

## Special Study

### Bringing Down the House: Home Demolitions in East Jerusalem

By Jennifer Urgilez for MIFTAH

In the immediate aftermath of the 1967 War culminating in Israel's occupation of the West Bank and Gaza Strip, Israel unilaterally annexed 70.5km<sup>2</sup> of the occupied area into Israel proper, extending the boundaries of east Jerusalem. In contravention of United Nations Security Council Resolution 252 "reaffirming that acquisition of territory by military conquest is inadmissible," Israel expropriated these lands into the Jerusalem municipality for the purpose of expanding the Jewish presence in the city.

Of the seized lands, 35% or 24.5km<sup>2</sup> has been earmarked for Israeli settlement development, also in breach of international humanitarian law, specifically Article 49 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War prohibiting Israel from transferring fragments of its civilian population into its occupied territories. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), as of the end of 2008, over 195,000 Israeli settlers inhabited settlements in east Jerusalem. Of further interest, 35% or 24.7% of the expropriated area retains master plans approved by the Jerusalem District Committee, whereas the lingering 30% or 21.3km<sup>2</sup> continues to remain unplanned since 1967. Yet, 63% or 15.5km<sup>2</sup> of the lands that are planned have been denoted as non-constructible or public-purpose-serving regions--"green areas." The remaining 9.2 km<sup>2</sup>--13% of east Jerusalem's totality--is all that is at Palestinians' disposal for construction in east Jerusalem, and thus, triggering a housing crisis on lands which have already largely been built upon.

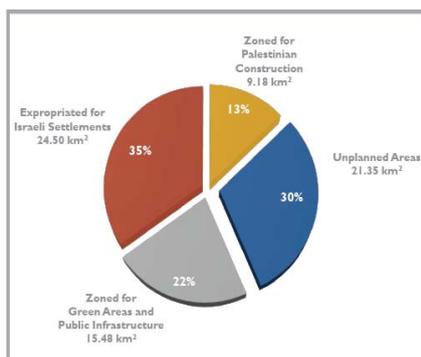


Figure 2: Division of East Jerusalem Land

#### I. Following Palestinians' Footsteps in Obtaining a Building Permit:

Construction is only permissible on lands that are not designated as green areas and reside within the 24.7km<sup>2</sup> retaining master plans.

Prior to commencing construction, a comprehensive plan of the area must be founded and approved.

A lack of sufficient public infrastructure--roads, water, and sewage--often impedes authorization for new construction. Building permits will not be granted for construction in areas with deficient public infrastructure, even if the plans had been approved.

Strict zoning laws further limit Palestinians' ability to build in east Jerusalem even when

construction permits are granted. Limitations on Palestinian construction density is quite harsh, often reducing their plot ratios to half, or even less, of what is permissible for Israelis in neighboring settlements in east Jerusalem. The end result: harsher plot ratio restrictions leads to fewer housing units for Palestinians in comparison to Israelis, despite the higher population growth rate of Palestinians.

As if the aforementioned limitations were not enough, the applicable fees for obtaining a permit are quite high, and often, prohibitive, especially when considering that 2/3 of the non-Jewish population of Jerusalem lives below the poverty line. According to OCHA's Special Focus of April 2009, the cost for a permit to erect a small 100m<sup>2</sup> building on a 500m<sup>2</sup> area of land will roughly total NIS 74,000 or USD 17,620. Note that these fees pertain only to the obtainment of a permit, not the costs accompanying actual construction.

## **II. Double Standards: Palestinians are Always Getting the Short End of the Stick**

*\*Synopsis of a case study featured in OCHA's Special Focus of April 2009.*

Mahmoud Alayyan whose home lay on a hill just north of the east Jerusalem's Sur Bahir neighborhood has become but another Palestinian subject to the Israeli government's double standards. In 2000, the Jerusalem municipality warned Mr. Alayyan that the "illegal" extension on his home must be demolished since approval of a construction permit for his extension was unattainable as his home is situated in a "green area." In early 2009, the Jerusalem municipality informed Mr. Alayyan that not only the extension but his entire home has been selected for demolition to make room for settlement growth, despite lack of a demolition order for the "original" parts of the home erected in 1963 prior to Israel's occupation of the territories. Ironically, meanwhile Mr. Alayyan could not obtain a construction permit for his extension, the neighboring settlement of East Talpiot obtained final approval for the "construction of 180 new housing units in the 'green area' surrounding his home." Hitherto, Mr. Alayyan had been burdened with legal fees and hefty municipality fines totaling NIS 50,000 or USD 12,000.

While the Jerusalem municipality has enacted strict zoning, planning, and administrative laws limiting Palestinian construction, the laws are not equally applicable--the Palestinians are always getting the short end of the stick, exempt from the favorable exceptions Israelis often obtain.

