**Abandoning Gaza**

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The creation of the ‘Gaza Strip’ as a separate territorial unit was the product of conquests of large parts of Palestine by Jewish forces in 1948 and the declaration of the State of Israel in a territory that included lands allocated to the Palestinian State according to the UN Partition Plan. Since then, the Gaza strip has had a special status in the Israeli political and military discourse. Even before its occupation in 1967, the Strip had been exceptional, an appendage, a wasps’ nest - both a threat and a burden. In 1948 Israel conquered neighbouring areas in the Negev and (temporarily) in northern Sinai Peninsula, along with other territories that were meant to be part of the Palestinian State, but did not attack the Gaza Strip. The Rhodes Armistice agreements, signed in March 1949 between the State of Israel and Egypt, approved Egyptian rule in the Strip. Gaza became a haven for Palestinians who were expelled from the territories conquered by Jewish forces and were interned in hastily constructed refugee camps.

During this time, Egypt controlled the Strip without annexing it. It ruled Gaza as a close, separate colony; it was reluctant to assume full governing responsibilities and did little to alleviate the harsh economic conditions that resulted when the Strip was excised from the rest of Palestine in 1948. At the same time, until the Sinai War in 1956, Egypt supported the Palestinian armed struggle against Israel, which was launched from the Strip. This made the area subject to repeated Israeli offensives - described as ‘retaliations’ - and helped Israel justify its conquest of the Sinai Peninsula in November 1956. This conquest took place – after some hesitation – only at the last stage of the Sinai War, after the main Egyptian force in Sinai had been destroyed. Soon after, when it was forced by the US and the USSR to withdraw from the Sinai Peninsula, Israel tried to keep its grip on the Strip in order to prevent the return of the Egyptian army to Gaza. Hoping to convince the Super Powers to agree to its rule in Gaza, Israel stated that it was ready to consider sharing power with the UN and would naturalise some of the Strip's inhabitants, also offering to resettle within Israel an unspecified number of refugees (Tobi 2001). Israel was forced to withdraw from Gaza, but a special concern for Gaza's refugees, both as a ‘security threat’ and as a ‘humanitarian problem’, has persisted ever since, making the Gaza Strip exceptional in more than one way.

**Unruly and Unwanted**

When war broke out in 1967, Dayan had reservations about occupying the Strip because the density of the refugee camps and the spirit of resistance there had grown alarming. Ground forces entered the Strip only on the second day of the fighting and apparently against his judgement. Upon its second conquest by Israeli forces in June 1967, about sixty percent of the Strip's inhabitants were refugees of the 1948 war[[1]](#footnote-1) and their descendants. Most lived in the refugee camps and did not relinquish their demand to return to their villages of origin. A caricature published in an Israeli newspaper upon the conquest of Gaza portrayed the refugees as people trapped inside a football, with Egyptian, Syrian and Jordanian feet kicking it to and fro. The caricature is an apt expression of the common attitude these nations shared towards Palestine: on the one hand, clearly no one wanted to bear this burden; while on the other, there was no indication that Israel bore any responsibility for the creation of the ‘refugee problem’, nor any obligation to deal with it.

The Occupation in 1967 did not change Israel's refusal to take any special responsibility for the Palestinian refugees it had created in 1948. But soon after the war ended, and throughout the first two decades of the Occupation, Israel acted – in the West Bank as well as in Gaza – as a colonial power that assumed governmental responsibilities for the population under its control. Even then, the over-populated Gaza Strip was perceived as a special problem, and calls to somehow get rid of this piece of territory (instead of strengthening the grip over it) were frequently heard from across the political spectrum (see Haas 2000). When Labor came to power following the 1992 elections, Israel’s desire to be rid of responsibility for Gaza achieved a respectable political guise under the plan ‘Gaza first’, which the Minister of Foreign Affairs at the time, Shimon Peres, was eager to promote. Peres proposed using the partial transfer of governing authority to the Palestinians in Gaza ‘to run their own show’ as a means to change direction in the Israeli-Palestinian conflict, setting a new horizon for the political process.

Israel’s shirking of responsibility for administering the life of Palestinians was significantly facilitated by the Oslo Accord (1994). The withdrawal of the Army from most of the populated area of the Strip and the transfer of certain governmental responsibilities to the quasi-autonomous government of the Palestinian Authority (PA) were seen by many as a great advantage for Israel. Indeed, when Yasser Arafat entered the Strip with his armed militias in July 1994, the Israeli interest in the Strip and its inhabitants was quick to evaporate: ‘Gaza after the 1994 retreat was considered dead news. We sang “Goodbye, Gaza” and built a tight separation fence around it. It no longer interested us. Let them all perish in there’ (Eldar 2005: 125).

This change in the Israeli attitude to Gaza was made concrete mere days after the signing of the Oslo Accord, even before the ‘peace celebrations’ had died down. The ruling apparatus imposed a long-term closure on the Gaza Strip, turning it into a separate, sealed unit, disconnecting thousands of workers from their sources of livelihood inside ‘Israel proper’ while shirking all responsibility for finding them alternative employment. Furthermore, the movement of goods and raw materials was hindered by border crossings, deterring potential investors (Eldar 2005: 116).[[2]](#footnote-2) As Sara Roy (1995) meticulously details, the Gaza Strip was made subject to a process of economic ‘de-development’. Within a few years, the Strip – already a relatively poor and highly crowded area that managed, however, to sustain itself in spite of the economic degeneration process imposed upon it by its occupying rulers - became a humanitarian case, the responsibility for which was relegated to others.

