Area G: From Separation to Annexation
Israel's isolation of the Gaza Strip and how it serves annexationist goals in the West Bank

June 2020

In April 2020, in the midst of the coronavirus pandemic, coalition talks on the forming of a new government in Israel concluded with agreement by the parties to “apply sovereignty” or, in other words, to annex parts of the West Bank. The areas expected to be annexed are mostly in Area C, as defined in the Oslo Accords.

Palestinian residents of Area C, but also Areas A and B of the West Bank, and “Area G,” as Gisha has coined Gaza, face an unclear future, as annexation, a global pandemic, and a resulting economic crisis unfold. Israel's control over each individual area, the residency status and extent of the rights it grants to Palestinians living there, express an overarching goal that has defined the state's practices over the years: a desire for maximum land with minimum Palestinians. Through
its control over access, Israel has pursued a ‘divide and conquer’ strategy, weakening Palestinian institutions that would underpin a state, and engages in population control by encouraging, coercing and preventing movement in ways that meet its demographic goals.

While movement restrictions imposed by Israel in the Palestinian territory are sometimes framed as necessary to protect Israel's security, they are used to advance Israel's political objectives of controlling maximum land/minimum Palestinians, coalescing in the pledge to annex parts of the West Bank and in explicit statements to this effect by government officials. Like the settlement apparatus, which has also been justified on security grounds, the security justifications given to movement restrictions fragmenting Palestinians are rendered devoid of meaning in light of this politically motivated goal.

This position paper examines how the isolation of Gaza has been implemented over the years through Israel's control over movement, and has served Israel in advancing West Bank annexation, at the expense of Palestinian human rights. The plan to make the de facto annexation of parts of the West Bank official gives urgency to the need to examine the deliberate separation of the Strip from the West Bank, and the mechanisms deployed by the Israeli authorities to prevent Palestinian travel and interconnectivity between the two parts of the territory. Gaza and the West Bank have been recognized as one entity in international resolutions and previous agreements, but also share the same language, culture, and economy, as well as extensive family ties. Barring a political solution to the conflict, which is nowhere on the horizon, the basic human rights of Palestinians, including to freedom of movement must be respected. This paper looks specifically at the status of Gaza and the West Bank, though the concept of fragmentation is also evident in Israel's policies toward Palestinians with Israeli citizenship and Palestinians in the diaspora.

As of the writing of this position paper, it remains unclear exactly when or how much of the West Bank Israel will seek to annex to its territory. Any unilateral annexation of territory by force constitutes a grave violation of international law and undermines basic norms decided upon by the international community as a way of protecting human rights and sovereignty.

The Trump plan, seen by many as a blueprint for the current Israeli government's goals, presents a vision for Bantustan-like cantons of the West Bank connected by Israeli-controlled bridges and tunnels. Thus, even within the West Bank, perpetual Israeli control threatens to fragment populations and permanently disrupt the ability of Palestinians to build and maintain a unified economy, political and social institutions, and family life, which underpin every functioning
society. The goal of this paper is to examine how this same practice has played out between Gaza and the West Bank.

The past 13 years of Gaza’s isolation, Israel’s **legal contortions** to deny its responsibility to Gaza residents, and much of the world’s inaction vis-à-vis the prolonged lockdown of a civilian population, not to mention repeated military operations amidst dense population centers, should be studied as a warning for what could happen in Palestinian cantons of the West Bank. A more holistic view of the strategy to separate Gaza from the West Bank, called the separation policy, coupled with a firm insistence on the right to freedom of movement within and across the Palestinian territory, is crucial in order to protect the rights dependent on movement, including the right to self-determination. 

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**Kawthar Hemo and her young son, Adam**

*Israel denied a request to allow a preschooler to travel to the West Bank with his mother and siblings because his registered address was in Gaza.*

Kawthar Hemo was born in the West Bank and moved to Gaza after marrying a man from the Strip. In 2017, given the worsening situation in Gaza, Kawthar decided to move to the West Bank with her five children in search of a better life. Gisha fought a legal campaign for more than two years to allow her to exercise that simple right. Israel refused to let her youngest son, Adam, then three years old, leave Gaza because, unlike his mother and four older siblings, his registered address was in the Gaza Strip. Israel continues to control the Palestinian population registry, and has exclusive power to determine registration of place of residence.

Kawthar had two options: exercise her right to return to the West Bank without her son, or forfeit returning to the West Bank. Had she chosen to leave him behind in Gaza, they would have been able to request permits to visit one another only in “exceptional, humanitarian” circumstances, the death, grave illness, or wedding of an immediate family member.

In the course of legal proceedings, Israel demanded that Adam’s exit application be submitted under the “Settlement in the Judea and Samaria Area” procedure. The procedure’s draconian conditions effectively block any move from Gaza to the West Bank by Palestinians whose registered address is in Gaza. Every attempt made by the family to file the application failed. Following multiple petitions by Gisha, inquiries by parliament members, and public work, Israel finally permitted the family’s passage to the West Bank in the summer of 2019.
Naming the fragmentation of Gaza and the West Bank: The Separation Policy

For the past three decades, Israel has steadily tightened restrictions on movement between the Gaza Strip and the West Bank to the point where separation between the two parts of the Palestinian territory is the rule, and travel between them a rare exception. Israel's practice of severely curtailing the movement of people and goods between Gaza and the West Bank is rooted in an exceedingly minimalistic interpretation of its ongoing responsibilities toward Palestinians living under its control in the occupied Palestinian territory.

Israel's official policy on movement of Palestinians between Gaza, the West Bank, Israel, and abroad reflects certain preferences on Israel's part: minimizing movement of people and goods between Gaza and the West Bank, deepening the political and physical isolation of Gaza, and where possible, reducing the number of Palestinians living in the West Bank.

