

# 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**



## **The 'Jewish State' and the Right of Return Israel's War on Palestinian Refugees**

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The 'Jewish State', the Right of Return, and a Durable Solution to the Israeli-Palestinian Conflict  
Commentary: "Palestinians Don't Forget the Lessons of 1948"  
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**Cover Photos :** Damaged houses of Deheishe Refugee Camp, West Bank, 8 March 2002.

Back issues of al- Majdal are available in hard copy format from BADIL. The full set of back issues are also archived in html and PDF format on the BADIL website.

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## The 'Jewish State' and the Right of Return Israel's War on Palestinian Refugees

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Over the course of the past three months (January-March 2002) Israel's military and political establishment inflicted unprecedented damage and destruction in the 1967 occupied territories in an effort to crush Palestinian resistance to Israel's illegal 35-year military occupation and more than 50-year denial of Palestinian refugee rights. Since the beginning of the year Israeli military forces and settlers have killed more than 350 Palestinians, an increase of 80 percent from the previous three-month period, representing the highest three-month death toll since the beginning of the al-Aqsa intifada in late September 2000.

More than a year ago following the collapse of final status negotiations at Camp David (July 2000) and Taba (January 2001) numerous Israeli commentators and political figures stated that violent confrontation, including war, was preferable to accepting the right of Palestinian refugees to return to their places of origin inside Israel. Events on the ground indicate that these statements were not simply empty talk. Israel continues to expand the use of lethal weapons against the Palestinian civilian population and increase the severity of its military attacks. This included a sustained three-week campaign in March that targeted Palestinian refugee camps throughout the 1967 occupied territories.

By the end of March 2002 Israeli Prime Minister Ariel Sharon, under the pretext of fighting Palestinian suicide bombings, had declared that Palestinian President Yasser Arafat was an enemy of Israel and that Israel was in a state of war. Israel's latest military assault that began in late March with the total re-occupation of Ramallah and 'isolation' of President Arafat, despite internal intelligence reports that there is a direct correlation between Israel's military campaigns and a decrease in security inside Israel, strongly suggests that the underlying aim of the Sharon government is to

impose a settlement on the Palestinian people through military force and thereby avoid a comprehensive peace agreement based on international law and UN resolutions.

As Sharon himself stated, "It won't be possible to reach an agreement with [the Palestinians] before the Palestinians are hit hard. Now they have to be hit. If they aren't badly beaten, there won't be any

negotiations. Only after they are beaten will we be able to conduct talks." (Ha'aretz, 5 March 2002) For Israel's political and military establishment, the death of more than a thousand Palestinians since September 2000 as well as several hundred of its own Jewish citizens, the mass destruction of Palestinian property and

**"I heard Israelis say over and over again that it would be 'suicide' for Israel to admit a Palestinian right of return, that no country could be expected to do that,"**

**"How to overcome this abyss is a challenge that should haunt the political imagination of all those genuinely committed to finding a just and sustainable reconciliation between Israel and Palestine."**

**Richard Falk**

**Professor of international law**

considerable economic losses for Israel, is a price that the establishment appears willing to exact to try to impose a solution on the Palestinian people that preserves both the post-1967 colonization program in the occupied territories and the Jewish character of the state (i.e., a Jewish demographic majority and Jewish control of refugee lands).

### The International Community and the 'Jewish State'

The ongoing absence of effective international intervention further suggests that the United States, along with key European allies, now accept that Israel's aerial bombardment, use of surface-to-surface missiles, and strafing of refugee camps with heavy machine gun fire, as well as attacks on medical personnel, is acceptable practice in defense of the Jewish state. It is difficult to draw any other conclusion, given the widespread consensus within the international human rights community that Israel has repeatedly committed grave breaches of international humanitarian and human rights law, and that the use of weapons (purchased by Israel from the US and individual European states and



Israeli tanks move toward Balata refugee camp/Nablus, March 2002

used in the occupied territories) violate provisions of relevant domestic law.

The extent of US support, in particular, for Israel as a Jewish state is evident not only in the speeches of US politicians but also in the 2001 US Department of State Country Report on human rights in Israel and the occupied Palestinian territories that was released in February. The report lists some of the laws relating to citizenship/residency and property rights and institutions that grant special privileges and services to Jews but avoids any discussion of the ramifications of these laws and institutions for the human rights of Palestinians. The report fails to mention that there is no fundamental right to equality in Israel and that the right to equality is upheld only to the extent that it is consistent with the Jewish character of the state. Moreover, the report does not contain a single reference to the basic human rights of Palestinian refugees including the right of return and the right to real property restitution.

The willingness of Israel to wage a war against the Palestinian people in order to prevent the return of

refugees and avoid having to live together with Palestinians on the basis of full and complete equality was evident in Israel's response to the proposal for a comprehensive peace adopted by the Arab Summit in late March. The proposal offered Israel full normal relations in exchange for a comprehensive resolution of the Palestinian/Arab-Israeli conflict based on international law. This included an end to Israel's 35-year long military occupation (i.e., full withdrawal to 4<sup>th</sup> June 1967 armistice lines), establishment of an independent Palestinian state in all of the West Bank and Gaza Strip with eastern Jerusalem as its capital, and a solution to the Palestinian refugee issue consistent with UN General Assembly Resolution 194 (i.e., return, restitution and compensation).

The following day Israel under the pretext of yet another Palestinian suicide bombing declared Yasser Arafat an enemy of the state, called up thousands of reserves and began rolling tanks into the West Bank city of Ramallah. Explaining Israel's official rejection of the Arab peace proposal, initiated by Saudi Arabia, former Israeli Prime Minister Ehud Barak told CNN that "it was not



enough for the Arab states to recognize Israel. They must recognize it as a Jewish state. Israel is not a normal democracy in the Middle East. It is a state for the Jewish people."

### **International Law, the Jewish State and a Comprehensive and Durable Peace**

In light of the ongoing military escalation over the past three months UN High Commissioner for Human Rights Mary Robinson noted her "grave concern about a growing perception of a double standard in the region" (UNHCHR / Cairo, 1 March 2002). The problem is not one of perceptions, however, but one of realities. The reality of a clear double standard is no more evident than in the refugee issue itself. While the international community has supported and facilitated the return of refugees to their homes following the cessation of hostilities, places such as Bosnia, Kosovo, and East Timor, it remains unwilling to take necessary measures to support and facilitate the return of Palestinian refugees.

If the international community is serious about a comprehensive and durable peace in the region it must begin by putting international law at the center of the political process. This is particularly true for the United States. As Amnesty International noted in its latest fact-finding mission to the region, "If US officials are serious about their efforts to reduce the level of violence, it is absolutely vital that they recognize the centrality of human rights to security and lasting peace. If General Zinni does not put human rights squarely on the table with both Israelis and Palestinians he may well pack his bags now. Without human rights at the heart of a peace process, his efforts will be doomed to fail, and the downward spiral will degenerate even further out of control..."(AI Index MDE 15/026/2002, 19 March 2002)

This necessarily includes addressing the basic human right of Palestinian refugees to return to their homes of origin, and it means addressing the human rights ramifications of Israel's definition of itself as a Jewish state. The two issues cannot be separated. Ironically there is some degree of agreement between UN human rights bodies and numerous Israeli political figures and institutions on the issue of the Jewish state. Although each draws different conclusions, both agree that Israel

is not a normal state. UN human rights bodies, including the Committees on Economic, Social and Cultural Rights, Civil and Political Rights, and the Elimination of all Forms of Discrimination have called upon Israel to institute legal reforms relating those laws and institutions that grant special privileges to Jews in order to come into compliance with international human rights law. This includes laws relating to citizenship/residency, property and institutions such as the World Zionist Organization, Jewish Agency and the Jewish National Fund. Israel's political and military establishment, meanwhile, argues that Israel has a right to be an exclusive Jewish state and continues to introduce legislation to entrench special privileges for Jews, bar the return of Palestinian refugees, and deny Palestinians the right to real property restitution.

Here lies the fundamental contradiction in Israel's conditions for a comprehensive peace agreement with the Palestinian and Arab people. Israel demands normal relations but also insists on maintaining itself as a self-acknowledged abnormal state. In light of this situation, increased advocacy efforts are needed to press the international community to put international law at the center of a comprehensive and durable peace in the region. Additionally, efforts should be focused on building international support for economic and military sanctions against Israel until it complies with international law, while at the same time finding creative means to engage and educate the Jewish-Israeli public about Palestinian refugee rights and the requirements of a durable solution.

"I heard Israelis say over and over again that it would be 'suicide' for Israel to admit a Palestinian right of return, that no country could be expected to do that," wrote American international law professor Richard Falk, in a preface to a report on hearings conducted in 2000 on the refugee issue by the British Joint Parliamentary Middle East Councils Commission of Enquiry. "A perceptive Israeli intellectual told me that the reason Israel was uncomfortable with any mention of human rights was that it inevitably led to the refugee issue, with a legal and moral logic that generated an unacceptable political outcome. How to overcome this abyss is a challenge that should haunt the political imagination of all those genuinely committed to finding a just and sustainable reconciliation between Israel and Palestine."■

## UPDATE

# Campaign for the Defense of Palestinian Refugee Rights

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### Community and International Mobilization

#### **Global Right of Return Coalition Calls for Arab Unity on the Right of Return:**

In late March, more than two dozen grassroots Palestinian refugee initiatives in Palestine, Arab host countries and in various countries of the diaspora issued a joint open-letter to states attending the Arab Summit in Beirut. The letter called for Arab unity on the principle of the unity of land and people and the right of return, implementation of international protection for the Palestinian people, including refugees, until they are able to return to their homes, villages and property, and declared support for the intifada.

"The meaning of return in the Palestinian consciousness is the very opposite of the catastrophe (Nakba), refuge, and exile," stated the letter. "The dream of return continues to dominate the imagination of Palestinians generation after generation; it is embodied in their songs, proverbs, poems, and folktales. After your venerable summit is over and you return to your homes and nations, the Palestinians refugees will remain in their miserable camps, while the ruins of their towns and villages languish in obscurity, marked by prickly pears and ruined stone arches, after over half a century of occupation. When will the resolutions of your summits constitute a real bridge for the return to Palestine? Until that time, the refugees will continue to wait for the day, and will not abandon their dreams, their stones, and their brave resistance to the Zionist threat, in defense of all of us at once."

**The open letter issued by the Global Right to Return Coalition is reprinted in full in al-Majdal 'Documents' (page 40).**

**Land Day 2002:** The commemoration of Palestinian Land Day (March 30) this year coincided with yet another yet unprecedented military assault on the Palestinian people in the 1967 occupied territories aimed at crushing Palestinian

6 March 2002



Central Land Day Activities, Naqab, March 2002  
([www.kul-alarab.com](http://www.kul-alarab.com))

resistance against the Israeli occupation and Palestinian demands for a comprehensive and just peace consistent with international law and UN resolutions (i.e., right to self-determination and the right of Palestinian refugees to return to their homes of origin) by means of the gradual re-occupation of all or most of the areas designated as Palestinian controlled areas under the Oslo Accords.

The commemoration of the 26th anniversary of Land Day was a sober and urgent reminder of the unresolved root causes of the ongoing conflict - i.e., the mass dispossession of an entire people. Land Day commemorates the day nearly three decades ago when Israeli security forces shot and killed 6 Palestinians during demonstrations and a general strike called by the Palestinian leadership inside Israel to protest ongoing expropriation of Palestinian land to build new Jewish colonies and expand existing Jewish cities. Today Land Day symbolizes Palestinian frustration concerning ongoing expropriation and unresolved claims to real property restitution.

Inside Israel the Arab Higher Follow-Up Committee held a central commemoration event in the unrecognized village of al-Araqib in the Naqab (Negev) in order to highlight the specific plight, needs and demands of the indigenous Bedouin community. Protests were also held in Kufr Kana,

Sakhnin and Umm al-Fahem, traditional sites of protest at continuing land expropriation and racism. Scheduled activities in the occupied Palestinian territories were unable to proceed due to Israel's military assault and re-occupation of Palestinian population centers.

**Palestinians inside Israel Rally in Support of Refugees in the Occupied Territories:** Land Day commemorations inside Israel came on the heels of another large demonstration earlier in the month (March 7) in the Palestinian town of Sakhnin in solidarity with Palestinians in the occupied territories and against Israel's escalation of military force, especially in the refugee camps. The march, organized by the Higher Follow-up Committee of the Palestinian community inside Israel, ended with a rally at the Land Day memorial in the center of Sakhnin where speakers condemned Ariel Sharon's military assault on the refugee camps and called for international protection for the Palestinian people. Palestinian President Yasser Arafat, who spoke to the participants by telephone called for the implementation of UN resolutions and a return to negotiations.

**Right of Return Committee in Denmark Holds Lectures on the Right of Return and Jewish 'Democracy':** In Denmark the Right of Return Committee organized several meetings focused on the question of identity among Palestinians inside Israel and Jewish democracy and its contradictory relation to the non-Jewish community in Israel. Featured speaker was Palestinian intellectual and member of the Israeli Knesset Dr. Azmi Bishara. The lectures also addressed questions related to the al-Aqsa intifada. Other activities carried out by the Committee included journal articles, radio and television interviews and a series of lectures in different Danish cities.

**Right of Return Coalition (al-Awda) US Organizes Emergency Fund for Refugees:** Following the continued widespread demolition of refugee shelters in the 1967 occupied Palestinian territories by Israeli military forces and humanitarian crisis, al-Awda, The Right of Return Coalition in the United States set up an emergency fund to help Palestinian victims of Israel's state-sponsored

violence. Donations are being directed to UNRWA for distribution to those in need.

**Persons wishing to donate can make checks or money orders payable to "PRRC"; write "Emergency West Bank and Gaza Relief Fund" in the memo section; and send payment to: Al-Awda, Palestine Right to Return Coalition, PO Box 1172, Orange, CT 06477.**

**WWW**

Persons may also donate online securely at [http://al-awda.org/wb\\_fund.htm](http://al-awda.org/wb_fund.htm). For electronic transfers, the PRRC account in Hummelstown, Pennsylvania is with Commerce Bank. Bank Transit # 031301846 for wire transfers. The account # is 513176388. All donations are tax deductible.

**Internally Displaced Palestinians Reaffirm the Right of Return:** Early in the year, internally displaced Palestinians inside Israel added their voice to a growing list of Palestinians criticizing remarks made by Palestinian intellectual and PLO point-person for Jerusalem Affairs Dr. Sari Nusseibeh (See al-Majdal, Issue No. 12). Nusseibeh contends that a peace agreement providing for Palestinian statehood can only be reached if Palestinians stop demanding implementation of refugees' basic human rights, including the right of return to their homes of origin inside Israel. The National Society for the Defense of the Rights of the Internally Displaced Inside Israel released a statement reaffirming the right of return as a sacred, inalienable and non-negotiable right that does not expire. "Dr. Nusseibeh's statement is not a matter of individual freedom of opinion and expression," stated the Society. "A people's collective and individual rights are not a subject for games played by privileged intellectuals and academics. Those who are looking for peace will find it only if all refugees and displaced Palestinians are permitted to return to their towns and villages."

**WWW**

The full statement is archived on the BADIL website, [www.badil.org/...](http://www.badil.org/)

**Internally Displaced Palestinians Demand Reopening of Mosque in Destroyed Palestinian Village:** On 1 March internally displaced Palestinians and members of the Palestinian leadership, including members of the Israeli Knesset Mohammad Baraka, Hashem Mahamid and Mohammad Kana'an, held a mass meeting at the site of the destroyed village of al-Ghabisiyya located

in the northern Galilee. Participants demanded that the 240 year-old mosque closed by the Israel Lands Administration (ILA) in 1997 be reopened and renovated for property use. Palestinians have met every Friday at the village site for prayer since that the mosque was closed. In February 1950 the Israeli military governor expelled the Palestinian residents of the village and then declared the area closed under Article 125 of the 1945 Defense Emergency Regulations. Residents of the village initiated legal



Al-Ghabisiyya Mosque, June 1987  
([www.palestineremembered.com/Acre/al-Ghabisiyya](http://www.palestineremembered.com/Acre/al-Ghabisiyya))

action and the High Court ordered that the villagers be allowed to return due to the fact that the declaration issued by the Military governor had not been published in the Official Gazette as required by law. The Israeli military governor, however, continued to prevent the villagers from returning and a few days later published the declaration. When the residents of the village initiated new legal action the High Court subsequently ruled against them. It is estimated that today there are some 10,000 refugees (including descendants) from al-Ghabisiyya, slightly less than half of whom are registered for assistance with UNRWA. Residents of the village hold claims to some 11,700 dunums of land expropriated by Israel for exclusive Jewish use.

