From separation to annexation
The impact of Israel's isolation of the Gaza Strip and how it serves annexationist goals in the West Bank

Introduction
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 the rare exception. Most movement restrictions imposed by Israel are not based on legitimate security considerations, but rather on Israel's political objectives. Israel's practice of curtailing the movement of people and goods between Gaza and the West Bank is rooted in a consistently minimalistic interpretation of its ongoing obligations toward Palestinians living under its control in the occupied Palestinian Territory.

And yet, travel restrictions between Gaza and the West Bank are not implemented symmetrically. 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 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 phrase “separation policy” and the concept of separating between Gaza and the West Bank has appeared in public statements by Israeli decision-makers. In recent years, Israel has cited the term in court as well; according to the state, maintaining the separation policy is grounds for denying freedom of movement.

Since the 1967 occupation of the West Bank and Gaza Strip, Israel's military has developed a complex system of rules and sanctions to control the movement of Palestinians. The military's Coordinator of Government Activities in the Territories (COGAT) is the Israeli authority that implements government policy, interpreting it via criteria according to which
Palestinians are eligible to apply for a travel permit. A convoluted cluster of procedures published by COGAT dictates what Palestinians can and cannot do in a wide variety of civilian matters relating to movement of people and goods.

The implementation of these procedures is managed by the military according to its own rules. For years, travel between Gaza and the West Bank has been limited almost exclusively to cases Israel narrowly defines as “humanitarian,” as a means of minimizing the number of people eligible to request a permit to travel from Gaza to the West Bank, and vice versa.

Since its establishment, Israel has employed various techniques to divide land and people in order to control the Palestinian population. Today, the occupied Palestinian territory is home to more than 4.8 million Palestinians living in Gaza and the West Bank, including east Jerusalem. Israel classifies Palestinians according to several sub-groups, each with a distinct legal status, and consequently, different restrictions on their access and movement. Israel’s practice of registering Palestinians as either West Bank residents or Gaza residents determines, to a great extent, where they are allowed to live, the type of population control techniques they are subjected to, and the circumstances under which they might be allowed to exercise their right to travel between the two parts of the Palestinian territory. Israel’s “divide and conquer” strategy also encompasses Palestinians living in the diaspora, in Jerusalem, and in Israel proper.

Alongside settlement expansion, the separation policy is one of the main tools Israel uses to undermine Palestinian society, economy, and right to self-determination. A position paper released by Gisha seven years ago documented practices associated with the separation policy. In a 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.

The harm this policy has inflicted on different segments of Palestinian society in both Gaza and the West Bank is grave. Families have been torn apart and face a reality of perpetual separation, Palestinian civil society struggles to function, the economy has been all but shattered, and already fragile infrastructure continues to deteriorate.

While Israel has a right to impose certain measures for the protection of its citizens, the sweeping and arbitrary restrictions imposed on Palestinian travel and movement of goods inflict harm primarily on civilians against whom there are no security allegations whatsoever. These blanket bans on Palestinians’ movement stand in violation of the international legal prohibition against collective punishment.
The following position paper exposes the ways in which Israel is implementing the separation policy at present, situating recent developments and the future they herald within the wider context of the reality of separation between Gaza and the West Bank. Public statements made by Israeli officials about annexation of the West Bank, and the possibility that the American administration’s “peace plan” will recognize annexation, give urgency to the need to examine the mechanisms denying Palestinian travel and interconnectivity. Unfortunately, the internal Palestinian political rift, which may give the false impression that Palestinians aren’t seeking connectivity themselves, has only made it easier for Israel to defend its actions.

The paper will focus on Israel’s role in creating and maintaining the division between Gaza and the West Bank, two areas still widely recognized as one Palestinian territory, which would make up a potential future Palestinian state. The paper provides a brief overview of the process that resulted in the isolation of the Gaza Strip, in particular, and the impact of that isolation on various aspects of civilian life. Finally, we demonstrate how the separation policy serves annexationist goals in the West Bank.

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 conquered the Gaza Strip and the West Bank, still more Palestinians were expelled; those who stayed in Gaza and the West Bank were subjected to Israeli military rule. After 1967, Israel allowed Palestinians to travel throughout what had been Mandate Palestine more or less without interference, a situation that persisted for the next twenty years.

In 1989, in the wake of the First Intifada, 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.
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 recognized as the two parts of the same territory connected. In practice, a "safe passage" allowing travel between Gaza and the West Bank operated for only 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 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 the Strip. In 2006, Israel imposed another sweeping ban forbidding day laborers from Gaza access to work in its territory. The Hamas takeover of the Strip a year later supplied Israel with an excuse to tighten existing restrictions on movement to the point of 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 and the West Bank and Israel, which was already limited, was further restricted, barring all access but “exceptional and humanitarian cases.”

