

Palestinian National Plan of Action for Human Rights

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PREFACE

The primary objective of the state is to achieve economic, social, cultural and political development. The progress of a nation is measured by the rates of growth and development in each of these spheres. Expressing development indicators in dry figures will, however, be deficient as long as the citizens of a state do not benefit from such development by way of exercising their human rights and basic freedoms.

The 1993 World Conference on Human Rights adopted the “Vienna Declaration”, which called upon states to consider the development and implementation of national plans of action for the promotion and protection of human rights.

Several states responded positively to this call and formulated their own national plans of action. Many others, however, have not completed their preparations of such plans or have yet to begin such preparations.

In this respect, it is a positive indication that the Palestinian National Authority (PNA) has adopted such a national plan of action for human rights even before attaining full state status, thus becoming the first Arab State to draft a special national plan of action for human rights.¹

Since World War I, ill-fate and external powers have conspired to dominate the affairs of the Palestinian people. Throughout nine successive decades, six different regimes governed the Palestinian land and people, each enacting its own sets of laws and regulations, which were primarily designed to serve the interests of the ruling power. On top of the catastrophe that befell the Palestinian people in 1948, leading to the partition of the homeland and dispersal of over half of its population, the Israeli occupation since 1967 has been characterised by the adoption and implementation of systematic plans aimed at planting Israeli settlements all over the Occupied Territories. Laws have been distorted by military orders issued to serve this policy. Over thirty years infrastructure was completely destroyed in all spheres, including the economic and social domains. Violations of the fundamental human rights to life and liberty were the order of the day throughout the Israeli occupation period.

The Palestinian *Intifada* in 1987 ushered into the Palestinian arena a new era of emancipation and yearning for independence and the restoration of civil and political rights for the Palestinian people. The Declaration of Independence, adopted in November 1988, was the most significant document laying down the theoretical framework for these aspirations, particularly with regards to the entitlement of the Palestinian people to self-determination, political independence and sovereignty over its land, in the state of Palestine, where citizens enjoy full equality in rights. The Declaration of Independence states that:

¹ It is worth noting that President Yasser Arafat launched at the time of the 50th anniversary of the Universal Declaration of Human Rights in 1998 a special campaign to collect signatures for a petition calling for respect for the provisions of the Universal Declaration of Human Rights. This move, in addition to article incorporated in the Declaration of Independence, augmented efforts for the development of a Palestinian National Plan of Action for Human Rights.

“The State of Palestine is the state of Palestinians wherever they may be. The state is for them to enjoy in it their collective national and cultural identity, theirs to pursue in it a complete equality of rights. In it will be safeguarded their political and religious convictions and their human dignity by means of a parliamentary democratic system of governance, itself based on freedom of expression and the freedom to form parties. The rights of minorities will duly be respected by the majority, as minorities must abide by decisions of the majority. Governance will be based on principles of social justice, equality and non-discrimination in public rights of men or women, on grounds of race, religion, colour or sex under the aegis of a constitution which ensures the rule of law and an independent judiciary. Thus shall these principles allow no departure from Palestine's age-old spiritual and civilizational heritage of tolerance and religious coexistence”.

The Declaration of Independence also contained the *“commitment of the State of Palestine to the principles and purposes of the United Nations, and to the Universal Declaration of Human Rights. It proclaims its commitment as well to the principles and policies of the Non-Aligned Movement”.*

The draft Basic Law upholds a set of principles regarding respect for human rights. These principles were reiterated and confirmed in the draft Palestinian Temporary Constitution. These are positive signs that will acquire greater significance upon implementation.

Following the establishment of the PNA in 1994 and the gradual extension of its jurisdiction over liberated territories, the PNA was faced by the weighty challenge of rebuilding the destroyed infrastructure with meagre resources at its disposal, under strenuous conditions of continued occupation over most of the Palestinian Territories and complete control by the occupation forces over internal and external movement within the territories.

The PNA embarked on the establishment of the executive, legislative and judicial bodies to build the institutional basis to undertake the reconstruction process. With the consolidation of official and popular efforts, a process of reconstruction has begun, not only to remedy faults, but also to achieve social development and prosperity for the Palestinian people.

