



The Palestinian Centre for Human Rights

Impact of the Closure on Gaza Strip Exports of Strawberries and Cut Flowers



Palestinian Centre for Human Rights

Consultative Status with the ECOSOC of the United Nations
Affiliate of the International Commission of Jurists - Geneva
Member of the International Federation for Human Rights (FIDH) - Paris
Member of the Euro-Mediterranean Human Rights Network – Copenhagen
Member of the International Legal Assistance Consortium (ILAC) - Stockholm
Member of the Arab Organization for Human Rights – Cairo



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The Palestinian Centre for Human Rights is an independent non-profit legal agency based in Gaza city. The Centre was established in April 1995 by a group of Palestinian lawyers and human rights activists in order to protect human rights and promote the rule of law in accordance with international standards, create and develop democratic institutions and an active civil society in Palestine in accordance with internationally accepted standards and practices and support all efforts aimed at enabling the Palestinian people to exercise their inalienable rights according to international law.

The Centre enjoys Consultative Status with the ECOSOC of the United Nations. It was granted three international prominent awards for its efforts in the field of human rights:

1. The 1996 French Republic Award on Human Rights; and
2. The 2002 Bruno Kreisky Award for Outstanding Achievements in the Area of Human Rights; and
3. The 2003 International Service Human Rights Award (UNAIS).

The Centre has wide relationships with human rights and civil society organizations throughout the world. It is an affiliate of five international and Arab human rights organizations, which are active in the international arena:

International Commission of Jurists

The International Commission of Jurists (ICJ), headquartered in Geneva, is a non-governmental organisation in consultative status with the United Nations Economic and Social Council, UNESCO, and the Council of Europe and the OAU. Founded in 1952, its task is to defend the rule of law throughout the world and to work towards the full observance of the provisions in the Universal Declaration of Human Rights. its membership is composed of sixty eminent jurists who are representatives of the different legal systems of the world.

Federation Internationale des Ligues des Droits de l'Homme

The Federation Internationale des Ligues des Droits de l'Homme (FIDH) is an international non-governmental organisation dedicated to the world-wide defence of human rights as defined by the Universal Declaration of Human Rights of 1948. Founded in 1922, FIDH has eighty-nine national affiliates in all regions.

Euro-Mediterranean Human Rights Network

The Euro-Mediterranean Human Rights Network (Euro-Med Network) is a network of human rights organisations and individuals from the Middle East, North Africa and the European Union, established in 1997. The overall objective of the Network is to contribute to the protection of the human rights principles embodied in the Barcelona Declaration of 1995.

International Legal Assistance Consortium (ILAC)

The International Legal Assistance Consortium (ILAC) is one of the most important international legal bodies. It is specialized in legal and judicial training. It includes more than 30 members of distinguished legal organizations throughout the world, including American Bar Association; Arab Lawyers Union; and Bar Council of England and Wales.

The Arab Organization for Human Rights

It is an NGO founded in 1983. It calls for respect and promotion of human and people rights and fundamental freedoms in the Arab World for all individuals on its land in accordance with international human rights instruments. The Organization signed an agreement with Egypt in May 2000, according to which its headquarter was moved from Limassol in Cyprus to Cairo.



The Palestinian Centre for Human Rights

The Palestinian Centre for Human Rights is an independent non-profit non-governmental organisation dedicated to the protection and promotion of human rights, the rule of law, and democratic principles in the Occupied Palestinian Territories.

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“The permission to allow the export of limited quantities of strawberries was a smoke screen ... Our lives have been poisoned. We plant strawberries; then we destroy the crop or sell it dirt cheap.” *Nathir Rajab El-Attar, farmer from Beit Lahia.*

“... Out of fear, I was forced to sell the crop in the local market at a price of 2.5 NIS per kilogram instead of 15 NIS/Kilo when exported.” *Khaled Ghaben, farmer from Beit Lahia.*

“We had hoped for a successful season since Karm Abu Salem Crossing was opened for cut flower exports ... 250,000 cut flowers were exported to Holland. But Israel went back and closed the crossing for exports.” *Zaheer Ahmad El-Qadi, farmer from Rafah.*