## **III. Building Permit Statistics:**

*Near doubling of permit applications, from 138 to 283 between 2003 and 2007.*

The question is whether this increased was also matched with an increase in permit authorizations? The answer is no. Between 100 and 150 permits continued to be granted per year.

Given that Palestinians who construct without permits are subject to hefty fines, even if building on their own private land, the Jerusalem municipality amassed an average of NIS 25.5 million or USD 6.07 million per year between 2001 and 2006.

The Local Outline Plan for Jerusalem 2000 relates that 15,000 housing units or as a

minimum 28% of all Palestinian residences in east Jerusalem have been constructed in breach of Israeli zoning laws. Thus, at least 60,000 Palestinian inhabitants are susceptible to having their dwellings demolished. It should be mentioned that this is a conservative percentage, which may in actuality be as high as 46%.

Over 670 privately owned Palestinian edifices were demolished between 2000 and 2008 in east Jerusalem, of which 90 were bulldozed in 2008 due to a lack of permit acquisition, displacing nearly 400 Palestinians.

#### **IV. Discrimination and Political Considerations Motivate Israel's House Demolition Policy:**

Amir Cheshin, retired Israeli army colonel and former Senior Adviser on Arab Community Affairs and Assistant to former Jerusalem mayor Teddy Kollek, divulges that demographic concerns have served as a key ingredient in determining Jerusalem's planning and zoning policies. The Local Outline Plan for Jerusalem 2000 explicitly addresses the government's goal of preserving a 70:30 ratio of Jews to Palestinians within the city's boundaries. It even goes as far as presenting recommendations on how to realize a 60:40 ratio given the dismal chance of meeting the set 70:30 goal due to Palestinians' higher birthrate. Cheshin further explains,

Israel turned urban planning into a tool of the government, to be used to help prevent the expansion of the city's non-Jewish population. It was a ruthless policy, if only for the fact that the needs...of Palestinian residents were ignored. Israel saw the adoption of strict zoning plans as a way of limiting the number of new homes built in Arab neighborhoods, and thereby ensuring that the Arab percentage of the city's population--28.8% in 1967--did not grow beyond this level....Israeli housing policy in East Jerusalem was all about this numbers game.

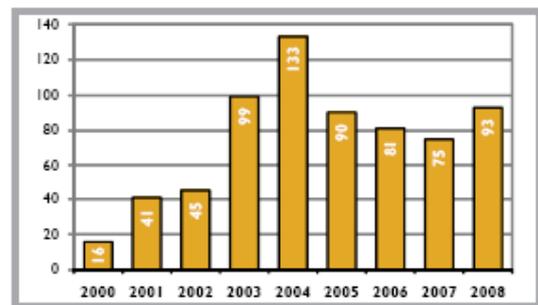


Figure 1: Demolitions in East Jerusalem, 2000-2008

The Israeli government has instilled a "numbers game" contravening fair governance as well as Palestinians' most basic human right--the right to an adequate standard of living, including housing, as set forth by the Universal Declaration of Human Rights.

B'Tselem, an Israeli information center for human rights, further notes, "The few plans that were approved [in east Jerusalem] were primarily intended to prevent new construction by declaring broad expanses of land as 'green areas,' restricting the building percentages on the lots, and setting narrow borders."

#### **V. Common Misconceptions:**

Despite common misconceptions, "illegal" construction is not limited to the 13% of east Jerusalem where Palestinians can legally apply for permits. Natural growth for many of the densely inhabited neighborhoods surrounding the Old City is also banned, having been

demarcated as “green areas,” and thus prohibiting Palestinian construction for purposes of natural expansion. As a result, the risk of community displacement through mass demolitions has become of specific concern for many communities, particularly: Beit Hanina, Khalet el ‘Ein in At Tur, Al Abbasiya in Ath Thuri, Wadi Yasul between Jabal al Mukabbir and Ath Thuri, Al Bustan in Silwan, and Sheikh Jarrah, culminating in the potential displacement of at least 5,100 Palestinians.

Meanwhile outsiders often also assume that recipients of demolition orders have ample time to petition the courts, reality is but a sad truth. Since east Jerusalem lacks door-to-door postal service, demolition orders are often delivered in an inconsistent manner, barely ensuring that the owners receive the notice. In east Jerusalem, deliverance of the demolition order during obscure hours of the night by leaving it near the addressed home to then arrive with the wrecking crew during the early morning has become a “favored practice” of the municipality. As a result, many owners are left with no legal recourse to contest the demolition order.

