

Rebuilding Gaza: putting people before politics

June 2009



Four months after 8,000 homes were destroyed in the Gaza Strip, the families affected have no prospect of building new homes because the Israeli authorities continue to prevent construction materials from entering Gaza.

In June 2009 the blockade on the Gaza Strip enters its third year. The intense closure policy, coupled with the government of Israel's recent military operation 'Cast Lead', has had a devastating impact on the lives and livelihoods of one and a half million Gazans, pushing them further into poverty and aid dependency.

Parties to the conflict and the international community have, to varying degrees, prioritised their own political objectives over people's rights and needs, leaving Gazans sitting on the ruins of their homes. By attempting to isolate Hamas, the government of Israel and key international donor governments and institutions have in fact isolated the people of Gaza, thereby reducing chances of securing a peaceful, just and durable resolution to the Israeli-Palestinian conflict.

The status quo cannot be allowed to persist. Israeli, Palestinian and world leaders must abide by their respective legal obligations to take concrete actions to end the collective punishment of Gazan civilians by securing the full and immediate opening of all the Gaza crossings.

Government of Israel's failure to assure welfare of Gazans

The government of Israel has been steadily reducing the variety of supplies entering Gaza. Over the three months of February to April 2009, an average of 65% of all commodities entering Gaza were food items, 86% of which were restricted to a narrow range of seven basic foodstuffs; even then, items, such as macaroni and dates, have been denied entry. It was only after the intervention of US officials that the government of Israel allowed macaroni into Gaza after weeks of delay. On a visit to Gaza in February 2009, a US Congressman asked, "*When have lentil bombs been going off lately? Is someone going to kill you with a piece of macaroni?*"¹ In March 2009, the government of Israel prevented US-funded food parcels from entering Gaza due to the inclusion of canned tuna, biscuits and jam; they were added to a long list of items 'under review', which included wooden toys and maths and science kits.²

On 22 March 2009, the Israeli Cabinet issued instructions to enable the entry - without restriction - of foodstuffs to Gaza from all relevant sources, after it has been verified that they are indeed food³. At the time of writing, this instruction had still not been properly implemented by the Coordinator of Government Affairs in the Territories (COGAT).⁴

Cash has also been regularly denied entry into Gaza, further crippling the economy and directly affecting the livelihoods of approximately half a million Gazans, according to the International Monetary Fund.⁵ The absence of cash is also preventing many of the efforts planned for the early recovery of livelihoods and shelter repair after 'Operation Cast Lead'.⁶

Severe restrictions have also been put on the movement of people; with only a tiny minority of the population - such as critically ill patients and some students - allowed to leave and return to the Strip. Face-to-face contact between Palestinians in the West Bank, including East Jerusalem, and Palestinians in Gaza has been made virtually impossible.

Response to Gazans' humanitarian needs restricted to food aid

Gaza's humanitarian needs require a range of interventions beyond the mere provision of emergency relief items (such as food, medical supplies, material for shelters). They also include materials and support for vital repairs and construction work and for livelihood stabilisation.⁷ The UN Flash Appeal for Gaza, formally launched on 2

February 2009, covering humanitarian and early recovery efforts, includes urgent repairs to: damaged housing for 33,767 families, 207 schools, 86 pre-schools, 15 hospitals and 43 primary health clinics.⁸ Repairs and rebuilding work is also needed for water, sewage and electrical facilities and agricultural infrastructure. This has been largely stalled as the government of Israel continues to deny access for essential supplies, building materials and spare parts.

The Appeal includes a request for \$30 million towards the estimated \$180 million of total direct losses in the agriculture sector due to 'Operation Cast Lead'. Agriculture is the only source of income for many Gazans. The latest destruction has affected 13,000 families who depend directly on farming, herding and fishing for their livelihoods.⁹ Whole farms were bulldozed by the Israeli army in the Zaytoun neighbourhood of Gaza City where Oxfam used to buy 30,000 eggs per week from a local farmer for its food distribution programme. On his farm, 65,000 chickens were buried alive. To restart their farms, farmers need sufficient quantities of agricultural materials to be allowed into Gaza.

