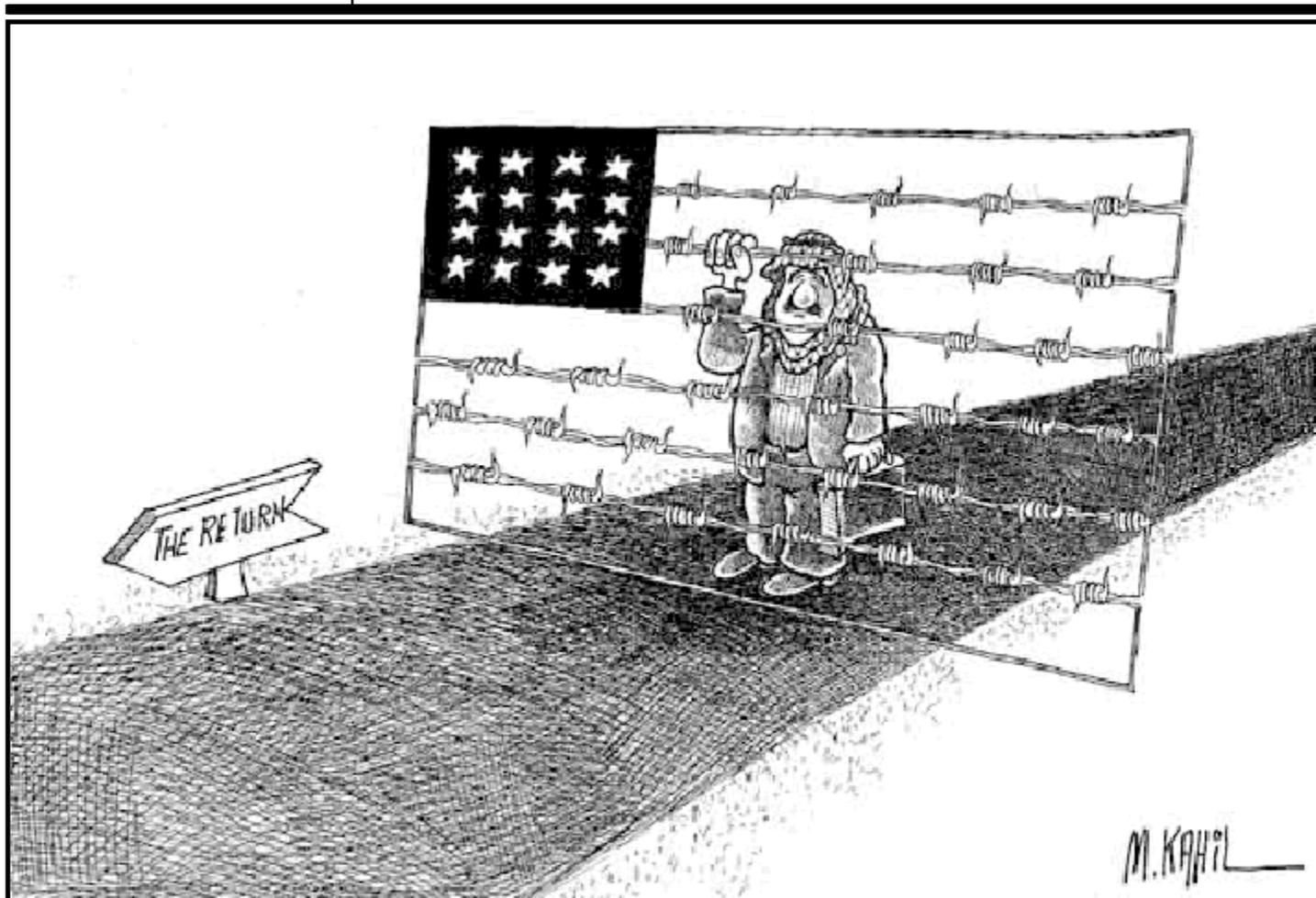


# al majdal

ISSUE NO.10 ~ JUNE 2001

*al majdal* aims to raise public awareness and support for a just solution to Palestinian residency and refugee issues

**BADIL Resource Center  
for Palestinian Residency and Refugee Rights**



## **The "Mitchell Process" and the Failure to Address Root Causes of the Palestinian-Israeli Conflict**

Updates on the Campaign for the *Right of Return*

The Right of Return and Israeli Society: Interviews with Israeli anti-Zionist and human rights activists on the right of return

Update on the *al-Aqsa intifada* and BADIL's submission to the UN Committee on Social, Economic & Cultural Rights

Update on UNRWA's emergency assistance program for Palestinian refugees

"At Home" in South Africa: Reflections

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# The "Mitchell Process" and the Failure to Address Root Causes of the Palestinian-Israeli Conflict

While the collapse of the Oslo process in the latter half of 2000 and the outbreak of the *al-Aqsa intifada* focused international attention for the first time since the beginning of the Madrid/Oslo in the early 1990s on the root causes of the Palestinian/Arab-Israeli conflict - i.e., denial of the right of return for Palestinian refugees and denial of the right of the Palestinian people to self-determination - the international community, in general, has yet to address these fundamental issues. As in Kosovo in the 1990s, the escalation of armed conflict in the Middle East stems in large part from the continued failure of the international community to effectively and efficiently address political and legal repression of the Palestinian people by Israel.

Efforts by Palestinian, Arab and Non-Aligned states' to intervene for Palestinian rights through the UN system have been successfully marginalized for the time being. The deployment of international forces under the auspices of the UN remains stymied by US veto in the Security Council. The absence of international will has also rendered ineffective the affirmation by the UN Commission on Human Rights at its 57<sup>th</sup> session in March/April of the need for international protection for the Palestinian people. In mid-May, the Chairperson of the Committee on Economic, Social and Cultural Rights, in an unprecedented move, also addressed a letter to the President of the UN Economic and Social Council (ECOSOC) underlining the need for protection for Palestinians in the occupied territories.

Outside of the UN system, delegates to special sessions of the Arab League and the Organization of Islamic Conference as well as delegates to *The Second Conference to Support the Intifada and the Palestinian Nation* affirmed the right of Palestinian refugees to return to their homes and properties and the right to self-determination. Delegates to these meetings also underlined the urgency of and called for the implementation of international protection of the Palestinian people.

Arab and other diplomats have continued to lobby the UN and other states to support an international protection force. In the absence of political progress on international protection, the Arab world has continued to support Palestinians financially.

Despite these efforts, the US and the EU continue to focus on symptoms of the conflict rather than root causes. Substantial political capital has been invested towards "ending the violence": a term that has been used by the US and the EU to encompass legitimate Palestinian resistance to the long-term and illegal Israeli military occupation. Little or no effort has been expended to address the underlying causes of the conflict. American and European intervention has been framed largely by the terms of reference set forth in the Mitchell Committee report, submitted to the PLO, Israel, US President Bush and the UN Secretary General Kofi Annan in mid-May 2000.

Like the Oslo process, the framework outlined by Mitchell and his team of "eminent personalities" is long on process and short on international legal principles. Despite the large volume of available legal analysis and data (including number of persons killed, types of injuries, weapons deployed against Palestinians, destruction of property), the report does not address issues of responsibility or root causes underlying the *al-Aqsa intifada* and the Palestinian-Israeli conflict.

As Mouin Rabbani points out in a critical analysis of the report (See, **MERIP Press Information Note 59**, [www.merip.org/pins/pin59.html](http://www.merip.org/pins/pin59.html)), the Mitchell report conveys the impression that the Committee was investigating a confrontation between two equal forces, each equally responsible for the "violence." According to Rabbani's calculations, the report uses terms such as "violence" (36 times) and "terror(ism)" (20 times) only in reference to the Palestinian side. "Occupation" is used four times (three times to describe a Palestinian *point of view*), while

"security" refers to Israeli security only. "On the whole," notes Rabbani, "the report allows only for a relationship between Palestinian "violence" and the Israeli "response," ignoring the possibility of a connection between the conduct of the Israeli occupation and the intensity of the Palestinian uprising."

The Mitchell Committee and the report's various sponsors make no secret of their determination to revive the Oslo 'peace process' that has been shattered in its foundations by the events since 28<sup>th</sup> September 2000. The price Palestinians are once again being asked to pay for international support during this period is the delinkage of international law principles from any political process. This extends to Israel's 34 year illegal military occupation of West Bank (including eastern Jerusalem) and the Gaza Strip.

It also extends to the right of the Palestinian people to resist occupation - a right recognized by the United Nations. Confidence building measures proposed by the Mitchell Committee, which include steps by the Palestinian Authority to round up and apprehend Palestinian activists and so-called terrorists (while turning a blind eye to the continued Israeli assassinations) and the linkage of the redeployment of Israeli forces to the end of the popular uprising can only be interpreted, as Rabbani notes, as a call for mass repression of popular and/or organized resistance to continued Israeli occupation.

The failure of the international community, in general, and the United States and Europe in particular, to uphold the rule of law also in the context of the current crisis has reaffirmed a situation where Israel is allowed to continue to operate above the law and beyond investigation. Based on the experience of the past, and given the unfavorable balance of power, it is not unlikely that concerted US and European pressure, welcome by the Israeli government, will put back on the track a process, whose legal framework and political assumptions cannot succeed to bring about a durable and just peace in the region.

So-called new ideas presented by the Israeli government of Ariel Sharon, such as the replacement of a comprehensive agreement between Israel and the PLO by "long-term interim agreements," or "a cease-fire agreement with a territorial dimension", suggest that the Palestinian refugee question is likely to remain unresolved in the near future and that

conflict and instability will continue to rule the lives of the people in the Middle East. While it appears that models discussed during and after the political negotiations at Taba (January-February 2001) assume that Israel cannot avoid "symbolic" recognition of the Palestinian refugees' right of return, and that the principles guiding the implementation of the solution must be designed in way that they appear to reflect existing international standards and UN Resolution 194, these models also make it difficult for refugees to exercise their right of return to homes and properties in Israel.

Key-points of these models are the exclusion of Palestinian refugees' right to restitution of their properties, and so-called "incentives", e.g. generous offers of financial compensation for lost property and offers of absorption by attractive third countries. In this way, it is hoped, Palestinian refugees would - on their own free will - choose not to return to their places of origin in Israel. The primary objective of these models is to preserve a Jewish demographic majority in Israel and Jewish control of the land. In the words of labor party politician Yossi Beilin who was at Taba, "A Jewish majority within the sovereign state of Israel is the main thing ... For me it is the most important thing." (*Ha'aretz*, 14 June 2001)

It should be mentioned in this context that these Israeli proposals for the solution of the Palestinian refugee question directly contradict the principles developed by Jewish and Zionist organizations and their supporters in the context of their worldwide campaign for the restitution and compensation of Jewish victims of the Nazi regime. Of particular relevance, in this context, are the principles outlined by Stuart Eizenstadt, Secretary to the Deputy Treasury of the Clinton Administration, to the Commission on Security and Cooperation in Europe: "The basic principle that wrongfully expropriated property should be restituted (or compensation paid) applies to them all [every country in eastern and central Europe], and their implementation of this principle is a measure of the extent to which they have successfully adopted democratic institutions, [and] the rule of law with respect to property rights." He concludes by adding a list of principles which entitle owners or their heirs to claim property restitution irrespective of citizenship or residence requirements, while governments are to provide alternative accommodation for present occupants of the restituted property. (Quote in: **The Palestinian Right of Return, ADC Issue Paper No. 30, 2001**)

"I can tell you that I definitely did not agree, and will not agree, to a permanent settlement that will ultimately worsen the demographic balance inside sovereign Israel. That is my sharpest red line. On that issue I am absolutely tough. I am generous geographically but tough demographically. A Jewish majority within the sovereign state of Israel is the main thing as far as I am concerned. For me it is the most important thing."

"The real question that I have asked myself every day for the past ten years is what will happen when an Arab majority exists west of the Jordan River; what will happen when the number of Arabs who are citizens of Israel and the number of Arabs who are under Israeli rule exceeds the number of Jews. Because that moment is not far off. We are just a few years from it. Less than a decade, a lot less than a decade. That is what constantly preoccupies me: What we will do on the day when the nightly newscast informs us at the end of the program, just before the weather forecast, that the Central Bureau of Statistics announced that Jews have become a minority in the western part of the Land of Israel. Because if that day comes and we don't have a border, if on that day there is no Palestinian state on the other side of the border, all hell will break loose here. I hardly want to think about what will happen in that case. It will be the end of the Zionist idea."

"What we have to understand as a Zionist movement is that we are doing a very, very unnatural thing here. We are returning after 2000 years to a place where in the intervening years there were very few of us, and we are claiming our right to establish a state of our own here. And this is at a time when there are other people here, who say they do not accept that idea, that it is being done despite their views and against their will. So there is no symmetry here at all."

**Source:** Interview with Yossi Beilin, former Israeli Justice Minister (Labor), *Ha'aretz*, 14 June 2001

Israeli plans for a solution for Palestinians in the occupied 1967 territories also far fall short of principles of international law. These plans include renewed discussion of unilateral Israeli "separation" (a euphemism for segregation) from Palestinian-controlled areas. Possible measures include the redeployment of troops and police forces along the green line and the possible establishment of detention centres and a punitive system to deter "infiltrators." According to proposals presented to the US in late June, Israel intends to hold on to large areas of the Jordan Valley and areas along the green line in order to maintain control of illegal settlements and natural resources in the West Bank. Visiting the West Bank in May, Raymond Louw, former editor of the *Rand Daily Mail*, a South African newspaper at the front of the struggle against apartheid, found the situation in general to be incomparably worse than during the apartheid period in South Africa. Visiting Hebron, Louw noted that "There was never a situation like this with apartheid. The control in black areas was not so forceful. Under apartheid, there was a recognition that the blacks would continue to live in their areas. Here the impression is that the objective is to push the Palestinians out." (*Ha'aretz*, 24 May 2001)

In the meantime, the renewed international commitment to the doomed Oslo process means that nine months after the beginning of the *al-Aqsa intifada* - and with over 500 Palestinians and 44 Israeli civilians killed and tens of thousands (mostly Palestinian) injured, and millions of dollars of damage to private and public Palestinian property - the rule of law remains to be applied; the Palestinian people

continue to suffer from Israel's ongoing occupation and brutal policies to repress Palestinian demands for their rights, including self-determination and the right of return; and a just, comprehensive and durable solution to the Israeli-Palestinian conflict remains elusive. Nine months after the beginning of the *intifada*, the situation on the ground appears to confirm analysis by some Israeli commentators, including Ze'ev Schiff, who wrote in the Israeli daily *Ha'aretz* (3 January 2001) back in January that "If Israel must choose between making concessions on [the right of return] and going to war, it would be preferable to risk the possibility of a violent confrontation."

A current balance of the achievements, as reflected in the results of recent international committees of inquiry, of Palestinian diplomatic and lobby efforts based on the *al-Aqsa intifada* suggests that also the current popular uprising will fail to bring about the desired fundamental changes of international policy in the short term. A long-term effort aimed at affirming the legitimacy of Palestinian resistance and rights is therefore the only alternative option. Such concerted effort, sustained by the Palestinian leadership and the community, including its NGOs, must work to expose and delegitimize the unconditional US support (often accompanied by European compliance) of Israeli violations of international law and UN resolutions in international fora. Moreover, it must explore and take advantage of mechanisms, UN and other, which bypass US intransigence and address the root causes of the conflict rather than just treating its symptoms. ■

## UPDATE

# Campaign for the Defense of Palestinian Refugee Rights

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### Community Mobilization:

#### "Al-Awda - Al-Nakba"

**7 April Rallies:** Building on the success of previous marches and rallies, such as the one simultaneously held in Palestine, Lebanon, Washington/DC and London in mid-September 2000, (See *al-Majdal*, Issue No. 7) members and partners of the worldwide *al-Awda* (Return) *Network* held marches and rallies in Palestine, North America, Australia, Europe, Japan, and in Jordan, Syria and Lebanon on 7 April under the common slogan: "No Peace without Return to Our Homes!"

The rallies and marches, held in conjunction with the anniversary of the Deir Yassin massacre (9 April 1948), and in memory of other massacres committed against the Palestinian people thereafter (See, for example, *al-Majdal*, Issues Nos. 7 & 9), aimed to reaffirm the national consensus of the Palestinian people, the foremost component being the right of Palestinian refugees to return to their homes and places of origins. Participants also reaffirmed the longstanding demand that the international community carry out its responsibility towards implementation of UN resolutions, namely UN General Assembly Resolution 194 affirming the right of the refugees to return to their homes, by pressing the Israeli government to fulfill its obligation set forth in Resolution 194.

Statements issued by Palestinian refugee community organizations and initiatives in the Middle East for the April 7 marches and rallies are archived on the BADIL website:

 [www.badil.org/Refugees/Documents/Ref\\_Documents.htm](http://www.badil.org/Refugees/Documents/Ref_Documents.htm)

The rallies and marches also represented an important act of unity and support for Palestinians in the occupied homeland who have endured tremendous hardship due to the military and economic measures adopted by Israel to crush the popular uprising known as the *al-Aqsa intifada*.

6 March 2001

In New York, some 5,000-8,000 demonstrators assembled in front of the Israeli consulate chanting "No Return Equals No Peace" and carrying a map of Palestine and a key, symbolic of the return home. The rally featured prominent speakers, such as Palestinian intellectual Edward Said and the former Secretary General of the Popular Front for the Liberation of Palestine (PFLP) George Habbash; live interviews with participants at the Right-of-Return Rally held simultaneously in Nazareth; and, a statement by the *intifada* leadership in the 1967 occupied West Bank and Gaza Strip.



For more on events in North America, see: <http://al-awda.org>

In the 1967 occupied West Bank and the Gaza Strip where the right of return of Palestinian refugees is a demand raised daily in public assemblies, rallies and statements of the *intifada* leadership and Palestinian community organizations, refugees were unable to launch large public events due to the severe restrictions on freedom of movement imposed by Israel. Palestinian community organizations thus joined the worldwide right-of-return rallies with a series of decentralized activities which included children's marches, exhibitions featuring the history of Palestinian refugees and Palestinian martyrs of the current uprising, theater and dance performances, and public debates about issues related to the Palestinian right of return.

For statements issued by refugee community organizations see the BADIL website:



[www.badil.org/Refugees/Documents/Ref\\_Documents.htm](http://www.badil.org/Refugees/Documents/Ref_Documents.htm)

In Nazareth, a rally organized by the Society for the Defense of the Rights of the Internally Displaced Palestinians was joined by numerous activists from political parties and national institutions, as well as Palestinian members of the Knesset. The rally demonstrated that Palestinians in Israel - just like refugees in exile - continue to demand their right to return to their homes and properties.

In other parts of the Arab world the scope and character of the April 7 Right-of-Return rallies was also determined by legal and political restrictions on Palestinian refugees. In Amman, a renewed official ban on demonstrations forced the High Committee for the Defense of the Right of Return and some 200 unionists and political activists to hold an indoor rally in solidarity with the Palestinian uprising and the right of return. In Lebanon, Right-of-Return marches were held in all Palestinian refugee camps while A'idoun group organized lectures in the camps of Burj al-Shamali and Nahar al-Bared. Palestinian children and community organizations also gathered in the 'Ain al-Hilweh refugee camp and launched thousands of balloons hoping that the wind would carry them to Palestine bearing the message, "A'idoun - We Will Return."