**Internally Displaced Palestinians and Israeli Peace Groups to Mark Destroyed Palestinian Villages:** Internally displaced Palestinians and several Israeli peace groups, including Gush Shalom and Bat Shalom, are undertaking a project to post Hebrew signs at the site of destroyed refugee villages inside Israel. The signs will include the original name of the village (many of the village sites were renamed with Hebrew names) and a brief account of the circumstances of displacement.

8 March 2002

The project aims to create awareness and spark discussion and debate about the Palestinian refugee issue and place the right of return on the public agenda. Some Israeli peace groups have also raised the idea of creating children's games about the Nakba, organizing study tours to the destroyed villages, creating maps that include the refugee villages and organizing exhibitions.

## Lobbying the UN and International Community

### Refugees Appeal to the UN and International Community to Stop Israel's War on the Camps:

At the end of February following the beginning of Israel's war on the camps - dubbed 'The Colors Journey' - refugees in the West Bank and Gaza Strip sent an urgent appeal to UN Secretary General Kofi Annan, the European Union and other members of the international community calling for immediate intervention to stop Israel's military assault of Palestinian refugee camps and put in place an effective protection regime in accordance with relevant UN resolutions and human rights conventions. "We demand such protection especially now," stated the memo prepared by the Union of Youth Activities Centers - Palestine Refugee Camps, "while we are confronted with a situation which endangers our lives, security and survival, and for as long as our issue is not resolved in accordance with relevant UN resolutions and we cannot return to our homes from which we were expelled." Despite this and other appeals from the refugee community, and statements of support from international human rights organizations, the international community has yet to act, even in the face of Israel's escalating military campaign in the occupied Palestinian territories.



The full appeal is archived on the BADIL website, [www. badil.org/Refugees/Documents/Ref\\_Documents.html](http://www.badil.org/Refugees/Documents/Ref_Documents.html)

### Arab NGO Forum Calls upon the Arab Summit to Reaffirm the Right of Return:

For the first time in history Arab civil society organizations convened to discuss their joint agenda prior to the summit of Arab states in Beirut in late March. The Arab Civil Forum, organized by the Arab NGO Network for Development and the Arab Institute for Human Rights convened in Shatila Refugee Camp in Beirut





Damage to UNRWA School, Gaza 2002, (UNRWA)

on 24 March in order to discuss issues related to the future of the region from the perspective of individuals and organizations concerned with human rights, human development and the strengthening of democracy, particularly in light of the difficult situation faced by Arab societies due to external and internal constraints on freedom. Discussion focused on means to support the Palestinian Intifada and Palestinian national independence based on international law and UN Resolutions 194, 242, 338 and 1397; ways to strengthen global support for the Iraqi people in the quest for democracy and an end to the international embargo; and, mechanisms for fighting oppression, poverty, and corruption in the region, including respect for minority rights, the release of all prisoners of conscience, and the end of impunity for all those responsible for human rights violations, especially war crimes and crimes against humanity. The Forum was opened in the presence of the families of the victims of the 1982 massacres at Sabra and Shatila refugee camps and expressed its support for the lawsuit lodged against current Israeli Prime Minister Ariel Sharon and others in Belgium. Committees were formed in 11 Arab countries to follow-up human rights advocacy, monitor the actions of Arab

governments, and lobby for the lifting of martial law and the prosecution of war crimes by Arabs and Israelis alike.

**BADIL Calls Upon the US Department of State to Remedy Glaring Underreporting of Human Rights of Palestinian Refugees:**

Each year on February 25, the U.S. Department of State submits to the Congress "a full and complete report regarding the status of internationally recognized human rights" in countries that receive assistance from the United States and in all other foreign countries that are members of the United Nations. These "Country Reports on Human Rights Practices" are prepared in compliance with U.S. law (Foreign Assistance Act and Trade Act) by the State Department's Bureau of Democracy, Human Rights, and Labor based on information gathered from government officials, victims of human rights abuses, academic studies, and reports released by the press, international organizations and NGOs. Wherever it is demonstrated that a state receiving U.S. foreign aid is responsible for "a consistent pattern of gross violations of internationally recognized human rights," the Foreign Assistance Act of 1961 requires that all military and economic aid be immediately and

automatically terminated. Based on the above, BADIL addressed a letter to the U.S. State Department and the U.S. Ambassador to Israel on 8 January 2002, in order to clarify the glaring underreporting in the State Department's Year 2000 Annual Country Report for Israel of the facts and legal implications of Israel's massive confiscation of Palestinian-owned property and lands. The letter argued that Israel's land confiscation program satisfies all three required elements of the automatic foreign aid termination provisions of the Foreign Assistance Act and that consequently, all U.S. foreign aid to Israel - including both military and economic aid - must be terminated immediately. BADIL requested full and fair reporting of this matter in the forthcoming Year 2001 Annual State Department Country Report for Israel. The 2001 report, issued in February 2002, however, failed to remedy the problem. (See, Refugee Protection, page14)

**Sanctions/Boycott Campaign of Israel Picks up Increasing Support:** Israel's ongoing military occupation and brutal assault on Palestinian communities in the West Bank and Gaza Strip has engendered increasing support for consumer boycotts and economic and military sanctions



Right of Return Rally, New York, October 2001  
(www.al-awda.org)

against Israel until it ends the illegal occupation and comes into compliance with international law, including the right of Palestinian refugees to return to their homes of origin. In March the US-based women's NGO Madre and the National Lawyers Guild added their voices to a growing list of Palestinian, Israeli, and international organizations and individuals calling for sanctions and/or boycotts. In a letter to the US Department of State, Madre wrote: "The use of these weapons [F-15 and F-16

fighter jets and Apache helicopters] violates the US Arms Export Control Act, which states that US-supplied weapons may only be used for internal security and legitimate self-defense. Moreover, the Leahy law prohibits US funding to any country whose military commits human rights violations." In late November 2000 the Israeli government issued a written assurance to the British government following a UK decision that no military equipment originating in Britain could be used in the occupied Palestinian territories and that no UK-originated equipment nor any UK-originated systems/sub-systems/components are used as part of Israel's military activities in the territories. Since that time, however, British government officials revealed that modified Centurion tanks were being used in the territories.

The sanctions/boycott campaign is consistent with the World Conference Against Racism NGO Declaration and Program of Action (September 2001), which calls 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." It also called upon the government of South Africa to take a lead role given its own historical success in countering the undermining policy of 'constructive engagement' with its own past apartheid regime. The United Nations itself has issued numerous resolutions in the past during the 1970s and 1980s calling upon states to end economic and military aid to Israel due to the illegal occupation, close cooperation with the Apartheid regime in South Africa and nuclear weapons research, development and production.

**For more information on various boycott/sanctions initiatives visit the following Palestinian, Israel and international solidarity websites:**

**WWW**

Al-Awda, the Palestine Right to return Coalition:  
<http://al-awda.org>

**WWW**

CFL- Citizens for Fair Legislation:  
<http://CFL-online.org>

**WWW**

Palestine Solidarity Campaign:  
<http://www.palestinecampaign.org>  
Stop US Tax Funded Aid to Israel Now!:

**WWW**

<http://www.sustaincampaign.org>

**WWW**

Matzpun:  
<http://www.matzpun.org>

**WWW**

Gush Shalom:  
<http://www.gush-shalom.org>



EPU, South Africa

**World Conference Against Racism (Update) - Government Declaration Reaffirms Palestinian Refugee Right of Return:** In late December 2001 agreement was finally reached on the official government Declaration and Program of Action from the Third World Conference Against Racism held in Durban, South Africa (August/September 2001). The official document was delayed by some four months due to a dispute concerning the placement of several paragraphs. The final version of the Declaration and Program of Action is considerably weaker than the Declaration and Program of Action adopted by NGOs (See al-Majdal, Issue No. 11).

The official Declaration and Program of Action contain few details relevant to the Palestinian people as specific victims of racism. However, the Declaration does recognize (para. 65) the right of Palestinian refugees to return to their homes and property in dignity and safety, and urges all states to facilitate such return. The Declaration further expresses concern about the plight of the Palestinian people under occupation (para. 63) and calls for a just, comprehensive and lasting peace in the region (para. 64) based on equality, justice and human rights. The Program of Action, while calling for respect for international human rights and humanitarian law (para. 151), merely calls for an end to violence and a return to political negotiations.

The Program of Action does not contain references to Palestinian refugees.

In February the General Assembly Third Committee (Social, Cultural, humanitarian) adopted four draft resolutions relating to the elimination of racism and racial discrimination as a follow-up to the official government Declaration and Program of Action. The Committee voted to establish an anti-discrimination unit to combat racism and to promote equality and non-discrimination. Israel and the United States voted against the draft resolution while Canada and Australia abstained. The draft resolution also supported the appointment of five independent experts to follow up on the implementation of the Declaration. Two other draft resolutions relating to the allocation of resources to implement the WCAR Program of Action, and urging states to take all available measures in accordance with obligations under international human rights instruments to combat racism were approved without a vote. A third resolution calling upon states, who have not yet ratified or acceded to the international human rights instruments that combat racism, to consider doing so was orally approved.

The full text of the government Declaration and Program of Action is archived on the BADIL website, [www.badil.org/Resource/WCAR/WCAR2001.htm](http://www.badil.org/Resource/WCAR/WCAR2001.htm)





# War Crimes

**Update on Ariel Sharon:** In early March a Belgian Court of Appeals agreed to a request submitted by lawyers for the survivors of the Sabra and Shatila massacre to reopen the legal debate concerning the



During Israel's March 2002 military assault on Palestinian refugee camps, Israeli soldiers committed acts considered as war crimes under international law. Morgue in Ramallah, March 2002

admissibility of the case against Ariel Sharon for war crimes, crimes against humanity and genocide and Belgium's competence to judge the case under the principle of Universal Jurisdiction. The legal team submitted the request in late February following a ruling earlier in the month by the International Court of Justice (ICJ) that a Belgian arrest warrant for the acting Foreign Minister of the Democratic Republic of Congo violated international law because it failed to respect the Minister's "immunity from criminal jurisdiction."

Sharon's lawyers and the Israeli media expressed satisfaction on hearing the ICJ ruling in the Congo case, expecting that the decision would set a precedent and put an end to the legal charges against the Israeli Prime Minister. The Director of Legal Affairs at the Belgian Ministry of Foreign Affairs, moreover, issued a statement immediately following the ICJ ruling that the decision meant "the case against Sharon is now closed." International human rights organizations and experts expressed disappointment at the ICJ decision. "Government ministers who commit crimes against humanity and war crimes are not likely to be prosecuted at home," stated Human Rights Watch (HRW), "and this ruling means they will enjoy impunity abroad as well. This decision goes against the international trend towards accountability for the worst abuses." (HRW Press Release, 14 February 2002)

12 March 2002

According to the lawyers for the survivors of the Sabra and Shatila massacre, the ICJ did not rule that the mere fact of a criminal investigation against a sitting foreign minister (or head of state) violates international law; it only declared illegal the arrest warrant that had been issued against the former Congolese foreign minister. No arrest warrant was requested or issued in the case against Ariel Sharon that would prevent him from pursuing his national and international activities. Moreover, they state that from the perspective of Belgian law on universal jurisdiction there would be no obstacle to the issuance of an arrest warrant against Sharon as soon as he stops exercising his current functions. In addition the legal team points out that the arrest warrant issued against the Congolese foreign minister was not based on a count of genocide. According to the 1948 Genocide Convention, article IV: "Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible leaders, public officials or private individuals." The Convention is considered to be universal in character. Ariel Sharon is charged with genocide according to factual elements of the case and the UN resolution that expressly declared the massacre at Sabra and Shatila as an 'act of genocide.' Other arguments developed in an additional submission to the Court will be heard at a hearing in Brussels on 15 May 2002.



In other developments over the past three months, Elie Hobeika, head of intelligence for the right-wing Christian Phalange militia that carried out the massacre, was assassinated by a car bomb in Beirut in late January. Hobeika was expected to testify against Sharon and had recently met with a Belgian parliamentary delegation. Hobeika was named as the principal person responsible for the massacre in the report prepared by the Kahan commission, which conducted an internal investigation of the massacre in Israel and held Ariel Sharon indirectly responsible for the massacre. "In one infamous instance (recounted by an IDF soldier who gave testimony before Israel's 1983 Kahan Commission inquiry), Hobeika coldly commanded a militia member who had radioed to ask what he should do with 40 women

and children his unit had rounded up: 'You know exactly what to do with them. Don't ask me a question like that again!'" Since the lawsuit was lodged against Sharon three former Phalangist militiamen have died in mysterious circumstances.

Inside Israel, meanwhile, the government is stalling on a request to publish the full testimony and minutes of the Kahan Commission. More than a year ago member of the Knesset Zahava Gal-On (Meretz) filed a petition in the High Court for a full release of the information based on the argument that following Israel's withdrawal from south Lebanon in May 2000 there is no longer a threat to security associated with the findings of the Commission. The Court initially rejected the petition based on a request by the state to allow the security establishment 6 months to review the materials. Officials only began reviewing documents in August and informed the Court that the process would likely last longer than 6 months. There is still no indication of when the review will be complete and Gal-On has threatened to go back to court.

**For more information and resources, see:**



International Committee for Justice for the Victims of Sabra and Shatila, <http://www.indictsharon.net>; Contact, Laurie

King-Irani, North American Coordinator, [coordinator@indictsharon.net](mailto:coordinator@indictsharon.net)



Sabra-Shatila Belgium, <http://www.sabra-shatila.be>



Mallat Law Firm (a member of the plaintiff's legal team), <http://www.mallat.com>



Petition for International Investigation Committee on Ariel Sharon's crimes against humanity addressed to UN High Commissioner on Human Rights, Mary Robinson. The petition requires 1 million signatures to become effective. See, <http://www.PetitionOnline.com/warcrime/petition.html>

### **54th Anniversary of the Deir Yassin Massacre**

**(April 9):** Events commemorating the Deir Yassin massacre, in which more than 100 men, women, and children were slaughtered by Zionist forces in April 1948 prior to the beginning of the first Arab-Israeli war in May, will be held around the world, including events in the United Kingdom, the United States, Australia and Malaysia. The anniversary of the massacre that created widespread fear and panic among the indigenous Palestinian Arab population and contributed to the mass displacement of Palestinians in 1948 falls on the same day this year as the Jewish Holocaust Memorial Day. No person has ever been held responsible, brought to trial, and convicted for the massacre.

Deir Yassin, 2002





# Refugee Protection



The first three months of 2002 witnessed another dramatic deterioration in human security in the 1967 occupied Palestinian territories due to the escalation of Israel's military campaign to crush Palestinian resistance and silence those calling for a comprehensive and durable solution to the conflict based on international law and UN resolutions. Destruction of lives and property reached an as yet unprecedented level during the past three months. The deterioration in human security in the refugee community, particularly those refugees living in camps, was especially dramatic due to Israel's massive military assault on the camps in the West Bank and Gaza Strip in late February and early March.

## Deaths and Injuries

Between 1 January and 27 March, 357 Palestinians were killed by Israeli military forces and settlers (PRCS), an increase of 80 percent from the previous three-month period. There was a 100 percent increase in the number of injuries during the same period. Israeli forces continue to increase the use of live ammunition with 40 percent of the injuries due to live ammunition, up from 31 percent in the previous 3-month period.



