

Home Demolitions: The Destruction of Palestinian Living Space

The ongoing and systematic displacement of Palestinians
in the Occupied Palestinian Territories

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مركز العودة الفلسطيني
The Palestinian Return Centre



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The Palestinian Return Centre is an independent consultancy focusing on the historical, political and legal aspects of the Palestinian Refugees. The organization offers expert advice to various actors and agencies on the question of Palestinian Refugees within the context of the Nakba - the catastrophe following the forced displacement of Palestinians in 1948 - and serves as an information repository on other related aspects of the Palestine question and the Arab-Israeli conflict. It specializes in the research, analysis, and monitor of issues pertaining to the dispersed Palestinians and their internationally recognized legal right to return.

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Abbreviations

COGAT	Coordination of Government Activities in the Territories
BADIL	Resource Centre for Palestinian Residency and Refugee Rights
EU	European Union
ECHO	Humanitarian Aid and Civil Protection – European Commission
GoI	Government of Israel
GoP	Government of Palestine
GRM	Gaza Reconstruction Mechanism
UN	United Nations
UNRWA	The United Nations and Relief Agency for Palestinian Refugees in the Near East



“Colonial powers do not conquer for the sake of imposing administrative rule on the indigenous population, but they end up managing the conquered inhabitants in order to facilitate the extraction of resources.”¹

Executive Summary

Displacement is the essence of Israel’s conflict with the Palestinians, and nothing demonstrates it more graphically than Israel’s policy of house demolitions. This report seeks to highlight how forced displacement through the destruction of Palestinian living spaces is severely violating Palestinian human rights.

Over the years the Israeli authorities have demolished some 48,000² Palestinian homes in the Occupied Territory since 1967 either in military incursions or because Israel has refused to grant building permits to Palestinians, who are then forced to build “illegally” and face demolition. In order to expose some of the bureaucratic, deliberately obfuscating processes that sustain these practices of home demolitions detailed statistics are presented throughout the report.

Whether the demolitions occur under the pretext of “no permits”, “military purposes” or “punitive”, this Israeli policy against Palestinians clearly contravenes international law. Since the signing of the Oslo Accords, more than 15,000 homes have been demolished in the West Bank,³ and more than 500 Palestinian-owned structures have been demolished annually in recent years by Israel.⁴ According to B’Tselem from 2006 until 31 Aug. 2015, Israel demolished at least 927 Palestinian residential units in the West Bank (not including East Jerusalem), causing 4,319 people – including at least 2,129 minors – to lose their homes.⁵

Between 2009 and February 2016 OCHA recorded throughout the entire West Bank including East Jerusalem a total 1,192 incidents of 4,054 structures demolished, of which 272 were donor funded, leaving 6,760 people displaced.⁶ In the West Bank the data clearly indicates a rise in the amount of structures demolished. In the month of February 2016 there was the highest number of house demolished in a single month since OCHA began recording in 2009.

Similarly, in the Gaza Strip, Palestinians have suffered an increase in widespread and unprecedented levels of death and destruction. Between 2000 and 2004, UNRWA suggests Israel destroyed

some 2,370 housing units leaving over 20,000 homeless.⁷ Until 2006, Palestinian homes were demolished in similar manner to those in the West Bank today. With Israel's evacuation of Gaza, land occupation was replaced by aerial occupation. This also meant that military bulldozers were replaced by bomber jets for the purpose of house demolitions. The result produced successive major Israeli aerial attacks that caused massive destruction of Palestinian living space. Over 22 days in 2008-2009 approximately 4,000 homes were destroyed and 20,000 people became homeless.⁸ In 2012, 124 homes were completely destroyed and 2,050 partially damaged.⁹ In 2014, 11,000 were homes totally destroyed, 6,800 home suffered severe damage, 5,700 major damage and 147'500 minor damage.¹⁰ Over this period, half a million Palestinians were displaced in the equivalent of less than two months.

The number of homes destroyed in the West Bank and Gaza are of incredible proportions. Whilst the international community's response is remains unnoticeable. Some argue that interventions such as the Gaza Reconstruction Mechanism (GRM) are not only utterly ineffective, given that still 74 percent of homes destroyed in Gaza have not been rebuilt, but might actually be reinforcing Israel's occupation on the Strip. In fact, instead of challenging Israel's siege and systematic attacks the GRM is entrenching the closure and Israel's main cement provider is profiting. Were it to abide by international law, Israel – not the EU or UN – would be taking responsibility for these families' welfare.

In this particular international law system, what characterizes Israel is neither its intent to violate international law, nor its transgression against international norms, rather the fact that it has rarely been held to account for them. While accountability remains absent, humanitarian intervention ceases to produce positive outcomes and seemingly reinforces the Israeli occupation. Home demolitions should be opposed not only because they contravene international law, but because they serve the logic of Israeli control and dispossession within the context of colonization, occupation and siege.¹¹

Methodology

The purpose of this report is to provide a comprehensive overview of the widespread practice of home demolitions implemented by the State of Israel against Palestinians. In addition to extended analysis, the main trends and indicators are represented in info-graphics, tables, maps and pictures throughout the report to convey additional information and context.

Despite its urgency, the forced displacement of Palestinians rarely receives an appropriate response from the international community. While many individuals and organizations have discussed the triggers of forced population transfer, civil society lacks an overall analysis of the system of home demolitions that continues to oppress and displace Palestinians today.

The Palestinian Return Centre (PRC), therefore, produces critical advocacy and scholarly materials to help bridge this analytical gap.¹² Desk-based research will contextualize home demolitions as a policy of forced population transfer by factoring in historical, political and legal conditions in order to delineate the violations of the Palestinian people's human rights.

Evaluations and conclusions of this report are based predominantly on primary sources provided by the United Nations Office for the Coordination of Human Affairs in the Occupied Palestinian Territory (OCHA OPT), B'Tselem, Al Mezan and other human rights organizations. The direct evidence these sources provide extensively illustrate Israel's destruction of Palestinian living structures in the past decade. While other studies into the Palestinian population, such as the dispersed Palestinian refugees outside of historical Palestine, lack accurate statistical data, the recording of house demolitions in the Occupied Palestinian Territories is appropriately represented. Finally, international human rights law and international humanitarian law will play pivotal roles, and analysis will be supplemented with secondary sources such as scholarly articles and reports.

A POLICY OF **DISPLACEMENT**



22 HOMES **88 HOMELESS**

FACT 1

In 2011, the Israeli government destroyed **22 Palestinian homes** in East Jerusalem displacing **88 Palestinians**.¹



1 icon = 100 people

222 HOMES **1,094 HOMELESS**

FACT 2

In the same year, the Israeli government destroyed a total of **222 Palestinian homes** across the West Bank and Gaza, displacing **1,094 Palestinians**.²



4,455 HOMES **20,000+ HOMELESS**

FACT 3

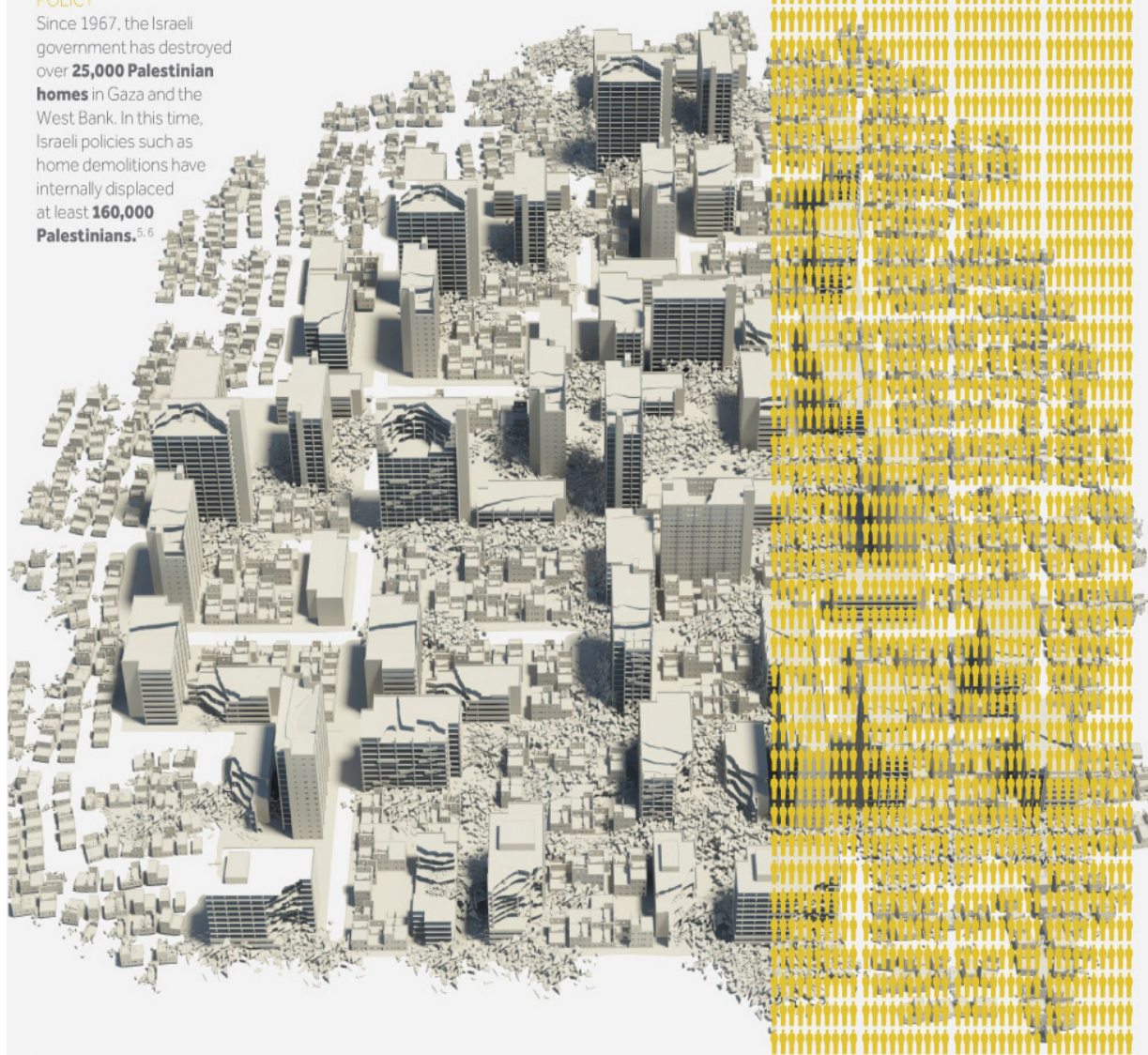
In December 2008 and January 2009 alone, the Israeli military destroyed **4,455 Palestinian homes** in Gaza, leaving more than **20,000 Palestinians** displaced and unable to rebuild.^{3,4}



25,000 HOMES 160,000+ HOMELESS

POLICY

Since 1967, the Israeli government has destroyed over **25,000 Palestinian homes** in Gaza and the West Bank. In this time, Israeli policies such as home demolitions have internally displaced at least **160,000 Palestinians**.^{5, 6}



“THE HOUSE DEMOLITION POLICY REPRESENTS A **POLICY OF DISPLACEMENT**, OF **ONE PEOPLE DISPOSSESSING ANOTHER**, TAKING BOTH THEIR LANDS AND THEIR RIGHT TO SELF-DETERMINATION.

