

PROGRAM INFORMATION SHEET

Information, Counselling, and Legal Assistance (ICLA) Program - NRC Gaza

Housing, Land and Property rights

As part of NRC's aim to prevent and address forced displacement and promote security of tenure throughout Palestine, NRC's Information, Counselling, and Legal Assistance (ICLA) program works in the Gaza Strip focusing primarily on Housing, Land and Property (HLP) rights. Established in 2009, the ICLA Gaza program has quickly become a key resource for information and legal advice on HLP rights in Gaza.

PATTERNS OF DISPLACEMENT IN GAZA

Over 70% percent of the Palestinians in Gaza are UNRWA-registered refugees who have been forcibly displaced or whose direct ancestors were displaced in 1948 during and following the Arab-Israeli war. In 1967, hundreds of thousands of Palestinians were again displaced as a result of the 1967 Arab-Israeli war and the occupation of the Gaza strip by Israel. Absent any foreseeable durable solution, Palestinians living in Gaza today continue to face protracted and repeated displacement or remain at high risk of displacement due to ongoing conflict and the prolonged occupation and blockade.



Forced displacement in Gaza is difficult to measure and occurs as a result of a variety of factors and actors, as discussed below.

Causes of Forced Displacement

- **Israeli Military Operations in Gaza**

The last Israeli military operation in Gaza (July/August 2014) inflicted massive destruction on shelter and housing units in the Gaza Strip. Approximately 6% of the housing units were rendered uninhabitable and an estimated 17,800 housing units were either destroyed or severely damaged, leaving more than 65,000 people displaced. In addition, over 150,000 housing units sustained partial damages, affecting more than half a million Palestinians, according to the Shelter Cluster in Palestine (a body supporting humanitarian shelter coordination at country level).

More than two years after the end of the 2014 round of hostilities, 9,784 families (about 51,000 individuals) remain displaced, while only 2,474 units (out of the 11,000 units destroyed) have been rebuilt, and 87,220 units (out of the 160,000 units affected by severe/major/minor damages) have benefitted from repair support.

- **Chronic Housing Shortage**

There is a chronic shortage of housing units in the Gaza Strip. Prior to the 2014 hostilities, there was a shortage of up to 75,000 housing. This figure is likely to have since then increased. The housing shortage, made chronic due to the blockade and ongoing conflict, has made many people resort to problematic informal arrangements, resulting in tenure insecurity and enhanced vulnerability to further displacement.

- **Access Restricted Areas (ARA)**

An increasing number of farmers, fishermen and other civilians living or working in the Access Restricted Area (ARA), or “buffer zone”, in Gaza are exposed to risks to themselves, their homes, land and property. Israeli naval forces routinely confiscate fishing boats and property. Furthermore, much of the agricultural land in the ARA – which covers 17% of all the land in Gaza – has been destroyed or has become too dangerous to access.

- **Additional Causes**

Further displacement in Gaza also occurs as a result of: rapid natural population growth; lack of knowledge on land status and HLP issues; barriers to women in asserting property rights; and the appropriation of land by local authorities. Ongoing hostilities caused by Israeli airstrikes and land incursions are also a constant factor placing people at high risk of forced displacement.

NRC’S STRATEGIC RESPONSE

To respond to displacement, NRC is pursuing a number of key strategies and activities:

- **Assisting Palestinians whose homes were destroyed in obtaining ownership documents:**

The NRC ICLA Legal Aid Center provides legal counselling to assist clients in securing ownership documentation, often a prerequisite to obtain reconstruction grants for houses destroyed by the Israeli military. The Legal Aid Program works closely with the NRC-led Shelter Sector and receives beneficiary referrals through partnerships with different reconstruction agencies such as UNRWA and UNOPS. During 2016, ICLA provided counselling to 3,669 households and assistance to 1,967 households, with 1,776 cases completed successfully, representing an 83% success rate.



ICLA legal officer, Yaser Al Manama, during a field visit to one of ICLA’s beneficiary in Beit Hanoun, North Gaza Strip, February 20, 2013 (Photo taken by Imad Badwan).

