

RIGHTS-BASED RECONSTRUCTION: DECOLONIZATION AND REPARATIONS

BADIL POSITION PAPER

Position Paper:

Rights-Based Reconstruction: Decolonization and Reparations

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Rights-Based Reconstruction: Decolonization and Reparations

1. INTRODUCTION

With 2025 marking 77 years of the ongoing Nakba, and June marking 21 months of the Israeli genocide in the Gaza Strip, the international community's proposed plans for reconstruction, while couched in the language of 'peace' and 'stability,' ultimately reflect a continuation of the historical failure to uphold the inalienable rights of the Palestinian people, including the rights to return and self-determination, and to address the root causes of Palestinian dispossession: colonization, forced displacement, and apartheid. Framing **"reconstruction" as a substitute for reparations** reveals a vision of Gaza's future shaped not by the aspirations of its people and the principles of international law, but by the colonial geopolitical interests of regional and international powers. Furthermore, this form of 'charitable' reconstruction, as repeatedly proposed by the international community, compounds the Israeli regime's impunity; re-enforcing the message that even if you commit international crimes, you will not have to pay for the destruction you have wrought.

Not only due to the genocide, but also for the multiple ongoing Israeli violations and crimes, Palestinians in the Gaza Strip are owed reparations. This right to reparation includes a legal right to return to their residences there and seek restitution for human and material destruction. In this paper, BADIL provides a thematic and substantive criticism of the international community's reconstruction plans, which omit the right to reparation. Additionally, a rights-based reparations approach for Palestine's future is proposed, founded on delivering justice for the Palestinian people and accountability for the crimes committed by the Israeli colonial-apartheid regime.

2. IN BRIEF: RECONSTRUCTION VS REPARATIONS

Reconstruction means simply “the process of building or creating something again that has been damaged or destroyed.”¹ This physical process of rebuilding damaged housing, infrastructure, and healing the physical environment of Gaza is an essential and constitutive part of any future. However, **this process of reconstruction must occur within a rights-based reparations project, and not as a standalone act of charity on the part of colonial states** with economic and military interests in the region. It is on this basis that we propose a reparative approach.

Reparations is a legal right to redress for those who have suffered violations of their human rights by “providing a range of material and symbolic benefits to victims or their families.”² In other words, **it is a legal and moral framework that centers the rights of victims of injustice and includes restitution, compensation, rehabilitation, and satisfaction.**³

Within this framework, **restitution** means the restoration of the right holder’s “original situation before the violation occurred.”⁴ For example, “the restoration of liberty, reinstatement of employment, return of property, return to one’s place of residence.”⁵ In the Palestinian context, this notably includes the right to return, a right held by 9.76 million Palestinians subsisting from the 1948 Nakba and subsequent events.⁶

1 “Reconstruction.” *Cambridge Advanced Learner’s Dictionary & Thesaurus*. Cambridge University Press, n.d. <https://dictionary.cambridge.org/dictionary/english/reconstruction>. Accessed April 17, 2025.

2 “Reparations.” *Office of the United Nations High Commissioner for Human Rights (OHCHR)*, Accessed April 17, 2025. <https://www.ohchr.org/en/transitional-justice/reparations>.

3 Ibid.

4 Ibid.

5 Ibid.

6 BADIL Resource Center for Palestinian Residency and Refugee Rights and Global Palestinian Refugee Network (GPRN), “77 Years of Ongoing Nakba: Resisting Ongoing Forcible Displacement,” press release, May 14, 2025, accessed June 22, 2025, <https://badil.org/press-releases/15898.html>.

Any “economically assessable damage, loss of earnings, loss of property, loss of economic opportunities and moral damages”⁷ must also be compensated under a reparative framework.

Beyond these material elements, rehabilitation must occur on a society-wide level where “medical and psychological care”⁸ is provided alongside “legal and social services.”⁹

“Satisfaction”¹⁰ as the final element of reparations includes “the cessation of continuing violations,”¹¹ guarantees of non-repetition, accountability for crimes committed through “judicial and administrative sanctions”¹² and transitional justice measures such as truth-seeking, memorials and public apologies.

