

Dark-gray lists

The list of “dual-use” items whose entrance into the Gaza Strip is forbidden by Israel is getting longer and longer, raising questions about the policy that stands behind it and the harm it causes to civilians and civilian life in Gaza.

Everything that the 1.8 million residents of the Gaza Strip need and which is not produced there – basic commodities, raw materials for manufacturing, medical equipment, processed food, fruit, spare parts, temporary shelters, fuel, construction materials and much more – is purchased and brought in, for the most part from Israel. All these goods enter through a single crossing, the Kerem Shalom crossing, over which Israel has exclusive control. Israel oversees the security arrangements and infrastructure by which the crossing operates and importantly, determines what is allowed to be transported through it in both directions.

Goods policy: Security needs or political goals?

The official reason given for the absolute control over movement of goods into the Gaza Strip is security, but in practice, the reality of what transpires at the crossing is also the result of policy choices and politics. Severe restrictions have been in place for years limiting the movement of goods into and out of the Gaza Strip. After the disengagement from the Gaza Strip, when Israel withdrew its permanent military forces and civilians from Gaza, and following the Hamas takeover of the Strip in 2007, Israel allowed only a limited list of products and goods to enter the Strip. This was done in an attempt to weaken Hamas and build civilian pressure for political change, undoubtedly and openly-stated political goals, separate from direct security needs tied to the transfer of certain items and/or the operation of the crossings.

Following the flotilla incident in 2010, Israel changed its official policy and announced that it would allow all goods into Gaza except for a list of items that would require special permission to enter. Israel defines these items as “dual-use”, which is to say that it recognizes their civilian use but is concerned that they might be used for hostile purposes – manufacturing weapons, and building assault tunnels or defensive fortifications.

However, according to contacts in Gaza, anything that appears on the [list](#) is rarely, if ever, allowed into the Strip. Many of the items have a clear and vital civilian use. Nonetheless, the management of the dual-use list and the policy vis-à-vis Gaza in general takes place in the framework of Israel’s minimalistic interpretation of its obligations towards Gaza residents, which it claims do not extend beyond facilitating access for only the most basic humanitarian needs. Anything beyond that is considered an act of charity which can be halted at any time whether for punitive, preventive or other reasons. It gives itself wide scope to restrict the entrance of materials without giving proper weight to the harm this causes to civilian lives and the economy in Gaza.

The costs of the policy

While boasting of far-reaching changes in its consideration for the needs of the civilian population in Gaza, Israel has maintained [a consistently escalating policy of restrictions](#) on the Gaza Strip for three decades. By doing so, it inhibits any chance of normal life in the Strip. Restrictions on the entrance of goods undermine the hope to rehabilitate the Gaza Strip and violate fundamental human rights, such as the right to health, education, livelihood, and to lead one's life with dignity. The list of "dual-use" items is growing longer and its management more complicated. The policy of preventing the entrance of these materials condemns residents of Gaza to a life lacking in economic independence. Aid organizations report that they struggle to meet humanitarian needs due to these restrictions.

What is the impact?

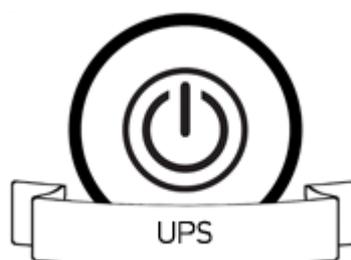
The UN Office for the Coordination of Humanitarian Affairs (OCHA) [has warned](#) repeatedly that the list is too far-reaching to be acceptable, making it more of a sanction than a defensive measure. The United Nations Relief and Works Agency for Palestine Refugees (UNRWA) [has emphasized](#) that the recent, additional restrictions on wooden planks, for example, disrupt the pace of its program to build schools, as well as furnish them, and places an undue burden on the agency's meager budget. Aid organizations warn that readiness for emergencies is declining because of a shortage of critical items and spare parts. [The Palestinian Ministry of Economy](#) estimated that the list causes annual monetary losses in the agriculture, industry and technology sectors to the tune of hundreds of thousands of dollars.

But lost profits are only part of the picture. The Gaza Strip faces [dramatic unemployment rates](#), especially among young people, who constitute the majority of the population. A growing number of people rely on aid to obtain basic food products and other commodities. There is a vast shortage of housing units, not to mention the worsening energy crisis and the near-collapse of an already strained water and sewage system. Taken together, this reality is bleak and seemingly hopeless, however, much is the result of policy choices, not a natural disaster.

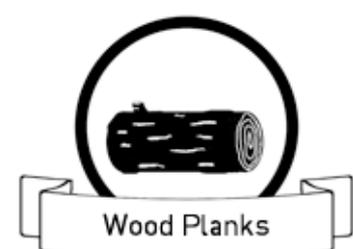
Sample items from the list.



Has several uses in many industries, from transportation to cosmetics, and can be used in the production of brake fluid, insulation materials, lubricants, glue, and beauty products.



UPS stands for "uninterrupted power supply", an essential product in Gaza, given long and frequent power outages. They are especially essential in intensive care and dialysis units.



