

al majdal

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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**



Ending the Ongoing Nakba, A Real Alternative to Oslo

Commemoration of the Sabra and Shatila Massacre

Update on the War Crimes Case Against Ariel Sharon

Report on the World Conference Against Racism

Europe's Moment? The Palestinian Right of Return in European Middle East Policy

Impact of the Lack of International Protection: Palestinian Refugees & One Year of the *al-Aqsa Intifada*

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Ending the Ongoing *Nakba*, A Real Alternative to Oslo

One year after the outbreak of the *al-Aqsa intifada* on 29 September 2000, intensified diplomatic efforts by the United States and the European Union are being applied against Israel and the Palestinian leadership to implement the Tenet cease-fire plan and the Mitchell Committee recommendations. Conventional wisdom suggests that these renewed efforts are related, in part, to: 1) the US-led campaign to create a coalition (including Arab/Muslim states) for what has been labeled as the new "war against terrorism"; as well as, 2) the opportunity afforded by adjustments in foreign relations to press both parties to "calm the situation on the ground" in the 1967 occupied Palestinian territories. The question that remains unanswered, however, is what is the endgame or objective of these intensified US/EU efforts, and, is there an alternative?

Tenet/Mitchell/Oslo - A Flawed Process

The Tenet cease-fire plan and the Mitchell Committee recommendations comprise the backbone of joint US, EU, and UN efforts over the last 12 months, starting with the Sharm al-Sheikh summit in October 2000, to get Israelis and Palestinians back to the negotiating table.

The process consists of a series of graduated steps, starting with the much talked about on-again/off-again Peres-Arafat meeting finally held in late September; followed by the implementation of a cease-fire plan mediated by CIA Director George Tenet (consisting of a series of graduated steps); intended to lead to the implementation of the Mitchell recommendations (also a series of graduated "confidence-building" measures); and, finally, the Oslo process - i.e., political negotiations concerning a durable solution to the conflict.

Both the Tenet plan and the Mitchell recommendations, however, contain fundamental flaws, which harbor the potential of reproducing

the delays, seemingly interminable negotiations, loss of confidence in the political process on the ground, and breakdowns between negotiators that have characterized the Oslo process from the start.

First, the plan and recommendations suffer from the same kind of so-called constructive ambiguity that led, in part, to the collapse of the Oslo process. In order to reach an agreement acceptable to both parties, the text of Tenet and Mitchell is intentionally vague. The terms, "incitement," "violence," and "terrorism," for example, are not defined nor are the conditions of the settlement freeze recommended by Mitchell.

The danger of "constructive ambiguity" for Palestinians, particularly given the selective use of the terms incitement and terrorism in relation to Palestinians (often encompassing legitimate means of resistance to occupation), is that Israel, as the dominant party, will interpret and implement the plan and recommendations as it sees fit. In this context, the settlement freeze (i.e., a total cessation of settlement activity), one of the primary measures designed to rebuild Palestinian confidence in the process, appears unlikely to come to fruition.

Secondly, neither Tenet nor Mitchell include an independent, international mechanism to monitor and enforce implementation of the agreements mediated by the US and EU over the past 12 months. This runs contrary to repeated recommendations by the High Commissioner for Human Rights, the UN Commission of Inquiry, leading international human rights NGOs, not to mention the G-8 foreign ministers themselves to deploy international protection/observer forces. At best, Israel may accede to a US/EU proposal tabled earlier in the summer of 2001 comprising a handful of "office-based" officials from the US State Department, CIA, and Pentagon (and perhaps a few European officials). This type of monitoring body would be weaker than the Temporary International Presence

in Hebron (TIPH), which, while not able to intervene or release information to the public, at least has had a presence in the street.

Third, both Tenet and Mitchell lack reference to the principles and concomitant requirements of international law as affirmed in UN resolutions. International law provides an objective framework, which is critical in the context of bitterly contested political conflicts. The lack of reference to international law and UN resolutions in relation to the legitimacy of Palestinian resistance to Israel's occupation of the West Bank and Gaza Strip, the illegality of Israeli settlements, and as a framework for refugee rights if and once the parties get back to the negotiation table, weakens these agreements and greatly increases the risk of short and long-term failure.

Finally, even if the international community was able to facilitate the implementation of the ceasefire and Mitchell recommendations according to a clearly defined timetable, there remains the larger question of what happens when the parties get back to the Oslo process. These same problems: "constructive ambiguity", lack of an independent, international monitoring/enforcement mechanism, and, the lack of reference to principles of international law also bedeviled the Oslo process. Moreover, post-Camp David/Taba analysis indicates a significant gap between the positions held by Israel and the PLO on major issues, including the right of return, restitution, and compensation of Palestinian refugees. Over the past 12 months this gap has seemingly become even wider.

An Alternative to Oslo?

The danger of returning to an entrenched and interminable "peace process" - what Ariel Sharon has referred to as a long-term interim arrangement - characterized by the continued erosion of Palestinian rights and the opportunity for a just and durable solution to the Israeli-Palestinian conflict lends weight to the urgent need for a real alternative to Oslo. It is, after all, the experience of the last 10 years under the Oslo process, characterized by continued settlement construction, land

confiscation, house demolition, ongoing detention of Palestinian political prisoners, siege (military closure), economic decline, and marginalization of the refugee issue, that gave rise to the *al-Aqsa intifada*.

Such an alternative should be clearly based on international law and UN resolutions, provide for an independent, international monitoring and enforcement mechanism, and address root causes of the conflict - i.e., displacement/expulsion, dispossession, occupation and denial of the right to

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self-determination. The NGO Declaration and Program of Action from the World Conference Against Racism held in Durban, South Africa in August 2001 provides a framework

for such an alternative. The Declaration affirms the right of the Palestinian people to self-determination, statehood, independence and freedom, and the right of return as stipulated in UN resolution 194. The Plan of Action calls upon the United Nations and state parties to effect the immediate enforcement of international law.

Specifically, the Plan calls for: 1) the implementation of the rights of Palestinians inside Israel regarding lands, absentee property, uprooted villages and unrecognized villages; 2) the dismantlement of Jewish settlements, a complete Israeli withdrawal from the occupied Palestinian territories, and the immediate deployment of an independent, effective international protection force for Palestinian civilians; and 3) implementation of the right of return, restitution, and compensation for Palestinian refugees, repeal of discriminatory legislation concerning citizenship and land which prevent Palestinian refugees from exercising their rights, and international protection under the auspices of the UN High Commissioner for Refugees until such time as they are able to exercise their rights in accordance with UN Resolution 194.

The Program of Action also calls for the establishment of a war crimes tribunal to investigate and bring to justice those who may be guilty of war crimes, acts of genocide and ethnic cleansing; the dissemination of information to raise awareness of the root causes of the conflict through relevant UN institutions,



Khan Younis, Gaza, after at least 31 homes were bulldozed by Israel on 11 April 2001 (Photo: <http://www.lawsociety.org>)

including education packs for schools and universities, films and publications; the establishment of a UN Special Committee on Apartheid and Other Racist Crimes Against Humanity perpetrated by the Israeli Apartheid regime; and the establishment of programs and institutions to combat racist media distortion, stereotyping and propaganda, including the demonizing and dehumanizing of the Palestinian people as violent and terrorists. The Program also calls upon the international community to impose a policy of complete and total isolation of Israel as an apartheid state, including mandatory and comprehensive sanctions and embargoes, and the full cessation of all links between all states and Israel.

Based on the experience of South Africa's struggle against its own unique form of apartheid, and the success of the NGO Forum in Durban, a united grassroots, solidarity campaign that extends beyond national, religious, and ethnic boundaries will be critical to sustain and advance such an alternative. Just as the US and the EU have stressed that their new "war on terrorism" is not a war against the Arab world or against Islam, so to this campaign is not a campaign against Jews or Judaism, but a campaign against the systemic, ongoing violations of human rights that gave rise to and sustains the Palestinian/ Arab - Israeli conflict.

Despite the lack of effective intervention by the US, Europe and the United Nations based on international law and UN resolutions, in general, and over the last

year of the *al-Aqsa intifada*, in particular, effective lobbying will be required also at the governmental and UN level. This should include, as recommended by the NGO Forum in Durban, a call to restructure the UN Security Council to address the imbalance in voting powers, permanent and non-permanent membership to ensure equity in the decision making process. Over the past year, in particular, the US has misused its veto in the Security Council repeatedly to block efforts to deploy independent international monitors in the 1967 occupied territories. It should also include a call for additional protocols to human rights conventions to guarantee the right of persons to file individual and collective complaints and allow for enforceable sanctions. Over the past several years, numerous UN committees that monitor implementation of human rights conventions have called for changes in Israeli law and practice concerning discrimination against Palestinians inside Israel, violation of human rights that result from Israel's military occupation, and denial of the right of refugees to return to their places of origin inside Israel. These recommendations remain unenforced.

One year of Israel's brutal response to the *al-Aqsa intifada*, nearly 10 years of Madrid/Oslo, more than 30 years of military occupation, and more than 50 years of mass displacement and dispossession, have resulted in an ongoing *Nakba* for the Palestinian people. Now is the time for an alternative. Now is the time to start mapping out how to put the principles into action, the next step on the road to return and self-determination. ■

UPDATE

Campaign for the Defense of *Palestinian Refugee Rights*

Commemorating Sabra and Shatila

(BADIL & Press Reports): Since 1982, when thousands of innocent Palestinian civilians were slaughtered in the Beirut refugee camps of Sabra and Shatila by the right-wing Lebanese allies of Israel's occupation forces headed by then Minister of Defense Ariel Sharon, annual commemorations of this massacre have united the Palestinian people in the homeland and in exile. Over the past two decades, the massacre of Sabra and Shatila has come to symbolize Palestinian suffering rooted in mass forced displacement, military occupation, and the denial of the right to self-determination and the right of refugees to return to their homes and properties.



Victims of the Sabra and Shatila Massacre, September 1982.

The circumstances of this year's 19th anniversary of the massacre of Sabra and Shatila have been especially devastating. Not only are Palestinians in the 1967 occupied West Bank and Gaza Strip the target of unprecedented Israeli military attacks, but Palestinians, as Arabs and/or Moslems, have also become the target of a world-wide, racist hate campaign triggered by statements of Israeli officials and carried in selective images and commentary in international media following the attacks on the World Trade Center and the Pentagon, which have depicted Palestinians as innate terrorists and enemies of civilization.

Against this background - and while numerous Palestinian communities in the western exile have cancelled or postponed this year's public Sabra and Shatila memorial events, both in respect of the thousands of victims in the United States and for fear of racist attacks against their community centers, Palestinians throughout the Middle East, including the West Bank and Gaza Strip, Lebanon, Jordan and Syria, commemorated the anniversary of Sabra and Shatila through a series of events.

In the occupied West Bank and Gaza Strip, Palestinians commemorated the massacre under the slogan, "Stop Israel's State Terror - Terror is Our Enemy." Activities organized by the Committee of National and Islamic Forces in the Bethlehem District included a children's art exhibit at the Peace Center on Manger Square (Peace Center and UNICEF); a children's wall painting at 'Aida refugee camp (al-Rowwad Theater and BADIL); a popular war crimes tribunal for Ariel Sharon (Palestinian Prisoners' Society); a march to the martyrs memorial in Deheishe refugee camp and a coordinated memorial ceremony with the residents of Shatila refugee camp/Beirut; an art and culture program for children in Manger Square (Ministry of Education and IBDA'A Cultural Center/Deheishe camp); and a Sabra and Shatila theater performance (al-Rowwad Theater Group, 'Aida camp).

In Lebanon, Palestinian and Lebanese NGOs organized an Olympic day for the Lebanese and Palestinian children. More than 100 children from UNRWA schools in the refugee camps together with students from Makassed schools participated in the games. On 17 September, some 3,000 people participated in a march to commemorate the anniversary of the massacre. Participants carried banners and flags, including a banner by the Coordination Forum of the NGOs Working Among the Palestinian Community which read: "We the victims of terrorism condemn all forms of terror against civilians everywhere." Other banners called for the immediate war crimes trial of Ariel Sharon. Around 35 Italian activists joined the march

including EU parliamentarian Luisa Morgantini. Earlier in the day members of the group planted olive trees over the mass grave. "If the US wants to fight terrorism," stated Italian journalist Stefano Chiarini, "then it must begin with Sharon, who is still free." Some 100 protestors also staged a sit-in at 'Ain al-Hilwe camp to mark the anniversary.

For more information about Sabra and Shatila, see the BADIL website:

 http://www.badil.org/Resources/War_Crimes/War_Crimes.htm

For more information about campaign and community events, contact individual members of the Right of Return Network. Links to member organizations are available at:

 <http://www.badil.org/ReturnNet/ReturnNet.htm>

Community and International Mobilization

Al-Awda Camp in Cyprus - The Cornerstone for Return (Aidoun - Lebanon): "Palestine is so close to me now," says Ismael. "Before it was so far away but now as I sit and talk to Palestinian children from Dheisheh I feel it is real - it is a reality." The friendship that bound Shatila children to Dheisheh children made Palestine touchable and real. Mariam shares this feeling with Ismael. She told Zeyd, Manar, Nidaa, and Hanan from Dheisheh that when she touched them in the south [of Lebanon] from behind the wire (*See al-Majdal* Issue No. 6, "We will Return") she felt as if "I am holding Palestine in my hands." Return [al-Awda] has a different meaning for children from both camps now. "It is now related to friends with whom we stayed for fifteen days and with whom we want to meet forever," says Rabie from Shatila. "We know deep inside that only return allows us to meet forever or wherever."

The relations among children from Dheisheh and Shatila started via email four years ago. The liberation of the south [Lebanon] gave them a chance to meet for few hours - not enough time to discuss issues they live and are concerned about. "Everything was a dream," says Walid from Shatila. "Having friends in Palestine let alone meeting with them," he continued, "the dream was partially achieved in the south from behind the wires to be partially completed in Cyprus without borders but still to be realized in Palestine when we all return from

Dheisheh and Shatila. It is only there that we can meet forever or whenever we want to," assures Kusay from Dheisheh.

Thirty children, fifteen from Shatila and fifteen from Dheisheh and Ramallah met in the Al-Awda summer camp, as they called it, in Cyprus, in mid-July. Return was the main theme in all the discussions held among the children. When describing Shatila or Dheisheh and the living conditions in the two camps, when discussing the *Nakba*, the *intifada*, or even when passing through a spectacular view - which is always imagined as Palestine - Return was there. It is there to escape the bad conditions in the camps, to dream about a better future and to enjoy life and feel as humans with an identity. For children from both camps Return had something in common. When asked to describe it in words, "freedom, dignity, identity, peace, security, land" were mentioned by both groups. However, the perceptions of Return among children from Shatila differed in two ways. First, they focused on it as a way to gain rights they are deprived of in Shatila - i.e., their civil rights. "Living in our homeland will make us feel we are humans and have rights to work, to study, and, to decide." And second, it meant escaping being identified as being refugees, a word that has different connotations for children from both camps. It is loaded with negative connotations for Shatila children such as a "helpless, hopeless, dehumanized person," however, for the children from Palestine it means "struggler and fighter." This difference in perceptions is due to the harder living conditions experienced by Palestinians in Lebanon.

