

**Submission to the Irish Department of Foreign Affairs and Defence call for input on ‘The Demolition of buildings in the occupied Palestinian territory and the displacement of people’**



**Ireland-Palestine Solidarity Campaign**

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## Introduction

The purpose of the JCFAD call for submissions is to address the “Demolition of buildings in the occupied Palestinian territory and the displacement of people”. However, we do not believe it is possible to view these in isolation from the discriminatory land policies enforced upon Palestinians, of which they form an integral part. These land policies themselves form one of the main pillars of the entire system of Apartheid and Persecution that Israel imposes upon the Palestinian people.

Since the creation of the state of Israel in 1948, land ownership and use has driven the policies of the Israeli government and been a core issue at the heart of Israel’s colonization of historic Palestine. Over this period vast swathes of Palestinian owned land has been expropriated for exclusive Jewish-Israeli use, and hundreds of thousands of Palestinians forcibly removed from their homes. It is a process that continues today in the Jordan Valley, in Hebron and in East Jerusalem. Palestinians call this the ongoing Nakba – an ongoing catastrophe which dates back to 1948 and the forced expulsion of over 700,000 Palestinians from their homes and lands.

The Israeli government actively and aggressively promotes this catastrophe through claiming that all of historic Palestine belongs exclusively to Israel and that Israel will maintain its occupation of Palestine in perpetuity. It is asserted in the Jewish Nation State Law (2018) that Jewish settlement is as a national priority to be pursued by every Israeli government.

According to [Human Rights Watch](#) and the [Israel’s leading human rights organization B’Tselem](#) this law, alongside a corpus of other discriminatory laws and rulings is a cornerstone of what they call Israel’s system of racist apartheid.

# **Land ownership in the State of Israel and the occupied Palestinian territories**

## **Inside the State of Israel**

It is beyond the remit of this paper to investigate issues around land inside the State of Israel. Perhaps at a future date the Committee will consider this vital issue, as land issues in the oPt cannot be seen in isolation from the process that has been ongoing across historic Palestine since 1948. Suffice it to say that decades of ethnic cleansing, discriminatory legal chicanery and arbitrary dismissal of ownership have established the reality that today Palestinian citizens of Israel, who make up 20% of the population, own only 3% of the land in the state. And this is without mentioning the millions of Palestinian refugees from families exiled between 1947 and 1949 who still maintain deeds to their land, but who are barred from ever returning by Israel's racist immigration policy.

## **The Occupied Palestinian Territories - East Jerusalem, the West Bank and the Gaza Strip**

As the recent reports from Human Rights Watch and Israeli NGO B'Tselem highlight, apartheid implemented to ensure Jewish-Israeli domination is a ruling principle in all Israeli interactions with Palestinians. The severity of its application varying depending on the geographic area in which Palestinians reside. This variation in treatment is clearly evident in Israel's treatment of Palestinians in the Occupied Palestinian Territories (OPT). Yet, just as inside Israel, the seizure and expropriation of Palestinian land and the establishment of Jewish settlements remains a constant in every area except the Gaza Strip where an attempt at settlement failed.

## **East Jerusalem**

Occupied East Jerusalem is illegally annexed by Israel (1980). Contrary to international law Israel applies its civil law there and treats it as its own sovereign

territory. However, whilst annexing the territory, Israel has not annexed its Palestinian residents who remain subject to arbitrary and discriminatory laws that allow for their dispossession and expulsion from the city. This has led to accusations of Israel conducting a policy of ethnic cleansing so as limit the population of growth of Palestinians in the city.

As regards land ownership and use, the main instruments to ensuring Jewish-Israeli domination are the application of discriminatory law (as in the proposed evictions of Palestinian families from the Sheikh Jarrah district); the illegal separation wall; and the twin evils of a discriminatory permit regime and a policy of home demolition. The outcome of such demographic engineering is that today over 220,000 Jewish Israeli settlers live in the midst 330,000 Palestinian non-citizens.

### **The West Bank**

In the West Bank the situation as regards land use and ownership is further complicated by the division of the territory into three distinct administrative districts. Area A, around 18% of the land is in theory under the civil and security control of the Palestinian Authority; Area B, about 21% of the territory is under mixed Palestinian Authority civil control and Israeli security control; Area C around 60% of the West Bank is under full Israeli military control.

Additionally, Palestinian land ownership and use is further affected by all the same discriminatory mechanisms and practices that impact life for Palestinians in East Jerusalem with the additional strictures that West Bank Palestinians are also subject to Israeli Military Orders and are subject to the whims of an Israeli Military Governor.

## Consequences of Israeli Land Policies in the occupied Palestinian territories

### East Jerusalem

In East Jerusalem Israel's land acquisition and use policies have pushed the Palestinian population into revolt. As a result of discriminatory laws and policies over 14,000 Palestinians have had their right to residency revoked within the city. Many thousands of others have had to leave to unite with loved ones and family denied access to Jerusalem or denied permission to build a home.

Similarly, Israel's rigorous house demolition policy has resulted in over 20,000 Palestinian homes being demolished since 1967 with another 30,000 under demolition order. At the same time, according to the [Israeli Committee Against Home Demolition](#) (ICAHD), Israeli policies have induced a shortage of 25,000 housing units in the Palestinian sector whilst the Israeli state has constructed more than 55,000 new housing units for Jewish settlers and not a single house for Palestinians.

