



OXFAM

INFLICTING UNPRECEDENTED SUFFERING AND DESTRUCTION

BRIEFING: OXFAM INTERNATIONAL



7 ways the Government of Israel is deliberately blocking and/or undermining the international humanitarian response in the Gaza Strip

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INTRODUCTION

Under international humanitarian law, an occupying power bears significant responsibilities towards the occupied population, including ensuring protection, maintaining medical services, and facilitating humanitarian relief. Despite its responsibilities as an occupying power, Israel's policies and practices continue to systematically and deliberately block and undermine any meaningful international humanitarian response in the Gaza Strip.

A total of 1.7 million Palestinians (75% of the Gaza population) are at risk of famine,¹ especially in northern Gaza, which is exacerbated by an overwhelming majority not having access to clean water and sanitation, a collapsed health sector, the severing of power and fuel supplies and the spread of infectious diseases. The conditions we have observed in Gaza are beyond catastrophic, and we have not only seen failure by Israeli authorities to meet their responsibility to facilitate and support international aid efforts, but in fact seen active steps being taken to hinder and undermine such aid efforts.

Israel's control of Gaza continues to be characterised by deliberate restrictive actions that have led to a severe and systemic dysfunctionality in the delivery of aid. Humanitarian organisations operational in Gaza are reporting a worsening situation since the International Court of Justice imposed provisional measures in light of the plausible risk of genocide, with intensified Israeli barriers, restrictions and attacks against humanitarian personnel.² Israel has maintained a 'convenient illusion of a response' in Gaza to serve its claim that it is allowing aid in and conducting the war in line with international laws.³

Over five months into the Israeli mass atrocities on the Gaza Strip, in response to the horrific 7 October attacks by Palestinian armed groups, a meaningful and safe humanitarian response is made impossible by the Government of Israel.

IN THIS BRIEFING WE OUTLINE SEVEN FUNDAMENTAL HUMANITARIAN ACCESS CONSTRAINTS :

01

A TOTAL MILITARY SIEGE AMOUNTING TO COLLECTIVE PUNISHMENT:

Israel controls all sea and air access to Gaza, as well as its land borders (including de facto control over the Rafah crossing operated by Egypt). Only two crossings (Rafah and Karem Abu Salem (Kerem Shalom)) are open and are not fully operational, hence depriving the civilian population of Gaza of life-saving supplies, including food, water, medicines and fuel.

02

AN UNJUSTIFIABLY INEFFICIENT PROCESS OF INSPECTION PROTOCOLS:

Aid is being kept snarled up in red-tape, with onerous, repetitive and unpredictable approval and screening processes that can contribute to trucks being left in transit and stranded in queues on average for 20 days.

03

ARBITRARY REJECTIONS OF 'DUAL-USE ITEMS':

Israeli authorities routinely refuse life-saving aid from convoys through random decisions, often due to their opaque use of its proscribed 'dual-use' list.

04

DECIMATION, DESTRUCTION AND DISRUPTION:

The Israeli assault is unparalleled in its intensity, brutality and scope, and aid workers in Gaza have been caught up in the same danger, trauma and displacement as the rest of the 2.3 million Palestinians trapped in Gaza. Using collective punishment and starvation as a weapon of war has made the enclave practically uninhabitable.

05

ATTACKS ON AID WORKERS, HUMANITARIAN FACILITIES AND AID CONVOYS:

The process of notification systems or "deconfliction" – or protection from military attack – of civilian and humanitarian assets is not respected and untrustworthy. Humanitarian workers, convoys and aid assets like warehouses and storage sites and guesthouses – as well as life-saving civilian infrastructure like hospitals – have been targeted and attacked.

06

ABSENCE OF SAFETY AND FORCED DISPLACEMENT:

There is nowhere safe in Gaza, despite Israel's claims it is doing what it can with advanced warnings and evacuation advice, 1.7 million Palestinians (more than 70% of Gaza's population) are displaced.

07

SYSTEMATIC DENIAL OF HUMANITARIAN MISSIONS AND ACCESS RESTRICTIONS ON HUMANITARIAN WORKERS:

Israel has entirely sealed off northern Gaza and rejected access to humanitarian missions. International humanitarian workers are denied access into Israel and the OPT as requests for work visas are not being processed.

CONTEXT

Israel's illegal blockade of the Gaza Strip has significantly impacted humanitarian conditions and aid delivery for more than 16 years. These conditions are now catastrophic as a direct result of the carnage in Gaza caused by Israel's hostilities in response to Palestinian armed groups' atrocities committed on 7 October. This coordinated attack by Hamas and other Palestinian armed groups resulted in the killing of 1,200 Israelis, mostly civilians, and the taking of 250 hostages – and included many serious violations of International Humanitarian Law (IHL). War crimes committed by one party do not justify the other to do the same in retaliation. Israel's policies and practices amount to serious violations of IHL and human rights law, including collective punishment⁴ and the risk of genocide.

Where Israel has allowed aid in, it has not only prevented its distribution, but used this allowance as a fig leaf to cover the obstacles to adequate delivery, and to absolve itself from its own duties as an Occupying Power and under IHL. All parties to armed conflict hold responsibility to protect civilians and facilitate humanitarian access, and must adhere to their obligations under international law, including IHL and international human rights law, as applicable.

