Closing In

Life and Death in Gaza's Access Restricted Areas

“As required by law, Gisha is proud to share that as a result of our partnerships with friendly countries and international organizations that promote human rights, the majority of our funding comes from “foreign political entities.”
Executive summary

Contrary to the illusion held by many that Israel’s presence in the Gaza Strip ended with the implementation of the Disengagement Plan in 2005, to this day Israel continues to exercise control over nearly every aspect of life in Gaza, including through its control over movement and access. Importantly, it continues to enforce restrictions on access to areas deep inside the Strip and in Gaza’s territorial waters, commonly referred to as the “Access Restricted Areas” (ARAs). On land, Israel calls the area to which it controls entrance the “buffer zone.” The area runs along the entire length of the fence separating Gaza from Israel. The “fishing zone” it permits at sea is just a fraction of Gaza’s actual territorial waters. In both of these areas, Israel employs violent enforcement measures against what it perceives as breaches of its directives, including the use of live fire, which results in the death and injury of Palestinian residents of Gaza.

Beyond the threat to life, Israel’s control over Gaza’s land and sea areas has implications for the economy of the Strip and livelihoods dependent on safe and reliable access to these spaces. The lands closest to the fence separating Gaza from Israel are among the most arable and suitable for farming in the Strip. In Gaza, one of the most densely populated areas in the world, every stretch of farmland is critical. Fishing has historically been one of the most important sectors for the coastal community of the Strip and once supported tens of thousands of people. The restrictions enforced by Israel in these areas are particularly harmful to women working in fishing, farming and herding. Women, who were highly represented in trades related to farming and herding have been almost entirely pushed out of the sector. Before Israel tightened the closure on Gaza in 2007, 36 percent of the people working in farming and fishing were women. Today, that number has plummeted to only four percent.

Between 2010 and 2017, that is, before the recent wave of demonstrations began on March 30, 2018, there were a total of 1,300 incidents of live-fire by Israeli security forces on farmers, herders, scrap collectors, demonstrators and other Gaza residents near the fence separating Gaza and Israel; at least 161 Palestinians were killed and more than 3,000 injured. The lives and livelihoods of tens of thousands of people are directly impacted by restrictions on movement imposed by Israel near the fence on a regular basis, not just during demonstrations.

Following inquiries and Freedom of Information Act (FOIA) requests filed by Gisha over the years, the Israeli army eventually provided information about the area of land where it enforces restrictions on movement of farmers and other residents of Gaza. However, interviews conducted by Gisha for this report indicate that farmers, herders and others who require access to lands in the vicinity of the border fence remain uncertain about the exact location of the area that is off-limits.

Since 2014, Israel has also conducted aerial herbicide spraying along the fence with Gaza, causing extensive damage to crops and tremendous financial losses for farmers. Israel hires private planes to spray chemical herbicidal agents, which are then carried by wind into the Strip, damaging crops hundreds of meters from the fence inside Gaza. The presence of security forces employed by the de facto Hamas authorities near the fence also causes civilians to fear accessing lands in the area.

At sea, buoys demarcate the fishing zone, however, these move with the currents, making it almost impossible for fishermen to know if they have exceeded the limit. In addition, many incidents of live-fire in areas clearly within the fishing zone have been reported and Israel shrinks and expands the zone regularly, often as a punitive measure, causing uncertainty and insecurity. From 2010 to 2017, there were nearly 1,000 incidents of live-fire reported at sea, 107 injuries, five deaths, and 250 instances of confiscation of boats and other equipment.
Following the devastating military operation, Protective Edge, in 2014, Israel made certain changes to policy related to movement of people and goods, and Israeli security officials and others publicly acknowledged the importance of enabling Gaza’s reconstruction and promoting economic development there. The rhetoric around reconstruction is also apparent in how the Coordinator of Government Activities in the Territories (COGAT), the main body in the Israeli military charged with overseeing civilian policy, framed its decision to periodically expand Gaza’s fishing zone from six to nine nautical miles off the coast of Gaza. Nevertheless, the very demarcation of Gaza’s fishing zone to such a small area and the Israeli navy’s aggressive enforcement of the maritime closure on Gaza have made fishing a dangerous profession. Egypt too polices restrictions on the southern edge of Gaza’s territorial waters in a distinctly aggressive manner.

