

**Arrria formula presentation to the United Nations Security Council**

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Thank you very much for offering me this opportunity to present today.

My name is Tania Hary and I'm deputy director of Gisha – Legal Center for Freedom of Movement.

Gisha, which means access or approach in Hebrew, is an Israeli organization, founded 10 years ago which uses legal and public advocacy to promote the right to freedom of movement, particularly for residents of the Gaza Strip. We see freedom of movement as a precondition to the fulfillment of other rights and key to the pursuit of personal opportunities, well-being and regional stability.

Despite the disengagement, when Israel pulled its settlements and military installations from Gaza 10 years ago, Israel continues to control vast tracks of Gaza's arable land, its airspace, territorial waters, commercial access routes, the ability of much of its civilian infrastructure to function via its control of fuel and electricity supply, and all travel between Gaza and the West Bank. Our position is that this control creates responsibility. Israel continues to bear responsibility for ensuring movement and access in a way that facilitates normal life. We believe Israel's legitimate security concerns can be addressed and aren't zero-sum with the rights and well-being of Palestinian residents of the occupied territory.

In my comments today, I'd like to argue that despite a positive shift in rhetoric and some corresponding changes in access policy following Operation Protective Edge, movement restrictions continue to be applied sweepingly and in a way that blocks true recovery. Senior Israeli security officials have publicly recognized that despair in Gaza undermines Israel's security, yet not enough is being done on the ground to bring about real change.

At the same time, I believe recent events create an opportunity for Israel and the international community to carve out a new path, reversing the closure of Gaza. This must be done in a way that reconnects Gaza to the West Bank in recognition that territorial integrity is vital for a functioning economy, the fulfillment of rights and any hope of reaching a sustainable solution to the conflict.

I will address the current state of access policy and offer our recommendations for going forward.

As I noted, after Operation Protective Edge, there was an important change in rhetoric on the part of senior Israeli security officials. Israel's defense minister, chief of staff and others noted that ongoing hardship in Gaza, of the kind that my colleagues have outlined, harms Israeli and regional security. They cited the need for reconstruction and an economic horizon for the territory.

The rhetoric was matched with slight changes in access policy, including an expansion of the quota of traders who can exit the Strip, allowing travel of elderly people to Jerusalem for Friday prayers, and allowing some goods to transit to the West Bank and Israel for the first time since 2007.

When Hamas forces gained control of Gaza in 2007, Israel imposed what it called economic warfare or sanctions against the territory. Since 2010 it has called its policy one of separation or distinction. Important

restrictions were lifted in 2010 on the *entrance of* goods and slight changes have been made more recently, but items vital for industry and construction remain restricted. Sweeping limitations continue to block families from uniting, students from studying, farmers from getting their produce to market and companies from doing business. Aspects of the “separation policy” well-preceded Hamas rule of Gaza; in fact, over the past two decades, travel between Gaza and the West Bank has gradually been reduced so that the rule is that no one travels except those with exceptional permission.

Israeli officials have described, in court proceedings and via official correspondence with Gisha, that Israel’s policy goals are both political and security-oriented in nature. The goals include, in their words, undermining support for the Hamas regime in the Strip and preventing the transfer of terrorist infrastructure between Gaza and the West Bank. But Israel also interprets its obligations towards residents of the Strip narrowly, saying that it only has to refrain from causing a humanitarian crisis and that any level of access it allows beyond that is charitable.

As of 2015 many, many restrictions cannot be justified by security needs but rather appear to continue to serve political goals and reflect Israel’s narrow view of its obligations to residents of Gaza. There is ample space then to discuss how Israel’s political goals impact on its obligations to residents of Gaza, without denying Israel’s right and obligation to protect its own citizens.

Recent changes in policy indicate a genuine realization among Israeli security officials that the policy of separating, isolating and closing Gaza has failed to achieve the political and security goals it ostensibly sought to achieve. The regime in Gaza has not fallen and in fact has only developed its military capabilities. Still more nefarious groups have an easy recruitment base, with youth unemployment nearing 60%, in large part due to restrictions on movement which devastated an already feeble economy. The question is, what will replace the current policy and how? After all, the gap between rhetoric and reality remains alarmingly wide.

