



FAILING GAZA:

**No rebuilding,
no recovery,
no more excuses**

A report one year after Operation Cast Lead



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1) NO MORE EXCUSES

A year after Israel launched its Operation Cast Lead military offensive on Gaza, on 27 December 2008, little of the extensive damage it caused to homes, civilian infrastructure, public services, farms and businesses has been repaired. As thousands of families still come to terms with loss or injury of their loved ones, they are being prevented from rebuilding their shattered society.

This is not for a lack of determination by the people of Gaza or of resources committed to do the job. Indeed, over US\$4 billion was pledged in March 2009 by the international community to assist reconstruction in Gaza and to support the Palestinian economy.¹ Gaza's jobless people are only too ready to put their skills and work into rebuilding their wrecked homes or getting the shattered water, sewage and electricity systems working again. Crossing points into Gaza from Israel have been designed and tested and security procedures developed that could facilitate the large-scale entry of the materials needed for reconstruction. But little of this committed money has been spent. Goods and equipment earmarked for rebuilding languish in storage outside Gaza. And much of Gaza still lies in ruins.

This is not an accident; it is a matter of policy. The Israeli government's blockade, imposed in 2007 after Hamas took control of Gaza (though long preceded by regular closures and restrictions), not only forbids most Gazans from leaving or exporting anything to the outside world, but also only permits the import of a narrowly-restricted number of basic humanitarian goods. Desperately-needed reconstruction materials are not counted amongst these. So the civilian population and the United Nations and aid agencies that aim to help them are prohibited from importing materials like cement or glass for reconstruction in all but a handful of cases.

Indeed, since Operation Cast Lead, only 41 truckloads of construction materials for all purposes have been permitted into Gaza.² Thousands of truckloads are required to rebuild all the houses destroyed. And this is to say nothing of all the remaining reconstruction desperately needed to put right damage to all the schools, hospitals, other buildings and water network because of previous military action or serious dilapidation caused by lack of repair materials due to the blockade. The rest of this paper sets out other evidence of the blockade's continuing and devastating impact, based on the experience of the authoring agencies and data from the UN.

International responsibility

Israel has the primary responsibility to end the blockade. Egypt, the Palestinian Authority and Hamas must also play their role. Though the focus of this report is on the blockade, we also cite examples of how PA-Hamas tensions, and actions by both have created additional hardship. The people of Gaza have suffered as a result of all these governments, at times, failing to uphold their rights.

We condemn all indiscriminate rocket attacks on Israel from Gaza. Israel has the right and obligation to protect its citizens. The policy of blockade, punishing the entire civilian population of Gaza for the acts of a few, is a collective punishment, which is unacceptable and violates international law. The blockade is also in breach of UN Security Council Resolution 1860, and of the Agreement on Movement and Access signed by Israel and the Palestinian Authority in 2005.

While members of the international community – to varying degrees – profess their disapproval of the blockade, they have failed to secure any significant progress, including any change to the prohibition on construction materials, let alone a commitment to end the policy as a whole. Expressions of disapproval and hand-wringing by the international community are not enough after two and a half years of the blockade and a year on from Cast Lead, with no improvement on the ground. The people of Gaza have been betrayed by the international community which can and must do far more to end the illegal and inhumane blockade.

This report highlights what more the international community can do to help lift the blockade. The particular focus is on the European Union, which is a major funder of humanitarian and development programmes in the occupied Palestinian territory and Israel's largest export market. Despite occasional strong language on the severe humanitarian impact of the blockade, the EU has not succeeded in translating its words into action to end it - an example of the wider failure of the international community to do all that it can to lift the blockade. Through its development co-operation and ongoing political engagement with the Palestinians the EU has detailed knowledge of how the blockade is systematically destroying the hopes of Gaza's people for social and economic development and of its business sector for growth and trade; and with them, destroying the key foundations for a just and sustainable peace.

The European Union should now take an international lead, alongside the US and other players, to secure an end to the blockade. Now that the Lisbon Treaty is in force, the EU has an important opportunity to fulfil its vision of a more coordinated and effective foreign policy by agreeing and organising a unified push to end the blockade of Gaza.

The EU must now resolve to undertake concerted action in the New Year so that the end of Spain's six-month Presidency in June 2010 does not also mark the third anniversary of a continuing blockade on Gaza. Securing an immediate opening of the crossings for building materials to repair ruined homes and civilian infrastructure as winter sets in would be an important first achievement.

Time to rebuild

As European and international relief, development, and human rights organisations – with operations or partners in Gaza working to overcome poverty or protect human rights - we see that it is the ordinary people of Gaza who are bearing the brunt of the blockade. Whether it is Gaza's children, its most vulnerable citizens, farmers or factory workers, all are suffering the consequences.

In a report in March 2008 many of us came together to warn that, because of the blockade, conditions in Gaza had deteriorated to their worst levels since the start of the Israeli military occupation in 1967.³ In another report in September 2008, three months before Operation Cast Lead, a group of us examined the record of the Middle East Quartet (Russia, US, EU and UN) on making good their commitments on the Middle East Peace Process, warning that on Gaza, 'if the cessation of violence ends, the consequences for civilians – both in terms of violent attacks against civilians and the humanitarian situation – will be dire. To this end, all Quartet members should demonstrate robust, public support for the cessation of violence and take further steps to deepen it'.⁴

Tragically, that cessation of violence did not last. And the conditions the blockade had caused, documented in the two previous reports, have since been compounded.

