



Analytical Update on the Access Restricted Areas in the Gaza Strip

**Monitoring of access to land in the 'buffer zone' following the
21 November 2012 agreement**

May 2013

Introduction

This analytical update is issued by the Office of the High Commissioner for Human Rights (OHCHR) as coordinator of the Protection Cluster in the occupied Palestinian territory. It provides an overview of the enforcement of the access restricted areas on land by the Israeli military since 21 November 2012, and also provides information about levels and types of access by farmers, herders and others. It is intended to assist in the identification of protection, policy and humanitarian programming positions with regard to the access restricted areas on land. It does not contain a legal analysis, nor does it set out specific recommendations. The findings presented complement the information collected by the Protection Cluster on specific incidents of violations of international law and protection concerns, such as killings, injuries, arrests, confiscation and damage to property, in the ARA on land and at sea.¹

The Israeli authorities impose a “buffer zone” or access restricted areas (ARA) on the Gaza Strip, prohibiting Palestinians in Gaza from accessing large parts of land and sea. The restrictions undermine the livelihoods of tens of thousands of Gazans. Through the manner in which they are enforced, which includes live fire, the lives and well-being of those who live in and enter the area are put at risk.

Prior to November 2012, the Israeli authorities had made statements that Gazans were prohibited from accessing closer than 300 metres from the fence on land. In practice, the “no go zone” on land was at times enforced a few hundred metres beyond this, with a “high risk zone” extending sometimes up to 1,500 metres.²

An easing of the access restrictions formed part of the agreement that came into effect on 21 November 2012 (November agreement), ending the Israeli military operation Pillar of Defence and the escalation of hostilities from 14 to 21 November 2012. However, there has been an increased level of uncertainty regarding the access restrictions imposed on land since this date. Following the November agreement, the Israeli Coordinator for Government Activities in the Territories (COGAT) informed the humanitarian community on several occasions that farmers were permitted access to up to 100 metres on foot. This information was published on COGAT’s website on 25 February 2013. However, on 10 March 2013, in a letter sent in response to a question from the Israeli human rights organization GISHA, the Israeli military spokesperson contradicted this information and stated that Gazans remained prohibited from reaching within 300 metres of the fence. COGAT subsequently removed the statement published on its website. There is currently no publicly available information setting out the Israeli policy on the ARA on land.

Map of the Gaza Strip governorates



¹ Information related to incidents is summarized in six-monthly Updates on the Access Restricted Areas in the Gaza Strip issued by the Protection Cluster.

² For more information on the history of the ARA, please see: OCHA/WFP “Between the fence and a hard place”, August 2010 available at: http://www.ochaopt.org/documents/ocha_opt_special_focus_2010_08_19_english.pdf. Refer also to Updates on the Access Restricted Areas in the Gaza Strip issued by the Protection Cluster (January to December 2011, January to June 2012, July to December 2012).

Purpose

OHCHR, in collaboration with OCHA, and with the support of other organisations including UNMAS, FAO, and the Al Mezan Centre for Human Rights, initiated a monitoring process to identify changes in the areas farmers, herders and others are able to access in the ARA on land. The initiative also sought to understand the information available to them, and on which they base decisions regarding where to access and what to cultivate. It also sought to identify specific protection concerns that have arisen since the November agreement.

Methodology

Between 20 February and 20 March 2013, the Protection Cluster monitoring team undertook six field trips to the ARA, visiting each governorate, driving from south to north of the Gaza Strip. North Gaza was visited twice. Where possible, the team drove at 300 metres from the fence, observing which areas of land were cultivated and which areas people were accessing. Approximately 35 interviews were conducted with individual and groups of farmers – and to a lesser extent herders and gravel collectors – who were seen along the way. Respondents were asked about their own access and about the access of others in the area.

