Input to the Special Rapporteur on adequate housing, report on land

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28 May 2025

1. **Please describe the different land tenure regimes in your country, region or city and their impact on the right to adequate housing.**

The region's Ottoman heritage has institutionalized in law and practice a spectrum of land-tenure relationships that range from allodial private ownership (*mülk*/*mulk*), registered in the name of legal and/or natural persons, to other categories including land not registered in anyone's name. Along this spectrum, the sultan assumed correspondingly progressive tenure and disposition rights over lands across the empire.[1]

In former-Ottoman territories that Israel has occupied since its proclamation in 1948, Israeli law and institutions have exploited these Ottoman land categories ultimately to dispossess the Palestinians inhabiting, using, controlling and outrightly owning them. This process also dispossesses the Palestinian people as a whole, who are the territory's Indigenous and rightful owners of national lands, natural wealth and resources. These precedent-setting legal classifications include:

(a) *Matruka* = communal *profits-à-prendre* land; i.e., land subject to public easements in common, or state land for public services such as roads, cemeteries and pastures. These include *miraʿa* land, meaning, pasture land reserved primarily for the use of the adjoining villages.

(b) *Mewat/mawat* = dead (uncultivated/uninhabited) land: Unoccupied lands not held by title deed, and lying over 2 kilometers from any town or village.[2]

(c) *Mahlul* = land that, if left uncultivated or vacant for three years, the state assumed to itself for possible re-grant to another tenure holder.[3]

5. Please describe the legal regime governing the expropriation of land in your country for public purposes. Please explain to what extent the legal regimes governing expropriation or the withdrawal of land use or access rights are compliant with international human rights standards and the protection against forced evictions, arbitrary resettlement and forced displacement in law and practice.

Ethnic cleansing

Since Israeli colonization and ethnic cleansing of Palestine, the colonizer-proclaimed state has applied within its acclaimed jurisdiction and territories of effective control deceptive tactics to acquire land as state property. A common feature avoids the terminology of 'confiscation' in favor of an official 'declaration' of state land or designation as 'national' land,[4] which latter term always means for exclusive use by persons having the ideologically constructed civil status of "Jewish nationality."[5]

Accompanying Zionist forces' 1947–48 population transfer, expelling the 770–780,000 majority of Palestine's population,[6] they attacked 774 Palestinian communities, about 60% of all Palestinian urban and rural centers, destroying 531 Palestinian villages, leaving 243 other towns/villages partially demolished and/or depopulated. Zionist forces thereby destroyed and/or emptied some 154–156,000 Palestinian homes (about 70% of all Palestinian homes in the 1948 territories) to favor incoming Jewish settlers.[7]

In the post-Nakba years, Israel consolidated its military doctrine of targeting Palestinian homes, shelters and shelter seekers, which it pursues to this day.[8] From 1951 to 1953, Israeli military units forcibly transferred Palestinians in the southern Naqab into a tight enclosure, while demolishing 108 of their villages and village points across that region.[9] Beginning in this period, Israel's expanding attacks on Palestinian homes and villages across the Jordanian-administration borderline helped provoke the 1967 War.

In none case of the hundreds of thousands of Palestinian households subjected to Zionist demolition, dispossession or expulsion has Israel applied the human rights treaty-required safeguards of a legal eviction.[10] Hence, each is a case of forced eviction and, hence, a gross violation of human rights,[11] entitling the victims to full reparation.[12]

Mindful that such gross violations often involve the multiple dimensions of eviction, demolition and dispossession,[13] since 1967, **7,354 Palestinian households** have undergone demolition by Israel's occupation forces in East Jerusalem alone as of 2025, affecting 17% of Palestinian dwellings and resulting in the internal displacement of 48,000 Palestinians (20% of Jerusalem's Palestinian population). In other West Bank governorates (excluding Jerusalem), Israel has demolished **13,885 Palestinian homes**, about 4.8% of the average of estimated number of houses, between 1967 and 2025.[14]

