

MINIMUM FRAMEWORK FOR THE PROVISION OF HUMANITARIAN ASSISTANCE IN GAZA

30 APRIL 2009

Rationale

This Framework sets out principles and a modus operandi for the provision of humanitarian assistance to the Gaza Strip, in the sectors of activity outlined in the Consolidated Appeal (CAP) 2009 and covering all stages of response, from needs assessment to project planning and implementation and to monitoring and evaluation – and from immediate relief to early recovery and reconstruction of infrastructure required for the provision of basic social services and the recovery of livelihoods. This document is based on existing principles that are globally acknowledged and universally accepted.

The full compliance with the present Framework is essential for the effective and efficient delivery of humanitarian assistance to and within Gaza, in accordance with applicable international law, including international humanitarian law (IHL). It is aimed at responding to the most immediate needs of the population and does not undermine broader efforts to ensure efficient early recovery and development activities such as the Agreement on Movement and Access (AMA).

PART I

Principles governing the provision of humanitarian assistance

Those affected by humanitarian crises have the right to access assistance offered to them by humanitarian agencies. International humanitarian law includes specific provisions for assistance to civilian populations during conflict, obliging states and other parties to agree to the provision of impartial assistance and protection to affected populations. The delivery of humanitarian assistance, including protection, requires an operating environment that is conducive to the regular and continued deployment of staff and supplies, and managed in accordance with humanitarian principles.

The four core principles of humanity, neutrality, impartiality and operational independence are grounded in operational humanitarian practice. They were endorsed by the 194 States Parties to the Geneva Conventions who are also Parties to the Statutes of the International Red Cross/Red Crescent Movement. They were also recognized by the UN General Assembly (Resolutions 46/182 of 19 December 1991 and 58/114 of 17 December 2003). These principles have also been incorporated into voluntary codes of conduct and organisational mission statements guiding humanitarian agencies and donors, such as The Code of Conduct of the International Red Cross Movement and Non-Governmental Organisations in Disaster Relief (1994). All agency members of the global Inter-Agency Standing Committee have signed up to them.

Humanity	Human suffering must be addressed wherever it is found. The life, health, dignity and rights of all persons must be respected and protected.
Neutrality	Humanitarian action must be carried out in a manner that does not take sides in hostilities.
Impartiality	Humanitarian action must be guided solely by needs and therefore be carried out without discrimination on the basis of ethnic origin, clan, political opinion, gender, nationality, race or religion. Priority must be given to the most urgent cases of distress.
Independence	Humanitarian action must be autonomous from political, economic, military or other objectives that any actor may hold with regard to areas where humanitarian action is being implemented.

PART 2

Practical application of the principles on humanitarian assistance

The Framework outlines the different requirements related to access and non-interference to be met by relevant actors for the effective delivery of humanitarian assistance to the Gaza Strip, and the safe and regular passage and movement of humanitarian staff within and in and out of the Gaza Strip. The present document recognizes the different standing, rights and obligations of the actors mentioned herein: the Government of Israel (GoI), other State Parties to the Geneva Conventions, the Palestinian Authority (PA), the Hamas authorities in Gaza and the humanitarian organizations.

Nothing in the present document shall be interpreted to negate the obligation of Israel to protect and provide basic services to populations living in areas under Israeli occupation. Nor shall this document be interpreted to negate the right and obligation of Israel to defend its citizens within Israel.

Compliance with the Framework is essential to ensure that humanitarian assistance is consistently delivered and facilitated based on independent and reliable assessments of humanitarian needs, and in accordance with international obligations and principles. Third party states have an important role to play in holding all parties to their obligations under International Humanitarian Law (IHL) to uphold principled humanitarian action.

