

Concepts and Terms

West Bank and Gaza Strip as a Single Territorial Unit

11.01.2006

Definition

The concept of the West Bank and Gaza Strip as a Single Territorial Unit (STU) refers to the principle that the West Bank and Gaza Strip constitute a unified political, legal, economic and territorial entity.

Historical Background

In July 1922, the League of Nations entrusted Great Britain with the "Mandate for Palestine". During this period, the Arab areas of "Mandatory Palestine" were unified, both politically and physically, and the concept of the West Bank and Gaza Strip did not yet exist.

Following the War of 1948, and confirmed within the 1949 Armistice Agreements, Mandatory Palestine was divided into three distinct political units. The territory surrounding the city of Gaza fell under Egyptian control and became known as the "Gaza Strip", while the "West Bank" (of the Jordan River) fell under Jordanian control. The State of Israel was created in between them.

Thus, the West Bank and Gaza Strip emerged as distinct territorial units, both physically and politically. Moreover, Palestinians were restricted from traveling between the two areas.

On April 24, 1950 Jordan attempted to annex the West Bank but failed to receive international recognition.¹

Egypt did not annex the Gaza Strip. Palestinian residents were issued All-Palestine passports² and were never extended Egyptian citizenship. The Gaza-Egypt border was closed and military rule was imposed.

Status after 1967 War

In the aftermath of the 1967 War, the two territories came under Israeli control, thus uniting them under a common regime for the first time since their emergence as distinct territorial units. Israel established a military government over the two areas in accordance with the Fourth Geneva Convention.³ Palestinians could travel, although with limitations, between the West Bank and Gaza.

¹ The annexation was widely regarded as illegal and void by the Arab League and others, and was recognized only by Britain, Iraq, and Pakistan. Thus, according to international law, there was a lack of critical mass in order to receive international recognition. See: Benvenisti Eyal, **The International Law of Occupation**, Princeton: Princeton University Press, 1993, p.108.

² Hajj Amin al-Husseini established the All Palestine Government (9/48) in Gaza which, was reduced, within a few years, to nothing more than a façade by Egypt and the Arab League. See: Kimmerling, Baruch and Migdal, Joel. **The Palestinian People**, Cambridge, Massachusetts: Harvard University Press, 2003, p.216.

³ The Fourth Geneva Convention was never formally recognized by Israel, though it did observe "its humanitarian provisions." See: Benvenisti Eyal, **The International Law of Occupation**, Princeton: Princeton University Press, 1993, p.109.

Status under Camp David Accords

Although not explicitly mentioned, the principle of the West Bank and Gaza as a STU was alluded to within the 1978 Camp David Accords.⁴ The Accords called for the establishment of a Palestinian Self-Governing Authority in the West Bank and Gaza.

Status under Oslo Accords

Israel officially recognized the legal and political status of the West Bank and Gaza Strip as a STU for the first time in the Declaration of Principles⁵ (9/93) signed between Israel and the PLO. It reaffirmed this declaration in the Gaza-Jericho Agreement (5/94)⁶ and the Interim Agreement (9/95)⁷.

The establishment of the Palestinian Authority (PA) as the government of the Palestinians in the territories strengthened the concept of STU, placing both the West Bank and the Gaza Strip under the same self-governing authority.

Moreover, as a realization of the STU principle, the Palestinians demanded a Safe Passage between the West Bank and Gaza. (See: Safe Passage). The Protocol Concerning Safe Passage between the West Bank and the Gaza Strip⁸ (10/99) was to create temporary arrangements of passage between Gaza and the West Bank. The protocol, however, was never fully implemented.

The international community continues to assert that a Safe Passage facilitating the free movement of people and goods between the West Bank and Gaza is necessary for the maintenance of territorial integrity and viability of a Palestinian State.⁹

Status after Disengagement

The Disengagement (8/05) from Gaza created a differentiation in political status between the West Bank and Gaza Strip due to: Israel's claim to ending its responsibility over Gaza - in addition to ending all military and civilian presence; Israel's withdrawal from parts of the external perimeter; the establishment of a border between Gaza and Egypt; and the expansion of the PA's powers and jurisdiction in Gaza.

To date, the Agreement on Movement and Access (11/05), which was to regulate the movement and access to and from the Gaza Strip Disengagement, has only been partially implemented. The full

⁴ The Camp David Accords mention the West Bank and Gaza in conjunction with one another throughout the entirety of the document.

⁵ Annex I, Article IV: Jurisdiction: "The two sides view the West Bank and the Gaza Strip as a STU."

⁶ Article XI – "...arrangements for safe passage of persons and transportation between the Gaza Strip and Jericho Area..."

⁷ Annex I, Article I – "...movement of people, vehicles, and goods between the West Bank and Gaza Strip..."

⁸ For Protocol Concerning Safe Passage Between the West Bank and Gaza Strip [click here](#).

⁹ World Bank, **Stagnation or Revival? Israeli Disengagement and Palestinian Economic Prospects** p.18 (see <http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/WBG-Overview-e.pdf>).

implementation of the agreement includes the establishment of Safe Passage, the building of an airport and seaport, maintenance of functioning crossing points, and the effective continuation of the Rafah border regime. This will have a direct effect on the status of the West Bank and Gaza as a STU.

End.