The pretexts may be (1) administrative (e.g., for lack of an unobtainable building permit for Indigenous Palestinians) or (2) security related, whereas an inhabitant of the home may be accused of—but never tried for—a security offense, but the demolition is always punitive. These atrocities also constitute grave breaches of international humanitarian law prohibiting transfer[15] and wanton destruction of public or private property,[16] as well as banning collective punishment.[17]

Green washing

Accompanying the land deprivation and dispossession of the Indigenous Palestinian People has been Israel's narrative of greening the land, or "making the desert bloom." After denuding Nakba-destroyed village lands of their traditional fruit-bearing trees, the Jewish National Fund (JNF) afforestation with non-native Aleppo pines in their place not only disguised the crime scenes with "national" forest parks; those fast-growing and short-lived pines—famously prone to drought and wildfires—are routinely used as a premise to claim Palestinian lands, declared as "nature reserves," where a single pine planted on a plot denies Palestinian any agriculture or construction there, with retroactive effect.

Under this premise, Israel has conducted declared Palestinian land off limits for Palestinian housing, even demolishing entire villages under its 'greening' narrative. Notably, inside Israel, state organs have engaged in the militarized bulldozing demolition of the southern Naqab Palestinian village of al-`Araqib at least 236 times.[18] JNF's military-enforced plantings around Umm al-Hiran accompanied the incremental demolition of that Naqab village, which culminated in bulldozing every last Arab Bedouin Palestinian home there in November 2024.[19]

Israeli institutions and their enforcement agents demolished four other historic Bedouin settlements in al-Naqab already in 2024 as part of a larger plan to raze 'unrecognized villages' and build new Jewish communities in their place. Another 14 villages in the area, home to some 9,000 Bedouin, likewise face demolition.[20]

2. What challenges does your country, region, city, or your community face in accessing or acquiring land, land use or access rights for the purpose of the realization of the right to adequate housing?

The main challenge our country, region, city and community face under the apartheid State of Israel arises from the fact that we are not 'Jewish nationals' and, thus, subjected to legal, administrative and military denial of our human right to adequate housing, including the land for dwelling and other purposes. The Israeli state, both within its internationally recognized jurisdiction and territories it illegally occupies, continues to impose arbitrary policies and measures violating this fundamental human right and, by extension, the Indigenous Palestinian People's inalienable right to self-determination.

In the occupied Palestinian territory (which the General Assembly recognized as the observer State of Palestine in 2012[21]), Israel's effective confiscation of Palestinian lands comes under acquisitive pretexts of "state lands," "absentee" properties, and religious endowment properties (waqf), or lands that are needed for the expansion of the illegal

Israeli colonies built in Jerusalem and the West Bank, or for Jewish-only 'public' use such as colonial discriminatory roads and the Annexation-and-Expansion Wall's construction.

A particularly egregious development is the Israeli Knesset's recent enactment of legislation, passing all three readings, enabling the registration of land located in Area C (approximately 62% of the West Bank) as private tenure in the names of Israeli settlers.[22]

Under Israeli Cabinet's 2018 Decision 3790 "Narrowing Socioeconomic Gaps and Promoting Economic Development in East Jerusalem," similar dispossession under Israeli Military Orders already has taken parts of East Jerusalem and other Palestinian lands occupied since 1967, where land has been registered in the names of Israeli colonists. This flagrantly breaches the laws of war[23] and Security Council resolutions specifically prohibiting Israel's alteration of Jerusalem's demographic character.[24]

Enacted by Israel's Knesset, this law has prevented the Palestinian Authority from conducting land settlement and registration in area "C" and occupied East Jerusalem.[25]

Such legalistic manipulation imposes a level of the occupier's territorial control not previously exercised, even during the Ottoman period. The current measures by the Israeli occupation establish illegal changes on the ground, which should be rejected and treated as war crimes by the international community and the United Nations.

6. Please share any examples of land use, land governance or land management policies that have been successfully employed in your country, region or city to realize the right to adequate housing for all without discrimination.