This long and comprehensive list of elements are the **rights** of the Palestinian people, not only in Gaza, but all Palestinians who have been subjected to the Israeli regime’s crimes and violations of their rights from 1948 onwards. Thus, any form of reconstruction proposed by the international community must address the root causes of the conflict, namely the colonization, apartheid and forcible displacement perpetrated by the Israeli regime; especially the genocide in Gaza. Any future must be grounded in reparations: a rights-based approach that includes self-determination, return, accountability, and the dismantling of colonial structures.

7 Supra (n.2).

8 Supra (n.2).

9 Supra (n.2).

10 Supra (n.2).

11 Supra (n.2).

12 Supra (n.2).

3. HISTORICAL CONTEXT AND ROOT CAUSES

The devastation witnessed in Gaza today is not the consequence of a natural disaster or isolated conflict. Rather, it is the cumulative outcome of over seven decades of systematic colonization, militarized siege, and apartheid. To comprehend the current crisis and the need for reparations, it is imperative to situate Gaza within the broader historical and political context of the ongoing Nakba:¹³ the ongoing mass forced displacement of Palestinians beginning in 1947, which has never ceased.

Over 750,000 Palestinians were forcibly expelled during the creation of 'Israel,' and millions remain refugees, denied the right of return in contravention of international law and the United Nations General Assembly (UNGA) Resolution 194.¹⁴ At the end of 2024, there were 9.76 million displaced Palestinians¹⁵ worldwide, 878,400 of which are internally displaced persons (IDPs) on both sides of the Green Line. The ongoing Nakba continues to be perpetrated with a myriad of Israeli policies of forced displacement and colonization,¹⁶ such as looting of natural resources, repression, denial of residency,¹⁷ segregation, fragmentation and isolation,¹⁸ home demolitions, as well as the

13 Supra. (n.6).

14 United Nations General Assembly, *Resolution 194 (III), Palestine – Progress Report of the United Nations Mediator*, A/RES/194(III), December 11, 1948, [https://undocs.org/en/A/RES/194\(III\)](https://undocs.org/en/A/RES/194(III)).

15 BADIL Resource Center for Palestinian Residency and Refugee Rights and Global Palestinian Refugee Network (GPRN), “77 Years of Ongoing Nakba: Resisting Ongoing Forcible Displacement,” press release, May 14, 2025, accessed June 22, 2025, <https://badil.org/press-releases/15898.html>.

16 BADIL Resource Center for Palestinian Residency and Refugee Rights, *Israeli Annexation: The Case of Etzion Colonial Bloc*, July 2019, https://badil.org/cached_uploads/view/2021/04/20/etzionbloc-israeliannexation-1618907810.pdf.

17 BADIL Resource Center for Palestinian Residency and Refugee Rights, *Forced Population Transfer: The Case of Palestine – Denial of Residency*, Working Paper No. 16 (Bethlehem: BADIL Resource Center, April 2014), https://badil.org/cached_uploads/view/2021/04/19/wp16-residency-1618823152.pdf.

18 BADIL Resource Center for Palestinian Residency and Refugee Rights, *Forced Population Transfer: The Case of Palestine – Segregation, Fragmentation and Isolation*, Working Paper No. 23 (Bethlehem: BADIL, February 2020), https://badil.org/cached_uploads/view/2021/04/19/wp23-sfi-1618823935.pdf.

imposition of discriminatory planning¹⁹ and permit systems.²⁰ These policies, among others, are implemented as part of the colonial-apartheid strategy aimed at seizing the largest area of land with the fewest number of Palestinians.

Gaza, residence to over 2.3 million Palestinians, more than 80% of whom are refugees,²¹ remains a focal point of this unresolved forced displacement. The Palestinian population has been on the frontline facing the Israeli regime's crimes including a crippling blockade since 2007, rendering it an "open-air prison,"²² that is now also facing multiple internal displacement, the weaponization of aid and genocide.

Western colonial states' complicity in maintaining this regime, particularly through the Oslo Accords, has further entrenched the colonial status quo.²³ Marketed as a peace process, the Oslo framework further fragmented Palestinian territory, created a dependent quasi-authority without sovereignty, and excluded key issues such as the status of refugees, Jerusalem, and final mapped borders. In this manner, Oslo enabled a system of managed occupation and obfuscated the reality of settler-colonial control, thus facilitating the deepening of apartheid structures under the guise of negotiations.