UNRWA worker evacuates injured child from Deheishe refugee camp, Bethlehem, March 2002

The massive destruction of refugee shelters and makeshift conditions that refugees have been forced to live in has also affected basic human security. In one incident early in the year five Palestinian children from Khan Younis refugee camp were killed when the tent they were living in accidentally caught on fire. The parents, Mahrous Huneideq and Zinab Ali Abu Sabla, and their eldest son received serious burns. The family was forced to live in the tent after Israeli military forces destroyed their home in the camp.

## Unemployment

Due to the deteriorating situation in the occupied territories and the virtual siege of Palestinian cities, towns and refugee camps for a significant period of the first three months of 2002 including most of March, there are few new details about the level of unemployment. Under the present military siege Palestinian institutions that collect and analyze such data are simply unable to operate. It can be assumed, however, that due to the increased restrictions on mobility, including entry to Israel for employment and movement between towns, villages, and refugee camps in the occupied territories, as well as heavy destruction of private and commercial properties between January and March, unemployment levels have likely risen even higher than the rates in the previous three month period. As of November 2001 unemployment in West Bank refugee camps stood at 37 percent with the rate in Gaza Strip camps at 50 percent. According to the World Bank, unemployment levels (including persons who have given up hope in finding employment and are no longer searching for work) reached 35 percent at the end of 2001, up from 20 percent in September 2000. Emergency temporary job creation programs are simply not able to cope with the massive increase in unemployment and became defunct during Israeli military raids of refugee camps.

## Poverty Level

The total proportion of Palestinian refugees living below the poverty line is also likely to be even higher than in the last three months. Statistics are yet unavailable. Attacks on refugee camps in the Gaza Strip in January and throughout the West Bank in March caused widespread damage, injury and deaths in the refugee community, and have reduced even further what little material capital and savings refugees have to rely on during periods of economic instability and political crisis, while the large number of deaths and injuries leads to reduced and or loss of household income. Widespread looting by Israeli soldiers (including jewelry, electronics and other moveable property) has further exacerbated the economic hardship experienced by refugees. The impact of the recent Israeli military attacks on the camps will likely result as well in an increased number of refugee families seeking special hardship assistance from UNRWA, which was already unable to meet basic hardship needs prior to the beginning of the al-Aqsa intifada over 18 months ago. The World Bank now estimates that half of the total Palestinian population is living below the poverty line (US\$2 per person per day) in the occupied territories. Already by November 2001, the poverty rate among Palestinian refugees was around 46 percent (West Bank) to 65 percent (Gaza Strip). As of March 2002 it is likely that as many as three-quarters of the refugee population is living below the poverty line, despite considerable emergency employment, food, and cash assistance by the UN and other international donors.

## Damage to Property

Damage to refugee properties was even more widespread than in previous reporting periods since the beginning of Israel's military campaign to crush Palestinian resistance to Israel's illegal military occupation more than a year and a half ago. Military assaults on refugee populated areas, which are illegal under international law, continue to result in mass destruction of refugee shelters and UN infrastructure providing basic services to the refugee community. During Israel's aerial bombardment of the Gaza Strip in February a missile hit the roof of Gaza Elementary B Coeducational School causing extensive damage. Further damage was caused by falling debris from another strike which hit the

nearby police headquarters. UNRWA's an-Noor Rehabilitation Centre for the Visually Impaired was hit and damaged for the 6th time. In March Israeli military assaults caused damage to more than 20 UNRWA schools, several health clinics, and other UN installations in the camps.



Deheishe refugee camp, Bethlehem, March 2002

During the first three months of 2002 Israeli military forces demolished more than 200 refugee shelters in the Gaza Strip and the West Bank. In January 54 refugee shelters were demolished in Block 'O' of Rafah refugee camp rendering 80 refugee families (450 persons) homeless. In addition, 4 refugee shelters housing 10 refugee families (59 persons) were partially damaged in the operation. The operation also led to the destruction of 4 homes belonging to non-refugees, thus affecting an additional 4 families (47 persons). In a second assault, this time on Block 'J' of the camp 19 shelters were heavily damaged rendering 21 families homeless, and a further 97 shelters were partially damaged needing repairs. The occupancy rate of the refugee shelters that were demolished or otherwise rendered unusable or requiring repairs was 90 percent. In March Israeli military forces destroyed 141 refugee shelters in the West Bank refugee camps and damaged 1,800 other shelters. The total damage to refugee shelters during the first three months of 2002 is equal to more than half of the entire damage resulting from Israeli military assaults since the beginning of the Palestinian uprising.

UNRWA estimates the immediate damage to refugee shelters in the camps in early March at around US \$2.8 million with a total of US \$ 3.8 million in the camps including Agency schools, clinics and other infrastructure. The World Bank assesses total damage in the West Bank and Gaza Strip as of the end December 2001 at about US \$305 million, almost twice the earlier estimate for the October 2000-June 2001 period (US \$168 million). According to the report the agricultural sector has suffered the most damage (US \$176

million) followed by private buildings (US \$47 million) and public buildings and infrastructure (US \$40 million each). The Palestinian Ministry of Planning and International Cooperation estimated total losses at the end of 2001 at US \$7.5 billion with total losses estimated by the Ministry of Finance as of October 2001 at US \$6.953 billion. UNSCO estimates that the total income losses to the Palestinian economy during the period 1 October 2000 to 31 December 2001 range between US\$ 3.1 and 4.0 billion, which translates into total income losses ranging between US\$ 6.8 and 8.8 million per day. The EU estimates Israeli damage to EU-financed Palestinian infrastructure at more than 19 million Euros (US \$17 million).

Significant damage resulted from Israeli forces moving through the camp by breaking holes through walls to enter adjoining refugee shelters. The tactic was described to Israeli journalist Amira Hass by one resident of al-Amari refugee camp in Ramallah. "Suddenly [Amal Abu Radwan] heard noises on the other side of the eastern wall of her narrow kitchen. Narrow, but renovated: Only four months ago, after slowly accumulating the needed sum, the renovation was completed - ceramic tiles, a new refrigerator, a new sink, a lighting fixture. Within minutes, the sink and the pipes were destroyed and a huge hole gaped in the wall. Two of her children fled the house in alarm. Another daughter went into shock and would not speak for two days afterward. The kitchen filled with soldiers. "Silence," said one of the soldiers in Hebrew. "Ruhi," (Leave), he said in Arabic and aimed his rifle as if to say, "If not I'll shoot you." In any case this was how Amal Abu Radwan interpreted his gestures. She pointed at the new refrigerator and asked them not to harm it. And then she saw that they intended to break through the opposite wall, into the neighbor's bathroom. "I begged them to make the hole in the corridor, not in the kitchen. But they were holding a map [on which the houses of the camp were indicated], and the soldier told me that was impossible, because according to the map they had to cut through here." (Amira Hass, Ha'aretz, 18 March 2002)



Source: Palestine Red Crescent Society (PRCS), [www.prcs.org](http://www.prcs.org); UN Relief and Works Agency (UNRWA), [www.unrwa.org](http://www.unrwa.org); World Bank, "Fifteen Months - Intifada, Closures and Palestinian Economic Crisis" (March 2002), [www.worldbank.org](http://www.worldbank.org).

## UN and International Protection

Despite repeated calls by the Palestinian community, the Palestinian leadership, local and international Non-Governmental Organizations, the UN General Assembly and the UN High Commissioner for Human Rights for the deployment of an international protection force in the occupied



Israeli military checkpoints, West Bank, March 2002 (UNRWA)

territories, the international community remains self-paralyzed. The US, in particular, continues to obstruct international efforts launched by the European Union, the Arab states and other members of the international community. On 1 March 2002, UN High Commissioner for Human Rights Mary Robinson joined UN Secretary General Kofi Annan "in calling for the immediate withdrawal of the IDF from the refugee camps [in Nablus and Jenin], for an end to the attacks in densely populated areas and for ensuring full respect for the immunity of humanitarian facilities." The UN Secretary General called upon Israel to end its illegal military occupation and termed Israeli military actions as collective punishment and a violation of the Geneva Conventions. These calls by the UN and earlier resolutions such as UNGA ES-10/8 (19 December 2002) calling for the deployment of an international monitoring mechanism remain without follow-up.

The United States continues to ignore, at grave cost to Palestinians and Israelis, human rights and humanitarian law as a central pillar of any political process. While the US supported and even sponsored UN Security Council resolutions adopted in March, the language of these resolutions (UNSC 1397, 12 March 2002 and UNSC 1402, 30 March 2002) is sufficiently vague as to allow considerable

flexibility for interpretation which Israel used to avoid immediate implementation of the call for withdrawal of its military forces from Palestinian towns, cities and refugee camps. Moreover, the UN Security Council has failed to back up the resolutions with the necessary pressure and other mechanisms for implementation.

There continues to be a severe gap in protection mechanisms, in particular, for the Palestinian refugee population. No effective measures have been taken to address the protection problems associated with the collapse of the UN Conciliation Commission for Palestine (UNCCP) in the 1950s, the limited intervention of UNHCR, and the lack of an explicit protection mandate for UNRWA. This means that unlike other refugee crises where a specific UN body (i.e., UNHCR) provides for the protection needs of refugees, there is no UN body looking after the protection needs of Palestinian refugees. While some UN human rights bodies have addressed the Palestinian refugee issue in their reports, many continue to exclude the refugee issue based on the argument that it does not fall within their mandate. International protection thus continues to be at best minimal and glaringly insufficient, especially in the occupied Palestinian territories, in the context of Israel's ongoing military campaign.

**UN Special Rapporteur on Human Rights in the Occupied Territories:** In March the UN Special Rapporteur on Human Rights in the Occupied Territories, John Dugard, submitted his report (E/CN.4/2002/32, 6 March 2002) to the Commission on Human rights detailing the status of human rights in the context of the al-Aqsa intifada. The report addresses Israel's critique of the mandate of the special rapporteur, the issue of occupation and terrorism, violence and the loss of life, settlements, buffer zones, demolition of homes and destruction of property, restrictions on freedom of movement, economic and social distress, and children. The report does not directly deal with the core-foundational rights of Palestinian refugees (i.e., return, real property restitution and compensation), however, it does address the specific vulnerability of Palestinian refugees and implicitly raises the question about the need for international protection. The Special Rapporteur adds to the growing chorus

of international voices (opposed by the United States and Israel) of those calling for immediate deployment of international forces/monitors in the occupied Palestinian territories. "In this situation, initiatives for a ceasefire or a cessation of violence as a precondition for the resumption of talks between Israelis and Palestinians seem doomed to fail. Only an effective international presence in the region with the power to monitor and reduce the use of violence can achieve this goal. The Special Rapporteur therefore believes that there is a need for an international peacekeeping mission, structured and composed to meet the circumstances of the region."

The report also addresses the relationship between terrorism post-September 11 and Israel's military occupation. "Since 11 September, international support for the belief that terrorism is the main problem to be confronted in the region has inevitably grown. That terrorism is a threat to the present world order cannot, and should not, be denied. That terrorism is a scourge that threatens Israelis and Palestinians alike cannot and should not be denied. Every effort should be made to end violence intended or calculated to create a state of terror in the minds of particular persons or the general public, whether it is perpetrated by instruments of the State, by organized non-State groups or by individuals. At the same time, it is important not to ignore the main explanation for the acts of terrorism committed by Palestinians against Israelis - the military occupation. It is the occupation of the Palestinian Territory that gives rise to savage acts of violence, highlighted by suicide bombings."

The Special Rapporteur recommended the deployment of an international presence, either in the form of monitors or peacekeepers, as imperative to reduce violence, restore respect for human rights and create conditions in which negotiations can be resumed; the cessation of Israel's targeted killings of selected Palestinians by guided missiles, terrorist bombings in Israel, the demolition of homes in the Palestinian Territory and the indiscriminate killing of civilians by both sides; an end to the collective punishment engendered by Israeli checkpoints; the dismantlement of Israeli settlements (i.e., colonies); and, special protection for Palestinian children.



## **UN Special Rapporteur on Palestinian Refugees**

It is not within the mandate of the Special Rapporteur to pronounce on the implementation of the right of return of Palestinian refugees recognized in General Assembly resolution 194 (III) of 1948 or on the institutional arrangements for the protection of refugees. No report on the violation of humanitarian law and human rights in the Palestinian Territory would, however, be complete without special mention of the impact of the present crisis on refugees. Comprising over 50 per cent of the Palestinian population, refugees are particularly vulnerable to Israel's military assaults and economic blockade, on account of the location of many refugee camps near to settlements, settlement roads and the Egyptian border, and the disadvantaged position of most refugees in the labour market. More than half of the Palestinians killed since September 2000 have been refugees. The number of houses demolished or severely damaged in refugee camps is at least twice the number outside refugee camps. According to the United Nations Relief and Works Organization for Palestine Refugees in the Middle East (UNRWA) 320 of the 401 houses demolished in the Gaza Strip were homes to refugees. Unemployment is higher among refugees than non-refugees as is the number of households below the poverty line. Palestinian refugees are particularly vulnerable to higher rates of poverty as a result of negative changes in the economy. This is due to a relative lack of accumulated savings and thus no safety net to protect them from a high dependency on wage labour, the lack of access to land-based forms of subsistence, i.e., agriculture or property, and the large number of dependants per family prevalent in camp populations, which limits the ability of refugee families to absorb drastic and lengthy decreases in income.

**International Committee of the Red Cross (ICRC):** During the past three months the ICRC continued to provide assistance to refugees and non-refugee Palestinians in the occupied Palestinian territories. At the beginning of 2002 the ICRC had provided emergency humanitarian assistance to some 6,000 Palestinians made homeless by Israel's military assault since the beginning of the al-Aqsa intifada. Assistance includes blankets, a hygiene kit, a jerrycan and other household goods, including a gas lamp that can also be used for cooking. The

ICRC also continues to provide basic food assistance to families confined to their homes with no opportunity to obtain basic necessities. At the beginning of the year the Red Cross began regular distribution of food parcels to some 3,000 Palestinian families in Hebron and outlying villages. The ICRC continues to face restrictions on its right to humanitarian access. During a visit to the al-Mawasi area in the Gaza Strip, for example, ICRC staff had to pass 11 checkpoints during which vehicles and contents and personal possessions were checked by Israeli soldiers. The journey from Gaza City to al-Mawasi took 9 hours. The ICRC continues to ship truckloads of need medicines into West Bank towns.

**UNRWA:** UNRWA does not have an explicit protection mandate for Palestinian refugees, however, it does provide a limited degree of protection through interventions with the relevant authorities and in the context of the al-Aqsa intifada has deployed special operational support officers (OSOs) to facilitate the Agency's emergency activities. UNRWA continued to issue strong letters of protest to Israel concerning Israel's military actions and severe curtailment of UNRWA's humanitarian responsibilities. Neither the interventions by the Agency's Commissioner General nor the fieldwork done by the OSOs, however, were able to remove the numerous obstacles put in place by Israel that severely curtail the Agency's work.

**EU Releases 'Non-Paper' on the Last Round of Final Status Talks (Taba, January 2001):** Early in the year local newspapers published a paper prepared by the EU Special Representative to the Middle East Peace Process, Miguel Moratinos, that outlined the content and general positions of the PLO and Israel during the last round of final status talks at Taba, Egypt in January 2001. The paper is the only systematic account by a third party present at the Taba negotiations, covering all permanent status issues including territory, Jerusalem, refugees and security. The paper is objective in the sense that neither narrow propagandistic interests of the parties nor journalistic interpretation, which have so far dominated the public debate about what exactly happened at Taba, guide its content. The EU paper has been acknowledged by both Israeli and Palestinian negotiators as being a relatively fair



description of the outcome of the negotiations. It will serve as the basis of any serious Israeli-Palestinian peace negotiations to be launched in the future.

