

Frequently Asked Questions: Israel's "Security" Wall: Bad Fences Make Bad Neighbors*

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"[The] formula for the parameters of unilateral solution are: To maximize the number of Jews; minimize the number of Palestinians; not to withdraw to the 1967 border and not to divide Jerusalem." – Ehud Olmert, Israel's Deputy Prime Minister[1]

Frequently Asked Questions:

1. What's wrong with Israel's "security" wall?

The wall is not being built on Israel's border but rather well within Occupied Palestinian Territory, thereby de facto annexing Palestinian land and ensuring that Israel's colonies remain. It is estimated that approximately 45% of the Occupied West Bank (containing approximately 94% of the illegal Israeli settlers) will be de facto annexed by Israel.

In addition, the wall is being built in such a way as to divide Palestinian population centers from their adjacent agricultural land and water resources. The strategy is to annex as much Palestinian land as possible while militarily encaging as many Palestinians as possible, all in an attempt to continue Israel's colonization and occupation of Palestinian land. At the same time, Israel will effectively isolate Palestinian population centers from one another, and restrict not only freedom of movement of individuals but also of goods and services, thereby worsening an already crippled Palestinian economy.

It is estimated that when the wall is complete, approximately 380,000 Palestinians will be trapped between the wall and Israel's 1967 pre-occupation border (the "Green Line"), 160,000 of whom will be trapped in "double-walled" ghettos or enclaves.

2. Is it a "wall" or a "fence"?

The wall takes many forms. In some areas (notably around the Palestinian town of Qalqilya) the wall is an eight-meter high wall of solid concrete (twice the height of the Berlin Wall) with armed watch towers positioned every 200 meters. In other areas, the wall is a barrier comprised of trenches (up to four meters deep), electrified fences, razor wire and military roads. There is also a 30-100 meter wide "buffer zone" east of the wall with electric fences, trenches, sensors and military patrol roads.

Whether it is called a "wall", "barrier" or "fence" is irrelevant because the effect is the same: Israeli de facto confiscation of Palestinian agricultural land, forced impoverishment of Palestinian communities and a coercion of Palestinians to abandon their property.

3. Isn't the wall necessary for Israel's security?

No. The wall is not protecting Israeli citizens inside Israel; it is instead protecting Israel's occupation, illegal colonies and ongoing colonization of Palestinian land. If Israel were truly interested in its security it would (i) abide by international law and withdraw completely from the territories it occupied in 1967 and/or (2) build the wall on its 1967 pre-occupation border, rather than in the Occupied Palestinian Territories. The Green Line is only 320 km in length, whereas

the wall is projected to be 752-786 km, more than twice the length of the Green Line. The wall, designed to incorporate Israel's colonies into Israel, will therefore require more security measures and provide more opportunity for breaching the wall.

Israel has long used the façade of “security” for the continued colonization of Palestinian land, and the notion of a “security” wall neatly fits into Israel's long-term goal of annexing as much Palestinian land as possible with as few Palestinians as possible.

4. What is Israel really trying to do by building the wall?

Israel is attempting to annex parts of the Occupied Palestinian Territories by establishing militarily-enforced Palestinian ghettos corresponding to the Palestinian population centers, while continuing its illegal colonization policy. It is estimated that the wall, when complete, will ensure that approximately 94% of the Israeli settler population remains in the Occupied West Bank, with approximately 60% of the colonies also remaining. At the same time, the wall will ensure that Palestinians are denied the ability to move, while Israeli settlers will be able to freely travel throughout the Occupied Palestinian Territories.

Israel's ultimate goal is to make life so difficult for Palestinians – through the loss of land, loss of water resources, demolition of homes and markets, restrictions on movement and access to health and education – that the Palestinians will eventually leave. Once complete, the wall will leave less than 13% of historic Palestine for the indigenous Palestinian population.

