



**LPHR submits letter to the UN Humanitarian Coordinator in light of outstanding concerns regarding the Gaza Reconstruction Mechanism, including request to consider an enhanced UN-led access mechanism for Gaza**

**16 September 2020**

LPHR has today submitted a [detailed letter](#) to the UN Humanitarian Coordinator for the occupied Palestinian territory, Mr Jamie McGoldrick, on the six year anniversary of the Gaza Reconstruction Mechanism (GRM) agreement made between the Government of Israel, the Palestinian Authority and the United Nations. The GRM was designed as a “*temporary access mechanism*” to allow the entry of reconstruction materials following the Israel’s 2014 military bombardment of the Gaza Strip, but remains in place six years later.

The letter requests urgent consideration of whether the UN's continued role as a party to the GRM is tenable, and of the feasibility of rapidly developing and implementing an alternative enhanced UN-led access mechanism for Gaza.

We query whether it can be tenable for the UN to continue to be a legal party to the GRM on the basis that: i) it can no longer be accurately classified as *temporary*, but rather has become entrenched, and ii) the track record of inadequate and delayed reconstruction to date suggests that the GRM does not provide *access* sufficient to meet humanitarian need, contrary to international law requirements and its own guiding principles.

A review process was undertaken in the latter half of 2018, which could have remedied the flaws of the GRM. However, as the results of the review were not fully published, questions about the GRM’s compatibility with international law remain unanswered. Our letter therefore seeks to ascertain whether the UN has been able to amend the GRM agreement to necessarily enable: i) full compliance with basic international human rights and humanitarian law obligations, and ii) full compliance with its human rights due diligence responsibilities and the UN Guiding Principles on Humanitarian Assistance.

As outlined in our letter, the apparent legal and human rights shortcomings of the GRM have a real and substantial effect: they lead to systemic ineffectiveness in the provision of adequate and timely humanitarian relief to meet the significant humanitarian need in Gaza. The Covid pandemic makes these problems all the more acute, given its profound impact on all societies from a health, humanitarian, economic and human rights perspective. A revised response plan by the UN Office for the Coordination of Humanitarian Affairs on 25 April 2020 referred to a continued shortage of medical equipment, which suggests a failure to alleviate the harmful effects of illegal closure.



LPHR does not question the good faith and intent by the UN to mitigate the punitive illegal closure imposed upon the entire population of Gaza by successive Israeli government since June 2007. However, we do take the position that it is vital that fundamental legal, human rights and humanitarian concerns are fully and transparently addressed. This is especially the case given that GRM has become de facto entrenched, contrary to express wording in the GRM agreement that *“the parties consider this to be a temporary access mechanism”* when it came into force in September 2014.

Our letter concludes with four specific requests to the UN Humanitarian Coordinator for the occupied Palestinian territory and Deputy Special Coordinator for UN Special Coordinator for the Middle East Process, for:

1. Information on whether the UN carried out a human rights due diligence assessment when it became a party to the GRM agreement in September 2014, in the public interests of transparency and accountability. The letter requests publication of this assessment, subsequent updates to it, and any internal assessment performed by the UN to determine whether the GRM is compatible with the UN's *“Minimum Framework for the Provision of Humanitarian Assistance in Gaza”* published in April 2009.
2. Full publication of the review undertaken by the parties to the GRM in late 2018, in the public interests of transparency and accountability. The letter requests clarification as to whether the review led to a revised agreement and if it did, whether that agreement includes guarantees that it meets basic human rights and humanitarian law obligations, and that the Government of Israel should not block imports that are necessary to meet this objective. It additionally requests publication of subsequent documents detailing the 'on-the-ground' results of implementation of the review.
3. Details on any modifications to the operation of the GRM in the context of Covid-19 pandemic to ensure that the public health needs of the population of the Gaza – including access to vital medical equipment and clean water – are not being dangerously restricted.
4. Dependent on other responses and the extent to which the review of the GRM has remedied the previous concerns, urgent consideration of: i) whether the UN's continued role as a party to the GRM is tenable, and ii) the feasibility of rapidly developing and implementing an alternative enhanced UN-led access mechanism for Gaza. The letter also seeks confirmation of whether a time-frame has been discussed and/or agreed for ending the GRM.

LPHR looks forward to constructive engagement with the UN Humanitarian Coordinator on this fundamental legal, human rights and humanitarian matter that affects the entire population of Gaza.