

Context for the Protests in Gaza

Gisha Answers your Frequently Asked Questions

What precipitated the current wave of protests in Gaza?

The fatal shooting of protestors near the fence separating Israel and the Gaza Strip over the last month has rightfully elicited harsh reactions from around the globe. Israeli politicians and officials are depicting the recent events as a sudden threat on Israel's borders, initiated by Hamas. By doing so, they willfully obscure the wider context of Israel's enduring relationship with residents of the Gaza Strip: 50 years of control, culminating in [a closure](#) tightened more than a decade ago. The current wave of protests cannot be understood detached from this context or from the 70-plus year regional conflict and its many complexities, nor can it be solved using military force.

Regardless of the political affiliation of the protestors, who organized the protest, or the agenda they wish to promote, international law prohibits the use of lethal force against civilians unless they participate directly in acts of hostility or pose a concrete risk to life, and even then, only as a last resort and only to the extent necessary to alleviate the risk. Participation in a demonstration, even if it is not entirely peaceful and includes riots or disturbances, does not constitute an act of hostility or direct endangerment of life, in and of itself, that justifies the use of live fire. There is no doubt that the great number of injuries and loss of life near the fence could have been avoided had the rules of engagement been dictated by international law rather than by a desire to quash protest.

For more than 10 years, residents of Gaza have lived under excessively harsh restrictions on movement implemented through Israel's closure of the Strip's land, sea and air space. The restrictions have harmed the functioning of [civilian infrastructure](#) and the delivery of essential services, such as the regular supply of potable water and electricity, and sewage treatment. A daily reality unbearable by any reasonable standards has been compounded by the impact of three devastating military operations.

Why is Israel responsible for the deterioration of the situation in Gaza?

Israel imposes a highly restrictive [permit regime](#) on Gaza residents. Israel decides who and what enters and exits Gaza, and when. Israel has also deliberately [deepened the divide](#) between the two parts of the Palestinian territory in an effort to isolate the Strip and induce its status as a distinct entity. The results are a distorted [economy](#), [families torn apart](#), deficient [medical services](#), and [blocked potential](#). The rift between the Palestinian factions and sanctions imposed by both of these parties exacerbate the dire situation, as does the prolonged closure of the Rafah border crossing, imposed by Egypt. Gaza's residents have hovered on the brink of humanitarian disaster for

too long, mired in a reality that offers little hope for the future. The protests on the border are in part intended to call the world's attention to this bleak reality, and compel a solution.

A viable solution to the situation in Gaza requires a comprehensive change of policy and ultimately an end to the occupation as a whole. There is a lot that can be done in the meantime to immediately alleviate the unnecessary suffering of two million people living in the Strip (see below).

What is the “buffer zone” in Gaza?

Israel has enforced restrictions on access to the area along the fence separating Israel from the Strip for nearly two decades and since 2005 has maintained a “no-go zone” inside Gaza (commonly referred to as the “buffer zone”). Gaza residents are prevented from approaching this area, also known as the Access Restricted Area (ARA). Gisha's attempts over the years to receive accurate information regarding the exact width of the zone and the procedure for coordinating access for Gaza farmers to their lands there have yielded [contradictory answers from different Israeli authorities](#). While currently the official area of the “buffer zone” is 300 meters from the fence, incidents of live fire much deeper into the territory, even up to 1,500 meters, have been recorded over the years.

It is important to note that the Israeli military's use of live ammunition in proximity to Gaza's perimeter fence occurs routinely, not only during protests, and frequently results in death or injury. Days before the current wave of protests began in March 2018, 59-year-old Palestinian farmer Mohammed Atta Abu Jama was shot to death in the ARA. Beyond the threat to life and limb, the lax rules of engagement in the “no-go zone” have reduced access to wide swaths of land, harming Gaza's agriculture sector and limiting economic development in the Strip.

Israel's control over the vicinity of Gaza's perimeter fence extends beyond just use of live-fire on farmers and other civilians who enter the area. In late 2015, the [Israeli military confirmed](#), for the first time, that it sprays areas close to the fence with herbicides in order to maintain a line of vision into the Strip. The spraying damages crops far inside the Strip, and exacts a heavy price on farmers. Its long-term effects on the health of residents and livestock are unknown.

Israel's use of live ammunition against civilians in Gaza is not confined to the “buffer zone” on land. Israel also restricts Gaza's fishing zone to an area stretching up to six nautical miles off the Gaza shoreline. Fishermen judged to have exceeded the fishing zone are frequently [shot by the Israeli navy](#), resulting in injury and death and there are accounts of use of fire even [within the permitted zone](#). [Restricting Gaza's fishing zone](#) harms the livelihoods of thousands of people working in the fishing industry and their families, and has made fishing a highly hazardous occupation in the Strip.