Under colonization, occupation and annexation, Palestinians have no successful human right-compliant land governance and land-management policies to report. However, we hold fast to guiding land-governance principles and proposals to ensure equitable enjoyment of housing rights for the poorest and most-needy citizens, and the equitable and sustainable access to, use of, and control over land for current and future generations:

- Land must be recognized as the mother of natural resources, a classical element of human need and, therefore, human right with existential national and cultural significance. It should not be commodified or treated solely as an asset with uniquely economic function for market exchange.

- The designation of "state land" to serve its social functional, as states committed to ensure in 2015.[26] Land is to be managed by the state for the benefit of all people, prioritizing the most needy, not to be owned or exploited by the state or its institutions for private or parochial purposes.

- National and multinational corporations, private firms, parochial 'charitable' organizations and commercial development agents should not be permitted on lands near vital urban and rural services and infrastructure. Instead, such projects should be established away from residential and agricultural zones, with secure access provided under state supervision of land-use rights, without allodial ownership.
- Special attention and priority must be given to vulnerable groups—over the dominance of wealthy people, private-sector actors and capitalists—particularly to benefit:
    1. Workers,
    2. Smallholder farmers,
    3. Landless persons and communities,
    4. Indigenous Peoples.
- Providing social protection for other vulnerable groups through collective and cooperative housing initiatives, wherever feasible.
- Whoever wants to build luxury private villas must construct away from city centers, inner-city residential areas, agricultural areas, natural and cultural endowment, or industrial and tourism facilities. Those tenure holders should bear the full cost of any infrastructure or service extensions required, ensuring that public resources of a state, district, municipality or that of a rural village council are not diverted from essential needs, thereby conforming with states' lofty commitment to ensure the social function of land and the city.[27]

Endnotes:

[1] Jamal Talab al-Amleh and Joseph Schechla, "In the Long Shadow of Ottoman Land Administration," *The Land and Its People: Civil Society Voices Address the Crisis over Natural Resources in the Middle East/North Africa* (Cairo: HIC-HLRN, updated 20 August 2024), https://hlrn.org/img/publications/land_and_its_people.pdf.

[2] Raja Shehadeh, "Some Legal Aspects of Israeli Land Policy in the Occupied Territories," *Arab Studies Quarterly*, Vol. 7, Issues 2–3 (spring–summer 1985b), pp. 42–61, https://www.jstor.org/stable/i40087854.

[3] Mark LeVine, *Overthrowing geography: Jaffa, Tel Aviv, and the struggle for Palestine, 1880–1948* (Berkeley: University of California Press, 2005), pp. 64, 69, 184–86, 197, https://www.rahs-open-lid.com/wp-content/uploads/2024/01/LeVine-Mark-Overthrowing-Geography_-Jaffa-Tel-Aviv-and-the-Struggle-for-Palestine-1880-1948-University-of-California-Press-2005.pdf.

[4] "What is a declaration of state land?," *Peace Now*, 8 September 2014, with updated list to 2023, https://peacenow.org.il/en/what-is-a-declaration-of-state-land.

[5] Joseph Schechla, "Deconstructing Israel's Land and Housing Apartheid," (Geneva and Cairo: Housing and Land Rights Network – Habitat International Coalition, 2021), http://www.hlrn.org/img/documents/BP_Deconstructing.pdf.

[6] Janet L. Abu Lughod has estimated 770–780,000 expelled, in 'The demographic transformation of Palestine', in Ibrahim Abu Lughod, ed., *The Transformation of Palestine, 1948–1967* (Evanston IL: Northwestern University Press, 1971), p. 161.

[7] For housing units destroyed in the Nakba, we based the estimate on the number of expelled refugees divided by 5. Using Janet Abu Lughod's reliable figures (770–780K expelled), the resulting estimate would be 154–156K housing units, among other buildings. An absolute minimum round number would be 150,000. The Israeli Committee against Home Demolitions (ICAHD) cites 52,000 units destroyed, "Categories of Home Demolitions," 14 March 2020, https://icahd.org/2020/03/14/categories-of-home-demolitions/. However, this estimate is approximately one-third of the total. Note it took the Israelis 15 years to demolish them all between the 1948 to 1967 wars.