***Nakba Commemorations:*** Just over one month later, Palestinians, including refugees and internally displaced Palestinians held an unprecedented week of activities in the occupied homeland and in the diaspora in commemoration of the 53<sup>rd</sup> anniversary of their displacement and expulsion by Zionist/Israeli forces in 1948. Under the theme, *Al-Nakba - Al-Awda*, (The Disaster - The Return), national marches called by the High Committee for the 53<sup>rd</sup> Anniversary of al-Nakba (formed by the *intifada* leadership) were held in all districts in the 1967 occupied West Bank and Gaza Strip. The May 15 marches reiterated the Palestinian national consensus - i.e., the right of return, self-determination, and a Palestinian state with Jerusalem as its capital.

At 12:00 p.m., sirens, churches, mosques, and the honking of car horns signaled the start of a three-minute moment of silence in memory of Palestinians killed by Israeli forces, followed a speech to the nation by Yasser Arafat and Palestinian poet Mahmoud Darwish, broadcast by all Palestinian media. (See boxes for excerpts of the speeches)

Public debates on various aspects of the right of return, a press conference with eye-witnesses to Palestinian displacement in 1948, photo exhibitions on the theme "*Al-Nakba - Al-Awda*", children's activities, statements and memorandums to the United Nations and other international organizations demanding the right of return, demonstrations at Israeli military checkpoints, and mass rallies and marches with signs bearing the names of the

### Excerpts from the address by Mahmoud Darwish to the Palestinian People

Today the memory of the *Nakba* comes at the height of the Palestinian struggle in defense of their being, of their natural right to freedom and self-determination on a part of their historical homeland, and this after conceding more than was ever necessary for international legitimacy to make peace possible. When the moment of truth drew near, the true essence of the Israeli concept of peace was unmasked: continued occupation under another name, under better conditions [for the occupier], and at a lower cost.

The Intifada - yesterday, today, tomorrow - is the natural and legitimate expression of resistance against slavery, against an occupation characterized by the ugliest form of apartheid, one that seeks, under the cover of an elusive peace process, to dispossess the Palestinians of their land and the source of their livelihood, and to restrict them to isolated reservations besieged by settlements and by-pass roads, until the day comes when, after consenting to "end their demands and struggle," they are allowed to call their cages a state.

The *Intifada* is, in essence, a popular and civil movement. It does not constitute a break with the notion of peace but seeks to salvage this notion from the injustices of racism, returning it to its true parents, justice and freedom, by preventing Israel's colonialist project from continuing in the West Bank and Gaza under the cover of a peace process Israeli leaders have emptied of any content.

Our wounded hands are yet capable of extracting the wilting olive branch from the rubble of massacred groves, but only if the Israelis attain the age of reason and concede our legitimate national rights, defined by international resolutions foremost among which are: the right of return, complete withdrawal from Palestinian land occupied in 1967, and the right to self-determination and an independent sovereign state with Jerusalem as its capital. For just as there can be no peace with occupation, neither can there be one between masters and slaves.

(Translation from *Al-Ahram Weekly Online*, 10-16 May 2001)

depopulated Palestinian villages, black flags, and the Palestinian flag were held throughout the week. The events were organized by Palestinian institutions and organizations representing all sectors of Palestinian society.

For refugee statements addressed to the international community see the BADIL website:



[www.badil.org/Refugees/Documents/Ref\\_Documents.htm](http://www.badil.org/Refugees/Documents/Ref_Documents.htm)

During the week, the Palestine National Council (PNC) in coordination with Sana'oud held three working sessions on various aspects of the refugee issue. Participants, including members of the PNC, the Palestinian Legislative Council (PLC), local and international researchers, as well as activists, examined the refugee issue in the context of the current political process and future implications, legal mechanisms to advance durable solutions for Palestinian refugees based on Resolution 194, the role of UNRWA, and mechanisms for popular action.



DVD Cover from the video series *Showq as-Sabbar*, featuring video spots of refugees, their demands and refugee life. The series was broadcast on local Palestinian TV as part of the 2001 *Nakba* commemorations

Numerous media programs focused on the *Nakba* during the week including a BADIL Media Series, in cooperation with the Bethlehem-based al-Ru'ah TV station, entitled *Showq as-Sabbar* (Cactus Thorn) which was broadcast by some 13 Palestinian TV stations in the West Bank. The series included video spots featuring refugees and their demands; video clips about refugee life in the camps of Deheishe, 'Aida, Azza/Beit Jibrin, 'Arroub, and Fawwar located in the southern West Bank; and a five-day live call-in program and debate with studio guests about the past, present, and future of the Palestinian refugee question.

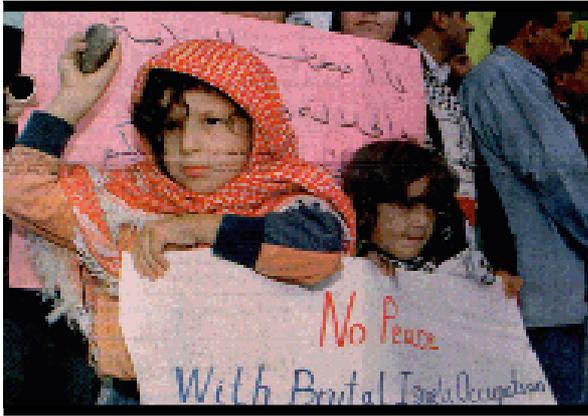
The media events also included a unique dialogue among the Palestinian and Arab people organized by BADIL and al-Ru'ah TV in cooperation with the Popular Committees-West Bank and Gaza Strip, Union of Youth Activity Centres in Palestine Refugee camps, the Union of Women's Activity Centers-West Bank, and the Society for the Defense of the Rights of the Internally Displaced

in 1948 Palestine/Israel and broadcast by al-Ru'ah TV to a West Bank audience of some 40,000 persons.

Central themes raised during the program by representatives of Palestinian political parties, the Palestine National Council, the Palestinian Legislative Council (PLC), the Palestinian Prisoner's Club, Palestinian members of the Israeli Knesset, as well as artists and journalists from the Arab world, included a discussion of the *intifada* as a means of consciousness-raising and struggle against the culture of victimhood, defeat and surrender to the status quo; the Palestinian memory of the *Nakba*; and, the *intifada* as a struggle for Palestinian return, a better future, and an affirmation of self-confidence and unity across checkpoints and borders.

"The Palestinian *Nakba* is an issue of the whole Arab people, and the Palestinian *intifada* is a struggle for the reinstatement of Arab dignity," stated Yussef Sha'aban, artist and head of the powerful Egyptian Artists Union, and union member Fardos Abdel Hamid. The sentiment was echoed by Ahmad Qa'abour from Lebanon whose song *Ounadikum* continues to inspire Palestinians and all Arab people in the region. The program concluded at midnight with a message of solidarity from the anti-Zionist Orthodox Jewish Naturei Karta (Jerusalem and New York) read against the background of live heavy Israeli shelling in Bethlehem and Beit Jala area. "Judaism and Zionism are diametrically opposed," read the statement, "and the present conflict in the Holy Land is not a conflict between Jews and Arabs, but a conflict between Zionists and Arabs."

Activities organized by Palestinian institutions and organizations in 1948 Palestine/Israel included a moment of silence held simultaneously with Palestinians in the 1967 occupied territories, workshops, and public debates. The High Follow-up Committee of the Palestinian community in Israel also participated in the national march at the al-Ram checkpoint in eastern Jerusalem. Palestinians also put up signs and slogans at the entrance to their villages and towns to remind the Jewish Israeli public of the massive displacement and dispossession in 1948 and to affirm their demand for the right of return.



Popular demonstrations in 'Ein al-Hilwa refugee camp - Lebanon, with slogans in support of the *al-Aqsa intifada* (*al-Quds*, 15/4/01)

In Lebanon Palestinian refugees held popular demonstrations in all the refugee camps with slogans in support of the *al-Aqsa intifada*, the right of return, and the demand for international protection for the Palestinian people. The Palestinian flag along with a black flag was raised on the rooftops of houses and buildings in most of the refugee camps, an action repeated in the occupied West Bank and Gaza Strip. A sit-in lasting several days at the martyrs cemetery where victims of the Sabra and Shatila massacre are buried was organized by the Association for Palestinian Human Rights, A'idoun, Inash al-Mukhayam, and other associations.

The UNRWA staff union in Lebanon, meanwhile, held its own sit-in at UNRWA's main office in

#### **Excerpts from the speech by Yasser Arafat to the Palestinian People**

"...in exile, our people have transformed the camps into volcanoes boiling with anger at the deals and the displacement. The refugees of 1948, despite hard conditions, have been leading the struggle for the Palestinian cause and imposed the existence of the Palestinian people onto the world. Refugees represent the central variable in the formula of the Middle East. War after war and *intifada* after *intifada* will be recorded in the annals of modern history until our people will recover its place and our issue will be recognized as central for war and peace in the Middle East; until our people will have demonstrated that they deserve life, freedom, independence and the homeland. It is the right of the refugees scattered in exile to return to their homeland in accordance with international law, including UN Resolutions 194. There will not be peace or stability as long as the Palestinian refugees are scattered outside their homeland, because their right is sacred and legal, and it is the responsibility of the international community to guarantee and secure the rights of the refugees."

Beirut. UNRWA schools devoted special lessons about the meaning of *al-Nakba* while the "Oath of Return" was recited by Palestinian students in all grades. The week also included a lecture organized by A'idoun group and the Social Development Center in Nahr al-Bared about the *Nakba*, *intifada* and the right of return as well as media interviews on Manar and NBN TV about the *Nakba* and the current situation in Palestine. (Activity report in Lebanon submitted by A'idoun Group - Lebanon)

***Rebuilding Palestinian Villages:*** For the first time in its history, the Democratic Front for Peace and Equality (Israeli communist party and independents) expanded its call for the right of return of Palestinian refugees and internally displaced Palestinians to the rebuilding of the Palestinian destroyed villages. The call was made at the party's sixth conference which convened in Nazareth, in the Galilee, on 8-9 June 2001. The Conference opened with a one-minute moment of silence in memory of the martyrs of the *al-Aqsa Intifada*. The Democratic Front's leadership, including Mohammad Baraka, Isam Makhoul, Ramzi Jaraysi, Tamar Gozansky and Mohammad Nafaa, condemned the Sharon-Peres government for its continuing aggression in the West Bank and the Gaza Strip, and called for the creation of a broad coalition to act as a unified front in the face of the current Israeli government's fascism.

In his message of greetings to the conference, Palestinian leader Yasser Arafat said that he considered Israel's latest aggressions "a wrench in the peace process, and an obstacle to the implementation of the rights of the Palestinians." Arafat also expressed his hopes that this conference would open the way for the resumption of the peace process and to the implementation of the Palestinians' rights.

The Democratic Front closed its Conference calling for the following, *inter alia*: an immediate cessation of Israeli aggression; the end of the Sharon government; implementation of Palestinians' rights; the rebuilding of the destroyed Palestinian villages, which it considers a first step in effecting the refugees' right to return to their homes and villages, including the internally displaced, this being the durable solution proscribed by United Nations resolutions and international law; and, addressing and seeking to solve the government-imposed land crisis which Israel's Palestinian minority faces today.

## International Mobilization and Lobbying the UN

***BADIL Exploratory Trip:*** In late April and early May 2001, representatives of BADIL and partners traveled to Geneva for exploratory consultations and discussions about how to effectively and efficiently advance Palestinian refugee rights in various UN and international fora. During meetings with numerous organizations including the International Committee of the Red Cross (ICRC), the Office of the High Commissioner for Human Rights (UNHCHR), Office of the High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), the UN Claims Commission, and the World Council of Churches issues of mandate were examined, potential roles within a rights-based framework for durable solutions for Palestinian refugees (i.e., Resolution 194) were discussed, and various legal and political obstacles and lobbying strategies were considered.

BADIL and international law professor Susan Akram, a BADIL partner, also submitted reports on Palestinian refugees to the Committee on Economic, Social, and Cultural Rights, the treaty-monitoring body for the International Covenant on Economic, Social and Cultural Rights. The Committee was meeting in Geneva in special session to review Israel's compliance with the Covenant in the occupied Palestinian territories. In its previous report on Israel's compliance with the Covenant, the Committee drew special attention to Israel's Covenant violations concerning Palestinian refugees and internally displaced Palestinians, particularly with regard to discriminatory legislation that aims to prevent Palestinian refugees from returning to their homeland and being restituted of their property.

For more on BADIL's submission to the Committee on Economic, Social and Cultural Rights and the Committee's report, see [Refugee Protection](#) below

***British Commission of Enquiry:*** In March 2001, the Joint British Parliamentary Middle East Councils Commission of Enquiry on Palestinian Refugees that traveled to the region in September 2000 (See [al-Majdal, Issue No. 7](#)), issued its report on Palestinian refugee choice. The 200-page report is based upon hearings conducted by the Commission in refugee communities in the West Bank, Gaza Strip, Jordan, Lebanon and Syria concerning Palestinian preferences with regard to durable solutions based on internationally recognized rights (i.e., right of return, self-determination, and the principle of free choice).



Popular demonstrations in New York with slogans in support of *Palestinian Refugee Rights* (*al-Quds*, 7/4/01)

The report, dedicated to the children at Miya Miya refugee camp in Sidon and the dreams they shared as well as to the lost dreams of the children of Tal al-Za'tar camp, 1976, and of Sabra and Shatila camps, 1982, includes a preface by Professor Richard Falk, historical background, main findings of the refugees' testimony, general remarks and analysis, recommendations by the Commission of Enquiry, and information on the establishment of the Commission of Enquiry as well as annexes containing transcripts of the hearings and other supporting documents.

In the preface, American professor Richard Falk writes, "The clarity of international law and morality, as pertaining to Palestinian refugees, is beyond any serious question. It needs to be appreciated that the obstacles to implementation are *exclusively* political - the resistance of Israel, and the unwillingness of the international community, especially the Western liberal democracies, to exert significant pressure in support of these Palestinian refugee rights." Given the intensity and the unity of refugees insistence on implementation of the right of return, the preface warns that it would be "a severe mistake of history, with potentially serious repercussions ... [to] negotiate a solution that ignores the underlying claims of the wide community of Palestinian refugees." "How to overcome [the depth of Israeli resistance]," notes Falk, "is a challenge that should haunt the political

imagination of all those genuinely committed to finding a just and sustainable reconciliation between Israel and Palestine."

The bulk of the report includes the collection of testimonies from refugees in the Gaza Strip, West Bank, Jordan, Lebanon and Syria. These testimonies are summarized under several main themes, which surfaced during the hearings conducted by the Commission. The themes include the refugee issue as the core of the conflict between Arabs/Palestinians and Israel; the fact that refugees felt excluded from the Oslo process; the issue of representativeness; the profound identification and attachment of Palestinian refugees to the land and their self-identification with it as a people; the British role in creating the refugee problem and Israeli and international responsibility; and, the importance of UNRWA as the basic defender of the minimal rights of refugees and the threat of UNRWA being undermined.

The main theme that the Commission of Enquiry discovered, however, was the remarkable cohesion and consistency among refugees. "Certain positions that could be seen to divide the refugees, since they involved a possible enhancement of their personal interests over other groups of refugees," notes the report, "were confronted outright by the refugees themselves." Refugees in all areas emphasized that the right of return must apply to all refugees, regardless of their physical, financial position or location. "The main principle is that all Palestinians want this resolution to be implemented," stated Khalid al-Azza, "that is the resolution of the right of refugees to return and to compensation for the 52 years passed since they left their land, houses, and factories."

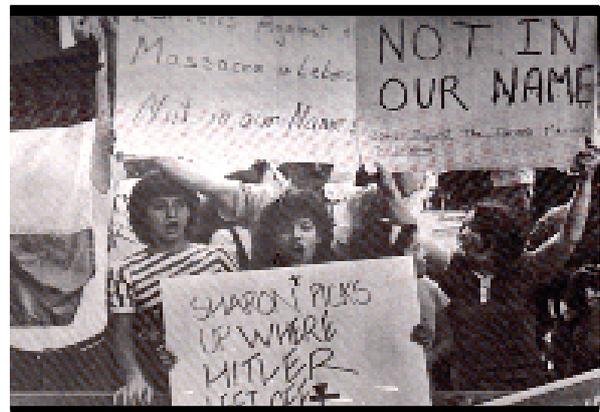
The report, prepared by the Labor Middle East Council, Conservative Middle East Council, and the Liberal Democrat Middle East Council will be presented to Israel, the PLO, European governments and the European Union to remind the international community of its responsibility to establish a mechanism appropriate for the implementation of refugee choice.

Copies of the report are available, c/o CAABU: [Imec@arab-british.u-net.com](mailto:Imec@arab-british.u-net.com), or write to 21 Collingham Road, London, SW5 0NU

**War crimes:** In June two complaints were filed in Belgium against Israeli Prime Minister Ariel Sharon holding him responsible for the 1982 massacre of several thousand Palestinian refugees in the camps of Sabra and Shatila in Beirut Lebanon.

For more on the massacre see, *al-Majdal*, Issue No. 9

According the Belgian daily *le Soir* (2 June 2001), the first suit was filed by an ad hoc committee composed of Palestinians, Lebanese, Moroccans and Belgian citizens in Brussels on 2 June 2001 under Belgian law concerning grave violations of international humanitarian law. For the time being, the case against Ariel Sharon is being studied by the Belgian judicial authorities, which must determine whether the suit is admissible under the terms of the Belgian law.



Popular demonstrations against Ariel Sharon in New York 20 years ago in connection with the Sabra & Shatila massacre. Sharon is currently being investigated for war crimes sparking new demonstrations around the world. (*Sabra, Shatila. PLO- Unified Information, Bisan Press & Publication Institute, 1983*)

Roughly two weeks later (18 June 2001), a second complaint was filed in Brussels by three lawyers - Luc Walley, Michael Verhaeghe, and Chibli Mallat - on behalf of 28 plaintiffs and witnesses, all survivors of the Sabra/Shatila massacres. The complaint is filed against Ariel Sharon, Amos Yaron and any Israeli or Lebanese person responsible for genocide, crimes against humanity, and war crimes that happened between the 16<sup>th</sup> and 18<sup>th</sup> of September, including the killing, torture, rape and "disappearance" of from 1000 to 3500 civilians - children and women as well as men, Lebanese as well as Palestinians. The complaint is based on customary international law, including jus cogens, and Belgian law. (Press Release issued by lawyers for the plaintiffs, 22 June 2001)



The full text of this complaint in French can be read on: [www.mallat.com](http://www.mallat.com)

The Belgian law under which these complaints are filed, introduced in 1993 and modified in 1999, is based on the legal concept of universal jurisdiction and states explicitly that immunity attached to a person's official status does not prevent application of the current law. In other words, the law sets aside limitations of time, citizenship and status. Most recently the law was used to try several Rwandans in connection with the 1994 genocide in the central African country. In a press release concerning the second complaint, the lawyers for the plaintiffs, all of whom lost close family members, note that "It is worth remembering that Israel invoked universal customary law when it tried Eichman for war crimes, and this case, and that of Demjanjuk in the US, and others, are cited at length in the complaint."

In late June, Human Rights Watch (HRW) also called for a criminal investigation into Israeli Prime Minister Ariel Sharon's role in the Sabra and Shatila massacre. "There is abundant evidence that war crimes and crimes against humanity were committed on a wide scale in the Sabra and Shatila massacre, but to date, not a single individual has been brought to justice," noted Hanny Megally, executive director of the Middle East and North Africa division of Human Rights Watch. Human Rights Watch further noted that while the findings

and conclusions of Israel's own commission of inquiry (Kahan Commission) were "authoritative in terms of investigation and documentation of the facts surrounding the massacre," it could not "substitute for proceedings in a criminal court in Israel or elsewhere that will bring to justice those responsible for the killing of hundreds of innocent civilians." HRW also called upon the Lebanese government to institute a similar investigation concerning the responsibility of Lebanese officials.

