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Joint Written statement submitted by *BADIL Resource Center for Palestinian Residency and Refugee Rights* -a non-governmental organization with special consultative status- on behalf of the *Palestinian Human Rights Organizations' Council*

Joint Written Submission to the Human Rights Council 21st Regular Session: Seam Zones

Seam zones are sections of Palestinian land within the occupied Palestinian territory (oPt), which fall between the illegal Israeli Annexation Wall and the 1949 Armistice Line (The Green Line) and are therefore severed from the OPT. These swaths of land have been designated by Israel as closed military areas. Access to these isolated areas is controlled by an Israeli-controlled permit system thereby severely restricting Palestinian access to their lands. Statistics suggest that approximately 50,000 Palestinians live in 57 communities within these so-called seam zones.¹ These people are defined internationally as Internally Stuck Persons.²

Those who live within seam zones must apply to the Israeli Civil Administration for a 'permanent resident ID' in order to remain on their own land. Their movement is tightly controlled through the use of checkpoints and a permit regime, which in turn intrudes upon all aspects of their day-to-day activities and greatly compromises the quality of life.³ Currently there exist 101 different types of

¹. Three Years Later: The Humanitarian Impact of the Barrier Since the International Court of Justice Opinion. UN Office for the Coordination of Humanitarian Affairs, July 9th, 2007

². Ibid

³. See: Chain Levinon, Israel has 101 different types of permits governing palstinian movement, HAARETZ, Dec. 23rd, 2011, available at: <http://www.haaretz.com/misc/article-print-page/israel-has-101-different-types-of-permits-governing-palestinian-movement-1.403039?trailingPath=2.169%2C2.225%2C2.226%2C>. last visit July 18th, 2012

permits 'governing' Palestinian movement, whether within the West Bank, between the West Bank and Israel, West Bank and other parts of the oPt, or beyond internationally recognized borders.⁴

These restrictions serve to cripple local Palestinian economies, generating growing levels of poverty, which is further compounded by the inadequate or non-existent health, education and sanitation amenities. This is particularly true within seam zones. As such, life for many seam zone residents has become unbearable and many of them have been forced to relocate east of the Annexation Wall. All of these factors combine to directly contravene the most basic human rights of Palestinian seam zone residents.

Access

To obtain an access permit, Palestinians are required to meet at least one of the Israeli civil administration's qualifying criteria. As such permits are, in theory, to be granted to:

- a. Those able to prove ownership of a residential property within the zone.
- b. Those who live within the West Bank but own agricultural land within the zone, or have a 'linkage' to the land.
- c. Those who have businesses located within the zone.

Palestinians who fail to meet the above are not legally entitled to access seam zone land for any reason. Eligible applicants must wait for weeks for their permit applications to be processed. Even in the event of an individual meeting one or more of the above criteria, there is no guarantee of success.⁵ Applications are commonly rejected on the grounds of 'security' or insufficient proof of 'connection to the land', with no further information or clarification.

Farming

Those who own agricultural land within the seam zones but reside within other parts of the West Bank are, in theory, permitted access to their land for the purposes of tending to crops and harvesting. However, this is subject to a number of limitations. For example, the Israeli Civil Administration will often limit the frequency of access to the land based on significant moments within a crop's lifecycle, such as harvest. The UN Office for the Coordination of Humanitarian Affairs in the oPt, reported that approximately 42% of applications submitted for permits to access seam zone areas during the 2011 olive harvest season, were rejected for 'security reasons' or lacking the proof of 'connection to the

⁴. See: Chain Levinon, Israel has 101 different types of permits governing Palestinian movement, HAARETZ, Dec. 23rd, 2011, available at: <http://www.haaretz.com/misc/article-print-page/israel-has-101-different-types-of-permits-governing-palestinian-movement-1.403039?trailingPath=2.169%2C2.225%2C2.226%2C>, last visit July 18th, 2012

⁵. Barrier to Peace: The Impact of Israel's Wall Five Years After The ICJ Ruling. PLO Negotiations Affairs Department. July, 2009

land.⁶ In response, many farmers have subsequently turned from the farming of fruit and vegetables to the growing of olives, which although less profitable, requires less maintenance of the crop throughout the year.

