

The Separation Policy: List of references prepared by Gisha

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In June of 2010, the Israeli government decided, in a formal Security Cabinet decision, to make changes to its policy of closure on the Gaza Strip, which had been in effect since Hamas took over the Strip three years prior. Since the decision, some restrictions on the transfer of goods and raw materials into the Gaza Strip have been lifted and there has been an increase in travel through Erez Crossing, particularly by what Israel refers to as “senior merchants”. Agricultural export from Gaza to Europe via Israel has also increased somewhat.

Despite these changes, the road to development and economic stability in the Strip remains blocked. Gaza’s connections with Israel and the West Bank, vital for its economy and the welfare of its residents, are still subject to sweeping restrictions on movement. The two main restrictions are the prohibition on marketing goods from Gaza in Israel and the West Bank and the narrow [criteria for travel](#) by individuals between the Gaza Strip, Israel and the West Bank.

When asked why these restrictions on movement remain in effect, security officials explain that they form part of the “policy of separation” between the Gaza Strip and the West Bank. This term reappears in official statements and is described as having *both political and security goals*. It remains unclear whether there is a well-defined and carefully considered policy that carries this title and if so, what its goals might be, what government branch formulated it and if it has been discussed in any political forum.

The following document provides a list of references of which Gisha is aware that have been made directly or indirectly to the separation policy. Since we, like the rest of the Israeli public, do not have a single comprehensive and official explanation of what the components of the separation policy are or what its purpose is, we focus here on providing concrete examples of uses of the term and explanations given for it by state officials and other bodies.

The word in Hebrew that is used to describe the policy, “*bidul*”, can mean separation and also differentiation. The references indicate the policy is expressed at times as having one or the other as goals, thus further complicating the ability to understand the exact nature or goal of the policy.

The references are organized by type of reference and in chronological order. Most refer to the ban on movement of goods between Gaza and the West Bank. Court and state responses in legal proceedings, listed at the end, refer to the separation policy as it relates to travel of people specifically.

Military officials

1. In testimony before the Turkel Committee on August 31, 2010, Major General Eitan Dangot said, “**The separation of Gaza from the West Bank is a very important concept from a security perspective. This is for established, proven reasons and I will gladly provide more details about it later on**”. He did not provide more details later in his testimony. In a COGAT PowerPoint [presentation](#) (Hebrew) made to the commission, the policy is described as a “political-security” necessity. ([31.08.10](#)) (Hebrew)

2. In an article published on November 18, 2011 regarding the resumption of agricultural exports from Gaza to Europe, "military sources" were quoted as making it clear that **there was no intention of permitting sale of goods from Gaza to Israel as part of the drive to "separate Gaza from West Bank merchants, who are allowed to sell in Israel"**. ([18.11.11](#))

3. **Senior officials in the office of the Coordinator of Activities in the Territories (COGAT) 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"**. In an interview for an [article](#) published on February 2 (2012), COGAT's spokesperson acknowledged that the 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. Eitan Dangot, former head of COGAT, in reference to family visits to prisoners from Gaza was paraphrased "**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](#))

5. A military official involved in coordination with the PA was quoted as saying: "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](#))

6. "When asked about the separation policy and its aims, **a spokesman from the Israeli Coordinator of Government Activity in the Territories - who requested anonymity - answers that because "terrorist groups in Gaza" seek "to relocate the existing terrorist infrastructure to [the West Bank], Israel has adopted a policy which reduces movements between Gaza and [the West Bank]"**. ([7.11.12](#))

Politicians

1. "I think that the civilian closure will harm the security closure. Instead of making our position and our demands from Hamas stronger, it has actually begun undermining our moral superiority", Prime Minister Benjamin Netanyahu in an interview. ([02.07.10](#)) (Hebrew)

2. During a speech delivered on March 12, 2012, Foreign Minister Avigdor Lieberman said that "**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)

3. "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**", Remarks made on November 17, 2013 by Foreign Minister Avigdor Lieberman at the Sderot Conference for Society at Sapir Academic College. ([17.11.13](#))

4. Defense Minister Moshe Ya'alon's response to parliamentary question regarding the fact that Israel refuses 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.

[...]

The Hamas command center in Gaza has been trying for a long time to set up, establish and activate Hamas cells in Judea and Samaria and the reason they have had a hard time doing this has to do with their ability to communicate with Judea and Samaria. If we open this channel, that allows shipping merchandise, it will be possible to hide things in this merchandise that we don't want to reach the Judea and Samaria from Gaza and which the scanner can't detect.

[...]

The reasons that will not allow for the exit of goods from Gaza to Judea and Samaria are reasons of security. I am willing to provide details on the exact security reasons why the IDF objects, the ISA objects, I object to the transfer of goods from Gaza to the Judea and Samaria Area, to the Foreign Affairs and Security Subcommittee, and the reasons are security. The reasons that will not allow for the exit of goods from Gaza to Judea and Samaria are reasons of security. I am willing to provide details on the exact security reasons why the IDF objects, the ISA objects, I object to the transfer of goods from Gaza to the Judea and Samaria Area, to the Foreign Affairs and Security Subcommittee, and the reasons are security. ([18.12.13](#))

5. Deputy Defense Minister Danny Danon's response 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.

[...]

