

A Guide to the Gaza Closure: In Israel's Own Words

September 2011

- Documents released under the Freedom of Information Act reveal new details about Israel's Gaza closure policy
- Rules for passage between Gaza and the West Bank: soccer players yes, students no
- Senior army officers developed mathematical formulas to determine the quantity and types of food Gaza residents would be allowed to consume. Hummus was permitted, but not when topped with pine nuts or mushrooms
- "Essential" restrictions were removed following diplomatic pressure – raising doubts as to just how "essential" they really were

Introduction

Since 2007, Gisha, together with other human rights organizations, has worked to obtain information relating to the closure Israel has imposed on the Gaza Strip. The documents that have been released as a result shed light on Israel's closure policy. Although the policy has become more restrictive since 2007, when Hamas came to power in Gaza, it was first introduced in 1991, when Israel began to limit travel by Gaza residents to Israel and the West Bank. A Freedom of Information petition submitted by Gisha, together with Physicians for Human Rights-Israel and HaMoked: Center for the Defence of the Individual, has recently led to the exposure of documents detailing the weekly instructions given to army officers and Ministry of Defense bureaucrats, defining who and what may enter or leave the Gaza Strip. This information sheet summarizes the closure policy as it is described in these documents and in additional documents obtained by Gisha and others throughout the years. We include links to many of the original documents, being shared publicly for the first time. The final section sets out Gisha's position regarding the closure.

Brief background: Movement restrictions to and from the Gaza Strip

The Gaza Strip, part of Palestine during the British Mandate, became a distinct entity in 1949 following the ceasefire agreements between Israel and Egypt. Until 1967, Gaza was occupied by Egypt, and its connections with the other parts of Mandatory Palestine – now Israel and the West Bank – were broken. The connection was renewed in 1967 following Israel's occupation of the West Bank and the Gaza Strip. In 1993, the Oslo Accords defined Gaza and the West Bank as a single territorial unit within which freedom of movement should be permitted. Israel does not permit passage via the territorial waters of the Gaza Strip or its airspace.

Until 1991, Palestinian residents enjoyed freedom of movement between Gaza, Israel and the West Bank, without the need to obtain individual permits. In 1991, Israel cancelled the "general exit permit" and began to require Palestinian residents to obtain individual permits in order to leave Gaza or the West Bank. The enforcement of these restrictions on movement began to be tightened starting in 1993, following a series of suicide bombings inside Israel. The construction of a perimeter fence around the Gaza Strip in 1995 further restricted movement. The criteria for obtaining an individual permit were gradually restricted, up until the establishment of the current criteria, which permit exit from Gaza solely "in exceptional humanitarian cases, with an emphasis on urgent medical cases". Since June 2010, Egypt has allowed limited but regular passage through Rafah Crossing, allowing Gaza residents to travel abroad, however not improving access between Gaza and the West Bank, as residents of Gaza are not allowed into the West Bank even if they enter by a circuitous route via Egypt and Jordan.

Since 2000, following the outbreak of the Second Intifada, increasingly restrictive limitations have been imposed on the movement of goods into and out of the Strip. The events of the past decade – the implementation of Israel's "Disengagement Plan" in 2005; the policy of "separation" between the West Bank and the Gaza Strip, which was announced by the Ministry of Defense; the capture of the Israeli soldier Gilad Shalit in 2006; the Hamas seizure of Gaza in 2007; and the escalating confrontation between the Israeli army and armed groups in the Strip – are part of the context of the gradual closure of most of the crossings used to transfer goods into and out of Gaza. Rafah Crossing was closed for the transfer of goods in 2005 and continues to remain closed for this purpose. Karni Crossing was closed in 2007, although the conveyor belt at the crossing remained in operation until March 2011. Sufa Crossing was closed in 2008, while Nahal Oz, used for the transfer of fuel, was closed in 2010. The only crossing for goods that remains in operation is Kerem Shalom, situated inside Israeli territory close to the joint border of Israel, the Gaza Strip and Egypt. Hundreds of tunnels have also been dug under the border between Gaza and Egypt. These are used to bring in items on which Israel has imposed restrictions (fuel, construction materials, cigarettes, weapons and other products).

