



Khirbet Samra Bedouin village, located in Area C of the Jordan Valley, faces the threat of demolition due to the lack of Israeli-issued building permits.

Photo by Patrick Zolli.

## **IMPEDING ASSISTANCE: CHALLENGES TO MEETING THE HUMANITARIAN NEEDS OF PALESTINIANS**

This Special Focus draws attention to the range of measures currently impeding the humanitarian community's ability to provide assistance to vulnerable Palestinians. The delivery of principled humanitarian assistance requires an operating environment that is conducive to the regular and continued deployment of staff and supplies, and managed in accordance with the principles

of impartiality, neutrality and independence. In the occupied Palestinian territory, however, the humanitarian community is facing a number of obstacles to the movement of staff and goods and other restrictions impacting day-to-day operations that limit its ability to efficiently and effectively respond to existing needs.

## EXECUTIVE SUMMARY

*“When the delivery of humanitarian access is restricted, lives are lost and misery prolonged needlessly.”*

John Holmes, UN Under Secretary-General for Humanitarian Affairs  
and Emergency Relief Coordinator

The delivery of principled humanitarian assistance requires an operating environment that is conducive to the regular and continued deployment of staff and supplies, and managed in accordance with the humanitarian principles of impartiality, neutrality and independence. In the occupied Palestinian territory (oPt), however, the humanitarian community is facing a number of obstacles to the movement of staff and goods and other restrictions impacting day-to-day operations that impede the provision of humanitarian aid to vulnerable Palestinians.

The current humanitarian operation in the oPt is one of the largest in the world; at the time of its launching in November 2009, the oPt Consolidated Appeal (CAP) for 2010 ranked fifth out of 12 appeals globally, in terms of requested assistance. Through the oPt CAP, UN agencies and international and national NGOs<sup>2</sup> requested over US\$ 660 million for 2010. This support is intended to help mitigate the worst impacts of on-going conflict on the most vulnerable Palestinians, who continue to face a human dignity crisis, characterized by the erosion of livelihoods and the continued denial of basic human rights; nearly 40 percent of the Palestinian population is food-insecure and unemployment levels in the West Bank and Gaza Strip remain high.<sup>3</sup>

The humanitarian operations outlined in the oPt's CAP occur within the context of a prolonged Israeli military occupation in which policies to alter the status and character of the territory continue to be pursued contrary to international law. The situation in the Gaza Strip, in particular, presents severe impediments to humanitarian operations. Sweeping import restrictions imposed by Israel since June 2007 have either prevented the implementation of planned humanitarian projects or resulted in significant delays. For example, UNRWA reports that it has had 24 construction and infrastructure projects, totaling some US\$ 109 million in donor funds, frozen as a result of the blockade. Among the

affected projects are schools, health facilities, housing units, and sewage infrastructure. Additionally, the 'no contact' policy of some donors, prohibiting contact with the Hamas authorities, continues to affect some humanitarian organizations, while Hamas's requests for compliance with its administrative procedures from UN agencies and NGOs have intensified. This 'two-way' tension is narrowing the operational independence of some organizations and, at times, restricts on-going humanitarian operations.

In the West Bank, humanitarian organizations face ongoing restrictions on movement and access. Policies include a permit regime required for staff from the West Bank to enter East Jerusalem, and continued access difficulties stemming from the deployment of hundreds of closure obstacles, among others. In particular, agencies mandated with service provision are limited in doing so in Area C, due to the restrictive planning regime applied by Israel and restrictions to obtaining building permits and difficulties accessing certain areas.

The humanitarian community's primary concern with the measures outlined in this report is that they impede its ability to meet the needs of vulnerable Palestinians whose livelihoods have been reduced or destroyed by years of continued occupation, conflict and the denial of basic human rights.<sup>4</sup> More than ever, immediate steps are required to reverse this trend.

A complete lifting of Israel's blockade on the Gaza Strip and improved Palestinian access to land and resources in the West Bank and external markets are just a few examples of measures that could significantly improve Palestinian livelihoods through a reduction in unemployment and poverty. Israel's modest relaxation in recent months of some import restrictions, which have allowed for the entry to Gaza of a number of much needed, previously-restricted items, including glass, wood,

and aluminum, among others, have been welcome improvements.

In addition, all parties to the conflict must abide by their international legal obligations to ensure the smooth passage of humanitarian relief and personnel, and that the humanitarian community is able to carry out its work effectively and efficiently. Additionally, there is a need for donor countries to strongly advocate for an improvement in the humanitarian situation and respect for humanitarian

operations in their bilateral relations with the authorities concerned. Another necessary step is that relevant donor countries and affected humanitarian organizations re-evaluate their position vis-à-vis the 'no contact' policy, where humanitarian operations are concerned, as well as related funding restrictions. Finally, the humanitarian community needs financial support for initiatives designed to resolve or overcome access issues and other restrictions on humanitarian operations.

## INTRODUCTION

*“All governments and parties in complex humanitarian emergencies, in particular in armed conflicts and in post conflict situations, in countries in which humanitarian personnel are operating, are called upon in conformity to relevant provisions of international law and international humanitarian law to: cooperate fully with the United Nations and other humanitarian agencies and organizations; and to ensure the safe and unhindered access of humanitarian personnel as well as supplies and equipment in order to allow them to perform efficiently their task of assisting the affected civilian population, including refugees and internally displaced persons.”<sup>5</sup>*

UN General Assembly Resolution A/RES/58/114

Around the world, humanitarian agencies are facing ever greater restrictions on humanitarian access<sup>6</sup> and increasingly serious challenges to their operations.<sup>7</sup> Experience in the occupied Palestinian territory (oPt) fits within this global trend. While the level of staff safety remains relatively high, humanitarian agencies face increasing obstacles to staff movement and day-to-day operations that hamper the provision of humanitarian aid and undermine the effectiveness of assistance to vulnerable Palestinians.

The majority of these challenges stem from measures which specifically affect humanitarian agencies and the aid community or from broader policies applied by Israel in the oPt. Within this latter framework, the oPt has been fragmented into four disconnected areas; the Gaza Strip, East Jerusalem, the closed area between the Barrier and the Green Line and the rest of the West Bank. Within some of these areas, further fragmentation is occurring, through a range of measures and factors that have led to increased humanitarian need and additional impediments to an efficient humanitarian response.

This OCHA Special Focus examines the issue of restrictions on humanitarian operations in the oPt. The report seeks to draw attention to the wide array of restrictions that humanitarian agencies face on a daily basis. As the occupying power, Israel is obligated to meet the needs of the population under its occupation. However, because of the significant level of unmet humanitarian needs in the oPt, UN agencies and national and international NGOs (INGOs) have stepped in to fill the gap. In this regard, Israel is obliged by international law to ensure the smooth passage of humanitarian relief and the freedom of movement of humanitarian staff, as are all parties to complex humanitarian emergencies.<sup>8</sup>

The information included in this report is not comprehensive; instead, OCHA has included examples of both the most significant issues impacting humanitarian agencies as well as ones that demonstrate the range of restrictions encountered and the various members of the humanitarian community affected (e.g. UN agencies, international NGOs, national NGOs, etc.).

The first section covers measures affecting the movement of goods, including Israel's blockade on the Gaza Strip, the reduction of West Bank crossing points that can be used for the passage of goods, and closure obstacles. The second section focuses on other bureaucratic and political impediments affecting day-to-day operations, such as requests for compliance with its administrative procedures from the Hamas authorities in the Gaza Strip, and permit requirements applied by the Israeli authorities in Area C of the West Bank, among other measures. The third section addresses measures that affect the movement of humanitarian staff, such as delays at crossing points and checkpoints, entry permit requirements, and restrictions on obtaining work permits. Throughout the report, case studies and background information are

included to better highlight the range of measures affecting humanitarian operations and their impact. In closing, the report offers a number of recommendations that, if implemented, would result in tangible improvements in the humanitarian situation in the oPt and in the principled delivery of humanitarian assistance.