Most of the contact Israelis had with Palestinians inside the Strip was at this time reduced to the realm of security, including the safe movement of Israelis to and from the settlements, whose expansion had never ceased. All other contact took place at the crossings, control of which was now ever more tightened. Plans to build a port in Gaza rapidly evaporated; the Dahaniya airport promised in the Oslo Accord was only briefly functional; the safe passage between the Gaza Strip and the West Bank started operation in October 1999 and ceased after a mere nine months (Gisha 2006). All the while, military presence on the ground persisted along the Gaza Strip's main roads and outer borders, dissecting the Strip into four regions – respective of the settlements and their connecting bypass roads – that could be easily separated from one another. A part of the military hold on the Strip, however, was already carried out in the sea and in the air.

During the Oslo period there were, of course, other aspects to the new form of control in Gaza. The Strip had previously been a nearly continuous region, singularly populated by Palestinians and controlled by the Palestinian Authority (PA) within the constraints set by the Accords. The PA was authorised to administer most facets of everyday life and a considerable part of the economic activity, as well as economic, legal and administrative planning within the region. Various economic initiatives emerged under the auspices of different international organisations, and through the mediation of Israeli officials and entrepreneurs new housing projects, hotels and public institutions were built and new sources of employment were created inside the Gaza Strip – courtesy of the disproportionate expansion of the PA’s civil and military government apparatuses.

However, the Israeli decision to go on controlling Gaza as a prison, both separating and abandoning it, sabotaged investment in its economic development and continuously worsened its economic situation (see Roy 2007). When Israel’s civil and military colonial presence in the Gaza Strip ended, the Strip’s division into four separate area cells ended as well. Instead, new dividing lines appeared, at first within close range of the fence surrounding Gaza, and later deep in the heart of the Strip.[[3]](#footnote-3) The withdrawal of the controlling apparatus from Gaza Strip and the dismantling of the Jewish settlements there created a new situation, unprecedented since the onset of the Occupation: on one side of the border between the Gaza Strip and Israel lived Israeli citizens; on its other side, Palestinian non-citizens. The exclusion of the latter from the Israeli political system has been presented ever since as if it had always-already been a fact of political life in the region. The Sharon government declared that with the dismantling of the settlements and the withdrawal of army forces from the Gaza Strip, the Occupation there had come to an end and Israel no longer bore any responsibility for this territory and its inhabitants. This has been reaffirmed by several rulings of the High Court of Justice, rejecting petitions from NGOs and Gaza Strip inhabitants demanding that the state provide the means for Palestinians to receive ‘welfare controlled by Israel’, for example by opening Gaza’s border crossings for import and export, and by giving permission for Gazans to visit relatives or study in the West Bank or to enter Israel for medical treatment unavailable in the Gaza Strip. Relying on (and interpreting) both Israeli and international law, the Court ruled that the State of Israel owes Gazans nothing but minimal humanitarian aid, which in actuality means nothing more than allowing international organisations to send necessary supplies. Both the government and the High Court ignore the obvious fact that ‘ending the Occupation has not ended Israel’s effective control of the Gaza Strip and its surroundings’ (Gisha 2007). Disregarding the claim by Gisha (the Legal Centre for Freedom of Movement) that Israel effectively controls the Strip and is answerable to the Hague Regulations and the Fourth Geneva Convention, the High Court of Justice ruled in two separate cases that the disengagement and the Israeli government's promise to do ‘everything in its power to prevent a humanitarian crisis in the Gaza Strip’ has rendered the issue ‘theoretical, without any practical outcome’ (High Court of Justice 2007a; 2007b).

The Court thereby accepted the government's position and ruled that responsibility for Gaza born by the government of Israel can be reduced to its duty to prevent humanitarian disaster. By doing so, the Court ignored the fact that the condition of Palestinians in the Gaza Strip is a direct consequence of their imprisonment within the giant pen that Israel has erected for them (with Egypt's cooperation), and in fact the Court effectively excluded the Palestinians from its field of vision. For the High Court of Justice, the inhabitants of the Gaza Strip are no longer subjects of the Israeli sovereign. The Court has failed to recognise that, precisely for this reason, the Gazans are non-subjects of the Israeli state. Their elected, semi-autonomous government is incapable either of forming a state or of running it, *but this statelessness is precisely the form and effect of their relation to a certain state – Israel* – that has deprived them of their own statehood and does everything it can to keep them abandoned, forsaken between a suspended war and a suspended catastrophe. The condition under which Palestinians live and die, love and work, raise children and pray to God is determined, to an extent unprecedented in the contemporary world, by a series of quite simple acts of state. The ‘disengagement’ constituted the Gaza Strip as a no-man’s land, where the entire population has become a client of humanitarian agencies. The Strip is excepted from Israeli law and out of range of the Israeli sovereign responsibility, but completely within its rule and control, effectively preventing the emergence of any other power that could assume the responsibility of a sovereign government. The Palestinians in Gaza are *the abandoned people* of the Israeli regime.