Jeff Halper Director of the Israeli Committee Against House Demolitions⁷

SOURCES

¹ ICAHD, 2012. The Judaization of Palestine: Displacement Trends in 2011, p7

² Ibid, p2

³ ICAHD, 2010. Statistics on House Demolitions (1967-2010)

(accessed on 6 April 2012) http://www.icahd.org/?page_id=5508

⁴ UN OCHA, 2009. Locked In: The Humanitarian Impact of Two Years of Blockade on the Gaza Strip, p3

⁵ ICAHD, 2011. No Home, No Homeland: A New Normative Framework for Examining the Practice of Administrative Home Demolitions in East Jerusalem, p1

⁶ Internal Displacement Monitoring Centre: Occupied Palestinian Territory, 2011 (accessed on 17 July 2012) <http://bit.ly/rzu6gT>

⁷ ICAHD-USA, 2006. Israel's Policy of Displacement (accessed on 9 August 2012) <http://icahdusa.org/2006/05/israel%E2%80%99s-policy-of-displacement-political-affairs-interviews-jeff-halper/>

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Chapter 1: Background

1.1 Historical context:

At the beginning of the 20th century¹³, the majority of Palestinians lived inside the borders of Palestine. For the rest of the century the Zionist settler-colonial movement, with the crucial help of the international community, led to the forcible displacement of millions of Palestinians. First, in 1917, the British Mandate with the Balfour declaration laid the foundations for the Zionist aspiration to colonize Palestine. Then, in the aftermath of the Holocaust, European countries and the UN, through resolution 181 in 1947 (Partition Plan) conceived Israel's foundation as an appropriate type of humanitarian reparation for the crimes committed against the Jewish people. However, this reparation assumed the form of a settler nation-state (Israel) whose colonial practices led to new human rights violations. This is what Perugini and Gordon call the “paradox of human rights”, as they write “The reparation of human rights violation through settler colonialism was bound to generate a new cycle of violence”.¹⁴

In fact, in 1948 the Nakba (catastrophe), the expulsion of approximately 750,000 Palestinians during the Arab-Israeli war gave birth to the Palestinian refugee problem. That is the product of Israel's foundation as settler-colonial state that saw ethnic cleansing as a necessary precondition for its existence. During and after the 1948 War numerous villages and homes of Palestinians were destroyed. Since 1948, a systematic pattern of forcible displacement transformed Palestinians into the largest and longest-standing unresolved refugee case in the world today. By the end of 2014, an estimated 7.98 million (66 percent) of the global Palestinian population of 12.1 million are forcibly displaced persons.¹⁵ It is for this reason the Nakba should not be considered an isolated event in history but as an ongoing process of expulsion and exile of Palestinians from their land.

1.2 Israel's Illegal Occupation

Currently, what used to be Palestine is divided into the state of Israel, and the occupied Palestinian territory (the West Bank, including East Jerusalem, and the Gaza Strip). Since 1967, the international community recognizes Israel's occupation of Palestinian Territories as illegal and a grave breach of international law.

Short after the 1967 war, the Israeli government acknowledged that the Palestinians were now living under occupation and were therefore entitled to the protections afforded them by the Fourth Geneva Convention. The occupation was enforced through a military government, which was established over the West Bank and Gaza on June 11 1967, the day after the war ended. This military government essentially already existed; its personnel and policies simply imported from the military administration Israel had imposed on its own Palestinian citizens immediately following the 1948 war, and which had been lifted just months before the beginning of the 1967 war.¹⁶

1.3 Military Orders

With the status of an occupying power in the Palestinian Territories, Israel is forbidden by international law to replace the local laws with those of its own. Israel sought to arouse as little opposition to its occupation as possible, and therefore imposed an entirely new layer of de facto laws in the form of some 2,500 military orders. When supplemented by Civil Administration policies, these military orders effectively constituted a corpus of law designed to keep the Palestinian population under strict control, thereby obviating the need to use the army on a daily basis to enforce order.

These are some of the military orders that guide Israel's destruction of Palestinian structures:

- Order 25 (6/18/67) requires Israeli Military issued permit for all transactions involving immovable property.
- Order 364 gives the military the power to appropriate land simply by declaring it “State Land”.
- Order 291 stops the process of land registration, and since Israel refuses to recognize Ottoman- or

British-era deeds, a full 72 percent of the West Bank could be classified as “state lands” making expropriation from their Palestinian owners a simple administrative matter

- Order 270 designates a further million dunamns (250,000 acres) of West Bank land as closed “combat zones,” facilitating their transfer to settlement or infrastructure projects.
- Order 363 imposes severe restrictions on construction and land use in yet other areas zoned as “nature reserves.”
- Order 393 grants any military commander in the West Bank the authority to prohibit Palestinian construction if they believe it necessary for the security of the Israeli Army or to ensure “public order”
- Order 811 and 847 allows Jews to purchase land from unwilling non-Jewish (Palestinian) sellers by using a ‘power of attorney.
- Order 847 declares only Israeli notaries can authenticate signatures.
- Order 977 authorizes the Israeli Army or its agencies (such as the Civil Administration) to proceed with excavation and construction without a permit, providing an avenue for settlement construction, such as in the Jordan Valley, that bypasses legal and planning systems.
- Order 1651 allows for the imposition of a closed military zone, thereby declaring a certain area off limits for certain periods of time. This order is many times used to deny the right to peacefully demonstrate, or as a pretext to use violence to disperse demonstrators.

1.4 Creating categories of people with differential rights and life-spaces

In order to understand the different ways in which Israel destroys Palestinian living space it is important identify the categorization and classification of the Palestinian population. According to the Resource Centre for Palestinian Residency and Refugee Rights (BADIL)¹⁷, Palestinians have been divided by Israel into five main categories and several subcategories.

- Palestinian citizens of Israel: Palestinians permanently residing within Israel with Israeli citizenship. Although they are citizens of the State, in practice, individuals in this subcategory enjoy fewer rights than Israeli Jewish nationals.
- Palestinian permanent residents of Jerusalem: Palestinians who are registered as being permanent residents of East Jerusalem after the 1967 occupation and illegal annexation by Israel.
- Palestinians with a West Bank identity card: Palestinians who are registered as being permanent residents of the West Bank after the 1967 occupation by Israel.
- Palestinians with Gaza Strip identity card: Palestinians who are registered in the Gaza Strip after the 1967 occupation by Israel.
- Palestinians refugees living in forced exile without any legal affiliation to Mandate Palestine: Palestinians (along with their descendants) who have been forcibly displaced from their homeland since the establishment of Israel.

Military Order 297 establishes the I.D. card system which is required by authorities for all business transactions. This military order gives the Israeli military right to confiscate I.D. cards for any reason. Israeli military are not required to give receipt when confiscating I.D. cards.

Military orders cover almost all aspects of Palestinian life: administrative, legal, political, economic, educational and even personal. Military Order 297 allows the Civil Administration to essentially consign the Palestinian population of the Occupied Territory to a member of different categories. Palestinians are broadly considered as residents of the West Bank, Gaza, or East Jerusalem; subsequently of Areas A, B, C, H-1, H-2 and the Jordan Valley.¹⁸

They are also further categorized as children, youth, adults and seniors, also by gender, each class having differing privileges and restrictions on movement; those with permits to enter Israel for varying periods; people confined to their homes or communities for security reasons.¹⁹ Moreover, each category is assigned a different ID card, sometimes in different colors, e.g. blue for Israeli citizens and permanent residents, orange/green for Palestinians of the Occupied Territory.²⁰



(A member of the Adgluni family watching his house being demolished by Israeli authorities in Beit Hanina, East Jerusalem on January 27, 2014. The Israeli authorities claimed the house was built on lands that do not belong to the family. Photo: Activestills)

Chapter 2: Israel destroys to displace:

Home demolitions in the Occupied West Bank (including East Jerusalem)

In this chapter extensive evidence is presented on Palestinian living structures demolished by the Israeli authorities in the Occupied West Bank. Subsections have been used to differentiate geographical areas. Initially, to provide an overview, the Occupied West Bank is discussed as a sole entity. The implementation of house demolitions is then discussed in reference to specific geographical areas inside the West Bank. East Jerusalem and Area C are particular areas of focus as these are the areas where the vast majority of house demolitions take place. Area A and B, given their relatively small number of house demolitions have not been included. Subsequently, house demolitions are further discussed in relation to Israel's justifications for this policy. These are numerous and include: demolitions of houses without permits; punitive house demolitions; demolitions for military purposes. It is important to note that the justifications do not exempt Israel from responsibility for these criminal acts, which clearly violate international law.

2.1 The geography of the Oslo Accords

In 1967 East Jerusalem was annexed and came under Israeli law. During the subsequent decades, the West Bank became ever more incorporated into Israel. It is evident today that the so-called "peace process" embodied in the Oslo Accords, a set of agreements between the government of Israel and the Palestine Liberation Organization (PLO), was merely a matter of partition rather than "peace".

The Interim Agreements between Israel and the PLO, divided the West Bank into three categories: Area A, currently comprising about 18% of the land in the West Bank, which includes all the Palestinian cities and most of the Palestinian population of the West Bank; the Palestinian Authority (PA) was given most governmental powers on this area. Area B comprises approximately 22% of the West Bank and encompasses large rural areas; Israel retained security control of the area and

transferred control of civil matters to the PA.

The division into areas was intended to be temporary in order to aid an incremental transfer of authority to the Palestinian Authority. Areas A and B were defined by drawing lines around Palestinian population centres at the time the Interim Agreement was signed. Some 2.4 million Palestinian residents live in these areas, which are subdivided into 165 separate units of land that have no territorial contiguity.²¹

Area C covers about 60% of the West Bank (about 330,000 hectares)²² and Israel was given full control of this area. According to Article 11 3(a) of the 1995 Oslo Interim agreement ““Area C” means areas of the West Bank outside Areas A and B, which, except for the issues that will be negotiated in the permanent status negotiations, will be gradually transferred to Palestinian jurisdiction in accordance with this Agreement.”²³ However the agreement was never fulfilled as Israel currently has total control over Area C. By 1995, with the establishment of Areas A and B, Palestinians found themselves confined to an archipelago of tiny islands, plus the Gaza strip, fenced in by Israel and isolated.

