**Call for inputs: Resettlement as a human rights issue**

**Special Rapporteur on adequate housing**

**Submission by the Civic Coalition for Palestinian Rights in Jerusalem**

The present document will highlight key human rights issues and violations, in relation to resettlement and the right to adequate housing, analyzing the implications of evictions and forcible displacement of Palestinians in occupied East Jerusalem.

**Policies, Laws and regulations in Occupied East Jerusalem**

Since the Israeli occupation of East Jerusalem in 1967 (annexed in 1980), Israel has expanded the borders of East Jerusalem and extended its domestic law to it.

**Main policy: change of the demographic balance of the city through confiscation of Palestinians lands and Israeli- Jewish settlements**

East Jerusalem was populated exclusively by Palestinians in 1967. Since then, the Israeli occupation authorities have worked to change its demographic composition and establish Israeli-Jewish domination (doctrine of “demographic balance” by the Israeli Gafni Committee in 1973, ratio of 22% Palestinians and 78% Jews), through **expropriation and forced transfer of Palestinians**, and **the establishment of Jewish settlements**.

According to the **Master Plan 2000**, Israel needs to maintain the ratio of 70% Jews and 30% Palestinians in the city.[[1]](#footnote-1)

The number of Israeli Jews in East Jerusalem, living in 15 illegal settlements, has risen to over 230,000, bringing the total amount of Jews in Jerusalem to 63% of the total population, while Palestinians now only represent 37%. However, while the natural growth rate of Palestinians is steadily increasing, the Municipality’s urban planning policies do not take it into consideration.[[2]](#footnote-2)

**Jerusalem Master Plan 2000** is a policy used for **urban planning** in occupied East Jerusalem by the Jerusalem Municipality that provides a legal pretext for the expropriation of Palestinian land and the expansion of Israeli colonial settlements while also expanding the so-called ‘green zones’ in order to further restrict Palestinian growth in the city. The Master Plan strengthens the Israeli chain of settlements surrounding the Old City and the so-called ‘Historic Basin’.

The expansion of existing illegal settlements and the construction of new settlements are a method through which the Israeli occupation authorities increase the number of Israeli Jews in East Jerusalem. Of the 71 square kilometers annexed by Israel in 1967, 35% was confiscated for settlement construction. Another 30% is zoned as Unplanned Area, and 22% as Green Area and Public Infrastructure (total of 87%). Today, only 13% of the land is allocated for Palestinian use.[[3]](#footnote-3)

Many of the settlements are extensively developed and resemble large towns or small cities, equipped with all the services. The infrastructures that support them are widely developed with settler-only roads, overpasses and the Jerusalem Light Rail, that connects settlements in occupied East Jerusalem with West Jerusalem.

The continued presence and expansion of Jewish settlements throughout the Occupied Palestinian Territories (OPT) constitute a clear violation of international law, under art. 49 of the Fourth Geneva Convention, as condemned by several UN Resolutions.[[4]](#footnote-4)

**Laws and regulations used for the confiscation of land and for gaining control over urban planning in occupied East Jerusalem by Israel**

The **Absentee Property Law of 1950** is a tool through which the Israeli government expropriates Palestinian land. In 1970, the Israeli government declared that the property ownership of any Palestinians who were not physically present in East Jerusalem during the time of its annexation would revert to the Custodian of Absentee Property (the State of Israel).[[5]](#footnote-5)

The **Land Acquisition for Public Purposes Ordinance (1965)** has being used by the Israeli government to take over land in Occupied East Jerusalem. 35% of the land has been confiscated for public purposes, then transferred for building Israeli settlements.

**The Basic Law Lands (1960)** stipulates that the ownership of “Israel lands”—namely land under the control of the state, the Jewish National Fund (JNF), and the Development Authority—cannot be transferred in any manner.[[6]](#footnote-6)

The **Planning and Building Law (1965)** is a key threat to Palestinian housing. It regulates all building and land use in Israel and controls development. It provides legal justification for house demolitions for any non-conforming buildings.[[7]](#footnote-7)

**Housing problems and home demolitions in the occupied East Jerusalem: illegal Israeli policy that forcibly displace Palestinians**

Palestinians in occupied East Jerusalem have no access to public housing. They suffer from a shortage of housing (42,000 houses would be needed), due to the shortage of land (only 13% of the total is for Palestinian use), and the restriction on obtaining building permits by the Municipality of Jerusalem. Moreover, many Palestinian families face home demolitions by Israel and are forced to seek housing in the East Jerusalem neighbourhoods behind the Separation Wall or leave the city entirely.