19 BADIL Resource Center for Palestinian Residency and Refugee Rights, *Forced Population Transfer: The Case of Palestine – Discriminatory Zoning and Planning*, Working Paper No. 17 (Bethlehem: BADIL, December 2014), https://badil.org/cached_uploads/view/2021/04/19/wp17-zoninig-plannig-en-1618823771.pdf.

20 BADIL Resource Center for Palestinian Residency and Refugee Rights, *Forced Population Transfer: The Case of Palestine – Installment of a Permit Regime*, Working Paper No. 18 (Bethlehem: BADIL, December 2015), https://badil.org/cached_uploads/view/2021/04/19/wp18-ftp-israeli-permit-system-1618823802.pdf.

21 United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). "Gaza Strip Emergency." *UNRWA*. Accessed July 4, 2025. <https://www.unrwa.org/gaza-strip-emergency>.

22 Human Rights Watch, "Gaza: Israel's 'Open-Air Prison' at 15," *Human Rights Watch*, June 14, 2022, <https://www.hrw.org/news/2022/06/14/gaza-israels-open-air-prison-15>.

23 BADIL Resource Center for Palestinian Residency and Refugee Rights, "Oslo Peace Process Marks 30 Years of Entrenching Israel's Colonial-Apartheid Regime," *BADIL*, September 13, 2023, <https://badil.org/press-releases/14122.html>.

Consequently, Gaza cannot be understood in isolation. It is a central node in the Zionist’s broader settler-colonial project; one that seeks to maintain the colonizers’ demographic and territorial domination across Mandatory Palestine. Any legal or reconstructive analysis that omits this context risks not only mischaracterizing the nature of the Israeli regime’s crimes, but also perpetuating a discourse that obscures the structural roots of Palestinian suffering and resistance.

Damage Assessment of Gaza

As of June 2025, the damage to infrastructure and housing in Gaza is incredibly dire:

- 92% of housing units are destroyed.
- 1.1 million people are in need of emergency shelter and essential household items.
- 88.8% of schools will require full reconstruction or major rehabilitation.
- 70% of all structures are destroyed or damaged.
- 88% of the 48,987 assessed entities in the commerce and industry sector in Gaza have been damaged or destroyed, including 22% damaged and 66% destroyed.
- 81% of the classified road network (primary, secondary and tertiary roads) have been damaged or destroyed.

Sources:

- A. United Nations Office for the Coordination of Humanitarian Affairs–Occupied Palestinian Territory (OCHA oPt), “Reported Impact Snapshot | Gaza Strip (25 June 2025),” published June 25, 2025, accessed July 3, 2025, Reported impact snapshot | Gaza Strip (25 June 2025) | United Nations Office for the Coordination of Humanitarian Affairs - Occupied Palestinian Territory, <https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-25-june-2025>.
- B. World Bank, European Union, and United Nations, *Gaza and West Bank Interim Rapid Damage and Needs Assessment*, February 2025, <https://thedocs.worldbank.org/en/doc/133c3304e29086819c1119fe8e85366b-0280012025/original/Gaza-RDNA-final-med.pdf>.

The above statistics do not begin to convey the horror inflicted on Palestinians in Gaza by the Israeli regime genocide. Nevertheless, they illustrate that reconstruction is essential, given the unprecedented physical and structural damage the Israeli regime continues to inflict. However, this reconstruction must be within a wider rights-based framework, if it is to begin to address the human reality and legal obligation of this damage.

4. REVIEW OF PROPOSED RECONSTRUCTION PLANS

4.1. The U.S. Plan

Donald Trump’s so-called “plan” for Gaza is not a genuine or coherent plan in any meaningful sense. His office has not published formal documentation with a considered logic. He has instead made inflammatory statements personally in press conferences with Benjamin Netanyahu. Nevertheless, his statements reflect a concrete idea of what the U.S. - the Israeli regime’s most fervent ally and the state most complicit in the regime’s genocide - is planning for the enclave.

The casual cruelty with which Trump describes the forcible erasure of Palestinians from Gaza offers an unabashed clarity about the settler-colonial logic underpinning U.S. foreign policy in the region. “The U.S. will take over the Gaza Strip,”²⁴ he stated in February, promising to “level the site and get rid of the destroyed buildings,”²⁵ and ultimately transform Gaza into “the Riviera of the Middle East.”²⁶ When asked if Palestinians would be permitted to return to their lands, his reply was unambiguous: “No, they wouldn’t.”²⁷

Such a vision is not only grotesque; it constitutes a proposal for the complete ethnic cleansing of Gaza and the forced displacement of Palestinians from Gaza – in essence normalizing the international crime of forced displacement and transfer. It epitomizes a broader

24 Al Jazeera. “What Donald Trump Said About His Plans to ‘Take Over’ Gaza.” *Al Jazeera*, February 5, 2025. <https://www.aljazeera.com/news/2025/2/5/what-donald-trump-said-about-his-plans-to-take-over-gaza>.

