

al majdal

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a quarterly magazine of
BADIL Resource Center for Palestinian Residency & Refugee Rights



Gaza Disengagement
Ongoing Displacement

BADIL takes a rights-based approach to the Palestinian refugee issue through research, advocacy, and support of community participation in the search for durable solutions.

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Content

Editorial

Gaza Disengagement, Ongoing Displacement..... 02

General Articles

“Another World is Possible.”: Palestine at the 5th World Social Forum
by *Ingrid Jaradat Gassner* 05

Refugees Run their Own Needs Assessment
by *Karma Nabulsi*..... 09

Campaign Targets Jewish National Fund Charitable Status in Canada
by *Kole Kilibarda and Hazem Jamjoum* 15

Palestine Does Not Have to Bargain to Obtain its Human Rights
by *Jeff Handmaker*..... 19

The Naqab Battle: A Battle for the Land and the People
by *Raja Za’atri* 24

Baqqara and Ghaname of Palestine: A Saga of Displacement
by *Shahira Samy*..... 27

Interview with UNRWA Commissioner General Peter Hansen
by *Nihad Boqai*..... 35

Palestinian Public Perceptions, Report VII (excerpts)
by *Graduate Institute of Development Studies, University of Geneva* 38

Where are the Tents? It is a camp, isn’t it?
by *Ron Wilkinson*..... 44

Commentary

A Letter from a Palestinian Refugee to Abu Mazen
by *Abdullah Hourani*..... 48

Who is Responsible – the Jews or the Zionists?
by *Ali Kazak*..... 52

Documents

‘Cairo Declaration’, 17 March 2005 57

Occupied Palestine – Syrian Golan Heights Advocacy Initiative - Joint Statement
to the 5th Annual World Social Forum, January 2005 57

Anti-War Movement Assembly, Statement to the 5th Annual World Social Forum
(excerpts), March 2005..... 60

Putrajaya Action Plan, March 2005 60





Gaza Disengagement, Ongoing Displacement

Will Ariel Sharon's plan for disengagement from the Gaza Strip bring Palestinians and Israelis one step closer to a political settlement of the conflict? The international community (read 'Quartet') seems to think so. After all, not since Sinai has Israel been willing to dismantle colonies it established on illegally occupied land.



Khan Younis Refugee Camp, Gaza Strip. © BADIL

The international community today speaks about a moment of promise and opportunity for Palestinians and Israelis. They point towards the election of Mahmoud Abbas as President of the Palestinian Authority, the Sharm ash-Sheikh summit (8 February 2005) between Ariel Sharon and Abbas at which Israel agreed to “cease all military activity against Palestinians” who agreed to “stop all acts of violence against Israelis”, and Palestinian municipal and Legislative Council elections later in the year.

Nearly five years after the beginning of the second Palestinian *intifada* the international community has given the signal that now is the time to re-engage towards a political settlement of the conflict. The US has appointed a special security envoy (General Ward) who is stationed in the region, both Sharon and Abbas have been invited to the White House, the Quartet appointed a special envoy (James Wolfensohn), the UK organized a meeting in London on Palestinian reform, and Russia called for an international Middle East peace conference in Moscow.

What are the indicators for success?

So what are the indicators that the Gaza disengagement plan will advance a political settlement on the conflict? Conventional wisdom says that the Gaza plan will lead to an end of Israel's occupation of the West Bank, the creation of a Palestinian state and a resolution of the conflict. Sharon's plan should thus be judged according to the degree to which it will end the occupation, contribute towards the establishment of the state of Palestine and resolve the conflict.





For the immediate future, however, Israel plans to retain effective control of the Gaza Strip by exercising control over the land borders, coastal waters and airspace. International law experts agree that the Gaza Strip will therefore continue to be occupied territory. Israeli government legal advisers concur. Progress towards the establishment of a sovereign Palestinian state, including the development of a vibrant Palestinian economy, at least as far as the Gaza Strip is concerned, thus seems doubtful.

The situation in the West Bank is no more promising. Israel has cleared the way for construction of the southern route of the separation (apartheid) Wall, it refuses to consider more than a paltry release of Palestinian prisoners from Israeli jails, the transfer of Palestinian towns to PA security forces has been beset by delay after delay, it continues to colonize the West Bank (especially in the Jerusalem area), and, armed operations against Palestinians in the occupied territories have not ended.



Palestinian workers returning from Erez industrial zone, Gaza Strip. © Douglas Dicks.

Managing one problem, creating another

But the problems with disengagement do not stop at the Gaza border. Israel's right and left Zionist political parties alike have not been shy to state that one of the primary purposes of the disengagement plan is to maintain Israel's Jewish demographic majority. In exchange for redeployment from Gaza, it seems that Israel will be permitted to retain its large colonies in the West Bank. US President George Bush has already given his blessing to this expected trade-off.

Moreover, Ariel Sharon plans to leverage US support for his Gaza plan to underwrite a massive development plan to build a Jewish majority in the Naqab (Negev) and in the Galilee. The plan includes construction of more than two-dozen new Jewish communities (partly for the Gaza settlers), transfer of the Naqab Bedouin to so-called concentration points, expropriation of most of their remaining lands and ending all further land claims. Shimon Peres calls it the most important Zionist project of the coming years.

The process of colonization on both sides of the 'Green Line' – i.e. 1949 armistice line – thus continues unabated. Redeployment of Israeli military forces outside of the Gaza Strip and the transfer of Israeli settlers to the Naqab and the Galilee also enables Israel to manage its 'demographic problem' on both sides of the Green Line, by 'getting rid' of a large Palestinian population in Gaza and increasing the number of Jews in areas inside Israel where there is a Palestinian majority.

Constructive disengagement

Ongoing colonization also raises questions about the nature of the conflict. Is it possible to end the occupation without addressing Israel's very nature as a colonial state? Since 1967 international

The Special Rapporteur has carefully refrained from using the terms colonies and colonists, preferred by more radical critics, to describe settlements and settlers. However, one wonders whether the time has not come for the international community to change its use of language, for settlements do constitute a form of colonization in a world that has outlawed colonialism. The policies of the Western imperial powers were once determined or influenced both at home and abroad by colonial interests. So too with Israel. The protection and advancement of the interests of its colonists/settlers determines its policies towards Palestine. Without settlements, a two-State solution is possible; with them, it becomes impossible.

Settlements constitute an illegality in the removal of which the international community has a legal and moral interest. The dismantling of settlements in the West Bank cannot be left to 'permanent status talks' between Israelis and Palestinians in the indefinite future. Like the settlements in Gaza, they must be dismantled.

Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967, UN Doc. E/CN.4/2005/29/Add.1, 3 March 2005.





peacemaking efforts have been based on the assumption that the root cause of the conflict is Israel's illegal military occupation. But Israel did not 'invent' the legal measures and practices used in the Gaza Strip and West Bank in 1967. They are based on laws applied inside Israel since it was created.

Ongoing Jewish colonization also raises serious questions about whether the international community's policy of constructive engagement alone will be sufficient to gain Israel's compliance with its obligations under international law, the advisory opinion of the ICJ, and the Road Map. Constructive engagement has not brought an end to nearly four decades of military occupation. It has not brought an end to displacement and dispossession of Palestinians inside Israel.

This is no time for appeasement says the UN Special Rapporteur on human rights in the 1967 occupied Palestinian territories. "Israel's defiance of international law poses a threat not only to the international legal order but to the international order itself." Israel is preparing to 'disengage'. This is precisely the policy that the international community should adopt towards Israel: disengage and isolate, until Israel complies with international law as every other normal state.

New COHRE-BADIL Report!
**Ruling Palestine: A History of the Legally Sanctioned Jewish-Israeli Seizure
of Land and Housing in Palestine**

Written and prepared by by Souad R. Dajani

A two-state solution to the 57 year Israeli-Palestinian conflict has been made a practical impossibility due to Israel's continuing expropriation of Palestinian property and denying Palestinian refugees the right to recover their original homes and lands.

This is one of the main conclusions of "Ruling Palestine: A History of the Legally Sanctioned Jewish-Israeli Seizure of Land and Housing in Palestine", a new report released by the independent Geneva-based Centre on Housing Rights and Evictions (COHRE) and BADIL Resource Center for Palestinian Residency and Refugee Rights.



The report reveals in stark detail how Zionist leaders, and later successive Israeli Governments, manipulated key Ottoman and British laws and the Israeli legal system to dispossess Palestinians of their land and property. The report clearly documents how Israel has built a domestic legal framework which seeks to legitimise what are clearly discriminatory land and housing policies.

"Although the United States routinely supports the rights of refugees throughout the world to recover their former lands, homes and properties, it refuses to recognize that Palestinian refugees should also enjoy their legitimate property rights. The hypocrisy of the US stance which explicitly denies the property rights of Palestinian refugees is blatant and unjustifiable if terms such as human rights and the rule of law are to have universal application."

Says COHRE Executive Director, Scott Leckie

"As with the end of all enduring conflicts, lasting peace between Israelis and Palestinians will only be possible when ordinary Israelis acknowledge past wrongs, embrace the process of reconciliation and overcome their fear of their historic neighbors. We look forward to the day when both sides move beyond the current impasse of 'us vs. them' towards a mutual and equitable future where the rights of both peoples are respected in full."

Copies of the report are available from:

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“Another World is Possible.”

Palestine at the 5th World Social Forum

by Ingrid Jaradat Gassner

Domestic and regional social fora established in many parts of the world could serve as an interesting model for a “Palestinian Social Forum”, i.e. a platform for launching long-overdue exchange and consultation about priorities and strategies of struggle among unions, political parties, movements and NGOs in Palestine and in exile.



Fifth World Social Forum, Porto Alegre, Brazil. © BADIL.

Every year hundreds of thousands of people come to the annual World Social Forum (WSF) to advance an alternative approach to the economic, political and military agenda of states meeting at the annual World Economic Forum (WEF) in Davos, Switzerland. The 2005 WSF returned to Porto Alegre, Brazil - the site of its birth five years ago as Brazilians enthusiastically welcomed a process of political change in the country.

Between 26-31 January some 100,000 people from all around the world, members of thousands of social movements, popular initiatives and non-governmental organizations (NGOs), gathered in a large tent camp on the banks of the Rio Grande river to remind wealthy and powerful state actors that the dream of and demand for a better, more just and peaceful world remains unbroken.

A delegation from the Occupied Palestine and Syrian Golan Heights Advocacy Initiative (OPGAI) travelled to Brazil to learn more about the WSF and garner support for the Palestinian struggle for freedom and a broad Israel boycott-divestment-sanctions campaign. The delegation comprised nine Palestinian NGOs from the 1967 occupied Palestinian territories (OPT) and the Golan for Development Association.

WSF participants expressed overwhelming empathy with the Palestinian people. Spectators cheered





the Palestinian delegation in the opening march. Brazilian unionists joined in a powerful demonstration of support for the Palestinian struggle organized by the Palestinian community in Brazil. Thousands of visitors frequented the “Palestine House”, an information and meeting tent, to collect information and purchase *kuffiyas* and posters. And a large crowd enthusiastically dismantled a mock Israeli apartheid wall.

The fifth World Social Forum, however, also raised unresolved questions regarding structures and strategies for effective global mobilization and campaigning. The experience of the Palestinian OPGAI delegation may serve as an illustrative example of the challenges ahead.

People unite, but what exactly unites them?

The World Social Forum was conceptualized as a *space* to meet, exchange ideas and strategies, and build partnerships. It is not a movement in and of itself. Every organization is free to participate and organize activities. Social movements, unions and NGOs determine the program through activities and statements; however, no one is permitted to issue statements on behalf of the Forum. WSF institutions

– the International Council, the Secretariat in the host country, and regional Social Forums - only provide logistical support.



This openness is supposed to encourage inclusiveness and maximum participation. But it appears to have a price. There are no standard criteria for WSF participation, such as adherence to principles of international law and UN resolutions. Oppressed and marginalized peoples who come to the Forum to build broader support for their causes may thus find themselves harassed by parties interested in de-legitimizing and obstructing their struggles.

In the Palestinian case, for example, workshops dedicated to Israeli-Palestinian peace at the fifth World Social Forum included a Spanish

Mock Israeli apartheid wall constructed at the World Social Forum. © BADIL.

Zionist university teacher who confronted her audience with blatant racist and right-wing Zionist language. Members of the Zionist Jewish community in Brazil, waving Israeli flags, also participated in the WSF opening march.

“Global concern” or a new form of domination?

The World Social Forum and campaigns initiated by social movements worldwide are characterized as an expression of new “global awareness and concern”. The notion of “global citizenship” has replaced the political ideology and activism of the past. Today people are citizens of the world. Freedom, justice and peace – whether in South-East Asia, the Americas, Iraq, Palestine or elsewhere – is everyone’s business.

Alongside workshops organized by the Palestinian delegation from OPGAI and anti-Zionist activists from Israel and abroad, a variety of well-intended (and not so well-intended) groups initiated workshops about Israeli-Palestinian peace and conflict resolution and debates based on the parameters of the Geneva Initiative. Palestinian participants were somewhat unprepared for and surprised by this new mode of action. No longer was there a solidarity movement eager to listen to Palestinian reports, analysis of needs and suggestions.





Non-Palestinian WSF and social movement veterans also took the lead in setting the agenda of the strategy debate and in drafting language on Palestine in the final statements of the Anti-War Movement Assembly and the Assembly of Social Movements. The debate in these assemblies thus appeared to be dominated by priorities and constraints of political activism in Europe. Calls by Palestinian delegates to isolate Israel and for a clear distinction between anti-Zionist/anti-colonialist Israeli allies and an undefined “Israeli Jewish peace movement” were perceived as a nuisance.



Palestine House at the 5th World Social Forum. © BADIL.

Language suggested by the OPGAI delegation was eventually adopted in the final statement of the Anti-War Movement Assembly (*See* ‘documents’ in this issue), but not in the final statement of the Assembly of Social Movements (*available at*, www.movsoc.org).

Democracy and participation, principles applied?

Democracy and popular participation is at the core of the WSF and social movements worldwide. Ironically, some global and regional social forums and activist assemblies lack democratic structures and decision-making mechanisms. The WSF International Council, for example, is composed of some 100 unions, movements and NGOs selected according to geographic criteria by the WSF “founding fathers and mothers”. There is no procedure for the replacement of old and/or recruitment of new members to regional and global institutions.

Policy decisions, calls for action and statements by the Assembly of Social Movements and the Anti-War Movement Assembly are made by consensus. At WSF-5, however, few people appeared to be informed about the place and time of decision-making. No draft documents were made available to the large crowd who came to listen and ‘approve’ the final statements of both Assemblies. Veteran organizers acknowledge the problems associated with this decision-making process, but argue that nothing can be changed without endangering the movement as a whole.

The role of Palestinian participation

Representatives of Palestinian NGOs and political groups have participated in all WSFs and in numerous regional meetings of the global social movement. The 1967 OPT-based Palestinian NGO network (PNGO) and the Alternative Information Center (AIC) are both members of the WSF International Council. On the whole, however, Palestinian participation has been restricted to the elites of Palestinian civil society.

Little effort has been made to inform Palestinian civil society back home, to encourage broader popular

We support the Palestinian people’s struggle for justice, self-determination, a sovereign independent state with Jerusalem as its capital and the implementation of the right of return in accordance with UN Resolution 194.

We call upon the international community and governments to impose political and economic sanctions on Israel, including an embargo on armaments. We call upon the social movements to mobilize also for divestment and boycotts. These efforts aim to force Israeli to implement international resolutions, and the advisory opinion of the International Court of Justice, to stop and take down the illegal wall and end all occupation and apartheid policies.

We support the Israeli anti-colonialist, anti-Zionist activists who share this struggle.

Excerpt from Final Statement of the Anti-War Movement Assembly, WSF-5, Porto Alegre, Brazil





involvement in preparations for and follow-up on global and regional social fora, or to compose Palestinian delegations able to intervene based on a collective agenda. As a result, Palestinian civil society has remained largely uninformed about the existence and activities of the global social movement, its dynamics and opportunities offered for global alliance-building.

The participation of the OPGAI delegation in WSF-5 has helped bring lessons and ideas forward; their application, however, will require a concerted and sustained effort by a broad range of Palestinian civil society actors, including veterans and newcomers to the global social movement.

The OPGAI statement and call for action is reproduced in the document section of this issue.

Ingrid Jaradat Gassner is the Director of BADIL Resource Center.



5th Annual World Social Forum, January 2005. © BADIL.

“Empowering the Palestine Right to Return Movement” - 3rd Annual Al-Awda Convention

Al-Awda, the Palestine Right to Return Coalition held its Third Annual International Convention at the University of California in Los Angeles on the weekend of 15-17 April 2005. The convention entitled “Empowering the Palestine Right to Return Movement” was attended by hundreds of activists from the US, Canada and elsewhere, who came together to learn, discuss and share their ideas at a time when our voices are needed most.



Debke performed by the Birzeit Society of Southern California. © al-Awda.

The convention featured keynote Palestinian speakers from Lebanon and Palestine, as well as a former political prisoner. The day-long organizing and strategizing workshops on Saturday followed the plenary session which included Dr. Saree Makdisi, Dr. George Bisharat and Elias Rashmawi. The workshops dealt with topics ranging from cultural, youth, women and student organizing, to developing Al-Awda chapters, campaigns related to divestment, media and Palestinian political prisoners, among others. Some of these workshops have already begun to implement their work plans and resolutions.

The Friday night opening session was followed by outstanding spoken word performances featuring Mark Gonzalez, Jade, Ahmed and Shaheed. A Palestinian cultural night special event capped the second day of the convention. At this event, participants enjoyed an evening of poetry, folkloric dabke dance performed by the youth of Beir Zeit Society of Southern California, music by world famous maestro and violinist Dr. Nabil Azzam, and Palestinian and Arab nationalist songs by gifted Palestinian singer Worood who mesmerized the crowd especially with her rendition of Fairuz’s “One Day We Shall Return”. This was followed by a Palestinian fashion show and readings of essays from children in the refugee camps. In addition, the Saturday night event featured “Palestine: The Exodus & The Odyssey”, an outstanding exhibit by Palestinian artist Ismail Shammout. On Sunday morning, a general meeting was held in which the results of the workshop deliberations and resolutions were shared and discussed further.

For more information visit the Al-Awda website, <http://al-awda.org>



Refugees Run their Own Needs Assessment

by Karma Nabulsi

A series of publicly convened debates and workshops to assess how Palestinian refugee communities living in exile in the Middle East, Europe and further afield can build civic structures and mechanisms to enable better communication with their national representative and its institutions, the host country, the humanitarian agencies that serve them, and other refugee communities, both inside and outside of Palestine began in March 2005 and will continue until June 2005.



Public Meeting in Tyre, Lebanon. © Civitas.

The Civitas collective research project, based at the University of Oxford, (See, 'Foundations for Public Participation Workshop', *Majdal* 25) is almost entirely a volunteer project run by the communities themselves, and is facilitated by a small team who are co-ordinating the activities in order to carry forward the voices of the refugees to the relevant bodies, and bring the urgent needs of the Palestinian refugees to the attention of the international community. During a series of publicly convened debates, each community runs their own needs-assessment exercise where they determine for themselves which structures and mechanisms they might need – for example, by strengthening existing structures such as unions and associations, by regular newsletters, delegations, monthly meetings, twinning, committees, and other means of communication.

Debates and workshops are taking place in dozens of cities in over 25 countries across the Middle East, Europe, North and Latin America. The series of debates that have taken place or are set to take place in the coming weeks follow different models according to the local geographic, social, and political constraints. Active members of Palestinian refugee communities have taken it upon themselves to find the most efficient ways, according to their capacities and local circumstances, to reach out to the different sectors of their community in the hopes of being as inclusive as possible. Additionally, during the debates great care is taken to ensure that the ideas and suggestions of the participants are noted down in detail



Public Meeting in Malmo, Sweden. © Civitas.

by two note-takers, and are also recorded on audio and/or video cassettes so as to guarantee that their voices and views are accurately recorded.

In March and April 2005, several public and syndicate meetings took place within Palestinian refugee and exile communities across Europe. In Denmark, members of the Palestinian community have organized, in active coordination with the local organizations and community members, meetings in six different cities where there are sizeable Palestinian refugee communities. Similarly, such meetings have taken place throughout Sweden in the cities of Malmo, Uppsala and Stockholm, and are set to take place in the towns of Helsingborg and Gothenburg in May, all which have large Palestinian refugee populations. In Berlin, Germany, where one of the largest Palestinian communities in Europe is to be found, syndicate meetings for women and youth have been held and a large public meeting will be held mid May where more than 300 Palestinians are expected to attend.

