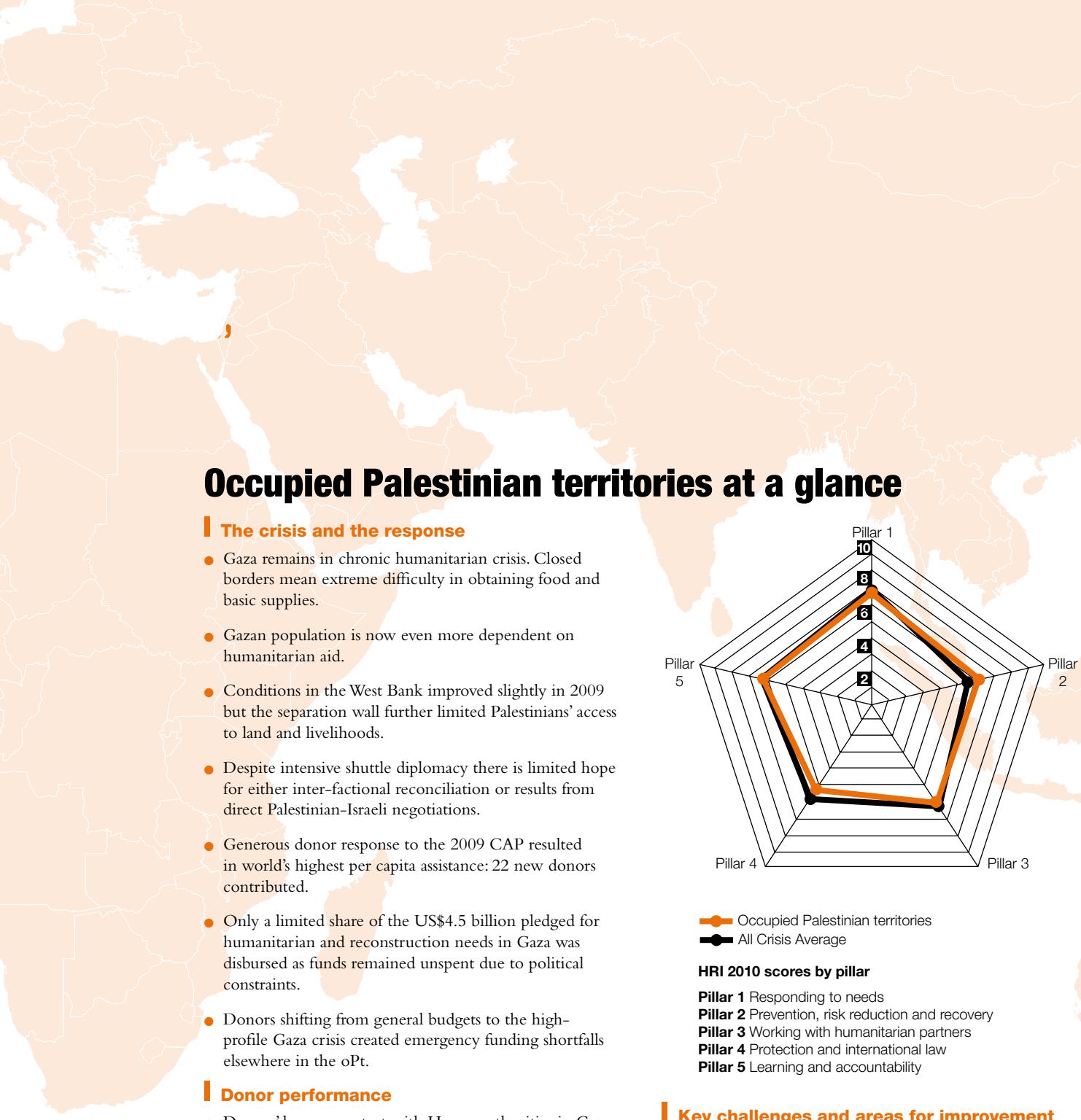




*Crisis reports*

# Occupied Palestinian territories





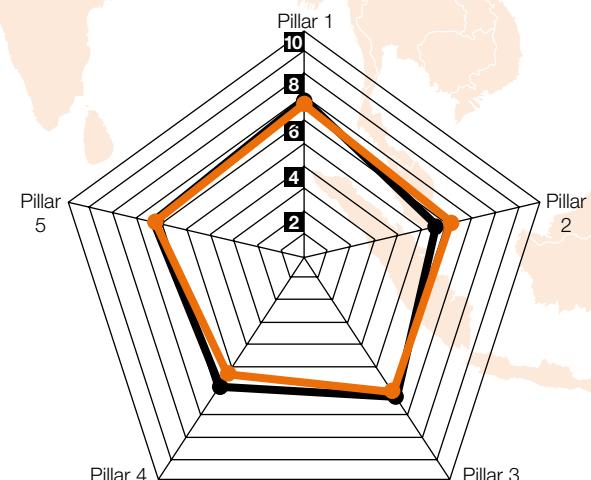
## Occupied Palestinian territories at a glance

### The crisis and the response

- Gaza remains in chronic humanitarian crisis. Closed borders mean extreme difficulty in obtaining food and basic supplies.
- Gazan population is now even more dependent on humanitarian aid.
- Conditions in the West Bank improved slightly in 2009 but the separation wall further limited Palestinians' access to land and livelihoods.
- Despite intensive shuttle diplomacy there is limited hope for either inter-factional reconciliation or results from direct Palestinian-Israeli negotiations.
- Generous donor response to the 2009 CAP resulted in world's highest per capita assistance: 22 new donors contributed.
- Only a limited share of the US\$4.5 billion pledged for humanitarian and reconstruction needs in Gaza was disbursed as funds remained unspent due to political constraints.
- Donors shifting from general budgets to the high-profile Gaza crisis created emergency funding shortfalls elsewhere in the oPt.

### Donor performance

- Donors' ban on contact with Hamas authorities in Gaza affected effectiveness of aid delivery and compromised basic humanitarian principles of impartiality, neutrality and independence.
- Donors (with the exception of the European Commission) were generally criticised for allowing political interests to take precedence over the humanitarian need to jointly advocate for access and protection.
- Operation Cast Lead caught many donors by surprise.
- Donors were criticised for not doing more to fund organisational capacity, contingency planning and preparedness.



● Occupied Palestinian territories  
● All Crisis Average

### HRI 2010 scores by pillar

- Pillar 1** Responding to needs
- Pillar 2** Prevention, risk reduction and recovery
- Pillar 3** Working with humanitarian partners
- Pillar 4** Protection and international law
- Pillar 5** Learning and accountability