“Every morning I go to the flower greenhouses with the intent to uproot them; but I couldn't do it. I would rather my hand get cut off before cutting off the crop in full blossom. But the blossom is futile, and even caused losses upon me ... We have to uproot it and plant alternatives in order to be able to continue and repay my debts.” *Nash'at Mustafa Hejazi, farmer from Rafah.*

Introduction:

Strawberry and cut flower farming are two of the most important productive agricultural sectors in the Gaza Strip. They contribute approximately \$US 25 million to the GNP. In addition, both sectors employ thousands of farmers in direct and indirect employment. The export season for strawberries is from 20 November till 15 January; and the export season for cut flowers is from 15 November till 25 April.

Since the outbreak of Al-Aqsa Intifada on 29 September 2000, these two agricultural sectors have been subjected to various impediments caused by the procedures imposed on border crossings, especially Al-Mentar (Karni) Crossing that is the only outlet allowing exports.

This report aims to shed light on the impact of the ongoing siege and closure of border crossings on the Gaza Strip exports of strawberries and cut flowers. The report will address how the impact of the closure reflects on the people's enjoyment of their economic and social rights, especially the right to adequate living conditions and the right to work. It covers the period from 20 November 2007 till the time of publication, which covers the export season for strawberries and cut flowers. It is intended for the report to draw the attention of the international community on the policies and practices of the Israeli occupation against approximately 1.5 million people living in a large prison in the Gaza Strip, in violation of International Humanitarian Law, especially the 4th Geneva Convention (1949).

Background on Strawberry and Cut Flower Farming in the Gaza Strip:

The total land area of the Gaza Strip is 365 square kilometers. The farmland land is about 8% of the total area, approximately 30,000 dunums, cultivated with mostly citrus trees, vegetables, and fruits. Since the establishment of the Palestinian National Authority (PNA) in 1994, new agricultural sectors were developed for their high income. These new sectors included the strawberry and cut flower sectors. The total farmland area for these two sectors is estimated at 2,700 dunums, with 2,200 dunums for strawberries and 500 dunums for cut flower. Strawberry farming is concentrated in the Beit Lahia area in the northern Gaza Strip; whereas cut flower farming is concentrated in the southern Gaza Strip areas of Rafah and Khan Yunis.

Strawberry and cut flower farming require special treatment and care; which relatively increases their costs. The estimated cost for 1 dunum of strawberry farms is \$US 3,473 (totaling approximately \$US 7.64 million for the sector); and 1 dunum of cut flower farms costs approximately \$US 10,000 to cultivate (totaling approximately \$US 5 million for the sector)¹.

¹ Agricultural Cooperative for Strawberry, Vegetable, and Flower Farmers.

Despite the relatively small area of farmland used for these two sectors, they are considered two types that enjoy high economic and social value. Strawberries annual income is estimated at \$US 10-12 million and cut flowers annual income is approximately \$US 13 million. In addition, both sectors contribute to the creation of employment opportunities. Strawberry farmers are estimated at 450; and cut flower farmers are about 60. Indirect employment opportunities related to the two sectors (production, marketing, services, etc.) are estimated at 7,500 jobs from the strawberry sector and approximately 800 from the cut flower sector².

Engineer Jaber Qarmout from the Ministry of Agriculture indicated that strawberries and cut flowers are exported under an agreement between an Israeli company and Gaza's farmers. Accordingly, the Israeli company purchases the strawberry and cut flower produce from farmers under various quality specifications; then the company exports the produce to Europe. It is noted that the Israeli company purchases the strawberry and cut flower produce from Gaza farmers in order to cover a deficit in Israeli production in these two sectors exported to Europe under agreement with the EU. Since Israeli farmers cannot cover the quantities stated in the agreement between the Israeli company and the EU, the company resorted to purchasing from Gaza's farmers to cover the required amount. The export process, according to the agreement, goes through different phases:

- Inspection by the Palestinian Ministry of Agriculture: Farmers transport their produce to specific stations designed for inspection. The Ministry's agricultural engineers inspect the produce to ensure its compatibility with the required specifications, including absence of insecticides.
- Inspection by the Israeli company: After the Ministry's inspection, the Israeli company takes a sample of the produce to ensure its compatibility, noting that the inspection process requires 3-4 days. During this period, the produce is shipped to Al-Mentar (Karni) Crossing. If the Israeli company discovers any flaws, the shipping is halted.
- Shipping: After the inspection process is completed, the produce is shipped to Al-Mentar Crossing, and from there to Ben Gurion Airport, where it is shipped by cargo plane to the export destination.