The information presented has two key limitations. The first is that, based on the interviews conducted, it only captures the situation of farmers, herders and gravel collectors who were able to access land close to the fence. It does not present the situation of those that have not been able to access land in this area and the reasons for this. The second is that the situation in the ARA remains dynamic, including in light of the evolving security situation, and there may have been changes in access in the days or weeks since the information was collected.

Overview of Findings

1. Only limited access within 300 metres of the fence

In most places, farmers are not reaching closer than 300 metres from the fence, although there are exceptions. In North Gaza, there were instances where land was being cultivated up to 100 metres from the fence and others where farmers were recently trying their luck, but this still appeared to remain an exception. In flat areas of Gaza governorate, two farmers were seen farming closer than 200 metres from the fence, with some other farmers waiting to see whether they would be able to harvest their crops. In Middle Area governorate, some farmers were able to reach 250 or 200 metres from the fence but faced incidents where they were shot at. In Khan Younis and Rafah, the only farmers identified who were able to access within 300 metres of the fence were around Sufa Crossing, where farmers were accessing up to 200 metres from the fence.

In most instances, farmers reported that the Israeli military fired warning shots in order to warn them to leave the land when they had entered areas the military did not want them in. Incidents in recent weeks in which farmers reported warning shots being fired by the Israeli military were mostly within 300 metres of the fence.

2. Tractors are generally not permitted within 300 metres

Apart from a few exceptions, especially in Gaza governorate, farmers in general reported that they have not been able to use tractors in areas within 300 metres of the fence. In one instance in Khan Younis, a farmer reported that the tractor was shot at while working in an area within 300 metres of the fence. As the areas closer than 300 metres have not been cultivated in many years, much of the land cannot be

cultivated without being rehabilitated first, so the prohibition on tractors rendered the area unusable. In Gaza governorate, however, some farmers reported being able to use a tractor within 300 metres without being shot at.

3. In some places, access restrictions are enforced beyond 300 metres from the fence

In each governorate, there were reports of farmers not being able to access their land at a distance of 300 metres or more from the fence. Farmers reported that this was, at times, the case in areas where the fence had a gate through which the IDF entered Gaza; where due to the landscape the IDF was not that easily able to control the area; where farmers due to their experiences were unwilling to take the risk to access their farms; or where land was levelled further than 300 metres from the fence even following the November agreement.

4. Access to additional areas since the November agreement

In many areas, farmers and herders are accessing new areas for the first time since the November agreement. While there is variation across governorates and within each governorate, many farmers have been able to cultivate land up to 300, 400 or 500 metres from the fence for the first time in years. These farmers reported that they had previously been prohibited from accessing land in this area since the time of Operation Cast Lead, since the 2006 Israeli authorities' response to the kidnapping of Gilad Shalit, or even since the Al-Aqsa Intifada. Where areas of land are being accessed and cultivated, there are often plots – sometimes adjacent – where the land remains uncultivated. Farmers who were cultivating suggested that this was determined in part by different levels of physical and financial risk that individuals were prepared to take.

Crops planted in newly accessed areas are often rain-fed, with much of it planted in the days and weeks following the November agreement. Farmers consistently voiced concern that they would not be able to harvest these crops. Some specifically asked for initiatives to support them to access crops during the harvest season. In areas of Gaza and North Gaza governorates, a number of farmers planted irrigated crops such as watermelon; they emphasized that they had invested large amounts to rehabilitate and cultivate the land and were concerned that, should access restrictions tighten, they would hugely indebted themselves.

Specifically in Rafah and Khan Younis governorates, but also in other parts of the ARA, farmers reported that regardless of newly gained access to some areas, they had serious concerns about their physical safety when working in these mentioned areas.

5. Increased sense of calm in areas further from the fence

In areas that were already accessed prior to the November agreement, 500 metres or more from the fence, farmers reported feeling more physically secure. In a few instances they reported going to their land more frequently or staying later, or being more easily able to bring employees to work on the land. Regardless, however, of the increased sense of personal safety in areas further from the fence, farmers were aware that the perceived calm could change at any time.

