They thwarted the construction of the security fence - but blame others

Shaul Arieli, Haaretz, September 2, 2018

The story of the security fence in Gush Etzion is a climax in the cynical and irresponsible use of the concept of security. In the past, it was used to justify the fence's routes based on considerations "alien to security", later, in order to leave a loophole for the expansion of settlements and today, to bring about the canceling of the possibility of even building the fence. Recently, the confrontation between the Head of the Fence Administration in the central command, Col. Ofer Hindi, and the Etzion bloc's representatives regarding recent construction plans reveals the many lies presented to the High Court of Justice, the repetition of past mistakes, and especially the cheating of the public in Israel, which is abandoned to terror attacks, agricultural theft and property offenses.

In an affidavit submitted to the High Court of Justice in 2003 by the defense establishment to justify the route of the fence in Gush Etzion, a route annexing five villages, tens of thousands of Palestinians and tens of thousands of dunams, there were many "security" arguments, fundamentally different from those presented by the IDF in other cases.

After three years of legal proceedings, and after realizing that the series of arguments "alien to security" would not convince the High Court of Justice, the defense establishment was required to decide whether to adopt the security fence route proposed by "the Council for Peace and Security", by virtue of its status as "a friend of the court" (Amicus curiae) as it did in other cases (Beit Sourik, Zufin, Hirbet Jabara, Hashmonaim and others), or to give up on the fence all together in Gush Etzion, as the head of the Gush Etzion council and head of the Efrat council preferred.

Unfortunately, like the petition for a fence in the Ma'aleh Adumim area, the defense establishment, despite the fact that part of the route of the security fence (east of Efrat) was almost completed with an investment of tens of millions of shekels, was forced to inform the High Court of Justice in 2006 that it would not build the fence at all "for the time being, due to budgetary constraints and other needs required by the defense establishment. The construction of the fence along the route in question is not a high priority for the respondents (the defense establishment) regarding the completion of the construction of the security fence throughout Judea and Samaria". It later announced it will reconsider the resumption of construction at the end of 2012.

These facts did not prevent the Bloc's advocates from blaming others, as Yaron Rosenthal, head of the Gush Etzion Field School recently said "The construction of the fence around the bloc did not end because of High Court petitions that actually torpedoed it".

In a recent meeting, the head of the Fence Administration, Hindi clarified that the request to expand the settlement of Bat Ayin would be approved only if all construction plans will end 50 meters away from the route planned for the security fence. "The permit can be examined under the condition that the border of the plan will be limited to a minimum of 50 meters from the Seizure order intended for the security fence". A similar response was given at a meeting regarding the settlement of Migdal Oz, where a concrete plan was rejected for not meeting the conditions.

This decision led Rosenthal, who chooses to serve as an unofficial spokesperson, to acknowledge their responsibility for the failure to build the security fence and the real purpose behind the move that denies the security of Israeli residents, as reported in "Makor Rishon" newspaper. "We were able to eliminate the threat of the fence in Gush Etzion for over a decade, after a series of legal and public battles. Now we must fight that the area designated for the construction of the fence will be liberated from the military concept, and we will be able to expand the Gush Etzion settlements ... " In conclusion, he added the false "historical" addition ... "So that the Gush Etzion residents will be able to return to the place where they and their parents were born".

The IDF Spokesperson stated in response: "The route of the security fence in the Gush Etzion area was determined by the government of Israel. Since the security need for the future construction of the fence along the planned route still exists, applications for construction near the route are examined in light of the security needs in the area and the examination of each case on its merits".

There is no doubt that the IDF Spokesperson, like the head of the administration, is not aware of the fence's history and exposed in its response the cynical use made by the defense establishment of security itself by presenting the opposite arguments, each time according to the current need. If "the security need for the future construction of the fence along the planned route still exists"... why doesn't the defense establishment complete the fence?! the year 2012 has long passed and the position of the defense establishment has been and remains that the security fence must be completed.

Why has the fence not been built since then? Although the IDF has asked several times to complete the security fence, all these attempts have been torpedoed by political pressure exerted by the Gush Etzion bloc leaders on the political echelon, including through tours they conducted to the head of Knesset, Prime Minister and Defense Minister. For example, in 2016, when Prime Minister Netanyahu announced the completion of the fence, the head of the Gush Etzion council, David Pearl, objected to it "We oppose the fence" and added a false claim "... because it separates us from the State of Israel. For us it's very bad". Pearl was not bothered by the prime minister's statement because he said that it would not become a reality. "I think there will not be a fence, because unfortunately the prime minister has said a lot and done a little lately, he only acts when there is a sword on his neck, I do not believe it will happen, but time will tell". Pearl was right!!!