Israel's policy on movement of people

Israel has adopted a policy of "[separating](#)" (Hebrew) Gaza and the West Bank, through which it seeks to limit passage between the two areas to exceptional cases. The Coordinator of Government Activities in the Territories (COGAT) has published a [document](#) detailing the exceptional cases justifying passage between Gaza and the West Bank and between Gaza and Israel. Other documents released as a result of the Freedom of Information petition, which reveal further details of the closure policy, are listed as an appendix to this information sheet (Hebrew). Despite the measures designed to "ease" the closure, introduced in July 2010 following the May flotilla incident, [there has been no change](#) in the policy regarding movement of people between Gaza, Israel and the West Bank, aside from some 70-100 merchants per day who are allowed to travel to Israel and the West Bank. Israel currently issues approximately 3,000 permits to Palestinians each month to

exit via Erez Crossing. This compares to more than half a million departures through Erez in September 2000. A [graph](#) detailing figures for passage via Erez may be viewed on Gisha's website.

The documents that were released reveal that:

- Most of the restrictions on movement of people do not relate to security information about a specific individual, but are instead prohibitions imposed on categories of people. Indeed, the default rule is that residents of Gaza are not permitted to travel to Israel or the West Bank. By way of exception, merchants, medical patients and their companions and certain other "exceptional" cases are permitted to leave the Strip.
- Israel allows soccer players to cross from Gaza to the West Bank, but does not allow students from Gaza to attend universities in the West Bank. This prohibition has been in place since 2000.
- Between 70 and 100 merchants are allowed to travel from Gaza to Israel and the West Bank every day (a target to allow 100 merchants to travel per day was announced, but has not yet occurred). All of these merchants are men. Businesswomen are unable to leave under this category as Israel permits such travel "provided the applicant is a senior merchant whose entry can contribute to economic improvement in the Gaza Strip". Most businesswomen in Gaza do not control a large enough market share to meet this condition. Accordingly, when three businesswomen from Gaza, all hairstylists who own beauty salons, applied for permission to attend a training course in the West Bank, their application was [rejected](#) (Hebrew) on the grounds that they did not meet the criteria of "exceptional humanitarian cases, with an emphasis on urgent medical cases".
- Gaza residents are [prohibited](#) from moving to the West Bank in order to live there permanently, even if the move is for family unification. Israel only permits Gaza residents to join first-degree relatives in the West Bank in the case of chronic patients, elderly people requiring nursing care, or orphans under the age of 16, in cases when there is no relative in Gaza who can care for them.
- A review of the weekly changes and authorizations reveals that Israel has sometimes altered its policy as a result of requests from foreign countries, particularly from the United States. In the summer of 2008, for example, it was [reported](#) that Israel was [preventing](#) (Hebrew) students from Gaza who had been awarded the prestigious American Fulbright scholarship from leaving the Strip. Israel subsequently partly [cancelled](#) (Hebrew) the prohibition against Gaza residents leaving to pursue studies abroad. Similarly, after the United States requested that three students from Gaza who had won an American scholarship to study in the West Bank be allowed to leave the Strip, Israel [introduced a limited exception](#) (Hebrew) to its sweeping prohibition on the passage of students from Gaza to the West Bank. The exception ostensibly permits students from Gaza who have received a scholarship from a third country to travel to the West Bank. To date, however, the three students who received an American scholarship are the only students who have actually been permitted to travel to the West Bank.

