



The walkway from Gaza to Israel at the Erez crossing (2012). © Karl Schembri/Oxfam

BEYOND CEASEFIRE

Ending the blockade of Gaza

The ceasefire agreed between the Government of Israel and Hamas on 21 November 2012, following the recent military escalation in Gaza and southern Israel, provides an unprecedented opportunity to end the cycle of violence that has affected too many innocent Israeli and Palestinian civilians. In the ceasefire understanding, the parties agreed to negotiate 'opening the crossings' into the Gaza Strip and to put an end to 'restricting residents' free movement and targeting residents in border areas'. It is therefore also a unique chance to once and for all lift the Israeli blockade on Gaza, which has had a devastating impact on the lives and well-being of Gaza's civilian population and on Palestinian development.

In this briefing note Oxfam sets out practical recommendations to better protect civilians on both sides from violence and to finally achieve an end to the collective punishment of Gaza's 1.6 million residents, while addressing Israel's security concerns. These are necessary steps towards lasting peace in the region and the creation of a viable Palestinian state alongside Israel.

CURRENT NEEDS IN GAZA

'Yes there's a truce that's obvious, but all the key issues for us ... the crossings, the fishing, the farmland [by the border], are all still to be negotiated.'

Jabr Qdeih, Director of the Gaza Office, Ma'an Centre for Development, Gaza, 22 November 2012

The recent escalation in violence in the Gaza Strip and southern Israel has resulted in the deaths of at least 103 Palestinian and four Israeli civilians. Over 1,200 Palestinians and 224 Israelis were injured, the vast majority of whom were civilians. In Gaza, almost 2,000 homes and 136 schools sustained damaged, including two kindergartens supported by Oxfam.¹ This comes just four years after Operation Cast Lead, which resulted in the deaths of 13 Israelis and at least 1,440 Palestinians, the majority civilians, and between \$659.3m and \$891.8m worth of damage to Palestinian infrastructure.²

The ceasefire agreed between the Government of Israel and Hamas on 21 November 2012 represents an unprecedented opportunity to end this cycle of violence and significantly improve the lives of Palestinians and Israelis.

While the precise terms of the understanding reached between Hamas and the Israeli government are being worked out, people in Gaza will once again need international assistance to repair homes, schools and water systems, in addition to medical and psychosocial support. (Israel has not called upon international aid to assist its citizens and repair its infrastructure.) This comes on top of the devastating impact of more than five years of the Israeli government's blockade of Gaza. Even before the recent military escalation on both sides, more than 44 per cent of Palestinian families living in Gaza were food insecure,³ youth unemployment was at almost 50 per cent⁴ and 80 per cent of the population received humanitarian aid.⁵ Since the blockade started in 2007, nearly 60 per cent of Gaza's businesses have closed and a further quarter have laid-off 80 per cent of their staff.⁶

In addition, some 35 per cent of Gaza's agricultural land has been placed out of bounds due to access restrictions imposed by the Israeli government in the area inside Gaza known as the 'buffer zone'. The buffer zone also limits access to the sea. Fishermen are only allowed to fish within three nautical miles of the shoreline, as opposed the 20 nautical miles guaranteed under the Oslo Accords. These restrictions have had a devastating impact on livelihoods, the economy and, ultimately, on poverty. The enforcement of the buffer zone has also had a severe impact on the safety of civilians. In 2011, 22 civilians were killed and 213 reportedly injured.⁷

Despite commitments made by the Government of Israel to ease the blockade, entrance of goods to Gaza via Israeli-controlled crossings now stands at 40 per cent of pre-closure rates. Sale of goods from Gaza to

traditional markets in the West Bank and Israel remains banned, with exports at between two and three per cent of pre-June 2007 levels. Travel between the Gaza Strip, the West Bank and Israel is at one per cent compared to September 2000; in 2000, Israeli authorities recorded over half a million entries from Gaza to Israel and the West Bank each month, today the figure stands at 4,000.⁸ This stops trade, separates families, and prevents access to educational opportunities and hospitals, as well as cultural and religious sites.⁹ The territorial separation of the Gaza Strip and the West Bank also undermines prospects for the realization of a viable Palestinian state alongside Israel.

Oxfam condemns violence against civilians and calls for a comprehensive settlement to the conflict based on international law and the two-state solution. Oxfam has supported work in Gaza for the past 15 years, helping civil society organizations in the Occupied Palestinian Territory (OPT) and Israel to protect civilians and alleviate poverty; improving livelihoods and increasing access to food, water, sanitation, education and healthcare.¹⁰

The Al-Bureij Camp

For the past four months, many people in Al-Bureij camp have been left without piped clean water because of the blockade. Vital water filters needed for repairs at the nearby water desalination plant have been held up by the Israeli authorities.