25 Ibid.

26 Al Jazeera. “Trump’s Gaza ‘Plan’: What It Is, Why It’s Unworkable and Globally Rejected.” *Al Jazeera*, February 13, 2025. <https://www.aljazeera.com/news/2025/2/13/trumps-gaza-plan-what-it-is-why-its-controversial-and-globally-rejected>.

27 Al Jazeera. “Trump Says No Right of Return for Palestinians Under His Gaza Proposal.” *Al Jazeera*, February 10, 2025. <https://www.aljazeera.com/news/2025/2/10/trump-says-no-right-of-return-for-palestinians-under-his-gaza-proposal>.

genocidal policy of permanent erasure, in which Palestinian resistance is criminalized, and their very presence is treated as an obstacle to “stability” and “security,” rather than as a people with rights to self-determination, return, and reparations.

The U.S. approach (whether under Trump, Biden, or previous administrations) systematically obscures the structural conditions of the Israeli colonial-apartheid regime, reducing the “Palestinian question” to a matter of “security threats” and “humanitarian crises,” divorced from their inalienable rights. This framework refuses to acknowledge that Palestinians are a recognized national people with recognized rights preceding the colonial project of ‘Israel.’ The framework also fails to register that Palestinians are survivors of atrocity crimes, living under a colonial regime, entitled under international law to resist, including through armed resistance, as affirmed by UNGA Resolution 2649 (XXV) of 1970 and UNGA Resolution 37/43 (1982),²⁸ until they are free from colonial domination.

Instead, U.S. policy substitutes the right to return with foreign occupation disguised as reconstruction. It speaks of rebuilding Gaza while denying the Palestinian population there any say in their future and categorically excluding them from their homeland. There is no mention of justice for the genocide or the countless war crimes, no accountability for the mass killing of civilians, and no recognition of the siege as a form of collective punishment. Trump’s ‘plan’ promises sanitized landscapes, purged of their Palestinian inhabitants, to be molded in the image of

28 United Nations General Assembly, *Resolution 2649 (XXV): The importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights*, A/RES/2649 (XXV), adopted November 30, 1970; United Nations General Assembly. “Importance of the Universal Realization of the Right of Peoples to Self-Determination and of the Speedy Granting of Independence to Colonial Countries and Peoples for the Effective Guarantee and Observance of Human Rights.” Resolution 37/43, adopted December 3, 1982. Accessed April 17, 2025. <https://documents.un.org/doc/resolution/gen/nr0/425/21/pdf/nr042521.pdf>. “Reaffirms the legitimacy of the struggle of peoples for independence, territorial integrity, national unity and liberation from colonial and foreign domination and foreign occupation by all available means, including armed struggle”.

imperial leisure. In this vision, the erasure of Palestinian life is not a tragedy; it is a prerequisite.

By denying the inalienable rights of the Palestinian people, injustice is perpetuated. For example, by denying the right to self-determination, the Palestinian people are deprived of their right to exercise their political will. Similarly, by denying the right to return, displaced Palestinians are deprived of one of the fundamental tenets of their right to reparations.

In offering a reconstruction plan that prioritizes Israeli and U.S. interests over Palestinian survival and sovereignty, the so-called U.S. “plan” represents a continuation of the settler-colonial logic by other means. The plan does not seek peace, it seeks domination. It does not address the root causes, it reinforces them. It is not a roadmap to recovery; it is a proposal for permanent dispossession.

4.2. The Arab League Plan

By comparison to the U.S.-Israeli plan, the plan proposed by the Arab League and endorsed by the Organization of Islamic Cooperation,²⁹ the European Union (EU),³⁰ and the UN Secretary General Antonio Guterres³¹ is a more coherent, detailed and practicable plan.³² Nevertheless, due to the swiftness of its creation, it labors under the same Oslo-centric presumptions as dictated by the colonial status quo.

