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International Law and the Racist Separatist Wall

The Israeli government laid a plan of the so-called security wall along the West Bank whose cost reached 6.5 billion Shekels. This wall consists of three parts:

- The northern part
- The southern part
- The part surrounding the city of Jerusalem

For this reason Sharon was elected to execute an extreme-right project whose purpose is to persecute and crush the Palestinians.

This wall has negative effects which will endanger the lives of 680.000 Palestinians (one third the population of the West Bank) and will deprive of their simple human rights such as the right to live, to seek work and earn a living, and the right to procure food and medicine.

The report issued by the Special Coordinator of the United Nations who researched the effects of the Israeli confinement of Palestinians in the period January 1st, 2000 – June 30th, 2002 when the level of income greatly decreased and led to a steep increase in poverty reaching 60% and unemployment stood 50% of the population, concludes the following:

The confinement policy led to economic loss totaling 1.5 billion Dollars. It deprived the Palestinians of water supplies since Israel confiscated in the first period over 31% of the wells which contain over 4 million cubic meters of water. Various studies indicate that the wall, when finished, will devour 43 – 45% of the West Bank's area and will illegally attach Palestinian land to Israel. As such the construction of the separatist wall and the addition of new settlements is considered a violation of the provisions of international law and other international agreements such as the Anti-apartheid Agreement signed in 1978.

The Secretary General of the United Nations issued a report concerning this matter in November 11th, 2003 which contributed to the formulation of the General Assembly's Report as regards these points:

- 1- The construction of the wall contradicts Israeli commitments to the international law and the resolutions of the United Nations.

- 2- Israel is an occupying state and the construction of the wall is an illegitimate act according to the provisions of the international law and the resolutions of the United Nations.
- 3- The separatist wall is considered an instrument to absorb Palestinian lands; as such it contravenes the international law.

The General Assembly of the United Nations resolved, in its session dated December 21st, 2003, in conformity with Article 96 of the Articles of the United Nations Charter, and in agreement with Article 65 of the Articles of the International Court of Justice, to introduce an advisory view of the matter. The International Court of Justice expressed its advisory view number 3 on July 9th, 2004. The Court's resolution covers 72 pages and includes 126 articles as a result. It has an article describing its view which entails two principles related to the form and a third one related to the subject. The latter principle is divided into branch articles.

The resolution is entitled "The Legal Ramifications of the Construction of the Separatist Wall on Palestinian Lands". It points out:

- Israel's construction of the wall as an occupying force of Palestinian lands including East Jerusalem and its environs, and the conditions accompanying such act contravene the international law. Such construction of the wall made Israel violate the international law by repressing the Palestinians freedom of movement and their freedom to seek work, education and medical necessities. Israel also violates the international agreements which it signed and ignores the effective basics of human rights.
- The Court resolves that Israel must commit to ending its violation of the international law, stop the construction of the wall and tear down the construction it already did.
- In the final article the Court resolves that the United Nations, particularly the General Assembly and the Security Council, must study additional measures to end the illegal situation arising from the construction of the separatist wall.