A series of meetings in other German cities are being held: Frankfurt on the 24th of April, with meetings in Stuttgart, Bonn, and other cities to follow. In the Netherlands on March 31st, an open public meeting with more than 120 Palestinians attending was convened on the occasion of Land Day to kick-start the series of meetings that are being held in May. Similarly, in Athens, Greece, a public meeting was held and followed by a syndicate meeting for women; a preparatory public meeting in the Greek city of Thessalonika, which also has a sizeable Palestinian refugee community, was held on the 18th of April.

An extensive series of 17 meetings have been held all over Lebanon and have now reached their final phase. After long and well-thought out preparations, several teams working on the project have organized many types of meetings in the different key regions in Lebanon, ensuring inclusiveness of different sectors of the Palestinian refugee community and a large attendance. The series of meetings began with public as well as syndicate meetings of workers, youth/students and women for the Tyre region: around 170 people participated in the first public meeting in the al-Rashidiyeh refugee camp which was followed by a series of syndicate meetings such as a women's meeting in Bourj ash-Shamali refugee camp, as well as one for workers in the al-Rashidiyeh refugee camp.



An open public meeting in Bourj al-Barajneh refugee camp initiated the series of meetings that have taken place in the Beirut area, which included syndicate and public meetings in the refugee camps of Shatila and Mar Elias. Additionally, an opening public meeting was held for the north area of Tripoli, where more than 400 Palestinians from the refugee camps of Nahr al-Bared and al-Baddawi and the surrounding areas attended, many arriving in buses in order to actively participate in the meeting which lasted for several hours. These were followed by syndicate meetings for youth, women, and workers.

During the meetings that have taken place thus far, participation has been impressive and diverse, varying in attendance from 20 up to 400 people, depending on the form of the meeting, the size of the community in the region in question, and the capacity of the local organizers to reach out to the community at large, all of which are integral components and factors that have been taken into account during preparations. Many of the new generation are participating in the debates and expressing their concerns, and in many refugee areas these meetings are the first time they had come together for many years, if at all. The first issue that refugees raised was the primacy of the right of return, as well as the centrality of strengthening the institutions of their sole legitimate representative, the PLO, which they affirmed through recommending broadening channels, as well as reactivating unions and other institutional and associational mechanisms. Suggestions and ideas brought forth during the meetings so far have been creative and rich, both in their content and their quantity.

Other ideas range from enhancing existing civic structures; practical issues such as obtaining Palestinian ID papers for local refugee communities in Europe as a way to both prove and protect Palestinian identity; twinning programs and network-building with Palestinian refugee communities around the world; radio stations and web-sites; maintaining and updating their registration with UNRWA if they are currently residing outside UNRWA mandate areas; organizing delegations and committees to voice concerns with all relevant bodies: the PLO, international humanitarian agencies such as the UNHCR, the host country or other refugee communities. As such, the refugees expressed the view that improving their political, economic, social and legal conditions will empower them, give them better chances to participate effectively in decisions relating to their future, and will help them better argue for, and obtain, their rights. Many more ideas and recommendations are coming in daily as the debates unfold.

In other countries and cities, preparatory meetings have taken place, plans of action have been finalized, and the meetings are set to occur on specified dates. In Europe, meetings will be held in the coming days in Madrid and Barcelona, Spain and in several cities across Norway. In the Middle East, meetings are set to start before the end of April in Yemen, Oman, Iraq and Sudan. Preparations are also well under way in several cities across Europe: Italy, Austria, the United Kingdom and France, as well as across the Arab world: Egypt, Jordan, Syria, Saudi Arabia, the U.A.E. and Kuwait. In these Palestinian refugee and exile communities, active members of the Palestinian community are holding preparatory meetings and dates are being set for a series of meetings to occur during May. In June meetings will be held in Algeria.

Contact has also been made with active members of Palestinian associations in cities across the USA, such as Chicago, Detroit, Los Angeles, Jacksonville, San Diego, New York, New Jersey, and in cities across Canada such as Vancouver, Toronto, Montreal and Ottawa. These associations are now in the process of outreaching to the different sectors of the Palestinian community in their area as they arrange detailed plans of action for convening meetings towards the end of May. Additionally, contact has been initiated with Palestinian exile communities across different Latin American countries as well as in Australia, and discussions are underway to organize meetings in these countries during the month of June.

Finally, as these meetings and debates are planned and taking place, a process of further inclusiveness exists for those Palestinian communities who are not currently in cities where meetings are underway or being prepared. Palestinian refugee and exile communities who would like to organize such meetings in order to run their own needs-assessment exercise can do so by contacting the Civitas team at the University of Oxford who could support them in preparing for such meetings, and in providing practical and logistical support.

For information about the project, please contact Dr Karma Nabulsi at: director.civitas@nuf.ox.ac.uk, or Dr Sufyan Alissa and Rabie Masri at: office.civitas@nuf.ox.ac.uk. The website www.civitas-online.org is interactive in Arabic and English.

Karma Nabulsi is the Project Director of Civitas.





Wiping Away the Traces – Update on Lifta Development Plans

Israeli planning officials have agreed not to demolish the mosque in the depopulated Palestinian village of Lifta. It will be designated as a public structure and the village cemetery will be marked as public space. The slight changes to the city development plan for Lifta to transform it into a commercial and residential center, do not meet objections of refugees from Lifta, Zochrot and Bimkom (Planners for Planning Rights).



Visit to Lifta organized by Zochrot, February 2005. © Zochrot.

The Local Committee for Building and Planning in Jerusalem has, in effect, given a green light to the Israel Lands Administration (ILA) to destroy the remains of Lifta and to construct a residential neighborhood in their place. Zochrot toured the village to protest against this destructive plan alongside refugees from the village. Zochrot has suggested the city should maintain the village as a memorial site to educate the Jewish Israeli public about the history of 1948 as long as Palestinian refugees are unable to return.

Palestinian refugees from Lifta continue to call for the right to return to their homes and properties. “I was born in Lifta,” an 80-year-old man from Lifta told the Committee during hearings in early February 2005. “I studied at the Lifta school, my father is buried in Lifta and I also request to be buried in Lifta.” The elderly refugee told silent committee members about his village, his longing for it, and about how the building plan disregards him entirely.

“It is hard to assess whether his speech, in the current situation, can directly influence the building plan,” said Zochrot, “but it would be hard to believe that it went over their heads.” A representative of the ILA,





Parliamentarians Reaffirm Right of Return

Arab and other international parliamentarians have demanded an immediate return of Palestinian refugees to their homeland, in accordance with UN Resolution 194 at a February 2005 conference organized by the International Union of Parliamentarians for the Defense of the Palestinian Cause. Participants discussed the legal, political and human aspects of Palestinian refugees' right of return and presented solutions to resolve the refugees' problems.

Parliamentarians called upon Arab countries and especially Lebanon to abolish all constraints imposed on Palestinian refugees, to improve their humanitarian conditions (including the right to employment and the right to own property), and to reject proposals for resettlement. They also agreed to ask their own parliaments to reconsider past legislation on the refugee issue and draft new legislation to maintain and improve the living conditions of Palestinian refugees.

The conference decided to establish two follow-up mechanisms. The first committee will monitor the status of Palestinian refugees and file an annual report to the International Parliamentarians Union, the Arab League and relevant international conferences. The second will hold talks about the refugee issue with European and American parliamentarians. The Union also agreed to write an action plan with specific goals to ensure the right to return.

A delegation of Anti-Zionist Orthodox Jews also participated in the conference in Beirut. According to Rabbi Weiss, of the Naturei Karta (Orthodox Jews United Against Zionism), "The right of return may not be forgotten. Every human being is entitled to their own property, justly acquired and that which belonged to their parents and grandparents."

Source: Nada Bakri, "Parliamentarians demand Palestinian Right of Return Conference Calls for Implementing Resolution 194," *Daily Star*, 26 February 2005.

the initiators of the plan, explained that they are the legal owners of the property and therefore they can build on it. They also said that if it can be proven that there are refugees who own property in the village (according to the laws of the state) it will be returned.

Like other Palestinian refugees, Liftawi refugees are considered 'absentees' under Israel's 1950 Absentees' Property Law. Land held by the Israeli Custodian of Absentees' Property has been sold to the Israeli Development Authority (which can only sell land to the state, the Jewish National Fund or an institution approved by the government). The law effectively blocks restitution of property to its original owners.

According to the 2004 *Draft Principles on Housing and Property Restitution for Refugees and Displaced Persons*, "All refugees and displaced persons have the right to have restored to them housing and property of which they were deprived during the course of displacement, or to be compensated for any property that cannot be restored to them."

The UN Committee on the Elimination of Racial Discrimination has called upon

Israel to remedy the current situation in which "the right of many Palestinians to return and possess their homes in Israel is currently denied." (CERD/C/304/Add.45) The Committee on Social, Economic and Cultural Rights has called upon Israel to review its re-entry policies for Palestinians who wish to re-establish domicile in their homeland. (E/C.12/A/Add.27)

The plan for Lifta is to build a residential neighborhood and commercial area. (See, 'Wiping Away the Traces,' *Majdal* 23) In 1948 the village had a population of more than 2,000 persons. Villagers owned nearly 8,000 dunums of land, half of which was devoted to cereal grain and olive production. Today ruins of some houses, the mosque and the cemetery remain. Other homes were restored by Jewish residents who began moving in after the village was depopulated.

For more information on Zochrot, contact: info@nakbainhebrew.org. Also see the Zochrot website: www.nakbainhebrew.org. The objection to the development plan for Lifta is available on the Zochrot website.



© Zochrot.





Canada Park built by the JNF on the land of three destroyed Palestinian villages. © www.palestineremembered.com.

International Convention on the Suppression and Punishment of the Crime of Apartheid

Article II

For the purpose of the present Convention, the term “the crime of apartheid”, which shall include similar policies and practices of racial segregation and discrimination as practised in southern Africa, shall apply to the following inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them:

[...] (c) Any legislative measures and other measures calculated to prevent a racial group or groups from participation in the political, social, economic and cultural life of the country and the deliberate creation of conditions preventing the full development of such a group or groups, in particular by denying to members of a racial group or groups basic human rights and freedoms, including [...] the right to leave and to return to their country, [...] the right to freedom of movement and residence [...]

d) Any measures including legislative measures, designed to divide the population along racial lines by the creation of separate reserves and ghettos for the members of a racial group or groups, [...] the expropriation of landed property belonging to a racial group or groups or to members thereof;

In Toronto, Palestinians and their allies will be launching a campaign to strip the JNF of its charitable status in Canada this Land Day. We hope that it will be a stepping stone in broadening the international struggle against Israeli apartheid and a means of holding our own governments accountable for their obligations under international law.

The entire convention can be found at <http://www.unhchr.ch/html/menu3/b/11.htm>

Arab population.” The Koenig report led to a brutal wave of land confiscations and the establishment of Jewish settlements known as *mitzpim* (‘lookouts’ in Hebrew) in the Galilee, culminating eventually with the general strikes and protests of Land Day.

Uri Davis’ recent book *Apartheid Israel: Possibilities for the Struggle Within* (2004) helps to underline the on-going colonial and racist nature of the Israeli state itself. Davis’ book argues that a central component of Israel’s colonization project continues to be the so-called ‘redemption of the land’ – read: the forcible expropriation of Palestinian livelihood for the purposes of Jewish-only settlement. The slogan of ‘redeeming’ land was used by early Zionists to highlight one of the central goals of the Zionist movement, which was to acquire lands in Palestine for Jewish-only settlement. This slogan was first adopted by early Zionists and entrusted as a task to the Keren Kayemet LeYesrae’l or Jewish National Fund (KKL-JNF), which was established during the Fifth Zionist Congress in 1901 as an executive arm of the Congress. Since then the JNF has continued to acquire lands for Jewish-only settlement, often establishing new communities or ‘natural reserves’ over destroyed Palestinian villages.

This land-grab has traditionally focused on areas whose demographic composition remained predominantly Palestinian after the foundation of the State of Israel in 1948 – known to Palestinians as the *Nakba* (Catastrophe) during which 750,000 Palestinians were ethnically cleansed, an estimated 31,000 individuals were internally displaced, at least 14,000 civilians killed, over 530 villages and 11 towns were destroyed and millions of acres of land were expropriated. The ‘internal’ colonization that followed this bloody chapter in the establishment of the state of Israel has translated into forcible attempts to ‘Judaize’ the Galilee and the Naqab, in southern Israel, and the further expropriation of roughly another one-million acres of Palestinian land. While prior to 1948 Palestinians owned 94 percent of the land in what became the Israeli state of today, this number was reduced to 3 percent of all lands in this polity as a result of successive waves of systematic land-confiscation. By 1993, 80 percent of the lands that had remained in Palestinian hands after the *Nakba* were now in the hands of new Jewish settlements or the Israeli state itself.



The practice continues to this day in regions of Israel that are still predominantly inhabited by Palestinians. While international media focuses on the illegal Israeli colonies established in the West Bank and Gaza Strip – which are often euphemistically referred to as ‘settlements’ – the privately-run JNF, in tandem with other Israeli state agencies, continues to lay claim to Palestinian lands within Israel. Most recently, the JNF has begun targeting the Bedouin populations of the Naqab. This is part of a broader process in which the Bedouin population of the state, numbering some 110,000 people has been systematically separated from its land base over the years. Most recently this process has occurred through government fumigation programs, Jewish settlement activity in the Naqab and the IDF’s expropriation of lands inhabited by the Bedouin for ‘military’ purposes (including the creation of firing ranges, closed military areas, etc).

It should be noted that the JNF manages its lands policy through a range of acquisitions coordinated with the Israeli Lands Administration (ILA). The ILA is responsible for the management of all publicly held lands in Israel and is governed by the Basic Law establishing the ILA (1960); the Israel Lands Law (1960); and the Covenant between the State of Israel and the World Zionist Organization (1960). According to the ILA’s own data it is responsible for managing 93 percent of all lands in the state (most of which were formerly owned by Palestinians). The JNF holds half the seats in this institution and thus has an important say in the way these lands are managed. According to the JNF’s Memorandum of Association it is responsible for raising funds for Jewish-only settlement.

Despite the racist and colonial nature of the Fund it is nonetheless listed as a charitable organization in most Western countries. In Canada, the JNF raised \$15-million in the early 1970s to establish ‘Canada Park’ a ‘recreational’ area built on land-occupied by the Israeli military in 1967 in order to cover-up the destroyed Palestinian villages of Imwas, Yallu, and Beit Nuba. Such a blatant manipulation of historical memory in the name of ‘nature conservation’ highlights the way in which the JNF and ILA are used in an attempt to erase any signs of the indigenous population of Palestine. According to a 1986 UN report prepared by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, which dealt, in part, with the situation of those displaced by the hostilities of 1967:

“One particular illustration of this situation is the fate of the inhabitants of Imwas, Beit-Nuba and Yalu, reduced to the state of wandering refugees since their villages were razed by the occupying authorities



The Palestinian village of Imwas in 1958 before its destruction.
© www.palestineremembered.com.



Palestinian refugees from Imwas in 1967.
© www.palestineremembered.com.



Israeli bulldozers level the village of Imwas in 1967.
© www.palestineremembered.com.



The Palestinian village of Imwas in 1968 after its destruction.
© www.palestineremembered.com.





Shrine of Mu'ath Ibn Jabal in Imwas, February 2002. © www.palestineremembered.com.

WHAT YOU CAN DO

1. Sign the online petition being delivered to Canada Revenue Agency demanding that the JNF be stripped of its charitable status. You can sign the petition at: <http://www.PetitionOnline.com/jnfca/petition.html>

2. Support the campaign by Calling/Faxing Canada Revenue Agency to demand the JNF be stripped of its charitable status.

Contact:

*Elizabeth Tromp, Director General, Charities Directorate,
Canada Revenue Agency*

In the Ottawa area: (613) 954-0410 (English) or (613) 954-6215 (bilingual)

*Toll free elsewhere in Canada: 1-800-267-2384
(English) or 1-888-892-5667 (bilingual)*

Fax: (613) 954-2586

3. Join Al-Awda's JNF Campaign Contact
info@al-awda.ca URL: <http://www.al-awda.ca>

in 1967. The Special Committee considers it a matter of deep concern that these villagers have persistently been denied the right to return to their land on which Canada Park has been built by the Jewish National Fund of Canada and where the Israeli authorities are reportedly planning to plant a forest instead of allowing the reconstruction of the destroyed villages.”

Spurred by Davis' work, in the summer of 2004 activists from the Palestine Solidarity Campaign (PSC) in Scotland launched a campaign to strip the JNF of its charitable status in Scotland. The demand put forward by PSC activists is one that can be produced in other countries where the JNF enjoys charitable status. It allows people to begin challenging the racist policies and institutions upon which the Israeli state and the dispossession of the Palestinian people in 1948 was built. In November 2004, the Scottish parliament's Communities Committee agreed to take the PSC's concerns into account in deliberations on the new Charities Bill before the legislature. The successes of the PSC should be built upon in other countries.

Kole Killibarda and Hazem Jamjoum are members of Al-Awda Toronto.

“Palestine Does not Have to Bargain to Obtain its Human Rights” The Role of Civil Society in Ensuring Adherence to International Law

by Jeff Handmaker

The United Nations International Meeting on the Question of Palestine took place under the auspices of the Committee on the Inalienable Right of the Palestinian People (‘the committee’) at the UN Office (Palais des Nations) at Geneva on 8 and 9 March 2005. For this conference, the Committee chose the theme: Implementing the ICJ Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory – The role of Governments, intergovernmental organizations and civil society.

Speakers from academic, political and legal practice backgrounds spoke extensively on the content and impact of the historic Advisory Opinion of the International Court of Justice, including Vaughn Lowe, Chichele Professor of International Law at Oxford University: ‘The Advisory Opinion involved legal rights and duties, not merely aspirations and interests.’ Lawyer *Anis Kassim* affirmed: ‘the Advisory Opinion guides us to apply law in order to provide peace’.



Lecture by Jeff Handmaker at BADIL. © BADIL.

Both in the period leading up to the ICJ’s historic decision and in the months following, there have been numerous reports and UN resolutions emphasising how Israel’s actions continue to violate international law. The Advisory Opinion thus confirmed *an existing state of affairs*.⁽¹⁾ As with

every decision it issues, the conclusions of the International Court of Justice are more than mere rhetoric. They represent the most authoritative statement of the content and applicability of international law.

Challenges for the international community

The challenges we face now, as civil society, as the United Nations or as States committed to a peaceful resolution of the conflict in Israel/Palestine, are of course very different (each fulfils a different role) but they all point in the same direction – we have a common interest that international law be respected.

Professor Dugard, Special Rapporteur of the UN Commission on Human Rights stated in his December 2004 report: ‘Israel’s defiance of international law poses a threat not only to the international legal order but to the international order itself.’ He later emphasised that ‘*This is no time for appeasement* on the part of the international community.’⁽²⁾

September 2004 Conference

In the previous UN Conference organised by the Committee in September 2004, a number of issues were addressed that those of us following events closely have become painfully aware of. The conference revealed a number of equally familiar, depressing paradoxes and emphasised the need for a clear strategy on how to overcome them.



UN Conference on implementing the ICJ advisory opinion, March 2005. © United Nations.

For example, while the importance of international law was reaffirmed, Israel's continuing and belligerent disregard for it was also made clear. There was broad consensus for a need to end the occupation as a pre-requisite towards peace (the stated theme of the conference), yet little indication that Israel was remotely prepared to make such a consensus. Indeed, Israel's response has been to declare the advisory opinion 'irrelevant'.⁽³⁾

The September conference issued a strong message that a joint strategy was needed and suggested that the answers to overcoming these paradoxes lay in the Advisory Opinion.

Peace must not be at expense of human rights

It is in this context of disregard for international law that talks began to take place in early February 2005 between Sharon and Abbas. Meanwhile, the international community has largely remained silent in the face of Israel's continued disregard for international law.

From a human rights advocacy perspective, perhaps the most significant aspect of the Advisory Opinion is that respect for human rights and humanitarian law does not depend upon a peace settlement. Indeed, the Court made it abundantly clear that a negotiated solution must be done 'on the basis of international law' and that these obligations bind not only Israel, but 'all States' to ensure respect for international law.

As such, any suggestion that a peace settlement is needed as a pre-requisite to respect for human rights is in total contradiction to international law. It is therefore essential that future peace initiatives take these factors into consideration.

Involve all parties

It is furthermore crucial that a full-fledged peace process involve all parties to the conflict. The Israeli leadership would be well-advised to take advice from former South African president De Klerk, who famously declared that: 'it is not possible to choose one's adversaries'.