The Palestinian refugee question, the core issue of the over fifty-year old Israeli-Palestinian conflict was on the agenda of the Taba negotiations. Since then Israeli politicians and media, assisted by some Palestinian officials

(See, Campaign for Palestinian Refugee Rights, page6), have launched a campaign of misinformation about the status of Palestinian refugee rights and claims, thereby misleading the Israeli, Palestinian and international public about the actual requirements for a durable peace in the region. The EU description of the permanent status talks at Taba confirm the basic approaches by Israel and the PLO as set forth in previously published proposals for a solution to the refugee issue. The starting point for Israel's solution to the refugee issue is the demographic character of Israel as a 'Jewish state.' In other words, the refugee issue must be resolved in a manner that preserves a solid Jewish demographic majority and Jewish control of confiscated refugee properties. By comparison, the starting point for the PLO in crafting a durable solution to the refugee issue is international law and the principle of refugee choice, the basis for crafting durable solutions in all other refugee cases. (For more on the principle of refugee choice, see BADIL Occasional Bulletin No. 4).

While both Israel and the PLO suggested "that a just settlement of the refugee problem... must lead to the implementation of UN General Assembly Resolution 194," Israel's position at Taba - as described in the EU 'non-paper' and in Israel's non-paper presented during the final status negotiations in January 2001 - is not consistent with the intent and meaning of UN Resolution 194.



International activists of the ISM (International Solidarity Movement) march through West Bank Israeli checkpoints, February 2002.  
(www.pngo.net/GIPP/)

The EU 'non-paper' provides several additional details not included in the previously published working papers presented by Israel and the PLO in Taba. These include:

1. Israeli officials suggested a "15 year absorption program" to facilitate limited return of Palestinian refugees to Israel. According to the EU non-paper, 'absorption' numbers suggested by Israel ranged from 25,000 over three years to 40,000 over five years. These numbers represent less than one percent of the total Palestinian refugee population. Moreover, the quota system violates the right of the remaining 99 percent of the refugee population to exercise their individual right of return.
2. Israeli officials rejected the right of Palestinian refugees to be restituted of their properties, an individual right applied to other refugee cases. However, the EU 'non-paper' appears to suggest that Israeli officials accepted to discuss Palestinian property claims in western Jerusalem: "The Palestinian side understood that the Israeli side accepted to discuss Palestinian property claims in West Jerusalem."

**The full text and analysis of the two Israeli and Palestinian non-papers presented at Taba can be found in BADIL Occasional Bulletin No. 10 and Annex. The full text of the EU 'non-paper' concerning refugees (as published in Ha'aretz) is reprinted in al-Majdal, 'Documents', page 40.**

## Right of Return

### US State Department Human Rights Report Ignores Palestinian Refugees Right of Return:

Despite the availability of adequate information, including major policy statements by leading human rights organizations such as Amnesty International and Human Rights Watch, the 2001 US Department of State Country Report on Human Rights on Israel, released in February, failed to include information on the fundamental human right of return of Palestinian refugees displaced in 1948 and 1967. The report did note that the Israeli government continues to prevent the return of internally displaced Palestinians from the villages of Iqrit and Kafr Bir'am in the Galilee but failed to mention the remaining approximately 250,000 internally displaced Palestinians inside Israel who are still denied the right to return to their villages of origin. The Report states that Israeli law provides for "freedom of movement within the country, foreign travel, emigration and repatriation." The report also acknowledges that Israel's 1950 Law of Return, which grants automatic citizenship and residence to Jews, does not apply to non-Jews. The report fails, however, to mention that Israel's citizenship and nationality law includes provisions that intentionally deprive Palestinian refugees of their right to repatriation due to their national and religious origin.

### Update on Return of Internally Displaced from Iqrit and Kafr Bir'am: Following a Supreme



The church of Kafr Bir'am.  
([www.arabhra.org](http://www.arabhra.org))

Ruling in November 2001 granting the Israeli government three months to submit a detailed plan for financial or in-kind (land) compensation for the displaced residents of Iqrit and Kafr Bir'am, the

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government suggested a compensation plan in early March. According to the offer, internally displaced Palestinians from the two villages who had building land would receive 560,000 NIS per dunum, 36,000 NIS per dunum for agricultural land and 16,000 NIS per dunum for planted land. Representatives of the villages have rejected the offer. According to Ihassan Tuamee, member of the Committee of the Uprooted Residents of Iqrit, "We reject compensation and we are not even interested in discussing it with the government. Our only solution for our case is not material, we are looking to return the people to their fathers' lands." (Al-Sinnara, 8 March 2002, Fasl al-Maqal, 8 March 2002. Translations by Arab Human Rights Association, see, [www.arabhra.org](http://www.arabhra.org))

## Real Property Restitution

### Israel Updates Property Claims Process for Jews originating from Arab countries:

In early March the Israeli cabinet decided to expand previous restitution procedures set in place in 1969 regarding registration of property claims by Arab Jews and collection of relevant laws and orders from Arab countries. The expanded process will facilitate documentation and registration of claims of Jews from all Arab countries and Iran. Previous procedures only applied to Jews from Iraq, Syria, Egypt and Yemen. The claims process includes printing and distribution of claims forms, advertisements in the media, computerization of data and development of internet sites in multiple languages. All work is being handled by the Israeli Justice Ministry. The cabinet decision emphasized that the proprietary and legal rights of Jews originating from Arab countries are not affected by the fact that they left their places of origin. (Fofogonet Digest, 3 March 2002, #2002-47)

### Israel Demands More Progress on Jewish

**Restitution in France:** Israel has demanded that the French government provide the public with more information on real property restitution for Jews in France, including the names of account and policy holders, stolen art owned by Jews, and the distribution of holocaust funds. Senior Israeli government officials presented the demands to a special French government commission that visited Israel in late February. (Ha'aretz, 26 February 2002)

**Israel Rejects Palestinian Request for Release of Information on the Status of Moveable Property Expropriated from Palestinian Refugees:** In January Israeli Attorney General Elyakim Rubenstein rejected a request to compel the Custodian of Absentees' Property to release information on the moveable property of Palestinian refugees. The request was rejected on grounds that it might damage Israel's foreign relations and that it would require an exorbitant amount of time and resources to comply with the request. At the same time Israel has recently expanded restitution claims procedures for Arab Jews and has instructed the Ministry of Justice to search and locate Jewish owners and heirs of absentee property in Israel (See al-Majdal, Issue No. 12 and above). Since 1998 Adalah - the Center for Arab Minority Rights in Israel has approached the Attorney General's office 15 times with the request. (Adalah Press Release, 28 January 2002, see: [www.adalah.org](http://www.adalah.org))

**US State Department Human Rights Report Ignores Palestinian Refugee Property Claims:**

Despite the availability of information and policy statements by leading human rights organizations, the US Department of State continues to ignore the basic human right of Palestinian refugees to real property restitution. The 2001 Country Report on Israel states that "privacy of the individual and home generally are protected by law" and that "individuals are free ... to own property." The report fails to mention, however, that Israeli destroyed and/or expropriated some 150,000 Palestinian refugee homes in 1948 along with their contents, including furniture, jewelry, clothes, books, and paintings for exclusive Jewish use. It also fails to mention that the majority of the land 'owned' and managed by the government and the Jewish National Fund (JNF) (comprising 93 percent of the land in Israel) was expropriated from Palestinian refugees and Palestinian citizens of Israel. The report stands in marked contrast to other country reports - i.e., Bosnia, Kosovo, East Timor - which include extensive reporting on the right to real property restitution. The report also stands in contrast to the US position regarding other refugee cases. US State Department lawyers, for example, drafted the Dayton Peace Agreement in Bosnia, including Annex 7 on refugees, which clearly affirms the right of refugees and displaced persons to real property restitution. The US has also aggressively supported claims for real property restitution in Europe, particularly in the case of displaced European Jews.

## Property Protection

**Confiscation of Lands Inside Israel:** During the past three months new plans came to light concerning the expropriation of some 13,000 dunums of Palestinian land in the Galilee. The Israel Nature Reserve and National Park Authority submitted plans to the District Planning and Building Committee in the Northern District to establish a nature reserve and park in al-Malak valley near the Palestinian town of Shafa Amr. The planned park is to be located between several Palestinian villages, including al-Kabiah, al-Hamerah, Ras-Ali, Tabash and al-Hajajera. The agricultural land is the primary resource for Palestinian farmers in the area. Natural forests located nearly Jewish towns in the area are excluded from the plan. The area itself does not have any natural forests. (Adalah Press Release, 18 March 2002)

Meanwhile, Palestinian property owners who were offered land in equal value and size as compensation for land expropriated for the Trans-Israel Highway (See al-Majdal, Issue No. 12) have begun to complain about government and company procrastination. According to the agreement, villagers were to be offered compensation in kind within 18 months of the agreement. More than five months after villagers agreed to the compromise, however, little progress has been made. (al-Ittihad, 22 January 2002. Translation by Arab Human Rights Association, see, [www.arabhra.org](http://www.arabhra.org))

**Israel Lands Administration Continues Attack on Indigenous Bedouin Land Rights:**

Over the past three months the Israel Lands Administration (ILA) continued its attack on indigenous Bedouin land rights in the Naqab (Negev). On 14 February the ILA, which controls most of the land inside Israel (land expropriated from refugees), destroyed approximately 12 square kilometers of grain crops planted by Bedouin residents of the Naqab (Negev). During the operation, toxic chemicals were sprayed on the crops, including lands inside Bedouin villages where farmers were working in their fields and over the village of Khirbet al-Watan where several hundred students were attending classes. The ILA claims that the crops were planted 'illegally' on 'state land.'

For more than five decades the indigenous Bedouin inhabitants of historic Mandate Palestine have been subjected to expulsion, internal transfer and a policy of forced sedentarization. Of the 95 Bedouin tribes living in the Naqab before 1948 only 11 remained following a systematic policy of expulsion during and after the war. Bedouin who remained in the Naqab were transferred to the northern part of the Bir Saba' (Beersheba) Sub-District and forced to settle in an area one-tenth the size of the former area in which they lived. Land in this area is of poorer quality.

In 1948, the indigenous Bedouin population held customary land rights to more than 12 million dunums (12,000 sq. km) of land, located mostly in the Bir Saba' Sub-District. According to British Mandate statistics, approximately 2 million dunums was considered to be Arab-owned 'cultivable' land (60,000 dunums of which were located outside the borders of Israel in the Gaza Strip and Jordan after the 1948 war). Approximately half of one-percent of the Bir Saba' Sub-District was classified as Jewish-owned land and less than one-quarter of a percent classified as state land. The remaining area of the Sub-District was used by the Bedouin for grazing.

As with other Palestinian refugees, Bedouin refugee land was expropriated and transferred to the state of Israel for exclusive Jewish use, including Jews not holding citizenship or residency in Israel. The indigenous Bedouin community has been particularly vulnerable to land expropriation due to the traditional or customary system of land rights prevalent in the community similar to that of other indigenous peoples. As of 1948 the British administration in Palestine had not yet begun a land survey in the Bir Saba' Sub-District. Only 64,000 dunums of Arab-owned land in the Sub-District were registered in the official Register of Deeds. (This land is included in registration records of the UN Conciliation Commission for Palestine). In other words, most Bedouin do not possess land documents that identify ownership by cadastral survey. Maps of the Sub-District from the period, however, clearly identify tribal lands according to the name of the tribe.

Israel has expropriated most of the land traditionally used by the Bedouin for grazing as well as rain-fed

agriculture by declaring it 'state land.' Israel considers the land 'empty', not privately owned, and not in use. Bedouin land has also been expropriated under laws used to expropriate the property of other Palestinian refugees including the 1950 Absentees' Property Law. Today the indigenous Bedouin in the Naqab are struggling to retain the 240,000 dunums of land remaining with them. During the 1970s the Israeli government initiated a land settlement process for the Naqab. Claimants, however, were required to present documents in order to lodge a land claim. In 1976 Israel's Land Settlement Department offered to settle Bedouin land claims out of court according to the following criteria: Israel would recognize 20 percent of the total claim (with documented proof), offer compensation for 30 percent of the total claim (at 65 percent of its value), and expropriate 50 percent of the total claim.

Recent press reports indicate that Israel is considering restarting the legal process for land claims, suspended in 1976, in order to completely extinguish all Bedouin land claims and thereby ensure the full transfer of all Bedouin land to the state of Israel for exclusive and inalienable Jewish use. For the Bedouin community, the legal process appears to be a no-win situation; no Bedouin has ever won a land claim to any of the more than 3,000 lawsuits filed over the past several decades.

**Discrimination in Housing Rights for Palestinians inside Israel:** During the past three months Israel has continued to demolish Palestinian homes inside Israel. In January Israeli authorities demolished homes in the towns of Ibillin and Lydda in January while demolition orders were issued for Bedouin homes in the Naqab (Negev). According to one



Palestinian houses demolished to make way for expansion of Karmie settlement, Naqab. ([www.arabhra.org](http://www.arabhra.org))



The children of Arab Al-Naim, Naqab. (Association of Forty Archives)

resident of the neighborhood of Lydda where Israeli authorities demolished a Palestinian home, officials have targeted some 7,000 Palestinian homes because they are located outside the planning framework of the municipality. (Sawt al-Haqq Wal Hurriya, 18 January 2002. Translation by Arab Human Rights Association, see, [www.arabhra.org](http://www.arabhra.org))

More than two years after Israel's Supreme Court ruled that the state may not allocate land on the basis of nationality and religion, including allocation of so-called state land (land expropriated from Palestinian refugees and Palestinian citizens of Israel) to the Jewish Agency knowing that only Jews will use the land, the settlement of Katzir continues to prevent Adel and Iman Qadan, a Palestinian family from nearby Baka al-Gharbiyya, from moving into their new home. The family has submitted two follow-up petitions to the Supreme Court concerning the non-implementation of the 8 March 2000 legal ruling in their favor. The settlement committee is opposed to having the Qadan family take up residence in Katzir because they are not Jewish.

The settlement was built in 1982 as a 'lookout settlement' to prevent the establishment of a contiguous Palestinian area in the Galilee. For more on the case, see al-Majdal, Issue No. 5 (March 2000).

**Destruction of Palestinian Holy Sites:** For the third time the Israel Lands Administration (ILA) destroyed the protest tent set up by internally displaced Palestinians from the destroyed village of Sarafand located south of Haifa. The tent was set up following Israel's demolition of the village mosque in 2000. The ILA has claimed ownership over the site and refuses to allow villagers to rebuild the mosque and tend the cemetery. The Israeli police arrested 19 Palestinians who had come to the tent to pray and confiscated copies of the Koran from the tent. The tent was demolished and the road to the Mosque was entirely destroyed. Palestinian residents of the village hold land claims to some 5,409 dunums of land. Today there are about more than 2000 refugees from the village of whom around 800 are registered for assistance with UNRWA.



# In Memoriam

List of 91 Palestinian victims of Israeli violence between 1 January and 28 February 2002. Due to Israel's military siege of Palestinian cities, towns, villages and refugee camps for most of the month of March and the severe humanitarian and political crisis names of Palestinians killed after 28 February were not available at press time. In total, 357 Palestinians were killed between 1 January and 27 March 2002. 17 of those killed were age 18 and under. Between 29 September 2000 and 26 March 2002, 1,297 Palestinians, including 16 inside Israel have been killed by Israeli security forces of whom 237 were below the age of 18.

Sources: [www.lawsociety.org](http://www.lawsociety.org); [www.palestineresources.org](http://www.palestineresources.org); [www.pcbs.org](http://www.pcbs.org)

Between 29 September 2000 and 25 March 2002, 238 Israeli civilians were killed in Israel and in the occupied Palestinian territories and 103 members of the Israeli security forces.

Source: [www.btselem.org](http://www.btselem.org)

For the names of Palestinians killed between 29 September 2000 and 29 December 2001 see al-Majdal, Issues Nos. 7-12.

