



Provisional version

## The humanitarian crisis in Gaza

### Report<sup>1</sup>

Committee on Migration, Refugees and Displaced Persons

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## A. Draft resolution<sup>2</sup>

1. The Assembly is highly concerned with the deteriorating humanitarian situation in Gaza and the lack of significant steps by the international community and all parties involved aimed at putting an end to the hardships of the people living in Gaza.

2. Since the 2014 Israeli military operation in Gaza, the situation has worsened significantly; over 2 200 people have died, of whom most were civilians, including 551 children; over 12 620 houses have been totally destroyed and 6 455 severely damaged. More than 11 000 people have been injured and 28% of the population of Gaza has been displaced.

3. The 9-year blockade of Gaza by both Israel and Egypt has subjected its population to collective punishment in contravention of international human rights and humanitarian law. 75 000 people are still displaced and 43% of Gaza's population is unemployed, a figure which rises to 60% among the young population. In all 80% of the population relies on humanitarian assistance. The territory of Gaza is suffering from insufficient power supply and a lack of drinking water. According to a recent report by the United Nations Conference on Trade and Development (UNCTAD), due to severe damage to the coastal aquifer and the overall environmental degradation, Gaza is in danger of becoming unliveable by 2020.

4. The humanitarian crisis is also characterised by the precarious situation of the public health and education systems. The destruction of hospitals and lack of drugs and medical equipment have led to a significant increase in chronic diseases, cases of cancer and urgent need for more surgeries. Many schools have been destroyed or damaged and others are being used as emergency shelters for IDPs.

5. The Assembly recalls its Resolution 1940 (2013) on the situation in the Middle East and reiterates its constant position that only a negotiated, two-State solution to the Israeli-Palestinian conflict and cessation of the construction of new settlements and extension of old ones on the Palestinian territory can create the necessary framework for the normalisation of the humanitarian situation in Gaza and the promotion of Palestinian state-building. It encourages the Government of Israel and the Palestinian National Authority to start negotiations towards a mutual and full commitment to this solution.

6. The Assembly considers that respect for the ceasefire should be the main pre-condition for the normalisation of the lives of the people in Gaza. To this end, it is important to upgrade security cooperation between the Palestinian authorities and Israel in line with the relevant articles of the Access and Movement Agreement of November 2005.

7. Significant progress in the reconstruction of property in Gaza and delivery of basic services for its economic development can only be possible under a united Palestinian Authority, able to ensure security and democratic governance in the Palestinian territories.

8. The Assembly considers that a rapid solution to the Gaza humanitarian crisis is essential to ensuring stability in the Middle East. The lifting of the blockade by Israel and Egypt is a vital precondition to the resolution of the humanitarian crisis in Gaza and should be facilitated by the international community through the provision of security conditions necessary for the free movement of people and goods. With this aim, a new international conference on the reconstruction of Gaza should be called.

9. The Assembly considers that its member States, Israel and the Palestinian authorities should mobilise all efforts to alleviate the humanitarian plight of the population of the Gaza Strip and therefore calls on:

9.1. the international community to:

9.1.1. ensure access to and provision of medical and social services for Gaza's population;

9.1.2. provide a sustainable solution concerning water and energy supplies to Gaza;

9.1.3. speed up the construction of new schools to keep pace with population growth;

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<sup>2</sup> Draft resolution adopted unanimously by the Committee on 7 December 2016.

9.1.4. allocate the required funding to the continuation of reconstruction projects in order to provide adequate housing for IDPs in Gaza;

9.1.5. involve women from Israeli and Palestinian society in the peace negotiations, as is mentioned in UN Resolution 1325;

9.1.6. provide special protection to women, children and disabled people in Gaza.

9.2. the Israeli authorities to:

9.2.1. lift the blockade of the Gaza Strip to ensure that the population of Gaza has access to basic and inalienable human rights;

9.2.2. prepare for the removal of the blockade by upgrading the crossing point between Israel and Gaza at Kerem Shalom, and developing further crossing points at Erez and Karni;

9.2.3. assist in facilitating Gaza's exports to Israel, the West Bank and beyond, particularly of agricultural products and textiles, and to enable Palestinian workers to seek employment in Israel;

9.2.4. increase the fresh water supply to Gaza, until desalination plants can be constructed;

9.2.5. reconsider the list of restricted materials for import to Gaza with the aim of increasing the imported quantities of permitted construction materials, computer equipment, vehicles and chemicals for agriculture and water supply;

9.2.6. to expand the fishing zone to 20 nautical miles as provided for under the Oslo Accords;

9.2.7. refrain from the use of force without justification against Palestinian civilians in the buffer and fishing zones.

9.2.8. co-operate with the relevant rapporteurs of PACE by granting them access to the territory of Gaza;

9.3. the Palestinian authorities to:

9.3.1. reject and condemn acts of terrorism against Israel;

9.3.2. form an effective and cohesive government, bridging the two territories;

9.3.3. prepare a multi-annual Action Plan for Palestinian State-Building;

9.3.4. combat all forms of discrimination against women;

9.3.5. sign and respect an agreement with Israel concerning the water supply in Gaza.

10. The Assembly urges the State of Israel and the Palestinian Authority to fully cooperate with the International Criminal Court's (ICC) preliminary examination of the situation in Gaza, which started on 16 January 2015. It also urges its member States to support a possible future official examination by the ICC, if the preliminary findings show that there is a reasonable basis to do so.

11. The Assembly also calls on its member States to provide the necessary resources to UNRWA and OCHA for their emergency assistance projects in Gaza.

12. The Assembly considers that it is vitally important to facilitate the work of international and national non-governmental organisations which are providing humanitarian assistance to Gaza and to improve the coordination of their activities. The work of human right organisations should also be facilitated.

## B. Explanatory memorandum by Ms Jansson, rapporteur

### 1. Introduction

1. The Parliamentary Assembly has on several occasions expressed its concern over the situation in Gaza and in particular has emphasised the need to find a political solution to the crisis.<sup>3</sup> However, this report will focus on the humanitarian aspects of the present conflict.

