



HABITAT INTERNATIONAL COALITION

Housing and Land Rights Network

Israel's Implementation of Covenant Rights and Obligations Related to Habitat

Submission by Habitat International Coalition's
Housing and Land Rights Network
to the Committee on Economic, Social and Cultural Rights (CESCR)
on the occasion of its review of the State of Israel
66th Session, 2–3 October 2019

In June 2019, Israel's High Court of Justice (HCJ) approved demolition orders for 16 buildings that included 100 housing units belonging to Palestinian families in Sur Bahir, a Palestinian village of some 24,000 in the West Bank that Israel had absorbed in the unilaterally declared border of occupied Jerusalem. The UN Office for the Coordination of Humanitarian Affairs (OCHA) and Refugee Works Agency (UNRWA) alerted a few days before this large-scale demolition that 17 Palestinians, including nine refugees, would be displaced and 350 properties owned by Palestinians and currently undergoing construction will be destroyed, incurring heavy financial loss.¹ This incident provided yet another example whereby an organ of the state party (HCJ) served to "legalize" the institutional material discrimination against the indigenous people of the territory within its jurisdiction and effective control—as well as refugees among them—through the gross violation of human rights, in particular, the human right to adequate housing.²

In its reporting to CESCR, Israel claims that its Supreme Court promotes "the principle of equality and non-discrimination through the development of jurisprudence, strongly relaying [sic] on the principle of equality and non-discrimination as a constitutional principle."³ Yet over the years, the Israeli HCJ has issued hundreds of rulings permitting the demolition of Palestinian homes in Jerusalem, the West Bank and inside the Green Line (1948 Armistice Lines), providing legal cover for the crimes of the Israeli occupation by systematizing the dispossession of the indigenous Palestinian people. Meanwhile, Israeli law, institutions and budgets support the planning and proliferation of settler colonies, prohibited as war crimes and crimes against humanity under international criminal law. This includes the new Basic Law: Jewish Nation State, which explicitly prioritizes the promotion and development of "Jewish settlement," while other Basic Laws and legislation⁴ affirm the dubiously constructed status of "Jewish nationality," as per the charters of Israel's parastatal development organizations,⁵ as the sole eligibility criterion for the enjoyment of economic, social and cultural rights, including the benefits of development, including land use, housing, water, finance and decent work. Prime Minister Netanyahu himself has stated clearly the position that Israel is the "nation-State of the Jewish people and them alone."⁶

In addition to Israel's depopulation and destruction of 459 Palestinian villages and expulsion of their inhabitants since the settler colony of Israel was founded in the late 1940s, Israeli occupation forces have demolished 49,400 structures⁷ in occupied Palestinian territory (oPt) since 1967 (excluding those inside the Green Line). This includes 265 demolitions in 2019, displacing 355

West Bank Palestinians.⁸ In addition, the Apartheid Wall has displaced an untold number of households since its construction. The most-recent massive house demolitions coincide with the 15th anniversary of the International Court of Justice Advisory Opinion on the Wall's illegal nature⁹ and consequences for which Israel owes reparation to the affected Palestinian people, as clarified by the UN General Assembly.¹⁰

When a State's SDGs Performance Leaves an Entire People Behind

These recurring gross violations and serious crimes coincided with Israel's Voluntary National Review (VNR) at the UN High Level Political Forum (HLPF) 2019 to assess implementation of the Sustainable Development Goals (SDGs). Israel's VNR omits any mention of its apartheid policies and practices such as demolishing homes and confiscating lands and other properties of the Palestinian people. Rather, toward SDG 11, Israel's VNR claims to pursue "better urbanism" that strengthens the "inclusiveness of cities and regions."¹¹ Yet Israeli legislation and occupation forces regularly expel Palestinians from Jerusalem by demolishing homes,¹² stripping residency status,¹³ denying building permits,¹⁴ amounting to demographic manipulation within state jurisdiction, as inside the Green Line, and cross-border population transfer, as in Jerusalem and the West Bank's Area C. These consistent practices of the state party stand in stark contradiction to its 20-year history of oral and written claims to this Committee.¹⁵

Such a contradiction is another indication also that occasions for voluntary and political forums such as the VNRs and HLPF are insufficient to monitor states' adherence to either global policy commitments or, even less, the promised integration of their prior, binding human rights obligations.¹⁶ This is particularly true in the case of an occupying State such as Israel, whose founding ideology of Zionism and "Jewish nationality" stands in clear contradiction to the peremptory norms of non-discrimination and self-determination of peoples, in this case the indigenous Palestinian people.

Israeli Minister of Environmental Protection, Jerusalem and Heritage Ze'ev Elkin, speaking at the HLPF on 17 July 2019, dismissed questions from the NGO Major Group about Israel's parastatal institutions and institutionalized material discrimination against indigenous Palestinians as "political fighting," stating that "I am not sure that the discussion about the SDGs goals should be exactly the place to do it here."¹⁷ Convened under the theme "Empowering people and ensuring inclusiveness and equality," the state of Israel's refusal to address these structural obstacles to development deviates from the promise to ground SDG implementation in international human rights treaties consistent with the rights and obligations of States under international law,¹⁸ but effectively flouts the Covenant and the state's corresponding obligations.

The Right to Decent Work: Articles 6–8

Israel's 2019 VNR also noted Palestinian citizens' lower employment rate¹⁹ and weaker skill sets²⁰ (p. 30) due to "obstacles *en route* to the labor market, making it difficult for them to integrate."²¹ This implies such obstacles should be solved with social programs.²² Nowhere does it admit the institutional and physical barriers that Israel's institutionalized material discrimination imposes in both the 1948 and 1967 occupied territories. Consequently, institutionalized discrimination against all segments of the Palestinian people in favour of Jewish settlers constitutes Israel's *raison d'état* and does not permit actual remedies from international legal systems and subsequently leaves the indigenous Palestinian people behind.

