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# 3

## **ISRAEL'S WALL, DISPLACEMENT, AND PALESTINIAN RESISTANCE IN THE WEST BANK**

MAZEN MASRI

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*We managed to create a non-violent body to struggle and fight against the apartheid wall. This body is called the Ni'ilin Committee Against the Wall. It includes organizations and activists that decided to fight the wall in a peaceful and non-violent way. And when we say peaceful way we mean that we cannot fight the occupation with armed resistance because we know that they are stronger than us. But this non-violent struggle is a message to the world that we are refusing this wall and occupation, we refuse the Israeli plan that wants to kill us. We send a message that this wall is illegal, and we are saying it is an unfair apartheid system, and we are sure that it will not last forever. Sooner or later, there will come an age, if not in our day then for our kids, when we will be celebrating the victory of tearing down this wall.*

—AYMAN NAFI, Mayor of Ni'ilin, qtd. in "Nilin Village"

THE CONSTRUCTION OF THE WALL by Israel in the West Bank is creating various problems. It has restricted the freedom of movement of Palestinians, affected their health, welfare, employment, and social fabric. It has also led to a wave of displacements, which this chapter will focus on. The issue of displacement has been a concern since the beginning of the construction of the wall. The International Court of Justice, in its 2004 *Advisory Opinion, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, voiced its concern about the many people it has displaced. The court stated:

*Since a significant number of Palestinians have already been compelled by the construction of the wall and its associated regime to depart from certain areas, a process that will continue as more of the wall is built, that construction, coupled with the establishment of the Israeli settlements...is tending to alter the demographic composition of the Occupied Palestinian Territory. (International Court of Justice para. 133)*

Although displacement as a result of the wall has always been a concern, monitoring the movement of people from certain areas as a result of coercion is somewhat understudied. The first study to tackle this issue was published in 2006 as a joint project by Badil Resource Center for Palestinian Residency and Refugee Rights and the Internal Displacement Monitoring Group. This project, however, was only a pilot study focusing solely on the Jerusalem area. Other studies have been also published, but most of them are small in scale and scope and focused on specific areas. To date, there has been no comprehensive study to detail trends of movement with reliable up-to-date data. Also, there is no monitoring mechanism in place to monitor and document displacement. In 2007, a group of organizations, including human rights organizations and some UN agencies, formed the Permanent Working Group on Forced Displacement to monitor and collect data about people

who have been displaced in the Occupied Palestinian Territory. But this group has made no significant contribution to researching and monitoring the ongoing displacement.

Given the human rights violations that are inherent in the construction of the wall, which come in addition to other human rights violations that Palestinians have been suffering from since the mass population transfer of 1948,<sup>1</sup> the wall and all of its effects were met with resistance by Palestinian society. The continuous state of oppression and deprivation of human rights is in essence a denial of humanity. Resistance is one of the ways through which Palestinians reassert their humanity. Resistance takes different shapes and forms, and, in the case of the Palestinians directly affected by the wall, the very fact that they are adamantly insisting on staying on their lands is seen by many Palestinians as an act of resistance in and of itself.

Because of the scarcity of reliable sources, this chapter focuses less on facts and figures of displacement and more on trends and patterns of displacement as well as resistance to it. The chapter begins, in the next section, by situating the current displacement in the context of the way in which the wall has been rationalized in Israeli political thought, especially the prevailing Zionist notion of the legitimacy of *transfer*. The third section provides specific details about the wall as well as an overview of the political rationale for the wall. The fourth section focuses on the Palestinian experience of displacement and the impact of the wall in everyday life. Palestinian methods of resistance are the focus of the fifth section, and the final section offers concluding remarks.

### **Historical and Political Context**

Since the late nineteenth century, the Zionist project of creating a settler colonial state in Palestine has had a huge impact on the indigenous population.<sup>2</sup> One of the main effects of this colonization process is displacement. This displacement is not a mere

by-product of the colonization process. In essence, the transfer of the Palestinians was a condition for the Zionist project to succeed. Zionism, as proclaimed by the First Zionist Congress, which convened in Basel in 1897, is a movement that “aims at the creation of a home for the Jewish people in Palestine to be secured by public law” (Basel Programme qtd. Vital 368).<sup>3</sup> This creation of a new home could not have happened without two main processes: the mass immigration of a Jewish population to Palestine and the local population’s agreement or acquiescence to the creation of the Jewish state. Theodor Herzl, the founder of political Zionism, did not seek the approval of the local population in the late nineteenth and early twentieth centuries. What mattered to him was the approval of the world’s powers: their support for the Zionist movement would be needed. Dealing with the indigenous population was not a major issue as they were not seen by the Zionist movement as a people worth considering, a reflection of the influence of the notions of European supremacy on the Zionist movement (Masalha, *Expulsion* 6). Zionist political thought soon began to embrace the concept of transfer of the local Palestinian population as the solution of the problem of the local population, or what soon began to be known in the Zionist discourse as the “Arab question.”<sup>4</sup>

