



OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS (OCHA)

HUMANITARIAN MONITORING REPORT**Commitments made by the Government of Israel to Ms Catherine Bertini, Personal Humanitarian Envoy to the Middle East for the Secretary-General**

The Humanitarian Monitoring Report is issued by the Office for the Coordination of Humanitarian Affairs (OCHA). It is based on the monthly performance matrices in relation to the commitments that it made to the Bertini mission. The Humanitarian Monitoring Report draws on information from the Access, Closure and Information System (ACIS), among other data sources, that humanitarian agencies have submitted to OCHA. This report is provided to the Task Force on Project Implementation (TFPI) as a basis for discussions with the Government of Israel and will be compiled and distributed monthly and is available on the website (www.reliefweb.int/hic-opt).

I) Context

On August 7 2002, the Secretary-General appointed Ms. Catherine Bertini as his Personal Humanitarian Envoy to address the humanitarian needs arising from the ongoing Israeli-Palestinian conflict since September 2000. Ms. Bertini was requested to assess the nature and scale of the humanitarian needs, in light of the ongoing situation, identify appropriate action to address these needs

while preventing further deterioration, and to clarify the respective responsibilities of all actors with regard to humanitarian needs.

Ms. Bertini visited the region from August 12-19 2002, travelling to both the West Bank and Gaza and meeting with representatives from both the Government of Israel (Gol) and the Palestinian Authority (PA) along with UN agencies, NGOs, the ICRC and donors. The mission concluded that there is a serious humanitarian crisis that is linked to the ongoing conflict and specifically to the measures implemented by the Gol to safeguard its citizens from Palestinian attacks.

The introduction of associated security measures including curfews, closures and roadblocks has led to a crisis of access and mobility, instigating a near-collapse of the Palestinian economy while also preventing large part of the Palestinian population from accessing basic services such as health and education. Similarly, humanitarian service providers such as UNRWA and PRCS have experienced considerable difficulties in reaching their places of work and were unable to provide assistance and services to beneficiaries.

The Bertini Commitments represent a minimum and specific set of humanitarian standards agreed to by the Gol. The Bertini Commitments are not a substitute for compliance with International Humanitarian Law as laid down in the Fourth Geneva Convention. The maximum waiting period of 30 minutes for an ambulance at a checkpoint, while an improvement on the situation in August 2002, falls short of the intent of provisions of International Humanitarian Law.

II) **Commitments**

Ms. Bertini obtained several commitments from the Gol during the period of the mission that were aimed at improving humanitarian access. The commitments were delivered in the context of health, water, immunities commonly enjoyed by international organisations and fishing rights and were accompanied by quantifiable “benchmarks” allowing for the commitments to be monitored. More specifically:

Health:

- 1.1 Ambulances will wait no more than 30 minutes at checkpoints
- 1.2 Mechanisms will be set in place to ensure patients seeking critical medical services eg. delivery, dialysis, chemotherapy can quickly pass all checkpoints

Water:

- 2.1 Problems relating to water deliveries in Palestinian towns and villages will be addressed to ensure daily provision of adequate volume can be supplied by Palestinian water tankers

International Organisations:

- 3.1 Gol will fully facilitate the activities of international organisations with particular reference to UNRWA
- 3.2 Gol agreed to review and strengthen the liason arrangements between international agencies and the IDF

Additional Commitments:

On previous occasions, the Gol has made the following commitments, which were confirmed to the mission:

- 4.1 Improve the situation at checkpoints including the deployment of more experienced IDF personnel
- 4.2 The fishing zone for Palestinian boats off the Gaza coast will be extended to 12 nautical miles
- 4.3 Enabling olive farmers access to their fields
- 4.4 Increase in shipments at Karni crossing Increase in the number of permits for Palestinian workers in Israel

