

Historical Areas

Before 1948, Palestinians owned 87.5% of all Palestinian land (26,323,000 *dunums*, or 26,323 km²); Jews owned 6.6%. At that time, Palestinians were mostly Muslim, with a Christian and Jewish minority, who had been living together in Palestine for centuries. The British Mandate classified the remaining 5.9% as "state land," which Israel claimed with its 1948 proclamation of statehood.

Figures on Land Confiscation

By the 1948 War's end, Israel held the Palestinian territories that the 1947 UN Partition Plan had recommended for a Jewish State. During the war, it also acquired by force about 50% of the territories allocated to the Arab State in Palestine. As such, Israel illegally acquired 15,025,000 *dunums* (15,025 km²), or 57% of Palestine. Armistice agreements with Egypt and Trans-Jordan left Israel with over 20,500,000 *dunums* (20,500 km²), or 78% of original Palestine. About 92% of the land that passed under Israeli control actually belongs to Palestinians.

Currently, Israel controls over 50% of the West Bank, including East Jerusalem, as well as 89% of the water resources (ground and surface). In the OPT, and inside the Green Line (1948–49 Armistice Line), Israel's confiscation of Palestinian land continues. The Apartheid Wall, as planned, will effectively annex 11% of the West Bank, create three enclaves, and isolate 16% of the Palestinian population, including 60,000 inhabitants of East Jerusalem.

Inside the "Green Line"

When created, Israel used the former Ottoman and British Mandate laws to register a part of the newly acquired territory as State land. On 15 March 1950, it also passed the *Law on the Absentee Properties* that retroactively considered the properties of any Palestinian owner (or part owner) out of the country between 29 November 1947 and 19 May 1948 as absentee property and, thus, subject to confiscation and transfer to Jewish settler beneficiaries. Under the auspices of the Absentee Law, 10,000 acres of vineyards, 25,000 acres of citrus groves, 10,000 business establishments, 95% of what became Israel's olive groves, and 50,000 apartments were confiscated. Of the 859,000 Palestinians who lived within the territory on the Israeli side of the 1949 armistice lines, 684,000 lost their homes and their property.

Since the Zionist movement sought to acquire land to establish a "Jewish national home" in Palestine, most lands confiscated by law and by parastatal agencies (i.e., the World Zionist Organization/Jewish Agency, Jewish National Fund (JNF), and affiliates) have become State lands. In July of 2007, Israel's parliament endorsed the first stage of a bill that would formally allow JNF to continue its established practice of barring non-Jews from leasing JNF land and housing: 13% of the area of Israel, much of it now prime real estate.

Since 1948 "security" has also served as a pretext for the establishment of laws enabling the confiscation of Palestinian land. For example, Law 125 (1957) gives military officers discretion to declare certain areas closed military areas, requiring inhabitants to secure entry permits. Similar laws concern so-called buffer zones and other security areas.

Development and environmental pretexts have also been used to establish legal measures aimed at land confiscation. The *Utilization of Vacant Lands Laws* grants the Ministry of Agriculture the ability to appropriate lands that are "neglected" or "abandoned." In an effort to prevent Palestinians from building on their lands, tracts of territory have been designated "green areas," which are often re-zoned for new Jewish settlement. Most of the land currently being confiscated belongs to the Bedouins of the "unrecognized villages" (Naqab/Negev and Galilee). Considered as "illegal", the State seeks to empty these villages under aggressive "development" plans.

In the OPT

The majority of tools used by the Israeli military authority in the OPT since 1967 are extensions of the legal system applied inside the Green Line since 1948. The military occupation authority has transformed some laws and tactical devices into military orders.

In 1997, Israel confiscated Abu Ghunaim Mountain, between Bethlehem and Jerusalem, in a strategic move to encircle the Palestinian communities there and strengthen its hold over the city. The construction of the "Apartheid Wall" through the West Bank is also geared toward the annexation of territory and settlements. While the state claims that the wall is a necessity for the security of Israeli citizens, its path extends up to 22km beyond the Green Line, de facto annexing 11% of West Bank land and prime water resources. The International Court of Justice (2004) called for Israel to remove the Wall, ensure reparation and compensate for damages.

Land Rights in International Law

Land can be considered as belonging to the resources that every human being has the right to access. This right to access to environmental goods and services is recognized in international law as one of the components of the right to adequate housing [General Comment 4 on Art. 11(1) of the Covenant on Economic, Social and Cultural Rights].

Yet, especially in the Kurdish, Palestinian, Tibetan and Western Sahara cases, and generally for all indigenous peoples, land represents much more than a resource. It is the basis of their existence as a people, and the space on which they should enjoy and practice their right to self-determination.

Besides in the texts related to Indigenous Peoples, land rights are directly referred to in many international declarations and treaties. Most recently, the 1998 *Rome Statute of the International Criminal Court* recognized the appropriation of property carried out unlawfully and wantonly as a war crime.

