HOUSING AND LAND RIGHTS NETWORK
Habitat International Coalitio n

Reports on Discrimination, Segregation and the Right to Adequate Housing

Questionnaire Input on Palestine/Israel

Basic Information

1. Name of Individual, Organization, Institution, Agency or State:
Housing and Land Rights Network ï Habitat International Coalition

Type of Entity*

'H NGO network, umbrella organization

2. Categorization of your Work
Please select one or more responses, as appropriate.

'H Advocacy
'H Networking
'H Policy
'H Research
'H Training
'H Other: Monitoring housing and land rights violations and quantifying their impacts (habitat-, wealth- and wellbeing-related losses, costs and damages)

3. City/Town: **Geneva and Cairo**

4. State/Province: **Switzerland and Egypt**

5. Country (please indicate your region or organization covers multiple countries); **Middle East, Africa and global**

6. Contact e-mail (will remain confidential) in case we have questions: jschechla@hlrn.org

Housing Discrimination

7. What specific forms of de facto or legal discrimination or barriers towards equal enjoyment of the right to adequate housing do the following groups face in your country (please provide evidence with examples, studies, reports and relevant statistical information):

- **Racial, caste, ethnic, religious groups/minorities or other groups**
- **Migrants, foreigners, refugees, internally displaced persons**
- **Indigenous peoples**
- **Low-income persons, including people living in poverty**
- **Residents of informal settlements; persons experiencing homelessness**

Subjects covered:

Demolitions, discriminatory planning and zoning, demographic manipulation, denial of nationality, and denial of the right of to return to their homes and property are just some of the key areas in which Palestinians face housing-related discrimination under Israeli law, policy and institutions.

Scope:

Law, policy and implementing institutions exemplify the common strategies of other colonial and apartheid regimes to eliminate indigenous Palestinians physically and/or spatially from their habitats and coveted lands, backed by various types of legal, military and other brute force.

Supporting information can be found in the answers below, which all focus on the impacts of the Israeli apartheid housing and land-administration system set up to dispossess and otherwise materially discriminate against the Palestinian people as a whole, on both sides of the Green Line (1948ï 49 Armistice Lines) and in exile. In the interest of thorough geographical coverage, analogies are drawn with the housing and land rights conditions also in the Syrian Goal, which Israel acquired by military force and has occupied since 1967, and illegally annexed in 1981.

8. Discrimination in housing can affect various dimensions of the right to adequate housing and other human rights. Could you provide more details regarding the specific areas in which housing discrimination is experienced? Below are examples of various forms of discrimination that can be experienced in relation to different dimensions of the right to adequate housing:

Institutionalized material discrimination and spatial segregation:

One feature of Israelôs apartheid distinct housing and land policy and practice is the sheer scale of expelling the indigenous people, while implanting religiously and (supposed) racially distinct settlers in their place. While population transferð with these push-and-pull factorsð was being codified[1] and eventually prosecuted[2] as a war crime and crime against humanity, Israelôs civilian Zionist institutions were their growing sphere of influence in Palestine, including through government bureaus in Western capitals. And despite international humanitarian law (IHL) prohibitions, this violent form of spatial segregation and fragmentation of the indigenous Palestinian people has been carried out also as military doctrine of Israeli forces since 1948 by targeting Palestinian homes, shelters and shelter seekers.[3] In complementary fashion, Zionist institutions and punitive/military operations have

collaborated to ensure an unbroken pattern of dispossession and transfer under Jewish domination over all of historic Palestine until today.

Since the beginning of the Zionist Movement, the World Zionist Organization (WZO), established 1897, and its 1929-founded sister institution, the Jewish Agency (JA), had sought recognition as public bodies under international public law.[4] They have long carried out public functions, including the direction and implementation of human-settlement policy[5] with funding shared[6] with the Government of Israel (GoI) since 1948.[7] Certain WZO/JA affiliates, especially the Jewish National Fund (JNF), also carry out public functions in housing, development and land administration based on principles of ñrac favor persons of Jewish faith.

The consistent WZO program and strategy have Palestine] based on [exclusive] Jewish labourò and land as ñinalienableò; i.e., for Jewish po material dimensions (finance and acquisitions) of colonizing Palestine, the 5th Zionist Congress (1901) founded the JNF as a subsidiary of the WZO and its eventual sister organization, the JA. In 1905, JNF began purchasing lands in Palestine.

The JNFôs charter explicitly restricts its those of Jewish *race* or desc[8](nedmepnhcaysòis added). Itôs char ñprimary objpand remainò owñacquire la[9]ndsto in Pal ñpromote the interests of[10] (SeeJNFsMemorandumhe presc of Association in Annex 1.)

In decoding SoIôs Zionist law and policy o reference to these parastatal institutions[11] in public functions means a statutory obligation to discriminate against all others. The JNF charter also stipulates that, ñupon [its] dissolutionéany properties wha Government[12] furtherlaffirmingits publ c and state functions.

The close working relationship of the WZO/JA and JNF to the British Mandate Administration emerged as a shadow government in Palestine, leading up to the SoI1948 proclamation.[13] Those specialized colonial, apartheid and population-transfer institutions were soon fused to SoI by a series of legislative acts of Knesset (parliament).[14] (See below.)

The WZO/JA and JNF remain pillars of Israel's discriminatory systems of housing, urban planning and development, and land administration. They advise, draft, promote and implement laws and policies that discriminateð not explicitly, but with deference to their apartheid chartersð against the indigenous Palestinian Arab population of Israel, comprising 20% of So materially against the roughly five million Palestinians in the occupied Palestinian territory (oPt), as well as todayôs sever Palestinian refugees and internally displaced persons, by administering those population-transfer victimsô properties Israel c largely JNF-funded war and ethnic cleansing of much of Palestine in 1947ï49.[15]

Forms and manifestations:

Home demolitions remain the most-dramatic manifestation of Palestinian housing rights denials across the country, with Israeli occupation forces razing over 55,000

