

**Cut-Flowers in Gaza: A Special Report on the Impacts of Israeli Rights
Violations on Gaza's Cut-Flower Business**

**Al Mezan Centre for Human Rights
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Al Mezan Center For Human Rights

Profile:

Al Mezan Center for Human Rights is a Palestinian non-governmental non-partisan organization based in the refugee camp of Jabalia in the Gaza Strip. Al Mezan's mandate is "to promote, protect and prevent violations of human rights in general and economic, social and cultural (ESC) rights in particular, to provide effective aid to those victims of such violations, and to enhance the quality of life of the community in marginalized sectors of the Gaza Strip.

The mission of the Mezan Center for Human Rights is to provide a secure and long-lasting foundation for the enjoyment of human rights in the Occupied Palestinian Territories (OPT). While, given the current international situation Al Mezan must confront the increasing amount of daily violations of civil and political rights, its' long term aim is to encourage and develop economic, social, and cultural rights. In this view, it acts as a monitoring and documentation center on violation of basic rights, which constitutes an essential basis for the work of local and international organizations. The Center is also a vehicle through which to provide legal aid and advocacy and build capacity and raise awareness of the local community on such fundamental issues such as basic human rights, democracy, and international humanitarian.

Monitoring and Documentation of Human Rights violations: This activity is carried out by the Fieldwork Unit of the Center which consists of fieldworkers responsible for different sectors of the Gaza Strip. The Unit monitors and documents the human rights situation and gathers necessary information about human rights violations in the OPT perpetrated by the Israeli occupation on side and by the responsible Palestinian entities on the other. The activities of this unit during 2003 reveal the Center's intention to focus particularly on ESC rights. Overall, the Fieldwork Unit monitored and documented 3,865 of human rights violation in 2003.

Awareness and Capacity Building: The Center's Training and Mass Communication Unit is the main responsible for the Center's training and capacity building activities, with its diverse programs and training sessions including:

- Training courses which target a variety of groups, including UNRWA school-teachers, activists in the rights of the child, health personnel, disabled rehabilitation staff and women.
- "Face the Public" program which consists of meetings facilitated by Al Mezan, involving representatives of PA, PLC, local government, UN bodies or NGO, to discuss specific ESC related issues with the local community.
- "Pass the Word" program which aims to raise consciousness in human rights among university students in the Gaza Strip. The program was designed to address the obvious need for human rights education among university students. It consists in recruiting a group of students to train and raise there awareness of different human rights issues in order for them to 'pass the word' to their fellow students through well-organized discussion session.
- Workshops and lectures.

The Center's awareness and capacity building also includes an Annual Conference on the PNA Budget to pave the way and create a process for a

more transparent and accessible budgetary process, based on an assessment of the needs of the population in each sector, and for which the PNA is fully accountable vis-à-vis the local community of the OPT . This pilot project in 2003 has become a core project of the Center.

Legal Aid and Representation: This activity led by the Center's Legal Aid Unit included the representation of prisoners by Israeli and Palestinian authorities, victims of land confiscation, home demolition, prevention from travel, workers cases and other cases and complaints in relation to violations of economic and social rights. Over 230 cases were undertaken by the Center in 2003.

Legal Review: Another essential task carried out by the Legal Aid unit is legal review of draft or enacted laws in the OPT. This constitutes an essential component of advocacy for human rights standards and rule of law and the Center coordinates with different actors of the civil society to lobby the Palestinian Legislative Council (PLC) of Governmental entities in view of enhancing laws to meet international standards.

Research and Analysis: The main goals are monitoring, researching and producing analytical reports on the situation relating to ESC rights in the Gaza Strip and of the PNA's annual budget to make recommendations to the appropriate decision-making bodies on the local level; Raising the awareness of UN bodies and international human rights organizations on the violations of economic, social and cultural rights in Gaza through international advocacy and to maintain ongoing communications with both; Raising the awareness of the local community on economic, social and cultural rights and of the PNA's budgetary policies as a tool of ensuring better enjoyment of these rights.

Reporting and Publications: This includes joint statements; monitoring reports; special incident reports; press releases; legal publications within the "Legal Guide Series" which is a series of simplified studies of national laws aiming at providing ordinary people with simple, palatable and direct information on the rights included in these laws; and publications on the diverse trainings and events carried out by the Center.

Resource Library: Al Mezan has developed a human rights library in the refugee camp of Jabalia that will be used as an information center for Al Mezan staff, researchers, students, and the public. It is expected to largely contribute to the human rights and development culture in this marginalized area once it is open for the public.

Preface: Cut-Flowers in Gaza

The site of rotting carnations is a common site in Gaza's flower sector. Locally grown cut-flowers have withered in greenhouses as water supplies have dwindled; their yields have been undermined as the entry of vital imports has been delayed; and they have rotted en masse at Karni Crossing, the only point of exit for Palestinian goods to the outside world, which is routinely closed under Israeli orders.

Less than 18 months ago, under the general optimism of the 'disengagement' plan, many Palestinian farmers had high hopes for the expansion of Gaza's cut flower business. Cut flowers, along with strawberries, constitute Gaza's top raw-goods export, and a valuable source of income to many thousands of Palestinian families living in the impoverished Gaza Strip. It was imagined that the disengagement would bring additional land to Palestinian farmers, an end to Israeli incursions, and a reinvigorated economy. In addition, it was hoped that with the November 15th 2005 Agreement of Movement and Access between the Government of Israel (GOI) and the Palestinian National Authority (PNA), and subsequent Israeli promises,¹ Gaza's Crossing Points would open on a continuous basis for the export of Palestinian goods, such as cut flowers, to Egypt and Israel. It was also hoped that Gaza's airport could be re-opened and a sea port developed with donor financial and technical assistance to allow more direct and efficient access of Gaza's goods to the rest of the world.