Israel often portrays the movement restrictions it unilaterally enforces inside the Strip as based on Israel’s security needs alone. While there are periods of active hostilities, at times indiscriminate fire from Gaza toward populated areas inside Israel and presence of armed Palestinians near the fence, these cannot serve as justification for the Israeli army’s sweeping and disproportionate harm to civilians in the Strip.

Moreover, very often the interests at play are not distinctly security related, but rather punitive and politically motivated. For example, although Israel’s restrictions on Gaza’s sea space predate the tightening of the closure in 2007 and the disengagement in 2005, they have been enforced as part of an official policy of economic warfare on the Strip ever since Hamas took control of Gaza. Israel sometimes expands the fishing zone as a temporary “gesture,” as it calls it, and, at other times, “punishes” Gaza residents by restricting it. This practice illustrates how Israel routinely imposes and enforces sweeping, arbitrary restrictions for political interests that have little to do with security.

This report is being released five years after Gisha published a position paper entitled Blurring Boundaries, in which we cautioned against the rules of engagement employed by Israel in the border area, pointing to the disturbing lack of clarity surrounding its open-fire policy. Unfortunately, time has proven beyond a doubt that enforcement of the ARAs exacts a heavy price from Gaza residents and has failed to achieve its ostensible political or security goals. Nonetheless, Israel continues to enforce restrictions, resulting in the death and injury of many Palestinians. Apart from the inexcusable cost to life and limb, these restrictions on movement also sow fear, uncertainty and severely hinder economic activity.

This report aims to provide a current account of the impact of Israel’s control over the ARAs it enforces inside Gaza on land and at sea, particularly as concerns the economic implications of the policy. We conclude by calling on Israel to refrain from its destructive and disproportionate actions which violate the fundamental human rights of Palestinians, including the right to life and the right to livelihood.
Methodology

For the purpose of this report, Gisha’s field coordinator in Gaza visited four areas near Gaza’s perimeter fence and conducted in-depth interviews with individuals who make their living there. In an effort to explore the gender ramifications of the policy and how men and women might be impacted differently, Gisha also conducted two focus groups specifically with women who work in farming and herding near Rafah and Deir al-Balah. Our research sought to bring out the experiences of individuals, their families and communities and take into account a gender perspective. The focus groups were arranged with the help of organizations that provide support to local farmers and herders, namely Première Urgence Internationale (PUI).

The information regarding aerial herbicide spraying and the resulting damage to crops was obtained from the Ministry of Agriculture in Gaza, in charge of recording and assessing the losses as well as through Gisha’s legal advocacy work on the topic. Freedom of Information Act (FOIA) requests filed by Gisha over the years regarding the herbicide spraying, as well as the enforcement practices of the Israeli navy in the fishing zone, forced Israeli authorities to disclose hitherto unpublished information that serves as a basis for some of the data in this report. Statistics on incursions, shootings, arrests and other implications of the Israeli military’s action in the ARAs on land and at sea were provided by Al Mezan Center for Human Rights in Gaza, which records and publishes this data on an ongoing basis.

All of the information received was cross-referenced against the extensive body of research and data Gisha has accumulated since its founding in 2005. The historic background regarding Israel’s implementation of the buffer and fishing zones throughout the years is based on previous research conducted by Gisha, as well as other local and international organizations active in the Strip. Gisha makes an effort to identify the impact of all actors on any particular topic we are researching. In this report we cite actions by Egyptian and Hamas authorities, for example, however, as an Israeli organization, the prime interlocutor of our efforts to seek accountability for rights violations is our own government.