The primary concern over the restrictions addressed in this report is their impact on the humanitarian community's ability to meet the needs of the Palestinian population. However, while the report draws attention to some of the specific ways in which beneficiaries are impacted by restrictions on operations, this subject is treated more fully in other OCHA oPt reports, so a detailed impact analysis is not included here.<sup>9</sup>

## MEASURES AFFECTING THE MOVEMENT OF GOODS

*"Bureaucratic restrictions imposed at some, or all, stages of an aid operation can be onerous and time-consuming, and too often cause significant delays in the provision of aid. While, under international humanitarian law, humanitarian activities are subject to the consent of the affected State, restrictions must not place undue burden on those operations at the expense of timely access to, and to the detriment of, the affected population."<sup>10</sup>*

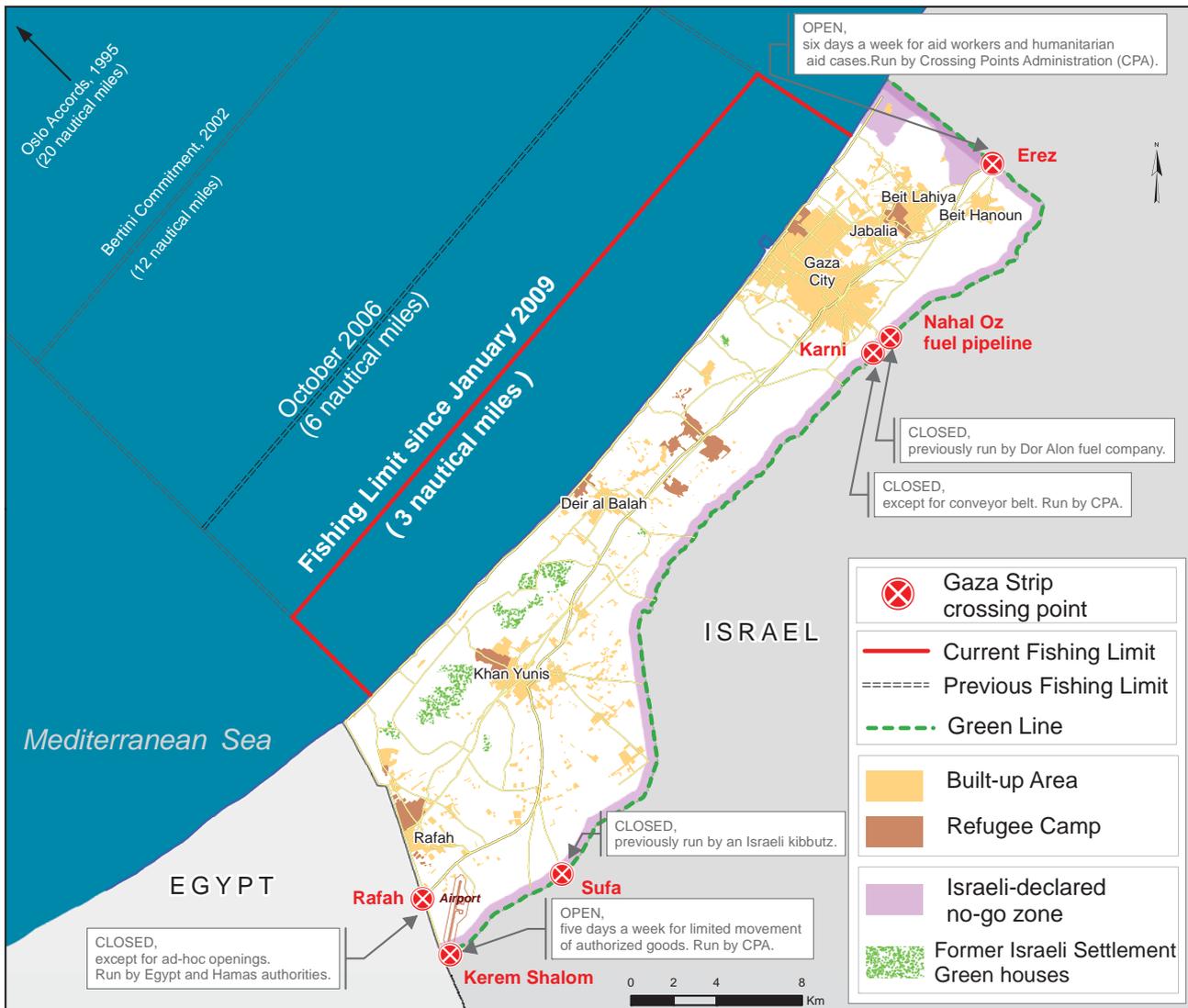
One of the most significant issues impeding the ability of humanitarian organizations to efficiently meet the needs of Palestinian beneficiaries concerns a range of restrictions affecting the movement of goods in the oPt. Examples of such restrictions include Israel's blockade on the Gaza Strip, a reduction in the number of West Bank crossing points designated for the passage of goods, and closure obstacles and other restrictions on movement in the West Bank. Restrictions such as these exact a variety of "costs" from the humanitarian community; they limit the ways in which the humanitarian community is able to respond to a given situation and result in heavy additional financial and administrative burdens, among other effects. This section provides an overview of the most significant access issues affecting the movement of goods.

### **a. The Israeli-imposed blockade of Gaza**

The blockade of Gaza has been in effect since June 2007 and has increased the need for humanitarian assistance<sup>11</sup> while simultaneously impeding the

ability of aid agencies to deliver such assistance in accordance with humanitarian principles. The situation was further compounded during and after Israel's "Cast Lead" offensive, which took place from 27 December 2008 to 18 January 2009 (see related box herein).

Sweeping import restrictions imposed by Israel since June 2007 have either prevented the implementation of planned humanitarian projects or resulted in significant delays. Other needed work has yet to be seriously planned due to aid agencies' realization that project implementation is impossible in the current context. For example, restrictions on the import of cement make impossible the reconstruction of some 12,000 Palestinian homes damaged or destroyed by Israeli military operations in recent years, as well as a further 20,000 homes needed to accommodate natural population growth in the Gaza Strip.<sup>12</sup> In the same vein, UNRWA needs to build 100 schools in Gaza to cope with population



growth; the number of students in UNRVWA schools by the start of the coming academic year will have increased by 15,000 above the classroom capacity since the start of the blockade in 2007; 15 schools are needed immediately.<sup>13</sup>

The humanitarian community faces complex procedures and approval processes for the movement of the limited types of goods approved by the Israeli authorities. One of the significant “costs” to humanitarian agencies has involved the number of staff hours spent negotiating the entry of goods for humanitarian projects – a process made more difficult by the lack of clarity and arbitrariness in the clearance process, as well as the Israeli authorities’ failure to communicate to humanitarian agencies which items are not allowed into Gaza. Since the onset of the blockade, the UN has literally

spent thousands of staff hours attempting to secure the entry of goods into the Gaza Strip, with only limited success. For example, in late May 2009, the UN presented a proposal to kick-start early recovery in Gaza to the Government of Israel, starting with the completion of US\$ 80 million worth of housing, health and education projects that have been suspended since June 2007. Intensive consultations with the Israeli government took place over the course of nine months before the UN received a response in March 2010, approving a number of UN projects including the completion of 151 housing units in Khan Younis and an expansion in the types of goods that can enter via the private sector. While welcome, the approval was characterized by the UN Secretary-General Ban Ki-Moon as a “drop in the bucket,” given the immense reconstruction needs.<sup>14</sup>

**CASE STUDY: PROJECTS TO HOUSE OVER 14,200 REFUGEES IN GAZA SUSPENDED FOR NEARLY THREE YEARS DUE TO LACK OF MATERIALS**



Partially finished units in UNRWA's Khan Yunis housing project. Photo by UNRWA.

Since 2007, UNRWA has been unable to complete any of its construction projects, including those projects meant to re-house 14,200 people, many of whom had their homes destroyed by Israeli military operations between 2000 and 2004.

One of these projects was launched in Khan Yunis refugee camp in early 2007. Funded by the United Arab Emirates Red Crescent Society and valued at \$13.5 million, when complete the project will provide 600 housing units for 3,575 beneficiaries. However, like all UN construction and infrastructure projects in Gaza, this project was suspended due to the inability to import the construction materials necessary for completion of the units and related infrastructure, including the electricity network and sewage system.

At the time of the closure in June 2007, a portion of this project – 151 housing units which will serve about 900 beneficiaries- was 85 percent complete. The completion of these units was among a package of UN projects included in the proposal submitted by the UN to the Government of Israel in order to kick-start early recovery in the Gaza Strip. After nine months, Israel finally agreed in March 2010, during the visit of the UN Secretary-General, to the import of some of the materials necessary to complete the project. In May, construction material began entering Gaza for the completion of the 151 housing units; about 13 percent of the needed materials were scheduled to enter Gaza by the end of May. Following the entry of some of the materials, the UN Secretary-General welcomed the “modest progress” that has been achieved in Israel’s facilitation of a number of priority projects and widening the list of commercial goods allowed into Gaza.

Because of the humanitarian community's inability to enter goods needed for the implementation of certain projects, its response to the deteriorating humanitarian situation has been limited primarily to basic food and cash interventions. These measures alone are completely inadequate to address the causes of humanitarian need in the Gaza Strip, particularly in the post-"Cast Lead" period. As a result, in spite of the massive influx of donor aid into the Gaza Strip since the beginning of the blockade, reliance on aid remains extremely high and the humanitarian situation remains grim. For example, a new poverty survey conducted by UNRWA showed that the number of Palestine refugees completely unable to secure access to food and lacking the means to purchase even the most basic items, such as soap, school stationary and safe drinking water, has tripled since the imposition of the blockade in June 2007.

An additional blockade-related "cost" to humanitarian agencies has involved changes in procedures for importing the limited range of goods that Israel has allowed in over the past three years. Since the beginning of 2010, the Kerem Shalom crossing, located next to the intersection point between the borders of the Gaza Strip, Israel and Egypt, has become the sole crossing for the transfer of all types of commodities into the Gaza Strip.<sup>15</sup> This situation follows the shut down of the Nahal Oz fuel crossing in January 2010, the closure of the Sufa crossing, used for the import of aggregates in September 2008, and the almost total shut down of the Karni crossing, the largest and best equipped commercial crossing, in June 2007, after the Hamas take-over Gaza.