Indeed, successive reports from experts such as The World Bank have underlined the necessity of the loosening of border restrictions on any resuscitation of the Gaza post-disengagement economy. In 2004, the World Bank asserted that in the absence of an implemented agreement of improved goods movement, the disengagement itself would have limited impact on Palestinian livelihoods and the Palestinian economy. Indeed, it argued that should the disengagement be accompanied by Israeli actions to further seal Gaza's borders to labour and trade or by the termination of supplies of water and electricity, the disengagement would create even worse hardship in the Gaza Strip.² In another report in 2007, The Bank

¹ See, for example, <http://www.haaretz.com/hasen/spages/845642.html>

² World Bank. 2007. Potential Alternatives for Palestinian Trade: Developing the Rafah Corridor. p.i

reiterated this sentiment, noting the legal basis for Israeli action to loosen the closure of the Gaza Strip in the above mentioned Agreement of Movement and Access.³ In both studies, The World Bank concluded that there were very real steps that the GOI could immediately undertake to improve the prospects of the Palestinian economy without compromising Israel's security.⁴

Yet despite the vital need for Israel to ease its closure policies, and its legal obligation for such action in both international law and, more limitedly, in Israel's own Agreements and promises, the GOI has failed to act in any meaningful way to end the siege it imposes on the Gaza Strip. The siege dramatically limits the movements of goods (and people) to Israel, Egypt and the rest of the world. As a result, the disengagement has brought little benefit to Gaza's economy as Israeli redeployment and continued incursions have only further suffocated the Strip and undermined the population of Gaza's right to a means of subsistence. Closure policies have tightened, importing and exporting between Gaza and Egypt is prohibited, borders have remained closed to labour flows since mid-2006, and the IOF destruction of Gaza's only power plant has resulted in the scarcity of electricity and water supplies following Israel's June 2006 invasion.

As a result, along with the vast majority of Gaza's economy, the cut flower business has suffered huge setbacks over the last 18 months, which have contributed to Gaza's alarming and ever-increasing poverty rate (which now stands at near 80 percent).⁵

Al Mezan contends that many of the factors creating the huge obstacles undermining Gaza's economy are related to the continued Israeli occupation of the Gaza Strip (and indeed the whole of the OPT), and violations of Palestinian most basic rights. With this case study of the cut-flower sector, this report is concerned to highlight

<http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/RafahCorridorMarch07.pdf>

³ World Bank. 2007. Potential Alternatives for Palestinian Trade: Developing the Rafah Corridor. p.1

<http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/RafahCorridorMarch07.pdf>

⁴ Indeed, while the Bank called for more efforts from the Palestinian Authority to fulfill its security obligations, in its 2004 report it noted that "even today it should be possible to establish a regular, predictable import/export without compromising Israel's security" using appropriate technologies.

⁵ UNOCHA. 2006. *The Humanitarian Monitor*. December issue, p.5

(http://www.ochaopt.org/documents/oPt_Humanitarian_Monitor_November06_final.pdf)

these violations – the routine IOF incursions into Gaza, the destruction of agricultural land, and the siege that hermetically seals the Gaza Strip – and to trace the effects these have on the cut-flower industry as one particular example.

All information presented in this report is based on the findings of Al Mezan's fieldwork, documentation and monitoring, unless otherwise indicated.

I: Background

i. The Gaza Strip

In the summer of 2005, Israel unilaterally disengaged from Gaza, evacuating its settlements and soldiers, claiming to end to its then 38-year-old occupation of the Gaza Strip.⁶ Israel, however, continues to control all of Gaza's exits and entrances, even those that the Gaza Strip shares with Egypt, effectively locking people into what many Gazans now refer to as an open-air prison. Under the disengagement plan, Israel has continued to control Gaza's perimeters, territorial waters and airspace, prohibiting the development of a sea or airport and the free passage of people and goods to either Egypt or Israel.⁷ It continues to control the Palestinian population registry, and, has also retained the right to pre-emptive strikes.⁸ Following the January 2006 election results, Israel has again commenced withholding Palestinian tax revenues (which it is largely refusing to transfer to the Palestinian National Authority).⁹ In these ways, Israel continues to effectively control – and thus occupy – the Gaza Strip.¹⁰

The Gaza Strip is still reeling from the effects of six years of IOF incursions and invasions.¹¹ Moreover, since the disengagement, Israel has continued to launch routine attacks and assassinations within the Strip. This includes two major

⁶ "The completion of the plan will serve to dispel the claims regarding Israel's responsibility for the Palestinians in the Gaza Strip" The Revised Disengagement Plan. Background. Para 6. <http://www.mfa.gov.il/MFA/Peace+Process/Reference+Documents/Revised+Disengagement+Plan+6-June-2004.htm>

⁷ "The State of Israel will guard and monitor the external land perimeter of the Gaza Strip, will continue to maintain exclusive authority in Gaza air space, and will continue to exercise security activity in the sea off the coast of the Gaza Strip." The Revised Disengagement Plan. Security Situation Following the Relocation. Para 1. <http://www.mfa.gov.il/MFA/Peace+Process/Reference+Documents/Revised+Disengagement+Plan+6-June-2004.htm>

⁸ "The State of Israel reserves its fundamental right of self-defense, both preventive and reactive, including where necessary the use of force, in respect of threats emanating from the Gaza Strip." Ibid. Para 3.

⁹ While US\$100,000 was transferred to the Palestinian president, Mahmoud Abbas, in January 2006, this was but a small fraction of Palestinian tax revenues that remains withheld, preventing the Palestinian Authority from paying tens of thousands of salaries and providing the most basic of services.