As another speaker at the conference suggested, we should be careful not to allow the Wall to destroy the peace process, but ensure that the peace process destroys the Wall. Human rights advocates should not abandon international law even if Israel has. Just as in the case of South Africa, the Advisory Opinion has the capacity to give new, authoritative meaning to human rights advocacy.

Civil society organizations should use every opportunity to raise the Advisory Opinion in articulating political positions to their own national governments, raising awareness amongst the public or in supporting the position of the United Nations to carry out the work for which it was intended and to urge the UN to take concrete action.

How can civil society bring about change?

Bringing about change in a country that persistently refuses to abide by international law (such as South Africa during apartheid) is not an easy task, but it is by no means insurmountable. As veteran Dutch human rights advocate Adri Nieuwhof has noted, bringing about this change rests on four fundamental factors:

1. A situation of deep crisis
2. Diplomatic pressure
3. Economic pressure
4. Well organized civic structures



These factors present a framework for future action on the part of civil society, and are worth examining more closely.

Firstly – Interpreting the Crisis

While it can easily be argued that a situation of deep crisis exists, misinformation abounds in interpreting the crisis. The media obviously plays a central role in this. Both TV and print media have been prone to bias and misreporting. Examples of this are legion, covering everything from a failure to use the word ‘occupation’ (in describing the presence of Israel’s military in Palestine) to a gross misuse of the word ‘response/retaliation’ (in explaining Israel’s military aggression).



Lecture by Jeff Handmaker at BADIL. © BADIL.

The challenge to civil society in interpreting this crisis is to reflect the ‘Facts on the Ground’, which some organisations, including Christian Aid⁽⁴⁾ have mostly managed to do successfully, but there is much more work to do.

Secondly – Increasing diplomatic pressure

While some diplomatic pressure has been exercised by individual states and parties to the ‘quartet’, there has not been nearly enough. In particular, the Security Council’s permanent members, and particularly the USA, have consistently obstructed efforts to take concrete steps against Israel.

Here there is little that civil society can concretely do. However, supported by the language of the Advisory Opinion, civil society organisations can continually lobby their governments to take an uncompromising stance, insisting that the terms of the ICJ Advisory Opinion be respected and implemented and warning that a failure to do so may well mean further diplomatic and possibly economic isolation. Civil society must also insist that its government’s commitment to respect for human rights be backed up by concrete actions. When things look bleak, it is important to remember that a strategic campaign can have long-term, cumulative consequences.

Thirdly – Stepping up economic pressure

Beyond modest efforts exercised by the European Union, there has been little in the way of economic pressure by states or official bodies against Israel. The USA continues to subsidize the Israeli economy with several billion dollars per year. The EU, meanwhile, maintains generous trade relations with Israel, amounting to several hundred million dollars per year. The EU is Israel’s most significant trading partner.

Efforts by civil society organizations to insist that the European Union correctly apply the Association Agreement have largely proved fruitless. Indeed, there is now even talk of the EU including Israel as part of its ‘European Neighbourhood Policy’. With a considerable amount of trade at stake, it is possible that organizations have seriously underestimated this factor. However, at the UN Conference in September 2004, some activists urged a clearer message be articulated, abandoning the ‘proper implementation’ argument and calling for Israel’s suspension from the agreement. This stance was later echoed at a conference in London in December 2004.

In short, there is a growing view amongst civil society organizations that the only realistic way to address Israel’s impunity and to stimulate a tougher line on the part of the international community is through citizen actions: divestment and consumer boycotts. Initiatives have been undertaken in Netherlands, Denmark and elsewhere. The Presbyterian Church of the USA has gone a step further and voted to divest themselves of any economic association with Israel. Others will soon follow.





Finally – Supporting and activating civic structures

The final factor outlined by Nieuwhof is a complex one in the context of Palestine. During the first *intifada*, civic structures were effective in a range of mobilizing efforts, from boycotting Israeli products (for example by growing their own vegetables) to staging well-organized and prolonged peaceful protests, which brought considerable international attention to the plight of Palestinians.

Following the Oslo Accords, the Palestinian Authority was established, replacing many of the pre-existing civic structures with local government structures. Added to this, Israel's increasing stranglehold over the occupied territories has stifled what little existed of these civic structures. Abroad, Palestinians have faced numerous obstacles in finding safe refuge and the community remains deeply fragmented.

One positive initiative funded by the European Union is designed to engage Palestine civic structures, both in refugee camps and in other exiled communities. Known as *Civitas*, the project is consulting with Palestinians all over the world.

Drawing inspiration from other solidarity movements⁽⁵⁾

Omar Barghouti has argued that, while 'not identical...a sufficient family resemblance between Israel and South Africa exists to grant advocating South Africa style remedies'.⁽⁶⁾ Barghouti has reflected on the 'insurmountable hurdles' that South Africans faced throughout the anti-apartheid struggle and argued that the 'militaristic establishment' of Israel would eventually weaken, if it were systematically challenged, just as it was in South Africa.

Archbishop Desmond Tutu said in 1989, while the apartheid regime was still choking the South African people, 'I am a black South African, and if I were to change the names, a description of what is happening in the Gaza Strip and the West Bank could describe events in South Africa.'

Years later South Africans that were involved in the anti-apartheid struggle paid visits to the occupied Palestinian territories. They remarked that the situation in Palestine was in many respects *far worse* than what they faced during apartheid.

Those who have experienced oppression make the most relevant comparisons between South Africa and Palestine/Israel. Many of these issues were heard about at the conference: the denial of basic human rights, forceful territorial occupation, systematic socio-economic marginalisation, planned assassinations, disregard for the rule of law and confrontation with an overwhelming police and military force.

The importance of perspective

Of course, this is not to say that there are not significant distinctions to be made. The key to drawing relevantly on the experiences of previous liberation movements is choosing the proper perspective. The perspective of most Israelis is fundamentally different from that of most Palestinians, as the perspective of most white South Africans was fundamentally different from that of black South Africans under apartheid. The key to finding a successful political settlement may involve understanding the true nature of the divide and to use understanding that find bases for compromise on both sides.

As Dennis Brutus, former anti-apartheid campaigner and now professor in the USA, declared at the European Social Forum in London in 2004:

"Various campaigns against the apartheid regime had contributed to creating a climate of international awareness of the nature of the racist and oppressive system of apartheid and had led to general outrage and a demand for its international isolation. Something similar should happen in the case of the Palestinian struggle."

Conclusion: More is needed

The authoritative views of the International Court of Justice reinforce what Palestinians have long been advocating – respect for human rights and in particular recognition of their right to self-determination.





NGOs, social movements and other civic structures have a golden opportunity to build on what is arguably the single most important *legal* development in the history of the conflict.

As Professor Lowe rightly stated at the conference, ‘Palestine does not have to “bargain” in order to obtain its human rights’.

Jeff Handmaker is a Lawyer and Independent Consultant (Rea Hamba Advice, The Hague) and PhD Researcher, Netherlands Institute of Human Rights, Utrecht University, The Netherlands and member of Badil’s Legal Support Network. This article is an edited version of a presentation to the UN Meeting on the Question of Palestine, 8-9 March 2005, Geneva. Parts of this article originally appeared in The Electronic Intifada, including ‘Beyond the Advisory Opinion: Possible Future Strategies’, Jeff Handmaker, The Electronic Intifada, 20 Sept 2004, <http://electronicintifada.net/v2/article3105.shtml>



Graffiti on the new Wall at the entrance to Bethlehem. © Douglas Dicks.

Notes

- (1) See Akram and Quigley, *A Reading of the International Court of Justice Advisory Opinion on the Legality of Israel’s Wall in the Occupied Palestinian Territories*, July 2004. Available at: http://www.palestinecenter.org/cpap/pubs/update_on_wall_072004.pdf
- (2) United Nations, Economic and Social Council, “Question 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”, 7 December 2004, E/CN.4/2005/29.
- (3) In addition, Israel even ignored its own High Court’s order that certain sections of the Wall be re-rerouted and dismantled and continued the Wall’s construction regardless. Reflecting on this, Dugard (Ibid) expressed hope that more respect would be taken towards the Supreme Court decision.
- (4) Christian Aid, ‘Facts on the Ground: End of the two-state solution?’, October 2004.
- (5) Drawn from: “Amandla Ngawethu! South Africa and Palestine compared”, Jeff Handmaker, Bangani Ngeleza and Adri Nieuwhof, *The Electronic Intifada*, 8 February 2005, <http://electronicintifada.net/v2/article3604.shtml>
- (6) “Boycott as Resistance: The Moral Dimension”, Omar Barghouti, *The Electronic Intifada*, 28 December 2004.

New Issue of BADIL’s Arabic Magazine! *Haq al-Awda*, Issue No. 9 (February 2005)

UNRWA: Challenges and Fate

Includes: interview with Mr. Peter Hansen, UNRWA Commissioner-General
Related articles, reports, documents

World Social Forum, Brazil, January 2005

Interview with the Palestinian ambassador in Brazil, Mr. Musa Omar Uдах
World Social Forum: When the Nations Meet, by Nihad Boqai’
Statements from the World Social Forum

Field Reports

Khan Younis refugee camp (Gaza) and Shatila refugee camp (Lebanon)

Additional Articles

Between the Place and its Settlement, by Nabih Bashir
The Naqab: Fight Against the Land and People, by Raja Za’atri
A Letter by a Palestinian Refugee to His Brother Abu Mazen, by Dr. Abdallah al-Hourani





The Naqab Battle: A Battle for the Land and the People

by Raja Za'atri

Today there are about 150,000 Bedouin Arab inhabitants of the Naqab (Negev). Half of them live in seven villages recognized by Israel: Rahat, Tel as-Sabe, Ararat, an-Naqab, al-Leqiyah, Shaqeeb as-Salam, Horah, and Kaseefa. The remainder live in some 45 'unrecognized villages' that lack basic necessities such as water, electricity and public services including education and health. These communities suffer (more than Jewish communities) from environmental contaminants emitted by the Dimona nuclear facility, local industrial plants and the many garbage dumps in the area.



Demolition of Bedouin homes in the Naqab.
© al-Ittihad Archives

The living conditions of the Bedouin inhabitants of Naqab are the worst in Israel. Of the ten poorest towns in Israel nine are Bedouin. They also have the highest unemployment rates. Unemployment among women reaches 94 percent. Illiteracy among men is generally high, especially among the elderly. They have the lowest number of high school graduates. Only 63 percent of Bedouin students reach secondary level education. Drop out rates are as high as 70 percent in unrecognized villages compared to an overall average of 11 percent for Arab students and 6 percent for Jewish students. The infant mortality rate is 17 per one thousand, compared to 5 deaths per thousand for the entire population.

Due to the situation in which the Bedouin live, their social structure has changed to the point where it is no longer a traditional Bedouin nor a village community. Tribal ties, however, continue to play a major role in Bedouin life. But the most important issue that Bedouin Arabs in the Naqab

face is land ownership. The issue of land is associated with all the other problems the Bedouin face. It is not possible to reach a long-term solution for the Bedouin without solving the basic issue which is land ownership. They comprise one quarter of the population of the Naqab, but live on less than a quarter million dunums or less than 2 percent of the total area. They have been calling upon Israel to recognize their claims to 700,000 dunums of land, (less than 5.5 percent of the total area of the Naqab).

Frequent displacement

Shortly after the *Nakba*, Israel carried out a mass transfer of Bedouin in the Naqab and resettled them in a small area with less fertile land. Alternative properties were not registered in official records in the names of the Bedouin. The state transferred others to the Jordanian border (as a human shield) to block displaced Palestinians, whom Israel considered as 'infiltrators', from returning to their villages and properties. Others were displaced later on. This process was enabled by both collaboration and the ignorance of the traditional leadership.

The issue of land ownership has thus remained a source of dispute between the Bedouin and the state for decades. There has been deliberate escalation of this conflict in recent years. Ariel Sharon's government established a special search unit, to force the Bedouin (referred to as 'trespassers') off the land where they live. The authorities have also approved a comprehensive plan for "solving the Bedouin issue". Half of budgeted funds (about half a billion NIS) will be used to level the land and solve the problem of so-called trespassers. The real aim is the displacement of the Bedouin for a second time.

The Israeli Ministry of Justice has formed a special team led by the Attorney General's office to settle all outstanding land claims, taking advantage of the facts on the ground and the present legal status of the land. The impact of this procedure will be extremely negative. Land threatened under this process includes both past claims and all of the land which the state refuses to recognize as Arab owned. Of the 17 Arab citizens killed by the Israeli "security forces" bullets after October 2000, (i.e. not including the 13 martyrs of October) three were from Naqab – Naser Abu al-Qaan, Bassam Abu Sbeit, and Ahman Tarabeen.





House demolitions have also intensified. In 2001 for example, the Israeli authorities demolished 18 Arab houses in the Naqab. The number of demolished houses increased in 2003 to 133 homes and to 150 homes in 2004. Even mosques were not safe from the bulldozers. Since 2002, Israeli authorities have invented a brutal new method in their war against the Arab inhabitants of the Naqab using air planes to destroy their crops. The Israel Lands Administration recently admitted to the use of prohibited toxic chemicals for such operations. Chemicals approved by the Israeli Ministry of Agriculture were also used.

In July 2003 Prime Minister Sharon unveiled a new settlement plan inside Israel. It is the largest plan since the construction of the Galilee watch towers in the mid 1970s. The detailed initiative includes construction of 30 new Jewish villages, the majority of which will be built in the Galilee and the Naqab. The objective is to further disperse the Jewish population throughout the country to maintain control of “the land of the state and to defend its borders”. In April 2004 the US gave its support to this project, through generous grants estimated to be in the billions of dollars, as an alternative settlement plan for the Israeli redeployment from the Gaza Strip.

The aim of this displacement plan is expressed most clearly by the final approval of the Law on Public Land (Eviction of Trespassers) Amendment, which grants inspectors of Israel Lands Administration the right to evacuate Arab families from their homes, and their fields without the need for a court order. Although the new law does not mention “the invaders” nationality, it is obvious that it targets Arabs living in the Naqab. This is part of a campaign to strip Arabs of their rights.

It is clear that Israel aims to expropriate more than half of the land that is owned by the Bedouin, concentrate the maximum number of Bedouin Arabs on the smallest possible area of land, and intensify Jewish settlements in return. Despite the miserable living conditions that the Arabs of Naqab suffer, they continue to resist and hold on to their land. Bitter experience has taught them that they can only achieve their rights through confrontation rather than collaboration with the authorities. They have also learned that Israel is still enslaved by its own orientation [as a Jewish state]. Rather than solving the Naqab Arab’s problems, it sees their very existence as a problem that has to be solved.

Systematic incitement

The Naqab Arabs like the rest of the Palestinian Arabs who live in Israel, are subjected to systematic and racist incitement against their right to live and develop on the land of their ancestors. They are especially vulnerable to the consequences of Israel’s demographic phobia. According to Dr. Yitzhak Rabid, Chief of Staff of “national security” in Sharon’s office, the natural increase in the number of Moslems in Israel represents a social and economic threat because Jews provide US\$ 3000 per year for every newborn Moslem child, which is equal to the average individual gross national income in Egypt. At an annual policy conference in Herziliya in 2003, Rabid called for strict control on births in the Arab sector. According to Rabid, “the maternity rooms of Soroka Hospital in Beer Sheva have become a factory for the retarded people”

Political suppression

On 30 March 2002 the Palestinian Arab population commemorated the 26th anniversary of Land Day, with

Israel Lands Administration admits use of toxic chemicals to kill Bedouin crops



The ILA has been spraying fields cultivated by Bedouin farmers in the Naqab with chemicals that have not been approved by the Agriculture Ministry and have been banned in use for aerial spraying. In February 2005, a senior ILA official submitted an affidavit to that effect to the Supreme Court of Justice, which is currently discussing a petition filed by Bedouin farmers against the ILA’s crop-spraying policy in the Naqab. The petition, filed in May 2004, by Adalah, claims that “the spraying of crops endangers the life and health of human beings and animals, as well as their environment.” Adalah submitted an expert opinion that stated that crop spraying increased the chances of birth defects and statistical likelihood of developing cancer. At the time the petition was filed, the court issued an injunction banning all aerial spraying and the ILA subsequently returned to its policy of ploughing. The aerial spraying is carried out by Chim-Nir, a private company based in Herzliya. According to the affidavit, the company used three different types of chemicals – Roundup, Typhoon and Glyphogen – all of which are derivatives of glyphosate. Between 2002 and 2003 the company only used Roundup, but in 2004 the ILA also used the two other chemicals. According to the director of the ILA’s supervisory division, “the label on the Typhoon packaging does not specify any instructions regarding aerial spraying. This means that aerial spraying with Typhoon has not been approved.”

Source: Ha'aretz, 16 February 2005



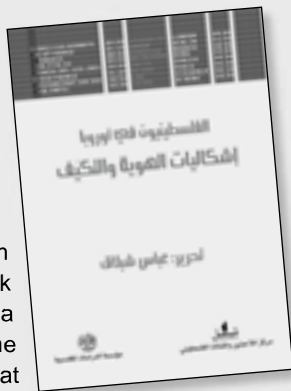
The Palestinian Diaspora in Europe, Challenges of Dual Identity and Adaptation

Editing by Abbas Shiblak

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a national festival in the Naqab. That came in response to a call by the Arab Higher Follow-up Committee to reaffirm the importance of the issue of land in the Naqab. The festival was followed by a campaign of arrests and interrogations that targeted the activists in the Naqab. Criminal charges were brought against three Arabs accused of "incitement and disobedience" and "supporting a terrorist organization"! The prosecutors resorted to fraudulent evidence to prosecute them, including copies of video tapes of a statement by the former government's legal advisor (the present Supreme Court judge Elyiakim Rubinstein). Charges against the three activists were recently dropped in the Beer Sheva court.

It is clear that the Israeli government is agitated by the increasing national awareness among Arabs in the Naqab. This awareness is reflected in the decreasing number of the Bedouin Arabs who join the Israeli occupation army. Once again the government is taking advantage of the current political situation and the suffering of our people, after the Black October (2000) to de-legitimize our rights, and to intensify their control. They have also sought to increase their control over the educational system. Arab Bedouin soldiers are brought to school campuses in their military uniforms, for example, in order to present them as role models. Arbitrary actions are taken against patriotic teachers, and the attempts have been made to terrorize and suppress the leaders of the student movement in Ben-Gurion University in Beer Sheva.

Conclusion

The issues affecting our people in the Naqab were never off the agenda of the Palestinian Arab public in Israel but lately these issues have occupied a larger space. We view this as a positive development. It is associated with the fact that a large and influential part of elected representatives, academics and educated people in the Naqab are totally convinced that the struggle of the Naqab Arabs is an inseparable part of the daily struggle of the Arab citizens in general. We all face the same policies even if our situations look different. Neglect by political parties and movements active in the Arab sector resulted in a political vacuum which has been filled by different societies and organizations. This has been true for many of our national issues, but it is most obvious in the Naqab.

We have to work to bridge the current state of alienation. In the case of the Naqab, geography plays a central role. The government has invested major efforts to erase the single geographic national dimension when it comes to issues affecting the Naqab Arabs utilizing a policy of 'divide and rule'. They insist on dealing with us as "minorities": Moslems, Christians, Bedouins,.. etc. We have to end the unfortunate state of disinformation among Palestinian Arabs in Israel about the Naqab issues through direct communication. It is said "seeing is believing". We have pointed to the resistance of the Naqab Arabs and to their effort in confronting plans for Judaization of the Naqab. This battle has not ended, it still requires us to provide the strongest possible political support at the public, parliamentary, and institutional levels, in order to strengthen resistance and to defuse the plan of turning the Naqab into a Jewish land, as well as the plans confiscate the only remaining land reserve for Arab citizens within the state of Israel.

Raja Za'atri is editor of the Arabic newspaper al-Ittihad published in Haifa.

Baqqara and Ghaname of Palestine: A saga of displacement

by Shahira Samy

Once upon a time, they lived in the north of Palestine in two villages situated on a gently sloping volcanic outcrop on the southern edge of the al-Hule plain overlooking it to the north. They were settled Bedouins who cultivated land and relied on livestock for their daily living occasionally migrating in summer time to mountain areas escaping the heat of the valley. Their land was registered in the Ottoman and British mandate official books and they regularly paid taxes to the government in office.

Kirad al-Baqqara and Kirad al-Ghaname were first expelled from their villages in 1948. The history of the tribes appears to be quite complex with people moving back and forth over the border between Syria and the newly established state of Israel various times. They were also internally displaced in Israel and were finally expelled to the Syrian Golan in 1956. During the 1967 war they were displaced again and most of the remaining tribe members now live close to Damascus.

