The Humanitarian Crisis in Gaza Strip and the Necessity of a Humanitarian Aid Corridor in the Context of International Law

Introduction

Since 2007, Israel has been imposing a very intense blockade on Gaza by land, air, and sea. On October 7, 2023, it launched an air, land and sea attack on Gaza, where more than 2,2 million people live. Then, on October 9, the Defence Minister announced that Israel started a “complete siege” on Gaza, cut off electricity and water to the Gaza Strip, and prevented the entry of all kinds of goods, including food, fuel and health equipment, and people.[1]

The humanitarian crisis in Gaza, where the civilian population is forced to live without safety under heavy bombardment, is getting deeper due to the civilian infrastructure targeted by Israel and the siege. In addition to all these attacks, Israel also prevents humanitarian aid from reaching the region.

Israel’s embargo and siege of Gaza is seen as a form of collective punishment contrary to international law, especially the Fourth Geneva Convention, by many human rights groups, international community representatives and lawyers. It means that Israel, as the occupying power, is responsible for all violations in the region.[2]

Preventing access to humanitarian aid in times of war and armed conflict is not only a crime against humanity but also an international crime. International law rules and norms regarding this issue are quite clear. In this context, it can be said that the creation of humanitarian aid corridors to ensure the evacuation of civilians in war and conflict zones and their access to basic humanitarian needs is a legal obligation as well as a humanitarian one.

That being the case, while Israel is preparing for a ground operation to the Gaza Strip, the international community must take the necessary initiatives to create a safe corridor for the delivery of humanitarian aid materials to civilians in Gaza, which has been isolated by Israel.

The Humanitarian Crisis in Gaza

On October 7, 2023, a statement was made by the Qassam Brigades, the military wing of Hamas, announcing that a very wide-ranging attack was launched in response to Israel's attacks on the Al-Aqsa Mosque, the ongoing blockade of Gaza contrary to international law, and the arbitrary arrest and detention of Palestinians in very poor conditions in Israeli prisons.[3]

After these comprehensive and violent attacks by the Qassam Brigades, which broke through the concrete walls, barbed wires and security barriers surrounding the Gaza Strip, Israel launched a heavy bombardment on the Gaza Strip, killing many children, women, journalists and healthcare workers in the attacks carried out without civilian sensitivity.

In addition to the bombardment, after Israel closed the Erez and Kerem Shalom borders, which provide entry and exit to Gaza, in addition to the Rafah Border Gate, which is the only potential exit gate for the people of Gaza, is closed, restricting the access of people in the region to even the most basic needs.

Although Egypt controls the passage in Rafah in accordance with an agreement made with Israel in 2007, Israel's approval is required for the passage of materials and goods from Rafah to Gaza. As Israel uses this situation as leverage, the people of the region are being dragged into a major humanitarian crisis.

Statements by Egyptian Foreign Minister Sameh Shukri that humanitarian aid is waiting at Egypt’s Rafah

Border Gate, but that Israel does not facilitate passage to the Gaza side, also show that Israel prevents humanitarian aid from passing through the border.[4] This unlawful attitude of Israel, which does not even allow the passage of humanitarian aid, causes the humanitarian crisis in the Gaza Strip to reach unimaginable dimensions

So much so that the number of people who lost their lives in the Israeli attacks between October 7 and October 17 has already exceeded the number of people who lost their lives in Israel's 50-day attacks on Gaza in 2014. 2,251 Palestinians lost their lives in the attacks that lasted 50 days in 2014. According to the statement of the Palestinian Ministry of Health, the number of Palestinians who lost their lives due to the ongoing Israeli bombardment from land, air and sea as of October 17 is stated as 3000, excluding those who lost their lives in the Al-Ahli Hospital attack. This number means that approximately 280 people per day, or 12 people per hour, die due to Israeli attacks.

The number of injured people due to the attacks has increased to 12,500 as of the same date, excluding those injured in the Al-Ahli Hospital attack.[5] 64% of those who lost their lives were children and women.[6] At least 853 children lost their lives due to the attacks.[7] Considering that Israel continues its attacks on Gaza, it can be predicted that these figures will increase. It is also estimated that hundreds of people are still trapped under the rubble and waiting to be rescued. Decomposition of corpses under collapsed buildings is becoming an increasing human and environmental problem.