¹⁰ For more information on the ways in which Israel continues to occupy Gaza, see http://www.mezan.org/site_en/campaign_disengagement/Situation_in_GazaStrip.php

¹¹ These have included several large scale invasions such as Operation Rainbow in 2004, and routine smaller scale air and ground attacks, including assassinations. See Al Mezan's press Releases at http://www.mezan.org/site_en/index.php

incursions (Operation Summer Rains at the end of June 2006, and Operation Autumn Clouds, in north Gaza, in November 2006) as well as frequent smaller-scale air attacks and land invasions. The IOF have violated the laws of war on many occasions.¹² Indeed, the Gaza Strip is still suffering from electricity shortages engendered by Israel's illegal bombing of Gaza's only power plant in June 2006.¹³

On the 15th of November 2005, an Agreement of Movement and Access (AMA) was signed by the Government of Israel and the Palestinian Authority reflecting commitments with regards to issues of Gaza's points of entry and exit. Under the AMA, it was agreed that Palestinians would be allowed to both import and export goods through Karni (al-Montar) Crossing to Israel. More specifically, it was agreed that: "the number of export trucks per day processed [through Karni] will reach 150, and 400 by the end of 2006". It was also agreed that exports would be allowed through Rafah Crossing Point (RCP) ("Rafah will also be used for export of goods to Egypt."),¹⁴ that construction of a seaport could commence,¹⁵ and that discussions regarding the security arrangements, construction and operation of an airport would continue.¹⁶

On the one hand, the AMA was seen by some as a step forward as it was expected to bring an end to the closures that had been strangling the economy of the Gaza Strip and preventing people from traveling. The AMA, however, as a political treaty, subjugates international humanitarian law, and the non-derogable human rights of the Palestinian people, to political agreement. Human Rights, instead of being recognized *a priori*, remain subject to negotiation. Moreover, as it is not based on internationally recognized human rights and humanitarian law, no outside body is mandated to police the opening of Gaza's borders. In effect, the agreement has

¹² See, for example, Al Mezan 'Factual and Legal briefing on IOF Attacks on Civilian Objects during the June 2006 IOF incursion of Gaza', pp. 4-6, report available at http://www.mezan.org/document/factual_legal_briefing_Gaza.doc.

¹³ Al Mezan, along with other Palestinian, Israeli and International Human Rights organizations contend that this act of destruction constitutes a war crime under international humanitarian law. See Mezan's report on the impact of electricity cut on Human Rights in the Gaza Strip. Available (in Arabic only) at http://www.mezan.org/site_ar/resource_center/mezan_publications/detail.php?id=155

¹⁴ The Agreement of Movement and Access <http://www.mfa.gov.il/MFA/Peace+Process/Reference+Documents/Agreed+documents+on+movement+and+access+from+and+to+Gaza+15-Nov-2005.htm>

¹⁵ Ibid.

¹⁶ Ibid. Gaza International Airport facilities were destroyed by Israeli Occupation Forces on 4th December 2001

allowed Israel to keep de facto control over Gaza's crossing points and use internationally guaranteed human rights as a tool to pressure the Palestinian population. As became clear in 2006, this has had devastating impacts on the Gazan economy.

ii. Cut-Flower Production in the Gaza Strip

The Gaza Strip has approximately 165,000 dunams¹⁷ of agricultural land (approximately 46 percent of its total area).¹⁸ Agriculture constitutes ten percent of the whole economy of the Gaza Strip,¹⁹ with carnations, strawberries and cherry-tomatoes, the main cash crops in Gaza, constituting over half of the agricultural exports and practically the entirety of Gaza's exports outside of Israel.²⁰ This sector is therefore critical to the Palestinian, and particularly Gazan, economy. In 2006, cut-flowers constituted 3 percent of the volume of Gaza's total exports, with 45 million flowers annually being cut and processed ready for export.²¹ While carnations make up approximately 90 percent of the flowers grown, a huge variety of other flowers are also produced.²² All are grown for the international market, with approximately 85 percent reaching Europe through Israeli companies.²³ Flowers are grown in greenhouses of a dunam in size. Bulbs are planted in June, cutting begins in November, and the export season runs until the middle of May.

The cultivation of cut-flowers in the Gaza Strip began in 1994 and 1995 when 50 dunams of cut-flowers were planted under the aegis of the Netherlands Representative Office. At first, cut-flower production was extremely successful in the Gaza Strip, largely due to the availability of workers and the climate of the area. The

¹⁷ A dunam is an area of land 1000m². It constitutes ten hectares.

¹⁸ DCOP. Development of Cash Crops in Gaza
<http://66.102.9.104/search?q=cache:GmB9iCZBTnUJ:www.globalfoodchainpartnerships.org/cairo/papers/AdnanYounisGaza.pdf+Gaza+agriculture&hl=en&ct=clnk&cd=7>

¹⁹ PalTrade Annual Report, 2006.

²⁰ PalTrade 2006. Facilitating Trade Flows between WBGs and Israel project. Monthly report, October, p.6

http://www.paltrade.org/cms/images/enpublications/World_Bank_Monthly_Report,%2520October_2006.pdf+tomatoes+in+gaza&hl=en&ct=clnk&cd=4

²¹ Figures provided by the Agricultural Cooperative of Beit Hanoun and PalTrade

²² These include Solidago flowers, Aster flowers, Gypsophilla flowers, and Sunflowers.

