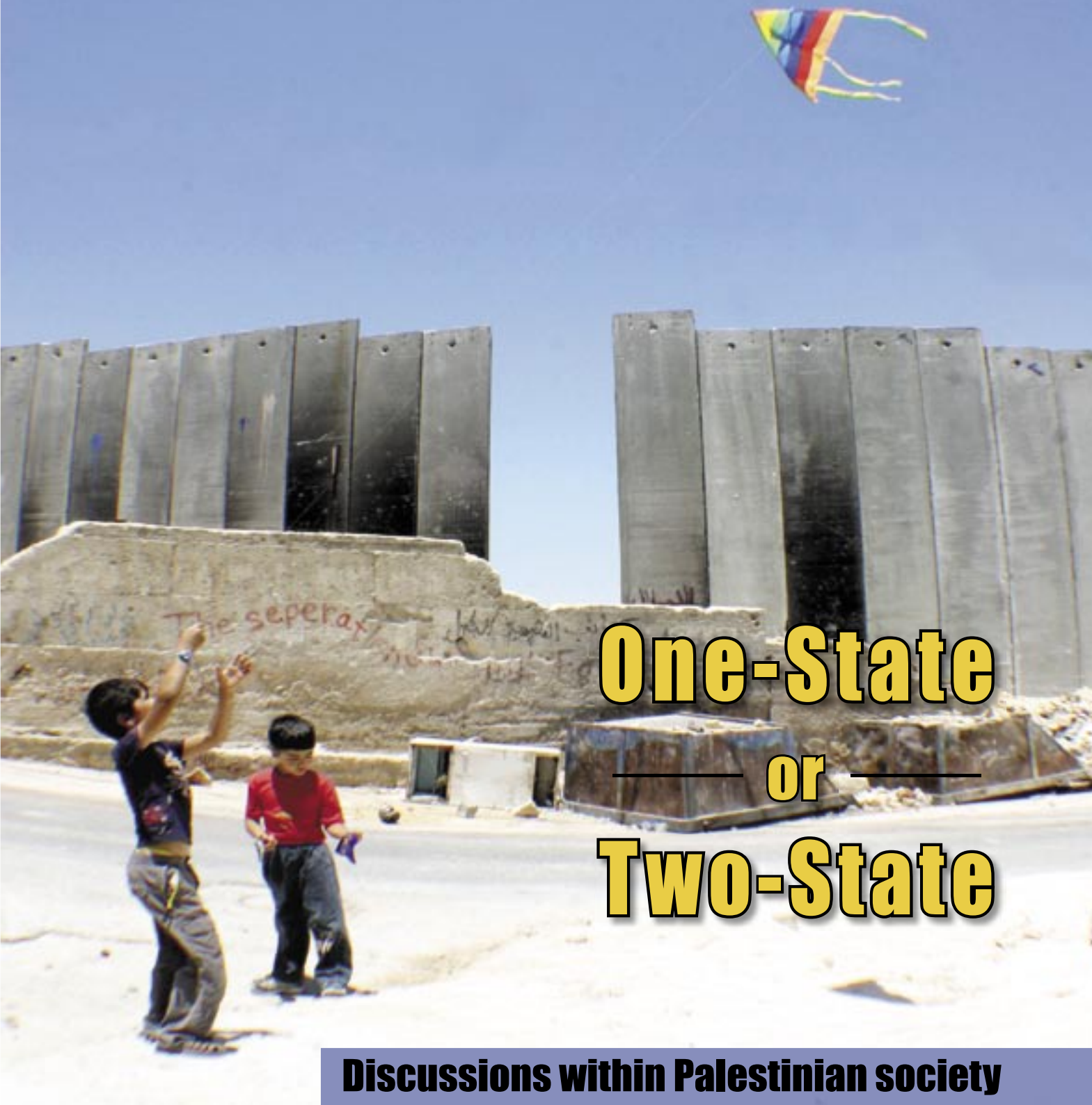


al majdal



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



One-State — or — Two-State

Discussions within Palestinian society

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.

BADIL was established in 1998 to support the development of a popular refugee lobby for Palestinian refugee and internally displaced rights and is registered as a non-profit organization with the Palestinian Authority.

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Cover Photo: Children playing by the wall in 'Aida refugee camp, 2005. © Anne Paq

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Editorial

- The One-State versus Two-State Debate..... 02
- Hamas Election Victory – a Call for Good Governance and Respect of Palestinian Rights
Supplement by BADIL Staff..... 04

Commentary

- Ariel Sharon and Us
by Karma Nabulsi 06

Between the One-State and Two-State Solution

- The Cantons-State and the Liquidation of the Refugee Issue
by Hani Al Masri 08
- Problems with the Two-state Solution and the Dream of the One Democratic State
by Nassar Ibrahim 11
- The Binational State is a Desired Palestinian Demand
by As'ad Ghanem 15
- Between the One-State and the Two-State Solution, Independence is Not a Luxury, it is a Necessity
by Mohammad Baraka 20
- “A New Palestinian Political Season?”
by Virginia Tilley 24

General Articles

- Photo Reportage: New Terminals - New Imposed Borders?
by Anne Paq 28
- Highlights, Boycott-Divestment-Sanctions (BDS) Against Israel, 2005–January 2006
by Badil staff 35
- Trying to Avoid Criminal Charges for Crimes Against Humanity and War Crimes
by Karine Mac Allister 38
- Planning for the Future - UNRWA Begin's to Implement Agency Reforms
by Terry Rempel..... 42
- Engaging Refugees in Change - Some of the Challenges Facing UNRWA in Engaging Neirab's
Refugees in Camp Development
by Aisling Byrne .. 47

Resources

- New BADIL Publications 52
- Selected BADIL Publications 53

Documents

- Final Statement, 6th Annual Meeting, Palestine ROR Coalition 55

The One-State versus Two-State Debate



View of the wall, 2005. © Nathalie Bardou/BADIL.

Discussions from within

Debate amongst Palestinian activists and intellectuals as to whether a Palestinian state is still viable, whether it is the best option to ensure justice and address the effects of ethnic cleansing and what other options might exist, plays a determinative role in the strategy Palestinians will adopt in the future. This issue of al-Majdal features articles first published in BADIL's Arabic language magazine *Haq al-Awda*. The articles reflect current Palestinian positions and debate regarding a one-state and two-state solution: whether any of the two is still possible and which is preferable. A recurring concern among the authors is how to develop a strategy that addresses self-determination for all Palestinians, including Palestinian refugees and internally displaced, and challenges the Israeli imposed solution, which prevents both the formation of two viable states and the creation of one state for all its citizens.

Sharon's legacy

Ariel Sharon has been in a coma since suffering a serious stroke on 5 January 2006. However, Sharon's physical presence in Israeli leadership is not critical to the unfolding unilateral disengagement plan.

Subduing the enemy by any means, Sharon's infamous conception of a peace process, survives and gives rise to continued ethnic cleansing, racism and discrimination, destruction of property, missiles, torture, the Wall and enclaves, colonization, and apartheid. It must be recalled that subduing the enemy is the logic of war: a logic at odds with searching for a just peace.

Sharon's vision of a peace process, more correctly termed conquest, is currently manifested through

“disengaging from the Palestinians”. The process of disengagement betrays the benign sentiment of its term and encompasses tactics which are forcibly imposed and violate the rights of the Palestinian people. Sharon’s “unilateral peace” is a term as oxymoronic as its plan is clear: first, finish the construction of the Wall and its associated regime, including the annexation of land and expansion of colonies; second, declare the Wall the *de facto* border between Israel and the occupied Palestinian territory; third, declare an end to the occupation of the West Bank; fourth, declare a Palestinian state. But what will disengagement bring for the Palestinian people?

Challenging reality

In challenging reality, boycott, divestment and sanctions (BDS) are becoming increasingly relevant and powerful tactics. Israel’s Wall and associated regime, including the newly opened terminals, are symbols of Israel’s arrogance and defiance of international law and serve as visible and well-known features of Israeli policies. In using these symbolic and tangible features of Israeli policy, Palestinian and international civil society can bring attention to the fundamental causes of the conflict, namely the Zionist ideology which nurtures racist and discriminatory policies.

Palestinian organizations and networks, international and Jewish-Israeli civil society have launched BDS initiatives intended to isolate Israel until it abides with international law, including the right of return of Palestinian refugees. A summary of the 2005 highlights of the global BDS campaign is included in this issue of al-Majdal.

Seeking justice

In addition to BDS initiatives, lawyers around the world are working in national and international courts to bring justice to Palestinian victims of international human rights and humanitarian law violations perpetrated by Israeli occupying forces or companies. The evolution of principles of international law and jurisdiction have the potential to provide a forum to resolve conflicts.

In December alone, two cases were brought by the Center for Constitutional Rights in the United States for war crimes and crimes against humanity and one trial was held in the United Kingdom (23-31 January) on the illegal activities of Carmel Agrexco in the occupied Palestinian territories. A summary of these cases is included in the general articles section.

Hamas Election Victory – a Call for Good Governance and Respect of Palestinian Rights

Supplement by BADIL Staff



Woman voting in the National Palestinian Election, 25 January 2006. © Anne Paq.

Hamas is now challenged with finding ways to respond to the legacy and the multi-faceted public expectations of its victory and new leadership role. The Palestinian vote has correctly been described as a political earthquake or tsunami that poses deep challenges to the Palestinian body politic, including the secular forces of the Palestinian left. The ball, however, is in the court of the international community – diplomats, governments, and civil society - who will have to show whether they are able and willing to hear and engage based on the message of Palestinian voters in the occupied Palestinian territories (OPT).

The 25 January elections to the Palestinian Legislative Council (PLC) were conducted democratically and peacefully with a voter turnout of almost 78%. This is a remarkable success, especially because of the inherent contradiction between democratic election and military occupation and colonization: Israeli military checkpoints in occupied eastern Jerusalem blocked free access to ballot stations in the outskirts of the city, while voters in town had to go through a cumbersome procedure of casting their votes in Israeli post offices surrounded by Israel security and border police. Therefore, voter turnout in Jerusalem was low (41%). Some two-thirds (6 million) of the Palestinian people live in exile and their right to participation is denied under the terms of the Oslo Accords. Palestinians did not elect their representatives to a parliament and government of an independent and sovereign state, but to a Palestinian Authority with very limited powers over small parts of the OPT.

Palestinians in the OPT chose their representatives in the 132-seat parliament by casting two separate

votes, one for a country-wide party list (66 seats) and one for individual candidates running on the district level (66 seats).

Although a strong showing of Hamas in these elections was expected, the sweeping victory came as a surprise to all. In common times, Hamas enjoys the stable support of some one-third of the Palestinian population in the OPT, and nobody – neither Palestinian voters, pollsters, local and international analysts, nor Israeli intelligence or even Hamas itself - had expected that its country-wide list, 'Reform and Change', and individual Hamas candidates combined would take 75 of the 132 seats in the new Palestinian parliament. Fatah was left with 44 seats, Palestinian secular and democratic forces who had formed four separate lists achieved a combined result of 9 seats, and 4 seats went to independent candidates, most of them also supported by Hamas.

What made Palestinians opt for Hamas in the second PLC elections? The answer has both an internal and an external component. A major internal factor is a general public fatigue and disgust of the Fatah-led Palestinian political leadership which – as the Palestinian Authority – has ruled Palestinian political life since the 1993 Oslo Accords. The vote for Hamas is a vote for change, for ending a situation where lack of good governance and commitment to serving the public, in-fighting, corruption and arrogance of the rulers have resulted in an ever-deteriorating situation. And Hamas has a proven record, as elected head of municipalities and local councils, of being a more credible, impartial and committed civil servant than the old guard of notable and Fatah-affiliated communal leadership.

Moreover, the Palestinian vote for Hamas is a vote against the Fatah-led Palestinian Authority whose commitment to fundamental rights and principles of the Palestinian national struggle is widely doubted. The Palestinian Authority has become both a prisoner and indispensable partner in endless diplomacy whose purpose is to cover up the fact that nothing is done to bring about a just and lasting peace, and it has failed to take action against those from its own ranks, who publically undermine the national consensus and struggle for freedom from occupation, the right of return of the refugees and self-determination. None of the Fatah candidates known for corruption or involvement in the Geneva Initiative, for example, were elected on the district level due to their personal record, while 45 of the 66 seats went to locally respected individuals affiliated with Hamas. Palestinians voted for an end to this status-quo and for a new leadership that will lead the Palestinian struggle with determination and clarity.

Finally, the Palestinian vote for Hamas is a message to Israel and the international community. It is a vote against external efforts to set the rules for Palestinian democracy, a signal of protest against the massive interference in the election process by western governments and the European Union, who repeatedly threatened to withhold economic aid and political support should Hamas join the Palestinian Authority. It is a message to the international community, in particular the 'Quartet,' that Palestinians are no longer willing to accept the approach to peacemaking which holds that Palestinian 'reform', rather than ending Israel's occupation and colonization, is the way to resolve the conflict. It is a call for ending Israel's impunity and for respect and enforcement of Palestinian rights under international law.

Ariel Sharon and Us

by Karma Nabulsi ⁽¹⁾



Al-Awda Annual Rally 2004. © Al-Awda North America.

Everybody knows Sharon had a dark past. For us Palestinians, for me as a Palestinian, he is our dark present. The entire destruction of the fabric of our civic and political society over the last five years had the looming presence of Sharon at its black heart. That single moment when Ariel Sharon went to *Haram al Sharif* to light the chaotic atavistic fuse of his return to political power, the moment which sparked our revolt against everything that he represented, which began to generate his rise to power, that single moment was the essence of his *persona*, the uniquely ruthless relentless dynamic of his role as conqueror. It was the single fact that mobilized me to work again in the political realm – with the

return of this man, we were lost, again. One could not let his return be witnessed without an active daily resistance to it and to the fate he had in store for us.

Having lived in Beirut with my family and friends, and having worked, and fought, and unexpectedly stayed alive throughout the Israeli invasion that he engineered, in the spring and summer of 1982, there was no doubt what he had in store for us when he began his final climb back to power. And just so: in the spring of 2001 he replayed his dark arts across the West Bank and Gaza, a mad echo of his practices of twenty years before in Lebanon: the assassination and destruction of the fighters, the local defence committees, the refugee camps, the women and children and young men dead, our buildings demolished, our institutional infrastructure, our records, our art, broken, gone. And, of course, our leadership, encircled and besieged. If he destroyed our leader, he believed he would destroy our collective aspirations for freedom, and for an independent Palestine. His epic vision of our destiny was quite simply one of apocalyptic proportions: he was no politician, nor elder statesmen. To us, he was the classic military conqueror and adventurer. We never found him “controversial”, nor his motives opaque. He never left us guessing. His practices, his aims, his intentions were made clear through his policies. Every Palestinian man woman and child witnessed, lived, or died under that vision, and they each understood it well.

But during the 2001 war Sharon launched against our people in the second *intifada*, the generation of 1982 that I was part of were more scattered, further flung to the four continents, farther away from being able to do anything to help, even more powerless than before. So to those of us who had fought in those earlier battles and were still living, his return did something more cruel than simply bring back haunting reminders of those days, and how many friends had died. It changed the look of what we did, our luck, our motives, of how we had failed to stop him when younger. Sharon shapes everything for us: young, or old, in exile, or at home in an Israeli prison under occupation. He is emblematic of our condition; worse than emblematic, it is his very fist we feel. To this day I cannot watch him on television, but must avert my eyes at the immense presence of this avatar – there is no one else that evokes this terrible reaction. I know it is shared by Palestinians everywhere, especially the survivors of the Sabra and Shatila massacres, for which, let us not forget, he was culpable, according even to an Israeli tribunal, the Kahan Commission. They recommended that he never be allowed to return to public office.

To us, to me, his mission had always been thus: to kill our resistance, our organizations, our solidarity, our institutions, and above all our national liberation movement. He did not want us to have a national framework, his desire was to reduce us to small quarrelling groups and factions trapped under his prison rule, disorganized, disintegrated, or co-opted; he planned actively and provocatively (and carefully) to create such an impoverishment of our people's public and private life. This he did through the iron tools of military rule: assassination, imprisonment, violent military invasion. His fate for us was a Hobbesian vision of an anarchic society: truncated, violent, powerless, destroyed, cowed, ruled by disparate militias, gangs, religious ideologues and extremists, broken up into ethnic and religious tribalism, and co-opted collaborationists. Look to the Iraq of today: that is what he had in store for us, and he has nearly achieved it.

His great skill was breaking ceasefires. Whenever he felt cornered to make a political concession towards peace, he sought to provoke an inevitable response, which could then be used to advance his military aims, and free his hands to expand settlements, expropriate land in East Jerusalem and the West Bank. He never cared for Gaza, it was a military asset. Indeed, he won internationally uncontested control of the West Bank (which was always his goal), by withdrawing from Gaza. An empty gesture anyway: in practice it is still owned and run by Israel, but now turned into a tragedy of heartbreaking proportions, a destroyed place, corrupted beyond description by the devastation of Israel's terrible role there since 1967.

We Palestinians saw how well he understood the West, how far he could push it – he had an almost magical ability to measure how craven the response could be to his violations of common decency and international law, how much he could get away with. He would test, and test the limits of his actions: would he get a red light? Would the Americans stop him? I watched him at this, day after day during the invasion of Lebanon in 1982, from besieged Beirut, which was in flames. Every time he would break the ceasefire, break his words to the Americans. We could see his handling of the West because we, on the other side of this equation, were waiting, hearts in mouths, for international protection, intervention, help of any kind not to be left at his mercy. We understood him well, could read him like a book. How many times in these last years did he break the ceasefire in Gaza through a provocative assassination, an aerial assault, a military raid killing dozens of civilians in order to provoke Hamas to attack Israel? His pattern was set in stone, a stone around our necks.

He began his military career, if career one can call it, in the notorious Unit 101 during the 1950s, murdering and massacring Palestinian refugees in Jordan that were trying to quietly return back to their homes, from where they had been violently expelled in 1947 and 1948. He held to this path, he never swerved. But he will forever be remembered by me, by all of us, as the man who was responsible for the massacres of thousands of civilians in the refugee camps of Sabra and Shatila in Beirut in September of 1982. Two summers ago, I went back to Shatila Camp where I had lived and worked for so many years, the first time since 1982, and I have returned many times in the last two and a half years. Twenty three years ago we had been evacuated from the city, with the rest of the PLO, at the end of the siege of Beirut, and only two weeks before the massacres. But we only agreed to leave with international guarantees in place that the civilian refugee camps would be protected from the fascist Lebanese militias. Instead Sharon broke the US brokered deal, invaded Beirut (which he could not take while we were there), surrounded the refugee camps, prevented anyone from leaving, and had his armed forces light up the night sky with flares, while the Lebanese militia did their work with knives and axes and guns, day after day. He let busloads of them in, no Palestinians allowed out. In Sweden, in Denmark, in the cities of Malmo, and Copenhagen, Uppsala and Stockholm, now live thousands of Palestinian refugees from Lebanon, many of whom are from Shatila or Sabra, the survivors of that massacre. I have talked a lot with these old friends about those days. What it meant to have left under orders, what it meant to have been trapped behind. For those that had to stay behind when the fighters left, you see, already understood Sharon well.