The Palestinian National Plan of Action for Human Rights (PNPAHR) aims to draw up the framework of a set of values and moral principles and aspires to establish safeguards for the respect of human dignity and rights of Palestinian citizens, during the preparation and the implementation of the development plans. It is thus entrenching the concept of human rights, by linking civil and political rights on the one hand to economic, social and cultural rights on the other. Thus, the plan aims to serve as the administrative guide for development planners, and public policy makers and programmers at the national level, to help design comprehensive and sustainable development plans. It will also serve as a declaration advising all the citizens of their rights and duties and the nature of the state-citizen relationship. In this context, special considerations were made to synchronise the PNPAHR with the Palestinian Development Plan (PDP) for the period 1999–2003.

Through adherence and commitment to this plan, the future Palestinian State will be expected to exercise its responsibilities and fulfil its obligations towards its citizens in a manner conducive to upholding human rights standards in various spheres of life, and contributing as such to the success of the PDP and the establishment of social justice.

In general, the formulation and execution of the plan is a useful exercise that will have a positive impact on upholding the principle of the rule of law and achieving greater awareness of and respect for human rights. This plan is intended to be the reference point for all activities related to human rights and to the promotion of a democratic state in Palestine, to foster friendly relations with other nations and states, and to augment opportunities for the Palestinian State to join the international community in abiding by human rights standards.

Additionally, commitment to the plan will form a solid base for strong partnership and cooperation between government institutions and civil society organisations, thus ensuring the integration of the national goals. Naturally, the essence of the plan is the establishment of social justice, which means targeting the most marginalized and least privileged sectors within the community in most need of care, particularly children, women and persons with special needs.

INTRODUCTION

The PNPAHR comes in response to the recommendations of the “Vienna Declaration”, adopted at the World Conference on Human Rights held in Vienna in 1993. The plan is the result of a series of efforts and cooperation between several official departments and non-governmental organisations, including the Ministry of Planning and International Cooperation (MoPIC), the Ministry of NGOs and a specially constituted ministerial committee. The Office of the High Commissioner for Human Rights (OHCHR) in Palestine coordinated the development of this plan and commissioned sectoral experts in the six targeted sectors: housing, health, education, social welfare, environment and the administration of justice. In addition, the Arab Thought Forum undertook the responsibility for compiling the final draft.

Special efforts were made to ensure the widest participation possible in the discussions of the sectoral plans in workshops attended by specialists from the official and non-governmental institutions.

It is natural; therefore, that the plan should be based on relevant international conventions, in addition to principles contained in Palestinian legislation, including the draft Basic Law and the draft Temporary Constitution.

The general development framework for the plan was intertwined with the PDP. Therefore, the principles contained in the PDP are integral to the PNPAHR, hence the recurrent thematic emphasis on the elimination of the impact of the Israeli occupation, reconstruction of the destroyed infrastructure and upgrading of services to achieve higher living standards and improved quality of life for the Palestinian People. This requires proper expenditure of public funds in the social and economic fields in order to respond to the basic needs in each of the targeted sectors. The plan points out the amendments to be incorporated within the PDP so that the latter conforms to human rights requirements.

The plan is intended to be instrumental in achieving the following:

- Determining the objectives and priorities of human rights within available resources;
- Planning and managing resources for the promotion of human rights;
- Highlighting strategies and measurable goals with regard to the protection of human rights;
- Monitoring and evaluating Palestinian performance vis-à-vis commitments to international standards; and
- Documentation of government performance with regard to the promotion and protection of human rights.

Although the plan is the end result of wide discussions, consultations and efforts of many governmental and non-governmental parties, the responsibility for implementing and executing the plan lies primarily with the government.

I. Structure and Methodology

The plan is based on six sectoral studies conducted by specially commissioned consultants. The studies were reviewed and discussed in specialised workshops with the participation of experts of the fields under study representing both the governmental and non-governmental sectors. Some omissions have had to be made during consolidation on and compilation of the final draft to avoid repetitions and duplications in certain entries.