The call by Human Rights Watch for a criminal investigation of Israeli and Lebanese officials came in advance of a visit by Israeli Prime Minister Ariel Sharon to Washington, DC in late June. "[T]he United States had a substantial interest in the case," stated HRW, "because the Israeli occupation of West Beirut followed written US assurances that Palestinians remaining there would be safe, as part of an arrangement that saw the evacuation of [PLO] forces." (HRW Press Release, 23 June 2001) The focus on criminal responsibility for the massacre at Sabra and Shatila was further heightened by a BBC documentary on the massacre broadcast in June. ■

Members of the anti-Zionist Orthodox Jewish Naturei Karta, who issued a statement in solidarity with the Palestinian people and Palestinian refugees on the commemoration of *al-Nakba*, raise the Palestinian flag in front of the Orient House in Jerusalem



## ***The Right of Return and Israeli Society***

Nine months after the beginning of the al-Aqsa intifada and nearly half a year since the collapse of final status talks at Taba, Egypt, the lack of international political will to intervene in the Israeli-Palestinian conflict on the basis of international law leaves little room for optimism about the immediate future of the region and the more than 5 million Palestinian refugees who remain in exile more than 50 years after their displacement/expulsion. While models presented in the Israeli press fall far short of principles of international law and practice (See box below), Palestinian negotiators have so far refused to state their principled agreement to any of the solution models and principle catalogues promoted by Israeli "insiders." The lack of publicly accessible information, the complexity of such models, and the numerous pitfalls and inherent dangers to refugee rights, continue to give rise - and correctly so - to serious concern among Palestinian refugees and human rights activists.

At the same time, however, the Palestinian people, in particular its refugees, have succeeded to confront Israeli society with their demand for recognition and implementation of refugees' right of return to their homes and properties in what is now Israel. *al-Majdal* spoke with Tikva Honig Parnass (9 May 2001), a veteran Israeli anti-Zionist activist and editor of the political magazine *Between the Lines*, and with Yael Stein (6 June 2001), research director of the Israeli human rights organization B'tselem, in order to shed some light on the background, character and perspectives of the Israeli debate.

### **How to Solve the Palestinian Refugee Problem**

**Excerpts from: Akiva Eldar, *Ha'aretz*, 29 May 2001. The author claims that the following principles were accepted by Palestinian negotiator Nabil Sha'ath in the last rounds of the Taba negotiations.**

1. An international body that will be established to deal with the subject will present each refugee with five options: rehabilitation in his current place of residence including citizenship of the state in which he lives; absorption in the new State of Palestine; settlement in Halutza (a land strip in the southern Negev to be transferred by Israel to the Palestinian state); immigration to a country outside the region; return to Israeli territory.
2. The five options will be shaped in a manner that will channel immigration as much as possible to options other than return to Israel. This will include a series of incentives, an accelerated rehabilitation program and generous economic aid, which will be offered to Palestinians who will forgo the option of immigration to Israel.
3. The immigration quotas will also be geared to induce refugees to opt for the alternatives to living in Israel. It was agreed that the immigration quotas for Israel will be lower than those set for other destinations, and that Israel has the sovereign right to decide who will enter her territory and who will be barred from entering.
4. Dealing with the personal status of each refugee will be conditional upon his relinquishing refugee status and accepting the same rights as those in whatever place he chooses to reside. This means that the refugee agrees that the place he chooses will be his final place of residence. In addition, this will mean forgoing claims to property in Israel. The Israeli side attached great importance to this point, viewing it as a confirmation of the end of Israel's commitment with respect to the refugee problem.
5. The new international body will replace UNRWA, which will be dismantled within five years. The new body will assume responsibility for dealing with the refugees at both the personal and community level. Israel would like the UNRWA to shut down its operations, on the grounds that the organization's existence perpetuates the Palestinian refugee problem. It was agreed that refugee certificates that UNRWA issues would be canceled. Refugee camps containing those who choose to be rehabilitated where they are will be annexed to adjacent cities. Thus the refugee camps would lose their extraterritorial status.
6. The international body will raise funds and give compensation for private real estate that was expropriated from the refugees. There is still an unresolved dispute concerning property of common ownership, collective compensation, and movable property that the refugees left behind.
7. Israel demanded that a ceiling be set for the amount of compensation to be paid; this would then become part of the permanent agreement. The Palestinians demanded that compensation be set on a case-by-case basis, with no ceiling - that is, with a separate assessment of the worth of each refugee's case.



**For more on the Israeli debate see, "Facing the Right of Return," *al-Majdal* No. 9; *BADIL Occasional Bulletin*, No.5, April 2001. Both are archived on the *BADIL* website**

## **BADIL Interview**

**with Tikva Honig Parnass**

**BADIL:** *Could you analyze for us briefly how you see the relation between various social sectors of Israel and the Palestinian right of return?*

**Tikva Honig Parnass:** I have recently come to the conclusion that there is an inevitable connection between the 'two-state' approach and the negation of the right of return. You cannot speak about two states in terms of a Jewish state and a Palestinian state and accept fully the right of return and its implementation. Moreover, contrary to the conclusion of Matzpen<sup>(1)</sup> in the 1980s that you can end the Israeli occupation without ending Zionism, due to what was considered then as new circumstances in the imperialist system, the facts have shown since then that this was a false assumption. What we get is an apartheid regime all over historic Palestine, which was Israel's plan from the beginning when they went to Oslo.

In the Jewish public there is a total consensus against the full recognition of the right of return. You can hear it from Uri Avnery who since Oslo has emerged to be the leader of what is called the 'peace camp'. Without recognizing the real cause of the Palestinian-Israeli conflict, which is the colonialist nature of Zionism, you can't reach the conclusion of the right of return. Because if, as Uri Avnery says, the conflict is a conflict between two legitimate national movements with contradictory aims, then you will inevitably be against a full Palestinian right of return, which of course will change the nature of the Apartheid Jewish state. The consensus against the ROR is so strong that there is hardly any attempt to deal with it seriously.

**BADIL:** *There was a time, in late 2000, when the right of return was discussed in the mainstream Israeli press. So what did these articles mean?*

**THP:** They were there to prove to the Israeli public that the Palestinians want to destroy the state of Israel. You see, they use the language of "destroying" the state of Israel, which is very vague,

which implies even killing people, bringing about a physical end to the 'state'. But they don't say that the issue is the danger of transforming the nature of the state. At the same time, there are some 'progressive' Israelis who use justifications against the ROR, coming from a position of culture and identity, claiming the need for a Jewish majority for these things to be sustained.

**BADIL:** *How do you explain the fact that the right of return was not a central issue, even for the small group of anti-Zionists in Israel until recently?*

**THP:** For the small group of anti-Zionists, support for the right of return was always beyond question. However, they had on their agenda other urgent issues to fight for such as in the 1960s, the struggle against the Israeli military government which had controlled the Palestinian-populated areas in the country since the 1948 war. Later, in the 1970s, there were additional factors that led to the "freezing" of the issue of the right of return. By then it was the belief of Matzpen that the Right of Return of Palestinian refugees could be implemented only as part of an all-Arab socialist revolution. Then there was in the 70's the Fatah position which supported the solution of a Palestinian state alongside Israel - a position which inevitably gave the impression that the PLO was ready, at least in public, to accept the Jewish state. In the mid-1980s, Israeli anti-Zionists changed their perception: as I said, while the earlier assumption was that Zionism must be defeated before the Palestinian question can be resolved, and that even the 1967 occupation cannot be ended without dismantling the Zionist Jewish state, it was assumed now that - due to specific circumstances within the imperialist system and interests, the Israeli occupation might be forced to withdraw from the 1967 occupied West Bank and Gaza Strip while the existing Jewish-Zionist state would remain in place. This new perception brought them to follow the 1988 decision of the PLO on the two states solution and focus their political agenda on the battle against the 1967 occupation in cooperation with the Palestinian forces, and to raise the demand for the recognition of the PLO as the sole legitimate representative of the Palestinian people.

**BADIL:** *So those Israelis, mainly from the Left-Zionist circles, who claim today that they were made to believe by their Palestinian partners that there was no longer a Palestinian demand for the right of return to Israel proper are correct?*

**THP:** In a certain way they are correct, although their conclusion that the PLO or the Palestinian Authority could give up the demand for the right of return was perhaps made too hastily. There was ground to think that this demand would not stand in the way of a final agreement with the Palestinians based on a territorial compromise. If Palestinians argue today that the refugee question was simply delayed because of the Oslo timetable, they are hiding part of the problem. In 1975, an interview by one of the founders of Matzpen (the Israeli Socialist Organization), Moshe Machover took place with Said Hammami, who was then the official representative of the PLO in London [See *Forbidden Agendas*, Al Saqi Books, 1984]. After portraying the future solution of two states, a question about the right of return was asked:

"Moshe Machover: But what about the right to return to the part that will be Israel, within the pre-1967 borders? Ever since the foundation of Matzpen we fought for the right of the refugees of 1948 to return to their homes[...]"

Said Hammami: Yes, their right must be maintained. I believe that in principle everyone should have the right to live and work anywhere. [...] [However] We have different cultures, and this background of violence cannot be a very good step towards co-existence. So I say, let us have a state. This would draw the poison out of the hatred [...] and then give it time: In ten or fifteen years the Israeli Jews will find out what nice people we are. [...]"

**BADIL:** *But still, the fact is that many of the Israeli peace camp did not meet only with Palestinian leaders who might have indicated that the right of return is no longer on the agenda. These Israelis also met with Palestinian activists who did not necessarily represent the official position. They must have told them something different.*

**THP:** You are right. They knew that the issue was there, but they, in typical racist fashion, believed that, "Yes, the refugees won't give up, but the

leadership will do what it wants." I remember an article by journalist Danny Rubinstein, who is one of the best commentators among the Zionist Left. He reported about a public meeting with the newly arrived PA in Balata refugee camp in which he participated: Rubinstein himself described how an old man standing in the back of the hall called out, "But you won't forget the refugees and our right of return will you?" and how the speakers of Fatah and the PA calmed him down, saying "yes, yes, of course." And I remember how happy and proud I was to read it. I told myself that this shows that the issue is there and alive. But of course you can understand this differently, if you want to live in self-illusion.

**BADIL:** *We are often told that while it is true that the demand for the right of return has a sound legal basis in international law and UN resolutions and has been applied in many other cases, it is simply not realistic in the Palestinian case because Israel will never accept it.*

**THP:** This is certainly correct. The right of return - the very recognition of this right - contradicts the Zionist project as a Jewish, colonialist, and expansionist project, because the right of return challenges the fundamentals of the Zionist state. Not just on the level of demography in the sense that the Jewish majority will lose its special 'benefits'. It also implies a real danger that the Jewish state will not be able to continue its policy of dispossession which is ongoing until today, both inside 1948 and in the 1967 Occupied Territories. Another reason why Israelis cannot accept the right of return is the fact that they are challenged today by the Palestinian community inside, which has started to raise the demand for its national collective rights and to get back their confiscated lands. To bring more Palestinians into the country by the return of the refugees seems absurd in this context.

Now, to say that because the right of return is not "realistic", we must give up the demand? I reject this totally. What is realistic today? A Palestinian state while we are talking about Israeli control of air, water and borders? Neither the state, nor the right of return is realistic today. Does this mean that we have to accept the Israeli consensus as a starting point for a solution? It is absurd, because if

we take this consensus as our reference, we would also have to relate to the large majority of Israelis who are now supporting the bombing of Palestinian areas and the political assassinations.

So what can we do with the Israeli consensus? We must differentiate between the right of return as the component of an agreement between the Israelis and Palestinians, which is an absolute right that cannot be achieved at this point, and the right of return as an important slogan for the mobilization of joint Israeli-Palestinian struggle for the de-Zionization of Israel; to bring the Israeli public to recognize the need to change the fundamentals of this apartheid state.

**BADIL:** *You say that the right of return must be a demand used for the mobilization of the struggle against Zionism, but who is there to mobilize and to lead this struggle?*

**THP:** First of all the 1948 Palestinians. You see, those who benefit from the Zionist state are the wrong address which unfortunately the PLO has turned to for support for many years. They are the bourgeoisie, the middle classes of European origin, who, even if it be subconsciously, benefit from the Jewish state and thus support it. These are not social forces you can rely on to be in solidarity with the Palestinians and fully recognize their national rights. Many of their intellectuals and political activists against the occupation, however are connected to the '48 Palestinians, who are now in a position to lead the transformation of Israeli society. Take the example of the recent boycott of the Israeli elections by 90% of the '48 Palestinians: there were several thousand Jewish Israelis who joined them. The struggle for the right of return is also important for the mobilization of the Palestinian community for the protection of their national identity and unity as a people. It should serve as a tool for cracking the position of the international community, which has been so supportive of Israel until today. The right of return has indeed a central role in the long-term struggle for a better Palestine, which will include Israelis as well as Palestinians.

**BADIL:** *Putting aside the above, and assuming that we were at a stage in which the right of return can be implemented, have you ever tried*

*to picture for yourself how return could be implemented concretely?*

**THP:** Assuming the utopian scenario that Zionist Israel is weakened enough to accept the right of return, Palestinians could return to the lands which are still empty as Abu Sitta has indicated, and people would live together in a multi-cultural society, with different frameworks in which they can express their identities. However, the aim of the political structure of the state would no longer be to propagate the benefits of one people at the expense of another. But all this is a utopian scenario. We cannot speak about the right of return separate from a fundamental transformation of the Zionist state.

**BADIL:** *How can you convince Israelis who benefit from the Zionist system that they have something to gain by supporting an egalitarian Israel and the right of return?*

**THP:** You must not try to convince them about the right of return alone. You must start with shaking the entire self-righteous image that Israelis have. You do it by raising the right, as a human right, as part of a wide campaign aimed at cracking the nature of the Jewish-Zionist state and the image of it as 'the only democracy in the Middle East'. Palestinian NGOs cannot do this alone. It is the role of the Palestinian political parties both in 67' occupied territories and inside Israel. Even today you can already see that there are young anti-Zionists Israelis joining Palestinians in Israel who do not come from the traditional anti-Zionist, socialist circles. But they are here, at the universities, for example, and I hear them say things, that even Matzpen did not dare to say. For example, the statement, in a recent debate on the ALEF email list serve (coordinated by teachers at Haifa University) about the right of return that even Jews who were born here have less rights than Palestinians because it is inadmissible to think that we can dispossess and deport a people and then, after 50 years, we suddenly have rights. These people are very few in numbers, but they are the potential forces needed .

1) Socialist organization in Israel, publishers of the journal Matzpen, was established in 1962. In 1968 a group of its members separated and founded the Revolutionary Communist League, which was a member in the Fourth International.

**BADIL:** *What has led B'tselem to take on this issue of the Palestinian refugee question and the right of return?*

**Yael Stein:** Formally speaking, the issue of refugees is outside our mandate because our mandate is restricted to the West Bank, including East Jerusalem and the Gaza Strip. When the final status negotiations started we thought that it would be impossible not to deal with the final status issues because an agreement will be signed on them and these issues have a human rights dimension.

**BADIL:** *When did you start to work on the refugee question and the right of return?*

**YS:** It was more than a year ago, maybe even two years ago. We decided that the issue of the mandate is really too formal and we should not stick to it. Refugees are part of the conflict and it would not be proper to distinguish between the refugees of 1967 and 1948. So we thought we should write a position paper on this issue. As an Israeli human rights organization we must have input especially if you consider how the discussion is going.

**BADIL:** *From which angle are you approaching the issue?*

**YS:** We focus only on the human rights perspective. We are aware of the fact that the human rights perspective can be limited sometimes and that it cannot give an answer to all the questions. But what struck me most when I started to get into the issue of the right of return is that you can hardly find anybody who looks at this issue from a human rights perspective. The issue is so political. The Israelis look at the right of return as a Palestinian political goal and not as legitimate human rights claim, but rather as some political goal. I think there is no other issue where the legal interpretation is so strongly based on the political position of the writer. And the Palestinians also use it as a political tool; they do not push the human rights agenda of it. It is our purpose to show that it is not a political question,

but that it is human rights issue - at least that there is a strong human rights dimension in this issue. We are not dealing with crazy people who want to throw the Israelis out of the country and the Israelis want to throw out the Palestinians. It is a recognized human rights issue all over the world. Of course there are specific questions involved in the Palestinian refugee case. I don't know of another people in the world that has been displaced for so long and in such large numbers.

**BADIL:** *What are your references and standards specifically?*

**YS:** There is the Universal Declaration of Human Rights, the Convention on Civil and Political Rights, and the practice of the High Commissioner on Refugees. There is a problem with Palestinian refugees in the sense that Palestinian refugees are not part of the international refugee regime and UNHCR, but we are trying to conclude from UNHCR's practice, the practice that should be applied to Palestinian refugees. We are trying to check what happened to other refugee populations in the world - and then there are of course the UN resolutions, humanitarian law of course, and state succession laws.

**BADIL:** *So what are the most difficult and challenging questions that come up when the right of return is tackled by an Israeli human rights organization?*

**YS:** I must say that I personally don't feel that I deal with this issue differently because I am Israeli. I might be more aware of the problems of marketing the issue. It is almost impossible to market. The main problem is not the legal questions, although there are some, but the main question is that, ok, there is a right of return but how do we implement it? I mean that the Israelis who live in the places of the refugees have been living there for fifty years, they have grandchildren, and you cannot just say they can go away and vacate the place for the refugees. They have rights too, so we have a situation of conflicting rights here. This is where we are at this point.

**BADIL:** *Do you have any ideas about how you will go about marketing and raising this issue?*

**YS:** Not precisely. I know that it will be more difficult to market than any of the other issues we have dealt with, it is a real bomb. And we will have to pay a lot of attention to marketing, something we haven't done yet. Other than that, we will go about it as usual. We will publish a report, we will have a press conference, and people will be very angry. I don't see any other option. I don't see that we can leave it in our office drawers just because it is too difficult. It will be important to choose the proper timing.

**BADIL:** *Do you have an idea when the report will be finished?*

**YS:** I hope in six months. I still don't have the bottom line. I still don't know how we should deal concretely with the question of implementation. Of course there is an easy option. We could just say there is a right of return and it is not our problem what to do about this. But then, on the other hand, the fact that there is a rights violation does not necessarily mean that the reversal of this violation is the only remedy. There are other solutions under international law. So the question of implementation remains the main problem. At the same time, I feel it is important to state that there is a right of return, to state that and to have it acknowledged by the people and the Israeli government. To acknowledge that we did something wrong and that now we have to see how to solve it, and that we will participate in this solution.

**BADIL:** *What would you consider a success in the case of this report?*

**YS:** We expect that we will contribute to the debate. If it initiates a serious debate about it, this would be a success in my eyes. If nobody relates to it seriously it would be failure.

**BADIL:** *How do you see the Palestinian work on the right of return, especially publications issued by Palestinian organizations?*

**YS:** From the material I have seen I can say it is really good. But I haven't seen anything on the question of implementation. Maybe I overlooked it or just couldn't find it, but I haven't seen anything on the question of implementation. I think that for the Israeli public this is the most important thing,

because the Israeli public is so frightened. I am not trying to justify them, I am just describing the situation. The right of return is really threatening to Israeli society so they speak about the Jewish right to self-determination and the Jewish character of the Israeli state. I think these issues should be addressed. I think it would calm Israelis if they really understand what we are speaking about. The fear of five million Palestinians just flooding into Israel is so great and there is nobody to tell them that, first of all, we are talking here about a right that not all Palestinian refugees might wish to exercise and that you would be able to stay in your homes. So I really think the issue of implementation must be addressed and I haven't seen any reference to that.

