

On July 22, 2019, Israeli security forces demolished some 70 housing units belonging to Tzur Baher residents in Wadi al-Hummus, after the Supreme Court accepted the claim that the buildings were endangering the “effective security of the [Separation] Barrier”.

The reason given for demolition of the structures is that these are in the no-construction zone adjacent to the Separation Barrier, which was established in 2011 by military order, regarding the portions of the barrier erected from 2002 onward. Of the 722km total length of the Separation Barrier, 78% is well inside the West Bank (more than 200m from the Green Line), while only 22% follows closely to the route of the Green Line, and there are a few cases where the route of the barrier is inside Israel. Thus the no-construction zone, surrounding the barrier’s route by between 30 and 715 meters on each side, has a significant impact on the lives of tens of thousands of Palestinian residents.

أم الحمام
Umm al Hamam

No-construction order

The total area under the no-construction order is some 195,000 dunams [48,185 acres/195km²], of which a small part - some 15,000 dunams – is near settlements, while the remaining 180,000 dunams affect Palestinian areas. Of these, 4,882 dunams are in Areas A and B. The building prohibition impacts the built-up areas of 115 Palestinian villages.

According to Israel, security considerations justify the determination of the no-construction zone, because building in close proximity to the Separation Barrier endangers the lives of civilians and security forces. Various legal decisions against the route of the Separation Barrier have proven that security considerations were secondary to political considerations in choosing the barrier’s route. Furthermore, in some cases the chosen route was completely contrary to security considerations, and was clearly only for the benefit of settlement expansion (see Bimkom’s report “The Forbidden Zone”, 2008).

Security considerations appear to be secondary to other considerations in the matter of the construction ban too, and the argument that the boundaries of the no-construction zone were set purely according to security reasons is incorrect and further is inconsistent. In the case of the Wadi al-Hummus demolitions, clearly other considerations than security led to this painful result.

Considerations in determining the no-construction zone

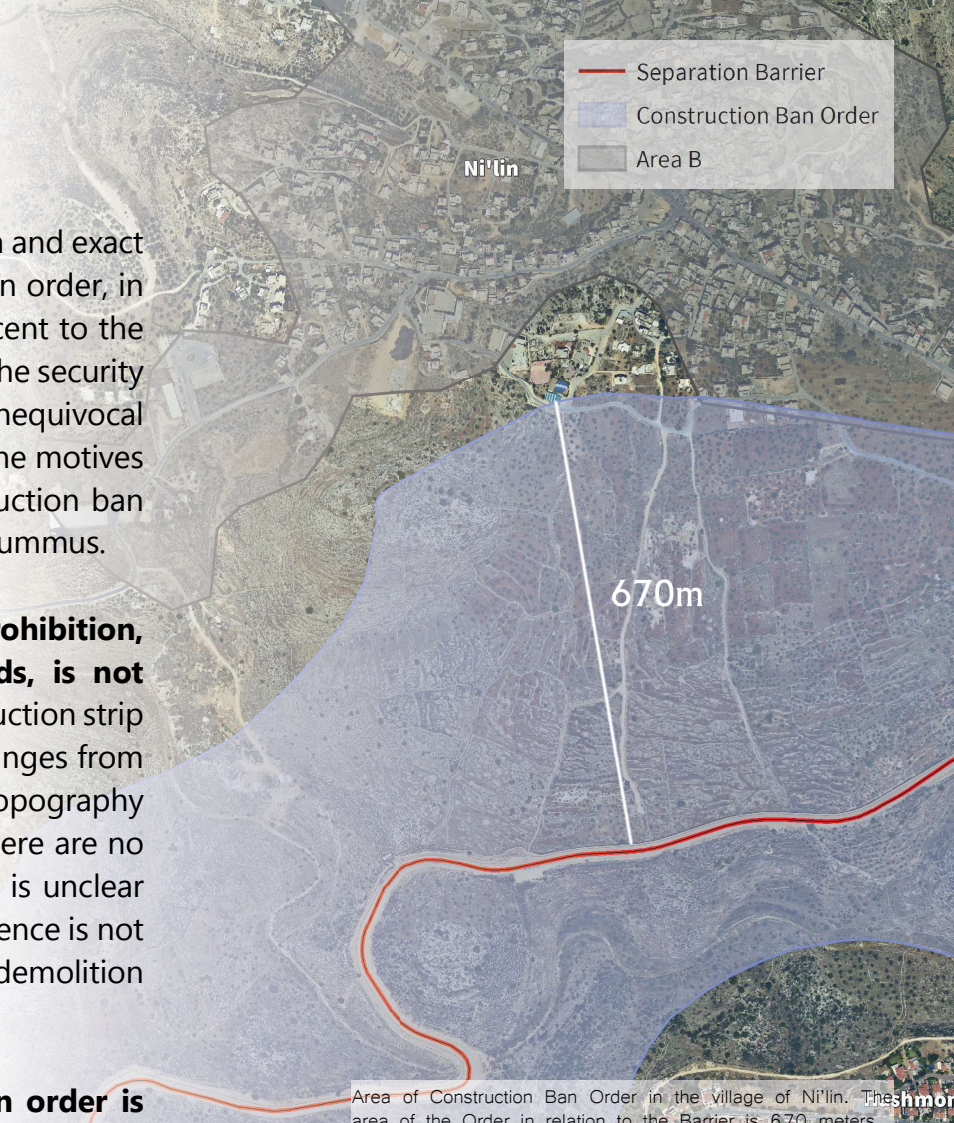
A thorough examination of the breadth and exact location of areas under no-construction order, in relation to the villages and lands adjacent to the barrier, raises questions as to whether the security considerations are as necessary and unequivocal as claimed. It also raises doubts as to the motives for applying and enforcing the construction ban in the manner carried out in Wadi al-Hummus.

