



גישה - מרכז לשמירה על הזכות לנוע (ע"ר)
Gisha - Legal Center for Freedom of Movement
مسلك - مركز للدفاع عن حرية الحركة

Frequently Asked Questions: Restrictions on passage of goods into and out of Gaza June 7, 2010

1. Isn't Israel preventing the free movement of goods and raw materials into and out of Gaza because of concrete security threats?

No. Following the Hamas takeover of the Gaza Strip in June 2007, Israel severely limited the quantity and variety of goods it allows into the Gaza Strip and almost completely banned exports. The restrictions were imposed as part of a declared policy whose purpose is to exert pressure on the civilian population of the Gaza Strip in order to influence the Hamas government in the Gaza Strip. Unlike in previous situations, Israel did not justify these restrictions on security grounds, such as threats to the border crossings or threats deriving from the nature of the goods entering, that could serve a military purpose. Instead, according to Israel, the entry of goods into the Gaza Strip is now limited to a "humanitarian minimum", which includes only those goods that are considered "essential to the survival of the civilian population". Most of the items whose entry is banned, such as food products, fishing rods, and paper, are not considered to be dual use (having both civilian and military use). These restrictions have led to a nearly complete halt of economic activity in the Gaza Strip, a paralysis of production, and deterioration in the standard of living in the Gaza Strip, all as part of an intentional policy to paralyze the economy of the Gaza Strip. Additional details are available in a position paper by Gisha, titled: [Restrictions on the transfer of goods to Gaza: Obstruction and obfuscation](#).

2. Why is the entry of raw materials into the Gaza Strip prohibited?

The ban on the entry of raw materials into the Gaza Strip is part of the policy Israel calls "economic sanctions" or "[economic warfare](#)", and which human rights organizations call "collective punishment". Since June 2007, Israel has only allowed goods into Gaza which it defines as "essential to the survival of the civilian population". Raw materials for industry are not included in that definition and, thus, their entry is prohibited. The ban on the entry of raw materials is part of a policy of preventing economic development in the Gaza Strip. One example that illustrates this policy is that Israel allows the residents of Gaza to receive small packages of margarine, which are considered a consumer item; however, Israel prohibits the transfer of large blocks of margarine to Gaza, because those blocks are for "industrial" rather than "household" use: they might, for example, allow a local factory to manufacture biscuits, and thereby engage in economic activity. Therefore, it is not the product that is banned but its use for industrial purposes. The purpose of this policy is to disrupt the economy of the Gaza Strip as an instrument of pressure.

3. Which goods does Israel allow to be transferred into the Gaza Strip and which are forbidden?

We do not know exactly, because Israel refuses to reveal the list of products whose transfer into the Gaza Strip is permitted, as well as other procedures related to the restrictions on the transfer of goods. Over a period of many months the State denied that it has a list of permitted goods. However, in its updated response to a [petition](#) submitted by Gisha under the Freedom of Information Act, the State recently [admitted](#) that it does have a list of permitted goods and other documents relating to the transfer of goods to Gaza, but claimed that revealing them would harm state security and/or Israel's foreign relations. A hearing to determine whether the documents should be revealed will be held in October 2010. In the absence of official information, Gisha composed a list of permitted and forbidden products, based on the experience of Palestinian and Israeli merchants, international organizations and the Palestinian Coordination Committee. These parties learn what is forbidden and what is permitted by the answers that they receive from Israel's Coordinator of Government Activities in the Territories to their requests to transfer goods into the Gaza Strip. [The list of permitted and forbidden goods is](#) available on Gisha's website.

A review of the list will show that the transfer of goods purely for industrial purposes is forbidden, including industrial salt, empty cans, food containers and glucose.

4. Is there a humanitarian crisis in Gaza?

Despite several years of attempts to get information from the military, including a [Freedom of Information Act petition](#), we've never heard a satisfactory answer to the question of how Israel measures "crisis" or monitors the humanitarian situation in the Strip when it decides what and whom it allows into and out of Gaza. Nonetheless, it's hard to argue that [at least 80% dependence on charity](#), a stagnant economy, [90% to 95% unsafe water in the aquifers](#), and movement limited to the bare minimum don't constitute, at the very least, a crisis of dignity.