**BADIL:** *We have this impression that at least among the Israeli negotiators who stayed with the negotiations until the end, there was a realization that an agreement on the refugee question could not be marketed on the Palestinian side if it violated too obviously international principles and UN Resolution 194.*

**YS:** Yes, this is an important point that will be raised in our report. Because the issue of the refugees is an individual human rights issue it can't be negotiated away in political negotiations. Refugees must have a choice and they must be part of the decision. It can't be that Arafat and Sharon will be sitting together and closing an agreement and say, "well, there is a right of return and we will let one hundred people return to Israel, 5,000 will stay in Jordan, and 300,000 will stay somewhere else." I mean this cannot happen. It is a human rights issue. It is an issue of individual human rights that people must decide by themselves. It cannot be that an agreement is closed behind their backs. While I am not saying that the refugees themselves will forget their rights, but I am saying that because people are so tired now after these nine months, especially the Palestinians, but also the Israelis, that they might feel it is a good time now to close something, to find an arrangement. ■

# 'At Home' in South Africa:

## Reflections

by Dr. Randa Farah

*Dr. Randa Farah is a Research Associate based at the Refugee Studies Center (RSC), University of Oxford. Most of her writing and research pivots around forced displacement, exile, nationalism and children living with the effects of prolonged conflict. Dr. Farah has conducted several seminars on diasporas and refugees in different academic institutions, and was involved in developing and teaching a short course on Palestinian refugees and the Universal Declaration of Human Rights at the University of Oxford. Her current research and interest are of a comparative nature, mainly, in Africa (South Africa and Western Sahara), Cypriot refugees and Latin America, primarily Guatemala.*

**This article is based on a visit by the author to the University of Western Cape in South Africa between the 11-17<sup>th</sup> of March, 2001.**

### Apartheid Regimes

*"The 6th of April, 1952, Jan Van Riebeeck came in ships...and we were forced to listen and study this history at school. We were taught.. black people were barbarians....they raped our women... If they did not come and rape my grandmothers... we would not be here and yet they crucified me for the colour of my skin. During apartheid I was classified as 'coloured'!!" (Marcia Scheepers, Cape Town, South Africa, March, 2001).*

The El Al and South African Airlines are positioned right next to each other at the boarding gates at Heathrow airport, where I began my journey to a country with a rich history of struggle against one of the most vicious forms of oppression - Apartheid! A symbolic arrangement, I thought, as I walked through the gates filled with excitement and trepidation. The two racist states prided themselves in having exported 'civilization' to both Africa and Asia! I recalled the words from Herzl's '*Der Judenstaat*,' (1896) that the 'Jewish state' would form a 'bulwark of civilization against Asiatic barbarism.' When Zionism emerged at the turn of the 19<sup>th</sup> Century as a political colonial movement, the Europeans had already provided various models for their Zionist (also European) allies of racist colonial settlement, mainly how to uproot, relocate and enslave indigenous populations. South Africa's geographical distance from Palestine collapsed as I pondered over its historical and political proximity to the Palestinian experience.

*"There were acts that became crucial for Apartheid, the Mixed Marriages Act, for*

*example, the Immorality Act, (you couldn't mix socially with other groups). They had divided the country into groups, Africans, Coloureds (mixed descent), Indians and Whites. Then they divided the African population into ethnic groups, the Xhosa, Sutu, Zulu, Zwana and then they gave each group a 'Homeland', so if you were Xhosa your Homeland (bantustan) was either Transkei or Siskei. It was the old divide and rule strategy. A lot of areas were mixed prior to institutionalized Apartheid, like District Six, so they picked out each group and put them in other areas. Most people were just given a short time to move, if you didn't they uprooted you by bulldozing your home and place" (Saliem Patel, lecturer at the School of Government at the University of Western Cape. His research interests is the political economy of Southern Africa with a specific focus on investment in the region, March 2001).*

The Israeli government also classified 'non-Jews' as Muslims, Christians, Druze and Bedouins, forcing the Druze for example to join the army and treating them as 'non-Arabs' though never treating them on equal footing with the Jews. 'Arabs in Israel' are second class citizens and the institutionalization of racism also began in 1948 through many laws that privileged Jews over the indigenous Palestinian Arab population, whom they had dispossessed and displaced. Classification and segmentation in Palestine and South Africa is/was a strategy to further social schisms and hinder collective action. Until late in the mid-sixties, martial law prevailed, of course, applied to Palestinian Arabs only, it is still applied in the West Bank and Gaza. Travelling from one area to the next was not allowed without

permission from the military authorities, neither were Palestinians allowed to organize politically, socially and culturally. How familiar! South Africa and Israel. Suddenly the eleven-hour flight did not seem very distant.

Memories of Beirut - 1982 crept back. The Mediterranean land, air and sea were obscured with Israeli-American glittering metal as they dropped internationally prohibited cluster, pressure and phosphorous bombs. Civilization indeed! The nightmare continues. Today the Palestinians in the West Bank and Gaza confront F-16s and a variety of sophisticated deadly weapons donated generously by the USA to Israel. Mobs of right wing settlers assisted by the Israeli Occupation Army (IOP) attack villages, kill, demolish and burn crops. The sounds of bullets reaching the hearts of children drown my being. Steve Biko, Muhammad al-Durra and so many other innocent men and women of all ages, whose names and humanity remain anonymous to the world. In Gaza, Beirut, Sharpeville and Soweto death, destruction and struggle for freedom are inseparably wedded.

More layers of silenced memories unravel and I was suddenly a child in Haifa. A second class citizen. It was comforting to feel understood by Marcia, Saliem, Leon and a number of friends I made in South Africa. In many places the words fail to express the internal rupture that occurs when the land and the human networks that carve its social and physical landscape are torn apart. Apartheid and colonial settlement disrupt a familiar rhythm of life, a melody carried through centuries, enriched and transformed by those who create it, suddenly scattered into distant horizons. Colonialism is when the humanity and dignity of the colonized are diminished by systems and processes that irreversibly uproot, alienate, segregate, fragment and isolate individuals, families and communities.

I remembered Yosi, a Yemeni (Arab) Jew who lived in one of the areas on my way to school in Haifa. I feared him as a child, he often called me a 'dirty Arab.' Not surprisingly, Israeli 'statesmen' and Rabbis even today, refer to Arabs as 'dogs' and 'cockroaches.' Upon birth, Yosi was classified as an Israeli Jew, but he was a Sephardic, a term used in Israel to describe Jews from non-European origin, mainly those from Arab countries and of Spanish-Arab origin. The Ashkenazi Jews of European origin

look down upon the 'Sephardim' who occupy a diminished status in Israeli society. I was a 'non-entity' a 'non-Jew' or at best an 'Arab in Israel!' At the airport I wondered if Yosi and his family ever heard the echoes of yearning and the silent weeping of the original owners of the house that they occupied. Did the Palestinian Arab family end up in Sabra or Shatila camps? It is possible.

Once, Jews of the region constituted part and parcel of a different geo-political boundary, roughly between the 8<sup>th</sup> and 14<sup>th</sup> Centuries. The Arab-Islamic civilization incorporated various ethnic and religious identities. Maimonides and Avirroes, a Jew and a Muslim, two great philosophers, thinkers and scientists had coexisted in one cultural and social milieu.

*"African people, were not allowed in the Reformed and Dutch Churches... They quote from the Bible something about ' a white bird will not mate with a black bird'... ..It is something you just grew up with.... Two of my sisters look 'white', suppose we were late to catch a train, my two sisters would be able to get on the train and the other two would not be allowed, because we were dark and had curly hair"* (Marcia, Cape Town, SA, March, 2001).

Apartheid was implemented in a country wherein the Africans constitute approximately 80% of the population, while the whites are no more than 7-8%. The rest were classified as 'Coloured,' and 'Indian.' In 1948 Palestine more than half the Palestinian population were forcibly displaced and Zionist Jewish settlers constituting a third of the population seized statehood and territory. 1948! The year is quite a catastrophe, a 'nakba' for many people, in South Africa, Palestine and in India.

### **The Spaces of Apartheid**

Social and spatial discrimination are inter-linked and apartheid betrays its hideous ways in territorial spaces and the mapping out of how and where the colonized may move. Although in Israel/Palestine there are areas where Jews and Arabs have forged various kinds of social and economic ties, nevertheless, the vast majority of both populations live in two incongruous worlds mirrored in inverse ways: two sides of the same coin. Palestinian Arab and Jewish schools are segregated. The buildings

of the first group are run down and the education system suffers from neglect and censorship.

Palestinian villages, which look dilapidated and run down highlight the affluence of Jewish areas. Townships, refugee camps, urban poor areas belong to the colonized, while across the road or over at the top or at the slopes of mountains (Haifa and Capetown) European settlers squeeze the human and material resources around them. African fishermen, hunters and pastoralists were no longer able to practice their familiar tasks and their modes of livelihood were radically transformed. Similarly, Palestinian farmers were uprooted and their lands seized, many of them transformed to a disadvantaged proletariat. Following WWII, with increasing displacement from the land in South Africa, the indigenous population began to migrate to urban centers looking for jobs. This frightened the Apartheid regime and an 'influx control' law was passed. Identification Cards and passbooks became the symbols of racist classifications restricting the movement of all 'non-whites.' No 'African,' 'coloured' or 'Indian' could 'trespass' into 'white' areas! It was against the law! The Palestinians today can only move with Israeli ID cards, denoting their status as an occupied and 'controlled' population.

*"The Africans and Indians needed a passbook to come to Capetown, they had to get it stamped and signed and if they overstayed they would be picked up and imprisoned."* (Mrs. Scheepers, Cape Town, SA, March, 2001).

In South Africa and Palestine, the indigenous populations were/are accused of violating the 'law' if they are caught in different areas on their own land. Palestinian Arab residents of Jerusalem, for example, are increasingly losing their right to continue to live in a city in which they have ancient historical roots. Their residency ID cards are being daily revoked. Similarly, 'illegal' workers in Israel are often picked up and accused of not having a 'pass', or a permit to work.

*"You will see the whole beach front, the mountain slopes are all white areas, because it is prime property. They threw us into places called the Cape flats, windy, horrible, small little box houses, overcrowded...still overcrowded...then there were black townships ...Even between Africans and Coloureds they segregated us*

*too...They just told us, you can't live here or there. When I was young we only drove past white areas and as children we often thought, what would it be like if we lived in a house like this..the white people had many bedrooms, swimming pools, etc. we had none of that...If you wanted to go somewhere there were signs that said 'whites only' you know how that feels?...it makes you very angry...it is our country. They came here ..and said they tamed us...they said we were living like animals.."* (Marcia, Cape Town, SA, March, 2001).

For my Palestinian parents and for all those born prior to the establishment of the Israeli state, the experience of becoming uprooted in their own land was tragic. The places of their being and being in their places, had suddenly closed upon them and shifted, as if walls of iron were suddenly erected. Palestinians were not only isolated from the larger spaces that go beyond the territories occupied in 1948, but new ethnic and political boundaries were erected around them. They did not move, the boundaries did!

*When they 'removed' our family, my father had a shock, he was in his seventies...people had property and then suddenly they were placed in match boxes...they took people away from their friends and family and language...my father did not speak Afrikaan...(Mrs. Scheepers, Cape Town, SA, March 2001).*

*Townships and refugee camps, the other side of territorial apartheid. The former denoting segregation based on colour and ethnic belonging, the latter on national identity. A huge road and/or a railway violently separates the white areas from the townships, usually a reservoir for cheap labour in white owned industries and companies. Jewish settlements are heavily guarded and Gaza is totally imprisoned by barbed wire to 'protect' the settlers. In refugee camps, water has become a rare commodity, as Jewish settlers splash in swimming pools. Jewish settlements that never 'freeze' and Jewish-only streets that connect them to each other are spaces for the colonizers. In Arab countries, refugees hold ID cards, stateless refugees, a third of them in camps, which are monitored closely by state institutions. More dramatically, refugees forcibly uprooted from their land cannot return to their homes, they would be considered 'illegal infiltrators!' I feel at home in South Africa.*

## **The Intifadas of South Africa: Resistance**

Palestinian students today play an important role in the struggle. Schools, universities and camp streets are important places for mobilizing, raising political awareness and organizing demonstrations and civil protest. The Israeli strategy has been to close schools and universities for long periods of time as a way to prevent collective action. In an attempt to quell Palestinian protest, Israeli soldiers shoot to kill, throw tear gas and arrest youngsters without any consideration of the value of human life or for that matter international law and treaties it has signed.

*"I will never forget one day...what happened. Students were boycotting, and the police came into the school property and started chasing these kids around, beating them, tear gas, rubber bullets, it was mayhem. ..By then these people (the apartheid regime) had developed Caspers that could go over anything, a big armored vehicle that they used. They would take aim among the kids and start shooting.... This particular day my sister's best friend slipped into a puddle of water... This policeman came down on her with his baton... He was hitting her as he would hit a man, he was standing there and hitting her until she lost consciousness, because after all she was nothing, she was black!... Women in our community ...when the kids needed to go into a house, they opened their homes and would hide the kids." (Marcia, Capetown, South Africa, March 2001).*

With minor changes to the aforementioned quote, the scene could be in the West Bank. Similarly, Palestinian mothers are viciously protective of their sons and daughters, often throwing themselves at soldiers to save a child dragged away by Israeli soldiers. In the 1980s, schools became major places of mobilization, organization and protest and the Apartheid regime was intent on crushing their resistance. As is the case with Israeli policies today, the Apartheid regime began to close down schools for extended periods of time, a way to demobilize student and fragment their efforts.

*Schools began boycotting, we refused to support white people or their economy, collective action was effective, people would walk, not take buses, would not buy meat, ...burning tires and throwing stones...a lot of people got killed, they*

*chased children...they used to come into churches, schools, everywhere...they used to open fire on whoever ....in a normal day in the township there would be smoke, gunfire and tear gas...we saw no future, we never thought this is going end, they were strong militarily, had support, etc. Some of the clergy played an important role, they used to walk in the front of demonstrations. (Sharron, Cape Town, SA, March, 2001).*

## **The Legacy of the Past: The Struggle Continues**

### **A critical edge**

There is no doubt that the struggle in South Africa succeeded in defeating a powerful 'bulwark' of barbaric oppression- apartheid. People move in and out of areas freely, they have the right to vote and participate in the political and social life of society. Institutionalized racism has been abolished. Nevertheless, poverty and unemployment plague the country and though new jobs are being created, many more are being lost. Government housing projects are not sufficient to absorb the population living in squatter areas and squalid townships. Thus, a new struggle is emerging and in the process, the critical edge is intertwined with new interpretations of the past in a changing present. The critics in society point out that the ANC's political decisions in the past have had negative repercussions on post-Apartheid South Africa.

*"I don't want to belittle the work of people outside South Africa. A lot of ideas emerged, but I think the actual turn around was from a combination of internal and external factors. Internally the movement within the country had become extremely strong, but the repression of protest was violent from the early 1970s to the mid 1980s, when the apartheid government used the 'state of emergency' law to detain thousands of activists. State repression weakened the movement between 1987 and 1990 and at that point the ANC leadership shifted closer to a reformist position and towards a negotiated settlement that fell short of what had been aimed for in the struggle. Consequently, a reformist/ stalinist trend emerged within the movement to 'cleanse' the ANC and the democratic movement of leftists who opposed certain compromises and*

who might have stood as obstacles to the settlement. During this period (1987-1990) the leadership of the movement, began to rid itself of the leftist elements, often hurling false accusations against them as a tactical maneuver of being CIA, collaborators, etc. The collapse of the Soviet Union and the defeat of socialism acted as catalysts resulting in the defeat of the leftist trend within the movement and the ANC's shift to the right. It is important to recall that the resistance within South Africa was inflicting losses on the economy to the extent that many of the reforms that were required for capitalist regeneration had failed and a number of its policies could not be implemented. If you wanted to make a simple change in the work place it became a political issue. In terms of policies relating to housing, education, employment, etc. ironically, all those policies that were already being crafted by the Apartheid government are now being fully implemented by the ANC government. As mentioned earlier, initially, the ANC was not able to make the compromises without itself going through transformations and it became increasingly intolerant of different ideas. The 'cleansing', which included expulsions and isolation, allowed the ANC leadership to make political and economic compromises. (Saliem and Leon, University of Western Cape, Cape Town, SA, March, 2001. Leon Pretorius is a lecturer at the School of Government at the University of Western Cape and a founding member of the Western Cape Teachers Union. He taught in Namibia and worked for the Namibian Transport and Allied Workers Union (NATAU). He has spent the greater part of the past two years involved in labour migration issues.)

Historically, the ANC was a nationalist and not a socialist organization and since 1993, on the eve of a negotiated settlement, the ANC guaranteed that the interests of the business community would be respected and by 1996, it developed a pro-business macro-economic strategy. At that point, The Afrikaaner and English business community declared its approval and satisfaction of the ANC and its current economic policies. These policies resulted in downgrading the conditions of employment and in rescinding workers' rights (Saliem and Leon, personal communication).

## Lessons Learned From South Africa

*"I think he [Nelson Mandela] has always been like the father of the nation....You know when he came out, he told the people, we must learn to forgive, embrace one another, for me, that takes a very very great man to do that! ...A lot of people took their cue from him. I would shudder to think what would have happened, if he wasn't there, it would have been absolute mayhem!....We were the Republic of South Africa, now we are just South Africa, we were classed as Whites, Coloured, African and Indian, now we are all South Africans. I am home, this is South Africa. (Marcia, Cape Town, SA, March, 2001).*

On the way back from South Africa, the eleven-hour flight seemed longer. I dreamt of the day when millions of Palestinian refugees would be granted their right of return, compensation and restitution and the reuniting of families and communities torn apart by wars and arbitrary political boundaries. I pondered on the lessons I had learned in South Africa, the cardinal principles that allow a people to overcome oppression.

1. A leadership with vision and commitment played an important role in the struggle against Apartheid. The ANC had a clear objective towards which to lead the people and which was made public and engaged the cadres and grassroots organizations. The ANC had a political platform beyond and below which the leadership did not trespass. This commitment cost Mandela and many of the leaders and cadres their lives or their freedom, because they did not compromise on cardinal principles of the struggle. The Palestinian leadership lacks the vision, the short- and long-term objectives around which to mobilize. There are no democratic structures that allow the majority to participate in interpreting the past, or to participate in the present for the future.
2. During the struggle the people of South Africa began to realize that they gained more out of what unites them than what separates them. The ANC included Coloured, Indians and Whites who fought against Apartheid and racism and followed a policy of inclusion rather than exclusion. Today, Palestinian society

seems fragmented and unable to visualize what and who is incorporated in the struggle. The Palestine Liberation Organization, when still in the Diaspora provided a framework through which the majority of Palestinians could express their political will. However, with the Oslo agreements, this has been shattered leaving Palestinian communities with a weakened collective representational body.