The Coastal Municipalities Water Utility in Gaza says it has no idea when the filters will arrive and when they will be able to carry out these critical repairs. Local people are forced to buy drinking water from private vendors. This is expensive for poor families whose finances already stretched to the limit.

The Coastal Municipalities Water Utility fear that without the lifting of the blockade they will not be able to carry out the major work needed to repair the \$535,000 worth of damage to water and sewage networks incurred during the recent Israeli operation.

One of the sites most affected is also at Al-Bureij, where an Israeli airstrike hit a bridge that links Al Mughraqa and Al Nusirat towns. This caused significant damage to the water pipeline flowing under the bridge, cutting the water supply to 20,000 people living nearby, who now rely on tankered water.

ISRAEL AND THE BLOCKADE

The Government of Israel has stated that the aim of the blockade has been to isolate Hamas and to stop Palestinian rocket fire into Israel.¹¹ It has also been reported by the Israeli human rights organization Gisha that the blockade is part of a 'Separation Policy' to divide Palestinians.¹² Separating Palestinians who live in Gaza from those in the West Bank risks making the two-state solution impossible to achieve.

Even before the recent military escalation, Israeli military experts, such as Major General (res) Natti Sharoni, President of the Council for Peace and Security, firmly acknowledged the need for change: 'Israel must recognize the need to lift the Gaza closure, which causes political damage and does not help undermine the Hamas regime or stop weapons being smuggled into Gaza.'¹³

In addition to the hardship the blockade has caused Palestinian civilians, the November escalation in Gaza has shown that it has not adequately protected people on either side. Even before the recent escalation, according to the UN Office for the Coordination of Humanitarian Affairs (OCHA), since the end of 'Operation Cast Lead' in January 2009, 327 Palestinians and four Israelis were killed, in addition to 1,275 Palestinians and 29 Israelis injured due to clashes.¹⁴

The closure of Gaza¹⁵ by the Government of Israel has meant that Palestinian businesses have resorted to the use of tunnels connecting Gaza to Egypt. Currently 47 per cent of all civilian goods come through these tunnels.¹⁶ The opening of the crossings would provide more economically viable and secure alternatives to the tunnels (through which weapons have also been smuggled), potentially providing better options for monitoring the movement of goods to and from Gaza.

There are some indications that the Israeli government's policy towards Gaza is starting to change, presenting an unprecedented opportunity for the international community to finally bring an end to the Israeli blockade.

In the recent ceasefire negotiations, the Israeli Government has, for the first time, come to an understanding with Hamas, agreeing to consider: 'Opening the crossings and facilitating the movement of people and transfer of goods'. In addition, it agreed to refrain from: 'restricting residents' free movement and targeting residents in border areas. Procedures of implementation shall be dealt with after 24 hours from the start of the ceasefire.'

Reports in the media and from the ground suggest that the Israeli government is already allowing some farmers to visit land nearer its security fence with Gaza and letting Palestinian fishermen head a little further out to sea.¹⁷ While these steps should be welcomed, much more needs to be done. Unless the broad terms outlined in the ceasefire understanding are elaborated on and implemented to fully open the crossings, the conditions in Gaza are unlikely to improve, risking future cycles of violence.

OBLIGATIONS TO END THE BLOCKADE

The Middle East Quartet, which includes the UN, EU and the governments of the United States and Russia, have made many statements calling for the unimpeded or unconditional movement of people and goods to and from Gaza. President Obama has called the

blockade 'unsustainable', highlighting the need to explore new mechanisms to bring about economic development in Gaza, while the UK Foreign Secretary Hague called the failure of the Government of Israel to lift the blockade 'a tragedy'. The Israeli government has the right and obligation to protect its citizens, within the bounds of international law. However, the International Committee of the Red Cross (ICRC), along with the UN, declared the blockade of Gaza illegal as it amounts to 'collective punishment', establishing international legal obligations on third states.¹⁸

UN Member States have failed to match strong words with action and have not met their obligations under UN Security Council Resolution 1860 (2009) which: 'Calls on Member States to support international efforts to alleviate the humanitarian and economic situation in Gaza', and 'Calls upon Member States to intensify efforts to provide arrangements and guarantees in Gaza in order to sustain a durable ceasefire and calm, including to prevent illicit trafficking in arms and ammunition and to ensure the sustained re-opening of the crossing points on the basis of the 2005 Agreement on Movement and Access.' [emphasis added]¹⁹ The consequences of this failure have again been seen during the November 2012 military escalation with tragic implications for both Palestinians and Israelis.

