

					
BADIL Resource Center	Anti-Apartheid Wall Campaign	Arab Human Rights Association	ADRID	HIC-Housing and Land Rights Network	Zochrot Association

in cooperation with



Union of Arab Community Based Associations

HUMAN RIGHTS COUNCIL
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Review of the State of Israel

Ongoing Forced Displacement
of the Palestinian Population on Both Sides of the “Green Line”:
Israel and the Occupied Palestinian Territory

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Four of the seven organizations party to this submission (BADIL, HIC, HRA and ITTIJAH) hold Consultative Status with ECOSOC.

BADIL Resource Center for Palestinian Residency and Refugee Rights, the Anti-Apartheid Wall Campaign, the Arab Human Rights Association (HRA), the Association for the Defense of the Rights of the Internally Displaced (ADRID), the Housing and Land Rights Network-Habitat International Coalition and Zochrot in cooperation with *Ittijah – Union of Arab Community-based Associations* welcome this opportunity to submit information to the UN Human Rights Council in advance of its Universal Periodic Review of Israel.

This report seeks to highlight the scope of the reoccurring and pervasive phenomena of the internal forcible displacement and dispossession of the Palestinian population in both Israel and the Occupied Palestinian Territory (OPT), on the grounds of their nationality, ethnicity, race and religion. We hope this information assists the Council members in its UPR of Israel.

I. Introduction

1. While this year the United Nations is celebrating the 60th Anniversary of the Universal Declaration of Human Rights, the Palestinian people is commemorating the 60th Anniversary of the 1948 *Nakba* (Catastrophe), the systematic ethnic cleansing of more than 750,000 indigenous Palestinians and the destruction of hundreds of their villages, and is still denied the human rights to self-determination, justice and equality by the State of Israel.
2. Today, 70 percent of the Palestinian people are either refugees and/or internally displaced persons. The Palestinian refugee plight constitutes the largest and longest unresolved refugee case in the world. There are approximately 7 million Palestinian refugees (including circa 2.7 million children), and more than 450,000 internally displaced Palestinians in Israel and the OPT.¹
3. For six decades, the State of Israel has prevented the Palestinian refugees and internally displaced persons from returning to their homes of origin. It also has induced more ongoing internal forcible displacement and dispossession of the Palestinian population on *both* sides of the “Green Line”, namely Israel and the OPT, on the ground of nationality, ethnicity, race and religion.
4. Institutionalized racism and discrimination on the grounds of nationality, ethnicity, race and religion constitutes a root cause and consequence of the ongoing internal forcible displacement and dispossession of the Palestinian people.

II. Institutionalized Racial Discrimination

5. The principles of equality and prohibition of discrimination are not guaranteed in Israel's *Basic Law: Human Dignity and Liberty*, which serves as Israel's Bill of Rights. As a result, and in conjunction with Israel's self-identification as a Jewish and democratic state, the Palestinian citizens of Israel are afforded no constitutional protection against racial discrimination. By this Israel is failing to comply with its obligations under international human rights law.
6. Nationality and Citizenship - Institutionalized racism and racial discrimination is reflected in the Israeli legal system, which makes a distinction between “nationality” and “citizenship”. *The Law of Return (1950)*, entitles all Jews and Jews only to the rights of nationals, namely the right to enter “Eretz Israel” (Israel and the OPT) and immediately to enjoy full legal and political rights. This law of nationality **excludes non-Jewish citizens of Israel from nationality rights**

1 BADIL Resource Center, *Survey of Palestinian Refugees and Internally Displaced Persons 2006-2007*.

and **includes Jewish citizens of other countries**, who, if they wish to immigrate to Israel, automatically become citizens. *The Citizenship and Entry to Israel Law (1952)* regulates the acquisition of Israeli citizenship by Jews and non-Jews. Thus, this legal framework creates a **discriminatory dualistic arrangement whereby Jews hold nationality and citizenship and non-Jews (Palestinian citizens) hold only citizenship**. Under Israeli law the status of Jewish nationality is accompanied with first-class rights and benefits which are not granted to non-Jews (Palestinian citizens of Israel).²

