



To: Parliament of the Republic of South Africa
Hon HT Magama

Dear Hon HT Magama; members of the Portfolio Committee on International Relations and Cooperation; distinguished members of Parliament; and friends of Palestine,

We, the BADIL Resource Center for Palestinian Residency and Refugee Rights, are honored to write you on this important occasion and we would like to draw your attention to the ongoing forcible displacement and dispossession of the Palestinian people.

Not limited to the occupied Palestinian territory, the Israeli system also targets Palestinians residing on the Israeli side of the 1949 Armistice Line (known as the Green Line) and millions of Palestinian refugees living in forced exile while promoting Jewish-Israeli colonization to the expropriated land. As such, the Palestinians, wherever they reside, are collectively exposed to one regime composed of institutionalized discrimination, prolonged military occupation, and colonization.

That structure discriminates against Palestinians in areas such as nationality, citizenship, denial of reparation (return, restitution and compensation), residency rights, and land ownership. This system originated in 1948 in order to dominate and dispossess all forcibly displaced Palestinians along with the 150,000 Palestinians who were able to remain within the "Green Line" and who became citizens of Israel. The occupation of the remaining part of Palestine by Israeli forces in 1967 subjected the Palestinians living within that territory to the same discriminatory system.

The creation of a Jewish nation state in a land with a small Jewish minority could only be achieved by forcibly displacing the indigenous population and implanting Jewish colonizers from abroad. Accordingly, The manifestation of Israel's ideology is forced population transfer. Forced population transfer has been defined as a practice or policy that has the purpose or effect of moving persons into or out of an area—either within or across an international border and it might be carried out en masse, or as "low-intensity transfers" affecting a population gradually or incrementally.

Forced population transfer is illegal and has constituted an international crime since the Allied Resolution on German War Crimes, adopted in 1942. The strongest and most recent codification of the crime is in the Rome Statute of the International Criminal Court, which clearly defines the forcible transfer of population and implantation of settlers as war crimes.

Already, 66% of seven million Palestinians worldwide have been displaced by Israel's ongoing forcible displacement policy. Today, this population transfer is carried out by Israel in the form of its overall policy of "silent" transfer—not by mass deportations like in 1948 or 1967. This displacement is silent in the sense that Israel carries it out while trying to avoid international attention by displacing small numbers of people on a weekly basis.

Palestinians struggle to acquire and retain their rights undermined by Israel's policy of forcible transfer. Any attempts at resolving the conflict between Israel and the Palestinians requires addressing the imbalance of power and resulting rights-refusal with special attention to the most egregious and



unaccounted practices: namely, the Israeli policy of forcible transfer of Palestinians. Thus, a rights-based approach responds to the root causes of the conflict between Israel and the Palestinians while a humanitarian emergency aid approach addresses the outcomes of illegal Israeli practices rather than their implementation. In pursuit of a sustainable and just peace, a rights-based approach draws on international law and the principle of justice and equality for all. A human rights-based approach requires:

1. Recognition of rights, in particular the Palestinian people's right to self determination, the right of refugees and internally displaced persons to reparation (voluntary return, property restitution and compensations), the right to development (to freely dispose and enjoy the natural wealth and resources and cultural heritage) and the right to peace;
2. Addressing the root causes of the conflict: namely colonialism, institutionalized discrimination and prolonged military occupation. These are the dynamic foundations for a range of human rights violations, such as the denial of displaced people's right of return, land confiscation, colony expansion, home demolitions, restrictions on freedom of movement and so forth;
3. Ensuring equal exercise of legal rights for all parties and redress for victims without discrimination and without violating the rights of or causing harm to other parties;
4. Setting the foundations for peaceful and cooperative relations between peoples, groups, individuals and states. Such a foundation will be an intrinsic component to a just peace and is essential for reconciliation, which in turn will be achieved through implementing transitional justice (both judicial and non-judicial) mechanisms, including criminal prosecution, reparations, institutional reforms and truth commissions.

Israel's regime must be judged according to these principles and its impunity must be brought to an end because the silence, if not complicity, of powerful members of the international community, in the face of practices and policies that violate fundamental rights and laws further entrenches politics, to the detriment of justice. Israel's continuous and calculated strangulation of the Palestinian people can be challenged by the international community by criminalizing Israel's practices and policies in addition to declaring their unlawfulness as the United Nations General Assembly did with apartheid South Africa in 1973 when the state's actions were defined as an international crime under the Apartheid Convention. The first significant step in that direction would be to reinstate United Nations General Assembly Resolution 3379 of 10 November 1975, declaring Zionism as a form of racism, and paving the way for the end of Israeli impunity.

With sincere regards and our deepest thanks for your support,

BADIL Resource Center

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