Muhammad Labad, 17, al-Sheikh Radwan quarter, Gaza  
Muhammad al-Madhoun, 15, al-Sheikh Radwan quarter, Gaza  
Ahmed Banat, 15, al-Sheikh Radwan quarter, Gaza  
Isma'il Abu al-Qumsan, 31, Jabaliya  
Muhammad Salah, 19, Jabaliya  
Ali Imhanna, 21, Jabaliya  
Na'el al-Seifi, 22, Tel, Nablus  
Shadi Muslem, 25, Beit Hanoun  
Ra'ed al-Karmi, 26, Tulkarem  
Shahadeh Da'das, 30, Beit Hanina  
Khamis Abdullah, 42, Askar, Nablus  
Muhammad Judeh, 17, Rafah  
Jawad al-Aswad, 25, Tulkarem  
Khalidoun Ma'arek, 18, Tulkarem  
Hussein Zbeidi, 35, Nablus  
Omar Wahdan, 19, Qalandia RC  
Yousef al-Sarkaji, 41, Ein al-Ma' RC  
Naseem Abu al-Rus, 27, Nablus  
Jaser Samaro, 27, Nablus  
Kareem Mafarjeh, 25, Ramallah  
Riyad Hattab, 23, Ramallah  
Akram Breij, 48, Khan Younis  
Adli Hamdan, 27, Khan Younis  
Samer Kasabeh, 17, Qalandia RC  
Naser Kashour, 17, Old City Jerusalem

Tamer Kashour, 17 Old City, Jerusalem  
Jamal Husun, 40, Tulkarem RC  
Lu'ay 'Ideili, 16, Usreen  
Ayman al-Bahdari, 31, Rafah  
Muhammad Abu Sneileh, 26, Rafah  
Ibrahim Jarbou, 25, Rafah  
Majed Abu Mu'amar, 30, Rafah  
Fadi al 'Izawi, 16, Rafah  
Nassar Abu Sleem, 30, Rantees  
Samer Abu Mayyaleh, 14, al-Thori, Jerusalem  
Naser Abu Athrah, 30, Rafah  
Khaled Abu-Sitteh, 25, al-Wusta  
Shadi al-hasant, 25, Deir al-Balah  
Abdul Hakeem al-Hasanat, 41, Deir al-Balah  
Fahmi Dwikat, 43, Askar al-Balad  
Iman Mansour, 27, Nablus  
Mahmoud Kabaiah, 36, Rafah  
Tareq al-Hindawi, 22, Halhoul  
Taha Abu Isneineh, 22, Hebron  
Amjad Hamad, 24, Beit Hanoun  
Salem Abu Shannar, 30, Beit Hanoun  
Anwar Abdul Ghani, 28, Saidia  
Nazeeh Abu Sba', 35, Janna RC

Ramzi al-Masri, 30, Gaza  
Na'el Saqer, 34, Gaza  
Abdul Salam Younis, 26, Rafah  
Mas'oud Abu Jalal, 17, al-Breij RC  
Hussein al-Mabhuh, 24, al-Breij RC  
Abdul Wahhab al-Najjar, 19, Khan Younis  
Marian al-Ja'aysah, 26, Khan Younis  
Mona al-Ja'aysah, 10, Khan Younis  
Leila Qatawi, 25, Balata RC  
Salah Farraj, 35, Balata RC  
Iyyad Abu Safieh, 23, Jabaliya  
Muhammad Hamdan, 25, Jabaliya  
Zahi Zatiyeh, 26, Zawata  
Awwad Balawneh, 47, Tulkarem  
Muhammad al-Najjar, 26, Khan Younis  
Fu'ad Ishtayeh, 35, Tel, Nablus  
Ghanem Barham, 27, Kufr Qadum  
Mahmoud al-Ashqar, 20, Gaza  
Zuheir Aqel, 24, Sabastia  
Muhammad Hashash, 19, Balata RC  
Muhammad Abu Mirsal, 18, Balata RC

Ibrahim Abu Sharar, 27, Jabaliya  
Mahmoud Atallah 'al 'Ibeir', 23, Deir al-Balah  
Ibrahim al-Ali, 38, al-Rimal quarter, Gaza  
Mahmoud al-Tatar, 22, al-Tufah quarter, Gaza  
Shqair Samara, 40, al-Zawyeh  
Muhammad Abu Ramadan, 55, Gaza  
Walid al-Sheikh, 29, Biddo  
Adul Ghani Mjahed, 30, Hebron  
Fadi al-Za'ayer, 22, al-Doha  
Nura Shalhub, 15, al-Taibeh  
Imad al-Mughrabi, 25, Balata RC  
Kayed Abu Mustafa, 24, Balata RC  
Mahdi Nammour, 34, Nablus  
Muhammad al-Qasem, 27, Qara Samih al-Ardah, 24, Arraba  
Usama Jadallah, 21, Jenin  
Muhammad al-Haj, 23, Jalqamus  
Muhammad al-Fayed, 24, Jenin RC  
Mahmoud al-Jneidi, 65, Jenin  
Muhammad al-Tantawi, 18, Balata RC  
Abdullah al-Hilu, 17, Askar RC  
Abdul Rahim Seif, 27, Burqa



24 March 2002

# The 'Jewish State', the Right of Return and a Durable Solution to the Israeli-Palestinian Conflict

From the beginning of the Madrid/Oslo process in the early 1990s until its collapse at the end of the decade few political figures, analysts and journalists delved into the implication of Israel's definition of itself as a 'Jewish state' for a comprehensive and durable solution to the Israeli-Palestinian conflict. After all, in the minds of those who crafted the political process that has occupied world leaders for the past ten years, Oslo was to lead to a 'historical reconciliation' between the Palestinians and the Jewish state. Oslo was to lead to what is referred to as 'normalization' or normal relations.

Few, if any, political figures involved in the Oslo process, however, bothered to ask how it would be possible to conduct normal relations between the two states (i.e., relations based on international law) when one of the states was a self-avowed abnormal state. As former Justice Minister Yossi Beilin (Labor), and one of the architects and movers behind Oslo, stated last year several months after the collapse of the final status talks in Taba, Egypt: "What we have to understand as a Zionist movement is that we are doing a very, very unnatural thing here [i.e., the Jewish state]." The Jewish Agency, which is responsible for Jewish immigration and construction of new rural Jewish settlements among other tasks, is more blunt: Israel "is not a regular state, but a Jewish state for the Jewish people."

Perhaps those who set up the Oslo process hoped that the Palestinian state established as a result of the political process would somehow be a mirror to the Jewish state - i.e., a Palestinian state for the Palestinian people. There were those, for example, who advocated that the Palestinians should adopt a Palestinian 'Law of Return' similar to the Law of Return in Israel that would provide special citizenship and residency privileges for Palestinians, despite the fact that UN human rights committees have roundly criticized Israel's law as being inconsistent with international human rights law.

The advent of final status talks between Israel and the PLO at Camp David (July 2000) and Taba

(2001) made it abundantly clear that the issue of a durable solution for Palestinian refugees could not be tackled without addressing the issue of the 'Jewish state.' Israel's starting point for crafting a solution to the refugee issue was the maintenance of the 'Jewish character' of the state. Discussion among most Israeli politicians, analysts and even members of the peace camp about the Palestinian refugee issue that ran parallel to the official talks at Camp David and Taba focused squarely on the impact of the right of return on the 'Jewish character' of the state of Israel. Unfortunately, most of the discussion and commentary lacked substance and was characterized by a general hysteria equating the implementation of the refugees' basic human right to return with destruction and 'national suicide.' Some Israeli commentators even suggested that violent confrontation, including war, was preferable to allowing Palestinian refugees to return to their homes and villages of origin inside Israel.

Throughout the Oslo process international mediation and facilitation concerning the refugee issue focused almost solely on finding 'solutions' that were consistent with Israel's demand to maintain the Jewish character of the state. Donor programs and research thus focused on humanitarian assistance to refugees to improve their living conditions and issues of resettlement of refugees in a Palestinian state. At the same time political pressure was exerted to 'encourage' Palestinians to cede their basic human rights to return and real property restitution. The international community steadfastly avoided addressing obstacles to a durable solution for Palestinian refugees that related to the Jewish character of Israel.

While successive Israeli governments have argued that Palestinian refugees cannot return to their homes and villages of origin inside Israel due to limited space and resources and so-called security reasons, the primary reason for denying Palestinian refugees the right of return is to maintain the Jewish character of the state. Recent studies demonstrate a sufficient capacity of space and resources for the ordered return of those refugees choosing to

exercise their right of return. Not all refugees will choose to exercise their right of return. So-called security considerations, moreover, should be viewed in the context of a comprehensive peace agreement. Palestinians and Arab states have offered Israel full normal relations in exchange for a comprehensive peace consistent with international law and UN resolutions thus removing concerns about Palestinian refugees being a potential 'security threat' or 'fifth column.' The sole reason for barring the return of refugees, therefore, is to maintain the Jewish character of the state.

## **The 'Jewish Character' of Israel**

What does the Jewish character of state of Israel mean? Generally, when Israeli political figures and commentators refer to the Jewish character of Israel they are referring to a state that has a solid and permanent Jewish majority where the majority of the land is held in perpetuity for the use of the Jewish people, including those Jews not holding Israeli citizenship or not resident in Israel. Israel's High Court (Ben-Shalom vs. Central Election Committee, 1988) states that the Jewish character of the state is defined by three inter-related components: 1) that the Jews form the majority of the state; 2) that the Jews are entitled to preferential treatment such as the Law of Return; and 3) that a reciprocal relationship exists between the state and the Jews outside of Israel.

The return of Palestinian refugees to their homes and villages of origin inside Israel is therefore regarded as incompatible with the Jewish character of the state of Israel because: 1) it would change the demographic balance between Jews and 'non-Jews' (i.e., Palestinians); 2) it would necessitate legal reform to incorporate the fundamental right to equality in Israeli law thus wiping away the preferential treatment granted to Jews; and, 3) it would involve recognition of the relationship of Palestinian refugees to their homes and villages of origin located inside Israel. In other words, the mass displacement/expulsion of Palestinian refugees is regarded as the solution to the issue of the Jewish state. From the early days of Palestinian displacement, Israeli officials have thus argued that "the refugee question was not simply one of individual rights but one effecting the fate of countries and peoples and the desirability of achieving demographic homogeneity."

Without the mass displacement of the Palestinian people - i.e., without the creation of the Palestinian refugee problem - Israel would not be able to exist as a Jewish state, but rather would be a normal state of all its citizens.

The Jewish character of the state of Israel (i.e., Jewish majority and Jewish control of land) that resulted from the mass displacement of Palestinians is preserved through a system of unique laws and institutions. Citizenship and residency laws, for example, grant exclusive privileges to Jews to immigrate, settle and acquire citizenship in Israel. Numerous restrictions in these laws, however, discriminate against non-Jews denying them access to the same privileges. The 1950 Law of Return grants all Jews, regardless of their national origin or citizenship, the right to 'return' to Israel as the Jewish national homeland. As Israel Supreme Court Justice Aharon Barak has noted, the Jewish state "is the state in which every Jew has the right of return." Israeli law does not recognize a right of return for non-Jews, including Palestinian refugees. Under Israel's 1952 Nationality Law and 1980 Amendment the indigenous Palestinian Arab population must be able to prove (among a list of 5 conditions for those born before the establishment of the state of Israel and 3 conditions for those born after) that they were in the state of Israel on or after 14 July 1952, or the offspring of a Palestinian who meets this condition. Due to the fact that most Palestinian refugees were displaced outside the borders of the state of Israel on or after 14 July 1952, they are unable to resume domicile in their homeland. Israeli citizenship is almost never granted to non-Jews.

At the same time Israel has also adopted a series of laws to expropriate and transfer the land and property (moveable and immovable) of the indigenous Palestinian Arab population, including refugees, to the state and the Jewish National Fund. These include a series of abandoned property regulations, emergency regulations, a set of absentees' property laws, and a collection of various other laws. According to the 1950 Absentees' Property Law, for example, Israel acquired control of the property of Palestinian refugees by virtue of a government payment to the Israeli Custodian of Absentees' Property. The Israeli government thus claimed that the property had been acquired legally (i.e., by payment) rather than through confiscation. Property

Nahr el-Bared refugee  
camp, Lebanon, 1952  
(UNRWA)



expropriated under these laws is held by the state of Israel and the Jewish National Fund (JNF) as the inalienable property of the Jewish people. Under the Basic Law: Israel Lands, land held by the state and the JNF, which comprises 93 percent of the land in Israel (most of which is refugee property) "shall not be transferred either by sale or in any other manner." Palestinians whose property was expropriated by the state of Israel for exclusive Jewish use, including by Jews not holding Israeli citizenship or resident in Israel, are therefore unable to receive real property restitution.

There is no fundamental right to equality in Israeli law. Under the 1992 Basic Law: Human Dignity and Freedom 1992, for example, which empowers the Supreme Court to overturn Knesset laws that are incompatible with the right to dignity, life, freedom, privacy, property and the right to leave and enter the country, the right to equality is upheld only so long as it is consistent with character of the state as a Jewish state. The 1992 Basic Law does not provide for equality because: 1) religious political parties insisted upon maintaining the status quo between the State and religion; and, 2) the majority sought to protect the character of the state as a Jewish state. Inclusion of a general article on equality was regarded as an obstacle to the passage of the law. The law thus enables Israel to uphold discriminatory nationality and property laws - i.e., the 1952 Nationality Law and the 1950 Absentees' Property Law, among others - that prevent Palestinian refugees from returning to their homes of origin because the laws are compatible with the character of the state as a Jewish state.

Other laws related to the Jewish character of the state include the 1992 Foundations of Law Act, the 1992 Basic Law: The Knesset and Law of Political Parties, the 1953 State Education Law, the 1967 Protection of Holy Sites Law, and the 1971 Religious Jewish Services Law.

The Jewish character of the state of Israel is expressed through a number of quasi-governmental institutions, including the World Zionist Organization, the Jewish Agency, and the Jewish National Fund. These institutions functioned as the leadership and quasi-government of the Zionist movement before the establishment of the state of Israel in 1948 and continue to function through special agreements with the state of Israel. According to the 1952 World Zionist Organization - Jewish Agency (Status) Law and bilateral agreements with the state of Israel, these institutions are mandated to provide certain services on behalf of the government, including immigration and the development of land and new rural communities. As the internal regulations of these bodies aim to benefit only Jews, and as the state cooperates and coordinates many of its governmental functions with them, the needs of Palestinian citizens are systematically disregarded. There is no parallel government agency that deals with the same activities for those not covered (i.e., non-Jews) by the WZO and the Jewish Agency activities. By giving central roles to these private institutions, the Israeli government has ensured that key resources are channeled to Jewish citizens alone while denying accusations of state discrimination.

## The 'Jewish State', UN Resolutions, and International Law

Is Israel's definition of itself as a Jewish state consistent with UN resolutions and international law? Political figures, analysts and journalists in Israel often cite UN General Assembly Resolution 181, 29 November 1947 ('Partition Plan') as the basis for international recognition of Israel as a 'Jewish state.'

After all, the resolution recommended the partition of Palestine into two states, one Arab and the one referred to as a Jewish state. A simple reading of the resolution, however, reveals that the Jewish state envisioned in the UN partition plan is not at all similar to Israel's definition of itself as a Jewish state.

The Jewish state envisioned in the partition was not an ethnically or religiously exclusive state for the Jews. Nearly half the population of the proposed Jewish state was comprised of Palestinian Arabs. According to the partition plan, the state would have had a population of 498,000 Jews and 497,000 Palestinian Arabs, 90,000 of whom were Bedouins in 1948. Moreover, the Palestinian Arab population included within the Jewish state owned nearly 90 percent of the land. State land comprised less than 3 percent with the remaining land under Jewish ownership.

The partition plan also included provisions for the protection of human rights and fundamental freedoms in each of the proposed states, including freedom of movement and the rights of personal property among others. The plan included specific provisions ensuring citizenship and residency rights for the population in each state and prohibition against the arbitrary expropriation of property. Moreover, the partition plan conditions international recognition of independence on the full incorporation of these fundamental rights with the constitution and fundamental laws of each state.

Various UN human rights committees, moreover, have found key laws and institutions relating to the Jewish character of the state of Israel to be in violation of fundamental principles of international human rights law. The Committee on the Elimination of All Forms

of Racial Discrimination concluded in 1998: "The right of many Palestinians to return and possess their homes in Israel is currently denied. The State Party should give high priority to remedying this situation. Those who cannot repossess their homes should be entitled to compensation."

