'Progress Report: the occupied Palestinian Territory', Commission Staff Working Document, SEC 519/2, Brussels, March.

the most significant obstacles to human development in the oPt.[72] As this Report illustrates, progress in terms of the human development of Palestinians living under prolonged occupation, whilst not impossible, is extremely difficult.

2.2 Human Development Indicators[73]

The latest census conducted by the Palestinian Central Bureau of Statistics (PCBS) estimates the total population of Palestinians in the oPt to be 3,825,512, of whom 2,385,180 live in the West Bank, and 1,440,332 live in the Gaza Strip. The number of Palestinians in the Jerusalem governorate is approximately 363,000. The population growth rate is approximately 2.82 % per year; although this represents a significant growth in population, the birth rates from 1997 to 2008 have actually declined. The total fertility rate in the oPt has declined with 4.6 births in 2007 compared to 6.0 births in 1997. Regional disaggregation indicates that the birth rate in the West Bank was 30.6 births compared to 35.6 births in the Gaza Strip in 2008. As Figure 1 illustrates, the majority of the population are under 25 years old. Overall, the average household size is 5.8, with the average household in the West Bank having 5.5 members and 6.5 in the Gaza Strip.

The **HDI** provides a composite measure of three dimensions of human development: living a long and healthy life (measured by life expectancy), being educated (measured by adult literacy and gross enrolment in education) and having a decent standard of living (measured by purchasing power parity,

PPP, income). The index is not in any sense a comprehensive measure of human development. It does not, for example, include important indicators such as gender or income inequality nor more difficult to measure concepts like respect for human rights and political freedoms. What it does provide is a broadened prism for viewing human progress and the complex relationship between income and well-being. The HDI for oPt is 0.737, which gives the country a rank of 110th out of 182 countries with data, in the medium human development range. [74] This index is compiled using life expectancy at birth (73.3), the adult literacy rate (93.8 %), combined with the gross enrolment ratio in education (78.3 %) and GDP per capita (USD 2,243).[75] These indices demonstrate that the oPt achieves above the regional (Arab) average in life expectancy,

Figure 1: Population pyramid
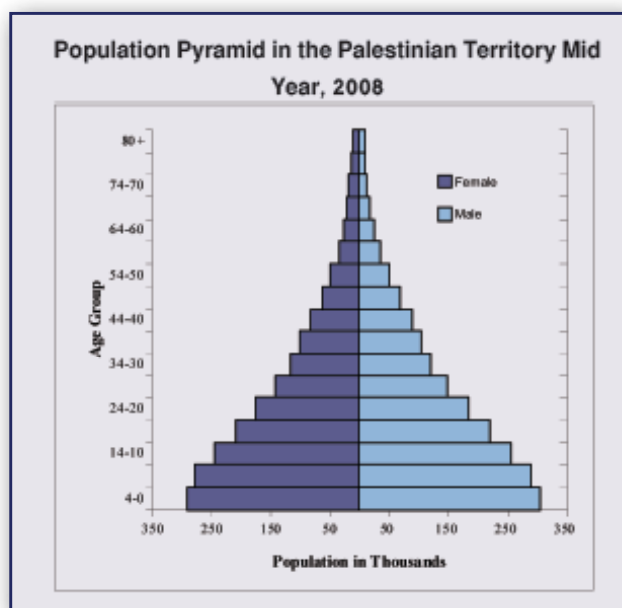
literacy rate and education, but lags behind in GDP per capita. The HDI places the oPt behind

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Qatar (33), the United Arab Emirates (35), Libya (55), Oman (56), Saudi Arabia (59), Lebanon (83), and Iran (88), but ahead of Tunisia (98), Algeria (104), Syria (107), Egypt (123), Yemen (140), Sudan (150) and Djibouti (155).

The GDI for 2007 ranks the oPt at 110, with a value of 0.714 (2006), revealing that Palestinian women have a higher life expectancy than men (74.9/71.7), a higher gross enrolment ratio in education (80.8/75.9), but a lower literacy rate (90.3/97.2). The GEM rank and value is currently unavailable of the oPt, but some of the component ratings are indicative: women make up only 10% of legislators, senior officials and managers, and 34% of professional and technical workers. Income data disaggregated by gender would be instructive but is currently unavailable.

2.3 Economy and employment

With a growing population and a shrinking economy, real per capita GDP is close to 30%, below its height in 1999.[76] The overall economic picture is one of negative growth. PCBS estimates that the GDP in 2006 had negative growth rate of -6.6 % (see Figure 2).[77] It estimates that real GDP growth in 2007 was a mere 0.5 %, while results from the first quarter suggest that growth in 2008 is slightly negative.[78] Similarly, the IMF recorded a drop in GDP to -0.5 % in 2007, and a modest growth of 0.8 % in 2008. This is probably due to a continued yet marginal drop in economic activity in Gaza, given its already-low base, matched with a modest rise in economic activity in the

West Bank. [79] These figures are representative of already severely limited economic activity before Operation Cast Lead, which, as it resulted in the destruction of significant remaining economic assets, means that further decline is inevitable.

Figure 2: Real GDP growth 1997-2008
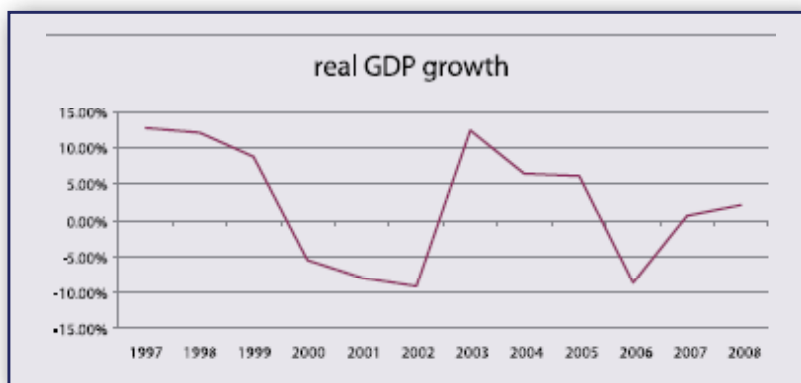
Source: PCBS and World Bank, 2009

The International Financial Institutions highlight that, even more troubling than the negative growth rates over the past few years, is the changing composition of the economy: as GDP is increasingly driven by government and private consumption of donor aid and remittances respectively, investments have fallen to dangerously low levels, leaving little productive base for a self-sustaining economy.[80] The Palestinian economy is buttressed by enormous infusions of foreign aid: in 2008, budget support alone increased by nearly 80% from its 2007 level, and at close to USD 1.8 billion, was equivalent to about 30% of GDP. By comparison, in 2007 the estimated recurrent and developmental budget support added up to 5% of GDP.[81] This, in part, reflects the 'West Bank first' policy pursued by the international community in the aftermath of Hamas's takeover of the Gaza Strip.

The cost of living in the oPt rose significantly over the reporting period. The overall Consumer Price

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[76] World Bank (2008) 'Palestinian Economic Prospects: Aid, Access and Reform', Sep. 2008.

[77] PCBS (2007) 'Economic forecasts for 2007'.

[78] World Bank (2008) 'Palestinian Economic Prospects: Aid, Access and Reform', Sep. 2008.

[79] World Bank (2008) 'Palestinian Economic Prospects: Aid, Access and Reform', Sep. 2008.

[80] World Bank (2007) 'Two Years after London: Restarting Palestinian Economic Recovery', Economic Monitoring Report to the Ad Hoc Liaison Committee, Sep. 2007.

[81] World Bank (2008) 'Palestinian Economic Prospects: Aid, Access and Reform', Sep. 2008.

Index increased from 3.8% in 2005-2006 to 9.8% in 2007-2008 (see Figure 3). The Consumer Price Index for food rose by 14.6% from March 2007 to the end of April 2008 in the West Bank and 16.3% in Gaza Strip; the price of wheat flour increased by 73% in the West Bank and 68% in Gaza.[82] These increased prices are not only reflective of global increases but can be partially attributed to increased transaction costs across the oPt and the economic blockade and containment of the Gaza Strip.

Unemployment in Gaza rose from 30.3% in 2005 to almost 35% in 2006, while unemployment in the West Bank fell slightly from 20.3 to 18.6 %

Figure 3: Consumer Price Index
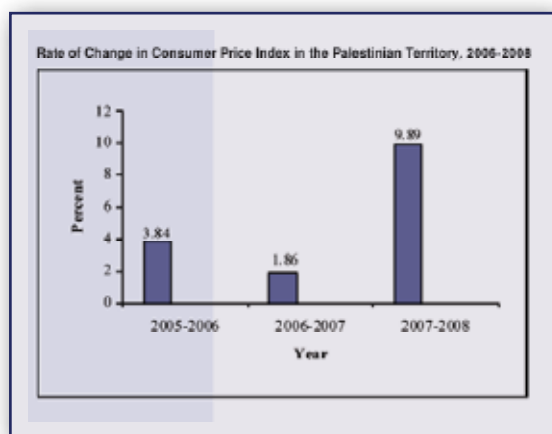
Source: PCBS, 2009

over the same period. The overall unemployment rate increased from 21.6% in 2007 to 26.0% in 2008; regional disaggregation, however, shows a sharp increase from 29.7% to 40.6% in the Gaza Strip and a rise from 17.7% to 19.0% in the West Bank.[83]. The unemployment rate in the West Bank was approximately 20.1% among the refugee and 16.8% among the non-refugee population, compared to 29.7% in the Gaza Strip where the figures were 30.2% among refugees and 28.7%

among non-refugees.[84] Young people also suffer from high rates of unemployment – 60% in 2007.[85]

The fall in unemployment at various stages over the reporting period may be misleading for a number of reasons. First, in 2006 PCBS estimated that adding discouraged and underemployed workers would increase the unemployment rate for that year to 28% in the West Bank and over 39% in Gaza.[86] Second, unemployed workers who have stopped looking for work and underemployed workers who have turned to unpaid family labour, seasonal agriculture and other forms of precarious work are not counted in the unemployment figures. In this category, vulnerable workers – young men and women of all ages – are likely to be the hardest to count.

The labour force participation rate decreased in 2008 compared to 2007. In 2007, participation in the labour force was estimated to be 41.9% (40.0% among refugees and 43.3% among non-refugees); the West Bank reached 44.1% (43.8% among refugees and 44.2% among non-refugees) compared to 38.0% in the Gaza Strip (37.0% among refugees and 39.8% among non-refugees).[87] ILO estimates from 2008 suggest that some 35,000 young people join the labour force annually although this increase comes at a time when public sector spending on employment is being reigned in and the private sector is shrinking.[88] Demographic trends in the oPt will have a significant future impact on the employment sector: fifty percent of Gaza's population is under the age of 15, and will soon be poised to enter the labour market.[89]

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[84] World Bank (2007) 'Two Years after London: Restarting Palestinian Economic Recovery', Economic Monitoring Report to the Ad Hoc Liaison Committee, Sep. 2007.

[85] PCBS (2007) 'Labor Force Survey April – June 2007'.

[86] PCBS cited in World Bank (2007) 'Two Years after London: Restarting Palestinian Economic Recovery', Economic Monitoring Report to the Ad Hoc Liaison Committee, Sep. 2007.

[87] PCBS (2008) 'Special Report on the 60th Anniversary of the Nakba', 15 May 2008.

[88] ILO (2008) 'The situation of workers of occupied Arab territories', Report of the Director General.

[89] World Bank (2007) 'Two Years after London: Restarting Palestinian Economic Recovery', Economic Monitoring Report to the Ad Hoc Liaison Committee, Sep. 2007.

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[82] PCBS cited in WFP, FAO, UNRWA (2009) 'Joint Rapid Food Security Survey in the Occupied Palestinian Territories', May, 2009.

[83] PCBS (2009) 'Palestine in Figures 2008', May 2009.

Box 1: Palestinian workers exploited[90]

Palestinian workers from the oPt were once employed widely throughout Israel. However, following the Oslo Accords, Israel has dramatically reduced the number of work permits issued to Palestinians from the West Bank and Gaza Strip. Palestinian human rights organisations have reported that Palestinian workers are coerced into collaboration with Israeli security services to receive the permits necessary to work in the settlements and inside Israel.

The dire economic situation means more Palestinians are forced to seek work in Israel's illegal settlements, where they are vulnerable to exploitation. Thus, not only are Palestinians denied access to the Israeli labour market but also there is evidence of Israeli companies, working inside the occupied West Bank, exploiting Palestinian workers, having moved operations to settlements to avoid Israeli labour laws.

In 1999, the United Nations Economic and Social Council criticized the practice of Israeli companies, including most of those operating in the Barkan park – near the Ariel settlement in the northern West Bank – of moving their factories to the West Bank to escape the higher health and environment standards applicable in Israel. In response to this, in October 2007 the Israeli High Court ruled that the country's labour laws applied in the settlements.

In August 2008, the Business and Human Rights Resource Centre, the international watchdog called on three Israeli companies to respond to a report by an Israeli non-governmental organization, Kav LaOved, that protested the treatment of Palestinian workers at West Bank settlement industrial parks.

Amongst the companies whose labour practices were criticised in the Kav LaOved report was Royalnight, a textile manufacturer owned by Royalife. The report stated that Israeli employers have found ways of evading the high court ruling by for instance issuing pay slips with false attendance reports. The normal practice is to register fewer working days than those actually worked, so it appears that the minimum wage is being paid." workers employed through a Palestinian contractor are paid between six and eight NIS an hour, whereas workers employed directly by the factory are paid between nine and 11 NIS an hour."

"Health and safety standards are poor, the working environment is noisy and the air is full of fabric dust. Most work is carried out standing, and the workers take five minutes breaks at their own expense."

If the rights of workers continued to be curtailed due to the occupation, the labour market will continue to shrink in all sectors, including agriculture and fisheries which currently employ a significant proportion of the population but are seeing a steady decline as access to land and water becomes increasingly restricted. As Figure 4 indicates, the services sector employs over 30% of the population in the oPt, and has steadily increased over the reporting period. If employment figures from commerce, hotels and restaurants are added, this figure would jump to 58.6% in 2008.

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[90] Electronic Intifada (2008) 'Palestinian workers exploited at West Bank settlement factories', Adri Nieuwhof, 6 Oct. 2008.

Figure 4: Distribution by economic activity

Percentage Distribution of Employed Persons Age 15 Years and Above by Economic Activity, 2004-2008					
Economic Activity	2004	2005	2006	2007	2008
Agriculture, Hunting, Forestry & Fishing	15.9	14.6	16.1	15.6	13.4
Mining, Quarrying & Manufacturing	12.7	13.0	12.4	12.5	12.1
Construction	11.7	12.9	11.1	11.0	10.9
Commerce, Hotels & Restaurants	19.4	19.4	19.2	19.5	20.2
Transportation, Storage & Communication	5.4	5.7	5.7	5.6	5.0
Services & Other Branches	34.9	34.4	35.5	35.8	38.4
Total	100	100	100	100	100

Source: PCBS, 2009

Employment figures are highly gendered: in 2007, PCBS reported that at 15.2% Palestinian female labour force participation is amongst the lowest in the world.[91] In 2005, 14.1% of women aged 15 and older were formally employed versus 67.8% of men in the same age group.[92] Of those employed women, almost half worked in low paid service sector jobs. Palestinian women also receive lower wages for the same jobs in all areas.[93] By 2008, despite their steadily increasing higher education completion rates, women represented only 16% of the formal workforce and are over-represented in unprotected labour such as agriculture and other precarious and seasonal work. More research is required in this area to establish the extent of women's participation in the informal labour market.

In 2007 the average daily wage in the oPt was NIS 74.3; NIS 72.9 for refugees and 75.4 NIS for non-refugees.[94] In the West Bank, the average daily wage was 78.5 NIS: 77.0 NIS for refugees and 79.2 NIS for non-refugees. In the Gaza Strip, the daily wage was 65.4 NIS: 57.1 NIS for refugees and 69.0 NIS for non-refugees.[95] The average number of dependents to wage earners in the oPt is 5.6: 4.9 in the West Bank and 7.3 in the Gaza Strip.[96] In Gaza, over 1,700 households lost their main breadwinner due to death or injury during Operation Cast Lead. Of the small percentage of the population who were still engaged in income earning activities despite the blockade, approximately 10% said they had temporarily lost their sources of income as a result of the offensive, and 21% said they were permanently affected because of the destruction of business establishments with which they had been associated.[97] In such difficult circumstances, a UNDP-commissioned Social Development Assessment found a drive amongst older residents of the Gaza Strip to remain economically active. This sentiment was shared by both sexes, as noted by an older woman living in the El Wafa Nursing Home:

> "I want to die being productive; I don't want to be a burden on the shoulders of my family."

Since the occupation in 1967, the economy in Gaza has been dependent on Israel for import and export opportunities, as well

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[91] PCBS (2007) 'Labor Force Survey April – June 2007'.

[92] PCBS (2005) 'Women & Men in Palestine – Issues & Statistics, 2005' cited in Human Rights Watch (2006) 'A Question of Security: Violence against Palestinian Women and Girls', Nov. 2006.

[93] PCBS (2005) cited in Human Rights Watch (2006) 'A Question of Security: Violence against Palestinian Women and Girls', Nov. 2006.

[94] The (approximate) average rate of exchange in 2009 was 3.9 NIS to one USD$ making the average wage in the oPt USD 19.2; USD 18.8 for refugees, USD 19.5 for non-refugees. Figures on the daily wage should be disaggregated by gender and age, however, due to lack of data, partly because of the exaggerated presence of women and young people in the informal sector, this information is not available.

[95] PCBS (2008) 'Special Report on the 60th Anniversary of the Nakba', 15 May 2008.

[96] PCBS (2008) 'Special Report on the 60th Anniversary of the Nakba', 15 May 2008.

[97] UN (2009) Gaza Early Recovery and Reconstruction Needs Assessment.' Unpublished.

as on its labour market.[98] The Gaza Strip has 70,000 dunums of agricultural land and the capacity to produce 280,000-300,000 tones of agricultural products per year, a third of which are export crops.[99] Before the blockade, the agricultural sector was providing jobs for more than 40,000 people.[100] Agricultural production was mainly oriented to satisfy domestic Palestinian demand, but a small and thriving export industry also supplied agricultural products to Israel and abroad.[101] Approximately 5,000 farmers were dependent on the export of cash crops of mainly strawberries, cherry tomatoes, carnation flowers and green peppers, for which they were completely reliant on imported fertilizers.[102] Since the blockade in 2007, these types of economic activities have been brought to a standstill in part due to the restrictions on fertilizers.

Before the 2007 blockade, the majority of the 3,900 industries in the Gaza Strip were in manufacturing. Manufactured products were predominantly made for export, with an average of 748 truck loads per month in a peak season.[103] Approximately 76% of furniture, 90% of garments and 20% of food products were exported to Israel,[104] while 95% of the required raw materials and 80% of machinery and maintenance parts were imported.[105] The industrial sector provided jobs for a total of 35,000 people: approximately 16,000 were employed in 960 textile establishments; 6,000-

8,000 worked in 600 furniture industries, and 3,500 in the construction sector.[106]

The Palestinian Federation of Industries estimates that 98% of Gaza's industrial operations are now inactive.[107] Banking sector activities in Gaza are estimated to have dropped from 40% of total Palestinian banking to about 7%.[108] Similarly, 30,000 people are dependent on Gaza's fishing industry which once contributed 4% to the GDP.[109] The fishing industry is currently beset by shrinking access to fishing grounds (due to IDF restrictions), loss of equipment during Operation Cast Lead, pollution, and intimidation by the IDF, e.g., from May 21-27 2009 the IDF arrested six fishermen in Gaza, boarded several boats, and fired on several others.[110]

One response to the realities of the blockade with its shrinking employment opportunities has been the expansion of the so called "tunnel economy". Tunnel traders dig tunnels from Gaza into Egypt to smuggle a wide range of goods that the blockade has made unavailable. Tunnels have become a highly lucrative business and an important source of informal livelihood but are dangerous and even lethal to those who work in them.[111]

2.4 Income poverty

The official poverty line for the oPt was set in 2006 and is based on the average consumption of essential food, clothing, housing, housekeeping supplies, utensils, bedding, personal and health care, education

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[98] Muhanna, A. and E. Qleibo (2008) 'The Impact of the Closure on Poor Women in the Gaza Strip', Oxfam GB.

[99] OCHA-oPt (2007) 'Gaza Fishing: An Industry in Danger', Special Focus.

[100] WFP, FAO, UNRWA (2009) 'Joint Rapid Food Security Survey in the Occupied Palestinian Territories', May, 2009.

[101] PNA (2009) 'The Palestinian National Early Recovery and Reconstruction Plan for Gaza 2009-2010'.

[102] Palestinian Shipping Council (2007) 'Gaza Strip – Real Crisis – 2007 How Long For?'

[103] Muhanna, A. and E. Qleibo (2008) 'The Impact of the Closure on Poor Women in the Gaza Strip', Oxfam GB.

[104] World Bank (2007) 'Two Years after London: Restarting Palestinian Economic Recovery' Economic Monitoring Report to the Ad Hoc Liaison Committee', Washington.

[105] Palestinian Shipping Council (2007) 'Gaza Strip – Real Crisis – 2007 How Long For?'

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[106] OCHA-oPt (2007) 'The Closure of the Gaza Strip: The Economic and Humanitarian Consequences', Special Focus; OCHA-oPt (2007) 'Gaza Fishing: An Industry in Danger', Special Focus.

[107] World Bank (2008) 'Palestinian Economic Prospects: Aid, Access and Reform', Sep. 2008.

[108] World Bank (2008) 'Palestinian Economic Prospects: Aid, Access and Reform', Sep. 2008.

[109] Oxford Research Group (2007) 'Conflict, economic closure and human security in Gaza'.

[110] PCHR (2009) 'Weekly Report 21-17 May 2009'.

[111] Human Rights Watch (2004) 'Razing Rafah: Mass Home Demolitions in the Gaza Strip'.

and transportation.[112] The poverty line is NIS 2,300 per month (approximately USD 581) for a family of two adults and four children. In 2008, the number of persons living in poverty was just under one third of the population: approximately 477,360 people in the West Bank and 729,880 people in the Gaza Strip.

Poverty rates among Palestinian households during 2007 totalled 34.5 %: 23.6 % for the West Bank and 55.7 % in Gaza Strip. The World Bank figures released in 2008 broadly reflect PCBS findings; they note that the rate of poverty in the West Bank fell from 22 % in 2006 to just over 19 % in 2007, but the crisis in the Gaza Strip meant that poverty figures rose overall.[113] The World Bank also notes that the percentage of Palestinians in Gaza living in absolute poverty rose from 33.2 % in 2006 to 35 % in 2007 – equating to almost half a million people. A high percentage of the population in the oPt receive food or cash aid. If this income through aid is deducted, poverty rates would climb to 79.4 % and 45.7 % for the Gaza Strip and West Bank respectively.[114]

Palestinians in East Jerusalem also experience significant poverty levels. Whilst they are completely administered by the Israeli authorities, they are socially, economically and institutionally marginalized in comparison to their Israeli counterparts. Towards the end of 2008, over one third or approximately 35% of families in Jerusalem lived below the poverty line.[115] When disaggregated, 23% of Israeli families, mostly ultra-Orthodox Jews, and 67% of Palestinian families live below the poverty line in Jerusalem. Figures released by the Jerusalem Institute for Israel Studies indicate that among children, 48% of Jews and 74% of non-Jews were defined as poor. According to the study, there were 492,400 Israeli Jews or approximately 65 % of the city's population, and 268,400 Palestinians, estimated at 35%, living in the city.[116]

Evidence suggests that the gap between the rich and poor in the oPt is widening. The insecurity of the economic and political contexts increases the probability that poor Palestinians, clustered just above the poverty line, will fall into poverty. In addition, in the aftermath of Operation Cast Lead and because of the ongoing blockade, it is likely that poverty figures will continue to increase alarmingly in the Gaza Strip.

The coping strategies of Palestinian families struggling to navigate this economically insecure reality include the pooling of resources, reducing expenditures and consumption, and relying on public assistance and borrowing. Individuals and families need to reorganise their priorities to maintain their integrity and seek better future options where possible, and are often forced to compromise their aspirations, with differential impacts on people depending on pre-existing social vulnerabilities.

Severe food crises have not materialized in the oPt as traditionally strong social ties tend to preclude the possibility of acute hunger. However, according to a WFP/UNRWA/FAO survey conducted in 2008, 38% of the population is food insecure, compared to 34% in 2006.[117] Food insecurity in Gaza is more widespread, reaching 56%, while in the West Bank it is 25%. Refugees are more food insecure (44%) than non refugees (33%). Food insecurity

[112] Data on poverty in the oPt is politicised and variable. PCBS current work in Gaza and east Jerusalem is constrained, therefore, World Bank estimates have been also been noted. Figures from the Jerusalem Institute for Israel Studies have been used to illustrate poverty levels in Jerusalem; these are some of the only figures available comparing Israeli and Palestinian residents of the city. As such, the data presented requires some interpretation.

[113] World Bank (2008) 'Palestinian Economic Prospects: Aid, Access and Reform', Sep. 2008.

[114] World Bank (2008) 'Palestinian Economic Prospects: Aid, Access and Reform', Sep. 2008.

[115] Jerusalem Institute for Israel Studies (2009) available at http://www.jiis.org.il/ cited in Nadav Shragai (2009) 'Most of Jerusalem>s non-Jewish children live below poverty line', Haaretz, available at http://www.haaretz.com/hasen/spages/1086819.html.

[116] The use of "Jewish" rather than "Israeli" is reflective of language used by the study from the Jerusalem Institute for Israel Studies.

[117] For methodological information on the calculation of food security, see WFP/UNRWA/FAO (2008) 'Rapid Socio-economic and Food Security Assessment in the West Bank and Gaza Strip', May, 2008.

is 50% in camps.[118] In the West Bank, an average household spends 49 cents of every USD earned on food; a poor household spends two-thirds of its income on food.[119]

Figure 5: Food Security Levels, 2008 [120]
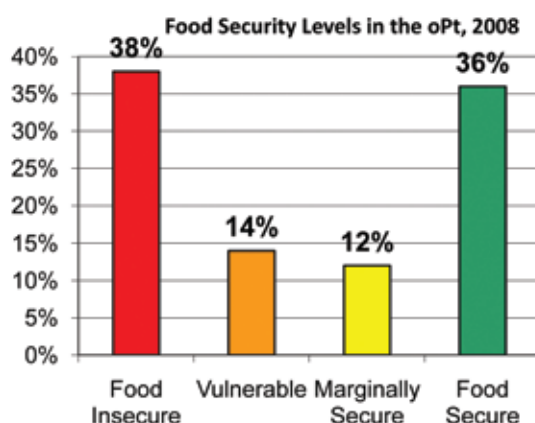
Source: WFP/ UNRWA/ FAO, 2008

> No one dies of starvation in Gaza. We eat what we can get and we ration our consumption of food [….] We eat the same meal for several days […] sometimes we only have one main meal every week and it is usually on Fridays. I have not bought any meat for more than three months.
>
> Head of household, Ash Shati Refugee Camp, Middle Gaza Governorate[121]

Food insecurity is embedded in economic and political insecurity resulting from the policies of the occupation as well as, and more recently, the intra-Palestinian conflict, the Israeli blockade of Gaza, and the accompanying sanctions of donor countries. Within the oPt, half the population in a WFP survey noted that they had decreased their spending on food, while 89% reduced the quality of food purchased, and almost all decreased their consumption of fresh fruit, vegetables and animal protein for financial reasons.[122] Rationing is another coping strategy used by families to adapt to food shortages. Palestinians are eating less, with parents reducing their food intake to enable their children to eat.[123]

Photo 1: Cooking in Gaza in the aftermath of Operation Cast Lead

Source: Vanessa Farr, 2009

[118] FAO/WFP (2007) 'Comprehensive Food Security and Vulnerability Analysis (CFSVA) West Bank and Gaza Strip', East Jerusalem, January.

[119] FAO/WFP (2009) 'Socio-Economic and Food Security Survey Report West Bank', PCBS Data Jan-Feb 2009, Aug. 2009.

[120] WFP/UNRWA/FAO (2008) 'Rapid Socio-economic and Food Security Assessment in the West Bank and Gaza Strip', May, 2008.

[121] FAO/WFP (2007) 'Comprehensive Food Security and Vulnerability Analysis (CFSVA) West Bank and Gaza Strip', East Jerusalem, January.

[122] WFP (2008) 'Vulnerability Assessment and Mapping', in FOOD SECURITY and MARKET MONITORING Report July, Report 19 http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/MUMA-7GP7VV-full_reort.pdf/$File/full_reort.pd.

[123] WFP/UNRWA/FAO (2008) 'Rapid Socio-economic and Food Security Assessment in the West Bank and Gaza Strip', May, 2008.

2.5 Health

Despite the apparent difficulties that Palestinians faced over the reporting period, the WHO considers the general health status of the oPt to be "commendably reasonable:"[124] malaria has been all but eradicated, incidences of HIV/AIDS are very low and the population is largely free of poliomyelitis, tuberculosis, and measles due to a series of successful immunization programmes.[125] Palestinians are undergoing rapid epidemiological transition.[126] Non-communicable diseases such as cardiovascular diseases, hypertension, diabetes, and cancer have overtaken communicable diseases as the main causes of morbidity and mortality. For example, causes of death include heart diseases (20.1%), cerebro-vascular conditions (11.1%), cancer (9%), and accidents (8.9%).[127]

The WHO, the Gaza Community Mental Health Project, and the Ministry of Health report that poor mental health is an increasing concern in the oPt, particularly in the aftermath of Operation Cast Lead. A study from the Institute of Community and Public Health at Birzeit University noted that respondents demonstrated high levels of fear, threats to personal and family safety, loss of incomes, homes, and fear about their future and the future of their families.[128] Respondents also reported feeling *hamm,* meaning heaviness from worry, anxiety, grief, sorrow and distress, frustration, incapacitation and anger.[129]

The UNDP's Social Development Assessment in Gaza highlights shortcomings in psychosocial support – for children, but also for adults – in the aftermath of Operation Cast Lead. It was found that while there has been some psychosocial support for children provided through the educational system and via child focused agencies, there has been a paucity of support for adults and none specifically focused on older persons.[130]

Older people consistently expressed feelings of fear, insecurity and anxiety immediately following the hostilities which have not been alleviated in the present. Their lack of emotional wellbeing is largely focused on concerns about the future resurgence of hostilities. As noted by a male Focus Group Discussion participant:

> *"…the most important concern to us as older people is the insecurity; every moment we expect another attack, we are afraid that our children will be killed…I am 62 years old and have lived through three wars during my life, yet I have not lived through such a war as this one. It is the worst – missiles fell on us like rain."*

After significant progress from 1990 to 2000, the reduction of the under-five mortality rate was slow during the period 2000 to 2008: in 2006 and 2007 the rate of 27 deaths per 1,000 live births was the same as in 1990.[131] In 2008 the WHO documented a rate of 28.2 deaths per 1,000 indicating a regression in child mortality figures.[132] The lack of progress during the reporting period, coupled with this deterioration, reflects declining health conditions.[133]

The Gaza Strip has historically had a higher child mortality rate than the West Bank. The Palestinian Millennium Development Goals Progress Report[134] noted that mortality rates in the Gaza

[124]   WHO (2006-2008) 'Country Cooperation Strategy for WHO and the Occupied Palestinian Territory'.

[125] Millennium Development Goals Occupied Palestinian Territory Progress Report (2005).

[126] Husseini A, Abu-Rmeileh NME, Mikki N, et al. (2009) 'Cardiovascular diseases, diabetes mellitus, and cancer in the occupied Palestinian territory, Lancet cited in Giacaman et al, Lancet (2009).

[127]   WHO (2006-2008) 'Country Cooperation Strategy for WHO and the Occupied Palestinian Territory'.

[128] Mataria A et al. (2009) 'The quality of life of Palestinians living in chronic conflict: assessment and determinants', Eur. J. Health. Econ. 10:93-101.

[129] Giacaman et al. (2009) 'Health status and health services in the occupied Palestinian territory' Lancet 373: 837-49.

[130] UNDP commissioned Social Development Assessment, Gaza (May 2009).

[131] Giacaman et al. (2009) 'Health status and health services in the occupied Palestinian territory' Lancet 373: 837-49 and UNICEF (2008) 'Maternal and Newborn Health', Dec. 2008.

[132]   WHO (2008) 'Health conditions in the occupied Palestinian Territory, including East Jerusalem and the occupied Syrian Golan' Report by the Secretariat.

[133] Giacaman et al. (2009) 'Health status and health services in the occupied Palestinian territory' Lancet 373: 837-49.

[134] Millennium Development Goals Occupied Palestinian Territory Progress Report (2005).

Strip increased from 10% to 15% with respect to their pre-*intifada* (2000) value, with approximately 2,500 young children dying per year or 8 to 9 on a daily basis. Although the Gaza Strip made some inroads in reducing this figure between 2003 to 2006, from 34.8 to 31.2, Operation Cast Lead, with the killing of hundreds of children and the injury of thousands more, coupled with the effects of the continuing closure and economic blockade, will undoubtedly reverse some of these small gains.[135]

The FAO reports that 15% of the total population in the oPt is undernourished.[136] In 2007 UNICEF reported that 7% of children born in the oPt were underweight, of which 3% are moderately to severely malnourished. Chronic malnutrition and micronutrient deficiencies are on the rise. It is estimated that 10.2% of children under five suffer from chronic malnutrition:[137] 13% in the Gaza Strip and 8% in the West Bank, with the highest figure, 30%, recorded in the governorate of North Gaza.[138] Some 1.4% of children are subject to acute malnutrition.[139] The instances of stunting and wasting in under-fives are also of growing concern. Stunting during childhood is an indication of chronic malnutrition and is associated with increased disease and death, including compromised cognitive development and educational performance.[140] More than half all children in the Gaza Strip aged 6–36 months and more than a third in the West Bank

suffer from anaemia, some of which may be associated with exceptionally high instances of nitrates in the water.[141] In 2007, the Ministry of Health estimated that 29.4% of women in the West Bank were anaemic and in 2008 this figure had risen to 31%. WHO estimates reveal that anaemia affects 45 % of pregnant women in the Gaza Strip.[142]

The fertility rate was 4.6 in 2006: 4.2 in the West Bank and 5.4 in the Gaza Strip, with a marginal difference between rural and urban areas.[143] Over half of the population of women between 15 and 49 years use family planning, with the proportion being 13% higher in the West Bank than in the Gaza Strip.[144] In 2008, the WHO reported that the maternal mortality rate in the oPt was 6.2 per 100,000 live births, this compares to 230 in Egypt (2005), 62 in Jordan (2005) and 4 in Israel (2005).[145] Maternal mortality rates have been historically difficult to calculate leading to reliance on proxy indicators, such as levels of antenatal, postnatal and postpartum care: 98.9% of mothers received antenatal care provided by skilled health professional in 2006. The mean number of health care visits during pregnancy was 7.8[146] while institutional deliveries in 2006 were 97%.[147] In a recent survey,

[135] PCHR figures in Report of the United Nations Fact Finding Mission on the Gaza Conflict (2009) 'Human Rights in Palestine and other occupied Arab territories' A/HRC/12/48, 15 Sep. 2009.

[136] FAO (2008) 'Global Statistics Service - Food Security Indicators'.

[137] PCBS (2007) 'Palestinian family health survey 2006' Preliminary Report.

[138] WHO (2008) 'Health conditions in the occupied Palestinian Territory, including East Jerusalem and the occupied Syrian Golan' Report by the Secretariat.

[139] WHO (2008) 'Health conditions in the occupied Palestinian Territory, including East Jerusalem and the occupied Syrian Golan' Report by the Secretariat.

[140] Sawaya AL, Martins P, Hoff man D, Roberts SB (2003) 'The link between childhood under nutrition and risk of chronic diseases in adulthood: a case study of Brazil', Nutrition Rev; 61: 168–75 cited in Giacaman et al. (2009) 'Health status and health services in the occupied Palestinian territory' Lancet 373: 837-49.

[141] WHO (2008) 'Health conditions in the occupied Palestinian Territory, including East Jerusalem and the occupied Syrian Golan' Report by the Secretariat; UNEP, 2009. *Environmental Assessment of the Gaza Strip following the escalation of hostilities in December 2008 -January 2009.* Available at http://www.unep.org/publications/contents/pub_details_search.asp?ID=4058.

[142] MoH (2008) 'Health Indicators 2007'; WHO (2008) 'Health conditions in the occupied Palestinian Territory, including East Jerusalem and the occupied Syrian Golan' Report by the Secretariat.

[143] WHO (2008) 'Health conditions in the occupied Palestinian Territory, including East Jerusalem and the occupied Syrian Golan' Report by the Secretariat.

[144] WHO (2008) 'Health conditions in the occupied Palestinian Territory, including East Jerusalem and the occupied Syrian Golan' Report by the Secretariat.

[145] UNDP, Human Development Report Country Factsheet (2007/2008) available at http://hdrstats.undp.org/countries/country_fact_sheets/cty_fs_PSE.html; WHO / UNICEF / UNFPA / World Bank (2005) 'Maternal Mortality in 2005'.

[146] PCBS (1994-2007) 'MDG Indicators Data in Palestine'.

[147] UNICEF (2006) 'At a Glance: Occupied Palestinian Territories' Statistics.

one third of the respondents reported that either fathers or husbands make the decision regarding a female household member's access to health care.[148]

The health effects of the prolonged occupation and the recent internal conflict on Palestinians have sombre implications and change the way in which health indicators should be approached. The constant exposure to threats in a conflict setting is in itself a specific determinant of health status and can lead to disease.[149] As such, conventional indicators must be supplemented with documentation on lived experiences and perceptions of health and quality of life.[150]

2.6 Education

The adult literacy rate in the oPt is 94.1%: The literacy rates amongst the refugee population, contrary to levels of poverty and unemployment, are the same and have been better than those of non-refugees: 5.7% of refugees 15 years and above are illiterate compared to 6.5% of non-refugees.[151] For the academic year 2007/2008, the number of pupils in schools was 1.1 million, of which approximately 549,000 were males and 549,000 females.[152]

> *Military occupations are another appreciable curb on the human right to education, the most egregious example being the Israeli-Palestinian conflict.*[153]

A study across six districts in the oPt found that "teachers and administrators overwhelmingly believed that the quality of education they could provide was being eroded".[154] The Israeli military actions have had immeasurable costs to the education system: damage to infrastructure alone totalled more than USD 5 million in 2005.[155] During the recent Operation Cast Lead of 2008-2009, in less than one month 10 schools were destroyed and 168 were damaged, three universities/colleges were destroyed and 14 damaged;[156] 164 students and 12 teachers were killed, and 454 students and 5 teachers were injured.[157] Even before the incursion most schools were operating on a double or triple shift basis to meet the needs of students. Similarly, in West Bank the quality of education is compromised by schools operating in double shifts, one held in the morning and another in the afternoon.

There are ten universities in the oPt; one is private and nine are public. Seven are located in the West Bank and three are in the Gaza Strip. In 2005 there were 76,650 students almost equally distributed between the regions, with more females than males: 40,250/36,400.[158] The number of graduates was 9,927 for 2005: 5,891 in the West Bank and 4,036 in the Gaza Strip; 5,530 are female and 4,397 are male; 34% studied social sciences, business and law; 25% education; 16% humanities and arts; 10% science; 9% engineering, manufacturing and construction; 6% health and welfare; and 1% agriculture and veterinary. The Ministry of

[148] UNIFEM (2009) 'Voicing the needs of Women and Men in Gaza Beyond the Aftermath of the 23 day Israeli Military Operations'.

[149] Giacaman et al. (2009) 'Health status and health services in the occupied Palestinian territory' Lancet 373: 837-49.

[150] See Chapter 3.

[151] PCBS (2008) 'Special Report on the 60th Anniversary of the Nakba', 15 May 2008.

[152] PCBS (2008) 'Special Report on the 60th Anniversary of the Nakba', 15 May 2008.

[153] Villalobos, Munoz (2005) ' Report of the UN Special Rapporteur on the Right to Education', E/CN.4/2005.

[154] Save the Children cited in Susan Nicolai (2007) 'Fragmented Foundations: education and chronic crisis in the Occupied Palestinian Territory', UNESCO International Institute for Educational Planning, Save the Children UK.

[155] Susan Nicolai (2007) 'Fragmented Foundations: education and chronic crisis in the Occupied Palestinian Territory', UNESCO International Institute for Educational Planning, Save the Children UK.

[156] Report of the Independent Fact Finding Committee on Gaza: No Safe Place (2009) League of Arab States, 30 Apr. 2009.

[157] The Palestinian National Early Recovery and Reconstruction Plan for Gaza 2009-2010, International Conference of the Palestinian Economy for the Reconstruction of Gaza, Sharm El-Sheikh, Arab Republic of Egypt, 2 Mar. 2009.

[158] All figures on tertiary education from European Training Foundation (2006) 'Human Resources Development and its Links to the Labour Market in the West Bank and Gaza Strip'.

Labour operates 12 vocational training centres: 8 in the West Bank and 4 in the Gaza Strip and approximately 55% of graduates from these centres are female. UNRWA has 2 VTCs while a number of non-governmental, religious and philanthropic organizations also run VTCs.

In the past decade there have been some positive trends in reducing gender disparity in the Palestinian education system, and forecast figures suggest that this positive trend is likely to continue since more girls than boys are now enrolled in the formal education system at the elementary level.[159] While girls sometimes drop out of school in order to get married in their teenage years, boys are more likely to leave school early in order to become income-generators for their families, especially during periods of increased poverty and unemployment.[160] The increase in women's education levels is not reflected in a corresponding increase in women's participation in professional occupations. Thus strides made in education need to be augmented by institutional reform and gender equality awareness in the employment sector, particularly when there is State sovereignty.

Despite improving educational participation, the quality of the education system has been criticized, particularly in the sense that it does not adequately prepare graduates for the future job market. A report commissioned by UNESCO notes that the Palestinian educational system does not do enough to promote active learning, with the *Tawjihi* (final examinations for school pupils) being a classic example of testing by rote learning.[161]

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[159] PCBS (2005) 'Women & Men in Palestine – Issues & Statistics, 2005' cited in Human Rights Watch (2006) 'A Question of Security: Violence against Palestinian Women and Girls', Nov. 2006.

[160] PCBS (2005) 'Women & Men in Palestine – Issues & Statistics, 2005' cited in Human Rights Watch (2006) 'A Question of Security: Violence against Palestinian Women and Girls', Nov. 2006.

[161] Susan Nicolai (2007) 'Fragmented Foundations: education and chronic crisis in the Occupied Palestinian Territory', UNESCO International Institute for Educational Planning, Save the Children UK.

2.7 Women's empowerment and gender equality

Despite some improvements in their status over the past few decades, Palestinian women remain worse off than men by just about every measure.[162]

Palestinian women and girls face entrenched institutional, legal and social discrimination in the oPt. The judicial system exists on two levels: (i) courts that try civil and criminal cases; and (ii) *shari'a* courts that judge matters of personal status and promote family law. In all societies, laws are a primary instrument through which society regulates and controls violence while providing the normative framework through which social and cultural behaviours are shaped. The current legal framework in the oPt is one of most significant obstacles to gender equality. The following are issues demonstrating the level of gender discrimination inherent in Palestinian law.

Marriage and Divorce: In both the Gaza Strip and the West Bank marriage is allowed for females when they are 15 and males when they are 16 years. In order to marry a woman must have the permission of a male guardian (*wali*). A man is legally entitled to divorce his wife unilaterally and verbally, while a woman is required to utilize the court system.

Child Custody: A divorced woman may only retain custody of her children until they reach the age of nine.

Adultery: The legal system applicable in the Gaza Strip imposes harsher penalties on an adulterous woman (2 years),[163] than on an adulterous man (6 months).[164] The evidentiary requirements are also unbalanced: while a woman may be penalized for committing adultery in any location, a male may only be charged with adultery if it is committed in the marital home.[165]

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[162] Human Rights Watch (2006) 'A Question of Security: Violence Against Palestinian Women and Girls', Nov. 2006.

[163] Egyptian Penal Law No. 58 (1936), article 274.

[164] Egyptian Penal Law No. 58 (1936), article 277.

[165] Egyptian Penal Law No. 58 (1936), article 277.

Rape: The law applicable in the West Bank provides for an increased sentence "by one third or one half" if the rape victim was a virgin.[166] The law applicable to the Gaza Strip does not discriminate between virgin and non-virgin victims, and the maximum penalty imposed for the crime of rape is 14 years.[167] Laws in force in both the West Bank[168] and the Gaza Strip[169] relieve rapists who marry their victim of any criminal responsibility, constituting a violation of a woman's dignity and choice.[170] Marital rape is not recognized.

Incest: In the Gaza Strip, both men and women are permitted to file incest charges.[171] The law applicable in the West Bank denies children who are victims of sexual abuse the right to file charges;[172] only male family members are granted the right to file incest charges on behalf of minors.

Femicide/Honour Killing: In the West Bank, the law provides for a reduced sentence with respect to a perpetrator who, in a "State of great fury", commits a crime;[173] this also applies to males who kill their female relatives under "suspicious" circumstances.[174] The legal provisions detailed above are inconsistent with Articles 9 and 10 of the Palestinian Basic Law.[175]

The Chief Justice (oPt), amongst others, has

expressed the need to reform such laws.[176] Legal reform also requires adequate investigation, prosecution and enforcement mechanisms. To this end, there has been some strengthening of police capacity since 2005.[177] However, whilst there is a special women's police unit, the judiciary is overwhelmingly male: in 2008 PCBS reported that only 12% of judges and 11% of prosecutors were female.[178]

The rule of law in the oPt provides limited protection to Palestinians. The legal system is inconsistent between the West Bank and Gaza Strip, but East Jerusalem is also subject to regional legal specificity (residents must rely on the Municipal Courts of Jerusalem). In the oPt, there are impediments and limitations regarding impartial access to justice and legal recourse to women, young people and children, the disabled and elderly – are particularly disadvantaged by this fact.

After coming to power in 1994, the PA inherited a barely functioning, disjointed judicial system neglected during almost 30 years of Israeli occupation.[179] It suffers from the fragmented legal and territorial jurisdiction established under the Oslo Accords whereby Palestinian courts can hear civil and criminal matters arising only in areas A and B but not C. Human Rights Watch contend that the "PA [has failed] to give sufficient authority, respect, and financial and other resources to the judiciary. The system is plagued by an insufficient number of judges, the lack of properly qualified judges, and a lack of trained judges, prosecutors, lawyers, and court officials."[180]The Independent Commission

[166] Jordanian Penal Code No. 16 (1960), article 301.

[167] Egyptian Penal Law No. 58 (1936), article 152(1).

[168] Jordanian Penal Code No. 16 (1960), article 308.

[169] Egyptian Penal Law No. 58 (1936), article 291.

[170] PCHR interview with Fadwa Khader, General Director Rural Women's Development Society, Ramallah, 22 Dec. 2008.

[171] Egyptian Penal Law No. 58 (1936), article 155.

[172] Jordanian Penal Code No. 16 (1960), article 286.

[173] Jordanian Penal Code No. 16 (1960), article 98.

[174] Nadera Shalhoub-Kevorkian (2004) 'Mapping and Analyzing the Landscape of Femicide in Palestinian Society', Women's Centre for Legal Aid and Counselling, 64.

[175] Article 9, All Palestinians are equal under the law and judiciary, without discrimination because of race, sex, colour, religion, political views, or disability. Article 10, 1. Basic human rights and freedoms shall be binding and respected. 2. The Palestinian National Authority shall work without delay to join regional and international declarations and covenants which protect human rights.

[176] PCHR interview conducted with Issu Abu-Sharar, Chief Justice, President Higher Judicial Council, 22 Dec. 2008.

[177] Institute of Women's Studies, Birzeit University (2008) 'The Impact of Israeli Mobility Restrictions and Violence on Gender Relations in Palestinian Society: 2000-2007'.

[178] Institute of Women's Studies, Birzeit University (2008) 'The Impact of Israeli Mobility Restrictions and Violence on Gender Relations in Palestinian Society: 2000-2007'.

[179] See Glenn E. Robinson, "The Politics of Legal Reform in Palestine," Journal of Palestine Studies, Vol. 27, No. 1 (Autumn 1997).

[180] Human Rights Watch, 'Justice Undermined: Balancing Security and Human Rights in the Palestinian Justice System', Vol.13, No.4 (E) (30 Nov. 2001).

for Human Rights (ICHR, formerly PICCR) found circumstantial evidence suggesting that a lack of trust in, and frustration with, the judicial system has encouraged individuals to turn to tribal/clan based arbitration mechanisms: "people can't find a solution within the courts".[181]

The fact that the legislature (PLC) is currently not functioning is a major problem, but the Occupying Power plays a decisive role in paralysing Palestinian rule of law: the Palestinian Centre for Human Rights (PCHR) comments that it is the IDF alone which decides whether the PLC convenes or not.[182] This paralysis means that no new legislation can be passed and no legal reform can take place. The weak enforcement of the rule of law, conflicting and parallel legal codes, discriminatory implementation of law and multiple judicial entities all contribute to a fragmented and inefficient system of legal protection. Parallel and conflicting legal codes abound, and are drawn from:

- Palestinian Basic Law
- Israeli military and civil law
- Ottoman law
- British Mandate law
- Jordanian law
- Egyptian law
- *Sharia* law
- International law

It is not uncommon for conflict or post-conflict societies to have multiple legal codes; but it is the lack of effective legislative and judicial oversight that is particularly problematic in the oPt. PCHR contends that since its formation in 1996 the PLC had made reasonable progress towards unifying the applicable laws; however, since 2007 the lack of *quorum* has stymied any further progress.

Weak rule of law has a particularly detrimental effect on gender equality and women's empowerment, especially related to

domestic violence and family law, and legal malfunctioning impacts particularly severely on women. Provisions of the penal code in force in both the West Bank and Gaza related to rape, adultery, sexual violence committed in marriage and so-called "honour killings" display unambiguous discrimination against women.[183] The recourse to informal justice in the form of tribal/clan based arbitration mechanisms also has a detrimental impact on women; as such entities are often governed by entrenched patriarchal social and cultural norms. In cases of family law administered by the *Shari'a* and clan-based courts, women's rights organization have pointed to women's chronic lack of legal awareness of their rights and entitlements.

Victims of violence in the oPt are both women and men. Women, however, are the main victims of family violence, e.g., the ICHR identified eighteen honour crimes in 2007.[184] Unseating the notion that the practice of honour killings is a phenomenon specific to the Muslim community, it is important to note that several of the murdered women were Christian. Villages witnessed the highest proportion of such crimes.[185] In contrast, the main victims of IDF and settler violence are young males, constituting 94% of Palestinians killed, and 99% of those imprisoned, since 2000.[186]

There has been a rise in the rate of street harassment reported by women over the reporting period. In 2005 there were 105 reported rapes and attempted rapes and 2,916 reported crimes involving "threat and insult" to women.[187] Human Rights Watch reported that

[181] Interview with Halal al-Keshawy, Women's Affairs Centre, Gaza City for the PHDR 2009 (22 Feb. 2008).

[182] PCHR, 'PCHR has Reservations about Regulations Adopted in the Context of Ongoing Political Fragmentation', Position Paper (23 Jun. 2009).

[183] A Question of Security: Violence against Palestinian Women and Girls, Human Rights Watch 2006, pp. 16-7.

[184] Institute of Women's Studies, Birzeit University (2008) 'The Impact of Israeli Mobility Restrictions and Violence on Gender Relations in Palestinian Society: 2000-2007'.

[185] Institute of Women's Studies, Birzeit University (2008) 'The Impact of Israeli Mobility Restrictions and Violence on Gender Relations in Palestinian Society: 2000-2007'.

[186] Institute of Women's Studies, Birzeit University (2008) 'The Impact of Israeli Mobility Restrictions and Violence on Gender Relations in Palestinian Society: 2000-2007'.

[187] PCBS cited in Institute of Women's Studies, Birzeit University (2008) 'The Impact of Israeli Mobility Restrictions and Violence on Gender Relations in Palestinian Society: 2000-2007'.

there were 27 individuals serving sentences for rape in 2005, and two convictions.[188] In addition, and as is the case in all countries, it is likely that many rape, attempted rape and assault cases go unreported. Such cases may also be solved by customary law in the oPt.