Here are the specific **policies** developed by the Israeli occupation authorities to limit and reduce the presence of Palestinians in East Jerusalem:

* **Land confiscation** that led to shortage of land and so to shortage of housing for Palestinians in East Jerusalem. 87% of the land of occupied East Jerusalem was taken by Israel for different use (35% was confiscated for settlement construction; another 30% is zoned as Unplanned Area, and 22% as Green Area and Public Infrastructure). Therefore, only 13% of the land is allocated for Palestinian use, resulting in shortage of land that leads to shortage of housing, as 42,000 apartments would be needed to accommodate Palestinians of East Jerusalem.[[8]](#footnote-8)
* **Restriction of building permits**. The strategy and the policy of the Municipality is to reduce the number of building permits and so the urban expansion of Palestinians. Of 57,737 housing units approved in construction permits in Jerusalem from 1991 – 2018, only 9,536 housing units, the 16.5% of the total, were approved for construction in Palestinian neighborhoods, while the Palestinians represent the 37% of the total population.[[9]](#footnote-9) Obtaining building permits is a long and complicated process (up to 5 years) and requires many conditionalities, especially proof of land ownership. Therefore, Palestinian residents of East Jerusalem are forced to build homes for their families without permits, rendering them illegal in the eyes of the Municipality. More than 22,000 houses were built without a permit.[[10]](#footnote-10)
* This constitutes a pretext (that became a policy) used by Israel to **demolish** homes in key Palestinian neighbourhoods in an attempt to force them from the City and using it for “regulatory scheme”. (More than 9,000 houses have been demolished since 1967); [[11]](#footnote-11)
* **Punitive demolition** of homes of the families of prisoners and martyrs. A punitive demolition occurs when Israeli forces destroy the home of a Palestinian in response to an alleged act of violence by that person or, commonly, by a relative of that person. Considering that many innocent individuals are seriously affected by the demolitions, this practice is in clear violation of the prohibition against collective punishment under both the Geneva Conventions and customary international law.[[12]](#footnote-12)
* In many cases, the Israeli occupation authorities, after ordering demolitions, apply pressure and intimidation to push families to carry out **self-demolitions** under the threat of paying the entire cost for the demolition and the fines, and possible imprisonment.
* Some 140,000 residents live separated from the Jerusalem municipality because of the **separation wall**, that was built under the pretext of security, but that in practice constitutes a policy of separation and segregation pursued by Israel. Neighbourhoods excluded by the wall suffer from a lack of basic infrastructures and services though they have to pay taxes to the municipality of Jerusalem.

**Data on home demolitions**

Over the last three years and half, data have been collected concerning demolitions in East Jerusalem by the Israeli occupation authorities:

* As of September 2023, 168 buildings were demolished, 37 of which self-demolished, displacing more than 550 Palestinians. These figures represent the highest ones over the last 3 years.
* In 2022, 143 buildings were demolished, 71 of which self-demolished, displacing 313 Palestinians;
* In 2021, 181 buildings were demolished, 97 of which self-demolished, displacing 350 Palestinians;
* In 2020, 175 buildings were demolished, 68 of which self-demolished, displacing 391 Palestinians. [[13]](#footnote-13)

**Home demolitions and forcible transfer** of individuals in an occupied territory is a **grave violation** of international law, under art. 49 of the Fourth Geneva Convention. It constitutes a compression of the right to adequate housing as in art. 25 of the 1948 UDHR; and in art. 11.1 of the 1966 ICESCR, to which Israel is a State Party. Those violations have implications to all human rights for Palestinians living in East Jerusalem.