This new report focuses in particular on how the blockade has prevented the importing of construction materials, including cement, glass and iron bars. Homes, businesses, factories, farms, schools, hospitals and essential infrastructure like the water and sanitation and power systems remain in ruins – and with them the hopes of people in Gaza of rebuilding their lives.

Operation Cast Lead left a legacy of destruction and loss. It is time to allow the people of Gaza to begin to pick up the shattered pieces of their lives and rebuild, by ending the blockade that prevents them. There must be no more excuses.



A truck carrying food at the Kerem Shalom crossing from Israel into Gaza, October 2009. Only a narrowly-restricted number of basic humanitarian goods are permitted access into Gaza under the blockade.

Ben Jackson

2) THE POLICY: BUILDING BLOCKED

Before and after

Before the blockade was imposed in 2007, there were six official crossings into Gaza: Erez, Karni, Nahal Oz, Kerem Shalom and Sufa with Israel, and Rafah with Egypt. In the period before the blockade, an average of 70 truckloads of exports left Gaza a day,⁵ and 583 truckloads of goods and humanitarian supplies came in.⁶ The majority of goods passed through Karni, in the North-East of the Gaza Strip where large-scale, high-security facilities for commercial trade are in place. The main pipeline for the import of fuel (such as for the power plant in Gaza) was based at Nahal Oz.

Since 11 June 2007 Karni has been shut down, apart from a conveyor belt which delivers grain over the huge concrete perimeter wall. Most goods allowed into Gaza now enter through the much smaller Kerem Shalom crossing point in the South. In the first two years of the blockade, an average of just 112 truckloads per day – one-fifth of previous levels – were allowed into Gaza.⁷ Exports have been entirely banned with the exception of several small shipments, for example of carnations for the Dutch market.⁸ Sufa was closed entirely in September 2008. Erez in the North has facilities to process large numbers of people entering and exiting Gaza, but now only deals with small numbers of foreign visitors like aid workers and the handful of Palestinians permitted out in exceptional cases, mainly for medical treatment or study abroad.

Israel retains direct control over all the crossings into Gaza, except for Rafah, and determines in detail what is and is not permitted into Gaza. Under the terms of the 2005 Agreement on Movement and Access, Israel also retained indirect control over Rafah, which should be used only for the entry of people, not for the import of goods. Goods from Egypt should enter Gaza via the Kerem Shalom crossing located in Israel, stipulates the AMA. Since 2007, Rafah has also been largely closed except for a limited number of humanitarian cases or exceptional humanitarian cargoes.⁹

Not only the volume, but also the range of goods coming into Gaza has been drastically reduced as a result of the blockade. Currently Israel only regularly allows about 35 categories of items entry into Gaza.¹⁰ In contrast, some 4,000 items were imported before the blockade began.¹¹ Basic foodstuffs (which now make up about 74% of total imports compared to 17% before the blockade) and medicines do generally gain access. There is no published list of permitted items and there appears to be no consistency in what is, and is not, permitted. For instance, particular fruits allowed in one day as ‘essentials’ can easily be branded ‘luxuries’ and turned away on another day.¹²

Humanitarian goods that are in theory let in are also often subject to unpredictable delays and restrictions – such as shelter kits (average delay 85 days), health and paediatric kits (average delay 68 days) and household items such as bedding and kitchen utensils (average delay 39 days).¹³



Palestinians converting rubble into improvised construction material in a makeshift open-air crushing works, Gaza, October 2009. Materials produced this way can only meet a small fraction of the deficit created by the ban on entry of construction materials.

Ben Jackson

Construction materials

Before the blockade just over half of the imports going into Gaza were made up of construction materials.¹⁴ In the five months running up to its imposition 7,400 truckloads a month containing construction materials were entering Gaza;¹⁵ in the six months after, this shrunk to a trickle of 31 a month on average.¹⁶ The cement lane at Karni was shut down altogether. There was a brief increase in materials gaining access from July to October 2008 during the Egyptian-brokered cessation of violence between Israel and Hamas.

However, in the last year, since a military offensive which left much of the territory's civilian infrastructure in tatters, Israel's constriction on the entry of construction materials into Gaza has tightened. Barely four trucks of construction materials a month have entered Gaza during this period, just 0.05% of pre-blockade monthly flows.¹⁷ As a result, all kinds of construction materials – cement, gravel, wood, pipes, glass, steel bars, aluminium, tar – and spare parts are in desperately short supply or completely unavailable, with little or no capacity to produce them locally given both the destruction of local industry and the lack of raw materials, which were also banned under the blockade.

Cement is just one of the building materials in greatest need. During the whole of 2008 under the blockade only about 20,000 tonnes of cement were allowed in – and this included the months of the agreement on the cessation of violence, which saw the waiving of some of the prohibition on construction imports.¹⁸ Even less is going in now.

An intensely negotiated one-off delivery of 310 tonnes of cement was agreed in July¹⁹ in coordination with UNRWA and the World Bank for repairs to Gaza's sole power plant, a damaged waste water treatment centre, and Gaza's only flour mill still in operation which was struck by an air raid.²⁰ The remaining cement in the shipment was earmarked for repairs to damaged gravestones in the Commonwealth cemetery, many dating back to the First World War. However delivery of even this small consignment of 1.5 tonnes of cement and 350 headstones was suspended by Israel a month later amidst allegations by Israeli military official sources quoted in the media that it had been diverted by Hamas,²¹ although aid agency staff saw the bags of cement under lock and key at the graveyard.²²

In addition, the cement promised to help rebuild Gaza's bombed flour mill was also not in the end allowed in – part of a pattern of reversing or delaying decisions to permit even limited amounts of materials in. Small quantities of cement are coming into Gaza from Egypt via the tunnels – at inflated prices and in insufficient amounts to make any impact on tackling the huge scale of the rebuilding challenge.