2. The following figures illustrate the continuously deteriorating humanitarian situation in Gaza: 71% of the total population of Gaza are Palestinian refugees, whose families were displaced and lost their livelihoods in the 1948 Arab-Israeli war (1.3 million people); 43% of Gaza's population is unemployed (unemployment rates among youth are even more alarming, with 64.4% of young men and 82.8% of young women unemployed). 40% of Gaza's population only has access to water for between 5 and 8 hours every three days as a result of the insufficient and irregular power supply. According to a World Bank report,<sup>4</sup> nearly 80% of Gaza's population receives some kind of social assistance, and nearly 40% falls below the poverty line. Real per capita income in the territory is 32% lower than in 1994. In the last 20 years, Gaza's rate of growth has been one of the lowest in the world.

3. After a victory by Hamas in the 2006 parliamentary elections, the organisation took over the Gaza Strip in June 2007 after a military conflict with Fatah. The area has since become the scene of constant conflict between Hamas and various other political factions opposing Israel, the most notable of which was the Gaza War of 2008-2009, which has substantially contributed to the deteriorating humanitarian situation. In addition, military operations by the Israel Defense Forces (IDF) — Operation Cast Lead in 2008, Operation Pillar of Defense in 2012 and Operation Protective Edge in 2014 have transformed the Gaza Strip into a disaster area.

4. Since the Israeli military operation in the summer of 2014, known as "Operation Protective Edge", the situation has become even more preoccupying. Besides the huge number of persons killed, the destruction of civil infrastructure during the operations was enormous. An estimated over 12 620 houses were totally destroyed and 6455 were severely damaged. 17 650 families or about 100 000 persons were displaced.<sup>5</sup> As a result, many people preferred to flee Gaza and join the masses of refugees going to Europe.

5. In addition the border tunnels - the main supply and commercial trade route for goods into Gaza since 2007 - have been destroyed by Egyptian and Israeli military forces because they are also used to smuggle weapons and to carry out assaults into Israeli territory.

6. The main aim of the present report is to make an assessment of the current humanitarian situation in Gaza on the basis of interviews with both the Israeli and Palestinian authorities and reports from reliable humanitarian organisations. It is important to understand the humanitarian consequences of the state of siege in which Palestinians in Gaza have lived since 2007 in order to propose some measures to improve the situation.

7. Unfortunately, I was not able to visit Gaza since the Israeli authorities denied me permission and the Egyptian authorities did not respond to my request. This runs counter to the requirement of Israel's Observer status with the Parliamentary Assembly which should imply facilitation of fact-finding missions of the Assembly's rapporteurs.

8. The report endeavours to assess why Europe and its partners have not succeeded in promoting European Neighbourhood Policy values in this region and obtaining the opening of the Gaza territory to reconstruction and humanitarian assistance. According to a recent report by the United Nations Conference on Trade and

<sup>3</sup> In its [Resolution 1969 \(2014\)](#) on the evaluation of the partnership for democracy in respect of the Palestinian National Council, it regretted the failure to reach an agreement on reconciliation between the Palestinian authorities and the *de facto* rulers in Gaza. In its Resolutions [1940 \(2013\)](#) and [1700 \(2010\)](#) on the situation in the Middle East and [Resolution 1748 \(2010\)](#) on the flare-up of tension in the Middle East, the Assembly reiterated its position as regards the need for "a two-State solution". In the recent [Resolution 1940 \(2013\)](#) it called on the Israeli authorities to lift the blockade of Gaza.

<sup>4</sup> Gaza Economy on the Verge of Collapse, Youth Unemployment Highest in the Region at 60 percent, World Bank, Press-Release, May 21, 2015.

<sup>5</sup> The Gaza Strip: internal Displacement in the Context of the 2014 Hostilities, July 2015, OCHA Occupied Palestinian Territory.

Development (UNCTAD), due to severe damage to the coastal aquifer and the overall environmental degradation, Gaza is in danger of becoming unliveable by 2020. By that time its population is forecast to rise to 2 million and water resources and infrastructure will no longer suffice. The engagement of international donors is therefore a vital precondition for the survival of Gaza's population as well as the ending of the blockade of Gaza.

## 2. The historical context

9. The United Nations General Assembly's 1947 partition of the territory of the British Mandatory Palestine into a Jewish and Arabic State<sup>6</sup> was accepted by the Jewish Agency and after the withdrawal of the British military forces the establishment of the State of Israel was declared on 14<sup>th</sup> May 1948. The State was then recognised by several States, including America and the Soviet Union. The Arab League and the Arab Higher Committee of Palestine rejected the partition plan, arguing that it did not comply with the right to self-determination set out in the UN Charter.

10. The day after the establishment of the State of Israel the armies of Egypt, Syria, Transjordan and Iraq crossed the former Mandatory Palestine border and the first Arab-Israeli war started. As a consequence of the war, around 750 000<sup>7</sup> Palestinians were expelled from their homes or moved to the neighbouring countries, to the Gaza Strip or to the West Bank. Between 1948 and 1967 the Gaza Strip was controlled by Egypt and the West Bank by Jordan. In 1967, the 6-day War ended with the occupation of the Gaza Strip and the West Bank by Israel.

11. In 1964, the Palestine Liberation Organization (PLO) was established with the aim of liberating Palestine through armed combat.<sup>8</sup> 10 years later the PLO was recognized as the representative of the Palestinian people by the UN General Assembly<sup>9</sup> and Palestine was granted observer status with the UN.<sup>10</sup> Shortly after the First Intifada broke out against Israel in 1987, Hamas was founded to liberate Palestine from the Israeli occupation and to establish an Islamic State in the Palestinian and Israeli territories. Hamas refused a peaceful solution of the Arab-Israeli conflict at the time,<sup>11</sup> and its military wing has been attacking Israel ever since, with methods which include suicide bombings and rocket attacks. Hamas is classified as a terrorist organisation by many States and international organizations, including the European Union, America, Canada, Japan, Australia and Israel.<sup>12</sup>