²³ Figures provided by the Agricultural Cooperative of Beit Hanoun.

next year, 1995-1996, 500 dunams (ten times the area of land) was given over to the production of cut-flowers, rising to 1500 dunams by 1997.²⁴

For the last five years, however, the land cultivated for cut-flowers has declined. In 2003, cut-flower farmers stopped cultivating their greenhouses in northern Gaza as a result of the destruction engendered from IOF attacks. Hundreds of farmers were forced to give up on their livelihoods, and thousands suffered as a result. Since 2003, cut-flower production has been limited to 700 dunams of greenhouses found in the south of the Gaza Strip.²⁵

IOF incursions, however, continue to threaten the livelihood of all Gazans reliant either directly or indirectly on the cut-flower business. Moreover, over the last four years, particularly since 2003, farmers have faced increasing problems with importing goods needed for flower-production and, even more problematically, with exporting their flowers through the Crossings. Yields have thus substantially decreased, and, worst of all, farmers have been powerless but to watch their products rot in storage containers while crossings have remained closed.

²⁴ Ibid.

²⁵ Interview with the Agricultural Cooperative of Beit Hanoun, and the Beit Lahia Benevolent Society

II. The Impact of Israeli Violations on the Cut-Flower Sector

i. IOF Incursions

Until 2003, flowers were cultivated in both the north (Beit Lahia) and the south (Rafah) of the Gaza Strip. In 2003, however, IOF destruction forced farmers in the north to give up on cut-flower production. From the commencement of the Al Aqsa intifada (September 2000) until the end of 2003, IOF incursions into North Gaza district destroyed 9,380 dunams (9.38km²) of agricultural land. This included 235 dunams of greenhouses (2.5 dunams of which were used for cut-flower production). These losses, and the high levels of insecurity that they engendered (in a context where farmers work without insurance or compensation), undermined the sustainability of much of northern Gaza's greenhouses businesses. Farmers could no longer invest in preparing the greenhouses and buying the bulbs needed for the next season's cultivation. The cut-flower farmers of North Gaza were forced to abandon their businesses, losing their livelihoods.²⁶ Cut-flower production, has, since 2003, been limited to the south of Gaza.

Type of Land Damaged or Destroyed	Area	
	m ²	Dunams
Destruction to agricultural lands	9,377,071	9,377
Destruction to all greenhouses	235,111	235
Destruction to flower greenhouses	2,500	2.5

Figure 1: Table to Show Damage to Palestinian agricultural land and greenhouses in North Gaza District from Sept 2000 (commencement of the intifada) – Dec 2003

The impacts of IOF incursions have not, however, been limited to the North. Those farmers that have continued to cultivate cut-flowers in the south of Gaza have also been affected by IOF destruction. According to Al Mezan documentation, since the

²⁶ Interviews with the Beit Lahia Benevolent Society and the Beit Hanoun Agricultural Cooperative.

commencement of the Al Aqsa intifada, 31,335 dunams (31.3km²) of agricultural land has been destroyed by IOF incursions (figure includes destruction of agricultural land until end of 2006). ***This represents the destruction of over 19 percent of all of Gaza's agricultural land.*** 235 dunams of greenhouses have likewise been destroyed. This includes 32 cut-flower greenhouses. As cut-flower production is an extremely labour intensive process, with some 50 people involved in the cultivation of each greenhouse, the destruction of these 32 flower greenhouses has led to approximately 1,600 people directly losing their means of subsistence.²⁷

Type of Land Destroyed	Area	
	m ²	Dunams
Destruction of agricultural lands	313,353,59.5	31,335
Destruction to all greenhouses	235,111	235
Destruction to flower greenhouses	31,953	32

Figure 2: Table to Show Damage to Palestinian Agricultural Land and Greenhouses in the Gaza Strip from Sept 2000 (commencement of the intifada) – Dec 2006

IOF incursions have also significantly reduced the yield and the quality of cut-flowers produced in the Gaza Strip. As the IOF have conducted incursions into the Gaza Strip, residents of towns have been put under curfew, and farmers have been unable to tend to their crops. The effect of this on cut-flowers has often been dramatic. Flowers need to be watered, for example, ten times every two hours, and this had to be neglected as farmers could not reach their greenhouses. Likewise, the bombardment of the Gaza power plant on 26th June 2006 has had severe consequences on the cut-flower farmers. Irrigation relies on electricity, while certain flowers also need light at night. Adequate generators are extremely expensive (up to US\$20,000), and also difficult to obtain in the Gaza Strip, which undermined the

²⁷ Figure provided by the Agricultural Cooperative of Beit Hanoun

quality of some of the 2006 crop and led to a huge increase in expenditure for cut-flower farmers.²⁸

ii. Closures to Exports

"Karni is our biggest nightmare" – Director of the Agricultural Cooperative of Beit Hanoun

In spite of the AMA, under which it was agreed that Karni/Al Muntar Crossing would be open on a permanent basis, the opening of Karni has been erratic and limited since the Agreement was signed. ***Karni terminal operated for both imports and exports only 55 percent of the total working days of 2006.*** It was fully closed for 86 days (74 of these for unspecified security reasons) and closed for exports for 55 days.²⁹ It should be noted that the terminal did not operate for exports for the vast majority of the days between January and April, and for 51 consecutive days during the months of July and August.³⁰ Moreover, even when Karni Crossing has been open, the hours and the number of bays utilised have been heavily restricted. ***On average only 12 truckloads of export goods were processed each day at Karni Crossing in the year preceding the signing of the AMA.***³¹ This is a long way short of 150 truckloads as agreed upon for that period.

