

PLO NEGOTIATIONS OFFICE

Media Brief

“INJUSTICE CAN BE DISMANTLED”

MARKING SEVEN YEARS SINCE THE DELIVERY OF THE LANDMARK ADVISORY OPINION BY THE INTERNATIONAL COURT OF JUSTICE (ICJ).

07 JULY, 2011

On July 9th, 2011 Palestinians commemorate the seven-year anniversary of the International Court of Justice (ICJ) Advisory Opinion on the illegality of the Israeli separation wall. In that landmark Opinion, the ICJ found both the Wall and Israeli settlements to be illegal under international law and international humanitarian law. Based on its findings, the Court also affirmed that Israel must cease construction of the Wall, dismantle those sections already completed, and make reparations for the damages caused by the construction.

“Given the character and the importance of the rights and obligations involved, the Court is of the view that all States are under an obligation not to recognize the illegal situation resulting from the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem. They are also under an obligation not to render aid or assistance in maintaining the situation created by such construction. It is also for all States, while respecting the United Nations Charter and international law, to see to it that any impediment, resulting from the construction of the wall, to the exercise by the Palestinian people of its right to self-determination is brought to an end. In addition, all the States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 are under an obligation, while respecting the United Nations Charter and international law, to ensure compliance by Israel with international humanitarian law as embodied in that Convention.”¹ ICJ Advisory Opinion

In this landmark Advisory Opinion, the ICJ found that the Wall violates the Palestinian people’s inalienable right to self-determination. The Court also said this was a right “erga omnes,” or “of concern to all states.” That is why among the many recommendations of the Advisory Opinion was that all states are obliged to act to end any impediment to the exercise of the Palestinian people’s right to self-determination that is resulting from Israel’s construction of the Wall.

¹ <http://www.icj-cij.org/docket/files/131/1677.pdf>

Following the ICJ Advisory Opinion, the Tenth Special Emergency Session of the UN General Assembly adopted resolution ES-10/15 demanded that Israel fully and swiftly comply with the Advisory Opinion. The resolution was adopted by an overwhelming majority.

*“The Court notes that Israel is first obliged to comply with the international obligations it has breached by the construction of the wall in the Occupied Palestinian Territory. Consequently, Israel is bound to comply with its obligation to respect the right of the Palestinian people to self-determination and its obligations under international humanitarian law and international human rights law. Furthermore, it must ensure freedom of access to the Holy Places that came under its control following the 1967 War.”*² ICJ Advisory Opinion

But seven years on, Israel continues to defy the ICJ Advisory Opinion. It still stands in flagrant violation of international law, international humanitarian law, and relevant UN resolutions, including ES-10/15. Construction of the illegal Wall is now almost complete, further entrenching the illegal settlement enterprise and undermining the legitimate and inalienable rights of the Palestinian people.

Wall Facts and Figures:

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 Occupied Palestinian Territory (OPT).

Seven years on, Israel continues building the Wall in the West Bank, including occupied East Jerusalem. The Wall cuts deep into the OPT, de facto annexing 9% of the occupied West Bank to Israel, including all of occupied East Jerusalem and the Latrun Valley. By the end of 2010, 61.4% of the Wall was completed, while an additional 8.4% was under construction and 30.1% was in the planning process.³

The Wall, with its planned length of 711 km, is more than twice the length of the 1967 border. Approximately 85% of the Wall is inside the occupied West Bank, including East Jerusalem. For instance, the Ariel and Kedumim “fingers” stretch as far as 22 km inside the West Bank.

