

al majdal



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BADIL Resource Center for Palestinian Residency & Refugee Rights

Refugee Rights and an Indigenous Agenda for the Promotion of Human Rights and Democracy



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

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Refugee Rights and an Indigenous Agenda for the Promotion of Human Rights and Democracy

Refugee rights and refugee participation are key elements of an indigenous agenda for the promotion of human rights and democratic reforms in the Middle East. An inclusive process that addresses protection concerns and simultaneously works to create the conditions in which Palestinian refugees and internally displaced may freely choose to exercise their right to return and repossess their homes and properties can enhance respect for human rights in the region and pave the way for broad democratic reforms in the Arab world and Israel.

The greater Middle East

Recent U.S. plans to promote political reform and democratization in the Middle East are widely perceived in the Arab world as the second round of an offensive launched after 11 September 2001 to reshape the political landscape of the region. The "Greater Middle East Initiative", apparently inspired by UN Arab Human Development Reports, was tentatively scheduled to be discussed and endorsed by members of the G-8, the EU, and NATO in June 2004. The plan for political, judicial, economic and social reform of Arab states has been met with widespread criticism.

The American initiative advances the notion of a "greater Middle East" that does not exist on the geopolitical map of the region. The initiative promotes partnership even though U.S. officials failed to consult Arab states and civil society about the plan. Special bilateral agreements will continue to shield Israel from legitimate challenges for democratization and respect for rule of law. In both form and content, the initiative appears more concerned with securing new occupation regimes in Afghanistan and Iraq, and the longstanding occupation of Palestine, than real democratic reform and promotion of human rights.

Criticism voiced by many Arab states is motivated by concern about the tightened U.S. grip on oilfields and business interests in the region, and by strong fears of a dramatic rise of popular support for fundamentalist Islam triggered by cultural alienation and the frustration of popular aspirations for freedom and social justice. Arab civil society organizations - unions, associations, political parties and human rights and development NGOs - on the other hand, are deeply concerned about the prospect that the pro-

posed U.S. initiative will strangle their long-standing struggle vis-à-vis authoritarian Arab regimes for respect of human rights and the rule of law, civic participation and democratic reform.

One contributor to the UN development reports likened the U.S. initiative to "a drunkard leaning on a lamppost, to save himself from falling and not for enlightenment." ("UN report writer rejects US' Mideast reform plan," *Daily Star*, 20 February 2004). Even the European Union has attempted to set some distance between its foreign policy in the region and the approach adopted by the Bush administration. The U.S. plan for a greater Middle East, if implemented, will have especially negative impact on vulnerable populations in the region, among them millions of Palestinian refugees. Stranded in the various Arab countries of exile without perspectives of a political solution to their plight, political and social conflict will further decrease the scope of legal and political protection available for them.

A reformed occupation

U.S. plans for the entire region coincide with Israeli efforts to establish a new security regime in the 1967 occupied Palestinian territories along front lines more favorable to Israeli military control and demographic interests. Ariel Sharon's proposed unilateral withdrawal from the Gaza Strip (and perhaps from small areas of the West Bank) is being 'negotiated' with American officials in return for assurances that Israel will not be forced to withdraw to the 1949 armistice lines ('Green line'), tacit support for Israeli efforts to crush Palestinian resistance including the use of extra-judicial killings, and support for resettlement of Palestinian refugees in any future Palestinian state.

The contours of Israel's new occupation regime are rapidly taking shape on the ground: a separation/apartheid wall permitting de facto annexation of large portions of the 1967 occupied Palestinian territories; forced concentration of the Palestinian population in non-contiguous enclaves where humanitarian needs are catered to by international agencies; Jewish development of the Galilee and the Naqab (Negev) to offset Palestinian growth; the expulsion of Palestinians living 'illegally' inside Israel; and, the demise of the Palestinian national leadership and the option of a two-state solution in favor of long-term crisis management and containment.

The very aim of a negotiated settlement between the Israeli government and the Palestinian people appears to have been abandoned by the international community. The Sharon plan has quickly overtaken discussion of the Road Map, although American and European officials are anxious to characterize a withdrawal from Gaza as a step towards implementation of the international plan. Talk of unilateral withdrawal has also eclipsed the short but intense focus on the unofficial Geneva initiative, roundly rejected by Palestinian civil society as inconsistent with international law and the inalienable rights of the Palestinian people.

While the U.S. and Europe continue to refer to the importance of rule of law as part of a broader reform program for the region, the search for a comprehensive, just and durable solution to the Palestinian-Israeli conflict is increasingly characterized by a disengagement from international law. American and select European opposition to the proceedings at the International Court of Justice concerning the legal consequences of Israel's separation/apartheid wall is the latest example. This approach not only undermines a negotiated solution to the conflict, but may also result in a reformed Israeli occupation administered and bankrolled by the international community itself.

An indigenous agenda for reform

Initiatives to promote democratic reform and human rights in the Middle East will only be effective if they are allowed to emerge from within the region. The challenge facing the Arab world is tremendous. If implemented, U.S. and Israeli plans will frustrate as-

pirations for freedom, human rights, justice and democracy for years to come. Arab civil society can provide alternatives. Successful past efforts include recent revisions to the 1994 Arab Human Rights Charter; sustained organizing of popular support for the Palestinian intifada; public protest and massive demonstrations against the U.S.-led war on Iraq; and a first Arab NGO summit held parallel to the 2001 Arab League summit in Beirut.

Nevertheless, democratic transformation has been slow and without tangible benefits for the people in the region. The unresolved Palestinian-Israeli conflict remains one of the most pervasive obstacles to democratic reform and promotion of human rights. An indigenous agenda that addresses protection concerns and simultaneously works to create the conditions in which Palestinian refugees and internally displaced - the core of the conflict - may freely choose to exercise their right to return and repossess their homes and properties through the development of more robust instruments and mechanisms could enhance respect for human rights in the region and pave the way for broader democratic reforms in the Arab world and Israel.

Civil society initiatives could also strengthen official resistance to political pressure and external initiatives, including U.S. plans for a greater Middle East and Israel's long-term occupation and denial of the right of the Palestinian people to self-determination. They also provide the most effective response to the traditional mix of authoritarian rule, clientalism/nepotism and populism in the Arab world. Important parallel initiatives could be invigorated in this context, among them lobbying for the reform of personal status and citizenship laws, laws and policies limiting freedom of expression and association, development of domestic and regional human rights instruments and mechanisms, and regular civil society participation in the framework of Arab League summits.

The notion of an indigenous agenda for regional reform beginning with the issue of Palestinian refugees is addressed in this issue in the summary report of the third BADIL Expert Seminar held in Cairo with the participation of UNRWA, UNHCR, the European Council for Refugees and Exiles (ECRE), and delegates of Palestinian/Arab human and refugee rights organizations from Palestine, Lebanon, Syria and

Egypt. The seminar focused on the closing the gap from protection to durable solutions. A feature article on past approaches to crafting durable solutions for Palestinian refugees also draws conclusions about reform of the Middle East peacemaking process.

This issue also provides updates about Palestinian organizing and right-of-return initiatives, including refugee community workshops with Dr. Karma Nabulsi (Nuffield College, Oxford) about rebuilding Palestinian civil society structures and participation in exile,

Palestinian responses to the Geneva Accord (in Refugee Voices) and a conference on the right of return and just peace in Haifa on the occasion of the 28th anniversary of Land Day. Protection and assistance issues include updates on the impact of Israel's separation/apartheid wall, renewed calls for restitution in Iraq and Libya, ongoing dispossession in the Naqab, and a field report about Israel's massive destructive of refugee housing and livelihoods in Rafah.

"The Palestinian exile community has a right to

Campaign for Palestinian Refugee Rights

Community Workshops (West Bank) - Participation and Representation of the Palestinian Exile



Dr. Karma Nabulsi addressing activists in Deheishe refugee camp. Photo: BADIL.

participation and representation, but most Palestinians have no representation and no voice," Dr. Karma Nabulsi told two community meetings organized by BADIL in the Dheisheh and al-Amari refugee camps in the West Bank on 15 and 17 January 2004.

Dr. Nabulsi, a former PLO representative and currently

a fellow at Nuffield College, Oxford University, is engaged in preparations for an initiative seeking to explore needs, civic structures and mechanisms that would allow for more active participation by Palestinian civil society in exile and improve communication with each other and their legitimate leadership. She was invited by BADIL to present her ideas and initiative to local Palestinian refugee community organizations.

Dr. Nabulsi reminded participants of the fact that the Palestinian community in exile has not been consulted on initiatives such as the Geneva Accords nor did they have any role in the 1996 Palestinian elections. She called for an inclusive process and told her audience that Palestinians in the 1967 occupied territories should reject further elections if the exile community is not included.

There is external pressure, she said, to fragment the Palestinian people and make its leadership unrepresentative. To remedy this, the people have to pressure and encourage the PLO leadership to represent all Palestinians, and this can best be done through civic structures that should be created by the people themselves.

It won't be easy, she said, but there is a need to create civic structures in the exile community where they can better communicate with their legitimate leadership and each other. The fragile political structures that exist are under siege, so we need to become uni-

fied. This can be done by connecting through structures that link Palestinians in the occupied territories and those outside.

Dr. Nabulsi's proposal for an agenda of civil society participation and democracy led by the authentic Palestinian need for unity and representation was enthusiastically received by local community activists. Participants expressed their dissatisfaction with prevailing projects of 'civil society and democracy building,' which tend to be donor-guided and ignore Palestinian refugee rights and needs. They expressed their eagerness to participate in follow-up once this initiative will be launched.

Dr. Nabulsi's presentation was based on her paper "Popular Sovereignty, Collection Rights, Participation and Crafting Durable Solutions for Palestinian Refugees" presented to the BADIL Expert Forum at Ghent University in May 2003. The paper is available in English and Arabic print versions and on BADIL's web site www.badil.org/Campaign/Expert_Forum.htm.

Haifa Initiative:

First Right of Return and Just Peace Conference in Israel



International law panel at the first Right of Return and Just Peace Conference in Haifa. Photo: Emile Touma Center

The right of return was 'affirmed', not 'created' by UN General Assembly Resolution 194, Gail Boling, on behalf of BADIL, told a recent conference of Israeli Jews and Palestinians in Haifa. Ms. Boling said that if legal language were used correctly, it would not be difficult to refute the commonly expressed

challenges to the right of return.

The right of return, she said, is enshrined in international treaty and customary law and therefore binding. Israel is not permitted to 'opt out' of its obligations to Palestinian refugees, because their displace-

ment and dispossession entailed violations of norms which all states must respect under international law (e.g. right to self-determination, prohibition of the use of force, prohibition of crimes against humanity, a.o.).

The common argument, she continued, that strong human rights law developed after 1948 is not applicable to Palestinian refugees, because 'law cannot be applied retroactively,' can be negated by at least two legal doctrines (intertemporal doctrine; continuous violation doctrine), if the case of Palestinian displacement and dispossession is presented as ongoing.

Haifa chosen for symbolic reasons

The choice of Haifa as the site of the first Right of Return and Just Peace Conference in Israel and late March as its date was meant to convey a political message: 70,000 Palestinians were expelled from the city in March 1948 and the conference was held on the eve of the 28th anniversary of Palestinian Land Day.

It was jointly organized by Ittijah (Union of Arab Based Community Organizations), Emil Touma Institute, Association of the Defense of the Rights of the Internally Displaced in Israel and the Zochrot Association, considering it time to transform the right of return from a dream into a major item on the public, civil society and policy making agenda in Israel and internationally.

The conference began on a pessimistic note with Palestinian historian Sharif Kan'ana (Birzeit University) declaring: "There is no place for debate about the right of return in this time, because we must speak about genocide. The experience of American Indians might well represent what is at stake for the Palestinian people." This was later disputed. "Zionism," argued one participant, "has been unable to defeat the Palestinian people; the South African model might be much more appropriate to describe the post-Oslo reality in Palestine where struggle is rapidly being transformed into a fight to end Israel's form of apartheid."

Challenge Israeli denial

Israeli historian Dan Yahav (Holon and Lod Colleges) focused on the importance of remembering the fate of the Palestinians in the region in order to challenge

ongoing denial and the notion of 'demographic threat' to the Jewish state. He underlined the fact that Israel's laws and demographic policies since 1948 have resulted in one-sided immigration: Israel's Jewish population has grown by 1:100 while its Palestinian population has no more than tripled.

Professor Yahav denied that the Palestinian refugee issue was 'an unfortunate result of war' unable to be resolved because, 'the wheels of history cannot be turned back', and highlighted the responsibility of Israeli labor Zionism for the past and ongoing expulsion of the Palestinian people. Sari Hanafi of the Ramallah-based Shaml Center rephrased the continuing Nakba of the Palestinian people in post-modernist sociological terms arguing that 'spaceocide,' rather than genocide was Zionist Israel's ultimate aim in Palestine.

Presentations by historians and sociologists were followed by a lively debate among the some 300 participants, about half of them Jewish Israelis eager to move on to a more activist approach to the right of return.

The difference between being defeated and being realistic was raised and participants noted their awareness of the Zionist movement's efforts since Herzl's days to enlist Palestinian academia and middle class, economically, politically and ideologically. They agreed that historical analysis should serve the struggle for just peace rather than providing more and more 'de-construction' of past and current disasters.

Res. 181 as advocacy tool

A legal reading of UNGA Resolution 181 (UN Partition Plan) provides useful tools for right of return advocacy in the international arena, Uri Davis (Al-Beit Association) told the conference in his presentation 'Ten Theses for the Right of Return.' Resolution 181, he pointed out, includes guiding principles for the constitutions of the proposed 'Jewish' and 'Arab' states which clearly affirm that all 4-5 million Palestinian refugees of 1948 are entitled to Israeli citizenship. Current Israeli citizenship law provides for 'apartheid citizenship,' because the law establishes different types of citizenship for Jews and non-Jews, he emphasized. Based on the argument that citizenship and nationality are two different concepts, he encouraged Palestinian refugees to claim Israeli citizenship and concluded by calling on right-of-return advocates to base their argument on all UN resolu-

tions, not only UNGA Res. 194, and to develop initiatives of mass non-violent action.

Advocate Usama Halabi (Mada) provided conference participants with a detailed account of Israeli laws enacted to denationalize Palestinian refugees, confiscate their properties and prevent the enforcement of return and restitution. He noted that cancellation and/or reform of these laws is, as in the case of the Bosnia-Herzegovina peace agreement, a condition for implementation of adequate remedies in the future.

The conference session on Law and Advocacy concluded with a legal critique by Marwan Dalal (advocate, Adalah) of the moral arguments promoted by Sari Nusseibeh in the framework of the 'Nusseibeh-Ayalon Plan'. The plan, he said, presents the right to freedom (sovereignty in the West Bank and Gaza) and the right of return as conflicting rights, holding that for ethical reasons the right of return must be relinquished for the sake of freedom. Dalal argued that legal analysis does not support this conclusion, because the two rights are neither opposed nor mutually exclusive. The assumption that it was more likely or possible to achieve right to freedom than the right of return, moreover, has been refuted by

realpolitik based on the prevailing balance of power. The conference agenda included presentations of historical and sociological research about 1948 displaced Palestinian villages and internally displaced Palestinians in Israel and Salman Abu Sitta's 'Return Plan.' Poetry readings between sessions and Palestinian films screened parallel to the conference gave an insight into the emotional dimension of the Palestinian Nakba and its artistic expression by Palestinian artists of all ages.

A joint statement from the organizers, read in the closing session, affirmed the organizers' commitment to sustained follow-up and right of return advocacy. Planning is already under way for a second conference in March 2005.

A bus tour to six Palestinian villages depopulated in 1948, guided by the Association for the Defense of the Rights of the Internally Displaced in Israel after the conference ended, provided, in words of a Jewish Israeli visitor, an opportunity to "see what could not be seen in other visits to the Galilee."