In fact, abandonment has been an official Israeli policy in Gaza since the beginning of the second Intifada. The Palestinian individual, no longer perceived as a subject with an identity who must be subjugated but also cared for, remained tagged as a client of humanitarian aid, a hunted person, a name on an elimination list, a dot upon the radar screen or a spot on the monitor inside a military pilot’s cockpit. The Israeli regime, having shirked its duties towards some of its subjects, did not relinquish the sovereign's ultimate right: the authority to take life. Even before the disengagement, the Gaza Strip contained 1.5 million exceptions to the rule, people living liminally – on the threshold of the law as well as on the brink of catastrophe. In response to Palestinian armed resistance during the Al Aqsa Intifada, Israel adopted the policy of targeted killings,[[4]](#footnote-4) the majority of which were carried out in the Gaza Strip. These assassinations by decree take place according to changing military regulations, when persons suspected of ‘terrorist activity’ are targeted from helicopters and unmanned aerial vehicles, often killing many others who happen to be near the target. Lives are forsaken, by virtue of who one is thought to be by Israel security forces, or whom one happens to associate with or even merely pass by in the street. The densely populated area makes everyone vulnerable. Combined with the siege, the rationing of basic supplies, and liberalisation of regulations for opening fire, the new policy has turned each and every inhabitant of the Strip into *homo sacer,* in the sense that Agamben gives this term. The Palestinian inhabitant of the Strip is a person who has been placed under the sovereign ban, because the sovereign who is still authorised to kill him is no longer obliged to protect him. Such a person has become fair game: killing or hurting him is permissible and goes unpunished; those involved in injuring him enjoy impunity; and finally, his self-sacrifice is not recognised as such, by the sovereign at least, and his death can assume no transcendent value (Agamben 1998).

Derek Gregory (2004) has already proposed a systematic use of Agamben's notions of sovereignty, exception, and abandonment for analysing control of the Occupied Territories since the outbreak of the Al Aqsa Intifada, and others have followed him (e.g. Lentin 2004; Suri 2011; Hanafi 2010; Azoulay & Ophir 2004). In what follows we shall propose a series of observations on the situation in the Gaza Strip that makes use of Agamben's conceptual grid, yet expose its limitations in dealing with the complexity of one ongoing but quite unusual case of colonisation in which pushing the colonised to the brink of catastrophe has become the mode in which they ruled.

**Two Reservations**

Our first reservation concerning the use of the Agambenian concept of *Homo Sacer* in the context of the Palestinian Occupied Territories concerns the implied passivity of the forsaken Palestinian. Clearly, as a policy, abandonment is a response to active, persistent, and often painful Palestinian resistance, not a reflection of its passivity. Nowhere is this clearer than in the context of the way Palestinians handle the deaths of their people who have been lost in the struggle against Israel. The Israeli sovereign state has never controlled Palestinian representation of death and sacrifice. By withdrawing from the densely populated areas in the Strip, the camps and the town, Israel suffered a certain weakening of its grip over the way Palestinians farewell their dead. For as long as the ruling apparatus administered the Palestinians’ lives, it was able to intervene violently and extensively in the management of Palestinians’ regard of their dead, and it did this from the very beginning of the Occupation by setting the dates of funerals, violently dispersing funeral and memorial processions and maintaining displays of ‘withheld violence’ in the very space where funerals took place.[[5]](#footnote-5) This insistence on administrating Palestinian death decreased and nearly ceased with the Oslo Accords when Israel relinquished control of Palestinian daily life.

The Palestinians, for their part, turned their dead into sacred victims and self-sacrifice into a lethal mode of operation. Every casualty was declared a *shaheed* (witness) who not only sacrificed his own life for a noble cause but also, through his own death, bears witness to the conditions of his abandonment. This does not suffice, of course, to change the politics of abandonment characteristic of the Israeli sovereign in Palestine. But it does emphasise how ‘abandonment’ means different things to either side, resulting in different kinds of strategies. For the Israeli ruling power, the Palestinians are indeed abandoned and rendered entirely vulnerable, *homines sacri*; for the Palestinians, the abandoned who have died become *shaheeds* and through their death actively sanctify their common struggle. The mass funerals, mourning tents and memorial ceremonies have always been sites of resistance; but when Israel withdrew its full control following the Oslo Accords, the Palestinians were able to manage their own representations of death and their leave-taking from the dead, and through a celebration of death, turn abandoned life into sanctified life.

Our second reservation is more serious and concerns not only the use of the Agamben's model of *homo sacer* to theorise the situation in Israel-Palestine but also the limit of his concept of exception. Certainly, Agamben's analysis of the sovereign exception helps us identify abandonment as the present form of colonial domination in the Occupied Territories. Specifically, the withdrawal of Israeli military forces from the Gaza Strip, together with the administrative apparatus dealing with civilian population (little or malfunctioning though it was), has turned the strip into a zone of exception where biopolitical control of life has been delegated by the state to humanitarian organisations, while the state itself exercises violence that has little or no relation to the law. In the Gaza Strip it is certainly true that ‘humanitarian organisations… can only grasp human life in the figure of bare and sacred life, and therefore, despite themselves, maintain a secret solidarity with the very power they ought to fight’ (Agamben 1998: 133). However in this case the solidarity is not secret, as we shall show below, but a professed rule of the game both for state authorities and humanitarian activists.

This, however, is not so much due to the naïveté and limited power of the humanitarian organisations, but rather due to the humanitarianisation of the state on the one hand and the systematic integration of humanitarian agencies of various kinds in the government of the Strip. The withdrawal of the law and other Israeli state formations from the Strip at the time of the ‘disengagement’, was combined with the closure of the area, which often turned into a fully imposed siege. This combination has made humanitarian intervention both possible and necessary. But we note that it is this intervention and not the application of the law that is potentially and occasionally suspended by sovereign decisions. Israel has announced that its rule in the Gaza Strip was terminated, and so from the point of view the Israeli legal system (represented by the government and accepted by the court), Israeli law no longer applies in the Strip; it has not been suspended but abolished altogether. The area has been declared ex-territorial. Only the occasional suspension of humanitarian assistance – on which the Palestinians rely for their very subsistence[[6]](#footnote-6) – brings Gaza back into the realm of Israeli rule and restores the fundamental relation of inclusive exclusion between the sovereign and the exception. Gaza is the area in which Israel can create famine, even starve people to death, but refrains from doing so. The postponement of a wholesale regime-made disaster and the maintenance of a chronic, ‘low profile’ one, is the way the Gaza Strip is contained within the sphere of Israeli rule. This includes, as we shall see below, a rule of law, at least as far as the operations of the Israeli army and security apparatus are concerned.