While there does seem to be enough food in the Strip, the blow to economic activity means that most people can't afford to buy it.

5. Can't the tunnels provide a solution for the Gaza merchants?

Following Israel's closure policy, which allows for the transfer only of "humanitarian goods" into the Gaza Strip, the tunnel industry on the border between the Gaza Strip and Egypt developed, becoming one of the biggest sources of economic activity in Gaza. The tunnels have become a vital lifeline for the Gaza economy and are the only way to obtain goods whose entry through the border crossings with Israel is forbidden. The tunnels also facilitate the smuggling of weapons, cash, and people.

The tunnels, estimated to number between 600 and 1,000, are under the control of the Hamas government, which collects taxes on them and controls the entry of goods. However, the tunnels cannot be a solution for Gaza's manufacturers, because many factors — the uncertainty and unpredictability of the supply of materials and products, the danger of closure or attack of the tunnels, the high costs of transit, the damage caused to goods by the transit route, and the low quality of the purchased goods — make the tunnels unsuitable for the import of raw materials or the export of finished materials by Gaza's manufacturing sector.

Likewise, international organizations working for the reconstruction of the Gaza Strip cannot purchase building materials and other goods through the tunnels, because unlike the Hamas government, they need receipts for the goods they purchase. The UN has proposed a mechanism for the entry of building materials through the border

crossings controlled by Israel to guarantee that the goods reach their desired destination, but Israel has so far refused to implement it, other than for glass, wood and aluminum which has entered Gaza as of December 2009. Furthermore, the tunnels are not safe: since the beginning of the closure more than 110 people have been killed working in the tunnels, including [dozens of children](#), as a result of airstrikes and work accidents that caused tunnels to collapse.

6. Why is Israel still responsible for the transit of goods into and out of Gaza even after the “disengagement”?

Israel's ongoing control of the main aspects of life in the Gaza Strip creates obligations. Since 1967 Israel has been ruling the Gaza Strip and the West Bank as an occupying power. Even after completing the "disengagement" plan in September 2005, in which Israel pulled permanent military installations and civilian settlements out of the Gaza Strip, it has continued to fully control the territorial waters and airspace of the Gaza Strip and the land crossing points between the Gaza Strip and Israel. Israel also maintains indirect but substantial control of the Rafah Crossing between Gaza and Egypt.

Israel's control of the crossings between the Gaza Strip and the outside world, in addition to its control of other significant aspects of life in the Gaza Strip, such as the population registry and the taxation system, creates Israel's obligation towards the population of the Gaza Strip. It is Gisha's position that these obligations derive from international humanitarian law because Israel is the occupying force in Gaza. Even the Israeli Supreme Court, which considers that the laws of occupation do not apply to Gaza, ruled that Israel continues to bear obligations towards the residents of Gaza deriving from the state of combat between Israel and militants in Gaza, its ongoing control of Gaza's borders, and the strong dependence created in Gaza upon services provided by Israel as a result of the years in which Israel controlled the Gaza Strip directly, from 1967 to 2005. One way or another, Israel is still responsible for the Gaza Strip and its residents in the areas that it controls, including movement of people into and out of Gaza. Furthermore, Israel is obligated by international humanitarian law to maintain public order and guarantee normal life for the civilian population. Therefore, Israel is responsible for ensuring that its policy regarding the crossings allows the residents of the Gaza Strip a normal life.

7. Why does Israel have to help Palestinians in Gaza when they continue to fire rockets at Israel and hold Corporal Gilad Shalit?

The ever-tightening closure that Israel has imposed on Gaza harms all the residents of the Strip - more than half of whom are children - regardless of any personal involvement in acts of violence against Israel. This constitutes collective punishment in contravention to international law. Indeed, the prohibition on punishing civilians for acts which they did not commit is a fundamental principle of international humanitarian law. IHL seeks to distinguish between those who participate in hostilities and innocent civilians, who are entitled to special protections. The firing of rockets at Israeli civilian population centers is unacceptable and constitutes a grave breach of international law. This and the ongoing captivity of Gilad Shalit do not, however, justify the imposition of restrictions on freedom of movement for the entire civilian population of the Strip, effectively punishing them for political or other circumstances which are beyond their control.