Restrictions on entrance of wood were first imposed in 2010, but have expanded greatly over the past year and threaten Gaza's furniture industry, which has managed to survive the closure.

Wood as a case study

Wood planks appeared on an initial list of restricted items to Gaza in 2010 (see below for history), but since then the dimensions of the planks allowed to enter have decreased, with the latest protocol limiting them to less than 1 cm thick and 5 cm wide. In a twist of irony, COGAT recently [declared that furniture](#) from Gaza can be sold in Israel, yet the furniture industry in the Strip [is collapsing](#) due to a shortage of the very raw materials it needs to make furniture (not just wood, but also [lacquers and glues](#)). Shortages are reported of items like wooden doors, and in the private sector, prices are soaring as stocks run out and more manufacturers are finding themselves unemployed. The argument goes that wood planks can be used to line tunnels from Gaza, however, the immediate and long-term harm to hundreds of thousands of people cannot justify such a wide-scale, punitive measure.

Is this the continuation of economic warfare?

Currently, with a tense cease-fire still holding nearly a year and half after Operation Protective Edge, Israel officially voices its faith in the understandings that were reached and declares its commitment to rehabilitating civilian life in the Gaza Strip. In practice, it is continuing and intensifying what looks a lot like economic warfare, a policy formally ended in 2010. The expansion of the list of items defined as suspect, which in reality also prevents the entrance of products required for basic standards of civilian life, is too far-reaching to be reasonably justified. Israel's complete control over the movement of goods, along with other elements of its control which impact almost every area of life, imposes on Israel obligations to facilitate normal life for Gaza residents.

In addition, the lack of transparency about the decision-making mechanism determining the composition of the list, the scope of the mechanism's activity, and especially the method of judging applications for permits for entrance of goods – undermines the claim that the list only indicates what items need to undergo more extensive inspection. In reality, a gray list effectively becomes black as items cannot actually reach residents of Gaza. Violations of the spirit of the law in the administrative sense cause both immediate harm and a "chilling effect", preventing residents from applying for and thus receiving permission to bring in vital goods. The various challenges that the Gaza Strip faces demand enterprising and creative solutions in areas such as sustainable energy, transportation, infrastructure, business development and so on. Yet what entrepreneur, private or public, would volunteer to tackle this mysterious bureaucracy or invest precious resources in a state of such prevailing uncertainty?

The dual-use list: A historical overview

On July 12, 1996 a large group of countries signed the [Wassenaar Arrangement](#) to regulate the export of conventional weapons and dual-use materials and technologies. Israel is not a party to the arrangement, but has nonetheless incorporated the lists through legislation and enforces restrictions therein on its exporters and the entrance of goods into the occupied Palestinian territory (oPt). Specifically, in 2008, Israel's Minister of Defense instituted two deriving directives relevant to the oPt: the [Directive on Defense Export Control \(Monitored Dual-use Equipment\)](#) (Hebrew) which simply refers to the relevant lists in the Wassenaar Arrangement, and the [Directive on Defense Export Control \(Monitored Dual-use Equipment Transferred to the Territories under PA Responsibility\)](#) (Hebrew), which expands the list in regard to the oPt with an additional 54 items described as "materials and equipment that are intended for civilian use and are also

suitable for military use". The list includes, among other things, fertilizers, chemicals and raw materials for manufacturing, metal pipes, lathes, optical equipment and navigation and surveying accessories.

Minor amendments were made to this list in 2009 and 2012, but the main changes were made to it in March 2015, when another 48 items were added and cited as restricted from entering the Gaza Strip (but allowed in the West Bank), and in November 2015, when another 13 items were added, including wood planks, UPS components, smoke detectors, castor oil, asbestos insulation, graphite powder and heavy lifting equipment.

How did the Gaza-specific list come about?

At the end of May 2010, shortly after the events of the Marmara flotilla, during which nine flotilla participants were killed and 10 soldiers and 20 passengers injured, Israel changed its policy on movement of goods into the Gaza Strip. On June 20, the Israeli Security Cabinet announced [a six point program](#) that would allow entrance of most civilian goods into the Gaza Strip, while blocking a list of forbidden products (prior to this, all items were blocked save for a list of permitted items). It simultaneously announced the expansion of activity at the crossings (at the time a conveyor belt still operated at Karni Crossing), entrance of construction materials for international projects, and streamlined access procedures for humanitarian cases and employees of international organizations.

On July 6, 2010, Israel published [a list of items](#) whose entrance into the Gaza Strip would be forbidden except with an individual permit, in addition to items whose entrance into the West Bank had already been forbidden by virtue of the Directive on Defense Export Control. The unique list for Gaza included, among other things, "watercraft, heavy vehicles, asphalt, building bricks of any kind, and wood panels more than 2 cm thick. Construction materials and means to manufacture them will be approved only for projects executed and supervised by the international community".

And now that Israel is ostensibly committed to rebuilding in Gaza, has the list grown shorter?

