

THE NGOs, DEMOLITION OF ILLEGAL BUILDING IN JERUSALEM, AND INTERNATIONAL LAW

Justus Reid Weiner¹

Various nongovernmental organizations accuse Israel of abusing the Arab population of East Jerusalem by demolishing their illegally built (unlicensed) homes. NGOs claim to be acting as the world's conscience and proclaim the objectivity and accuracy of their reports. Using the idiom of international law, these NGOs have inflicted lasting damage on Israel's reputation. They accuse the Jerusalem municipality of having different standards for house demolitions as between Arab and Jewish neighborhoods. The general public, unable to decipher the legal jargon in the NGOs' criticisms, tends to assume that they are credible.

Does Israel breach the human rights of the Arab residents of East Jerusalem by demolishing their illegally built structures? At issue here are the laws and facts underpinning the NGOs' accusations; whether the NGOs make proper use of the Fourth Geneva Convention and other instruments of conventional and customary international law; and the extent to which these NGOs adhere to their proclaimed standards of accuracy, objectivity, and political independence.²

In 1947 the UN General Assembly voted on a plan to divide the British Mandate of Palestine into two neighboring countries—one Arab and the other Jewish, with Jerusalem being a separate

international entity. This partition plan was accepted by the Jewish leadership but rejected outright by their Arab counterparts. Wars followed, first in 1948, which ended with an armistice in which the city was divided into Israeli and Jordanian sectors. Thereafter, the 1967 War resulted in the reunification of the city under Israeli control. Israel announced the whole of unified Jerusalem as its eternal capital. Ever since then the Palestinian Arab leadership has boycotted the Israeli administration of East Jerusalem. Many NGOs have played a central role in the struggle for the city.

The notion of NGOs fighting for human rights evokes an almost romantic picture of the underdog heroes fighting an inherently evil tyrant on behalf of the helpless and oppressed. But is such a perception valid in regard to the NGOs' efforts to condemn Israel's demolition of illegal buildings in Jerusalem's Arab neighborhoods?

Allegations by NGOs

Israeli, Palestinian, and international NGOs have led the efforts to stigmatize the municipality of Jerusalem for enforcing its planning law. The NGOs insist that the widespread illegal construction results from the alleged unwillingness of the municipality to issue building permits to Arabs and, in addition, from the Arabs' difficult financial circumstances.³ The NGOs are doctrinaire in their opposition to demolitions, unlike the nuanced approach of some of the Palestinian leadership, as typified by Dr. Sari Nusseibeh.⁴ NGOs that have joined this cause include the Palestinian Society for the Protection of Human Rights and the Environment, the Palestinian Human Rights Information Center, the Association for Civil Rights in Israel, the Palestinian Agricultural Relief Committees, the Society of St. Yves, the Applied Research Institute Jerusalem, the Land Defense Committees, Bat Shalom, the American-Arab Anti-Discrimination Committee, Human Rights Watch, the Jerusalem Center for Social and Economic Rights, the Alternative Information Center, the Palestinian Center for Human Rights, Al Haq, and the Palestinian Independent Commission for Citizens Rights.⁵ The allegations made by Amnesty International, B'Tselem, the Israeli Committee against House Demolitions, and Ir Shalem will be examined here.⁶

Israeli attorney Daniel Seidemann is perhaps the most active, and effective, individual in the campaign against municipal efforts to enforce the planning law. In 1998, as the lead counsel and a founding member of an NGO (ironically) called Ir Shalem,⁷ he published an article titled "Ehud Olmert: Jerusalem and the Facts." It appeared in the *Jerusalem Quarterly File*, a journal affiliated with the Institute for

Palestine Studies.⁸ In it he asserted: “In recent months, Jerusalem’s Mayor Ehud Olmert has been engaged in a well-oiled public relations campaign geared to set the stage for the ‘demolition derby’ planned by himself in East Jerusalem. Mr. Olmert intends to demolish tens, if not hundreds of illegally built homes in the Palestinian sector of the city.”⁹

Six years later, the “well-oiled public relations campaign” has yet to register any impression on the press or the public. Virtually every instance in which a demolition has been covered by journalists, even by the Israeli press, has focused on the allegations against the city by the Arab residents, Palestinian leadership, or their Israeli and NGO sympathizers.¹⁰ As for Seidemann’s allegation that a “demolition derby” was imminent, his crystal ball was cloudy. It is instructive to compare the total number of demolitions in East Jerusalem before and since Seidemann’s 1998 article:

- 1993–94: 28 demolitions
- 1995–96: 22 demolitions
- 1997–98: 62 demolitions
- 1999–2000: 26 demolitions.¹¹

And from the year 2000 (when statistics became available on a yearly basis):

- 2000: 9 demolitions.
- 2001: 32 demolitions.
- 2002: 36 demolitions.
- 2003: 66 demolitions.
- 2004 (up to the beginning of March): 33 demolitions.¹²

Even according to the figures published by the Palestinian Authority’s Central Bureau of Statistics, the number of demolished structures in Arab areas, excluding what they call “tents and barracks,” for the years 1997, 1998, and 1999 were 28, 31, and 36, respectively.¹³ Seidemann, both by accusations and by omissions, misinforms the public as to what is at stake in the city’s efforts to cope with the epidemic of illegal construction. Indeed, if there is any “well-oiled public relations campaign” it is the NGOs’ categorical denunciations of any, and every, attempt by the municipality to enforce the planning law.