These developments have raised a number of concerns. One set of concerns is related to the capacity of the Kerem Shalom crossing. For example, the existing pipeline at Kerem Shalom only allows for the import of, at most, 200 tonnes of cooking gas per day. While the current capacity is enough to accommodate summer needs of cooking gas, it falls short of meeting winter needs, as estimated by the Gas Station Owners Association.<sup>16</sup> For example,

beginning in late 2009, Gaza residents have faced a recurrent shortage of cooking gas, forcing the Palestinian General Petroleum Corporation to implement a rationing scheme, with quantities of available cooking gas distributed to bakeries and hospitals first, as a priority.

Another set of concerns is related to the heavy additional financial cost for the delivery of aid involved in the use of Kerem Shalom, compared with the Karni Crossing. These costs stem from a combination of requirements, including the repackaging of shipments into pallets due to Israel's restrictions on delivering containerized goods to the Gaza Strip, and the subsequent requirement to return the empty containers to shipping companies in Israel; intermediate storage and handling in Israel; a triple back-to-back system imposed at the crossing;<sup>17</sup> and the longer traveling distances from Israeli ports and the West Bank. In 2009, UNRWA reported that the closure of Karni crossing and the requirement to palletize all container shipments contributed to excess operating charges for storage, demurrage, transportation and palletization of some \$3.61 million, including approximately \$1.19 million for palletization costs alone. WFP estimates \$1.5 million additional transport costs per annum due to the restriction on delivering the aid in containers to Gaza.

An additional concern involves the vulnerability that arises from relying exclusively on one crossing for the import of goods. In the event of a significant attack or security incident leading to the crossing's closure, there will either be no alternative for the passage of goods, or capacity will have to be re-introduced for an interim period at one of the closed crossings.

#### **b. Internal West Bank closure obstacles and restricted areas**

Since the beginning of the second Intifada, Israel's closure obstacles have made the smooth delivery of humanitarian aid difficult, albeit to varying degrees (see box on movement restrictions herein). Israeli relaxation measures carried out since mid- 2008, for example, have greatly improved movement between

most major urban centres in the West Bank. The remaining exception with regard to urban areas is East Jerusalem, where difficulties remain. In terms of goods, for example, UNRWA continues to face incidents where vehicles carrying various items, from relief commodities (food, pharmaceuticals, etc.) to office supplies, are not allowed passage into East Jerusalem, but these incidents are ad-hoc. In order to avoid problems, most suppliers are now requested to deliver to the UNRWA Field Office in Jerusalem themselves. There are also considerable problems related to staff access to East Jerusalem (see related section herein).

However, closure obstacles continue to impede access to more remote areas of the West Bank, where some of the most vulnerable Palestinian communities reside. INGOs, for example, report that difficulties moving goods within the West Bank constitute one of the main obstacles to smooth humanitarian operations. Some difficulties stem from physical obstacles to movement, such as earth mounds; for example, in August 2009, efforts of humanitarian agencies to respond to water and

fodder needs of some communities in south Hebron were impeded by earth mounds blocking access roads to remote hamlets. As a result, agencies were unable to deliver approximately 170 water trucks for the benefit of 58 households and almost 5,000 sheep. In one of the affected communities, almost half the residents were forced to relocate in order to meet their water needs.<sup>18</sup> Difficulties also stem from general access restrictions in areas declared closed by the Israeli military for training (“firing zones”) and in nature reserves. One large INGO reports having their trucks regularly delayed or turned back in these areas, in cases, in spite of coordination with the Israeli authorities. In other cases, the same INGO reports that their national staff has faced difficult situations with aggressive soldiers posted at checkpoints in remote areas, while attempting to deliver humanitarian goods, such as fodder, to herding communities. National NGOs have also reported difficulties, at times, accessing communities located in the closed area between the Green Line and the Barrier, due to the absence of the requisite entry permits for some national staff from the Israeli authorities.

## OVERVIEW OF MOVEMENT RESTRICTIONS IN THE OPT

In the early 1990s, Israel imposed a general closure on the West Bank and Gaza Strip and implemented a permit regime requiring Palestinian residents of these areas to obtain permits from the Israeli authorities to enter Israel. Given Israel’s purported annexation of East Jerusalem, permits were also required for entry there, despite the fact that East Jerusalem continues to form part of the occupied West Bank. The permit regime has been enforced through a series of Israeli military checkpoints established along the perimeter of the Gaza Strip, where a fence was constructed in the mid-1990s, and the West Bank, particularly around the Jerusalem periphery. The checkpoints controlling movement into East Jerusalem and Israel are being embedded into the ever-expanding infrastructure of the West Bank Barrier, which Israel began constructing in 2002.<sup>19</sup>

Palestinian movement has also been controlled through Israeli military checkpoints and movement obstacles erected inside the West Bank and, prior to Israel’s 2005 disengagement, also inside the Gaza Strip. The number of internal checkpoints and closures expanded dramatically following the beginning of the Intifada in September 2000, particularly in the West Bank. At present, there are around 500 obstacles in the West Bank, including approximately 60 permanently staffed checkpoints, some 20 partially staffed checkpoints and over 420 unstaffed obstacles (roadblocks, earth mounds, earth walls, road barriers, road gates and trenches). These movement obstacles are augmented by ad-hoc or “flying” checkpoints; in the first four months of 2010, an average of 92 such checkpoints were erected each week.

### c. Reduction of West Bank crossing points for the import and export of goods

In 2008, the Israeli authorities reduced the number of crossings through which the UN is authorized to import and export goods, from 12 to 4. In practice, the UN is not currently facing any major operational challenges to the access and movement of goods, including humanitarian relief supplies, in and out of the West Bank, with the exception of the occasional stoppage at checkpoints. Since the beginning of

2010, the Israeli DCL has been informing the UN that, in the absence of pre-coordinated movement of their goods out of the West Bank and/or attaining prior approvals to transport certain commodities, they would not intervene to solve access incidents encountered by the UN at checkpoints along the Barrier and the Jerusalem periphery. The recent statements of the DCL may foreshadow demands for the UN to (a) coordinate access of goods and (b) gain prior approvals to send commodities out of the West Bank (including into East Jerusalem).

#### ISRAELI AUTHORITIES RESPONSIBLE FOR CHECKPOINTS AND CROSSING POINTS

There are currently four different Israeli authorities responsible for staffing crossing points and checkpoints in the West Bank and Gaza Strip (see related maps):

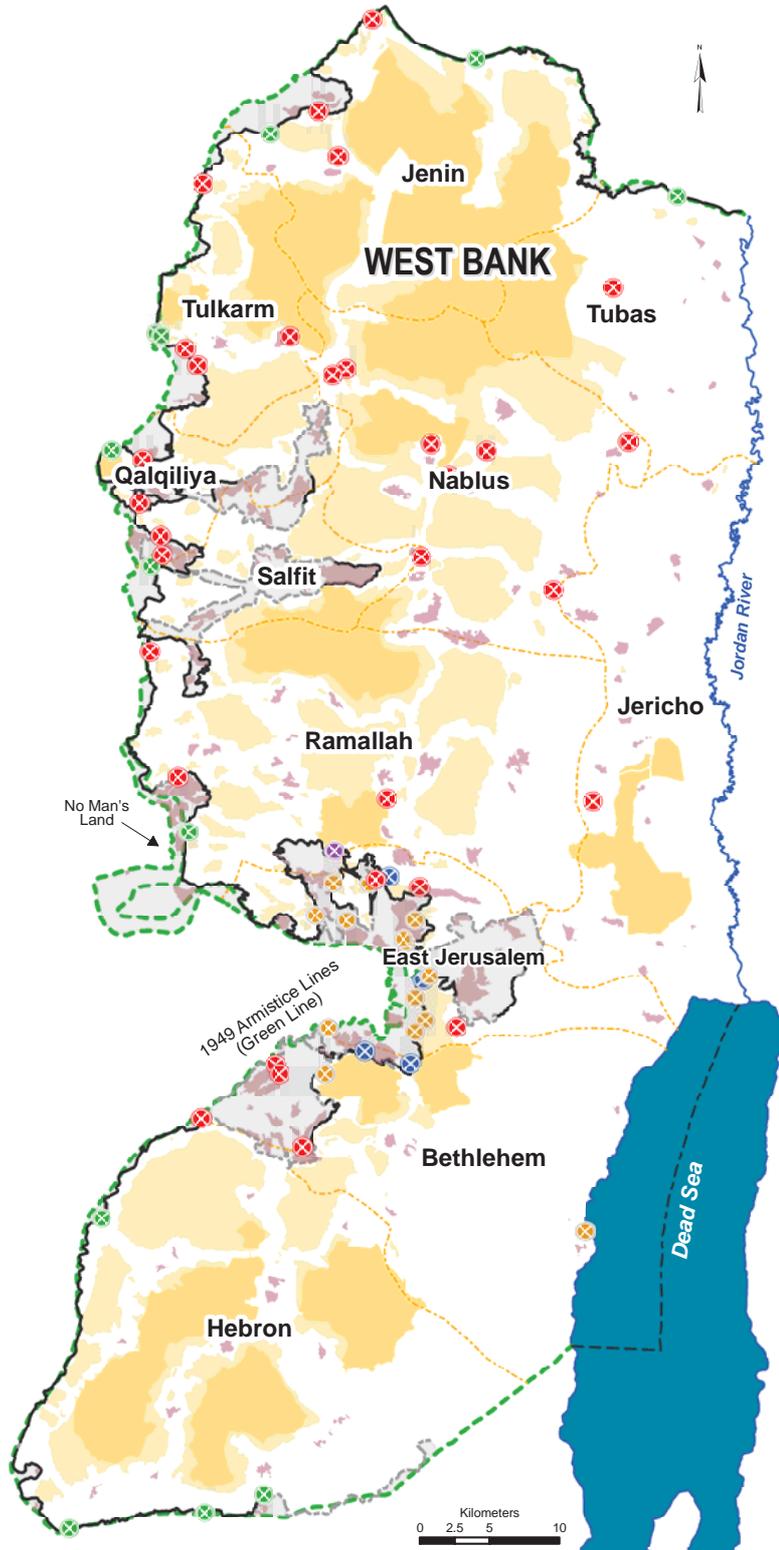
- Crossing Points Administration (CPA);<sup>20</sup>
- Border Police;
- IDF; and
- civil police (“blue” police).