On the night of October 17, the Israeli Air Force bombed the Al-Ahli Hospital in Gaza. This attack, which is clearly a crime against humanity and a war crime, was recorded as the bloodiest of the attacks launched by Israel against Gaza on October 7. Palestinian officials stated that at least 500 people died in Israel's air strike on the Al-Ahli Hospital in Gaza. While reactions to the attack came from many countries around the world, the World Health Organization (WHO) stated in its statement that the attack was *"unprecedented in terms of its scale."*[8]

There has been a shortage of electricity and water in Gaza for days because Israel cut off the electricity and water supply to Gaza Strip. It is reported that the fuel reserves needed to run the generators are about to run out. Also, it is stated that the lives of thousands of patients in need of treatment may be in danger due to this electricity and fuel shortage, which includes hospitals.[9] According to the UN Population Fund (UNFPA), more than 50,000 pregnant women in Gaza currently cannot access the health care they need due to Israel's bombing of many hospitals and health facilities.[10] Before the attack on Al-Ahli Hospital, WHO documented 57 Israeli attacks on healthcare services in Gaza. In these attacks, 16 healthcare workers died, 28 workers were injured and 23 ambulances were damaged.[11]

WASH (Water, Sanitation, Hygiene) Group under the auspices of UNICEF stated that almost the entire water and sanitation infrastructure in Gaza Strip has collapsed and that if water and fuel are not allowed to enter Gaza urgently, the population in Gaza will face infectious and epidemic diseases and that these diseases may result in death.[12] UNICEF's warning about restricting access to water resources stems from the fact that children are the ones most affected by the current situation in Gaza. In the statement made by UNICEF, children are forced to wash and drink dirty water obtained from limited wells, which increases the risk of spreading water-borne diseases.[13] Although Israel states that it has regained water access to some parts of Gaza, the amount of water provided corresponds to 4% of the consumption before the attacks.

Number of humanitarian aid personnel killed in the line of duty was reported as 31.[14] Committee to Protect Journalists (CPJ) reported that 15 journalists have lost their lives, 8 journalists have been injured and 3 journalists are missing or detained since the war started on October 7.[15]

It is stated that more than 1 million people were forcibly displaced due to Israel's threat to evacuate the northern part of Gaza on October 13. The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) reported that approximately 400 thousand displaced people remain in their own schools and buildings in Gaza. Reporting that 14 employees died due to Israeli bombardment, UNRWA Commissioner-General Philippe Lazzarini stated that there were no more places for people seeking shelter in UNRWA facilities in the Gaza Strip and said, *"The world has lost its humanity."*[16]

The extent of damage to education and other civilian infrastructure as a result of bombardments is also increasing. As of October 16, 167 educational facilities, including at least 20 UNRWA schools, had been

hit by Israeli airstrikes. Among the buildings destroyed and damaged due to bombardments, there are 1 university building and 7 churches, as well as 11 mosques.[17]

Those most affected by the destruction caused by Israel's attacks on Gaza were children and women. In addition to the attacks, there is a major humanitarian crisis in Gaza due to Israel's blockade and siege of Gaza and its prevention of even humanitarian aid supplies such as food, water and medicine waiting for Egypt from passing through the Rafah Border Gate.

Humanitarian Corridor: Definition and Examples

A humanitarian aid corridor can be defined as a safe route for the delivery of humanitarian aid supplies to civilians in the conflict zone and the evacuation of civilians from conflict zones. The most important feature that distinguishes these corridors from standard humanitarian aid activities is that humanitarian aid corridors are created in pre-determined narrow areas and for limited periods of time.[18]

Thus, humanitarian corridors are typically narrow roads designed for specific purposes, with a limited duration of function (as short as a few hours or as long as a few years). In this respect, humanitarian aid corridors are regions/lanes where humanitarian aid activities for civilians in war and conflict zones are carried out and where the movement of civilians is allowed.

The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) defines humanitarian aid corridors as follows;

*"Specific routes and logistical methods agreed upon by all relevant parties to allow the safe passage of humanitarian goods and/or people from one point to another in an area of active fighting."**[19]***

Establishing humanitarian aid corridors has a long history involving aid activities for civilians in situations such as international armed conflicts, non-international armed conflicts, and migration movements. There are different uses such as "temporary aid corridors", "*temporary security zones*" and "*safe corridors*" in the UN General Assembly and UN Security Council resolutions.[20]

The most well-known examples of these corridors include the evacuation corridor, also known as the *Kindertransport*, where Jewish children were evacuated from Nazi Germany-controlled areas to the UK in 1938-1939, and the humanitarian aid corridor, including air aid, created for Sarajevo, which was under siege by the Chetnik Serbs during the Bosnian War between 1992 and 1995.

