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Humanitarian Monitoring Report – January 2005 Bertini Commitments

The Humanitarian Monitoring Report is produced monthly by the Office for the Coordination of Humanitarian Affairs (OCHA). It draws on information from the Access, Closure and Information System (ACIS) and other data sources that humanitarian agencies have submitted to OCHA. The report is provided to the Task Force on Project Implementation (TFPI) as a basis for discussions with the government of Israel. It is available on the website www.reliefweb.int/hic-opt.

Context

UN Secretary-General Kofi Annan appointed Ms Catherine Bertini as his Personal Humanitarian Envoy to address the humanitarian needs arising from the ongoing Israeli-Palestinian conflict since September 2000. Ms Bertini was requested to assess the nature and scale of the humanitarian needs, and to clarify the respective responsibilities of all actors involved.

This report monitors the humanitarian commitments made by the government of Israel to Ms Bertini during a mission to the region from 12 to 19 August 2002. It concluded that there were serious humanitarian problems linked to the ongoing conflict and, specifically, to the measures implemented by the government of Israel to safeguard its citizens from Palestinian attacks.

These security measures, including curfews, closures and roadblocks, led to a crisis of access and mobility, instigating a drastic decline in the Palestinian economy. A large part of the Palestinian population has difficulty accessing basic services such as health and education. Humanitarian service providers, such as UN agencies, NGOs, the Palestine Red Crescent Society (PRCS) and Palestinian Ministry of Health (MoH) ambulances, have experienced problems providing assistance and services to beneficiaries.

Commitments made by Israel

Health

- Ambulances will wait no more than 30 minutes at checkpoints.
- Mechanisms will be set in place to ensure patients, seeking critical medical services (child delivery, dialysis, chemotherapy), can pass all checkpoints quickly.

Water

- Problems relating to water deliveries in Palestinian towns and villages will be addressed to ensure that daily provision of adequate amounts of water can be supplied by Palestinian water tankers.

Facilitation for International Humanitarian Organisations

- The government of Israel will fully facilitate the activities of international organisations, with particular reference to UNRWA.
- The government of Israel agreed to review and strengthen the liaison arrangements between international agencies and the Israel Defense Forces (IDF).

Additional Commitments

On previous occasions, the government of Israel has made the following commitments, which were confirmed to the mission:

- The fishing zone for Palestinian boats off the Gaza coast will be extended to 12 nautical miles
- Olive farmers will be allowed access to their fields
- Increased shipments will be enabled at Karni crossing in the Gaza Strip
- The number of permits for Palestinian workers in Israel will be increased

The Bertini Commitments represent a minimum and specific set of humanitarian standards agreed to by the government of Israel. The Bertini Commitments are not a substitute for compliance with International Humanitarian Law (IHL) as laid down in the Fourth Geneva Convention. The maximum waiting period of 30 minutes for an ambulance at a checkpoint, for example, while an improvement on the situation in August 2002, falls short of the intent of provisions of IHL.

Executive Summary

Health

Palestinian ambulance operators reported a total of at least 15 access incidents in January 2005 (compared to 25 in December), in which the provision of first aid and/or medical evacuations were delayed, obstructed and/or prevented by the IDF. The number of incidents in January 2005 is the lowest reported in more than a year; and approximately one third of the incidents reported in January 2004, which was 42. However, there was still a report of a woman in labour being denied access at a checkpoint; she delivered her baby in a PRCs ambulance.

Also, beginning 14 January 2005, Palestinian patients were not permitted through Erez crossing in the Gaza Strip for further treatment in Israel or the West Bank – a few exceptions were made for severe cases.

Water

The effect of closure measures, including checkpoints, earth mounds and curfews, had an effect on water transport (due to blocked locations or delays) for West Bank communities. Palestinians continue to face difficulties accessing safe water.

Facilitation for International Humanitarian Organisations

In January 2005, international relief agencies filed at least 50 reports (compared to 49 in December 2004) in which the delivery of aid and/or the movement of personnel were obstructed by the IDF or Israeli Border Police. Most incidents reported included delays and disrespect by the IDF of international humanitarian organisations' mandates, privileges and immunities.