Dr. Karma Nabulsi was a PLO representative in Beirut, Tunis and London, as well as at the UN, between 1978 and 1990, and an advisory member of the Palestinian delegation to the peace talks between 1991 – 1993. She currently teaches at Oxford University.

Endnotes

(1) An edited version of this article appeared in the Guardian on 6 January, 2006.

Between the One-State and Two-State Solution

Articles in this section were selected from a series of contributions initially prepared for and published in BADIL's Arabic language magazine Haq al-Awda (October 2005).

The Cantons-State and the Liquidation of the Refugee Issue

by Hani Al Masri

When I thought about how to write to your magazine entitled "The one-state and the two-state solution and the rights of the Palestinian refugees", I realized that this topic would not be complete unless the option of the cantons-state was tackled. This because the intended Palestinian state is a partial one, with temporary borders and on less than 50% of the land occupied in 1967.



The Wall in a family's backyard, Abu Dis, 2004. © Anne Paq.

I have reached the conclusion that the Palestinian state in formation is in fact a cantons-state characterized by geographical discontinuity, a lack of sovereignty, the exclusion of Jerusalem and large swaths of land occupied by Jewish settlement clusters, and the liquidation of the refugee issue. Unless things change, it will not be long before this cantons-state is realized, similar to the way in which Israel implemented its withdrawal from the Gaza Strip. We should not deceive ourselves, but rather acknowledge that Israel has managed to achieve very important steps towards making this cantons-state the most realistic option. When Israel completes its settlement projects, judaization and isolation of Jerusalem, and construction of the racist Separation Wall, the cantons-state option will be difficult, if not impossible, to overcome.

The option of one-state has become very remote, now more than ever, simply because it is outside the

Israeli consensus. It is further away from Israeli consensus than the two-state solution, especially since Israel has taken the decision that the establishment of some Palestinian territorial entity, which they will term a state, is in its best interest. Such an entity will be a state only in name, but its establishment will enable Israel to claim that 'the occupation has ended', thereby exempting it from all obligations while preserving benefits and privileges. This solution will also defuse the threat of the so-called 'demographic bomb' by removing the hazard of a one-state solution, which would lead either to a binational state and end the Jewish character of Israel, or to an apartheid state. Apartheid would turn Israel into an isolated pariah state, and would weaken it and invite struggle against it.

The need for a Palestinian state has become international consensus; it has been affirmed by UN General Assembly and Security Council resolutions, and it has become part of the vision of President Bush and the international community's Road Map. Israel realized, especially under Sharon, that it is not helpful to go against such consensus, and decided to accept this principle in theory while emptying it of its meaning in practice. The Palestinian-Israeli conflict is no longer about whether a Palestinian state should be established, but about what this state will be: its area, its capital, the type of sovereignty and the extent of control over the land, population, borders, crossing points, water and airspace.

In this context, and based on the consensus about the two-state solution, Israel holds that such a solution will never materialize unless the right of return of Palestinian refugees is restricted to the area of the future Palestinian state. This state should guarantee every Palestinian the right to acquire its citizenship and to live and work in it, irrespective of whatever permanent solution to the refugee question may eventually be found and implemented.

Palestinian refugees constitute the majority of the Palestinian people living outside their homeland, Palestine, and some 40 percent of the population of the Gaza Strip and the West Bank are refugees. This means that a Palestinian state will have huge problems absorbing the large numbers of returnees, besides taking care of those already present in the West bank and Gaza Strip. Receiving refugees demands a significant absorption capacity, financial resources and land. Given the limited resources of a future Palestinian state, it will most likely be unable to develop and reach a stable situation, which in turn, may lead its inhabitants to consider emigration, in order to seek work and stability for their families.

I believe that the argument can be made that one of Israel's most important motivations in imposing a cantons-state is the fact that such state would be unable to absorb a significant number of the refugees currently inside or outside of the homeland. The last thing Israel wants is "the return of refugees," even if this return was to a Palestinian state. Israel may agree to their return to a Palestinian state, but will do everything possible to make return undesirable or even impossible. Israel wants the least number of Palestinians between the river Jordan and the Mediterranean, because Israel's primary concern is how to constrain Palestinian demographic growth in the region in order to permit further expansion on the land and absorption of more Jewish immigrants.

Based on the above, we have to conclude that what Israel is implementing, with the support of the United States and the helplessness of Arab states, does not represent an effort to find a fair and just solution to the conflict, but instead an educated and strategic plan to liquidate every aspect of the Palestinian cause. Many Israelis, including Sharon, know it is impossible to reach a just solution now, nor anytime soon, because the maximum they are willing to offer to the Palestinians is less than the minimum acceptable even to moderate Palestinians. This is the situation that gave rise to the Israeli idea of a 'multi-stage' and 'long-term interim solution and to its disengagement from the Gaza Strip. The so-called war on terror, a temporary Palestinian state, or an Israeli unilateral solution, imposed in steps according to Israel's

Unviable Palestinian State

"In recent times politicians of all persuasions have given support to a two-State solution, with the States of Israel and Palestine living side by side in peace and security. This vision is unattainable without a viable Palestinian territory. The construction of the wall, the expansion of settlements, the de-Palestinization of Jerusalem and the gradual incorporation of the Jordan Valley are incompatible with the two-State solution."

Excerpt from the Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967, UN Doc. E/CN.4/2006/29, 17 January 2006, para. 39.

Under-Development and De-Palestinization of the Jordan Valley

United Nations Office for the Coordination of Humanitarian Affairs' Humanitarian Update for October 2005 focused on the latest iteration of strategies enacted by Israel to de-Palestinize the Jordan Valley. The strategy to prepare this particularly agriculturally rich portion of the West Bank in-line with Israel's project to maximize land confiscation and minimize inclusion of the number of Palestinians is not new. In an interview to Israeli channel 2 television on Tuesday, 7 February 2006, Ehud Olmert, acting Prime Minister, said "It is impossible to give up control over Israel's eastern border". A current map of the region is familiar and represents a predictable evolution of 1967's Allon Plan and its project of building 21 strategically placed colonies along the eastern West Bank.

Since May 2005, a series of new permits have tightened access for Palestinians and their goods to get in and out. The new permit restrictions require Palestinian workers and non-resident landowners to obtain permits to enter the valley and under no circumstances do these permits allow for overnight stays, which force Palestinian workers and farmers to travel through checkpoints and other physical obstacles daily. This, combined with the highly perishable nature of the goods, further undermines the agrarian economy.

Many of the Palestinian farmers in the Jordan Valley rely on grazing of their herds, including the semi-nomadic Bedouin Palestinians who live in the area, but cannot freely access water or grazing resources because of strategically demarcated closed military zones, military bases, colonies and closed-conservation areas. This forces Palestinian farmers to sell their herds which represent a serious loss of income, a loss which is compounded by difficulties in marketing other goods. These Israel-defined areas are also strategically located to prohibit Palestinian communities' natural growth. All of these areas are open and accessible to Jewish settlers.

Additional permit restrictions prevent Palestinian residents of the Jordan Valley from maintaining residence in the Valley. Only Palestinians whose ID denotes a northern Jordan Valley address are permitted residence in the Jordan Valley. Road 90, the main highway running through the Jordan Valley, is one of many Jewish-only roads in the West Bank and is off-limits even to those Palestinians that are permitted to reside in the Valley or receive permits to enter the Jordan Valley to work or farm their land.

For more information, consult the Report from the Applied Research Institute of Jerusalem (ARIJ) and the Humanitarian Update on the Jordan Valley from the Office for the Coordination of Humanitarian Affairs (OCHA), available at:
[http://www.arj.org/paleye/Segregation-Wall/3.The Israeli plan.pdf](http://www.arj.org/paleye/Segregation-Wall/3.The%20Israeli%20plan.pdf)
http://www.humanitarianinfo.org/opt/docs/UN/OCHA/ochaHU1005_En.pdf

needs, represent additional components of the same idea. Not all Israelis agree on giving limited concessions in exchange for implementation of the Israeli solution to the Palestinian refugee question. Some Israelis opposed the redeployment from the Gaza Strip and the evacuation of the settlements there. This group of Israelis will also oppose the removal of so-called 'illegal outposts' and isolated Jewish settlements in the West Bank. They believe that Israel enjoys a comfortable position and that because Palestinians do not comprehend anything but the language of force, wars and atrocities no mutual agreement should be sought.

Sharon and his supporters do know the limitations of the Israeli ability and are ready to make limited concessions to achieve security for Israel, as well as a greater economic and political role, not only in Palestine, but in the whole region. In return for Gaza, they want more than half of the West Bank including Jerusalem. They intend to drop all the final status issues, block the development of a fully sovereign Palestinian state, prevent a one-state option, and divert international and Arab initiatives that might be imposed upon Israel if it does not take the initiative.

What is on the agenda then is not the return of the refugees to the West Bank and Gaza Strip, as some advocates of the future Palestinian state wishfully think or advertise. In fact, the long-term agenda on the table is to resettle Palestinian refugees in their countries of exile. Just like a person handed a check which cannot be cashed, Palestinian refugees are to be granted recognition of their right to return to a Palestinian cantons-state, but exercise of this right is to be denied in practice. Currently, there is no debate or search for durable solutions and instead of enforcing the solution for the Palestinian refugee question based upon international law, Israel is effectively given the right to veto.

Palestinians, Arabs and internationals must join forces to prevent an imposed Israeli solution. Internal Palestinian debate about the preferred solution is meaningless until this is accomplished, because while we argue whether return means return for all, half, or a part of the refugees to Israel, or to a future Palestinian state, the Palestinian refugee issue, the core of the Palestinian cause, is actually being liquidated. Are we aware of what is being planned for us, can we meet the challenge? Or are we going to drown in details and minor points of disagreement?

Hani Al Masri is a Palestinian journalist and a permanent columnist in the Al Ayyam newspaper, Ramallah, and the daily Al Haya published in London. He is the General Director of the Department of Publication and Media Organizations Affairs at the Palestinian Ministry of Information. Before his return to Palestine in 1994, Mr. Masri was the chief editor of Nida' Al Watan magazine.

Problems with the Two-State Solution and the Dream of One Democratic State

By Nassar Ibrahim



View of Shu'fat camp and Pisgat Ze'ev colony in eastern Jerusalem, 2005. © Anne Paq.

Palestinian refugees and the right of return has symbolized, on both political and historical levels, the essence of the Palestinian cause. Palestinian refugees stand as the symbol of the tragedy of the Palestinian people. They pose political, human and moral challenges, making them the nerve of the Palestinian-Israeli conflict. Therefore, the position on the right of return has become the litmus test against which the fairness, credibility and seriousness of individuals, organizations and proposed political solutions are examined.

Discussion on the refugee question exceeds moral and emotional dimensions because the issue is inherently political. Zionist ideology, which guides Israel's political thinking and practice, including the occupation, considers the right of return as a 'red line' and a threat to the entire Zionist project. For this reason, Israel, aiming to evade political and historical responsibility, has persistently worked to remove the question of refugees from the circle of discussion, or at least to reduce it to a humanitarian issue whose solution would require no more than granting family reunification to a limited number of Palestinian refugees.

Within this logic, Israel is continuously pushing for political solutions which are based on the current reality and isolate issues from their historical, political and legal context. Israel's methodology is neither spontaneous nor incidental. It represents a well-informed and calculated strategy aimed at defining both the parameters of the conflict and its solution, i.e., all issues related to the conflict prior to the 1967 War are deemed irrelevant and excluded from the negotiation table. Israel's determination to first sideline

international law in the political negotiations and then place all core issues of the conflict on the agenda of so-called permanent status negotiations should be understood in this context.

In practice, this means that negotiations and proposed solutions have remained restricted to the post-1967 period and have given rise to the proposal of a Palestinian state in part of the West Bank and Gaza Strip as the best case scenario. In this context, any negotiated agreement is determined by the Israeli logic,

Political Appeasement versus International Law

“On the one hand, the Commission [on Human Rights], the General Assembly and [International Court of Justice] ICJ are concerned about the violation of human rights and international humanitarian law in the territory, as manifested in numerous resolutions and in the 2004 advisory opinion of ICJ. On the other hand, the Security Council and the United Nations as a participant in the Quartet are engaged in a strategy of political appeasement, in which respect for human rights, international humanitarian law and the rule of law have less importance.”

“The Security Council has yet to approve the International Court’s advisory opinion and studiously avoids any reference to it. The Quartet, comprising the United Nations, the European Union, the Russian Federation and the United States of America, to which primary responsibility for dealing with the Palestinian issue has been delegated, likewise studiously avoids any reference to the advisory opinion and, while making reference to the consequences of the wall, settlements and restrictions on movement, carefully refrains from recognizing the serious violations of human rights to which Palestinians are subjected or to the de-Palestinization of Jerusalem. The main explanation for the anodyne declarations made by the Security Council and the Quartet is to be found in the refusal of the United States to accept the advisory opinion of ICJ or to acknowledge the full suffering of the Palestinian people. Another explanation is to be found in the continued adherence of the Security Council and the Quartet to the road map. The road map is a “performance-based and goal-driven road map” drawn up in 2003. Today it is hopelessly out of date.”

Excerpt taken from the Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967, UN Doc. E/CN.4/2006/29, 17 January 2006, para. 54.

an unequal balance of power and control over the negotiation process by the U.S. American-Israeli alliance. And these are the factors which have driven all recent efforts at ending the Israeli-Palestinian conflict; from the Oslo Accords via the initiatives of Mitchell, Tennenet and Zini to the Road Map and the Geneva Initiative, into a circle of crises and a situation where peacemaking has become blocked by so-called concerns about Israel’s security. An objective evaluation of all these initiatives, including the terms of their starting point, references and objectives, reveals they were born carrying the seeds of their failures.

Indeed, these political initiatives began from a distorted starting point. They speak about peace and permanent solutions but provide for a process in which Israel is allowed to dictate the framework and to translate its military achievements into political gains or so-called new political and demographic ‘facts on the ground’. All recent political projects have sidelined the core issues of the conflict, namely, the national rights of the Palestinian people, and foremost the right of return of millions of Palestinian refugees to their homes from which they were uprooted by force of arms and organized terror. It is natural, then, that such peace initiatives are turned into instruments that erase the basis of the Palestinian national struggle and ratify the Israeli vision.

Based on the above, the problem – or even the trap – posed for Palestinians by the two-state solution becomes clear. One could talk with confidence about a strategic and historical change towards solving the conflict if the envisaged two-state solution was based on clear terms of reference such as UN resolutions, including UNGA resolution 194 calling for the return of the Palestinian refugees, and the resolutions calling for the withdrawal of Israel to the borders of 4 July 1967 and the removal of its settlements from the West Bank and Jerusalem. However, U.S. American-Israeli logic, European collusion, Palestinian passiveness and Arab helplessness undermine such a two-state solution.

Thus, in practice, Israeli policies have taken the opposite course because the state Bush and Sharon have envisaged is a trap which erases Palestinians’ inalienable rights. The state’s borders are now being defined by the construction of the Separation

Wall and more land is being taken in the process. The official Israeli position contends it is impossible to dismantle the major settlement blocks, which they claim must be annexed to Israel. Annexation of additional land and strategic water basins, fragmentation of the geographic continuity of the West Bank and Gaza Strip, and further changes to Jerusalem’s geography and demography are the result and these results help create a reality that exclusively serve Israel’s interests.

The right of return remains taboo, because, from the Israeli point of view, it implies the destruction of the Zionist Jewish state. The U.S. administration has adopted the same position. Palestinians are thus facing a policy aimed at ending the conflict based on the recognition of a portion of the accomplished colonial-Zionist project. Resolution of the conflict in these terms rewards the occupation, defeats the Palestinian struggle and allows 'facts on the ground' to define the permanent solution.

These are the features of the current political scene. Future political initiatives are expected to follow the same pattern. Although nominal adjustments may be made, Israel's matrix of control and domination is likely to remain unchallenged. Considering the history and political experience with peacemaking since the 1990s, the main question remains, what is the alternative? Moreover, how are we going to address present challenges and achieve our strategic goals?

In confronting present challenges, we must find ways to address the conflict and the national struggle. We should not surrender to the current reality, because this reality is highly complex and contains contradictions that require more than mere political dialogue over models for Israeli-Palestinian conflict resolution. Confronting the inadequate Israeli-United States model of a Palestinian state is vital. Solutions should be based on international law and combined with struggle, resistance and the rejection of Israeli conditions.

With resistance we can preserve dynamic action: the initiative and ability to move from a defensive and reactionary position to a more pro-active position. It is important to confront the American-Israeli project, because it lacks the basic conditions and legitimacy required for political success. More importantly, it lacks basic standards of ethics, legality and humanism. Only adherence to the inalienable rights of the Palestinian people, particularly the right of return, can ensure national unity and victory.

As Palestinians continue to struggle for their immediate objective, ending the Israeli occupation of the territories occupied in 1967, it is necessary to elevate the debate and the struggle to a strategic level, especially in relation to the right of return. Debate and struggle must, moreover, confront the Zionist character of the state of Israel and its colonial role in the region, both of which are part of the imperial project in the Middle East. The major questions and profound difficulties that have marked the Arab-Zionist or Palestinian-Israeli conflict since its beginning can only be answered or solved by means of a democratic, humanistic, progressive and comprehensive project that stands as the antithesis of the Zionist project.

Within this context, the vision of a democratic one-state in historic Palestine can be seen as a great step in human and political evolution towards a solution that relies on a consideration of the historical roots and facts of the conflict. The one-state solution should provide answers to the complex questions in a historical, political and human sense. The democratic one-state solution is becoming a beautiful dream that goes beyond present maneuvers; it goes beyond racist policies and chauvinistic culture and thought.

The one-state solution makes it possible to move towards a just and reasonable solution for Palestinian refugees based on their right to return to their homes and places of origin. It also allows us to address the needs of Israelis

"Words cannot convey the hardships to which Palestinians are subjected in the interests of the Judaization of Jerusalem."