In addition, Israel is attempting to “cleanse” the Palestinian population from lands confiscated by the construction of the wall. On October 2, 2003, the Israeli army issued an order declaring all Occupied West Bank land between the “security” wall and Israel's pre-occupation 1967 border as “closed” (the “Closed Zone”). The Order states that “No person will enter the [Closed Zone] and no one will remain there.”^[2] Free access to the Closed Zone, which represents approximately 2.9% of the Occupied West Bank, will only be granted to “Israelis” (defined as Israeli citizens, Israeli residents and anyone permitted to immigrate to Israel (i.e., anyone who is Jewish)). The Order requires Palestinian residents of the Closed Zone to obtain permits to live in their houses, farm their land, and to travel. Nothing in the Order guarantees that permits will be granted or even respected if indeed granted. Palestinians not residing in the Closed Zone but whose agricultural lands or jobs are within the Closed Zone will also be required to apply for a permit to farm their land or go to work. The Order effectively grants any Jew in the world the right to freely travel throughout the Closed Zone while denying the same rights to the Christians and Muslims who live on, farm and own the land. The Order affects approximately 13,000 Palestinians living in 15 villages and towns.

5. Israel claims that the wall is a temporary measure and can always be removed when a peace agreement is reached – what's wrong with that?

Defining measures as “temporary” is a strategy often used by Israel to justify illegal actions which become permanent. In 1967, when Israel began violating the Fourth Geneva Convention through the construction of illegal Israeli colonies in Occupied Palestinian Territory, Israel claimed the colonies were a “temporary” security measure. More than 36 years later, these colonies have not only become permanent but continue to expand. Israel has never dismantled any of these “temporary” colonies and there are now approximately 370,000 settlers living illegally in the Occupied Palestinian Territories.

Furthermore, the damage that is being caused by the wall cannot be reversed: Palestinian farmers have already lost their crops, their land and their primary source of livelihood; and Palestinian homes and businesses have been demolished for the wall's construction (such as in Nazlat Issa where 124 shops and 7 homes have been demolished).

In addition, Israel's estimated investment of US\$2 million per kilometer indicates that the wall is intended to be permanent.

In his recent report on the wall, UN Secretary-General, Kofi Annan, stated:

Israel has repeatedly stated that the Barrier is a temporary measure. However the scope of construction and the amount of occupied West Bank land that is either being requisitioned for its route or that will end up between the Barrier and the Green Line are of serious concern and have implications for the future....The placing of most of the structure on occupied Palestinian land could impair future negotiations.[3]

6. Given that Israel has built agricultural “access gates” so that farmers can access their land, how can it be argued that the wall is about confiscating land?

If Israel really wanted to facilitate access of Palestinian farmers to their land, the wall would have been built on the other side of the farmland, not between the farmers and their land.

The gates are an Israeli attempt to make the “security” wall look humane. In reality however, the “gates” are irregularly open. For example, the gates were closed from October 4 through October 20, 2003 during the olive harvest, causing many farmers to lose their annual olive crops and related revenue. In the case of the northern gate in Qalqilya, the gate has never reopened. The closure of the gates has caused livestock (particularly poultry) to die. Due to Israel's failure to provide advance notification of the hours of the gates' opening, Palestinians endure long, grueling waits, and are often denied access. Many farmers have decided to camp and live in their fields in order to ensure access to their land, but Israeli soldiers have arrested the farmers and sent them back to their villages.

Furthermore, Palestinians must apply for “permits” to access their own land and the criteria for receiving such permits is unclear. Such permits are not guaranteed and even if granted, are granted for a limited duration (typically one month) and may not be honored. For example, in Qalqilya during November 2003, 1,200 farmers applied for permits and only 300 permits were issued (approximately 25% of which were issued to dead or absent Palestinians). Indeed, the very existence of the permit system demonstrates that Israeli confiscation of Palestinian land has taken legal form.

In addition, Israel reserves the right to confiscate Palestinian agricultural land if it is not being regularly farmed. Consequently, by denying Palestinian farmers the right to farm their land, Israel is setting the stage for invoking the “use it or lose it” laws to confiscate the land.

7. But hasn't the wall been successful around the Gaza Strip?

With a population of approximately 1.2 million Palestinians, and a land mass of approximately 365 km², the Gaza Strip is among the most densely populated areas in the world. Since 1994, a wall has been in place around the Gaza Strip, cutting off the Strip's Palestinian residents from the rest of the world. Palestinians from the Gaza Strip are unable to leave the Strip unless they obtain

Israel's permission to do so, whereas Israeli settlers living illegally in the Strip have complete freedom of movement.

The wall surrounding the Occupied Gaza Strip is different from that currently being built in the Occupied West Bank: the wall around the Gaza Strip was built on the Green Line and, unlike the wall built in the Occupied West Bank, does not separate Palestinians from their lands or from one another.