Another problem that especially affects women is widespread social stigma against reporting and seeking legal recourse against violence perpetrated by family members. According to a survey by the Palestinian Central Bureau of Statistics, only 1.2% of polled women who experienced domestic violence had filed a formal complaint to police.[189] Those who report cases of domestic and family related violence are often intimidated and ostracised. Women lawyers reportedly face significant professional challenges and disadvantages in entering state institutions and private legal practices due to stereotypes about their social role.[190] Only 13% of registered legal professionals in the West Bank are women.

Overall emphasis on juvenile justice has been weak, despite the fact that nearly 60% of the population is under 18. The crisis situation is especially hard on young people. Children and youth are often detained in regular facilities with other adults and there is no systematic approach to ease their rehabilitation and reintegration. Further challenges arise from the lack of youth-specific legislation and resources and expertise to provide specialized counselling and medical support for young people affected by the crisis.

The capacities of the High Judicial Council, the Attorney-General's Office and the Ministry of Justice must be built, with an emphasis on: 1) institutional capacity development of the Ministry of Justice; 2) enhanced access to justice at the grassroots level and 3) confidence building between justice sector actors and among the public.

Such support should aim towards the provision of free legal aid services at all levels and across the oPt; prevention of domestic violence and Gender Based Violence as part of a broader protection strategy for women; a functioning juvenile justice mechanism to address the needs of the youth; the development of a legal framework delineating possible links between traditional justice mechanisms and the formal justice system; and awareness-raising for people at the grassroots level to help them claim their legal rights.

A recent UNDP survey revealed that Palestinian attitudes towards women's rights exhibit strong support for a revision of the legal code in order to boost women's equality. Well over 70-80% of survey respondents stated that women should be equal to men before the court, the law, at home and at work.[191] Many draft laws presented by various PA governments have lacked any visible awareness of women's human rights (and most other human rights issues). However, all laws passed by the PLC are relatively women friendly due to strategic and focused lobbying by the women's movement.

New tones are clearly discernable from the cabinets of the current Prime Minister. The Palestinian Reform and Development Plan 2009-2011 places particular emphasis on women and youth, as does Fayyad's 13th Government Programme ('Palestine: Ending the Occupation and Establishing the State', National Plan 2011-2013) in which gender and youth are positioned as cross-sectoral strategies. Furthermore, in the present cabinet, 5 out of 21 ministers are women; on 8 March 2009 President Abbas signed the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); all major political parties have quotas for women to their governing bodies; and last, but not least, a quota system has been established to increase the participation of women in the Parliament (today 13%) and on local councils.[192]

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[188] Human Rights Watch (2006) 'A Question of Security: Violence against Palestinian Women and Girls', Nov. 2006.

[189] Ibid, p21.

[190] *Access to justice in the oPt: Mapping the Initiatives of Non-State Actors,* UNDP/PAPP 2009, p.29.

[191] UNDP (2009) 'Palestinian Perception toward the Human Security Situation in the occupied Palestinian territory'.

[192] UNDP (2009) 'Gendered Impacts of Violence, Insecurity and Disintegration in Palestine' Unpublished draft, 10 Sep. 2009.

2.8 Environment

Water is one of the most challenging issues affecting environmental sustainability in the oPt. The global Human Development Report 2006 noted that per capita Palestinians, especially in Gaza, experience one of the highest levels of water scarcity in the world, with physical availability and governance of shared water contributing to this shortage.[193] The unequal sharing between Israel and the oPt of the aquifers below the West Bank is stark: average per capita water use by Israeli settlers on the West Bank is some nine times higher than by Palestinians.[194] With only 13% of all wells in the West Bank, settlers account for 53% of groundwater extraction.[195]

The management of the western and coastal aquifers demonstrates the problem. Part of the Jordan Basin, the western aquifer is the single most important source of renewable water for the oPt. Nearly three quarters of the aquifer is recharged within the West Bank and flows to the coast of Israel. Much of the water is not accessible to Palestinians; this is a result partly, of the stringent regulation of the quantity and also depth of wells. Palestinian per capita access to water resources in the West Bank is a quarter of Israeli access and it is declining.[196] There are similar problems with the waters from the Coastal Basin, which barely reach the Gaza Strip because of the high rates of extraction on the Israeli side.

It is estimated that the over-abstraction of the Coastal Basin – to approximately double the sustainable limit in 2000 – is now reaching dangerous levels.[197] Only 5% to 10% of the aquifer yields quality drinking water.[198] The lowering of the water table coupled with increased salinisation via sea water intrusion and pollution by raw sewage compromises both the quality and quantity of available water. The main contaminants in the water resources in the Gaza Strip are nitrates, chlorides, salinity, and potentially, fecal coliforms and fecal streptococcus.[199] The Palestinian Hydrology Group contends that the current pollutant rates are four times higher than the 2005 figures.[200] Public health concerns due to this pollution include water-borne diseases and acute, chronic and infectious diseases like Hepatitis-A, diarrhoea and cholera. The West Bank is also at risk from contaminants.

In 2009 a third of Palestinian West Bank communities are unconnected to water networks: in the north one fifth of the population is not served, and almost half of the communities in the south remain unconnected.[201] The Nablus, Jenin and Tubas governorates in the north are the most poorly served; in the south, almost 60% of communities in the Hebron governorate lack access to water.[202] Those not served by networks have to pay a higher price for water despite the fact that they live in some of the poorest regions in the oPt: water from non-network sources costs up to four times more than network water.[203] A study conducted by USAID revealed that in the Nablus and Hebron governorates, the contamination level for tanked water was 38% zero-level faecal coli forms and 80% zero level faecal coli forms for piped water.[204] Ostensibly, water supply coverage is bet-

[193] UNDP (2006) 'Beyond scarcity: Power, poverty and the global water crisis', Human Development Report.

[194] UNDP (2006) 'Beyond scarcity: Power, poverty and the global water crisis', Human Development Report.

[195] UNDP (2006) 'Beyond scarcity: Power, poverty and the global water crisis', Human Development Report.

[196] World Bank (2009) 'West Bank and Gaza Assessment of Restrictions on Palestinian Water Development', Apr. 2009.

[197] B'Tselem (2000) 'Thirsty for a Solution: The Water Crisis in the Occupied Territories and its Resolution in the Final-Status Agreement, Position Paper', 10.

[198] World Bank (2009) 'West Bank and Gaza Assessment of Restrictions on Palestinian Water Development', Apr. 2009.

[199] PCHR interview with Abdul Rahman Tamimi, Palestinian Hydrology Group, Ramallah, 21 Dec. 2008.

[200] PCHR interview with Abdul Rahman Tamimi, Palestinian Hydrology Group, Ramallah, 21 Dec. 2008.

[201] World Bank (2009) 'West Bank and Gaza Assessment of Restrictions on Palestinian Water Development', Apr. 2009.

[202] World Bank (2009) 'West Bank and Gaza Assessment of Restrictions on Palestinian Water Development', Apr. 2009.

[203] World Bank (2009) 'West Bank and Gaza Assessment of Restrictions on Palestinian Water Development', Apr. 2009.

[204] USAID cited in World Bank (2009) 'West Bank and Gaza Assessment of Restrictions on Palestinian Water Development', Apr. 2009.

ter in the Gaza Strip than in the West Bank, with all communities and 98% of the population served in 2005.[205] However, water quality and reliability are extremely poor, the latter a result of power cuts and lack of spare parts related to the blockade and destruction of infrastructure after Operation Cast Lead.

Photo 2: Young people collecting water

Source: B'tselem

It is estimated that there are 25 million cubic meters of untreated sewage discharged into the environment each year at over 350 locations in the West Bank.[206] In addition, 69% of Palestinians in the West Bank rely on septic tanks.[207] Palestinians in the Gaza Strip fair better in terms of connection; data suggest that 60% of households belong to the sewerage network.[208] However, the treatment plants are beyond capacity, and as a result of the blockade

on spare parts, power and human resources, have been non-operational for some time. In March 2007 at the Beit Lahia wastewater treatment plant, a collapsed embankment flooded a village in the northern Gaza Strip with raw sewage, resulting in the deaths of five people and the displacement of nearly 2,000 others.[209] On January 10, 2008, the Palestinian Water Authority warned that due to the hostilities and ongoing siege, four million cubic metres of sewage stored in the cesspools near Umm Nasser could overflow again, this time threatening 15,000 people and large swathes of farmland.[210] In addition, 69 million litres of partially treated or completely untreated sewage are pumped directly into the Mediterranean.[211] The Mediterranean Sea is a shared resource that is being polluted as a result of the conflict; this issue should be considered to be a regional crisis involving all Mediterranean countries.

Settlements also pose a number of environmental concerns for Palestinians as many discharge raw sewage to the West Bank. For example, at Wadi Fukin, the Beit Ilia settlement allows its sewage to run raw on Saturdays when the ultra-orthodox settlement does not work.[212] In addition, Israel refuses to give permits for water and waste treatment plants without the precondition that they be connected to settlements.

[205] World Bank (2009) 'West Bank and Gaza Assessment of Restrictions on Palestinian Water Development', Apr. 2009.

[206] World Bank (2009) 'West Bank and Gaza Assessment of Restrictions on Palestinian Water Development', Apr. 2009.

[207] PCBS cited in World Bank (2009) 'West Bank and Gaza Assessment of Restrictions on Palestinian Water Development', Apr. 2009.

[208] World Bank (2009) 'West Bank and Gaza Assessment of Restrictions on Palestinian Water Development', Apr. 2009.

[209] UNFPA (2007) UNFPA Assist Displaced Families in the Gaza Strip', Dispatch, 27 Apr. 2007.

[210] Maan News Agency (2008) 10 Jan. available at http://www.maannews.net/en/index.php?opr=ShowDetails&ID=34834.

[211] ICRC (2009) 'Gaza: 1.5 million people trapped in despair'.

[212] World Bank (2009) 'West Bank and Gaza Assessment of Restrictions on Palestinian Water Development, Apr. 2009.

The Jerusalem Municipality has consistently failed to invest in infrastructure, particularly for water and sewage, for Palestinians; almost 90% of all sewage pipes, power lines, roads and sidewalks are located in West Jerusalem, leaving numerous Palestinian neighborhoods in East Jerusalem without sewage systems, electricity and paved roads.[213] Entire Palestinian areas are not connected to a sewage system (70 km of main sewage lines are lacking). Similarly, over 160,000 Palestinian residents have no legal source of water, forcing them to 'illegally' construct makeshift connections to the Municipal water mains or survive on containers of fresh water purchased from private companies.[214]

2.9 Conclusion

Many Palestinians are given enough food aid to sustain themselves (i.e. their right to food is fulfilled) but because they are unable (due to economic impediments) to make enough money to feed themselves they remain in a state of dependency. This is not a poverty of insufficiency but a poverty of disempowerment.

There appears to be a correlation between the degree to which the Palestinian Authority has sectoral responsibility and the degree to which progress has been made. The education and health care system are good examples of areas in which Palestinians, given a window of opportunity, have made progress. By contrast, the national economy has consistently weakened over the reporting period due to stringent Israeli control. Despite improvements in education for women, there is little positive evidence of their social, economic and legal empowerment. The increased participation of women in civil society, as leaders in popular resistance movements during the first *intifada*,

has not been sustained. From the second *intifada* to the present day, small gains made by grassroots women leaders have been reversed.

It is very clear that until Palestinians are afforded economic and environmental control, specifically control over macro-economic policy, trade, livelihoods, water resources and borders, sustained development will remain elusive. Small gains have been made and must continue to be made. The progress in education and health must continue. Women's empowerment and gender equality is an area in which progress can be made outside the confines of the occupation. Similarly, the mobilisation and empowerment of young people is an issue that can and should be prioritised.

The following Chapter explores territorial fragmentation and political polarization over the reporting period, arguing that these issues are crucial to understanding the human security and development concerns of the oPt.

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[213] B,Tselem ,Neglect of Infrastructure and Services in Palestinian Neighborhoods in East Jerusalem ,http//: www.btselem.org/english/Jerusalem/Infrastructure_and_ Services.asp

[214] The Association of Civil Rights in Israel ,The State of Human Rights in East Jerusalem ,May.40 ,2009

3

Territorial fragmentation and political polarization

3.1 Introduction

Since 1967, the territorial breakup of the oPt has become gradually more pronounced. A striking early example of this is the annexation of the extended municipality of Jerusalem by the Israeli Knesset in 1980, an action declared illegal by Security Council Resolution 478 (1980).[215] The partitioned landscape of the oPt was formalized by the Oslo Accords in 1995, when the territory was divided into Areas A, B and C in the West Bank, areas H-1 and H-2 in Hebron, and (until disengagement in 2005) Yellow, Green, Blue and White Areas in the Gaza Strip.[216] In the West Bank and East Jerusalem, the expropriation of Palestinian land by the State of Israel continues unabated with ongoing declarations that Palestinian land is "State land" on which settlements can be built and expanded.[217]

The State of Israel controls Palestinian air space, territorial waters, natural resources, movement and the macro-economic instruments that enable economic autonomy. After the start of the second *intifada* in 2000, Israel intensified administrative and security procedures implemented during the first *intifada*, measures that have isolated the West Bank and the Gaza Strip from each other and East Jerusalem from the rest of the oPt. Israel has, through a complex legal and bureaucratic administrative system, assumed control over movement and access between towns, their surrounding villages and West Bank districts. This system, combined with physical impositions on Palestinian land such as settlements, the Wall, checkpoints and closures, challenges all forms of movement and access. Israel has also segregated the Jordan Valley region – declaring it a closed military zone – from the rest of the West Bank. This designation, along with the isolation

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[215] Security Council Resolution 478 concluded that such a move was in effect an illegal annexation of occupied territory, and thus "null and void" available at UN Security Council Resolution 478, 20 Aug. 1980. The Jerusalem Basic Law declared "Jerusalem, complete and untied, is the capital of Israel," available at Basic Law: Jerusalem, Capital of Israel, Israeli Ministry of Foreign Affairs, 30 Jul. 1980.

[216] Halper, Jeff (2000) 'The 94 percent solution: A Matrix of Control', Middle East Report No. 216: 14-19, Autumn 2000).

[217] B'Tselem (2009) 'Land expropriation and settlements'.

of the Gaza Strip, has placed all international borders of the oPt under Israeli control.

Palestinian political, economic, social and cultural cohesion is severely affected by this regime of closures and controls within an already non-contiguous territory.[218] One of the most destructive consequences has been the growth and intensification of internal political fragmentation in which Fatah effectively controls the West Bank and Hamas the Gaza Strip. The recent sharp political division in the oPt has a number of internal and external contributing factors, but the lack of a territorial contiguity makes potential reconciliation exceptionally difficult.

This Chapter initially examines the administrative measures that contribute to the fragmentation of the oPt before moving on to the physical impositions, such as the illegal settlements, the Wall in the West Bank, and the barricade around Gaza. The administrative and territorial annexation of East Jerusalem will be assessed separately. Finally, the section reviews the factors that led to the current political polarization and assesses Palestinian perspectives on this challenge and its impacts.

3.2 The architecture of occupation and territorial fragmentation

The territorial fragmentation of the oPt is most clearly seen in the confinement of the population into isolated geographical enclaves that lack regional, economic, and institutional contiguity.[219] Through various means, the Occupying Power exercises effective control over these enclaves and the relationships between them.[220] Israel has systematically segregated Palestinians communities into a series of archipelagos (referred to variously as isolated islands, enclaves, cantons, and Bantustans) under an arrangement referred to as "one of the most intensively territorialized control systems ever created".[221] Through heavy restrictions over the movement of people and goods, the State of Israel also controls the frequency, periods and types of social, political and economic interaction that can occur between and among these enclaves.

The Oslo Accords, despite promising peace and security, institutionalized rather than removed restrictions on movement within the oPt that had first been introduced in 1988.[222] It was the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip signed at Taba in 1995, widely referred to as 'Oslo II', that set out the basis for the fragmented administrative and security arrangements that are now entrenched.[223] The administrative and security arrangements outlined in Oslo II have proven to be antithetical to the cohesion of Palestinian society, the attainment of human security, or effective self-governance: today, territorial fragmentation and its resulting social, political and economic effects are compounded by ambiguity over who finally has administrative and security responsibilities for the oPt.

Oslo II divided the West Bank into three areas, each with distinctive borders and rules for administration and security controls:

- **Area A**: includes all the areas from which Israeli military control has been transferred to the administration of the PA, including the seven major Palestinian population centres in the West Bank: Bethlehem, Hebron, Jenin, Qalqiliya, Nablus, Ramallah, and Tulkarem. In these areas, the PA has "powers and responsibilities for internal security and public order".[224]

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[218]   See Chapter 4 for details.

[219] This phenomenon has been referred to by the UN Special Rapporteur on the oPt as the "cantonization of Palestinian daily life" in 'Situation of human rights in the Palestinian territories occupied since 1967', A/63/326 25, Aug. 2008.

[220]   Through checkpoints for example, see proceeding section on checkpoints and closures.

[221]   Delaney, David (2005) 'Territory: A Short Introduction', Blackwell Publishing cited in Institute of Women's Studies, Birzeit University; World Bank (2008) 'The impact of Israeli mobility restrictions and violence on gender relations in Palestinian society: 2000-2007, Sep. 2008.

[222]   Institute of Women's Studies, Birzeit University; World Bank (2008) 'The impact of Israeli mobility restrictions and violence on gender relations in Palestinian society: 2000-2007, Sep. 2008.

[223]   For information on the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, 'Oslo II', Taba / Washington D.C. 28 Sep. 1995 see: http://www.nad-plo.org/listing.php?view=nego.

[224] Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, 'Oslo II', Taba / Washington D.C. 28 Sep. 1995.

Map 3: Fragmentation of the West Bank

LEGEND

TRISECTION BOUNDARIES

ENCLAVE BOUNDARIES

CONSTRUCTED AND PLANNED BARRIER

1949 ARMISTICE LINE (Green Line)

MEDITERRANEAN SEA

West Bank

Gaza Strip

ISRAEL

EGYPT JORDAN

Jenin

Tulkarm

Tubas

Qalqiliya

Nablus

Salfit

Ramallah

Jericho

Jerusalem

Bethlehem

Hebron

TERRITORIAL FRAGMENTATION

A combination of checkpoints, physical obstacles and a permit system has effectively cut the West Bank into three distinct areas in addition to East Jerusalem. Within these areas further enclaves have been created – also bordered by checkpoints and roadblocks – that has led to one Palestinian community being isolated from its neighbour.

The Jordan Valley is practically cut off to Palestinians from the rest of the West Bank. And, over the past year, progressively fewer Palestinians have been able to obtain permits to visit 'closed areas' – land to the west of the West Bank Barrier.

Kilometers
0 2 4 6 8 10 20

The designations employed and the presentation of material on this map do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

United Nations Office for the Coordination of Humanitarian Affairs
Cartography: OCHA - oPt - May 2005. Base data: IPA MoP, July 2000, OCHA update 2005
For comments contact <ochaopt@un.org> or Tel. +972 (02) 582-962
http://www.ochaopt.org

Source: OCHA-oPt, 2005

- **Area B**: includes 450 Palestinian towns and villages in the West Bank. In these areas, as in Area A, the PA "will assume responsibility for public order for Palestinians". However, this area differs from Area A in that "Israel shall have overriding responsibility for security for the purpose of protecting Israelis and confronting the threat of terrorism".[225]

- **Area C**: comprises the majority of the West Bank – populated and unpopulated – including areas of strategic importance to Israel and the settlements, where Israel retains full responsibility for administration, including zoning and planning, land requisition, confiscation, allocation, registration, and security. Area C is the only contiguous tract of the occupied West Bank and it both surrounds and divides Areas A and B.[226]

The interim arrangements were designed to last five years. The three zones were redefined in the Sharm El-Sheikh Agreement of 1999 as follows:

"The Israeli Side undertakes the following with regard to Phase One and Phase Two of the Further Redeployments: On September 5, 1999, to transfer 7% from Area C to Area B; On November 15, 1999, to transfer 2% from Area B to Area A and 3% from Area C to Area B; On January 20, 2000, to transfer 1% from Area C to Area A, and 5.1% from Area B to Area A."

In 2009, however, the PLO Negotiations Affairs Department notes that, in violation of these obligations, no such transfer of lands has ever been made.[227] By the time of the Camp David Peace Summit in July 2000, 59 percent of the West Bank was categorized as Area C and under full Israeli control, including the majority of Palestinian farmland; Israel controlled the security of an additional 23.8 percent of the West Bank (Area B). As a result, by the time the second *intifada* broke out, Israel had complete control of over 82.8 percent of the West Bank, leaving the PA ostensibly in partial control of only 17.2 percent of the West Bank territory. In 2002, Israel regained *de facto* control of all zones and began to build the Wall.[228]

The fragmented administrative systems articulated by Oslo and exacerbated by Israeli policies and action on the ground have very different implications for Palestinians in the West Bank, East Jerusalem, the Gaza Strip, and even between those living in Areas A, B and C. Though most Palestinians in the West Bank reside in Areas A and B, Area C is critical to Palestinian planning, development and livelihoods. Palestinians living in Area C are under complete control of the Occupying Power.

Area C contains the land reserves necessary for the expansion of Palestinian population centres, and the development of national infrastructure and the agricultural and private sectors. Major water aquifers are also located in this area. Given that Area C is less densely populated, it is the desired location of sanitary landfills, waste-water treatment plants and other environmentally sensitive infrastructure. The bulk of Palestinian agricultural and grazing lands are located in this area. Moreover, because Areas A and B are composed of dozens of disconnected territorial units surrounded by Area C and the settlements, any infrastructure connecting Palestinian communities such as roads, water and electricity networks, need to cross through Area C to be effective.[229] Attempts by Palestinians to gain permission to build in Area C are often unsuccessful. For example, over 94 % of applications for building permits in Area C submitted to the Israeli authorities between January 2000 and September 2007 were denied.[230]

[225] Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, 'Oslo II', Taba / Washington D.C. 28 Sep. 1995.

[226]   PLO Negotiations Affairs Department (2007) 'Negotiations Primer'.

[227]   PLO Negotiations Affairs Department (2009) 'Israel's violations of the Oslo Agreements' available at http://www.nad-plo.org/inner.php?view=nego_nego_f16p.

[228] EC-ECHO Food Security Information for Action Programme (2007) 'Strengthening resilience: Food Insecurity and Local Responses to Fragmentation of the West Bank', Apr. 2007.

[229]   OCHA-oPt (2008) 'Lack of Permit" Demolitions and Resultant Displacement in Area C', May, 2008.

[230]   OCHA-oPt (2008) 'Lack of Permit" Demolitions and Resultant Displacement in Area C', May, 2008.

The lack of jurisdiction in Area C and limited authority in Area B also undermine the PA's implementation of the rule of law. While security control over Area A was granted to the PA, the jurisdictional breakdown detailed in Oslo means that this promise is unattainable. As the Head of National Security for the Bethlehem District has highlighted, "All the criminals and wanted persons just move to [Area] B or go to the hills in [Area] C. All law violators can escape. The Israelis are concerned only about one thing – Israeli security – and not about Palestinian security."[231]

Although the interim agreements provide for 'joint' Palestinian-Israeli security responsibilities in Area B, Israel has *de facto* sole security control. The Head of National Security for the Bethlehem District explained how requests for *tansiq* (coordination) frustrate Palestinian law enforcement: "It's a real problem. If there is a suspect who is in B, we can request *tansiq* but it will take at least 48 hours, by then if someone is in the town of Shawara, he goes to the town of Abidiyya, for example, and we can only go to Shawara. If there was a State, if there was freedom [of movement] the police can do the job. But there is occupation."[232] In effect, limited self-rule and the illusion of Palestinian self-governance have distorted the obligations arising out of occupation, specifically with respect to the protection of the occupied.

Following the outbreak of the second *intifada* (2000) and Operation Defensive Shield (2002), joint patrols between Israeli and Palestinian Security Forces ended. Subsequently, through its containment policies, the IDF has assumed full security control of Area A.[233] The most extreme example of this control was during Operation Defensive Shield, when the IDF reoccupied territory designated as area A and placed the city of Bethlehem under curfew for 156 days.[234] This level of control has been exercised at various points throughout the reporting period. For example, in March 2009, the IDF conducted military operations in Haris village (Area A) in the Salfit governorate for three consecutive days, at one stage imposing a 29 hour curfew, interrogating all male villagers between 15 and 30 years old, and arresting four residents.[235] During 2005 to early 2010, and particularly since June 2007, military incursions in the West Bank and Gaza Strip have intensified.[236] For instance, during November 2007 alone, the IDF carried out 786 raids in the West Bank in the course of which one person was killed, 67 injured and 398 arrested.[237]

The 'Agreement on the Gaza Strip and the Jericho Area' signed in 1994, transferred authority of these areas, excluding Israeli settlements and military installations, from the Israeli authorities to the PA. The Israeli unilateral disengagement plan signed in 2004 was followed by the evacuation of all settlements from the Gaza Strip. Israel, however, continue to "guard and monitor the external land perimeter of the Gaza Strip […] maintain[ing] exclusive authority in Gaza air space, and […] exercis[ing] security activity in the sea off the coast of the Gaza Strip."[238] Post-disengagement, Israel continues to exercise effective control over the population of the Strip via its command of Gaza's six

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[231] Reference cited in Penny Johnson (2008) 'Towards a New Social Contract: Renewing Social Trust and Activating Social Capital for Palestinian Human Security', background paper for PHDR, commissioned by UNDP, Jerusalem.

[232] Reference cited in Penny Johnson (2008) 'Towards a New Social Contract: Renewing Social Trust and Activating Social Capital for Palestinian Human Security', background paper for PHDR, commissioned by UNDP, Jerusalem.

[233] This was a foundation of the Oslo framework.

[234] OCHA-oPt (2009) 'Shrinking Space: Urban Construction and Rural Fragmentation in the Bethlehem Governorate', May 2009.

[235] OCHA-oPt (2009) 'Protection of Civilians Weekly Report', 25-31 Mar. 2009.

[236] UN (2008) 'Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967', General Assembly, Human Rights Council, A/HRC/7/17.

[237] Palestinian Monitoring Group, Monthly Summary, Nov. 2007, cited in UN (2008) 'Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967', General Assembly, Human Rights Council, A/HRC/7/17, §29, 21 Jan. 2008.

[238] The Disengagement Plan (2004) 18 Apr.

land crossings, through regular and intensive military incursions, complete control of Gaza's airspace and territorial waters, and management of the Palestinian Population Registry.[239]

Occupation, coupled with the fall-out from the 2006 elections, makes the attribution of administrative, security, humanitarian and development obligations in the Gaza Strip very complex. The legal and political ambiguities over the humanitarian, recovery, reconstruction, and development responsibilities of Hamas and the PA, Hamas and Israel in Gaza, and the PA and Israel in the West Bank, undermine human security and exacerbate the lack of internal cohesion.   Hamas and Fatah, as the two main political movements, must find the means to reconcile, despite the challenges created by the occupying Power and the physical division.

Box 2: The Agreement on Movement and Access

The lack of contiguity between the West Bank and Gaza Strip is a challenge for Palestinian social, political and economic integration. In an attempt to alleviate this discontinuity, the *Agreement on Movement and Access From and To Gaza* was signed by Israel and the PA in 2005. It aims "to promote peaceful economic development and improve the humanitarian situation on the ground". Consensus was achieved on: (i) the opening of the international Egypt-Gaza border at Rafah; (ii) commercial crossings from the Gaza Strip into Israel; (iii) facilitation of the movement of people and goods within the West Bank, including a plan to reduce obstacles to movement; and (iv) facilitation of the movement of peoples between the Gaza Strip and the West Bank through bus and truck convoys.

What actually happened was that, a year after the Agreement was signed, the ability of Palestinian residents of the Gaza Strip to access either the West Bank or the outside world and the flow of commercial trade remained negligible while movement within the West Bank was even more restricted than the previous year.[240] For example, the crossings in Gaza opened on November 25, 2005 and operated almost daily in the presence of international observers until June 25, 2006. From 25 June to November 2006, the crossings were closed by the Israeli authorities 86 percent of the time for alleged security reasons.[241] From mid-June to early August 2007, approximately 6,000 Palestinians were stranded on the Egyptian side of the border at Rafah, without adequate accommodations or facilities, and denied the right to return home. Over 30 people died while waiting.[242] Rafah remained mainly closed to the movement of people for 619 working days; it was last open for full public use on 9 June 2007.[243]

The target date for establishing intra-Palestinian bus convoys was 15 December 2006, and 15 January 2006 for establishing truck convoys. As of October 2009, these deadlines are 46 and 45 months overdue respectively.[244] During 2006, the number of physical obstacles to movement within the West Bank increased by 44 percent, while additional restrictions to movement have been imposed on individuals through the extension of the permit system.[245]

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[239]   Gisha (2007) 'Disengaged Occupiers: the Legal Status of Gaza'. Israel officially contends that after the implementation of its disengagement plan in 2005 it no longer is an Occupying Power in the Gaza Strip, and as a result is not responsible for observance of the obligations set forth in the Fourth Geneva Convention. This contention has been widely rejected both by expert opinion, e.g., the UN High Commissioner for Human Rights (A/HRC/8/17), the General Assembly (A/63/96, A/63/98), the UN Secretary General (A/HRC/8/17) and the Security Council (S/RES/1860).

[240]   OCHA-oPt (2006) 'The Agreement on Movement and Access One Year On', Nov. 2006.

[241]   OCHA-oPt (2006) 'The Agreement on Movement and Access One Year On', Nov. 2006.

[242]   UN (2008) 'Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967', General Assembly, Human Rights Council, A/HRC/7/17, 21 Jan. 2008.

[243]   OCHA-oPt (2009) 'Report No. 85 Implementation of the Agreement on Movement and Access and Update on Gaza Crossings', 04-17 Feb. 2009.

[244]   Adapted from OCHA-oPt (2009) 'Report No. 85 Implementation of the Agreement on Movement and Access and Update on Gaza Crossings', 04-17 Feb. 2009.

[245]   OCHA-oPt (2006) 'The Agreement on Movement and Access One Year On', Nov. 2006.

3.3 Demolitions and dispossession

The Israeli policy of demolishing Palestinian homes and infrastructure is contrary to international law,[246] yet demolitions are used routinely, causing personal and family insecurity and deeply fracturing community cohesion. The Committee Against Torture has stated that "Israeli policies on housing demolitions may, in certain instances, amount to cruel, inhumane or degrading treatment or punishment."[247] Demolishing civilian homes for punitive reasons, including when a family member is suspected of having acted in resistance to the State of Israel, also breaches one of the most fundamental principles of justice: the prohibition on punishing one person for acts committed by another. The Fourth Geneva Convention unequivocally prohibits collective punishments of this type.

The Israel Committee Against Housing Demolitions (ICAHD) defines:

- *Punitive* demolitions as the destruction of homes as punishment for the actions of people associated with the house

- *Administrative* demolitions as involving the destruction of houses due to a lack of permit

- Military demolitions as conducted by the IDF in the course of military operations for the purpose of clearing off a piece of land[248]

- Undefined demolitions as those still under investigation by ICAHD. The majority of these are believed to be

land-clearing operations, military and punitive, occurring between 1967 and 1982.[249]

Since the beginning of the occupation in 1967, any Palestinian-owned structures lacking building permits were demolished by Israeli authorities. However, after Oslo such demolitions were restricted to Area C and East Jerusalem.[250] Given the near impossibility of obtaining building permits from the State of Israel in these areas, many Palestinians no longer apply and instead, despite the ever-present threat of demolition, build to meet their needs. To date, more than 3,000 Palestinian-owned structures in the West Bank have pending demolition orders (which can be immediately executed without prior warning). At least ten small communities across the West Bank are at risk of being almost entirely displaced due to the large number of pending demolition orders.[251] At least 28 percent of all Palestinian homes in East Jerusalem have been built in violation of Israeli zoning requirements; based on population figures, this percentage is equivalent to some 60,000 Palestinians in East Jerusalem who are at risk of having their homes demolished.[252] Figure 6 highlights the numbers of housing demolitions which occurred for administrative and other reasons.

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[246] Article 53 of the Fourth Geneva Convention States that an Occupying Power is forbidden from destroying property, "except where such destruction is rendered absolutely necessary by military operations."

[247] Committee Against Torture, 'Conclusions and Recommendation of the Committee Against Torture: Israel', CAT/C/XXVII.

[248] Such demolitions represent 65.5 percent of all demolitions. ICAHD (2009) 'Statistics on House Demolitions (1967-2009)' 7 Apr. 2009.

[249] Statistics on House Demolitions (1967-2009)' (7 April 2009).

[250] OCHA-oPt (2008) 'Lack of Permit" Demolitions and Resultant Displacement in Area C', May. 2008.

[251] OCHA-oPt (2008) 'Lack of Permit" Demolitions and Resultant Displacement in Area C', May. 2008.

[252] OCHA-oPt (2009) 'The Planning Crisis in East Jerusalem: Understanding the Phenomenon of "Illegal" Construction', Apr. 2009.

Figure 6: Housing demolitions from 2005 -2009[253]

	PUNITIVE[254]	ADMINISTRATIVE[255]	MILITARY	UNDEFINED	TOTAL
2005[256]	4	211	75	–	290
2006	–	146	256	–	402
2007	–	286	73	–	359
2008	–	291	79	–	370
2009	2	41	4,247[257]	–	4,290
TOTAL since 1967	1,523	4,694	11,798	6,130	24,145

[254] [255] [256] [257]

Box 3: Psychological effects of demolitions on children

Children's experiences of house demolitions[258]

In a recent study of Palestinian children's responses to ongoing house demolitions, the author found "intimate connections between history, economic activities, globalization, globalized social relations and new forms of politics" operating in the oPt. A powerful self-narrative of resilience in the face of unfair treatment was discovered. The author argues that, "in the context of economic sanctions, restricted movement, legalization of militarized bureaucracies and active policing of the boundaries, children are further marginalized. Children's stories revealed that those in power set the parameters for structural inequalities, using political and economic tools."

In one response, 17-old Fatmeh described herself as someone who had already learned how "to negotiate intense notions of despair and empowerment….She lives her life navigating between her identity as a victim and her identity as a frontliner and survivor who refuses to surrender. Her feelings of hopelessness and helplessness are countered and compounded by her choice to never lose hope."

When children were asked about their most painful incident, they referred to losing their homes and becoming refugees in their own neighbourhood. For them this internal displacement was perceived as a 'double suffering', in the sense that they were afflicted both by the effects of the aggressive military occupation that caused the destruction of their home and, subsequently, the social consequences of being vulnerable individuals in their own societies. Their losses were accompanied by feelings of subjugation, desperation and oppression and they expressed their disbelief that they were not, like other children in the world, being allowed to live in peace.

Children's narratives make explicit the connections between the personal trauma of the individual living in a war zone and the global decision-making that allows such suffering to continue. The children interviewed saw themselves as living in a world that continues to demonize Palestinians as 'terrorists' and 'criminals', often used to justify the violence used against them by the State of Israel. Remarkably, they retained a sense of commitment, poignantly expressed from a child's point of view, to keep fighting for Palestinian self-determination.

As Hidaya, a young women, stated:

> How can the world live in peace when we suffer every single minute? I am sure they pay a high price. See, every time they hear about our resistance, they feel weak. I believe that I, Hidaya, the very simple woman, is much stronger than all of them, otherwise why would they send a tank, big computerized planes and machines to kill me. They fear the Palestinian child, and therefore we must stay strong, love each other, help and support the needy, and be educated. They fear educated people that can speak English and tell the world about their crimes.

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[253] ICAHD (2009) 'Statistics on House Demolitions (1967-2009)' 7 Apr. 2009.

[254] The Israeli policy of punitive demolition was suspended in February 2005. However it resumed on January 19, 2009. ICAHD (2009) 'Statistics on House Demolitions (1967-2009)' 7 Apr. 2009.

[255] The majority of these demolitions (26 percent of total demolitions) happen in Area C. These demolitions are a clear violation of international law, specifically violating Article 56 of the Fourth Geneva Convention. ICAHD (2009) 'Statistics on House Demolitions (1967-2009)' 7 Apr. 2009.

[256] The average Palestinian family size is 5.8 persons; 5.5 in the West Bank and 6.5 in the Gaza Strip: PCBS, 'Palestine in Figures' (2009).

[257] Estimated total houses completely demolished in Gaza during Operation Cast Lead. Number provided by OCHA-oPt through email communication to ICAHD on 10 February 2009. All demolitions occurring during Cast Lead are listed in 2009, despite several hundred occurring just before the new year.

[258] Shalhoub-Kevorkian, Nadera (2009) 'The Political Economy of Children's Trauma: A Case Study of House Demolition in Palestine', Feminism Psychology 19: 335-342.

Photo 3: Two little girls displaced in Operation Cast Lead play in the ruins outside their former home

Source: Vanessa Farr, 2009

3.4 Israeli settlements and the shrinking and changing landscape of the oPt

If the settlers are here there is no safety. There is no safety; there is only fear.[259]

The International Court of Justice (ICJ), the UN Security Council, and the UN General Assembly consider that "the Israeli settlements in the Occupied Palestinian Territories (including East Jerusalem) have been established in breach of international law".[260] The basis for this is article 49 paragraph 6 of the Fourth Geneva Convention which States "[t]he Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies".

Nonetheless, State of Israel-supported outposts[261] and settlement encroachment on the West Bank, including East Jerusalem, is relentlessly dividing the landscape – creating enclaves and restricting movements between Palestinian towns and villages.

[T]he government, to this day, is offering preferential mortgages to people who move to certain settlements, such as those near Nablus. Those places are way, way beyond the settlement blocs and were built for the expressed purpose of blocking Palestinian Statehood.[262]

In 2008 alone, Palestinian land taken by Israel for settlements, closed military zones (which includes almost the entire Jordan Valley) and nature preserves, rendered 40 percent of the West Bank inaccessible and unusable for residential, agricultural, commercial or municipal development.[263] In 2008, there were approximately 200 officially recognized – but illegal – Israeli settlements, approximately 102 outposts, and 29 military bases.[264] The economic cost to Israel of sustaining the settlement network is approximately USD

[259] Christian Peacemaker Teams & Operation Dove (2008) 'A Dangerous Journey: Settler Violence Against Palestinian Schoolchildren Under Israeli Military Escort 2006-2008 South Hebron Hills, Palestine', Aug. 2008.

[260] International Court of Justice in its advisory opinion: 'Legal Consequences of the Construction of a *Wall* in the Occupied Palestinian Territory', Advisory Opinion, I.C.J. Reports, 2004.

[261] Outposts are informal structures that serve as a prelude to a new settlement. They are unauthorized but funded by the Israeli government. UN (2008) 'Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967', GA/ HRC, A/ HRC/7/17, 21 Jan. 2008.

[262] Derfner, Larry (2009) 'Rattling the Cage: Give Us an inch, we'll settle a mile', in The Jerusalem Post, 8 July. http://www.jpost.com/servlet/Satellite?cid=1246443756942&pagename=JPost%2FJPArticle%2FShowFull.

[263] OCHA-oPt cited in UN (2008) 'Situation of human rights in the Palestinian territories occupied since 1967', Report of the Special Rapporteur on the Occupied Palestinian Territory, A/63/326 25, Aug. 2008.

[264] Peace Now (2007) 'Reports on the construction of outposts January to April 2007'.

556 million per annum.[265] The number of settlers is estimated to be between 480,000 and 550,000,[266] representing around 13 percent of the total population registered in Israel,[267] and it is rapidly increasing. In 2008, the growth rate of Israelis illegally living in the West Bank, excluding East Jerusalem, was 4.7 percent, considerably higher than that in Israel itself which was at 1.7 percent.[268] It is estimated that settlements, together with Palestinian land seized for the construction of the Wall, have resulted in the confiscation of a further 14 percent of the territory of the West Bank.[269] A study conducted in 2006 concluded that nearly 40 percent of the land held by Israeli settlements in the West Bank is privately owned by Palestinians.[270]

The government didn't officially expropriate that land - the folks at the outposts just took it, the government let them and the IDF guarded them.[271]

The logic and configuration of the fragmentation of the West Bank – including the mobility regime, checkpoints, demolitions, closures, and the Wall – appear to be more related to extending, protecting and annexing settlements than to ensuring State security within the Green Line (the 1949 Armistice Line, including the territory occupied by Israel after 1967, now regarded by many actors, including the PLO, as the legitimate basis for the borders of an independent Palestinian State).[272] At the time of the writing of this Report, and despite calls for a settlement freeze from the Obama administration and the international community, there is no indication that the settlement policy will desist. On the contrary, in September 2009, the Israeli Defence Minister has authorized construction of some 455 new homes. Politically, too, the settlements are becoming more extremist, inhabited now more than ever before by "a key yet often ignored constituency – [Israel's] growing and increasingly powerful religious right."[273]

On April 27, 2009 the Israeli authorities initiated the confiscation of what will amount to 12,000 dunums of land from Palestinian towns, an area that is referred to by the Israeli authorities as "E1".[274] The confiscated land will be used to expand and connect the Israeli settlements at Maale Adumim and Kedar in the occupied West Bank. This new settlement will include 3,500 apartments, 10 hotels and an industrial park, to accommodate 14,500 settlers, and will be situated adjacent to Maale Adumim.[275] The

[265] UN (2008) 'Situation of human rights in the Palestinian territories occupied since 1967', Report of the Special Rapporteur on the Occupied Palestinian Territory, A/63/326 25, Aug. 2008.

[266] UN (2008) 'Situation of human rights in the Palestinian territories occupied since 1967', Report of the Special Rapporteur on the Occupied Palestinian Territory, A/63/326 25, Aug. 2008.

[267] The population of Israel is approximately 7.2 million (CIA figures available at https://www.cia.gov/library/publications/the-world-factbook/geos/is.html).

[268] Peace Now (2009).

[269] UN (2008) 'Situation of human rights in the Palestinian territories occupied since 1967', Report of the Special Rapporteur on the Occupied Palestinian Territory, A/63/326 25, Aug. 2008.

[270] Peace Now (2006) 'Breaking the Law in the West Bank - One Violation Leads to Another: Israeli Settlement Building on Private Palestinian Property', cited in UN (2008) 'Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967', GA/HRC, A/HRC/7/17, 21 Jan. 2008.

[271] Derfner, Larry (2009) 'Rattling the Cage: Give Us an inch, we'll settle a mile', in The Jerusalem Post, 8 July. http://www.jpost.com/servlet/Satellite?cid=1246443756942&pagename=JPost%2FJPArticle%2FShowFull.

[272] Institute of Women's Studies, Birzeit University (2008) 'The Impact of Israeli Mobility Restrictions and Violence on Gender Relations in Palestinian Society: 2000-2007'.

[273] International Crisis Group, Middle East Report N°89 – 20 July 2009. Israel's Religious Right and the Question of Settlements" p i.

[274] UNDP interview with Nathan Derejko, Civic Coalition for Defending Palestinian Rights in Jerusalem (2009).

[275] UN (2008) 'Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967', General Assembly, Human Rights Council, A/HRC/7/17, 21 Jan. 2008.

expansion of Maale Adumim will have the effect of further disconnecting East Jerusalem from the northern and southern parts of the West Bank and effectively severing the continuity between East Jerusalem and the Jordan Valley.[276] Internationally recognized as illegal, the development of E1 and the Maale Adumim settlement will cause further West Bank territorial divisions as it will disrupt continuity between the north and south. Reinforcing this discontinuity, the Wall will ensure separation on the ground.

Previously Israel had been hampered in its plans to build E1 by diplomatic interventions,[277] and the presence of a main road from East Jerusalem to Jericho, which is used by Palestinians. To overcome this obstacle to its expansion, it has now confiscated Palestinian land in Sawareh, Nabi Moussa, and al-Khan al-Ahmar to build an alternative road for Palestinians to travel to Jericho, thereby freeing the area for the construction of E1. The road is part of Israel's broader plan to replace territorial continuity with "transportational continuity," by artificially connecting Palestinian population centres through an elaborate network of alternative roads and tunnels, and creating an apartheid road system for Palestinians.[278] The State of Israel has imposed a ban on Palestinian use of 41 sections of road in the West Bank, covering an approximate distance of 700 km, reserving these roads for the exclusive movement of Israeli settlers, the military and internationals.[279]

3.5 The Wall and human security

The wall is the perfect [political] crime because it creates the violence it was ostensibly built to prevent. It's like sticking someone in a cage and then when he starts screaming, as any normal person would, using his violent temper as justification for putting him in the cage in the first place.[280]

The Wall is comprised of an eight metre high concrete fortification with sections of electric and wire fencing, ditches, trenches, barbed wire, surveillance systems, and roads.[281] There is also a 30-100 metre-wide 'no-go' zone for Palestinians, with electrified fences, trenches, sensors, armed sniper towers, and military patrol roads in some sections.[282] Construction on the Wall began in 2002, ostensibly as a 'security measure' to protect Israeli citizens from the escalation of attacks during the second intifada. However, the idea of erecting just such a Wall had been discussed since the 1990s.[283]

"Whilst the Court [ICJ] notes the assurance given by Israel that the construction of the Wall *does not amount to annexation and that the* Wall *is of a temporary nature, it nevertheless cannot remain indifferent to certain fears expressed to it that the route of the* Wall *will prejudge the future frontier between Israel and Palestine."*[284]

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[276]   UN HRC (2008) 'Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan', Resolution 7/18, 27 Mar. 2008.

[277]   Ma'an News Agency (2009) 'Israel to expand largest West Bank settlement', Bethlehem, 26 Apr. 2009.

[278]   UN (2008) 'Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967', GA/ HRC, A/HRC/7/17, 21 Jan. 2008.

[279]   World Bank (2007) 'Movement and Access Restrictions in the West Bank: Uncertainty and Inefficiency in the Palestinian Economy', 2007.

[280]   Nusseibeh, Sari (2007) 'Once Upon A Country: A Palestinian Life', Picador: New York, p. 511.

[281]   UN (2003) 'Report of the Secretary-General', GA Resolution ES-10/13, 24 Nov. 2003.

[282]   CJPMA (2008).

[283]   B'Tselem (2003) 'Behind the Wall: Human Rights Violations as a Result of Israel's Separate Wall'.

[284]   ICJ, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion of 9 Jul. 2004, para. 121.

In 2004, the ICJ found the construction of the Wall to contravene international law. It stated that Israel must act in accordance with international law and, inter alia, "discontinue building, dismantle forthwith those sections that have already been built and make reparations."[285] Nonetheless, construction continues. If completed, the Wall will be 709 km long, more than twice the length of the Green Line, with 85 percent of its planned route falling inside the West Bank, at times encroaching some 22 km into the oPt.[286] The total area located between the Wall and the Green Line is 9.5 percent of the West Bank, which includes East Jerusalem.[287] The Wall cuts into the territory of the West Bank; this fact is confirmed by the Israeli High Court of Justice in Beit Sourik Village Council vs. the Government of Israel.[288] 413 km of the Wall is constructed, while 73 km is under construction at the time of writing.[289]

The ICRC confirmed that the construction of the Wall goes "far beyond what is permissible" for an Occupying Power under international humanitarian law.[290] In addition, the construction of the Wall, and its associated regime, violates a wide range of provisions under international human rights law,[291] for example, Article 12(1) of the International Covenant on Civil and Political Rights[292] regarding the liberty of movement and freedom to choose one's residence. UNHCR comments that the Wall also violates the right to work, to food, to health care, to education, to family life, and worship, all of which are protected by the International Covenant on Economic, Social and Cultural Rights.[293] The denial of these basic rights undermines the ability of Palestinians to live dignified and secure lives.

The Wall surrounds 11.9 percent of the West Bank.[294] Approximately half a million Palestinians in 92 communities are directly and negatively affected by the route of the Wall. Approximately 27,520 people living west of the Wall (on the Israeli side) require permits to reside in their homes and can only leave their communities through gates built into the Wall over which they have no control, while 470,300 Palestinians, including those in East Jerusalem living east of the Wall, are either totally or partially surrounded by it.[295] If the Wall is based on the planned route, 34 Palestinian communities, including the majority of Palestinians with East Jerusalem IDs, will be located between it and the Green Line, while communities inside the municipal boundary –Kafr Aqab and Shu'fat Camp –will be separated from East Jerusalem. In the 660 km² Bethlehem governorate, only 13 percent of the land is still available for Palestinian use and it is mostly fragmented. The completed section of the Wall in the north entirely separates the city of Bethlehem from East Jerusalem.[296]

[285] ICJ in its advisory opinion: 'Legal Consequences of the Construction of a *Wall* in the Occupied Palestinian Territory', Advisory Opinion, I.C.J. Reports, 2004.

[286] OCHA-oPt (2009) 'The Olive Harvest In the West Bank & Gaza Strip', Factsheet, Oct. 2008. OCHA-oPt (2009) 'West Bank Wall Route Projections', Jul. 2009.

[287] OCHA-oPt (2009) 'West Bank Wall Route Projections', Jul. 2009.

[288] Israeli High Court Justice 2056/04, Beit Sourik Village Council vs. The Government of Israel and Commander of the IDF Forces in the West Bank, IsrSC (2 May 2004).

[289] OCHA-oPt (2009) 'West Bank Wall Route Projections', Jul. 2009.

[290] ICRC (2004) 'Israel /Occupied and Autonomous Palestinian Territories: West Bank Wall causes serious humanitarian and legal problems', 18 Feb. 2004.

[291] In the Advisory Opinion on the *Wall* the ICJ confirmed that international human rights law is applicable, extraterritorially, in the oPt.

[292] See http://www2.ohchr.org/english/law/ccpr.htm for the text.

[293] See http://www.unhchr.ch/html/menu3/b/a_cescr.htm for the text.

[294] B'Tselem (2008) 'Separation Wall Statistics' with OCHA-oPt, May 2008.

[295] B'Tselem (2008) 'Separation Wall Statistics' with OCHA-oPt, May 2008.

[296] OCHA-oPt (2009) 'West Bank Wall Route Projections', Jul. 2009).

Box 4: Isolated and depressed: living under the Wall[297]

Nadia is a housewife living in Al-Ram. She holds a Jerusalem ID card, and her home is located on the eastern side of the Wall.

"I have two children, both of them have Jerusalem ID cards like me. My daughter has recently graduated from university but cannot find a job nearby. She cannot go to Jerusalem on a daily basis, because the checkpoints have prolonged the trip by 30 minutes to one hour, and even more, depending on the circumstances. My son and my husband live in Al-Azariya, where they both work. They do not make much money."

"Everything has changed since the Wall is here. My main concern is money, because our difficult financial situation affects all aspects of our lives. I can hardly go anywhere, because of the checkpoints and the high cost of transportation. I move around much less now than in the past and rarely go to Jerusalem or elsewhere."

"The whole family can no longer really afford to go to Jerusalem. Our relatives come to visit us instead."

"My children will have to marry someone with a Jerusalem ID, because people with a West Bank ID will not be able to cross the checkpoints to Jerusalem."

"I spend most of my time in the house, watching television, feeling very bored and sick. I often have a headache, and I often cry, because I can hardly see my son and husband. I feel lonely. Of course the Wall should be taken down, but what can I do to change the situation?"

The regime associated with the Wall, including physical, legal and administrative obstacles, contributes significantly to increased human insecurity for those Palestinians who are directly and indirectly affected by it. This regime consists of gates, permit systems, ID cards, and the destruction and confiscation of property. The Wall has 66 gates (as of July 2008) to enable contact between severed parts of the West Bank; 27 are closed, leaving only 39 to serve Palestinians.[298] Of the open gates, 20 are either used for daily crossing (some of which are open for a consecutive period of twelve hours, some twice a day at fixed times, and only a few around the clock) while others are agricultural gates which are opened two or three times a day. The other 19 gates are opened seasonally, during olive-picking or harvest seasons; generally these gates are opened two or three times a day, at fixed times and according to a strict permit regime.