Palestinian homes in the occupied Palestinian territory (oPt) since 1967.[16] These fall into roughly four categories: (1) Punitive demolitions (3%), including collective punishments against families of security-offense suspects; (2) administrative demolitions in East Jerusalem and Area C (60% of the West Bank remaining under Israeli jurisdiction under the Oslo Accords) for lack of a building permit, which Israeli planning authorities deny to 97% of Palestinian applicants; (3) land-clearing and military operations (about 66% of demolitions since 1967), whereby Israeli forces variously clear land, including for extrajudicial executions; and (4) undefined demolitions, mainly resulting from land-clearing operations and Palestinian depopulation.[17]

Occupied Palestinian Territory (oPt):

Israelôs housing and land regimes contrav including the prohibition against the occupier altering the legal system[18] and transfer of its own population in the IHL-protected territory.[19] With the 1970 Zionist Congress decision nominally to divide WZO/JA territorial roles, WZO cooperates with JNF also to ensure demographic change and illegal settler-colony construction throughout the 1967-occupied territories.[20] The apartheid-chartered JNF only leases the lands it purchases and illegally acquires to Jews, with the help of the GoI, and currently controls over 2,500km^2 of Palestinian land in Israel and over 14% of land in oPt.

Jerusalem:

Israel has concentrated on the de-Palestinianization of occupied Jerusalem, the western part of which Israel illegally acquired by military force and population transfer in 1948, invading and occupying the eastern part in 1967, and illegally annexing the city in 1980. The UN Security Council has repeatedly condemned Israel for the annexation of occupied Jerusalem[21] and determined any resulting changes to the c i t physical character, demographic composition, institutional structure and status to be illegal, null and void.[22] These crimes now particularly target Jerusalem Palestinian neighborhoods of Silwan,[23] Sheikh Jarrah, the eastern periphery areas E-1 and Khan al-Ahmar/Abu Helu villages,[24] among others, as well as Jerusalemôs Old City. Since 2017, legislation has facilitated this demographic manipulation, and hampered Palestinian s ô access.[25] These settler assaults on Palestinian tenure are facilitated by bias judges,[26] including settler/judges, as in the case of El Kurd family, first dispossessed and forcibly transferred from Haifa in 1948, then gradually dispossessed and recently expelled from Sheikh Jarrah.[27]

The Jerusalem District Courtôs recent deci families from Sheikh Jarrah, who have lived in the neighbourhood for generations, is at the heart of current protests and uprising in Jerusalem[28] and cities inside SoI. To spite international law, Israeli courts have no legitimate legal authority over East Jerusalem, which it has occupied since 1967, or the Palestinians who live there. Moreover, the transfer of Jewish-Israeli civilians into occupied East Jerusalem, contravenes Article 49(6) of the Fourth Geneva Convention; yet, Israel has already initiated land registration procedures specifically for the transfer of such colonizers into the very houses of these dispossessed Palestinian families.[29]

This unconventional la w f a r e a g a i n s t P a l e s t i n i a n J e r u s a rights integrates with draconian restrictions on their residency status in their own capital city.[30] These old and new measures involve the separation of families,[31]

despite the International Law Commission determination that ñ t h e f o r c i b l e t r a of members of a group, particularly when it involves the separation of family m e m b e r s , c o u l d a l s o c o n s t i t u t e g e n o c i d e . ò [32]

In addition to generally denying Palestinians their rights to nationality and self-d e t e r m i n a t i o n , r e v o c a t i o n o f p e r m a n e n t r e s i d e n c y rights of Palestinians in Jerusalem. Israel has further prevented family unification for Palestinians throughout the oPt, as previously noted by CERD.[33] Palestinians from the West Bank and Gaza Strip face significant challenges in receiving family unification permits when they marry a Palestinian resident of Jerusalem, or a Palestinian citizen of Israel.[34] T h i s i s t h e r e s u l t o f a n n e x a t i o n a n d i m p o s i n g i t s ô u n l a domestic legislation in occupied East Jerusalem, in violation of international law.

These measures are, in addition to the physical isolation of Jerusalem through a system of road closures, checkpoints, the Annexation Wall and its associated regime, a n d t h e i m p o s i t i o n o f a p r e c a r i o u s ó p e r m a n e n t ô r e s i d e n c y status on the city, subject to revocation at any time by the Israeli occupying authorities.[35] Over one-third of family unification applications coming from East Jerusalem residents were denied between 2000 and 2013.[36]

Syrian Golan:

In the Syrian Golan also, I s r a e l ô s o c c u p a t i o n h a s p r e v e n t e d Palestinians from using more than 30% of the lands belonging to the six villages (about 5% of the total Golan) that remained of the two cities, 163 villages and 108 farms in 1967. Israeli forces had expelled 135ï150,000 indigenous Syrians then, preventing their return and forbidding the remaining Syrians from movement within their own country.[37] After the 1967 War, Israel confiscated the depopulated land for exclusive J e w i s h u s e u n d e r c l a s s i f i c a t i o n s s u c h a s ñ s t a t e l a n d s a n d / o r t h e I s r a e l i g o v e r n m e n t b o d y ó t h e J e w i s h A g e n c y ô . [38] To date, Israel has expropriated over 95% of the Golan (1,250k2),[39] while refusing to acknowledge the vast majority of Syrian public or private ownership of any land.[40]

9. Are there any particular current laws, policies or practices in your country, region or town/community that contribute to or exacerbate discrimination in relation to the right to adequate housing?

The specialized institutions that drive I s r a e l ô s housing and land policy and its discriminatory and segregationist ideology (WZO/JA and JNF) were fused to the SoI by Knesset foundational legislation, principally:

- **World Zionist Organization-Jewish Agency (Status) Law (1952);**
- **Keren Kayemet Le-Israel [Jewish National Fund] Law (1953);**
- **Covenant with Zionist Executive (1954, amended 1971);**
- **B a s i c L a w : I s r a e l L a n d s [P e o p l e ô s L a n d s] (**
- **Agricultural Settlement Law (1967).**

C e n t r a l t o h o u s i n g a n d l a n d - t i e r e d c i v i l s t a t u s d i n I s r a e l a n d t h e s e p a r a t e l a w s t h a t a p p l y a c c o r d i n g l y Palestinians does not actually appear explicitly in the text of a single Israeli law before the 2018 Nation-State Law, but in the implicit subordination to the d i s c r i m i n a t o r y p r i n c i p l e s o f t h e p a r a s t a t a l housing and land administration functions.