Israeli allegations that Hamas is misusing and stealing aid need to be investigated; such actions, if carried out by Hamas or any other entity, would be a condemnable violation of international humanitarian law. Yet these allegations do not absolve Israeli authorities of their own legal obligation to provide aid and to facilitate an aid effort commensurate to the critical needs of millions of people under both its occupation and its attacks. The real challenge, however, lies not merely in the allegations of diversion and looting but in the entry of aid – its volume and what is permitted – but also in the difficulties of distribution once aid is allowed in.

THE GOVERNMENT OF ISRAEL EXERCISES TOTAL CONTROL OF WHAT GOES INTO GAZA, DETERMINING THE TIMING, LOCATION AND MANNER IN WHICH AID IS DELIVERED AND DISTRIBUTED. THE FACT THAT THE ENTIRE HUMANITARIAN SYSTEM IS IN TATTERS, AND PEOPLE IN GAZA ARE FACING STARVATION, DEATH AND DISEASE, IS UNDER THE SCOPE OF ISRAEL'S CONTROL.

ISRAEL'S LEGAL OBLIGATIONS TO FACILITATE UNFETTERED ACCESS TO HUMANITARIAN RELIEF

During a humanitarian catastrophe it is essential that humanitarian organisations are able to reach people in need and have unfettered access to facilitate the delivery of lifesaving assistance, in addition to the safe passage of humanitarian and medical staff. UN Resolution 46/182 provides the framework for humanitarian relief and reaffirms that humanitarian assistance must be provided in accordance with the principles of humanity, neutrality, impartiality and independence.⁵ According to the Fourth Geneva Convention, Israel has specific duties to ensure that civilians can access essential food and medical supplies in an occupied territory. If that were not the case, then it is incumbent upon Israel to agree to relief schemes or facilitate humanitarian operations.⁶ In 2018, the UN Security Council adopted resolution 2417, which unanimously condemned the use of starvation against civilians as a method of warfare and declared any denial of humanitarian access a violation of international law.⁷

The United Nations Security Council has to date, after 161 days of bombardment and reported war crimes and mass atrocities by the Government of Israel, failed to agree on a permanent ceasefire. Instead, it adopted resolution 2720 demanding 'immediate, safe and unhindered delivery of humanitarian assistance at scale directly to the Palestinian civilian population throughout the Gaza Strip'.⁸ The International Court of Justice, after initial hearings on the Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v Israel),⁹ identified the plausibility of the risk of genocide. The Convention places an obligation on State Parties to prevent genocide. Consequently, finding a plausible risk of genocide, the Court ordered Israel to take 'all measures within its power to prevent the commission of all acts within the scope of Article II of this Convention' and required 'immediate and effective measures to enable the provision of urgently needed basic services and humanitarian assistance to address the adverse conditions of life faced by Palestinians in the Gaza Strip'.¹⁰ All states party to the Genocide Convention must cease actions which risk complicity in respect of their obligation to prevent genocide.¹¹

THE ENTIRE INTERNATIONAL COMMUNITY HAS A LEGAL OBLIGATION TO ENSURE RESPECT FOR INTERNATIONAL HUMANITARIAN LAW. IN LIGHT OF THE FLAGRANT BREACHES OF IHL BY ISRAEL AND PALESTINIAN ARMED GROUPS, OXFAM BELIEVES THAT THIRD STATES PROVIDING THE PARTIES TO THE CONFLICT WITH AN UNCONDITIONAL SUPPLY OF ARMS AND OTHER SECURITY ASSISTANCE ARE FAILING TO MEET THEIR DUTY TO ENSURE RESPECT FOR IHL.

According to the IHL Framework on Humanitarian Relief Operations in Armed Conflict, parties to an armed conflict must 'respect and protect humanitarian relief personnel and objects used for relief operations. It is prohibited to attack, harass, intimidate or arbitrarily detain personnel, or to attack, destroy, misappropriate or loot relief supplies, installations, material, units or vehicles'.¹² Israel is not party to Additional Protocol II of the Four Geneva Conventions, but it states to be fully committed to the customary rules that are reflected in some of their provisions.¹³ However, Rule 55 of Customary IHL states that 'the parties to the conflict must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, which is impartial in character and conducted without any adverse distinction, subject to their right of control'. Israel is clearly in breach of these international legal obligations.¹⁴

1

A TOTAL MILITARY SIEGE AMOUNTING TO COLLECTIVE PUNISHMENT

Closure of pedestrian and commercial crossings

On 10 October, Israel declared a ‘total siege’ on the already besieged Gaza Strip, under which no food, water, medicines, electricity, fuel nor any form of humanitarian aid would be allowed into the territory. As with the nearly 17-year-long blockade, this amounts to collective punishment of the entire population of Gaza, which is illegal under international law.¹⁵ Israel closed the only two operational crossings at its borders, Erez, the only pedestrian crossing into Israel, and Karem Abu Salem (Kerem Shalom). This has been the only functioning operational commercial crossing, as Israel had shut down the other commercial crossings Karni, Sufa and Nahal Oz in previous years.¹⁶ From 21 October until 15 December, the Rafah pedestrian crossing with Egypt, not intended to accommodate large numbers of trucks, was the sole entry point for the trickle of aid.¹⁷ Despite Egypt formally controlling the Rafah crossing, Israeli authorities have maintained a de facto control of the Rafah crossing by installing a mandatory screening system for all goods and people crossing in and out of Gaza.