Israel refers to the principle of dividing the West Bank and the Gaza Strip as "the separation policy." It has never published official information about the policy, its formal goals, or the decision-making process behind it. Nonetheless, the term "separation policy" and the concept of separating Gaza and the West Bank have appeared in public statements by Israeli decision-makers and have been cited in court proceedings. Israel says that maintaining the separation policy is grounds, in and of itself, without connection to any specific security information tied to an individual, for denying Palestinians' fundamental rights, including freedom of movement (See annex for list of references to the separation policy).

In a position paper released in 2012, Gisha introduced an analysis of the separation policy for the first time, citing evidence of its implementation in policy and also statements by officials and state bodies indicating its motivations, in the absence of any official policy declaration. In a subsequent report, published in 2015, Gisha examined the economic repercussions of separating Gaza and the West Bank, arguing not only that economic development in Gaza depends on greater access to the West Bank, but also that the Palestinian economy as a whole will not be able to realize its potential without a connection between the two areas. Later that year, Gisha published a thorough analysis of Israel's legal obligations to enable movement between the two parts of the Palestinian territory, including an obligation to protect the right to self-determination of the Palestinian people.
Israeli officials have referred broadly to “security-political” considerations behind the separation policy. The security goal has been stated as a “desire to prevent the transfer of ‘terrorist infrastructure’” (even when justifying sweeping restrictions like the ban on student travel between Gaza and the West Bank, in place since the year 2000). Very little has been officially said about political rationales.

The internal Palestinian political rift between Fatah and Hamas, and measures taken by each of the respective governments in Ramallah and Gaza since 2006, have also deepened the division between the two areas of the occupied territory. The ongoing internal Palestinian factional split, however, does not detract from the need to enforce accountability for Israel’s policy and the resulting fragmentation it causes to Palestinian land and communities.

Israel’s separation policy prevents movement between the parts of the Palestinian territory, so Palestine Cup football matches are played in two divisions, Gaza and the West Bank. Once a year, the Gaza and West Bank cup holders meet for a two-match final, one on each team’s home turf. After the teams managed to compete in Gaza, Khadamat Rafah, the Gaza Strip cup holder, was scheduled to play against Balata FC on July 3, 2019 in the West Bank. Israel denied 31 applications filed by Khadamat Rafah for unspecified “security reasons.” Only four permit applications were approved, and of those, only one was for a player.

The final match of the tournament, recognized by the international football association FIFA, was postponed to September 25 to give time to appeal the decision. Applications were once again submitted, but Israel did not respond. It was not until Gisha filed a petition to the Jerusalem District Court that Israel responded, saying now that 12 applicants had been approved, including five footballers. The rest of the team continued to be refused on unspecified “security grounds.” The day before the hearing scheduled in the petition, and two days before the rescheduled match date, the court upheld the refusal, and the cup match had to be cancelled.
A history of separation

The area west of the Jordan River was first divided after the 1948 war. The Gaza Strip came under Egyptian rule, while the West Bank was annexed to Jordan. Palestinians who became refugees during the war, expelled from areas inside the territory that became Israel, made their homes in these two areas, as well as in surrounding countries. Nineteen years later, when Israel occupied the Gaza Strip and the West Bank, still more Palestinians were displaced and expelled; those who stayed in Gaza and the West Bank were subjected to Israeli military rule. After 1967, a strategy of integration between Israel and the Palestinian territory, built on exploitation of resources, including cheap labor, allowed Palestinians to travel throughout what had been Mandatory Palestine more or less without interference.

In 1989, in the wake of the First Intifada and greater organization around calls for an independent Palestinian state, Israel began requiring Palestinians to carry magnetic identification cards in order to travel. In 1991, Israel revoked the general permit that had allowed Palestinians to travel relatively freely up to that point and began requiring residents to hold individual permits for travel, a policy that was enforced with greater consistency in the years to come, in sweeping responses to political violence.

Under the Cairo Agreement, signed in 1994 following the Oslo Accords, government functions in the Gaza Strip were handed over to the Palestinian Authority; the Israeli settlements inside the Strip remained under Israel’s sovereignty. The West Bank was divided into Areas A, B and C, each with distinct administrative statuses and unique features of population control.

In early 1995, Israel began building a fence around the Gaza Strip. Provisions of the Oslo Accords sought to keep what both parties to the agreement recognized as the two parts of the same Palestinian territory connected; they stipulated a “safe passage” between Gaza and the West Bank. In practice, the passage only operated for ten months, from 1999 until the Second Intifada broke out and Israel closed it. In 2000, Israel also stopped allowing Palestinians to change their residence from the Gaza Strip to the West Bank, easily managed through its ongoing control of the Palestinian population registry. It shut down and later destroyed Gaza’s airport, and still prevents its rebuilding, meaning that access abroad depends on Israel and Egypt’s policy at Erez and Rafah crossings, respectively. Also that year, Israel imposed a sweeping ban barring Gaza students from accessing West Bank universities.

Israel’s implementation of its unilateral Disengagement Plan in 2005 brought further restrictions on Palestinian travel to and from Gaza. In 2006, Israel imposed another sweeping ban forbidding
day laborers from Gaza access to work in its territory. Following the Hamas takeover of the Strip a year later, Israel tightened existing restrictions on movement of people and goods to the point of a full closure on the Strip. Entry of goods was reduced to the bare minimum required to stave off a humanitarian crisis; export of goods outside Gaza was fully banned, including the marketing of goods from Gaza in the West Bank; travel between Gaza, the West Bank and Israel, which was already limited, was further restricted, barring all access but for “exceptional and humanitarian cases.”

In response to Hamas control over Gaza, Israel justified restrictions on movement, beyond security needs, as a lever of pressure. Over the years, a doctrine referred to as the separation policy was developed. The word used to name the doctrine in Hebrew, bidul, means to separate but also to create a distinction or to differentiate between two things, in this case, quite literally, between Gaza and the West Bank and between their civilian populations. The policy both physically severs Gaza from the West Bank and obstructs connections between the two parts of the Palestinian territory, while also creating a distinction in the economic and social reality lived by the populations.