1. The area of the construction prohibition, and its depth into Palestinian lands, is not consistent. The width of the no-construction strip on the Palestinian side of the barrier ranges from 30 meters to 700 meters. Sometimes topography is a factor, but in many cases where there are no topographic differences, and the logic is unclear as to why some construction near the fence is not considered dangerous while elsewhere demolition is deemed necessary.

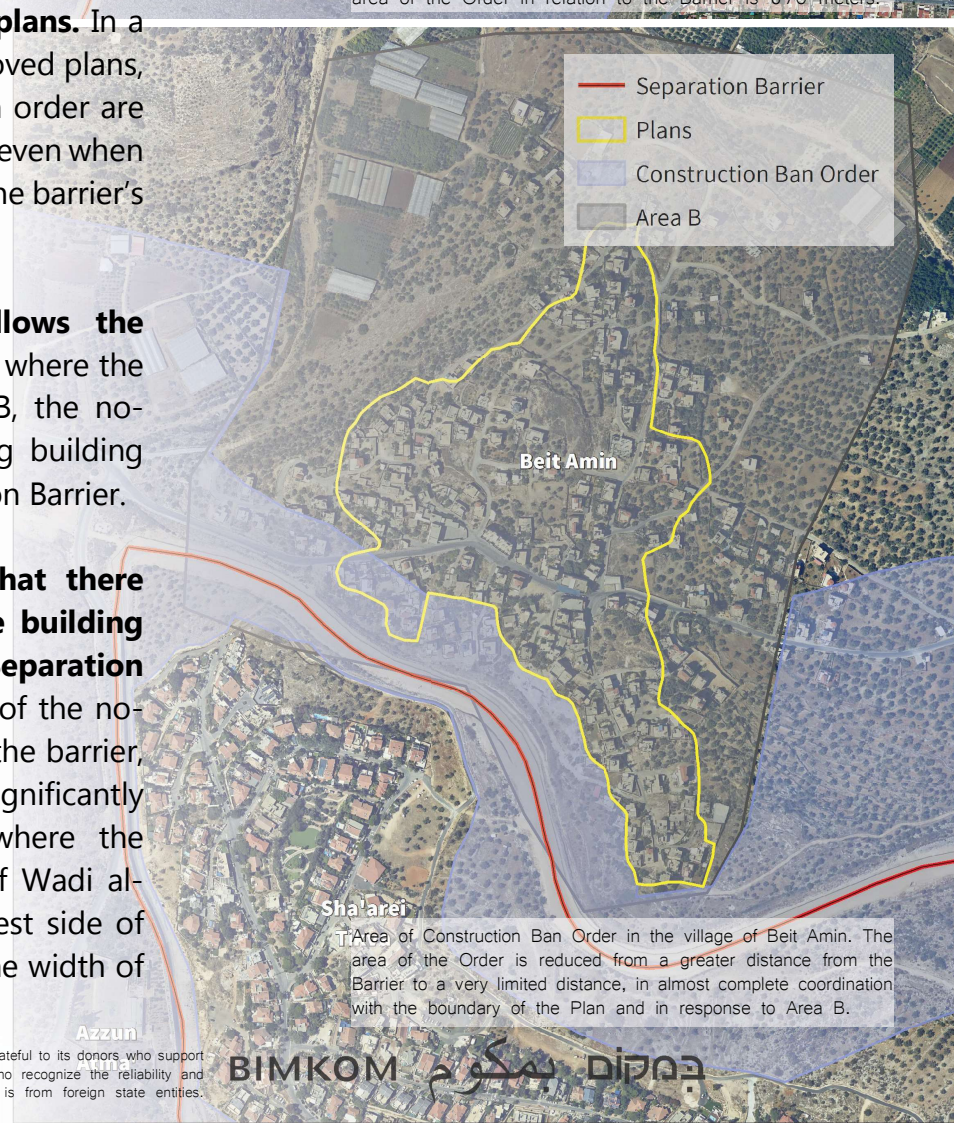
2. The width of the no-construction order is reduced in accordance with spatial plans. In a number of cases where there are approved plans, the boundaries of the no-construction order are tailored to the boundaries of the plans, even when buildings are only tens of meters from the barrier's route.

