

September 2, 2014

Ref: 10008

To:

Maj. Gen. Yoav Mordechai

Coordinator of Government Activities in the Territories

By fax: 03-6976303

Re: Operation Protective Edge impacts on Gaza access and civilian population

I hereby request that you take the necessary steps to facilitate the rehabilitation of the Gaza Strip following Operation Protective Edge and take advantage of the political climate to introduce measures that conform to the needs of the civilian population and the obligations of the State of Israel.

1. On July 8, 2014 Israel launched an extensive military campaign in the Gaza Strip (Operation Protective Edge). The operation was initially mostly confined to air raids, with significant ground troop action beginning July 17, 2014.
2. The hostilities have severely harmed tens of thousands of people in Israel, the Gaza Strip and the West Bank. In Gaza, 2,104 people lost their lives, more than 10,000 were wounded, more than 100,000 lost their homes and about half a million people were displaced. Many have lost relatives and friends. Access to basic infrastructure such as water and electricity remains limited. Throughout most of the Gaza Strip, electricity supply is cut off for 15 hours every day and about 75% of residents receive water only once every four or five days (the rest receive water once per day or two). In addition, about 360 factories have sustained extensive damage, 120 of them having been completely destroyed. Many have lost their sources of income. The physical and emotional hardships Gaza residents are experiencing now are indescribable.
3. The need to rehabilitate Gaza and assist its residents has been recognized by top officials in Israel and abroad, including officials in Israel's security establishment. So, for example, Chief of Staff Lieut. Gen. Benny Gantz has said that the army would help with Gaza's rehabilitation after the operation. He was quoted in the media as saying: "We are entering a complex period of assistance and rehabilitation. We will assist with the rehabilitation not just out of strategic considerations, but also from the humane side. We have nothing against Gaza's residents". Top military officials recognized the need for economic recovery in Gaza after the fighting ended as well. For example, the media published [the following](#):

"Preventing extreme social and economic pressure in Gaza is in Israel's best interest. If we can help by **opening fishing zones, easing travel through Erez Crossing and transport of goods into the Gaza Strip through Kerem Shalom**, it would assist in keeping the calm". (emphasis added).

4. Gaza's rehabilitation undoubtedly requires urgent humanitarian assistance, but that is not enough. Gaza's economy and society at large will also need rehabilitation so that Gaza's residents may exercise their right to earn a living and pursue their professional, educational, cultural and familial aspirations. Israel's control over travel to and from Gaza creates dependence and translates into a distinct responsibility – to allow civilian movement to and from Gaza, thereby contributing to prosperity and security on both sides of the border.

### Israel's obligations toward Gaza's residents

5. Israel continues to control many significant aspects of life in the Gaza Strip even after disengagement, and did so before the recent military operation. Israel controls the movement of people and goods, the Palestinian population registry (including determining who is considered a resident of Gaza) and civilian infrastructure such as electricity, water and communications. Israel's control, which impacts the Palestinian Authority, and over the West Bank deeply affects the lives of Gaza's residents. As Israel continues to exercise governmental powers in these spheres and allows no other authority to exercise these powers, it has an obligation, under international law, to exercise them in a manner that ensures, as much as possible, that Palestinian residents are able to lead normal lives.
6. As a result of this obligation, Israel must do everything in its power to help restore civilian life in Gaza, including helping repair infrastructure and other structures that were destroyed during Operation Protective Edge. At minimum, Israel should allow Gaza residents to do what is necessary to repair the damage themselves or with external assistance and it must exercise its governmental powers in the Gaza Strip with utmost consideration for the situation on the ground and the heavy damage caused during the fighting.
7. Israel must fulfil its obligations under international law by allowing free passage of people and goods into and out of the Gaza Strip, subject to individual screening and crossing arrangements that meet Israel's security needs and its obligation to enable and aid normal life in the Gaza Strip. Since economic and social development, family unification and access to education and appropriate medical care largely depend on the ability to travel and transport goods, Israel must allow freedom of movement at a level that goes beyond what is required for survival and allows also for prosperity, development and the exercise of individual rights.

More specifically, Israel must adopt the following measures:

8. The "separation policy" must be reversed. This policy separates and distinguishes between the Gaza Strip and the West Bank and prevents movement between the two parts of the Palestinian territory, without benefits for security and contrary to the requirements of international law. It defies international recognition of the Gaza Strip and the West Bank as a single territorial unit, recognition that is shared by Israel itself (as explicitly stated in the Oslo Accords) and stems directly from the clear connection between the two areas. Moreover, this policy ignores the lived experiences of the residents who have extensive family ties spanning across the West Bank and Gaza Strip, as well as strong commercial, economic, cultural and academic connections. The separation policy must be abandoned in favor of free Gaza - West Bank access for both goods and people.
9. As part of Israel's exclusive control over all commercial transport into and out of Gaza and over travel from Gaza to Israel and the West Bank, and vice versa, it must allow civilian movement to the maximum possible extent. In other words, it must remove all restrictions on individual travel and commercial transport that are not based on security necessity. There is a need for a policy that shows a commitment to respecting freedom of movement, rather than one relegated to symbolic gestures.
10. Israel must allow the sale of goods originating in Gaza in Israel and the West Bank, as part of Gaza's rehabilitation and development. The Gaza Strip is a small territory which requires extensive two-way trade in order to maintain an independent, productive economy. The prohibition on the sale of