The final statement issued by conference organizers is reprinted in 'Documents' in this issue.

Appeal from Palestinian & Arab Non-Governmental Organizations to the Arab Summit

"Enhancement of legislative and constitutional reform in Arab states, and closing the gap between national legislation and international standards and human rights laws in general and refugee rights in particular, will result in a more dignified life for Palestinian refugees under Arab patronage until they return to their lands" states the Palestinian Right-of-Return Coalition. The Coalition initiated a joint appeal to Arab states for respect of Palestinian refugees' right of return and their right to physical and legal protection in the 1967 occupied Palestinian territories and in Arab host countries.

The appeal, endorsed by 31 Palestinian and Arab civil society organizations, is scheduled to be presented to Arab states at the upcoming summit,

originally scheduled for March 2004. The appeal is based on the conclusions of the 3rd BADIL Expert Seminar convened in Cairo in early March, suggesting that incorporation of Palestinian refugees and their right of return into an indigenous strategy for human rights and democratic reform would not only benefit the refugees themselves, but also address one of the greatest political concerns in the region, i.e. the unresolved conflict with Zionist Israel and forced resettlement of millions of Palestinian refugees.

While little remains known about the concrete reasons for the postponement of the 2004 Arab Summit initially scheduled to be held in Tunis at the end of March, rumors suggest that it was moti-

vated by disagreement among Arab states about how to respond to U.S. and European pressure for democratic reform and further concessions related to the Israeli-Palestinian conflict. Confronted with the U.S. 'Greater Middle East Initiative,' Arab civil society organizations are calling for an indigenous

Arab reform program including a firm stand in support of the basic rights of the Palestinian people.

The full text of the Palestinian & Arab NGO appeal to the Arab Summit is reprinted in 'Documents' in this issue.

Haq al-Awda

BADIL's Arabic-language magazine

BADIL's Arabic-language magazine, Haq Al-Awda (Right of Return), printed and distributed to some 30,000 households in the 1967 occupied Palestinian territories as a supplement to the Ramallah daily Al-Ayyam is now available in electronic format on the BADIL website.

Haq Al-Awda was begun as a pilot project in 2003. Due to the strong demand, the magazine will be published on a bi-monthly basis in 2004. The first 24-page issue of 2004 included public reaction to the Geneva Accords; a BADIL study of peace agreements over the past decade showing how they contain provisions for human rights, refugee rights and a role for public participation in making and enforcing the agreements; and a report on a recent BADIL fact-finding visit to South Africa that studied the process of land restitution and reconciliation in the post-Apartheid era.

Haq Al-Awda also covered recent BADIL activities including the 4th annual meeting of the Palestinian Right of Return Coalition (London, November 2003), and the BADIL Expert Forum in Ghent, Belgium on the role of international law in peacemaking and crafting durable solutions for Palestinian refugees (May 2003). The latest issue also carried an interview with Eitan Bronstein, Director of the Israeli Zochrot Association which seeks to raise awareness within Israel of the Palestinian refugee issue and Israel's role in creating the refugee problem; the conclusions of the Joint British Parliamentary inquiry on Palestinian refugees plus field reports from Kalandia, Rafah and Tulkarem refugee camps.

The BADIL Arabic-language newspaper supplements are part of BADIL's efforts to provide information on refugee rights and encourage community participation.

To read Haq Al-Awda online visit the BADIL website: www.badil.org.



Sustainable Struggle: The Road to Palestine

**Al-Awda, The Palestine Right to Return Coalition's 2nd Annual National Convention
Brookdale Campus of Hunter College, New York, NY, 16-18 April 2004-04-02**

On 16-18 April 2004, activists and organizers will come together at the Brookdale Campus of Hunter College, New York, NY for the Second International Convention of Al-Awda, the Palestine Right to Return Coalition. This convention will encompass workshops, keynote presentations and strategy sessions geared toward enhancing knowledge, organizing and developing the North American and international movement for the Right of Return of Palestinian Refugees. The convention will be a groundbreaking assembly, bringing together active voices from North America and abroad for a weekend of education, training, empowerment, and continued building of the movement for Palestinian self-determination and return.

Speakers include: Dr. Karma Nabulsi, PLO representative from 1977 to 1990, and Dr. Salman Abu Sitta, former member of the Palestine National Council and General Coordinator of the Palestinian Right of Return Congress

For more information see, www.alawdaconvention.org.

Palestinian Conference in Berlin

“We Would Not Compromise the Right of Return and We Have Not Mandated Anyone to Compromise It”

To commemorate the Nakba and reaffirm our adherence to the right of return the Palestinian Return Centre, London, and the Palestinian Community Berlin cordially invite all Palestinian organizations and individuals in Europe to participate in a general conference to be held on Saturday 15 May 2004 in Berlin.

Distinguished participants include: Azmi Bishara (Palestinian leader from 1948 territories), Jamal Al Shati (Head of the refugee affairs bureau in the Palestinian Legislative Council), Khalid Al Tirani (Director of the American Muslims for Jerusalem centre in Washington), Muhammad Khalil Aql (Member of the Jordanian parliament from Al Baqa refugee camp), and Salah Salah (Head of refugee affairs in the Palestinian National Council).

For more information see, www.prc.org.uk.

Fourth BADIL Expert Seminar, Haifa, 1-4 July 2004

**“Rights-Based Durable Solutions for
Palestinian Refugees: Ways Forward”**

Hosted by the Emil Touma Institute for Palestinian and Israeli Studies and the Association for the Defense of the Rights of the Internally Displaced (ADRID)

The Haifa Seminar is the last in a series of four seminars held in the framework of BADIL's Expert Forum on the Palestinian Refugee Question. The Expert Forum aims to convene legal experts, academic researchers, practitioners of refugee law, human rights activists and media workers, in order to examine obstacles to and strategies for rights-based solutions for Palestinian refugees.

The Haifa Seminar is based on the assumption that an alternative model for just and durable peace between Jewish Israeli society and the Palestinian people must be built on recognition of Israeli responsibility for the forced displacement and dispossession of the Palestinian people, recognition of the basic human rights including the right of return, and implementation of remedies (return, housing and property restitution, compensation) in accordance with international law and best practice. Civil society, especially the role of Jewish-Israeli civil society, is a key player in building and promoting such a rights-based approach if concrete and practical initiatives are developed and implemented in a systematic fashion.

The Seminar aims to clarify Israeli legal responsibility, obligations and rights under international law, identification of 'conflicting rights' and possible solutions. Examination of models of transitional justice: what is their relevance in conflict (as opposed to post-conflict) situations? How can they be used for the promotion of recognition and implementation of Palestinian refugee rights? Review lessons learned from existing Palestinian and Israeli initiatives. Identification of principles and concrete initiatives for the promotion of rights-based durable solutions for Palestinian refugees in Palestine/Israel; identification of actors and agenda for follow-up.

For more on the BADIL Expert Forum see the BADIL website www.badil.org/Campaign/Expert_Forum.htm. Copies of working papers presented by the participants and seminar summaries are available on the website.

The Building Blocks of a Viable Solution for Palestinian Refugees A Reform Agenda for Middle East Peacemaking

by Terry Rempel

The basic principles governing durable solutions for refugees and displaced persons are well-known. All refugees and displaced persons have the right to voluntarily return to their homes of origin in safety and dignity and repossess their properties.⁽¹⁾ Those not wishing to exercise these rights may opt for integration into host countries or resettlement in third countries.⁽²⁾ Host countries should not push refugees to return; countries of origin should not prevent their return.⁽³⁾ In other words, the starting point in crafting durable solutions is the wish of the refugee herself. While implementation is often imperfect, these basic principles are *sine qua non* for the crafting of durable solutions for refugees and displaced persons.

The search for durable solutions for Palestinian refugees and displaced persons, since the beginning of the Madrid-Oslo process, is characterized by a distinct approach. Territorial division of historic mandate Palestine has become largely synonymous with demographic partition.⁽⁴⁾ In short, an end to Israel's protracted illegal occupation in exchange for the extinguishment of refugee rights. The starting point for crafting durable solutions for Palestinian refugees, unlike other refugees, is the ethnic, religious and national origin of the refugee, and not the wish of each individual refugee.⁽⁵⁾ "We all know what the solution will look like," has assumed a mantra-like quality: a Jewish state for the Jews and a Palestinian state for the Palestinians.

This distinct approach also has its own discourse. Terminology and concepts are abstracted and lifted from their common legal and political context and redeployed to provide meaning or significance to a framework that is fundamentally inconsistent with durable solutions applied elsewhere. The aim is to facilitate solutions for Palestinian refugees by constructing a balance of assumed interests: i.e., sym-

bolic recognition of refugee rights and the establishment of a Palestinian state in exchange for actual recognition of Israel as a Jewish state. In practice, however, this discourse undermines the search for durable solutions. The dissonance created by this discourse further alienates refugees from a peacemaking process in which they already feel marginalized.⁽⁶⁾

This article examines some of the most salient features of this discourse. Reports on the Palestinian-Israeli conflict published by the International Crisis Group (ICG), an independent, non-profit, multinational organization working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict, will be used as a case study to examine this discourse.⁽⁷⁾ The ICG has published numerous reports on other refugee cases, which provide a useful contrast to the unique discourse adopted in relation to Palestinian refugees. The article concludes with some thoughts on a reform agenda for crafting durable solutions for Palestinian refugees.

Things are not what they appear to be

One of the primary attributes of the discourse concerning durable solutions for Palestinian refugees is a process that attempts to imbue those terms or concepts, which constitute points of disagreement between Israel and the PLO, with new meanings. These terms or concepts may be considered 'spoilers'. Inclusion or elimination of such terms or concepts can either make or break a potential agreement on the refugee issue. The most obvious example is paragraph 11 of UN General Assembly Resolution 194(III). Israel officially opposes inclusion of Resolution 194 in any peace agreement because the resolution affirms the right of Palestinian refugees to return to their homes. The PLO favors inclusion of the resolution for the same reason.

Based on bridging ideas introduced at Camp David by then President Clinton⁽⁸⁾, recent proposals attempt to resolve this impasse by redefining the meaning of Resolution 194. The International Crisis Group, for example, suggests that the parties agree that “the terms of UN General Assembly Resolution 194 are satisfied by a variety of resettlement options and compensation provisions then spelled out.” This language mirrors earlier U.S. proposals concerning UN Security Council Resolution 242. “The two sides concur that the agreement reached between them on permanent status will constitute the implementation of Resolutions 242 and 338 in all their aspects.”⁽⁹⁾ In other words, what is important is not what Resolution 194 means, but rather, the meaning of the resolution as agreed upon by the parties themselves.

The problem is that refugees themselves understand very well the meaning of Resolution 194. Moreover, the drafting history of the resolution and various interpretative working papers prepared by the Secretariat of the UN Conciliation Commission for Palestine (UNCCP) provide a concise interpretation of the intent and purpose of the resolution.⁽¹⁰⁾ In brief, Resolution 194 affirms three separate rights - i.e., right of return, right to real property restitution, and the right to compensation - and two distinct solutions (i.e., return, restitution and compensation or resettlement, restitution and compensation) governed by the principle of individual refugee choice.⁽¹¹⁾ In contrast, the new meaning given to Resolution 194 merely offers refugees resettlement options but no right to return to their homes of origin inside Israel.

In other words, the new discourse retains Resolution 194 in name, but the new meaning assigned to the resolution deprives it of its original intent and purpose. It is not the name that makes Resolution 194 significant to Palestinian refugees, but rather, the actual intent and purpose of the resolution - i.e., its substance, which is the affirmation of the right of refugees to return to their homes. Depriving Resolution 194 of its original intent and purpose therefore also deprives the resolution of its significance to refugees. It is a bit like trying to convince a hungry man

that sand is wheat. Perhaps he can summon his imagination to do so, but all the powers of imagination will not resolve his actual need for food. This discourse thus undermines refugee support for the proposed agreement.

Rights, rejectionism and imposed solutions

A second feature of this unique discourse is the construction of an alternative value system for durable solutions for Palestinian refugees. Refugee rights, including return and housing and property restitution, may be viewed generally as either value-neutral or value-positive. In other words, these rights are the commonly-accepted building blocks for durable solutions. The inclusion of rights-based language in the Palestinian case, however, creates a political impasse, given the lack of sufficient political will to enforce international law. Israel continues to argue that Palestinian refugees do not have rights or that these rights lead to a political outcome unacceptable to Israel. The PLO argues the opposite. Refugee rights are therefore viewed as value-negative.

Proposals, like that of the ICG, attempt to resolve this impasse first by suspending Palestinian refugee rights - “the right of return is not mentioned, meaning that formally it is neither recognized by Israel nor renounced by Palestinians” - and then by constructing an alternative value system consonant with the assumption that rights are not applicable or at least not useful to the Palestinian case. The ICG thus characterizes the right of return as “orthodoxy”, and alternatively describe rights-based positions as “uncompromising,” “sentimental,” and “hard-line” - i.e., rights as value-negative. By inference, the approach presented by the ICG is seen to be flexible, rational, and accommodating or value-positive. The proposal therefore draws a very clear characterization of rights-based approaches to the Palestinian refugee issue as rejectionist - i.e., opposed to peace with Israel.

This is further elaborated by drawing a distinction between refugee rights and a negotiated solution to the Palestinian refugee issue. Refugee rights and negotiated solutions are presented as mutually exclusive concepts rather than a legal framework - i.e., a ‘road map’ - for negotiations. The ICG suggests, for example, that Resolution 194, which affirms the right

of Palestinian refugees to return to their homes of origin “has been invoked to insulate the refugee question from a negotiated political compromise.” In other words, those who advocate for refugee rights are seen to be in favor of an imposed solution or fundamentally opposed to peace with Israel while the approach advocated by the Crisis Group is characterized as more consistent with a negotiated solution.

The problem with this discourse is two-fold. On the one hand, it is self-evident to refugees that the right of return and restitution are commonly-accepted building blocks for durable solutions. Despite problems with implementation, they are viewed elsewhere as either value-neutral or value-positive, but certainly not value-negative. Most peace agreements that prescribe durable solutions for refugees recognize their right to return and repossess their properties.⁽¹²⁾ This includes agreements in Macedonia, Kosovo, Croatia, Bosnia-Herzegovina, Tajikistan, Georgia, Burundi, Rwanda, Liberia, Sierra Leone, Mozambique, Cambodia and Guatemala. On the other hand, Palestinian refugees do not consider their demand for their rights as hard-line, sentimental or rejectionist. It is, rather, consistent with the promotion of human rights and rule of law. This discourse, therefore, has the effect of further alienating refugees from peacemaking process.

Refugees do not say what they mean

A final feature of this discourse is the interpretation of refugee demands and statements for the right of return and restitution within the contours of a predefined solution rather than within their current political and social context. The purpose is quite straight forward - to explain ongoing refugee demands for basic rights applied elsewhere in a manner that is consistent with the notion of territorial and demographic partition. There is an implicit assumption here that refugees are not independent actors capable of expressing autonomous and/or genuine points of view. If they speak about rights, either they do not say what they mean or they do not mean what they say - i.e, they are being manipulated.

The International Crisis Group, for example, suggests that refugee demands for the right of return are not really about the right of return, but rather an expression of those sectors of Palestinian society that are

opposed to the Oslo process. Refugee rights are viewed as a means to “legitimize a variety of agendas, discredit rivals and opponents, mobilize and manipulate any number of constituencies, [and] oppose concessions on the refugee question for reasons that often go significantly beyond or are only tangentially related to the refugee issue itself.” In other words, they are not autonomous activities undertaken by refugees themselves. Selective examples are employed to support this thesis, all of which are oppositional or reactionary in nature. This includes rejection of public opinion polls on the refugee issue and the Geneva Accords.