On 17 December 2023, more than two months into the latest hostilities, Israeli authorities approved the partial re-opening of the Karem Abu Salem (Kerem Shalom) commercial crossing. This has not served the purpose intended of meaningfully and effectively increasing the entry of aid into Gaza:

- ▶ On 21 December, an Israeli airstrike targeted the Karem Abu Salem (Kerem Shalom) border crossing area in southern Gaza, killing the director responsible for coordinating humanitarian aid entry. This attack not only disrupted the critical flow of aid but also raised concerns over violations of IHL which mandates the protection of humanitarian personnel.
- ▶ The Karem Abu Salem (Kerem Shalom) Crossing has much wider capacity to scan and process cargo, but Israeli authorities have not made it fully operational.
- ▶ The Erez crossing remains closed, making it impossible to reach North Gaza without having to cross the entire strip under constant Israeli bombing.
- ▶ The frequent blocking of the only entry point open from Israel at Karem Abu Salem (Kerem Shalom) by Israeli protestors has either caused severe delays or brought the trickle of aid and supplies entering to a complete halt.¹⁸ Israeli protestors, including families of hostages kept in Gaza, have also blocked the Nitzana scanning point, resulting in obstruction of aid being scanned.¹⁹ Both Nitzana and Karem Abu Salem (Kerem Shalom) have been declared military zones and Israel must enforce and protect these areas from civilians gaining access. If protests persist, there will continue to be a breakdown of the supply chain of goods entering Gaza.²⁰
- ▶ In February the average humanitarian assistance was reduced to 44% compared to January, with Karem Abu Salem (Kerem Shalom) being regularly closed, decreasing the flow of goods into Gaza.

DELIBERATE CUT- OFF ACCESS TO LIFE- SAVING SUPPLIES

Israeli authorities continue to obstruct access to basic supplies into Gaza, including water, food, medical supplies and much-needed fuel. Without fuel, preventable deaths already anticipated due to access impediments will skyrocket, and the suffering of the populace will reach unfathomable levels. Israel's ban on the entry of fuel caused Gaza's only power plant in Gaza Governorate, south of Wadi Gaza, to shut down on the 11 October, plunging Gaza into darkness. As part of its dual-use material policy, Israel prohibits the entry of back-up generators, resulting in the collapse of Gaza's WASH (water, sanitation and hygiene) and health sectors. After five months of war, none of the 36 hospitals in Gaza are fully functional given the electricity blackout, depletion of medical supplies and Israeli bombings.²¹ Medical facilities that remain partially functional are straining to treat large numbers of patients with limited supplies.

Palestinians in Gaza are largely living in the dark. According to an analysis of satellite images by Care, nighttime light is reduced by 84% across the strip, with Gaza City witnessing a reduction of 91%.²² Neither Gaza City nor Northern Gaza governorates have received fuel since the end of October. Combined with the electricity cut, this is causing a significant gap in service provision by the Gaza Union of Municipalities.²³ This unavailability of fuel and electricity affects every sector in Gaza, severely hampering healthcare, sanitation and the overall quality of life, exacerbating the humanitarian crisis.

The majority of people have no access to clean drinking water, and sanitation services are not functioning and are wholly ineffective. Improvement of WASH services remains very challenging in a context of ongoing hostilities, lack of energy supply, fuel shortages and access restrictions. Only one of three Mekorot pipelines from Israel is currently operational and two out of three main water desalination plants are partially functional, without any functioning desalination plant in the north. None of the wastewater treatment plants are functional. Only 17% of groundwater wells are operating, with 39 destroyed and 93 severely or moderately damaged.²⁴

THREE -QUARTERS OF GAZA'S SOLID WASTE IS DUMPED INTO RANDOM SITES CONTAMINATING WATER SOURCES,



OF THE GROUND WATER BEING UNFIT FOR HUMAN CONSUMPTION.^{25 26}

2 AN UNJUSTIFIABLY INEFFICIENT PROCESS OF INSPECTION PROTOCOLS

Since the opening of Karem Abu Salem (Kerem Shalom) on 17 December, the majority of UN/INGO cargo gets routed through there. The Government of Israel is imposing multi-layered inspection protocols before trucks can enter Gaza, leaving aid convoys facing mass congestion and queues. This is causing frequent delays along the line, especially on the Egypt side, which means trucks are taking on average 20 days, if not more, to move from Al Arish to Gaza – a distance of only 40 kilometres.