- **Promoting security of tenure through mobile legal counselling:**

Registration of land and proof of ownership documentation are key protections against displacement and arbitrary eviction. Nevertheless, many Palestinians in Gaza are unaware of the consequences for failing to properly register their ownership rights or how to assert their HLP rights. Since 2013 NRC has focused on security of tenure more broadly and has initiated mobile legal counselling clinics in cooperation with a number of local organizations, including: the Rural Women’s Development Society (RWDS), the Union of Agricultural Workers’ Committees (UAWC), Fares Al Arab Assosiation, Forsan Al Ghad, Khanyonis Youth Development Society and Beit Lahia Development Society. Set in field offices throughout the Gaza Strip, the mobile legal counselling clinics provide direct legal aid to beneficiaries. In 2016 alone, 3,175 persons received legal counselling through the mobile clinics.

- **Information and awareness-raising sessions on HLP laws in Gaza:**

Absent a unified Palestinian Land Law, the law governing land usage in Gaza is an overlapping and often contradictory mix of Ottoman, British, Egyptian, Israeli and Palestinian regulations and practices. This has resulted in a large number of HLP disputes, which are further exacerbated by the limited availability of land in Gaza and its high-density population



Legal information session for fisherman in Gaza port, Gaza City, February 18, 2013 (Photo taken by Imad Badwan).

concentration. To provide beneficiaries with a better understanding of and access to their HLP rights and entitlements, ICLA lawyers conduct regular HLP information/awareness sessions for local communities throughout the Gaza Strip. During 2016, ICLA provided 254 information sessions to 7,253 beneficiaries.

- **Increased knowledge of HLP rights amongst legal practitioners:**

Legal practitioners in Gaza suffer from limited knowledge and expertise on HLP issues, due in part to the fact that none of the law faculties in Gaza teach HLP as part of the legal curriculum. To fill this gap, NRC has, since 2011, been cooperating with the Palestinian Bar Association (PBA) and the three law faculties in Gaza to provide specialized legal training to law students and recent law graduates. During 2016, ICLA lawyers provided 28 HLP trainings to 716 lawyers, law students, humanitarian actors and traditional community leaders. ICLA also offers trainee positions to law students in its Legal Aid Center, where trainees spend 100 hours observing information sessions, individual legal counselling and legal trainings for practitioners and other stakeholders.



Providing legal counselling session on HLP issues in one of ICLA Gaza's Mobile Legal Clinic at PARC association, Khan Younis, South of Gaza Strip, February 21, 2013 (Photo taken by Imad Badwan).

- **Women's access to their HLP rights before informal justice mechanisms:**

Women (especially widows and divorcees) are particularly vulnerable to displacement. Women must often endure complex inheritance proceedings in order to obtain repaired or new shelters for their families. When faced with difficulties to realize their HLP rights, women risk harsh social consequences if they resort to formal legal mechanisms to assert their rights. Since more than 80% of HLP disputes are resolved before informal mechanisms, NRC addresses women's HLP issues through capacity building with traditional community leaders and Shari'a Court staff. Since August 2011, ICLA has partnered with the Palestinian Center for Democracy and Conflict Resolution (PCDCR) to provide women with legal assistance on HLP matters through informal mechanisms and, where necessary, court representation.

- **Legal research, analysis and advice on HLP and other legal issues:**

NRC's ICLA team in Gaza has undertaken several legal research initiatives, with a particular focus on English-language publications as there is a gap in such research materials in Gaza. To date, the program has published in-depth reports on various issues, such as: Shari'a Courts and personal status laws; customary dispute resolution mechanisms; women's HLP rights; statelessness and residency rights; the access restricted area; Gaza housing, land and property laws guide; impact of the conflict on women report; and a guide on the protection and promotion of women's HLP rights [the publications are available [here](#)]. ICLA also provides HLP legal advice to the different shelter actors in Gaza, which is much needed due to the complexity and technical nature of HLP issues in Gaza (e.g. coexistence of different types of land governed by multi-layered land laws; 30% of Gaza land remains un-surveyed; lack of formal recognition of ownership due to the difficulty of proving continuous chain of property ownership, and a limited recognition of women's inheritance and HLP rights).

- **Participation in coordination mechanisms and related legal fora:**

In cooperation with UNDP, NRC co-chairs the Legal Task Force (LTF) in Gaza, established under the OHCHR-led Protection Cluster. LTF members include local legal aid organisations, human rights organisations, legal academic institutions and women's organisations. NRC additionally participates in and coordinates with the Protection Cluster, the West Bank LTF, the Network of Legal Aid Providers, the Shelter Cluster, the ARA Working Group and other coordination mechanisms.