

PLO NEGOTIATIONS AFFAIRS DEPARTMENT

BARRIER TO PEACE: ASSESSMENT OF ISRAEL'S WALL ROUTE

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Exactly four 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 and that Israel consequently must undo it and its effects. Consequently, the Court ruled that Israel is obligated to cease the Wall's construction, tear down any parts already completed, and provide reparations for any damages caused by the construction.

Since then, Israel has taken no steps to abide by the Court's decision. On the contrary, Israel has flouted the Court's authority, continuing to erect the Wall, completing around 60% of its 701 kilometers, and transferring thousands of settlers to the oPt within that period alone.

The Court also held that third states have an obligation not to recognize or assist the situation arising from the Wall's construction and to ensure that Israel complies with its legal obligations. Yet, in the four years since the Court's decision, not nearly enough has been done in the face of Israel's intransigence.

Tragically, Palestinians continue to pay the price for this lack of enforcement. For instance, in the past three days, Israel has aggressively crushed the non-violent protests against the Wall by Palestinians from Ni'lin village, and Israeli and international supporters, injuring dozens and imposing a four-day long curfew on the village. Ni'lin, together with its neighboring villages (Rantis, Shuqba, Qibya, and Budrus) west of Ramallah, will soon be surrounded by walls and security roads. The 20,000 Palestinians living in these five villages will be trapped in yet another enclave in the oPt.

More must be done to ensure that these and other Israeli violations of Palestinian human rights do not continue for yet another year.

This fact sheet analyses the impact of the Wall and Israel's settlement expansion.

A. Despite inaccurate Israeli claims that the Wall route “only” takes 7-8% of the West Bank,¹ the Wall and planned settlement (colony) expansion will place 45.5% of the occupied West Bank under Israeli control.

- The Wall route alone ***de facto* annexes 9.0%** of the West Bank.
 - This figure **includes the Latrun Valley and East Jerusalem**, which together constitute 2.0% of the West Bank.
 - This figure also **includes the Ariel and Kedumim “fingers,”** which together constitute 2.2% of the West Bank.
- Settlements **“east”** of the Wall *de facto* annex an **additional 8.0%** of the West Bank.
 - These settlements mostly have their own **fences or walls** and control large areas of Palestinian land throughout the West Bank.
- Israel’s *de facto* annexation of the Jordan Valley accounts for an **additional 28.5%** of the West Bank.
 - Israeli settlements control nearly the entire Jordan valley, restricting Palestinian land use and development.²
- Israel claims the Wall is about **security**, but its route, which stretches **701 km**, is more than **twice the length of the 1967 border**, making it much more difficult and expensive to patrol. Of the 701 km, some 420 km (60%) have already been completed while 52 km are under construction.
- The Wall route effectively incorporates over 414,000 illegal settlers, or **88% of the Israeli settler population.**
 - The Wall facilitates the expansion of the most damaging Israeli settlement blocs, all of which the International Court of Justice unanimously deemed illegal on July 9, 2004.³

B. Percentages are deceiving: What matters are the value and location of land.

- East Jerusalem only accounts for 1.3% of the West Bank, but represents the **political, economic, cultural and religious capital** of the oPt and is therefore indispensable for the Palestinians.
- The Wall and settlements **divest Palestinians of their water rights.**

- The **Ariel and Kedumim “fingers,”** which stretch 22 km into the northern West Bank, account for only 2.2% of the occupied West Bank, but are part of a broad Israeli policy that prevents Palestinian access to some of the most valuable **water resources** in the West Bank.
- By incorporating many of the West Bank’s most valuable water productive zones, Israel’s Wall and settlements are an additional mechanism to limit access to water resources, as well as pre-empt future fair and equitable allocation of the West Bank’s water resources, as required by international law.⁴