7. Discrimination in Land and Housing - While the above laws create the legal basis for differential treatment of Jewish and Palestinian citizens of Israel on prohibited grounds, the enactment of other laws, including laws which provide para-statal status to the World Zionist Organization (WZO), the Jewish Agency (JA), the Jewish National Fund (JNF), provide legal mechanisms to enforce the preferential treatment of Jews in the fields of land and housing.³ These Zionist organizations cater to the *exclusive* benefit of the "Jewish nationals" under their mandates and carry out various public functions on behalf of the State, including development projects, planning, funding and the establishments of Jewish-only settlements, managing the property and land in Israel and the OPT.⁴ **As a result, Palestinians who are not and can never be Jewish nationals, are subject to racial discrimination in the field of housing and land allocation**. Thus, for instance, the State of Israel has not established any new Palestinian towns/communities since 1948, whereas Jewish-only settlements continue to increase and expand in Israel and the OPT.
8. Since 1967 the State of Israel has extended its regime of racial discrimination to the OPT. Irrespective of the fact that Israel, as a **temporary** occupying power, is bound by international law to end its occupation, Israel has not done so for 41 years. The State, moreover, argues that it is not bound by and does not apply international human rights law in the OPT. It rather **applies Israeli domestic (civil and criminal) law to Jewish settlers** (nationals), while a **repressive military regime is applied to the protected Palestinian civilian population**. This two-fold legal system has institutionalized racial discrimination against the Palestinian population in the OPT.
9. With regard to movement, major roads in the OPT are reserved exclusively for Jewish settlers/nationals; the latter are also entitled to enter the "closed zones" between the Wall and the Green Line without permits, whereas Palestinians require permits to enter and reside in their own homes if these are located in the closed zones. In addition, house demolitions in the occupied West Bank, including East Jerusalem, are carried out in a fashion that discriminates against Palestinians on the ground of their nationality, ethnicity, race and religion. Moreover, building rights, use of resources, including water, and the military orders governing the right to enter the country and family reunification discriminate against Palestinians on the ground of their nationality, ethnicity, race and religion.
10. The ongoing forcible internal displacement and dispossession of the Palestinian citizens of Israel and the IHL-protected Palestinian civilian population of the OPT are also the result of the same regime of institutionalized racial discrimination, including laws, policies and practices employed by the State of Israel.

2 Roselle Tekiner, "Race and the Issue of National Identity in Israel", *In. J. Middle East Stud*, 23 (1991), 39 - 55.

3 See for example: World Zionist Organization-Jewish Agency (Status) Law (1952); Keren Kayemet Le-Israel Law (1953); Covenant with Zionist Executive (1954) (1971); also: Basic Law: Israel Lands (1960); Basic Law: The Knesset (1958), Amendment 9 (1985); Agricultural Settlement Law (1967).

4 The 1971 covenant between the State of Israel and the WZO and the reconstituted JA (note 9) regulate the activities of the JA and the WZO inside Israel and the post-1967 occupied territory respectively. Uri Daris, *Apartheid Israel Possibilities for the Struggle Within* (London: Zet, 2003).

III. Ongoing Internal Forced Displacement in Israel

11. First Waves of Internal Displacement – in Israel there are approximately 338,000 internally displaced Palestinians, citizens of Israel and their descendants, who were displaced in the 1948 war and its immediate aftermath.⁵ To date, the State of Israel continues to block these Palestinian communities from returning and repossessing their property, irrespective of the fact that the Israeli Supreme Court has recognized the right of several internally displaced Palestinian communities (e.g. Iqrit, Kfar Bir'im and Al-Gha'bsiyeh in the Galilee) to return to their villages of origin⁶. The State of Israel has confiscated the land of these displaced communities and transferred it to nearby Jewish settlements for use as grazing fields or otherwise.
12. Israel's Supreme Court has been complicit in institutionalized racial discrimination. In 2003, for example, the Supreme Court reversed its previous decision pertaining to the village of Iqrit and ruled that the internally displaced Palestinian community cannot be returned and restituted of their properties since this would set a legal precedent for millions of Palestinian refugees whose claims are to be resolved in future political negotiations.⁷
13. Current and ongoing forced displacement – the legal regime applicable in Israel forms the basis for large-scale expropriation of Palestinian-owned land by the State. **Official development policies and plans**, such as current plans to increase the Jewish population in the Naqab (Negev) and the Galilee until 2015, **discriminate against Palestinian citizens** of Israel in resource allocation.⁸ While all Palestinian communities in Israel are vulnerable to forced displacement, herding communities (Bedouin) and Palestinians in so-called “mixed cities”, i.e. towns inhabited by Jewish and a substantial indigenous Palestinian population, are particularly at risk.
14. Bedouin in Israel are part of the indigenous Palestinian people. Over 100,000 Bedouin, Palestinian citizens of Israel, live in so-called unrecognized villages which are deprived of all basic services, including water, electricity, health clinics and state funded education, and face difficulties in obtaining building permits. These communities face the ongoing threat of displacement as the State of Israel aims to collect the Bedouin of the Naqab in seven “concentration areas” (in Hebrew: *rikuzim*) and confiscate what remains of their land. In the Naqab tens of thousands of Bedouin's homes and property are slated for demolition.⁹
15. One example of “mixed cities” is the historic Palestinian town of Jaffa: some 3,000 Palestinian inhabitants of this town were recently issued 500 demolition orders, because they are considered squatters in their own homes.¹⁰