3. The no-construction order follows the boundaries of Area B. In many cases, where the no-construction order borders Area B, the no-construction area is reduced, allowing building very close to the route of the Separation Barrier.

In addition, it should be noted that there is a difference in the depth of the building prohibition on either side of the Separation Barrier. For the most part, the width of the no-construction strip on the west side of the barrier, where the settlements are located, is significantly smaller than on its eastern side where the Palestinian villages are. In the case of Wadi al-Hummus, the buildings are on the west side of the barrier where, for the most part, the width of the building ban is relatively limited.



Area of Construction Ban Order in the Village of Ni'lin. The area of the Order in relation to the Barrier is 670 meters.



Area of Construction Ban Order in the village of Beit Amin. The area of the Order is reduced from a greater distance from the Barrier to a very limited distance, in almost complete coordination with the boundary of the Plan and in response to Area B.

An analysis of the scope of the construction prohibition shows that the principles used to set its boundaries are inconsistent, and in many cases do not conform to the principles as defined by the security establishment. Further, in many cases the setting of the boundaries seems to be entirely arbitrary and ignores the far-reaching implications it has. The declaration of the no-construction order took place several years after legal proceedings which addressed the acceptable level of harm caused by the Separation Barrier route were concluded. This casts a heavy shadow on the decisions which ignore the checks and balances that the court made when previously discussing this issue.

In the wake of legal action, hundreds of kilometers of the Separation Barrier route have been altered, and tens of kilometers have been demolished and rebuilt to conform to a route that reduces the harm to Palestinians. In dozens of legal petitions, security considerations were examined and in many cases it was shown that the main considerations in determining the route were not actually based on security but rather aimed at perpetuating the settlement enterprise and creating conditions that would allow them to grow. Thus, most of the barrier route is as far as possible from the built-up areas of the settlements, and as close as possible to Palestinian localities, so as to allow expansion of the settlements while preventing the development of Palestinian villages.

Similar to the barrier route, the no-construction order is determined such that its impact on settlement construction is minimal, but its impact on Palestinian villages is enormous. The negative impact of the physical barrier on hundreds of thousands of Palestinians is intensified expanded to hundreds of meters in which Palestinian construction is prevented. The potential for Palestinian development in Area C is already very limited, and the no-construction zone only serves to exacerbate the situation.



In summary, it can be seen that the security considerations which are supposedly behind the construction ban are often questionable, and this also applies to Wadi al-Hummus. The obvious conclusion is that the security considerations according to which buildings in Areas A and B were demolished are a smoke-screen for political considerations whose purpose is to reduce the Palestinian population in the seam zone, especially in the Jerusalem region, or even to punish them for unrest in the area, according to army reports. The threat of demolition still hangs over Wadi al-Hummus, as there are a large number of other buildings that have received demolition orders and the court is scheduled to discuss their case in the coming months.

