

Student travel between Gaza and the West Bank 101

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Background

In September 2000, following the outbreak of the Second Intifada, Israel instituted a sweeping ban on travel for Palestinian students from Gaza Strip wishing to study at Palestinian universities in the West Bank. Since its inception in 2005, Gisha has brought three court challenges of the ban. Gaza's five universities do not offer degrees in a [number of programs](#) which are available in the West Bank, and in other cases, students make individual choices to study at West Bank universities, even when degree programs are available in Gaza.

In 2007, the High Court recommended that the state establish a mechanism to approve exceptional cases of students whose studies would have "positive human implications" for the region. The state never established such a mechanism.

Most recently, Gisha presented arguments against the 12-year ban, particularly as it impacts the ability of five women students from Gaza to complete their degrees. Four of the women, in their 30s and 40s, began Master's programs in gender studies and human rights and democracy at Birzeit University before the travel ban was imposed. In 2000, the army refused to renew their permits and they returned to Gaza without having completed their degrees. The [fifth petitioner](#) is a young woman who sought to obtain a law degree at Birzeit, the most prestigious program in the Palestinian territory for the study of law. The court issued a conditional order, recommending that the state reconsider its application of the ban, however, the state [refused](#) to reverse its decision and allow the women to travel. On September 24, 2012, the court accepted the state's position and rejected the petition. Justice Elyakim Rubinstein wrote in the verdict in support of issuing an order to the state to create a mechanism for screening individual applications for travel by students, however Justice Miriam Naor and Justice Zvi Zylbertal opposed the suggestion.

Gisha believes that Palestinian students have a right to study in the Palestinian universities established for their benefit, in Gaza and the West Bank. Israel should lift the 12-year old ban on student travel from Gaza and instead adopt a policy that reflects its obligations and long-term interests, as well as its security concerns. Israel's legitimate security concerns are not served by preventing residents of the Strip, especially young people, from accessing the educational and professional opportunities they need to build a better future.

The arguments for and against

The following are the main arguments made regarding student travel by the state and by Gisha over the course of the last seven years.

The state says:

Students fit a risk profile:

- Each time, the ban has been explained by the state's argument that young people between the ages of 16 and 35, and especially students in that age group, pose a general threat since they belong to a "risk profile".

Gisha says:

- Young people, who constitute a majority of the residents of the Strip, should be seen for their potential as Gaza's future doctors, teachers and lawyers. In addition, the case in question demonstrated that age is not the consideration, as four of the five petitions were women over the age of 35. At the 11th hour, after the court had shown signs it might accept the petition, the state notified the court of security claims against three of the four women, and wished to invite the fourth for a security interrogation.

The state says:

The policy prevents the transfer of terrorist infrastructure:

- The state also recently explained that, "Since September 2000, Palestinian terror organizations have been waging an armed confrontation against the State of Israel" and thus restrictions on movement, limited to "humanitarian and exceptional cases" are seen as a means to prevent the expansion of "terror infrastructure from the Gaza Strip to Judea and Samaria".

Gisha says:

- Travel between Gaza and the West Bank has recently seen an increase, including in non-"humanitarian" cases, amounting to [4,000 exits](#) for Palestinians via Erez Crossing each month. If the official policy is that only travel of an exceptional, humanitarian nature is allowed, then why should [football players and businesspeople](#) be eligible for travel and not students? In fact, one of the women in the case described above received a permit to travel to the West Bank recently for professional reasons, but her permit request to enter the West Bank as a student was rejected. This distinction calls in to question the rationale behind the ban.

The state says:

Israel can decide who lets into its territory:

- The state claimed it "has broad authority to determine who will enter its jurisdiction, and foreign nationals have no legal right to enter the sovereign territory of the state. All the more so when that individual is the resident of a hostile territory".

Gisha says:

- The question of entrance to Israeli territory is irrelevant because the students are also not allowed to enter the West Bank via Jordan. Their very presence in the West Bank is what is in question, not the manner in which they arrive there.

The state says:

Israel has no obligations to residents of the Gaza Strip, and certainly doesn't need to facilitate access to academic studies:

- The state has claimed that its obligations towards residents of the Strip arise solely from the laws of armed conflict which determine minimal duties to allow passage of food, medicine and the like. Passage for the purposes of accessing academic studies is a privilege and well beyond a humanitarian need.

Gisha says:

- Israel's continued control over aspects of life in the Gaza Strip, as well as 38 years of direct rule and control over access to the other part of the Palestinian territory and its resources, renders its obligations higher than those it bears towards foreigners.

The state says:

The ban on travel of students is part of the "separation policy":

- In a response to the court, the state claimed "the policy in effect with respect to entry of Gaza Strip residents to the Judea and Samaria Area [the West Bank] 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".

Gisha says:

- We are not certain what the separation policy is exactly or how it is enforced. We do know that it is a policy that was articulated first in 2010, though it seems to have been implemented in various forms over a number of years. We also know that it has not been reviewed by any of the relevant government ministries or committees. We are making every effort to encourage a transparent and robust debate about the policy, as it harms the rights of Palestinian residents of the occupied territory and runs counter to Israel's stated interests. For more, see: [What is the "separation policy"? An info sheet](#)

[Click here to see profiles of students from Gaza](#)

[Click here to play the student in the interactive game Safe Passage](#)

A timeline of Gisha's challenge of the Gaza student travel ban

