

Joint Written Statement – Human Rights Council 17th Session

The Silent Annexation of the Jordan Valley

As Palestinian human rights organisations, we are deeply concerned about the continuation of Israel's illegal policies in the Occupied Palestinian Territory (OPT) and their deleterious effects on the right to self-determination of the Palestinian people. Since the beginning of the occupation, Israel, the Occupying Power, has appropriated vast expanses of territory and implemented restrictive measures limiting the use of land and natural resources by Palestinians. Through a matrix of policies implemented to assert increasing control over significant portions of the West Bank, including East Jerusalem, and the consequent appropriation of Palestinian property for the benefit of its own population, Israel is consolidating plans to de-facto annex strategic parts of the OPT. Such policies violate basic principles of international humanitarian and human rights law and are effectively denying Palestinians their right to self-determination.

The adverse effects of Israeli policies in the OPT on the Palestinian right to self-determination are most boldly manifested by Israel's annexationist designs over the Jordan Valley. The most fertile and resource-rich area of the West Bank, the Jordan Valley is located along the Jordanian border and covers approximately 30 percent of the West Bank. In addition to abundant water resources and a wealth of cultural and recreational tourist sites, the region contains key land reserves for natural expansion and the border with Jordan constitutes the only international land crossing in the West Bank. While the Jordan Valley is crucial for the viability and sustainability of a future independent Palestinian state, approximately 94 percent of the region remains under full Israeli military and civil control.¹ It is becoming increasingly evident that the important geopolitical features of the Jordan Valley motivate the strategy behind the Occupying Power's annexationist objectives over this area.

Currently, closed military zones and nature reserves cover about 44 percent of the Jordan Valley while Israeli settlements - including land held by settlement councils for future expansion - cover approximately 50 percent. On this land, Israel is using regional planning, land seizures, financial incentives and institutional co-ordination to ensure a growing Jewish presence through the establishment of civilian settlements and economic enterprises. The settler population in the Jordan Valley, estimated to be over 9,000, live in 36 Israeli settlements and outposts.² Many settlers are farmers who

¹ Ma'an Development Center, 'Eye on the Jordan Valley' (2010) 3 < <http://www.maancr.org/pdfs/Eyeon%20theJVReportFinal.pdf> > accessed 16 May 2011.

² Ibid, 4.

cultivate large areas and use a grossly disproportionate amount of the water resources for settlement agricultural production, making the Jordan Valley the most economically exploited area in the OPT.

While the Occupying Power promotes settlement and economic development for Jewish Israelis in the Jordan Valley, it concurrently imposes policies that render Palestinian development impossible and make it increasingly difficult for Palestinians to remain living in the area. Israeli authorities have implemented a regime of permits and restrictions on the movement of Palestinian goods and people in and out the Jordan Valley. Permanent checkpoints and roadblocks require Palestinians who reside outside of the Jordan Valley to obtain special permits to enter and access land that they own therein. Palestinian residents of the Jordan Valley must present ID cards to travel throughout the region, and yet are still restricted access to roads, preventing them from reaching their agricultural and grazing lands and from using the already scarce basic services available. Such restrictions have separated many Palestinians from their land, their families, their schools and their jobs, while eroding sources of livelihood, increasing poverty and aid dependency.

Palestinians who live or own land in the Jordan Valley cannot build homes or infrastructure for the provision of basic services, such as education and health, or implement development projects, such as water wells or irrigation networks, without first obtaining permits from the Israeli Civil Administration. Since these permits are rarely issued, Palestinians are forced either to move elsewhere, or to build illegally, facing the demolition of their property by the Occupying Power. Entire villages are sometimes targeted and, as demonstrated by the case of Khirbet Tana – which suffered large-scale demolitions three times since January 2010 – demolitions are repeated when residents attempt to rebuild.