Where the state party is obliged to report on the performance of its obligations under Articles 6–8 of the Covenant, its report to this Committee presents a very different approach, focusing instead on the state's achievements rather than the inherent lack of Palestinian Arabs' qualifications.²³ However, its responses to the Committee's questions arising from the state party report on Articles 6–8 of the Covenant²⁴ are evasive. With respect to "The impact of the measures taken, as illustrated in Annex II of the State party report, to address the disproportionately low level of labour market participation and the high level of unemployment among non-Jewish Israelis, including [Palestinian Arab citizens of Israel]," the replies are more relevant. In response to the Committee's request for "Updated data, disaggregated by gender and ethnicity, on labour force participation rate, employment rate and unemployment rate and under-employment rate, for the past five years," the state party replied refer the Committee to an annex.²⁵

The Human Right to Food: Article 11

In its question 27, the Committee asked the state party to please provide information on:

- (a) The impact of the measures taken to improve food security for marginalized and disadvantaged persons and groups in the State party, including Palestinians living in the oPt;
- (b) The measures taken to stop chemical spraying over farmlands by the military forces in the oPt;
- (c) The steps taken to ensure unimpeded access of Palestinians to their agricultural land, water sources and irrigation facilities in all their territories;
- (d) The measures taken to recognize and respect the right of the Palestinian people to the marine resources, including the right to fish in the territorial sea of the Gaza Strip; and
- (e) The investigations into the cases of the killings and injuries of fishers in the buffer zone, prosecutions, and penalties imposed on perpetrators, and the remedies provided to the victims.

The responses from Israel have failed to address any of these queries and concerns. With regard to Article 11 of the Covenant, Israel's policies and practices have affected the human right to food by continuing to prevent Palestinians' access to, and control over their resources needed for food production, exploiting and diverting Palestinian natural resources to the benefit of colonizing settlers through its parastatal institutions chartered to carry out material discrimination, and rendering the Palestinian economy dependent upon Israeli products.

These measures denying Palestinians access to land and water have accompanied the loss of productivity, soil fertility and biodiversity, with their destructive impacts on food security and nutrition that the Covenant and CESCR General Comment No. 12 addresses. The measures limiting movement and other restrictions have affected particularly the Palestinian agricultural sector and food systems in the oPt, while farmers have been denied access to domestic and external markets, as well as their land and water resources.²⁶

The long-standing practices impeding Palestinians' economic, social and cultural development also effectively deny the exercise of their right to self-determination, continuing to "deprive a people of its means of subsistence."²⁷ Consequently, the protracted conflict, economic stagnation, restricted trade and access to resources impair local productivity and normal access to food and nutrition, while driving up unemployment and poverty rates across rural Palestine.

This poses serious challenges to the achievement of Sustainable Development Goal 2 on Zero Hunger, food security and improved nutrition.²⁸

Israel's persistent and illegal military control of the oPt since 1967 has seen periods of intensive military activity, causing considerable destruction to the environment, agriculture and economies, the repercussions of which are both cumulative and current.²⁹ Israel's denial of food supply and natural resources as a weapon is felt most drastically through its decade-long blockade of the Gaza Strip.³⁰ Israel also controls the quantity of food allowed to reach the Gaza population, even calculating their per-capita calorie intake.³¹ Meanwhile, Israel's water administration also massively over-pumps and pre-empts the mountain aquifer flowing to the coastal Strip.³² Consequently, the UN has determined that the Gaza Strip will be uninhabitable by 2020.³³ Some observers assert that it already is.³⁴

The Human Right to Adequate Housing: Article 11

At the core of the breaches of ICESCR in Israel are violations of the human right to adequate housing, "including access to land as an entitlement," as provided in General Comment No. 4.³⁵ The particular practice of forced eviction against the Palestinian people, both residents of the oPt and citizens in the State of Israel have been widely reported. Accordingly, please refer to Habitat International Coalition's submission to CESCR at its 64th Pre-sessional Working Group in March 2019.³⁶

The state party's report claims that data relating to evictions over the past five years demonstrate "a steady decline in the number of eviction orders granted each year."³⁷ This statement is both false and deceptive in that the relevant Table No. 28, on page 26 in its Annex II, relates only to mortgaged properties (2012–16) and Table No. 29 cited only the number of persons evicted from public housing apartments in 2011–14.³⁸ The state party has not clarified nor corrected this information, nor has it reported on other military, administrative and/or punitive forced evictions and demolitions carried out inside the state, or in the occupied Palestinian and Syrian territories during the reporting period.

In August 2019 the State of Israel was again unable to respond adequately to concerns put forward by CESCR regarding the demolition of Palestinian homes and other structure as a punitive act, conducting investigations into those gross violations and crimes of forced eviction and demolition, and the duty to provide remedies for affected persons.³⁹ Israel furthermore could not provide adequate explanation as to how it reconciles its obligations under the Covenant with its actions in East Jerusalem, and outright refuses to acknowledge its Covenant obligations in the Israeli-occupied West Bank. Israel's responses to CESCR merely point to a new, as of yet unpublished plan for the City of Jerusalem, including occupied East Jerusalem, as responsible for determining all action on housing in the city.

The state party should be reminded of the criminal nature of population transfer, including demographic manipulation and implantation of settlers,⁴⁰ and the resolutions of the Security Council pertaining to Israel's changes to the demographic composition of occupied territories, in particular, Jerusalem.⁴¹

Moreover, in response to CESCR question No. 26, Israel confirms that some powers regarding land and housing are deferred to the World Zionist Organization (WZO), a parastatal institution that exclusively promotes Zionist ideology, excluding non-“Jewish nationals” from its mandate. The State of Israel would like CESCR to believe that this deferral of public matters to the parastatal WZO is “via the [WZO] Rural Growth and Development Division.” However, other WZO divisions are also inveterate violators of ESCR, such as its notorious Settlement Division,⁴² unmentioned in the government replies, which openly conducts war crimes and crimes against humanity in planning and constructing settler colonies in the occupied Palestinian territories.

