

The Gaza Crisis: Restrictions and Challenges to the Humanitarian Space in Gaza

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<https://www.e-ir.info/2019/11/30/the-gaza-crisis-restrictions-and-challenges-to-the-humanitarian-space-in-gaza/>

YASER ALASHQAR, NOV 30 2019

While there has been much discussion about political issues in Gaza and the wider Israeli-Palestinian conflict, the increasing international restrictions and challenges to the humanitarian space in Gaza have received little attention and analysis. Humanitarian space refers to an “operational environment that allows humanitarian actors to provide assistance and services according to humanitarian principles and in line with international humanitarian law” (OCHA, 2019). The United Nations (UN) reports have indicated that Gaza (known also as the Gaza Strip) is facing an unprecedented humanitarian crisis and it will not be livable by 2020 if the existing services and humanitarian conditions have not experienced any significant improvement (UN, 2017).

Thus, this article discusses important international dimensions of the evolving crisis in Gaza. In particular, supported by academic research and field interviews in August and September 2019 in Gaza, the article defines key restrictions and challenges to the humanitarian space in Gaza from an international perspective. It also discusses the resulting implications of these key challenges and restrictions at the political and humanitarian levels in the Palestinian context. As the following discussion indicates, the international restrictions and challenges to the humanitarian space in Gaza have included the use of international aid as a tool of policy intervention and punishment, counter-terrorism legislation and the imposition of a no-contact policy with the Palestinian political armed movement, Hamas. Before these international restrictions and challenges to the humanitarian space in Gaza are discussed further, it is important to present a brief and critical overview of the evolving political and humanitarian dimensions of the Gaza crisis.

Overview of the Gaza Crisis: Political and Humanitarian Dimensions

Divisions and polarization in the Palestinian occupied territories of Gaza and the West Bank have been increasing between the major Palestinian factions, Fatah and Hamas, since the Palestinian national elections in 2006. The internal power struggle resulted in the Hamas takeover of Gaza in June 2007 and the emergence of Palestinian political and institutional divides. As a political and armed movement, Hamas continues to control the government structures in Gaza and Fatah, the largest and leading nationalist faction in the Palestine Liberation Organization (PLO), remains in charge of the Palestinian Authority government in the West Bank. On the other hand, in addition to maintaining military control and the occupation of Gaza and the West Bank, Israel imposed a tight blockade on Gaza following the Hamas takeover of the territory in 2007 which continues to the present day.

With US support, Israel legitimized the blockade by classifying Gaza as a ‘hostile entity’ and this was immediately followed by Israeli measures and sanctions against Gaza that the Israeli human rights group Gisha described as a “collective punishment of the civilian population” (Wilson, 2007). As part of the blockade policy, fuel and electricity supplies to Gaza were sharply reduced. The shipment of goods including exports and imports in and out of Gaza were restricted. Exit permits have become scarce and allowed only under ‘exceptional cases’ and the freedom of movement for goods and individuals between Gaza, the West Bank and Israel became subject to a complex range of severe restrictions.

Israel has also developed a policy of ‘military operations’ in Gaza and justified it as a means of undermining the military capabilities of Hamas and other armed groups in the besieged territory. Israeli generals described this policy

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of military operations and bombardment campaigns as “mowing the lawn”, implying a regular and endless military task (Shlaim, 2019). Israeli military assaults on Gaza in 2008, 2012 and 2014- known also as the ‘Gaza wars’- represented the products of this particular policy. These military assaults have led to a huge number of civilian deaths and victims, and caused massive destruction at the economic and infrastructure levels. In the overall context of occupation, blockade, militarization and internal divisions, Gaza has gradually evolved into a de-developed and besieged territory that lives in a permanent state of political stalemate and humanitarian crisis. In this crisis situation, as the analysis and the examples in the next section indicate, the humanitarian space in Gaza has been facing critical restrictions and challenges by international actors and governments.

