



المركز الفلسطيني لحقوق الإنسان

PALESTINIAN CENTRE FOR HUMAN RIGHTS

Gaza, 24 November 2010

His Excellency Franco Frattini
Minister of Foreign Affairs of the Republic of Italy

Your Excellency, Minister Frattini,

On the occasion of your first visit to the Gaza Strip, the Palestinian Centre for Human Rights (PCHR) wish to offer you our warm welcome and to thank you for personally engaging with the Palestinian situation. We welcome your decision to undertake this visit in order to obtain first hand information and we are confident that it will provide you with a deeper understanding of the situation on the ground.

However, we would like to take this opportunity also to express our concern regarding the timing and modalities of your visit. In particular, it is unfortunate that your schedule did not include any meetings with local human rights organizations or NGOs; moreover, although we do appreciate the scheduling constraints you are inevitably subject to, the extremely limited duration of your permanence here, which will not allow you to effectively visit the Gaza Strip and meet with its people, is unlikely to enable you to acquire a full picture. We encourage you to return to Gaza in the near future, and would be happy to have the opportunity to meet in that occasion.

We appreciate that your visit is particularly focused on the impact of the closure on the local economy, and in particular on the issue of exports; necessarily this issue is central both to the development of the Gaza Strip, and the attainment of fundamental human rights. At the same time, however, we would like to highlight the fact that here in Gaza we are not dealing with a 'simple' humanitarian crisis: this human-made crisis can only be resolved through the full ending of the illegal closure regime. It is important that the fundamental illegality of the closure be recognized, and that the international community does not endorse a notional 'easing' of the blockade, thereby institutionalizing this form of collective punishment.

The current total closure that has been imposed on the Gaza Strip since June 2007 is only the latest – albeit the most serious – instance of a twenty-year long closure policy enforced by Israel against the Palestinian population, particularly in the Gaza Strip. The effects of this closure have been severely aggravated by Israel's 27 December 2008 – 18 January 2009 offensive, during which more than 1,400 Palestinians (83% of whom were civilians, including 318 children) were killed, and a further 5,300 injured. The offensive also caused massive destruction of public and private infrastructure, including homes, schools, water and sanitation networks, and hospitals, as documented, *inter alia*, by the UN Fact Finding Mission on the Gaza Strip.

In violation of UN Security Council Resolution 1860 (2009), Israel has not allowed the entry of necessary reconstruction materials. On the contrary, Israel has deliberately strengthened its policy of restricting movements of goods and persons into and out of the Gaza Strip. This policy affects each and every area of life for the civilian population in Gaza. For example, Gaza's hospitals lack essential medicines and equipment, while traveling out of Gaza in order to get necessary medical treatment is very difficult and subject to both stringent conditions, and potentially life-threatening delays. Only an exceptionally limited number and category of patients requiring medical treatment are allowed to travel, while as noted by the UN agency OCHA: "*the bulk of the population remains locked in as a result of the general ban on the movement of people...*".¹

Electricity, fuel and gas are subject to chronic shortages, with a devastating impact on the operation of hospitals and the water and sanitation network, as well as other areas of civil life.

Exports from the Gaza Strip are completely prohibited (with the occasional exception of limited numbers of flowers and strawberries); imports of basic food staples are often delayed and shortages are reported: the UN agency OCHA informed that "*as of 10 November 2010 there were only some 5,000 tonnes of grain available at the six mills in Gaza and 1,000 tons of wheat flour at the local market, quantities that cover the population's needs for only 8 to 10 days*".²

Today, compared to the pre-closure period, only 35% of the industrial establishments are operating in the Gaza Strip while the number of employees, only 6,000, constitutes merely 17% of the number of employed prior to June 2007.³ Paradoxically, under these conditions, the increased quantity of foodstuff from Israel since June 2010 is killing the residual economy of Gaza: the Al Awda factory of biscuits, for instance, which was one of the biggest factories in Gaza and normally employed 300 people and used to export 60% of its products, is now virtually closed after the local market being flooded with cheap biscuits from Israel, a situation compounded by the fact that exports from Gaza are still completely banned.⁴

The agricultural sector is heavily affected by the establishment of the so-called "buffer-zone" along the border between Gaza and Israel. Residents are prevented from entering these "no-go areas" which extend up to 1,500 meters from the border. Estimates indicate that the buffer-zone⁵ constitutes about 17,000 dunums of land, which equals 17% of Gaza's territory and 35% of Gaza's agricultural land.⁶ This renders 35% of agricultural land accessible only under high risk of being shot by Israeli border patrols.⁷ This aggravates food security issues and increases dependence on external aid. At sea, the buffer-zone is enforced by Israel with live fire⁸ and allows fishing only out to 3 nautical miles, despite the limit of 20 nautical miles established

¹ OCHA-oPt, *The Humanitarian Monitor*, October 2010, page 2, available at http://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2010_11_12_english.pdf

² OCHA-oPt, *Protection of Civilians*, 3-9 November 2010, page 3, available at http://www.ochaopt.org/documents/ocha_opt_protection_of_civilians_2010_11_12_english.pdf

³ OCHA-oPt, *The Humanitarian Monitor*, October 2010, page 10.

