Introduction

The Gaza Strip is a narrow sliver of land, spanning 365 square kilometers (141 square miles), bordered by Israel, Egypt, and the Mediterranean Sea. Its two million residents, half of them children under the age of 18, live in one of the world’s most densely populated territories. Electricity is only available for about half the day and many people do not have regular access to clean water. More than 70% of Gaza’s population relies on humanitarian aid to meet basic needs. The vast majority of residents do not meet Israel’s stringent criteria for travel permits, and therefore have severely limited ability to travel outside the Strip, including for employment and education, or to visit or reunite with family members living in Israel, the West Bank, and abroad.

Many Israelis believe that in implementing the Disengagement Plan in 2005, Israel unburdened itself of Gaza and no longer bears responsibility for what happens there. In reality, Israel still denies sea and air access to and from Gaza and continues to control its land border crossings, with the exception of Rafah and Salah a-Din Gate, which are controlled by Egypt. Israel oversees entry of goods coming into Gaza via Kerem Shalom Crossing, and demands to know what the goods are intended for, who will be receiving them, and who has paid for them. Israel decides what goods produced in Gaza can be sold outside the Strip, how much of them, when and where. Israel also decides how much electricity will be sold to the Strip, reducing supply at will. Israel repeatedly closes Gaza’s crossings and denies access to its sea space as a means of punishing and pressuring the population. Even in ordinary times, between its repeated military offensives in the Strip, Israel enforces severe restrictions on the movement of goods and people that block access to opportunities, prevent economic development, and violate basic human rights. This is not disengagement; this is remote (but not too remote) control.

How did we get here?

On September 11, 2005, Israel removed its last remaining troops from inside the Strip. In 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 Palestinian residents. Entry of goods was reduced to Israel’s restrictive definition of a humanitarian minimum; export of
goods outside Gaza was fully banned; entry of fuel was reduced, and travel between Gaza and the West Bank and Israel, which was already limited, was virtually stopped.

Over the years, a doctrine Israeli authorities refer to as the “separation policy” was developed. The idea of the policy is to isolate the Gaza, sever it from the West Bank and Israel, and obstruct contact between the parts of the occupied Palestinian territory. Gaza and the West Bank share not only a national identity, a language, culture, and economy, as well as family ties, they were also meant to make up a Palestinian state according to international resolutions and agreements. Israeli security officials have said that the purpose of the separation policy is to put pressure on Hamas (in Gaza) and help the Palestinian Authority (in the West Bank), but in practice, the policy has been used by Israel to advance political and demographic goals that cannot be justified on security grounds: Reducing the number of Palestinians living in the West Bank, weakening Palestinian institutions that would underpin a state, and advancing de facto annexation in the West Bank at the expense of fundamental human rights. As a result of the policy, students from Gaza cannot study in West Bank universities; medical teams, academics, employees of civil society organizations, and technical experts cannot travel between the two areas, not even for meetings or training, and families split between Gaza and the West Bank cannot reunite except in the most exigent circumstances. The closure on Gaza, which Israel has admitted is a form of economic warfare, is part of a broader policy of dispossession, fragmentation and apartheid.

Some of the restrictions have been lifted or changed since 2007, as detailed below, but the closure on Gaza has remained in place to this day, despite having failed to achieve ostensive goals of toppling Hamas or preventing rocket fire on Israeli communities. Though often presented by Israel as a response to security needs, many of the movement and access restrictions it enforces are not connected to security, nor can they be justified as such. What they have done is unravel conditions on the ground to the point that a United Nations report estimated that Gaza would be unlivable by 2020, a prediction that, in fact, transpired even earlier.

The dire situation in Gaza has deteriorated further still since March 2020, when Israel began enforcing the “coronavirus closure” at Erez Crossing. Under this further tightening of travel restrictions, the few possibilities for travel to and from Gaza became even narrower. In May 2021, the largest scale military offensive in Gaza since the war of 2014 left areas of the Strip in ruins. Movement and access restrictions imposed by Israel continue to stall reconstruction and development, at the expense of Gaza residents.

