

Home Demolitions



Compiled for Sadaka by Caitlin Ni Chonail

Sadaka Paper 15

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1 A history of the use of Home Demolitions

The demolition of Palestinian homes is politically motivated and strategically informed. The goal is to confine the 4 million residents of the West Bank, East Jerusalem, and Gaza to small enclaves, thus effectively foreclosing any viable Palestinian state and ensuring Israeli control, and to allow for the expropriation of land, the ethnic displacement of Palestinians, and the Judaization of the Occupied West Bank. [Itay Epshtain, Israeli Committee Against Home Demolitions]

1.1 A Colonial Weapon

Home demolitions have long been a major weapon in the colonial arsenal in Palestine. They were carried out during the British Mandate period under Reg.119 of the "Defence (Emergency) Regulations" passed in 1945. Although the British claimed to have repealed this law upon their departure in 1948, it continued to be used by the Israeli regime.

1.2 Nakba

During the 'Nakba' period - 1948 and the years immediately following - when Israel aggressively seized land beyond that allocated to it by the United Nations, whole villages were obliterated by the Israeli army and militias. The ruins of some may still be seen today, while others have disappeared beneath the concrete or 'green areas' of 'Israeli development'.

1.3 Ethnic Cleansing

The destruction of Palestinian homes - which can include outhouses, animal accommodation, water cisterns, orchards, farmland etc - has always been intrinsic to the Israeli project of ethnically-cleansing Palestine of its indigenous people. It is in effect 'forced eviction'. It is carried out for three inter-linked reasons :

1. To terrorise and punish the population
2. For 'military purposes'
3. To alter the demographic landscape.



Figure 1: Home Demolition in East Jerusalem

1.4 Chronology

As the following chronology shows, a policy of home demolitions has been consistently applied over time as part of the overall Israeli strategy to gain control over all the Palestinian territory.

- 1967 Following its victory in the 'Six-Day War' of 1967, the Israeli army illegally occupied Gaza and the West Bank and embarked on a programme of settlement and destruction.
- 1970 **'Gaza Clearances'**. Thousands of Palestinian homes bulldozed to make way for illegal Jewish-only settlements and the army bases to protect them.
- 2001 **Second Intifada** (Palestinian uprising) More Israeli troops drafted into Gaza and security zones' created. This led to the destruction of yet more Palestinian property including farmlands and orchards as the land adjoining the settlements and army bases was 'cleared'.
- 2008/9 **'Operation Cast Lead'**. Israel again carried out wide-scale house demolitions. According to UN figures, Israel destroyed more than 3,500 residential dwellings during the operation, leaving some 20,000 persons homeless. The house demolitions included the entire residential neighbourhood of 'Izbat 'Abd Rabo, south of Jabalya. Most of the demolitions took place after the Israeli army had already gained control of the area.

Home demolitions in Gaza have taken place principally for the first two reasons, namely, for military reasons and to terrorise and punish the population, while the third reason, demographic change, became the main driving force on the West Bank.



Figure 2: Home Demolition - Izbat Abd Rabo, Gaza

1.5 Colonisation of the West Bank

The Israeli ambition to colonise the West Bank with settlers and to drive out the Palestinians has led to an ever increasing number of home demolitions. When Israel illegally occupied this territory in 1967 it appointed itself as the Civil Authority and took charge of land administration and construction. In 1971, under *Government of Israel (GOI) Military Order No.418*, it modified the existing *City, Village and Building Planning Law*. These modifications led to a greatly changed planning system which gradually eliminated Palestinian participation in the planning committees in favour of Israeli military and settler representatives.

In direct breach of the Geneva Convention the Israeli government started allocating broad expanses of land for the establishment and expansion of Jewish settlements. At the same time it took steps to restrict Palestinian access to land and housing. Israel:

- Severely restricted the number of building permits allocated to Palestinians;
- Froze land registration, making it difficult for Palestinians to prove ownership of their land and
- Froze planning schemes, designed to improve facilities and infrastructure, for Palestinian towns and villages.

This left thousands of Palestinians unable to obtain permits to build on their own land, either because they could not prove ownership or because the infrastructure needed updating. Faced with the necessity of providing shelter for their families and the need to develop their businesses, the Palestinians were left with no option other than build without a permit.

Lack of 'building permission' from the Israeli authority is a major pretext for the demolition of Palestinian constructions.

The Israeli Committee Against House Demolitions (ICAHD) estimates that at least 24,813 houses have been demolished in the West Bank, East Jerusalem and Gaza since 1967.



Figure 4: Destroying a Future

2 The system of control

2.1 Oslo Accords – creation of Area C



Figure 5: Areas A, B and C

Restriction on Palestinian development increased greatly following the 1995 'Oslo Accords'. Under this Agreement, the West Bank, excluding East Jerusalem, was divided into three Zones - Areas A, B and C, each with its own security and administrative arrangements and authorities, including land administration. A body, known as the 'Palestinian Authority' (PA), was also set up.

Area A: (18% territory. 55% population) under PA civil and security control

Area B: (20% territory. 41% population) under PA civil and PA/Israeli security control

Area C: (62% territory. 5.8% population) under full Israeli military control, including land administration and planning

The territorial space of Areas A and B is not contiguous, and consists of some 227 separate enclaves under partial or full Palestinian control. Each such enclave, whether Area A or B or a combination of both, is surrounded by Area C, which covers the entire remaining area.