### Key challenges and areas for improvement

- Other donors should emulate the EC and jointly advocate for access and protection.
- Donors should recognise that the blockade and the "no-contact policy" further isolates the Hamas authorities, increases their suspicion of aid workers and thus further shrinks humanitarian space.
- Donors must reevaluate their excessive focus on projects to assist displaced Gazans, instead ensuring that all in need throughout the oPt receive aid.
- Donors need to strive to maintain the independence, neutrality and impartiality of humanitarian aid.

## **Occupied Palestinian territories**

### *Desperation grows*

2009 saw an intensification of the politically-induced humanitarian crisis in the occupied Palestinian territories (oPt). Damage inflicted on Gaza during Israel's Operation Cast Lead offensive in December 2008-January 2009 has not been repaired and the enclave's infrastructure, economy and social fabric are under tremendous pressure. In the West Bank, protracted violations of human rights and humanitarian principles continued and the Israeli government dashed prospects for peace by further building settlements, despite growing international condemnation.

The blockade of Gaza was initiated in June 2007 following several years of rocket attacks on neighbouring Israeli communities and takeover of the enclave by Hamas. Rigorous enforcement of the blockade in 2009 permitted only a trickle of the most basic food, non-food and medical supplies to enter Gaza. Gaza remains in the grip of a chronic humanitarian crisis characterised by shortages of food, potable water and medicine. Continued salinisation of the coastal aquifer and inability to repair damaged water treatment and transport networks have made large numbers of Gazans dependent on expensive trucked water of dubious quality. The population is still heavily affected by the trauma of inter-factional violence during the Hamas takeover. The human misery caused by the blockade is rarely mentioned in the political debate around Gaza.