Movement of people

Erez Crossing

Currently, only two crossings are used for pedestrian travel into and out of Gaza – Rafah, into Egypt, and Erez, into Israel. When Rafah Crossing is closed, Erez Crossing, controlled by Israel, is Gaza’s only gateway to the outside world. Even when Rafah is open, Erez Crossing is the only gateway from Gaza to Israel and the West Bank. Movement between these areas is essential, not only for the Palestinian economy, but also for Palestinian society and for family and community life.
Israel controls all movement at the crossings between Gaza, Israel and the West Bank. An Israeli authority called the Coordinator of Government Activities in the Territories is in charge of publishing the criteria for travel between these areas. Palestinians wishing to enter or exit Gaza via Erez Crossing are required to meet these narrow criteria in order to obtain a travel permit from Israel. Until March 2020, when Israel tightened the “coronavirus closure,” three main categories of people were eligible to cross at Erez: Trader-permit holders, medical patients and their companions, and other “exceptional humanitarian cases,” including people traveling to attend the wedding or funeral of a first-degree relative, or visit a terminally ill first-degree relative.

Application processing times, even for those meeting the narrow criteria, are unreasonably long. According to the official directive, an application to visit a sick child or parent may take up to 50 business days. Applications by patients from the Gaza Strip to exit for medical treatment may take as long as 23 business days, regardless of the medical appointment date. Too often, Israeli authorities don’t respond to permit applications within these timeframes, or don’t respond at all. Even the few residents who do meet the criteria for a travel permit are often denied travel in practice, on various grounds. For example, senior businesspeople with “trader permits” who have traveled back and forth between Gaza and Israel for years might be told unexpectedly that their permits have been denied due to a “security block,” with no further explanation.

Prior to the Second Intifada that began in 2000, about 500,000 exits were recorded at Erez Crossing each month by laborers who crossed Erez daily to work in Israel. By comparison, the average monthly number of exits at Erez Crossing in 2019 was about 15,000. Since the “coronavirus closure” was imposed in March 2020, exits at Erez have plummeted further. In the first half of 2021, the average monthly number of exits by Palestinians was just 6% of what it was in the months prior to the “coronavirus closure” (January and February 2020). Travel through Erez is currently limited (Hebrew) to patients requiring critical medical treatment, some other humanitarian cases, and since August 2021, traders. Following a year and a half ban, Israel began to allow traders to exit Gaza for work inside its territory.

In addition to sweeping travel restrictions Israel enforces in ordinary times, it also often closes the crossing as a punitive measure. For example, in 2019, Israel shut down or significantly restricted operations at the crossing on a total of 11 days (not including Jewish holidays and general elections).

Rafah crossing

Rafah Crossing is located at the Gaza-Egypt border crossing point. From mid-2012 to mid-2013 the crossing was open regularly, with some 40,000 exits and entries recorded each month. From July 2013 to mid-2018, the crossing remained closed most of the time, until it resumed more regular operations as humanitarian conditions in Gaza deteriorated and the Great March of Return protests began. Given the grim economic reality in Gaza, many young adults took advantage of the crossing’s relatively regular operation in recent years to leave the Strip in search of a better future.

In March 2020, Egypt closed the crossing in response to the outbreak of COVID-19 and over the course of almost a year, it was opened it only on a few occasions to allow some residents to return to their homes in Gaza. In February 2021, Egypt announced the crossing would be
reopened until further notice, and it has since been operating five days a week, with the exception of several days in August 2021. Between February to June 2021, a monthly average of about 14,000 entries and exists were recorded at Rafah.

Even when the crossing is open regularly, only people who meet Egypt’s criteria may travel through Rafah, subject to preregistration: Gaza residents with foreign residency or passports, patients with referrals for medical treatment in Egypt, and individuals with study, work, or family visitation visas for third countries. Many of those wishing to travel through Egypt do not meet these criteria. Getting permission to cross Rafah takes time, and transit through the Sinai desert is arduous, and often dangerous.

Rafah Crossing does not provide a solution for Gaza residents who need to access the West Bank, and Israel does not allow Gaza residents to enter the West Bank without an Israeli-issued permit, whether they cross via Israeli territory or attempt to enter the West Bank from Jordan. Additionally, Israel’s policy is to forbid return to Gaza via Erez to people who exited the Strip via Rafah, putting many in a difficult position - if they leave through Rafah and it closes, they might not be able to return to the Strip.