Damage to crops by herbicide spraying, 2018. Photo by Gisha
The "buffer zone" – Gaza's Access Restricted area on land

For years, Israel has enforced what it calls a “buffer zone” inside Gaza along the perimeter fence separating the Strip from Israel, to which it restricts access. Gisha’s attempts over the years to obtain precise information from Israel about the width of the ARA on land, and whether a mechanism for coordinating access for local farmers to their lands in the ARA exists, have produced contradictory answers. According to the army’s most recent response (Hebrew), received in August 2015, the maximal distance up to which Gaza residents are allowed to approach the fence is 300 meters (984 feet); farmers are allowed to approach up to 100 meters (328 feet) from the fence.

The earliest reference to a “buffer zone” in Gaza appeared in the Oslo Accords (1993), which cited a 50-meter wide area along the 58 kilometers of the Gaza border. The Gaza-Jericho Agreement of 1994 refers to a “security perimeter” stretching 1,000 meters into Gaza from the Green Line, where Palestinian police were to enforce “special security measures” in order to prevent people from entering Israel and to stop weapons from entering the area without prior coordination with the Israeli army. However, the terms and agreements regarding the buffer zone were only partially implemented before the Second Intifada broke out in September 2000. During the intifada, the Israeli army flattened a 150-meter wide strip of land along the fence in Gaza and particularly since 2005, the area is known both to Palestinians and cited by international organizations as being particularly dangerous to enter.

Just before Israel implemented the Disengagement Plan in September 2005, the military dropped leaflets announcing that Gaza residents must keep a distance of at least 150 meters from the perimeter fence. Until November 2008, access restrictions were effectively enforced in most areas up to 300 meters from the fence. That month, after the collapse of a truce agreement between Israel and Hamas, the military effectively expanded enforcement of a restricted zone as far as 1,000 and 1,500 meters from the fence, covering about 17 percent of the total area of the Gaza Strip, and roughly 35 percent of its farmland. Over the years, Israeli military action inside these restricted areas led to the destruction and loss of almond and citrus trees, vineyards, greenhouses, and fields of wheat and barley.
After Operation Pillar of Defense in November 2012, the military stated (Hebrew) that: “Residents of the Gaza Strip are required not to advance beyond 300 meters from the security fence.” The response made no mention of mitigations of these access restrictions for farmers. In August 2015, Gisha received a response (Hebrew) from the IDF Spokesperson’s Office, confirming that Gaza residents could only reach up to 300 meters from the fence, and that farmers alone were permitted to approach up to 100 meters on foot.

After Operation Protective Edge in 2014, Hamas built a road running parallel to the fence at an average distance of 300 meters. While the road, known as “Jak Road,” serves civilians, including local farmers, members of the Hamas National Guard maintain a constant presence along it. The road attracted criticism within the Palestinian community, with critics accusing Hamas of effectively recognizing Israel’s buffer zone.

In June 2013, Gisha published “Blurring Boundaries,” a position paper about the situation in the buffer zone following the ceasefire that ended Operation Pillar of Defense in November 2012. We noted in the report that the IDF Spokesperson’s Office claimed that the army had dropped leaflets notifying Gaza residents about the access restrictions. However, Gisha heard from residents that no leaflets had been dropped in the area since the ceasefire had been reached. The IDF spokesperson also stated at the time that updates on access within the 300-meter mark were provided to the public by "liaison and coordination officials." In 2015, in response to a FOIA request submitted by Gisha, COGAT admitted that there was no mechanism for coordination between farmers in Gaza and the Israeli army.

Danger ahead

According to the farmers that Gisha interviewed who live and work in areas along the fence, there are different risks associated with different areas of land, depending on their distance from the perimeter fence: Up to 100 meters from the fence, between 100 to 300 meters, and between 300 meters and one kilometer into the Strip.

0-100 meters from the fence

The strip of land that stretches 100 meters into the Strip, west of the fence, is a “no-go zone” where movement is strictly prohibited. Farmers cannot grow anything in this area, though the land itself is privately owned by residents of Gaza. The Israeli army regularly conducts incursions into this area, including entering with bulldozers and heavy equipment in order to raze any vegetation, flatten roads and expose the terrain. For example, according to Al Mezan Center for Human Rights in Gaza, during 2017 the army entered Gaza 51 times; that is, once a week on average.