B’Tselem, the Israeli NGO, has original reasons for opposing administrative demolitions by the Jerusalem municipality. Attorney Yael Stein, research coordinator for B’Tselem, openly acknowledges its political point of departure. She states that if the municipality did everything possible to protect the interests of the residents of East Jerusalem, then it would be possible to justify demolition of illegally

built structures.¹⁴ Stein's à la carte approach to the rule of law fails to acknowledge that the city does strive to protect the long-term interests of the Arab residents of Jerusalem, in very difficult political and economic circumstances.

A variation on B'Tselem's political approach has been adopted by Jeff Halper, coordinator of the Israeli Committee against House Demolitions. Halper, who peppers his attacks on Israel with charges like "apartheid,"¹⁵ and equated Israel's legal system with the Nazi Nuremberg laws,¹⁶ alleges that Israeli zoning and building regulations are not ordinary laws, like similar provisions in effect in other developed nations. Instead he castigates these Israeli provisions as designed to "restrain Palestinians from building, to confine them in small ghettos in East Jerusalem."¹⁷

Many NGO publications depict atypical examples of demolitions, rather than presenting a systematic or representative overview of the overall planning process.¹⁸ Comparisons to other countries that use demolitions are avoided. The NGOs seem willing to include any incidents that might be viewed as outrageous behavior by the municipality of Jerusalem or the state of Israel. These misrepresentations are frequently based on unverified accusations of unnamed, politically-motivated sources. Palestinian and pro-Palestinian sources recite litanies of alarming accusations, many of them hearsay, that the NGOs rely on as fact. Even when particular facts they assert are correct, the NGOs do not adequately contextualize the environment in which the municipal planning mechanism and the Israeli judicial system function. They minimize the objective difficulties facing the municipality and the state of Israel while serving up inflammatory and misleading generalizations.¹⁹

NGOs criticize the municipality for the "overcrowded" conditions in the Arab neighborhoods of Jerusalem.²⁰ Yet, according to two of the three measurements²¹ of density, the ultra-Orthodox Jewish population lives in the densest conditions of any sector of Jerusalem's population. Indeed, in living units per dunam the ultra-Orthodox live almost four times more densely than the non-Jewish—Arab.²² Similarly, in persons per dunam the ultra-Orthodox density is three times that of the non-Jewish sector. These statistics ought not surprise anyone as the ultra-Orthodox are mostly poor and have large families. Yet this author is unaware of a single NGO that has launched a campaign or published a study detailing their plight. Nor have the demands, needs, or preferences of the ultra-Orthodox been sympathetically covered in the media, electronic or print. What does this say about the objectivity and balance of the NGOs and the media?

Moreover, had the NGOs considered the wider perspective, they would also examine the many cities, in various countries including

democracies, that suffer from problems relating to housing. Has Amnesty International,²³ or any of the other prolific NGOs, ever criticized the Belfast municipality for the notoriously segregated, explosively violent, residential patterns in that city?²⁴ Why not investigate the housing and demographic patterns in other divided cities torn by political conflict? How about Nicosia (Cyprus)? Or Pristina (in the disputed Yugoslavian province of Kosovo)? Or Sarajevo (Bosnia and Herzegovina)? Or Colombo (Sri Lanka)? Or Beirut during the Lebanese civil war? Or Berlin during the Cold War? Or the houses destroyed by Palestinian Authority bulldozers in Gaza? Or the frequent demolitions of structures in countries like Lebanon, India, Pakistan, and the Philippines? Moreover, it is striking, but not surprising, that not one of the NGOs that has entered this fray has publicly identified either of the two predominant motivations for illegal construction: namely, the abundant political and economic support the Palestinian Authority and its backers provide for those who build illegally, and the builders' willingness to use illegal methods, including land theft, to gain illicit profits.

NGOs such as Halper's Committee challenge an additional standard. Former Jerusalem Deputy Mayor Meron Benvenisti wrote in 1986, "if one repudiates a system he does not seek redress within it."²⁵ This is no longer the case. Many of today's NGOs that support or defend illegal building in the Arab neighborhoods apparently want it both ways. That is, they express arguments of the civil-libertarian genre, demanding equal public services, while simultaneously insisting on liberating the Arab neighborhoods of Jerusalem from the Israeli framework.

