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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.

[22 July 2014]

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

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Ensuring Respect for International Law and Humanitarian Principles in Gaza, occupied Palestinian territory

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 Israel's legal and humanitarian obligations in accordance with international human rights law and humanitarian precepts, in the context of the outbreak of hostilities in Gaza.

I. Humanitarian Situation¹

1. The situation in Gaza is not just an unprecedented humanitarian and protection crisis, but it is further compounding the chronic state of emergency under which Gaza has laboured since restrictions were imposed by Israel in 2007.
2. The current outbreak of hostilities affects 1.8 million Palestinians. Since the escalation of hostilities on 7 July 2014, and as of 21 July 2014, 479 Palestinians have been killed in Gaza, of whom 364 people (76%) are civilians and 121 are children. 27 Israelis were killed, including two civilians and 25 soldiers. 3,504 Palestinians injured, including 1,100 children. In what appears to be a widespread policy of targeting civilian objects including livelihood-related structures, the homes of 3,050 families' have been destroyed or severely damaged, and a total of 135,500 people are in need of shelter assistance due to damage to their homes.
3. Currently 110,000 affected people are in need of emergency food assistance² while 1.2 million are without access to clean water or sanitation. Due to the lack of fuel and electricity, 50% of the sewage pumping and treatment systems are no longer operating.
4. ACF International has been providing humanitarian aid in Gaza since 2002, in an environment where 80% of the population are chronically dependant on humanitarian relief. Despite the open hostilities, in the past week ACF International have successfully delivered 400 food parcels to 2,880 people in Khan Younis, and 500 of water pipes to reconnect about 7,000 people to the municipal network. Preparations are in place to distribute 475 non-food item kits to 3,182 people 1,000 water tanks to 7,200 people across Gaza.
5. Nevertheless, movement in the area is severely impeded due to the security situation and imminent peril to our staff members. It is therefore difficult to assess the extent of the damage, and to foresee what further assistance is required. The rapid increase in the number of displaced persons suggests that the provision of food, shelter, and water and sanitation will need to be urgently scaled up.

II. Humanitarian Space, Access to Beneficiaries and Safety of Staff

6. Since the beginning of the Israeli ground operation in the Gaza Strip, ACF International field staff have witnessed a dramatic increase in the intensity of the hostilities, with serious impediments to the provision of emergency humanitarian aid.
7. ACF International is deeply concerned for the safety of our staff and their families in Gaza, who have no safe area to escape the hostilities. Due to the increasing risk of humanitarian workers being harmed in the attacks, we have recently been unable to carry out our field missions and many of our staff have been forced to take shelter themselves.
8. As the Occupying Power, Israel is obliged under international law to facilitate relief schemes by humanitarian organisations, and to guarantee the free passage of humanitarian consignments into the territory. The international community must take all measures to ensure that Israel permits humanitarian workers safe access to all areas, and especially the 'no-go zones' which now comprise 43% of the territory.

III. Protection, Humanitarian Intervention and Early Recovery

¹ http://www.ochaopt.org/documents/ocha_opt_sitrep_22_07_2014.pdf

² Food Security Sector SitRep, 21.07.14.

9. Civilians in Gaza are bearing the brunt of this recurrent conflict. Israeli conduct of hostilities has destroyed homes and resulted in significant damage to livelihood-related structures, community assets (schools and health facilities) and water and sanitation infrastructure essential for the provision of basic services.

10. In tandem with the aberrant illegality of Palestinian armed groups targeting of Israeli civilians, there is growing concern over the legality of Israeli targeting of homes of suspected or confirmed militants in Gaza, as attacks on homes cannot be justified under international humanitarian law unless such destruction is rendered absolutely necessary by military operations, and confers a distinct military advantage. The parties are to be reminded that reprisals against civilian property are prohibited. We are concerned with reports of misuse of civilian structures for military purposes, rendering them objects for military attack, and remind all parties that distinction between civilians and combatants must be strictly adhered to.

11. Even before the resurgence of hostilities, the on-going restrictions imposed by Israel on Gaza had resulted in a dire humanitarian situation. Unemployment in Gaza hit a five year high in May 2009, rising to just over 40 percent. We are increasingly worried about helping people recover from yet another crisis amidst restrictions that drastically limit Gaza's economic and social development. In working with the parties to reach a ceasefire, third States should implore Israel to lift the long term restrictions imposed on Gaza.

12. It is also imperative that the maritime and land restrictions be lifted to allow Gaza fisherman and farmers access to productive fisheries and land to the full extent of the agreed maritime zone, and in conformity with the 1949 armistice line.

IV. Ceasefire and Humanitarian Reprieve

13. It is imperative that the current escalation in violence between Israel and armed groups in the Gaza Strip be brought to an end. This is the third major outbreak of hostilities in six years, and it is evident that military operations fail to bring peace and security to the region.

14. Over the years ACF International and other organisations have repeatedly called for ceasefires and for all sides to protect civilians from undue harm. Sadly, these ceasefires have been temporary in nature and after each outbreak of hostilities aid organisations have to rebuild the humanitarian infrastructure again. Even during the ceasefires, the limitations on humanitarian operations in Gaza due to access restrictions and prevention of movement of personnel, food and equipment, have severely limited international efforts to assist civilians in an effective and timely manner. In the absence of an agreed ceasefire, third states should implore the parties to the conflict to enter into regular humanitarian reprieves, allowing aid workers to access injured, displaced and dispossessed persons in need of emergency relief.

15. Structural changes must be adopted so that people caught in hostilities are protected, to the fullest extent possible, from any form of violence, and, crucially, that their rights and needs are respected and fulfilled. All peoples should enjoy a peace that will last, and live self-sustaining lives, forgoing much of the need for humanitarian aid. Such changes 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.

V. Recommendations

16. ACF International urges all the parties to respect the role of humanitarian workers attempting to assist civilians. It is imperative that the parties take all possible measures to avoid harm to civilians and to the humanitarian workers in the area. Humanitarian space must be preserved so that organisations can operate safely, and provide timely relief. ACF International therefore implores the Council to call upon the parties to the conflict to avoid any action which may endanger, harm or target humanitarian aid workers and civilians.

17. It is imperative that the Council calls, in the strongest possible terms, for an immediate 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.

18. Attacks on homes cannot be justified under international humanitarian law unless such destruction is rendered absolutely necessary by military operations, and confers a distinct military advantage. The Council should undertake through its Special Procedures, a prompt, independent, thorough and effective investigation into missile strikes on civilian infrastructure, including

medical facilities and WASH. All parties are to be reminded that reprisals against civilian property are prohibited by international law.

19. The international community must actively engage with Israel to lift the long term restrictions on the movement of people and goods into and out of the Gaza Strip. These restrictions have directly contributed to the deterioration of the economy in Gaza, rising unemployment and an inability to provide basic necessities. It is imperative that the ceasefire lays the groundwork for enabling Gaza's economy to recover so as to prevent a recurrence of hostiles. To this end the Council should impress upon Israel, the Occupying Power, the lifting forthwith of maritime and land restrictions, to allow Gaza fisherman and farmers access to productive fisheries and land, and allow exporters access to markets.

20. Immediate emergency funds are required to support the provision of food assistance, non-food items, shelter and water and sanitation to the displaced persons. The Council should call upon third States to assist financially to ensure the uninterrupted supply of essential humanitarian aid. Funding will also be required in going forward to rebuild the damaged infrastructure, homes and community assets serving the people of Gaza.