The blockade of imports and exports is causing shortages of basic products, impeding maintenance and repair of basic infrastructure (including water and sanitation facilities and medical equipment), eroding livelihood opportunities, decreasing purchasing power, undermining efforts of moderate Palestinians, entrenching extremists and enforcing dependence on humanitarian aid. The blockade and international boycott of contact exacerbate the feeling of isolation of the Hamas authorities and their suspicions of aid workers. Hamas' occasional interference with their work, and persistent restrictions on human rights workers having contacts with those whose rights have been abused – many of them inflicted by the local police or Hamas militants – indicate the shrinking humanitarian space.

The Palestinian Central Bureau of Statistics (PCBS) reports that 60.5 percent of Gazan 15–19-year-old Gazans are unemployed and that total unemployment in Gaza rose from around 30 percent in 2007 to 40 percent in December 2009. Several thousand people still live amid the rubble of their former homes. With entry blocked by Israel, Gaza's huge need for construction materials – in particular cement – can only be met by the network of tunnels from Egypt on which the enclave has become reliant.

Gaza has, in effect, become a "humanitarian welfare" state, almost fully dependent on foreign aid. This poses a great risk for further instability. As standards of education, culture and living decline, Gaza has become a classic example of "de-development".

In the West Bank, movement east of the barrier – the separation wall erected by Israel inside the Green Line which the international community recognises as the boundary between Israel and the West Bank – slightly improved in 2009. However, limited access to land and livelihood opportunities continues to prevent development. While the world's focus in 2009 was on the post-Cast Lead humanitarian crisis in Gaza, there was some hope for resumption of the political process and a temporary improvement in the situation in the West Bank, including East Jerusalem. However, continuing restrictions on Palestinians' access to land and other sources of income, together with illegal expansion of Israeli settlements on occupied territory, and evictions and demolitions of Palestinian houses, particularly in East Jerusalem, have continued to negatively affect the Palestinians.

Assistance in the West Bank is focused on the most vulnerable areas and groups such, as residents of refugee camps, Bedouins and other Palestinian populations in Area C – the part of the West Bank which under the terms of the 1993 Oslo Accords has remained under full Israeli military control. Area A consists of urban areas under the control of the Palestinian Authority (PA), and in Area B, security is shared between the PA and Israel.

The aid community has shifted from provision of material assistance to – generally unsuccessful – efforts to ensure protection and access to jobs and markets. In 2009, in the West Bank, 56,000 jobs were created (Palestinian Central Bureau of Statistics, 2009). Some investments were seen and life slightly improved, largely thanks to donor support. While the number of obstacles operated by the Israel Defence Forces (IDF) was reduced from 630 in September 2008 to 550 in February 2010, this has not brought about fundamental change in the human rights situation. The lives of West Bank Palestinians continue to be shaped by an often violent military occupation, restrictions on movements of people and goods and an increasingly militant settler population determined to exact a price for any Israeli concessions to international

opinion.

The Fatah-Hamas conflict – dubbed by Palestinians *wakseh* (self-inflicted ruin) – shows no sign of abating. Negotiations between Fatah and Hamas have stalled. Hopes for reconciliation have been dashed despite intensive external diplomacy. Efforts by the United States (US) Special Envoy, as well as the Representative of the Quartet, to start indirect ("proximity") talks as a prelude to direct negotiations failed. The Palestine Liberation Organisation (PLO) leadership refused to enter talks unless Israel froze all new settlements. The assassination in Dubai in January 2010 of a Hamas commander, allegedly perpetrated by Israeli security forces, has heightened tensions between Israel and a number of Western countries, as the plotters used forged passports of their nationals. Commencement of the first round of proximity talks in May 2010 produced little results.

Israeli settlement expansion has been denounced as illegal at the highest level. US-Israeli relations were challenged by the announcement in March 2010, during the visit of US Vice-President Joe Biden of plans to build 1,600 new homes in occupied East Jerusalem. Subsequent expressions of dismay at the consequences of ongoing settlement construction were made by both the United Nations (UN) Secretary-General and the European Union's (EU) foreign policy chief. A statement following a Quartet meeting in Moscow in March criticised the housing announcement as an impediment to resumption of peace negotiations. The Quartet called for the lifting of the blockade on Gaza, cancellation of all new settlement plans and adherence to the 2003 Road Map, under which Israel had agreed to dismantle settlement "outposts" and the PA to disarm militants, curb terrorism and take steps toward a democratic, accountable government. Neither side has followed up on all benchmarks set out in the plan.