Perceptions of Al-Awda as a way to escape the refugees' bad conditions, however, did not mean for them that solving these problems somewhere else can replace return to the homeland - Palestine. For Mariam, "it will become an individual solution, but return to Palestine is a collective right for a whole nation, that's why it can't be achieved elsewhere." Hanan further elaborated on the issue by suggesting that their identity problem will only be solved in Palestine: "We will never feel at home unless we go back to our homeland," she assures.

Besides getting to know each other more the camp had two important assets. First, getting to know the story of Cyprus, to meet with Cypriote refugees and to live with them what they themselves had lived at

the Lebanese Israeli borders - i.e., the inability to pass to their homeland which is separated from them only by wires. It was there, in Nicosia, at the wires separating the two parts of Cyprus that Shatila and Dheisheh children realized that they are not the only refugees. This realization universalized the refugee



Al-Awda Summer Camp, Cyprus (Photo: Ibdad' Cultural Center)

"We know deep inside that only return allows us to meet forever or wherever."

problem but did not make the solution of their own plight more possible. "It is good to know that we are not alone, but you know, still I think that our problem is more serious. Palestinian refugees suffer the most in the world because Israel is very cruel and powerful," as many of them commented after the visit to the borders in Nicosia. The second asset was making Al-Awda, which was a far-reaching goal, realistic. Even Ussama who objected to discussing Al-Awda as a topic at the start realized that he can now talk about it as if something is happening - our meeting is the first corner stone in the road of return - "Tariq Al-Awda." We never dreamt of meeting our friends from Dheisheh and we met them and maybe we have to dream about return and work for it in order to achieve it...

From the first day to the last day, fifteen days passed so quickly, but they will be cherished and remembered by all the children who were there as a first step to return. When the unwanted moment of farewell came lots of tears were shed. The moment was harder for the children of Shatila. "We cried more because at least they are going to Palestine, the land; we will go back to Shatila, oh how I hate Shatila, just to wait," says Farah. "Say Hi to Palestine, Don't forget us, Kiss the land for me, Send me pictures of my village, Take me with you, and, just throw me there," were the last requests cried out by tearful Shatila children to their friends on their way to Palestine.

Waiting at the airport in Beirut were many men, not necessarily related to the Shatila children who were in Cyprus. They came to greet the children and to ask about "our parents in Palestine," as one of them said. "What's this, as if we are coming from al- Haj, the pilgrimage," one of the children commented. "It is even better than that. You were with our people in Palestine," replied one of the welcoming delegation.

The activity was organized in collaboration with Ibdad' Cultural Center in Dheisheh Camp and Aidoun Group, Lebanon in collaboration with the Macedonia Cultural Center in Ramallah.

Emergency Voluntary Medical Clinics (BADIL/ Union of Health Work Committees): Voluntary Emergency Health Clinics were held throughout August in West Bank refugee camps offering free medical services to refugees who are unable to obtain medical services elsewhere. The program, organized by BADIL in collaboration with the Union of Health Work Committees provided services to over 500 refugees in al-Fawwar, al-Aroub, and al-Fara'a refugee camps. (For more, see al-Majdal, Issue No.9)

Hunger Strike (Aidoun - Syria): Palestinian refugees in Syria launched a spontaneous open ended hunger strike in front of the UNDP office in Damascus in early September demanding that the UN Secretary General clearly condemn Israel's brutal attack on Palestinian children and intervene to facilitate the release of medical and material aid withheld by Israeli authorities. Several delegations and individuals visited the hunger strikers to express their support for the strikers demands, including the Damascus Youth Organization - the Syrian Communist Party, the National Committee for Boycotting the Israeli Goods and Products, Arab students, and other Syrian officials. The hunger strikers called off the demonstration in the aftermath of the attack on the US on 11 September.

Lobbying UNRWA and Community Mobilization (Committee for the Defense of the Right of Return - Jordan): In Jordan, the Committee for the Defense of the Right of Return issued a memorandum to UNRWA following the September donor meeting in Amman. The memo, which reiterated the suffering of refugees due to cutbacks in services, and because of Israel's attacks on the refugee communities in the West Bank and Gaza Strip, 1) Reaffirmed that UNRWA should continue to provide assistance to

Palestinian refugees until there is a durable solution based on international law and UN Resolution 194; 2) Called upon donor countries to cover all of UNRWA's budget; 3) Demanded international protection for Palestinians in the occupied territories; and, 4) Reaffirmed the right of return in accordance with UN Resolution 194. Despite the official ban on rallies in public spaces, the Committee succeeded in organizing several popular rallies and workshops in Amman and several other cities, and distributed statements in support of the *intifada* and the right of return over the summer. Thousands of refugees in Jordan have signed the "Oath of Return." The Committee is also conducting research on Palestinian refugee properties and continues to monitor the situation in Jordan regarding ongoing concerns, based on previous news reports, about attempts to transform refugee camps into "neighborhoods" as part of a resettlement plan.

Lobbying UN and International Representatives (Popular Service Committees - Gaza): The Popular Service Committees in Gaza continue to lobby international representatives concerning refugee rights and the critical situation in refugee communities in the 1967 occupied Palestinian territories due to Israel's ongoing siege and military attacks. In particular, the Committee continues to call upon the international community to do more to support UNRWA and press Israel to lift the siege, end attacks on the Palestinian community, and facilitate distribution of humanitarian supplies.

Campaign Against Intel - Palestinian Refugee Property (al-Awda - The Palestine Right to Return Coalition - PRRC): Al-Awda has launched a campaign against Intel Corporation's plan to expand its Kiryat Gat plant built on the land Israel confiscated from the Palestinian village of Iraq Al-Manshiya after the 1948 war. Al-Awda is calling upon individuals to contact the company to protest against the plan and demand its divestment from Israel. Al-Awda also called for sending opinion articles in this regard to financial newspapers and magazines. For further information, visit Al-Awda's web site at http://al-awda.org/intel_divest.htm.

Conference on the Right of Return and Self-Determination (ADC): The American-Arab Anti-Discrimination Committee (ADC) - West Coast Region will co-sponsor a conference entitled "The Struggle for Justice: The Rights of Palestinians to

Self-Determination, Repatriation and Equality." The conference will be held in Long Beach, CA, from 5 to 7 October 2001 to draw public attention to Palestinian rights.

For further information, visit

[www](http://www.rorconference.com)

<http://www.rorconference.com>

For more information about global NGO activity on Palestine see the Division for Palestinian Rights, NGO Network on the Question of Palestine:

[www](http://www.un.org/Depts/dpa/ngo/)

<http://www.un.org/Depts/dpa/ngo/>

Lobbying the UN

Following an initial exploratory meeting in Geneva in April/May 2001 (See Majdal Issue No. 10), BADIL along with other NGOs, has invested significant efforts in lobbying several UN bodies to build broader international support for international protection for the Palestinian people in the occupied territories, in general, and, in particular, for Palestinian refugees. In the summer of 2001 these efforts were directed towards the Committee on Social, Economic, and Cultural Rights (CESCR), the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, and the Economic and Social Council (ECOSOC).

In July, 53 NGOs, networks, unions, and concerned individuals sent yet another appeal for immediate international protection, this time to the United Nation's Economic and Social Council (ECOSOC). The Council, composed of 54 member states who take decisions by simple majority vote, is the highest UN body mandated to promote respect for, and observance of, human rights and fundamental freedoms for all. The NGO appeal was initially submitted by BADIL Resource Center, in order to add emphasis to an earlier call for ECOSOC action issued by the UN Committee for Economic, Social and Cultural Rights (CESCR). (See al-Majdal, Issue No. 10) In addition to a series of recommendations for international protection, the letter called upon ECOSOC to commission a study on the root causes of the conflict in the occupied Palestinian territories. (For more details on the recommendations, see Protection, below).

The full letter to ECOSOC is available at:

[www](http://www.badil.org/Law/Human_Rights/ECOSOC-Letter.pdf)

http://www.badil.org/Law/Human_Rights/ECOSOC-Letter.pdf

Among the recommendations brought before the CESCR in August was a recommendation to strengthen the Committee's 1998 Concluding Observations regarding Israel's violation of three "core, foundational" Covenant-protected rights of three displaced Palestinian population groups: (a) the 1948 refugees; (b) the "internally displaced" Palestinian citizens of Israel; and (c) the 1967 refugees. The three "core, foundational" rights are: (1) the right to hold property free from arbitrary governmental interference; (2) the right to hold citizenship in one's country of "habitual residence" prior to displacement; and (3) the right of self-determination.

During the extraordinary session, the representative of Israel accused the Committee of exhibiting a "negative approach towards Israel [which] had become a pattern", and "applying exceptional procedural practices and double standards towards Israel in contrast to the human rights treaty regime foundation of due process and the rule of law." He also accused the members of the Committee of violating "essential principles of transparency, objectivity, due process, and equal treatment" and further questioned their "true motivation." Following his statement, the Israeli representative walked out of the conference room.

Reports to the CESCR and concluding observations are available on the BADIL website:

 http://www.badil.org/Law/International_Law.htm

The apparent inertia or resistance within the UN system as exemplified in the response of these UN bodies to lobbying efforts over the past several months, however, is not encouraging, particular in the context of escalating Israeli military attacks on the Palestinian people, including refugee and their camps. ECOSOC failed to address the issue of protection during its July session. The Council did, however, approve a request from the Commission on Human Rights to direct the relevant human rights Special Rapporteurs to follow up on the delayed implementation of the recommendations contained in the November 2000 report of the High Commissioner for Human Rights and the March 2001 report of the Human Rights Inquiry Commission (*See Majdal*, Issue Nos. 9-10). In a resolution on Palestinian women, the Council demanded, for the first time, that Israel comply fully

with the provisions and principles of the Universal Declaration of Human Rights, among other international agreements, in order to protect the rights of Palestinian women and their children, including the return of all refugees and displaced Palestinian women and children to their homes and properties. The US voted against the resolution arguing that its content was not helpful to the peace process.

The Committee on Economic, Social and Cultural Rights also failed to issue substantive Concluding Observations on Israel. The Concluding Observations did note, however, continuing concern about Israel's denial of the right of return to Palestinian refugees. (The Concluding Observations are reprinted in the Documents section)

War Crimes: The Case Against Ariel Sharon (*Update*)

The complaint brought against Ariel Sharon before the Belgian judiciary on behalf of survivors of the Sabra and Shatila massacre was delayed in early September until an appeal submitted by the lawyer representing the Israeli government on behalf of Sharon could be heard. Belgian civil rights lawyer Michele Hirsch, who was hired by the Israeli government is asking the investigative judge to drop the case on grounds that Sharon has already been the subject of a judicial procedure in Israel, i.e. the Kahan Commission. The lawyers representing the plaintiffs argue that the Kahan Commission did not have judicial validity to impose sanctions, it was not a court and could not convict anyone. Moreover, the lawyers maintain that only a party involved in the suit can intervene in the case; the government of Israel is not named in the suit. At press time, reports from Belgium indicate support from Brussel's public prosecutor for rejecting the appeal.

Interestingly, Hirsch previously represented the victims of four Rwandans who were convicted of genocide using the same law under which the case against Sharon was filed. According to one of the lawyers who worked on the Rwandan trial, it was Hirsch who pressed for enactment of the law that enables suspected war criminals from other countries to be tried in Belgium. Hirsch also charged that the Belgian defense minister was responsible

Testimony from a survivor of Sabra and Shatila, The Complaint Against Ariel Sharon

Su'ad Srour Meri:

On Wednesday, after Bashir Gemayel had been killed, we heard Israeli helicopters flying overhead at a low altitude, and on Wednesday night the Israelis started firing illumination flares, which lit up the camp as though it was day. Some of my friends went down into the shelter. On Thursday evening I went with my brother Maher to see some friends and tell them to come and sleep at our house; on the way the road was full of corpses. I went into the shelter but I didn't find anyone there, so we went back. Suddenly I saw our neighbour, who was injured and had been thrown on the ground. I asked him where our friends were, he replied that they had taken the girls and asked me to help him, but I couldn't rescue him and I went straight back home with my brother. Maher immediately told my father that there was a massacre. I found out from our neighbour that the Phalangists were there. When my father found out, he said that we had to stay inside the house. Our neighbour was also there. We stayed in the house all night long. On Friday morning my brother Bassam and our neighbour climbed up to the roof to see what was happening, but the Phalangists spotted them straight away. A few moments later, around 13 men knocked on the door of our house. My father asked who they were, they said, "Israelis." We got up to see what they wanted; they said, "You're still here," and then they asked my father if he had anything. He said he had some money. They took the money and hit my father. I asked them, "How can you hit an old man?" Then they hit me. They lined us up in the living room and they started discussing whether or not to kill us. Then they lined us up against the wall and shot us. Those who died died; I survived with my mother. My brothers Maher and Ismail were hiding in the bathroom. When they [the soldiers] left the house, I started to call my brothers' names; when one of them replied I knew he wasn't dead. My mother and my sister were able to escape from the house, but I was incapable. A few moments later while I was moving, they [the soldiers] came back, they said to me, "you're still alive?" and shot me again. I pretended to be dead. That night I got up and I stayed until Saturday. I pulled myself along crawling into the middle of the room and I covered the bodies. As I put out my hand to reach for the water jug they shot at me immediately. I only felt a bullet in my hand and the man started swearing. The second man came and he hit me on the head with his gun; I fainted. I stayed like that until Sunday, when our neighbour came and rescued me.

Mrs Al-Meri lost her father, three brothers, (aged 11, 6 and 3) and two sisters (18 months and 9 months).

for the genocide in Rwanda because he sent Belgian troops there who did not do anything to stop the slaughter.


Since the complaint was filed in Belgium, Belgian authorities have come under pressure to amend the law in order to raise the threshold for submission of cases thereby limiting the number of complaints filed. This included suspending the admissibility of a complaint filed against a head of state, prime minister or government minister until after he or she leaves office. For the time being, however, the Belgian government has deferred debate on the amendments.

Since the complaint was filed, Elie Hobeika, former intelligence chief of the right-wing Christian militia (Phalange) stated his willingness to testify in the Belgian lawsuit. Hobeika was named by an official Israeli inquiry in 1983 as the man who ordered the killings of Palestinian refugees in the Sabra and Shatila camps. Hobeika is not named explicitly in the current complaint, although it does refer to other Israelis and Lebanese responsible for the massacre,

rapes, killings and disappearances of the civilian population. At the same time, the Israeli Foreign Ministry has begun mapping out the criminal justice systems of European countries to identify states where Israeli officials might face legal action.

While the official complaint is winding its way through the Belgian legal process, numerous mock war crimes trials of Ariel Sharon have been staged in the Middle East. In addition, the Swedish city of Yotburi hosted the first symbolic trial for Ariel Sharon in Europe on 4 September 2001, organized by Swedish and Arab non-governmental organizations, Swedish parliamentarians and politicians.

