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Preliminary Analysis of the Humanitarian Implications of the April 2006 Barrier Projections¹

Update 5

On 30 April 2006, the Israeli cabinet approved a revised route of the West Bank Barrier and published a map on the Ministry of Defense's website, (www.seamzone.mod.gov.il). The previous map was released on 20 Feb 2005.² Based on this revised map, the total length of the Barrier route will be 703 km long compared to 670 km of the previous route.

In June 2002, the Government of Israel began construction of the Barrier following a series of suicide bombings and attacks by Palestinian militants on Israeli citizens. It maintained that the Barrier is a temporary structure to prevent such attacks on Israeli citizens. Since then, Israeli government officials have stated that the Barrier could have "political implications".³

The major changes to the Barrier route from the previous route are detailed below and on the attached maps. This report preliminarily analyzes the revised route and its humanitarian impact. A more extensive technical analysis is forthcoming.

I. Status of the Barrier

Fifty-one percent (51%) of the West Bank Barrier construction is completed (362 km), 13% is under construction (88 km) and 36% remains marked as planned (253 km). Of the completed sections, 42 km are concrete segment slabs and 320 km of the Barrier consist of approximately 50 metres-wide areas of fences, patrol roads, barbed wire, tracking sands and an electronic observation system.⁴

these, 12 villages and about 31,400 Palestinians are particularly affected as they will be both completely encircled by the Barrier and on the west side of the Barrier.

Additionally, approximately 124,300 Palestinians living in 28 villages will be located on the east side, but surrounded by the Barrier on three sides and controlled on the fourth with an associated physical closure. The areas are Qalqiliya town, and Biddu and Biddu areas.

II. Humanitarian Impact

Palestinian population affected

1. If the Barrier is completed based on the current route, 60,500 West Bank Palestinians living in 42 villages⁵ and towns will reside in areas between the Barrier and the Green Line or in closed areas. In the constructed parts of the Barrier, people living in these areas must obtain a permit to pass through a gate in order to access health and education services, jobs, and markets in the West Bank. Of

2. The Barrier route affects Palestinians living on the West Bank side (east) of the Barrier, who need to cross it to get to their farms, jobs and maintain family connections. More than 500,000 Palestinians, for example, live within a one kilometre strip of the Barrier.
3. About 44,709 Palestinian residents of Qalqiliya city are encircled by the Barrier on three sides. There are two openings to the West Bank through the Barrier: the main

one, is east through the Barrier and a second one, is south through a tunnel under the Barrier. Both openings are narrow and have been closed periodically by the Israeli security forces.

4. Approximately one-quarter of the 230,000 Palestinians holding East Jerusalem residency permits are located on the West Bank side (east) of the Barrier. These East Jerusalem ID card holders need to wait in line to cross through one of four terminals to access Jerusalem for daily services and jobs.⁶
5. The Barrier around Jerusalem and the Ma'ale Adumim settlement group will impede both movement into Jerusalem, and north-south movement within the West Bank by blocking roads currently used by Palestinians. In January 2006, the IDF barred West Bank Palestinians from using 8 of the 12 routes into Jerusalem, diverting them to enter through terminal crossings with extensive security checks.

Land affected

6. The new route will slightly reduce, by 38 Ha, the total area located between the Barrier and the Green Line, known as closed areas or "Seam Zone". The new route incorporates 10.17% (57,518 Ha) of West Bank land into these closed areas.⁷
7. Three land areas are marked as totally surrounded by the Barrier. These may be opened in the future. These areas include the Khirbet Jbarah area, Beit Iksa and Qalandiyia village.

Barrier length

8. The total length of the new route has increased by 33 km, from 670 km to 703 km. Because of its meandering path into the West Bank, the length is more than twice the length of the "Green Line" – 315 km. The Green Line is the 1949 Armistice Line between Israel and Jordan.

Departure from the Green Line

9. The route of the Barrier extends into West Bank for most of its length; only 20% of the Barrier's length runs along the

Green Line.

10. In the north, the Ari'el settlement group extends 22 km or 42% across the width of the West Bank. Adjacent to Jerusalem, the planned Barrier route will encircle the Ma'ale Adumim settlement group and will extend 14 km into the West Bank or 45% across its width.

Buffer Zone

11. In the north, where the Barrier has been constructed, the IDF issued military orders (September 2004) creating a buffer zone. This zone affects a 150-200 metres strip of land on the West Bank sides of the Barrier. New construction is prohibited in this buffer zone.