The remaining six per cent of the Jordan Valley available for Palestinian development is already almost completely built-up and cannot accommodate population growth. The Palestinian population in the Jordan Valley – estimated at around 320,000 in 1967 – totalled approximately 58,000 in 2010, with roughly 85 per cent of residents concentrated in the Jericho region.³ As stated by the UN Special Rapporteur on the Human Rights Dimensions of Population Transfer 'there is an obvious causal connection between the denial, or erosion, of economic, social and cultural rights, and conditions leading to subtle and cumulative transfers of populations.'⁴

Since the outset of the military occupation in 1967, Israel's justification for the strict measures of control imposed on the region has always centred on security. Successive Israeli governments have considered the Jordan Valley to be immune from settlement

³ Ibid, 27.

⁴ UNCHR (Sub-Commission), 'Final report of the Special Rapporteur, Mr. Al-Khasawneh' (27 June 1997) UN Doc. E/CN.4/Sub.2/1997/23, 58.

freeze agreements and oppose any future military withdrawal from the region.⁵ Yet, unlike East Jerusalem, where annexation is an officially-declared policy, Israel's silent illegal policies in the Jordan Valley – which have resulted in the depopulation of Palestinian communities and to the increased isolation of the area from the rest of the West Bank – are contributing to what is effectively becoming its de-facto annexation.

As an Occupying Power, Israel is prohibited from acquiring sovereign rights over occupied territory; thus, any permanent alterations to the territory are prohibited, unless required for the benefit of the civilian population living therein. Appropriation of Palestinian land, confiscation of private property, settlement-building and exploitation of natural resources of the Jordan Valley clearly constitute violations of Israel's obligations under the laws of occupation.

The violations by the Occupying Power in the Jordan Valley are indicative of a wider trend of violations across the OPT. Large-scale breaches of the rights to freedom of movement, work, health, education, adequate standards of living and non-discrimination are symptomatic of a more systematic policy that results in the denial of the right of self-determination of the Palestinian people in the OPT. As the occupation continues into its 44th year with no immediate end in sight, Israel perseveres in implementing illegal policies that deny the Palestinians their right to freely determine their political status and pursue their economic, social and cultural development.

The fundamental erga omnes right of Palestinians to self-determination has been consistently affirmed by all United Nations bodies including this Council. However, as violations continue unabated and illegal policies further entrench the occupation, this right has yet to be realised by the Palestinian people. Recent events across the Middle East have demonstrated that prolonged denial of fundamental rights to suit political interests cannot be further tolerated. Therefore, this Council must do its utmost to put an end to Israel's egregious violations of international law and promote the effective realisation of the right to self-determination of the Palestinian people. The international community of States has a duty not only to respect and promote the right to self-determination, but also the obligation to refrain from any conduct that might affect the full enjoyment of such a right.

Conclusion

As the United Nations body responsible for protecting and promoting universal human rights and for addressing systematic violations of international law, we urge this Council:

- To call on the Occupying Power to comply with its international legal obligations by ending the appropriation of Palestinian land and natural resources, thus

⁵ B'Tselem, 'Dispossession and Exploitation: Israel's Policy in the Jordan Valley & the Northern Dead Sea' (May 2011) 6-7 <http://www.btselem.org/Download/201105_Dispossession_and_Exploitation_Eng.pdf> accessed 15 May 2011.

allowing Palestinian people to fully exercise their right to self-determination free from occupation;

- To urge the Occupying Power to halt the transfer of its civilian population and the expansion of settlements in the West Bank, with particular emphasis on the Jordan Valley and East Jerusalem, with a view to dismantling all the settlements in the OPT;
- To urge the Occupying Power to lift all the restrictions on freedom of movement and the discriminatory policies against Palestinians in order to improve the general human rights situation in the OPT;
- To promote practical steps to induce all States to respect their erga omnes obligations and refrain from rendering any support to Israeli policies denying the right of the Palestinian people to self-determination; and
- To recommend to the General Assembly that it request, according to its authority under Article 96 of the UN Charter, that the International Court of Justice render an advisory opinion on the legal consequences of a regime of prolonged occupation resulting in de-facto annexation.