To read the Complaint against Ariel Sharon see: www.mallet.com or www.lawsociety.org/sharon/complaint.htm. The complaint is available in English, Arabic, and French. To sign a petition to indict Ariel Sharon for the Sabra and Shatila massacre, see,

 <http://www.lawsociety.org/Solidarity/sharon.htm>

Also see the BADIL website:

 http://www.badil.org/Resources/War_Crimes/War_Crimes.htm

World Conference Against Racism (WCAR): "Ending the Ongoing Nakba"

The third world conference to combat racism and racial discrimination, held in Durban, South Africa between 26 August and 9 September 2001, brought together youth, non-governmental organizations (NGOs), and governments from around the world in parallel fora to hammer out a declaration and program of action against racism. The NGO forum, which preceded the government conference, was organized around a series of issue-specific thematic commissions, supplemented by individual workshops and daily demonstrations and events by victims of racism around the world. The NGO Declaration and Program of Action, drafted and approved by some 3,000 NGOs from around the world is an inclusive document, grounded in international law, which boldly names the perpetrators of racism and sets out a clear program of action to combat racism.

As regards Palestinians, the Program of Action calls

for measures to enforce international law, end Israel's military occupation, and deploy international protection forces. Significantly, the NGO document addresses racism and racial discrimination related to the root causes of the Palestinian-Israeli conflict, including the denial of the right of return of Palestinian refugees and internally displaced persons to their homes and properties. Supported by nearly every other caucus, the Palestinian and Arab caucuses also succeeded in removing a controversial paragraph inserted by the (Zionist) Jewish Caucus, which described "charges of genocide, war crimes, crimes against humanity, ethnic cleansing and apartheid, [against Israel] as a virulent contemporary form of antisemitism". This paragraph, if adopted, would have meant that any human rights critique on the State of Israel could be labeled as "antisemitism".

Unity and solidarity, embodied in the conference slogan "United to Combat Racism: Equality, Justice and Dignity," ensured that the voices of the victims of racism would be heard through the platform



Declaration by South Africans on Apartheid Israel and the Struggle for Palestine (excerpts)

"We, South Africans, extend our hands to the heroic people of Palestine. Theirs is the struggle, slingshots in hand, of David against Goliath. Theirs is the vision of a country shorn of racist dominion. Theirs is the passion for life without oppression. Theirs is the struggle, Arab and Jews to be free from discrimination and injustice. As South Africans we understand these struggles, visions and passions. We support the demand to isolate Apartheid Israel, the right of return of millions of Palestinian refugees and the dismantling of racist settlements. We pledge ourselves to be part of a new International Anti-Apartheid movement against Israel."

provided by the NGO forum. This included both spontaneous and well-organized demonstrations. In one of the largest marches, the Durban Social Forum, including the South African Palestine Solidarity Committee, organized a mass march and rally to raise the demands of the landless in South Africa and the demands of the Palestinian people. Some 60,000 people participated in the march, which ended with a rally where South Africans announced the launch of an international anti-apartheid movement against Israel's brand of apartheid.

For many NGOs, and not just Palestinian NGOs, it became clear that the content of the government document would be severely comprised and highly politicized when UN High Commissioner for Human Rights Mary Robinson initially refused to accept and relay the NGO Declaration and Program of Action, adopted through a legitimate, transparent and democratic process, to government representatives. While Robinson acknowledged that there were some "good things in the NGO

declaration and program of action have yet to be released, excerpts suggest that, unlike the NGO Declaration and Program of Action, many of the voices of the victims of racism have been severely drowned out by the political discourse that dominated the government sessions. Concerning Palestinians, the government declaration expresses "concern" about the "plight of the Palestinian people under foreign occupation" and recognizes the right to self-determination as well as the right of refugees to return to their homes and properties and concludes with a general statement of support for the "peace process." Unlike the 1978 and 1983 government declarations, it does not include express reference to racist practices and racial discrimination suffered by Palestinians. It is not only weaker than the NGO document, but is also much weaker than the previous government documents.

In the absence of a government document, which reflects the experiences of the victims of racism, clearly identifies racist practices and racial discrimination, and which names the perpetrators of these acts, the NGO document is the only benchmark for an inclusive, non-discriminatory program of action to eliminate racism and racial discrimination. The challenge for NGOs around the world will be to find creative and effective methods to use the document and the network established at the NGO forum as a springboard for a global solidarity movement to fight racism and racial discrimination.



Declaration" she noted that she could not accept some of the language in relation to Israel, particularly the reference to genocide, which she characterized as hurtful. The High Commissioner did not provide any legal arguments as to why the term was inappropriate under international law in reference to the 1982 Sabra and Shatila massacre, which various UN bodies, including the General Assembly and Commission on Human Rights, have deemed to constitute an act of genocide.

While the complete text of the government

Given the resistance by certain governments to address historical and contemporary forms of racism and racial discrimination, and attempts by the Office of the UN High Commissioner for Human Rights to discredit parts of the NGO declaration, the unity and solidarity exemplified by the victims of racism in Durban will be critical to the success of any global solidarity movement.

For more detailed information and documents, see the WCAR website and related links on the BADIL website:

www.badil.org/Resources/WCAR/WCAR2001.htm

Also see BADIL Information & Discussion Bulletin No. 7 (September 2001).

Europe's Moment?

The Palestinian Right of Return in European Middle East Policy

This article is based on analysis by Alain Gresh in a paper entitled "The European Union and the Refugee Question" and on an article by Aisling Byrnes, a member of Al-Awda UK, entitled "Britain's moment? The British government's shifting policy towards 'Palestine'".

The European Union

"On hearing the title of my chapter, a friend of mine burst out laughing, 'But there is nothing to say. The European Union has never taken a clear stand on the right of return of refugees,'" recounts French journalist Alain Gresh.⁽¹⁾ "The European Union certainly has taken a stand on the national rights of the Palestinians, on settlement policy, Jerusalem, the creation of the Palestinian state and Israel's right to security, but any references to refugees were vague and the term 'right of return' was never used. I was on the point of giving up when I stumbled, almost by chance, on a text dated 1971 known as the 'Schumann document,' named after Maurice Schumann, the French Foreign Minister at the time, under President Georges Pompidue."

A year earlier, in 1970, the European Community, then composed of only six member states, had launched an initiative for European Political Cooperation, which provided for regular consultations on important foreign policy issues in order to "strengthen their solidarity by favoring harmonization of points of view, concerted attitudes and, wherever possible and desirable, common actions." This initiative marked the beginning of a process aimed at clarifying common strategic interests and unifying foreign policy on the European level, especially with regard to regional and international crises that might jeopardize economic and political stability in Europe itself.

The debate over the 'Schumann document' came at a time, when individual EU member states were not

Advocacy, Lobbying and Campaigns in the UK

Al-Awda UK is part of the global Al-Awda Palestine Right to Return Coalition (PRRC), a broad-based, non-partisan, democratic association of grassroots activists and organisational representatives. Al-Awda advocates for the right of Palestinians to return to their homeland, and to full restitution of all their confiscated and destroyed property in accordance with the Universal Declaration of Human Rights, International law and implementation of United Nations Resolutions which uphold these rights.



For more information, including Al-Awda UK's current projects, contact: PRRC London, BCM Box 7223, London WC1N 3XX, United Kingdom, Tel/fax 020 7900 6767, e-mail: info@al-awda.org.uk, website: <http://www.al-awda.org.uk>

Arab Media Watch is an independent, non-partisan Media Monitoring coalition, with supporters among Britain's different religious communities and of every political persuasion. AMW works closely with a variety of individuals and institutions concerned with human rights issues in the Middle East region. Since September 2000, when the second Intifada began in the Palestinian Territories illegally occupied by Israel, the Western media has seen a dismaying explosion of stereotyping of Arabic culture and, closely allied to that, of misreporting or distorted reporting about the Arabic world. The major news stories have concerned the plight of the Palestinians but Arab Media Watch was established for more objective British coverage of Arabic issues in general. Omission of crucial facts is as common as outright fabrication. Our members use the internet as a way of alerting each other about such experiences of specific bias or dishonesty, so that our concerted voices can be better heard in Britain.



To join: arabmediawatch-subscribe@yahoogroups.com. For further information, see website: www.arabmediawatch.com. Contact: Sharif Nashashibi: sharif_n@hotmail.com

CAABU - Council for the Advancement of Arab-British Understanding was formed after the 1967 Middle East war, when a questionnaire revealed that 98 per cent of the British public had no knowledge of the Arab world. There was clear need to present the Arab perspective and thus advance understanding between the Arab and British peoples. CAABU has sympathy for the aspirations, achievements and rights of the Arab peoples, especially for the Arabs of Palestine. The Council believes that a just settlement of the Arab-Israeli conflict would open the way to rapid development and social progress for all countries in the Middle East.

Contact: CAABU, 21 Collingham Road, London SW5 0NU, Tel: +44 (0)20 7373 8414, Fax: +44 (0)20 7835 2088, e-mail: caabu@caabu.org

in agreement, with Germany and the Netherlands supportive of the Israeli position, and France, under the leadership of De Gaulle, taking a more pro-Palestinian stand. The document was finally unanimously approved on 13 May 1971 by the foreign ministers of the six EU member states. It confirmed EU support for UN Security Council Resolution 242 and laid out the principles for a durable solution of the Israeli-Palestinian conflict, including "the right of return to their homes for Palestinian refugees or the option of being compensated."

Since the 1970s, and over a period of about 30 years, the European Union has come a long way towards recognizing the national rights of the Palestinian people, including its right to self-determination and independent statehood (e.g. 1980 Venice declaration; 1997 Amsterdam European Council declaration; 1999 Berlin declaration). Despite the substantial

increase in European involvement in the Middle East, however, explicit reference to Palestinian refugees' right of return has remained absent from statements and declarations issued by the European Union since 1971.

Throughout the Oslo process, Europe accepted the lead-role of the United States and remained unable and/or unwilling to launch independent political initiatives, especially on issues perceived as sensitive as the Palestinian refugee question. The hesitant European stand can be attributed to the fact that the European Union, originating in common economic interests, has been slow to develop mechanisms required for exerting joint political influence and power. The lack of consensus among member states about a more pro-active political role on the one hand, and the almost exclusive focus of Arab states, the PLO, and Israel on United States policy have contributed to a situation where - throughout the Oslo

The Campaign for Palestinian Rights was launched at a rally in January 2001 with Tony Benn, Paul Foot, Susannah Yorke, with a determination to shift public opinion in Britain to look honestly at what is happening in the Middle East, and to demand justice for the Palestinians. CPR is linked to the Socialist Workers Party.

For more information contact: Campaign for Palestinian Rights, PO Box 33619 London N16,
e-mail: palestinerights@compuserve.com

The Palestinian Return Centre is an independent academic/media consultancy founded and registered in the United Kingdom in 1996. It specializes in research, analysis, and monitoring of issues pertaining to the dispersed Palestinians and their right to return. It also serves as an information repository on other related aspects of the Palestine Question and the Arab-Israeli conflict. Although our Centre is Palestinian in its nature and character, it is not affiliated to any particular organization or party. It, however, fully respects the political beliefs and persuasion of anyone who participates in a personal capacity in its activities. Because the Palestinian people have never exercised or enjoyed the right to live in their homeland in peace, freedom and dignity, our Centre remains resolutely committed to the mobilization of Palestinian and Arab efforts to secure the restoration of all the usurped Palestinian national rights.

www

For more information contact: PRC, Crown House, North Circular RD, London NW10 7PN,
Tel: ++ 44 208 4530919, Fax: ++ 44 208 4530994, Website: www.prc.org.uk

The Palestine Solidarity Campaign (PSC) was established during the build-up to the Israeli invasion of Lebanon in 1982 and support for the new organisation was greatly strengthened by subsequent events, and particularly by the massacres at Sabra and Shatilla. Since then PSC has become the largest and most active campaigning organisation in the UK on the issue of Palestine. We aim to build an effective mass campaign, organising protests, political lobbying and raising public awareness. Through our web site and publications we also provide a source of accurate and reliable information on the Palestine-Israel conflict and the social and political conditions within Palestine. To this end we also aim to build real contacts between Palestinian people and those who support them. We are an independent, non-governmental and non-party political organisation with members from many communities across Britain. The Palestine Solidarity Campaign, with the support of many individuals and organisations in Britain, the Occupied Palestinian Territories and Israel, has launched a campaign to boycott Israeli products and tourism. The campaign was launched in the House of Commons on the 4th July 2001. There have been calls for a boycott from within Israel itself as well as in the Occupied Territories. Our decision to launch this campaign follows decades of Israel's refusal to abide by UN Resolutions, International Humanitarian law and the Fourth Geneva Convention. We will organise supporters to boycott Israeli goods and services, to persuade businesses to stop trading with Israel and to campaign for an end to European Union and British government trade agreements with Israel.

www

For more information contact: PSC - Box BM PSA - London - WC1N 3XX - England,
Website: www.palestinecampaign.org, Email: info@palestinecampaign.org

process - the role of the European Union was reduced to acting as a funding agency supporting the implementation of a political process lead by the United States. The fact that Javier Solana, based on the 1997 Treaty of Amsterdam including provisions "relating to a common foreign and security policy" (CFSP), was appointed EU Special Middle East Envoy has done little to change this situation.

European complacency with this role must also be understood against the historic prominence of economy in European policy making, a tradition which makes European policy makers receptive to the notion that political crises, rooted in massive violations of basic human rights, can be resolved by improving the economic living conditions of the victims. This "economic" or "developmental approach," has characterized European Union involvement also in the search for a durable solution of the Palestinian Refugee question in the 1990s. Continued funding of UNRWA services, especially through UNRWA's Peace Implementation Program, accompanied by EU sponsored research into the capacity of Arab host countries and the future Palestinian state in the West Bank and Gaza Strip to absorb and re-settle Palestinian refugees, represented the pillars of European intervention during the Oslo process. A more principled approach based on relevant international law and UN Resolutions, especially UN Resolution 194, and affirming Palestinian refugees' right to return to their places of origin now located in Israel and their right to real property restitution was considered as "too sensitive politically."

EU Member States

Coordinating the Middle East policies of 15 member states as politically diverse as the United Kingdom and France, Greece and the Netherlands or Germany, has remained a difficult task. Recognition of Palestinian refugees' right of return in accordance with UN Resolution 194 is part of the traditional officially declared government policy of some member states, among them France and Britain. Representatives of other EU member states, such as Denmark and the Netherlands, have made express statements affirming Palestinian refugees' right of return in their national parliaments and/or the European parliament only in response to explicit inquiries by lobby initiatives supportive of the

Palestinian refugee rights awareness campaign that accompanied Israeli-Palestinian final status negotiations in 1999 - 2000. Such long-standing and recent declaratory support for Palestinian refugees' right of return by European officials and parliamentary groups, moreover, has yet to be translated into political action.