Much of Israelôs legislation and jurisprud
convention for a mod ewo-tiered civil status of dominant Israe
ñJewish nati eprivileged holders mof mere citizens.[41] The Israel
Lands Law (ñThe Peopleôs Landò) (1960) est
distributed and developed in accord with the principles of the JNF and its apartheid charter. The Israel Land Administration, also established in 1960, rests on four ñcornerstonesò:

- Basic Law: Israel Lands (1960),
- Israel Land Administration Law (1960),
- Keren Kayemet Le-Israel Law (1953) and the
- Covenant between SoI and the Zionist Executive (WZO/JA and JNF) (1954.

The Israel Land Council (ILC) determines land policy, with the Vice Prime Minister, Minister of Industry, Trade, Labor and Communications as its chairman, while the 22-member Council is comprised of 12 government ministry representatives and ten representing the JNF, with its mandatory conditions of Jewish-only beneficiaries.

The Israel Lands Authority Law, Amendment 7 (2009) and a 2010 amendment of the British Mandate-era Land Ordinance (Acquisition for Public Purposes of 1943) introduced tactical adjustments to the land tenure system. The former authorized more powers to the JNF in its special status and role in land management. It also established the Israel Lands Authority (ILA) with increased powers, provided for the granting of private ownership of lands (by Jewish natural and legal persons only), and set approval criteria for the transfer of state lands and Development Authority lands to the JNF. The 2010 amen
expropriated for ñpublic usesò and how can be ñreve
transferred to a third party (likely the JNF). Legislation in 2010 also circumvents a precedent-setting Supreme Court judgment[42] that obliged authorities to return confiscated land if it were not used within 25 years for the purpose for which it was confiscated.

The amendments enable further circumvention of legal oversight and legislate against equality in land-use rights. As the J-NF's charter
benefiting from its land or services, any such transfer of public land to the JNF prevents citizensô equal access to land. In
ñredeemò and ñjudaizeò land-Jewish citizens discrimina
favor of recognizin the southern Naqab/Negev and northern Galilee
(where indigenous Palestinian citizens of Israel remain concentrated) and potentially elsewhere by transferring these lands to the JNF.

Israeli planning law also establishes elected Regional Planning Councils with JAð
in Golanôs case, as ultimate decision maker with a guaranteed
majority of votes. With the WZO/JA bound by its common charter to exclude and, thereby, materially discriminate against the indigenous population as a charter principle. Israelôs planning regime systematically denies building permits to Golanôs Arab households and continuously facilitating illegal settler-colony expansion.[43] In 2016, for example, 80ï90 households faced ñdemolitionsò (effectively punitive)[44] demol

10. Can you explain exemptions in national law that allow (certain) public, private or religious housing providers to give preferential or exclusive access to housing to members of a particular group, for example based on membership, employment contract, public service, age, disability, civil status, sex, gender, religion, income or other criteria?

In addition to the racially discriminatory charters of the Zionist parastatal institutions, which dominate land use, planning and physical development, the Basic Law: Israel Lands (1960) stipulates that land, houses, buildings and anything permanently fixed to land owned by the state, the JNF and the Development Authority cannot be transferred in any manner.

Within the founding principles of WZO/JA and JNF the designation as "public land" or "state land" renders said real property exclusively for Jewish use. Hence, Israel's Public Lands Law (Evictions and Removal of Trespassers from Public and State Lands) 5741-1981 authorizes the removal of Squatters from land, houses, buildings and anything permanently fixed to land owned by the state, the JNF and the Development Authority. A 2005 amendment to this law has expanded the powers of the ILA and its agents to operate through administrative orders to evict and dispossess Palestinians, whether Israeli citizens, or oPt residents. Although Israeli State agencies have applied it to alter the demographic composition of Jerusalem[45] and elsewhere, the 2005 amendment was aimed primarily against the Arab Bedouin population of the southern Naqab.

Israel's most recent periodic report to CERD maintains that Israel "[t]here are no restrictions of any kind as to place of residence nor is there any segregation of any kind."[46] The infamous Admissions Committees in Israeli Regional Planning Councils (statutory authorities in Israeli planning law) have long operated to provide an additional patina of planning procedure that bans Arabs from housing and land. These bodies ensure a tie-breaking JA majority vote to discriminate against non-Jewish citizens of Israel hundreds of communities on housing applicants for their "social unsuitability" was enshrined in the Admissions Committees Law to prevent Arab citizens from living with Jews and enforce *de facto* housing segregation between Jewish and Arab citizens. Despite 2011 amendments to the law, restricting discrimination, and a Knesset report exposing abuse,[47] the Israeli Supreme Court dismissed numerous petitions challenging the law and discriminatory practice, ruling that the discriminatory nature of the Admissions Committees did not clearly violate constitutional rights.[48] ¶ Palestinian Arab communities in Israel suffer from a housing crisis, much of which is reflected in high prices and a lack of affordable housing. Israeli government policy has created a situation in which weaker Arab communities do not receive the same benefits as their neighbors in stronger Jewish communities. In a recent petition to the Israeli Supreme Court signals a recognition of serious issues relating to Israeli state criteria excluding Palestinian citizens. In August 2020, local NGOs Adalah and the Arab Center for Alternative Planning (ACAP) filed a petition on behalf of all Arab local authorities in Wadi Ara and 74 area residents, in cooperation with the Public Committee for the Defense of Land and Housing in Wadi Ara, the petitioners' own localities, the local councils of Umm al-Fahm, Baqa al-Gharbiya, the Ara-Ara, Kfar Qara, Ma'ale Iron, Jatt, and the communities of Umm al-Qatif, Misar, and Al-Yamun, all of which have not received "National Priority Area" (NPA) eligible for development and housing benefits and land discounts from the Israel Land Authority. On 22 April 2021, the Israeli Supreme Court granted Israeli state