Over the years, a doctrine the military refers to as the “separation policy” was developed. The idea behind this doctrine is to sever Gaza from the West Bank and to obstruct connections between the two parts of the Palestinian territory, which were not only meant to make up the Palestinian state according to international resolutions and previous agreements, but also share the same language, culture, and economy, as well as extensive family ties.

**Policy in practice**

The few people who meet Israel’s criteria for travel between Gaza and the West Bank fall into one of three main categories: Trader permit holders, 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 visit a terminally ill first-degree relative).

The impenetrable bureaucracy of the permit regime enforced by Israel, and the state’s consistently narrow interpretation of its own criteria, make it exceedingly difficult for Palestinians to know whether or not they are even eligible to submit a permit application for travel, let alone to estimate their chances of obtaining one in practice and plan their lives.
accordingly. Periodically, Israel makes modifications to its criteria for Palestinian travel. More often than not, the modifications are to the form and not the essence of the criteria.

More often than not, Israel’s knee-jerk response to permit applications is to impose "security blocks" on permit applicants, banning them from travel altogether. In countless cases where Gisha threatens to challenge these unspecified security preclusions with legal action, the blocks are removed instantaneously, indicating how freely and arbitrarily they are imposed to begin with.

Israel’s separation policy rests on two pillars. The first is the closure on Gaza, designed to mount pressure on the civilian population in the Strip in the hopes that its distress will weaken the de facto Hamas authorities. The second is fragmenting Palestinian society, separating the parts of the Palestinian territory, and severing connections between them in order to obstruct the viability of a coherent national Palestinian entity that might receive support and recognition from the international community. In addition, whenever the opportunity presents itself, the separation policy is implemented in such a way so as to reduce the overall number of Palestinians living in the West Bank.

As part of its implementation of the separation policy and the closure on Gaza, Israel invests a great deal of effort and resources in denying movement between Gaza and the West Bank, even in cases where permit applicants meet its narrow criteria for eligibility to submit a permit. The state is engaged in routine legal battles, fighting Gisha and other organizations in court to uphold the denial of permit applications by Palestinians, even in extreme cases involving people in the most heartbreaking circumstances. Often, Israel tries to leverage a person’s acute need for travel in a particular circumstance to impose additional barriers or restrictions on their future travel between Gaza and the West Bank.

Importantly, movement restrictions between Gaza and the West Bank are not imposed by Israel symmetrically. As a general rule, when it comes to permanent relocation, it is easier for Palestinians registered as West Bank residents to access Gaza than it is for Gaza residents to access the West Bank, creating a distinct directionality in the movement regime enforced by Israel. In other words, the separation policy is designed not only to reduce movement between the two areas to the greatest extent possible, but to isolate Gaza, making it especially hard for Palestinian residents of Gaza to reach the West Bank and Israel, regardless of the circumstances or their actual needs.
For a Gaza resident, relocating to the West Bank is completely out of the question. Palestinians who are West Bank residents, on the other hand, are permitted to relocate to Gaza, provided they are willing to sign away their West Bank residency status. Furthermore, a West Bank resident who has chosen to live in Gaza (for those who have married a Gaza resident, there is no real alternative) will often be treated by Israel as if he or she has forfeited their West Bank residency, and with it, the right to return to the West Bank.

The justifications presented by Israel for its systematic restriction of movement are what Israel calls "security and political considerations." As this terminology suggests, Israel consistently conflates the security considerations and political objectives that underpin the policy, to the point that sweeping and arbitrary restrictions which cannot be legally justified by security reasons are presented as if they too are security-related, and are therefore widely accepted as legitimate.

Gisha’s casework reveals Israel’s practice of exploiting situations in which Palestinians request a travel permit to effectivel y transfer population within an occupied territory, in violation of the Fourth Geneva Convention. In some cases, preserving the separation between Gaza and the West Bank has been cited by Israel in court as adequate justification for actions constituting effective transfer of population.

Recently, for example, maintaining the separation policy was cited by Israel as reason enough to deny a woman and her children permits to return to the woman’s home (and registered address) in the West Bank. The state struggled to explain how denying the family’s travel to the West Bank was connected to the security considerations that it claims underlie the separation policy. It eventually conceded and allowed the three to travel, though the separation policy continues to divide the woman from her husband, who is registered as a Gaza resident, and is therefore barred from moving with his wife and children to the West Bank.