Since tightening the closure in 2007, and especially so after Operation Protective Edge in 2014, Israel has periodically made modifications to its official policy on movement of people and goods between Gaza and the West Bank, allowing fractional increases to access. But the overarching policy continues to be intentionally restrictive. Ongoing blanket bans on access between Gaza and the West Bank continue to block economic activity, let alone development, as well as to prevent family unity, deny people adequate medical care and obstruct education and livelihoods.
Policy in practice: Reducing travel and forcible transfer

In the 53 years since Israel's occupation of Gaza and the West Bank, Israel's military has developed a complex system of rules and sanctions to control the movement of Palestinians. The military unit of the Coordinator of Government Activities in the Territories (COGAT) is the Israeli authority responsible for implementing government policy vis-à-vis Palestinian civilians, including in relation to movement and access. "Procedures" or directives published by COGAT dictate what Palestinians can and cannot do with respect to a wide variety of civilian matters, including movement of people and goods. The implementation of these directives is managed by the military according to its whim.

For years, in keeping with state policy, COGAT's directives on movement of people, summarized in a document called the Status of Authorizations, have limited travel from Gaza to the West Bank almost exclusively to cases Israel narrowly defines as “humanitarian exceptions.” According to Israel's directives, the vast majority of Gaza's two million residents are not eligible to even apply for a travel permit, meaning that they are barred a priori from exiting the Strip via Erez Crossing. They are not denied travel for any concrete reasons pertaining to Israel's security (they don't even undergo screening by Israel) but rather as a matter of sweeping policy (see annex for examples of bureaucratic practices employed by Israel to this end). The few people eligible to submit a permit application for travel between Gaza and the West Bank fall into one of three main criteria: Traders, medical patients and their companions, and other “exceptional and humanitarian cases” (i.e. people traveling to attend the wedding or funeral of a first-degree relative, or to visit a terminally ill first-degree relative).

West Bank residents seeking to travel to Gaza are also mostly limited by Israel's "exceptional, humanitarian" limits on movement, such those able to get permits are mainly individuals with first-degree relatives in the Strip who are getting married, suffer from a critical illness or have passed away. Yet, travel restrictions between the parts of the occupied Palestinian territory are not implemented equally. The permit regime governing the movement of Palestinians is designed with a distinct directionality: Permanent relocation from the West Bank to Gaza is allowed, while relocation to the West Bank is far more severely limited. This logic is evidenced in Israeli bureaucracy, and openly admitted by the state; an introductory clause to Israel's directive on the issuing of permits to Palestinian residents of the West Bank (referenced by the biblical term Judea and Samaria) relocating to Gaza states as follows:
B. The premise is that a resident of the Judea and Samaria Area may file an application for permanent settlement in the Gaza Strip for any purpose that is considered humanitarian (usually family unification). Generally, one-time travel may not be denied in the absence of concrete security reasons.

C. As settlement of Gaza residents in the Judea and Samaria Area is possible only in the rarest cases (under the Procedure for Settlement in the Gaza Strip be Residents of Judea and Samaria Area), the need to allow the family unit to be maintained in the Gaza Strip arises. In other words, for a Gaza resident to be eligible to move to the West Bank, he or she must meet exceedingly narrow criteria, which are basically impossible to meet. Thus, for a Gaza resident, relocating to the West Bank is completely out of the question. For a West Bank resident to move to Gaza, on the other hand, all he or she must do is follow the "settlement" procedure, according to which the Israeli authorities require a signature as a waiver of an individual’s West Bank residency and their right to return to the West Bank at all.

The permit regime governing the movement of Palestinians is designed with a distinct directionality: Permanent relocation from the West Bank to Gaza is allowed, while relocation to the West Bank is far more severely limited. In recent years, Gisha has witnessed an uptick in cases where Israel tries to prevent West Bank residents living in Gaza from returning to live in the West Bank. In some cases, where a West Bank resident living in the Strip has not yet signed the "settlement" procedure waiver, Israel will try to leverage that person's need to visit to the West Bank as an opportunity to compel them to sign the procedure on their way back in to the Strip. Israel then uses the "settlement" waiver (Hebrew, p. 3) that people have been made to sign to deny people any option of returning to their homes in the West Bank in the future.

Most people are not actually aware of the implications of their choice to move to the Strip, or the repercussions of signing the waiver, the most striking of these being the fact that, barring exceptional circumstances, there is little chance they will ever be allowed to return to the West Bank. Of course, even if people were aware, under these circumstances, their signature cannot and should not be taken as consent. Gisha's position is that these cases could amount to forcible transfer, prohibited according to Article 49 of the Fourth Geneva Convention. The accepted interpretation of the terms ‘forcible transfer’ and ‘expulsion’ is broad, including a ban on relocating a person against their will, whether by using direct or indirect pressure, or by exploiting governmental powers. In this context, any alleged “consent” on the part of the individual to their relocation has to be seen in the context in which it was given and attention to the individuals person’s level of free will or vulnerability in giving her so-called “consent.”
From separation to annexation

In almost every study of the prospects of the economy of the Gaza Strip, the issue of an open connection with the West Bank, including free movement of goods and people, is central. The World Bank has determined, and since reiterated, that the integrity of the occupied Palestinian territory, including free access between Gaza and the West Bank, is a necessary condition for the viability of the Palestinian economy as a whole. It has also emphasized that ending the Strip's economic isolation and easing Israeli restrictions on movement are critical for improving the humanitarian and economic situation in Gaza, in particular.