Funding for the NGOs

Not surprisingly, some of the NGOs have benefited from the largess of the European Commission, the executive branch of the European Union.²⁶ For example, on 29 September 1999 the sum of 250,000 euros was earmarked for the Committee against House Demolitions and 250,000 euros was given to Ir Shalem. It is not clear to what objectives these quite substantial sums were devoted, although some of the grant received by Ir Shalem funded the printing of a study on planning in Jerusalem. When last checked in August 2002,²⁷ Ir Shalem had not submitted a report of its financial activities to the Israeli Registrar of Nonprofit Organizations, as required by law. As a consequence, the Registrar sent Ir Shalem two strongly worded letters criticizing it for failing to file proper documents pursuant to Article 38 of the Nonprofit Organizations Law, threatening to have it dissolved.²⁸ Thereafter, the

Registrar appointed a certified public accountant to conduct an in-depth investigation of Ir Shalem.²⁹

The balance sheet that the Committee against House Demolitions filed with the Registrar listed the annual contributions it had received for the years 1999 and 2000 as 150,530 NIS (New Israeli Shekels) and 162,184 NIS, respectively.³⁰ As mentioned above, the European Commission, however, was to have donated the much larger sum of 250,000 euros to the Committee during that period. At the current exchange rate this translates to approximately 1,500,000 NIS. According to the relevant grant rules, interim and final reports describing projects must be submitted by all grant recipients. Presumably, such reports were submitted by Ir Shalem and the Committee against House Demolitions. Despite this author's requests, in writing and telephone conversations, for copies of all such submissions they were not forthcoming in a timely fashion.³¹

Demolition, International Human Rights Law, and Amnesty International

The general public, not having studied law, lacks the tools to filter out the plethora of bogus "international law" accusations that NGOs have contrived to find the municipality and the state of Israel wanting. For example, fifteen critics stood up at a city council meeting to show off T-shirts that read, "Olmert = Discrimination, Racism, Lie" and "Olmert to The Hague," suggesting that the then mayor should be tried for war crimes.³² Elsewhere the Palestinian Society for the Protection of Human Rights and the Environment made the wild accusation that "Israel's policies are aimed at the ethnic cleansing of Palestinians."³³ Regardless of these irresponsible charges, if the conduct of the municipality was arguably in violation of existing, hard, international law standards then it deserves to be censured. This is not the case, despite the cloud of suspicion created by the repeated forays of the NGOs.

Amnesty International is the world's largest private human rights organization. It insists that it adheres to universal standards in its criticism of various governments. Therefore, it may be surprising to learn that Amnesty International invented a human rights "norm" by which it condemns just one country—Israel—from among the approximately two hundred countries in the world today. In 1995, under the vague and misleading rubric "grave violations,"³⁴ Amnesty International commenced the process by which it added its voice to the numerous local NGOs that condemn Jerusalem's planning enforcement policies. Despite the diverse countries that demolish illegal

housing, this author's search of the Amnesty International website reveals that it has yet to criticize even one other country for breaching Amnesty International's newly-minted "norm." Might it be that the organization modified its terms of reference to find still another subject where it could break new ground by censuring Israel?³⁵

In addition, Amnesty International omits the lengths to which the municipality goes in its efforts to protect the interests even of those who build illegally. First, to make it possible for the builder of a structure threatened with demolition to petition a court for an injunction, the municipality of Jerusalem posts a notice in a visible place on the illegal structure, days, weeks, or sometimes as much as a month in advance of the carrying out of the order. If more than a month passes between posting the notice and carrying out the demolition, a new notice must be posted.³⁶ Second, every effort is made to spot illegal structures at the earliest possible point, to minimize the financial loss of the person who has begun construction.³⁷ If people inhabit the structure for more than thirty days, the city's general policy is not to demolish it.³⁸ Thus, often what is being destroyed is not a lived-in home, but rather a cement slab, sometimes with a few pillars. Most of the structures that have been administratively demolished are not "homes" in the conventional sense—structures with people residing in them.³⁹ Third, the actual demolition is carried out in a manner that as much as possible avoids provoking violence. Thus, the security complement of soldiers and policemen that accompanies the demolition crew is there to prevent demonstrations from erupting into a riot. Fourth, anyone moved out of a demolished structure by the municipality can, if they need a temporary residence, be put up in a hotel at the city's expense.⁴⁰

By failing to put its allegations in context, Amnesty International sensationalizes this topic. Worse still, Amnesty International makes specious accusations, such as: "house demolitions ostensibly occur because the homes are built 'illegally'—without a permit...the Israeli policy has been based on discrimination. Palestinians are targeted for no other reasons [sic] than that they are Palestinians."⁴¹

Regarding that latter accusation, why does not Amnesty International acknowledge that they are targeted because they built illegally? Amnesty International makes no mention of the fact that had the individuals in question applied for and received building permits, their structures would have never been targeted for fines or demolition. It should not be forgotten that the city also demolishes Jewish-owned illegal structures in Jerusalem. Moreover, it should be borne in mind that most of the structures that the municipality demolishes are not (yet) "house[s]," since they are not yet inhabitable.