Since the late nineteenth century, *transfer* became a major part of mainstream Zionist political thought. It was thought that Jews were the only group that could be seen as a nation and that they had “a historic and natural right” over the area of Palestine (Masalha, *Expulsion* 17). This right, according to Zionist thought, was recognized internationally with the adoption of the Balfour Declaration in 1917 and the Declaration in the Deed of Mandate over Palestine in 1923. The Balfour Declaration and the Deed of Mandate were issued by European colonial powers. They did not take into consideration the interests of the original inhabitants. Nor were they accepted by the indigenous population (Morris 76). In fact, the indigenous population fought and resisted them by all

means, starting from the early 1920s through strikes, petitions, delegations to the British government, and other forms of protest. This resistance continued until the creation of the State of Israel in 1948. But for the Zionist movement, it did not matter that the people who were most affected by these policies were never consulted, never gave their approval, and had even embarked on a large-scale and sometimes violent campaign to reassert their rights and prevent the demise of their nation. The same reasoning and processes that led the Zionist movement then still shape the policies of the state of Israel today: namely, Palestinians have lesser rights than the Jewish immigrants, and, therefore, geographically “transferring” them or implementing apartheid policies against them is seen as legitimate.<sup>5</sup> This set of beliefs was seen very clearly during the major wave of ethnic cleansing during the 1948 war and its aftermath (Pappe; Masalha, *Expulsion*). It was also seen, although at a slower pace, in the years after the creation of Israel, as well as during and after the 1967 war (Masalha, *A Land*).

In addition to transfer, segregation is a recurring and consistent theme in Zionist ideology. As early as the 1920s, Zionist parties and groups had encouraged Jewish-only organizations and urged the Jewish immigrants not to undertake joint Arab-Jewish initiatives. Even in the area of workers’ unions, where one would expect workers to come together to have more power against the employers, the Zionist leadership encouraged separation by creating workers’ unions that were organized along national/ethnic lines, as opposed to more inclusive unions (Teveh 92–117). It was thought that separation on all levels was needed to create an independent Jewish state. After the creation of the state, the policy continued, but became more acute; it turned into segregation.

The wall that Israel is in the process of building in the Occupied West Bank is yet another intensification of Israel’s transfer and segregation policies.<sup>6</sup> It affects the lives of more than 2.6 million Palestinians and actively contributes to further displacement of Palestinians by creating severe conditions that force the affected

communities to leave areas they have been living in for generations. The wall is contemplated as part of the segregation system that would stop any mixing between the Palestinian population in the Occupied West Bank and the mostly Jewish Israeli population in Israel. This is not an attempt to stop the flow of Israeli settlers to Israeli settlements in the West Bank, which, according to the International Court of Justice, are *illegal* under international law.<sup>7</sup> It is an attempt to consolidate a strong Jewish majority in Israel within the 1949 borders and to strengthen the separation policy. This, Israeli leaders hope, would prevent a situation whereby Palestinians would start an anti-apartheid struggle demanding full national and political rights under one state, as opposed to the current demands of the official leadership of the Palestinian people to independence in a sovereign Palestinian state.<sup>8</sup> From a contemporary Zionist perspective, a two-state solution that would create a Palestinian state alongside Israel is more desirable. The creation of such a state would be used by Israel as a way to avoid the responsibility for the expulsion of the Palestinian refugees in 1948 and to maintain a Jewish majority in Israel. This would come mainly at the expense of Palestinian refugees and the Palestinians living inside Israel who do not enjoy full civil and political rights.

To prevent the struggle from shifting to a “one-person, one-vote” struggle, Israel has three options. The first is to control the growth rate of the Palestinian population. The second is to physically expel large numbers of them to other areas. Both of these options are not very likely today, which leaves Israel with a third option: giving up Israeli civilian presence in areas that are heavily populated with Palestinians such as Gaza and parts of the West Bank where, according to the two-state solution, a future Palestinian state would be established. Areas in the West Bank, which Israel sees as strategic, but that are not heavily populated with Palestinians, would remain under Israeli control. The possible fate of Palestinians who live in such areas of the West Bank—areas marked by Israel to remain under Israeli control—has not been



determined. Because Israel sees Palestinians as a demographic threat, it is conceivable that Israel will not grant them Israeli citizenship. Still, they will be in areas that Israel will treat as part of Israel proper, with very few, if any, rights. Those communities are the most vulnerable communities under Israel's displacement policy because their location is an obstacle to Israeli strategic interests. The displacement of those communities has already started.

### **The Wall: History, Form, and Details**

While the idea of creating a barrier in the West Bank can be traced back to the late 1990s, the idea for the construction of a combination of an eight-metre-high wall, razor wires, sniper towers, trenches, military roads, electronic surveillance devices, and buffer zones began to be implemented in 2002. This system is now about 760 kilometres long, and it cuts through and surrounds Palestinian villages and towns. Vast tracts of the land on which the wall is built are private property that was expropriated by Israel's military authorities. In some places, the buffer zone is up to 100 metres wide, adding more to the misery of the local population. The construction of the wall is a huge project: from the beginning of construction until December 2006, it entailed digging up and moving 38.7 million cubic metres of earth, using one million cubic metres of concrete to create the slabs that form the wall, and paving 2.25 million square kilometres of asphalted military roads. More than fifty-three contractors were hired to carry out the construction of the wall, using plans created by sixty planning and architecture offices ("Israel's Security Fence").

The wall deviates significantly from the 1949 armistice line (also known as the Green Line), which sets the borders between the Occupied Palestinian Territories, occupied in 1967, and areas under Israeli sovereignty, which have been controlled by Israel since 1948.<sup>9</sup> These deviations make the wall twice the length of the Green Line. If the construction is completed according to the projected

route, 87 per cent of the wall will be inside the West Bank, isolating approximately 10 per cent of the areas in the West Bank. In a number of areas, such as the area south west of Nablus, the wall deviates about twenty-two kilometres, creating what is called the “Ariel Finger” because it encircles the illegal settlement of Ariel. In the vicinity of the Ariel settlement in the northern West Bank and the areas around Jerusalem, the deviation is very significant and it encompasses dozens of villages and thousands of people.

