

PLO NEGOTIATIONS AFFAIRS DEPARTMENT

THE AGREEMENT ON MOVEMENT AND ACCESS: THE COSTS OF NON-IMPLEMENTATION

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“Both Palestinians and Israelis need to find hope and peace. This can come through increased economic activity and more freedom within an adequate but not stifling security arrangement. I believe that economic activity is the greatest contributor to security for both sides.” – James Wolfensohn, Quartet for Middle East Peace Special Envoy, October, 2005, on the need for the Agreement on Movement and Access

“The idea is to put the Palestinians on a diet, but not to make them die of hunger” – Dov Weissglas,¹ Advisor to Israeli Prime Minister Ehud Olmert, February, 2006

“Gaza is a prison and Israel seems to have thrown away the key” – John Dugard,² United Nations Special Rapporteur on Human Rights for the occupied Palestinian territory, September 26, 2006

FACT SHEET:

Last year, the international community mobilized a high-powered effort aimed at accomplishing two goals: (1) easing the humanitarian crisis in the occupied Palestinian territory (oPt); and (2) creating conditions to revitalize the Israeli-Palestinian peace process. One year later, however, almost two-thirds of Palestinians live in poverty—up from around 50% in 2005³—and the political climate continues to deteriorate.

On November 15, 2005, United States Secretary of State Condoleezza Rice and the Quartet for Middle East Peace Special Envoy James Wolfensohn brought Israelis and Palestinians together in a twenty-four hour negotiations marathon. Based on the principle that **the best way to improve security for Israelis and Palestinians alike is to create economic opportunity for Palestinians**, Secretary Rice and Envoy Wolfensohn brokered the much-heralded Agreement on Movement and Access (AMA)—the basis of which had been under negotiations for months.

The AMA primarily seeks to facilitate the movement of Palestinian people and goods. Both the United Nations and the World Bank identify Israeli restrictions on Palestinian movement and trade as the direct cause of the humanitarian crisis that continues to endure today. These restrictions include hundreds of roadblocks and military checkpoints inside the oPt, ultimate control over all Palestinian crossing points to Israel and the outside world, and an elaborate permit system designed to enable the free movement of 430,000 illegal Israeli settlers at the expense of the livelihoods of 3.9 million Palestinians.

Moreover, Israeli restrictions are making the Palestinian economy far more vulnerable and aid-dependent than it actually is. The World Bank estimates the losses in 2005 due to the internal closure and the reduction of Palestinian labor in Israel stand at \$750 million, or 58%

of the \$1.3 billion in aid provided to PA that year.⁴ Accordingly, by lifting these restrictions the aid basket to the PA could be cut by more than half.

Israel, however, continues to refuse to implement the AMA. And it continues to tighten its restrictions on the movement of Palestinian people and goods. Now, nearly 80% of households in Gaza live in so-called “deep poverty,” unable to adequately nourish themselves.⁵

Palestinians and Israelis reached agreement on the AMA because of a strong and engaged international broker. Had the AMA been fully implemented one year ago, Palestinians and Israelis would likely not find themselves in the same humanitarian and political crises today. **Israelis and Palestinians now need the same level of sustained commitment from the international community as they received during the conclusion of the AMA to ensure its full implementation.**

The United Nations tracks implementation of the Agreement every two weeks. Comprehensive reports can be found at:

http://www.ochaopt.org/?module=displaysection§ion_id=119&format=html.

NEGOTIATIONS BACKGROUND ON THE AGREEMENT OF MOVEMENT AND ACCESS

The AMA was negotiated on the heels of Israel’s controversial Gaza “Disengagement” Plan. Although “Disengagement” was a unilateral Israeli act, Palestinians and Israelis—along with the support of the international community—met to coordinate technical aspects of “Disengagement” for months (*i.e.* movement of goods and people, what would happen to settlement structures). At that time, the international community feared that the security, humanitarian and political spheres in Israel and the oPt would deteriorate substantially if Gaza were allowed to become a large open-air prison. Accordingly, the international community helped broker the AMA to create political and factual conditions conducive to addressing the core issues of the Israeli-Palestinian conflict.

Meanwhile, Israel had sold Gaza “Disengagement” as a historic step towards peace. Palestinians welcomed the evacuation of some settlements, but were skeptical of “Disengagement” since Israel still planned to effectively control the Gaza Strip while expanding its other, much larger settlements, throughout the West Bank. The international community eventually welcomed “Disengagement,” believing that although the Plan was unilateral, it could nonetheless generate momentum to help revive the peace process.