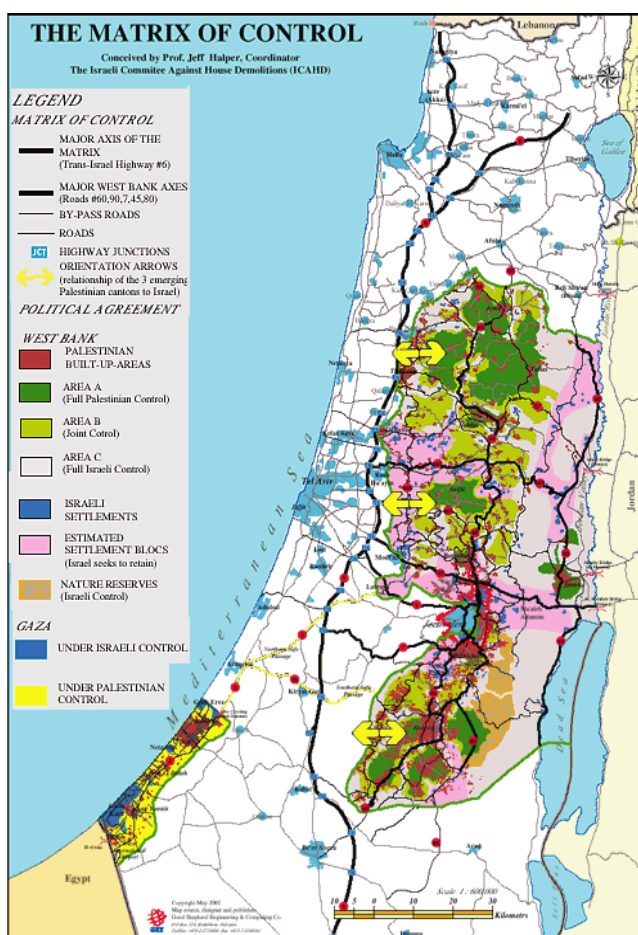
Moreover, Area C holds the most significant land reserves available for Palestinian development, as well as the bulk of Palestinian agricultural and grazing land. It is also the only contiguous territory in the West Bank; therefore, any large-scale infrastructure projects (roads, water and electricity networks, etc.) also involve work in Area C. As a result, the entire West Bank population is affected by what happens in Area C.

2.1 West Bank - Overview

Overall, some 4.5 million²⁴ Palestinians in the West Bank and the Gaza Strip remain under an Israeli military occupation that prevents them from exercising many of their basic human rights. The West Bank is home to some 2.6 million Palestinians who are suffering from progressive fragmentation and isolation. An estimated 300,000 of them live in Area C, and are considered the most vulnerable people in the West Bank as they face an ever-growing pressure in terms of movement, access restrictions and potential displacement.²⁵

In the West Bank, forced displacement is triggered by multiple factors, including the demolition of homes and property lacking Israeli-issued building permits due to the discriminatory planning regime in Area C and East Jerusalem; evictions; the lack of secure residency status; access restrictions; settler violence; or any combination of these factors.²⁶ For the purpose of this report forced displacement that occurs as a result of home demolitions will be analysed in more depth.

Many of the people affected already live in poverty, and demolitions are a leading cause of their ongoing displacement and dispossession in the West Bank. The impact of home demolitions on children can be particularly devastating. Many children affected by demolitions

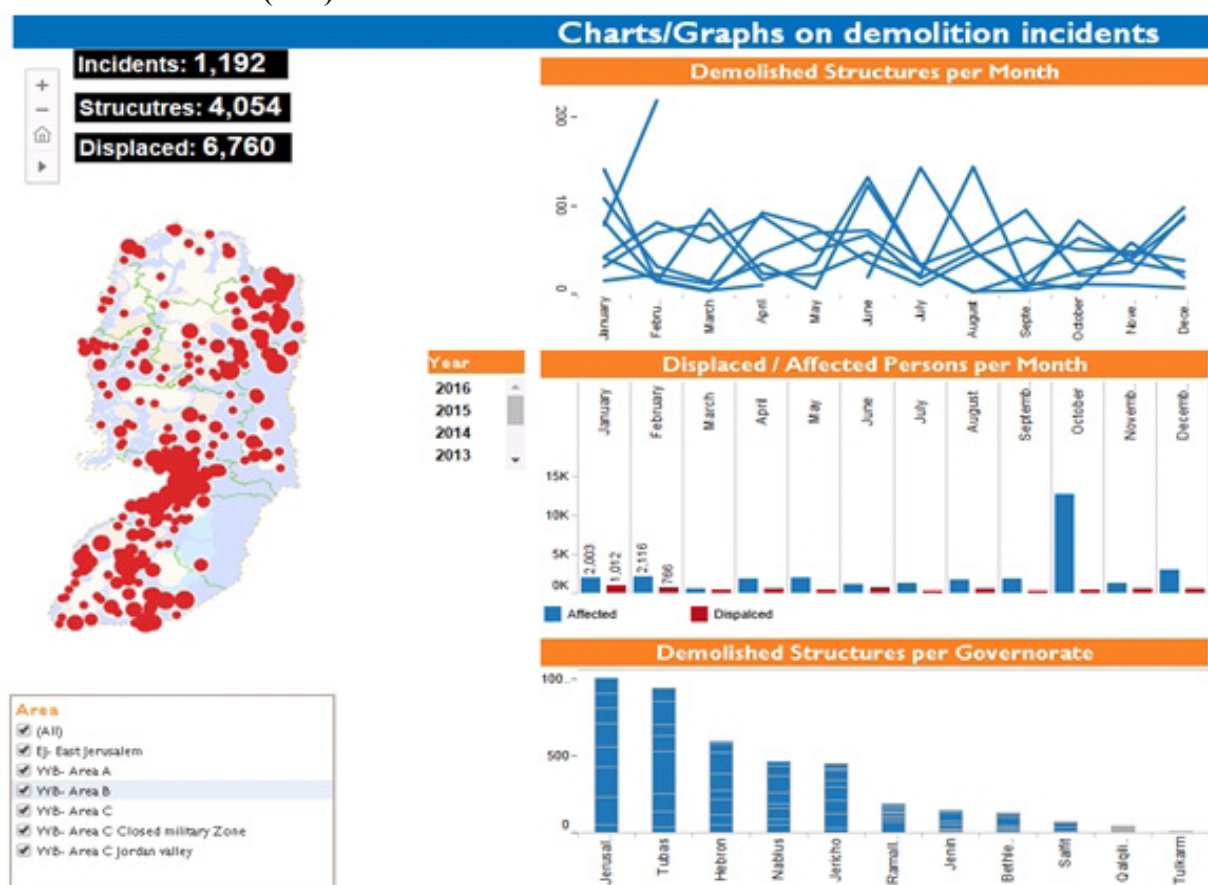


show signs of post-traumatic stress disorder, depression and anxiety. Their academic achievement often suffers. Demolitions also lead to a significant deterioration in living conditions. Families and communities face increased poverty and long-term instability, as well as limited access to basic services, such as education, health care, water and sanitation.²⁷

2.1.2 Statistical data on house demolitions

While it is difficult to obtain accurate statistical data on Palestinian refugees outside the OPT, OCHA and other sources seem to provide accurate and up-to-date accounts of Israel's illegal demolitions. As we can see from the image below, which was obtained from the OCHA West Bank-Online Database, it is possible to obtain wide-ranging data on house demolitions. Through this online system, statistics are available from 2009 (the year OCHA began recording) that cover the incidents caused by Israel in the entire Occupied West Bank.

From 2009 to 2016 (Feb)



The chart and map provided above are published online by OCHA OPT and covers the time period from 2009 to 2016 (February). During this period it has been recorded throughout the entire West Bank including East Jerusalem a total of 4,054 structures demolished, of which 272 were donor funded, and 6,760 people displaced.²⁸

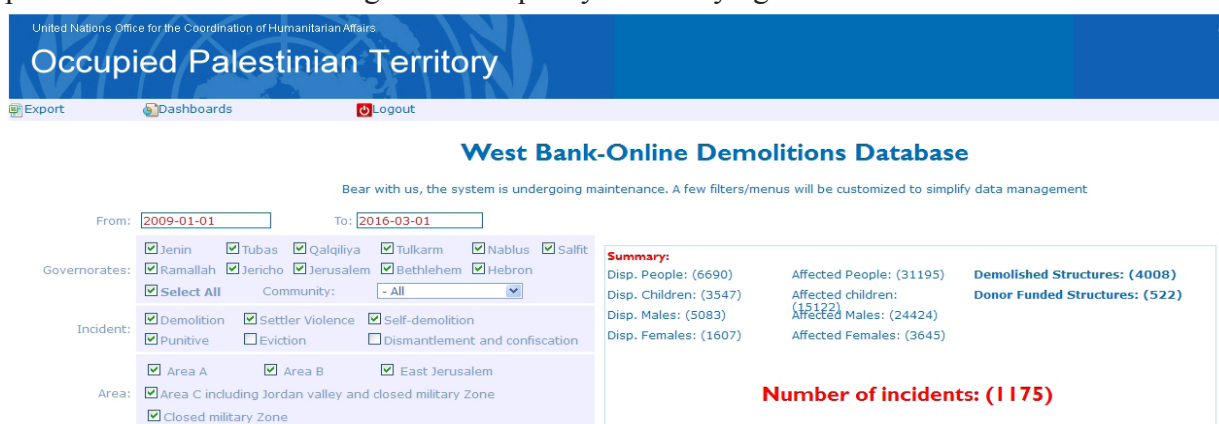
Through this online system it is possible to obtain statistics from 2009 to present that cover the effects of Israel's policies in the entire West Bank and describe the different governorates as well as type of incidents and the area where demolitions take place. In addition, OCHA provides a summary of the total number of Palestinians affected, which also distinguishes between gender and age groups. Lastly, we can see in the image above that donor-funded structures are represented in the data.