In April 2009, the UN Human Rights Council (UNHRC) established an independent international fact-finding mission to investigate violations of international human rights law and international humanitarian law (IHL) in the oPt, with focus on Gaza. The resultant Goldstone report accused the IDF and Palestinian militants of war crimes and possible crimes against humanity, and recommended that both sides transparently investigate their actions. The report noted evidence that Palestinian armed groups committed war crimes and, possibly, crimes against humanity by repeatedly launching attacks on southern Israel, but was particularly critical of Israel, calling its assault "a deliberately disproportionate attack designed to punish, humiliate, and terrorize a civilian population, radically diminish its local economic capacity both to work and to provide for itself, and to force upon it an ever increasing sense of dependency and vulnerability." The UNHRC, endorsed the report and, in November, the UN General Assembly resolution 64/10 called for independent investigations of war crimes allegations by both sides.

### Donor support

In response to Operation Cast Lead, in February 2009 the UN issued the Gaza Flash Appeal, requesting US\$613 million for immediate life-saving needs and essential repairs for nine months. The largest share of the funds requested was to address urgent needs for food, shelter and other non-food items. A number of projects in the Flash Appeal had already been included in the annual (CAP) for 2009, bringing the total funds required for 2009 to US\$873 million, later revised down to US\$804.5 million. Donors responded rapidly and generously and, at the end of the year, 78.79 percent of funds requested were covered.

Donors made pledges of close to US\$4.5 billion for humanitarian aid and early recovery during a conference in the Egyptian resort of Sharm el-Sheikh in March 2009. The PA, UN agencies, the World Bank, the EC and local and international non-governmental organisations (INGOs) cooperated to prepare a Palestinian National Early Recovery and Reconstruction Plan for Gaza 2009–2010. The plan was ambitious, requesting US\$1.33 billion for early recovery and reconstruction, including US\$502 million to repair essential infrastructure and US\$315 million to rebuild basic social services. It was not clear how much represented new money. It is now apparent that only a small share of the pledges and proposed projects have been realised due to the near complete blockade imposed on Gaza. With no prospects of Israel lifting its embargo, several organisations – notably the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) – have decided it is premature to finalise any reconstruction plans.

While CAP requirements increased by US\$378 million between 2007 and 2009, donors funded a higher percentage of the funds requested and additionally provided considerable support outside the appeal. This includes in-kind contributions from Arab states.

In 2009, 22 new donors pledged support to the appeal. Kuwait was a significant new major donor, becoming one of the top five. The US was the top donor and also the largest donor to the general fund of the UNRWA, which is not included in this summary. Together the top five donors contributed together 60 percent.

The 2010 CAP requests US\$644.5 million. US\$635.2 million is sought for high priority needs, of which US\$370 million is required for Gaza. While UNRWA's requirements amount to US\$323.3 million (not including its general fund) and the World Food Programme (WFP) requires US\$50 million, there is also considerable involvement of, mostly international, NGOs. UNRWA and WFP's Operation Lifeline are however the main actors. UNRWA feeds registered refugees (representing approximately two thirds of the population of Gaza and around a quarter of the population of the West Bank) and WFP meets the principal food needs of the remaining vulnerable population.

Year	CAP requirements in US\$ millions		Donor contributions in US\$ millions		Total funding (inside and outside CAP) in US\$ millions
	Original	Revised	Total	% funded	
2007	454.69	426.32	277.35	65.1	359.85
2008	462.12	452.22	337.44	74.6	485.79
2009	463.37	804.52	636.00	79.1	820.41

Source: UN OCHA FTS, October 2010.

2009 CAP contributions in US\$ millions		2009 Total humanitarian contributions (inside and outside CAP) in US\$ millions	
United States	176.86	United States	183.39
ECHO	85.43	ECHO	108.75
Private	55.11	Private	83.72
Kuwait	34.00	Kuwait	34.00
Canada	30.33	United Arab Emirates	31.45

Source: UN OCHA FTS, October 2010.