29 “OIC Adopts Arab Alternative to Trump’s Gaza Plan.” *Dawn*, March 9, 2025. <https://www.dawn.com/news/1896692>.

30 European External Action Service. “Statement by the High Representative on the Arab Plan for Gaza.” *EEAS*, March 9, 2025. https://www.eeas.europa.eu/eeas/statement-high-representative-arab-plan-gaza_en.

31 Middle East Eye. “UN Chief ‘Strongly Endorses’ Arab Plan for the Reconstruction of Gaza.” *Middle East Eye*, March 4, 2025. Video, 0:14. <https://www.youtube.com/watch?v=6VKTS7DZhAY>.

32 Arab League. *Early Recovery, Reconstruction, and Development of Gaza*. Cairo: Arab League, March 2025. <https://static-cdn.toi-media.com/www/uploads/2025/03/Arab-Proposal-pdf>.

This plan is worth commending for the practical outline provided for the material reconstruction of Gaza. As detailed on page 6 (Damage Assessment of Gaza), there is a desperate need for physical recovery of infrastructure and housing. With a clear, staged (if a little optimistic)³³ implementation timeline and a cumulative budget of \$53 billion,³⁴ the Arab League Plan proposes a clear vision of immediate relief and long-term infrastructure reconstruction. Notably, it does not propose the further displacement or the ethnic cleansing of Palestinians from Gaza.

The Early Recovery Phase, costed at \$3 billion, targets urgent humanitarian needs through mine and ordnance removal, large-scale debris clearance, and the provision of 200,000 prefabricated temporary housing units to shelter over 1.2 million individuals.³⁵ Simultaneously, it initiates the renovation of 60,000 partially damaged housing units, reflecting a commitment to both immediate stabilization and transitional resilience.³⁶

Stage 1 of the Reconstruction Phase, with a \$20 billion allocation over two years, advances critical development objectives, including the reclamation of 84 km² of agricultural land, construction of 200,000 new permanent housing units, and establishment of vital infrastructure such as desalination plants, wastewater treatment facilities, and fire prevention systems.³⁷

Stage 2, extending to 2030 with an additional \$30 billion, completes the

33 Notably, the Arab League Plan proposes a 6 month recovery phase and a 5 year reconstruction phase (Ibid. pg.13) whereas the UNDP in May 2024 estimated that clearing the rubble alone would take 15 years per Jason Burke, “Clearing Gaza of Almost 40m Tonnes of War Rubble Will Take Years, Says UN,” *The Guardian*, July 15, 2024, <https://www.theguardian.com/world/article/2024/jul/15/clearing-gaza-of-almost-40m-tonnes-of-war-rubble-will-take-years-says-un>.

34 Supra (n.33) pg.14.

35 Supra (n.33) pg.17, 94-101.

36 Supra (n.33) pg.17-18, 102-106.

37 Supra (n.33) pg.17-18, 102-106.

foundational reconstruction by adding another 200,000 housing units, industrial and port infrastructure, the creation of Gaza International Airport and a coastal development project.³⁸

However structured and detailed the plan outlined by the Arab League, it nonetheless fails to address the root causes and therefore fails to provide genuine pathways for redress or reparations to address violations caused by the Israeli regime's blockade and genocide. The plan states that the "single and clear outcome"³⁹ it is working towards is the "implementation of the two-state solution"⁴⁰ - while failing to name the Israeli regime as the perpetrator of genocide. In doing so, Israeli violations and crimes in Gaza, and Palestine more widely, are reduced to merely a humanitarian issue, security concern, and a narrow territorial dispute along the 1967 borders.

Consequently, this mainstream yet inaccurate approach, limits the content, as well as the geographic scope of the right of self-determination, ignores the foundational injustice of the 1948 Nakba and the ongoing exile of millions of Palestinian refugees. By making this mistake, the plan risks repeating the failures of 77 years of international policy surrounding Palestine that has only served to fuel ongoing impunity for the Israeli regime's persistent crimes. The complete sidelining of the inalienable rights of the Palestinian people to return and self-determination, and failing to address the root causes of Palestinian dispossession: colonization, forced displacement, and apartheid, makes this plan a failure at a fundamental level.