Though herders working in the ARA only approach up to 100 meters from the fence, their livestock sometimes strays further. The military often responds with warning shots that have, on more than one occasion, hit herders or their animals. It is unclear to the herders when and on what basis the army will allow animals to approach the fence and when it will enforce the prohibition on entry using live fire.

100–300 meters from the fence

According to farmers, farming and seeding of land are permitted starting at more than 100 meters away from the fence, and even there only in an extremely limited manner. The road built by the de
facto Hamas authorities in 2014, known as Jaker Road, marks 300 meters from the fence between Gaza and Israel and runs along most of its length. According to Israel’s policy, farmers and herders are permitted to enter the strip of land between 100 and 300 meters from the fence, where the road is situated, however there is no formal mechanism for identifying who is and is not a farmer or herder.

Many of the herders and farmers we spoke to told us that they believe that the army “knows and recognizes” them, though no official communication takes place between them. Farmers report using tactics like “wearing the same red shirt” to work so that they are identifiable.

Farming activity in this area is limited and usually confined to short leafy crops such as spinach, lettuce, radish, cauliflower, parsley, peas, cabbage and zucchini, as well as wheat and barley. In the absence of clear, official information, farmers have reached the conclusion that, based on their past experiences, taller crops, such as corn, should not be grown in this area. A farmer from Juhor a-Dik told Gisha that in August 2011 the army claimed that shots had been fired from inside his cornfield and, in response, they flattened five dunams (around 1.2 acres) of corn he had been growing.

The height of a crop is not the only consideration for farmers in this area. Farmers have given up on growing high value crops, like tomatoes, in the area. According to the Ministry of Agriculture in the Gaza Strip, the cost of growing a dunam (roughly a quarter-acre) of tomatoes is some 5,000 ILS (almost 1,400 USD), and its expected profit is 2,000 ILS (about 550 USD). By contrast, growing a dunam of spinach costs only 1,000 ILS (almost 280 USD), but also yields a smaller profit (about 1,000 ILS). Farmers say that they are wary of losing their investment in tomato crops due to the army’s practices of razing the land and spraying herbicides, so they tend to opt for cheaper crops that yield smaller profits.

Another factor inhibiting agricultural development in this area is the fact that most of the farmers working in the area lease the plots of land they farm, and do not own the lands themselves. Farmers in this situation tend to prefer seasonal crops, producing faster yields and more immediate profits.

One farmer, who also herds a flock of sheep and goats, says she does grow corn in this area, but never lets it grow tall, uprooting plants when they are still young to use for animal feed. She would not dare allow her children to come any closer than 300 meters from the fence. Rather, she enters on her own, as she believes the soldiers recognize her and will not fire at her. She enters the land to uproot the older corn plants, picks other crops, and passes them to her children, who wait at the 300-meter mark, to help her carry the crops home.

Since 2015, various organizations, most notably the International Committee of the Red Cross (ICRC), have assisted farmers to access lands, rehabilitate soil and repair infrastructure between 100 and 300 meters from the fence. The ICRC has also supplied farmers with seeds, fertilizers and equipment for infrastructure to help them resume cultivating crops in the area, and the presence of its staff has increased the farmers’ sense of security to some extent. The ability of the ICRC to provide protective presence is limited. Joint efforts by the ICRC, farmers, and local authorities in Gaza have resulted in the removal of unexploded ordnance left behind in the area following past rounds of hostilities.

Farmers noted that whenever there is military activity near the fence, including maintenance or when cameras are being installed, for example, the army fires warning shots to scare them away. This also tends to happen when visibility is limited due to weather conditions, such as fog.

**300+ meters from the fence**

It appears that from 300 meters from the fence onward, Israel does not actively interfere with the types of crops grown by farmers or their access to the lands on which they grow them. However, military
incursions over the years have resulted in widespread destruction of farmland and agricultural infrastructure at varying distances from the fence; farmers and landowners are cautious about replanting extensively or making significant investments in other agricultural initiatives. Crop renewal requires soil rehabilitation and sometimes repairs to infrastructure. Farmers are reluctant to invest precious resources due to the constant threat of incursions and other actions by the Israeli army. Consequently, the closest greenhouses are located at a distance of at least 500 meters from the fence.

