



The right to food in the Gaza Strip

Briefing Note

October 2012

Israel's violation of the right to food in the Gaza Strip

- This briefing note sets out the actions through which Israel's forces violate the right to food of Palestinians living in the Gaza Strip, and cause a lack of (safe) access to sources of livelihood, as well as a lack of availability and adequacy of food resources. Such actions include the illegal closure of the Gaza Strip, the land-based 'buffer zone', and the fishing exclusion zone.
- As part of the illegal closure of the Gaza Strip, the Israeli authorities place severe restrictions on imports into and a near-total ban on exports from the Gaza Strip, leading to the stymie of Gaza's economy, subsequent widespread unemployment (42.5%), poverty (39%), and aid dependency (80%). As a result, 44% of Palestinians in Gaza are currently food insecure and 10% of children under five years old show symptoms of stunting, or long-term exposure to chronic malnutrition. On average, households spend nearly 50% of their money on food.
- In recent decades, the Israeli authorities have systematically restricted Palestinians' (safe) access to farming lands and fishing waters in the Gaza Strip, violating their right to food and increasing aid dependency throughout the territory.
- Since the beginning of the Second Intifada, Israel's forces have unilaterally implemented an illegal 'buffer zone' along the border between Israel and the Gaza Strip, which is enforced by land razing, airstrikes, shelling, and the use of live fire. 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. In total, 95% of the 'buffer zone' is arable land.

- The farming land in the 'buffer zone' is inaccessible, or only accessible under high risk of being shot. In 2011, Israel's forces carried out 140 attacks against civilians and civilian property in the 'buffer zone', which included the firing of live ammunition and shells, and razing of farm lands. From the beginning of January until the end of September 2012, the total number of attacks amounted to 190.
- During land razing operations, farmers' crops, irrigation systems, and farming equipment are destroyed, taking away their source of livelihood and part of their direct food supply. From October 2000, at the beginning Second Intifada, until November 2010 PCHR has documented the bulldozing of 55,833 dunums of land in the Gaza Strip, of which 50,193 was agricultural land and 2,646 was forest land.
- Since 1994, Israel has also continuously decreased the extent of Gaza's fishing waters in which fishermen are allowed to fish freely, leaving the fishing community with access to only 15% of Palestinian fishing waters. Since January 2009, Israel's forces have enforced a fishing exclusion zone of 3 nautical miles through the use of live fire, harassment, and unlawful arrests and arbitrary detentions.
- The severe restriction of Gaza's fishing area, combined with a ban on exports, has brought Gaza's fishing industry to near collapse. As a result, the number of working fishermen has fallen from 10,000 in 1999 to 3,200 today, dramatically affecting the livelihoods of 39,000 dependents. The 3,200 fishermen who are still working as responsible for the livelihoods of 19,200 dependents.
- As a result of the fishing limit, the waters off the coast of Gaza are markedly over-fished.



- The Israeli navy systematically subjects Palestinian fishermen who are fishing off the shore of the Gaza Strip to arbitrary detention. From the beginning of 2011 until the end of July 2012, PCHR recorded 23 incidents of unlawful arrest resulting in the arbitrary detention of 78 fishermen.¹

Illegality of Israel's actions against Gaza's farmers and fishermen, in violation of the right to food

- The right to food is a human right recognized under international law. PCHR interprets this right to imply that every human being has, rather than the right to be fed, the right to be able to feed oneself, either through safely producing or purchasing food of adequate nutritious and quantitative values.
- According to General Comment 12 of the Committee on Economic, Social and Cultural Rights (Committee on ESCR), "[t]he right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement."
- The key elements of the right to food are availability, accessibility, and adequacy. 35% of Gaza's arable land and 85% of Gaza's fishing waters have effectively been turned into an

¹A detention is deemed arbitrary, in the sense of Article 9 (1) ICCPR, when the preceding arrest is carried out without the person being arrested being "informed, at the time of arrest, of the reasons for his arrest" or being "promptly informed of any charges against him," in accordance with paragraph 2 of the same Article. See also, "Civil and Political Rights, including the Question of Torture and Detention" (E/CN.4/2001/14) by the Working Group on Arbitrary Detention.



expanding 'no go area' and restrictions on imports into Gaza continue; through the enforcement of these measures, Israel is actively limiting the availability of food in the Gaza Strip. The man-made man-maintained unemployment crisis and increasing aid dependency further cause many Palestinians to lack the necessary financial resources to purchase adequately diverse and sufficiently nutritious foods for their families, leading to widespread malnutrition across Gaza.

- Through the ongoing closure, and denial of access to fishing waters and farmlands, Israel effectively violates the right to food of Palestinians in Gaza, which is protected as part of the right to an adequate standard of living, codified in Article 11 of the International Covenant on Social, Economic and Cultural Rights and in Article 24 (2)(c) and 27 (3) of the Convention on the Rights of the Child.
- The land-based 'buffer zone' and the fishing exclusion zone, maintained through arbitrary unlawful attacks and arrests, constitute a measure of collective punishment which is prohibited under Article 33 of the Fourth Geneva Convention.
- The denial of farmers' and fishermen's freedom of movement, and consequent lack of access to livelihood, violate these workers' right to food, as well as various employment rights, which are guaranteed under the Covenant on Economic, Social and Cultural Rights, in particular Article 6 and 7.
- The destruction of crops, irrigation systems, and farming equipment during land razing operations not only constitutes a serious violation of the right to the food in both the long- and short-term by destroying immediate food supplies; it also prevents families from sustaining an income and the ability to purchase food in the future.



- Israel, as the Occupying Power, has a legal obligation to provide for the basic needs of Palestinians in the Gaza Strip “to the fullest extent of the means available to it”.² Israel is, therefore, obliged to ensure that adequate food supplies are available and to provide the necessary foodstuffs to the people it occupies “if the resources of the occupied territory are inadequate.” The high rates of aid dependency, poverty, malnutrition and unemployment in the Gaza Strip signify an urgent need for Israel to assume its responsibilities as the Occupying Power and supplement the existing shortages. Instead, Israel’s forces continue to exacerbate the crisis, while international humanitarian organizations are forced to fill the chronic vacuum resulting from the illegal closure of the Gaza Strip.

² Article 55 Fourth Geneva Convention