Slightly less than half of the checkpoints, all located within the West Bank territory, are under the control of the IDF. As such, one of the key problems with this multiplication of authorities is that the coordination mechanism designated by Israel – the Israeli District Coordination Liaison (DCL) – has authority over the IDF checkpoints only, with limited or no authority over the entities staffing more than half of the checkpoints and crossing points. If humanitarian staff members encounter difficulty passing through a Crossing Point Administration or civil police crossing point, for example, the DCL is often unable to guarantee passage or even assist in negotiating with the relevant authorities.



# Israeli authorities overseeing permanently staffed checkpoints and crossing points

<b>Israeli Authority</b>	
	Crossing Points Administration (CPA)
	IDF
	Border Police
	Civil Police
	Civil Police and CPA
<b>Border</b>	
	International Border
	Green Line
	Governorate Limits
<b>Oslo Agreement</b>	
	Area A
	Area B
	Area C, including nature reserves
<b>Barrier</b>	
	Constructed / Under Construction
	Planned
	Existing and projected "closed areas" behind the Barrier
	Israeli settlements' outer limits
<b>Oslo Interim Agreement</b>	
Area A : Full Palestinian civil and security control	
Area B: Full Palestinian civil control and joint Israeli-Palestinian security control	
Area C: Full Israeli control over security, planning and construction	



The designations employed and the presentation of material on this map do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

United Nations Office for the Coordination of Humanitarian Affairs  
 Cartography: OCHA-oPt - May 2010  
 Basedata: Palestinian Authority Ministry of Planning, July 00 - OCHA update 2010  
 For comments contact <a href="mailto:ochaopt@un.org">ochaopt@un.org</a> or Tel. +972 (02) 582-9962  
<http://www.ochaopt.org>

## HEAVY RESTRICTIONS ON HUMANITARIAN OPERATIONS DURING ISRAEL'S "CAST LEAD" MILITARY OPERATION

The "Cast Lead" operation constituted one of the most violent episodes experienced by Palestinian civilians during the course of the occupation. It also represented one of the most significant challenges for humanitarian agencies operating in the oPt.

During the offensive, the Palestinian civilian population endured 22 days of almost uninterrupted bombardment from land, sea and air. With Gaza's borders effectively sealed, the population had no safe haven as even emergency shelters run by the UN



UNRWA warehouse in Gaza City, on fire after it was directly hit by several Israeli shells during "Cast Lead". Photo from UNRWA archives.

and UN offices sustained direct damage. The devastating effects of bombardments and military operations were compounded by the difficulties that medical and rescue teams faced while trying to reach and evacuate the wounded. For example, during the first four days following the onset of the ground operation, most attempts by the ICRC (International Committee of the Red Cross) and PRCS (Palestine Red Crescent Society) to coordinate with the Israeli military access to areas around Gaza City and in the northern parts of the Gaza Strip were unsuccessful. As a result, dozens of wounded civilians had to wait several days until they could be evacuated, in some cases, in the streets or under the rubble of their houses. The severity of the impediments to the evacuation of the wounded became evident in the two days following the ceasefire, during which the ICRC/PRCS teams retrieved about 120 bodies, some of them in a state of advanced decay.<sup>21</sup>

Throughout the 22 days, UN agencies and humanitarian NGOs continued to carry out operations despite extreme insecurity. In the course of the three weeks of hostilities, one UNRWA contractor was killed and 10 UNRWA staff and six contractors were injured, all while on duty. An additional five UNRWA staff, along with one long-term daily paid worker were killed while off duty. One PRCS volunteer was also killed while on duty trying to evacuate the wounded, and several staff were injured during the operation.<sup>22</sup> According to the organization, Israeli forces opened fire on PRCS staff and ambulances multiple times. At least 53 UN buildings sustained damage, 28 of them during the first three days of the military operation. In one of the gravest incidents, which occurred on the morning of 15 January, the main UNRWA compound in Gaza City was directly hit by several Israeli shells. As a result, the warehouse of the building was set ablaze destroying hundreds of tonnes of food and medicine. Approximately 700 Palestinians taking refuge in the building had to be evacuated. This incident occurred despite the locations of all UN premises being shared with the IDF and explicit assurances given by the IDF to UNRWA prior to the attack, according to which the building would not be hit.

In the aftermath of "Cast Lead," UN Secretary-General Ban Ki Moon commissioned a Board of Inquiry, which examined several incidents that took place in the Gaza Strip during the offensive in which civilian death or injuries occurred at, and/or damage was done to, UN premises. The Board of Inquiry found that the Government of Israel was responsible for the death and injury of civilians in seven out of nine incidents investigated. In January 2010, an arrangement was concluded whereby the Government of Israel made a payment of US\$ 10.5 million to the United Nations in respect to losses sustained in the nine incidents investigated by the Board of Inquiry.

## OTHER BUREAUCRATIC AND POLITICAL IMPEDIMENTS AFFECTING DAY-TO-DAY OPERATIONS

*“...In most conflicts, it is a combination of constraints that prevents aid from reaching civilian populations in need, when and where they need it. The implications for humanitarian operations are decreased effectiveness of activities and increased operational costs. The consequences for conflict-affected populations are protracted suffering and increased risk of displacement, disease and malnourishment.”<sup>23</sup>*

On a daily basis, the humanitarian community deals with a range of other restrictions that negatively impact general operations. Examples include building permit requirements applied by the Israeli authorities in Area C of the West Bank, attempts by the Hamas authorities in the Gaza Strip to exert control or intervene in the work of humanitarian agencies, and ‘no contact’ policies and related funding restrictions in the Gaza Strip taken by some donor countries, and agreed to by some humanitarian organizations, among other measures. There are a number of “costs” resulting from the measures outlined in this section; they limit the humanitarian community’s response to needs and reduce the cost effectiveness of humanitarian projects; they place agencies in precarious funding and policy positions; and, in cases, they affect the impartial selection of beneficiaries, among other impacts.

### **a. Permit requirements in Area C of the West Bank**

The humanitarian community has faced considerable challenges meeting the needs of vulnerable Palestinians in Area C, over 60 percent of the West Bank and home to some of its most vulnerable communities, due to continued Israeli control of the area and years of neglect.<sup>24</sup> A recent food security and vulnerability study conducted by UNICEF, WFP and UNRWA found that severe restrictions imposed by the Israeli authorities on Palestinian access to range land and natural water resources is a key factor contributing to high levels of food insecurity among Area C herder communities; some 80 percent are food insecure, compared to the overall West Bank level of 25 percent.<sup>25</sup>

In particular, the permit regime governing construction, applied by the Israeli Civil Administration (ICA), has negatively impacted

the ability to carry out humanitarian assistance projects in Area C. The construction or expansion of schools, medical clinics, suitable shelters, and the rehabilitation of water infrastructure all require that communities and implementing organizations go through a lengthy and complex permit application process. In many cases, the application process takes years, exceeding funding cycles, which can result in funding being withdrawn by the donor. An additional problem is that there is often a lack of clarity regarding the need for a permit to undertake a particular project and agencies are provided divergent information by the Israeli authorities.

Because of the difficulties in carrying out authorized work in Area C, many agencies have either avoided doing so or changed the type of project that they implement in order to avoid the need for a permit. However, these adaptive measures are less efficient, more expensive and do not offer sustainable solutions to the root problem (e.g. delivering tankered water to remote communities rather than rehabilitating existing cisterns).<sup>26</sup> This situation highlights the dilemma repeatedly faced by humanitarian organizations in the oPt, who, in the absence of Israeli permit approval, are confronted with the dilemma to either respect military legislation of the host country or to meet the needs of the population in the most efficient and effective manner.