The Committee on Economic, Social and Cultural Rights (1998) has noted "with grave concern that

Israel should "review re-entry policies for Palestinians who wish to re-establish domicile in their homeland, with a view to bring such policies to a level comparable to the Law of Return as applied to Jews."

### **CESCR, 1998 Concluding Observations**

the Status Law of 1952 authorizes the World Zionist Organization/Jewish Agency and its subsidiaries including the Jewish National Fund to control most of the land in Israel, since these institutions are chartered under private law,

the State of Israel nevertheless has a decisive influence on their policies and thus remains responsible for their activities. A State Party cannot divest itself of its obligations under the Covenant by privatizing governmental functions. The Committee takes the view that large-scale and systematic confiscation of Palestinian land and property by the State and the transfer of that property to these agencies, constitute an institutionalized form of discrimination because these agencies by definition would deny use of these properties by non-Jews."

The Committee also noted "with concern that the Law of Return, which permits any Jew from anywhere in the World to immigrate and thereby virtually automatically enjoy residence and obtain citizenship in Israel, discriminates against Palestinians in the diaspora upon whom the Government of Israel has imposed restrictive requirements that make it almost impossible to return to their land of birth." In addition the Committee expressed its "concern over the plight of an estimated 200,000 uprooted 'present absentees' [internally displaced] who are Palestinian Arab citizens of Israel, most of whom were forced to leave their villages during the 1948 war on the understanding that they would be allowed to return after the war by the Government of Israel. Although a few have been given back their property, the vast majority continue to be displaced and dispossessed within the State because their lands were confiscated and not returned to them."



The Social, Economic and Cultural Rights Committee thus recommended that Israel remedy the problems identified in relation to the World Zionist Organization, Jewish Agency and Jewish National Fund, and "review re-entry policies for Palestinians who wish to re-establish domicile in their homeland, with a view to bring such policies to a level comparable to the Law of Return as applied to Jews."

## **The Jewish State, the Right of Return and a Durable Solution**

As numerous international human rights organizations, including Amnesty International and Human Rights Watch, have noted since the collapse of the political process between Israel and the PLO more than a year ago, human rights and international law must be at the center of a comprehensive solution to the conflict in the Middle East. A comprehensive solution must include recognition of and means for implementation of the basis human rights of Palestinian refugees - i.e., right of return, real property restitution and compensation. Of necessity, this also means that a comprehensive solution must address those aspects of Israel's definition of itself as a Jewish state that are incompatible with international law and an obstacle to normal relations with all states in the region.

Unfortunately the current trend inside Israel as evident in opinion polls, legislative action, and statements by political figures is not encouraging and reflect a policy that aims to entrench the Jewish character of the state by further reducing the non-Jewish population and placing more restrictions on the fundamental human rights and freedoms of the non-Jewish population. A poll conducted by the Jaffee Center for Strategic Studies during the first part of 2002, for example, found that 46 percent of Israel's Jewish citizens favor transferring Palestinian

citizens of the state out of the country, an increase from 38 percent a decade ago. More than 60 percent were in favor of transfer by 'encouraging' Palestinians to leave the country through special incentives. More than three-quarters of those surveyed, moreover, were opposed to Palestinian citizens of the state being involved in important decisions of the state.

Over the last three months Israel's Ministry of Interior has conducted studies to find legal measures to reduce the number of Palestinians in the West Bank and Gaza who receive Israeli citizenship by marrying Palestinians inside Israel and to reduce, in general, the number of non-Jews entering the country. According to Israeli General in Reserve Effi Eitam, who considers the Jewish people as a superior race and the Muslim holy sites in Jerusalem as a "distortion" and "a kind of desolate waste within the world order," the Palestinian citizens of Israel are a ticking time bomb and an "an elusive threat [which] resembles cancer." Effi Eitam was recently appointed as new head of the National Religious Party (Mafdal) and is expected to join the Israeli cabinet. Ephraim Sneh, the

Minister of Health has recently suggested that Palestinian populated areas of Israel in the Galilee be exchanged with areas of the West Bank in order to reduce the number of non-Jews in the country.

"How to overcome this abyss is a challenge that should haunt the political imagination of all those genuinely committed to finding a just and sustainable reconciliation between Israel and Palestine."■

**Sources:** Legal Violations of Arab Minority Rights in Israel. Shafr Amr: Adalah - The Legal Center for Arab Minority Rights in Israel, 1998. David Kretzmer, *The Legal Status of the Arabs in Israel*. Boulder, CO: Westview Press, 1990. Ha'aretz, 12 March 2002, 20 March 2002. al-Sinnara, 22 March 2002. Selected UN documents.

## "Palestinians, Don't Forget the Lesson of 1948"

Commentary by Nihad Boka'ee, BADIL staff and member of Shabibeh/Hadash

Today, after 18 months of the intifada, the picture of the Israeli government policy is clearer than in the past. The siege on the Palestinians villages and towns, the segregation between the West Bank and Gaza, the siege on these areas, the segregation of Jerusalem, the segregation of the 'Areas A', the killing of more than 1,000 Palestinians, wounding of more than 30,000 Palestinians, the destruction of hundreds of shelters, the destruction of the economic infrastructure, a rate of unemployment of more than 50 percent, the arrest of thousands of Palestinians, the assassination of Palestinian leaders, the destruction of agricultural lands, the siege of the Palestinian President in Ramallah, the massacre of Palestinian civilians and security officials, the declaration of Palestinian towns as "closed military areas" in addition to the Israeli attacks on the hospitals and the civilian centers - all of these practices are not part of a security plan for what is called "fighting the terror".

The title of this commentary is a threat made by Ariel Sharon, then Minister of Defense in the Begin government at the beginning of the 1980s, as a response to PLO activities in Lebanon. The threat reflects Sharon's mentality, his ideological background, and his future plans. Today, it's clear that the Israeli government headed by the same Sharon is seeking to prepare the environment for renewed displacement under the guise of "fighting terror", and through the destruction of the Palestinian Authority and the collective punishment of the civilian population. The purpose is to engender fear, feelings of weakness, lack of confidence in order to duplicate the results of 1948 or at least the results of the 1967 war.

This analysis does not seek to exaggerate the current Palestinian catastrophe, or to accuse uselessly the person and the ideology. It is based on a factual reading of historical Zionism, which adopted the policy of forced displacement ("transfer") as a means for building the Jewish state. The Zionist policy of "transfer" is and was based on the belief that unethical measures against the "temporary competitor" over the land of Palestine and its identity are unavoidable, necessary and justified in order to realize the project of "nation building." The Zionist movement's success has always been dependent upon its ability to exploit current political events for the implementation of its program and upon its ability to

resolve a basic dilemma, i.e. the need to protect and develop the Zionist project on the expense of the existence and the rights of the Palestinian people on the one hand, and the need to obtain the recognition and support of the liberal western powers, on the other. Historical and current policies aimed at the displacement of the Palestinian people are illustrative of Zionist efforts to resolve this dilemma.

Opinions about the future political orientation of Israeli society are divided. Some political observers hold that there are indicators that show that the Israeli society has developed positions which are commonly identified as "left," especially following the recognition of some of the Palestinian rights (e.g. the right to Palestinian statehood). Others hold strongly that Israeli society has developed towards the "right," especially after the election to prime minister of Bibi Natenyahu in 1996 and the failure of the Oslo process. However, irrespective of this debate, and irrespective of the split in the Zionist establishment over the future of the 1967 occupied territories, it is important to understand that the division between the political right and left in Israel is mainly a division over the best way to implement Zionist norms and principles and does not challenge the Zionist consensus. Moreover, the history of the Palestinian-Israeli conflict shows that temporary differences in Israeli public opinion have served to empower Israel as a "Jewish state" through Zionist pluralism. Thus we see the important historical role of the left Labor Zionism in building the Jewish state and the displacement of the Palestinian people; veterans like Shimon Peres, Israel's current foreign minister and author of "The New Middle East," can show a long list of achievements on behalf of the Jewish state. Only last year the Labor party presented it's outline of the "Political Solution of the Conflict" including a proposal for the exchange of land and populations, i.e. a version of forced displacement. There will be no political solution and no peace, as long as Israeli society does not understand the meaning of Palestine to the Palestinian people and their national and historical rights, and as long as proposals for peace are seen as something that must be imposed instead of being rooted in reconciliation.

In February 2001, following Ehud Barak's failed military response to the popular Palestinian intifada, Israeli society elected Ariel Sharon - not despite his violent record with the Palestinians, but because of it. Ariel Sharon was elected because of his record as a militant fighter against the Palestinians since the 1950s, his leadership in the massacres in Qibya and in the Gaza Strip, his plan in the

1970s to resettle the Palestinians refugees in the 1967 occupied territories, his military invasion in Lebanon in the 1980s and his involvement in the massacre of Sabra and Shatila, and because of his role in the 1990s as leader of the Israeli rejectionists to the Oslo Accords, the Israeli-Jordanian peace agreement, Israeli negotiations with Syria and Lebanon and the Israeli withdrawal from South Lebanon. Israeli society was thus assured that Sharon would know how to use the language of force to achieve a victory for the army and the nation. Once elected, Sharon, with the support of the Israeli public, proceeded towards the implementation of his old plan and the collapse of the political alternative. The new prime minister has frequently stated that his war will need a lot of time and endurance. Therefore, comments made by some observers about Sharon's "predicament" due to the lack of a real political proposal or his unwillingness to return to the political negotiations are pointless as long as Sharon has the possibility, the power, and the approval for military escalation.

Today Prime Minister Sharon finds ideal conditions for the implementation of his plan of the "second Nakba" (as noted by Israeli journalist Yoel Marcus), much better than the conditions he found as minister of defense in the early 1980s. Then the Israeli public considered Israel's invasion of Lebanon a "war of choice", and the land of Lebanon was not regarded to be a part of the "Jewish land." Today Ariel Sharon enjoys broad public support and minimal opposition, because the Israeli public views the clampdown on the intifada as a war that was imposed on it, and major sectors of the society consider the 1967 occupied Palestinian territories as part of the "historical Jewish land". The collaboration of the Labor Party represents one of Sharon's achievements. The party, which led the Oslo process, has no influence in his government; it has come to accept Sharon's policy and even pretends that it is a collective policy.

An opinion poll published in the Israeli press a week prior to the murder of Israel's Minister of Tourism and head of the Moledet Party, Rehavam Ze'evi, showed that almost 75 percent of the Israeli public supported "voluntary transfer" of Palestinians from the West Bank and the Gaza Strip, and even of Palestinian citizens in Israel. (At that time, Israel's Foreign Minister Shimon Peres commented on poll by saying that there was no voluntary transfer, and that this was like claiming that there was voluntary rape). After the murder of the minister, who had viewed his open support for the transfer of the Palestinian people as the continuation of the pre-1948 way of the Mapai (Labor) Party, public

support for "voluntary transfer" increased even further. The broad public support for "transfer" before and after Ze'vi's murder indicates that Israeli society still believes that this is a potential solution for the Palestinian problem.

The Sharon government has handled the Palestinian case by means of a step-by-step policy. The first step is the destruction of the Palestinian Authority and the national leadership in the 1967 occupied territories. At this stage it is the role of the Israeli right to dismantle the reality created by the agreements signed with the PLO and to create an environment of panic and anarchy, which will facilitate the completion of the "job" in the future. Anarchy and chaos are expected to arise from the deportation and the dismantlement of the Palestinian national leadership, which represents the first leadership present in the homeland since 1937 and has symbolized the future Palestinian state since 1995. Ariel Sharon has never recognized the Palestinian leadership, and is thus unable to conduct constructive negotiations and to reach a peace agreement with the Palestinian people. Ariel Sharon has only one strategy, i.e. to conclude the battle in this historical zero-sum game, in which progress towards Palestinian rights threatens Israeli existence in the Middle East.

It is possible that, as in 1948 and with the complicity of the international community, the implementation of the Israeli plan will bring about chaos and dis-order within Palestinian society. There is danger that a limited initial wave of displacement could trigger a larger wave of displacement, and that the absence of a central Palestinian leadership could lead to political localism, where political positions and strategies depend mainly on specific local circumstances and the overall balance among Palestinian interests in the homeland and in the exile will be destroyed.

However, the Palestinian generation of today is different from the Palestinian generation of the 1948 Nakba. This generation has learned from the experience of the Diaspora of its parents and grandparents. It is a generation that knows how to read the reality, insists in its rights, and is ready to sacrifice in order to remain in the homeland and implement its national project. Although it is impossible to predict today, how the Palestinian people in Palestine will respond to a situation in which its national infrastructure and leadership is again destroyed, it is clear that the Palestinian people of today are not afraid to face the occupation and have no alternative but to resist until statehood and return.■

# Refugee Assistance



Over the last three months (January - March 2002) the escalation of Israel's military campaign against the Palestinian people, including Palestinian refugees, exacted a heavy demand on UNRWA services. During this period refugee camps in the 1967 occupied Palestinian territories came under even more direct assault by Israeli forces resulting in a dramatic increase in deaths and injuries among refugees and UN staff as well as heavy damage to refugee shelters and UN installations in the refugee camps. Israel's military assault on Palestinian refugee camps in March resulted in damage to 22 UNRWA schools, four health clinics, two ambulances and four camp service centers in addition to roads, alleyways and other infrastructure in the camps.

## Funding

During 2001 UNRWA made two appeals to the international community for special funding of

emergency operations in the 1967 occupied Palestinian territories. The appeals amounted to US \$114 or more than one-third of the Agency's entire 2001 regular budget for all areas of operations. The largest top donors included the US/USAID, the European Commission Humanitarian Office (ECHO), the UK, the Islamic Development Bank and the Netherlands. As of February 2002 approximately three-quarters of the total contributions had been received by UNRWA.

The people of Syria continued to make generous contributions to UNRWA's emergency programs over the past three months. The Syrian Arab Popular Committee, established in 2001 to channel money from all sectors of Syrian society - from factory workers to businessmen and artists - to those in need in Gaza and the West Bank, donated more than US \$750,000 to UNRWA. Syrian beekeepers in Damascus area donated 527,050 Syrian pounds (US \$11,458) for refugees and other Palestinians suffering from 17 months of violence. Due to the

**Top 13 Emergency Donor Contributions as of 28 February 2002, Compared to Top 13 Donors in 2000 Regular Budget.** Emergency Funds include 4 October 2000 Flash Appeal, 8 November Emergency Appeal, February 2001 Emergency Appeal, and June 2001 Emergency Appeal. Includes value of in-kind contributions.

Donor Country	Received (US\$)	Outstanding (28-2-02)	2000 Regular Budget
US/USAID	28,117,047	8,000,000	89,299,900
EU/ECHO	22,950,671	4,681,584	52,411,761
UK	19,307,584	0	27,549,362
Netherlands	18,624,004	0	22,221,793
Islamic Development Bank	5,000,000	0	--
France	3,069,564	0	--
Switzerland	2,721,522	0	5,513,931
Norway	2,310,908	0	12,371,278
Denmark	2,196,448	0	8,479,288
Italy	2,076,918	2,666,731	5,296,399
Germany	1,742,920	0	5,663,634
Canada	1,467,990	0	--
Ireland	1,415,500	0	839,801

2000 Top 13 UNRWA Regular Budget donors who are not in the top 13 donors contributing to UNRWA's emergency fund include Japan, and Sweden.



fact that the honey could not be shipped to the territories, the 1,000 kg of honey was put up for sale by UNRWA staff. Payment ranged from 400 Syrian pounds to 5,000 pounds per jar. "I am overwhelmed by the eagerness of men, women, and children here to contribute to UNRWA's emergency aid to the Palestinians in Gaza and the West Bank," said Angela Williams, director of UNRWA Affairs in Syria. "We have never experienced anything like it."

At the beginning of 2002 UNRWA announced a fourth appeal to the international community to cover emergency operations in the territories for 2002 totaling US \$117 million. The majority of the emergency appeal for the year is again targeted for emergency job creation and food assistance. The escalation of Israel's military campaign to crush Palestinian resistance to Israel's illegal military occupation, however, has already exacted a heavy toll on UNRWA finances and brings into question whether the emergency appeal will cover emergency needs for the entire year.

