



Major Issues: Separation Barrier



Separation barrier: (left) Many quotes and images like this one from Martin Luther King Jr. adorn the Palestinian side of the barrier. (middle-left) Former ELCA Presiding Bishop Mark Hanson and ELCJHL Bishop Munib Younan join others as they pray for peace at the barrier. (middle-right) An Ecumenical Accompanier gives a perspective of how high the barrier stands. (right) The barrier as it cuts around Qalqilia, separating Palestinian land from Palestinian land.



Barrier construction accelerated in June 2002 after an escalation of suicide bombings



Objection to the Barrier based on its route – not the Barrier itself.



“Israel should freeze settlement construction, dismantle unauthorized outposts, end the daily humiliation of the Palestinian people, and not prejudice final negotiations with the placements of walls and fences.”

- From a 19 November 2003 statement by then President George W. Bush

UN Office for the Coordination of Humanitarian Affairs provides an overview of the humanitarian impact of the barrier [here](#).

International Law

"The General Assembly...[d]emands also that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion rendered on 9 July 2004 by the International Court of Justice and as demanded in resolution ES-10/15 and resolution ES-10/13 of 21 October 2003, and that it cease the construction of the wall in the Occupied Territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto, and make reparation for all damages caused by the construction of the wall;"

– UN Resolution 59/124 (25 January 2005)

What's at Stake

For some Israelis and their supporters the separation barrier represents the most tangible symbol of and reason for the dramatic decrease in suicide attacks against Israeli civilians. For most Palestinians and many in the international community, this barrier is one among several reasons for such a decline. The ELCA supports the right and duty of the State of Israel to protect its civilians. But given the barrier's route, what's most at stake now are the lives of average Palestinians who are divided from their jobs, schools, farm fields, medical care and families — and who must spend hours each day in border crossings within Palestinian territory.

Stories: The Human Face of the Conflict

"Mommy, why do we have to live in a tomb?"

"What do I say to that?" Claire, her mother, wondered aloud.

Claire, her husband and their four children live in Bethlehem in a house surrounded by walls on three sides (see photo right).

They live near Rachel's Tomb, the site sacred to Muslims, Christians and Jews, especially women trying to conceive, as Rachel did after a long wait. Now, the site has been sealed off from Palestinian Christians and Muslims, with the only entrance from the Israeli side of the wall. In addition, the wall has been built to enclose an area that is planned to be a controversial new settlement, perhaps



begun by some of the more ideological settlers from Hebron.



Although all the land you see in this picture is Palestinian land, the Israeli separation barrier cuts up and confiscates this area near Rachel's Tomb, which was on the once main busy road to Jerusalem. Now, most businesses on that main road are closed. Other Palestinians are cut off from their businesses by the separation barrier.

In the picture at left, for example, everything on the right side of the barrier –including the olive trees – is now on the “Israeli side” of the barrier, leaving no room for expansion of the

crowded Aida refugee camp, which abuts the barrier on the Palestinian side. The controversial Gilo settlement, on the hill, continues to expand, most recently with a plan for a related settlement to the south, which will swallow up villages like Walaja and others. While building continues in the settlements (note the cranes in Gilo), building permits are very difficult to get for Palestinians.

Claire wonders how to raise her children without them becoming perpetually angry and depressed, as the wall even darkens their apartment by blocking out the light.

"In'shallah (God willing)," says Claire, "someday these walls will come down and my children can run and play and we can see the sun again." We live in hope with you, Claire.

Act Now

Compared with such major negotiation issues as Palestinian refugees, Israeli settlements, and the status of Jerusalem, the separation barrier has become less prominent in discussion about peace in the past few years. However, you can advocate for a just peace by telling your members of Congress and the White House:

- that the planned separation barrier, 85 percent of which is built on Palestinian land, has confiscated large amounts of Palestinian lands, disrupts and fragments Palestinian existence and would make a viable two-state solution virtually impossible.
- that the route of the barrier often prevents ordinary movement and access for medical personnel and patients seeking to reach Augusta Victoria Hospital and other medical facilities;
- that the route of the barrier in and around Bethlehem and Jerusalem often prevents Palestinian Christians and Muslims from visiting holy sites and participating in religious festivals.