### Quality of response

The response to the 2009 revised appeal was rapid and generous, but there were several impediments to programme implementation. It has been a significant challenge to incorporate new donors to the Consolidated Appeal into coordination and consultation mechanisms. Several Organisation for Economic Cooperation and Development / Development Assistance Committee (OECD/DAC) donors shared information on assistance provided, but better joint strategic planning of their appeal response would have ensured greater impact.

Several donors allocated all their oPt aid to Gaza and did not necessarily increase their traditional annual support. Shifting contributions from flexible use throughout the oPt for immediate Gazan needs led to underfunding of a number of ongoing projects in the West Bank where several NGOs had to restrict or halt activities. Some agencies complained that they were blocked from reallocating pledges made for Gazan reconstruction to meet needs of vulnerable West Bank populations.

The humanitarian response in Gaza has been only partial and short-term. There is concern about the continued intrusion of seawater into the coastal aquifer, the inability to repair the sewage and water supply systems, and widespread dependence on expensive and often unsafe trucked water.

The operational environment in Gaza is complicated not only by the stringent Israeli blockade but also by donor and UN security protocols which require international staff to travel in armed vehicles and wear bulletproof gear. This limits direct contacts with beneficiaries, complicates establishment of relations of trust and adds to the burdens faced by UNRWA's 10,000 local staff. Both Palestinians and the aid community see the blockade as destroying hope and strongly urge donors to speak out and more forcefully pressure Israel to respect international law by lifting the blockade, halting the construction of the barrier and adhering to the 1967 General Assembly Resolution No. 242.

The blockade of Gaza has substantially added to the cost of delivering aid. Due to closure of the Karni crossing, UNRWA and WFP reported having to spend an additional US\$5.1 million on transport, storage and handling of food supplies in 2009.

The ultimate effectiveness of donor assistance is dependent on the selective and unpredictable goodwill of the Israeli government to allow certain shipments and categories of aid into Gaza. Many donors are forced to intercede at the highest level to obtain trifling results, such as clearance of a small truckload of glazing glass. Needs identified in East Jerusalem and in Area C of the West Bank are not being addressed due to Israeli pressure, leaving a significant proportion of the population unprotected.

The entry of 22 new donors and the fact they collectively provided US\$61.2 million, 11.6 percent of the CAP response, is encouraging and should be built upon. The largest contributions came from three Gulf countries and the Islamic Development Bank. Besides their generous, and mostly un-earmarked, cash support, Arab donors expedited transit through Egypt of some of the most needed construction materials. The monetary value of these and other in-kind contributions is not clear. Arab donors additionally supported the reconstruction of schools, hospitals and some 100 houses in Gaza. Despite their generosity, Arab donors lack well-developed methodologies or strategies. They did not consult about priorities, nor coordinate their in-kind response, thus contributing to an overloading of warehouses and causing congestion and delays at the Rafah crossing point with Egypt.

In general, private contributions given in the immediate aftermath of Operation Cast Lead were spontaneous, for immediate relief purposes and mostly given without any restrictions on end beneficiaries. However, donor governments were frequently led by political and media-driven considerations. One donor representative interviewed said that public shock at the extent of death and damage had put her government under pressure to act swiftly, leaving insufficient time for assessment and coordination. Given the reality of the blockade, needs assessments were inadequate and often more shaped by donor politics and restrictions on the utilisation of aid than identified needs. Although there was general agency satisfaction that donors allocated funds according to assessed needs, there was concern that protection and early recovery activities were not well supported. Several donors stressed cross-cutting concern for protection and adherence to humanitarian principles and insisted that these should be included in all initiatives they fund.

### Impact of the “no contact with Hamas” policy

Several donor governments have implemented global anti-terrorism measures which preclude any contact with Hamas – acknowledged by international observers to have won 2006 parliamentary elections. Those refusing contact include some of the most prominent Western donors. This severely compromises delivery of humanitarian assistance along agreed principles of international humanitarian law. It excludes some of those in Gaza requiring need and also significantly adds to transaction and implementation costs through the requirement to channel funds through non-Hamas-affiliated agencies and restrictions on procurement in Gaza. Major donors permit INGOs to work only in five municipalities considered outside Hamas control. They thus impede provision of assistance on the basis of need, disregarding a key *Good Humanitarian Donorship (GHD)* principle. The prohibition of other than “technical” contact with Hamas officials prevents establishment of effective relationships with de facto authorities and institutions providing water, health, sanitation, solid waste removal and other basic services.

