

# al majdal



*quarterly magazine of*

BADIL Resource Center for Palestinian Residency and Refugee Rights

Issue No.46 (Summer 2011)

## The Struggle for Palestinian Rights

***New Strategies in a Changing  
Middle East***



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.

Learn more at [www.badil.org](http://www.badil.org)

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**Front Cover:** Palestinian-Lebanese border, the village of Maroun ar-Ras, May 15<sup>th</sup>, 2011 (©Constanza Araya)

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## Towards a Comprehensive Rights-Based Strategy



*Palestinian flags flying in Tahrir Square, Cairo during May Day celebrations  
(Source: 3arabawy.com)*

The sea change disrupting the repressive status quo of authoritarian regimes throughout the Arab world seemingly slows into a calm wave on the shores of Palestine. While significant events, including the intersubjective acceptance of the peace process's failure, and the unprecedented popular marches onto Israel proper's borders, have marked development, these events have done little to halt the ongoing displacement and dispossession experienced by the Palestinian people. Nevertheless, mounting victories in the name of self-determination, democracy, freedom, and dignity throughout the Arab world provide hope to Palestinians and their allies as they enter a new phase after two decades of a failed peace process.

In contrast with the clarity of the Arab Spring, and a rights-based approach in which its ideals are rooted, the United Nations and powerful Western States have sought to maintain the dominant politically-driven approach and have scrambled to ensure the protection of their interests in the region. Whereas Arab streets have called for unqualified freedom and dignity, the international community has answered with staccato duplicity. In some cases, the full force of the international legal and military system has been brought to bear against regimes in a matter of weeks (i.e., Libya), while in others, alliances have been consolidated and 'national dialogue' encouraged in the face of egregious and ongoing human rights violations (i.e., Bahrain).

Perhaps no group has felt the consequences of the resulting protection gap more acutely than the Palestinian refugees across the Arab world. In the face of conflict, the vulnerable status of Palestinian refugees has subjected them to some of the Arab Spring's harshest consequences. For example, the Syrian regime indiscriminately targeted Palestinian refugee camps in Latakia, forcing thousands of refugees to flee their homes. In a horrifying repeat of the 1994 expulsions of Palestinians from Libya at the advent of the Palestinian-Israeli peace process, in 2011 Palestinians again found themselves trapped in a no-man's land on the Libyan-Egyptian border with little to no protection provided by international humanitarian agencies.

Meanwhile, the international community has remained consistent in its tolerance and support of Israel's regime of occupation, colonialism and Apartheid and its ongoing policy of forced population transfer. Consequently, Israel's systemic human rights violations have intensified in violence and momentum. For example, between July 2010 and the present, Israeli authorities have demolished the Palestinian Bedouin village of Al Araqib no less than 28 times and sued the indigenous population for the cost of eviction and destruction.<sup>1</sup> Similar



demolitions and forced displacement continue unabated in the Jordan Valley and occupied East Jerusalem, while the people of Gaza continue to face regular aerial bombardment.

As well as enjoying absolute impunity regarding ongoing and historic crimes, Israel has recently enacted further legislation to shield itself from scrutiny. In July 2011, it passed the anti-democratic Boycott Law which prohibits its citizens from boycotting the State's colonial and apartheid practices and subjects them to civil suits by its settler population, with no necessity for the settlers to prove that damage was actually done.

In the face of mounting violations in a context of tumultuous change, the US insists upon tired remedies, namely a peace process devoid of reference to international law, which serves only to give more time to Israel to continue its expansion. Mindful of a new context wherein Arab streets demand accountable representation, and already vulnerable following the devastating contents of Al Jazeera's *Palestine Papers*, the Palestinian leadership has refused to return to the US-Israeli negotiation table. Instead, in a last-ditch effort to save the two - state solution, it now seeks a unilateral declaration of statehood on the June 1967 borders.

While the move has sparked an ongoing debate regarding the enhanced legal mechanisms afforded by statehood, for refugees living in forced exile, legal accountability is secondary to issues of representation. Refugees fear that the declaration may lead to the replacement of the PLO, representing the Palestinian people in their entirety, with the State of Palestine, representing only those residing in the OPT. Given this danger, BADIL insists that any legal maneuver at the UN must maintain the rights of all the Palestinian people, including the refugees and Palestinian citizens of Israel, to self-determination, national independence, sovereignty and return.<sup>2</sup> To do so, BADIL insists that Palestine as a State will not supplant the PLO as the representative of the Palestinians in the UN and emphasizes that all Palestinians have the right to equally participate in, and be represented by, the PLO.

In light of this particular concern, the uncertainty surrounding the outcome of such a move, and an acute awareness that the situation on the ground is unlikely to change, even with recognition of statehood, it remains essential to continue with a rights-based approach. This issue of *al Majdal* takes a look at the emergent strategies in the struggle for Palestinian rights in light of the Arab Spring and the evident failure of peace negotiations.

In his article on the global and transnational efforts at Palestinian self-organization, Omar Shweiki reports on the burgeoning campaign for direct elections to the Palestinian National Council, the highest legislative body of the Palestinian people, which has ceased to function since the advent of the peace process in the early 1990s. He looks at the Civitas mobilization between 2002-2006 and explains the background to the current campaign demanding representation for Palestinians everywhere. Wisam Saliby provides a history of BDS in the Arab world and its potential in the context of the 2011 uprisings. BADIL's staff present interviews conducted with Palestinian youth who marched to Palestine's borders on Nakba Day 2011. BADIL's Legal Advocacy Consultant writes about the role and work of the Special Rapporteur for Human Rights to the OPT, Richard Falk and Simone O'Broin brings readers up to speed with developments related to the Goldstone report as it comes up for discussion to the UN General Assembly in September. Also included in this issue is an update on the BADIL-Zochrot project which discusses practical aspects of refugee return.

The articles herein illustrate various emerging strategies, incorporating a rights-based approach, aimed at applying pressure on Israel to meet its international legal obligations. The many millions calling for an end to human rights abuses and the tyranny of lawlessness throughout the Arab world has changed the political landscape and adds strength to this strategic approach. As BDS constitutes the cornerstone in this configuration, we include the movement's most significant successes in 2011 at the end of this issue of *al Majdal*.

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Endnotes: See online version at: <http://www.badil.org/al-majdal/>

## Professor Falk at the UN

*By Noura Erakat*

*Destruction in Gaza after Israel's attack in 2008/2009. (© zoriah.com)*



The Human Rights Council's (HRC) most recent session came to a close in mid-June 2011, thus marking the 17<sup>th</sup> session of the Council since its establishment in March 2006. The Human Rights Council supplanted the Commission on Human Rights, which was established as a subsidiary organ of the Economic and Social Council in 1947 but disregarded as ineffective and too politicized by the time it was replaced in 2006.

The Human Rights Council has faced similar criticisms of politicization, primarily from the United States and Israel, since it commissioned the Fact-Finding Mission to Gaza in 2009.<sup>1</sup> Although attacks on the Council may have abated since it voted to move the "Goldstone Report" out of Geneva and back to the UN General Assembly where it can be underpinned by actionable follow-up, the Special Rapporteur to the Occupied Palestinian Territory (oPt) continues to be a target for attack.

Appointed to be the Special Rapporteur in March 2008, Professor Falk is an international law and international relations scholar who taught at Princeton University for forty years before his appointment as Special Rapporteur. Despite his mandate to monitor the human rights situation, Falk has never been granted entry into the oPt. The Government of Israel detained and expelled Falk from Ben Gurion Airport upon his first visit to the region as the Special Rapporteur on December 14, 2008, and has not mitigated its policy three years into Falk's six-year mandate, maintaining that Falk's appointment demonstrates the UN's bias towards Israel because, according to then Israeli Ambassador to the UN, Falk could not "possibly be considered independent, impartial, or objective."<sup>2</sup> In fact, although his appointment was reached by consensus among the Council's 47 members, Jewish groups fervently lobbied Canada and the European

Union to oppose his nomination.<sup>3</sup> Consequently, the Special Rapporteur has been forced to write his reports without the benefit of on-the-ground information gathering.

Falk, who started a blog to mark his 80<sup>th</sup> birthday<sup>4</sup> and continues to teach at UC Santa Barbara, has not been deterred by his limited access. In addition to publishing numerous press statements, letters, and speeches on the human rights situation in the oPt,<sup>5</sup> he has submitted three extensive reports for review by the Council during its Tenth, Thirteenth, and Sixteenth Sessions. Always distinguished by timely research and analysis, Falk's reports to the Council have also been marked by their consistency in focus.

In each of his reports Professor Falk has explored the illegality of Israel's blockade on Gaza and the legal issues raised by Israel's military operation against Gaza; the crisis wrought by ongoing settlement expansion; as well as Israeli non-cooperation with the United Nations. While Falk's emphasis on Israeli non-cooperation is informed by his own dismal experience in 2008, it is also characteristic of Israel's historic relationship to the UN.

In fact, the UN Resolution establishing the Special Rapporteur to the oPt in 1993, notes "great concern the Israeli refusal to abide by resolutions of the Security Council, the General Assembly and the Commission on Human Rights," and intended for the Special Rapporteur to overcome the impediments created by Israeli non-cooperation.<sup>6</sup> The country mandate has seemingly failed on this count as evidenced by Israel's treatment of the Fact-Finding Mission to Gaza.

Like the Special Rapporteur, Israel also denied the Mission entry to Gaza and forced it to find alternative means to gather information including entering Gaza through Egypt's Rafah border. In continuation of its intransigent refusal to cooperate with the international multilateral body, the Government of Israel also refused to cooperate with the Independent International Fact-Finding Mission on the incident of the humanitarian Flotilla. Falk has repeatedly drawn the Council's attention to Israel's non-cooperation and in his most current report, he cites Article 104 and 105 of the UN Charter to underscore his point that Israel's acceptance as a UN member state obligates it to cooperate with the UN. Falk also emphasizes that Israel's non-cooperation should be met with a concerted effort by the Human Rights Council as well as the office of the Secretary-General to do what it can to obtain Israel's cooperation.

Israeli cooperation is ultimately voluntary but its non-cooperation violates the spirit of the UN, in particular its Special Procedures. Special procedures refer to the HRC mechanism employed to address country situations and thematic issues globally. These procedures call on mandate holders to "examine, monitor, advise and publicly report on human rights situations in specific countries or territories, known as country mandates, or on major phenomena of human rights violations worldwide, known as thematic mandates. Various activities are undertaken by special procedures, including responding to individual complaints, conducting studies, providing advice on technical cooperation at the country level, and engaging in general promotional activities."<sup>7</sup>

The Mandate holders provide an indelible service to the promotion of human rights through their reports to the HRC, as they provide an international platform for what may be obscure matters. Through a mandate holders' advocacy, an issue can easily become central to an international human rights agenda.

Professor Falk has made significant and unique contributions to the Council's proceedings in his Reports and, by extension, on behalf of the broader struggle for Palestinian human rights. Of particular note is his insistence on appropriate language, the possibility of new human rights violations, as well as his emphasis on extra-legal mechanisms aimed at achieving accountability.

In paragraph 7 of his Submission to the 16<sup>th</sup> Session, Professor Falk examines the significance of language on Israel's impunity for ongoing human rights violations in the international legal order. Specifically, Falk writes that in order to expose the "normalization" of Israel's unlawful patterns executed with U.S. sanction, "requires the stronger expository language to better understand the unbridled assault upon Palestinian rights and prospects for meaningful self-determination. It is against this background that this report has decided to employ such terms as 'annexation,' 'ethnic cleansing,' 'apartheid,' 'colonialist,' and 'criminality' as more adequately expressing the actual nature of the situation in the occupied Palestinian territories." Falk's emphasis on the role of language in the conflict as well as his own choice of language is abundantly refreshing. Consider that Falk does not hesitate to use the framework of forcible transfer, also known as ethnic cleansing, to describe Israel's policies in East Jerusalem, effectively underscoring BADIL's legal analysis of the situation in East Jerusalem which it described in its written submission to the 16<sup>th</sup> Session.<sup>8</sup>

In addition to using more illustrative language to challenge Israel's attempts to legitimate its policies, Professor Falk also raises questions about new human rights violations. In his Report to the Tenth Session of the Human Rights Council, he asks whether Israel's policy of sealing Gaza's borders during Operation Cast Lead thereby prohibiting civilians from becoming refugees of war, what he terms "refugee denial," amounts to a crime against humanity. He writes "refugee denial under these circumstances of confined occupation is an instance of "inhumane acts," during which the entire civilian population of Gaza was subjected to the extreme physical and psychological hazards of modern warfare within a very small overall territory" and should therefore be understood as a crime against humanity in international criminal law.<sup>9</sup>

Professor's Falk intrepid approach to the Human Rights Council is best illustrated by his insistence that Israeli accountability be achieved by extra-legal, non-governmental mechanisms, namely through the use of boycott, divestment, and sanctions (BDS). In his submission to the Thirteenth Session, Falk recommends that the Human Rights Council consider BDS as a non-violent means to alleviate human rights violations and that it provide the language for such a campaign. He makes the case for BDS in paragraph 37 where he writes, BDS "is a central battleground in the legitimacy war being waged by and on behalf of Palestinians... BDS represents the mobilized efforts of global civil society to replace a regime of force with the rule of law in relation to the OPT."