Farmers assessing the damage to their crops following Israel's spraying of herbicides in Gaza's “buffer zone”.
Photo by Gisha

Gisha [maintains the position](#) that the law of occupation applies to Israel's actions vis-à-vis residents of Gaza. As such, if Israel decides to restrict movement for concrete security reasons, it 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 Strip, it must simultaneously take measures to protect the civilian population in Gaza. Entry into the “buffer zone” does not justify shooting unarmed individuals who are not involved in hostilities. In addition, Gisha believes that 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.

Doesn't Israel impose movement restrictions for security reasons?

Israel has the right to conduct reasonable, individual security checks on people entering its territory. However, in practice, Israel imposes sweeping and arbitrary prohibitions on movement of the entire population of the Strip and refuses to acknowledge its obligations to facilitate access in a way that would meet civilian needs. The sweeping restrictions are imposed irrespective of concrete security needs and rather are based on a political decision to sever Gaza from the West Bank and reduce the quality of life there as a means of exerting pressure on the population. Over the years, a doctrine the military refers to as the “[separation policy](#)” was developed. The idea is to obstruct contact between the two parts of the Palestinian territory, which were not only meant to make up the Palestinian state according to international resolutions and agreements, but also share a single [economy](#), a single education system, a single healthcare system and countless [familial](#), cultural, and other social ties.

Security officials have said that the [purpose of the separation policy](#) is to put pressure on Hamas and help the Palestinian Authority, but in practice, the policy harms civilians. Students from Gaza cannot study in West Bank universities, and medical teams, academics and technical experts cannot travel between the two parts of the territory, not even for seminars and training. Families cannot reunite except in the most exigent circumstances, such as a wedding, a death or a terminal illness in the family. Even then, only first-degree relatives are eligible to apply for a permit. [Gaza's civil society](#) organizations and the [private sector](#) also struggle due to severe movement restrictions.

Didn't Israel disengage from the Strip?

Israel's implementation of the Disengagement Plan in 2005, during which it removed its permanent military presence and settlements from the Gaza Strip, deluded many into thinking that this also marked the end of Israel's relationship with and responsibility for Gaza. In reality, Israel has been enforcing [a regime of restrictions and prohibitions](#) against Gaza's residents for some three decades. In 2007, after Hamas seized control of the Strip, the restrictions were tightened to the point of closure.

How does Israel still control Gaza?

Despite the disengagement, Israel has retained extensive [control](#) over Gaza and its residents. The decisions Israel makes have a dramatic impact on nearly every detail of their lives, from matters of life-and-death to the very mundane. Israel's decisions impact the ability to maintain family life, conduct trade, pursue professional and educational opportunities, access healthcare, and maintain civilian infrastructure, not to mention access cultural and leisure activities. Israel also continues to

control the Palestinian population registry, and has its hand on the switch of [critical civilian infrastructure](#) like electricity, water and communications technology.

What is daily reality like in Gaza?

Residents of the Gaza Strip live under ongoing closure. Currently, only two crossings are used for pedestrian travel into and out of Gaza – [Rafah, into Egypt, and Erez, into Israel and thus also into the West Bank](#). When Rafah Crossing is closed, as it has been most of the time since the summer of 2013, Erez Crossing, controlled by Israel, is Gaza’s only gateway to the outside world. Ordinarily, travel via Erez is possible for some traders, medical patients and their companions, and other “exceptional humanitarian cases.” That is it. Palestinians who do not fall under these categories are not even eligible to apply for a travel permit to exit or enter the Strip. Even those few who are eligible to submit permit applications do not necessarily receive permits and almost always encounter [delays and difficulties](#) in the process of obtaining them.

Gaza’s only active commercial crossing is [Kerem Shalom](#), located in the south of the Strip, and fully controlled by Israel. Israel currently allows most goods to enter Gaza but severely limits, and in some cases bans, the entry of items [it defines as “dual-use,”](#) that is, items that can be used for civilian and military purposes. The list is long and vague. It includes items which are primarily civilian in nature and vital for civilian needs, such as medical equipment, communications equipment and spare parts for essential machinery. The restrictions on the entry of goods harm [critical infrastructure](#), impair industrial activity in the Strip and drastically inhibit Gaza’s chances of economic recovery or development.

Largely due to the closure on Gaza, the unemployment rate in the Strip reached more than 43 percent in 2017 and in the last quarter of 2017, the unemployment rate among young people (ages 15-29) was 61 percent. More than 70 percent of the population depends on humanitarian aid.



For almost a year, electricity has only been available to residents in cycles of four hours of power, followed by at least 12 hours of outages. Tap water is largely unfit for human consumption. Approximately 100 million liters of mostly untreated sewage are pumped into the sea each day. There is an acute shortage of housing, classrooms, hospitals, and essential medical supplies in the Strip.