Different approaches were followed while conducting the sectoral studies, making it imperative to standardise the structure of the studies in accordance with the table of contents to maintain cohesion and uniformity throughout. While doing so, the following steps were taken:

- The plan was structured to combine the sectoral studies, after making the amendments incorporating recommendations of the sectoral workshops. Whenever necessary, the researchers were contacted for further consultations or clarifications.
- A standard approach was applied throughout the consolidation of the sectoral studies in accordance with the attached table of contents.
- During the consolidation process repetitions and duplications were eliminated, particularly with regards to the general principles.
- Special efforts were made to adapt the plan to the PDP.
- In general, the draft plan was finalised in accordance with the terms of reference of the agreement with OHCHR in Palestine.

While addressing each of the targeted sectors, (housing, health, education, social welfare, environment and the administration of justice), special attention was given to the five-year timeframe for the plan ending in 2004. This allows time for studying the outcome of the Palestinian Development Plan, to be concluded in 2003. Therefore, the sectoral studies were structured as follows:

1. **Constitutional and Legal Requisites:** addressing issues related to the six sectors as expressed in the Declaration of Independence, the draft Basic Law, the draft Temporary Constitution, and any other relevant laws;
2. **International Commitments:** addressing relevant issues pertaining to the six sectors as expressed in the Universal Declaration of Human Rights and international conventions;
3. **Current Situation and Official Policies:** Addressing policies adopted by the PNA in each of the six sectors and the horizons of these policies and anticipated tasks;
4. **Legislation:** addressing all laws, legislation and regulations constituting the legal framework regulating the targeted sectors, and addressing gaps and shortcomings;
5. **Challenges, Difficulties and Methods of Overcoming Them:** listing and analysing obstacles that could impede the promotion of human rights within each of the six sectors in Palestine, causes and coping strategies;

6. **Relevant Institutions and Roles:** listing ministries, governmental and non-governmental institutions, local councils and all other relevant organisations and trade unions;
7. **Financial Needs and Resources:** determining the needs for each of the targeted sectors over the period of five years in light of the provisions of the PDP;
8. **Priorities:** classifying needs and prioritising them according to importance or urgency;
9. **Plan Implementation Mechanisms:** identifying methods of implementation, responsible bodies and points of reference;
10. **Control:** adoption of mechanisms to ensure proper implementation within each of the targeted sectors.

2. Methods of Determining Financial Needs

Financial needs have been addressed in light of the following:

1. Assessment of the goals included in the PDP to serve as a long-term plan for human rights;
2. Inclusion of urgent needs that are not catered for in the PDP as expressed in the sectoral studies;
3. Projections based on recommendations pertaining to sectoral projects;
4. Effecting necessary safeguards to ensure proper implementation and overview.

3. Data Sources

The draft PNPAHR relied on the documents listed below:

1. Provisions of the agreement signed between the Arab Thought Forum and OHCHR in Palestine;
2. Sectoral studies conducted by experts and the outcome of the sectoral workshops;
3. A compilation of international human rights instruments issued by the United Nations (UN) in 1993, and other relevant instruments issued after 1993, such as the Vienna Declaration;
4. Palestinian legal documents of relevance including the Declaration of Independence, draft Basic law, draft Temporary Constitution, and other relevant laws;
5. United Nations Manual for Formulation of National Plans for the Promotion and Protection of Human Rights;
6. Palestinian Development Plan, 1999–2003;

7. National Plan of Action for the Palestinian Children, 1999–2001;
8. Available reports of Palestinian ministries and official departments;
9. Several similar national plans of action of various countries were reviewed during the process.

4. Targeted Sectors

Six sectors have been targeted for inclusion in the PNPAHR. These are:

1. Housing
2. Health
3. Education
4. Social Welfare
5. Environment
6. Administration of Justice

These sectors were selected following extensive discussions and consultations between MoPIC and OHCHR in Palestine. While these sectors do not cover exhaustively the social and economic needs, priority requirements made it imperative to focus on these sectors, which cover a wide range of issues of concern to the largest sectors of the population, given the organic integration of civil and political rights on the one hand and economic, social, and cultural rights on the other.

