

**BARRIER TO PEACE:
THE IMPACT OF ISRAEL'S WALL FIVE YEARS AFTER THE
ICJ RULING**

July 2009

Exactly five years ago, the International Court of Justice (ICJ) ruled that the Wall Israel is constructing in the occupied Palestinian territory (oPt), along with Israeli settlements, is illegal under international law. Consequently, the Court ruled that Israel is obligated to cease construction of the Wall, dismantle those sections already completed, and provide reparations for damages caused by the Wall's construction. The UN General Assembly subsequently passed resolution ES-10/15, which called on Israel to comply with the Court's ruling.

The Court also held that third states have an obligation not to recognize or assist the situation arising from the Wall's construction, and instructed Member States to see that any impediment to the exercise of the Palestinian people's right to self-determination resulting from the construction of the Wall be brought to an end. The Court also called on Member States to ensure that Israel comply with international humanitarian law as embodied in the Fourth Geneva Convention.

Yet, five years later, Israel continues to construct the Wall and build settlements in contravention of the Court's ruling and international law.

The Wall is not a security measure. Rather, it is a serious breach of international law, and a violation of basic Palestinian rights. The ICJ ruling provides the international community with a clear opportunity to act as an honest and even handed broker, whose commitment to peace ought to coincide with its commitment to upholding the very laws that protect the rights of all states and peoples.

The Wall is an integral part of Israel's illegal settlement enterprise

Israel continues to claim that the Wall primarily serves as a security measure. If that were the case, the Wall would be built on Israel's side of the June 4, 1967 border (Green Line), which is the internationally recognized line separating Israel from the oPt.

Instead, Israel's Wall cuts deep into the oPt, *de facto* annexing approximately 9% of the West Bank to Israel.

- Once completed, Israel's Wall will run to 711 km in length, **more than twice the length** of the 1967 border;
- Approximately **82%** of the Wall's construction will occur on occupied Palestinian land illegally confiscated by Israel;
- In the case of the Ariel and Kedumim 'fingers', the Wall stretches as far as **22 km** into the West Bank;
- The Wall **separates Palestinians from Palestinians** rather than separating Israel from Palestine. Over 10% of Palestine's population, mainly in East Jerusalem, will be trapped between the Wall and the June 4, 1967 border once it is completed;¹
- Palestinian towns and villages located along the Wall's route, such as the village of Abu Dis near Jerusalem, have been literally **cut in half**, isolating Palestinian neighborhoods and families from one another.

The significant deviation of the Wall from the 1967 border serves to highlight its underlying purpose. Rather than a security measure, **Israel's Wall is an integral part of Israel's illegal settlement enterprise**, serving to fortify and consolidate the presence of Israeli settlements in the West Bank and the illegal annexation of East Jerusalem, while annexing more Palestinian land for future settlement expansion.

In particular, the route the Wall takes is designed to capture as much land and incorporate as many Israeli settlers as possible west of the Wall, while shutting out and 'walling in' as many Palestinians as possible east of the Wall.

- Once completed, Israel's Wall will incorporate 80 Israeli settlements west of the Wall, housing approximately 385,000 settlers, or **over 85% of Israel's settler population** in the West Bank.²

In addition to consolidating the presence and continued expansion of Israeli settlements, the permanency of Israel's Wall, which in some sections consists of concrete slabs that tower 8 meters high, highlights Israel's strategy of unilaterally dictating borders by creating 'facts on the ground'.

Case study: The Adumim "Bloc" and the E-1 Expansion Area

Israel has established a string of illegal settlements perched on top of the hills around occupied East Jerusalem, all of which are deemed illegal under international law by the International Court of Justice. Eastwards, these settlements overlook both the Old City and the Jordan Valley, and include Ma'ale Adumim, Almon, Kefar Adumim, Alon and Qedar, as well as the industrial settlement of Mishor Adumim. The largest of these settlements is Ma'ale Adumim, which has a population of 33,000 settlers and a land area of 50 km², similar to that of Tel Aviv, but with less than one-tenth of its population.

The area where these settlements are built constitutes the geographic center of the West Bank. Israel has been expanding these settlements to consolidate its control over both occupied East Jerusalem and the Jordan Valley, and to create contiguity between these two strategic areas of the West Bank. This includes building an elaborate road network linking these settlements to each other and to West Jerusalem, as well as a major transnational highway (Road #1) running through Adumim eastward to the Jordan Valley.

The route taken by Israel's Wall incorporates these settlements. Penetrating 14 km into the occupied West Bank (that is, east of the 'Green Line'), the Wall de facto annexes these settlements to Israel, incorporating 61 km² of Palestinian land to facilitate their future expansion, while completing Israel's encirclement of occupied East Jerusalem and bifurcating the West Bank.