All permits must be obtained from the Israeli Civil Administration. They are not easily granted and the administrative procedures for obtaining them are humiliating and obstructive. [299] It is estimated that only 18 percent of Palestinians who worked the land in the closed zone before the construction of the Wall received permits in 2008.[300] Daily hardships experienced within the closed zone, and in the precincts of the Wall, have already resulted in the displacement of 15,000 Palestinians.[301]

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[297]   Badil (2006) 'Displaced by the Wall: Pilot Study on Forced Displacement Caused by the Construction of the West Bank Wall and its Associated Regime in the Occupied Palestinian Territories', Sep. 2006.

[298]   All information about gates from B'Tselem (2008) 'Separation Wall Statistics' with OCHA-oPt, May 2008.

[299]   UN (2008) 'Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967', General Assembly, Human Rights Council, A/HRC/7/17, 21 Jan. 2008.

[300]   UN (2008) 'Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967', General Assembly, Human Rights Council, A/HRC/7/17, 21 Jan. 2008.

[301]   UN (2008) 'Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967', General Assembly, Human Rights Council, A/HRC/7/17, 21 Jan. 2008.

Box 5: Al Nu'man village: an example of fragmentation[302]

Al-Nu'man village, with a population of 173, is a community north of Bethlehem that was absorbed into the expanded municipal boundary of Jerusalem by the Israeli authorities in 1967. However, the inhabitants were recorded as residents of the West Bank and as such issued with West Bank ID cards.

In addition to the difficulties caused by holding ID cards which, under Israeli law, do not permit them to reside in their own village, al-Nu'man villagers are harmfully affected by Israeli settlement construction and expansion in the area. Al-Nu'man is now bordered on three sides by the Wall, isolating it from the rest of the West Bank. The plight of the village was compounded in May 2006 when the installation of a permanent checkpoint in the Wall became the only entrance to, and exit from, the village.

The extreme restrictions on the movement of the villagers have implications for their access to services, including education, and constitute a major disruption of family life. Systematic property destruction, land appropriation, annexation, physical and psychological harassment, and restrictions on movement all combine to create living conditions so unbearable and lacking in dignity as to bring about the dispossession of the residents.

In 2008, the Israeli High Court of Justice gave its final judgment on the fate of the people of the al-Nu'man village, refusing to redress the 'illegitimate' status of the residents of al-Nu'man who are now deemed to be illegal residents in Israel.

The fact that 83 percent of the West Bank settler population and 69 settlements are enclosed within the Wall supports the idea that it was never intended to be merely a security measure but also a means to include settlements within its territory. In May 2009, the head of Shin Bet, Yuval Diskin, suggested that there was no need to continue building the Wall because Israel already had enough security measures to prevent any attack from the West Bank.[303]

3.6 Checkpoints and violations of freedom of movement

In February 2009, 626 obstructions to freedom of movement in the West Bank were identified: 93 manned and 533 unmanned checkpoints.[304] Checkpoints comprise of two elements, an infrastructure obstructing vehicular and pedestrian traffic, and the permanent presence of Israeli security personnel, such as the IDF, the Border Police, the Civil Police, and private security companies. Armed security personnel check the documentation of Palestinians crossing checkpoint and search their vehicles and belongings. This is often a time consuming and humiliating exercise (Box 4 outlines various physical impediments to Palestinian movement).[305] At the Qalandia checkpoint in the West Bank, for example, the waiting time can range from 20 minutes to 1.5 hours. Thousands of temporary checkpoints, known as flying checkpoints, are set up every year by Israeli army patrols on roads throughout the West Bank for limited periods ranging from half an hour to several hours. Checkpoints ensure compliance with the permit regime. They prevent the freedom of movement of Palestinians in the West Bank, including East Jerusalem, and bring fear, humiliation and disruption to daily life.

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[302]   Adapted from Al Haq (2006) 'Al-Nu'man Village A Case Study of Indirect Forcible Transfer' Nov.; OCHA-oPt, (2009) 'Shrinking Space: Urban Construction and Rural Fragmentation in the Bethlehem Governorate', May 2009.

[303]   Al-Jazeera (2009) 'Spy chief dismisses West Bank *Wall*', available at http://english.aljazeera.net/news/middleeast/2009/05/200952091911790297.html.

[304]   OCHA-oPt (2009) 'Implementation of the Agreement of Movement and Access and Update on Gaza Crossings', Report No. 85, 04-17 Feb. 2009.

[305]   Adapted from OCHA-oPt (2008) OCHA Closure Update.

Box 6: Physical measures restricting Palestinian movement in the West Bank[306]

Partial checkpoints are made up by similar infrastructure as checkpoints, but are not permanently staffed. Frequently, the partial checkpoint infrastructure is installed on roadsides and does not directly obstruct the traffic. When staffed, partial checkpoints function as full checkpoints.

Flying or random checkpoints are improvised and mounted by the IDF to conduct random stops and searches of Palestinian people and vehicles.

Earth mounds are mounds of rubble, dirt and/or rocks put in place by IDF bulldozers to prevent vehicle movement along a road or track.

Roadblocks are constructed from one or more concrete blocks about one meter cubed and, similar to earth mounds, are used to prevent vehicular access to land or roads. In all other respects they function in the same way as earth mounds.

Trenches are dug across flat land or along the side of a road to prevent vehicles from going around a closure obstacle on the road.

Road Gates are metal gates used to block Palestinian access to a route. Many of them are permanently closed.

Road Walls are composed by a continuous earth Wall, a fence, or a concrete Wall running along the side of a road.

Wall Gates[307] are gates in the Wall which are used for Palestinians to cross; they are opened:

> (i) <u>Daily</u>: generally 15-60 minutes; 3 times a day;

> (ii) <u>Weekly/seasonally</u>: 1-3 days a week; 3 times a day;

> (iii) <u>Seasonally</u>: daily during olive harvest only;

> (iv) <u>With prior coordination</u>: seasonally/several days weekly through prior coordination; access is dependent on ID cards and a list of names at the gate;

> (v) <u>Closed Area CP</u>: for Palestinians in communities that are blocked by the Wall to access the outside world;. generally open during the day and closed at night.

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[306] Adapted from OCHA-oPt (2008) OCHA Closure Update.

[307] OCHA-oPt (2009) 'West Bank Wall Route Projections', Jul. 2009.

Photo 4: Roadblock in the West Bank

Figure 7: Travel times within West Bank routes under current movement restrictions conditions[308]

Route	Average Time: with Movement Restrictions (hrs)	Average Time: without Restrictions (hrs)	% Increase
Hebron-Jenin	4.05	2.05	98%
Hebron-Allenby	2.50	0.80	210%
Ramallah-Nablus	2.13	1.13	88%
Ramallah-Jerusalem	1.68	0.36	366%

3.7 Military incursions and curfews

Closure and military incursions are mechanisms that break down the fabric of Palestinian society, further contributing to the disintegration of social and economic life in the oPt. Military incursions have intensified since 2007, e.g., during the month of November 2007, the IDF

carried out 786 raids in the West Bank compared to 656 incursions in November 2006.[309] During the course of the 2007 incursions, one person was killed, 67 injured, and 398 arrested.[310] Incursions into the Gaza Strip, including during the ceasefires, are commonplace and involve reconnaissance, arrests, destruction of property and land, and targeted killings. The Palestinian Centre for Human Rights documented two incursions and the arrest of ten fishermen during *one week* in April 2009.[311]

From 2005 to 2009, the UN Special Rapporteurs on the oPt have drawn attention to the plight of those living in Nablus, an "imprisoned" city,[312] where closures and incursions are commonplace. For example, from 26 June to late July 2008 the IDF carried out a series of nightly military operations in Nablus which led to the deaths of several young Palestinians, the arrests of dozens of men, women and children, the confiscation and destruction of property, and the creation of an atmosphere of fear.[313] Damage included the destruction of

[308] Adapted from World Bank (2008) 'West Bank and Gaza: Palestinian Trade: West Bank Routes', Report No. 46807 – GZ World Bank Finance and Private Sector Development Group, Social and Economic Development Department, Middle East and North Africa Region.

[309] UN (2007) 'Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967', GA/ HRC, 29 Jan. 2007.

[310] Palestinian Monitoring Group, Monthly Summary, Nov. 2007, cited in UN (2008) 'Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967', General Assembly, Human Rights Council, A/HRC/7/17, 21 Jan. 2008.

[311] PCHR (2009) 'Weekly Report on Israeli Violations of Human Rights in the Occupied Palestinian Territory', 02 -08 Apr. 2009.

[312] UN (2006) 'Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967', A/61/470 (27 Sep. 2006).

[313] UN (2008) 'Report of the Special Rapporteur on the Occupied Palestinian Territory the situation of human rights in the Palestinian territories occupied since 1967', A/63/326 25, Aug. 2008.

charities, schools, clinics and an orphanage all of which were providing essential services to the population of Nablus. These military actions took place without any explicit charges being brought against residents. Cities and towns where Hamas' influence is believed to be strong, as evidenced by success at the municipal level in the 2006 elections, have been placed under particular pressure through frequent military incursion.[314]

In 2005, the oPt was placed under 1,514 hours of curfew imposed by the IDF. In 2006 this went down to 696 hours, rising again in 2007 to 873 hours, and the latest figures for 2008 (excluding November and December) indicate that 2,132 hours were spent under curfew.[315] The governorate of Nablus is consistently and excessively targeted for curfews and has had to endure longer hours under curfew than any other area in the oPt during the reporting period (95 hours).[316] Curfews and other restrictions have had an extremely detrimental effect on the economy, particularly in trade centres like Nablus city.

In 2009, although the overall number of closure obstacles has remained relatively constant, there is some evidence of a relaxation of movement and access in the West Bank. Consequently, this has contributed to a significant reduction in travel time between major cities, as well as a decrease in the points of friction between Palestinians and Israeli security forces. For example, during June 2009, four checkpoints controlling access to main cities (Nablus, Qalqiliya, Ramallah and Jericho) ceased to be permanently staffed and became "partial checkpoints", staffed on an ad-hoc basis. At the beginning of September 2009, one of the four checkpoints controlling access to Jordan Valley (Ma'ale Efraim) became a partial checkpoint too, easing access between the northern West

Bank and certain areas of the Jordan Valley.[317]

In spite of these positive developments, the continued presence of checkpoint infrastructure makes any improvements reversible, proving it difficult to predict access conditions beyond the immediate period.[318] Also, over the latest reporting period (June to September 2009), the checkpoint at Qalandia has been significantly expanded, with grave implications for the movement and access of Palestinians coming to, and from, Jerusalem. Difficulty of access is compounded by the new 'PA visa'; the stamp (issued by the State of Israel at international borders) gives access only to Area A of the West Bank, thus precluding certain foreigners and Palestinian diaspora from entering Israel, *including* Jerusalem. The new 'PA visa' represents one more unacceptable encroachment on freedom of movement and is viewed as yet another means by which the Israeli authorities are consolidating the annexation of Jerusalem.[319]

3.8 The illegal annexation of East Jerusalem

The illegal annexation[320] of East Jerusalem and its increasing separation from the rest of

[314]   UN (2008) 'Report of the Special Rapporteur on the Occupied Palestinian Territory the situation of human rights in the Palestinian territories occupied since 1967', A/63/326 25, Aug. 2008.

[315]   OCHA-oPt (2008) 'Protection of Civilians summary data tables', Oct. 2008.

[316]   OCHA-oPt (2008) 'Protection of Civilians summary data tables, Oct. 2008.

[317]   OCHA-oPt (2009) 'The Humanitarian Monitor' (Aug. 2009).

[318]   OCHA-oPt (2009) 'The Humanitarian Monitor' (Aug. 2009).

[319]   Civic Coalition for Defending Palestinian Rights in Jerusalem (2009) 'False Symbols of Sovereignty and the "Palestinian Authority Only Visa"', Press Release, 13 Aug. 2009.

[320]   After annexing East Jerusalem in 1967, in 1980 the Knesset reinforced claims to the city by ratifying *Basic Law: Jerusalem - The Capital of Israel* which States: "Jerusalem, complete and undivided, is the Capital of Israel," Article 1, Basic Law: Jerusalem - The Capital of Israel, 1980. Both the United Nations and the international community have quashed this declaration, with the Security Council calling such a move "invalid" and "null and void," UN Security Council Resolution 478, 1980. The EU Heads of Mission have recently admitted that the Sol is «actively pursuing the illegal annexation» of East Jerusalem, reported by the Israeli Committee Against Housing Demolitions (23 Mar. 2009) available at http://www.icahd.org/eng/news.asp?menu=5&submenu=1&item=691. According to Article 3 of Palestinian Basic Law; "Jerusalem is the Capital of Palestine". During the Oslo process the question of Jerusalem was left for the final status negotiations.

the West Bank exacerbates the disruption of Palestinian life and the division of the Palestinian territory because, traditionally, the city was the cultural, religious and economic heart of the oPt. Jerusalem is also a key economic asset: approximately 35% of the oPt's economy is dependent on metropolitan East Jerusalem, which extends from Ramallah to Bethlehem.[321] From 2005-2010, the physical fragmentation and severe restrictions on movement between the West Bank, Gaza Strip and crucially, East Jerusalem have become increasingly pronounced; the permit regime, the Wall, and settlement expansion are the primary agents of this change.

An Israeli Member of the Jerusalem City Council for the Meretz faction recently commented: "Much has changed in East Jerusalem over the past decade – to the point of becoming intolerable… Recently though, several moves have made [Palestinian] lives unbearable and – the most difficult to bear – they feel their honour is being trodden underfoot. Ten plagues are being inflicted on East Jerusalem Arab citizens."[322] He summed up the acute problems facing East Jerusalemites:

- The option of lawfully building a home has become almost impossible

- The Wall results in internal migration and segregation

- Confiscation of ID cards and revocation of permission to enter Jerusalem for those in the West Bank

- East Jerusalem residents are prevented from uniting with their families or spouses

- Unrestrained activities of settlers, often involving violent attempts to take over every spot of land in the city's eastern half

- Threat and destruction of homes

- Economic crisis and increasing poverty levels in East Jerusalem

- Humiliating attitude of the Israeli Border Police "which has become unrestrained and ever more violent, gross and hot-headed. Its soldiers disdain everything that appears Arab, and injure the deepest sensibilities of Arab citizens"[323]

- Archaeological excavations that the State is carrying out close to the Temple Mount, generating immense concern among those who believe there digs are intended to cause the collapse of mosques

- Low level of municipal services, ranging from garbage collection to the education system, which determines the inferior status of Palestinians in East Jerusalem

Since the unilateral annexation of East Jerusalem in 1967, the State of Israel has embarked on a policy of social, economic, cultural, geographical and legal engineering to purge the city of its Palestinian presence. This serves the nationalist position of the State of Israel: "Jerusalem is the united capital of the Jewish people".[324]

[321]   PLO Negotiations Affairs Department (2007) 'Negotiations Primer'.

[322] Meir Margalit (2009) 'The Ten Plagues Inflicted on East Jerusalem', Desert Peace, Oct. 8, 2009.

[323] Meir Margalit (2009) 'The Ten Plagues Inflicted on East Jerusalem', Desert Peace, Oct. 8, 2009.

[324]   Benjamin Netanyahu (2009) Transcript of Press Conference Given by PM Benjamin Netanyahu and the PM of the United Kingdom Gordon Brown, Prime Minister's Office, available at http://www.pmo.gov.il/PMOEng/Communication/PMSpeaks/speechgordon250809.htm.

Map 5: Palestinian Neighbourhoods in Jerusalem
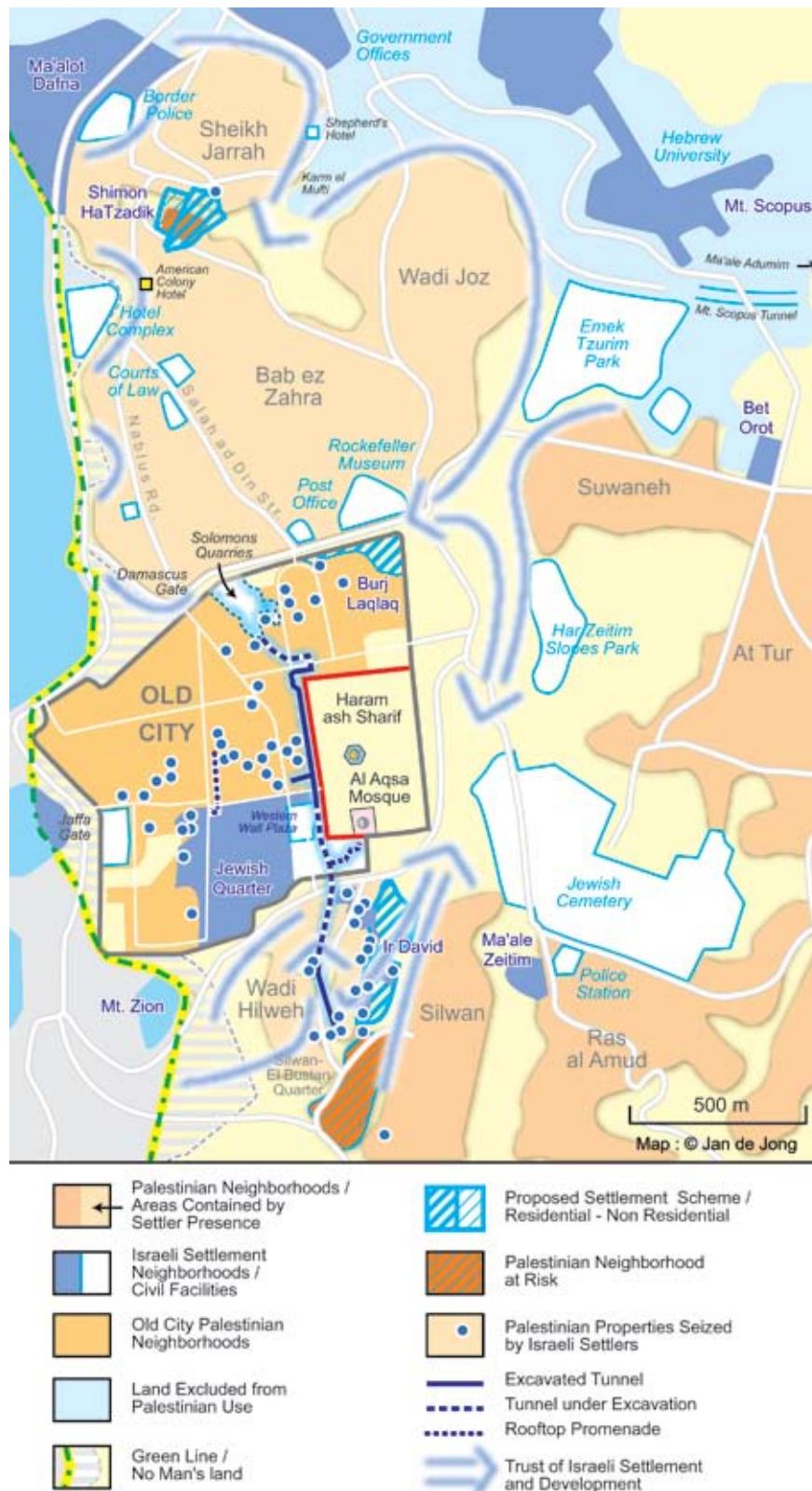
Source: Foundation for Middle East Peace, 2008

Urban planning is one method used by the State of Israel to further its aspirations in Jerusalem. It is designed to create a demographic and geographic reality that would pre-empt any future attempt at partition and further consolidate Israel's claim to sovereignty over occupied East Jerusalem.[325] The basis of all urban planning policy within the Israeli imposed boundaries of the 'Jerusalem Municipality' has been to achieve and maintain a specified "demographic balance" between the Israeli and Palestinian population of the City. The Jerusalem Master Plan (2004) aims to increase the percentage of Israeli residents while limiting the percentage of Palestinian residents, and states explicitly that, "in accordance to governmental decisions," the basis

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[325] Nathan Derekjo (2009) 'Aggressive Urbanism: Urban Planning and the Displacement of Palestinians Within and From East Jerusalem', Civic Coalition for the Protection of Palestinian Rights in Jerusalem (Unpublished work).

of the Plan "seeks to maintain a ratio of 70% Jews and 30% Arabs" within the City. [326] Thus, the Master Plan not only perpetuates, but also intensifies; inequitable planning that maintains the demographic hegemony of the Israeli population in East Jerusalem. The Israeli policy of "demographic balance" is, therefore, a policy that reduces and restricts the natural growth of the Palestinian population to maintain Israeli demographic hegemony in the Jerusalem Municipality.[327]

Since Palestinian Jerusalemites have a higher birth rate than their Israeli counterparts, the Israeli administration has unrelentingly implemented policies to achieve its demographic aim. These policies include: a discriminatory urban planning regime; the revocation of Palestinian residency rights; the confiscation of Palestinian land and houses; the construction of new, and the expansion of existing, settlements; partisan zoning; the encumbering of the building permit application process and housing demolitions. Collectively, these policies are resulting in both the direct and indirect forced displacement of Palestinian Jerusalemites.[328]

The Jerusalem Municipality estimates that the natural growth rate of East Jerusalem's Palestinian population requires the construction of 1,500 new residential units annually.[329] Taking 2008 as an example, with only 18 building permits issued, allowing for the construction of approximately 400[330] residential units,

there exists a housing gap of 1,482 authorized residential units for East Jerusalem.[331] Similarly, Town Planning Schemes are consistently applied in a biased manner in East Jerusalem. The excessive delay in the preparation and approval of Town Planning Schemes has left many Palestinians with no option other than to embark on unlicensed construction, and several homes, schools, clinics and mosques in East Jerusalem are designated for demolition on the grounds that permits have not been obtained.[332] Demolitions of homes and essential infrastructure are damaging the cohesion of Palestinian society, causing anxiety, fear of displacement, homelessness, and contributing to the change in demographic makeup of East Jerusalem.

For the reasons detailed earlier in this Chapter, Palestinians are frequently compelled to pay to demolish their own homes in a practice referred to by the Jerusalem Municipality as "voluntary housing demolitions". Those who defy an order to raze their homes typically face a fine of between 70,000 and 100,000 NIS depending on the size of the property; the Israeli authorities charge approximately 25,000 NIS as an additional fee for the demolition. Faced with the financial costs incurred if the Israelis do the work, many Palestinians make the economically rational if personally devastating decision to tear down their own property. The Civic Coalition for the Protection of Palestinians in Jerusalem recorded 28 such self-demolitions in 2008.[333] The psychological trauma of 'voluntary' housing demolitions is self-evident.

[326] Jerusalem Master Plan (2004) Report No. 4, Population and Society.

[327] Nathan Derekjo (2009) 'Aggressive Urbanism: Urban Planning and the Displacement of Palestinians Within and From East Jerusalem', Civic Coalition for the Protection of Palestinian Rights in Jerusalem (Unpublished work).

[328] Civic Coalition for Defending the Palestinians' Rights in Jerusalem (2008) 'Forced Displacement and Ethnic Cleansing: Israel's Violations of the Palestinians' Rights to Residency in Jerusalem', Unpublished.

[329] Ir Amin (2009) 'A Layman's Guide to House Demolitions in East Jerusalem', 4 Mar. 2009.

[330] OCHA-oPt (2009) 'The Planning Crisis in East Jerusalem' OCHA Special Focus, 12 Apr. 2009.

[331] Nathan Derekjo (2009) 'Aggressive Urbanism: Urban Planning and the Displacement of Palestinians Within and From East Jerusalem', Civic Coalition for the Protection of Palestinian Rights in Jerusalem (Unpublished work).

[332] UN (2008) Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967', GA/ HRC, A/HRC/7/17, 21 Jan. 2008.

[333] UNDP interview with Nathan Derejko, Legal Research and Advocacy Officer, Civic Coalition for Jerusalem, 06 Jul. 2009.

Figure 8: Number of demolition orders, East Jerusalem[334]

House Demolitions
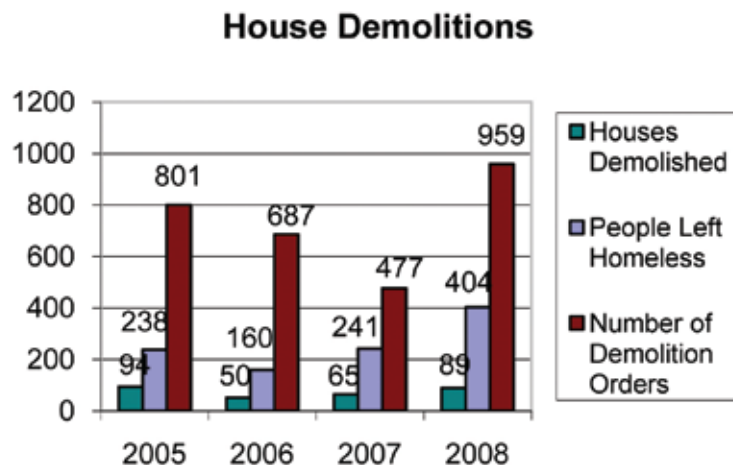
Source: PHDR, 2009

There is also evidence of neglect in the provision of infrastructure, facilities and services to East Jerusalemites. Despite the fact that all residents of Jerusalem, both East and West, pay municipal taxes, the services they receive in return differ enormously. East Jerusalem residents, who make up 34% of the population of Jerusalem, receive 7% of the budget, while 64% of the population who reside in West Jerusalem receives 92% of the budget.[335] Furthermore, the settler population in East Jerusalem is subsidised by the State of Israel.[336] This allocation of budgetary resources has resulted in substantial and very visible inequalities between East and West Jerusalem.

In addition to infrastructure deficiencies, the provision of essential services is also unequal in East Jerusalem, which receives only 23% of the total allocated budget for medical services in Jerusalem.[337] Moreover, only 7 postal facilities exist to serve the 250,000 residents of East Jerusalem, while the 500,000 residents of West Jerusalem have 50 at their disposal.[338] Finally, there is a shortage of an estimated 1500 classrooms, leaving 9000 children in East Jerusalem without a place at school.[339]

The policies applied in Jerusalem have led to the displacement of thousands of Palestinian residents. Such actions have legal implications: many constitute serious violations of international human rights and humanitarian law.[340]

As this Section has discussed in some detail, the restriction of movement characteristic of the entire oPt plays out in particular ways in East Jerusalem. Regular and apparently arbitrary restrictions are placed on the movement of Palestinian Jerusalemites and Palestinians travelling to Jerusalem and they often have a particular flavour reflecting the religious importance of the site to Palestinian Muslims.[341] In one regularly repeated example of movement restrictions, in October 2009 –

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[334] ICAHD, 'East Jerusalem Stats' (2004-2008).

[335] Margalit ,Meir (2008) Allocation of Municipal Resources East and West Jerusalem.

[336] A 2009 report by the Macro Center of the Israeli European Policy Network entitled «Historical Political and Economic Impact of Jewish Settlements in the Occupied Territories» found that, «While Israeli municipalities as a whole receive 34.7 percent of their income from [the government] and obtain another 64.3 percent from their own income, settlement municipalities obtain 57 percent from the [government], and only 42.8 percent from their own income». Israel>s government «allocates 4.1 percent its total budget for municipalities to settlements, although they constitute just 3.1 percent of the total Israeli population», the report adds. «In the past 20 years, despite ongoing peace negotiations, the population of settlers in the West Bank has more than doubled, at a growth rate much higher than that of the general Israeli population,» it says, concluding that this "increase could not have been achieved without the active support of all of the Israeli governments in this period." Haaretz, 21 July 2009. http://www.haaretz.com/hasen/spages/1101829.html

[337] Margalit ,Meir ;Allocation of Municipal Resources East and West Jerusalem2008

[338] The Association of Civil Rights in Israel ,The State of Human Rights in East Jerusalem ,May40 ,2009

[339] Jibril, Samir; Education Rights in Jerusalem, Civic Coalition for Defending Palestinian Rights in Jerusalem, February 2008, 16.

[340] Nathan Derekjo (2009) 'Aggressive Urbanism**:** Urban Planning and the Displacement of Palestinians Within and From East Jerusalem', Civic Coalition for the Protection of Palestinian Rights in Jerusalem (Unpublished work).

[341] This is a violation of Article 12 of the International Covenant on Civil and Political Rights which states, inter alia, that everyone has the right to liberty of movement.

in response to increased tensions in East Jerusalem – Israeli security forces prohibited Palestinian men under 50 from entering the old city and especially the Haram al-Sharif (site of the al-Aqsa Mosque), allowing in only Palestinian men over 50 who hold Jerusalem IDs, along with women of all ages.[342] Israeli authorities also imposed a general closure on the West Bank in which Palestinians with permits, with a few exceptions, were barred from entering East Jerusalem.[343]

For most Palestinians access to East Jerusalem has been forbidden since 1993, unless they possess a difficult-to-obtain entry permit issued by the Israeli authorities. The Wall now severs many Palestinian villages in the Jerusalem municipality from Jerusalem, leaving approximately 25 percent of Palestinian Jerusalemites cut off from the city.[344] In places such as Abu Dis, the Wall runs right through Palestinian communities, separating families and neighbours. Palestinians can only enter Jerusalem through four of the 16 existing checkpoints to the city, and only by foot, making it difficult to access schools, hospitals, university, work, and holy sites. As is discussed above, permits become invalid whenever a general closure is declared, usually during Jewish holidays and times of security alerts.[345]

Box 7: Denial of cultural rights in East Jerusalem

Jerusalem was declared the Capital of Arab Culture 2009. This, in addition to protecting and preserving its Arab cultural identity, had a number of objectives. Firstly, restoring its prominence as a city of cultural, historical and religious significance. Secondly, reactivating cultural activity in order to address its isolation. Thirdly, rehabilitating its socio-cultural infrastructure and providing job opportunities. Lastly, enhancing cooperation and launching an advocacy campaign with regional Arab and international actors to educate them about, and reaffirm, East Jerusalem as capital of a future State of Palestine.[346]

During the opening ceremony on March 19, Israeli police entered a number of community centres and schools, including the privately owned St. George's Boys School and Schmidt Girls School, and prevented sports and cultural activities from taking place. Organizers were arrested and peaceful gatherings were aggressively dispersed.[347] These obstructions forced the relocation of the opening ceremony to Bethlehem.

The Israeli administration described the planned events as an "attempt to demonstrate Palestinian sovereignty in Jerusalem in an illegal manner," and asserted that Palestinians are obliged "to respect the sovereignty of Israel within the boundaries of the State of Israel, including East Jerusalem."[348]

Similarly, on May 23, 2009 Israeli officials also shut down the Palestinian National Theatre in East Jerusalem during the Palestine Festival of Literature, preventing international writers and poets from addressing the audience.[349]

[342]   OCHA-oPt (2009) 'Protection of Civilians Weekly Report', 30 Sep to 06 Oct. 2009.

[343]   OCHA-oPt (2009) 'Protection of Civilians Weekly Report', 08-14 Apr. 2009.

[344]   UN (2008) 'Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967', GA/HRC, A/HRC/7/17, 21 Jan. 2008.

[345]   OCHA-oPt (2009) 'West Bank Wall Route Projections', Jul. 2009.

[346]   Adapted from the strategic goals for the celebration of al-Quds Capital of Arab Culture website available at http://www.alquds2009.org/etemplate.php?id=96.

[347]   Al-Haq (2009) 'A Culture of Repression: Israeli authorities ban Palestinian Cultural Festival in East Jerusalem', Press Release, 21 Mar. 2009.

[348]   Al-Haq (2009) 'A Culture of Repression: Israeli authorities ban Palestinian Cultural Festival in East Jerusalem', Press Release, 21 Mar. 2009.

[349]   Ma'an News Agency (2009) 'Armed soldiers, police, attempt to shut down Palestine Festival of Literature opening night', 23 May 2009.

3.9 Political polarization

We have triumphed. Gaza won its independence from the West Bank. One people now have two States, two prisons who don't greet each other. We are victims dressed in executioners' clothing. (Palestinian poet and political activist, Mahmoud Darwish)

An end to violence cannot be firmly secured solely by putting the Palestinian house in order, for the simple reason that any cessation to violent confrontation remains predicated on a settlement of the conflict with Israel, an end to the occupation, and a two-State solution.[350]

Despite the harsh realities of the physical and administrative architecture of the occupation laid out in this Chapter, in 2007, for the first time since the occupation, more Palestinians were killed by intra-Palestinian fighting than by IDF activity.[351] At least 500 were killed as a result of internal fighting while 394 died from IDF related activities. The division of Palestinian society into isolated cantons, villages, and cities by checkpoints and security Walls now has a political parallel. Palestinians no longer have a single political leadership to identify with and coordinate around. The geographic fragmentation is therefore mirrored in political and social dissolution.[352] The current political polarization, its resultant violence and consolidation of two power bases in different parts of the territory, does nothing but

compound human insecurity.[353]

Mounting obstacles to the two-State solution have produced conflicting internal strategies in response to the prolonged occupation, and neither negotiations nor violence have borne success. Although political polarization essentially stems from internal Palestinian disagreement, it is at the same time produced and exacerbated by the occupation. The internal political deadlock has become more pronounced as the protracted 'peace process' has dragged on, and has intensified since the second *intifada* and the legislative elections.[354]

The legacy of Oslo and the increasing encroachments of the occupation, including the physical effects of the Wall, the settlements and their infrastructure, the containment of Gaza and severe restrictions on movement and access are dividing Palestinians from each other. Israel's actions results in complicating attempts to Palestinian political unity. One example is the imprisonment of members of the PLC: by the end of 2008, Israel had detained more than 40 members, including the Secretary and the Speaker, thereby preventing the PLC from reaching *quorum* in almost two years or functioning with any political coherence.[355]

The 2006 elections in the oPt institutionalized the polarity in the Palestinian political system, which became increasingly territorialized after Hamas' take-over of the Gaza Strip in 2007 when

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[350] ICG (2006) 'Enter Hamas: The Challenges of Political Integration', Middle East Report No. 49, 18 Jan. 2006.

[351] PCHR (2007) 'Annual Report 2007'. See Chapter 3 for additional details.

[352] Khan, Mushtaq H (2009) 'Palestinian State Formation since the Signing of the Oslo Accords', background paper for the PHDR, commissioned by UNDP, Jerusalem.

[353] Generally speaking, political polarization typically takes place between two popular political movements. It tends to occur outside national political institutions, when one or both parties refuse to settle their disputes through constitutional terms or existing national charters. This situation can become chronic in the absence of a third party capable of compelling the disputing parties to resolve their differences. It is the nature of the conflict as a power struggle that drives political sloganeering and the creation of alliances with regional and international power centers. In the Palestinian case, and within the Palestinian political field, the two parties to the conflict are Fatah and Hamas, see Jamil Hilal (2008) 'Severe Polarization in and Fragmentation of Palestinian Society', background paper for the PDHR, commissioned by UNDP, Jerusalem.

[354] Jamil Hilal (2008) 'Severe Polarization in and Fragmentation of Palestinian Society', background paper for the PDHR, commissioned by UNDP, Jerusalem.

[355] PCHR (2008) 'PCHR Annual Report, 2008'.

Hamas effectively removed Fatah opposition from Gaza, either violently or through neglect of their official capacity. The elections, described by the Quartet as "free, fair and secure,"[356] saw Hamas winning 74 of the 132 available seats. Fatah, the party which had long dominated both the PA and the PLO, won 45 seats and was then positioned as opposition party. In March 2006, the new PA government, led by Prime Minister Ismail Haniya, gained parliamentary confidence, marking the beginning of a new stage in Palestinian politics. The ingredients of a democratic system were apparently present: there was a plurality of parties operating within a national consensus and despite significant ideological differences, accepted each other's legitimacy.[357] However, the transition did not produce a comprehensive change of leadership since Hamas took control of the PA government and parliament while Fatah retained power over the PA's presidency as well as the PLO. To some extent, dual political authority was institutionalized in this process; but missing were State sovereignty and the democratic institutions, such as an independent judiciary and distinct legislative and executive authorities, necessary to bring this initial composite into a functioning reality.[358]

Opposition between the parties became increasingly bitter and progressively more violent, bringing Palestinians to the brink of civil war.[359] The National Dialogue launched in late May of 2006 to forge political consensus and resolve the crisis appeared to be as much about pressing partisan advantage as about securing a strategic compromise.[360] From May to June 2007 the Gaza Strip became the focal point of the political divisions that are manifested in mutual conflict between Hamas and Fatah. The eventual Hamas take-over of Gaza took place on June 14, 2007. The subsequent isolation of the Gaza Strip by Israel and the international community compounded the siege conditions that Israel had set up after its disengagement, and contributed to the physical territorializing of what was at that point mainly a separation in the realm of ideology.

Box 8: The seeds of polarization

From the 1970s until the signing of the Oslo Accords and the creation of the PA with limited self-rule, the PLO formed the majority of the Palestinian political field.[361] The PLO faced both internal (from the forces that rejected the Oslo Accords and refused to participate in PA institutions) and external challenges, yet it presented itself as the only actor capable of transforming the national political field into an independent State. Its failure to deliver, coupled with the igniting of the second intifada in late-September 2000, strengthened the role of Hamas and the emergence of serious political divisions between the two major players: the Islamist movement represented by Hamas and the nationalist, secular movement represented by Fatah. Smaller parties, whose politics range from communist to socialist to centrist, have been overshadowed by the clash of these two Titans.

Hamas did not monopolize the different forms of resistance used during the second intifada; the Fatah movement and other political parties also played a role in armed resistance. However, in the end, the Fatah leadership sought a political resolution through negotiations, while the Hamas leaders continued to apply a policy of (armed) resistance. These differences remain the basis for the division between the two movements: Fatah's stated belief in negotiation is seen by some as capitulation to the occupying forces, whilst Hamas' stated support of armed resistance is seen as counterproductive.

[356] ICG (2006) 'Palestinians, Israel and the Quartet: Pulling Bank from the Brink', Middle East Report No. 54, Jun. 2006.

[357] Nathan J. Brown (2005) 'Evaluating Palestinian Reform', Carnegie Papers No. 59, 14, Jun. 2005.

[358] Hilal, Jamil (2007) 'Palestine: the last colonial issue', in Jamil Hilal Ed. 'Where Now for Palestine? The Demise of the Two State Solution', London: Zed Books.

[359] ICG (2006) 'Palestinians, Israel and the Quartet: Pulling Back From the Brink', Middle East Report No. 54, 13 Jun. 2006.

[360] ICG (2006) 'Palestinians, Israel and the Quartet: Pulling Back From the Brink', Middle East Report No. 54, 13 Jun 2006.

[361] The PLO consists of many of the major political forces in the oPt, including Fatah, the Popular Front for the Liberation of Palestine, and the Democratic Front for the Liberation of Palestine. Hamas remains outside the PLO.

Israel, the EU and the U.S. consider Hamas to be a terrorist organization, with Brussels and Washington renewing their bans on the movement in October 2005.[362] The policies of Israel and the U.S towards Hamas are clear: in addition to criminalizing any material assistance to the movement, they formally reject any contact with them.[363]

For the past fifteen years (1993-2008), the oPt has been one of the highest recipients of per capita foreign aid in the world; it is estimated that in the excess of USD 14 billion have been disbursed since 1993/94.[364] Unsurprisingly then, the PA is very reliant on international funding; there is perhaps no entity as dependant on assistance from the outside world.[365] Immediately following the 2006 elections, the U.S. and the EU and froze their funding with the EU electing to bypass the PA and channel aid to beneficiaries of their own choosing. The Ministry of Finance's lack of control over monetary circulation resulted in the breakdown of the financial system in the oPt. In parallel to the loss of control over financial disbursements was the loss of control over security forces.[366] Thus, the freezing of donor contributions to the newly elected government had severe humanitarian, developmental, economic, and political repercussions.

In concert with the U.S. and the EU, the Quartet noted that "all members of a future Palestinian government must be committed to non-violence, recognition of Israel, and acceptance of previous agreements and obligations, including the Roadmap". [367] The Quartet concluded that it was inevitable that "future assistance to any

new government would be reviewed by donors against that government's commitment" to these "principles".[368] To date, the Quartet does not work with Hamas.

In their efforts to influence Palestinian politics, international actors including the U.S., the EU, specific Arab and Gulf States, and Israel, have focused on financial and economic leverage. For example, the U.S. financially supports Fatah's led PA in the West Bank, the EU has a West Bank first policy with the aim of promoting economic development, and Hamas raises finances from undisclosed sources.

Figure 9: Factors contributing to political polarization

The use of violence by the political movements, adopting opposing strategies of resistance in a situation of foreign domination (internal-external)

The international boycott of the Palestinian Authority after the elections in 2006 (external)

Lack of State sovereignty; impotence of Palestinian legislature and judiciary (internal and external)

Israeli occupation (external)

Partisan interests of regional actors with opposed strategies (external)

Palestinian political parties inability to reaching consensus; prioritizing partisan over national interests (internal)

Leadership vacuum created by: the death of Yasser Arafat; the imprisonment of major political players e.g. Marwan Barghouti (internal and external)

Failure of the Quartet and regional power centres' attempts to enforce reconciliation plans (external)

Political agenda inherent in the provision and distribution of aid (internal and external)

Dependence on foreign aid as a result of prolonged occupation and marginalizing of the Palestinian economy, control of natural resources and trade (external)

[362] ICG (2006) 'Palestinians, Israel and the Quartet: Pulling Back From the Brink', Middle East Report No. 54, 13 Jun. 2006.

[363] ICG (2006) 'Enter Hamas: The Challenges of Political Integration', Middle East Report No. 49, 18 Jan. 2006.

[364] Anne Le More (2008) 'Security or Harm? An examination of the role of the international community in Palestinian development and State-building process', background paper for the PHDR, commissioned by UNDP, Jerusalem.

[365] World Bank Official cited in ICG (2006) 'Palestinians, Israel and the Quartet: Pulling Back From the Brink', Middle East Report No. 54, 13 Jun.2006.

[366] Mary Kaldor & Mient-Jan Faber (2007) 'Report on Human Security in Palestine', Case Study for the Madrid Report of the Human Security Study Group, The Centre for the Study of Global Governance, London School of Economics .

[367] The Quartet was established in 2002 and is made up of the EU, Russia, the U.S. and the UN.

[368] ICG (2006) 'Palestinians, Israel and the Quartet: Pulling Back From the Brink', Middle East Report No. 54, 13 Jun. 2006.

The effects of the blockade and the international sanctions on the Hamas-led government in the Gaza Strip have been damaging, both for Palestinian human security and political reconciliation in the oPt. As noted in a recent report by the Euro-Mediterranean Human Rights Network, one of the most significant effects of EU policies in 2006-7, alongside those of the U.S. and Israel, was to contribute to the divisiveness between Fatah and Hamas.[369] The Palestinian political field is also subject to the pull of regional power structures as they wrestle to determine the future direction of the regional system and its political dynamics. This complex construction and the maintenance of regional and international alliances have in part been crucial to the consolidation and territorialisation of political division in the oPt.[370]

The two main Palestinian political organizations have resorted to external regional power centres to mediate and resolve their disputes, thereby inviting interference in the affairs of the Palestinian political field. Hamas elicits support from, and allies with Iran, Syria, the Lebanese Hezbollah, and the Muslim Brotherhood. Fatah has joined forces with the so-called 'moderate' axis led by Saudi Arabia, Egypt and Jordan. This means the Palestinian political field is also subject to the pull of regional and international power structures as they wrestle to determine the future direction of the regional system and its political dynamics. It is this construction and the maintenance of regional and international alliances that critically underpins the severe political polarization between the two main Palestinian parties.[371] Figure 10 offers Palestinian perspectives on the reasons behind this political division.

Figure 10: Reasons behind internal political division
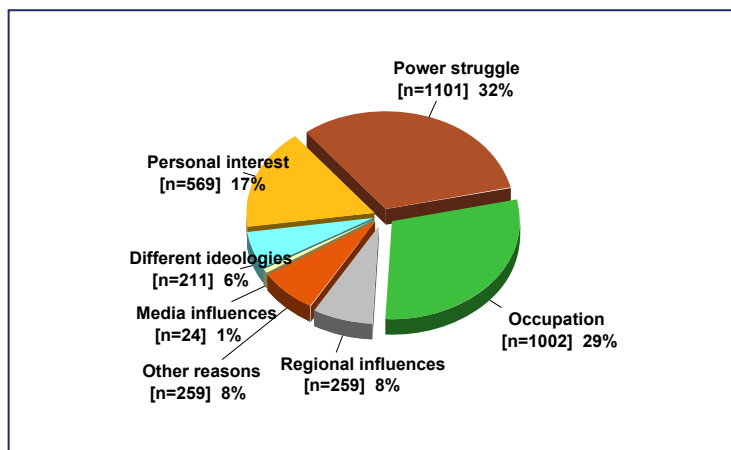
Source: UNDP, 2009

3.10 From political polarization to social fragmentation?

There is a concern that territorial fragmentation and political polarization are having a divisive social effect on Palestinian society but the depth of this division certainly bears scrutiny. While the results of a recent UNDP survey indicate that Palestinians are increasingly apathetic to political processes and bodies,[372] a response that may reflect growing despair and hopelessness amongst Palestinians who perceive little hope for a solution in the foreseeable future,[373] in answer to a question regarding how Palestinians from the West Bank and Gaza Strip feel about each other, over three quarters of Palestinians have positive or very positive feelings towards those from the other region (see Figure 11).[374]

[369]   Euro-Mediterranean Human Rights Network (2009) 'Active but Acquiescent: the EU's Response to the Israeli Offensive in the Gaza Strip', May. 2009.

[370]   UNDP interview with Jamil Hilal (2009).

[371]   UNDP interview with Jamil Hilal (2009).

[372]   UNDP (2009) 'Human Security Survey', commissioned for the PHDR by UNDP, Jerusalem.

[373]   UNDP interview with Jamil Hilal (2009).

[374]   UNDP (2009) 'Human Security Survey', commissioned for the PHDR by UNDP, Jerusalem.

Figure 11: Feelings towards residents of two regions (the West Bank and Gaza Strip)

Positively
[n=1835] 54%

Negatively
[n=596] 17%

Very negatively
[n=157] 5%

Very positively
[n=834] 24%
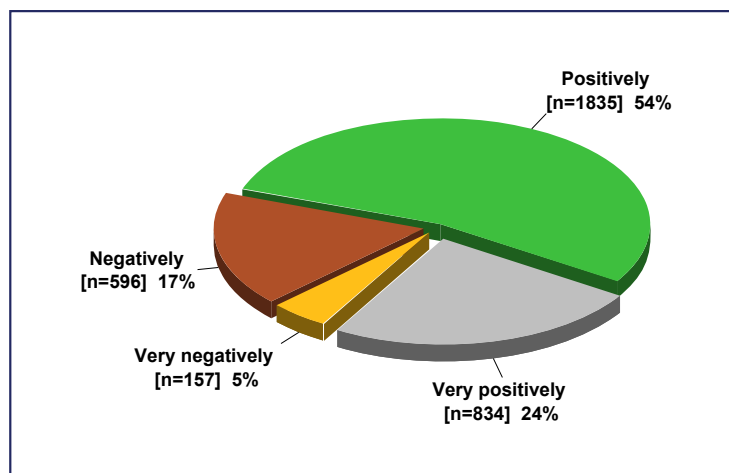
Source: UNDP, 2009

In other words, Palestinians may be growing tired of non-representative political parties and unresponsive institutions, but they do not mistake these entities as representing real people, with whom they still, despite significant physical obstacles to unity, feel a deep affinity. Another positive indicator is that they continue to respect diversity in political opinion: the vast majority of Palestinians would support a friend who was affiliated to a political party that they didn't like (see Figure 12).

Figure 12: Support for friend's political beliefs

Would accept it
[n=3125] 92%

Would end friendship
[n=268] 8%
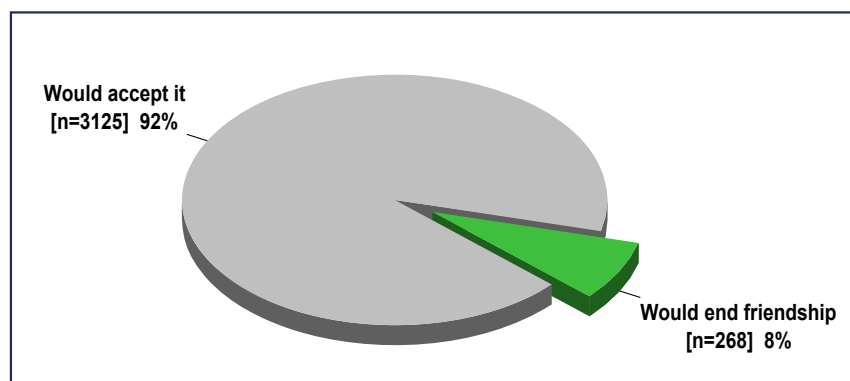
Source: UNDP, 2009

In general, Palestinians remain broadly tolerant of each other's political beliefs. Fatah supporters were the least tolerant of a friend's political affiliation, with 15% suggesting they would end a friendship over politics. Of the Hamas supporters surveyed, only 6% would end a friendship (this was the same result as those with no political affiliation); while those from parties outside the two dominant groups were most tolerant, with only 5% saying they would end a friendship over politics.

The difficulty, then, stems not from intolerance from ordinary Palestinians, but from a perceived threat to personal security for individual political beliefs that seems to be based in fear of the political parties themselves: the majority of survey respondents reported being afraid that they would be abused for their political beliefs whilst only 32% reported that they are never afraid (see Figure 13).

Figure 13: Fear of political discrimination
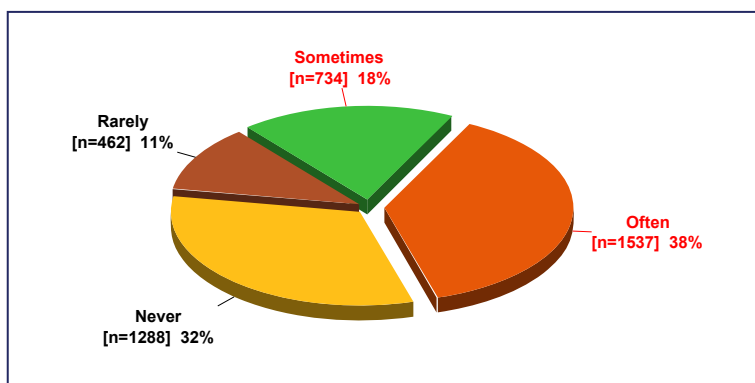
Source: UNDP, 2009

Unsurprisingly then, there is also a significant mistrust of political parties. Palestinians from the West Bank demonstrate higher levels of distrust in political parties (70 percent trust no political group or party) than those in the Gaza Strip (60 percent). A significant majority, 65% of respondents, trust no faction (see Figure 14).

Figure 14: Factional trust
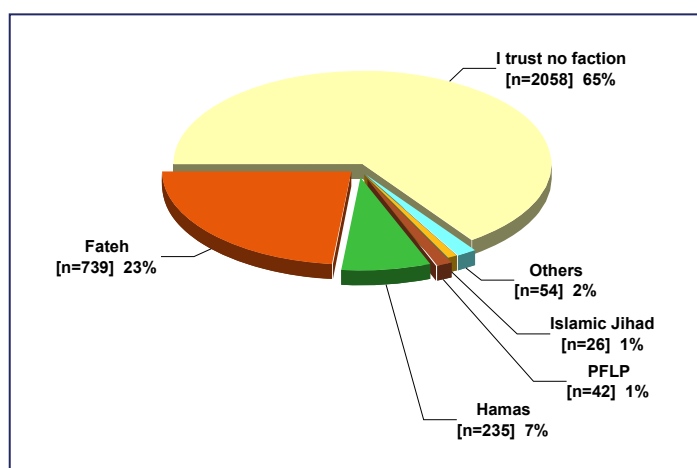
Source: UNDP, 2009

UNDP focus group discussions in the Gaza Strip offered a somewhat different and more worrying perspective on the effects of political polarization on social fragmentation. Participants argued that political divisions may now be restructuring Palestinian society along factional lines. This view is partially informed by knowledge of, and experience with, the nepotistic tendencies of the authorities as well as the recent campaigns of arrests, torture and murder by political factions in the West Bank and Gaza. The outcome of the focus group discussions suggests a real danger that political polarity could be profoundly divisive. The discussions suggested that a key gauge of the severity of the social division can be measured by Palestinians' experience of political violence resulting from internal polarization.