Specifically, **the Quartet** for Middle East Peace—composed of the United States, the United Nations, the European Union, and Russia—**identified six conditions for Gaza’s success after “Disengagement.”**⁶ The first four Quartet conditions pertained to the movement of people and goods: (1) over land crossings and trade corridors; (2) between the West Bank and the Gaza Strip; (3) through an airport and sea port in Gaza; (4) and within the occupied West Bank, including East Jerusalem. The AMA was the crowning achievement of the months-long coordination process, seeking to realize the first four Quartet conditions.

Today, however Israel continues to exert effective control over the Gaza Strip, controlling its borders, airspace, sea space, and ultimately reserving the power to potentially decide such basic matters as whether Gazans can live with their spouses. Gaza is thus still occupied, a humanitarian crisis boils out of control, and today there are more Israeli settlers on Palestinian land after “Disengagement” than there were before.

OVERVIEW OF THE AGREEMENT ON MOVEMENT AND ACCESS: PROMOTING PEACE THROUGH ECONOMIC OPPORTUNITIES

The AMA was reached between the Government of Israel and the Palestinian Authority with the help of the Quartet Special Envoy, the World Bank, the European Union, and the United States’ Secretary of State. It was designed to promote “peaceful economic development and improve the humanitarian situation on the ground.”⁷ It was part of a months-long coordination process on technical issues related to Gaza “Disengagement.”

The AMA sought to facilitate the movement of Palestinian people and goods between:

- (i) **Gaza and Israel** (through crossing points between the two areas)
- (ii) **Gaza and the West Bank** (through bus and truck convoys running between the two parts of the occupied Palestinian territory)
- (iii) **Palestinian communities in the West Bank, including East Jerusalem** (by working to dismantle the internal closure regime, which consists of hundreds of checkpoints and fixed obstacles to movement between Palestinian communities in the West Bank)
- (iv) **Gaza and the West Bank, and third countries** (by opening the Rafah Crossing Point between Gaza and Egypt, by allowing Palestinians to build a seaport in Gaza, and by allowing Gaza’s airport to re-open)

IMPLEMENTATION STATUS OF THE AGREEMENT ON MOVEMENT AND ACCESS

Despite significant international pressure, Israel refuses to implement the AMA. This section charts specific provisions of the AMA and details Israel’s failure to properly implement those provisions.

<u>PROVISION</u>	<u>IMPLEMENTATION STATUS</u>
<p>1. Rafah Crossing Point Between Gaza and Egypt</p> <p>“Rafah will be opened as soon as it is ready to operate at an international standard.....and as soon as the 3rd party is on site”</p>	<ul style="list-style-type: none"> • Since June 28, 2006, Rafah Crossing Point has been opened only on 13% of the days it was scheduled to be open.⁸ • The Palestinian Authority under the leadership of President Abbas, in coordination with the Quartet Special Envoy and the United States, took measures to train personnel and establish infrastructure to ensure that the operation of the Rafah Crossing Point meets international standards.