A related explanatory factor is that refugees continue to raise demands for their rights because the Palestinian leadership is not frank or honest with their constituents. Commenting on the two-state solution, the ICG observes that “the Palestinian leadership has yet to conduct a serious dialogue with its constituents about the implications of its political strategy upon the refugee question.” The assumption is that by accepting a two-state solution the PLO agreed to forego the right of return. PLO acceptance of the two-state option, however, was done so within the context of UN General Assembly Resolution 181.⁽¹³⁾ Resolution 181 recommended territorial partition of historic mandate but concluded that demographic partition was impossible.⁽¹⁴⁾ The question of how the right of return would be implemented within a two-state solution was clearly laid out by the PLO at the United Nations in 1976.⁽¹⁵⁾

This discourse is problematic because it is fundamentally anti-democratic. It is based on the premise of refugee participation without representation. Refugee views are instrumentalized to support a predefined solution. There is no opportunity for refugees to participate in a process that would actually shape the contours of durable solutions to their protracted exile. While the ICG proposes a dialogue between the PLO and the refugee community, the suggested model is little more than a monologue. “The [Palestinian] leadership and the secular nationalists should explain to the Palestinian people what a two-state settlement would mean for the refugees in concrete terms, and engage other Palestinian political actors in efforts to broaden the national consensus on the refugee question.” The idea that refugees should simply be told that it is in their best interests, despite best practice

around the world, to forego their basic human rights provides little incentive to support this approach.

An agenda for reform

With prospects for implementation of the international Road Map rapidly fading into oblivion, what the Middle East urgently needs is less talk about some distant viable Palestinian state, and more action to create a current viable peace process built on respect for human rights and providing for broad public participation. Human rights provide a common framework to regulate relations between former antagonists, mediate future disputes and reconcile past injustices. Public participation strengthens democratic principles and structures, expands the range of solutions to complex issues, lends greater legitimacy to agreements, engenders broad public ownership of the agreement and contributes to its durability.⁽¹⁶⁾

The basic building blocks for durable solutions for Palestinian refugees are well-known. Reviewing past peace agreements, the Public International Law & Policy Group observes that three components are necessary to create and successfully implement an agreement on refugees.⁽¹⁷⁾

- 1) enshrinement of the right to voluntary return, which is the most fundamental right of all displaced persons;
- 2) creation of a lasting peace, with a commitment to ensure the security of returnees and to produce conditions under which they can successfully reintegrate in their home country; and,
- 3) establishment of procedures for accomplishing return, including distribution of property and/or compensation, mechanisms for resolving property disputes, and development of infrastructure in returnee areas.

Approaches to crafting durable solutions for Palestinian refugees, like the one advocated by the ICG, have merely created further confusion and alienation of refugees from the peacemaking process. On the one hand, the Crisis Group observes, that the “refugee question is fundamentally a national and political one, neither monopolized by the refugee community nor susceptible to resolution by satisfaction of their immediate material needs.”⁽¹⁸⁾ And yet, it rec-

ommends that refugees should be persuaded to forego their rights based on the conclusion that “support for a pragmatic solution will depend as well on whether refugees are provided with satisfactory outcomes that respond to their material needs.” “Where there is law and principle so there is strength and capacity to oppose,” observes refugee expert Guy Goodwin-Gill.⁽¹⁹⁾ “Where there are merely policies and guidelines,” a refugee is in danger of becoming merely a “unit of flight, a unit of displacement, to be contained and thereafter channeled down whatever humanitarian corridor leads to whatever political end.”

Ironically, the components of a reform agenda, supplemental to the principles outlined by the Public International Law & Policy Group and in international law and best practice in general, can be found in a follow-up report by the ICG on Palestinians inside Israel.⁽²⁰⁾ In broad terms, the Crisis Group recommends that Israel should become a state of all its citizens in order to address the longstanding problems of its Palestinian citizens.⁽²¹⁾ The report, however, fails to draw or understand the linkage between this recommendation and the crafting of durable solutions for Palestinian refugees. Recommendations relate to the two fundamental features of the Palestinian refugee condition - denationalization and dispossession. They include measures to abolish discriminatory Israeli laws and practices related to acquisition of nationality, distribution of state resources and services, planning, and representation and, more equitable distribution of land through ending the official roles assumed by quasi-state statutory bodies such as the Jewish National Fund. It is only when this kind of reform begins to take place that it will be possible to speak about a viable solution for Palestinian refugees.

Endnotes

- (1) See, e.g., *United Nations High Commissioner for Refugees, Executive Committee Conclusion No. 18 (XXXI) Voluntary Repatriation (1980)*; *United Nations High Commissioner for Refugees, Executive Committee Conclusion No. 40 (XXXVI) Voluntary Repatriation; International Convention on the Elimination of All Forms of Racial Discrimination, General Recommendation XXII, Article 5 and refugees and displaced persons, 24 August 1996*; *UN Sub-Commission on Human Rights Resolution 2002/30, The right to return of refugees and internally displaced persons, 15 August 2002*;

- UN Sub-Commission on Human Rights Resolution 2002/7, *Housing and property restitution in the context of refugees and other displaced persons*, 14 August 2002; and, *Housing and property restitution in the context of the return of refugees and internally displaced persons*, Preliminary report of the Special Rapporteur, E/CN.4/Sub.2/2003/11, 16 June 2003.
- (2) See, e.g., United Nations High Commissioner for Refugees, Executive Committee Conclusion No. 67 (XLII) *Resettlement as an Instrument of Protection* (1991).
 - (3) United Nations High Commissioner for Refugees, *Handbook, Voluntary Repatriation: International Protection*. Division of International Protection. Geneva (1996), p. 10.
 - (4) See, e.g., statement by U.S. Secretary of State Powell stating that "Palestinians must eliminate any doubt, once and for all, that they accept the legitimacy of Israel as a Jewish state." U.S. Vision for the Middle East, 19 November 2001.
 - (5) This reflects Israel's early position 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." Quoted in UNCCP, *Analysis of Paragraph 11 of the General Assembly Resolution of 11 December 1948*. UN Doc. A/AC.25/W.45, 15 May 1950. The Israeli delegate to the UN rejected the principle of refugee choice because "[w]e fear that there can be little doubt that [the refugees] would so opt." Quoted in UNCCP, *Historical Survey of Efforts of the UNCCP to Secure the Implementation of Paragraph 11 of General Assembly Resolution 194(III), The Question of Reintegration by Repatriation or Resettlement*. UN Doc. A/AC.25/W.82/Rev.1, 2 October 1961.
 - (6) Marginalization from the peacemaking process has at least two dimensions - procedural (i.e., exclusion from the peacemaking process itself) and textual (i.e., exclusion of refugee rights, concerns and demands from the text of the agreements).
 - (7) International Crisis Group, *Middle East Endgame II: How a Comprehensive Israeli-Palestinian Settlement Would Look*. Middle East Report No. 3, 16 July 2002; and, *Palestinian Refugees and the Politics of Peacemaking*. Middle East Report No. 22, 5 February 2004. Citations in this article are extracted from the February report.
 - (8) For a summary see, *Transcript of Clinton Remarks at Israel Policy Forum Gala*, 7 January 2001 (www.arts.mcgill.ca/MEPP/PRRN/papers/clinton_remarks.html).
 - (9) U.S. Draft of an Israeli-Palestinian Joint Declaration of Principles, Washington, DC, 30 June 1993, reprinted in Mahdi F. Abdul Hadi (ed.), *Documents on Palestine, From the Negotiations in Madrid to the Post-Hebron Agreement Period*. Jerusalem: Palestinian Academic Society for the Study of International Affairs, p. 134.
 - (10) For an overview see, Terry Rempel, *UN General Assembly Resolution 194(III) and the Framework for Durable Solutions for 1948 Palestinian Refugees*, May 2003 (www.badil.org/Campaign/ExpertForum/SeminarOne.htm).
 - (11) *Ibid.*
 - (12) For an overview and summary of key rights see, e.g., Public International Law & Policy Group, *Resettlement of Refugees and Internally Displaced Persons*. Prepared by Jesse T. Travis, Sukhman Dhami, Nathan P. Kirschner, Roger Lin, and Alexis McGinness (www.publicinternationallaw.org).
 - (13) See, e.g., *Palestinian Declaration of Independence*, Algiers, 15 November 1988 stating that "Despite the historical injustice inflicted on the Palestinian Arab people resulting in their dispersion and depriving them of their right to self-determination, following upon UN General Assembly Resolution 181 (1947), which partitioned Palestine into two states, one Arab, one Jewish, yet it is this resolution that still provides those conditions of international legitimacy that ensure the right of the Palestinian Arab people to sovereignty." Reprinted in *Documents on Palestine*, supra 9, p. 331-32.
 - (14) The UN Special Committee on Palestine, which drafted the recommendations that became the basis of UN General Assembly Resolution 181 concluded that it was impossible to create two viable demographic states - one Jewish and one Arab - in Palestine due to the dispersion of the two populations throughout the country. Resolution 181 thus recommended the territorial partition of Palestine into an Arab state with an Arab majority and a Jewish state in which Jews and Arabs comprised nearly equal parts of the total population - i.e., a binational state.
 - (15) For a clear formulation see, *Statement by the Acting Permanent Observer of the Palestine Liberation Organization at the fifth meeting of the Committee on the Exercise of the Inalienable Rights of the Palestinian People*, UN Doc. A/AC.183/2, 9 March 1976. The Committee approved the formulation presented by the Acting Observer. When the matter was brought before the UN for endorsement by the Security Council the United States vetoed the proposal.
 - (16) "Owning the Process: Mechanisms for Political Participation of the Public in Peacemaking," *An Accord Programme Joint Analysis Workshop Report*, Old Jordan's, Buckinghamshire, United Kingdom, 1-3 February 2002.
 - (17) *Supra* 12.
 - (18) This is similar to conclusions drawn by the UN Secretary General in 1959 after the failure to integrate refugees within Arab host states through economic rehabilitation programs. "No reintegration would be satisfactory, or even possible, were it to be brought by forcing people into new positions against their will." Quoted in N. Boqai and T. Rempel (eds.), *Survey of Palestinian Refugees and Internally Displaced Persons 2002*. Bethlehem: BADIL Resource Center, 2003, p. 117.
 - (19) Guy S. Goodwin-Gill, "Refugee Identity and Protection's Fading Prospect," *Refugee Rights and Realities, Evolving International Concepts and Regimes*. F. Nicholson & P. Twomey (eds.). Cambridge: Cambridge University Press, 1999, p. 246.
 - (20) International Crisis Group, *Identity Crisis: Israel and its Arab Citizens*. Middle East Report No. 25, 4 March 2004.
 - (21) For more on refugees and multi-ethnic states see, e.g., *Report of the Expert Seminar on Racism, Refugees and Multi-Ethnic States, World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance*, UN Doc. A/CONF.189/PC.1/9, 15 March 2000.

Closing the Gaps: from Protection to Durable Solutions for Palestinian Refugees

Report from the Third BADIL Expert Forum, 5-8 March 2004, Cairo

Hosted by the Al-Ahram Center for Strategic and Political Studies



Participants to the Third BADIL Expert Forum in Cairo. Photo: al-Ahram.

Severe gaps exist in protection currently available for Palestinian refugees, mainly due to the absence of mechanisms - international and regional - with an explicit protection mandate, as well as lack of clarity about strategies that could link day-to-day protection with efforts for rights-based durable solutions for Palestinian refugees.

Between 5-8 March 2004, more than 30 international experts and practitioners of refugee law in UN agencies, academia and international NGOs, and Palestinians active in community organizations and NGOs in Palestine, Lebanon and Syria gathered in Cairo, in order to identify major gaps in protection available for Palestinian refugees, examine the roles of international and regional actors, review proposals and initiatives aimed at the improvement of protection, and achieve maximum consensus about strategies that could both enhance protection and support rights-based durable solutions for Palestinian refugees.

Oroub El-Abed, an independent researcher based in Jordan and invited to present a case study on unpro-

tected Palestinian refugees in Egypt was denied entry to Egypt by the Egyptian authorities, an event which illustrated once more the urgency of issues raised by this seminar. (For more on Palestinians in Egypt see, Oroub El-Abed, "The Unprotected Palestinians of Egypt," *al-Majdal* 19).

This summary report provides an overview over papers, statements and suggestions presented at the Cairo Seminar. A final and complete summary of seminar proceedings and electronic copies of working papers will be published on the BADIL website: www.badil.org/Campaign/Expert_Forum.htm. The seminar was sponsored by Stichting Vluchteling and ICCO, Netherlands.

Protection: definition, scope and gaps

Lex Takkenberg (Deputy Director of UNRWA Operations in Syria) speaking in his personal capacity, presented an overview of concepts and instruments applicable to refugees in general and Palestinian refugees in particular. He argued that efforts at improving Palestinian refugee protection must tackle a

number of key questions related to: a) demarcation between assistance, protection, and the search for durable solutions; b) identification of gaps; and, c) solutions which can be both effective and feasible in the current, unsupportive political environment.

Takkenberg suggested that day-to-day assistance, protection and durable solutions should be considered as a continuum rather than strictly separate concepts. UNWRA's work was presented as an example: health care, education and welfare services are assistance services, which, at the same time, ensure protection of basic rights. The current protection gap in areas of UNRWA operation should be described as a *de jure* gap, because no international agency is mandated to protect Palestinian refugees there. The situation outside areas of UNRWA operation, on the other hand, should be characterized as one of a *de facto* protection gap, because partial protection is provided by the UNHCR.

With regard to possible improvements and solutions Takkenberg suggested that UNWRA (rather than the UNCCP or UNHCR) is the agency that could best help close protection gaps in its areas of operation. Outside areas of UNRWA operations, UNHCR could take on a more proactive role in protecting Palestinian refugees and stateless Palestinians based on its 2002 revised interpretation of Article 1D of the 1951 Refugee Convention.

He concluded by highlighting recent positive developments, such as increased interest and involvement by UNHCR and the fact that UNRWA and UNHCR have decided to embark on much closer cooperation than in the past. He expressed the hope that UNWRA will be able to develop, alongside UNHCR, a model for im-

proving scope and quality of protection available for Palestinian refugees.

An overview of the legal status and protection of Palestinian refugees in states signatories to the 1951 Refugee Convention was presented by Elna Sondergaard on behalf of BADIL. Findings presented are part of ongoing research, conducted in cooperation with a global expert network, UNHCR and UNRWA, about the reality of state practice in implementation of the Convention, in particular regarding Palestinian refugees. Findings will be published in a Handbook scheduled to include case studies and patterns of practice in over 30 countries, as well as practical recommendations for closing current protection gaps.

Preliminary findings presented to the seminar were based on research of 17 countries and showed that the legal status of Palestinian refugees was determined mainly by the following factors: a) whether or not Article 1D/1951 Refugee Convention has been incorporated into domestic legislation; b) the specific interpretation of Article 1D used by states and domestic courts; and, c) state legislation and policy regarding asylum seekers whose applications are rejected. In summary, research shows a strong diversity in state practice and interpretation of the 1951



Photo: Al-Ahram



Photo: Al-Ahram

Convention/Article 1D, largely to the detriment of Palestinian refugees. The new 2002 UNHCR interpretation appears to have not (yet) impacted jurisprudence and/or state practice.

Once denied asylum, temporary protection status is available in very few countries only, and return of Palestinian refugees to countries of former residence becomes a matter for the police. Yet many refugees have nowhere to be returned to; subsequent legalization of their presence then becomes the major issue, involving lengthy procedures and much hardship for the refugees.

Gabriela Wengert (Assistant Protection Officer, Legal Unit/ CASWANAME, UNHCR HQ, Geneva) gave a report on the current protection situation of Palestinian refugees in Iraq and in the Ruweished Camp and no-man's land (NML) on the border between Iraq and Jordan. Hundreds of Palestinians left Iraq in the aftermath of the war and headed for Jordan. Around 800 were allowed to enter Jordan and were accommodated in the Ruweished camp; others were denied access into Jordan and remained in no-man's land (NML) on the border between Iraq and Jordan. By March 2004, some 400 Palestinians still remained stranded in these two sites.