1. HOUSING

Introduction

The right to housing is a fundamental human right intended to enable human beings to live in an adequate dwelling that respects and preserves human dignity and the right to personal privacy and family life. It is of central importance for individuals and groups to exercise and enjoy their fundamental rights and freedoms. Adequate housing in an atmosphere that reinforces privacy fosters good social relations within the community. Jeopardizing this right inevitably results in the violation of various other civil, political, economic, social and cultural rights.

The tragedy that has befallen Palestinian refugees is an unequivocal expression of the suffering inflicted upon large numbers of Palestinians resulting from deprivation of their right to live in their own homes, which have been taken over by Israelis. Later on, Israeli occupation policies were geared towards imposing further measures restricting the possibilities of Palestinian development. The most prominent manifestation of such policies was the denial of or restriction of access to adequate housing. The withdrawal of Israeli forces from Palestinian urban centres, which began in 1994, was immediately followed by an unprecedented construction boom, which contributed partially to the resolution of the severe housing problems characterizing the Israeli occupation period. However, such expansion in the housing sector failed to satisfy the demands huge of the population, particularly refugees and young couples.

1.1 Constitutional and Legal Provisions

Diverse sets of laws, rules, regulations and administrative orders have been applied in the Palestinian Territory. All were geared to establish control over its resources and resulted in the loss by many inhabitants of their property and means of livelihood. There were many forced evictions from homes due to measures based on laws such as the Ottoman Land Law and the regulations of the British Mandate. In addition, scores of Israeli military orders were issued in the West Bank and the Gaza Strip with the aim of controlling Palestinian lands, public properties and funds. Israel also manipulated the Law of Urban Planning and Construction for 1966 to set up local and central committees for zoning and construction with the basic aim of controlling and restricting Palestinian human expansion.

The draft Basic Law addresses the right to housing:

- Article 23 provides “proper housing is a right for every citizen. The PNA shall secure housing for those without shelter”.
- Article 17 states that “homes shall be inviolable; thus, they shall not be subject to surveillance, entrance or search except in accordance with a valid judicial order, in accordance with the provisions of law”.
- The draft Constitution reiterated Article 17.

1.2 International Commitments

International conventions reflect concern for the right to adequate housing in many provisions. Detailed standards are set down in several declarations adopted by specialized international committees.

- Article 25 of the Universal Declaration on Human Rights provides that “Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including... housing”.
- The Vancouver Declaration for Human Settlements of 1976 is the most comprehensive document regarding the legal nature of this right. The second paragraph of Section III details the following:

“Adequate shelter and services are a basic human right which places an obligation on Governments to ensure their attainment by all people.”

- Section Two of the Declaration provides that "Ideologies must not be used to dispossess people from their homes or land or to entrench privilege and exploitation."
- The Istanbul Declaration of 1996 provides in Annex 2, “Adequate shelter means more than a roof over one's head. It also means adequate privacy; adequate space; physical accessibility; adequate security; security of tenure; structural stability and durability; adequate lighting, heating and ventilation; adequate basic infrastructure”.
- The Committee on Economic, Social and Cultural Rights adopted General Comment No. 4 in December 1991, incorporating seven principles that collectively constitute the basic guarantees provided by international law for the enjoyment of the right to adequate housing, including legal security of tenure, availability of services, materials, facilities and infrastructure, and freedom to choose one’s culturally adequate housing”.
- In General Comment No. 7, the committee focused on security of legal tenure and protection against forced eviction, asserting the commitments pursuant to the International Covenant on Economic, Social and Cultural Rights.
- Article 11 of the International Covenant on Economic, Social, Cultural Rights, “recognized the right of everyone to an adequate standard of living for himself and his family including adequate food, clothing and housing”.
- Article 8 of the Declaration on the Right to Development provides that States shall take necessary measures to ensure equal opportunities for all to access to basic resources, education, health, food and housing.

1.3 Current Situation and Official Policies

The housing sector is one of the main sectors that has received the attention of the PNA since it assumed responsibility for the liberated Palestinian Territories. Strenuous efforts were

exerted to rebuild infrastructure that was left in almost complete ruin by the Israeli occupation authorities and to provide housing for the returnees as well as office buildings for ministries and government departments. The main activities of this sector were, however, concentrated in the cities of Gaza and Ramallah, where unprecedented horizontal and vertical construction expansion was witnessed.

