

The ceasefire: An opportunity to sever the link between hostilities and civilian movement and access

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Photo: Mohammed Azaiza, Gisha

Following the cessation of hostilities in the context of the Israeli military operation “Pillar of Defense”, attention has turned to what might now become of the closure of Gaza. The terms of the ceasefire agreed to by Israel and the Hamas authorities in Gaza include agreement to negotiate easing movement restrictions, although it remains to be seen what will actually change.

Gisha’s position is that neither the Israeli government nor the Hamas regime has the right to trade in the fundamental freedoms of the civilian population in Gaza. While some aspects of the closure were lifted in June 2010, sweeping restrictions on movement of people and goods remain in place, including those that are not essential to meeting concrete security objectives and are therefore illegitimate under international humanitarian law. While we praise the recent agreement, in the context of the ceasefire, to ease restrictions on fishing off Gaza's coast and on access to agricultural lands near the Gaza border fence, we caution that these and other easings that we hope to see should not be subject to the other terms of the ceasefire, namely an absence of hostilities. For too long, Israeli governments have used movement restrictions on the civilian population of Gaza as a means of applying pressure on the Hamas regime, in violation of international law and, according to [Israeli security experts and government officials](#), in ways that have undermined the legitimacy of Israel’s actions and the stated goal of weakening Hamas.

More than two years ago, following the flotilla incident, Prime Minister Benjamin Netanyahu told Israeli television’s Channel 1 that the “civilian closure” on Gaza, which he had inherited from his predecessor, had undermined the “security closure” and therefore he decided to lift it. The closure has been partially lifted, but principle aspects of the closure – including the restriction on Gaza residents’ ability to exercise their right to engage in the family, business, education, health and cultural ties they have with the West Bank – have remained almost entirely unchanged. The negotiations present the Government of Israel with a historic

opportunity to rid itself of restrictions on movement that are not essential for security and to formulate a new, more just and more effective policy that would enjoy greater legitimacy.

In this position paper we detail the restrictions on movement currently imposed by the Israeli authorities on residents of Gaza and what it would take to remove them and respect Gaza residents' right to freedom of movement.

Information about the closure

The civilian closure on the Gaza Strip includes three main restrictions:

- 1. Travel by individuals from Gaza to the West Bank.** Israel's current policy prohibits individuals from traveling between Gaza and the West Bank other than in "exceptional humanitarian cases". In practice, most of the permits which are granted are given to medical patients and their companions and to senior merchants (who are mostly men) engaging in purchase of goods in Israel and in the West Bank. About 4,000 entries by Palestinians from Gaza are recorded at the Erez crossing every month – compared to more than half a million entries by Palestinian workers from Gaza through the same crossing in September of 2000. Israeli officials say restrictions form part of the "[separation policy](#)", which restricts travel between Gaza and the West Bank, even in cases in which there are no individual security allegations against those seeking to travel. The restrictions on travel from Gaza to the West Bank are not imposed just on travel through Israeli territory. Palestinian residents whose registered address is in Gaza are prohibited from entering the West Bank even if they travel via Egypt and Jordan. This restriction separates parents from children, prevents students from reaching their studies, blocks economic opportunities and deepens the fragmentation within Palestinian society.

Since 2000, Israel has prohibited students from Gaza from entering the West Bank for the purpose of engaging in academic studies.
- 2. Sale of Gaza-made goods in the West Bank and Israel.** Though small amounts of export are shipped abroad through Israeli ports, Gaza farmers and manufacturers are prevented from selling their goods in their traditional markets in Israel and the West Bank, again because of the separation policy. Before the ban on sale of Gaza-made goods in the West Bank and Israel was imposed, in 2007, more than 85% of the goods shipped out of Gaza were sold in Israel and the West Bank. Despite the fact that the goods Gaza exports abroad are shipped through Israel following security checks, they cannot be sold in Israel or in the West Bank. Export from Gaza averages 18 truckloads per month, about 2% of the monthly average of trucks that left Gaza before June 2007.

