

The Agreement on Movement and Access

In November 2005, Israel signed the Agreement on Movement and Access. The Agreement set out the arrangements that were supposed to operate to maintain and develop the economic life of Gaza, in the wake of the Israeli "disengagement" in August 2005, and to pave the way for the creation of a viable Palestinian state in the West Bank and Gaza.

These arrangements included:

- (1) a crossing between Gaza and Egypt at Rafah for the export of goods and the transit of people
- (2) continuous operation of crossings between Israel and Gaza for the import and export of goods and the transit of people
- (3) reduction of obstacles to movement within the West Bank
- (4) bus and truck convoys between the West Bank and Gaza
- (5) the building of a seaport in Gaza
- (6) re-opening of the airport in Gaza

The UN Office for the Coordination of Humanitarian Affairs (OCHA) in the Occupied Palestinian Territory (OPT) compiles fortnightly reports on the implementation of the Agreement. These reports, now over a hundred in number, are available on the OCHA OPT website [\[1\]](#).

To put it mildly, Israel hasn't fulfilled its obligations under this Agreement. Because of its restrictions on the import of goods – even humanitarian supplies – into Gaza the 1.5 million Palestinians there have been driven to the edge of starvation. And Gaza's economy has been destroyed, because of the almost total ban on exports.

Agreement details

The Agreement was drawn up by the US and formally sponsored by the Middle East Quartet (US, EU, Russia and the UN Secretary-General). Condoleezza Rice (US Secretary of State) and Javier Solana (EU High Representative for the Common Foreign and Security Policy) launched the Agreement at a press conference in Jerusalem on 15 November 2005.

At the launch, Condoleezza Rice said:

"This agreement is intended to give the Palestinian people freedom to move, to trade, to live ordinary lives. The agreement covers six topics." [\[2\]](#)

She continued:

“First, for the first time since 1967, Palestinians will gain control over entry and exit from their territory. This will be through an international crossing at Rafah, whose target opening date is November 25th.

“Second, Israel and the Palestinians will upgrade and expand other crossings for people and cargo between Israel, Gaza and the West Bank. This is especially important now because Israel has committed itself to allow the urgent export of this season's agricultural produce from Gaza.

“Third, Palestinians will be able to move between Gaza and the West Bank; specifically, bus convoys are to begin about a month from now and truck convoys are to start a month after that.

“Fourth, the parties will reduce obstacles to movement within the West Bank. It has been agreed that by the end of the year the United States and Israel will complete work to lift these obstacles and develop a plan to reduce them.

“Fifth, construction of a Palestinian seaport can begin. The Rafah model will provide a basis for planned operations.

“Sixth, the parties agree on the importance of the airport. Israel recognizes that the Palestinian Authority will want to resume construction on the airport.”

The text of the Agreement can be found on the Israeli Ministry of Foreign Affairs website [\[3\]](#). A technical elaboration of the Agreement by the World Bank team that assisted in its negotiation is available on a World Bank website [\[4\]](#).

Agreement implementation

On topic (1), the Rafah crossing, see below.

On topic (2), the crossings between Israel and Gaza (and the West Bank), the Agreement states clearly that “the passages [crossings] will operate continuously”. The technical elaboration explains that the “GOI [Government of Israel] has clarified that it will not close a passage due to a security incident unconnected with the passage itself” and “a passage will only be closed if there is a clear and direct threat to that specific passage” (p2).

It goes without saying that the crossings have not operated continuously, as agreed by Israel in November 2005.

Israel's compliance with the other elements of the Agreement has also been less than satisfactory, to say the least. The OCHA OPT report for the period ending 10 November 2009 [\[5\]](#) gives the following account of progress on the other topics.

On topic (3), obstacles to movement on the West Bank, these numbered 579 on 10 November 2009, representing an increase of 203 (54%) over the baseline figure (376) in August 2005.

On topic (4), bus convoys between Gaza and the West Bank were supposed to start in December 2005: at the time of the report, their implementation was 46 months overdue. Truck convoys were supposed to start in January 2006 at the time of the report, their implementation was 45 months overdue.

On topic (5), construction of a seaport, the implementation of this was “awaiting Gol assurance of non-interference with the seaport operation”

On topic (6), airport reconstruction, the implementation of this was “awaiting commencement of discussions since November 2005”.

Topic (1), the Rafah crossing

The Agreement on Movement and Access provided for the opening of a crossing at Rafah to allow people to move in a controlled manner from Gaza to Egypt and vice versa, but not for the importation of goods into Gaza. The crossing functioned intermittently for this purpose until June 2007, when Hamas took control in Gaza, after which it was closed at Israel's insistence.

