



# Jerusalem Center for Public Affairs

## המרכז הירושלמי לענייני ציבור ומדינה

**Claim: Israel is Illegally Blockading Gaza.**

**Response:**

1. There is currently an armed conflict between Israel and Hamas, so the laws of armed conflict apply. This means that Israel may control shipping headed for Gaza.
2. In order to be legal, a blockade has to be declared and announced, effective, non-discriminatory, and has to permit the passage of humanitarian assistance to the civilian population. In addition, the San Remo Manual of 1994 includes two conditions: first, the state which applies the blockade may decide where and when and through which port the assistance should reach the coast. In addition, the state may require that a neutral organization on the coast should verify who is receiving the assistance. In Gaza, for instance, does it reach the civilians or Hamas?
3. A ship that clearly intends to breach the blockade may be stopped already when it is still on the high seas. Stopping the flotilla heading for Gaza on May 31, 2010, in international waters was not illegal; in time of armed conflict, ships intending to breach the blockade may be searched even on the high seas.
4. Israel is within its rights and is in full compliance with international law because it has fulfilled all of the above-mentioned conditions for a lawful blockade.



**Source:** [The Legal Basis of Israel's Naval Blockade of Gaza](#) by Ruth Lapidot

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