

“Do you realize that you are guarding a ghetto - yes, a ghetto? Do you realize that you are holding tens of thousands of people prisoner, preventing farmers from cultivating their land, preventing merchants from having customers, driving a whole population down to poverty and misery? Can you look yourselves in the mirror?”

Itay Rotstein, Tel Aviv resident, Palestinian/Israeli demonstration against the Wall, July 31, 2003

Part Fence, Part Wall, 100% Apartheid

IN some places it is a concrete wall two metres thick and eight metres high. In others, it is a six metre high fence. When completed, it will stretch 685 kilometres. Parts of it are surrounded by trench and rolls of razor wire. It is interspersed with watchtowers. Fence or wall, it is a barrier to freedom Palestinians. It is a fence of segregation, a wall of discrimination, a tool of occupation.

Israeli authorities claim they are building the Wall only for security purposes, but 90% of it snakes well inside the Green Line (the 1967 ceasefire line dividing Israel and the West Bank), sometimes by several kilometres and in many cases to encompass illegal Israeli settlements in the West Bank. Like the settlements, the purpose of the wall is really to annex more Palestinian land into Israel.

The wall has already cut off thousands of Palestinians from farmlands, jobs, markets, schools and essential services. Like the checkpoints that are already scattered throughout the West Bank, Gaza and Jerusalem, the wall cuts Palestinians off from each other, within their own territory. It is the old principle of divide and rule. How can Palestinians engage in state-building when they need permission from Israel to travel to the next town?

International Court of Justice Rules

On July 9, 2004 the International Court of Justice (ICJ)—the United Nations highest judicial body—ruled that the wall was illegal, that Israel must dismantle it and provide reparations for damages caused by the construction. The UN General Assembly supported the ruling with a vote of 150 in favour and 6 against (Australia, Federated States of Micronesia, Israel, Marshall Islands, Tuvalu, United States). There were 10 abstentions (Canada, Cameroon, El Salvador, Nauru, Papua New Guinea, Solomon Islands, Tonga, Uganda, Uruguay and Vanuatu).

Canadian Government Double-Speak

Canadian policy in words sides in favour of international law on the question of Israel’s illegal settlements in the occupied Palestinian territory but when it comes to acting on this policy, Canadian politicians evade carrying through and cover up with double-speak.

Canada’s representative to the UN admitted that Canada was concerned with the wall’s route and its adverse effect on the socio-economic situation in the occupied Palestinian territory. He said that although Israel had a duty to protect its citizens, its measures had to be in accordance with applicable humanitarian law. However, he abstained from the vote with the excuse that “at time of the resolution referring the issue to the International Court of Justice, Canada had questioned whether the request was a useful step, given the highly charged political environment.”



Clowns Without Borders is a group of Barcelona-based street artists. These pictures follow them on a recent tour in the West Bank and Gaza Strip. Under the gaze of Palestinian leader Yasser Arafat, whose picture hangs on the wall, Javier Ariza (left) and Mikio Tsunekawa prepare for a show at a social centre in the town of Kalandia in the West Bank.

Photo by Eitan Abramovich/AFP

The Israeli occupation of the West Bank and Gaza does create a highly charged political environment. That is precisely why the application of international law is so important.

Israel is isolating itself as a rogue nation in the United Nations and in the court of world opinion. If Canada claims to be a friend of human rights and international law, then it is Canada’s duty to push Israel to comply with both. It is time for some straight talk and action.

You Can Act:

- Pop a postcard in the mail - The wall must fall;
- Sign the End the Occupation statement at www.canpalnet.ca/stmt;
- Educate yourself and others about the wall;
- Provide support to groups advocating Palestinian human rights;
- Participate in nonviolent direct action in Palestine;
- Lobby elected representatives to speak out.

Israel, the Wall and International Law

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The Israeli-Arab conflict has, for a long time, been a zone of legal exceptionalism. Binding United Nations resolutions are scorned, Security Council investigations are rebuffed, and the obligations of international conventions and treaties are dismissed.

This obstructionism fails not only the requirements of law, but also the demands of realism. No conflict in the world can be transformed into an equitable and viable resolution as long as one party can successfully plead exemptions and special entitlements forbidden to others.

The ruling in July by the International Court of Justice that Israel's Separation Wall is illegal, and must be torn down immediately, is only the latest example. By a vote of 14-1, the Court made it clear that Israel has a right to build a wall for its own protection against terrorism, but not on someone else's land.

Only 10% of the Wall is being built on the 1967 border between Israel and the West Bank, the only border the world recognizes. The other 90% snakes through Palestinian lands, completely enclosing whole towns and villages. It separates thousands of Palestinian farmers from their fields, and has substantially increased the economic hardship in the territory, according to recent UN reports.

If Israel had built the barrier entirely on its 1967 borders, not only would it have been legal, it would have been 40 per cent shorter, costing less than half of its two billion dollar price tag. But building the Wall only on Israel's border would nullify its main purpose. The underlying aim of the Wall is to ensure that the 200 Jewish-only settlements and the confiscated Palestinian lands in the West Bank remain in Israel's hands in perpetuity. These settlements are themselves illegal under the Fourth Geneva Convention, and constitute a war crime under both Canadian and international law.

The International Court of Justice, sometimes known as the World Court, is the United Nations' highest judicial body. Its fifteen judges, who are chosen from around the world, decide disputes between nations, and also give advisory opinions when asked by the UN or one of its agencies. It is unusual for this Court to give such a near-unanimous ruling, and even the single judge who dissented agreed that Israel's Wall is illegal.

After the World Court's ruling, Israel immediately announced that it would not obey it. "It belongs in the garbage can of history," said Prime Minister Sharon's spokesperson. Two weeks later, the United Nations General Assembly voted 150-6 to demand that Israel immediately comply with the ruling. That vote has also gone unheeded.

The World Court's judgement and the UN resolution both establish that international law and a rights-based approach have a central role to play in the search for peace in the Middle East. Earlier decisions by the Court on the illegal occupations in Namibia and East Timor were influential, because they hastened those countries' eventual independence. Using the tools of modern international law-which emphasizes fairness, equality and the non-violent resolution of conflicts-can only enhance the chances for a compassionate peace in the Holy Land.

Israel's deliberate disobedience of legal rulings and resolutions by the international community places it in the role of a serial offender. Its defiance-backed by its overwhelming military strength and its alliance with the United States-ensures that the Middle East conflict will continue to be guided by brute power and force rather than the principles of peace.

In a famous 1955 ruling on South Africa's continued occupation of South-West Africa (now Namibia), the World Court warned the apartheid regime of its ongoing defiance of UN resolutions and court rulings. A country which does so, it stated, "acts at its peril...when the cumulative effect of the persistent disregard of the articulate opinion of the Organization is such that...the State in question has become guilty of disloyalty to the Principles and Purposes of the [UN] Charter."

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