MECHANISMS FOR OPENING THE CROSSINGS

The basis for an agreement to open the crossings between Israel and the Gaza Strip already exists in the Oslo Accords, which declared Gaza and the West Bank one territorial unit. In the Accords, the Government of Israel agreed to provide 'safe passage' for people and goods between Gaza and the West Bank.²⁰ Arrangements and guarantees for opening the crossings were further elaborated on in the 2005 Agreement on Movement and Access (AMA), which allowed the crossings to open for more than a year.²¹

Under the AMA and the accompanying Technical Elaboration, the Israeli government agreed to principles and standards for the *continuous operation* of the crossings, whereby any single crossing would only be closed if there was a clear, direct and exceptional threat to security.²²

The Israeli government also agreed that in the event of a security incident at one crossing, goods and people would be diverted to other crossing points, thereby limiting disruptions to Palestinian civilians. In order to support the AMA, the US government invested millions of dollars in sophisticated security technology, which the World Bank,²³ USAID and the Quartet agreed would enable trucks to be scanned in seconds and drive directly from Gaza to the West Bank without the need for further security checks or lengthy procedures.²⁴

In 2005, four crossings were available for the transfer of goods from Gaza to Israel and the West Bank. Today, only Kerem Shalom remains open. A new security scanner was recently installed at the Kerem Shalom crossing, with funds from the Netherlands.²⁵ However, with a

capacity of just 450 truckloads per day, Kerem Shalom would not be able to meet demand if the tunnels were closed or the Gazan economy was allowed to recover.²⁶ The Karni crossing, which had the capacity to process 750 truckloads per day, was closed by the Israeli government in 2011 and demolished in early 2012.²⁷

The AMA also established mechanisms to open the Rafah crossing to Egypt. It tasked EU monitors, known as the EU Border Assistance Missions (EUBAM), with ensuring proper border inspection procedures at the crossing were followed. The effectiveness of the EUBAM mission was hampered by the limited mandate given to it; it was tasked solely with mentoring and monitoring Palestinian officials at the crossing. The parties to the AMA, the Government of Israel and the Palestinian Authority, further failed to modify the AMA to take into consideration new realities on the ground following the Hamas take-over of the Gaza Strip, namely that for the mission to be effective it needed to cooperate with the Gaza authorities.²⁸

Overall, it is clear that, without the necessary 'arrangements and guarantees'²⁹ and practical confidence building measures from the international community, access to and from Gaza is unlikely to improve, with consequences for poverty and human rights in the OPT. With the announcement of the 21 November ceasefire between Hamas and the Government of Israel, the international community must not miss this important opportunity to bring about the end of the blockade of Gaza and boost prospects for peace and security for both Israelis and Palestinians.

RECOMMENDATIONS

To secure genuine improvements to the lives of Palestinians and Israelis, the international community should immediately:

- Press all sides to adhere to existing agreements and commitments, and abide by international law, including Security Council Resolution 1860 (2009). They should learn from the failure to implement the AMA by establishing **appropriate dispute and enforcement mechanisms, with clear benchmarks to monitor progress toward implementation by all parties.**
- **Press for the deployment of a well-resourced international inspection force with the mandate to monitor and secure the opening of *all* crossings, in line with international law.**
- Building on the Israeli government and Hamas' ceasefire commitments and recent progress in easing some restrictions, press the Government of Israel to **immediately end its military enforcement of the land and sea buffer zone and find alternative means to protect its border with Gaza, which do not harm civilians.** As part of a robust monitoring mission (see above), the EU or other acceptable parties could also offer to provide a maritime inspection force deployed to Gaza in order to facilitate access for fishermen and prepare for the opening of a future Gaza port.