The Church's Voice

The 2005 ELCA's [Churchwide Strategy for Engagement in Israel and Palestine](#) calls for "An end to further expansion of the separation wall on Palestinian territory and the related appropriation of natural resources (e.g., water, farmland)" and "Suspension of the planned construction of the separation wall, the path of which threatens the viability of the ELCJHL schools in the Bethlehem area and LWF health ministries and vocational schools that serve Palestinians." (Section B. Outcomes)

In [A Moment of Truth: Kairos Palestine](#) issued in December 2009 by Palestinian Christians, they stated that "The separation wall erected on Palestinian territory, a large part of which has been confiscated for this purpose, has turned our towns and villages into prisons, separating them from one another, making them dispersed and divided cantons." (Section 1.1.1)

Background

In 2002 the government of Israel began construction of a physical barrier to divide Israel and the West Bank for the stated purpose of preventing entry into Israel by Palestinians who might carry out attacks on Israel's civilian population. Instead of being built along the so-called [Green Line](#), 85 percent of the barrier is on Palestinian land. In many places it cuts deeply into occupied Palestinian land and has resulted in the confiscation and destruction of whole villages, thousands of olive trees and many acres of Palestinian land. The total length planned is 709 kilometers, double the Green Line's length. The barrier consists mainly (90 percent or so) of fences, ditches, razor wire, groomed sand paths, an electronic monitoring system, patrol roads, and a buffer zone. About 10 percent, around the most populated areas like Jerusalem, Bethlehem, Qalqiliya and Tulkarm, consists of 25-30-foot walls.



This picture shows the Separation Barrier as it runs between a Palestinian village and an Israeli Settlement. The field in the foreground was originally part of the Palestinian village but now is controlled by the Israeli Settlement

This structure may indeed have reduced violence against Israelis. However, as the barrier is only now just 60 percent complete, many cite other factors which have also contributed to a lessening of violence, such as improved Palestinian security apparatus and intentional changes in tactics and truces by Palestinian militants.

In 2004, the [International Court of Justice in The Hague, gave its advisory opinion](#) on the question of the legality of the separation barrier being built by Israel. The opinion was in response to the request of the UN General Assembly of 3 December 2004.

The court stated unequivocally, and contrary to the position held by Israel, that international human rights law applies in its entirety in occupied territory, along with humanitarian law. The court ruled that the separation barrier violates rights set forth in conventions to which Israel is party. The court mentioned the rights to freedom of movement and the right against invasion of privacy of home and family, which are enshrined in Articles 12 and 17 of the International Covenant on Civil and Political Rights, and the right to work, to an adequate standard of living, health, and education, which are enshrined in Articles 6, 11, 12, and 13 of the International Covenant on Economic, Social and Cultural rights.

Furthermore, it found that the separation barrier is intended to assist the settlements, the establishment of which violates Article 49 of the Convention. Also, the court pointed out that the restrictions placed on the local population located between the barrier and the Green Line are liable to lead to abandonment of the land, which also constitutes a violation of Article 49. In addition, the opinion stated that taking control of private land to build the barrier injured private property owners, and thus violated Articles 46 and 52 of the Hague Regulations of 1907 and of Article 53 of the Fourth Geneva Convention.

Israel does not accept the validity or legitimacy of the court's ruling.

There have been many challenges by Palestinian villages and Israeli peace groups to Israeli courts regarding the route of the barrier, some of which have led to changes in the route. Most, however, are unsuccessful, and Palestinians continue to be separated from their land, their jobs, their schools and their families. It is estimated that about 250,000 Palestinians will be isolated because of the wall. Some Israelis object to the cost of the wall, about \$2 million per kilometer.

While many Israelis refer to this structure as the "security fence," many Palestinians call it the "segregation wall." The ELCA Peace Not Walls campaign, along with a number of American and Israeli peace groups, uses the term "separation barrier," because that best describes the structure and what it does. It is important to move beyond the naming of this structure to the more pertinent issues of its path and effects on both Palestinians and Israelis. Because Israelis in most cases are prohibited from visiting West Bank towns under Palestinian control, it is not surprising that in a Fall 2010 poll, 71 percent of Israelis reported having no Arab friends (The [Sadat Chair for Peace and Development](#) at the University of Maryland, Professor Shibley Telhami, principal investigator) This barrier continues to divide people as well as land.

See these links for more information about the Separation Barrier:

[State of Israel: the Security Fence](#)

[OCHA Barrier Update: Impact on Jerusalem 7 Years after the ICJ Ruling](#)

[B'Tselem: the Separation Barrier](#)

Relevant International Law

"Protected persons who are in occupied territory shall not be deprived...as the result of the occupation of a territory, into the institutions or government of 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 (12 August 1949)

"Family honor and rights, the lives of person, and private property, as well as religious convictions and practice, must be respected. Private property cannot be confiscated."

– The Hague Convention, Article 46 (18 October 1907)

"Considers that the acquisition and retention of territory in contravention of the right of the people of that territory to self-determination is inadmissible and a gross violation of the Charter."

– UN General Assembly Resolution 2649, Article 4 (30 November 1970)