In Britain, the 1997 election victory of Labor Party head Tony Blair interrupted the course of traditional British Foreign Office diplomacy in the Middle East. While Labor had supported Israel since its creation in 1948 when it was perceived "by many in the party as an underdog surrounded by hostile Arab states" the sympathies of many Labor MPs shifted to the Palestinians after Israel's invasion of Lebanon in 1982, led by Ariel Sharon, and the massacres in Sabra and Shatila camps. The election of Tony Blair, however, marked "a tilt towards Israel clearly [reflecting] a wider ideological shift in New Labor thinking away from causes such as the Palestinians." (*Guardian*, 14 July 2001)

Blair's "unofficial" and overtly pro-Israeli initiatives, and his "presidential" style of government characterized by disregard for parliamentary accountability have resulted in new internal tension and conflict over British Middle East policy between the Foreign Office and Blair's Downing Street. This tension is evident, for example, in comments by recent British Foreign Secretaries, including Robin Cook and current Foreign Secretary Jack Straw, critical of Israeli policies in the 1967 occupied territories and the immediate response from 10 Downing Street attempting to pacify Israel's "outrage." The tension is also evident in Blair's appointment of Michael Levi, a Zionist-Jewish British national with influence in British and Israeli economic and political circles, as a special Middle East envoy unaccountable to the parliament, was met with heavy criticism by politicians and the press, especially because Levi appears among the major financial contributors to Blair's 1997 election campaign (*Guardian*, 23 February 2000). According to the *Independent*, Levi is "thought to have raised 12-25 million pounds spent by the Labor Party in the 1997 election campaign and hived away millions more into Mr. Blair's 'blind trust' in the opposition years." (*Independent*, 7 January 2001).

According to the principle that he who pays the piper thus began to play the tune, Levy, who also owns a house in Tel Aviv and has close ties with Ehud Barak and Yossi Beilan, appears to have played a central role in bringing about Labor's political tilt towards Israel (*Guardian*, 14 July 2001). Since Blair's election, the British government has not always been quick to condemn Israeli actions and abuses: in early 2001, for example, "when the Israeli government announced an expansion of Jewish settlements on the Israeli-occupied West Bank, condemnation by France the US, Israel's closest ally, came within hours. The Foreign Office finally put its hand up 24 hours after the rest of the world, signalling pathetically that it too wanted to join in the criticism." (*Guardian*, 14 July 2001) When faced with accusations of bias towards Israel, Blair responded: "My job is not to shout the odds, but to bring the two sides together." So much for the principles of international law.

Europe's Moment?

"There is just a chance," argued the *Financial Times* in relation to the Israeli-Palestinian conflict, "that the terrible bloodshed in America could prove a catalyst for change." As events unfold in the wake of the terror attacks in the United States, initiatives aimed at building the "international coalition against terrorism" have highlighted the internal dynamics and political pressures which might force European governments and the European Union into taking a more explicit political stand on foreign policy issues, including the Israeli-Palestinian conflict. Increased European concern over the root-causes of terrorism is expressed in recent statements by government representatives, including British Foreign Secretary, Jack Straw, in Tehran and Jerusalem: "One of the factors that helps breed terrorism is the anger which many people in this region feel at events over the years in Palestine." "There is an obvious need to understand the environment in which terrorism breeds. That is why the whole of the international community is so concerned to see a lasting peace in the Middle East." Straw's historic visit to Iran, as part of an effort to gain widespread support for the US- and British-lead international coalition against terrorism, might become indicative for a new model of international alliances, which diminishes the role of Israel as Europe's major strategic partner in the region.

While it is yet too early to determine whether this process of re-thinking of European Middle East policy will result in a more critical approach towards Israel and a clearer stand on Palestinian rights, including refugees' right of return, much will depend on the role taken by European civil society and the Palestinian solidarity movement in defining a new and principled European approach. The failure in Europe of Israel's efforts to exploit the terror attacks in the United States for a massive campaign of delegitimization of the Palestinian freedom struggle and the re-invasion of Palestinian-controlled areas in the West Bank and Gaza Strip gives reason for hope. ■

Footnote:

(1) In his paper presented to the conference "The Right of Return" organized by TARI, Boston, April 2000, reprinted in: *Palestinian Refugees, The Right of Return*; Naseer Arouri, editor; Pluto Press, 2001).

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.

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

Refugee *Protection*



A Framework for Durable Solutions "Putting the Principles into Action"

The first detailed public indication from the Palestinian leadership of how the right of return, restitution, and compensation might be implemented was revealed in draft plan published in late summer 2001 by *Le Monde Diplomatique*. The draft plan, presented by Palestinian negotiators at the talks in Taba, Egypt, in January 2001, essentially marks a transition from clarifying principles to putting the principles into action.

The plan, which is based on international law and UN Resolution 194, addresses the issue of moral and legal responsibility for the forced displacement and dispossession of the Palestinian civilian population in 1948 and provides a broad and clear definition of those covered by the plan (i.e., who constitutes a Palestinian refugee). The plan calls for the creation of three mechanisms to implement return, restitution, and compensation and then outlines the modalities for the implementation of these three rights. Mechanisms include a Repatriation Commission, a Compensation Commission, and an International Fund. Importantly, both Commissions include a dispute resolution mechanism, and an appeals mechanism for refugees. In addition, the plan emphasizes that UNRWA should continue to operate until the plan is completed and its services are no longer required.

Several important principles governing durable solutions are emphasized throughout the plan. These include: the principle of voluntary informed choice; maintenance of the family unit; the return of refugees in safety and dignity and post-return protection if necessary; post-return assistance and rehabilitation; legal reform to ensure that refugees enjoy full civil and social rights, including citizenship; restitution of properties; material and non-material compensation; individual claims for

compensation unless property is collectively owned; and, compensation for host countries.

The full details of the plan are reprinted in the Documents section.

This plan of action is similar, in many respects, to a UN schematic plan drafted in 1976 by the Committee on the Inalienable Rights of the Palestinian People. A link to the UN plan is available on the BADIL website:



http://www.badil.org/Refugees/History/Durable_Solutions.htm

UN and International Protection

Despite growing awareness of the urgent need for international protection for the Palestinian people, in general, and Palestinian refugees, in particular, the international community has yet to follow through on recent recommendations by several international human rights NGOs, the UN High Commissioner for Human Rights, and the UN Commission of Inquiry, on the creation of an international protection mechanism.

Local and international NGO's have provided UN bodies and states with a range of options to effect international protection for the Palestinian people in the occupied territories and for refugees. Recommendations by NGOs have included an international protection presence; reactivation of the UN Secretary General's (every four months) reporting requirement under Security Council Resolution 681 (1990), temporarily suspended at the beginning of the Oslo process; convening of the High Contracting Parties to the Fourth Geneva Convention to ensure Israel's compliance with the convention; and studies by relevant UN bodies concerning the most effective form of international protection. The call for international protection

forces was reiterated by both Amnesty International (AI) and Human Rights Watch (HRW) in early July.

To see the full press release from AI/HRW on international protection forces,



see: <http://www.hrw.org/press/2001/07/isr-0706-ltr.htm>

As regards specific protection for Palestinian refugees, including both short-term economic, social, cultural, civil and political rights, as well as long-term rights related to durable solutions - i.e., return, restitution, and compensation - recommendations have included a study to identify protection gaps (short and long-term); a study on the root causes of the conflict, including mass displacement and dispossession; clarification of the legal status of Palestinian refugees under the 1951 Refugee Convention (Article 1D); and, inter-agency consultations regarding the most effective protection mechanism for Palestinian refugees.

The urgent need for international protection for Palestinian refugees was underlined by the content of the 2000 report of the UN Conciliation Commission for Palestine (UNCCP), the body originally mandated to provide protection for Palestinian refugees. The report is self-explanatory and reproduced below.

Complete Text of the Fifty-fourth report of the United Nations Conciliation Commission for Palestine, A/55/329, 31 August 2001

1. In paragraph 2 of its resolution 54/69 of 6 December 1999, the General Assembly requested the Commission to report to the Assembly as appropriate, but no later than 1 September 2000. The Commission notes its report of 10 September 1999 (A/54/338, annex) and observes that it has nothing new to report since its submission.\

2. The Commission also notes that the project to preserve and modernize its records, carried out by a contractor in accordance with General Assembly resolution 51/129 of 13 December 1996, has been completed.

Despite sustained lobbying efforts by local and international NGOs, the United Nations and its member states have exhibited an alarming ineffectiveness regarding international protection for both the Palestinian people and Palestinian

refugees. The Economic and Social Council failed to even discuss the issue. Efforts by the Non-Aligned movement, Arab states and others to press the UN Security Council to adopt a resolution establishing an international protection force in the occupied Palestinian territories was blocked for the third time in August by the United States.

As regards protection for Palestinian refugees, little progress has been made towards identifying protection gaps and the establishment of a protection regime, despite recognition of the urgent need for such a regime by the UN Commission of Inquiry earlier this year (See *al-Majdal*, Issue No. 9). UNRWA continues to provide protection for basic economic, social, and cultural rights through its assistance programs, and a limited degree of physical protection through its Operational Support Officers (OSOs) deployed as a result of the *al-Aqsa intifada*, but these measures do not and cannot provide a substitute for the full range of protection that should be afforded to Palestinian refugees, like all other refugees.



Rafah Camp, Gaza, 10 October 2001 (Photo: UNRWA)

After one year of the *al-Aqsa intifada*, the response of the international community appears to confirm local perceptions conveyed to both the Special Rapporteur for the Occupied Territories and the UN Commissioner for Human Rights in the early months of the uprising, that the continual violation of the human rights of the Palestinian people was as much the fault of the Israeli government, as it was of the failure of the international community to intervene to uphold basic principles of international law.

Impact of the Lack of International Protection: "Palestinian Refugees & One Year of the *al-Aqsa Intifada*"

The losses sustained by the Palestinian people in the occupied territories over the last 12 months are staggering. More than 700 Palestinians (including Palestinians inside Israel) have been killed and some 16,000 injured over the past 12 months. According to al-Mezan, damage to property includes over 450 completely destroyed homes, over 5,500 partially destroyed homes, and tens of thousands of dunums of land, which has been bulldozed. The Health Development Information Policy Institute reports that some 30 mosques, 12 churches and several cemeteries have been damaged.

Based on figures from the Office of the UN Special Coordinator for the Occupied Territories (UNSCO) for the first nine months of the *intifada*, it is estimated that direct aggregate income losses between September 2000-2001 are in the range of 2.5 to 3.3 billion US dollars. (These estimates combine external economic losses caused by the decrease of income from Palestinian workers in Israel with ranged estimates of economic losses due to domestic production decline). This does not include damage to persons, property and associated increases in health, social services, and other expenditures.

The following sections provide a balance sheet summarizing the impact of the lack of international protection, specifically on Palestinian refugees, who are particularly vulnerable due to the temporary/makeshift structure of refugee camps; the presence of Israeli military installations, settlements, and bypass roads near refugee camps; the large percentage of unskilled but 'employable' labor force with a relative lack of accumulated savings and thus no safety net to protect them from a high dependency on wage labor; the lack of access to land-based forms of subsistence; and, the large number of dependents per family prevalent in camp populations.

Reports on the first year of the *intifada* are available on the websites of other human rights NGOs in the occupied territories, including:



<http://www.lawsociety.org>
<http://www.pchrgaza.org>
<http://www.alhaq.org>
<http://www.mezan.org>
<http://www.dci-pal.org>



Rafah camp, 10 July 2001 (Photo: UNRWA)

Escalation of Attacks on Refugee Camps

Between July and September 2001, Israel continued to escalate its campaign of state-sponsored terror against the Palestinian people temporarily re-occupying several West Bank cities, including Beit Jala (Bethlehem), Jenin, and Jericho, resulting in numerous deaths and injuries, heavy damages and looting by Israeli soldiers. During the same period, Israeli forces stepped up attacks on Palestinian refugee camps, which are considered to be protected spaces under international law, even in the case where individual combatants are found to be within the space of a refugee camp. (See BADIL Occasional Bulletin No. 6).

On 9 July, Israel demolished 14 buildings containing 25 apartments on the edge of Shu'afat refugee camp in Jerusalem. On the same day, 17 refugee shelters were destroyed near the Salah Eddin Gate in Rafah refugee camp (Block "O") in Gaza, leaving 24 families homeless and 11 refugees wounded. On the 28 August, Israeli forces demolished another 15 homes in Rafah refugee camp leaving 140 people without shelter. Another 14 shelters were destroyed on 27 September. Numerous other camps in the West Bank and Gaza Strip have come under increased attacks during the last several months, including 'Aida, al-'Azza, al-Aroub, Aqbat Jaber, Deheishe, al-Far'ah, and al-Fawwar, and Khan Younis.

Refugees in camps where makeshift constructions are less resistant to attacks are particularly vulnerable to property damage. According to a recent survey by the Graduate Institute of

Development Studies, University of Geneva and the Jerusalem Media and Communication Center (IUED/JMCC), a greater number of households in refugee camps as compared to households outside of refugee camps were reporting damages to properties and businesses. Nearly double the number of refugee households in West Bank camps reported an increase in property damage during the first half of 2001 as compared to the first four months of the uprising. Only households in Gaza refugee camps reported a slight decrease in property damage during the same period, however, attacks in the months of July through September are likely to erase any signs of a decrease in property damage.

Deaths and Injuries

Palestinian refugees - camp refugees in particular - comprise a disproportionate number of the 690 Palestinians killed by Israeli forces and settlers in the 1967 occupied Palestinian territories between 29 September 2000 and 28 September 2001. Nearly one quarter of those killed were children below the age of 18. The same pattern holds for the 16,000 Palestinians injured by Israeli forces and settlers.



Funeral in Dheisheh camp, Bethlehem. One of the 15 refugees (7 from Dheisheh, 2 from 'Aida and 1 from al-'Azza), among 37 martyrs killed in Bethlehem areas since the beginning of the *intifada*.

As of mid-June 2001, BADIL fieldwork indicated that around 65% of Palestinians killed since September 2000 were refugees. The significant proportion of refugees among those killed is also illustrated by figures from the IUED/JMCC survey. Breaking down the proportion of Palestinians killed by place of residence, the survey found that some 30% of those killed were from the Gaza Strip (primarily refugees given the fact that some 80% of the Strip's population are refugees registered with

UNRWA), 20% from West Bank refugee camps, 10% in the West Bank outside of camps and 5% in Jerusalem. The proportion of injured Palestinians is also highest in the Gaza Strip outside refugee camps followed by refugees in camps in the Gaza Strip and in the West Bank.

These proportions are even more significant if one takes into account the population of the refugee camps in the West Bank compared to the population outside camps. Of those killed, 20% originated from a camp population in the West Bank of only 163,000 (UNRWA), while 10% originated from a population of more than 1.7 million (PCBS). It is also significant to note that while the overall rate of deaths declined from January to June 2001, the decline among refugees in camps is only marginal by around 1% (IUED/JMCC).

The number of Palestinians killed during the *al-Aqsa intifada* is nearly twice the number killed during the first year of the first *intifada*. (See note below) While it appears that more Palestinians were injured per month during the first year of the first *intifada* (1,884, UNRWA, see note below) than

during the first year of *al-Aqsa intifada* (1,342, PRCS), the proportion of injuries from live ammunition and metal bullets clearly shows a significant escalation of measures to suppress the uprising. Over the last 12 months live ammunition and metal bullets account for 53% of all injuries compared to 28% during the first *intifada*.