Professor Falk's efforts to address the power dynamics that underpin ongoing violations of Palestinian rights has earned him the ire of the US,<sup>10</sup> Israel, and Palestinian<sup>11</sup> governments alike. However, he has been a refreshing breeze for the human rights organizations that tirelessly work to overcome formidable political hurdles impeding the realization of human rights for Palestinians. Even if the Council does not heed his calls for visionary approaches to resolving the human rights crises in the OPT, given his legacy of consistency, the human rights community can rest assured that Professor Falk will not cease to raise the most critical issues before the Council until they respond to his calls with meaningful action.

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*Noura Erakat is a human rights attorney and BADIL's US-based Legal Advocacy Consultant*

*Endnotes:* See online version at: <http://www.badil.org/al-majdal/>



# The Goldstone Report: the Lack of International Accountability Continues

By Simone O'Broin



USA, 31 May 2010.  
(© Robert Whitlock)

The Goldstone report<sup>1</sup> was published in September 2009; the result of a fact-finding mission by four senior jurists to investigate violations of international humanitarian law and international human rights law during “Operation Cast Lead” in Gaza in December 2008 to January 2009. Its conclusions were that Israel had committed war crimes and possibly crimes against humanity<sup>2</sup> and recommended that the situation be referred to the International Criminal Court (ICC) for judicial examination.<sup>3</sup> The report’s progress to date in the arena of the Human Rights Council (HRC) was covered in our last update.<sup>4</sup>

## The Experts’ Assessment of Domestic Investigations

In our last update, the HRC had adopted a resolution<sup>5</sup> to extend the mandate of the expert committee (the Committee) to assess domestic investigations by Israel and the Palestinian side for compliance with international standards of independence, impartiality, effectiveness, thoroughness and promptness. The Committee’s final report<sup>6</sup> presented to the HRC during its sixteenth session in March 2011, states that Israel had conducted 400 command investigations into allegations by the fact-finding mission and other organizations. However, such command investigations were conducted by personnel from the same command structure as those under investigation and their investigations were operational, rather than legal, investigations.

The Committee found that of these 400 cases, 52 criminal investigations had been opened and, of these, 3 were submitted for prosecution with 2 resulting convictions and one ongoing trial.<sup>7</sup> The Committee

also reported that it had insufficient information to establish the status of investigations into the killing of 29 members of the Samouni family<sup>8</sup> and no information whatsoever on several very serious allegations in the Goldstone report, including the attacks on the Al-Quds and Al-Wafa hospitals<sup>9</sup>. Attacks on the UNRWA headquarters, the Fakhoura school and the Arafat Police Compound had also not been effectively addressed.<sup>10</sup>

### **The Human Rights Council takes action**

As a result of this report, on 25<sup>th</sup> March 2011, the HRC passed a resolution<sup>11</sup> recommending that the General Assembly reconsider the Goldstone report at its sixty-sixth session,<sup>12</sup> and urging the Assembly to submit the report to the Security Council for its consideration and appropriate action, including consideration of referral of the situation in the Occupied Palestinian Territory to the prosecutor of the International Criminal Court, pursuant to article 13 (b) of the Rome Statute.

The resolution also called upon all parties to implement the recommendations in the Goldstone report and recommended that the government of Switzerland convene a conference for the High Contracting Parties to the Geneva Conventions before September 2011, clarifying that the HRC does not consider the Israeli domestic investigations to meet the required international standards.

### **Goldstone's "reconsideration."**

In the wake of this progress in the human rights community, exactly one week later, Richard Goldstone published an op-ed in the *Washington Post*, entitled "Reconsidering the Goldstone Report on Israel and war crimes"<sup>13</sup> in which he wrote, "If I had known then what I know now, the Goldstone Report would have been a different document". No new evidence was provided as to how he had arrived at this conclusion.

Israeli politicians<sup>14</sup> and the US senate<sup>15</sup> immediately reacted to the confusing and strange op-ed by suggesting that it somehow held the same weight as the nearly 600-page Goldstone report written and investigated by four distinguished experts. In response, the other 3 experts who wrote the report issued a statement making it clear that, since September 2009, the Goldstone report is an official UN document and that "any actions taken pursuant to its findings and recommendations fall solely within the purview of the United Nations General Assembly".<sup>16</sup> Their view was that many of the press articles were misrepresenting facts in order to delegitimize the findings of the Goldstone report. Instead they reaffirmed that "Nothing of substance has appeared that would in any way change the context, findings or conclusions of that report."

It remains to be seen in September whether the General Assembly will refer the Goldstone report to the Security Council and, if so, whether there is sufficient political will to refer it to the ICC. If not, it can only be concluded that hypocrisy prevails at the international level and that world leaders remain highly selective in their application of human rights and international law.

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*Simone O'Broin is a human rights lawyer and activist*

*Endnotes:* See online version at: <http://www.badil.org/al-majdal/>

## ‘The People Want!’

### On the campaign for direct elections to the Palestinian National Council

By Omar Shweiki



*Mobilization as part of the Civitas Project hosted by BADIL and the Popular Committee in Dheisha Refugee Camp, The Phoenix Center, 2004. (© BADIL)*

In the midst of a wave of commentators, analysts and politicians trying to keep up with, control, and define the movement of revolution now unfolding termed the ‘Arab Spring’, one popular demand has risen above them all, in a single voice. Breathtaking in its clarity, the sentiment is captured by the single refrain heard from Yemen to Libya, from Egypt to Bahrain: ‘The people want!’ The determination of citizens to come together in order to take control of their own destinies has been reaching its full expression at every level of society across the Arab world, from the ousting of dictatorial leaderships, to the formation of popular committees in order to meet basic local needs such as cleaning the streets and managing local security. In all these achievements, the people have been driven by the will to take back ownership of everything from their local neighbourhoods to the national institutions of the state itself.

For Palestinians, the movement for reclaiming our national institutions is growing through the campaign for direct elections to the Palestinian National Council (PNC) of the PLO, the highest legislative body of the Palestinian people. The PLO is still considered by Palestinians (and the international community) as the sole legitimate representative of the entire Palestinian people, and therefore the national institution that represents the Palestinian people. However, with the creation of the Palestinian Authority and the Palestine Legislative Council since Oslo, the PNC has ceased to function as the national forum for the creation of the policies and strategies of the Palestinian people both in exile and under occupation. The current

Palestinian demand is the inclusion of Palestinians wherever they live through direct enfranchisement and representation, through elected representatives to the PNC.

This article describes the launch and recent activities of the campaign, the core principles around which communities have coalesced, and provides a background to the foundations of the campaign for direct elections to the PNC. In this latter part of the article, we will return to the mobilisation undertaken in the Civitas project, in order to understand the roots of the campaign in previous struggles by Palestinian activists for democratic representation over the past decade.

### **The Launch**

At the start of the 'Arab Spring', and during the week the 'Palestine papers' were leaked, the national campaign for direct elections to the PNC was launched. After years of organising on this issue amongst refugee and exile communities, it was understood that the time had come to relaunch the campaign. On January 27<sup>th</sup> Palestinian students in the UK made the first call for direct PNC elections in the name of the General Union of Palestinian Students (GUPS) during their occupation of the PLO embassy in London. Without denunciation or blame, the GUPS declaration spoke in a collective spirit of national unity, making reference to the 2006 Prisoners' Document, signed by all the factions and which calls for the democratic reactivation of the PLO through the formation of a new PNC by means of direct elections. Their call announced for the first time the three principles that had been agreed upon by the various associations and communities that had coalesced to mobilize for the campaign in recent years:

1. The call for direct elections to the Palestine National Council, the parliamentary body that gives authority to and creates the political platform, strategies and policies for the Palestine Liberation Organization, to be held one year from this day, in January, 2012.
2. The inclusion of all our people wherever they now live - in the homeland, the Shatat, in the prisons, and the camps of refuge in that election.
3. That this new representative body, reflective of all sectors of our people, reform and reactivate the PLO institutions so that they embody the will of the Palestinian people as a whole, in accordance with the principle of direct elections.



*Supporting direct elections to the PNC during Nakba commemoration, Ramallah, 2011. (© BADIL)*



Since this launch at the end of January, an educational phase began in different countries, with the publication of articles and information in newspapers and on the internet. On April 9th an initial wave of meetings were held in six countries, discussing the call for direct elections to the PNC, and the need to engage in organizing for it. Another series of meetings was coordinated in a dozen countries in May.

## **Civitas**

The principles drawn on, and the campaign's formulation, can be found in the findings of the Civitas Register (see previous articles by Karma Nabulsi)\*. Developed by Dr Karma Nabulsi at Oxford University working closely with refugee communities in 2002, and running until the publication of the report in 2006, the Civitas campaign was established in the wake of the 'second Nakba' of the Oslo process. During this period Palestinian refugee and exile communities had suffered from a political process that excluded them from their own national institutions, while at the same time had a leadership increasingly distant from their concerns and priorities.

This mobilisation involved the participation of thousands of Palestinians in self-organised meetings across 24 countries. These meetings facilitated a popularly driven civic needs assessment, that was both designed and carried out by Palestinian communities in order to strengthen their own voices to their national representative, the Palestine Liberation Organisation (PLO), and make their voices heard. The outcomes, published in the Register of the project, are extremely rich and politically relevant, testifying to the complex array of experiences of a refugee people scattered by force across six continents. However, just as the particularities of the distinct Palestinian communities across continents are apparent from the findings, more striking is the recurrence of common themes and collective demands that transcend these geographic divisions. This collective voice is present in the two main findings of the Register. Firstly, the unwavering commitment to the Right of Return and secondly, the demand for national representation through a newly elected PNC. While the connection between the two is fundamental, it is to the latter we now turn in order to understand the foundations of the campaign.

## **Crisis of Representation**

Participants devoted much of their comments to criticism of the shortcomings of the PLO/PA leaderships but were at the same time remarkably clear in their identification of the PLO as the national representative structure of the Palestinian people. In fact, the PLO was typically described as the *marji'ya* or reference point to which all Palestinians refer, despite its contemporary failings to achieve representativeness. The issue of whether the PLO was still needed was not avoided by the gatherings but participants often viewed its importance as almost self evident, given the conditions of Palestinians communities faced:

*We are with the PLO and we know the need for it because we are dispersed here, and we are part of the large Arab world, and the tragedies in this world are mounting upon us. In spite of everything though, the PLO restored our Palestinian character on the international level, and within ourselves. We are for Palestine.*

(Participant, Public Meeting, Sharjah, United Arab Emirates, p.35)

However, there was a keen awareness that there was a distinction between the PLO as the sole legitimate representative of the Palestinian people and the extent to which it was currently able to fulfill that role. As one participant in a public meeting in London explained:



*that the PLO is the only legitimate representative of the Palestinian people, is nearly taken for granted...[But] the PLO is what is left in a framework that has been completely emptied from content; a non-legitimate National Council; a non-legitimate unelected Executive Committee; and a union structure that had been dissolved by a decisions from inside the PLO which resulted in the absence of students, labor, and women unions. Thus free democratic self-expression is totally absent in the opinion of the Palestinian sectors.*

(Participant, Public Meeting, London, UK, p.34)

The PLO has suffered major fractures that undermined its institutional capacity to effectively fulfill the civic and representative needs of Palestinians, in particular of those living in exile. The first was when the PLO left Beirut after the almost comprehensive destruction of its institutional base which had been rooted in the camps. The second was the creation of the Palestinian National Authority, the transposition of the PLO elite into its structures and the subsequent election of the Palestinian Legislative Council by only those Palestinians living in the oPt in the mid 1990s. This further weakened the PLO's connection to the refugee camps and exile communities outside occupied West Bank and Gaza, and further eroded the associational and institutional fabric that had previously served Palestinian civic needs. By 2005, in many places where Palestinians communities existed, the PLO could hardly be felt, the gap between citizen and representative was stark,

*The absence of the institution is the cause of the problem. There is no Palestinian institution that works for me as a human being, as a Palestinian citizen. I do exist, and the germ exists inside me – and either I water it to let it grow, or I forget it and it will wilt. Before the peace treaties, Palestinian political parties were more effective, and we had a voice: we worked properly! We made our voice heard to the entire world. But the world now only hears the voice of the Palestinian President, and his Prime Minister. As a citizen, I no longer have a voice. His voice is enough. But before the peace process my voice was heard. If this peace will silence me then I don't want it!*

(Participant, Women's Preparatory Meeting, Amman, Jordan, p. 37)

The inadequacy of the institutions established through the Oslo Accords and their inability to represent Palestinians, in particular those outside the West Bank and Gaza are reflected in the concerns and dissatisfaction of Palestinians themselves. A sense of being 'lost between authorities' resonated in meetings across Palestinian communities. The creation of the PNA had been at the expense of the PLO, the former increasingly became the de facto Palestinian leadership as the institution's of the latter faced growing neglect and marginalization. One participant in a public meeting in Greece described the experience of Palestinians in his community:

*I think that the reason for the apathy amongst community members during the last ten years is the presence of the Palestinian Authority, which diminished the influence of the Palestinian federations and unions abroad, abandoning a great number of these federations, and paralyzing the activities of other federations. Even the relationship between the Palestinian unions and committees and attachments abroad to the PLO is almost severed in most places. The Authority now feels that it has no interest in these federations, and it used to feel that they are extensions to it, so it communicated with them. But the Authority has no interest with them so it shrunk these federations and limited their effectiveness.*

(Participant, Public Meeting, Thessalonica, Greece, p.46)

One of the major tests of the failure of Palestinian national institutions to fulfill their representative role has been the leadership's stance on the Right of Return and the consequent fears amongst refugees that their rights are being made subject to compromise. For many, the release of the Palestine Papers has only served to confirm the validity of these fears. The intimate connection between the Right of Return and self-determination is therefore very clear, not only is the former an individual right but it also remains the collectively held position of Palestinian refugee communities everywhere. Its defense therefore depends on the strength of the mechanisms designed to represent the concerns of those communities. Detached from these communities, Palestinian representatives lose touch with the priorities of their people. Palestinians want to shape the course of negotiations with Israel,

*What really concerns me is that they are negotiating without taking our opinions; they are negotiating in our absence, and as Palestinians, whether refugees or not, those who consider themselves refugees or not are negotiating in our name, as if we don't have an opinion and as if we are not concerned. Are they talking about the right of return or compensation, or compensation and the right of return? We don't know what they are negotiating about.*

(Participant, Public meeting, Montreal, Canada, p. 47)

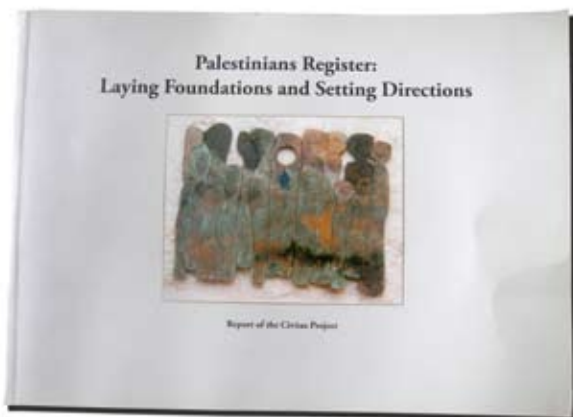
## **Demands for Change**

The crisis of representation and its symptoms, including the threat to the Right of Return, was something each Palestinian refugee and exile community could testify to since they had experienced the exclusion, marginalization and fears for the future struggle for their rights. The collective will driving the campaign for direct elections to the PNC can be found in the determination of Palestinians to be treated with dignity and as equals in the shaping of their national movement. Nothing less than enacting the principle of one Palestinian, one vote, could restore legitimacy to the institutions claiming to represent the Palestinian people. As a participant in 'A'ideen Camp in Syria described:

*I shall start with the PLO and the need to restore its dignity on the basis that it is the only legitimate representative of the Palestinian people. We have felt that its institutions have been dismantled, and that some of its representatives don't represent us any more... I have the right as Palestinian, to vote in order to choose the person who will represent me, so that I can guarantee that the rights of the Palestinian people, endorsed by the United Nations' resolutions, will not be lost or renounced, especially the right of return to our country and properties.*

(Participant, Preparatory Workshop, Homs ('A'ideen) camp, Syria, p.57)

The insistence on participation and democratic accountability has targeted every level of Palestinian civic life, from the local associations and popular committees to the restoration of the PLO through elections to the Palestinian National Council, the latter identified as the only legitimate body that could restore the role of Palestinians living outside



Cover of the Report of the Civitas Project

the homeland as equal members of the Palestinian body politic. As a participant in a worker's meeting in Beddawi camp in Lebanon argues:

*Among the rights we badly need are: the right to express ourselves politically, structuring national Palestinian institutions; the right to participate in local elections; and of course the Popular Committee issue etc. Also the right to participate in the Palestinian National Council elections because it represents us. It is not an obligatory thing, for I heard someone saying we must do so. And all this talk about the presidential elections and why we didn't participate only reveals unawareness of our status as refugees. We say that we, as refugees abroad, have nothing to do with the Authority or the presidential and legislative elections. Those who are involved are our nation in Gaza Strip and the West Bank and Jerusalem, but who represents us abroad is the PLO and its first institution: the Palestinian National Council. We are interested in conducting elections to reactivate the Palestinian National Council in a way which reflects all Palestinian refugees, and the Palestinian National Authority is one of the PLO's tools, but the PLO is not one of the Authority's tools.*

(Participant, Worker's meeting, Beddawi camp, Lebanon, p.60)

The message from Palestinians today is clear, no higher authority exists than that of the people, sovereignty lies with them. And this is where the mobilizing strength of the campaign lies. Since Oslo, Palestinians outside the homeland have been reduced to a 'diaspora' whose only role was to provide solidarity with their Palestinian brothers and sisters in the West Bank and Gaza. Campaigning for the right of all Palestinians to elect their representatives to the PNC is premised on the principle that each Palestinian matters and has an equal stake in their national institutions. This also means, as articulated in the third principle of the campaign, that no authority other than a democratically elected one has the legitimacy to decide on and implement the reforms that the PLO urgently needs. In this sense, the principles of the campaign are its strategy.

The extreme geographic fragmentation that characterizes our experience as a people means that a Palestinian Medan il-Tahrir does not physically exist, and therefore our common public space has to be created across borders, and all together working as one. Now is the time to rebuild our own public square, one that includes us all, so that the cry 'the people want!' will rise again, and be answered.

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\* 'Palestinians Register: Laying Foundations and Setting Directions', the report of the Civitas project can be found online in Arabic and English: <http://www.forcedmigration.org/browse/thematic/palestiniansregister/pdf/civitas-full-report-english.pdf>

## BDS in the Arab World in light of the recent Uprisings

by Wissam al-Saliby



*Palestinian activists demonstrating in support of BDS. (© Ma'an)*

Since the outbreak of uprisings across the Arab world, analysts of the region have sought to predict how the decisive events will impact on the continuing struggle for Palestinian rights. Whereas much attention continues to be paid to the potential changes in governments' policy and the intricacies of the stagnant peace process, less coverage has been given to the contributions made by ordinary Arabs across the region to end their governments' role in supporting the Israeli regime.

During the Egyptian uprising, the images on TV screens of Egyptians waving Palestinian flags and chanting slogans in support of Palestine evidenced that when the Arab public are able to speak, they inevitably turn their attention to the longest-standing colonial venture in the region: the occupation of Palestine. Whilst this is most obvious in the 'front-line' countries bordering Israel, similar sentiments have also been expressed in the eighteen separate Arab countries to which the 'Arab Spring' has now spread with varying degrees of intensity and where the infectious slogan "*The people want to topple the regime*," has often been followed closely by calls for a free Palestine.

Amidst the uncertainty that the revolutions have created, activists remain convinced that they present an unprecedented opportunity to overthrow the Western-backed authoritarian regimes that pervade the Middle East, and with it, Israeli Apartheid. One strategy increasingly employed to end their governments' complicity in Israeli crimes is the growing campaign for Boycott, Divestment and Sanctions (BDS) against Israel until it complies with international law. This article traces the history of the Arab boycott and examines what implications the Arab Spring might have for the BDS campaign directed against Israel.

*Egyptian and Jordanian  
activists protesting  
against the sale of Israeli  
goods.  
(BDSmovement.net)*



### **Background: The Arab League Boycott of Israel**

Boycott related actions in Arab countries, or 'anti-normalization' campaigns as they are referred to, are often associated with the Arab League Boycott initiated in 1945 and administered by the Central Boycott Office (CBO) in Damascus. The Arab League boycott was one of a number of state-run boycotts alongside others initiated by the Organization of the Islamic Conference and the Non-Aligned Movement; all of which were inspired by the boycott of Zionist organizations developed by Palestinian revolutionaries in the early twentieth century. The Arab League Boycott was extensive and included three-tiers, encompassing a boycott of Israeli companies; companies who did business with Israel; as well as a prohibition against any entity in a participating country from trading with blacklisted firms – a list which generally covers firms that trade with other companies that do business in Israel (for a more extensive history of the Arab boycott see the Stop the Wall Report).<sup>1</sup>

Although the Arab League boycott was not centrally enforced (with the CBO only issuing non-binding regulations), it was well maintained by individual boycott offices of the member-states of the Arab League and coordinated by biannual meetings in Damascus. In 1979, however, the united front it presented was shattered by the signing of the peace agreement between Israel and Egypt (leading to the expulsion of Egypt from the Arab league) and further damaged by the subsequent Declaration of Principles between the PLO and Israel in 1993, the peace agreement between Israel and Jordan in 1994 and the establishment of Israeli economic and diplomatic ties with a number of other Arab states.<sup>2</sup>

Where the boycott has been formally maintained, economic and diplomatic pressures, emanating principally from the United States, have resulted in the countries in the Gulf Cooperation Council (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the UAE) choosing to only enforce the first tier of the boycott, if at all. As a result, today the Arab League boycott is patchily implemented with extensive economic and diplomatic ties existing between Israel and a number of Arab countries, although it should be noted that many of these remain surreptitious due to popular opposition to normalization and often fluctuate according to the intensity of conflict in Palestine (e.g. the declaration of Council of Arab Ministers in response to the invasion of the West Bank in 2002<sup>3</sup> or the severing of diplomatic ties by Mauritania during the 2008-2009 assault on Gaza).<sup>4</sup>



The last meeting of the CBO in 2006 added a few companies to the blacklist of companies but, due to opposition from member states, failed to revitalize the CBO as an organization capable of carrying forward the boycott in earnest.

## **Grassroots BDS Campaigns**

In opposition to the softening position on a governmental level, the opinion on the Arab street has consistently supported using BDS as a method of pressuring Israel to meet its international legal obligations. As governments and businesses increase relations with Israel over the heads and against the will of the Arab people, the general public has responded with the establishment of ad hoc committees, normally consisting of a broad range of society including leftists, unionists, liberals, Islamists and members of the professional classes, to oppose normalization.

The crux of the argument made by anti-normalization activists is that Israel, as a colonial- state, will only end its decades-long denial of Palestinian rights if obliged to do so. In this context, any attempts to convince Israel to comply with international law through 'dialogue' and peace initiatives simply emboldens it in its oppression and dispossession of the Palestinians, a view which has grown in credence after some 20 years of failed peace negotiations. As Cairo University professor and prominent anti-normalization activist Radwa Ashour puts it, "anti-normalization is a very important weapon because, despite the fact that we dream of peace, what we are being sold today is a mere illusion and a consolidation of oppression".<sup>5</sup>

On the eve of the opening of the Israeli embassy in Cairo a meeting held in the headquarters of the leftist Tagammu party heralded the establishment of Egypt's first anti-normalization committee focusing on encouraging professional syndicates to adopt anti-normalization clauses and ensuring adherence to them. Similarly in Jordan, despite severe repression by the government, opposition movements launched anti-normalization campaigns in immediate response to the 1994 peace accords with Israel. Once again, in the Jordanian context, anti-normalization efforts focused on the popular and professional fields as well as among unions and cultural workers.<sup>6,7</sup>

The Egyptian and Jordanian campaigns have been joined by campaigns in virtually every Arab country including Lebanon, Tunisia, Oman and, more in more recent years, by Qatar, Bahrain and Morocco.<sup>8</sup> In some cases campaigns have even worked trans-nationally to organize conferences or launch joint initiatives, such as the Jordanian-Egyptian campaign against The Copenhagen Group in the late 1990's. While such committees have been successful at a grassroots and union level, activists have been unable to translate these accomplishments into government policy due to the exclusion of activists from the corridors of power and continued government repression.

Escalating Israeli brutality during the Second Intifada and the increasingly obvious failure of peace negotiations precipitated a further upturn in anti-normalization actions throughout the Arab world in the early 2000's. In Oman, massive mobilization in 2001 forced the closure of the Israeli trade office in the country while in 2005, thousands of demonstrators came out in Tunisia to protest the visit of Israeli foreign minister attending the World Summit on the Information Society (WSIS). In Bahrain, activists responded to a 2005 attempt by the King to close the Bahraini branch of boycott office by a series of protests, conference, petitions and passing legislation in the lower, elected house of Parliament to criminalize contact with Israel.<sup>9</sup>

It is against this background that the 2005 BDS call was issued by Palestinian civil society laying out the Palestinian people's rights-based demands. While the framework and discourse of the 2005 call has only

been adopted by a minority of Arab civil society (for example in Lebanon and Morocco),<sup>10</sup> as opposed to anti-normalization work more generally, the 2005 call has worked to reinvigorate existing initiatives in the Arab world by providing concrete, successful campaigns to focus on as well as sparking crucial debates among anti-normalization activists about how criteria and guidelines for boycott are to be applied across a variety of political contexts.