In its initial review of Israel, CESCR had analyzed for the first time in a UN forum the nature and effects of structural discrimination in Israel's laws and institutions.⁴³ Among Israel's breaches of the Covenant, CESCR cited the operations of the "national" institutions and expressed "grave concern" over the Status Law of 1952, which "authorized the World Zionist Organization/Jewish Agency and its subsidiaries, including the JNF [Jewish National Fund], to control most of the land of Israel, since these institutions are chartered to benefit Jews exclusively."⁴⁴

The Committee identified specific forms of discrimination against Palestinian Arab citizens in housing and land. It considered the "unrecognized villages" of the Galilee and the Naqab regions⁴⁵ whose resident Palestinian Arab citizens "face demolition orders, lack of basic services and removal into concentrated 'townships'."⁴⁶ It noted that the “mixed” (i.e., indigenous Palestinian Arab and Jewish settler) towns, such as Yaffa and Lydd, whose Arab neighbourhoods (where many of the estimated 270,000 "present absentees" live), have "deteriorated into virtual slums" as the result of Israeli policies.⁴⁷

CESCR formally notified Israel that, in order to meet its minimum requirements under the Covenant, the state party would have to "ensure the equality of treatment of all Israeli citizens."⁴⁸ It urged the Israeli government to "review the status of its relationship with the WZO/JA and JNF"⁴⁹ and to revise its re-entry policies *vis-à-vis* Palestinians "to a level comparable to the Law of Return as applied to Jews."⁵⁰

Despite the Committee’s request, the state party has undertaken no such review of these or other institutional forms of material discrimination against persons not of Jewish faith, in general, nor against the indigenous Palestinians, in particular. These issues and breaches of the Covenant remain current today, 20 years and three intervening CESCR reviews later.

Updated Data:

Symbolic of the Israeli policy of demolishing Naqab "unrecognized" villages, the village of al-`Araqīb has been demolished 158 times to date, including 20 times since 13 January 2019. As an act of resistance, the villagers repeatedly rebuild their dwellings. However, this is only the most renowned of villages among many cases across historic Palestine.

Official Israeli data confirm that the demolition of Palestinian Bedouin homes has escalated from year to year under the pretext of unauthorized construction. According to data provided by the Ministry of Homeland Security and published by the newspaper *Haaretz* on Monday, 2 September, the authorities have forced the owners to carry out the demolitions themselves, or face increasing financial punishments. The fines have now reached NIS 1.32 million (US\$ 374,615).

Data from the Department of Homeland Security⁵¹ indicate the following cases in Naqab:

Year	Homes demolished	Owners forced to demolish	Demolitions by Israeli authorities
2013	697	397	300
2014	1,073	718	355
2015	982	617	365
2016	1,158	746	412
2017	2,220	1,579	641
2018	2,326	2,064	262
Totals	8,456	6,121	2,335

The owners' often opt for self-demolition of their houses, in order to avoid the additional fines of demolition by the state organs, including military personnel, equipment and police at the site, which typically results in further conflict and violence. This avoidance of additional fines also has created a pretext for the organs of the state party to dismiss these instances in the statistical record, thereby undercounting the cases of forced evictions and home demolitions to avoid scrutiny beyond the horrified eyewitnesses to the gross violations.

This lowest number of houses demolished by the authorities was in 2018, attributed to the policy of dual punishment. The majority of Naqab houses issued demolition orders have been located in the unrecognized villages, where Israeli authorities seek to displace their tenure holders, in order to seize their land in areas without statutory planning maps and plans, and where the inhabitants consequently cannot obtain building permits. In their place, the Israeli government is developing plans, some of which have been implemented, to establish large settlements (colonies) or farms for persons recognized as holding "Jewish nationality." In the Naqab, as in all Regional Planning Councils, the Regional Councils maintain a majority of decision makers representing the Jewish Agency (JA), who are required to apply the discriminatory principles of the JA's charter, excluding all others not qualifying as "Jewish nationals."

Throughout some 49 villages where the Bedouin Palestinian communities have been forced to reside since the ethnic cleansing of the Naqab region in 1951–1953, this withholding of formal recognition denies their non-Jewish Israeli citizen residents any security of tenure and access to vital services such as water and sanitation. The serial resettlement plans for the Palestinian Bedouin in the Naqab have further imposed displacement and involuntary resettlement (i.e., forced eviction) under conditions that force them to be stripped of any relationship with their ancestral lands—indeed of any land tenure apart from the housing plot.

This discriminatory system has revealed also how the state party applies arbitrary criteria to the recognition of human settlements under its jurisdiction based solely on the "Jewish nationality" status (as distinct from, and superior to Israeli citizenship)⁵² provided in the discriminatory charters of the Jewish Agency and Jewish National Fund, which dominate the spatial planning regime within the State of Israel.⁵³ Under the division of labour between the "national" institutions since 1970, explained below, the World Zionist Organization and Jewish National Fund operate similarly in the oPt, effectively conducting population transfer as parastatal institutions

in favour of settlers recognized as holding the "Jewish nationality" status that their charters have constructed.

While the pattern of denial of housing options, including building permits, to Palestinian Arab citizens of Israel is most pronounced in the Naqab, where traditional land tenure is common, similar practices are also common to the other regions of historic Palestine that have been absorbed into the State of Israel. In Qalansuwa, a Galilee village occupied by Israel since 1948, Israeli government forces demolished the homes of 11 Palestinian Arab families in one day. The pace of home demolitions accelerated in late 2016 and early 2017, and is expected to increase.