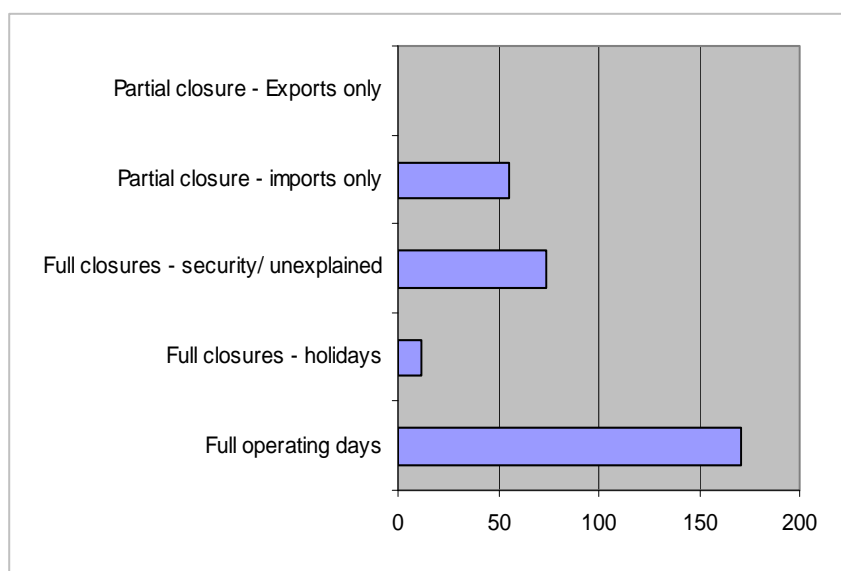


Figure 3: Operation and closures at Karni/Al Muntar Terminal in 2006 (Paltrade)

Moreover,

²⁸ Interviews with the Green Gates Company in Gaza City, Beit Lahia Benevolent Society and the Beit Hanoun Agricultural Cooperative.

²⁹ PalTrade Annual Report 2006.

³⁰ UNOCHA. 2006. The Agreement of Movement and Access: One Year On. http://www.ochaopt.org/documents/AMA_One_Year_On_Nov06_final.pdf

³¹ Ibid.

flying in the face of its commitments with regard to international law and even the AMA, Israel has not allowed Rafah Crossing Point into Egypt to open to the export of goods, despite such an opening being specifically agreed upon in the AMA, and the existence of the Arab League Agreement on Transit which would allow duty-free transit of Palestinian goods through Egypt. Nor has it allowed for the building of a Gaza seaport or entertained discussions of the rebuilding of Gaza's airport. The result is that, with the exception of cement and gravel,³² Gazans have only one single (poorly functioning) point of entry and exit to support an economy of 1.5 million people.

Israel has again cited security concerns for its closure of Rafah Crossing to exports, but as the World Bank points out, the use of Egyptian trucks should assuage Israeli concerns related to the passage of Gazan trucks back and forth across the border, therefore "[u]ntil the corridor expands to allow imports, there should be little other Israeli concern limited to transit trade".³³ Gaza's cut-flower producers have no other way to export flowers on the occasions that Karni Crossing to Israel is closed, and have no way to bypass its inefficiency. Security concerns and reductions in opening hours in Karni thus results in a full closure of Gaza to exports. Indeed, in the 2006 export season, several farmers reported resorting to levels of asking passengers to carry out the flowers through Rafah Crossing on their person in desperate (and failed) attempts to export some of their crops.³⁴

Consequently, the total amount of successful exports of cut-flowers fell well below capacity in 2006. ***Major flower growing co-ops and companies have reported that in 2006 they were only able to export 20 percent of their yields.***³⁵ Cut-flower farmers have suffered incredibly from the closures of Karni because the closures of Karni in 2006 coincided with their exporting season at the commencement of the year. When Gaza is under closure, flowers have a very limited

³² Cement and gravel enter into Gaza through Sofa Crossing. This crossing point has also suffered from closure problems.

³³ World Bank. 2007. Potential Alternatives for Palestinian Trade: Developing the Rafah Trade Corridor p15 March 2007.
<http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/RafahCorridorMarch07.pdf>

³⁴ Interviews with Beit Hanoun Agricultural Cooperative and Green Garden Agricultural Company

³⁵ Interviews with Beit Hanoun Agricultural Cooperative, The Flower Producers Benevolent Society of Beit Lahia, and Green Garden Agricultural Company.

life. For a day or two they are stored in refrigerators at the terminal, for longer periods of time they are brought back to the farmers and stored in specialized water basins. After 4 or 5 days, however, they become worthless. As cut-flowers are grown specifically for the foreign market, only a negligible amount can be sold locally,³⁶ and thus after a few days, flowers spoil.

The World Bank has stated that closure policies – more restrictive in 2006 than at any point since the commencement of the intifada - are the biggest obstacle confronting Palestinian firms. ***The Bank estimates suggest that access restrictions may have accounted for about half the decline in GDP in Palestine in recent years.***³⁷ PalTrade, a Palestinian private sector trade organisation, has estimated the losses to Palestinian industry as equating to approximately US\$500,000 for every day that Karni Crossing is closed.³⁸ According to agricultural organizations within the Gaza Strip, each day Karni is closed during the harvesting season, the cut-flower industry itself suffers between US\$10,000 and US\$15,000.³⁹ These losses further prevent farmers from being able to afford to prepare for the next season's cultivation.

iii. Closure to Imports

As a result of the closures of Karni, Palestinian cut-flower producers have also suffered problems importing vital supplies needed for both the yield and the quality of their crop.

For example, in 2005 the bulbs that were being brought into Gaza through Karni Crossing were delayed two months. Bulbs should be planted in June. They should then be cut in July and then again in August. The effect of cutting each bulb is to create additional bulbs and thus increase the flower yield. By planting the bulbs late, farmers were denied the chance to cut their bulbs, thus reducing their yield. As a

³⁶ There is no market to support cut-flowers in the Gaza Strip for cultural and economic reasons.