"Israel has embarked upon major changes to the character of Jerusalem. In essence, these changes are designed to reduce the number of Palestinians in the city and to increase the Jewish population of the city, thereby undermining Palestinian claims to East Jerusalem as the capital of an independent Palestinian State. That this is the purpose of the wall in Jerusalem was acknowledged by the Israeli Minister for Jerusalem Affairs, Mr. Haim Ramon, on 10 July 2005 when he stated that the route of the wall would make Jerusalem "more Jewish". He added "The Government is bringing security to the city and will also make Jerusalem the capital of a Jewish and democratic State of Israel."

"[T]he Palestinian population of East Jerusalem, presently numbering some 230,000, is to be reduced by a number of stratagems. First, by house demolitions. There was a sharp increase in house demolitions in 2004, when 152 homes were destroyed in East Jerusalem. Plans to destroy 88 homes in the Silwan district are presently on hold. Secondly, this population is to be reduced by routing the wall to the west of neighbourhoods previously part of East Jerusalem. Thus areas such as the Shu'afat camp, with a population of some 55,000, and West Anata are excluded from the East Jerusalem municipality and transferred to the West Bank. Thirdly, this will be done by transferring neighbourhoods previously integrated into East Jerusalem into the West Bank by means of the wall. Neighbourhoods such as Abu Dis, Anata and Al-Eizariya fall into this category."

Excerpts taken from the Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967, UN Doc. E/CN.4/2006/29, 17 January 2006, paras. 31, 33, 34

Restitution bill for Israeli assets of Jews killed in the Holocaust

The Knesset passed the Holocaust restitution bill on 21 December 2005 in an attempt to provide restitution to victims of the Holocaust. The Israeli government will set up a company to collect the money of Holocaust victims in Israeli banks and redistribute it to their heirs or to Holocaust charities.

Millions of shekels held in Israeli banks were deposited by Jews from Europe in the 1940s and were never collected as most were killed during the Holocaust. The money is still in Israeli bank accounts.

Bank Leumi, Israel's oldest bank, set up in 1903, is believed to hold around 35m shekels of Holocaust era cash. Some of the money is also being held by the government in the form of government bonds.

(For more information on the restitution of Jewish assets see al-Majdal No. 27, "The Holocaust Industry Doesn't Act Against Israel as it Did Against Switzerland" by Shraga Elam)

to live on this land on the basis of equality, as normal citizens, and to address the problematic relationship between Israel and the surrounding Arab states. Within this context, the nature of the state would be defined as democratic and for all its citizens. In addition, the one-state solution allows for the elimination of accumulated hatred, bloodshed and injustice and puts the Middle East in a new historical era of peace, freedom and development, away from policies of control and domination.

A solution based upon coexistence and integration in the area, responds politically, and in a profound human way, to the Jewish question as much as it responds to the rights of the Palestinian people. Coexistence was not one of the options offered by the imperial powers to the Jewish question in Europe; therefore they exported the question to the Middle East.

The thoughts presented in this article are preliminary and aim to encourage dialogue and discussion. There are additional dimensions to this debate that cannot be tackled in this paper. For instance, what are the practical implications of this vision? What would be the role of the Palestinian national movement? How would Israeli society react? Can a comprehensive process of interaction between the two communities be launched? What role would the international and

Arab communities play? Despite leaving many questions unanswered, it is my hope that this article can serve as a catalyst to stimulate minds and enable them to analyze new developments with clarity. It is important to see ideas within their long-term historical, social, and political context.

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Palestinians inside Israel hold second "Right of Return and Just Peace" conference in Nazareth

Palestinians inside Israel held the Second "Right of Return and just peace" conference in Nazareth between 16-18 December 2005, organized by ADRID, the Association for the Defense of the Rights of the Internally Displaced persons inside Israel, member of the Global Palestine Right of Return Coalition; the Emile Touma Institute for Palestinian and Israeli Studies; Zochrot Association, in cooperation with Ittijah. The conference aimed to defend the right of all Palestinian refugees and Internally displaced persons to return to their villages and towns of origin.

The conference started with an opening session Friday night that included speeches of the organizers, and Shawqi Khatib, the head of the follow up committee of the Arab Palestinians inside Israel and Ramez Jaraysi, Mayor of Nazareth. Palestinian singer Reem Bana sang songs for Palestine and the return.

During the second day, the conference included three sessions. The first was about the historic responsibility of Israel for al-Nakba. Four speakers spoke in this session included Dr. Ilan Pappé, Dr. Mari Totari, Dr. Mahmoud Yazbak (University of Haifa) and Prof. Nadim Rouhana (Mada Research Institute). The second session dealt with the experience of the Palestinian organizations that deal with the right of return, including speeches from Mohamed Kayal (ADRID), Amir Makoul (Ittijah), Nihad Boqai' (Badil Resource Center), and Suleiman Fhmawi (Al-Aqsa Association). The third session was about the future perspectives and mechanisms on defending the right of return and included speeches by Eitan Bonstein (Zochrot), Wakim Wakim (ADRID), Dr. Salman Abu Sitta (Palestine Land Association), Salman Natour (Emile Touma Institute) and Dr. Mahmoud Issa (European Confederation for the Right of Return).

During the last day, participants of the conference visited sites of Palestinian villages in the north. In the final statements of the conference the organizers called on Palestinians not to give up the right of return and called on the international community to recognize the ethnic cleansing that took place in the 1948 Nakba. The organizers announced that they will begin to prepare the third conference of the "Right of Return and the Just Peace".

The Binational State is a Desired Palestinian Project and Demand

By As'ad Ghanem

Some politicians and commentators believe that ongoing talks about a single state shared by Israelis and Palestinians is senseless, especially after the Israeli withdrawal from the Gaza Strip and the success of the unilateral disengagement plan. Among those are colleagues who supported a one-state solution after the failure of Oslo and prior to the disengagement from Gaza. The reason behind their reluctance is not obvious to me, especially after it has become clear that Israel's Sharon-led Government does not offer solutions to any of the final status issues, neither Jerusalem, settlement, borders, refugees nor the question of sovereignty.



*Rabbies protesting against Zionism at the Al-Awda Annual Rally, 2004.
© Al-Awda North America.*

Sharon has rather offered an incomplete solution, a Palestinian state in the Gaza Strip and in 40 - 50 percent of the West Bank. Israel will maintain control over this disfigured entity and use brutal force in the event Palestinians overstep limits defined by Israel. If we, as Palestinians, believe that what Israel offers at this stage does not fulfill, even in the best case scenario, any of the Palestinian national aspirations, we must develop a solution that challenges Sharon's intentions according to higher human and ethical values than what the Israeli solution offers. Although the facts are as clear and bright as the sun in Palestine's summer sky for the Palestinian leadership, and possibly, for the majority of Palestinians, they continue to buy into a two-state solution. The supporters of the binational state must insist on presenting their vision as a Palestinian alternative to the two-state solution in the inevitable case the latter does not succeed. Not presenting any strategic alternative would be tantamount to encouraging acceptance of Sharon's solution based upon arguments of pragmatism and acceding to international pressure.

The binational solution is possible and desirable if we take the following points into consideration:

First: The binational solution should not be presented as a plan to be implemented immediately. It should be presented as a long-term solution that has to be developed in case the independent, sovereign Palestinian state in the Gaza Strip and West Bank reaches a dead end. Some point out that the binational solution is theoretical and cannot be implemented. If this is true, what then is the solution that can be implemented? We honestly have to answer the following question: Is the establishment of a Palestinian state on the entire West Bank and Gaza Strip still possible? Answering this question is one way to reach the conclusion that a binational state is more realistic than a Palestinian national state. Simply because, on the one hand, the national state in the West Bank and Gaza Strip is only possible if the Palestinians accept an incomplete state on part of the 1967 occupied land. On the other hand, it is clear that the reality of historic Palestine is a binational reality, which has to be developed and translated into a political structure which provides equality for both Israelis and Palestinians.

Second: The supporters of a Palestinian state in the West Bank and Gaza Strip assume that the Palestinians in Israel will continue to live there as citizens and will do so as part of the Israeli establishment. However, the problems of Palestinians in Israel are impossible to solve within the current Israeli system, which excludes them and treats them as enemies. Moreover, it is impossible to solve their problems in a way

Mixed cities ok, but only if Jewish majority

Planning meetings and conferences are being held to ensure that Jews are the majority in all areas and cities of Israel. In 'Akka for instance, a conference on 8 January 2006 was dedicated to find ways to ensure maintenance of a Jewish majority in the city. 'Akka (in Hebrew: Akko, in English: Acre) is a mixed city of 52,000 - 60% Jews and 30% Arabs. Muli Cohen, a council member leading the New Forum for Strengthening the Jewish Community in Acre, said that the city has the right to exist as a mixed city only if it has a permanent Jewish majority. He reportedly stated, "the real solution is to establish appropriate institutions so that the city will be able to receive nationalist ultra-Orthodox families" (Jack Khoury, "Conference to be held on achieving Jewish majority in Acre", *Ha'aretz* Online Edition, 8 January 2006. Along similar lines, Deputy Mayor Avraham Attias said that the city needs government support in order to "bring strong people to Acre as fast as we can before time runs out").

Similarly, the 'Tama 35' Plan issued by the Israeli government on 27 November 2005 aims to "set the policy of construction and preserving the open areas in Israel in the coming two decades", and to "reach the goals of a Jewish State that absorbs its new immigrants". According to the Arab Association for Human Rights, this means that Palestinian citizens of the Galilee and the Naqab will suffer because large areas will be confiscated and their residents transferred to larger cities. The plan may also affect Palestinian residents of occupied eastern Jerusalem.

For more information on the 'Tama 35' Plan and Israel's demographic policies in Akka, read Arab Association for Human Rights (HRA), Weekly Review of the Arabic Press in Israel, No. 250 (25 November – 2 December 2005) and No. 255 (30 December – 6 January 2006).

that disconnects them politically and culturally from the rest of the Palestinian people. Therefore, solving the problems of Palestinians in Israel must necessarily involve a change in their status in Israel and among the Palestinians. This is only possible in a binational state, where Palestinians can be in Israel as equal citizens and a part of the Palestinian community. Only then will Palestinian citizens of Israel no longer be considered a weak minority: their sense of belonging to and political connection with the Palestinian community in the West Bank will be strengthened as they provide support and improve people's lives. Within such a political structure, their identity can be complete in terms of both citizenship and national identity.

Third: Supporters of a Palestinian national state in the West Bank and Gaza Strip assume that Palestinian refugees who live in neighboring Arab states will be able to solve their problems in Israel, or may, at a later stage, immigrate to the future Palestinian state. However, this is impossible based on the following considerations:

- Israel has conditioned the establishment of a Palestinian state with Palestinian acceptance that it cannot open the doors to Palestinian refugees due to demographic concerns.
 - The majority of the refugees were displaced from territories which are now located in Israel.
 - Palestinian refugees are still suffering from harsh discriminatory policies in their countries of exile in the Arab world and are looking for a way out of their crisis. Otherwise, how do we explain the migration of a great numbers of refugee youths to western states, especially Europe, in the past few years?
 - Taking the above into consideration, we must search for a political solution to the Palestinian issue that guarantees the refugees, at least theoretically, the possibility to return to their homes of origin. This is only possible through a binational state built on the basis of equality. If Israel has reserved itself the right to recruit millions of immigrant "Jewish refugees" since 1948, it must allow hundreds of thousands of Palestinian refugees to return to their villages in the binational state, or at least to the area of their native village.
- Some opponents of the binational state, who call for a Palestinian state in the West Bank and Gaza Strip, contend that Israel and the majority of Jews will not accept this solution because it means the end of the pure Jewish state. This is absolutely true, but we must raise two different questions:
 - a. Do Israel and the Jewish people agree to a sovereign Palestinian state in the West Bank and Gaza Strip? Did the call for this solution consider the approval of Israel and the Jews? Or is it presented as a solution that Israel might be forced to accept?
 - b. Implementation of solutions to national or ethnic conflicts has never depended on the consent of the majority or the dominant party; solutions were always forced on the dominant national group. This is how it was for all the national liberation movements including the apartheid regime in South Africa. Therefore, the development and implementation of a binational state does not require the approval of Israel at this stage, but Palestinian and Israeli acceptance at the end of the process, which might last for decades.
 - Some opponents of the idea of a binational state claim that it undermines the Palestinian national project. This opposition comes from two different sources; the first involves the supporters of the

state in the West Bank and Gaza Strip, considering it as the Palestinian national project. My answer to those is that the binational state does not destroy the Palestinian national project, but represents an enlarged version that includes the Palestinians in Israel, in addition to the refugees. The binational state should be established on the entire British mandate Palestine, not forgetting that the other national group, the Jews, are entitled to equal status. The second source of opposition comes from those who support a Palestinian secular state and argue that a binational state does not take into consideration the strong feeling of Palestinian national belonging. This is a misconception that must be clarified:

a. The one-state model which undermines the Palestinian national identity and the idea of the national project is the model of the secular democratic state, because the basis of the secular democratic state (one-state) is citizenship and not nationality.

b. Those who promote the idea of a secular state, meaning a Palestinian national state, not the state of the citizens regardless of their nationality or religion, are using the wrong term. They basically do not recognize a Jewish Israeli national group deserving of a national project. This position overlooks the Israeli reality. How can we deny Israelis national unity and the right to express themselves as a national group when we stand before them, jealous of how strong their community is and plead to be granted the same rights? Jewish national expression in the form of an independent Jewish state is rejected by Palestinian Arab loyal to their cause. It should, however, be accepted in a joined and equal binational state.

Calls for the establishment of a binational state must take the following points into consideration:

- Israeli Jews are a national group whose cooperation is necessary in order to establish a binational state.
- The creation of a binational state, regardless of when it happens, recognizes that the future of the Palestinian people is different and separate from the future of the rest of the Arab nation, i.e. it is incompatible with the notion of Arab unity or Arab completeness. Palestinians must accept an identity that fits with the binational state, without disregarding civil and cultural, but not political, interconnections with the Arab world.
- Efforts towards a binational state do not necessarily require the Palestinians in the West Bank and Gaza Strip to request an Israeli identity card, as some might think. It may rather require cooperation between Israel and the Palestinian Authority (or any other Palestinian entity) in different areas of activities, through the formation of joint bodies and committees. These forms of cooperation might evolve into a binational framework towards equal citizenship and partnership at a later stage.
- Palestinians in Israel are required to search for cultural, civil, social, economical and political interconnections with Palestinians who live in the territory of the Palestinian National Authority. Palestinians in the West Bank and Gaza Strip have to encourage that interconnection by intensively participating in functions and bodies of cooperation that might be established under the Palestinian Authority and encouraging their community to do so.

If the binational solution, based on the considerations discussed above, is the proper solution to solve the complex problems of the Palestinian people, we should not present it as a plan we are forced to accept due to the difficulties to establish a Palestinian state in the West Bank and Gaza Strip. We should rather present it as a desirable solution we look forward to and want to implement. The first to raise this demand should be Palestinian intellectuals and politicians, who understand the problematic reality and believe the one-state solution is a favorable plan we must start working on. The Palestinian state in the West Bank and Gaza Strip will not, even in the best case, solve the Palestinian issue in its entirety, but will lead to a solution only for the Palestinians in the West Bank and Gaza Strip. It will necessarily lead to the eternal partition of the Palestinian issue and the Palestinian people themselves, who will then be forced to solve their problems within various political structures.

Action should begin immediately in order to convince people that the binational state is a desirable model for the Palestinian people and the only solution capable of challenging the incomplete statehood offered by Israel. Politically such a plan should be presented as the only one capable of addressing the strategic and political

challenges facing the Palestinian people. It is, therefore, the only plan that can attract the support of the whole Palestinian people as it provides the most realistic and just solution.

Dr. As'ad Ghanem is a political science professor at Haifa University. He has released several publications and research about the Arab – Israeli conflict and the Palestinians in Israel.

Global Palestine Right of Return Coalition held its 6th Annual Meeting

By Badil Staff

Global Palestine Right of Return Coalition held its 6th annual meeting in Vlaardingen, Netherlands between 23-27 November 2005. The meeting was hosted by ICCO (Inter-Church Coordination Committee for Development Projects) and Al Awda - Network of Palestine, Netherlands, a member of the coalition. 26 delegates participated in the 6th annual meeting on behalf of 15 Palestinian organizations from historic Palestine, Arab host countries and Europe.



Meeting of the Right of Return Coalition in Vlaardingen, The Netherlands. © BADIL.

The participants started the meeting agenda with an in-depth evaluation of the coalition developments and activities over the last year. Three reports were presented in this context, the first covering historic Palestine presented by the Popular Committee in the Refugee Camps of the Occupied West Bank. The second covering the Arab host countries presented by Aidoun group-Syria, and the third one covering Europe and North America presented by the European Confederation for the Right of Return. During this session, BADIL Resource Center, Coordinator of the Coalition, announced the new website of the coalition (www.rorcoalition.net), that was released recently and includes all of the coalition reports and press releases.

During the first day, Mohamed Baraka, member of Knesset and head of the Democratic Front for Peace and Equality, participated in the sessions as a guest of the meeting. Baraka presented in a special session an overview about the recent developments on the Israeli political map and the political role of the Arab-Palestinian citizens inside Israel. In his comments on the right of return, Baraka said that the Palestinian people have to keep their right of return despite Israel's total rejection: "the establishment of the independent Palestinian state in the 1967 OPT is necessary, however, it may not come through giving up the right of the Palestinian refugees and internally displaced persons" he claimed.

After that, the Coalition coordinator read a letter sent by prisoner Husam Khader, member of the Palestinian Legislative Council (PLC), and head of the Committee for the Defense of the Palestinian Refugee Rights. Khader thanked the Coalition and its members for their efforts on behalf of the Palestinian Refugees and specifically for their engagement with the right of return.

Rethinking the strategies of the Palestinian national movement, including the preferred option for conflict resolution, was part of the agenda of the 6th Annual Meeting of the Global Palestine Right of Return Coalition. Debate was guided by a paper prepared by BADIL entitled "Palestinian Refugees' Right of Return in the Context of a One-State and a Two-States Framework for the Solution." The paper analyzed for each of the major three sectors of the Palestinian people - Palestinian citizens of Israel, Palestinians in the 1967 OPT, and Palestinian refugees in exile – the implications of a one-state and a two-state strategy from the historical, legal and political perspectives. Pros and cons of each strategy were examined in light of Israel's current policy aimed at imposing on the Palestinian people, unilaterally and in violation of international law, a set of "cantons" instead of permitting the formation of a sovereign Palestinian state in all of the 1967 OPT.

