

planning goals, which are costly and require extensive coordination with the municipal authorities. In addition to this are the **plot ratios**, which define the total floor area of buildings permitted to be erected on a site. In most of East Jerusalem they range - on the pretext of preserving the "rural character" of the area - between 35-75%, while in West Jerusalem it is in the range of 75%-120%. Consequently, while up to six housing units per dunum can be constructed in 3-4-storey buildings in West Jerusalem, it is only two land-attached housing units in the East. The exception to this is in settlements, where the discrimination is more blatant. For example in Jabal Mukabber and Ras Al-Amud the ratios allowed are only 25% and up to 50% respectively, while Nof Zion and Ma'ale Zeitim - located in the heart of these neighborhoods - were given 115% plot ratios (M. Margalit, *No Place Like Home...*, ICAHD, 2007).

Average Plot Ratios in the Zoning Plans of Settlements and Palestinian Areas

Settlement	Plot Ratio	Palestinian Neighborhood	Plot Ratio
Pisgat Ze'ev	90-120%	Beit Hanina	50-75%
Gilo	75%	Beit Safafa	50%
Armon Hanatziv	75-90%	Jabal Mukabber	50%
Har Homa	90-120%	Sur Baher	35-50%
French Hill	120%	Al-Issawiyya	70%
Ramat Shlomo	90-120%	Shu'fat	75%

(Meir Margalit, *No Place Like Home – House Demolitions in East Jerusalem*, ICAHD, 2007).

"Illegal" construction is **punished** in two ways: with a **monetary fine** (which adds a significant amount to the municipal budget! Between 2001-06, the municipality collected an average of NIS 25.5 million per year. OCHA Special Focus, *The Planning Crisis in East Jerusalem*, 2009) and with the requirement either to produce a permit or restore the *status quo ante*, i.e., **demolish** the building. Until 2001, house owners who paid the fine were left alone, even if they did not obtain a building permit. But in 2001, the West Jerusalem municipality started re-opening their cases, charging home owners not only with illegal construction, but also with failing to comply with a court order and occupying a building without a permit. Another form of punishment is the **confiscation of construction equipment** and requesting high fines for their release, aimed at intimidating contractors and causing them sufficient economic damage so that they refrain from providing services to people without building permits. Increasingly common is also the 3-6 month **imprisonment** of East Jerusalem residents for failure to obtain a building permit as well as the demolition of their homes (M. Margalit, *No Place Like Home...*, ICAHD, 2007).



It is estimated that Israeli authorities have destroyed some 2,000 houses in East Jerusalem since 1967. According to ICAHD, 843 homes have been demolished between 1994-2008. It is estimated that a similar number of houses was demolished by owners in return for a reduced monetary fine. In addition, some 3,000 **demolition orders** are pending against Palestinian buildings, enforceable at any time without warning.

INTERNATIONAL LAW

The following lists the main articles in international law documents relating to house demolitions:

International Covenant on Economic, Social and Cultural Rights, Art. 11 (1): 'The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions'.

International Convention on the Elimination of All Forms of Racial Discrimination (1965), Art. 5: 'States' Parties undertake to prohibit and eliminate racial discrimination in all of its forms and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: ... (e) in particular ... (iii) the right to housing'.

Universal Declaration of Human Rights, Art. 17: (1) 'Everyone has the right to own property alone as well as in association with others.' (2) 'No one shall be arbitrarily deprived of his property.'

The Fourth Geneva Convention, Art. 53: 'Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.'

Hague Regulations 1907, Section II Art. 23: 'it is especially forbidden- to destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war.'

Hague Regulations 1907, Section III Art. 46: 'Family honor and rights, the lives of persons, and private property, as well as religious convictions and practice must be respected. Private property cannot be confiscated.'

In November 2008, Nir Barkat, upon taking office as mayor of Jerusalem, pledged to enhance education and housing conditions in the city, instead more demolition orders were enforced, issued, and executed. Since the beginning of 2009, 1,052 (!) demolition orders were issued and 23 structures were destroyed in East Jerusalem (21 by the municipality and two by the Ministry of the Interior). Thirty-four of the demolition orders were signed by Barkat himself (administrative orders) while the others were judicial orders issued following an indictment submitted by the Jerusalem municipality against residents who built without a permit. In addition, the municipal Planning Division added two new ordinances which have increased the bureaucratic hurdles for obtaining a building permit and legalizing existing construction.

According to Jerusalem Municipality estimates, natural growth in Jerusalem's Palestinian sector requires the construction of 1,500 new residential units annually, but in 2008 only 125 building permits were issued, allowing for the construction of approximately 400 units (Ir Amim, *A Layman's Guide to Home Demolitions*, March 2009).

In early May 2009, a UN OCHA report stated that at least 28% of all Palestinian homes in East Jerusalem (affecting an estimated 60,000 residents) are at risk of being demolished for being built illegally. The report goes on to say that although the number of Palestinian requests for building permits more than doubled from 2003 to 2007, from 138 to 283 annually, the number of permits actually granted remained unchanged at about 100-150. The UN demanded that Israel freeze all pending demolition orders against illegally built homes because it is legally almost impossible for Palestinians to acquire the correct permits.