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ENGAGE Briefing note for MPs

‘The Gaza blockade, Israel and the storming of the Mavi Marmara and Gaza aid flotilla’

June 2010

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This briefing document lays forth the destructive impact of the blockade on Gaza, the many recommendations of international aid agencies and the House's select committee on Foreign Affairs on a reassessment of the UK's Middle East policy as well as the policies of the Quartet (US, EU, UN and Russia), and in line with the EU's European Neighbourhood Policy and the Union of the Mediterranean and the EU-Israel Association Agreement which forms the basis of developing bilateral relations between the EU and Israel.

Since the raid on the Mavi Marmara on 31st May 2010 by Israeli commandos who killed up to 19 aid activists as their vessel sailed in international waters carrying 10,000 tonnes of food and reconstruction aid to the people of Gaza, the international community and the UN have decried the ongoing blockade as 'unsustainable' and 'inhumane'.

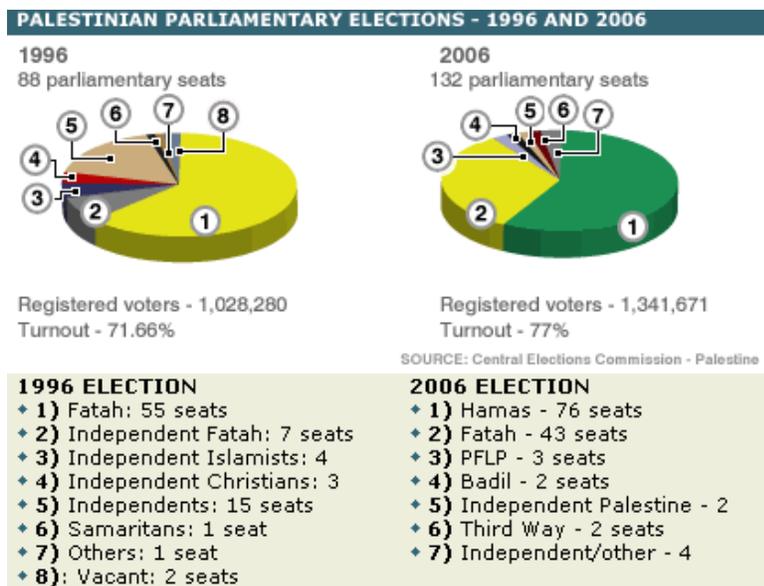
As the UK government awaits the outcome of an independent inquiry into the catastrophic events of Monday 31st May 2010, consistent with the UN's calls for a 'full, credible, impartial and independent investigation', attention must duly turn to the impact the blockade has had on Gazans these past three years, and its contribution to the thwarting of long term prospects for peace in the Middle East.

Background - Timeline of events:

Jan 2005 Hamas wins local elections gaining 75 seats out of 118 seats against Fatah's 26 seats in 10 districts across the Palestinian territories.

Jan 2006 Hamas wins national elections with 76 seats compared to Fatah's 43 seats.

Table 1: Palestinian parliamentary elections 1996 and 2006



(table from BBC)¹

¹ 'Hamas sweeps to election victory', BBC News, 26 January 2006. [Online] Available at: <http://news.bbc.co.uk/1/hi/4650788.stm> [Accessed: 4th June 2010].

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June 2007 Short lived unity government between Hamas and Fatah, with Hamas as coalition leader under the Mecca Agreement. Unity government broke down amid skirmishes between Fatah controlled security agencies and Hamas's paralegal security force in Gaza.

June 2007 Hamas and Fatah struggle for dominance following elections in Gaza with Hamas taking control of its election victory to form regional government in Gaza.