**Plans and projects by the Israeli occupation authorities**

**The five-year plan**

In 2023, the Israeli government approved a “Five-year [2023-2028] plan for the development of East Jerusalem” with a budget of USD$840 million. The plan aims at strengthening the occupation of East Jerusalem, promoting the annexation of the city, controlling, segregating, and oppressing Palestinians, with their integration in the Israeli system, while enhancing services for Israeli-Jewish settlements, thus increasing their numbers.[[14]](#footnote-14)

**Settlement Projects**

***Settlement infrastructure and exclusion of Palestinian neighbourhoods***

* Roads: Fabric of Life Road (2020) (planned) and the American Road (2019) (expansion in progress).
* Tunnels: The Tunnels Highway linking Beit Safafa, Gilo to Bethlehem, completely excluding Bethlehem (1995) (planned expansion) and the Qalandia Underpass to serve only settlers (2021) (under construction).
* The Light Rail expansion, connecting settlements (2002) (expansion in progress).
* The Cable Car Project in and around the Old City for the connection of settlements and potentially damaging the Old City (2018) (planned).

***Plans with the purpose of public use, “Green areas” and the creation of parks***

* Several Palestinian areas are considered “Green Areas” and for public use, where prohibition of building applies: Al-Bustan (National Park planned) and Wadi Yasul with ongoing home demolitions; Ein Al-Loza with orders of demolitions sent; Wadi Hilweh (planned park) with evacuation orders sent; Al-Issawiya (planned Mount Scopus Slopes Park) with potential evictions of Palestinians; Wadi Al-Rababa, in 2021 destruction of retaining walls on Palestinian lands and dozens of trees uprooted; Batan Al Hawa, land considered of Jewish heritage, orders of evictions sent.

***The pretext of security concerns***

* Wadi Al-Hummus, ongoing home demolitions, due to its proximity to the wall, pretext of security concerns.

***Plans to build new settlements or expand existing ones***

- Israeli settlements in the OPT, including East Jerusalem, are illegal under international law. Nevertheless, Israel plans to build new settlements or to expand existing ones:

* Plan of a new Israeli settlement in the south of Jerusalem, “Givat Hamatous” or "Jabal Abu Ghneim/ Har Homa", on the land that connects East Jerusalem with Bethlehem and Hebron;
* The plan to build “Atarot settlement" on the land of Al-Quds Airport in the north of Jerusalem (9,000 units planned);
* The E-1 settlement--3600 housing units, hotels and shopping center--that, if realized, would disconnect the north of the West Bank from the south of the West Bank.

***Plans to establish a commercial complex for advanced technology (Hi-Tech), hotels, and other services***

* The Wadi Al-Joz “Silicon Valley” project (2020), in Wadi Al-Joz, if realized, would lead to the confiscation of 67% of the Palestinian neighbourhood lands, and the destruction of nearly 160 businesses.

***Plans to establish hotels***

* Al Musrara Park (planned) for hotels around the Old City would deprive Palestinians of their homes and structures.

**Consequences**

Several are the consequences of those projects pursued by the Israeli occupation authorities affecting Palestinians:

* Expropriation of Palestinian lands;
* Demolition of Palestinian homes;
* Evictions and forcible displacement of Palestinians outside the city’s boundaries;
* Segregation of Palestinian neighbourhoods.