On the whole, the UNDP survey results show that, though political polarization has not yet severely eroded social cohesion, it has generated distrust and disaffection towards political parties and movements. As will be explored later in this Report, there is still a high enough level of affinity and trust between Palestinians in different parts of the territory that, with places to direct their energy, individuals may still be able to find productive and socially coherent social structures through which to continue their struggle for self-determination.

Box 9: Political polarization and human rights violations

Politically motivated killings of political activists, fugitives, prisoners and detainees, injuries caused by violence, torture and misuse of weapons, the imposition of house arrests, and restrictions placed on civil society organizations have reached unacceptable levels in both the West Bank and Gaza Strip[375]. Such tactics undermine political reconciliation talks taking place in Cairo and endanger the social fabric of Palestinian society by exposing and widening social divisions.

There are widespread reports of extra-judicial killings (at least 33 Palestinians were killed in this manner in the first half of 2009), and the detention of suspected collaborators and prisoners. [376] Dozens of testimonies from survivors and eye witnesses claim that victims of internal political violence are typically abducted from their homes, taken to unknown destinations, blindfolded, severely beaten and shot in the feet.[377] There is also evidence of politically motivated killings in the West Bank, e.g., in Qalqilya armed clashes on 31 May and 4 June 2008 resulted in the deaths of four members of the 'Izziddin al-Qassam Brigades, four members of the PA security, and one civilian.[378]

The PA security services waged an arrest campaign targeting dozens of Hamas members, including journalists, public figures, municipal council members, imams, NGO representatives, university lecturers and students. According to Hamas, Palestinian security services in the West Bank have detained at least 500 persons.[379] Between 28-29 June 2009 alone, 46 arrests were documented in Qalqilya, 7 in Bethlehem, 25 in Hebron, 7 in Jenin, 24 in Nablus, 9 in Ramallah, and 17 in Salfit.[380] Similarly, in Gaza, between 28-29 June 2009, the Internal Security Services summoned 41 Fatah activists in Northern Gaza, 70 in Central Gaza, 200 in Khan Younis and 30 in Rafah. Aside from intensive questioning, a number of those summoned were forced to stand under the sun, humiliated, and deprived of food and water. Most of those summoned were later released.[381]

Human rights organizations working in the oPt have documented the use of severe torture techniques including the beating, kicking, punching and hitting of a victim with rifle butts and the shooting of their feet and knees. In addition, a combination of methods used for prolonged periods, referred to as *Shabeh,* is also deployed. *Shabeh* entails sensory isolation, confinement in small, dark cells (2 x 3 m), sleep and rest deprivation, prolonged interrogations, the infliction of pain by forcing detainees to stand for long periods of time against a wall while lifting both hands and one leg, deliberate exhaustion, verbal abuse and defamation, threats and intimidation, overcrowding of cells, denying contact with layers and families,

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[375]   PCHR (2009) 'Special Report: Inter-Palestinian Human Rights Violations in the Gaza Strip', Feb. 2009

[376]   Al Haq (2009) 'Overview of the Internal Human Rights Situation in the Occupied Palestinian Territory', Jun. 2009.

[377]   PCHR (2009) 'Special Report: Inter-Palestinian Human Rights Violations in the Gaza Strip', Feb. 2009.

[378]   PCHR (2009) 'PCHR Is Concerned Over Arrest Campaigns against Fatah Activists in Gaza and against Hamas Activists in the West Bank', Press Release, 08 Jun. 2009.

[379]   PCHR (2009) 'PCHR Is Concerned Over Arrest Campaigns against Fatah Activists in Gaza and against Hamas Activists in the West Bank', Press Release, 08 Jun. 2009.

[380]   PCHR (2009) 'PCHR Calls for an end to political arrests and for measures to ensure the success of unity dialogue', Press Release, 30 Jun. 2009.

[381]   PCHR (2009) 'PCHR Calls for an end to political arrests and for measures to ensure the success of unity dialogue', Press Release, 30 Jun. 2009.

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andpreventingdetaineesfromwashing.[382] Other documented abuses include, arbitrary and secret detentions, excessive use of death sentences,[383] and violations of: (i) the freedom of association; (ii) the freedom of movement; (iii) the freedom of expression; (iv) judicial decisions; and (v) the right to a fair trial.[384]

The focus group conclusions, informed by a deepening concern with both the level and intensity of the internal politically motivated violence and a lack of confidence in the political reconciliation talks, suggest that an indigenous and grassroots reconciliation mechanism is necessary to facilitate Palestinian political reconciliation and strengthen social cohesion. Although the majority of Palestinians are not directly touched by the extreme political violence, a growing number of individuals, families and communities have been, and are being, negatively affected by the internal political conflict. Without a process of reconciliation that is aimed at individuals and families, and driven by Palestinian civil society, efforts to broker political reconciliation by the major parties will fail to bring unity and security to the oPt.

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[382] Al Haq (2009) 'Overview of the Internal Human Rights Situation in the Occupied Palestinian Territory', Jun. 2009.

[383] B'tselem reports that 71 death sentences have been handed out under the PA, not all have resulted in execution. Recent figures from the Gaza Strip are unclear, as there is some evidence of extra-judicial execution taking place. B'tselem (2008) 'Palestinian Authority court imposes death sentence on a man convicted of collaborating with Israel', Press Release, 27 Nov. 2008.

[384] Al Haq (2009) 'Overview of the Internal Human Rights Situation in the Occupied Palestinian Territory', Jun. 2009.

3.11 Conclusion

Having described the status of development in Chapter 2, Chapter 3 has attempted to diagnose the factors contributing to this predicament. Fragmentation and polarization have been highlighted as two corrosive influences on Palestinian society in the West Bank and Gaza Strip.

The divide between Fatah and Hamas has affected social cohesion, a problem aggravatedbyanincreaseinpoliticalviolence and the suppression of civil rights by the authorities in both territories. Nonetheless, the results of the UNDP survey reveal that the majority of Palestinians from both territories feel apathetic and alienated not from each other but from the posturing of their political parties. Results demonstrated high levels of tolerance for political diversity, which bodes well for reconciliation and suggests that a national reconciliation process might overcome the damaging effects of political violence, re-build solidarity and redress the marginalization of ordinary Palestinians from the political process.

The territorial fragmentation of the oPt has severely weakened the central authority of the PA. Israeli control over internal security matters affects external borders, airspace, trade and macro-economic issues, livelihoods, health care and a range of other vital issues. A territory carved into small, disconnected enclaves, subject to military andeconomicclosures,unabletoofferjustice to its dispersed people, and without its most sacred symbols of religion and identity, can hardly be viable and functioning. The more the authority and institutions of governance are eroded, the greater the potential for political polarization. The national institutions, for example the PLC, are unable

to resolve disputes democratically and may resort to force.

To some extent then, internal divisiveness can only be resolved through a functioning and strengthened political field which would involve reviving the defunct legislature and judiciary. In order to achieve this, power and control must be returned to a legitimate central authority. This authority is only possible with basic constituents of State power restored, including administrative, security and economic control over the oPt. These constituents, in turn, can only be achieved if the occupations ends, settlements are removed – a complete freeze on construction and incremental dismantling of homes and infrastructure – and control is given over borders, airspace and water resources. On the other hand, because central authority and control over territory can only be achieved through intense negotiation on final status issues that requires consensus from Palestinian political representatives, a degree of political unity is necessary to undertake such an agenda. Therefore, it is likely that the beginning of the end of this 'catch 22' situation can only be initiated by strong leadership and courage from Palestinian political representatives

4

Freedom from want, freedom from fear and freedom to live in dignity: human security in the oPt

4.1 Introduction

> [Palestinians] endure the daily humiliations large and small that come with occupation. So let there be no doubt: the situation for the Palestinian people is intolerable.[385]

It is clear from the preceding Chapters that sustainable development is not taking place in the oPt. Chapter two highlights the fact that in many sectors the oPt is actually experiencing de-development and Chapter three explores the multiple barriers preventing Palestinians from fulfilling their basic needs and rights.

What can be done to move forward? In this Chapter, a new matrix for advancing development in the oPt is elucidated, based on the principles of human security which are most simply described as a perfected "triangle of development, freedom and peace."[386] Chapter 4 begins with an analysis of how human insecurity is manifest in the oPt, offering illustrative examples. It then discusses some instances of micro-initiatives aimed at establishing human security conditions. Lastly, it focuses on the macro level by proposing a strategic direction through which human security could become more entrenched.

Political conditions on the ground in the oPt are inimical to human development because they undermine the promotion of security and

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[385] Barack Obama (2009) 'Cairo Speech', Egypt, 4 Jun. 2009.

[386] UN (2005). *In Larger Freedom: Towards Development, Security and Human Rights for all*. UN Secretary General Report to the General Assembly.

the respect for human rights.[387] Nonetheless, even in the face of the ongoing complex crisis, conventional development approaches continue to be applied. It is necessary to acknowledge the inappropriateness of the development agenda to date, with its emphasis on building bureaucratic-technical capabilities, if new approaches are to be designed. The human security paradigm is presented here as an important entry point to this process.

The model of human security on which this Chapter is based derives from the UN Human Security Unit's 2009 report *Human Security in Theory and in Practice* and also, the UN's 2005 Report *In Larger Freedom: Towards Development, Security and Human Rights for all*, in which the interdependence of "the freedom from want, the freedom from fear and the freedom to live in dignity" is first expounded. *In Larger Freedom* argues that "development, security and human rights go hand-in-hand" and that they are imperative and reinforce each other. From this perspective, economic progress (freedom from want) cannot be delivered if many or most people in a society suffer from high levels of conflict (are not free from fear). It contends that armed conflicts and wars, in turn, cannot be addressed if the institutions attempting to resolve them are not recognized as legitimate, if people are subject to authoritarian policing and social control, and if there is no protection of vital civil, political, economic, social, environmental and cultural rights (all of which promote the freedom to live in dignity). A human security approach committed to promoting the basic goals of freedom from want, freedom from fear, and freedom to live in dignity, could bring multiple benefits to the particular situation of the oPt because it suggests that alternative strategies and programmes can be devised which will create the conditions to reconstruct and revitalize Palestinian politics and society in the longer term. To begin with, since it promotes a Do No Harm approach, it allows neutral donors to ask what types of programmes could address Palestinian

human security needs without undermining the legitimacy of Palestinian political representatives and institutions – a problem that has grown worse from the Oslo years to the present.[388]

What follows is an assessment of the multi-faceted insecurities faced by Palestinians. It does not attempt to be exhaustive but is indicative, giving examples of threats faced by Palestinians in order to show how their "larger" freedoms are being daily undermined.

4.2 Freedom to live in dignity

4.2.1 Health security

The health situation of Palestinians is increasingly insecure, with the erosion, and in some cases reversal, of many health gains.[389] Psychological health is a significant indicator of the poor levels of overall health security in the oPt: qualitative measures reveal rising feelings of depression, stress, fear and humiliation.[390] The recent split between the two main political parties is compounding the permanent stress of the ongoing occupation. The last two years have seen injuries and deaths of Palestinians at the hand of other Palestinians, the duplication of services, and the politicization of the health sector. Children and youth are particularly vulnerable to trauma as they witness the helplessness of their parents and other adults. According to a study conducted by Sharek, an NGO for youth, 81% of Palestinian youth are either extremely depressed or depressed.[391] In children, anxiety is classically exhibited through symptoms such as nightmares, sleeping difficulties, anxiety, lack of concentration,

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[387]   Khan, Mushtaq H. (2009) 'Palestinian State Formation since the Signing of the Oslo Accords', background paper for the PHDR, commissioned by UNDP, Jerusalem; see also *In Larger Freedom*.

[388]   Mary B. Anderson (1999) 'Do No Harm: How Aid Can Support Peace – or War', Boulder: Lynne Rienner Publishers.

[389]   See Chapter 2 for details.

[390]   Horton, Richard (2009) 'The occupied Palestinian territory: peace, justice, and health' in The Lancet, Vol. 373, Issue 9666, pp. 784 - 788, 7 Mar. 2009.

[391]   Sharek (2008) 'The Youth Talk: perceptions of Palestinian youth on their living conditions', May, 2008.

withdrawal, and the need to cling to caregivers.[392] The realities of occupation and internecine conflict profoundly threaten long term physical, emotional and social well-being. Palestinian youth, particularly young men, struggle with feelings of anger, helplessness and humiliation.

Figure 15: % of youth reporting depression, according to sex, region and place of residence

In between 6% — 57
Not depressed 9% — 90
Not depressed at all 5% — 49
Depressed 42% — 433
Extremely depressed 39% — 394
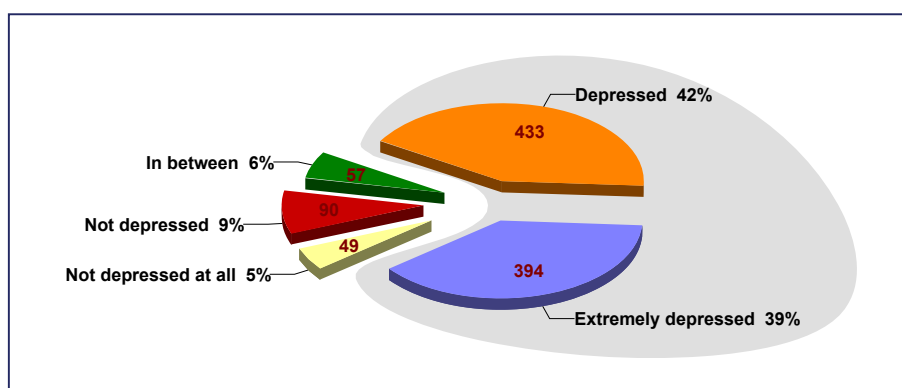
Source: Sharek Youth Forum, 2008

Compounding this situation is a fragmented and weakening health care system that faces a unique set of challenges. Health care is offered by at least five different sectors focused on different populations in diverse locations: the PA's Ministry of Health in the West Bank; the Hamas Ministry of Health in the Gaza Strip; UNRWA, serving refugees. The services they supply are supplemented by NGOs and the private sector. Health care governance, unsurprisingly, is contradictory and ineffective.[393]

The political division between the administrations of the West Bank and Gaza Strip has affected health services across the oPt. The occupation and Palestinian political disunity are, in fact, proving a lethal combination: the State of Israel's practice of withholding taxes and cus-

toms duties, coupled with the withdrawal of international aid after the 2006 elections, has created a severe financial crisis and left the PA unable to pay the salaries of 165,000 civil servants. This has led to intermittent strikes, including by health personnel, and resulted in worsening service provision, shortages of essential medication and equipment, and an overall health-system crisis.[394]

Health care services in the Gaza Strip have been particularly negatively affected. Even before Operation Cast Lead, the health security of people in Gaza was severely compromised. In addition to the impact of strikes, health security is undermined by the lack of access to quality health services resulting from the blockade and containment policies. Essential medical items are restricted, including nitrous oxide gas which is used for anaesthetics,[395] while the supply of basic utilities, such as electricity, is unreliable and often results in damage to medical equipment.[396] Both the protracted rationing of fuel and the recurrent power-cuts in the Gaza Strip negatively impact on the functionality of health facilities and contribute to the deterioration of living standards and increasing social distress.[397]

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[392] Giacaman et al. (2009) 'Health status and health services in the occupied Palestinian territory' Lancet 373: 837-49; UNDP (2009) 'Inside Gaza: Attitudes and Perceptions of the Gaza Strip residents in the aftermath of the Israeli military attacks', Jerusalem.

[393] Giacaman et al. (2009) 'Health status and health services in the occupied Palestinian territory' Lancet 373: 837-49.

[394] Horton, Richard (2009) 'The occupied Palestinian territory: peace, justice, and health' in The Lancet, Vol. 373, Issue 9666, pp. 784 - 788, 7 Mar. 2009.

[395] United Nations. 2008. "Human Rights Situation in Palestine and other Occupied Arab Territories," Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, John Dugard. A/HRC/7/17, 21 January.

[396] International Committee of the Red Cross. 2009. "Gaza: 1.5 million people trapped in despair". International Committee of the Red Cross.

[397] WFP Vulnerability Assessment and Mapping FOOD SECURITY and MARKET MONITORING Report July 2008: Report 19 http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/MUMA-7GP7VV-full_reort.pdf/$File/full_reort.pdf.

Box 10: Multiple crisis in Gaza's health services

Strikes of health care workers in the Gaza Strip began on August 31, 2008 with 48 percent of all staff at the Ministry of Health hospitals and 68 percent at the primary health care facilities (PHC) on strike during the first week.[398]At hospital level, two Ministry hospitals, the Gaza Psychiatric Hospital and the Kamal Edwan Hospital, declared a state of emergency for two weeks. This resulted in the suspension of elective surgical operations, the closure of outpatients' clinics (except one to treat emergency cases) and the limitation of diagnostic services to emergency cases. Consultations at public health clinics (PHCs), referrals abroad, and essential drugs supplies also fell. The Ministry in the Gaza Strip produced a report which criticised the PA in Ramallah for instigating strike actions in Gaza, claiming that they had adopted punitive policies aimed against health ministry employees who did not obey orders to stop work.[399] The Minister of Health for the Gaza Strip argued that the strike was politicised, demanding that all employees continue their work and disregard the call to strike. He also requested those involved to make the national interest prevail over partisan interests.[400] Human rights groups reacted with alarm because the employer (the PA in Ramallah) ostensibly supported the strikes, compelling employees to commit and threatening those who did not with dismissal and/or deprival of their salaries.[401] Even more gravely, political wrangling over control of the External Treatment Department in the Gaza Strip, which halted effective operation for over three weeks in early 2009, resulted in the deterioration in health of 800 patients and the deaths of ten.[402]

The already-weakened state of health services deteriorated even further as a result of Operation Cast Lead. Health staff and facilities were seriously affected, with 16 health workers killed and 25 injured while on duty while five hospitals, 41 public health clinics, and 29 ambulances were either damaged or destroyed.[403] Limited access to quality health care due to shortages of medical supplies and medication during 2006 and 2007 was documented by the WHO[404] and the ICRC recorded a similarly grim situation in 2009.[405] Of all respondents to UNDP's 2009 survey, 65% indicated that either they or their household members were unable to receive appropriate treatment due to the unavailability of services or medical expertise in their area.[406]

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[398] WHO, 'Gaza Health Workers Strike Impact of the Strike on Health Care Provision' (Aug. / Oct. 2008).

[399] Ministry of Health (Gaza Strip), 'Impact of the Israeli Closures of the Gaza Strip on the Health Sector', Jun. 2007 –Dec. 2008.

[400] Dr Basim Naim, Minister of Health, Gaza Strip, News item from the Palestinian Information Centre, 31 Aug. 2008.

[401] PCHR, 'PCHR Concern at Ongoing Gaza Strikes', Press Release, 02 Sept. 2008.

[402] PCHR (2009) '10 Patients Die and Health Conditions of Hundreds Deteriorate as Gaza's External Medical Treatment Crisis Continues; PCHR hold Minister of Health in Ramallah accountable and calls on Palestinian President to Intervene', Press Release, 19. Apr. 2009.

[403] World Health Organization. 2009."Rapid health facility survey," conducted for UNDP's damage and needs assessment." January.

[404] Awad; Mataria; Rana Khatib; Cam Donaldson; Thomas Bossert; David J Hunter; Fahed Alsayed; and Jean-Paul Moatti. 2009. "The health-care system: an assessment and reform agenda,'' in The Lancet, Volume 373, Issue 9670, Pages 1207 - 1217, 4 April.ccvcvc

[405] International Committee of the Red Cross. 2009. ''Gaza: 1.5 million people trapped in despair". International Committee of the Red Cross.

[406] United Nations Development Programme. 2009. ''Palestinian Perception toward the Human Security Situation in the occupied Palestinian territory." A report for the Palestine Human Development Report, Commissioned by UNDP's Programme of Assistance to the Palestinian People. Jerusalem.

Health security in East Jerusalem is also in crisis, being beset by politicisation and the discriminatory application of medical insurance provision by the State of Israel. An individual must be an "Israeli resident" to receive social benefits and health insurance from the National Insurance Institute (NII). The NII holds the position that, unless proven otherwise, Palestinian residents of East Jerusalem are not residents, and that they in effect seek to take improper advantage of the State and benefit from its services without being lawfully entitled to them. In almost every instance where such a resident submits a request for an allotment or for health insurance, the next to individuals to verify that the applicant actually resides in Jerusalem. The Israeli human rights organisation, B'tselem, contends that the NII investigations breach principles of proper administration and grossly violate the rights of residents. The investigations are superficial, deny the individual>s right to due process and privacy, and are motivated by preconceived notions of behaviour in Palestinian society.[407] Even though the claim for health insurance is granted in most cases, investigations take months, during which time the claimant is effectively denied his or her entitlement to health insurance. Denial of health insurance to a resident of Israel violates the law; nonetheless, Physicians for Human Rights estimate that there are currently some 10,000 children residing in East Jerusalem who are not covered by medical insurance at all.[408]

Box 11: Micro-initiatives tackling health insecurity: PA Health Insurance Scheme

In early 2009, the Ministry of Health (PA) announced a new health insurance scheme for Palestinians. In 2008, the Minister of Health described this policy as both important and innovative; it is hoped that the scheme will provide universal health insurance in the oPt. The scheme is to be financed by a 5% contribution from the registered income of every Palestinian household. In March 2009, the Ministry of Health created a 'Health Insurance Unit' with three principal aims:

- To collect money to provide people with medical services through a health insurance system to support the Ministry's budget

- To improve administrative procedures, to provide staff and develop their administrative efficiency and English language proficiency

- To improve the computerised health insurance system to cover all areas and branches of the Ministry departments and facilitate the processing of citizens' contributions

Health professionals have welcomed this scheme as a "fantastic" idea, if it proves workable.[409] One of the obstacles facing the success of the new policy is the ability of the PA to collect funds. However, if it works, the new social health insurance scheme will improve equity and general health security amongst Palestinians.

4.2.2 Environmental security

Environmental security in the oPt is increasingly precarious because of both a lack of autonomy over direct environmental resources and negative environmental decisions taken by both, the State of Israel and the PA, including the appropriation of water resources and the failure to provide adequate sewage facilities. The recurrent destruction of trees, private homes and public infrastructure by the Occupying Power creates a permanent

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[407]   B'tselem (2009) 'East Jerusalem: The revocation of social rights and health insurance'.

[408]   B'tselem (2009) 'East Jerusalem: The revocation of social rights and health insurance'.

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[409]   PCHR (2009) 'Respect for Human Rights in the Occupied Palestinian Territory an Internal Palestinian Perspective', Background paper for the PHDR, commissioned by UNDP, Jerusalem.

state of environmental insecurity. Because the territory lacks contiguity and is shrinking in size, access to areas that Palestinians once lived and worked in and/or visited is now either highly restricted or denied.[410]

Environmental resources and access to them are closely linked to the livelihoods, health and overall human security of any population. Land is the most common means of storing wealth. It is also an economic asset, providing a foundation for activity in sectors as varied as agriculture, industries, housing and tourism, as well as being a key factor in the functioning of markets, e.g. as security against credit, as well as non-market institutions, such as local governments. Environmental insecurity in the oPt is inextricably linked to the absence of sovereignty over land and other natural resources. This has implications for planning and preservation, both of which are critical for environmental security and sustainable development. Given the creeping nature of the occupation and the provisions of the Oslo Accords, Palestinians are fast losing control and stewardship over what remains of their land and other natural resources.

There is an increasing decline in water available to Palestinians. The State of Israel completely controls the West Bank's water resources (as is mandated in the Oslo Accords) and has established systematic restrictions that are negatively impacting the development of water resources, infrastructure and services in the oPt. Over-extraction from deep wells combined with reduced recharge has created risks for the aquifers and a decline in water available to Palestinians through shallower wells. Palestinians abstract 20% of the "estimated potential" water resources in the West Bank, while Israel abstracts 80% and overdraws its agreed quota by more than 50%. Although

agriculture affords a bigger share of economic output and overall employment in the oPt than in Israel, the Palestinian per capita water budget for agriculture is one fifth that of Israel. In the Eastern Aquifer, there is evidence of deep Israeli wells negatively impacting Palestinian wells and springs. Some West Bank communities are now resorting to unlicensed drilling to obtain drinking water.[411]

Box 12: Dried wells [412]

At Bardala, in the North Eastern corner of Tubas Governorate, eight Palestinian wells were constructed before 1967 for both domestic and agricultural purposes, with depths ranging from 30 to 65 m. After the 1967 war, Israel constructed two deep wells (Bardala 1 in 1968 and Bardala 2 in 1979) a few hundred meters from the Palestinian wells. As a result, the water level in the Palestinian wells dropped at the rate of 2 m per year and salinity increased. Now these wells are dry, as are most of the local springs used by Palestinian consumers for domestic and agricultural purposes. At Fasayil in the Jericho governorate, Israel has drilled six production wells. The yield of the single Palestinian wells in the area has fallen to zero and the formerly abundant local springs have dried up. At Auja, the very productive Auja spring, which formerly discharged up to 9 MCM a year, is dry for months on end through the action of five nearby Israeli production wells. A formerly water abundant village is now forced to buy water from nearby settlements.

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[410] The World Bank. 2008. "The Economic Effects of Restricted Access to Land in the West Bank." Social and Economic Development Group Finance and Private Sector Development Middle East and North Africa Region. The World Bank. The World Bank. 2009. "West Bank and Gaza Assessment of Restrictions on Palestinian Water Sector Development." Sector Note. Report No 47657-GZ. Middle East and North Africa Region. The World Bank.

[411] World Bank (2009) 'West Bank and Gaza Assessment of Restrictions on Palestinian Water Sector Development', Sector Note. Report No 47657-GZ. Middle East and North Africa Region.

[412] Adapted from: World Bank (2009) 'West Bank and Gaza Assessment of Restrictions on Palestinian Water Sector Development', Sector Note. Report No 47657-GZ. Middle East and North Africa Region.

Map 6: Access to fresh water for Palestinians

Source: UNDP, 2007/2008

Water in Gaza is becoming so scarce that the farm workers often get paid in it.[413] Approximately 10% of Palestinians are struggling without any tap water as a result of the damage caused to wells, pipes and waste water facilities during Operation Cast Lead. According to the Coastal Municipalities Water Utility (CMWU), "requests via the International Committee of the Red Cross to the Israeli military […] to allow shipments of construction materials and spare parts to repair wells and facilities damaged during the war were denied." The CMWU estimates that 50,000 people lack tap water after losing their homes, while a further 100,000 have had their water cut because of damage to the water supply network. Eleven of Gaza's 150 wells, the only source of drinking water for Gaza's 1.4 million people, apart from expensive bottled water and water trucked in by aid agencies, are not functioning. Six were completely destroyed. Many residents in the north and in Rafah only have tap water every 4-7 days. One resident noted, "We have trouble bathing, washing our clothes, and cooking."[414] In a 2009 Report prepared by UNEP, a particular concern was raised about the high levels of nitrates in the water supply after tests at nine private wells found many with nitrate concentrations exceeding WHO guidelines of 50 milligrams per litre. High levels of nitrates can cause a form of anaemia in infants known as 'blue baby syndrome', a problem that had already been documented in a study published in 2007, which found that half of the infants tested had worrying levels of the 'blue baby' indicator protein, methemoglobin. UNEP expressed concern that levels of nitrates in water may perhaps have become worse as a result of Operation Cast Lead and is urging the launch of a massive campaign to improve Gaza's water quality and educate parents on how to protect their babies.[415]

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[413] World Bank (2009) 'West Bank and Gaza Assessment of Restrictions on Palestinian Water Sector Development', Sector Note. Report No 47657-GZ. Middle East and North Africa Region.

[414] IRIN (2009) 'Over 150,000 Gazans still without tap water', 7 Apr. 2009 available at http://www.irinnews.org/report.aspx?ReportId=83818.

[415] UNEP (2009) 'Environmental Assessment of the Gaza Strip following the escalation of hostilities in December 2008 -January 2009', available at http://www.unep.org/publications/contents/pub_details_search.asp?ID=4058.

The absence of adequate waste water facilities poses a further threat to environmental security. Only 31% of Palestinians in the West Bank are connected to a sewerage network. Just four major municipalities have wastewater treatment plants and even these are only producing poor quality effluent. There is no planned or regulated reuse of effluent. In the West Bank, 25 MCM of raw sewage is being discharged each year in 350 locations. Settlements are also discharging raw sewage into the environment.

The blockade severely limits sanitation services in Gaza. For almost two years, supplies necessary to rehabilitate and upgrade Gaza's sewage networks and treatment plants have not been allowed through the borders. In addition, strategic reserves of spare parts and materials needed to maintain and develop sanitation infrastructure are either severely or totally depleted. Attempts by the international community and the PA to persuade the Israeli authorities to treat the discharge of sewage into the sea from Gaza as an important humanitarian issue have so far failed. As a result of this, along the coast of Gaza, 16 sewage outfalls go directly into the sea, releasing approximately 70-80,000 m³ of waste water daily; faecal coliform bacteria cluster around the outfalls; the coastline is contaminated; while the livelihoods of those who depend on marine resources for their income are jeopardized. This problem is taking its environmental toll not only in Gaza and southern Israel, but is affecting the Mediterranean more broadly.[416] Highlighting the extent of water and sewage problems facing the region, UNDP Special Representative to the oPt commented that there is a need to "remove environmental issues from the 'pending peace process' tray and upgrade them to 'urgent'. "These

problems will not go away or wait until the resumption of serious peace talks," he said.[417] The Mediterranean is a shared resource, due to currents, Gaza's raw or partially treated sewage discharges will begin to have sub-regional and regional impacts.[418] As the UNEP Executive Director remarked after the completion of the environmental assessment following Operation Cast Lead:

> *Many of the impacts of the recent hostilities have exacerbated environmental degradation that has been years in the making – environmental degradation that does not end at the borders of the Gaza Strip but also affects the health and welfare of those living beyond.*[419]

Sewage also contaminates agricultural land. During Operation Cast Lead, Az Zaitoun wastewater treatment plant was damaged and, as a result, 55,000 m² of agricultural land was contaminated with 100,000 m³ of waste water and sludge, with severe repercussions for the environment, health and livelihoods of Gazan farmers. UNEP recommends that the area needs to be re-assessed and corrected before replanting.

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[416] The Guardian, (2009) 'A War of Water', Jens Toyberg-Frandzen, 6 Jun. 2009 http://www.guardian.co.uk/commentisfree/2009/jun/06/gaza-strip-water-supply.

[417]   Toyberg-Frandzen Jens (2009) "A War of Water," in The Guardian, 6 June http://www.guardian.co.uk/commentisfree/2009/jun/06/gaza-strip-water-supply.

[418]   World Bank (2009) 'West Bank and Gaza Assessment of Restrictions on Palestinian Water Sector Development', Sector Note. Report No 47657-GZ. Middle East and North Africa Region.

[419]   UNEP (2009) UNEP News Centre West Asia, available at http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=596&ArticleID=6303&l=en&t=long.

Box 13: Micro-initiatives tackling environmental insecurity: Palestinian Water Authority

As part of the PA, the Palestinian Water Authority (PWA) is mandated to: secure environmentally sound and sustainable development of water resources through efficient and equitable water management; define the optimum way to manage, protect, and conserve limited water resources; and benefit from water resources development by raising water service to levels which provide for a healthy environment and economic development.

The PWA strategy involves:

- securing Palestinian water rights
- strengthening national policies and regulations
- building institutional capacity and developing human resources

The PWA is an example of a decent and improving Palestinian institution, with good structure, capacity and organization. Its inability to provide decent water and sanitation to the majority of Palestinians is directly related to the restrictions placed on the authority – both in terms of accessing water sources and areas where development and repair of infrastructure is required – by the Israeli administration.

The Head of the PWA commented: "While the PWA continues to work to provide access to water for Palestinians, political support must be mobilised in order to change the dynamic of Israeli control into one of effective cooperation. The Israeli public must realise that water should not be used as a political tool in this conflict to further hinder Palestinian development and the fundamental right to clean water and sanitation for all. In *effective* cooperation lies the beginning of good neighbours."

4.3 Freedom from want

4.3.1 Economic security

Palestinian policy makers do not have any instruments for monetary, exchange rate and trade policies or even a complete set of fiscal policy instruments.[420]

The economy in the oPt lacks sovereignty and is contained and fragmented.[421] Overall economic growth is negative, with per-capita income continuing to decrease despite donor funding. The growth in aid dependency is counter-productive as "aid cannot fully compensate for the loss of self-reliance."[422] Within this macro-economic context, the Palestinian private sector is constrained from operating as fully and freely as a market system should. For example, Israel is responsible for both the collection of customs duties on imported goods destined to the oPt, as well as for the transfer of monies to the PA. This policy gives Israel control over Palestinian civil services, including health care and education, which are funded by tax revenues.[423] In addition, Palestinian producers have been effectively cut off from the world market and rely on Israeli middlemen. The unpredictability of occupation-related policies plus internal Palestinian divisions serve to undermine business confidence and domestic and international willingness to invest in the oPt.

Territorial fragmentation curbs the performance of the private sector in the West

[420]   United Nations Conference on Trade and Development (2006) 'The Palestinian War-Torn Economy: Aid, Development and State Formation', UNCTAD/GDS/APP/2006/1 quoted in Gisha: Legal Center for Freedom of Movement (2007) 'Disengaged Occupiers: The Legal Status of Gaza', Jan. 2007.

[421] The containment of the Palestinian economy became pervasive when the Israeli army effectively reoccupied the West Bank in early 2002 and enclosed the Gaza Strip towards end 2005.

[422] Khan, Mushtaq H (2009) 'Palestinian State Formation since the Signing of the Oslo Accords', Background Paper for the PHDR, commissioned by UNDP / PAPP, Jerusalem.

[423] Khan, Mushtaq H (2009) 'Palestinian State Formation since the Signing of the Oslo Accords', Background Paper for the PHDR, commissioned by UNDP / PAPP, Jerusalem.

Bank. It inhibits the expansion of businesses beyond urban centres, chokes off markets in areas that are physically and administratively contained, separates sellers from consumers, and prevents small businesses from achieving economies of scale because of increased transaction costs. The fragmentation of the West Bank limits the flow of commodities between the north, central and southern regions, and severs the agriculturally productive Jordan Valley from its absorbing markets.[424] East Jerusalem, once an integral part of the Palestinian market, has been cut off by the Wall and increased intra-regional transportation costs.

In terms of macro-economic instruments, Palestinians face severe limitations in using economic, fiscal and monetary policy tools to address the growing economic insecurity; the Protocol on Economic Relations (the Paris Protocol) gave economic sovereignty of the oPt to the State of Israel.[425] Israel has full control of the oPt's monetary policy as the PA cannot introduce its own currency, leaving the New Israeli Shekel as the de facto currency. This leaves the oPt vulnerable to economic shocks which impact Israel.

The lack of sovereignty at the macro-economic level and limited autonomy at the meso level translates into economic insecurity at the micro level.[426] Economic insecurity is seen in high levels of unemployment due to the erosion and stagnation of the private sector, shrinking

livelihoods opportunities and in some cases the complete lack of livelihoods due to loss of access to agricultural land and fishing rights, and destruction and/or loss of economic assets, including water wells, greenhouses, crops and houses.[427] The most insecure working conditions are typically in the informal sector where workers are neither afforded social protection nor possess entitlements.[428] As one older resident of Gaza put it, "one of the worst forms of insecurity faced by fathers and sons nowadays is their work building and running tunnels. I call this 'suicide in the name of work'. It affects about 25,000 people."[429]

Photo 5: View of a tunnel in Gaza

Source: Louise Dear, 2008

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[424] FAO / WFP (2007) 'Comprehensive Food Security and Vulnerability Analysis (CFSVA) West Bank and Gaza Strip', Jerusalem.

[425] The Paris Protocol was signed in April 1994 as part of the Oslo framework to govern economic relations between Israel and the oPt during the five year interim period.

[426] This is not to deny the existence of financially stable and wealthy Palestinians.

[427] WFP (2006) 'WFP Operational Update: oPt', available http://www.wfp.org/stories/wfp-operational-update-opt

[428] Hilal, Jamil (2009) 'Severe Polarization in, and Fragmentation of, Palestinian Society', Background Paper for the PHDR, commissioned by UNDP / PAPP, Jerusalem.

[429] Interview with older men in a focus group on human security in Rafah, conducted for UNDP in July 2009.

Box 14: Informal economic activities

The increased economic hardship experienced by the Palestinians has necessitated a greater reliance on the informal sector. The clandestine nature of this activity, sometimes conducted under the radar of both Israel and the PA, means that there is not extensive research available. However, in 2006 the Palestine Economic Research Policy Institute (MAS) conducted research which indicated that in 2006 the informal transportation sector – the transportation of passengers and goods by road – employed 11,837 people (8,636 in the West Bank, and 3,022 in the Gaza Strip) and was worth USD 81.6 million.[430] During 2006, the improved value added of informal transportation activities in the oPt led to an increase in productivity of 6.5% (USD 6,890.0 per worker, compared to USD 6,471.1 in 2005) with productivity per worker in the remaining West Bank at a higher rate than in Gaza.

The transportation system is just one example of informal economic activity with a significant value added to the Palestinian economy. Other notable sectors include: informal / seasonal agricultural work, the tunnel economy, and workers travelling 'illegally' into Israel. Although informal economic activities are providing an important safety net for struggling individuals and families, informal workers are exposed to the relevant risks. Threats include: job instability / insecurity; no workers rights, contract, protections associated with formal employment; danger of facing caution or arrest from the relevant authorities for illegal activities.

At the micro-level, a concerning number of Palestinian households feel that their present situation is not economically secure in the long-term. As demonstrated by Figure 16, 58% of those surveyed by UNDP felt that they could not keep up financially while an alarming 42% were already in a serious situation or barely coping.

Figure 16: Ability of the household to keep up financially
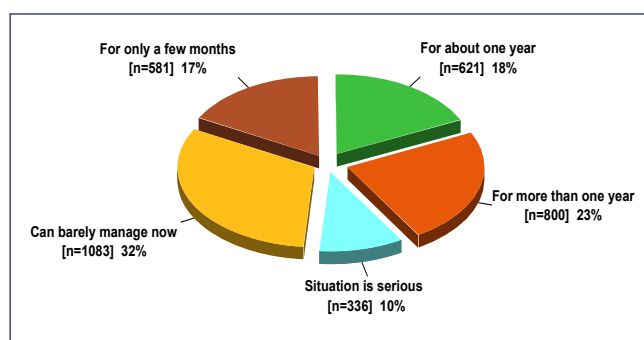
Source: UNDP, 2009

There is some evidence to suggest that economic insecurity is translating into food insecurity across the oPt. The survey highlighted that 39% of respondents were managing to meet their food consumption needs with difficulty, while 4% noted that their family had an insufficient amount of food for daily consumption.

The olive industry is another indicator of economic insecurity. Tens of thousands of olive trees have been destroyed by settlers; increasingly as part of a "price-tag" campaign used by settlers to protest their removal from settlement outposts; and each year, settlers attack Palestinians attempting to harvest their olives.[431] Palestinians who live on the eastern side of the Wall but whose land lies in the closed zone face serious economic hardships as they are unable to access their land to harvest crops or graze

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[430] MAS / PNA / PMA (2008) 'Quarterly Economic and Social Monitor' Vol. 11. Feb. 2008.

[431] Lourdes Garcia-Navarro (2009) 'Evicted Israeli Settlers Attack Palestinian Land', 16 Oct., 2009. http://www.npr.org/templates/story/story.php?storyId=113811498

their livestock without permits.[432] The Wall's route undermines the olive industry by separating farmers from their olive groves, and trees are also uprooted for the construction of the Wall.

The IDF has installed gates in the Wall and implements an associated permit regime to allow access but permits are difficult to obtain, are routinely rejected and often do not meet farmers' and workforce needs.[433] Many suffering repeated refusals are discouraged from re-applying. If permits are granted, they are not always issued to the most appropriate person, leaving older family members unable to effectively carry out the work while the more able-bodied are forced to remain idle at home. Permits only remain valid for short periods so that farmers are forced to be inactive in the period between the expiry of their current permit and its (hoped for) renewal. In the northern West Bank, 80% of the agricultural labour force, isolated by the Wall, does not receive permits and individuals with security records have no hope of receiving permits at all. Residents feel that the permit and gate restrictions are: "a policy intended to create despair among the farmers, hoping that they will cease working their land west of the Wall."[434]

In addition to the permit regime, gate placements, limited opening hours and restrictions on agricultural vehicles, equipment and materials place severe constraints on farmers and are forcing them to adopt less effective agricultural practices. Although longer opening hours are allowed during the olive harvest, 30 of the 64 gates built into the Wall remain closed throughout the year.[435] Restrictive access prevents essential activities, such as ploughing, pruning, fertilizing and pest and weed management, from being carried out, which has severe implications for the quality and quantity of agricultural production. Some farmers cope by dismantling their greenhouses and changing to lower-maintenance but lower-yield crops. It is estimated that once completed the Wall will enclose a total of 38 Palestinian villages and approximately 50,000 Palestinians will either have restricted or no access to their agricultural land, public services and markets.[436] In Jayyus, the result has been increased unemployment, evidence of displacement especially among young men, and increased hunger in a community which formerly exported food items.[437]

[432] OCHA-oPt (2008) '"Lack of Permit" Demolitions and Resultant Displacement in Area C', OCHA-oPt Special Focus, East Jerusalem. May. 2008.

[433] For example, agricultural gates are opened daily, generally for one hour early morning; noon; and late afternoon to allow farmers holding valid permits to access their land. See OCHA-oPt (2008) 'OCHA Closure Update', 30 Apr. - 11 Sep. 2008; see Chapter 2 for details.

[434] UN (2008) 'The Humanitarian Impact of the Wall: Four years after the advisory Opinion of the International Court of Justice on the Wall', Update No. 8, Aug. 2008.

[435] OCHA-oPt and UNRWA (2008) 'The Humanitarian Impact of the Wall Four Years after the Advisory Opinion of the International Court of Justice on the Wall', Update No. 8, 20 Jul. 2008; UN (2008) 'The Olive Harvest in the West Bank and Gaza'; UN (2008) 'The Humanitarian Impact of the Wall: Four years after the advisory Opinion of the International Court of Justice on the Wall', Update No. 8, Aug. 2008.

[436] OCHA-oPt (2009) 'The West Bank Wall'.

[437] UN (2008) 'The Humanitarian Impact of the Wall: Four years after the advisory Opinion of the International Court of Justice on the Wall', Update No. 8, Aug. 2008.

Box 15: Micro-initiatives addressing economic insecurity: Solutions for Development Consulting Co: InTajuna

InTajuna, or 'Solutions' (based in Ramallah) believes that Palestinian economic sustainability depends on freedom, security, planning, and concerted efforts by all sectors of society; understanding structural economic weaknesses and acknowledging the high level of resilience of the Palestinian private sector and people; and acknowledging that small and medium size enterprises of the Palestinian economy must be nourished in order to survive, grow and flourish. It is particularly valuable because it is aimed specifically at promoting Palestinian goods and services thus decreasing reliance on the Israeli economy.

InTajuna aims to enhance the Palestinian consumer's perceptions of locally produced Palestinian products, in particular, processed food, beverages, and personal care and household consumables. The *InTajuna* approach tackles problems in the promotion of Palestinian products, such as a lack of points of sale and poor support for local manufacturers. The *InTajuna* method relies on the accumulation of industry insight into the fast-moving consumer-goods market. The project investigates Palestinian household needs, concerns, motivations, and emotions through a focused consumer survey in five major cities in the West Bank and Gaza Strip. Ten to fifteen companies are selected to lead the way as producers of quality local products.

InTajuna works by leading the design of a consumer campaign in coordination with key stakeholders that include companies, points of sale, and communications specialists. Communications strategies and plans include an information and awareness building campaign, in-store displays and a promotional campaign. The ultimate aims of *InTajuna* are to make the Palestinian economy more self-sustaining and to reduce reliance on the Israeli economy by improving Palestinian goods and services and making them competitive with Israeli ones. This project is an excellent example of Palestinian entrepreneurial potential.

4.3.2 Macro-strategy: addressing want; re-shaping the economic agenda

The freedom from want has traditionally been addressed through accelerating economic development and ensuring a fair distribution of the benefits of growth. However, developing economic capabilities in a territory in which closures can be enforced at short notice by an external power is a new type of challenge. Traditional industry and agriculture require stable access to inputs and markets, so production collapses and entrepreneurs face crippling losses in an economy subject to containment. This has been a particular problem in Gaza since 2007, but also affects large parts of the West Bank where the Wall has isolated Palestinians in a semi-permanent way. Improved movement and access are imperative to Palestinian economic recovery and growth.

The challenge is to supplement existing strategies with a much more effective promotion of local economic self-sufficiency and to provide effective mechanisms for rapidly delivering relief and supplies to large populations in isolated pockets who may suddenly be cut off. It would not be rational to prioritize such strategies if the conflict economy was likely to be short-lived, but it is likely that many will be compelled to remain reliant on these alternatives for a long time. While it may appear that such adaptation strategies are a means to force acceptance of the fragmenting effects of the occupation, the promotion of a localized, self-sustaining economy will benefit Palestinians in the short and long term, both under occupation and when they are free from occupation.

Alternative strategies need to complement but not supplant the traditional economic strategies of

the PA that have been based on development models appropriate for a State in a normal economy. Commitment to the development of infrastructure and export-oriented agriculture still has a role to play, for example, even though the history of closures and containment shows that these strategies cannot be exclusively relied on in the Palestinian context. Indeed, Israel's capacity to destroy Palestinian infrastructure has been powerfully demonstrated many times and Israeli border controls disrupt trade links with little or no notice. The challenge is to develop long-term institutional responses to ensure the freedom from want in the face of the crisis.[438]

4.4 Freedom from fear

4.4.1 Personal security

Palestinians face major threats to their personal security starting with the occupation and settler violence, but increasingly including the effects of the conflict between Fatah and Hamas, and, in the Gaza Strip, between Hamas and dissident Islamic movements. The greatest determinant of this insecurity is the inability of Palestinians to fully enjoy the right to self-determination. This right is an integral part of achieving personal security; perhaps no other aspect of human security is so vital. The social contract between individuals living in sovereign States requires that the State protects an individual's human rights (an obligation to which an Occupying Power is also held), and when States fail to honour this compact, citizens become profoundly insecure. Palestinians are being failed twice: they can depend neither on the Occupying Power nor the de facto administrations in the West Bank and the Gaza Strip to guarantee their personal safety.

The extent to which the State of Israel restricts the self-determination of Palestinians is evident in the matrix of Military Orders it has put in place. Since 1967, it has issued over 1,500

military orders governing different aspects of Palestinian life, including setting the age of criminal responsibility at 16 for Palestinians.[439] In reality, even this is not a guarantee that children will not be arrested as the Israeli Military Authorities routinely violate their own legislation: some seven hundred children a year are detained without access to a lawyer and prosecuted in two military courts operating in the West Bank, and children as young as 12 or 13 years old can receive sentences of up to 6 months imprisonment.[440]

The imprisonment of an individual poses the most fundamental challenge to the exercise of self-determination. According to the UN Special Rapporteur on the Situation of Human Rights, some 700,000 Palestinians have been imprisoned over the forty years between 1967 and 2007. Human rights organizations have also highlighted ill-treatment and torture in Israeli detention centres,[441] with poor treatment of minors also reported.[442] Some prisoners are held without *habeas corpus* under administrative rather than military detention, the former being detention without charge or trial, and authorized by administrative order rather than by judicial decree. This high level of detention of Palestinians has serious implications for other areas of security, including economic security and family livelihoods during and after incarceration. Even if they are released from detention without being charged, formerly detained Palestinians are subject to 'security preventions' which may preclude them from obtaining permits to access designated areas (regardless of familial or land ties).[443]

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[438]   UNCTAD (2006) 'The Palestinian War-Torn Economy: Aid, Development and State Formation', Document No. UNCTAD/GDS/APP/2006/1. United Nations Conference on Trade and Development, 2006.

[439]   The age of criminal responsibility is 18 for Israeli citizens, including illegal settlers living in the oPt.

[440]   For more detail, see DCI (2009) 'Palestinian Child Prisoners: The systematic and institutionalised ill-treatment and torture of Palestinian children by Israeli authorities', Jun. 2009.

[441]   Hamoked & B'Tselem (2007) 'Absolute Prohibition: The Torture and Ill-Treatment of Palestinian Detainees', Jerusalem: B'Tselem.

[442]   DCI (2009) 'DCI concerned by sharp increase in detention of children', Press release, 11 Mar. 2009.

[443]   Hamoked & B'Tselem (2007) 'Absolute Prohibition: The Torture and Ill-Treatment of Palestinian Detainees', Jerusalem: B'Tselem.

Of the 7,834 Palestinians imprisoned in Israel, only 56 are women, which is less than 0.6%. Since the beginning of 2009, 18 women have been released. This means that an additional 14 women have been arrested since the beginning of 2009. As of August 2009, three women are being held under administrative detention (detention without charge or trial).[444]

A majority of Palestinian prisoners are held in jails in Israel, violating article 76 of the Fourth Geneva Convention which requires persons from an occupied territory to be detained in the occupied territory, and if convicted, to serve their sentence therein. As a result of restrictions on movement, family visits are difficult and frequently impossible. In addition, all visits of families from Gaza to their relatives detained in Israeli prisons were suspended on June 6, 2007.[445]

The gendered effects of high detention rates are manifold and it is crucial to consider women's and men's different roles and responsibilities in dealing with the effects of death, injury and imprisonment of family members. Men and boys are detained in far larger numbers than women, yet prison looms large in the daily lives of women as the main visitors of prisoners and those who shoulder the responsibility of maintaining households and raising children when male family members are detained.[446] The major burden of caring for prisoners and their families falls, therefore, on women's shoulders. The psychological and financial cost of such care-giving work, in such difficult circumstances, is impossible to calculate.

The greatest threat to personal security is violation of the right to life, and systematic threats to the lives of Palestinians in Gaza were immeasurably escalated during Operation Cast Lead. Investigations afterwards show that male fatalities vastly outnumbered those of women and children even though the evidence suggests that only a small minority of men killed were combatants.[447] The inability to move freely in and out of Gaza denied civilians of their most basic response to personal insecurity: to flee**.** In addition, the places in which civilians sought shelter and refuge, such as schools run by the UN, were also hit.[448] This meant that *within* blockaded Gaza options for safe flight were severely restricted. For the entire duration of the incursion civilians were trapped in an extremely dangerous environment.[449]

The persistence of the blockade to date means that humanitarian convoys faced severe restrictions to entry into the Gaza, while Palestinian in-fighting is further disrupting weakened service delivery and decreasing the individual security of those who oppose the de facto authority. The ongoing firing of rockets out of the Gaza Strip also intensifies community insecurity as it leads to more Israeli attacks and reinforces the argument that security conditions on the ground do not allow for the lifting of the blockade.

Visiting the Gaza Strip immediately after Operation Cast Lead, the UN Under-Secretary General for Humanitarian Affairs John Holmes stated:

> *[T]he destruction I saw was devastating – both in human and material terms. The magnitude of loss of life and injury to the civilian population is bound*

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[444] Personal correspondence, Magda Mughrabi, Addameer Association, 31 Aug. 2009.

[445] UN (2008) 'Human Rights Situation in Palestine and other Occupied Arab Territories', Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories occupied since 1967, John Dugard A/HRC/7/17, 21 Jan. 2008; The ICRC is also denied visits to these prisoners. ICRC (2009) 'Gaza: 1.5 million people trapped in despair'.

[446] Birzeit University (2008) 'The Impacts of Israeli Mobility Restrictions and Violence on Gender Relations in Palestinian Society: 2000-2007'.

[447] Al Haq report that the majority of those killed during Operation Cast Lead were men. In total, 237 combatants were killed (13 of whom were under 18). Of the 1172 non-combatants who died, 342 were children and 111 women. Civil police (all male) constituted another 136 dead. The exact number of male deaths is possibly higher as the data on children are not sex segregated (http://www.alhaq.org/pdfs/gaza-operation-cast-Lead-statistical-analysis%20.pdf).