### **The Arab Spring: BDS and Democracy**

Although the drama of the Arab Springs has yet to settle, the indicators are already that the recent revolutions will do much to stem the retreat of Arab solidarity with the Palestinian cause. The beginnings of such a change are evident in the discourse of government officials as well as the positions of leaders of the revolution, such as Ahmad Maher, one of the leaders of the April 6<sup>th</sup> Movement in Egypt, who refused to conduct an interview on Israeli television on the grounds that he “rejects normalization with Israel”.<sup>11</sup>

More concretely, on April the 28<sup>th</sup>, the Egyptian Foreign Minister told Al-Jazeera that preparations were already underway to permanently open the Rafah border crossing, which would allow goods and people in and out of Gaza without Israeli supervision. The subsequent 'opening', although still very restricted,<sup>12</sup> shows the beginning of a change in policy on a formal political level more in line with Egyptian popular sentiments, the majority of whom support an annulment of the 1979 peace treaty.<sup>13</sup>

Along similar lines, the ousting of Mubarak has brought focus to Egypt's corrupt and mismanaged deal to sell natural gas to Israel. The criticism of the deal, which combines a criticism of Israeli policy with a rebuke of the corrupt and unaccountable agreement itself, highlights how BDS, democracy and transparency are intertwined. Indeed, striking gas workers back in January emphasized this point by presenting work-related demands alongside demands for the impeachment of the then minister of petroleum Sameh Fahmy and the cessation of gas exports to Israel,<sup>14</sup> sentiments in favor of boycott echoed by the statements of Kamal Abu Aita, representative of the Egyptian Independent Union Federation (EIUF) during a meeting in London.<sup>15</sup>

Meanwhile in Jordan, the opposition called, at the end of April, for the expulsion of the Israeli ambassador from the Israeli embassy in Amman.<sup>16</sup> At the same time, the anti-normalization committee of syndicated professions called for the boycott of an environmental trip organized by an environmental NGO, because it included the participation of Israeli organizations.<sup>17</sup>

As for Morocco, a recent report revealed that the well-known Israeli-Moroccan economic relationship amounted to 18.5 million dollars in 2009 and to 13.1 million dollars in 2010, a figure which rose to 3.1 million dollars in the first two months of 2011 alone. In reaction, a new Moroccan BDS initiative, [www.bdsmaroc.org](http://www.bdsmaroc.org), is calling for legislation prohibiting the entry of Israeli goods in to the country. In Bahrain, police were seen opening fire on demonstrators waving Palestinian flags on Nakba day 2011, suggesting that had the uprising there not been crushed, the scope for strengthening the already vibrant anti-normalization work may have further increased.

Despite these developments and the successes in the professional and cultural fields, BDS in most Arab countries remains poorly adhered to in practice. A salient example of the non-compliance of some Arab states is Qatar and Saudi Arabia's continued dealings with Veolia at the same time that a global campaign against Veolia was achieving significant worldwide successes. When there have been victories in this regard, such as in 2008 when the New York-based coalition Adalah-NY successfully spearheaded a campaign to prevent Lev Leviev from opening a branch of his diamond chain in Dubai,<sup>18</sup> it was the mobilization of civil



Above: Demonstration held in Bahrain urging the government to insist on a full boycott of Apartheid Israel.  
(Source: StoptheWall)



Right: Jordanian conference to oppose normalization on the 14th anniversary of the Jordanian-Israeli peace agreement, Amman, 2008.  
(Source: BDSmovement.net)

society outside the country that brought about the decision by Emirati authorities to deny that the jeweler had been granted any permission to open a branch. While such trans-national BDS mobilization is to be commended, it is necessary for civil society within the country in question to also participate in supporting BDS initiatives to ensure the long-term sustainability of campaigns.

## Limitations and Conclusions

Once an article of faith for anybody involved with progressive politics in the Arab world, anti-normalization is once again gaining traction as a broad-based justice movement throughout the region. Progress, however, continues to be hindered by a misunderstanding of the rights-based discourse and a lack of proper organizing with debates often consisting of simply boycotting Coca Cola, Pepsi or focusing on the individuals who breach anti-normalization criteria. While many of these initiatives are no doubt an important part of BDS work, the failure of civil society and the Arab media to frame BDS beyond the immediate consumer boycott and as a global movement with a wide range of economic targets continues to limit its potential growth.

In the ongoing upheaval of the Arab Spring, the possibilities of a concerted effort to build upon the work of anti-normalization committees is beginning to take shape and a broader range of social groups are, and can be, drawn into BDS work. As the main lessons of the uprisings of active self-organizing and democratic expression are being taken up across the region, one can only imagine that the ranks of BDS activists will grow as revolutionaries make the links between domestic issues and the wider struggle against colonialism in the Middle East.

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Endnotes: See online version at: <http://www.badil.org/al-majdal/>

## Reaching Palestine and kissing the Soil: Palestinian Refugees return home on Nakba Day

By BADIL Staff



Hassan Hijazi, a returnee who crossed from Syria and made it all the way to his home town of Jaffa (Source: al-ayyam)



**Right:** Palestinian refugees making it over the barbed wire on the border dividing Syria from the occupied Golan Heights (© Source: al-Hayat)

The revolutionary spirit of the Arab Spring manifested itself in the actions of Palestinians, Arabs, and their allies on this Nakba Day 2011. Alongside the usual annual gatherings marking the Palestinian Nakba of 1948, Palestinian, Syrian, Egyptian, Jordanian and Lebanese activists made unprecedented strides in their quest to claim the right of return for refugees to their places of origin inside historic Palestine and the occupied Golan Heights.<sup>1</sup>

Palestinians residing in Syria, Jordan, Egypt and Lebanon courageously marched towards their respective borders with Israel in a show of defiance and steadfastness. Israel's aggressive response to Palestinians demonstrating against their forcible displacement and exclusion resulted in dozens of fatalities and hundreds of injuries. The demonstrators, many of whom entered their homeland for the first time since their forcible displacement, were joined by thousands of others demonstrating in solidarity, from Istanbul to Sydney, New York to London and set a precedent for direct action that was repeated less than a month later on June the 5<sup>th</sup>.

Whilst demonstrators in Jordan and Egypt were beaten back by their respective governments, it was on the border of Lebanon and Syria that the clarity of the Palestinian struggle for return found its vehicle in the young bodies of Palestinian refugees whose hop, skip and jump over the barbed wire fences and minefields was a major step in overcoming 63 years of denial, neglect and isolation. At a meeting in Syria a few days after Nakba Day, youth involved in the march to the Israeli-occupied Golan Heights spoke about their experiences.

**“We couldn't stop so close to home”**

Although the marches had been planned well in advance, even the demonstrators themselves were surprised by their audacity and courage to transcend the militarized borders that have forcibly separated them from

their original homes. As put by Yasser Yousef:

*I was one of the first to reach the border fence and I didn't foresee what was about to happen. The youth were chanting "the people want freedom for Palestine" and one of them initiated the march over the fence by putting up the V for victory sign and running towards the minefield. When we reached the fence we heard the youth on the other side warning us that we were entering a minefield, but this didn't dissuade us, we couldn't stop when we were so close to home. Some of us climbed over the barbed wire fence while others tried to cut through it to help the others get through.*

As Syrians from the occupied Golan Heights greeted the first demonstrators who made it over the fences, a river of other protesters soon followed. Despite the spirit of elation, the protesters remained mindful of landmines and many, including Mahmoud Faris, remained behind to assist others, "I asked my cousin who was with me to stay and warn the people about the presence of mines and prevent them from stepping on them."

Once in Majdal Shams, the largest town in the Israeli-occupied Golan Heights, the protesters made their way to the town's main square, as Bashar Hassan describes,

*When I reached the main square in Majdal Shams by the statue of Sultan Basha al Atrash, the commander of the great Syrian revolution against the occupying French forces, there were hundreds of people from Majdal Shams out to welcome us and stand with us. One of our youths climbed on top of the statue and put the Palestinian flag in the statue's hand and everybody started clapping and chanting for Palestine and its people. I couldn't control myself and I started crying.*

## United for Return

In contrast with the formal political situation, where a discord among the main two Palestinian factions and the exclusion of refugees from the Palestinian body politic continues to stymie the achievement of genuine unity and strategy for liberation, the youth demonstrated oneness in their purpose. As Haitham Abu Taleb describes "What drew me to the demonstration was that the chants were for Palestine and devoid of any factionalism, the only flag they were carrying and waving was the flag of Palestine."

From its earliest inception, the Palestinian national movement, was built on the twin axioms of liberation and return. Despite the marginalization of the right of return during two decades of a failed peace process and notwithstanding the obsolete status of the Palestinian diasporic governance body, the return of refugees continues to be a central demand of the national movement. Abu Taleb, a participant in the Nakba Day marches explains how this was evidenced during the demonstrations, "The youth were from different parts of society, held different political views and represented a variety of Palestinian factions. But none of these differences were evident in the march because we were united against the Israeli soldiers who were preventing us from returning to our homes."

Soon after the first demonstrators made it across and as others continued to spill across the border, the Israeli army arrived firing tear gas and live ammunition at protesters. One returnee, Ahmad Abassi, looked on as Israelis tried to prevent refugees from returning:

*The thing that affected me the most was when I saw three Israeli jeeps driving between the*



*returnees and trying to divide them by keeping some people in Ein a-Tina [on the Syrian side] and others in Majdal Shams. For me this was very symbolic as it represents the way in which Israel tries to divide us and weaken our struggle.*

## **Return at any Cost**

Like the struggles for dignity and accountable governance that continue to sweep the Arab world, the marches for return have created a new horizon of what is possible for Palestinian refugees. Taking their struggle beyond the rhetoric of podiums and over the borders that have denied refugees their self-determination, the marchers visibly demonstrated the ongoing human cost of Israel's exclusivist project. In doing so, these refugees also transformed their dehumanizing characterization from a "problem" to be solved to active and able agents of change.

Israel's use of brutal force to deny refugee return on Nakba day reflects an ongoing policy of forced population transfer and exclusion that began since the State's establishment in 1948. For Palestinians who attempted to return to their homes in the aftermath of their initial dispossession, Israel saw to it that they were again taken from their homes and dumped on neighboring borders or empty hillsides. In the Hula valley, hungry refugees wandering back to harvest their crops were subject to a systematic torching campaign by the Palmach,<sup>2</sup> while many others were simply shot dead. Over 5,000 returning refugees were killed in this manner between 1949 - 1956.<sup>3</sup> Soon after, realizing the need to find a 'legal' framework to cement Jewish supremacy in the country, the Israeli parliament, the Knesset, passed the Prevention of Infiltration Law which gave the government carte blanche to deport and otherwise keep Palestinian refugees in forced exile.

Some of those attending the demonstration were from this older generation and joined the youth in crossing the border, as Muhammad Muhammad describes,

*I was exhausted by the time I reached the fence. As I began climbing there was an old woman who asked me to lift her up so that she could scale the fence to go to Majdal Shams. I told her, "it will be difficult for you ya hajje" [a term of respect for those who have made the Pilgrimage to Mecca] but she insisted that she wanted to climb, telling me "what's important is that I reach the other side and to kiss the soil of Palestine". Me and a few others carried her over the wall and helped her to reach Majdal Shams. When she reached the other side, she lay prostrate on the ground for more than 10 minutes kissing the ground.*

The passion exhibited by Palestinian refugees embodies an energy that has been abandoned and untapped since the Palestinian leadership relocated from exile to the Occupied Territory and embarked on a detrimental peace process. Palestinian refugees cannot continue to be excluded from the base of the Palestinian people who are entitled to self-determination and to whom the Palestinian leadership must be accountable. As such, without their energy and commitment in a broader Palestinian strategy of liberation and without their endorsement of a potential solution, resolving the decades-long colonial conflict in Palestine will continue to remain elusive.

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*Endnotes:* See online version at: <http://www.badil.org/al-majdal/>

## BADIL-Zochrot Joint Action: Practical Approaches to Refugee Return

*A report from the BADIL-Zochrot joint actions*



*Participants in the second BADIL-Zochrot seminar in Istanbul, December 2010. (© BADIL)*

As the May 15<sup>th</sup> marches reaffirmed the refugees at the center of the Palestinian struggle and revealed new avenues for the realization of their rights, questions related to practical aspects of refugee return are becoming of increasing significance. Over the past two years, BADIL and Zochrot have been involved in an innovative project to study the practical aspects of refugee return. The project builds on the deep respect in international law for the right of return,<sup>1</sup> and its widespread affirmation as the only acceptable durable solution, and starts to address how refugees will return to properties and homes from which they were forcibly displaced, and how such a return can be implemented in a practical, fair, and efficient manner that protects the legitimate interests of all stakeholders involved.

This document reflects the ideas and suggestions raised by participants over the course of two seminars held in Belgrade and Istanbul and represents the initial, tentative thoughts of the group. It should thus be read as the early beginnings of a fruitful discussion on the issue.