Israeli settler population between the Green Line and the Barrier

12. Sixty-nine (69) West Bank Israeli settlements (excluding East Jerusalem settlements) will lie between the Barrier and the Green Line. This is the same number of settlements from the previous route and comprises 76.5% of the West Bank settler population (182,464 Israeli settlers). In addition, an estimated 183,280 Israeli settlers in East Jerusalem settlements will also be located between the Barrier and the Green Line.⁸

Barrier Gates

13. As of June 2006, UN staff observed 73 gates in the constructed Barrier. Of these, 38 are accessible to Palestinians with the correct permit. The Israeli Government has not released information on which access gates will be opened through the planned routes of the Barrier. This has been particularly significant in the Jerusalem city area, where tens of thousands of Palestinians remain uncertain how they will be affected.

Palestinians require permits to continue residing in "closed areas"

14. Palestinians residing in IDF declared "Closed Areas" face an uncertain future in terms of their personal and land status. On 7 October 2003, the IDF issued a number of military orders declaring these lands 'closed', for Jenin, Qalqiliya and

Tulkarm governorates.⁹ Those orders require approximately 5,000 Palestinian residents of the “Closed Areas” to obtain ‘green’ permits to be able to remain living in their homes. The permits are valid for up to a year. According to the military orders, Israeli citizens, Israeli permanent residents and those eligible to immigrate to Israel in accordance with the Law of Return, are exempted from these requirements.

Medical staff, business people and international humanitarian organizations also have to apply for permits to enter “Closed Areas”. While landowners are still receiving permits, there has been a notable decrease in the number of permits issued to agricultural workers and family members of the landowners who assist in cultivating the land.

Palestinians with green permits can only pass through one Barrier gate. Use of alternative gates is militarily regulated and allowed only in emergency cases. The limited opening hours of most gates impede Palestinian access to markets, schools, hospitals and maintain family connections in the remaining areas of the West Bank. Although Israel introduced some changes to the operation of the gates, access for Palestinians is restricted.

Humanitarian consequences

15. Where the Barrier has been constructed, Palestinians face economic hardship from being restricted from or not being able to reach their land to harvest crops, graze animals or earn a living.
16. West Bank residents have also been cut off from schools, universities and specialized medical care by the constructed Barrier.
17. The damage caused by the destruction of land and property for the Barrier’s construction will take many years to recover and hinder Palestinian development.

18. The Barrier fragments communities and isolates residents from social support networks. Even where the Barrier route does not encircle an area, its presence may still impact a community.

19. As yet no publicly available studies have been conducted by the Israeli Government to measure the Barrier’s impact on Palestinian lives. However, the Israeli High Court of Justice ruled on 30 June 2004 in the “Beit Surik” case (H.C. 2056/04), that the “rights, needs, and interests of the local population” must be considered in designing the route.

Legal and international developments

20. This is the second revision of the Barrier’s route since the advisory opinion of the International Court of Justice (ICJ) was issued on 9 July 2004. In that opinion, the ICJ recognized Israel’s right and duty to protect the lives of its citizens, but opined that the route of the Barrier in the occupied Palestinian territory and its associated regime, contravened international law. The court concluded that:

“...Israel ...has the obligation to cease forthwith the works of construction of the wall being built by it in the Occupied Palestinian Territory, including in and around East Jerusalem ...[C]essation of those violations [of its international obligations] entails in practice the dismantling forthwith of those parts of the structure...The Court finds further that Israel has the obligation to make reparation for the damage caused to all the natural or legal persons concerned.”
[para.s 141, 142, 151, 153]

21. On 20 July 2004, the General Assembly, in resolution ES-10/15, called on Israel to comply with the legal obligations identified in the ICJ advisory opinion.

22. Several Israeli High Court of Justice decisions, most notably the Beit Surik and Alfe Menashe¹⁰ cases, have led to the re-examination or revisions of the route. In the Alfe Menashe case, however, the Israeli court rejected the ICJ opinion regarding the illegality

of the Barrier, holding that the Barrier may be built within the occupied Palestinian territory to protect Israeli settlements.

III. Analysis of Changes

Overview of the Barrier route changes.

(Changes listed from north to south, see details on attached map)