Included in the land incorporated by Israel's Wall is an area Israel refers to as E-1. Comprising 12,442 dunums (3,110 acres) of occupied Palestinian land belonging to the Palestinian villages of Anata, At-Tor, Issawiya, Abu Dis and Al-Eizariya, Israel has earmarked E-1 for future settlement expansion. In addition to new housing for approximately 15,000 Israeli settlers, plans for E-1 include an industrial park, office buildings, entertainment and sports centers, 10 hotels and a regional cemetery.

If Israel goes ahead with these plans, E-1 would deny East Jerusalem its last remaining area for future growth and economic development, while ensuring Israel's control over the key junction connecting the northern part of the West Bank to the south. Even if the E-1 plan is not implemented, completion of Israel's Wall around the Adumim settlements will de facto annex the area to Israel, permanently severing East Jerusalem from the rest of the West Bank, and completing the encirclement of occupied East Jerusalem.

The Wall extends and consolidates Israel's regime of internal closures

Israel's Wall extends and consolidates the punitive regime of internal closures Israel uses to block freedom of movement and access for Palestinian people and goods. In addition to

the Wall, this regime includes both a series of physical barriers, such as Israeli checkpoints and roadblocks, as well as a number of legal and administrative barriers, such as Israeli issued permits that dictate where Palestinians can live, work and move.

Restrictions on Palestinian movement and access are integral to Israel's ongoing colonization of the oPt, in which large tracts of occupied Palestinian land are confiscated by Israel to facilitate the expansion of its settlement enterprise.³ These areas are declared out of bounds to Palestinians, who are increasingly confined to ever smaller enclaves or disconnected cantons. The fragmentation the oPt into a series of non-contiguous spaces surrounded by a network of Israeli checkpoints, roadblocks, settlements, and Israel's Wall, has brought Palestinian life to a virtual standstill, and has all but destroyed the Palestinian economy. All Palestinians are affected by these restrictions on movement, making everyday life impossible.⁴

There are 63 Israeli checkpoints and gates built into the Wall. Not all are open to Palestinians, and the majority have restricted hours of opening. Palestinians must first obtain a valid Israeli permit before being permitted to pass through the Wall. Obtaining such a permit is nearly impossible. Israel imposes a restrictive set of criteria under which Palestinians can apply for a permit, and even those who meet one or more of these criteria still struggle to obtain one. Applications for a permit can take weeks to process, while denials are the norm rather than the exception.⁵

By blocking Palestinian movement across the Wall, Israel has separated thousands of Palestinian farmers from their land, workers from their places of employment, children from their schools, and the sick and elderly from healthcare and medical facilities. Many Palestinian families living on different sides of the Wall are no longer able to see each other.

Case Study: Beit Jala's Vanishing Landscape

Mitri Ghnem is a Palestinian refugee from Jaffa. After being displaced in 1948, he resettled in Beit Jala where he bought two dunums of land. Shortly after building his home, Mitri began to cultivate the land to supplement his work as a taxi driver.

In 1995, Israeli authorities issued a confiscation order for half of Mitri's land to build a section of Bypass Road Number 60. In order to build this road, which links occupied East Jerusalem to Israeli settlements in the Bethlehem and Hebron areas, Israel confiscated much of the agricultural land in the area.

With the Wall's construction, Mitri now stands to lose what little is left of his land. With the Wall being planned to run two meters from his home, the majority of the remaining part of Mitri's land has now been confiscated by Israel, leaving only the house he lives in.

The story of Mitri is not an isolated one. Since 1967, Israel's settlement enterprise and the Wall have taken over 10,000 of Beit Jala's original 14,500 dunums.

Israel's Wall also further entrenches the pattern of cantonization and isolation of entire Palestinian communities.

- Approximately 125,000 Palestinians spread across 28 Palestinian communities will be surrounded on three sides by the Wall once it is completed;⁶
- A further 26,000 Palestinians living in 8 communities located in the Az Zawiya and Bir Nabala enclaves, will be surrounded on all four sides by Israel's Wall;⁷
- 35,000 Palestinians holding West Bank ID cards and spread across 35 communities will be trapped on the western side of the Wall once it is completed;⁸

Israel's Wall has also made it much easier for Israel to impose a **total closure** over the oPt whenever it chooses, and with relative ease. During periods when a general closure is declared by the Israeli military, such as on Jewish holidays or periods of heightened 'security' alerts, all permits become invalid, and no Palestinian movement across the Wall is permitted.

