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The Rafah Crossing

Providing a Voice

BACKGROUND

The **Rafah Crossing** is situated on Gaza's southern-most border with Egypt and is one of six crossing points out of the Gaza Strip all controlled by Israel. Rafah has been of vital importance because it provided the only access Palestinians in Gaza had to the outside world when Israel instituted a prohibitive policy of closure and collective punishment after the 2000 Al-Aqsa Intifada. Tens of thousands of people then travelled through the Rafah Crossing in both directions every month.

However, after Hamas won the Palestinian Legislative Council elections in June 2006 and not long after the Israeli soldier Gilad Shalit was captured, Israel imposed a total siege on Gaza. For almost a year, Israel decided to use the Rafah Crossing as a tool to punish and control the Palestinian population by keeping the Rafah Crossing closed 86% of the time. When Hamas took over Gaza's internal government from the Fatah-led PA in June 2007, Egypt agreed to take physical control of the crossing from Israel and immediately stopped almost all passage except for random and limited openings, which met only 3% of Gaza's population needs.

While Israel does not physically control the Rafah Crossing, the Israeli army continues to exert substantial and indirect control, such as monitoring the crossing through special surveillance cameras, and through its control of the Palestinian population registry, which gives it an indirect say over the issuance of Palestinian passports required for travel through the Rafah crossing.

The unpredictable opening and closing of the Rafah Crossing has been one of the most insidious violations that Israel and Egypt have perpetrated in Gaza as roughly 1.7 million people are kept in a state of severe - and since Israel's "Cast Lead Operation" in 2008-2009 - catastrophic deprivation. It has had a devastating effect on the economic, social and cultural life of the Palestinian people and essentially completes the closure of the Gaza Strip, denying the Gazan population access to the outside world.

2005 AGREEMENT ON MOVEMENT AND ACCESS (AMA)

Israel's closure is contrary to the **Agreed Principles for Rafah Crossing** contained in the 2005 *Agreement on Movement and Access (AMA)* between Israel and the Palestinian Authority (PA) and supported by Egypt, the EU and the US. The Agreement was supposed to operate in accordance with international standards and Palestinian law and remain open continuously to improve the movement of both people and goods. In its brief phase of operation, that Agreement was constantly violated.

The World Bank had argued strongly for the development of trade through the Rafah Crossing, so that Palestinians can export to Europe and Arab countries via Egypt. However, under the 1994 Paris Protocol, agreement was needed not only between Israel and the PA, but also Egypt, to permit imports through Rafah.

Under Egypt's Mubarak regime, the foreign ministry justified its hard-line closure of the crossing by saying Egypt was bound by the Agreement because EU "observers" were required at the border. The EU's Border Assistance Mission to Rafah (EUBAM) has been on standby since Fatah was replaced by Hamas in the Gaza Strip, and in March this year indicated its readiness to engage if a political solution can be worked out with the interim military government post-Egyptian revolution.

The Fatah-Hamas reconciliation and Egypt's decision in May to open the Rafah crossing may well revive the status quo ante with regard to the existing agreements. Israel will not likely be able to challenge that arrangement on legal grounds nor use force to respond to the opening of the Rafah crossing, but it may still want to flex its military muscle when the Flotilla 2 sails for Gaza at the end of June. After the disaster of last year's flotilla when Israel killed nine human rights activists and injured hundreds of others, Israel's response to another attempt at breaking the siege, is worrying indeed.