12. Egypt as a regional power has always played a key role in the Israeli-Palestine conflict. In the first decades Egypt, together with other Arabic States, participated in several military operations against Israel. However, in 1977 Egypt started secret negotiations with Israel, resulting in the 1978 Camp David Accords and in the Egypt-Israel Peace Treaty of 1979. In the accords Egypt recognized the State of Israel in return for Israel withdrawing its armed forces from the Sinai, dismantling around 12 Jewish settlements with 4,500 civilian inhabitants, and restoring the peninsula to Egypt.<sup>13</sup> This agreement was strongly criticized by the UN General Assembly, as it was concluded without the participation of the PLO and the UN, neglecting the Palestinian refugees' right to return to the Israeli and Palestinian territories and the Palestinians' right to self-determination.<sup>14</sup>

13. In 1992, after decades of military conflict between Israel and the member States of the Arab League and after the increasing number of clashes between the Israeli police and the Palestinians, Israel and the PLO started negotiations that led to the Oslo Accords. The PLO recognized the State of Israel in return for Israel recognizing the Palestinians' right to self-governance.<sup>15</sup> However, they failed to agree on key issues such as the question of the Jewish settlements in Palestinian territories, the return of the Palestinian refugees and the status of Jerusalem.

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<sup>6</sup> UN General Assembly Resolution 181 (II).

<sup>7</sup> This is the number of refugees registered by UNRWA in 1950.

<sup>8</sup> Statement of Proclamation of the Palestine Liberation Organization Jerusalem, 28 May 1964.

<sup>9</sup> UN General Assembly Resolution 3210.

<sup>10</sup> UN General Assembly Resolution 3237.

<sup>11</sup> Hamas Covenant 18 August 1988 (The Covenant of the Islamic Resistance Movement) Article 13.

<sup>12</sup> BBC News: Profile: Hamas Palestinian movement (22. April 2016) <http://www.bbc.com/news/world-middle-east-13331522>.

<sup>13</sup> The Camp David Accords 17 September 1978 Part A Israel-Egypt Peace Treaty 26 March 1979 Article I.

<sup>14</sup> UN General Assembly Resolution 32/28 A.

<sup>15</sup> Declaration of Principles on Interim Self-Government Arrangements 13 September 1993.

14. As a result of the Oslo Accords in 1994 the Palestinian National Authority (PNA) was established to govern some parts of the West Bank and in the Gaza Strip.<sup>16</sup> However, this was not seen as an end solution for Palestine and further negotiations were foreseen on the permanent status of the Palestinian territories that should have covered the remaining issues including Jerusalem, the refugees and the Jewish settlements. In 2000, the negotiations ended without reaching a comprehensive peace agreement, which contributed to the outbreak of the Second Intifada.

15. The first restrictions on the Gaza Strip were imposed by Israel during the First Intifada in 1989: only those who owned a magnetic card issued by the Israeli government could leave the strip. From 1991, the Palestinians from Gaza needed a personal exit permit in order to enter Israeli territories and, in 2000 during the Second Intifada Israel imposed the total closure of the Gaza Strip.<sup>17</sup>

16. In 2005, Israel launched a unilateral disengagement plan, which meant the withdrawal of the Israeli army from Gaza after 38 years of occupation, and the evacuation of all Israeli settlements from the Gaza Strip. As a consequence the PNA gained full control of the Gaza Strip with the exception of its sea space, air space and borders, controlled by Israel.<sup>18</sup>

17. In 2006, Hamas won the Palestinian parliamentary elections, defeating the PLO-affiliated Fatah party and in 2007 took control of the Gaza Strip, ordering the Fatah officials to give up their posts.<sup>19</sup> As Hamas refused to renounce violence and to respect the previous agreements with Israel, the Israeli government, together with the Quartet (UN, EU, US, and Russia) imposed economic sanctions against the Hamas-led Palestinian Authority on the Gaza Strip.<sup>20</sup> Israel also suspended the transfer of the taxes it collected on behalf of the Palestinian authorities. Between 2007 and 2010 the Israeli restrictions on the entry of goods, including humanitarian aid and power supplies, and on exports, were gradually tightened.<sup>21</sup> The humanitarian situation became worse as Israel and Egypt closed their border crossings with Gaza in 2007.<sup>22</sup>

18. Since 2007 the Gaza Strip has been under a blockade operated by both Israel and Egypt. The tightening of the blockade resulted in a 71 % decrease of the volume of entering goods between May and October 2007.<sup>23</sup> The strict restrictions on the import of construction materials had a very negative impact on the economy of the Gaza Strip and made it difficult for the Palestinians to rebuild houses destroyed by Israeli attacks.<sup>24</sup> Israel and Egypt have faced increasing international pressure to ease the blockade due to the significant increase in unemployment, poverty and food insecurity in the Gaza Strip.<sup>25</sup> Since 2010 Israel has allowed the import of all non-military goods, but continues to inspect all goods arriving in Gaza.<sup>26</sup>

19. After the 2011 revolution, Egypt re-opened its border to Gaza for women, children and men over 40 and since 2012 Egypt has started supplying fuel to the Gaza Strip in order to ease the humanitarian crisis.<sup>27</sup> In 2013, Israel also eased the restrictions on the import of construction materials.<sup>28</sup>

<sup>16</sup> Agreement on the Gaza Strip and the Jericho Area 4 May 1994.

<sup>17</sup> The Israeli Information Center for Human Rights in the Occupied Territories: Closure (18. April 2016) [http://www.btselem.org/freedom\\_of\\_movement/closure](http://www.btselem.org/freedom_of_movement/closure).

<sup>18</sup> IRIN News: Gaza humanitarian timeline since 2005 (18. April 2016) <http://www.irinnews.org/news/2010/08/01/gaza-humanitarian-timeline-2005>.

<sup>19</sup> IRIN News: Gaza humanitarian timeline since 2005 (18. April 2016) <http://www.irinnews.org/news/2010/08/01/gaza-humanitarian-timeline-2005>.

<sup>20</sup> Center on Housing Rights and Evictions: Hostage to politics: The impact of sanctions and the blockade on the human right to water and sanitation in Gaza, 2008, p. 6.

<sup>21</sup> UNRWA Emergency Appeal 2008 p. 7-10.

<sup>22</sup> IRIN News: Gaza humanitarian timeline since 2005 (18. April 2016) <http://www.irinnews.org/news/2010/08/01/gaza-humanitarian-timeline-2005>.