Difficulties carrying out work in Area C directly impact the provision of basic services and support to livelihoods across the oPt, given that Area C contains valuable grazing and agricultural land, water resources, and holds the land reserves necessary for the expansion of Palestinian population centers in Areas A and B and the development of national infrastructure.

## AREA C HUMANITARIAN RESPONSE PLAN



Al Khan al Ahmar school, included in the Area C Response Plan, serves Bedouin children in the Jerusalem governorate. It faces the threat of demolition due to the lack of a building permit. Photo by Patrick Zoll.

Given the restrictions on carrying out humanitarian operations in Area C, outlined herein, the humanitarian community in the oPt developed a response plan in early 2010 focused on meeting the urgent needs of vulnerable communities in the areas of water, education and shelter. The package includes projects in various stages of pending approval by the Israeli authorities, aimed at ensuring access to a minimal amount of water for vulnerable communities, providing safe access to basic primary education for children, and allowing basic shelter, at a very minimum, to be weatherproofed.

The water and sanitation component of the package includes 15 projects that need to be urgently resolved in order to meet the pressing water needs of some 52,000 people in 17 different Area C communities.<sup>27</sup> It is estimated that these projects constitute only 10 percent of all pending water and sanitation-related projects. The package also includes projects targeting some 25 Area C educational facilities that provide education to over 6,000 students and are facing difficulties due to lengthy delays in the granting of permits, because stop-work or demolition orders have been issued against schools or school infrastructure, or because they face an array of protection issues, such as settler violence. Finally, the plan calls for a moratorium on the demolition of Area C houses lacking a building permit from the Israeli authorities and calls for recognition of the right to weatherproof shelters and replace sub-standard tents without a permit.

The needs addressed by the plan represent only the most urgent among a range of diverse needs in Area C. Because of the problems associated with applying for permits on a project-by-project basis, a key component of the response plan is that the humanitarian community is calling on the Israeli authorities, as the occupying power, to facilitate the implementation of the package as-a-whole. Three months following submission of the plan, the UN and its partners are still awaiting an official response from the Israeli authorities.

## **b. Requests from the Hamas authorities**

Since the Hamas takeover of the Gaza Strip in June 2007, humanitarian organizations have had to deal with a variety of ongoing requests from the Hamas authorities, which have increased over the course of the past year, and extended recently to UN agencies as well.

National NGOs and community-based organizations and associations have come under a range of pressures, requiring considerable follow-up by humanitarian agencies. In July/August 2008, up to 200 local organizations were 'raided' by the authorities and many of them had property, including administrative files, confiscated. Although subsequently, many re-opened and resumed activities, some had to change board members and/or activities and control and oversight over them remains high. Those known to, or perceived to be, linked to Fatah, have had a particularly difficult time. Also local organizations working for INGOs were increasingly pressured throughout 2009 to share beneficiary lists with the authorities. A few of those who did not share the requested information were closed and/or had members taken in for questioning.

There have also been a range of ongoing requests for information about the activities of local and international NGOs and concern expressed over specific activities or practices, among other issues raised. For example, two medical INGOs, which have mental health programs that include home visits to patients who cannot reach clinics, have come under pressure from the Hamas authorities. The Gaza Ministry of Health voiced concerns that non-medical issues are discussed at such visits, and ordered the suspension of the home visits. Prior to this, one of the INGOs had multiple issues with the MoH regarding a "tent hospital" used for plastic surgery, which was subsequently closed. Requests for information on local partners selection and on staff and salaries have recently been directed to UN agencies as well.

Following-up and resolving the issues outlined above consumes a significant amount of time and

resources for humanitarian agencies, a process often made more complicated by the 'no contact' policies applied by some donor countries (see below). While most of these incidents have been resolved without disruption to the provision of services, an additional worrying concern is that individual staff members have been singled out and put under pressure for information towards them as individuals, rather than towards the organizations they represent. National staff members have been at the forefront of dealing with requests from the Hamas authorities, placing them in a more vulnerable position, at times, than their international colleagues.

## **c. "No contact" policy and funding restrictions**

Since the Hamas take-over in 2007, a number of donor countries have implemented a 'no contact' policy with the Hamas authorities, prohibiting any form of contact with government officials, even on a technical level. Those humanitarian organizations who have agreed to this condition have been unable to comply with the Hamas authorities' requests outlined above. In cases, this has resulted in the temporary closure of several INGOs, local NGOs and associations, the detention and questioning of staff members, the temporary seizure of humanitarian shipments and the suspension of some programmes.<sup>28</sup> Such restrictions are also causing agencies to compromise the needs-based approach of programs, since the selection of beneficiaries might be motivated on geographical and political grounds. For example, some organizations wishing to improve the deteriorating water and sanitation facilities at Gaza schools are not considering public schools for assistance, since they are administered by Hamas. The same applies to basic social services requiring the support of municipal authorities.

Additionally difficult have been restrictions on funding applied by some donors. Most donors have refused to fund projects run by the Coastal Municipalities Water Utility (CMWU), the main public water and sanitation utility in Gaza, due to the fact that some of the municipalities served by this utility and represented on its board are run by Hamas officials. Similarly, humanitarian agencies

are having difficulties in securing funding for projects in Hamas-controlled municipalities, again impairing the neutral and impartial selection of beneficiaries.

#### **d. Gaza-Ramallah rift**

Since the Hamas takeover of the Gaza Strip in 2007, a number of issues arising from the political rift between the PA in Ramallah and the Hamas authorities in the Gaza Strip have made humanitarian operations more difficult. Most of these issues concern competing attempts by the parties to exercise control over certain operations or functions in the Gaza Strip. In 2008, humanitarian organizations devoted a considerable amount of time to resolving an issue between the two parties that lead to the halting of referrals for medical treatment abroad for Palestinian patients from the Gaza Strip.<sup>29</sup> More recently, in 2010, the Ministry

of Agriculture in Ramallah and the Ministry of Agriculture in Gaza have both released strategic plans covering issues related to agriculture in Gaza. As a result, some organisations involved in the agricultural sector and operating in Gaza find themselves attempting to operate between the conflicting frameworks of the Palestinian Authority and the Hamas authorities in Gaza.

#### **e. Raids of West Bank community-based organizations allegedly affiliated with Hamas**

At times over the course of the past two years, community-based organizations allegedly affiliated with Hamas in the West Bank have been the target of raids by both Israeli and Palestinian security forces. Some of the organizations had property confiscated, while others were closed, impacting in some cases, thousands of beneficiaries.<sup>30</sup>

## **MEASURES AFFECTING MOVEMENT OF STAFF**

*“Humanitarian access concerns humanitarian actors’ ability to reach populations affected by crisis, as well as an affected population’s ability to access humanitarian assistance and services. Access is therefore a fundamental prerequisite to effective humanitarian action.”<sup>31</sup>*

In addition to the range of measures affecting the movement of goods and day-to-day operations, humanitarian agencies operating in the oPt encounter a range of restrictions that impede the smooth movement of humanitarian staff. Such measures include delays at West Bank checkpoints, permit requirements applied to national staff to enter East Jerusalem or enter or exit the Gaza Strip, invasive searches and other onerous measures required to pass Erez crossing, and restrictions on obtaining work permits for international staff of NGOs, among others.

The impact of such measures on humanitarian operations is varied: at a minimum, they delay staff from carrying out their work and exact an administrative and financial toll that forces agencies’ to divert resources towards their resolution; at worst,

they threaten to prevent humanitarian organizations from meeting the needs of beneficiaries.

#### **a. Access to East Jerusalem: permit requirements for staff holding West Bank IDs**

In the West Bank, humanitarian agencies are required to obtain permits for entry to East Jerusalem from the Israeli authorities for their national staff who hold West Bank ID cards. This requirement places a significant administrative burden on humanitarian agencies and, in some cases, requires staff dedicated solely to following up permit-related issues. In the case of the UN, most agencies succeed in obtaining approval for a permit, although the permits are issued for a limited time (usually three to six months) and duration (7am to 7pm) and there are often

delays when a permit is being renewed. During those periods, work is interrupted for staff whose duty station is in East Jerusalem or whose duties require visits there, for example, for coordination or other work-related meetings, trainings, workshops, etc. The impact varies by organization. For an agency with a large national staff size, such as UNRWA, the impact of the permit delays can be significant; UNRWA estimates that at any one time, some 20 percent of its national staff is experiencing denials or delays of permit applications.<sup>32</sup> Alongside permit requirements, humanitarian agencies are often forced to employ additional drivers to meet agency needs, given that, since the imposition of the general closure on the oPt in the early 1990s, Palestinians holding West Bank and Gaza Strip IDs are prohibited from driving in East Jerusalem and Israel.<sup>33</sup>

#### **b. Delays at West Bank crossing points and checkpoints**

The Israeli checkpoints, crossing points and other closure obstacles that impede the movement of Palestinians throughout the West Bank, are one of the main factors impeding smooth operations for humanitarian organizations. For example, as noted

above, INGOs report that one of the main operational difficulties they encounter concerns their ability to move freely within the West Bank. In particular, access to remote communities in Area C, such as those in south Hebron or in the Jordan Valley, is frequently restricted due to delays encountered at checkpoints, both regularly staffed checkpoints and ad-hoc, or “flying”, checkpoints. In cases, staff members are turned back altogether, interrupting the distribution of needed humanitarian aid.