[448] Such as the attack on 6th January on the UNRWA school where civilians who fled their homes following air force bombings where seeking refuge. http://www.btselem.org/english/gaza_strip/20090111_bombing_unrwa_school.asp

[449] UN OHCHR (2009) 'Statement Of Special Rapporteur For The Palestinian Territories Occupied since 1967, Presentation to The Special Session Of the Human Rights Council On The Situation In the Gaza Strip', 9 Jan. 2009.

to have a lasting impact on the mental and physical wellbeing of the Palestinians in Gaza. All aspects of life and livelihood have been affected.[450]

Many Palestinians try to manage the insufferable conditions imposed on them through emigration, reducing travel within the oPt, or living in areas which are perceived to be least at risk. A 2009 survey conducted by Sharek Youth Forum indicates the extent to which insecurity is pushing youngsters to leave. More than 40% of the young Palestinians surveyed are considering emigration in order to attain economic security, social rights and a better education.[451] In a focus group conducted for UNDP, both men and women respondents, of all ages, agreed that "young men face more security concerns rather than older people. Young men still have ambitious and dreams which are important to be achieved. Most of our young men think about immigrating outside the country in order to secure better living conditions."

Figure 17: Main reason for wanting to emigrate
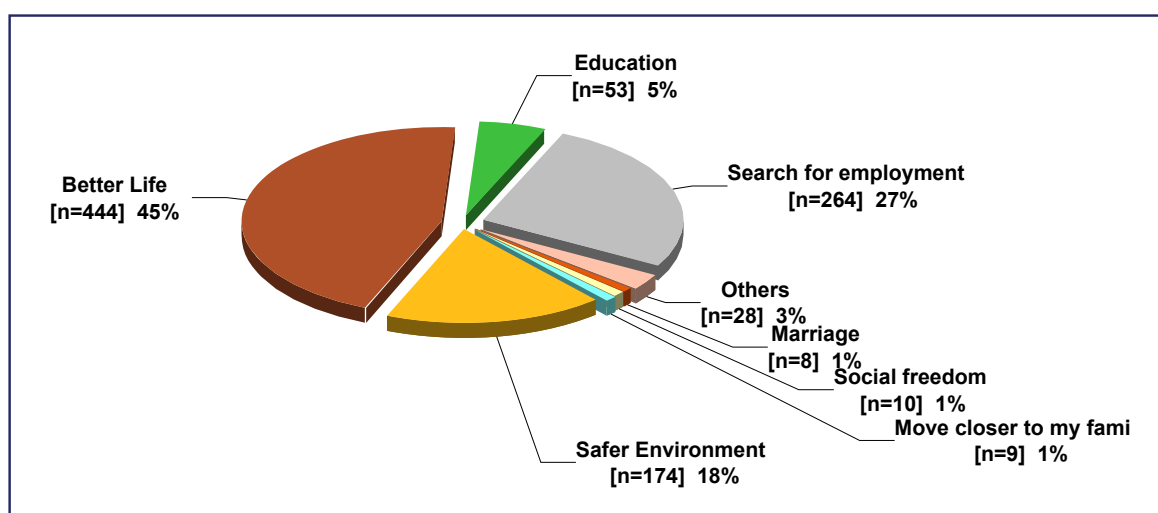
Source: UNDP, 2009

Box 16: Micro-initiatives addressing personal insecurity: Palestinian Independent Commission for Human Rights

The Independent Commission for Human Rights (**ICHR**) was established in 1993 upon a Presidential Decree issued by President Yasser Arafat, in his capacity as President of the State of Palestine and chairman of the Palestine Liberation Organization. In accordance with the Decree, the duties and responsibilities of **ICHR** were set out as follows: "to follow-up and ensure that different Palestinian laws, by-laws and regulations, and the work of various departments, agencies and institutions of the PA and PLO meet the requirements for safeguarding human rights". This mandate is codified in Article 31 of the Basic Law voted by the PLC in 1997, ratified in 2002 and modified in 2003. As such the ICHR plays a key role in monitoring the human rights record, not

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[450]   Euro-Mediterranean Human Rights Network (2009) 'Active but Acquiescent: The EU 's Response to the Israeli Military Offensive in the Gaza Strip', Brussels. May. 2009.

[451]   Sharek (2008) 'The Youth Talk: perceptions of Palestinian youth on their living conditions', May, 2008.

▶▶▶

only of the Occupying Power, but also of the Palestinian Government, which will be an important measure of the success of a future Palestinian State.

ICHR focuses its work on three strategies, namely monitoring human rights violations, enhancing respect for human rights and seeking their protection, especially those rights enshrined in the Palestinian Basic Law and safeguarded by international human rights conventions. **ICHR** receives, follows up and handles complaints related to violations of citizens' rights, proposes legislations that ensure basic human rights and freedoms, and monitors PA actions as well as those of other public institutions or authorities in relation to human rights violations. **ICHR** also informs and educates citizens of their rights and their protection in accordance with international human rights declarations and conventions as well as national laws and legislations.

An important part of ICHR's work concerns education and awareness, disseminating a culture of human rights and democracy amongst the Palestinian public. To achieve this aim the security services, teachers, journalists, social counsellors, employees in health sector, students, women, children and disadvantaged and marginalized groups are especially targeted.

Human rights have come to represent the moral will of the international community; they are also recognised as integral to human development and successful Statehood. Since a respect for human rights in the oPt will contribute to the liberty of its peoples, and will assist the movement of the future State of Palestine from fragmentation to cohesion, a fully functioning and progressive ICHR is crucial.

4.4.2 Community security

According to UNDP's 2009 survey the majority define personal security in family terms rather than relating it to individual safety and well-being (some young unmarried women and men have more individual perceptions). It is not surprising, then, that 91% of respondents indicated that they feared, to varying degrees, for both their family safety and their personal security (see Figure 22).

Figure 18: How often do you fear for your own personal safety or security or for that of your family?

Often
[n=2044] 48%

Sometimes
[n=1325] 31%

Rarely
[n=525] 12%
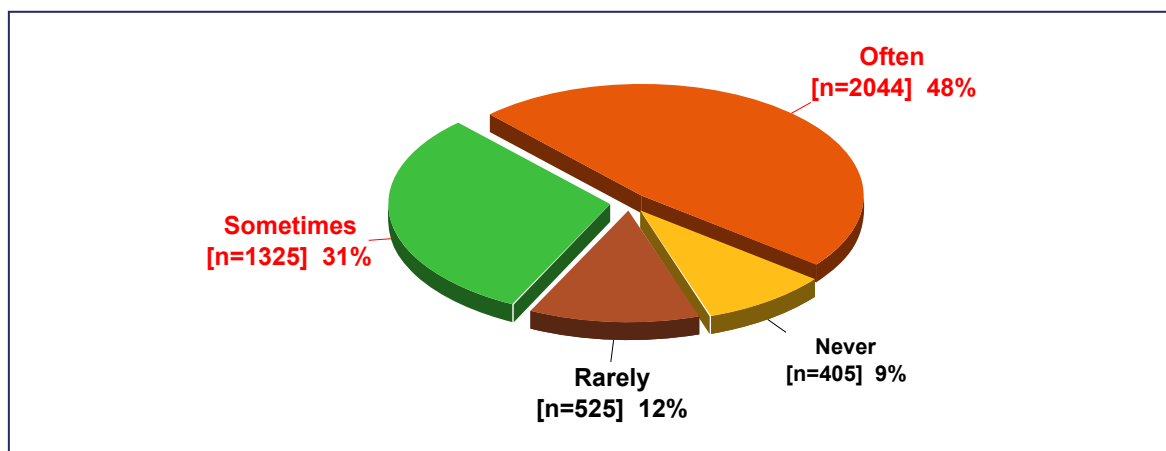
Never
[n=405] 9%

Disaggregated for the West Bank and Gaza Strip regions

	Region	
	West Bank	**Gaza Strip**
Often	46%	48%
Sometimes	32%	29%
Rarely	12%	14%
Never	10%	10%

Source: UNDP, 2009

Palestinian community life is constantly threatened by sudden, unpredictable violence from the State of Israel and its citizens, including illegal settlers. Some communities suffer nightly raids by the military which are frequently accompanied by curfews from dusk to dawn and the use of tear gas and live rounds. The night raids on the West Bank village of Bil'in have been particularly frequent and violent in 2009. On October 6th an Israel soldier was arrested on suspicion of beating the Palestinian head of the Bil'in Committee against the Wall during a night raid of the village.[452] Night operations are particularly frequent in refugee camps due to Israeli concerns that camps are sites resistance. In the first five months of 2008, the UN Refugee Works Agency recorded 183 search operations in West Bank camps.

Photo 6: Old city of Hebron: walkway connecting top floors of houses occupied by settlers, with wire netting to protect Palestinians from projectiles thrown by settlers

Source: Vanessa Farr, 2009

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[452] OCHA-oPt (2009) 'Protection of Civilians Weekly' 30 Sep – 06 Oct, 2009.

Settler harassment of Palestinian communities ranges from taunting, stone throwing, shooting (including of children going to school, livestock and dogs), harassment and violence against international aid workers, damage to livelihood assets such as green houses, and destruction of harvests.[453] The number of settler and military assaults on civilians in the West Bank has steadily grown. ICRC indicates that offences more than tripled during 2002-2007; however, complete police investigations are rare and most often conclude that "the culprits could not be identified;"[454] leaving Palestinians with no recourse to justice.[455] In addition to threats from settlers, Palestinians are also subject to threats from Israeli Border Police; such instances – like attacks perpetrated by settlers – commonly, Palestinians have no recourse to justice after such actions. In the latest example of this approach, several filmed incidences of abuses perpetrated by Israeli Border police against Palestinian men were dismissed in an October 2009 decision as justifiable within the law. The Israeli Deputy State Prosecutor Shai Nitzan stated: "They were light blows that do not cause real damage, are not illegal."[456]

When Palestinian victims of settler attacks choose to file complaints, they face several physical and bureaucratic challenges. They must lodge complaints with an Israeli police officer at the nearest District Coordination Office: but DCOs are located within settlements, making them difficult, if not impossible, to access without prior coordination; and testimonies are often recorded in Hebrew despite being conveyed in Arabic, thereby excluding the possibility of review by complainants not fluent in Hebrew.[457]

Palestinians do not file complaints for a number of reasons. First, there is a lack of confidence in the law enforcement system. Second, there is a genuine fear of reprisals and future harassment by settlers. Third, there is the fear that special permits and/or licenses to enter specific areas will be revoked. Fourth, there is a fear of being detained, or accused of either attacking settlers or filing a false complaint.

East Jerusalemites, too, face consistent and institutionalized personal and community insecurity at the hands of the Israeli administration and settlers. In just one of many new incidents to promote settlement in East Jerusalem, on 2 August 2009, Israeli riot police forcibly evicted two Palestinian families (50 people) from their homes in the Sheikh Jarrah district, allowing Jewish settlers to move into the properties. Israeli police who carried out the eviction order against the Palestinian families cited a ruling issued the month before by Israel's Supreme Court that says that the houses belong to Jews and that the Arab families, who had lived there for more than 50 years, were doing so illegally. Robert Serry, the UN special coordinator for the Middle East peace process, described the evictions as "totally unacceptable," saying that they "heighten tensions and undermine international efforts" to create conditions for successful peace negotiations.[458] In Silwan, a neighbourhood close to the Old City in which 55,000 Palestinians live, 88 family homes are under threat of demolition to create more settlements (affecting more than 1500 people). Government signs, including in Arabic, openly call the neighbourhood the "City of David" and the activities of nationalist religious organisations such as ElAd (the Hebrew acronym for City of David) receive public government support. In 2008, the Jerusalem municipality approved plans for the construction of a 104 unit settlement, including a synagogue, in nearby Ras Al Amud. This settlement is rapidly nearing completion and appears to be part not only of a plan to link the Old City to Ma'ale Adumin, one of the largest West Bank settlements, but a clear statement of Israel's intention to ring Palestinian East Jerusalem and take it over.

As if these threats were not enough, the political polarization between Fatah and Hamas has also resulted in personal and community insecurity, with politically motivated arrests, torture and ill-treatment in detention by both sides. From 2007 onwards both political parties have been involved in a tit-for-tat conflict that has included

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[453]   Peace Now (2008) 'Settlements in Focus: 2008 – the Year in Settlements in Review'; DCI (2008) 'Under Attack: Settler Violence Against Palestinian Children in the Occupied Territory', Nov. 2008.

[454]   ICRC (2007) 'Dignity Denied in the Occupied Palestinian Territories', Geneva: ICRC.

[455]   DCI (2008) 'Under Attack: Settler Violence Against Palestinian Children in the Occupied Territory', Nov. 2008.

[456]   BBC News (2009) "Israel Rejects Police Probe". 22 Oct. 2009, available at http://news.bbc.co.uk/2/hi/middle_east/8318926.stm

[457]   DCI (2008) 'Under Attack: Settler Violence Against Palestinian Children in the Occupied Territory', Nov. 2008.

[458]   The Guardian (2009) '50 Palestinians Evicted From their Jerusalem homes', Ben Hubbard, 02 Aug. 2009.

their military forces executing captives, killing individuals not involved in hostilities, and engaging in gun battles.[459] In July 2008 Hamas forces in Gaza and PA forces in the West Bank carried out a wave of unlawful arrests against their opponents. In Gaza, Hamas forces also closed an estimated 100 organizations considered to be allied with Fatah. Similarly, West Bank authorities have closed dozens of organizations suspected of having Hamas ties.[460] This trend appears to be increasing. In 2009, there have been reports of an escalation in the war of words, as well as killings, beatings and torture, including the shooting of individuals in the legs and feet.[461]

> *Security forces from both sides (Fatah and Hamas) have targeted activists and organizations of the other party. Their abusive behaviour has victimized Palestinians from all walks of life and weakened the rule of law.*[462]

Palestinians also fall victim to low level criminal activities: robbery is perceived to be a greater overall threat in West Bank communities, while the use of arms and violent crime are seen as slightly more prevalent threats in Gaza. In a 2008 UN human rights report, 55% of respondents indicated that they do not feel safe travelling to another city within Gaza or the West Bank. More than one in ten respondents said they felt endangered to some extent by sexual assault, while domestic abuse threatens one in five. The latter figures indicate that gender-based violence is a serious concern in the oPt.[463]

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[459] HRW (2007) 'Gaza: Armed Palestinian Groups Commits Grave Crimes' 12 Jun. 2007.

[460] HRW (2008) 'Occupied Palestinian territory: new arrests highlight abuses by Hamas, Fatah', July 29: http://www.hrw.org/en/news/2008/07/29/occupied-palestinian-territories-new-arrests-highlight-abuses-hamas-fatah.

[461] HRW (2009) 'Gaza: Hamas should end killings, torture', April 20: http://www.hrw.org/en/news/2009/04/20/gaza-hamas-should-end-killings-torture; Maan New Agency (2009) 'Hamas denies plot to kill West Bank PA officials', July 2: http://www.maannews.net/en/index.php?opr=ShowDetails&ID=38980.

[462] HRW (2008) 'Occupied Palestinian territory: new arrests highlight abuses by Hamas, Fatah', 29 Jul. 2008.

[463] UN (2008) 'Human Rights Situation in Palestine and other Occupied Arab Territories', Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories occupied since 1967, John Dugard A/HRC/7/17, 21 January. See also UNIFEM (2009) 'Voicing the Needs of Women and Men in Gaza'.

Box 17: Micro-initiatives addressing community insecurity: Student Dialogues

A collaboration between UNDP, the Carter Centre and Sharek Youth Forum aims to promote a culture of dialogue, reconciliation and unity among male and female university students in the Gaza Strip. The programme is specifically targeted towards student communities that have traditionally held different political beliefs and affiliations.

The objective of the student dialogues is to encourage debate, argument, conflict resolution and unity among male and female students. This will be achieved by convening a 'Student Assembly' representing two of the main Universities in Gaza, Al-Azhar and the Islamic University. The Universities are traditionally considered to be polarised along political lines. The 'Student Assembly' will address the specific and common concerns of students including tuition, facilities, teaching, course offerings, and so on. The airing of political agendas will be discouraged. By addressing concerns common to all students, it is hoped that the programme will counter behaviours that have impinged upon and stunted the development of Palestinian civil society and political culture. Ultimately, such conditions and behaviours constrain opportunities for students to fulfil their aspirations and are a contributing factor in the current political impasse in the oPt. The Student Dialogues programme will give students the chance to develop skills in the mediation of conflict and reconciliation and teach them how to air their differences without resorting to violence, giving them the chance to unify at a grassroots level.

4.4.3 Political security

The Oslo Accords were initially perceived as a promising means to promote Palestinian political security. However, when the Oslo interim period expired in 1999, failing to yield peace and prosperity, the domestic legitimacy of the PA suffered a severe blow. This is in part because State-building, *a la* Oslo, focused on limited administration, moved efforts and attention away from the national liberation struggle towards, and prioritized the security of the State of Israel. Thanks to Oslo, the PA can only operate as a transitional authority with limited jurisdiction; it has established State-like institutions but plays the role of ''state in waiting,'' able only to influence and shape the political system and institutions in limited ways.[464] Since the outbreak of the second *intifada* in 2000, Israel's consolidation of control over the West Bank, and the political polarization between Fatah and Hamas, the PA has been confronted by an almost continuous state of political, socio-economic and fiscal crisis.[465] Trust in the government has been steadily eroding as the PA is unable to deliver on the promised peace dividend.

The PA's lack of political sovereignty is exemplified in several ways:

- The Occupying Power determines who may vote in Palestinian elections through its control over the Palestinian Population Registry

- The State of Israel controls finances and movement, affecting the ability of Palestinian governmental offices to function properly[466]

- The Palestinian Legislative Council (PLC) has been unable to reach *quorum* in almost two years due to the imprisonment of some of its members: by the end of 2008 the State of Israel had detained more than 40 members, including the Secretary and the Speaker[467]

As this Chapter has shown, the fall-out from the 2006 elections and the Fatah/Hamas divide is compounding political insecurity because of a breakdown in coordination of administrative functions at the oPt-wide level; violent clashes and labour strikes resulting in disruptions in, and duplication of, the provision of basic services, including health care; intimidation, injuries and deaths, and violations of human rights. The degree of the internal strife is evident in the strong perceptions of threat, discrimination and alienation felt by Hamas and Fatah supporters depending on where they live. About two-thirds of the population feel politically alienated and trust neither of the major Palestinian political parties: Hamas appeals to only 7%; while Fatah is trusted by 23% of the respondents. The recent years of intra-Palestinian disunity have also left a particularly negative impression on the younger generation of Palestinians: only 22% of the 18-24 age cohort reported feeling that Palestinians in the West Bank and Gaza think very positively of each other[468].

Restrictions on movement undermine the potential for short-term political and social unification of the political factions. For example, travel restrictions prevent PA employees from meeting other government officials within the oPt, inhibiting the coherence and coordination of government policies and planning, which undermines service delivery, legal and administrative systems, and precludes exploitation of economies of scale.

With neither the Palestinian State nor international law providing protection, Palestinians are turning to the government,

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[464] Khalil, Asem (2008) 'Different Concepts of the Separation of Powers', in The Contours of a Future State: A multi-part compendium of Palestinian Thinking. Commissioned by the Institute of Law. Birzeit University.

[465] See Khalil, Asem (2008) 'Different Concepts of the Separation of Powers', in The Contours of a Future State: A multi-part compendium of Palestinian Thinking. Commissioned by the Institute of Law. Birzeit University. Despite the challenging context the PA has recorded some achievements, including free and fair elections, which are testament to the capacity of Palestinians to build democratic institutions with international support.

[466] Gisha: Legal Center for Freedom of Movement (2007) 'Disengaged Occupiers: The Legal Status of Gaza',

[467] PCHR (2008) Annual Report.

[468] Sharek (2008) 'The Youth Talk: perceptions of Palestinian youth on their living conditions', May, 2008.

family and kin-based solutions for support.[469] Few now rely on official protective and judicial services to resolve disputes, reflecting a lack of confidence in the rule of law. There appears to be widespread political disenchantment in the oPt and a prevalent feeling being that existing political parties are insufficiently democratic and accountable.

In Transparency International's 2004 Corruption Perception Index, the PA ranked 108 out of 145 countries surveyed, which suggested that public perceptions of corruption, if not corruption itself, remained very high.[470] However, Le More contends that despite widely acknowledged clientelism and the misuse of public funds by the PA since its inception – including favouritism, unequal opportunities, abuse of power, monopolies, the private pocketing of public resources and the mismanagement of public funds by way of lavish personal spending by PA and PLO officials – the extent of corruption in the PA has been exaggerated for political reasons. According to the World Bank, corruption occurred less often in the oPt than in other developing countries.[471] Despite this, in 2006 the Palestinian Attorney General reported in an inquiry into widespread corruption that he had the theft or misuse of USD 700 million of public funds.[472] Although Hamas were elected partly on the basis of their 'cleaner' image and promises of fiscal sobriety, it appears that their own financial base (worldwide Islamic organisations, including radical foundations in Syria and Iran) is extremely opaque.[473]

A disquieting sixty seven percent of respondents to a 2009 UNDP survey do not trust local leaders to put the peoples' interests over their own. In terms of freedom of expression, about a quarter of respondents say they *often* fear being hurt by others if they express political opinions, while 16% noted that they sometimes feel such fear. Respondents also tend to be most critical of the government's ability to guarantee freedom of association and human rights construed more broadly. Only a minority of respondents felt that the government to some degree guaranteed human rights.

The UNDP survey found that 60% of respondents cited a variety of social factors as significant obstacles to human rights: 33% said that culture and traditions were their biggest concern, while 11% cited social restrictions, 10% said the educational system, 14% cited the existing law and only 19% directly cited the government as being the biggest problem. These responses give some sense of the degree to which existing laws reproduce social restrictions and those aspects of culture and tradition that are prejudicial to human rights.

[469] Johnson, Penny (2009) 'Towards a New Social Contract: Renewing Social Trust and Activating Social Capital for Palestinian Human Security', background paper for the PHDR, commissioned by UNDP / PAPP, Jerusalem;

Khalil, Asem (2008) 'Different Concepts of the Separation of Powers' in The Contours of a Future State: A multi-part compendium of Palestinian Thinking. Commissioned by the Institute of Law. Birzeit University.

[470]   Le More, Anne (2008) 'International Assistance to the Palestinians After Oslo Political Guilt Wasted Money', London: Routledge.

[471]   Le More, Anne (2008) 'International Assistance to the Palestinians After Oslo Political Guilt Wasted Money, London: Routledge.

[472]   Le More, Anne (2008) 'International Assistance to the Palestinians After Oslo Political Guilt Wasted Money, London: Routledge.

[473]   Le More, Anne (2008) 'International Assistance to the Palestinians After Oslo Political Guilt Wasted Money, London: Routledge.

Box 18: Micro-initiatives addressing political insecurity: Coalition for transparency and corruption (AMAN)

AMAN-Coalition for Integrity and Accountability was established in 2000 by a number of Palestinian civil society organizations working in the fields of democracy, human rights, and good governance. The program was designed to promote the values of integrity, principles of transparency and systems of accountability in the various Palestinian sectors with the aim of building a national integrity system.

AMAN's purpose is to advocate and provide support for a united Palestinian effort to combat corruption, which is found at the highest level among public sector officials, where misuse of positions for personal interests is a pervasive and common phenomenon, coupled with favouritism and nepotism in the various sectors. Its strategic objectives include:

- Promoting a popular culture that supports anti-corruption initiatives in public institutions

- Promoting anti-corruption among leaders and public service employees and institutions

- Contributing to the building of effective institutions, initiatives, and legislations capable of combating corruption at the local level

- Improving AMAN's performance to ensure the achievement of its mission and vision

AMAN's working strategies are: adopting a positive, participatory approach with various partners from the public and civil society sectors; focusing on the causes, manifestations and effects of corruption; adopting an independent, non-biased and professional approach in the implementation of its activities; and encouraging public participation in activities that combat corruption and promote an environment of anti-corruption. AMAN also gives an integrity award to model employees in several sectors who are courageous enough to come forward with documented cases of corruption in their own institutions.

The work of AMAN is particularly important in view of the internal conflict between the major political parties in the oPt, which has caused increased nepotism and favouritism by political members of the governing authorities in both the West Bank and Gaza Strip.

4.4.4 Addressing fear: the importance of credible liberation strategies

During the Oslo period, little attention was given to the full breadth of human security needs. This has been damaging for the polity and for the legitimacy of the Palestinian State-building process. Freedom from fear – personal, community and political security – was not discussed during the Oslo years, but it is a crucial requirement for tolerable human life, including in an occupation and prolonged transition. If the State-building project in the oPt had had widespread legitimacy, security capabilities (policing and etc.) may well have been part of the critical capacity acquired by the emerging State to sustain its legitimacy. However, in the stalemate of Oslo, the focus on security led only to a vicious cycle of declining legitimacy and eventually greater internecine violence.

From 2005-2010, ill-conceived acts of resistance by Palestinians have provoked disproportionate Israeli attacks on densely populated Palestinian centres. Such attacks, coupled with the everyday grind of the occupation, are the most obvious sources of fear and insecurity for Palestinians. It should be understood, however, that the lack of a coherent oppositional strategy is due, in part, to the absence of a national liberation struggle which ordinary Palestinians find credible.

An important consensus

emerging from workshops conducted by organizations like the Palestinian Strategy Study Group is that the peace-making and State-building discourses initiated by Oslo failed to achieve national goals. Nor have sporadic acts of violent resistance helped. As this Group and others have pointed out, Palestinians actually have important alternative sources of bargaining power, including, in particular, their demographic weight. What is missing is a clear, nationally-owned sense of how to use these alternative sources of bargaining power effectively. Lacking a unified approach makes it more difficult for effective and credible forms of resistance grow, for instance, through the establishment of civil rights movements to challenge the occupation. Freedom from fear can only be achieved if leaders and strategic thinkers come up with plans for ending the occupation that attract both popular support (thereby avoiding the risk of civil war) and are legitimate (thereby reducing desperate acts of resistance and asymmetric Israeli responses). Clearly, in the vicious cycle of failure that the oPt finds itself in, a reliance on policing and security in the narrow, traditional sense is not going to achieve freedom from fear for Palestinians, or even for Israelis occasionally facing violent resistance. What Palestinians need most now is perfectly captured in *In Larger Freedom*:

> *Larger freedom implies that men and women everywhere have the right to be governed by their own consent, under law, in a society where all individuals can, without discrimination or retribution, speak, worship and associate freely. They must also be free from want — so that the death sentences of extreme poverty and infectious disease are lifted from their lives — and free from fear — so that their lives and livelihoods are not ripped apart by violence and war.*[474]

4.5 Conclusion: furthering dignity

> *The Palestinian territories face a deep human crisis, where millions of people are denied their human dignity […] every day. […] Nothing is predictable for Palestinians. Rules can change from one day to the next without notice or explanation. They live in an arbitrary environment, continuously adapting to circumstances they cannot influence.*[475]

A life with dignity requires formal or informal protection of vital political, civil, economic, social, environmental and cultural rights. It requires all seven aspects of basic human security: economic, food, personal, community, political, health and environment. In the Palestinian case, the freedom to live in dignity is palpably absent. This freedom is probably the most important for a population under occupation because the failure to recognize it ultimately undermines every other element of human security.

Two strategies that Palestinians could employ to achieve basic dignity can be proposed here: 1) a Palestinian campaign for civil and political rights for a subject population for whose safety and security the Israeli State is responsible. This could be seen as a continuation of the non-violent resistance that was practiced during the first *intifada*; and 2) a campaign for the right to self-determination as a political right of a subject population. It is probable that without such strategies and the mass movements on which they would rely, the right to basic dignity will remain elusive for Palestinians. The Oslo process bypassed the possibility of popular mobilization by assuming that there was a clear and effective strategy for achieving Palestinian self-determination that did not require mass buy-in from the people. It also assumed that there was no need to press Israel to recognize the fundamental civil and

[474] UN (2005) 'In Larger Freedom: Towards Development, Security and Human Rights for all' UN Secretary General Report to the GA.

[475] ICRC (2007) 'Dignity Denied in the Occupied Palestinian Territories', Geneva.

political rights of the subject population since occupation was soon to end. The outcome was that, while the pressure on Israel to accept responsibility for the Palestinian population was seriously diluted, self-determination has still not been achieved fifteen years later.

The interdependence of processes that grant human dignity with the other freedoms underpinning the human security agenda is clear. A Palestinian civil rights movement with broad popular support and legitimacy is not only a mechanism for promoting the freedom to live in dignity, it is the most powerful way of underpinning new strategies of political legitimization and policy building which can lead to the freedom from fear (personal, community and political security). Given that the State of Israel has routinely neglected its responsibilities to provide (or allow the development of) economic and

food security – achieving freedom from want – emancipation will need to be anchored in the promotion of political and civil rights.

This Chapter has outlined some of the major human insecurities faced by Palestinians from the perspective of achieving a larger freedom derived from development, security and human rights. It has spotlighted certain micro-initiatives that are actively improving human security and suggested the beginnings of macro-policy aimed towards alleviate these insecurities: building a self-sustaining economy, working on consensus regarding liberation strategies and galvanizing a popular movement aimed towards the realization of civil and political rights. Chapter 5 will take these issues forward, discussing popular mobilization and participatory State-building as crucial to the attainment of basic human security in the oPt.

Palestine Sunbird

5

Towards Cohesion: Investing in Human Security in the oPt

5.1: Introduction

Only prompt and courageous political action can change the harsh reality of this long-standing occupation, restore normal social and economic life to the Palestinian people, and allow them to live their lives in dignity.[476]

[M]uch of the evidence we received points towards the need for an end to occupation—for a political solution, as a precondition for development.[477]

As this Report has outlined, the on-going realities of occupation and political polarization create a situation in which people in the oPt face multiple risks and threats, and live with broad-based insecurity. As a result many Palestinians are losing hope for the future.[478]

As noted by members of the international community including the International ICRC and the World Bank, the end of the occupation is a necessary precondition for sustainable human development. While this Report strongly endorses the call for a sovereign Palestinian State, at the time of writing a timeline for ending the occupation has not

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[476] ICRC (2007) 'Dignity Denied in the Occupied Palestinian Territories', Geneva.

[477] House of Commons International Development Committee (2007) 'Development Assistance and the Occupied Palestinian Territories', Fourth Report of Session 2006–07 Volume I. London.

[478] Hilal, Jamil (2009) 'Severe Polarization in, and Fragmentation of, Palestinian Society', background paper for the PHDR, commissioned by UNDP / PAPP, Jerusalem.

been established.[479] Accordingly, this Chapter will lay out a pragmatic approach to facilitate and strengthen the conditions that promote human security under occupation. It will make recommendations responsive to current realities such as mounting land acquisition and settlement building, and intensifying administrative policies and procedures that violate basic human rights. This pragmatic approach is not an endorsement of the status quo, which, as the preceding Chapters illustrate, is untenable.

Human security will be unachievable in the short to medium term if the fragmentation of the oPt intensifies, with the worst case scenario being a collapse into internal warfare. Internal events in Gaza in the last two years are a warning that the seeds of such disintegration already exist. Given their deep involvement in the genesis of the internal crisis, external actors must now make great efforts to enable the PA to promote security and peacebuilding, to protect and rebuild the internal cohesion of the oPt.

Assuming a prolonged transition[480] to sovereignty and self-determination within a state of internal incoherence, and reiterating the emphasis on popular mobilisation in Chapter 4, the recommendations in this Chapter focus on how participatory State-building can promote political and social cohesion and overall human security in the oPt. The recommendations are directed to Palestinian government and non-governmental actors and leaders, as well as the international community: as the legitimate guardians of the disenfranchised and dispossessed as well as the ultimate stewards of the occupied land and its natural resources, they must ensure that the laws of armed conflict are upheld and that the basic and strategic needs of Palestinian people are addressed. The Chapter also outlines broad measures that are necessary to facilitate and/or strengthen the human security of Palestinians as they strive to live in dignity and freedom.

5.2 Potential for internal healing and social cohesion

Focus group discussions hosted by UNDP in 2009 suggest that Palestinians are in need of a national reconciliation mechanism capable of bringing people together despite the fragmentation of the territory. One means to do this would be through an indigenous conflict resolution model, known as *sulha*, which is traditionally used to mediate disputes between individuals and families. If adapted to address the national context, this mechanism could address the violations and grievances stemming from the current internal political fragmentation, and curb their potentially devastating social consequences. A national process, drawing on the concept of *sulha,* has the potential not only to resolve conflicts that have occurred as a result of political divisions and violence, but to contribute to overall social cohesion in the oPt. Opening a space for truth-telling and reconciliation could stimulate dialogue on future strategies for avoiding conflict and on movements towards national liberation.

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[479] We note the speech given by President Barack Obama in Cairo in which he endorsed a two State solution. We also note newspaper reports which indicate that President Obama has signalled the year 2011 for the creation of a Palestinian State: http://www.haaretz.com/hasen/spages/1091465.html.

[480] Khan, Mushtaq H (2009) 'Palestinian State Formation since the Signing of the Oslo Accords', background paper for the PHDR, commissioned by UNDP, Jerusalem.

Box 19: Truth and Reconciliation Commissions

How countries recover from political atrocity is a question that has confronted dozens of regimes around the world for decades. Truth Commissions (TCs) and Truth and Reconciliation Commissions (TRCs) have occurred all over the world, nationally in Argentina in 1983, Chile in 1990, South Africa in 1995, Ghana in 2002, and internationally in El Salvador in 1992, Guatemala in 1997, East Timor in 2001 and Sierra Leone in 2002. TRCs are not limited to developing countries as the ongoing TRC in Canada demonstrates.

The South African Truth and Reconciliation Commission is an iconic symbol of a national approach to restructuring a society torn apart by the international crime of apartheid, and was set up by the Government of National Unity to help deal with violence and human rights abuses that had been perpetrated by both the apartheid regime and the resistance movement. No section of society escaped these abuses. Mr Dullah Omar, the former Minister of Justice for South Africa stated "... a commission is a necessary exercise to enable South Africans to come to terms with their past on a morally accepted basis and to advance the cause of reconciliation."[481] It was deemed necessary to use an indigenous approach to forgiveness, *ubuntu* (a person open and available to others), to establish the truth in relation to past events, to reveal the motives for, and circumstances in which gross violations of human rights had occurred, and to make the findings known in order to prevent a repetition of such acts in the future. The spirit of the South African TRC was that "there is a need for understanding but not for vengeance, a need for reparation but not for retaliation, a need for *ubuntu* but not for victimization."

The South African TRC was mandated, inter alia:

- To provide for the investigation and the establishment of as complete a picture as possible of the nature, causes and extent of gross violations of human rights;

- To grant amnesty to persons who make full disclosure of all the relevant facts relating to acts associated with a political objective;

- To afford victims an opportunity to recount the violations they suffered;

- To take measures aimed at the granting of reparation to, and the rehabilitation and the restoration of the human and civil dignity of, victims of violations of human rights;

- To report to the Nation about such violations and victims;

- To make recommendations aimed at preventing the commission of any other gross violations of human rights in the future.

TRCs have complex legal, historical, social and psychological dimensions and must be tailored to different contexts in response to specific traumas. The South African experience proved the value of embedding national truth telling and reconciliation into indigenous practices that usually operate between individuals, so that the effects of personal trauma and collective suffering are regarded with the same respect, and individual and national healing are seen as synonymous.

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[481] Truth and Reconciliation Commission (2003) http://www.doj.gov.za/trc/.

Sulha is used to achieve forgiveness and reconciliation and to remove the need for revenge between aggrieved families. If expanded and applied as a truth-telling mechanism in a political context, *sulha* could facilitate the establishment of an effective internal means to rebuild cohesion and promote a more effective, contemporary resistance movement. It could also protect the legitimacy of the central authority. A National *Sulha* should be an independent, impartial and equitable institutional setting that would hear testimonies, record the suffering of individuals, families and communities, and consider modalities of compensation through which to build reconciliation and restore internal social cohesion. The elected Chair(s) should be widely respected and Palestinian civil society should drive the process from the outset. The international community should play a supportive role.

 The concept of a National *Sulha* has a number of potential benefits. It could:

- Revitalise traditional individual, family and community reconciliation processes and expand these to encourage Palestinian political unity and unified resistance to the occupation

- Promote social healing and offer closure to victims, families and communities who have experienced political violence

- Discourage revenge and retaliatory attacks by families or political parties – which may currently be considered essential in Palestinian society to maintain family honour

- Include Palestinian individuals, and civil society more broadly, in the ongoing attempts to achieve political reconciliation in Cairo

- Establish a culture of reconciliation, tolerance and peace

- Demonstrate to a global audience that Palestinians are committed to peaceful reconciliation and steadfastness in the face of occupation

Nurtured by carefully placed international aid,

a National *Sulha* could promote what Mary Anderson calls the "functional harmony" of communities by producing "shared interests and common practices" based in the "sets of institutions, systems, and processes in all societies that link people across subgroup divisions".[482] As a starting point, the international community should urgently endorse the Do No Harm principle and redouble its short- to medium-term investments in Palestinian civil society as a way of reinforcing social cohesion and strengthening individual capabilities and resilience. Such an investment strategy will allow for resources to work from the ground up.

To promote human security, the mass civil society movement for self-determination that was supplanted by the Oslo process needs to be revitalised. A Palestinian civil rights movement with broad popular support and legitimacy will not only be a mechanism for promoting the freedom to live in dignity, but will also help to tackle fear and want.[483]

5.3 Strengthening cohesion through civil society participation

Democratic participation can directly enhance security through supporting human dignity.[484]

Twenty percent of Palestinians surveyed by UNDP in 2009 believe that the public needs to be more involved in politics, while thirty six percent think that current parties need to become more democratic and transparent (see Figure

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[482] For more on the Do No Harm approach, see Mary B. Anderson (1999) 'Do No Harm: How Aid Can Support Peace – or War', Boulder: Lynne Rienner Publishers.

[483] Khan, Mushtaq H (2009) 'Palestinian State Formation since the Signing of the Oslo Accords', background paper for the PHDR, commissioned by UNDP, Jerusalem.ople. Jerusalem.

[484] Sen, Amartya (2000) 'Why Human Security', Text of Presentation at the «International Symposium on Human Security', Tokyo, 28 Jul. 2000.

18).[485] These responses show that Palestinians believe in civil society participation and want to be substantively involved in the economic, social, cultural and political processes that affect their lives.

Figure 18: How can trust in political or religious factions be re-established?
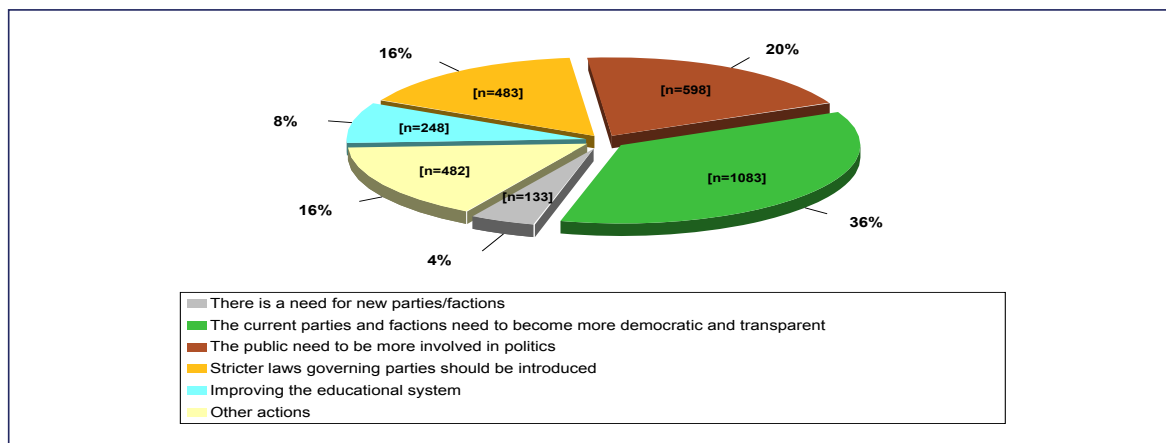
Source: UNDP, 2009

The Global Human Development Report 2003 analysis reveals not only that such civil society participation is a cornerstone of human development, but that achieving it requires increased influence and control and individual economic, social and political empowerment, as follows: (i) in economic terms, freedom to engage in legitimate income-generating activities; (ii) in social terms, full participation in all forms of community life without regard to religion, colour, sex, age, physical and mental ability, or race; and (iii) in political terms, freedom to engage in political processes at all levels.[486] These forms of participation are interlinked and need to be considered holistically in order to promote sustainable and socially inclusive development.[487]

Figure 19: What is the most important need of your community?
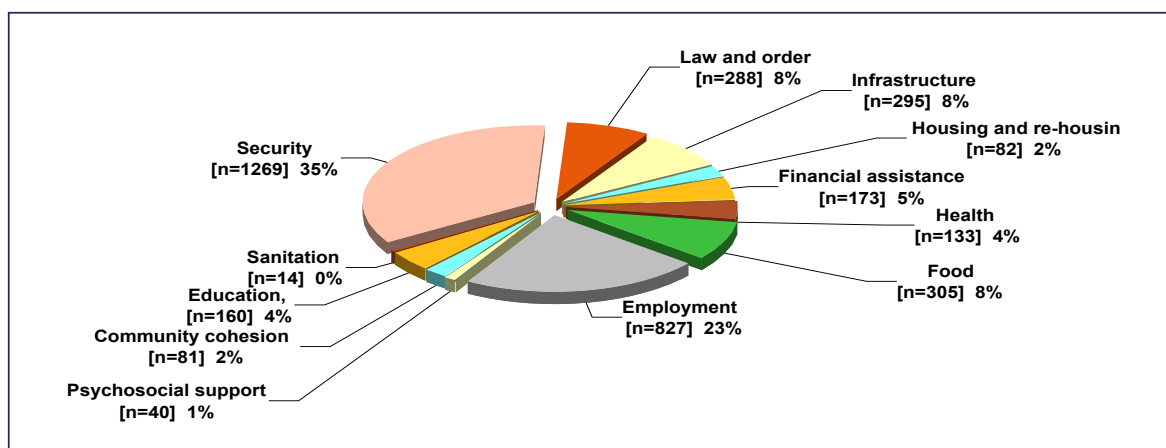
Source: UNDP, 2009

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[485]   UNDP (2009) 'Palestinian Perception toward the Human Security Situation in the occupied Palestinian territory,' report for the PHDR, commissioned by UNDP / PAPP, Jerusalem.

[486]   UNDP (1993) 'Human Development Report 1993: People's Participation', New York: Human Development Report.

[487]   UNDP (1993) 'Human Development Report 1993: People's Participation', New York: Human Development Report.

In the oPt, none of these conditions can be met in full: respondents to the 2009 UNDP survey, as is illustrated in Figure 19, identified insecurity and unemployment as their foremost concerns. [488] Their responses are unsurprising in an economy based on industrial and agricultural production that lacks stability and predictable access to markets or freedom of movement and association. Nor are aid organizations able to deliver many of the goods and services required for projects addressing humanitarian needs whose successful implementation would boost employment and promote security.

This Report proposes that increased civil society participation is one of the most promising ways to facilitate freedom from fear, freedom from want, and the freedom to live in dignity. Most importantly, a dynamic civil society is the best means to re-build confidence in state institutions, as is illustrated in Figure 20.

Figure 20: Human security through participatory State-building
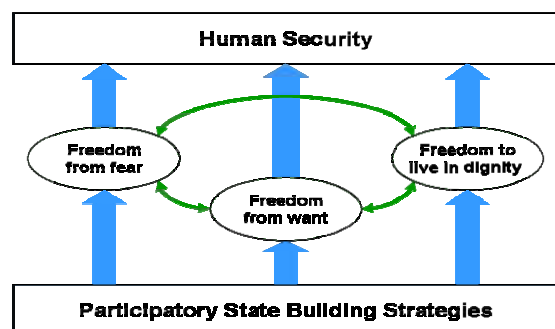
To promote human security, Palestinian civil society and the international community must consider a range of issues and identify their interconnections. For example, promoting freedom from fear requires engagement in internal political dialogue and the re-establishment of legitimate political and social goals, while protecting the civil and political

rights of Palestinians as a people living under occupation will promote their freedom to live in dignity.[489]

Multiple political actors in the oPt and outside need to work together, on two fronts, to ensure progress towards achieving these rights. In the absence of a State and in the current crisis of confidence, cultural beliefs and practices that lead to the marginalisation of women, elderly and young people, the disabled, Bedouin and other minority groups, must be challenged. At the same time, a systematic and sustained strategy to strengthen positive and inclusive local practices that protect and promote personal, community, economic, political, food, health, and environmental security in the oPt must be strengthened.

One such indigenous practice, *sumud*, lies at the root of the struggle for dignity and self-determination for many Palestinians. *Sumud* is the motivation to persist through steadfastness and a sense of connection with the land in order to achieve self-reliance and navigate a life under occupation. During the 1970s and 1980s it informed the movement of nonviolent resistance, led largely by women and young people, which facilitating the mobilization, organization and creation of socio-economic and protective support systems including the delivery of services ranging from day-care centres to income generation projects. [490] The popular and proactive nature of *sumud* can once again sustain Palestinians as they continue to resist prolonged occupation.

> *We come to school every day because it is a challenge against occupation… even under stress; we go the next day and continue.*[491]

[488]   UNDP (2009) 'Palestinian Perception toward the Human Security Situation in the occupied Palestinian territory', A report for the PHDR, commissioned by UNDP / PAPP, Jerusalem.

[489]   Khan, Mushtaq H (2009) 'Palestinian State Formation since the Signing of the Oslo Accords', background paper for the PHDR, commissioned by UNDP / PAPP, Jerusalem.

[490]   This section is informed by discussions with George Giacaman.

[491] Nguyen-Gillham, Viet; Rita Giacaman; Ghada Naser; and Will Boyce (2008) 'Normalising the abnormal: Palestinian youth and the contradictions of resilience in protracted conflict', in Health and Social Care in the Community, 16(3): 291–298.

Sumud can be expressed in various ways and through several types of organizations, including agricultural, health and labour unions, students and women's groups, and professional associations, and is characterised by a strong tradition of volunteerism. Indeed, a cornerstone of Palestinian social, economic and political survival is the multi-faceted volunteer work done by women's associations, which have not only organized to promote peace and political change but also implemented practical projects targeted to support communities to meet their daily needs. These associations have undertaken diverse work including establishing nursery schools and kindergartens in an attempt to facilitate women's integration into the public sphere, improve parenting practices and offer a better standard of care to children; offering legal advice; challenging patriarchal assumptions about women's capacities and rights including through popular education campaigns; organizing protests and building strategic partnerships with Israeli women in the peace movement to ensure that global attention remains focused on the plight of Palestinians.[492] Such initiatives, in the absence of a nation-State, were guided by an ethic of social support and a pragmatic realization that it requires the efforts of all Palestinians to create the momentum for social change.[493] They helped provide a complex network of services connecting Palestinians across the oPt.[494]

Sumud, and especially its basis in volunteerism, was weakened in the 1990s as the Oslo process took off and Palestinians experienced a period of relative calm within the ongoing occupation. During this period, civil society continued its work as both a necessity and a means of shouldering national responsibilities.[495] However, a new form of organization – the NGO – appeared on the scene. These NGOs were, and continue to be, different from the civil society associations of the 1970s and 1980s as they focus on and provide services in specialized areas such as education, health, agriculture, development and women's and human rights.[496] Crucially, they are also more professionalized and dependent on international funding for survival.

An unfortunate effect of the post-Oslo focus on State-building is the freezing of those institutions and associations which were in part facilitating the practice of sumud, as the focus of both the international community and Palestinians shifted to developing the institutions of the State-in-waiting. Encouraging a renewed drive towards political and social engagement through volunteerism, dialogue and civic action would be a good way to re-energize these institutions and revitalise sumud today, especially as it would give the younger generation opportunities to learn about this important indigenous tradition. A reinvigoration of sumud could begin the transition from fragmentation to cohesion called for in this Report.

Accompanying the weakening of local institutions and associations, the 1990s also witnessed an erosion of secular leadership

[492] See Jamal, Manal A (2008) 'Gender and Human Security: Palestine Revisited', Working Paper Series No. 08-09, Dubai School of Government. Cynthia Cockburn (2007) 'From Where We Stand: War, Women's Activism and Feminist Analysis', London: Zed Books.

[493] See Taraki, Lisa (2006) 'Living Palestine: Family Survival, Resistance and Mobility under Occupation', Syracuse: Syracuse University Press.

[494] Hilal, Jamil (2007) 'Palestine: the last colonial issue', in Jamil Hilal ed. Where Now for Palestine? The Demise of the Two State Solution. London: Zed Books.

[495] Giacaman, George (2000) 'Perspectives on Civil Society in Palestine', Paper presented at the conference on PNA-NGO Relations organized by the Welfare Association, Ramallah 14-16.

[496] Giacaman, George (2000) 'Perspectives on Civil Society in Palestine', Paper presented at the conference on PNA-NGO Relations organized by the Welfare Association, Ramallah 14-16. Jamal, Manal A (2008) 'Gender and Human Security: Palestine Revisited', Working Paper Series No. 08-09 Dubai School of Government.

and legitimacy, especially that of women.[497] In the 21st Century, the elections of 2006 offer the strongest evidence of this slide: while some note that these elections were an important indicator of democratic functioning in Palestinian society,[498] others point out that democratic participation was in fact severely limited as only Palestinians inside Gaza and the West Bank including East Jerusalem were allowed to participate, while refugees were effectively left out.

Whether democratic and participatory or not, the 2006 election results in Gaza led to systematic diplomatic and economic sanctions from the international community. The consequences have been severe, resulting in decreased capacity and fragmentation of public service provision. Political infighting between Hamas and Fatah has intensified, culminating in clashes in summer 2007 and a state of unease and even open hostility ever since.[499] The potential for peacebuilding between Israelis and Palestinians is increasingly weak. The rule of law is being further eroded and incidences of political manipulation and violations of human rights are rising. Spatial and political divisions are creating and reinforcing multiple constituencies with different political identities. The issue of collaboration – of Palestinians with the State of Israel – is a sensitive one and evidence suggests that this phenomenon further erodes community cohesion, negatively

impacting on *sumud* as a source of social solidarity.[500]

All of these problems illustrate the complex fragmentations in Palestinian society. Today, dialogue and popular mobilization are increasingly difficult – both within oPt and with Israel itself. It is illegal for an Israeli to travel inside Area A or inside Gaza; the siege of Gaza means that some Palestinian families cannot see their relatives at all; the West Bank Wall symbolically and physically divides families, friends and communities. Under such circumstances new methods of popular mobilization must be sought, for example (for those who have access) via the internet, through journalism, blogging and other forms of social networking.

Another significant consequence of fragmentation, polarization and de-legitimization of the PA is that family and clan relations, not broader social ties or state institutions, have become the most significant site of Palestinian security. This has had the effect, particularly in Gaza, of increasing family/clan violence.[501] As Figure 21 illustrates, more than 50% of survey respondents in a UNDP study indicate that they would receive help from relatives if their family were in serious trouble, while only 29% stated that they would get assistance from the relevant authority.[502] This response may partly reflect the fact that the PA has little jurisdiction over those issues that promote security for Palestinians in the oPt.

[497] Khan, Mushtaq H (2009) 'Palestinian State Formation since the Signing of the Oslo Accords', background paper for the PHDR, commissioned by UNDP, Jerusalem. ople. Jerusalem. Khan, Mushtaq; George Giacaman and Inge Amundsen eds (2004) 'State Formation in Palestine: Viability and governance during social transformation', London: Routledge Curzon. See also Marianne Torres (1989) 'Women in the Intifada' Published online as part of the Palestine Papers, http://www.sonomacountyfreepress. com/palestine/women2.html.

[498] Brown, Nathan J. (2005) 'Evaluating Palestinian Reform', Carnegie Papers No. 59, 14, June.

[499] PCHR (2009) 'Respect for Human Rights in the Occupied Palestinian Territory: An internal Palestinian analysis', background paper for the PHDR, commissioned by UNDP / PAPP, Jerusalem.

[500] Nguyen-Gillham, Viet; Rita Giacaman; Ghada Naser; and Will Boyce (2008) 'Normalising the abnormal: Palestinian youth and the contradictions of resilience in protracted conflict', in Health and Social Care in the Community, 16(3): 291–298.