Oxfam partners - the Palestinian Agricultural Relief Committees (PARC), the Union of Agricultural Work Committees (UAWC) and Ma'an - and others have identified priority items. These include timber and iron, and plastic and nylon sheets for greenhouses and animal shelters, all of which must be allowed in.¹⁰ The restrictions on access of agricultural inputs into Gaza are compounded by ongoing access restrictions within Gaza imposed by the Israeli army in the "buffer zone", one of the most fertile areas in the Strip located along the border with Israel.

Oxfam and our partners have been forced to adapt our programmes taking into account access restriction due to the prolonged closure of Gaza. Between January and mid-April 2009, Oxfam distributed drinking water by tanker to 50,000 people daily because our partner the Coastal Municipalities Water Utility was unable to secure access for water equipment to repair damaged systems. Last year, it took Oxfam eight months to get specialist wiring and switches for control consoles for drinking water wells into Gaza.

Israeli restrictions on the opening of the crossings have reduced the quantity of goods able to enter and raised the cost for aid agencies to transport goods. Although Israeli authorities have opened several crossings regularly, Karni - which, with the ability to import over 750 truckloads a day, has the largest capacity of any crossing and is located close to Gaza's main population centre in the north - has been closed by Israeli authorities to trucks since the blockade began on 15 June 2007.¹¹ Israeli authorities have instead allowed trucks through small capacity crossings at Sufa and Kerem Shalom located at the southern tip of Gaza.¹² Use of these crossings involves an estimated \$1000 additional handling charge per truck and increased transport costs because of the longer distances involved.¹³

International aid workers have regularly been prevented from entering Gaza, although access has improved since the period of complete closure of Gaza for 80 days between 4 November 2008 and mid-January 2009 when the government of Israel denied all access to international NGOs, journalists and foreign diplomats. Staff, working for Oxfam and its partner organizations, who hold Israeli passports or West Bank and Jerusalem IDs are still not allowed into Gaza.¹⁴

Gazans 'reduced to begging': reconstruction and development near impossible

On 2 March 2009, at the Sharm al-Sheikh early recovery and reconstruction conference for Gaza, donors pledged nearly \$4.5 billion of aid. With no sign of the government of

Israel reversing its closure policy, it is difficult to conceive how these funds can be translated into tangible improvements in the lives of Gaza's civilians.

Long-term structural changes are needed to enable Gaza's economy to restart and soaring unemployment to be brought down. A key contributing factor has been the near total ban on exports out of Gaza. Despite some media attention on the export of carnations, negotiated by the Netherlands since 12 February 2009, only 14 truckloads carrying around 650,000 flowers were allowed to be exported out of an expected 6 million flowers being produced this season.¹⁵

John Ging, UNRWA director of operations in Gaza, said in March 2009:

"[Gazans] have the right to a livelihood, these people do not want to be reduced to begging for a living but we have now 90% of the population here depending on handouts of food from the UN ... and that's not three square meals a day. People call this place a prison; it is not a prison because a prison in Western Europe would be much better in terms of conditions than here".

De-development resulting from the blockade has been exacerbated by Israeli military operation 'Cast Lead', which wreaked widespread damage and destruction on Gaza's civilian infrastructure.

A legal obligation to act

By means of its closure of the Gaza Strip - following the takeover of Gaza by Hamas in June 2007 - the government of Israel is failing to fulfil its obligations as an occupying power. It is prioritising its stated political objective of isolation of Hamas above its legal obligation to provide for the welfare needs of the occupied people of Gaza.

As the occupying power of the Gaza Strip and the West Bank, including East Jerusalem, the government of Israel has the primary responsibility to provide for the welfare of the population under its control. The state has legal obligations to protect Palestinian civilians and their property in occupied territory and in particular to ensure hygiene and public health standards, to ensure the provision of food and medical care, and to facilitate "relief schemes" (especially food, clothing and medical supplies) for the benefit of the population.¹⁶ Further, the blockade affects the civilian population of Gaza indiscriminately and constitutes a collective punishment against men, women and children, in contravention of international humanitarian law.¹⁷

Impact of Palestinian divisions on the humanitarian situation

The factional split between the Palestinian Authority (PA) in Ramallah, led by President Mahmoud Abbas (head of Fatah and chairman of the PLO), and the de facto authorities in Gaza, controlled by Hamas, has also affected the humanitarian situation. Individuals and communities and the NGOs seeking to meet their needs are caught in the middle of the ongoing power struggle between the two main political factions, Fatah and Hamas.

