

BACKGROUND: THE OPPRESSIVE “CLOSED ZONE” BETWEEN THE ISRAELI WALL AND THE GREEN LINE



Many Canadians already know that the Israeli Wall is not being built on the Green Line, but rather deep inside the territory of the West Bank. Fewer people know what is happening in the area between the Wall and the Green Line. In fact, with the imposition of a new Military order applying to this enclosed area in October 2003, Israel has begun a new campaign to dispossess more Palestinians of their land.

This Military Order, declaring the area between the Green Line and the Wall a “Closed Zone” (or “Seam Zone,”) requires that the thousands of Palestinians living in this area obtain permits to live in their own home. The Military Order will further restrict farmers living outside this “closed zone” from getting to their land within it. Similarly, medical staff, business people and international humanitarian organizations also have to apply for special permits. The military orders exempt Israeli citizens and internationals of Jewish descent from these requirements.

The references below present a sampling of third-party witnesses to the oppressive conditions imposed by the Wall and the resulting Israeli-declared “Closed Zone.”

United Nations General Assembly, “Report of the Secretary-General prepared pursuant to General Assembly resolution ES-10/13,” November 24, 2003, paragraphs 19-22

“19. On 2 October 2003, [the Israeli Army] issued a series of legal instruments (“the Orders”) pertaining to land in the north-west part of the West Bank that lies between the Barrier and the Green Line (“Closed Area”). The Orders provide that “no person will enter the seam zone and no one will remain there” and will affect 73 square kilometres and approximately 5,300 Palestinians living in 15 communities [affected by Phase I of the Wall.]

“20. The Orders introduce a new system of residency status. Only on issuance of a permit or ID card by IDF will residents of the Closed Area be able to remain and will others be granted access to it. Israeli citizens, Israeli permanent residents and those eligible to immigrate to Israel in accordance with the [Israeli Jewish-only] Law of Return can remain in or move freely to, from and within the Closed Area without a similar permit.

“21. At the date of writing, most residents in the Closed Area had received permits although they were only generally valid for a period of one, three or six months. As for those non-residents seeking access to the Closed Areas, indications are that a majority of those who need or want access to the Closed Area had not yet received permits.

“22. Even with a permit or ID card, access and egress are regulated by the schedule of operation of the access gates, which is reportedly limited at present to openings of 15 minutes three times a day. However, if residents are denied regular access to their farmlands, jobs and services, a concern is raised that Palestinians may leave the area. In this connection, it should be noted that in the past, Israel has expropriated land for not being adequately cultivated, pursuant to military orders or through enforcement of domestic legislation in the West Bank inherited from the Ottoman and Jordanian regimes.”

United Nations General Assembly, Official Records, Fifty-eighth session, Supplement No. 40 (A/58/40), “Report of the Human Rights Committee,” October 24, 2003, paragraph 19

“...the Committee is concerned that the construction of the “Seam Zone”, by means of a fence and, in part, of a wall, beyond the Green Line imposes additional and unjustifiably severe restrictions on the right to freedom of movement of, in particular, Palestinians within the Occupied Territories. The “Seam Zone” has adverse repercussions on nearly all walks of Palestinian life; in particular, the wide-ranging restrictions on freedom of movement disrupt access to health care, including emergency medical services,

and access to water. The Committee considers that these restrictions are incompatible with article 12 of the Covenant.”

International Covenant on Civil and Political Rights, Article 12

“Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence... Everyone shall be free to leave any country, including his own... No one shall be arbitrarily deprived of the right to enter his own country.”

Human Rights Watch, Human Rights News, “Israel: West Bank Barrier Endangers Basic Rights,” October 1, 2003

“Under Article 12 of the International Covenant on Civil and Political Rights (ICCPR), freedom of movement can be restricted for security reasons - but the restrictions should be limited to what is necessary and proportionate. As defined by the U.N. Human Rights Committee, the authoritative human rights body interpreting the ICCPR, the restrictions should not make movement the exception rather than the norm. The barrier [Wall], however, is creating walled-in enclaves confining tens of thousands of people. It will institutionalize a system in which all movement is sharply curtailed except to a handful of permit-holders, and endanger Palestinians' access to basic services like education and medical care.”

UN Commission on Human Rights, Report of the Special Rapporteur of the Commission on Human Rights, John Dugard, “*Question of the Violation of Human Rights in the Occupied Arab Territories, including Palestine*,” February 27, 2004, paragraphs 9, 10, 18, 19

“9. Israel has designated the area between the Wall and the Green Line as a "Closed Zone" in which Israelis may travel freely, but not Palestinians. Thus, over 13,500 Palestinians who live in the "Closed Zone" are obliged to have permits to live in their own homes. (See Order Regarding Security Regulations (Judea and Samaria) (No. 378) 5730-1970 [Declaration concerning Closing an Area No. S/2/03 (Seam Zone)]). This means that it has become a privilege for Palestinians to live in their own homes while Israelis have the right to travel freely in this area. Surely this provides yet further evidence of Israel's intention to annex this territory?

“10. Palestinians living within the West Bank with farms inside the "Closed Zone" require permits to cross the Wall into this zone, as do others from the West Bank who wish to visit the Zone for personal, humanitarian or business reasons. To make matters worse, passage through the wall or barrier at checkpoints is administered in an arbitrary manner, apparently designed to pressure Palestinians into leaving their homes to relocate on the other side of the wall, thereby creating a new generation of internally displaced persons...

“18. Permits are not granted to those who rent land only. Nor are they granted to labourers to cultivate land or to harvest crops. To aggravate matters, permits are sometimes granted for very short periods, normally from two to six months. The Special Rapporteur met a farmer granted a permit to farm his land for only 12 days. The system is administered in a highly bureaucratic manner in which applicants are required to provide clear evidence of their residence and land ownership and to satisfy the IDF that they pose no security risk. As a result farms are sometimes worked by men seen as too old to be a security risk or boys who have received permits to attend school in the Closed Zone. Moreover, permits are often denied to heavy vehicles to cross the Wall.

“19. The permit system has already had a devastating effect upon agriculture in Palestine. Citrus trees are dying due to lack of irrigation. In the village of Jayyus, 90 per cent of the guava crop was lost, and poultry farming is coming to an end in the Closed Zone and enclaves because of the impossibility of providing food for poultry. There is a marked decline in agricultural productivity and production as many crops and orchards to the west of the Wall remain uncultivated by their owners who live on the eastern side of the Wall. Inevitably, this decline in food production from the agricultural heartland of Palestine will have serious consequences for the Palestinian people.”

See also, Fourth Geneva Convention, Article 27