

## PLO NEGOTIATIONS AFFAIRS DEPARTMENT

# A VILLAGE IN THE WAY: AL-AQABA AND THE GRAB OF THE JORDAN VALLEY

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*“You don’t simply bundle people onto trucks and drive them away...I prefer to advocate a positive policy, to create, in effect, a condition that in a positive way will induce people to leave.” – Ariel Sharon, 24 August 1988*

*“[T]he future borders of Israel [will include] the settlement blocs and the Jordan Rift Valley.”*  
– Shaul Mofaz, Israel’s Former Minister of Defense<sup>1</sup>

### FACT SHEET:

On May 22, 2006, Israel announced plans to expand the Jordan Valley settlement of “Maskiyout.” Maskiyout lies 8 kilometers to the east of the Palestinian village of al-Aqaba, a village currently fighting for its survival.

Al-Aqaba is a small Palestinian village located on the slope separating the Jordan Valley from the northern West Bank mountain range, in the Tubas governorate. Sandwiched between two Israeli military bases, al-Aqaba’s connections to neighboring communities and markets, and the Jordan Valley, have been incrementally severed. Since 1967, al-Aqaba’s population has decreased by 85%, dropping from around 2000 individuals to approximately 300 today.

Senior Israeli officials, including current Prime Minister Ehud Olmert and former Defense Minister Shaul Mofaz, have declared that Israel will never relinquish control over the Jordan Valley—statements supported by the Government’s announced plans to expand Maskiyout. Current discussion about any potential Israeli plan (known as “Convergence” or “Realignment”) to evacuate some of its illegal settlements in the occupied West Bank while entrenching its control over others still envisages Israeli military control over the Jordan Valley—even under those scenarios in which Jordan Valley settlements (colonies) are evacuated.

This does not bode well for the future of al-Aqaba. Israel’s initial plan was to build a wall along the western edge of the Jordan Valley, which would have severed al-Aqaba from the more densely populated West Bank hills. Today, instead of building a wall, Israel has placed a series of checkpoints and roadblocks between the Jordan Valley and the rest of the West Bank. These barriers, however, ultimately have the same effect of a wall on Palestinian communities: they separate Palestinians from their land, from their families and from their

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<sup>1</sup> Shaul Mofaz, Israeli Minister of Defense, quoted in ‘Mofaz: Israel Prepared to Defend Itself Against Iranian Attack’, *Ha’aretz*, February 27, 2006

jobs. And this means that it will become increasingly difficult for Al-Aqaba's remaining villagers to stay in their ancestral homes.

## THE JORDAN VALLEY AND THE VIABILITY OF THE FUTURE PALESTINIAN STATE

- **Israel Has No Legitimate Claims Over the Jordan Valley**

After World War II, international law absolutely prohibits the acquisition of territory by force.<sup>2</sup> In 1967, the Israeli army occupied the West Bank, including East Jerusalem, and the Gaza Strip—areas collectively known as the “occupied Palestinian territory” (oPt). Absent a negotiated settlement, this means that Israel has no legitimate claims to any part of the occupied Palestinian territory. Since the Jordan Valley is part of the West Bank, Israel cannot unilaterally annex any part of the Jordan Valley, just as it cannot unilaterally annex other parts of the oPt, such as East Jerusalem.<sup>3</sup>

As reaffirmed by the International Court of Justice on July 9, 2004, the international community recognizes Israel as the Occupying Power of the West Bank, including East Jerusalem, and the Gaza Strip.<sup>4</sup> Even the Israeli Supreme Court regards the West Bank, excluding East Jerusalem, and the Gaza Strip as occupied territory.<sup>5</sup>

- **The Jordan Valley is Large and Relatively Under-Developed**

The Jordan Valley represents more than a quarter of the West Bank. About 56,000 Palestinians (including approximately 20,000 in Jericho) live in the Valley, or around 2% of the total Palestinian population in the West Bank. The room for development in the Jordan Valley, combined with its water resources and its arable lands, render the Jordan Valley necessary for the viability of any future Palestinian state.