Health care provision compromised

These divisions have had their most profound impact in the health sector. Health care for Gaza's sick and wounded - already decimated by the blockade and the latest destruction of health infrastructure by the Israeli army - has been further undermined by measures taken by the PA-Ramallah and by Hamas.

Most recently, patients requiring treatment unavailable in Gaza were prevented from being treated in Israeli hospitals, where cancer patients and those in need of complex surgical procedures have sought life-saving treatment unavailable in Gaza. On 18

January 2009, the PA-Ramallah announced that it would no longer cover the medical costs of Gazans in Israeli hospitals and stopped transferring patients to Israel. On 22 March 2009, Hamas took over the Referrals Abroad Department within the Ministry of Health in Gaza, the main office which processes referral applications by Gaza patients for specialized hospital treatment outside Gaza. Subsequently, authorities in Israel and Egypt refused to accept referrals unless they had the stamp of the PA-Ramallah, which refused to authorise new applications.

On 19 April 2009, Oxfam partner the Palestinian Centre for Human Rights stated that since 22 March, ten patients from the Gaza Strip had died as a result, while the health of more than 800 patients had severely deteriorated.¹⁸ On 27 April, the Referrals Abroad Department resumed its work after successful mediation efforts by Palestinian civil society and UN agencies.¹⁹

Humanitarian, early recovery and reconstruction efforts politicised

Palestinian divisions are also manifest in the struggle for control over the recovery and reconstruction process. On the one hand, the PA-Ramallah has tried to demonstrate its control over the process by issuing its early recovery and reconstruction plan. Its ability to oversee the implementation of this plan for a part of the territory which it no longer effectively controls is difficult to envisage.

Two notable incidents in which Hamas police or officials interfered with aid distribution occurred in February 2009, when they seized some 3,500 blankets and 400 food parcels and later 10 truckloads of food from the UN. These items were returned to the UN after it protested and cut off its aid imports to Gaza for a short period. In our experience of working in Gaza, Oxfam and partners have been able to distribute goods (once allowed into Gaza) to people in need.

Given the impact of the factional split on essential services and the provision of aid for Gaza's residents, Oxfam underscores the urgent need for Palestinian reconciliation to take place. While Palestinians themselves have primary responsibility to work toward Palestinian reconciliation and unity, the pursuit of reconciliation, mediated by the government of Egypt, should be actively supported by all donors.

Failure of the international community to put people first

Many donor governments and institutions are failing to exert pressure on the parties to the conflict to put the interests of civilians first. They have not taken the necessary political action to ensure an end to the blockade and actively to support Palestinian reconciliation efforts in the interests of Gaza's civilian population. Instead, they are led by political prerogatives and their unwillingness to review the shortcomings of their 2006 policy to isolate Hamas. This has contributed to the lack of progress in addressing the enormous humanitarian needs after 'Operation Cast Lead'; to impediments to the reconstruction of Gaza in the medium term; and to the process of de-development of Gaza brought about by the government of Israel's closure policy.

Failure to end the blockade

For nearly two years, the international community has failed in its duty to secure an end to the blockade. Donors have expressed concern, at times in strong terms, and recognised that reconstruction is dependent on access issues. Although top UN officials and key donors have called on the government of Israel to open the crossings - especially to ensure humanitarian access, through public and private statements and

letters²⁰ - for months no additional international diplomatic initiatives have been taken nor the necessary political will exercised.

Rather officials prefer to adopt a 'wait-and-see' approach, hoping that the tahdia ('lull') of June to December 2008 or Palestinian reconciliation talks or Israeli elections will deliver the needed change to facilitate an easing of the closure. In between each milestone, they argue that little can be done and defer action until a later time.

For signatories to the Geneva Conventions, it is not a choice of whether or not to act, it is a legal obligation. Article 1 common to the four Geneva Conventions obliges state parties to an armed conflict, as well as third states who are not involved in the conflict, to respect and ensure respect for international humanitarian law. Third states should not do anything to encourage a party to a conflict to violate that law nor should they take action that would assist in violations. While the government of Israel continues to violate international humanitarian law, including through its policy of collective punishment and its failure to facilitate humanitarian access, the other High Contracting parties are responsible for failing to ensure respect for the Geneva Conventions.