Humanitarian corridors mostly take place under the umbrella of the UN. Negotiations for the creation of these corridors can take place through negotiations between the parties to the conflict, or they can be formed through the initiatives of other states as a result of concerns arising from the life safety of civilians and the deepening of the humanitarian crisis.[21]

In this context, although state permission is required for humanitarian aid according to Article 70(1) of Additional Protocol I of the Geneva Conventions, it is possible to establish humanitarian aid corridors without state approval by the decision of the UN Security Council. Humanitarian aid corridors established by UN Security Council resolutions without state approval have recently been encountered. For example, through the humanitarian aid corridors established under the leadership of the UN since 2014, humanitarian aid passing through various border gates, especially in Northwest Syria, has been delivered to people in need of aid in Syria. In addition, a humanitarian aid corridor was established for the evacuation of civilians in Aleppo under siege of the Assad regime in 2016 and in Ghouta in 2018, and thousands of people were able to evacuate the cities safely.

Access to Humanitarian Aid in the Context of Fundamental Human Rights

Every human being has fundamental rights that arise simply from being human. The main ones of these basic human rights consist of the rights to access the most basic needs such as security, food, water, health, education and shelter.

According to Article 3 of the Universal Declaration of Human Rights, *"Everyone has the right to life, liberty and security of person."* Article 25 of the Declaration states that *"Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services..."* ***[22]***

In addition, the right to food includes the right of everyone to access adequate, safe, healthy food easily and sustainably. The right to water is another fundamental human right. No one can be prevented from accessing water due to their physical, economic or other characteristics, and their right to water cannot be usurped in any way. Access to safe drinking water and sanitation are internationally recognized human rights derived from the right to an adequate standard of living under article 11(1) of the International Covenant on Economic, Social and Cultural Rights.[23]

Access to Humanitarian Aid in the Context of Humanitarian Law and the Law of Armed Conflict

The most important texts that form the basis of human rights law, humanitarian law and the law of armed conflict are the Geneva Conventions (1949) and their Additional Protocols I and II (1977). The process of monitoring compliance with the Geneva Conventions and Protocols is carried out by the International Committee of the Red Cross (ICRC).

When international law texts on the subject are examined, many articles supporting the efforts to establish humanitarian aid corridors can be found. For example;

According to Article 7 of the Rome Statute of the International Criminal Court, the definition of extermination includes *"the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population."* ***[24]*** While it shows that aid corridors are a necessity, it also reveals that being against them is a crime against humanity.

Article 8(2) of the Statute states that *"intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under the Geneva Conventions"* ***[25]*** is a war crime in armed conflicts.

Article 23 of the Fourth Geneva Convention for the Protection of Civilians in Time of War, which forms the basis of International Humanitarian Law, clearly states that *"the free passage of all consignments of medical and hospital stores and objects necessary for religious worship intended only for civilians"* and *"it shall likewise permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases."*[26]

Article 70 of the Additional Protocol I of the said contract expands this obligation to include *"allow and facilitate rapid and unimpeded passage of all relief consignments, equipment and personnel... even if such assistance is destined for the civilian population of the adverse Party."* ***[27]***

Relevant article of Additional Protocol I also requires the unhindered passage of humanitarian assistance not only by the parties to the conflict, but also by each State party to the Protocol.

Article 75 of Additional Protocol I regulates the rights of individuals who find themselves involved in a conflict in which they do not participate. Article 75 can be considered as a mini-convention on the

protection of fundamental human rights during international armed conflicts. The article in question states that *"violence to the life, health, or physical or mental well-being of persons, in particular: murder; torture of all kinds, whether physical or mental; corporal punishment; and mutilation; outrages upon personal dignity, in particular humiliating and degrading treatment, enforced prostitution and any form of indecent assault; the taking of hostages; collective punishments; and threats to commit any of the foregoing acts"* and similar actions against civilians are prohibited even in wartime.***[28]***