5 This number does not include the recent waves of the internal forcible displacement in the mixed cities, Galilee and Naqab. BADIL Resource Center, *Survey of Palestinian Refugees and Internally Displaced Persons 2006-2007*. The figure is an estimate for lack of surveys and systematic analysis. According to other resources, the number of 1948 IDPs is up to 420,000. The Internal Displacement Monitoring Centre, *Internal Displacement: Global Overview of Trends and Developments in 2007*, April 2008.

6 See, for example, H.C. 220/51 Aslaan et. al. v. The Military Governor in the Galilee (30 November 1951); H.C. 195/51, Ibrahim et. al. v. The Minister of Defense et. al (18/01/1952); H.C. 64/51, Mbada v. The Minister of Defense, (31 July 1951).

7 HC 840/97, Sbeit et al. v. State of Israel, 2003. In the rare case of Qa'adn, the non-discriminatory ruling was limited to the particular case (not precedent-setting) and has never been implemented.

8 BADIL, *Survey of Palestinian Refugees and Internally Displaced Persons 2006-2007*; Human Rights Watch, *Land and Housing Rights Violations in Israel's Unrecognized Bedouin Villages*, March 2008; Isabelle Humphries [Washington Report on Middle East Affairs], “Bringing Life to the Desert”: Israel's Master Plan for Dispossession in the Negev, 15 March 2008.

9 *ibid.*

10 Arab Association for Human Rights, *Uprooted Citizens*, 7 May 2008.

IV. Ongoing Forced Internal Displacement in the OPT

16. As a continuation of Israel's discriminatory policies and practices towards the Palestinian citizens of Israel, forcible internal displacement in the OPT has accelerated in recent years. More than 115,000 people are estimated to have been internally displaced during the last four decades of Israel's occupation in the OPT.¹¹ In the Gaza Strip, Israeli military operations caused the temporary forced displacement of over 50,000 between 2000 and 2004 alone.¹²
17. Areas at Risk – Palestinian communities at imminent risk live in occupied eastern Jerusalem, where – following the illegal annexation of occupied territory - the State of Israel segregates and discriminates against Palestinians **in the guise of development planning**.¹³ At imminent risk are also rural areas of the West Bank (Area C), mainly in the closed areas between the Wall and the Green Line, in enclaves east of the Wall, in western Bethlehem, the Jordan Valley and south of Hebron. Also at risk is the center of the town of Hebron (H2) and the buffer zone in the Gaza Strip. So far, the *ad hoc* and limited international response has failed to prevent and effectively respond to the ongoing forcible internal displacement of Palestinians. The continued forced displacement and dispossession is a result of, *inter alia*, the following measures:
18. Home Demolition – Israel has demolished over 18,000 houses in the OPT between 1967 and 2006.¹⁴ In the first quarter of 2008 alone, Israel demolished over 120 Palestinian-owned structures in the Jordan Valley and South Hebron. Sixty-one of the demolished structures were residential and led to the displacement of 435 Palestinians. Between January 2000 and September 2007, more than 1,600 Palestinian buildings were demolished in Area C, whereas over 3,000 houses are at risk of demolition.¹⁵ In Gaza Strip, over 4,000 houses were demolished between 2000 and 2004.¹⁶
19. Land Confiscation and Colonization – Israel occupies the entire surface of the West Bank (some 5,860 km²) and has confiscated or *de facto* annexed more than 3,350 km² for the exclusive benefit of its Jewish population.¹⁷ The lands confiscated from Palestinians are turned over to the use of Jewish settlers and for the building and expanding the Jewish-only colonies (settlements) and related infrastructure. Since the Annapolis summit, Israeli tenders and plans announced for construction in the OPT amount to almost 30,000 Jewish-only housing units.¹⁸ By March 2008, construction was under way in over 100 colonies and 58 “outposts”, including 16 new outposts/settlements. In occupied eastern Jerusalem alone, new plans and tenders have been announced for construction of almost 14,000 housing units since December 2007.¹⁹ Israel's belligerent occupation has become a system of institutionalized racial discrimination employed by the State of Israel, in order to assert control over as much “de-Palestinized” land as possible by forcibly displacing the Palestinian owners and users and subsequently building and expanding Jewish-only colonies on their land.