authorities 30 days to explain why these Arab localities have been development against in benefits received by neighboring Jewish localities with higher socio-economic rankings.[49] ¶Other forms of discrimination manifest also in the treatment of Arab municipalities inside Israel. Planning and development patterns deliberately seek to encircle, divide and isolate Arab villages and neighborhoods, preventing them from further development and accommodation for population growth.[50] This pattern has been applied consistently also in the establishment of illegal settler colonies and the Apartheid Wall in the occupied territory with the effect and purpose of fragmenting, segregating and isolating Palestinian habitats from each other.[51] This pattern aligns with the ideol historic Palestine by eliminating the Palestinian people physically and/or spatially. ¶The Israeli occupying authorities have revoked some 14,500 permanent residencies of Palestinians in Jerusalem, forcing the transfer of Palestinians and their families from the city.[52] Over time, Israel has continued to expand its onerous criteria in order to revoke the residency status of more indigenous Palestinians from Jerusalem. Between 1967 and 1995, 3,150 re outside Israelò for seven years or receivin country.[53] Beginning in 1995, the criteria was expanded to revoke residency of East Jerusalemite Palestinians if they are unable to prove their so-called ñcenter of lifeò is in Jerusalem, even if the duration of the stay outside the city, including in the rest of the oPt, was less than seven years ,or if foreign residency or citizenship was not obtained. ¶Under this expanded criterion, more than 11,300 residency rights of Palestinians from Jerusalem have been revoked to date.[54] When Israel designed the precarious ñpermanent residencyò status fo did so with the purpose of carrying out elements of the serious crime of population transfer to achieve demographic manipulation of the City of Jerusalem, in violation of its status under international law, the Rome Statute and the inalienable rights of Jerusalem Palestinians.

11. In case there may be differential treatment of particular groups in relation to housing, please explain why such treatment could be justifiable according to international human rights standards - for example positive measures benefiting a particular group to overcome systematic discrimination or disadvantage-or if it would amount to discrimination?

No justification exists under international human rights standards for the apartheid carried out through Israeli land, housing, and other policies against the indigenous Palestinian people as a whole. All applicable human rights, international humanitarian and criminal law prohibit all actions and practices reported here.

Spatial and Residential Segregation

12. What forms of spatial segregation along racial, caste, ethnicity, religion, nationality, migration status, heritage, economic status/income or other social grounds can be observed in urban and urban-rural contexts in your country?

Israeli planning criteria for statutory recognition of villages are not published, but evident in practice. Many long-standing and populous Arab villages in the southern Naqab remain ñunrecognized, ò while Jewish s legal minimum population criterion, are ñre public services provided. With such a double standard for official recognition of a

human settlement in Israel, it is clear that the operative criterion denying those Palestinian Arab villages their formal status and corresponding rights, including public services, is the residential character of the ñBlue Lineò[55] and the ñGreen Lineò[56] zoning as an example of an Israeli parastatal program with both private and GoI financing. It favours Jewish population, which is still living marginally among them and holding mere citizenship in the ñJewish state.ò Elsewhere inside the Green Line, institutions devote considerable resources to establishing and expanding Jewish-only towns and neighbourhoods on ñstate landsò under Israeli Planning law and practice embrace the discriminatory provisions of the parastatals that determine eligibility for residence and access to housing and land. In local and municipal development criteria, have responded to the concepts of ñsocial and cultural fabricò and ñsocial coherenceò to exclude Palestinians from development opportunities. The Absentees Property Law (1950) and Negev Individual Settlements Law (2011) have operated to deny Palestinians housing and land, including properties which Palestinian citizens rightfully own.

13. What impacts do these forms of spatial and residential segregation have on affected communities? Please point to indicators such as rates of poverty, un-employment and under-employment; prevalence rates of malnutrition; disparities in access to services and facilities (such as access to schooling, health care or other public benefits); disparities in access to infrastructure (lack of and/or poor quality provision of water, sanitation, transportation, energy, waste collection and other utility services); rates of exposure to environmental health risks (poor air quality, flooding, toxic ground exposure, etc).

The Israeli system of racialized and institutionalized material discrimination (apartheid) in the water sector has operated through the 20th Century colonization of Palestine through the Mekorot organization (Hebrew: מקורות lit. ñSourcesò) established in 1937. Three parastatal organizations chartered to serve only persons of ñJewish raceò the JA, JNF and Histadrut combined forces to extend corresponding Jewish-only privilege over the country. In their continued operations today, these parastatal institutions today, coordinating the tasks of controlling the resources of the country within their areas of specialization: Jewish Agency (with its sister World Zionist Organization), for development planning; Jewish National Fund, for funding and managing land acquisition; and Histadrut, organizing labor of and for the same racialized religious group.

After proclamation of the State of Israel, Mekorot (Israel National Water Co.) was joined in 1951 by the Tahal Group (named from the Hebrew initials for Water Planning for Israel, *Tikhnun ha-Mayim le-Yisrael*), combining the efforts of the Israel Ministry of Agriculture with Mekorotôs implementation agency today operates with its majority shares (52 percent) held by the Government of Israel, with remainder divided equally between JA and JNF,[57] the very agencies established for the purposes of benefiting an Israeli-constructed category not limited by geographical location, but distinct from and superior to Israeli citizens in the enjoyment of economic, social and cultural rights, including the human rights to water and sanitation.[58]

As of 1967, when the Israeli occupation began, Palestinians in the West Bank are denied access to the waters of the Jordan River, as the Israeli occupying forces

destroyed at least 120 Palestinian wells along the Jordan Valley in 19678 and control both the shoreline and the flow of the water, which is diverted, along with the Jordan headwaters in the occupied Golan, via the National Water Carrier (designed by Tahal and constructed by Mekorot) from Lake Tiberias to Jewish settlements inside the Green Line. Israeli parastatal institutionsð primarily Mekorotð also retain control over the waters of the Mountain Aquifer, diverting 89 percent of this resource to Israelis, despite the fact that 80% of the water recharging the aquifer originates in the Palestinian West Bank.[59]

Since its 1967 invasion and ensuing occupation, Israel has prohibited Palestinians throughout the whole oPt from drawing any of its waters, by declaring its riverbanks a closed military zone and by continuing its wartime military practice of destroying Palestinian pumps and irrigation infrastructure.[60] Despite the IHL prohibition,[61] the occupation regime has deployed a series of Military Orders to ensure the water sectorôs conformity with Israelôs apartheid system.

