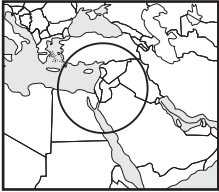


## Israel's wall: less security for all



By imposing collective punishment, seizing and destroying private property, demolishing homes, making access to health and education difficult, separating families, annexing occupied land, and violating Palestinians' rights to work and freedom of movement, Israel is violating a long list of human, social, cultural, and economic rights as well as international laws.

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Whether in the form of a chain-link fence, a concrete barrier, a trench, or a tangle of barbed wire, the "wall" that is being built by Israel in the name of security is certainly, as Israeli military orders term it, an "obstacle".<sup>1</sup> Extending eight metres high and up to 100 metres wide in some areas, the physical boundary that Israel began in April 2002 and with which it is unilaterally enclosing and isolating the Palestinian people of the West Bank is a severe threat to a population already suffering the effects of the long-standing Israeli occupation. It impinges on their basic rights to survival, livelihood, dignity, and freedom - the primary global concerns defined by the Commission on Human Security. In an April 2003 report, B'Tselem, the Israeli Information Center for Human Rights in the Occupied Territories, estimated that the barrier "will likely cause direct harm to at least 210,000 Palestinians residing in sixty-seven villages, towns, and cities".<sup>2</sup> While the wall is a tangible obstacle to the human security of Palestinians, it is only one manifestation of the effects of the illegal, belligerent, and humiliating Israeli occupation of the West Bank and the Gaza Strip. Under the guise of counter-terrorism and state security, the wall violates the fundamental rights of Palestinians and promises to further shrink the possible land-area of any future Palestinian State.

### An aggressive grab for land

The wall is being built by Israel ostensibly to halt Palestinian attacks on Israeli civilians. If its construction were really about security, then it would straddle the 1967 border of the West Bank - the Green Line - or have been established on Israeli land rather than creating physical boundaries that will influence future discussions about sovereignty without any

bilateral negotiation. The wall will not increase security, but extend the conflict. Its construction is leading Palestinians to believe that a two-state solution is no longer viable. In the current climate, a one-state solution will be resented by extremists on both sides, and Israel will further institutionalise an apartheid system with the West Bank and Gaza Palestinian enclaves as marginalised Bantustans - a recipe for the continuation of the struggle and threatened security of both nations. It cannot be said too often or too firmly that the wall is not about security: it is an aggressive grab for land.

Although Israel claims that "the obstacle" is a temporary measure, the expense, effort, and sheer expanse of land confiscated speak otherwise. Most Israeli military orders relating to the wall expire in 2005, but these orders are easily renewed. And by issuing temporary military orders, complex legal proceedings required for permanent property confiscation are unnecessary.<sup>3</sup> If the wall were a stringent security measure based upon fear of attacks, the existing boundaries and checkpoints would be much more rigorously guarded. As it is, the majority of suicide bombers enter Israel through military checkpoints.<sup>4</sup> Palestinian newspapers run nearly daily photographs of children, students, elderly people, and others clambering over the existing barriers near Jerusalem or families trudging through muddy hillsides in rural areas to avoid these checkpoints often within sight of soldiers or settlements.

The wall currently deviates from the Green Line cutting into the West Bank as much as 7.5 kilometres in some areas. If completed as planned, this number will rise to 22 kilometres.<sup>5</sup> In places where it does ride the Green Line, additional barriers are planned several kilometres to the east - or further within Palestinian territory.<sup>6</sup> The wall is projected to cut off approximately 975 square kilometres of land from the rest of the West Bank. In effect, approximately 16.6% of the area of the West Bank defined by its 1967 bor-

ders will become a physically separate entity while much of the remaining area will rest under Israeli control - annexing de facto approximately 50% of the West Bank. The path of the wall itself creates a swath of destruction as houses are demolished, and orchards bulldozed to clear the area. Since June 2003, 102,320 trees have been uprooted and in one town alone 85 buildings were destroyed.<sup>7</sup> In the Jerusalem area, the wall will even run over a Palestinian graveyard.

### The deprivation wall

For the Israelis, "[t]he lack of transparency regarding the path of the route flagrantly violates the rules of proper administration and hampers informed public debate on a project of long-term, far-reaching significance at a cost of hundreds of millions of shekels".<sup>8</sup> For the citizens of Palestine, the wall is one more step towards their further displacement and will "cause further humanitarian hardship to the Palestinians".<sup>9</sup> The wall is helping to plunge Palestinians further into entrenched poverty. There is evidence that as of autumn 2003 "there are 25,000 new recipients of food assistance as a direct consequence of the Barrier's [sic] construction".<sup>10</sup> Without proper access farmers cut off from their lands run the risk of losing their crops, and shepherds have to search for alternate grazing grounds. Movement of goods and equipment is curtailed and access to markets is uncertain. With little hope for sustainable livelihoods in the so-called "seam area",<sup>11</sup> many Palestinians are considering abandoning their land and risking its subsequent confiscation.