In 2007, Israel argued that the closure on Gaza was imposed as a strategy of economic warfare designed to weaken or isolate Hamas. Over the years, the policy has not only failed to do either of these things, but seems to have shifted in favor of maintaining separation between the areas as part of a wider goal of fragmenting Palestinian society and weakening political power to organize for self-determination.

It is clear that maintaining the separation between Gaza and the West Bank serves Israel's long-term goal of formalizing what is already de facto annexation of areas in the West Bank

Israeli Prime Minister Benjamin Netanyahu made this explicit in March 2019. In an effort to deflect criticism of Israel's decision to allow the transfer of money from Qatar to Gaza, a source quoted in the Jerusalem Post had him saying that: "whoever is against a Palestinian state should be for transferring the funds to Gaza, because maintaining a separation between the Palestinian Authority in the West Bank and Hamas in Gaza helps prevent the establishment of a Palestinian state."

Israel routinely uses the fact of the political split between the authorities in Gaza and Ramallah as an excuse for not engaging in negotiations with the Palestinian Authority, serving to prolong the status quo. By contrast, in the years since the 2014 military operation Protective Edge, it has engaged with Hamas, whether directly or indirectly, in negotiations over minor “easings” to the closure on Gaza that do little to alleviate living conditions for its residents, let alone change the reality of separation between Gaza and the West Bank, one of the major factors contributing to perpetuating the humanitarian crisis in the Strip. The goal of making the Strip more livable and independent, including through the building of a potential island seaport, isn't espoused for humanitarian reasons, but rather as a means of making the separation of Gaza permanent. Former Transportation Minister Yisrael Katz was quoted as saying, “If we cut off from Gaza – we would be cut off from half of the Palestinian problem.”

Katz's statement echoes similar statements made by US Ambassador to Israel David Friedman, a close advisor of the American president on these matters and widely considered the architect of
the Trump plan. He said that, “the evacuation of Gaza had one salutary effect, it took two million Arabs out of the equation.” He also claimed that by excluding Gaza residents from a calculation of demographics, Israel could maintain a Jewish majority even if it were to annex the West Bank and incorporate its population.

Without knowing the exact contours of the land to be annexed or engaging in prospective demographic mathematics, it is clear that maintaining the separation between Gaza and the West Bank serves the long-term goal of formalizing what is already de facto annexation of areas in the West Bank, whether it happens next month, next year, or in five years. There has been no strong, unified opposition to current policies that have facilitated this trajectory (the settlement project and fragmentation chief among them). While support for a two-state solution among the international community remains strong in rhetoric, there has been no tangible or coordinated action to block steps toward de jure annexation of the West Bank, let alone gross violations of human rights that have paved the way to it over the past 53 years. In allowing Israel to use its control over Palestinians to separate people and land, and in failing to hold Israel accountable to human rights violations in the Occupied Territory, the international community has rendered the vision it is purportedly promoting an impossibility.

In 2018, Gisha filed a petition on behalf of the owners of Sarayo Al Wadiya, a Gaza-based company that manufactures snack foods, like chips and cookies. The petition was filed against blanket restrictions Israel enforced on exit of processed foods made in Gaza. Before 2007, some 80 percent of the company’s products were sold in the West Bank and Israel; processed foods made up 33 percent of all goods manufactured in Gaza and sold in the West Bank. Blocking access to Gaza’s main destination markets, the West Bank and Israel, has undermined the growth of one of the most promising sectors in Gaza’s economy, which also supplies work for other businesses.

In its response to the petition, the state said that it does not prohibit sale of processed foods out of Gaza in theory, but that the establishment of a mechanism that would allow it was still “under review” by the Ministry of Health and had not yet “borne fruit.” The state also said that it never received the company’s applications to sell goods out of Gaza. Gisha attached affidavits from the Palestinian Authority’s coordinator for commercial goods to its petition, stating that Israel refused to accept the applications he had submitted. Despite all this, the High Court recommended that Al Wadiya submit another application and deleted the petition.

Following the petition, Israel updated (Hebrew) the “Procedure for the Sale of Goods outside the Gaza Strip,” and in late 2019, allowed, for the first time, export of Al Wadiya’s products abroad. Israel continues to prevent the sale of these products in the West Bank and Israel.

**Sarayo Al Wadiya, a snack foods company**

*Israel still won’t allow processed foods from Gaza to be sold in the West Bank or Israel.*

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Conclusion

The separation policy, alongside settlement expansion in the West Bank, constitutes Israel's strategy of fragmenting Palestinian society, and preventing Palestinian self-determination.

Even before the Trump administration released its “Peace to Prosperity Plan” for the Middle East, dramatic steps by the United States in the last few years have eroded the Palestinian Authority’s legitimacy and emboldened Israel to make its de facto annexation of the West Bank de jure. The plan itself, published fully in January 2020, aims to make permanent a reality of fragmentation, isolation and division in the occupied Palestinian territory. While the plan does reference the need for a route connecting between Gaza and the West Bank, and highlight connection routes between Palestinian cantons within the West Bank, it supports continued Israeli control over when those routes operate and who and what can travel between these areas. As is true today, this ensures exclusive and ongoing power over Palestinian economic and social life as well as the lives of individuals.

As has been proven time and time again, Israel uses this ongoing control as a means of pressure, amounting to illegal collective punishment, failing to strike a reasonable balance between its actual security needs and its obligation to protect and respect the rights of Palestinians living under its control.

Israeli policy on Palestinian travel and transfer of goods is designed to minimize movement and contact between Gaza and the West Bank. Whether a conscious, intentional objective or an unintended outcome, the policy severely impairs connections between Palestinians living in Gaza, Israel, and the West Bank, tearing at the fabric of Palestinian society. Israel's
Israel’s policy not only separates people and blocks movement of most materials and goods between the areas – the many years of its implementation have reengineered the contemporary reality of the occupation. By continuously hindering contact between the areas, Israel has been a leading proponent in effectively splitting the Palestinian economy into (at least) two discrete economic systems; in the division of Palestinian people into several isolated sub-groups with differing legal status within the Israeli administrative system, and in the splintering of Palestinian land into segregated cantons.

