



The EU's responsibility for the Gaza tragedy

Introduction

For many years, the EU has said that Israel's economic blockade of Gaza should be ended, most recently in European Council conclusions on 22 July 2014 [\[1\]](#). But it has done nothing concrete to put pressure on Israel to bring it about – or to restrain Israel from periodically engaging in murderous military assaults on Gaza. The EU bears a heavy responsibility for the tragedy that is Gaza today.

Israel's third military offensive against Gaza ended on 26 August 2014 with an agreement between Israel and Hamas, brokered by Egypt. This was the third such agreement in recent years – the first was in June 2008 and the second in November 2012.

In all three, Israel promised to cease military incursions into Gaza and to take at least some steps towards lifting its blockade of Gaza. And Hamas promised to cease military action against Israel from Gaza, including the firing of rockets and mortars.

All three agreements therefore contained the ingredients for a durable settlement between Israel and Hamas, with an end to military action across the border and border crossings open for the passage of goods and people.

That this desirable outcome wasn't achieved by either of the two previous agreements was not the fault of Hamas, which ceased rocket and mortar fire on both occasions, but because Israel continued to make military incursions into Gaza, killing Palestinians, and didn't take any steps to lift its blockade – and the international community, including the EU, turned a blind eye to Israel's failures.

In December 2012, the EU said it was "vital" that "all parts" of the November 2012 agreement be implemented. Hamas did its part and ceased firing for nearly 20 months until 7 July 2014. But, when Israel failed to implement its parts, the EU took no action.

This must not be allowed to happen with the August 2014 agreement. Sufficient international pressure must be placed on Israel to make sure it ceases military incursions into Gaza and takes steps to lift its blockade. The EU must play its part in this, by suspending Israel's privileged access to the EU market if Israel refuses to fulfil its obligations under yet another agreement.

It is essential that this third chance to bring peace and at least some economic relief to Gaza isn't missed like the other two.

Ideally, the Agreement on Movement and Access should be implemented in full (see provisions below). This almost forgotten agreement was drawn up in November 2005 by the Middle East Quartet (US, EU, Russia and the UN Secretary General). It was supposed to give Palestinians in Gaza "the freedom to move, to trade, to live ordinary lives", to quote the words of US Secretary of State, Condoleezza Rice, in launching it. Israel put its name to the agreement, but didn't implement it – and the Quartet, including the EU, did nothing to force Israel to do so.

EU rejects democracy in Palestine

As a member of the Quartet, the EU was (and is) a party to its decisions. Some of these have had a major impact on affairs in Israel/Palestine. The most significant was the Quartet's refusal to accept the results of the January 2006 Palestinian elections and to deal with Hamas-led governments formed on the basis of them. In these elections, Hamas won 74 out of the 132 seats in the Palestinian Legislative Council (while Fatah won 45 and others 13) [2].

The Quartet adopted this position despite the fact that in advance of the elections it had welcomed them "as a positive step toward consolidation of Palestinian democracy and the goal of a two-state solution to the Israeli-Palestinian conflict" [3] and after them accepted that the "electoral process that was free, fair and secure" [4].

The EU (and Ireland as a member of the EU) was a party to this shameful contempt for Palestinian democracy.

The Agreement on Movement and Access

The Quartet was responsible for the Agreement on Movement and Access [5], which Israel signed up to in November 2005, shortly after it withdrew its ground troops and settlers from Gaza. It was drawn up by former head of the World Bank, James Wolfensohn, who was then Special Envoy for Gaza Disengagement for the Quartet.

The agreement set out arrangements that were supposed to maintain and develop the economic life of Gaza in the wake of this Israeli "disengagement" and to pave the way for the creation of a viable Palestinian state in the West Bank and Gaza.

The Agreement provided for, amongst other things:

- continuous operation of crossings between Israel and Gaza for the import and export of goods and the transit of people
- a crossing between Gaza and Egypt at Rafah for the export of goods and the transit of people
- the building of a seaport in Gaza
- re-opening of the airport in Gaza
- bus and truck convoys between the West Bank and Gaza

Condoleezza Rice (US Secretary of State) and Javier Solana (EU High Representative for the Common Foreign and Security Policy) launched the Agreement together at a press conference in Jerusalem on 15 November 2005. At the launch, Condoleezza Rice said the agreement was "intended to give the Palestinian people freedom to move, to trade, to live ordinary lives" [6].

In November 2005, the EU deemed these arrangements necessary to maintain and develop the economic life of Gaza and promised that they would be delivered to the people of Gaza. Nearly a decade later, none of them has been delivered by Israel. On the contrary, for most of that time, Israel has subjected Gaza to a brutal economic blockade, which has brought untold misery to the people of Gaza.