Note: Figures for the first *intifada* from UNRWA, December 1987 - June 30, 1988 and July 1, 1988 - June 30, 1989. The figures are those reported to or made known to UNRWA and should not be treated as exhaustive. Particularly for the West Bank, the statement provides an incomplete picture of the number of injuries because injured persons have recourse to facilities other than agency health centers. Annual Report, 1987-88, 43d GA Supp. No. 13 (A/43/13), 14; Memorandum and attachments from TLA Sinha to COOP Gallagher, "Injuries and Fatalities in the Palestine Territories Occupied by Israel," 1 July 1988 - 30 June 1989, 26 July 1989.



A Palestinian girl gazes at the destruction left behind after Israel's temporary military invasion of Beit Hanoun, Gaza.
(Photo: <http://www.lawsociety.org>)

Increasing Poverty Levels

While the number of Palestinians in the occupied territories falling below the poverty line continues to increase, Israel's economic siege continues to exact a greater toll on Palestinian refugees. According to UNRWA, this is due to a number of factors: a large percentage of unskilled laborers with a relative lack of accumulated savings, lack of access to land-based forms of subsistence, and larger family size. As of June 2001, for example, only 1% of Palestinian households in refugee camps reported reliance on cultivation of land, as compared to 15% of villages and 8% of city dwellers (IUED/JMCC).

By June 2001, more than three-quarters of Palestinian refugee households (76.2%, PCBS) were reported as living below the poverty line, as compared to 64.9% of Palestinian households (more than 2 million persons) overall. (The poverty line

for 2001 is 1,642 NIS [US\$ 382] per household per month of 2 adults and four children). This figure is only slightly higher in the Gaza Strip, where 79.9% of households were reported as living below the poverty line. Prior to the outbreak of the *intifada*, less than a quarter (21%) of Palestinian households were living below the poverty line (UNSCO).

Rising Unemployment

According to UNSCO, the political crisis in the occupied Palestinian territories since September 2000 has completely offset gains in the labor market over the last three years. Unemployment has risen by 78% since the beginning of the *intifada*. The adjusted unemployment rate in the occupied territories at the end of the first quarter of 2001 was 37.8% accompanied by a declining labor force participation rate (38.8%). In other words, more people are giving up looking for work.

Siege (closure) and Blockade

Between January and June 2001, Palestinians reported increased problems in mobility. Overall, 84% of Palestinians surveyed by the University of Geneva/JMCC had problems in mobility, up from 79% in January. The number of refugees from West Bank refugee camps reporting problems in mobility increased by 10% during the same period.

For more detailed information on freedom of movement in the occupied territories since the beginning of the intifada, see the UNSCO June report, archived on the BADIL

www

website. www.badil.org

The impact of the *al-Aqsa intifada* on the job market has been felt most sharply by Gazans and by refugees in camps (IUED/JMCC). Approximately one-third of the people in Gaza and in the West Bank refugee camps lost their job since the outset of the *intifada*, as compared to a quarter of persons outside camps in the West Bank and one-sixth of Palestinians in Jerusalem. Refugees in camps, together with Gazans as a whole, also appear to find it more difficult to change jobs when required to do so because of the crisis.

It should also be noted that the increase in households without breadwinners primarily affects the Gaza Strip and West Bank refugee camps. In the first six months of 2001 the number of households without a breadwinner in these areas more than doubled (IUED/JMCC).

Sources: Bocco, Riccardo, Matthias Brunner, and Jamil Rabah, *International and Local Aid during the Second Intifada (Report II, July 2001)*. Graduate Institute of Development Studies, University of Geneva, in collaboration with the Jerusalem Media & Communication Centre; Palestinian Central Bureau of Statistics, *Impact of the Israeli Measures on the Economic Conditions of Palestinian Households (2nd Round: May - June, 2001)*; UNSCO, *Closure Update Summary, Impact on the Palestinian Economy of Confrontations, Border Closures and Mobility Restrictions* (1 October 2000 - 30 June 2001); Palestine Red Crescent Society (PRCS), <http://www.palestinercs.org>; UNRWA (various reports) <http://www.unrwa.org>.

Restitution and Return News

Property Documentation:

The Jordanian Lands and Survey Department (LSD) has finished computerising data of properties of citizens in Palestine in 1948 and 1967. (*Jordan Times*, 26 July 2001)

Internally Displaced Palestinians:

On 24 September, the Israeli security cabinet met to decide on a response to a High Court of Justice petition submitted by displaced families from the Palestinian villages of Iqrit and Biram who were expelled some 50 years ago. The cabinet will resume the debate on October 10. Members of the cabinet argued that it was not a good time to bring up the "sensitive subject" on the eve of the outbreak of the *intifada*. A task force set up to formulate the government's stance on the matter, headed by Cabinet secretary Gideon Sa'ar has recommended asking the High Court to reject the petition based on concerns about setting a precedent allowing displaced Palestinians to return to their villages and claims that the security situation on the border with Lebanon mitigates against the return of the displaced villagers. The families initially petitioned the High Court in February 1997 but the state has requested postponement of the hearing seven times. The latest extension ends 1 October 2001. (*Ha'aretz*, 25/9/01)

UNRWA emergency food distribution centre, Rafah refugee camp, Gaza, 19 April 2001 (Photo: UNRWA)



In Memoriam

List of 149 Palestinian victims of Israeli violence between 27 June and 26 September 2001. 22 of those killed were below the age of 18. Between 29 September 2000 and 29 September 2001, over 700 Palestinians were killed by Israeli military forces and settlers, including Palestinians inside Israel, and over 16,100 were injured. During the month of September, for example, the Palestine Red Crescent recorded the highest number of deaths per month since December 2000 while the injuries per month from live ammunition during August and September (36%) exceeded the monthly rate from the last 12 months. The highest monthly rate prior to the summer was 28% in December 2000. Between 29 September 2000 and 22 September 2001, 117 Israeli civilians and 56 members of Israeli security forces were killed according to B'tselem.

Source: Palestinian Ministry of Information, Palestine Red Crescent Society, B'tselem.

For the names of Palestinian Killed between 29 September 2000 and 26 June 2001, see al-Majdal, Issues No. 7, 8, 9, and 10.

Fatima Sherafi, 64, Gaza
Mahmoud Halajneh, 32, Jenin
Jamal Deif-Allah, 32, Jenin
Sameh Abu Hanish, 25, Nablus
Walid Besharat, 27, Nablus
Moh'd Besharat, 28, Nablus
Ahmad M. Yasin, 15, Gaza
Radwan Ishteyeh, 37, Nablus
Jamilah Abu-Shehab, 39, Qalqilyah
Mariam Tamimi, 55, Ramallah
Marwan Masri, 14, Nablus
Naser Abed, 39, Ramallah
Khalil Mughrabi, 11, Gaza
Nafeth Nather, 25, Gaza
Mohammad Khalifeh, 49, Jenin
Rasmiyyeh Jabbareen, 40, Hebron
Mohammad Abu Fayyad, 21, Gaza
Fawwaz Badran, 26, Tulkarem
Atef Tafesh, 23, Gaza
Nedal Shadouf, 21, Jenin
Ibrahim Wahadneh, 19, Bethlehem
Salim Dera'awy, 23, Bethlehem
Tarik Abu Aldab'at, 14, Hebron
Omar Sa'adeh, 45, Bethlehem
Issac Sa'adeh, 52, Bethlehem
Mohammad Sa'adeh, 28, Bethlehem
Taha El-Orouj, 23, Bethlehem
Diya' Tmeizy, 2 months, Hebron
Mohammad M. Tmeizy, 20, Hebron
Mohammad H. Tmeizy, 23, Hebron
Raja'l Tamimi, 35, Hebron
Yahya Dayeh, 48, Gaza
Ref'at Nahhal, 15, Gaza
Mustafa Yasin, 26, Jenin
Salah Darwazeh, 38, Nablus
Fathi al-Alem, 67, Salfit
Abdulahman Eshtewi, 30, Nablus
Hekmat Hammad, 28, Nablus
Maher Jawabreh, 32, Nablus
Mohammad Qassem, 20, Nablus
Amin Balaytah, 25, Nablus
Muneer Balaytah, 27, Nablus
Jamal Mansour, 42, Nablus
Jamal Salim, 43, Nablus
Omar Mansour, 27, Nablus
Othman Qatnany, 25, Nablus
Faheem Dawabsheh, 32, Nablus
Bilal A. Khalil, 6, Nablus
Ashraf A. Khalil, 9, Nablus
Mahommad el-Husni, 20, Gaza
Hammodah Madhoun, 23, Gaza

Moh'd Sharabati, 33, Hebron
Firas Abdulhaq, 23, Nablus
Amer Hudeiry, 21, Tulkarem
Mahdi Moqayed, 25, Tulkarem
Ali al-Joulani, 30, Jerusalem
Ashraf el-Sayyed, 23, Nablus
Ezzuldin al-Masri, 21, Jenin
Maher Afaneh, 27, Gaza
Moh'd Saqqa, 20, Gaza
Azhar Abu Shalouf, 2, Gaza
Sabrin Abu Sneineh, 10, Hebron
Moh'd Naser, 27, Jenin
Naser Abu Zeideyeh, 20, Ramallah
Shadi Affouri, 20, Nablus
Imad Abu Sneineh, 25, Hebron
Kamal Musallam, 47, Nablus
Ibrahim Hubeishah, 30, Nablus
Abdulahman Abu Bakrah, 29, Gaza
Mohammad Abu Arar, 14, Gaza
Samir Abu Zeid, 32, Gaza
Suleiman S. Abu Zeid, 6, Gaza
Einass S. Abu Zeid, 10, Gaza
Subhi Abu Lawi, 39, Salfit
Saleh Zeidan, 32, Nablus
Yaser Badawi, 28, Nablus
Mahmoud Ajouz, 15, Nablus
Ahed Hendeyeh, 22, Nablus
Hakam Shehadeh, 22, Nablus
Fadi Samaaneh, 25, Nablus
Zaher Ismail, 20, Nablus
Bilal al-Ghoul, 20, Gaza
Mahmoud Jaser, 23, Gaza
Mohammed Zo'rob, 12, Gaza
Nehad Jaber, 64, Hebron
Shams Ata, ??, Jerusalem
Hisham Abu Jamous, 24, Gaza
Amin Abu Hatab, 26, Gaza
Ibrahim Sharaf, 18, Gaza
Ala Abu Bakra, 28, Gaza
Mustafa Zabry (Abu Ali Mustafa), 62, Ramallah
Mohammad Sammour, 26, Beit Jala
Tamer Zu'rob, 17, Gaza
Riyad Abu Zeinah, 30, Hebron
Aboudi Dababseh, 38, Hebron
Haider Khatib, 26, Jerusalem
Mohammad Hamran, 26, Gaza
Imad Hazahzeh, 19, Tulkarem
Sami Barood, 23, Gaza
Daoud Fahmawi, 32, Tulkarem
Dr. Mousa Qdeimat, 50, Hebron

Dr. Tayseer Khattab, 44, Gaza
Abeer Abu Salha, 25, Nablus
Mohammad Ashour, 21, Hebron
Ala' Rafa'yeh, 22, Hebron
Khalid Awajeh, 26, Gaza
Amjad Al-Jamal, 25, Hebron
Imad Batsh, 17, Hebron
Raed Barghouthi, 18, Ramallah
Omar Suboh, 22, Tulkarem
Mustafa Anbous, 24, Tulkarem
Khalid Al-Batsh, 3, Hebron
Mohammad Abu Libdeh, 13, Gaza
Ezzildeen al-Qeiq, 23, Gaza
Mohammad Shakeeb, 48, Jenin
Abdulfattach Rashid, 33, Tulkarem
Naseem Abu-Aasi, 28, Gaza
Fayeq Abu Syam, 30, Jenin
Mohammad Abu Shakhfah, 23, Gaza
Amer Zyadeh, 21, Gaza
Tawfiq Abu Sharar, 35, Jenin
Balqeis Al-Ardah, 14, Jenin
Thaer Mahdawi, 32, Jenin
Shaher Bany-Odeh, 28, Jenin
Wael Assaf, 24, Jenin
As'ad Daqqah, 28, Jenin
Mohannad Abu al-Haija, 25, Jenin
Iyad al-Masri, 18, Jenin
Ibrahim al-Fayed, 23, Jenin
Khattab Jabareen 21, Jenin
Fakhry Saleet, 33, Jenin
Rajaa Freihah, 24, Jenin
Sufian al-Ardah, 28, Jenin
Ra'fat Hmeidan, 25, Jerusalem
Ramzi Hassounah, 18, Gaza
Imad Zo'rob, 14, Gaza
Ammar Khalaf, 20, Gaza
Mohammad Dijani, 21, Gaza
Ali Yaseeni, 26, Ramallah
Sa'deyyah Bakri, 70, Ramallah
Yahya Sabayha, 20, Bethlehem
Mohammad Kafarneh, 20, Gaza
Abdulsalam Elayyan, 35, Rafah
Mohammad Shelwani, 39, Jericho
Mo'taz Daghlas, 24, Nablus,
Ismael Daoudi, 30, Hebron
Malek Salem, 26, Nablus
Issa Sweita, 21, Hebron
Moneir Abu Mousa, 34, Gaza
Imad Awad, 25, Gaza
Abdullatif Radwan, 60, Qalqilyah
Nasrallah Jarghoun, 21, Gaza
Mahmoud Qeshta, 16, Gaza (26/9/01)

Refugee Assistance



"One Year after the *al-Aqsa Intifada*: Increasing Needs & Decreasing Contributions"

Over the past 12 months, Israel's military attacks on Palestinian civilians and economic siege of the occupied territories has placed hundreds of thousands of Palestinians in need of emergency assistance, including employment, food, cash, and shelter assistance. The number of households reporting receipt of assistance continues to rise. As of June 2001, some 57% of all households surveyed by the Palestinian Central Bureau of Statistics reported that they were receiving some form of humanitarian assistance. Nearly 80% of all Palestinian households, however, reported that they were in need of assistance.

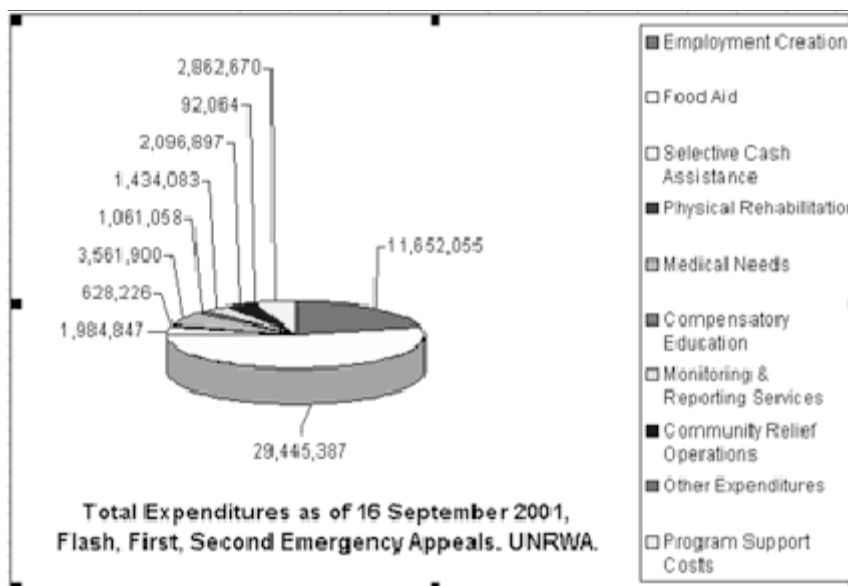
In general, the bulk of emergency assistance throughout the occupied territories is provided by UNRWA (63.6%, PCBS) followed by the PA, relatives and friends, political parties and the *al-Zakat* (charity) committees. As noted by the IUED/JMCC report, however, the level of assistance provided by a particular agency/body depends on the type of assistance provided. Overall, the majority of emergency assistance provided to Palestinians in the occupied territories consists of food supplies (73.7%, PCBS), followed by cash, other types of material assistance, and employment.