Access

- All staff of UN agencies, NGOs and other international organisations providing humanitarian assistance should be afforded unimpeded access into and movement within the Gaza Strip including to population living in restricted areas near the border. Such unimpeded access should be afforded continuously, uniformly and regardless of the nationality of staff.
- In cases when the GoI has specific and substantiated security concerns about an agency's individual staff member, these should be communicated to the agency in question and to the Humanitarian Coordinator and subject to an agreed upon process of review.
- Access procedures for both staff and supplies should be simple and efficient.
- The timely import of sufficient quantities of goods into the Gaza Strip for humanitarian activities – defined by the humanitarian agencies, under the guidance of the Humanitarian Coordinator – needs to be facilitated by the GoI. This includes the establishment of procedures which allow door to door delivery to ensure an uninterrupted supply chain of humanitarian items, fuel, cash and materials necessary for the rehabilitation of infrastructure required for the provision of basic social services and the recovery of livelihoods, including materials sourced from the commercial sector.
- For this purpose, the crossings between Israel and Gaza (Karni, Kerem Shalom, Sufa, Nahal Oz and Erez) need to operate continuously.
- The GoI and the PA should ensure that sufficient cash is available in Gaza to restore the cash economy and private sector.
- All patients requiring medical referrals within and out of Gaza must be guaranteed timely and unhindered access to adequate treatment.
- The security of crossing points is crucial to the flow of people and goods into and out of Gaza, and should not be considered as military targets.

Non-interference

- Assistance will be delivered in a neutral and impartial manner on the basis of independent and reliable assessments of humanitarian needs. Needs assessments will be carried out by humanitarian agencies and will be transparent.
- Supplies and materials must be distributed by the humanitarian agencies and their partners without interference.
- Humanitarian staff should be allowed to work in an environment where they are not subject to political, social, military or financial pressures.
- Where humanitarian assistance is inadequate to meet the needs of all, priority is to be given to the most vulnerable. Attempts to influence the selection of beneficiaries or prioritization of relief items by any authority or groups for any reason, including in order to expand their power base or authority in any area is unacceptable. All humanitarian relief goods are for the benefit of the beneficiaries identified.
- Those providing humanitarian aid have a duty to take all reasonable measures to ensure its appropriate use, and therefore to participate in/be present at the distribution of assistance, monitor and verify the intended use of the assistance provided, and assess the effectiveness of aid delivered.
- Assets purchased or rented in support of humanitarian activities remain the property of the relevant agency unless and until specific arrangements for the transfer of ownership have been made by the concerned humanitarian organisation. When the property and assets of humanitarian agencies are used in a proper manner they may not be requisitioned, confiscated, expropriated or interfered with in any other way. This includes property, vehicles, telecommunications equipment, office equipment, programme/project supplies and machinery, etc, and personal identity documents.
- Humanitarian actors are committed to coordinate with and maintain open and clear communication channels with all parties but will not disclose information that would compromise their neutrality, impartiality or independence.
- Humanitarian actors must ensure that the principles of impartiality, neutrality and independence guide all their activities, including advocacy and public statements.

Monitoring and Accountability

- The Humanitarian Country Team (HCT), which is broadly representative of humanitarian agencies operating in the occupied Palestinian territories, has the responsibility to monitor adherence to the Framework and ensure that any gap between principle and reality be overcome. To this end, it is putting in place a monitoring mechanism. Through a set of indicators the HCT will on a monthly basis monitor progress in complying with the Framework, set standards and provide practical guidance and advice on specific situations. Under the auspices of the UN Humanitarian Coordinator, it will engage in dialogue with the relevant authorities.
- All humanitarian agencies, under the coordination of the Humanitarian Coordinator, will continue to manage, monitor and control projects and activities to meet humanitarian needs, ensuring that humanitarian commodities are used as planned. Regular consolidated reports will continue to be made publicly available on progress on the implementation of humanitarian projects.
- On request, the Humanitarian Coordinator will represent humanitarian agencies facing constraints on their ability to operate in a principled manner, communicate these constraints to the relevant authorities and negotiate on their behalf as necessary.

Humanitarian Country Team
Jerusalem, 30 April 2009