The scanning process for the trucks is long and undersized. The process begins with trucks being scanned by Egyptian authorities at Al Arish, followed by a second scan by Israeli authorities at the Nitzana scanning point – one of only two available scanning points from Israel, the second being Karem Abu Salem (Kerem Shalom). At Nitzana, with only two scanners available, officials can scan only 26 to 30 trucks an hour. Both in Karem Abu Salem (Kerem Shalom) and Nitzana, the trucks enter and exit through the same gate, which operates from 6:30am to 4:30pm daily (except Saturday). The space for offloading is limited with Rafah primarily serving as a pedestrian crossing. This coupled with frequent trans-shipments, complicating the handling and tracking of goods significantly, in a small operational space is challenging the ability of UN agencies, INGOs, the private sector, Palestinian Red Crescent Society and government bodies to effectively manage and respond on such a large scale. The fences abutting the terminal are porous and the surrounding communities, out of desperation, are trespassing the trans-shipment point nightly to take the aid awaiting dispatch. Security incidents continue to increase. Once the trucks leave Al Arish, and up until the time they reach Gaza, agencies and organisations often lose track of them, which makes it very difficult to prepare to receive them when they reach Gaza.

The unjustifiably inefficient process of searches and confiscations at crossings, as it stands, significantly obstructs the delivery of critically needed aid, including water, food, medical supplies and fuel. This has resulted in the accumulation of – at some points – 2000 trucks lining up at the Egyptian side of the Rafah crossing. There is no apparent military justification for any of these arbitrary and onerous processes.

Before 7 October 2023, Gaza relied on an average of 500 truckloads per day, which included humanitarian aid and commercial goods. Supplies brought in by aid organisations made up around 3–5% of the total supplies entering per month. Israel restricts the delivery of commercial supplies to the private sector, which is destructive to the local economy and simultaneously makes the UN and INGOs solely responsible for the entire Gaza population who are in dire need.

The private sector should complement the humanitarian response through the resumption of trade. Basic commodities from the private sector need to enter at scale; humanitarian aid alone cannot sustain a population of over two million people. In February, a total of 2,874 trucks entered Gaza, an average of 99 per day,²⁸ representing a 44% reduction in the volume of aid delivered in January, and only 20% of the daily average before the escalation of hostilities on 7 October. The overall number of trucks Israel allowed into Gaza during the past 157 days of war is 15,413.²⁹ However, to meet the bare minimum of a population's needs under siege, nearly six times this amount, or approximately 90,000 truckloads, would be required.³⁰

3 ARBITRARY REJECTIONS OF 'DUAL-USE' ITEMS

Israel is arbitrarily rejecting aid items as 'dual-use'; civilian goods with a potential military use. Such items, including flashlights, batteries, water pipes, fittings and medical supplies, are often necessary for people's survival and for meeting other basic needs. Some items may pass one day and be rejected the next. The list of rejected items is overwhelming and ever changing. For example, solar items are key items that allow people without fuel to have light at night, and to generate power to charge phones. A pre-approval system has been put together in order to limit the risk of rejection for sensitive items. Still, critical items may be randomly rejected by Israeli authorities. For instance, items such as water bladders, tap-stand kits, microbiological water testing kits and chemical water quality testing kits in an Oxfam shipment were rejected, with no reason for the rejection provided. Then, after seeking pre-approval for these items, permission for them to enter Gaza was granted.

It is unclear if the previous rejections were due to the items themselves or specific parts of those items, or because they were shipped with other items which were rejected. Items are frequently packed with other goods in trucks, and there is no communication about which items are classified as dual-use. Oxfam's shipment of vital water quality testing equipment has not been able to cross since December. Oftentimes when a single item is considered 'dual-use' by Israel, the truck is forced to exit the queue. Reloading the truck to be able to enter the inspection line again can take 20 days.

Restrictions are also posed on essential equipment to run humanitarian operations, including communications equipment, protective gear/PPE, armored vehicles, prefabs and generators for staff accommodation and offices.

Even before 7 October, Israel restricted the entry of thousands of items both to the West Bank and Gaza through the Defence Export Control Law (2007) and the Defence Export Control Order (2008). Different countries adopt different protocols on regulating trade in dual-use items, however international best practice is established by the Wassenaar Arrangement, a voluntary export control regime signed by 42 countries. Israel's lists go far beyond this international standard. As a result of Israel's stringent controls, many items are almost never allowed to enter Gaza at all.³¹



'Israel is obliged to strike a balance between civilian needs in Gaza and measures it takes to protect the security of Israeli citizens. Israel faces complex security challenges, but severe restrictions on entrance of essential items (deemed 'dual-use' by Israel) are disproportionate to the threat they ostensibly pose and are wielded in a manner that violates the basic rights of Gaza residents.'

Gisha – Legal Center for Freedom of Movement



4 DECIMATION, DESTRUCTION AND DISRUPTION

Israeli targeted and indiscriminate bombing of civilian objects in violation of IHL³² has decimated water, sanitation and power systems. The infrastructure that is not yet destroyed is barely operational and wholly inadequate for over two million people. The combination of limited access to electricity, water and fuel, coupled with financial constraints, has rendered it near impossible for local authorities to provide basic services. No alternative to the people in Gaza is available while aid agencies are unable to deliver meaningful emergency services or repair existing infrastructure at scale, if at all. There are multiple references in the Hague Regulation, the Geneva Conventions and Customary IHL to the inviolability of civilian objects. Israel has ignored all such rules.