Movement of goods
Kerem Shalom

In the first years after tightening the closure (2007-2010), Israel shut down three commercial crossings it had operated previously - Karni, Sufa and Nahal Oz. For more than a decade, Kerem Shalom has been Gaza’s main commercial crossing and the only one bordering Israel. It is also the only crossing where goods grown and produced in Gaza can be shipped for sale outside the Strip. The crossing, which began operations in 2005 and was initially used for transporting humanitarian aid into Gaza, serves as a vital lifeline for Gaza’s two million residents.

From the time the closure was tightened in 2007 and until the Mavi Marmara flotilla incident of 2010, Israel banned entrance of a long list of goods to Gaza, including basic products such as coriander, paper, toys, and chocolate. In fact, other than a narrow list of items permitted for entry, which was never published, everything was banned. In 2012, following a lengthy legal campaign by Gisha, the Ministry of Defense finally revealed the documents entitled “Food Consumption in the Gaza Strip - Red Lines” which included information about the restrictions Israel placed on entry of food into Gaza between 2007 and 2010.

Israel no longer restricts the entry of food into Gaza, but it continues to impose severe restrictions, and sometimes ban, the entry of items it defines as “dual-use.” Dual-use items are raw materials and other items with a civilian purpose, which may also, according to Israel, be used for military purposes. The list of dual-use items as defined by Israel is long and vague. It includes broad categories such as “medical equipment,” or “communications equipment,” as well as basic items and materials required for industry, the ICT sector, for farming and fishing and countless other details of everyday life. The restrictions on access to
these materials hold back economic development and severely delay the ongoing efforts to improve its electricity and water systems.

Until now, basic construction materials like cement and steel and most “dual-use” items entered Gaza almost exclusively through a coordination mechanism named the Gaza Reconstruction Mechanism (GRM). The GRM was set up according to Israeli specifications after the 2014 war (referred to in Israel as Operation Protective Edge), in collaboration with the Palestinian Authority and under monitoring by the United Nations. The GRM system essentially gives Israel power to decide which building plans get approved and can go ahead in Gaza. Even construction projects already approved are severely delayed as a result of the slow and ineffective GRM bureaucracy.

The ability to market and export goods from Gaza is vital for the Strip’s economy. Many types of goods made in Gaza are still banned for sale in the West Bank and Israel. Toward the end of 2014, Israel announced it would remove one of the most restrictive economic sanctions imposed on the Gaza Strip since the summer of 2007 – the ban on selling Gazagrown and manufactured goods in the West Bank. In November 2014, for the first time in seven years, a truck carrying produce from Gaza made its way to Hebron. Permission to ship out furniture, textile and other goods from Gaza to West Bank markets soon followed. Currently, the types of Gaza-grown produce permitted for sale in the West Bank, according to a list published by Israel’s Coordinator of Government Activities in the Territories (COGAT), are tomato, cucumber, pepper, eggplant, zucchini, sweet potato, strawberry, cabbage, cauliflower, and dates. Onions also appear on this list, but in practice, they cannot be marketed in the West Bank. It is unclear why the list is limited to these items, while other fruit and vegetables are prohibited. In March 2015, Israel permitted limited sales of tomatoes and eggplants from the Gaza Strip within Israel. Zucchini and pepper have also been cleared for sale in Israel, but the high cost of shipping them through the crossing makes it unfeasible. Furniture, textile and scrap metal are also permitted for sale in Israel.

From the time the closure was tightened in June 2007, until the end of 2014, an average of only 14.7 truckloads of goods exited Gaza every month - about 1% of number of the truckloads exiting prior to the closure, which was 1,064 per month. In 2020, an average of 265 trucks left Gaza each month. The restrictions on the quantities and types of Gaza goods cleared for sale in Israel and the West Bank block development and stop Gaza from reaching its economic potential.

Too often, Israel abuses its control of Kerem Shalom Crossing as a means of exerting pressure on Gaza’s residents. In 2020, Israel shut down or restricted operations at the crossing for five days as a punitive measure (in addition to routine closures of the crossing during Jewish holidays). Every closure at Kerem Shalom impacts humanitarian conditions, and leads to serious financial losses for Gaza’s industry and businesses, already strained by more than a decade of closure.