OPENING OF RAFAH CROSSING – EFFECTS

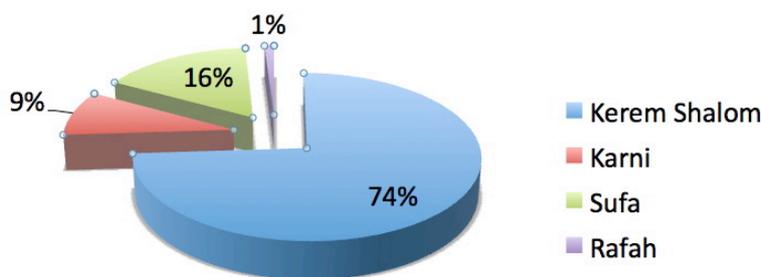
The opening of the Rafah Crossing will only have a very limited effect on the easing of the siege as long as Israel maintains its closure of the other crossings, keeps up its aerial siege, continues to impose its illegal naval blockade on any fishing beyond the 3-nautical mile mark of Gaza's territorial waters and prevents access to farms that have been turned into a 300-1500 metre "buffer zone" along the border fence where farmers risk being shot at if they venture into any areas declared "off limits" by the Israeli military. These restrictive policies have devastated the fishing industry, which cannot fish in waters outside the imposed 3-nautical mile limit and have ruined farmers' livelihoods since most cannot farm their own land for fear of their lives.

While the opening of Rafah may allow for the passage of people out of Gaza, the Rafah Crossing infrastructure will not be able to accommodate the entry and exit of goods for trade so vital for the Gazan economy, nor even for humanitarian purposes and certainly not for the rebuilding of Gaza's homes and businesses.

Thus, with Israel's closure policy still in place in most of Gaza, the people in Gaza will not see any improvement in the local economy. It has literally collapsed under the weight of the siege with 96% of Gaza's factories closed or partially closed and around 80% of the population dependent on aid.

The following pie chart graphically shows just how few goods actually came through the Rafah crossing between 19 June 2007 and 19 May 2011. In the first 5 months of 2011, 95% of the trucks that were allowed entry into Gaza came through the Kerem Shalom crossing and not Rafah.

% of trucks by Crossing



Crossings not shown

Sufa Crossing:
fuel and gas only

Erez Crossing:
people only



RAFAH: EXIT AND ENTRY CONDITIONS

On 28 May 2011, the Rafah border was finally opened for Palestinians to cross into Egypt on a more regular basis (6 days a week) and longer operating hours. The conditions are:

- No numerical limit on passengers.
- Visa-free travel except for men between the ages of 18 and 40 who must apply for visas.
- Access still limited to those listed in the Israeli-controlled population registry or carrying an Israeli-approved Gaza ID card.
- Arbitrary screenings and possible denial of entry or exit as before.
- No passage of goods.

Not allowed through the Rafah Crossing are Palestinians from the West Bank or East Jerusalem, 1948 Palestinian from inside Israel, or Palestinians from the refugee camps outside the Occupied Territories. Neither are Palestinian families where one spouse has an ID, but the other does not, nor are internally displaced Palestinians living in Gaza whose IDs were never approved by the Israeli authorities. These people number in the tens of thousands.

REFERENCES

Gisha response to Egyptian announcement on the opening of Rafah Crossing: "There is still a need to permit passage of people and goods between Gaza and the West Bank", 26 May 2011

The Jerusalem Fund: "What opening Rafah means and doesn't mean", 27 May 2011

UN OCHA: "Easing the blockade", March 2011

Gisha: "Rafah Crossing: Who holds the keys?" March 2009

Access restrictions for cargo at five of Gaza's crossings

Rafah Crossing: closed in June 2007 and only opened erratically since for very limited passage of people and some goods. Not really set up for handling of cargo.

Karni Crossing (main cargo terminal): closed in June 2007; very limited openings since; conveyer belt shut down permanently at the end of February 2011.

Sufa Crossing (secondary cargo terminal) closed in September 2008; previously opened only intermittently for humanitarian goods

Nahal Oz Crossing (fuel & gas terminal): limited openings; closed in January 2010

Kerem Shalom Crossing (secondary cargo terminal): now handling less than two-thirds the pre-blockade capacity for imports and 13% of the exports requirements set up in the 2005 AMA agreement. Has had to handle all cargo relocations from other crossings resulting in heavy additional expenses because shipments have to be repackaged and other reasons.

(UN OCHA, March 2011)