In a report released in July 2008 by the United Nations Office of the Coordination of Humanitarian Affairs (OCHA) for the Occupied Palestinian Territory, the UN paints a bleak picture of the humanitarian situation. About 285,000 Palestinians will be trapped in the area between the wall and the Green Line, about 250,000 of them in the Jerusalem area. Twenty-eight Palestinian villages, where 128,000 people live, will be surrounded by the wall on three sides. About 26,000 people living in eight communities will be totally surrounded by the wall on four sides. These communities will be connected to the rest of the West Bank through a tunnel or an access road (OCHA, “Humanitarian Impact of the Barrier” 6).

To understand the actual situation on the ground, we also need to understand the regime of gates, checkpoints, tunnels, bridges, and bypass roads associated with the wall. This is a sophisticated system that, together with the wall, aims to control and restrict Palestinian presence and traffic in the West Bank. It creates “Israeli-only roads” for the Israeli settlers in the West Bank that forbid Palestinian commuters. A system of tunnels, bridges, and checkpoints separate Palestinian traffic from that of Israeli settlers. The entire system is designed to isolate Palestinian cities, towns, and villages. Essentially, this system dissects the West Bank into four main areas: the northern West Bank, from Jenin to south of Nablus; the central area, which includes Ramallah and the surrounding villages; the southern West Bank, including Hebron, Bethlehem, and surrounding villages; and the Jordan Valley, which, because of its location and topography, is very easy

to isolate. This process has been referred to by Palestinians as the “Bantustanization of the West Bank,” associating it with the infamous attempt by South Africa during the apartheid era to create political entities for the native African population that would be presented as independent states, although they were totally dominated by South Africa (Farsakh).

The system of segregation, of which the wall is the most dramatic manifestation, did not develop and evolve as a matter of mere coincidence or as a result of security needs. Security is always cited by Israel and its supporters as the only justification for the wall. This has been the case in almost all of the propaganda of the Israeli government and in the submissions of the Israeli government before the Supreme Court of Israel in petitions filed against the construction of the wall.<sup>10</sup> Yet, a deeper analysis of the situation, a more thorough understanding of how the Israeli political system operates, and a closer look at the statements issued by Israeli officials show otherwise. Even the International Court of Justice in its *Advisory Opinion* on the wall was not convinced that the route of the wall was chosen to attain security objectives (para. 137).

Since 2001, the Israeli political system has been undergoing a shift in strategy. Israeli leadership, mainly under former Israeli Prime Minister Ariel Sharon, came to grips with the fact that the state of prolonged occupation of the West Bank and the Gaza Strip and the apartheid situation there is not tenable in the long run. Demographic pressure and international censure would turn the whole area of historic Palestine into a single state where Israelis and Palestinians would have equal rights, as opposed to the situation since 1967, whereby in the same geographical unit one national/ethnic group has monopoly over power and resources.

The situation of prolonged occupation and the apartheid reality has also increased the tension inside Israel. Israel defines itself as a Jewish and democratic state. This statement by itself is contradictory. Critics say that the way Israel defines the Jewishness of

the state is not compatible with democracy (Bishara). On the one hand, a democratic state should allow political participation of all its subjects; on the other hand, in order for a state to be “a Jewish state,” it has to have a significant Jewish majority among its citizens. The current situation whereby millions of disenfranchised Palestinians are under Israeli control intensifies the contradiction and the tension in this definition. It brings the situation closer to a critical point where one of the two elements of the definition should be dropped—either an undemocratic Jewish state or a non-Jewish democracy. The analysis and understanding of this situation could be seen clearly in the platform of the Kadima party, which was the ruling party of Israel from 2003 to 2009. Their platform highlights the assertion that the Jewish people have “national and historic rights” over all of *Eretz Yesra’el* (all of historic Palestine, not only Israel) and emphasizes the importance of Jewish sovereignty and Jewish majority; it then adds, “[G]iving up a part of the *Eretz Yesra’el* is not giving up ideology, but it is exercising the ideology that aims at securing the existence of a Jewish and democratic state in the Land of Israel” (“Political Action Plan”). In essence, the platform recognizes that maintaining effective control over the Palestinian population is a threat to the Jewish majority, and in order to maintain the Jewish majority, it is important to give up parts of *Eretz Yesra’el* that constitute a threat to that majority—that is, areas that are heavily populated by Palestinians.

Faced with this prospect, the Sharon government embarked on a plan to “separate” from the Palestinians. The plan was first called the “Separation Plan” but was then changed to the “Disengagement Plan” because of the negative connotations of the apartheid philosophy that accompany the term “separation.” The underlying assumptions for the plan were that Palestinians do not seem to be going anywhere in the near future; also, the prospects of achieving a peace treaty with them are not good. There was a need, therefore, for a way to minimize the Israeli presence in the Occupied Territory and, at the same time, keep the areas that Israel is interested in

either because of their strategic value or because of their resources (mainly water). This strategy would separate the Palestinian and the Israeli populations, prevent the creation of a single bi-national state, and allow Israel to maintain control of the areas its settlers withdraw from, as well as to continue to exploit resources, such as water. This strategy was also needed to maintain a Jewish majority in Israel, so that it would continue to be a Jewish state. The plan had two major steps. The first step was to initiate, plan, and start working on the construction of the wall and the associated regime of controlled roads, gates, and checkpoints in the West Bank. The second step was to pull the Israeli settlers and military facilities from the Gaza Strip, which was already surrounded by a fence, and to control it from outside.