Nevertheless, it was only in late 2003 that approximately two thirds of the 7,000 tribe members were finally considered to qualify as refugees according to the United Nations Relief and Works Agency for Palestine Refugees (UNRWA).⁽¹⁾ The Agency had consistently turned down their applications on the basis that their displacement and dispossession resulted from the 1956 war rather than 1948 and were thus not eligible for registration.⁽²⁾ The journey in search of a verification of this argument unravelled the long story you are about to read.



A view of the village of Husseineya where a Haganah massacre in March 1948 led to the temporary evacuation of Kirad al-Ghaname. © www.palestineremembered.com.

Movement pattern between 1948 and 1956

During the war of 1948 Syrian forces occupied the area west of the Jordan River including the village of Kirad al-Baqqara. On the other hand, Kirad al-Ghaname falling to the west of it remained under the control of Jewish forces. However, a few weeks earlier, in mid-March 1948, a Haganah massacre in the neighboring village of al-Husseineya led to the temporary evacuation of Kirad al-Ghaname. The following month, on 22 April, it was temporarily evacuated again. One of the Ghaname villagers, Abu Salim Khawalid said in his testimony:

“the soldiers ordered us to leave the village that very night, and threatened that if we did not leave, they would do to us what was done to the inhabitants of al-Husseineya village. We knew that the Jews had slaughtered dozens of them like sheep. We were absolutely panic-stricken.”



Ghaname inhabitants became displaced and remained away from their village for a year and a half in Syrian territory before returning to their villages on 20 July 1949 after the signing of the truce agreement between Israel and Syria.

The area containing the villages now became a Demilitarized Zone (DMZ) created by the 1949 Armistice Agreements and its inhabitants were under UN supervision.

It is important to note at this instance that this DMZ is closely associated with Israel's diversion of the river Jordan and the draining of the Lake Hule. The scheme of diversion of the waters of the upper Jordan involved the building of a canal to tap the Jordan River waters just below Jisr Banat Ya'coub Bridge in the DMZ.

This was the prevailing situation till 30 March 1951 when the Israeli government decided to continue the Lake Hule draining and irrigation project despite a UN negotiated temporary halt of these actions. The Israelis were keen on asserting their sovereignty over the DMZs through a variety of measures including the transfer of Arab civilians from the area to Israeli territory proper.

On 24 April 1951, the Israeli army ordered the Ghaname people to leave their village for a few hours and head toward the nearby Baqqara under the pretext of a forthcoming fight. After gathering the two tribes, curfew was declared for 48 hours. Immediately after the curfew ended, trucks transported the tribes to Shaab, which was then an almost deserted village near Acre, and they were ordered to settle in the empty houses. When they expressed desire to return to their villages, another curfew was declared for 3 months. After 6 months, UN forces were able to enter Shaab and the people were given the choice either to remain there or return. They were asked to sign a document the military governor had brought if they wished to return. This in fact was an offer of either accepting or not Israeli identity. Some of them signed and returned; others refused to sign and remained in Shaab. They filed suit to join those who returned.

Despite a consequent UN Security Council resolution (UNSC 93, 18 May 1951) calling on Israel to stop draining the marshes and allow the Palestinians to return to their homes in the DMZs, Lt. General William E. Riley, UN Truce Supervision Organization Chief of Staff, reported to the Security Council that efforts to return expellees were prevented by the Israelis.

In July 1951, a letter of complaint was sent by Atty Elias Koussa to the Minister of Justice. According to this letter, Israeli army officers had come to Shaab shortly before the visit of the UN delegation scheduled to investigate the situation of the evacuees. The officers requested from the representatives of the evacuees to tell the UN people that they were satisfied with their conditions. "However, when the UN delegation arrived accompanied by the Israeli officers, the evacuees told them the truth about their current situation and demanded to be returned to their villages. Once the UN officers had left, the Israeli officers returned, beat and tortured them and took revenge, because 'they had forgotten the advice given to them.'" Advocate Koussa demanded an investigation - if it ever happened, its results are unknown. The residents of the DMZ remained in Shaab.

Yosef Nahmani - director of the Jewish National Fund's branch office in Tiberias responsible for land purchases and infrastructure development for new Jewish settlements - thought the situation of the Kirads now appropriate to send agents to their landowners to check the possibility of purchasing land and moving them to Trans-Jordan or alternatively an exchange of land in order to receive other plots in Israel in place of their lands in the DMZs. His agents found the Kirads in Shaab in very dire condition with no food, water or money. They thus found that there was no point in negotiating so long as conditions were so poor. Agents were resent after a month with a mandate to offer permanent resettlement in Shaab and to sell or exchange their lands. Shortly after, Yehoshua Palmon, the Prime Minister's advisor on Arab Affairs opposed any land purchase deals with the Kirads on the basis that such an expenditure was superfluous as the landowners had already been kicked out of the land which had *de facto* become Israeli government property.

Many Kirads however returned to the DMZs. In a Report dated 6 January 1955 by the Chief of Staff of the United Nations Truce Supervision Organization in Palestine to the Secretary-General on complaints concerning the observance of the General Armistice Agreement between Israel and Syria, General Burns reports that when he visited in December 1954 he found the Baqqara and Ghaname living





in miserable conditions in tents and mud huts with no schools or medical facilities and they could not circulate without getting a pass from the Israeli police each time. The mukhtars indicated they wanted to go to Syria. Burns went to Damascus and discussed the matter with the Syrian authorities who confirmed they would not permit the Baqqara and Ghaname to enter Syria. Burns says the Israelis made the villagers an offer to exchange their lands for others beyond Nazareth. This would have removed them from the “strategically sensitive DMZ where they were an embarrassment as the Israelis admitted in moments of frankness.” The villagers refused. Moreover, Burns also reports that the Syrian government on June 12, 1954 wrote to him saying; “Israeli terrorist activities against the Arab population of Baqqara and Ghaname are continuing. A large part of this population was obliged in desperation to take refuge near the bridge of Banat Ya’coub and to request admission to Syria. Clear proofs of this policy of harassment and evacuation directed against the Arab civilian population of the central DMZ can easily be furnished on request.” Also on July 4 1954, the Syrian government also related the story of “a high Israel military officer visiting the two villages of the Arab population of Baqqara and Ghaname said to the Arab population: ‘You must do one of two things, either become Israel nationals or leave the zone, your land your houses and your property and go to an Arab country.’”

All the remaining Kirads were finally expelled by Israel in 1956, the majority crossing over to Syria and a small number joining their relatives in Shaab.

The villages in the DMZs were then destroyed and ploughed over.⁽³⁾ It was then proposed to those still in Shaab to sell their lands in exchange of expropriating the lands of the original absentees of Shaab. None accepted the offer.⁽⁴⁾

This was in fact part of a general Israeli policy of preventing return or resettlement of refugees in abandoned villages on grounds of security and Jewish settlement needs.

The Israeli ‘solution’ was that refugees who had already found shelter villages should be absorbed there. This absorption consequently should be facilitated by means of a mechanism which would eventually become a cornerstone of government policy: since also in the villages which remained many people have left, the abandoned lands of these people should be leased to the refugees who have found shelter there, and not to the original villagers.

In practice, none of the abandoned villages were resettled. Lands of refugees both externally and internally displaced were transferred under state authority.

With the Suez campaign of 1956 Israeli troops under Sharon seized the opportunity and succeeded in expelling all the remaining Palestinians in and around Hule among other areas. Apart from those internally displaced in Shaab, all the remaining Baqqara and Ghaname tribe members and their descendants are now living on Syrian territory.

It may be a tale of displacement, of dispossession; a symbol of Israeli policies of expulsion, of land expropriation, of water draining; a struggle over border delimitations, of demilitarized zones and a debate over refugee recognition and protection. On the whole, a captivating account revealing the politics of the region since 1948. But it remains mainly and foremost the sad story of a loss of ‘Home’ to some of the many that have been displaced since 1948 carrying their homes within them wherever they go. And even though almost six decades on they now hold official documents of the United Nations recognizing them as refugees, they still remain displaced, dispossessed in search of an illusive justice.

This article is based on a report presented by the writer to the UNRWA Field Office in Damascus in 2003. The writer wishes to thank Dr. Lex Takkenberg (Director of the Syria Field Office) who facilitated and supervised the internship as well as UNRWA staff who provided much appreciated assistance. The writer also wishes to thank Dr. Salaman Abu Sitta (independent researcher), Dr. Ghazi Falah (University of Akron) and Terry Rempel (Badil) for their assistance during the preparation of the report. Shahira Samy is Teaching Assistant at the University of Alexandria, Egypt and a PhD candidate at the Politics Department, School of Historical, Political and Sociological Studies, University of Exeter, UK.





Endnotes

- (1) The Syrian government had repeatedly been urging UNRWA to reconsider its position in respect of the unregistered tribe members and now that the Agency had once again reopened its doors for registration since 1993, the Agency decided to reopen the Baqqara and Ghaname dossier.
- (2) Under UNRWA's operational definition, Palestine refugees are persons whose normal place of residence was Palestine between June 1946 and May 1948, who lost both their homes and means of livelihood as a result of the 1948 Arab-Israeli conflict.
- (3) It is not quite clear whether they were destroyed in 1951 or 1956.
- (4) Their original lands are now part of Israeli settlements and it is estimated that some 20% continue to live there as internal refugees whereas the rest have taken refuge in Syria.

How to Circumvent the Law – Israel and the Jewish National Fund

On 26 January 2005 Israel's Attorney General Menachem Mazuz ruled that the Israel Lands Administration cannot discriminate against Palestinian citizens of Israel in the marketing and allocation of the land it manages, even lands belonging to the Jewish National Fund (JNF). The ILA has managed JNF-owned land since 1961. Until now, ILA bids for JNF owned land have been open to Jews only. According to Adalah attorney Suhad Bishara,



“On the one hand, the decision is positive, since the AG concurred with Adalah's argument that the ILA's policy of marketing and allocating JNF owned lands through Jewish-only bids is discriminatory. However, on the other hand, the AG also decided that whenever a non-Jewish citizen wins an ILA tender for a plot of JNF-owned land, the ILA will compensate the JNF with an equal amount of land. This allows the JNF to maintain its current hold over 2.5 million dunums of land or 13 percent of the total land in Israel. Adalah opposes this process, as it involves the transfer of state-owned lands to the JNF – an institution which publicly acknowledges that its land policy is discriminatory.”

Bids for JNF-owned land in the North and the Galilee have been frozen since 20 October 2004 when the JNF announced the freezing of new and existing tenders in these areas, pending a hearing date or the issuance of a further decision by the Supreme Court. In order to circumvent the decision and maintain the JNF, however, the ILA will transfer additional land to the JNF if any ILA tender for land owned by the JNF is won by a non-Jewish citizen.

UN Human Rights Treaty Body committees have previously called upon Israel to review its relationship with the JNF and other para-statal Zionist agencies (See, “Jewish National, National Institutions and Institutionalized Dispossession,” *Majdal* 24) which discriminate against Palestinians. The Committee on Social Economic and Cultural Rights has observed:

“A State party cannot divest itself of its obligations under the Covenant by privatizing governmental functions. The Committee takes the view that large-scale and systematic confiscation of Palestinian land and property by the State and the transfer of of that property to [the World Zionist Organization/Jewish agencies, and its subsidiaries, including the JNF] by definition would deny the use of these properties to non-Jews. Thus, these practices constitute a breach of Israel's obligations under the Covenant.” (E/C.12/1/Add.27)

Source: Adalah News Update, 28 January 2005.



There's Never Enough Absentees

Israel is getting out of the Gaza Strip to rid itself of a demographic and military nightmare. The Gaza disengagement plan, however, is not the only means of dealing with the demographic threat. The government recently pulled an old tool out of its arsenal – The Absentees' Property Law.



Demonstration against Israel's discriminatory policies in eastern Jerusalem. © BADIL.

The 1950 Absentees' Property Law, which former Jewish National Fund Chairman Avraham Granott called a 'legal fiction', allowed the Israeli government to transfer property of anyone declared to be 'absent'(1) to the state by virtue of a government payment to the Israeli Custodian of Absentees' Property. The Israeli government thus claimed that the property had been acquired legally (i.e. by payment) rather than through confiscation. Jews were exempt from the provisions of the law.

Commenting on the Law, the Israeli Supreme Court noted at the time that "[t]he interests of Arab citizens were ignored and evidence presented by the Custodian to certify them as absent were frequently groundless [...]"(2) During the drafting of the law, the definition of an absentee was changed to include all those who had abandoned their usual place of residence to ensure that if in the future Israel acquired control of the West Bank and Gaza Strip it would not have to return property to Palestinian refugees living there.(3)

Israel 'acquired' millions of dunums of Palestinian refugee and IDP property under the Absentees' Property Law. The property was transferred to the state which in turn sold more than 2 million dunums to the Jewish National Fund. All of this land is now held either by the state or the JNF as the inalienable property of the Jewish people.

In July 2004 the Israeli government adopted Decision No. 2297 according to which it would have been able to sell or lease Palestinian property in eastern Jerusalem classified as absentee under the Absentee Property Law. (4) In 1967 the majority of Palestinian residents of eastern Jerusalem (who held Jordanian citizenship prior to 1967 when east Jerusalem was under Jordanian control) were classified as absentees. Had the property law been applied, all Palestinian inhabitants of eastern Jerusalem who owned property in the city and held Jordanian passports would have been required to cede title to their property to the state through the office of the Custodian of Absentee Property (Articles 4 and 6).

Due to the fact that it was not politically or practically feasible to expropriate this property in 1967 the government exempted Palestinian residents of eastern Jerusalem from the application of the law. The exemption was carefully qualified to refer only to property 'in that area' which was defined as east Jerusalem. In other words, Palestinian residents of east Jerusalem who were considered absentee under



the Absentees' Property Law with regard to their property in 1948, either in western Jerusalem or in other areas inside Israel, were not permitted to reclaim their property.

Second, the exemption under the Legal and Administrative Matters (Regulations) Law stated that residents were not to be 'regarded' as absentee: it did not state that residents were 'not' absentee with respect to their property. Thus, while Palestinian residents of east Jerusalem were not considered absentee in relation to the application of Israeli law, they were still absentee by virtue of the extension of Israeli law. This is what enabled the government to recently try to apply the law to enable further colonization in eastern Jerusalem and construction of the separation Wall.

The 2004 government decision only came to light in early 2005 after a number of embarrassing articles in the Israeli press. According to Israel's Attorney General Menachem Mazuz, who subsequently ordered Finance Minister Benjamin Netanyahu to cease applying the law to eastern Jerusalem properties owned by West Bankers, the decision was "a clear-cut case of Israel's interests being to avoid opening new fronts in the international arena in general, and in particular in the arena of international law."⁽⁵⁾

The Committee on the Elimination of Racial Discrimination has called upon Israel "to respect the property rights irrespective of the ethnic origin of the owner" in east Jerusalem. It also called upon Israel to remedy the fact that the "right of many Palestinians to return and possess their homes in Israel is currently denied." (CERD/C/304/Add.45) The Roadmap says that the government of Israel is not supposed to confiscate the property and houses of Palestinians.

Notes

- (1) An absentee was defined as anyone who, on or after 29 November 1947, had been a citizen or subject of one of the Arab countries at war with Israel; in any of those countries, or in any part of Palestine outside the jurisdiction of the regulations; or, a citizen of Palestine who had abandoned their place of habitual residence.
- (2) Don Peretz, *Palestinian Refugee Compensation*. Washington, DC: The Center for Policy Analysis on Palestine, 1996, p. 5.
- (3) Tom Segev, *1949: The First Israelis*. New York: Henry Holt and Company, 1986, p. 80.
- (4) *Ha'aretz*, 30 January 2005. The decision did not appear as is customary in Reshumot, the government gazette, and until Meron Rapoport revealed the affair in *Ha'aretz* (21 January) it was concealed from the public.
- (5) *Ha'aretz*, 2 February 2002.

Update: Citizenship/Family Reunification

On 31 January 2005 the Israeli Knesset extended the Nationality and Entry into Israel Law (Temporary Order) – 2003 for an additional four months. (See, "When all families are potential terrorists," *Majdal* 23) The UN Committee on the Elimination of All Forms of Racial Discrimination has called upon Israel to repeal the law. On 1 March the Supreme Court of Israel rejected a motion to temporarily freeze the Law.

The Court based its decision on the short period of extension and the fact that the writing of new amendments was in a very progressive stage. According to Adalah, "The Court decision confirming the extension of a law that prevents spouses from living together in Israel does not give any value to the basic right for family life. In this case, the Supreme Court preferred institutional considerations and negated basic human rights that are recognized in international human rights covenants ratified by Israel."

In early March 2005 the head of Israel's National Security Council proposed restrictions on granting citizenship to foreign residents on the basis of marriage to Palestinian Israelis. "The Citizenship Law is the way to overcome the demographic demon," said Major General (Res.) Giora Eiland. According to Ariel Sharon, "There is no need to hide behind security arguments. There is a need for the existence of a Jewish state."

According to the proposal in the works, the temporary order, which is set to expire at the end of May 2005, will be extended until February 2006, while introducing certain changes that Israel's Attorney General considers would withstand High Court of Justice petitions: allowing women over the age of 20 and men over the age of 35 to receive Israeli citizenship. It is estimated that 50 percent of requests for family reunification would be granted under the changes. The plan is to revise thoroughly the Citizenship Law itself in February 2006, and to legislate it anew along restrictive lines.

Sources: Adalah, *Supreme Court Dismisses Motion to Temporarily Freeze Law Banning Family Reunification*, 9 March 2005; *Ha'aretz*, 3 March 2005; *Ha'aretz*, 5 April 2005.





Update: Impact of the Wall on Refugees

The revised route for the separation Wall, approved by the Israeli cabinet on 20 February 2005, will continue to generate new displacement in the occupied West Bank. As of February 2005 approximately 209 km of the Wall had been completed. Once completed the Wall will be 670 km in length, more than twice the length of the 'Green Line'.



The separation Wall at the entrance to Bethlehem. © Douglas Dicks.

According to the PLO Negotiations' Affairs Department, the Wall and planned colony expansion will enable Israeli control of 46 percent of the occupied West Bank. The new Wall route *de facto* annexes 9.5 percent of the West Bank.(1) This figure includes the Latrun Valley and eastern Jerusalem, Israeli-occupied Palestinian lands that together constitute 2 percent of the West Bank. It also includes the Ariel bloc which constitutes 2.1 percent of the West Bank.

Colony blocs east of the Wall *de facto* annex an additional 8 percent of the West Bank. Israel's *de facto* annexation of the Jordan Valley accounts for an additional 28.5 percent of the West Bank. Eastern Jerusalem accounts for 1.3 percent of the West Bank but represents the economic, cultural and religious hub of the Palestinian economy. The Ariel Finger which stretches 22 km into the northern West Bank accounts for 2.1 percent of the West Bank but sits atop some of the most valuable water resources in the region.

The land between the Wall and the Green Line is some of the most fertile in the West Bank. There are currently 49,400 Palestinians living in 38 villages and towns, says OCHA(2), excluding communities in eastern Jerusalem. The previous route had 93,200 Palestinians living in this area. The reduction is due to easing of closures in Qalqilya although the city remains surrounded by the Wall. More than 500,000 Palestinians live within a 1 km strip east of the Wall, including eastern Jerusalem.

The new route effectively incorporates 355,783 settlers or 86.6 percent of the Israeli colony population. Days after announcing the new route Israeli plans were revealed that detailed construction of more than new units in West Bank colonies. About half of the units are slated for the Jerusalem area.





In the affected Palestinian villages located west of the approved route of the Wall in the southern West Bank, most have substantial refugee populations. This includes Battir, Wadi Fukin, Husan and Nahalin. Only the latter two do not have a majority refugee population according to the 1997 population survey conducted by the Palestinian Central Bureau of Statistics (PCBS). Battir, Wadi Fukin and Husan also lost nearly 8,000 dunums combined in 1948-49 in addition to ongoing expropriation to Israeli colonies since 1967.(3)

Palestinian villages east of the Wall that may be affected also include substantial refugee populations. Five villages have a majority refugee population.(4) Other villages, like Beit 'Awwa, Surif, and al-'Azariya have refugee populations of more than 2,000 persons. In 1948-49 Beit 'Awwa, Idhna, al-Jab'a and Surif lost a combined total of more than 7,000 dunums of land.(5) These villages have suffered ongoing loss of land due to Israeli colonization since 1967.