*“In sum, the Court is of the opinion that the construction of the wall and its associated régime impede the liberty of movement of the inhabitants of the Occupied Palestinian Territory...as guaranteed under Article 12, paragraph 1, of the International Covenant on Civil and Political Rights. They also impede the exercise by the persons concerned of the right to work, to health, to education and to an adequate standard of living as proclaimed in the International Covenant on Economic, Social and Cultural Rights and in the United Nations Convention on the Rights of the Child. Lastly, the construction of the wall and its associated régime, by contributing to the demographic changes mentioned, contravene Article 49, paragraph 6, of the Fourth Geneva Convention and the pertinent Security Council resolutions cited earlier”*⁴ ICJ Advisory Opinion

² <http://www.icj-cij.org/docket/files/131/1677.pdf>

³ <http://unispal.un.org/UNISPAL.NSF/0/63CE9EE7C1E01AD88525789D004BCCFF>

⁴ <http://www.icj-cij.org/docket/files/131/1677.pdf>

The Wall route incorporates about 80 Israeli settlements housing approximately 385,000 settlers, or over 85% of Israel's settler population in the occupied West Bank., making the Wall an integral part of Israel's illegal settlement enterprise. The Wall also confiscates and/or isolates 110 square kilometers of Palestinian land in the West Bank for the benefit of the illegal Israeli settlements and military bases. The Wall itself is a combination of a concrete wall towering 8 meters (mainly around Palestinian population centers), trenches, fences, barbed wire and military-only roads.

About 10.6% of the Palestinian West Bank population is isolated west of the Wall. This includes 35,000 Palestinians holding West Bank ID cards and 268,000 Palestinian Jerusalemites.

Approximately 125,000 Palestinians spread across 28 Palestinian communities will be surrounded on three sides by the Wall. Moreover, Israel's Wall separates 12.4% of the Palestinian West Bank population from its cultivated land west of the Wall. This means that Palestinian farmers need permits from Israel in order to harvest their own land.

The Wall "Zones": The Wall surrounds and/or isolates numerous Palestinian communities, which Israel declares as "closed military zones". These enclaves caught between the Wall on the East, and Israel and the Green Line on the West – are referred to as "Seam Zone." They cover approximately 733 square km, or about 13% of the occupied West Bank. These zones include 348 square km of agricultural land, 250 square kilometers of forests, and 25 square kilometers of Palestinian built-up areas.⁵ Palestinians residing in these areas require special residence permits from Israel to continue living in their homes.

There is also a 30-100 m. wide so-called "buffer zone" east of the Wall with electrified fences, trenches, sensors and military patrol roads and some sections have armed sniper towers. Under international law, Palestinians living in the Seam Zone are considered "internally stuck persons" (ISP's) as they are a people experiencing rights violations yet are unable to leave.

Approximately 50,000 Palestinians in 38 West Bank villages and towns will be imprisoned in Israeli declared "seam zones" located between the Wall and the 1967 border.

The Wall completely encircles and severs occupied East Jerusalem from the rest of the West Bank. Recent reports indicate that approximately 140,000 Palestinians in the Jerusalem Governorate are now disconnected from the City by the Wall.⁶

⁵ <http://unispal.un.org/UNISPAL.NSF/0/63CE9EE7C1E01AD88525789D004BCCFF>

⁶ <http://unispal.un.org/UNISPAL.NSF/0/4694C27BF640414685257744004ACE17>

Impact of the Israeli Separation Wall:

Israel's Wall extends and consolidates the punitive regime of internal closures that 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 administrative barriers, such as Israeli-issued permits that dictate where Palestinians can live, work and move.

There are around 560 Israeli movement restrictions, including checkpoints and gates. The gates through which Palestinians enter their communities and planted fields are not easily accessible. They are open only during certain hours. In addition, Palestinians must first obtain a valid Israeli permit, which is a complicated and difficult process in light of various Israeli restrictions. In some cases, the applications, if successful, take weeks to process.

With this regime of restrictions, 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. This directly affects the lives of 855,000 Palestinians in 206 communities across the West Bank.

Naturally, the Wall and its associated regime have profoundly impacted the living standards of Palestinians. This includes health standards as the provision of healthcare to affected Palestinians is directly affected.

In March 2011, the UK medical journal, "The Lancet," published its latest findings, estimating that 10 percent of pregnant Palestinian women were delayed at checkpoints while travelling to a hospital to give birth.

*"Restrictions on movement are an everyday irritant in the occupied Palestinian Territory (oPT): Apart from tedious and humiliating searches at checkpoints, residents never know for sure how long their journeys will take, or whether, indeed, they can be made at all. But in a medical emergency these restrictions can be a matter of life or death"*⁷.