To read more about restrictions on movement of people and goods in and out of Gaza, see [here](#).



Darkness in Gaza. Photo by Gisha

Why does Gisha place responsibility on Israel and not on Hamas?

The law of occupation applies to Israel's actions in the Palestinian territory, including the Gaza Strip. Israel may have relinquished control over certain aspects of life in the Strip, where other actors are able to exercise governmental functions. However, Israel still owes obligations to civilians in those aspects of life in which it has [not relinquished control](#) and is not allowing other actors to exercise governmental functions. For example, given its almost absolute control over Gaza's crossings, and the fact that it hinders the establishment of a port and airport in the Strip, Israel is obligated to enable residents to exercise their fundamental right to freedom of movement. In practice, Israel severely restricts them from doing so.

The occupying power has twin obligations: to provide for security, including its own security and that of the civilian population in Israel, and to restore and ensure the functioning of public life or normal life in Gaza, to the extent possible.

Furthermore, Gaza residents have no clear legal status in the post-disengagement era, nor is there a specific system of law that applies to them or [grants them rights](#).

Hamas, as the de facto government and also as a party to conflict, is subject to international humanitarian and human rights law as well. Its violations of these do not relieve Israel of its obligations.

What about Egypt?

The Gaza-Egypt border crossing point is Rafah Crossing. As recently as after the fall of the Mubarak regime in 2011 and until mid-2013, Rafah served as a major point of access for Gaza residents traveling abroad, while Israel administered its restrictive permit regime at Erez Crossing. When Rafah was open fairly regularly, some 40,000 exits and entries were recorded each month. This changed in July 2013, following a transition of power to the government of President Abdel Fattah al Sisi. Since then, the crossing has been closed most of the time. Throughout 2016, Rafah Crossing was open on a total of just 42 days, and the monthly average number of exits and entries recorded was 3,520. During 2017, the crossing was open for a total of 36 non-consecutive days and the monthly average number of exits and entries recorded was 2,930.

Former Defense Minister Moshe Ya'alon [put it](#) this way in 2015: “The Gaza Strip of today is dependent on the State of Israel. The route from Egypt has been closed, including the tunnels. Gaza’s outlet to the world is through us.”

While Rafah Crossing is indispensable for enabling movement to and from the Strip, opening Rafah regularly for travel would only answer some of residents’ needs; others will still be dependent on Israel, such as to travel to the other part of the Palestinian territory, the West Bank.

What can Israel do?

Repeated rounds of hostilities in Gaza have proven that a solution to the complex situation there cannot be achieved through military force. All actors who impact the reality of life in Gaza – Israel, first and foremost, but also the de facto authorities in Gaza, the Palestinian Authority, Egypt, and the international community – must uphold and protect the rights of Gaza residents. Until a comprehensive solution is reached, there are many things that Israel can and must do immediately in order to alleviate the unnecessary suffering of Gaza residents.

1. **Remove restrictions on movement**

Israel must enable regular movement of people and goods between Gaza and the West Bank, which still share an economy, health and education systems, as well as countless familial, cultural, and political ties by removing sweeping access restrictions. It must also facilitate travel to and from Israel and abroad to the extent that civilian needs require it. Restrictions on movement through the crossings should be based on individual security screenings only.

2. **Remove restrictions to enable construction and maintenance of Gaza’s collapsing infrastructure**

Israel wields the power to approve or deny all and any construction projects in the Strip, as well as approve relevant permits for those engaged in construction and maintenance and development of civilian infrastructure. Israel must allow all required materials and equipment necessary for the reconstruction and development of Gaza’s infrastructure to enter the Strip, and ensure that its security screening process is carried out swiftly and efficiently so that the required materials can reach their destinations.

3. **Remove limitations on marketing goods from Gaza in Israel and the West Bank**

Until 2007, 85 percent of the goods produced in Gaza were marketed in Israel and the West Bank, Gaza’s closest and traditional markets. Today, Israel limits the types and in some cases quantities of goods that can be sold in Israel and the West Bank. Restrictions on exit of goods from Gaza continue to be a major contributing factor to low productivity, high unemployment and high rates of dependence on aid. Israel must immediately remove restrictions on marketing goods from Gaza outside of the Strip.

Conclusion

Recent events can only be understood in the context of a century of conflict, 50 years of occupation, and more than a decade of closure with their far-reaching implications for the lives of Gaza's two million residents. Sweeping and arbitrary restrictions on movement of people and goods imposed by Israel thwart economic development, violate human rights, and trample hope. They must be removed, now.

Israel must make significant changes to its access policy vis-à-vis the Strip. In doing so, it must differentiate its political objectives and legitimate security needs from its obligation to protect Gaza's residents rights to freedom of movement and to live their lives in dignity.