Glass, too, is sorely needed to replace the thousands of windows in homes, schools and businesses blown out during the bombardment – especially now that winter is biting and many people only have flimsy plastic sheets to keep out the wind and rain. Again some small consignments of glass were reported to have been admitted in June and July.²³

Another specific consignment that was given permission to enter Gaza in October, with great fanfare, was of materials for World Bank/UNRWA water projects. It included four truckloads of plastic pipes, two truckloads of cement, one truckload of tar and four truckloads of desalination devices.²⁴

This handful of case-by-case exceptions to the general rule of banning construction materials only serves to demonstrate how possible it is to allow them in, where the decision is made to do so. What the people of Gaza desperately need right now is a systematic, large-scale reconstruction operation – and the change of policy that would allow this. Piecemeal and patchwork initiatives simply make no impact on the scale of the destruction which people in Gaza are living with a year on from Cast Lead.

3) THE COST: NO RECONSTRUCTION, NO RECOVERY

At 11.30 a.m. on 27 December 2008 Israel launched a wave of airstrikes bombing targets across Gaza with the declared aim of ending rocket attacks from Gaza into Israeli civilian areas like Sderot. In the 22 day offensive that followed, the Gaza Strip was subject to bombardment from air, land and sea. Israeli tanks and forces started a ground invasion on 3 January. Palestinian armed groups engaged in fighting with Israeli forces. By the time unilateral cessations of violence were declared by Israel and Hamas on 18 January, 1,393 Palestinians, 347 of them children, and thirteen Israelis, including three civilians, were also killed.²⁵

The destruction of Gaza's civilian infrastructure during Operation Cast Lead was extensive. International assessments have estimated the direct cost of the damage between US\$659.3 million and US\$891.8 million.²⁶ 84% of the damage was inflicted on three key sectors: housing, agriculture and the private sector, according to a EU mission sent to assess the damage.²⁷ Crucial public infrastructure - already often suffering serious breakdown due to shortages of spare parts, overstretch, lack of repairs and access to technical input and training caused by the blockade - also took significant damage.

An estimated total of 600,000 tonnes of rubble was left after Operation Cast Lead was over.²⁸ Not only is this a measure of the scale of the damage caused, but also a huge challenge to remove - often without adequate equipment to clear streets and resume everyday life, again due to the blockade. Wrecked buildings and vast expanses of rubble still litter the Gaza Strip. Just clearing this was put at 200,000 person-days of work.²⁹

The sight of people picking through rubble to find 'recyclable' blocks or to load it onto donkey carts to be broken down into pieces for use as substitute aggregate for small-scale repairs has also become a symbol of the determination of the Palestinians in Gaza to survive the best they can in the face of such extensive damage and the corrosive impact of the blockade.

Below we set out some of the main legacies of the destruction caused by Operation Cast Lead that have not been reversed due to the continuing impact of the blockade.

Homes

The Gaza Strip is one of the most densely populated areas in the world. Residential areas suffered significant damage during the bombardment - some were almost entirely flattened. Over 15,000 homes sustained sufficient damage to displace 100,000 Palestinians during the intense conflict.³⁰ 2,870 homes still need major repair; 3,540 need complete rebuilding, while 52,900 have minor damage, according to the UN's latest estimates³¹

As of July 2009, 20,000 people remain displaced from their homes - living with relatives, renting elsewhere or, in some cases, still living in tents.³² And this is to say nothing of the backlog of need from those homes severely damaged in previous military actions, those new houses left half-built due to lack of materials and existing properties condemned as unhygienic or unsafe to live in that cannot be replaced.

High priority reconstruction materials currently with no or highly limited entry into Gaza through official crossings

- cement
- wood
- plastic pipes
- aggregate
- glass
- paint
- metal pipes
- generators
- steel
- doors
- metal reinforcement rods
- high voltage cables
- bitumen
- wooden telegraph poles



Industry and jobs

In the aftermath of the offensive, news reports largely focused on the destruction of civilian homes, which was indeed severe. However, the damage caused to the private sector has also adversely affected hundreds of thousands of lives. In just three weeks, 700 private businesses across commerce, industry and services were destroyed or suffered serious damage to buildings, equipment or stock, resulting in a combined loss put at US\$139 million.³³ Even before the offensive, 98% of industrial operations in Gaza were idle because of the blockade.³⁴ Again, the collapse of business and trade caused by the blockade preventing the import of raw materials (with imports currently running at 80% below pre-blockade levels)³⁵ and the export of finished goods has been further compounded by extensive damage during the offensive.

Gaza has been dealt a double blow. Not only is cement largely denied entry by the blockade, but according to the UN 20 of Gaza's 29 ready mix concrete plants were also either badly damaged or destroyed during the offensive, including Gaza's only cement packaging and storage plant.³⁶

In the first three months after the offensive, joblessness in Gaza had crossed 40% of the workforce, and reached 140,000 people.³⁷ An estimated 120,000 private sector jobs have been lost since the blockade was imposed.³⁸ With jobs and income plummeting and prices for many basic items rising, also because of the blockade, it is not hard to see why so many people in Gaza have been squeezed into a poverty trap. Even in May 2008, a survey showed that 70% of families were living on a dollar a day.³⁹ While overpriced and often poor-quality consumer goods are entering Gaza through the illicit trade via tunnels from Egypt, the highly inflated prices make them inaccessible to many and irregular trade cannot – and should not be encouraged to – sustain economic production.