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COMMITMENT	BENCHMARKS	ACTUAL STATUS	REMARKS
<p>1. Health:</p> <p>1. 1 Palestinian ambulances will wait no more than 30 minutes at any checkpoints (Gol to Bertini mission, 12- 19 April 2002)</p> <p>1.2 Effective mechanisms will be put in place to ensure that Palestinians seeking critical medical services (e.g. giving birth, dialysis, chemotherapy, etc.) can quickly pass all checkpoints. (Gol to Bertini mission, 12 – 19 August 2002)</p>	<ul style="list-style-type: none"> • Instructions issued to all checkpoint commanders concerning maximum time for ambulance delay at checkpoints; • PA MOH, PRCS, UNRWA and hospitals no longer report ambulance delays at checkpoints • Mechanisms established and Palestinian public informed; • Explicit instructions issued to all checkpoint commanders • No more instances of Palestinians seeking critical medical services denied passage at checkpoints reported 	<p>Palestinian ambulance operators¹, UNRWA and Israeli Human Rights/Medical NGOs reported 89 incidents in May 2003. Of this number 20 incidents occurred in Gaza and 69 in West Bank. The largest number of incidents was reported in following Governorates and regions: Nablus- 44; Northern Gaza -11; Tulkarem -7; Qalqilya- 7; Al-Mawasi – 4</p> <p>Incidents varied in their gravity and frequency, although common features remain:</p> <ol style="list-style-type: none"> 1. checkpoint delays exceeding 30 minutes²; 2. denial of access to ambulances trying to reach patients; 3. access denial to ambulances with patients in critical medical condition aboard; 4. destruction of ambulances/equipment 5. detention and/or removal of patients from ambulances. <p>52 of the 85 incidents reported, included delays considerably in excess of 30 minutes, ranging from 45 minutes to 4 hours (Beit Lahya, 27 May).</p> <p>In 30 incidents there was a complete denial of access, involving the attempted evacuation critically sick patients, e.g. an asthmatic patient from Beit Hanoun. On 13 May, 9 ambulances were prevented by IDF from crossing Quseen checkpoint (Nablus). Each of the ambulances had one or two patients inside. This is despite the fact that a search of them had already been conducted. When contacted by humanitarian organisations, the IDF Liaison Officers answered that an order was given by the regional military commander <i>to treat ambulances like other Palestinian cars</i>.</p> <p>A MOH ambulance carrying a 15 month old child injured in an IDF raid on Khan Younis was delayed for half an hour at Gush Katif/Abu Houli checkpoint, after which the child died (6 May)</p> <p>In 5 cases, severe delays were encountered by the direct obstruction of an ambulance by a tank or tanks, with this practice specific to Beit Hanoun during the extensive military incursion starting from 15 May.</p> <p>Attacks on medical/ambulance personnel:</p> <ul style="list-style-type: none"> ▪ An UNRWA medical team was hit by IDF gunfire on 15 May. Three staff members were injured (including one from a rubber coated steel bullet) and treated at a nearby hospital; 	<p>Reporting period was marked by a dramatic rise in the absolute number of incidents. 89 incidents recorded in May 2003 represent the highest number of ambulance incidents since OCHA began this tracking exercise in December 2002.</p> <p>Nablus Governorate with its 9 checkpoints (Beit Iba, Quseem, Beit Furik, Huwwara, Deir El-Sharaf, Za'tara, Awarta, Salim, Nablus DCO) continued to account for more than half of all incidents. In addition, ambulance traffic through Shave Shamron checkpoint is practically banned. This is despite instructions given to the checkpoint personnel: according to COGAT Liaison Officers in Nablus, the 30-minute rule for Palestinian ambulances remains unchanged.</p> <p>While there has been an increase in the number of reported incidents in Gaza, “underreporting” remains considerable. This is evident from the major incursion into the Shijaia neighbourhood of Gaza city on 2 May that left 13 dead including 3 children. Access denial by ambulances to patients was reported at the time, but no subsequent Incident reports were received.</p> <p>Incidents in Gaza are extreme and acute. There are numerous access denials and targeting of emergency health providers, making impossible medical evacuations and provision of first aid at times of IDF incursions impossible.</p>