**On the Brink of Catastrophe**

The Gaza Strip was fenced in with barbed wire as part of the Oslo Accord. When the second Intifada broke out in October 2000, the closure gradually became a full-fledged siege and economic de-development rapidly deteriorated into a ‘humanitarian crisis’ that permanently threatens to plunge into the abyss of a ‘humanitarian catastrophe’. After the disengagement in August 2005, ground control inside the Strip was replaced by full peripheral ground control, accompanied by control of the air and the sea (see Weizman 2007: 238-9), as well as occasional ground incursions into the Strip and airborne attacks. Gaza was enclosed, pen-like, with rare entry and exit permitted only to a few individuals and altogether prohibited over long stretches of time because the crossings often are closed. Passage to Egypt, too, while not under official Israeli control, is indirectly subject to full Israeli monitoring.[[7]](#footnote-7) Territorial waters around the Gaza Strip are fully controlled by the Israeli Air Force. Remote controlled monitoring and surveillance enable ongoing control, both comprehensive and localised, throughout the area and of every single individual moving within it.

This monitoring is based on census data which Israel has been withholding in spite of having been committed under the Oslo Accords in 1995 to transfer this information to the Palestinians: Israel did not register hundreds of Gazans who had relocated to the West Bank and were then forced to move back to Gaza (see B’tselem 2007a). The fence continues to contain the Gaza Strip within the Israeli ‘customs shell’, so that all goods imported to the Strip through Israeli-controlled terminals can be taxed. This fence has not eliminated the connection of the Strip to the Israeli power grid and telecommunications networks working from inside Israel. Gaza cannot sustain itself without the ongoing supply of electrical power, fuel, food and raw materials that reaches it through Israel. A severe shortage of various medical services before the disengagement brought hundreds of Gazans into Israel for medical treatment has even now remained unsolved (Eldar 2007). Containers with goods that are not qualified as urgent humanitarian aid according to Israeli authorities' standards pile up on the Israeli side. Farm produce imported by the Gaza Strip decomposes at the crossings because of longs delays, while Gazan produce rots on the other side of the fence, inflicting heavy financial losses on merchants. The Gaza Strip has remained under full siege since the abduction of Israeli corporeal Gilad Shalit by Palestinian combatants in 2006. Every once in a while it is bombed from the sea and from the air and raided by special troops, whether in response to the scattered rockets fired on neighbouring Israeli villages and towns or, allegedly, due to efforts to preempt such attacks. Every once in a while individuals suspected as ‘terrorists’ are targeted and killed from the air.

Under these circumstances, the threat of catastrophe is not the result of military activity or of the economic policy of a ‘strong state’, not is it a consequence of the fiascos of a ‘weak state’, one that is deteriorating, surrendering to the violence of para-military groups; it is rather the result of the *withdrawal of a part* of the ruling apparatuses of a strong state – Israel – from a defined territory kept under strict closure. The administration of justice, law enforcement, and welfare has been withdrawn. The closure of the Strip and – until the time of the disengagement – its spatial fragmentation have prevented Palestinian governing bodies from effectively replacing the withdrawn governing apparatuses by looking after the population abandoned by the Israeli ruling apparatus. Hence the need to *prevent* catastrophe (without removing its causes) has become an essential component in the structure of Israel’s control of the Strip.

In 2003, following more than two years of Palestinian uprising and Israeli oppression, Jean Ziegler, special envoy of the UN Secretary General, stated plainly: ‘the OPT are on the verge of humanitarian catastrophe’. He also claimed that the Israeli authorities ‘acknowledged that there is a humanitarian crisis in the Territories. They did not contest the statistics indicating a rise in the extent of malnutrition and poverty among Palestinians’ (Ziegler 2003: chap. III). [[8]](#footnote-8) Although Israel has continually obstructed the work of organisations such as UNRWA, Oxfam, US AID or the International Red Cross, who provide aid to the Territories, it has remained officially and practically committed to preventing the Territories from crossing this dangerous threshold. ‘There will be no hunger in Palestine’, members of the control apparatus have repeatedly insisted, and they made sure that cases of local want would not turn into outright starvation’.[[9]](#footnote-9) To curb malnutrition, UNRWA officials added iron to the flour they provided, and by means of a simple food supplement kept the Palestinian population from crossing the threshold of malnourishment, without moving it further away.[[10]](#footnote-10)

The ruling apparatus quickly adopted the humanitarian discourse and institutionalised its ties with the humanitarian organisations. Thus, Lieutenant Colonel Orli Malka, Chief of Foreign Relations and International Organisations at COGAT (Coordinator of Government Activities in the Territories) remarks: ‘In the order of operation, among the targets cited for operational attack and the men wanted for elimination or capture, appears the following article relating to the humanitarian realm!’ (in Azoulay 2003).[[11]](#footnote-11) The ruling power acknowledges the possibility that its military actions generate a humanitarian crisis, it is aware of the catastrophic implications of the regimentation of movement, and is prepared to monitor the humanitarian crisis, equipping itself with the means of surveillance, point of view and conceptualising language of the humanitarian organisations, as it controls the adaptation of data to the changing threshold of the crisis that requires intervention: ‘Israel will prepare itself to provide humanitarian needs [...] No, there will be no hunger. But this policy is extremely clear. There will be no hunger in the Territories, no way’ (Lt. Col. Malka, in Azoulay 2003).[[12]](#footnote-12)