Decades of systematic movement restrictions have created facts-on-the-ground: the perpetual reality of prolonged family separation, a shattered Palestinian economy, and humanitarian disaster in Gaza. This damage cannot be reversed by minor policy modifications, but only with Israel’s acknowledgment of its responsibility to meet the basic needs of the Palestinian population, and to protect the basic rights of Palestinians, including the right to freedom of movement to, from and within the occupied Palestinian territory. Israel has an obligation to protect its citizens by screening goods and individuals entering its borders. It also has obligations towards Palestinians living under its control, including residents of Gaza.

As required by law, Gisha is proud to share that as a result of our partnerships with countries and international organizations that support our work to promote human rights, the majority of our funding comes from “foreign governmental entities.”
Movement of People

Gisha’s experience, ongoing legal work, and research indicate that Israel’s decision-making on who can travel between Gaza and the West Bank is determined according to two basic principles. Each of these principles is evident in bureaucratic practices enforced by Israel on the ground:

1. Reducing the number of individuals eligible for travel between Gaza and the West Bank

According to Israel’s directives, the vast majority of Gaza’s two million residents are not eligible to even apply for a travel permit, meaning that they are barred a priori from exiting the Strip via Erez Crossing. They are not denied travel for any concrete reasons pertaining to Israel’s security (they don’t even undergo screening by Israel) but rather as a matter of sweeping policy.

Examples in practice associated with this principle:

» The vast majority of professionals in Gaza seeking to travel for work do not meet Israel’s criteria. In the absence of a criterion for work-related travel, countless permit applications filed by professionals are denied by Israel, discouraging people from applying and thus contributing to an overall chilling effect. This includes, for example, staff of civil society organizations split between the areas.

» The few people who do meet Israel’s criteria and are able to submit permit applications for consideration by Israeli authorities are not guaranteed a permit in practice. Gisha regularly assists individuals whose applications were denied on the grounds that the applicant “does not meet criteria” for travel.

» Palestinians can apply for a permit to attend a funeral or a wedding in the other part of the occupied Palestinian territory only if the deceased or the person getting married is a first-degree relative. Grandparents and grandchildren, cousins, aunts and uncles, and close family friends are categorically denied the possibility of travel in these circumstances.

» Even the few people who obtain permits to visit family are only granted short, two or three-day visits. If they overstay the timeframe stipulated in the permit, they can face...
“consequences” and be denied travel in future applications. Israeli authorities openly admit to penalizing Gaza residents whose relatives have overstayed their permits for visits to the West Bank and are, from Israel’s perspective, “illegally present” in the West Bank or Israel – by refusing to grant them travel. For example, Palestinian Christians were openly denied access to holy sites during holidays due to having relatives who overstayed permits in the West Bank.

The Israeli authorities processing humanitarian permit applications by Palestinians requesting to visit a first-degree relative with a serious illness in the other part of the Palestinian territory give themselves license to determine whether the ailing relative is "sick enough" to justify a visit from their immediate family member. Sometimes, they decide that the relative is not “sick enough.”

Countless permit applications are not processed on time or not processed at all, further reducing the number of people who actually obtain a travel permit. Permit applicants have no way of knowing the status of their application at any given point.

Israel routinely imposes "security blocks" on permit applicants, without giving any information about why, let alone evidence, to the applicant or his/her lawyers. Security blocks bar individuals from travel indefinitely, and can be applied even in cases where the applicant has previously received permits on a regular basis. In many cases brought by Gisha, when challenged by legal intervention, Israel will remove the security block before the case goes to court, pointing to how blocks are imposed arbitrarily. Most permit applicants of course cannot necessarily access legal representation and the blocks remain in place.

2. Preventing Gaza residents from moving to the West Bank, cornering West Bank residents living in Gaza into waiving their right to return to the West Bank

Ongoing control over the Palestinian population registry affords Israel ultimate control over where Palestinians can live, work, and build a family. Israel's decision to freeze changes of address from Gaza to the West Bank in the population registry since the year 2000 means that by definition, residents of Gaza cannot relocate to the West Bank and thus countless Palestinians are unable to control their own destiny, even within the Palestinian territory. Israel will generally permit changes of address from the West Bank to Gaza, but not vice versa.

Examples in practice associated with this principle:

In a ‘mixed’ family of Gaza-West Bank residents, Israel only allows Palestinian family unification in the Gaza Strip. West Bank residents who wish to move to live with their spouses in Gaza are made to sign a waiver that effectively relinquishes their rights to return
to the West Bank in the future. If a West Bank resident already living in Gaza hasn’t yet signed the waiver, and wishes to visit the West Bank, even in humanitarian circumstances, he or she can be compelled to sign the waiver as a condition for travel.

According to the criteria for travel, a Gaza resident can submit an application for a permit to attend the wedding of a first-degree relative in the West Bank, but not for the purpose of marrying a West Bank resident.

Gaza residents are eligible to travel abroad through Jordan (via Erez Crossing and Allenby Bridge Crossing) for the purpose of academic studies, but are categorically denied the possibility of enrolling in West Bank universities. Israel allows Gaza residents to travel for “long-term stay” abroad for any purpose provided they sign a waiver forfeiting their right to request to return home to the Strip for at least six months. Long-term stays in Israel and the West Bank are never an option.

Israel’s restrictions on Gaza residents’ access to the West Bank apply even if residents of the Strip seek to enter the West Bank, by traveling through Rafah and then via Jordan and Allenby Bridge Crossing without traveling through Israel.