2.2 Home Demolitions in Area C

Area C, which is under the full control of the Israeli military, is the area where the vast majority of home demolitions have taken place. It is the only contiguous area of the West Bank and also the largest - 59% of the territory. Despite this, Palestinians are only allowed to build in 1% of it. Area C also contains many valuable natural resources, including aquifers. It also encompasses the fertile Jordan Valley which the Israelis are turning into an 'Eastern Zone'. This area sustained the largest number of home demolitions in 2011. (see Sadaka special report on The Jordan Valley on www.sadaka.ie).

The Israeli Military/Civil Authority planned Area C to include Settlements (including the road network to connect them), closed 'military zones' and 'natural parks'. Palestinian construction in or near these areas was forbidden and any pre-existing Palestinian housing, be it village, farm, house or tent was demolished. Since Oslo, thousands of Palestinian residences have been pulled down and olive orchard and grazing land destroyed.



Figure 6: Homeless in the Jordan Valley

2.3 'Quiet Transfer'

In a recent study the United Nations Office for the Co-ordination of Humanitarian Affairs (UN-OCHA) found that in 10 out of 13 Area C communities surveyed, families have moved away because *"policies and practices implemented there (in Area C) make it difficult for residents to meet basic needs or maintain their presence on the land."* The pressures causing Palestinians to leave Area C have led some analysts to conclude that Israel's grand strategy is 'transfer by stealth' of Palestinians to Areas A and B. There would be economic, political and strategic advantages to Israel in annexing Area C. Because it includes almost all of the Jordan Valley they would acquire fertile land rich in natural resources including water; the Palestinian community would be atomised in bantustan-type pockets surrounded by 'Israel' which would therefore have control over them; an independent Palestinian state would be impossible.



Figure 7: Forced Eviction

2.4 'Unrecognised Villages' in Israel

The Bedouin, a semi-nomadic, herding people, have lived in the desert region of Naqab (Negev) since the Byzantine period. A number of them established villages and were given title to the land by the Ottomans - land rights which were later also recognised by the British. However, when the state of Israel was established in 1948 Jewish troops started driving the Bedouin out. Before 1948 there were more than 90,000 Bedouin living in the Naqab (Negev). Following the *Nakba*, only 12% of these remained, the others having been driven out to Gaza or to parts of the West Bank. Those Bedouin who have managed to remain, though Israeli citizens, are subject to constant Israeli harassment and threat to their traditional way of life. The aim is to drive them off their land and into 'townships'.

Israel has never recognised Bedouin land rights and considers their tribal land to be state land. It has refused to 'recognise' the Bedouin villages established before 1948; they don't appear on state maps and receive no services: water, electricity, sewage, waste collection, etc. Worst of all, since Israel has characterised the villages as 'illegal', homes are subject to demolition at any time as are any and all structures, from tents to water tanks to cattle pens. The land thus cleared is appropriated by the Israeli state for its own purposes. After the 'unrecognised' village of Wadi el-Na'am was destroyed, its lands were taken over for a nuclear reactor, agro and petrochemical factories, an oil terminal, a closed 'military zone', a power plant and a toxic waste incinerator.

According to estimates by Ben Gurion University, in 2006, demolition orders had been delivered to 16,000 buildings in such villages. In addition, in the two years up to March 2004, the Israeli authorities destroyed about 24,500 acres of crops planted by the villagers.

2.5 al-Arakib

A striking example has been the 'unrecognised' village of al-Arakib in the southern Negev. Starting in the year 2000, Israeli planes annually sprayed poisonous chemicals over the wheatfields to destroy the crops. Then in July 2010, hundreds of Israeli police and bulldozers arrived and demolished the village completely, destroying homes, possessions, animal sheds, water tanks and electricity generators.



Figure 8: Destroyed Homes in al-Arakib

Their olive, almond and citrus trees were also destroyed to make way for an 'afforestation' scheme sponsored by US billionaire Ron Lauder, owner of the cosmetic company 'Estee Lauder'. He is also chairman of the Jewish National Fund-USA (JNF-USA). The pine trees were donated by 'GOD-TV', a Christian Evangelist television channel. Both the JNF and GOD-TV are dedicated to 'judaising' the Negev and Galilee.

Despite this, the villagers rebuilt their village. The Israeli forces returned and demolished it again and the villagers rebuilt it again. And so it went on. Al-Arakib has been demolished and rebuilt over **30 times**, a testament to the steadfast courage of the villagers and the Israeli, Palestinian and international friends who support them.



Figure 9: Rebuilding Homes in al-Arakib

| Building permits granted by the Civil Administration (2000 – 2006) | | |
|--|--|---|
| Year | Building permits granted for Settlements in area 'C' | Building permits granted for Palestinians in area 'C' |
| 2000 | 1,493 | 5 |
| 2001 | 1,014 | 6 |
| 2002 | 712 | 6 |
| 2003 | 720 | 3 |
| 2004 | 672 | 5 |
| 2005 | 1,169 | 13 |
| 2006 | 1,165 | 43 |
| Total | 6,945 | 95 |

Source: the Israeli Central Bureau of Statistics and the Civil Administration

2.6 Settler Privilege

A Palestinian wanting to obtain a building permit to build on his land in Area C must undergo a prolonged, complicated, and expensive procedure which generally results in denial of the application. In recent years 94% of all permit applications have been rejected. However, no such restriction exists for the Settlers. The Settlements contain thousands of houses built without permits; they are not demolished and are awarded permits *post* construction.