Here's what Chris Gunness of the UN Relief and Works Agency told the BBC Today programme on 17 July 2014 about its effects:

“95% of the water is undrinkable. You turn on a tap in Gaza and salt water comes out of it. Millions of litres of raw sewage flow into the sea from Gaza every single day. We have a situation where the number of people coming to UNRWA for food assistance – it was 80,000 in 2000, it is now 800,000, that is, more than half of the people of Gaza have been made aid dependent as a result of man made policies.”

But the EU, one of the sponsors of the Agreement, has stood idly by and let Israel inflict these awful conditions on Gaza.

The November 2012 Israel-Hamas agreement

It is true that from time to time the EU has voiced the opinion that the blockade should be lifted, for example, in European Council conclusions on 10 December 2012, which stated that “the European Union reiterates its call for the immediate, sustained and unconditional opening of crossings for the flow of humanitarian aid, commercial goods and persons to and from the Gaza Strip” [\[7\]](#).

Shortly before that, on 21 November 2012, Egypt had brokered an agreement between Israel and Hamas [\[8\]](#), which brought to an end Operation Pillar of Cloud, Israel's second major offensive against Gaza. In this agreement, Israel agreed to “stop all hostilities on the Gaza Strip by land, sea and air including incursions and targeting of individuals” and Hamas and other Palestinian groups agreed to “stop all hostilities from the Gaza Strip against Israel, including rocket attacks, and attacks along the border”.

In addition, Israel promised the “opening the crossings and facilitating the movement of people and transfer of goods, and refraining from restricting residents free movement”, in other words, to lift its economic blockade of Gaza.

EU says implementation of all parts is “vital”

In its December 2012 conclusions, the EU stated that “it is vital that all parts of the ceasefire agreement are implemented”.

Were all these vital parts implemented?

(a) By Hamas, yes – it engaged in no military action against Israel for nearly 20 months from 21 November 2012 until 7 July 2014, in particular, it fired no rockets or mortars into Israel during this period.

(b) By other Palestinian groups, to a considerable extent, but not completely, despite Hamas setting up a police force tasked with arresting Palestinians who tried to launch rockets [\[9\]](#). However, in 2013, fewer were fired from Gaza than in any year since 2003. Nobody was killed in Israel as a result of rocket and mortar fire from Gaza from the 21 November 2012 until 7 July 2014, when Israel launched Operation Protective Edge (during which 17 people, including 12 military personnel, were killed in Israel).

(c) By Israel, not at all – it continued to make regular military incursions into Gaza –from 21 November 2012 until the end of June 2014 it killed 25 Palestinians in Gaza –and it took no steps whatsoever to lift its economic blockade. And of course in its latest offensive, it has killed a further 2,104 Palestinians in Gaza, including 495 children and 253 women [\[10\]](#).

How did Israel respond to the comparative quiet along its border with Gaza in the period after the November 2012 agreement? According to Nathan Thrall of the International Crisis Group Middle East and North Africa Programme, writing in the *London Review of Books* on 1 August 2014:

“In the three months following the ceasefire, its forces made regular incursions into Gaza, strafed Palestinian farmers and those collecting scrap and rubble across the border, and fired at boats, preventing fishermen from accessing the majority of Gaza’s waters.

“The end of the closure never came. Crossings were repeatedly shut. So-called buffer zones – agricultural lands that Gazan farmers couldn’t enter without being fired on – were reinstated. Imports declined, exports were blocked, and fewer Gazans were given exit permits to Israel and the West Bank.

“Israel had committed [in the agreement] to holding indirect negotiations with Hamas over the implementation of the ceasefire but repeatedly delayed them. ... The talks never took place. The lesson for Hamas was clear. Even if an agreement was brokered by the US and Egypt, Israel could still fail to honour it.” [\[9\]](#)

One could be forgiven for thinking that Israel was intent on provoking rocket fire from Gaza rather than seeking a permanent end to it.

What action did the EU take to ensure that “all parts of the ceasefire agreement are implemented”, an objective it described as “vital” in December 2012? To the best of our knowledge, nothing: if it uttered a word of reproof to Israel for failing to fulfil its obligations under the agreement – or a word of approval to Hamas for fulfilling its completely – it did so privately.

Agreement contained ingredients for peace

This is a very important matter. The November 2012 agreement contained the ingredients necessary for a permanent peace across the border between Israel and Gaza and for the lifting of Israel’s blockade of Gaza, which would have made the conditions of life for Palestinians there more bearable.

If external pressure had been brought to bear on Israel to implement the terms of the agreement – to cease its military incursions into Gaza and lift its economic blockade – it is virtually certain that Hamas would not have resumed rocket fire. Hamas did resume on 7 July 2014, after Israel made an armed incursion into Gaza, in violation of the November 2012 agreement, and killed seven Hamas members. And if progress was being made towards lifting the blockade, Hamas would have been in a much stronger position to stop other Palestinian groups from firing rockets and mortars into Israel.