In the past, UNHCR has had limited contact with Palestinian refugees in Iraq as they were receiving protection and assistance from the Iraqi authorities. The experience in Iraq, where UNHCR was rather surprisingly confronted with a caseload, that is clearly of its concern, but has not been well-known to the agency, has generated internal discussions, and UNHCR is currently reviewing the question of how to strengthen its involvement with Palestinian refugees outside

UNRWA's area of operation, mainly in the region.

Physical threats against "foreigners", including the refugee population, increased in the aftermath of the conflict. The perception that the refugee population was closely associated with the previous regime seems to be the motive behind these threats. Following the war in April 2003, a total number of 406 families have been evicted from their often subsidized houses, and others are still considered to be at risk of being evicted. Among those evicted, 293 families are currently hosted in the premises of the Haifa Sports Club in Baghdad, while the rest found temporary accommodation with friends and families. UNHCR provided basic relief items such as tents, mattresses, blankets etc., and has been in close contact with the Iraqi provisional government (CPA) in order to identify a suitable place for relocating the evicted Palestinians.

On 1 November 2003, UNHCR signed an agreement with the Ministry of Labor, whereby the latter will implement a rental scheme funded and monitored by UNHCR. Apartments have been identified and negotiations with landlords have been carried out for an initial rent period of one year. Relocation from the Haifa Club camp is taking place with the

aim to close the refugee camp in the near future. The rental scheme, nevertheless, is of a temporary nature and a longer-term housing solution is under active consideration and is being discussed with the CPA, the Iraqi authorities and the Palestinian refugee community.

The former Iraqi government had issued on an ad hoc basis various decrees relating to Palestinian refugees. It is safe to assume that a future government will review at some point all decrees issued by the previous regime. It is therefore of utmost importance to ensure that future legislation provides safeguards for refugees in order to avoid a legal gap in the protection of Palestinian and other refugees.

UNHCR started a registration exercise in July 2003, which was aimed at collecting credible information on the Palestinian refugees in Iraq, a prerequisite to ensuring protection. UNHCR has regular access to the tented camps, and the refugees are provided with basic food and non-food items. The level of frustration in the camps is high, as the refugees have been there for more than 10 months, under particularly harsh conditions in view of the desert nature of the area, the lack of freedom of movement, and the uncertainty of future prospects. In late August 2003, the Jordanian authorities agreed to admit 386 Palestinians from the Ruweished population that had a spouse with Jordanian nationality. Jordan furthermore showed flexibility in postponing the closure of the Ruweished camp until April 2004.

Since November 2003, UNHCR has been appealing to all concerned parties to address the situation in a comprehensive manner and a spirit of burden sharing. Various options are being considered: admittance to Israel or the West Bank and the Gaza



Photo: Al-Ahram

Strip, based on humanitarian considerations and with an emphasis on family links; resettlement in third countries, be it on a temporary basis until their return to Iraq becomes feasible; and, voluntary return to Iraq. Negotiations are still underway with various Arab States, the Palestinian Authority, Israel, as well as major resettlement countries outside the region. So far, UNHCR's efforts have not yielded positive results, however, UNHCR continues to pursue the various options with all stakeholders concerned in order to ensure a dignified and safe solution for all.

Roles and perspectives of international, regional and national actors

A perspective of UNWRA's Role in Protecting Palestine Refugees was presented by Harish Parvathaneni (Chief, Policy Analysis Unit, UNWRA). Providing an historical overview of the evolution of current protection gaps and the lack of durable solutions, the speaker reminded participants of the fact that the UN General Assembly established two ad hoc bodies to provide relief and assistance and to seek durable solutions for Palestinian refugees - the United Nations Conciliation Commission for Palestine (UNCCP) and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNWRA) - just prior to the

creation of UNHCR. For political considerations, the assistance, protection and durable solutions mandate for Palestine refugees remained with these institutions, and Palestinians were excluded from the global protection regime administered by UNHCR, particularly the 1951 Refugee Convention.

While mechanisms of international refugee protection have evolved globally in a manner that has constantly challenged the state-centered foundation upon which the international system was founded, the international community's approach to protecting Palestine refugees has not sufficiently evolved in accordance with universal protection practices. UNHCR efforts to provide protection to refugees outside the area of UNRWA operations have been thwarted by the way in which states have interpreted the 1951 Convention. While UNRWA was specifically mandated to provide essential humanitarian and relief assistance, not protection, UNCCP was charged with facilitating the search for durable solutions and the provision of protection to the Palestine refugees. Yet, UNCCP neither succeeded in repatriating or compensating refugees. Cataloguing of property records of Palestine refugees was completed in 1964, and UNCCP has not made any contribution towards protection since then.

The fact that the international community continues to uphold the position that the Palestinian refugee question must be resolved in the context of an overall solution to the Israeli-Palestinian conflict, represents a major political challenge. Successful resolution of a conflict requires either political support and will of the international community as manifest in the Security Council, or the political will of the parties directly involved in the conflict. With regard to Palestine refugees, neither of these conditions is present. The Security Council has failed to make a strong stand in the case of Palestinian refugees in comparison with its firm

position on the right of return in other situations, such as East Timor, Bosnia-Herzegovina, and elsewhere.

UNRWA's role has developed from efforts at refugee integration through works programs to efforts for human development. Starting from the 1967 Israeli occupation of the West Bank and Gaza Strip, UNRWA has engaged in 'passive protection.' This role has been expressly affirmed by the UN General Assembly since the 1982 Israeli invasion of Lebanon. 'Passive protection' has been provided by UNRWA also during the first and second intifada by means of special programs and is an inherent component of its services in the field of health, education and social welfare. Currently, the need for meaningful protection is greatest in the 1967 OPT, mainly in terms of physical protection.

Major progress depends on a clearer and stronger position to be taken by the international community. In the short term, focus must be on redoubling the effort to ensure Israel respects the law of belligerent occupation, in particular the Geneva Convention Relative to the Protection of Civilian Persons in Time of War. In addition, energies must be devoted to ensuring Israeli and host state compliance with international human rights instruments. UNRWA can contribute to this effort by upgrading what it has been doing in the past, i.e. by providing more 'passive protection.'

Mohammed Khaled Al-Az'ar (independent Palestinian researcher) analyzed past and present refugee protection as provided by the League of Arab States and Arab host countries. He argued that the ongoing lack of protection of basic rights of Palestinian refugee in the Arab world is mainly the result of the legitimate refusal by Arab states to surrender to external pressure for involuntary refugee re-settlement in their countries, combined with the general weakness of democracy and respect for the rule of law and human rights in Arab states and societies.

He emphasized that Arab neglect and violation of Palestinian refugee rights is not an isolated issue,

but must be seen in the wider context of the violation of human rights of Arab individuals, especially vulnerable minorities, women and refugees, and the general lack of democracy in the region. In most Arab countries citizenship, for example, is perceived as a privilege granted by the ruler and not as a matter of right. Citizenship and passports are not a means to facilitate people's movement, but rather a means to ensure control by the government and its security apparatus.

Based on an overview of the development of Palestinian refugee status and rights in several Arab countries (Egypt, Jordan, Lebanon, Syria, Iraq), Az'ar also argued that the level of protection available for Palestinian refugees in Arab states has been determined much more by political events and the relationship between governments and the PLO, rather than by legal instruments and mechanisms. A review of Arab League mechanisms and resolutions relevant to Palestinian refugee protection (Arab League Council, Heads of Departments of Palestine Affairs, Conference of Supervisors of Palestinian Affairs in Arab Host Countries, 1965 Casablanca Protocol, a.o.), moreover, leads to the conclusion that the lack of Arab states' commitment and the gap between theory and practice, i.e. between existing declarations and resolutions and actual implementation, are additional factors accounting for the deplorable situation of Palestinian refugee rights in Arab countries.

The review of Arab League mechanisms and resolutions and actual state practice re-affirms the conclusion that treatment of Palestinian refugees by Arab states is not so much the result of endorsement of Arab or international refugee rights instruments, but rather shaped by the specific and changing relationship of Arab regimes with the PLO.

Civil Society Initiatives and Proposals

Jaber Suleiman (Aidun-Lebanon) presented a summary of the recommendations issued by a 2003 workshop on Palestinian refugee protection held in Beirut (Aidun, BADIL). These included more systematic efforts to identify and find the most appropriate remedy to the protection gaps in host countries - that will also protect the basic rights of Palestinian

refugees to durable solutions; involvement of a wider spectrum of the refugee community; reactivation of PLO offices in host countries in order to effectively provide legal assistance to refugees, especially those without documents; and resolution of the question of which international mechanism/s is responsible for the protection of Palestinian refugees and the search for durable solutions.

Reflections on possible regional approaches to refugee protection and permanent solutions (Terry Rempel, BADIL) addressed the question of how to bridge the gap between protection and durable solutions for Palestinian refugees. It was argued that separation of these two concepts is problematic, because: a) exclusive focus on protection deals with the symptoms but not with root-causes and raises concerns about de-facto refugee resettlement; b) exclusive focus on solutions in a situation of protracted conflict where free and voluntary solutions are not available causes unnecessary suffering. The speaker then suggested that regional approaches, specific to the circumstances of displacement/dispossession in the region, could be developed, in order to strengthen Palestinian refugee rights to protection and durable solutions based on their right of return. Such regional approaches would not be a substitute for, but rather complementary to the international system.

Susan Akram (Boston University School of Law) presented 'A Plan for Temporary Protection and Durable Solutions.' The proposal calls for the establishment of a unified and special temporary protection regime for all Palestinian refugees worldwide. The new protection regime would be limited in time (5 years), renewable, and would provide protection standards at least equal to those set by the 1951 Refugee Convention and the 1965 Casablanca Protocol. The new protection regime would be launched in the framework of an international conference, which would, at the same time, establish mechanisms and procedures for the implementation of durable solutions based on refugee choice and in line with options promoted by UNHCR (voluntary return to Israel, local integration into Arab host states, resettlement in third countries). A set of incentives and disincentives would be put in place, in order to guarantee participation of all states party to the conflict.

Conclusions and Suggestions for Action

Conclusions and suggestions for action, summarized below, were compiled in the final debate.

1- Identification of Especially Vulnerable Groups

Protection: Palestinian refugees in Iraq and the NML, in the 1967 OPT, and in Egypt; refugees in Lebanon, especially those not registered with UNRWA (registered with DPA or unregistered); Gaza refugees in Jordan (not registered with UNRWA and not citizens of Jordan); and, unprotected Palestinians outside the Arab world (forced return to previous host countries, detention, 'airport refugees').

Durable Solutions Based on the Right of Return: All Palestinian refugees.

2- Issues Requiring Additional Research and Clarification

Protection gaps in the Arab world; 'returnability' of refugees to Arab states of former habitual residence; applicability of statelessness conventions to Palestinian refugees; international humanitarian law and human rights law as instruments for Palestinian refugee protection.

3- Roles of International Agencies in Protection and the Search for Durable Solutions

Participants generally welcomed the decision of UNRWA and UNHCR to cooperate and increase their efforts for Palestinian refugee protection and agreed that a division of tasks based on existing institutional mandates may serve best to avoid adverse political and financial consequences. NGO participants also welcomed the interest of both agencies in cooperating with civil society organizations on a regular basis. A number of recommendations were made relating to the concern that the geographic division between UNRWA and UNHCR of responsibilities for protection and search for durable solutions might both fail to provide adequate and equal protection and lead to the fragmentation of the Palestinian case. Participants also agreed on the importance of engaging others in the debate on enhancing protection and searching for rights-based permanent solutions: ICRC, UNSCO, League of Arab States, PLO, Council of Europe, European Union etc.

4- Civil Society Initiatives

Expand public awareness-raising campaigns on the Palestinian refugee issue, its causes, the right to return, reasons for the absence of permanent solutions and the on-going need for protection. Focus for such efforts would be Europe and North America where public pressure is the only way to change government and EU political positions;

Increase awareness in the Arab world of human and refugee rights in general and Palestinian refugees' right to protection and durable solutions in particular. Target both Arab citizens and Palestinian refugees and promote an understanding that protection improvement does not negate the right of return. Organize and support public conferences, seminars and workshops on the refugee issue;

Support initiatives promoting the rule of law and human/refugee rights in the Arab world such as: joint efforts to strengthen the language on protection and durable solution rights in current drafts of the Arab Human Rights Convention and an Arab Refugee Convention; lobby for the endorsement of improved regional conventions as well as the 1951 Refugee Convention; and promote introduction of refugee law in university law departments;

Support Palestinian NGOs and community organizations in Arab host countries in an effort to form broad Palestinian 'referential representation' and/or the reactivation of PLO representation as a way of enhancing both protection and political support for durable solutions based on the right of return;

Disseminate the 'Plan for Temporary Protection and Durable Solutions' presented by Susan Akram through community meetings, seminars and workshops to obtain both public and professional feedback to serve as the basis for a coordinated decision on whether this plan should be promoted by Palestinian civil society organizations;

Identify policy makers, legal experts or groups worldwide who look for contact and ways to work within a rights based approach on the Palestinian refugee issue; communicate and exchange contacts;

Participate in NGO meetings (Pre-Excom) held annually prior to the UNHCR Excom meetings in October/November. Palestinian NGOs should coordinate their participations, present statements and lobby participants (mainly northern NGOs) and officials.

We'll Expel 'Illegal Arabs' from Israel ... says Ariel Sharon

Old Refugees, New Refugees and the Separation/Apartheid Wall



The apartheid wall in Jerusalem. Photo: Al-Ayyam

More than 220,000 Palestinians, one-third of whom are registered refugees, have been affected by the first 123 km stretch of Israel's separation/apartheid wall in the occupied West Bank. Limited access to goods, services, natural resources, market and job opportunities is causing further impoverishment. According to UNRWA, the construction of the wall around Jerusalem, now underway, will affect thousands more.

The wall is not just about security. It is also part and parcel of Israel's so-called demographic war against the Palestinians. Palestinian Jerusalemites whose place of residence is outside the barrier will be forced to relocate in order to maintain their residency status in the city. Options, however, are increasingly limited due to decades of planning and building restrictions imposed on Palestinian residents and the

high cost of increasingly scarce accommodation.

Some Palestinians with West Bank residency will be inside sections of the wall around Jerusalem. According to Israeli law they will be considered illegal residents and required to move out. The village of Nu'man is one example. Under the cover of dark, Israeli forces rounded up all young men in the village and asked them to give up their title deeds to their land. The men rejected the request, but the village is now living under the fear of forced displacement.

Ariel Sharon has also warned that once the wall is complete, Israel will begin to expel 'illegal Arabs' from Israel, including thousands of Palestinians awaiting determination of family reunification requests. ('We'll expel illegal Arabs from Israel,' Ha'aretz, 2 April 2004). The statement is consistent with the Nation-

ality and Entry into Israel Law (Temporary Order), adopted by the Israeli Knesset in July 2003. The law prohibits family reunification for Palestinian citizens married to Palestinians from the West Bank and Gaza Strip. (See, 'Family Reunification, Citizenship and the Jewish State,' al-Majdal, September 2003). Israel's Supreme Court continues to deliberate on the legality of the measure.

Legal consequences of the wall

Reporting to the UN Commission on Human Rights in February 2004, Special Rapporteur John Dugard concluded that the wall constitutes a clear violation of international law.