Palestine Red Crescent Society (PRCS) ambulances also encounter regular delays at Israeli checkpoints. In 2009, the organization reported 440 cases of delayed or denied access for ambulances.<sup>34</sup> According to PRCS, access to Jerusalem continues to be a significant obstacle, with the majority of reported access incidents occurring at checkpoints along the Barrier in the Jerusalem area and patients being transferred via a back-to-back system from one ambulance to another at Jerusalem checkpoints.

UN agencies also face regular delays, particularly at checkpoints embedded in the infrastructure of the Barrier in the Jerusalem periphery. For example, in

### **GUIDELINES OVERSEEING UN PASSAGE THROUGH CHECKPOINTS AND CROSSING POINTS**

A range of instructions govern UN staff movement through checkpoints and crossing points in the oPt. These instructions are grounded in the UN Charter, the UN Convention on Privileges and Immunities (1946), relevant UN Security Council and General Assembly resolutions, and other relevant international law. Security advice issued by the UN Department of Safety and Security (UNDSS) also provide some guidance.

The UN Convention on Privileges and Immunities applies to UN operations globally and all UN member states, including Israel, are parties to the Convention.<sup>36</sup> Some examples of UN immunities provided by the Convention are immunity from search of UN premises and property, including UN vehicles.<sup>37</sup>

Another key framework providing guidance on humanitarian staff movement – that of the UN and the broader humanitarian community – is provided through UN Security Council and General Assembly resolutions addressing humanitarian access and the movement of humanitarian staff and goods, as well as relevant international law.<sup>38</sup>

The passage of UN staff is also influenced by security guidance issued by the UNDSS, based on ground conditions in the oPt. For example, given security issues stemming from conditions at crossing points and checkpoints, UN staff members are instructed not to cross on foot, but in exceptional situations.

March 2010, UN staff members reported a total of 53 access incidents in the West Bank. As a result of these incidents, the UN lost 287 staff hours or the equivalent of 38 UN staff days. The majority of UN access delays or denials, 68 percent, is the result of Israeli forces' demands to carry out measures contrary to UN Conventions and guidelines, such as internal searches of UN vehicles<sup>35</sup> and demands that staff step out of UN vehicles at checkpoints (see related box herein).

The number of reported incidents represents only a portion of the true cost of delays and denials. For example, given repeated delays at particular checkpoints, many staff members no longer attempt to use the most direct route to a destination, but instead, re-route their journeys through alternative checkpoints where they are less likely to encounter hassles from Israeli forces. The amount of time spent re-routing, along with the additional transportation costs, increases the cost of providing humanitarian assistance in the oPt.

### **c. Access to and from the Gaza Strip**

Since the closure of the Gaza Strip in the early 1990s, movement of staff into and out of the Gaza Strip has been controlled by the Israeli authorities, with access significantly reduced at various points since September 2000. At present, movement of humanitarian staff, including UN staff, to and from Gaza remains heavily restricted and procedures for negotiating entry consume a considerable amount of time.

The movement of national staff members (both for UN and international NGOs) out of Gaza through Erez crossing requires a permit from the Israeli authorities and coordination in a time-consuming application process. Approximately 80 percent of the 233 applications for exit permits submitted by national staff residing in Gaza are currently approved. However, some local staff members no longer apply, as their applications have been rejected multiple times in the past on "security grounds".<sup>39</sup> In cases where access through Erez is approved, Palestinian staff members from Gaza are generally

questioned by the Israeli authorities before being allowed exit.<sup>40</sup> National staff with West Bank, East Jerusalem or Israeli IDs have faced a significantly harder time trying to enter Gaza through the Erez crossing. Given previous rejections, few applications are now submitted; in the first quarter of 2010, 16 such applications were submitted, with nine approved (56 percent). This figure compares to 233 requests from Gaza staff to exit, submitted during the same period.

The entry of foreign nationals to the Gaza Strip through Israel is also heavily restricted. UN international staff member's entry requires prior coordination, while the entry of international INGO staff is subject to a separate permit system. In 2009, an average of 1,300 humanitarian staff crossed the Erez Crossing between Gaza and Israel per month. While the movement of international UN staff is in most cases approved, each case requires additional resources as they must be coordinated 24 hours in advance. In addition, there have been problems previously, particularly during and immediately following Israel's "Cast Lead" offensive, when the UN faced difficulty coordinating entry of international staff. Additionally, in mid-2009, there were problems with strip searches of staff.<sup>41</sup> International staff members of INGOs face greater difficulty, due primarily to issues related to whether the INGO for which they work is registered with the Israeli Ministry of Social Affairs and the type of visas issued to staff members. For example, if the INGO is not registered, staff members receive only a single-entry tourist visa, which may cause staff to encounter difficulties, as there is no guarantee that the staff member will receive a new visa from the Israeli authorities when they re-enter Israel through Erez crossing.

An additional problem that affects humanitarian staff access to the Gaza Strip is related to the issue of who is allowed to drive through Erez and security for those crossing on foot. All INGO staff, along with some consultants to the UN and personnel seconded to the UN by Member States, are required to walk through the Erez crossing. This involves

having to walk approximately 600 metres through a caged walkway that has no quick exit if the crossing is attacked. This poses a significant security risk for humanitarian agencies. Exceptions to this are staff of the International Committee of the Red Cross (ICRC) and some senior UN staff who are authorized to drive in and out of the Gaza Strip.

The difficulties outlined above have a range of impacts on humanitarian operations. Time spent coordinating access and crossing takes time away from other important tasks. Additionally, they widen the gap between operations in Gaza and the West Bank. For example, West Bank-based agencies face greater difficulties training new Gaza staff, if they are unable to meet with their West Bank

counterparts. Overall, organization cohesion is reduced, with West Bank and Gaza teams rarely, if ever, able to meet and video conferencing technology unsuitable to bridge the physical gap.

#### **d. Work visas**

In recent years, staff engaged in humanitarian work in the oPt have encountered a range of restrictions concerning visas and other paperwork related to their employment or presence in the oPt. Of particular concern was the introduction last year of a visa policy applied to foreign nationals working for international NGOs in the oPt. Beginning in autumn 2009, the INGO community was informed that international staff members would be issued B2 tourist visas, rather than B1 work visas, which had

### **CASE STUDY: COUNTRY DIRECTOR OF LARGE INGO OUTLINES DIFFICULTIES FACED DUE TO CHANGE IN VISA POLICY**

*In March 2010, OCHA oPt spoke with the Country Director of one of the largest INGOs operating in the oPt. The organization, which currently has some 50 employees, including eight international staff, maintains offices in Jerusalem and Gaza. According to the Country Director, who recently left his post, Israel's change in its visa policy for INGOs created a range of problems for the organization.*

According to the Country Director, following his arrival in oPt in late 2006, he received three B1 work visas without any problems. In autumn 2009, however, he began hearing of a change in the policy of issuing visas to international staff members of INGOs. In January 2010, his own B1 visa expired and he too was issued a B2 visa. While he reports that he experienced no real access problems as a result of the B2 visa, because the latter prohibits work in Israel, he feels that he was put in an uncomfortable position where he could not be completely forthright about his work if he wanted to avoid problems entering and exiting the country, moving between East Jerusalem and the rest of the West Bank, and traveling to the Gaza Strip. For example, when asked about the purpose of his visit to Israel at border crossings, he began reporting that he works in the PA areas, rather than say that his office is based in Jerusalem.

The Country Director reports that attempting to resolve the visa issue consumed an extraordinary amount of time and organization resources. Between October 2009 and end of March 2010, he estimates that he spent hundreds of hours in meetings on the visa issue, noting that in one week in January alone, he spent 20 hours in meetings. The change in policy also caused a range of other problems; for example, the Israeli authorities refused to issue visas to the spouse and dependents of one staff member that had been issued a B2 visa on the grounds that he was not eligible to bring dependents on that visa. The Country Director also noted that this may prove a problem in the recruitment of his replacement, in that the post is advertised as a family/dependent post, but unless it is clear that B1 visas will be issued regularly again, the organization will be unable to guarantee that family members will be allowed to come, thus reducing the pool of qualified candidates.

previously been the case. This caused considerable concern for humanitarian operations, given that B2 tourist permit holders are not allowed to work in Israel, which, in the view of the Israeli authorities, would include East Jerusalem.<sup>42</sup>

After considerable follow-up from senior members of the humanitarian community and donor governments, the Israeli Ministry of Interior announced in March 2010 that it had formed an inter-ministerial committee to examine the process of issuing visas to international staff of INGOs. In the meantime, it would reinstate the previous practice of issuing B1 work visas to international staff. As of May 2010, INGOs staff members are again receiving B1 visas. No information has been received, however, regarding the findings of the inter-ministerial committee, so concerns remain, particularly with regard to the absence of a clear policy.