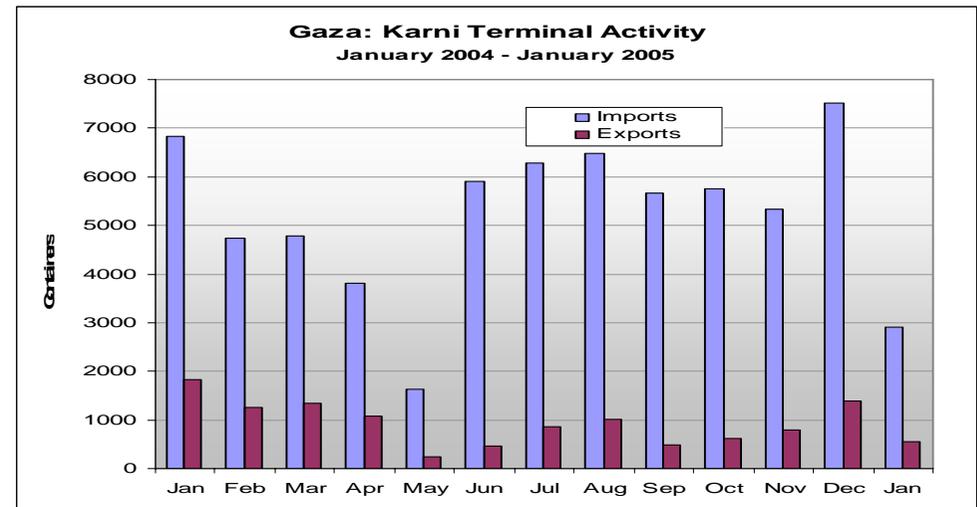
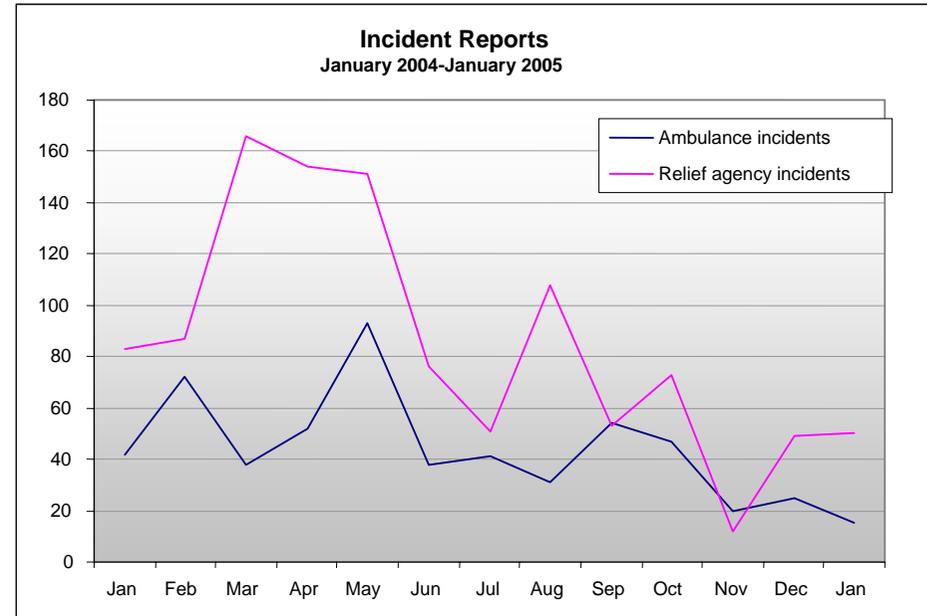
UN staff members continued to report incidents where IDF soldiers at checkpoints refused to accept the validity of UN identity cards, asking for a second form of identification.

Additional commitments

Following a series of attacks by Palestinian militants at the Rafah and Karni crossing points that killed Israelis, the Israeli authorities closed the two terminals for most of the month of January 2005. The humanitarian and economic impact of the closures of Rafah and Karni crossing points was significant.