Another misconception: with the intent of lessening their financial ruin, Israeli authorities provide Palestinian families sufficient time to remove their belongings from the home awaiting demolition. On the contrary, the Israeli government practices a policy of “randomization”-- following no pattern, executing orders at random without warning. Given that east Jerusalem is home to over 2000 outstanding demolition orders, each carried out unmethodically, although owners know that their homes are targeted, they have no way of knowing when the wrecking crew will arrive at their front door. Hence, sometimes weeks, months, and even years pass before the said house is demolished, even if such fate had already struck their neighbor. Thus, it is extremely hard to prevent financial ruin as most families do not demolish or evacuate the premise until the bulldozers arrive. As if the loss of their home and personal property were not enough, Palestinians in east Jerusalem are also subject to hefty fines totaling up to USD 25,000 and the wrecking company’s fee of approximately USD 1,500.

#### **A. Why Demolish? The Reasons:**

According to the Israeli Committee Against House Demolitions (ICAHD), Palestinian homes in the occupied Palestinian territories, including east Jerusalem, are demolished for numerous reasons:

- Privately-owned Palestinian land has been designated as “agricultural land” (often the case in Area C of the West Bank) or “open green space” (a regular occurrence in east Jerusalem)
- Lack of a building permit
- Slope of Palestinians’ land is deemed “too steep”
- Too close a proximity to Israeli settlements or Israeli-only roads (irrespective of whether

the house may have been constructed prior to settlement or Israeli-only road creation)

- Collective Punishment
- Land “clearing” for military/security purposes
- Demolition to make way for road expansion, settlement development, and Separation Wall erection
- Clear houses to create a safe passage for Israeli settlers
- Collateral Damage

## **B. Demolition Categories:**

***Punitive Demolitions:*** house demolitions serving as punishment for the acts of those connected to the home. -

-Punitive demolitions represent only 8.5% of all defined demolitions.

***Administrative Demolitions:*** house demolitions executed as consequence for lacking construction permits.

-Administrative demolitions represent 26% of all defined demolitions, most prevalent in east Jerusalem.

***Land-clearing operations/Military Demolitions:*** house demolitions executed by the Israeli armed forces during military operations with the intent of clearing land, realizing a military objective, or killing sought after persons.

-Military demolitions represent 65.5% of all defined demolitions.

***Undefined Demolitions:*** ICAHD has charged itself with investigating the 6,130 uncategorized demolitions that occurred between 1967-1982.

According to ICAHD, as of April 7, 2009, the total number of house demolitions since 1967 in the occupied Palestinian territories, including east Jerusalem, totaled 24,145.

### House Demolitions by Category:

*Punitive:* 1,523

*Administrative:* 4,694

*Military:* 11,798

*Undefined:* 6,130

***Total House Demolitions:*** 24,145

Total Demolitions in east Jerusalem for Lack of Permits:

The Jerusalem Municipality and Interior Ministry executed 688 total demolitions in east Jerusalem between 1999 and August of 2008.

From 2004-April of 2009, 1,459 Palestinians from east Jerusalem were left homeless and internally displaced.

**VI. Severe Shortage of Permits Induces an Artificial Housing Deficit in East Jerusalem**

*25,000 “missing” residential units in the Palestinian divisions of east Jerusalem.*

Artificially induced housing shortage generated through insufficient permit issuances and restrictions on construction in plots designated as “green areas.”

According to ICAHD, “the quiet transfer” lays at the foundation of the Israeli government’s home demolition policy in east Jerusalem. The purpose: to create such harsh impediments to Palestinian livelihood that a natural exodus of Palestinians out of Israel will follow from severe housing shortages.

Ir Amim, an Israeli non-profit and non-partisan organization, communicates that the “natural growth [rate] of Palestinians in east Jerusalem requires the construction of 1,500 housing units per year.” Yet, only 125 construction permits were granted in 2008, sanctioning the erection of nearly 400 residential units. Consequentially, a gap of at least 1,100 housing units remains between Palestinians’ actual residential demands and that permitted through legal means.

**VII. Conclusion:**

Political motives masked by zoning, planning, and administrative laws grant the State of Israel a veil of legitimacy for its systematic policy of displacement and house demolitions. In attempting to ensure the “Jewish character” of Jerusalem, the Israeli government has afforded Palestinians grave construction limitations, effectively obstructing their right to adequate standards of living and failing to issue sufficient building permits to meet Palestinian natural growth. While Palestinians are subjected to complicated procedures for obtaining a permit in the 13% of constructible land in east Jerusalem, Israeli settlements have bloomed in the 35% of annexed land designated for Israeli settler development. The end result: a housing crisis only reparable through honorable, transparent and fair governing that loosens the building restrictions imposed upon Palestinians. A severe housing deficit and rampant “illegal” construction denotes what east Jerusalem is today.

**References:**

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2. The Israeli Committee Against House Demolitions (ICAHD), Obstacles to Peace, May 2009.
3. B'Tselem, "Statistics on demolition of houses built without permits in East Jerusalem," <http://www.btselem.org/English>.
4. Ir Amim, <http://www.ir-amim.org.il/eng>.
5. United Nations Security Council Resolution 252.
6. Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War, Article 49.