Figure 10: Demolished Home with Settlement in the background

3 Current policy

3.1 East Jerusalem

Since 1967, when Israel illegally annexed East Jerusalem, the city's Palestinian inhabitants have experienced a high incidence of home demolition, residency revocation and eviction. Demolition of Palestinian homes in Jerusalem and the surrounding area is part of the effort by Israel to abolish the centuries old Palestinian presence and to 'judaise' the city and its environs.

One of the first acts of the Israeli government upon seizing control of Jerusalem in 1967 was to bulldoze the 800 year old *Maghrebi Quarter*, home to thousands of Palestinians. This is now the plaza in front of the 'Wailing Wall'. Large areas of privately owned Palestinian land on the West Bank side of Jerusalem were confiscated and 'cleared' by the Israeli government, primarily for settlement purposes. The Jerusalem municipality enacted strict zoning, planning, and administrative laws limiting Palestinian access to only 13% of the city area and made construction permits almost impossible to obtain - Palestinians are even refused permits to build on their own private land. No such restriction was placed on settlement building. According to the Palestinian Central Bureau of Statistics (PCBS), between 1967 and 2002, 82% of all housing units built in East Jerusalem (settlements) were for Israelis, as opposed to 18% for Palestinians. The discriminatory application of the building and planning regulations gives the Israeli government a pretext to destroy Palestinian homes and businesses.

3.2 Silwan

Palestinian homes in East Jerusalem have also been demolished due to excavations in search of 'biblical' remains. These have been led by the US-funded, right-wing settler organisation *Elad*. (see http://www.sadaka.ie/About_Palestine/West_Bank/Jerusalem.html). Though a private organisation, *Elad* has the backing of the Israeli government.

According to the Israeli NGO *Ir Amim*:*[Elad]* "....serves as a direct executive arm of the Government of Israel and enjoys comprehensive and deep backing by the Israeli Administration."



Figure 3: Baby in the Ruins of her Home

Elad targeted **Wadi Hilweh**, a neighbourhood of the Palestinian village of **Silwan** which lies on the Old City's southern slopes, adjacent to the Ottoman wall and the Haram al-Sharif. The area is rich in history but the archeological investigations that took place in the past were carried out responsibly and with the co-operation of the villagers. These uncovered evidence of the many civilisations which have formed part of the story of Jerusalem. (For a full account see booklet *The Story behind the Tourist Site* produced by the Wadi Hilweh Information Centre www.silwanic.net)



Figure 12: Silwan, East Jerusalem

Armed with the charge of *'building without a permit'* the city authorities began this process in 2005.

The demolitions continue to this day. Dwellings, schools, playgrounds and public buildings have all been destroyed in what has been described as *'the most massive demolition action carried out by the Municipality since the demolition of the Maghrebi Quarter'* (B'Tselem).

Further demolitions are taking place to accommodate tourists visiting the 'theme park'. On the day in February 2012 that the Wadi Hilweh Cultural Centre, which included a playground and coffee shop, was bulldozed, Elad was given the go-ahead for the construction of a 'visitors' compound', to be part of the King David theme park. Further 'tourist development' is planned: car parks, accommodation etc. all to be built on the rubble and destroyed lives of Silwan.



Figure 13: Destruction of the Wadi Hilweh Cultural Centre

Even houses not scheduled for demolition are at risk from the excavations and tunnelling which go on beneath them, all with the blessing of the Israeli Antiquities Authority. The tunnels are dug beneath private homes without the residents being consulted or permits being required. In the last couple of years, parts of houses have collapsed, land has subsided and roads have caved in. In one case, the walls of a kindergarten collapsed next to an excavation.

3.3 Means of preserving a demographic

In October 2011, the Israeli Committee against House Demolitions (ICAHN) presented a report to the UN stating that the demolition of Palestinian homes in East Jerusalem is, in the majority of cases, a war crime of destruction of property. By destroying homes, limiting the possibility to build legally, and denying permanent residency status to Palestinians in East Jerusalem, Israel is forcing the migration process on the basis of ethnicity – which violates international law and is possibly a war crime. The report also states that there is evidence that the actions and policies implemented by Israel in East Jerusalem are designed to preserve a demographic balance in the city of a Jewish majority – a motive that is forbidden by international law.