6. Presence of youth on the land increases insecurity in the area

Large numbers of Gazans were reported to have visited the ARA in the days following the November 2012 agreement. More recently, mainly youth, and in some instances children, continue to try and reach close to the fence on Fridays. According to the farmers, this makes the Israeli soldiers nervous and causes them to be more 'trigger-happy'. Farmers reportedly told strangers not to enter their land and

sometimes called the police to remove them. De facto authorities (DFA) police dressed in civilian clothes were known to keep a presence in the ARA and were in some instances intervening to stop persons not working in the ARA from entering the area. There were reports that visiting youth and children entering close to the fence were told to leave the area and reportedly told to sign forms stating that they would not return or they would be arrested. In the Middle Area, the DFA police had also told a herder not to let his sheep graze within 100 metres of the fence and warned gravel collectors to keep a distance of 300 metres from the fence.

7. Concerns about the presence of Explosive Remnants of War (ERWs)

ERWs were a serious issue of concern, particularly in the Middle Area. In this governorate, the Protection Cluster monitoring team found many ERWs in a field used by herders and received reports of instances in which farmers disposed of ERWs themselves. There were also reports of ERWs being found by farmers in the other governorates. In most instances, the farmers reported that they had called the DFA police, who successfully removed the ERWs, although in some instances it was reportedly difficult for them to access areas so close to the fence. UNMAS followed up to coordinate access for the DFA police where ERWs were identified in the Middle Area.

8. Farmers request more support from the humanitarian community

Farmers specifically reported feeling isolated and lacking support and requested assistance in rehabilitating their land. Many expressed that they were prepared to take the physical risk inherent in planting in areas close to the fence, but could not afford to take the financial risk after years of losses. Many farmers also requested assistance from the humanitarian community to ensure that they would be able to safely access areas to harvest their crops. The sensitivities inherent in such an activity were illustrated, however, as some farmers in North Gaza in particular requested the monitoring team to switch off cameras and range-finders.

9. Farmers rely on what they see or hear from others to determine which areas they access

Many farmers reported receiving messages from the media following the November 2012 that they could now access areas close to the fence. Regardless of that, they relied on what they could see around them to determine what was accessible, and in some instances taking risks in accessing new areas. Farmers were concerned about the lack of clarity and about the fragility of their access. None of the farmers interviewed reported receiving any other information encouraging them to access the ARA or any pressure of any kind.

Conclusion

This initial monitoring and analysis undertaken by the Protection Cluster indicates that access to the ARA on land varies throughout the Gaza Strip, both between and within governorates, and that no access regime is consistently implemented nor communicated by the Israeli military in the ARA. The imposition of access restrictions continues to prevent the use of large swathes of land by farmers and herders. However, in almost all areas across the Gaza Strip, farmers are able to access more land than they could prior to the November agreement. Farmers and herders reported feeling safer whilst working on the land, but continued to express concern about their physical security due to the use of live fire by the Israeli military to enforce the access restrictions, and also about the security and sustainability of their livelihoods. This highlights the need to consider humanitarian programming and appropriate policy actions to address the protection concerns and support the livelihoods of farmers and herders in the ARA on land.

Findings per Governorate

North Gaza governorate (visited on 18 and 20 March)

Access within 300 metres of the fence: In North Gaza governorate, land within 300 metres of the fence was generally not accessed, although there were some exceptions. In one area, patches of land up to 200 metres from the fence were seen cultivated with rain-fed crops, and in another area, land up to 100 metres was also seen cultivated with rain-fed crops. In an area in the north of the governorate, farmers had rented land two weeks previously, were rehabilitating the land and preparing it to plant water-irrigated crops up to 250 metres from the fence. In another area further south, a farmer reported that his neighbours had come in recent weeks to undertake an assessment of the area and had been able to reach up to 100 metres from the fence without incident.

