

“When thou shalt besiege a city a long time... thou shalt not destroy the trees thereof” – On Proportionality during Long-Term Siege

Eyal Benvenisti

This short article argues that since 2007 the Gaza Strip is subject to an effective siege by Israel, complemented since 2009 by a maritime blockade. Accordingly, the article evaluates the regime imposed by Israel on access to and from Gaza under the laws of siege and blockade, while introducing the long-term perspective, which arguably expands the duties of the siege enforcer beyond the mere prevention of famine. The article also argues for the applicability of international human rights law to the exercise of Israeli control of border crossings on land and of access to the sea. Finally, the article argues that the siege and blockade fall short of complying with the proportionality requirement that these bodies of law require.