The total number of containers entering the Gaza Strip at Karni in January 2005 was 2,919; the total number of containers exiting the Gaza Strip was 545. The import figures reported in January 2005 are among the lowest reported in a year and are less than half of the imports reported in January 2004: 6,826. The export figures are also among the lowest reported in a year and less than a third of the exports reported in January 2004: 1,830.

The movement of Gaza Strip fishermen remained subject to strict restrictions.



HUMANITARIAN MONITORING REPORT (BERTINI COMMITMENTS) –JANUARY 2005

Commitment	Benchmarks	Status	Remarks
<p>1. Health</p> <p>Palestinian ambulances will wait no more than 30 minutes at any checkpoints</p> <p>(government of Israel to Bertini mission, 12 to 19 August 2002)</p> <p>Effective mechanisms will be put in place to ensure that Palestinians seeking critical medical services (child delivery, dialysis, chemotherapy, etc) can quickly pass all checkpoints</p> <p>(government of Israel to Bertini mission, 12 to 19 August 2002)</p>	<p>Instructions issued to all checkpoint commanders concerning maximum time for ambulance delay at checkpoints</p> <p>Palestinian Ministry of Health, PRCS, UNRWA and hospitals no longer report ambulance delays at checkpoints</p> <p>Mechanisms established and Palestinian public informed</p> <p>No more reported instances of Palestinians in need of critical medical services being denied passage at checkpoints</p>	<p><i>West Bank and the Gaza Strip: 15 incidents¹</i></p> <p>Palestinian ambulance operators reported a total of at least 15 access incidents in January 2005 (compared to 25 in December 2004), in which the provision of first aid and/or medical evacuations were delayed, obstructed and/or prevented by the IDF.</p> <p><i>Ambulance Access Denials</i></p> <p>Of the 15 incidents reported, at least four included humanitarian access denials. Included in the incident reports is the example below.</p> <p>22 January 2005: A PRCS ambulance was denied access at At Tuffah checkpoint in the Gaza Strip while transporting a woman in labour to a local Palestinian hospital. The woman delivered in the ambulance. The crew had to return back.</p> <p><i>Ambulance Delays</i></p> <p>There were seven documented incidents of delays (most delays reported were two hours or less). Included in the seven reports is the incident below.</p> <p>1 January 2005: A PRCS ambulance crew was delayed for five hours, despite prior coordination, when attempting to evacuate a family in Khan Younis, in the Gaza Strip.</p> <p><i>Other Reports</i></p> <p>In January 2005, four incidents were reported in which medical crews were subjected to IDF attack (direct or indirect).</p>	<p>Israeli officials have continued to restrict the freedom and movement of Palestinians ambulances and medical teams. Denials and delays of access negatively impact on the sick and wounded in the occupied Palestinian territory.</p> <p>Beginning 14 January 2005, Palestinian patients were not permitted through Erez crossing in the Gaza Strip for advanced medical treatment in Israel or the West Bank – few exceptions were made for severe cases.</p> <p>There were additional reports (not included in the 15) where the work of medical crews was impeded. For example, on 12 January 2005, an Israeli Army patrol entered the PRCS's Emergency Medical Station in Beit Ummar, near Hebron, and searched the premises. The search, which lasted nearly an hour, impeded work as it prevented the medical crew from responding to emergency calls. A similar incident on 1 January in Tulkarm was also reported.</p>
<p>Commitment</p> <p>2. Water</p> <p>Problems related to water</p>	<p>Benchmarks</p> <p>Instructions issued to all checkpoints</p>	<p>Status</p> <p><i>The West Bank²</i></p>	<p>Remarks</p>

¹ Figures are based on incident reports from PRCS and the MoH.

² The Water and Sanitation, Hygiene (WaSH) Monitoring Project surveyed 23 communities in the West Bank during a two week period from 1 to 15 January 2005; the reporting reflects the findings of WaSH.