"The Wall violates the prohibition on the acquisition of territory by forcible means, and seriously undermines the right to self-determination of the Palestinian people by reducing the size of a future Palestinian State. Moreover, it violates important norms of international humanitarian law prohibiting the annexation of occupied territory, the establishment of settlements, the confiscation of private land and the forcible transfer of people. Human rights norms are likewise violated, particularly those affirming freedom of movement, the right to family life and the right to education and health care." ⁽¹⁾

Recent deliberations by the International Court of Justice (ICJ), the highest legal forum of the United Nations, on the legal consequences arising from the construction of the wall in the occupied Palestinian territories, represent an important effort to reconstitute a peacemaking process consistent with the fundamental aims and principles upon which the United Nations was founded - i.e., the pursuit of peace and security based on dignity, justice and international law. The Court is expected to deliver its ruling before the summer.

The lack of respect for rule of law has led to a situation whereby the Israeli-Palestinian peacemaking process

continues to be governed by the arbitrary use of power. It has promoted a belief within Israeli society and among successive Israeli governments that Israel's policies are 'above the law', thus triggering public outrage whenever this notion is challenged or contested.

At the same time, this approach has alienated large sectors of Palestinian civil society from the quest for peace based on the universal principles of international law, contributed to the growth of racist-nationalistic and fundamentalist-religious streams in both Israeli and Palestinian society, and is the major cause for indiscriminate violence widely perceived, among both communities, as an alternative and more effective means for ending the protracted conflict in the region.

Social and economic consequences ⁽²⁾

In the Jerusalem area the wall will impede freedom of movement for some 86 UNRWA teachers and 260 students in Agency schools. Some students have already transferred to more accessible schools run by the Palestinian Authority (PA). A considerable number of Palestinian refugees already attending PA schools and Palestinian universities and colleges in Jerusalem will also be affected by the wall. In addition to logistical problems of access, observes UNRWA, the wall is likely to have a psychologically disruptive effect on all students and teachers alike.

Access to UNRWA health centers, sanitation stores, and secondary and tertiary care in Jerusalem hospitals will be severely hampered by the wall. Patients at the UNRWA Jerusalem Health Center in the Old City already report travel times from outlying villages to the center of three hours. Almost the entire patient load of refugees being referred to secondary and tertiary care in Jerusalem hospitals will encounter the wall on their route to the hospital. Agency staff also report increased number of cases of 'barrier-related accidents', such as falling or slipping while trying to cross the wall.

Vulnerable refugee families in the Jerusalem area en-

Impact of the Wall on UNRWA Schools, Jerusalem Area

UNRWA Schools Outside the Wall	10
UNRWA Schools Inside the Wall	4
Refugee Students Coming from Outside the Wall	296
Affected Refugees Students Outside the Wall	95
Teachers Coming from Outside the Wall	87
Affected Teachers Outside the Wall	86

Source: UNRWA

rolled under UNRWA's Emergency and Special Hardship programs, while becoming more dependant on humanitarian assistance, will also be impacted by any access problem that the Agency staff will experience in the delivery of aid. Relief and social activities will also be impacted by the location of some relevant Agency installations in areas isolated by the wall. This will be the case for a distribution center, two supplementary feeding centers and two community centers located in Kalandia and Shufat refugee camps. Both camps will be located 'outside' of the wall.

For more information and regular updates of the impact of the wall on Palestinian refugees visit the UNRWA website: [www.un.org/unrwa/emergency/bar-](http://www.un.org/unrwa/emergency/barrier/index)

[rier/index](#). Cases of refugees residing and working, owning land, businesses etc. on different sides of the wall will be investigated; migration flows and aspirations will be recorded; and changing perceptions/conditions will be looked at for specific sub-groups of the affected refugee population (e.g. women, youth, agricultural workers, etc.).

Endnotes

- (1) *Report of the Violation of Human Rights in the Occupied Arab Territories, Including Palestine, Report of the Special Rapporteur of the Commission on Human Rights, John Dugard, on the situation of human rights in the Palestinian territories occupied by Israel since 1967, E/CN.4/2004/6/Add.1, 27 February 2004.*
- (2) UNRWA, *Special Report on the Impact of the Jerusalem Barrier on Refugees, January 2004.*

Regional Approaches to Housing and Property Restitution The Question of Jewish Property in Arab Countries

"More than fifty years after the holocaust, Jews around the world continue to fight for an receive restitution for material and non-material losses inflicted by the Nazi regime throughout Europe. More than fifty years after the Palestinian people were displaced and dispossessed by an exclusive Jewish state established in Palestine in the aftermath of Nazi atrocities in Europe, Palestinians are still being dispossessed, dispersed, and denied any kind of restitution. Restitution is a universal human right. Persons now fighting for restitution are therefore to be supported."
Petition, 'Restitution: A Basic Human Right' (excerpt)

One of the interesting by-products of the U.S.-U.K. led war in Iraq and related developments in the region has been the broader attention given to housing and property restitution in the Middle East. Increased awareness stems from renewed claims for Jewish losses in the Arab world.

Article 58 of the Iraqi interim constitution, developed under the U.S.-led "Coalition Provisional Authority", asks the transitional government and the Iraqi Property Claims Commission to quickly remedy previous injustices. These include altering the demographic

character of certain regions, deporting and expelling individuals from their places of residence, forcing migration in and out of the region and settling individuals alien to the region.

Remedies include restitution or compensation for losses suffered between 1968 and 2003. U.S. Secretary of State Colin Powell meanwhile told a delegation from the World Jewish Congress on March 13 that he would work toward ensuring that Iraqi Jews regain their citizenship and receive compensation for lost property.

In late March, Saif al-Islam, the son of Libyan leader Muammar Ghaddafi stated during an interview with the Arabic satellite network al-Jazeera, that Libya would be prepared to compensate Jews who had lost their property in the country and welcomed Libyan Jews to return to the country and reacquire Libyan citizenship.

These developments run parallel to increased activism by organizations representing Arab Jews for recognition of the rights of Jews from Arab countries. This includes Justice for Jews in Arab Countries (JJAC) (www.jewishrefugees.org) and Jews Indigenous to the Middle East and North Africa (JIMENA) (www.jimena-justice.org).

Recent resolutions in the U.S. House of Representatives and Senate call upon the Bush administration to instruct all American diplomats, including the ambassador to the United Nations, to include mention of 'multiple refugee populations' in any text or resolution alluding to Middle East refugees, and to ensure that "any explicit reference to the required resolution of the Palestinian refugee issue is matched by a similar explicit reference to the resolution of the issue of Jewish refugees from Arab countries." (S.Res.325, 29 March 2004)

These efforts highlight the need for strengthening regional instruments and mechanisms to ensure that all refugees and displaced persons in the Middle East, without any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin, are able to repossess homes and properties and receive compensation for damages and losses in accordance with international law and best practice.

For more on the right of refugees and displaced persons to housing and property restitution see, Housing and property restitution in the context of the return of refugees and internally displaced persons, Preliminary report of the Special Rapporteur. Commission on Human Rights, Sub-Commission on the Promotion and Protection of Human Rights, E/CN.4/Sub.2/2003/11, 16 June 2003.

Refugee Village Site Threatened

Plans for the expansion of Ya'ad, a Jewish colony in the Galilee established on the lands of the Palestinian village of Mi'ar in 1975, threaten areas of the village where one can still find the cemetery, and remains of the destroyed homes and village mosque. More than 700 Palestinians lived in Mi'ar before their expulsion in July 1948. Total village lands amount to some 10,788 dunums. Today, many of the village residents are internally displaced inside Israel. The Mi'ar Residents Committee has filed a complaint with the District Planning Committee.



Emptying the Naqab

House demolition, destruction of agricultural land, and colonization. This is not the West Bank or the Gaza Strip. It's also happening inside Israel. The indigenous Bedouin of the Naqab are the 'hidden' victims of Israel's campaign for demographic superiority and control of land. Addressing a conference entitled, "The Settlement of the Jews in the Negev", organized by the Jewish National Fund (JNF) in March 2004, Israeli Deputy Prime Minister Ehud Olmert told the 350 participants from 34 countries, "The state will empty



Photo: Arab Human Rights Association

the Bedouin villages so that we can settle down thousands of Jews."

This may include settlers from the Gaza Strip if Ariel Sharon follows through with his plan for unilateral disengagement. Israel's US\$ 265 million five-year plan for the Naqab ('The Governmental Decision Regarding the Bedouin Sector in the Negev'), revealed in early 2003, calls for the removal of the remaining indigenous Bedouin living in unrecognized villages, concentration of them into 7 new townships, and transfer of Bedouin traditional grazing and agricultural land to the state. The plan will be accompanied by the construction of new Jewish colonies in the same area.

House demolition and colonization

The number of Bedouin homes demolished in the Naqab increased eight-fold in 2003. In total more than 100 homes were destroyed. According to Israel's Minister of the Interior, there are around 76,000 persons living in 30,000 unlicensed buildings in the unrecognized Bedouin villages in the Naqab. If Israel's five-year plan is carried out, all of these will be issued demolition orders. Palestinian villages in the Naqab are the poorest in Israel.

At the end of January 2004, 300 members of the Israel police, Border Police, and special forces participated in the demolition of two homes in the unrecognized village of Um Batin, one home located

near the industrial area in Shkeib al-Salam, and a fourth home belonging to a local journalist. Israeli forces also closed two gas stations and confiscated more than 20,000 litres of fuel from the owners. In early March, Israeli police and special forces destroyed a further five homes in the Wadi al-Naim, Wadi Ghaween, and al-Araqeeb.

At the same time that the Israeli government demolishes homes of the poorest sector of Israeli society, government plans to increase the number of Jews living in the Naqab continue at pace. This includes construction of a new colony called Givot Bar located southeast of Rahat. Givot Bar is being established with 15 Jewish families and will be expanded to accommodate 150 Jewish families. The colony is built on land expropriated from the al-Aqabi tribe in 1951.

The proposed 'Wine Path Plan' for the Naqab calls for the construction of some 30 new 'individual colonies' "to fulfill the government's policy for development the Negev and the Galilee and for safeguarding state land in the Negev and the Galilee." The colonies will affect tens of thousands of dunums of land. According to Adalah, the plan will retroactively legalize existing illegal individual colonies located on large parcels of land given to Jewish citizens of Israel without a bid.

The plan stands in stark contrast to state policies towards the Bedouin under which illegal construction is destroyed. The Jewish National Fund (JNF), which operates as a semi-autonomous body of the Israeli government, is currently collecting millions of dollars to help seize and colonize land in the Naqab.

Destruction of crops

The Israel Lands Administration (ILA), which administers 93 percent of the land in Israel - most of which was expropriated from Palestinian refugees and citizens of the state - has continued its policy of aerial spraying of crops planted by Bedouin in the Naqab. The ILA claims the land used by Bedouin for grazing and traditional rain-fed agriculture for generations is state land. On 15 January 2004, the ILA, protected by the Israel police and Border Police, destroyed a total of 4,000 dunums of crop land in Araqiib, Mkeimin, Sa'wa, and Khirbet al-Watan.

In mid-February ILA planes returned once again to spray crops in the Araqiib area, 'Arara, Za'arora, and Qatamat. Twenty people as well as sheep were exposed to the toxic spray. One man, Salim Abu Mdeghem, was taken to the hospital for treatment of respiratory problems. On 9 March, Israeli authorities sprayed 3,000 dunums of land of Qatamat and 'Abda, two unrecognized villages. At least 17 individuals, including children, received medical treatment following exposure to the spray.

On 23 March 2004, the Supreme Court of Israel issued a temporary injunction, as requested by Adalah, four Arab Bedouin citizens of Israel, and eight human rights organizations, preventing the

ILA, the Ministry of Industry and Trade, the Ministry of Agriculture or any other entity appointed by them, from spraying agricultural crops of the Bedouin inhabitants of the unrecognized villages in the Naqab.

The ILA has admitted to the aerial spraying of crops with a chemical called ROUNDUP. The label affixed to the bottle of ROUNDUP contains many warnings to users, notably that that all physical contact with the chemical must be avoided. It also states - "Do Not Apply This Product Using Aerial Spray

Equipment" - and that even if the chemical is sprayed from ground level, no one should be allowed to enter the area for seven days. The ROUNDUP label also notes that the "level of toxicity is 4 - dangerous."

Expert opinions obtained by Physicians for Human Rights-Israel and Adalah regarding the health risks of using ROUNDUP in aerial spraying concluded "The evidence from research show reproductive risks from paternal and

maternal exposure in animals and paternal exposure in humans. There is a suggestion of carcinogenic risk." On tests conducted on animals, different active ingredients contained in ROUNDUP have "shown acute toxic effects such as eye and skin irritation as well as affects on the circulatory system."

Derived from Translations from the Arab Press, Arab Human Rights Association. Adalah, Land, Law and Planning - Recent Cases. 30 March 2004. For more on the Bedouin in the Naqab see, The Regional Council for the Unrecognized Villages of the Palestinian Bedouin in the Negev (RCUV), www.arabhna.org/rcuv/index.htm or email: mqupty@hotmail.com.

"My sons and I were surprised when we saw a plane above our home. As we looked up at the plane, the chemical material fell on us. At that point I knew that it was poisonous, and I sent my sons inside. Even so, the material still fell on my house as well as the houses of my cousins, with women and children inside. 100 sheep also came in contact with the poison. This is our land, and we have never received a demolition order. At the last meeting with the ILA (Israel Lands Administration), they told me that this is not my land, but I inherited it from my grandfathers. How could they come and destroy my crops without any notice?"
Suleiman al-Farawny

Refugees and the Arab Charter on Human Rights

The Arab Charter on Human Rights was adopted in 1994, but as of March 2004, no member of the Arab League has ratified it. Recent efforts to re-draft the Charter to bring it in line with international human rights law provide an opportunity to strengthen regional provisions for refugee rights.

Background

On 24 March 2003, the Council of the League of Arab States instructed the Arab Standing Committee on Human Rights (Decision 6302/119, Part II) to “modernize the Arab Charter on Human Rights in light of comments and suggestions received from Arab States, with the participation of legal and human rights experts.” The Standing Human Rights Committee of the Arab League met in June and October 2003 in special sessions and made some proposals for amendments, but did not finish the task of preparing a complete new draft to be proposed to the League for discussion and adoption.

On the basis of a Memorandum of Understanding signed by the League of Arab States and the office of the United Nations High Commissioner for Human Rights in April 2002, a Committee of Experts consisting of Arab experts selected from among members of United Nations bodies dealing with human rights was formed to assist the Arab League in re-drafting the Charter. The Committee of Experts met from 21-26 December 2003 and produced a proposed draft for the new Arab Charter. The Committee of Experts received submissions by international and regional NGOs, and relied on those when it produced its draft.

The Standing Human Rights Committee met again between 4 and 11 January 2004 and considered the proposal by the Committee of Experts, as well as the

previous uncompleted draft of the Standing Committee itself in order to produce a new draft of the Arab Charter on Human Rights. The text is now referred to the Legal Committee of the Arab League for review in order for it to be presented for final discussion and adoption at the upcoming Summit of the League of the Arab States, initially scheduled for March 2004.

Strengthening provisions on refugees

It is uncertain whether the revised draft will be adopted by the upcoming Arab summit. Nevertheless, legal experts, NGOs and community initiatives should use the opportunity to lobby for strengthened regional provisions on refugee rights. Article 27(b) of the revised Charter states that “No one may be exiled from his country or prevented from returning thereto.” This provision, which is similar to Article 13(2) of the Universal Declaration of Human Rights, Article 12(4) of the International Covenant on Civil and Political Rights (ICCPR), and Article 5(d)(ii) of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) could be strengthened through the addition of commentary relating to the definition of “his country” and the specific circumstances of refugees and displaced persons.

General Comment 27 to Article 12(4) of the ICCPR, for example, concludes that the phrase “his own country” should be interpreted broadly. It includes nationals of a country who have been stripped of their nationality in violation of international law, individuals whose country of nationality has been incorporated in or transferred to another entity whose nationality is being denied them and stateless persons arbitrarily deprived of the right to acquire the nationality of the country of residence.