An additional issue of concern was the issuance of tourist visas stamped with the words “Palestinian Authority only” or “Israel only.” Although there has been no clear, official explanation of what is included in “Palestinian Authority areas”, they likely refer to areas designated “Area A” under the Oslo agreements, and perhaps also those defined as “Area B”, together comprising 40 percent of the West Bank territory. Defined as such, foreign nationals provided with a “Palestinian Authority only” visa would be unable to enter over 60 percent of the West Bank, including East Jerusalem and Area C. Also unclear is how these measures would affect access to Gaza. While there have been no reports that these visas have adversely affected international organizations providing humanitarian or development assistance, some staff of international NGOs have been issued with such visas in the past. As a result, concerns remain.

## CONCLUSION

*“... humanitarian access is becoming ever more difficult and the security of humanitarian workers is increasingly at risk. In countries such as Somalia, Sudan, Sri Lanka and the occupied Palestinian territory, we face wholly unacceptable humanitarian situations. The violation of International Humanitarian Law is as deadly as any weapon. And no reason can justify it.”<sup>43</sup>*

Louis Michel, European Commissioner for Development and Humanitarian Aid, June 2009

The current humanitarian operation in the oPt is one of the largest in the world, in terms of requested international assistance. In 2010, UN agencies and international and national NGO partners requested over US\$ 660 million to mitigate the worst impacts of the on-going crisis on the most vulnerable Palestinians and stem further deterioration in living conditions.

The measures outlined in this report, however, impede the humanitarian community’s ability to meet the needs of vulnerable Palestinians whose livelihoods have been reduced or destroyed by years of continued occupation and conflict and whose basic human rights continue to be denied. They hamper the smooth delivery of principled

humanitarian aid, resulting in thousands of lost staff hours and additional administrative and financial burden on humanitarian organizations operating in the oPt, creating rising costs for donors. In cases, they limit the ability of organizations to deliver aid based on the humanitarian principles of impartiality, neutrality and independence.

While these measures have a specific impact on humanitarian work, they do not occur in isolation. A number of the measures resulting in reduced humanitarian space in the oPt form part of larger policies that are resulting in the fragmentation of Palestinian territory, including the isolation of East Jerusalem from the rest of the West Bank and that of the West Bank from the Gaza Strip. Within the

oPt, restrictions on humanitarian access reinforce the isolation of many vulnerable communities or households, for example, in Area C of the West Bank. Many measures also fit within a pattern of procedures affecting foreign nationals working with Palestinian organizations or in Palestinian communities.<sup>44</sup>

Given the varied nature of the measures, quantifying the cumulative “cost” to the humanitarian community and its operations and beneficiaries is difficult. What is clear, however, is that, more and more, humanitarian agencies in the oPt are increasingly challenged in their efforts to efficiently meet the urgent needs of the Palestinian population. Increasingly, organizations are forced to dedicate staff and other resources to resolving access issues and other restrictions on operations. As an example, due to the volume of issues, the humanitarian community, under the auspices of the Humanitarian Coordinator, established in 2009 a dedicated access team to follow-up issues on behalf of UN agencies and INGO and national NGOs.

The humanitarian community in the oPt has adopted a number of other measures to resolve recurrent access obstacles and improve its ability to assist vulnerable Palestinians. For example, following Israel’s “Cast Lead” military offensive, it developed in 2009 the Minimum Framework for the Provision of Humanitarian Assistance in the Gaza Strip, which sets out principles and a modus operandi for the provision of humanitarian assistance to the Gaza Strip, required for the provision of basic social services and the recovery of livelihoods. In the same spirit, given ongoing difficulties addressing humanitarian needs in Area C of the West Bank, the humanitarian community, as noted herein, endorsed in 2010 a Humanitarian Response Plan for Area C that focuses on enabling partners to meet the urgent needs of vulnerable communities in the areas of education, shelter and water and sanitation. While such initiatives have been successful in organizing the humanitarian community’s efforts to tackle a specific issue, they have, to date, been unsuccessful in resolving the operational issues they were designed to address.

Additionally, over the years, the humanitarian community has adapted a number of its specific practices in response to changes in Israeli policies. The humanitarian community has generally done so in order to meet short-term pragmatic needs, only to later have the practice institutionalized. Examples of such situations include agreeing that national staff will obtain entry permits to East Jerusalem and agreeing to the search of vehicles at Erez crossing. The unintended consequence of such measures, however, is that the institutionalization of such measures, in cases, has contributed to some of the growing restrictions on humanitarian operating space in the oPt and to the “rising costs” discussed in this report. As a result, there is a growing concern that continued adaptation to the operating environment will further this pattern.

### **The way forward**

The humanitarian community in the oPt has repeatedly stressed that a strong humanitarian response alone is insufficient to address the needs of the Palestinian population living under Israeli occupation; only through a political solution can the ground be laid for future peace, stability and prosperity. It is increasingly the case, however, that even the limited relief the humanitarian community is able to provide the population is jeopardized. Immediate steps are required to reverse this trend.

First and foremost, Israel, as the occupying power, must take all possible measures to bring about tangible improvements in the humanitarian situation, which is generating the need for assistance. A complete lifting of the blockade on the Gaza Strip and improved Palestinian access to land and resources in the West Bank and external markets are just a few examples of measures that could significantly improve Palestinian livelihoods through a reduction in unemployment and poverty. Israel’s modest relaxation in recent months of some import restrictions, which have allowed for the entry to Gaza of a number of much needed, previously-restricted items, including glass, wood, and aluminum, among others, have been welcome improvements.

In addition, and in parallel to the above measures, all parties to the conflict must abide by their international legal obligations to ensure the smooth passage of humanitarian relief and personnel, and that the humanitarian community is able to carry out its work effectively and efficiently.

Additionally, there is a need for donor countries to strongly advocate for an improvement in the humanitarian situation and respect for humanitarian operations in their bi-lateral relations with the concerned authorities. There must be a clear, unified message that measures that impede the smooth delivery of humanitarian aid are unacceptable.

Another necessary step is that relevant donor countries re-evaluate aspects of their policies vis-à-vis Hamas so that humanitarian agencies are able to respond based solely on needs, rather than on considerations about what entity is in control of a particular municipality or school. Likewise, humanitarian agencies must reconsider conditions on their funding that impede the principled delivery of humanitarian aid; it is of the utmost importance that needs be addressed, regardless of any political agenda, even if it means refusing financial support. Finally, the humanitarian community needs financial support for initiatives designed to resolve or overcome access issues and other restrictions on humanitarian operations.

## ENDNOTES

---

1. Quoted in "OCHA on Message: Humanitarian Access," April 2010. Original quote from an August 2009 op-ed.
2. The humanitarian strategy under-pinning the 2010 CAP is supported by 236 projects, comprising 147 from the NGO community and 89 from UN agencies.
3. For additional details on the parameters of the human dignity crisis, see OCHA oPt, "Locked In: The humanitarian impact of two years of blockade on the Gaza Strip," August 2009 and the oPt Consolidated Appeal for 2010.
4. While the report draws attention to some of the specific ways in which the population is impacted, this subject is treated more fully in other OCHA oPt reports, so a detailed impact analysis is not included here. See, for example, regular OCHA oPt reports, "Protection of Civilians Weekly Report" and the monthly "Humanitarian Monitor." For the impact of specific restrictions, see OCHA oPt Special Focus reports, such as "Locked In", August 2009, and "Restricting Space: The planning and zoning regime applied by Israel in Area C of the West Bank," December 2009.
5. OCHA, "Reference Guide: Normative Developments on the coordination of humanitarian assistance in the General Assembly, the Economic and Social Council, and The Security Council since the adoption of General Assembly resolution 46/182," Policy and Study Series, Vol. 1, No. 2, 2009, pg. 16.
6. "Humanitarian access concerns humanitarian actors' ability to reach populations affected by crisis, as well as an affected population's ability to access humanitarian assistance and services. Access is therefore a fundamental pre-requisite to effective humanitarian action." "OCHA on Message: Humanitarian Access," April 2010.
7. For a discussion of some of the key issues affecting humanitarian operations, see: "OCHA on Message: Humanitarian Access," April 2010; United Nations High Commissioner for Refugees, "Safeguarding humanitarian space: a review of key challenges for UNHCR," February 2010; and Johanna Grombach Wagner, ICRC, "An IHL/ICRC perspective on 'humanitarian space'," Issue 32, December 2005. According to the Annex, "Constraints on Humanitarian Access," attached to the May 2009 report of the UN Secretary-General on the protection of civilians in armed conflict, there are three types of constraints on humanitarian access that currently pose the greatest challenge to global operations: bureaucratic constraints imposed by governments and other authorities; the intensity of hostilities; and attacks on humanitarian personnel and assets. In terms of the latter, 2008 marked the greatest number of humanitarian workers affected by violence in twelve years. ("Providing aid in insecure environments: 2009 Update," HPG Policy Brief 34, Overseas Development Institute (ODI), April 2009.) In 2008, the UN Department of Safety and Security reported a 36 percent increase in deaths of UN

personnel caused by malicious acts. In particular, it is national staff of UN agencies and NGOs who bear the brunt of this risk.