The Ministry of Housing was established to provide housing and to receive houses and other real estate that was seized by the Custodian of Absentee Property. The private construction sector and the banking sector contributed by building houses with the encouragement of the PNA. The Palestinian Housing Council and several banks provided credit facilities and housing loans to state employees. The apartments constructed, however, suited those with relatively high incomes, driving members of some housing cooperatives and societies to seek the construction of their own houses at costs compatible with the income levels of other social strata.

The PNA was also keen to facilitate the acquisition of houses in Jerusalem through loans and subsidies to Jerusalem residents. The main goal was to support their steadfastness in the Holy City against Israel's attempts to evict them and expel them from the city. On another front, out of its concern for the maintenance of the Arab identity and character of the Old City in Hebron, the PNA restored buildings in the area and encouraged owners to live in them or to rent them.

There is no doubt that the housing policy was not limited to making housing available, but extended to providing all the required facilities and services such as water, electricity, sewage systems, telephone connections, civil defence, health centers, schools, roads and transportation services, all of which received adequate attention from the PNA ministries and departments.

Table 1. 1: The Administrative Distribution of the Gaza Strip Governorates

Governorate	City	Village	Refugee Camp	Hamlet	Population	Israeli Settlement	Area	Population density
1. North Gaza	3	3	1	7	179,690	4	60,68	2,948
2. Gaza	1	3	1	5	359,941	1	72,47	4,980
3. Deir al-Balah	1	3	4	8	144,890	1	5,66	2,608
4. Khan Yunis	1	6	1	15	196,662	11	11,166	1,754
5. Rafah	1	5	1	6	120,386	3	73,6	2,054
Total	7	27	8	41	1,001,569	21	365,1	2,791

Table 1. 2: The Administrative Distribution of the West Bank Governorates

Governorate	City	Village	Refugee Camp	Hamlet	Population	Israeli Settlement	Area	Population density
1. Jenin	1	94	1	96	195,299	9	578	337
2. Qalqilya	1	35	0	36	60,268	11	165	419
3. Salfit	1	22	0	23	46,688	13	205	27

4. Tulkarm	1	39	2	42	129,030	3	244	528
5. Tubas	1	21	1	23	35,216	9	221	159
6. Nablus	1	68	3	72	251,392	14	848	296
7. Ramallah and al Bireh	2	73	5	80	205,448	24	850	241
8. Jericho	1	10	2	13	31,501	20	544	958
9. Bethlehem	1	67	3	71	132,090	15	625	211
10. Hebron	1	150	2	153	390,272	32	1015	384
Total	11	579	19	609	1,486,204	150	5295	281

Table 1. 3: The Administrative Distribution of the Jerusalem Governorate

Governorate	City	Village	Refugee Camp	Hamlet	Population	Israeli Settlement	Area	Population density
Jerusalem	1	28	2	31	324,105	30	338	958

Table 1. 4: The Total Administrative Distribution of the Palestinian Territories Governorates

Total Palestinian Territories	City	Village	Refugee Camp	Hamlet	Population	Israeli Settlement	Area	Population density
	19	664	29	681	2,811,878	201	5,998	

1.4 Legislation

The PNA's territories lack special legislation to regulate the construction sector. This sector is organised, instead, through various regulations developed by municipalities and departments of the Ministry of Local Government. Such a situation results in inconsistencies within this sector at legal, technical and executive levels. This should be rectified by the adoption of relevant laws and regulations.

1.5 Challenges and Difficulties and Methods of Combating Them

The housing sector suffered tremendous obstacles and difficulties during the Israeli occupation, the consequences of which still persist:

- Continuation of Israeli policies of denying building licenses in "Area C" of the West Bank, demolishing homes, confiscating land and obstructing construction projects under various pretexts, such as location in a green area or proximity to settlements, bypass roads or the Green Line. These problems are compounded by the presence in many areas under Israel's control of destroyed infrastructure, which Israel refuses to rebuild or bars the PNA from doing so.
- The lack of a clear plan by the PNA with regard to the housing sector. Executed projects do not follow regulations within their areas. Certain areas suffer from horizontal expansion at the expense of green areas, whereas other areas suffer from

rapid vertical expansion lacking most of the necessary services associated with this type of construction.