Israel's Wall severs occupied East Jerusalem from the rest of the West Bank

Israel continues to implement a series of policies designed to forcibly change the demographic and geographic character of East Jerusalem in order to bolster its claim over all of Jerusalem as the capital of Israel, a claim that runs counter to international law and is unanimously rejected by the international community.⁹ Alongside a dramatic increase in the construction of Israeli settlements in and around occupied East Jerusalem, as well as an influx of Israeli settlers, Israel has stepped up its campaign of forced home evictions, home demolitions, and Jerusalem ID revocations for Palestinians.¹⁰ The construction of the Wall is designed to consolidate Israel's attempt to drain East Jerusalem of its Palestinian population.

Israel's Wall completely encircles occupied East Jerusalem, denying the majority of Palestinians access to the city, while isolating 268,000 Palestinian Jerusalemites from the rest of the West Bank. UN OCHA estimates that 61,000 Palestinian residents of occupied

East Jerusalem are directly cut off from family and community networks, employment opportunities and municipal services as a result of Israel's Wall.¹¹

Palestinian West Bank ID holders are permitted to use only four of the 16 checkpoints located along the Wall that tightly regulate access to East Jerusalem. At all four checkpoints, Palestinian West Bank ID holders can only cross on foot, further compounding the long delays Palestinians routinely face when crossing Israeli checkpoints.

The physical separation of occupied East Jerusalem from the rest of the West Bank continues to impact Palestinian life and society in a myriad of ways.

- East Jerusalem is home to six specialist hospitals that provide a range of specialized healthcare services unavailable to Palestinians anywhere else in the West Bank. Palestinians needing to access these facilities face a series of obstacles, from not being able to obtain a permit to travel, to delays in processing permits, to the demanding rigor of having to cross several Israeli checkpoints to reach hospitals and clinics;
- Students and teachers, whose schools and universities are located on the other side of the Wall – in some cases, just meters away from where they live – now face extended traveling times to and from school. What was once a short trip can now take up to several hours a day, with some students spending more time traveling than they do learning in the classroom;¹²
- Israel's Wall prevents many Palestinian Christians and Muslims from accessing their religious sites of worship located in occupied East Jerusalem, particularly in the Old City;
- Israel's Wall also runs in between and breaks up the corridor linking Ramallah, Bethlehem and East Jerusalem, which historically accounted for between 30-40% of all economic activity in Palestine.

The Wall also consolidates the presence of Israeli settlements in and around occupied East Jerusalem.

- Israel's Wall incorporates and de facto annexes illegal settlements in East Jerusalem and the major settlement "blocs" of Givon, Adumim, and Etzion that surround metropolitan East Jerusalem. These settlements deny Palestinians access to land that is critical to Palestinian population growth and economic development.

- The Wall also facilitates the expansion of settlement related infrastructure, including ongoing construction of the Jerusalem Ring Road that will encircle occupied East Jerusalem, strangling the city even further.

'Closed Zones' behind Israel's Wall

In January 2009, Israel issued military orders declaring Palestinian land located between the Wall and the 1967 border, in the Hebron governorate, as well as parts of the Ramallah, Salfit, Bethlehem and Jerusalem governorates, as "closed zones." Prior to this, the last such military orders were handed down in October 2003 and renewed ever since, declaring all the land located between the Wall and the 1967 border in the Jenin, Tulkarm and Qalqiliya governorates as a closed zone.

"Closed zones" are areas of Palestinian land that Israel declares closed military areas. Since 1967, Israel has declared more than 20% of West Bank land located east of the Wall a closed military area.¹³ This figure does not include closed military areas west of the Wall (that is, between the Wall and the 1967 border), which Israel refers to as "seam zones." "Seam zones" are no different to "closed zones."

Palestinians whose homes are located in so called "seam zones" require special permits just to remain in their homes, while friends and relatives must obtain special "visitor permits" to visit Palestinians who live in these zones. Once completed, Israel's Wall will imprison approximately 50,000 Palestinians in 38 West Bank villages and towns in "seam zones."¹⁴

The same permit regime also applies to Palestinians who own land that is summarily declared part of a "seam zone" by the Israeli military, hurting Palestinian farmers in particular, who require a new set of visitor permits issued by the Israeli military in order to access their land.

Case Study: Separated from Land and Livelihoods in Jayyous

Jayyous is one of the most agriculturally productive villages in the West Bank. Its harvest of citrus fruits, figs, almonds and olives are in high demand throughout the Palestinian market. With an irrigation system and a road network linking it to other villages, Jayyous was, for many years, able to provide a profitable and sustainable living for its residents while providing fresh produce throughout the West Bank.