The Case of Qalansuwa, Galilee

Escorted by a large force of Israeli police, the Israeli authorities' bulldozers and vehicles raided Qalansuwa city on 10 January 2017 and demolished 9 houses under the pretext of unlicensed construction. A large group of Palestinian citizens crowded in an attempt to stop the demolition, yet the Israeli police prevented them from approaching the area. They called on the Arab MPs and all political forces to stand by the owners of the demolished houses, adding that the situation is intolerable and may lead to dire consequences.

The Israeli police promptly arrested a young man from Qalansuwa following the outbreak of confrontations between the police and the Palestinian citizens.

Gilad Erdan, the Israeli Minister of Public Security, praised the Israeli police forces for protecting the bulldozers and demolition vehicles in Qalansuwa.

Abdelbasset Salama, mayor of Qalansuwa, had declared that he would immediately submit his resignation following implementation of the demolition orders.

Hassouna Makhlof, owner of one of the demolished houses, said that the Israeli police forcibly evicted them from their houses before they were razed to the ground.

Makhlof added, We appealed to the courts to prevent the demolition. We hold the Israeli Prime Minister Benjamin Netanyahu responsible for this and call on the Qalansuwa mayor to submit his resignation after our houses were demolished, he continued.

Abdulraheem Ouda, a resident of Qalansuwa, said that a large force of the Israeli police and special forces (Alesam) and more than 20 bulldozers raided the city in an unprecedented brutality while the citizens were in their works.

Ouda added, "Netanyahu wants to take revenge on us because of Amona settlement issue, and we tell him that we will rebuild our houses and stay here."

Yaser Makhlof, whose house was demolished along with other 4 houses owned by the same family, said, "My son was about to get married in this house. It cost him a lot of money."

He pointed out that these retaliatory orders from the Israeli government incite violence and declare war against the Arab community.

The demolitions followed an order issued by Israeli Prime Minister Benjamin Netanyahu a few weeks before to escalate the demolitions in occupied Jerusalem and the 1948-occupied Palestinian territories.

The demolitions also led to a general strike in the area, which proceeded three days later.⁵⁴

In East Jerusalem, a similar policy applies. In the last eight years (since Israel's third periodic review), the cases have been reported by B'Tselem as follows:

Year	No. of Homes	No. Demolished by owners	No. of persons rendered homeless	No. of minors rendered homeless
2011	23	15	114	56
2012	28	8	107	53
2013	72	12	12	176
2014	52	16 ⁵⁶	301	75
2015	47	3 ⁵⁷	114	71
2016	88	15 ⁵⁸	295	160
2017	61	9	155	86
2018	57	10	144	58
2019	112	25 ⁵⁹	194	108
Totals	540	113	1,580	843

Understanding Israeli "National" Organisations, Legislation and Institutionalized Material Discrimination

The Committee should know the subtle distinctions of the Israeli parastatals' division of labor. Since 1970, following a successful legal challenge by the American Council for Judaism to the WZO's self-acclaimed non-governmental, charitable and tax-exempt status in the United States Superior Court, 9th District in 1968,⁶⁰ the WZO underwent a "reorganization," rebranding itself as "an organization of organizations" and dividing the geographical scope of their demographic manipulation and population transfer such that the double entity henceforth would operate inside the 1948 boundaries of the State of Israel under the name of Jewish Agency, while conducting its corresponding activities outside Israel—i.e., in the occupied Palestinian and Syrian territories—in the name of WZO. However, the operations form two sides of the same "national institution" coin, sharing common governing board members as the "Zionist Executive" and serving exclusively those adherents to the Jewish faith as "Jewish nationals," wherever they may be.

In June 2018, the Israeli Knesset approved in preliminary reading a bill that would allow the WZO's Settlement Division to manage most of the land in Area C of the West Bank. Instead of curbing the illegal activity, the Knesset and parastatal organizations are scrambling to make it legal.⁶¹ Already in 2015, the Knesset passed a bill that established the Settlement Division as an operational arm "for the development and support of settlement throughout the *Land of Israel*"⁶² [emphasis added]. After passage of the law, opposition Knesset members Tzipi Livni (Zionist Camp) and Elazar Stern (Yesh Atid) claimed that the law was designed to "pull the wool over the eyes" of the international community by obfuscating official support for, and expansion of settler colonies in the occupied Palestinian and Syrian territories. "The law is designed to enable lying to the state and the court, and perhaps it is even designed to lie to the European Union," Stern said at the time.⁶³

The State party effectively has refused to answer CESCR's request for information on how Covenant rights are protected through the WZO and other parastatal institutions, including the Jewish National Fund and the Jewish Agency. It should be noted that the CESCR in 1998 raised

similar, unanswered questions and noted in its Concluding Observations on Israel that “[a] State party cannot divest itself of its obligations under the Covenant by privatizing governmental functions” and that “the transfer of that property to [the WZO and its subsidiaries] constitutes an institutionalized form of discrimination because these agencies, by definition, would deny the use of these properties to non-Jews.”⁶⁴

Last year, a Prosecutor for the International Criminal Court (ICC) also warned Israel that “extensive destruction of property without military necessity and population transfers in an occupied territory constitute war crimes under the Rome Statutes.”⁶⁵ The Palestinian Prime Minister has said that Palestinians will file a complaint with the ICC over the recent Jerusalem demolitions.⁶⁶

In a separate example of the problematic reliance on political commitments rather than legal obligations, Israel, at the First UN Habitat Assembly in May 2019 announced its plan to implement the New Urban Agenda (NUA), including in Jerusalem.⁶⁷ Yet only two months later Israel’s targeted demolitions clearly contradict a core tenant of the NUA, “to promote inclusivity and ensure that all inhabitants, of present and future generations, without discrimination of any kind, are able to inhabit and produce just, safe, healthy, accessible, affordable, resilient and sustainable cities and human settlements.”⁶⁸