This policy has resulted in extremely detailed and time-consuming reporting requirements and protracted procurement processes. Amid suspicions that Hamas benefits from the tunnel economy, donors insist that funds are not used in any way which might conceivably strengthen the Islamic movement. A major donor has set a local procurement limit of US\$1,000 for implementing agencies it funds. One interviewee mentioned how a donor requested exhaustive technical specifications for a shipment of pencils. The burden of suspicion falls on implementing agencies, forcing them to great lengths to demonstrate they are not bolstering Hamas. The prohibition on dialogue with Hamas puts humanitarian workers under further stress as beneficiaries may regard them as partial in their delivery of aid. They also face the additional risk that they as individuals, or their agencies, may be accused of “supporting terrorism”.

### Implementation of humanitarian reform

Donors participating in the *GHD* initiative have pledged support for the cluster approach. Sector coordination was already in place in the oPt in 2008. The cluster approach was applied for the first time in response to the 2009 Gaza crisis. Preliminary findings of the evaluation of the cluster approach in November 2009 indicate the need for more inter-cluster coordination and clarity of mandates and reporting lines within clusters. The evaluation confirmed that the approach covered most basic needs. The logistics cluster was initially effective in moving goods which Israel permitted to enter Gaza, but did not subsequently go beyond information-sharing as UNRWA, with its considerable operational experience, did not need to rely on logistical assistance from new partners. The education, health and water-sanitation clusters were considered to have worked slightly better. The decision of the early recovery cluster to cooperate with the PA, rather than Hamas, seriously impeded its effectiveness.

In the aftermath of Cast Lead, the Humanitarian Country Team (HCT) was activated with the participation of the UN, NGO coordinating bodies and the Red Cross / Red Crescent Movement. The HCT is chaired by the UN Humanitarian Coordinator, who is also the UN Deputy Special Coordinator within the UN Special Coordinator's Office. In other contexts, the combination of humanitarian and political functions is considered by a number of NGOs and the Red Cross/Crescent Movement as a blurring of responsibilities to the detriment of the independence of humanitarian action. Some have expressed such reservations also in the oPt, but generally, the arrangement is seen as providing a way to bring humanitarian issues to the attention to the Special Coordinator and to draw on his advocacy capacity on issues such as access.

#### **Application of GHD Principles**

Agencies and donor representatives described good and poor donor behaviour. Most donor representatives interviewed were aware of *GHD Principles* and tried to apply them when appropriate. Few agency representatives had deep knowledge, but during discussions acknowledged scope for *GHD Principles* to positively influence donor behaviour and humanitarian action.

While several donors advocated at the political level for the lifting of the blockade in order to expedite projects they funded, donors did not coordinate robust calls on Israel to permit unrestricted access of humanitarian goods and workers. The EC was the only donor advocating for protection and unimpeded access to Gaza for all humanitarian workers. In 2009, donors established a Humanitarian Donor Group (HDG) which should to be used as the forum for common advocacy and not just for information sharing, for which purpose several other mechanisms are already in place.

There is clear evidence that in many cases, donor political interests have overridden the humanitarian principle that support should be impartially provided on the basis of need.

One major donor went as far as setting up its own "humanitarian pipeline" outside the logistics cluster, thus undermining coordination efforts. By not allowing local procurement in Gaza, on the basis that Hamas might be imposing "taxes" on goods arriving through tunnels, donors continue to support the Israeli economy. Implementing agencies are sometimes forced to pay as much as four times the amount they would otherwise pay in Gaza.

Several donors were cited as examples of good donorship as they provide multi-year commitments, remain flexible and offer un-earmarked funding. One donor had found a way between a politically-driven agenda at home and prioritising humanitarian programmes in the oPt. Informants urged donors to learn from those who are realistic about what can be achieved, have good local knowledge and support genuine needs assessments. Agencies welcomed the switch by some donors from project funding to a programmatic approach, reducing administrative and management costs for both donors and implementers and indicating trust in the implementing capacity of partners. This was contrasted with the practice of those donors who impose onerous administrative requirements on already overstretched NGOs.