The devastating Israeli offensive rendered at least two-thirds of hospitals³³ and over 80% of all health clinics in Gaza totally non-functional as 70,000 injured people require urgent medical attention. Hospitals have been ordered to evacuate and have been bombed and besieged repeatedly.³⁴ About 27% of greenhouses have been destroyed, along with over 40% of the croplands. Gaza's fishing sector has stopped working entirely.³⁵

Oxfam and other actors have repeatedly warned against Israel's use of starvation as a weapon of war, a strict prohibition under IHL and other binding instruments such as UN Security Council Resolution 2417.³⁶ Ongoing bombardment and fuel shortages have forced most bakeries to shut down. Israel bombed the only operating mill in the Gaza Strip, forcing it to close.³⁷ As a result of the siege imposed by Israel, Gaza is suffering from a severe shortage of food, and many food items cannot be found in the market. The hostilities have caused severe damage to Gaza's agriculture and food production sectors, limiting local production at scale.

The Government of Israel has been holding four shipments of flour (150 truckloads) from entering Gaza for weeks.³⁸ Palestinians facing hunger are eating animal feed. Gaza's entire population of 2.3 million is currently classified as facing either crisis, emergency or catastrophic levels of food insecurity.³⁹ This unprecedented level of food insecurity is a direct result of Israel's blocking of aid and 'totally avoidable'.⁴⁰ On 5 January 2024, Martin Griffiths, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, warned that 'famine is around the corner'.⁴¹

North Gaza has reached that corner, with reports of more than 25 deaths, including 21 children, from malnutrition and dehydration.⁴² Hunger across the Gaza Strip intensified towards the end of February 2024, with the decrease in the number of aid trucks entering. Increased issues with law and order within the Gaza Strip, and family disputes resulting from the dire conditions, give rise to the reported 'self-distribution' of food by hungry people.

Since 7 October, Israel's indiscriminate bombing of Gaza has caused massive damage to civilian infrastructure such as roads, shelters, schools and universities, posing extensive challenges to civilians' access to basic needs and safety as well as to humanitarian operations. The extent of destruction not only hinders the ability of humanitarians to move and respond today, but also the ability to deliver a meaningful and timely recovery in the future.

Humanitarian operations require roads to deliver assistance and reach, or be reached by, those in need. The logistics of such operations are made incredibly difficult, and at times insurmountable, as Israel continues to destroy access infrastructure. More than 50% of the roads in Gaza have been destroyed by Israel, while 92% of all major roads have been damaged.⁴³ Civilians ordered to move from the north of the strip had to walk for hours because the roads leading to the main crossing junction have been destroyed.

Israel's land, air and sea bombardment has destroyed 70% of civilian infrastructure,⁴⁴ underscoring the clear aim of collective punishment of Palestinians in Gaza. Many areas in Gaza have been reduced to rubble and are uninhabitable. This comes amidst alarming reports of 45% of residential buildings in Gaza ruined beyond repair.⁴⁵ The destruction and the harrowing levels of displacement have turned the majority of schools in Gaza into emergency shelters which are now considered sites for aid delivery. Yet, over 70% of schools have been damaged or destroyed as Israel has ignored their designation as emergency shelters.⁴⁷ Israel has further hampered people's access to services by decimating markets and market infrastructure.^{48 49}

Israel has imposed recurrent communication blackouts. At least nine internet and telecommunications black-outs – the longest for over a week – in addition to the destruction of the telecommunication infrastructure, have made coordination and delivery of aid virtually impossible. The process of importing telecommunications equipment into Gaza remains lengthy and extremely challenging. Without available telecommunications, humanitarian organisations are not able to ensure their staff duty of care.



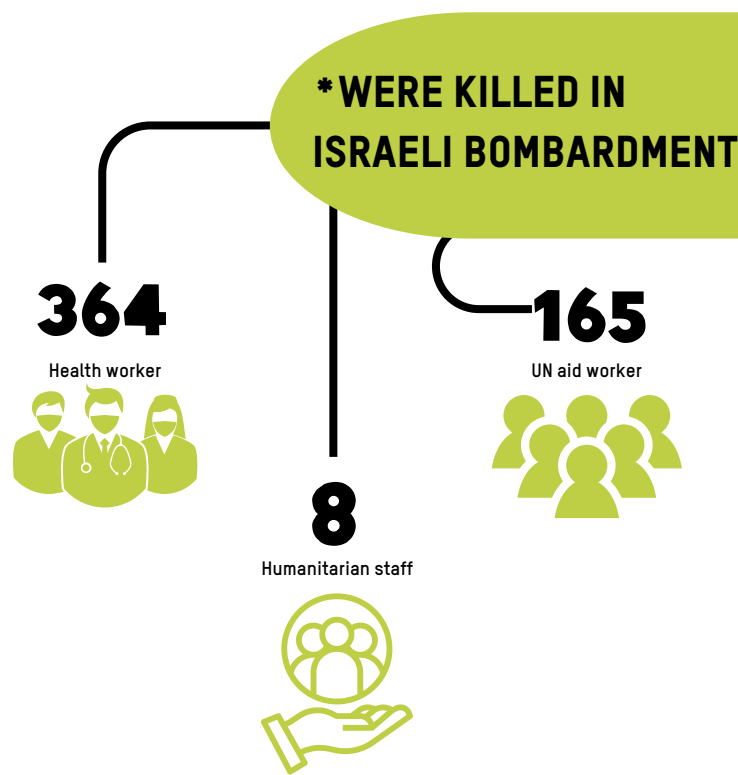
5 ATTACKS ON AID WORKERS, HUMANITARIAN FACILITIES AND AID CONVOYS

From the onset of the offensive on Gaza to 27 February 2024, 165 UN aid workers, 364 health workers⁵⁰ and 8 humanitarian staff from international aid organisations have been killed in Israeli bombardment, while thousands of aid staff are forced out of their homes and unable to work. 'Gaza today is the most dangerous place to be a child, a journalist and an aid worker'.⁵¹