8. Johanna Grombach Wagner, ICRC, "An IHL / ICRC perspective on 'humanitarian space.'" Facilitating safe and unhindered access is an obligation of all parties in complex humanitarian emergencies. See UN General Assembly resolutions A/RES/58/114, OP10 (2003), A/RES/59/141, OP18(2004), A/RES/60/124, OP2(2005), A/RES/61/133, OP4(2006), A/RES/62/94, OP24 (2007), A/63/L.49, OP25 (2008).
9. See endnote 4.
10. "Report of the UN Secretary-General on the Protection of Civilians in armed conflict," May 2009, Annex on "Constraints on Humanitarian Access," pgs. 18 – 19.
11. See the oPt Consolidate Appeals for the years 2008, 2009 and 2010 for details on the gradual deterioration of the humanitarian situation in the Gaza Strip due to the Israeli imposed blockade.
12. Source: Shelter Cluster for the oPt.
13. Source: Briefing by the UN Special Coordinator for the Middle East Peace Process to the UN Security Council, 18 May 2010.
14. See UN Press Release, "In Middle East, Ban hails 'heroism and quiet courage' of Gazans," 21 March 2010.
15. The only exception is a single-lane conveyor belt at the Karni crossing used for the import of bulk grains, which Israel currently only operates two days a week.
16. According to the GSOA, an average of 6,000 tonnes of cooking gas are needed per month, with fluctuations on a seasonal basis. The GSOA also indicates that at least 2,000 tonnes of cooking gas is needed to re-fill thousands of empty canisters.
17. Under this system, Israeli trucks enter into a sterilized room after inspection of documents and initial scanning of goods; in this room the trucks are unloaded and allowed to load the goods onto an intermediary truck, which takes the goods to the Gazan side of the crossing. At the loading bay on the Gazan side, the goods are unloaded from the intermediary truck and in the afternoon, once the Israeli side has closed down their operations, a Gazan logistics company loads the commodities onto a Gazan truck and leaves the crossing towards its final destination.
18. For additional details, see OCHA oPt, "Humanitarian Monitor," August 2009. In late September 2009, several Israeli and international human rights organizations organized a demonstration and succeeded in partially removing one of the road closures, allowing water tankers to pass and the affected villages to receive the planned water distributions.
19. In July 2004, the International Court of Justice, in its Advisory Opinion on the "Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory" found that those segments of the Wall built within the oPt run contrary to international law and must be dismantled. Based on the approved route, when completed, 85 percent of the Wall will lie within the West Bank.
20. The Crossing Points administration is under the authority of the Israeli Ministry of Defense, but is separate from COGAT.
21. ICRC press release, "Gaza: Grief and devastation as fighting abates," 18 January 2009. Available at: <http://www.icrc.org/web/eng/siteeng0.nsf/html/palestine-update-180109?opendocument>.
22. PRCs, "Humanitarian Duty Report for 2009," pgs. 38 - 39.
23. "Report of the UN Secretary-General on the Protection of Civilians in armed conflict," pg. 18.
24. Over sixty percent of the West Bank is currently defined as Area C where Israel retains security control and jurisdiction over planning and construction. Palestinian construction is effectively prohibited in some 70 percent of Area C, in areas that have been largely designated for the use of Israeli settlements or the Israeli military. In the remaining 30 percent of Area C, there are a range of other restrictions that greatly reduce the possibility of obtaining a building permit. In practice, the Israeli authorities generally allow Palestinian construction only within the boundaries of an Israeli-approved plan, which cover less than one percent of Area C, much of which is already built-up.
25. For additional details, see February 2010 issue of the "Humanitarian Monitor."
26. A number of incidents reported to OCHA in 2009 suggested that the Israeli Civil Administration has become increasingly restrictive in terms of the types of activities allowed in Area C without a permit: in March 2009, an international NGO cleaning water cisterns in a Bedouin community (Dqayqa) in Area C in south Hebron received a stop-work order, due to lack of permit. This was the first incident reported to OCHA where a project of this type was halted due to permit regulations. Also see World Bank, Sector Note, "Assessment of Restrictions on Palestinian

Water Sector Development," April 2009.

27. These are communities that receive less than 60 litres of water per capita per day (l/c/d), well below the WHO standard of 100 l/c/d or pay more than 20 NIS per cubic metre of tankered water, compared to the average cost of water provided by the water network (4.8 NIS per cubic metre).
28. In this situation, at the request of some INGOs, OCHA and the Humanitarian Coordinator's office have acted on behalf of some of these INGOs in discussions with the authorities and many of the issues have been satisfactorily resolved as a result.
29. For additional details, see OCHA oPt "Humanitarian Monitor," April and May 2009 issues.
30. For example, between February and April 2008, Israeli forces raided a number of institutions affiliated with the Islamic Charitable Society in the West Bank, on the grounds that they were affiliated with Hamas. Equipment was confiscated and orders were issued to close a number of the institutions. Over the course of three months, raids on two orphanages in Hebron city affected an estimated number of 240 boys and girls, who live in the two orphanages. Approximately, 3,000 people depending on the services provided by the charity were affected by the closure of some of its institutions. For additional details, see the UN "Humanitarian Monitor," for the months of February, March and April 2008. Also, between 4 and 11 August 2008, six charity organizations in the Hebron governorate, allegedly affiliated with Hamas, were raided and closed down by PA security forces. All the raids in the Hebron governorate involved confiscation of office equipment, including files and computers. OCHA oPt's assessment at the time indicated that the closures interrupted the delivery of services to 550 orphans and 200 students enrolled at kindergartens and primary schools supervised by the charities.
31. "OCHA on Message: Humanitarian Access," April 2010.
32. In addition to the permit requirement, a circular sent by the Israeli Ministry of Foreign Affairs (MoFA) in January 2010 to the UN, outlined that national staff are required to obtain 'prior coordination' before each movement into East Jerusalem and Israel. Discussion is ongoing with the Israeli authorities to clarify this requirement, which, if implemented, could have a significant impact on humanitarian access.
33. In a related measure, UN agencies are forced to contract international staff as drivers for movement through the Allenby Bridge crossing given that Israel insists on searching UN vehicles driven by national staff.
34. PRCS, "Humanitarian Duty Report," 2009, pg. 38.
35. While outside visual inspections are regularly conducted by Israeli forces staffing checkpoints, Israeli checkpoint personnel often insist on invasive car searches, unless a diplomat is present in the vehicle.
36. For example, Article 105 (1) of the UN Charter provides that 'the Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its purposes'. Article 105(2) states in its relevant part, that "...officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization".
37. The UN has agreed, on an exceptional basis, to the search of UN vehicles in very specific settings in the oPt (e.g. exiting Erez crossing). Such situations are extremely limited. Of note, privileges and immunities are granted to staff in the interests of the United Nations and not for the personal benefit of the individuals themselves. Therefore, there is no immunity from search of a private UN staff member's vehicle.
38. For example, see UN Security Council Resolutions, S/RES/1265, S/RES/1674, S/Res/1296. Also see General Assembly resolutions identified in endnote 8 above.
39. UN national staff members are also able to exit Gaza through Rafah in a process negotiated between the UNRWA Director of Gaza Operations and the UN Humanitarian Coordinator with the Egyptian authorities. Approximately 35 UN staff utilise this crossing per month.
40. For example, in May 2009, one UN staff member was detained for questioning over several days after having been invited to a meeting with the Israeli authorities to discuss access of humanitarian goods to Gaza.
41. This issue was addressed by the Humanitarian Coordinator with the Israeli Ministry of Foreign Affairs, following which there have been only minimal problems.
42. If B2 visas become the norm, it is unclear to what extent it would affect INGOs working in Area C of the West Bank, which remains under considerable Israeli control, or in areas under PA control. While staff of

INGOs have been informed that they do not need Israeli work visas for work in Area A, as recently as 2006, international staff of Palestinian organizations working in Area A were denied entry on the grounds that they did not possess an Israeli work visa.

43. Press release, "Increasing pressure on the humanitarian space worldwide: Louis Michel and John Holmes sound the alarm" 22 June 2009. Available at: <http://www.eumonitor.net/modules.php?op=modload&name=News&file=article&sid=130622>.

44. Examples include the issuance of "PA only" or "Israel only" visa stamps, denying the issuing of work visas to internationals working in PA areas, while giving conflicting guidance on whether a visa is required. Additional measures that have recently affected or may affect foreign nationals include raids of Area A by the immigration police to deport international peace activists whose visas have expired and the issuance of military orders requiring that anyone,



**UNITED NATIONS**

**Office for the Coordination of Humanitarian Affairs  
occupied Palestinian territory**

**P. O. Box 38712  
East Jerusalem 91386  
[www.ochaopt.org](http://www.ochaopt.org)**

**Tel. +972 (0)2 582 9962  
Fax +972 (0)2 582 5841  
[ochaopt@un.org](mailto:ochaopt@un.org)**