In general, Palestinian refugees, particularly refugees in camps, appear to need more, and are accorded higher rates of, emergency assistance due to their vulnerable status as refugees, as highlighted in the

international protection section. As of June 2001, for example, 10 out of 10 respondents to the IEUD/JMCC survey from Gaza Strip refugee camps reported receiving assistance from UNRWA; 7 of 10 in West Bank refugee camps; five out of ten in the Gaza Strip outside refugee camps; and, 2 of 10 in the West Bank outside camps. Around 78% of Palestinian refugees in the occupied territories are currently receiving emergency assistance from UNRWA.

The majority of the emergency assistance provided to date by UNRWA consists of food aid, followed by emergency employment creation, medical needs, community relief operations, and selective cash assistance. This corresponds, roughly, with the expressed needs of households surveyed by the Palestinian Central Bureau of Statistics in March 2001. By the summer, however, a growing number of households, particularly refugee households (IUED/JMCC), were indicating that jobs and cash assistance were more urgent.

The following sections examine the particular assistance needs of Palestinian refugees over the first year of the *al-Aqsa intifada*.



Refugee Coping Strategies

It is important to note that refugees themselves have made significant contributions over the past 12 months in order to cope with the current crisis. This includes the donation of over a half a million dollars by UNRWA staff, refugees, and Syrian nationals, in Syria earlier this year and the recent decision by UNRWA staff to donate 2% of their monthly salary over the next 6 months for UNRWA's ongoing emergency programs.

Individually, refugees appear to be coping with increased economic hardship by relying on family and friends (due to the lack of land-based forms of subsistence and relatively low levels of accumulated savings) and reducing expenditures. In general 68% of refugees reported a decrease in expenditures compared to 59% of non-refugees. Some 82% of households in Gaza Strip refugee camps and 71% of households in West Bank refugee camps reported reductions in expenditures over the last 12 months (IUED/JMCC). On average, refugees have been forced to reduce their expenditures (-43%) by a greater degree than non-refugees (-34%) to cope with the current crisis.

Increasing Needs - Decreasing Contributions

Following a successful flash appeal in October 2000 and a first emergency appeal in November for additional donations beyond the Agency's regular

budget, international response to UNRWA's second and third emergency appeals appears to indicate the onset of "donor fatigue." Funding for UNRWA's second appeal fell 39 percent short of the targeted funding, while the Agency estimates that the total of contributions, confirmed pledges and estimated likely pledges to the third emergency appeal may meet only 50 percent of the target requirements. As of mid-September, actual contributions, confirmed cash and in-kind pledges to the third emergency appeal amounted to only 23 percent of total requirements.

To date, UNRWA has requested more than US\$ 153 million (excluding the flash appeal), or about US\$134 per refugee (based on current figures indicating 78% of refugees are receiving assistance from UNRWA) to cover emergency programs between November 2000 and December 2001. This figure constitutes half of the Agency's annual regular budget for all areas of its operations. The largest (top three) donors for the emergency programs as of mid-September were the EU, United States, and the UK.

The shortfalls come at a time when an increasing number of households in the occupied territories, in general, indicate an increased need for emergency assistance. UNRWA also appears unable to meet its projected regular budget for 2001. Agency officials warned donors in Amman, Jordan, in September of a projected \$31 million deficit in the regular budget for 2001.

Top 13 Emergency Donor Contributions as of 15 September 2001, 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 June Emergency Appeal, Includes Value of In-Kind Contributions

Donor Country	Received (US\$)	Outstanding (1-5-01)	1999 Regular Budget (US\$)
Netherlands	13,624,004	0	10,853,264 (7)
ECHO	11,267,130	7,381,818	63,906,872 (2)
USAID	12,017,047	0	
UK	14,307,584	0	13,007,849 (6)
USA	9,100,000	5,000,000	80,861,470 (1)
Italy	1,387,082	3,521,292	3,545,965 (14)
Denmark	1,841,424	0	8,931,131 (9)
Canada	1,467,990	0	10,067,411 (8)
Switzerland	858,168	0	7,521,898 (12)
Hand in Hand (Syria)	555,273	0	
Norway	1,076,438	677,660	13,037,110 (5)
Finland	602,284	458,695	1,952,570 (17)
Sweden	307,737	288,462	18,250,086 (4)

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

Austerity Measures

The lack of donor response to UNRWA's emergency appeals over the last several months has resulted in a rollback in emergency food and cash assistance. This resulted in a lower number of food packages being delivered throughout the West Bank and Gaza Strip in June. In July emergency food distribution came to a complete halt in the Gaza Strip, apart from exceptional cases, including families who face home demolition. Selective cash assistance was reduced in June in the West Bank with remaining funds for the program transferred to the job creation program. In order to sustain health services to increased numbers of refugees reporting to its clinics in the West Bank, UNRWA also decided to restrict expenditures to basic services, including medications and cost of secondary care.

Employment Assistance

Under its emergency job creation program, UNRWA continues to provide temporary short-term employment to Palestinian refugees in the West Bank and Gaza Strip. Given the dramatic increase in unemployment (78%) since the beginning of the



UNRWA emergency employment program: paving sidewalks and paths in 'Ain al-Sultan camp, Jericho (Photo: UNRWA)

intifada employment continues to be primary concern for all Palestinians, including Palestinian refugees. The emergency job creation program provides not only immediate benefits of employment, but long-term benefits through improved infrastructure, including repair of pathways and drains in refugee camps, and through stimulation of the local economy.

The program provides assistance to those refugee families in greatest need; given the tremendous

increase in unemployment, the program cannot provide employment to all unemployed refugees. Several thousand Palestinian refugees are employed under the program every month. Since its inception in January 2001, the program has created some 10,000 temporary jobs. In August, for example, 1,478 persons in Gaza, and 670 persons in the West Bank - more than two-thirds of who were women - were provided temporary employment. Among those who have benefited from a program, only 1% has received a long-term job, 53% received short-term jobs, and the remaining 46% benefited from unemployment funds (IUED/JMCC). Overall, 11% of refugees have benefited from job creation programs (including non-UNRWA programs) compared to only 5% of non refugees.

Food Assistance

Landlessness, larger family unites, and relatively few accumulated savings also render refugees more vulnerable to food insecurity. The situation in the Gaza Strip refugee camps, where 84% of refugees reported receiving food assistance as of June 2001, is more severe than in West Bank refugee camps, where 44% of refugees had received food assistance



UNRWA emergency food distribution center, Rafah refugee camp, Gaza, 19 April 2001 (Photo: UNRWA)

(IUED/JMCC). Only 29% of Palestinians outside of the refugee camps in the West Bank, by way of comparison, reported receiving food assistance.

Emergency food assistance is one of the programs most heavily affected by poor donor response to UNRWA's emergency appeals. As of June 2001, prior to food distributions being halted, UNRWA had distributed a total of 607,346 food rations benefiting 123,967 families in the Gaza Strip. Some 127,000 families have been identified for emergency food rations in the Gaza Strip, once UNRWA is able to resume the program. A limited number of food rations continue to be distributed to families in exceptional cases. During August, for example, 50 parcels were distributed to families in Rafah and Deir al-Balah areas whose shelters had been demolished during the month (see below). In the West Bank, emergency food assistance continues on a limited but severely curtailed basis. At present, UNRWA has kept sufficient quantities on hand to assist at most 2,000 families, in exceptional circumstances, until stocks can be replenished in early October. In all UNRWA has distributed 172,773 rations to families in the West Bank over the course of the last eight months.

Cash Assistance

Due to the economic crisis engendered by Israel's total military closure of the occupied territories and destruction of Palestinian property, many families are unable to cover basic expenditures, let alone expenditures incurred as a result of emergency health care and property damage. Refugees are particularly vulnerable to cash shortages due to lower sums of accumulated savings and a higher loss in the number of breadwinners proportionally to the rest of the population in the occupied territories (IUED/JMCC).

Since the beginning of the intifada, the UNRWA has issued US\$ 1,652,986 to 4,859 families in the Gaza Strip, at an overall average of US\$ 340. In the West Bank during August, UNRWA made cash grants totaling US\$ 17,400 to 46 families. This is to be compared with the situation in February, when under the contributions to its First Emergency Appeal, UNRWA had been able to extend such assistance to as many as 3,730 families in the West Bank. The total number of families in the West Bank to have received such assistance since the start of the crisis

is 8,995 and the total of all cash grants is US\$ 351,037.

Residents of Gaza refugee camps also represent the most vulnerable sector when it comes to financial assistance, with some 39% of the residents receiving assistance as of July 2001, compared to one-sixth of the population outside camps in Gaza and in West Bank refugee camps, and 10% for persons outside camps in the West Bank (IUED/JMCC).

Shelter Assistance

During the last three months, refugee camps have come under increasing military attacks by Israel, despite the fact that under international law, refugee camps are considered to be protected spaces. Due to the makeshift nature of refugee shelters and the densely built-up character of camps where homes often share common exterior walls, refugee camps are less resistance to attacks.



Distribution of temporary shelters in Khan Younis refugee camp, Gaza, July 2001 (Photo: UNRWA)

As of August 2001 the total number of shelters in the Gaza Strip listed for reconstruction or repair by UNRWA since the start of the crisis reached 401. Of these, 139 completely demolished shelters had housed 192 refugee families with no alternative housing facilities to which they could move. It remains impossible for housing to be constructed for these families in their original locations, given the continuing threats of military action at these sites. The total number of families assisted in the West Bank since the start of the crisis had reached 1,451, the total for funds disbursed being US\$ 322,203.

In the Gaza Strip during August, 25,762 blankets were distributed to 5,707 families registered with the Agency as special hardship cases. In addition, 50

tents, 265 blankets, 265 mattresses, 98 mats and 50 kits containing kitchen utensils were distributed to 50 families whose homes had been demolished, during the month, by the Israeli Army in Rafah and Deir al-Balah areas. Since the beginning of the current crisis, the Agency has distributed 77,551 blankets, 1,049 mattresses, 127 tents, 208 mats and 105 kitchen kits.

Health Assistance

Israel's brutal repression of the Palestinian uprising continues to result in massive additional direct and indirect expenditures to UNRWA's health care system. Additional assistance is required to provide emergency treatment for refugees injured by Israeli military forces as well as rehabilitative post-injury treatment. Indirect costs to the Agency continue to pile up due to the inability of refugees to reach Agency health facilities because of the internal closure imposed throughout the occupied territories necessitating subsidized treatment at non-Agency health centers at a higher cost.

Between 1 October 2000 and 31 July 2001, for example, 15% fewer refugees were admitted to Augusta Victoria Hospital in Jerusalem than in the same nine-month period ending 31 July 2000, despite the fact that the demand for outpatient services in the West Bank had increased by 18.6 percent over the same period. The problem of health care access has only been partly alleviated by the mobile health clinics which had provided first-aid care to more than 59,000 refugees as of May 2001. Participation of patients in the co-payment schemes has been badly hampered by economic hardship, as refugees use limited savings for the purchase of food and other household necessities.

Rapid and sustained intervention, however, has resulted in some improvements, especially with regard to immunisations, which had declined by 12% at the beginning of 2001. UNRWA's efforts have reversed the rate of immunisation to almost pre-intifada levels. Indicators relating to woman's health show an improvement by 9% from earlier months, yet additional efforts are still needed to narrow the gap to pre-intifada levels.

As of August 2001, the total number of refugees in Gaza who had received assistance for disabilities

incurred during the intifada stood at 478, of which 394 have received physiotherapy at the Agency's health centres. In the West Bank nearly 1,000 patients have sustained injuries requiring physiotherapy treatment in UNRWA's health facilities in the West Bank as of August 2001.

Education Assistance

Israel's harsh military and economic response to the intifada has also resulted in additional expenditures to UNRWA's education program, in order to compensate for lost student and teacher days, and poor test scores due to the decrease in class time and psychological and emotional stress on students.

Since the beginning of the intifada, some 5,077 teachers' school days have been lost in the West Bank and 3,104 Instructors' days were lost. As a result, UNRWA employed an additional 45 teachers in the West Bank to make up for lost studies. This represents a net loss in salary to UNRWA equivalent to some US\$ 137,000 for the teachers and US\$ 120,000 for the instructors. The first term (2001) results of the unified exam showed marked deterioration in the children's level in numeracy and literacy. In the Arabic Language, the percentage of success was 38% compared to 70.8% last year. In Mathematics, the percentage of success was 26% compared to 54% last year. For some grades, the rates were down by as much as 25 and 30 per cent respectively.

During the summer UNRWA organized remedial class time for students in order to compensate for lost time during the year and poor test scores. In the Gaza Strip, remedial classes were held for 30,000



Dheisheh Girl's School pupils watch a puppet show organised by UNRWA as part of a program to help students cope with ongoing violence (Photo: UNRWA)

pupils (approximately 17% of the total student population) and a full attendance rate was reported for the program. In the West Bank, 2,632 pupils (5% of the student population) attended compensatory classes in Arabic, Mathematics and English. A further 11,460 school age children took part in extra-curricular activities aimed at providing them with a secure environment and a safe outlet for the expression of emotions. These numbers were short of the original target of 28,000 (approximately half of all students) children due to a shortfall in the funds available as well as problems of transport and logistics.

Results in Gaza from the summer remedial classes show significantly improved pass rates in subject areas where student results had been relatively poor, - i.e., the core subjects of Arabic, Mathematics and English. The average pass rates across the 4th to 8th Grades inclusive before and after the summer classes, for the subject areas focused on, were, in Arabic: 45 per cent improved to 73.5 per cent; and for Mathematics: 36 per cent improved to 66 per cent. The results in Mathematics for the 7th and 8th Grades although improved were still low, the pass rates here being 49 per cent and 53 per cent respectively. The pass rates for English (5th to 8th Grades inclusive) rose from 43 per cent to 61.25 per cent.

Humanitarian Access

Despite repeated interventions with Israeli officials, UNRWA continues to face severe restrictions on the movement of Agency personnel and humanitarian supplies, contrary to the provisions of the 1946 Convention on the Immunities and Privileges of the United Nations, to which Israel is a signatory.

Forty-two ten-tonne truckloads of supplies intended for the Gaza Strip, including relief supplies, continue to be held at the Agency's West Bank Field Office awaiting clearance. UNRWA has refused to submit to procedures imposed by the Israeli authorities at the Karni checkpoint, that the Agency objects to on grounds inter alia of the 1946 Convention on the Immunities and Privileges of the United Nations.