Military Order No. 92 (August 1967) transferred to the Israeli military full authority over all water resources in the oPt, while Military Order No. 158 (November 1967) prohibited Palestinians from building any new water facilitiesð including water wells, water pumps, and desalinization infrastructuresð without a permit granted by Israeli occupying authorities, otherwise, the infrastructure would be confiscated or demolished. It has been estimated that, between 1967 and 2000, Israel granted permits for the construction of only 23 wells.[62]

In the western West Bank, Israelôs Apartheid such as position to prevent Palestinian villages and farmers from accessing the discharge zone of the Mountain Aquifer, enabling Palestinian agriculture and the Palestinian peopleôs[63] means of subsistence.

In the Gaza Strip, the total water supply for domestic use[64] is 99,058,677 million cubic meters, which is supplied by either municipal or UN Relief and Works Agency for Palestine Refugees in the Near East (UN desalination plants or other private vendors.[65] As much as 95.4 percent of water comes from groundwater, 2.6 percent from desalinated water, and 2 percent is purchased from Mekorot.[66] The main source of groundwater is the coastal basin or aquifer, which extends from the eastern border (see figure in Annex 2) northwards

The coastal aquifer is the source of about 86 percent of all water in the Strip.[67] Already in 2012, a UN study warned that the aquifer could become unusable by 2017, with the damage irreversible by 2020.[68] Indeed, in the absence of a coordination policy between Israel and the Gaza water utility, the Coastal Municipalities Water Utility (CMWU), both have extracted an excessively large amount of water from the coastal aquifer. The UN Office for the Coordination of Humanitarian Affairs (UN OCHA) estimated that in 2018 the annual sustainable recharge of the aquifer, which is fed only by rainwater, was extracted almost three times over.[69] Over-extraction, along with sewage infiltration and groundwater deterioration, have consistently contributed to the continued deterioration of water quality and quantity in the Gaza Strip, which is a symptom of three root causes:

1. The first of these is, of course, the consequences arising from the serious crime of population transfer[70] conducted by Israel during and after the first Israeliï Arab War of 1947ï 48. The ethnic cleansing operations of Zionist Israeli forces[71] led to the

expulsion of some 780,000[72] Palestinians (85 percent of the total population) from 23 towns and 351 villages across Palestine, with 60ï 80,000 Palestine refugees fleeing into the Gaza Strip and quadrupling the population within weeks.[73]

The Israeli militaryôs further destruction nearby Naqab region, to Gazaôs east, and the co population in a regulated enclosure (*siyaj*) in 1951ï 53[74] created another wave of internally displaced persons into the Gaza Strip. (See Annex 4.) This added further pressure on the resources and sanitation infrastructure, whereas over 70% of the Gaza Stripôs current population displaced persons.

2. The second causative factor affecting Gaza of the natural aquifer flowing toward the Gaza Coast from Jabal al-Khalil in the southern West Bank. This Israel has achieved through a series of deep wells and pumps to prevent the natural replenishment for the densified population. (See figure in Annex 2.)

3. The third and more-recent pressure on Gazaôs water methods of colonization of the Gaza Strip that took place from 1972 through 2005. The Jewish Israeli settlers who established agricultural colonies in the Gaza Strip in that period consumed 400 times the land available to the Palestinian refugees, and 20 times the volume of water they used. These highly water-intensive farming enterprises were erected atop the three main deep pockets of fresh groundwater, depleting them irrevocably.[75] These factors combined are directly attributable to Israelôs colonization and further occupati how the Gaza Stripôs hydrology refl-ects th management forces that Israel has introduced to the region.

The Gaza water situation for Palestinians became more dire in 2007, when Israel imposed its land, air, and sea blockade and comprehensive closure, as part of SoIô s campaign to separate and fragment Palestinian communities within the oPt, and elsewhere, and to deny the Palestinian people their inalienable right to self-determination, including permanent sovereignty over natural wealth and resources. Considered a collective punishment under international law, the blockade and closure policy continue to this day.

At the nexus of the human rights to adequate housing, water and health, the availability and likely quantity of water that will be collected at each level of service may be reduced where water supplies are intermittent and the risks of ingress of contaminated water and/or sea water, as in Gaza, into domestic water supplies increase. Where optimal access is achieved, but the supply is intermittent, a further risk to health may result from the compromised functioning of waterborne sanitation systems.

The public health gains derived from use of increased volumes of water typically occur in two major increments. The first relates to overcoming a lack of basic access, where the distances and time involved in water collection result in use of volumes inadequate to support basic personal hygiene and may be marginally adequate for human consumption.

Where the basic access service level has not been achieved, hygiene cannot be assured, and consumption requirements may be at risk. Therefore, providing a basic level of access is the highest priority for the water and health sectors.[76] However, even the case of desalinated water in Gaza is a matter of institutionalized material discrimination and disparity.

While the Gaza Strip has been systematically denied its natural sources of water, combined with the consequences of past and ongoing population transfer, Israel currently desalinates so much seawater that its municipalities are unwilling to accept it. Excess desalinated water is being sold to the West Bank, and the Israeli water authority has even use it to refill Lake Tiberias itself,[77] which is ironic considering that the lake water continues to be pumped to Israeli populations in the arid south. There is now so much treated water that some Israeli engineers assert that today, no one in Israel is talking about water scarcity, but rather about the present-time influences which the damage to the coastal aquifer is projected to be irreparable.[78][79]

In Gaza, people there have resorted to various ingenious filters, boilers, or under-the-sink or neighborhood-level desalination units to treat their water. However, these sources are unregulated and of dubious quality, often germ laden and another reason for prescribing antibiotics to Gazaôs children, adding harm upon additional harm. Doctors, nurses and water maintenance crews meanwhile try to do the impossible with the minimal medical equipment at their disposal. The result is a combined water and health sector situation that, even without the global pandemic, some have called a humanitarian war[80]. ò

In addition to these public health issues, the oPt labor market has been the most-affected sector during the ongoing pandemic since March 2020. Thus, the most important indicators during the 4th quarter of 2020 show the number of unemployed persons reached 304 thousand in the 4th quarter of 2020; of which 168 thousand persons in Gaza Strip and 136 thousand persons in the West Bank. Hence, the disparity remains large in the unemployment rate between the West Bank and Gaza Strip, as this rate reached 43% in Gaza Strip compared to 15% in the West Bank.