General Comment 22 to Article 5 of CERD, meanwhile, addresses the specific rights of refugees and displaced persons to return to their country of origin. It concludes that all refugees and displaced persons have the right freely to return to their homes of origin under conditions of safety and that states parties are obliged to ensure that the return of such refugees and displaced persons is voluntary and to observe the principle of non-refoulement and non-expulsion of refugees.

Mechanisms for redress

While the present draft of the Charter requires further revision to bring it into line with international human rights law, one of the positive changes to the revised draft is the introduction of a mechanism to monitor implementation of the Charter similar to international human rights instruments. Article 45 provides for the establishment of an “Arab Human Rights Committee” consisting of 7 members elected by secret ballot by states parties to the Charter. Committee members must be highly experienced and competent in the Committee’s field of work.

Similar to the committees that monitor implementation of international human rights instruments, states parties to the Arab Charter on Human Rights will be required to submit reports to the Arab Human Rights Committee concerning the measures they

have taken to give effect to the rights and freedoms recognized in the Charter. After reviewing the reports the Committee will issue observations and recommendations. An additional provision to strengthen the reporting procedure would be the adoption of an optional protocol allowing for an individual complaints mechanism.

The revised Arab Charter on Human Rights raises the need for a review of other instruments relevant to the Arab world. This includes revisiting the Declaration on Refugees and Displaced Persons in the Arab World. Revisions to the Declaration should include language bringing the Declaration in line with international law on durable solutions for refugees, with particular attention to language on housing and property restitution. Provisions on international protection of refugees in the region should be consistent with the 1951 Convention Relating to the Status of Refugees and draw a clear link between protection and the search for durable solutions.

For further analysis on a broader range of human rights issues see, Amnesty International, Re-drafting the Arab Charter on Human Rights: Building for a Better Future. AI INDEX: MDE 01/002/2004, 11 March 2004. Also see, The Process of ‘Modernizing’ the Arab Charter on Human Rights: A Disquieting Regression - List of Recommendations.



Remember
15 May 2004

56 Years Since the Nakba,
56 Years
of Nakba

Downhill into the future: Rafah, Gaza 2004

by Ron Wilkinson



Destruction in Rafah. Photo: Ron Wilkinson

Leave your development indicators at home and look for de-development indicators because you are going to Gaza.

De-development in the Gaza Strip proceeds apace in the winter of 2004. The process was described by Sara Roy in her 1995 book: *The Gaza Strip- The Political Economy of De-development*, Institute for Palestine Studies.

During the 1990s, the strength of the economy could be assessed by counting the number of workers going into Israel each day and the price of donkeys at the Friday donkey market in the Shajiah quarter of Gaza town. If donkey prices went up, this meant that people didn't have the money to buy cars so they resorted to donkeys.

Today the number of workers going into Israel is half that of 10 years ago and donkeys are everywhere. The economy has been further harmed with the leveling of citrus groves and olive trees as a "security measure" by the Israeli military. These were once were a major source of income for Gaza. The Israelis also control how far the fleet of small

fishing boats can go out to sea and some days forbid them to go out at all, cutting off another source of income.

Sure, in Gaza town there are a few internet cafes, pizza parlours and new modern hotels. But the hotels are empty since getting into Gaza isn't easy.

A trip there for internationals takes a lot of planning. The first step is getting permission from UN security or a valid invitation from a local organization to be in Gaza and then a five-day security check by the Israeli authorities. Once this is done, your name is put on a list at Erez Crossing point in the north of Gaza.

When you get to Erez, you present your passport and your details to be checked by computer just like at an international airport and the list of approved visitors to Gaza is checked to see if your name is really on it. If everything is in order, each vehicle is given a form that approves passage into Gaza. This is handed over to a soldier at a final roadblock. These days most people, including

some NGO representatives, are refused permission to enter.

Getting out of Gaza is equally involved. At a gate across the road on the Gaza side, a soldier scans your documents then the computer check, the same as when arriving. There is the added "precaution" of an under vehicle search and the rub down with the plastic gloves of the vehicle's interior looking for traces of undesirable chemicals and the wait for the testing of the gloves. Any luggage has to go through the x-ray machine and then is opened for inspection. When all this is done, you get a departure form to be presented to a soldier at a final checkpoint.

Trying to get to Rafah or almost any other place in the Strip is the next hurdle. The main north-south road may be closed for the day even for UN vehicles. The Gaza Strip, only 30 kms long and 5-8 kms wide is split in three with Israeli checkpoints along the way near Netzarim, Kfar Darom and Morag settlements. Sometimes the Strip is even divided into four.

Local cars with only one person cannot drive on the road past Kfar Darom. So young men and boys line up along the road offering to accompany you past the settlement for one shekel. It's one way of income generation. After the short ride, they then line up on the other side of Kfar Darom and offer their services to vehicles going the other way.

Getting to Rafah

A 30-minute trip from Gaza town to Rafah can take up to two hours. A return trip that used to be made in a morning may take the whole day.

Nowhere is de-development more obvious than in Rafah, a district of 163,000, including 135,000 Palestinian refugees, on the border with Egypt.

Rafah has never been a tourist attraction but for a

few years in the 1990s there was some development, new buildings and a better face to the city. In the winter rain, Rafah looks bleak and forbidding. The old Salahadin gate where one could cross to Egypt on foot has been blocked by mounds of earth, the houses closest to the border are gone leaving a bare strip of sand between the ruins of 3-4 storey buildings and a new 5-meter-high rusted steel wall running along the border replacing a see-through wire fence. Israeli military observation towers dot the border between Egypt and Gaza.

The destruction of buildings and the new wall is an Israeli effort to stop the digging of tunnels under the international border and prevent what Israel says is smuggling and a flow of arms from Egypt to Gaza.

Whatever the reasons for the devastation of Rafah, it has left thousands of innocent families without shelter and their meager possessions ground into the sand.



Photo: Ron Wilkinson



*Four-year-old Manal with her sister and mother.
Photo: Ron Wilkinson*

While humanitarian aid is urgently needed to alleviate the day-to-day suffering of Palestinian refugees in the Gaza Strip, it is only a stopgap. The real need is to search for solutions to the Palestinian refugee issue as a whole, for more than 6 million refugees living in Gaza, West Bank, Jordan, Lebanon, Syria and further afield.

Under the “rocks”

“I was under the rocks,” says 4-year-old Manal. Her family’s home was demolished for the second time by Israeli incursions into Rafah refugee camp. The rest of her family escaped but they couldn’t find Manal. She was buried under the debris of the house. They found her, hearing her calls of distress.

On May 2, 2001, Israeli bulldozers destroyed 25 houses in an area of Rafah, Gaza called Brazil camp which is built on the site where Brazilian soldiers

were stationed as part of the UN Emergency Force after the 1967 War. One of the houses belonged to Manal’s family. With cash aid from UNRWA, the family rented a small house in Shaboura quarter of Rafah as a temporary home. But in September 2002, the bulldozers came again. Her family lost its home and several family members were injured.

Now they are living in the Tel el Sultan area of Rafah where UNRWA has built a new housing complex for 97 families. Manal and her family are among the almost 10,000 Palestinian refugees in Rafah who had been made homeless since September 2000. (See photo of Manal and her sisters)

UNRWA has also built new housing projects in Khan Younis and Deir el Balah for hundreds of families. Additional houses are being built, rebuilt or repaired in Khan Younis, Rafah, Bureij, Jabalia, Beit Hanoun for the almost 20,000 refugees whose homes have been demolished or badly damaged.

Since the beginning of the al-Aqsa Intifada in September 2000, Palestinian refugee camps in the West Bank and Gaza have been attacked repeatedly by Israeli military forces. Damage to refugee shelters by indiscriminate as well as targeted military attacks is especially severe in the densely built-up refugee camps where makeshift constructions are less resistant to attacks by heavy ammunition and weaponry. And even well built structures as shown in the accompanying photos have been heavily damaged or destroyed. (See al-Majdal issue No. 20 of December 2003 for details on the destruction and rebuilding of Jenin Camp, West Bank.)

Destruction has not been limited to official refugee camps in the Gaza Strip. Refugees living outside camps and some 2,000 non-refugees have had their homes demolished or heavily damaged.

Half rely on food aid

In addition to rehousing refugees, UNRWA, the United Nations Relief and Works Agency for Palestine Refugees, is supplying food on a bi-monthly basis to 124,000 families in the Gaza Strip, 18,000 of them in the Rafah area.

Food parcels usually contain 50 kg of flour, five kg of rice, five of sugar, two liters of cooking oil, one kg of powdered milk and 5 kg of lentils. More than half of the population of the Gaza Strip is totally dependent on food aid.

The 4,500 refugees who returned to the Gaza Strip from Canada Camp in Egypt (See al-Majdal issue No. 19, September 2003, 'Don't confuse relocation with return-18 years to move two kilometers') have not escaped. Their homes in the Tel el Sultan area of Rafah, were built with funds from Canada and Kuwait. Several young men have been killed and a few houses damaged. They also suffer from restrictions on movement in the Gaza Strip and the economic crisis with up to 60 per cent of the whole Gaza population having no regular work.

tents, blankets, kitchen kits, medicines and drinking water. UNRWA also provides cash assistance to help them temporarily rent new quarters if they cannot move in with relatives or neighbors.

Muhammad Najjar and his wife who moved back to Gaza from Egypt in 2001 remain virtual prisoners in Tel el Sultan. Their daughters and grandchildren live in other parts of the Gaza Strip but he and his wife can't go to visit them or they him because of Israeli roadblocks and road closures.

The Najjars also have a son who had been going to Bir Zeit University in the West Bank but even when he was there, the family could only get together every six months because of travel restrictions for a young man going between the West Bank and Gaza. Now Hassan is studying engineering at Concordia University in Montreal, Quebec. At least, says Mr. Najjar, his son is safe and can start building a future for himself.

Closures, curfews and armed attacks have affected all sectors and services in the Gaza Strip.

Reconstruction of housing units by UNRWA-Gaza Strip (Feb. 2004)

	Completed	Under Construction	Tendered	Design stage	Total
Tel el Sultan	97				97
Rafah		103	122	100	325
D/Balah	19				19
Middle Camps	26			36	62
Jabalia/B/Hanoun	16			36	52
K/Younis	125	86		116	327
Total	283	189	122	288	882

Source: UNRWA

As part of its emergency relief activities in the Gaza Strip, UNRWA has been providing temporary jobs for unemployed breadwinners, indirectly supporting 160,000 persons in the Gaza Strip. While the homeless await new shelters, UNRWA has, along with other agencies such as the International Committee of the Red Cross, provided

Health

More than 1,200 refugees in the Gaza Strip have sustained permanent disabilities since the beginning of the current intifada.

Thousands of children at UNRWA schools have needed counseling because of psychological stress.

Gaza in figures

Area:	360 sq. km
Coastline:	40 km.
Borders:	Egypt 11 km, Israel 51 km
Settlements:	25 Israeli settlements (approx. 5,000 residents)
Median age:	15.3 years
Population (84.5 per cent of total population)	907,000 registered refugees
Population growth rate:	3.89 per cent
GDP growth rate:	-15 per cent (2002)
Below poverty line	60 per cent
GNP per capita (2001)	\$1,350 (Gaza & West Bank)
Israel GNP per capita	\$16,750
Settlements in Gaza:	25 Israeli settlements (approx. 5,000 residents)

(Based on World Bank statistics and the Passia 2004 Diary)

In the month of March 2003 alone, 1,300 students from West Bank and Gaza received psychological counseling because of aggressive behavior, hypertension, communication difficulties and a wide range of other symptoms including anxiety attacks, stuttering and bedwetting. The cost of the program in Gaza is \$1.5 million for 2004.

Increasing rates of poverty and malnutrition, ongoing

damage to the environmental health infrastructure and the increase in demand on health services for patients requiring emergency care and long-term follow-up as a result of current violence have put a strain on all health services. To meet the demand, 138 additional medical staff have been hired under UNRWA's emergency Employment Generation Program in Gaza. This program has also been used to hire additional staff for



UNRWA housing reconstruction project in Rafah. Photo: Ron Wilkinson.

non-UNRWA health facilities.

Education

The continuing emergency has resulted in severe disruption to the education of tens of thousands of children. Some 24,000 teaching days have been lost at UNRWA schools in Gaza since 2002 and as a result there has been a marked deterioration in test results showing an erosion of students' skills making them ill prepared to continue their education.

UNRWA is providing remedial education to 39,000 pupils from grades four to nine and has embarked on a program of developing distance learning materials so children can continue their studies at home. The Agency is also providing short-term courses for 142 new trainees through its Gaza Vocational Training Centre to provide young refugees with marketable skills.

2004 UNRWA emergency funding requirements, US\$ millions

	Gaza Strip	West Bank
Food security	36.9	18.6
Emergency employment	41.2	20.7
Cash/in-kind assistance	12.8	13.8
Health	1.4	3.9
Psychosocial	1.7	1.9
Education	1.3	0.8
Shelter	30.5	2.3
Total	125.5	62.0

Source: UNRWA

Humanitarian Obligations, Access Denied

ICRC Ends Large-scale Relief Distribution UNRWA Suspends Emergency Food Aid in Gaza

At the 2003, the International Committee of the Red Cross (ICRC) announced the end of large-scale relief distribution to Palestinians in West Bank towns and villages. Since June 2002, the ICRC had provided urgently needed aid to some 300,000 Palestinians in the West Bank.

ICRC emphasized that "Under the Fourth Geneva Convention, it is the primary responsibility of Israel, the occupying power, to ensure that the population of occupied territories has sufficient access to food, water, health services and education. Any security measures taken by Israel to defend its citizens against attacks should not have a disproportionate impact on Palestinian civilians living in the occupied territories."

The ICRC will continue existing regular programs including helping improve access to drinking water and provision of relief aid to Palestinian families whose homes have been destroyed. The Red Cross will also intensify efforts to closely monitor the economic situation of the Palestinian population in the 1967 occupied territories.

At the end of March 2004 the UN Special Coordinator's Office (UNSCO) said new Israeli-imposed restrictions on staff movements may force humanitarian agencies to cut back on assisting Gaza's civilian population. Nearly all humanitarian aid vehicles from the UN and other agencies were banned from crossing at the Erez checkpoint in March.

Several days after the UNSCO statement, UNRWA took the decision to stop distributing emergency food aid to some 600,000 refugees in the Gaza Strip, or approximately half of the refugees receiving UNRWA food aid in the occupied territories due to Israeli restrictions. Stocks of rice, flour, cooking oil and other essential foodstuffs have been fully depleted. Under normal circumstances, UNRWA delivers some 250 tons of food aid per day in Gaza alone as part of a wider program of emergency assistance to refugees, initiated in 2000.

“The suspension of UNRWA’s emergency food aid

in the Gaza Strip will further distress communities already struggling to cope with unrelieved economic hardship and malnutrition,” said UNRWA Commissioner-General Peter Hansen. “If the new restrictions in Gaza continue, I fear we could see real hunger emerge for the first time in two generations. Israel’s legitimate, and serious, security concerns will not be served by hindering the emergency relief work of the United Nations. I appeal to the authorities to lift these restrictions and enable us to resume our food distributions in Gaza.”

Sources: UNRWA, ICRC.

Refugee Voices

‘Message Received?’ Opinions on the Geneva Accords

This summary was originally published in Arabic in Haq al-Awda (January 2004). To read the full version, see the BADIL website. The summary was drawn from more than 300 statements issued by individuals, institutions, and Palestinian national organizations.

The Palestinian National Council (PNC) has struggled in international fora and managed to obtain several resolutions that emphasized the right of refugees to return to their homeland. Hence, it is disallowed for any member of the PNC to take upon himself individually to participate in any activity that calls for renouncing the right to return whether it is within the framework of the Geneva Accords or any other framework.