Situation of Al-Mentar (Karni) Crossing:

Israeli Occupation Forces (IOF) controls the movement of imports and exports to and from the Gaza Strip through Al-Mentar Crossing on the eastern border between Israel and the Strip. IOF have closed Gaza's borders since early June 2007. As a result, the movement of imports and exports has ceased except for some basic commodities that include some food and medication items. The Israeli declaration that the Gaza Strip is an "enemy entity" played a key role in worsening the siege and economic strangulation of the Gaza Strip, which threatens to cause an unprecedented humanitarian disaster if this policy continues.

² Same as previous source.

PCHR's data³ indicates that during the period from 15 November 2007 till 29 February 2008, Al-Mentar Crossing was closed completely for 91 days. It was partially opened for 16 days to allow flour and fodder only. Exports were totally banned during this period. As a result, the humanitarian situation deteriorated. It is noted that some basic commodities that previously entered the Strip through Al-Mentar were allowed to enter through other border crossings, especially Karm Abu Salem (Kerem Shalom) Crossing.

During the from 1 January till 13 June 2007, Al-Mentar Crossing was completely closed for 131 days and partially opened for 56 days. On 13 June, it was closed completely, with exceptional openings to allow flour and fodder only. The complete closure of the Al-Mentar Crossing (the main commercial crossing for the Strip) coupled with sporadic openings for a few hours have paralyzed civilian life in the Gaza Strip, and threatens to cause a humanitarian disaster.

Impact of Siege and Closure of Border Crossings on Strawberry and Cut Flower Exports:

The continuous IOF closure of Al-Mentar Crossing has caused great losses for Gaza Strip farmers, especially in the strawberry and cut flower sectors who are dependent on the export of their produce to Europe through the Crossing. It is noted that Al-Mentar Crossing is the only commercial crossing connecting the Strip with outside world.

The Agricultural Cooperative for Strawberry and Flower Farmers and farmer statements indicate that extent of these losses. It was planned to export 1,500 tons of strawberries last season (20 Nov 2007 till 15 Jan 2008) through the Israeli company. However the closure of the Al-Mentar Crossing and meager alternatives allowed the export of only 7.3% of this quantity (109 tons) through the Karm Abu Salem Crossing. It is noted that the Karm Abu Salem Crossing is not designed for exports since it does not handle a large number of trucks, causing them to wait extended periods of time. This prolonged waiting of the export causes significant quantities to expire and become inadequate for export.

In addition, it was planned to export approximately 60 million cut flowers to Europe last season (15 Nov 2007 till 25 Apr 2008). However the closure of the Al-Mentar Crossing and inadequate alternatives allowed the export of only 5 million flowers. IOF stopped cut flower exports through Karm Abu Salem on 18 Jan 2008. The remaining produce (approximately 55 million flowers), at the time of publication, remained in refrigerators waiting for the chance to be exported.

³ For more information on the state of border crossings, please refer to PCHR's web site www.pchrgaza.org

The total losses of farmers in these two sectors for last season amounted to \$US 16.25 million for 510 farmers. Approximately 450 strawberry farmers lost a total of \$US 11.25 million⁴; while 60 flower farmers lost approximately \$US 5 million⁵.

On another front, the closure resulted in a lack of farming needs including insecticides, fertilizers, and packaging materials. In addition, there is a lack of spare parts for watering pumps and materials for the construction and maintenance of agricultural greenhouses.