Non-state actors are also partners in the implementation the SDGs and the NUA. Private sector actors that cooperate with Israel to commit crimes in the demographic war against the Palestinian people are also liable for their actions and must be held accountable. The absence of accountability for such actors further shows the lack of protection and respect for the inalienable rights of Palestinian people provided for through the political commitments of policy agendas such as the SDGs or NUA, including the duty to bring an end to the illegal situation.⁶⁹ **HIC asks the Committee to issue a relevant Concluding Observation that sends a clear message, consistent with the extraterritorial provisions of its General Comment No. 24,⁷⁰ that cooperation between the private sector and the State of Israel in violation of Palestinian rights constitutes a gross violation of international law, including the overriding principles that consider an *erga omnes* obligation on corporations to not engage in unlawful actions.⁷¹**

A specific observation should note also that the operation of the above-cited parastatal organizations, chartered to discriminate and dispossess the Palestinian people through the conduct of crimes of dispossession and population transfer, put the state party in breach of the Covenant. It should be noted also that, where those same organisations and their affiliates operate in some 50 countries, including states party to the Covenant, places those states also in contravention of their obligations to respect and protect human rights, in particular the human right to adequate housing. Beyond the Covenant, hosting these parastatal Israeli institutions places those states in direct contravention of peremptory norms of international law, including their duty to uphold self-determination of the Palestinian people and the obligation not to recognize, cooperate with, or benefit from the illegal situation.

Endnotes:

- ¹ Statement by Mr. Jamie McGoldrick (Humanitarian Coordinator), Ms. Gwyn Lewis (Director of West Bank Operations for UNRWA), and Mr. James Heenan (Head of the UN Human Rights Office in the occupied Palestinian territory), 22 July 2019, at: <https://www.ochaopt.org/content/un-officials-statement-demolitions-sur-bahir>.
- ² UN Commission on Human Rights resolutions "forced eviction" 1993/77 (1993) and "Prohibition of forced evictions," 2004/28 (2004) "Affirms that the practice of forced evictions constitutes a gross violation of human rights, in particular the right to adequate housing."
- ³ Replies of Israel to the list of issues, E/C.12/ISR/Q/4/Add.1, 15 August 2019, at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fISR%2fQ%2f4%2fAdd.1&Lang=en.
- ⁴ Law of Return (1950), Law of Citizenship (1952), World Zionist Organization -Jewish Agency (Status) Law (1952), Basic Law: Israel Lands [The People's Lands] (1960), Covenant with Zionist Executive (1954, 1971), Basic Law: The Knesset (1958) and Amendment 9 (1985), Agricultural Settlement Law (1967), Absentee Property Law (1950), and Keren Kayemet Le-Israel Law (1953).
- ⁵ World Zionist Organization/Jewish Agency, Jewish National Fund, United Israel Appeal, Histadrut, Mekorot and Tahal (water administration agencies).
- ⁶ NPR, 11 March 2019, "Netanyahu Says Israel Is 'Nation-State Of The Jewish People And Them Alone', at: <https://www.npr.org/2019/03/11/702264118/netanyahu-says-israel-is-nation-state-of-the-jewish-people-and-them-alone>
- ⁷ According to the estimates of the Israeli Committee against House Demolitions, at: <https://icahd.org/>.
- ⁸ *Ibid.*
- ⁹ ICJ Advisory opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, including in and around East Jerusalem, 9 July 2004, at: <http://www.hlrn.org/img/documents/icj20040709.pdf>.
- ¹⁰ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, A/RES/60/147, 16 December 2005, at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx>.
- ¹¹ State of Israel, *Implementation of the Sustainable Development Goals National Review: Israel 2019* [hereinafter, *Israel VNR*], p. 197, at: <https://sustainabledevelopment.un.org/index.php?page=view&type=30022&nr=1273&menu=3170>.
- ¹² "Sharp increase in demolitions of Palestinian homes in East Jerusalem," *The National* (13 May 2019), at: <https://www.thenational.ae/world/mena/sharp-increase-in-demolitions-of-palestinian-homes-in-east-jerusalem-1.861060>.
- ¹³ Yaël Ronen, "The insecure residence of East Jerusalem Palestinians," +972 (30 November 2017), at: <https://972mag.com/what-it-means-that-east-jerusalem-palestinians-are-not-citizens/131079/>.
- ¹⁴ Nir Hasson, "Panel Rejects Protocol Allowing Palestinian Construction in East Jerusalem," *Haaretz* (3 March 2019), at: <https://www.haaretz.com/israel-news/.premium-jerusalem-rejects-procedure-allowing-palestinian-construction-in-east-jerusalem-1.6982181>.
- ¹⁵ See Israel's Implementation of Covenant Rights and Obligations Related to Habitat Submission by Habitat International Coalition's Housing and Land Rights Network to Committee on Economic, Social and Cultural Rights on the occasion of its review of the State of Israel, 64th Pre-Sessional Working Group (11–15 March 2019), at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fICO%2fISR%2f33532&Lang=en.
- ¹⁶ Repositioning the United Nations development system to deliver on the 2030 Agenda: ensuring a better future for all, Report of the Secretary-General, Implementation of General Assembly resolution 67/226 on the quadrennial comprehensive policy review of operational activities for development of the United Nations system, Report of the Secretary-General, A/72/124–E/2018/3, 11 July 2017, paras. 2, 14, at: <https://undocs.org/A/72/124>; Commitments to Action, World Humanitarian Summit, 23–25 May 2016, Core Responsibility 3: Leave No One Behind, A. Reduce and address displacement, at: https://www.worldhumanitarianissummit.org/sites/default/files/media/WHS%20Commitment%20to%20Action_8September2016.pdf; ECOSOC, UNDG key messages for Workshop 5 (13 April 2016), at: <https://www.un.org/ecosoc/sites/www.un.org.ecosoc/files/files/en/qcpr/undg-key-msgs-functions-and-funding.pdf>; Recommendations of the International Team of Advisors, 16 June 2016, pp., 2, 4–5, at: <https://www.un.org/ecosoc/sites/www.un.org.ecosoc/files/files/en/qcpr/ita-findings-and-conclusions-16-jun-2016.pdf>; Quadrennial review of the longer-term positioning of the UN Development System (e.g., Reports of the Secretary-General, A/71/63–E/2016/8, 31 December 2015, para. 9, at: <https://undocs.org/A/71/63>; Transforming our world: the 2030 Agenda for Sustainable Development, A/RES/70/1, *op. cit.*, at: <https://sustainabledevelopment.un.org/post2015/transformingourworld>; "Quadrennial comprehensive policy review of operational activities for development of the United Nations system," A/RES/67/226, 22 January 2012, at:

- <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N12/492/16/PDF/N1249216.pdf?OpenElement>; Committee on World Food Security, Framework for Action for Food Security and Nutrition in Protracted Crises, CFS 2015/42/4, 15 October 2015, para. 16, at: <http://www.fao.org/3/a-bc852e.pdf>.
- ¹⁷ At 1:31:10, at: <http://webtv.un.org/search/part-1-2019-high-level-political-forum-on-sustainable-development-hlpf-2019-20th-meeting/6060480078001/?term=2019-07-17&lan=English&sort=date&page=1>.
- ¹⁸ “Transforming our world: the 2030 Agenda for Sustainable Development,” A/RES/70/1, 21 October 2015, paras. 10 and 18, at: https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_70_1_E.pdf. States affirmed their commitment to align sustainable development with human rights 14 times throughout the resolution.
- ¹⁹ *Israel VNR*, *op. cit.*, p. 18.
- ²⁰ *Ibid.*, p. 30.
- ²¹ *Ibid.*, p. 29.
- ²² *Ibid.*, p. 155.
- ²³ Fourth periodic report submitted by Israel under articles 16 and 17 of the Covenant, due in 2016, E/C.12/ISR/4, 14 January 2019, paras. 31–43, at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fISR%2f4&Lang=en.
- ²⁴ List of issues in relation to the fourth periodic report of Israel, E/C.12/ISR/Q/4, 15 March 2019, paras. 17–20, at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fISR%2fQ%2f4&Lang=en.
- ²⁵ Annex No. I Attached To Israel's Replies to List of Issues in relation to the Fourth Periodic Report of Israel, Table No. 10 - Labor Force Participation Disaggregated by Gender and Ethnicity, p. 40, at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fARL%2fISR%2f35805&Lang=en.
- ²⁶ “Human rights situation in the Occupied Palestinian Territory, including East Jerusalem,” Report of the General Secretary A/HRC/34/38, 13 April 2017, para. 66, at: <https://undocs.org/A/HRC/34/38>. See also “Human rights situation in Palestine and other occupied Arab territories,” Report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, A/HRC/22/63, 7 February 2013, para. 89, at: <https://unispal.un.org/DPA/DPR/unispal.nsf/5ba47a5c6cef541b802563e000493b8c/0aed277dcb2bcf585257b0400568621>.
- ²⁷ In the terms of the prohibition enshrined in Covenant Article 1.2.
- ²⁸ World Food Programme, “State of Palestine,” <http://www1.wfp.org/countries/state-palestine>, accessed on 19 October 2018.
- ²⁹ Z. Brophy and Jad Isaac, “The environmental impact of Israeli military activities in the occupied Palestinian territory,” (Bethlehem: Applied Research Institute – Jerusalem (ARIJ), 2009), at: <http://www.arij.org/files/admin/2009/The%20environmental%20impact%20of%20israeli%20military.pdf>; *The Military's Impact on the Environment: A Neglected Aspect of the Sustainable Development Debate* (Geneva: International Peace Bureau, August 2002), at: <https://www.ipb.org/wp-content/uploads/2017/03/briefing-paper.pdf>.
- ³⁰ Haidar Eid, “On Gaza and the horror of the siege,” *Mondoweiss* (25 May 2017), at: <https://mondoweiss.net/2017/05/gaza-horror-siege/>; Associated Press, “Israel used 'calorie count' to limit Gaza food during blockade, critics claim,” *The Guardian*, (17 October 2013), at: <https://www.theguardian.com/world/2012/oct/17/israeli-military-calorie-limit-gaza>.
- ³¹ “Israel forced to release study on Gaza blockade,” *BBC News* (17 October 2012), at: <https://www.bbc.com/news/world-middle-east-19975211>; Haaretz Exclusive 2,279 Calories per Person: How Israel Made Sure Gaza Didn't Starve State forced to release 'red lines' document,” *Haaretz* (217 October 2002), at: <https://www.haaretz.com/.premium-israel-s-gaza-quota-2-279-calories-a-day-1.5193157>; Coordination of Government Activities in the Territories, “Food Consumption in the Gaza Strip – Red Lines,” 1 January 2008, at: <https://www.haaretz.com/resources/Pdf/red-lines.pdf>.
- ³² UNDP, Human Development Report 2006: Beyond Scarcity: Power, poverty and the global water crisis (New York: UNDP, 2006), Chapter 6 “Managing transboundary waters,” p. 217, at: <http://hdr.undp.org/sites/default/files/reports/267/hdr06-complete.pdf>.
- ³³ “Report on UNCTAD assistance to the Palestinian people: Developments in the economy of the Occupied Palestinian Territory: Report of the UNCTAD Secretariat,” TD/B/62/3, 6 July 2015, pp. 12, 15, at: https://unctad.org/en/PublicationsLibrary/tdb62d3_en.pdf.
- ³⁴ Al-Haq – Law in the Service of Man, BADIL Resource Center for Palestinian Residency and Refugee Rights, Cairo Institute for Human Rights Studies (CIHRS), and Habitat International Coalition (HIC) – Housing and Land Rights Network (HLRN),