So, had Israel been forced by the EU and others to fulfil its obligations under the agreement, it is very likely that rocket and mortar firing into Israel could have been

halted altogether – and Israel would have had no excuse for Operation Protective Edge, its latest murderous military offensive on Gaza.

The June 2008 Israel-Hamas agreement

This is not the first time that Israel has failed to fulfil its obligations under an agreement with Hamas. In June 2008, Egypt brokered an agreement which, like the November 2012 agreement, provided for a cessation of hostilities on both sides and steps by Israel towards ending its blockade [\[11\]](#).

Hamas fulfilled its obligations under this agreement to the letter and, as a result, southern Israel was almost entirely free from firing out of Gaza for four and a half months. But Israel did not ease its economic blockade, let alone lift it, and on the evening of 4 November 2008 (when the world was watching the election of Barack Obama) it made a military incursion into Gaza for the first time since the ceasefire began in June and killed seven members of Hamas. That was the end of that agreement.

A few weeks later Israel embarked on its first major offensive against Gaza, Operation Cast Lead, with the declared objective of suppressing rocket and mortar into Israel.

The August 2014 Israel-Hamas agreement

Operation Protective Edge ended on 26 August 2014 with another agreement between Israel and Hamas, which was brokered by Egypt (see [\[12\]](#) for an account of the agreement by Reuters). This agreement, like its predecessor, calls for an end to hostilities on both sides but, unlike its predecessor, it does not require Israel to lift the blockade completely. According to the Reuters account, it says:

“Israel agrees to open more of its border crossings with Gaza to allow the easier flow of goods, including humanitarian aid and reconstruction equipment, into the coastal enclave.”

True, the agreement also provides for further indirect talks starting within a month, which may consider the building of a seaport and re-opening of the airport in Gaza.

What matters, of course, is what is delivered – and past experience indicates that Israel will deliver very little or nothing at all, without external pressure.

Suspend Israel's privileged access to EU market

In European Council conclusions on 22 July 2014, the EU stated:

“While fully recognizing Israel's legitimate security needs, the EU underlines that the humanitarian and socio-economic situation in Gaza must be addressed. It reiterates its call for the immediate, sustained and unconditional opening of crossings for the flow of humanitarian aid, commercial goods and persons to and from the Gaza Strip.” [\[1\]](#)

This goes further than the provisions of the Israel-Hamas agreement of 26 August, calling like the Agreement on Movement and Access for “unconditional opening” for the passage of goods and people, limited only by Israel's “legitimate security needs”.

It is time for the EU to put its money where its mouth is and mount whatever pressure is necessary on Israel to lift the blockade completely.

In 2000, Israel was given privileged access to the EU market under the EU-Israel Association Agreement [13] and around a third of Israel's exports are sold into that market. That provides the EU with powerful leverage. It should use it.

The Association Agreement contains human rights obligations in Article 2 of the Agreement, which states:

“Relations between the Parties, as well as all the provisions of the Agreement itself, shall be based on respect for human rights and democratic principles, which guides their internal and international policy and constitutes an essential element of this Agreement.”

That says plainly that human rights compliance by Israel (and the EU) is an essential element of the Agreement – not an optional element, nor a desirable element, but an essential element.

There is not the slightest doubt that Israel has continuously failed to live up to the human rights obligations in Article 2, not least in its blockade of Gaza, which constitutes collective punishment contrary to Article 33 of the 4th Geneva Convention [14]. Under Article 33, an Occupying Power is forbidden from applying “collective penalties” on people under occupation and the blockade's objective is to exert pressure on the people of Gaza as a whole to reject Hamas.

There are therefore ample grounds for the EU to suspend the Association Agreement if it has a mind to do so. Ireland should take the lead in seeking its suspension, if Israel refuses to lift its blockade of Gaza.

EU double standards?

A final point: in European Council conclusions on 22 July 2014, the EU strongly condemned “the indiscriminate firing of rockets into Israel by Hamas and militant groups in the Gaza Strip, directly harming civilians” [1]. These words were issued about two weeks into Operation Protective Edge, when Israel had suffered no fatalities and very few injuries as a result of rocket fire from Gaza [15].

The EU had no words of condemnation for the Israeli firing into Gaza that had killed nearly 200 Palestinians up to then during Operation Protective Edge, nor for the Israeli firing into Gaza from November 2012 to June 2014 that killed 25 Palestinians, action which was in flagrant violation of the November 2012 agreement, in which Israel agreed to “stop all hostilities” against Gaza. Remember, according to the EU in December 2012, it was “vital” that “all parts” of this agreement were implemented – and Hamas had implemented its part.

It is difficult to avoid the conclusion that the EU is guilty of double standards.

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