The wall, therefore, is part of a bigger segregation plan. Although security was cited as the reason for its construction, in reality, the wall is a strong tool for consolidating Israeli control and seizing Palestinian land. These purposes are reaffirmed in statements by Israeli leaders, who state time and again that the route of the wall will be the border between Israel and the future Palestinian state. This walled state will be a Palestinian state according to Israeli design. This confined state is seen today as a vital Israeli interest because it will help reduce the tensions between the democratic component and the Jewish component in Israeli self-definition.

### **Impact on the Palestinian Population and Modes of Displacement**

No matter where Palestinians live in the West Bank, the wall affects them in one way or another. It affects all aspects of life, including access to land, employment, healthcare, education, and livelihood. It affects family life, social relations, and other vital needs. This section focuses on the effect of displacement and not all of the other human rights effects, even though they are interrelated: the violation of human rights usually triggers displacement.

How the wall affects Palestinians and causes displacement varies from one area to another, depending on the immensity of human rights violations and the way the wall affects the different areas. In this section, I consider two kinds of displacement caused by the wall: direct displacement and indirect displacement.

#### *Direct Displacement*

Situations of direct displacement mainly affect population centres that are completely surrounded by the wall or very close to the wall. The intensity of the effects of the wall varies. In some places, houses and property have been destroyed and expropriated to build the wall. For example, in the case of Nazlet Issa in the northern West Bank, the Israeli military authorities demolished a number of residential and commercial buildings to clear the route for the wall. Displacement also occurs through proposals to relocate entire communities outright to accommodate the new political geography created by the wall. For example, two Bedouin communities, Arab Aramadin and Arab Abu Farada, which are both trapped in a closed zone near Qalqilya, have been explicitly proposed for dislocation (Hass). This mode of displacement seems to affect mostly villages and population centres that are trapped in the areas where the wall deviates from the Green Line. Such displacement means that these villages are west of the wall, on the “Israeli” side. Although the wall’s route was designed to include those villages on the “Israeli” side of the wall, essentially annexing them to Israel, Israel is only interested in annexing the land—not the people living on it. Residents of these areas still hold Palestinian Authority (PA) issued identity cards and are seen as PA residents. They will not be entitled to any of the rights that Israeli citizens, or even residents, enjoy.

#### *Closed Zones*

The situation in isolated areas, where about 10,000 people live in the north section of the West Bank alone and which Israel usually

refers to as “closed areas,” is inhumane. Because their homes are now on the “Israeli” side of the wall, residents of the closed areas, aged sixteen and above, are required to obtain “permanent resident” permits, and must renew them every six months to be able to continue to live in their homes. These permits are not always granted. A 2007 study conducted by OCHA and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) counted the number of people in fourteen of the fifteen communities in the closed areas in the northern West Bank who could not obtain permits. The study reported that twenty-six men, eighty-one women, and four children were not able to get “permanent resident” permits (OCHA, “The Barrier Gate” 6). The denial of permits means that these people will not be able to leave their homes under any condition because, if they do, they risk not being able to get back to them. They are essentially confined to their villages. As mentioned, the numbers here only refer to the northern West Bank, and the available data is not comprehensive. It is mostly based on information received from the community officials. A deeper and more methodical survey is likely to show that the number of those who cannot risk leaving their villages is actually higher.

Furthermore, the wall in these closed areas has separated the residents from most essential services. The residents there rely on the bigger urban centres of the West Bank, located east of the wall, for their healthcare, education, and daily supplies. Because of the wall, the residents can only access that area through gates. These gates are only open during specific hours and do not allow twenty-four-hour access. This means that people who come back late from work, for example, outside the closed area are not allowed to return to their homes. Worse, it also means that no ambulances are able to access those communities when the gates are closed. This is a serious problem given that most of those communities have no local healthcare facilities. In fact, nowadays it is common practice for expectant mothers to leave the closed areas weeks before the

expected day of delivery because there is no guarantee that when their labour begins they will be able to leave the closed zone.

The wall in the closed areas also has a huge effect on social relations. Any person who wishes to enter the closed area is required to get a visitor permit from the Israeli Civil Administration. These permits are required for any person who is attending a wedding, funeral, or any other social event. In some cases, marriages are affected by this system of permits. Even for those who hold valid permits to pass through the gates, treatment at the gates is often violent and humiliating, and entails waiting for long hours.

All of these hardships and restrictions are difficult to cope with. While there is still no study of the psychological effects on the population in that area, which essentially lives in an open-air prison, some surveys addressing the issue of displacement have been conducted. The OCHA-UNRWA study from 2007 reports that 3 per cent of the population surveyed have left their area of residence as a result of the wall. Although it is not the publically stated policy of the Israeli government, there is very little doubt that this is the actual objective. Add all these conditions to the legitimacy of the idea of transfer in the Zionist and Israeli political thought and one is left with almost no doubt about the real goals of the wall and the Israeli policy.

If displacement as a policy objective is a matter of inference and prediction in the case of some closed areas, the Israeli authorities eliminated any reason for doubt in the case of the villages Arab Aramadin and Arab Abu Farada. Both are small villages: Arab Aramadin has a population of 270 and Arab Abu Farada has a population of 120. They were founded in the 1950s by Bedouin refugees who were expelled as part of the ethnic cleansing that took place in 1948.<sup>11</sup> The villages are located in the closed zone near the Palestinian town of Qalqilya, which is itself completely surrounded by the wall. Representatives from the villages have submitted a number of complaints to the Israeli army challenging the route of the wall. In a response letter to the residents' complaints, the



representatives of the Israeli army have plainly stated that the army is contemplating the idea of offering the residents of both villages the option to move to another location east of the wall.<sup>12</sup>

While displacement is a constant threat that looms over residents of Arab Aramdin and Arab Abu Farada, forcible displacement was the fate of the residents of Khirbet Qasa, a small village of about 270 people in the Hebron area in the southern West Bank. This village was located in an area that is east of the Green Line, but west of the wall—an area that Israel wants to annex. On October 25, 2007, the whole village was razed to the ground. The residents were not even given enough time to gather their belongings. Although the residents lived in that area since they were expelled from what is now Israel in 1948, the army said that those houses and huts were built without permits and therefore should be demolished. This was the excuse that the Israeli authorities used for destroying a whole village that existed before Israel occupied the area (Betsalem).