Forty-seven percent of the civilian goods that enter Gaza enter through the tunnels. These are mostly construction materials, which are restricted for entry at Kerem Shalom by Israel.
- 3. Entry of construction materials.** Israel's security establishment prohibits the entry of construction materials for the private sector in the Gaza Strip on the claim that these are "dual use" materials that might be used by Hamas to build bunkers. Yet, the equivalent of about 3,600 truckloads carrying construction materials for the private and public sectors enter Gaza via the tunnels on the Gaza-Egypt border every month. Those who are most acutely impacted by Israel's restrictions are the potential beneficiaries of projects undertaken by international organizations to build homes, schools and clinics, because international organizations do not purchase materials that arrive through the tunnels. An average of about 1,100 trucks carrying construction materials for international organizations arrives through the Kerem Shalom crossing every month. However, obtaining permits for these deliveries

involves a long and complex process which delays projects and renders them more expensive than they would otherwise be.

The high demand for construction materials and the prohibition on delivering them to the private and public sectors in Gaza increase the reliance of these sectors on the tunnel trade. According to estimates, about 47% of the civilian goods that enter the Gaza Strip arrive through the tunnels: about 4,100 trucks per month, as opposed to 4,700 trucks per month entering through Kerem Shalom. Construction materials account for about 86% of the civilian goods brought into Gaza through the tunnels. In addition to these, every month the equivalent of about 500 truckloads of products that are cheaper in Egypt than in Israel come in through the tunnels; these include snack foods, spare parts and electronic equipment. In addition to the truckloads mentioned above, most of the fuel that reaches Gaza is pumped through the tunnels in pipes.



Any change in the arrangements for access to the Gaza Strip must take into account the large volume of civilian goods that enters through the tunnels. Since 2007, Israel has shut down three of the four crossings designated for bringing goods into the Gaza Strip, leaving only the Kerem Shalom crossing active. Despite the fact that the capacity of this crossing has been increased, it cannot meet the needs that would arise if the tunnels were to close and Rafah Crossing were to remain closed for the transport of commercial goods and fuel.

The request of Fadwa, a beauty salon owner in Gaza, to travel to the West Bank for professional development at the request of the Palestinian Hairdressers Association, was rejected by the army although no security allegations were made against her.

In addition to these three restrictions, Israel prevents access into or out of the Gaza Strip by sea and air. In 2008, Gaza fishermen were prohibited from fishing more than 3 nautical miles offshore. Following the cessation of the latest round of hostilities, Israel increased the fishing zone to six nautical miles. The commitment made in the Oslo Accords to allow fishing up to 20 nautical miles from shore has never been implemented.

Restrictions on land are also enforced. Since 2005, Israel has prevented access to a 300 to 1,500 meter-wide strip, a “buffer zone”, along the fence on its border with Gaza. It appears that following the ceasefire, some of these restrictions may be eased, but it is not yet clear under what conditions and to what extent Gaza residents will be permitted to enter the buffer zone - home to 35% of Gaza’s agricultural land.

Since June 2010, Rafah Crossing has been open for travel by individuals between Gaza and Egypt, but has remained closed for transit of commercial goods.

In summary, since 2010, changes in Israel’s and Egypt’s policies have rendered Gaza more open to the outside world, but restrictions that cut the Strip off from the West Bank and Israel have remained almost entirely unchanged. These include the sweeping ban on the sale of Gaza-made goods in Israel and the West Bank and severe restrictions on travel by individuals between Gaza and the West Bank, both described to be part of the [separation policy](#).

In focus: Travel by individuals between Gaza and the West Bank – still no change?

Over the years, and as part of the easing of the closure in 2010, the Israeli security establishment has insisted that restrictions on travel by individuals between Gaza and the West Bank, and specifically *from* Gaza to the West Bank, would remain unchanged.

The explanations provided by various officials for this position focus mainly on the security aspects of individual travel. These officials note that Hamas and other armed groups based in Gaza are attempting to increase their influence in the West Bank and their abilities to strike at Israeli targets from there. They say that since Israel has no military forces on the ground inside the Gaza Strip and no security cooperation with its government, it must consider Gaza residents as posing increased risk, much like “citizens of enemy states”.

Currently, about 4,000 entries by Palestinians from Gaza to Israel and the West Bank are recorded at the Erez crossing every month – about 1% of the volume of travel in September 2000.

This may explain the complexity of the situation, but it does not explain all [the restrictions](#) that are in place. It is difficult to think of a good reason why a woman from Gaza is granted a permit to enter the West Bank in order to attend a professional seminar, but is [prohibited just a short while later](#) from traveling again in order to complete her degree in gender studies. It is not clear why one group of a dozen young adults receives permits to travel to the West Bank to participate in a wedding, when a request made by another dozen young adults who were [invited to participate in a Microsoft competition](#) in the West Bank is rejected without security allegations being made against any of the applicants. There are many more such examples.