[501] ICG (2007) 'Inside Gaza: The Challenge of Clans and Families', Middle East Report No. 71, 20 Dec. 2007.

[502] UNDP (2009 'Palestinian Perception toward the Human Security Situation in the occupied Palestinian territory', A report for the PHDR, commissioned by UNDP / PAPP, Jerusalem.

Box 20: Families, clans and informal security[503]

Responding to the accelerating degradation in human security since the outbreak of the second *intifada*, a variety of informal actors (family, clan etc.) stepped-in to address the most pressing economic and social needs of Palestinians in the oPt. Some of these have made a contribution to reducing internal conflict, instability and poverty. However, power vacuums allow such actors to fulfill personal or political objectives.

Personal relationships and community solidarity have played an important role in the development of coping mechanisms to alleviate the impact of conflict and occupation on human security. Informal support networks in cities, towns, villages and refugee camps have provided assistance through, amongst others, individual financial contributions, interest-free loans, assistance to job-seekers, home education services and free health care. The role of clans and conciliation committees in maintaining stability, through informal "law" enforcement and dispute resolution, has also increased steadily since 2000. These informal mechanisms have played an important role in filling the vacuum left by incapacitated PA security and judicial institutions.

The PA's continuing lack of physical ability and resources to deliver services is reinforcing the formation of, and reliance on, informal governance and welfare networks at the local level. These informal mechanisms have filled a vacuum that needed to be filled, but they pose a number of problems: resource allocation, arbitration and "law" enforcement are not always equitable (i.e., they are based on affiliation with and proximity to informal powers); discrimination against women and traditionally weak groups has increased; and, emergence of informal institutions undermines incentives to rehabilitate and develop formal ones (e.g., the judiciary).

With the passage of time, as the PA continues to be unable to fill the vacuum, there is an increasing perception that only traditional ties can be relied upon in the medium to long-term. This has a number of negative consequences that undermine the prospects for reforming and upgrading formal governance institutions:

- citizenship values (at national level), professionalism and independence in public and private life are declining, making the possibility of anchoring a Palestinian "social contract" and generating domestic support for a national policy and development strategy seem increasingly unrealistic;

- recruitment and other resource allocation decisions (e.g., budget allocations, development project decisions) within the PNA are driven by family and other traditional allegiances;

- Social lobbying forces built around traditional ties are overwhelming more democratic groups in civil society (e.g., labour unions, women's movements, academic institutions) undermining technocratic monitoring of government performance and advocacy for change

[503] Birzeit University, The Ibrahim Abu-Loghod Institute of International Studies (2007) 'Public Administration and Civil Service Reform in Palestine: Drivers of Change', May. 2007 (Unpublished).

Figure 21: If your family was in serious trouble from outside your area of residence, who would help you most?
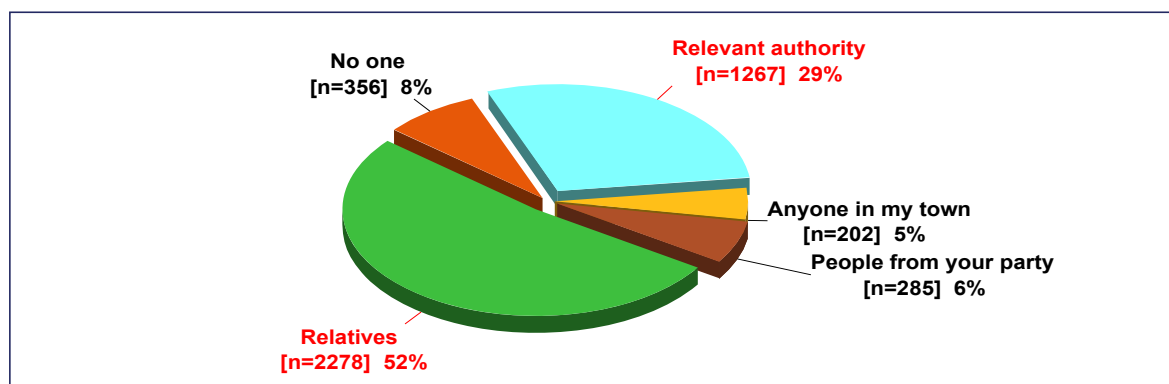
Source: UNDP, 2009

Clans are thus assuming a key role, along with the civil police, in matters related to protection (see Figure 22) and the maintenance of stability through informal law enforcement and dispute resolution mechanisms.[504] As mentioned above, while there are some positive aspects of this trend in the absence of a nation-State, clan-based institutions may increase social exclusions and weaken non-kinship forms of affiliation and solidarity. [505] Because traditional cultural norms prescribe that it is a male duty to protect women and children and there are few enforceable legal constraints on what a male head of household can do to his own wife and children, women are likely to suffer most from the tendency to resolve interpersonal conflicts within the family rather than through recourse to the rule of law.[506] Efforts made to strengthen spontaneous coping mechanisms must, therefore, also strengthen the mechanisms that uphold the rule of law.

Figure 22: If you were to be a victim of a violent crime, who would you contact to seek protection?
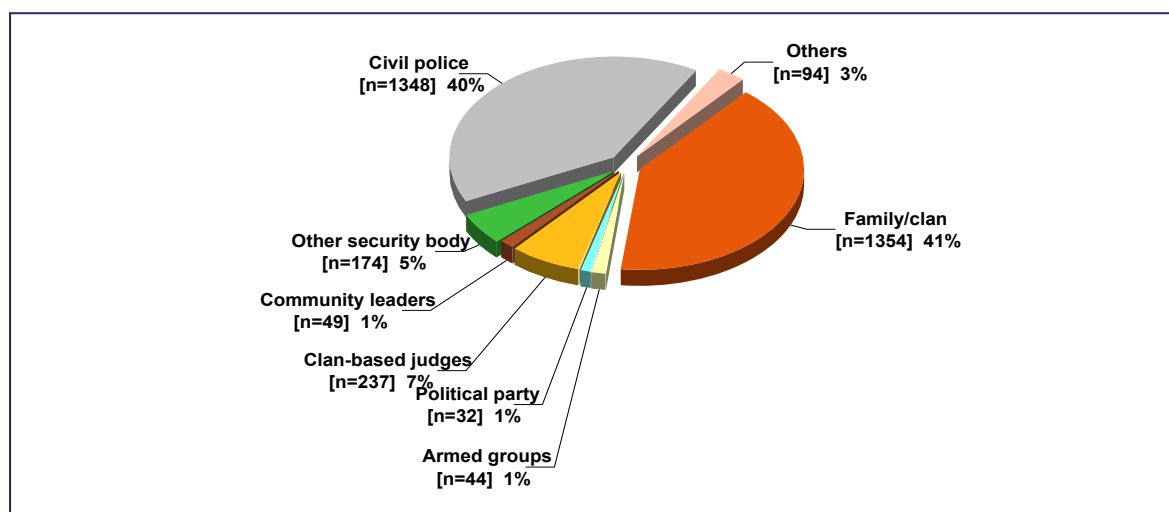
Source: UNDP, 2009

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[504] Nguyen-Gillham, Viet; Rita Giacaman; Ghada Naser; and Will Boyce (2008) 'Normalising the abnormal: Palestinian youth and the contradictions of resilience in protracted conflict', in Health and Social Care in the Community, 16(3): 291–298.

[505] Johnson, Peggy (2009) 'Towards a New Social Contract: Renewing Social Trust and Activating Social Capital for Palestinian Human Security', background paper for the PHDR, commissioned by UNDP / PAPP, Jerusalem.

[506] UNDP Social Development Assessment, Gaza, May-June 2009.

Throughout the 1970s and 1980s local government was particularly strong in service provision and played a significant role in the liberation movement. An effective participatory State-building strategy would be incomplete without a consideration of how to capitalise on this strong tradition of local government, but must proceed carefully. While it seems logical that a participatory State-building strategy would decentralise power and promote strong local governance, strengthening local government over the central authority of the PA might risk more fragmentation. The best solution is for local government to work closely with civil society and the central authority.

5.4 Opportunities and constraints of State-building in the oPt

While this Report calls for a reactivation of a civil society movement in the oPt, it is not within its remit to comment on the strategic direction such a movement might take: Palestinian aspirations must ultimately determine this. Mass organisation is only the beginning of the path to self-determination, and if there is also consensus that a Palestinian State is the best means to ensure human security then a State-building process must be ready and able to deliver genuine reform, with external technical assistance where necessary. If it is an indigenous process, participatory State-building has the potential both to generate and to reinforce a shared identity among peoples because, to be sustainable, it cannot be externally driven and must rely for its legitimacy on the leadership of a cross-section of the people. To function properly, the processes that promote civil society participation in nation and State-building must be interconnected and mutually reinforcing, or else, in situations where there is sovereignty, a strong State within a weak nation is vulnerable to fragmentation.[507]

Palestinians have been engaged in various aspects of nation building for several years, and since the Oslo Accords, the international community has supported the PA in the restoration and building of institutions as part of a two-State solution to the Israeli/Palestinian conflict. However, both the increasing severity of the occupation and the eruption of the internal conflict have undermined these efforts and it is doubtful that the PA, within the limited self-rule stipulated in the Oslo Accords, can deliver human security and socio-economic development. In the following section we explore such space as is currently available to the PA and consider whether it is sufficient to effectively promote Palestinian human security.

According to Ghani, et al,[508] the State has ten core functions:

I. Legitimate monopoly on the means of violence

A primary criterion of Statehood is having control over the means of violence. In the case of the oPt, this role is overwhelmingly held by the Occupying Power, while the PA is allowed to have a civil police force with limited jurisdiction. The Oslo Accords note that, while it is the role of the PA to ensure the security of the State of Israel, it cannot have any jurisdiction over the internal security situation in Areas B and C and only limited control over the security situation in Area A of the occupied territory. This limited mandate, compounded by the internal split between Fatah and Hamas, is eroding the legitimacy of the PA in the areas of protection and rule of law.

To ensure the protection of Palestinians and their assets, including homes, agricultural fields and businesses in the West Bank, East Jerusalem, and Gaza, it is imperative that the PA acquires the legitimate authority and the ability to deliver protection and to administer the rule of law within and beyond the existing limits of the occupation.

II. Administrative control

Administrative control is defined as both the breadth and depth of the reach of a State's

[507] Lun, Mary Thida (2009) 'Reconnecting Joined-up Approaches: Nation Building through State Building', Strategic Policy Impact and Research Unit, Overseas Development Institute. Working Paper 25. Apr. 2009.

[508] The following is adapted from Ghani, Ashraf; Clare Lockhart and Michael Carnaha (2005) 'Closing the Sovereignty Gap: An Approach to State Building', Overseas Development Institute, Working Paper 253. Sep. 2005.

authority over its land. However, the Occupying Power claims administrative control over the movement of goods, services and people in and out of, as well as within, the occupied territory. With its barricades and checkpoints, permit regime, curfews, and control over all macro-economic instruments, borders, land and water, Israel has effectively established and maintains administrative control of many aspects of economic and social life in the oPt.

As Ghani, et al note, a fully functioning State requires the following: (i) the existence of a coherent set of rules; (ii) the recruitment of civil servants and technical expertise; and (iii) control of resources. However, the PA in the West Bank and Hamas, as the *de facto* authority in Gaza, has limited control over specific administrative matters related to basic social services and utilities. As such, they have a limited ability to build trust that their deployment and enforcement of administrative rules is in the interest of the majority.

III. Management of public finances

The ratio of domestic revenue to foreign assistance in a State's budget and the changes in this ratio over time provides a straightforward measure of both State sovereignty and the extent to which it is increasing or decreasing. As this Report illustrates, however, practices such as Israel's collection and distribution of taxes are both crippling the economy and keeping out potential foreign direct investment. As a result, the bulk of the PA's budget is composed of foreign aid and is principally used to pay salaries.

Despite the international community's West Bank First policy,[509] it has not been possible for the PA to facilitate wealth creation due to its lack of control over key macro-economic instruments and the means of production, including land and natural resources, as well as the severe restrictions placed on the movement of goods, services and persons by Israel. As a result, traditional indicators of State

effectiveness such as economic prosperity and service provision can only be used in a limited way. Even within this limitation, however, the PA has been involved in fiscal reform. To engender trust while strengthening governance practices, it remains necessary to ensure that the budget is subject to formal oversight by the legislature and judiciary and is transparent to Palestinians.

IIII. Investment in human capital

Investment in human capital is critical for the viability of a State. In the oPt, this is an area in which there is scope in both education and training. Investing in human capital will ensure that Palestinians can contribute to economic, political and social life. The international community can support elementary, secondary and tertiary education, the training of women and men, curriculum changes, and facilitate access to educational materials and equipment. Such investments will also require changes in current conditions on the ground including the free movement of professors and students and unimpeded access to education materials and equipment across the oPt.

An educated and functioning polity is able to engage productively with State institutions. To this end, specific investments in human capital, especially at the local level, should continue even under occupation. However, lifting the economic blockade on Gaza, ensuring freedom of movement and creating a unity government are all prerequisites for the development and implementation of a coherent and effective long-term approach. In addition to its critical importance to State-building, an educated polity plays a vital role in nation building, especially in diverse societies. Without investments in human capabilities different groups are likely to become disenfranchised, which could have far-reaching implications for the viability of a future Palestinian State.

IV. Delineation of citizenship rights and duties

Social policy is useful for the creation of equal opportunities and to promote cohesion across an increasingly fragmented territory. Investments in the social fabric of Palestinian society, whether through formal policies or informal practices such as volunteerism, can also help draw diverse constituencies together under an umbrella of

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[509] The West Bank First policy, adopted by the international community in response to the ascendency of Hamas, involved political and financial preferential treatment towards Abbas, the PA and the West Bank over Hamas in Gaza. See Robert Malley & Aaron David Miller (2007) 'West Bank First: It Won't Work', The Washington Post, 19 Jun. 2007.

unity and a shared belief in a common destiny. However, to support Palestinian efforts towards unity and sovereignty, the international community has to remain clear that limited self-rule ultimately prevents cohesion.

In the current context of a lack of State sovereignty and self-determination, any discussion of citizenship rights and duties in the formal sense is a merely academic exercise. However, there is still space to partner with civil society and relevant mechanisms of the interim government to reinforce civic duty and the rule of law.

V. Provision of infrastructure services

The predictable and efficient provision of basic utilities is an essential function of any State as such services are critical to economic and social development. Reliable infrastructure and services promote economic participation at the local, regional and global levels, and most importantly, enable citizens to live in dignity. In oPt, however, the interim government has limited control over such services.

Furthermore, members of the private sector and the international community involved in service provision face difficulties due to Israeli restrictions on the importation of some maintenance equipment. Due to the blockade, all infrastructure projects are frozen in Gaza, while sensitive projects in the West Bank are often put on hold. To facilitate the effective delivery of essential infrastructure services, the international community will need to reassess its rules of engagement in the oPt and with the State of Israel.

VI. Formation of the market

Creating an environment that enables the formation and expansion of the legal market is critically important to States. Such an enabling environment depends on the establishment and protection of property rights including the provision of predictable, enforceable and transparent contract, corporate, insurance, bankruptcy, land, employment and environmental laws. As it lacks control over macro-economic instruments including monetary policy, as well as natural resources such as land and water, the PA has not been able to develop a fully functioning free market system. However, the international community can immediately begin to

assist it to develop the necessary legal framework to facilitate the flow of goods and services once a State is formed.

VII. Management of the State's assets

The management of tangible forms of capital, including natural resources, is important for economic growth; but because the PA has limited or no jurisdiction over the management of assets, the international community has a critical role to play in ensuring their protection.

VIII. International relations

A State's authority over international relations includes the management of relations with other States, international bodies and private entities, and the authority and opportunity to enter into treaties and obligations with them. While the oPt only has observer status in several international and regional fora, it can enter into formal relations with States through special agreements. However, the State of Israel has still been able to determine the extent of involvement though restrictions on movement: for example, a representative of the PA was forbidden to travel to the inauguration of the South African President. The international community can contribute to the removal of restrictions in this core area through advocacy with the State of Israel.

IX. Rule of law

The constitution of the State through rules, and its continuing deployment of such rules, establishes the systematic practice of the rule of law. Such a system is not entirely possible in the oPt, and in some instances the realities on the ground only serve to undermine the practice of, and confidence in, the rule of law. This is in part due to the limited legal jurisdiction of the PA, the limited capacity of the judiciary and security services, the passing of unconstitutional decrees/executive orders in the West Bank and the Gaza Strip by the respective authorities,[510] the extra-judicial activities of the authorities and the parallel legal systems, including the Palestinian Basic Law, Ottoman Law, British Mandate law, Egyptian law,

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[510] PCHR (2009) 'PCHR has Reservations about Regulations Adopted in the Context of Ongoing Political Fragmentation', Position Paper, 23 Jun. 2009.

Jordanian law, Israeli military and civil law, *Sharia* law and international law.[511]

Ghani, et al note that "as long as rulers and politicians at various levels of authority in the State are voted in and out of office by preference of the citizens, the stability of the system of governance will not become an issue of concern to investors and citizens." Such an approach did not play out after the 2006 elections and today's internal political divisiveness is exacerbated because the international community chooses to work only with Fatah/the PA in the West Bank. In an attempt to do no harm in these circumstances, it is important that the specialized agencies of the UN assume a neutral position focused on addressing the human security needs of Palestinians.[512]

Because of its status as an occupied territory, international humanitarian law and international human rights law are enforceable in the oPt, and the international community has an obligation to ensure that relevant laws and conventions are implemented. The international community must insist that the State of Israel comply with international law, particularly its obligations under the Fourth Geneva Convention. Indeed, as High Contracting Parties to the Geneva Conventions, Member States may be violating their legally binding obligation "to ensure respect" for the Convention "in all circumstances" if they do not ensure compliance and accountability.

Box 21: Israel and violations of the Fourth Geneva Convention

The pre-eminent legal instrument relevant to assessing the rights and duties of an Occupying Power is the Fourth Geneva Convention Relative to the Protection of Civilians in Time of War (1949), herein GCIV.[513]

UN Special Rapporteur on human rights in the oPt, Richard Falk, found that "***evidence of continuous and deliberate violation of that universally binding international treaty by Israel*** in its occupation of the Palestinian territory [emphasis added]".[514] The examples given represent only a few violations among many:

Article 3(1)(a)(c) of GCIV states that "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture… outrages upon personal dignity, in particular humiliating and degrading treatment" is absolutely prohibited against protected persons (e.g. civilians). Between January 2001 and December 2008, over 600 complaints were filed against

Israeli Security Agency (ISA) interrogators for alleged ill-treatment and torture, many cases related to the treatment of children in detention.[515]

Article 49(6) states that transferring "parts of its own civilian population into the territory it occupies" is illegal. The settlement policy of the State of Israel is unequivocally in violation of article 49(6). The number of settlers in the West Bank now exceeds half a million and has led top international jurists to find that "elements of the occupation constitute forms of colonialism…which are contrary to international law".[516]

Article 53 pertains to the destruction of property: "Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or co-operative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations". Israel routinely breaches this provision in East Jerusalem, by demolishing Palestinian homes.[517]

Articles 65-68 and articles 71-78 provide for due process, penal standards and protections in cases of assigned residence or internment (i.e., administrative detention). On 15 May 2009, the UN Committee Against Torture in its Fourth Period Review of Israel expressed deep concern that the apprehension, detention and treatment of Palestinians in Israeli prisons violate multiple provisions of GCIV.[518]

[511] See box on the 'Rule of Law' in Chapter 2.

[512] The Report is mindful that political work at the level of the Secretary-General and his representatives has to continue, but strongly endorses the call for a reassessment of the rules of engagement regarding humanitarian aid and early recovery, recovery and reconstruction efforts.

[513] Israel has not signed the Geneva Protocol Additional I of 1977 but as several provisions of AP I are now considered international customary law, Israel is necessarily bound by those provisions.

[514] UN (2008) Report of the Special Rapporteur 'Situation of human rights in the Palestinian territories occupied since 1967', Richard Falk, A/63/326, 25 Aug. 2008.

[515] DCI (2009) 'Palestinian Child Prisoners The systematic and institutionalized ill-treatment and torture of Palestinian children by Israeli Authorities',

[516] UN (2007) Report of the Special Rapporteur 'Situation of human rights in the Palestinian territories occupied since 1967', John Dugard, A/HRC/4/17, 29 Jan. 2007.

[517] See Chapter 3, section on housing demolitions for further information.

[518] Committee Against Torture (2009) 'Concluding Observations of the Committee against Torture Israel', CAT/C/ISR/CO/4, 14 May. 2009.

When the ten functions discussed above are performed by a State in an integrated and coherent manner, it can create a virtuous circle which assures human security, promotes development, reinforces legitimacy and engenders trust and goodwill. By contrast, failing to perform one or more of these functions creates a vicious circle which results in opposing centres of power, multiple, contradictory and ineffective decision-making processes, the loss of trust, the de-legitimization of institutions, and escalating violence between different factions. This disintegration is in motion in the oPt, and thus the call for action is an urgent one.

What, then, lies beyond the current focus on State-building? This Report suggests that a renewed focus on civil society participation would better address and redress that which contributes to human insecurity in the oPt. An overall strategy is needed that is mindful of the importance of building and strengthening legitimate governance institutions and civil society alike, to create an environment in which Palestinians will thrive. Investment in institutional mechanisms that promote accountability and transparency while simultaneously ensuring substantive participation of Palestinians is an essential foundation for this work. Such an integrated strategy could promote human security in the economic, political, security, judiciary, administrative, environmental, and social spheres. Initiatives can be designed that are overarching across the oPt as well as tailored to specific issue(s) and context(s). This Report recommends creating a participatory, State based strategy to tackle human insecurity in an occupation. Its aim should be to facilitate the re-establishment and strengthening of trust and it should delineate the specific roles and responsibilities of all stakeholders, with timelines, benchmarks and indicators that serve as goals around which civil society can mobilize. Creating consensus in a divided society will be a significant task, it is hoped that a national *Sulha* is one such mechanism that could open a forum for debate, agreement and unity.

5.5 Investing in a participatory State-building strategy: towards human security in the oPt

The primary meaning of democracy is that all who are affected by a decision should have the right to participate in making that decision, either directly or through chosen representatives… [T]o exclude the losing groups from participation in decision-making clearly violates the primary meaning of democracy.

Arthur Lewis, Nobel Prize winner

Human security requires that individuals are empowered through the provision of the basic means for survival and livelihoods, that rights are protected and dignity upheld.[519] Individual capabilities to navigate insecurity and to cope better must be enhanced, for example, through education and skills training. Community based organizations should be supported to engage in civic education and advocacy so that individuals learn not only to manage threats but to prevent them from escalating. Appropriate and necessary mechanisms can be put in place to ensure the effective participation of civil society through community based organizations, better understanding and use of laws and legislations, and/or governance institutions. For example, livelihoods activities can be coupled with protection strategies to better mitigate economic insecurity.

Promoting an environment in which there is freedom from fear requires appropriate legal, economic and social policing as well as a political process that encourages hope, ensures tolerance and requires substantive civil society participation in discussions about the future. The freedom to live in dignity requires a strategy on domestic and international mobilization, developed with Palestinians, to protect their social, economic, political and civil rights.[520]

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[519] Commission on Human Security (2003) 'Human Security Now', Outline of the Report of the Commission on Human Security.

[520] Khan, Mushtaq H (2009) 'Palestinian State Formation since the Signing of the Oslo Accords', background paper for the PHDR, commissioned by UNDP / PAPP, Jerusalem.

The latter can in part be achieved through the implementation of relevant international law.

While the end of the occupation will provide the best opportunity for development, international law should be respected during the transition. Increasing donor assistance is not the answer to the human security challenges facing Palestinians. Instead, the necessary actions must be taken to dismantle the physical structures and administrative procedures that lead to or intensify human insecurity. The international community should be courageous if its intention is to do no harm. In particular, donors have a responsibility to challenge violations of human rights and restrictions of humanitarian, early recovery and development activities.

Academics and policy makers have highlighted some of the contradictions and consequences of the actions of international donors in the oPt, remarking that international donors may unintentionally undermine the responsibilities and accountability of the Occupying Power and make donor governments complicit in the policies of the occupation. Sometimes donors change their proposed humanitarian and development activities; for example, by postponing projects or deciding against certain initiatives if State of Israel restrictions might make implementation difficult.

The State of Israel has binding obligations towards the Palestinian people under customary international law, international human rights law, the law of state responsibility for wrongful acts, and – as the Occupying Power – international humanitarian law. Yet the international community pledged USD 4.5 billion at the Sharm el Sheikh Conference in March 2009 without specific assurances from the State of Israel that international law would be upheld. External aid must not be seen to relieve the State of Israel of its obligations under international law and it should be monitored to ensure its compliance to such law, because as High Contracting Parties to the Geneva Conventions of 1949, individual donor States may be violating their legally binding obligation "to ensure respect" for the Convention "in all circumstances" should they underwrite any illegal actions. A courageous challenge to

the current impasse is necessary. This Report commends UN Secretary General Ban for initiating a process which holds the Occupying Power accountable for damages caused to UN assets during Operation Cast Lead.

The impact of politicisation of aid has been highlighted in Chapter 3 (Political polarisation). After the election of the Hamas led government in 2006 the Quartet stated that "all members of a future Palestinian government must be committed to non-violence, recognition of Israel, and acceptance of previous agreements and obligations, including the Roadmap". As Hamas does not accept one or more of these provisions, the Quartet effectively assumed a partisan political position in the Palestinian domestic arena. In the view of the authors, the U.S., EU and Russia are completely at liberty to take such a diplomatic stance, however, the UN – as a purportedly neutral humanitarian and development actor –has perhaps been compromised by association   with this position, which is now, however, reflected in Security Council resolution 1850 .

Thus finally, there are questions as to whether the UN membership of the Quartet compromises and constrains its humanitarian, early recovery and reconstruction efforts and overall assistance to Palestinians in the West Bank and Gaza Strip**.** While remaining mindful of the significance of engagement at the political level, the authors believe that the work of the UN's specialized agencies should be de-linked from the work of its political body. Neutrality and credibility are essential for UN agencies working on the ground.

5.6 Participatory State-building priorities

This Chapter argues that a strong, democratically elected (and democratically honoured) State, which adheres to the ten core functions of State it describes, can best protect human security in the oPt. As noted, a future State must demonstrate: a legitimate monopoly on the means of violence, administrative control, management of public finances, investment in human capital, delineation of citizen's rights and duties, provision on infrastructure services,

formation of the market, management of State assets, international relations and the rule of law. At present the PA is severely limited in its ability to perform these functions; however, it must prepare for sovereignty by demonstrating its willingness and capability to do so in the future. It seems likely, in fact, that demonstrated abilities in these ten sectors, amongst other criteria, are being put forward as a pre-requisite to the end of the occupation. Imposing the conditions of successful Statehood on the Palestinian right to self-determination is undoubtedly unfair, but it reflects the current negotiation strategy of Israel and the international community.[521]

To compliment the proposed State-building strategy, and to ensure the transparency of the Palestinian State, a **Commission for Representative Governance** should be established to monitor implementation in the short to medium term and to build accountability and credibility. The Commission should be independent and national: civil society, political parties, unions and public institutions should be represented to monitor the extent to which initiatives effectively encourage civil society and local government participation, and set and strengthen the foundations of a future State. The Commission should issue publically available annual effectiveness reports of its activities. Such reports could be coordinated by the Independent Human Rights Commission or another suitably respected Palestinian civil society organisation.

Chapters 2, 3 and 4 have led up to an argument that the facilitation of human security in the oPt requires a participatory State-building strategy that promotes: (i) territorial integration/contiguity; (ii) economic integration; (iii) social cohesion; and (iv) sovereignty and political reconciliation. The success of the participatory State-building strategy and ensuing initiatives and projects will require the development and/or strengthening of appropriate governance and delivery mechanisms that are linked to, and coherent with, oPt-wide administrative structures.

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[521] See 'A Performance-Based Road Map to a Permanent Two-State Solution to the Israeli-Palestinian Conflict' (2003) PLO Negotiations Support Unit.

I. Territorial integration/contiguity:

Chapter 3 highlights the fact that territorial fragmentation has severely weakened the central authority of the PA. Israel is dividing up the territory through settler activity and the infrastructure that supports it, and it retains control over internal security, external borders, airspace, trade and macro-economic issues, livelihoods, health care and a range of other vital issues. A territory carved into small, disconnected enclaves, subject to Israeli military and economic closures, unable to offer justice to its dispersed people and without its most sacred symbols of religion and identity can hardly be viable and functioning. Therefore, the creation of territorial integration/contiguity will be an essential factor in a future Palestinian State that can fulfil its core functions, starting with a basic monopoly on the use of violence.

Territorial integration/contiguity can be achieved through:

- Defining and respecting territorial borders

- Lifting the siege on the Gaza Strip

- Ensuring that efforts to alter the demographics of East Jerusalem are stopped

- Stopping further construction of the Wall and dismantling stretches of it built in Palestinian territory in violation of international law and UN resolutions

- Stopping construction of new, and expansion of old settlements and outposts and dismantling illegal settlements and outposts

- Allowing freedom of movement within the oPt by dismantling all checkpoints and obstacles that violate freedom of movement and abolishing the accompanying permit regime

- Investing in infrastructure, policies and training for transportation, communication, electricity, and water networks at the local level

- Providing legal assistance to Palestinian

men and women to enable them to fight for their rights

• Protecting cultivated and uncultivated land and water used by farmers

II. Economic Integration:

Chapter 4 emphasises the need for effective promotion of local economic self-sufficiency together with mechanisms for rapidly delivering relief and supplies to large populations in isolated pockets who may suddenly be cut off due to military incursion or restrictions on freedom of movement. It would not be rational to prioritize such strategies if the conflict economy was likely to be short-lived. However, lacking concrete indications of a move towards independent Statehood, it is a proactive and pragmatic approach. Additionally, the promotion of a localized, self-sustaining economy will benefit Palestinians in the short and long term, both under occupation and when they are free from occupation.

Economic integration can be achieved through:

• Ensuring Palestinian control of macro-economic instruments

• Lifting the economic blockade and containment of Gaza

• Stopping illegal land and water acquisition through physical and administrative means

• Lifting restrictions on movement of goods and persons

• Opening the sea access of fishermen to more than twenty nautical miles in order to improve the variety and volume of their catch

• Strengthening and protecting livelihood activities of farmers, fishermen and micro-entrepreneurs

• Strengthening the private sector, through training and financial support where necessary

• Ensuring reparations are paid for

damage to, and/or destruction of, livestock, fields, equipment and other assets used by individuals and communities for livelihood purposes

• Rebuilding the domestic market

• Supporting economic, education and training institutions

• Strengthening the customs, courts, standards, and statistical institutions to ensure competitiveness of the private sector

• Improving access for Palestinian exports

• Making the Palestinian economy more self-sustaining, thereby reducing reliance on the Israeli economy

III. Social Cohesion:

Chapter 4 documents the absence of national liberation strategies which ordinary Palestinians consider credible. Today, achieving freedom from fear also means addressing the threat of a Palestinian civil war. At the very least, achieving this goal requires that all Palestinians can express themselves without fear in order to reach a new consensus about the legitimate goals of their liberation struggle and the strategies through which these goals should be pursued. To build a socially cohesive State, the rule of law and the protection of rights are essential.

Social cohesion can be achieved through:

• Working with civil society to implement a 'National Sulha' to promote an internal truth and reconciliation process

• Protecting human rights

• Stopping and dismantling the physical and administrative measures that prevent movement and access

• Lifting the containment and economic blockade of Gaza

• Preventing harassment

• Stopping housing demolitions

- Holding the State of Israel accountable for violations of international law

- Supporting Palestinians to deploy quality social services

- Strengthening the education system

- Promoting a culture of volunteerism

- Supporting Palestinian civil society organizations to promote empowerment

- Supporting an oPt-wide campaign for empowerment though a sense of community and shared experiences

- Reinforcing resilience to the policies and practices of occupation

- Protecting the rights of the socially marginalised: women, children, the youth, the elderly, the disabled, Bedouins and etc.

- Supporting the development of civilian links between Palestinians and Israelis

IV. Sovereignty and Political Reconciliation:

Chapter 3 describes how the erosion of the central authority and central institutions of government is exacerbating political polarization and disunity. National institutions, for example the PLC, are unable to resolve conflict democratically at present. As a result, political difference is being addressed through force. The existing polarity can only be resolved if a functioning and empowered political field is created, which requires reviving the defunct legislature and judiciary systems and restoring a legitimate central authority that has administrative, security and economic control over the oPt.

Sovereignty and political reconciliation can be achieved through:

- Ending the occupation

- Supporting the creation of a unity government

- Accepting the fact that Hamas has substantial support in the oPt and must play a role in the political process

- Supporting Palestinian resistance strategies that are compliant with international law

- Ensuring the accountability of belligerent parties for violations of international law

- Working with civil society to implement a 'National *Sulha*' to promote truth and reconciliation

- Providing legal assistance to those whose rights have been violated either by the occupation or factional fighting

- Investing in Palestinian leadership, especially of women and youth

- Strengthening accountability and facilitating transparency within the PA

- Supporting the foundations of a future political system that includes an appropriate mechanism which separates the three main powers and regulates the relationship between them[522]

- Supporting the foundations of a political system that includes an independent judiciary, the rule of law, and the protection of civil liberties[523]

- Facilitating the creation of legislation that reflects equality in law, without discrimination based on religion, sex, race, disability, age or other social status

- Addressing deficiencies in legislation, e.g., property rights and quality standards

- Extending police jurisdiction and increasing capabilities for enforcement and investigation

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[522] Jarbawi, Ali (2007).

[523] Khalil, Asem (2008) 'Different Concepts of the Separation of Powers', in The Contours of a Future State: A multi-part compendium of Palestinian Thinking. Commissioned by the Institute of Law. Birzeit University.

5.7 Conclusion

This Chapter opens with a clear and unequivocal statement that sustained development under a system of occupation is unattainable. It argues that the prolonged occupation necessitates the use of a development strategy that is able to respond to the unpredictable and multi-faceted threats to the human security of Palestinians, and outlines a pragmatic approach to the development and implementation of such a strategy. This approach is appropriate for a number of reasons: first, because of the prolonged nature of the occupation; second, because previous interventions to alleviate suffering and underdevelopment in the oPt have been inadequate; third, because Palestinian society – socially, economically and politically – is ill-equipped to withstand any intensification of the occupation.

Proposing the best means to move the Palestinian territory and peoples from fragmentation to cohesion is the central aim of this Report. It contends that a suitable response to the current political impasse – also bearing in mind the historical lessons of Oslo – is a renewed popular mobilisation of Palestinians. It argues that social, economic and political participation is crucial both to build a viable Palestinian State and to galvanise a large-scale civil rights movement. To this end, two possible responses are highlighted: first, a renewal of the well-established and proactive principle of *sumud*, and second, the establishment of an internal reconciliation mechanism, or National *Sulha*, through which to repair some of the damages of the political schism and the resultant political violence.

If the Palestinian people agree that a two-State solution is part of the preferred resolution to the conflict, then in order to be viable, a legitimate Palestinian State must be built that is not driven by top-down or external actors. To assist the emerging Palestinian State, the international community and particularly the UN must maintain their neutrality and adopt a Do No Harm approach to the provision of aid, honour their obligations under international law, and ensure compliance to such law amongst all the conflicting parties.

Framework for moving forward

A review of the daily realities of Palestinians living in the oPt in the period covered by this Report leads to the discomfiting realization that with every passing year, violence and violations of human rights are becoming increasingly entrenched and normalized, while the threshold for what is acceptable is getting lower each year. Such violence and violations are often met with silence and denial, translating into complicity and undermining the humanity of all. Determined and courageous actions are necessary now to achieve the human security of Palestinians and ensure their self-determination and sovereignty. This framework for moving forward focuses on how to realise this goal.

During the third quarter of 2009, some commentators have pointed towards signs of economic recovery in some parts of the West Bank. Nablus for example, is showing signs of economic progress since the checkpoints around the city have been removed. However, this purported recovery is only visible in very specific areas (area A) in the West Bank and does not affect those living in Hebron, Khan Younis, Qalqilya and most other parts of Area C. If development is taking place, it is inconsistent and parochial.

A challenge to implementing a development policy designed to promote human security is understanding how to make it inter-sectoral. The evidence suggests that it is not enough to design programmes that address health, education, poverty reduction and etc. in isolation; including cross-cutting issues such as gender or the environment is also essential. It is necessary to look at the relationships between sectors to perceive how interventions in one sphere can have effects, both positive and negative, on other areas, and to examine the underlying causes of conflict to design better human security interventions.[524] A comprehensive, pluralistic approach is made more difficult because of compartmentalisation

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[524] Shahrbanou Tadjbakhsh (2005) 'Human Security: The Seven Challenges of Operationalizing the Concept', Centre for Peace and Conflict Resolution / UNESCO, 13 Sep. 2005.

between institutions, organisations and policy makers. In the oPt this problem is exacerbated by communications problems between Ministries, NGOs and the private sector.

The creation of a taskforce to establish a comprehensive Palestinian Emergency and Disaster Response Strategy is necessary if the human security agenda is to be made operational. The oPt is at risk of both natural or man-made emergencies, and in addition to the environmental challenges, the volatile political situation, uncertain economic conditions, and need to rely on transportation, technology, and communications, necessitates a comprehensive preparedness strategy to safeguard human security. Such a strategy should include:

- Disaster mitigation

- Emergency preparedness

- Emergency response

- Disaster recovery services

There are existing governmental and non-governmental actors that deal with emergency and disaster issues, such as the Palestinian Red Crescent Society. Their activities should be expanded and consolidated into a national strategy that addresses multi-sectoral concerns.

The framework for comprehensively implementing a participatory State-building strategy through which to address human security should include: (i) building consensus amongst the Palestinian population (ii) alignment and cooperation between all stakeholders; (iii) mobilization of sufficient financial, technical and human resources; (iv) the establishment of appropriate processes and mechanisms such as a National *Sulha* through which to promote reconciliation and social cohesion as an urgent priority; (v) a realistic sequencing of policies, projects and programs that gives the overall strategy credibility among civil society and results in sustained changes; and (vi) the exercise of strong leadership, effective management and sufficient political will.

Given the contradictory results of the politicization of aid, this strategy has to be de-linked from the political process so that institutional arrangements can be established to ensure that the rights of Palestinians are protected and their needs are addressed. If these rights cannot be assured through the structures of the PA then alternative delivery structures need to be considered. Plans aimed towards alleviating human insecurity and the establishment of a Palestinian State must involve all stakeholders and be popularly agreed.

Transparent handover plans to appropriate local governance structures must be articulated as it would be counterproductive to undermine the interim government. Multi-stakeholder partnerships must be formed to promote State-building in order to plainly outline the duration and scope of responsibilities, contingency plans, and clear exit arrangements through which State institutions – once a State is created – would progressively take over responsibility for each function. Such engagement is critical to strengthening the foundations for sovereignty and self-determination.

To facilitate management of the strategy, the establishment of a **Commission for Representative Governance** to monitor implementation in the short to medium term will build accountability and lend credibility to the approach. The Commission should be independent and national: civil society, political parties, unions and public institutions should be represented to monitor the extent to which initiatives effectively encourage civil society participation, and set and strengthen the foundations of a future State. The Commission can issue publically available annual effectiveness reports of its activities. Such reports could be coordinated by a respected Palestinian civil society organisation.

The principle driver of human insecurity for 1.4 million Palestinians is the siege of Gaza, compounded by massive military operations over the reporting period which, according to the Goldstone Report caused "unprecedented long term damage both to the people and their

development and recovery prospects".[525] The mandate of the UN Fact Finding Mission on the Gaza Conflict very accurately evaluated the ravages of Operation Cast Lead within the framework of the ongoing blockade of the Gaza Strip.

This Report has shown that the human security situation in the occupied Palestinian territory has been deteriorating since the imposition of additional blockade measures after the 2006 elections. With a few exceptions, human development gains are being reversed; the environment is in crisis; the territory is physically and politically fragmented; and violence, both from the occupying power and internally, is devastating the population in mind and body.

The Report also, however, highlights the social capital and local responses, premised on self-reliance, that remain the bedrock of Palestinian resilience and represent the best possible resource for the future. Palestinians continue to support one another through a strong ethic of volunteerism, and indigenous reconciliation practices exist which can overcome mistrust and once more draw together a divided people.

The biggest obstacles to Palestinian unity remain the occupation, especially through its imposition of limited movement and access between the Gaza Strip, the West Bank and East Jerusalem, and the current internal political divisions. If these issues are addressed in line with international and Palestinian law, opportunities for reconciliation and national unity will be improved. Ensuring the accountability of political leaders, ending the siege of Gaza and encroachments into the West Bank including East Jerusalem, are immediate and essential actions, and will hopefully have a catalytic effect on human security in the oPt at large.

As Kofi Annan said in *In Larger Freedom*, all people should have "the freedom to choose the kind of lives they would like to live, the access to the resources that would make those choices meaningful and the security to ensure that they can be enjoyed in peace." Even in this time of uncertainty and fragility, courageous actions can be taken that will set in motion a new era of human security and ensure peace and development for all Palestinians.

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[525] Report of the United Nations Fact Finding Mission on the Gaza Conflict, 'Human Rights in Palestine and other occupied Arab territories' A/HRC/12/48, 15 Sep. 2009.

Annex 1:

STATISTICAL ANNEX (PALESTINIAN CENTRAL BUREAU OF STATISTICS, PCBS)

Goal 1: Eradiate extreme poverty and hunger

Target 1.A: Halve, between 1990 and 2015, the proportion of people whose income is less than one dollar a day

1.1 Proportion of population below national poverty line

Year	OPt						West Bank	Gaza Strip
	Total	Male	Female	Urban	Rural	Camps	Total	Total
2004	25.6	26.0	21.0	24.4	24.6	31.6	19.8	37.2
2005	29.5	29.8	25.0	24.9	32.5	39.9	22.3	43.7
2006	30.8	30.3	35.6	29.3	29.5	38.6	24.0	50.7
2007	34.5	34.5	34.5	33.1	30.3	47.7	23.6	55.7

1.2 Poverty gap ratio

Year	OPt						West Bank	Gaza Strip
	Total	Male	Female	Urban	Rural	Camps	Total	Total
2004	6.6	..	..	..	..	..	4.8	10.4
2005	8.0	8.1	7.3	6.7	9.1	10.9	5.8	12.5
2006	8.5	8.2	9.3	7.9	7.5	11.2	5.2	14.8
2007	9.8	9.9	9.2	8.8	8.7	15.6	5.8	17.6

1.3 Share of poorest quintile in national consumption

Year	OPt						West Bank	Gaza Strip
	Total	Male	Female	Urban	Rural	Camps	Total	Total
2004	..	..	..	..	..	..	..	..
2005	..	..	..	..	..	..	..	..
2006	4.4	4.6	1.7	4.3	3.2	7.8	2.0	10.5
2007	4.3	4.5	1.5	4.3	2.9	7.4	1.6	11.9

1.4 Growth rate of GDP per person employed

Year	OPt*						West Bank**	Gaza Strip
	Total	Male	Female	Urban	Rural	Camps	Total	Total
2004	0.8	.	.	.	.	.	7.1	12.5
2005	0.2	.	.	.	.	.	-4.1	0.2
2006	-0.1	.	.	.	.	.	..	..
2007	0.0	.	.	.	.	.	..	..

1.5 Employment-to-population ratio

Year	OPt						West Bank	Gaza Strip
	Total	Male	Female	Urban	Rural	Camps	Total	Total
2004	29.6	48.1	10.8	29.5	32.3	24.5	32.8	23.6
2005	31.2	51.5	10.4	31.4	33.3	26.1	34.2	25.5
2006	31.6	51.3	11.5	31.4	35.1	25.5	35.9	23.5
2007	32.9	52.7	12.7	32.8	36.2	27.0	36.3	26.7

1.6 Proportion of employed people living below national poverty line

Year	OPt						West Bank	Gaza Strip
	Total	Male	Female	Urban	Rural	Camps	Total	Total
2004	..	..	..	..	..	..	..	..
2005	..	..	..	..	..	..	..	..
2006	35.1	35.1	36.4	36.3	32.8	34.5	27.7	47.0
2007	38.4	38.2	42.0	38.3	34.7	48.1	27.9	58.8

1.7 Proportion of own-account and contributing family workers in total employment

Year	OPt						West Bank	Gaza Strip
	Total	Male	Female	Urban	Rural	Camps	Total	Total
2004	41.8	41.4	43.3	40.8	50.4	24.0	44.9	33.5
2005	40.6	40.0	43.5	37.7	48.1	25.8	43.6	32.9
2006	40.7	39.8	45.0	39.4	49.2	24.5	44.3	30.4
2007	40.2	38.4	47.8	39.4	47.7	25.6	42.1	35.7

1.8 Prevalence of underweight children under-five years of age

Year	OPt						West Bank	Gaza Strip
	Total	Male	Female	Urban	Rural	Camps	Total	Total
2004	4.9	4.7	5.1	4.9	4.2	6.0	4.9	4.8
2006	2.9	2.1	3.8	2.6	2.1	2.2	3.2	2.4

Goal 2: Achieve universal primary education

Target 2.A: Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling

2.1 Net enrolment ratio in basic education

Year	OPt						West Bank	Gaza Strip
	Total	Male	Female	Urban	Rural	Camps	Total	Total
2004/2005	89.0	89.0	89.1	..	..	..	86.5	93.1
2005/2006	87.5	86.7	88.3	..	..	..	84.8	91.6
2006/2007	83.9	84.7	83.1	..	..	..	82.7	85.8

2.2 Proportion of pupils starting grade 1 who reach last grade of primary

Year	OPt						West Bank	Gaza Strip
	Total	Male	Female	Urban	Rural	Camps	Total	Total
2004/2005	99.4	..	..	..	..	..	99.0	99.5
2005/2006	99.4	..	..	..	..	..	99.0	99.5
2006/2007	99.4	..	..	..	..	..	99.0	99.5
2007/2008	99.4	..	..	..	..	..	99.0	99.5

2.3 Literacy rate of 15-24 year-olds, women and men

Year	OPt						West Bank	Gaza Strip
	Total	Male	Female	Urban	Rural	Camps	Total	Total
2004	98.9	99.0	98.9	99.0	98.9	98.7	99.1	98.8
2005	99.2	99.3	99.0	99.2	99.2	99.1	99.3	99.0
2006	99.1	99.0	99.1	99.1	99.1	99.1	99.3	98.8
2007	99.1	99.1	99.0	99.0	99.0	99.2	99.1	99.0

Goal 3: Promote gender equality and empower women

Target 3.A: Eliminate gender disparity in primary and secondary education, preferably by 2005, and in all levels of education no later than 2015

3.1 Ratios of girls to boys in basic education

Year	OPt						West Bank	Gaza Strip
	Total	Male	Female	Urban	Rural	Camps	Total	Total
2004/2005	97.4	.	.	..	..	..	98.2	96.2
2005/2006	98.2	.	.	..	..	..	98.6	97.6
2006/2007	98.2	.	.	..	..	..	98.7	97.3
2007/2008	98.3	.	.	..	..	..	98.7	97.7

3.1 Ratios of girls to boys in tertiary education

Year	OPt						West Bank	Gaza Strip
	Total	Male	Female	Urban	Rural	Camps	Total	Total
2004/2005	107.6	.	.	..	..	..	..	..
2005/2006	111.3	.	.	..	..	..	..	..
2006/2007	116.2	.	.	..	..	..	..	..
2007/2008	117.0	.	.	..	..	..	..	..

3.2 Share of women in wage employment in the non-agricultural sector

Year	OPt						West Bank	Gaza Strip
	Total	Male	Female	Urban	Rural	Camps	Total	Total
2004	.	.	99.1	99.6	97.4	99.6	.	.
2005	.	.	98.7	99.2	97.2	99.2	.	.
2006	.	.	98.7	99.2	97.0	99.0	.	.
2007	.	.	99.0	99.7	97.2	99.5	.	.

3.3 Proportion of seats held by women in national parliament

Year	OPt						West Bank	Gaza Strip
	Total	Male	Female	Urban	Rural	Camps	Total	Total
1996		.	.	5.7	.	.	.	.	.
2006		.	.	12.9	.	.	.	.	.

Goal 4: Reduce child mortality

Target 4.A: Reduce by two-thirds, between 1990 and 2015, the under-five mortality rate

4.1 Under-five mortality rate

hdr20

Year	OPt						West Bank	Gaza Strip
	Total	Male	Female	Urban	Rural	Camps	Total	Total
1999-2003	28.3	31.8	24.6	27.7	24.5	36.2	23.7	34.8
2005-2006	28.2	30.3	26.3	30.0	30.0	21.3	23.7	32.0

4.2 Infant mortality rate

hdr73

Year	OPt						West Bank	Gaza Strip
	Total	Male	Female	Urban	Rural	Camps	Total	Total
1999-2003	24.2	26.6	21.6	23.6	20.3	32.5	20.0	30.2
2005-2006	25.3	27.3	23.7	27.0	27.0	19.0	23.2	29.0

4.3 Proportion of 1 year-old children immunized against measles

Year	OPt						West Bank	Gaza Strip
	Total	Male	Female	Urban	Rural	Camps	Total	Total
2004	95.2	95.4	95.1	93.2	97.8	97.6	92.8	98.7
2006	96.8	97.8	96.5	96.1	97.6	99.0	95.1	99.2

Goal 5: Improve maternal health

Target 5.A: Reduce by three quarters, between 1990 and 2015, the maternal mortality ratio

5.2 Proportion of births attended by skilled health personnel

Year	OPt						West Bank	Gaza Strip
	Total	Male	Female	Urban	Rural	Camps	Total	Total
2004	98.3	.	.	98.5	97.4	99.9	97.6	99.3
2006	98.6	.	.	99.1	97.5	98.9	98.2	99.3

5.3 Contraceptive prevalence rate

Year	OPt						West Bank	Gaza Strip
	Total	Male	Female	Urban	Rural	Camps	Total	Total
1996	.	.	45.2	..	..	..	.	.
2000	.	.	51.4	51.1	52.9	50.1	.	.
2004	.	.	50.6	50.0	55.3	44.6	.	.
2006	.	.	50.2	49.3	53.4	46.4	.	.

5.4 Adolescent birth rate

Year	OPt						West Bank	Gaza Strip
	Total	Male	Female	Urban	Rural	Camps	Total	Total
1995	.	.	114.00	..	..	..	.	.
1999	.	.	77.0	..	..	..	.	.
2003	.	.	69.4	..	..	..	.	.
2005	.	.	59.8	63.2	54.6	65.3	.	.

5.5 Antenatal care coverage (at least one visit)

Year	OPt						West Bank	Gaza Strip
	Total	Male	Female	Urban	Rural	Camps	Total	Total
2000	.	.	95.6	96.5	92.2	98.5	.	.
2004	.	.	96.5	96.3	95.9	98.4	.	.
2006	.	.	98.8	98.6	98.7	99.5	.	.

5.5 Antenatal care coverage (at least four visits)

Year	OPt						West Bank	Gaza Strip
	Total	Male	Female	Urban	Rural	Camps	Total	Total
2000	.	.	87.0	89.0	81.7	91.4	.	.
2004	.	.	82.8	82.8	76.6	89.7	.	.
2006	.	.	88.8	93.0	84.4	94.1	.	.

5.6 Unmet need for family planning

Year	OPt						West Bank	Gaza Strip
	Total	Male	Female	Urban	Rural	Camps	Total	Total
2006	.	.	12.4	11.6	12.6	11.2	.	.

Goal 7: Ensure environmental sustainability

Target 7.A: Integrate the principles of sustainable development into country policies and programmes and reverse the loss of environmental resources

7.1 Proportion of land area covered by forest

Year	OPt						West Bank	Gaza Strip
	Total	Male	Female	Urban	Rural	Camps	Total	Total
1999	1.51	.	.	..	..	..	1.55	0.88
2006	1.52	.	.	..	..	..	1.57	0.88

7.2 CO2 emissions, total, per capita and per capita

Year	OPt						West Bank	Gaza Strip
	Total	Male	Female	Urban	Rural	Camps	Total	Total
2002	629.4	.	.	..	..	..	..	..
2003	694.4	.	.	..	..	..	..	..