### Presenting the possibilities of return

The practical aspect of return is an important project for a number of reasons. For Palestinians, return is an inalienable right often viewed as a 'dream', which over time has attained a certain mythical status. Whilst viewing return in this manner is the understandable response of a people who have been struggling

for their rights for the past 63 years, this has often come at the expense of a realistic, sober assessment of how Palestinian refugee return is to be practically realized. Consequently, many exiled Palestinians visualize the homeland to which they will return as the idyllic pre-1948 Palestine they know from grainy photographs.

The practicalities of return project encourages Palestinians to envisage their return to a living place in which the tragedies and crimes of the past will need to be reconciled with the possibilities and hopes for the future. Both the dream, and the disappointment of return, can be mitigated by drawing a positive vision for how return might look and involving Palestinians in an interactive process which draws them into mapping their own lives. Looking at and discussing how to reclaim spaces from which Palestinian have been excluded for so long reinvigorates the resolve to struggle by giving a clearer picture of what is currently being fought for; equality, return, freedom and justice, and how these noble ideals will look in the real world.

In Israel, despite the impact of Zochrot's work and the revelation made by the New Historians which verified Palestinian accounts of the Nakba, the Palestinian right of return continues to be considered a synonym for “the destruction of Israel” and stirs up deep-seated fears among Israelis about their future. Whilst this view predominates as a result of a system of entrenched racism against Palestinians derived from the Zionist impulse towards forcible transfer, there nevertheless exists legitimate concerns among the Israeli public about the implications of Palestinian refugee return. These fears can only abate if Israelis have an understanding of how their lives, properties and privileges will be affected by the repatriation of Palestinian refugees. The project aims to show this audience that refugee return, as well as being legal and just, can also be achieved in a manner which also takes into account the rights of the existing receiving communities; thereby moving the focus from prejudiced assumptions to a reasonable discussion on the practical aspects of refugee return.

Finally, one reason why the process of refugee repatriation, rehabilitation and restitution has not been successful in comparative refugee return situations, is the failure to make preparations for return in advance. As such, the process of establishing a just and efficient process was rushed leading to administrative delays

*Posting signs with the locations of the mosque, school and graveyard in the depopulated village of Miska at the site of the original village, 2002. (© Zochrot)*



or hurried solutions which failed to address the source of the injustice, negatively affecting the transition to a just society. By considering this process in advance, we hope to outline the principles from which, when the correct circumstances exist, fair processes and mechanisms for refugee return can be established.

## **Transitional Justice: Recognition, Responsibility/Accountability and Redress**

Transitional justice lacks a universal definition. However, for the purposes of the workshops, transitional justice was defined in broad terms as “the way societies deal with their past (and present) moving from a repressive regime to a democratic one based on recognition, responsibility (accountability) and redress.”<sup>2</sup>

### **Recognition**

Recognition is the first component of transitional justice. In the case of the Palestinian-Israeli conflict, this relates to recognizing and acknowledging the ethnic cleansing of over 750,000 Palestinians in what is known to Palestinians as the Nakba, or catastrophe, of 1948 as well as the ongoing displacement and dispossession as a result of Israel’s regime of occupation, colonization and apartheid, involving numerous levels of crimes and violations. These include direct violence and massacres as in the cases of al-Tantoura and Deir Yassin, direct expulsion as in the cases of Lydd and Ramla and acts of psychological warfare.

Official recognition of the crimes that took place would be the minimum required step towards a new chapter in a post-conflict society. This could take the form of a public apology but would also have to be complemented by other measures including changing back street names, renaming parks, public squares, etc, making relevant documents and records public and accessible, granting symbolic privileges and benefits to victims and their descendants (free transportation to historic sites, *ex officio* membership in organizations commemorating their suffering, etc.); and teaching the history of the Palestinian Nakba in schools. However, whilst official recognition is essential, it is not in itself sufficient and must be accompanied by public and private recognition by civil society, specifically by leaders of the Jewish community in the state.

More problematic, however, is achieving recognition on an individual level because one cannot bring others to recognize something by force if they choose not to. At the same time, it would be intolerable for victims of the former repression to live alongside a large segment of Israeli people who refuse to acknowledge the former injustices of their elected government. Such a situation would render meaningless any recognition by the government and/or civil society and would provide fertile ground for the reemergence of past patterns of injustice as those Israelis who deny the historical injustice become a source of unrest or even relapse.

### **Responsibility/Accountability**

Responsibility relates to holding to account those who were responsible for the Nakba and the ensuing crimes. Documentation from human rights organizations, oral history accounts, and Israeli archives would be instrumental in uncovering the facts of what happened in and since 1948 and provide information which identifies crimes and perpetrators. Perpetrators could include individual leaders, governmental and parastatal officials (e.g. JNF) as well as businesses and war profiteers.

Perpetrators could be brought before a criminal or a civil court, depending on the severity and nature of the crime. The legal justice mechanisms for prosecuting those responsible would need to explore the

supportive role that might be played by international organizations as justice venues and would be based on an assessment of other transitional justice situations and the unique characteristics existent in Palestine. Where appropriate, purging officials and civil servants who took part in mass human rights violations and banning them from assuming public office for the rest of their lives might be one aspect of the mechanisms for holding such persons responsible for their crimes.

Next to this, community-based forms of Accountability and Alternative Dispute Resolution Mechanisms (ADRM) in which the community finds creative solutions for addressing (normally low-level) historical crimes or injustices could be required. One example from the Timor-Leste experience involved a former pro-Indonesia militia member who was involved in destroying a local school being asked to rebuild it and provide his home as a temporary location for the school as a means of reacceptance back into the community.

In Palestine, one such example might be built upon the Bedouin tradition of Atwah with a “Diwan al-Musalaha/ Diwan of Reconciliation” providing a forum for victims and perpetrators to reconcile their disputes. However, the Diwan of Reconciliation should not substitute other mechanisms of formal justice and accountability and recognition of crimes should not come at the expense of effective responsibility. An important lesson in this regard was learned from the South African model of Truth and Reconciliation Commission (TRC).

## **Redress**

Redress relates to restoring the situation to pre-1948 conditions wherever possible, and to making victims whole. This includes, *inter alia*, implementing the right of refugees to return to their original homes wherever possible, financial compensation, social rehabilitation, disarmament and demilitarization. Redress should take an economic form in addition to a legal form to avoid creating a situation where the segment of the society which profited from repression remains privileged in the new society while the victims remain economically marginalized.

## **Restitution**

The mandate of the restitution group was to look at the practical considerations of return as it relates to the restitution of property for Palestinian refugees. Restitution was defined as returning an individual's property to them, as a step to reverse the injustice caused by the displacement and deprivation of property rights. Restitution is the primary remedy under international law for property that has been arbitrarily confiscated.

A set of principles would be necessary to identify how conflicts over property would be resolved and how restitution should work if individual rights conflict with public institutions or company-owned property. As part of the group's deliberations it was discussed that priority should be given to avoiding harm to individuals therefore giving priority to individual property claims or to property used for public institutions.

Restitution includes physical return of properties confiscated as a result of Israel's theft as well as a package of compensation to those choosing not to have their property restituted. In order to do this, there is a need to collect funds from all responsible parties, principally Israel, but also the United Kingdom and others. These funds will be used in cases where compensation will be given as a remedy either in addition to, or instead of, restitution. If a refugee chooses compensation over restitution this should be the full value of



the property which should be calculated according to a formula based on UNCCP and other records that will provide the present value of the property.

### **Mechanisms and Processes**

Mechanisms for achieving restitution would include engaging community elders, scholars, civil society organizations in mapping the area before 1948; utilizing Ottoman, British, Israeli, and other relevant archives, testimonies/documents from refugees and aerial photographs.

Such a function might be best served by the establishment of local committees, representing each sector of the returning Palestinian communities to represent the community demands in terms of public space. These committees would play a significant role in identifying land claims and establishing ownership; a task the complexity of which should not be underestimated given that one would need to identify who owned which land, how they came to acquire it, i.e. was it a result of colonialism or other illegal acquisition methods, who actually used the land and, if the land was 'sold' whether it was done so under duress or pressure. In this sense, property restitution would also be focused around ensuring that the restitution process provides historical justice.

### **When secondary property rights conflict with Palestinian rights**

According to research by Salman Abu Sitta, the majority of Israeli-Jews live on an area similar in size (if not in exact location) to the area inhabited pre-1948<sup>3</sup>. Therefore, in most instances, a direct conflict of rights over property is unlikely to arise. However, there will be cases where property belonging to a Palestinian refugee is currently occupied by secondary occupiers and these must be resolved ensuring justice for both communities and minimizing the negative impact on both.

Factors to be considered in establishing the criteria for resolution include the passage of time and the circumstances of acquisition. One option might be to offer monetary compensation for whoever was willing to surrender their claim to the property. Alternatively, in cases where an Israeli is leasing land from the state, the option of continuing the lease until it is completed but from the Palestinian owner might be also offered. If neither of these solutions is accepted, the decision will be referred to a judicial body with the jurisdiction to decide on the case.



*Palestinian refugees back in their original village of Beit Jibrin. The sight of the ruins on the empty land gave rise to discussion about practical questions related to the return of refugees, April 2000. (© BADIL)*

## **Rehabilitation and Creating a Culture of Return**

Rehabilitation is a healing process for the Palestinian and Jewish communities aiming to make these communities sustainable before and after return. Rehabilitation has both physical and psychological dimensions to it, and also connected to the rehabilitation of Palestinians who choose not to return. In the process, it is necessary to think about how to reconstruct a new reality rather than moving into a pre-existing landscape - whether it is present day Israel and/or an idealized pre-Nakba one – and should be aimed at ensuring that present day ethnic, economic and national distinctions are not reproduced.

Planning for rehabilitation and creating a culture of return are activities that could be initiated both in an ideal, post- conflict society, and in the present political climate as a means of public advocacy. A public educational campaign would need to be launched to show the ways in which Israelis and Palestinians living together would be made possible. An example of such education initiatives is Zochrot's existing work program which raises awareness of the Nakba within Israel, explains the present situation of refugees and their right to return and acknowledges ethnically-cleansed villages through signposting, tours, lectures and so forth.

This could include reconnecting Palestinians with their villages by showing films and photos of villages as they existed and as they currently exist as well as creating public spaces in which return can be understood (such as the creation of fictional movies portraying return, or art/architectural school projects which encourage imagining of the return). This could be combined with civil disobedience involving active return by Palestinian refugees and other initiatives by BADIL and the marches of

*March of return to the depopulated village of Lifta, Jerusalem 2000. (© BADIL)*



return<sup>4</sup>. In this regard, every march of return, practice of memory and visit to destroyed villages will become an active preparation for return.

When the current Apartheid regime ends and Palestinian refugees are allowed to return, the process of rehabilitation itself would need to be conducted in a manner which places community consultation as a high priority and allows space for the community to collect and develop its demands. This would include visits by representatives to the villages to gather information (for instance regarding what has occurred in Palestine and in the original villages since the Nakba) that would assist in calibrating the expectations of the returning refugees and assisting them in making informed choices.

Rehabilitation will include the development of educational curricula, economic models and plans, social, cultural and gender agendas, national symbols, religious matters and proposals for a legal system. On a more grassroots level, it will involve working to empower repatriated communities, through start-up funds and resources such as micro-finance loans, agricultural lands, skills-building trainings and legal tools such as affirmative action and non-discrimination legislation. Where necessary, public spaces should be turned into open and welcoming spaces and a Nakba museum could be established. When colonization comes to an end, military bases can transfer to civic use, making space for building homes.

Rehabilitation also includes rehabilitation of Jewish-Israeli communities. They could be provided with Arabic courses and asked how they would like to live with their new neighbors, ensuring a democratic and multicultural education, and rehabilitation of those involved in the conflict (demilitarization, etc.) This aspect of rehabilitation would be designed with the objective of liberating the minds of the occupiers, a process which may also include affording Jewish Israelis the possibility to return to their countries of origin.

## **Conclusion**

The project on the practical aspects of return remains at a preliminary stage of discussion. As the project progresses, the need to include individuals from the communities in question becomes ever-greater in order to ensure that the process is legitimate and includes the views of those whose lives it affects. Durable solutions for refugees can only be brought about by the inclusion of refugees in formulating the mechanisms through which it is to be facilitated and, ultimately, by them choosing which solution to displacement is most suitable for them and their families. As such, and given the long history of Israel, UN and Arab attempts to impose solutions on Palestinian refugees, we emphasized that the discussions in our seminars amounted to no more than our personal efforts and suggestions with the substance of the project only being legitimated when the project is discussed and endorsed by Palestinian refugee communities themselves.

In order to facilitate this, the next stage of the project of the BADIL and Zochrot's joint action will be to develop the above ideas in relation to a specific locality and in consultation with refugee communities and receiving communities in order to present a preliminary, tentative plan for refugee return to the Tel Aviv – Jaffa area. This plan will be the basis for a discussion in both communities and will be subsequently developed in consultation with the wider communities in question as well as relevant experts.