2.1.3 Homes demolished in 2016

Israel's extrajudicial demolitions continue into 2016. In January alone, Israel destroyed 77 buildings belonging to Palestinians in the West Bank, leaving 110 people, roughly half of whom were children, homeless in the cold of the winter.²⁹

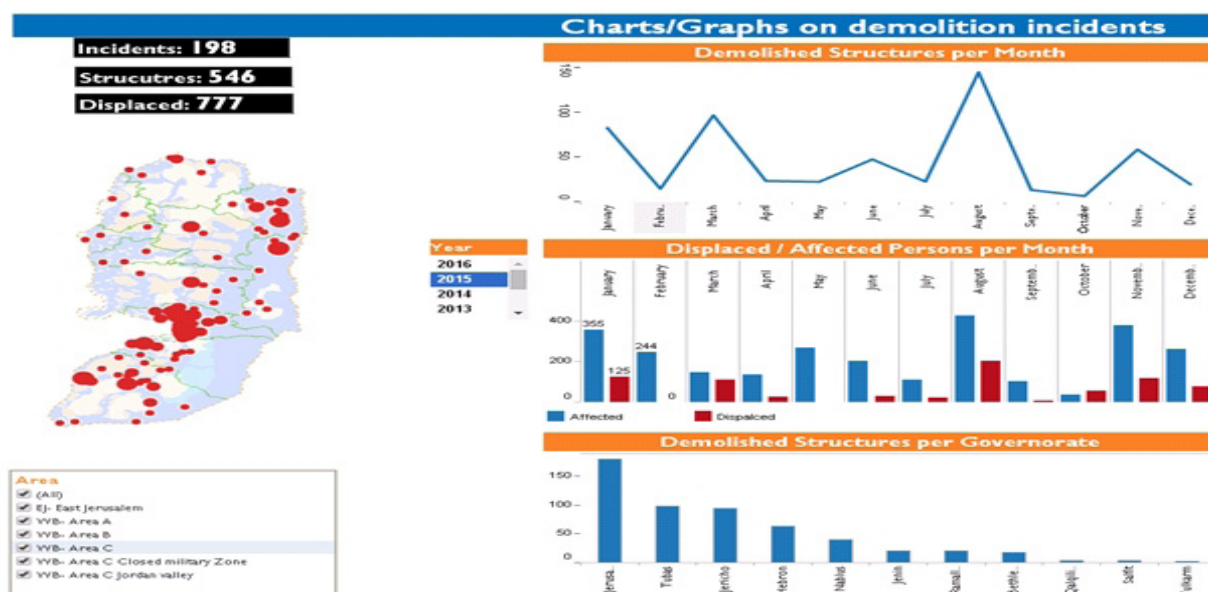
February 2016 recorded the highest number of demolitions in a single month in the West Bank since OCHA began recording in 2009. Throughout February, Israeli forces destroyed, dismantled or confiscated 235 homes and other structures, displacing 331 Palestinians, including 174 children, and affecting another 740 Palestinians.³⁰

Figures collected on March 4th, show that since the beginning of 2016 the Israeli forces have destroyed or dismantled 323 homes and other structures across the West Bank, the vast majority in Area C, displacing almost 440 Palestinians. More than half of those displaced were children. Almost 1,700 others lost structures related to their sources of income. Roughly one third of the structures targeted so far this year (108) were provided as humanitarian assistance to families in need. These are some of the highest levels of demolition and displacement recorded in a similar time frame since 2009.³¹ Next, statistics from the years 2015 and 2014 are provided in order to present a better understanding of Israel's policy of destroying Palestinian homes in the West Bank.



2.1.4 2015 – West Bank

Over the course of 2015, Israel demolished 546 structures, including 108 donor funded structures, in the West Bank including East Jerusalem, displacing 777 people, more than half children.³²



2.1.5 2014 – West Bank

In 2014, Israel destroyed 590 Palestinian buildings in the West Bank, including East Jerusalem, displacing 1,177 people, according to a study by OCHA.³³ At the time, this constituted the highest level of displacement in the West Bank since the UN began monitoring the issue in 2009.

In 2014 the Civil Administration of the Israel Defense Forces destroyed the following:

- 493 buildings in the West Bank;
- the homes of 969 Palestinians in the West Bank;
- 97 buildings in East Jerusalem; the homes of 208 Palestinians in East Jerusalem;
- an average of 9 Palestinian buildings per week.

The vast majority of these demolitions were carried out on the grounds that Palestinians did not have permission to build. Between 2010 and 2014, only 1.5 percent of applications for building permits in Area C were approved by Israeli occupation authorities.

2.2 West Bank- Area C

Currently, the almost 300,000 Palestinians that live in Area C are under complete control of the Israeli military. The Palestinian population in Area C is considered to be especially vulnerable and in need of international assistance because of limited access to educational and health-care institutions, harassment by settlers, proximity to firing zones and insufficient connection to water and electricity infrastructure.

Between 300,000 and 400,000 Israeli settlers also illegally live in Area C. More are flooding in, as the region is increasingly colonized. The prospects seem increasingly dangerous for Palestinians living in this area. In May 2014, ultra-nationalist Construction and Housing Minister Uri Ariel said the possibility of a Palestinian state was in its “dying throes” and declared that the settler population would be 550,000 or 600,000 by 2019.³⁴

Today, Palestinians do not have control over 99% of Area C-61% of the entire West Bank. This is the region in which the West Bank’s most important and lucrative natural resources are concentrated.³⁵

2.2.1 2016 – Area C

Unsurprisingly Area C is where the majority of house demolitions have taken place. The first few months of 2016 have been described by various organisations including the United Nations as record setting in terms of the amount of Palestinians displaced due to home demolitions.

During January 2016, in 24 separate incidents, the Israeli authorities demolished, or dismantled and confiscated, 58 Palestinian-owned structures in Area C and East Jerusalem on grounds of lack of Israeli issued building permits; 39 people, including 21 children, were displaced and another 333 were otherwise affected. Three of the incidents took place in the Bedouin communities of Jabal al Baba and Abu Nuwar, to the east of Jerusalem, and Al Mashru’, in Jericho, involving the destruction or confiscation of 16 structures, the majority (14) provided as humanitarian assistance in response to previous demolitions. These communities are also at-risk of forcible transfer as a result of a “relocation” plan advanced by the Israeli authorities. The former two communities are located within an area slated for the E1 settlement plan to connect Ma’ale Adumim settlement with East Jerusalem.³⁶ Israeli settlement in the E1 corridor would connect Jerusalem to a large settlement bloc in West Bank Israeli authorities have demolished several homes in the strategically sensitive E1 region of the occupied West Bank, displacing at least 17 Palestinians, among them children.

2.2.2 “Largest operation of its kind in a decade” directed at Palestinian Bedouins

In three days, from 20-22 January, 77 Palestinians, over half of whom were children, were made homeless by demolitions. In just the week of 19-26 January, Israel destroyed 41 Palestinian buildings and delivered 45 construction stop orders and two demolition orders. All of these structures were owned by Bedouins and other pastoral communities. Some of the destroyed buildings had been donated by European humanitarian organizations, and Israel issued an order to stop construction on a park funded by foreign donor countries.³⁷

Israeli forces demolished 24 Palestinian buildings in the West Bank on February 2 2016, including 10 funded by the European Union, leaving many families homeless. The families, many of whom are cave dwellers, say their ancestors have lived on the land since long before Israel occupied the West Bank in 1967. An EU spokesman denounced the demolitions and said that 10 of the buildings had been constructed with funds from ECHO, the European Commission’s humanitarian arm. The EU called on Israel to change its policies in the occupied West Bank. “The EU expects its investments in support of the Palestinian people to be protected from damage and destruction,” said a spokesman, who condemned the demolitions.³⁸

The villages of Jinba and Halawa date back to the 19th century. But Israel designated the area as a military firing range in the 1970s and said the villagers must go, prompting a long legal battle. COGAT, the Israeli authority which controls most of the occupied land, said “measures were taken in accordance with the law”.³⁹ Ten more villages, home to about 1,000 people, also face demolition pending a temporary court injunction. Breaking The Silence, another Israeli NGO, said the operation of February 2 2016 was the largest of its kind in a decade, making some 110 people, including 60 children, homeless in one of the coldest months of the year. It can be assumed the measures are designed to force Palestinian Bedouin to move to Yatta, a nearby town, so that Israeli settlers can carve off a chunk of land adjacent to the old 1967 border.⁴⁰

2.2.3 Case study: Khirbet Tana

On 2 March 2016, the Israeli Civil Administration demolished 41 structures in the Area C community of Khirbet Tana, south-east of Nablus city. The demolition displaced ten families with 36 members, including 11 children, and affected the livelihoods of five additional families. Twelve of the demolished structures had been provided by the Palestinian Authority and the Palestinian Red Crescent Society as humanitarian assistance; one of the demolished structures was a building that had served as an elementary school for nine students. The Israeli authorities had also previously demolished the community’s original school in 2011.

Khirbet Tana is home to approximately 250 people who rely on herding and agriculture for their livelihood. Because the residents of Khirbet Tana need grazing land for their livestock, most have little choice but to stay in the area. Due to the community’s location within an area declared as a “firing zone” for training purposes, residents are denied building permits and have experienced repeated waves of demolitions, the last one taking place on 9 February. Israeli-declared “Firing Zones” accounts for approximately 18% of the West Bank. At least 5,000 Palestinians, mostly herders, live in 38 communities in these areas. Because the Israeli Civil Administration prohibits construction in these areas, wide-scale demolitions frequently take place.⁴¹

Although many of the communities have lived in the areas in question for decades, Palestinian access to the areas is formally prohibited and Palestinian residents face repeated demolitions and displacement. At least ten Israeli settlement outposts, illegal under Israeli law, are partially or completely located in “Firing Zones”. According to available information, few of these settlement outposts have been removed or their structures issued with ‘demolition’ orders.

2.2.4 OCHA recording of home demolitions in Area C-2015

In 2015, in Area C the Israeli authorities demolished 424 structures, including 81 donor funded structures, and displaced 564 people of which more than half (310) were children.⁴²

United Nations Office for the Coordination of Humanitarian Affairs
Occupied Palestinian Territory

Export Dashboards Logout

West Bank-Online Demolitions Database

Bear with us, the system is undergoing maintenance. A few filters/menus will be customized to simplify data management

From: 2015-01-01 To: 2015-12-31

Governorates: ☒ Jenin ☒ Tubas ☒ Qalqilya ☒ Tulkarm ☒ Nablus ☒ Salfit
☒ Ramallah ☒ Jericho ☒ Jerusalem ☒ Bethlehem ☒ Hebron
☒ Select All Community: - All

Incident: ☒ Demolition ☒ Settler Violence ☒ Self-demolition
☒ Punitive ☐ Eviction ☐ Dismantlement and confiscation

Area: ☐ Area A ☐ Area B ☐ East Jerusalem
☒ Area C including Jordan valley and closed military Zone
☒ Closed military Zone

Summary:
Disp. People: (565) Affected People: (1717) Demolished Structures: (424)
Disp. Children: (310) Affected children: (728) Donor Funded Structures: (81)
Disp. Males: (297) Affected Males: (844)
Disp. Females: (268) Affected Females: (684)

Number of incidents: (124)

2.2.5 OCHA recording of Home demolitions in Area C 2009-2016

As you can see from the image above, Area C contains the vast majority of home demolitions in the entire West Bank. In fact from January 2009 to March 2016 the total number of home demolitions was 4,054 of which 3376 were in Area C, of these 268 were donor funded. That means between 2009 and March 2016 in Area A, B and East Jerusalem 678 structures were demolished.