In a resolution adopted in 1999 on the protection of civilians in armed conflict, the UN Security Council called on "all parties concerned, including neighboring states, to cooperate fully" in ensuring access for humanitarian personnel.[29]

*In the Guiding Principles on Humanitarian Aid adopted by the UN General Assembly in 1991, it is stated that "States in proximity to emergencies are urged to participate closely with the affected countries in international efforts, with a view to facilitating, to the extent possible, the transit of humanitarian assistance."**[30]** This statement clearly emphasizes the role and responsibility of neighboring states in establishing humanitarian aid corridors in war and conflict times.*

In a resolution adopted in 1999 on children in armed conflict in the context of war and conflict in Kosovo, the UN Security Council called on all parties to armed conflicts to "ensure full, safe and unhindered access of humanitarian personnel and the provision of humanitarian assistance to all children affected by armed conflict."[31] Today, it has become a necessity to repeat a similar call for Gaza.

In accordance with international humanitarian law, there are practices that recognize that civilian populations in need have the right to receive humanitarian assistance necessary for their survival. Article 30 of the Fourth Geneva Convention recognizes the right of protected persons to appeal to the protective powers, the International Committee of the Red Cross (ICRC) or the National Red Cross or Red Crescent Society, as well as to any organization that can assist them.

In addition, according to the law of occupation, the obligation of the occupying power to ensure that the basic needs of the population under its control are met is clear. This is mainly due to Article 55(1) of the Fourth Geneva Convention, which provides that the occupying power has the duty to ensure the provision of food and medical supplies to the civilian population.

*According to Article 55, "the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate."**[32]***

Calls for the Humanitarian Aid Corridor for the Gaza Strip

Humanitarian aid corridors can be implemented in many conflict zones today. For example; The humanitarian aid corridor, also known as the Lachin Corridor, which was created for the safe passage of the Armenian population in the Karabakh region of Azerbaijan to Armenia and the delivery of various basic needs aid to the people in the region, constitutes one of the most current examples.

In addition, a few days after the start of the war between Ukraine and Russia, a joint working group was established under the mediation of the International Committee of the Red Cross to establish humanitarian aid corridors in regions experiencing violent conflicts. As in previous examples, various calls have been made at the international and national levels for the establishment of a humanitarian aid corridor regarding the humanitarian crisis in Gaza.

In their evaluations at the press conference held at the UN Geneva Office, UN Office for the Coordination of Humanitarian Affairs (OCHA) Spokesperson Jens Laerke and World Health Organization (WHO) Spokesperson Tarik Jasarevic drew attention to the dimensions of the humanitarian crisis in Gaza and called for the opening of a humanitarian corridor to Gaza.[33] Prime Minister of Scotland Humza Yousaf also stated that it is "essential" to establish a humanitarian aid corridor in Gaza and stated that these corridors are needed to allow vital materials to enter Gaza and people to leave.[34]

UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Martin Griffiths stated that access is needed to deliver humanitarian aid to Gaza to prevent the crisis from worsening, while World Health Organization regional director Ahmed al-Mandhari said that if humanitarian aid, medicines, and health equipment are not allowed to enter Gaza, doctors will have to stay in hospitals. He stated that he would "have to prepare death certificates" for many patients.[35]

Canadian Prime Minister Justin Trudeau, in his speech in parliament, said that he was concerned about the deepening humanitarian crisis in Gaza and that opening a humanitarian corridor to the region was a necessity.[36] Bahraini King Hamed bin Isa al-Khalifa is one of the leaders who called on the international community to open a humanitarian corridor to Gaza.[37]

Turkey stands out as one of the countries that opposed Israel's blockade of Gaza from the first moment. In this context, Turkish non-governmental organizations are also taking various initiatives to lift the blockade in Gaza and deliver humanitarian aid materials to Gaza.

After the humanitarian crisis deepened with the Israeli attacks that started on October 7, Turkish non-governmental organizations once again made statements about ending the attacks and blockade on Gaza and also called for the opening of a humanitarian aid corridor for civilians affected by the current situation in Gaza.

