

## Blurring boundaries

Lack of transparency and ambiguous rules of engagement harm civilians in Gaza's border area

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In November 2012, [the media reported](#) that as part of understandings reached in the ceasefire agreement between Israel and Hamas authorities in Gaza, the area along Gaza's border with Israel, into which farmers are denied entry would be reduced. However, Gisha's correspondence with Israeli authorities revealed that the army continues to consider the area stretching 300 meters from the border fence as off-limits to farmers as well as the rest of Gaza's population. At the same time, the military refrains from providing clear and consistent information about the scope of the restrictions in the so-called "buffer zone", or the extent to which they have been relaxed. Gisha cautions that the lack of transparency and the ambiguous rules of engagement put farmers, shepherds and gravel collectors, who make a living in this area, at risk.

### Background

After Israel withdrew its permanent military presence from the Gaza Strip in 2005, it created a buffer zone along the border into which Gaza residents were barred entry. Officially, since 2010, this zone has stretched 300 meters from the border with Israel into Gaza. In practice however, even individuals who came within 1,500 meters of the border risked being shot at by the Israeli army. This area, which is either entirely and officially off-limits or effectively restricted due to the high-risk associated with entering it, constitutes approximately 17% of the total area of the Gaza Strip and is home to some 35% of its agricultural farmland.

Reports from military officials and the media indicated that the ceasefire understandings reached on November 22, 2012, at the end of the military operation Pillar of Defense, included a relaxation of restrictions such that the buffer zone for farmers would be reduced to 100 meters from the border.

However, since the ceasefire took effect, four civilians have been killed and 109 injured near the Gaza-Israel border, including demonstrators, gravel collectors and farmers, at a distance of between 100 and 300 meters from the fence (according to data provided by OCHA - the UN Office for the Coordination of Humanitarian Affairs). The number of injuries is very similar to that recorded during the same time-period last year, before the alleged expansion of the area permitted for entry.

### Lack of transparency and contradictory statements

The directives regarding the buffer zone are unclear to residents of Gaza and are also a source of confusion among the Israeli authorities themselves.

When the most recent ceasefire was announced, Israeli officials [told the media](#) that "the IDF was no longer enforcing the no-go zone". An announcement regarding the reduction of the buffer zone to 100 meters from the border was given orally to international organizations and [published](#) on the

website of the Coordinator of Government Activities in the Territories (COGAT), the Ministry of Defense unit responsible for liaison and coordination of civilian matters in Gaza.

However, in response to Gisha's request for clarifications, [the IDF spokesperson wrote](#) that Gaza residents were not permitted to approach closer than 300 meters from the border. The spokesperson added that "farmers are allowed to enter, on foot, in order to cultivate certain agricultural areas within this zone...." with "COGAT coordination". This is the same COGAT that had announced that farmers were permitted to come within 100 meters of the border and would later state that it was not the body authorized to provide information about access restrictions.

In [response to an additional inquiry](#) made by Gisha – in an effort to reconcile the contradictory information provided by COGAT and the army – COGAT removed the item about farmers being permitted to approach within 100 meters of the border from its website. The IDF spokesperson claimed that it was using flyers to notify Gaza residents about the restrictions near the border. However, Gisha has no knowledge of any flyers being distributed in the area since the ceasefire and since the new arrangement supposedly entered into effect. The IDF spokesperson also said that updates regarding the prohibition on crossing the 300-meter mark were given to the public by "liaison and coordination officials".

In addition, COGAT has not divulged information about the "coordination mechanism" it is allegedly implementing and the farmers themselves, who are supposed to coordinate their access to the area with COGAT, report that they have never heard of such a mechanism (a fact which calls into question whether or not such a mechanism actually exists, or, at the very least, raises doubts about its effectiveness in preventing harm to civilians). Some international organizations inform COGAT about projects carried out under their auspices in the border area, apparently in an effort to reduce the risk to those participating in their projects, yet there is no known mechanism designed to "coordinate" work by ordinary farmers. In practice, as [reported by the UN Office of the High Commissioner for Human Rights \(UNOHCHR\)](#), farmers in the border area do not have a clear understanding of which areas they can access and as such, they test the limits by entering and retreating from their own land in a trial and error manner. Error can result in being shot at, injured, or even killed.

### Rules of engagement

The military refuses to disclose the rules of engagement pertaining to the border area. The UNOHCHR [report](#) indicates that farmers, gravel collectors and shepherds gather that a certain area is off-limits only after soldiers shoot at them, whereas they are able to access other areas within the 300-meter-wide strip without incident, at least at certain times. According to a report by OCHA, the area stretching up to 1.5 kilometers from the border continues to be a high-risk zone, which Gaza residents avoid entering due to the threat of being fired upon.

### **Israel's obligations toward civilians in the border area**

Gisha [maintains the position](#) that the law of occupation applies to Israel's actions vis-à-vis residents of the Gaza Strip and, as such, Israel has the authority to restrict movement for concrete security needs. However, Israel must balance such restrictions against its obligation to allow normal civilian life,

including access to livelihoods and food production. Inasmuch as Israel is involved in combat against armed groups in the Gaza Strip, it must take measures to protect the civilian population.

As long as Israel chooses to restrict movement in the border area, it must fulfill two obligations:

**First**, it must take precautions to protect civilians, including by being transparent about the restrictions it imposes. It should be stressed that entry into the border area per se, **does not** justify shooting unarmed individuals who are not involved in hostilities.

**Second**, Israel must compensate those who have been adversely affected by the fact that entry into this area is forbidden. This includes farmers whose livelihoods have been harmed due to the prohibition on working their lands and residents of the area whose access to resources and services there has been blocked.