United Nations Office for the Coordination of Humanitarian Affairs
Occupied Palestinian Territory

Export Dashboards Logout

West Bank-Online Demolitions Database

Bear with us, the system is undergoing maintenance. A few filters/menus will be customized to simplify data management

From: 2009-01-01 To: 2016-03-01

Governorates: ☒ Jenin ☒ Tubas ☒ Qalqilya ☒ Tulkarm ☒ Nablus ☒ Salfit
☒ Ramallah ☒ Jericho ☒ Jerusalem ☒ Bethlehem ☒ Hebron
☒ Select All Community: - All

Incident: ☒ Demolition ☒ Settler Violence ☒ Self-demolition
☒ Punitive ☐ Eviction ☐ Dismantlement and confiscation

Area: ☐ Area A ☐ Area B ☐ East Jerusalem
☒ Area C including Jordan valley and closed military Zone
☒ Closed military Zone

Summary:
Disp. People: (5204) Affected People: (27084) Demolished Structures: (3373)
Disp. Children: (2773) Affected children: (13486) Donor Funded Structures: (515)
Disp. Males: (4013) Affected Males: (21740)
Disp. Females: (1191) Affected Females: (3000)

Number of incidents: (748)

2.3 The De-Arabization of East Jerusalem

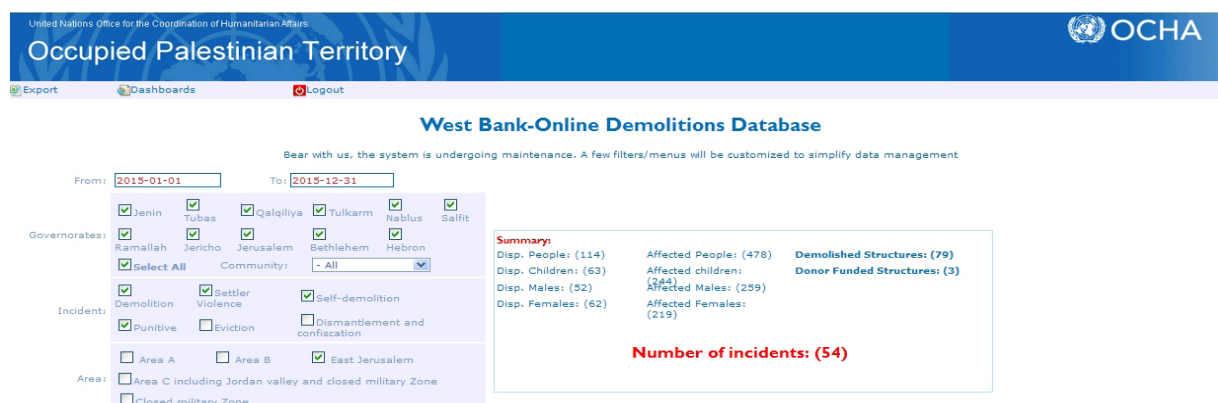
In 1967, the Israeli government adopted an explicit policy of maintaining a 72 percent majority of Jews over Arabs in Jerusalem. As a result, Palestinians, who constitute a third of the Jerusalem population, have access to only 11 percent of the city's urban space for residential, commercial and industrial purposes.⁴³

Since Israel has annexed East Jerusalem, Palestinians are subject to Israeli law and regulations but to military orders governing residency, entry and exit to the rest of West Bank and Gaza. However they are not Israeli citizens.⁴⁴ In East Jerusalem, Palestinian residents are at risk of displacement as a result of home demolitions, inability to build, forced eviction and takeover of their property by settler organizations, and the lack of secure residency status.

Only nine percent of the 1967 occupied East Jerusalem is allocated for Palestinian construction, most of which is already inhabited. The Israeli conditions for receiving a building permit are extremely difficult to meet. On average, Israel rejects more than 94 percent of Palestinian building permit applications. As a result, at least 33 percent of all Palestinian homes in Jerusalem do not have Israeli building permits.⁴⁵ Due to the Israeli discriminatory planning and zoning policies, more than 86,500 Palestinians living in the city are believed to be at risk of having their homes demolished.⁴⁶

2.3.1 East Jerusalem 2015 – OCHA statistics

In East Jerusalem, 114 people of whom 63 children were displaced in 2015 after Israel demolished 78 structures, including 2 donor funded buildings.⁴⁷



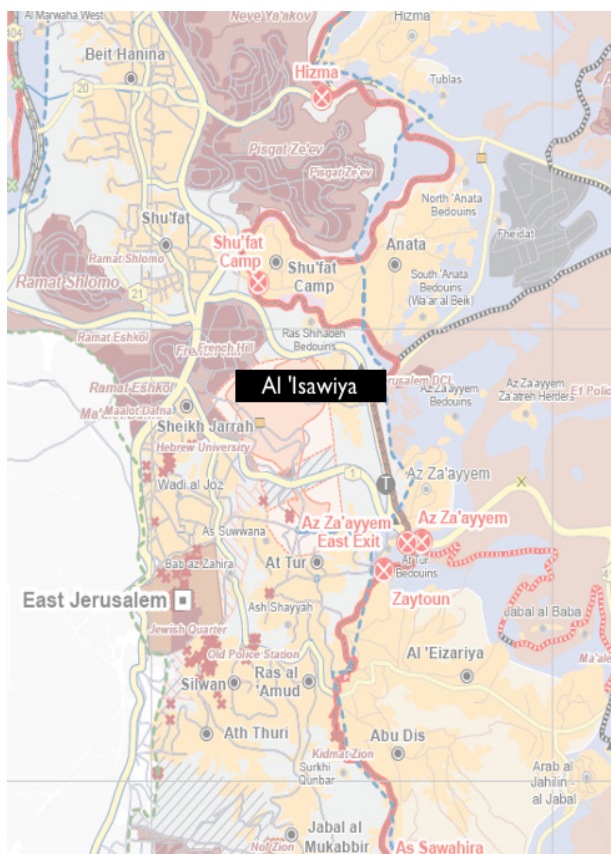
2.3.2 Statistics on demolition of houses built without permits in East Jerusalem

According to B'Tselem from 2004 to 31 August 2015, the Israeli authorities demolished 579 structures in East Jerusalem, leaving in total 2,133 people displaced, including 1,158 minors homeless.⁴⁸ Some owners demolish their own home receiving a demolition order, or seal them to avoid being charged by the municipality with demolition costs and fines. In the table above this type of home eviction accounted for 69 homes during the decade 2004-2015.⁴⁹

2.3.3 Case study: Issawiya, East Jerusalem

The process of destructing Palestinian living space was prominent starting from 1948 but also continues today. It has been documented that new Jewish villages were established on the ruins of Palestinian villages. Additionally, recreational parks and nature reserves were built on the remains of Palestinian lands and houses. Palestinian houses are frequently demolished and new Jewish settlements are built on. Recently, Jerusalem's municipality has been trying to demolish the entire Palestinian neighbourhood of Issawiya in East Jerusalem claiming the need to establish a national park.⁵⁰ In reality they are part of a policy of expansion which entails the enlargement of the E1 settlement.

Local activist Ahmed Sub Laban 740 dunums of the two towns' land are scheduled to be confiscated in order to expend Maale Adumim settlement as part of the E1 settlement plan. In February 2016, the Israeli civil administration issued 12 demolition orders against 11 Palestinian homes and a mosque in Issawiya town east of occupied Jerusalem.⁵¹



2.4 Israel's justifications for destroying Palestinians' homes

2.4.1 Planning and Zoning Regulations

Discriminatory zoning and planning are ideal vehicles for concealing Israel's political aim to displace Palestinian. On the basis of two British Mandate planning documents – the Jerusalem Regional Planning Scheme RJ5 (1942) and the Samaria Regional Planning Scheme RS14 (1945) – Israel has prevented Palestinian development in Jerusalem and the West Bank as it was in the 1940s.⁵² These regulations are the underlying methods for enforcing the demolition of Palestinian homes.

As of 2014, the Israeli Committee Against House Demolitions (ICHAD) suggests that 48,000 Palestinian homes and livelihood structures have been declared “illegal” and have been demolished. At the same time, Palestinians have been forcibly evicted from their lands in Area C and pushed into Areas A and B. An overlooked provision of British planning law, now part of the policies and power of the Civil Administration, allows the “power to grant a relaxation of any restriction imposed by this scheme”. This enables the Israeli authorities to “legally” construct hundreds of thousands of housing units for Jews on lands zoned for agriculture, while strictly enforcing the Regional Schemes in the case of the Palestinians - all legal and seemingly discriminatory.⁵³

2.4.2 Demolitions of Houses Built Without Permits

Due to the lack of adequate planning and discriminatory allocation of public land, it is nearly impossible for Palestinians to obtain building permits in most of Area C. One of the most common justifications Israel provides for the demolition of Palestinian homes is that they do not possess valid building permits.

The planning policies applied by Israel in Area C discriminate against Palestinians, making it extremely difficult for them to obtain building permits. Similarly, Israel's planning policies very much limit the ability of Palestinians to build in East Jerusalem, discriminating against them compared to Jewish Israelis. As a result, many Palestinians build without permits to meet their housing needs and risk having their structures demolished.⁵⁴

In addition Israel “does not allow Palestinians additional construction relative to the natural population growth, and does not allow connecting hundreds of communities with some 300,000 Palestinian residents to infrastructure.”⁵⁵ This leaves Palestinians with three options:

- (a) living in crowded housing and poor conditions,
- (b) moving to Areas A and B of the West Bank, which is difficult to do and expensive, or
- (c) building without permits.