In mid-March 2005 UN Secretary General Kofi Annan confirmed that the UN is establishing a register of property damage caused by the Wall, more than half a year since the General Assembly Resolution ES-10/15, 2 August 2004 first called for the establishment of such a register. However, there is little evidence that substantial work has been done to set up the restitution body. There are also questions as to why some UN institutions continue to use the term 'barrier' to describe the Wall, when the ICJ was clear in its advisory opinion about usage of the term 'Wall'.

The Wall, according to Israel, is a security measure. As such it requires immediate attention since the present focus of attention, according to the Sharm ash-Sheikh agreement, is security. There is a distinction between legitimate security measures and illegitimate security measures. The construction of the Wall, within Palestinian territory (as opposed to along the Green Line or within Israel) is an illegitimate security measure and should be discontinued immediately and not relegated to the realm of "permanent status talks". Failure to do so will provide further evidence of Israel's intention to annex Palestinian territory and jeopardize a fragile truce.

According to the UN Special Rapporteur on the human rights in the 1967 OPTs "If the ceasefire is to hold it is essential that the Palestinian Authority exercise control over militant groups responsible for violence against IDF and settlers within Palestine and for suicide bombings within Israel. It is equally important for Israel to keep its side of the bargain. However, it is not sufficient for Israel to only cease its military activity against Palestinians. It must address, with great expedition, the causes of Palestinian militancy, the issues that have given rise to terrorism against the Israeli people. People must address the release of prisoners, the abandonment of checkpoints, the dismantling of the Wall and the evacuation of all settlements in Palestinian territory. If it fails to do so, it will forfeit an opportunity for peace that may not again arise."

Notes:

- (1) PLO Negotiations Affairs Department, *Barrier to Peace: Assessment of Israel's 'New' Wall Route*, March 2005.
- (2) OCHA, *Preliminary Analysis of the Humanitarian Implications of February 2005 Barrier Projections*. Update 3, February 2005.
- (3) "Palestine Arab Towns and Village Lands outside the Territory Occupied by Israel under the General Armistice Agreements of 1949," Appendix V, in Sami Hadawi, *Palestinian Rights and Losses in 1948*. London: Saqi Books, 1988, pp. 224-228.
- (4) This includes 'Arab al-Fureijatt, ar-Ramadin, Deir al-'Asal al-Tahta, Tawas, and Doha.
- (5) Hadawi, note 3 above.

Update: Palestinian Refugee Claimants in Montreal

Three elderly Palestinian refugees were granted landed immigrant status in Canada in March 2005 after over five decades of hardship and disappointment. Brothers Nabih Ayoub (68) and Khalil Ayoub (70) and the latter's wife, Therese Boulos Haddad (63) had taken sanctuary a year ago in the basement of Notre Dame de Grace Catholic Church in Montreal. They had been ordered deported back to Lebanon. They arrived in the US in 2000 and subsequently applied for refugee status in Canada, but were ordered deported in February 2004. The Canadian Immigration and Refugee Board, however, reversed its previous decision on humanitarian grounds.

For more information on deportation of Palestinian refugees from Canada see, <http://refugees.resist.ca>.



Interview: UNRWA Commissioner General Peter Hansen

In February 2005 UN Secretary General Kofi Annan decided against extending the mandate of UNRWA Commissioner-General Peter Hansen. Hansen had served as head of UNRWA for nearly a decade. Many suspected that the decision was related to political pressure from pro-Israel advocates who have been campaigning against UNRWA and calling for the resettlement of Palestinian refugees. BADIL spoke to the Commissioner-General shortly after it was announced that the UN would be looking for a replacement for Hansen.



Recognition of outgoing UNRWA Commissioner General at Deheishe refugee camp. © BADIL.

BADIL: In February the UN Secretary General decided not to extend your mandate as Commissioner General. It's not a secret that Israel and some officials in the US administration have not been pleased with your performance as Commissioner General. Do you believe that this had some impact on the Secretary General's decision?

Peter Hansen: Well, first of all, I have never had any criticism of my managerial performance as head of UNRWA, but I have seen some rather public and dissatisfied statements on the part of some Israeli official sources and some American congressional sources who complained in particular about my statements on the shooting of Palestinian refugee children in our schools, on the demolition of some of our own institutions, and the demolition of some refugee houses. I know that some in these two countries have been unhappy with the degree to which I have expressed myself concerning the actions of the Israeli army, but I will not speculate about how this criticism is directly or indirectly associated with the decision



not to avail themselves of my willingness to carry on for a little while longer, something that I have been strongly encouraged to do by several host countries.

What kind of reactions from the refugee community have you received as Commissioner General to this decision?

In the last few days I've been meeting with the refugee community here in Jordan. I must say I've had an extremely warm reception among them and if I was prone to being egomaniac I would have had lots of fuel for that, but I'm not. I have appreciated very much to hear what they have to say, about being encouraged by me noticing their plight and speaking out against the indignities and humiliations to which the Palestinians in the occupied territories have been exposed. In the next few days I will be discussing that with others in the refugee community.

What are some of the difficulties that a Commissioner General of UNRWA faces in carrying out his role as head of the Agency? Are these difficulties avoidable or part of the job?

Well, there are many difficulties. The task in itself is inherently very difficult, but it has been particularly difficult during years of conflict where the demand for neutrality has to be weighed by the demand for standing for the values and principles that should gain United Nations support. I have never seen neutrality as being an exercise in applying the equi-distant principle which is applicable in international maritime law (when you want to delineate the continental shelf between two countries you put a line that has the same distance between the two countries at the time). If you do that in questions of moral and ethical conflicts it would only mean that you would be moved toward the position of the most extreme party. I feel that we must be guided by a compass. We are not operating in a vacuum where we put ourselves arithmetically between two positions. We are guided by the norms and standards that we have in international humanitarian law and international human rights law. It is that compass that I have been trying to apply in my assessments and in the situations that I have been faced with. That clearly is something that can very easily lead to disagreement with one or the other party, and in situations where, especially on the part of Israel, there has been a tendency to say that those who are not 110 percent behind everything we do are against us. Under those circumstances I could not be 110 percent behind everything that Israel did and have tried to be as fair and as objective as I could be.

What are some of the major challenges that your successor as Commissioner General will face?

Well I think and hope that my successor will be operating in an environment where violence and violent strife is no longer the main mode of interaction between the two parties and that s/he will be operating in an environment again where peace is actively being sought by the international community in order to support the peace process and UNRWA's efforts to give a better life to the refugees so that they can have a horizon of hope which will induce them to accept whatever solutions will come out of negotiations.

What do you see as some of the immediate and longer-term challenges facing UNRWA, both here in the occupied Palestinian territories and in its other areas of operations?

There are many challenges. UNRWA will undoubtedly continue to be needed until some years after the refugee problem has been declared solved. Until then, one of the major challenges for UNRWA is to restore the quality of its services in education and health to the standards that they were in the best of days when we were not fighting, like we have been for several years now, chronic deficits. That is a very major challenge because UNRWA in the future should leave assets to its successor organizations in the national environment in the region rather than leaving liabilities. I think that there is a great deal to be done on a longer-term perspective in modernizing education systems, in improving the health services, and in also improving the development of the end of the spectrum which UNRWA has been very successfully pursuing through its microfinance and micro-credit programs.

Although the prospect of final status negotiations are a long way off, do you have any thoughts about what role UNRWA could play in facilitating durable solutions for Palestinian refugees? What specific expertise does UNRWA bring to the table?

Well UNRWA could primarily play such a helpful role by lending its vast resources of information to the parties in the negotiations. I hope that UNRWA will be considered to be a resource, as a truly engaged





party, that can be helpful to both sides in the conflict when it comes to clarifying issues and bringing information resources to bear on the negotiations.

Do you have any thoughts about what kind of additional role, beyond UNRWA, the United Nations should be playing in terms of both protection and the search for durable solutions for Palestinian refugees – i.e., implementation of Resolution 194? Can and should the UN do more? If so, what?

Well I think that the United Nations can play a role through UNRWA, but beyond that an active role of the UN in the peace process itself can be very productive and very helpful. I think that over the past 10 years or so the UN has done more than it has done in its past history to make itself available and to promote and push initiatives to help the refugees. But when it comes to the refugees specifically, UNRWA, as long as it exists, will be the predominant organ. And when UNRWA does not exist, it would mean that the refugee problem did not exist and the UN would then be of assistance to all Palestinians without distinction as it is in all other normal national state settings.

How do you view the last nine years as Commissioner General? What are some of the developments/events that stand out in your own mind as significant issues? What are some of the things that you will remember most?

Well for the last nine years UNRWA has struggled to maintain the quality and level of its services faced with severe budgetary deficits. It has over the past years faced a protracted violent conflict in the occupied territories. I think it has been quite an achievement that we have been able to maintain as much as we have of these services, and indeed, also set in motion new initiatives. We have made major pushes in the field of information technology teaching, we have made use of information technology in education. We have, despite difficult odds, made a number of steps in the right direction in the health sector. And I would also say that the evolution in the micro-credit/microfinance program has helped demonstrate to everybody that UNRWA, far from keep refugees, as we have often been accused of, in a state of dependency, we have been gearing our efforts towards developing the human capital aspect of the Palestinians and thereby helping them on the paths to self-reliance and a position where they can take off in development the day that the political parameters for their national life will allow them to do so.

What are your plans after you complete your mandate? Do you plan to do any academic or other writing about UNRWA and Palestinian refugees?

Well I am still considering whether I return to academia where I came from, whether I invest my time with various non-governmental organizations that I have been associated with or whether I do some of the think-tank and similar institutional work that I have had several proposals about. I simply have not had time in my last few hectic months in UNRWA to make any such decisions in a final way. I have a couple of book offers already, but I think I will want to wait to have things a bit more in the perspective of the past before rushing into writing about it straight away. Of course I shouldn't wait to long because I will have to rely on my memory because I have not prepared the way via databases or notes for such a book adventure.

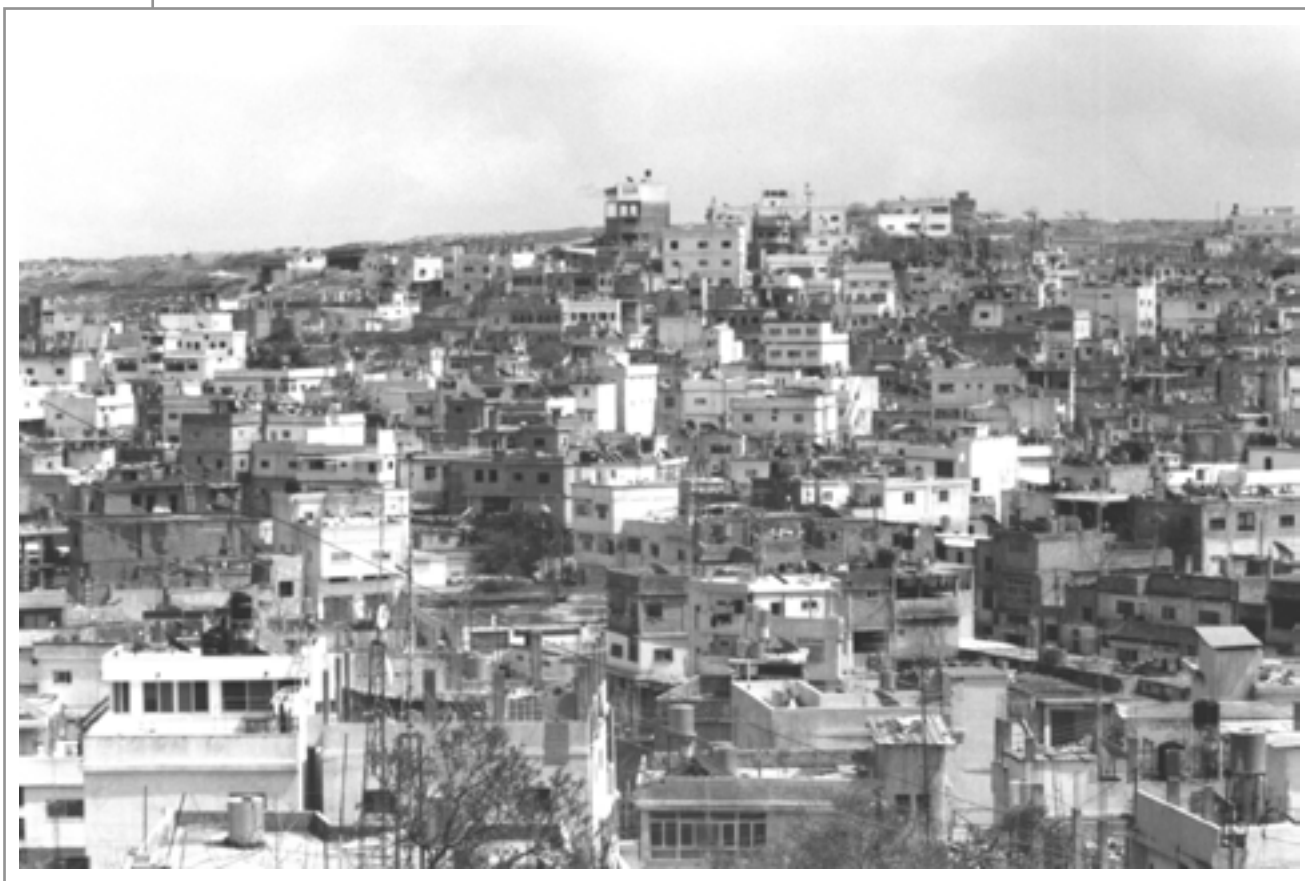




Palestinian Public Perceptions, Report VII (excerpts)

Graduate Institute of Development Studies, University of Geneva

The Graduate Institute of Development Studies (IUED) at the University of Geneva has been monitoring the socio-economic status of Palestinians in the OPTs since the onset of the second intifada. The following excerpts from IUED's 7th monitoring report cover the situation of Palestinian refugees which covers the situation in the OPTs from July 2003 – February 2004.



Jalazone refugee camp, West Bank. © BADIL.

Refugees are poorer than non-refugees but there is a slight improvement

Overall, refugees are comparatively poorer than non-refugees. In terms of household income, this means that the percentage of refugees below the poverty line (60 percent) (including the hardship cases, i.e. those who earn half or less than the level of income needed to be on the poverty line) is higher than non-refugees (53 percent).

Refugee camps clearly emerged as a focal point of poverty, with proportionally more hardship cases (38 percent), than in cities and villages (22 percent and 15 percent respectively). Hardship cases constitute the majority of the camp population, while in other areas the majority of the population is above the poverty line. However, this pattern in refugee camps is mainly due to conditions in the Gaza Strip, where nearly half of camp residents are hardship cases. In the West Bank one finds more hardship cases outside the camps.

Levels of poverty among refugees are lower than in July 2003 when 66 percent, i.e. an additional six percent, were considered below the poverty line and hardship cases. Non-refugees are slightly worse-off





than in July 2003, as percentages of non-refugee hardship cases and those below the poverty line climbed from 51 percent to 53 percent.

The refugees better socio-economic situation is due to the improvement in their employment conditions. Between July 2003 and February 2004, the percentage of full-time employed among refugees increased by 6 percent (from 48 percent to 54 percent), while the percentage of unemployed decreased by 5 percent (from 25 percent to 20 percent). During the same period, non-refugees experienced a decline in the full-time employment by 5 percent (from 48 percent to 43 percent), while the number of unemployed increased by 2 percent (25 percent to 27 percent).



The overall socio-economic status improvement observed among refugees reflected the improvement of conditions for West Bank camp dwellers (98 percent of them being refugees), who appear to have benefited more from the relative relaxing of Israel's closure policy. The percentage of hardship cases in this group declined by 12 percent (from 28 percent to 16 percent), while the percentage of people above the poverty line increased by 10 percent (from 35 percent to 45 percent).

In contrast, conditions for Gaza camp dwellers (94 percent of them being refugees) deteriorated dramatically, with the percentage of hardship cases among Gaza refugee camp residents rising from 36 percent to 46 percent and the proportion of those above the poverty line dropping from 31 percent to 23 percent.

Perceptions of purchasing power do not match improved socio-economic status

The refugees perceptions of their purchasing power do not significantly reflect their overall improved socio-economic status between July 2003 and February 2004. Hence, the percentage of refugees who perceived their income as lower than needed was significantly higher than average: 71 percent of them believed their income to be much less (41 percent) or slightly less (30 percent) than needed. Non-refugees were less dissatisfied about their income.

These perceptions are nevertheless more positive than those of July 2003, however the perception of improved conditions is slightly more prevalent among non-refugees. Between July 2003 and February 2004, the percentage of respondents who considered their income less than needed decreased by 6 percent among non-refugees and by 5 percent among refugees. Over the same period, the percentage of respondents who considered their income higher than needed increased by 7 percent among non-refugees and by only one percent among refugees.

The comparatively underprivileged status of refugees is generally ascribed to the latter's lack of access to capital, land and alternative sources of income, to greater expenses due to persistent unmet needs or to a decrease in the socio-economic assistance provided, rather than conjectural factors linked to mobility problems or to types of employment available.

Refugees are affected less than military closure that non-refugees

The closure policy imposed by Israel in the OPT affected refugees less than non-refugees. In general, 66 percent of the latter experienced a lot of mobility problems versus 51 percent of the former. And while relatively similar percentages of both categories encountered difficulties in getting access to places of work, fewer refugees suffered from business losses due to curfew (28 percent versus 40 percent of non-refugees). Also, the construction of the Wall prevented more non-refugees (36 percent) from getting to their place of work than refugees (21 percent).

When examining area of residence, camp residents (88 percent) (and residents of cities) are in general less exposed to mobility restrictions than villagers (95 percent), with regards to reaching place of work (47 percent versus 62 percent, respectively), or to suffering business losses because of curfews (21 percent versus 45 percent, respectively). In addition, the camp residents comparative advantage vis-à-





vis residents of villages is all the more obvious when it comes to Wall-related access to work problems: 18 percent of camp residents were affected in this respect, versus 22 percent of city residents and 47 percent of village residents.

Refugees are more vulnerable to variations in the job market



The Wall running through Palestinian houses in the West Bank. © al-Ayyam

There is no significant difference between refugees and non-refugees regarding employment situation and unemployment status per se. Students (11 percent) and retired people (2 percent) excluded, 13 percent of refugees are not employed. In addition, around half of the main breadwinners (54 percent) have gone through various periods of unemployment since the beginning of the *intifada*, most of those periods extending from 7 to 24 months (26 percent). When employed, however, refugees tend to receive their salaries more regularly and fully than non-refugees (75 percent versus 61 percent), perhaps because they

are employed in more sustainable job sectors, such as the public sector (where 32 percent of refugees are employed versus 27 percent of non-refugees) or in international agencies (where 12 percent of refugees are employed versus 6 percent of non-refugees).

Conversely, refugees seem to be more vulnerable to variations in the local job market. These variations

have had a comparatively larger impact on their level of income, as they enjoy fewer alternative sources of income, such as work in Israel or in another country (14 percent versus 16 percent of non-refugees), independent income (27 percent versus 40 percent of non-refugees) or property renting (10 percent versus 14 percent of non-refugees). Likewise, they are less in a position to sustain the hardship by selling property (5 percent versus 8 percent of non-refugees) or by cultivating land (10 percent versus 31 percent). Financial help from international organizations somehow helps allay difficulties: 21 percent of refugees benefit from this kind of assistance versus 11 percent of non-refugees but international aid is not stable.



Emergency employment project in Balata refugee camp, West Bank. © BADIL.

Ultimately, one finds refugees more likely to resort to short-term measures in order to sustain the hardship, such as reducing expenses (79 percent versus 74 percent of non-refugees) or not paying water and electricity bills (45 percent versus 39 percent of non-refugees). Fewer opportunities for alternative





sources of income result in higher percentages of refugees ascribing a drop in income to job losses: 34 percent of refugees versus 25 percent of non-refugees reported themselves in that situation. Among other causes of income decline, our survey underscored working hour losses (27 percent versus 24 percent of non-refugees) and business/cultivable land damaged (9 percent versus 10 percent of non-refugees).

Job loss was also the major cause of income decline in refugee camps (48 percent) and in villages (29 percent), ahead of working hour loss (23 percent for refugee camp residents and 22 percent for villagers). The impact of job losses was more marked in Gaza refugee camps, where the percentage of camp residents naming job loss as the reason for their drop in income was over twice as great as among those residing outside camps.

Refugees generally satisfied with assistance but want UNRWA to improve services

Refugees' satisfaction with international assistance inevitably reflects upon UNRWA. The austerity measures the Agency was bound to adopt as a result of budget restrictions, and the persistence of gaps in the levels of employment and financial aid delivered, do not seem to have altered the overall favorable opinion refugees have towards the Agency. This attitude may stem from the safety net constituted by its various emergency and regular programs. It may also be due to the political significance of its mandate, which is widely interpreted by the OPT population as the embodiment of the refugees' political rights as enshrined in paragraph 11 of the United Nations General Assembly Resolution 194 (III).