- Absence of effective control on private construction projects with regards to adherence to safety and security requirements, thus tempting some contractors to disregard and violate conditions of the licenses.
- The existing disparity between laws applied in the West Bank and the Gaza Strip and within these areas. In addition, adopted laws have not been enforced, such as the law on ownership of apartments and floors, and regulation regarding high-rise buildings.
- Failure to include in the general budget allocations for investment in the housing sector. This has led to the construction of only a small number of housing projects. Moreover, there are no public or semi-public housing institutions. The sector is confined to the private sector for profit, or a small non-profit sector funded by the donor countries.
- Housing funding is underdeveloped due to an absence or insufficiency of funding institutions or credit funds to ensure housing loans. The territories lack a special housing bank or national housing fund in any credit institution to provide housing loans.
- The housing sector is also influenced by the weakness of the judiciary and its inability to resolve housing and real estate disputes without delay.

1.6 Relevant Institutions and their Roles

To promote and upgrade the housing sector various governmental and private institutions have to assume their roles as follows:

Ministry of Housing: The ministry must intervene directly by allocating and granting land sites to applicants intending to establish housing projects. The ministry must also assign sites under government ownership for investors to be marketed within a transparent and integrated system and to ensure financial assistance to execute housing projects for those with limited income. The ministry should also support the cooperative sector by allocating land sites for cooperative societies/associations. It should also establish a housing loan credit fund and grants for low-income families to enable them to purchase houses. The ministry could resort to a system of exchange of land to requisition certain sites in remote and deprived areas for the construction of housing projects;

The Palestinian Legislative Council (PLC): The PLC has the task of issuing laws to regulate this sector consistent with international human rights standards and the right to adequate housing. The PLC should also monitor the policies of the government concerning government and public land and the manner of utilization thereof, in addition to the approval of public organizations/institutions specialized in the sector such as the Palestinian Fund for Housing Credit and the Palestinian Housing Bank, etc.;

The Ministry of Finance: The ministry should make available financial allocations within the general budget sufficient to upgrade the housing sector and to provide loans and other forms of assistance to the private sector operating in the housing sector;

The Ministry of Local Government: The ministry should complete the task of standardising construction regulations throughout areas under its jurisdiction and auditing performance of municipalities and local councils to ensure compliance with the applicable laws and regulations. The ministry must also encourage and promote construction projects in villages and areas under the threat of settlement expansion, through the provision of required infrastructure;

Ministry of the Environment: The ministry should exert efforts to protect environmental safety in existing and future housing projects and remove quarries and other environmentally polluting enterprises away from residential areas;

Ministry of Justice: The ministry should exert efforts to establish a competent judicial system to resolve housing disputes without delay;

Ministry of Interior: The ministry should prevent the removal or demolition of any homes unless alternative housing is made available, prevent forced eviction from homes, with or without compensation, and provide adequate human and financial resources for civil defence throughout the Palestinian territories;

Ministry of Health: The ministry should monitor the adequacy of health conditions in existing and future housing projects;

Ministry of Public Works: The ministry should build and pave roads to facilitate access to and flow of transport between residential areas;

Palestinian Water Authority and Palestinian Energy Authority: The authorities should ensure extension of water and electricity networks to all Palestinian villages and cities and ensure continued maintenance and development;

Ministry of Social Affairs: The ministry should set standards and criteria to ensure that public buildings are equipped with facilities for disabled persons;

Banks, real estate and financial institutions: Such institutions should ensure financial credit systems for housing loans and financing;

The private sector and contracting firms: This sector should ensure effectiveness and operate in accordance with set procedures to ensure safety of the people as well as fulfilling housing needs;

Engineers' Syndicate: The syndicate should apply legislation pertaining to engineering design and ensure compliance with the laws and the set specifications.