Given their lack of opportunities and resources, most Palestinians have no other choice but to repeatedly rebuild their homes without permits.⁵⁶

2.4.3 Statistics on the demolitions of homes without permits in the West Bank Excluding East Jerusalem

From 2006 until 31 August 2015, Israel demolished at least 927 Palestinian residential units in the West Bank (not including East Jerusalem), causing 4,319 people – including at least 2,129 minors – to lose their homes.⁵⁷

The Israeli authorities repeatedly demolish homes in the Jordan Valley and South Hebron Hills communities that are unrecognized by the state. As of 31 August 2015, in the Jordan Valley and the South Hebron Hills, the homes of at least 605 Palestinians in those areas – including 261 minors – have been demolished more than once. In the district of Nablus the homes of at least 53 Palestinians – including 21 minors – have been demolished more than once.⁵⁸

Demolitions by year (Until 31 Dec. 2015)

Year	Housing units	People left homeless	Minors left homeless
2015	125	496	287
2014	144	722	392
2013	175	528	270
2012	98	526	274
2011	150	814	385
2010	85	387	184
2009	28	218	62
2008	44	276	160
2007	47	267	126
2006	49	225	78
Total	945	4,459	2,218

Demolition of houses and other structures in the West Bank, 1999-2004, official data

Year	West Bank
1999	101
2000	41
2001	186
2002	276
2003	306
2004	139
Total	1,049

Demolition of houses 1987-1998, B'Tselem data

Year	West Bank	East Jerusalem	Total
1987	103	No Data	103
1988	393	30	423
1989	No Data	No Data	347
1990	No Data	No Data	102
1991	No Data	No Data	227
1992	148	12	160
1993	63	48	111
1994	120	29	149
1995	43	25	68
1996	140	17	157
1997	233	16	249
1998	150	30	180
Total			2,276

2.4.4 Punitive home demolitions: Origins and current situation

Regulations sanctioning punitive home demolitions were first enacted in the British Defense Emergency Regulations of 1945.⁵⁹ These were a set of regulations imposed by the British Mandate in response to the Arab Revolt and the rising violence between Arabs and Jews. Using article 119 of the emergency regulations as their legal foundation, Israel implemented administrative and punitive home demolitions.⁶⁰ Professor Laleh Khalili helps us understand the origin of this practice:

“In the case of the Israeli military, a large number of their legal apparatuses that they use as part of their counterinsurgency, including their emergency regulation, comes from the British. Many of their administrative procedures come from the British military experience, and finally a lot of the punitive forms that they use in their counterinsurgency including closures and curfews, house

*demolitions, and the uses of walls and other security apparatuses are all borrowed from the British. The first set of walls that were built as a kind of an offensive counterinsurgency measure was by the British in the 1930's.*⁶¹”

Following Israel's illegal occupation of the West Bank and Gaza Strip, punitive house demolition became a widespread practice. Between 1967 and 1997, approximately 1,750 homes were destroyed or sealed in punitive demolitions. The policy was suspended during the period of the Oslo agreements.⁶² The practice was resumed between 2001 and 2004, in the context of the second intifada, 664 Palestinian homes were demolished as forms of punishment leaving 4,182 innocent people displaced according to B'Tselem.⁶³

In addition, the IDF partially demolished two homes (one in Dec. 2001 and one in July 2002), and sealed three houses (in January 2003). In February 2002, the IDF began demolishing another home during the arrest of a suspect, and the demolition was completed after the individual left the house, apparently as a punitive measure.⁶⁴

On 17 February 2005, the minister of defence announced that the procedure would no longer be used. In February, 2005, a military committee convened by then-Chief of Staff Moshe Yaalon and headed by Major General Udi Shani, concluded not only that the policy of punitive demolitions was ineffective in deterring what they claim to be “terrorism”, but it actually incited additional attacks. The Chief Military Advocate General, Brigadier General Avi Mandelblit, formally announced that the policy would be discontinued. Despite this decision, in 2009, Israel demolished one housing unit in East Jerusalem and sealed two: In January 2009, two housing units were sealed in East Jerusalem, as a result of which 24 persons lost their home. In April 2009, one housing unit was demolished in East Jerusalem, and four people lost their home.

In mid-2014, Israel resumed the practice of punitive demolitions, after an almost complete halt for the previous nine years. This practice targets the family homes of perpetrators, or alleged perpetrators, of serious attacks against Israeli civilians and security forces, which have been on the rise in recent months. In 2014, four houses were demolished displacing at least 27 people, including 13 minors. In 2015, 5 houses were demolished and 19 people left homeless, including 10 minors. Punitive home demolitions impact the entire family and constitute a form of collective penalty in breach of Article 33 of the Fourth Geneva Convention.⁶⁵

The humanitarian implications of the policy revived in 2014 after Israel's near abandonment of the policy in 2005 are well documented and discussed. Since 1 June 2014, the Israeli authorities have demolished, or sealed 16 structures, displacing 90 Palestinians, including 51 children, according to UN figures.⁶⁶ In addition, at least 12 adjacent apartments were damaged, temporarily displacing at least 55 people.⁶⁷ At least 14 of these have taken place last October and November 2015. Some suggest as a result of government needing to demonstrate a show of force in response to the most recent wave of conflict.⁶⁸

Since 1967 Israel has employed a policy of house demolitions in the West Bank and the Gaza Strip (although halted in 2005 in the Gaza Strip since the implementation of Israel's Disengagement Plan from Gaza) as a punitive measure against the Palestinian population. The extent of employing house demolition as a punitive action has varied over the years. The people who bear the brunt of the demolitions are relatives – including women, the elderly, and children – whom Israel does not suspect of involvement in any offense.⁶⁹

2.4.5 Demolitions for Alleged Military Purposes

Demolitions for alleged military purposes is yet another reason given in Israel's tries to attempts legitimize its practices, which are illegal under international law. This is a broad category that will also be analysed later in the report with specific reference to the Gaza Strip, where a huge amount of homes have been demolished during Israel's military operations.

B'Tselem only has statistics on house demolitions for alleged military purposes starting from

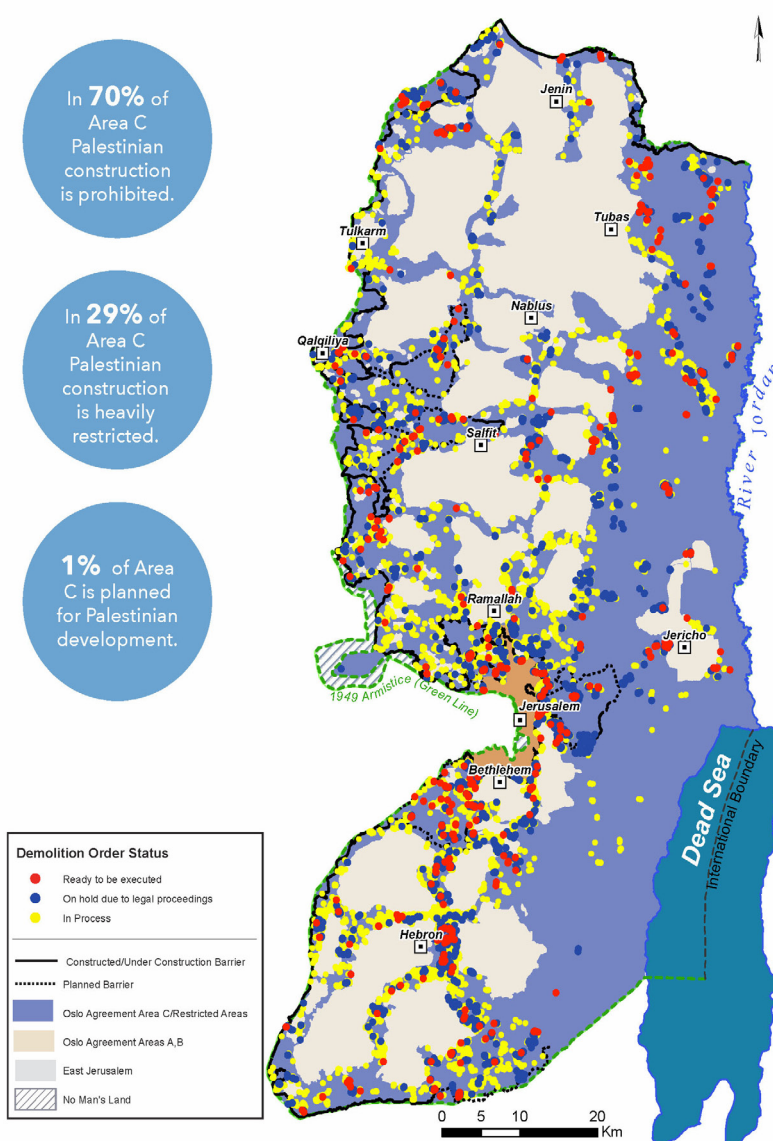
2004. Here below is a sample of home demolitions for alleged military purposes recorded from 2004 to 2011 by B'Tselem in the entire Occupied Palestinian Territories.

Year	West Bank	Gaza Strip	Total	People left homeless	Minors left homeless
2011		2	2	12	
2010	1	12	13	44	
2009		3,500	3,500	20,000	
2008	10	27	37	141	67
2007	30	13	43	182	
2006	39	316	318	2,150	
2005	12	5	17	68	
2004	26	1,378	1,404	10,704	

2.5 Demolition orders

In the West Bank, the vast majority of demolitions take place because a home or structure has been built without a permit. However, more than 94% of all Palestinian permit applications have been rejected by the Government of Israel in recent years.⁷⁰

In regards to the West Bank, a United Nations report released in September 2015 shows that in Area C currently there are more than 11,000 demolition orders that are outstanding which will affect an estimated 13,000 Palestinian-owned structures, including homes.⁷¹ The report comes in the context of a rise in demolitions in the West Bank, with 143 Palestinian structures having been demolished during August 2015 the highest such number in five years. It is precisely these illegal and colonial policies that continue to displace Palestinians.⁷²





Palestinian women look at the shattered remains of a building complex that was destroyed by Israeli rockets in the northern Gaza strip Photo: AFP

Chapter 3: The annihilation of Palestinian living spaces in the Gaza Strip

This chapter will look at house demolitions in the Gaza Strip. In recent years the Strip has suffered huge amounts of structures being demolished as a result of Israel's policies. While the majority of the homes demolished in the last decade resulted from Israel's three major military assaults (2008-09, 2012 and 2014) on the Gaza population, the practice of home demolitions was evident prior to Israel's "disengagement" and subsequent blockade on the Strip. House demolitions that occurred prior to the blockade on the Strip are discussed as they illustrate how this policy to displace Palestinians continued even after 2007. Bomber jets replaced Israel's bulldozers, thus resulting in even more Palestinian homes destroyed. The most recent "51 Day War" will be analysed in detail as well as the unsuccessful Gaza Reconstruction Mechanism.

3.1 House demolitions for military purposes during the Al-Aqsa Intifada

A number of international bodies have presented estimates of house demolitions in Gaza for the entire intifada. According to a report presented to the Commission on Human Rights by its special rapporteur, Professor John Dugard, from September 2000 to February 2004, Israel destroyed 1,640 housing units, in which some 15,000 people lived. According to UNRWA figures from the beginning of the intifada to September 2004, Israel destroyed some 2,370 housing units in the Gaza Strip, leaving approximately 22,800 people homeless.⁷³

According to B'tselem, in the context of its fight against tunnelling, the IDF has demolished around 1,800 homes since the beginning of the Al-Aqsa Intifada, in the Rafah area alone,⁷⁴ mainly on the pretext that they might conceal underground tunnels. (It is the context of this type of destruction in Rafah that International Solidarity Movement [ISM] activist Rachel Corrie was run over by an Israeli bulldozer on 16 March 2003, when attempting to protect a house from demolition.)⁷⁵ Paradoxically, the massive destruction inflicted upon the area and the huge quantities of rubble still lying around makes it easier to hide excavated earth.