Aug 2007 Report by the House of Commons foreign affairs select committee, 'Global Security: the Middle East' contains recommendations for the government to do more to facilitate a national unity government in Palestine following the Hamas election victory, to cease the 'West Bank first' approach in the interests of encouraging intra-Palestinian co-operation and to begin talks with moderate elements within Hamas to induce its acceptance of the Quartet principles. The relevant passages from the 2007 report are as follows:

"We conclude that the decision not to speak to Hamas in 2007 following the Mecca agreement has been counterproductive. We further conclude that a national unity Government could and should have been established much earlier than the spring of 2007. We recommend that, in its response to this Report, the Government set out when it began to actively support the establishment of a national unity Government in the Occupied Palestinian Territories. (Paragraph 36)

"We conclude that the actions of both Hamas and Fatah militia forces in the Gaza Strip were deplorable and should be condemned by all. However, the escalation of violence in June 2007 should not have come as a surprise to the UK Government or any of its international partners. We conclude that the decision to boycott Hamas despite the Mecca agreement and the continued suspension of aid to the national unity Government meant that this Government was highly likely to collapse. We further conclude that whilst the international community was not the root cause of the intra-Palestinian violence, it failed to take the necessary steps to reduce the risk of such violence occurring. (Paragraph 50)

"Given the failure of the boycott to deliver results, we recommend that the Government should urgently consider ways of engaging politically with moderate elements within Hamas as a way of encouraging it to meet the three Quartet principles. We conclude that any attempts to pursue a 'West Bank first' policy would risk further jeopardising the peace process. We recommend that the Government urge President Abbas to come to a negotiated settlement with Hamas with a view to re-establishing a national unity Government across the Occupied Palestinian Territories. (Paragraph 60)."²

Sept 2007 Israel imposes blockade on Gaza in response to Hamas' election victory though closures and impediments to free movement of people and goods was practised before an official blockade was imposed.

² 'Global Security: The Middle East', report by the House of Commons Foreign Affairs select committee, 13 August 2007. (London: The Stationery Office Limited). Pages 3 and 4.

- June 2008** EU agrees at EU-Israel Association Council meeting to further upgrade EU-Israel Association Agreement expanding the breadth of bilateral relations and Israel's participation in Community programmes.
- Dec 2008** Israeli attack on Gaza strip lasting 22 days through December 2008 -January 2009 (Operation Cast Lead). UN Goldstone Report catalogues breaches of international humanitarian law and the laws of war by both sides. UN Human Rights Council calls for independent investigations into the conduct of war by Israel and Hamas. Israel refuses to comply with UNHRC decision.
- Jan 2009** UN Resolution 1860 adopted calling for 'an immediate, durable and fully respected ceasefire leading to the full withdrawal of Israeli forces from Gaza' and 'Calls on member states to support international efforts to alleviate the humanitarian and economic situation in Gaza...'
- Mar 2009** First aid convoy organised by Viva Palestina travels by road from the UK to Gaza carrying essential aid.
- June 2009** The EU - Israel Association Council meets to discuss a new Action Plan between the Union and Israel, the stated upgrade of bilateral relations stipulated at the Council meeting in December 2008. The Council's deliberations reiterated the conditions for progress in bilateral relations to progress in the Middle East peace process. The statement of the Council of the European Union reads:

"The Council reiterates the urgency of a durable solution to the Gaza crisis through the full implementation of UN Security Council Resolution 1860. The European Union calls for the immediate and unconditional opening of crossings for the flow of humanitarian aid commercial goods and persons to and from Gaza without which the unimpeded delivery of humanitarian aid, reconstruction and economic recovery will not be possible. The Council also calls for a complete stop to all violence, including a sustained halt of rocket attacks at Israel and an effective mechanism to prevent arms and ammunition smuggling into the Gaza strip. It calls on those holding the abducted Israeli soldier Gilad Shalit to release him without delay.

