
OCHA
Occupied Palestinian Territories

Five Years after the International Court of Justice Advisory Opinion

A Summary of the Humanitarian Impact of the Barrier

July 2009

Executive Summary

In summer 2002, following a campaign of suicide bombings by Palestinian militants, the Government of Israel approved construction of a Barrier with the stated purpose of preventing Palestinian suicide bombers from entering Israel. On 9 July 2004, with approximately 200 kilometres of the Barrier constructed, the International Court of Justice (ICJ), the principal judicial organ of the United Nations, issued an Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory. The opinion recognised that Israel 'has the right, and indeed the duty, to respond in order to protect the life of its citizens [but] the measures taken are bound nonetheless to remain in conformity with applicable international law.'

In analysing the Barrier route, the ICJ stated that the sections which ran inside the West Bank, including East Jerusalem, together with the associated gate and permit regime, violated Israel's obligations under international law. The ICJ called on Israel to: cease construction of the Barrier 'including in and around East Jerusalem'; dismantle the sections already completed; and 'repeal or render ineffective forthwith all legislative and regulatory acts relating thereto.'

The ICJ also called on Israel to 'make reparations' for the 'requisition and destruction of homes, businesses and agricultural holdings' and 'to return the land, orchards, olive groves, and other immovable property seized.' The Court further obligated member states not to recognize the illegal situation created by the Barrier and to ensure Israel's compliance with international law.

Although this is a non-binding advisory legal opinion on 20 July 2004, the General Assembly overwhelmingly approved Resolution ES-10/15 which demanded that Israel comply with the ICJ opinion.

Five years on, Barrier construction continues with approximately 200 kilometres constructed since the ICJ advisory opinion. Approximately 58% of the 709-kilometre-long Barrier is complete; a further 10% is under construction and 31.5% is planned. When completed, the majority of the route, approximately 85%, will run inside the West Bank and East Jerusalem rather than along the 1949 Armistice Line (Green Line). The total area located between the Barrier and the Green Line amounts to 9.5% of the West Bank including East Jerusalem and No Man's Land (See Barrier Facts and Figures, p. 8)

The continuing construction of the Barrier inside the West Bank, including East Jerusalem, is not only contrary to the ICJ advisory opinion, but is also responsible for the humanitarian impact on the Palestinian cities, towns and villages detailed in this report.

In the northern West Bank, where the area between the Barrier and the Green Line was declared closed by military order in October 2003, Palestinians residing in this closed area ('Seam Zone') require permanent resident permits to continue to live in their own homes. They face restricted access to health and to education services and are cut off from family and social networks which are generally located on the 'Palestinian' side of the Barrier. Approximately 35,000 West Bank Palestinians will reside between the Barrier and the Green Line once construction is complete, in addition to the majority of the Palestinian residents of East Jerusalem.

The intrusive Barrier route also affects a far larger number of Palestinians, especially farmers, whose land and water resources are located between the Barrier and the Green Line. Since October 2003, Palestinians in the northern West Bank require visitor permits to reach and cultivate their land in the closed area. Access is channelled through one particular gate designated on the permit. Restricted allocation of these visitor permits and the limited number and opening times of the Barrier gates have severely curtailed agricultural practice and undermined rural livelihoods. In January 2009, the closed area designation was extended to the Ramallah, Hebron and parts of the Salfit, Bethlehem and Jerusalem governorates, where until now an ID card sufficed to pass Barrier gates and the gates opened through a system of prior coordination system with the Israeli District Coordination Liaison Office (DCL). This development raises concerns that the impact of the restrictive permit system experienced in the northern West Bank is now being replicated in the central and southern West Bank

While Israel has the duty to ensure the security of its citizens in response to attacks by Palestinian militants, this must be in accordance with international law and must not cause long-term detriment to the Palestinian population. The ICJ advisory opinion called on Israel to cease construction of the Barrier 'including in and around East Jerusalem' and to dismantle the sections of the Barrier already completed. In line with the advisory opinion, Israel should stop construction, including the intrusive sections around the Qedumim, Ariel and Ma'ale Adumim settlements. Regarding the sections already constructed, the Barrier should be dismantled or re-routed to the Green Line, as the ICJ called for. Only then will the Palestinian urban and rural communities cut off by the Barrier be able to exercise their rights to freedom of movement, work, education, health and an adequate standard of living.

This will also ensure that no Palestinian land and water reserves are isolated between the Barrier and the Green Line, preventing rural communities from cultivating land, harvesting crops and grazing animals.

Because of the extensive humanitarian impact of the Barrier, OCHA (together with UNRWA) has been monitoring and reporting on affected Palestinian communities in the West Bank, including East Jerusalem, since 2003. The current report summarises the main findings of this research, while documenting the latest developments since the last Barrier update, issued on the occasion of the fourth anniversary of the ICJ opinion in July 2008.

The first part of this report provides an overview of the humanitarian impact of the Barrier, highlighting the central role it plays in the system of access and movement restrictions, as well as continuing the fragmentation of the West Bank. The report examines the Barrier's impact on urban areas, on the closed area communities isolated between the Barrier and the Green Line, and on the rural communities which are primarily affected by the permit and gate regime. In addition, a chronology; basic facts and figures; the latest Barrier projections; insets on the ICJ Advisory Opinion and on the UN Register of Damage are also included.

The second part provides a graphic overview of the route and impact of the Barrier on eight West Bank governorates which the Barrier runs through. Accompanying each map is an overview of the humanitarian impact; the number and type of Barrier crossings (checkpoints and gates); and information boxes to illustrate concerns caused by the Barrier in the specific governorate.

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