



General Assembly

Distr.: General
27 August 2014

English only

Human Rights Council

Twenty-seventh session

Agenda item 7

**Human rights situation in Palestine and other
occupied Arab territories**

Written statement* submitted by the Action contre la faim, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 August 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-14820 (E)



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Ensuring Respect for International Law and Humanitarian Principles in the Recovery of Gaza, occupied Palestinian territories

1. Action Contre la Faim (ACF International) submits the following information for consideration by the United Nations (UN) Human Rights Council (the Council). The submission focuses on the legal and humanitarian obligations in accordance with international human rights law and humanitarian precepts, in the context of the recovery from hostilities in the West Bank and Gaza.

I. Humanitarian Situation¹

2. The socio-economic conditions in Gaza have been in steady decline since extensive restrictions were imposed by Israel in 2007. This has been exacerbated by the outbreak of hostilities on three separate occasions, of which the most recent occurrence has proven most deadly and damaging. Low intensity conflicts – lasting 3 or more days – have also occurred at least 23 times over the past 7 years. It is clear that the status quo is untenable and determined international mobilization is essential to introduce the changes necessary to facilitate a sustainable accord.
3. ACF International has been providing humanitarian aid in Gaza since 2002, in an environment where 80% of the population are chronically aid dependant. Although limited by security concerns during the recent hostilities, ACF International successfully delivered food, water and other essential items to thousands of recipients in dire need. Following the de-escalation of hostilities ACF International undertook a needs assessment in conjunction with other humanitarian organisations and has begun planning for, and distributing, essential humanitarian aid as part of recovery efforts for Gaza.

II. Protection, Humanitarian Space, Access to Beneficiaries and Safety of Personnel

4. The primary obstacle confronting humanitarian relief efforts in Gaza is the inability to gain timely access, and to carry out operations within Gaza safely.² In the recent hostilities, the safety of humanitarian workers was seriously compromised, with at least 13 humanitarian workers killed by airstrikes and artillery, including 9 UNRWA staff. 137 schools were damaged, many of which were run by UNRWA and used to shelter civilians. In one of the most serious incidents, Israeli artillery hit a UN school killing at least 16 people, despite UNRWA having communicated the school's coordinates to Israeli authorities 17 times.³
5. The *Guiding Principles on Strengthening of the Coordination of Humanitarian Emergency Assistance of the United Nations*, make it clear that “humanitarian assistance is of cardinal importance” for the victims

¹ http://www.ochaopt.org/documents/ocha_opt_sitrep_22_08_2014.pdf

² While ACF endeavoured to continue with its mission of providing food, water and non-food items to those in need, due to the danger posed by the bombing and shelling, at certain times during the conflict our staff were forced to hibernate for their own safety. The longstanding movement restrictions imposed by Israel on Palestinians in Gaza also meant that we were unable to move our staff or their families out of Gaza to safe areas, and we were prevented from sending in items, money or additional staff to assist them.

³ Attacks on medical facilities and staff were also widespread with 24 hospitals and clinics sustaining damage, and 33 Palestinian Red Crescent health workers being injured, and 2 killed. 25 Palestinian Red Crescent ambulances were damaged and 12 were destroyed or rendered inoperable. Reports indicate that even when movements had been communicated or coordinated with the Israeli authorities in advance, there were still incidents where humanitarian personnel came under direct attack.

of emergencies. The UN has a “central and unique role to play in providing leadership and coordinating the efforts of the international community” during humanitarian emergencies.⁴ It is therefore imperative that the UN takes all possible steps to ensure the protection of humanitarian workers and the free movement of humanitarian aid, delivered both by the UN and other aid organisations.

6. In light of the killing of UN staff and attacks against numerous UN installations, we call upon the relevant UN Bodies to approach the UN General Assembly to request a declaration of exceptional risk in Gaza in terms of Article 1(c)(ii) of the *Convention on the Safety of United Nations and Associated Personnel*, so that further measures can be taken to protect humanitarian personnel and assets, and to hold the responsible parties accountable.
7. As the Occupying Power, Israel must be held to its obligations under international law to facilitate relief schemes by humanitarian organisations, and to guarantee the free passage of humanitarian consignments into the territory. The relevant provisions of the Geneva Conventions⁵ were envisaged to address the humanitarian needs of civilian populations in times of occupation and blockade, and place strict obligations on an occupying power not to interfere with the provision of aid. Israel must be urged to facilitate access for humanitarian workers and humanitarian supplies into Gaza, including construction materials for shelter recovery, and to remove all administrative obstacles which inhibit the travel of humanitarian workers, irrespective of nationality or civil status.