<sup>23</sup> UNRWA Emergency Appeal 2008 p. 9.

<sup>24</sup> UNRWA Emergency Appeal 2008 p. 7.

Thomson Reuters Foundation News: Israeli-Palestinian Conflict (19. April 2016) <http://news.trust.org/spotlight/Israeli-Palestinian-conflict/?tab=briefing>.

<sup>25</sup> UN Office for the Coordination on Humanitarian Affairs: Occupied Palestinian Territory : Humanitarian Needs Overview 2016.

<sup>26</sup> World Public Library: Blockade of the Gaza Strip (19. April 2016) [http://www.worldlibrary.org/articles/Blockade\\_of\\_the\\_Gaza\\_Strip](http://www.worldlibrary.org/articles/Blockade_of_the_Gaza_Strip)

<sup>27</sup> World Public Library: Blockade of the Gaza Strip (19. April 2016) [http://www.worldlibrary.org/articles/Blockade\\_of\\_the\\_Gaza\\_Strip](http://www.worldlibrary.org/articles/Blockade_of_the_Gaza_Strip)

20. In 2014, Israel launched “Operation Protective Edge”, a military operation aiming to stop rocket fire from Gaza towards Israel.<sup>29</sup> Protective Edge has led to the death of thousands of people, the majority of them civilian Palestinians,<sup>30</sup> and seriously aggravated the humanitarian situation in Gaza.

21. A report by Amnesty International, “‘Strangling Necks’: Abduction, torture and summary killings of Palestinians by Hamas forces during the 2014 Gaza/Israel conflict” highlights a series of abuses, such as the extrajudicial execution of at least 23 Palestinians and the arrest and torture of dozens of others, including members and supporters of Hamas’s political rivals.

### 3. The different aspects of the humanitarian crisis in the Gaza strip

#### 3.1. The free movement of people and goods

22. The restrictions on the free movement of people and goods imposed by Israel and Egypt and their drastic economic consequences are the main contributing factors, besides the military attacks, to the current humanitarian crisis in the Gaza Strip, as they seriously compromise people’s access to food, housing, energy and basic public services. It is also a violation of human rights. Both the Israeli and the Egyptian authorities explain these restrictions by security threats provoked by the construction of tunnels, smuggling of weapons and the organization of terrorist attacks.

23. The restrictions were first imposed in the early 90’s, and these were reinforced after the imposition of the blockade in 2007. While in 2005, 31 424 persons per month could enter Israel through the Erez crossing, this number had decreased to 2 175 in 2008. There has been a slight improvement since 2010 but in 2015 the number of monthly crossings was still only around 50% of the number in 2005 (a monthly average of 15 027). At the same time, Egypt also restricted the movement of Gaza citizens through the Rafah crossing through which 25 813 persons a month could enter in 2006, but only 1 759 in 2008. In 2012 Egypt opened its border crossing, but since 2014 the number of monthly crossings decreased again from 25 187 in 2013 to 8 141 in 2014 and to 2 393 in 2015.<sup>31</sup>

24. The number of truckloads entering and leaving Gaza has decreased drastically since the blockade was imposed on the Gaza Strip. While in 2005, 777 truckloads were exported from Gaza on a monthly average, this number decreased to just 3 in 2008, which led to the closing of hundreds of factories. The amount of exported trucks started to increase in 2015 with 113 exported truckloads monthly, but it is still far from the amount seen in the pre-blockade era. The number of truckloads imported to Gaza has also dropped since the imposition of the blockade, from 9 290 on average per month in 2005 to 2 236 in 2008. However, this number has increased in the last couple of years, with 139 364 trucks entering Gaza in 2015.<sup>32</sup> According to a statement by COGAT of 13 July 2016, the Erez crossing point will also be opened for the passage of merchandise for the first time in nine years.<sup>33</sup> In 2015, the number of entry permits from Gaza into Israel doubled for the representatives of the business sector and the entry quota was raised from 3 000 to 5 000. About 100 000 people entered Israel from the Erez crossing in 2015, representing a 300% increase compared to 2014.<sup>34</sup>

25. The increase in the numbers of crossing of people and goods is a positive trend, but not significant enough to ease the humanitarian situation in Gaza. In 2015, the World Bank reported that the blockade had reduced Gaza’s GDP by around 50%.<sup>35</sup> Exports from Gaza stand at only 17% of their amount before Hamas took power. In addition, the suspension of the entry of cement to Gaza from 3 April to 22 May 2016 delayed the reconstruction works in Gaza. Only the total lifting of movement and access restrictions to and from Gaza, call for an end of the blockade of Gaza, can provide the necessary conditions for its reconstruction.

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<sup>28</sup> Aljazeera: Israel eases ban on Gaza building material (19. April 2016).  
<http://www.aljazeera.com/news/middleeast/2012/12/20121230111016471213.html>

<sup>29</sup> BBC News: Gaza-Israel conflict: is the fighting over? (19. April 2016)  
<http://www.bbc.com/news/world-middle-east-28252155>.

<sup>30</sup> BBC News: Gaza crisis: Toll of operations in Gaza (19. April 2016)  
<http://www.bbc.com/news/world-middle-east-28439404>.

<sup>31</sup> *Ibid.*

<sup>32</sup> Israeli aid to Palestinians-COGAT update February 2016.

<sup>33</sup> Erez crossing opens for goods for first time in 9 years, The Times of Israel, 13 July 2016.

<sup>34</sup> Information provided by the Israeli Ministry of Foreign Affairs, Reconstruction in Gaza: update, 1 January 2016.

<sup>35</sup> World Bank Economic Monitoring report to the Ad Hoc Liaison Committee, May 27, 2015.