3. Bringing down the apartheid regime required a sensitive reading of the international milieu and the political environment in Africa but also in the North. The ANC solicited international support, which manifested itself in massive demonstrations in North American and European cities. The pressure on governments in the West led to the economic blockade against South Africa, which was a catalyst in bringing down the Apartheid government. The lessons for Palestinians on this front are numerous, mainly, that international advocacy and mobilization are crucial, due to the pervasiveness of Zionist institutions in the West and their impact on public opinion. International support does not refer to satisfying demands made by the US or European governments, but refers to the societies and the citizenry who pay a high monetary price (taxes) towards the survival of the Israeli state.
4. The secret negotiations conducted between Mandela, while he was still in prison with the government, is the center of much of the criticism today. The lesson to be learned from this is that it is necessary for the leadership to

obtain the consent of the majority in crucial decisions pertaining to the future of a society. A large number of the cadres, for example, did not agree on forming the Interim Government, or on economic policies. Today, the deterioration in the economic conditions show that the opinion of the opposition might have been correct and their economic platform more successful than the current program.

Last but not least, I learned that repression cannot hinder the will of a people to fight and aspire to regain their dignity and freedom. As so many people told me in South Africa, there were times when the racist government seemed like an impenetrable bastion of oppression. The Apartheid government was powerful and supported by many states, such as Israel, with which it had close economic and military links. However, after a long and tortuous march, Mandela and South Africa walked out to freedom. For Palestinians, we need to re-read our history and evaluate our tactics and strategies. There is a great deal to be learned from the South African struggle, its past and present. The Palestinian determination to be free and regain their legitimate rights is beyond question. Today, we need to channel the will and struggle within a larger strategy. We need a leadership with commitment and a vision that is encompassing of the smaller and larger geo-political map. Most of all, there is a need for democratic public forums and structures that allow the majority of Palestinians in their various places of exile and within Palestine/Israel to participate in debating the current situation and in collectively seeking solutions for the future. ■

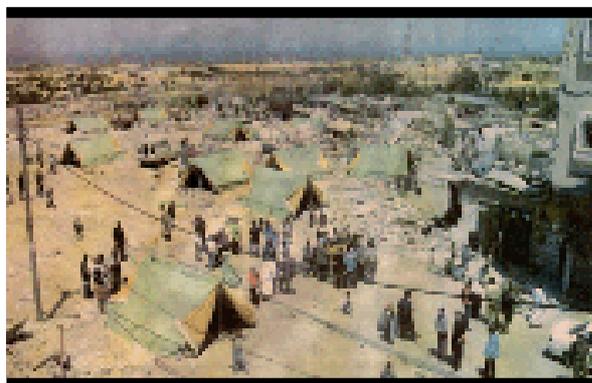
***Author's Comments:** I am deeply indebted to Marcia Scheepers, her family and friends, particularly Fuzzy Hendricks, for their hospitality, kindness and their willingness to share with me their memories and experiences of their struggle against Apartheid. I am also very grateful to Professors Saliem Patel and Leon Pretorius, both lecturers at the School of Government at the University of Western Cape for their insight and the time they spent in sharing with me their knowledge of the political history and situation in South Africa. I am also indebted to Awatief Daniels and the Immigrant Women's Organization in Cape Town. In addition, I am grateful to all those with whom I spoke and who helped me in learning about South Africa. My visit was kindly facilitated by Lisa Thompson, the post-graduate and publications co-ordinator in the School of Government, and a Ph.D. in international relations from UWC and Naison Ngoma, to whom I am very grateful. The visit gave me the opportunity not only to acquire a better understanding of South Africa, but maybe more significantly about Palestine, by acquiring a wider perspective of struggles in various historical, political and geographical contexts.*

**24 March 2001**

# Refugee Protection



The issue of international protection for the Palestinian people in the 1967 occupied territories, including Palestinian refugees who comprise over 50% of the population in the West Bank and Gaza Strip, has continued to be a focal point of refugee mobilization and lobbying. Under international law, all refugees have the right to international protection to ensure access to the full panoply of basic human rights including those associated with durable solutions - i.e., right of return, restitution and compensation - as affirmed in international law. International protection is particularly crucial for refugees when host states are unable or unwilling to protect the rights of refugees.



Parts of Nuseirat refugee camp in Gaza was reconstructed again of tents after the destruction of tens of refugee shelters by Israeli military attack in April (*al-Ayyam*, 21/4/01)

Numerous statements and letters issued by Palestinian institutions and community organizations, as well as institutions in and beyond the Arab world, continue to demand international protection for the Palestinian people in light of Israel's continued military (including the use of F-16 fighter bombers) and economic policies designed to crush the *al-Aqsa intifada*, the popular uprising that broke out in the occupied Palestinian territories in September 2000.

**Statements demanding international protection are reprinted in the Documents section of al-Majdal and archived on the BADIL website: [www.badil.org](http://www.badil.org)**



During the past three months, approximately 119 Palestinians have been killed (1 April - 24 June 2001) by Israeli military forces, while nearly 2,000 Palestinians have been injured (Data from Palestine Red Crescent Society). During the same period 38 Israeli civilians were killed. (Data from Btselem) Based on research of available data by BADIL 354 out of 514 Palestinians killed by Israeli forces (28 September 2000 - 11 June 2001) are refugees. In its third emergency appeal issued in June 2001, UNRWA estimated that over 50% of those killed and injured are refugees. A study by the University of Geneva cited in the UNRWA report indicates that 59% of Palestinians killed and injured are refugees.

Israel's continued economic siege of the occupied Palestinian territories, and the inability of the Palestinian people, including refugees, to exercise basic economic rights, has had a devastating impact on the Palestinian economy in general and on the livelihood of Palestinian households. Palestinian refugee households (as well as Gaza poor) have been hit even harder, as documented by UNRWA and other international organizations. More than 50% of Palestinians living in camps are now living below the poverty line.

## Impact of Israeli measures on Palestinian refugees

83.5% of refugees in camps stated that lack of mobility was a major problem  
24% of refugees lost a relative during the crisis  
46% of refugees have a relative who is injured  
18% of refugees have had family property damaged  
46% of refugee businesses have suffered

**Source:** University of Geneva Poll, January 2001, cited in UNRWA, Emergency Appeal, Progress Report 5 (1 October 2000 - 30 April 2001).

80% of refugee respondents report a change in children's behavior as a result of the crisis compared to 67% of non-refugee respondents

**Source:** Birzeit University Poll, cited in UNRWA, Emergency Appeal, Progress Report 5 (1 October 2000 - 30 April 2001).

A recent survey conducted by the Palestinian Central Bureau of Statistics (PCBS) between mid-March and early April 2001 illustrates the devastating impact of Israel's economic siege on Palestinian households in general. The median monthly income has dropped by some 50% from 2300NIS to 1200NIS putting some 65% of Palestinian households below the poverty line (1,622NIS for a household of two adults and 4 children) for 2000. Around 11% of households surveyed reported that they had lost their income as a result of the intifada with some 50% reporting a loss in half their income. The number of households in camps under the poverty line was substantially higher at 78.7%. Moreover, some 40% of camp households' income had decreased by more than 75%.

The call and urgent need for international protection assumed heightened relevance in between April and June 2001 as Israel initiated even heavier military attacks on Palestinian refugee camps which are expressly prohibited under international humanitarian, human rights and refugee law. Even in cases where a combatant in a conflict is within a refugee camp, it does not deprive the refugee camp of its civilian character. Palestinian refugee camps in the West Bank and Gaza Strip have been subjected to indiscriminate and targeted attacks by Israeli military forces since the beginning of the *al-Aqsa intifada*.

An attack on Khan Younis refugee camp in the Gaza Strip in early April (known as "Operation Enjoyable Song") resulted in the destruction of some 30 refugee shelters leaving some 50 families homeless. In the early morning hours of 2 May at least 17 homes were demolished when Israeli tanks and bulldozers entered Brazil quarter, a refugee neighborhood near Rafah Camp in southern Gaza. In both attacks Palestinian refugees, including children, were killed and injured. In the early morning hours of 23 June, the Israeli military destroyed three Palestinian homes in central Gaza and some 15 homes in Rafah in the south, displacing around 19 families.

Due to ongoing absence of physical protection and the heavy damage sustained by refugee camps in the West Bank and Gaza Strip, as reported in the last issue of *al-Majdal*, UNRWA has increased

provision of resources towards emergency shelter assistance and repair. As of 31 March 2001, the Agency had identified some 250 refugee shelters in Gaza that had been damaged as a result of Israeli shelling. In the West Bank, some 424 refugee families have received assistance from the Agency to repair damaged shelters. In mid-March the International Committee of the Red Cross (ICRC) started distributing non-food assistance to families whose homes were destroyed by Israeli military forces in the Gaza Strip since October 2000. The ICRC's House Destruction Relief Programme, was intensified and systematized in March to cope with homeless families and provide them with tents, blankets and other essential household goods.

These attacks on refugee camps, orchestrated by the government of Ariel Sharon and carried out by the Israeli military, follow in a long line of attacks lead by Sharon against Palestinian refugees. These include a 1953 attack on Bureij refugee camp in Gaza in which as many as 43 refugees were killed, the mass demolition of refugee shelters in Gaza in the early 1970s which left around 900 refugee families homeless, and the 1982 massacre of Palestinian refugees in Sabra and Shatila refugee camps in Beirut in which several thousand refugees were killed.

For more details on the protection of refugee camps see BADIL Occasional Bulletin No. 6 archived on the BADIL website, [www.badil.org/Publications/Bulletins/Bulletins.htm](http://www.badil.org/Publications/Bulletins/Bulletins.htm)



## Protection and the UN

While there is increasing recognition of the several gaps in international protection for Palestinians, including Palestinian refugees, considerable work remains to be done in identifying specific protection gaps, geographical areas in which the gaps are most prominent, design of mechanisms to respond to the protection needs not currently covered by the international community, and, importantly, political mobilization in order to pressure the international community to take immediate action.

During its 57<sup>th</sup> spring session in Geneva, the UN Commission on Human Rights adopted several resolutions condemning the indiscriminate and excessive use of force by Israel in the 1967 occupied territories and urged the United Nations to consider

urgently the most effectively ways to ensure international protection for the Palestinian people (See, for example, E/CN.4/RES/2001/7, 18 April 2001). The report of the UN Committee of Inquiry (Falk/Dugard/Hussein Committee) and resolutions issued by the UN Commission on Human Rights remain without follow-up. Despite the dramatic increase in Israel's military and economic siege of the occupied Palestinian territories, no further initiatives for international protection forces have been brought before the Security Council since the United States veto of a draft resolution (S/2001/270) in March 2001.

The International Committee of the Red Cross (ICRC) continues to provide a level of protection within its mandate through its Closure Relief and House Demolition Relief Programs. In May 2001 the head of the ICRC delegation based in Tel Aviv, briefing foreign diplomats acknowledged openly that settlements were grave breaches of the Fourth Geneva Convention and therefore considered as war crimes. The comment provoked a heated backlash from Israel and pro-Israel congressmen in the United States leading the President of the ICRC Jacob Kellenberger to issue a partial apology. Israeli settlements have been referred to as war crimes since the early 1970s by the UN Commission on Human Rights. (See, for example, Resolution No. 3, XXVIII, 22 March 1972)

While UNRWA does not have a formal protection mandate, the Agency continues to play a role, particularly in the occupied West Bank and Gaza Strip, in providing protection of basic social and economic rights through its emergency assistance program. A March survey conducted by the Palestinian Central Bureau of Statistics (See the PCBS website: [www.pcbs.org](http://www.pcbs.org)) revealed that some 60% of the Palestinian population in the occupied territories were receiving assistance from UNRWA. See Refugee Assistance for more on UNRWA

The issue of international protection and Palestinian refugee rights was also raised at the 25<sup>th</sup> Session of the Committee on Economic, Social, and Cultural Rights in Geneva in late April and early May 2001. The Committee meets three times annually in order to monitor state compliance with obligations assumed under the International Covenant on Economic, Social, and Cultural Rights.

BADIL prepared and submitted a second follow-up report to the Committee. BADIL's November 2000 submission to the CESCR identified three main Israeli violations of Covenant-protected rights of Palestinian refugees, i.e., obstruction of the right of return, obstruction of the right to restitution, and obstruction of the right of self-determination. It was argued that by violating these core foundational rights of Palestinian refugees and internally displaced Palestinians, Israel completely violates the remaining set of Covenant-enumerated social, economic, and cultural rights of Palestinian refugees.

In its follow-up submission to the Committee in April-May 2001, BADIL supplied the Committee with additional information and requested the Committee:

- 1) To strengthen its 1998 Concluding Observations regarding Israel by clearly identifying Israeli violations of the three core, foundational rights of the Palestinian refugees as breaches of the Covenant;
- 2) To identify appropriate remedies required for Israel to come into compliance with its Covenant obligations, namely: annulment/ amendment of Israel's discriminatory Nationality Law (1952) in order to grant effective right of return and citizenship status to all Palestinians exiled from areas under Israel's sovereign control; annulment of all illegal Israeli land confiscation laws and restitution of properties to their rightful owners; return and restitution, as well as the immediate cessation of Israel's military occupation in the 1967 occupied territories, as a condition for the exercise of the Palestinian people's right to self-determination enshrined in Article 1 of the Covenant;
- 3) To identify specific Covenant mechanisms for implementing the above-mentioned remedies, namely: to inform other UN organs, especially ECOSOC [spell out] and the Commission on Human Rights, about the graveness of Israel's Covenant breaches; and to request UN organs with an enforcement mandate to take action for the international protection of Palestinian rights enshrined in the Covenant.

A joint letter with other NGOs was submitted to the Committee regarding Israel's violation of the Economic, Social and Cultural rights of the Palestinian people in Israel and in the occupied

territories while individual committee members were lobbied. The Committee underlined its deep concern over Israel's gross violations of the economic, social and cultural rights of Palestinians under Israel's jurisdiction by taking action on two levels.



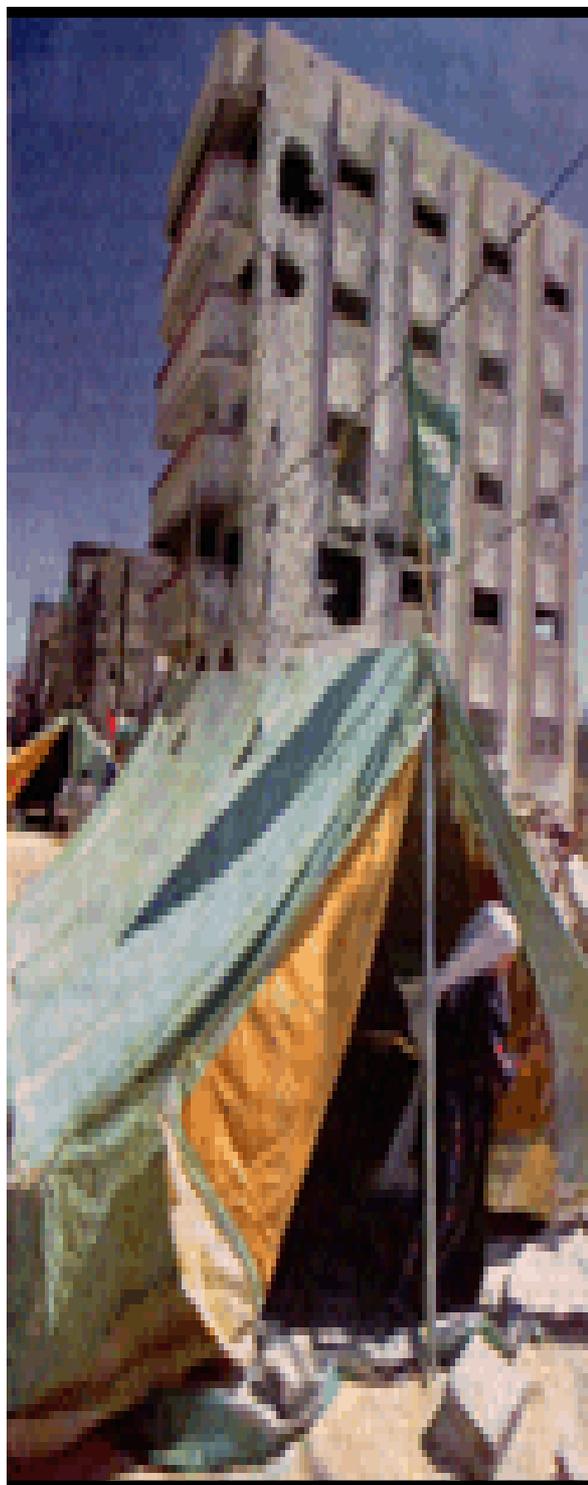
Above: UNRWA provides refugee families in Khan Younis refugee camp in Gaza with tents and water tanks (*al-Quds*, 6/6/01) Right: Tents provide shelter for refugees in Khan Younis after their shelters were demolished (*al-Ayyam*, 13/4/01)

First, the Committee issued a letter to the Israeli Mission in Geneva stating its grave concern over Israel's violation of the Palestinian people's right to self-determination and the expropriation and devastation of Palestinian lands. The Committee declared Israel's argument that jurisdiction, and thus obligations, have been transferred to the Palestinian Authority as "not valid from the perspective of the Covenant, particularly in view of Israel currently besieging all the Palestinian territories it occupied in 1967." Israel was informed that its compliance with the Covenant would be re-examined in the Committee's next session scheduled for August 2001.

Secondly, in an unprecedented move, the Committee alerted the UN Economic and Social Council (ECOSOC), the main UN supervisory body on human rights issues, of Israel's violations. The Committee drew attention to the fact that it "remains limited in the enforcement aspect required to maintain the integrity of the Covenant in such a situation" and that enforcement action was necessary from other bodies of the international system. The Committee underscored the need for

**28 March 2001**

international protection along the lines of earlier recommendations issued in the framework of the various mechanisms of the UN Commission on Human Rights. ECOSOC is scheduled to address the matter at its upcoming session in July 2001.



BADIL reports to the Committee, the joint Palestinian NGO letter submitted to the Committee, the Committee's letter to Israel and ECOSOC and 1998 Concluding Observations are on the BADIL website

www

## The Mitchell Committee and Or Commission

The Mitchell Committee recommendations, which were released in mid-May 2001, include an immediate and unconditional cessation of violence, immediate resumption of security cooperation, a meaningful cooling-off period to be followed by confidence building measures and a resumption of political negotiations. Unlike other UN and international reports issued since September 2000, the Mitchell Committee does not call for an investigation of Israeli violations of international law nor does it call for the deployment of international protection forces.

The redeployment of Israeli military forces, moreover, is connected to the termination of the *intifada*, resumption of security cooperation and a cooling-off period. While the Mitchell committee does recommend that Israel "freeze all settlement activity, including the 'natural growth of settlements'", the parameters of such a settlement freeze remain undefined, and it seems up to the parties to decide, or in reality, up to Israel to impose. Regarding the resumption of negotiations, the intended aftermath of the termination of the *intifada*, the Mitchell report, having opted to address symptoms rather than the root causes underlying the breakdown in the political process, merely states that "it is not within its mandate to prescribe the venue, the basis or the agenda of the negotiations."

The Or Commission of Inquiry into events inside Israel in October 2000, meanwhile, which left 13 Palestinians dead, resumed hearings in early June after a 2 month break following a confrontation between a police witness and the father of one of the deceased young men. Israeli policemen have confirmed in their testimonies that live fire was used against Palestinian demonstrators when there was no threat to the lives of the police officers. An Israeli journalist who appeared before the commission, moreover, revealed that police officers who had testified before the commission concerning the use of live fire, had made contradictory and recorded statements in October to the Israeli press. (**Adalah press release, 4/6/01**)

The Commission members have repeatedly called into question the testimonies of police officers and whether statements of the police witnesses had been "adjusted" prior to appearing before the panel. At one point during the hearings in June, the Chairman of the Commission, Justice Theodor Or, accused the Chief Superintendent Yaron Meir of "giving untrue answers". The Commission later reprimanded police witnesses who were seen conferring about the content of their testimony during the hearings.