HUMANITARIAN MONITORING REPORT (BERTINI COMMITMENTS) –JANUARY 2005

<p>deliveries to Palestinian towns and villages will be addressed to ensure that daily water deliveries in proper quantities can be supplied by Palestinian water tankers.</p> <p>(government of Israel to Bertini mission, 12 to 19 August 2002)</p>	<p>allowing for the easy transfer of water tankers through all checkpoints</p> <p>The IDF removes barriers that prevent the access by water tankers to villages that rely on tankered water</p> <p>No reports on lack of water or delay/stoppage of water tankers at checkpoints</p>	<p>The effect of closure measures, including checkpoints, earth mounds and curfews had a severe effect on water transport (due to a blocked access point) for at least two communities in the West Bank: Saffarin in Tulkarm and Beit Dajan in Nablus. Other communities were affected to a lesser degree (for example delays ranging from one hour to six hours on water transport were experienced): ‘Akkaba, ‘Al Jarushiya and Kafa, in Tulkarm; Turmus’ayya in Ramallah; and Humsa in Hebron.</p> <p>Reduced water supplies from Mekorot were reported in Al Baqqar and Iskeik in the Hebron Governorate. Damage to two cisterns was reported in ‘Akkaba, Tulkarm; and partial damage of two wells in Beit Dajan, Nablus, was also recorded.</p>	<p>Palestinians face difficulties accessing safe water. Most communities continue to suffer from a noticeable increase in the price of water (compared to prices before September 2000), reflecting the effect of closures and curfews on water transport, according to WASH MP.</p>
Commitment	Benchmarks	Status	Remarks
<p>3. Facilitation for International Humanitarian Organisations</p> <p>Israel will fully facilitate the assistance activities of international organisations with particular reference to UNRWA</p> <p>(government of Israel to Bertini mission, 12 to 19 August 2002)</p> <p>Israel agrees to review and strengthen the liaison arrangements between international agencies and the IDF to facilitate assistance activities</p> <p>(Government of Israel to Bertini mission, 12 to 19 August 2002)</p> <p>Israel will improve the situation</p>	<p>Free access for all international staff of international organisations throughout the West Bank and the Gaza Strip, and at international crossings, at all times</p> <p>Free access for all Palestinian staff of international organisations throughout the West Bank and the Gaza Strip at all times</p> <p>No delays/ stoppage of international organisations’ transport of development and humanitarian goods at any point (that is, at international borders, borders between Israel and the West Bank or the Gaza Strip, within the West Bank or the Gaza Strip) at any time</p> <p>Palestinian drivers (with either</p>	<p>In January 2005, international relief agencies filed at least 50 reports³ in which the delivery of aid and/or the movement of personnel were obstructed by the IDF or Israeli Border Police. Most incidents reported included delays and disrespect by the IDF of international humanitarian organisations’ mandates, privileges and immunities.</p> <p><i>Access by UNRWA staff</i></p> <p>UNRWA, the largest humanitarian organisation operating in the oPt, reported a total of 49 incidents in the West Bank and the Gaza Strip in which there were access problems.</p> <p>In the West Bank 35 incidents were reported in January 2005 (compared to 48 reported in December 2004). Of these, 28 incidents involved delays to vehicles, affecting 88 staff members, and there were five incidents in which access was refused, affecting 16 staff members. There were two incidents in which three employees were detained; in total 107 staff members were affected.</p> <p>In the Gaza Strip there were 14 incidents reported in January 2005 by UNRWA, all of which were delays. In one incident, 470 people were affected when 17 vehicles were delayed at Abu Houli junction on 12 January 2005.</p>	<p>UN staff members continue to report incidents where IDF soldiers at checkpoints refused to cooperate with DCL officers and/or accept the validity of UN identity cards, insisting instead that UN staff show their national passports.</p>

³ These figures apply only to the humanitarian aid organisations that reported incidents at checkpoints to OCHA.