Despite the wall's presence, Israel continues to carry out "security" related attacks in the Gaza Strip including: (i) military invasions; (ii) aerial bombings (iii) killing of Palestinian civilians (including children); (iv) land confiscations; (v) home demolitions and (vi) assassinations of "ticking time bombs" even though there has never been a suicide bomber entering Israel from the Gaza Strip.

8. If Israel only builds the wall on the western portion of the Occupied West Bank and not on the eastern portion in the Jordan Valley, would the wall be acceptable?

No. There is no such thing as a "humane" wall if it operates as a de facto annexation of Palestinian land or denies Palestinians freedom of movement or the ability to earn an income. Even without an eastern portion of the wall, 16.6% of the Occupied West Bank (home to approximately 380,000 Palestinians), will lie between the wall and the Green Line. The western portion of the wall alone has already caused the uprooting of more than 100,000 trees, the demolition of scores of homes and the destruction of more than 124 businesses.

In addition, even without building the eastern portion of the wall, Israel is still able to pursue its policy of caging in Palestinian population centers. With the exception of Jericho, itself surrounded by trenches and Israeli soldiers, the Jordan Valley is not densely populated and some of the villages that do exist there have received demolition orders for mosques, homes and schools. Consequently, by restricted Palestinian freedom of movement into the Jordan Valley through currently existing road blocks, curfews and other travel restrictions, Israel can still effectively cage in the Palestinian population while effectively annexing the Jordan Valley.

9. Is there any proof that Israel is attempting to annex Palestinian land?

Yes. In some places, such as Qalqilya, checkpoints have been moved further into Occupied Palestinian Territory with Palestinians requiring permits to "enter Israel" if they want to visit those areas beyond the checkpoint (yet still within Occupied Palestinian Territory). Additionally, some Palestinian landowners have received expropriation orders in which Israel claims that it will "correct the border." Thus, while Israel has not passed annexation laws, it has nevertheless de facto annexed Palestinian land in violation of international law.

10. Is the wall legal under international law?

No. The wall violates the Fourth Geneva Convention, including the following obligations which cannot be abrogated by invoking "military necessity":

Prohibition on the Use of Collective Punishment:

No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited. (Fourth Geneva Convention, Article 33(1))

The wall will serve to divide the Occupied Palestinian Territories with movement from one area to another controlled entirely by the Israeli army, in effect punishing the entire Palestinian population. Jewish Israelis illegally living in the Occupied Palestinian Territories will, however, continue to enjoy total freedom of movement.

Prohibition Against Annexation:

Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory. (Fourth Geneva Convention, Article 47)

Israel is de facto annexing additional areas of the Occupied Palestinian Territories.

11. Is the “security” wall legal under the Oslo Agreements?

No, the wall violates the Oslo Agreements.

Obligation to Preserve the Territorial Integrity of the Occupied Palestinian Territories:

The two sides view the West Bank and the Gaza Strip as a single territorial unit, the integrity and status of which will be preserved during the interim period. (Interim Agreement, Chapter 2, Article XI)

The construction of a wall within the Occupied Palestinian Territories violates the territorial integrity of the West Bank.

Prohibition Against Restricting Freedom of Movement:

Without derogating from Israel’s security powers and responsibilities in accordance with this Agreement, movement of people, vehicles and goods in the West Bank, between cities, towns, villages and refugee camps, will be free and normal and shall not need to be effected through checkpoints or roadblocks. (Interim Agreement, Annex I, Article IX, para 2(a))

Israel’s security powers, with respect to freedom of movement, extend only to prohibiting or limiting the entry into Israel of persons and of vehicles from the Occupied Palestinian Territories. Building a wall within the Occupied West Bank affects Palestinian freedom of movement not only into Israel, but also within and throughout the Occupied Palestinian Territories.

12. What is the international community doing to stop this?

Despite world-wide condemnation of the wall (including a UN General Assembly Resolution demanding that Israel stop and reverse the wall’s construction) and even United States and European concerns, the international community has taken no action that has had any effect. The Fourth Geneva Convention obliges the international community to ensure that the Convention, the primary purpose of which is to protect a population under occupation, is respected:

The High Contracting Parties undertake to respect and ensure respect for the present Convention in all circumstances. (Fourth Geneva Convention, Article 1)

Despite the fact that Israel's "security" wall violates international law and the Oslo Agreements, the international community has taken no action to comply with its obligation to enforce the Fourth Geneva Convention, thereby teaching Israel that it is above the law.

*Released by PLO Negotiations Affairs Department.