

Israel's Blockade of Gaza: Is it Legal?

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Resources Fact Sheets

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- In September 2011, the UN released the so-called Palmer Report on Israel's attack against the Freedom Flotilla in May 2010. The report deemed Israel's blockade legal, however it was widely considered to be a politicized whitewash and contained the crucial caveat that **"its conclusions can not be considered definitive in either fact or law."**
- Also in September 2011, shortly after the Palmer Report was released, an independent UN panel of experts released a report concluding that Israel's blockade of Gaza does indeed violate international law, stating that **it amounts to collective punishment in "flagrant contravention of international human rights and humanitarian law."** In reference to Palmer, the independent experts wrote:

In pronouncing itself on the legality of the naval blockade, the Palmer Report does not recognize the naval blockade as an integral part of Israel's closure policy towards Gaza which has a disproportionate impact on the human rights of civilians.

- Human rights organizations such as Amnesty International and the International Committee of the Red Cross also consider the blockade and siege to be acts of collective punishment that contravene international law.
- A 2009 Amnesty International report following Operation Cast Lead, Israel's devastating military assault on Gaza in the winter of 2008-9, stated:

The prolonged blockade of Gaza, which had already been in place for some 18 months before the current fighting began, amounts to collective punishment of its entire population. 'The Fourth Geneva Convention specifically prohibits collective punishment. Its Article 33 provides: "No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.

- A June 2010 statement issued by the International Committee of the Red Cross entitled Gaza closure: not another year! noted:

The whole of Gaza's civilian population is being punished for acts for which they bear no responsibility. The closure therefore constitutes a collective punishment imposed in clear violation of Israel's obligations under international humanitarian law.

- Also in June 2010, the UN High Commissioner for Human Rights, Navi Pillay, condemned the blockade as a form of collective punishment against the civilian population of Gaza, stating: "I have consistently reported to member states that the blockade is illegal and must be lifted."
- In September 2010, a UN fact-finding mission into Israel's attack on the Freedom Flotilla concluded:

The Mission considers that one of the principal motives behind the imposition of the blockade was a desire to punish the people of the Gaza Strip for having elected Hamas. The combination of this motive and the effect of the restrictions on the Gaza Strip leave no doubt that Israel's actions and policies amount to collective punishment as defined by international law. In this connection, the Mission supports the findings of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk, the report of the United Nations Fact-Finding Mission on the Gaza Conflict and most recently the ICRC that the blockade amounts to collective punishment in violation of Israel's obligations under international humanitarian law.

- According to a March 2011 UN report entitled "Easing the Blockade: Assessing the Humanitarian Impact on the Population of the Gaza Strip":

International law does allow Israel to restrict the access of people and goods to and from Gaza for legitimate security concerns; however, when doing so, it must balance these concerns with the rights and needs of Gaza's population. In any case, Israel must absolutely refrain from imposing restrictions that are detrimental to these rights and needs and are not strictly required by legitimate security needs. Policies and practices in contravention to this norm may amount to collective punishment, which is prohibited under any circumstances. 'While the recent relaxation measures constituted a step in the right direction, to comply with the abovementioned legal obligations, Israel must fully lift the blockade.

- In June 2012, a group of 50 international aid agencies, including the World Health Organization and Oxfam, called on Israel to lift its siege and blockade of Gaza, stating:

For over five years in Gaza, more than 1.6 million people have been under blockade in violation of international law. More than half of these people are children. We the undersigned say with one voice: "end the blockade now.

- Israeli officials have admitted that the siege is not motivated primarily by security concerns, but is part of a strategy of "economic warfare" against the people of Gaza. In 2006, senior advisor to then-Prime Minister Ehud Olmert, Dov Weisglass, said the goal of the Gaza siege was to put the 1.5 million people of Gaza "on a diet, but not to make them die of hunger."