

16 August, 2022

To: Josep Borrell, High Representative of the EU for Foreign Affairs and Security Policy

Dear High Representative Borrell,

As leaders of sixteen of the foremost human rights and peace organizations in Israel, we would like to request your intervention against Israel's harsh new restrictions on the entry and stay of foreigners, including citizens of EU member states, in the West Bank. These repressive rules deny Palestinians' their basic rights to live with their families and to determine their society's own priorities, while undermining vital exchanges and cooperation with the world, including Europe.

Israel's restrictions on Palestinian society and on its capacity for development are not new. The latest interference comes in the form of a procedure, issued by the Coordinator of Israeli Government Activities in the Territories (COGAT), regarding the entry and residence of foreign nationals in the West Bank. This far-reaching procedure, expected to enter into force later this year, sets severe restrictions on the entry and stay of foreign-passport holders seeking to work, volunteer or study in the West Bank, or to visit for any reason.

The Procedure will affect all nationals of EU Member States, who, in many cases, will no longer be able to travel to the West Bank without first obtaining a visa. This negates the visa-free travel currently applying for EU nationals visiting Israel and/or the West Bank and stands in contrast to the visa-free access to the EU enjoyed by Israeli citizens (including West Bank settlers). The new rules will prevent virtually all travel to the West Bank for any reason by nationals of five countries, namely Jordan, Egypt, Bahrain, Morocco, and South Sudan, and this rule will also apply to dual nationals. Therefore, Europeans who also hold a passport of one of the five countries noted above will be subject to blatant discrimination and banned from working, studying, teaching or visiting family members in the West Bank.

However, the new Procedure does not only harm foreigners. Primarily, it significantly harms Palestinians and Palestinian society. All aspects of Palestinian society will be affected, as Palestinians will be limited in their ability to receive short or long-term visitors, including family members, humanitarian aid workers, investors, consultants, donor representatives, and other experts. The Procedure will also severely violate the academic freedom of Palestinian universities, denying them the right to set academic priorities and freely recruit foreign faculty, researchers, and students, including from Europe. Under the new rules, a Palestinian university cannot offer a tenured, in-residence position to a foreign faculty member, for example.

Transnational cooperation is essential in the fields of education, research, and culture. Israel understands this well. Indeed, Israel is one of the leading beneficiaries of both the Horizon Europe and Erasmus+ programs (1,803 Israelis received Erasmus+ grants in 2020 alone). The EU and Israel are discussing broadening their cooperation even further through Creative Europe. Yet the new

COGAT procedure would severely undermine such European cooperation with Palestinian universities, researchers and cultural institutions.

Perhaps the most far-reaching effect of the Procedure is that it would deny thousands of Palestinian families the ability to live together without interruption and to lead a normal family life. Israeli laws and policies already constitute a blatant violation of Palestinians' right to family life and of the Oslo Accords, under which the Palestinian Authority has exclusive authority to approve requests by foreign spouses for residency status in the oPt. Tens of thousands of people are living in the West Bank without legal status, some for decades, due to Israel's longstanding ban on granting residency status to foreign spouses. The new Procedure will impose additional restrictions on foreign spouses, including citizens of EU member states, most of whom will only be able to obtain 3 or 6-month visas, and then have to leave their spouse in the West Bank for several months before they can submit a new visa application. Israel must allow Palestinians to live with their foreign spouses without fear of forced separation.

The new Procedure constitutes a blatant violation of Israel's legal obligations. Under international humanitarian law, as the occupying power, the Israeli military can act in the West Bank solely to ensure its own security or for the benefit of the local population. The military may deny a specific individual entry to the West Bank for security reasons, however, there is no legitimate security reason for these sweeping, draconian restrictions on the entry of foreigners to the West Bank, and they certainly do not advance the welfare of the local population.

In fact, the motivations underlying the new COGAT procedure appear to be a matter of "demographic engineering" and the isolating of Palestinian society as part of perpetuating the prolonged Israeli occupation and denying Palestinian self-determination and freedom.

Palestinian society must be able to benefit from international cooperation, including with European institutions. Palestinian institutions must be able to set their own policies and priorities regarding recruitment of volunteers, students, lecturers and other workers from foreign countries.

We ask that you insist that Israeli officials withdraw the new procedure and ensure the entry and stay of European and other foreign nationals in the OPT, in line with international law and in reciprocity for EU visa-free access and EU cooperation programs that Israel benefits from.

Sincerely,

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CC: Dimiter Tzantchev, Ambassador of the EU to the State of Israel
Ambassadors of EU Member States to the State of Israel