This ongoing decision not to build the security fence completely contradicts the position of the IDF and the National Security Council's staff's work that unequivocally determined that a non-continuous security fence does not meet its security purpose and must be completed.

The position of the IDF and the National Security Council did not impact the Bloc's leaders "We are truly against the fence" they admitted, "because as we have proven, it does not help against terrorism". In other words, they "proved" something that is in complete contradiction to the position of the IDF and all the security forces in relation to the tremendous contribution of the security fence to the prevention of terrorism! "Since the closure of the Tarqumiya- Meitar section, there has been a significant drop in the number of incidents, and we hardly get calls from the Tarqumiya checkpoint" said Chief Superintendent Etty Buchnik, commander of the Kiryat Gat station.

And what about the budgetary limitations? In a tour conducted at the beginning of the year by the Foreign Affairs and Defense Committee in the South Hebron Hills, Shai Gilad, of the National Security Council, stated: "We have completed the administrative work that the prime minister instructed us to carry out, and the cost is NIS 1.3 billion for the entire seam line, and at the moment it has no specific budgetary source". Avi Dichter, chairman of the committee, summed up and said: "Throughout the discussion there were compliments about the implementation of the wall between Tarqumiya and Meitar. The gaps in the indicative fence, which is the vast majority of the barrier around Judea and Samaria, are a mirror image of that. Not only has nothing been done to fix them, even 8 months after the committee demanded it ... It was never presented to us as a committee, and to the best of my knowledge, neither to the political echelon nor to the chief of staff, such a strategic change". We shall hold a discussion at the committee to understand how billions of shekels were lost on the indicative fence… and we will have something to say as a committee that only a budgetary issue is delaying the construction of the barrier". We can tell Avi Dichter that this is nothing new, that already in 2007, the Brodet Committee declared that the conduct of the construction of the security fence is "another example of poor and wasteful thinking and conduct".

To the head of the Fence Administration we can tell the real-estate story of the fence in Ni'lin. The route of the barrier near Na'alin and Hashmona'im was approved by the government in October 2003, but was changed by the IDF a year and a half later, after a judgment was given in the Beit Surik case in 2004. The new route was removed farer from Palestinian homes. When new generals came to the Central Command, it was decided to change the route again, claiming that it was now too close to the homes of the Hashmonaim community and that it should be removed by hundreds of meters.

The petitioners to the High Court against the new "amendment" rejected this argument. As evidence, in the course of the court hearing, a letter that was sent by the Ministry of Defense was presented, signed by the IDF representative, to the contracting company, which owns the new area that was to be transferred to the Israeli side of the fence. In the letter, the IDF representative allows the company to plan the project, "provided that the future houses are 150 meters away from the future fence's route".

Supreme Court President Dorit Beinish accepted the petition, rejected the new route, and suggested that the IDF reintroduce the previous route: "The strangeness regarding the changed position of the security establishment is reinforced by the fact that the military commander approved in principle the planning of a new neighborhood in which the houses in the neighborhood will be built 150 meters away from the security fence ... We have not been told how this fits in with the security concept regarding the need for a warning and pursuit space hundreds of meters away from houses of Israeli residents".

Today, contrary to its position in other petitions, the IDF has decided that the distance between the fence and the future neighborhoods will be 50 meters in order to partially succumb to the pressure of the settlers. It is clear to everyone that if the fence is to be built in the future, pressure will be put in place not to settle for 50 meters and to re-add hundreds of meters at the expense of the Palestinians. The lesson presented by Major General Moshe Kaplinsky in an interview with Nahum Barnea on the occasion of the end of his term in 2005 will also be forgotten. When the journalist asked, "What was the biggest mistake you made regarding the fence?" Kaplinsky replied, "In retrospect, I think the biggest mistake was that we did not take into account the fabric of Palestinian life". "The Supreme Court," Barnea said, "understood better than you", and Kaplinsky confirmed: "The Supreme Court put a mirror in front of my eyes, it taught me a lesson in proportionality, I accept it".

The story of the security fence in the Etzion bloc joins a series of serious incidents that accompanied the construction of the extremely important security fence, which can not be reconciled – presenting of false, partial and misleading information to the High Court of Justice, repeated contempt in the execution of the Supreme Court's judgments, political greed, Institutional delinquency, a terrible waste of public money (more than 2 billion NIS of the Israeli taxpayer!), and above all, lawlessness resulting in the deterioration of security. This week, another unfortunate and humiliating chapter was written in the story of the security fence, but the Israeli government is not working to relinquish the breaches in that fence.