Humanitarian Space in Gaza: International Challenges and Restrictions

Under the Trump administration, the US has taken a number of punitive measures against the Palestinian Authority and people since 2018. The Trump administration has sought to force the Palestinians to accept US recognition of Jerusalem as the capital of Israel and engage with the framework of the ‘deal of the century’ – a proposed deal which prioritizes economic incentives and investments as a means of conflict resolution in the region over refugee and national rights, including Palestinian statehood. When this approach was rejected by Palestinian leaders, the US punitive measures involved the closure of the PLO’s Office in Washington and the US consulate general in East Jerusalem, cutting off aid to the Palestinian Authority in the West Bank and the cessation of funding to the United Nations for Relief and Works Agency (UNRWA) for Palestine refugees. This UN agency has provided vital services to Palestinian refugees in the fields of healthcare, education and social protection since 1949. In addition, it has acted as a vehicle for human development among Palestinian refugees in five key areas: the Gaza Strip, the West Bank, Jordan, Lebanon and Syria.

In the Palestinian case, the role of international aid and humanitarian assistance has been perceived by the Trump administration as both a tool of policy intervention and punishment to achieve the desired political goals. Thus, by seeking to eliminate the UNRWA and cutting off aid, “Trump thought the Palestinians were so weak that he could bludgeon them into submission” (Indyk, 2019). Ultimately, the US actions towards international aid to the Palestinian people and the UNRWA have impacted on the humanitarian space in Gaza and deepened political distrust in the Trump administration. Mukhaimer Abu Saada, Professor of Political Science at Al-Azhar University in Gaza, points out in an interview that the Palestinian parties became more “suspicious” of the US agenda especially after “the US cessation of funding to the Palestinian Authority and the UNRWA” (Abu Saada, 2019). At the humanitarian space level, the loss of the US contributions to the UNRWA has caused unprecedented financial challenges in the history of the organization and accelerated suffering in Gaza as the UNRWA reduced key services to Palestinian refugees. Furthermore, the organization continues to appeal for emergency funding to address urgent humanitarian needs in Gaza including food insecurity (UNRWA, 2019).

Contributing to the acceleration of the Gaza crisis, international donors and governments have imposed further restrictions on the humanitarian space in the occupied Palestinian territories. Given the complex and severe nature of the Gaza crisis, humanitarian aid became the main viable means for survival in this besieged territory. Thus, 80% of Gaza’s population have become dependent on international humanitarian aid (UNRWA, 2018). Omar Shaban, who leads Pal-Think for Strategic Studies in Gaza and has a professional knowledge of Palestinian economic and political affairs, comments during an interview on the political and humanitarian conditions that contributed to the emergence of international aid as a central factor in the Gaza crisis:

Gaza Strip is a closed territory and the freedom of individuals and goods is very limited, and it has been subjected to three brutal wars. As a result, the Gaza Strip has transformed from being a productive territory with an economic potential to a relief-based community that is surviving on international aid (Shaban, 2019).

However, because of the classification of Hamas as a ‘terrorist organization’, international counter-terrorism legislation has created key restrictions and challenges to the humanitarian space and international aid in Gaza. The origins of counter-terrorism legislation are connected with the September 2001 attacks and the US ‘War on Terror’ including any form of engagement or complicity with non-state armed groups (Clapham, 2009). In addition, Israel, the US and major European states have refused to recognize the electoral mandate of Hamas since the Palestinian

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national elections in 2006. For example, the Middle East Quartet (the US, the European Union, the UN and Russia) placed conditions on Hamas as a basis for its acceptance and engagement in the international system. The conditions are (a) the renunciation of violence, (b) the recognition of Israel, and (c) the acceptance of the previous agreements signed between Israel and the PLO. Supporting aid conditionality, the Quartet also played a key role in introducing the link between the continuation of foreign assistance to the Palestinian Authority and the commitment to these conditions by Palestinian government representatives (Tocci, 2013). Hamas has continued to view such conditions as unjust while lacking any counter demands from Israel to (a) renounce violence, (b) recognize Palestinian national rights and (c) commit to the previous peace agreements.