III. Ceasefire and Humanitarian Reprieve

8. Until a durable ceasefire is reached, measures must be adopted so that people caught in hostilities are protected, to the fullest extent possible, from any form of harm, and, crucially, that their rights and needs are respected, protected and fulfilled.
9. All parties must refrain from attacks that harm civilians or damage civilian objects and are excessive in relation to the direct military advantage anticipated. Parties must distinguish between combatants and civilians in attack, and must refrain from placing soldiers or weapons within populated areas.
10. The international community has a pivotal role to play in ensuring that negotiations lead to a just and sustainable solution. All peoples should enjoy freedom from want, and live self-sustaining lives, forgoing much of the need for humanitarian aid. Negotiations must result in assurances of security and liberty for all parties to the conflict, respect for international humanitarian and human rights law, and unimpeded access for humanitarian and developmental aid.

IV. Early Recovery

11. This will be the third time in six years that humanitarian organisations have had to engage in recovery in Gaza, and the failure of previous recovery efforts is still deeply felt. On both previous occasions the restrictions imposed on Gaza severely hampered the work of INGOs and stunted recovery. We must ensure that this time the restrictions are lifted to ensure proper recovery can commence. This is crucial, both to the civilians of Gaza, who have borne the brunt of hostilities, and to the international efforts toward establishing stability and sustainability of life in Gaza.
12. The damage to civilian infrastructure has been unprecedented. Early estimates indicate that 22,835 homes were destroyed or severely damaged. At least 460,000 people remain in emergency shelters or with host families. Numerous livelihood-related structures, water and sanitation systems, and community assets (including 137 schools, 24 hospitals and clinics and Gaza’s only power station) have been damaged or destroyed. This not only deprives the people of the ability to live in a manner consistent with human dignity, but the lack of medical facilities, shelter, electricity, water and sanitation also pose a serious threat

⁴ Article 12 of General Assembly Resolution A/RES/46/182 taken at the 78th plenary meeting, 19 December 1991.

⁵ See article 59 GCIV, and its commentary <http://www.icrc.org/ihl/COM/380-600066?OpenDocument>

to public health.

13. Even before the resurgence of hostilities, the on-going restrictions on Gaza had resulted in a dire humanitarian situation.⁶ It is therefore essential that the restrictions which lead to this situation be addressed in the reconstruction efforts. For reconstruction to be effective it must be carried out in an unhindered manner, and in a way that promotes Gaza's economic recovery and development as an integral part of Palestine.
14. It is also imperative that the maritime and land restrictions be lifted to allow Gaza's fisherman and farmers' access to productive fisheries and land. Currently 35% of Gaza's agricultural land is inaccessible due to an Israeli imposed Access Restricted Area, and fisherman only have access to one third of the area conferred under bi-lateral agreements. Initial assessments indicate that 1,200 farmers lost their production capacity, and approximately 55,000 head livestock are at risk of further loss⁷. Wanton restrictions must be lifted to allow Gaza's livelihoods' and food production to recover.

V. Recommendations

15. The international community must urge the parties to respect the role of humanitarian personnel attempting to assist civilians. It is imperative that the parties take all possible measures to avoid harm to civilians, civilian structures and to humanitarian workers, especially during the conduct of hostilities. Humanitarian space must be preserved so that organisations can operate safely, and provide timely relief.
16. It is imperative that the Council reiterates its call for a lasting ceasefire to prevent further harm to civilians. This ceasefire must not only address the immediate violence but must also address the root cause of the conflict in order to escape the current cycle of repeated outbreaks of hostilities.
17. For there to be a durable solution to conflict, the underlying conditions in both Gaza and the West Bank must be addressed. Israel must be urged to lift the long-term restrictions on the movement of people and goods. Restrictions have directly contributed to the deterioration of the economy, rising unemployment and an inability to provide basic means. The Council should press Israel to lift, forthwith, the maritime and land restrictions, and allow exporters access to markets.
18. Immediate emergency funds are required to support the provision of aid. The Council should call upon third States to urgently assist financially to ensure the uninterrupted supply of essential humanitarian aid; however the recovery of Gaza must be viewed not only in light of the current crisis but as a long term endeavour. It will require sustained funding and support to allow for the reconstruction of damaged infrastructure, homes and community assets serving the people of Gaza.

⁶ The unemployment rate in Gaza is now over 40%. In 2013 the International Monetary Fund reported that over 26% of Palestinians in Gaza live under the poverty line and 13% under extreme poverty.

⁷ <http://foodsecuritycluster.net/document/fsssituation-report-25-14082014>