

Oxfam International on International Humanitarian Law in the Occupied Palestinian territories / Israel

Situation on the ground

The government of Israel has been steadily reducing the variety of supplies entering Gaza. Over the three months of February to April 2009, an average of 65% of all commodities entering Gaza were food items, 86% of which were restricted to a narrow range of seven basic foodstuffs. Israeli restrictions on the opening of the crossings have reduced the quantity of goods able to enter and raised the cost for aid agencies to transport goods.

Severe restrictions have also been put on the movement of people; with only a tiny minority of the population – such as critically ill patients and some students – allowed to leave and return to the Strip. Face-to-face contact between Palestinians in the West Bank, including East Jerusalem, and Palestinians in Gaza has been made virtually impossible.

International aid workers have regularly been prevented from entering Gaza, although access has improved since the period of complete closure of Gaza for 80 days between 4 November 2008 and mid-January 2009 when the government of Israel denied all access to international NGOs, journalists and foreign diplomats. Staff, working for Oxfam and its partner organizations, who hold Israeli passports or West Bank and Jerusalem IDs are still not allowed into Gaza.



In Juhor ad Dik, dozens of families are still living next to the ruins of their houses six months after they were destroyed by Israeli bulldozers during Operation "Cast lead". People are still unable to rebuild as the Israeli authorities don't allow importations of cement into the Gaza Strip. (Picture: C.Weibel/Oxfam)



The "buffer zone", the area located all along the border with Israel and which is up to 600 meters wide, contains some of the most fertile land of the Gaza Strip. Yet many farmers can no longer access their fields, as Israeli soldiers target people approaching the border. Diab Tarabin is a Bedouin farmer who lives very close to the border zone. His house and agricultural equipment, such as this water tank, were destroyed by Israeli tanks during Operation "Cast Lead". He can no longer access his land, even though he has a family of 15 to support. (Picture: C.Weibel/Oxfam)

What Oxfam says

A legal obligation to act

By means of its closure of the Gaza Strip - following the takeover of Gaza by Hamas in June 2007 – the government of Israel is failing to fulfill its obligations as an occupying power. It is prioritizing its stated political objective of isolation of Hamas above its legal obligation to provide for the welfare needs of the occupied people of Gaza.

As the **occupying power** of the Gaza Strip and the West Bank, including East Jerusalem, the **government of Israel has the primary responsibility to provide for the welfare of the population under its control**. The state has legal obligations to protect Palestinian civilians and their property in occupied territory and in particular to ensure hygiene and public health standards, to ensure the provision of food and medical care, and to facilitate "relief schemes" (especially food, clothing and medical supplies) for the benefit of the

population. Further, the blockade affects the civilian population of Gaza indiscriminately and constitutes a **collective punishment** against men, women and children, in contravention of international humanitarian law. For signatories to the Geneva Conventions, it is not a choice of whether or not to act, it is a legal obligation. Article 1 common to the four Geneva Conventions obliges state parties to an armed conflict, as well as third states who are not involved in the conflict, to respect and ensure respect for international humanitarian law. Third states should not do anything to encourage a party to a conflict to violate that law nor should they take action that would assist in violations.

While the government of Israel continues to violate international humanitarian law, including through its policy of collective punishment and its failure to facilitate humanitarian access, the other High Contracting parties are responsible for failing to ensure respect for the Geneva Conventions.

As a first step, the **UN should urgently set up a register of damages of the destruction** to civilian lives and infrastructure on both sides of the border. Further, the international community must hold accountable all parties to the conflict for violations of international humanitarian and human rights laws. This requires **prompt, independent and impartial investigations** to be held into allegations of violations, and for those responsible to be **brought to justice**. **Reparation** for the victims of violations is also a key component.



« If the Israelis want to build a Wall, let them build it on their side of the Green Line, not on Palestinian land ! »

Salah Ajarma, a Palestinian living in Aida refugee camp, north of Bethlehem.

On the Wall

Since the construction of the Wall, the deepening impoverishment and 'de-development' of the communities in the West Bank (including East Jerusalem) are undeniable. Even though the International Court of Justice deemed the Wall to be illegal, its construction on Palestinian lands continues, depriving Palestinians of their livelihoods and of access to basic services. For five years now, different Israeli governments and the international community have turned a deaf ear to the appeals by the General Assembly of the United Nations. This inaction gives the wrong signal: that international law can be violated without accountability.

As immediate changes are imperative, Oxfam International calls on the international community to demonstrate political will and to abide by its responsibility under international law. It is time to condemn and challenge the construction of the Wall in occupied territory and its associated regime, together with the construction of settlements and the confiscation and control of natural resources (land and water), which all *de facto* contribute to the altering of the demographic composition of the occupied Palestinian Territory and are all in gross violation of international humanitarian law.

Sharif Omar, a 66-year old farmer who lives in Jayyous, a village located in the north of the West Bank, has his home on one side of the Wall, while his farmland is on the other. It took him seven months to obtain a permit giving him the right to cross over to work on his own land. And it is only good for six months, when it will need to be renewed. His son Azzam, a businessman, was never granted a permit and cannot access the family land. Ironically Azzam is allowed to travel in Israel - he can go to Tel Aviv or to Haifa but he does not have permission to go to his family farmland located close to his house.



On arms transfers

EU member states must review the risks of Israel using European weapons to violate international humanitarian law in light of the grave allegations of violations during Operation "Cast Lead". If they cannot provide credible evidence that the weapons will not facilitate such violations, they should deny export licenses.

Oxfam also calls on all states to prevent the sale or transfer of arms to parties without genuinely effective and enforceable guarantees that such arms will not be used to violate international humanitarian or human rights law, and to impose punitive measures in the case of the violation of those guarantees.

Indiscriminate rocket attacks by Hamas and other Palestinian armed groups aimed towards civilian areas in southern Israel are a clear violation of international humanitarian law.

On 9 July 2004, the International Court of Justice (ICJ) rendered an advisory opinion stating that the construction of the Wall and the settlements on West Bank land, including East Jerusalem, were illegal under international humanitarian and human rights law. Although the Court's recommendations were clear, five years later Israel continues with the construction of its Wall in the West Bank, affecting hundreds of thousands of Palestinians, and the international community has failed to hold Israel accountable to international law and to provide effective protection to Palestinians.

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