Disaggregated by sex/gender, the unemployment rate for males in Palestine reached 20% compared to 37% for females. Within the same context, the total underutilisation reached 530,000 persons, as this number includes 133 thousand discouraged job seekers and 17,000 in time-related underemployment.[81]

Inside the Green Line, Palestinian citizens of Israel bear a consistently disproportionate burden of unemployment, which has been exacerbated during the pandemic. In July 2020, even the Israeli Supreme Court affirmed a pattern of discrimination against the Arab population of Israel, especially in relation to jobs.[82]

Have any particular historical or current laws, policies or practices in your country, region or town/community caused or exacerbated segregation?

See answers 9 and 10 above.

15. In your view, what factors (current or historical) are the principal *drivers* of spatial and residential segregation in urban and urban-rural contexts in your country?

Zionist ideology and its implementing national institutions (WZO/JA, JNF and affiliates), which operate also as tax-exempt ñcharitiesò in 50 including 18 state members of the UN Human Rights Council.[83]

16. Are there examples in your country of where spatial and residential clustering has been a result of voluntary choices of residence by members of particular groups?

Jewish settlers choose to segregate by forcibly evicting indigenous Palestinians from their lands and homes that the settlers want to ñjudaize.ò

17. The preservation of cultural identity, the right to self-determination of indigenous peoples and the protection of minority rights are examples of grounds for which groups may choose to live separately. Can you comment on how these forms spatial/territorial separation are evidenced in your country, if these communities they are subject to discrimination and suffer adverse consequences from spatial segregation such as through disparities in access to services, infrastructure, living conditions, etc.?

See input to question 13 above.

18. In your view, are certain forms of observed residential separation/voluntary clustering compatible with human rights law and if so why? (for example, to protect rights of minorities or to respect the freedom of choice of individuals to decide with whom to live together).

No

19. Are there any laws or policies requiring certain individuals (and their families) to live in particular housing provided to them or in a particular geographical area (e.g., asylum seekers, migrants, IDPs, refugees, ethnic, religious, linguistic or other minorities, indigenous peoples, persons with disabilities, public service and military personnel)?

As a result of Israelôs serial ethnic clean 1947ï48 (from inside the Green Line), 1967 (from oPt) and Naqab (1951ï53), the depopulation of villages and towns have led to fragmentation, segregation and concentration of Palestinian refugees and displaced persons in refugee camps in four states and elsewhere, as well as the *siyaj* inside Naqab. See Annexes 3 and 4.

20. In your view, what are the principal *barriers* to diminishing spatial, including residential segregation?

The state ideology of Zionism. This case invokes the Vancouver Action Plan of the First UN Conference on Housing and Human Settlements, which enjoined:

ñThe ideologies of States are reflected in th powerful instruments for change, they must not be used to dispossess people from their land or entrench privilege and exploitation.ò

Measures and Good Practices to Curb Discrimination and Reduce Segregation

21. What laws, policies or measures exist at national or local level to prevent or prohibit discrimination in relation to the right to adequate housing?

The underlying ideology of SoI, Zionism, ensures that the Jewish population takes precedence in relation to housing over the indigenous Palestinians as individually, collectively, or as a whole people, particularly in certain locations that the state wishes incrementally to Judaize. Laws, policies and measures, including the policies and actions of parastatal institutions, are chartered or formulated to adhere to this underlying ideology as a statutory requirement. None prevent or prohibit material or procedural discrimination in the respect, protection or fulfilment of the human right to adequate housing, but render discrimination against Palestinians mandatory.

22. Have your State, regional or local Government adopted any positive measures, such as measures of affirmative action, to reduce discrimination, segregation or structural inequality in relation to housing? To what extent have such initiatives been successful to address housing discrimination and segregation?

No sphere of Israeli government nor, more importantly, any parastatal institution has adopted positive measures to reduce discrimination against Palestinians in relation to housing.

23. Have any particular laws, policies or measures been implemented to limit or reduce residential segregation? To what extent have such policies raised human rights concerns?

No laws, policies or measures existð nor are they permitted to exist, even by legislationð to limit or reduce residential segregation affecting indigenous Palestinians. The basis for mandatory, institutionalized and material discrimination are enshrined in the charters of the ñnati affiliates) that carry out the public functions of housing and land policies and their implementation. Recent Israeli laws, policies and measures continue to promote and exacerbate residential segregation including dispossession of Palestinians on both sides of the Green Line. Palestinian and Human Rights NGOs have been very vocal in flagging the systemic apartheid, including housing apartheid, implemented through Israeli policy and law. However, Palestinians have little recourse in Israeli courts to seek justice for violations committed against them.

24. What is the role of the media, as well as other non-governmental organizations, of religious and governmental institutions, in fostering a climate that reduces or exacerbates discrimination in relation to housing and segregation?

The news and entertainment media, academia, faith-based institutions and NGOs are the principal actors with the potential and actual roles in fostering a climate that reduces discrimination. Conversely, however, these categories of agents play both potential and actual roles in exacerbating discrimination in alignment with the Israeli government, Zionist ñnationalò inst governmental supporters located mostly in the Western states. The principal distinction lies in their respective ideologies: critical or alternative to Zionism, in the case of the former, or proponents of Zionism, in the latter case.

25. Which institutional mechanisms exist to report, redress and monitor cases of discrimination or segregation in relation to the right to adequate housing and how effective have they been to address discrimination?

See answer to question 21 above.

26. In your view, what are the principal barriers to seek justice for discrimination/segregation in relation to the right to adequate housing?
Click here to enter text.

27. Can you specify how individuals and groups subject to structural discrimination or experiencing segregation can submit complaints to administrative, non-judicial or judicial bodies to seek relief? Please share any leading cases that have been decided by your courts or other agencies in this respect.
Click here to enter text.

Data on Discrimination in Housing and Spatial/Residential Segregation

28. Is any data on housing disparities, housing discrimination and spatial segregation collected and publicly available? If so where can it be accessed? Are there any practical or legal barriers to collect and share such information in your country?
Click here to enter text.

29. Can you kindly share any studies or surveys by local, regional or national Governments or by other institutions to understand better housing disparities, housing discrimination and spatial segregation and how it can be addressed (e.g. title and link, or kindly submit document).
Click here to enter text.