In June 2007, the hostility between the Hamas government, elected in January of that year, and the PLO that lost the election, deteriorated into violent clashes between the two parties. The PLO tightened its control in the West Bank while the Hamas government in the Strip disconnected itself from the Palestinian Authority and dismantled the Fatah apparatus in Gaza. Israel’s response, backed by its main allies, the US and many European states, was to boycott the Hamas government and impose a siege on the Strip. Ever since, Israel has invested much effort in counteracting the Hamas government operations, reducing its capacity to a minimum. Any service provision beyond the most basic humanitarian aid has been consistently sabotaged. In September 2007 the Israeli government asked the defence forces, the Ministry of Foreign Affairs and juridical bodies to prepare a plan ‘that would address all military and civilian aspects of impacting the services provided by Israel to the Gaza Strip’ (Haaretz 6.9.07). As part of this economic rationalisation, the Israeli army was asked to propose a ‘price tag’ for the launching of Qassam rockets and mortar shells. In October the cabinet decided to disconnect areas around the fence from the power grid during the evening hours. Several days later, however, the Prime Minister announced that the cutting of power would not lead to a humanitarian crisis (*Haaretz* 24.10.07, 26.10.07.).

At the end of October 2007 the government legal adviser intervened and forbade the army to cut off power or fuel supply to the Gaza Strip (Mizrai 2007); however, he did not rule out rationing their supply: the judicial arm and the military disputed the rationing of vital services, not Israel’s actual right to turn the supply of these services into a means of control, monitoring and collective punishment. Two weeks later an arrangement was reached and the legal adviser agreed on principle to a new plan by the defence apparatus, aimed at restricting the power supply to the Gaza Strip. ‘According to the plan, the principle of “blackout Gaza” is changed’. Instead of blacking out neighbourhoods or parts of the Strip for foreseen periods of time, the entire power supply would be reduced and limited through ‘current pacers’ installed upon all power lines in the region. These power limiters would enable Israel to provide the Strip with less electricity per day, but the responsibility for ‘distributing the reduced amount of power will lie with the consumers, namely the Gaza authorities [...] Increased consumption of electricity would bring about power-cuts and short circuits – and Gazans will have to make do with less [...] This will ensure the continued power supply for humanitarian needs and the Hamas government will no longer be able to blame Israel for power cuts at a hospital, for example’ (Kaspit 2007).

The initial brutality of the policy decision proposed by the Ministry of Defence was restrained by the Ministry of Justice, with the result being a more finely honed tool for creating humanitarian disaster in Gaza and monitoring its limits. As in the administration of food supply to the West Bank through ‘back to back’ installations introduced at the beginning of the Second Intifada,[[13]](#footnote-13) so too ‘current pacers’ are the tool that generates disaster while at the same time limiting it, meting it out to the ‘proper degree’. The legal instruction given to the Ministry of Defence had a clear, dual purpose. On the one hand, the instruction turned the disaster threshold into a means of governance. One could, then, always claim that the threshold had not been crossed, that minimum conditions for Palestinian existence have not been impacted, and so forth. On the other hand, the decision pushed the responsibility for ‘impacting life’ itself over to the Palestinians, making them full partners in the creation of want and the onset of disaster conditions.

Gradually, since the disengagement from Gaza, there emerged a sophisticated mechanism for the creation of controlled scarcity in the Strip. Documents relating to the Gaza closure policy released by the Israeli Defence Ministry reveal a series of rules controlling and blocking transfer of goods into the Gaza Strip, and formulas for calculating the amount of commodities allowed into the Strip.[[14]](#footnote-14) These rules and formulas have guided the ruling apparatus since the disengagement (August 2005) until the end of May 2010, when Israel succumbed to international pressure. This pressure has mounted in response to the deadly attack by the navy on a Turkish flotilla that tried to break the siege on Gaza. The documents reveal a policy whose mission was ‘monitoring basic products out of the variety entering the Gaza Strip, including basic food products, fuel, controlling the amount of those products, detecting shortages, surpluses and establishing warning lines, addressing problems that arise as a result, providing current information and real-time warning to decision-makers’ (www.gisha.org). According to the documents, the state approved ‘*a policy of deliberate reduction*’ for basic goods in the Gaza Strip. The state set a ‘*lower warning line*’ to give advance warning of expected shortages in a particular item, but at the same time approved ignoring that warning, if the good in question was subject to a policy of ‘deliberate reduction’. Moreover, the state set an ‘*upper red line*’, above which even basic humanitarian items could be blocked, even if they were in demand (www.gisha.org).

As Gisha clearly states, the creation of scarcity has little to do with **‘**security reasons’, of course. The decision whether to permit or prohibit an item is largely based on ‘the public perception of the product’ and ‘whether it is viewed as a luxury’. In other words, goods characterised as ‘luxury’ items - such as chocolate and paper - would be banned. The procedures determine that the list of permitted goods ‘*will not be released to those not specified!!***’**, which means that merchants in Gaza could not know what they were permitted to purchase. But the most important aspect of the policy in the context of our argument is that the Defence Ministry created a series of formulas to compute product inventory. The calculations are presumed to allow the Coordinator of Government Activities in the Territories (COGAT) to measure what is called the ‘*breathing span***.**" By dividing the inventory in the Strip by the pre-defined daily consumption needs of residents, the formula calculates the number of days it takes for residents of Gaza to exhaust their "breathing span" and run out of basic products.