³⁷ World Bank. 2007. Potential Alternatives for Palestinian Trade: Developing the Rafah Trade Corridor p.4 March 2007.
<http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/RafahCorridorMarch07.pdf>

³⁸ PalTrade Annual Report 2006.

³⁹ Figures provided by the Beit Hanoun Agricultural Cooperative.

result of this delay, some cut-flower farmers reported that their 2006 yield was as low as only one half of the size that it would otherwise have been should the bulbs have arrived on time. Farmers also reported delays in the chemicals needed to cultivate cut-flowers, and in materials needed for the processing and packaging of flowers, such as boxes and elastic.⁴⁰

Even without the problems importing through Karni Crossing, Palestinian importers face additional challenges in importing needed goods into Israel. Because Palestinian traders and firms experience problems when trying to access Israel or Israeli ports directly, they are forced to trade through Israeli middlemen which have left the Palestinian economy vulnerable. Moreover, according to the World Bank, for example, imports destined for Gaza take an average of 30 days to clear Israeli port customs and as long as 60 days. In comparison, goods imported by Israeli firms usually take only a day or two to clear customs.⁴¹ This unpredictability and delay adds to the insecurity and cost engendered in importing goods.

⁴⁰ Ibid

⁴¹World Bank. 2007. Potential Alternatives for Palestinian Trade: Developing the Rafah Trade Corridor p5-6. March 2007.
<http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/RafahCorridorMarch07.pdf>

III. The Standing of Israel's Actions in Light of International Human Rights and International Humanitarian Law

Israel's conduct in the Occupied Palestinian Territories is regulated by two distinct but overlapping legal regimes: international human rights law and international humanitarian law (the law of armed conflict). Both regimes intend to enhance the protection of the civilian population, and in a complex system such as a belligerent occupation, they compliment each other.

Israel has consistently argued that its human rights obligations do not apply to the OPT, claiming that the relationship between occupiers and occupied is fundamentally different from that between a government and its people during peacetime. However this argument has little merit. Most of the human rights covenants signed by Israel stipulate that the obligations under these conventions do not apply only to the territorial area of a specific state, but to all persons brought under the effective jurisdiction or control of that state, which would include all those persons within the OPT. The Committee on Economic, Social and Cultural Rights has deplored Israel's refusal to report on the OPT as well as Israel's claims that the human rights covenants signed by Israel have no jurisdiction in the OPT.⁴² This position is supported by the International Court of Justice (ICJ) in the *Legal Consequences of the Construction of a Wall in the OPT* case, where it stated that despite the signing of the Oslo Interim Agreements, it remains evident that Palestinians do not exercise sufficient control over any of the Occupied Territories (East Jerusalem, the West Bank or Gaza) to free Israel of its international responsibilities.⁴³ The ICJ has further emphasized that where competence has been

⁴² In its concluding observations on Israel's first report on ESC rights (submitted by Israel under article 16 and 17 of the Covenant), the Committee on Economic, Social and Cultural Rights stated "The Committee deplores the State party's refusal to report on the occupied territories and the State party's position that the Covenant does not apply to 'areas that are not subject to its sovereign territory and jurisdiction.'" (Para. 11). The Committee also stated that it "rejects the [Israeli] State party's assertion regarding the distinction between human rights and humanitarian law under international law to support its argument that the Committee's mandate 'cannot relate to events in the Gaza Strip and West Bank'. The Committee reminds the State party that even during armed conflict, fundamental human rights must be respected and that basic economic, social and cultural rights as part of the minimum standards of human rights are guaranteed under customary international law and are also prescribed by international humanitarian law" (Para 12).

21st August 2001. In response to the consideration of additional information submitted by Israel

For more information see <http://www.alhaq.org/etemplate.php?id=140>

⁴³ Paragraph 112 of the ICJ's advisory Opinion. 9th July 2004.

transferred to the Palestinian Authority, Israel remains "under an obligation not to raise any obstacle to the exercise of such rights".⁴⁴

Moreover, many of the human rights that have jurisdiction over Israel's actions in the territories are non-derogable; that is, no exceptional circumstances may be invoked to justify derogation. While it is indeed the case that certain (derogable) human rights may be suspended or restricted for security reasons, or in times of armed conflict, these restrictions must be limited to what is necessary. As defined by the UN Human Rights Committee, the authoritative human rights body interpreting the International Covenant on Civil and Political Rights, these restrictions should not make the enjoyment of these rights the exception rather than the norm.⁴⁵ Indeed, they cannot be denied in a blanket policy that targets the entire population for extended periods of time. It must also be noted that when suspending non-derogable human rights, Israel remains subject to international humanitarian law, which, as a body of law codifying emergencies, cannot be derogated from.

Under International Law, Israel is the occupying power of the West Bank, which includes East Jerusalem, and the Gaza Strip. As such, it is bound by a subset of international humanitarian law that deals specifically with occupation, codified primarily in two legal instruments: the 1907 Hague Regulations and the 1949 Fourth Geneva Convention Relative to the Protection of Civilian Persons in Times of War. Israel has accepted that it is bound by the former (despite not being a signatory) as it forms part of customary international law.⁴⁶ However, despite the fact that Israel has ratified the Fourth Geneva Convention, Israel has again advanced arguments claiming that it is inapplicable to Israel's actions in the OPT, asserting that Israel is merely an administrator of the territories. Such arguments have been discussed at

http://www.icj-cij.org/icjwww/idocket/imwp/imwp_advisory_opinion/imwp_advisory_opinion_20040709.htm

⁴⁴ Ibid.