Figure 14: A Destroyed Home

| Demolition of Houses in East Jerusalem 2004-2011 | | | |
|--|---------------------------|--------------------------------|--------------------------------|
| Year | Number of homes destroyed | Number of people left homeless | Number of minors left homeless |
| 2004 | 53 | 194 | 110 |
| 2005 | 70 | 140 | 78 |
| 2006 | 44 | 98 | 18 |
| 2007 | 62 | 219 | 149 |
| 2008 | 78 | 340 | 188 |
| 2009 | 47 | 256 | 145 |
| 2010* | 22 | 191 | 94 |
| 2011** | 16 | 108 | 60 |

B'Tselem Data updated to 31 Oct. 2011

3.4 Increase in Home Demolition

The rate of demolition of Palestinian homes has greatly increased in recent years. In 2011, a record year of displacement, a total of 622 Palestinian structures were demolished by Israeli authorities, of which 36% (or 222) were family homes. The remainder were livelihood-related (including water storage and agricultural structures), resulting in 1,094 people displaced, almost double the number for 2010.



The Jordan Valley sustained the largest number of demolitions with 199 structures demolished. This represented 32% of the total structures demolished in the West Bank and 40% of all the residential structures demolished. The 401 people thus displaced represented 37% of all the people displaced in the West Bank.

Figure 15: Homeless in the Jordan Valley (2)

3.5 Praver Plan

This was passed by the Netanyahu government in September 2011. Under the plan, the homes of over 30,000 Bedouin in the Negev will be demolished and the inhabitants will be moved into 'townships'. It is the proposed 'final solution' to Israeli government efforts since 1948 to strip the Bedouin of their ancestral lands. Those lands will then become home to Jewish settlers, thus helping to achieve the Zionist goal of concentrating the non-Jewish natives of Palestine in the smallest possible area while allowing Jews to take control of the maximum amount of land. The 'unrecognised' villages targeted for demolition include: Assir – pop.1,500; Umm al-Hieran – pop.400; Alsira – pop.500.

3.6 West Bank Bedouin

The Bedouin currently residing in the West Bank are those who fled or were driven from the Negev at the time of the Nakba. Many are facing forced transfer again. Israel's Civil Administration is planning to forcibly relocate some 27,000 Bedouins living in Area C.

3.7 E-1

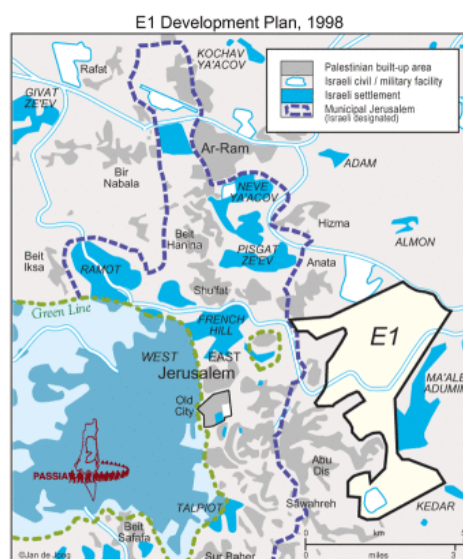


Figure 16: Khan al-Ahmar School

The Palestinian-Bedouin communities living in the hills to the east of Jerusalem are at an exceedingly growing risk of forced ethnic displacement. The Bedouin homes are currently located in an area called 'E-1', a 12km piece of land that Israel has earmarked for the expansion of illegal Israeli settlements like Ma'ale Adumim and Kfar Adumim, in order to link them up with occupied East Jerusalem. There are 20 Bedouin communities, comprising some 2,300 people, living in the E-1 area. These communities have all received demolition orders. Israel

plans to relocate some of them to a site next to the Abu Dis municipal rubbish dump, the largest rubbish dump on the West Bank. One such community, Khan al-Ahmar, is home to the Al-Jahalin tribe of Bedouin who were displaced from the Negev in 1948.

Some of their homes, including their primary school, have already been demolished. It was the only school accessible for the children of the tribe and thus seen as a vital resource. It became the focus of international media attention when an Italian NGO helped to rebuild it from mud and car tyres. Despite international support, both school and homes are still slated for demolition.



Palestinian Academic Society for the Study of International Affairs (PASSIA)

Figure 17: E-1 Development Plan

4 Current Practice

4.1 Home Demolition Method

The Israeli practice of Palestinian home demolition is arbitrary and brutal. When a demolition is to take place because of a 'legal' reason, such as the lack of a building permit, a notice is served which may be acted upon straight away or at some indeterminate time in the future, leaving the family in a state of uncertainty not knowing when or if their home is to be destroyed.

If the Israeli authorities decide to act upon the Order immediately, policemen and/or soldiers arrive - frequently in the early hours of the morning - with giant bulldozers, explosives and other equipment.

The family, who may still be in bed, are given very little time to vacate their property – sometimes only fifteen minutes. They have no time to remove all of their possessions which are destroyed along with the house.