When heading past Erez crossing towards the coast, one farmer was cultivating water-irrigated crops up to 200 metres from the fence (as compared to up to 400 metres before the November 2012). In Um Al Nasser village, farmers reported that, as part of a government scheme that started some years back, land up to 200 metres from the fence had been distributed to them by the DFA earlier in 2013. Previous to this, land within 450 metres of the fence had not been distributed or regularly accessed. Residents said, however, that they have not yet been able to start cultivating the land without the capital to invest.

Herders were seen accessing up to 20 metres from the fence at one location in the north-eastern part of the governorate; in the east, herders reported keeping a distance of 300 metres from the fence, although in some areas along the fence in the north, wood-collectors and others were going closer, but were often shot at. Gunfire was heard at one location; local farmers explained this as part of a game of “cat and mouse”, with herders and others seeking to access areas close to the fence to support their livelihoods and the Israeli military responding with warning fire until they left the area.

Access beyond 300 metres of the fence: While most farmers who were present on the land appeared to be able to access up to 300 metres from the fence, in the south-east of the governorate, near the waste water plant, land did not appear to be cultivated within 400 metres of the fence. In the north-west of the governorate, the land was not cultivated within 500 metres of the fence. A farmer cultivating up to 500 metres reported that no farmers were willing to invest the financial resources in land any closer.

Despite continued restrictions, access has improved in the months since the November agreement, with farmers reporting being able to access areas closer to the fence than in the years prior. One farmer had returned to Gaza after being overseas for years to cultivate his land with his family at 500 metres from the fence. This land had not been accessed since the Al-Aqsa Intifada.

The majority of farmers cultivating land within the 300 to 500 metre range reported planting rain-fed crops, however some noted that they would plant irrigated crops or trees if they received financial support to do so. They indicated they were prepared to take the physical risk, but not the financial risk.

ERWs: A farmer in the north-east of the governorate reported finding ERWs in recent weeks while accessing land at between 350 and 250 metres from the fence. He had called the DFA police, who had come to dispose of it. A second farmer in the north-west made similar comments.

Gaza governorate (visited on 13 March)

Access within 300 metres of the fence: Different patterns were observed within Gaza governorate. Two farmers were reportedly cultivating land closer than 300 metres, including up to 100 metres from the fence. Neighbours were waiting to see how these two would be able to proceed with the harvesting of their crops before deciding what they would do. Some farmers had actually prepared land within 300 metres of the fence but were not yet cultivating it out of fear that they would not be able to harvest their produce in the end, and due to a sense of physical insecurity. Signs of incursions up to 100 metres from the fence were noted, and one farmer reported an incursion up to 200 metres more recently. The majority of farmers, however, did not cultivate land within 300 metres of the fence.

Three farmers reported the use of tractors on land closer than 300 metres from the fence on a number of occasions, in one case up to 100 metres, and none of them had been shot at.

Herders reported that they were generally accessing areas within 300 metres of the fence, however the Israeli military regularly fired warning shots at them when they were within 100 metres of the fence; more recently Israeli military had killed three sheep. Regardless of these incidents, herders reported that they continued to return to the same areas once the Israeli military jeeps at the fence left, as the grass was better closer to the fence and, at times, depending on the individuals within the Israeli military patrol, no incidents occurred. No gravel collectors were interviewed, however farmers reported that both gravel collectors and herders had been shot at when too close to the fence.

Access beyond 300 metres of the fence: The majority of farmers reported that they had already been accessing and cultivating the same areas prior to the November agreement. For them the major difference before and following the November agreement was the heightened sense of physical security, as no farmers had been shot at since 21 November 2012. Other farmers reported that prior to the November agreement, they had only accessed land up to 400 metres from the fence, while they were now cultivating or preparing their land for cultivation up to 300 metres. Some of the southern areas of the governorate are quite hilly and therefore perceived to be more risky – a reason provided by farmers as to why they had not attempted to cultivate land closer than 300 metres from the fence.