Israeli control of Gaza’s gates[[15]](#footnote-15) and the near-total isolation of the Strip from the rest of the world has enabled the ruling apparatus to set the unemployment rate in the Gaza Strip, as well as the income levels, production possibilities, modes and rate of distributing food and medication by international organisations, and establish the level of malnutrition.[[16]](#footnote-16) In the present era of global economy, the actual isolation of a very densely populated area from its entire surrounding over an extended period of time amounts to creating disaster conditions inside the isolated area and obstructing efforts of coping with disaster as it happens. By monitoring the entry and exit gates, Israel is capable of setting the patterns for the disaster’s expansion and intensity. This kind of governance through catastrophisation is a new component in a new economy of violence.[[17]](#footnote-17) Closure of the Strip, economic strangulation and the destruction of civil infrastructures greatly exacerbate the impact upon every single person wounded or killed, every demolished home, every damaged public building. These, in turn, escalate economic deterioration and the ability to maintain normal life activity of any kind.

Excluded, surrounded, and isolated, the existence of the Strip's inhabitants has been reduced in the eyes of the ruling power to the mere presence of mouths to be fed with the barest minimum.[[18]](#footnote-18) Everyone is aware of the fact that opening the gates to human movement and goods is a humanitarian matter, and it is brought up as a humanitarian problem in every round of meetings and following every violent attack. Even when the gates are closed, on days when violence rises and tensions mount, closure is perceived as temporary and after several days, or weeks at the most, the transfer of humanitarian aid is renewed, sometimes even granting exit permits to the ailing and the wounded who need medical treatment outside the Strip. Punitive actions such as severance from the electrical power grid or fuel supply are taken in a measured, calculated manner, in an effort to impact for the sake of exerting pressure but also to halt just in time a dramatic deterioration of the humanitarian situation.[[19]](#footnote-19) By closing the gates of the Strip and disconnecting its electricity supply, the ruling power could, if it wanted, create famine within days or weeks. But so far it has been made clear that such severe measures are not included in Israel’s repertoire. Israel is ready to approach the threshold of catastrophe in a controlled manner, but not to cross it.

Clearly, the threshold of catastrophe has never been a fixed line. Since the 1970s, the humanitarian conditions considered unbearable and the interventions considered permissible intervention have undergone significant erosion. During the First Intifada the line seemed threatened to be crossed with every local curfew that lasted over a week, but this hardly ever resulted in exceptional humanitarian intervention. In 2007, after long weeks of closure and fragmentation into separate ‘area cells’ impacting the fabric of life of hundreds of thousands, this situation has become the rule, and extensive humanitarian activity of numerous local and international organisations has created a new routine of life. Prior to the Oslo process hardly any non-governmental organisations shared the burden of responsibility with the Israeli government for the population in the Territories, except for UNRWA, which provided mainly for the refugee camp inhabitants and only 10% of its budget was allotted to supply food directly to the needy. In 2007 about ten organisations were providing food in the Occupied Territories, with UNRWA handling over one half of the population in the Gaza Strip where thousands of families live outside the refugee camps; 54% of its budget was then dedicated to direct aid for the needy (UNRWA 2007).[[20]](#footnote-20) Catastrophe – actual and extensive disaster – is in the air, more concrete than ever, and the Israeli control apparatus, UN agencies, and the non-governmental organisations collaborate in acting on their commitment not to allow this threat to materialise, thus keeping the humanitarian indicators below the threshold.

The occasional ‘humanitarian gestures’ which the Israeli government is willing to make from time to time within the ritual of negotiations towards the political negotiations, or in response to the Palestinian internal struggle, remain essentially symbolic. When concrete, they are a part of the measures that would be taken in any case to avoid crossing the threshold of catastrophe. When violence escalates the catastrophisation process, the Israeli administration takes special caution to prevent disaster as soon as the threshold appears to have been crossed. This occurred, for example, during the short civil war in which Hamas took over the Gaza Strip and distanced forces loyal to Fatah in June 2007. When the crisis broke out, most of the humanitarian organisations active in the Strip published emergency reports that predicted full closure of the Gaza Strip and calculated how long the available basic food supplies, fuel and medicine would last (OCHAa 2007). However, a few days after violence broke out, Israel allowed supply trucks to enter the Strip, carrying provisions from UNRWA, the UN World Food Program, and the International Red Cross, and vaccines supplied by UNICEF. These were successfully delivered in spite of the fact that these organisations had to coordinate the delivery with the boycotted Hamas government. Starvation was prevented, but the Strip remained under siege, and goods not included in the humanitarian basket remained stuck in Israel. Additional damage was done to the sinking Palestinian economy that became all the more dependent upon international aid, as well as on the willingness of the Israeli government to open a “humanitarian safety valve” in the wall surrounding the Gaza Strip.[[21]](#footnote-21)

The "disengagement" has changed the status and significance of Palestinian civilians in the Strip. They are now not only objects of attack, manipulation, and domination; their suffering has become an asset at stake for the rival parties. The ability to calculate, demonstrate, and predict this suffering has acquired strategic significance. Through the combined and orchestrated use of siege, violent attacks and humanitarian practices, catastrophisation has become a major means of ruling the Gazans. Once the threshold of catastrophe is more or less established, the scope for abandoning the population in a designated area is identified and can be used perspicaciously as a means of control. One can estimate in advance for how long the terminals may remain close and the supply of food, water, fuel, electricity, and medications may be cut.