<p><i>Rafah Crossing Point is Gaza's only independent, direct access point to Egypt. Without a functioning seaport or airport, this is also Gaza's only access point to the outside world potentially free of Israeli control. However, Palestinians and Israelis agreed that European monitors would oversee operations at Rafah. Rafah is for the movement of people to and from Egypt and for the import and export of goods. Under the Agreement, Rafah would have initially been operational for the movement of people and the export of goods only.</i></p> <p><i>Kerem Shalom is an Israeli crossing point that borders both Egypt and the Gaza Strip. Under the AMA, Kerem Shalom is a temporary crossing point. Its sole purpose was to allow for the import of goods into Gaza from Egypt until such time until Rafah customs officials had been trained to properly clear goods according to customs arrangements between Israel and the Palestinians. European monitors at Rafah also use Kerem Shalom as their access point to and from Rafah.</i></p>	<ul style="list-style-type: none"> • An arrangement was reached with the European Union, whereby European observers (the European Union Borders Assistance Mission – EU-BAM) would monitor the operation of the crossing point. • Since June 25th, Israel has frequently prevented EU-BAM monitors from reaching the site, thereby forcing Rafah's closure. In July, 7 Palestinians waiting to be let into Gaza from Egypt died as a result of heat and the absence of shelter. • Under the AMA, Palestinian customs officials were supposed to inspect imports through Kerem Shalom. To date, Rafah is still closed to imports and Israel has not permitted Palestinian customs officials at Kerem Shalom.
<p>2. Crossing Points Between Gaza and Israel</p> <p>“The passages will operate continuously. On an urgent basis, Israel will permit the export of <i>all</i> agricultural products from Gaza during the 2005 harvest season” (emphasis added)</p> <p>“[T]he number of trucks per day to be processed [for export] through Karni will reach 150 [by December 31 2005], and 400 by end-2006.”</p> <p><i>There are four crossing points from</i></p>	<ul style="list-style-type: none"> • In 2005, 90% of all Palestinian trade was with Israel or through Israel to markets in third countries.⁹ • Since the signing of the AMA, Karni has been completely closed for export for over 155 of approximately 310 working days,¹⁰ or roughly 50% of the time. • Since the signing of the AMA on average, 18 trucks per day were processed through Karni for export.¹¹ • All crossing points, Karni included, are under the mandate of the President's Office. • Agricultural products from Gaza during the 2005 harvest season (which were sold in winter 2006) rotted in Gaza as they were stuck on the border. According to estimates by Paltrade and the United States Agency for International Development, the losses resulting from Karni's closure during the 2005 harvest season were estimated at \$600,000 per day, of which agricultural losses stood at \$400,000 per day. • In December 2005, on average, 56 trucks were processed per day through Karni for export, while the

<p><i>Gaza into Israel: Sufa, Nahal Oz, Erez and Karni. Karni is the primary crossing point through which goods can be exported to Israel and eventually to the West Bank under current conditions.</i></p>	<p>highest number of trucks to be processed for export through Karni that month was 100,¹² far below the AMA’s December 31st target of 150.</p> <ul style="list-style-type: none"> • Israel has argued that security concerns have prevented it from keeping the crossing point open. However, even when the crossing point is operating, it is not run efficiently, and its operating hours are unpredictable. • The number of trucks to be processed through Karni established in the AMA is <i>only a minimum</i> based on immediate needs; that base-line does not meet the demands of an expanding economy. Between 1997 and 1999, prior to the eruption of the second Intifada, an average of 5,000-6,000 trucks were processed for export through Karni per month, corresponding to a daily average of approximately 250.¹³ Despite the higher number of exported trucks, Gaza’s economy at the time was also depressed. Demand for exports would still be higher if the economy was healthy. • Limits on Karni’s capacity also limit the growth potential of business in Gaza.
<p>3. Link between Gaza and West Bank</p> <p>“Israel will allow the passage of convoys to facilitate the movements of goods and persons”</p> <p>Specifically, there will be established “bus convoys by December 15” and “truck convoys by January 15”</p> <p><i>A link between Gaza and the West Bank is vital for the Palestinian economy. Neither area alone possesses the characteristics to be economically and independently viable. Together, however, the Gaza Strip and the West Bank economically complement one other: Gaza has an airport, access to the sea, and natural gas reserves, while the West Bank has water resources, room for development, and the international market of East Jerusalem.</i></p> <p><i>Israel had agreed to implement a more robust convoy provision under the Oslo</i></p>	<ul style="list-style-type: none"> • Israel called off discussions regarding implementation of the convoy provision shortly after the AMA was concluded, and refused to recommence discussions. As a result, and in direct violation of the AMA, no truck or bus convoys between the West Bank and the Gaza Strip have operated. Israel also refuses to discuss the establishment of a permanent road link between the West Bank and Gaza.