[8] Joseph Schechla, "Targeting Homes, Shelters and Shelter Seekers: Israel's raison d'état, military doctrine and consistent practice," Special Working Papers Series, International Migration and Refugee Studies Program, Birzeit University, Birzeit Palestine, https://www.birzeit.edu/en/targeting-homes-shelters-and-shelter-seekers.

[9] Anthony Coon, Steven Kahanovitz, Miloon Kothari, Rudolfo Stavenhagen, with Joseph Schechla and Angie Balata, *The Goldberg Opportunity: A Chance for Human Rights-based Statecraft in Israel* (Cairo: HIC-HLRN, 2010), http://hlrn.org/img/publications/FFM%20Naqab%202010.pdf.

[10] CESCR General Comment No. 7: "forced eviction," 20 May 1997, paras. 15–16, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCESCR%2FGEC%2F6430&Lang=en.

[11] Commission on Human Rights, "forced eviction," resolution 1993/77, 10 March 1993, http://www.hlrn.org/img/documents/ECN4199377%20en.pdf; "Prohibition of forced evictions," resolution 2004/28, 16 April 2004, para. 1, http://www.hlrn.org/img/documents/E-CN_4-RES-2004-28.pdf.

[12] General Assembly, "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, 21 March 2006, at: http://www.un.org/Docs/asp/ws.asp?m=A/RES/60/147.

[13] Housing and Land Rights Network – Habitat International Coalition (HIC-HLRN) monitors violations under five discrete—but often coinciding—classifications: (1) forced eviction, (2) demolition/destruction, (3) dispossession, (4) derogation of rights due to privatization and (5) environmental hazard/climate-change event. See HIC-HLRN, Housing and Land Rights Violation Database, http://hlrn.org/welcome_violation.php.

[14] Land Research Center (LRC) archives. See also LRC, "On the anniversary of our First Nakba... The Nakba unfolds again, only more severe," 15 May 2025, https://hic-mena.org/activitydetails.php?title=On-the-anniversary-of-our-First-Nakba...-The-Nakba-unfolds-again,-only-more-severe&id=qG1mbA==.

[15] Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, 12 August 1949, Articles 49 and 147, https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949.

[16] *Ibid*., Articles 53 and 147.

[17] *Ibid*., Article 33.

[18] "Israel razes Araqeeb village in Negev for 236th time," *Middle East Monitor* (25 February 2025), https://www.middleeastmonitor.com/20250225-israel-razes-araqeeb-village-in-negev-for-236th-time/.

[19] "Israel demolishes village at the heart of Bedouin minority's struggle over land," *Associated Press* (AP) (14 November 2024), https://apnews.com/general-news-0bd7d8e3bc944c59ae3f507941e89743.

[20] Julia Frankel, "Israel demolishes village at the heart of Bedouin minority's struggle over land," *AP,* https://apnews.com/article/israel-bedouiun-police-arab-bedouin-umm-al-hiran-7082876b9e36a7cd0b1b6aa6eff79409.

[21] General Assembly, Status of Palestine in the United Nations, A/RES/67/19, 4 December 2012, https://docs.un.org/en/A/RES/67/19.

[22] Peace Now, "The Cabinet Decides to Initiate Land Registration Process that would Dispossess Palestinians from their Lands the West Bank," 12 May 2025, https://peacenow.org.il/en/cabinet-decision-land-registration.

[23] N.B.: The Hague Convention on the Laws and Customs of War on Land (Hague IV); 18 October 1907, Article 43, prohibiting the occupier from altering the legal system in the occupied territory, https://avalon.law.yale.edu/20th_century/hague04.asp#:~:text=43.,in%20force%20in%20the%20country.

[24] Security Council, resolution 242, 22 November 1967, https://docs.un.org/S/Res/242(1967); resolution 252 21 May 1968, https://docs.un.org/S/RES/252(1968); resolution 476 (30 June 1980, https://docs.un.org/S/RES/476.

[25] Peace Now, *op. cit*.

[26] General Assembly, New Urban Agenda, A/RES/71/256, January 2016, paras. 13 and 69, https://docs.un.org/A/res/71/256.

[27] *Ibid.*