The farmer Nabil Sa'di El-Attar (37) from Beir Lahia owns an 11-dunum strawberry farm. He stated, *"Farmers are suffering from the scarcity of basic materials that include fertilizers, insecticides, nylon, and cartons, causing an increase in their prices in the local market. A sack of fertilizer increased from 35 NIS to 150 NIS. Nylon increased from 10 NIS to 15 NIS. And a carton for packing strawberries increased from 9 NIS to 13.5 NIS. Other materials have become scarce. I only exported 1 ton of strawberries at a price of 30,000 NIS. Even so, I received a letter from the Israeli company that I owe them money because a large portion of the quantity expired and due to the packing and shipping costs."*

It is noted that all farmers suffered from similar circumstances, with debts accumulated to traders and agriculture cooperatives, without any income to pay these debts. The farmer Mohammad Rabah El-Attar (54) from Beit Lahia owns a 15-dunum farm of strawberries. He suffered significant losses due to the ban on exports and accumulated debts.

Another farmer, Nathir Rajab El-Attar, has been a strawberry farmer for 12 years. He owns a 15-dunum strawberry farm in Beit Lahia. His losses for last season only amount to about 150,000 NIS due to the closure of crossing and ban on exports. He informed PCHR's fieldworker, *"The Israeli government is waging war against the Palestinian economy. The aim of the siege is to destroy what remains of the Palestinian agricultural sector in order to increase the dependence of the Gaza Strip on Israeli products."* He added, *"The permission to allow the export of limited quantities of strawberries was a smoke screen. At best, we exported less than 9% of our produce. And part of this allowed export expired at the Karm Abu Salem Crossing due to the prolonged wait of the produce directly under the sun ... Our lives have been poisoned. We farm the land; then we destroy the crop or sell it dirt cheap. I do not know if I will farm my land again. I own 50 dunums of land planted with potatoes. Most probably, I won't be able to spray it with insecticides that are not available. Insects and disease will, undoubtedly, destroy the crop."*

The farmer Khaled Ghaben (38) from Beit Lahia provides for a family of 8 members. He has been a strawberry farmer for 20 years. He stated, *"Over the past seasons I was facing*

⁴ The strawberry sector losses were estimated by the researcher according to official statistics. The produce of 1 dunum is 2 tons and the dunums that export strawberries are 750 dunums. The price of 1 exported ton is 30,000 NIS (an average of \$US 7,500). The total loss is $750 \times 2 \times 7500 = 11,250,000$ \$US.

⁵ The export season for cut flowers has not ended yet and continues till 25 Apr 2008. Thus, we find that the losses in the flowers sector less than the strawberry sector. If the crossings continue to be closed and farmers are unable to export flowers, the losses will become even worse.

several problems and obstacles, especially regarding exports. But in the end, part of the produce was exported at reasonable prices to cover the costs and achieve some profit. This season is different. I planted 8 dunums after renting the land for 350 JD per dunum. I started to work hoping to export the produce. I hired 5 workers over various periods. My wife and kids helped me as well. The total cost was \$US 25,000 that included the cost of seedlings, insecticides, fertilizers, packing materials, and others. Al-Mentar Crossing was closed at the start of the export season in November 2007. Like other farmers, I was not able to export my produce; and large quantities expired as a result. Out of fear, I was forced to sell the produce in the local market for 2.5 NIS per kilogram instead of the 15 NIS per kilogram I would have gotten in the event of exporting. As a result, I suffered losses amounting to \$US 20,000. I have not been able to pay my debts of \$US 15,000; and I don't know how I will repay them."

The farmer Zaher El-Qadi (40) from Rafah has been a flower farmer for 5 years. Last season, he planted 7 dunums of carnations. The cost per dunum was approximately NIS 33,000. Due to the siege and closure of crossings, he was not able to export his produce. He suffered losses of approximately \$US 42,000. He had hoped to have a successful season, especially after opening the Karm Abu Salem Crossing near Rafah for flower exports. He managed to export 250,000 flowers; but his hopes were dashed when IOF banned exports through the Crossing towards the end of January 2008. Zaher El-Qadi was not the only one to suffer losses due to the ban on flower exports. His extended family members who work with him and the families of his other employees suffered as well.