<p><i>Accords. Yet, other than a few atypical instances, the convoys system was never implemented.</i></p>	
<p>4. Movement within the West Bank (the removal of checkpoints and barriers between Palestinian communities)</p> <p>“[O]ngoing work between Israel and the U.S. to establish an agreed list of obstacles to movement [within the West Bank] and develop a plan to reduce them to the maximum extent possible will be accelerated so that the work can be completed by December 31.”</p> <p><i>In the occupied West Bank, millions of Palestinians are restricted in their movement—entirely within Palestinian territory—for the benefit of 430,000 Israeli settlers illegally residing on Palestinian land. Restrictions on movement include a stringent permit regime, roadblocks, checkpoints, and Israel’s Wall—built not on Israel’s internationally-recognized boundary but primarily inside the occupied West Bank.</i></p> <p><i>Currently, Israel is consolidating its closure regime by building two separate road networks in the West Bank: One, a system of circuitous routes and tunnels for Palestinians; the other, a modern highway system linking most of Israel’s remaining settlements after “Disengagement” not only to Israel, but to each other, on both sides of the Wall.</i></p>	<ul style="list-style-type: none"> • The number of checkpoints and obstacles to movement in the West Bank has <i>significantly increased</i> since last year. According to the United Nations, the number of checkpoints in the West Bank has increased by 166 (or a 44% increase) since August 2005, with 542 checkpoints and other fixed impediments in the West Bank today.¹⁴ • According to the United Nations, the internal closure regime is the primary cause of the humanitarian crisis in the oPt. The World Bank estimates that “the internal closures [in the West Bank] accounted for approximately half of the decline in real GDP (perhaps some 15 percent) observed between 2000 and 2002.”¹⁵
<p>5. Gaza’s Airport and Seaport: Gaza’s Access to the Outside World</p> <p>“The parties agree on the importance of the airport.</p>	<ul style="list-style-type: none"> • Israel has refused to discuss the re-opening of Gaza’s airport since the signing of the Agreement.

<p>Discussions will continue on the issues of security arrangements, construction, and operation”</p> <p>“Construction of a seaport can commence. The [Government of Israel] will undertake to assure donors that it will not interfere with [the] operation of the port”</p> <p><i>With Israeli permission, the Gaza Strip airport could be open for daytime use within several weeks. Currently, there is no airport within the West Bank. Palestinians must now rely entirely on Israeli sea and airports for trade with the outside world. Goods entering Israeli ports destined for Palestinian areas have typically been detained for lengthy periods of time which in turn incurs on Palestinian importers hefty storage fees.</i></p>	<ul style="list-style-type: none"> • The Israeli government has yet to assure donors that it will not interfere with the operation of the port, thereby preventing the construction of the seaport as no donor party is willing to invest in it before they get such assurance. • Gaza’s airport and seaport could provide Gazans with the means to independently export produce to third countries.
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¹ AFP, “ Hamas Readies for Government, Israel Prepares Sanctions,” February 16, 2006, available at < http://www.palestine-monitor.org/nueva_web/updates_news/news/sanction_hamas_israel.htm>, last checked October 3, 2006.

² Richard Waddington, “U.N. Envoy Says Gaza a Prison for Palestinians,” REUTERS, September 26, 2006, available at < http://today.reuters.com/news/articlenews.aspx?type=topNews&storyID=2006-09-26T155106Z_01_L26120946_RTRUKOC_0_US-RIGHTS-PALESTINIANS.xml&archived=False>, last checked October 3, 2006.

³ Palestinian Central Bureau of Statistics

⁴ World Bank, *Country Economic Memorandum, Growth in West Bank and Gaza: Opportunities and Constraints* (September 2006), available at, <http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/294264-1159361805492/CEMSept25.06.pdf>

⁵ Palestinian Central Bureau of Statistics

⁶ See Testimony of James D. Wolfensohn, Quartet Special Envoy for Disengagement, to the United States Senate Foreign Relations Committee, available at < <http://www.senate.gov/~foreign/testimony/2005/WolfensohnTestimony050630.pdf> >, last checked October 3, 2006.

⁷ Agreement on Movement and Access, available at: <http://www.nad-plo.org/nego/nego/SiAgreem/agreraf/Agreement%20Access.pdf>, last checked October 3, 2006.

⁸ From data compiled by the United Nations Office for the Coordination of Humanitarian Affairs (www.ochaopt.org)

⁹ Ibid.

¹⁰ Figures generated from data collected by the Palestine Trade Center – Paltrade (<http://www.paltrade.org/>).

¹¹ Ibid.

¹² Ibid.

¹³ Ministry of Economy, Palestinian National Authority

¹⁴ United Nations Office for the Coordination of Humanitarian Affairs (OCHA), *Implementation of the Agreement on Movement and Access* (October 18-31 2006), available at: http://www.ochaopt.org/documents/AMA_Report%20No.25.pdf

¹⁵ World Bank, *An Update on Palestinian Movement, Access and Trade in the West Bank and Gaza*, August 15, 2006, available at,