3.2 The Aerially enforced Occupation

The process of partial decolonization in 2005 consisted of the evacuation of the ground surface of Gaza and the building of the Wall in the West Bank. This was indicative of an attempt to replace one system of domination with another.⁷⁶ If the former system of domination relied upon Israeli territorial presence within Palestinian areas and the direct governing of the occupied populations, the latter seeks to control the Palestinians from above, by relying on the strike capacity of the Air Force over Palestinian areas.⁷⁷

In fact, on 13 September 2005, when the Israeli evacuation of the Gaza Strip was complete the ground bases of the occupying forces were translocated to the airspace over the Strip, to the territorial waters off its coastline and to the border terminals along the fences that cut it off from the rest of the world. The geography of the occupation thus completed a ninety-degree turn, from the ground to the air, the Gaza population was now to be managed remotely by Israel's most sophisticated and advanced technological platforms, sensors and munitions in the spaces above.⁷⁸

Following the evacuation, another procedure code-named 'a knock on the door' (later to be followed by the more deadly 'knock on the roof' in 2014) replaced military bulldozers with bomber jets for the purpose of house demolitions. This method involves an Air Force operator telephoning the occupants of the house to be demolished.⁷⁹ Confirming this logic, Air Force chief Shakedy, when arguing for targeted assassinations, explained, only a few weeks before the June 2006 invasion of Gaza, that *'the only alternative to aerial attacks is a ground operation and the reoccupation of Gaza...[targeted assassinations] is the most precise tool we have'*.⁸⁰

3.3 Israel's massive scale attacks on Gazans and their infrastructure

Before analyzing Israel's 2014 attack on Gaza it is important to present the two major military attacks in 2008-09 and 2012, that resulted in enormous death tolls and destruction of buildings.

Israel dubbed "Operation Cast Lead", a 22-day offensive (December 27, 2008 - January 18, 2009) on the Gaza Strip. At the end of the offensive, over 1,400 Palestinians were dead; 82 percent of them - the overwhelming majority - were innocent civilians. According to B'tselem, as result of the 2008-9 war Israel demolished 3,500 homes and 20,000 people became homeless.⁸¹

In March 2013 the United Nations Human Rights Council issued a report stating that as a result of Israel's "Operation Pillar of Defense" 174 Palestinians in total died, 107 of them civilians.⁸² Based on a large-scale survey by workers in the field, Al Mezan reported the total destruction of 124 houses located in all of the Gaza Strip, and partial damage of 2,050 homes.⁸³ In just one week, the Israeli army destroyed numerous public and private premises, including 52 places of worship, 25 non-governmental organizations (NGOs), 97 schools, 15 health institutions, 14 journalist premises, 8 police stations, 16 government buildings, and 11 political sites. Fifteen factories and 192 trade shops were damaged or destroyed. Twelve water wells as well as agricultural lands were destroyed.⁸⁴

3.4 Gaza, June/July 2014, The "51 Day War"

The 2014 hostilities, the third major war in six years, saw a huge increase in firepower used in Gaza, with more than 6,000 airstrikes by Israel and approximately 50,000 tank and artillery shells fired. In the 51 day war, 1,462 Palestinian civilians were killed, a third of them children. Palestinian armed groups fired 4,881 rockets and 1,753 mortars towards Israel in July and August 2014, killing 6 civilians and injuring at least 1,600.⁸⁵ It has been estimated that one third of the 3,436 Palestinian children injured in the summer 2014 Gaza conflict will have lifelong disabilities and 991 Palestinian refugee kids were injured in the 2014 Gaza conflict.⁸⁶

Furthermore, at least 142 Palestinian families lost three or more members in an attack on a residential building during the summer of 2014. The fact that Israel did not revise its practice of air-strikes, even after their dire effects on civilians became apparent, raises the question of whether this was part of a broader policy which was at least tacitly approved at the highest level of government. Israeli military strategists sinisterly describe the 51-day attack on Gaza as ‘mowing the lawn’.⁸⁷ Though, the incredible destruction that Gazans suffered is best explained by acknowledging that Israel’s actions were based on the Dahya doctrine, which is a military strategy put forth during the 2006 Lebanon war by Israeli general Gadi Eizenkot, now Commander-in-Chief, which pertains to asymmetric warfare in an urban setting and envisages the destruction of the civilian infrastructure of hostile regimes.⁸⁸ On the other hand, Israeli historian Ilan Pappè situates this attack in the paradigm of ethnic cleansing, as he referred to it as “the latest stage in Israel’s incremental genocide on the Palestinians of Gaza.”⁸⁹



(Gaza War 2014, Aquila-style.com)

3.4.1 Displacement

The 2014 Israeli attack resulted in the largest displacement recorded in Gaza since 1967. Since the hostilities, there has been little progress in the reconstruction of the totally destroyed houses, prolonging the suffering of internally displaced persons.⁹⁰ The “51 Day War” displaced almost 500,000 people and generated 1.2 million refugees. At the height of hostilities 28% cent of the population were internally displaced in UNRWA schools, government and informal shelters, and with host families.⁹¹

It can be assumed that about 17,500 families (100,000 individuals) are still displaced, as they would represent families with totally destroyed and severely damaged inhabitable houses. Out of these 1,295 families are in UNRWA collective centres, thus 16,200 families are in rental properties, host family situations, temporary shelter, caravans or similar. (Collective Centre data from 15.03.2015)⁹²

3.4.2 Structures destroyed and partially damaged

According to Al Mezan's documentation, Israeli forces either partially or fully destroyed at least 31,974 housing structures, many of which hosted multiple housing units. Israeli forces destroyed and damaged civilian and public infrastructure en masse, including medical, sanitation, water, education, and electricity facilities.⁹³

UNRWA reports at least 140,190 refugee homes were "impacted" by the fighting. UNRWA Commissioner-General Pierre Krähenbühl revealed that as of 18 November 2015, his agency's engineers had confirmed that 9,117 homes in Gaza were totally demolished, a similar number suffered severe or major damage and another 123,000 suffered minor damage.⁹⁴

Other non-residency structures affected by Israel's attacks:

- 26 schools were destroyed
- 232 schools were damaged
- 73 mosques were destroyed
- 205 mosques were damaged
- 13 public hospitals were destroyed or damaged
- 17 private and non-governmental hospitals were destroyed or damaged
- 23 ministry health centers were destroyed or damaged
- 4 private and non-governmental health centers were destroyed or damaged
- 50% of farmland was greatly damaged
- 419 businesses and workshops were damaged
- Gaza's only power plant was destroyed

3.4.3 Damage data analysis

The information provided in this section is shared by Shelter Cluster Partners. Currently most partner organizations are sharing information, however some are only sharing partial data and this might explain some of the discrepancies and assumptions made.⁹⁵

Repairs and reconstruction

# Units	Completed	In progress	Funded	Gap
Totally destroyed: 11.000	326	846	3.213	6.615
Severe damage: 6.800	1.844	1.687	1.000	2.269
Major damage: 5.700	102	1.138	1.723	2.737
Minor damage: 147.500	69.664	9.934	11.947	55.955

The damage assessment in Gaza, provided by Shelter Cluster was based on numbers of housing units. They define a housing unit as Housing unit or household is a house or an apartment occupied by a group of people related to each other forming a nuclear and/or an extended family. In some case it may include several families. According to figures from 16th March 2015, 12,400 housing units were totally destroyed and 6,600 housing units were severally damaged, both these categories are inhabitable structures. A total of about 144,000 housing units have minor, major and severe damage will require repair assistance. Emergency and temporary assistance is provided to families.

Damage data details

As of 10th December, MoPWH, UNRWA, UNCP and NORG, agreed the following damage assessment figures:

	Destroyed		Severely		Major		Minor	
	Refugees	Non Ref.	Refugees	Non Ref.	Refugees	Non Ref.	Refugees	Non Ref.
TOTAL # Housing Units	7,500	3,500	5,300	1,500	3,700	2,000	123,000	24,500
	11,000		6,800		5,700		147,500	

	Destroyed		Severely		Major		Minor	
	Refugees	Non Ref.	Refugees	Non Ref.	Refugees	Non Ref.	Refugees	Non Ref.
North	2,814	447	1,746	299	1,062	271	22,401	9,812
Gaza	1,719	2,083	1,108	822	719	1,573	25,511	6,903
Middle	1,755	127	924	56	785	80	20,003	1,030
Khanyounis	1,588	636	899	294	1,257	544	18,976	4,540
Rafah	1,099	142	389	35	262	46	20,278	1,521
TOTAL # Housing Units	8,975	3,435	5,066	1,506	4,085	2,514	107,169	23,806
TOTAL # Housing Units	12,410		6,572		6,599		130,975	
TOTAL # Families*	10,421		7,078		7,007		141,694	

3.4.4 (No) Reconstruction

Almost 18 months after Israel's 2014 war in Gaza, reconstruction or repair of the homes of 74 percent of Palestinian families who were displaced has not even begun, according to a report by the OCHA.⁹⁶

Just 15 percent of Gazan families that were displaced in the war have been able to return to their repaired or reconstructed homes. Up to 18,000 families have no homes to return to and are in need of medium and long term shelter solutions. The Shelter Cluster estimates that over 100,000 housing units need to be built to meet Gaza's housing needs, including the reconstruction of destroyed and severely damaged homes and addressing natural growth needs⁹⁷

Although \$5.4 billion in aid was pledged in an international conference in Egypt in October 2014, "virtually none" of this has reached Gaza, according to UNRWA. Thousands of Palestinians have been left homeless during a frigid winter. Several people, including infants, have died from the cold.⁹⁸

Of the 23,597 houses that were partially destroyed, only five percent have been rebuilt. At present, approximately 12,000 people are still living in temporary shelters throughout Gaza. According to Oxfam International, at the current rate of reconstruction and without lifting the blockade, it could take more than one-hundred years to rebuild Gaza's "housing, education, and health infrastructure".

3.4.5 Ineffective mechanism of reconstruction

The Gaza Reconstruction Mechanism (GRM) is a temporary agreement between the Government of Palestine (GoP) and the Government of Israel (GoI) brokered by the United Nations in September 2014. This agreement declared itself a means to ease the closure and human suffering in the Gaza Strip, while simultaneously providing Israel with security and monitoring measures over movement of aids, namely reconstruction goods and material. The UN claims "If implemented in good faith this mechanism represents an important step towards the objective of lifting all remaining closures, and a signal of hope to the people of Gaza."