**Movement of Goods**

When the closure on Gaza was tightened in 2007, Israel banned virtually all exit of goods from the Strip, cutting it off from its most significant markets - Israel and the West Bank. Since late 2014, Israel has lifted some of its sweeping bans on the marketing of goods from Gaza, but it still imposes limitations on which goods and in what quantities can be sold in the West Bank and Israel. Importantly, Israel still wields exclusive control over trade between Gaza and the West Bank, Israel and abroad. Through this control, it continues to enforce the economic isolation of the Strip. Restrictions on sale of goods from Gaza in Israel have also been framed by Israeli officials as a means of differentiating between Gaza traders and West Bank traders, who are allowed to market goods in Israel.
Annex II

List of references to the separation policy

The following are references to the separation policy by Israeli politicians, security officials, analysts and commentators, and the state's representatives in legal proceedings, which have been collected by Gisha and organized by type of reference and in chronological order.

The word used to name the doctrine in Hebrew, bidul, means separation but also differentiation between two things, in this case, quite literally, between Gaza and the West Bank, and between the populations in each area and the rights they are afforded under Israel's policy. Both connotations of the term, separation and differentiation, are expressed in the references below. Many of the references have been unofficially translated to English by Gisha, while others are quoted directly from media reports in English.

Politicians

1. Channel 13 News reported that according to unnamed sources involved in the discussions between the Israeli and American administrations on the Peace to Prosperity plan, Prime Minister Netanyahu and his advisors made clear to senior American officials that they “had misgivings” about the United States’ suggestion of establishing a passage connecting the West Bank to the Gaza Strip. Analyst Barak Ravid wrote that “this portion of the plan demonstrates that the Trump Administration sees the Gaza Strip and West Bank as a single territorial unit, which is contrary to the Netanyahu administration's policy of creating a separation between the two areas.” Jason Greenblatt, White House Special Envoy to the Middle East, is paraphrased in the report, as follows: “The American envoy said that the White House did its best to keep political issues out of the economic portion of the peace plan - however, passage between Gaza and the West Bank crossed that line. The envoy added that the issue of passage was ultimately included in the economic portion of the plan because of the importance that the Palestinians attribute to the connection between Gaza and the West Bank, as well as an understanding that a connection between the two areas would be critical for the success of the economic plan.” (16.07.19, Hebrew)

2. Jonathan Urich, a spokesperson for the Likud party and an advisor to Netanyahu, responding to questions about the Prime Minister’s political program: “He [Netanyahu] has managed to achieve disconnection between Gaza and the Judea and Samaria Area, effectively crushing the vision of
a Palestinian state in these two areas. Part of this achievement has to do with the Qatari money that comes in every month for Hamas. He tried to hand over control of Gaza to other countries, but no one would take it. So it’s either managing two million people, or funneling in money that isn’t ours, but is being monitored, and that’s how one creates a divide.” (18.04.19, Hebrew)

3. Prime Minister Netanyahu addressing criticism about his decision to allow transfer of money from Qatar to Gaza: “The real alternative is occupation and control of Gaza. There’s no one to give it to. I won’t give it to Abu Mazen. The connection between Gaza and Judea and Samaria has been severed. They are two separate entities, and I think that in the long run, that’s not a bad thing for the State of Israel. [...] This money has been covered by the Qataris; it has prevented Abu Mazen’s plan from materializing, and also cut Gaza off from Judea and Samaria. If anyone thought there would be a Palestinian state here surrounding us on either side – that’s not something that’s going to happen.” (04.04.19, Hebrew)

4. In an effort to deflect criticism on Israel’s decision to allow the transfer of money from Qatar to Gaza, an unnamed source paraphrased Prime Minister Benjamin saying that: “Whoever is against a Palestinian state should be for transferring the funds to Gaza, because maintaining a separation between the Palestinian Authority in the West Bank and Hamas in Gaza helps prevent the establishment of a Palestinian state.” (12.03.19)

5. Danny Danon, then-Deputy Defense Minister, responding to a parliamentary question regarding the official status of the separation policy: "Starting in the summer of 2007, following the takeover of the Gaza Strip by terrorist organizations, Israel has been implementing a separation policy between the Gaza Strip and Judea and Samaria. This policy is backed by the decisions of the Government of Israel. According to this policy, there is no restriction on export from Gaza abroad. However, marketing from the Gaza Strip to Judea and Samaria and Israel is only approved in specific instances and for international organizations." (04.02.14)

6. Moshe Ya’alon, then-Defense Minister, responding to a parliamentary question regarding the fact that Israel refused to make use of a high quality scanner donated to the Palestinian Authority by the Government of the Netherlands for screening goods transiting from Gaza to the West Bank or Israel: “Whether goods from Gaza can be shipped to Judea and Samaria is a different question. It has nothing to do with the scanner. It has to do with a security policy whereby, according to the recommendation of all security agencies, we should not allow merchandise to be transferred to the Gaza Strip and the West Bank for security reasons.” (18.12.13)

7. Remarks by Avigdor Lieberman, then-Foreign Minister, at the Sderot Conference for Society at Sapir College: “The claim that painful concessions are necessary and that the settlements are an obstacle – that approach is pure fabrication. The people saying this don’t want to accept reality. For example, there was never any territorial or familial connection between Judea and Samaria and the Gaza Strip.” (17.11.13)
8. Avigdor Lieberman, then-Foreign Minister: “The ongoing firing [of rockets] bury any chance that there will ever be territorial contiguity between Gaza and Judea and Samaria. As long as Hamas rules Gaza, there is no chance we will consent to safe passage, or unsafe passage, be it an overhead passage, an underground passage, or any kind of passage. The Palestinians have sentenced themselves to a rupture which, at this time, looks like it will last for generations.” (12.03.12, Hebrew)

Security officials

1. An unnamed military official involved in coordination with the Palestinian Authority: “The rationale behind the separation policy is to stop Hamas from infiltrating the West Bank. The two ways of preventing Hamas personnel and ideology from entering are not allowing commercial ties or movement of civilians.” (14.06.12)