In some areas, including the north-east, farmers seemed to work on their lands only up to 400 metres from the fence, although insufficient information was collected on the reasons. In Jabalia area, on the southern side of the water waste plant, barely any farming activity was noted up to 600 metres or further from the fence.

Generally, farmers reported feeling more or less physically secure working in areas up to 300 metres from the fence, this, as mentioned, being the major difference for most of them following the November agreement. However, they were unsure whether they would be able to harvest crops they were planting, causing a sense of economic insecurity.

ERWs: No ongoing concerns with ERWs were reported by farmers. All of those found had been removed by the DFA police.

Other concerns: While the hilly areas of the Gaza governorate, in the south, are sufficiently supplied with water, in other parts, the lack of water was raised as one of the main concerns, together with the lack of economic security.

Middle Area governorate (visited on 6 March)

Access within 300 metres of the fence: Most farmers interviewed said they could access land within 300 metres of the fence. Although there were exceptions in the north of the governorate, many farmers were cultivating land 200 or 250 metres from the fence and said that access up to 200 metres was permitted. While it was possible to go closer than this in the days immediately after the end of the November crisis, farmers reported that more recently military vehicles would be deployed and would open warning fire towards anyone within 200 metres of the fence. Where the monitoring team was able to drive 300 metres from the fence, it was possible to observe that land within 200 metres of the fence was being cultivated. The crops being cultivated in these areas include water-irrigated crops such as watermelon, in addition to rain-fed crops.

There were, however, numerous reports of incidents in which shots were fired towards farmers while they were working around 200 to 300 metres from the fence. There did not appear to be any pattern to these shots and no injuries were reported. Farmers fled the area at the time, but later returned undisturbed.

Herders and rubble collectors also reported accessing up to 200 metres from the fence, and sheep were often able to go closer, although they noted that restrictions were stricter in some areas (e.g. the area by the rubbish dump) and they tried to keep to a distance of 300 metres. They also reported incidents in which people were shot at within and around 300 metres from the fence. According to them, the IDF sometimes shouted warnings before opening warning fire.

Access beyond 300 metres of the fence: In one instance in the north of the Middle Area, a farmer with land at 500 metres from the fence reported that others in the area were not going closer than 500 metres from the fence. The reasons for this were unclear.

Farmers who had land at about 450 and 500 metres from the fence reported that since the November agreement, the situation had been calmer and that they felt more physically secure on their land. One farmer reported accessing his land more frequently as a result.

ERWs: Many farmers in the Middle Area reported finding ERWs on the land they were newly accessing since the November agreement. Some farmers reported calling the DFA police, who disposed of the items. In two instances, farmers reported that it was hard to coordinate with the DFA police to come so close to the fence and that they disposed of ERWs themselves. Herders also reported seeing ERWs in the area. One herder reported that an ERW exploded in the area several weeks prior, injuring ten sheep. In the same area, herders showed the monitoring team several ERWs exposed on the ground. UNMAS, present during the mission, coordinated their removal with the DFA police.

Khan Younis governorate (visited on 27 February)

Access within 300 metres of the fence: During the first few weeks following the November agreement, farmers were able to access areas within 300 metres of the fence. After those initial weeks, warning shots were fired when farmers tried to do so, and farmers almost consistently reported now being unable to access areas within 300 metres of the fence. Land levelling operations were taking place up to at least 280 metres from the fence, including in early 2013.

Reportedly, several attempts were made by tractors to enter land between 100 and 300 metres from the fence. Most of those attempts ended with tractors being shot at, and therefore tractor drivers were refusing to work in those areas.

