



Hundreds of thousands of people in Gaza fled the bombing. When families returned to Shujaiya in eastern Gaza during a brief 12-hour pause, many found their homes completely destroyed (July 2014). Iyad al Baba/Oxfam

CEASE FAILURE

Rethinking seven years of failing policies in Gaza

The most recent escalation of violence in Gaza and southern Israel has come at terrible human cost. More than 1,500 civilians in Gaza, and six in Israel, have been killed. Over 100,000 Palestinians have been left homeless and vital civilian infrastructure worth billions of dollars has been destroyed in Gaza. The recent ceasefire announcement is certainly a welcome one, but is only the first step on a long road toward lasting peace.

Unless long-term solutions are found to ensure economic growth and sustainable development in Gaza, frequent military escalations will only continue, increasing insecurity for Israelis and Palestinians alike. The Israeli government's implementation of a policy of separation – politically and physically isolating Gaza from the West Bank – has resulted in the fragmentation of the Occupied Palestinian Territory (OPT) and is a major obstacle to the chances of lasting peace.

The conflict between Palestinians and Israelis requires a long-term political solution that begins with a lasting ceasefire, continues with the end of the blockade of Gaza, and ends with a negotiated peace based on international law.

SUMMARY

The most recent escalation of violence in the Gaza Strip and southern Israel has come at an unacceptable human cost. To date, it has resulted in the deaths of over 2,100 Palestinians, with roughly 85 per cent of those identified thought to be civilians.¹ Six civilians in Israel and 64 Israeli soldiers have been killed. Over 10,000 Palestinians, the vast majority civilians,² and over 500 Israelis have been injured.³ Vital infrastructure in Gaza has been extensively damaged, with initial estimates for reconstruction well into the billions of dollars and 10,000 Palestinians left without a home.

The new ceasefire between Israel and Hamas – agreed on 26 August – is a much needed respite for all civilians, after 50 days of intense violence, but it is only a first step toward peace and security for all. Israel must permanently lift its restrictions on Palestinian development and allow freedom of movement. After Gaza's last major escalation of violence in late 2012, Israeli and Palestinian leaders – and the international community – utterly failed to take advantage of the ceasefire to end the cycle of violence and significantly improve the lives of people on both sides. We cannot afford to make the same mistake again. Now is perhaps the last opportunity to implement lasting solutions that can bring tangible improvements to the lives of both Palestinians and Israelis. Otherwise, military escalations are likely to resume and occur in shorter and shorter cycles, magnifying insecurity for Israelis and Palestinians alike.

The recent formation of a technocratic Palestinian National Unity Government is one of the most positive developments in recent years toward overcoming the physical, political, economic and social divisions of the Occupied Palestinian Territory (OPT), and is an essential step towards achieving the goal of a viable two-state solution.

But the Israeli government's policy of separation – politically and physically isolating Gaza from the West Bank – continues to fragment the OPT. Punitive measures that disproportionately affect Palestinians in Gaza have resulted in a GNP per capita of \$1,074, half that of the West Bank, and just over three per cent of Israel's.⁴ Improving life in Gaza and reconnecting Gaza to the West Bank, including East Jerusalem, will require a reassessment of the framework by which the international community engages with the OPT.

Israel has legitimate security concerns; however, these cannot continue to be addressed at the expense of the Palestinian civilian population. The conflict between Palestinians and Israelis requires a political solution that begins with a comprehensive ceasefire agreement, continues with the end of the blockade of Gaza, and ends with a negotiated peace based on international law.

The following recommendations set out a series of vital steps to put that into practice.

RECOMMENDATIONS: 14 IMMEDIATE STEPS

PROTECTION OF CIVILIANS

- **Deploy international personnel**, as a temporary confidence-building measure, to monitor the cessation of hostilities, publicly report any violations of the ceasefire agreement, including movement and access provisions, and guarantee humanitarian access to the civilian population.
- Ensure adequate inspection of the border between Egypt and Gaza to eliminate the smuggling of illegal weapons; **press all sides to refrain from violence and better protect Palestinian and Israeli civilians** from military operations and rocket attacks, in accordance with international law.
- **Limit the manner in which Israeli security forces are legally permitted to engage in the Access Restricted Areas (ARA) on land and sea, so as to better protect civilians, in line with all international legal obligations.** Israeli activity is currently conducted under the *laws of armed conflict*, which allow for the legal use of deadly force under an extensive range of circumstances. A more appropriate approach is the *law enforcement* model, which would limit the legal use of deadly force to extreme circumstances, and only when all other non-lethal measures have proven insufficient.
- **In all cases of a killing or serious injury, ensure that the Government of Israel implements the findings of the Turkel Commission⁵ by automatically opening an investigation into the circumstances of each case.** The Commission found that in the context of law enforcement, “the killing of an individual [...] by security forces [...] gives rise in itself to an investigatory obligation.”⁶ This is a necessary first step toward increasing much-needed accountability and access to effective legal remedy, and a way to prevent more violence and destruction in the future.

