

FACTSHEET: HOUSE DEMOLITIONS AND STRUCTURAL OPPRESSION AND AND NEGLECT OF PALESTINIANS



From 1967, when Israel took control of the West Bank and East Jerusalem, until early 2002, 8000 Palestinian homes were demolished. While these demolitions (conducted primarily by the Israeli Ministry of the Interior, and the Municipality of Jerusalem) are serious indeed, they are only the tip of the iceberg with respect to the ongoing discrimination against, and marginalization of Palestinians in Israel and the Occupied Territories.

Why are Palestinian Homes Demolished?

Israel justifies the demolition of Palestinian homes on the basis of improper building approval. However, the web of laws controlling construction, and the discriminatory application of these laws make it all but impossible for Palestinians to obtain building permits. In addition, the housing policies currently in place in Israel have created a huge shortage of housing available to Palestinians many areas. In essence, these laws are another expression of the Occupation, positioned under the guise of “keeping the public order.”

Israeli law requires that official urban development plans be created before any new development can take place. The government defines the geographic scope of each plan. For Palestinian neighbourhoods, the plan is drawn tightly around existing development, the government delays approval of the plans, and the cost of developing projects within the plan falls to the Palestinians. (For the Jewish colonies in East Jerusalem, the government subsidizes the costs of all project development.) As a result, at this time, only seven percent of East Jerusalem is available to Palestinians for building under approved urban plans, once expropriated lands, and “green areas” (which are often later allocated for development of Jewish colonies like Har Homa), are removed.

Even once urban development plans are approved, the process for individuals to obtain a building permit is time-consuming, expensive, and arbitrary. For example, a residential building permit application in East Jerusalem can cost \$5,000, a prohibitive cost under the depressed economic conditions of most Palestinians. And although Palestinians make up about 32 percent of the population of Jerusalem, less than 12 percent of building permits issued over the last 35 years have been granted to Palestinian neighbourhoods.

Since 1967, in East Jerusalem, 70,000 government-sponsored housing units have been constructed for Jews – no one else need apply. Despite repeated promises, not a single government-sponsored housing unit has been built for Palestinians.

In East Jerusalem, housing density among Palestinians is twice that of Jews (2.2 persons per room vs. 1.1). Over 60% of Palestinians in East Jerusalem live in housing density of two or more persons per room, compared with 13.5% within the Jewish sector. Over 27% of Palestinians live in housing where the density is three or more persons per room, compared to 2.4% in the Jewish sector

Do Israel’s House Demolition Policies only Apply to Palestinians?

Within Jerusalem, Palestinians are 45 times more likely to receive demolition orders, and 25 times more likely than Jews to have illegally built structures demolished. In 2001, in Palestinian East Jerusalem, 1117 buildings were built illegally, of which the Municipality took legal procedures against 270 cases. 68 civil orders were sent to announce a demolition, and 32 houses were actually demolished. This compares to 6051 buildings built illegally in West Jerusalem, of which the Municipality took legal procedures against 760 cases. 8 civil orders were sent for demolition, and only 7 buildings were actually demolished by the Municipality. These were four tents, one kiosk, and two buildings which were built in a cemetery.

What does International Law say about Israel's Practices?

The denial of adequate housing and the demolition of Palestinian homes violates international human rights instruments to which Israel is signatory. These include:

The Universal Declaration of Human Rights, which states, "Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing ... " (Article 25.1)

The International Covenant on Economic, Social, and Cultural Rights which "recognize[s] the right of everyone to an adequate standard of living ... including adequate food, clothing, and housing..." (Article 11.1)

The International Convention on the Elimination of All Forms of Racial Discrimination, which obligates State Parties "to ... guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law ... in particular:... (iii) The right to housing" (Article 5)

Article 33 of the **Fourth Geneva Convention**, "No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited... Reprisals against protected persons and their property are prohibited."

Article 53 of the **Fourth Geneva Convention**, which states, "Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or co-operative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations."

On November 24, 2001, the UN Committee Against Torture stated that Israel's policy of demolishing Palestinian homes may amount to cruel, inhuman or degrading treatment in breach of Article 16 of the **Convention against Torture and Other Cruel, Inhuman, Degrading Treatment or Punishment**.

What similar Discrimination against Palestinians Exists?

Structural discrimination against the Palestinian population in East Jerusalem is reflected in a number of ways, including the allocation of municipal budgets between Palestinian East Jerusalem (32 percent of the population), and West Jerusalem, as seen in the 2001-2002 budget:

<u>Sector</u>	<u>Budget for East Jerusalem</u>	<u>Budget for West Jerusalem</u>	<u>Sector</u>	<u>Budget for East Jerusalem</u>	<u>Budget for West Jerusalem</u>
Welfare	12.5%	87.5%	Education	16.6%	83.4%
Health	6.2%	93.8%	Social Affairs	3.5%	96.5%
Culture	2.6%	97.4%	Sport	8.1%	91.9%
Trade	2.2%	97.8%	Youth	5.9%	94.1%
Religious Affairs	0%	100%	Social Services	12.4%	87.6%

In addition to the above comparisons, other East-West comparisons highlight the difference in treatment between Palestinian and Jewish Israelis in Jerusalem:

- There are 1,451 playgrounds in the West, compared to 2 in the East
- There are 26 libraries in the West, compared to 2 in the East
- There are 36 swimming pools in the West, compared to 0 in the East
- There are 531 sporting facilities in the West, compared to 33 in the East
- There are 1,079 public gardens in the West, compared with 29 in the East
- There are 710 inhabitants per km. of road in the West, compared to 2,448 in the East
- There are 690 inhabitants per km. of sidewalk in the West, compared to 2,917 in the East
- There are 743 inhabitants per km. of sewage pipe in the West, compared to 2,809 in the East

Useful Websites: www.icahd.org, www.jcser.org, www.arij.org, www.arabhra.org, www.btselem.org, www.gush-shalom.org