Unprecedented denial of humanitarian access to Gaza must not continue say International Agencies

Basic Facts:

Gaining permits and arranging for coordination to cross through the Erez terminal has never been easy. Members of the AIDA Gaza sub-com have reported rejections of permit requests for Gazans to leave the territory and for internationals and Jerusalem-ID holders to enter with some staff being allowed to cross through. The most common difficulty is that the Coordination Liaison Administration (CLA) simply doesn't respond to requests at all. These barriers to humanitarian access are unacceptable.

In particular, members of the humanitarian community have had to contend with the following barriers to humanitarian assistance:

- Restrictions on the entry of humanitarian goods and materials (ranging from diapers, essential medication and construction materials to baby formula) have greatly reduced the scope and impact of interventions as donors and NGOs have incurred increased logistical costs (including transportation fees at closed Gaza terminals) and in some cases have been obliged to severely limit activities.

- Ad hoc approvals for the crossing of National and Expatriate humanitarian staff, with long and unexplained delays or denial of permission, have led to increased staff costs.

In the past three weeks the situation has deteriorated significantly. During this period at least twelve NGOs have tried to cross but were either turned away at the crossing itself or told over the phone by the CLA that they would not be allowed through. (The only exception for the time being appears to be MSF-France.)

The most common reason given by the CLA is that ‘Erez is closed’. If pressed further the response has often been that only ‘urgent humanitarian cases’ would be dealt with, which appears in practice to mean medical emergencies. Other organisations were told that the crossing is closed for security reasons. The terminal was never physically closed during this period, however, since ICRC and UN continued to cross.

It is also worth noting that fair and free reporting is a cornerstone of Western democracies. No member of the international press has been allowed in to Gaza since 5 November, a sharp departure from past practice.
Context:

Prior to the informal Hamas-Israeli truce beginning June 2008, access by NGO staff through Erez was restricted for hours to a few days, usually in response to a direct attack on the crossing itself.

Despite the recent clashes, the general security situation in the Gaza Strip now is certainly not worse than it was before the truce came into effect.

Consequently, the use of a “security” justification to restrict entry by NGO staff to Erez for over 20 consecutive days beginning the first week of November is not consistent with prior security responses. Furthermore, permission for entry by MSF, UN, and ICRC staff is also not consistent with the justification of “security”.

The CLA and GoI has never communicated to the humanitarian community that a particular policy was in place whereby organisations providing certain types of assistance would be allowed to cross, but not others. However it appears that such a policy is in place or is being developed.

Recent Developments:

During the past three weeks, most NGOs were asked to submit additional information to the CLA which should include project descriptions, ID and phone numbers of all staff members in Gaza and names of local partner organisations. At the same time the NGOs were asked to fill in the new CLA form to coordinate each trip separately, stating the particular purpose of the trip.

In addition, it was mandated that coordination requests must be completed 5 days in advance. In the past, practice among NGOs was divided with some NGOs confirming coordination one day prior to entry and others not coordinating entry at all.

Some NGOs have reported that Lt. Dean Nahum at Erez has said to them that only emergency medical activities constitute a valid humanitarian access request. Furthermore, officials at Erez have mentioned that only 1% of international permit requests to enter Gaza would be accepted and only for exceptional and important cases. No formal or informal appeals process has been communicated.

Finally, there are reports from Erez requesting NGOs to choose which one of their staff members has the greatest need to enter which appears to contradict the ‘security’ argument and imply an unacceptable level of military interference in routine humanitarian and emergency response operations.

Contact with officials at Erez has been particularly inconsistent, with all NGOs reporting difficulties with both electronic or phone communications and responses to inquiries and clarifications going unanswered.

Implications for implementation of humanitarian assistance programmes:

Actions and responses to access requests by the CLA Erez since November 5 appear to represent a worrisome policy change of granting humanitarian access to the Gaza Strip on the basis of humanitarian needs as determined by IDF authorities.

The level of detail requested on coordination forms raises the possibility of the IDF determining on a case-by-case and NGO-by-NGO basis the validity of granting humanitarian access on the basis of partners to be met, reason for the meeting, and type of intervention. As detailed personal and legal information is provided at the time that the general permission to enter Gaza is submitted, these detailed questions can have nothing to do with security/identity related questions.

The Israeli imposed need for 5 day advance coordination for each entry into Gaza will significantly restrict the effectiveness of a humanitarian response while increasing costs and reducing the quality of administrative controls and oversight.
This creates an untenable situation for NGOs conducting humanitarian assistance. It is important to bear in mind that the issue here is not about NGO humanitarian access for the sake of that access. It is about the ability of our organizations to deliver vital, basic services in health care, food security, water, sanitation, education, job creation, income generation, and psychosocial services. Nothing at present can replace these services to the 1.5 million people trapped in the Gaza Strip.

It is impossible for any NGO to responsibly implement humanitarian programmes – even at a minimal level – without the reasonable expectation of regular access for staff and materials into and out of Gaza. Ultimately NGOs risk losing administrative control over implementation and may no longer ensure compliance with rules and regulations set by donors and the international community. The outcomes of this on the human level to the people of Gaza are frightening to think about. To continue to operate NGOs require at least the following conditions to be met:

- Regular humanitarian access to and from Gaza for programme staff;
- Expectation of immediate access to respond to emergency situations (without the need for coordination five days in advance);
- Access for the entry of all humanitarian materials and supplies;

**Immediate Responses:**

As an immediate stop-gap measure, AIDA members have agreed to use the coordination form as requested by the CLA but to limit responses that would allow for the prioritisation of humanitarian access on the basis of a determination of appropriate needs.

If NGOs are contacted requesting additional information, ECHO partners are asked to refer to two meetings which were held between ECHO and Lt. Lior and Lt. Col Uri Singer which involved the sharing of project information data with COGAT and CLA Erez. It is unacceptable for NGOs to need to provide the same information on a case-by-case basis without justification.

OCHA has agreed to present the specific issue of access by NGOs through the Erez crossing to Max Gaylard, UN Deputy Special Coordinator and UN RC/HC, to discuss at ministerial level with the Government of Israel.

**Recommendations to donors and their capitals:**

Understand that funding humanitarian activities in Gaza comes with a commitment to ensure that the Government of Israel allows unimpeded access through the Erez terminal.

Press the Government of Israel to confirm whether or not a humanitarian access policy that prioritises humanitarian needs is indeed in place and to specify exactly what the policy is, in writing.

Engage the Government of Israel at the highest level to advocate that it ensures unimpeded access through the Erez terminal for all NGOs working in humanitarian and emergency response in Gaza.