Israel polices Gaza's perimeter fence in several ways, including via the physical presence of soldiers patrolling the fence in armored vehicles and positioned in clearly visible posts on Israel's side of the fence. The army also employs remote monitoring devices positioned along the fence, including cameras, sensors, drones, observation balloons, and concealed surveillance equipment.

As cited above, according to Palestinian human rights organization Al Mezan, during 2017 the Israeli army entered Gaza 51 times; that is, once a week on average. The army fires live ammunition into the Strip at farmers, herders, demonstrators and other residents, either via soldiers on site or using remotely operated weapons. Between 2010 and 2017, 161 Gaza residents of Gaza were killed by Israeli soldiers positioned along the fence or during incursions into the buffer zone; in addition, 3,031 people were injured and 350 arrested during this period. Many of these were demonstrators, but farmers, herders and other residents of the Strip were also targeted. The constant fear of deeper military forays into Gaza, in addition to the army's routine activities in and alongside the buffer zone, intensify the chilling effect on Gaza's economy. Many farmers choose to forgo cultivating land anywhere close to the fence, or only invest in cheaper crops to mitigate any financial losses they might suffer.

Suhaila Najjar, herder in the buffer zone, June 2018. Photo by Gisha
Women herders who participated in our focus groups and require access to the pasture fields near the fence say they cannot fully control their herds in their search for food. Sometimes the herd strays close to the fence, and the women risk entering the strictly “no-go zone” in order to redirect the animals. Shots fired by the army at flocks that approach the fence result in the death or injury of animals, sometimes injuring the herders as well. This risk is uniquely and disproportionately felt by herders, many of whom are women.

Restrictions and presence of Palestinian security forces

Security forces employed by the de facto Hamas government in Gaza regularly patrol the length of Jaker Road (300 meters from the fence), stopping people for inspection who wish to enter the area within 300 meters of the fence. In the interviews Gisha conducted, some farmers suggested, though this information has not been verified, that at some point the local authorities considered the possibility of issuing special permits to farmers, which would grant them access to the area beyond the road. Farmers also noted that the presence of Palestinian security forces – who have observation posts and conduct both overt and covert activities in the area – increases their fear of shootings and incursions by the Israeli military.

Aerial herbicide spraying

In December 2015, the Israeli army admitted to conducting aerial herbicide spraying along the perimeter fence with Gaza in order to “expose the terrain” there. According to testimonies from farmers and reports by organizations based in Gaza, the spraying has been routinely conducted since 2014.

In March 2016, Gisha filed a FOIA request (Hebrew) with the Israeli Ministry of Defense, asking to know who decides when and where to spray, what is the purpose of the spraying, when spraying was conducted in the past, what chemical agents were used, and whether other, less dangerous alternatives have been considered. For 10 months, the ministry refused to provide this information, claiming it was either unavailable or classified. In July of that year, Gisha petitioned the court to compel the ministry to disclose the information.

In a response submitted by the ministry to the court, it stated that the spraying was conducted by private Israeli companies, and “exclusively over the territory of the State of Israel, along the security barrier with Gaza.” During legal proceedings, the ministry shared some information but claimed...
it had no information about the location and size of the areas that had been sprayed, or the dates on which the spraying had occurred. However, following a repeat inquiry from Gisha, the ministry eventually reversed its statement and admitted to possessing the information, yet claimed it could not disclose the information due to concerns over "national security and the personal safety of those conducting the spraying."

Since 2015, Gisha has monitored and reported on incidents of aerial herbicide spraying near the fence. Spraying occurs twice a year, usually once in December-January and again in March-April, sometimes for several consecutive days in different areas along the fence. Farmers’ testimonies indicate that the spraying typically takes place in the early morning, with planes flying directly over and in the vicinity of the fence, apparently inside Gaza’s air space as well. The wind carries the herbicides into the Strip, impacting crops at distances of up to 1,200 meters from the fence. The damage to crops becomes clear several days after the spraying is conducted.