Farming

Before the blockade Gaza had a substantial agricultural sector, with a capacity to grow up to 400,000 tonnes of produce a year. A third of this was horticultural products for export such as tomatoes, peppers, strawberries, flowers and fruit; much of it using greenhouses and irrigation techniques.⁴⁰ Farms also supplied a quarter of Gaza's food needs. The blockade had already dealt a severe blow to farmers by blocking all these exports and critical farm inputs. Nevertheless, before Operation Cast Lead, more than 40,000 people, or 13% of the workforce, worked in agriculture.⁴¹

The military operation caused extensive damage to the agricultural sector. Tanks and other military vehicles demolished 17% of Gaza's cultivated land in the conflict, including 17.5% of olive, date and other fruit orchards and 9.2% of open fields.⁴² Farmland was also destroyed by Israeli armoured vehicles using it for access routes during the incursion. Greenhouses, livestock shelters, irrigation channels, wells and pumps were bombed or bulldozed on a huge scale. The blockade now prevents replacement materials or parts from being brought in.

In addition, in May 2009 Israeli air force planes dropped leaflets stating that the Israeli-imposed security 'buffer zone' along the inside of the walls and fences surrounding Gaza was being unilaterally expanded to 300 metres. Between a quarter and a third of Gaza's agricultural land now lies within this no-go area, which in reality extends anywhere between one to two kilometres into Gaza. As a consequence, many farmers have lost their livelihood.⁴³ Taking direct damage caused by the offensive and the expanded buffer zone together, an estimated 46% of agricultural land has been put out of production.⁴⁴

The smell of destruction

Sameh Sawafeary, a father of 11 and the biggest chicken and egg farmer in the Gaza Strip, lost 50 years of hard work on one January day.

Before Operation Cast Lead, he provided the Gaza Strip with 10% of its eggs. Every day he sold 1,000 chickens and produced 120,000 packs of eggs. He even supplied the aid agency Oxfam with eggs to distribute to impoverished Gazans dependent on food aid.

Along with other local people, the Israeli forces ordered Sameh into one room and then told them they needed to flee the area or face death. The injured among them were unable to leave.

When Sameh returned he was confronted with a terrible stench: tens of thousands of his chickens were dead and his farm was destroyed. He said that the injured people who had been unable to flee had also died.⁹⁶

Sameh, whose farm only weeks before had been the source of a food aid programme for his fellow Gazans, had become a recipient of food aid himself for a short time after the war. He and his family now find themselves buried deep in debt and have begun to rebuild their business from ground zero, although it has been very difficult.

'I have no other choice; we have no materials coming into Gaza because of the Israeli blockade. Usually businessmen move one step forward after years of work, but thanks to the Israeli army, my automatic farm has gone and now I have to start from scratch by building a manual farm instead.' said Sameh.

'I am waiting for compensation from the government or any donor so I can rebuild my farm and the lost future of my family. Every time Israel destroys my farm I will rebuild it because this is the only business and life I have.'

Power

The offensive caused extensive, long-term damage to the power infrastructure in Gaza, already on the verge of collapse. During the military operation itself Gaza's main power station closed down for ten days due to a lack of sufficient supplies of industrial diesel from Israel, while most of the power lines also bringing electricity in from Israel and Egypt were destroyed – causing a 75% shortfall in power in Gaza compared to demand.⁴⁵ A million Gaza residents were cut off from power for most of the offensive, and half a million were cut off from running water caused by loss of power. Sewage ran in the streets. Transformers, pylons, cabling and the main stores and vehicles of the private power utility the Gaza Electricity Distribution Company (GEDCO) were bombed.

While key power lines have been restored, 90% of the people of Gaza continue to suffer power cuts of four to eight hours a day – while the rest still have no power at all.⁴⁶ This not only affects residential customers, but also key public institutions like hospitals which have to rely on back-up generators, themselves vulnerable to a lack of spare parts.

The blockade prevents the supply of desperately-needed spare parts for the electrical power system – 150 key parts (such as high voltage cables, transformers, wires, switches) are completely unavailable while 400 others are in short supply.⁴⁷ Israel also continues to restrict the supply of industrial fuel necessary to run the power plant at full capacity from the 3.5 million litres needed a week to 2.2 million litres.⁴⁸ In addition the constant switching on and off of the power plant, which is designed to run continuously, is itself wearing it out and could damage it beyond repair.⁴⁹

Water and sanitation

The power cuts also severely affect the supply of running water that depends on electricity – with interruptions in supply a feature of daily life in Gaza, especially for the many people who live in high-rise flats. The water and sanitation infrastructure itself was also badly damaged and remains in desperate need of repair – at an estimated cost of US\$6 million.⁵⁰

Over 30 kilometres of water networks were damaged or destroyed (though 21 km of these have now been repaired) and eleven water wells operated by the water authorities were damaged. More than 6,000 rooftop water tanks and 840 household connections were damaged.

During the intense conflict, key concrete water storage tanks around the Gaza Strip were destroyed by bombs and shells. 1,250 tonnes of cement are needed to repair these alone. Tens of thousands of people rely on clean water distributions from aid agencies, and hundreds of thousands are forced to buy water trucked in privately.⁵¹

In those areas very extensively damaged during the offensive, including Ezbet Abed Rabu in Northern Gaza, no redevelopment is possible because of a lack of cement and because repairs to water systems cannot be completed. Progress in these areas is now in stasis, condemning 8,000 people to an existence without piped water.