Amnesty International claims that: “Israeli officials have ignored the Fourth Geneva Convention which requires the occupying power to *protect the welfare of the people* in the areas it has occupied and international human rights law which recognizes the right of everyone to an *adequate standard of living including housing*”⁴² (emphasis added). As for the assertion about what the Fourth Geneva Convention requires, it is peculiar that Amnesty International’s researcher fails to cite any of the 159 Articles of that Convention. Although it is undoubtedly desirable for occupiers to protect the welfare of civilians, this author’s review of the Fourth Geneva Convention failed to reveal any provision that posits such a requirement. In any event, it so happens that the welfare of the people is served, not harmed, by administrative demolitions. Such demolitions deter the sprawl that increases the difficulties and costs of providing public services to the Arab neighborhoods. If the municipality neglected to demolish illegal structures that harm the welfare of the residents, would it not be in violation of any “protect the welfare of the people” provision? In the case of dangerous structures that do not comply with the building code—for example, if the number of metal rods in a cement support is below specification—the administrative demolition of illegal building clearly serves the welfare of the people.

Amnesty International’s unfounded norm of an “adequate standing of living including housing,” appears to paraphrase Article 25 of the 1948 UN Universal Declaration of Human Rights.⁴³ The UN Declaration was originally passed by the General Assembly and not the Security Council, and as such, according to the internal rules of the United Nations, it has no force of law. Moreover, it is peculiar indeed for Amnesty International to imply that their ambiguous “adequate standard of living” clause imposes a positive law obligation on the government of Israel. Should not Amnesty International have, in order to put the paraphrased “norm” in context, cited Article 29(2), which states: “everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society”?⁴⁴ Are not “public order and the general welfare in a democratic society” served by making everyone subject to the urban planning standards by enforcing them against all violators? Indeed, if Amnesty International wants to apply the “protect the welfare” clause, why does it do so for the benefit of the illegal builders and not for the good of their law-abiding neighbors?

A still more fundamental question is raised by the NGOs’ efforts to apply various human rights standards that were initially intended

to apply in times of peace and thus are temporarily substituted by the humanitarian laws of war.⁴⁵ Thus there is considerable doubt as to whether the much-referenced UN Universal Declaration of Human Rights, for example, applies in time of war/occupation.⁴⁶ Regrettably, no mention of these doubts regarding the legal relevancy of the proffered authority appears as a footnote in any of the NGO reports that condemn Israeli conduct as contrary to the UN Universal Declaration of Human Rights.

Various NGOs have made a veritable crusade out of their opposition to the Jerusalem municipality's planning policies. Of course, these groups are free to determine their priorities and methodologies, at least within the limits their donors will tolerate. This freedom, however, is often abused by taking advantage of the public's credulity regarding accusations couched in the terminology of "human rights law," "humanitarian law," and "international law." A closer inspection of the instruments that constitute the body of international law reveals several problems. To begin with, the NGOs do not distinguish "soft law"⁴⁷ from "hard law." Soft law consists of agreements on principles, even solemn declarations, but constituting mere recommendations to states.⁴⁸ Indeed, many international lawyers consider "soft law" to be a misnomer because it has no binding authority as is. Although it may express noble aspirations, and may, over time, become recognized as reflecting customary international law, or even stimulate sovereign states to promulgate or negotiate legislation or conventions, by definition "soft law" lacks authority to bind states. "Soft law" is to be distinguished from its counterpart, "hard law"⁴⁹—the legally binding bilateral and multilateral agreements entered into and ratified by sovereign entities.⁵⁰

Moreover, Amnesty International's indictment regarding the Fourth Geneva Convention deserves further criticism. The first half of this criticism relies on the Fourth Geneva Convention itself, which by its own terminology ("the territory of a High Contracting Party") and in the opinion of leading commentators, is not applicable to Jerusalem and/or, for that matter, to any of the territories captured by Israel in 1967.⁵¹ Even those parts of Jerusalem that were captured in 1967 are regarded by Israel as part of its united capital.⁵² Successive Israeli governments since 1967—Labor, Likud, and National Unity—have taken the position that the Geneva Conventions of 1949, which Israel ratified in 1951, are not *de jure* applicable to its administration of the areas captured in the 1967 War.⁵³ Of course Amnesty International is free to disagree with Israel's position, and that of leading commentators, but it is disingenuous for this organization to simply ignore more than thirty years of scholarship and jurisprudence on this controversial issue.⁵⁴