The summer of 2014 saw the most lethal round of fighting in the Gaza Strip in recent memory. By the end of 50 days of hostilities, more than 2,200 Palestinians had been killed and more than 11,000 wounded. The damage to infrastructure was tremendous with thousands of houses destroyed, rendering some 20,000 families homeless. As a result of the degree of the damage and the rallying of the international community for reconstruction, Israel changed its rhetoric again. Immediately following the ceasefire agreement, the security establishment [declared its commitment](#) to help rebuild and rehabilitate the economy, infrastructure, and living conditions in the Strip. Among other things, Israel allowed, for the first time since 2007, the entrance of construction materials for the private sector, under the auspices of [a strict mechanism](#). However, the mechanism has not managed to keep up with need nor to prevent the seepage of materials to the black market. Throughout this period of rebuilding, items were added to the list of dual-use materials.

How the dual-use list is managed

What is the mechanism by which the list is managed?

The officials charged with reviewing the transfer of dual-use items into the Palestinian territory at different levels of the protocol are the Director-General of the Ministry of Defense, the head of the Defense Ministry's Export Supervision Department, the Coordinator of Government Activities in the Territories (COGAT) or his deputy, and officers at the Civil Administration, who coordinate between government ministries according to the category under which the request falls. These include: an environmental protection officer, who is in

charge of reviewing requests for chemicals; a communications officer for communications equipment, and; an industry, trade and employment officer (from the Ministry of Economy) for everything else. The reality on the ground is apparently more complicated. We know of at least one official who has a say in approval of permits, who does not sit in the Civil Administration, but rather in the Gaza District Coordination Office (DCO).

Is information available about screening procedures made public?

On paper, the procedure for submitting an application for permission to bring in dual-use materials for a resident of Gaza is seemingly simple. She must first apply to the Ministry of Economy in Gaza (an office of the Palestinian Authority), specifically the Palestinian Coordination Committee for the Entry of Goods, which transfers her request to the Israel's army's Gaza DCO. At the DCO, it is then referred to the appropriate officer. In the case of a positive answer, the Palestinian merchant must finalize the financial transaction with the Israeli vendor or broker in order to submit the request for coordination of entrance of the item. If the answer is positive, she then coordinates the transfer of the item through Kerem Shalom Crossing.

How many people in Gaza are familiar with this procedure? How many Israeli merchants are familiar with it? How many have used it? How many have received a positive answer? These are just some of the questions which we have yet to answer. Thus far, our attempts to get our hands on the updated procedures, according to which this mechanism is supposed to proceed, resulted in a referral to the COGAT website. No such information appears there, not to mention that for the last six months the site has been down and has not been updated "for technical reasons". Gathering essential information detailed above required us to conduct extensive research. Clearly, the average Gaza entrepreneur, an Israeli merchant or an exporter from another country do not necessarily have the contacts or access to obtain this information.

Sample items from the list.



No further details are provided about what might come under this very broad term.



Essential for building high-rises and complex structures and for clearing rubble.



"Imaging machines, including X-Ray equipment" are desperately needed and in short supply.

An interim conclusion

[The list of dual-use materials](#) not allowed into Gaza is long and not uniform. Some of the items are specific chemical compounds ("ammonium chloride"), while others are exceedingly general ("communications equipment"). It includes castor oil as well as wooden planks thicker than one centimeter and wider than 5 cm. The damage that might be caused by these restrictions is not cited anywhere by Israeli officials, nor is there any evidence that someone has undertaken a cost-benefit analysis about how stopping these items effectively meets security needs. Only recently, and only due to Gisha's work, was the list [published in Arabic](#)

so that those most impacted by it might have access to it. Ostensibly, as cited previously, it is not a black list. There are forms that can be filled out and applications that can be submitted in order to receive permission to transfer an item from the list for a proven civilian use. How accessible is this information? How many applications were submitted? How many were approved? How many were submitted by private individuals and how many by international organizations in the Gaza Strip? Who considers the requests and who actually decides what should appear on the dual-use list? Most of these basic questions have not yet been answered, even for those in Gaza bearing the brunt of the policy.

Recently, the [World Health Organization](#) shared information about the obstacle course it had to go through in order to bring two computerized imaging machines purchased for two medical facilities into the Gaza Strip. After the entry of the machines was approved last August, they were delayed for another three months because one of them contained a technological component that required the clearance of the Israeli Ministry of Communications. Ordinary Palestinian and Israeli merchants, senior officials and field staff of international organizations all eventually are compelled to confront the list of dual-use items in the course of their work, either making a living or trying to meet humanitarian needs in Gaza.

It is difficult to quantify with precision the extent of the disruption to normal life in the Gaza Strip caused by these restrictions, yet it is easy to see.

Since the fall of 2014, the official consensus in Israel is that rehabilitation in the Gaza Strip is not only a humanitarian duty but also a strategic interest. Meanwhile, the list of dual-use materials keeps growing and with it, the harm to civilian life. Why continue a policy that contradicts the declared interest of the Israeli security establishment and causes harm and suffering to an already destitute population in the Strip?

This is the first part of a larger effort to explore and uncover the facts about the dual-use list as well as its impact. Our goal is to provide food for thought, compel hard questions of the security establishment and present our perspective on how a saner policy could allow civilians in Gaza the chance to lead the kind of hopeful lives to which we are all entitled.

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