Whatever words refugees have used to portray the Agency, from our father to the contemptuous stepmother, UNRWA has over the years become part of the OPT social fabric. The only question remaining to be discussed here relates to how the refugees see the future of UNRWA within the context of the peace process. A significant proportion of refugees and non-refugees stated that UNRWA should be preserved until the refugee issue is solved. On average, respondents suggesting that the advent of a Palestinian state trigger the dismantlement of UNRWA services were three times fewer and those advocating the immediate dismantlement of UNRWA were fourteen times fewer than those who advocated its continuation. Refugee status here is relevant in the sense that non-refugees were more ready to opt for a dismantling of UNRWA once a Palestinian state is established or as soon as possible.

In Memoriam

Dr. Hisham Sharabi, Professor of History Emeritus and a founder and pillar of the Center for Contemporary Arab Studies at Georgetown University, died on 13 January 2005, at American University of Beirut Hospital at the age of 77, after months battling cancer. Dr. Sharabi was one of the most influential and prominent Arab intellectuals of the 20th century.

Hisham Sharabi was born in Jaffa, Palestine, in 1927. He attended the Ramallah Friends School and received his BA in Philosophy from American University of Beirut in 1947. He continued his education in the United States, earning from the University of Chicago an MA in Philosophy in 1949 and PhD in the History of Culture in 1953.

Dr. Sharabi and a small group of Georgetown faculty members and Washington area colleagues, concerned about the evident lack of knowledge and understanding of the Arab world, co-founded the Center for Contemporary Arab Studies at Georgetown University, the only institution in the United States focusing solely in the study of the Arab world. His numerous publications, in both English and Arabic, included studies of Arab intellectual, government and politics in the Arab world, Arab nationalist movements, and the Palestine problem.

He was also one of the principal founders, in 1997, of the Jerusalem Fund for Education and Community Development, an organization dedicated to educational, cultural, health and community assistance for Palestinian society and established, in 1991, the Center for Policy Analysis on Palestine to represent a Palestinian perspective in Washington, DC. He also served as editor of the *Journal of Palestine Studies*.

Dr. Sharabi was immersed in the tragedy of the Palestinian people. He spoke out regularly on what he and others saw as the injustices inflicted upon them through the establishment of the state of Israel and the subsequent policies of Israel and the United States. He did not hesitate to criticize Palestinian leaders and Arab governments as well. He devoted immense energy to developing Palestinian studies to ensure that the history, culture, and politics of his people be thoroughly investigated and disseminated to new generations of Palestinians and Arabs and to the Western world as well.





Living Conditions of Palestine Refugees to be Restored to International Standards

UNRWA Medium Term Plan (excerpts)

An international consensus has emerged on the need for a planning framework to restore high standards of service and to create for Palestine refugees the conditions for self reliance and sustainable development. The Agency has designed a four-year plan (2005-2009) as a supplement its regular services to refugees. The plan is especially important in light of recent attacks on UNRWA by organizations seeking to defund and dismantle the Agency.



Flour sacks arrive at UNRWA's distribution center, Beach camp, Gaza Strip. © UNRWA.

Indicators that once documented UNRWA's successes in health, education, relief, social services and other sectors are now in decline. In many areas these indicators compare unfavourably with host authority services as well as with international standards. Education and health facilities are often overcrowded and under-equipped; refugee homes and infrastructure are dilapidated and refugees are increasingly falling through the gaps in service provision.

UNRWA is also contending with high population growth rates among Palestine refugees, worsening socio-economic conditions in the region, several years of (inflation adjusted) negative-growth in its General Fund budget and – in some Fields

– military blockades and restrictions on movement and access to labour markets.

Any further deterioration could threaten the long term human security of Palestine refugees and adversely affect stability in the Agency's areas of operation.

The need for a strategic approach was clearly communicated by UNRWA's stakeholders in the recommendations issued during the Geneva Conference of June 2004. UNRWA's planning framework centres on four mutually reinforcing and flexible objectives.

First, there is a pressing need to raise the standard of UNRWA services to levels that compare favourably with host authority services and fulfil international benchmarks. Raising standards would mean delivering high quality services that effectively and efficiently fulfil refugee needs and are accessible to all refugees on an equitable basis.

Basic Education Indicators, 2002-2003

Indicators	Gaza		Lebanon		Syria		Jordan		West Bank	
	UNRWA	Gov't	UNRWA	Gov't	UNRWA	Gov't	UNRWA	Gov't	UNRWA	Gov't
Occupancy rate (Elem. & Prep.)	47.1	37.5	36.4	21	42.4	NA	40.1	28	38.6	NA
Percentage of double shift schools	77	21	61.9	NA	94.7	47	91.6	15	41.1	NA
Percentage of rented schools	0	12	45.2	NA	9.7	12	25.8	34	15.8	9
Pupils/teacher ratio (Elem.)	38.8	28	31.9	9	39.7	22	34	21	32.6	33
Pupils/teacher ratio (Prep.)	27.6	27	21.1	9	28.7	22	26.7	21	26	27
Area per pupil (Elem. & Prep.)	0.95	1.3	1.1	NA	1	NA	1.16	1.9	1.07	1.2

Source: UNRWA Medium Term Plan (2005-2009), A Better Future for Palestine Refugees.





Basic Health Indicators, 2003

Indicators	Jordan		Lebanon		Syria		Palestine		
	MoH	UNRWA	MoH	UNRWA	MoH	UNRWA	MoH	West Bank	Gaza
No. primary health facilities per 100,000 population	24	1.4	69	6.4	21	5.7	29	5.3	1.9
No. doctors per 100,000 population	220	5.2	281	13.1	146	12	84	10	9.85
No. dentists per 100,000 population	45	1.2	105	4.1	85	3.2	8	2	1.5
No. nurses per 100,000 population	280	12.9	300	28.7	197	29.3	141	32.4	27.1
Per capita allocations for health US\$	45	4.6	45.9	22	18.6	12.8	26.9	14.7	12.8

Source: UNRWA Medium Term Plan (2005-2009), *A Better Future for Palestine Refugees*.

This would require a systematic reliance on assessed needs as the basis for planning, budgeting and evaluation, as well as adherence to relevant international instruments pertaining to human rights and sustainable development.

Second, it is important to address the needs of the most vulnerable refugees. To strengthen support for the most vulnerable children Special Education Needs Support Centres would be established, while environmental conditions in camps will be improved to address primary health needs. Community-based social services will be reinforced to better serve women, youth and people with disabilities, and subsidized credit will be made more easily available to the poor.

Shelter rehabilitation and the upgrading of infrastructure would also be pursued. The Convention on the Rights of the Child (CRC) and relevant international instruments will serve as benchmarks for planning and performance evaluation.

The third objective is to maximize the economic potential of refugees. Providing refugees with the means to become self reliant is a primary goal for the Agency’s Microfinance and Microenterprise Programme (MMP) and its Technical and Vocational Education and Training (TVET) programme. By expanding the coverage of its products, the MMP will enable more people to emerge from poverty and contribute to economic growth.

Finally, it is important to build capacity within UNRWA. Capacity-building and staff development activities are means towards improving service delivery, addressing human resource and career development needs, fortifying management performance and strengthening capacity for research and analysis.

The total cost of meeting the four objectives is currently estimated at US\$1.1 billion. These objectives are broadly in accord with the Palestinian Authority’s three-year Medium Term Development Plan (MTDP).

In Memoriam

Between 29 September 2000 and 31 March 2005, 3,596 Palestinians, including 23 inside Israel, were killed by Israeli security forces (PRCS). During the same period 656 Israeli civilians and 302 members of the Israeli security forces were killed. (B'tselem) In total, 79 Palestinians killed between 1 January and 31 March 2005.

For a full list of names of Palestinians killed visit the website of the Palestinian Human Rights Monitoring Group: http://www.phrmg.org/aqsa/fatalities_list.htm.





Where are the tents? It is a camp, isn't it?

by Ron Wilkinson



Jaramana Emergency Camp, Syria, 1967. © UNRWA.

Distribution of registered refugee population (UNRWA, June 2004)

	Registered Population	Number of camps	Camp population	Persons not in camps
Jordan	1758174	10	304035	1,454,239 (82.7%)
Lebanon	396890	12	209216	187,614 (47.29%)
Syrian Arab Republic	417346	9*	122005	195,341 (70.77%)
West Bank	675670	19	181891	493,779 (73.08%)
Gaza Strip	938531	8	490410	448,121 (47.75%)
Total	4186711	58	1307557	2,879,254 (68.77%)

* Dera'a Camp (1948) and Dera'a emergency camp (post 1967 war) are situated beside each other and since there is very little difference in the living conditions, they are now counted as one camp rather than two as before.

Tents disappeared from Palestinian refugee camps decades ago although, because of house demolitions by the Israeli occupation forces, there are sometimes a few tents in Gaza used as temporary shelter or in other areas because of storms.

Refugee camp has the connotation of being a place where all of the refugees live in temporary, tented accommodation. Some of the Palestine refugee camps have been in existence for more than 55 years.

Palestine refugee camps were established after the 1948 or 1967 wars. Sometimes residents of refugee communities call their home a camp such as Yarmouk which is a residential area of Damascus, Syria. Yarmouk has a population of close to 100,000 persons but is not a camp nor has it ever been a camp.





In Jordan there are several large refugee communities which are not camps but have been known as camps by the local populace. They are: Madaba (27,600 persons) and Prince Hassan Quarter of Amman (73,889). In addition, there are several communities in Jordan where the vast majority of the population is Palestine Refugees such as the old city of Aqaba, various places in the Jordan Valley and Khirbet Abu Hammor in the Kerak area.

To reflect today's reality, UNRWA, the United Nations Relief and Works Agency for Palestine Refugees in the Near East, is changing the nomenclature of refugee camps. There was once a distinction made in UNRWA statistics between "official" and "unofficial" camps. This could give the wrong impression that refugees had differing levels of recognition by the Agency and received differing services.

All registered refugees are eligible and receive services whether they live inside or outside camps and UNRWA installations are often found outside camps as well as inside camps. The one difference is that UNRWA does not look after sanitation in so-called unofficial camps.

Only one-third of the registered refugees live in the 59 refugee camps scattered across the Middle East. The other two-thirds live in cities, town and villages of the host countries and the occupied territories, many near the camps.

UNRWA was established by United Nations General Assembly resolution 302 (IV) of 8 December 1949 to carry out direct relief and works programmes for Palestine refugees. The Agency began operation on 1 May 1950. In the absence of a solution to the Palestine refugee problem, the General Assembly has repeatedly renewed UNRWA's mandate.

Today, the Agency provides relief and human development assistance in the form of education, health care, social services and emergency aid to refugees in its five fields: Gaza Strip, West Bank, Jordan, Lebanon, Syrian Arab Republic. Anyone who resided in Palestine between June 1946 and May 1948 and



Housing in Ein al-Tal, Aleppo, Syria, for refugees from Neirab camp which is being rehabilitated due to poor housing standards. © Ron Wilkinson.

who lost both their home and livelihood as a result of the 1948 Arab-Israeli war qualifies for UNRWA registration. The descendants of 1948 refugees are also eligible but only refugees living in one of UNRWA's five fields of operations can receive Agency services. The number of registered refugees has grown from 914,000 in 1950 to higher than 4.2 million today.

Camps are not run by UNRWA which merely provides services. Administration, law and order in the camps are the responsibility of the host country authorities. Camps began mainly as tent cities but have developed into crowded urban ghettos, a number of which suffer from poverty and poor sanitation.





Land given by host governments

A camp is a plot of land placed at the disposal of UNRWA by the host government (Jordan, Lebanon, Syria). The West Bank was part of Jordan so camps in that area were on land given by Jordan and until 1967, UNRWA's field office for east and west Jordan was in Jerusalem with no separate field office in Amman as there has been since 1967 and the Israeli occupation of West Bank. The land on which camps were set up are either state lands or, in most cases, land leased by the host government from local land owners. This means that the refugees in "official" camps do not own the land on which their shelters were built but they have the right to use the land for a residence. The Gaza Strip was under Egyptian administration from 1948 until 1967 so the camps are on land assigned for refugees by the Egyptian authorities.

UNRWA's services are available to registered refugees living in camps or not and a number of schools and clinics are located outside camps. While UNRWA supplies sanitation services in official camps, this is provided by the local authorities in "unofficial" camps, refugee communities..

Two-thirds of refugees live outside camps, Agency-wide. Gaza Strip has the highest number of refugees in camps with 52 per cent. The lowest are: Jordan with only 17 percent in camps and almost 83 percent



Homs refugee camp, Syria. © Ron Wilkinson.

outside camps and West Bank with 73 percent not in camps. In the Syrian Arab Republic, the number outside camps is almost 300 thousand with large concentrations such as Yarmouk of Damascus (see above) and villages such as Ramadan with 2,500 registered refugees. Residents call Ramadan a camp but, like Yarmouk, it is not a camp. Some call them unofficial camps.

In Dera'a, Syria there is one camp but there are 32 locations in the area where refugees live. Until recently there were two camps in Dera'a. One was a post-1967 emergency camp, the other a post-1948 camp but the two camps were side by side and eventually merged.

Only a third in camps

Outsiders expect camps to be full of tents. They think that all registered refugees live in 'camps', there is confusion about official and "unofficial camps" and many areas are called camps when they have never been or never will be camps but are groupings or gatherings of registered Palestine refugees. Both of the terms official and unofficial have now been abandoned by UNRWA to avoid confusion. There are





registered Palestine refugees and they are all eligible for UNRWA services whether they live in camps or outside camps in the Agency's five fields of operation (Jordan, Lebanon, Syria, the occupied West Bank and Gaza Strip). Although most refugee camps are basically slums, some refugees have been able to improve their living standards both in camps and by moving out of camps into better accommodation.

Almost one third (29.6 percent) of the registered Palestine refugees, more than 1.2 million, live in 58 recognized camps in UNRWA's area of operations. The remaining 2,978,829 live in the cities and towns of the Middle East, sometimes on the edge of recognized camps and often in the cities of the area.

Some 914,000 Palestinians fled their homes in Palestine in 1948-49. They were housed in refugee camps in Jordan (east and west banks), Lebanon, Gaza Strip, Syria, mainly in tents which were provided by UNRWA, the International Committee of the Red Cross, the American Friend Service Committee (Quakers) and other voluntary groups and gradually replaced with sturdier shelters by UNRWA in the 1950s. After the 1967 war when Israel occupied the West Bank and Gaza Strip, 350,000 fled their homes in the West Bank and Gaza Strip. Ten emergency camps were established in Jordan, east of the Jordan River and in Syria to house these refugees some of whom were refugees for a second time. It was the same as 1948, tents again, gradually replaced by cement block houses. The emergency camps established after 1967 are now like any other camp in the region.

Refugees often moved in groups from their original homes in Palestine and lived together in a new setting and they still do live together in many of the refugee camps even some of their neighbourhoods are named after their village or area of origin. The real names of camps are sometimes poorly known such as Jerash in Jordan called locally as Gaza camp because most of the residents fled from Gaza in 1967.

Camps in Lebanon damaged

The Palestinian refugee camps in Lebanon have taken a battering over the years. In the 1980s, the camps near Tyre and Sidon were severely damaged during the 1982 Israel invasion. Earlier, Nabatieh camps had been destroyed in the 1978 Israel incursion into Lebanon. Shatila camp and Sabra neighbourhood in Beirut were also heavily damaged in 1982 and again later during the camps war of the mid-1980s. A recent study by the Fafo Institute of Norway in a survey of almost 4,000 Palestinian refugee households found that even though current living conditions are better than for the first generation of refugees in Lebanon, their conditions are "stagnating and even deteriorating", especially compared with neighbouring countries.

UNRWA itself flattened one empty refugee camp in West Bank. Nuweimeh Camp, outside Jericho, was abandoned by refugees, mainly after 1967 and the flight to the east bank of the Jordan River and the Israeli occupation of West Bank. Since it was empty, it had become a health hazard. Shelters were falling down and were rife with vermin so the decision was made to bulldoze the camp. This is the only camp in the history of the Palestinian refugee saga where UNRWA destroyed a refugee camp.





A Letter from a Palestinian Refugee to Abu Mazen

by Abdullah Hourani

The moment you took your first step to fulfill your duty as the chairman of the Palestine Liberation Organization (PLO) and as President of the Palestinian National Authority (PNA) you declared your commitment to the Palestinian national principles: the right of the Palestinian refugees to return to their homes, the right of self-determination, and the right to establish an independent Palestinian state with Jerusalem as its capital. As you strive to achieve these objectives, starting by putting in order the 'Palestinian house', I wish you the best of success on your difficult and long journey.

At the same time, I feel obliged to convey to you a message that a Palestinian refugee asked me to deliver. He believes he speaks for all his fellow refugees, and that he expresses the position of all Palestinians.

The letter says:

Dear Brother Abu Mazen
Chairman of the Executive Committee of the PLO
President of the PNA



© UNRWA.

We salute you in a way that suits your noble position.

My name and my background do not matter. Our names are all alike and they all start and end with the same nickname - refugee. My address too is not important. As we are not living on our land, we all share the same temporary addresses. Our shelters don't have numbers and our streets don't have names. Those who settled in the camp and those who live on its outskirts are the same. So are those who stayed in the homeland and those who live in exile.

Our permanent addresses have remained engraved on tree trunks that stayed behind to guard the land and root deeper in it, or on cactus trees whose thorns stab those that attempt to uproot them.

Our permanent addresses are marked by the skeletons of our ancestors that refused to leave, but remained together to comfort each other while awaiting the return of their children and their grandchildren who have been long gone.

We all know you. We have seen you but have never met you. We have chosen you, but the limitations of exile prevented us from loudly voicing our opinion about you and joining our people as they voted for you. The bond between us is a covenant, a patriotic contract. It is stronger than any contract written on paper. According to this covenant you took upon yourself the responsibility to defend our cause, which, we believe, you know in every detail better than anyone. According to this covenant, you promised to restore our rights in accordance with the contract made between us and the PLO at the time we chose it as our representative. As a lawyer you know that a contract specifies the conditions which the parties are obliged to fulfill.

Our camps in exile planted the seeds of the national movement, watered it with our blood and fed it with our sacrifice. When it was in danger, our bodies were the barricades that protected it. The refugee camps in the homeland were not any less forthcoming and loyal to our cause. When the PLO faced the critical





threat of demise and needed a shelter to preserve its life and cause, help came from within and the torch of the *intifada* was lit. It seemed as if the revolution had returned home. Once again the camp became its warm and tender home. You have witnessed both, the struggle in exile and at home. You were there when the National Authority came as the result of our struggle. You took palyed a major role in the PLO then, and now you have taken on primary responsibility.

We realize you will face tremendous difficulties as you defend our right to return. We are aware of the Zionist enemy's persistent rejection of our rights. They deny all moral or political responsibility for the crime of terrorizing the Palestinian people and expelling them from their land. We heard the first statement of Benjamin Netanyahu in response to your election. He said that you will surrender the right of return, and that you will have the courage to take such a decision. In the past two years, the Israeli government has made considerable effort to obtain Palestinian and international support for extinguishing this right. That is why Sharon wanted the Road Map to include a clear statement that negated the right of return and worked hard to obtain guarantees of the U.S. President, not only against a complete Israeli withdrawal to the borders of 4 June 1967, but also against the return of the refugees into Israel.

We hear Sharon's frequent statements emphasizing the Jewish character of Israel. These statements are aimed at both closing the doors in the faces of the refugees who wish to return and keeping them open for the expulsion, when possible, of our brothers who have remained in the Galilee and the Naqab, because they are a "threat and pollute" the Jewish state.

We know also about the manoeuvres of the Israeli government vis-a-vis some Arab states, which - by taking advantage of the weakness of Arab regimes and their total submission to the U.S. administration - intend to utilize international aid for the resettlement of Palestinian refugees.

We know all this, and we continue to watch. We also realize the dangers to our cause. At the same time we want to warn you about a danger from within that weakens the ability of Palestinians to confront external threats. The source of this danger includes leading figures, among them members of the PLO Executive Committee and people in leading positions in the PNA. Others are those associated with the so-called Geneva Initiative and the Nusseibeh Ayalon initiative who voluntarily surrender our right of return as if Palestinian land and property were their personal property which they are free to dispose without accountability to anyone.

It is this irresponsible behavior which we would like to bring to your attention, because it undermines our rights.