### A large prison

Israel has repeatedly imposed collective punishment upon Palestinian civilians. This punishment is administered in the form of curfews and restriction of movement and often results in the killing and injuring of

1 See "Definitions", Article 1 of the "Israeli Defense Forces Order Concerning Security Directives (Judea and Samaria) (Number 378), 1970 Declaration in the Matter of Closing Territory Number s/2/03 (seam area) (Judea and Samaria), 2003" that went into effect on 2 October 2003. [www.nadplo.org/hborders3.php](http://www.nadplo.org/hborders3.php)

2 B'Tselem, "Behind the Barrier: Human Rights Violations as a Result of Israel's Separation Barrier". The Israeli Information Center for Human Rights in the Occupied Territories (B'Tselem), April 2003, p. 3. Italics in the cited text are original. [www.btselem.org](http://www.btselem.org)

3 UN Office for the Coordination of Humanitarian Affairs. *The West Bank Wall; Humanitarian Status Report, July 2003 - Northern West Bank Trajectory*, Humanitarian Information Centre in the Occupied Palestinian Territory, July 2003.

4 B'Tselem, *op cit*, p. 29.

5 Report of the Secretary-General prepared pursuant to General Assembly Resolution ES-10/13, United Nations General Assembly, A/ES-10/248, 24 November 2003, p. 3.

6 B'Tselem, *op cit*, p. 7.

7 Palestinian Environmental NGOs Network (PENNGON). *Stop The Wall in Palestine: Facts, Testimonies, Analysis, and Call to Action*, Jerusalem, June 2003, pp. 28 and 32-33.

8 B'Tselem, *op cit*, p. 8. USD 1 is equivalent to approximately 4.4 Israeli shekels.

9 A/ES-10/248, *op cit*, p. 6.

10 *Ibid*.

11 B'Tselem, "In early October 2003, the OC Central Command ordered the area between the separation barrier in the northern section of the West Bank and the Green Line a closed military area for an indefinite period of time. This area [is] known as the 'seam area'." [www.btselem.org/English/Separation\\_Barrier/Enclaves.asp](http://www.btselem.org/English/Separation_Barrier/Enclaves.asp)

innocent civilians. The wall is the latest manifestation of collective punishment and will effectively transform the West Bank and parts of the East Jerusalem area into a large prison for Palestinians. The Regulations of the Hague Convention of 1907, which have been accepted by the Supreme Court of Israel, explicitly prohibit collective punishment for residents of occupied territories.<sup>12</sup>

As the October 2003 UN General Assembly Resolution A/RES/58/3 states, "the route marked out for the wall under construction by Israel, the occupying power, in the Occupied Palestinian Territory...could prejudice future negotiations and make the two-State solution physically impossible to implement".<sup>13</sup> The route has serious political implications. By "creating facts on the ground" that will be difficult to reverse, many fear that the land that lies in the seam area is in danger of being permanently expropriated by Israel, as "Israel has expropriated land for not being adequately cultivated [or] pursuant to military orders".<sup>14</sup>

### Controlling the "blue gold"

The land that is in danger of being expropriated is strategic both because of its resources - namely fertile farmland and access to the main aquifer in the area - and because of the potential it offers for the expansion of Israeli settlement. A member of the Palestinian Hydrology Group writes: "the appearance of the Wall was in no way a surprise, but an extreme physical application of the theoretical and the various efforts of Israel of the last decades to control the vital Western Aquifer... the Wall will make the upstream of the aquifer inaccessible to Palestinians ensuring that Israel will control both the quantity and quality of the water".<sup>15</sup> It is this Western Aquifer which supplies the necessary water (also known today as "blue gold") to the most fertile Palestinian agricultural land.

The wall infringes the right of freedom of movement as stated in Art. 13 of the Universal Declaration of Human Rights and Art. 12 of the International Covenant on Civil and Political Rights. The enclaves outside the barrier, yet not inside Israel - the seam areas - were designated closed military zones on 2 October 2003. Palestinians over the age of 16 residing in these enclaves now require a specific written permit to remain in their homes. Palestinians wanting to enter this seam area require special permission authorised by a military commander.<sup>16</sup> It is estimated that approximately 400,000 Palestinians will be trapped living in this closed seam area when the wall is completed.