It was also revealed in June that Israeli police have been supplied with so-called Dum-Dum bullets, banned under international humanitarian law, appearing to confirm several reports that Dum-Dum bullets had been used against Palestinians in at least some of the shootings. (**Ha'aretz, 18 June 2001**)

**For more details on the formation of the two committees/commissions see al-Majdal, Issue No. 9**

### BADIL Library - Donations



BADIL welcomes **donations of books, periodicals, monographs** (*English & Arabic*), as well as **photographs**, to its library on subjects covering Palestinian history, the Palestinian-Israeli conflict, international law, refugees in general, and Palestinian refugees in particular. The collection is intended as a community resource for information and research on Palestinian refugees.

If you would like to donate **materials** to the library or make a monetary contribution, please contact Terry Rempel, Coordinator of Research & Information: [resource@badil.org](mailto:resource@badil.org).

Due to pressing research and production needs, BADIL is also in need of a **volunteer** with library skills in order to facilitate organization and cataloguing of our resources. Interested persons should contact the Resource Unit: [resource@badil.org](mailto:resource@badil.org)

## on Residency Rights

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**Revocation of Jerusalem ID Cards:** According to information released by the Israeli Interior Ministry, 818 Palestinian Jerusalemites had their residency rights restored in 2000 as compared to 183 Palestinians in 1999. In the first three months of 2001, some 100 Palestinians from Jerusalem regained their residency rights. (Amira Hass, Haaretz, 2 April 2001) While the policy of Jerusalem ID card revocation was altered in October 1999, over the five-year period that the more restrictive policy was in place more than 3,000 Palestinians had their residency rights in Jerusalem revoked by Israeli authorities. Over the course of more than three decades of Israeli occupation, it is estimated that some 6,300 Palestinian Jerusalemites had their residency rights revoked with an additional 30,000 others who lost their residency rights because they were not registered in Israel's first census of eastern Jerusalem after the 1967 occupation of the city. (Figures do not include family members)

For more information on residency  
 rights see the **BADIL** website

**Jordan imposes entry restrictions on Palestinians:** In early June, Palestinians in the 1967 occupied territories, suffering from severe Israeli restrictions of movement inside and outside the country were surprised by yet additional measures, this time from Jordan. Palestinians wishing to cross

the Allenby Bridge border to Jordan for family visits, medical treatment, or work-related affairs now require special clearance by the Jordanian authorities prior to departure. Numerous Palestinians who were uninformed about this new policy were consequently turned back at the border, including persons on their way to visit sick relatives or attend family funerals. Palestinian public outrage at the measure was not assuaged by Jordanian assurances that the measure was temporary and coordinated with the Palestinian Authority, nor did the public accept the argument that the measure served joint Palestinian-Jordanian interests in preventing massive Palestinian forced-migration as a result of pressure from Israel's occupation. On 13 June, Palestinian Minister for Civil Affairs, Jamil Tarifi, confirmed that the Jordanian policy was applied without prior consultation with Palestinian officials and that efforts to resolve the problem were under way. In the meantime, Jordanian officials confirmed that the new travel restrictions were imposed in order to prevent the Palestinian intifada from spreading to Jordan. The measure thus serves to compliment an earlier ban on official pro-intifada demonstrations in light of King Abdullah's alarm at rising unrest in the country.

Sources: *al-Quds* [Internet edition] and *Jordan Times*, 12 June 2001, *Voice of Palestine* radio and *MENL*, 13 June 2001

### In Memoriam

Dr. Ibrahim Abu Lughod, prominent Palestinian academic, member of the PNC, and activist, passed away on 23 May 2001 at his home in Ramallah and was laid to rest in Jaffa, his birth place on 25 May 2001. Dr. Abu Lughod, a refugee from Jaffa returned to Palestine in 1992 after resigning from his teaching post at Northwestern University to assume a teaching post in international relations as well as the office of vice-president at Birzeit University. Ibrahim Abu Lughod was also one of the founders of the Arab American University Graduates (AAUG), almost the only alternative to the Zionist lobby in the US for many years.



Faisal Abdel Qadr al-Husseini, member of the PLO Executive Committee in charge of Jerusalem Affairs, and Director of the Orient House, passed away in Kuwait on 31 May 2001 and was laid to rest in the Old City of Jerusalem on 1 June 2001. Mr. Husseini, born in Baghdad in 1940 and returned to Jerusalem in 1967 where he established the Institute for Arab Studies in his family's home known as the Orient House. Faisal Husseini was repeatedly arrested by the Israeli authorities for his struggle for Palestinian rights in Jerusalem.



# In Memoriam

*List of 145 Palestinian victims of Israeli violence between 28 March and 26 June 2001. Forty of those killed were below the age of 18. Between 29 September 2000 and the 26 June 2001, 529 Palestinians were killed by Israeli military forces and more than 14,500 injured.*

**Source: Palestinian Ministry of Information.**

**For the names of Palestinian Killed between 29 September and 21 March 2001, see al-Majdal, Issues No. 7 ,8 and 9**

Yahia Sheikh, 11, Gaza  
Diya Tawil, 21, Al-Bireh  
Soad Etewi, 43, Al-Bireh  
Akram Hindi, 26, Al-Bireh  
Khariyah Alawneh, 60, Jenin  
Mahmoud Abu Shehadeh, 16, Gaza  
Mohammad Abu Shamlah, 18, Gaza  
Husam Kronz, 23, Gaza  
Ihab Abu Hlal, 25, Gaza  
Rajab Mojahed, 20, Jerusalem  
Ayesh Zamel, 19, Nablus  
Ahmad Marahil, 16, Nablus  
Khaled Nahleh, 28, Nablus  
Murad Shareeah, 20, Nablus  
Mohammad Wawi, 21, Al-Bireh  
Waheed Deik, 54, Ramallah  
Loay Tamimi, 11, Ramallah  
Mohammad Abdulal, 28, Gaza  
Ahmad Assar, 15, Gaza  
Iyad Hardan, 30, Jenin  
Mahmoud Harbeyyat, 53, Hebron  
Taysir Ammourin, 42, Ramallah  
Wael Khweiter, 27, Gaza  
Mahmoud Barakat, 15, Gaza  
Mo'taz Soboh, 18, Jenin  
Hani Abu Rizq, 25, Gaza  
Ilias Eid, 45, Gaza  
Fadi Amer, 23, Qalqilyah  
Shawkat Alameh, 14, Hebron  
Hafez Soboh, 35, Gaza  
Mohammad Nassar, 24, Gaza  
Issa Abu Samour, 30, Beit Jala  
Bassel Zahran, 19, Tulkarem  
Rami Ghareeb, 17, Bethlehem  
Bara' Aslsha'er, 9 Gaza  
Hamzah Ebeid, 15, Gaza  
Mohammad Masri, 21, Gaza  
Madi Madi, 25, Gaza  
Mohannad Mohareb, 14, Gaza  
Imad Zubeidy, 18, Nablus  
Iyad Hureish, 27, Qalqilyah  
Yousif Abu Hamdeh, 40, Gaza  
Ibrahim Abu Oweileh, 20, Gaza  
Yaser Dabbas, 22, Gaza  
Saadi Dabbas, 24, Gaza  
Ramadan Azzam, 33, Gaza  
Samir Zo'rob, 34, Gaza  
Atef Ahmad Wahdan, 40, Gaza

Imad Qarakei, 34, Bethlehem  
Malak Barakat, 3, Ramallah  
Shaheed Barakat, 7, Ramallah  
Mohammad Abu Khaled, 17, Gaza  
Hamdi Madhoun, 18, Gaza  
Wail Abu Muhsen, 22, Gaza  
Jamal Naser, 23, Nablus  
Hasan al-Qadi, 27, Ramallah  
Mohammad Abu Jazar, 57, Gaza  
Mahmoud Aqel, 17, Gaza  
Ahmad Ismail, 36, Bethlehem  
Ubaid Eriban, 56, Gaza  
Mohammad Ebayyat, 50, Bethlehem  
Iman Hajjo, 4 months, Gaza  
Murad Herush, 22, Hebron  
Mahmoud Herebat, 53, Hebron  
Hussain Abu-Tamam, 45, Tulkarem  
Hashem Mamluk, 17, Gaza  
Haitham Daur, 17, Gaza  
Khader Jundiya, 27, Gaza  
Husam Tafish, 16, Gaza  
Kifah Zurub, 18, Gaza  
Mutasem Sabbagh, 25, Jenin  
Allam Jaludi, 25, Jenin  
Sulaiman Arooqi, 45, Gaza  
Mohammad Dawoud, 21, Gaza  
Mohammad Khalidy, 18, Gaza  
Ahmad Zaqout, 22, Gaza  
Ahmad Abu-Mustafa, 22, Gaza  
Salah Abu-Umerah, 18, Gaza  
Mohammad Qassas, 26, Gaza  
Mohammad Abed Rabbo, 17, Gaza  
Burhan Shakhsher, 18, Nablus  
Abdul Jawad Shehadeh, 27, Al-Bireh  
Arafat Abu Quwaik, 29, Gaza  
AbdulHakek Mana'meh, 35, Gaza  
Mohammad Saleem, 15, Gaza  
Mahmoud Marmash, 21, Tulkarem  
Ismail Abu Rafea', 27, Ramallah  
Nasri Hasan, 22, Nablus  
Ayman Maruf, Nablus  
Fadi Hamed, Nablus  
Mutaz Khateeb, 27, Nablus  
Faris Ahmad, Nablus  
Khalid Subaih, 21, Nablus  
Ahmad Khadir, Nablus  
Wail Ma'li, Nablus  
Rami Yaseen, 25, Nablus

Wail Abu-Khadir, 29, Nablus  
Nabeel Ismail, 22, Tulkarem  
Riffat Rabaya', 28, Jenin  
Hamman Abdulhaq, 20, Nablus  
Fahd Bani Udah, 22, Nablus  
Tayseer Areer, 30, Gaza  
Fawwaz Damji, 35, Jenin  
Mohammad Majd, 22, Qalqilya  
Ahmad Ajami, 35, Gaza  
Mohammad Abu Khusa, 43, Gaza  
Khalid Astal, 21, Ramallah  
Ala' Buji, 15, Rafah  
Shadi Siyam, 18, Rafah  
Hussain Abu-Nassir, 22, Gaza  
Usama Darweesh, 21, Jenin  
Ala' Sabbah, 22, Jenin  
Azzam Muzhir, 24, Nablus  
Ismael Ashour, 19, Gaza  
Abdullah Assar, 19, Gaza  
Ahmad Hleileh, 19, Jericho  
Ahmad Abu Helo, 17, Jerusalem  
Baker Zyadat, 22, Jenin  
Khalil Afaneh, 13, Gaza  
Ziyad Abu Eid, 32, Ramallah  
Ayed Abu Eid, 38, Ramallah  
Mazen Joulani, 34, Jerusalem  
Ashraf Bardweil, 27, Tulkarem  
Khalid Tantawi, 17, Gaza  
Jamil al-Turk, 46, Salfit  
Bajes Sleimeyeh, Hebron  
Hikmat Malallah, 17, Gaza  
Salma Malalha, 65, Gaza  
Nasrah Malalha, 65, Gaza  
Mohammad Kurdi, 18, Gaza  
Sabri Awad, 44, Tulkarem  
Nasim Agha, 20, Ramallah  
Awni Haddad, 42, Hebron  
Hasan Abu Sh'ereh, 32, Bethlehem  
Suleiman Masri, 12, Gaza  
Ali Abu Shaweish, 12, Gaza  
Adel Muqannen, 16, Gaza  
Ahmad Awad, 81, Qalqilyah  
Fatima Abu Khurda, 70, Qalqilyah  
Jamal Nafe', 30, Ramallah  
Ismail Mesoaby, 27, Gaza  
Mohannad Sweidan, 22, Gaza  
Usama Jawabreh, 29, Nablus  
Mohammad Hamdan, 24, Gaza  
Mahmoud Imteir, 17, Gaza

# Refugee Assistance



In June 2001, UNRWA issued a third emergency appeal to cover outstanding programs initiated to address increased refugee needs since the beginning of the *al-Aqsa intifada*. Some 60% of Palestinians surveyed in the second half of March 2001 reported receiving assistance from UNRWA, followed by the PNA with 17.8%, with the remaining assistance provided by *al-Zakat* Committees (Charity), the Ministry of Social Affairs, other charity institutions and political parties. (Impact of the Israeli Measures on the Economic Conditions of Palestinian

Households, 10/3/2001 to 5/4/2001, PCBS).

Previous emergency appeals in November 2000 and February 2001 have been met with strong donor response [check and put percentage of funds delivered]. The ongoing crisis, however, has necessitated a third emergency appeal to cover the period between June and December 2001.

## Top 13 Emergency Donor Contributions, Compared to Top 13 Donors to 1999 Regular Budget

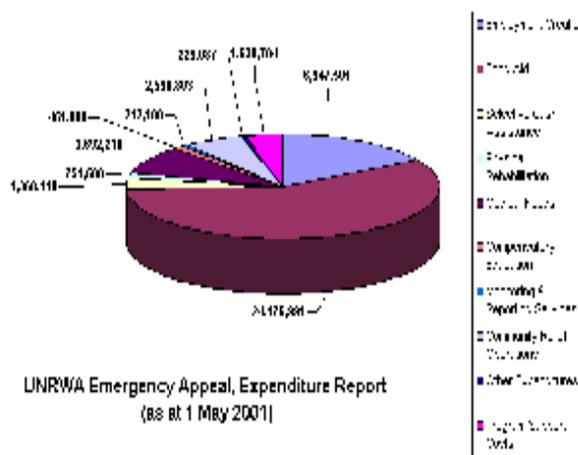
Emergency Funds include 4 October 2000 Flash Appeal, 8 November Emergency Appeal, February Emergency Appeal, and Value of In-Kind Contributions

Donor Country	Received (US\$)	Outstanding (1-5-01)	1999 Regular Budget (US\$)
Netherlands	13,624,004	13,624,004	10,853,264 (7)
ECHO	10,566,605	2,614,144	63,906,872 (2)
USAID	16,921	12,000,000	80,861,470 (1)
UK	11,490,683	0	13,007,849 (6)
USA	5,300,000	3,800,000	
Italy	2,080,626	2,080,626	3,545,965 (14)
Denmark	1,042,337	839,239	8,931,131 (9)
Canada	814,450	0	10,067,411 (8)
Switzerland	676,350	0	7,521,898 (12)
Hand in Hand (Syria)	552,209	0	
Norway	536,481	0	13,037,110 (5)
Spain	444,168	0	3,165,171 (15)
Sweden	307,737	0	18,250,086 (4)

**Source:** UNRWA. 1999 Top 13 UNRWA Regular Budget donors who are not top 13 donors contributing to UNRWA's emergency fund include: Japan, 25,617,142 (3); Germany, 4,579,392 (10); Saudi Arabia, 7,823,585 (11); France, 4,579,392 (13).

Emergency contributions to date have been spent on emergency employment creation, food aid and smaller amounts on cash assistance, physical rehabilitation and community relief operations.

At the same time UNRWA continues to appeal to donor countries regarding its regular budget. Donor contribution shortfalls mean that the Agency is again facing a significant budget shortfall, estimated by Peter Hansen, the Commissioner-General, at a donor meeting in Amman, Jordan, to be in the range of \$68 million out of a total regular budget of \$311 million for 2001.



"UNRWA is the vehicle which carries and delivers the humanitarian programmes. The crisis we face, however, is that the vehicle cannot any longer be maintained adequately due to the absence of resources to provide spare parts etc., to keep it going."

"The message I wish to underscore today is that there is a real and serious crisis for the Agency's regular or general fund budget ... we have already exhausted the scope for austerity measures."

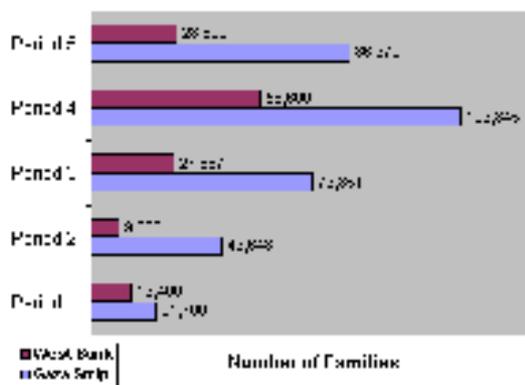
**Peter Hansen, UNRWA Commissioner General**

Responding to the continued severe restrictions on freedom of movement imposed by Israel on the entire Palestinian population UNRWA remains actively involved in emergency job creation for Palestinian refugees. In the West Bank, the emergency employment creation scheme between UNRWA and Camp Committees had completed by the end of March 2001 nearly 8,000 sq. meters of road asphaltting, 41,500 sq. meters of pathways, and 5,650 meters of road drains. At the end of April 2001, 19 Memoranda of Understanding between UNRWA and community organizations had been signed under which local committees hired unemployed refugees supporting more than six persons or those who have lost all sources of income. As of 30 April 2001 UNRWA had created 192,373 job opportunity days in Gaza representing 44.3% of the job opportunity days envisaged to be created in Gaza from 1 December 2000 to 31 May 2001 as well as some 9,000 job opportunity days in the West Bank.

The severe decline in employment and dramatic rise in the number of Palestinian households below the poverty line also means that UNRWA continues to provide emergency food assistance to refugee families. In the West Bank some 90,000 families were benefiting from food assistance by the end of March 2001. In Gaza some 365,849 food parcels had been delivered under the emergency program at the end of the same period. Between 8-30 April 2001 some 86,372 families in Gaza had received emergency rations. During the same period some 28,600-refugee families in the West Bank had received emergency food aid.

In addition, the Agency is continuing its selective cash assistance program. By the end of April 2001, UNRWA had issued US\$789,564 in cash to 2,258 families in Gaza at an overall average of US\$ 350

**UNRWA Emergency Food Assistance**



**Period 1 - 1 October - 31 December 2000**

**Period 2 - 1 - 15 January 2001**

**Period 3 - 15 - 31 January 2001**

**Period 4 - 1 February - 31 March 2001**

**Period 5 - 1 - 30 April 2001**

**Source: UNRWA Progress Emergency Appeal Progress Reports**

per family. This include families who had lost their breadwinner, families whose breadwinners sustained serious injuries; relocation fees to families who were forced to evacuate their homes due to Israeli military attacks; and, families with pressing emergency-related cash needs.

The Agency also continues to identify refugee shelters that require rehabilitation due to Israeli military attacks. By the end of April 2001 some 298 shelters in Gaza had been targeted for urgent repair and reconstruction. In the West Bank, 763 shelters have been repaired with an additional 200 targeted for repair at an estimated cost of some US\$ 300,000. The Agency has also procured over 100,000 blankets locally and on the international market for emergency distribution along with nearly a thousand mattresses, several hundred tents and 100 kitchen sets.

The large number of injured refugees and demand for emergency and rehabilitative health continues to tax UNRWA's health system. By the end of April 2001, some 55,000 persons, unable to reach UNRWA health centers, had benefited from the Agency's emergency mobile clinics. In the area of rehabilitative health UNRWA has procured an additional 700 wheelchairs and some 300 walkers for temporarily or permanently disabled refugees, some of who require extensive follow-up with artificial limbs. The Agency continues to assist

disabled refugees with modification of their homes and has organized group counseling sessions for families of disabled persons, recreational and awareness raising activities and individual counseling for vocational assessment and rehabilitation.