Generators have also been refused entry, and aid agencies are now seeking them urgently to help mitigate some of the problems as winter sets in. Both the generators and the water storage tanks are important to ensure that water supply is continuous especially during power cuts, which increase during winter. In addition to water stoppages, the loss of pressure in pipes means that polluted water from the surrounding ground can enter the pipes, and is then sent straight to consumers when the water supply restarts.

Aid agencies working on water and sanitation warn that:

*'With more water being abstracted from the aquifer annually than natural recharge rates; seawater intrudes into this fresh water source thereby causing salination. Additionally, the underdeveloped wastewater storage and treatment facilities and unchecked sewage flow in the Gaza Strip cause sewage to further contaminate groundwater. Today, only 5-10 percent of the water in Gaza's portion of the coastal aquifer is drinkable, with the UN recommending an immediate cessation of use of this water to preserve both the health of the aquifer and the health of those that depend on water from it. Poor water quality in Gaza leads to serious health concerns, with vulnerable groups such as children suffering most.... In Gaza, diarrhoea, an easily preventable disease, is behind 12 percent of young deaths.'*⁵²

Health

A World Health Organization (WHO) assessment of 122 health facilities in Gaza revealed that 48% were damaged or destroyed during the offensive: 15 hospitals and 41 primary health care centres were partially damaged; two primary health care centres were destroyed; and 29 ambulances were partially damaged or destroyed.⁵³

Since the end of hostilities, most health services have resumed and are functioning as normally as possible within the constraints imposed by the blockade. The Palestinian Ministry of Health relocated the two primary health care facilities that were destroyed to a new building and they have since resumed services as usual. However, structural damage to health facilities has not been adequately addressed because of the ban on entry of construction materials into Gaza, though minor repairs, where possible, have been completed using available resources.

The blockade inflicts other enormous difficulties on the health system including a chronic shortage of specialised medical personnel and access to training, together with difficulties due to prohibition on entry of spare parts and repairs services for damaged or malfunctioning equipment.

The worsening situation has increased dependence on medical assistance outside Gaza; but here again the blockade bites. The Israeli authorities at Erez Crossing often deny even seriously ill patients permission to exit Gaza for treatment in medical centres in the West Bank, East Jerusalem, Israel, or Jordan.⁵⁴ Between January and July 2009 an average of only 51% of patients applying for access to medical care via Erez Crossing were permitted to exit, while the handling of over a third of patient requests was delayed. These patients were not able to exit Gaza on time and missed at least one medical appointment; 73% were delayed for more than seven days.⁵⁵



Divisions between the Palestinian Authority in Ramallah and the de facto authorities in Gaza have contributed to the deterioration of health care for Gaza's sick and wounded. They have affected the ability of patients to access medical care outside Gaza to the extent that in March - April 2009 ten patients lost their lives.⁵⁶

These tensions have had impacts beyond the health sphere, affecting education, water and wastewater services.⁵⁷ In a number of isolated incidences, Hamas has also obstructed the delivery of international assistance. For example, in February 2009 Hamas seized 3,500 blankets and 400 food parcels in one incident and later ten truckloads of aid from the United Nations. The aid was subsequently released to the UN.⁵⁸

Education

Even prior to the Israeli military offensive, the education system in Gaza was already severely weakened by the blockade, impacting on the quality of education provided to students. Blockade restrictions have prevented the rehabilitation of ageing educational infrastructure and much needed construction of new schools to keep up with the annual increases in student population. Last school year 82% of governmental schools and 88% of UNRWA schools were operating on a double-shift system in order to accommodate the growing number of students.⁵⁹

During the military offensive, 18 schools were destroyed, (including eight government schools, two private schools and eight kindergartens) and at least 280 were damaged. Six of the destroyed government schools were in North Gaza alone, affecting almost 9,000 students who had to relocate to other schools.⁶⁰ To date, almost nothing has been rebuilt or repaired as a result of the ban on entry of construction materials into Gaza. Students who were relocated to new schools for the duration of the academic year placed further strain on already overcrowded classrooms. With the start of the new school year in September, approximately 1,200 secondary students from North Gaza were at risk of not being able to attend schools due to the lack of space to accommodate them and lack of alternative spaces for educational purposes.⁶¹

In addition to the ban on building materials, blockade restrictions have caused long delays in or denial of entry of basic educational supplies such as textbooks and paper. While the Israeli authorities have eased entry of educational supplies into Gaza in the months prior to the start of the new school year, quantities are insufficient to meet current needs following the chronic shortages of these items over the last two years.

Disruptions to the functioning of schools and provision of quality education has also been affected by power cuts, due to restrictions on the import of industrial fuel, and lack of clean drinking water and proper sanitation in schools as a result of deteriorating infrastructure and damage incurred during the military offensive. Following the military offensive, students resumed their schooling almost immediately often in partially damaged classrooms that still bore the scars of war. Children, already traumatized by the military offensive, cannot learn and develop in these unsafe and unsanitary conditions.

The consequences of a weakened education system, plagued by shortages of space and materials and an environment unfit for learning, are evident in the decline in school attendance and in the performance of students. In the first semester of the 2007-2008 school year, only 20% of sixth graders in Gaza passed standardised exams in math, science, English and Arabic.⁶²

"I miss my school because it was big and beautiful. We had a library to read books and a yard to play and have activities. Our new schools are small. The classrooms are tight and too small. It is too hot to learn... I want to be a doctor to help Palestinian children – but how? How can I when my school is destroyed?" Fifth grade student enrolled in the American International School, which was destroyed by an Israeli air strike in January 2009.