A comprehensive settlement of the Arab-Israeli conflict requires a regional approach, covering the political, security and economic dimensions. Encouraged by enhanced US engagement and convinced that tangible benefits regarding economic development and security would facilitate achieving agreement on the various political tracks, the EU stands ready to use all instruments at its disposal such as the European Neighbourhood Policy and the Union for the Mediterranean. Through numerous agreements with partners in the region, the EU is uniquely placed to work with the parties on key issues of regional development. In light of further developments at the political level and on the ground, the EU will carefully assess how its policies and programmes can promote concrete and early results on the path of a comprehensive settlement of the conflict.¹³

³ Council of the European Union press release 10939/09 (Presse 174). June 2009. Available on http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/gena/108525.pdf [Accessed 4th June 2010]

July 2009 House of Commons Foreign Affairs select committee releases report on 'Global Security: Israel and the Occupied Palestinian Territories', reiterating recommendations of report in 2007:

*"We recognise that success in the Quartet's strategy—of encouraging Hamas to reject violence and accept Israel's existence, by bolstering the position of the Palestinian forces which have already done so, and rejecting contact with Hamas itself—could be realised only gradually and over time. However, two years after we advocated a shift to engagement with moderate elements within Hamas, we conclude that there continue to be few signs that the current policy of non-engagement is achieving the Quartet's stated objectives. We further conclude that the credible peace process for which the Quartet hopes, as part of its strategy for undercutting Hamas, is likely to be difficult to achieve without greater co-operation from Hamas itself. We are concerned that the Quartet is continuing to fail to provide Hamas with greater incentives to change its position. We therefore reiterate our recommendation from 2007, that "the Government should urgently consider ways of engaging politically with moderate elements within Hamas as a way of encouraging it to meet the three Quartet principles." We further recommend that in its response to this Report, the Government should set out the specific indicators, if any, that would trigger a shift of British Government policy towards engagement with Hamas. We further recommend that the Government should set out the relevant differences between the cases of Hezbollah and Hamas that lead it to conclude that engagement with moderate elements within Hamas is not currently worth attempting."*⁴

Dec 2009 Second Viva Palestina convoy sets out from the UK on first anniversary of Gaza assault, stopped amid violent skirmishes with Egyptian border police. George Galloway MP deported by Egyptian authorities.

Dec 2009 Department for the Environment, Food and Rural Affairs (DEFRA) issues new guidance on labelling foodstuffs produced on illegal settlements as 'Israeli settlement produce'.

May 2010 International 'Freedom Flotilla' headed by Turkish humanitarian aid charity, IHH, sets sail with 10,000 tonnes of essential food and construction aid. Mavi Marmara, a Turkish vessel, is intercepted by Israeli commandos in international waters, 60 km off the coast of Israel. Reports say 9 people were killed and between 30 and 50 injured when Israeli commandos raided the main vessel opening fire on the aid activists on board.

The impact of the blockade on essential food and reconstruction aid to Gazans:

Despite the adoption of UN Security Council Resolution 1860, Israel has maintained the blockade for approaching 3 years severely affecting the delivery of reconstruction aid committed by the international community in the aftermath of Operation Cast Lead.

⁴ 'Global Security: Israel and the Occupied Palestinian Territories, report by the House of Commons Foreign Affairs select committee, 26 July 2009. (London: The Stationery Office Limited). Pg. 50.

The blockade imposes a collective punishment on the people of Gaza which violates international law and it continues to be in breach of UN Security Council Resolution 1860 which calls for its immediate lifting.

The Israeli blockade also violates the Agreement on Movement and Access concluded between Israel and the Palestinian Authority in 2005 and breaches the terms of the EU-Israel Association Agreement which calls on contracting parties to respect, "*human rights and democratic principles, which guides their internal and international policy and constitutes an essential element of this agreement.*"

The EU has linked any upgrading of the Association Agreement in Council meetings in Dec 2008 and June 2009 to demonstrable shifts in Israeli policy on Gaza, the blockade and the illegal settlements in the West Bank and East Jerusalem. The facts on the ground in the Middle East and their hindering the peace process remains a vital EU concern.