As a result of counter-terrorism legislation and the Quartet's conditions, the emergence of the restrictive policy of no-contact with Hamas has represented a key challenge in the humanitarian space in Gaza. International governments and donors have imposed restrictions on international and local humanitarian organizations in Gaza in relation to preventing contact with Hamas. The report of the UN Office for the Coordination of the Humanitarian Affairs (OCHA) in the occupied Palestinian territories explains further that:

In the Gaza Strip, humanitarian operations are also hampered by counter-terrorism legislation and the "no contact" policy adopted by many [international] countries and donors, prohibiting contact with Hamas or any of the other armed groups, even on an operational level (OCHA, 2019).

The implications of the no-contact policy have been significant at the logistical, humanitarian and conflict resolution levels. Hamas controls the government structures in Gaza and has continued to act as the de-facto authority in the territory following the Palestinian internal power struggles in 2007. Therefore, international non-governmental organizations (INGOs) cannot operate effectively and freely within the humanitarian space in Gaza without negotiating access and coming into contact with the Hamas authorities. As the case in many other conflict zones, delivering aid "requires negotiation with rebels for a humanitarian corridor" (Watts, 2017). However, facing increasing restrictions in the humanitarian space and fearing international legal action and prosecution in the context of counter-terrorism legislation and the no-contact policy, many INGOs have withdrawn from the Palestinian territories and suspended their assistance projects (OCHA, 2019). In this context, as well as imposing key challenges and restrictions in the area of aid assistance, international donors and governments have contributed to the criminalization of the humanitarian space in Gaza under counter-terrorism legislation and the no-contact policy with Hamas.

In addition, operating within the limits of the no-contact policy undermines the capacity of the civil society actors and humanitarian organizations to respond to the humanitarian needs of the besieged and occupied population according to international humanitarian law. Illustrating further, an anonymous UN official in the field in Gaza states during an interview that:

Because of the international boycott of the Hamas government in Gaza, many donor states impose a significant amount of restrictions on humanitarian workers and organizations who receive their funding. They are not free to work according to humanitarian principles (UN Official, 2019).

Furthermore, the imposition of the no contact-policy in the humanitarian space in Gaza has implications for conflict resolution processes. The history of international conflict resolution suggests clearly that civil society actors make an important contribution to transform conflict situations and open informal channels of engagement (Goodhand, 2006). This would be especially relevant to Gaza in the context of the political boycott of Hamas by many government and state actors at the international level. However, the no-contact policy, along with counter-terrorism legislation, has restricted the role of humanitarian and civil society actors in facilitating engagement and negotiation with a political armed organization such as Hamas in Gaza.

Conclusion

This article discussed important international dimensions of the evolving crisis in Gaza. In particular, supported by academic research and field interviews in August and September 2019 in Gaza, the article defined key restrictions

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and challenges to the humanitarian space in Gaza from an international perspective. As the discussion indicates, the international restrictions and challenges to the humanitarian space in Gaza have involved the use of international aid as a tool of policy intervention and punishment, counter-terrorism legislation and the imposition of a no-contact policy with Hamas. The article also analyzed the resulting implications of these key challenges and restrictions at the political and humanitarian levels in the Palestinian context. To reiterate, these significant implications are: Firstly, the use of aid assistance by the Trump administration as a tool of policy intervention and punishment has deepened political distrust towards the role of the US in the Palestinian case. Cutting off humanitarian aid to the UNRWA has also caused further challenges to the humanitarian space and reduced the capacity of the organization to provide key services to Palestinian refugees in Gaza.

Secondly, counter-terrorism legislation has impacted severely on the humanitarian space in Gaza. Many INGOs have withdrawn from the Palestinian territories and suspended their assistance projects because of their fear of international legal action and prosecution under aiding 'terrorism' and Hamas in Gaza. This has contributed to the growing criminalization and delegitimization of the humanitarian space in Gaza. Thirdly, one of the major implications of counter-terrorism legislation in the case of Gaza is the emergence of the no-contact policy with Hamas and the imposition of this particular policy by international donors and governments in the humanitarian and civil society space in Gaza. As discussed previously, not only does the no-contact policy present restrictions and challenges to humanitarian actors and operations but it also undermines the provision of humanitarian assistance in the conflict situation and crisis in Gaza according to international humanitarian law. Finally, by prohibiting contacts with Hamas, international donors and governments prevent humanitarian and civil society players from making key contributions to conflict resolution and political change in Gaza.

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