Israeli policy on the passage of goods

Israel allows consumer items and raw materials to be brought into the Gaza Strip, with the exception of materials defined as "dual use" – i.e. items that have both a civilian and a military function. Israel also prohibits the entry of construction materials into the Gaza Strip, with the exception of materials intended for international projects. A [graph](#) showing quantities of construction materials entering the Gaza Strip is available on Gisha's website. In addition, Israel prohibits the export of goods from Gaza, with the exception of allowing a

limited quantity – two to three trucks per day - of agricultural produce to be exported to Europe during the winter season (see [graph](#)). There has been a decrease in the volume of goods entering Gaza (see [graph](#)) to approximately 40 percent of the quantity entering prior to 2007, when Israel announced its policy of "[economic warfare](#)" against the Gaza Strip, as a result of the restrictions imposed on the transfer of goods to and from the Gaza Strip and the consequent impact on economic and manufacturing activity in the Strip.

- The current policy reflects [measures "easing"](#) the closure, introduced in July 2010 following the flotilla incident.
- From June 2007 through June 2010, Israel allowed entry into Gaza only of goods "vital for the survival of the civilian population". Israel even devised [mathematical formulas](#) determining the quantity and types of food Gaza residents would be permitted to purchase. These formulas were revealed following a petition submitted by Gisha under the Freedom of Information Act. The restrictions determined, for example, that Gaza residents were permitted to buy hummus, but not if it was topped with pine nuts or mushrooms. Paper, clothes and shoes were prohibited, as were tea and coffee during various periods.
- The present policy continues to prohibit the entry of construction materials, on the grounds that Hamas could use these materials to build bunkers. This restriction is maintained despite the fact that building materials continue to enter Gaza through the tunnels. According to a United Nations [report](#), more construction materials are brought into Gaza through the tunnels than through the crossings with Israel.
- The prohibition on export of goods from Gaza is not based on concerns about the content of any particular shipment but rather is a sweeping restriction on all goods. Even when Israel has made an exception to the ban and permitted export of agricultural produce to Europe, as was the case during the recent winter season, it prevented Gaza residents from marketing the same products in Israel or the West Bank. This is in spite of the fact that prior to the imposition of restrictions on export, 85 percent of goods from Gaza marketed outside the Strip were sold in Israel and the West Bank. Demand for merchandise and agricultural produce from Gaza continues to exist in the West Bank and Israel (including goods that ultimately are to be marketed overseas by Israeli exporters).

Gisha's position

Gisha's position is that Israel is entitled to conduct individual security checks of people and goods entering or leaving the Gaza Strip, in accordance with the laws of occupation, which continue to apply in view of Israel's ongoing control of Gaza. However, the law of occupation requires Israel to facilitate movement of people and transfer of civilian goods in order to maintain normal life in Gaza, including economic development, investment in education, vocational training, family unification and a proper health care system. Moreover, Israel must protect the right of Palestinian residents to move within the Palestinian territory, consisting of the Gaza Strip and the West Bank. Israel's current policy prohibiting passage of people and goods, not only for reasons of security but also as a means of applying pressure to the government in Gaza, is contrary to international law, which prohibits collective punishment. In order to fulfill its legal obligations, Israel must allow the free movement of people and goods to and from Gaza, subject only to individual security inspections.

For further information about the closure policy, see the [Gaza Cheat Sheet](#), which is updated when policy changes are introduced.

For further information about the legal framework of the closure, see [Gaza Closure Defined: Collective Punishment](#).

Appendix: A partial list of documents revealed following the petition submitted by Gisha, Physicians for Human Rights-Israel and HaMoked: Center for Defence of the Individual (all documents are in Hebrew).

Note: Litigation is continuing at the Tel Aviv District Court due to the petitioners' insistence that they should receive all of the requested documents, dated to the beginning of 2005. The State has claimed that many of the documents cannot be found, particularly for the years 2007 and 2008 – years when restrictions on movement were particularly harsh.

[Status of Authorizations in closure, Guidelines and Criteria - Principle Authorizations Gaza DCO Feb-13-2005](#)

[Status of authorizations in closure West Bank and Gaza June-18-2006](#)

[Status of authorizations in closure West Bank and Gaza Aug-20-2006](#)

[Status of authorizations in closure West Bank and Gaza Aug-21-2006](#)

[Status of authorizations in closure West Bank and Gaza Sept-3-2006](#)

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