While serving as the Israeli attorney-general, Meir Shamgar, the Supreme Court President, in 1971 said that the government's administration of the territories would be in accordance with the humanitarian provisions of the Convention on a de facto basis.⁵⁵ Indeed, on various occasions since 1967, Israeli governments have voluntarily undertaken to comply with the "humanitarian" provisions of the Fourth Geneva Convention.⁵⁶ While uncertainty exists regarding the limits of the humanitarian provisions, as distinct from purely technical provisions, it is worth noting that among the many states that have occupied territory in recent decades, to the best of this author's knowledge, only Israel has applied the Fourth Geneva Convention's humanitarian terms, even on a de facto basis.⁵⁷

The Fourth Geneva Convention's threshold test of applicability, contained in Article 2, is not met by Israel's administration of East Jerusalem. This follows from the language of the Article, which states that: "[t]he present convention shall apply to cases of partial or total occupation of the territory of a High Contracting Party." The Arab neighborhoods of Jerusalem that were captured in the 1967 War were not "the territory of a High Contracting Party [i.e., a state that had ratified the Convention]."⁵⁸

Failing the applicability of the Fourth Geneva Convention, it is also useful to consider Article 43 of the Hague Regulations of 1907, the leading source of customary international law pertaining to occupation of territory.⁵⁹ Article 43 embodies the following core principle: "[t]he authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country."⁶⁰ In the opinion of this author, "public order and safety" are well served by the selective use of demolition against illegally constructed buildings that degrade the environmental order not connecting with sewage lines and failing to provide parking spaces threaten public safety (e.g., by failure to comply with the construction safety codes).

Perhaps Amnesty International's stance has a simple explanation—the political views of its author. Among the universe of experts on town planning, Amnesty International chose to employ one, a Mr. Anthony Coon, whose political views predated his selection by Amnesty International.⁶¹ Coon previously worked for two years as an employee of the Palestinian rights organization Al Haq.⁶² Lest it be considered a coincidence that Amnesty International selected a former Al-Haq employee to write its report, note that in at least one earlier instance Amnesty International also picked a researcher who had worked for Al-Haq to write one of their reports critical of Israel.⁶³ Despite the political dimension of the topic in question and Coon's

widely publicized views pertaining to it, Amnesty International apparently saw nothing wrong with employing him. Amnesty International's Press Release announced that their "delegation, include[d] Anthony Coon, an independent expert on international town planning."⁶⁴ So much for his "independence" and for theirs.

Conclusion

In sum, we have seen that NGO reports on illegal construction in East Jerusalem are frequently characterized by factual inaccuracies, the misuse of legal authority, critical omissions, groundless insinuations of official misconduct, untruths, and unfair and unsubstantiated "evidence," while using the human rights jargon to mislead the general public. These reports offer one-sided presentations that disregard proportion and context, while completely ignoring the two major reasons for illegal building in the Arab neighborhoods: that it is a political tool in the hands of the Palestinian Authority, and a means for criminal profit at the expense of others.

Notes

1. This article is revised and adapted from the author's *book Illegal Construction in Jerusalem: A Variation on an Alarming Global Phenomenon* (Jerusalem: Jerusalem Center for Public Affairs, 2003). The author wishes to thank Dan Feldman for his assistance in editing and updating this article.
2. Amnesty International website (visited 1 December 2004), <http://web.amnesty.org/pages/aboutai-index-eng>; B'tselem website (visited 1 December 2004), <http://www.btselem.org/>.
3. Regrettably, the scope of this article does not permit a full analysis of these claims. These allegations are dealt with at length in the author's book (see note 1).
4. Interview with Dr. Sari Nusseibeh, president of Al Quds University and Palestinian Authority political commissioner for Jerusalem affairs, Jerusalem, 30 January 2002.
5. Some of these impressive-sounding entities involve only one, or a few, activists/members. Indeed, a handful of activists/members may simultaneously enroll in more than one organization that addresses this cause. Still other entities, such as Hanthala Palestine, are "virtual" rather than corporeal. Hanthala Palestine Internet Website, *Fifty Reasons to Condemn Israel's Human Rights Record* (visited 7 June 2002), <http://hanthala.virtualave.net/hanthala.html>.
6. Even this list is apparently incomplete as some forty organizations and individuals have been listed as supporting rebuilding demolished homes on