⁴⁵ Paragraph 13 of the Human Rights Committee General Comment No. 27 on Freedom of Movement (Article 12) states in regard to legal restrictions up on this right that "In adopting laws providing for restrictions permitted by article 12, paragraph 3, States should always be guided by the principle that the restrictions must not impair the essence of the right (cf. art. 5, Para. 1); the relation between right and restriction, between norm and exception, must not be reversed. The laws authorizing the application of restrictions should use precise criteria and may not confer unfettered discretion on those charged with their execution."

<http://www.unhcr.ch/tbs/doc.nsf/0/6c76e1b8ee1710e380256824005a10a9?Opendocument>

⁴⁶ This has been affirmed by Israeli High Court Jurisprudence. See Suleiman Tawfiq Ayyub et al. v Minister of Defense et al, Israeli High Court Judgment 606/78 at 6.

length elsewhere,⁴⁷ suffice to say here that the entire international community, the UN Security Council, the International Committee of the Red Cross, the International Court of Justice and the High Contracting Parties to the Geneva Convention have all reaffirmed the Fourth Geneva Convention's applicability to Israel's occupation of the OPT.

Israel's destruction of civilian property and continued closures violate norms of both human rights law and international humanitarian law that continue to apply in situations of belligerent occupation.

The wanton destruction of Gaza's agricultural land is a clear breach of international human rights law. Article 17 (2) of the Universal Declaration of Human Rights, states "No one shall be arbitrarily deprived of his property". According to international humanitarian law, even once engaged in military operations – in other words, actions taken with a view to fighting, when certain human rights are suspended – an occupying power can destroy property only "when rendered *absolutely necessary* by military operations" (emphasis added).⁴⁸ According to the International Committee of the Red Cross, mandated with monitoring the compliance of the Geneva Conventions, even when a clear military objective has been identified, an occupying power "must try to keep a sense of proportion in comparing the military advantages to be gained to the damage done".⁴⁹ The wanton destruction of 19 percent of Gaza's agricultural land since the commencement of the Al Aqsa intifada, and the destruction of Gaza's power plant, raises alarming questions unto the military necessity and proportionality of the IOF attacks and in large part must be understood as IOF practices of collective punishment, a violation of Article 33 of the Fourth Geneva Convention.⁵⁰

Israel's actions with regard to the repeated closure of Karni Crossing, devastating the Palestinian economy, also contradicts the International Covenant on Economic,

⁴⁷ See Roberts, "Prolonged Military Occupation," in Playfair (ed) *Administration of Occupied Territories* (Oxford, Clarendon Press, 1999).

⁴⁸ Convention Relative to the Protection of Civilian Persons in Times of War, Aug 12th 1949, Art. 53

⁴⁹ ICRC. Commentary on Art. 53, Fourth Geneva Convention, p302

⁵⁰ See in addition Al Mezan's report on the impact of electricity cuts on Human Rights in the Gaza Strip. Available (in Arabic only) at http://www.mezan.org/site_ar/resource_center/mezan_publications/detail.php?id=155

Social and Cultural Rights. Article 1 of the Covenant states that “in no case may a people be deprived of its own means of subsistence”. This is a non-derogable right that cannot be denied even in times of conflict. Likewise, the closure, in such a sweeping and draconian form, used to pressure the civilian population and government, again contradicts the basic principle of proportionality underlying international humanitarian law and may again constitute a form of collective punishment. That Israel is, according to authorities such as the World Bank, able to undertake immediate steps to ease trade restrictions without undermining its own security, but has yet failed, and showed no willingness, to do so is further evidence of Israel’s failure to meet its obligations under international law.

IV. Conclusion: The Un-Sustainability of Gaza's Economy

The Gaza Strip is facing extremely high levels of poverty. According to the United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA), at the end of 2006, 79.8 percent of Gazans were living below the poverty line.⁵¹ Meanwhile, unemployment levels have risen from 33.1 percent in 2005 to 41.8 percent in 2006 and continue to rise.⁵² In September 2006, only 22.6 percent of Gazan business owners reported that they were optimistic about future productivity as compared with 81.3 percent previously in January of that year.⁵³ These alarming figures are not, however, the result of underdevelopment or a natural disaster, but have been, in the large part, created by the occupying power. Since disengagement, Gaza's economy has remained at the mercy of, among other things, Israeli incursions and closure policies. Israeli attacks have devastated land and dramatically undermined the ability of all Gaza's residents to access electricity and water. Access through Gaza's crossing points has only been further restricted, and Gaza has suffered more than ever as a result of restrictions to export and import goods. Indeed, the current form of the continued Israeli occupation over Gaza has only engendered a worsening of Palestinian economic, humanitarian and social prospects.

Farmers reported that not only were their cut-flower greenhouses unprofitable in 2006, but they incurred significant losses. Despite having a greatly reduced income from the flowers (of which only 20 percent of a reduced yield were exported), farmers had to pay for the bulbs, equipment, repairs, generators, storage, packaging etc. Farmers reported having losses as large as US\$3,000 per dunam.⁵⁴ Approximately 15,000 people, including farmers, workers and their families, were directly affected by these losses. Likewise, another 15,000 individuals were affected

⁵¹ UNOCHA. 2006. *The Humanitarian Monitor*. December issue, p.5

(http://www.ochaopt.org/documents/oPt_Humanitarian_Monitor_November06_final.pdf)

⁵² Unemployment: relaxed definition. Source, PCBS labour force surveys, as cited by UN OCHA. In the context of a protracted crisis, the standard unemployment definition might be somehow deficient as a considerable number of people stop looking for work. The relaxed definition includes both the total number of unemployed people actively seeking work, and the workforce not actively engaged in job seeking.

http://www.ochaopt.org/documents/AMA_One_Year_On_Nov06_final.pdf

⁵³PCBS. 2006. Surveys on the perceptions of owners/managers of the industrial establishments towards economic conditions. September.