The Coordinator of Government Activities in the Territories leads policy formulation and implementation, in keeping with Israeli interests and with government approval. **The primary Israeli interest in the implementation of government policy with respect to the Gaza Strip is maintaining security and meeting the needs of Palestinian residents of the Gaza Strip, while minimizing accomplishments that may be attributed to Hamas.** ([04.02.14](#))

Government officials and policy documents

1. One explanation that has been given for the policy in talks between COGAT officials and representatives from international organizations is that **the tunnels running between Gaza and Egypt effectively result in a breach of the customs envelope, which is common to Israel, the Gaza Strip and the West Bank. In addition to the taxation issues this raises, there are also difficulties monitoring safety, health, veterinary and other standards.** In an interview given to Gisha, [Professor Ephraim Kleiman, who was among the authors of the Paris Protocol](#), said that even in the current state of affairs, it is possible to find ways to overcome taxation and standards issues and allow sale of goods made in Gaza to Israel and the West Bank. The fact that agricultural export to Europe via Israel undergoes inspections and receives approval that meets all Israeli standards clearly proves that this is possible. More proof of the feasibility of marketing goods to Israel came when an unexpected shortage of "lulavs" (palm fronds) for the Jewish holiday of Sukkot in 2011 led the security establishment to urgently approve the [import of lulavs from the Gaza Strip to Israel](#) (the transfer of lulavs ultimately did not take place in 2011, but did take place in later years). Gisha is also aware that Gaza industrialists have pledged to provide certificates of origin attesting that raw

materials came from Israel rather than the tunnels so that they would be allowed to sell goods, but this has failed to bring about a relaxation of the ban.

2. In a conversation with Gisha, [Roi Kliger, managing director at the Vegetation and Animal Supervision Unit of the Ministry of Agriculture and Rural Development](#), told Gisha that **in October and November 2011 approval was given by the ministry to market strawberries from Gaza in the West Bank.**

3. The [Procedure for Settlement in the Gaza Strip by Judea and Samaria Area Residents](#) (December 2010), which was provided to Gisha in April 2012, begins as follows: **"In 2006, a decision was made to introduce a policy of separation between the Judea and Samaria Area and the Gaza Strip in light of Hamas' rise to power in the Gaza Strip. The policy currently in effect is aimed at reducing travel between the areas"**. Aside from the historical inaccuracy (the Hamas takeover occurred in 2007), this depiction does not name the echelon at which the "policy of separation" was established.

Analysts on the policy

1. "A change in approach (to the movement of goods and people) will eliminate people's dependence on foreign aid and local charities, many of which are connected to the regime [...] If women, whose unemployment rate is 50% higher than men's, were given permits to work in Israel, it's likely to improve their status" – Shaul Arieli, Senior researcher with the Economic Cooperation Foundation, member of the managing board of the Council for Peace and Security. ([20.03.12](#))

2. "The 'economic warfare' policy of the previous government was a foolish idea [...] what, in my opinion, underlines the idea of two states. The separation is part of the perpetuation of nothingness, the absence of movement" – Asher Susser, Senior research fellow at Tel Aviv University's Moshe Dayan Center. ([04.05.12](#))

3. **"There's no way there will be a detachment in the sense that we understand, a cutting of the umbilical chord between these two geographical areas [Gaza and the West Bank] or these two ideological adversaries... these are two lungs of the same body"** – Shaul Mishal, Professor of political science, researcher on Arab and Palestinian politics. ([August 2012](#))

4. "If we can agree that a successful negotiation between Israel and Palestine should deliver a viable Palestinian state, then **it is absolutely clear that deepening the already dire economic disparities between the Gaza [...] and the West Bank is an absolute disaster**". – Benedetta Berti, Research fellow at the Institute for National Security Studies on terrorism and political violence in the Middle East. ([26.07.13](#))

Court proceedings

1. Decision by the High Court of Justice: "We did not find cause to interfere with the decision of the military commander. **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](#))

2. State response in High Court petition of behalf of four women students who wanted to travel from Gaza

to the West Bank to complete their Master's degrees (HCJ 495/12 Azat v. Minister of Defense):

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)

3. State's response in Gisha's petition to allow runner Nader Masri to exit the Gaza Strip in order to participate in the Palestine Marathon in Bethlehem (HCJ 2486/14 Masri v. Defense Minister)

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. Note that terrorist organizations work relentlessly to transfer the terrorist network currently operating in Gaza into the Judea and Samaria Area, to transfer knowledge that would bolster the existing terrorist network and to set up new terrorist networks. They do so, inter alia, by using Gaza residents who enter the Judea and Samaria Area via humanitarian applications for hostile purposes. The respondents seek to address this significant security challenge, inter alia, by decreasing movement between the Gaza Strip and the Judea and Samaria Area – the separation policy.

[...]

The policy regarding travel to and from Gaza, including the separation policy, has been repeatedly reviewed and upheld by the Honorable Court, both generally, including by way of upholding the Settlement Procedure, and specifically, by examining the various humanitarian criteria stipulated in the document entitled "Policy on Movement of People between the State of Israel and the Gaza Strip" (Exhibit P/2 attached to the petition), with respect to travel between the Gaza Strip and the Judea and Samaria Area. (07.04.14)