- one website. Right to a Home and a Homeland, Website of the Global Campaign to Rebuild Palestinian Homes (visited 28 October 2002), <http://www.rebuildinghomes.org>.
7. Ir Shalem, "East Jerusalem—The Current Planning Situation: A Survey of Municipal Plans and Planning Policy" (n.d.), p. 9. The Hebrew expression *ir shalem* translates to "whole city." Ir Shalem's report on planning in East Jerusalem, which lists Seidemann as its "adviser," expresses its appreciation for "the generous help" of the European Commission. Thereafter, Seidemann left Ir Shalem and founded another nonprofit entity known as the Pro-Jerusalem Society. American Committee on Jerusalem website (visited 31 May 2002), http://www.acj.org/april/april_11.htm.
 8. *Jerusalem Quarterly File website* (visited 15 January 2001), <http://www.jqf-jerusalem.org>. Thus far only thirteen issues of this publication have appeared.
 9. Daniel Seidemann, "Ehud Olmert: Jerusalem and the Facts," *Jerusalem Quarterly File*, No. 1, 1998, available at *Jerusalem Quarterly File website* (visited 23 November 2001), <http://www.jqf-jerusalem.org>.
 10. See, e.g., Margot Dudkevitch and news agencies, "9 Buildings in Isawiya Demolished," *Jerusalem Post*, 15 January 2002, p. 3; Wael Tabari, "New Demolition Policy," *The Palestine Monitor*, 28 December 2001, p. 1.
 11. Interview with Israel Ben-Ari, deputy manager of Licensing and Inspection Department of Jerusalem Municipality, Jerusalem, 9 June 2002.
 12. Jerusalem municipality website, Behind the News (visited 18 November 2004 12:41), http://www.jerusalem.muni.il/jer_main/fl_main.asp?lng=2.
 13. Palestinian Central Bureau of Statistics, PCBU website (visited 5 December 2004, 10:37), "Demolished Houses by Selected Indicators, 1997–2000," http://www.pcbs.org/abs_pal/abs_pal/s_tables/hum3.htm.
 14. According to Stein, B'Tselem's opposition to demolitions focuses on cases in which the house belongs to someone who was unable to get a permit and objectively felt that he or she had no other option. Telephone interview with Yael Stein, research coordinator for *B'Tselem*, Jerusalem, 3 March 2002.
 15. Interview with Irwin Cotler, professor of international law and member of the Canadian House of Commons, Jerusalem, 1 July 2002. *At present Cotler is the Canadian Minister of Justice*.
 16. Judy Lash Balint, *Trouble in the Holy Land*, visited 12 June 2002, available at WorldNet Daily website (visited 3 August 2002), www.worldnetdaily.com/news/article.asp?ARTICLE_ID=23437.
 17. Andrea Levin, "Truth Demolition in an Anti-Israel Road Show," *On Camera*, 3 February 2000, p. 1.
 18. See, e.g., Anthony Coon, "Demolition and Dispossession: The Destruction of Palestinian Homes," *Israel and the Occupied Territories*, AI-index MDE 15/059/1999, 8 December 1999, p. 2, available at Amnesty International website (visited 1 June 2002), http://www.amnestyusa.org/countries/israel_and_occupied_territories/reports/demolition_summary.html; Al Haq, "Al-Haq Condemns Israel's Demolition of 14 Homes in Shu'afat Refugee Camp," 9 July 2001, available at Alternative Information Center website (visited 23 May 2002), <http://www2.alternativenews.org/display.php?id=118>; "Injustice

- in the Holy City,” *B’tselem Journal*, December 1999, available at B’Tselem website (visited 22 July 2002), <http://www.btselem.org>.
19. Margret Wentz, “Call It Sham-nesty International: An Apologist for Terror,” *The Globe and Mail*, 9 May 2002, p. A15.
 20. See, e.g., Press Release, B’Tselem, “Injustice in the Holy City: House Demolitions,” p. 1, n.d.
 21. These measurements are living units per dunam, persons per dunam, and squaremeters per person.
 22. The dunam is the traditional Middle Eastern unit of land area. Approximately four dunams equal one acre.
 23. This author attempted to locate any such reports by searching the “Library” of Amnesty International’s documents via that organization’s website. No documents turned up. Amnesty International website (visited 12 July 2002), <http://www.amnesty.org/ailib/index.html>.
 24. See Frederick W. Boal, “Urban Ethnic Segregation and the Scenarios Spectrum,” website (visited 12 July 2002), <http://www.lincolnst.edu/courses/seg-reg/boal.doc>; Paul Doherty and Michael A. Poole, “Ethnic Residential Segregation in Belfast,” Center for the Study of Conflict, available at University of Ulster website (visited 11 July 2002), <http://cain.ulst.ac.uk/csc/reports/apartbel.htm#conclude>.
 25. Meron Benvenisti, *Conflicts and Contradictions* (Silver Springs, MD: Eshel Books, 1986), p. 111.
 26. It should be remembered that most of the EU countries enjoy extensive trade relationships with the Arab and Islamic states. Their long-term dependency on imported oil, most of it exported from Arab countries, also lurks as a question mark behind their posture on Israeli-Palestinian issues.
 27. Interview with Tal Bialostocki, research assistant at the Jerusalem Center for Public Affairs, Jerusalem, 10 August 2002.
 28. Letter from Ruth Zaken of the Registrar of Nonprofit Organizations to Ir Shalem, 8 January 2002 (Hebrew).
 29. Letter from Gavriel Issac, CPA, to Ir Shalem, 14 July 2002 (Hebrew); telephone interview with Mili Ansbacher, accountant at the Israel Registrar for Nonprofit Organizations, Jerusalem, 3 December 2002.
 30. Letter from Eitan H. Shaki, CPA, to the Committee against House Demolitions, 11 March 2002, p. 3 (Hebrew).
 31. Telephone interviews with David Kriss, press officer, Delegation of the European Commission, Tel Aviv, 15 November, 28 November, 2 December 2002. To date the author has received no substantive reply from the European Commission regarding his questions on its financial and project relationship with Ir Shalem and the Committee against House Demolitions. Letter from Justus Weiner to David Kriss, press officer, Delegation of the European Commission, Tel Aviv, 20 November 2002.
 32. Eyal Hareuveni, “Ha’Dakhburim Docharim Rak Mizrakha” [The Bulldozers Only Dig East], *Kol Ha’ir* (weekly Hebrew newspaper), 8 February 2002, p. 35.
 33. Palestinian Society for the Protection of Human Rights and the Environment, “Two House Demolitions in One Day,” 21 June 1999, available at Palestinian Society for the Protection of Human Rights and the Environment website