The Jordan Valley is also strategically significant: Its border with Jordan provides key access points for trade and travel with the rest of the Middle East. Continued Israel control over

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<sup>2</sup> United Nations Charter, Article 2 Paragraph 4

<sup>3</sup> In 1980, Israel unilaterally attempted to annex East Jerusalem. This move was rejected by the Security Council and virtually the entire international community. For a detailed analysis of the legal status of Jerusalem, please see <[http://www.nad-plo.org/inner.php?view=facts\\_jerusalem\\_f9p](http://www.nad-plo.org/inner.php?view=facts_jerusalem_f9p)>, last checked May 9, 2006.

<sup>4</sup> For a detailed analysis of Israel's status as an occupying power, please see PLO Negotiations Affairs Department, *Spurious Equivalence: The Absence of Israel's Occupation in the Press*, available at <[http://www.nad-plo.org/inner.php?view=facts\\_others\\_f23p](http://www.nad-plo.org/inner.php?view=facts_others_f23p)>, last checked May 9, 2006. Because Israel continues to effectively control the Gaza Strip, Israel also remains an occupying power of the Gaza Strip. As such, Israel bears heightened responsibilities to its population. This is true despite Israel's August 2005 evacuation of settlers from the Gaza Strip. For a comprehensive legal analysis of Israel's occupation of the Gaza Strip, please see PLO Negotiations Affairs Department, *Israel's "Disengagement Plan": Gaza Still Occupied*, available at <[http://www.nad-plo.org/inner.php?view=facts\\_gaza\\_GAZA%20STILL%20OCCUPIED](http://www.nad-plo.org/inner.php?view=facts_gaza_GAZA%20STILL%20OCCUPIED)>, last checked May 9, 2006.

<sup>5</sup> Ibid.

portions of the Jordan Valley will also mean that the West Bank will remain encircled by Israel.

- **The Jordan Valley is the breadbasket for the future Palestinian State**

The extensive water resources combined with the large areas of land available in the Jordan Valley offer Palestinians the means to grow and export agricultural goods. As of today, Palestinians cultivate 53,000 dunums (13,097 acres) in the Jordan Valley. However, an additional 77,000 dunums of the Jordan Valley could potentially be developed for agricultural purposes.

Approximately 9,400 Israeli settlers in the Jordan Valley today illegally cultivate 27,000 dunums of Palestinian land.

- **Mineral wealth in the Jordan Valley**

The Jordan Valley is rich in mineral resources. The Dead Sea is one of the richest sources of mineral resources in the world. With a link to Gaza, these resources can be extracted and exported by Palestinians from Gaza by air and by sea, providing them with some revenue to develop a strong economy and a prosperous state.

## **ISRAEL'S GRAB OF THE JORDAN VALLEY**

- **Israeli Colonization of the Jordan Valley**

Today, most of the Jordan Valley falls under the control of Israeli settlement councils, where around 9,400 illegal settlers live and consume scarce Palestinian resources at the expense of the indigenous Palestinian population.

- ❖ Israeli settlers in the Jordan Valley cultivate 27,000 dunums (6,672 acres) of land, growing produce that is often exported abroad, providing Israeli settlements with a key source of revenue. By contrast, the 56,000 Palestinians living in the Jordan Valley cultivate 53,000 dunums, as a result of various Israeli government restrictions.
- ❖ While the 56,000 Palestinians living in the Jordan Valley consume an average of 37 Million Cubic Meters (MCM) of water per year, the 9,400 settlers consume an average of 41 MCM of water per year, extracting Palestinian water to cultivate land, while restricting Palestinian access to water resources.

- **Settlement Expansion in the Jordan Valley**

The Israeli government plans to double the settler population in the Jordan Valley by 2008 by increasing agricultural subsidies and promoting tourism for its settlements in the area, which are already among the most heavily subsidized in the entire West Bank.<sup>6</sup>

At achieve this end, the Israeli government is currently expanding and re-routing parts of the “Trans-Samaria Highway,” which connects the Jordan Valley to Israel, through the Ariel settlement bloc. The highway will provide Israeli producers in the Jordan Valley easy access to Ben Gurion International Airport, facilitating the export of settlement goods to international markets (in violation of international law).