The direct damage sustained by farmers as a result of Israel’s aerial herbicide spraying is immense. The Palestinian Ministry of Agriculture estimated that between 2014 and 2018, 13,723 dunams (roughly 3,400 acres) of farmland were damaged by the spraying. Statistics on damage to grazing lands were only collected in 2018, during which 8,200 dunams (around 2,026 acres) were impacted by the spraying.

Many farmers avoid investing in high-value crops, despite potentially yielding greater profits, because they have no guarantee that their crops will not be ruined by the unexpected spraying. The herbicides used also harm or kill bees and lead to serious financial losses for bee farmers. The decline of the bee population adds to the adverse impact on local agriculture.

Herders, many of whom are women, are also impacted by the spraying, as it destroys grazing pastures almost completely and forces herders to purchase animal feed for their flocks. The focus group we conducted with women herders revealed that any additional expense on food for their herds dips into the meager profit they make to begin with. The focus group participants said that in the past, herds would return from pasture satiated, and the women would even be able to pick additional vegetation to take home from the fields.

“\r
We work in fear, but I have no other land to farm. I have five sons. Three of them are university graduates who work with me in farming. My brothers work with me. I have ten people working for me regularly. They all have families. If I sit at home, what will I live off?\r
”

Riad Salim al-Nisar, July 2018. Photo by Gisha
Building and infrastructure near the fence

Interviews conducted in different areas along the fence in Gaza indicated a significant lack of clarity surrounding the Israeli army’s policy and instructions concerning building in the ARA and nearby lands. Residents resort to costly tactics of trial and error in an attempt to understand where construction is allowed, what they are permitted to build, and at what distance from the fence.

Irrigation infrastructure in Gaza becomes visible somewhere between 100 and 300 hundred meters from the fence. In areas south of Gaza City, irrigation infrastructure can be seen at a distance of 100 meters from the fence. East of Khan Younis, in the Sureij area, farmers use water wells to irrigate their fields. However, in the absence of clear instructions on where wells may be dug or built, farmers begin construction and wait to see if the Israeli army permits the work to continue.

South of Gaza City, there is a water well visible at a distance of 350 meters from the fence. In the same area, the closest residential structure is located 900 meters from the fence. Farmers in the area say they are not required to obtain building permits from Israel to build at this distance from the fence. Farmers also say that no prior coordination with Israel is required in order to plant trees or build irrigation infrastructure at 300 meters from the fence, since the army knows the farmers who work there, and there are cameras installed along the fence to monitor their activities closely.

East of Gaza City, watering wells can only be observed starting around one kilometer away from the fence. Local farmers explain that no electrical infrastructure required to operate the wells is installed closer to the fence. As such, operating water wells positioned any closer to the fence would require generators, which are too expensive to purchase and maintain. Farmers in Sureij similarly report that water wells are dug one kilometer away from the fence, except for one well, which is situated only 700 meters from it.
The "fishing zone" – Gaza's access restricted area at sea

The Israeli-Palestinian Interim Agreement of 1995 included reference to an area stretching 20 nautical miles (about 37 kilometers) off the coast of Gaza, to which Gaza residents would be permitted access for fishing, recreation, and economic activities, subject to several conditions. Responsibility for law enforcement in this area was meant to be shared between Israel and the Palestinian Authority, but the part of the agreement that dealt with sea access, was never implemented.

In 2002, Israel made a pledge to United Nations (UN) Secretary General’s Special Envoy Catherine Bertini to allow fishing up to 12 nautical miles off the coast of Gaza. This pledge too was never fulfilled, far from it. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), in 2003 and 2004, Israel shut down the Khan Yunis wharf completely and prohibited access to the sea in that area. In 2005, the wharf was only open on a total of 95 days throughout the year.

