



Campaign for the Right of Entry/Re-Entry to the Occupied Palestinian Territory (oPt)

A Grassroots Campaign for the Protection of Foreign Passport Holders Residing in and/or Visiting the oPt

Position Statement

(Updated June 2008)

To date, Israeli authorities have failed to provide a transparent policy for foreign nationals wishing to enter or maintain their presence in the occupied Palestinian territory (oPt). Instead, Israel has continued to pursue both policies and practices that fail to comply with international humanitarian law. In fact, the *de facto* policy announced in December 2006 and again in March 2007 signals Israel's intent to continue to violate international law. The failure of third states to object in such circumstances implies acceptance and violates their own obligations in international law.

Until such time as the Israeli occupation has ended and the sovereign Palestinian right of self-determination is fully implemented, the Campaign takes the following positions regarding Israel's exercise of discretion over entry into oPt, and the corresponding responsibilities of third states:

1. Procedures outlined in announcements by the Israeli Ministry of Defense (December 2006) and the Israeli Ministry of Foreign Affairs (March 2007) fail to address a number of critical issues, especially the fundamental issue of *how* Israel will exercise its discretion over entry into the oPt. (See separate document "RTE Background Paper" for details.)
2. Residents of the oPt, like people the world over, have the right to marry at will and to live together with their families. By maintaining its general refusal to permit foreign nationals to securely and permanently reside with their family members in the oPt, Israel, as the occupying power, is blatantly violating international humanitarian law (IHL).
3. Third states have a duty to ensure Israel's respect for IHL and to obtain Israel's compliance in this case, where the means to do so are readily available to them.
4. Third states have an obligation to scrutinize Israel's exercise of authority and to oppose arbitrary denials of entry and residency that harm Palestinian family life and welfare, including educational and social service institutions and economic development.
5. Third states have an obligation to defend the interests of their own nationals when they are subjected to arbitrary or discriminatory treatment by a friendly state and to protect them against violations of human rights including Israeli use of duress in coercing foreigners to collaborate with the occupier in order to gain entry into the oPt.
6. States have a duty not to acquiesce to the internationally unlawful acts of other states. Third states have an obligation to object when notified directly by another state of its establishment of, or intent to continue, an internationally unlawful policy - especially one that contravenes the other state's obligations to them. Their failure to object in such circumstances implies acceptance and their persistent failure results in acquiescence. In the case at hand, Israel has addressed public declarations and written communications to third states that explicitly announce policies, and signal Israel's intent to take measures that are clearly internationally unlawful. The failure of third states to object and invoke Israel's obligations to them in this instance will soon cross the line into acquiescence.

Recommended Action

Third states maintaining friendly relations with Israel command the standing to challenge the arbitrary exclusion of their nationals from the oPt. Moreover, they have a clear obligation to scrutinize Israel's exercise of authority as an occupying power and to oppose arbitrary denials of entry and residency that harm Palestinian family life, educational, religious and social service institutions, businesses and socio-economic development more broadly.

The Campaign urges individual third states and the Quartet Representative's Office to:

1. Ensure Israeli implementation of the rights to family unity and family reunification and the establishment of clear and transparent procedures for foreign nationals seeking to reside in the oPt, in keeping with international law.
 - obtain Israeli cancellation of the stipulation by Israel's Coordinator of Government Activities in the Territories (COGAT) that foreigners are restricted to a 27-month, single entry, maximum stay
 - demand Israel's adoption and implementation of a clear, transparent policy for issuing multiple entry residency permits to foreign nationals
2. Call for an immediate halt to Israel's arbitrary and abusive practice of denying entry to foreign nationals traveling to the oPt.
 - demand Israel's adoption and implementation of a clear, transparent policy for unhindered access to the oPt by foreign nationals
 - obtain explicit assurances that people who have previously been denied entry will be permitted to re-enter the oPt
 - end the practice of issuing permits that restrict exit and re-entry
 - end the practice of issuing permits of less than three months to those traveling to the oPt
 - cease the collective punishment of those whose relatives may have 'overstayed' their original visa duration
3. Apply vigorous scrutiny to cases of denied entry and denied residency in the oPt with a view to promoting Israel's adoption and transparent application of principles consistent with the internationally accepted rights and obligations of an occupying power.
 - set up clear mechanisms for citizens to report and appeal cases of denied entry
 - set up clear mechanisms for liaising with Israeli authorities to ensure safe passage to the oPt for all citizens and ensure the prompt and proper resolution of cases where safe passage has been hindered
 - insist on receiving a formal explanation of each decision taken by Israel to bar any of their citizens from the oPt
 - object to all arbitrary denials of entry and residency that harm Palestinian family life, educational, health and social service institutions and businesses and act to resolve all such cases of exclusion.
4. Respect the duty of all states not to acquiesce to internationally unlawful acts, bearing in mind that failing to object to *prima facie* unlawful acts or policies when notified of them implies accepting them as lawful.
5. Promote Israel's compliance with international humanitarian law with appropriate and effective tools of persuasion and dissuasion. Take appropriate measures based on reciprocity to ensure that the correct treatment accorded to Israel nationals seeking to enter third countries is reciprocated by correct treatment of their nationals seeking to enter Israel or the oPt.

The successful return of individuals previously denied entry and the unhindered entry of others was made possible by organized civic action involving a broad alliance of concerned individuals and organizations within the Palestinian, Israeli and international communities. Concerted effort must be made to hold the governments of Israel, third states and the Palestinian National Authority to their respective obligations under international humanitarian law and international human rights law.

The Campaign urges concerned individuals and organizations to:

1. **Send a letter to Israeli, UN, the Quartet Representative's Office and your government representatives**, documenting your case and emphasizing the need to obtain clear assurances from Israel that persons carrying foreign passports will not be arbitrarily denied safe and secure passage to the oPt and that all foreign citizens seeking entry will be treated with dignity and respect.
2. **Write your local press** protesting Israel's unlawful policy of entry denials by telling your personal story and the impact it has had on you, your loved ones, your business, your organisation, etc.
3. **Update the Campaign on your experience**. Updated and reliable information about how entry denials (whether recent or past) continue to affect individuals, families and the general welfare of the Palestinian people in the oPt is essential to effectively combat Israel's policies. Even if you wish to keep your information confidential, it helps the Campaign to have documentation and statistics to establish trends and report impact. If you've attempted / been successful in returning, let us know. If you haven't tried, let us know why and under what conditions you might try to return. **Fill out the Campaign's denial of entry form and contribute to the Campaign's efforts to document and defeat Israel's unlawful policy of restricting entry into the oPt.** The on line form can be found on this link:
<http://www.righttoenter.ps/ReportYourCase.php?mid=16&sid=18>
US citizens are also encouraged to file a report with ADC at:
[http://www.adc.org/index.php?id=2980&no_cache=1&sword_list\[\]=Entry&sword_list\[\]=Denial](http://www.adc.org/index.php?id=2980&no_cache=1&sword_list[]=Entry&sword_list[]=Denial)
4. **Encourage friends and family members affected by the policy to take action.**

--- END ---