Salah a-Din Gate

In February 2018, goods began coming into Gaza from Egypt via the Salah a-Din gate, located near Rafah Crossing. The gate operates under the civilian and security control of Hamas and Egypt. The entry of goods via Salah a-Din, particularly fuel and construction materials, is significant: In 2019, 23% of the total amount of cement and 86% of cooking gas that entered
% of the cooking gas to 84% of the cement and 27% came in through the gate. In 2020, enter Gaza came in via Egypt.

Despite the increase in volume of goods coming into Gaza through it, Salah a-Din’s opening cannot substitute the proper, routine operations of Kerem Shalom Crossing because it does not connect Gaza to its most relevant markets - Israel and the West Bank. It is also far from local seaports, which makes for high transportation costs. The volume of goods coming in through the gate is still significantly smaller than the volume of goods passing through Kerem Shalom, and it lacks the infrastructure needed for transferring certain types of goods. The gate is not operated according to known, transparent working procedures. Often, items denied by Israel at Kerem Shalom are blocked from entering Gaza by Egyptian authorities at Salah a-Din as well.

**Land, sea and air**

Israel’s control in Gaza does not end with the commercial and pedestrian land crossings. Israel also controls the Strip’s sea and air spaces. Contrary to understandings reached as part of the Oslo Accords, Israel prohibits the construction of a seaport in Gaza and blocks the restoration of its international airport, destroyed in an Israeli air raid in 2001. Israeli drones can be heard flying over Gaza’s skies at all hours of the day. Israel blocks access to Gaza’s air space and also controls Gaza’s electro-magnetic space, denying it 3G and 4G frequencies, which impedes cellular communications and blocks development in the hi-tech sector, to name one example.

Israel also imposes a “buffer zone” inside Gaza, spanning 300 meters from the perimeter fence into the Strip and covering a large section of the farming lands in the Strip. Access restrictions in this area are enforced using live fire, and Israel routinely carries out ground invasions into areas adjacent to the fence. Israeli officials claim Gaza farmers are permitted to reach a distance of up to 100 meters from the border, subject to prior coordination but Gisha has not been able to find any indication that such a coordination mechanism even exists. Farmers and shepherds whose livelihoods depend on access to lands in the area closest to the fence with Israel experience great uncertainty due to the constant potential for use of lethal force against them.

According to Gaza-based Al Mezan Center for Human Rights, between 2007 and 2010, some 1,300 incidents of use of live fire at farmers, shepherds, scrap metal collectors, and protestors were recorded. At least 161 Palestinians were killed in these incidents and more than 3,000 were injured.

The Israeli military also made extensive use of live fire against protestors participating in the Great March of Return demonstrations beginning March 2018 and throughout 2019. According to figures published by the United Nations, 214 Palestinians were killed by Israeli soldiers at the protests, including 46 children; more than 36,100 people were injured, almost 8,800 of them children.

Israeli aggression near the fence is not directed at people alone. In late 2015, the Israeli army confirmed for the first time that it conducts aerial spraying of herbicides close to the fence in order to maintain a line of vision into the Strip. In a February 2019 response to a Freedom of Information request filed by Gisha, the state admitted that it had conducted
aerial spraying on a total of 30 occasions between 2014 and 2018. Monitoring conducted by various organizations, including Gisha, revealed that the spraying harms crops well beyond the official 300 meters of the “buffer zone,” leading to huge losses for farmers. The long-term effects of the spraying for people and animals are unknown.

In 2019, the first and only year since 2014 when herbicide aerial spraying was not conducted, farmers in the areas near the fence saw an improvement in yield, but by January 2020 Israel had resumed the spraying, damaging large swaths of farmland. The harmful practice was carried out again in April 2020, against the backdrop of the global outbreak of COVID-19, and in breach of Israel’s duty to protect food security for Gaza’s residents. No further cases of herbicide spraying have been documented since April 2020, but local farmers live in constant fear that it could be resumed without warning and cause immense financial damages.

Gaza’s fishing zone

Fishing, historically one of the most established economic sectors in Gaza, has become a dangerous occupation over the past decades. Israel restricts access to Gaza’s sea space, and its navy enforces these restrictions with warning shots or live rounds fired at fishing vessels and fishermen, resulting in losses for fishermen, injuries, and even death. The fishing unions in Gaza report the use of live fire, confiscation of fishing boats and equipment, and arrests of fishermen even within the permitted fishing zone. According to Al Mezan Center for Human Rights, there were 308 incidents of Israeli navy fire at fishing boats in 2020. May 2020 saw another escalation in the navy’s use of violent measures and an uptick in incidents of fire at fishermen off Gaza’s coast. Reports of such cases have continued over the course of 2021: A total of 195 incidents of shooting were recorded in the first half of the year.