In addition, farmers are required to enter seam zones on foot and are rarely permitted to bring with them farm machinery or additional laborers. Again, this seriously impacts a farmer's ability to adequately tend to the land, and will have a great influence on the crops that are sown, and therefore the profitability of the venture. This, along with the difficulty of bringing external laborers to the land has a detrimental effect on employment throughout the area. According to the Internal Displacement and Monitoring Centre, between 2007 and 2012, the number of permits issued has decreased by 87%.⁷

Furthermore, the majority, i.e. Palestinians who own only small pieces of land and as such are considered de facto farmers, typically are not even registered as such (they have no official records to prove their career) and are unable to provide authorities with the requisite supporting documents. It is therefore impossible for these individuals to “justify” or legalize their request for external workers. As a result, these smaller farmers find themselves unable to derive full benefit from their land. A report published by Human Rights Watch in April 2012 shed further light on the difficulties associated with proving any form of entitlement to the land, observing that “...applications were rejected on the basis that Palestinian applicants could not, as required, meet a burdensome test of proving a “connection to the land” rather than for specific security concerns”⁸.

The reduction in the number of permits granted to farmers allowing them access to work their lands, coupled with the limited nature of such permits in terms of the frequency and duration of permitted access, has resulted in a significant reduction in crop production, as well as forcing farmers to focus their efforts on crops which require less maintenance but produce a lower financial yield. “Access to agricultural land through the Barrier is channeled through 80 gates. The majority of these gates only open during the six weeks olive harvest season and usually only for a limited period during the day”.⁹ These restrictions, together with the tightly-controlled movement of goods/machinery and labour in and out of the seam zones, therefore pose a direct threat to farmers' livelihoods.

Concluding remarks

Social Life: Family members are separated from one another and residents of seam zones are isolated from the surrounding communities.

⁶ UNCHA, *The Humanitarian Impact of the Barrier*, Fact Sheet, July 2012.

⁷ Report by the Internal Displacement Monitoring Centre to the Committee on the Elimination of Racial Discrimination on the occasion of Israel's 14th, 15th and 16th Periodic Reports, January 2012

⁸ Israel: Palestinians Cut Off From Farmlands. Available at: <http://www.unhcr.org/refworld/docid/4f8420392.html>

⁹ See supra note No. 7.

Rigid Restriction of Movement: The tight control of Palestinian movement in and out of seam zones serves to control all aspects of life for those affected, to the extent that entry is often only allowed on foot, with farmers prohibited from bringing with them the tools they require to tend the land.

Land Confiscation: The majority of seam zone land has been confiscated by the Israeli occupation administration on the grounds of 'security' or for military purposes. Other legal rationales used to effect this land acquisition include a lack of evidence regarding the ownership of the land, or application of the 1950 Absentee Property Law whereby Palestinians prevented from accessing their land are deemed to have forfeited their rights to it. In addition to this express confiscation, Israel's conduct in preventing Palestinians from accessing their land also amounts to de facto land annexation. This form of confiscation requires no military order, but is instead affected by virtue of the permit regime.

Displacement: Highly restricted access to land, a deeply compromised social life and a crippled local economy are just some of the factors which contribute to unbearable conditions for Palestinians within seam zones. These factors are artificially created and maintained by the Israeli authorities with a view to forcing Palestinians from the land and effecting further land acquisition. Therefore the hardships experienced by those residing within, or with direct ties to, seam zones are a tool utilized by the Israeli authorities to generate forced transfer of Palestinians out of these areas and into other parts of the West Bank, thereby enabling easy acquisition of this 'relinquished land'. Again, such actions are in direct contravention of international law.

The Palestinian Human Rights Organizations' Council urges the Human Rights Council to:

- Condemn Israel's practises and policies concerning seam zones, in particular Israel's continues construction of the illegal Annexation Wall, discriminatory permit regime and the policy of confiscation and/or the de facto annexation of Palestinian land;
- Declare Israel's acquisition of Palestinian land under whatever alleged reason or purpose in Seam Zones as illegal and that the international community to ensure that no form of recognition or assistance be given by Third States to the illegal situation created by such illegal acquisition of land;
- Investigate Israel's policy of forced population transfer of the Palestinian people by direct and indirect means and practices, which possibly amounts to international crimes (Art. 49 (1), Art. 147 of GCIV, Art. 85 of its additional protocol and Art. 7 of the Rome Statute).

The Palestinian Human Rights Organizations' Council:



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