

# Systemic Forced Displacement

Trends in legislation, Israeli settlement expansion and  
demolition of Palestinian structures

The Jerusalem Legal Aid & Human Rights Center (JLAC)

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**50** YEARS  
OF OCCUPATION

**70** YEARS  
OF PARTITION

**100** YEARS  
SINCE THE BALFOUR  
DECLARATION

## Introduction

Since the issuance of the CIDSE<sup>1</sup> report (entitled: “No Place Like Home; A Reader on the Forced Internal Displacement of Palestinians in the Occupied Palestinian Territory and Israel), Israel’s expansionist momentum has persisted, with new facts on the ground only growing in breadth and scope. This expansionist policy is supported and endorsed by an equally aggressive rhetoric by Israel’s right-wing government, including Prime Minister Benjamin Netanyahu. This write-up, in annex to the CIDSE report, will explain the materialization of the extreme rhetoric on the ground by way of legislation, construction of settlements, and demolition and displacement of Palestinians.

### ● Legislation

Since its establishment in 1948, the State of Israel has sought to institutionalize the violation of Palestinians’ rights and the systematic discrimination against them through a complex apparatus of legislations and regulations. Some of these laws are explicitly discriminatory while the majority appear neutral but their application inherently results in discrimination.

At the start of 2017, the Israeli parliament, the Knesset, passed the “Regulation Law,” which aims to retroactively legalize illegal Israeli outposts built on private Palestinian land in the occupied West Bank. The implementation of the law will lead to the de jure expropriation of thousands of dunams of land under the private ownership of Palestinians. The Law contravenes with international humanitarian law, international criminal law, and even with Israel’s own basic laws.

Though the Israeli High Court has recently issued a temporary injunction against the Law’s implementation, it has not been struck down.<sup>2</sup> The Regulation Law is part and parcel of the Israeli

legal regime in the occupied Palestinian territory, forming a dual legal system where one set of laws is designated for Palestinians and a different set of laws is tailored for Israeli settlers.

Laws that discriminate against Palestinians on the basis of their nationality do not solely target Palestinians in the OPT, but also Palestinians with Israeli citizenship. It is estimated<sup>3</sup> that more than 65 Israeli laws directly or indirectly discriminate against Palestinians in Israel and in the OPT. One pressing issue that embodies the discrimination against Palestinian citizens in Israel is construction, planning and housing. Instead of seeking to pursue more equitable policies and resolve the housing crisis affecting Palestinians in Israel, the Knesset passed an amendment to the Planning and Construction Law that would pave the way for mass demolitions in Palestinian communities in Israel.<sup>4</sup> Known as the Kaminitz Law and approved on 11 April, 2017, the new amendment puts tens of thousands of Palestinian families at risk of losing their homes under the guise of increasing “enforcement.”

The last few years have also witnessed a spike in the number of discriminatory bills proposed by Israeli lawmakers, some of which are in advanced stages towards official enactment. These include the “Jewish State Bill,” which declares that the right to self-determination in Israel is unique to Jews and revokes the status of Arabic as an official language of the state.<sup>5</sup>

Under a temporary emergency provision passed in 2003 and extended on a nearly annual basis ever since; the law deprives tens of thousands of Palestinian citizens of Israel and residents of the OPT of their right to family life in violation of various provisions of international human rights law, including Article 17 of the International Covenant on Civil and Political Rights, which Israel has ratified.<sup>6</sup> Two separate petitions against the law, which also violate the constitutional right to equality of Palestinian citizens in Israel, have been rejected by the Israeli High Court.

1. The abbreviation CIDSE stands for the organization’s French full name “Cooperation Internationale pour le Développement et la Solidarité” which can be translated as International Cooperation for Development and Solidarity, comprised of the following members working on development and justice: Broederlijk Delen, Belgium ([www.broederlijkdelen.be](http://www.broederlijkdelen.be)), CAFOD, England and Wales ([www.cafod.org.uk](http://www.cafod.org.uk)), CCFD-Terre Solidaire, France ([www.ccfid-terresolidaire.org](http://www.ccfid-terresolidaire.org)), Center of Concern, USA ([www.coc.org](http://www.coc.org)), Cordaid, Netherlands ([www.cordaid.nl](http://www.cordaid.nl)), Development and Peace, Canada ([www.devp.org](http://www.devp.org)), Entraide et Fraternité, Belgium ([www.entraide.be](http://www.entraide.be)), eRko, Slovakia ([www.erko.sk](http://www.erko.sk)), Fastenopfer, Switzerland ([www.fastenopfer.ch](http://www.fastenopfer.ch)), Partage Lu, Luxembourg ([www.partage.lu/fr/](http://www.partage.lu/fr/)), FOCSIV, Italy ([www.focsiv.it](http://www.focsiv.it)), Fundação Fé e Cooperação, Portugal ([www.fecong-d.net](http://www.fecong-d.net)), Koordinierungsstelle, Austria ([www.koo.at](http://www.koo.at)), Manos Unidas, Spain ([www.manosunidas.org](http://www.manosunidas.org)), Misereor, Germany ([www.misereor.de](http://www.misereor.de)), SCIAF, Scotland ([www.sciaf.org.uk](http://www.sciaf.org.uk)), Trócaire, Ireland ([www.trocaire.org](http://www.trocaire.org)).