### 3.2. Food insecurity

26. As a consequence of the blockade and military operations, 47% of the households in Gaza have insufficient access to food. Although food is available, goods are too expensive for many people due to the high unemployment rate, which currently stands at over 40% in the Gaza Strip.<sup>36</sup> The closing of the border crossings to Israel and to the West Bank prevents the population of Gaza from seeking employment outside of the Gaza Strip and thereby improving the economic and humanitarian situation. As I was told by Palestinian NGOs during my visit to Jerusalem and Ramallah, those who do manage to cross the borders are sometimes arrested by the Israeli authorities or called to collaborate with them. In addition, the buffer zone covers around 23% of the Strip's agricultural land, limiting the owners' ability to cultivate their own land. It is divided into two parts; the first part is a no-go zone where it is forbidden for anybody to enter. This area represents 4% of the territory of the Gaza Strip. The second part is an area where no building is authorised, representing 19% of the territory of the Gaza Strip.

27. Even if families can afford enough food, the poor quality of the water, the low level of sanitation and hygiene, the shortage of an energy supply and the insufficiency of imported cooking gas makes its preparation difficult.<sup>37</sup> The amount of cooking gas imported through the Kerem Shalom crossing covers only a third of the estimated demand.<sup>38</sup> Another serious issue is the access to fishing areas (see "Fishing zones" below).

28. During meetings with the Israeli authorities, I was informed that Israel has undertaken some measures in recent years to improve the food supply by boosting the economy of the Gaza Strip. One of these measures was the authorization of the export of industrial goods (textiles, furniture, scrap metal) and agricultural products, which, according to the Israeli authorities, has resulted in over 15 000 tons of Gaza products being sold to the West Bank, Israel and further afield since October 2014. The Israeli authorities also informed me that Israel has permitted the import of engines and second-hand vehicles into the Gaza Strip. According to the Israeli authorities, since 2011 all types of food, consumer and other goods are allowed to enter Gaza from Israel; the prohibitions now cover only weapons and a list of equipment items which are considered convertible for use by terrorists. In the first part of 2016 agricultural exports and transfers from Gaza totalled 5.6 million USD, which is three times more than in 2015.<sup>39</sup>

29. Although the amount of imported and exported goods has somewhat increased in the last few years, it is still far from the quantities imported and exported during the pre-blockade era.

### 3.3. Reconstruction and import of construction materials

30. As a consequence of the Israeli blockade affecting the import of construction materials, the lack of an efficiently functioning government in Gaza and the delay in payment of the promised international funding, the reconstruction process is proceeding very slowly.

31. The Israeli authorities argue that despite the serious security risk of Hamas using the construction materials imported to Gaza to build terrorist infrastructure (e.g. cross-border tunnels), they are making efforts to support the reconstruction work in the Gaza Strip in the framework of the Gaza Reconstruction Mechanism.<sup>40</sup> Over 4.3 million tons of construction materials have entered Gaza since the summer of 2014: 800 truckloads of building materials and other goods per day. The building projects in Gaza permitted by Israel include housing, schools, hospitals and infrastructural projects. To speed up the reconstruction process, Israel has facilitated the movement of Gaza reconstruction personnel; around 1 000 permits have been issued since the summer of 2014 for travel from the West Bank to Gaza.

32. However, Israel limits the import of a specific list of restricted materials<sup>41</sup> into the Gaza Strip, which includes "dual use" items such as basic construction materials (gravel, steel bars, and cement), along with a

<sup>36</sup> OCHA: Occupied Palestinian Territory: Humanitarian Needs Overview 2016.

<sup>37</sup> *Ibid.*

<sup>38</sup> OCHA: Gaza Crossings' Operations Status: Monthly Update, February 2016.

<sup>39</sup> OCHA OPT, Gaza strip, July 2016.

<sup>40</sup> The Gaza Reconstruction Mechanism is an agreement between the Government of Israel and the Government of Palestine concluded in September 2014 to enable to reconstruction process of the Gaza Strip.

<sup>41</sup> Restricted Import List Gaza Strip 2013, Coordination and Liaison Administration to Gaza (ICLA), Coordinator of Government Activities in the Territories, Ministry of Defence, State of Israel.

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wide range of spare parts, computer equipment, vehicle products and technologies normally used for civilian purposes but which may have military applications. According to the information I obtained during the fact-finding mission, this situation has not changed.

33. From 3 April to 22 May 2016, the Israeli authorities suspended the supply of cement for the private sector, after the discovery of a tunnel under Gaza into Israel.

### *3.4. Energy and water supply*

34. There are between 12 and 16 hours of power outages in Gaza every day. More than 70% of the households in Gaza are being supplied with piped water for 6-8 hours only once every two to four days, due to the insufficient power supply. The estimated electricity requirement of the Gaza Strip is around 470 megawatts, of which only 45% is met. Part of the power supply is ensured by the Gaza Power Plant which, due to fuel shortages, has been operating at only half capacity since July 2013. Besides this power plant, Gaza depends on the electricity supply from Israel and Egypt.<sup>42</sup>

35. The lack of sufficient power supply over the past 9 years has disrupted the delivery of basic water, sanitation and hygiene services, which affects the lives of around 1.3 million refugees, internally displaced persons, vulnerable people and vulnerable non-refugee communities. Since 2010, 29 Palestinians in Gaza, 24 of whom were children, have died in fire-related incidents due to power outages. Besides the lack of a sufficient power supply, the slow implementation of the Gaza Reconstruction Mechanism and the prohibition of the importation of dual-use materials such as pumps, drilling equipment, and disinfectant chemicals have also contributed to the insufficient water supply, which resulted in taps running dry and sewage overflowing onto the streets and into the sea. The already unsustainable water, sanitation and hygiene (WASH) situation, in Gaza, due to the longstanding blockade has worsened by the 2014 conflict. The WASH situation has been seriously affected by the prohibition on entry of 'dual-use' materials, inadequate power supplies and lack of the government regulation.

36. In order to improve the power supply of the Gaza Strip, Israel has authorised the connection of Gaza to a natural gas pipeline. According to the Israeli authorities, Israel will increase the water supply to Gaza from 10 to 16 million cubic meters in the next few months, and support small scale desalination systems. Israel also supports the international efforts to construct a large-scale desalination plant in Gaza.