¹ PRCS, MOH and UPMRC

² Ambulance operators and ICRC consider the “30-minute” delay excessive for all urgent cases; in PRCS definition any forced delays exceeding 15 minutes at checkpoints, by military patrol, police or border police, etc. constitute incidents

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		<ul style="list-style-type: none"> ▪ A PRCS ambulance crew was injured by shrapnel on 25 May in Tulkarem camp when an IDF tank shelled the area during the medical evacuation. ▪ IDF tank fired warning shots at PRCS ambulance in Rafah as it tried to reach critically wounded British journalist, James Miller; ▪ MOH ambulance was hit by 2 bullets to the right side at the southern entrance of Beit Hanoun; 	<p>There is now substantial documented evidence of IDF's failure to honour its commitments either in allowing the free passage of ambulances within a set time frame or the ability of critical medical cases to access health service providers.</p>
<p>2. Water</p> <p>2.1 Problems related to water deliveries to Palestinian towns and villages will be addressed to ensure that daily water deliveries in proper quantities can be supplied by Palestinian water tankers. (Gol to Bertini Mission, 12-19 August 2002)</p>	<p>2.1.1 Instructions issued to all checkpoints allowing for the easy transfer of water tankers through all checkpoints;</p> <p>2.1.2 The IDF removes barriers that prevent the access by water tankers to villages that rely on tankered water;</p> <p>2.1.3 Absence of any reports on lack of water or delay/stoppage of water tankers at checkpoints.</p>	<p>According to the May 2003 survey³ of West Bank villages, some 13,000 West Bank residents in 9 localities faced major water/sanitation problems resulting from the current closure regime.</p> <ul style="list-style-type: none"> ▪ Ar-Ramadin, Taffuh, Quinan an Najam, Deir Razeh, KHALLET "Arabi (all Hebron); ▪ Khirbet Ash-Sheikh Sa'eed, Khirbet Muntar ahs-Sharquiya, Barta'a Ash-Sharquiya, Khirbet Abdallah Al-Yunis (Jenin) <p>The movement of tankers continued to be hindered at checkpoints and as a result of reinforced internal closures of the West Bank localities.</p> <p>Water shortages were also reported in Nablus area, where IDF destroyed a number of water supply networks.</p> <ul style="list-style-type: none"> ▪ Water pipeline between the Al Badhan (Nablus North) well and the villages of Asira A-Shamalia and Tallouza was damaged by an IDF bulldozer. The Municipality of Nablus is denied access to the location as it is only accessible through the main road which is closed by earth mounds. ▪ Water pipelines located at Nablus city east, Maslakh area, adjacent to Balata camp, were destroyed by the IDF while carrying out the new closure regime on Balata camp. ▪ The main pipeline between Al Badhan well (North of Nablus) and Nablus City was damaged when IDF constructed a new earth mound at the location. IDF denied Nablus municipality vehicular access in order to carry out repair. 	<p>Not only has the IDF failed to facilitate the movement of water-tankers to villages with no access to water networks, but they also impeded the field work of municipal water/sanitation services attempting to conduct repairs to newly destroyed water infrastructure.</p> <p>Cases of dysentery and skin diseases, amoeba continue to be observed among residents of affected villages in the West Bank.</p>

³ The Palestine “Water for Life” Campaign, Palestinian Hydrology Group, June 2003