⁴ BBC, *Gaza Businesses Boxed in by Israeli Export Ban*, 2 November 2010, available at <http://www.bbc.co.uk/news/world-middle-east-11668080>

⁵ PCHR, *The Buffer-zone in the Gaza Strip*, October 2010, Facts Sheet section, available at www.pchrgaza.org

⁶ OCHA-oPt, *Between the Fence and a Hard Place*, August 2010, page 19, available at www.ochaopt.org.

⁷ PCHR reported 47 deaths and 114 injuries as outcome of attacks in the buffer-zone from 1 January to 30 September 2010, PCHR, *The Buffer-zone in the Gaza Strip*, October 2010, Facts Sheet section, page 3, available at www.pchrgaza.org

⁸ Ibid, page 1, from January to April 2010 for instance, PCHR documented 19 attacks to Palestinian boats, 10 cases of shooting 2 of which resulted in the wounding of two fishermen, 3 arrests, 4 confiscations of boats and/or nets and 2 cases of destruction of fishing tools

under the Oslo Accords. This has negatively impacted upon the fishing sector on which approximately 3,600 families depend economically.

Overall, this Israeli imposed economic devastation has affected all economic sectors in Gaza, resulting in unemployment rates of over 42%. Poverty levels have reached an estimated 80%, and dependency on food aid stands at approximately 85%. Indeed the situation in Gaza is “*deplorable, ... [..]...unsustainable... [...] and totally intolerable and unacceptable in the 21st Century*”.⁹ The closure is “*unlawful and cannot be sustained in law. This is so regardless of the grounds on which it is sought to justify the legality of the blockade*”.¹⁰

Israel has officially reported that the closure aims at carrying out a policy of de-development, or of “deliberate reduction”, through which the civilian population is indiscriminately punished for the actions of the government in Gaza.¹¹ As clearly stated by the International Committee of the Red Cross (ICRC), the closure is illegal under international law and constitutes a form of collective punishment of the civilian population, which is explicitly prohibited under article 33 of Fourth Geneva Convention.¹²

Despite Israel’s claims to have “eased” the closure in the aftermath of the attack on the “Gaza Freedom Flotilla”, very little has changed in Gaza. As recently pointed out by the UN agency OCHA, “*despite the recent increase in the volume and variety of imports, the entire population of the Gaza Strip remains subjected to collective punishment*”,¹³ and further that “*sweeping restrictions on the import of construction materials and on the export of goods from Gaza continued to impede economic recovery, as well as the ability to address the immense housing and infrastructure needs. This is despite the easing of the import restrictions ongoing since 20 June 2010*”.¹⁴ People are still unable to travel; most of the raw materials necessary for construction or industrial production are not allowed inside; goods cannot be exported.

While we welcome your past calls for the resumption of exports and the full access for goods and services to Gaza, we would also like to point out that other measure are necessary in order to tackle the root causes of the current crisis in Gaza, which cannot be addressed merely by increasing the quantity of goods allowed across the borders. Resuming trade, although important as a short-term term response and in terms of helping the economy of Gaza to resume, can only be a successful measure if at the same time people’s fundamental rights are upheld and the rule of law respected.

On the occasion of your visit to the Gaza Strip we invite you to analyze the dire situation on the ground and its causes. As the foreign minister of the Italian government you have a responsibility and also the opportunity to influence the policies implemented in this region of the world. We note that, during his recent visit to the Gaza Strip your colleague, the German Minister of Foreign Affairs, Mr Guido Westerwelle, remarked that it is “*unacceptable to blockade 1,5 million people*”.

⁹ A/HRC/15/21 of 27 September 2010, Para 275, available at http://www2.ohchr.org/english/bodies/hrcouncil/docs/15session/A.HRC.15.21_en.pdf

¹⁰ Ibid, Para 261.

¹¹ GISHA, *Due to Gisha’s Petition, Israel Reveals Documents Related to the Gaza Closure Policy*, 21 October 2010, available at <http://www.gisha.org/index.php?intLanguage=2&intItemId=1904&intSiteSN=113&OldMenu=113>

¹² ICRC, *Gaza Closure: Not Another Year*, News Release 10/103, of 14 June 2010, available at www.icrc.org

¹³ OCHA-oPt, *The Humanitarian Monitor*, October 2010, page 2.

¹⁴ Ibid., page 9

We urge to you not to limit your visit and attention to the “economic effects” of this illegal closure on Gaza. We urge you to address the broader framework of international law and to take into account the human rights of the Palestinian civilian population, whose dignity has been denied for too long.

The only appropriate response, in line with both the interests of humanity and the binding norms of international law, is the complete lifting of the illegal closure regime¹⁵. As eloquently affirmed by your conational Filippo Grandi, in his capacity as the UNRWA Commissioner General: “*we must call for the blockade to be lifted in full to enable Gaza to begin the process of recovery that its long-suffering people so urgently need*”.¹⁶

Yours respectfully,

Raji Sourani,



Director,
Palestinian Centre for Human Rights

¹⁵ ICRC, *Gaza Closure: Not Another Year*, News Release 10/103, of 14 June 2010, available at www.icrc.org

¹⁶Statement to the Special Political and Decolonisation Committee of the UN General Assembly, 1 November 2010, available at <http://www.unrwa.org/etemplate.php?id=835>

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