- "Joint Submission to the Committee on the Elimination of Racial Discrimination for the List of Themes on Israel's Seventeenth to Nineteenth Periodic Reports," 100th Session, submitted: 5 September 2019, p. 19.
- ³⁵ Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 4: "the right to housing," 13 December 1991, contained in document E/1992/23, especially para. 8(e), at: <http://www.hlrn.org/img/documents/GC4.pdf>.
- ³⁶ "Israel's Implementation of Covenant Rights and Obligations Related to Habitat," Submission by Habitat International Coalition's Housing and Land Rights Network to the Committee on Economic, Social and Cultural Rights on the occasion of its review of the State of Israel, 64th Pre-Sessional Working Group (11–15 March 2019), at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fICO%2fISR%2f33532&Lang=en.
- ³⁷ Fourth periodic report submitted by Israel under articles 16 and 17 of the Covenant, due in 2016, E/C.12/ISR/4, 14 January 2019, at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fISR%2f4&Lang=en.
- ³⁸ Office of the Deputy Attorney General (International Law), Ministry of Justice, "Annex No. II - Statistic Information Attached to the Fourth Periodic Report by the State of Israel (2018), at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fADR%2fISR%2f32059&Lang=en.
- ³⁹ List of issues in relation to the fourth periodic report of Israel, E/C.12/ISR/Q/4, 15 March 2019, paras. 14 and 25, at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fISR%2fQ%2f4&Lang=en.
- ⁴⁰ Draft Code of Crimes against the Peace and Security of Mankind, Articles 20: War crimes, (c)(i), at: http://legal.un.org/ilc/texts/instruments/english/commentaries/7_4_1996.pdf; United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, *Rome Statute of the International Criminal Court*, 17 July 1998, A/CONF.193/9, Articles 7 and 8, at: <https://www.icc-cpi.int/resource-library/Documents/RS-Eng.pdf>.
- ⁴¹ S/RES/252 (1968) of 21 May 1968, at: <https://unispal.un.org/UNISPAL.NSF/b86613e7d92097880525672e007227a7/46f2803d78a0488e852560c3006023a8?OpenDocument>; S/RES/267 (1969), 3 July 1969, at: <https://unispal.un.org/UNISPAL.NSF/b86613e7d92097880525672e007227a7/5932ecf53f36a04852560c300656122?OpenDocument>; S/RES/271 (1969), 15 September 1969, at: <https://unispal.un.org/UNISPAL.NSF/b86613e7d92097880525672e007227a7/35941b603b4459b8852560c50061dc5e?OpenDocument>; A/RES/298 (1971), 25 September 1971, at: <https://unispal.un.org/UNISPAL.NSF/b86613e7d92097880525672e007227a7/441329a958089eaa852560c4004ee74d?OpenDocument>; A/RES/465 (1980), 1 March 1980, at: <https://unispal.un.org/UNISPAL.NSF/b86613e7d92097880525672e007227a7/5aa254a1c8f8b1cb852560e50075d7d5?OpenDocument>; S/RES/476 (1980), 30 June 1980, at: <https://unispal.un.org/UNISPAL.NSF/0/6DE6DA8A650B4C3B852560DF00663826>; and S/RES/2334, 23 December 2016, at: <https://unispal.un.org/DPA/DPR/unispal.nsf/0/6E628F30062A868385258096005D36BE>.
- ⁴² Yotam Berger, "Overstepping Authority, State Body Advances Illegal Israeli Settlement Construction in West Bank," *Haaretz* (9 March 2017), at: <https://www.haaretz.com/israel-news/.premium-overstepping-authority-state-body-advances-illegal-settlement-construction-1.5446620>; Talia Sasson (interim Prosecutor General), "Summary of the Opinion Concerning Unauthorized Outposts," Israeli Prime Minister's Office, 10 March 2005, at: <http://unispal.un.org/unispal.nsf/9a798adbf322aff38525617b006d88d7/956aa60f2a7bd6a185256fc0006305f4?OpenDocument&Highlight=0.outposts>; "Lawsuit Reveals West Bank Land Fraud," *HIC-MENA News* (20 June 2009), at: http://www.hic-mena.org/news.php?id=pGhlag==#.XXJjpX9S_IU. See also World Zionist Organization, "Elected Offices and Committees," at: <https://www.wzo.org.il/congress/index.php?dir=site&page=content&cs=3026&language=eng>.
- ⁴³ Concluding Observations of the Committee on Economic, Social and Cultural Rights: Israel, E/C.12/1/Add.27, 4 December 1998.
- ⁴⁴ *Ibid.*, para. 11.
- ⁴⁵ *Ibid.*, paras. 26–38.
- ⁴⁶ *Ibid.*, para. 28.
- ⁴⁷ *Ibid.*, paras. 25, 41.
- ⁴⁸ *Ibid.*, para. 34.
- ⁴⁹ *Ibid.*, para. 35.
- ⁵⁰ *Ibid.*, para. 36.
- ⁵¹ "معطيات رسمية: اتساع ظاهرة هدم البيوت بالنقب ويأبدي أصحابها" *Arab48* (11 February 2019), at: <https://www.arab48.com/%D9%85%D8%AD%D9%84%D9%8A%D8%A7%D8%AA/%D8%AF%D8%B1%D8%A7%D8%B3%D8%A7%D8%AA->

