

ENGLISH ONLY
HUMAN RIGHTS COUNCIL
Sixteenth Session, Item no. 3
28 February-25 March 2011

Oral statement submitted by Badil Resource Center for Palestinian Residency and Refugee Rights, a non-governmental organization in special consultative status.

Israeli Apartheid policies undermine the right to adequate housing among Palestinian communities in Israel and the Occupied Palestinian Territories

1. Israel's housing policies towards Palestinian communities within Israel as well as the Occupied Palestinian Territory (OPT) are demonstrative of its Apartheid regime. According to the International Convention on the Suppression and Punishment of the Crime of Apartheid GA Resolution 3068 (1973), *Apartheid* refers to policies and practices enacted in order establish and maintain domination by one racial group of persons over any other racial group of persons and systematically oppressing them. More broadly, Apartheid refers to any social system that separates and discriminates against people based on race or ethnicity when that system is institutionalized by laws or decrees.

2. Consider its treatment of the Palestinian housing needs in the Negev Desert. There, Israeli authorities have systematically excluded Bedouin villages in its planning and building maps for the Negev Desert thereby rendering all buildings of these communities illegal according to Israeli law. This creates the legal foundation for the Israeli authorities to systematically demolish and destroy these homes. Today, 90,000 Palestinian Bedouins¹ are forced to live in these unrecognized villages under abominable circumstances with the *Damoclean Sword* of house destruction over their heads. Israel has demolished thousands of Negev Bedouin homes since the 1970s and made therewith ten thousands of men, women and children homeless.² According to Human Rights Watch, pursuant to the 1965 Building and Planning Law, Israel destroyed 759 homes between 2000 and 2004 alone.

2. Area C of the West Bank, subject full Israeli military and administrative control, illustrates another piece of the Israeli Apartheid system. In 2010, the Israeli military destroyed more than 349 Palestinian buildings in this Area of the West Bank, leaving almost 485 Palestinians, nearly half of whom are children, homeless. 'According to official information provided by the Israeli Ministry of Defense, there are over 3,000 outstanding demolition orders for Area C structures'.³ Additionally, about 70 percent of the Area C is classified by the Israeli Authorities as "state land," a "nature reserve," a closed military area, "firing zones", or part of the jurisdictional area of an Israeli

¹ <http://www.unhcr.org/refworld/country,,HRW,COUNTRYNEWS,ISR,4562d8cf2,4c57ceec1a,0.html>

² <http://www.hrw.org/en/news/2010/08/01/israel-halt-demolitions-bedouin-homes-negev>

³ <http://www.unrwa.org/etemplate.php?id=885>

settlement and therefore inaccessible to Palestinians.⁴ Israel's policy clearly aims at preventing economic and infrastructural development in these areas to reduce the Palestinian presence on the land to path the way for further own settlement expansion.⁵

3. In a another example of its insidious discriminatory housing policies, Israeli authorities have prevented more than 21,000 Palestinians in the Gaza Strip from reconstructing and/or renovating their shattered homes subject to wanton destruction by Israel's Winter 2008/2009 Onslaught of Gaza.

4. Israel's housing policies amount to a gross violation of the International Covenant on Economic, Social and Cultural Rights which Israel ratified in 1991, which stipulates the right to adequate housing, privacy, protection against forced evictions, and freedom of choice in place of residence. And as the Committee concluded 'this right should not be interpreted in a narrow or restrictive way, for example by advocating simply having a roof over one's head. But rather it should be seen as the right to live somewhere in security, peace and dignity'.⁶

We urge the Human Rights Council, as the UN body with primary responsibility for the protection of human rights, to:

1. Condemn Israel's discriminatory housing policies and demand for its immediate cessation; and
2. Commission a study to investigate whether Israel's housing policies towards Palestinians, both citizens of Israel as well as those civilians living under occupation, amount to Apartheid policies; and

⁴ For additional details on planning in Area 4. C, see OCHA oPt, "Restricting Space: The Planning Regime Applied by Israel in Area C of the West Bank," December 2009.

⁵ <http://www.reliefweb.int/rw/rwb.nsf/db900sid/ADGO8E7LZ3?OpenDocument&rc=3&cc=pse>

⁶ See The right to adequate housing (Art.11 (1)) : . 13/12/91. CESCR General comment 4. (General Comments); 7