The ensuing discussion showed that Coalition members were basically divided between two approaches. One group advanced the argument that adoption of a one-state approach would help Coalition members build a more coherent and stronger argument for the feasibility, under international law, of the implementation of the refugees' right of return in the Palestinian/Arab and international arena. Others held that it was the Coalition's task to ensure respect for the right of return in both, a two-states and a one-state scenario. The latter also held that there was no need for Coalition members to agree about what is the preferred framework for conflict resolution. Some delegates also argued that establishment of the Palestinian state in the 1967 OPT, in accordance with the program of the Palestinian National Movement, does not contradict the right of return and was a necessary stage in order to ensure that Israel's occupation would end and Palestinian national rights would be respected. Preference among delegates of one or the other approach appeared to be mainly related to their respective political ideologies as some of the most outspoken defenders of the two-state solution represented Palestinian organizations in exile.

Based on the common understanding that the Palestine Right of Return Coalition does not aspire to representation of the Palestinian refugees, but is part and parcel of the Palestinian National Movement, which must remain able to provide answers to strategic questions, delegates agreed to take this debate back to their organizations in Palestine and in exile for further consultation towards a common strategic perspective.

In addition, the Coalition members had a meeting with BADIL's Legal Support Network which held its fourth annual meeting at the same time, in Vlaardingen. The participants in the joint meeting discussed two main topics, the Palestinian campaign for Boycott, Divestment and Sanctions (BDS) Against Israel until it Complies with International Law, and the preparation for the 60th commemoration of the Nakba in 2008.

The 6th annual meeting ended by issuing resolutions on both organizational and political levels, confirming the right of Palestinian refugees to return to their homes, affirming commitment to keep coalition work independent, and committing to add members to the coalition. The coalition also issued its 2006 work plan which will include the publication of an educational book for children on Palestinian refugees, commemorating the Nakba 2006, publishing media brochures, organizing an international-Arab conference in Beirut to support the right of return next May, organizing a summer camp to be held in Palestine next summer with the participation of Palestinian refugee children from the Diaspora and other trips to refugee camps and displaced villages.

Between the One-State and the Two-State Solution Independence is Not a Luxury, it is a Necessity

By Mohammad Baraka



On the roof of a house in Deheishe Refugee Camp, Bethlehem, 2005. © Anne Paq.

At times, the tragic choices to be made in the context of and the political dilemmas posed by the struggle for the freedom and rights of the Palestinian people generate ideas, conferences and initiatives which run against a just peace and block the light at the end of the tunnel. These ideas are based on exaggeration and are advanced by despairing and lazy intellectuals who prefer the comfortable studio and the lights of TV cameras over the hard work required by real political struggle.

I cannot propose the idea of one-state for both peoples, which appears in our political arena every now and then, as an alternative to continuing our struggle for a Palestinian state and the right of return. I consider this idea, in the current context, as an expression of intellectual despair and yearning for comfort. For clarity, however, I would like to emphasize that this judgment does not apply to those who have always argued for a one-state solution. Treatment of their arguments and theses is a complex and different matter which is beyond the scope of this article.

It is important to underline that the slogan of “two-states for two peoples” does not mean that we are about to establish two states, one now and one tomorrow, since one of the two states already exists on a land area that stretches even beyond the borders originally set for it. What is really meant by the slogan calling for two-states is the call for a historical, humanist and national solution to the cause of the Palestinian people. It is a way to end the criminal expulsion of Palestinians from their homeland and the denial of their right to freedom and independence.

Ahmad Qurei (Abu Alaa'), the Palestinian Prime Minister, was mistaken when he threatened Israel (8 December 2004) by stating that Palestinians will demand one-state for both peoples if Israel does not give the Palestinians their rights, i.e. the right to establish their state, and that Palestinians will demand their right to vote for the Knesset or a joint parliament.

Some vocal supporters of peace have joined the calls for one-state as an alternative to the two-state solution. Such calls have, for instance, been published in an interview by Ari Shavit with Haim Hanegbi, a supporter of a one-state solution and a member of the progressive Matzpen organization and active in the peace and labor movements, and Meron Benvenisti, former deputy of the Jerusalem Mayor Teddy Kollek, academic researcher and member of Meretz. (*Ha'aretz*, 5 August 2003).

Who would have objected to the establishment of a single independent democratic state in Palestine after the end of the British mandate? The economically crushed Palestinian Arabs? The economically crushed among the Palestinian Jews? No one consulted these people. There is no doubt that a single state, based on the principals of equality, democracy and social justice, is the dream of any intelligent person who is not racist. "The only way for the Jewish inhabitants of Palestine to lead a peaceful and serene life is to liberate themselves from all the exterior influence and develop a democratic Palestine [one-state]". This is what the Palestinian Communist party suggested in 1944 with the support of all its members. Also the National Liberation League, which included the Arab communists, called in the same year for "ending the British mandate and establishing an independent democratic Palestinian government".

The historic account with the British mandate has not yet been settled. The British mandate over Palestine derived from a decision of the League of Nations, and during its mandate Britain handed over Palestine to the Zionist movement. Furthermore, British colonialism was no less Zionist than the Zionist movement itself. Many political forces have worked hard to undermine the Palestinian democratic project for the benefit of the Zionist movement in the region and the benefit of British, and subsequently, American imperialism. All of them justified their policies with arguments based on the metaphysics of a biblical promise, the European complex of guilt after the Nazi crimes, or their interests in control of the oil market and domination of the Middle East.

The collapse of the Palestinian democratic (one-state) project was necessarily replaced by another project, i.e. the plan to end the British mandate by implementing the principle of self-determination for both peoples in the land. This project is known as "The Partition Plan" and was supported by Arab and Jewish communists in Palestine in order to prevent the imperial Zionist project which later became rooted in Palestine. The slogan of "two-states for two peoples" in its latest form (post-1967) can be credited to the communists, who adhered to the fundamental principle of the Partition Plan of 1947, namely, the right to self-determination of the Palestinian people once Israel had been established.

It is true that the slogan of the two-state solution was rejected by the Palestinian people and even more so by Israel. The idea was subsequently distorted by Israel and its allies to the point that Colin Powell wrote in his response to Abu Ala: "the United States is working for a solution based on two-states" (9 December 2004). President Bush, in his guarantees to Ariel Sharon, further distorted this solution by recognizing Israel's settlement blocks and the racist separation wall. He also talked about the right of return to the disfigured Palestinian entity which is to become the Palestinian state according to the U.S. administration's conception of the two-state solution. And Sharon reached out far, in his speech to the UN General Assembly (15 June 2005), when he spoke of the right of the Palestinian people to establish their independent state, after he had affirmed that "united" Jerusalem will remain the "eternal capital of Israel", and that the "Jewish people have a right to all the land of Israel". He spoke in the language of extreme Zionism about how conceding a cliff and a hill top means to give up part of the living body of the biblical land.

Has the two-state solution actually become a Zionist-Israeli solution? Only the naive and the stupid can think so, irrespective of the fact that regional and international powers pose a challenge and threat and are trying to change the facts on the ground and render impossible our conception of the two-state solution. This is the goal behind the racist separation wall, intensified settlement in the West Bank, isolation of Jerusalem and bisection of the northern and southern West Bank through the colonial project of connecting Jerusalem with Ma'ale

Adumim. The same powers, moreover, are working to circumvent international law by creating new concepts and terms of reference for political consumption. President Bush's vision, the "Road Map", the "temporary Palestinian state without borders", the "War on Terror", the "disengagement plan", Bush's guarantees to Ariel Sharon, and Israel's reservations to the Road Map, for example, represent recent efforts to distort international law and create new references for discussion.

If we combine the above factors, i.e. the changes imposed on the 'reality on the ground' and the lack of respect for international law, with the weakening of the peace camp in Israel, the alternatives proposed by the Israeli political right, the rising level of fundamentalism among Palestinians and Israel's ongoing practice of destroying the legitimate Palestinian leadership, we realize that, indeed, our solution of two-states for two peoples faces significant obstacles. These obstacles have led some to run away from the struggle and raise the slogan of one-state or the binational state. They camouflage their retreat as moving forward, as progress, as a step that will corner the Zionist imperial project, or – in the words of one apologist for the one-state solution – as "a necessary move towards relinquishing the fantasy of sovereignty". Who exactly should relinquish sovereignty?

There is an essential difference between the concept of "one-state" and the concept of a "binational state". I would only point out briefly that one-state means the state of its citizens, while the binational state means power-sharing between two nationalities based on a negotiated mechanism. If achieving "two-states for two peoples" entails ending the occupation of the West Bank, including Jerusalem, and the Gaza Strip and solving the difficult refugee question, what would the one-state solution entail as it requires reaching a more complex and in-depth settlement? I think that reaching a solution based on any one-state option is impossible in the present circumstances, unless we depend on the misguided hypothesis that Zionism will suddenly become morally principled, abandon its essential nature and convert to a civilized and human one. An alternative hypothesis, no less unrealistic and out-dated, maintains that the popular forces of revolution will stream from the wavy ocean across the revolutionary Arab Gulf and bring justice and democracy to Palestine.

It is interesting to note that the supporters of the one-state solution in Israeli society have declared their desperation at the struggle for change in their own society. Therefore, they resort to convincing the Palestinians to adapt to the inescapable, i.e. eternal occupation. According to this logic, the struggle is now about improving the conditions of the occupation and equal civil rights within one-state, rather than about self-determination and sovereignty. This logic is reminiscent of Shimon Peres' old idea to establish a mechanism of "functional division" and Moshe Arens' project in the 1980s aimed at maintaining the occupation of the West Bank and Gaza Strip by "improving the living conditions" there. It is perfectly clear to me that the supporters of a one-state solution, both Palestinians and Israelis, do not propose to cement the occupation by different means. On the contrary, they present the model of South Africa to prove the validity of their vision. However, is the comparison with the South African example valid?

The question of self-determination for two nations was not an issue in South Africa. The majority, the owners of the country, were excluded from power and rose up to take it. In Palestine, however, the original owners of the land in historical Palestine have become a minority. Would power-sharing with the present Israeli regime/occupation regime solve the problem in this case? Moreover, South Africans have resolved the issue of civil rights but economic and class issues have remained and the South African capital is still the hands of the whites. Blacks have the right to vote, but they still lack basic ingredients necessary for a dignified life. We know that stark differences exist in socio-economic conditions between the Jewish community in Israel and the Palestinian community in the occupied territories. Israel has turned these areas into a laboratory for experiments in repression, domination, poverty and unemployment, all the while maintaining a monopoly on political and military power and public relations. Given this extreme power imbalance, the establishment of one civil state does not even require Israel to negotiate or cooperate with the Palestinian people, its national leadership or political forces.

Is it conceivable, based on the facts, that a negotiated one-state solution could result in a political system that rises above class domination and slavery? Is it conceivable that such a one-state would not strip the Palestinian people of national culture and heritage, their right to self-determination and their right of return?

Moreover, the Palestinian people and their national movement are not an economic or military project. Unlike Zionism for the United States and Britain, the Palestinian people do not represent a strategic reserve for a new global order imagined by imperial states. The Palestinian people are a natural phenomenon that exists in complete harmony with history, civilization and geography. They are a case of collective and individual memories that reach beyond defeated nostalgic ideas and they aim to recreate time, space and humanity as an independent entity.

Considering the current model of Arab Palestinian “citizenship” in Israel, could the equal right to vote in a one-state entail genuine power-sharing? There is a disproportionate balance of power between the two national groups in all aspects, including the socio-economic one, rendering the one-state solution no more than utopia. Furthermore, a number of important issues are suspiciously excluded from this debate, such as the refugee question.

One can thus rightly wonder whether the one-state solution can guarantee a solution for Palestinian refugees. In other terms, could a one-state solution produce results that differ from the present context and facilitate a solution for the refugees?

Would the one-state citizenship law provide an answer to the right of return of Palestinians and cancel the Israeli Law of Return which guarantees automatic citizenship to any Jew in the world? Would Israeli society agree to sacrifice the Jewish character of the state and end the primitive debate about Palestinian fertility and demographic concerns? Do those calling for ‘one-state now’ really believe that this slogan is more realistic than Israeli ‘concession’ of the West Bank and Jerusalem?

There is no Israeli partner for the one-state solution and such a partner cannot be expected anytime soon. Therefore advocating for the ‘one-state now’ is actually an invitation to the Palestinian people to give up their demands, their struggle and their right to self-determination without a promised land or a future.

Is it possible that now, following the collapse of the right-wing Zionist project of “redeeming all of the land of Israel” and the silencing of the songs of the Bitar movement (“the banks of the river Jordan ... this one is ours and the other one too...”), that Israeli peace forces will, despite their weakness, engage with some Palestinians to build unity after this fragmentation? Regardless of the motives, the one-state project is being driven by despair caused by the long and tough struggle.

Rough battles and struggle produce weakness and problems that may need short or long-term treatment. We make a serious mistake, however, if we take such weakness and problems as a sign of strength. The idea of the one-state from the river to the sea at this stage of the Israeli-Palestinian conflict, and especially after the creation of Israel, is the idea of those who do not recognize the existence of the other. Israeli peace forces cannot engage in this project which weakens their role. The liberation forces of the Palestinian people cannot promise their people to continue the struggle without having “some sweet grapes to offer to the guard”, the Israeli oppressor.

One-state is the dream of internationalists, a dead-end road with no way out. Unfortunately, massive defeats produce a need for such ideas. It is a democratic and intelligent idea that needs to be completely constructed. The deep and profound principles which underly this dream could be nourished in the framework of understanding between two independent states: an independent free Palestine and an Israel liberated from Zionism. The Palestinian people need healing, a chance to define their identity and economic development so that a free community can emerge after years of occupation, killing, oppression and dispossession. The tool needed for this to happen is an independent state with full sovereignty and unity accomplished by solving the refugee issue. Most nations on earth have enjoyed the taste of the right to self-determination, but not the Palestinian people. No one is entitled to suggest a bypass around it. This is not a luxury, it is a necessity that cannot be replaced by implausible options, whether it is the one-state or binational state.

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“A New Palestinian Political Season?”

by Virginia Tilley



Palestinian harvest, 2002. © Christian Peacemakers Team (CPT).

It is no longer disputed, at least by those close to the ‘facts on the ground’, that Israel’s West Bank settlements have expanded to the point of eliminating the contiguous territory necessary to establishing a viable Palestinian state. On this understanding, even the Bush administration’s ‘road map’ assumes that substantial withdrawal of these settlements is necessary to a viable two-state solution. But the West Bank settlements continue to expand, and the 620-kilometer route of the wall indicates that they will soon sculpt Palestinian territory into enclaves amounting to some 54 percent of the West Bank. Statements given by Ariel Sharon confirming this plan and passive complicity by the Bush administration affirm that the two-state solution must be accepted as dead. The question is no longer *whether* Israel has absorbed the entire territory between the sea and the Jordan River within its *de facto* sovereign authority but rather what *kind* of political situation is going to emerge from that control.

Sharon’s own statements suggest Israel’s own plan: an expanded Jewish state that will hold a Bantustan-like archipelago of Palestinian cantons (eventually declared a ‘state’) tucked within its boundaries. Analysts like economist Sara Roy, report that this plan will only concretize Israel’s continuing control over borders, infrastructure, labour flows, sea and air space, security and the currency, precluding meaningful Palestinian sovereignty, development, or any effective administration. Only one alternative to this future seems apparent and is therefore seizing the imagination of Jews and Palestinians alike: re-imagining the territory as one secular state. In the corollary democratization campaign, the Palestinian movement would insist on the rights of the state’s indigenous people to representation in the central government. Ethnic tension could then be resolved within a constitutional democratic process, on a model reminiscent of the historic effort in South Africa.

Several obstacles seem so powerfully to cripple a one-state solution, however, that many still consider it unviable. The most obvious obstacle is articulated immediately by all sides: that Jewish Israelis will never accept it. Zionists also hold that, although Palestinians and the Arab/Muslim world may give it lip service, they would not truly accept it either, and would only use democratization to throw Jews into the sea as they have long dreamed of doing. In any case Zionists maintain that a one-state solution would certainly ‘destroy the Jewish state’ by introducing a Palestinian-Arab majority into the electorate. Since full democratization of Israel would indeed ‘destroy the Jewish state’ in the sense of dismantling the discriminatory laws that now secure Jewish dominion in the state’s governance, this fear fuses anti-Zionism and anti-Semitism sufficiently to make it especially emotional and especially hard to tackle.

I would never contend that Palestinians, or the Arab world, or the Muslim world, must expend endless energies trying vainly to satisfy Jewish-Zionist fears born mostly of Zionist propaganda that is both racist and grossly distorts the diplomatic record (which has been replete with serious Arab peace offers). Nor would I load Palestinians with the primary burden of extricating themselves from Israeli occupation. Zionism is the originating framing condition for this conflict, due to its insistence on Jewish statehood, and it is in Zionism that we must seek the heart of the solution. Nearly half of my book, *The One-State Solution*, is dedicated to critiquing the moral, political, ideological, and psychological dimensions of classic Zionist insistence that the Jewish ‘national home’ requires a Jewish ‘state.’

Still, in confronting the death of the two-state solution, Palestinians do clearly face their own moral and political dilemmas. They are indeed the only ones capable of redefining the fundamental terms of the conflict. And the first step in shifting to a democratization campaign, should they undertake that effort, must be to clarify their collective understanding—values, ethics, pragmatic intent—regarding the modern Jewish presence in Israel. It is the Zionist claim that Palestinians and Arabs are unwilling to “share” the land with Jews that bolsters Zionist rationalizations and self-exonerations. Some dismiss this charge, but indeed the answer has become unclear even among Palestinians.

Palestinian debate to clarify consensus on this point will reflect a deep history. Their original goal was indeed to form one independent “Arab” nation-state between the Jordan River and the sea, a vision endorsed by the League of Nations when it confirmed the British Mandate in the inter-war period. Zionism countered with Jewish ethnic nationalism, holding that the Jewish ‘nation’ had the right to self-determination in the same territory. In mainstream Zionist logic, a Jewish ‘nation’ required a Jewish “state” and therefore a Jewish majority. A unified or ‘binational state’ was denounced by mainstream Zionists like Ben Gurion as an insupportable threat to a vigorous and authentic Jewish-national life in Palestine.

After Israel’s independence, however, old racial nationalisms in Europe yielded increasingly to multi-ethnic values, and the initial Zionist stance of blatant ethnic chauvinism no longer rang so persuasive. By the 1960s, Zionist apologists were therefore asserting that Israel was required to form as a Jewish state because no ‘Arab partner’ could be found to endorse the binational models urged by early Zionists like Martin Buber.