- [%D9%88%D8%AA%D9%82%D8%A7%D8%B1%D9%8A%D8%B1/2019/02/11/%D9%85%D8%B9%D8%B7%D9%8A%D8%A7%D8%AA-%D8%B1%D8%B3%D9%85%D9%8A%D8%A9-%D8%A7%D8%AA%D8%B3%D8%A7%D8%B9-%D8%B8%D8%A7%D9%87%D8%B1%D8%A9-%D9%87%D8%AF%D9%85-%D8%A7%D9%84%D8%A8%D9%8A%D9%88%D8%AA-%D8%A8%D8%A7%D9%84%D9%86%D9%82%D8%A8-%D9%88%D8%A8%D8%A3%D9%8A%D8%AF%D9%8A-%D8%A3%D8%B5%D8%AD%D8%A7%D8%A8%D9%87%D8%A7.](#)
- 52 Roselle Tekiner, "Race and the Issue of National Identity in Israel," *International Journal of Middle Eastern Studies*, Volume 23, Issue 1 (February 1991), pp. 39–55.
- 53 *The Goldberg Opportunity: A Chance for Human Rights-based Statecraft in Israel* (Cairo: HIC-HLRN, 2010), available at: <http://www.hlrn.org/img/publications/Naqab%20FFM%20report%202010.zip>.
- 54 "Gov't. Razes 11 Qalansuwa Homes," *Palinfo* (10 January 2017), at: <https://english.palinfo.com/news/2017/1/10/Israeli-authorities-demolish-9-houses-in-Qalansuwa>; "Israel's Arabs Stage General Strike after Qalansuwa Home Demolitions," *Palinfo* (13 January 2017), at: <https://english.palinfo.com/news/2017/1/10/Israeli-authorities-demolish-9-houses-in-Qalansuwa>. See video report on *Aljazeera*, at: <https://youtu.be/IFMZvMZWpLA>.
- 55 B'Tselem, "Data on the demolition of unlicensed homes in East Jerusalem" ("معطيات حول هدم البيوت غير المرخصة في") ("شرفي القدس"), 8 August 2019, at: https://www.btselem.org/arabic/planning_and_building/east_jerusalem_statistics.
- 56 Two other houses were closed by the owners according to the decision of the municipality, leaving 11 persons, including at least two minors, homeless.
- 57 Another house, which was closed by its owners upon the decision of the municipality, left 6 people, including at least 3 minors, homeless.
- 58 In addition, seven houses were partially demolished by their owners after obtaining an order from the municipality.
- 59 In addition, parts of three houses were demolished by their owners after obtaining an order from the municipality.
- 60 W. Thomas Mallison, "The Legal Problems Concerning the Juridical Status and Political Activities of the World Zionist Organization / Jewish Agency: A Study in International and United States Law," *William and Mary Law Review*, Vol. 9, Issue 3 (1867–1968), at: <https://core.ac.uk/download/pdf/73966303.pdf>.
- 61 "Preliminary Approval for Settlement Division Bill," *Peace Now* (13 June 2018), at: <https://peacenow.org.il/en/preliminary-approval-settlement-division-bill>; Yotam Berger, "World Zionist Organization Settlement Division Finances Illegal West Bank Outposts," *Haaretz* (7 December 2018), at: <https://www.haaretz.com/israel-news/.premium-world-zionist-organization-settlement-division-finances-illegal-west-bank-outposts-1.6723987>.
- 62 Jonathan Lis and Yoram Berger, "Israeli Ministers Approve Bill That Would Legalize 66 West Bank Outposts," *Haaretz* (16 December 2018), at: <https://www.haaretz.com/israel-news/.premium-israeli-ministers-approve-bill-that-would-legalize-66-west-bank-outposts-1.6747792>.
- 63 Zvi Lavi, "The Settlement Division has received official status" [in Hebrew: ההחטיבה להתיישבות קיבלה מעמד רשמי], *ynet* (24 December 2015), at: <https://www.ynet.co.il/articles/0,7340,L-4743812,00.html>.
- 64 CESCR, Concluding observations of the Committee on Economic, Social and Cultural Rights: Israel, E/C.12/1/Add.27, 4 December 1998, para. 11, at: <https://undocs.org/E/C.12/1/Add.27>.
- 65 "Statement of the ICC on Palestine," *HLRN News* (17 October 2018), at: <http://hlrn.org/news.php?id=p21oZA==#.XV7kj1QzZMG>.
- 66 "Israel demolishes Palestinian homes near West Bank barrier," *Reuters* (22 July 2019), at: <https://www.reuters.com/article/us-israel-palestinians-jerusalem-demolit/israel-demolishes-palestinian-homes-near-west-bank-barrier-idUSKCN1UH07N>.
- 67 "The Arab Group @ the First UN Habitat Assembly," *Land Times* (July 2019), at: <http://landtimes.landpedia.org/newsdes.php?id=pnFq&catid=ow==&edition=o3E=>.
- 68 The New Urban Agenda, A/RES/71/256, 23 December 2016, at: <http://habitat3.org/wp-content/uploads/NUA-English.pdf>.
- 69 "Transforming our world: the 2030 Agenda for Sustainable Development," A/RES/70/1, para. 35, at: <https://sustainabledevelopment.un.org/index.php?page=view&type=111&nr=8496&menu=35>; NUA, *op. cit.*, para. 19; ESCWA, *Israeli Practices towards the Palestinian People and the Question of Apartheid Palestine and the Israeli Occupation*, Issue No. 1, 2017, E/ESCWA/ECRI/2017/1, p. 4, at: <https://www.unescwa.org/publications/publications/israeli-practices-palestinian-people-apartheid-occupation>.
- 70 CESCR, General Comment No. 24 on State Obligations under the International Covenant on Economic, Social and Cultural Rights in the Context of Business Activities, E/C.12/GC/24, 23 June 2017, at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fc.12%2fGC%2f24&Lang=en.

⁷¹ *Occupation, Inc.: How Settlement Businesses Contribute to Israel's Violations of Palestinian Rights* (New York: Human Rights Watch, 2016), at: <https://www.hrw.org/report/2016/01/19/occupation-inc/how-settlement-businesses-contribute-israels-violations-palestinian>.