



## barrier monitoring unit

### icj wall opinion

On 9 July 2004, the International Court of Justice (ICJ) issued an Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory.

Overwhelmingly endorsed by the UN General Assembly, the Opinion held that “[t]he construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated régime, are contrary to international Law” (§163).

It also held, *inter alia*, that Israel is under an obligation to “dismantle forthwith the structure therein situated, and to repeal or render ineffective forthwith all legislative and regulatory acts relating thereto”, (§163) and that it must compensate “all natural or legal persons having suffered any form of material damage as a result of the wall’s construction” (§153).



### the bmu

Due to the particular vulnerability of the Palestine refugee population affected by the West Bank Barrier and its associated gate and permit regime, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) established the Barrier Monitoring Unit (BMU). Financed by the Swiss Agency for Development and Cooperation (SDC), the BMU started its operations in early 2010.

The primary objectives of the BMU are to systematically document how the West Bank Barrier impacts the lives of Palestinians, to improve Palestinian access to land, livelihoods and services, and to build the capacity of local institutions to conduct research and advocacy on the Barrier. The BMU involves local partners in all its research projects, from developing joint methodologies and surveys to the coordination of fieldwork and capacity-building.

By 2011, approximately 62 per cent of the Barrier has been constructed. If completed, an estimated 85 per cent of its 708-kilometre route will run inside the West Bank, effectively appropriating 9.4 per cent of its territory and cutting Palestinian communities off from their lands.

### risk of the barrier’s illegal route resulting in de facto annexation of land

The work of the BMU is of paramount importance given the continued construction of the Barrier and its associated regime, in contravention of international law, and the danger of it permanently reshaping Palestinian reality on the ground.

As expressed by the International Court of Justice in its 2004 Advisory Opinion on the Legal Consequences of the Construction of the Wall in the Occupied Palestinian Territory:

*Whilst the Court notes the assurance given by Israel that the construction of the Wall does not amount to annexation and that the Wall is of a temporary nature... it nevertheless cannot remain indifferent to certain fears expressed to it that the route of the Wall will prejudice the future frontier*



BMU map 2012 – The more the Barrier communities are impacted in a governorate, the darker the colour of the governorate.



*expressed to it that the route of the Wall will prejudice the future frontier between Israel and Palestine, and the fear that Israel may integrate the settlements and their means of access. The Court considers that the construction of the Wall and its associated regime create a «fait accompli» on the ground that could well become permanent, in which case, and notwithstanding the formal characterization of the Wall by Israel, it would be tantamount to de facto annexation. (§121)*

### impacts of the barrier on palestinian communities

The Barrier and its associated gate and permit regime directly affect over 170 Palestinian communities.<sup>1</sup>

It separates families and severely restricts Palestinian access to land, livelihoods and basic services, including schools and hospitals. Amongst refugee communities affected by the Barrier, these negative impacts are compounded by the fact that they tend to lack security of property tenure and endure higher rates of unemployment and food insecurity.

### closed area communities and east jerusalem

If the route of the Barrier is completed as planned, around 25,000 people will reside between the Barrier and the Green Line, cut off from both the rest of the West Bank as well as from Israel.

Currently around 6,500 Palestinians reside in this “in-between” area, popularly referred to as the “Seam Zone”. Despite there being no physical barrier between their homes and the territory of the State of Israel, entry into Israel is forbidden and they must travel through checkpoints into the rest of the West Bank in order to access basic services and work opportunities. In many cases, persons aged 16 and above need permits simply to continue living in their own homes.<sup>2</sup>

The Barrier has further isolated an estimated 1,600 West Bank ID-holders on the “Jerusalem” side of the Barrier. These people must cross the Barrier for health, education and other essential services to which they are denied access in Jerusalem due to their status as “West Bankers”.

Additionally, over 270,000 Palestinians with Jerusalem ID cards have been cut off from the rest of the West Bank by the Barrier. Although they are able to cross the Barrier freely as Jerusalem ID-holders, they are physically separated from commercial and social ties in the rest of the West Bank.

### rural communities affected by the barrier

The majority of Palestinians rely on agriculture and herding as a source of income. As a result, the Barrier has a detrimental effect on rural Palestinian communities cut off from their lands. Farmers seeking to access their lands across the Barrier often endure complex, costly and restrictive permit procedures. Between 2006 and 2009, over 90 per cent of permit applications were not granted due to difficulties in meeting the high burden of proof of landownership, and overly burdensome bureaucracy imposed upon Palestinian landowners by the Israeli authorities.

There are 68 agricultural Barrier gates designed to facilitate access to land in the so-called “Seam Zone” area. However, approximately two-thirds of these are only open for a few days, up to a few months per year during the annual olive harvest, preventing farmers from adequately maintaining their trees and lands throughout the rest of the year.

For more information about the BMU, please visit our web page: [www.unrwa.org/bmu](http://www.unrwa.org/bmu)

<sup>1</sup> According to criteria applied by UNRWA's Barrier Monitoring Unit, the Palestinian Central Bureau of Statistics and various other organisations. The directly-impacted communities list includes communities whose lands have been isolated by the Barrier and communities located between the Barrier and the Green Line, excluding East Jerusalem. (May 2012)

<sup>2</sup> These are cases where a person lives within the boundaries of what has been officially declared as a “Seam Area” by an Israeli Military Order issued on 2 October 2003. This officially-designated “Seam Area” is within what is commonly referred to as the “Seam Zone”.



### building local capacity

In March 2010, the BMU initiated the Academic Co-operation Palestine Project (ACPP), a North-South academic co-operation platform for knowledge transfer and local capacity-building. Today, the ACPP already partners with seven universities internationally and continues to grow.

Under the ACPP umbrella, the BMU coordinates a training course on Thematic Cartography for early to mid-career professionals, aimed at enhancing their advocacy skills. This is particularly tailored towards professionals within Palestinian civil society and employees of the Palestinian Authority.



united nations relief and works agency  
for palestine refugees in the near east

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UNRWA is a United Nations agency established by the General Assembly in 1949 and is mandated to provide assistance and protection to a population of some 5 million registered Palestine refugees. Its mission is to help Palestine refugees in Jordan, Lebanon, Syria, West Bank and the Gaza Strip to achieve their full potential in human development, pending a just solution to their plight. UNRWA's services encompass education, health care, relief and social services, camp infrastructure and improvement, microfinance and emergency assistance. UNRWA is funded almost entirely by voluntary contributions.