The Government of Israel has ignored the notification and deconfliction system, through which agencies had shared coordinates and movements with the Israeli military so as to be protected from targeting. The UN and NGOs have announced repeatedly that Israel is failing to respect the notification system, putting the entire aid operation at high risk and even rendering it impossible. The pattern of attacks raises concerns over Israel's intended use of the deconfliction system.

Several attacks on humanitarian facilities and aid convoys,^{53 54} including offices of INGOs, have been reported. In February 2024 alone, Médecins du Monde,⁵⁵ Humanity & Inclusion⁵⁶ and the Belgian Development Agency reported attacks on their offices. On 20 February, a shelter of Médecins sans Frontières (MSF) was bombed killing at least two people, despite the building being clearly marked and known to the Israelis.⁵⁸ On 18 January, a compound housing the Emergency Medical Team of the International Rescue Committee (IRC) and Medical Aid for Palestinians (MAP) was bombed during an Israeli airstrike in the alleged 'safe zone' of al-Mawasi.⁵⁹ Coordinated aid convoys of the UN and the ICRC came under fire, and an attack on an evacuation convoy of MSF resulted in the killing of two civilians. On 22 January 2024, Israel attacked two of Oxfam's partners' warehouses in Al Mawasi, levelling them and killing four people. These warehouses were clearly marked as 'safe humanitarian zones'.

Israel's targeting of aid convoys and its continuous and systematic imposition of renewed challenges for humanitarians to overcome, is leading the largest aid agencies to suspend or pause their operations. This is now the case with the World Food Programme (WFP),⁶⁰ the main food provider to people living in famine-like conditions in North Gaza, given the security breakdown and after pausing their operations for three weeks following an Israeli strike on an UNRWA truck.⁶¹ UNRWA Commissioner General Lazzarini confirmed that it had been unable to deliver food to the north since late January due to security concerns and growing incidents of chaos and robbery.⁶²



Time-frame: 7 October 2023 - 27 February 2024

Source: UNOCHA, 2024

6 ABSENCE OF SAFETY AND FORCED DISPLACEMENT

Aid organizations must be able to safely deliver assistance. This means that humanitarian locations and movements must be protected. In reality, nowhere is safe in Gaza. The Israeli military drove people south from northern Gaza, trapping more than 1.5 million,⁶³ almost half of whom are children, into the Rafah Governorate which is equipped to host only around 250,000 people. On 9 February, the Israeli Prime Minister ordered the military to prepare evacuation plans for Rafah amidst increased shelling over the city and following its announcement of a military ground offensive.⁶⁴ There is nowhere left to go in the besieged strip.

THERE IS NOWHERE LEFT TO GO IN THE BESIEGED STRIP.

Israel has issued many orders and directives to people to move into areas it has declared 'safe', but these have lacked the necessary measures under IHL, which would include mitigating measures such as proper accommodation, hygiene, health, safety, nutrition and keeping families together. IHL provisions on the protection of civilians also guarantee the safety of those who may not be able, or wish, to relocate.⁶⁵ The series of evacuation orders (effectively acting as forced displacement orders), in conjunction with a comprehensive siege in Gaza,⁶⁶ have rendered the situation neither lawful nor practical or conducive to principled humanitarian action.

The first Israeli evacuation order on 13 October 2023 required over 1.1 million civilians to relocate within 24 hours, a demand deemed impractical and logistically impossible by the UN and humanitarian organisations. Although routes like Salah al-Din Road and the coastal highway were designated for relocation from northern Gaza, many people faced bombardments, indiscriminate attacks, interrogation and detention at checkpoints, hindering their movement and safety. Khan Younis's transformation from an Israeli-designated 'safe zone' to one of the most intense combat areas exemplifies the severe and escalating humanitarian crisis.

On 1 December, Israel distributed an online map to Palestinians in Gaza, even though many have been regularly cut off from electricity and the internet, describing the whereabouts of 'safe zones'.⁶⁷ the erratic and inconsistent evacuation instructions, exacerbated by a lack of access to electricity and the internet, plunged residents into confusion and vulnerability. Many of these 'safe zones' have been attacked and citizens have consequently become highly distrustful of them. They have been rendered 'death zones'. The New York Times produced visual evidence showing 208 bomb craters, including in areas that Israel had previously designated as safe refuge.⁶⁸ The targeting of 'safe zones' further complicates aid distributions, leading to spontaneous and uncoordinated aid delivery. This exacerbates social tensions as the little aid that may be available reaches some areas more than others. These conditions fall short of allowing organisations such as Oxfam to follow humanitarian principles, including the principle of Do No Harm.