In focus: Sale of Gaza-made goods in Israel and the West Bank

Though officially Israel allows export from Gaza abroad, the demand for Gaza-made goods abroad is negligible and therefore the key to agricultural and industrial recovery in Gaza hinges on the possibility of selling goods in Israel and the West Bank. Israeli authorities consider Israel, the West Bank and the Gaza Strip as being included in the same customs envelope, as established in the [Paris Protocol](#). In practice, the lack of direct cooperation between Israeli authorities and their counterparts in Gaza since 2007 as well as the expansion of the tunnel economy have made it difficult to implement some of the articles of the protocol, particularly those dealing with coordination on standards and health regulations. Officials at the Israeli Ministry of Agriculture [stated](#), back in 2011, that they had no objection to renewing the sale of strawberries from Gaza to the West Bank. In May, the head of the Israeli Vegetable Growers’ Association called to renew the sale of Gaza tomatoes in Israel as a way to cope with a shortage of tomatoes in the Israeli market. Industrial products are also in demand in Israel and the West Bank and customers have expressed their desire to resume buying goods from Gaza factories. Over the past year, Gaza-made date bars and school furniture were shipped to the World Food Program and the Palestinian Authority in the West Bank respectively. It is unclear what security impediment there is to shipping such goods for the private sector as well.

Before June 2007, more than 85% of the goods shipped out of the Gaza Strip were sold in Israel and the West Bank.

With respect to the argument that renewing trade between Gaza and Israel and the West Bank would provide opportunities for weapons smuggling, all goods shipped out of Gaza would presumably undergo comprehensive security checks, as they do now when being shipped out of Gaza to Europe via Israeli sea and air ports, and, at times, also through the West Bank and the Allenby Bridge border crossing. A powerful new scanner has recently been installed at the Kerem Shalom crossing, with funding from the government of the Netherlands, for this very purpose.

The idea that Gaza-made goods would be sold in Israeli stores might appear strange to some Israelis given the reality of the past five years and especially following the most recent escalation in violence. However, it is worth remembering that throughout the years of the conflict, economic relations between Israelis and Palestinians have persisted and with the potential for promoting mutual benefit and stability. Thus, even during the peak of the violence of the Second Intifada, thousands of Palestinians from the Gaza Strip continued to enter Israel for work every day. In the first six months of 2007, after Hamas had won PA-wide elections, and after it captured Gilad Shalit, vegetables, furniture and textiles from Gaza continued to be sold in Israel and

business partnerships with Israeli firms carried on. Even today, when hostilities are ongoing, trucks from Israel continue to enter Gaza carrying goods that every Israeli would know from his or her own refrigerator for sale in the Strip.

In conversations with Israeli industrialists, the desire to renew economic partnerships for the benefit of both sides is apparent. For Gaza's farmers and manufacturers, Israel has been and remains the closest, largest and most profitable market. Reopening that market to Gaza would allow more people to work and thus provide for their families. Since the common basket of consumer goods in Gaza is mostly made up of Israeli products, Israeli manufacturers stand to gain as well.

Gisha's position:

The history of Israel's control over Gaza and its ongoing control over passage of people and goods give rise [to obligations](#) on its part, under the law of occupation, to facilitate normal life in the Strip. "Normal life" can be considered to include a properly functioning economy, educational, social and cultural development and respect for the right to freedom of movement and family life. Restrictions on movement are justified if and only if they meet concrete security needs and even then, Israel must find a balance between protecting its security interests and its obligations toward Palestinian residents of Gaza. A significant part of the travel restrictions placed on the Gaza Strip do not satisfy these conditions and therefore, Israel must revoke them. We hope that all parties involved will take advantage of the negotiations on the terms of the ceasefire in order to create new arrangements that would provide solutions for concrete security needs, while respecting the right of Gaza's residents to freedom of movement. However, regardless of the fate of the ceasefire, Israel must sever the link between hostilities and restrictions on civilian movement and it must respect its obligations toward Gaza's residents who wish to travel and lead normal lives.



We want to sell in the West Bank also. A shoe saleswoman in Gaza.