MOVEMENT OF PEOPLE

- **Re-establish a permanent and open connection through the Erez crossing for movement of civilians between Gaza and the West Bank, including East Jerusalem.** Current restrictions place arbitrary and disproportionate constraints on the entire population of Gaza. Progress could begin with a shift to a ‘no travel’ list, whereby requests for travel permits can only be denied on the basis of a specific and substantiated security threat posed by an individual.
- **Open the Rafah crossing to Egypt for movement of civilians.** Increased movement of people through Rafah in no way relieves the Israeli government of its obligations to open and normalize passage of people and goods through all other crossings.

- Re-deploy **PA Presidential Guards along the Gaza–Egypt border** to facilitate an easing of restrictions on the movement of people into and out of Gaza in a sustainable manner. Security provided by these measures is an essential step towards providing free and unfettered movement of people and goods through Israel.

MOVEMENT OF GOODS

- Guarantee the immediate entry of construction materials – including the concrete, aggregate and steel essential for the recovery of Gaza’s public infrastructure, factories, businesses and homes. **Humanitarian and recovery assistance must be provided based on need and cannot be contingent upon political developments or demands**, including the demilitarization of Palestinian armed groups.
- As a first step toward sustainable economic growth and poverty alleviation, **upgrade the Kerem Shalom crossing such that it is fully functional for commercial goods**. Increasing opening hours and making improvements that allow for containerization⁷ at Kerem Shalom would decrease transaction costs and increase volume and profit margins. While opening all crossings into and out of Gaza is essential for long-term economic growth, an upgrade of Kerem Shalom would have a significant and immediate impact on the Palestinian economy.
- **Clarify and work to address alleged security reasons for the ban on trade between Gaza and the West Bank and Israel**. Technical arrangements must be implemented on the clear understanding that they may only be altered in exceptional circumstances related to direct security threats, not as a means to indiscriminately punish the entire population.
- **Harmonize the list of dual-use items banned from entering Gaza with the list of goods banned from the West Bank**. While the dual-use items list for the West Bank does create significant barriers to Palestinian livelihoods there, and should be revised, it is still less restrictive than the list for Gaza. The West Bank list can therefore provide a minimum starting point for further technical discussions.

DIPLOMATIC ENGAGEMENT

Achieving progress on improving life in Gaza and reconnecting Gaza to the West Bank, including East Jerusalem, will require **a reassessment of the framework by which the international community engages with the National Unity Government**, including Hamas.

- **Support President Abbas to rapidly move toward elections**. The Palestinian National Unity Government is a technocratic entity, which has been welcomed by the EU and provisionally accepted by the US; it should be encouraged to fulfil its stated function of injecting Palestinian political leadership – and any future peace negotiation efforts – with democratic legitimacy.

- **Hold the post-election Palestinian government – not individual parties – accountable to the current Quartet principles** (renunciation of violence, acceptance of previous agreements signed by the PLO, and recognition of the State of Israel). Following elections, it is likely that the Palestinian government will include members from Hamas and other Palestinian factions with whom there is currently no consensus on diplomatic engagement. International agreement about minimum standards should be transparent and in place before the elections.
- **Actively support the rationalization of all Palestinian ministries** as a way to reduce expenditures, ensure provision of quality services to the Palestinian population on the basis of need, form the basis for strategic national plans, and increase the effectiveness and efficiency of donor-funded projects.

NOTES

- 1 OCHA, Situation Report, 26 August 2014, http://www.ochaopt.org/documents/ocha_opt_sitrep_26_08_2014.pdf
- 2 Ibid.
- 3 Israeli Ministry of Foreign Affairs, 26 August 2014, <http://mfa.gov.il/MFA/ForeignPolicy/Terrorism/Pages/Rise-in-rocket-fire-from-Gaza-3-Jul-2014.aspx>
- 4 Oxfam International (2013), '20 Facts: 20 Years Since the Oslo Accords', <http://www.oxfam.org/sites/www.oxfam.org/files/oxfam-oslo-20-factsheet.pdf>
- 5 Established by the Government of Israel in the aftermath of the 2010 Flotilla Incident.
- 6 'The Public Commission to Examine the Maritime Incident of 31 May 2010: Second Report - The Turkel Commission', page 103, May 2010, <http://www.turkel-committee.gov.il/files/newDoc3/The%20Turkel%20Report%20for%20website.pdf>
- 7 Kerem Shalom is currently operated on a double back-to-back system. Shipments arriving from either side are transferred to a 'sterilized truck' that transports them between two separate terminal facilities on the Israeli and Palestinian sides, transferring the shipment again to a new truck. This system is costly, time-intensive, and not appropriate for certain delicate agricultural products. Using the security scanner donated by the Dutch government to switch to a door-to-door system would considerably reduce transaction costs, as containers could be shipped from source to end without needing to unload the shipments twice.

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