C. The Wall route effectively severs East Jerusalem from the rest of the West Bank.

- The Wall in the Jerusalem area now ***de facto* annexes 228.2 km² or 3.9% of the occupied West Bank.** The Wall will separate or isolate over 230,000 Palestinian Jerusalemites from the rest of the West Bank and will further separate over 2 million Palestinians living on the “eastern” side of the Wall from East Jerusalem.
- The Wall will *de facto* annex to Israel three major settlement (colony) blocs surrounding metropolitan East Jerusalem—Givon, Adumim, and Etzion—land critical to Palestinian population growth and economic development.
- The Wall itself facilitates the Israeli settlement project in occupied East Jerusalem, including the ***Jerusalem Ring Road*** (and other settlement infrastructure) which will encircle occupied East Jerusalem, strangling the occupied City even further.
- The Wall facilitates the expansion of the **Adumim settlement bloc**, which includes Ma’ale Adumim, Almon, Kefar Adumim, Mizpe Yeriho, Alon and Qedar, as well as Mishor Adumim, an industrial settlement. The largest settlement (colony) in this bloc, Ma’ale Adumim, controls an area of 63 km² to be incorporated on the western side of the Wall. Ma’ale Adumim’s total municipal area is 15 times larger than its current built-up area.
 - The Adumim bloc lies approximately 14 km east of the 1967 pre-occupation border and houses over 30,000 settlers. To further **strengthen contiguity between the Adumim bloc and West Jerusalem**, Israel is implementing the E-1 Plan. The Plan is for a new Israeli settlement to be built on 12,442 dunums of the Palestinian lands of El-Eizariya Az-Zaim, At-Tor and Issawiya. The Plan is now slated to have 3,500 housing units (approximately 14,500

settlers), construction of which has already begun in Nof Adumim. However, the majority of the land will be used to develop Israeli infrastructure, including an industrial estate, ten hotels and entertainment facilities.

- **The E-1 Plan and the Adumim bloc assure Israeli control over key junctions for all roads connecting the northern West Bank to the south, and effectively bisect the West Bank.** Furthermore, the E-1 Plan will prevent Palestinian development in one of the Palestinian areas with the highest economic potential: Once the Plan is realized, Palestinian areas of Jerusalem will be severed from one another and the high development potential of the area will be lost, thereby **threatening the viability of the Palestinian state and its capital.**
- As a result of the fragmentation of the **Christian and Muslim Palestinian** communities of East Jerusalem and neighboring areas, **Jerusalem** **imminently risks losing its historic character** of housing vibrant communities of Christians, Jews and Muslims.
- The route of the Wall and Jerusalem-area settlements (colonies) **sever East Jerusalem from the neighboring communities** of Bethlehem and Ramallah. Historically, these communities have been socially, culturally and economically interdependent. Together, these communities alone account for **35 per cent of the oPt's economy**, including the Gaza Strip.
 - **Bethlehem** is completely cut off from Jerusalem, while the surrounding settlements of the **Etzion bloc expand onto more Palestinian land.** Even after the Annapolis Conference, and contrary to Israel's Road Map obligations, Israel has approved the expansion of the settlements of Har Homa, Betar Illit, Gilo, Givat HaMatos and Har Gilo by hundreds of housing units.
 - **The village of Walaja**, west of Bethlehem, will be almost entirely surrounded by the Wall with only a **“crossing” connecting it to Bethlehem.**
 - **Jaba**, which was previously located on the “eastern” side of the Wall, will now be added to the cluster of Palestinian villages surrounded by the Etzion settlements that are to be incorporated on the “western” side of the Wall. Jaba will be locked in between the Wall and a settlement by-pass road and, like the other villages in this cluster, will be deprived of free access to Bethlehem.

- The surrounding **Etzion settlements will control an area of 70.1 km²**—second only in size to the Ariel settlement (colony) bloc, which stretches 22 km into the northern West Bank. These settlements will permanently **restrict the development** of Bethlehem while fragmenting the agricultural communities on which Bethlehem and Jerusalem rely for produce and income. The Etzion settlements also prevent free movement of people and goods between the villages and the cities of Bethlehem and Jerusalem, while encroaching on cultivated areas, preventing access to fields, polluting water wells and decimating any prospects for development. As this is the most productive area of the Bethlehem region, the Wall and Etzion bloc will permanently inhibit the economies of Bethlehem and East Jerusalem.