⁵⁴ Interviews with the Green Garden Agricultural Company and Beit Lahia Benevolent Society

indirectly from the losses sustained by the cut-flower business (including drivers, packagers etc).⁵⁵

As mentioned, cut-flower farmers in the north of Gaza were forced to give up on production in 2003 after continued Israeli bulldozing and leveling of their greenhouses. In 2006, however, the remaining cut-flower farmers in the Gaza Strip, unable to profit from the greenhouses and thoroughly indebted, prepared themselves to give-up on cut-flower production. ***The only thing that prevented the total collapse of the Gaza cut-flower sector in 2006 was the intervention of the Netherlands Representative Office***, who provided the farmers with support in an effort to sustain their livelihoods and mitigate against risk. The cut-flower business in Gaza, despite its huge profit potential, has been reduced to being dependant on foreign aid.

International pressure has had some impact in alleviating the closure problems associated with Karni Crossing in 2007. Cut-flowers have been prioritized for exports, and thus flower farmers have been more successful in exporting their products in the season currently underway. By the end of February 2007, 27 percent of all cut-flowers had been exported,⁵⁶ and it is expected that between 50 and 80 percent of all flowers will be successfully exported by May.⁵⁷ Farmers, however, remain insecure regarding the operation of Karni Crossing during next years export season.

Meanwhile, such pressure has failed to support other businesses and export sectors currently facing problems similar to that of cut-flowers. The area of cash crops cultivated in the Strip dropped approximately one quarter in the 2006-2007 season due to the reluctance of strawberry and cherry-tomato farmers, without similar aid donations, to invest in export oriented agricultural produce under Gaza's near-closure.⁵⁸ Similarly, in the last month, February 2007, Gaza's furniture sector, for

⁵⁵ Figure provided by the Beit Lahia Benevolent Society

⁵⁶ Figure provided by PalTrade.

⁵⁷ Fieldwork interviews.

⁵⁸ PalTrade 2006. Facilitating Trade Flows between WBGs and Israel project. Monthly report, October, p.6

http://www.paltrade.org/cms/images/enpublications/World_Bank_Monthly_Report,%2520October_2006.pdf+tomatoes+in+gaza&hl=en&ct=clnk&cd=4

example, was able to export only 26 percent of its capacity for the month.⁵⁹ While international pressure has shown to make a difference in the case of cut-flowers, the lack of international action continues to devastate Gaza's other industries.

Israeli Prime Minister Ehud Olmert has recently announced that commencing April 15th, Karni Crossing's opening hours will extend from 8.30am until 11pm. (The current official opening hours of Karni are from 8.30am-5.30pm). However, if current practices at Karni continue, it is not expected that this will be of sufficient nature to allow the Palestinian economy to resuscitate or the population to enjoy their basic rights. For the last four months, while Karni has been open *officially* for 9 hours, the *actual* opening hours have been limited to an average of only 5.5 hours, with an average of only 42 trucks being processed for export daily.⁶⁰ Based on this relationship of official to actual opening hours, the *official* opening of the Crossing for 14.5 hours each day (5.5 extra hours) can be expected to result in the *actual* opening of Karni for 9 hours each day. From this, with no other changes, it can be forecasted that only 68 truckloads of exports may be processed daily,⁶¹ which again remains far short of the agreed upon 400 and highly insufficient to allow Palestinians the enjoyment of their right to securing a living.

Likewise, the absolute failure of Israel to implement the November 2005 Agreement of Movement and Access has undermined any real faith in GOI's recent pronouncements that it will open up Erez and Rafah to the export and import of goods in the near future.⁶² The economy of Gaza needs more than words – it needs their compliance and implementation.

The case study of the cut-flower sector illustrates not only the extent and manner in which Gaza's businesses and the rights of Gaza's residents have been undermined by

⁵⁹ PalTrade 2007. Al Montar / Karni Terminal Movement Monitoring. Monthly Report – February 2007. p. 5
http://www.paltrade.org/cms/images/enpublications/World_Bank_Monthly_Report,%20February_2007.pdf

⁶⁰ Statistic provided by PalTrade, calculated from Karni's opening since November 2006-February 2007.

⁶¹ PalTrade 2007. Al Montar / Karni Terminal Movement Monitoring. Monthly Report – February 2007. p.6
http://www.paltrade.org/cms/images/enpublications/World_Bank_Monthly_Report,%20February_2007.pdf

⁶² Ha'aretz. 2006. Israel, PA agree to open trade passages to the Gaza Strip. 5th April 2007.
<http://www.haaretz.com/hasen/spages/845642.html>

the continued occupation of Gaza in its new form, but also illustrates the power of international pressure upon Israel to alleviate such violations. This international pressure, however, is only selectively applied, and the majority of Gaza's economy remains battered and precarious.

In light of the facts put forward in this report, Al Mezan undertakes an urgent appeal to the international community to intervene immediately to protect the rights of the civilian population of Gaza and ensure Israel's respect for its obligations under international human rights and humanitarian law. This intervention should be conducted through effective investigations into Israel's policies of land destruction and de facto closure of the Gaza Strip, and, in light of the findings, the application of pressure to prevent these acts of transgression from continuing and the bringing to justice of all those who have committed violations of international law. This must be undertaken on a complete basis, encompassing the violations to all of Gaza's economy, not limited to a selective implementation.