2. HCJ 2055/17 Head of Ein Yabrud Council et al v. the Knesset

3. Different human rights organizations, including Adalah – The Legal Center for Arab minority Rights in Israel. <https://www.adalah.org/en/content/view/7771>

4. Adalah. (2017). Knesset ‘adding insult to injury’ with approval of Kaminitz Law [press release]. Retrieved from <https://www.adalah.org/en/content/view/9074>

5. Basic Law: Israel as the Nation State of the Jewish People (2017). Full text of the bill can be found at: <https://www.timesofisrael.com/full-text-of-mk-avi-dichters-2017-jewish-state-bill/>

6. Article 17(1) of the ICCPR states that “No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home. The sweeping Israeli restriction on family unification also violates the prohibition on discrimination as set out in Article 2 and 26 of the ICCPR as well as Article 2 of the International Convention on the Rights of the Child, both ratified by Israel.

Discriminatory amendments to the Entry into Israel Law have also targeted foreigners. On 6 March, 2017, the Knesset passed the amendment denying the entry, visa or residency permit to non-Israeli citizens/permanent residents who publicly call for boycotting Israel or Israeli settlements.<sup>7</sup>

## ● Settlement Expansion

Israel's expansionist policy is also reflected in the sheer increase in the pace of settlement construction. According to data by the Israeli Bureau of Statistics issued in June of 2017, there has been a 70% increase in the construction of settlements between the period of April 2016 and March 2017 as compared to the parallel period from the year before. Between April 2016 and the end of March 2017, 2,758 settlement housing units were constructed as compared to 1,619 units constructed between April 2015 and end of March 2016.

During this same time frame, an increase in construction within Jerusalem proper (excluding settlements) has also been noted at a rate of 2.65%. Within an official visit to Ma'aleh Adumim settlement, Prime Minister Netanyahu pledged to build 4,000 homes, stating: "This place will be part of the State of Israel.... I am considering placing Ma'aleh Adumim within the boundaries of Greater Jerusalem within the context of the Greater Jerusalem Bill. We will build thousands of Housing units here and we will add the necessary industrial areas."<sup>8</sup> Netanyahu's commitment to expand settlement construction in violation of international law is shared across the Israeli political spectrum. Avi Gabbay, leader of the "centrist" Labor Party, told Israeli Army Radio that Israel must retain control over the occupied Jordan Valley, describing the settlement project as the "beautiful and devoted face of Zionism."<sup>9</sup>

In a dangerous escalation, the Israeli Civil Administration has also approved the construction of new settlement units in the heart of Hebron's Old City for the first time in 15 years.<sup>10</sup> The new

7. Amendment No. 27 to the Entry Into Israel Law (No. 5712-1952) stipulates that the prohibition applies to any non-citizen or non-permanent resident who knowingly issues a public call for boycotting Israel that has a reasonable possibility of leading to the imposition of boycott against Israel.

8. Lazaoff T, "PM backs Greater Jerusalem bill that would annex 19 settlements" Jerusalem Post, October 4, 2017, page 4

9. Fulbright A. Labor chief: Settlements represent the 'beautiful face of Zionism' (October, 19 2017). Times of Israel. Retrieved from <https://www.timesofisrael.com/labor-chief-settlements-represent-the-beautiful-face-of-zionism/>

10. Hasson N. & Tibon A. For First Time in 15 Years: Israel to Approve Settler Homes in Hebron (October, 9 2017), Haaretz. Retrieved from <https://www.haaretz.com/israel-news/1.816393>

settlement units are to be built on a site that once was a bustling bus station in Shuhada Street. The Street remains closed to Palestinians. The construction of 31 settlement units was approved which will result in a 20% increase in the overall settler population in Hebron.