Gaza-made goods in Israel and the West Bank is one of the major reasons for the collapse of Gaza's economy. Gaza residents have been allowed to export goods abroad, but due to high transport costs and lack of trade connections, this type of export has not been significant. In the past, about 85% of outgoing goods from Gaza were destined for the West Bank or Israel. Trade must go back to what it was prior to the closure if Gaza's economy is to recover, and export must be permitted as described above. In addition, restrictions on export by certain industries (such as those imposed at times on the export of ice cream and snacks) must be avoided completely.

11. Entry of construction materials. As stated, more than 18,000 families have lost their homes as a result of the fighting. This is in addition to the tens of thousands of housing units that were required before the recent military operation. Gaza residents in both the public and private sectors must be allowed to purchase construction materials in quantities and in a manner that would allow restoring the many structures that have been destroyed and building those that were needed before the fighting began – hospitals, schools, factories and residential homes – subject to suitable security and monitoring arrangements. A properly functioning construction sector would also help revive the economy, reduce unemployment and provide jobs for tens of thousands of workers who relied on this sector for their livelihoods. As such, the entry of construction materials would promote purely humanitarian objectives as well as help Israel meet its obligation to enable normal life.
12. Fishing zones must be opened and Gaza residents must be allowed to make a living in this sector, which is extremely important for Gaza's economy. Arbitrary restrictions on the fishing industry that lack any specific security justification must be avoided.
13. Entry of laborers from Gaza to Israel: Before the disengagement plan was implemented (and for a short time thereafter) thousands of Palestinians from the Gaza Strip worked in Israel. The ban on these laborers' entry has been a major factor in the rise of unemployment in the Gaza Strip (before the hostilities began, Gaza's unemployment rate had reached 45%). As part of Gaza's recovery and development, workers from the Strip must be allowed to enter Israel, subject to appropriate security screening.
14. Given the dire circumstances in the Gaza Strip at present (and the difficult conditions there prior to the military operation), the operation of civil society organizations must be allowed in the levels required to rehabilitate the Gaza Strip. This demand certainly applies to international organizations, but also to local aid organizations and other aid and volunteering initiatives. Aid should not be construed in terms of a narrow and literal interpretation of the term "humanitarian needs", nor should permits for aid and humanitarian activities be conditioned on unreasonable procedural requirements that are irrelevant to their ability to function in Gaza. Israel must assist such initiatives, work together with those wishing to help Gaza residents and implement short, simple procedures that would allow interested volunteers from the West Bank, Israel and the rest of the world to enter Gaza and help local residents.
15. Access to higher education would contribute to education, culture and economic activity in Gaza and help its residents create new opportunities for advancement for themselves and for the population at large, as well as take part in regional initiatives. Students from the Gaza Strip must be allowed to travel in order to take up academic studies in the West Bank, particularly in programs that are not available at academic institutions in Gaza. When examining applications made by students, consideration must be given to the condition of Gaza's education system after the military operation and the harm to resources and facilities such as electricity and buildings, which affects the capacity to conduct routine studies. In addition, travel abroad by students for the

purpose of academic studies must be facilitated, as well as entry by researchers and lecturers who wish to teach in the Gaza Strip.

16. Advancing women and protecting their rights. Policy must take women's specific needs into consideration in a variety of fields – family life, economic activity, trade, education and more. Care must be taken to avoid a situation where criteria set forth by the COGAT result in de-facto discrimination against women (even if unintended). When procedures and directives are formulated, consideration must be given to possible differences in the way they affect men and women, with attention to existing differences between men and women and with cultural sensitivity and respect for the norms accepted in Palestinian society. As an example, the agriculture and fishing sectors are two of the largest employers of women who participate in the work force. When restrictions are imposed on fishing and agriculture, their effect on women should be considered.
17. Care must be taken to ensure that existing and future policy and guidelines are implemented with maximum transparency, published in full and accessible. Aside from the clear need to publish existing procedures, changes in procedures and directives must be up to date. Exact and accurate figures about the new policy and its implementation must be published, as well as the differences between the new situation and the previous one.
18. In these circumstances, the military officials charged with regulating various aspects of everyday life in the Gaza Strip as well as access to and from the territory, should act responsibly and with due diligence and find ways to help this battered population alleviate the hardships it faces.
19. In light of the above, we ask that you instruct the implementation of the measures necessary for ensuring the rehabilitation of the Gaza Strip and assistance to its residents – both by ensuring basic humanitarian needs are met and by societal and economic rehabilitation that would allow for a functioning, prosperous society.
20. I appreciate your prompt response.

Sincerely,

Eitan Diamond, Adv.  
Executive Director

CC:

Adv. Ruth Bar, Assistant to the Minister of Defense

Col. Firas Atilla, Gaza DCO Commander

Ms. Renana Tchelet, Director of International Relations Department, Ministry of Welfare