37. Water is a very precious resource in Gaza, as 95 % of water extracted from the coastal aquifer is not good for human consumption. The construction of the seawater desalination plant financed by the European Union is therefore a vital project for the population. After the termination of the first phase of construction in June 2016, the plant will produce 6 000 m<sup>3</sup> of potable water daily, which will provide 75 000 Palestinians with drinking water. After the termination of the second phase of the plant in 36 months its capacity will be doubled.<sup>43</sup>

### *3.5. Access to essential services*

38. Around 1.1 million people in the Gaza Strip are in need of humanitarian health and nutrition assistance. As a consequence of the restrictions on the import of goods, including medical resources, the shortage of power supply and the Israeli attacks, the health system of Gaza has been seriously compromised. Furthermore, the closure of the Rafah border crossing by Egypt makes it very difficult for the referred patients of Gaza to get medical treatment in Israel or in the hospitals of the West Bank.<sup>44</sup> The crossing has been closed since October 2014 except during 42 days, and currently there are at least 30 000 Palestinians waiting to leave Gaza via Rafah for humanitarian reasons.<sup>45</sup> Meanwhile, according to Palestinian NGOs, in 2015 Israel denied 3 188 patients the right to leave the Gaza Strip to obtain medical treatment in Israel or in the West Bank. 529 rejected cases were justified for security reasons and in 320 cases the Israeli authorities placed restrictions on the person who would accompany them for the same reasons.

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<sup>42</sup> OCHA: The Humanitarian impact of Gaza's electricity and fuel crisis, July 2015.

<sup>43</sup> EU announces 10 million Euros in additional funding for Gaza desalination plant , UNICEF State of Palestine, 14 June 2016.

<sup>44</sup> *Ibid.*

<sup>45</sup> OCHA: Gaza Crossings' Operations Status: Monthly Update, March 2016.

39. I was informed by the Israeli authorities that Israel is trying to improve the free movement of the citizens of Gaza for medical purposes. In addition to granting entry permits for urgent medical care for patients and their escorts, Israel has raised the number of permits for travel to the West Bank for non-urgent health care. Israel has also coordinated the movement of around 650 doctors and medical teams from the Gaza Strip to the West Bank for continuing education projects and conferences. According to Israeli authorities, in 2015, some 32 000 patients and their escorts travelled from the Gaza Strip to Israel for hospitalisation in the West Bank or in Israel. Likewise, over 6 700 tons of medicine and medical equipment entered Gaza through the Kerem Shalom crossing.

40. Although there has been some improvement in the number of crossings via Erez since 2014, the situation is still critical as thousands of people still have no access to medical treatment because they cannot get an entry permit into Israel or Egypt. To deny people from vital medical treatment is a violation of human rights.

41. Inside Gaza, the health system does not function normally, and 40 % of employees in the medical sector have not been paid their full salaries since May 2014.<sup>46</sup> The coordination between Ramallah and Gaza is much reduced and people have to wait for very long periods to obtain the necessary drugs and treatments. As a result, the number of chronic diseases, cases of cancer and people with urgent need of operations has significantly increased.

42. The destruction and damages of school facilities and property caused by military operations have very negatively influenced the quality and quantity of educational services and the psychological wellbeing of children and teachers in the Gaza Strip, with around 462 770 kindergarten and school-age children affected.<sup>47</sup> UNRWA has reported a dramatic increase in cases of psychological trauma and UNICEF has identified 360.000 children in need of psychological support, the majority of who still need attention.

43. In Gaza, recurrent hostilities and the ongoing blockade continue to impact the learning environment for Palestine refugee children, and frequently disrupt access to formal education for the enclave's child population, including over 263,000 students at UNRWA schools.<sup>48</sup>

44. According to the Palestinian NGOs, the freedom of academic choice has been also limited by Israel, as students from Gaza are denied entry to the universities of the West Bank even in the case of non-availability of courses in the Gaza Strip.

### 3.6. Fishing zones

45. Israeli forces continue to maintain a buffer zone in Gaza, using live fire to maintain the closure. The buffer zone areas are made up of rich agricultural and fishing grounds, now in large parts inaccessible to the population.

46. Under the Oslo Accords the coastal fishing zone was set at 20 nautical miles. Nevertheless, Israel has imposed greater restrictions motivated them by security concerns. By sea, Israel maintains a permitted fishing zone of between 3 and exceptionally 9 nautical miles. In April 2016, this zone was extended to 9 nautical miles.<sup>49</sup>

47. The Palestinian NGO Al Mezan documented a massive and exceptional escalation in Israel's attacks and harassment of Palestinian fishermen, including use of live fire, arbitrary arrest employing humiliating and degrading practices and use of physical violence and verbal abuse. Boats and equipment are frequently damaged and confiscated. The fishermen are prevented access to their lands and valuable resources and the direct attacks are a violation of their fundamental human rights including the prohibition of arbitrary arrest and detention and cruel, inhuman and degrading treatment. Previously one of the most economically viable sectors in Gaza's economy, the fishermen are now reduced to severe poverty and unemployment as a direct result of Israel's policies and practices against them.

<sup>46</sup> The humanitarian impact of dividing government, by Robert Piper, OCHAOPT, 12 July 2016

<sup>47</sup> OCHA: Occupied Palestinian Territory: Humanitarian Needs Overview 2016.

<sup>48</sup> See: <http://www.unrwa.org/newsroom/emergency-reports/gaza-situation-report-155>

<sup>49</sup> OCHAOPT, Gaza Strip, Expansion of the fishing zone in significantly higher catch, 3 June. 2016 <https://www.ochaopt.org/location/gaza-strip>.

Doc. ...

48. The use of excessive and intentional force without justification against Palestinian civilians in the buffer zone, including against farmers, journalists, medical crews and peaceful protestors, runs blatantly counter to human rights principles and the international law enforcement standards laid out in the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms. Cases of the deliberate fatal shooting of individuals who posed no imminent danger to life amounts to an appalling pattern of apparently systematic unlawful killings.

49. Since 2010, Al Mezan has documented the killing of 136 Palestinians in Gaza by Israeli live fire in the buffer zone, including 20 children. An additional 1 775 people were injured, including 282 children.

#### **4. Issues of special humanitarian concern**

50. The 2014 aggressions put under particular pressure those who are the most vulnerable and already have experiences sufferings and discrimination: internally displaced persons, women and children and the persons with disabilities.