Along the projected 720 kilometres of the wall, there is only a proportionally small number of pro-

jected gates or "passages" designated as crossing points. There are no guarantees that permits will be granted or if issued, respected on the ground. As it stands, the "gates" in the wall are open for only very short intervals (often 15 minutes) and do not follow a fixed schedule making timely access to health and educational services as well as employment nearly impossible. The military permit system is jeopardising children and teachers from reaching their schools, farmers from reaching their crops, the sick from reaching healthcare facilities, and Palestinians from all walks of life from reaching their places of work, to say nothing of family or other social, cultural and commercial resources. As Palestinian families traditionally fear for their women's safety and honour, preferring them not to travel too far to school or work, the wall is having negative effects on female education and employment. Until now most residents of the seam area have received permits, though they must be renewed at 1, 2, or 3 month intervals, but few residing outside the seam area are allowed to enter without a reason.<sup>17</sup> One report even notes that soldiers guarding the gates in the wall are refusing shepherds access to their own grazing land on the grounds that they do not hold special permits for their goats.<sup>18</sup>

### What to do about it

Perhaps because of its mammoth proportions, the wall has and become an issue of international concern drawn much criticism. Solidarity movements are taking action and joining local residents to protest the wall, or accompany them to their fields or schools on the other side. Web sites and activist groups have been formed to track the wall's progress, monitor the confiscation of land, provide case studies of those who are being affected, and coordinate advocacy campaigns and activities to help stop construction of the wall, destroy what has already been built, return confiscated land and compensate people for the destruction of property and loss.

The Palestinian Environmental NGOs Network (PENGON) has taken the lead in the locally based campaign against the wall, which is fast receiving support from all over the world. The work against the wall is being co-ordinated between PENGON and the Palestinian NGO Network, who have hired full time coordinators in the Qalqilia and Tulkarem areas to monitor the wall and manage local media relations and campaign activities. In addition, the wall was a main theme for Palestinian organisations participating in the World Social Forum in Mumbai in January 2004. The Palestinian Authority, as of yet, has no clear agenda for addressing the issue, but is preparing itself for the coming trial in The Hague.

In October 2003, the United Nations General Assembly adopted a resolution demanding that Israel "stop and reverse the construction of the wall in the Occupied Palestinian Territory, including in and

around East Jerusalem".<sup>19</sup> A majority of members (144) voted in favour, while only four voted against (Federated States of Micronesia, Israel, Marshall Islands, and the United States) with 12 abstentions. In December, the General Assembly requested an advisory opinion from the International Court of Justice in The Hague to determine the legal consequences of the construction of the wall.<sup>20</sup> The hearings took place from 23-25 February 2004 and the Court started its deliberations immediately afterwards.<sup>21</sup> While the Palestinian people await the outcome, one can only guess how much more of the wall will have been built by the time the Court announces its conclusions.

### Some positive measures

While the wall continues to be an obstacle to peace, human security, real negotiations, or a viable Palestinian State, it is providing an issue that is beginning to mobilise different sectors of the Palestinian population to be active at a time when most energy had been exhausted in the three-year-long Al Aqsa Intifada, or uprising against the occupation. And despite the insecurity and uncertainty that Palestinians continue to feel in the hands of a hostile occupation and without a representative government, the past year has seen some very positive measures.

In spite of numerous invasions, closures and curfews, substantial programmes have been undertaken in development and emergency response. These can be divided into four main fields: continuing and improved service provision in different sectors; increased advocacy, both domestic and international; an increased focus on institutional capacity; and finally prominent public debate on democratic transformation and reform. Some specific successes of 2003 worth mentioning are the completion of the Palestinian Participatory Poverty Assessment by the UNDP and the Ministry of Planning, and the Welfare Consortium's USD 36 million programme to aid development and encourage partnerships between the NGO, governmental, and private sectors.

### Conclusion

While killing civilians on both sides must be condemned, preventive actions must be monitored to safeguard the rights - whether they be human, civil, social, economic, or cultural - of all parties concerned. The wall will not provide security for Israel and it continues to violate Palestinians' rights. While there is much attention given to preventing so-called terrorist attacks, little is paid to the underlying reasons for them - poverty, inequality, and oppression. These issues need to be understood and addressed in order to ensure human security around the world. For the Palestinians, the immediate step in this process is that "this wall must fall".<sup>22</sup> ■

19 A/RES/58/3, *op cit*.

20 "Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory" (Request for an Advisory Opinion), Order, International Court of Justice, 19 December 2003.

21 International Court of Justice. [www.icj-cij.org](http://www.icj-cij.org)

22 Graffiti written on the wall in English.

12 PENGON, *op cit*, p. 80.

13 UN General Assembly Resolution A/RES/58/3, "Illegal Israeli Actions in Occupied East Jerusalem and the Rest of the Occupied Palestinian Territory", 21 October 2003.

14 A/ES-10/248, *op cit*, p. 6.

15 "Theory into Practice into Final Implementation: The Wall's Path is Based on Ultimate Control over Palestinian Water Resources", Abdel Rahman Al Tamimi, Palestinian Hydrology Group, in PENGON, *op cit*, p. 163.

16 *Op cit*, see footnotes 1 and 11.

17 A/ES-10/248, *op cit*, p. 6.

18 See "A Day in the North", PENGON/Anti-Apartheid Wall Campaign, 10 January 2004, at [www.stopthewall.org/latestnews/258.shtml](http://www.stopthewall.org/latestnews/258.shtml).