However, despite EU promises to '*use all instruments at its disposal*' to influence the course of policies in the Middle East, its handling of these instruments through the 'West Bank first' led approach to providing Palestinians with economic aid have hampered the prospects for intra-Palestinian reconciliation, and through the intended consequence of bolstering 'moderates' in the West Bank, have contributed to the political impasse we currently observe. In contravention of the democratic process in the Palestinian territories, which yielded Hamas as well as Fatah political representation in local and national elections, the EU's policy of favouring 'moderates' has centred on personalities and not processes, crucially the democratic process.

In his speech on 'Our shared future: building coalitions and winning consent' delivered at the Oxford Centre for Islamic Studies in May 2009, the then foreign secretary, David Miliband, said:

"...the task for the international community is to uphold the office rather than any particular incumbent....as long as those values we hold in common are respected in the course of the election, then its outcome is legitimate."

Addressing the issue of the Hamas election victories of 2005 and 2006 and the refusal of the Quartet to engage in direct negotiations with the party, Miliband added:

"When it comes to Hamas, no one disputes that they won the most seats. We are not claiming that their election was "illegitimate". We are saying the failure to embrace a political process towards a two-state solution makes normal political relations impossible."

It is worth recalling here the recommendation of the foreign affairs select committee cited above that the government provide Hamas with incentives to adopt the Quartet principles.

The effects of this political stalemate, in the form of the Israeli blockade on Gaza, are well documented in data available from international aid organisations and think tank reports. According to the Centre for European Policy Studies, the volume of aid permitted to enter Gaza has dwindled from 475 truckloads per day of food and medical aid in May 2007 to 123 truckloads in October 2008, and a meagre 16 truckloads in December 2008.⁵ According to the report produced by a group of charities, including Amnesty International UK, CAFOD (UK),

⁵ Michael Emerson, Natalie Tocci and Richard Youngs. 2009. '*Gaza's hell: Why the EU must change its policy*'. Centre for European Policy Studies. Available online at: <http://www.ceps.eu/node/1598> [Accessed 4th June 2010]

Christian Aid (UK and Ireland), Medical Aid for Palestinians, medico international (Germany), medico international schweiz (Switzerland), Mercy Corps, MS ActionAid Denmark and Oxfam International, on the situation in Gaza one year on from Operation Cast Lead, 'only 41 truckloads of construction materials for all purposes have been permitted into Gaza'.⁶ This despite the UK government's pledges of £47 million of humanitarian aid since Operation Cast Lead⁷ and a recent pledge by International Development Secretary, Andrew Mitchell, to commit £19 million to UNRWA to support schools and health clinics for Gazans.

The Failing Gaza report contains detailed information on the every day and cumulative impact the blockade has had on Gaza since its imposition 3 years ago. For example:

"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.

"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).⁸

"...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.⁹

"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....Even before the offensive, 98% of industrial operations in Gaza were idle because of the blockade.

"In the first three months after the offensive, joblessness in Gaza had crossed 40% of the workforce, and reached 140,000 people. An estimated 120,000 private sector jobs have been lost since the blockade was imposed....Even in May 2008, a survey showed that 70% of families were living on a dollar a day.¹⁰

"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. The blockade prevents the supply of desperately needed spare parts for the electrical power system – 150 key

⁶ 'Failing Gaza: No rebuilding, no recovery, no more excuses'. December 2009. Published by Amnesty International UK, Broederlijk Delen (Belgium), CAFOD (UK), CCFD Terre Solidaire (France), Christian Aid (UK and Ireland), Church of Sweden, Diakonia (Sweden), Finn Church Aid (Finland), Medical Aid for Palestinians, medico international (Germany), medico international schweiz (Switzerland), Mercy Corps, MS ActionAid Denmark, Oxfam International, Trocaire (Ireland) and United Civilians for Peace (a coalition of Dutch organisations - Oxfam Novib, Cordaid, ICCO, and IKV Pax Christi). pg 3

⁷ UK Government research, Information and Communications Unit (RICU) Fact sheet 8th January 2010.