Israel has been extensively violating the principle of distinction, a pillar of IHL. Since the onset of the offensive on Gaza, Israel has killed more than 31,000 Palestinians, with thousands more under the rubble, destroyed civilian infrastructure and targeted hospitals and designated shelters for IDPs.⁶⁹ The systematic attacks on facilities protected under international law puts all personnel and movements at a very high risk.

The deliberate targeting of civilians is a grave breach of the Geneva Conventions.⁷⁰ On 25 January, 20 Palestinians were killed and 150 injured while queuing for aid in Gaza city.⁷¹ On 20 February, Israeli forces opened fire on a crowd of Palestinians waiting for an aid convoy,⁷² and on 29 February the Israeli military killed 112 people and injured 760 while waiting for aid on the Rasheed Street.⁷³



7 SYSTEMATIC DENIAL OF HUMANITARIAN MISSIONS AND ACCESS RESTRICTIONS HUMANITARIAN WORKERS

Access from the south to northern Gaza is impeded by the Israeli closure of the north, installed Israeli military checkpoints and imposed requirements that each aid convoy must be coordinated with Israeli authorities. The majority of requested aid missions into northern Gaza, where over 300,000 Palestinians remain, have been rejected. OCHA reported that between 1 January and 12 February, more than half of the aid missions for the north of Wadi Gaza and 25% in the south were rejected by the Israeli military.⁷⁵

In January, humanitarian missions to support critical hospitals and facilities providing WASH services were amongst those overwhelmingly denied access north of Wadi Gaza. Some missions were facilitated under the condition that no fuel delivery was made to hospitals.⁷⁶ Such interference rendered facilities that have not been destroyed or damaged non-functional, while tens of thousands of Palestinians remain desperate for care and medical teams are overstretched, understaffed, exhausted and targeted.

Israeli checkpoints installed in Gaza are also causing impediments and increasing the risks to humanitarian staff. Organisations report unpredictable and ad hoc decisions from Israeli soldiers at checkpoints regarding the crossing of humanitarian aid.⁷⁷ Civilians, including aid workers, have been arrested by Israeli Forces while attempting to cross those checkpoints, the latest being an MSF staff member while fleeing the Nasser Hospital.⁷⁸

Following a survey conducted by the Association of International Development Agencies, many humanitarian staff inside of Gaza have been displaced themselves, sometimes multiple times. Restrictions imposed by Israel on the entry of additional humanitarian staff into Gaza adds to the pressure and workload of these teams.⁷⁹

The Government of Israel currently prevents dozens of UN and INGO staffers from entering Israel and these teams have been waiting for months for their visas to support Gaza operations from Jerusalem. Israeli access restrictions also impact Palestinian staff members in the West Bank and prevent them from visiting their offices and projects in Jerusalem or Gaza. Israeli authorities have stopped issuing humanitarian visas for INGO staff since 7 October, impacting a total of 15 country directors' access to Israel and the West Bank, including East Jerusalem. A total of 35 organisations, including 150 jobs, are affected, the visas of 57 staff have expired, 40 others are about to expire and 50 international staff required to upscale operations in Gaza are unable to gain access.⁸⁰

Between 1 January – 12 February

25%

of the aid missions
in the south were rejected
by the Israeli military



35

organisations,
including 150 jobs,
are affected,

CONCLUSION AND RECOMMENDATIONS

Humanitarian access in the Gaza Strip has effectively worsened since the International Court of Justice ordered Israel to “take immediate and effective measures to enable the provision of urgently needed basic services and humanitarian assistance to address the adverse conditions of life faced by Palestinians in the Gaza Strip”.⁸¹ The continued deliberate deprivation of access to basic assistance directly increases starvation against the backdrop of a serious risk of genocide.

An immediate, permanent and unconditional ceasefire presents the only meaningful solution to the humanitarian catastrophe in Gaza. Even the trickle of aid that a humanitarian response could provide under the current circumstances is being further obstructed by Israel’s policies and practices, inflicting suffering on millions of Palestinians who are living under Israeli bombardment without access to food, clean water and medical care.

All parties must respect international humanitarian law and cease their attacks. Palestinian armed groups must ensure the immediate, unconditional release of civilian hostages.

States party to the Geneva Conventions have a duty to respect and ensure respect for the laws of war. Equally, states party to the Convention on the Prevention and Punishment of the Crime of Genocide have an obligation to prevent genocide, which would include doing everything within their power to prevent the deliberate deprivation of resources indispensable for survival, such as food, water, electricity and medical services.

ISRAEL AND THE GOVERNMENTS SUPPORTING IT, ALSO PARTY TO THE GENEVA CONVENTIONS AS WELL AS THE GENOCIDE CONVENTION AND OTHER INTERNATIONAL STANDARDS, MUST:

Forge an immediate and unconditional ceasefire; it is the only realistic and effective way to alleviate suffering and save lives.

1

Humanitarian pauses and 'safe zones' are not effectively working on the ground; measures are not meeting the intended goals of protecting civilians or allowing unimpeded access to humanitarian aid. Israel must not collectively punish people in Gaza by depriving them of food, water and other basic necessities.

