

Frequently Asked Questions: New Gaza Construction Material Procedure

Last month, Israel announced a new procedure for allowing construction materials into Gaza. Gisha responds.

1. *As an organization that has called for ending the restrictions on construction materials entering Gaza, what is your response to the announcement of a new mechanism to supervise the transfer of building materials into Gaza?*

Gisha welcomes the announcement that Israel plans to ease restrictions on the entrance of construction materials. We are encouraged by a shift in rhetoric toward recognizing the need to distinguish between civilians and militants and [statements by military officials](#) promising to allow rehabilitation in Gaza. We are concerned, however, that the new procedure announced will not be adequate to meet the tremendous need for building materials in Gaza and will not achieve its stated goal of preventing the fortification of tunnels. The new procedure essentially extends [an existing procedure that had been in place for international organizations](#) to the private sector. It requires layers of approvals from multiple government agencies as a condition for purchasing building materials, including scrutiny of building plans and maps, frequent progress reports and individual approvals for materials to enter Gaza. The experience of the past few years has shown this process to be slow, burdensome and expensive. Prior to the recent military operation, under the old approval process, less than 10% of the amount needed for construction was being allowed to enter Gaza via the Kerem Shalom crossing. We are concerned that the new approval process does not resolve these problems, only now it is being offered in the context of an urgent and massive need to rebuild.

2. *But the restrictions on construction materials are necessary to protect against the threat of tunnels.*

We disagree. The Israeli defense ministry has the authority and the responsibility to take measures to counter threats, but the attempt to meet security needs by restricting civilian goods has failed repeatedly in the past, and there is no reason to think it will succeed in the future. Take for example the restrictions on fuel. In 2007, the Israeli defense ministry began restricting fuel from entering Gaza, correctly noting that militants use fuel to fire rockets at southern Israel, in violation of international law protections for civilians. Between 2007 and 2010, Israel restricted fuel supplies to a "humanitarian minimum" – but the rocket fire continued. In 2010, amid admissions that blocking civilian goods from entering Gaza had failed to provide security, the Israeli defense ministry canceled restrictions on fuel transfer into Gaza, even though the fuel is indeed still needed to fire rockets. The reason? Fuel, like cement, is an overwhelmingly civilian good. Restricting it had the primary effect of wreaking havoc with public transportation and industry, without preventing

rocket fire. Militants in Gaza, like everywhere else, use a variety of civilian goods as part of their combat activity – textiles for face masks, fuel for transporting rocket launchers, electric wires for lighting tunnels. But blocking these primarily civilian goods would have the primary effect of harming civilians and therefore is illegitimate.

3. *But how can Israel make sure that cement entering Gaza is not used by militants to fortify tunnels?*

In all honesty – it probably can't. This may be difficult to hear, but we need to be realistic about the effectiveness of measures that promise to protect Israeli security, particularly when those measures harm Palestinian civilians. The overwhelming use for cement in Gaza is civilian. Each year, Gaza needs nearly 4 million tons of construction materials for ordinary civilian use: building schools, clinics, water towers, shopping malls, homes and much, much more. In contrast, less than 450 tons of cement and gravel are needed to fortify a tunnel – according to Israeli army estimates. It is simply not realistic to think that Israel can block the fortification of tunnels by obstructing the entrance of such a widely needed good. Indeed, Israel has been restricting construction materials from entering Gaza since 2007, but militants have continued to dig tunnels. The primary effect of the restrictions has been to prevent young couples from building homes, construction workers from supporting their families and UN agencies from building schools and clinics.

4. *So you want Israel to just let militants dig tunnels from Gaza into Israel?*

Of course not. The Israeli defense ministry has a responsibility to protect Israel from all kinds of dangers, including the tunnel threat. Within Israel, there has been public criticism of the perceived failure of the defense ministry to invest adequately in technologies that can detect tunnels and therefore help protect against them. But it's not too late. Now is the time for the defense ministry to pursue solutions that are narrowly tailored to target the threat – the tunnels - and not targeted at Gaza's entire construction industry. In Israeli and international law, this is called proportionality. Any security benefit to Israel from blocking construction materials is vastly outweighed by the harm caused to civilians in Gaza trying to work, build homes and maintain functioning water, sewage and electricity infrastructure. That means the defense ministry must pursue other options. The "solution" of blocking construction materials was not remotely responsive to the tunnel threat, and it is unfortunate that the defense ministry continues to insist on it, despite its lack of effectiveness and its devastating consequences for the civilian population.