## ● Demolition and Displacement

Settlement expansion is accompanied by ongoing violations of Palestinians' right to housing, livelihood, education, and freedom of movement among other rights. Indeed, 2016 witnessed the highest demolition (1,089 demolished structures) and displacement (1,593 persons displaced) since 2009. During the first eight months of this year, 329 structures have been demolished, affecting and displacing 6,141 people, under the pretext of building without permit or being situated on State Land. Three schools and kindergartens were demolished, rendering 235 children without suitable and safe education opportunities, adding to the 6 schools demolished in 2017 and hundreds of elementary school-aged children affected.<sup>11</sup>

With a discriminatory building and planning regime in place, there is no room for either building in accordance with Israeli laws or partaking in the planning process. Rather, Palestinians in Area C, which comprises more than 60% of the West Bank, are left with obsolete master plans, high population densities, and no room for natural growth. The remainder of the West Bank is dually barred from development and use of its resources towards sustaining a viable nation.

## ● Collective punishment in Jerusalem

2017 witnessed a continuation of the policy of collective punishment targeting Palestinian residents of occupied East Jerusalem. Following a wave of individual attacks by Palestinians that began in October 2015, Israeli police blocked the entrance of several Palestinian neighborhoods in East Jerusalem. In October 2015, the Israeli cabinet also approved a series of punitive measures including punitive home demolitions and the withholding of the bodies of Palestinians killed after allegedly carrying out attacks against Israeli targets. Israeli occupation forces are currently withholding the bodies of seven Palestinians,

11. The United Nations Office for the Coordination of Humanitarian Affairs (September 2017) Demolition and seizure of service infrastructure in Palestinian communities in Area C exacerbates risk of forcible transfer [press release]. Retrieved from <https://www.ochaopt.org/content/demolition-and-seizure-service-infrastructure-palestinian-communities-area-c-exacerbates>

including two from East Jerusalem. In July 2017, Israeli forces responded to an attack that killed two Israeli police officers at the entrance of Al-Aqsa mosque compound, by closing the mosque for two days before installing metal detectors and blocking entry to the Old City. The restrictions and metal detectors were removed two weeks later.

## ● The Case of Palestinian Bedouins

Bearing the brunt of Israel's push for expansion and displacement efforts are the Palestinian Bedouins. Bedouins live in key localities earmarked for settlement expansion, such as the Jerusalem periphery, Jordan Valley, and the Naqab (Negev). Bedouin ownership of their lands is communal and the reliance on written documents minimal, a matter which has been exploited by Israel to facilitate their expulsion. The vast majority of Bedouin families in the Jerusalem Periphery and the Jordan Valley face eminent risk of displacement, having received demolition orders. The Bedouins in and around the Jerusalem periphery are currently being extorted

and pressured into forced transfer to the area of Nuwei'ma or Jabal in Jericho, an area with limited infrastructure and grazing opportunities. This will ultimately lead to their further marginalization, loss of livelihood, and ghettoization (see JLAC's socio-economic study of the proposed Nuwei'ma relocation plan). Similarly, Bedouins who live in the Naqab (Negev) and who hold Israeli citizenship are also under ongoing threat of displacement. In January 2017, Israeli police raided and demolished the unrecognized village of Umm al-Hiran to make way for the construction of a Jewish town, Hiran.<sup>12</sup> By October 2017, the unrecognized village of Al-Araqib had been destroyed 119 times.<sup>13</sup> There are around 40 unrecognized Bedouin Villages in the Naqab whose residents are denied access to power, running water and basic infrastructure.

12. "Umm al-Hiran man killed after police open fire during violent demolition operation in Bedouin village" Adalah. (January 18, 2017). Retrieved from: <https://www.adalah.org/en/content/view/9001>  
13 "Israeli Forces Demolish Al-Araqib for 119th Time". (October 4, 2017) IMEMC News & Agencies Retrieved from: <http://imemc.org/article/israeli-forces-demolish-al-araqib-for-119th-time/>

## Conclusion

Fifty years of military occupation, and nearly seven decades of colonial control, have taken their toll on the Palestinian people. Palestinians maintain that while the Nakba, the ethnic cleansing of Palestine,<sup>14</sup> began in 1948, uprooting remains an everyday reality. The figures of displacement and settler expansion provided in this paper, combined with the brief overview of the discriminatory and anti-Palestinian bills and legislations enacted in 2017, suggest that this argument is founded on solid ground. The purpose of detailing the various human rights violations Israel perpetrates against Palestinians here is not solely theoretical. We seek to highlight the importance of holding the occupying authorities accountable, putting an end to Israeli impunity, and pushing for a unified effort to exert concrete pressure on Israel to end its policy of house demolitions, settlement expansion, displacement, and repressive measures. Unless such pressure is applied, the list of violations we will have to publish next year will only grow in depth and breadth.

14. According to a United Nation Commission of Experts final report, ethnic cleansing was defined as a "purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas." The actions perpetrated by Zionist paramilitaries and later Israeli Defense Forces between the years 1947-1949, wherein hundreds of thousands of Palestinians were expelled or forced to flee, meet this definition. <http://www.un.org/en/genocideprevention/ethnic-cleansing.html>

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