**Replying to other questions of the questionnaire for Call for inputs**

* No resettlement policy, budget or scheme, or project has even been provided by the Israeli occupation authorities. Palestinians are forcibly displaced outside the city’s boundaries. There is no agency or mechanism that deals with resettlement.
* No law or regulation, or policy ensures that business enterprises, including financial investors and financial institutions, adhere to the applicable national laws and regulations and international human rights standards when they invest or engage in projects involving resettlement when such projects are implemented in occupied East Jerusalem.
* No human rights impact assessment plan has ever been realized by the Israeli occupation authorities before projects or policies that require resettlement.
* No guarantees are provided to Palestinians in relation to resettlement. The judicial system offers no protection to Palestinians affected by resettlement against discriminatory laws. They might only try to issue a case to the Israeli Supreme Court with a very low chance of success, due to its bias in favour of Israeli settlers.[[15]](#footnote-15)
* The Civic Coalition collects data on its behalf or in cooperation with other NGOs and research centers, such as the Land and Research Center. Indicators are:
* Updated maps with Jewish settlements and expansion lines;
* Characteristics of the Palestinians resettled [evicted and forcibly transferred] (location lived in, family members evicted and family members other than those evicted);
* Access to housing (living arrangements);
* Access to basic services, such as health and education (presence of hospitals and schools serving the community);
* Resettlement in Occupied East Jerusalem is a blatant violation of international law and aims to deprive Palestinians of their land and push them outside the city’s boundaries, therefore the only possible arrangement would be to stop forced evictions and **establish an urban plan** that would consider the need of housing of Palestinians. Adequate compensation would consist to guarantee the right of return to Palestinians affected.
* All Palestinians in Occupied East Jerusalem are at potential risk of forced resettlement. Areas in proximity of the Old City, such as Sheik Jarrah, are more likely to be affected in the near future.
* Resettlement and expropriation **disproportionally affect Palestinians in Occupied East Jerusalem. Discrimination** is ongoing and blatant.
* There is no right to resettlement. Palestinians are evicted and forced outside the city’s boundaries.
* No compensation is recognized for Palestinians affected by resettlement.
* Resettlements in Occupied East Jerusalem consist of evictions for Palestinian people, that are forcibly displaced. The Civic Coalition documented, in particular, the case of Sheik Jarrah, where Palestinian families were evicted (and other are at risk), with the aim of taking over Palestinian houses by the Israeli-Jewish settlers. No compensation was recognized to those affected and no resettlement solution was proposed to them. The only grievance mechanism in resettlement cases for Palestinians is the Israeli Supreme Court which is very biased in favour of Israeli settlers.
* No large-scale resettlement has ever been realized in line with human rights law and international law.

1. B’tselem, *A Policy of Discrimination: Land Expropriation, Planning and Building in East Jerusalem*, 1995, p. 30 – 38, 45 – 48. Also: Civic Coalition-Jerusalem, "Jerusalem Master Plan 2030: Implications and Threats to the Palestinian Presence Jerusalem": www.aidajerusalem.org/uploadss/01\_07\_10986663827.pdf [↑](#footnote-ref-1)
2. “53 years of Israeli Occupation” - The Civic Coalition for Palestinian Rights in Jerusalem. [↑](#footnote-ref-2)
3. Ibidem. [↑](#footnote-ref-3)
4. Resolution 2334 of the UN Security Council, 23/12/2016. [↑](#footnote-ref-4)
5. Ir Amim, Absentees Against Their Will: Property Expropriation in East Jerusalem under the Absentee Property Law (July 2010). [↑](#footnote-ref-5)
6. Adalah, the Legal Center for Arab Minority Rights in Israel, https://www.adalah.org/en/law/view/528. [↑](#footnote-ref-6)
7. “53 years of Israeli Occupation” Civic Coalition for Palestinian Rights in Jerusalem. [↑](#footnote-ref-7)
8. Ibidem. [↑](#footnote-ref-8)
9. https://peacenow.org.il/en/jerusalem-municipal-data-reveals-stark-israeli-palestinian-discrepancy-in-construction-permits-in-jerusalem [↑](#footnote-ref-9)
10. ACRI 2017 East Jerusalem: Facts and Figures. [↑](#footnote-ref-10)
11. “Denial of Housing Rights in East Jerusalem”. Civic Coalition. [↑](#footnote-ref-11)
12. Fourth Geneva Convention, 1949. [↑](#footnote-ref-12)
13. Land Research Center, Civil Coalition. [↑](#footnote-ref-13)
14. https://www.trtworld.com/discrimination/israel-to-spend-dollar843m-on-tightening-control-over-occupied-east-jerusalem-14566535. [↑](#footnote-ref-14)
15. https://www.middleeasteye.net/opinion/israel-netanyahu-judicial-overhaul-palestinians-never-obtain-justice#:~:text=Under%20reforms%2C%20it%20never%20will,-Abeer%20Baker&text=It%20is%20reasonable%20for%20any,encroach%20upon%20constitutional%20human%20rights. [↑](#footnote-ref-15)