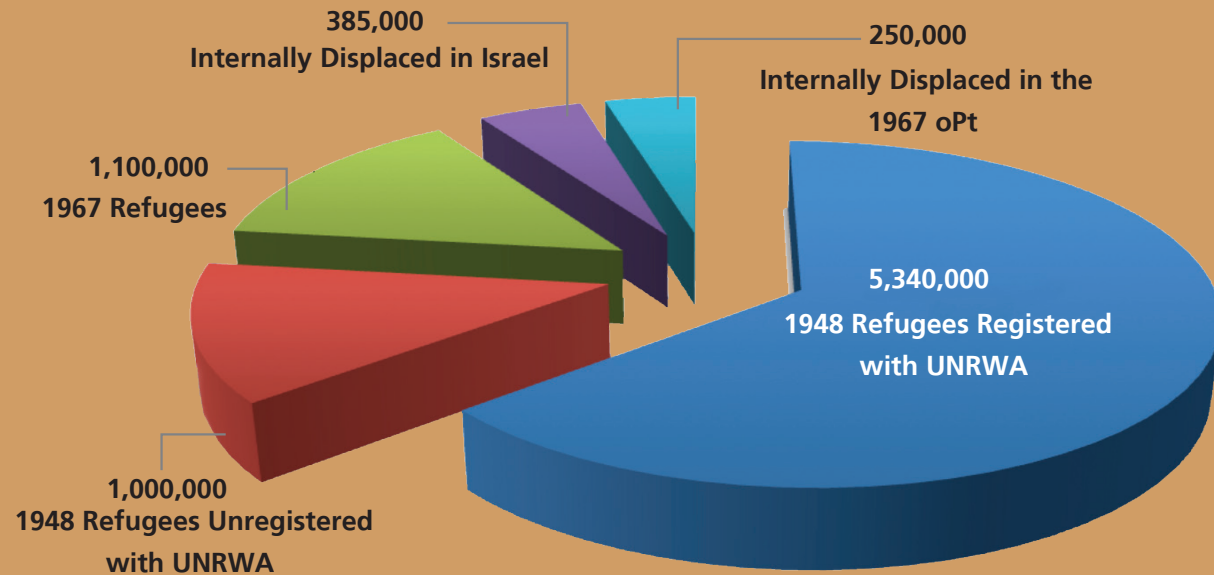


70 YEARS OF ongoing Nakba

ongoing Resistance

DISPLACED PALESTINIANS TODAY

Today, at least 8.26 million of 12.7 million Palestinians (66%) are forcibly displaced worldwide



According to international law, forcibly displaced persons can be divided in two main groups, depending on whether or not they have crossed an international border: refugees and Internally Displaced Persons (IDPs).

POPULATION TRANSFER IN PALESTINE

PALESTINIAN REFUGEES WORLDWIDE



Since the British occupation in 1917 and the establishment of the mandate for Palestine, Zionist militias and subsequently Israel after 1948, have been displacing the Palestinian people from their homes and lands with the aim of controlling the maximum amount of land with the minimum number of Palestinians on that land.

THE LARGEST AND MAIN WAVES OF PALESTINIAN DISPLACEMENT AND TRANSFER

British Mandate (1922 – 1947): 100.000 – 150.000 Palestinians displaced

NAKBA (1947 – 1949): 750.000 – 950.000 Palestinians displaced
representing 85% of Palestinians living in what has become Israel

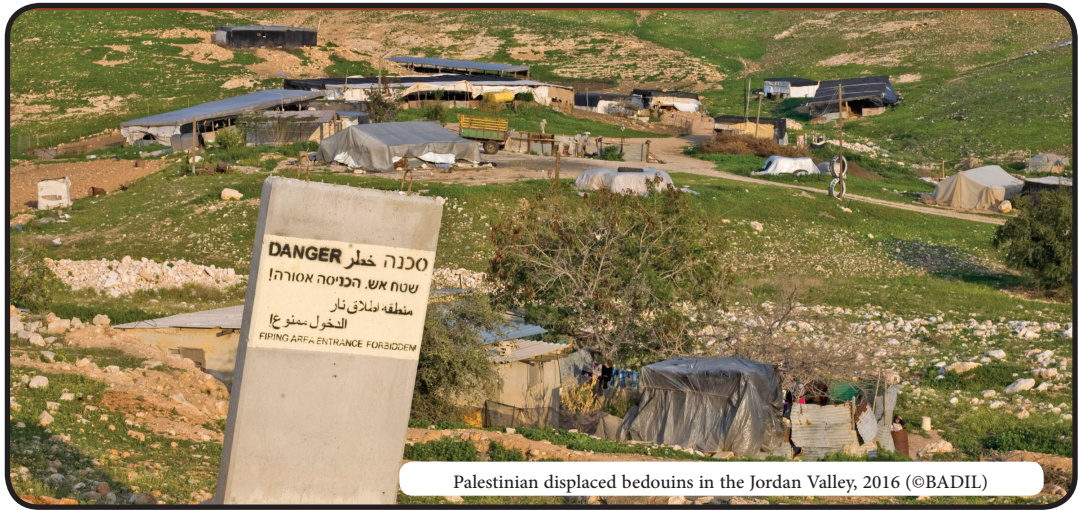
Under Military Rule (1949 – 1966): 35.000 – 45.000 Palestinians displaced
In the period 1950 – 1956: up to 20.000 Palestinian bedouins in the Naqab were displaced by Israel