- a. The Emanuel and the Ari'el settlement groups are split into two "fingers". The Emanuel finger will be connected to the Alfe Menashe settlement and Road 55 to Israel. The Ari'el finger will be connected to Israel by two routes, one running northwest along Road 5, the second along the Ale Zahav and Pedu'el settlements and the Al Matwi River.
- b. The Ari'el and Emanuel fingers together surround more than 25,000 Palestinians on three sides with one access route on the east side of the Barrier.
- c. The Ari'el finger encircles three villages: Deir Ballut, Rafat and Az Zawiya (total pop. 10,771). These villages will be on the west side of the Barrier.
- d. The Alfe Menashe settlement is reduced in size. Sections of the completed Barrier will be dismantled and rebuilt placing three Palestinian villages and some of their adjacent lands on the east side of the Barrier. This change will ease access for these communities; however it will have a lasting environmental impact on the village lands.
- e. The new Barrier route is approximately one and a half km further north from Road 465 than the previous Barrier path and incorporates fewer olive groves and land from Rantis village. Most of the Barrier will be built on Israeli declared "state land" in this area.
- f. The new Barrier route is closer to Ofarim settlement, allowing 'Abud village residents (pop. 2,458) to remain connected to their olive groves west of the village.
- g. The new route removes Beit Ikksa village (pop. 1,569) and its surrounding lands from the Jerusalem side of the Barrier and places it within the Biddu/Beit Surik group of West Bank villages, located northwest of Jerusalem. This area (pop. 46,321 including Beit Ikksa) is surrounded by the Barrier on three sides and Road 443 to the north and will be connected to the West Bank through a series of new tunnels and underpasses being constructed by the IDF.
- h. Al Walaja village (pop. 1,695 almost all refugees), located northwest of Bethlehem will be encircled by the Barrier. The new route will incorporate most all of the village infrastructure, however, the route will isolate the village from its farm land. The south side of the village is adjacent to an Israeli-restricted road leading to Har Gilo settlement; an underpass will connect Al Walaja with the West Bank.
- i. Al Jaba' village (pop. 906) will be in the Gush Etzion settlement group, on the west side of the Barrier, with approximately 19,000 Palestinians from eight villages. The previous Barrier route included Al Jaba' on the east side of the Barrier.
- j. The "bubble" created by the Barrier around the Eshkolot settlement is reduced and the quarry managed by the local settlement council will remain on the West Bank side of the Barrier.
- k. In the south, several sections of the route that were planned to be on the Green Line have been moved north, inside the West Bank.

¹ These figures are based on an analysis of the map published on the IDF website. Minor changes may occur once a higher resolution image is obtained of the constructed Barrier route.

² This is the fifth OCHA Projections report (the fourth update) of the West Bank Barrier route. The first report was made in November 2003 after the Israeli Ministry of Defense announced the official route of the Barrier on its website, www.seamzone.mod.gov.il/ in October 2003. OCHA updated its analysis in January 2004, June 2004 and February 2005.

³ On 4 July 2006, Israeli Minister of Justice Haim Ramon stated to Israeli radio, "that the separation fence is being built first and foremost for security reasons, but at the end of the day it has political implications." The radio reported that, "in a tour of the fence route in the Macabim, Nahal Modiin, Mt. of Olives and Beitar Elit, Minister Ramon said that the fence was built from the perspective that settlement blocs adjacent to the Green Line deserve protection but without unreasonably harming the Palestinian population." IBA Radio Website summarizing an interview with Haim Ramon on the 5:00 pm News Magazine, 4 July 2006.

In June 2006, the State Attorney told the Israeli Supreme Court in a petition by Palestinians against the route in western Bethlehem, that the construction of the Barrier may have political implications. Haaretz reported: "The government stated in its response that the route was determined in keeping with "the entirety of relevant considerations, security considerations and considerations involving the fabric of life for both Israelis and Palestinians. It cannot be said that [such] considerations were not what guided the military commander in determining the route of the fence." However, the statement also says that "by its nature, the building of the fence on the ground may have political implications. It would be difficult to argue that a fence route exists that would not have some political implications. However as has been clearly stated, the government does not see the fence as 'annexing' territories or as determining the future border of the state of Israel, but as a security fence," the statement said. In December 2005, Foreign Minister Tzipi Livni announced while she was still justice minister that the fence would serve as "the future border of the State of Israel." In fact, she said, "by means of its rulings on the separation fence the High Court was sketching the borders of the state." Her statements, made in a public forum in the presence of High Court justices, aroused ire; they were said to contradict the position the State Prosecutor's Office presented to the High Court. "One does not have to be a genius to see that the fence will impact the future border," Livni also said at the time." "State to Court: Fence route has 'political implications'" Haaretz, 14.6.2006, by Yuval Yoaz, <http://www.haaretz.com/hasen/spages/726478>

⁴ Figures on Barrier construction as updated to 1 May 2006.

⁵ The population and village figures do not include the Jerusalem Municipality.

⁶ Palestinian community population figures based on the Palestinian Central Bureau of Statistics (PCBS) 1997 census, 2006 estimates, and the Jerusalem Statistical Yearbook, 2003.

⁷ Total area between the Green Line and the Barrier includes areas designated as 'no man's land'.

⁸ Israeli settlement population figures taken from the Israeli Central Bureau of Statistics (ICBS), 2004.

⁹ IDF declared "Closed Areas" only applies to the area specified. No status change has been declared in the other areas closed off by the Barrier.

¹⁰ *Mara'abe v. The Prime Minister of Israel* H.C.J. 7957/04 "Alfe Menashe" case.