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<p>3. International Organisations</p> <p>3.1 Israel will fully facilitate the assistance activities of international organisations with particular reference to UNRWA (GOI to Bertini Mission, 12-19 August 2002)</p>	<p>3.1.1 Free access for all international staff of international organisations throughout the West Bank and Gaza and at international crossings at all times;</p> <p>3.1.2 Free access for all Palestinian staff of international organisations throughout the West Bank and Gaza at all times;</p> <p>3.1.3 No delays/stoppage of international organisations' transport of development and humanitarian goods at any point (i.e. at international borders, borders between Israel and the West Bank or Gaza, within the West Bank or Gaza) at any time;</p> <p>3.1.4 Palestinian drivers (with either Jerusalem or West Bank ID) allowed to drive humanitarian transports for international organisations, in particular UNRWA, WFP and ICRC;</p>	<p>UN humanitarian agencies and international NGOs filed a record high number of 199 access incidents, of which 58 included total denial of humanitarian access. Compared with April statistics, this represents a more than a four-fold increase in access denials (13 cases in April) and a 150 percent rise in the overall number of incidents.</p> <p>a) UNRWA – largest humanitarian agency in the oPt registered 148 incidents in the West Bank alone, including 27 access denials – the highest number in 20 months. These major access incidents affected 631 UNRWA employees and resulted in a loss of more than 706 working hours for the Agency; most time was lost at the Gilo checkpoint in the Hebron area (137 hours).</p> <p>b) UN Agencies (other than UNRWA) reported another 15 access incidents: 8 in the West Bank and 7 in the Gaza Strip. 7 of the reported incidents included outright access denials (Erez/Gaza; Abu-Houli/Gaza; Gilo/Bethlehem, Ein Arek, Seafa/Gaza). The remaining UN-filed incidents included long delays (up to 7.45 hours at Erez crossing 5 May 2003). In one incident on 22 May, IDF opened fire in the direction of the crowd crossing Beituniya checkpoint and hurt a UN staff member. In another incident a UN staff member with a diplomatic status was delayed at Ben Gurion checkpoint and the staff member's car searched.</p> <p>c) 21 incident-reports were filed by international NGOs: 7 in the West Bank and 14 in the Gaza Strip. The main access problems encountered by NGOs included:</p> <ul style="list-style-type: none"> ▪ access denials to the NGO national staff (9 reported cases, mostly in the West Bank, e.g. Ramallah DCO); ▪ access denial to international workers in Gaza Strip (7 reported cases: Beit Hanoun, Erez, Al-Montar, Al-Mawasi, Seafa and other “yellow areas”); ▪ access denials in 7 cases to international staff trying to enter Israel through Ben Gurion Airport and Allenby Bridge (13-16 May) <p>From 1 May, international staff began to experience delays lasting up to 7 hours at Erez crossing. Over the course of the following week the situation deteriorated significantly”:</p> <ul style="list-style-type: none"> ▪ 5 May First denial of access to international staff member. ▪ 8 May Introduction of “waiver” by the IDF exempting all responsibility in the event of an international aid worker being wounded or killed by the IDF. Conditions accompanied the waiver that would prohibit work in basically all areas of Gaza, with the exception of Gaza city. ▪ 11 May Total denial of access to all internationals with the exception of diplomatic passport holders. ▪ 17 May Introduction of arbitrary 231 person “list” that excluded 	<p>April 2003 was marked by deterioration in the mobility of Palestinian aid workers. This trend was exacerbated in May by the inability of international staff to enter or leave Gaza and by systematic and long delays at the Ramallah DCO.</p> <p>Humanitarian services were seriously disrupted by the inability of international personnel to reach their place of work. UNRWA could not operate its Qalqilya, Nablus, and Tulkarem camp for several days; Emergency food distributions were cancelled in Jenin. Two international NGOs suspended their programmes on account of lack of staff, resulting in a denial of educational and medical services to vulnerable populations.</p> <p>IDF consistently denied humanitarian access to the needy population of the “yellow areas”/Gaza, e.g. Seafa and al-Mawasi.</p> <p>Aid workers of UN agencies and international NGOs were brutalised (threatened at gunpoint, stoned, physically harassed) by IDF, Border Policy and Israeli settlers; e.g. Shufat camp (1 May); Beit Iba (7 May); Sheve Shomron checkpoint – (12 May); Yitshar settlement by-pass road, south of Nablus (13 May), etc.</p> <p><i>The restrictions at Erez, entry denials (Ben Gurion, Allenby), new procedures at Ramallah DCO are seen as the most significant obstacles to humanitarian activities in over one year, i.e. since the IDF Defensive Shield operation in April-May 2002.</i></p>
