



38th Regular Session of the United Nations Human Rights Council

Oral Intervention

Universal Declaration of Human Rights and UN Resolution 194

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On 10 December 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights, which constitutes the foundation of international human rights law as we know it today. The legal and ethical power has stemmed from the belief that its articles are a codification of common norms and customary rules. Moreover, it is the predecessor for the binding instruments of both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

The UN preparatory work records on both the Declaration and Refugee Conventions illustrate that the plight of Palestine refugees in 1948 resulted in significant additions to those instruments, especially Article 13(2) of the declaration, which states that “Everyone has the right to leave any country, including his own, and to return to his country.” Article 2 states that “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind”. The following day on 11 December 1948 the UNGA adopted Resolution 194, which precisely articulates the right of reparations of Palestinian refugees (including voluntary repatriation, property restitution, compensation and guarantees of non-repetition). Furthermore, Resolution 194 has been foundational in shaping modern refugee law and served as an instrumental tool in realizing the right of return for other refugee populations.

Alas, as we approach the 70th anniversary of both of these foundational documents, Palestinian refugees and internally displaced persons are excluded from benefiting from either and continue to comprise one of the largest and longest standing displaced populations in the world.

The Palestinian claim for reparations is neither exceptional or insurmountable. The only substantive obstacle is the lack of political will. BADIL calls upon the members of the General Assembly to fulfil their obligations by taking effective measures to ensure that the Palestinian refugees and the internally displaced are no longer exceptions to the principles and rights set forth in both the Universal Declaration of Human Rights and UNGA Resolution 194.