Palestinian Ongoing Nakba
About BADIL

- Established 1998; not-for-profit, Palestinian human rights organization;
- Advancing a Rights-Based Solution: Empowering Rights Holders and Influencing Duty Bearers
- Special Consultative status with UN since 2006 (ECOSOC)
- Comprehensive rights-based approach founded in IHL, IHRL
  - Geographic Scope
  - Element of Time
"Maximum Land with Minimum Palestinians" 1917-2015

Israeli Policies combine Apartheid, Colonization and Occupation

By end of 2014
More than 7.3 million Palestinian Refugees and 0.5 million IDPs
Zionist Movement

0 Officially started in 1897, typical of movements in 19th century Europe

0 Colonial, imperial, elitist and secular

0 Jewish as an ethnicity, not a religion. The Jewish Problem, anti-semitism

0 Mandate: “to establish a Jewish state for the Jewish people in Palestine”
Balfour Declaration

Published 9 November 1917

Letter from the UK's Foreign Secretary Balfour to Walter Rothschild, leader of the British Jewish community, for transmission to the Zionist Federation of Great Britain and Ireland.

"His Majesty's government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country."
Obstacles and Solutions: “Land without People for a People without a Land”

1. Indigenous Population

"...it must be clear that there is no room in the country for both people (...) the only solution is a Land of Israel, at least a western Land of Israel without Arabs. There is no room here for compromise. (...) There is no way but to transfer the Arabs from here to the neighboring countries (...) Not one village must be left, not one (Bedouin) tribe."


0 1948 and Plan Dalet
Obstacles and Solutions:
“Land without People for a People without a Land”

2. Property Rights

0 Absentee Property Military Order (1948)
0 Absentee Property Law (1952)
0 “Present Absentee”
Obstacles and Solutions:
“Land without People for a People without a Land”

3. Colonizing with the desired population
   0 Link between secular Zionism and Judaism
   0 Law of Return
Largest Waves of Displacement

• British Mandate (1922-1947)
  • 150,000 displaced within and beyond the borders of Palestine

• Nakba = Catastrophe (1948)
  • Over 750,000 Palestinian refugees were displaced beyond the borders of the newly established Israel.
  • 130,000 remained in what is now the state of Israel; 40,000 of these were IDPs
  • 85% of the Palestinian population were displaced.

• Naksa = ‘Setback’, another catastrophe (1967)
  • 450,000 (1/3 the population of the oPt)
Policies of Silent Transfer (I)

1. Denial of Residency
   0  Family Reunification
2. Installment of a Permit Regime
3. Land confiscation and denial of use
After the occupation and illegal annexation of East Jerusalem in 1967, Israel created the status of "permanent residents" for Palestinian East Jerusalemites, thereby making Palestinian presence in the city vulnerable to Israel's political and demographic aims.

Since this time Israel has consistently created and expanded criteria, making it easier to revoke residencies of Palestinian Jerusalemites in order to attain an Israeli-Jewish majority in the city by illegal means.

Since 2006, Israel has been escalating the use of residency revocation as a punitive measure. As the revocation forms part of a widespread and systematic policy to transfer the protected Palestinian population, it may amount to a crime against humanity.**

Israel uses the following 3 discriminatory and illegal criteria to forcibly transfer Palestinians from Jerusalem...

if ... they live abroad for 7 years or become permanent residents or citizens of another country.

or ... they cannot prove their "center of life" is in Jerusalem.

or ... they are accused of breaching "allegiance" to Israel.***

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Photo: Ronen Zvulun/Reuters. *When the dependent children of those stripped of their residency rights in Jerusalem are included, the number of Palestinians that have lost their residency rights in Jerusalem is approximately 86,000. **Under Article 7 of the Rome Statute. ***International humanitarian law explicitly forbids the occupier from demanding the allegiance of an occupied population.
WHY REFER TO EAST JERUSALEM?
Six Palestinian hospitals in occupied East Jerusalem provide many medical specialities which the Palestinian Ministry of Health is unable to provide in the West Bank and Gaza.

OVER 50% of patients in East Jerusalem’s hospitals are referred from the West Bank or Gaza by the Ministry of Health.

EXITING GAZA: WHO CAN GET A PERMIT?
Palestinians without a Jerusalem I.D. must obtain an Israeli-issued permit to travel to hospital in East Jerusalem. Those from Gaza experience the harshest restrictions.

PATIENTS MAY BE REFUSED BASED ON
- AGE: People aged 18-45 experience the most delays and denials
- GENDER: Men are more likely to be refused than women
- ASSOCIATION: Patients with family considered to be a security risk by Israeli authorities have more chance of delay and denial
- SEVERITY: Patients requiring non-life threatening treatment experience increased denials and delays.

APPROVAL TIME
Patients only find out if their application was successful the evening before they are due to travel.

1/3 OF PATIENTS WERE DENIED OR DELAYED IN 2016

SECURITY INTERVIEW
Patients and companions risk being arbitrarily detained and interrogated by the Israeli security services.

PATIENT COMPANIONS
Patients are only allowed one companion, who must also apply for a permit. Companions under the age of 65 (94% of Gaza’s population) are more likely to be refused.

PERMIT APPROVAL RATES TO EXIT GAZA THROUGH EREZ CHECKPOINT IN 2016 (%)

HOW DO PATIENTS GET TO HOSPITAL?
Palestinian patients entering East Jerusalem must undergo the ‘back-to-back’ ambulance transfer process. The average back-to-back delay at checkpoints for emergency cases is 24 minutes.*
Policies of Silent Transfer (II)

4. Discriminatory zoning and planning
   0 Land Law

5. Segregation and Institutionalized Racism
   0 “Israeli” Nationality Law

6. Denial of natural resources and access to services
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Right of Return (I)

Guaranteed by:

0 International & Regional Human Rights Law
0 International Humanitarian Law (IHL)
0 Law of Nationality and State Succession
0 UNGA Resolution 194
Number of detained minors age 12-15 (Jan. 2010- June 2014) 400

- 20% of detained children are placed in solitary confinement for up to 30 days
- 95% of detained children are forced to admit to charges they did not commit
- 57% of detained children from Jerusalem have been jailed at least twice

75% of Palestinian children detained by Israeli forces are physically tortured

25% of detained children are put on military trial

Palestinian minors detained by Israeli forces (Jan. 2010- June 2014) 2,000-3,000
Displaced Palestinians (up to 2015)

- 66% of the Palestinian population are forcibly displaced persons
  - 7.98 million of 12.1 million Palestinians forcibly displaced persons
  - 6.14 million are 1948 refugees (5.09 registered)
  - 1.1 million 1967 refugees
  - 720,000 are IDPS (384,000 (Israel) + 334,000 (oPt)

- Largest and longest standing displaced population in the world
Conclusion

In light of this analysis, durable peace—a resolution to the Palestinian-Israeli conflict cannot be attained without addressing the Palestinian refugee (and IDP) issue.
Obligations of 3rd Party States:

- **Protect** the rights of the Palestinian people, including the rights of the refugees and IDPs;
- **Condemn** Israel’s violations and ensure that it respects its legal obligations;
- **Not render aid** and assistance to the unlawful acts committed by Israel, and
- **Ensure** investigation of international crimes and gross human rights abuses, and prosecution and punishment of those found responsible.
Questions??

Return is Our Right and Our Will
BADIL Resource Center for Palestinian Residency and Refugee Rights

Bethlehem, Palestine

www.BADIL.org