Salim al-Zanoun, Chair, Palestinian National Council (PNC)

1 December 2003

The refugee problem is the core of the Palestinian people’s struggle. The refugee problem will only be solved through their return to their lands and country. The struggles and sacrifices of our people disallow any person to renounce any of our people’s rights. If the different peace initiatives presented to the Palestinian people and its leadership are going to be at the expense of the Palestinian people’s legitimate rights, then, may all these peace

initiatives go to hell. We will not entitle anyone to trade in our martyrs’ blood. We will continue our resistance and struggle, which were granted to us by international law, in case we fail to gain our rights through peaceful means.

Rafik Al-Natsheh, former spokesperson, Palestinian Legislative Council

1 December 2003

So long as Israel is still committed to the principles that were adopted at the First Zionist Congress and refuses to renounce these principles, we as Palestinians cannot - in light of this reality - consider any of the peaceful initiatives presented to us. I am personally against all these initiatives until there is a clear change in the Israeli position, at least in recognizing our rights.

Haidar Abdel-Shafi, Head, the Palestinian Delegation to Madrid-Washington Peace Talks

The rebuilding of a new Palestinian negotiations strategy is an existing issue and belongs to the Pal-

estinian people as a whole. This issue is expressed through national, democratic and Islamic Palestinian factions. It is disallowed for anyone to practice their own personal political actions, and with the same flames that burnt us for decades. The Geneva Accords are unbalanced. It is manufactured by an Israeli expansionist policy that we've experienced for long. Due to this policy, the Palestinian people continued their struggle against occupation in order to establish a balanced and comprehensive peace under the legitimate and international supervision.

Nayef Hawatmeh, Secretary-General of the Democratic Front for the Liberation of Palestine
29 October 2003

The Geneva Accords are a deed of surrender and a grave offense. The Palestinian people along with the Arab and Muslim people cannot and will not accept it under any circumstance. This agreement effectively cancels the right to return for the Palestinian people who were uprooted from their lands and homes. It further transforms the "Promised" Palestinian state into a demilitarized protectorate with its open space, water and borders wide open for the occupation's forces.

The Islamic Resistance Movement (HAMAS)
1 December 2003

Based on our commitment to Palestinian national rights and the rights of the Arab nation as a whole, the Popular Front for the Liberation of Palestine condemns the Geneva Accords that are directed against the Palestinian people and its future generation's goals and aspirations. The main goal of this initiative is to eliminate the right to return for the Palestinian refugees in exile who were uprooted from their lands. The initiative will lead to the cancellation of Resolution 194, which affirms refugees' right to return to their homeland and villages they were coercively uprooted from in 1948.

The Popular Front for the Liberation of Palestine, the Political Bureau
30 November 2003

The Geneva Accords do not reflect the position of the refugees. It reflects the personal positions of its signatories. This initiative presents a major degradation from the consecutive national council resolutions. Therefore, this initiative will not accomplish anything for our Palestinian people; in fact, it will broaden the disagreements within Palestinian society. I call for foiling and resisting the Geneva Accords. I request the signatories to retract and declare their commitment to the national goals of the Palestinian people.

Husam Khader, Prisoner, Member of the Palestinian Legislative Council, and Head of the Defense Committee for the Rights of Palestinian Refugees
12 November, 2003

The Islamic Jihad movement rejects and condemns the Geneva Accords. The movement considers this initiative as part of the Zionist war waged by the Sharon government, an extension to the collusive plan, and negligence to our people's sacrifices, and a detachment from the people's consensus.

Sheikh Sharif Al-Tahayneh, Islamic Jihad Movement
1 December 2003

The Geneva Accords are an unofficial document and do not reflect the position or opinions of the FATEH movement. It does not correspond to the aspirations of the Palestinian people. We stress that no one has the right to strive to reach fateful decisions on behalf of the Palestinian people without referring to the people's democratic and national official bodies.

The Palestinian National Liberation Movement (FATEH), Southern Province
29 November 2003

The content and the articles of the Geneva Accords are far below the legitimate national rights of the Palestinian people. It does not represent the national consensus, and extremely harms our national rights embodied in our national and central councils' resolutions in their successive terms.

Members of the Palestinian National Council residing in Jordan

3 December 2003

I want to emphasize the sacredness of the right to return. I consider it the cornerstone of a just and comprehensive peace in the Middle East. I hereby condemn the Geneva Accords, which is yet another conspiracy that oversteps legitimate international resolutions, especially the ones related to the right to return, which was reaffirmed by the United Nations more than 130 times. This initiative also negatively affects our national rights.

Abdel Fattah Ghanem, Presidential Advisor on Refugee Camp Affairs

2 December 2003

The legitimate representative of our people embodied in the institutions of the Palestine Liberation Organization is the sole representative of our people, and the sole representative capable of conducting any political negotiations related to our national problem. Individuals that show up every now and then, and ignore the suffering and sacrifices of our people do not represent our legitimate rights. We call upon them to put an end to their actions that are inconsistent with the legitimate Palestinian frameworks and in a period in which our people are bleeding and being exposed to the worst of Israeli state terror. We reiterate our steadfast and continued commitment to the national rights of our people including the Palestinian refugees' right to return in accordance with Resolution 194, and our right to self determination and the establishment of a Palestinian state with Jerusalem as its capital.

Emergency Committee for Islamic and National Forces

19 October 2003

The Geneva Accords free the Zionist movement and the Hebrew State from its moral and political

responsibility towards the creation of the refugee problem in 1948. The initiative also ignores the roots of the Arab-Israeli conflict through ignoring the Nakba and moving forward to the June 1967 war that resulted in the occupation of the rest of Palestine. It provides for a direct and clear renunciation of the Palestinian people's national rights, which were affirmed by international conventions and United Nations' resolutions, namely Resolution 194. This resolution, according to our opinion, consists of three main correlated rights: the refugees' right to return to their original land, which they were uprooted from in 1948, the right to restitution, and the right to compensation based on standards of international law.

The Palestinian Coalition for the Right to Return, Lebanon and Syria Office (Beirut)

6 December 2003

Our task in defending the Palestinian refugees' right to return and in confronting any settlement plans is a national, regional and an Islamic task. This task is part of a framework that aims at revitalizing our common national and regional responsibility in confronting the Israeli occupation and the Zionist expansionist policy. Only through the unification of our parties and forces in facing our common enemy, can our nation regain its extorted rights. The right to self determination cannot prevail without a comprehensive right to return. The unity of the Palestinian people is a basic requirement that must exist in order to exercise our right to return and self determination.

Tala't Abu Othman, Press Secretary, Committees for Defending the Right to Return, Jordan

15 December 2003

We, and all our Palestinian people, at home and in exile, emphasize our adherence to our national rights, most importantly our right to return and our right to a fully sovereign and independent state with Jerusalem as its capital. We declare our absolute rejection of the Geneva Accords and its free

concessions because it harms our national rights. It also carries in its folds many dangers that threaten our people's legitimate national rights. We call upon the Palestinian leadership to declare its clear rejection towards this initiative, in addition to lifting the political mantle from all signatories. We call upon the Arab governments and the international community's institutions to withhold any official legitimacy to the initiative because it contradicts Arab and international resolutions.

Palestinian Youth Organizations and Institution in Sour, Lebanon; the Social Communication Center (Ajyal); the Islamic Club for Palestinian Students; Jerusalem Club for Palestinian Students; the Democratic Youth Union; the Palestinian Progressive Youth Organization; the Palestinian Youth Organization; the Youth of the Palestinian Popular Struggle Front; the Youth of the Palestinian People's Party; and the Youth of the Palestinian Liberation Front

15 December 2003

The Yasser Abed Rabbo, Beilin and Ayalon initiatives are only attempts to add legitimacy to the ethnic cleansing plan and to sentence the refugees to a life of expulsion away from their homeland. We do not acknowledge any attempt to eliminate the right to return, and the individuals that promote such attempts do not represent the Palestinian people. We call upon the world to support us and stand closely beside us in order to spread peace in the Middle East.

Palestinian organizations and members of the Palestinian National Council working in the field of the right to return in Lebanon. Among the signatories: "Aidoun" Group, Protective Center for Human Rights, the Palestinian Organization for Human Rights, the Palestinian Institution for Human Rights, "Al-Awda" Palestine Center, Committees Union for the Right to Return, the Palestinian NGO's Coordination Body, the General Union for Palestinian Women, Group "194", "We will definitely return" Assembly, the General Union for Doctors, the General Union for Labor

Syndicates in Palestine, the Arab Women Solidarity Association, the Palestinian Democratic Women Organization, Social Solidarity Association, Union for Palestinian Youth Centers, Families of Martyrs Organization, Palestinian Engineers Assembly and Union for Palestinian Democratic Youth
December 2003

We condemn the Geneva Accords especially the dangerous concessions it provided regarding the Palestinian refugees' right to return to the lands they were uprooted from by force and massacre. This initiative does not represent the people, in fact it contradicts our people's aspirations and rights they unanimously agreed upon for decades. This initiative is a mean to add legitimacy to the ethnic cleansing plan against the 1948 part of Palestine, and to sentence the refugees to a life of expulsion away from their homeland. The individuals that promote such attempts do not represent the Palestinian people, and no one delegated them to give up our national rights.

Palestinian organizations in Europe: "Al-Awda" Palestinian Center (London), the Palestinian Community Assembly in Britain, the Right to Return Committees Coalition in Europe, Palestine Assembly in Austria, the Palestinian Emigrants Association in Austria, the Right to Return Coalition in Sweden, Roots Association (Switzerland), the Palestinian Emigrants Assembly in Norway, the Palestinian Emigrants Assembly in Holland, Al-Karmel Assembly (Holland), the Palestinian People Solidarity Association (Italy), the Palestinian Emigrants in Finland, the Right to Return Committees in Denmark, the Palestinian Emigrants Assembly in Odnesya (Denmark), Al-Aqsa Cultural Center (Denmark), the Palestinian - Ketlan Cultural Cooperation Association (Spain), the Palestinian Emigrants in Catalonia and Paliars (Spain)
December 2003

We call upon President Yasser Arafat to disqualify the Palestinian signatories of the Geneva Accords, and to exclude them from any political post within

the Palestine Liberation Organization or the Palestinian National Authority. We call upon the Palestinian people especially refugees to enhance and empower their unity and struggle in order to avert all harms threatening their right to return to their lands and their right to restitution.

A letter addressed to President Yasser Arafat from social, popular and private Palestinian organizations for defending the right to return and the Intifada. Among the signatories: the Right to Return Committees Union, "Aidoun" Group, the Palestinian Return Assembly, "We will definitely return" Committee, "194" Group, the Palestinian Youth Forum, the Palestinian Democratic Cultural Forum, Land Committees for Defending the Right to Return, Youth Activities and Organizations' Coordination Committee, the Palestinian Democratic Youth Union, the Women's Committee in Supporting the Right to Return, Bisan for Social Development, the Palestinian Youth Organization, the Palestinian Democratic Women's Organization, Ghassan Kanafani's Cultural Forum, the Palestinian Popular Women's Committee, the Palestinian Cultural Library, Palestinian FARAH Organization for Children, the Palestinian Cinema Club, Bisan Troup for Popular Arts, the Palestinian Youth Center (Jafra) and Martyr Izz El-Din Al-Qassam Club

23 October 2003

What is happening in Ramallah including killings, kidnappings and destruction clearly reveal Sharon's intentions. What is happening in Geneva inside cozy rooms is an obvious perversion. The individual struggle to participate in such initiatives is only for the mere fact of reserving a wretched negotiation seat.

Dr. Mustafa Al-Barghouthi, Secretary, the Palestinian National Initiative

2 December 2003

The signatories of the Geneva Accords do not rep-

resent the Palestinian people, they represent themselves only. The Palestinian position regarding this initiative stems from the Palestinian people at home and in refugee camps, whether inside or outside Palestine. I call upon the Palestinian people, including factions and grass-root organizations to confront the harms that this initiative might cause to the unity of the Palestinian people.

Abdallah Al-Hourani, Head of the Preparation Committee for Defending the Right to Return

1 December 2003

In the year 2000, the participants of the second Nazareth conference warned against conspiring or overstepping the right for return. The conference warned the Israeli side and drew the attention of the Palestinian side to the dangers mounting from signing any agreement that eliminates the right for return whether explicitly or implicitly. The participants announced their adherence to the right of return and their refusal to any alternatives for those rights, such as; compensation, or resettlement. Hence, any agreement similar to the Geneva Accords is considered void and invalid.

The Committee for Defending Refugees' Rights in Israel

October 2003

To our people all over the world, we want to reaffirm our adherence to the fact that the right for return to our original lands is a right granted to us by all human, religious and international codes and resolutions. We reaffirm our rejection of the so-called Geneva Accords in form and in substance. Any political solution that does not provide refugees with a free and voluntary choice to return to their lands be considered null and void.

The Central Popular Committee for the Right for Return, FATEH Youth Organization, Union and Social Affairs and Women Organizations in Bethlehem Governorate

1 December 2003

We, the Popular Services Committees for Refugees, affirm our steadfast position regarding the issue of refugees. Our position, and according to international resolutions and human rights conventions, especially UN Resolution 194, affirms the right of refugees to return to the lands they were uprooted from and compensating them for all their years of refuge. Any talks or solutions that undermine our

right of return is absolutely rejected.

Popular Committees in the Gaza Strip
13 October 2003

In Memoriam

A complete list of Palestinian victims of Israeli violence between 19 December 2003 and 31 March 2004 was not available at press time. In total, 206 Palestinians were killed by Israeli forces during this period. Between 29 September 2000 and 31 March 2004, 2,828 Palestinians, including 23 inside Israel, have been killed by Israeli security forces. (PRCS)

Between 29 September 2000 and 31 March 2004, 593 Israeli civilians and 265 members of the Israeli security forces were killed. (B'tselem)

Kamal Tantawi, 32, Qalqilya
Mohammed Naeem Al-Araj, 5, Balata camp
Zuheir Oweis, 46, Balata camp
Nour Eddin Ahmad Izzat Omran, 16, Der al-Hatab
Nathmi Mahmoud, 62, Balatah camp
Wi'am Musa, 25, Rafah
Iyad Alawneh, 27, Jaba' village
Muhammad Mustafa, 22, Gaza
Jihad's As'ad al-Uti, 26, Der al-Balah
Maqlad Hameed, 40, Gaza
Rajai Mazen Rayyan, 15, Nablus
Fadel Fawzi Al-Najjar, 22, Khan Yunis
Mohammed Jabr Saeed, 16, Nablus
Rawhi Hazem Shouman, 23, Nablus
Amer Kathem Arafat, 26, Nablus
Amjad al-Masri, 15, Nablus
Mohammed Qays al-Masri, 16, Nablus
Mu'tasem Mohammed Abul Hasan, 16, Gaza

Resources on Refugees

Forthcoming BADIL Publications

Survey of Palestinian Refugees and Internally Displaced Palestinians 2003

The Survey provides basic historic and current information on Palestinian refugees and internally displaced persons. The Survey includes 6 chapters covering the historical circumstances of Palestinian displacement, population, legal status, socio-economic profile, international protection and assistance, and durable solutions. *Available in English and Arabic. 200 pages. ISSN 1728-1679.*

For advance orders contact, admin@badil.org

Proceedings of the Fourth Annual Meeting of the Global Palestine Right of Return Coalition

Includes working papers submitted to the fourth annual meeting of the Global Palestine Right of Return Coalition held in London, November 2003. The publication also includes a summary of discussions and debate as well as the final statement issued by the Coalition. Arabic with English summaries.

For advance orders contact, admin@badil.org.