7.8 Proportion of population using an improved drinking water source

Year	OPt						West Bank	Gaza Strip
	Total	Male	Female	Urban	Rural	Camps	Total	Total
2004	97.9	2.1	.	..	..	..	97.1	99.5
2005	96.6	3.4	.	97.7	92.8	100.0	95.8	98.0
2006	93.8	6.2	.	96.0	86.3	99.1	91.9	97.3

7.9 Proportion of population using an improved sanitation facility

Year	OPt						West Bank	Gaza Strip
	Total	Male	Female	Urban	Rural	Camps	Total	Total
2004	99.6	.	.	..	..	..	98.6	99.6
2005	99.4			99.2	99.5	99.8	99.2	99.6
2006	99.3			99.2	99.2	100.0	99.2	99.7

Goal 8: Develop a global partnership for development

Target 8.F: In cooperation with the private sector, make available the benefits of new technologies, especially information and communications

8.14. Telephone lines per 100 population

Year	OPt						West Bank	Gaza Strip
	Total	Male	Female	Urban	Rural	Camps	Total	Total
2004	7.9	.	.	..	..	..	8.7	6.5
2005	9.4	.	.	..	..	..	10.4	7.9
2006	8.9	.	.	..	..	..	9.9	7.2
2007	9.8	.	.	..	..	..	11.4	7.4

8.15. Cellular subscribers per 100 population

Year	OPt						West Bank	Gaza Strip
	Total	Male	Female	Urban	Rural	Camps	Total	Total
2004	11.8	.	.	..	..	..	8.6	18.8
2005	14.8	.	.	..	..	..	12.3	19.2
2006	21.0	.	.	..	..	..	..	..
2007	27.1	.	.	..	..	..	..	..

8.16. Internet users per 100 population

Year	OPt						West Bank	Gaza Strip
	Total	Male	Female	Urban	Rural	Camps	Total	Total
2000	5.4	7.9	2.8	7.4	2.7	3.9	5.7	4.7
2004	11.9	16.2	7.5	14.3	6.3	12.2	12.3	11.1
2006	18.4	23.6	13.1	18.6	16.3	21.5	18.8	17.7

Annex 2:

HIGHLIGHTS OF THE HUMAN SECURITY SURVEY 2009[526]

Methodology

The survey was conducted in March 2009 and was commissioned by the UNDP for the Human Development Report: occupied Palestinian territory 2009/10. Near East Consulting (NEC), contracted by UNDP, was requested to utilize Computer Aided Telephone Interviewing (CATI), and employ random digit dialling of randomly selected household landlines in the West Bank, including East Jerusalem, and the Gaza Strip.[527] In conducting the survey for this project, Human Development Report's team leader and NEC carried out a number of research steps and methods to ensure that Palestinian public perceptions as reflected in the questionnaire are accurately captured and conceptualized. Following are the steps that were taken in the fulfilment of this task.

Sampling and sample design

In principle, the survey target population consisted of all the households in the occupied Palestinian territory (oPt) with listed residential telephones.[528] The households that had been contacted using the sampling frame represented to a great extent all the characteristics of households in the oPt. In drawing the sample, we ensured that the sampling frame took into consideration all the communities in the oPt that were enumerated by the Palestinian Central Bureau of Statistics (PCBS) during the 2007 Census.

Since the penetration rate in the different parts of the oPt is not the same and due to the lack of homogeneity among the Palestinians, the oPt was divided according to geographical areas and the classification of communities according to the characteristics of the population. The geographical areas that were considered were: North West Bank, Middle West Bank, South West Bank, North Gaza Strip and South Gaza Strip. The classification of communities also took into consideration the urban, rural, and refugee camp characteristics as adopted by the PCBS and the Ministry of Local Government. About 1200 randomly selected telephone numbers were assigned to each region. Thus, in reality, five samples were drawn as a result. Over 4700 interviews were completed successfully from the five regions of the West Bank and the Gaza Strip out of 6000 dialled numbers.

At a 95% confidence level, the margin of error[529] for the total sample is +/- 1.43 %, +/-1.87 % for the West Bank and +/- 2.38 % for the Gaza Strip. As for the different areas, the margin of error is +/-3.2 % for North West Bank, +/-3.23 % for Middle West Bank, +/-3.3 % for South West Bank +/-3.3 % for North Gaza Strip and +/-3.3 % for South Gaza Strip.

The Interview process

When the telephone number is called the interviewer asked for the person whose birthday comes first in the household and who is over the age of 18 for an interview. If that individual was not available, the respondent who picked up the phone was requested to do the interview, provided, that he/she was eligible to do the interview.

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[527] For East Jerusalem, NEC used the phone prefix there and added randomized four digits to select households. Commercial offices were excluded from the interviews.

[528] The large majority of the Palestinian households have access to a landline.

[529] The margin of error means that we are 95% confident that the results in the different levels of analysis should fall within that range.

Fieldwork procedures for interviews

The team relied on a pool of well-experienced researchers. Most of the interviewers have a BA degree in one of the disciplines in the social sciences. They are a mix of young women and men who were trained extensively prior to this survey on how to administer this particular questionnaire properly and methodologically. Supervisors were always present to provide the interviewers with instructions when required.

The questionnaire

The questionnaire was drafted by in close cooperation with the UNDP and in the spirit of the terms of reference and the mandate of the study. It was constructed to capture the information required by the contracting party. Moreover, the questionnaire was constructed with special consideration to the household structure in order to help in the analysis pertaining to the poverty status of the various respondents.

The translation was carried out by the staff of NEC, approved by UNDP.

Pr-testing

The questionnaire was pre-tested in both the West Bank and the Gaza Strip (total of 60 interviews in both regions) prior to the interviewing process. After consultation with the UNDP, NEC modified the questionnaire slightly based on the outcome of the pre-test.

Fieldwork

Once the questionnaire was finalized and pre-tested, the team proceeded with data collection. Surveying operation was functional on a daily basis during March 2009 from 9 am till 9 pm to ensure that all household members were present.[530]

Data cleaning , manipulation and weighing

After the completion of the fieldwork, data was checked and cleaned. Data cleaning was carried out in two stages: one by the supervisors while the interviewing process was taking place and another at the end of the survey. The data was checked with respect to data entry and results were correlated in order to ensure that no interview bias occurred.

Data were weighted when necessary to ensure proper representation of certain population subgroups.

Consideration of the statistical weights was calculated using data of PCBS population projections at the regional level during mid-2007. Two variables were deemed important to consider for the analysis. The first was the population size and the second was gender. Weighting according to gender was carried out for all levels of analysis, but the population size was considered only in some respects.

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[530]   A significant proportion of Palestinians move during the week to other districts, such as Ramallah, for employment and they return home during weekends.

Data analysis

The analysis included bivariate and multivariate analysis. The dependent variables were cross-tabulated with a number of independent variables to determine whether perceptions of threats and insecurities differ among the various sectors of the population. Some variables, such as poverty level were constructed along with other variables. The analysis focused primarily on statistically significant relationships. Also, the team interpreted the missing data as part of the data analysis, where necessary.

In general, the analysis focused on two sets of variables. The first was on the basis of region of residence of the respondents, and the second was according to the national level. When the analysis was carried out at the national level, weighting according to population size was carried out in order to reflect the representation of each region and also the actual size of the West Bank as opposed to the Gaza Strip. However, when the analysis was done according to each of the five regions, the population size was not considered to ensure that the responses given by the five regions were sufficient to enable further analysis and a lower margin of error.

In sum, the following variables were used, depending on their statistical relevance, as explanatory variables in the various parts of the study region: sub-region, governorate, place of residence, refugee status, gender, poverty level, age, educational level, and factional trust.

Profile of Sample Population

In March 2009, 5 surveys each with a random sample of about 900 successfully interviewed households were carried out in five sub-regions of the occupied Palestinian territory (oPt). The five surveys were combined in one large sample of 4500 respondents of 18 years and older. The margin of error for this total sample is +/- 1.5, and the confidence level is 95 %.

Figure 1, below, illustrates the overall distribution of the sample population by governorate. Of the 16 governorates in the oPt, the most populous ones in the West Bank are Hebron, followed by Nablus, Ramallah, and Jerusalem. The least populous governorates in the West Bank are Toubas, Salfit, and Jericho. The most heavily populated governorate in the Gaza Strip is Gaza City, and the least populous governorate is Rafah.

Figure 1: Place of residence: by governorate.
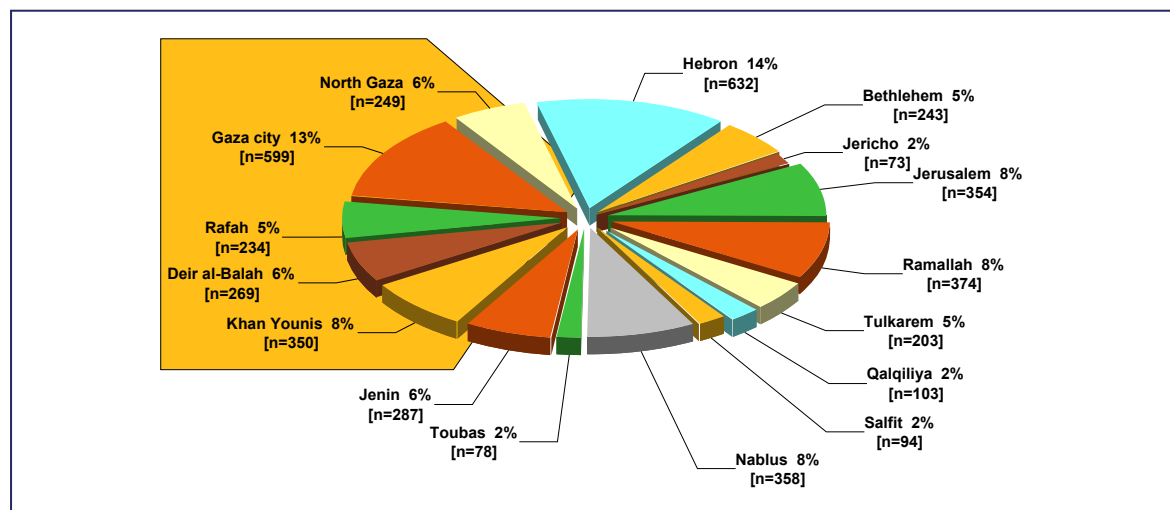
In the total sample, 42% of respondents are men and 58% women; 44% are refugees; 58% live in cities, 11% in refugee camps, and 31% in villages. The Gaza Strip contains 59% of all refugees and 72% of all refugee camp residents in the oPt.

In terms of the sample's political profile, 2/3rd are politically alienated and do not trust any of the major Palestinian political factions. Refugee camp residents are more likely than city dwellers and villagers to be politically engaged. Hamas is trusted by 7% in the oPt, and Fatah by 23%. None of the other factions attract more than 1% support among the Palestinian population.

Figure 2: Factional trust.
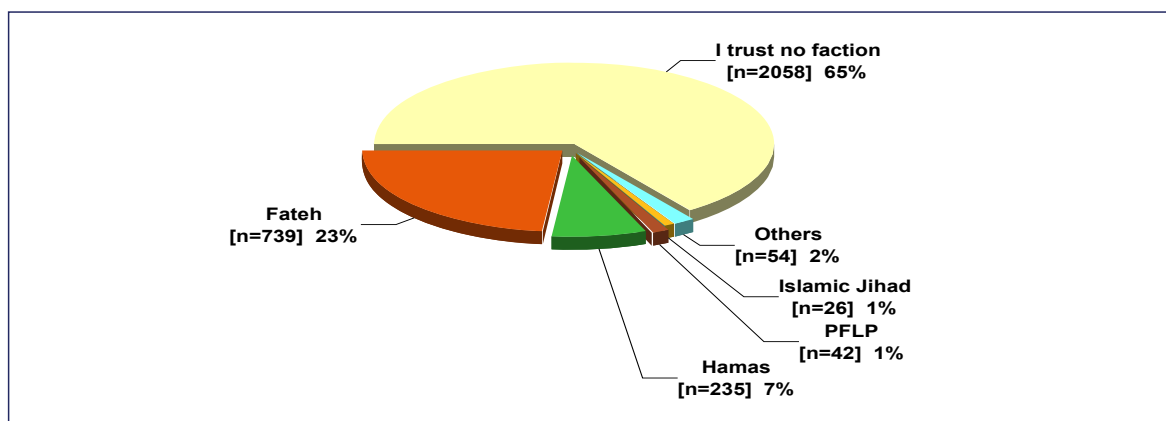
Indicators of Human Security

General feeling of insecurity

Overall in the oPt, 54% of Palestinians feel insecure. This sense of insecurity is considerably more pronounced in the Gaza Strip (65%) than in the West Bank (45%). As shown in the figure below, the high level of general insecurity and its importance in the public's mind is further underscored by 35% of Palestinians seeing security as the most important community need, only to be followed in a distance by the need for employment (23%), and any of the other listed potential community needs.

Figure 3: The most important community need.
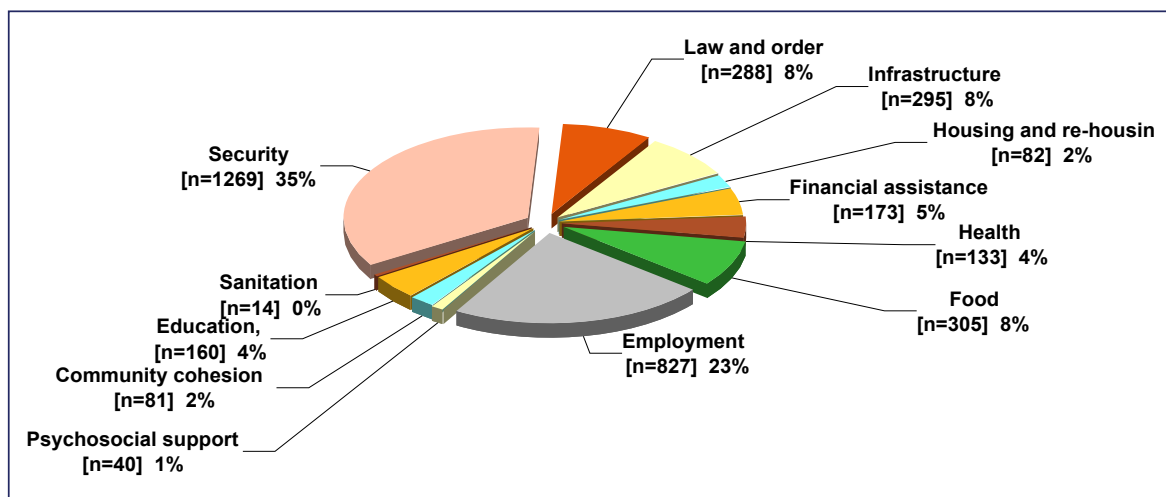
UNDP's Human Security Definition

Human security as defined by UNDP consists of seven different types of security, including personal security, community security, political security, economic security, health security, food security, and environmental security. For Palestinians in the oPt, political insecurity is by far the most threatening (39%), followed by economic security (28%), personal insecurity (10%), health-related insecurity (8%), and community insecurity (7%). Insecurities related to food (4%) and the environment (4%) are the least threatening to the Palestinian public.

Figure 4: The most threatening of the seven types of human security threats.
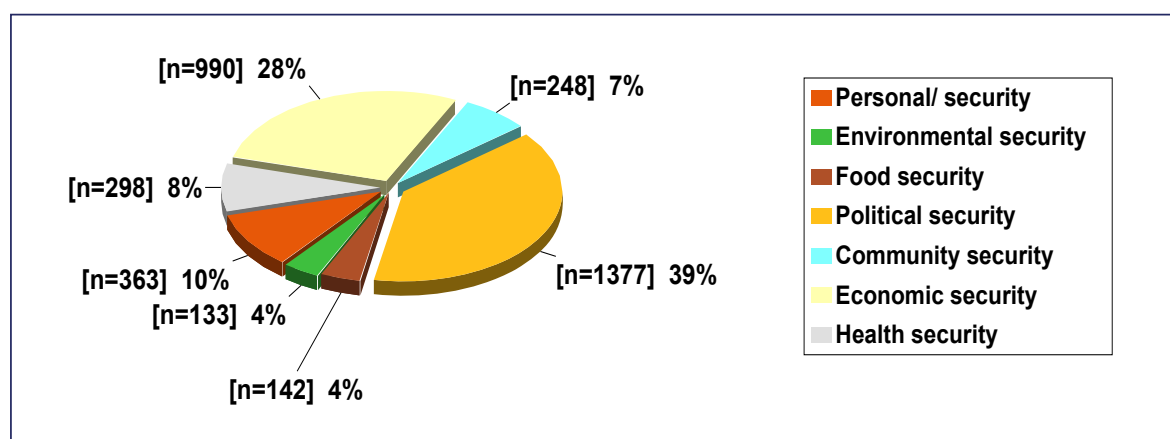
External and Internal migration

Nearly every one out of three Palestinians (27%) would emigrate if given the chance. This is more the case in the Gaza Strip (34%) than in the West Bank (24%). The wish to emigrate if the means to do so were available is twice as high among 18-to-24 year olds (40%), which incidentally also are least often fully employed, than among 45-to-54 year olds (20%).

Figure 5: Wish to emigrate if the means to leave the oPt are available.
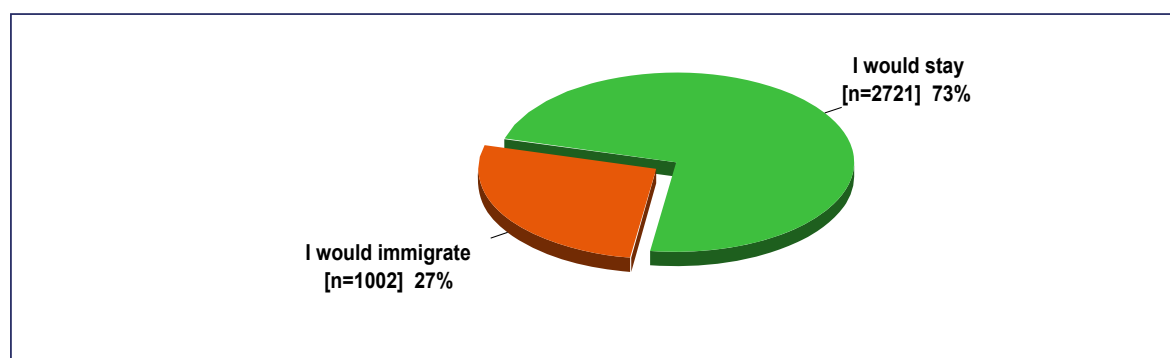
Nearly half of those who would emigrate if they had the means, would do so in search of a better life (45%); 27% would migrate to find employment, and 18% would do so to live in a safer environment. Those three top-rated reasons for wanting to migrate vary significantly in importance depending on whether Palestinians reside in the West Bank or in the Gaza Strip. As detailed in the table below, Westbankers were over twice as likely than Gazans to want to emigrate in search for employment, while the latter were more than twice as likely than Westbankers to want to emigrate in search of a safer environment.

Table 1: The three main reasons for wanting to emigrate: according to region of residence

	Region	
	West Bank	Gaza Strip
Search for employment	37%	18%
Search for a better life	41%	47%
Search for a safer environment	11%	24%

Actual emigration is considerably lower than the wish to do so. In one out of every eight Palestinian households, a family member has actually emigrated since 2001. The percentage of migration abroad is highest in Ramallah (24%). Households that include members who have emigrated generally tend to be better-off.

8% of households include family members who have actually moved to a different area within the oPt since 2001. Internal migration is higher in the West Bank (10%) than in the Gaza Strip (6%), and highest in the north West Bank where it reaches 13%. The single most important destination for internal migrants in the West Bank is Ramallah, with nearly half of them moving to this governorate (45%), followed by Nablus (7%), and Jerusalem (6%). Within the Gaza Strip, the most common destination for those who moved to a different area was Gaza City (15%), followed by Rafah and Khan Younis, at 3% each.

Figure 6: The destination of those who have migrated internally since 2001.
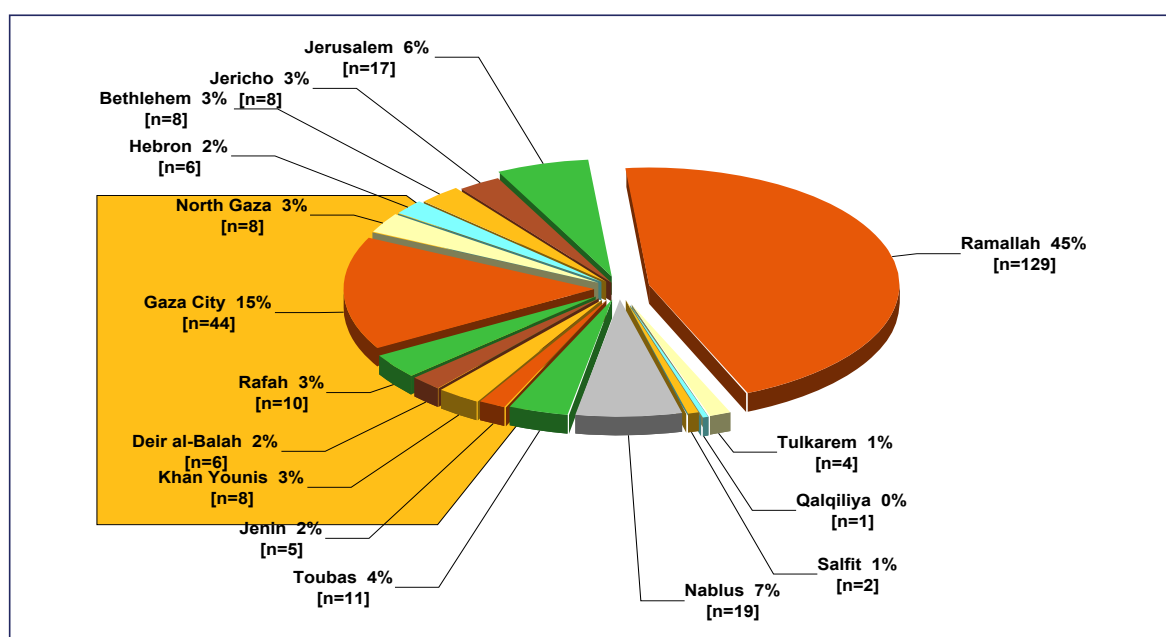

Personal Security

1/10th of the interviewees classified personal security as that element of their human security that is of most concern to them.

Nearly half of all Palestinians (48%) often fear for their personal safety or their family's. Westbankers are as likely as Gazans to fear for their personal or their family's safety. Personal security was significantly conditioned by fear of internal Palestinian violence. As detailed in the table below, a markedly higher proportion of Fatah supporters than Hamas supporters in the Gaza Strip fear for their safety. The opposite is to some extent the case in the West Bank.

Table 2: Frequency of fear for personal safety or that of the family: according to factional trust in the West Bank and the Gaza Strip.

	Region							
	West Bank				Gaza Strip			
	Factional trust				Factional trust			
	Fateh	Hamas	Others	None	Fateh	Hamas	Others	None
Often	41%	37%	57%	48%	56%	27%	44%	52%
Sometimes	33%	42%	18%	30%	29%	30%	51%	27%
Rarely	14%	12%	16%	12%	12%	22%	5%	12%
Never	11%	9%	9%	10%	2%	20%	0%	9%

In terms of more specific threats to personal security, 36% of survey respondents felt either extremely threatened of threatened by robbery, 28% by use of arms, 27% by violent crime, 20% by domestic abuse, and 11% by sexual assault. Robbery was perceived to be a greater overall threat in the West Bank than in the Gaza Strip. Use of arms and violent crime were slightly more prevalent threats in the Gaza Strip than in the West Bank. Domestic abuse prevailed most in extremely poor households.

Figure 7: Extent of threat in daily life by domestic abuse, sexual assault, robbery, violent crime, and use of arms.
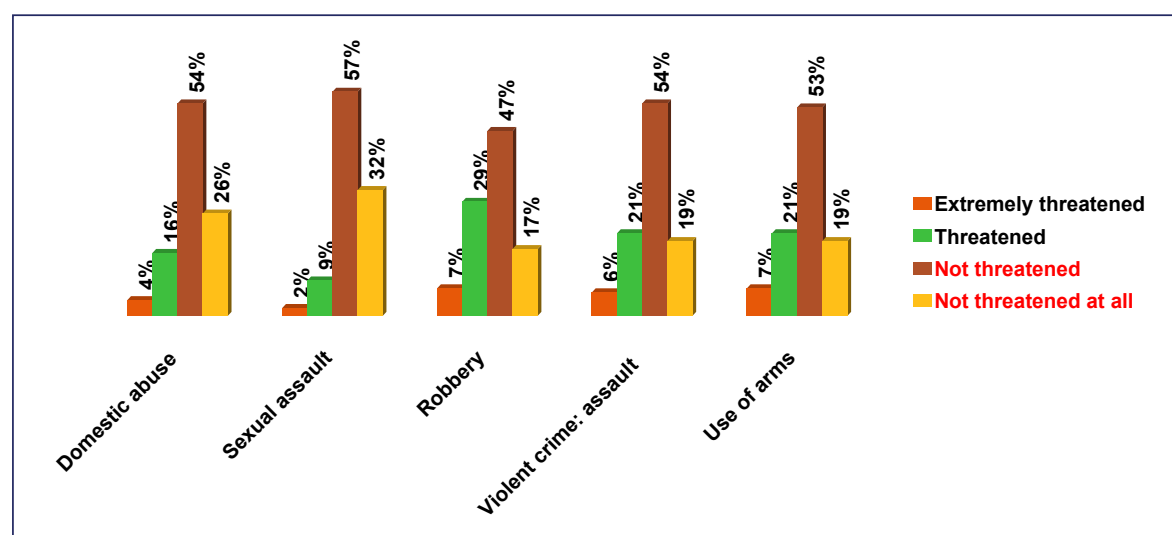
One out of every six Palestinians does not feel safe at home, and more than one in four Palestinians does not feel safe to walk alone in the street during the day. As detailed in the table below, a much higher proportion of Gazans than Westbankers feel unsafe at home and feel unsafe walking in the street during the day. The majority of Palestinians (61%) do not feel safe walking alone in the street at night. Again, this unsafe feeling is much more pronounced in the Gaza Strip (68%) than in the West Bank (54%). More than half of Palestinians (55%) also do not feel safe when travelling to another city within the West Bank or the Gaza Strip.

Table 3: Lack of feeling safe (1) at home, (2) walking alone in the street during the day, (3) walking alone in the street at night, and (4) travelling to another city within the West Bank or Gaza Strip: Overall in the oPt, and according to region of residence.

Lack of feeling safe:			
	oPt	West Bank	Gaza Strip
At home	17%	9%	29%
Walking alone in the street during the day	27%	21%	36%
Walking alone in the street at night	61%	54%	68%
Travelling to another city within the West Bank or Gaza Strip	55%	55%	54%

Community Security

Crime in the Community

Crime strongly affects community security. Of the various types of crime, theft is the most frequent crime affecting community security in the oPt, followed by beatings, gun fighting, murder, and drug abuse. Theft is more prevalent in the West Bank than in the Gaza Strip. Beatings, gun fighting, and murder are crimes that significantly more negatively impact community security in the Gaza Strip than in the West Bank.

Figure 8: The two most frequent types of crime that occur in your community.
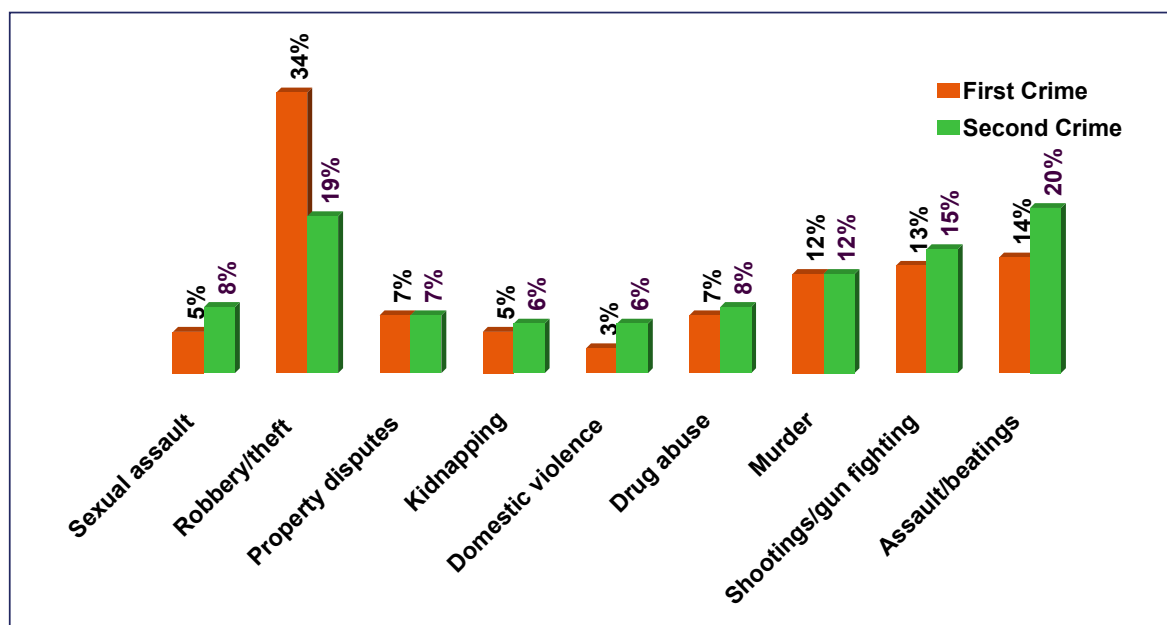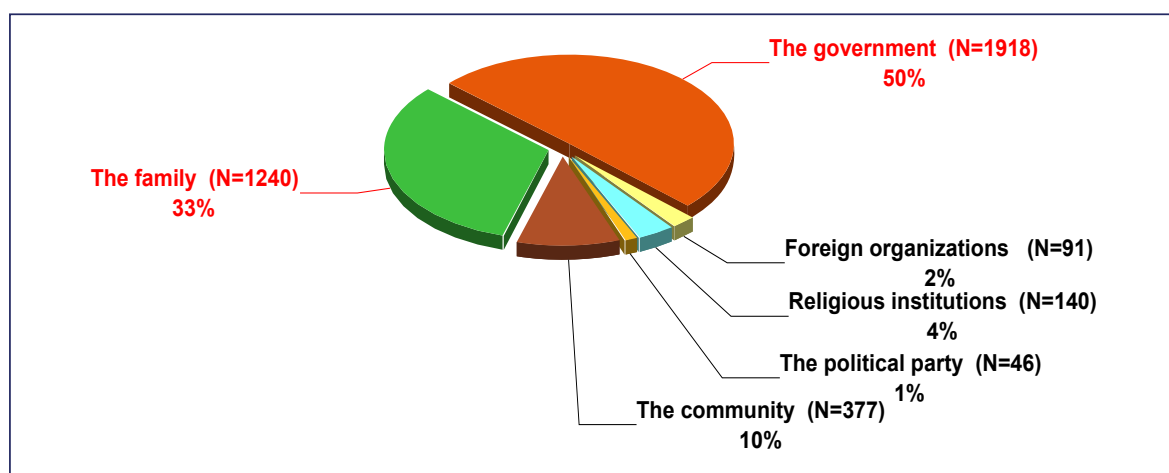

Providers of Human Security

Only half of Palestinians believe that the government is the Palestinian institution best able to provide human security, while 33% believe that their family is best placed to do so, and another 10% thinks the community is most able to provide human security.

Belief in the ability of the government to provide human security, however, increases with age. For

example, 41% of 18-24 year olds compared to 62% of those aged 55 and older see the government as best able to provide human security. Instead, younger Palestinians are more likely to vest their trust in the family as a provider of human security.
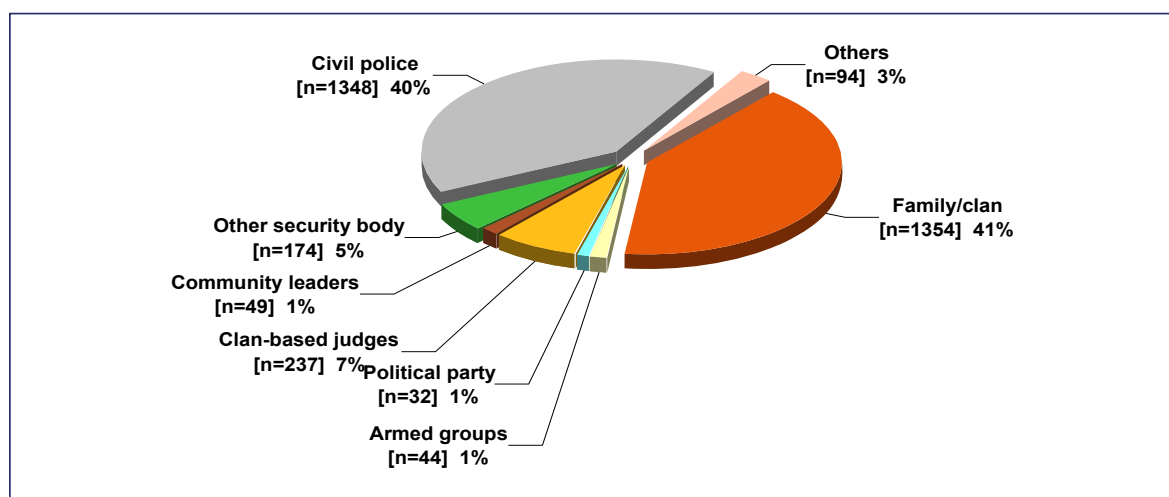
Responses were also highly politicized. Whereas 59% of Fatah supporters in the West Bank singled out the government as best able to safeguard human security, this was the case for 32% of Hamas partisans in the West Bank. To the opposite, 74% of Hamas supporters compared to 43% of Fatah supporters in the Gaza Strip see the government as the best provider of human security.

Figure 9: The body best able to provide human security.

The government (N=1918) 50%

The family (N=1240) 33%

Foreign organizations (N=91) 2%

Religious institutions (N=140) 4%

The political party (N=46) 1%

The community (N=377) 10%

High reliance on the family and the clan in Palestinian society is further evidenced through the high percentage of Palestinians who would seek protection of their family (41%) if they were a victim of a violent crime rather than from the police (40%). Again younger Palestinians are significantly less likely than older ones to seek protection from the police if they were to be a victim of a violent crime. In addition, the reliance on the police is also highly politicized with Fatah supporters in the Gaza Strip relying more on family and Hamas supporters more on the police, and Fatah supporters in the West Bank more seeking protection from the police and Hamas supporters there more likely seeking refuge with their family or clan.

Figure 10: If you were to be a victim of a violent crime, who would you contact to seek protection?

Civil police [n=1348] 40%

Others [n=94] 3%

Family/clan [n=1354] 41%

Other security body [n=174] 5%

Community leaders [n=49] 1%

Clan-based judges [n=237] 7%

Political party [n=32] 1%

Armed groups [n=44] 1%

Even when Palestinians are in serious trouble within their local community, a higher proportion believes that their relatives (44%) rather than the relevant authorities (36%) would be most helpful. As illustrated in the figure below, trust that relatives will be most helpful rather than the relevant authorities increases even further when it concerns trouble or a conflict outside the local community.

Figure 11: If your family was in serious trouble from a conflict in the local community, who would help you most?, and, If your family was in serious trouble from outside your area of residence, who would help you most?
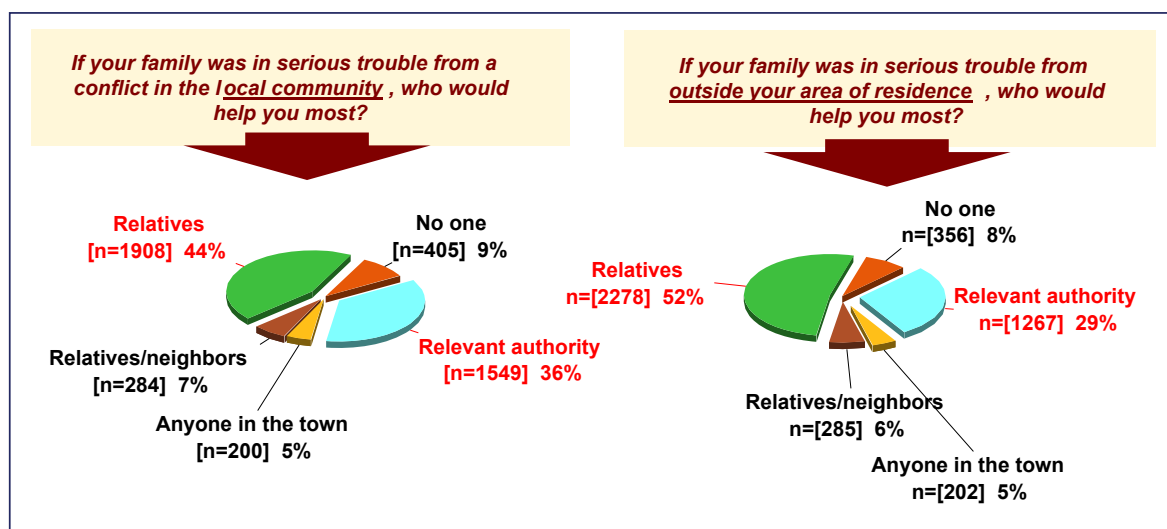
The high reliance and trust in relatives when in trouble - at least locally – can be understood in part by the low level of trust Palestinians have in their local leaders. As illustrated below, 67% in varying degrees do not believe that local leaders can be trusted to put people's interest over their own. This feeling of disconnection from the local leadership is shared to an equal extent by Westbankers and Gazans.

Figure 12: Agree or disagree: Local leaders in my community can usually be trusted to put people's interest over their own.
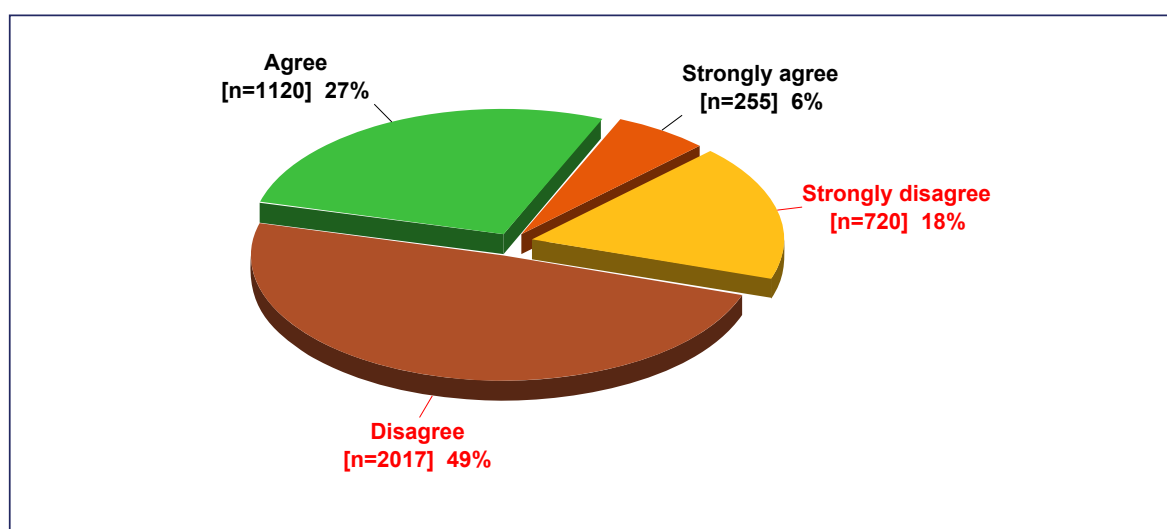
Social Fabric and Social Cohesion

Palestinians' distrust of the government, police and relevant authorities, and the local leadership is embedded in a general mistrust that is affecting Palestinian society with consequent negative impacts on human security, and community security in particular. For example, 78% of Palestinians in the oPt do not think that people can be trusted. Also, 52% are afraid in various degrees to publicly express their ideas about non-political issues.

Apart from the impact of the Israeli occupation, and rather looking inwards, not many Palestinians consider government practices (19%) or the existing law (14%) as the foremost threat to human rights. Rather, 50% of Palestinians pointed to various social and cultural issues, including culture and traditions (33%), societal restrictions (11%) and family restrictions (6%) as being the biggest threat to human rights in the oPt. Reference to these three social and cultural issues as the main threats to human rights is much more prevalent among Westbankers (58%) than among Gazans (36%). Among the latter (27%), the perception that government practices are the main obstacle to human rights prevails twice as much than among Westbankers (13%).

Figure 13: What is the biggest threat/obstacle to human rights, from a Palestinian (not occupation) perspective?
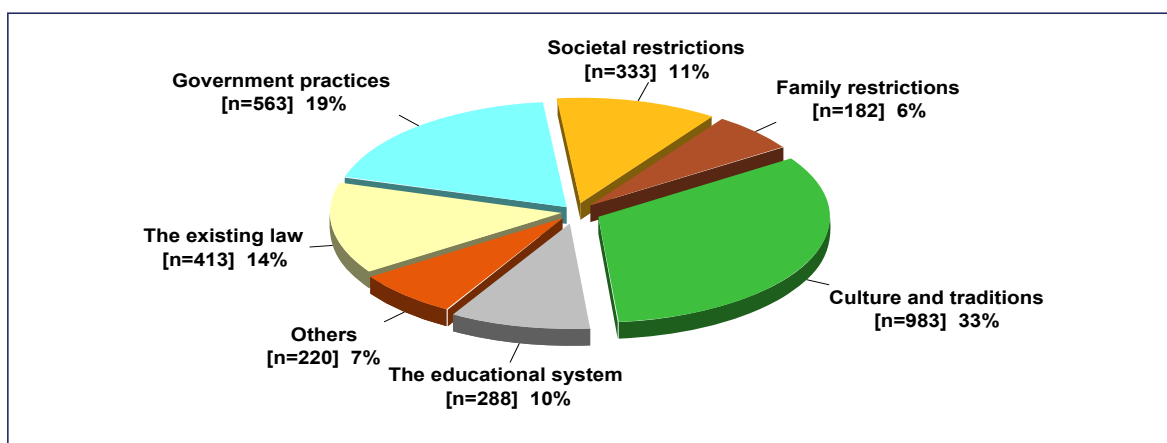

Despite half of the population considering social and cultural issues as the main obstacle to human rights from a Palestinian perspective, a large majority of the population in various degrees supports the principle of equality between men and women. As detailed below, well over 70-80% believes that women should be equal to men before the court, before the law, at home, and at work. Concretely, these attitudes towards women's rights indicate that there should be strong public support for a revision of the legal code in order to boost women's equality.

Figure 14: The extent to which men and women should be equal...
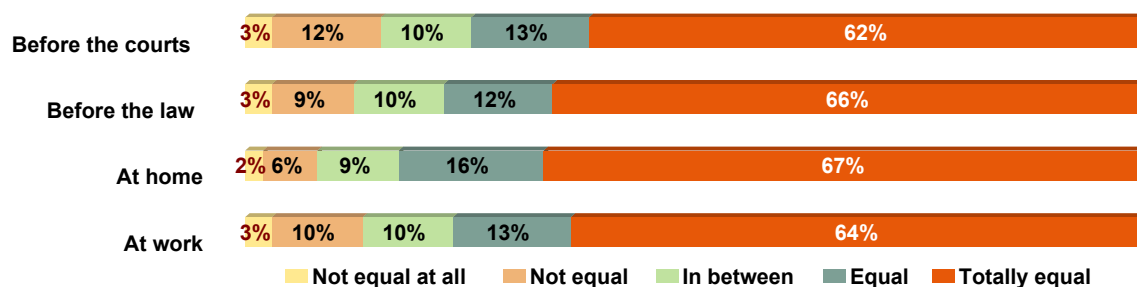
Despite the physical separation between the West Bank and the Gaza Strip, and since June 2007 also the political rift, the large majority of West Bank and Gaza Strip residents continue to think positively of each other (78%). A near full majority (98%) of Palestinians view the contiguity between the West Bank and the Gaza Strip as an essential prerequisite for the viability of a Palestinian State.

Figure 15: The way West Bank and Gaza Strip residents think of one another, and, the importance of contiguity between the West Bank and the Gaza Strip for the viability of a Palestinian State in the future.
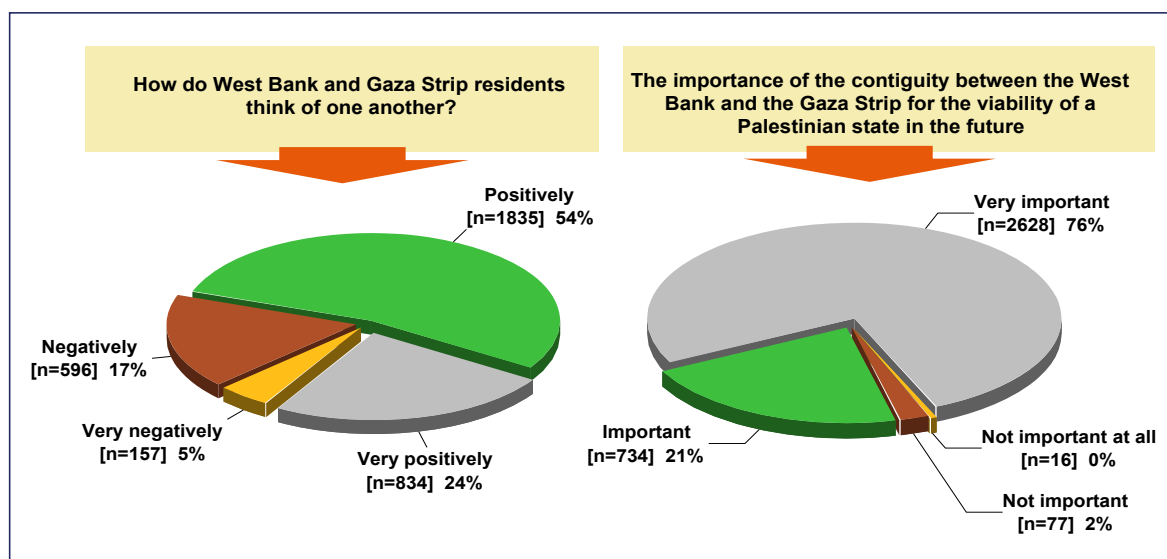

Political Security

Of the seven types of security that are incorporates in UNDP's human security definition, political security is the most threatening to Palestinians (39%). Additionally, 64% of the Palestinian population feels generally insecure. Of those feeling insecure, 52% refer to the Israeli-Palestinian conflict as the main cause of their insecurity, while 20% believe that the inter-Palestinian tensions form the main reason for their insecurity. Israeli control over borders is the main reason behind 7% of the feelings of insecurity. The strong impact of the Israeli-Palestinian conflict is further exemplified by the 61% of Palestinians who say that they feel personally threatened in their daily life by the potential Israeli-occupation related conflict.

Figure 16: The main reason for feeling insecure.
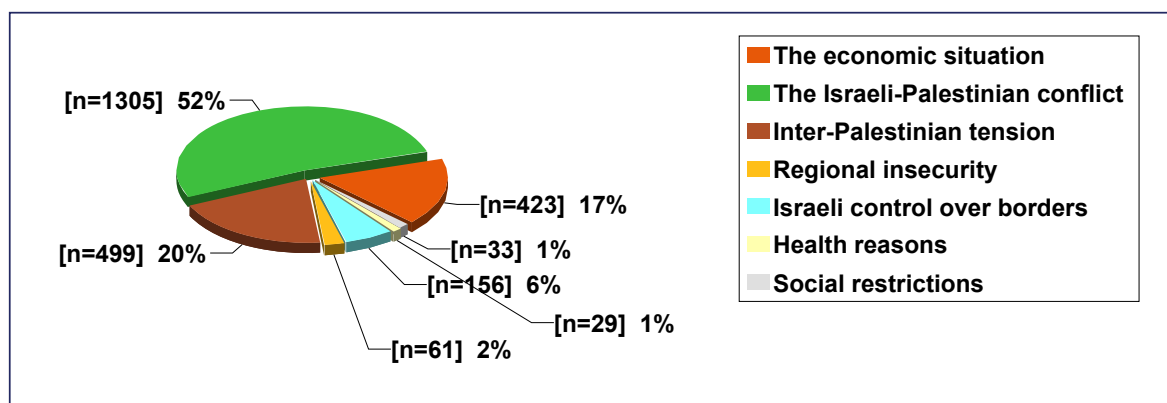
Conflict and general fear of conflict very much affects Palestinians' sense of political security. Over 3/4th of the Palestinian public considers another conflict in the oPt within a year likely. Opinions over what factor is most likely to cause this conflict are split mainly between two main factors: (1) the internal Palestinian political split (41%), and (2) the Israeli occupation (39%).

Figure 17: The likelihood of Palestine having another violent conflict in the next year, and, the factors that are likely to cause conflict in the future.
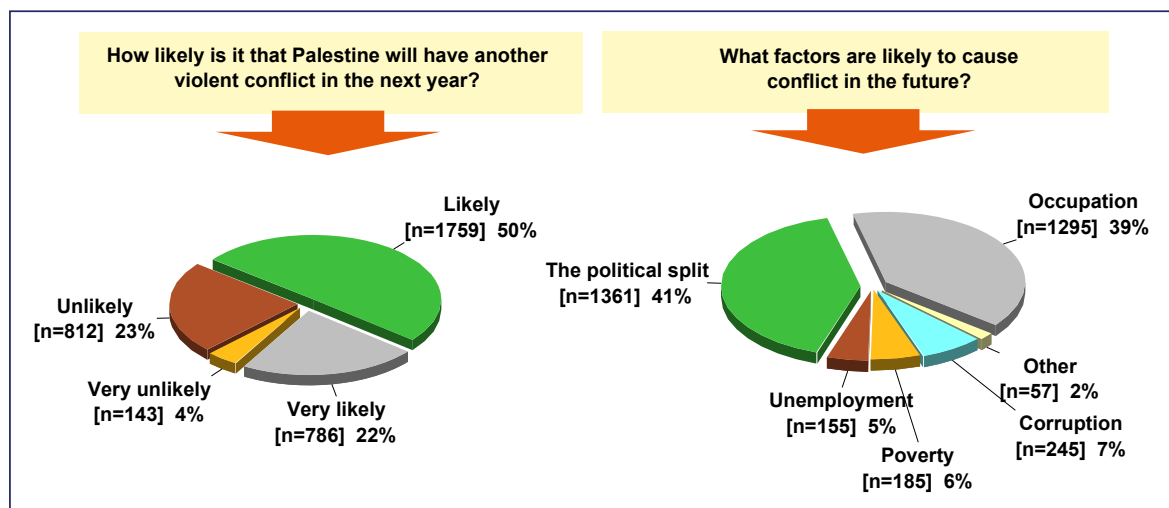
Even when examining opinions about the potential reasons for the internal Palestinian division, the Israeli factor creeps in with 29% of the Palestinian public blaming the Israeli occupation for the internal split. Only 6% of Palestinians believe that the rivalry between Fatah and Hamas owes to ideological differences. The largest proportions of the Palestinian public, however, describe the current internal division as driven by either a power struggle (32%) or personal interest (17%).

Along factional lines, Fatah supporters (39%) and – to a lesser extent – the politically alienated majority (34%) are more likely than Hamas supporters (17%) to characterize the internal split as a power struggle. The latter, more so than any other Palestinian are most likely to describe the internal Palestinian division as an outgrowth of the occupation (42%) and ideological differences (13%).