Children in Gaza

- 52.5% of Gaza's 1.5 million inhabitants are children under the age of 18.⁸⁴
- 67.1% of Gaza's children are refugees.⁸⁵

Education

- There are 640 schools in Gaza - 221 UNRWA schools, 383 government schools and 36 private schools - serving more than 440,000 students.⁸⁶
- 88% of UNRWA schools and 82% of government schools operate on a double shift. Anecdotal evidence suggests that some schools are currently operating three shifts per day.⁸⁷
- 164 students and 12 teachers from government schools were killed during the military offensive. A further 454 students and five teachers were injured. 86 children and three teachers from UNRWA schools were killed and a further 402 students and 14 teachers were injured.⁸⁸
- According to the Palestinian Ministry of Education and Higher Education, the construction of 105 new schools is necessary to accommodate the student population in Gaza.⁸⁹
- During the 2008–2009 academic year 14,000 students (or 6.76%) of students in all UNRWA schools in Gaza failed all subjects of the standardized tests.⁹⁰
- Of those students who failed their examinations, 1,900 underwent a comprehensive health assessment during the months of September and October as part of UNRWA's Schools of Excellence and Summer Learning program. The most common health issues identified were malnutrition and anaemia.⁹¹

4) ISRAEL AND THE BLOCKADE

The Israeli policy of isolation is not new and Gaza has been subject to closures since 2000, but the blockade imposed in 2007 was of a wholly different order to previous restrictions. In September 2007 Israel's Security Cabinet met 'to discuss the possibilities for action in the light of the continued shooting of Qassam rockets from the Gaza Strip to the town of Sderot and the other towns and villages around Gaza'. It declared Gaza a 'hostile entity' and decided that:

*'Additional sanctions will be placed on the Hamas regime in order to restrict the passage of various goods to the Gaza Strip and reduce the supply of fuel and electricity. Restrictions will also be placed on the movement of people to and from the Gaza Strip. The sanctions will be enacted following a legal examination, while taking into account both the humanitarian aspects relevant to the Gaza Strip and the intention to avoid a humanitarian crisis.'*⁶³

Commenting on the cabinet decision itself, Defence Minister Ehud Barak also said, 'our aim right now is the weakening of Hamas and the strengthening of [Palestinian Authority Prime Minister] Salam Fayyad'.⁶⁴

In December 2008, just before Operation Cast Lead, Shlomo Dror, chief spokesman for Israel's Defence Ministry stated: 'The moment we fail to react to one rocket we encourage them. Our only choice was to close the crossings when rockets came in.'⁶⁵ In addition, the Israeli government has linked the blockade to the continued captivity of the Israeli soldier Gilad Shalit, although his capture in June 2006 predates the imposition of the blockade. Former Prime Minister Ehud Olmert, for example, declared earlier this year, 'We will not allow the opening of the crossings to Gaza and outside of Gaza to the extent that it will help them bring back life into a completely normal pace. Certainly not before Gilad Shalit is back home.'⁶⁶

While Israel has a duty to protect its citizens, the measures it uses to do so must conform to international humanitarian and human rights law. Indiscriminate attacks by Palestinian armed groups in southern Israel, which have killed several civilians and injured dozens more, are a clear violation of international humanitarian law. We condemn such indiscriminate attacks against civilians. Abuses of international law by one side, no matter how serious, can never justify abuses by the other side. By enforcing the blockade on the Gaza Strip, Israel is violating the absolute prohibition on collective punishment in international humanitarian law,⁶⁷ punishing the entire population of Gaza for the acts of a few.



A view from northern Gaza at the Israeli-built wall encircling the Strip, October 2009.
Ben Jackson

5) RESPONSE OF THE INTERNATIONAL COMMUNITY AND PARTICULARLY THE EUROPEAN UNION

Responsibility for reconstruction

Under international humanitarian law, Israel remains the Occupying Power despite its 'disengagement' from Gaza in 2005 and its insistence that it is no longer occupying the Strip. This is because Israel still maintains effective control over entry and exit into Gaza, its air space and sea, as well as its population registry, telecommunications networks, and many other aspects of its daily life and infrastructure. Such control entails responsibility to safeguard the welfare of the civilian population.

As in the past, in the absence of Israel-funded reconstruction, the EU and the wider international community offered to pay to rebuild Gaza again. As noted above, at the March 2009 donor conference in Sharm el-Sheikh, the international community pledged over US\$4 billion in aid for Gaza reconstruction and for supporting the Palestinian economy, out of which the EU pledged over US\$1 billion.⁶⁸ The EU and the rest of the international community have again taken responsibility for repairing damage caused by Israeli military operations, but failed to take the steps necessary for this to be delivered. The Israeli blockade has prevented almost any of the pledged aid for physical reconstruction projects from being delivered.

The EU, for its part, has not sought any compensation for damage to EU-funded projects in Gaza during Operation Cast Lead which has been estimated, even on the basis of only partial information, at EUR 12.35 million (and EUR 56.35 million since 2000).⁶⁹

Responding to the blockade: many words, little action

The Fourth Geneva Convention places a duty on third parties to ensure respect for the Convention in all circumstances. The international community has an obligation to work to end the violations of the Convention. It is hoped that a substantive Conference of High Contracting Parties to the Fourth Geneva Convention will be convened in 2010 to review the international community's obligations to uphold international humanitarian law in the occupied Palestinian territory.

The international community has largely failed to back up their words with effective action. In May 2008, the Quartet strongly called for a 'new approach' on Gaza. However, no new approach has materialised as the blockade policy remained in place even during the 'lull' in violence agreed between Israel and Hamas in June–November 2008. During Operation Cast Lead, the UN Security Council passed Resolution 1860 calling for unimpeded access for humanitarian assistance and the sustained reopening of the Gaza crossings. Yet the Security Council has not acted when these provisions have not been met.