This blatant demographic engineering has created an apartheid reality on the ground. Israel's planning and zoning policy in East Jerusalem, as ICAHD states, is purposely designed to impoverish and de-develop increasingly isolated Palestinian enclaves who are cut-off from the Palestinian hinterland in the West Bank, hemmed in by the illegal separation wall and segmented by blocks of strategically placed Israeli settlements. In other words, Israel's planning and land policy is designed to minimise the Palestinian presence in Jerusalem.

### The West Bank

In the West Bank Israeli land policy has been described by Human Rights Watch as aiming at maximum land with minimum Palestinians. The manifestations of this policy is evident in the settlement blocks around Jerusalem, Hebron, and Nablus; is evident in the route followed by the illegal separation wall; is evident in the effective expropriation of the Jordan Valley. The result is that effectively 40% of the territory of the West Bank is corralled to serve the present and future needs

of the over 200 illegal Israeli settlements. The rights and needs of the 3.2 million West Bank Palestinians are subjugated to the privilege of the approximately 350,000 illegal settlers. It is racist colonisation on a grand scale.

Beyond the settlements and throughout the entirety of Area C, (the 60% of the West Bank under direct Israeli Military control), Israeli authorities have made continued Palestinian presence in the area almost impossible. This has taken the familiar forms of land confiscations, denial of building permits, denial of permits to farm, declaring lands as 'Nature reserves', the seizure of water resources and the demolition of Palestinian wells coupled with the refusal to permit Palestinians to drill new wells.

It is a system of compound oppression that that HRW declares constitutes the Crime of Persecution, combining as it does elements of the bureaucracy, the judiciary and the military. In the Area C region of the Jordan Valley – an area that comprises 30% of the West Bank, 96% of Palestinian applications to build are denied, and those that are permitted are restricted to just 1% of the area. Consequently, the Palestinian population in Area C of the Jordan Valley has declined from around 200,000 in 1967 to around 10,000 today.

## **Concluding Analysis**

This brief summary merely skims the surface of Israel's land policy in the oPt. It barely touches upon the detail of how these policies and practices impact upon the everyday experience of those who have to live under them. However, a few key points can be made at a general level regarding the intent of these policies.

Israeli land policy is racially based. Israel aggressively seeks to maximise the amount of land under Jewish-Israeli control. Palestinian rights, whether private or collective to land are neither protected nor respected by Israel. Israeli land policy has and is deliberately the pursuing goal of driving Palestinians from their lands. Israel implements these policies and practices to attain the enduring political goals of the assertion of sovereignty over East Jerusalem, the West Bank settlements and the Jordan Valley.

Ultimately Israel pursues these policies to render the intended internationally agreed two state solution of the peace process moot. This is evidenced by Israel's defiance of the international community in annexing East Jerusalem, by its continued expansion of its illegal settlements, by its announced intention to annex Area C of the West Bank when it adjudges the time to be correct. Israel's land policy is an integral and essential part of the Apartheid system it operates throughout the entirety of Israel and the OPT.

## **Recommendations**

We believe that there are several important steps that the Irish government can take to address the discriminatory land policies enforced upon Palestinians, of which the demolition of homes and other structures coupled with forced displacement of people forms an integral part. These land policies themselves form one of the main pillars of the entire system of Apartheid and Persecution that Israel imposes upon the Palestinian people.

### **1) Enact the Occupied Territories Bill**

This Bill is a legal necessity in order to bring Ireland into compliance with its duty of non-recognition of and non-assistance to serious breaches of international law, in this instance, Israel's illegal settlements in the oPt, including East Jerusalem. It is the construction and expansion of these settlements and their de-Palestinianised hinterlands that lie at the heart of demolitions and evictions.

### **2) Demand reparations for the destruction of any Irish-funded projects**

The Irish government must ensure that any damage to, or destruction of, projects, structures, etc. to which it contributed funding has a financial consequence. If recompense is not forthcoming, then there must be political and diplomatic consequences. Failure to ensure this will just mean further destruction, and more wasted aid.

### **3) Support the calls for an ICC investigation into the evictions in Sheikh Jarrah**

The government has already stated its support for the International Criminal Court's investigation into issues around Palestine and Israel. In Sheikh Jarrah, families and more than 190 supporting human rights organisations have [submitted legal claims](#) to the ICC Prosecutor. These claims have been reiterated in a separate submission signed by [250 legal scholars](#) including UN Special Rapporteurs, and the ICC Prosecutor [has stated](#) they are following the situation closely. The Irish government should strongly and publicly support these calls.

### **4) Impose lawful and targeted sanctions**

The Human Rights Watch [report on Israeli Apartheid](#) makes a clear call for EU member states, acting unilaterally, to “Impose targeted sanctions against individuals and entities found to be responsible for the continued commission of grave international crimes, including apartheid and persecution.” We echo this call loudly. If the government is serious about stopping them, there must be sanction for these crimes. Failure to punish will ensure they continue.

### **5) Undertake an ‘Apartheid Audit’ of the Irish state**

The Human Rights Watch [report on Israeli Apartheid](#) makes a clear call for EU member states, acting unilaterally, to subject “bilateral agreements, cooperation schemes, and all forms of trade and dealing with Israel to enhanced due diligence to screen for those directly contributing to the commission of crimes of apartheid and persecution of Palestinians, mitigate the human rights harms and, where not possible, end the activities and funding found to directly contribute to facilitating these serious crimes.”

We believe that such an ‘apartheid audit’ of the Irish state is absolutely necessary. It would, for example, mean no [further collaboration](#) by Irish

institutions such as An Garda Síochána with the Israeli Ministry of Public Security, which oversees many of the home demolitions, evictions and displacements in Jerusalem and elsewhere.