Turkey stands out as one of the countries that opposed Israel's In addition to Turkish Red Crescent President Fatma Meriç Yılmaz's call for opening a humanitarian aid corridor to Gaza[38], IHH Humanitarian Relief Foundation President Bülent Yıldırım also made a statement to ensure humanitarian aid activities for civilians in Gaza and to ensure their safety since the first day of the Israeli attacks. He expressed the necessity of the humanitarian aid corridor.[39]

Humanitarian Aid Is Not A Negotiable Issue

Due to the Israeli siege that has continued since 2007, most of the more than 2.2 million people living in Gaza are in need of humanitarian aid. In Gaza, which has witnessed unprecedented destruction and devastation with the Israeli attacks that started on October 7, the basic humanitarian aid materials and basic needs such as water, electricity, and fuel needed by the civilian population are reduced due to Israel's desire to turn humanitarian aid into a bargaining chip. Therefore, it cannot be delivered to the people in Gaza.

The attack on the Mavi Marmara, one of the ships of the Gaza Freedom Flotilla, which set out to end this humanitarian aid blockade against Gaza, is the most concrete example of Israel's ability to ignore international law in order to prevent humanitarian aid from reaching the people of Gaza.

In this context, the statement of IHH Humanitarian Relief Foundation President Bülent Yıldırım, emphasizing the urgent need to open a humanitarian aid corridor to Gaza, is quite important. Yıldırım said; "We can clearly see what Israel's purpose is. It is trying to make Gaza uninhabited by attacking it and preventing vital needs from entering the region. We can accept that women and children leave the area for their safety. However, we do not accept a corridor in which Gaza will be completely evacuated and come under Israeli control. Gaza will rise again. For this reason, we call on the whole world to urgently open a humanitarian aid corridor to Gaza." With his statement, he clearly emphasized that humanitarian aid should never be the subject of political interests and bargaining.

In this context, he invited the United Nations (UN) and the Organization of Islamic Cooperation (OIC) to take action and said; "These attacks by Israel must be stopped as soon as possible. The United Nations and the Organization of Islamic Cooperation must take decisive steps to end this oppression. We propose that the corridor should be opened through Egypt and that the Organization of Islamic Cooperation supports this corridor by holding its next meeting in Egypt."

On the issue of humanitarian aid, which cannot be negotiated under international law, the international

community must take immediate action and ensure that the people of Gaza receive the basic humanitarian aid they need. It is clear that this issue is above all political and economic agendas and that it is a legal and humanitarian responsibility not to allow humanitarian aid to be instrumentalized.

Conclusion: As Demonstrated

Dimensions of the humanitarian crisis in Gaza, which has been subjected to continuous heavy bombardment from land, air, and sea since October 7, is getting worse day by day. The people of Gaza, whose access to many basic needs, health equipment, and basic infrastructure services such as water and electricity have been denied under Israel's siege and embargo for more than 15 years, are deprived of the security of life and property by Israel. Undoubtedly, Israel's unlawful and inhumane practices in the past constitute a strong reference for what it is doing today and what it may do in the future.

Israel, which does not allow access to even basic humanitarian aid supplies to the Gaza Strip, will not allow the return of Palestinians who had to leave Northern Gaza due to their lack of life safety due to heavy bombardment, as well as the difficulties they experience in accessing food, water, and electricity, and will not allow this region to return. It is quite clear that Israel wants to annex to the Gaza Strip like it is doing in the West Bank.

In order to end the humanitarian crisis in Gaza, an urgent ceasefire must be established and Israel's heavy bombardment of Gaza must end. In order to improve the humanitarian situation in the region, a humanitarian aid corridor should be urgently established and basic humanitarian aid, especially food, water, and health supplies, should be delivered to the region.

It can be seen that Israel will not look favorably on the idea of creating a humanitarian aid corridor due to its concern about the revelation of the crimes against humanity and war committed by Israel in Gaza. The creation of a humanitarian aid corridor means that United Nations observers and journalists who will accompany humanitarian aid activities will bring the dimensions of the crisis and human rights violations in the region to the international level. Therefore, in order to establish a humanitarian aid corridor, which is a humanitarian and legal obligation, the international community and non-governmental organizations need to put pressure on global decision-makers and Israel.

Humanitarian aid is a non-negotiable issue and is a fundamental human right. Therefore, opening a humanitarian aid corridor to Gaza and carrying out humanitarian aid activities should be seen as a legal obligation as well as a humanitarian responsibility. In this context, the humanitarian aid issue should not be allowed to be instrumentalized and turned into a bargaining element, and any attempt in this direction should be prevented.

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