



Gaza Policy Forum 5

*Reconstruction and destruction:
Gaza, dual-use and the GRM*

January 2022

This policy note complements our new report,
'Red Lines, Gray Lists'.

Introduction

In October 2021, Gisha convened its fifth Gaza Policy Forum, gathering around fifty Israeli, Palestinian and foreign stakeholders virtually to discuss Israel's dual-use policy for Gaza, including the Gaza Reconstruction Mechanism (GRM). Speakers included a senior official from an international organization, a user of the GRM in Gaza, and a representative from a civil society organization in Gaza. This report distills the analysis and policy recommendations made at the forum by both speakers and participants at the forum, reflecting a range of perspectives, which we hope can serve policy-makers in their work.

In May 2021, heavy bombardments by the Israeli military, during an 11-day war, caused widespread destruction and damage to Gaza's homes, businesses, hospitals, schools, roads and other civilian infrastructure, estimated at a value of [290 to 380 million USD](#). More than [60,000 housing units](#) were damaged and more than 2,000 were severely damaged or totally destroyed. The escalation reignited discussions about reconstruction, and underlined the fragility and instability of the status quo. Reconstructing Gaza is never straightforward, given Israel's restrictions on the entry of goods, as well as a sense of political fatigue among donors in the face of repetitive cycles of violence and destruction, with no political horizon in sight.

Israel heavily restricts the entry of thousands of "dual-use" items - civilian items that may have a military use - to the occupied Palestinian territory (oPt). The list goes far beyond the [Wassenaar list](#), considered to be the international gold standard. Gaza faces the most stringent restrictions. Importers of dual-use items must obtain special coordination, either directly vis-a-vis the Israeli authorities, or via the UN's Gaza Reconstruction Mechanism (GRM). Israel's dual-use restrictions are a major impediment to reconstruction, but also to broader economic activity.

The majority of items on Israel's dual-use list, particularly the Gaza-specific section, are vital for civilian needs, such as construction, civilian infrastructure, as well as industry and the health sector. Examples include cement mixers, cranes, metal pipes needed for water infrastructure, plant fertilizers, and X-ray machines. In practise, certain items do not enter at all. UNCTAD [found](#) that relaxing the dual-use list would allow GDP to expand by 11 percent in Gaza by 2025. Many attendees from Gaza in the forum, including those working in the private sector and on infrastructure projects, emphasized the acute distress caused by dual-use restrictions. For more information, see Gisha's new report '[Red Lines, Gray Lists](#).'

The session sought to address how to end the interminable destruction-reconstruction cycle, and how to improve access for dual-use items for civilian needs. In order to encourage a candid dialogue, the session was held under Chatham House rule, so participants' contributions are outlined here without attribution. In some cases, the recommendations have been edited for clarity. Key suggestions included:

Recommendations

To the Government of Israel (Gol)

- **End the closure and allow movement of and access to goods**, subject only to reasonable security measures rather than sweeping restrictions.
- **Refrain from targeting civilian infrastructure in Gaza.**
- **Align dual-use lists with internationally accepted best practice**, as set down in the Wassenaar Arrangement.
- **Greater transparency on the dual-use list** and associated regulations.
- **Assume financial responsibility** for the costs incurred for Palestinian contractors and vendors, as well as international donors, as a result of dual-use restrictions, in line with Israel's obligations as occupying power.
- **Timely responses to dual-use requests** via the GRM and via direct coordination with the Israeli authorities. Several speakers noted the slow entry of spare parts for civilian infrastructure, which are needed on an ongoing and urgent basis. Under Israeli law, the authorities must respond to regular dual-use requests within 45 days (already a long time), but it can take months or even years to get a response to requests.

To the Palestinian authorities (Hamas, Palestinian Authority)

- **Palestinian leaders should advance reconciliation.** There should be a unified leadership that can address Gaza's needs, better facilitate access, and work towards a political solution to the conflict.
- **Depoliticize the issue of reconstruction**, and advance it outside of internal political divisions, rather as a collective Palestinian interest.
- **Establish a national committee** between Gaza and the West Bank, to discuss reconstruction and other issues like poverty and unemployment, including voices from civil society.

To the Government of Egypt

- **Continue to expand access for dual-use goods** via the Salah al-Din gate.

To the international community

- **Exert pressure on Israel to end the closure of Gaza.** Some argued that aid without accountability makes the closure more affordable and sustainable for Gol.
- **Clear messaging to Gol on its obligations** towards Palestinians living under its occupation, including Gaza residents, under international law. That includes positive obligations to protect 'ordinary' civilian life. Narrow humanitarian gestures and technical measures are not sufficient.
- **Greater accountability for Gol** for damage to civilian structures during hostilities, as well the de-development caused by access restrictions. Israel must be held accountable for serious breaches of international law, as a matter of principle and deterrence.
- **Do not coopt Israel's security narrative,** and challenge collective punishment. Challenge Israel where its restrictions go beyond addressing a specific security threat, and inflict disproportionate suffering on civilians.

Gaza Reconstruction Mechanism (GRM)

- Many thought that the GRM should be abolished altogether, arguing that it 'institutionalizes' Israel's closure on Gaza, and thus is complicit in the illegal collective punishment of Gaza residents. Some thought it should be replaced with a new, independent UN mechanism. Another suggested that a new mechanism should be negotiated between the PA, Hamas, and Israel. One participant wanted greater PA involvement.
- One argued in favor of a risk-based approach to access, so that monitoring would be proportionate to the risk posed by the item. Items could be classified by a 'traffic light' system, the red highest-risk items requiring extensive monitoring, green lowest-risk items could even be automatically approved. This could be relevant to a reformed GRM, or to a new mechanism.
- Several others argued that, in the absence of an end to the occupation and the closure, the GRM is still the best interim solution for facilitating access for items that otherwise would not enter. Several participants recommended technical improvements for now:
 - Narrowing the number of dual-use items, working towards a Wassenaar-type list;
 - Improve efficiency and speed of responses to requests for items;
 - Greater transparency, more information on regulations and GRM available to all parties, particularly in Arabic;
 - Reduce bureaucracy and additional requirements for participation, such as CCTV cameras, storage warehouses, and fencing;
 - Consolidate the GRM and other bilateral mechanisms used by international agencies;
 - Improve the complaints mechanism and appeals process, especially given that many GRM-users believe they have been unfairly suspended;
 - Gol should compensate for damages incurred due to negligence or unreasonable delays;
 - A human rights due diligence assessment by the UN of the GRM.

List of participants

Diplomats from:

Australian Embassy	Embassy of Bulgaria	Office of the European Union Representative (West Bank and Gaza Strip, UNRWA)	Representative Office of Norway
Consulate General of France	Embassy of Switzerland		Royal Norwegian Embassy
Delegation of the European Union to Israel	Netherlands Representative Office		United States Embassy

Representatives of the following organizations and agencies:

Al Mezan Center for Human Rights
Ben Gurion University
Diakonia
Economic Cooperation Foundation (ECF)
Institute for National Security Studies (INSS)
Lawyers for Palestinian Human Rights UK (LPHR)
Office of the Quartet (OQR)
Oxfam
Tony Blair Institute for Global Change
United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA)
Office of the United Nations Special Coordinator for the Middle East Peace (UNSCO)
United Nations Office for Project Services (UNOPS)
Washington Institute
We Are Not Numbers
Other Palestinian private sector and civil society actors

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

Gisha, 42 Harakevet St. Tel Aviv-Jaffa, Israel 6777008
Phone +972-3-6244120 | Fax: +972-3-6244130
gisha.org | info@gisha.org