Today, as a result of Israel's Wall, the landscape of Jayyous has been dramatically altered. Approximately 8,600 dunums of land, including 50,000 fruit and olive trees, have been isolated by the Wall, resulting in the loss of livelihood for most of the 85% of the population who farmed the land for a living. In addition, the path of the Wall, which deviates 6 km from the Green Line to incorporate the the Illegal settlement of Zufin, has left 80% of the village's agricultural land in the 'closed zone' between the Wall and the Green Line, an area that is off-limits to Jayyous residents without a special permit. Productivity within the closed zone has dropped from around 9 million kilograms of fruit and vegetables a year in 2002 to 4 million kilograms in 2008.¹⁵

The Wall has also confiscated the 6 wells that Jayyous relied upon to irrigate the land, leaving the village's water supply precariously thin. Today the village has to share the same water well with the neighboring village of Azzun, which meets less than fifty percent of the villagers' needs.

While Israel claims that the Wall is a 'temporary' measure, the impact it has had on Jayyous, both economically and socially, may be irreparable. In effect, Israel has run a wall right through the economy of Jayyous and many villages like it throughout the oPt.

By Israeli military order, only "Israelis"— including anyone capable of immigrating to Israel under Israel's *Law of Return*—may enter, live or work in the "seam zones" without needing a permit. This means that any person of the Jewish faith anywhere in the world will be able to immigrate to Israeli settlements in "closed zones", without permits, while Palestinians who have lived their whole lives in the area, and who own the land, will have to obtain permission through Israel's haphazard permit system to continue living there, or to tend their farms that lie in the "closed zones."

¹ This includes around 268,000 Palestinian Jerusalemites.

² UN OCHA, *West Bank Movement and Access Update*, May 2009, available at

http://www.ochaopt.org/documents/ocha_opt_movement_and_access_2009_05_25_english.pdf

³ This not only includes land confiscated for the construction of settlements, but also large parcels of adjoining land incorporated to accommodate their future expansion, as well as a network of settler only by-pass roads that Palestinians are prevented from using. Palestinians are now denied access to over 40% of the West Bank which now falls under the control of Israel's settlement enterprise.

⁴ Restrictions on Palestinian movement and access mean that all Palestinians are effectively held to ransom as a result of Israel keeping the occupied Palestinian territory either on the verge of collapse (West Bank), or in a permanent state of collapse (Gaza).

⁵ Even obtaining a valid permit is still no guarantee that a Palestinian will be permitted to pass through the Wall. Israeli soldiers arbitrarily turning back Palestinians at checkpoints who carry valid permits remains a regular occurrence.

⁶ UN OCHA, *The Humanitarian Impact of the Barrier: Update No. 8*, July 2008, p. 7, available at: http://www.ochaopt.org/documents/Barrier_Report_July_2008.pdf

⁷ *Ibid*

⁸ *Ibid*

⁹ Towards this end, Israel maintains a series of discriminatory policies in the areas of urban planning and zoning in East Jerusalem. For example, while Palestinians account for 58% of the population of occupied East Jerusalem, only 13% of the expanded Jerusalem municipality is zoned for Palestinian construction. Over 35% of the same area has been expropriated for the construction of Israeli settlements, even though Israeli settlers account for 42% of the total population. Similarly, construction density in areas zoned for Palestinian construction is usually half that which Israel's allows in Israeli neighborhoods.

¹⁰ In 2008 alone, Israel demolished 93 Palestinian-owned structures in East Jerusalem, leaving approximately 400 Palestinians homeless. See UN OCHA, *The Planning Crisis in East Jerusalem: Understanding the Phenomenon of "Illegal" Construction*, Special Focus: April 2009, p. 4, available at: http://www.ochaopt.org/documents/ocha_opt_planning_crisis_east_jerusalem_april_2009_english.pdf

¹¹ *Ibid*

¹² As the Palestinian Ministry of Education and Higher Education points out, Israeli restrictions on freedom of movement for Palestinian students and teachers has led to ongoing disruptions that affect both normal school life, and school curriculums. See Palestinian Ministry of Education and Higher Education (MoEHE), *Expansion & Annexation Wall and its Impact on the Educational Process*, 2004, available at: <http://www.mohe.gov.ps/downloads/pdffiles/wallE.pdf>

¹³ UN OCHA, *West Bank Movement and Access Update*, May 2009.

¹⁴ *Ibid*

¹⁵ UN OCHA, *The Humanitarian Impact of the Barrier: Update No. 8*, July 2008, p. 7, available at: http://www.ochaopt.org/documents/Barrier_Report_July_2008.pdf