A space has thus been designated in which the suffering of the population becomes a legitimate instrument. Measuring and calculating calories and hospital beds, clean water and fuel become crucial for the instrumentalisation of human suffering and its integration in the war machine. Humanitarian knowledge, expertise and practices have been directly and indirectly incorporated into the military apparatus and humanitarianism has become a branch of the military.

This new constellation became plainly evident during the massive Israeli assault on the Strip (‘Operation Cast Lead’) that started in the last days of December 2008, following weeks of rocket attacks. The assault lasted three weeks; about 1,400 people were killed and more than 11,000 housing units and 1500 shops, factories and public administration buildings were destroyed or damaged.[[22]](#footnote-22) The gap between the lives lost and the houses destroyed is telling: 1,400 lives to 11,000 housing units. This ratio – about 8 houses for every person killed – calls for an explanation, especially in view of the population density in the Strip. Contrary to what first meets the eye, what explains the pattern of destruction and killing in Gaza is *the kind of care* Israeli soldiers took to reduce civilian casualties, on the one hand, and the surgical precision with which most houses were destroyed, bulldozed, shelled from the air or exploded by ground forces. This does not mean that more care could not have been exercised, even by military standards and accepting the military point of view. Reports on brutality, negligence, and indifference to Palestinian life abounds, especially with regard to the conduct of the rank and files.[[23]](#footnote-23) However, when considering the planning of specific operations, the tactics employed and the kinds of weapon used in these operations, and the role of the ‘embedded lawyers’ in approving and restraining operations, it becomes clear that the army's policy was to spread destruction while keeping the number of ‘non-combatants’ killed as low as possible, in conformity with international humanitarian law – as this has been interpreted by the state's legal experts (see Weizman 2009). ‘We did not wish to kill Palestinians, we wanted to hit them in their pockets’, said a military strategist in a closed meeting that convened to discuss the Goldstone report at Tel Aviv University.[[24]](#footnote-24)

These words do not exhaust the motives behind the ferocity of the Israeli exercise of force at the time, but they certainly represent the rationality of the ruling apparatus. Hitting Palestinians in their pockets means impoverishing them further, adding scarcity to an already defunct economy. In most cases, the aim of the extensive use of violence was not death but destruction, whereby violence has turned into an instrument of catastrophisation constrained by certain legal provisions. Thus, warning people – usually through cell phone announcement – minutes before hitting a house has become a common practice. It has achieved two things at once: respect for what the Israeli legal experts conceive as legal use of force by the military; coupled with immense destruction of the Palestinian urban space, its infrastructure and built environment, which does not, however, create immediate and dramatic change in the measureable variables that determine the threshold of humanitarian emergency. Since food shortage and supply, as well as sanitary conditions, had been bad for a long time before the attack, the destruction of thousands of overly crowded houses and their replacement with temporary tents and the creation of new traumatised public spaces as a result of the massive destruction amplify the need for humanitarian aid. Humanitarian aid has long replaced labour and commerce in Gaza, but the destruction inflicted on the Strip in January 2009 was precise action of the kind that keeps life on the brink of catastrophe, without crossing the red-lines of the humanitarian charts and without giving rise to new emergency claims.

Going back to Agamben's model of the exception we should note the clear difference between emergency and exception in the case of the Gaza Strip: the exceptional status of Gaza for the Israeli sovereign does not lie in the suspension of the law but of humanitarian provisions that threatens to bring about – but indefinitely suspends – the creation of ‘a real humanitarian emergency’. After the abolishment of the law and the official declaration that Israel's rule in the Strip has terminated, the suspension of catastrophe is the mode of implementing and maintaining the exception, of including the excluded, and of abandoning the governed.

Referring to an apparent lacuna in the state of exception (conceived as ‘a state of necessity’), Agamben writes:

The lacuna is not within the law [*la legge*], but concerns its relation to reality, the very possibility of its application. It is as if the juridical order [*il diritto*] contained an essential fracture between the position of the norm and its application, which in extreme situations, can be filled only by means of the state of exception, that is, by creating a zone in which application is suspended, but that law [*la legge*], as such, remains in force. (Agamben 2005: 31)

Clearly, in our case, this structure has been entirely inverted. Looking at the Israeli sovereign, it is clear that what remains in force is not the law but the authorisation to use force beyond the realm where the law applies, and to use it in order to create a fracture in the biopolitical (humanitarian) order (from which the law has been excepted), and not the juridical one. The aim of this act is to suspend the provision of essential means of subsistence, so that the threat of catastrophe, though suspended, remains in force. If there is a law whose suspension is relevant in this situation, it is not the law of the Israeli sovereign, but the law of nations, the international humanitarian law and its major conventions, which are constantly invoked here by all protagonists, Israeli judges and lawyers included, with no sovereign moment in sight.

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**End Notes**

\*A fuller version of this text will appear in Azoulay and Ophir (2012).

The estimated number is 200.000, mostly from the southern coastal plain, including 3,000 who were transferred from Mag'dal in a special operation in 1950 after the end of the war.

Foreign investors who sought cheap labour in the Gaza Strip cleared out as soon as they realised that ‘conditions of passage might make their investment unprofitable’ (Eldar 2005: 116).

When firing was renewed after the disengagement, the army declared areas near the fence out of bounds for Palestinians, as ‘no-man’s land’, and when the Qassam fire was resumed, the army marked a new line, very close to residential buildings in neighbourhoods of the Northern Gaza Strip, into which the army began to fire artillery, openly aiming to hinder Qassam launching groups from moving freely. In spring and summer 2007 a new area of some kilometres inside the Strip was marked, where the army’s initial combat activity was resumed, and violence often erupts according to intelligence about organisation or the presence of ‘armed insurgents’.

