



Latest Tool of Advancing Annexation in Areas C

Israel Imposes New Arbitrary Procedures against Palestinian Planning and Housing Rights

In September 2020, the Israeli Civil Authorities (“ICA”) imposed new procedures on planning and building for Palestinians in Areas C **which is expected to cause a significant spike in the already record-high numbers of house demolition cases in the oPt**, in an escalated step aimed at voiding Palestinian population from Areas C through forcible displacement. The new procedures introduce an additional mandatory step preceding the building permit request: Palestinians have to submit an “information request”, which **stipulates incapacitating terms before it is considered fit for mere examination by the ICA.**

The new “information request” must be submitted to the ICA identifying the land where the building permit is requested. The ICA will according to this new procedure respond with designating the status of the land at its own discretion and, accordingly, if building are allowed at all. If the ICA designates the identified land as State land, confiscated land, land with standing military orders that prohibit building (also includes cases of road offset), natural reserves, archaeological sites, among other classifications- which constitute a vast percentage of lands in Areas C- then **the ICA will reject the request in form, i.e. it will deny the possibility to even examine any request for building permit, and the building will be exposed for carrying out the demolition order at any time.**

The new procedures also stipulate largely complicated technical requirements in the “information request”, such as the condition to have signed approvals from **all the owners and inheritors of the lands since 1967, which is practically impossible** due to the complications on the ownership status in Areas C as a result of Israel’s policies in these areas which make private land registration burdensome, prohibitively expensive and risky in terms of fear of Palestinian land owners to expose their lands to confiscation.

Whereas the possibilities of obtaining a building permit for Palestinians in Areas C was almost never attainable before the new procedures, as per the former applicable procedures, the initiation of procedures before the ICA enabled Palestinians to freeze the enforcement of the demolition as long as procedures were ongoing, and even though it is not possible under Israeli laws to cancel demolition orders against Palestinians in Areas C, the freeze on demolition meant that Palestinians could stay for longer periods of time in their houses despite a standing demolition order.

However, with this new procedure, the “information request” **makes the possibility of submitting a building permit by Palestinians to the ICA practically impossible**, let alone the following step of examining the permit request IF the “information request is accepted. Moreover, **the new procedures complicate the requirements the permit request even more than the already burdensome ones.** Although procedural access to justice for Palestinians was extremely restricted



before, the introduction of the new procedures **will effectively block it and deny Palestinians entirely from the right to due course.**

Although no demolitions were carried out based on the new procedures yet, their enforcement is expected to have severe impacts on the presence of Palestinians in Areas C of the oPt. The new procedures are expected to accelerate house demolition cases, and therefore, forcible transfer of Palestinians from their lands.

The new procedures cannot be understood isolated from Israel's declared objective to *de jure* annex Areas C of the oPt, while simultaneously advancing its *de facto* annexation policies on the ground, such as settlements expansion, house demolitions and forcible transfer. Annexation of occupied territory is absolutely prohibited under international law, including International Humanitarian Law ("IHL"), where no derogations or exceptions are permitted.

Under IHL, namely Article 53 of the Geneva Convention, any destruction of property not justified by absolute military necessity is strictly prohibited. Moreover, it is stipulated that extensive destruction, such as expected under the new procedures, is considered a grave breach of the conventions.

In addition, Article 49 of the Geneva Conventions entirely prohibits the forcible transfer of individuals or communities of protected persons, irrespective of motives, and considers it to be a grave breach that amounts to a war crime.

In addition, Israel's systematic demolitions of Palestinian property and the ensuing forcible transfer in the oPt violate the right to adequate housing, protected under several bodies of international human rights law.