Herders and gravel collectors reported that they were at times entering areas up to 150 metres from the fence. All of those interviewed had experienced warning shots fired by the Israeli military due to their presence in areas closer than within 300 metres of the fence; one had a number of his animals killed by such fire. Most of them, however, continued to return to the same areas as the warning shots were not systematic, and on some days they could access areas up to 200 metres from the fence without any incidents occurring.

In general, farmers believed that, in practice, there seemed to be no overall policy enforced by Israeli soldiers as to how close farmers could go to the fence, and enforcement was decided by those patrolling the respective areas.

Access beyond 300 metres of the fence: Prior to the November agreement, farmers were only entering areas up to 600 to 1,000 metres from the fence. Farmers reported that they were able to farm areas beyond 300 metres since the November agreement, areas they had not been cultivating for up to 12 years. They, however, also reported that even in these areas there were warning shots fired at times, with some farmers leaving the fields for the day and returning the next, and others just continuing to work their lands, disregarding the warning shots. Farmers only worked on their lands when there was sufficient daylight and no fog, as regular shootings occurred in some areas during early morning hours and after sunset.

ERWs: Farmers did not express particularly serious concerns about ERWs. For those found, DFA police had arrived to remove them.

Other concerns: Farmers asked for support in putting in place water irrigation systems in newly accessed areas and emphasised that while they were now able to access the mentioned areas, they still felt severely physically insecure when entering these newly accessed areas.

Rafah governorate (visited on 20 February)

Access within 300 metres of the fence: Very few people in Rafah governorate appeared to be accessing areas within 300 metres of the fence. No one in Rafah reported being able to or knowing of others who were accessing this area, except for one farmer who had land at the very north of Rafah near Sufa crossing. No one was observed within 300 metres of the fence, and at one point the monitoring team witnessed an Israeli military response to a herder who had followed his sheep within 300 metres of the fence. There was one exception: a farmer near Sufa crossing who had land only 200 metres from the fence that he was newly accessing since the November agreement. He was preparing his land to cultivate water-irrigated watermelons and reported that a few of his immediate neighbours were also planting in land in this area, while other neighbours were not. This was also the only instance in which a farmer reported being able to bring a tractor within 300 metres of the fence.

Like farmers, herders also reported that they were not accessing areas within 300 metres of the fence. As mentioned above, the monitoring team witnessed a military response to a herder who had followed

his sheep within 300 metres of the fence. The herder was seen running from approximately 250 metres from the fence away from the fence, as three military vehicles drove along the fence. No shots were fired. One military vehicle remained to observe the herder for the remainder of the time the monitoring team was present in the area. Farmers in a neighbouring farm suggested this was a common occurrence and that warning shots are often fired in such incidents. There have reportedly been some incidents of shootings at herders within and around 300 metres from the fence, and herders reported that some sheep were killed in recent weeks. Incursions into land have continued since the November agreement; these have mostly been limited to within 300 metres from the fence but have sometimes reportedly reached up to 400 metres.

Access beyond 300 metres of the fence: Some farmers reported accessing and planting crops up to 300 metres from the fence. For all of those accessing this area, this was the first time in many years. Farmers and herders reported, however, that not all farmers with land in this area had taken the risk to their safety and resources to plant in this land. Land that was accessed in this area was mostly accessed in the weeks after the November agreement and was planted with rain-fed crops. There was concern that these farmers would not be able to harvest their crops in June.

Several farmers with land between 600 and 1,000 metres from the fence said that the general atmosphere had improved since the November agreement, and that it was mostly calm. One reported that before November 2012, workers would sometimes refuse to work for him on his land out of fear for their safety but were now willing to do so. However, one farmer in the very south of Rafah, close to Kerem Shalom crossing, reported that since the November agreement his access to his land had actually deteriorated.

Other concerns: Farmers repeatedly mentioned continued concerns regarding their physical safety. They also asked if the humanitarian community could support their access to newly accessed land in areas up to 300 metres from the fence during the harvest season in June and July. Concerns were also consistently raised about the lack of available water for irrigation.