2. Eitan Dangot, then-Coordinator of Government Activities in the Territories (COGAT), in reference to family visitation rights for Gaza residents imprisoned in Israel: “Dangot said that the visitation rights were cancelled as part of a government policy to "separate" Gaza from the West Bank in order to pressure Hamas and support the Palestinian Authority.” (03.05.12)

3. Senior COGAT officials informed Gisha that the ban on marketing goods to the West Bank and Israel is a political decision, which forms part of the separation policy. A COGAT spokesperson acknowledged that decisions regarding sale of goods from Gaza to the West Bank “are of a political nature, and thus can only be taken by the Prime Minister’s Office.” (15.02.12)

4. Unnamed security officials addressed the directionality of Israel’s policy on Palestinians’ travel between Gaza and the West Bank: “There has to be a distinction made between the policy on Judea and Samaria and the policy on the Gaza Strip. [...] With respect to Gaza, we are advancing a policy of separation designed, to put it plainly, to bring Abu Mazen to Gaza instead of Hamas to the West Bank. Given this policy, it is a problematic to allow passage of Gaza residents to the Judea and Samaria Area.” (08.09.12, Hebrew)

5. When asked about the separation policy and its aims, a COGAT spokesperson answered: “...because ‘terrorist groups in Gaza’ seek ‘to relocate the existing terrorist infrastructure to [the West Bank], Israel has adopted a policy which reduces movement between Gaza and [the West Bank].’” (07.11.12)

6. Unnamed “military sources” were quoted in reference to the resumption of agricultural exports from Gaza to Europe: “They made it clear that at this phase, there was no intention of permitting sale of goods from Gaza to Israel, as part of the “differentiation from West Bank traders, who are allowed to sell in Israel.” (18.11.11, Hebrew)

7. Reported remarks by Yuval Diskin, then-Head of the Israel Security Service, during a meeting of the Knesset’s Foreign Affairs and Defense Committee: “Israel would have a very hard time implementing an agreement, if one is reached, so long as there is no reconciliation between Hamas and Fatah. I can’t see the reconciliation between Hamas and Fatah happening. I can’t
see a scenario in which the Palestinian Authority returns to Gaza with Hamas' consent, and vice versa, Hamas returning to Judea and Samaria with the Palestinian Authority's consent. The separation between the Gaza Strip and Judea and Samaria is good for Israel in terms of security. It would be a grave mistake, in terms of security, to reconnect Gaza and Judea and Samaria. A connection like that would enable building terrorist infrastructure that would harm the State of Israel."

(29.12.09, Hebrew)

From the courtroom

1. In response to a petition submitted by Gisha on behalf of a woman and her children against Israel's refusal to allow them to return to the West Bank, despite the fact that they were registered as West Bank residents, the state wrote: "...granting the requested remedy to the petitioner (as in, accepting the petition, or giving the petitioner the option of returning to Judea and Samaria) would fundamentally undermine the policy of separation and of reducing movement between the areas, as outlined by the government." (14.11.19, Hebrew)

2. In response to Gisha's petition on behalf of a woman and her two daughters, all registered West Bank residents, against Israel's refusal to allow them to return to the West Bank, the state wrote: "One of the significant rationales for the movement policy is the security need to 'differentiate' the Gaza Strip from the Area [the West Bank] [...] the return of a resident to Judea and Samaria will be examined according to the policy in place at the time with respect to Gaza residents. We note that currently, residents who chose to permanently settle in the Strip may not return permanently to the Judea and Samaria Area." (31.03.19, Hebrew)

3. The state's response to a petition filed by Gisha against Israel's refusal to allow two sixteen-year-old musicians from Gaza to attend an international music workshop in Jordan: "The policy on travel between the State of Israel and the Gaza Strip, including the separation policy pertaining to travel between the Gaza Strip and the Judea and Samaria Area, has been developed according to various security and state policy considerations. [...] Given these considerations and the balance between them and the humanitarian needs of the residents, entry by Gaza residents into the Judea and Samaria Area is permitted, as stated, in exceptional, humanitarian cases only. [...] Travel from Gaza remains restricted. One of the key purposes of this is to ensure there is no frequent movement, in uncontrolled prevalence, between the Gaza Strip, Israel, and the Judea and Samaria Area." (25.07.17, Hebrew)

4. The state's response to Gisha's petition against Israel's denial of travel permits for three Gaza residents, staff members of the international organization Right to Play, who wished to attend professional training in the West Bank: "Entry into Israel - including solely for the purpose of travel to the Judea and Samaria Area - as well as travel between the areas without transit through Israel – is limited to exceptional, humanitarian cases only, with an emphasis on urgent medical cases (hereinafter: the separation policy). [...] According to this policy,
in the absence of a legal obligation and bearing in mind the armed conflict between Israel and Hamas, which now rules the Gaza Strip, travel by Gaza residents to the Judea and Samaria Area is not permitted." (01.02.18, Hebrew)

5. In response to a petition filed by Gisha on behalf of the Deputy Executive Director of The Democracy and Worker’s Right Center in Palestine, who was denied a permit to travel from Gaza to the West Bank to take part in training, the state wrote: “Travel from Gaza remains restricted. One of the key purposes of this is to ensure there is no frequent movement, in uncontrolled prevalence, between the Gaza Strip, Israel, and the Judea and Samaria Area.” (02.08.18, Hebrew)

6. In response to Gisha’s petition on behalf of a Gaza resident who was denied a permit to visit his critically ill father in the West Bank, the state wrote: “The premise for the matter at hand [...] is that the State of Israel has broad authority and discretion to decide who may enter its territory and a foreign national has no legal right to enter the state’s sovereign territory, including for the purpose of transit. [...] The policy on travel between the State of Israel and the Gaza Strip is extremely restrictive. [...] The policy on travel to and from the Gaza Strip - including the distinction it draws between the Gaza Strip and the Area [the West Bank] has been considered and upheld multiple times.” (02.12.18, Hebrew)