When Israeli soldier Gilad Shalit was captured in June 2006, Israel banned all access to the sea for more than four months. At the end of October 2006, Israel removed the sweeping prohibition on fishing and established a permitted fishing zone of up to six nautical miles in the areas off the coast of Deir al-Balah and Gaza City, and up to three nautical miles of the coast of Khan Younis and Rafah. In February 2007, Israel expanded the fishing zone opposite Khan Younis and Rafah to six nautical miles as well. In practice, however, fishermen rarely reached the six nautical mile mark because they feared that the Israeli navy would open fire at their fishing boats.

"We suffer from our boats being shot at, people getting injured by fire, and nets getting confiscated by the army. Six weeks ago, an Israeli navy ship started flooding my boat with water. The soldier said ‘I’ll capsize your boat and take you to detention in Ashdod,’ even though we were within the permitted zone."

Riad Salim al-Nisar, July 2018. Photo by Gisha

In September 2007, after Hamas took control of the Strip, Israel’s security cabinet declared Gaza a “hostile entity” and severely tightened restrictions on movement for its residents. One of the measures Israel implemented soon after, as part of its policy of economic warfare on the Strip, was to reduce the fishing zone to only three nautical miles. The decision reflects Israel’s acknowledgment of the fact that limitations on Gaza’s fishing zone harm livelihoods. Like other measures taken at the time to limit transit of goods and movement of people, the shrinking of the fishing zone reflected a deliberate decision to generate pressure on the population by undermining economic activity with no direct link to Israel’s legitimate security needs.

Over the years, the zone was expanded and reduced on a number of occasions. For example, the ceasefire agreement signed between Israel and Hamas at the end of Operation Pillar of Defense in November 2012 stipulated that the fishing area would again be expanded to six nautical miles. However, by March 2013, Israel had once again reduced the zone to three nautical miles following the firing of a rocket from Gaza into Israel; Israel returned the zone to six nautical miles by the end of May 2013. Prior to Operation Protective Edge in 2014, Israel reduced the fishing zone to three nautical miles.
when three Israeli teens were kidnapped in the West Bank. After a ceasefire was reached in August 2014, Israel again expanded the zone to six nautical miles off Gaza’s coast.

Since April 2016, Israel has periodically expanded the fishing zone twice a year from six to nine nautical miles in areas to the south of Wadi Gaza. These temporary expansions supposedly correspond to the “fishing season,” and usually run from April or May until the end of June, and from October to December. The Gaza Fishermen’s Union has reported that in practice these minimal expansions rarely lead to significantly greater profits. Extensive overfishing in such limited areas of the sea depletes fish stocks and impedes their regeneration. The Gaza Strip, a coastal area where fish have traditionally been a staple of people’s diet, imports fish from Israel to meet demand.

The Israeli navy demarcates the limits of the fishing zone with buoys and enforces the restrictions using warning shots and also live-fire directly at fishing vessels and fishermen deemed to have exceeded the fishing zone, resulting in the death and injury of fishermen and damage to their equipment.

In response to a FOIA request submitted by Gisha in April 2016, the IDF Spokesperson’s Office said that since 2009, “there have been two investigations into incidents in which people died following shots fired by naval forces in the sea space off the Gaza shoreline.” In both cases, which occurred in 2009 and 2010, the Military Advocate General concluded that “there were no grounds for suspecting an offense had been committed that would justify opening a criminal investigation.” Also according to a response we received from the IDF Spokesperson’s Office, the navy confiscates about 22 boats on average per year.

### Shooting, arrests and damage to property in the fishing zone

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Data collected by Al Mezan

According to Al Mezan Center for Human Rights in Gaza, 213 incidents of shooting at fishing vessels and fishermen were recorded in 2017 alone. Two fishermen were killed as a result and 14 were injured. In addition, 39 fishermen were detained at sea and 20 fishing boats (and/or equipment) were confiscated or destroyed.