##### *4.1. The situation of IDPs*

51. There are around 95 000 internally displaced people in Gaza as a consequence of the attacks in 2014. 78 000 of these persons are housed in temporary shelters and around 168 000 people in Gaza are accommodated in poor quality and/or overcrowded housing. According to UNRWA, around 140 000 refugee homes were damaged or destroyed in the 2014 conflict, over 12 000 of which are now uninhabitable. More than one year after the ceasefire there are still 47 000 refugee families whose homes need to be repaired.<sup>50</sup>

52. To this date, two years after the destruction, around 3000 houses have been rebuilt, which means that 6 more years are needed to complete the restoration of damage. Many IDPs rent accommodation, live in tents or are accommodated by their relatives. Their living conditions are often unsatisfactory and overcrowded, and lacking in basic services and privacy. However, UNRWA has ensured that all IDPs have been provided with long-term accommodation facilities, which permitted all collective centres for IDPs to be closed in June 2015.

53. The majority of IDPs survive only through the cash and food assistance provided by UNRWA. In 2016, almost one million IDPs in Gaza require food assistance. The on-going blockade of Gaza provokes a chronic shortage of medicines and medical care. The number of cancer cases and kidney failure has increased tremendously; the suicide rate is high.

54. In order to live in dignity, the respect, protection and fulfilment of the right of IDPs to adequate housing is crucial. The major challenge for improving the living conditions of IDPs in Gaza is to release restrictions provided by the Israeli authorities on entering the construction materials in Gaza. Another important problem is the internal divide between the Palestinian National Authority and HAMAS and, therefore, the absence of effective governmental authorities in Gaza. The international donors should also comply with their commitments and release funding for the reconstruction of Gaza.

##### *4.2. The situation of women, children and disabled people*

55. Women and children are the most vulnerable population groups in the Gaza Strip. Of particular concern is the situation of widows, internally displaced females, women and girls with disabilities, adolescent girls and female farmers. During the hostilities of 2014, 495 children<sup>51</sup> and 299 women were killed, of whom 16 were pregnant. More than 2000 women and children were injured. The situation of widows is particularly difficult as at least 790 women lost their breadwinners during the 2014 hostilities.<sup>52</sup>

56. According to Palestinian NGOs, 51 % of children in Gaza are suffering from physical and mental traumas, as many of them witnessed the killings and more than 1500 lost their parents. As a result of the massive distractions of homes during the military attacks, many women and children were displaced and were accommodated with host families or in shelters. The traditional discrimination of women in Palestinian society

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<sup>50</sup> OCHA: Occupied Palestinian Territory: Humanitarian Needs Overview 2016.

<sup>51</sup> <http://www.bbc.com/news/world-middle-east-28439404>

<sup>52</sup> OCHA: The long term impact of the 2014 hostilities on Women and Girls, December 2015.

can be exemplified by the way women are excluded from property rights which creates even more difficulties in obtaining shelters.

57. Women in Gaza are also discriminated in the labour market and only 20 % of working age female participates in the labour force. The unemployment rate among women exceeds 60%, which is twice more than among men. As traditionally women are employed in the agricultural sector and over the course of the hostilities the land was heavily damaged, many women lost their employment opportunities.

58. Amnesty International has reported about so called 'honour crime' against women and girls inside Gaza. Young girls drop out from school and marriage before age of 18 year has increased.

59. The international community should pay a special attention to vulnerability of women and children in Gaza and provide them with special protection and ensure the respect of their rights to humanitarian assistance by having a gender perspective.

60. The situation of disabled people has deteriorated since the Israeli military operation 2014. About two-thirds of all orthopaedic injuries treated at hospital in Gaza had resulted in disability and required rehabilitation: some patients had amputations of upper limbs or lost one or both legs. Lack of means, for example prosthetic limb, remains high and the cost to replace a demolished wheelchair can be prohibitive for disabled without an income.

## 5. International assistance

61. At the Cairo Conference organised by Egypt, Norway and the Palestinian National Authority on 12 October 2014, a meeting which had the aim of raising funds for the reconstruction of Gaza after the Israeli military operation in July-August 2014, the donors pledged 3.5 billion USD to support the Gaza Strip.<sup>53</sup> It was agreed to provide support during the three-year period 2014-2017, and the World Bank was enlisted to monitor the process and provide regular reports on its implementation to the Ad-Hoc Liaison Committee (AHLIC).

62. Around 100 international NGOs and 19 UN agencies are providing humanitarian assistance in the Palestinian territories. The main multilateral donors are the UN and the EU, while the US, Canada, Japan, Saudi Arabia, and five European countries (Germany, Sweden, Switzerland, Belgium and France) provide the main bilateral humanitarian assistance.<sup>54</sup>

63. The United Nations Relief and Work Agency for Palestine refugees (UNRWA), through its 30 000 staff, provides vital services to the Palestinian population including food assistance, emergency shelter assistance, education, and health care. In addition, UNRWA offers targeted cash assistance to Palestinian refugee families and back-to-school financial support to students at UNRWA schools. It also provides employment opportunities to Palestinian refugees creating around 25 000-40 000 jobs per year.

64. The United Nations Office for Coordination of Humanitarian Affairs (OCHA) under the leadership of the Humanitarian Coordinator coordinates the yearly Humanitarian Response Plan developed by the humanitarian community to respond to the needs of the Palestinian population. It also manages the secretariat for the forum of national and international NGOs working in the Palestinian territories (Humanitarian Country Team (HCT)). The work of HCT is organised by clusters of all key humanitarian response sectors. The 2016 Humanitarian Response Plan has foreseen 400 million USD to address the most urgent humanitarian needs in Gaza.

65. The European Commission is one of the most important donors to humanitarian projects in Gaza. Since 2000, it has provided a total of 700 million euros in humanitarian aid to meet the basic needs of people in Gaza and the West Bank. In 2015, 18.5 million euros was allocated for humanitarian projects in Gaza. In 2016, the European Union invested 20 million euro in the construction of the seawater desalination plant, which after its completion will produce 12 000 m<sup>3</sup> of safe drinkable water for the Gaza population.

<sup>53</sup> Reconstructing Gaza-Donor Pledges, World Bank, April 14, 2016.