The limited action taken by members of the international community has failed to ensure even the most basic standards of full and unimpeded humanitarian assistance. Instead, international donors are regularly drawn into negotiating over the minutiae of truck numbers or pleading for entry into Gaza of specific basic items. In so doing, they are caught in the details and fail to push for adherence to globally agreed humanitarian principles.²¹ It is therefore crucial to affect a shift in the dynamic and for donor countries and institutions to use the tools at their disposal (as outlined in the recommendations) to push for real change.

One positive attempt to shift this dynamic is the UN Humanitarian Country Team's Framework for the Provision of Humanitarian Assistance in Gaza, which outlines in detail the parties' and donors' responsibilities to provide aid independently and with humanity, neutrality, and impartiality and sets out how these principles must be applied in Gaza.²²

Use of aid as a political tool

In the case of the occupied Palestinian territory, many governments have imposed political conditions for the delivery of aid in past years. This policy continues into 2009 for recovery and reconstruction efforts for Gaza, whereby governments are using aid as a means to achieve political goals and as a result exacerbating the intra-Palestinian divide. Donor governments must strive to 'do no harm' and thereby ensure that their aid does not inadvertently worsen or exacerbate the conflict.²³

However, meetings with government officials from the USA and the European Union suggest that the criterion for reconstruction assistance is not needs-based but rather political. This is illustrated by the fact that the generous pledges at the Sharm al-Sheikh donor conference were made within the framework of the PA-Ramallah's early recovery and reconstruction plan. Given the unlikelihood of the PA-Ramallah being able to effectively manage to oversee this plan remotely, the adoption of this plan by the international community is a further instance of putting their political objective of supporting the PA-Ramallah administration ahead of their concern for effectively addressing the humanitarian needs of people in Gaza.

Funding mechanisms are an additional illustration of the political use of aid. The principal means to channel the \$4.5 billion pledged at Sharm al-Sheikh will be through existing funding mechanisms: either as direct budget support to the PA-Ramallah and

the Central Treasury Account, or through the EU-PEGASE and the World Bank's PRDP - Trust Fund, among others. They are designed to bypass the de facto authorities in Gaza and bolster the PA-Ramallah. An alternative proposed by Palestinian civil society to establish an independent multi-stakeholder committee inside Gaza - comprised of civil society, the private sector, the PA-Ramallah and Hamas - in the absence of Palestinian unity has never been seriously explored.

At the Sharm al-Sheikh donor conference, many governments recognised the importance of Palestinian reconciliation. Some officials have indicated a possible change in the way they refer to dealings with a future unified Palestinian government.²⁴ However, there has been no fundamental change in policy. A positive step would be for donors to communicate a clear policy of acceptance of a government of national unity, as agreed by Palestinian factions, in order to facilitate the delivery of aid to Gazans.

Aid is being used by donor governments as a tool to support one political grouping over another. Rather, donors must ensure that aid is delivered in an impartial manner and in a way that does not exacerbate intra-Palestinian divisions so that those in need in Gaza are not held hostage to the foreign policy objectives of far-off governments or to the political differences of their own leaders. As one of our partners told Oxfam, *"we need to convince politicians that the interests of the people should define politics and not the other way around"*.

Conclusion and recommendations

Several Oxfam partners and beneficiaries in Gaza have warned that money pledged at Sharm al-Sheikh raises expectations which look set to be disappointed once again if no change is delivered, thereby fuelling further frustration and resentment. In September 2008, aid agencies - including Oxfam - warned that the international strategy on Gaza was failing at all levels.²⁵ Eight months on, Gazans find themselves exhausted by 23 months of blockade and three weeks of intense conflict and more aid dependent. They are even further from having their fundamental right to live a normal and dignified life fulfilled.

Without concrete action to address the underlying political factors, no amount of money or elegance of mechanisms to channel funds can bring about the desperately needed improvements to the lives of Gazan children, women and men. The key to achieving such progress is an end to the blockade and a beginning to rebuilding Gaza.