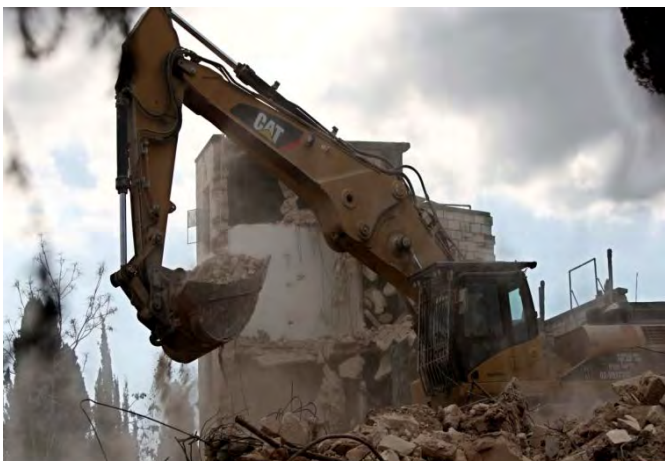


Figure 18: House Demolition in Sheikh Jarrah, East Jerusalem

Animal sheds are sometimes demolished on top of the animals inside, killing and injuring them. On rare occasions the homeowner may have managed to obtain a court order delaying the demolition, however this is no guarantee that the demolition will not go ahead anyway; the Israeli army has little regard for these legal technicalities and sometimes the orders are just torn up.

As if the destruction of their home were not enough, the Palestinians are then given the bill for the destruction! This can amount to thousands of shekels. For this reason, some Palestinians choose to demolish their home themselves.

4.2 Settler Violence

As well as violence from a state that seeks to dispossess them, Palestinians also have to endure harassment and physical violence from settlers who wish to take their place. When the newly-rebuilt Khan al-Ahmar School was threatened with demolition a second time, settlers from the nearby illegal Kfar Adumim settlement applied pressure on the Israeli Civil Administration to hasten the demolition. The illegal Jewish settlers were helped in this by an organisation called *Regavim*. This right-wing settler-run organisation is a kind of self-appointed policeman of Palestinian construction in the West Bank. Its members take photos and notes of 'illegal' Palestinian buildings and then strive by various means to ensure that the Israeli Civil Administration is sufficiently diligent in destroying said buildings. *Regavim* has also busied itself with finding a solution to 'the Bedouin problem' in the Negev. Its overall aim is the demolition of Palestinian and Bedouin property.

Other forms of settler violence include direct physical attacks on Palestinians; theft, killing and wounding of herd animals; burning and looting of crops. These attacks, together with home demolitions, are designed to make life intolerable for the Palestinians and encourage them to leave their land.

4.3 War Crimes

When the Israelis are demolishing a home to punish a Palestinian accused of militancy, a curfew is usually imposed in the locality and tanks and armoured personnel carriers will accompany the unit carrying out the demolition. Frequently, the homes of those who have some connection to the accused – family members etc. - are also demolished. This is



Figure 19: War Crime

classified as 'collective punishment' which is forbidden under the Geneva Convention. Again, little time is given to the residents to vacate their property and it has been known for buildings to be demolished while people are still inside, as happened during the assault on the Jenin refugee camp in 2002. In that same year, one of the worst cases of 'death by demolition' took place. The Israelis collapsed a three-storey apartment block in Nablus, home to the extended al-Shobi family, while the members were inside. Omar al-Shobi, 85 years old, his two daughters, his

son and pregnant daughter-in-law and their three sons, aged from 4 to 8 years old, were all killed. His younger brother Abdallah, 68 years old and sister-in-law Shams 65, survived after being buried for seven days. These are war crimes.

4.4 Trauma

"A home demolished is a future destroyed".
Chris Gunness, UNRWA spokesman

Surveys carried out by the UN and by various NGOs reveal the devastating effect that home demolition has on the mental and physical health of those who have to endure it. The loss of the home frequently entails loss of livelihood as well. It can lead to break-up of the family, of the community, to pauperisation and to exile. Predictably, the shock is greatest for the most vulnerable – for children, the elderly and the disabled.



Figure 20: A family watch as their home is destroyed

4.5 The Effect on Children

Studies carried out by organisations such as 'Save the Children' reveal that the insecurity created by the threat of demolition, and indeed the demolitions themselves, provoke symptoms of extreme distress in children: mental disturbance; chronic anxiety; nightmares; bed-wetting and post-traumatic stress, etc. Children are forced to witness the heartbreak and trauma caused to their families; they often lose their fondest possessions – toys, books, clothes, animals – and if their school is destroyed - the Israeli 'Civil Administration' has no compunction about demolishing schools – their education is also taken away.



Figure 21: Children stand on the ruins of their home

4.6 The Legal Position

Israel's policy and practice of destroying Palestinian and Bedouin homes is in contravention of numerous international laws. Here are some examples:

1907 Hague Regulations: Section IV, Article 46 of the 'Hague Convention on Respecting the Laws and Customs of War on Land' lays down that *"the lives of persons, and private property must be respected: private property cannot be confiscated."*

1949 The IVth Geneva Convention: Article 49, Paragraph 6 *"The occupying power shall not deport or transfer parts of its civilian population into the territory it occupies."*

Article 53 It is *"forbidden for an occupying state to destroy any movable or immovable private property belonging to individuals, groups, states, public authorities, social organisations or co-operatives unless military operations require such destruction."*

1973 UN Convention on the Suppression & Punishment of the Crime of Apartheid

Article 1 declares that: *"inhuman acts resulting from the policies and practices of apartheid and similar policies and practices of racial segregation and discrimination"* are international crimes.

Article 2 defines the crime of apartheid – *"as covering inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them"*.