Figure 18: The main reason behind the current internal division among the Palestinians.
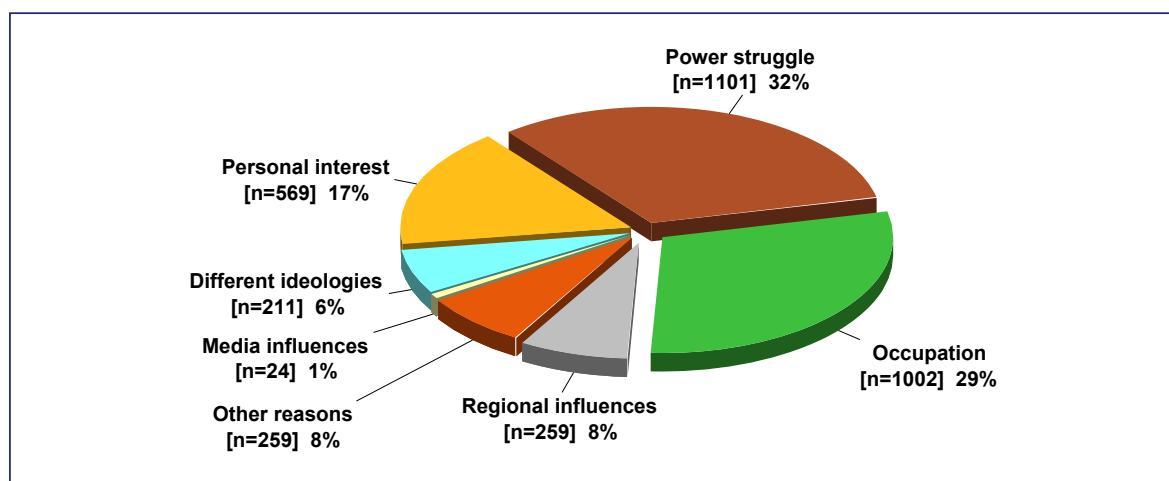
With a large majority of Palestinians currently not trusting any of the existing political or religious factions, it is important to ascertain what might bring back the trust. Only 4% see a need to create new parties or factions. Instead, the most commonly suggested remedy for the present political malaise is that the existing parties should become more democratic and transparent (36%), followed by the suggestion that the public should become more involved in politics (20%).

Figure 19: The majority of the Palestinians do not trust any political or religious faction, what will bring the trust back?

Legend:
- There is a need for new parties/factions
- The current parties and factions need to become more democratic and transparent
- The public need to be more involved in politics
- Stricter laws governing parties should be introduced
- Improving the educational system
- Other actions
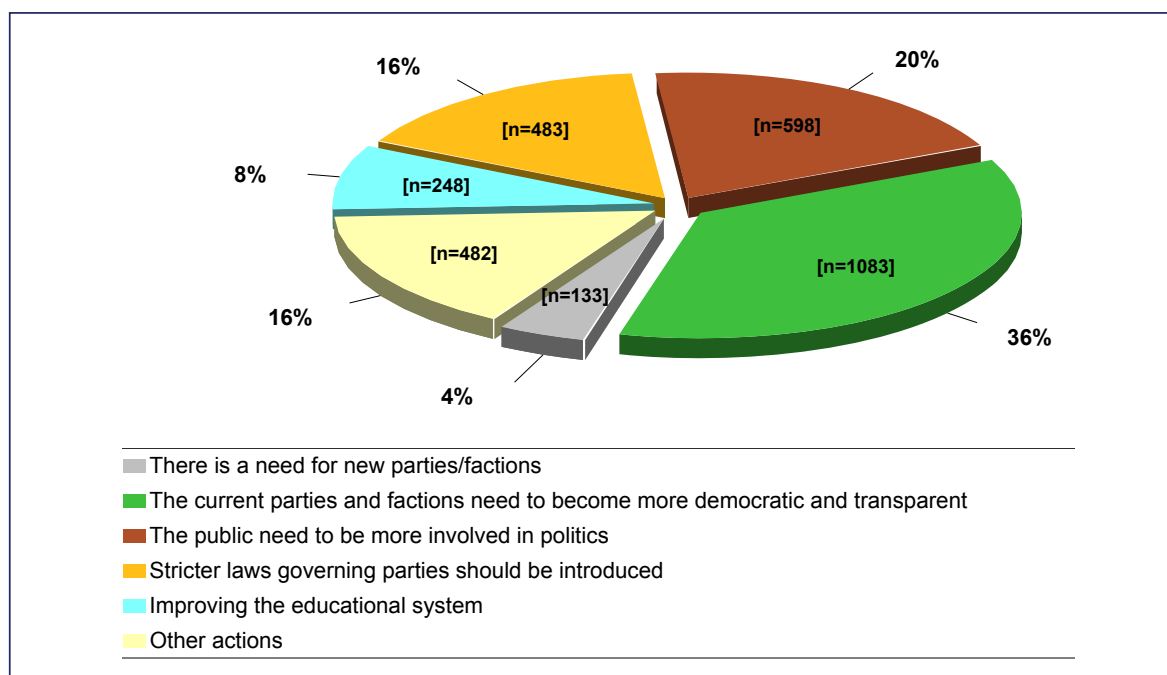
Impact of Internal Conflict

Conflict and internal tensions take their toll on the population's sense of security, which is manifested in different ways. For example, 56% of Palestinians feel either insecure or very insecure because of pressure to take sides in the internal Palestinian conflict. For 54%, insecurity in varying degrees is caused by violence in the community.

Figure 20: The extent to which violence in the community and pressure to take sides affect your sense of security.
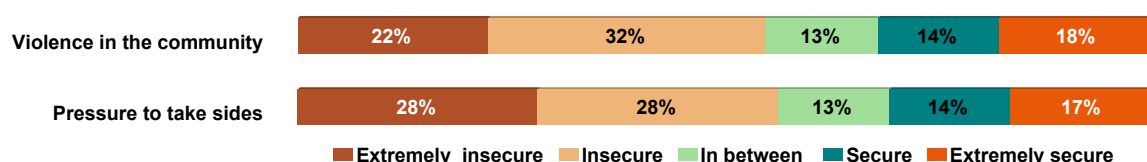
More than 2/3rd of Palestinians are in varying degrees afraid to express political ideas out of fear of being abused by those who disagree (68%). Also, 30% feel discriminated against. As for the type of discrimination, 59% of those who suffer from discrimination, describe it as being rooted in factional politics. Both reported discrimination in general, and factional discrimination, in particular, are more prevalent in the Gaza Strip than in the West Bank, respectively 39% versus 25%, and 75% versus 42%.

Figure 21: Do you feel discriminated against, and, what type of discrimination do you feel?
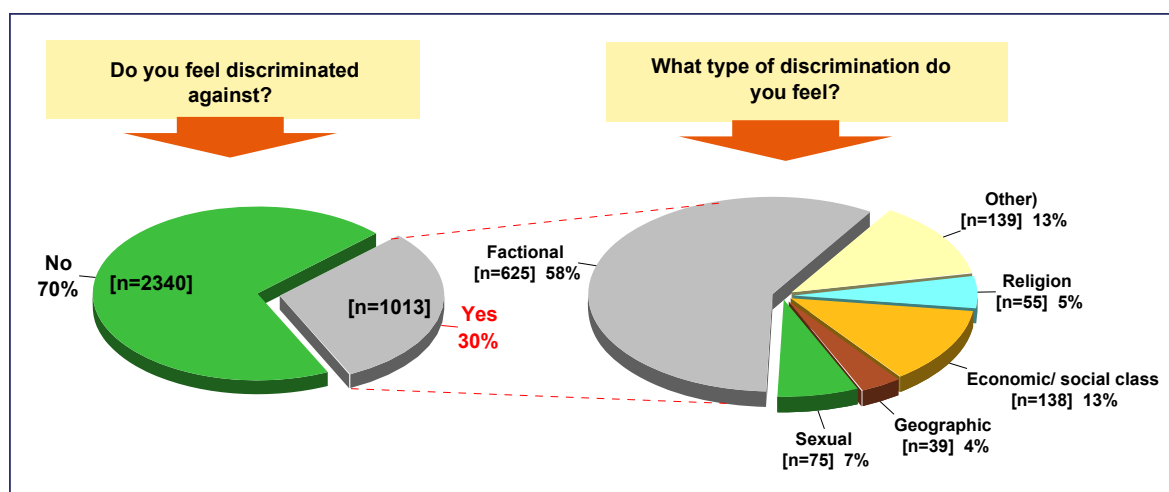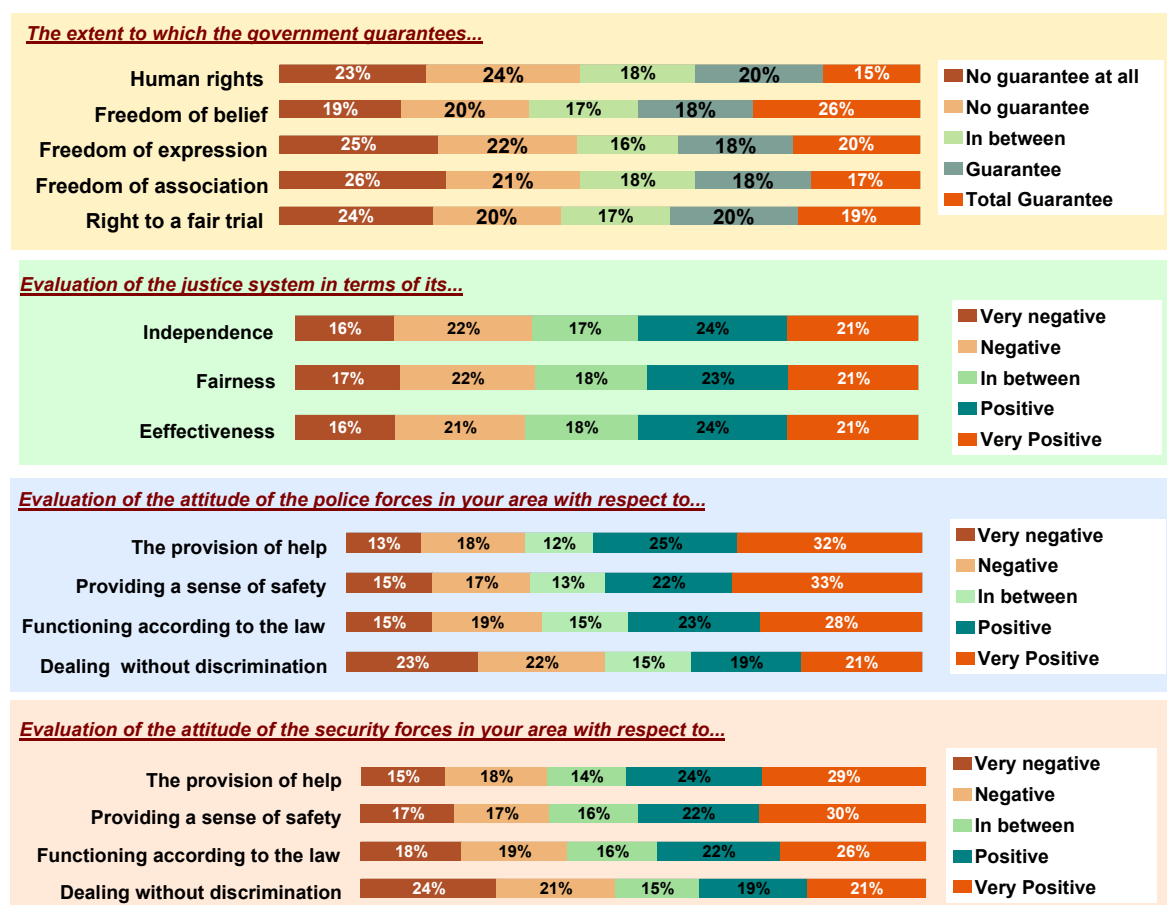

Governance and insecurity

Strong political insecurity and alienation undermine the belief that various pillars of governance are unable to guarantee citizen's rights and freedoms, and protect them from harm. Irrespective of the capacity of the institutions, this insecurity stimulates people to revert to more traditional safety nets such as the family and the clan for the provision of security, and undercuts their confidence in government.

As overviewed in the figure below, Palestinians' evaluations of the government, the justice system, the police forces, and the security forces are critical. The proportion of people who believe that the government guarantees freedom of belief is higher than those who think that the government cannot guarantee this freedom, but on all other rights, including human rights, freedom of association, freedom of expression, and right to a fair trial, a higher proportion of people believe that the government fails to guarantee those freedoms and rights.

The justice system in terms of its independence, fairness, and effectiveness is evaluated positively by 44-45% of the public, negatively by 37-39% of them, while 17-18% evaluate this system as average in terms of these three essential aspects.

Slight majorities of the Palestinian public evaluate the police forces and the security forces positively in terms of their provision of help, and their provision of a sense of safety. Both the police forces and the security forces scored more negatively in terms of their adherence to the law, and conducting their work without discrimination.

*Figure 22: Evaluations of the government, the justice system, the police forces, and the security forces.*

The extent to which the government guarantees...

	No guarantee at all	No guarantee	In between	Guarantee	Total Guarantee
Human rights	23%	24%	18%	20%	15%
Freedom of belief	19%	20%	17%	18%	26%
Freedom of expression	25%	22%	16%	18%	20%
Freedom of association	26%	21%	18%	18%	17%
Right to a fair trial	24%	20%	17%	20%	19%

Evaluation of the justice system in terms of its...

	Very negative	Negative	In between	Positive	Very Positive
Independence	16%	22%	17%	24%	21%
Fairness	17%	22%	18%	23%	21%
Eeffectiveness	16%	21%	18%	24%	21%

Evaluation of the attitude of the police forces in your area with respect to...

	Very negative	Negative	In between	Positive	Very Positive
The provision of help	13%	18%	12%	25%	32%
Providing a sense of safety	15%	17%	13%	22%	33%
Functioning according to the law	15%	19%	15%	23%	28%
Dealing without discrimination	23%	22%	15%	19%	21%

Evaluation of the attitude of the security forces in your area with respect to...

	Very negative	Negative	In between	Positive	Very Positive
The provision of help	15%	18%	14%	24%	29%
Providing a sense of safety	17%	17%	16%	22%	30%
Functioning according to the law	18%	19%	16%	22%	26%
Dealing without discrimination	24%	21%	15%	19%	21%

Economic Security

Of the seven types of security that characterize human security, 28% of Palestinians feel threatened by economic insecurity.

EMPLOYMENT

Overall unemployment in the oPt stands at 23%, and part-time employment at 12%. 2/3rd of the labour force is employed full-time. Full-time employment is the lowest among 18-to-24-year olds (53%) and Palestinians over the age of 55 (51%). In other age categories, full-time employment reaches 69-72%.

Figure 23: The labour force.
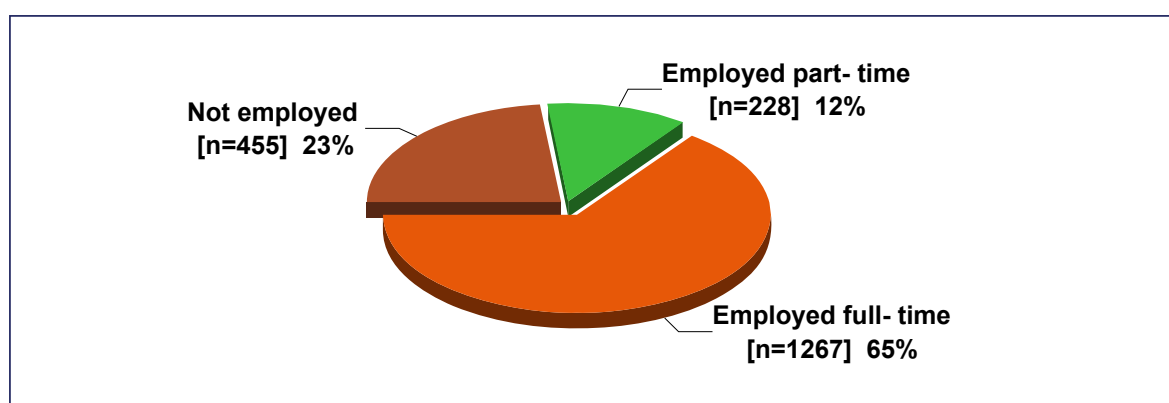
The overall unemployment rates for the oPt mask sharp regional differences. In the West Bank, 18% of the labour force is unemployed; in the Gaza Strip, unemployment reaches 32%. Full-time employment in the Gaza Strip (53%) is also markedly lower than in the West Bank (72%). There are no large differences within the Gaza Strip in terms of unemployment, but within the West Bank, unemployment rates are significantly lower in the middle West Bank (14%) than in the north (21%) and south West Bank (20%) sub-regions. In the West Bank on the district level, the highest rates of unemployment were recorded in the governorates of Qalqiliya (31%), Salfit (25%) and Tulkarem (24%).

Table 4: Labour force: according to region and sub-region.

	Region					West Bank	Gaza Strip
	North West Bank	Middle West Bank	South West Bank	North Gaza Strip	South Gaza Strip		
Fully employed	70%	78%	69%	51%	56%	72%	53%
Partially employed	10%	8%	12%	16%	13%	10%	15%
Unemployed	21%	14%	20%	32%	31%	18%	32%

The government is the single largest economic sector in the oPt, employing 34% of the labour force, followed by the self-employed (29%), and the private sector (23%). In the Gaza Strip, 42% of the labour force is employed by the government, with this figure reaching 52% in the south of the Strip. Public sector employment is particularly reliable in the West Bank. Among Westbankers employed by the PA, only 5% are unemployed or partially employed. In the Gaza Strip, employment with an international organization is the most secure form of work.

*Table 5: Employment category: according to region and sub-region.*

	Region					West Bank	Gaza Strip
	North West Bank	Middle West Bank	South West Bank	North Gaza Strip	South Gaza Strip		
Palestinian Authority	30%	27%	27%	34%	52%	27%	42%
International organization	3%	3%	5%	7%	4%	3%	5%
Local NGO	3%	3%	2%	3%	3%	2%	3%
Private sector	20%	30%	25%	26%	17%	24%	21%
Self-employed	37%	33%	35%	24%	18%	37%	22%
Small trade	8%	4%	7%	6%	7%	7%	7%

Self-employment and small-scale trading are most strongly correlated to high poverty levels: 55% of the self-employed fall below the poverty line, and 62% of the small-scale traders do. In comparison, for example, 39% of PA employees belong to households with a monthly average income below the poverty line.

POVERTY RATE

The overall poverty rate in the oPt is 54%. 46% of the Palestinian households have a monthly income above the poverty line; 54% fall below the poverty line, of which 22% are subsisting in conditions of extreme poverty.

Figure 24: Poverty in the oPt.
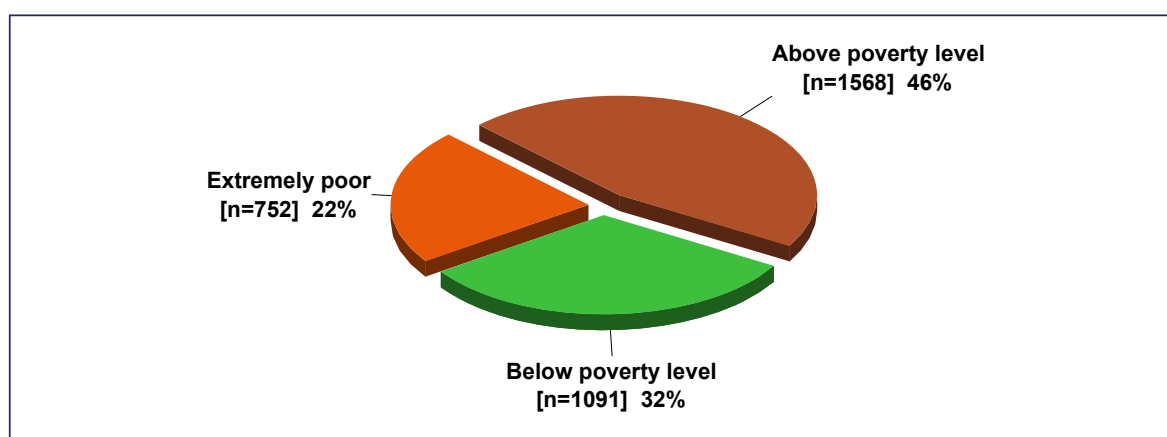
The poverty rate in the Gaza Strip is 56%, while in the West Bank it is 25% lower and stands at 31%. Extreme poverty in the Gaza Strip (26%) is nearly three times as high as in the West Bank (9%). Although there is no considerable variation in the incidence of poverty across the sub-regions of the Gaza Strip, significant differences were observed across the West Bank. There, poverty and extreme poverty rates are the lowest in the middle West Bank. On a district level in the West Bank, the highest poverty and extreme poverty rates were recorded in Salfit and Qalqiliya, and the lowest in Ramallah and Bethlehem.

*Table 6: Poverty: according to region and sub-region.*

	Region						
	North West Bank	Middle West Bank	South West Bank	North Gaza Strip	South Gaza Strip	West Bank	Gaza Strip
Extremely poor	9%	6%	12%	27%	24%	9%	26%
Below the poverty level	24%	20%	25%	30%	31%	23%	30%
Above the poverty level	67%	73%	64%	43%	45%	69%	44%

A significant 27% of extremely poor are fully employed, 16% are partially employed, while 58% are unemployed. In contrast, 80% of those in households that are above the poverty line are fully employed, 8% are partially employed, while 12% are unemployed.

FINANCIAL INSECURITY

In addition to structural unemployment and chronic poverty, the Palestinian economy has been subjected to crisis-within-crises, which has undermined the viability of the private sector, and led to a periodic inability of the government to pay the salaries of public sector employees. This has led to a considerable insecurity of pay among working Palestinians. As illustrated in the figure below, 42% of working Palestinians are in varying degrees insecure about receiving their income. Insecurity of pay is markedly higher among those in extremely poor households (62%) than among those in households above the poverty line (37%).

Figure 25: Confidence level about receiving the income from current work.
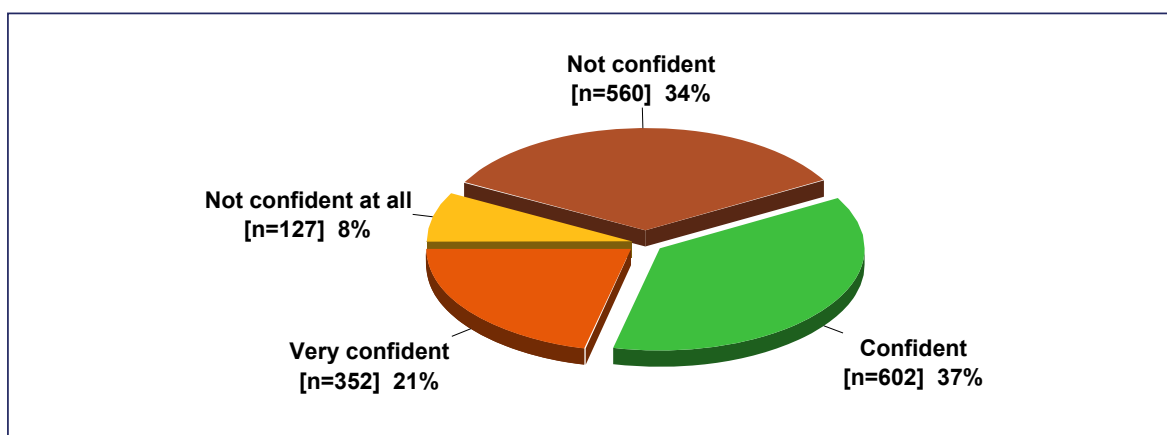
A significant number of Palestinian households feel that their present situation is not economically sustainable. In the oPt, 10% of households are in a serious situation and already do not have enough to live on. Another, 32% can barely manage. The situation in the Gaza Strip is worse than in the West Bank: in the former 14% do not have enough to live on compared to 6% in the latter. Also, in the Strip 35% can barely manage financially compared to 29% in the West Bank.

Figure 26: Ability of the household to keep up financially.
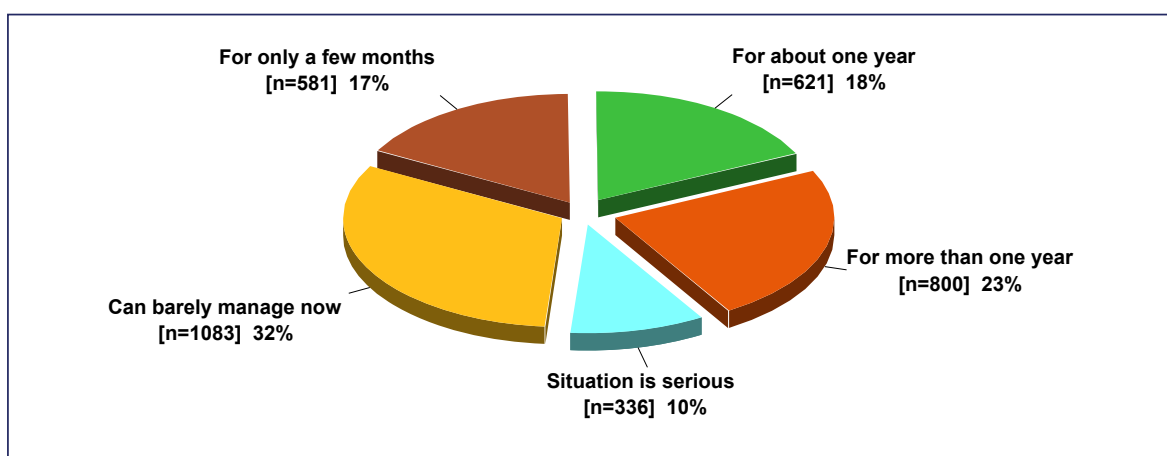
HUMANITARIAN ASSISTANCE

Despite the dire economic situation in the oPt, a relatively small proportion of Palestinian households around 17% rely to various degrees on humanitarian assistance. As illustrated in the figure below, 35% say directly that they do not rely on humanitarian assistance. An additional 48% say that they do not receive assistance. This last category, however, does not specify whether or not they would actually be in need of humanitarian assistance. Incidentally, reliance on assistance among households who do receive assistance is more than three times higher in households in the Gaza Strip (29%) than in the West Bank (9%).

Figure 27: Household reliance on humanitarian assistance.
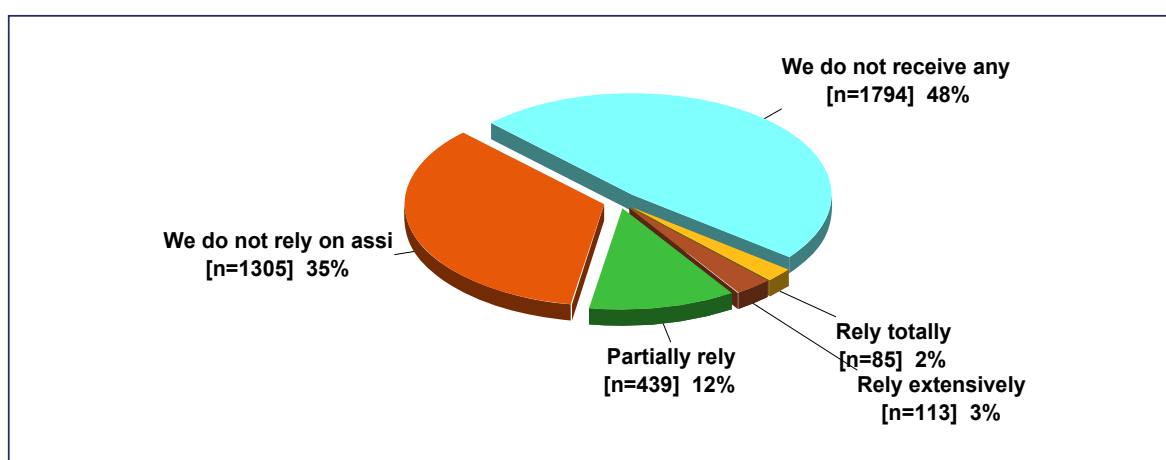

Health Security

Health Status

Just below 1/10th of Palestinian households have someone in the household hospitalized. In the Gaza Strip, this is the case for 13% of the households, and in the West Bank for 6%.

Extremely poor households in the oPt spend somewhat more on medical care than the relatively better-off ones.

Health Coverage

The PA is the main provider of health insurance in the oPt, with 70% coverage. UNRWA covers 8%, 6% of households have a private health insurance, 2% are covered by the Israeli health insurance, and 2% have their health insurance covered by charities.

As PA employees are automatically covered by PA health insurance, those employed by the PA are most likely to be covered by such kind of policy. In the West Bank, 90% of government employees are covered by PA health insurance; in the Gaza Strip, this number stands at 87%.

Figure 28: Providers of health coverage.
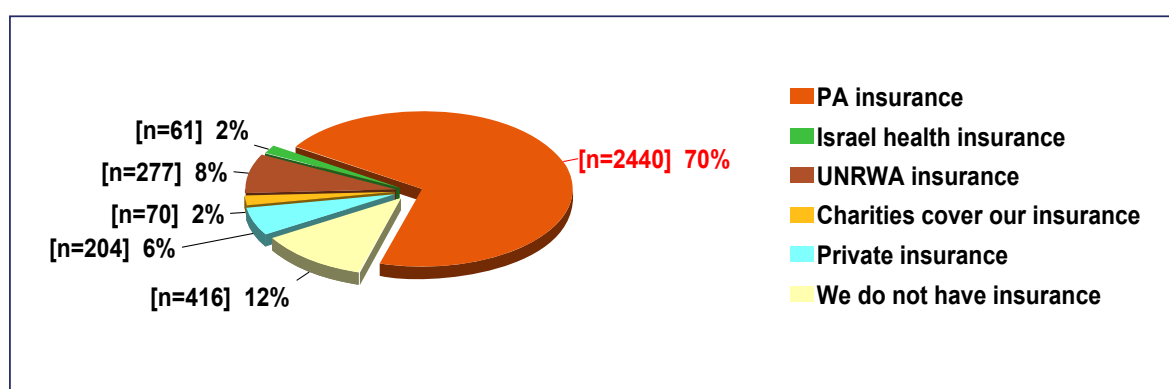
In 23% of the households in the oPt, no family member is covered by a health insurance scheme. In 64% of the households, all family members are covered by health insurance. Households in the Gaza Strip (74%) were significantly more likely than those in the West Bank (57%) to have all their family members covered by health insurance. As detailed in the table below, within the Gaza Strip, families in the north were less likely than those in the south to be covered by a health insurance scheme. Within the West Bank, residents in the southern West Bank are least likely to be covered or fully covered by health insurance.

There is a strong correlation between the likelihood of all household members in a household being covered by health insurance and the type of employment. In the West Bank, for example, 3% of government employees are uninsured, compared to 29% of the self-employed and small traders. In the Gaza Strip, government employees and those working for international organizations are most likely to have all household members covered by a health insurance scheme.

Table 7: Are the household members covered by a health insurance scheme? according to region and sub-region.

|	Region and Sub Region						
	North West Bank	Middle West Bank	South West Bank	North Gaza Strip	South Gaza Strip	West Bank	Gaza Strip
All	60%	60%	51%	70%	79%	57%	74%
Most	6%	9%	6%	7%	5%	7%	7%
Some	7%	7%	8%	6%	5%	8%	6%
None	28%	24%	34%	17%	11%	28%	14%

Health Providers and Obstacles

Government health centres and hospitals are the single most important health care providers in the oPt, with 48% of Palestinian households usually seeking care at such facilities. Nearly 1/5th of households go to private centres for medical care, 17% UNRWA, 14% to doctors' private clinics, and 1% to NGO centres.

Government centres care for roughly an equal proportion of Palestinians in the West Bank and the Gaza Strip. In the Strip, however, respondents were over three times as likely as West Bankers to rely on UNRWA centres, and half as likely to seek medical care in private facilities.

Figure 29: Providers of medical care.
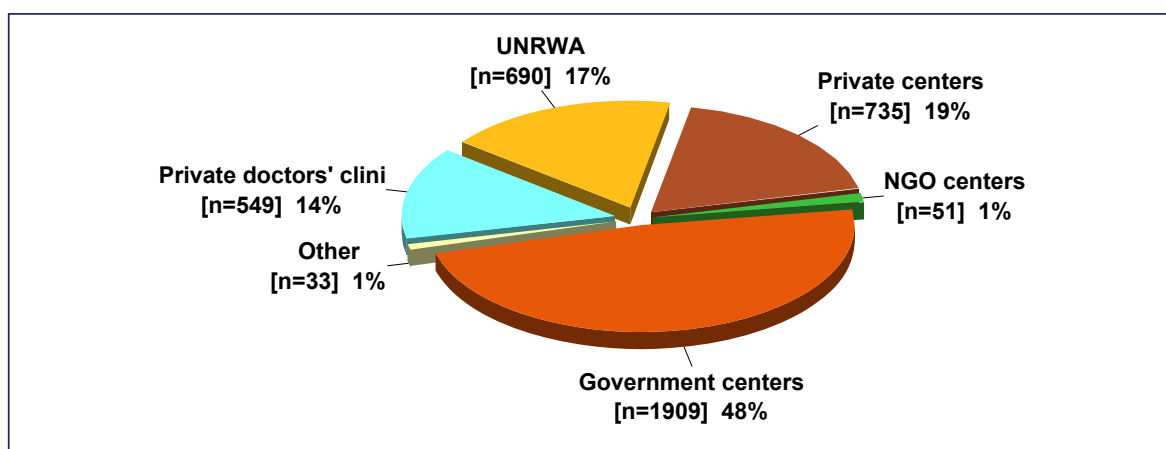
More than one in three Palestinian households (35%) normally does not receive the appropriate treatment. This is mostly the case in refugee camps (40%), among refugees (38%), and among the extremely poor (41%) in the oPt. Reported failure to receive appropriate treatment is also higher in the Gaza Strip (39%) than in the West Bank (32%). There are no differences in the incidences within the Gaza Strip sub-regions for not receiving the appropriate care, but within the West Bank, not receiving the appropriate treatment is most common in the south West Bank (36%) and least common in the middle West Bank (29%).

Figure 30: Do you and your household normally receive the appropriate treatment?
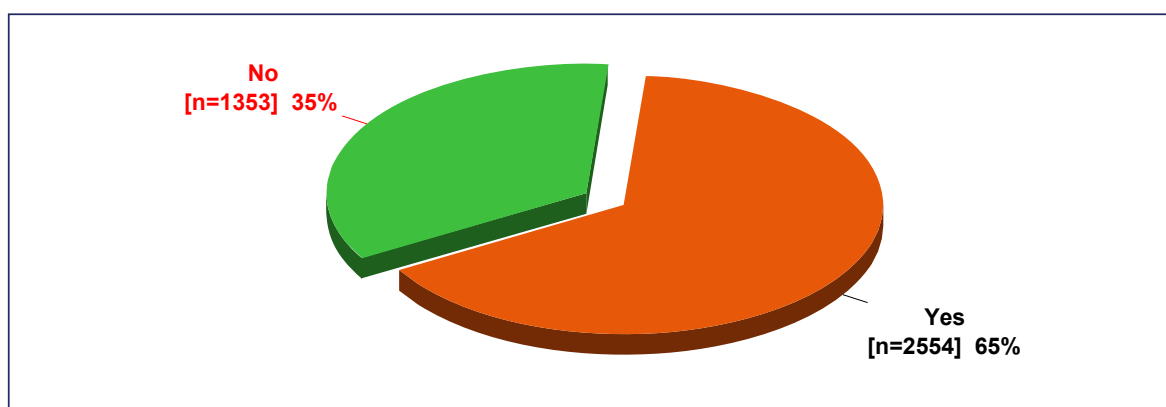
Among those households that did not receive appropriate medical care, 31% didn't because the required treatment is not available in their area, another 21% because the required health service does not exist in their area, and respectively 15% because of poor health services and the high cost of treatment.

High cost of treatment was more than twice as likely to be an issue in the West Bank (21%) than in the Gaza Strip (9%). However, nearly twice the proportion of households in the Gaza Strip (42%) than in the West Bank (22%) did not receive appropriate treatment because the required treatment does not exist in their area. Incidentally, the lowest percentages of households reporting that the required treatment is not available in their area of residence is in the middle West Bank (15%), which includes the governorate of Jerusalem with better access to specialized care.

Figure 31: If you or any of the household members did not receive the appropriate treatment, why didn't you receive it?
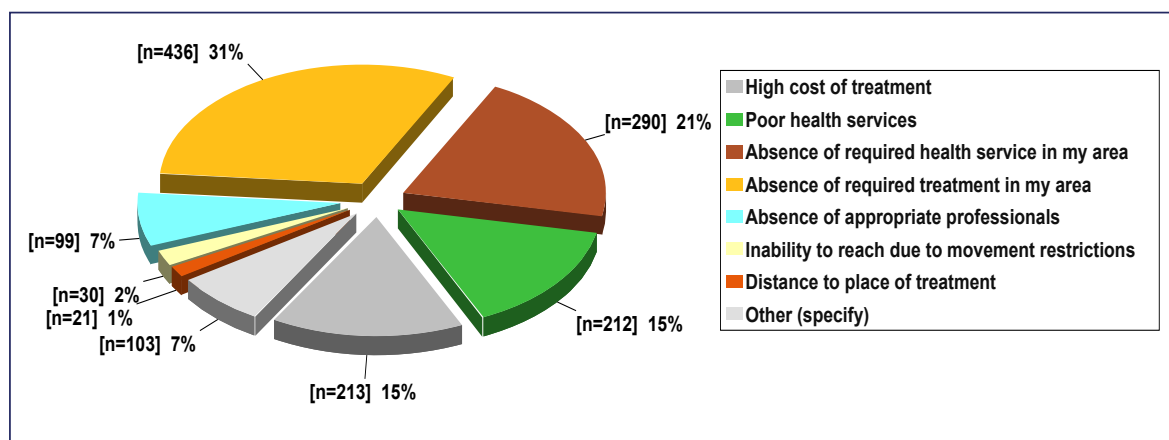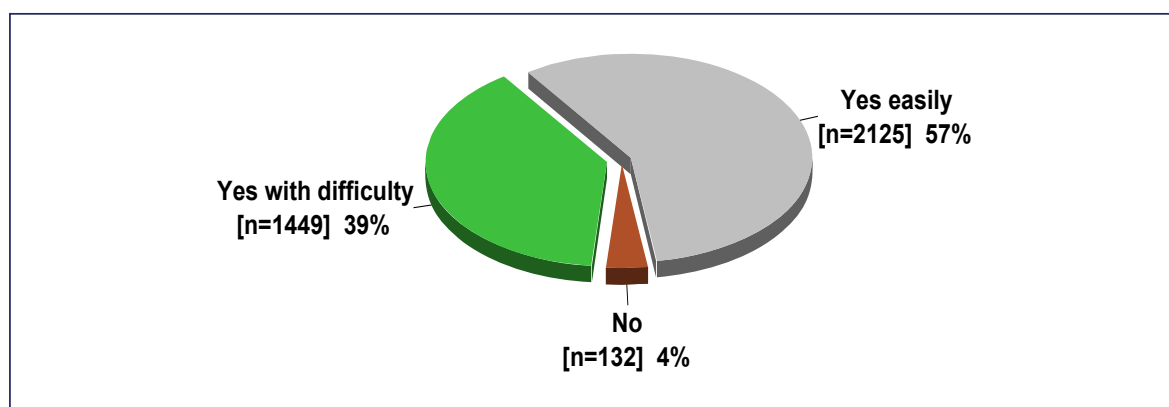

Food Security

In the oPt, 43% of households can be qualified as food insecure: 4% does not get enough food to meet their needs, and 39% only with difficulty manages to meet their food consumption needs. Food insecurity by this measure is significantly higher in the Gaza Strip than in the West Bank: 5% of Gazans are not able to meet family food needs, and 52% are only able to do so with difficulty; corresponding figures for Westbankers are respectively 3% and 30%.

Extreme food insecurity differs dramatically across the West Bank's governorates: in the governorates of Toubas (9%) and Salfit (8%) the inability to meet food needs is three times as high as the West Bank average. The prevalence of households that are only able to meet their food consumption needs with difficulty is highest in the governorates of Qalqiliya (40%), Bethlehem (38%), and Tulkarem (36%). Within the Gaza Strip, food insecurity is less varied than in the West Bank, but is highest in the governorates of north Gaza, and Rafah.

Figure 32: Do you and your family get enough food to meet your needs?

Food insecurity does not only hit poor households: 29% of households above the poverty line also have difficulty obtaining sufficient food, and 2% are unable to do so. These are likely households who are very close to the poverty line, and illustrates how indigent many of these households are.

Table 8: Do you and your household get enough food to meet your needs? according to poverty level.

|	Poverty		
	Extremely poor	Below poverty	Above poverty
Yes, easily	28%	44%	70%
Yes, with difficulty	62%	51%	29%
No	10%	5%	2%

Mean monthly food expenditure in the West Bank is NIS 1876; in the Gaza Strip it is NIS 1647. Assuming an average family size of 6.5 in the West Bank and 7.5 in the Strip. Monthly food expenditure in households above the poverty line is NIS 2053, equivalent of US$ 2.6 per person per day; in poor households monthly food expenditure is NIS 1656, equivalent of US$ 2.1 per capita per day. I.e. the per capita per day difference in food expenditure between those above the poverty line and those below the poverty line is 50 cents.

Table 9: Average expenditure on food and drinks: according to poverty level.

	Poverty		
	Extremely poor	Below poverty	Above poverty
Food & drinks	1461	1656	2053

In 90% of Palestinian households the household income is the main source that brings food to the table. Of the remaining 10%, 5% relies on relief assistance and 5% relies on their extended family. Reliance on relief assistance is five times higher in the Gaza Strip (10%) than in the West Bank (2%), and three times higher among refugees (9%) than among refugees (3%). Whereas 17% of extremely poor households rely mainly on relief assistance for food, this is the case for 7% of poor households, and 2% of households that are financially relatively better-off.

*Figure 33: The main source of food in the house today.*
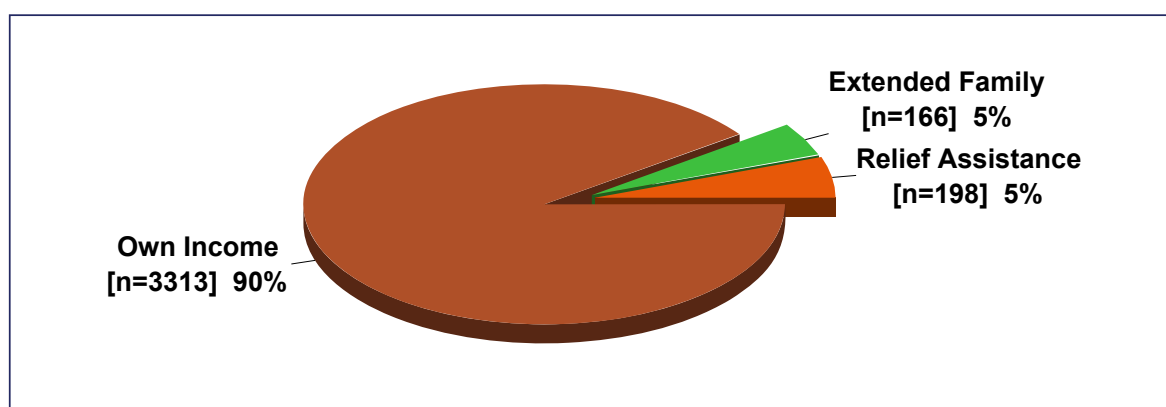
Environmental Security

Environmental security is of foremost concern within the Human Security framework to 4% of Palestinians, ranking it last in this respect along with food security.

The three most important environmental problems facing Palestinian society are: (1) pollution (41%), (2) accumulation of waste in public and residential areas (24%), and (3) corrosion and collapse of the sewage system (14%). As illustrated in the figure below, this ranking also holds when Palestinians indicate their second most important environmental concern. There were no significant differences in opinions on the importance of these environmental problems across the various regions and sub-regions of the oPt.

Figure 34: The two most important environmental problems facing Palestinian society.
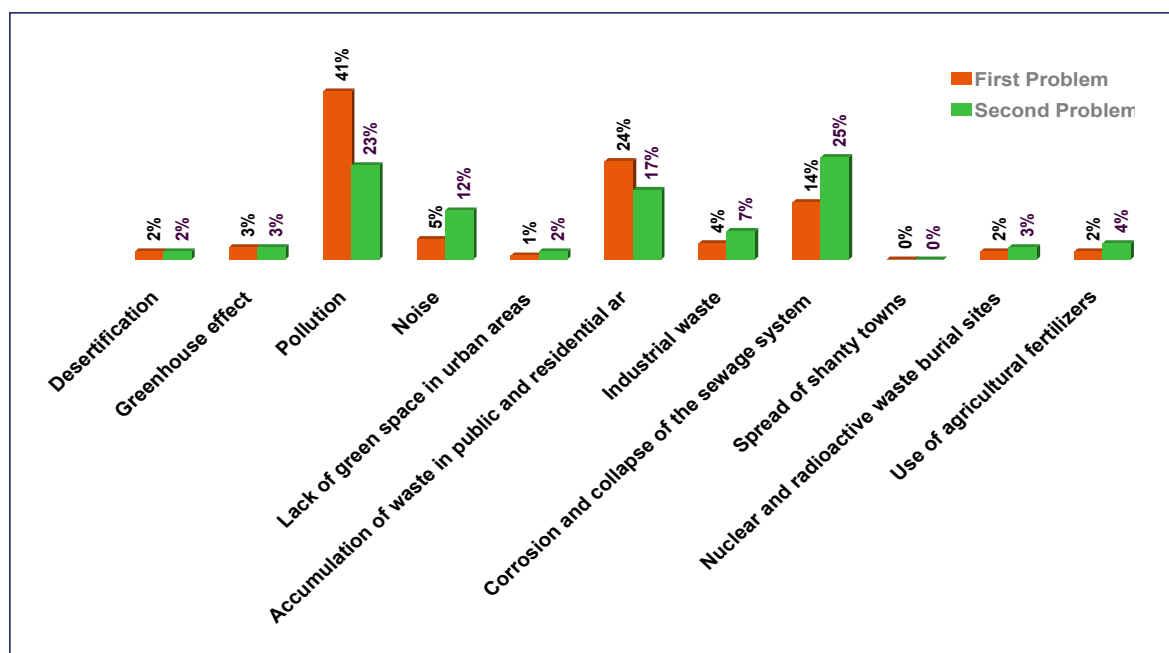
Even when examining the most concerning health hazards among Palestinians, environmental issues score very high: pollution (31%) and unclean water (21%) are the two most important perceived health hazards in the oPt. An additional 7% consider sewage as the most concerning health hazard.

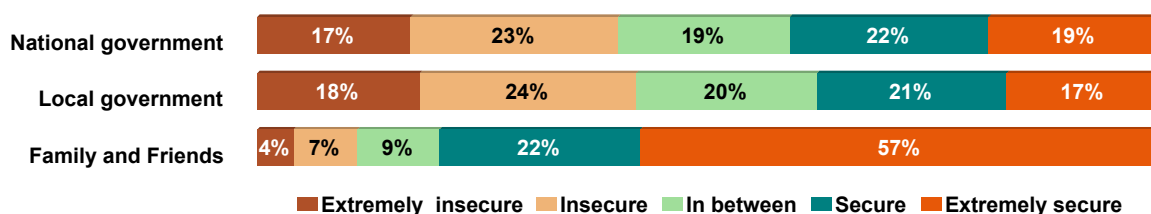*Figure 35: The most concerning health hazard.*
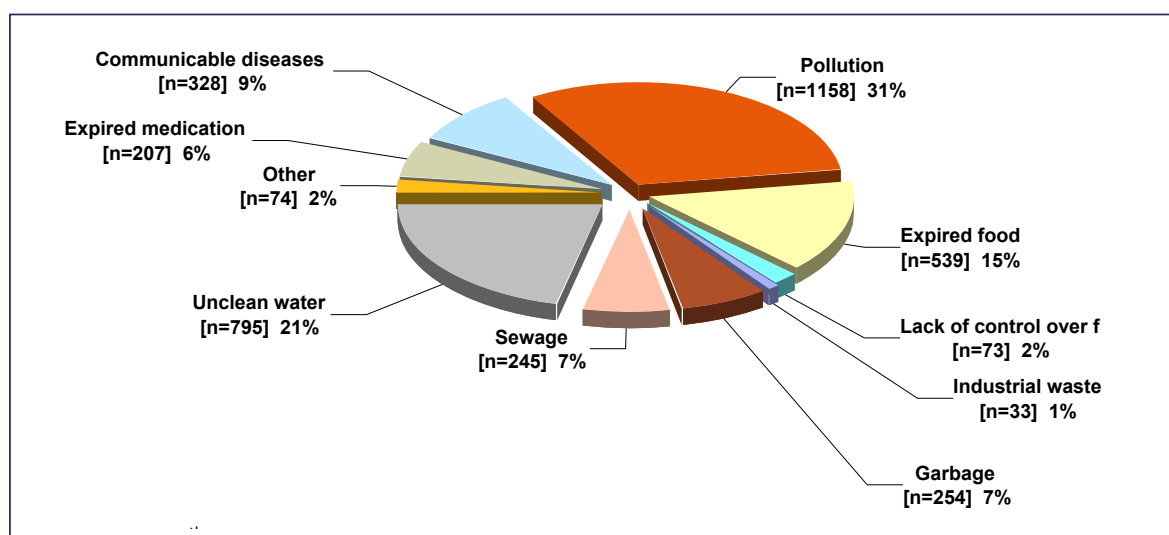
More than 1/5th of the population in the oPt feels insecure about the present availability of clean water. This sense of insecurity is higher in the Gaza Strip (28%) than in the West Bank (18%), and is higher in refugee camps (25%) and cities (24%) than in villages (16%). Despite the prevailing trends indicating that the availability of clean water will become even more challenging in the region, the Palestinian public does not yet acknowledge this as their sense of insecurity about the availability of clean water in the future does not significantly vary from their insecurity about it presently.

Table 10: To what extent does availability of clean water now and in the future affect your sense of security? according to region and place of residence.

	Region		Place of residence		
	Concern now				
	West Bank	**Gaza Strip**	**City**	**Village**	**Refugee camp**
Very Negative	5%	8%	7%	5%	5%
Negative	13%	20%	17%	11%	20%
Average	14%	13%	14%	13%	11%
Positive	19%	15%	17%	19%	16%
Very Positive	50%	44%	46%	51%	48%
	Concern for the future				
Very Negative	5%	11%	9%	5%	7%
Negative	14%	17%	15%	14%	15%
Average	13%	12%	13%	13%	11%
Positive	19%	16%	17%	20%	19%
Very Positive	49%	45%	46%	49%	48%

In case of a natural disaster, 41% of the Palestinian public feels in varying degrees secure that the national government would provide assistance, and 38% feel secure that the government would do so. However, Palestinians have most faith in their family and friends as 79% are secure that these would provide aid in the event of a natural disaster.

Figure 36: In the event of a natural disaster, how secure do you feel that the following will assist in providing aid...

	Extremely insecure	Insecure	In between	Secure	Extremely secure
National government	17%	23%	19%	22%	19%
Local government	18%	24%	20%	21%	17%
Family and Friends	4%	7%	9%	22%	57%

Annex 3:

LIST OF BACKGROUND PAPERS

Background Paper	Researcher
1. The status of human development indicators in the oPt, 2000 and onwards	Nader Said-Foqahaa
2. The status of human security in the oPt	MAS Team
3. The impact of the current closure system on fragmentation and insecurity in the Palestinian society	MAS Team
4. Political polarization in Palestinian society	Tayseer Mohesin
5. Non-state Actors (NSAs) and conflict, instability and poverty	MAS Team
6. The benefit of participation in governance and institution building	Muhsien Abu Ramadan
7. Overcoming fragmentation and polarization in Palestinian society	Jamil Hillal
8. A development vision where human security is attained.	MAS Team
9. Evaluation of the psychological well-being of Palestinians.	Abed Al Aziz Thabet
10. The correlation between international aid, the absorptive capacity in the oPt, and human security	Anne Le More
11. Palestinian state formation since the signing of the Oslo Agreements	Mushtaq Khan
12. Economic security	Nasser Abdul Kareem
13. Food security	MAS Team
14. Respect for human rights	Daragh Murray & Louise Dear PCHR
15. The status of refugees in the oPt.	Tahseen Elayyan, Shamil
16. The Palestinian education system.	MAS Team
17. Social contracts, social values and social relations	Penny Johnson
18. Gender inequality and the promotion of women's empowerment in the Palestinian context.	Turid Smith Polfus