#### *Indirect Displacement*

The wall and its associated regime cause displacement even in areas that are not totally surrounded by the wall. In many villages along the wall's route, the wall stands between the residential areas of the villages and their agricultural areas. Although in some areas Israel has allowed the passage of farmers to their agricultural land through special gates, the gate system fails to address the problem. The army only allows farmers who hold special permits to access their lands through the gates. The permits are usually given for a period of three months only, and the allocation of those permits is usually done in an arbitrary manner. For example, in 2003, the Israeli authorities distributed 630 permits only in the village of Jayyus, located in the Qalqilya district in the northern West Bank where the wall cuts through 8,600 dunums (one dunum equals 1,000 square metres) of agricultural lands. Among those who got the permits were deceased, emigrants, and minors. More than

100 landowners were denied permits. In 2004, the Israeli authorities changed their policy and made the criteria for permit renewal stricter. Applicants were required to prove that they own land west of the wall by submitting a map of the land in question, a land deed, and proof that the land has not been sold. Because of the nature of the land laws in the area and because of bureaucratic complications, satisfying all of those demands is a very difficult, and oftentimes, impossible task. In addition, current policies limit the number of agriculture workers who do not own land from getting permits (OCHA, "The Humanitarian Impact" 14–16).

The statistics about Jayyus demonstrate how the gate system does not provide reasonable access to agricultural land. The number of permit holders in Jayyus has dropped from 630 in 2003 to 250 in 2007. In 2008, only 168 people were granted a permit (OCHA, "The Humanitarian Impact" 16). This leaves most of the residents of those villages, who rely heavily on agriculture for their livelihood, with limited areas of land to cultivate. As a result, the unemployment rates in the villages have risen considerably, and the residents, mainly the youth, are forced to start looking for alternative forms of employment, usually in urban areas such as Ramallah. Because the wall's associated regime of checkpoints, bridges, and tunnels imposes severe restrictions on the movement of Palestinians, villagers seeking employment in the urban centres are forced to move. In Jayyus, for example, the level of unemployment has reached about 70 per cent, and residents, especially the young and the educated, have begun to leave the village (OCHA, "The Humanitarian Impact" 18–19).

While agricultural areas where the wall passes are drastically affected, the wall has also affected urban areas. A study conducted in 2006 by Badil Resource Center for Palestinian Residency and Refugee Rights and Internal Displacement Monitoring Centre reveals that in the Jerusalem area, 17 per cent of the Palestinians who have changed their previous residence (that is, 32.9 per cent of Jerusalemites) did so as a direct result of the wall. The survey also

shows that 63.8 per cent of Palestinians in Jerusalem are considering changing their place of residence within Jerusalem and its suburbs because of the movement restrictions caused by the wall. The major factor that led to displacement at this scale was the way restriction of movement made it impossible to achieve an adequate standard of living. The wall also had negative effects on the social fabric. According to the survey, 21.4 per cent of all Palestinian households in Jerusalem have been split and are separated from their relatives. The wall also figures as an important factor in the choice of spouses (Badil 27–31).

The best way to sum up indirect displacement is to quote paragraph 134 of the *Advisory Opinion* of the International Court of Justice. In describing the effect of the wall on the local population, the court said:

*The construction of the wall and its associated regime impede the liberty of movement of the inhabitants of the Occupied Palestinian Territory (with the exception of Israeli citizens and those assimilated thereto) as guaranteed under Article 12, paragraph 1, of the International Covenant on Civil and Political Rights. They also impede the exercise by the persons concerned of the right to work, to health, to education and to an adequate standard of living as proclaimed in the International Covenant on Economic, Social and Cultural Rights and in the United Nations Convention on the Rights of the Child.*

### **Resisting the Wall**

Palestinians have resisted the colonization of their land since the early twentieth century. The resistance took different forms and had different targets. During the period of the British Mandate, for example, the Palestinians were aware of the growing numbers of Jewish immigrants from Europe and their plans to create a Jewish state in Palestine. Palestinians found different methods to organize themselves to counter the threatened loss of their homeland.

These methods ranged from petitions and delegations lobbying the British authorities to armed struggle. Most prominent of these acts of resistance was the six-month strike in 1936 protesting the policies of the British Mandate and the revolt, known as the “Arab Revolt,” which started in 1936 and lasted until 1939 (Morris 128). The latter swept all parts of Mandatory Palestine, and the British troops were able to suppress the revolt only after using extremely brutal tactics (Morris 150). The creation of the Palestine Liberation Organization (PLO) in 1964, which was recognized as the official representative of the Palestinian people, and its subsequent take-over by Palestinian factions were acts of organizing and resistance carried out mostly by refugees who had been displaced in 1948. Return to the towns and villages from which they were displaced, which is usually one of the demands of displaced people, was one of the main goals of the PLO.