*"As standards of education, culture and living decline, Gaza has become a classic example of de-development."*



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Continued support to the Humanitarian Emergency Response Fund (HERF) made it possible to allocate funding directly to NGOs for modest projects in the immediate aftermath of Cast Lead. Most donors have continued to be guided by the CAP in their humanitarian funding decisions. Agencies are generally concerned about donors who have allocated all or part of their annual oPt budgets to respond to the Gaza crisis at the expense of support for ongoing programmes in the rest of the oPt. Many point to the paradox that while donors are aware of the unacceptable human and financial costs of the Gazan blockade, and are globally committed to promoting aid effectiveness, they have failed to coherently intercede with the Israel government, thus continuing to pay the increased costs caused by the blockade.

### Lessons learnt and recommendations for the future

- 1 Advocacy should focus on ensuring that all parties to the armed conflict respect the norms and principles of IHL governing the protection of humanitarian personnel and civilian populations, as well as the right of free movement and unhindered access for humanitarian workers and supplies, including basic construction materials.
- 2 Donors and implementing partners must act strategically to use limited openings for negotiations most effectively.
- 3 Donors should endeavour to undertake field visits and participate in monitoring and evaluation of the projects and programmes.
- 4 Assistance should primarily meet the identified needs of vulnerable minorities, not the priorities of the Palestinian Authority and Hamas who favour development over humanitarian aid out of fear that the latter will be at the expense of longer-term cooperation.
- 5 Methods must be found to address psycho-social trauma and mental health problems in Gaza.
- 6 While it is true that humanitarian assistance initiatives cannot exist in a de-politicised vacuum, it is imperative to do the utmost to retain the independence, neutrality and impartiality of humanitarian aid. Humanitarian principles must not be overruled by political or economic interests.
- 7 Having apparently been taken by surprise at the intensity of Operation Cast Lead, the international community needs to be better prepared to prevent and reduce risk to civilian populations. Donors should be involved in preparing contingency plans which should include best, worst and most likely scenarios. Reserves must be created to allow for a rapid and appropriate response. Donors and agencies need to consult with political analysts and develop an early warning system to mitigate the potential humanitarian impact of any new crisis.

### A way forward?

The oPt crisis is unique because of its duration, politically-induced nature, the generosity of the humanitarian and aid response and the active engagement of the international community. It is a crisis of protracted and constant violations of human dignity in which the psychological and mental strength of the occupied population is being tested beyond limits. The prospect of a solution is made more remote by a stand-off between an internationally recognised government (Israel), an authority seeking to build a state (the PA) and an Islamic movement (Hamas) controlling Gaza. In the words of one interviewee, the region is "one country, three governments". In this ambiguous political situation, the international community is confused, unsure how to prioritise assistance in terms of time, location, implementing partners and beneficiary populations. As the conflict goes on and on, key questions need to be asked: does the current pattern of international assistance prolong the humanitarian and political crisis, rather than work towards a durable solution? Has international aid become an expensive sticking plaster, effectively sustaining the increasing poverty of the Palestinian population and absolving the occupying authority of its obligations under the Geneva Conventions to provide services to those under occupation?

It can be argued that unless there is inter-Palestinian dialogue and rapprochement, the oPt should be seen as being afflicted with two crises. If the international community viewed the oPt through this lens it might be able to adjust its response to the requirements specific for each of the crises in a balanced manner. The international community will need to show strong determination to force all parties to respect international humanitarian law, human rights and humanitarian principles. What is needed on all sides is restraint, an end to provocative behaviour and cycles of retaliation, and commitment to serious efforts to find ways towards a realistic solution allowing civilians to live side-by-side in peace enjoying the same rights.

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- Information based on field interviews with key humanitarian agencies in the occupied Palestinian territories (Jerusalem and Ramallah) from 07 to 16 March 2010, and 181 questionnaires on donor performance (including 147 OECD/DAC donors).
- The HRI team, composed of Belén Camacho, Lucía Fernández, Magda Ninaber van Eyben (Team leader) and Soledad Posada, contributed to this report. They express their gratitude to all those interviewed in the occupied Palestinian territories.