## Vanishing East Jerusalem: EU must use Association Council to Ensure that Israel respect International Law

*The destruction of the Shepherd's Hotel in Jerusalem, January 2011. (Source: Getty Images)*



In view of the upcoming EU-Israel Association Council scheduled for 21 February 2011 we, the undersigned Palestinian human rights organisations committed to the promotion and protection of human rights in the Occupied Palestinian Territory (OPT), would like to express our grave concerns about the continuous deterioration of the human rights situation. In particular, we are alarmed by Israel's protracted policies aimed at entrenching the illegal annexation of East Jerusalem.

### 1. The Human Rights Situation in East Jerusalem

Since its de facto annexation of East Jerusalem in 1967, Israel has implemented various measures and policies in order to consolidate its territorial, demographic and political control over the city. This includes the systematic attempt to secure a Jewish majority while reducing any Palestinian presence in the city through a process of acquiring more land and the introduction of the centre-of-life requirement.

The centre-of-life policy requires Palestinian residents of East-Jerusalem (whom Israel considers as "permanent residents" rather than citizens) to consistently prove that their "centre of life" is in East Jerusalem or else they risk losing their residency rights.<sup>[1]</sup> Since this policy was adopted, in 1995, Israel has revoked the status of over 10,000 Palestinian residents of the city.<sup>[2]</sup>

Moreover, Israel prevents Palestinians who are registered - in the Israeli-controlled population registry - as residents of the West Bank (excluding East Jerusalem) or the Gaza Strip from residing in Jerusalem. If Palestinian permanent residents wish to live in East Jerusalem with their non-resident spouses and children, they need to apply for family unification, a process that Israel de facto suspended as of 2000. Moreover, in 2003, Israel adopted the "Citizenship and Entry into Israel Law," which makes it illegal for mixed residency couples to live in East Jerusalem.<sup>[3]</sup>



The restrictive planning and zoning regime of the Jerusalem municipality is another tool used by Israel in order to induce the transfer of the Palestinian population out of the city.<sup>[4]</sup> This regime, which allows for only very limited Palestinian construction in the city, has resulted in an acute housing shortage for Palestinians in East Jerusalem. Israel's systematic denial of the required permits to build, repair and/or maintain their homes confronts Palestinian residents with the dilemma of moving outside Jerusalem's municipal boundaries, losing therefore their residency status, or building without a permit, risking the demolition of their homes. In 2010 alone, Israel demolished 78 Palestinian owned structures in East Jerusalem, displacing 116 people (most of whom are children) and affecting a total of 289 Palestinians.<sup>[5]</sup> In some cases, Palestinian owners carry out self-demolitions of their homes in order to avoid being charged for the costs of the demolition.

Israel further undermines the Palestinian presence in East Jerusalem by preventing the opening or ordering the closure of Palestinian institutions<sup>[6]</sup> and NGOs. Moreover, Israel continues to carry out archaeological excavations in the old city of Jerusalem, aimed at creating a Jewish-Israeli character and subverting any Palestinian cultural or religious connotations, in a deplorable attempt to rewrite the historical narrative of the city. Meanwhile, Israel severely restricts Palestinians' access to holy sites in East Jerusalem.

East Jerusalem is severed from the rest of the West Bank by the Annexation Wall, which serves to physically reinforce Israel's claims over the city and to illegally annex Palestinian land. The Wall's associated regime of physical obstacles, such as checkpoints, gates, closures, and a restrictive permit system separates Palestinians from their families, places of employment and worship, educational institutions, agricultural lands and markets and exacerbates East Jerusalem's administrative and social detachment from the rest of the West Bank.<sup>[7]</sup>

The route of the Wall cuts through the Israeli-declared municipal boundaries of Jerusalem, dividing Palestinian communities and in some cases cutting off whole neighbourhoods from the rest of the city. The physical separation of these neighbourhoods from Jerusalem has dangerous repercussions for the residency status of Palestinian Jerusalemites residing in municipal areas located east of the Wall. Over the last few years, many Palestinian residents of Jerusalem have moved to these areas in order to legally maintain residency in Jerusalem while enjoying cheaper living conditions, more secure housing and the ability to live with their West Bank ID holding spouses and children. The municipal areas east of the Wall are less at risk of home demolitions,<sup>[8]</sup> and are the only location where Palestinian mixed residency couples can live together with their children, without contravening Israel's centre-of life requirement.

Facts on the ground and official statements indicate Israel's intention to make the Wall the new Israeli municipal boundary of Jerusalem. Should Israel unilaterally re-draw the city's municipal boundaries along the route of the Wall, and thus exclude the areas of the current Jerusalem municipality located east of the Wall, the illegal annexation of East Jerusalem would become irreversible. Palestinians who live in the areas east of the Wall would no longer be able to fulfil the centre of life requirement, losing therefore their Jerusalem residency status.<sup>[9]</sup>

In addition to minimising the number of Palestinian residents in Jerusalem, Israel is encouraging the migration of Jewish-Israeli settlers to settlements built on lands illegally appropriated from Palestinians in the West Bank, including in and around East Jerusalem. The settlement infrastructure, including the Annexation Wall, and Israeli-only bypass roads, checkpoints and roadblocks fragments the OPT into isolated, non-contiguous enclaves. This fragmentation not only hinders the Palestinian people's ability to use their land and natural resources, but establishes facts on the ground, which essentially prevent the Palestinian people from exercising their right to self-determination, prejudice the outcome of any final status negotiations and threaten to make the two-state solution impossible.

## 2. EU Position on East Jerusalem and Relations with Israel

The EU "has never recognised the annexation of East Jerusalem" and has repeatedly asserted that it



“will not recognise any changes to the pre-1967 borders including with regard to Jerusalem, other than those agreed by the parties.”<sup>[10]</sup> The EU “remains committed to a comprehensive settlement of the Arab-Israeli conflict”<sup>[11]</sup> and acknowledges that “if there is to be a genuine peace, a way must be found through negotiations to resolve the status of Jerusalem as the future capital of two states.”<sup>[12]</sup> The EU holds that “the two-state solution with an independent, democratic, contiguous and viable Palestinian state (...) constitutes a fundamental European interest. It is an indispensable and urgent step towards a more stable and peaceful Middle East.”<sup>[13]</sup> The EU maintains that its bilateral relations with Israel will help influence Israeli practices in this regard.

### ***Freezing the Upgrade of EU-Israel Relations***

At the 8th meeting of the EU-Israel Association Council in June 2008, the EU expressed its determination to “develop a closer partnership with Israel” and to formulate the content and scope of a new Action Plan.<sup>[14]</sup> The decision to “upgrade the level and intensity of its bilateral relations with Israel,”<sup>[15]</sup> however, was “put on hold” the following year. In the aftermath of Israel’s 2008/2009 military offensive on the Gaza Strip, and with the Netanyahu government’s refusal to commit to a two state solution, the EU declared at its 9th Association Council in June 2009 that it would not adopt a new Action Plan with Israel, thus allegedly “freezing” the upgrading process.

The EU argued that “ [the] upgrade must be based on the shared values of both parties, and particularly on democracy and respect for human rights, the rule of law and fundamental freedoms, good governance and international humanitarian law.”<sup>[16]</sup>

The EU further affirmed that the EU-Israel upgrade needs to be viewed “in the context of the broad range of our common interests and objectives,” including “the resolution of the Israel-Palestinian conflict through the implementation of the two-state solution, the promotion of peace, prosperity and stability in the Middle East.” To this end, the 27 member states called “on the government of Israel to commit unequivocally to the two-state solution,”<sup>[17]</sup> “to improve the daily life of the Palestinian population,”<sup>[18]</sup> “to ensure the protection and unimpeded access of all religious groups to religious sites, notably in Jerusalem,”<sup>[19]</sup> and to immediately suspend the practice of home demolitions and evictions, which “threaten the viability of a two-state solution.”<sup>[20]</sup>

Furthermore, the Council has urged “the government of Israel to immediately end settlement activities, including in East Jerusalem,”<sup>[21]</sup> to cease all discriminatory treatment of Palestinians in East Jerusalem” and to reopen Palestinian institutions in Jerusalem.<sup>[22]</sup>

### ***“Business as Usual”***

Despite the declared suspension of the upgrading process, which formally would entail the adoption of a new EU-Israel Action Plan, and despite the EU’s condemnation (in words) of Israel’s illegal practices in the OPT, including East Jerusalem, the EU continues, in practice, to strengthen its relations with Israel.

The technical and economic cooperation between the EU and Israel continues undisrupted, with the parties consistently signing new agreements allowing for additional forms of cooperation. Since the “freezing” of the upgrading process, the EU and Israel have, for example, concluded agreements in the areas of civil aviation, agriculture and pharmaceutical products and are currently negotiating a cooperation agreement between Europol and Israel; thus de facto upgrading their relations.

This “business as usual” approach disregards Israel’s systematic violations of international law, renders the EU’s condemnation of such practices meaningless and seriously undermines the Union’s credibility as an authentic peace broker. While Israel continues to create facts on the ground, which seriously threaten the EU’s vision of a two-state solution and “peace in the Middle East,” the EU fails to use the crucial leverage of its bilateral relations with Israel to influence the latter’s behaviour.

### 3. Legal Analysis

Israel's above mentioned policies are in blatant violation of international human rights and humanitarian law. Israel's de facto annexation of East Jerusalem violates the international humanitarian law prohibition of the annexation of occupied territory,<sup>[23]</sup> which forbids the Occupying Power from claiming sovereignty over occupied land and from unilaterally creating facts that would change the status of that area.<sup>[24]</sup> Moreover, Article 2(4) of the UN Charter, reflective of customary international law, prohibits the annexation of territory by force or threat of use of force.<sup>[25]</sup>

Israel's policy of undermining the Palestinian presence in East Jerusalem by demolishing Palestinian homes, prohibiting Palestinian residents of East Jerusalem from living with their non-resident spouses and children in the city and the revocation of their ID cards if they fail to fulfil the centre-of-life requirement all result in the forcible displacement of Palestinians from the city, in blatant violation of international humanitarian law. The forcible transfer of persons from occupied territory is prohibited<sup>[26]</sup> and constitutes a grave breach of the Fourth Geneva Convention,<sup>[27]</sup> entailing the individual criminal responsibility of the perpetrators.

Israel's policy of home demolitions as well as land confiscation and appropriation to build and expand settlements, the Wall, Israeli only roads, and other illegal infrastructure for the benefit of Jewish Israeli citizens violates the prohibition under law of occupation of confiscation<sup>[28]</sup> and/or destruction of private property unless imperatively required by military necessity.<sup>[29]</sup>

Israel's practice also violates international human rights law, including Palestinians' right to freedom of movement,<sup>[30]</sup> the right to work,<sup>[31]</sup> the right to the highest attainable standard of health,<sup>[32]</sup> the right to education<sup>[33]</sup> and to a family life.<sup>[34]</sup> The deprivation of the ability of the Palestinian people to fully achieve these rights, to make use of their land and to dispose freely of their resources undermines their ability to live in dignity and ultimately to meaningfully exercise their right to self-determination, in violation of Article 1 of the UN Charter, reflective of customary international law.

### 4. Conclusions

The EU has publically rejected Israel's annexation of East Jerusalem and considers the two-state solution as well as the creation of a viable and independent Palestinian state with East Jerusalem as its capital as "a fundamental European interest" and a precondition for peace in the Middle East. The Union has repeatedly called on Israel to stop settlement activities, discriminatory treatment of Palestinians, house demolitions and evictions in Jerusalem, and to allow Palestinians access to holy sites, affirming that it would not recognise any changes to the pre-1967 borders.

In the meantime, Israel continues to entrench its de facto annexation of East Jerusalem and undermines any Palestinian presence in the city through a deliberate, aggressive and illegal policy of land annexation and population transfer. Israel's prolonged violations of international law have changed the socio-demographic nature of city, redrawn its municipal boundaries and isolated East Jerusalem from the rest of the OPT. This practice not only seriously undermines the right of the Palestinian people to self-determination, but precludes the outcome of any final status negotiations, threatening to make the two state-solution and a peaceful resolution to the conflict impossible.

While Israel's policies directly undermine the EU's positions and its objectives regarding the OPT, including East Jerusalem, and the Middle East as a whole, the EU has so far failed to use the significant leverage of its bilateral relations with Israel in order to pressure the latter to refrain from its illegal practices. Contrary to the EU's intention to link the upgrading of its relations with Israel to human rights and international humanitarian law, and despite its decision not to proceed with the formal upgrading process, the EU continues, in practice, to strengthen its relations with Israel. The EU's "business as usual" approach amounts to tacit acquiescence of Israel's systematic violations of international law.

The EU's current policy of "empty words" challenges the Union's ability to positively impact the human rights situation in the OPT and to contribute to a "comprehensive settlement of the Arab-Israeli conflict." The upcoming EU-Israel Association Council provides an important opportunity to adopt a crucial new EU policy relating to the OPT, in particular on East Jerusalem, and to condition the upgrading of EU-Israel relations on international human rights and humanitarian law.