30. Can you provide information and statistics related to complaints related to housing discrimination, how they have been investigated and settled, and information on cases in which private or public actors have been compelled successfully to end such discrimination or been fined or sanctioned for non-compliance?
Click here to enter text.

Translation from the Hebrew.

KEREN KAYEMETH LEISRAEL LAW, 5714—1953

ASSOCIATION LIMITED BY GUARANTEE AND NOT HAVING A CAPITAL DIVIDED INTO SHARES

Memorandum of Association

of

KEREN KAYEMETH LEISRAEL

1. The name of the Association is "Keren Kayemeth Leisrael".

2. The registered office of the Association will be situated in Israel.

3. The objects for which the Association is established are, subject to the provisions hereinafter contained, as follows: —

explicit reference to Jews/Jewish only in subclauses a, c, g

3(1)

(a) To purchase, acquire on lease or in exchange, or receive on lease or otherwise, lands, forests, rights of possession, easements and any similar rights as well as immovable properties of any class, in the prescribed region (which expression shall in this Memorandum mean the State of Israel in any area within the jurisdiction of the Government of Israel) or in any part thereof, for the purpose of settling Jews on such lands and properties.

(b) To acquire and receive the transfer of the lands and properties belonging to Keren Kayemeth Leisrael Limited and situate in the prescribed region, including immovable properties subject to rights granted therein (in any manner of grant) to different holders; and to acquire and take over the affairs of Keren Kayemeth Leisrael Limited including all or any of its rights and liabilities; and for such purpose to enter into and sign contracts and agreements and carry them into effect as originally made or subsequently amended.

amended 25 December 1956

(c) To receive from time to time from the J.N.F. Charitable Trust or any like body moneys on trust and employ and use the same to promote within the prescribed region any object which shall be charitable and shall in the opinion of the Association be directly or indirectly beneficial to persons of Jewish religion, race or origin, and, without prejudice to the generality of the foregoing objects, to use and employ such trust moneys and all income derived therefrom for purchasing lands in the prescribed region with the object of such lands being used for the settlement of poor Jews, promoting and improving agriculture, the building of Synagogues, the building of Schools or Universities, the building of Hospitals, the provision of Recreation Grounds and other charitable purposes.

(d) To clear, prepare, cultivate, irrigate or otherwise improve any of the lands of the Association, and to erect, maintain, better, alter or repair on any such lands any buildings which may be required for the purposes of the Association. 3(2)

(e) To let any part of the immovable properties of the Association on such terms and in such manner as it may deem fit, provided that no lessee shall be entitled to effect any sublease or transfer, whether by way of sale or in any other manner such as by way of mortgage or charge of any interest in immovable properties, save by virtue of the express written authority of the Association. Such authority may be given by the Association in its absolute discretion and as part of the terms of the lease or otherwise, and subject to such conditions (if any) as the Association may think fit and proper to impose either generally or with reference to any particular transaction or class of transactions. 3(3) *

(f) To acquire, carry out, establish, construct, pave, alter, repair, better, administer and superintend and to maintain in a fit and proper condition in the prescribed region, any roads, ways, tramways, railways, bridges, viaducts, aqueducts, harbours, docks, wharves, reservoirs, watercourses, waterworks, embankments, hydraulic works, telegraphs, telephones, electrical works for power or lighting purposes, saw-mills, factories, workshops, markets, storehouse, granaries, dams, cellars and shelters. 3(4)

(g) To make donations, either in cash or in other assets, and to provide means, conducive to any of the objects 3(5)

* significant differences

of the Association or likely to promote the interests of the Jews in the prescribed region.

(h) To purchase or otherwise acquire, to sell, dispose of, maintain in a fit and proper condition, lease, develop, deal with, and turn into account, mines, mining rights and property supposed to contain minerals or precious stones of any kinds, as well as undertakings connected therewith, in the prescribed region or any part thereof, and to carry on the business of mining and metallurgy in any part of the prescribed region, but so that nothing in this sub-clause contained shall enable the Association to divest itself of the paramount ownership of any of the soil acquired or from time to time to be acquired by it in the prescribed region.

(i) To purchase or otherwise acquire, sell or transfer movable properties of all kinds, or to do with them such transactions or business as it may deem fit.

(j) To collect rents and debts.

(k) To purchase or otherwise acquire and undertake all or any part of the business, property or liabilities of any person or company carrying on any business which this Association is authorised to carry on, or possessed of rights or assets which may seem suitable for the purposes of the Association.

(l) To acquire from any government or other authority any concessions, grants, decrees, rights, powers or privileges in the prescribed region or any part thereof and to enter into and carry out any arrangements with any government or any supreme, municipal, local or other authorities which may seem conducive to the Association's objects or any of them.

(m) To sell, mortgage, grant licenses, easements or other rights in respect of the undertaking of the Association or its property; to transact, deal with, turn to account or otherwise dispose of all or any of the property, undertaking and rights of the Association, but so that nothing in this sub-clause contained shall enable the Association to divest itself of the paramount ownership of any of the soil acquired or from time to time to be acquired in the prescribed region, save that the provision aforesaid shall not derogate from the right of the Association to carry out any exchange of lands as more particularly set out in sub-clause (n) hereinafter, and similarly in the event of the Association

transferring its undertaking as a whole to a body having objects identical with its own, it may transfer to such body the paramount ownership of its soil.

(n) To exchange lands held by the Association in the prescribed region for other lands (which for the purpose of this sub-clause shall not include a leasehold interest in land) in the prescribed region, if no part of the consideration receivable by the Association is receivable otherwise than in land, and if the Board of Directors of the Association, at a meeting of which seven days' notice shall have been given specifying the resolution to be proposed, shall have previously passed a resolution to the effect that the Board is satisfied that the exchange will be conducive to the carrying out of the object of the Association, and that the lands to be acquired by way of exchange are at least equal in value to the lands to be given in exchange therefor.

(o) To carry on Living-Legacies-transactions and for that purpose to enter into agreements providing for the payment of moneys during the lifetime of the legator and of members of his family or during any other period, and also for other payments customary in Living-Legacies-transactions, and to lay down the conditions concerning the rates and dates of such payments, as well as other particulars, as the Association may deem fit and proper.