- As part of wider measures to open *all* the crossings and help to normalize economic life in Gaza, **ensure priority is given to allowing commercial goods to freely enter and leave Gaza**, ideally also via a *re-built* Karni cargo terminal and (in time) a new sea port. This should include allowing concrete into Gaza via Israel for use by Palestinian civilians and as an alternative to the tunnels. In coordination with the Palestinian Authority (PA), Hamas and the governments of Egypt and Israel, alternative trade routes could also be explored via an upgraded Rafah crossing. However, **any move to upgrade Rafah does not in any way lessen the necessity for the Government of Israel to open all other crossings** (including a re-built Karni) since most of the markets for goods from Gaza are in Israel and the West Bank. Furthermore, any measures to open Rafah or upgrade its facilities should not be allowed to undermine intra-Palestinian reconciliation or perpetuate the further isolation of Gaza from the West Bank.
- Re-introduce mechanisms and principles proposed as part of the implementation of the Oslo Accords and the AMA to facilitate the **free movement of people** across the OPT – including the opening of transit systems (for example, through the development of secure road or bus networks) between the West Bank and Gaza. If necessary, transit systems could be monitored by third parties. Medical patients, students, family reunification cases and business travel should be prioritized, with transit denials by the Government of Israel limited to exceptional and legitimate security-related cases.
- Work with all relevant regional actors to ensure adequate inspection of the tunnels between Egypt and Gaza to eliminate the smuggling of illegal weapons and press all sides to refrain from violence and **better protect Palestinian and Israeli civilians** from rocket attacks and airstrikes, in accordance with international law.
- **Open dialogue with all parties**, including Hamas, to amend and implement the 2005 Agreement on Movement and Access. The opening of crossings for civilians and commercial goods is imperative for poverty alleviation and respect for human rights and should therefore not be contingent on Fatah–Hamas reconciliation (although that is crucial) or the resumption of formal and peace negotiations between the PA and the Government of Israel.

NOTES

- ¹ OCHA Latest Statistics, 22 November 2012, <http://www.ochaopt.org/gazaesc.aspx>. The majority of the buildings received light damage and 298 were severely damaged or destroyed. Figures on schools are conservative estimations provided by the Education cluster on 26 November 2012.
- ² The first figure is from: EUNIDA (2009) 'Final Report: Damage Assessment and Needs Identification in the Gaza Strip, produced for the European Commission', p.XII, http://ec.europa.eu/europeaid/where/neighbourhood/country-cooperation/occupied_palestinian_territory/tim/documents/final_report_version6_t1.pdf
- The second is from: Palestinian National Authority (with the World Bank, EC, civil society and UN agencies) (2009) 'Gaza Early Recovery and Reconstruction Plan', <http://www.undp.ps/en/focusareas/crisis/paermar09.pdf>
- The estimates vary due to differing estimation methods for some sectors (See p.XII of EUNIDA report).
- ³ Food insecurity rates in Gaza are significantly higher than those in the West Bank. The 2011 rates were a recovery from the 60 per cent levels of food insecurity demonstrated after 'Operation Cast Lead'. World Food Programme (2012) 'Socio-Economic and Food Security Survey: West Bank and Gaza Strip, occupied Palestinian territory 2011', http://unispal.un.org/pdfs/FAO_SocioEconFoodSecSurvey.pdf
- ⁴ Youth unemployment stood at 45 per cent in the first half of 2012. UN OCHA (2012), 'The Monthly Humanitarian Monitor: September 2012', <http://www.ochaopt.org/reports.aspx?id=118>
- ⁵ UN Relief and Works Agency for Palestine Refugees, 'Gaza Strip emergency', <http://www.unrwa.org/etemplate.php?id=659>
- ⁶ Paltrade, 'Gaza Crossings Presentation,' September 2011.
- ⁷ UN Office of the High Commissioner for Human Rights (OHCHR) (2012) 'Update. The Access Restricted Areas in the Gaza Strip. January- December 2011,' <http://reliefweb.int/sites/reliefweb.int/files/resources/ARA%20Update%202011.pdf>. Figures for 2012 are pending verification, please contact UN OCHA or UN OHCHR for further data.
- ⁸ Gisha (2012) '10 facts about the connection between the Gaza Strip, the West Bank and Israel', November 2012, <http://www.gazagateway.org/2012/11/10-facts-about-the-connection-between-the-gaza-strip-the-west-bank-and-israel/>. UN OCHA reported that in September 2000 as many as 24,057 people were crossing into Israel daily for work. UN OCHA (2005) 'The Gaza Strip: Access Report', <http://domino.un.org/unispal.nsf/0/73d80b9e47740d79852570a400651cc1?OpenDocument>
- ⁹ Oxfam (2012) 'Occupied Palestinian Territory', <http://www.oxfam.org/en/development/occupied-palestinian-territory>
- ¹⁰ For inter-agency reports on Gaza see, for example: Oxfam et al (2010) 'Dashed Hopes: Continuation of the Gaza Blockade', <http://www.oxfam.org/en/policy/dashed-hopes>
- ¹¹ BBC News (2009) 'Gaza crisis: key maps and timeline', http://news.bbc.co.uk/2/hi/middle_east/5122404.stm
- ¹² Gisha (2012) 'What is the Separation Policy?' <http://www.gisha.org/UserFiles/File/publications/Bidul/bidul-infosheet-ENG.pdf>
- ¹³ Translated from Hebrew by Gisha. Original can be found at: <http://www.nrg.co.il/online/1/ART2/301/076.html?hp=1&cat=479&loc=8>
- ¹⁴ Information received from UN OCHA on 29 November 2012
- ¹⁵ The term 'closure' is used to refer to the restriction of access by land, air and sea, as outlined by the ICRC: <http://www.icrc.org/eng/resources/documents/update/palestine-update-140610.htm>. While used often interchangeably with the term 'blockade', legal organisations express a preference for the term 'closure' as 'blockade', under IHL, refers to a naval blockade.
- ¹⁶ This is approximately equivalent to 4,100 trucks compared to the 4,700 allowed through Kerem Shalom according to Gisha. Gisha (2012) 'The ceasefire: An opportunity to sever the link between hostilities and civilian movement and access', http://www.gisha.org/UserFiles/File/publications/Ceasefire_opportunities/Ceasefire_opportunities_eng.pdf
- ¹⁷ Al Jazeera (2012) 'Israel eases some Gaza border restrictions', <http://www.aljazeera.com/news/middleeast/2012/11/20121124151832736999.html>
- ¹⁸ For statements see: C. Migdalovitz (2010) 'Israel's Blockade of Gaza, the Mavi Marmara Incident, and Its Aftermath' Congressional Research Service Report for Congress, <http://www.fas.org/spp/crs/mideast/R41275.pdf>; J. Tobin (2012) 'Question for Short Debate on 8 February: Blockade of Gaza,' House of Lords Library Note, <http://www.parliament.uk/briefing-papers/LLN-2012-002>; ICRC (2010) 'An End to the Gaza Closure', <http://www.icrc.org/eng/resources/documents/film/palestine-video-140610.htm>; UN News (2009) 'Significant prima facie evidence of serious rights abuses in Gaza', <http://www.un.org/apps/news/story.asp?NewsID=31768&Cr=palestin&Cr1#.ULySxWdEtAA>
- ¹⁹ UN Security Council Resolution 1860, 8 January 2009 at <http://www.un.org/News/Press/docs/2009/sc9567.doc.htm>
- ²⁰ See the full explanation of 'Safe Passage' as agreed in Article X, Annex 1, Oslo Accords, <http://www.mideastweb.org/intanx1.htm>
- ²¹ Details of the 2005 Agreement on Movement and Access are available at <http://www.eubam-rafah.eu/files/Agreement%20on%20Movement%20and%20Access.pdf>