⁸ 'Failing Gaza: No rebuilding, no recovery, no more excuses'. pg 5

⁹ Ibid pg. 6

¹⁰ Ibid pg 8

parts (such as high voltage cables, transformers, wires, switches) are completely unavailable while 400 others are in short supply. 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.¹¹

“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.”¹²

Table 2: List of construction aid materials obstructed by Israel:

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

(From 'Failing Gaza: No rebuilding, no recovery, no more excuses', pg 7)

The conclusions drawn by UNRWA and other international aid charities in the region is that whatever the sums pledged by governments around the world, the facts of the blockade means that this aid never reaches its target population and Gazans continue to suffer under the most horrendous living conditions.

The international community, the US, the EU and the UN bear a strong responsibility to act on the recommendations of the aid charities and their assessment of the failure of the blockade to meet the objectives of successive Israeli administrations; that it would serve to topple the Hamas-led administration in Gaza.

The UK must act, as a member of the Quartet and a member state of the European Union, where the terms of the Lisbon Treaty add new impetus to the role of the Union in foreign affairs, to pressure Israel and urge the immediate lifting of the blockade on Gaza thereby enforcing Israel's compliance with UN resolution 1860.

The UK, and its partners in the Quartet, must seize the opportunity that is presented by the tragic current events to end the blockade of Gaza and to push for an overhaul in policy towards the Middle East. The UK must take stock of the failures in its current stance and think anew, in response to the recommendations of the House of Commons foreign affairs select committee and the President of the International Crisis Group, Louise Arbour, that the international community must work to enact a political solution to this impasse and its consequent effects on economic and humanitarian aid.

It is worth reflecting on the severe consequences borne by the Palestinians living in Gaza of the Quartet's policy of refusing to deal with the political realities of a popularly elected Hamas-led administration in Gaza. According to oral evidence provided by then foreign minister, Bill Rammell,

¹¹ Ibid pg 10

¹² Ibid pg 12

to the foreign affairs select committee in preparation of its report in 2009, during the period of the unity government from March – June 2007, “*albeit not perfectly, Hamas went some way towards committing to the [Quartet] principles.*”¹³

The mishandling by the Quartet of Hamas’s democratic legitimacy and its authority in Gaza has fuelled deadly intra-Palestinian conflict¹⁴ and prolonged the political stalemate of which the blockade is just one symptom. An urgent rethink of this failed policy is vital to moving forward in the Middle East in full appreciation of the political choices exercised by the Palestinian people, and the possibilities for an eventual peace that engaging with Hamas is certain to yield.

The EU must remain true to its statement of using all instruments at its disposal in working for peace in the Middle East by demonstrating a commitment to conditionality in the Association Agreement and any further progress in bilateral relations with the Union on a shift in Israeli policy towards the Occupied Palestinian Territories and the observance of all UN resolutions to date.

The new Conservative-Liberal Democrats coalition programme states in relation to policy on the peace process:

“We will push for peace in the Middle East, with a secure and universally recognised Israel living alongside a sovereign and viable Palestinian state.”

We look to our government to fulfil this commitment to push for peace in our direct involvement in the Middle East and through the Quartet, by urging our EU partners to make good the declaration to use all instruments at its disposal to progress on peace negotiations. A significant, fundamental and urgent step at this time is the UK government and Quartet’s insistence on the immediate lifting of the Gaza blockade.

¹³ ‘*Global Security: Israel and the Occupied Palestinian Territories*, report by the House of Commons Foreign Affairs select committee, 26 July 2009. (London: The Stationery Office Limited). Pg. 49. The Quartet principles are: (1) renouncing violence (2) recognition of Israel and (3) the acceptance of previous agreements.

¹⁴ David Rose, ‘*The Gaza Bombshell*’, in Vanity Fair magazine, April 2008. New York: Conde Nast Publishing.