UNRWA estimates that Israel's three-week war on Palestinian refugee camps in March alone will cost at least US \$3.8 million in immediate costs. Repair and reconstruction of damaged and destroyed refugee shelters alone is estimated to cost US \$2.8 million. This figure amounts to nearly half the total emergency budget requested by UNRWA for repair and rehabilitation of refugee shelters for all of 2002 and exceeds the budget for the West Bank by four times. During 2002 UNRWA intended to focus greater attention on the repair of refugee shelters in the poorer areas of the southern Gaza Strip and

"The policy headquarters targeted today has been bombed five times already and is little more than an empty shell. It is difficult to fathom just what military or strategic purpose is being served by bombing it for a sixth time. What is clear is that by bombing a crowded city center at 9 a.m. on a weekday morning the innocent children at our schools have been severely traumatized. I have been told that young children started screaming and crying at the sound of the explosion. It is horrifying to think what would have happened if the bomb had gone astray, as indeed one did on February 20th when it landed on the roof of one of the schools but thankfully did not explode."

"UNRWA has to protect the refugees, to provide them with their shelter and their basic needs and so I am shocked and pained by what I saw in Balata. Not only shocked by the destruction of the refugees' homes, the destruction of their water supplies, electricity and other amenities, but also by the fear and terror that the camp population has had to live through."

**UNRWA Commissioner General Peter Hansen**

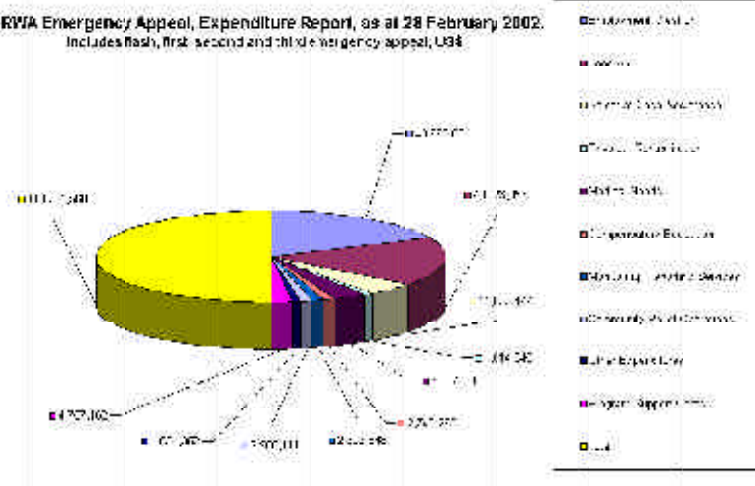
the hardest hit village areas where refugees reside in the West Bank. A significant proportion of the Agency's emergency funds for shelter repair will now have to be redirected to the camps.

UNRWA's estimate to cleanup and repair the widespread material damage left in the wake of Israel's brutal assault on the camps does include costs related to the future social and health needs of the severely traumatized refugee population. The heavy loss of life in the camps and high number of

injured refugees, for example, will likely result in a further rise in poverty and the number of special hardship cases due to the loss of household income, an increase in health needs including physical rehabilitation, and a greater need for remedial education to limit the impact of lost school days and trauma on refugee students.

The damage inflicted by the Israeli military since the beginning of the al-Aqsa intifada also means that the international community is

UNRWA Emergency Appeal, Expenditure Report, as at 28 February 2002.  
Includes flash, first, second and third emergency appeal, US\$



having to allocate financial resources to pay for the same projects several times over due to repeated damage and destruction. Since the beginning of the intifada, for example, the Al-Nour Rehabilitation Centre for the Visually Impaired in the Gaza Strip, has been damaged and repaired more than five times. In the case of the US, in particular, one of the largest donors to UNRWA's regular budget and emergency appeals, the American government is, at the same time, providing financial resources to UNRWA and providing Israel with the weapons that destroy the projects paid for, in part, by US funds.

Over the course of more than three decades of Israel's illegal occupation of the West Bank, eastern Jerusalem, and the Gaza Strip, UNRWA has repeatedly filed claims for damages resulting from Israel's illegal military occupation. Israel has yet to pay. As long as the international community is willing to provide Israel with the resources it requires to maintain its current policies towards refugees and the Palestinian population in the 1967 occupied territories as well as pay for the damage (if only in part) brought about by these policies, it will be impossible to facilitate a solution to the refugee issue consistent with international law as set forth in General Assembly Resolution 194 and bring an end to Israel's illegal occupation.

### **Austerity Measures**

Israel's continued military escalation which is leaving behind an ever increasing toll in human and material loss and damage combined with lack of adequate donor funding continues to force UNRWA to implement a number of austerity measures. By the beginning of 2002, UNRWA noted that the destruction of an increasing number of homes by Israeli military forces and the limited financial resources at UNRWA's disposal for rehousing had led the Agency to reduce the costs of each housing unit by canceling or reducing the following items in the designs: one room, external staircase, internal painting, bitumen membrane water proofing, solar heating panels, paving of pathways (only entrance to be paved), and kitchen cupboards by approximately 50 percent. It is yet unclear if the massive destruction of refugee shelters in March will lead to further austerity measures.

**34 March 2002**

### **Employment Assistance**

During 2001 UNRWA provided emergency temporary employment opportunities to more than 14,000 individuals (11,787 in Gaza and 2,669 in the West Bank) supporting more than 100,000 dependents. Approximately 20 percent of the beneficiaries were women. In January UNRWA began to extend the emergency employment program to nearly 3 dozen villages in the West Bank where a significant number, if not the majority, of the residents are refugees. With around 35 percent of the total population in the occupied territories unemployed and much higher rates in refugee camps Agency employment programs are unable to stem the increasing number of families living below the poverty line due to loss of income as well as loss of savings and damage to material assets.

### **Food Assistance**

By the end of 2001, UNRWA had distributed a total of 857,191 food rations to 124,974 families in the Gaza Strip. UNRWA continued to provide food assistance to refugee-women married to non-refugee men and over 600 non-refugee households in places under strict siege by the Israeli military, including the Mawasi area of Khan Younis and Rafah, and Beit Hanoun town. In the West Bank the Agency distributed food parcels to refugee families in villages around Hebron, Jerusalem and Nablus, including Yatta, Irtas, Halhoul, Beit Ummar; Beit Rima, Qbeibeh, Beit Surik and Qattaneh; and, Anabta, Kufr Rumman, Taybeh and Kufr Labad.

### **Cash Assistance**

By the end of 2001, UNRWA had made cash grants to 7,014 families in the Gaza Strip worth a total of US \$2,380,136 and US \$817,560 to 10,885 families in the West Bank.

### **Shelter Assistance**

As of the end of 2001 Israel had destroyed 248 refugee shelters in the Gaza Strip housing 350 refugee families totaling 1,997 persons. The majority of the families have no alternative accommodation. In total 324 homes, housing 434 families (2,472 persons) have been destroyed by

Israel since the beginning of the al-Aqsa intifada. During the year, UNRWA assisted 3,691 refugee families with repairs to their shelters in the West Bank. The number of refugee shelters destroyed by Israeli forces rose dramatically in January and then again in March 2002. Israel's invasion of southern Gaza early in the year resulted in the destruction of 91 refugee shelters housing 125 refugee families (669 persons). In total 97 dwellings were destroyed by Israeli forces in the Gaza Strip in January 2002. The homes provided shelter to 139 families totaling 773 individuals. At the end of February Israeli forces began a massive military offensive against Palestinian refugee camps throughout the 1967 occupied Palestinian territories. The three-week military assault resulted in the destruction of at least 141 refugee shelters and caused damage to an estimated 1,800 shelters. By the end of 2001 UNRWA had distributed 78,360 blankets, 8,771 mattress, 240 tents, 446 mats and 252 kitchen sets to assist families whose shelters were destroyed during Israel's military assaults in the Gaza Strip since the beginning of the al-Aqsa intifada at the end of September 2000.

## Health Assistance

By the end of 2001, UNRWA had provided first aid at UNRWA health centers or mobile clinics, or transported to hospital 1,304 persons injured during the intifada in the Gaza Strip. Military closures and other limitations on freedom of movement resulted in a loss of 207 person-days among UNRWA medical staff in January. UNRWA's outpatient load has increased by 23 percent over the previous year due to the deteriorating economic conditions in the 1967 occupied Palestinian territories. At the same time the Agency has faced increasing restrictions on humanitarian access for its medical teams, including attacks on ambulances by Israeli military forces and the death of medical workers.

## Education Assistance

At the beginning of the year UNRWA was unable to hold uniform examinations for the first time since 1996 at West Bank Agency schools at the end of the semester due to restrictions on movement that made it practically impossible to distribute tests to all UNRWA schools. In December 2001 the Agency recorded a record 5,228 teacher absences accounting for nearly half of all absences recorded

for the entire school year. As of January 2002 UNRWA noted that a total of 13,121 teachers' days and 256 school days had been lost in the West Bank. UNRWA continues to provide group and individual counseling sessions for Palestinian refugee students to help them cope with stress as well as advice to parents. During the winter vacation after the end of the semester in January, UNRWA provided remedial classes in the Gaza Strip for around 35,000 students in the 4<sup>th</sup> through 6<sup>th</sup> elementary grades and 30,000 pupils in three elementary grades.



Emergency Food Distribution (UNRWA)

## Humanitarian Access

Over the past several months restrictions imposed by Israel on the movement of humanitarian goods and supplies from the West Bank and Israel into the Gaza Strip continued. Truckloads of supplies destined for Gaza remain stuck in the Agency's West Bank field office in Jerusalem. UNRWA is unable to obtain travel permits for local staff to move between Gaza and the West Bank. In early March, for example, the Israeli military prevented the UN from making a delivery of humanitarian supplies, including urgently needed medicines, food, blankets and tents to Jenin refugee camp in the northern West Bank. Commissioner General Peter Hansen accompanied the shipment and protested in person but the convoy was refused entry. "UNRWA is responsible for the well-being of the refugees, for their shelters, for their protection," stated Hansen. "By preventing the UN from carrying out its humanitarian mandate the IDF is in contravention of international conventions covering the protection of civilians during conflicts."

# Refugee Voices

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## I witnessed

I have witnessed with my own eyes the decline of human beings into savage beasts...

I am a son of a refugee, living in 'Aida refugee camp...

Aida, a tragic operation, but this time written not by Verdi, but by the Israeli occupation...

An opera, where the Israeli offense army plays music that changes rhythm and force every day and every hour...

The machineguns, automatic guns - light or heavy - an entrée, then a main dish of F-16 s and Apache helicopters with some spices from the tanks all around...

And finally, the dessert, blood and tears of the victims ripped and spread at every corner of the streets...

The eyes of my father are drowned in sorrow...

No light neither in the eyes of my mother...

No tears for our joy or hope or melancholy...

The field of tears, dryness...

The fire of our emotion, flameless...

The ocean of our forgiveness, evaporated...

The force of resistance and belief is lost in our loneliness and abandoned by those who are relatives and those who are not relatives...

The river of our memory is still running, fertile as always...

## WE DO NOT FORGET...

What remains for us, human beings, so that we could attach ourselves to this dress full of holes that humanity wears for the dancing night?

Be happy, world enveloped in silence...

Be happy people of this world, enriched by the silence...

On 8 March of the year 2002 Israeli missiles and the automatic machine guns of the Apache helicopters transformed the asphalt in Aida streets into a volcano... the floor was boiling fire... the fire escaped from the shelled cars and the





bombarded houses... The blood of innocent people and animals was irrigating the streets and the floors of the houses that had been hit... Israeli soldiers, of the powerful army equipped with the highest and latest technologies, hiding behind his heavy machines, started to carve the walls of the houses, destroying the walls and opening tunnels between the neighboring houses to pass from one house to the next, like moles... What a courageous tactic for the undefeatable army...

Go on soldiers... In position... fire  
There, probably a man... maybe armed... on the other side his son... and there behind, his pregnant wife and her little daughter...  
Go on soldiers... fire...

There, an old man... he doesn't stop telling stories about some rights of return to ancestral villages, and other idiocies as well...  
Go on soldiers... prepare yourselves... fire...

And there, on the other corner of the street, a woman... her husband in prison... her eldest son exiled... the second is a terrorist... her youngest son is a martyr, I want to say dead like a dog... this woman is dangerous... go on soldiers... fire...

And there also... walk some cats... they violated the curfew... go on soldiers of Israel... fire... fire... fire...

Here... there... And there is a house... and another... this place and somewhere else...

Fire soldiers...

Fire on everything that moves or does not move...

We have nobody to care about... we are not afraid from anybody... we do not deliver accounts to anyone except our respected leaders...

We are the soldiers of Israel... nobody will dare to ask us anything, to criticize our actions... otherwise... anti-Semitism is the accusation for him...

Let us kill these barbaric Arabs... these savage terrorists... These rats that fled as fast they can from our helicopters and F16s and our tanks... and our skilled snipers...

Let's demolish all the houses, homes of martyrs who

dared to resist the arrogance of Israel...

Go on soldiers... take the bodies of these Palestinian beasts... exhibit them on our tanks and bulldozers...  
Let all who see them be terrorized forever...

Let's devastate all the houses and the shops and institutions and schools and hospitals...

Let's vandalize... steal... rob... divest all what we can...

Let's leave nothing... take everything... money... electronics... cellular phones... computers... jewelry... things to eat...

Everything is good to be stolen by the army of Israel...

Soldiers of a regular army... not mercenaries...

Thieves and assassins of no values... without honor... without any respect for the uniform they wear... if the uniform of a soldier, even though army of occupation inspires respect...

Go soldiers... prepare yourselves...

In that house, a lot of cries... someone is dead... an old woman...

Nobody shall be allowed to go there... Blocks on all the roads... no ambulances... fire... no doctors... fire... no journalists... fire...

Let's do better... soldiers... let's send the Special Forces... they are very clever these stupid Palestinians...

So let's prepare a plan...

Take an ambulance... go in and infiltrate in the middle of the Palestinians... kill all the activists, terrorists... and while you are there, fire on everything that moves... or anything that has the intention to move even if it does not move...

No protestations what so ever... No protestation from the Red Cross? Let's demolish their entire infrastructure... No protestation from the European Union and the donor states?

Let's kill some journalists... no protestation from the media?

Well... we do not care... who dares to protest against Israel? And even if someone dares, we shall say that we will do an investigation... nobody will followup the results of an investigation that will remain with no results...

But... what is wrong? Why don't you feel victorious?

Why are you ashamed of your achievements?

What will happen to you soldiers when you return home, to your mothers... wives and children... how will you look into their eyes and feel again as a human being? Who would you look at yourself in the mirror?

People of the world... whether you are politicians or simple citizens... intellectuals or alphabets... rich or poor... oppressor or oppressed... powerful or powerless...

No one can say today that he didn't know... that he was not informed... that he is not responsible of what the others do...

I will cry as Emile Zola did: I accuse...

I accuse you of being witnesses to the massacres committed... and not doing anything...

Your silence is hypocrisy...

Your silence permits the massacre of an entire people...

Your silence is a good prize for the injustice and the oppression...

Your silence is against human rights... children's rights... animal rights... and the right of all living things to live in dignity...

Your silence sacrifices embryos that are not yet born... pregnant women who did not give birth... children who did not learn how to speak yet... old men who still live a dream to return to their ancestral lands... young people who have the power to hope, to live and to resist the oppression and negation and abandon and forgetfulness...