The EU has made clear declarations against the Gaza blockade. The most recent EU Foreign Affairs Council Conclusions in December 2009 state that, 'the continued policy of closure is unacceptable and politically counterproductive. It has devastated the private sector economy and damaged the natural environment, notably water and other natural resources... While extremists stand to gain from the current situation, the civilian population, half of which are under the age of 18, suffers.' The EU also called for 'an immediate, sustained and unconditional opening of crossings for the flow of humanitarian aid, commercial goods and persons to and from Gaza.'⁷⁰

At the same time, due to the reluctance of several Member States, the EU has refrained from recognising the blockade as a form of collective punishment or even from stating that it violates international humanitarian law. In 2008, the Slovenian and French presidencies of the EU officially called the blockade collective punishment and so did the European Parliament,⁷¹ but the Council comprising the 27 Member States has failed to do so. In the Council Conclusions quoted above, the Swedish Presidency originally proposed stating that the blockade is unacceptable 'from the point of view of international humanitarian law', but the formulation was taken out in the final version due to the opposition of some Member States.⁷²

When the British Prime Minister Gordon Brown and German Chancellor Angela Merkel had meetings with their Israeli counterpart Benjamin Netanyahu recently they did not mention Gaza in their statements to the press.⁷³ This silence reflects the lack of public pressure applied on Israel by EU Member States in relation to Gaza, despite a strong EU position on the issue.

The EU did, for its part, take a concrete step during Operation Cast Lead when it froze the upgrading of its political and economic relationship with Israel. The EU has maintained the freeze since then, but in spite of that continues to extend new economic and trade privileges to Israel,⁷⁴ while the basic norms of trade and access are refused to the people of Gaza under the blockade.

Shortly after Operation Cast Lead, the French President Nicolas Sarkozy stated: 'Gaza can't go on being the world's biggest open prison!'⁷⁵ Yet it is difficult to see what practical action he and his international counterparts are taking to help deliver an end to the blockade.

In the first half of 2009, EU leaders sent three high-level letters to the Government of Israel requesting opening of the Gaza crossings. However, when Israel failed to respond to these requests, no further action was taken.

Similarly, a welcome letter from Prime Minister Brown and President Sarkozy to the Israeli Prime Minister Benjamin Netanyahu in October 2009 highlighting the need for humanitarian access has not led to any significant improvement, and has not been followed up by action.⁷⁶ The UK Foreign Secretary David Miliband claims the UK does not have a 'Gaza-last policy'.⁷⁷ Yet there has been a lack of new initiatives similar to the May 2008 donor conference in London with Israeli and Palestinian representatives, which was proactively used by the UK and Norwegian governments as an opportunity to address and tackle the blockade.⁷⁸

Very few senior politicians or diplomats have visited Gaza to assess the situation and better understand the impact of the blockade. This is particularly lamentable given that almost no Gazans can travel outside to meet others. While a number of EU foreign ministers have visited Israel and the occupied Palestinian territory since Operation Cast Lead, the only one of the 27 EU foreign ministers who has visited Gaza in that period has been Sweden's Carl Bildt. For their part, the EU High Representative Javier Solana, and Commissioner for Development Louis Michel also visited Gaza while they were in office.⁷⁹ The French and Irish foreign ministers have tried but were refused entry to Gaza by Israel.⁸⁰ Tony Blair, the envoy of the Middle East Quartet, only visited Gaza for the first time in March 2009, two years after he was appointed.

In fact, the Middle East Quartet has contributed to isolating Gaza by their policy of non-engagement with its Hamas authorities, which it maintained even when the short-lived Palestinian government of national unity was established in March 2007. Since the fall of that government and Hamas' takeover of Gaza in June 2007, neither the EU nor the Quartet has stated that they would support a new government of national unity, and Palestinian reconciliation efforts have repeatedly faltered. While strictly isolating Hamas, the Quartet has exerted little pressure on Israel to change its policies towards Gaza.

Diplomatic initiatives and plans

The international community appears to have accepted the blockade, seeking little more than small concessions. The limited number of diplomatic initiatives has focused on getting a restricted amount of material into Gaza or creating mechanisms which allow in limited supplies and are acceptable to the Israeli government.

France, for example, has been working at the highest level to get Israeli guarantees that the medical items it is funding for the rehabilitation of the Al Quds hospital in Gaza will actually be allowed in, but it is yet to be seen if and when that will actually be the case. The Netherlands has spent much political capital on getting Israeli approvals for exceptional exports of flowers for the Dutch market, and according to a recent report may have succeeded in securing a promise to allow a significant increase in the flower exports in the coming months, though it is also yet to be seen whether it materialises in practice.⁸¹ Tony Blair has helped negotiate permission for several trucks of construction materials for a World Bank project to repair one wastewater treatment plant.

In May 2009 the UN formulated a specific plan to deliver construction materials for a package of stalled UN projects for the shelter, health, and education sectors worth US\$ 77million. The plan, promoted by the UN Special Coordinator for the Middle East Peace Process, Robert Serry, aims to ensure the entry only of items for specified purposes, provides security guarantees for Israel in exchange for allowing the entry of construction materials into Gaza. The plan gained the backing of the Palestinian Authority and the international community including the EU and the US. In the UN negotiations with Israel, the focus was narrowed down to a handful of individual 'pilot projects' rather than the whole package. Despite all this, after months of negotiations and Israeli foot-dragging, almost nothing has been allowed into Gaza under this plan.