Fortunately for Palestinians, that narrative is empirically false. For one thing, Palestinian diplomacy endorsed a single multi-ethnic and multi-confessional (if ‘Arab’) state throughout the early twentieth century. For another, in 1947, the Muslim and/or Arab governments of Afghanistan, Egypt, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria and Yemen all went on record to endorse a unified secular-democratic state solution in Palestine, when they served as members of a UN subcommittee considering alternatives to partition. The Subcommittee’s final report even endorsed the legality of a Jewish ‘national home’ in Palestine because it accorded with the terms of the British Mandate, although it insisted that the new state’s constitution secure equal rights for all citizens (see the text in Walid Khalidi’s *From Haven to Conquest*). That history raises a challenge: can Palestinians today endorse the plan proposed by the Arab states in 1947—one secular democratic state that ensures equal rights for the territory’s entire population while making ideological room for the ‘Jewish national home?’

To consider that question, Palestinians everywhere would need to debate freshly and honestly what political goals and values now matter to them as a national society. One way to undertake that project might be to review the outdated PLO Charter. The Charter was secular-democratic in ethos, and based its understanding of 'Palestinian' on indigenous origins in the land, embracing all religious sects and ethnic groups including Jewish residents of Palestine as 'Palestinians.' Still, the Charter also sustained pre-1948 Palestinian discourse by affirming that Palestinian nationalism was based on an "Arab" identity, reflecting the pan-Arabism then still in vogue and the Arab character of Palestinian culture. Hence, although Palestinian nationalism was always pluralist regarding religion, its ethnic concepts were murky: how "Jewish" fit into "Arab" was never entirely clear (as it was not clear in Europe's ethnic nations), and the Charter was not clear what might befall Jews who had come into Palestine through the Zionist immigration.

But today, Israel's entire Jewish-Israeli population of some four million people has effectively become indigenous to Palestine, in that most Israeli Jews believe it to be their homeland and have no other. This 'fact on the ground' requires Palestinians to rethink the kind of nation their campaign can—and should—seek to create, and especially the old distinction between indigenous and immigrant Jews.

That challenge would seem to require a particularly high-minded vision of ethnic coexistence, such as in South Africa. It is a common myth today that the anti-apartheid movement always accepted the white and Afrikaner population of South Africa as national brethren. In fact, black nationalism had many adherents and formed a vigorous strand of the anti-apartheid struggle. But the ANC official position came to endorse the vision of a multi-racial nation, based on the understanding that no peaceful and promising future could be found except in a shared state. Explicit acceptance by Palestinians of the present Jewish-Israeli population as permanent presence in Palestine is similarly fundamental to any democratization campaign that insists on democratic equality for all the state's citizens.

One way to build that consensus might be a collective project to write a new charter, possibly along the lines of the 'Freedom Charter' in South Africa. Written in 1955, the Freedom Charter's opening passages should resonate for Palestinians today:

'We, the People of South Africa, declare for all our country and the world to know:

1. that South Africa belongs to all who live in it, black and white, and that no government can justly claim authority unless it is based on the will of all the people;
2. that our people have been robbed of their birthright to land, liberty and peace by a form of government founded on injustice and inequality;
3. that our country will never be prosperous or free until all our people live in brotherhood, enjoying equal rights and opportunities;
4. that only a democratic state, based on the will of all the people, can secure to all their birthright without distinction of colour, race, sex or belief;
5. And therefore, we, the people of South Africa, black and white together equals, countrymen and brothers adopt this Freedom Charter;
6. And we pledge ourselves to strive together, sparing neither strength nor courage, until the democratic changes here set out have been won.'

Composing such a charter would challenge the very heart of the conflict: Zionist fears, myths, bigotry, and complacency. In order to accept that full democracy offers the only peaceful future for the 'Jewish national home,' Israeli Jews must first recognize that their own national narrative has been based on a cluster of lies and nationalist myths and that the consequences of the *Nakba* are permanent and irreducible facts for Israeli life. But to revise their national narrative and ideology—a process highly fraught, divisive, and upsetting for any national population—they must also experience economic and moral pressure sufficient to leverage their willingness to do so. Some of this pressure can come from an international campaign to boycott, sanction, and divest from Israel. But the moral leadership must come from the Palestinians. To gain such moral authority, any population must clarify, first for

themselves and then for the world, the vision of the future they themselves wish to embrace. What vision will the Palestinians redeem from the ruin of Oslo? At the least, they will need to find it soon, before the Bantustan strategy breaks up their political unity along with their territory.

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The European Union Report of Israel's Policies in Eastern Jerusalem

The Jerusalem and Ramallah European Heads of Mission wrote a report on Israeli policies in eastern Jerusalem. The report was, unfortunately, shelved by EU foreign ministers at their GAERC meeting in Brussels on 12 December for fear of alienating Israel and reducing the EU's influence.

Dismayed by the refusal of EU to publish their own Ramallah and East Jerusalem Heads of Mission findings regarding Israeli state actions towards non-Jewish residents of eastern Jerusalem, over 40 Jewish and other peace groups and Palestinian Solidarity campaigns around Europe have decided to make the report publicly available on their websites.

The report affirms that "Israeli policies are reducing the possibility of reaching a final status agreement on Jerusalem and demonstrate a clear Israeli intention to turn the annexation of East Jerusalem into a concrete fact." The Heads of mission also recognize Israel's strategy of forced displacement: "**Israel's main motivation is almost certainly demographic** - to reduce the Palestinian population of Jerusalem, while working to boost the number of Jewish Israelis living in the East and West Jerusalem." The EU Heads of mission concluded that "**prospects for a two-state solution with east Jerusalem as the capital of Palestine are receding.**"

In light of the alarming situation, the Heads of mission made some important recommendations, amongst them:

- Clear statement by the European Union and the Quartet that **Jerusalem remains an issue for negotiation** by the two sides, and that Israel should desist from all measures designed to pre-empt such negotiations.
- Request the Israeli Government to **halt discriminatory treatment of Palestinians** in East Jerusalem, especially concerning working permits, building permits, house demolitions, taxation and expenditure.
- The EU might consider and assess the implications and feasibility of **excluding East Jerusalem from certain EU/Israel co-operation activities.**

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Photo-Reportage

By Anne Paq

NEW TERMINALS: NEW IMPOSED BORDERS?



Terminal of Bethlehem, view from "Jerusalem side" of the Wall. The Wall is located on land belonging to Bethlehem municipality.

In December 2005, Israel opened new "terminals" in Bethlehem and Kalandia to replace its military checkpoints. The terminals are located deep inside the occupied Palestinian territory. Others are also in place around Qalqilia, Tulkarem and Jenin and more have been announced for construction in 2006. Out of the more or less 9.5 billion shekels invested for the construction of the Wall and its regime, two billion goes to "improve the quality of life" of Palestinians. These funds are set aside for construction of these terminals. Each terminal costs between 120-170 million. The United States, acting through the U.S. Agency for International Development (USAID), signed a \$50 million agreement with Israel to purchase, deliver and install scanners and other inspection equipment at these terminals.

Although the Israeli authorities justify them out of so-called humanitarian and security concerns, these terminals, all located inside the occupied Palestinian territory, are part of an ongoing strategy to create facts on the ground: further separation between the OPT and Jerusalem, isolation of Palestinians in enclaves, *de facto* annexation of Palestinian land, unilateral imposition of new borders and prevention of a viable, contiguous Palestinian state. As Amira Hass, Ha'aretz correspondent posted in the West Bank, wrote:

What is important is that the army and the Israeli citizens who design all of the details of dispossession -and the roadblocks are an inseparable part of this dispossession- have transformed the term "humanitarian" into a despicable lie.However, even an important matter -that is, the humanitarian deception - is only one detail in a full set of details in which no single detail is representative in itself....And among all the details, the reality of colonialism intensifies, without letup or remission, inventing yet more methods of torture of the individual and community; creating more ways to violate international law, rob land behind legal camouflage, and encourage collaboration out of agreement, neglect or torpor.⁽¹⁾

These terminals consist of a complex and impressive system of cameras, electronically controlled iron turnstiles, electromagnetic gates with x-ray equipment, long corridors, and ID checks made by Israeli border police behind bullet proof glass. A pedestrian who sets off an alarm is taken to a separate room to be

searched. All movements are monitored by soldiers/border police in control rooms, who shout their orders in Hebrew through loudspeakers. The whole security process looks like the ones used at high-security facilities and can take between 10 minutes and two hours. The passage through the terminals represents a chilling and dehumanizing experience as soldiers/border police are often rude and aggressive. ‘Processing’ individuals at these terminals often provoke delays and humiliating treatments.

BETHLEHEM TERMINAL

“It is unconscionable that Bethlehem should be allowed to die slowly from strangulation.”

Archbishop Desmond Tutu, 2005



The Bethlehem terminal is located two kilometers inside the occupied Palestinian territory. It does not follow the municipal boundary between Bethlehem and Jerusalem, but is in fact located within Bethlehem city. Only holders of foreign passports, Jerusalem ID holders and Palestinians holding West Bank ID's with a permit to enter Jerusalem are allowed to cross the terminal. Vehicles have to pass through an approximately 8-meter wide by 6-meter tall, sliding, iron gate within the concrete wall.

At the entrance of the terminal for vehicles, one can read “Welcome to Jerusalem” (sign on the Wall before entering the terminal). Pedestrians have to go through one of the doors in the Wall, next to the watchtower; wait until the light turns green and then pass through two iron turnstiles to access the main building of the terminal. The terminal is supposed to be open 24 hours a day, however; the iron gate and doors in the Wall close around 23:00 and one has to wait until a soldier/border police opens the gate to access the main building.⁽²⁾





At this point you have already passed the entrance and the two sets of turnstiles. You are now entering the main building of the terminal through this iron corridor. Once you enter the building, you follow another corridor under the constant surveillance of cameras. You then have to wait for the soldier/ border police in the control room to switch the light from red to green to be able to pass through another set of turnstiles. Once you enter, a border police in a booth may briefly check your ID.



In the terminal, tourists and foreigners do not use the same lanes as Palestinians. Your belongings are then checked by an X-ray machine and you have to go through a metal-detector. Afterwards it is again necessary to pass another turnstile to finally access the exit and present, once more, your ID to a soldier/ border police officer behind bullet proof glass. At all times an armed soldier/ border police officer walks on elevated walkways/ passages and scrutinizes all movements, which creates a feeling of vulnerability and makes the experience even more stressful and intimidating.



View of the terminal (located in Bethlehem, but on the “Jerusalem side” of the Wall). In what was once a field of olive trees, the Wall supports a “welcome sign” from the Israeli Ministry of tourism: “Peace be with You”.

KALANDIA TERMINAL



The terminal in Kalandia is often overcrowded as many Palestinians travel between Ramallah and Jerusalem everyday.



In the Kalandia terminal, you also have to go through a series of four iron turnstiles. In every terminal, pedestrians have to pass between four to six turnstiles.

According to the latest survey of Palestinian Public Perceptions by the Graduate Institute of Development Studies (IUED), the number of people directly affected by the Wall is 21 percent in the north West Bank, 66 percent in the middle of the West Bank and 22 percent in the south. The report also underscores that the situation in Jerusalem has deteriorated since November 2004. The percentage of people who have been forced to move has increased from 17 percent in 2004 to 24 percent in 2005 while others have had problems meeting relatives and accessing basic services as a direct result of the Wall and its regime.

Jalal Al Hussein, "Mobility & Security", *Palestinian Public Perceptions, Report IX, Graduate Institute of Development Studies (IUED), Geneva, November 2005, p. 5. Available at: <http://www.iued.ch/palestine>*





A sign posted by the Israeli occupying forces at the entrance of Kalandia: “The hope of us all” with a ‘flower’ saying “security” and “stability” lead to “development”, “investment”, “prosperity”, “income”, and “education”. The terminals in Bethlehem and Kalandia are full of signs and posters that say “Welcome”, “Please keep the terminal clean”, “Israel, the holy land, the land of peace” and “Enjoy your stay.”

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Endnotes

- (1) Amira Hass, “It’s not all in the details”, *Ha’aretz*, 5 December 2005.
- (2) For a detailed report on the Bethlehem terminal, see the Special Report: New Bethlehem Checkpoint Terminal: Israeli Unilateralism in the Occupied West Bank, Palestinian Monitoring Group, Negotiations Affairs Department, 1 December 2005.

A Colonial Regime: “Functional contiguity”, “Self-ruled enclaves” and “Differentiation”

Justice Minister Tzipi Livni confirmed what is already clear for many: the Wall is “the future border of the state of Israel” and “the High Court of Justice, in its ruling over the fence, is drawing the country’s borders”. (See Yuval Yoaz, “Justice minister: West Bank fence is Israel’s future border”, *Ha’aretz*, 1 December 2005).

Israeli officials are frantically working to colonize the land in order to delineate the new border. The Israeli government reported that at the end of 2005, the Jewish population in the West Bank (excluding the 190,000 settlers in eastern Jerusalem) is expected to reach just beyond 243,000 persons. This represents a 4.3 percent annual growth in Jewish-Israeli population in the West Bank (excluding Jerusalem) compared to Israel’s anticipated overall annual population growth of 1.7 percent. (Associated Press, “Jewish settler population seen growing 4.3 percent in 2005”, *Ha’aretz*).

The Jerusalem Committee of the Zionist Council urged the development of Jerusalem beyond the Green Line through the construction of the E-1 area, a widened corridor connecting Jerusalem to colonies, which, it contends, requires more than a road system but a “deepened connection” between Jerusalem and the settlers. The Zionist Council argues that Palestinians need “functional contiguity” and not “territorial contiguity”. This vision is currently being

implemented as occupation forces have prevented Palestinians from using the main traffic artery through the West Bank and are actively working to enforce this ‘road apartheid’ regime. The Israeli government is also seeking funds from the European Union to finance roads for Palestinians, including 18 tunnels. The Council also proposed a model for colonial rule: dislocated and isolated Palestinian self-rule in sub-municipality/enclaves. (See Nadav Shragai, “Jerusalem panel urges to expand city beyond Green Line”, *Ha’aretz*, 27 December 2005).

Similar to tactics implemented in the Gaza Strip, Israeli forces have divided the West Bank into three distinct cantons, isolating the north (Tulkarem, Nablus and Jenin) from the center (Ramallah, Jerusalem) and south (Bethlehem, Hebron). Since December 2005, some 800,000 people residing in the north of the West Bank are banned from travelling south. Roads were blocked and numerous checkpoints set up, thereby preventing movement of close to a million persons - clearly constituting a form of collective punishment. The occupying forces, however, refer to this prevention of movement through isolation and cantonization as “differentiation”. (See Amira Hass, “IDF cantonizes W.Bank, sealing in Palestinians”, *Ha’aretz*, 13 January 2006).



Apartheid road system, two roads for two peoples, West Bank. © Christian Peacemakers Team (CPT).

Highlights, Boycott-Divestment-Sanctions (BDS) against Israel, 2005–January 2006

By Badil Staff

Palestinian Civil Society

In 2005 the *Occupied Palestine and Syrian Golan Heights Advocacy Initiative* (OPGAI) presented a call for boycott, divestment and sanctions (BDS) against Israel to the 5th World Social Forum in Porto Alegre, Brazil. The *Palestinian Campaign for the Academic and Cultural Boycott of Israel* (PACBI) worked closely with the British Committee for Universities of Palestine (BRICUP) which lobbied the *Association of University Teachers* (AUT) to adopt an **academic boycott** of Israeli universities. Despite the fact that the initial AUT boycott was reversed due to enormous pressure from the Zionist lobby in the UK and beyond, it proved that an academic boycott is attainable. (www.pacbi.org).

On 9 July, the first anniversary of the ICJ ruling on Israel's Wall in the Occupied Palestinian Territory (OPT), over 170 Palestinian networks and organizations in the 1967 OPT, Israel and exile issued the Palestinian Civil Society Call for BDS against Israel until it abides by international law (see: www.badil.org/Boycott-Statement.htm, www.stopthewall.org and www.al-awda.org). It represents a call by political parties, major unions, NGO networks and faith-based institutions for a broad and sustained BDS Campaign until three major objectives are achieved: **ending Israel's occupation and colonization** of the West Bank (including Jerusalem) and the Gaza Strip, implementation of the **right of return of Palestinian refugees**, and granting **Palestinian citizens of Israel full equality under the law**. The Palestinian BDS Campaign is coordinated by an acting steering committee composed of OPGAI, PACBI and ITTIJAH. In Palestine, the Campaign was presented to the Association of International Development Agencies in the OPT (AIDA) and to the International Seminar, "Building a Future together: Alternatives to the Israeli-Palestinian Impasse" organized by the Alternative Information Center (AIC), Alternative Tourism Group (ATG) and the Health Work Committees (www.alternativenews.org).

Criteria for the application of boycott to joint Palestinian-Israeli projects was adopted by a broad forum of Palestinian civil society organizations convened by the Palestinian NGO Network in the OPT (PNGO). In January 2006, 37 Palestinian film-makers issued a joint letter requesting Euromed (Euro-Mediterranean Partnership) to abstain from funding a joint Israeli-Palestinian project via Euromed Audiovisual II based upon the established criteria.

The Palestinian Civil Society BDS Call has since served as a point of reference for numerous campaigns launched by the global solidarity movement, including non-Zionist Jewish groups and individuals. Other BDS initiatives were launched in Jewish-Israeli civil society, NGOs and faith-based organizations in Europe and North America. Many of these initiatives, however, tend to focus only on the urgent need to end Israel's occupation and colonization of the 1967 OPT and **do not commonly include ending discrimination inside Israel and the right of return of Palestinian refugees among their explicit strategic objectives**.

Jewish Israeli Civil Society

The *Israeli Committee against House Demolitions* (ICAHN) issued a call for **selective boycott, divestment and sanctions against Israel to end its occupation** (www.icahd.org). Campaigns for boycott of Israeli settlement products and calls for sanctions and selective divestment were also issued by *Gush Shalom* (www.gush-shalom.org) and *New Profile* (www.newprofile.org).

In January 2006, Aharon Shabtai, Israeli poet and teacher of Hebrew literature at Tel Aviv University, publicly rejected an invitation to the Fifth International Poetry Festival in Jerusalem, because he opposes "an international poetry festival in a city in which the Arab inhabitants are oppressed, systematically and cruelly..."



Israelis calling for the rights of Palestinian refugees, 2005.
© Nathalie Bardou/BADIL.

Faith-based Organizations abroad

The *World Council of Churches* encourages use of economic pressure for influencing a resolution in Israel/Palestine, including divestment from companies that profit from Israel's occupation and from companies involved in the production of arms or construction of Jewish colonies in the OPT (www.oikoumene.org/cc2005.html).