Already accustomed to organizing against Israeli pressures, Palestinians reacted immediately to the construction of the wall in different ways. Although the wall is an act of the state, and an apartheid state to be more precise, against a civilian, local population, the Palestinians did not take the construction of the wall as a *fait accompli*, but resisted its completion with different strategies. Most Palestinians involved in this resistance also know, from different episodes in their struggle, that the power of the state is difficult to challenge and that the deeds of the state are hard to reverse. Even knowing that the balance of power leans overwhelmingly against them, they still do not accept the new reality, at least not without a fight. Of course, because the Israeli army is one of the strongest in the world and Israel is the most powerful state in the region, the resistance is mainly civilian and mostly non-violent.

One form of resistance, which seems to be the most effective, is popular organizing. Another form of resistance is formal legal action. Despite achieving some success on the international level, legal action has largely been a failure. In addition, the construction of the wall, and the UN’s failure to intervene to stop it, was

one of the main triggers for a campaign of “Boycott, Divestment, and Sanctions” against Israel (see below for more discussion of the BDS).

### *Popular Organizing*

As early as 2002, a campaign called the “Anti-Apartheid Wall Campaign” was launched to mobilize against the wall on three different levels. The first level was the local communities, where people on the ground organized popular committees. As of 2008, more than fifty popular local committees have been formed. The second level is the national level, which coordinates the activities of the different local committees. The third level is the global one, which identifies the campaign against the wall as part of the global struggle against racism and colonialism.

The campaign is highly focused on grassroots organizing. The people who are directly affected by the wall are the best-suited and positioned to lead the struggle against it. Also, the fact that those committees are comprised of people who know their regions very well makes compiling reliable information possible. The high level of participation among women and the youth is remarkable. For example, in Salfit and in Tulkarem, two women’s committees were formed to mobilize women against the wall (“Stop The Wall”).

Providing activists worldwide with reliable and up-to-date information about the situation on the ground is one of the most important activities of the campaign. With all of the maps, confiscation orders, court decisions, and government resolutions, getting a reliable and clear picture of what is happening on the ground becomes vital. The campaign devotes a lot of resources to research and documentation and to disseminating information to a wide public, both local and worldwide in various languages.

A good example of popular resistance to the wall is the village of Bil’in, west of Ramallah, where the wall has annexed 60 per cent of its land. Since 2005, the Bil’in popular resistance committee against the wall has been organizing peaceful demonstrations

on a weekly basis. Palestinians and international solidarity activists, in addition to some Israeli activists, join forces to resist the wall. These demonstrations are often confronted violently by the Israeli army. The army usually uses tear gas and rubber-coated bullets to disperse the non-violent demonstrators, often leaving some demonstrators wounded. On a number of occasions, demonstrators have been killed by the Israeli army. Recently, the Israeli army began to experiment with new kinds of weapons and equipment that emit strong smells or make unendurable noise.

Due to the damage that this kind of resistance causes to the image of Israel internationally, and to the high level of participation of international solidarity activists, Israeli authorities have tried to stop the weekly protest at Bil'in. They try to do this in a number of ways, including blocking the access road and declaring the area a closed military zone to prevent the activists from getting to the village. Those means have not yielded much success and did not break the will of the protesters. Although the ongoing resistance campaign did not stop the construction of the wall, it was successful in delaying construction and raising the awareness about the wall and the human rights violations internationally.

Another village that has also been mounting a similar resistance and protest campaign is Ni'ilin. The organized resistance in this village was able to stop the construction of the wall a number of times by vandalizing the heavy equipment that the contractors use for doing the groundwork. At one stage, the protesters were able to vandalize two kilometres of barbed wire that was laid out there to stop them. This protest, however, did not come without retaliation from the Israeli authorities. In August 2008, two minors aged twelve and seventeen were killed by Israeli soldiers during the demonstrations. In July 2008, the Israeli authorities decided to put an end to the popular resistance of the people on Ni'ilin and started a vengeance campaign against the village. The village was put under curfew, and Israeli soldiers rampaged the village, destroying property and arresting the organizers of the popular

resistance. The curfew was ended only after four days, after 400 people from the neighboring villages Budrus, Shuqba, Qibbiya, Deir Qaddis, Bil'in, Saffa, and Beit Ur marched to Ni'ilin and broke the siege and the curfew imposed on the village.

#### *Resistance Through Legal Action*

With the beginning of the construction of the wall, and after the first seizure orders were issued by the Israeli army, many Palestinians, desperate to save their lands and livelihood, tried to seek legal recourse through the Israeli legal system. Although the majority did not really have any great expectations from the Israeli courts, for some it looked like one of the few ways to stop the wall. Most Palestinians who sought legal remedies were not surprised when the remedies were denied, except in a small number of cases. Even in the cases that were not a total failure, the success was usually a small change in the route of the wall, which made the wall slightly less destructive. The overwhelming majority of Palestinian petitions to the Supreme Court of Israel were rejected. This was in line with the approach historically taken by the Court, which legalized Israeli settlements and other illegal activities in the Occupied Palestinian Territory (Sultany). Under the Supreme Court's oversight, a whole system of apartheid was created.

On the international level, though, the results were much better. As a result of discussions in the UN General Assembly, the question of the legality of the wall was referred to the International Court of Justice (ICJ). Although the ruling of the court would be an advisory opinion, given that Israel does not accept ICJ jurisdiction, the court's opinion still had an important effect. Even if it is not enforceable, an advisory opinion from the ICJ (the highest authority on international law) asserting that the wall is illegal would give much moral support and standing to the people resisting it. In July 2004, the ICJ ruled that the wall is illegal under international law and that it is a breach of international humanitarian law, the laws of occupation, and international

human rights law. It also stated that by constructing the wall, Israel is impeding “the exercise by the Palestinian people of its right to self-determination” (para.122).