2002 The Rome Statute of the International Criminal Court: Article 7 (1) (d) 'Crimes against Humanity' section – forbids the *"deportation or forcible transfer of population."*

Israel is in contravention of the following international human rights laws which uphold the right to adequate housing:

The Universal Declaration of Human Rights of 1948 (Art. 25(1))

The International Covenant on Economic, Social and Cultural Rights 1966 (Art. 11)

The International Covenant on Civil and Political Rights of 1966 (Art. 17)

The International Convention on the Elimination of All Forms of Racial Discrimination of 1969 (Art. 5 (e) (iii))

The Convention on the Rights of the Child of 1990 (Arts. 16, 27)

General Comments 4 (1991) and 7 (1997) of the UN Committee on Economic, Social and Cultural Rights.

2004 Ruling on the Wall: The International Court of Justice declares the Wall illegal and instructs the international community *“not to render any aid or assistance in maintaining the situation created thereby”*.

People whose homes have been knocked down erect tents on the same site and refuse to move in protest at the injustice of their treatment.



Figure 22: Child in 'Protest Tent'

5 International involvement

5.1 Role of the US and Caterpillar

The bulldozers used to demolish Palestinian homes, rip up orchards and clear land are specialised pieces of equipment supplied to the Israeli army by the US company *Caterpillar*. Bulldozers which are normally used for construction are transformed into highly destructive military machines:

“These aren’t your normal bulldozers. These are two-storey, tremendously powerful machines. They’re really mining equipment that has been modified by Caterpillar for use by the Israeli army” (Jeff Halper ICAHD)

Caterpillar has come under heavy criticism from human rights groups for these sales to Israel. The company defends itself by stating that the bulldozers are purchased by the US government and given to Israel through the *US Foreign Military Sales Program* created under the Camp David Accord. These military exports are part of the US government’s foreign aid package to Israel. However, the company has not disclosed how much it makes through its participation in this programme.

In addition, because the bulldozers are given to Israel through the **U.S. Foreign Military Sales Program**, they are by definition ‘military’. It has been claimed therefore that the United States is violating the **U.S. Arms Export Control Act**, which prohibits the use of military aid against civilians.

Other companies which supply Israel with machinery to demolish homes in contravention of international law include: *Volvo, Hyundai and Komatsu*.



Figure 23: Caterpillar D9 Bulldozers

5.2 Response of the International Community

"Instead of fulfilling their obligations under international law to discourage the continuation of the ongoing breaches of international law in the Occupied Palestinian Territories, the international community -- in the guise of the Quartet -- has now reduced itself to advocating for the formalization of such violations in the name of political expediency."

'The Quartet's Continued Path to Irrelevancy.' Al-Haq Op-Ed. 15 February 2012

"It's time for the Quartet to understand that they cannot contribute to achieving a just and durable solution to the conflict without first ensuring respect for international law."

Phillip Luther, Middle East and North Africa Interim Programme Director, Amnesty International

"The Quartet should call ongoing settlement expansion and house demolitions what they are: violations of international humanitarian law that Israel should stop."

Sarah Leah Whitson, Middle East director at Human Rights Watch.

"The increasing rate of settlement expansion and house demolitions is pushing Palestinians to the brink, destroying their livelihoods and prospects for a just and durable peace." Jeremy Hobbs, Executive Director, Oxfam International

5.3 NGOs

Despite Israel's many breaches of international law it has been human rights organisations in Palestine, Israel and internationally who have consistently sought to draw attention to the devastating effect of home demolitions on Palestinian life through documenting cases, collecting and publicising statistics, issuing reports and offering practical help to families made homeless. The list is long: *Adalah, Al-Haq, B'Tselem, Ir Amim, Amnesty International, Christian Aid, the Centre for Constitutional Rights (US), EAPPI, Human Rights Watch, Oxfam, Save the Children* etc.

One organisation deserves special mention - *The Israeli Committee Against House Demolitions (ICAHD)*, which has dedicated itself solely to this issue. For years its

representatives have publicised, lobbied and actively opposed the destruction of Palestinian homes.

5.4 The United Nations

Even though individual representatives of the United Nations with responsibility for human rights, - Prof. Richard Falk, Baroness Valerie Amos, Chris Gunness, Maxwell Gaylard - and particular UN departments like OCHA (OPT) and UNRWA have issued public statements and produced reports condemning Israel's actions, there has been no similar condemnation from the UN leadership. This failure to call Israel to account for its breach of international law may be explained by the United Nations membership of the US-dominated 'Quartet'. This calls into question the ability of the UN leadership to function as an effective and impartial guardian of human rights in world society. It seems unable or unwilling to even defend its own property and personnel. Israel has bombed UN compounds and insulted, imprisoned and banished UN representatives without being ostracised in any way. The passivity and ineffectiveness of the leadership contrasts with the diligence of its local offices.

Following the ever-increasing number of home demolitions, the UN Office for the Co-ordination of Humanitarian Affairs (OCHA) set up a **Displacement Working Group** in 2008 to monitor and publicise the extent of this Israeli practice. The Group has over a hundred members including UN agencies, international and local NGOs and donors.