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<p>3.2 Israel agreed to review and strengthen the liaison arrangements between international agencies and the IDF to facilitate assistance activities (GOI to Bertini Mission, 12-19 August 2002)</p>	<p>3.2.1 Procedures established that provide direct access by international organisations to operational and command structures within the IDF</p>	<p style="text-align: center;">the majority of European INGOs, and all but 2 UN agencies.</p> <p>Coordination arrangements with the IDF/COGAT Liaison officers in Gaza did not function, or on the basis of demands that were completely unacceptable to most INGOs, as with the examples of the "waiver" and "list". The IDF officers at Erez explained that the GSS in Tel Aviv had wanted the new requirements, despite the fact that many international staff had been passing through the crossing for months, in some cases years, with never any inference that the individuals may be a security threat to Israel.</p>	<p>While the Gaza IDF Liaison mechanism has never been efficient in facilitating access, the May 2003 incidents revealed the increasing inability of the West Bank Liaison Officers to facilitate humanitarian access at times of heightened tensions.</p>
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<p>4. Additional Commitments⁴</p> <p>4.1 The fishing zone for Palestinian fishing boats off the Gaza coast will be extended to 12 nautical miles</p>	<p>4.1.1 Extension of fishing zone fully implemented;</p> <p>4.1.2 No arrests or confiscation of fishing boats within the 12 nautical mile zone;</p>	<p>Following the complete suspension of anchorages for one week in April, the situation in May was characteristic of February and March in allowing for fishing in northern Gaza and Gaza city. On 6 May, one fishing boat offshore from Beach Camp was destroyed and two crew members arrested and detained for 3 days.</p> <p>Fishing from Al Mawasi Rafah which is normally permitted was suspended from 25 May while a total prohibition on fishing from Al Mawasi Khan Younis continued.</p>	<p>In all cases where fishing is permitted, the Fishermen’s Association reported their members being limited to 3-4 nautical miles thus falling far short of the 12 nautical mile limit.</p>
<p>4.2 An increase in shipments at Karni crossing</p>	<p>4.2.1 Quantifiable increase in humanitarian aid shipments permitted through the crossing;</p>	<p>In May 2003, the Karni cargo terminal was fully operational for 7 days only. The crossing operated at it half capacity during 14 days; the rest of the time it was closed for cargo traffic in both directions (to Gaza; and from Gaza to Israel). The average number of trucks crossing Karni ranged between 200 and 250. This is in comparison with up to 700 trucks a day in February – March 2003.</p> <p>Sufa crossing remained closed for the entire month, except for 11 May 2003, when it operated partially.</p>	<p>A quantifiable increase in humanitarian assistance has not taken place while the entry of commercial goods into Gaza has declined monthly since March.</p>
<p>4.3 Increase in the number of work permits for workers in Israel</p>	<p>4.3.1 Quantifiable increase in the number of work permits being made available for workers in the West Bank and Gaza to work inside Israel;</p> <p>4.3.2 On average, permits are available for 14,000 workers from Gaza and 11,000 workers from the West Bank to enter Israel on a daily basis;</p>	<p>From 16 April, no workers were permitted to enter Israel from Gaza with the exception of 11 May when 5,890 were allowed to pass.</p> <p>Erez industrial zone was open throughout May with the exception of 4 days. The passage of workers was ranging from 800 up to 3900 labourers per day, i.e. a monthly average of 2,700.</p>	<p>The prolonged period of closure on the grounds of security has now excluded Gazan workers from reaching their work places inside Israel for 6 weeks; the irregular nature of employment at Erez industrial zone creates great uncertainty for workers on a daily basis while denying regular income.</p>

⁴ These pledges were made by the Government of Israel to humanitarian community prior to the Bertini mission and were reconfirmed to Ms. Bertini in August 2002