Although the legal action through the ICJ was successful in that it declared the wall illegal, it was not enforceable against Israel. Still, there was some room for further legal action under the ICJ *Advisory Opinion*, since the Court has ruled that some of the rules violated by Israel include certain obligations characterized as *erga omnes*, that is, obligations imposed on all states not to recognize the illegal situation resulting from the wall, and obligations not to provide aid and assistance in maintaining the situation created by the wall (para. 156–60).<sup>13</sup> Unfortunately, the Palestinian leadership has not used these openings and has not pursued any further legal action.

After making attempts with the Israeli legal system, the people of Bil’in decided to try other legal systems. The wall on Bil’in lands is meant to protect a settlement called Mod’in ‘Illit. Two of the construction companies building the residential units in this settlement are registered in Canada, which gives Canadian courts jurisdiction over their action. In July 2008, Bil’in, represented by its mayor, filed a lawsuit in Canada against the two Canadian companies, seeking an injunction ordering them to cease the construction and return the land to its condition prior to the settlement construction. The claim, however, was dismissed on procedural basis without discussing it on its merits. The court declined jurisdiction, citing *forum non conveniens* doctrine—a doctrine that allows courts to deny jurisdiction even if the formal requirements are satisfied because of little or no connection between the forum (the court) and the action pursued and the existence of a different forum that has stronger connections (*Bil’in [Village Council] v. Green Park International Inc.*).



*The Boycott, Divestment, and Sanctions Campaign*

During the Second Intifada, which started in September 2000 (also known as Al-Aqsa Intifada), especially after the failure of the Camp David negotiations in July of that year, frustration among the Palestinians reached new heights. In addition to years of suffering, either from living as refugees or under military occupation, the Palestinians had to endure Israel's brutal policies in dealing with the Intifada, which reached an unprecedented level of violence, mostly against civilian populations. The West Bank and Gaza Strip became war zones that Israel attacked periodically using an arsenal of weapons that left destruction everywhere. Under these horrible conditions, Palestinians began formulating a new approach that focused on garnering international support and directing the solidarity efforts towards putting pressure on Israel using non-violent means. This idea started to gain momentum, and calls for a boycott campaign began to surface in 2002 and 2003. In 2004, there was an attempt to coordinate these efforts with a more structured approach to a boycott campaign. This led to the creation of the Palestinian Campaign for the Academic and Cultural Boycott of Israel (PACBI), which issued a call for boycott in 2004. This call was mostly by academics and intellectuals and directed mainly towards academics and intellectuals worldwide. It is also mainly focused on boycotting Israeli academic and cultural institutions (PACBI Call).

The construction of the wall, and the failure of international law and the international community to stop the construction of the wall despite the ICJ *Advisory Opinion* gave the boycott movement more momentum. One year after the ICJ *Advisory Opinion* was issued, 171 Palestinian civil society organizations issued a comprehensive call, calling "upon international civil society organizations and people of conscience all over the world to impose broad boycotts and implement divestment initiatives against Israel similar to those applied to South Africa in the apartheid era" ("Palestinian Call for Boycott"). The civil society organizations also appealed to pressure their "respective states to impose embargoes

and sanctions against Israel” (“Palestinian Call for Boycott”). The impact of the wall on the Palestinians and the use of the boycotts, divestment, and sanctions (BDS) is clearly evident in the call. The “Palestinian Call for Boycott, Divestment, and Sanctions Against Israel” begins with the sentence, “One year after the historic Advisory Opinion of the International Court of Justice (ICJ) which found Israel’s Wall built on occupied Palestinian territory to be illegal; Israel continues its construction of the colonial Wall with total disregard to the Court’s decision.” It then goes on to describe Israel’s activities in the West Bank, stating that Israel “has unilaterally annexed occupied East Jerusalem and the Golan Heights and is now de facto annexing large parts of the West Bank by means of the Wall.” Dismantling the wall was also one of the demands of the call for boycott, together with ending the occupation and colonization of all Arab lands, recognizing the fundamental right of Palestinians in Israel to equality, and recognizing the right of return of the Palestinian refugees.

The inclusion of the dismantling of the wall in the call for the boycott shows that resisting the wall became one of the uniting elements of Palestinian people everywhere. The 2005 call for boycott was endorsed by Palestinian civil society organizations, including organizations based in the West Bank and the Gaza Strip, Israel, and Palestinian refugee organizations and committees worldwide. Response to this call was swift. Many groups worldwide, including workers unions and students unions, responded to the boycott call. A lot of responses came in the form of supportive resolutions that were adopted by unions and organizations; other responses came in the form of action. In February 2009, for example, dock workers belonging to the South African Transport and Allied Workers Union decided not to offload a ship carrying Israeli goods as part of their BDS activities (“Press Release: Victory for Worker Solidarity”).

Since 2005, the number of Palestinians and Palestinian organizations who support BDS as a means of struggle to achieve their

rights has been rising steadily. The campaign has been gaining momentum, and it has begun to crystallize into a mass movement that operates on two levels: 1) a local level that utilises popular education about the boycott as a means of resistance and urges Palestinians not to buy Israeli goods; and 2) an international level, whereby Palestinian civil society provides guidance to solidarity organizations who wish to conduct solidarity activities in the form of BDS. In November 2007, during the first BDS conference, which was held in Ramallah, the civil society organizations who called for the BDS campaign formed a committee called “The Boycott, Divestment, and Sanctions Campaign National Committee” to better coordinate the BDS campaign.