A number of indicators illustrate the serious impact of Israel's military closure on the health of the Palestinian population. The data from each indicator is compared with data from the same period in 2000.

UNRWA Health Indicators	Drop in rate	
	Gaza Strip	West Bank
Pregnant women registered for ante-natal care	-27.2%	-16.2%
Attendance of pregnant women to ante-natal clinics	-5.6%	-11.7%
Women covered by post-natal care	--	-12.9%
New acceptors of family planning	-20.9%	-6.8%
Hospital deliveries	--	-10.2%
Infants registered for preventative care	--	-13.9%
Attendance of children for MCH clinics	--	-10.5%
Immunisation of infants		
BCG	--	-24.4%
DPT	--	-13.4%
Poliomyelitis	--	-12.3%
Measles	--	-10.1%
Hepatitis B	--	-11.9%

**Note:**

(1)Where no figures are provided, there has been no drop in rates

(2)As is apparent, preventive services were more affected in the West Bank than in Gaza because of problems associated with mobility and access

There has been a significant increase in other indicators that are normally associated with inadequate access to health care and/or undesirable health outcomes:

Indicator	Rate	
	Gaza Strip	West Bank
Home deliveries	+21.1%	+37.1%
Still births	+22.0%	+41.2%

While statistics are not available on the possible increase in the rates of abortions and early miscarriages, there are good reasons to believe that they are on the increase due to psychological trauma and compromised nutrition.

Restrictions imposed by Israel, however, continue to hamper UNRWA's service delivery. As of the middle of June 2001 UNRWA was still unable to transfer a x-ray machine procured in October 2000 from the West Bank to its Rafah health center in Gaza. Some 30 ten-tonne trucks of supplies still await transport from the West Bank to Gaza. Food distribution programs have also been affected by delays. A number of international NGOs working in Gaza have scaled back or cancelled some operations because of their inability to get in essential supplies such as medicines. Over the past

6 months the patient load in Jerusalem hospitals has dropped by some 32% due to the fact that refugees from the West Bank are unable to enter Jerusalem. St. John, the only ophthalmic hospital available in the West Bank reported a drop in outpatient services of some 31%. The number of patients unable to participate in co-payment for hospitalization has increased dramatically, from 2-3% before the start of the intifada to some 22-29%, again placing further strain on UNRWA resources. The strict siege on villages and cities which has prevented refugees from reaching UNRWA contracted hospitals has obliged them to use services of non-contracted hospitals. Due to the closure of Qalqilya, for example, the number of infant deliveries at Nablus hospitals has increased by 184%, again placing further strain on UNRWA's limited financial resources.



UNRWA Emergency Programs (UNRWA Website)

In the area of education, test scores for students in UNRWA schools are beginning to show the impact of stress and trauma on refugee children. The unified examinations conducted by UNRWA's Education Department at the end of the first term showed a much lower-than-average achievement. In Arabic language, the percentage of success reached 38% while Mathematics reached 26% in various grades compared to test scores from the same period last year of 71% in Arabic language and 54% in Mathematics. Similar achievement reductions were noted in English and Science. Approximately 9% of the Agency's teaching staff experienced difficulties or were completely unable to reach their workplace due to closures resulting in the cancellation of classes or expansion of existing classes. To ensure that children's health status will not be severely affected as a result of the prevailing economic hardship, 1.8 kg of whole milk was distributed to every pupil in all UNRWA schools in the West Bank. Once funding becomes available from the second emergency appeal a similar program will be initiated in Gaza.

UNRWA has also initiated programs for psychological health. This includes some 9 referral and counseling centers in the West Bank and a program of activities for children, including choirs, drawing, photography and painting workshops, theatrical performances and singing and comic performances.

The crisis has also negatively impacted UNRWA's successful micro-finance and micro-enterprise program. Entering the second quarter of 2001, the program could barely cover its expenses.

The third emergency appeal issued by UNRWA in June 2001 covers the second half of 2001 and is earmarked to sustain continued nutritional and economic safety nets for Palestinian refugees through its emergency distribution of food aid, creation of employment opportunities for those who lost their jobs, provision of emergency medical services, and rendering other emergency relief services. Funding from the third appeal, however, will also be used for a rapid data collection system to track the trends and nature of the needs of the population in any given area, with special attention to refugee communities living outside refugee camps.

# Refugee Voices

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I am a Palestinian child. I was born to find myself without a home or identity. I heard my grandparents describing our village with its vast fields and ever green olive trees. I wonder with pain and agony "Is it our destiny to be deprived of our childhood, our identity, and our dignity?"

We lost our tranquility, the brutal and savage shelling and bombing of the usurper Israeli army kills children and women without mercy, and leaves us sleepless and horrified. All this happens under the sight of the whole world. Besides the devastation of our homes, mosques and churches, our schools were not spared. Our own school was shelled. I cannot describe out bitter feelings when we saw the destruction of our school. Not the walls, but our hearts were broken. Even the flag of the UN did not protect it. No wonder since Israel does not respect the UN itself, neither does it respect its resolutions. It defies the whole world with its aggression. We demand protection, to be safe in our schools, the right to learn, preserved by the human rights charter, and we shall never forget our right of return to our homeland

Despite all the uneasy and unstable circumstances, our insistence on education is not affected. We shall continue to learn, to create a new ambitious generation, aware of its rights and the meaning of freedom, that God willing, we still achieve in the near future. Speaking of this situation, we must not forget the important role of our wise and courageous headmistress who plants the spirit of challenge, courage, and resistance in us. We also must not forget the role of our brave teachers, who support and encourage us. Our thankfulness and appreciation go to our school and to all the institutions that contributed in different projects and activities achieved during this year.

## **Blessed is the stone and those who throw it Glory to our martyrs**

Finally I would like to emphasize that we belong to Palestine. Palestinian belongs to us no matter what Israel does.

Habah Mahmoud Khalil  
9th Grade  
UNRWA Girls School, 'Aida Refugee Camp  
Closing Program of the School Year 2001



# BADIL

## Resources

**BADIL Information Packet** (3rd Edition) - Includes Right of Return, Campaign for the Defense of Palestinian Refugee Rights Brochure, Palestinian Refugees in Exile Country Profiles, and BADIL Information & Discussion Briefs. (English & Arabic)



The Packet is also available on the BADIL website.

**Follow-Up Information Submitted to the Committee for Economic, Social and Cultural Rights, Regarding the Committee's 1998 "Concluding Observations", Regarding Israel's Serious Breaches of its Obligations under the International Covenant on Economic, Social and Cultural Rights, for the 13 November 2000 Convening of the Committee,** With Special Documentary Annex (Prepared by Dr. Salman Abu Sitta), Quantifying Land Confiscation inside the Green Line. (English and Arabic), 65 pages

**Report to the Committee on Economic, Social and Cultural Rights, 25th Session, 23 April 2001, General Item: Follow-Up Procedure (Israel).** (English and Arabic), 28 pages

**The 1948 Palestinian Refugees and the Individual Right of Return: An International Law Analysis,** January 2001. Prepared by Gail J. Boling, Coordinator of the BADIL Legal Unit. (English and Arabic), 50 pages

**Occasional Bulletin No. 6** - Physical Protection for Refugee Populated Areas. (English and Arabic), 4 pages



For a complete list of BADIL Occasional Bulletins, see the BADIL website

**The First Regional Coordinating Meeting between Organizations working in the field of the Defense of Palestinian Refugee Rights,** Cyprus (October 2000). (Arabic), 80 pages

**Jerusalem 1948: The Arab Neighborhoods of the City and their Fate in the War** (BADIL/IJS, 1999). The book is available in English with Arabic translation of the introduction, 304 pages. ISBN 0-88728-274-1. 2nd Revised edition forthcoming. Arabic edition forthcoming.



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[www.badil.org](http://www.badil.org)

To order BADIL publications, please contact BADIL:  
Tel/Fax. 274-7346 or email: [admin@badil.org](mailto:admin@badil.org)

## Videos



Yoom Ilak, Yoom Aleik, Palestinian Refugees from Jerusalem 1948: Heritage, Eviction and Hope (BADIL 1998) US\$ 25



Seeds of War in Jerusalem: The Israeli Settlement Project on Abu Ghnam Mountain (BADIL/AIC 1997) US\$ 10



Jerusalem: An Occupation Set in Stone? (PHRM 1995) US\$ 20

For a complete list of BADIL publications and videos, please see the BADIL website. For a list of other websites on Palestinian refugees see the links on the BADIL website:



[www.badil.org/Refugees/links.htm](http://www.badil.org/Refugees/links.htm)

## New Books

**The Right of Return: Sacred, Legal and Possible.** Salman Abu Sitta, Published by the Arab Institute for Studies and Publishing, Beirut and Amman. (Arabic)

Through new research on demography, geography, water, agriculture and economy, the book shows that the Return is possible. The book exposes the trick of 'compensation' and shows that the resettlement plans are simply a continuation of the ethnic cleansing operation of 1948. The book is a must for decision-makers and researchers, but above all to Palestinian refugees themselves.

**Reinterpreting the Historical Records: The Uses of Palestinian Refugee Archives for Social Science Research and Policy Analysis.** Editors: Salim Tamari and Elia Zureik. Co-published by the Institute of Jerusalem Studies and Institute For Palestine Studies

This volume contains the first attempt to systematically analyze the contents of all the major and publicly available archival records pertaining to Palestinian refugees and to social science research and policy analysis. Collectively, these records cover the formative years of refugee registration (1948-1950); the administrative and family files of UNRWA; the computerized individual and family databases of UNRWA; and the property and map locational databases of Palestinian refugee property inside Israel. The seven chapters of the book, written by experts in their fields, deal with the uses and limitations of these records and with their relevance and utility to the ongoing negotiations on refugee repatriation, rehabilitation, restitution, and compensation.

For orders in the US, Europe and the Middle East: See the website of the Institute of Palestine Studies ([www.ipsjps.org](http://www.ipsjps.org))

Books can also be obtained in Jerusalem from the Institute for Jerusalem Studies: Tel. 582-6366 or email: [ips-quds@palnet.com](mailto:ips-quds@palnet.com)

**The Palestinian Right of Return.** Ali Abunimah and Hussein Ibish. ADC Working Paper No. 30. To order copies, contact American-Arab Anti-Discrimination Committee. Tel. 202-244-2990, Fax. 244-3196, email: [adc@adc.org](mailto:adc@adc.org), website: [www.adc.org](http://www.adc.org)

# Documents

This section includes recent statements from refugee community organizations, human rights organizations, and other relevant documents related to Palestinian refugee rights.

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1. Letter by the Chairperson of the Committee on Economic, Social and Cultural Rights to the President of ECOSOC and Letter to Israel
  2. Amnesty International. The Right to Return: The Case of the Palestinians, Policy Statement
  3. Their Independence Day is the Day of Our Nakba, Statement by the National Society for the Defense of the Rights of the Internally Displaced
  4. Open Letters to UN Secretary General Kofi Annan, UN High Commissioner for Human Rights Mary Robinson, foreign governments and the European Union by Palestinian refugee organizations.
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## **1. Letter by the Chairperson of the Committee on Economic, Social and Cultural Rights to the President of ECOSOC and Letter to Israel**

**Your Excellency,**

1. The voluminous material from United Nations as well as NGOs' sources [*Commission on Human Rights mechanisms; Adalah: Legal Center for Arab Minority Rights in Israel Association of Forty (Israel), Badil Resource Center for Palestinian Residency and Refugee Rights (Bethlehem, Palestine), Boston University Civil Litigation Program (USA), Habitat International Coalition, Housing and Land Rights Committee (Middle East/North Africa), LAW Society for the Protection of Human Rights and Environment (Jerusalem, Palestine), Organisation Mondiale contre la Torture (OMCT), Palestinian Center for Human Rights (Gaza, Palestine)*] made available to the Committee at its 25th session (23 April-11 May 2001) under the Follow-up procedure with respect to its consideration of the initial report of Israel in 1998, confirm that the present situation of the Palestinian population in the occupied territories (OPT) of West Bank, Jerusalem and Gaza Strip is dire. In the light of the on-going crisis and State party's continuing refusal to apply the International Covenant on Economic, Social and Cultural Rights to, and report on the OPT, the Committee makes reference to rule 64 of its rules of procedure. This rule provides that the Committee may make suggestions and recommendations of a general nature on the basis of its consideration of reports submitted by States parties and the reports submitted by specialized agencies, in order to assist the Council to fulfil, in particular, its responsibilities under articles 21 and 22 of the Covenant.

2. Accordingly, the Committee wishes to draw attention of the Council to its self-explanatory letter addressed to the State party (see Attachment) as well as to the nature of the situation relative to the monitoring functions of the Committee with respect to implementation of the Covenant in "crisis situations", which may require action by the Council under articles 21 and 22 of the Covenant:

- While discharging its monitoring and reporting functions, the Committee remains limited in the enforcement aspect required to maintain the integrity of the Covenant in such a situation;
- The "...international measures likely to contribute to the effective progressive implementation of the Covenant" (article 22 of the Covenant) required to uphold the integrity of the Covenant in such a case therefore fall within the purview of other bodies of the international system ;
- In view of the Committee's responsibility to uphold the Covenant and effectively monitor the implementation of the rights recognized therein, the Committee would be remiss not to underscore the need for protection measures for the population in the OPT. The Committee adds its recognition of these facts as a matter of course in its monitoring work, and with particular reference to the tragic loss of life and limb, the senseless destruction of property, and the deliberate starving and economic strangulation of the Palestinian people by the Occupying Power;
- The Committee recognizes with special appreciation the recommendations of the UN Commission on Human Rights Special Rapporteur on the Occupied Palestinian Territories, the Commission on Inquiry, the United Nations High Commissioner for Human Rights mission report, reliable information from other source and eye witness accounts; and the Committee notes that these recommendations for effective measures for protection and upholding human rights, in particular economic, social and cultural rights, remain outstanding.

**Please accept assurances of my highest consideration.**

**Sincerely,**

**Virginia Bonoan Dandan  
Chairperson  
Committee on Economic, Social and Cultural Rights**

**Attachment**

**LETTER TO ISRAEL  
S.E. M. Yaakov Levy  
Permanent Representative,  
Permanent Mission of Israel to the United Nations Office and  
Specialized Agencies at Geneva**

**11 May 2001**

**Your Excellency,**

The Committee on Economic, Social and Cultural Rights acknowledges with appreciation the receipt of additional information to Israel's initial report as requested by the Committee in its Concluding Observations.

**38 March 2001**

However, the additional report was submitted beyond the date requested by the Committee and as a result the additional information could not be translated into the required working languages in time for its consideration on 4 May 2001 during the Committee's 25<sup>th</sup> session.

Your Excellency will recall that in its Concluding Observations in relation to the initial report of Israel, the Committee requested the submission of additional information in time for its 24<sup>th</sup> session in November-December 2000. The Committee wishes to emphasize that some of the additional information in particular where it concerns the occupied territories was requested "in order to complete the State party's initial report and thereby ensure full compliance with its reporting obligations" (para. 32). The Committee therefore regrets that this current delay in submitting the additional information has resulted in another postponement of its consideration to the forthcoming 26<sup>th</sup> session of the Committee in August 2001.

The Committee reiterates the legal position shared by other treaty bodies that Israel's international treaty obligations as with this Covenant, apply to territories within its internationally recognized borders as well as other areas under its jurisdiction and effective control, including Jerusalem, the West Bank and Gaza Strip. The State party's argument that jurisdiction has been transferred to other parties is not valid from the perspective of the Covenant, particularly in view of Israel currently besieging all the Palestinian territories it occupied in 1967. In response to Your Excellency's letter of 19 April 2000, the Committee reaffirms the principle that political processes, domestic legislation, scarcity of resources, or agreements with other parties do not absolve a State from its obligations to ensure the progressive realization of economic, social and cultural rights as provided for by the Covenant.

At its 25<sup>th</sup> session, the Committee had at its disposal a variety of recent reports including those of the Commission of Inquiry (E/CN.4/2001/121 of 16 March 2001), of the Special Rapporteur (E/CN.4/2001/30 of 21 March 2001) and of the United Nations High Commissioner for Human Rights (E/CN.4/2001/114 of 29 November 2000), as well as the letter of the Permanent Representative of Israel addressed to the High Commissioner for Human Rights (E/CN.4/2001/133 of 23 February 2001). In light of these and other available reports, the Committee reiterates its deep concern over accounts that Israel's recent actions in the occupied territories in violation of international human rights law and humanitarian law have resulted in gross violation of the economic, social and cultural rights of Palestinians. The Committee regrets that the ongoing conflict has resulted in the loss of Palestinian and Israeli lives. The Committee is particularly concerned about the lack of protection for Palestinian civilians in the OPT and the renewed maltreatment of Palestinian Arab citizens of Israel. Among a number of issues, the Committee expresses grave concern about the following situations, which have serious implications for the enjoyment of economic, social and cultural rights:

- The violation of the Palestinian people's right to self-determination through the continuing occupation of East Jerusalem, the West Bank and Gaza Strip.
- State party's continuing expropriation of Palestinian national resources including land and aquifers for exclusive Jewish control.
- The expropriation and devastation of vast areas of Palestinian lands by Israelis in the occupied territories resulting in grave hardships particularly for farmers and agricultural workers.
- Continued establishment and expansion of illegal Jewish settlements throughout the occupied territories of East Jerusalem, West Bank and Gaza Strip including those straddling the "green line".
  - The destruction of Palestinian homes, mosques, churches, hospitals, public buildings, power plants and commercial establishments through various means including heavy weaponry.
  - Closures imposed solely on Palestinians, impeding access to health care, education, economic activities pertaining to employment and livelihood, and to the integrity of the family and the right to take part in cultural life through religious expression.
  - The prevention by the State party military and security forces of medical aid and personnel from ministering to injured Palestinians and the attack of clearly marked medical vehicles and personnel.
  - Discrimination in law enforcement practices, including the disproportionate use of force and procedures against Palestinians in the occupied territories and Palestinian citizens of Israel.

Your Excellency, the Committee welcomes the recent submission of additional information by Israel and appreciates this opportunity to address the situation of the Covenant within its territories. The Committee looks forward to a constructive dialogue with State party's delegation on 17 August 2001 when it considers the additional information already submitted by State party.

**Please accept assurances of my highest consideration.**

Sincerely,

**Virginia Bonoan Dandan**

**Chairperson**

**Committee on Economic, Social and Cultural Rights**

## **2. Amnesty International. The Right to Return: The Case of the Palestinians, Policy Statement**

**AI-index: MDE 15/013/2001**

**30/03/2001**

**[www.amnesty.org](http://www.amnesty.org)**

### **Amnesty International's position on forcible exile and the right to return**

1. In line with international law, Amnesty International opposes forcible exile -- when a government forces individuals to leave their own country on account of their political, religious or other conscientiously held beliefs or by reason of their ethnic origin, sex, colour, language, national or social origin, economic status, birth, or other status, and then prohibits their return, or, if they are already outside their own country, prevents them from returning for the same reasons. Amnesty International also opposes deportation from territories under military occupation in all cases.