We demand that you put an end to it and stop those responsible. Let this be a major part of your campaign for putting the Palestnian house in order in accordance with the Palestinian principles, foremost the right of return. You can only gain strength for confronting the vicious enemy, if you strengthen the unity and credibility of the PLO. Let us shut the doors in the face of those who lay in wait to break the unity of our people. We believe that you have the key to the lock.

As we ask you uphold our right and prevent any attempt to make it a subject of deals or manipulation, we do so based on the principles and the goals of the PLO. This is our common ground and the basis of our unity.

We also ask you based on your declaration of commitment to the national priniciples based on which you called upon people to chose you, which they did. We rely on what we know about you: that you resisted Israeli and international pressure – when you were the Prime Minister of the the PNA - to acknowlege the Jewish character of the state of Israel so they will not have a document they can hoist in your face when you demand our right of return. We rely on what we heard about your response to a friend who asked you to protect the right of return when you were leaving for the Camp David talks in 2000: "I will rather lose my arm than give up the right of return".

Your position on the right of return was the reason why your people in the camps of Yarmouk and Rashediya came out by the tens of thousands to receive you and carry you on their shoulders. If your fellow Palestinians in all the refugee camps - from Nahr al-Bared camp in northern Lebanon, to 'Ayn al-Hilweh in the south, and from the Nairab camp in Aleppo, northern Syria, all the way down to the al-'Awda camp in Deraa, from the Gaza camp in Jarash, to Baq'a, and Wihdat in Jordan – had the chance





, they would welcome you the same. All this is a message directed to you and a sign of the confidence which they have in you. It is also a reminder to the rest of the Palestinian leadership, as persons and as an institution, of what they owe these camps.

Brother Abu Mazen, this is the will of your people in exile and at home. When Israel raises the issue of resettling refugees outside of their homeland, tell them that your people have refused this for more than fifty years. Tell them that if they were ready to accept another home or another land, they would not have waited all this time. They would not have remained refugee status and suffered all those years. If Israel uses the old pretext of the "land promised to the Jews", don't listen and don't argue. Just say that if one party is to object to the presence of the other, it is us who object. We are the owners of the land while they are aliens. If they claim that Palestine is not big enough for both peoples, remind them that in 80 percent of the land of the state of Israel live only 20 percent of the Jewish population, meaning that most of the land is nearly vacant. There is room for its true owners, those most capable of filling it with life and development. These Palestinian owners deserve the land more than those brought by the Israeli government from the frosty plains of Russia, the heat of Ethiopia, Mexico or elsewhere.

If they try to pressure you by offering you a part of Jerusalem, or the Noble Sanctuary, or tempt you with a state that has borders of their design and whose very existence is controlled in exchange for surrendering the right of return, tell them: Jerusalem is a part of the cause, but the right of return stands for the entire cause. Jerusalem is a part of Palestine while the refugees are Palestine. We do not mean that you should give one issue priority over others, but rather emphasize the preciousness of both to the Palestinian people and the Arab nation. We sincerely do not intend to throw the right of return as an obstacle in the way of returning Jerusalem, or any part of it, if such option did exist. Our people will welcome the achievement of any of our rights, but they will not accept achieving their independent state or Jerusalem by sacrificing the right of the refugees to return home.

Israel will try to distort the meaning of the right of return. They will try to twist it by limiting it to the return of the refugees, or part of them, from outside the land to the territories of the PNA or the Palestinian state. Our and your answer to that must be: it is the natural right of any Palestinian, regardless of where he may be, to come to the Palestinian state, live in it and hold its citizenship. The right of return of the refugees, however, has only one meaning: the return to their property and homeland that was taken from them in 1948. It applies to those who found refuge outside Palestine and to those who found refuge within it, i.e. over 1.5 million refugees living in the West Bank and Gaza Strip. Return is, moreover, an absolute right of the 250,000 Palestinians who were forced out of their villages in the Galilee, the Triangle and the Naqab but have remained in the territory that became Israel.

They will offer you compensation, but do not accept it. We won't accept in exchange for the homeland. It is not dead. Our land is still alive, it still exists before our eyes. Our land is planted deep in our hearts. It blooms and yields the fruit of love, compassion and memories every year according to season. They will try to exploit the miserable lives of the refugees. Tell them that poverty is not shame. We have lived with it in our camps since our displacement but it did not diminish our determination. It did not weaken the desire of our people to return but rather added to our persistence to achieve our rights. If anybody doubts the depth of our cause in the soul of the Palestinian people, he should visit any of our camps, in Palestine or outside. They should meet some of the children there, even five-years olds, to see how deprived they are even of basic necessities, and they should ask them - even before they ask their fathers or grandfathers - whether they will accept a price for their homeland. That is one way to find out the extent of our resentment to such an idea. Of course, this does not mean that we do not demand to improve our living conditions. Improving our living conditions is possible without giving up our rights to our land in exchange.

Refugees do demand compensation for the wealth of their land that has been robbed from them and which they could not use in the years of exile. This is one of their natural rights. Such compensation would suffice for improving and developing their living conditions. They do not have to bargain over their land. This is the only kind of compensation that can be discussed. We know that some host governments in our region are eager to obtain compensation and will respond to external temptations and pressures. To them we say: our cause is not for sale, it is not for trade. To those who want to trade our land we say: it is not for auction. We also remind those who have (intentionally) lost their memory: it is an illusion to assume that everything can be bought and sold for money, especially under the influence of the terror and the fear of the U.S.- American monster, and even under the guise of 'being realistic' or the pretext





of ‘changing political circumstances in the Arab world and the world as a whole.’ We remind such people that we have not read the ‘schoolbooks of realism’ or any text that suggests that a whole nation should abandon all of their rights for the benefit of another. Neither do we understand that we should stop demanding our rights or sign documents which would prevent us or future generations from raising our rights and claims. We do understand that we may not be able to achieve our rights now and in the current reality. However, it may be possible to achieve some of them now and some later. It may also mean that the present generation will be unable to do so, but we will not deprive the future generation from claiming their rights and struggling for them. Even if the right of return cannot be implemented now, giving it up is never allowed.

We are aware of the scope of the obstacles that block the return of the refugees to their land and property. However, these obstacles cannot convince our people that it is impossible to make Israel accept the principle that all refugees have a right to return.

Implementation of the right will remain an issue for discussion, in terms of the mechanisms, the modalities, and the amount of time needed. The proper conditions for absorption and rehabilitation of the refugees on their native land will have to be defined, as well as the number of refugees to be admitted annually, and the process may take many years.

This above approach will permit us to achieve both: affirming the right of return and challenging Israel’s claims that it cannot possibly absorb millions of returnees, and we can expose Israeli’s colonial and racist logic that represents the core of the problem.

All Palestinians, whether in exile, in the West Bank and Gaza Strip, or living inside the Green Line, agree with such an approach. All of us have the same right and the same desire to return: the rich and the poor; the residents of the camps and the residents of palaces; and, the refugees who carry travel documents and find the doors of Arab states shut in their faces and those who hold passports of western countries and are received by smiling security officers in the Arab airports.

Brother Abu Mazen, this is how we understand our rights, and this is how we think they should be implemented. Your awareness combined with your commitment will be decisive.

On this basis we constantly pray for your success.
Your brother,
A Palestinian refugee.





Who is responsible – the Jews or the Zionists?

by Ali Kazak

An opinion survey conducted in 15 European Union countries by the European Commission showed nearly 60 percent of the questioners believed that Israel represented the greatest threat to world peace. This corresponds with the rising percentage of people around the world who reject and condemn Israel's occupation, discrimination and gross violations of the legitimate rights of the Palestinian people.



Palestinian refugees in 1948. © ICRC.

The justification Israel and its lobby give for the continued occupation and oppression is not convincing anyone. But instead of Israel reviewing its policies and practices, it is accusing its opponents of being anti-Semitic.

This accusation presents a great danger to all Jews and their interests and requires answers to the questions: Who is responsible for Israel's racism and crimes against the Palestinian people, clearly defined by international law as war crimes and crimes against humanity? Is it the Jews or the Zionists? Is there a difference between the two? And is opposing Israel's occupation, war crimes and discrimination a form of anti-Semitism? I would like to answer these questions from the victim's point-of-view.

I was a few months old when I was dispossessed with my mother in 1948 and denied my right to return to my homeland and rejoin my father in Haifa, the city of my birth. I did not see my father and he did not see me for 48 years. The first Jew I ever met was in my class at high school in Damascus. I was the only Palestinian refugee in the class and he was the only Syrian Jew. We were both Arabs and Semites. Despite my own personal tragedy and the *Nakba*, the tragedy of the Palestinian people, I have never felt for one moment that either he or the Jews were responsible for the crimes committed against me and my people.

Neither my Arab culture nor religion allow me to be anti-Semitic or anti-Jewish. This is because Islam, Christianity and Judaism are part of Arab culture. The three monotheistic religions and their prophets came from our region and are part of us. Islam is the continuation of Judaism and Christianity and is not against Christians or Jews whom it regards as 'People of the Book'. Moslems believe God is One and is the One who sent all the prophets from Adam to Ibrahim, Moses, Jesus and Mohammed (peace be upon them).

In fact, it is because of the openness of the Arab culture and the moderation of Islam that throughout history many oppressed minorities from Europe sought and found refuge in the Arab countries e.g. Jews, Armenians, Caucasians and others, and the Golden Age of the Jews was achieved within the Golden Age of Islam.

Palestine, the Holy Land, is holy to Jews, Christians and Moslems. But this does not give the right to foreign Jews, Christians and Moslems to occupy and control it. Similarly, neither do Roman Catholics from the





United States, for example, have the right to occupy and control the Vatican because it is holy to them, nor do Indonesian or Iranian Moslems have the right to occupy Saudi Arabia because it is holy to them.

Throughout the centuries, Jews, Christians and Moslems made pilgrimages to Palestine and returned back home, and so did Arab Jews. They never felt the need to settle in Palestine at a time when they were able to as until World War One, there were no borders between Arab states, there was freedom of movement and residency.

When the Palestinians, Arabs and Moslems fought against the Crusaders they did not fight against them because they were Christians but because they were invaders, oppressors and occupiers. And when the Arabs fought against the Ottoman occupation they were not against the Turks, Moslems or Islam. Similarly, the current struggle against Israel and Zionism does not mean they are against Jews.

What Zionism and Israel means to me is my dispossession from my homeland and denial of my and my people's right to return to it on racial and religious grounds. It means occupation, oppression and racial and religious discrimination.

We believe Judaism and Zionism are different and unparallel. The literature of the Palestine revolution and the PLO has also consolidated our vision and our belief in the difference between Judaism as a religion and Zionism as a political ideology. In order to make this crucial point clear, the Palestinian national liberation movement (Fateh) raised the slogan "Not every Jew is a Zionist and not every Zionist is a Jew", and that the one who is fully responsible for the crimes committed against the Palestinian and Arab people are the Zionists. The extremist Christian Zionist groups, George Bush and Tony Blair are examples of non-Jewish Zionists. And in fact the first people to reject Zionism and fight against it were not Palestinians, but Jews, including the first Australian-born governor-general of Australia, Sir Isaac Isaacs.

The international community also found it crucial to emphasise the difference between the two with its adoption in 1975 of the UN resolution 3379 condemning "Zionism as a form of racism and racial discrimination" and holding it responsible for its crimes against the Palestinian people.

Israel and the Zionist organisations launched an anti-UN campaign and with the support of the US, Australian and British governments, were able, sixteen years later, through bullying other countries, pressure and bribes to repeal that resolution in December 1991 thus putting an end to the international community's attempts to differentiate between Judaism and Zionism.

Israeli and Zionist objectives behind this were to silence critics and voices opposed to Israel's policies and to blackmail anyone who does that by insinuating that behind their criticism lies a hidden agenda of anti-Semitism.

Needless to say incalculable damage was inflicted on Jews and Jewish interests around the world by repealing this UN resolution because it blurred and confused the picture in the eyes of the public who will now see Israel and Zionist crimes as Jewish crimes, and cannot be blamed for doing so, especially when Israel calls itself 'the Jewish state' and the mainstream Jewish organisations zealously lobby and defend Israel's violations, occupation, war crimes and racism, and campaign against the legitimate rights of the Palestinian people. Indeed, the Zionists have shown once again that they do not care about the damage inflicted by this deliberate mix-up against the Jews. As always they commit their crimes and hide behind the Jewish people.

The fathers of the Zionist movement have acknowledged the benefits gained by the rise of anti-Semitism. Herzl himself wrote in his Diary "anti-Semitism has grown and continues to grow, and so do I ... The anti-Semites will become our most loyal friends, the anti-Semite nations will become our allies". Without anti-Semitism, Jews would not necessarily see the need to immigrate to Israel or to pay fat donations and defend it, right or wrong.

Israel tries to shirk its responsibility and blame its victims for the crimes and violations it is committing against them. The accusation of anti-Semitism thrown at its critics and opponents is counterproductive and a bankrupt policy. While it succeeded for some time, it is no longer intimidating anyone. People no longer care much about such accusations. On the contrary, knowing they are not anti-Semitic, people





feel bitter about such slander and insult. They become more determined as they know the objective is to bully and silence them through this blackmail while Israel continues its daily crimes.

This is best expressed by the renowned Australian author, speechwriter and film director Bob Ellis in his letter printed in *The Australian* newspaper on 29 October 2003:

‘Is it anti-Semitic to say it is wrong to bulldoze apartment blocks and leave the tenants with nowhere to live? Then I swear on the head of my grandmother Rachel Larkman that I am anti-Semitic too. Is it anti-Semitic to say that killing 3000 unarmed Palestinians in three years is wrong and a crime against humanity? Then I swear by the blood of my ancestors all the way back to Abraham that I am anti-Semitic too. Is it anti-Semitic to say that threatening to “remove” a democratically-elected head of state is wrong and a breach of international law? Then I too am anti-Semitic and I await my punishment. By helicopter gunship perhaps.’

Anti-Semites, no doubt, attempt to exploit Israel’s racism and aggression to attack Jews, exactly as anti-Moslems attempt to exploit Bin Laden and 9/11 to attack Moslems.

Anti-Semitism is racism, illegitimate and must be fought against, side by side, with all forms of racism against Aborigines, Moslems, Arabs, blacks, Asians ... etc. But for that to be effective and real there has to be a clear definition of anti-Semitism which does not confuse it with anti-Zionism, which is legitimate.

UN Secretary General Kofi Annan’s remark in his recent speech to the UN-organised seminar dedicated to anti-Semitism that “When we seek justice for the Palestinians, as we must – let us firmly disavow anyone who tries to use that cause to incite hatred against Jews – in Israel or elsewhere” is incomplete. He should have continued to say that we should equally disavow anyone who incites hatred against Palestinians and accuses those who support the legitimate rights of Palestinians and opposes Israel’s crimes as anti-Semites

The international community must put an end to the extremely dangerous Zionist game of playing with words, challenging international law and norms and turning facts upside down because the damage this causes goes far beyond the Palestinian people and affects Jews themselves and the world at large. Opposing Israel and Zionism is not anti-Semitism and fighting occupation, oppression and racism is not terrorism, and must not be confused with terrorism. Only when this is clearly defined can anti-Semitism and terrorism be defined and fought collectively in the same way fighting against all bigots and racists around the world.

Jews should be the first to be extremely concerned with this confusion and mix-up and what Israel is committing in their name. It is foremost in their interest to face this challenge and not bury their heads in the sand, because they will be the first ones to pay the price dearly.

A recent editorial in the London-based Palestinian newspaper *al-Quds al-Arabi* pointed out that “Israel has become the most hated country in the world and every day it adds a new cause for this hatred”. When 60 percent of Europeans regard Israel as the greatest threat to world peace, Jewish people around the world must get the message and not allow the Israeli Government and its lobby to shoot the messenger. They must force Israel to recognise the legitimate rights of the Palestinian people and end its occupation before it is too late.

Ali Kazak is head of the General Palestinian Delegation to Australia and New Zealand and Ambassador of Palestine to Vanuatu and East Timor





New 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.*

Palestinian Refugee Children, International Protection and Durable Solutions, by Renata Capella. BADIL Information & Discussion Brief No. 10 (2004).

The brief analyses the status of Palestinian refugee children concerning protection needs and in the context of the search for durable solutions based on international law and best practice. *Available in English. Arabic forthcoming.*

Information Packet on Palestinian Refugees

The packet includes a short summary of the popular campaign for Palestinian refugee rights and a brief history of the Palestinian refugee issue, a poster, and a set of postcards.



Ruling Palestine: A History of the Legally Sanctioned Jewish-Israeli Seizure of Land and Housing in Palestine.

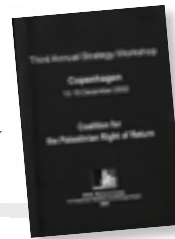
A joint COHRE/BADIL report. Available in English. ISBN 92-95004-29-9.



Selected BADIL Publications

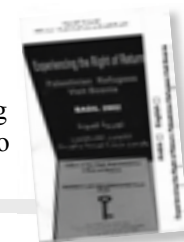
Proceedings of the Fourth Annual Meeting of the Global Palestine Right of Return Coalition

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.*



BADIL Expert Forum Working Papers

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.



The Right to Housing and Property Restitution in Bosnia and Herzegovina: A Case Study

Paul Prettitore, Legal Advisor, Organization for Security and Cooperation in Europe. English and Arabic. 28 pages.

Justice Against Perpetrators, the Role of Prosecution in Peacemaking and Reconciliation

Sandra Vicente, Assistant Legal Officer, International Tribunal for the Former Yugoslavia. *English and Arabic. 24 pages.*





The Role of International Law and Human Rights in Peacemaking and Crafting Durable Solutions for Refugees: Comparative Comment

Lynn Welchman Director, Center of Islamic and Middle Eastern Law, School of Oriental and African Studies. *English and Arabic*. 20 pages.

Popular Sovereignty, Collective Rights, Participation and Crafting Durable Solutions for Palestinian Refugees

Karma Nabulsi. *English and Arabic*. 13 pages.

Temporary Protection for Palestinian Refugees: A Proposal

Susan Akram, Boston University School of Law, and Terry Rempel, BADIL Research and Information. *English and Arabic*. 44 pages.

Land Restitution in South Africa, Overview and Lessons Learned

Jean du Plessis, Deputy Director, Center on Housing Rights and Evictions. *English and Arabic*. 16 pages.

Israel's Land Laws as a Legal-Political Tool

Usama Halabi, advocate, LL.M. *English and Arabic*. 12 pages.

Arab Protection for the Palestinian Refugees

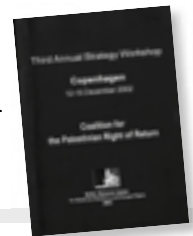
Khaled Al-Az'ar. *English and Arabic*. 30 pages.

UNRWA's Role in Protecting Palestinian Refugees

Harish Parvathaneni, Chief, Policy Analysis Unit, UNRWA. *English and Arabic*. 24 pages.

"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? 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).

ORDERS: To order BADIL publications (except where listed otherwise) send an email to admin@badil.org.



1. 'Cairo Declaration', 17 March 2005

The 'Cairo Declaration' was issued by 13 Palestinian political factions after three days of meetings in Cairo, Egypt.

- (1) Those gathered confirmed their adherence to Palestinian principles, without any neglect, and the right of the Palestinian people to resistance in order to end the occupation, establish a Palestinian state with full sovereignty with Jerusalem as its capital, and the guaranteeing of the right of return of refugees to their homes and property.
- (2) Those gathered agreed on a program for the year 2005, centered on the continuation of the atmosphere of calm in return for Israel's adherence to stopping all forms of aggression against our land and our Palestinian people, no matter where they are, as well as the release of all prisoners and detainees.
- (3) Those gathered confirmed that the continuation of settlement and the construction of the wall and the Judaization of Jerusalem are explosive issues.
- (4) Those gathered explored the internal Palestinian situation and agreed on the necessity of completing total reform in all areas, of supporting the democratic process in its various aspects and of holding local and legislative elections at their determined time according to an election law to be agreed upon. The conference recommends to the Legislative Council that it take steps to amend the legislative elections law, relying on an equal division (of seats) in a mixed system, and it recommends that the law for elections of local councils be amended on the basis of proportional representation.
- (5) Those gathered agreed to develop the Palestine Liberation Organization (news - web sites) on bases that will be settled upon in order to include all the Palestinian powers and factions, as the organization is the sole legitimate representative of the Palestinian people. To do this, it has been agreed upon to form a committee to define these bases, and the committee will be made up of the president of the National Council, the members of the PLO's Executive Committee, the secretaries general of all Palestinian factions and independent national personalities. The president of the executive committee will convene this committee.
- (6) Those gathered felt unanimously that dialogue is the sole means of interaction among all the factions, as a support to national unity and the unity of the Palestinian ranks. They were unanimous in forbidding the use of weapons in internal disputes, respecting the rights of the Palestinian citizen and refraining from violating them, and that continuing dialogue through the coming period is a basic necessity toward unifying our speech and preserving Palestinian rights.