Figure 24: Makeshift Tent, Jordan Valley

5.5 The EU

Despite having expressed concern over the years at increasing Israeli expansionism, the European Union still accords Israel privileged trading arrangements under the *EU-Israel Association Agreement* (see Sadaka Briefing No.15 – 'The EU and Israel'). Israel is in breach of the human rights clauses in this Agreement and yet the EU, Israel's principal trading partner, has failed to suspend it. However, there are signs the EU is becoming increasingly uneasy. In 2011, a confidential report from European consuls in Jerusalem and Ramallah was sent to EU foreign ministers. The Report, which has been leaked, voiced urgent concerns over the 'forced expulsion' of Palestinians from Area 'C' of the West Bank; the decline in the Palestinian population of the Jordan Valley; East Jerusalem and the plight of the Bedouin. The increase in home demolitions came in for particular mention. Following this, in late December 2011, the EU ambassador to Israel, Andrew Standley, submitted a formal protest to the Israeli foreign ministry based on the findings of the Report. He too made particular mention of the rise in home demolitions – 500 in 2011 with more than 1,000 Palestinians displaced. In addition, four EU members of the UN Security Council – Britain, France, Germany and Portugal – strongly criticised the increase in settlement building.

The EU's formal position supports a 'two-state solution'. They have issued statements supporting it and spent money promoting it. However, they fear this may no longer be viable if Israel proceeds with its expansionist plans.

5.6 The US

"The excessively close support given by the US to Israel which really is domestically driven creates a situation where no matter what the facts are or the law is, the US will side with Israel." Richard Falk, UN Special Rapporteur on Human Rights in the OPTs.

“Israel can get away with anything”. Amr Moussa, Secretary General of the Arab League.

On a visit to East Jerusalem in March 2009 in a bid to restart ‘peace talks’, US Secretary of State Hillary Clinton said that home demolitions were ‘unhelpful’. Mild-mannered comments such as this are the typical US government reaction to Israeli crimes. Despite this, US political leaders are forced to make up for having dared criticise Israel. In May 2011 after President Obama had told Israeli PM Netanyahu that a future Palestinian state had to be established within the 1967 borders, the Republican party reacted by inviting Netanyahu to address Congress and send a clear message to Obama: hands off Israel. That same week, Obama, not to be out-done, addressed an AIPAC convention and reaffirmed Bush’s promise that Israel will not have to return to the 1967 borders or relinquish its major settlement blocs in East Jerusalem and the West Bank.

There is clearly some tension because Israeli practice makes a nonsense of the ‘Quartet’ sponsored ‘Road Map to Peace’, brainchild of the US administration. In addition there is concern among the US military. Leading General David Petraeus warned that ‘American favouritism for Israel is fomenting anti-American sentiment’ which will translate into US military casualties in Iraq and Afghanistan.



Figure 25: A child stands amidst the ruins of his home

6 Conclusion

In the matter of the situation in the Occupied Palestinian Territories, it appears that there is no section of the international political leadership willing to enforce international human rights law. Sanctions were speedily imposed on Iraq, Iran and Libya but none on Israel, which continues to receive privileged treatment and funds from the EU and billions of dollars in aid from the US. It has fallen to international Civil Society to guard the moral compass, to speak up for the dispossessed and in so doing strive to defend our civilisation.

7 Appendices

7.1 Reports

Recommendation on International Principles applicable to Archeological Excavations. (Records of the General Conference PP. 40-44) UNESCO. New Delhi 1956.
<http://unesdoc.unesco.org/images/0011/001145/114585e.pdf>

Razing Rafah - Mass Home Demolitions in the Gaza Strip. Human Rights Watch OCT 2004. <http://www.hrw.org/reports/2004/10/17/razing-rafaq-0>

Through No Fault of their Own – Punitive House Demolitions. B'Tselem Nov 2004
http://www.btselem.org/download/200411_punitive_house_demolitions_eng.pdf

Caterpillar. The Alternative Report. War on Want March 2005.
<http://www.waronwant.org/attachments/Caterpillar-%20The%20Alternative%20Report.pdf>

The Case against Caterpillar Inc. Centre for Constitutional Rights
<http://ccrjustice.org/files/1.24.2011%20Caterpillar%20Factsheet%20.pdf>

As Safe as Houses? Israel's Demolition of Palestinian Homes. Amnesty International. Oct 2009. <http://www.amnesty.org/en/library/info/MDE15/006/2010>

Broken Homes. Addressing the Impact of House Demolitions on Palestinian Children and their Families. Save the Children. April 2009
<http://www.savethechildren.org.uk/resources/online-library/broken-homes-addressing-impact-house-demolitions-palestinian-children-and-families>

"I Lost Everything" – Israel's Unlawful Destruction of Property during Operation Cast Lead. Human Rights Watch. May 2010
http://www.hrw.org/sites/default/files/reports/iopt0510webwcover_1.pdf

Enforcing Housing Rights : The Case of Sheikh Jarrah. Avocats Sans Frontieres. May 2011
[www.asf.be/sites/default/files/files/ASF%20Housing%20Rights%20Report%20\(May%202011\).pdf](http://www.asf.be/sites/default/files/files/ASF%20Housing%20Rights%20Report%20(May%202011).pdf)

Displacement and Insecurity in Area C of the West Bank. UN-OCHA (opt). Aug. 2011
<http://unispal.un.org/UNISPAL.NSF/0/9100B847ECAD72C4852578DF006748BE>