2. Accordingly, Amnesty International calls for the recognition of the right of those who are forcibly exiled to return to their country. The right to return to one's own country is based in international law and is the most obvious way to redress the situation of those who are in exile. Amnesty International advocates the right to return regardless of the circumstances in which people have been exiled, whether, for example, it was the result of a decision relating to an individual or the product of mass expulsions, as in the practice of "ethnic cleansing".

3. Among the key human rights principles enshrined in the Universal Declaration of Human Rights is the right to return. Article 13 of the UDHR states: *"Everyone has the right to leave any country, including his own, and to return to his country."*

4. The International Covenant on Civil and Political Rights (ICCPR), the treaty which gives legal force to many of the rights proclaimed in the UDHR, codifies the right to return, stating in Article 12.4: *"No one shall be arbitrarily deprived of the right to enter his own country."*

5. The Human Rights Committee, which monitors implementation of the ICCPR, has given authoritative interpretation to the meaning of the phrase "own country", which clarifies who is entitled to exercise the right to return. The Committee asserts that the right applies even in relation to disputed territories, or territories that have changed hands. In General Comment 27 (1999, paragraph 20) the Human Rights Committee determined:

*"The scope of 'his own country' is broader than the concept 'country of his nationality'. It is not limited to nationality in a formal sense, that is, nationality acquired at birth or by conferral; it embraces, at the very least, an individual who, because of his or her special ties to or claims in relation to a given country, cannot be considered to be a mere alien. This would be the case, for example, of nationals of a country who have there been stripped of their nationality in violation of international law, and of individuals whose country of nationality has been incorporated in or transferred to another national entity, whose nationality is being denied them."*

6. Amnesty International believes that the right to return applies not just to those who were directly expelled and their immediate families, but also to those of their descendants who have maintained what the Human Rights Committee calls "close and enduring connections" with the area. Lasting connections between individuals and territory may exist independently of the formal determination of nationality (or lack thereof) held by the individuals. General Comment 27 (paragraph 19) explains that:

*"The right of a person to enter his or her own country recognizes the special relationship of a person to that country... It includes not only the right to return after having left one's own country; it may also entitle a person to come to the country for the first time if he or she was born outside the country (for example, if that country is the person's State of nationality)."*

7. International law provides a standard for measuring the existence of a "close and enduring connection" between a person and his or her "own country" through a set of criteria established by the International Court of Justice in 1955. In the landmark *Nottebohm* case, which focused on the determination of nationality, the Court held that "genuine" and "effective" links between an individual and a state were based on "... a social fact of attachment, a genuine connection of existence, interests and sentiments..." The Court also noted that: *"Different factors are taken into consideration, and their importance will vary from one case to the next: there is the habitual residence of the individual concerned but also the centre of his interests, his family ties, his participation in public life, attachment shown by him for a given country and inculcated in his children, etc."* Other criteria suggested by the Court include cultural traditions, way of life, activities, and intentions for the near future. The criteria established by the Court are likewise appropriate when determining a person's "own country" in that they are regarded as a standard measure of the effective existence of ties between the individual and the State.

8. Amnesty International supports the return of exiles to their own homes or the vicinity of their own homes, where this is feasible. The rights of innocent third parties who may be living in the homes or on the lands of the exiles, should also be taken into account. Exiles who choose not to return are entitled to compensation for lost property; those returning should also be compensated for lost property.

9. Amnesty International recognizes that the resolution of protracted conflicts involving the displacement of populations may require durable solutions alternative to the exercise of the right to return, such as integration into the host country and resettlement in a third country. However, the decision to exercise the right to return or to avail themselves of alternative solutions must be the free and informed decision of the individuals concerned. The right to return is an individual human right, and as such should not be used as a bargaining chip by any of the parties involved in negotiating a settlement.

10. Amnesty International has supported the right to return of people from countries in all regions of the world, including Bhutan, Bosnia-Herzegovina, Croatia, East Timor, El Salvador, Guatemala, Kosovo, and Rwanda.

### **The case of the Palestinians**

11. With regard to the specific issue of Palestinian exiles, Amnesty International believes that durable solutions respectful of their human rights must be made available to them in any final peace agreement. Their right to return has been recognized by the United Nations since UN General Assembly Resolution 194 (III) of 11 December 1948, which states:

*"refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible."*

12. The right of Palestinians to return continues to be recognised by authoritative bodies within the UN system for the protection of human rights. In March 1998 the Committee on the Elimination of Racial Discrimination examined the report presented by Israel. In its Concluding Observations (see Israel. 30/03/98, CERD/C/304/Add.45) the CERD was unequivocal about the obligations of Israel in relation to the right to return of the Palestinians. It stated:

*"The right of many Palestinians to return and possess their homes in Israel is currently denied. The State party should give high priority to remedying this situation. Those who cannot repossess their homes should be entitled to compensation."*

13. The UN General Assembly in Resolution A/RES/51/129 of December 1996 affirms that *"Palestinian Arab refugees are entitled to their property and to the income derived therefrom, in conformity with the principles of justice and equity"*. It *"requests the Secretary-General to take all appropriate steps... for the protection of Arab property, assets and property rights in Israel and to preserve and modernize the existing records."* Regarding Palestinians in exile since the 1967 war, the General Assembly resolved in Resolution A/RES/52/59 of December 1997 that it: *"Reaffirms the right of all persons displaced as a result of the June 1967 and subsequent*

*hostilities to return to their homes or former places of residence in the territories occupied by Israel since 1967."*

14. Any peace agreement reached should resolve the issue of the Palestinian diaspora through means that respect and protect individual human rights. Amnesty International recognises that there are other considerations that must be addressed in the negotiations -- the security concerns of both sides, for instance -- but these issues must be resolved within a framework that does not sacrifice individual human rights to political expediency.

15. Accordingly, Amnesty International calls for Palestinians who fled or were expelled from Israel, the West Bank or Gaza Strip, along with those of their descendants who have maintained genuine links with the area, to be able to exercise their right to return. Palestinians who were expelled from what is now Israel, and then from the West Bank or Gaza Strip, may be able to show that they have genuine links to both places. If so, they should be free to choose between returning to Israel, the West Bank or Gaza Strip.

16. Palestinians who have genuine links to Israel, the West Bank or Gaza Strip, but who are currently living in other host states, may also have genuine links to their host state. This should not diminish or reduce their right to return to Israel, the West Bank or Gaza Strip.

17. However, not all Palestinian exiles will want to return to their "own country", and those who wish to remain in their host countries -- or in the West Bank or Gaza Strip -- should be offered the option of full local integration. The international community should also make available to Palestinian exiles the option of third-country resettlement. Whatever solution the individuals choose should be entirely voluntary, and under no circumstances should they be coerced into making a particular choice.

18. Where possible, Palestinians should be able to return to their original home or lands. If this is not possible -- because they no longer exist, have been converted to other uses, or because of a valid competing claim -- they should be allowed to return to the vicinity of their original home.

19. Palestinians who choose not to exercise their right to return should receive compensation for lost property, in accordance with principles of international law. Those returning should likewise be compensated for any lost property.

20. Amnesty International calls on all parties to the negotiations to agree terms for the establishment of an independent, international body which, *inter alia*, will oversee the implementation of the return process, set criteria for individual claims, examine and determine claims and disputes, and establish a process for awarding compensation.

21. Amnesty International calls on the international community to provide all necessary assistance, including funding, for the implementation of such a return program.

22. The same principles apply to Israeli citizens who were once citizens of Arab or other countries and who fled or were expelled from such countries. If they have maintained genuine links with such countries and wish to return, they should be allowed to do so. They should also be entitled to compensation for any lost property.

### **3. Their Independence Day is the Day of Our Nakba, Statement by the National Society for the Defense of the Rights of the Internally Displaced**

#### ***Our great people,***

Another year has passed since the Palestinian people's Nakba, when some one million Palestinians were displaced from their homes and their country Palestine, and we are looking back on 53 years of forced eviction and massacres planned and implemented systematically by the criminal Zionist forces. Overnight, our great people were turned into refugees, with no cover but the sky. Their 531 villages and towns were consequently completely destroyed and their lands were confiscated by numerous unfair laws which consider our people "absentees" on their land. Our people, however, continue to see Palestine with the hope of return and reject proposals of compensation and re-settlement.

We, the internally displaced, suffer tremendously, because we continue to live so close to our destroyed villages and towns. We look at the minarets of silent mosques and the bells of our churches that were forced into silence the day we were displaced. Our holy sites have been transformed into stables serving the cattle of the Jewish settlers, and into bars and sites of crime and drug abuse. For 53 years now, the desecrated graves of our grandparents have appealed to the human conscience.

Those who celebrate their independence day, are those who raped our land with force and massacres. They are those who uprooted two thirds of our people from their lands, demolished our homes, villages and towns, and confiscated our lands. They consider us absent; they continue to desecrate our respected holy sites and to commit more and more massacres and mass displacement. Sharon, the killer of Sabra and Shatila, who included in his government the propagator of "transfer", Rehavam Ze'evi and the fascist Avigdor Lieberman and other racist killers, aims to turn the Palestinian citizens of Israel into his next target.

They and their servants and collaborators are celebrating their independence day, the day of our Nakba. Determined and loyal to Palestine, we renew our oath and promise to return and to reject alternatives of compensation and resettlement. We call upon our people inside the "green line", the sons of our villages and towns and our political and social institutions to participate in the activities organized by the National Society for the Defense of the Rights of the Internally Displaced on 26 April 2001:

1. Thursday morning: Committees and local organizations organize visits to the destroyed villages, especially al-Barwa, Um Al-Zeinat and Suhmata.
2. Public rally "Al-Awda March" organized by the Society for the Rights of the Internally Displaced from the western Nazareth neighborhood of Jaffa to the destroyed village of Ma'alol located in the Haifa district. This activity is organized in coordination with the Ma'alol Heritage Association.

We call upon all our people to boycott all formal and informal celebrations of the Israeli independence day and to participate in the national activities that confirm our loyalty to our people and land.

**Yes to the Return of All Displaced, Yes to the Right of Return  
The Right of Return is Never Outdated, The Right of Return is Inalienable  
The National Society for the Defense of the Rights of the Internally Displaced  
17 April 2001**

#### **4. Open Letters to UN Secretary General Kofi Annan, UN High Commissioner for Human Rights Mary Robinson, foreign governments and the European Union**

In the framework of the popular rallies and marches held in Palestine and in exile on the occasion of the 53<sup>rd</sup> anniversary of the Palestinian Nakba, refugee organizations and national institutions are delivering open letters to representatives of the United Nations and foreign governments in order to voice their demand for immediate international protection of the Palestinian people and support for the refugees' right of return to their homes and properties in accordance with UN Resolution 194. Attached is a sample of these open letters addressed to the European Union and foreign governments.

#### **International Protection and Implementation of the Right of Return of Palestinian Refugees - Conditions for a Just and Durable Peace in the Middle East**

***Your Excellencies,  
Representatives of foreign governments and the Council of the European Union,***

53 years after the massive eviction of the Palestinian people by the Zionist forces, the Palestinian refugee question remains unresolved. As in the past, during the recent political negotiations at Camp David and Taba, the Israeli government objected to the return of Palestinian refugees, in order to maintain exclusive Jewish control of refugee lands and properties by means of racist laws and policies. For 53 years now, the United Nations has affirmed in numerous UN resolutions, foremost UN Resolution 194 (11 December 1948), the rights of Palestinian refugees to return to their homes and properties and to receive adequate compensation. At the same time, the United Nations and its member states have refrained from taking action against Israel's consistent breaches of its obligation - under UN resolutions (UNGAR 181 of 1947 and UNGAR 194), the Universal Declaration of Human Rights, international law and human rights conventions - to respect the individual and collective rights of the Palestinian people and to enact appropriate remedies, return, restitution and compensation, for its refugees.

Since the beginning of the al-Aqsa Intifada in September 2000, Palestinians, among them refugees and their camps, in the West Bank and Gaza Strip have been subjected to indiscriminate and targeted attacks by Israeli military forces. More than 450 people, approximately half of them refugees, have been killed and tens of thousands injured in the Palestinian towns, villages and camps of Hebron, Bethlehem, Ramallah, Nablus, Jenin, Tulkarem, Qalqilya, and Jericho; in the Gaza Strip alone some 250 refugee shelters were reported damaged by March 31. The brutal character of recent Israeli attacks on the camps of Khan Younis and Brazil (Rafah) follow the long line of attacks lead by Ariel Sharon against refugees beginning in the Gaza Strip in 1953 and in the early 1970s, and against refugees in Lebanon (Sabra and Shatila, 1982). Over the course of many decades, the UN General Assembly and Security Council have considered measures to provide for the physical protection of Palestinian refugees. However, as in the past, such UN initiatives in 2000 and 2001 were either voted against or vetoed by the United States, and the High Contracting Parties to the Geneva Conventions have failed to respond.

53 years of failure by the United Nations and its member states to live up to its responsibility have resulted in a situation where over five million Palestinian refugees, i.e. some 70% of the Palestinian people, have remained in forceful exile. Some 250,000 live in their homeland as internally displaced persons, deprived of access to their homes and properties by Israel. Lacking social and political security, Palestinian refugees continue to face displacement - and they continue to demand their right to return home, regain access to their properties, and receive adequate compensation for material losses and damages, as well as for the psychological suffering inflicted upon them.

***Honored representatives of foreign governments and the EU,***

On the occasion of the 53rd anniversary of our forceful displacement in 1948, an event which lives on in the Palestinian memory as "al-Nakba" (catastrophe), we - Palestinian refugee organizations and national institutions - urge you to take the following steps in order to bring justice and stability to our region:

1. Reaffirm the commitment of your governments - in the framework of the United Nations and the European Union - to a durable solution of the Palestinian refugee question based on international law and UN resolutions, especially UN Resolution 194, and support the formation of UN mechanisms which will safeguard a rights-based approach to the Palestinian refugee question in future final status negotiations between Israel and the PLO.
2. Undertake, on the level of your governments and in the framework of the United Nations, an immediate and special effort at solving the structural crisis of UNRWA's budget, in order to stop the deterioration of education, health, and welfare services for Palestinian refugees until a just and durable political settlement is reached in accordance with UN Resolution 194.
3. Initiate, in your countries and in the framework of the United Nations, a revision of the residency and asylum policies applicable to Palestinian refugees in accordance with the standards set by the 1951 Refugee Convention, UNHCR and international agreements on the rights of stateless persons, in order to provide Palestinian refugees with legal and social protection until the achievement of a just and durable solution.
4. Respond immediately to the recommendations submitted by the Commission of Inquiry of the UN Human Rights Commission in March 2001, and support the establishment by the United Nations of an adequate and effective international presence in the 1967 occupied Palestinian territories to monitor and regularly report on Israeli compliance with human rights and humanitarian law as a first step towards ensuring the full protection of the Palestinian people, including its refugees, in the West Bank and Gaza Strip.
5. Respond to the current situation of emergency in the 1967 occupied Palestinian territories by convening, as soon as possible, the High Contracting Parties to the Fourth Geneva Conventions in order to establish an international mechanism for the protection of Palestinian civilians, including refugees, under occupation, and to decide measures to ensure Israel's compliance with its obligations under the Fourth Geneva Conventions.

**53 years after al-Nakba,**

**We renew our call, from Palestine and the Palestinian exile, for freedom, self-determination and return!  
We call upon the international community to break 53 years of silence!**

**42 March 2001**

## **In our own Affairs**

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On 4 May 2001, BADIL's General Assembly convened for the second time in the spirit of defiance of the Israeli repression and restrictions of movement imposed on the 1967 occupied Palestinian West Bank. 42 members and guests convened in two sessions held parallel at BADIL's offices (Southern West Bank) and at Yafa Cultural Center/Balata Camp (Northern West Bank).

The General Assembly discussed and approved BADIL's 2000 annual report and issued recommendations for BADIL's new three-year plan 2002 - 2004. In particular, the General Assembly recommended to upgrade BADIL networking and cooperation with partners in the Arab world and called for the expansion of BADIL community support projects, in order to assist refugee community organizations in coping with the difficult circumstances caused by Israeli violence and repression. Moreover, BADIL's General Assembly approved the membership of additional ten right-of-return activists, thus enlarging its size to 51 members.

The report presented by BADIL's Oversight Committee marked with satisfaction the contribution of BADIL in awareness raising and lobbying for the Palestinian right of return in the year 2000, and called upon members of the General Assembly, and especially the elected Board, to intensify their efforts in developing and guiding the institution.

Against the background of the logistic difficulties imposed by the Israeli occupation in convening the General Assembly meeting, it was decided to extend the mandate of BADIL's current Board and Oversight Committee for a second period and to hold elections only at the next General Assembly meeting in 2002. The following members were thus affirmed in their positions:

### **BADIL BOARD**

**Salem Abu Hawwash**, Head of Board (Doura/Hebron)  
**Tayseer Nasrallah**, Deputy Head of Board (Yafa Cultural Center/Balata Camp)  
**Adnan Ajarmeh**, Secretary (Popular Committees/Aida Camp)  
**Bassam Abu 'Aker**, Treasurer (Youth Activity Center/Aida Camp)  
**Dr. Nayef Jarrad** (Political Advisor, PNC-West Bank, Tulkarem)  
**Faisal Salameh** (Popular Committees/Tulkarem Camp)  
**Ahmad Ass'ad** (Head, Palestinian National Institutions-Toubas, al-Far'ah Camp)  
**Afif Ghatashe** (Union of Youth Activity Centers, al-Fawwar Camp)  
**Dr. Adnan Shehadeh** (Union of Youth Activity Centers, 'Arroub Camp)

### **BADIL OVERSIGHT COMMITTEE**

**Wissal al-Salem** (Head, Women's Activity Center, Nur Shams Camp)  
**Rajeh al-Til** (Dahriyya/Hebron)  
**Samir 'Odeh** (Youth Activity Center/Aida Camp)

**In Solidarity - and until Return and Self-determination,**

**BADIL Resource Center**

## **About the meaning of *al-Majdal***

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*Al-Majdal* is an Aramic word meaning fortress. The town was known as Majdal Jad during the Canaanite period to the god of luck. Located in the south of Palestine, al-Majdal had become a thriving Palestinian city with some 11,496 residents on the eve of the 1948 war. Al-Majdal lands consisted of 43,680 dunums producing a wide variety of crops, including oranges, grapes, olives and vegetables. The city itself was built on 1,346 dunums. During Operation Yoav (also known as 10 Plagues) in the fall of 1948, al-Majdal suffered heavy air and sea attacks by Israel which hoped to secure control over the south of Palestine and force out the predominant Palestinian population. By November 1948, more than three quarters of the city's residents of the city's residents, frightened and without protection, had fled to the Gaza Strip. Within a month, Israel had approved the settlement of 3,000 Jews in Palestinian homes in al-Majdal. In late 1949 plans surfaced to expel the remaining Palestinians living in the city along with additional homes for new Jewish immigrants. Using a combination of military force and bureaucratic measures not unlike those used today against the Palestinian population in Jerusalem, the remaining Palestinians were driven out of the city by early 1951. Palestinian refugees from al-Majdal now number over 71,000 persons of whom 52,000 are registered with UNRWA. Like millions of other Palestinian refugees, many of whom live close to their original homes and lands, they are still denied the right to return. Al-Majdal, BADIL's quarterly magazine reports about and promotes initiatives aimed at achieving the Palestinian right of return and restitution of lost property as well as Palestinian national rights in Jerusalem.

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**BADIL aims to provide a resource pool of alternative, critical and progressive information and analysis on the question of Palestinian refugees in our quest to achieve a just and lasting solution for exiled Palestinians based on the *right of return*.**