(p) To act as trustees, with or without remuneration, on such terms as the Association may deem fit.

(q) To borrow or raise money on such terms as the Association may deem fit, and in particular by the issue of debentures and debenture stock, redeemable or irredeemable and charged or not charged upon all or any of the property and rights of the Association, both present and future, but so that nothing in this sub-clause shall enable the Association to divest itself of the paramount ownership of any of the soil acquired or to be acquired by it from time to time in the prescribed region.

(r) To make, accept, endorse and execute promissory notes, bills of exchange and other negotiable instruments.

(s) To promote and operate any companies for any purpose which may seem likely to directly or indirectly benefit, or be advantageous to, the Association; to

acquire, hold and deal with shares or other interests in any such company, or in any other company carrying on or about to carry on any business capable of being conducted so as directly or indirectly to benefit the Association.

(t) To enter into any arrangement for sharing profits, union of interests, joint adventure or co-operation with any person or company carrying on or about to carry on any business which the Association is authorized to carry on.

(u) To take such steps as may be necessary to give the Association the same rights and privileges in the prescribed region or any part thereof as are possessed by local companies or partnerships of a similar nature.

(v) To invest in any useful matter any moneys of the Association not immediately required for any of its purposes, and to deal with such moneys in such manner as the Association may consider reasonable.

(w) To lend moneys, grant credit to, or to guarantee monetary and contractual obligations of, persons, companies or other bodies on such terms and securities as the Association may consider proper.

(x) To receive donations or subscriptions, in cash or in properties, and either upon trust to apply the same for any of the objects of the Association or without any such trust; and to give receipts, in the form of stamps or other tokens, to any donor or subscriber to the funds of the Association.

(y) To make appeals from time to time to the public for donations and subscriptions to the funds of the Association, and for that purpose to hold public meetings in any part of the world, and to prepare, print and publish any circulars, periodicals, pamphlets, books and other printed matter which may seem expedient for any such purpose.

(z) To do all or any of the above things either themselves or through agents, and either alone or in conjunction with others.

(aa) To do all such other various things conducive to or expedient for any one of the objects of the Association as the Association will think proper or decide in General Meeting.

PROVIDED always that in construing this Memorandum the word "company" shall be deemed to include any partnership or any other association of persons, whether incorporated or not, and whether domiciled in the State of Israel or elsewhere.

PROVIDED ALSO that the primary object of the Association shall be deemed to be the object specified in sub-clause (a) of this clause, and the powers conferred by the succeeding sub-clauses of this clause shall be exercised in such a way as shall in the opinion of the Association be conducive to the attainment of the said primary object.

4. The income and property of the Association, whencesoever derived, shall be applied solely towards the objects of the Association as set forth in this Memorandum, and no part thereof shall be paid or transferred to the Members of the Association, directly or indirectly, by way of dividends, bonus, or otherwise howsoever by way of profit, provided that nothing herein contained shall prevent the payment in good faith —

(a) of any travelling or hotel expenses of any Member of the Association, so far as the same shall be incurred by him whilst engaged on the business of the Association;

(b) of remuneration to any Directors, officers or servants of the Association or other persons in return for any services actually rendered to the Association;

(c) of interest at a rate not exceeding five per centum per annum on money borrowed from or lawfully due to any Member of the Association;

(d) to any Member of the Association for occasional service.

5. Every Member of the Association undertakes to contribute to the assets of the Association, in the event of the same being wound up during the time that he is a Member or within one year afterwards, for payment of the debts and liabilities of the Association contracted before the time at which he ceases to be a Member, and of the legal costs and the expenses connected with such winding up, and for the adjustment of the rights of the contributories among themselves, such amount as may be required not exceeding one pound.

6. If upon the winding up or dissolution of the Association, there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, such property shall be transferred to the Government of Israel.

7. The members of the General Council of the World Zionist Organization or the members of such other institutions as may replace such General Council shall be deemed to be members of the Association so long as they shall hold that office. After an effective resolution shall have been passed for the dissolution of the World Zionist Organization, the future conditions of membership of the Association shall be determined in an Extraordinary General Meeting of the Association.

WE, the several persons whose names and addresses are subscribed, are desirous of being formed into a Company in pursuance of this Memorandum of Association.

NAMES, ADDRESSES AND DESCRIPTION OF SUBSCRIBERS	
1. JUDITH G. EPSTEIN,	c/o Hadassah, 1819 Broadway, New York 23, N.Y. U.S.A.
2. I. BAR-YEHUDA,	Rehov Yarkon 11, Tel Aviv, Israel
3. J. K. GOLDBLOOM,	40, Teignmouth Road, London N.W. 2, U.K.
4. NAHUM GOLDMANN,	c/o Jewish Agency for Palestine, 16 East 66th Street, New York, N.Y. U.S.A.
5. A. GRANOTT,	c/o Keren Kayemeth Leisrael, Jerusalem, Israel
6. G. HALPERN,	Rehov Ussishkin 11, Jerusalem, Israel
7. A. HANTKE,	c/o Keren Hayessod, Jerusalem, Israel
8. S. YOUNITCHMAN,	Rehov Ibn-Gabirol 134, Tel Aviv, Israel
9. B. LOCKER,	c/o Jewish Agency for Palestine, Jerusalem, Israel:
10. E. NEUFELD,	Rehov Ahad-Haam 118, Tel Aviv, Israel
11. N. NAMIR,	c/o Histadruth Ha'ovdim Haklalit, Rehov Arlosoroff, Tel Aviv, Israel
12. L. SEGAL,	c/o Jewish National Workers Alliance, 45 East 17th Street, New York 3, N.Y., U.S.A.
13. A. A. ROEDELHEIM,	5118—17th Avenue, Brooklyn 19, N.Y., U.S.A.
14. A. REISS,	Rehov Ben-Ami 10, Tel Aviv, Israel
15. RACHEL SHAZAR,	Beth Bazil, Rehov Balfour, Jerusalem, Israel.
16. JOSEPH SPRINZAK,	c/o Haknesseth, Jerusalem, Israel.

Jerusalem, dated the 24th of Teveth, 5714,
(30th December, 1953)

PAUL J. JACOBI
Witness to the above signatures.