Speaking to donor countries in Amman, Jordan, in late September, UNRWA representatives stated that "UNRWA's humanitarian work is being choked by the Israeli Defense Forces' persistent mechanical

"UNRWA lost about \$600,000 due to wasted work hours on account of the internal closure in the Gaza Strip and delays at checkpoints. Some 67,857 work hours went down the drain due to full and half days of closure and another 116,503 hours were lost due to checkpoint delays, multiplied by \$3.27 - the cost of one work-hour. With \$600,000, UNRWA can, for example, provide 26,100 families with a basket of family food provisions valued at \$23, containing 50 kgs of flour, 5 kgs sugar, 5 kg rice, 2 liters of milk, 2 kg of mild powder and 5 kg of lentils. UNRWA officials think Israel should waive the \$25,000 charge for transfer of the 450 tons of goods through Karni. That \$25,000 could pay a monthly salary of NIS 1,200 to about 90 laborers as part of an UNRWA project to create sources of income."

Amira Hass, "What UNRWA could do with \$25,000", *Ha'aretz*, 9 September 2001.

recourse to 'security'. It is a mantra which in their view should result in the immediate evaporation of our needs and insistence on the legal privileges enshrined in international conventions."

In June, the total number of incidents involving UNRWA staff in Agency vehicles being delayed or denied access at Israeli checkpoints rose from 84 to 131, with 667 staff affected. One of the greatest consequences of this is staff time lost. In May, 668 person hours had been lost in this way; in June this rose to almost 1,880 person hours lost. These figures moreover refer only to incidents involving denial of access by Israeli security personnel, and not to delays experienced due to lengthy waits at crowded checkpoints through which UNRWA vehicles would normally be allowed to pass once they finally reach them. While the effects of these delays are harder to quantify, The West Bank Field Office estimated that from 1 - 19 June, at least 4,600 person hours were lost in this way at the Kalandia checkpoints just north of Jerusalem alone.

Sources: Bocco, Riccardo, Matthias Brunner, and Jamil Rabah, *International and Local Aid during the Second Intifada (Report II, July 2001)*. Graduate Institute of Development Studies, University of Geneva, in collaboration with the Jerusalem Media & Communication Centre; Palestinian Central Bureau of Statistics, *Impact of the Israeli Measures on the Economic Conditions of Palestinian Households (2nd Round: May - June, 2001)*; UNSCO, *Closure Update Summary, Impact on the Palestinian Economy of Confrontations, Border Closures and Mobility Restrictions (1 October 2000 - 30 June 2001)*; UNRWA (various reports) <http://www.unrwa.org>.

Refugee Voices

Shatila Massacre: One of Many

When the massacre of Sabra and Shatila was committed I was not yet born. I got to know it through my questions about the miserable life we lead in the camp, in Shatila.

I am a fourteen-year-old girl now. I, like all children in Shatila, never enjoyed my childhood, we never felt secure, we never smiled except a refugee smile which lasts for few seconds and is all the time just drawn on our faces and does not stem from our hearts. I grew up in Shatila and my parents told me about Shatila's wound, a wound that will stay in my heart forever, they told me about the massacre. I knew from the stories told by the survivors that thousands of our people were massacred in the cruelest ways and in cold blood. Darkness overshadowed Shatila for three days; three days of death, torture, fear and horror. We were told that Israel with its allies in Lebanon committed the massacre. That is how Ariel Sharon became familiar to me.

Ariel Sharon is still in power and Israel is still occupying our land and continuing its history of massacres against us. It first occupied our grandparents land and kicked them out. They became refugees but they never gave up the dream of return. Horrified by this dream, Israel followed us to our refugee camp and slaughtered us again.

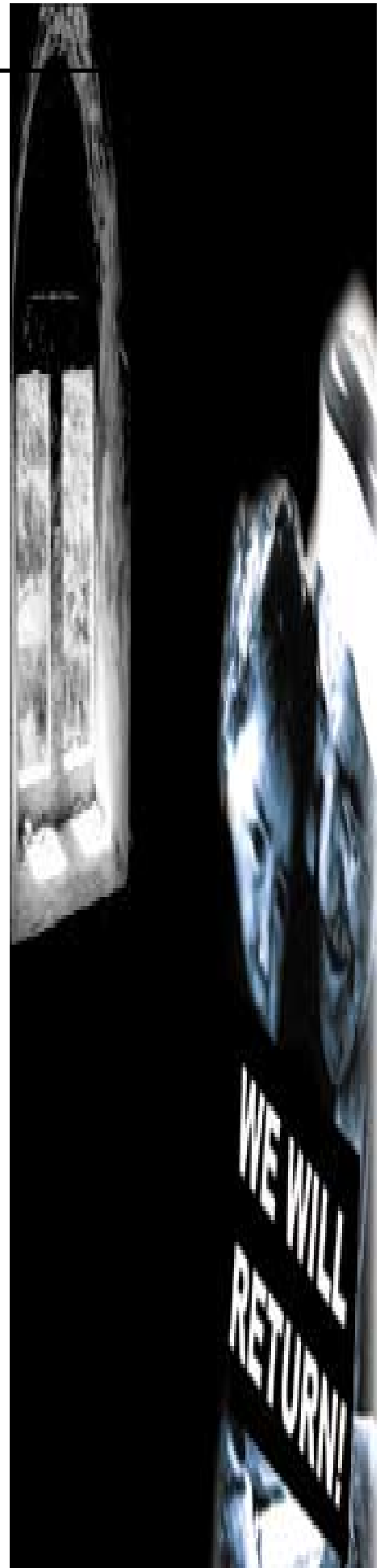
But what does massacre mean? Does it only mean killing many numbers of innocent people?

As I grew up I got to know that massacre does not only mean killing people in one shot. In that way, Shatila, the known massacre, is only one of many massacres committed against us daily. We as youth live everyday the massacre of our fading dreams: problems at schools and dropouts in high numbers, isn't that a massacre. Illegal departure from the country to the unknown just to escape the unbearable conditions here isn't that a massacre. Deprivation of our civil rights to become dehumanized numbers in the records of the United Nations, isn't that a massacre. And isn't being refugees for fifty-two years a real massacre to our hearts.

As I grew up I got to realize also that only return will protect us from all these massacres committed daily against us. Just return to Palestine will make us live safely forever. Just return will bring us back our lost feelings of our humanity.

I and other refugees, younger and older than me living in Shatila or anywhere in the world, are still waiting at the doors of Return and crying out stop massacring us outside and inside Palestine everyday.

Mona Zaaroura, Shatila camp (Lebanon)



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)

www

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

Occasional Bulletin No. 7 - The World Conference Against Racism: "United to Combat Racism: Equality, Justice and Dignity" - Overview and Analysis. (English and Arabic), 4 pages

Occasional Bulletin No. 8 - A Climate of Vulnerability - International Protection, Palestinian Refugees, and the al-Aqsa Intifada One Year Later. (English and Arabic), 4 pages

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

Palestinian Refugees and the al-Aqsa Intifada: The Legal Obligation to Provide International Protection and to Work for a Durable Solution. Submitted to the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, July 2001

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.

www

BADIL Website
www.badil.org

To order BADIL publications, please contact BADIL:
Tel/Fax. 274-7346 or email: 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 Ghnaïm 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

www.badil.org/Refugees/links.htm

New Books

From Refugees to Citizens at Home
Dr. Salman Abu Sitta



A new book detailing a plan for the return of the refugees to their homes was revealed in late September in Westminster Hall before an audience of MPs, diplomats, journalists and NGOs interested in the Middle East. According to the plan prepared by Dr. Salman Abu Sitta, 90% of the depopulated Palestinian villages could be repopulated by its people without the slightest effect on Israeli Jews. Of the remaining 10%, 7% can return with some adjustment and 3% have some difficulty in returning.

It was shown that all the refugees in Gaza, Syria and Lebanon, who experience the greatest hardship, are equal in number to the Russian immigrants, more than half are not Jews, who were admitted to Israel in the nineties. Their return will hardly be felt in Tel Aviv. The plan is divided into 7 phases which would take 8-10 years to implement. The labour for construction of demolished homes and technical skills required are available among the refugees. In a detailed series of maps, the past, present and future situation of 530 towns and villages from which Israel expelled the refugees in 1948, is shown with great clarity, including the urban plan of the 14 Palestinian cities now turned into Israel. The plan proposes a procedure to implement return: forming a Palestinian Land Commission to receive the transfer documents of Palestinian land from the Israel Land Administration, the Security Council to reaffirm Resolution 194 calling for the return of the refugees, that the Conciliation Commission on Palestine should be reactivated, UNRWA to undertake the repatriation operations. Having shown there is no legal, demographic, geographic, economic, or logistical reason to deny the return of the refugees, Abu Sitta argues that the only remaining obstacle is Israel's racist policies which are contained in 24 laws condemned by UN agencies. The book launch was organized by the London office of the Arab League, the Council for the Advancement of Arab British Understanding and the Palestinian Return Centre.

The book can be ordered from the Palestinian Return Centre, 100 A Crown House, North Circular Road, London, NW10 7PN, United Kingdom. Email: info@palestinianrefugees.com

Documents

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

1. CESCR Concluding Observations, 26th Session, HR/4562, 31 August 2001
 2. NGO Declaration and Programme of Action, WCAR (excerpts), 3 September 2001
 3. Article XX: Refugees (Palestinian Position on Refugees from the Palestinian-Israeli Negotiations at Taba, Egypt), 22 January 2001
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1. CESCR Concluding Observations, 26th Session, HR/4562, 31 August 2001

Israel

The Committee deplored the State party's refusal to report on the occupied territories and the State party's position that the Covenant did not apply to "areas that are not subject to its sovereign territory and jurisdiction". It rejected the State party's assertion regarding the distinction between human rights and humanitarian law under international law to support its argument that the Committee's mandate "cannot relate to events in the Gaza Strip and West Bank." The Committee reminded the State party that also in times of armed conflict, fundamental human rights should be respected and that basic economic, social and cultural rights as part of the minimum standards of human rights were guaranteed under customary international law and were also prescribed by international humanitarian law.

The Committee expressed its deep concern about the State party's continuing gross violations of economic, social and cultural rights in the occupied territories, especially the severe measures adopted by the State party to restrict the movement of civilians between points within and outside the occupied territories, severing their access to food, water, health care, education and work. The Committee was particularly concerned that on frequent occasions, the State party's closure policy had prevented civilians from reaching medical services. The Committee continued to be concerned that the State party's Law of Return denied indigenous Palestinian refugees the right to return to their homes and properties.

The Committee urged the State party to exercise its powers and responsibilities to put an end to the violence, the loss of human lives and the restrictions imposed on the movement of civilians between points within and outside the occupied territories. In that regard, the Committee urged the State party to implement without delay its obligations under the Covenant and to desist from decisions and measures resulting in violations of economic, social and cultural rights of the population living in the occupied territories. The Committee reiterated its request that the State party provide information on the realization of economic, social and cultural rights in all occupied territories. That information should be submitted in time for consideration together with the State party's second periodic report, which was tentatively scheduled for the thirtieth session of the Committee in April/May 2003.

2. NGO Declaration and Programme of Action, WCAR (excerpts), 3 September 2001

20. Affirming the right of the Palestinian people to self-determination, statehood, independence and freedom and the right of the return as stipulated in UN Resolution 194.

98. Recognizing further that the Palestinian people are one such people currently enduring a colonialist, discriminatory military occupation that violates their fundamental human right of self-determination including the illegal transfer of Israeli citizens into the occupied territories and establishment of a permanent illegal Israeli infrastructure; and other racist methods amounting to Israel's brand of apartheid and other racist crimes against humanity. Recognizing therefore that the Palestinian people have the clear right under international law to resist such occupation by any means provided under international law until they achieve their fundamental human right to self-determination and end the Israeli racist system including its own brand of apartheid.

99. Recognizing further that a basic "root cause" of Israel's on going and systematic human rights violations, including its grave breaches of the fourth Geneva convention 1949 (i.e. war crimes), acts of genocide and practices of ethnic cleansing is a racist system, which is Israel's brand of apartheid. One aspect of this Israeli racist system has been a continued refusal to allow the Palestinian refugees to exercise their right as guaranteed by international law to return to their homes

of origin. Related to the right of return, the Palestinian refugees also have a clear right under international law to receive restitution of their properties and full compensation. Furthermore, international law provides that those Palestinian refugees choosing not to return are entitled to receive full compensation for all their losses. Israel's refusal to grant Palestinian refugees their right of return and other gross human rights and humanitarian law violations has destabilized the entire region and has impacted on world peace and security.

160. Appalled by the on-going colonial military Israeli occupation of the Occupied Palestinian Territories (the West Bank including Jerusalem, and the Gaza Strip), we declare and call for an immediate end to the Israeli systematic perpetration of racist crimes including war crimes, acts of genocide and ethnic cleansing (as defined in the Statute of the International Criminal Court), including uprooting by military attack, and the imposition of any and all restrictions and measures on the population to make life so difficult that the only option is to leave the area, and state terrorism against the Palestinian people, recognizing that all of these methods are designed to ensure the continuation of an exclusively Jewish state with a Jewish majority and the expansion of its borders to gain more land, driving out the indigenous Palestinian population.

161. We declare that this alien domination and subjugation with the denial of territorial integrity amounts to colonialism, which denies the fundamental rights of self-determination, independence and freedom of Palestinians. Condemn this process of settler colonialism through the on-going collective punishments, expropriation and destruction of Palestinian lands, homes, property, agricultural land and crops; the establishment of illegal Israeli settlements, the mass transfer of Israeli Jewish populations to the illegally expropriated Palestinian land and the development of a permanent and illegal Israeli infrastructure, including by-pass roads.

162. We declare Israel as a racist, apartheid state in which Israel's brand of apartheid as a crime against humanity has been characterized by separation and segregation, dispossession, restricted land access, denationalization, "bantustanization" and inhumane acts.

163. Appalled by the inhumane acts perpetrated in the maintenance of this new form of apartheid regime through the Israeli state war on civilians including military attacks, torture, arbitrary arrests and detention, the imposition of severe restrictions on movement (curfews, imprisonment and besiegement of towns and villages), and systematic collective punishment, including economic strangulation and deliberate impoverishment, denial of the right to food and water, the right to an adequate standard of living, the right to housing, the right to education and the right to work.

164. We recognize that targeted victims of Israel's brand of apartheid and ethnic cleansing methods have been in particular children, women and refugees and condemn the disproportionate numbers of children and women killed and injured in military shooting and bombing attacks. Recognize the right of return of refugees and internally displaced people to their homes of origin, restitution of properties, and compensation for damages, losses and other crimes committed against them, as guaranteed in international law.

165. Appalled by the discrimination against the Palestinians inside Israel which include: The imposition of discriminatory laws, including the discriminatory laws of return and citizenship, which emphasize the ethnicity of the Israeli state as a Jewish state; the granting of benefits or privileges solely to the Jewish Israeli citizens; the imposition of restrictions on the civil and political rights of Palestinians because of their national belonging or because they do not belong to the majority ethnic group; The negation of the right of Palestinians to equal access to resources of the State and civil equality, including affirmative action policies, which recognize the historical discrimination against Palestinians inside Israel.