Similar **resolutions for shareholder activism, "morally responsible investment", and "selective divestment"** from companies were passed by the *Presbyterian Church*, the Anglican Consultative Council, the *United Methodist Churches in New England*, the *York and Hull District Methodist Synod*, England, and the *Ann Arbor Interfaith Council for Peace and Justice*. The *United Church of Christ* (July 2005) also calls for "**reallocation of US foreign aid** to constrain militarization in the Middle East", and the *United Church of Canada – Toronto region* also calls for a **boycott of products and services of corporations** contributing to the maintenance of illegal settlements. *Friends of Sabeel North America* held several strategy conferences and meetings on moral investment (www.fosna.org).

Jewish groups worldwide who have expressed support for selective boycotts, divestment and sanctions to end Israel's occupation include *Not in My Name* (www.nimn.org), *Jewish Voice for Peace* (www.jewishvoiceforpeace.org), *European Jews for a Just Peace* (www.ejpp.org) and *Jews Against the Occupation*, New York (www.jatonyc.org).

International Civil Society Organizations and Solidarity Movement

In January 2005 at the World Social Forum in Porto Alegre, Brazil, the global *Anti-War Movement Assembly* issued a final **Call to Action encouraging a BDS strategy for Palestine** based on the proposal submitted by the Palestinian delegation composed by the Occupied Palestine and Syrian Golan Heights Advocacy Initiative (OPGAI). (www.badil.org/Publications/Press/2005/press_2005.htm)

International civil society fora and campaigns which have explicitly endorsed the Palestinian Civil Society BDS Call in 2005 include: United Nations International Conference of Civil Society in Support of Middle East Peace (13 July 2005); International Solidarity Movement (ISM)-France (www.ism-france.org); *Veterans for Peace* (6 August 2005; www.veteransforpeace.org); the November 2005 annual conference of Connecticut United For Peace (www.ctunitedforpeace.org); and, **consumer boycott campaigns** launched in December by the *Palestine Solidarity Campaign UK* (www.palestinecampaign.org), the *Flamish Palestine Committee*-VPK (www.vlaampalestinakomitee.be), and the Quebec-based *Coalition for Justice and Peace in Palestine* composed of 20 organizations including two well-established international NGOs active in the field of development cooperation (Entraide missionnaire and Solidarity Union and Cooperation (SUCO)), the Women's Federation of Quebec, the provincial union of College of General and Vocational Education (CEGEP) teachers, the Jewish Alliance Against the Occupation, PAJU-Palestinians and Jews United (www.cjpp.org).

In addition, on 9 July 2005, the *European Coordinating Committee of NGOs on Palestine* (ECCP) launched a **European Campaign for Sanctions against the Israeli occupation**. The ECCP calls for suspension of the EU Trade Association Agreement and an embargo on military cooperation with Israel. Some of its 300 member organizations also actively promote **consumer boycotts** of Israeli products (www.association-belgo-palestinienne.be/activities/index.htm). Similar campaigns aimed at pressuring Israel to take down its Wall and to end occupation and colonization of the OPT are being launched gradually by several large European NGOs working in the field of humanitarian aid and development cooperation. A campaign launched by the U.K.-based *War on Want*, for example, calls for **sanctions against Israel including the suspension of the EU-Israel Trade Association Agreement**, and a **boycott of Caterpillar** for sales of equipment to the Israeli military (www.nowall.org.uk).

Divestment from Israel and companies benefiting from the Israeli occupation, among them the Caterpillar Corporation, as well as **lobbying of the U.S. Congress** are promoted by the *US Campaign to End the Israeli Occupation*, a network of over 200 member organizations (www.endtheoccupation.org). The 2004 "Resolution to Divest, in Principle and Practice, From Israel" passed by the *National Lawyers Guild* in the United States also calls for the implementation of Palestinian refugees' right of return in accordance with UNGA 194 (www.nlg.org/mideast/index.shtml).

Student organizations, staff and faculty members in numerous North American campuses, among them Harvard University, Georgetown University, Oberlin University, Michigan State University, Ohio State University, University of Wisconsin and the University of California, have launched **initiatives aimed to bring universities, colleges and communities to divest from Israel bonds and companies that do business with Israel**, such as Caterpillar and

Intel. By 2006, over 50 such initiatives have been reported, many of them include the demand for the implementation of Palestinian refugees' right of return. (For examples, see www.al-awda.org).

A letter addressed to George Bush on 27 December 2005 by the president of *Human Rights Watch* requests that the U.S. administration deduct direct aid to Israel by the amount equal to what Israel spends on construction and maintenance of its settlements and the Wall in the occupied West Bank. (www.hrw.org/english/docs/2005/12/27/irs1pa12346.htm)

Communities, Regional Parliaments

The *Somerville Divestment Project* (SDP) provides a model for community action. 4,500 signatures were collected in the small city in Massachusetts for a petition to the city council to divest from Israel. The initiative was thwarted for alleged procedural mistakes and SDP is now filing suit to get the city to accept the petition (www.divestmentproject.org).

On 15 December, the *Provincial Parliament of Sor-Trondelag*, which includes Trondheim, Norway's third largest city, and comprises almost 20 percent of Norway's population, voted in favor of a **bill prohibiting the purchase and sale of Israeli goods in all municipalities of the province in order to bring about the end of Israel's apartheid regime**. The bill was passed with the support of the ruling coalition composed of the Norwegian Labor Party, the Socialist Left Party, and the Center Party, as well as the Christian Democratic Party (see: www.al-awda.org).

Political Parties and Unions

On 21 November 2005, the *Green Party of the United States* endorsed a resolution for a **comprehensive strategy of boycott, divestment and sanctions against Israel based on the Palestinian Civil Society BDS Call** (www.gp.org/press/pr_2005_11_28.shtml).

The *Norwegian Socialist Left Party*, a member of the center-left Norwegian government announced in December 2005 that it will launch a Palestine solidarity campaign in 2006 **in-line with the Palestinian Civil Society BDS Call**. The campaign will focus on a **boycott of Israeli goods** and will push for a **ban on arms trade between Norway and Israel**. An announcement to the press in this regard was made by the Norwegian Minister of Finance, a member of the Socialist Left Party, in the first days of January 2006 (www.stopthewall.org).

Trying to avoid criminal charges for crimes against humanity and war crimes

by Karine Mac Allister

Israel argues it no longer occupies the Gaza Strip, however, the newly found “military flexibility” and the resulting steps taken to immune occupying forces from responsibility prove the contrary. In fact, they reaffirm Israel’s effective control of the territory and the criminal liability of its occupying forces.



Demolished house in the Gaza Strip, 2005. © Nathalie Bardou/BADIL.

Deputy Prime Minister Ehud Olmert said the re-deployment has increased the “military’s flexibility” of response, which now includes “the use of all available means”, because Jewish settlers are no longer in the midst of Palestinian inhabited areas.⁽¹⁾

What does this newly found “military flexibility” entail?

Discussions of how to stop Qassam rockets have led some Israeli military officials, amongst them Deputy Defense Minister Ze’ev Boim, to openly argue that the Israeli military forces should target civilian areas in the Gaza Strip.⁽²⁾ While targetting civilian areas is not a new feature of the Israeli occupation, Israel has begun to employ tactics used previously during its occupation of southern Lebanon, namely, creation of a self-declared ‘buffer zone’ and distribution of leaflets warning the population of impending attacks.

On Thursday, 29 December, the army began enforcing a ‘buffer zone’ over a sixteen kilometers square area in the northern Gaza Strip including some of its evacuated colonies. A military source said that “until it becomes clear whether these residents responded to the order to clear the area, the shelling will

not be directed at their residences.”⁽³⁾ In other words, civilian areas could be targeted if Palestinians are deemed not to be following instructions. The Palestinian Centre for Human Rights reported that on 31 December 2005, the Israeli occupying forces shelled the northern Gaza Strip and killed two Palestinian civilians, who were at least two kilometers away from the border between the Gaza Strip and Israel.⁽⁴⁾

The ‘buffer zone’, enforced through a sustained aerial siege, is located near Beit Lahia and Beit Hanun. The siege is imposed by constant aerial presence via F16, drones, Apache helicopters and heavy artillery shelling. The planes flying over civilian areas regularly break the sound barrier, causing a ‘sonic boom’ and widespread panic among children and have resulted in a 30-40 percent increase in the number of miscarriages.⁽⁵⁾

Military planes have dropped pamphlets warning that Israeli military forces were imposing a ‘no-go’ area in order to counter Qassam attacks and that anyone in these areas after 6 p.m. risks being shot. The Israeli occupying forces impute responsibility for any injury, not to the Israeli Air Forces (IAF), but to Palestinian fighters launching Qassam rockets.

In addition to the constant aerial and artillery presence, MK Yuval Steinitz, chairman of the Knesset Foreign Affairs and Defense Committee said he “would not rule out cutting off electricity to the Gaza Strip.” In fact, this practice has already started. On Tuesday, 27 December 2005, helicopters fired numerous missiles over Palestinian civilian areas, cutting the electricity during the attack.

‘Military flexibility’ seems to mean that there are no limits to measures the occupying power is willing to use to subdue the Palestinian people.

Who is accountable?

What is most surprising is not the new found liberty of maneuver of the Israeli military forces, the targeting of civilian areas, or the imposition of an aerial siege, but the fact that the occupying power thinks it is not responsible for human rights and humanitarian violations.

Politically, Israeli officials hope that by making life for Palestinian civilians unbearable they will pressure fighters to stop launching Qassam rockets. Legally, the pamphlets aim to absolve the occupying forces of any responsibility for injury. This may be a reaction to the increasing number of lawsuits filed in the United States and Europe against Israeli officials for war crimes and crimes against humanity. (For more information on recent cases, see box “Seeking Justice: Two more lawsuits against Israeli officials.”)

The distribution of ‘warning’ leaflets is part of a broader strategy to legally absolve individuals in the Israeli armed forces of responsibility for their actions. An indicator that the leaflet distribution is part of a wider strategy and not an isolated event is a concurrent development in Israeli law: the recently approved anti-compensation law (July 2005 amendment to the 2002 Civil Wrongs [Liability of State] Law).⁽⁶⁾ This law renders lawsuits for damage caused by occupation forces or its agents since September 2000 nearly impossible within Israeli courts. The law prohibits an individual considered a national of an “enemy state,” a member of a “terrorist” organization or a person injured in a “conflict zone” during “war time actions” from seeking compensation in an Israeli court for harm inflicted by state agents. “War time actions” are defined very broadly and include “any action of combating terror, hostile actions, or insurrection, and also actions undertaken with the stated intent to prevent terror and hostile acts and insurrection committed in circumstances of danger to life or limb”. Moreover, the law grants wide discretion to the Minister of Interior to determine whether a claim was located in a conflict zone.

Can the ‘warning’ pamphlets distributed by the occupying forces shield Israeli officials from prosecution? Clearly, the answer is no. There is no doubt that alerting civilians of upcoming attacks is in accordance with the laws of war, especially when the attack may affect civilians, but the attacks must also be lawful. Moreover, in this case, alerting civilians means little, as their freedom of movement is so severely impeded that they may be unable to seek shelter elsewhere.

Lawful attack must meet three principles, namely the principle of military necessity, proportionality and non-discrimination. Necessity means that the attack must target a military objective necessary to achieve a military goal. Proportionality means that the concrete and direct military advantage procured by the attack will not cause excessive damage to civilians and civilian objects. Non-discrimination means that the attacks must clearly be directed at a military object; the weapon may not be uncontrollable so as to expose civilians to risks which are excessive in relation to the military objective.⁽⁷⁾

Targeting civilians or civilian objects (e.e. undefended house and school buildings) constitutes an unlawful attack, as they are not military objectives, and is in violation of international humanitarian and human rights law. Protection of civilians is obligatory, “even if the adverse party violates these prohibitions”.⁽⁸⁾ Injury caused to civilians or civilian objects (i.e. collateral damage) as a result of a legitimate attack - attacks against a military objective - does not render the attack illegal.⁽⁹⁾ However, if an attack is judged militarily unnecessary, causes indiscriminate and/or disproportionate injury to civilians and civilian property, the attack will be unlawful and may amount to war crimes or crimes against humanity.

Cutting the electricity supply to the Gaza Strip, a measure detrimental to the population, is also clearly a violation of international humanitarian law as it constitutes collective punishment. Prohibition of collective punishment is based on the principle that a person cannot be punished for a crime that they have not personally committed. Human Rights Watch clearly stated, in a letter dated 23 December 2005,

cutting electricity to the entire population of Gaza violates a basic principle of international humanitarian law, which restricts a government that has effective control over a territory from attacking or withholding objects essential to the survival of the civilian population. Such an act would also violate Israel’s duty as an occupying power to safeguard the health and welfare of the occupied population.⁽¹⁰⁾

Challenging impunity

International law has the potential to provide a tool for Palestinians to seek justice for violations of human rights and humanitarian law and raise awareness to their cause.

Attacks and reprisals against civilians are prohibited, as are militarily unnecessary, indiscriminate, and disproportionate attacks. It is on the basis of these principles that Israeli officials will be judged, either in foreign national courts or the International Criminal Court. Depending on how international and national courts respond, Palestinians may develop strategies to address also Israel’s policy of discrimination, colonization and apartheid.

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Endnotes

- (1) Amos Harel, “Deputy PM Omelt: No Limitations on Sharon’s Qassam War”, *Ha’aretz* Electronic Edition, Thursday, 29 December 2005.
- (2) Amos Harel, Aluf Benn and Nir Hasson, “Defense officials: IDF should target civilian areas in Gaza”, *Ha’aretz* Electronic Edition, Friday, 23 December 2005.
- (3) Amos Harel and Yoav Stern, “IDF shells Gaza buffer zone”, *Ha’aretz* Electronic Edition, Friday, 30 January 2005.
- (4) Palestinian Centre for Human Rights, *Weekly Report* No. 01/2006, from 29 Dec. 2005 to 4 January 2006. Available at: http://www.pchrgaza.org/files/W_report/English/2006/05-01-2006.htm
- (5) Donald Macintyre, “Palestinians ‘terrorised’ by sonic boom flights”, *The Independent Online Edition*, 3 November 2005.
- (6) For further information see Hussein Abu Hussein and Zaha Hassan, “Israel: No Longer Willing to Foot the Bill for War Crimes and Negligence”, *al-Majdal* No. 26.
- (7) See Leslie C. Green. *The contemporary Law of Armed Conflict*, Manchester; Manchester University Press, 1993, pp. 159-161.
- (8) *Ibid*, p. 160.
- (9) *Ibid*, p. 161.
- (10) Human Rights Watch, Israel: Gaza Power Cut Would Violate Laws of War, *Press Release*, 22 December 2005. Available at: <http://hrw.org/english/docs/2005/12/22/isrlpa12345.html>

Seeking justice: Two more lawsuits against Israeli officials

On 8 December 2005, The Center for Constitutional Rights (CCR) and the Palestinian Centre for Human Rights (PCHR) brought a class action lawsuit in the United States District Court of Southern New York against Avi Dichter, former Director of Israel's General Security Service (GSS) and member of the new Kadima Party formed by Sharon, on behalf of the Palestinians who were killed or injured in a 2002 air strike in Gaza.

The attack occurred when the Israeli military forces dropped a one-ton bomb on al-Daraj residential neighborhood in Gaza city. The attack killed seven adults and eight children and injured over 150 persons. On 23 July 2002, White House Press Secretary Ari Fleischer stated President Bush condemned this "deliberate attack against a building in which civilians were known to be located."

Avi Dichter is charged with war crimes, crimes against humanity and other human rights violations for having participated in the decision to drop the bomb and provided the necessary intelligence and final approval to launch the attack. (Center for Constitutional Rights, "Former Director of Israel's General Security Service Sued in New York for Death and Injury of Over 165 in Gaza", Press Release, New York, 8 December 2005)

On 15 December 2005, the CCR filed a second lawsuit in the United States District Court of Columbia against Lt. Gen. (retired) Moshe Ya'alon, former head of the Intelligence Branch and former Israel Defense Forces Chief of Staff, for war crimes and other human rights violations. He was the head of the Israeli military forces Intelligence Branch on 18 April 1996 when the Israeli military forces deliberately shelled a U.N. compound in Qana, southern Lebanon, killing over 100 civilians and wounding hundreds, including UN personnel. The UN launched an investigation and denounced the Israeli military forces attack as violating the rules of international humanitarian law.

In April 1996, the Israeli military forces launched a military operation code named "Grapes of Wrath". The Northern Command directed the bombing and shelling of small villages in southern Lebanon intended to force thousands of inhabitants to flee their homes. The complaint alleges that forces under Ya'alon's command deliberately and wantonly attacked and killed internally displaced civilians who had taken refuge in a known and clearly-marked UN compound and failed to warn the United Nations Interim Force in Lebanon (UNIFIL) of impending attacks.

Ya'alon is currently a "Distinguished Military Fellow" at Washington Institute for Near East Policy. Judith Chomsky, a CCR Cooperating Attorney, said, "There is no official in any country that is above the law. It is important that we have a single standard by which people of any country can be called to justice for the violation of human rights. It's not just for petty dictators who are on the US enemies list." (Center for Constitutional Rights, "Former Head of the Intelligence Branch of the Israel Defense Forces and Chief of Staff Charged in U.S. Court with War Crimes for Shelling of U.N. Compound", Press Release, 15 December 2005).

More recently, the trial of seven Palestinian solidarity protesters opened in the UK. They are charged with aggravated trespass and failure to leave land for having taken part in a non-violent blockade outside the UK based Israeli export company Agrexco (UK) Ltd. Agrexco is Israel's largest importer of agricultural produce into the European Union, and it is 50 percent Israeli state owned. It imports produce from Israeli settlements, all illegal under international law, in the West Bank.

The protesters argued as a defence that they were acting to prevent crimes against international law that are also offences in the UK. The defendants argued that these offences are being supported by Agrexco (UK). In its judgement, on 26 January 2006, the Court dismissed the case on the basis that the evidence against the defendants was 'too tenuous' and that "as it turned out, this defence did not need to be argued, because reference to UK Land Registry documents showed that Agrexco UK had built both their entrance and exit gates on other peoples land and had no legal right to ask the protesters to leave." During the trial, Amos Orr, General Manager of Agrexco UK, said in court that Agrexco exports from Israel, and the occupied territories amount to some \$700 million a year out of a total of \$800 million which is the annual total of all Israeli agricultural exports.