Perhaps the most devastating impact of the Israeli Wall is the continued displacement of thousands of Palestinians. Every year, Israel escalates its illegal policy of home demolitions in the occupied West Bank, including East Jerusalem. In 2010, Israel demolished at least 431 Palestinian structures, including 137 housing structures, displacing 594 people and affecting 14,136 others.⁸ This is the highest rate of home demolitions since 2005.

⁷ <http://www.thelancet.com/health-in-the-occupied-palestinian-territory-2011>

⁸ <http://unispal.un.org/UNISPAL.NSF/0/63CE9EE7C1E01AD88525789D004BCCFF>

Chronology of the Israeli Wall⁹:

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| November 2000 | Israeli Prime Minister Ehud Barak | Approves a plan to establish a wall along a section of the northern and central West Bank. |
| June 2001 | Israeli Prime Minister Ariel Sharon | Establishes a Steering Committee under National Security Council (NSC) to develop a more comprehensive plan to lead the implementation and expansion of Barak's earlier plan. |
| July 2001 | Israeli National Security Council (NSC) | Plan for a wall is approved in principle. |
| April 2002 | The Israeli Cabinet | Decides to establish a wall composed of fences and walls in three areas of the West Bank. A 'Seam Zone Administration' is established and the Israel army begins requisitioning and leveling land. |
| 23 June 2002 | The Israeli Cabinet Construction of the wall commences | Formulates a plan to build Phase I of the wall through the northern part of the West Bank and along the northern and southern borders of the 'Jerusalem Envelope.' |
| 14 August 2002 | The Israeli Cabinet | Approves the final route of Phase I which consists of 123 km of wall in the northern West Bank and 20 km around Jerusalem. |
| October 2003 | The Government of Israel | More than a year after wall construction begins, Israel publishes the first Cabinet-approved route of the wall. The area between the wall and the Green Line in the northern West Bank is declared closed and a permit and gate regime is introduced for Palestinians residing in, and entering, this 'Seam Zone' area |
| 8 December 2003 | The UN General Assembly Tenth Emergency Special Session | Requests an Advisory Opinion from the International Court of Justice (ICJ) on the legal implications of the construction of a Wall in the occupied Palestinian Territory, including East Jerusalem. |
| 23-25 February 2004 | ICJ | Oral hearings are held in the Hague. |

⁹ <http://www.ochaopt.org>

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| 30 June 2004 | The Government of Israel | Publishes the second official route of the wall, revising the October 2003 route |
| 30 June 2004 | The Israeli High Court of Justice | In a case relating to the village of Beit Surik, rules that the planning of the wall route must give weight to the humanitarian considerations of Palestinian civilians. |
| 9 July 2004 | The ICJ | Issues an Advisory Opinion declaring the wall illegal and contrary to Israel's obligations under international law. |
| 20 July 2004 | The UN General Assembly Tenth Emergency Special Session | Adopts resolution ES-10/15 and overwhelmingly reaffirms the ICJ Advisory Opinion |
| 20 February 2005 | The Israeli government | Publishes a third revised route of the wall. |
| 15 September 2005 | The Israeli High Court of Justice | Contrary to the ICJ Advisory Opinion, rules that the route of the wall is legal under international law. |
| November 2005 | The Israeli human rights organization B'Tselem | Publishes a report which concludes that the expansion of settlements was a primary consideration of the routing of the wall |
| November 2005 | Israeli Justice Minister Tzipi Livni | States that the Wall will have implications for the future border. |
| April 2006 | The Israeli government | Publishes latest official route of the wall. |
| January 2007 | The United Nations Register of Damage caused by the Construction of the Wall in the occupied Palestinian Territory (UNRoD) | Established in accordance with General Assembly resolution A/RES/ES-10/17. |
| January 2009 | The Israeli Government | Extends the closed area designation to Salfit, Ramallah, Hebron and parts of the Bethlehem and Jerusalem governorates. |
| July 2011 | Bil'in Village | Palestinians celebrate the re-routing of a section of the Wall, four years after the Israeli Supreme Court ruled on the issue. |