It is difficult to see how a viable Palestinian state can be achieved without Gaza. Instead of easing movement restrictions, over the past years, restrictions on movement have been increased. Unless donors chose to act on Gaza, change cannot reasonably be expected in the West Bank.

To the government of Israel:

Fully lift the blockade on Gaza, in line with its international legal obligations:

- Operate all crossings at maximum capacity (7 days per week), with particular emphasis on Karni (as the crossing with the largest capacity) and Nahal Oz (through which all fuel is channeled including industrial fuel for the Gaza power plant).
- Allow unrestricted access for all goods and people into and out of Gaza, with particular priority for those who seek medical treatments unavailable in the Gaza Strip;

study in the West Bank, East Jerusalem or abroad; and assist humanitarian aid delivery.

Cease military incursions into Gaza.

To Palestinian actors:

- Immediately end rocket and mortar attacks into Israel.
- End interference in and attempts to control the delivery of international assistance.
- Ensure a speedy agreement on reconciliation is reached in the short-term with a view to facilitating aid delivery and follow this by intensive talks to reach a long-term resolution.
- Put the short and long-term interests and welfare of the Palestinian people at the centre of their actions.

To the international community:

1. Adhere to its international legal obligations to secure an end to the blockade, in particular by using the tools at its disposal to exert pressure on the government of Israel:

- The UN Security Council should seek an enforcement resolution for breaches by the parties of UNSC Resolution 1860, most especially to deliver the opening of the crossings.
 - Governments should endorse the UN Humanitarian Country Team's May 2009 'Framework for the Provision of Humanitarian Assistance in Gaza' and agree on a means to monitor its implementation.
 - The EU should formally suspend the EU-Israel upgrade process until the government of Israel lifts the blockade, by allowing access to and from Gaza for humanitarian and commercial goods, and for people; this could include postponing both the forthcoming EU-Israel Association Council meeting and the adoption of a new EU-Israel Action Plan.
 - Donors must also start holding the government of Israel – and when applicable Palestinian armed groups – responsible for the destruction of and damage to their aid projects, not least to deter repetition of destruction of reconstruction and development efforts in the future.
 - Donors should urge the UN to set up a comprehensive register of damages of the destruction to civilian lives and infrastructure on both sides of the border, and provide political and financial backing for such an initiative.
 - Individual donors should create public inventories of all aid projects they have funded that were damaged, destroyed, delayed and/or suspended; they should hold the government of Israel and Palestinian armed groups fully accountable for any and all damage to and destruction of aid projects and demand full responsibility; and seek to receive an explanation and to recover costs for damaged aid projects.
2. Cease putting 'political conditions' on the delivery of assistance for the reconstruction of Gaza.
- Donor should assess and seek a legal opinion as to whether their aid schemes contravene their obligations as state parties to the Geneva Conventions, or in case of EU Member States Community Law, by placing political conditions on the delivery of assistance.

- Donor governments should resume full development aid for Gaza by supporting long-term sustainable funding, and not only emergency short-term funding.

Notes

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¹ , 'Pasta, paper and hearing aids that could threaten Israel's security' *The Independent*, 2 March 2009, at: <http://www.independent.co.uk/news/world/middle-east/the-pasta-paper-and-hearing-aids-that-could-threaten-israeli-security-1635143.html>. See also: 'Clinton warns Israel over delays in Gaza aid' *Haaretz*, 25 February 2009, at: <http://www.haaretz.com/hasen/spages/1066821.html>

² For full details, see 'Status of Clearance for Humanitarian Cargo, 25 March 2009', Logistics Cluster, at: <http://www.logcluster.org/gaza09a/supply-chain/clearance-status-of-humanitarian-cargo/Narrative/view>.

³ As reported by the Israel Ministry of Foreign Affairs, at: http://www.mfa.gov.il/MFA/Government/Communiques/2009/Increased_humanitarian_aid_Gaza_after_IDF_operation_Jan_2009.htm.

⁴ Logistics Cluster, 22 April 2009.

⁵ See 'Macroeconomic and Fiscal Framework 13 for the West Bank and Gaza: Third Review of Progress', 25 February 2009, International Monetary Fund at: <http://www.imf.org/external/np/wbg/2009/pdf/022509.pdf>.