For more information on the trial, see UK Criminal Trial Examines Export Co. Carmel Agrexco's Complicity in Israeli Apartheid, available at: <http://www.palestinecampaign.org/news.asp?d=y&id=1563>

Planning for the Future - UNRWA Begin's to Implement Agency Reforms

By Terry Rempel

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 in dilapidated condition and refugees are increasingly falling through the gaps in service provision. Any further deterioration could threaten the long term human security of Palestine refugees and adversely affect stability in the Agency's areas of operation.⁽¹⁾



UNRWA Food delivery, 2005. © Nathalie Bardou/BADIL.

UNRWA's five-year *Medium Term Plan (2005-2009)*, developed in consultation with donor states and other international agencies aims to address the long-acknowledged decline in UNRWA services in its five areas of operation.⁽²⁾ The plan is not just an appeal for more money to provide services to a growing refugee population (it comes with a US\$1.1 billion price tag). It aims to "restore the living conditions of Palestine refugees to acceptable international standards and set them on the road to self reliance and sustainable human development". This article provides a brief overview of reforms already initiated by UNRWA in the context of its five-year development plan.⁽³⁾

Planning, Monitoring and Performance Evaluation

Restoring the living conditions of Palestinian refugees to acceptable international standards requires better planning, monitoring and evaluation of the Agency services. In the area of planning, UNRWA has contracted external specialists to help the Agency move from a *status-based* to a *needs-based* approach to poverty alleviation⁽⁴⁾, and to develop and implement a comprehensive action plan for gender mainstreaming⁽⁵⁾.

Responding to requests from several major donors, UNRWA has also hired a Senior Protection Policy Adviser to examine ways in which the Agency could take on a wider protection role in its five areas of operation.⁽⁶⁾

A recently-established Camp Development Unit (CDU) will focus on improving the living conditions in the 59 refugee camps where UNRWA provides services to refugees. The CDU has adopted a holistic approach to camp development, already piloted in the re-development of Neirab camp in Syria (See article from Aisling Byrne, “Engaging refugees in change Some of the challenges facing UNRWA in engaging Neirab’s refugees in camp development”) and in the reconstruction of Jenin camp in the West Bank, based on the principle of community participation and increased attention to the physical, social and economic facets of refugee lives. UNRWA is also partnering with the School of Social Work at the Southern Illinois University to refine Agency social services practice and has developed a digital social services map to help identify non-UNRWA resources and services to complement and strengthen those provided by UNRWA.

Monitoring of Agency programs is being improved through the development of policy guidelines and data collection systems. These include, as already mentioned, guidelines for gender mainstreaming and refugee protection. UNRWA has also begun to use the *International Convention on the Rights of the Child* as a guideline for monitoring the status of refugee children.⁽⁷⁾ New guidelines in UNRWA’s Relief and Social Services Department require that persons with disabilities be involved in all decisions that affect them. And UNRWA’s emergency program reports now include evaluation criteria.⁽⁸⁾

At the same time UNRWA has ramped up efforts to improve data collection and management. The Graduate Institute of Development Studies (IUED) at the University of Geneva and the Catholic University of Louvain in Belgium have been tasked with carrying out comprehensive surveys of the refugee population in UNRWA’s five fields of operations to assist in the planning of services and the development of knowledge-management systems. An Intranet registration system, currently under construction, will allow UNRWA to update (and improve accuracy) of refugee information from all fields in a central database.⁽⁹⁾ UNRWA completed the design of a new health management information system, which will improve the surveillance, monitoring and evaluation of maternal health and non-communicable disease services, as well as action-oriented interventions and response at the service delivery level. The development of a community-based organization database system will improve planning, implementation, monitoring and evaluation capabilities of UNRWA community centres.⁽¹⁰⁾

Finally, UNRWA has adopted renewed efforts to evaluate Agency performance. During 2004-2005 an external donor review of the Agency’s management structure and processes was initiated. In addition, the Overseas Development Institute’s Humanitarian Policy Group is currently undertaking a substantive independent evaluation of UNRWA’s emergency programs in the occupied territories since the beginning of the second *intifada*. Recommendations will assist UNRWA in planning and monitoring future emergency aid to Palestinian refugees.

Stakeholder Relations

UNRWA has also invested efforts to improve relations with Agency stakeholders. In September 2004 the Agency set up a working group on stakeholder relations to discuss UNRWA’s program cycle, policy, constituencies not currently represented in Agency meetings, and structural arrangements for the improvement of stakeholder relations. The group has agreed that UNRWA’s biannual donor meetings should be more substantive and endorsed wider participation of UN and international agencies and NGOs. This includes the reinvigoration and expansion of UNRWA’s Advisory Commission.⁽¹¹⁾

Improvement of stakeholder relations also includes initiatives towards greater refugee participation in the development, monitoring and evaluation of UNRWA programs. This includes, for example, participation of refugee children, as set out in the *Convention on the Rights of the Child*, and participation of refugees in the re-development and reconstruction of Neirab and Jenin refugee camps already mentioned. In July 2005, by way of another example, UNRWA stopped including flour as a staple of food assistance due to government subsidies and the fact that most of those refugees receiving food aid no longer bake at

"A further milestone in the Agency's enhanced engagement with donors was its first Hosts and Donors Meeting in Jordan last month [November 2005], attended by representatives of 64 donor Governments, the host authorities and several NGOs and UN agencies. These developments are key to UNRWA's ongoing internal reform efforts, which aim to improve needs-assessment capacity, to develop a new approach to anti-poverty interventions and to tackle in an integrated manner a number of cross-cutting issues, among them those addressed in UNRWA's Medium Term Plan. These issues include camp improvement and community development, disability, gender and psychological support. Discussions are also underway to strengthen internal policy and decision-making processes, and to ensure implementation of decisions through more structured internal communication channels and follow-up mechanisms. No less a part of the reform process is UNRWA's continued enhancement of its results-based budget and a move toward results-based management."

Excerpt from the statement of Karen Koning AbuZayd, Commissioner-General of UNRWA, to the Pledging Conference, 5 December 2005.

home. The policy change, however, was taken in consultation with refugees and host authorities.

Funding

Since it was established, UNRWA has faced a chronic problem in attracting sufficient resources to meet the needs of the refugee population. Emergency operations in the occupied territories since the start of the second *intifada* have also faced problems in attracting sufficient funding. In response, UNRWA has renewed fund-raising activities among Arab donors.⁽¹²⁾ As of April 2005, Arab contributions to UNRWA had risen to 6.25 per cent of total income, still short of the rate adopted by the Arab League in 1987 (7.73 per cent of the general budget). Moreover, as UNRWA notes, "the discrepancy between large project and emergency support, on the one hand, and minimal core support for the regular budget, on the other, remains large."

UNRWA is also working to broaden its donor base elsewhere in the world, reaching out to private individuals, companies and NGOs. In the last year two support groups, one in Spain and the other in the United States, were established to raise funds for UNRWA and inform the public about Agency activities and programs.⁽¹³⁾ Since the beginning of the second *intifada* private donations to UNRWA have grown significantly. UNRWA has

thus established a master database to document, monitor and develop its private donation base. During the last year, UNRWA also held discussions with Microsoft Corporation to cooperate on a number of projects. In addition, the Agency has begun to create a database of partner NGOs from whose expertise and know-how the Agency could benefit.

Planning for the Future - Is Change Possible?

UNRWA's Medium Term Plan and implementation of wide-ranging Agency reforms over the past year illustrate the ability of UNRWA to adapt to changes in the Agency's operational environment and improve assistance to Palestinian refugees. The real question that needs to be asked, however, is whether the parties to the conflict and the international community will be able to create conditions conducive to an improvement in refugee living conditions, and, ultimately, a just and durable solution to the long-standing plight of the refugees.

Since UNRWA began implementing its 5-year Medium Term Plan, the situation on the ground, especially in the occupied Palestinian territories, has barely met minimal conditions necessary for short-term improvements in the living conditions of Palestinian refugees. As the Agency notes in its 2006 emergency appeal,

In spite of the disengagement of Israeli settlers and army from the Gaza Strip, and an overall significant decline in levels of violence and destruction of property during 2005, the Agency has yet to see any improvement in key humanitarian indicators. Poverty rates increased in 2005 compared to 2004, and the access regime, in spite of a short-lived improvement in Gaza during the second quarter of the year, remains largely unchanged with the exception of internal movement within the Gaza Strip as a result of disengagement. In some important respects, such as access to health for Palestinian residents of the OPT, conditions may even have worsened lately.⁽¹⁴⁾

A similar analysis is shared in the World Bank's first economic monitoring report since Israel's redeployment from the Gaza Strip.⁽¹⁵⁾

Reforms implemented by UNRWA to date in the context of its 5-year development plan clearly suggest that the Agency will be better placed to meet the day-to-day needs of Palestine refugees and help prepare them "to contribute to any positive changes that may be realized in the region over the coming years". International support for these efforts provides evidence that, despite the ongoing campaign to defund and eliminate the Agency, the international community continues to recognize the important role played by UNRWA until there is a durable solution for Palestinian refugees.

As important as these efforts are, however, the most effective way to meet the needs of the refugees is to search for and implement durable solutions. At present, the only international mechanism that has a recognized mandate to search for durable solutions for the refugees is the Quartet. But the Quartet framework – the Roadmap – is vague on details, including principles such as the right of return and housing and property restitution, and the process of reaching a solution is left solely to the parties themselves. Three-years after the release of Roadmap, the first stage has yet to be implemented.

Terry Rempel is a research fellow and PhD candidate with the University of Exeter and former senior researcher with BADIL.

Endnotes

- (1) *UNRWA Medium Term Plan (2005-2009), A Better Future for Palestine Refugees*. Gaza City: UNRWA Headquarters, 2005, p. 2. Available at, <http://www.un.org/unrwa/publications/index.html>.
- (2) For more information about the development of the plan see papers and reports prepared for the 2004 UNRWA Geneva Conference. Available at, <http://www.un.org/unrwa/genevaconference/select.html>.
- (3) This article is based on the *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East 1 July 2004-30 June 2005*. GAOR, Sixtieth Sess., Supp. No. 13, UN Doc. A/60/13; and, *Emergency Appeal Progress Report*.
- (4) The specialist has been tasked with designing design socio-economic profiles, constructing poverty lines, improving data collection and analysis, and devising a mechanism by which to differentiate between the chronic and transient poor with a view to revising eligibility thresholds.
- (5) The action plan includes gender awareness training for department staff and volunteers; capacitybuilding of field-based trainers; strengthening interdepartmental networking; and enhancing coordination with local and national organizations.
- (6) A jointly-authored brochure to be released by UNRWA and UNHCR will provide further clarification about the mandates of each agency and their operational activities with respect to Palestinian refugees.
- (7) This includes promotion of the Convention in UNRWA schools using pamphlets, posters, lectures and other activities.
- (8) See, e.g., *UNRWA Emergency Appeal 2006*. Available at, <http://www.un.org/unrwa/emergency/index.html>
- (9) UNRWA is also in the process of exploring options to meet the needs of refugee women married to non-registered men and their children in order to bring Agency registration guidelines in line with UN system norms on gender equality. A number of NGOs have recently raised concerns about the vulnerability of non-registered women who do not have access to UNRWA services. (See Al-Majdal No. 27, "The Forgotten: The Case of Non-ID Palestinians in Lebanon")
- (10) The system will facilitate the collection of disaggregated data (e.g., by gender, age, disability, special hardship status) concerning the use of communitybased organization facilities. The system should be fully installed in all fields by mid-2006.
- (11) See draft decision A/C.4/60/L.18 and Rev.1, 10 November 2005, entitled "Increase in the membership of the Advisory

"Since 2002, UNRWA has been providing emergency assistance to over 1.1 million Palestinians in the occupied Palestinian territory. In 2005, UNRWA continued emergency operations in spite of the constraints posed by under-funding; less than 60% of UNRWA's \$185 million 2005 emergency appeal was funded. UNRWA has prepared an emergency appeal for 2006, anticipating that emergency needs in the coming year will decline by at least half, but will not disappear..."

"At approximately \$489 million, the "regular budget", which UNRWA requires to continue operating, is about \$90 million higher than the 2005 budget. The "regular budget" now includes essential portions of the Agency's 2005-9 Medium Term Plan, as part of the effort to revert to levels of excellence after decades of under funding."

"UNRWA's 2006 budget will help UNRWA reverse the effects of chronic under-funding which have meant physically degraded schools, clinics and camp-service facilities and a compromised ability to recruit and retain qualified staff."

Excerpts from the statement of Karen Koning AbuZayd, Commissioner-General of UNRWA, to the Pledging Conference, 5 December 2005.

Commission on the United Nations Relief and Works Agency for Palestine Refugees in the Near East” and the revised draft decision A/C.4/60/L.18/Rev.1, 14 November 2005.

- (12) In June 2004, UNRWA established a fund-raising office in Abu Dhabi on an experimental basis, with a view to tapping the considerable potential support from private individuals, State-backed institutions and Governments, particularly for the emergency appeal in the occupied Palestinian territory. The office did not produce results, and in January 2005 the Agency decided to move work on Arab donors back to its Amman headquarters.
- (13) The association in the United States will focus on raising funds from private individuals, corporations and foundations, while the Spanish association will initially focus more on regional government cooperation and seeking development funds. Both associations have their own legal personalities and boards of directors, and are headed by distinguished national figures. While expectations regarding the volume of funds to be raised in the first phase are modest, it is expected that both will become self-sufficient in the near future. If successful, UNRWA will extend this strategy to other countries.
- (14) *Supra* note 11.
- (15) *The Palestinian Economy and Prospects for Its Recovery, Economic Monitoring Report to the Ad Hoc Liaison Committee, No. 1, December 2005.* World Bank. “There has been progress in some key areas, but stasis or slippage in others, and it would be premature to suggest that enough of the elements needed for rapid recovery are in place. Nonetheless, the worst fears of some observers have not been realized, and a healthy recovery is still feasible.” *Ibid*, p. 10.

Calling for participation in political life and for the right of return Palestinian refugees organize symbolic elections for the PNC in Paris, London, Brussels, Copenhagen, and Ein al-Hilweh

European Confederation for the Right of Return, a member of the Global Palestine Right of Return Coalition (ROR), in cooperation with other Palestinian groups and solidarity movements in Europe, organized symbolic elections for the Palestinian National Council (PNC) parallel to the Palestinian Authority’s second round of elections to the Palestinian Legislative Council (PLC) in the Israeli occupied West Bank and Gaza Strip (OPT) on 25 January 2006. The symbolic elections took place in Paris, London, Brussels, Copenhagen and Ein al-Hilweh refugee camp in Lebanon.

The symbolic elections called public attention to the exclusion of over half of the Palestinian people from the internationally-sponsored process of Palestinian elections, conducted under the terms of the Madrid-Oslo agreements between Israel and the Palestinian Liberation Organization (PLO). The symbolic elections expressed the demand of Palestinians in exile for political participation, their right to return to homes and properties located in Israel and the 1967 OPT, and their right to self-determination under international law.

In addition, delegations representing the participants of the elections met with representatives of the European parliament in Paris and submitted a petition signed by the “voters” which explains: “On 25 January 2006, some 1.8 million Palestinians in the occupied Palestinian West Bank, including eastern Jerusalem, and the Gaza Strip will have the right to vote for their candidates to the Palestinian Legislative Council, the parliament of the Palestinian Authority set up under the 1993 Oslo Accords. However, some 6 million Palestinians exiled in Arab states, Europe, the Americas and elsewhere, and Palestinian citizens of Israel, have remained stripped of their right to participate in Palestinian democratic decision making and are denied their right to return.” Prior to the 1993 Oslo Accords and the establishment of the Palestinian Authority, the PLO and its Palestinian National Council represented all of the Palestinian people, those in Palestine and in exile, and acted as the sole institutions for political guidance and sovereign decisions of the national liberation movement. The petition concludes with a call for the implementation of Palestinian refugees’ right of return under international law and states, “We reclaim our right to vote for our representatives in the Palestinian National Council, the sovereign assembly of the PLO, our sole and legitimate representative.”

Engaging Refugees in Change: Some of the Challenges Facing UNRWA in Engaging Neirab's Refugees in Camp Development

By Aisling Byrne

The barracks that became Neirab Camp, outside Aleppo in Northern Syria, are World War II French army barracks which Palestinians fleeing their villages in 1948 settled in, supposedly temporarily, to await their return. Blankets, the first partitions in barracks, when it was not unknown for someone to roll in their sleep into a neighbouring family's space, were replaced by walls five years later as refugees began lives in exile.



Mohamed Abdel Fateh, a resident of the Barracks in Neirab, with Hazem Ta'amari, a volunteer with the Neirab Project, 2005. © UNRWA/Aisling Byrne.

Today the camp includes approximately 67 remaining half and quarter barracks houses, tiny shelters created by dividing barracks into multiple units, and a few two-story houses separated by narrow streets. The occasional end of a barrack and the original corrugated zinc roofs can still be seen, rusting and old, in people's homes in the camp. The camp has formed neighborhoods, in which families who fled from the same village live close together, in pantomime of their anticipated return.

These “*Barracksaat*” are the focus for the re-development of Neirab, one of Syria's most densely-populated and poorest camps, part of an area home to 17,000 refugees. The *Neirab Rehabilitation Project* (NRP) has become a pilot project in UNRWA's development work with camp communities as the Agency shifts its emphasis from providing relief and emergency aid, to “the need ... to create for Palestine refugees the conditions for self-reliance and sustainable development” (*Medium-Term Plan 2005-09*).⁽¹⁾

The NRP is implemented in close partnership with the Syrian Government, mainly through the General

Administration for Palestinian Arab Refugees/Syria (GAPAR)⁽²⁾ and “aims to achieve a sustainable improvement in the living conditions of Palestine refugees”. In Phase 1, up to 300 families are being voluntarily re-located to Ein El-Tal Camp, and in Phase Two, Neirab’s Barracks will be re-developed. Although funding had initially been made available by donors in 1994, the Syrian Government did not at that time agree to proceed with the project, likely due to it coinciding with the Oslo Agreement. However, in 2000, after addition of a clause explicitly stating it in no way affected refugees’ right of return, the Syrian Government formally welcomed the project and is now a major donor along with Canada, USA and Switzerland.

This article examines community participation from the perspective and in the voices of the community itself since the project’s start in 2000 and, in particular, since its adoption of the *Sustainable Livelihoods Approach* (SLA). The SLA made a commitment to making community members themselves “... the centre of any strategy which will impact their lives ...”.⁽³⁾

Sustainable development and the ‘right of return’

Initially developed in response to increasing population density and difficult living conditions, the NRP has raised many issues. For UNRWA and its current project of changing the focus of its work and adopting a policy of sustainable human development, it presented the issue of whether or not NRP conflicts with refugees’ priorities.⁽⁴⁾ To what extent is it possible to separate development issues from the root causes of the Palestinian refugee issue that are political?