Confiscation of boats and engines, often as a punitive measure, and damage to equipment caused by shooting by the navy, lead to financial losses and undermine livelihoods. Israel also limits, and sometimes entirely forbids, the entry of materials into Gaza, required for repairs to boats damaged by gunfire or accidents at sea. Fishermen are forced to abandon damaged boats or rely on lower quality materials purchased via Egypt at a much higher cost.
The various restrictions have seriously undercut profits in this traditional and key sector, pushing many people out of work. Most of those who do still fish, do so out of a lack of options, given Gaza’s saturated job market and its unemployment rate of nearly 50 percent. The number of individuals working in Gaza’s fishing sector has decreased from about 10,000 in the year 2000 to only about 3,000 today.

Conclusion

There are no current estimates of the number of Gaza residents directly impacted by restrictions on access in the ARAs, or of the loss of income they have suffered as a result; nor is it possible to quantify the far-reaching chilling effect of Israel’s ongoing presence in, and control over, the buffer and fishing zones. In 2010, the United Nations estimated that roughly 178,000 people (12 percent of Gaza’s total population at the time) were directly impacted by Israel’s actions in the ARAs. This figure included about 113,000 residents affected by restrictions on land and about 65,000 affected by the closure of Gaza’s sea space. The UN estimated that Israel’s restriction of the fishing zone had blocked access to 7,000 tons of potential catch in the sea off Gaza’s shores, which translated into a loss of income of 26.5 million USD over the course of five years.

This report addressed the dangers and adversities facing Gaza residents who require access to Gaza’s land and sea areas and the heavy price they pay as a consequence of Israel’s military activity and restrictions on movement in these areas. In addition to the devastating effect Israel’s closure has on all aspects of life in Gaza, its control of the buffer and fishing zones puts the lives of residents at risk and blocks important income generation and economic development opportunities.

The restriction of the fishing zone to six nautical miles throughout most of the year greatly reduces the fishing catch and has pushed many out of the sector, one of Gaza’s oldest. Israel’s temporary and brief expansions of the fishing zone to nine nautical miles south of Wadi Gaza are not enough. The sporadic expansion and contraction of the fishing zone is arbitrary at best and, at worst, constitutes blatant collective punishment. Gaza’s fishing sector and the people it supports require at least the full 20 nautical miles stipulated in the agreements, throughout the year and along the entire coastline.

Israel’s ongoing control over the ARA on land causes immense damage to Gaza farmers and herders. The military’s frequent actions in the area and its enforcement of arbitrary and inconsistent restrictions force farmers to make no more than minimal use of the lands closest to the fence, especially within its 300-meter range. To add insult to injury, the biannual aerial herbicide spraying that Israel conducts causes heavy damage to farmland in some cases more than one kilometer away from the fence and causes unknown harm to the health of people, flora and fauna.

Five years ago, Gisha published Blurring Boundaries, a position paper addressing the risks and costs given Israel’s rules of engagement in the buffer zone. We cautioned against the lack of clarity and transparency with regards to the rules of engagement employed by the army in the border area. It appears that despite minor changes Israel has introduced to its policies in the Access Restricted Areas over the years, residents who need access to their lands are still in grave danger. Israel continues to risk the safety, harm the well-being, and violate the rights of Palestinians in their own territory.
Israel often enforces its land and maritime restrictions by opening fire without warning, which results in the death and injury of innocent civilians. Gisha maintains that firing upon civilians when there is no clear and present threat to life is illegal. The use of military force, in addition to other practices such as aerial herbicide spraying, produces a chilling effect that inhibits economic growth and prevents residents of Gaza from exhaustively the full potential of the natural resources belonging to them by law.

Gisha’s position, which is also widely accepted among experts in international law and international organizations such as the International Committee of the Red Cross, is that the law of occupation applies to Israel’s actions toward Gaza residents by virtue of its substantive and far-reaching control over their lives. Israel’s policy of imposing and enforcing restrictions inside Gaza in areas on land and at sea has vast implications for Gaza’s economy and for its residents’ access to livelihoods in a situation where people are already suffering from extremely harsh living conditions. Israel must end its destructive and disproportionate actions, refrain from further violation of the human rights of Gaza residents, including members of the farming, herding and fishing communities, and enable the civilian population in the Strip to live their lives with dignity.