In another case, a woman from Gaza wanted to visit her sick, elderly mother in the West Bank. Israel gave her an ultimatum. She could either return to the West Bank permanently, leaving behind her life and family in Gaza for a last chance to see her dying mother, or move back to Gaza after visiting her mother but forfeit her West Bank residency, which would mean she would never be allowed to move back there.

It is not uncommon to see Israel strong-arm Palestinian West Bank residents living in Gaza who apply for a permit to visit the West Bank under Israel’s stringent criteria into choosing between the parts of the territory, even if they are asking to visit immediate relatives who are severely ill. In doing so, Israel infringes on their fundamental human rights.

Recently, a senior Israeli official told reporters that Israel is working to promote Palestinian "emigration" from Gaza as well. The source said that Israel was prepared to subsidize flights abroad for Gaza residents, but was unable to find countries that would commit to absorbing the “immigrants.” Whether these statements, which were made during the September 2019
national election campaign, should be taken seriously or not, what is clear is that Israel has, at the very least, thought about leveraging the hopelessness it has created in the Strip to gradually empty Gaza of its Palestinian population. This too raises concern over a possible transfer of population under occupation, in violation of international law. It also demonstrates the lengths that Israel will go to, whether publicly or in secret, to simplify the daily task of managing its occupation by reducing the number of Palestinians living under its direct control.

Impact

The harm caused by the separation policy is felt by Palestinians in both the West Bank and in Gaza, but in Gaza, where restrictions are applied more stringently and access to the relatively resource-rich West Bank is limited, the impact is arguably greater.

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 a central point. 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 economic situation in Gaza, in particular.

In the past, Israel has argued that limitations on movement of people and goods to and from Gaza were imposed as a strategy of economic warfare designed to weaken or isolate Hamas. Thus, even Israel admits it does not utilize its comprehensive control over the lives of Palestinians solely in order to protect the security of its citizens. Rather, the closure on Gaza is designed to undermine the possibility of a viable Palestinian economy and society.

Indeed, although the closure has proven entirely ineffective in weakening Hamas, restrictions enforced by Israel on movement of goods both in and out of the Strip have all but shattered the local economy. Restrictions on entrance of technical experts, as well as essential equipment, spare parts, and raw materials necessary for repair and maintenance of infrastructure, such as the electricity, water and sewage treatment systems, greatly hinder their operation and thwart economic growth. Ongoing bans on the exit of most Gaza-made products have cut the Strip off from what were once the primary destination markets for its products, the West Bank and Israel. For the few types of agricultural produce that Israel permits Gaza farmers to market in the West Bank, it maintains arbitrary quotas on the quantities that can exit. The unemployment rate in Gaza is among the highest in the world, and keeps climbing. Many people who are counted as employed only find work sporadically, earning dismal salaries. Food insecurity and dependence on humanitarian aid are extremely widespread.
The process of isolating Gaza has been long and persistent and the toll on its civilian population heavy. Most of Gaza’s residents are descendants of refugees from 1948. Many of them have ties, including family ties, to Palestinians living in Israel and the West Bank. A survey commissioned by Gisha in September 2013 revealed that more than 30% of Gaza’s residents have relatives in the West Bank and Israel; most maintain relationships with their relatives despite movement restrictions preventing them from meeting each other. Face-to-face encounters between Palestinians living in different parts of the territory, however, have been made nearly impossible. The impact of this reality on mental health is incalculable.

Even for those who do not have relatives outside of the Strip, the fabric of everyday life in Gaza is saturated with a pervasive reality of separation. Young adults cannot pursue academic studies in the West Bank, even when their fields of study are not offered by universities in the Strip. Patients miss critical appointments at West Bank hospitals for life-saving medical treatment that is not available in Gaza. The wide majority of professionals in Gaza do not meet Israel’s criteria for work-related travel, meaning they cannot reach business meetings, trainings, and other opportunities only an hour’s drive from their home.

From separation to annexation

Israel’s long-term goal of annexing the West Bank has long been evident in statements made by Israel’s political establishment and in the public discourse. Israel seems to be sensing a window of opportunity to make its already de facto annexation of the West Bank official. Support for the Palestinian Authority is eroding. Hamas, reviled by the entire West, has become, de facto, Israel’s preferred regime in the Strip.

The rift between Hamas and Fatah, between the government in the Gaza Strip and the Palestinian Authority in the West Bank, serves Israel. 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. The rift is also convenient for Israel in that it advances what appears to be its main, or only, endgame – denying the right to Palestinian self-determination.