Rather than challenge Israel's siege and systematic attacks, the GRM is entrenching the closure. Moreover, the GRM is financially benefitting Israel. The same politics that have allowed an illegal occupation to endure for decades today undergird a reconstruction mechanism that does not reconstruct the Gaza Strip, but instead consolidates and incentivizes the continued suffering of Palestinians.⁹⁹

The issues faced by Palestinians with the GRM in Gaza are exemplary of the international community's overall approach to Palestine: to support flawed, flimsy mechanisms subject to Israel's ultimate discretion.¹⁰⁰ The international community accepts them as a temporary measure that appears "better than nothing." The international community seems to overlook two fundamental flaws. First, the GRM causes further immediate and long-term harm in Gaza. As such it is not a temporary measure. Secondly, the GRM provides a strengthened framework through which the occupiers of Gaza can maintain the closure and blockade with greater ease.¹⁰¹

The UN sponsored agreement has both perpetuated the Israeli regime of control and restriction on the Gaza Strip and institutionalized a profitable Israeli industry of reconstruction. As Israeli authorities are the only dictator of which construction materials are permitted to enter the Gaza Strip, it resulted in Israel making increasing profit through ensuring that reconstruction materials and aid were sourced from Israel and benefitted the Israeli economy.¹⁰²

3.4.6 Who profits?

As the Occupying Power engaged in combat action, which harms civilians and destroys civilian infrastructure in violation of the laws of war, Israel has the responsibility to assume the role and absorb the costs of reconstruction. Instead, it is now in a position where it directly profits from the limited reconstruction it permits.

With regards to the reconstruction industry in the Gaza Strip, Nesher has been reaping enormous profit under the framework of the UN-sponsored agreement. As it is the sole Israeli cement provider, and holds a monopoly over the Israeli market, it has secured economic gains and corporate growth through its exploitation of the ruins of Palestinian homes from the last Israeli attack on the Gaza Strip. In recent months, Nesher Cement was seen through the Gaza Strip in massive quantities.

As stated by an EU official "it can be very difficult to export materials to Gaza. A lot of goods for Gaza's private sector reconstruction project we had, ended up being held in Ashdod port for very lengthy periods of time – months if not years – so there was de facto no alternative but to use Israeli sources".¹⁰³

What can be done? International law expert Richard Falk notes that Israel is exploiting an aid oversight vacuum: there are no requirements on donors to ensure their money reaches the intended recipients.¹⁰⁴

The international community must fulfil its obligations to the Palestinian people according to international law. The closure of Gaza must be fully and unconditionally lifted. This requires applying political pressure on Israel. Any mechanism, operating within the illegal framework of the occupation and complicit with the occupation authorities is not only insufficient as a temporary measure, but it actually entrenches the infringement on the rights and freedoms of the Palestinian population.

4: House demolitions under International Law

What has been discussed in this report, whether the destruction of Palestinian homes in the West Bank or in the Gaza, they are not isolated or mutually exclusive processes, rather the manifestation of a systematic policy of forced displacement of Palestinians by Israel. In this

section it is provided only a brief and partial summary of Israel's violations of international law are explored, with reference to its systematic policy of destructing Palestinian homes.

Three bodies of international law can be considered to be applicable to the situation in the West Bank and Gaza and Israel during the period covered in this report: international humanitarian law (including the law of occupation), international human rights law and international criminal law.

Under international humanitarian law, Israel is obliged to protect the Palestinian civilian population and to administer the occupied territory for their benefit. The forcible transfer of civilians from or within occupied territory is absolutely prohibited, regardless of the motive and whether the affected residents are permanent or seasonal dwellers. An occupying power may temporarily evacuate people from their homes only in the context of active hostilities, if people's safety or imperative military reasons so demand. Those affected must be provided with adequate shelter and other assistance for the duration of evacuation. The destruction of private property is strictly prohibited. Forced evictions are also *prima facie* contrary to international human rights law which recognizes the rights of everyone to an adequate standard of living, including to adequate housing.¹⁰⁵

Israel's obligation as an occupying power to protect the right of Palestinians to adequate housing is clearly stated in International Human Rights Law, including under Article 11 (1) of the International Covenant of Economic, Social and Cultural Rights and, according to General Comment No. 4 of the UN Committee on Economic, Social and Cultural Rights,²⁷¹ Article 11 (1) does not simply protect the right to have a roof over one's head, but in fact protects the right to live somewhere "in security, peace and dignity".¹⁰⁶

According to Article 49 of Fourth Geneva Convention, and ICRC Rule 129 of customary international law, an occupying power is strictly prohibited from forcibly transferring the civilian population of an occupied territory; that is to say, forcibly removing persons from their homes and communities for reasons which are not permitted under international law. This same prohibition is found in Rome Statute of the International Criminal Court as both a war crime and crime against humanity.

In his 2013 report to the United Nations Human Rights Council, Richard Falk, former Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, says that residency revocation, paired with the demolition of residential structures and forced evictions of Palestinian families, is in violation of the basic right to adequate housing enshrined within the International Covenant on Economic, Social and Cultural Rights.

The situation is desperate, and Falk refers to the case of Palestinian Jerusalemites as "a gradual and bureaucratic process of ethnic cleansing".¹⁰⁷ The findings of Falk and a variety of other individuals and organizations in relation to the discriminatory practices of Israel reveal not a series of isolated incidents, but rather a comprehensive patchwork of legislation and judicial decisions which systematically targets Palestinians, driving a steady and relentless process of forced population transfer.

Today, forced population transfer is considered one of the gravest breaches of international law. International law sets clear rules to prohibit forced population transfer, including in the United Nations Charter, through the specific branches of international humanitarian law, international human rights law, international criminal law and international refugee law. Both internal (within an internationally recognized border) and external displacement are regulated. As such, this represents a clear and direct contravention of Israel's obligations as occupying power under international humanitarian law, and it is a breach which demands a swift and decisive response¹⁰⁸

Here, it is important to keep in mind that even in cases where Palestinians leave "voluntarily", one must consider the wider context and whether or not the decision has been made in a coercive or discriminatory environment. It is fundamental to note that forced population transfer is not restricted to physical force: [...] but may include threat of force or coercion, such as that caused

by fear of violence, duress, detention, psychological oppression or abuse of power against such person or persons or another person, or by taking advantage of a coercive environment.¹⁰⁹

In regards to the West Bank, Israel has to, in compliance with international law, amend the planning legislation and processes in order, in particular, to ensure the security of tenure and the full participation of Palestinians. Israel must also refrain from implementing evictions and demolition orders based on discriminatory and illegal planning policies, laws and practices.¹¹⁰

In the Gaza Strip, the occupying power Israel, is contravening numerous international laws. The blockade is considered illegal under international law as it is in effect a form of collective punishment. In all the three major attacks in Gaza Israel has been accused of war crimes. Especially in the 2014 hostilities Israel directly and deliberately targeted civilians or civilian objects, which would constitute war crimes. Israel policies in Gaza were also considered to violate the Rome Statute, has the International Criminal Court (ICC) has initiated a preliminary examination into the situation.

All Palestinian victims of the practice of house demolitions that result in forced displacement (a category comprising of individuals still present in the occupied Palestinian territory; citizens of Israel and exiled refugees) hold a legal entitlement to reparation, i.e. right to return, housing and property restitution, compensation, satisfaction (guarantees of non-repetition, prosecution) and rehabilitation.¹¹¹

Conclusion

The essence of Israel's conflict with the Palestinians is displacement. For the past century Zionism has worked systematically to turn Palestine into the Land of Israel. On the way it has aspired to appropriate all the country's land and resources and, ultimately, to drive the remaining Palestinians out, or at least to confine them to tiny enclaves. This project, is today entering its final phase, and nothing demonstrates it more graphically than Israel's policy of house demolitions.

The occupation in the West Bank and the blockade of Gaza has provoked a long-lasting protection crisis with grave consequences, especially in terms of access to health, water, education and livelihood opportunities, which in turn is increasing economic and social despair among Palestinians.¹¹² In a 2013 report, the World Bank said that without "the ability to conduct purposeful economic activity in Area C, the economic space of the West Bank will remain crowded and stunted, inhabited by people whose daily interactions with the state of Israel are characterised by inconvenience, expense and frustration."¹¹³

In theory, Israel retains full control in the West Bank only of Area C. In practice, Israel's control of Area C adversely affects all Palestinian West Bank residents. Scattered throughout the vast expanses of Area C are 166 "islands" of Area A- and B-land that are home to the major concentrations of population in the West Bank. The land reserves that surround the built-up sections of West Bank towns and villages are often designated as Area C, and Israel does not allow construction or development on these reserves. In addition, Israel has taken over most of the water sources in Area C and has restricted Palestinian access to them. Israel thereby stifles many Area A and B communities, denying them the opportunity to develop. In the event that residents of these areas build homes without permits on nearby land – owned by them but classified "Area C" – they live under the constant shadow of the threat of demolition.¹¹⁴

The devastation to which Gaza has been subjected in the last six years seems to be yet another repetition of Israeli settler-colonial apparatus' habit of destruction.¹¹⁵ Gaza has become emblematic of this habit, because in recent years it has so frequently been subjected to bombing while under a state of siege.¹¹⁶ The violence of the Israeli state is rooted not in an episodic "cycle of violence" but in the very ideology and practice of its settler-colonial movement.¹¹⁷

Poorly considered direct intervention, however well intentioned, may become complicit with the very aims of power itself. Interventions similar to the Gaza Reconstruction Mechanism or funding homes in the West bank often undertake tasks that are the legal – though neglected – responsibility of the military in control, thus relieving it of its responsibilities, and allowing it to divert resources elsewhere. Furthermore, by moderating the actions of the IDF they may make the occupation appear more tolerable and efficient, and thus may even help, by some accounts, to extend it. This problem is at the heart of what came to be known as the “humanitarian paradox”.¹¹⁸

To conclude, Israel continues to displace Palestinians in the OPT and denies millions of refugee the right of return because it is the greatest threat to its hegemony. This so called “demographic bomb”, which is the fear of a majority Palestinian population in the state of Israel is the reason why Israel has pursued policies of displacement since 1948 to this day. Creating a Jewish state in Palestine unavoidably required the expulsion, transfer and ethnic cleansing of the indigenous Palestinians. This is reflected in the numerous policies that still now discriminate against the non-Jews citizens of Israel and against the Palestinians living in the territories occupied by Israel.

Recommendations

- *Immediately cease demolitions of Palestinian-owned homes, schools and infrastructure, which cause displacement and dispossession, until Palestinians have access to a fair and nondiscriminatory planning system. This should include community participation in all levels of the planning process;*
- *Families that have been forcibly displaced must be allowed to return to their homes in safety and dignity, and be given compensation for any harm they have suffered, including the destruction of land, homes and property.*
- *The international community should take strong measures to bring to an end Israeli impunity and bring Israel to cease collective punishment of Palestinians in the OPT, including East Jerusalem.*
- *The closure of Gaza must be fully and unconditionally lifted. This requires applying political pressure on Israel.*
- *The international community should take strong measure to guarantee there are requirements on donors to ensure their money reaches the intended recipients.*

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