326. The Palestinian Citizens of Israel should be recognized as a distinct national minority group based on Article 27 of the ICCPR. We call for the implementation of the recommendations and concluding comments regarding Israel issued by UN Human Rights treaty or Charter based bodies such as the CESCR, the Human Rights Committee and the Commission on human rights, which emphasized the Palestinian citizens' collective rights regarding lands, absentee property, uprooted villages and the unrecognized villages.

418. Call for the immediate enforcement of international humanitarian law, specifically the Fourth Geneva Convention 1949, in the Occupied Palestinian Territories through the adoption of all measures to ensure its enforcement including all measures employed against the South African Apartheid regime. Call for the immediate convening of the High Contracting Parties to implement this process in fulfillment of their obligation to ensure respect for the Convention in all circumstances. Also call for the immediate deployment of an independent, effective international protection force for Palestinian civilians and the dismantlement of the illegal Jewish Israeli colonies (settlements) and a complete withdrawal of the colonial military occupation.

419. Call upon the United Nations to ensure the implementation of the various UN resolutions on the Occupied Palestinian Territories including the withdrawal of the Israeli colonial military occupation (of the Gaza Strip and the West Bank, including Jerusalem), the right of return for refugees, and for the protection for refugees of the UN High Commission for Refugees until such time as they may be able to exercise their right to return and in accordance with UN resolution 194.

Also call for the reinstitution of UN resolution 3379 determining the practices of Zionism as racist practices which propagate the racial domination of one group over another through the implementation of all measures designed to drive out other indigenous groups, including through colonial expansionism in the Occupied Palestinian Territories (in the Gaza Strip, the West Bank, including Jerusalem), and through the application of discriminatory laws of return and citizenship, to obliterate their national identity and to maintain the exclusive nature of the State of Israel as a Jewish state to the exclusion of all other groups. Also call for the repeal of all discriminatory laws within the state of Israel, including those of return and citizenship, which are part of the institutionalized racism and Apartheid regime in Israel.

420. Call for the establishment of a war crimes tribunal to investigate and bring to justice those who may be guilty of war crimes, acts of genocide and ethnic cleansing and the crime of Apartheid which amount to crimes against humanity that have been or continue to be perpetrated in Israel and the Occupied Palestinian Territories.

421. Call for an increased awareness of the root causes of the Israel's belligerent occupation and systematic human rights violations as a racist, apartheid system, through relevant UN agencies working closely with international civil society networks to widely disseminate information including educational packs for schools and universities, films and publications.

422. Call for the establishment of a UN Special Committee on Apartheid and Other Racist Crimes Against Humanity perpetrated by the Israeli Apartheid regime to monitor and to report Apartheid and other racist crimes, and to recommend the implementation of measures to combat Apartheid and other racist crimes.

423. Call for the establishment of programmes and institutions to combat the racist media distortion, stereotyping and propaganda, including the demonizing and dehumanizing of Palestinians as all being violent and terrorists, and undeserving of human rights protections. Call for the correction of misleading information surrounding their status as indigenous peoples, the history of the violations perpetrated against them, and the on-going distortion of the facts and nature of the peace negotiations.

424. Call for the launch of an international anti Israeli Apartheid movement as implemented against South African Apartheid through a global solidarity campaign network of international civil society, UN bodies and agencies, business communities and to end the conspiracy of silence among states, particularly the European Union and the United States.

425. Call upon the international community to impose a policy of complete and total isolation of Israel as an apartheid state as in the case of South Africa which means the imposition of mandatory and comprehensive sanctions and embargoes, the full cessation of all links (diplomatic, economic, social, aid, military cooperation and training) between all states and Israel. Call upon the Government of South Africa to take the lead in this policy of isolation, bearing in mind its own historical success in countering the undermining policy of "constructive engagement" with its own past Apartheid regime.

426. Condemnation of those states who are supporting, aiding and abetting the Israeli Apartheid state and its perpetration of racist crimes against humanity including ethnic cleansing, acts of genocide.

3. Article XX: Refugees (Palestinian Position on Refugees from the Palestinian-Israel Negotiations at Taba, Egypt), 22 January 2001

ARTICLE XX : REFUGEES.

The Significance of Resolving the Resolving Problem.

1. The Parties recognize that a just resolution of the refugee problem is necessary for achieving a just, comprehensive and lasting peace.

Moral Responsibility.

2. Israel recognizes its moral and legal responsibility for the forced displacement and dispossession of the Palestinian civilian population during the 1948 war and for preventing the refugees from returning to their homes in accordance with United Nations General Assembly Resolution 194.

3. Israel shall bear responsibility for the resolution of the refugee problem.

The Basis for a Settlement of the Refugee Problem.

4. A just settlement of the refugee problem, in accordance with United Nations Security Council Resolution 242, must lead to the implementation of United Nations General Assembly Resolution 194.

Right of Return.

5. a. In accordance with United Nations General Assembly Resolution 194 (III), all refugees who wish to return to their homes in Israel and live at peace with their neighbors have the right to do so. The right of every refugee to return shall be exercised in accordance with the modalities set out in the Agreement.
6. a. A Palestinian refugee is any Palestinian who was prevented from returning to his or her home after November 29, 1947.
- b. Without limiting the generality of the term "refugee", a "refugee" in this Agreement shall include a refugee's descendants and spouse.
- c. Without limiting the generality of the term "refugee", all registered persons with UNRWA shall be considered refugees in accordance with this Article.

Repatriation Commission.

7. A Repatriation Commission shall be established in order to guarantee and manage the implementation of the right to return in accordance with this Article.
8. The Commission, inter alia, shall :
 - a. Verify refugee status as defined in this Article.
 - b. Determine priorities for certain categories of refugees and certain areas.
 - c. Determine procedures for repatriation.
 - d. Process applications.
 - e. Repatriate the refugees.
 - f. Provide assistance to returning refugees.
 - g. Ensure the protection of returning refugees.
9. The Commission shall be composed of representatives from the United Nations, the United States, the Parties, UNRWA, the Arab host countries, the EU, and Canada. The Commission shall consult the governments of the Arab host countries as it may deem it necessary.
10. The Parties should implement the decisions of the Commission and should take appropriate actions to facilitate the execution of the Commission's decisions.
11. The Commission shall define its structure and work procedures.
12. The Commission shall have its headquarters in XX and may have offices at other locations, as it deems appropriate.
13. The Commission shall establish a mechanism for resolution of disputes arising from the interpretation, application or performance of this Article.
14. Refugees shall have the right to appeal decisions rendered by the Commission pursuant to this Article. The Commission shall establish a mechanism for appeals.

Modalities of Return.

15. All refugees who currently reside in Lebanon and choose to exercise the right of return in accordance with this Article shall be enabled to return to Israel within two years of the signing of this Agreement.
16. Without prejudice to the right of every refugee to return to Israel, and in addition to refugees returning pursuant to Paragraph 15 above, a minimum of XX refugees will be allowed to return to Israel annually.
17. The refugees who wish to return should declare their to the Commission, in accordance with procedures to be set out by the Commission, within 5 years of the date the Commission starts receiving these declarations. The exercise of the right of return subsequent to such declaration shall not be limited in time.
18. The Commission shall determine, according to transparent criteria, who will be allowed to return in any given year in accordance with Paragraph 16 of this Article.
19. Repatriation should be based on individual voluntary decision, and should be carried out in a way that maintains family unit.
20. The refugees should be provided with information necessary for them to make an informed decision with regard to all aspects of repatriation.
21. The refugees should not be compelled to remain in or move to situations of danger or insecurity, or to areas lacking in the basic infrastructure necessary to resume a normal life.
22. The refugees shall be permitted to return safely, without risk of harassment, intimidation, persecution, or discrimination, particularly on account of their national origin, religious belief, or political opinion.
23. The Parties shall make such modifications to their internal laws as are necessary to facilitate the implementation of the right of return.
24. The Parties shall call upon states that currently host refugees to facilitate the early return of refugees in a manner consistent with human rights and international law.

Legal Status of Returning Refugees.

25. Returning refugees should enjoy full civil and social rights and should be protected against discrimination, particularly in employment, education and the right to own property.

26. The returning refugees shall assume Israeli citizenship. This shall end his or her status as a refugee.

Restitution of refugees' Real Property.

27. Real property owned by a returning refugee at the time of his or her displacement shall be restored to the refugee or his or her lawful successors.

28. In case where, according to criteria determined by the Repatriation Commission, it is impossible, impracticable or inequitable to restore the property to its refugee owner, or where the property within Israel, equal in size and/or value to the land and other property that they lost.

UNRWA.

29. UNRWA should be maintained until this Article is fully implemented and UNRWA's services are no longer needed. The scope of UNRWA's services should change appropriately as the implementation of this Article proceeds.

Compensation.

30. The State of Israel shall compensate refugees for the property from which they were deprived as a result of their displacement, including, but not limited to, destroyed property and placed under the custodianship of the "Custodian for Absentees' Property". Compensation should cover loss of property and loss of use and profit the date of dispossession to the current day expressed in today's value.

31. The State of Israel shall also compensate refugees for suffering and losses incurred as a result of the refugee's physical displacement.

32. Refugees shall, as the case may be, receive repatriation assistance, in order to help them resettle in their places of origin, or rehabilitation assistance, in order to be rehabilitated in the place of their future residence. Funds for Repatriation Assistance and Rehabilitation Assistance should come from the International Fund described below.

33. The rights of return and compensation are independent and cumulative. A refugee's exercise of his or her right of return to Israel shall not prejudice his or her right to receive compensation pursuant to Paragraph 30, nor shall a refugee's receipt of compensation prejudice his or her right of return in accordance with this Article.

34. Unless property is collectively owned, material (and non-material) compensation should be awarded on an individual basis.

35. Pursuant to its responsibility for the compensation to the refugees, set forth in Article 30, Israel shall provide the funds needed for such compensation. These funds should be transferred to the International Funds described below and disbursed by the Fund and the Compensation Commission with this Article.

36. In particular, and without limiting in anyway Israel's responsibility in accordance with Paragraph 35 above, resources available to the "Custodian for Absentees' Property" should be used to compensate the refugees for losses emanating from the dissipation of assets put under its trust. Furthermore, all the records of the "Custodian for Absentees' Property" pertaining to refugees' property shall be transferred to Compensation Commission.

37. Additional funds from the International Fund referenced below may be used to supplement Israeli funds for compensation purposes.

Compensation for Communal Property.

38. The State of Israel shall pay compensation to the state of Palestine for the Palestinian communal property existing within the internationally recognized borders of the State of Israel.

39. The communal property referenced in Paragraph 36 of this Article shall include real property as well as financial and other movable property.

40. Claims for compensation under Paragraph 36 should be administrated and adjudicated by the Compensation Commission.

Compensation for Host Countries.

41. The refugees host countries (i.e., Lebanon, Syria, Jordan, Egypt, Iraq and the Palestinian Authority) shall receive compensation for the significant costs they bore in hosting the refugees.

Compensation Commission.

42. A Compensation Commission shall be established to evaluate the Palestinian material and non-material losses, to administer the implementation of the provisions of this Article on compensation, and to administer and adjudicate claims of real property by refugees made pursuant to Paragraphs 27-28.

43. The Commission shall set out the modalities and procedures for submission and adjudication of claims for compensation, and disbursement of payments.

44. The Commission shall be composed of representatives from the Parties, the United States, the EU, the United Nations, the World Bank and donor countries.

45. The Commission shall accept the records of the United Nations Conciliation Commission for Palestine, as well as the records of the "Custodian for Absentees property" made available to the Commission pursuant to Paragraph 36

above, as prima facie evidence of the losses of the refugees. The Commission may also use UNRWA's records and any other relevant records.

46. The Commission shall send a specialized technical team to evaluate the current value of the property for which compensation is due.

47. The parties should implement the decisions of the Commission and should take appropriate actions to facilitate the execution of the Commission's decisions. In addition, the state of Israel shall pass, within six months of the date of this Agreement, internal legislation that guarantees access by the individual compensation claimants or their authorized representative to the relevant Israeli state archives in order to facilitate the development of their claims.

48. The Commission shall have its headquarters in ____ and may have offices at other locations, as it deems appropriate.

49. The Commission shall establish a mechanism for resolution of disputes arising from the interpretation, application or performance of this Article.

50. Refugees shall have the right to appeal decisions rendered by the Commission pursuant to the Agreement. The Commission shall establish a mechanism for appeals.

International Fund.

51. An International Fund shall be established to support and finance the implementation of the provisions in this Agreement related to the resolution of the Palestinian refugee issue.

52. The Fund shall have a Steering Committee responsible for setting priorities and policies for the use of international assistance consistent with the provisions of this Agreement on refugees.

53. The Steering Committee shall be composed of Palestine, the United States, the World Bank, EU, donor countries, _____. The Steering Committee will be supplemented by the participation of affected or interested regional parties as might be necessary. The Steering Committee will be responsible for mobilizing, coordinating and managing international financial and other assistance provided to enable implementation of the various aspects and dimensions of this Agreement related to refugees.

54. The World Bank and the United Nations shall be Joint-secretariat for the Fund. The secretariat shall be based at the World Bank.

55. The Steering Committee shall ask the World Bank to establish multilateral funding instruments to ensure that each aspect of this Agreement on refugees requiring financial assistance has corresponding instruments available to donors wishing to make use of multilateral mechanisms.

56. The World Bank shall have overall responsibility for ensuring that these funds are managed according to international standards of accounting and transparency. The secretariat shall be responsible for monitoring the overall level of donor contributions and disbursements (both via multilateral and bilateral channels) to support the implementation of the refugee agreement.

57. Assistance from the Fund shall include inter alia support for : return, compensation, repatriation assistance, rehabilitation assistance, transitional costs and related socio-economic assistance. Assistance for compensation shall be disbursed through the Compensation Commission.

58. Recipients of funds channeled through the Fund shall include inter alia : refugees, relevant Palestinian Ministries and public bodies, host Government Ministries and public bodies, and international public or private bodies selected to implement project assistance or provide technical or transitional support.

General.

59. The Parties should make appropriate modifications to their internal laws to facilitate the execution of this Article.

End of Claims.

60. The full implementation of this Article shall constitute a complete resolution of the refugee problem and shall end all claims emanating from that problem.

61. The right of each refugee in accordance with United Nations General Assembly Resolution 194 shall not be prejudiced until the refugee has exercised his right of return and received compensation under this Article or until the refugee has, based on his voluntary choice, received compensation and settled somewhere else.

[www](http://www.monde-diplomatique.fr/cahier/proche-orient/refugeespal-en)

<http://www.monde-diplomatique.fr/cahier/proche-orient/refugeespal-en>

For an Israeli response to the Palestinian proposal, see, "Non-Paper: Private response to Palestinian refugee paper of January 22, 2001"

[www](http://www.monde-diplomatique.fr/cahier/proche-orient/israelrefugees-en)

<http://www.monde-diplomatique.fr/cahier/proche-orient/israelrefugees-en>

About the meaning of *al-Majdal*

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.

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*.