2

In line with Genocide Convention obligations; respecting the ICJ order; and in line with the obligation to ensure respect for IHL

take all diplomatic, economic and political actions or measures within the state's power to prevent genocide in Gaza, including by appealing to the UN Security Council to exercise its powers to ensure global peace and security under the UN Charter under Chapter VI or VII; calling for a ceasefire; ensuring access to humanitarian assistance; taking steps to ensure the lifting of the siege and preventing the displacement of Palestinians outside the Gaza Strip; and discontinuing any military assistance, including arms sales, that would enable or facilitate genocide, and other crimes under international law.

Israel must uphold its obligations under international humanitarian law, as the occupying power, and allow unfettered access to humanitarian relief.



THIS REQUIRES ISRAEL TO:

- a) Protect civilians and civilian infrastructure, including but not restricted to, homes, water networks, roads, schools and health facilities.
- b) Open all crossings at full capacity. Israel should re-open all crossings, including those that were previously closed (such as al-Muntar/Karni) and crossings with direct access to north Gaza (including Erez), and allow them to operate at full capacity. The Kerem Abu Salem/Shalom crossing should operate at full capacity. Screening processes must not be arbitrary and be efficient to avoid prolonged delays.
- c) Facilitate entry of all aid items, including items necessary for repair and operation of vital infrastructure, and fuel, to all parts of Gaza. Restrictions on items such as spare parts for sanitation infrastructure, solar panels and generators, materials for demining, and animal fodder need to be lifted immediately. Sufficient quantities of fuel will be needed for hospitals, water and sanitation infrastructure, communications and humanitarian operations.
- d) Lift the siege and allow the entry of commercial goods, which is necessary for resumption of market activity, shops can replenish their stocks and commercial activity can resume. Aid alone cannot be enough for the dignified survival of 2.3 million people. The private sector complements humanitarian response by the resumption of trade.
- e) Respect the notification and deconfliction systems, and ensure the safety of aid personnel, convoys, and facilities.
- f) Fully restore essential services, which it has deliberately cut, such as water, electricity and telecommunication, throughout Gaza and advocate for a principled humanitarian approach governed by a UN-led oversight that guarantees fair, well-coordinated and autonomous aid delivery, to ensure unbiased, effective aid delivery and prevent undue influence from any conflicting party.
- g) Allow the flow of aid in adequate quantities across all of Gaza, including allowing the movement of humanitarian aid and personnel. Israel should not arbitrarily deny access to the north of Gaza. It must ensure safe passage to all areas of Gaza to enable humanitarians to reach those in need.

h) Allow additional supply routes to Gaza. All possible supply routes should be made available to allow aid into Gaza, including from the West Bank, from Israel and from Jordan through Allenby and Rabin crossings, and directly through crossing points in Erez/Karni and Kerem Abu Salem/Shalom. Ashdod and Gaza City port should be used for a maritime corridor. While a maritime corridor or floating seaport could contribute to scaling up aid, we must question the guarantees that this solution won't become part of Gaza's prolonged blockade, instead of mitigating Israel's siege. It is essential for Israel to actively facilitate and not obstruct humanitarian aid is critical. The issue at its core is political, requiring decisive action against any barriers to aid delivery. Israel's cooperation in enabling aid flows is imperative, highlighting the need to tackle the political obstacles hindering Gaza's humanitarian relief. Any alternative measure must ensure that new solutions do not inadvertently reinforce existing restrictions, but rather genuinely open avenues for aid and the lifting of Israel's siege on Gaza.

i) Improve ability to move within Gaza. To effectively deliver assistance to the north, both the coastal road and Salah Ah'Deen road need to be open from first light and there needs to be smooth access through the checkpoints based on agreed procedures. Humanitarian workers moving through the checkpoints to deliver humanitarian assistance should not be questioned or detained. Additionally, there must be maintenance of key roads such as Salah Ah'Deen and the coastal road and other roads used for distribution which have been damaged by excessive military use, weather and unexploded ordnance.

j) Allow humanitarian workers access into the OPT, including East Jerusalem, by issuing permits and work visas.

End the blockade and recognise the Palestinian right to self-determination



The international community has failed Palestinians and Israelis alike by failing to address the root causes of the conflict which have been the catalyst for this new round of hostilities. The OPT has been under military occupation for 56 years and it is abundantly clear that military force cannot resolve this conflict. The decades long cycle of violence is a result of a cycle of impunity, which has fed human rights violations, war crimes and other grave breaches of international law. The international community has failed, in any way, to seriously address the equal rights and self-determination of the Palestinian people as guaranteed in the UN Charter Article 1(2).

- a) The international community must advocate towards a long-term political solution, beyond aid relief, that addresses the root causes of the conflict. This includes lifting the blockade on Gaza, ending the occupation, ensuring the rights and dignity of all people and working towards a fair, just and lasting peace grounded in international law.
- b) The international community must reaffirm UN Security Council Resolution 1860 and demand Israel's compliance with international law, starting with an end to the blockade, and make bilateral and multilateral relations with the Government of Israel conditional on progress toward such an end.
- c) The international community must re-introduce mechanisms and principles proposed as part of the 2005 Agreement on Movement and Access (AMA). Enforcing the AMA and respecting the terms would allow for the improvement of Palestinian freedom of movement and economic activity within the OPT.

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