11 BADIL, *Survey 2006-2007*.

12 Human Rights Watch, *Razing Rafah: Mass House Demolitions in the Gaza Strip*, October 2004.

13 The *Outline Plan Jerusalem 2000* (2004, 2006) outlines measures, including spacial segregation, in order to preserve a 70:30 percent ratio of Jewish vs. Palestinian population (the so-called “demographic balance”) in line with previous government decisions. See the **UPR submissions of the Civic Coalition to Defend Palestinian Rights in Jerusalem (CCDPRJ)** and **al-Haq** for more detail on Israel's policies and practices in occupied eastern Jerusalem.

14 Israeli Committee Against House Demolitions, “18,000 Houses Destroyed”, December 2006.

15 UN Office for the Coordination of Humanitarian Affairs (OCHA), “Lack of Permit” Demolitions and Resultant Displacement in Area C, May 2008.

16 Human Rights Watch, *Razing Rafah: Mass House Demolitions in the Gaza Strip*, October 2004.

17 BADIL, *Survey 2006-2007*.

18 Applied Research Institute -Jerusalem (ARIJ), press release, 18 July 2008.

19 *ibid*. In March 2008, Peace Now (“The Death of the Settlement Freeze – 4 Months since Annapolis”), had reported tenders for 745 housing units and plans for over 3,600 housing units since December 2007.

20. The Closure Regime including the Wall and its Associated Regime – There is also clear evidence of internal displacement as a result of lack of access to essential services because of the ‘closure regime’, which is making the situation of Palestinians, especially those in enclaves, untenable. Freedom of movement is systematically denied through an elaborate regime of Israeli military checkpoints and obstacles (678 as of 12 April 2008), bypass roads and infrastructure dividing the OPT.
21. Violence and Harassment by Jewish Settlers – internal displacement of Palestinians is also a result of the harassment and attacks by the Jewish settlers who prevent Palestinians from accessing their land. In 2006, over 275 incidents of settler violence were recorded, ranging from uprooting trees to seizing land and shooting children. The Israeli authorities have failed to protect Palestinian residents and enforce the law against the settlers.²⁰
22. **Israel's protracted military occupation cannot be considered an interim measure that maintains law and order in a territory following armed conflict, but rather an oppressive and racist regime of a colonizing power under the guise of occupation.** This regime includes many of the worst features of apartheid, such as: the fragmentation of the OPT to Jewish and Palestinian areas, the construction of the Wall and its associated regime, system of separate roads, closure and permits which restricts freedom of movement on the grounds of nationality, ethnicity, race and religion.²¹

V. Conclusions

1. The severity and consistency of forcible internal displacement of Palestinians by the State of Israel amounts to a **policy of population transfer for the purpose of acquiring land and altering the demographic composition of the territory under its control.**
2. Internal forcible displacement and dispossession of Palestinians have been largely ignored by the international community. Rarely do UN bodies stress upon the population transfer that is taking place in Israel and the OPT despite the manifest displacement that is occurring daily. In a context of siege against the people of the Gaza Strip, ongoing construction of the Wall, house demolition, settlement expansion and settler violence, **Israel's policy of forced displacement and dispossession of Palestinians must be scrutinized and proper action must be taken** in accordance with international law.
3. In this context, we call upon the Human Rights Council to **address Israel's regime of institutionalized racial discrimination**, which is a root cause of the displacement and dispossession of Palestinians on both sides of the Green Line, and to urge Israel to revoke and annul its discriminatory laws, policies and practices, and ensure just and effective reparation of the Palestinian victims, including return and restitution of their land and properties.²²
4. Israel's policy and practice of applying a similar regime of institutionalized racial discrimination against Palestinians on both sides of the Green Line effectively erases the internationally recognised borders of the State of Israel, amounting to the acquisition of territory by force in the OPT, and rendering unfeasible a two-state solution of the protracted conflict.

20 The temporary success of Jewish settlers to ethnically cleanse the small village of Yanoun, near Nablus, in 2002 is an example of the impunity that these settlers enjoy. See also: BADIL, *Survey 2006-2007*.

21 UN **Special Rapporteur, Prof. John Dugard**, *Human Rights Situation in Palestine and other Occupied Arab Territories* A/HRC/7/17 (January 2008).

22 Recommendations in this regard have been issued since 1998 by the Committee on Economic, Social and Cultural Rights (CESCR) and the Committee on the Elimination of Racial Discrimination (CERD).