- (visited 6 June 2002), <http://www.blythe.org/nytransfer-subs/99mid/TWO_HOUSE_DEMOLITIONS_IN—ONE_DAY> .
34. Coon, "Demolition and Dispossession."
 35. See, e.g., Justus Reid Weiner, "Human Rights in the Israeli Administered Areas during the Intifada: 1987–1990," *Wisconsin International Law Journal*, Vol. 10 (1992): 185, 254–58; Justus R. Weiner, "Human Rights in Limbo during the Interim Period of the Israeli-Palestinian Peace Process: Review, Analysis and Implications," *New York University Journal of International Law and Politics*, Vol. 27 (1995): 761, 833–35.
 36. Interview with Israel Ben-Ari, deputy manager of Licensing and Inspection Department of Jerusalem Municipality, Jerusalem, 9 June 2002.
 37. *Ibid.*
 38. *Ibid.*
 39. Interview with Shalom Goldstein, adviser to mayor of Jerusalem Municipality for East Jerusalem affairs, Jerusalem, 15 November 2001.
 40. Interview with Israel Ben-Ari, deputy manager of Licensing and Inspection Department of Jerusalem Municipality, Jerusalem, 9 June 2002.
 41. Coon, "Demolition and Dispossession."
 42. *Ibid.*
 43. Universal Declaration of Human Rights, approved 10 December 1948, G.A. Res. 217A, U.N. Doc. A/810 at 56 (1948).
 44. *Ibid.*, at 23, art. 29(2).
 45. See, e.g., Yoram Dinstein, "Human Rights in Armed Conflict: International Humanitarian Law," *Human Rights in International Law* (ed. T. Meron) (1985) pp. 345, 350–52; but see John Quigley, "The Relation between Human Rights Law and the Law of Belligerent Occupation: Does the Occupied Population Have a Right to Freedom of Assembly and Expression?" *Boston College International and Comparative Law Review*, Vol. 12: (1989) 1.
 46. Eyal Benvenisti, *The International Law of Occupation* (Princeton: Princeton University Press, 1993), pp. 187–89.
 47. Book Review and Note, "Commitment and Compliance: The Role of Non-Binding Norms in the International Legal System" (Dinah Shelton, ed., 2000), *American Journal of International Law*, Vol. 95 (2001): 709.
 48. See Prof. Dr. Ruud Lubbers, website (visited 4 July 2002), <<http://www.globalize.kub.nl/lexicon.asp?term=Soft%20Law>> .
 49. Prosper Weil, "Towards Relative Normativity in International Law?" *American Journal of International Law*, Vol. 77 (1983): 413, 414–18.
 50. This principle was expressed in the famous Lotus judgment of the Permanent Court of International Justice: S.S. Lotus (Fr. V. Turk.), 1927 PCIJ (ser. A) No. 10, p. 18 (7 September); see H. L. A. Hart, "Positivism and the Separation of Law and Morals," *Harvard Law Review* 71 (1958): 593, 606–15; Hans Kelsen, *Pure Theory of Law*, trans. Max Knight (1960) (Berkeley: University of California Press, 1967); Ian Brownlie, "The Rights of Peoples in Modern International Law," in James Crawford, ed., *The Rights of Peoples*, Vol. 1 (London: Oxford University Press, 1988).
 51. Yehuda Blum, "The Missing Revisioner: Reflections on the Status of Judea and Samaria," *Israel Law Review* 3 (1968): 279; cf. Eyal Benvenisti, *International Law of Occupation*, pp. 108–15; Eugene Rostow, "Letter to the Editor,"

