

Member of the European Parliament

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Commissioner Ferrero Waldner
DG External Relations
The European Commission
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Dear Commissioner,

I previously wrote to you regarding the EU's role in the blockade of Gaza through EU BAM's involvement in monitoring the Rafah border crossing between Israel and Gaza. Many thanks for your response dated 19 May 2009 which has answered some, but by no means all, of my questions. In addition to my own concerns, I have also received a lot of concerned constituent correspondence regarding the Rafah crossing, questioning why the EU feels it is acceptable to allow Israel to decide whether a crossing between Gaza and Egypt can be opened.

Your letter of 19th May 2009 explains that as the EU provides only a neutral third party presence, it has no jurisdiction to determine whether the Rafah crossing is open or not, as this is a decision that is taken by both the Palestinian Authority and the Government of Israel.

You explain that: *'There is nothing in the agreement that allows either party to close the crossing unilaterally, but as the Government of Israel (GoI) controls access to the Liaison Office (comprising representation from the PA, GoI and EUBAM Rafah) located in Kerem Shalom and Karem Shalom crossing point, it can therefore control whether or not the EU monitors can go to the Rafah crossing point'*.

Given that the border cannot open without the presence of EU BAM monitors, and Israel controls whether these monitors can get to the border, this clearly undermines Javier Solana's claim when the crossing was opened in 2005 that 'For the first time, Palestinians assume the responsibility to manage external borders' (Brussels 25 Nov 2005). Could you please explain why EU BAM is situated in Kerem Shalom rather than in Gaza or in Egypt between which the crossing is situated? Does this not

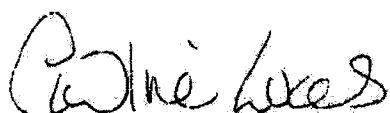
undermine the EU's mandate as a neutral third party by giving Israel unreasonable power over whether the crossing is able to be opened?

If it is genuinely impossible for EU BAM to be situated in Gaza or Egypt because the government of Israel refuses, at the very least can you reassure me that the EU is calling on Israel to make sure that EU BAM monitors can get to the border. Given that the Rafah crossing is only one of the border crossings into Gaza would it also be possible for EU BAM to expand its role and monitor the other crossings?

In addition, in your response, you state that '*Under the arrangement foreseen by the Agreement on Movement and Access, the Rafah crossing cannot open unless the Liaison Office is running*' implying that representatives from the Palestinian Authority, the Government of Israel and EUBAM Rafah have to be present in the Liaison Office for the border to be able to open. If this is the case where does it state in the Agreement on Movement and Access that the crossing cannot open until all representatives are present at the Liaison Office?

The blockade, as you know, is causing a devastating situation for the people of Gaza. Please can you confirm that EU BAM Rafah is truly a neutral third party and is doing all it can to re-open the border including fulfilling its role of monitoring by reporting openly why the Rafah crossing is closed.

Yours sincerely,



Caroline Lucas MEP