5. *How can you advocate allowing construction materials into Gaza when Israeli security experts say it endangers the lives of Israelis?*

Actually, Israeli security experts have warned that the restrictions on construction materials are harmful to Israeli security, because of the economic paralysis that the ban on construction materials has created. The security establishment understands well that protecting security interests requires taking some measure of risk and also considering Israel's long-term interest in facilitating movement of people and goods, to contribute to economic development and stability. Indeed, the former head of COGAT has [spoken strongly \(Hebrew\)](#) of the need to allow construction materials into Gaza, in light of their importance to the Palestinian economy.

6. *But weren't the tunnels between Gaza and Israel discovered in the last year built with cement purchased from Israel?*

Almost certainly not. According to Israeli military officials, those tunnels were built over the last many years, during a time in which construction materials were cheaply and readily available via tunnels between the Gaza and Egypt borders. That tunnel trade, closed in the wake of the July 2013 regime change in Egypt, was controlled by the Hamas government which collected taxes and operating fees. It is more likely that the cement used to fortify the tunnels entered Gaza via the Egyptian border.

7. *But even if Israeli restrictions on construction materials weren't effective in the past in stopping the fortification of tunnels, wouldn't they be effective now, because the tunnel trade between Egypt and Gaza has been closed?*

Probably not. Militants in Gaza had ample time to stockpile construction materials during the years in which they were readily available via the Gaza-Egypt border, and the devastation that resulted from the recent military operation created hundreds of thousands of tons of rubble - which can be recycled. Militants in Gaza who want to build tunnels will find the cement needed to do so. Those who will not find it are young couples seeking to build an apartment, construction workers trying to support their families and contractors seeking to invest in building Gaza.

8. *How much construction materials does Gaza need?*

It is estimated that 3.5 million tons of construction materials are needed to repair the damage from the latest military operation. In addition, each month, Gaza needs about 300,000 tons of gravel, steel and cement for ordinary use and to meet a pre-existing shortage of 75,000 housing units and 259 schools.

9. *What quantity of construction materials was entering Gaza prior to the recent military operation?*

In the first half of 2014, fewer than 500 truckloads per month of construction materials were entering Gaza via Israel. An additional 572 truckloads per month, all for projects funded by Qatar, were entering Gaza as humanitarian donations via Rafah Crossing.

10. When did Israel begin restricting the entrance of construction materials into Gaza?

In June 2007, following the Hamas takeover of Gaza, Israel began to prohibit entrance of most civilian goods into Gaza, including construction materials. Although most of those restrictions were lifted in June 2010, Israel continued limiting entrance of construction materials to small amounts for international organizations. Between December 2012 and October 2013, the private sector was permitted to purchase small quantities of construction materials, but Israel re-imposed the private sector ban after a tunnel was discovered leading from Gaza to a kibbutz in southern Israel.

11. How significant is the construction industry in Gaza?

In the second quarter of 2013, prior to the crackdown on the tunnels between the Egypt and Gaza borders and the harshening of Israeli restrictions, the construction industry accounted for 28% of Gaza's GDP. In Gaza, 70,000 jobs are dependent on the industry, including those directly employed in building and those in dependent sectors such as painters, truck drivers and tilers. The paralysis of the construction industry, as a result of the shortage of building materials, contributed to a spike in unemployment. On the eve of the recent escalation, in the second quarter of 2014, unemployment in Gaza rose to 45%, the highest level since 2009, compared with 28% unemployment in the parallel sector of 2013.

12. How do other civilian goods enter Gaza?

Civilian goods enter via the Kerem Shalom crossing, following coordination via the Palestinian Authority and security inspections by Israel. Purchasers in Gaza enter into agreements with Israeli or West Bank firms to buy materials. Requests to bring the materials into Gaza are submitted via the Palestinian Authority officials in Gaza who submit the request to the Israeli military, including the details of the shipments, the drivers, the sellers and the purchasers. Israel then schedules the shipment and inspects the trucks before they enter Gaza.