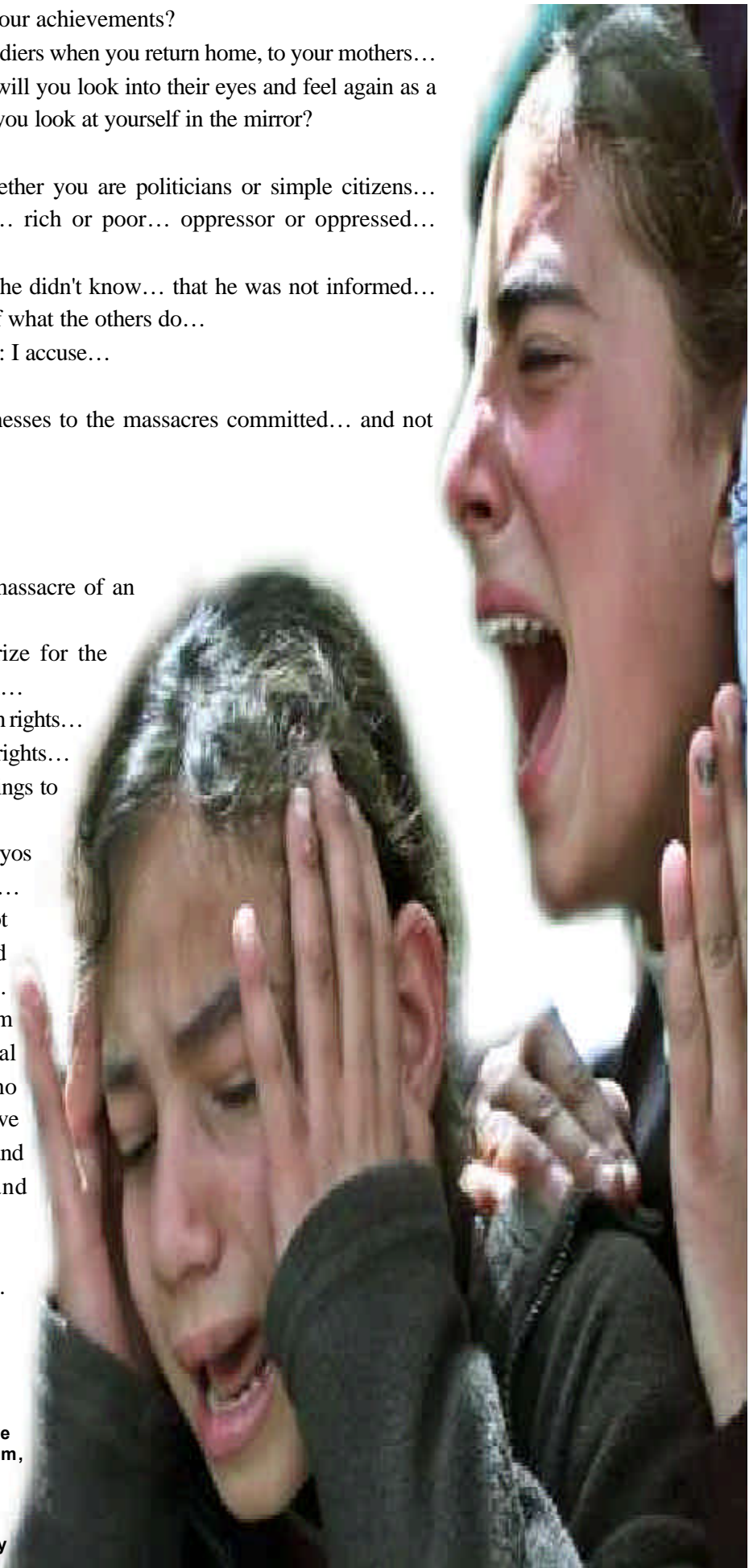
Your silence is unjust...

Your silence is nonhuman...

Your silence kills us all...

**Dr. AbdelFattah Abu-Srour**  
**Director of al-Rowwad Theatre**  
**'Aida Camp, Bethlehem,**  
**Palestine**  
**alrowwad@p-ol.com**  
**Dr. Abu-Srour**  
**is also a the al-Majdal Advisory**  
**Board**

**38 March 2002**



**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

**Follow-Up 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. 8** - A Climate of Vulnerability Protection, Palestinian Refugees, and the al- Aqsa -International Intifada One Year Later. (English and Arabic), 4 pages

**Occasional Bulletin No. 9** - A Two- State Solution and Palestinian Refugee Rights - Clarifying Principles (October 2001) (English and Arabic), 4 pages

**Occasional Bulletin No. 10** - Principles and Mechanisms for a Durable Solution for Palestinian Refugees: "The Taba Proposals" (English and Arabic), 4 pages

**Occasional Bulletin No. 10** - Annex Annex to Bulletin No. 10 text of the Taba Proposals. (English and Arabic), 4 pages -Full

**WWW**

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. 2 nd Revised edition forthcoming. Arabic edition forthcoming.

**WWW**

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

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

## Videos



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



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



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

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

**WWW**

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

## 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 conflict, international law, Palestinian-Israeli refugees in general, and Palestinian refugees in particular. The collection is intended as a community resource for information and research on Palestinian refugees.

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

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

# Documents

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

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1. Complete text of the EU's 'non-paper', section 3 (Refugees)

2. Open Letter to the Arab Summit Submitted by the Global Palestine Right of Return Coalition

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## 1. Complete text of the EU's 'non-paper', section 3 (Refugees)

"Non-papers were exchanged, which were regarded as a good basis for the talks. Both sides stated that the issue of the Palestinian refugees is central to the Israeli-Palestinian relations and that a comprehensive and just solution is essential to creating a lasting and morally scrupulous peace. Both sides agreed to adopt the principles and references which could facilitate the adoption of an agreement.

Both sides suggested, as a basis, that the parties should agree that a just settlement of the refugee problem in accordance with the UN Security Council Resolution 242 must lead to the implementation of UN General Assembly Resolution 194.

### 3.1 Narrative:

The Israeli side put forward a suggested joint narrative for the tragedy of the Palestinian refugees. The Palestinian side discussed the proposed narrative and there was much progress, although no agreement was reached in an attempt to develop a historical narrative in the general text.

### 3.2 Return, repatriation, relocation and rehabilitation:

Both sides engaged in a discussion of the practicalities of resolving the refugee issue. The Palestinian side reiterated that the Palestinian refugees should have the right of return to their homes in accordance with the interpretation of UNGAR 194.

The Israeli side expressed its understanding that the wish to return as per wording of UNGAR 194 shall be implemented with the framework of one of the following programs:

#### a) Return and Repatriation

1. to Israel
2. to Israel swapped territory
3. to the Palestinian state

#### b) Rehabilitation and Relocation

1. Rehabilitation in host country
2. Relocation to third country

Preference in all these programs shall be accorded to the Palestinian refugee problem in Lebanon.

The Palestinian side stressed that the above shall be subject to the individual free choice of the refugees, and shall not prejudice their right to return to their homes in accordance with its interpretation of UNGAR 194.

The Israeli side, informally, suggested a three-track 15 year absorption program, which was discussed but not agreed upon. The first track referred to the absorption to Israel. No numbers were agreed upon, but with a non-paper referring to 25,000 in the first three years of this program (40,000 in the first five years of this program did not appear in the non-paper but was raised verbally). The second track referred to the absorption of Palestinian refugees into the Israeli territory, that shall be transferred to Palestinian sovereignty, and the third track referring to the absorption of refugees in the context of a family reunification scheme.

The Palestinian side did not present a number, but stated that negotiations could not start without an Israeli opening position. It maintained that Israel's acceptance of the return of refugees should not prejudice existing programs within Israel such as family reunification.

### 3.3 Compensation

Both sides agreed to the establishment of an International Commission and an International Fund as a mechanism for dealing with compensation in all its aspects. Both sides agreed that "small sum" compensation shall be



paid to the refugees in the "fast track" procedure, claims of compensation for property losses below a certain amount shall be subject to "fast track" procedures.

There was also progress on Israeli compensation for material losses, land and assets expropriated, including agreement on a payment from an Israeli lump sum or proper amount to be agreed upon that would feed into the International Fund. According to the Israeli side the calculation of this payment would be based on a macro-economic survey to evaluate the assets in order to reach a fair value. The Palestinian side, however, said that this sum would be calculated on the records of the UNCCP, the Custodian for Absentee Property and other relevant data with a multiplier to reach a fair value.

### **3.4 UNRWA:**

Both sides agreed that UNRWA should be phased out in accordance with an agreed timetable of five years, as a targeted period. The Palestinian side added a possible adjustment of that period to make sure that this will be subject to the implementation of the other aspects of the agreement dealing with refugees, and with termination of Palestinian refugee status in the various locations.

### **3.5 Former Jewish refugees:**

The Israeli side requested that the issue of compensation to former Jewish refugees from Arab countries be recognized, while accepting that it was not a Palestinian responsibility or a bilateral issue. The Palestinian side maintained that this is not a subject for a bilateral Palestinian-Israeli peace agreement.

### **3.6 Restitution:**

THE PALESTINIAN SIDE RAISED THE ISSUE OF RESTITUTION OF REFUGEE PROPERTY. THE ISRAELI SIDE REJECTED THIS (emphasis added by BADIL);

### **3.7 End of Claims:**

The issue of the end of claims was discussed, and it was suggested that the implementation of the agreement shall constitute a complete and final implementation of UNGAR 194 and therefore ends all claims."

## **2. Open Letter to the Arab Summit Submitted by the Global Palestine Right of Return Coalition**

Arab Civil Forum, Beirut (14 - 26 March 2002)

Submitted by the Global Palestine Right-of-Return Coalition, 26-3-2002

**To their Highnesses and Excellencies,  
The Arab Kings, Presidents, and Emirs,**

The Arab summit is being held in Beirut in circumstances that are exceedingly delicate and dangerous for the central Arab cause, the Palestinian cause. It has become clear, as a result of preliminary discussions at the Arab and international levels, that Crown Prince Abdullah's initiative is being considered the focal point of the Beirut summit. We would have preferred that the focus of the summit might be the support of the brave Palestinian uprising (intifada) by financial, material, political, and diplomatic means. Such support would have provided it with the means to eliminate the occupation from the entire Palestinian territories occupied in 1967 and to establish a sovereign Palestinian state with Jerusalem as its capital. Such support would have given rise to a new geopolitical reality to compel Israel and the United States to recognize the Palestinian people's national rights of return and self-determination, rather than submerge the Palestinian uprising in a new round of futile negotiations.

We the undersigned civil associations and committees concerned with the right of return, located in Palestine, the Arab host countries, and various countries of the diaspora, take the opportunity of the convening of the Arab summit to reiterate a set of principles related to the right of return. These principles should hold no matter how the initiative of Prince Abdullah treats the Palestinian refugee issue, once the summit has adopted the initiative and transformed it into an Arab initiative.

The following are the most important of these principles:

Adherence to the unity of the refugee issue, in accordance with the principle of the unity of the land and people, and an absolute refusal to allow the refugee issue to be fragmented under any pretext whatsoever.

The right of our people to return to their homes and their property is a sacred historical right based on the principles of justice, in addition to its being based on the principles of international law and the resolutions of the United

Nations General Assembly, notably UNGA resolution 194. This resolution affirms the right of the refugees to return to the homes from which they were expelled in 1948, and to compensation for the injustice they have suffered since the Palestinian catastrophe (nakba) of 1948. Return and compensation are constant and complementary rights in accordance with international law.

Any discussion of compensation as an alternative to return constitutes an intentional misrepresentation of UNGA resolution 194, and aims to promote attempts to resettle, absorb, and disperse Palestinian refugees. Furthermore, such a misrepresentation seeks to dissolve the refugee issue and to close the door on return once and for all. The same purpose is served by discussions of a return to a "national homeland," in other words, to the projected Palestinian state in the West Bank and Gaza Strip.

The right of return is not merely based on UNGA resolution 194; it is also based on our national principles and our historic right to Palestine. It is therefore an inalienable right that cannot be bargained away by any party. Thus, we affirm our opposition to all recent moves that have aimed at dissolution of this right by restricting it to a specific geographical region, or by subjecting it to the security needs and demographic interests of the Zionist colonial project in its current and future phases.

Affirmation of the Arab dimension of the right of return and the necessity of providing a favorable Arab environment for it, at both the official and popular levels, especially in the countries hosting the refugees. In this context, we applaud the Syrian and Lebanese positions and all Arab positions that reject resettlement and adhere to UNGA resolution 194. We also call on the Lebanese authorities to grant Palestinian refugees their civil rights, which would alleviate their social and psychological suffering. A distinction must be made between the granting of civil rights and resettlement, since any increase in the suffering of the refugees actually facilitates schemes for resettlement and forced emigration, which are directly opposed to the right of return.

Pressure must be brought to bear on the international community to provide international protection for the Palestinian people from the crimes committed by the Israeli occupation. Moreover, temporary international protection as guaranteed by the international refugee system must be provided for Palestinian refugees and their camps, as is the case with other refugee communities in the world. The mandate of UNRWA does not include political and legal protection for Palestinian refugees, as guaranteed by the international refugee system. Such protection must be provided until Palestinian refugees are able to return to their homes, villages, and property.

### **Your Highnesses and Excellencies,**

The meaning of return in the Palestinian consciousness is the very opposite of the catastrophe (nakba), refuge, and exile. The dream of return continues to dominate the imagination of Palestinians generation after generation; it is embodied in their songs, proverbs, poems, and folktales. After your venerable summit is over and you return to your homes and nations, the Palestinian refugees will remain in their miserable camps, while the ruins of their towns and villages languish in obscurity, marked by prickly pears and ruined stone arches, after over half a century of occupation. When will the resolutions of your summits constitute a real bridge for the return to Palestine? Until that time, the refugees will continue to wait for the day, and will not abandon their dreams, their stones, and their brave resistance to the Zionist threat, in defense of all of us at once.

**Glory to the intifada.  
We shall return.**

Signatories:

Aidun Group-Lebanon; Aidun Group-Syria; Al-Awda Association (Syria); Association for the Defense of the Rights of the Internally Displaced in Israel/1948 Palestine; BADIL Resource Center (Palestine); Block "Determined to Return" - Ain al Hilweh Camp (Lebanon); Center for Social Progress "Generations" (Lebanon); Children's and Youth Club-Shatila Camp (Lebanon); Committee for the Defense of the Right of Return (Syria); Committee for the Defense of Palestinian Refugee Rights (Palestine); Committee of National Activities-Ain al Hilweh camp (Lebanon); 194 Group (Syria, Lebanon); High Committee for the Defense of the Right of Return ("Sana'oud") in the Nablus District (Palestine); High Committee for the Defense of the Right of Return and all local branches in Jordan (Jordan); High Coordinating Committee for the Disabled in the Palestinian Refugee Camps-West Bank (Palestine); Land Committees for the Defense of the Right of Return and Support of the Intifada (Syria); Palestine Right-of-Return Coalition-Europe; Palestine Right of Return Coalition-North America; Palestinian NGO Forum (Lebanon); Palestinian NGO Network/PNGO (Palestine); Palestinian Return Forum (Syria); Popular Committees in the Palestinian Refugee Camps-West Bank (Palestine); Popular Committees in the Palestinian Refugee Camps-Gaza Strip (Palestine); Society for Social Development-Ain al Hilweh camp (Lebanon); Union of Sports and Culture-al Bidawi, Nahr al-Bared, Burj al-Shemali, Ba'lbek camps (Lebanon); Union of Women Centers in the Palestinian Refugee Camps-West Bank (Palestine); Union of Youth Activity Centers-Palestine Refugee Camps (Palestine); Yafa Cultural Center (Palestine).

**42 March 2002**



## About the meaning of al- Majdal

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Al- Majdal is an Aramaic 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, frightened and without protection, had fled to the Gaza Strip. Within a month, Israel had approved the settlement of 3,000 Jews in Palestinian homes in al- Majdal. In late 1949 plans surfaced to expel the remaining Palestinians living in the city along with additional homes for new Jewish immigrants. Using a combination of military force and bureaucratic measures not unlike those used today against the Palestinian population in Jerusalem, the remaining Palestinians were driven out of the city by early 1951. Palestinian refugees from al- Majdal now number over 71,000 persons of whom 52,000 are registered with UNRWA. Like millions of other Palestinian refugees, many of whom live close to their original homes and lands, they are still denied the right to return. Al- Majdal, BADIL's quarterly magazine reports about and promotes initiatives aimed at achieving the Palestinian right of return and restitution of lost property as well as Palestinian national rights in Jerusalem.

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