Selected BADIL Publications

"Experiencing the Right of Return, Palestinian Refugees Visit Bosnia"

This 20 video documents a study visit of a delegation of Palestinian refugees to Bosnia-Herzegovina in June 2002. The delegation, comprised of refugees from Palestine/Israel, Lebanon, Jordan, Syria, and Europe traveled to Bosnia in order to understand: What was done and how? What didn't work and why? What are the lessons for Palestinians and their struggle for the implementation of the right of return and real property restitution?

To order contact, admin@badil.org. Available in English and Arabic.

Al-Quds 1948: al-ahya' al-'arabiyah wa-masiruha fi harb 1948

Salim Tamari (ed.). Published by BADIL Resource Center and the Institute for Palestine Studies, 2002. ISBN 9953-9001-9-1.

To order contact IPS-Beirut, ipsbrt@cyberia.net.lb, or www.palestine-studies.org.

BADIL Hebrew Language Packet/The Right of Return

The Packet includes:

- *Main Reader, 'Palestinian Refugees:' overview of the issue and demands of Palestinian refugees; law and principles guiding solutions to refugee problems; answers to frequently asked questions; obstacles to be tackled by a law- and rights-based solution (24 pages);
- * Legal Brief, 'Palestinian Refugees and their Right of Return, an International Law Analysis' (16 pages);
- * Executive Summary, 'The Right of Return:' Report of the Joint British Parliamentary Commission of Inquiry into Refugee Choice (28 pages; translation from the English original published in London, March 2002);
- * Readers' feedback sheet and background information about BADIL Resource Center for Palestinian Residency and Refugee Rights.

The BADIL Hebrew-language Information Packet is available for NIS 30. For postal orders inside Israel, please send a check to Andalus Publishers, PO Box 53036, Tel Aviv 61530 (andalus@andalus.co.il).

BADIL Expert Forum Working Papers

A complete list of all working papers commissioned for the BADIL Expert Forum on Palestin-

ian Refugees is available on the BADIL website. Papers address the relationship between international law and peacemaking, housing and property restitution for refugees, international protection, and obstacles to implementation of durable solutions for Palestinian refugees.

See, http://www.badil.org/Campaign/Expert_Forum.htm

Resources from other Publishers

Forced Migration Online (FMO)

FMO is a digital library with approximately 3,000 full-text documents in electronic format which can be searched, read and printed as required. It includes recent and historical grey (unpublished) literature and research materials. FMO was launched in November 2002.

www.forcedmigration.org.

Forced Migration Review (FMR)

FMR is the in-house journal of the Refugee Studies Centre, Queen Elizabeth House, University of Oxford. FMR is a 48-page magazine published three / four times a year in English, Spanish and Arabic and produced in collaboration with the Global IDP Project of the Norwegian Refugee Council. FMR serves the humanitarian community by providing a practice-oriented forum for debate on issues facing refugees and internally displaced people in order to improve policy and practice and to involve refugees and IDPs in programme design and implementation.

English, www.fmreview.org. Arabic, www.hijra.org.uk. Email: fmr@qeh.ox.ac.uk.

Access Denied Palestinian Land Rights in Israel

Hussein Abu Hussein and Fiona McKay

The struggle for land has been a key element of the conflict between Jews and Arabs in Palestine for the past hundred years. While international attention focuses on Israeli settlements in the West Bank and Gaza Strip, legally outside Israel's boundaries, there is another dimension to the land

question altogether. Nearly one-fifth of Israel's population is Palestinian. This book examines how Israeli land policy today inhibits access to land for its own Arab citizens even within the 1948 boundaries of the state of Israel.

To order contact, Zed Books, www.zedbooks.demon.co.uk.

Beer Sheba and Gaza Map 1948

This map, produced by the Palestine Land Society, covers an area which has been largely unknown or misunderstood. It provides information 77 Bedouin clans in the Beer Sheba and Gaza area, including their location in 1948, their expulsion, their current place of refuge and their land claims. The map is based on travellers and military maps before WWI, British Mandate maps, papers of the Beer Sheba District Officer Aref al-Aref, information from Beer Sheba Societies in Gaza, Jordan and Israel, and personal interviews. Scale 1:120,000. Size: 70 x 100 cm.

To order the English map contact, info@prc.org.uk. Arabic, omranco@kems.net.

Returning Home: Housing and Property Restitution Rights of Refugees and Displaced Persons

Scott Leckie (ed.). Forward by Theo van Boven

This volume is a unique effort to cover the topic of the restitution of housing and property in light of lessons learned in the Balkans, South Africa, East Timor, and in a range of other countries that have made the shift from conflict to peace. Individual chapters by authors with direct experience dealing with housing and property restitution in particular contexts will bring into focus the legal and human rights aspects of this question. Several chapters deal with unresolved restitution cases, all of which will require resolution sooner or later, including in Georgia, Turkey, and for specific groups including Palestinian refugees, indigenous peoples and the internally displaced themselves. Housing and property restitution is now viewed as an essential element of post-conflict reconstruction. It is a primary means of reversing 'ethnic cleansing' and vital to securing a war-torn

nation's future stability. All parties involved in human rights, refugee assistance, post-conflict reconstruction and reconciliation, and property rights will find this volume to be an indispensable resource.

To order contact Transnational Publishers, Inc., info@transnationalpubs.com or www.transnationalpubs.com

Records of Dispossession, Palestinian Refugee Property and the Arab-Israeli Conflict

Michael R. Fischbach

From late 1947 through 1948, more than 726,000 Palestinians - about one-half the entire population - left their homes and villages. While some middle class refugees fled with liquid capital, the majority consisted of small-scale farmers whose worldly fortunes were the land, livestock, and crops they had left behind. For the first time this book tells the full story of how much property was left behind, what it was worth and how it was used by the fledgling state of Israel. It then traces the sub-

sequent decades of diplomatic activity on the issue.

To order contact, www.columbia.edu/cu/cup.

The Politics of Denial, Israel and the Palestinian Refugee Problem

Nur Masalha

The aim of this book is to analyse Israeli policies towards the Palestinian refugees as they evolved from the 1948 catastrophe (or nakba) to the present. It is the first volume to look in detail at Israeli law and policy surrounding the refugee question. Drawing on extensive primary sources and previously classified archive material, Masalha discusses the 1948 exodus; Israeli resettlement schemes since 1948; Israeli approaches to compensation and restitution of property; Israeli refugee policies towards the internally displaced ('present absentees'); and Israeli refugee policies during the Madrid and Oslo negotiations.

To order contact Pluto Press, www.plutobooks.com.

Documents

1. Appeal from Palestinian & Arab Non-Governmental Organizations to the Arab Summit

The Arab Summit in Tunis is being held in an unclear and complex environment at international, regional and Arab levels. The Middle East is still suffering from the effects of the war on Iraq and its repercussions for the entire Arab world. In the course of the war itself, the American administration introduced its concept of a "Greater Middle East" aimed at exporting its 'democracy' to the Arab countries in the region. Ironically, the United States considers waging war and occupying Iraq as a basic first step on the road to this promised democracy.

Confronting attempts to redraw the geopolitical map and the US Administration's demands imposed on the people of the region in the guise of 'reform and democracy,' we call on the Arab League and states represented in this summit, to adopt a genuine reform program guided by the actual needs of the Arab nation and able to address the unique Arab dilemma. Any true and effective Arab reform program must build on the energy of civil society, remove constraints on its independence and efficiency, and facilitate its efforts for real democratic development. This will enable Arab societies to meet the challenges resulting from external political and economic domination. It will also help the Arab nations to meet standards of internal development demands based on popular participation, respect

for human rights, political freedoms, good governance and the equality of men and women.

An indigenous Arab reform program must be able to stand up to the Israeli occupation and not be at the expense of key issues in the region, foremost the Palestinian issue, the core of the Arab-Israeli conflict. Here we specifically refer to the initiative of Amr Mousa, Secretary General of the Arab League after 11 September, which refers to the importance of Arab civil society participation, including Arab intellectuals, in forming a strategy for Arab dialogue with the West. Such dialogue must be based on respect for the rule of law in international relations.

Majesties, Excellencies, and Presidents of Arab states,

We, the undersigned representatives of Arab and Palestinian civil society organizations, wish to draw your attention especially to the plight of the Palestinian refugees and to the intrigues and so-called initiatives regularly proposed. These 'initiatives' have the aim of eliminating the refugee issue and disregarding their right to return, a legal right and part of the basic national rights of the Palestinian people.

Based on the above, we affirm the following:

* We reject all types of initiatives and models promoted for solutions that by-pass implementation of the right of return as enshrined in international law, human rights conventions, and UN resolutions, in particular UN Resolution 194. This resolution provides for the return of Palestinian refugees to their homes of origin they were forced to leave in 1948, housing and property restitution and compensation. In addition, UNGA resolution 3236 of 1974 directly ties the right of return to the right to self-determination and the right to national sovereignty and independence.

* International law also requires provision of temporary daily protection for Palestinian refugees wherever they live, until they return to their homeland. Arab states, especially host countries, are therefore obliged to adhere to their commitments enshrined in the relevant resolutions of the League of Arab States, especially the Casablanca Protocol of 1965. At this juncture, we emphasize that provision of Palestinian refugees with adequate and humane treatment and social, economic and cultural rights does not contradict in any way efforts at fighting refugee re-settlement, preserving Palestinian national identity, and preventing refugees from absorption into their host societies in exile. On the contrary, minimizing the suffering of refugees will further enhance their steadfastness, revitalize them and give them the strength to confront re-settlement plans and work with determination for the right to return to Palestine.

* To provide temporary protection for Palestinians in the 1967 occupied Palestinian territories, we must intensify our efforts, and pressure the international community to implement the Geneva Conventions, especially the Fourth Geneva Convention regarding the protection of civilians in armed conflicts. While the State of Israel escalates its oppression of the Palestinians and its military institutions ignore international law and conventions, we must strive to put in place an international mechanism

that will guarantee protection to the Palestinians in the West Bank and Gaza Strip.

Finally, enhancement of legislative and constitutional reform in Arab states, and closing the gap between national legislation and international standards and human rights laws in general and refugee rights in particular, will result in a more dignified life for Palestinian refugees under Arab patronage until they return to their lands.

Signature

In Palestine

Alternative Tourism Group (ATG), Palestine;
Association for the Defense of the Rights of the Internally Displaced in Israel/1948 Palestine;
Association of Residents of Occupied and Destroyed Palestinian Towns and Villages-Ramallah;
BADIL Resource Center for Palestinian Residency & Refugee Rights;
Committee for the Defense of Palestinian Refugee Rights-Nablus;
Coordinating Committee, Committees for the Rehabilitation of the Disabled-West Bank;
The General Union of Public Service Workers in Palestine, Gaza;
Ittijah - Union of Arab Community-based Associations in Israel/1948 Palestine;
Jerusalem Center for Human Rights;
Jaffa Cultural Center-Nablus;
PNGO-Palestinian NGO Network, 1967 occupied Palestine;
Popular Committees-Gaza Refugee Camps;
Popular Committees-West Bank Refugee Camps;
The East Jerusalem YMCA;
Union of Women's Activity Centers-West Bank Refugee Camps;
Union of Youth Activity Centers-West Bank and Gaza Refugee Camps;

From Jordan

High Committee for the Defense of the Right of Return-Jordan;
Jordanian Women's Union;

From Lebanon

Aidun-Group
Consortium of Voluntary Organizations in Lebanon;
Forum of NGOs in Palestinian Communities in Lebanon;
National Society for Vocational Rehabilitation and Social Services;
Network of Arab Development NGOs;
Organization for Solidarity and Development;

From Syria

Aidun-Group

From Algeria

African Youth Network for Sustainable Development-Algeria;

From Iraq

Iraqi Hope Society

From Europe

Right-of-Return Coalition-Europe (London, Copenhagen, Sweden, Norway, France, Poland, Netherlands, Germany);

From North America

Al-Awda Canada;

Al-Awda Palestine Right-to-Return Coalition;

March 2004

2. The Haifa Initiative: Final Statement of the Organizers, 'Right of Return and Just Peace'

(Presented to the Conference on 27 March 2004)

On the weekend of 26-28 March 2004 the first Right of Return Conference in Israel attracted more than 300 people for two days of extensive discussion, lively debate and a series of recommendations for future activities. The participants learned about the history of the Nakba, the moral and legal basis, in international law, of the right of return and of possible ways of implementing it. Throughout the day letters of support and solidarity were read as they were received from various Palestinian refugee communities in the 1967 occupied Palestinian territories, the Arab world and the exile.

The conference was attended by representatives of Palestinian communities in the country and abroad, while some of the invited guests from the 1967 occupied Palestinian territories were denied entry by the Israeli authorities. They were joined by Jews and Palestinians from Israel, who came either as individuals or representatives of NGOs.

The initiating NGOs vow to continue the struggle for protecting the memory of the Nakba against its denial in Israel and abroad, for placing the right of return at the center of peace making in Israel and Palestine, and for finding the appropriate political structure to make possible the future return of the refugees ethnically cleansed from Palestine in the past. The initiators and the supporting NGOs are convinced that the return is the key for a better future, not only for Palestinians and Israelis, but for the region as a whole. The rectification of the evils inflicted by the 1948 ethnic cleansing, and ever since, would for the first time allow citizens and returnees, to enjoy normal and peaceful lives on a democratic and civic basis.

For this purpose, the conference suggests to launch various projects, such as educational workshops on the Nakba, a Nakba Museum and the institutionalization of the Nakba day in Israel. It also calls for better coordination with right-of-return initiatives worldwide, the advancement of practical programs for the facilitation of return, and urgent research of detailed and concrete models of joint political structures which include the right of return. These and other proposals form what can be called 'The Haifa Initiative.'

Preparations have begun for the convention of the second Right of Return Conference in March 2005.

This was by all accounts a historical moment whose significance will be understood and recognized with time. Already now, however, this conference has refuted the claim that unconditional support for Palestinian refugees' right of return is a taboo in Israel and a non-starter for peace efforts among the two people. The hundreds of people attending the conference showed that a growing number of Jews and Palestinians in Israel regard the implementation of the Palestinian right of return as the only road to lasting peace and reconciliation in the torn land of Palestine.

Ilan Pappé

Chair, Emil Touma Institute for Palestinian and Israeli Studies

Initiating NGOs: Ittijah, Zochrot, Emil Touma Institute and the

Association for the Defense of the Rights of the Internally Displaced in Israel

About the meaning of al-Majdal

al-Majdal is an Aramaic word meaning fortress. The town was known as Majdal Jad during the Canaanite period for the god of luck. Located in the south of Palestine, al-Majdal was a thriving Palestinian city with some 11,496 residents on the eve of the 1948 war. Majdalawis produced a wide variety of crops including oranges, grapes, olives and vegetables. Palestinian residents of the town owned 43,680 dunums of land. The town itself was built on 1,346 dunums.

The town of al-Majdal suffered heavy air and sea attacks during the latter half of the 1948 war in Palestine. Israeli military operations (Operation Yoav, also known as “10 Plagues”) aimed 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 had fled to the Gaza Strip. Israel subsequently approved the resettlement of 3,000 Jews in Palestinian refugee homes in the town. In late 1949 Israel began to drive out the remaining Palestinian population using a combination of military force and administrative measures. The process was completed by 1951. Israel continues to employ similar measures in the 1967 occupied West Bank, including eastern Jerusalem, and the Gaza Strip.

Palestinian refugees from al-Majdal now number over 71,000 persons. Like millions of other Palestinian refugees, Majdalawis are not allowed to return to their homes of origin. Israel opposes the return of the refugees due to their ethnic, national and religion origin. al-Majdal, BADIL’s quarterly magazine, reports about and promotes initiatives aimed at achieving durable solutions for Palestinian refugees and displaced persons based on international law and relevant resolutions of the United Nations.



Remnants of AL-Majdal / Asqalan
Source: www.palestineremembered.com

**Remember
15 May 2004**

56 Years Since the Nakba,



56 Years of
Nakba