### 5. Recommendations

At the upcoming EU-Israel Association Council, the EU must send a strong message to Israel, confirming that the upgrade of EU-Israel relations will remain on hold, both formally and in practice, until there is tangible progress regarding the human rights situation in the OPT, including East Jerusalem. To this end, the EU should request Israel to immediately:

- Freeze all settlement activity, including in and around East Jerusalem
- Refrain from implementing discriminatory zoning and planning policies
- Stop all forms of house demolitions and evictions
- Stop the construction of the Annexation Wall and dismantle the parts already built (in accordance with the ICJ Advisory Opinion)
- Refrain from banning family unification.

In addition, the EU must:

- Ensure that goods produced in Israel's illegal settlements in East Jerusalem and in the rest of the West Bank do not enter the EU market under the EU-Israel Association Agreement
- Ensure EU intervention whenever Palestinians are arrested or harassed by Israeli occupying forces for participating in peaceful political, social and/or cultural activities in East Jerusalem
- Ensure EU presence at courts where cases are discussed that involve the demolition of Palestinian homes and/or the eviction of Palestinian families
- Systematically bring high-level visitors to sites of human rights violations in East Jerusalem (including but not limited to demonstrations, home demolitions and evictions and the Annexation Wall).

- Ends -

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Endnotes: See online version at: <http://www.badil.org/al-majdal/>

## Human Rights Council Resolution: A Step towards Justice for Victims of the Gaza Conflict

Joint Press Release

Date: 25 March 2011

As Palestinian human rights organisations, we welcome today's adoption of a resolution by the United Nations (UN) Human Rights Council that advances the cause of justice for victims of Israel's December 2008 – January 2009 offensive on the Gaza Strip. The resolution paves the way for recourse to mechanisms of international justice by recommending that the report of the UN Fact-Finding Mission on the Gaza Conflict be sent to the UN General Assembly for further action, including submission to the UN Security Council for a Chapter VII referral to the International Criminal Court.

We commend the States that supported our call for justice and the efforts of the Palestinian Mission in Geneva in achieving this much needed result. At the same time, we regret the European Union's (EU) demonstrated inability to take a strong position in support of justice for victims of "Operation Cast Lead." This stance stands in conflict with the EU's own stated values and evidences a disregard for the universality of human rights and the equal application of the rule of law.

The resolution acknowledges that domestic mechanisms have failed to deliver justice to victims and welcomes the report of the UN Committee of Independent Experts. This is in line with our judgment that Israel has been unwilling to carry out genuine criminal investigations and that the Palestinian authorities, despite some noted efforts, have failed to deliver justice. Moreover, Israel, which also refused to heed UN demands for cooperation, has a consistent record of flawed investigation, as evidenced by the recent conclusions of the independent commission of inquiry into the assassination of Salah Shehadeh in 2002. In light of the above, it is imperative that urgent recourse be made to

international mechanisms of criminal justice.

To date, Human Rights Council resolutions have been insufficient to redress serious violations of international law in the OPT. It is now up to the General Assembly to ensure further action is taken through the Security Council and the International Criminal Court to ensure justice for victims and accountability for perpetrators of international crimes.

Firm steps towards accountability are now more crucial than ever to stop the escalation in violence demonstrated by the recent incidents in the OPT. The international community of States has an obligation to hold all perpetrators of serious violations of international law accountable in order to prevent further violence against innocent civilians.

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- Addameer Prisoners' Support and Human Rights Association
  - Addameer Association for Human Rights
  - Al-Haq
  - Al-Mezan Center for Human Rights
  - Badil Resource Center for Palestinian Residency and Refugee Rights
  - Defence for Children International - Palestine Section
  - Ensan Center for Human Rights and Democracy
  - Jerusalem Center for Legal Aid and Human Rights
  - Ramallah Center for Human Rights Studies
  - Women's Centre for Legal Aid and Counselling
  - The Civic Coalition for Defending Palestinians' Rights in Jerusalem

-Ends -

## On World Refugee Day 2011: Put Palestinian Refugees back on the agenda

Bethlehem, June 20th - Palestinian refugees, constituting the largest and longest-standing refugee community in the world, continue to be sidelined and neglected by nearly all parties mandated to search for just and durable solutions to their displacement. On the occasion of World Refugee Day 2011, BADIL Resource Center for Palestinian Residency and Refugee Rights calls on the international community to promote and protect the rights of the Palestinian people to self-determination, national independence, sovereignty and return to the homes and properties from which they have been forcibly displaced.

Seven out of every ten Palestinians are persons displaced at some point during the past 63 years as a result of Israel's ongoing policy of forced population transfer. Of these refugees, the majority are not protected by the UNHCR (the organizer of World Refugee Day) and have had the body responsible for providing them with protection, the UN Conciliation Commission for Palestine (UNCCP) largely de-funded and de-activated. As such, most Palestinian refugees are left without an effective agency to provide for protection and promotion of their rights and are only afforded humanitarian assistance by UNRWA.

Meanwhile, in the official discourse, refugees remain nowhere to be seen as politicians instead focus on resuscitating the 'peace process' or on declaring Palestinian statehood; two strategies which remain ambiguous on the future of Palestinian refugees. The latest plan by Obama to move the peace process forward on the basis of "territory and security" repeats the mistakes of previous negotiation processes by ignoring international law and continuing to insist that Palestinian refugees should wait indefinitely to return home.

In response to this continued neglect, Palestinian refugees and IDPs have taken it upon themselves to force the international community to recognize their rights and place them at the center of the region's political agenda. On May the 15th 2011 (Nakba Day) thousands of Palestinian refugees, continued the long tradition of struggle in the face of international apathy and complicity by marching to the borders of their homeland and attempting to return home; an action met with deadly fire by the Israeli army. The subsequent return of Palestinians to the border on June the 5th showed that despite the brutal use of force by Israel, in the new Middle East, the legitimate rights of the people of the region can no longer be suppressed.

The deep respect in international law for the right of return and the insistence of refugees themselves on their rights highlights that there is no solution to the ongoing colonial conflict in Palestine which does not address the rights of Palestinian refugees to return, restitution and compensation. Any declaration of statehood is incomplete if it does not explicitly insist upon the rights of Palestinian refugees and actively work for their realization. A 'peace process' which delays refugee rights and does not reference international law, such as suggested in Obama's recent speech, is destined to go the way of the numerous other initiatives which have lead to 20 years of failed negotiations, a failure which further amplifies the need for a principled rights-based strategy including Boycott, Divestment and Sanctions (BDS) against Israel until it complies with international law.



*Joint-Statement:*  
**Nakba at 63 - Confronting the Ongoing Nakba**

After 63 years of the Palestinian Nakba, and despite 20 years of unsuccessful peace negotiations, the Palestinian people continue to be denied their most fundamental and inalienable rights to self-determination, national independence, sovereignty and return to the homes and properties from which they have been forcibly displaced. Living under the Israeli apartheid regime and in forced exile away from the towns and villages, hills and olive groves that they call home, the Palestinian people remain steadfast in their struggle to end the systematic human rights violations committed against them and return to their homes of origin.

Meanwhile, the international community, especially the USA and the dominant member states of the UN continue to shield Israel from accountability and maintain extensive economic and diplomatic ties which finance and subsidize the Israeli regime. This persistent support has taken place under the guise of a 'peace process' which has worked to embellish Israeli violations with the facade of peace; a situation Israel has exploited to increase its international and regional economic and diplomatic links. As the pretense of negotiations falls away, so too does the cover it provides Israel to continue its policies, a reality reflected in the growing civil society response insisting upon the application of international law to end Israeli impunity.

An accounting for the collapse of the peace process, a failure now a recognized reality by all parties involved in it for the past 20 years, inevitably leads to the need to establish a strategy which puts the realization of Palestinian rights at its center and focuses on the practical action needed to bring Palestinian rights into reality, combining grassroots, civic struggle on the ground with international pressure on Israel to respect the rights of the Palestinian people.

The latest agreement between the two main Palestinian factions is an encouraging first step towards establishing such a strategy. However, genuine national reconciliation and unity can only come about through the inclusion of the Palestinian people in their entirety in contributing to and deciding upon the way forward for the Palestinian people. It is in this vein that the campaign for direct elections to the highest decision making body of the Palestinian people, the Palestinian National Council (PNC) was relaunched, to ensure that the voice of all Palestinians, including those with Israeli citizenship and refugees living forced exile are included.

These attempts at national unity take place against the backdrop of political transformations in neighboring Arab countries which reassert the power of people to take their fate in their own hands in seeking freedom, justice and equality. In 2011, the year of revolutions, it is as clear as ever that the Palestinian people are at the centerpiece of a regional-wide yearning for rights, denied to them by powers concerned more with geopolitical influence than upholding the rule and values of international law. Ending the particular systematic denial of rights suffered by Palestinians as a result of Israel's regime of occupation, colonialism and apartheid is therefore intrinsically tied in with fate of the millions of demonstrators on the streets of the Arab world.

On the 63rd commemoration of the Nakba and as part of activities to confront ongoing forcible transfer of Palestinians by Israel, We the undersigned organizations call:

**On the Palestinian leadership to:**

- To adopt a coherent strategy which places at its forefront a just and permanent solution for Palestinian refugees and IDPs, based on their right to return and in accordance with international law, universal principles of justice and UN resolutions 194 (1948) and 237 (1967);
- Ensure genuine national reconciliation and unity as a matter of urgency, and rebuild the PLO as a

legitimate and credible platform representing the entire Palestinian people and its political organizations through initiating direct elections to the PNC;

- Support and activate popular resistance in all forms permitted under international law.
- Establish a consultative mechanism with professional civil society organizations to support the efforts of the PLO in international fora.

**On Civil Society, Governments, UN Members States, Organs and Agencies to:**

- Support civil society-led direct action in solidarity with the Palestinian struggle;
- Build and expand the civil society-led movement for boycott, divestment and sanctions (BDS) against Israel until it complies with international law and exert stronger pressure on states to implement sanctions and adopt decisions and resolutions which support the global BDS Campaign;
- Redouble efforts for investigation of Israeli war crimes and crimes against humanity and prosecution and punishment of those responsible, as well as efforts to prevent Israel's accession and integration into international and regional organizations.
- Implement international protection standards for Palestinian refugees and IDPs.

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- BADIL Resource Center for Palestinian Residency and Refugee Rights
  - The Occupied Palestine and Syrian Golan Heights Advocacy Initiative (OPGAI)
  - Defense for Children International/Palestine Section
  - Addameer Prisoner Support and Human Rights Association
  - Housing and Land Rights Network: Habitat International Coalition
  - Joint Advocacy initiative -The East Jerusalem YMCA and YWCA of Palestine-
  - Kairos Palestine
  - The Grassroots Palestinian Anti-Apartheid Wall Campaign

# BDS Campaign Update

(January – June 2011)



Source: BDSmovement.net

## Signatories to “Irish artists pledge to Boycott Israel” reaches 200

13th January 2011 – Irish singer-songwriter Dylan Walsh has become the landmark 200th signatory to the “Irish artists pledge to Boycott Israel”. The pledge, launched in August 2010, commits endorsers to not “avail of any invitation to perform or exhibit in Israel, nor to accept any funding from any institution linked to the government of Israel, until such time as Israel complies with international law and universal principles of human rights”. It has garnered the support of many high profile Irish creative and performing artists such as Stephen Rea, Sinéad Cusack, Christy Moore, Donal Lunny, Andy Irvine, Damien Dempsey, Neillí Conroy, Conor Kostick, Liam Ó Maonlaí, Sharon Shannon, Robert Ballagh and Nuala ní Dhomhnaill.

## Boycott victories in campaign against Ahava

14th January 2011 – In a significant victory for the growing BDS campaign, leading British retail business John Lewis has ceased stocking Ahava products in its stores following an intensive campaign. The Ahava store in Covent Garden, London, has also been the location of regular fortnightly protests by BDS activists in London. Canadian retailer The Bay has also confirmed that it had also discontinued sales of Ahava products. Ahava Dead Sea Laboratories has its manufacturing plant and visitors’ centre based in the illegal Israeli settlement of Mitzpe Shalem in the West Bank. Ahava’s profits subsidise the illegal colonies of Mitzpe Shalem and another settlement, Kalia.

## French pop star Vanessa Paradis cancels Israeli concert

16th January 2011 - Vanessa Paradis has become the latest high profile cultural star to cancel a performance in Israel following calls to do so by fans and human rights campaigners. The French pop star was set to visit Israel in February with her husband Johnny Depp to sing at the Tel Aviv Performing Arts Centre and meet President Shimon Peres. Israeli group ‘Boycott! Supporting the Palestinian Boycott from Within’ was among those calling on Paradis to cancel her performance.

### Israeli Academics call on Poland to boycott Israel-made weapons

16th February 2011 – A group of Israeli academics have demanded that Poland, the incoming President of the European union, cancel a cooperation agreement with Israel over production of the Spike missile, which Israel has been documented using against civilians. The group members are also calling on the Polish government to promote an “arms embargo” on Israel on behalf of the European Union and to disallow the illegal activities of Israeli companies that operate in the occupied territories, including Egged buses and Eden mineral water company.