For the community, as they relate to people’s feelings of place and identity, these questions are perhaps even more difficult: “place is very important for Palestinian refugees. Since [we] came to Neirab in 1948, we have been afraid of the future”. Yet time is changing identities and circumstances and as the older generation has been forced to come to terms with enduring exile and injustice, so too are the younger generation having to deal with displacement: “[As refugees], we became affected by the points of view of the country we are in ... the thinking of Palestinian[s] [is] like people here ... We were uprooted from our homeland. This is not my land. I feel I am a stranger in this society ... I am from this society and I’m affected [by this] ... It makes me sad and angry, silently”.

Engaging in change

The biggest challenge facing UNRWA is the “crisis of trust” with the community: “Our community do not trust people ... From 1948 until today, they have listened to speech after speech. People want to see something with their eyes”. Many felt it was only when new houses appeared that re-building confidence with UNRWA began.

A 2005 independent evaluation commissioned by a number of donors underlined the importance of developing trust and community ownership with refugee communities: “it is crucial for UNRWA to communicate effectively with refugees and ensure that they are, and ... feel, consulted. ... [UNRWA] may well have a good idea of ‘what the refugees want’ and of ‘what is in their interests’. But visible consultation and communication are vital tools in creating ‘ownership’ ... and reinforcing confidence”. It is, for example, often difficult to establish who are refugees’ representatives. “The principle is, however, fundamental, especially as UNRWA engages in change ... refugees are already living in an uncertain and insecure world, politically, physically and economically, and it is important for them to feel that they are informed, consulted, and listened to”.⁽⁵⁾

Given often complex political dynamics in camps and people’s sense of vulnerability, many feel the role of political organizations is crucial in building trust: “it is vital to get the political organizations more involved in phase 2 in all aspects ... if something goes wrong, they should also have some responsibility”. This process has started: “day-by-day trust is increasing ... when you see members of political organizations attend project meetings ... you know trust has surfaced”. A key aspect of this support was their acceptance of guarantees that the project does not affect refugees’ right of return. Volunteers are also crucial stakeholders: “[we] praise the project in the society. We convinced our people ... and this is our role”.

One challenge facing UNRWA has been to establish representative and trusted structures to engage local camp communities. In 2000, in consultation with GAPAR, UNRWA appointed camp committees. People feel, however, they are not represented and do not know what their role is.⁽⁶⁾ One Committee member acknowledges this: “[We] only represent one side ... We have to reach those who are really interested in the project ... through volunteers and through visits to [people]”. Many feel that to be properly effective, political factions need to be involved. Future developments should facilitate this as GAPAR is expanding membership to include representatives from political organizations.

The “fear of sustainable development”

While political organizations accept that the project does not affect refugees’ right of return, some expressed concern about the *Sustainable Livelihoods Approach* (SLA), fearing that “year-after-year ... this approach will take responsibility from UNRWA [who] will then withdraw and say you are strong enough to look after yourself ... People thought the SLA is a western approach ... [and that] the United States wants to impose [it] on Arab countries”.

Some, however, recognise its long-term benefits: “this shift is positive because we don’t like poverty ... the main issue is that we have no property to improve our lives, so we have to improve ourselves through our capabilities”. Volunteers also recognise that: “[this] kind of social development ... will take time ... [Developments] won’t just appear like houses did ... I understand [the SLA] as capacity-building and empowerment, but people think it is about helping people become self-sufficient so UNRWA can pull out ... [we] are going to face obstacles with traditions and existing habits. Gender is the best example of this”.⁽⁷⁾ The idea, they felt, is good, but: “when we saw Sharon in Herzliya [saying] UNRWA should stop services in camps and rehabilitate them as a plan to solve the refugee problem, we get very scared ... maybe this project is one way of fulfilling this policy?”

A key component of the NRP has been investing in capacity-building initiatives. Many volunteers in community asset mapping exercises felt they benefited enormously: “this was the first time we felt we could express our ideas and views ... and could raise many questions ... When I was in contact with people and facilitated group discussions, it was very, very good”. Many felt the process had significantly increased community capacity, “an important thing [which] can achieve many things for our society”. “I learnt about women’s rights [from the gender analysis], [and] social rights, like the right to express your opinion ... In focus groups, it was an example of people expressing opinions without fear of discrimination, and that ideas and opinions were not forced onto [them]”. One political leader said he has since noticed that many of the volunteers are now more active and expressing new ideas for activities in the camp.



Women doing the mobility map exercise during the Gender Analysis done by UNRWA in Neirab, 2005. © UNRWA/Aisling Byrne.

Others didn't participate because women were involved in the project or because "fear has a nest in their hearts ... they ask us: why are you speaking with foreign people? We face these difficulties".



Some of the new houses in Ein El-Tal Camp for families who have moved from Neirab, 2005. © UNRWA/Aisling Byrne.

“We think in a political way”

Nevertheless, despite assurances made by UNRWA and the Syrian Government, many fear that UNRWA and project donors have an ulterior motive; the political predicament facing refugees is all too apparent: “we know the politics of these countries about our right of return. We think in a political way ... After the project, what about the ideas of the donor countries?” One leader is “100 percent sure that donors think if they improve the housing of refugees, ... they will forget [the right of return]. But for refugees, [this issue] is deeply rooted in our heart”. People are quick to point out what they see as a clear political reason for the project: “People fear everything that comes from Europe for historical reasons ... the big powers have their interest to keep Palestinian refugees as they are now”.

As the project embarks on the second phase, including re-development of the barracks that have been home to three generations of refugees, it is the very identity of the camp, and the effects of time changing identities that is at stake. In a project that has placed sustainable development and “extensive and significant participation of the community” at its heart, inevitably issues of rights, belonging and identity are being raised. People are asking about representation and accountability, and are challenging how UNRWA engages with refugees.

There is general agreement that the NRP offers the opportunity of real developments for the camp. But underlying this agreement are more fundamental issues: “what concerns us is to leave something that symbolizes the camp”. “Am [I] a Palestinian refugee only because I live in the barracks?” asked one resident. “The barracks remind us of ice, of snow [and] kerosene heaters, and the cold days we lived here ... They should not be our address”. In interviews conducted by UNRWA as it starts its participatory re-development process, many spoke of their deep sense of displacement: “we are here despite ourselves”; “the social relations, that’s what keeps me here. I wish there was something else to love”; “from Palestine to here and from here to Palestine ... there is no alternative”⁽⁸⁾

As partnership work with refugees continues, there are important lessons from Neirab on community engagement in sustainable development initiatives. The key issue is trust. As one volunteer explained:

“UNRWA must deal with people honestly and frankly; this is the most important step in the second phase”. Trust can be best built through developing representative and accountable structures and processes with refugees to enable long-term, sustainable, community engagement. One barracks resident explained: “we have to make people feel that we are coming to them in order to help them, not only asking a few questions and then leaving”. Experience from Neirab reinforces the need for these structures and processes to involve all sections of camp communities, including volunteers and political representatives, thereby ensuring that decision-making and responsibility for camp development are truly accountable and participatory processes.

To date, many feel there has not been true partnership: “you need to ask the question: what can we both do, UNRWA and the community together. To ask this question itself will be very good. If I heard this question, I would be very interested and encouraged to be involved with you”.

Barracks residents who have moved to new houses, and who have until now “only been able to dream”, now feel the project will be “a source of happiness”. One volunteer said: “It is like a switch from life lived in a coffin to a real life”, although one man cautioned: “it is better to have some problems ... in this way, we are closer to Palestine. If we become too comfortable we might forget ... but the best thing is that our children will have opportunities that we didn’t have”.

But tellingly, questions about the project’s “real aims” persist from many of its strongest supporters – staff, committee members and volunteers:

“Even after all the meetings and discussions, I am still not clear about the real aim. Our camp suffered so much and no one asked us about our political, economic and social needs for years. Why now? ... If it will not affect our right of return, then it is a very, very good project, but I think I cannot be convinced ... I am not able to discover what is in the mind of the donors, if the project will cancel the right of return. But at this point, if UNRWA realizes this, what will you do? Will you stop or will you continue?”

Aisling Byrne is currently working as Consultant Social Development Project Assistant in the Neirab Rehabilitation Project with UNRWA. The article is written in a personal capacity, and does not reflect any official position or policy of UNRWA. Ms Byrne would like to thank the many people from Neirab and Ein El-Tal communities who agreed to be interviewed for this article. Thanks to Nell Gabiam and Lex Takkenberg for their comments.

Endnotes

- (1) *UNRWA Medium Term Plan 2005-2009*, p.8.
- (2) *General Authority for the Palestinian Arab Refugees*, the Syrian Government department responsible for Palestine refugees in Syria.
- (3) *Report: A Sustainable Livelihood Workshop*, Neirab Rehabilitation Project, p.3, and *Project Implementation Plan*, Neirab Rehabilitation Project, Phase 1: Development of Ein El-Tal. For further information on the SLA, see: www.livelihoods.org
- (4) For further information on this point, see: *Neirab Rehabilitation Project*, Lex Takkenberg & Hala Mukhles, *Forced Migration Review*, January 2005, pp 50-51 (www.fmreview.org)
- (5) *UNRWA: Review sponsored by UK Government's Department For International Development*, Geoffrey Haley and Robin Kealey, unpublished, August 2005
- (6) Most Camp Committees in UNRWA's area of operations are selected or appointed, and all have different levels of authority and responsibility: in the West Bank, selection is done through the *PLO Refugee Department*; in Gaza, Committees were established in 1996 by the Presidential Adviser for Refugee Affairs with the Youth Activity Centres (with a percentage of committee members being elected); in Lebanon, committees are either elected or appointed by the political factions; in Jordan, committee members are appointed by the Government; and in Syria, UNRWA, GAPAR & the *Ba'ath* Party established the first committees in Neirab and Ein El-Tal in 2000. Since then, camp development committees have been established by GAPAR in other camps. Recent initiatives in the West Bank with the *PLO Refugee Affairs Department* have included discussions on the issue of elections to the camp committees, and setting up mechanisms for this – particularly as refugees do not vote in Palestinian Authority municipal elections in the West Bank. In Syria, Lebanon and Jordan, refugees are also not allowed to vote in municipal and national elections.
- (7) As part of the comprehensive Asset Mapping initiative done in Neirab and Ein El-Tal Camps, a gender analysis was also undertaken in each camp. This was the first time that UNRWA had undertaken a gender analysis in any of the camps.
- (8) *Barracks Housing Unit Research: Neirab Camp Family Discussions and Questionnaire*, Nell Gabiam/UNRWA, unpublished paper, October 2005.

New BADIL Publications

Closing the Gap, Handbook on Protection of Palestinian Refugees in States Signatories to the 1951 Refugee Convention

The Handbook addresses problems and protection gaps facing Palestinian refugees who seek protection under the 1951 Refugee Convention and/or the 1954 Stateless Convention in third countries outside the Arab world. It aims to strengthen implementation of legal protection standards applicable to Palestinian refugees, in particular the rights embodied in Article 1D of the 1951 Refugee Convention. *Available in English. 488 pages. ISBN: 9950-339-00-6.*



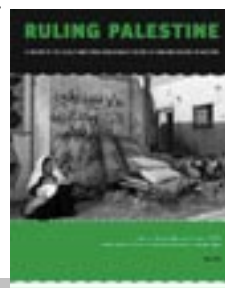
Do Israeli Rights Conflict with the Palestinian Right of Return? Identifying the Possible Legal Arguments. Working Paper No. 10.

In this working paper, refugee law expert Michael Kagan develops the idea of conflicting rights as a means of addressing Israeli objections to Palestinian refugee return. Rather than explore Palestinian arguments for the right of return, this paper starts from the assumption that the right of return exists and must be accepted by Israel in order to reach a just peace that complies with international law. Instead, this paper aims to identify and assess separate claims by Jews or Israelis that cannot coexist with refugee return. Without this separation, any assertion of Palestinian rights may be misunderstood as a denial of Israeli interests, and vice versa. *Available in English and Arabic and Hebrew. 34 pages.*



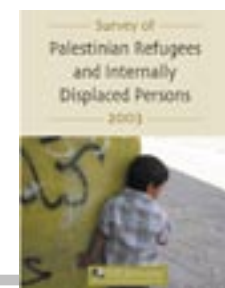
Ruling Palestine, A History of the Legally Sanctioned Jewish-Israeli Seizure of Land and Housing in Palestine

The main focus of this study is the methodical process underlying the Zionist conquest of Palestine and dispossession and displacement of its indigenous Arab inhabitants, in particular legal instruments and policies relating to colonization and land acquisition. This process is measured against the standards of relevant international treaties and agreements. *Available in English. 242 pages. ISBN 92-95004-29-9.*



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.*



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.



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.



Jerusalem 1948: The Arab Neighborhoods and their Fate in the War [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).



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BADIL Resource Center

Final Statement

6th Annual Meeting of the Palestine Right of Return Coalition

Netherlands

23-27 November 2005

The Palestine Right of Return Coalition held its 6th annual meeting in the city of Vlaardingen, Netherlands on 23-27 November 2005. The Dutch InterChurch Organization for Development Cooperation (ICCO) and the al-Awda Palestine Network - Netherlands jointly hosted the meeting.

The meeting took place in the shadow of numerous major regional and international developments that impact the struggle of the Palestinian people to achieve their national rights. These include the escalation of Israeli violations, especially in the 1967 occupied Palestinian territories; Israel's determination to continue building the apartheid Wall, contrary to the July 2004 advisory opinion of the International Court of Justice, which considered the Wall illegal and must be dismantled; and, continued assassinations, killings, arrests and various types of restrictions.

Participants discussed organizational and administrative issues related to the functions of the coalition and reports by coalition members covering activities carried out since the last annual meeting. Participants evaluated the performance of the coalition in order to enhance its performance and development.

Participants discussed a working paper presented by BADIL Resource Center for Palestinian Residency & Refugee Rights entitled, "The Two-State Solution, The One-State Solution and the Rights of Palestinian Refugees". The paper aimed to open discussion concerning strategy and visions for a solution to the Israeli-Palestinian conflict that would guarantee the legitimate national rights of the Palestinian people, most importantly the right of return and the right to self-determination.

Mohammad Barakah, Palestinian member of the Israeli Knesset, and chairman of the Democratic Front for Peace and Equality, spoke about the general conditions of our people and the latest political developments. Husam Khader, member of the Palestinian Legislative Council, political prisoner, and chairman of the Committee for the Defense of the Right of Return sent a letter in which he emphasized the centrality of the right of return to the Palestinian national movement. He also saluted the meeting and the participants saying that the meeting had greatly encouraged the resistance and endurance of all of our freedom fighting prisoners in Israeli prisons.

Participants also held a joint working session with the BADIL Legal Support Network, which held its 4th annual meeting parallel to the meeting of the Right of Return Coalition. Discussion focused on a number of issues of common interest, including the Palestinian campaign for boycotts, divestment and sanctions until Israel complies with international law.

During its deliberations the Palestine Right of Return Coalition affirmed the following:

On the political level,

- Commitment to the rights of Palestinian refugees, foremost being their right to return to their native home from which they were forced out, to reclaim their possessions and to receive compensation as affirmed in international law and in UN resolutions, starting with UN General Assembly Resolution 194.
- Adherence to the unity of the Palestinian people, the necessity to maintain it, and to absolutely reject all political initiatives that lead to the partition of our people or the partition of its national cause, under any condition or excuse.
- The unbreakable bond between the right of return and the right of our people to self-determination;

self-determination is considered a right *ergo omnes under* international law.

- Rejection of all pressure to terminate or challenge UNRWA's mandate as a body linked to the very existence of the Palestinian refugee issue. The Coalition affirms the importance of resisting such pressures on both the public and official levels.
- Renewal of calls upon the international community and relevant UN organs to provide temporary international protection for Palestinian refugees, and calls upon the Arab host countries to grant the refugees their civil rights, especially in Lebanon.
- A call upon the international community, the concerned UN organs and Arab states to assume their responsibility towards ending the suffering of the Palestinian refugees in Iraq who have been subjected to a large scale campaign of displacement and harassment since the beginning of the occupation of Iraq in 2003.
- An invitation to join efforts in order to strengthen the campaign for boycotts, divestment and sanctions against Israel until it complies with international law.

On the organizational level,

- Preserve the independence of the Coalition and its character as a popular movement that lobbies for the interest of refugees and expresses their rights, especially the right of return, based on the fact that the Palestine Liberation Organization (PLO) is the sole legitimate representative for our people.
- Develop the organizational structure of the Coalition, through the member organizations in every area of action, and to enlarge public participation in its activities, especially youth.
- Continue to work according to the bylaws of the Coalition as approved at the 5th coordination meeting, and to accredit the application form for membership.
- Approve the Coalition's Plan of Action for 2006 that includes its main activities.

The participants expressed their gratitude and thanks to the Dutch InterChurch Organization for Development Cooperation (ICCO) and the al-Awda Palestine Network - Netherlands for hosting the meeting and for the tremendous effort they invested to make it successful.

Finally, the Palestine Right of Return Coalition salutes and sends high regards to our people on the land and in exile, and affirms the continuity of the struggle forward towards achieving our inalienable rights.

We Shall Return
Vlaardingen – Netherlands
27 November 2005

The Palestine Right of Return Coalition

Society for the Defense of the Rights of the Internally Displaced Inside the Green Line

BADIL Resource Center for Palestinian Residency and Refugee Rights

Popular Committees – Refugee Camps (West Bank)

Popular Committees – Refugee Camps (Gaza Strip)

Union of Youth Activities Centers (Refugee Camps - Palestine)

Committee for the Defense of the Right of Return

Union of Women's Activities Centers (Refugee Camps - West Bank)

'Aidoun Group – Syria

'Aidoun Group – Lebanon

Coordination Forum of NGOs Working Among the Palestinian Community – Lebanon

European Confederation for the Right of Return (Netherlands, Germany, France, Sweden, Norway, Denmark, Greece, Switzerland)



Remnants of al-Majdal

Source: www.palestineremembered.com

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.

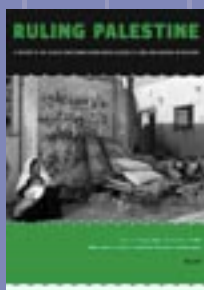


Closing the Gap, Handbook on Protection of Palestinian Refugees in States Signatories to the 1951 Refugee Convention
Available in English. 488 pages



Do Israeli Rights Conflict with the Palestinian Right of Return? Identifying the Possible Legal Arguments. Working Paper No. 10.
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Survey of Palestinian Refugees and Internally Displaced Palestinians 2003
Available in English and Arabic. 200 pages.

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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.