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**Sent:** Friday, July 16, 2004 8:36 AM  
**To:** conf2004@sabeel.org  
**Subject:** Sabeel's position on the Wall

## **THE HAFRADA\* WALL**

### **Sabeel's position**

#### **BACKGROUND:**

On June 16, 2002 Israel began unilaterally building its "separation fence" (hafrada wall) in the Occupied West Bank. On December 10, 2003 the Secretary-General of the United Nations officially communicated to the International Court of Justice at the Hague the decision taken by the General Assembly to submit the question, adopted on December 8, 2003 at its Tenth Emergency Special Session, for an advisory opinion on the "legal consequences arising from the construction of the wall being built by Israel, the occupying power..." The International Court of Justice (ICJ) released its opinion on July 9, 2004.

#### **SUMMARY OF THE INTERNATIONAL COURT OF JUSTICE OPINION:**

- The construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, is contrary to international law;
  - Israel is under an obligation to terminate its breaches of international law; it is under an obligation to end the construction of the wall, to dismantle it, and to repeal any legislation relating to it;
  - Israel must make reparations for all damage caused by the construction of the wall. All States are under an obligation not to recognize the illegal situation resulting from the construction of the wall; and all States party to the Fourth Geneva Convention have the obligation to ensure compliance by Israel with international humanitarian law;
  - The United Nations should consider what further action is required to bring to an end the illegal situation resulting from the construction of the wall.
- ([www.icj-cij.org](http://www.icj-cij.org))

#### **WALL STATISTICS:**

The main wall, according to approved plans by Israel on October 2003, will be 381 km (237 miles) in length and supplemented by 169km (105 miles) of a secondary fence, affecting some 943,000 dunams (235,750 acres) of land. At a cost of \$2.7 million per kilometer, the construction costs alone are over one billion U.S. dollars. This does not take into consideration the costs of Palestinian property confiscated and/or destroyed. The wall is an eight-meter high (26 ft) concrete barrier in some areas of the Occupied Palestinian Territories and in others it is a three-meter high (10 ft) electrified fence with additional barriers on either side constructed of razor wire, trenches and military roads. Where it is a wall or a fence, it ranges from 30m to 100m (100 – 325 ft) in width with the multiple surveillance systems.

([www.miftah.org](http://www.miftah.org) / [www.btselem.org](http://www.btselem.org) / [www.amnesty.org](http://www.amnesty.org))

## **THE EFFECTS OF THE WALL ON PALESTINIANS:**

In order to build the wall, Palestinian land is being confiscated for the wall itself and for the large buffer zones surrounding it. Palestinians have been separated from their places of employment, their farmlands, hospitals, schools, places of worship and their families. In the first phase of the wall alone, 100,000 trees have been uprooted; 35,000 meters of irrigation networks have been destroyed; and 75% of teachers and students living in the construction areas have had difficulty arriving at school.

## **SABEEL'S POSITION**

1. Sabeel's vision for peace expressed in its **Jerusalem Document – Principles for a Just Peace 2004** has been affirmed by the ICJ advisory. We call attention to the legal, moral, and theological affirmations that appeared in the document. Although the document does not address the wall issue specifically, it deals with the general injustice of which the wall has become its most articulate expression. The document, however, goes to the heart of the matter and addresses the basic injustice and gives the remedy for it. ([www.sabeel.org](http://www.sabeel.org))
2. Sabeel gives thanks to God for the ICJ and its courage to stand for what is just and moral. Although its advisory opinion was strictly based on upholding international legality, Sabeel sees its deeper theological dimension. For whoever and whatever champions truth and justice is of God – the God of justice and truth. Whatever humiliates and dehumanizes people cannot be of God. Whatever breaks the commandment of love of neighbor is immoral.
3. Although Israel contends that the building of the wall is necessary for security, no walls are high enough to prevent oppressed people from struggling for freedom and liberty. The only way to achieve security is through a just and comprehensive resolution to the conflict. The ICJ opinion is a call for Israel to accept the rightful aspirations of the Palestinians to self-determination.
4. The separation wall that Israel is building has become a symbol of hate and alienation. This must be a reflection of the past and not the future. By building the wall, Israel, in essence, wants to perpetuate the animosity concretely and permanently. The ICJ ruling is a wake up call to help Israel look to a different future. Instead of separation, it needs to seek the way of peace and reconciliation based on doing justice to the Palestinians.
5. The ICJ advisory opinion is basically saying that peace will never be achieved as a result of *hafrada* (separation) walls or the strength of Israel's arms. It can be achieved through repentance and humility on the part of Israel. It can be realized by respecting Palestinian rights. The ICJ is saying to Israel, "the path you are treading will not yield peace." It is a call to change direction. The decision of the ICJ can be a sobering call to Israel after 37 years of denying Palestinian rights.
6. The injustice will not disappear by the mere dismantling of the wall. Even if the wall were moved to the Green Line, but were to zigzag in part to include the major settlements, it would still be unjust because all the settlements are illegal under international law. The wall is only the latest manifestation of the occupation. The wall must be dismantled, and Israel needs to continue in its work to end its occupation of all the occupied territories in the Gaza Strip and the West Bank including East Jerusalem. It must also allow and facilitate the establishment of an independent, sovereign, and viable Palestinian state on all of those areas.
7. Sabeel sees the ICJ opinion not as being anti-Israel but in favor of a just peace that will benefit both sides and ultimately contributes to world peace. Peace must be the result of

- the implementation of the UN resolutions and international law. Any unilateral action, especially that which is carried out by the powerful party, will never yield a lasting peace.
8. Palestinians must take courage and confidence from the ICJ ruling and continue to concentrate their efforts on walking the way of international law for the achievement of their rights. Acts of violence only obstruct the path of international law.
  9. We will continue to be faithful to our calling to be peacemakers. We must work diligently for the making of a lasting peace on the basis of truth and justice.

#### **WE CALL ON OUR FRIENDS:**

1. To take courage and hope from the ICJ ruling and to double their endeavors for the cause of justice, peace, and reconciliation in Palestine/Israel.
2. To seize the opportunity and convey to their governments the ICJ ruling that:
  - a) “All States are under an obligation not to recognize the illegal situation resulting from the construction of the wall;
  - b) And all States party to the Fourth Geneva Convention have the obligation to ensure compliance by Israel with international humanitarian law.”
3. Strengthened by the ICJ ruling, to intensify all efforts, in cooperation with other organizations and individuals, through advocacy, direct peaceful actions, and other activities that aim at ending the illegal Israeli occupation of the Palestinian territories.
4. To mount an educational campaign, in as much as possible, within the various church communities to help members understand the importance of the ICJ ruling and its implications for a just peace in Palestine/Israel.
5. To continue to lift up in prayer all the people of Palestine/Israel and especially all those who are suffering as a result of the building of the separation wall.

*\* NOTE: Originally the word apartheid was an Afrikaans word that simply meant “separation”. It reflected the desire of the whites to separate from the blacks in South Africa. In time, the word acquired a racist connotation for racial segregation.*

*Similarly, Sabeel has been recommending to its friends to use the word “hafrada” which is Hebrew for separation. This is the word which the government of Israel is using as it builds its separation wall. In time, the word hafrada can become synonymous with apartheid because it harbors within it the hatred of and discrimination against the Palestinians.*

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