In late November the UN informed the Security Council that it 'had not yet received a satisfactory response from the Israeli Government on the proposal,' and stated that it 'is completely unacceptable that no meaningful progress has been made in kick-starting UN civilian construction activities essential for the well-being and recovery of a war—and blockade—affected population, half of whom are children'.⁸² The UN is also in urgent discussion with the Israeli Government seeking to get in 'the bare minimum required to address the most urgent humanitarian needs for winter'.⁸³ With the arrival of winter, there has not yet been a positive response.

While all these efforts are commendable, they are woefully inadequate without high-level political pressure to end the blockade altogether. The international community's failure to do enough to halt the blockade is a sign of the wider failure to hold all parties to account for violations of international humanitarian law.

There is evidence of many cases where the destruction in Gaza caused by the Israeli military was in violation of international humanitarian law, as presented in the Report of the UN Fact-Finding Mission on the Gaza Conflict (the 'Goldstone Report') as well as in reports by a range of international, Israeli and Palestinian human rights organisations. They have also set out evidence of violations committed by Palestinian armed groups from Gaza. The parties need to investigate the allegations thoroughly and independently and hold those found responsible to account.

*'Tragically, the international community largely ignores the cries for help, while the citizens of Gaza are treated more like animals than human beings... Never before in history has a large community been savaged by bombs and missiles and then deprived of the means to repair itself. The responsibility for this terrible human rights crime lies in Jerusalem, Cairo, Washington, and throughout the international community.'*⁹²

Jimmy Carter, former US President
June 2009

*'My message to the international community is that our silence and complicity, especially on the situation in Gaza, shames us all.'*⁹³

Archbishop Desmond Tutu, South Africa
May 2008

*'The chasm between word and deed is a matter of puzzlement to many Palestinians. The result has been a cruel isolation from the global community, fed by the inaction of the international system.'*⁹⁴

Karen AbuZayd, Commissioner-General for UNRWA
December 2008

*'Their whole civilisation has been destroyed, I'm not exaggerating.... It's almost unbelievable that the world doesn't care while this is happening.'*⁹⁵

Mary Robinson, former President of Ireland and former UN High Commissioner for Human Rights
January 2009

6) CALL TO ACTION

As in the rest of this report, the focus of the recommendations below is on what the international community should do to move from words to real action to end the blockade of Gaza and so enable entry of desperately needed rehabilitation and reconstruction materials, for which international donors have pledged funds and support. Without that, the people of Gaza will continue to suffer entirely preventable hardship – and progress towards peace will be fatally undermined.

Notwithstanding that the primary responsibility lies with Israel, which must abide by its international obligations as the Occupying Power and reverse its policy of collective punishment by ending the blockade and opening all crossings. It must also stop unlawful incursions and attacks inside Gaza. Egypt too should open the Rafah crossing into Gaza.

Hamas and other Palestinian armed groups must maintain their current de facto cessation of violence and permanently cease all indiscriminate firing of rockets into Israel from Gaza.

All Palestinian factions need to intensify their reconciliation dialogue to pave the way for a reunified Palestinian government able to effectively provide for the needs of its civilian population. The Palestinian Authority and Hamas need to do all they can to support and facilitate access to Gaza within the constraints set by the blockade.

All of these steps are vital. None should be dependent on one party taking any step first. Palestinians and Israelis have suffered too long from the failure of leaders on all sides to break the cycle of fear and mistrust. That is why so much rests upon the international community to seek progress. The recommendations below are the basic minimum that the international community must do now:

Recommendations to the international community

The European Union

- The EU must commit itself to the explicit aim of ending the blockade of Gaza by taking a strong and unified stance and a renewed international lead on the issue.
- The EU and its Member States should use every opportunity with Israel to issue clear, strong and public calls to demand the full and unconditional end of the blockade on Gaza.
- EU heads of states, foreign and development ministers and the EU's new High Representative for Foreign Affairs and Security Policy should visit Gaza for themselves to better understand the impact of the blockade on the people of Gaza. A visit to Gaza should be part of every European high-level visit to Israel and the occupied Palestinian territory.

- The EU should confirm publicly that the upgrading of relations with Israel is put on hold, pending tangible progress in Israel's respect for human rights and international humanitarian law, which should include its actions with regard to the blockade of Gaza.

The Middle East Quartet (EU, Russia, UN and US)

Quartet members should:

- Channel greater efforts into bringing a swift end to the blockade of Gaza, including by establishing a clear timeline and associated benchmarks to achieve this.
- Abandon the failed policy of non-engagement and begin political dialogue with all Palestinian parties.
- Encourage intra-Palestinian reconciliation and recognise any representative national authority resulting from the process.
- Make urgent, high-level representations to support the rapid agreement and implementation of the plan presented by UN Special Coordinator for the Middle East Peace Process, Robert Serry, to deliver a package of high priority reconstruction projects, as a part of a full lifting of the blockade.

The international community

- The United Nations Security Council should convene a meeting to review the implementation of Resolution 1860 and consider action necessary to ensure the full and sustained opening of the crossings.
- The international community should press Israel to provide compensation for damage caused during Operation Cast Lead and other Israeli military actions and donors should seek compensation for damage to their aid-funded projects in Gaza.
- The international community should support genuine investigations into, and accountability for, violations of international human rights and international humanitarian law by both Israel and the Palestinian armed groups as a way to prevent more violence and destruction in the future and to address the illegality of the blockade under international law.
- The international community should support convening a substantive conference of the signatories of the Fourth Geneva Convention to help ensure respect for the Convention in the occupied Palestinian territory, including in relation to the blockade.

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