NGO sector: NGOs should provide loans and other forms of assistance to enable completion and restoration of houses. NGOs can also encourage saving plans to be invested in the housing sector. They also have the task of raising public awareness concerning problems and difficulties facing the state *vis-a-vis* the high cost of construction materials, demise of green areas and lack of environmental and health safeguards that comply with international standards, in addition to promoting scientific research in the housing sector.

1.7 Financial Needs and Resources

The PDP (1999-2003) included the housing sector and set a number of strategies, most important of which are:

1. Involving the private sector in establishing housing projects for persons with limited income.
2. Providing general services and infrastructure for housing projects.
3. Establishing a system for long-term housing loans through real estate mortgage institutions, among others.
4. Establishing standards, specifications and criteria for housing projects.
5. Intensifying the establishment of housing projects in rural and border areas and making available all required services.

In addition to the above, the Ministry of Housing added other strategies including:

1. Completing the project of zoning, management and registration of state land, and completing the execution of infrastructure projects and housing units executed by the ministry.
2. Promoting housing programs and policies and completing preparations for a legislative and legal base for drafting laws and criteria for human housing development.

The PDP (1999-2003) allocated the amount of USD 55,125,000 for the housing sector.

1.8 Priorities

The PNPAHR aims at drawing up a housing strategy based on respect for the right to adequate and safe housing, in accordance with international standards, through defining the Palestinian concept of the right to adequate housing based primarily on the nature of the economic, social, cultural, and political conditions and in light of available resources.

Public investment and donations have contributed to the stability of social indicators, including housing. Nevertheless, investment in this sector falls considerably short of fulfilling needs. This is expected to impact on this sector in the future especially in light of population growth and expanding needs and necessitates the taking of immediate action, including legislative, administrative, judicial, economic and social measures, to guarantee the right to adequate housing. Hence, it is necessary to concentrate on a number of urgent priorities in this sector.

Special effort must be made to upgrade and enhance the organizational structure of the general and the district administrations within the Housing Ministry. Special care must be given to the development of human resources and to allocation of special budgets to fulfil PNA commitments towards the poor and marginalized sectors of the population so that they can enjoy their right to adequate and safe housing.

The Ministry of Housing must make amendments to the system of marketing houses currently in practice to prevent persons in possession of real estate, land or other houses from

benefiting from this scheme. It should also establish principles of equity and fairness taking levels of income into consideration when calculating monthly instalments, in addition to providing legal protection to those subjected to eviction or removal orders.

A legal framework for housing must be developed to include:

- Explicit provisions in the Palestinian Constitution concerning the right of every Palestinian individual and family to adequate housing.
- Completion of the issue of laws as necessary to upgrade the performance of the housing sector.
- Amending existing laws to ensure compliance with international covenants and standards. These laws include:
 - Law of Land Settlement
 - Ottoman Law Land Law
 - Law of Zoning and Property (Land) Appraisal
 - Law of Property Tax
 - Law of Income Tax
- Unifying existing laws and ensuring enforcement throughout the entire Palestinian territories.
- Abolishing Israeli military orders that hinder the development of the Palestinian housing sector.
- Developing housing funding through the establishment of financial and credit institutions and funds (saving/loans).
- Development of an Investment Law to incorporate the requirements of the housing sector, to include incentives for the execution of housing projects and to consequently encourage and facilitate the movement of capital into Palestine.
- Developing and expanding zoning plans and restructuring them to cater for the development of the housing sector to meet the current deficit and population growth.
- Reforming the institutional status of the Palestinian Housing Council to enable its transformation into a financial institution to serve as a housing fund or bank.
- Developing the infrastructure in such a manner as to preserve population, environmental and housing balance and to establish equity of utilization of state and private property and land.
- Establishing without delay a Housing Aid Fund to satisfy the demand of the low-income sectors and to ensure financial resources for this fund from various sources including a loan from the World Bank.