According to the Oslo Accords, Gaza fishermen should be able to sail up to 20 nautical miles but this provision of the agreement was never implemented. Over the years, off the coast, Israel imposed varying restrictions on access to sea, ranging from three to nine nautical miles off the coast. In early 2019 Israel expanded a southern section of the fishing zone off to 12 nautical miles, and later that year, added a small area where fishermen can sail to a distance of up to 15 nautical miles. A one-nautical mile strip of sea at each end of Gaza’s coastline is strictly off limits to residents of the Strip.

As is the case with closing the crossings or adding restrictions to the movement through them, Israel often reduces the permitted fishing zone as a way of pressuring or punishing Gaza’s residents, which amounts to prohibited collective punishment. In 2019, Israel reduced the fishing zone on at least nine different occasions, imposing a full maritime closure on four of these. This practice continued throughout 2020 and 2021. In May 2021, during Israel’s attack on the Strip, it banned all sea access for 15 consecutive days. For weeks after a ceasefire was reached, it continued to restrict access the fishing zone.

Israel also restricts and in some cases denies entry of materials required to repair boats damaged by gunfire or in accidents at sea, which means that boats in need of repair are put out of commission, creating further losses for their owners. The various restrictions have severely impaired this important sector of Gaza’s economy and harmed the livelihoods of more than 50,000 people who rely on it. The number of people employed in the fishing industry in Gaza dropped from about 10,000 in 2000 to about 3,600 by early 2020.
Power shortage

For many years, Gaza residents have suffered prolonged daily blackouts. The power shortage in the Strip impacts countless aspects of daily life, including the proper functioning of hospitals, businesses, and schools, as well as civilian infrastructure such as the water and sewage treatment systems.

There is only one power plant in Gaza, which runs on diesel fuel, in recent years funded by Qatar, purchased from Israel, and transported to Gaza via Kerem Shalom Crossing. Supply from the plant’s three turbines is ranges between 65-75 megawatts. An additional supply of 120 megawatts is purchased from Israel and delivered through direct power lines to the Strip. Egypt, which also used to supply electricity to Gaza, stopped doing so in February 2018. The total power supply in Gaza (about 195 megawatts) provides residents with average, depending on whether conditions. In the height of summer or winter, when demand rises, households receive fewer hours of electricity.

External funding has helped mitigate Gaza’s power crisis, allowing public infrastructure, hospitals and businesses to function better than they had in the past, but sustainable solutions are still nowhere on the horizon. According to the Gaza Electric Distribution Company, even when demand is lower, the total supply available in Gaza cannot meet even half of the actual demand, which is estimated at 400-500 megawatts.

In addition, Israel has blocked access to fuel for Gaza’s power plant on numerous occasions, most recently in August 2020 and May 2021, knowingly undermining supply of electricity and harming living conditions for Gaza’s two million residents.

Gisha’s position

Under international law and by virtue of its prolonged and ongoing occupation of the Palestinian territory, including Gaza, Israel has an obligation to enable normal life in the Strip. Given Israel’s far-reaching control over so many aspects of life in the Strip, it also has a basic moral obligation to refrain from harming Gaza’s population.

Egypt, which also shares a border with Gaza, does not owe obligations to Palestinians under the law of occupation, however, given Israel’s closure of Gaza and Egypt’s border with the Strip, it does bear some obligations, including to allow humanitarian access. Like other countries in the world, Egypt also has an obligation to act to prevent breaches of international law, including by refraining from all forms of collective punishment.

Israel has a right to establish security measures to prevent the transfer of weapons. However, international law requires that such measures be reasonable and proportionate. Israel must strike a balance between its security needs and its duty to uphold Palestinians’ human rights. The closure Israel imposes on Gaza does not strike such a balance, and is entirely unacceptable.

Gisha’s position is that Israel must allow free movement of people and goods to and from Gaza, subject only to individual security screening, and enable economic growth and prosperity for its residents, as well as access to family, to education, and to health.