⁶ For details, see 'Field Update on Gaza from the Humanitarian Coordinator', 24 - 30 March 2009 at: http://www.ochaopt.org/documents/ocha_opt_gaza_humanitarian_situation_report_2009_03_30_english.pdf.

⁷ See UN Humanitarian Country Team's 'Framework for the Provision of Humanitarian Assistance in Gaza', May 2009.

⁸ See UN Flash Appeal at: <http://domino.un.org/UNISPAL.NSF/9a798adbf322aff38525617b006d88d7/5a1b12c81853b8e385257552006ad3ea!OpenDocument>.

⁹ These figures are estimates by WFP and FAO, quoted in 'Field Update on Gaza from the Humanitarian Coordinator', OCHA, 30 January - 2 February 2009, at: http://www.ochaopt.org/gazacrisis/admin/output/files/ocha_opt_gaza_humanitarian_situation_report_2009_02_02_english.pdf.

¹⁰ Other items include: seeds and seedlings; fertilisers and pesticides; irrigation pipelines, pumps and plastic tanks; young animals; and veterinary vaccines, drugs and detergents, among other things.

¹¹ 'Gaza Humanitarian Situation Report', 1-31 October 2007, p.3, OCHA, at: http://www.ochaopt.org/documents/Gaza_Sitrep_2007_11_05.pdf

¹² Sufa has been closed by the Israeli authorities since 12 September 2008.

¹³ The \$1000 handling charge per truck refers to the costs of removing all items from the truck's container, loading the items on pallets, and wrapping and labelling them.

¹⁴ No grounds have been provided for the refusal of access or explanation offered of why permits are required.

¹⁵ OCHA Protection of Civilians Report 22-28 April 2009, see http://www.ochaopt.org/documents/ocha_opt_protection_of_civilians_weekly_2009_04_30_english.pdf.

¹⁶ See articles 55, 56, 59 and 60 of the Fourth Geneva Convention.

¹⁷ Article 33 of the Fourth Geneva Convention states: '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.'

¹⁸ '10 Patients Die and Health Conditions of Hundreds Deteriorate as Gaza's External Medical Treatment Crisis Continues', Palestinian Centre for Human Rights, 19 April 2009, see <http://www.pchrgaza.org/files/PressR/English/2008/51-2009.html>.

¹⁹ 'PCHR Welcomes Resumption of Work at External Medical Treatment Department', Palestinian Centre for Human Rights, 27 April 2009, see <http://www.pchrgaza.org/files/PressR/English/2008/57-2009.html>.

²⁰ In a welcome move in February 2009, senior EU officials (Czech Foreign Minister Karel Schwarzenberg - as EU President, EU foreign policy chief Javier Solana, EU External Relations Commissioner Benita Ferrero-Waldner and EU Humanitarian Aid Commissioner Louis Michel) sent a letter expressing concern at restrictions on humanitarian access. No follow-up is yet reported following a reply from the Government of Israel. See:

http://www.islamonline.net/servlet/Satellite?c=Article_C&cid=1233567672361&pageName=Zone-English-News/NWELayout. Other examples include: 'Kouchner urges Israel to lift blockade' 17 Jan 09, at:

<http://www.arabnews.com/?page=4§ion=0&article=106855&d=17&m=2&y=2008>; 'Brown calls for end to Gaza isolation', 18 January 2009, at: <http://uk.reuters.com/article/worldNews/idUKTRE50H29320090118>

²¹ For example, as agreed in the The Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief (<http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/code-of-conduct-290296>).

²² The UN Humanitarian Country Team, led by the UN Humanitarian Coordinator, is comprised of UN agencies and several international NGOs.

²³ For more information on the 'do no harm' principle, see: http://www.cdainc.com/cdawww/project_profile.php?pid=DNH&pname=Do%20No%20Harm.

²⁴ For example, see comments by Tony Blair, Quartet Representative, in ' Hamas must be brought into the peace process, says Blair', The Times, 31 January 2009 at: <http://www.timesonline.co.uk/tol/news/politics/article5621184.ece>.

²⁵ 'The Middle East Quartet: a Progress Report', a joint agency report signed by Oxfam International, among others, September 2008. See: <http://www.oxfam.org/sites/www.oxfam.org/files/middle-east-quartet-progress-report-25-sept08.pdf>.