- **The Jordan Valley’s Virtual Wall**

The Israeli government initially planned to build a wall along the western edge of the Jordan Valley. That section of the Wall would have run west of al-Aqaba, cutting the village off from the rest of the West Bank. Today, however, the Israeli government has placed a series of checkpoints and roadblocks on roads connecting the Jordan Valley to the rest of the West Bank and imposed new permit requirements, preventing Palestinians from freely moving to and from the Jordan Valley. Thus while the Wall in the Jordan Valley has not been built, the Jordan Valley has been effectively cut off from the rest of the West Bank by checkpoints that have the same effect as a wall.

#### **AL-AQABA: DEMOLISHING PALESTINIAN HOMES, RESTRICTING PALESTINIAN DEVELOPMENT**

- **Homes under threat of demolition**

Since 1993, Israeli authorities have demolished 7 homes in al-Aqaba because the villagers did not obtain building permits from the Israeli government. Today, the Israeli government is threatening to demolish an additional 16 structures in al-Aqaba, including 12 homes, a mosque and a kindergarten. Around 70 people live in the 12 homes under threat of demolition. Al-Aqaba only has around 35 homes in total.

- **“Our policy is not to approve building in Area C”**

Al-Aqaba is located in that part of the West Bank designated as Area C – an area that falls under full Israeli administrative and security control (under arrangements reached in the Oslo agreements). Sixty-one per cent of the West Bank, including 89% of the Jordan Valley, is considered Area C. Palestinians cannot build homes or other structures in Area C unless they obtain permits from Israeli authorities, who routinely deny Palestinians such permits. Indeed, an Israeli army official informed Amnesty International that “[Israel’s] policy is not

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<sup>6</sup> Benyamin Rom, Israeli government spokesman, quoted by Agence France-Presse (AFP), *Israel Plans to Double Number of Settlers in the Jordan Valley*, June 24, 2005

to approve building in Area C.”<sup>7</sup> In al-Aqaba, Palestinian villagers applied for permits to build homes at least 15 times. In all instances, their requests were rejected.

**Under international humanitarian law, Israel is required to maintain public order and civil life in the territory it occupies, which includes meeting the basic development needs of the Palestinian civilian population in the oPt.<sup>8</sup>**

*[T]he occupant ... shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country (Article 43 of the Annex to the Hague Convention of 1907)*

### **DENYING VILLAGERS THEIR SOURCE OF LIVELIHOOD**

Al-Aqaba’s livelihood depends on the villagers’ ability to grow and sell agricultural goods and to raise livestock. Without the freedom to do so, al-Aqaba’s villagers lose their means to sustain themselves.

- **Restricting villagers’ freedom of movement and access to markets**

The Israeli military has placed a checkpoint west of the village, cutting it off from the Jordan Valley. Villagers cannot cross this checkpoint unless they obtain permits from Israeli authorities. Another permanent checkpoint separates the village from Nablus. A third moveable checkpoint separates the village from Jenin – a town on which the village has historically depended. Finally, on some occasions, the Israeli army places a checkpoint at the village’s eastern entrance. Crossing any of these checkpoints can take several hours, and villagers are often turned back. These restrictions isolate al-Aqaba from the rest of the West Bank, and interfere with the villagers’ ability to sell and market their produce to other neighboring or more distant communities.

The World Bank and the United Nations have found that the internal closure regime in the West Bank is the primary cause of the humanitarian crisis in the oPt, where an estimated 44% of Palestinians survive on US \$2.00 per day or less.<sup>9</sup>

- **Severing the Jordan Valley from the rest of the West Bank**

Recently, the Israeli army has intensified its regime of tight closures in the Jordan Valley by placing checkpoints and roadblocks along roads that connect the Jordan Valley to the rest of the West Bank. These checkpoints effectively sever the Jordan Valley from the rest of the

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<sup>7</sup> Amnesty International, ISRAEL AND THE OCCUPIED TERRITORIES: UNDER THE RUBBLE: HOUSE DEMOLITION AND DESTRUCTION OF LAND AND PROPERTY, *available at* <<http://web.amnesty.org/library/Index/ENGMDE150402004>>, *last checked* March 13, 2006.