### New report by Who Profits exposes: SodaStream misleads consumers by labeling settlement products as ‘Made in Israel’

24th February 2011 – A report published by Who Profits from the Occupation, a research project which investigates Israeli and international corporate involvement in the Israeli occupation, has found that Israeli settler company SodaStream misleadingly markets its devices and bottles under the Made in Israel label. The company manufactures its products in the Mishor Edomim Industrial Park, an illegal settlement in the occupied West Bank. SodaStream, like other settlement companies, recently faced a ruling by the European Court of Justice, stating that goods produced in settlements should not be considered as made in Israel and enjoys the tax exempt of the EU-Israel Association Agreement.

### Folk music legend Pete Seeger endorses boycott of Israel

28th February 2011 - Folk music legend Pete Seeger has come out in support of the growing Palestinian movement for Boycott Dismantlement and Sanctions against Israel as a program for justice for Palestinians. Seeger, 92, participated in last November’s online virtual rally “With Earth and Each Other,” sponsored by the Arava institute which counts amongst its close partners and major funders the Jewish National Fund. After being informed of the role of the organization in dispossessing Palestinians, Seeger has since fully endorsed the BDS call.

### Portsmouth dumps Veolia

10th March 2011 – French multinational Veolia has lost out to another company as the preferred bidder for Portsmouth City Council’s rubbish collection contract after a long running campaign by Portsmouth & South Downs PSC has exposed its complicity in Israel’s violations of international law. In recent years Veolia has emerged as a major target for BDS campaigns due to its involvement in the construction and operating of the Jerusalem Light Rail Project, which links illegal settlements in East Jerusalem with neighborhoods of West Jerusalem. Veolia’s loss in Portsmouth comes on the back of similar contrasts were lost in the London borough of Richmond in February, Edinburgh in December 2010, Sandwell in 2009 and as part of a campaign which has cost the company billions internationally.

### G4S ends some aspects of its complicity with Israeli Apartheid

11th March 2011 – The Danish-British security firm G4S has announced its exit from some contracts in the West Bank. In their statement, G4S announced that it will “aim to exit a number of contracts which involve the servicing of security equipment at the barrier checkpoints, prisons and police stations in the West Bank.” However, the company will continue to deliver security services to illegal settlements in the West Bank and to prisons in Israel. Moreover, the company states it “will aim to complete this exit as soon as possible, but also recognize that we have contractual obligations to our customers which we must take into consideration” meaning that G4S will stay involved in the provision of security services in the West Bank for years to come. As a result, Palestinian groups are calling upon BDS activists to maintain pressure on G4S until it ends all involvement with the unlawful situation in Palestine and fulfills its obligations under international law.

### Edinburgh University students vote overwhelmingly for boycott of Israeli goods

14th March 2011 - A motion to boycott Israel was overwhelmingly passed at the Edinburgh University Students Association (EUSA) General Meeting. In what was described as a 'landslide', the motion, 'Boycott Israeli Goods in EUSA shops and supply chains' received over 270 votes in favor with only 20 against. Proposed by students from Edinburgh University Students for Justice in Palestine, the motion noted that Israel is an Apartheid state and resolved to affiliate EUSA to the BDS movement, to boycott Israeli goods in EUSA supply chains and shops and to mandate the EUSA executive to lobby the University to do the same.

### Norwegian Union EL&IT adopts full Boycott of Israel, Calls for Boycotting Histadrut

16th March 2011 - The Norwegian EL & IT union, representing over 30,000 energy and telecommunications workers, has adopted BDS and called for a boycott of the Histadrut. In a statement, the union has announced it will take steps in support of a consumer boycott of Israeli produce, a two-way arms embargo on Israel, a suspension of Norwegian research cooperation with Israel and the imposition of sanctions on Israel by the UN. The statement also calls on LO, the Norwegian trade union federation, to cut ties with the the racist Israeli labor federation, the Histadrut.

### LSE Boycotts Eden Springs

19th March 2011 - Eden Springs, a major Israeli water company, will not have its contract renewed by the London School of Economics. This development came off the back of a lengthy and high profile campaign launched by the LSE Students' Union Palestine Society, which drew attention to Eden Springs' odious business dealings in the illegally Occupied Golan Heights. The student campaign had been supported by over 19 LSE academics who signed a joint letter calling upon the School to terminate its links with Eden Springs. The decision by all academic departments not to renew their contracts with Eden Springs is the latest victory in the campaign against the company which has lost contracts as far and wide as Scotland and Spain.



Source: BDSmovement.net



### **University of Johannesburg ends Israeli links in historic moment for BDS**

23rd March 2011 - In a landmark victory for the international BDS campaign, Israel South Africa's University of Johannesburg (UJ) has decided to sever ties with Israel's Ben-Gurion University (BGU) in Israel. The decision sets a worldwide precedent for the academic boycott of Israel. The UJ campaign managed to gain the unprecedented support of over 400 South African academics, including 9 South African Vice-Chancellors and Deputy Vice-Chancellors; 11 Deans and Vice Deans; 19 Heads of Department; 175 University Professors and 125 Academic Doctorates. Included in the list of supporters are some of South Africa's leading voices and anti-apartheid stalwarts: Professors Neville Alexander, Kader Asmal, Allan Boesak, Breyten Breytenbach, John Dugard, Antjie Krog, Rashida Manjoo, Barney Pityana and Sampie Terreblanche. A BNC statement read "UJ has taken an important and historic step today demonstrating its commitment to solidarity with the oppressed. Setting the precedent of no "business as usual" with Israeli institutions, other South African universities are expected to follow this lead. Furthermore, this boycott decision, coming from a South African institution, is of particular international significance and must start a domino boycott effect."

### **Swedish Pension Funds call on Alstom, Veolia, and Motorola to withdraw from the occupied Palestinian territory**

21st April 2011 - The Ethical Council of four Swedish pension funds is calling on US communications giant Motorola Solutions to pull out of the Israeli-occupied territories in the West Bank. The Council wants the company to cease delivery and maintenance of a custom-designed monitoring system for the settlements in the Palestinian territories stating that the settlements are located on occupied land and violate international humanitarian law. The council is also calling on the Illinois-based firm to adopt a policy to prevent any future support to human rights violations as part of a policy also targeting other complicit firms including Elbit systems, Alstom and Veolia.

### **The Scottish Trade Union Congress (STUC) condemns the Histadrut and declares its continued commitment to the BDS campaign**

23rd April 2011 - There were blistering attacks on the Israeli Histadrut from the floor of the STUC annual conference. The FBU Scotland has been a consistent supporter of Palestinian calls for boycott and their organizer, Jim Malone, expressed delegates' disgust of Histadrut's complicity with Israel's crimes. "The Histadrut through their collusion, through their support of the illegal actions of the Israeli government is an organization unworthy of the title trade union. The trade union movement is a family, with the Israeli Histadrut, as an even distant cousin, we are a dysfunctional family". Mike Kirby, for the STUC General Council, announced, that the STUC "remains deeply committed" to BDS and pledged "to the continued promotion of BDS both to its affiliates, wider Scottish society and our sister unions". The General Council recommended stopping short of a complete boycott of the Histadrut, but said that a "review will be immediate in the case of fresh developments in Israel/Palestine".

### **Deutsche Bahn pulls out of illegal A1 rail project**

9th May 2011 - Deutsche Bahn, the German railway operator, has pulled out of an Israeli government project to build a railway between Jerusalem and Tel Aviv which cuts through the occupied Palestinian West Bank after pressure from activists in Berlin. In February, the German transport minister wrote to Deutsche Bahn, a state owned company, to express the view that the A1 train project "is a problematic venture and a potential violation of international law". The ministry subsequently informed a member of parliament that Deutsche Bahn had ended its involvement in the project after the government raised its concerns marking one of the first known government interventions relating to corporate complicity with Israeli violations of international law.

## Canada Church Group Endorses BDS

13th June 2011 - The Holy Land Awareness and Action Task Group, of the Social Justice and World Affairs Committee within South West Presbytery of the United Church of Canada, has launched Occupied with Peace in Palestine, a Boycott/Divestment Campaign. According to a campaign spokesperson Rev. Brian McIntosh, the initiative “encourages individuals and organizations, particularly congregations of the United Church in its region, to use economic leverage to persuade six companies operating in Canada – Caterpillar, Motorola, Ahava, Veolia, Elbit Systems and Chapters/Indigo – currently involved in illegal activities in the Palestinian Occupied Territories – to stop supporting the Israeli occupation and uphold international law.” The Campaign responds to calls from a broad cross-section of Palestinian civil society, church leaders and Israeli peace activists, and follows similar campaigns launched by the Presbyterian Church – USA and the New England Conference of the United Methodist Church, USA.

## The Rotten Fruit of Israeli Apartheid Delivered to Agrexco Headquarters in Milan

18th June 2011 - Activists from the Stop Agrexco campaign, calling for the boycott of Israel’s leading produce exporter, took part in an action at the Italian headquarters in Milan. Entering the Italian offices of the company, the activists delivered gift baskets of rotten fruit and vegetables to symbolize the Palestinian agricultural products rotting at Israeli checkpoints in the West Bank while produce from the plantations of Israeli settlements built illegally in the Occupied Palestinian Territories makes its way to European markets via Agrexco the 50% state-owned company exporting 70% of all agricultural products grown on illegally-occupied land.



Source: BDSmovement.net

BADIL Working Paper No.12

### **Applying International Law to Israel's Treatment of The Palestinian People**

*The aim of this paper is to set out the relevant legal framework for the application of international criminal law to some of Israel's policies towards the Palestinian people. This paper will thereby supplement other papers published by BADIL in the field of criminal justice, legal accountability and remedies as well as work by lawyers and other organizations with a view to combating the ongoing impunity of Israel and its officials.*

Coming Soon!



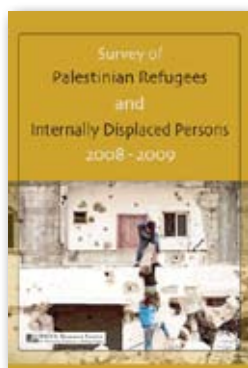
#### **Update of BADIL's 2005 Handbook**

*The update of BADIL's 2005 Handbook seeks to document developments of jurisprudence regarding Article 1D of the 1951 Convention relating to the Status of Refugees in the five year period between 2005 and 2010.*

*The research covers 17 of the 23 non-Arab countries (all signatories to the 1951 Refugee Convention and/or the 1954 Convention relating to the Status of Stateless Persons) that were included in the 2005 Handbook. The information will be of particular use to lawyers of Palestinian refugees.*

*The relevant information is available on a new section of the BADIL website available here:*

*<http://www.badil.org/en/lawyers-resources>*



#### **Survey of Palestinian Refugees and Internally Displaced Persons 2008-2009**

Available in English and Arabic, 215 pages.

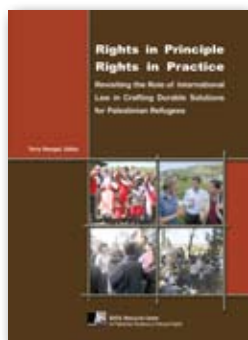
**Editor:** Ingrid Jaradat Gassner

**Editorial Team:** Toufic Haddad, Reem Mazzawi, Susan Akram, Nidal Al Azza, Muhammad Jaradat, Yasmin Gado

**Demographic Statistics:** Mustafa Khawaja

**Copy Edit:** Toufic Haddad

*This Survey endeavors to address the lack of information or misinformation about Palestinian refugees and internally displaced persons (IDPs), and to counter political arguments that suggest that this issue can be resolved outside the realm of international law and practice applicable to all other refugee and displaced populations.*



#### **Rights in Principle – Rights in Practice: Revisiting the Role of the International Law in Crafting Durable Solutions for Palestinian Refugees**

Available in English and Arabic, 496 pages.

**Editor:** Terry Rempel

**Copy Edit:** Venetia Rainey

**BADIL:** December 2009

*This collection demonstrates the importance of a law-based approach to resolving the situation of the Arabs displaced from Palestine in 1948. The collection is all the more important in light of the paucity of serious analysis of this issue from the standpoint of relevant international law principles. In any peace process, the legitimate expectations of the parties and other stakeholders should be at the forefront of consideration.*

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## About the meaning of *al-Majdal*

*al-Majdal* is an Aramaic word meaning fortress. The town was known as Majdal Jad during the Canaanite period for the god of luck. Located in the south of Palestine, *al-Majdal* was a thriving Palestinian city with some 11,496 residents on the eve of the 1948 Nakba. 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, and Israel has Hebraized the name of their town as “Ashkelon.” 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.



*available now:*



## **Q & A**

What you need to know about  
**Palestinian Refugees** and  
**Internally Displaced Persons**

As part of ongoing efforts to promote Palestinians refugee rights, BADIL Resource Center is pleased to launch a Q and A on Palestinian refugee rights which addresses frequently asked questions about Palestinian refugees and IDPs. The document is an excellent introduction to the issue of Palestinian refugees and IDPs suitable for those new to the issue and experienced activists alike.

The Q & A can be downloaded from the BADIL website here: <http://www.badil.org/>