2. Occupied Palestine – Syrian Golan Heights Advocacy Initiative - Joint Statement to the 5th Annual World Social Forum, January 2005

UNITED IN STRUGGLE

Occupied Palestine and Syrian Golan Heights Advocacy Initiative

END THE ISRAELI MILITARY OCCUPATION

We, the undersigned civil society organizations, are part of the Palestinian and Arab people who have struggled for decades against colonization and a military occupation imposed upon us by Jewish settlers via the Zionist Movement and the state of Israel.

We are part of the worldwide movement of people involved in the struggle for justice, equality and freedom of the oppressed and marginalized and have come to the World Social Forum with a clear agenda: we wish to share with you our analysis of the root cause of this protracted conflict in Palestine and – based on common understanding – gain your effective support of our ongoing struggle.



What Is Our Struggle About?

The root cause of the protracted conflict in the Middle East is the denial of the right of the indigenous Palestinian-Arab people to live and develop freely in our land – i.e. the right to self-determination – through the imposition of a state in 1948. The state of Israel was built by immigrants for their own exclusive benefit. In this sense, it is not a ‘normal colonial state’ built through the exploitation of local resources and indigenous labor. Israel defines itself as ‘a state for the Jewish people’ only. **Zionist-Israeli policy from the early 20th century until today has aimed to take control of the land and to exclude its indigenous people. Israel is a colonial apartheid state.**

Conquest of the land and the exclusion of the Palestinian-Arab people have been accomplished through a variety of policies and practices initially applied inside the territory of the state of Israel (i.e. 1949 ceasefire lines). Similar measures have been duplicated on the Palestinian and Arab land occupied by Israel in 1967, i.e. the Palestinian West Bank and Gaza Strip and the Syrian Golan Heights. These include:

Mass expulsion by military force and denial of refugee return rights (i.e. ethnic cleansing): There are some 6 million Palestinian refugees including their descendents from the wars of 1948 and 1967. Israel illegally expropriated their lands and homes, as well as the property of some 500,000 Syrian Arabs and their descendents expelled from the Golan Heights in 1967. Today these refugees comprise the majority of the Palestinian people.

Military occupation and attrition aimed at inducing people to leave because their daily lives become unbearable: In 37 years of Israeli occupation in the West Bank and Gaza Strip, some 20,000 Palestinian homes and refugee shelters have been demolished and some 600,000 Palestinians have been detained for various periods of time. During the current *intifada* alone (2000-2004) at least 3,300 Palestinians, 600 of which were children, have been killed and over 27,000 injured by Israeli soldiers and settlers. Public and private infrastructure has been destroyed. Several hundred thousand citrus trees have been uprooted. Palestinians face severe restrictions on their freedom of movement and access to land and water. These measures have accelerated a process of economic de-development.

Demographic engineering aimed at maintaining a Jewish majority in Palestine: This includes the encouragement of Jewish immigration; construction of ‘Jewish only’ colonies (‘settlements’) on land illegally taken from Palestinian farmers (e.g. some 430,000 settlers have been transferred to some 227 Jewish-only colonies in the occupied West Bank, eastern Jerusalem and Gaza Strip); unilateral annexation of occupied land without the inclusion of its native inhabitants (eastern Jerusalem, Golan Heights); enactment of immigration, citizenship and land laws which deprive the indigenous Palestinian-Arab inhabitants and land owners of their rights to their nationality, their land and the transfer of these rights to the Jewish people/state of Israel for their exclusive benefit.

Forced separation of the Palestinian-Arab people and the people from their land: Since 1948 ‘closed military zones’ and permit/pass regimes have been enforced in all areas for this purpose. Permanent military checkpoints which were put in place in 1993, construction of Israel’s Apartheid Wall which began in 2002 and Israel’s ‘unilateral disengagement from the Gaza Strip’ scheduled for 2005 are more recent, physical and visual expressions of the same policy.

De-legitimization of the Palestinian-Arab struggle: Propaganda campaigns and deliberate misinformation and distortions of the facts about the situation in Palestine have accompanied the Zionist-Israeli conquest since its inception. The most notorious slogan described Palestine as “a land without people for a people without land”. Today Zionist-Israeli propaganda deliberately employs western Islamophobia and the ‘war against terror’, the need to justify war and occupation in Iraq, as well as concern about anti-Semitism, in order to install fear and misinformation about the Palestinian-Arab struggle among western academia, media, policy makers and the public.

Where Are We Today?

The successful implementation of the policies and practices summarized above would not have been possible without the political backing and support provided by western powers including Britain and the United States. Our collective struggle has brought achievements. Today we are recognized as a people





with rights. Hundreds of United Nations resolutions have affirmed our rights, condemned Israel's colonial and discriminatory policies as illegal under international law and called upon Israel to provide effective remedy. In 2004 the International Court of Justice (ICJ) affirmed these rights and called upon Israel to provide effective remedies. However, many governments, the United Nations and the European Union have remained unwilling to apply political measures that could bring about Israeli compliance. Israel continues to operate outside and above the law.

The process of colonization, occupation and entrenchment of the apartheid-like system in Palestine and the Golan Heights thus continues at a rapid pace and the opportunity for the implementation of the internationally-favored two-state solution may well have been missed forever. Diplomatic efforts to bring about – with Israeli consent – the end of military occupation and the establishment of a sovereign and viable Palestinian state in the 1967 occupied West Bank, eastern Jerusalem, and Gaza Strip via the 'Oslo peace process' and the 'Road Map' have failed. US-sponsored Israeli-Syrian negotiations also failed to bring about peace based on Israeli withdrawal from the Golan Heights. So-called 'new windows of opportunity' for a negotiated Israeli-Palestinian peace are empty rhetoric in a climate where the struggle for basic rights, justice and freedom is increasingly challenged and discredited in Palestine, Iraq and elsewhere.

CALL FOR ACTION

Today the Palestinian people and the Syrian people of the occupied Golan do not enjoy basic protection by governments or the United Nations who have the responsibility and obligation to stop forceful conquest, occupation and apartheid and facilitate just remedies and solutions. **Global civil society, grassroots movements and NGOs, have thus remained our only ally.**

We therefore appeal to the participants at this World Social Forum to undertake urgent and broad action in order to help end the current situation in Palestine and bring about a new era in which the indigenous people can return to their land and properties and are compensated for damages and suffering incurred, and in which all people in Palestine can freely exercise their basic individual and collective rights in the framework of one or two sovereign states in line with their choice.

In particular, we call upon participants at this World Social Forum to focus individual and collective efforts on:

Developing Public Information and Awareness-raising Campaigns which can effectively challenge Zionist-Israeli propaganda:

- Focus on the root causes of the protracted conflict; highlight discrimination caused by Israel's exclusive Jewish character and policies, the ongoing character of Palestinian-Arab forced displacement and dispossession and refugees' right to return, restitution and compensation;
- Come to see and encourage visits to the Israeli occupied Palestine and Syrian Golan Heights.

Building a Broad Israel Boycott-Divestment-Sanctions Campaign inspired by the model of the South-African anti-apartheid campaign:

- Launch new and engage in existing initiatives aimed at *public boycott* (e.g. consumer boycott of Israeli products, non-cooperation with Israeli initiatives in the field of culture, education and sports), *divestment* (e.g. de-investment by private companies and public institutions from Israeli institutions and/or stocks and bonds) and *pressuring governments to impose sanctions* on Israel. Choose initiatives which fit your local environment and link up with similar initiatives worldwide.

Build Local Support Networks for activists, journalists, teachers and politicians who are brave to speak out for Palestinian rights and threatened by Zionist lobby organizations.

Coordinate with Palestinian/Arab Civil Society Organizations:

- Maintain regular consultation and coordinate activities with Palestinian civil society organizations in Palestine (including those located in pre-1948 Palestine now Israel) and in exile and with Syrian civil society organizations in the Golan Heights.



**'UNITED IN STRUGGLE' - OPGAI
FREE PALESTINE NOW**

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3. Anti-War Movement Assembly, Statement to the 5th Annual World Social Forum (excerpts), March 2005

On the day of elections in Iraq, anti-war movements, coalitions and organizations the world over came together in an Anti-War Assembly and called for massive mobilizations on March 19 and 20. Representatives from over 33 countries, including Iraq and Palestine, also discussed strategies and actions beyond March 20.

Palestine

We support the Palestinian people's struggle for justice, self-determination, a sovereign independent state with Jerusalem as its capital and the implementation of the right of return in accordance with UN resolution 194.

We call upon the international community and governments to impose political and economic sanctions on Israel, including an embargo on armaments. We call upon the social movements to mobilize also for divestment and boycotts. These efforts aim to force Israel to implement international resolutions, and the advisory opinion of the International Court of Justice, to stop and take down the illegal wall and end all occupation and apartheid policies.

We support the Israeli anti-colonialist, anti-Zionist activists who share this struggle.

Proposals for Palestine

- Send civilian missions to Palestine
- Launch a campaign of sanctions, boycott and divestments
- Launch a campaign for embargo on arms and suspension of economic agreements with Israel.

4. Putrajaya Action Plan, March 2005

A three day International Conference on the theme 'Peace in Palestine' was held at Putrajaya, the administrative capital of Malaysia, from the 28th to the 30th of March 2005. The conference was attended by over 500 civil society activists from 34 countries, including Occupied Palestine and Israel. Through panel and workshop sessions, the participants sought to determine how civil society could contribute towards the quest for a just solution to the decades old Israeli Palestinian conflict. Their ideas are embodied in this statement, the Putrajaya Action Plan.

The Putrajaya Action Plan recognizes that the root cause of the Israeli-Palestinian conflict is the Israeli occupation from 1948 onwards of Palestinian land and the consequent subjugation and oppression of the Palestinian people. If this subjugation and oppression has lasted so long, if Israel has been able to violate international law with impunity, it is largely because Israel is protected by the United States of America, the world's only superpower. This makes civil society in the US all the more



important as a site for strategic intervention in the quest for a just solution to the conflict.

The participants of the Putrajaya 'Peace in Palestine' Conference are unanimous in the view that unless justice is done to the Palestinian people, there can be no security for the people of Israel. This is why the restoration of the inalienable rights of the Palestinian people is a vital pre-condition for peace not only in the Middle East but also in the world at large.

United Nations resolutions on the Israeli-Palestinian conflict must serve as a logical starting point for the restoration of Palestinian rights. There must be total and complete Israeli withdrawal from Gaza and the West Bank to its pre-1967 borders. A sovereign and independent Palestinian state that is at the same time contiguous and viable should be established on the Gaza and West Bank with Jerusalem as the shared capital of both Palestine and Israel. The Apartheid Wall must of course be fully dismantled. Palestinian refugees should be allowed to return to both Israel and the new Palestinian state while those who choose to remain in their land of domicile should be allowed to do so, with appropriate compensation. All Palestinian and Arab prisoners in Israeli jails should be freed. Once Israel takes these steps, Palestine and other states in the Middle East and the Muslim world should extend diplomatic recognition to Israel. At the same time, the entire Middle East should adopt a comprehensive treaty banning all weapons of mass destruction, including nuclear weapons.

What is being proposed here reflects to a considerable extent the sentiments of the global community which regards a two state solution - Israel and Palestine living side by side-- as the most feasible solution at this juncture of history. It does not however preclude the eventual emergence of a single unified democratic state in which Jews, Christians, Muslims and others relate to one another on the basis of genuine equality and justice. Such a state will become a reality only if it is in consonance with the wishes of the majority of Palestinians and Israelis.

If a significant degree of justice is delivered to the Palestinians and if they are treated as equals in their relationship with the Israelis, peace will prevail in the Middle East. Civil society groups the world over should do much more to promote this vision of peace which emphasizes equality, justice, human rights and international law.

With this aim in mind, civil society groups and individuals at the 'Peace in Palestine' conference adopted a ten point programme which constitutes the essence of the Putrajaya Action Plan.

The Putrajaya Action Plan seeks to establish an **International Centre on Palestine for Civil Society in the South (ICPCSS)** to be located in Malaysia. ICPCSS will be governed by a Board whose members will be drawn from civil society groups in the South. The Centre will:

- 1) Coordinate the activities of existing Palestinian support groups and networks in the South; initiate the creation of new support groups and networks in countries of the South; forge close ties with Palestinian support groups and networks in North America and Europe; develop an effective relationship with the United Nations General Assembly's Committee on the Exercise of the Inalienable Rights of the Palestinian people, the Division on Palestinian Rights and the International Coordinating Network on Palestine. Deepen links with the global justice and solidarity movements.
- 2) Encourage Palestinian support groups and networks in the South and in other parts of the world to interact more extensively with civil society groups in Israel committed to the vision of peace envisaged by the Plan. Women and youth groups in particular should be at the forefront of this interaction. At the same time, ICPCSS will initiate lecture tours of the United States by Palestinian support group activists from the South who will tell the other side of the story to the American people. Israeli and Palestinian activists should join hands and speak with one voice on common themes in these lecture tours.
- 3) Disseminate information and analysis about the root causes of the Israeli Palestinian conflict and the pre-requisites for a just peace through community newspapers and radio stations in the United States. Persuade Arab, Muslim and South-based groups to engage and interact with grassroots community organizations in the US.





- 4) Increase the general level of awareness of the Palestinian struggle through maximum utilization of the various channels of mass communication. In this regard, internet in particular has a critical role to play. In similar vein, greater attention should be given to the production of television dramas and radio plays on Palestine especially in the languages of the nations of the South. There should also be more in-depth articles with historical perspectives in the print media aimed at correcting misconceptions about the Palestinian issue. As one enhances intellectual output, one should also develop a solid data base on the Palestinian struggle for justice.
- 5) Ensure that civil society groups in the South attempt to persuade their governments to adopt a proactive approach towards the plight of the Palestinians. Since most governments in the South endorse the Palestinian cause, they should demonstrate their commitment by campaigning actively for the rights of the Palestinians in regional caucuses and in international forums. In this context, Southern governments should be pressed to end all military dealings with Israel.
- 6) Strive to ensure that an impartial United Nations - and not the US --- plays the dominant diplomatic role in the resolution of the Israeli Palestinian conflict. For this to happen, international public opinion has to be mobilized on a global scale. The ICPCSS will work closely with other Palestinian support groups in Europe and North America to achieve this goal. The UN's pivotal role means that UN resolutions, international law and human rights in relation to the Israeli-Palestinian conflict will serve as the framework for achieving a just peace.
- 7) Study in depth and detail how civil society groups in the South could organize a selective boycott of Israeli goods and divestment from that country in order to pressure Tel Aviv to withdraw completely from the West Bank and the Gaza. At the same time, ICPCSS will encourage direct aid for infrastructure and services in Palestine and trade in products it is able to export; and demand the reversal of Israel's exploitative water programmes which adversely affect food production and seriously disadvantage Palestinians.
- 8) Support the right of the Palestinians to resist Israeli occupation in accordance with the principles of international humanitarian law. It follows from this that illegitimate forms of violence by both state and non-state actors must not receive sanction through distortions of religious and secular belief systems.
- 9) Promote active and continuous dialogue leading to effective action amongst Jews, Christians and Muslims not only in Israel and Palestine but also in various other parts of the world. This dialogue should aim to eradicate prejudices and misconceptions; to strengthen mutual respect and trust and to build joint solidarity actions in the cause of justice and our common humanity. To this end, academic centres for inter-faith and inter-civilizational dialogue should be established in both Israel and Palestine and in other countries of the South.
- 10) Struggle relentlessly for the emergence of a multi-polar world which will facilitate the deliverance of justice for the Palestinians. It is the consolidation of uni-polar politics in the post cold war era which has exacerbated the sufferings of the Palestinians. It has also led to the marginalization of most governments and the UN. This is why governments, especially in the South, and people everywhere have a stake in striving for an equitable multi-polar world.

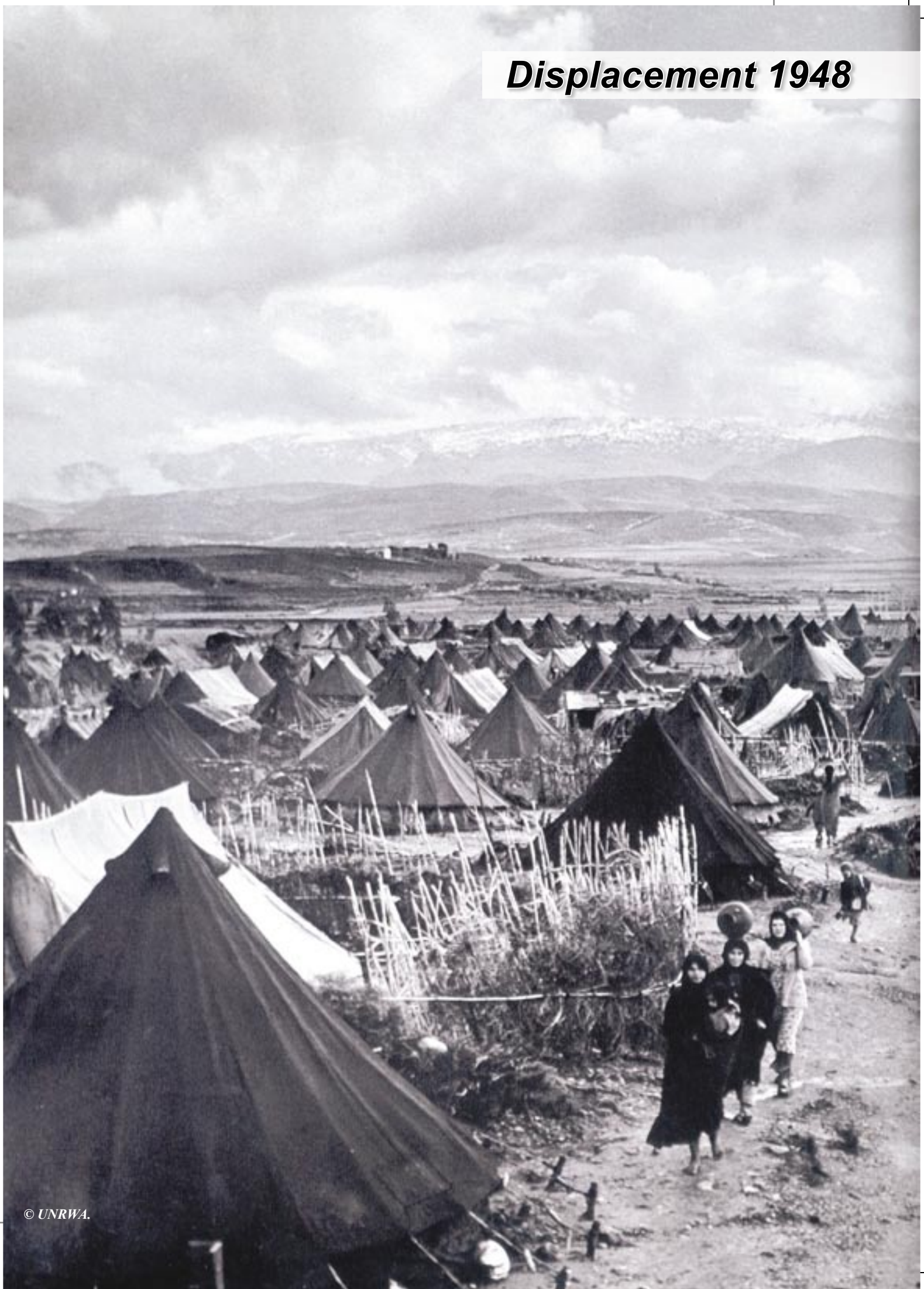
Adopting an Action Plan is not the real challenge. The real challenge lies in ensuring that the objectives contained in the Plan are successfully implemented. This demands sincere commitment from everyone.

We, who are gathered at this conference, should pledge to ourselves that we will do our utmost to realize the goals of the Putrajaya Action Plan --- for the sake of the people of Palestine and Israel; for the sake of Jews, Christians and Muslims everywhere; for the sake of humanity; for the sake of peace.

30 March 2005.
Putrajaya, Malaysia.



Displacement 1948



Jenin 2002



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Rafah 2005



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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 religious origins. 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.



Al-Majdal before the Nakba

Source: www.palestineremembered.com

57th Anniversary of the Nakba



al-Majdal is a quarterly magazine of **BADIL** Resource Center that aims to raise public awareness and support for a just solution to Palestinian residency and refugee issues.