<sup>8</sup> *The Hague Convention, Convention Respecting the Laws and Customs of War on Land* (Article 43)

<sup>9</sup> World Bank, ECONOMIC UPDATE AND POTENTIAL OUTLOOK (MARCH 2006), *available at* <http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/WBGEconomicUpdateandPotentialOutlook.pdf> *last checked* June 1, 2006.

West Bank, acting in the same way that Israel's Wall does in the eastern parts of the West Bank. The Wall on the eastern side of the West Bank, and the closure regime in the Jordan Valley encircle Palestinian communities in the center of the West Bank. Both measures are consistent with the Israeli government's declared intention to unilaterally annex territory west of the Wall, and the Jordan Valley.

### **THE TOLL OF A PROLONGED MILITARY OCCUPATION ON AL-AQABA**

Al-Aqaba is located near two military bases. A third one located at the village's eastern entrance was dismantled in June 2003. All three bases were established in 1983. The two remaining bases are located to the village's south and east. They reinforce Israel's control over the northern part of the Jordan Valley. There are 24 military bases in the Jordan Valley alone.

As a result of the proximity of these military bases, Palestinians living in the village have been frequently detained or arrested by Israeli troops in the area and have often been prevented from moving on their own land. Additionally, various explosive devices left behind on the village's lands by the Israeli army have injured several villagers.

While Israel, as an occupying power, may maintain military installations on occupied territory, international humanitarian law unequivocally prohibits it from using its military to further the colonization of Palestinian land. Moreover, because an occupation is by definition temporary, the expectation is that the bases will eventually be removed. In light of Israel's declared intention to permanently hold onto the Jordan Valley, al-Aqaba's villagers fear that the bases will not be removed before al-Aqaba's last remaining villagers are forced to leave.

#### **A School to Keep al-Aqaba on the Map**

Today, 700 Palestinians originally from al-Aqaba live in neighboring communities—in particular, the villages of Tayaseer and Tubas. While many of al-Aqaba's people have not been able to remain in their village, its former residents are still committed to maintaining the next generation's ties to the village. Al-Aqaba's village head, al-Haj Sami Sadeq, has set up a kindergarten and a primary school in al-Aqaba that is open to all those who left al-Aqaba. Al-Haj Sami Sadeq hires a driver with a 20-year old bus to pick the children up from the neighboring communities, and bring them to the village school. The villagers who left their ancestral lands encourage this initiative and many choose to send their children to al-Aqaba's school and kindergarten, though other schools are closer to their new place of residence.

The school has 80 students, and the kindergarten 85. The kindergarten is one of the sixteen structures in the village under threat of demolition.

### **CHANGING DEMOGRAPHICS**

Many Muslim and Christian Palestinians are finding it increasingly difficult to stay in their communities. As economies and cultural connections are severed, many communities can no longer sustain themselves. This is particularly true for Palestinian communities on the so-

called “Israeli-side” of the Wall, such as Bethlehem’s western villagers and occupied East Jerusalem, and communities in and around the Jordan Valley, such as al-Aqaba.

“Transfer” is a euphemism for the forced displacement of Palestinians from their ancestral homelands to other countries, or to confined areas within the oPt. The “transfer” of Palestinians is advocated by various Israeli leaders, including Avigdor Lieberman, Benny Elon, and Arie Eldad.<sup>10</sup> While Palestinians were forcefully evicted from their ancestral homes and lands in 1948 and its aftermath, the gradual yet systematic transfer of Palestinians is today carried out in silence.

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<sup>10</sup> James Reynolds, “Israeli Party Helps Palestinians to Emigrate,” *BBC News*, October 30, 2002; Lily Galili, “Transfer? I have no ethical problem with that,” *Ha’aretz*, December 13, 2002