D. Roughly 80% of the Wall lies on occupied Palestinian territory.

- On July 9, 2004, the International Court of Justice unequivocally reaffirmed that all portions of Israel’s Wall built on occupied territory, including East Jerusalem, as well as all of Israel’s settlements, are **illegal**.⁵
- Approximately **260,000** West Bank Palestinians living in the Governorates of Jerusalem, Jenin, Qalqilya, and Bethlehem will be trapped between the Wall and the 1967 pre-occupation border. They account for **10.6%** of the total Palestinian population in the occupied West Bank.
- The Bethlehem-area villages of Wadi Fukin, Nahhalin, Battir, Khirbet Zakariya, Husan and Jaba—home to approximately 19,000 Palestinians—will be **trapped between the 1967 border and the Wall. Furthermore, with the exception of Jaba, all of these communities will be enclosed between two Walls.** This facilitates the expansion of the **Etzion settlements** (colonies) while creating strong incentives for Palestinian villagers to abandon their homes and some of the West Bank’s most valuable lands to find livelihoods in neighboring Palestinian urban centers.
- The Wall route keeps intact the regime of **“closed zones,” gates, and permits.**
 - 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 those areas between the Wall and the 1967 pre-occupation border, also known as “closed zones,”⁶ without permits.
 - This means that thousands of Palestinians trapped between the Wall and Israel will need to obtain and renew permits to remain in their homes. Moreover, Palestinians living “east” of the Wall who have

property or jobs on the “western” side of the Wall will need to obtain and renew permits from the Israeli military to access their fields or places of employment.

- Meanwhile, according to the terms of the military order, any person of the Jewish faith anywhere in the world will be able to immigrate to illegal Israeli settlements in closed zones, without permits.⁷

¹ Israeli estimates have not disclosed the methodology behind these figures.

² See B’TSELEM, *Land Grab: Israel’s Settlement Policy in the West Bank*, (May 2002), available at <http://www.btselem.org/Download/200205_Land_Grab_Eng.doc>, last checked May 22, 2006.

³ Fourteen of fifteen justices acknowledged the illegality of Israel’s settlements in the majority opinion. See generally, *Advisory Opinion*, 2004, *supra* at note 2. Additionally, the dissenting justice acknowledged the settlements’ illegality in his separate declaration. See Judge Buerenthal’s declaration, ¶ 9, available at <<http://www.icj-cij.org/icjwww/idocket/imwp/imwpframe.htm>>, last checked May 22, 2005.

⁴ For background on the issue of water in the Israeli-Palestinian conflict, as well as a basic analysis of Palestinian water rights under international law, please see NEGOTIATIONS SUPPORT UNIT, *The Palestinian Position on Water*, available at <http://www.nad-plo.org/inner.php?view=nego_permanent_water_hwaterp&title=The_Palestinian_Position_on_Water>, last checked May 22, 2006.

⁵ See *Advisory Opinion*, ¶ 78, 2004, *supra* at note 2.

⁶ See B’TSELEM, *Not All it Seems: Preventing Palestinians [sic] Access to their Lands West of the Separation Barrier in the Tulkarm-Qalqilya Area*, p.7 (2004), available at <http://www.btselem.org/Download/200406_Qalqilya_Tulkarm_Barrier_Eng.Doc>, last checked May 22, 2006. For an English-language translation of the closed zone order pertaining to the Wall, see <http://www.nad-plo.org/inner.php?view=palisraeli_wall_primary_hborders3p>, last checked May 22, 2006. Similar orders address areas falling under Israeli settlement (colony) jurisdictional control. See B’TSELEM, *Land Grab: Israel’s Settlement Policy in the West Bank*, (May 2002), available at <http://www.btselem.org/Download/200205_Land_Grab_Eng.doc>, last checked May 22, 2006.

⁷ *Id.*