It was supposed to cater for the export of goods from Gaza as well, but it never did. It was never supposed to allow for the import of goods into Gaza, presumably because, at that time, Israel feared that it would be used to import arms.

Under the agreement, no Israeli forces were to be present at the crossing to control its operation. However, while it was open, monitors provided by the EU were present at the crossing and Israeli forces observed its operation remotely via CCTV links.

At the outset, the Quartet advertised Rafah as an international crossing not controlled by Israel. When Condoleezza Rice announced the Agreement, she said that “for the first time since 1967, Palestinians will gain control over entry and exit from their territory”. In practice, however, the opening of the crossing remained under Israeli control, because the EU refused to man the crossing, if Israel didn't want it open – which has always been the case since June 2007 (and was often the case before then).

The above describes the official arrangements set out in the Agreement for the operation of Rafah. From time to time, Egypt has opened the crossing without these arrangements being in place and allowed the passage of people and goods for humanitarian reasons. For Rafah to become a major conduit for goods into Gaza, Egypt would have to act outside the terms of the Agreement and make this humanitarian exception the norm.

Why doesn't Egypt throw open its border with Gaza?

At the time of writing, with the importation of goods from Israel severely restricted, and at the whim of the Israeli authorities, the people of Gaza rely on tunnels under the border with Egypt for the supply of even basic commodities. Up to now, Egypt has turned a blind eye to these tunnels, but recently it has been reported that, with the assistance of US Army engineers, Egypt has begun the construction of a metal wall along the border, extending 50 feet below the surface. It remains to be seen if this is a serious attempt by Egypt to prevent the importation of goods into Gaza via tunnels.

Why is Egypt apparently about to seal its border with Gaza completely, when the people of Gaza are desperately short of the basic necessities of life? Why doesn't Egypt throw open its border and allow the free flow of goods into Gaza from Egypt? The answer is that, to do so would be the answer to Israel's prayers, since from then on Egypt, not Israel, would be responsible for the people of Gaza, an objective Israel has been trying to achieve for many years.

Why does Israel want to rid itself of responsibility for Gaza? The answer is that it wants to hold on to as much as possible of mandate Palestine (Israel plus the West Bank and Gaza) with as few Palestinians as possible, preferably none. Currently, in this area, there are roughly equal numbers of Jews and Palestinians (around 5 million of each), with the Palestinian population growing much faster. Getting rid of 1.5 million Palestinians to Egypt would restore a Jewish majority in mandate Palestine less Gaza. Unlike the West Bank, Gaza was not part of biblical Israel and the modern Israeli state is prepared to give it up along with its 1.5 million Palestinians.

If Israel achieves this objective, Gaza will be disconnected from the West Bank and the creation of a Palestinian state encompassing these two entities will be impossible.

Egypt's problem

In these circumstances, Egypt faces a difficult problem. If it refuses to open its border with Gaza, it is accused of being callous to its fellow Arabs, who are living in such awful conditions. If it opens its border with Gaza for the entry/exit of people and goods in anything other than the most exceptional circumstances, it is impossible to counter the argument that it could, and should, allow all Gaza's needs to be satisfied via Egypt, rather than Israel.

Currently, Egypt opens the Rafah crossing in exceptional circumstances outside the official arrangements and tolerates the importation of goods into Gaza through tunnels. There is a difficulty with this: the more Egypt permits this to happen, the less pressure there is on Israel to open its crossings with Gaza. If it threw open its border completely, there would be no pressure at all – Israel would close its crossings completely and for good, and from then on Egypt would be responsible for the welfare of the people of Gaza.

Egypt is being widely criticised for planning to construct a steel wall along its border with Gaza to prevent tunnels operating. But, it has to be admitted that the only sure way for Egypt to thwart Israel's ambition is to seal its border with Gaza completely and thereby place the responsibility firmly upon Israel to look after its people.

If that happens, in the short run at least, the people of Gaza are bound to suffer even more – unless effective pressure is mounted from outside to force Israel to open its crossings with Gaza, as it is supposed to do under the Agreement on Movement and Access. That should be the focus of action for Ireland and the EU.

March 2010

References:

- [1] www.ochaopt.org/?module=displaysection§ion_id=119&static=0&edition_id=&format=html
- [2] unispal.un.org/UNISPAL.NSF/0/C73B42AA9C864783852570BA0064EF7E
- [3] www.mfa.gov.il/MFA/Peace+Process/Reference+Documents/Agreed+documents+on+movement+and+access+from+and+to+Gaza+15-Nov-2005.htm
- [4] siteresources.worldbank.org/INTWESTBANKGAZA/Resources/AgreementMovementAccess.pdf
- [5] www.ochaopt.org/documents/ocha_opt_access_and_movement_report_2009_11_10_english.pdf