- American Journal of International Law* 84 (1990): 717; but see Yoram Dinstein, "Zion Shall Be Redeemed by International Law," *Hapraklit* 27 (1971): 5 (Hebrew).
52. The Fourth Geneva Convention of 1949 is the leading source of conventional international law concerning relations between the residents of an occupied territory and the occupying government. Georg Schwarzenberger, *The Law of Armed Conflict*, Vol. 2 (London: Sweet & Maxwell, 1968), pp. 165–66.
 53. Over the years, various senior Israeli officials have rejected claims that the Fourth Geneva Convention is de jure applicable to the territories captured by Israel in the 1967 War. They have included then Foreign Minister Moshe Dayan and then UN Ambassador Chaim Herzog. See Nissim Bar-Yaakov, "The Applicability of the Laws of War to Judea and Samaria (the West Bank) and to the Gaza Strip," *Israel Law Review*, Vol. 24 (1990): 485–87; cf. also Eyal Benvenisti, *International Law of Occupation* (1993).
 54. Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 12 August 1949, 6 U.S.T. 3516, 75 U.N.T.S. 287 [Fourth Geneva Convention]. As a threshold issue, the Israeli Supreme Court has held that the Geneva Conventions of 1949, which constitute conventional international law, do not automatically become part of the binding municipal law of Israel in the absence of a process of legal adoption (enactment) by the Knesset (parliament). *Affo v. IDF Commander of Judea and Samaria* (HCJ 785/87; 845/87; 27/88) 42(2) Piskei Din 4, 38 (1988) (unofficial translation).
 55. Meir Shamgar, "The Observance of International Law in the Administered Territories," *Israel Yearbook on Human Rights* 1 (1971): 262.
 56. Uzi Amit-Kohn et al., *Israel, the "Intifada" and the Rule of Law* (Jerusalem: Israel Ministry of Defense, 1993), pp. 21–22.
 57. Eyal Benvenisti, *International Law of Occupation*, pp. 182–83; see Yoram Dinstein, *Girush Roshay Ha'arim Meyehuda* [The Expulsion of the Mayors from Judea], *Tel Aviv Law Review*, Vol. 8 (1981): 158, 167–68 (Hebrew); Oliver M. Ribbelink, "Palestinian Higher Education in the West Bank: Academic Freedom and Int'l Law," *Amsterdam International Studies*, 1990, pp. 12, 17.
 58. Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 12 August 1949, 6 U.S.T. 3516, 75 U.N.T.S. 287, art. 2(2).
 59. Amit-Kohn, *Israel*.
 60. The dramatic growth in population and size of Jerusalem made the outdated British plans, intermittently adhered to by the Jordanians, increasingly inadequate for the needs of the city. Annex to Hague Convention (IV) Respecting the Laws and Customs of War on Land, 18 October 1907, art. 43, 36 Stat. 2277, T.S. No. 539 [Hague Regulations].
 61. Coon was employed by Amnesty International to research and write its press release "Israel: House Demolitions—Palestinians Given '15 Minutes to Leave...'," and the accompanying report "Israel and the Occupied Territories, Demolition and Dispossession: The Destruction of Palestinian Homes." Anthony Coon, *House Demolitions—Palestinians Given '15 Minutes to Leave...'*, Israel, AI index: MDE 15/078/1999, 8 December 1999, available at Amnesty International website (visited 1 June 2002), [http://web.amnesty.org/802568F7005C4453/0/CC62E1E028FA1D1C80256900006931FA?Open&-Highlight=2,coons; Coon, "Demolition and Dispossession."](http://web.amnesty.org/802568F7005C4453/0/CC62E1E028FA1D1C80256900006931FA?Open&-Highlight=2,coons; Coon,)

62. Reuters, "Israel Assailed over Palestinian Housing," *Toronto Star*, 11 July 1991, p. A15.
63. Joost Hilterman was employed by Al Haq for five years, during which he authored the following publications in English: "Israel's Deportation Policy in the Occupied West Bank and Gaza," Occasional Paper No. 2, 1986; "Al-Haq's Response to the Chapter on Israel and the Occupied Territories in the U.S. State Department's *Country Report on Human Rights Practices for 1984*"; Al-Haq website, "Response to the Chapter on Israel and the Occupied Territories in the U.S. State Department's *Country Report on Human Rights Practices for 1986*" (visited 1 June 2002), http://www.alhaq.org/NWS_NEW.htm. Hilterman was subsequently retained by Amnesty International to research and write their report on selective contentious objection to service in the Israeli army.
64. Coon, "House Demolitions." Coon was the only delegate mentioned by name in AI's Press Release.