<sup>54</sup> Financial Tracking Service, Tracking Global Humanitarian Aid Flows, October 25, 2016

66. In 2016, over 422 million euros will be paid by the European Union (40M), Austria, Ireland and Portugal to the Palestinian National Authority for social allowances. Over 119 000 Palestinian families benefit from cash transfer programmes and almost two-thirds of the beneficiaries live in Gaza<sup>55</sup>.

67. Turkish aid to Palestine for the years 2014 and 2015 reached a total of 100 million USD. The recent normalisation of relations between Turkey and Israel, announced in June 2016, has already resulted in a first delivery of 11 000 tons and a second delivery of 2 200 tons of Turkish humanitarian aid to the Gaza Strip by ship.

68. However, as at July 31st 2016, only 46 % of pledged funds have been distributed. Out of the 1.596 billion USD that has been disbursed, 612 million USD was allocated to priority interventions outlined in the Gaza Detailed Needs Assessment (DNA) and Recovery Framework, which covered 16 percent of total recovery needs across five sectors impacted by the 2014 war.<sup>56</sup>

69. To ensure the efficient process of the reconstruction of Gaza, the United Nations Special Coordinator for the Middle East peace process developed the Gaza reconstruction mechanism (GRM), which was agreed upon with the Israeli and Palestinian authorities. Its main task was to respond to the reconstruction needs of Gaza, while ensuring security conditions requested by Israel. However, the process of the management of import of reconstruction materials and approval of reconstruction projects foreseen by the GRM became very complicated, which significantly delayed the reconstruction. Moreover, this mechanism does not prevent abuse of the reconstruction materials and manipulation of financial aid. The Israeli authorities have the right to veto some projects on the basis of security concerns and the Palestinian authorities are delaying some projects due to conflicting internal procedures. The Palestinian authorities do not control the situation inside Gaza and cannot guarantee the ownership of the implemented projects.

70. Many humanitarian organisations also complain about problems created by the Israeli authorities in issuing permits to enter and leave the Gaza Strip for national Palestinian staff. Humanitarian operations in Gaza are also complicated by the restrictions imposed by Hamas and the closure of the Rafah crossing by Egypt.

71. A short analysis of international assistance to Gaza has shown that even with existing mechanisms for the coordination of this assistance there is a need for urgent reconsideration of the whole process, beginning with the assignment of funds, approval of reconstruction projects and ensuring their security and national ownership. I consider that a new international conference concerning the reconstruction of Gaza should be urgently called, involving all parties of the conflict and all donors. It is very important that this time, the Palestinian population, in particular its civil society be represented at such a conference. The conference could propose a time-bound action plan to end the blockade of Gaza ensuring security conditions for the free movement of people and goods. It should also evaluate the efficiency of the existing Gaza Reconstruction Mechanism and align the reconstruction process with the principles of transparency and accountability, involving all national and international humanitarian actors.

## **6. Possible solutions**

72. The humanitarian situation described above requires immediate action to end the suffering of people living in Gaza.

73. First of all, the immediate needs of the population in water and electricity provision, as well as their access to medical and social services, should be satisfied. This can only be done by the Israeli Government in cooperation with international humanitarian organisations. Israeli efforts to find a sustainable solution to the water and energy situation in Gaza should be supported.

74. The blockade of Gaza Strip imposed by Israel, which entered its tenth year in June 2016, must be lifted. The blockade has subjected the Palestinians living in Gaza to collective punishment in flagrant contravention of international human rights and humanitarian law. The blockade has to end to ensure that the population of Gaza has access to basic and inalienable human rights.

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<sup>55</sup> EU, Austria, Ireland and Portugal Pledge over 12M Euro in Support to Palestine, IMEMC News and Agencies, April 15, 2016.

<sup>56</sup> Reconstructing Gaza-Donor Pledges, World Bank, August, 29, 2016.

75. To prepare the removal of the blockade the crossing points between Israel and Gaza in Kerem Shalom need to be further upgraded and action has to be undertaken to develop further crossing points at Erez and Karni. It is also important to assist in easing Gaza's exports to Israel, the West Bank and beyond, particularly of agricultural products and textiles, and to enable Palestinian workers to seek employment in Israel.
76. All Palestinian groups must reject and condemn acts of terrorism against Israel. The International community must have a dialogue with all relevant partners in the conflict.
77. Women, from the Israeli and the Palestine society, must be involved in the process to solve the conflict, as it is mentioned in the UN Resolution 1325<sup>57</sup>.
78. Certainly, the main pre-condition for the normalisation of the lives of the people in Gaza is respect for the cease-fire. For this it is important to upgrade security cooperation between the Palestinian authorities, Israel, Egypt, the USSC (United States Security Coordinator) and the EUBAM (European Border Authority Management; in cooperation with EU-COPPS) in line with the relevant articles of the Access and Movement Agreement of November 2005..
79. To enable a peaceful solution of the crisis in Gaza, the Palestinian authorities must be encouraged to form an effective and cohesive government, bridging the two territories. This government, in cooperation with the member countries of the AHLC (Ad Hoc Liaison Committee, which includes the Palestinian National Authority, the Government of Israel, Israel and Palestine's neighbouring States as well as the leading members of the international donor community) should prepare a multi-annual Action Plan for Palestinian State Building, as was agreed in April 2016.
80. The Action Plan in question must provide for the construction of the physical infrastructure of the State of Palestine: plan for a road-and railway network, and create the enabling conditions – in the spheres of security and environment – for the construction of a sea-port and an airport for Palestine. It has to include measures to ease access and movement and conclude an Israeli-Palestine Agreement over water, to guarantee full and equal water rights and supplies to the Palestinian people.
81. Finally, I would like to reiterate the Assembly's constant position that only a negotiated two-State solution to the Israeli-Palestinian conflict and cessation of the construction of new settlements and extension of old ones on the Palestinian territory can create the necessary framework for the normalisation of the humanitarian situation in Gaza and the promotion of Palestinian State-building, and that it is therefore the role of the Assembly to encourage the Government of Israel and the Palestinian authorities to start negotiations on a mutual and full commitment to this solution.

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<sup>57</sup> <http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/WPS%20SRES1325%20.pdf>