Israel’s current prime minister, Benjamin Netanyahu, has made these points abundantly clear. In March 2019, in an effort to defend Israel’s decision to allow the transfer of Qatari donations to Gaza from right-wing criticism, 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 PA in the West Bank and Hamas in Gaza helps prevent the establishment of a Palestinian state.”

Measures taken by the United States over the last two years – effectively closing the consulate handling matters concerning Palestinian residents of the West Bank and Gaza, defunding UNRWA, moving the American Embassy to Jerusalem – have all helped boost
Israel’s fragmentation of Palestinians living in the two, isolated parts of the Palestinian territory.

In late June 2019, the Trump administration released a document entitled “The Economic Plan: A New Vision for the Palestinian People,” ostensibly the first chapter in a two-part plan for a resolution to the Israeli-Palestinian conflict. At the time of this publication, fall of 2019, the American promise of a second chapter of the plan is still pending.

The portion of the plan that has been released proposes a massive distribution of resources as a means of encouraging stability or less delicately put, buying submission. Its focus is on creating financial opportunities for Palestinians, alongside major investments in infrastructure and large-scale business ventures. It contains ideas for worthwhile, necessary projects, some of which are already funded and monitored by the international community, including in the Gaza Strip.

While the plan seems to be detailed, it ignores the question of Israel’s ongoing occupation and therefore lacks credibility or political feasibility. Although it mentions a route for travel between Gaza and the West Bank, not nearly enough attention is paid to the changes that must be made to Israel’s access regime in order for people to be able to exercise their right to freedom of movement. Tellingly, the Gaza-West Bank travel route, or corridor, is also the one section of the plan that has been publicly criticized by Israeli officials.

In the past, senior US officials working on the Middle East have expressed understanding and acceptance of Israel’s demographic goals in the West Bank, and the measures it takes to isolate Gaza. In 2016, now-US Ambassador to Israel David Friedman was recorded saying: “The evacuation of Gaza had one salutary effect. It took two million Arabs out of the equation.”

So long as Gaza’s two million residents are kept out of the demographic and political equation, as Israel and its supporters conceptualize it, Israel “only” has to deal with the Palestinians living in the West Bank. It makes the daily task of running of the occupation simpler.

Meanwhile, Israel deliberately keeps residents of Gaza trapped in survival mode, with the Strip constantly teetering on the verge of a humanitarian crisis. It attempts to manage the situation and prevent the Strip from plummeting into full-blown disaster, all the while knowing that under severe access restrictions, Palestinian society has no chance of recuperating and the idea of a Palestinian state remains a distant dream.

The harm this policy has inflicted on different segments of Palestinian society in both Gaza and the West Bank is grave. Families have been torn apart and face a reality of perpetual separation, Palestinian civil society struggles to function, the economy has been all but shattered, and already fragile infrastructure continues to deteriorate.
The working premise upon which Israel enforces its policies is that allowing certain improvements to Gaza’s infrastructure and enabling projects that help stave off a humanitarian disaster of even greater proportions serve its goals of politically isolating the Strip. As long as Gaza doesn’t implode, Israel can more easily maintain the illusion that it is readily allowing humanitarian access to the Strip and only denies movement where there are legitimate security grounds for doing so, far from the truth.

The international community is showing signs of fatigue. Even if the American administration promotes new norms and accepts annexation of the West Bank, common consensus for two-state solution remains. At the same time, other members of the international community have not taken tangible or coordinated action to block future steps toward de jure annexation of the West Bank, just as they have not done enough to challenge the creeping de facto annexation by Israel over the past 50 years. In this way, the official diplomatic vision of a two-state solution has effectively been pushed off the table.

**Conclusion**

Israel controls the movement of Palestinians in a way that reflects certain political objectives, namely, to isolate Gaza, curtail movement between the Strip and the West Bank, and alter Palestinian demographic realities to suit its interests.

In 2017, Gisha introduced the concept of "Area G" to describe Gaza, riffing on the division of the West Bank into Areas A, B and C as part of the Oslo Accords. The term is a reflection of how deeply entrenched the separation between Gaza and the West Bank has become.

The narrow criteria set by Israel for movement between the two parts of the occupied Palestinian territory are designed to preserve the separation between them by effectively minimizing Palestinians’ eligibility for travel permits. Israel’s bullheadedness, its use of deterrents such as bureaucratic violence, its readiness to appear in court dozens of times a year to defend its denials of permit applications, the delays or failure to respond to permit applications, even in cases that meet the criteria – all contribute to the overall political objectives of the separation policy.

As has been proven repeatedly over the past decades, no sustainable change, even if geared toward economic development alone, will be possible without a paradigm shift in Israel’s fundamental approach and access policy vis-à-vis Palestinians.