The farmer Nash'at Hejazi (34) from Rafah stated, *"I started flower farming 10 years ago. This season I planted 5 dunums; but I suffered heavy losses of about NIS 1 million due to the siege and closure of the Gaza Strip. I exported part of my produce at a low price in January. The exports were through the Karm Abu Salem Crossing that IOF opened temporarily before re-closing it towards the end of January 2008. I have 4 full-time employees working with me and my family. Every morning I go to the flower greenhouses with the intent to uproot them; but I couldn't do it. I would rather my hand get cut off before cutting off the crop in full blossom. But the blossom is futile, and even caused losses upon me ... We have to uproot it and plant alternatives in order to be able to continue and repay my debts. I plan on selling a tractor to repay part of the debt suffered during this flower season ... despite the fact that this tractor is very important for my work."*

The state of these farmers reflect the scope of human rights violations against thousands of farmers and family member working in the strawberry and flower sectors in the Gaza Strip. These violations are a direct result of the closure of border crossings and the inability to export their produce. The ban on strawberry and cut flower exports has had serious ramifications on the income of 510 farmers and 8,300 workers (7,500 in the strawberry sector and 800 in the cut flower sector).

The Agricultural Cooperative summed up the impact on the export ban in the following points:

- 50% of the workers lost their jobs.
- Palestinian produce lost its presence in the European market.
- EU-funded projects in Gaza did not fulfill their objectives.
- Strawberry farmers will not be able to plant their crop next season.

Illegal Actions:

The IOF continued siege and closure of border crossings as well as imposing further restrictions on the Gaza Strip can only be understood to be a continuation of the policy of collective punishment against the civilian population in the Strip. This policy is forbidden by International Humanitarian Law, especially the 4th Geneva Convention (1949). Article 33 of the Convention stated, *“No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited. Pillage is prohibited. Reprisals against protected persons and their property are prohibited.”* Article 55 of the same Convention states, *“To the fullest extent of the means available to it the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate. The Occupying Power may not requisition foodstuffs, articles or medical supplies available in the occupied territory ... and the requirements of the civilian population must be taken into account.”*

The closure has resulted in grave breaches of International Human Rights Law. IOF practices violate the rights that the Gaza Strip population is entitled to, including the civil, political, economic, and social rights. IOF practices violate the International Covenant on Economic, Social, and Cultural Rights (1966). Article 1.2 of the Covenant states, *“...In no case may a people be deprived of its own means of subsistence.”* And Article 5 of the same Covenant states, *“Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein...”*

Furthermore, the UN Committee against Torture stated that the policies of siege and house demolitions committed by IOF are a violation of Article 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and that these policies cannot be justified under any circumstances.

Conclusion and Recommendations:

It is clear that IOF systematically targets the Palestinian economy. One of the main objectives of the siege is to destroy the remainder of the agricultural sector in the Gaza Strip. In addition, the enforcement of additional restrictions and insistence on maintaining them totally disregards international calls to lift the siege imposed on the civilian population of the Gaza Strip.

In light of these developments, PCHR:

- Reiterates the call to the High Contracting Parties of the 4th Geneva Convention (1949) to intervene immediately to ensure the respect of the Convention that includes putting an end to the policy of collective punishment against the civilian population of the Gaza Strip.
- Calls upon IOF to lift all forms of siege and closure imposed on the Gaza Strip, including restrictions on the movement of individuals and goods, and to reopen all border crossings.
- Condemns the position of the EU regarding the partnership agreement with Israel. Under the agreement Israeli products enjoy preferences despite Israel's reprisals against the civilian population in the Gaza Strip. The Centre calls upon the EU to enforce the Agreement's human rights stipulations.
- Warns that the Gaza Strip is on the verge of a humanitarian catastrophe if IOF continue their current policies and practices. The Centre holds Israel legally responsible for all the human rights violations it perpetrates against the civilian population in the Gaza Strip, including violations of their civil, political, economic, and social rights.
- Calls upon the international community, including international organizations, to provide emergency assistance to the different Palestinian economic sectors, especially to the workers in the agricultural sector, due to the heavy losses they are suffering as a result of the IOF siege and closure.