- Upgrading the performance of the private sector operating in the housing sector and fostering cooperation between the private and public sectors.
- Developing government and semi-public institutions to assess the degree of violations of the right to adequate housing in Palestine through any official department. This also includes maintaining an appropriate database.
- Furthering scientific research to determine the incidence and degree of housing shortages and their geographical distribution, in order to determine levels of supply and demand and to survey annual rates of construction licenses. Experience of other countries in resolving housing problems can be built on in this respect.
- Upgrading and developing the court system, establishing specialized courts and developing the laws on civil and criminal court procedure in addition to the civil and penal codes.
- Addressing housing developments in the refugee camps to resolve the shortage in adequate housing therein, internal migration, illegal and non-licensed construction, in addition to the problem of infrastructure.
- Establishing equity between urban and rural areas.
- Executing housing projects for the released prisoners commensurate with their financial abilities.

1.9 Plan Implementation mechanism

1. Right to adequate housing:

- a. The right to a house that preserves privacy;
- b. The right to accessibility to the residence;
- c. The right to adequate space;
- d. The right to safety and security and legal protection for the residents;
- e. The right to adequate infrastructure, heating and ventilation ...etc.;
- f. The right to spacing between houses, as well as between residential areas.

Indicators

- Percentage of inhabited houses suitable for human occupancy;
- Percentage of residential areas served with adequate infrastructure, including paved roads, transportation lines and sewage networks.

Responsible Bodies

- Ministry of Housing, Ministry of Public Works, Ministry of Transport, Ministry of Interior, and NGOs operating in the field.

2. The right to services and facilities:

- a. The right to water, electricity and sewage networks;
- b. The right to telephone lines and services;
- c. The right to have civil defence services and medical centers;
- d. The right to have schools in the vicinity of the residential areas;

- e. The right to have connecting roads and transportation routes.

Indicators

- Ratio of areas not receiving water and electricity services to all other areas;
- Ratio of areas served by the civil defence and health centres and proportion to population;
- Ratio of schools in and near the residential areas and the proportion of schools to the number of registered students in the area.

Responsible Bodies

- Ministry of Public Works, Ministry of Health, Ministry of Education, Ministry of Communications, Ministry of Transportation, Water Authority, Energy Authority, Civil Defence, Palestine Red Crescent Society and relevant NGOs.

3. The right of everyone to healthy and environmentally sound housing:

- a. The right to housing in specially designated residential areas;
- b. The right to freedom from air or water pollution;
- c. The right to access to sewage networks.

Indicators

- Ratio of houses in industrial areas;
- Ratio of houses in environmentally sound areas;
- Ratio of houses connected to the sewage networks.

Responsible Bodies

- Ministry of Housing, Ministry of Environment and Ministry of Health.

4. The right to access to financial aid for housing:

- a. The right to have available houses at adequate cost suiting those with limited income;
- b. The right to housing loans;
- c. The right to have available a special law to regulate rents.

Indicators

- Number of housing units offered for sale;
- Number of loans issued for housing purposes.

Responsible Bodies

- Ministry of Housing, banks and credit institutions, construction firms and development agencies.

5. The right to sanctity of homes from Israeli violations:

- a. The right to live in residential areas free from Israeli military training zones;
- b. The right to live free from harassment by Israeli occupying forces and settlers.

Indicators

- Number of residents subjected to danger by the Israelis;
- Percentage of the population in areas near Israeli military training zones.

Responsible Bodies

- Ministry of Housing, Ministry of Civil Affairs and relevant NGOs

1.10 Control

- 1) The position of Controller-General of Housing Affairs should be established through a competent institution and mechanisms and criteria determined to ensure the proper regulation of this sector;
- 2) The Controller-General should prepare an annual report on conditions of the housing sector, the developments therein and the tools and mechanisms to ensure the proper implementation of housing plans. The report should be incorporated in the annual report of the PNPAHR;
- 3) A special committee on housing affairs should be established within the PLC;
- 4) A competent local NGO operating in the field should be designated to assist the Controller-General in the execution of his duties;
- 5) The indicators listed above constitute the basis for the annual evaluation report. For this purpose, a specialised institution should be designated to compile and maintain a specialised database to ensure proper monitoring;
- 6) Special mechanisms should be developed to ensure the discussion of the annual report by competent executive and legislative bodies, incorporation of recommendations and determination of follow up actions.

The role of the Ministry of Housing must not, by any means, be diminished in this regard. While the ministry bears executive responsibility for the implementation of the plan, it also has a vital responsibility for overview and control.