1. **Movement of people** is currently at the highest levels we’ve seen since 2007, yet, the rate of travel of Palestinians from Gaza remains less than 4% of what it was prior to September 2000. The criteria for who can travel remain exceedingly narrow.
2. **Transfer of some goods** has been allowed to the West Bank as well as a small quota of goods to Israel, once Gaza’s primary markets. However, restrictions remain such that the rate of exit of goods is just over 8% of prior levels. An economy can hardly function without exit of goods.
3. **Construction materials** are entering via the complex reconstruction mechanism which my colleague from the NRC described, however only between 1-5% of the amount needed has entered.

Movement restrictions, especially those imposed on travel between Gaza and the West Bank, are particularly harmful for women and young people.

While travel restrictions were eased in part for traders over the past year, access for sectors where women and young people tend to work – for example civil society or small businesses – have been overlooked. Students from Gaza have been banned from traveling to study at West Bank universities since the year 2000. The ban impacts young women and those from disadvantaged families disproportionately, as they may be less likely or able to study abroad when their field of study isn’t offered in Gaza.

In court proceedings we brought on behalf of students, young people were described as being part of a “risk group”. Certainly, if that is Israel’s point of departure, with over half of Gaza’s population under the

age of 18 and 70% under 30, Israel should do all in its power to enable hope. Israel sometimes justifies restrictions citing the presence of a “murderous regime in Gaza”. I see that as more reason to offer a credible alternative, and facilitate access to opportunities for young people in a way that makes a farce of the recruitment tactics of militant organizations and dries up their support.

I don't wish to underestimate the role of other factors in contributing to the situation on the ground, whether the Palestinian factional split, Palestinian actors or Egypt. The factional split has exacerbated the divide between Gaza and the West Bank by splitting the Palestinian government and legal system. But restrictions on movement imposed by Israel undermine economic and social ties that provide a foundation for a healthy society and could bolster cooperation until unity is restored.

The indiscriminate firing of rockets on civilian population centers is a war crime and Israel undoubtedly faces serious challenges to meeting its obligation to protect its citizens. As an Israeli citizen, and a rather anxious one at that, I get it. But I have yet to understand how stopping a young woman from pursuing gender studies at Birzeit or a young man from attending a hi-tech expo in Ramallah protects my security.

Rafah Crossing is of course a vital link to the outside world and has been mostly closed since November, however, it could not meet Gaza's needs for access to the rest of the Palestinian territory or erase Gaza's dependence on and links to Israel. Some may say I am singling out Israel in these comments, and it's true that as a representative of an Israeli organization, the State of Israel is my main interlocutor and I'd like it to do the right thing. The violence and upheaval in the region should only impel us to try harder, not bury our heads in the sand.

In the absence of meaningful negotiations to resolve the Israeli-Palestinian conflict and perhaps little hope that these will commence soon, preserving human rights takes on new significance. Gaza's devastation and the fragmentation of the Palestinian territory are just as much facts on the ground eroding the viability of a future Palestinian state as is the settlement enterprise in the West Bank. The concept that somehow Gaza can be punished while leaving the West Bank unscathed, has also been discredited. A recent report noted that the Palestinian Authority receives 3% of its revenue from Gaza while accounting for 43% of its expenditure. The situation is as unsustainable for Palestine as it is for Israel.

Because senior Israeli security officials themselves have noted that despair in Gaza harms Israel's security and are ostensibly taking steps to bring about change, there is now an opportunity to carve out a different path that does away with punitive measures and recognizes the potential of Gaza to contribute to a better future for the region.

The international community can play a vital role in the following ways:

- By categorically rejecting the punitive tactic of closing crossings in response to rocket fire, unless there is a concrete, specific threat to the crossings themselves.
- By reinforcing that Israel's obligations to residents of Gaza are not limited to preventing a humanitarian crisis alone, but rather are more robust and include facilitating normal life, development and well-being.
- By demanding an explanation of the goals of the separation policy and judging whether these goals are in line with Israel's obligations under international humanitarian and human rights law.

Thank you.