If the South African boycott campaign, which contributed to the fall of the apartheid system, is adopted as a benchmark to judge the success of the Palestinian campaign, the Palestinian campaign seems to be very successful. In less than four years it has achieved what took the African National Congress (ANC) years to achieve in terms of awareness raising and participation. Of course, this success could be attributed to a number of factors, most important of which is the progress in communications technology that has led to the faster dissemination of the Palestinian call for boycott. Although the success of the Palestinian BDS movement is inspiring, it lacks the support of the PLO. As of 2011, the PLO has been unwilling to adopt the BDS campaign as an official policy, as opposed to the situation in South Africa where the ANC—the major political organization in the struggle against apartheid—adopted boycotts as part of its platform. This failure of the PLO makes work around the demand for sanctions harder because campaigns for sanctions are targeted at governments who have the power to impose sanctions, as opposed to boycotts and divestment, which could be implemented by individuals, corporations, and other groups. Notwithstanding the hardships, the BDS campaign is one of the main contemporary Palestinian grassroots movements that resisting the wall helped crystallize.

► The construction of the wall epitomizes the crimes that Israel has committed against the Palestinian people. It represents the ugly face of occupation, colonialism, and apartheid. These are regimes that, as John Dugard (the former United Nations Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967) has put it, were identified by the international community as inimical to human rights. All of the practices and the violations that are part of the wall and the occupation are violations that should be addressed by international law, and yet, international law and the international community have failed to stop or reverse these violations. This failure has been repeated in Palestine since 1948, and it seems that its effect goes beyond the effects of other human rights violations. As Dugard has said:

*In 1994, apartheid came to an end and Palestine became the only developing country in the world under the subjugation of a Western-affiliated regime. Herein lies its significance to the future of human rights. There are other regimes, particularly in the developing world, that suppress human rights, but there is no other case of a Western-affiliated regime that denies self-determination and human rights to a developing people and that has done so for so long. This explains why the OPT [Occupied Palestinian Territories] has become a test for the West, a test by which its commitment to human rights is to be judged. (para. 63)*

He further adds:

*If the West, which has hitherto led the promotion of human rights throughout the world, cannot demonstrate a real commitment to the human rights of the Palestinian people, the international human rights movement, which can claim to be the greatest achievement of the international community of the past sixty years, will be endangered and placed in jeopardy. (para. 63)*

The Palestinians, suffering under the brunt of occupation and apartheid, have tried all of the means available for them to resist. They are still resisting. From international campaigns such as “Stop the Wall” to Bi’lin and Ni’ilin villagers who organize against the wall, Palestinian people and their allies are determined to stop the bulldozers that are destroying their homes and lands. The BDS movement, organized under the banner of the 2005 BDS call, which is led by organizations representing workers, students, women, artists, and refugees, shows the level of determination and commitment of the Palestinians not to resign themselves to the miserable fate resulting from Israeli practices. It is a decision to take their fate into their hands and to reassert their humanity by demanding that Israel and the world respect their human rights. While the level of success of the resistance efforts are hard to measure at this time, one should bear in mind that the fight here is against a state with the fourth strongest army in the world, and that the resistance is one episode of a century-long struggle.

#### NOTES

1. The mass population transfer of 1948 is also known as *Nakbah* or *Nakbe* in Arabic, which means “catastrophe.”
2. This chapter adopts an approach that views the Israeli-Palestinian conflict as a conflict between a settler society (Jewish Israelis, migrating from Europe and elsewhere) and an indigenous population (Palestinians), which is mainly comprised of Arabs (Christian, Muslim, Druze, and Jewish) but also includes other ethnicities. See Rodinson, Zureik, Said, Shafir, Bishara.
3. It should be noted that there are different streams within the Zionist movement, such as the labour Zionism, revisionist Zionism, religious Zionism, and others. The definition in the accompanying text above refers to political Zionism, which we can consider mainstream Zionism.
4. The term “the Arab Question” emerged in the 1920s. It was used to describe the issue of how the Zionist movement should deal with the indigenous Palestinian population in Palestine (Teveeth). In a way, it is a reflection of how Europe saw the presence of Jews in its territory as the “Jewish Question.”

5. For a more detailed analysis of the applicability of the crime of apartheid to Israeli policies, see Tilley, "Occupation, Colonialism, Apartheid?" See also MacAllister.
6. The West Bank is the area inside the 1949 armistice line, which outlines the western, northern, and southern borders, and the River Jordan and the Dead Sea, which form the eastern border. It was occupied by Israel during the 1967 war, together with the Egyptian controlled Gaza Strip and the Egyptian Sinai Peninsula and the Syrian Golan Heights.
7. The Israeli settlements in the West Bank were found to be illegal under international law by a number of bodies, including the International Court of Justice.
8. In an interview with an Israeli newspaper, Israeli Prime Minister, Ehud Olmert said, "If the day comes when the two-state solution collapses, and we face a South African-style struggle for equal voting rights [for the Palestinians in the territories], then, as soon as that happens, the State of Israel is finished" (qtd. in Ben).
9. Although Israel does not recognize the Green Line as the border line, there is international consensus that this line marks the borders between the Occupied Territories and Israel.
10. See for example the wall's website <http://www.securityfence.mod.gov.il/Pages/ENG/default.htm>.
11. For information about the ethnic cleansing of 1948, see Pappé.
12. Parts of this letter were quoted in the petition submitted to the Supreme Court of Israel in HCJ 10714/06 *Mara'ba v. The Government of Israel*. The petition was dismissed.
13. For accuracy's sake, I am following the wording of the court ruling here. My interpretation of the ruling is that other states need not submit themselves to Israel's demands that they overlook the illegal situation and not provide assistance.