1967 War: 400.000 – 450.000 Palestinians displaced,
approximately 193.500 were 1948 refugees

Since 1967, Israel has been exacerbating a coercive environment through the implementation of policies of forcible transfer and displacement all over Mandatory Palestine, including:

1. Denial of Residency
2. Discriminatory Zoning and Planning
3. Land Confiscation and Denial of Use
4. Instalment of a Permit Regime
5. Denial of access to natural resources and services
6. Suppression of Resistance
7. Segregation and Institutional Racism
8. Non-State Actions (with the complicity of Israel)
9. Denial of Reparations (voluntary return, property restitution, compensation and non-repetition of violations)

Each one of these policies is implemented through laws and practices that deny or inhibit the enjoyment of the most basic human rights. Furthermore, while any one of the policies creates a coercive environment in itself, the reality is that Palestinians face multiple policies at the same time. Through these policies, Israel displaces and transfers indigenous Palestinians while facilitating the colonization of Palestinian land by Israeli-Jews.



Palestinian displaced bedouins in the Jordan Valley, 2016 (©BADIL)

The definition of 'force' ⁶⁶is not restricted to physical force, but may include threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power against such person or persons or another person, or by taking advantage of a coercive environment. ⁶⁹

Article 6(e) of The Rome Statute Elements of Crimes.

The essential component is that the displacement must be involuntary, with the person(s) in question being deprived of genuine choice in the decision to leave their homes and communities.

THE PROTECTION GAP

International protection is comprised of three components: physical safety and security, humanitarian assistance and services, and legal protection (ensuring human rights and implementing durable solutions). The international agencies created specifically by the UN to provide this protection (UNRWA and UNCCP) contain structural deficiencies that obstruct the fulfilment of their mandates. This, combined with the complacency and inaction of states to hold Israel accountable to its obligations, results in a protection gap characterized by: ongoing displacement of Palestinians on both sides of the Green Line; violation of Palestinian human rights in host states and their subsequent secondary displacement; and the sustained growth of the Palestinian displaced population.

STATES' OBLIGATIONS

According to Article 41 of the Articles on Responsibility of States for Internationally Wrongful Acts, States have both a positive duty to affect the cessation of unlawful acts; and a negative duty of abstention to refrain from recognizing or treating the situation as lawful.



Palestinian refugees in Lebanon demand respect of their rights to life, dignity, adequate housing and living, education, health care...etc., 2016 (Source: refugee.net.ps)

OBLIGATIONS TO PROVIDE REPARATIONS

When a state does not respect its obligations under international law, it is committing an internationally wrongful act which creates a secondary, subsequent duty: the obligation to provide reparations for the wrong committed. The right to reparations, as a form of durable solution, includes physical repatriation, property restitution, compensation and guarantees of non-repetition.

However, Israel is not fulfilling (nor is it willing to fulfil) its obligation to provide reparations to Palestinians by continuing to perpetrate their displacement and actively prevent the exercise of their rights, including their right to reparations.

As such, third party states, international agencies including the UN and regional bodies such as the EU are obligated to intervene to **(1) provide international protection to Palestinians and (2) hold Israel accountable.**



Home demolition in E1 area, Jerusalem, 2016 (Source: ism.org)

PROHIBITION OF POPULATION TRANSFER

According to International Human Rights Law (IHRL) and International Humanitarian Law (IHL), states are prohibited from implementing population transfer. This includes the prohibition of supplanting its population into occupied territory and the forced displacement of the indigenous/habitual residents of that territory and its own territory.

- The Rome Statute (Article 8) prohibits the “transfer, directly and indirectly by the Occupying power of parts of its own civilian population into the territory it occupies”;
- Article 49 of the Fourth Geneva Convention “individual or mass forcible transfers [...] are prohibited, regardless of their motive.” Forcible transfer is a grave breach of international law under Article 147 of the Fourth Geneva Convention, constitutes a war crime under Rome Statue Article (2)(b)(viii) and a crime against humanity under Rome Statute Article 7(1)(d).
- Under IHRL, the right to adequate housing dictates that “every woman, man and child has the right to a secure place to live in peace and dignity, which includes the right not to be evicted unlawfully, arbitrarily or on a discriminatory basis from one’s home, land or community”.



House demolition in Silwan - Jerusalem, 2016 (Source: silwanic.net)

RECOMMENDATIONS MOVING FORWARD

To fulfil their obligations according to international law, States must not only acknowledge and condemn Israel's unlawful policies and practices, but take measures to close the protection gap by agreeing:

- To abide by the provision of international protection, including durable solutions as embodied by relevant international law instruments and principles to ensure and respect human dignity and rights.
- To not render aid or assistance to unlawful acts committed by Israel.
- To impose sanctions as well as other measures to bring Israel into compliance with international law;
- To ensure the investigation of international crimes and gross human rights abuses, including prosecution and punishment of those responsible.

International solidarity movements and organizations must implement activities that acknowledge the full spectrum of Palestinian rights by:

- Increasing their societies' awareness of Israel's human rights abuses and international crimes that deny Palestinians their rights, including the right to return;
- Pressuring their governments to adhere to their international obligations as third party states;
- Respecting and supporting the Palestinian national call for boycott, divestment and sanctions (BDS).

The great Return march, Gaza,
April 2018 (Source: paletodayps)



RETURN IS OUR RIGHT AND OUR WILL