These assassinations by decree take place when persons presumably identified as suspected of ‘terrorist activity’ are targeted from helicopters and UAV, often killing many others who happen to be near the target.

Israel used to interfere with non-violent funerals and memorial ceremonies since the beginning of the Occupation. Funerals and memorial processions served as a pretext for arrest and interrogations ever since the onset of the Occupation (see Algazi1974).

This suspension, and the resumption of fully imposed siege, remains an inherent potentiality for the Israeli sovereign even after opening Rafah crossings by Egyptian authorities in June 2011, at the time we are submitting this paper to the editors.

Until its final closure in June 2007, the Rafah crossing operated by force of an agreement stipulating the presence of EU and PA inspectors (who could reach Rafah only through the Kerem Shalom crossing, which is under full Israeli control). ‘Control room’ allowed Israel to prevent the opening of the crossing. See Gisha (2007).

Similar figures and formulations documenting the humanitarian disaster in the Gaza Strip appeared in numerous reports of various international organisations as well as on behalf of foreign governments and parliaments. The multiplicity of such reports is noteworthy; the Occupied Palestinian Territories are certainly one of the most thoroughly documented disaster areas in the world. See for example Bertini (2002); Dugard (2003); International Development Committee (2004).

Colonel Orli Malka and Lieutenant Colonel Itzik Gorevitch, Interviewed by Ariella Azoulay in her documentary film, *The Food Chain* (2003).

1. Comment by UNRWA General Director, Richard Cook, Interviewed by Ariella Azoulay in her documentary film, *The Food Chain* (2003).

These utterances characterise the attitude towards Palestinians since the First Intifada. In his book Shlomi Eldar cites David Maimon, Commissioner of the Prison Service, who in 1987 said to Hisham Abd Al Razeq, elected spokesman by his fellow inmates at Nafha prison: ‘If I could deny you the air you breathe and still keep you alive, I would do it’ (Eldar 2005: 54).

A few large parking lots were prepared next to several border crossings as well as checkpoints in the heart of the West Bank, where a truck loaded with goods arriving from Israel and an empty truck that would carry the same cargo inside the Palestinian territory are parked ‘back to back’. The cargo is transferred from one vehicle to the other under close scrutiny of the defense forces. Only goods that are delivered in this manner may legally enter the West Bank. See Azoulay (2003).

The existence of that mechanism has been suspected for a long time. See Feldman (2009).

Prior to the Second Intifada, 1,700 trucks a day crossed the Karni terminal. At the later stages of that Intifada, about 350 trucks a day got through: ‘This lifeline supplies only a quantity that could keep Gaza alive. No more, no less’ (Eldar 2005: 123). After the disengagement the crossing was closed nearly half the time, and even on days when it was opened, no more than 150-200 trucks a day got through, as 400 trucks were actually set as the minimum for Gaza not to starve. See B’tselem (2007); Gisha (2007); OCHA (2005-6). On the nature of Israeli control of the crossings, including the one at Rafah, see (Eldar 2005, Ch. 5,6); on the control of the crossings prior to the disengagement see Btselem (2005); on the control of the crossings following the disengagement, see B’tselem (2007) and OHCA (2007b).

On disaster conditions in the Gaza Strip see, for example, periodic situation reports by United Nations OCHA and the periodic reports by Oxfam (e.g., 2008, 2009). On the implications of the economic boycott on the humanitarian situation in the Gaza Strip, see Oxfam (2007).

We prefer the term ‘holding-pen’ to ‘prison’ because it emphasises the bio-political aspect of the siege. In prison even non-citizens enjoy a minimum of rights.

The bombing of Gaza’s power station that had supplied 43% of the city’s electricity paralyzed Gaza and immediately impacted the supply of fuel and water, as well as medical and sanitation systems. Majer Najar, deputy chief of the municipal water service of the Gaza shore explained: “If we do not get more fuel in the next few days, we face catastrophe” (Gisha 2007: 37). Such warning is part of the dynamics of catastrophisation in the Occupied Territories, and calls for local intervention until next time.

In 2006 income per capita in the Gaza Strip is 2.1 dollars a day (after a drastic decline to 150 per year it raises in 2009 to 1,000 a year). Nearly two-thirds of the population now depends on food handouts. According to reports of the Palestinian Center of Commerce and the Palestinian Industrialists Union of 12.7.07, during the first month of Hamas in power, over 1,300 containers with imports on their way to the Strip were held in storerooms in Israel. The general loss as a result of suspending delivery of these goods has been estimated at 16 million dollars. See the report by the Coordinating Council of the Palestinian Private Sector PSCC (2007).

B'tselem estimates that Israeli security forces killed 1,387 Palestinians during the course of the three-week operation. Of these, 773 did not take part in the hostilities, including 320 minors, 109 women over the age of 18, and 248 Palestinian police officers, most of whom were killed in aerial bombings of police stations on the first day of the operation (B’tselem 2009). According to the Palestinian Human Rights organization Al Haq (2009), the number of people killed was 1409. Al Haq's report counts 11.154 housing units, 211 industrial premises, 703 shops, and 700 public buildings which were completely destroyed or severely damaged.

See a collection of reports from Israeli human rights groups at [http://gazaeng.blogspot.com](http://gazaeng.blogspot.com/) and the report by B'tselem (2009).

Adi Ophir's personal testimony.

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