- ²² Details of the Technical Elaboration are available at:
<http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/AgreementMovementAccess.pdf>
- ²³ The World Bank has criticized the way the Government of Israel has previously operated the major crossings, stating: 'The Government of Israel has cited security concerns as the cause of the frequent closures. Without challenging this assertion, much of Karni's inadequacy derives from poor management when it is open – cells and scanners are not used efficiently, operating hours are inconsistent and unpredictable and export volumes are low when the facility is operating.' World Bank Technical Team Report 2006 'An update on Palestinian movement, access and trade in the West Bank and Gaza',
<http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/M&ASummary+Main+MapAugust31.pdf>
- ²⁴ USAID (2011) 'Palestinian Integrated Trade Arrangement: Project Profile, Fact Sheet',
<http://transition.usaid.gov/wbg/misc/ECO/PEO%20PITA%20fact%20sheet.pdf>
- ²⁵ Gisha (2012) Op. Cit.
- ²⁶ AMA Technical Elaboration, available at:
<http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/AgreementMovementAccess.pdf>
- ²⁷ Oxfam et al (2010) Op. Cit.
- ²⁸ OCHA also reported that 'the Israeli authorities prevent the crossing opening by preventing EUBAM access to Rafah through Kerem Shalom'. UN OCHA (2006) 'Agreement on Movement and Access: One Year On',
http://www.ochaopt.org/documents/AMA_One_Year_On_Nov06_final.pdf
- ²⁹ Referring to Point 6 of UN Security Council Resolution 1860. See
<http://unispal.un.org/UNISPAL.NSF/0/96514396E8389A2C852575390051D574>

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