



Extreme Poverty in the Gaza Strip Caused by Illegal Israeli Policies

**Legal Briefing Note
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Israeli actions causing extreme poverty in the Gaza Strip

- Since the First Intifada, which began in 1987, Israel has increasingly imposed unlawful limitations on the freedom of movement of people and goods in the occupied Gaza Strip and West Bank. Since June 2007 Israel has subjected Gaza to an illegal closure, severely limiting the movement of people and goods to and from the territory, causing the virtual collapse of the economy in Gaza.
- This has left over one-third the workforce and half of its youth unemployed.¹ Consequently, approximately 38% of the people in the Gaza Strip live in poverty,² over 75% of the people are food aid dependent,³ 80% of the people receive humanitarian aid, and there is food insecurity amongst approximately two-third of the people.
- The primary obstacles businesses in the Gaza Strip face include “the unpredictable availability of raw materials and extremely limited access to export markets.”⁴ By December 2010, 95% of the 3,900 industrial establishments in the Gaza Strip had been closed or were forced to suspend their work due to the restrictions Israel places on the import of raw materials and the near-total ban placed on exports. The 5% of the industrial establishments that continued to operate, worked at 20-50% of their pre-closure capacity.⁵
- A stark decrease in profits and employees can be observed in Gaza’s manufacturing companies. In March 2011, the sales figures for the manufacturing sector in Gaza represented merely 60% of the sales recorded in June 2005, while the number of employees per company amounted to only 63% of the average number of employees 6 years earlier.⁶
- The high and rising level of unemployment and poverty in the Gaza Strip is directly related to the illegal closure imposed on the territory, as it has strangled the local economy. Poverty levels, aid dependency and food insecurity in Gaza have steadily risen since the illegal closure was imposed in 2007. This had and continues to have a profound impact on the people’s

¹ OCHRA, Five Years of Blockade: The Humanitarian Situation in the Gaza Strip, June 2012.

² PCBS, Palestinian Children – Issues and Statistics Annual Report 2011, April 2011.

³ OCHA, Humanitarian Situation in the Gaza Strip Fact Sheet, October 2011.

⁴ Palestinian Trade Center, Summary of Key Results OQR – PalTrade Study, March 2011, page 2. Available at www.paltrade.org

⁵ PCHR: The Illegal Closure of the Gaza Strip; Collective Punishment of the Civilian Population, December 2010, page 97.

⁶ *Supra* n.1



standard of living, including their access to adequate food, clothing, housing, education, as well as their physical and mental wellbeing.

- Many parents do not have enough money to provide their children with a sufficiently nutritious diet, despite food aid. The lack of adequate nutritious food causes stunted growth in children and long-term exposure to chronic malnutrition (approximately 10% of children under five),⁷ and anaemia (58.6% of schoolchildren⁸ and 68.1% of children 9-12 months⁹).
- Poverty is also one of the reasons families are forced to drink unfit water, as they cannot afford to purchase the clean water, which would prevent unnecessary illness facing in particular the children in Gaza.¹⁰
- In addition to the closure, the Israel army has increasingly restricted movement of farmers and fishermen and hence denied them access to their sources of livelihood, which further increases unemployment and poverty levels. Israeli forces have illegally implemented a 'buffer zone'¹¹ along the border between Gaza and Israel and have increasingly shrunk the waters in which it allows the fishermen of Gaza to fish freely. The movement restrictions are enforced by the use of live fire, arrests, and destruction private property, including farming land and fishing boats.¹²

⁷ Save the Children and MAP, Gaza's Children: Falling Behind, June 2012, page 2 (Gaza's Children: Falling Behind).

⁸ Palestinian Ministry of Health, National Nutrition Surveillance System, 2010.

⁹ Gaza's Children: Falling Behind, page 8.

¹⁰ 90% of the water that originates from Gaza's aquifer and is being supplied throughout the Strip is unfit for human consumption and does not meet the safety standards of WHO. Source: UNEP: "Environmental Assessment of the Gaza Strip, following the escalation in hostilities in December 2008 – January 2009", 2009, available at http://www.unep.org/PDF/dmb/UNEP_Gaza_EA.pdf (last accessed at 3 February 2013). See also, WHO, "Health conditions in the occupied Palestinian territory, including east Jerusalem, and in the occupied Syrian Golan", 16 May 2011, available online at http://apps.who.int/gb/ebwha/pdf_files/WHA65/A65_27Rev1-en.pdf (last accessed 3 February 2013).

¹¹ This 'buffer zone' stretches from 300 up to 1,500 meters into Palestinian territory, covering 27,000 dunums and encompassing 35% of Gaza's arable land. Approximately 85% of Gaza's fishing waters has been turned into an effective 'no go area'.

¹² See also PCHR's submission to the Special Rapporteur on the Right to Food (16 October 2012) to read more about the extent of the attacks and the detrimental impact of the imposed movement restrictions on the fishing and farming communities.



The illegality of Israel's policies causing extreme poverty in the Gaza Strip

- The closure of the Gaza Strip in its current form was put into place following the 2007 Hamas-takeover of power. In September 2007 Israel designated the Gaza Strip as a whole as a hostile entity, which was then used as a pretext for punitive measures and restrictions that were put into place. The movement of people and goods in and out of Gaza became severely restricted, targeting the entire population without any distinction, and without due consideration for the impact on the fundamental human rights and basic needs of the people.
- The unlawful application of movement restrictions targeting all people in Gaza constitutes a form of collective punishment, which is a violation of Article 33 of the Fourth Geneva Convention.
- The restrictions of the right to freedom of movement, which is codified under Article 12 of the International Covenant on Civil and Political Rights (ICCPR), have nullified the principle of liberty of movement and it has been done so without meeting the requirement necessity or respecting other rights laid down in the Covenant.¹³
- The violation of the right to freedom of movement has brought about the collapse of the Gaza economy and created economic conditions which resulted in the infringement upon other basic human right, including those enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR), which Israel has to legal duty to respect with regard to the Gaza Strip, as it is the Occupying Power.
- The unlawful closure violates, most notably, the right to an adequate standard of living, including adequate food, clothing and housing, and to the continuous improvement of living conditions, as laid down in Article 11 of the ICESCR. It further constitutes a violations of Article 6, which recognizes the right to work as a fundamental right, and Article 12 which recognized the highest attainable standard of physical and mental health.
- The well-documented Israeli closure has caused and continues to cause great suffering, both physically and mentally, to the civilian population of Gaza, with deteriorating standards of living, and access to, amongst other items, adequate food, water, clothing, and housing.

¹³ See also the Human Rights Committee, CCPR/C/21/Rev.1/Add.9, General Comment 27, 2 November 1999, available at: www.ohchr.org



Therefore the current man-made crisis amounts to a war crime under Article 147 of the Fourth Geneva Convention and Article 8 (2) (a) (iii) of the Rome Statute.

- It can further be argued that the closure constitutes a form of persecution under Article 7 (2) (g) of the Rome Statute as it is an “intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity.”¹⁴
- It should be noted that children are particularly vulnerable to the lack of adequate living conditions, hampering their development and affecting their physical and mental wellbeing. Their right to a standard of living adequate for the child's physical, mental, spiritual, moral and social development, as enshrined in Articles 24 and 27 of the Convention of the Rights of the Child, is being violated by Israel, through the conditions created through the illegal closure of the Gaza Strip.

¹⁴ Article 7 (2) (g) of the Rome Statute