HUMANITARIAN MONITORING REPORT (BERTINI COMMITMENTS) –JANUARY 2005

<p>at checkpoints, including the deployment of more experienced IDF personnel</p>	<p>Jerusalem or West Bank IDs) allowed to drive humanitarian vehicles for international organisations, in particular UNRWA, WFP and ICRC</p> <p>Procedures will be established that provide direct access by international organisations to operational and command structures within the IDF</p>	<p><i>Other reports</i> In January 2005, there was one additional report of an access delay reported by an international non-governmental organisation.</p>	
Commitment	Benchmarks	Status	Remarks
<p>4. Additional Commitments</p> <p>The fishing zone for Palestinian fishing boats off the Gaza Strip coast will be extended to 12 nautical miles</p>	<p>Extension of fishing zone fully implemented</p> <p>No arrests of fishermen or confiscation of fishing boats within the 12 nautical mile zone</p>	<p>Restrictions remained over a large stretch of the Gaza Strip coastline. However, the Palestinian Department of Fisheries reported an increase in the distance of the fishing zone available to Palestinian fishermen. Since the election of Mahmoud Abbas, the Israelis are now permitting fishing up to 10 nautical miles from the Gaza Strip coast compared to 6 nautical miles previously.</p> <p>Fishing is still not permitted over most of the Al Mawasi coastline as has been the case since October 2003.</p>	<p>Though the distance allowed for fishing increased, fishermen are still denied the right to fish up to the 12 nautical mile limit, as was agreed by the Israeli government.</p> <p>Under the Oslo Accords, Gaza Strip fishermen are entitled to fish as far as 20 nautical miles from the coast.</p>
<p>An increase in shipments at Karni crossing, Gaza Strip</p>	<p>Quantifiable increase in humanitarian aid shipments permitted through the crossing</p>	<p>The total number of containers⁴ entering the Gaza Strip at Karni in January 2005 was 2,919; the total number of containers exiting the Gaza Strip was 545. The figures mark a significant decrease from those of December 2004 when the total number of containers entering the Gaza Strip was 7,506 and 1,380 units left the Gaza Strip.</p> <p>The import figures reported in January 2005 are among the lowest reported in a year and are less than half of the imports reported in January 2004: 6,826. The export figures are also among the lowest reported in a year and less than a third of the exports reported in January 2004: 1,830.</p> <p>During the closure of Karni, the IDF reported that it had allowed 74 trucks loaded with sugar, rice, meat and dairy produce from the World Food Programme to cross through Sufa between 23 January and 3 February.</p>	<p>On 12 December 2004, Rafah crossing was closed following the deaths of five Israeli soldiers killed by a Palestinian militant attack. On 14 January 2005, Karni crossing was closed following a Palestinian militant attack in the area that killed six Israelis. The Israeli authorities kept the two terminals for most of the month of January 2005.</p> <p>Rafah crossing is the principal entry and exit point for most of the 1.4 million Palestinian residents of</p>

⁴ Trade are figures reported by Palestinian officials at Karni to OCHA. These figures represent the most accurate figures available to OCHA at the time of publication.

HUMANITARIAN MONITORING REPORT (BERTINI COMMITMENTS) –JANUARY 2005

			<p>the Gaza Strip and Karni is the main commercial crossing point for Gaza.</p> <p>The humanitarian and economic impact of the closures of Rafah and Karni crossing points was significant.</p>
<p>Increase in the number of work permits for workers in Israel</p>	<p>Quantifiable increase in the number of work permits issued for workers in the West Bank and the Gaza Strip to work inside Israel</p>	<p>The number of workers entering Israel in January 2005 was 1,073 (an average of 358 a day for the three days entrance was permitted), while approximately 205 entered the industrial estate (taking into account the closures), according to UNRWA. The total number of merchants entering Israel was 373, (or 41 a day on the nine days entrance was permitted). The figures are all lower than those reported in December 2004: the number of workers entering Israel in December was 1,388 while 742 were able to return to the industrial estate. The total number of merchants entering Israel was 1,094.</p>	<p>Erez crossing was closed 14 of January 2005 and remained closed for the remainder of the month.</p>