7. In response to Gisha’s High Court petition against Israel’s refusal to allow an athlete to exit the Strip in order to participate in the Palestine Marathon in Bethlehem, the state wrote: “The separation policy was established around various political and security considerations, including Hamas’ rise to power in Gaza, the incessant activity against the State of Israel by terrorist organizations in Gaza, which includes firing rockets at Israel, terrorist attacks and other attempts to harm civilians and soldiers, as well as constant attempts by these organizations to set up branches of the Gaza terrorist network inside the Judea and Samaria Area, and to bolster the network already active in the Judea and Samaria Area. [...] One of the rationales for this policy is the concern that ties between Gaza and Judea and Samaria residents would be exploited for the purpose of advancing terrorist activity, whether knowingly or by deception.” (07.04.14)

8. From the state's response in a High Court petition filed by Gisha on behalf of four women students who were denied travel from Gaza to the West Bank to complete their Master’s degrees: “Therefore, in accordance with the abovementioned resolution of the ministerial committee, the policy in effect with respect to entry of Gaza Strip residents to the Judea and Samaria Area is a policy of separation between the two areas, which limits the cases approved for entry into the Judea and Samaria Area to humanitarian and exceptional cases only [...] As aforesaid, in view of Hamas’ rise to power in the Gaza Strip, the security-political cabinet has decided, among other measures, to impose restrictions on travel to and from the Gaza Strip (Security Political Cabinet Resolution B/34 dated September 19, 2007). [...] This policy, which, as aforesaid, has been put in place by the political-security cabinet, forms part of Israel's battle against Hamas, a terrorist organization whose goal is to destroy the State of Israel. Thus, aside from the direct security goal which was specified above, this policy is also designed to create a distinction between the Judea and Samaria Area, where the
Palestinian Authority is present and the Gaza Strip which, as aforesaid, is controlled by a terrorist organization." (16.08.12)

9. A decision by the High Court upholding Israel’s decision to deny a resident of Gaza a permit to visit his critically ill brother in the West Bank, stated that: "We did not find cause to interfere with the decision of the military commander. The respondents’ response indicates that the prevailing policy, which stems from the current security-political situation, is to separate between the areas. According to this policy, passage from the Area to the Gaza Strip will be allowed only in exceptional cases involving a humanitarian need. It should be noted that this court has examined this policy in the past and found no justification to interfere therewith. In the present case, no such need arose for now." (10.06.12)

10. The State’s response to Gisha’s High Court petition on behalf of a Palestinian living in the United States, registered as a resident of Gaza, who wished to enter the West Bank from Jordan via Allenby Bridge Crossing in order to be engaged to a resident of the West Bank: “The policy currently in place with respect to entry by Gaza residents into Judea and Samaria is a policy of separation between the areas. This policy is based on security reasons and limits cases approved for entry into the Judea and Samaria Area to humanitarian and exceptional cases only. [...] The rationale for this policy is based on general security grounds relating to family ties, the capacity to transfer information and resources to hostile entities, and the exploitation of the affinity between residents of the two areas.” (18.12.11, Hebrew)

Analysts and commentators

1. Nadav Shragai, journalist, Israel Hayom: “The economic part of the "deal of the century," as it was presented this week in Bahrain, raised an interesting paradox: that one of the diplomatic assets the government of Prime Minister Benjamin Netanyahu is paying a heavy price for is the continued separation and isolation between the Gaza Strip and the West Bank, and fostering the schism between Hamas, which rules the former, and the PA, which controls the latter. To protect it, Israel has for years refrained from a full-scale incursion into Gaza that would toppled the Hamas leadership there.” (01.07.19)

2. Asaf Gabor, Palestinian affairs correspondent, Makor Rishon: “The separation between Gaza and the territory of the Palestinian Authority is the major achievement that has been maintained so far since Operation Protective Edge. The reality of separation certainly helps Israel on the operational, civilian, political and international levels. Israel is able to handle the two different arenas, each with varying levels of intensity. Most of the population is focused on making a living and on daily life rather than terrorism, and neither population has an impact on the other. Internationally, Israel can keep touting the Palestinian rift as an obvious reason why there is no possibility for real political developments.” (08.07.19, Hebrew)
3. Ben Dror Yemini, columnist, Yedioth Ahronot: "The current Israeli government, however, does not want any agreement and is therefore happy with maintaining the status quo. **When Hamas is kept alive by Israel, the ensuing Palestinian division creates a diplomatic deadlock that in turn facilitates the slo-mo disaster of annexation.** And it is for this that the Israeli government has sacrificed its residents in the south." (05.05.19)

4. Zvi Bar'el, Middle East commentator, Haaretz: "But Egypt is also trying to achieve a broader aim: a Fatah-Hamas reconciliation that would allow the operation of a consensual Palestinian government in Gaza, one that could run the border crossings and take responsibility for common administration of Gaza and the West Bank and accept the necessary foreign aid to rehabilitate Gaza. Herein lies Egypt's main difficulty: **This goal contradicts Israeli policy, which for years worked to separate Gaza from the West Bank in order to thwart the peace process based on the rationale that the Palestinian Authority and Mahmoud Abbas as its head do not represent all the Palestinians in the territories and therefore cannot be a party to negotiations.**" (05.05.19)

5. Asher Susser, Senior research fellow at Tel Aviv University's Moshe Dayan Center: "The 'economic warfare' policy of the previous government was a foolish idea. The very notion that it is possible, using force, to engineer another society has no basis. [...] **In my opinion, what lies under the idea of differentiation/separation is the desire to push aside the concept of two states.**" (14.05.12, Hebrew)