Report by the Internal Displacement Monitoring Centre to the CESC. Aug. 2011
[http://www.internaldisplacement.org/8025708F004CE90B/\(httpDocuments\)/6934FA304AB8ADA3C1257934002C8429/\\$file/IDMC+Report+for+the+CESC+Aug2011.pdf](http://www.internaldisplacement.org/8025708F004CE90B/(httpDocuments)/6934FA304AB8ADA3C1257934002C8429/$file/IDMC+Report+for+the+CESC+Aug2011.pdf)

No Home, No Homeland; a new normative Framework for examining the Practice of Administrative House Demolitions in East Jerusalem. ICAHD Sept. 2011
<http://thecepr.org/images/stories/pdf/no%20home%20no%20homeland.pdf>

EU HOMS Report on Area C and Palestinian State-Building. July 2011
<http://thecepr.org/images/stories/pdf/area%20c%20%20final%20report%20july%202011.pdf>

EU HOMS Report on East Jerusalem Dec 2011
<http://thecepr.org/images/stories/pdf/eu%20homs%20jerusalem%202011.pdf>

Demolitions and Forced Displacement in the Occupied West Bank. UN-OCHA (opt) Jan 2012
http://www.ochaopt.org/documents/ocha_opt_demolitions_factSheet_january_2012_english.pdf

7.2 Articles

The Moroccan Quarter: A History of the Present. Thomas Abowd. *Jerusalem Quarterly* 7. Winter 2000. <http://www.jerusalemquarterly.org/ViewArticle.aspx?id=239>

Looting and 'Salvaging': How the Wall, illegal Digging and the Antiquities Trade are ravaging Palestinian Cultural Heritage. Adel H. Yahya. *Jerusalem Quarterly* 33 Winter 2008. <http://www.jerusalemquarterly.org/ViewArticle.aspx?id=46>

Area C Strikes Fear into the Hearts of Palestinians as Homes are destroyed. Rory McCarthy. <http://www.guardian.co.uk/world/2008/apr/15/israelandthepalestinians>

Flattening the Bedouin Village of al-Arakib. Lawrence Davidson. *Counterpunch* 6 Aug 2010 <http://www.counterpunch.org/2010/08/06/flattening-the-bedouin-village-of-al-arakib/>

The Plight of the Negev's Bedouin. Talab el-Sana. *Guardian* 5 Oct. 2011
<http://www.guardian.co.uk/commentisfree/2011/oct/05/bedouin-negev-israel>

The Negev's Hot Wind Blowing. Jonathan Cook. *Middle East Research & Information Project*. 25 Oct. 2011. <http://www.merip.org/mero/mero102511>

Ethnic Cleansing in a Zionist Fairyland. Vacy Vlazna. *Palestine Chronicle* 10 Feb.2012
http://www.palestinechronicle.com/view_article_details.php?id=17768

Israel demolishes West Bank Villages Akiva Eldar. *Haaretz*. 21 Feb.2012
<http://www.haaretz.com/print-edition/features/israel-demolishes-west-bank-villages-as-jewish-outposts-remains-untouched-1.413875>

7.3 Video Footage

Though distressing to watch there is extensive video footage of Israel's illegal activity on **YouTube** <http://www.youtube.com>

7.4 Useful Websites

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| Adalah | www.adalah.org |
| Al-Haq | www.alhaq.org |
| Amnesty International | www.amnesty.org |
| Badil | www.badil.org |
| B'Tselem | www.btselem.org |
| Centre for Constitutional Rights | www.ccrjustice.org |
| Electronic Intifada | www.electronicintifada.net |
| Human Rights Watch | www.hrw.org |

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| ICAHD | www.icahd.org |
| Internal Displacement Monitoring Centre | www.internal-displacement.org |
| Ir Amim | www.ir-amim.org.il/ |
| Minority Rights Group | www.minorityrights.org |
| Oxfam | www.oxfam.org |
| Palestine Monitor | www.palestinemonitor.org |
| Palestine Remembered | www.palestineremembered.com |
| Rabbis for Human Rights | www.rhr.org.il/ |
| Save the Children | www.savethechildren.org |
| Silwan Information Centre | www.silwanic.net |
| UNESCO | www.unesco.org |
| UNOCHA (opt) | www.ochaopt.org |
| UNOHCHR | www.ohchr.org |
| UNRWA | www.unrwa.org |
| War on Want | www.waronwant.org |



Sadaka – an Arabic term for ‘friendship’ – is an Association established in Ireland in 2009 to maximise support in Ireland for the Palestinian people in their struggle for national, democratic and human rights. It aims to persuade those in government to champion the cause of justice for Palestine.

The Board of Sadaka consists of Marie Crawley (Chair), Adnan Shabab (Treasurer), Dr. David Morrison, Alan Lonergan, Dr. Des McGuinness, Hilary Minch, Philip O'Connor, Dr. Elaine Murtagh, Caitlin Ni Chonail, Stella Carroll and Michael Robinson.

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Sadaka supports a peaceful settlement in Israel/Palestine based on the principles of democracy and justice, be that in two states or in one state. We maintain an independent position on internal politics within Palestine, favouring neither Fatah, Hamas nor any other Palestinian political organisation.