It suffers this fate as it accepts the premise upheld by the international community: that the rights of Palestinians are not as fundamental as they are for everyone else, and that they can therefore be paused or

38 Supra (n.33) pg.18, 102-106.

39 Supra (n.33) pg.7.

40 Supra (n.33) pg.7.

held until final negotiations. By sidelining return, self-determination and rights-based decolonization, the plan reinforces the colonial status quo and furthers the Israeli regime's impunity.

4.3. Common Flaws in Both Plans

Notable amongst all the plans proposed for reconstruction, there is not a single mention of the word “reparations.” Nowhere is there any serious attempt to grapple with justice for over seven decades of ongoing Nakba characterized by forced displacement and transfer, colonization and apartheid – nor the Israeli genocide. **While reconstruction must be a constituent part of reparations, reconstruction in these plans is framed not as a right owed, but as a conditional process managed by technocrats, donors, and international institutions (entities historically complicit in Palestinian subjugation).** Such conditions, imposed by the perpetrator of these crimes, the Israeli regime, are multitudinous and constrictive. They limit the fundamental and democratic rights of Palestinians and blackmail them for the potential relief of charity.

Furthermore, the treatment of Palestinian armed resistance as a mere “challenge” to be resolved through imposed political and security processes, obfuscates the reality that the right to resist arises from the denial of the Palestinian people's right to self-determination, as enshrined in international law.⁴¹ Demonizing, criminalizing and disarming the resistance, without dismantling the structures of oppression, reproduces the Israeli system of domination, not liberation.

Crucially absent from any reconstruction plan is any demand that the Israeli regime, as the perpetrator of international crimes and the

41 BADIL Resource Center for Palestinian Residency and Refugee Rights, *The Palestinian People Have a Right to Armed Struggle by Virtue of their Inalienable Right to Self-Determination*, December 2023, accessed June 22, 2025, https://badil.org/cached_uploads/view/2023/12/15/resistance-paper-1702636476.pdf.

principal agent of Gaza's destruction, bear financial responsibility for the reconstruction of Gaza. Under international law, 'Israel', as a colonial-apartheid regime and the perpetrator of genocide against Palestinians in Gaza, has a clear obligation to provide reparations for the immense material and human damage it has caused. The reliance on international donors, foreign investment largely from Gulf States,⁴² and civil society, to finance Gaza's reconstruction not only absolves the Israeli regime of its legal and moral responsibilities, but entrenches a dangerous precedent where the commission of international crimes is subsidized by its victims and the international community.

While the international community does have obligations to protect the Palestinian people and ensure their inalienable rights, the burden of reparation and reconstruction should rest primarily on the Israeli regime's shoulders and those colonial states who continue to collaborate in the genocide. **This means that the financial burden for reconstruction must be chiefly carried by the regime and those complicit in its crimes and must be seen as one of the pillars of accountability required to ensure the vindication of Palestinian rights. Beyond mere financial responsibility, the perpetrators must also be held to account for their crimes and face justice in a court of law.**

5. A RIGHTS-BASED ALTERNATIVE: REPARATIONS

The only acceptable plan for a Palestinian future is one grounded in the fundamental and inalienable rights of the Palestinian people, accountability for the Israeli regime's crimes, and full decolonization of Mandatory Palestine. That plan is a reparative one.

There are two temporal scopes from which we can analyze the

⁴² Imad K. Harb, "What Are the Options for Financing Gaza's Reconstruction?" in *An Arab Plan for Gaza: Obstacles and Possibilities*, Arab Center Washington DC, March 7, 2025, <https://arabcenterdc.org/resource/an-arab-plan-for-gaza-obstacles-and-possibilities/>.

Palestinian people's right to reparations. One begins with the foundational injustice of the Nakba and the ongoing policies of colonization, forced displacement and apartheid employed by the Israeli regime. The other relates to the reparations owed to the Palestinian population in Gaza for the ongoing genocide and forced displacement since October 2023. As such, the following sections are composed of both the right to reparations as held by all Palestinian people, and the right to reparations held specifically by Palestinians in Gaza.

As outlined in *Section 1 (Introduction)*, reparations are a legal right for those who have suffered atrocities (like genocide) and international crimes (like forced displacement and transfer, collective punishment and the weaponization of aid) and can take many forms, including: restitution, compensation, rehabilitation, and satisfaction.

5.1. The Palestinian People's Right to Self-determination⁴³

By centering the rights of Palestinian people, the plan for a just future built on remedying the root injustices emerges naturally. Given that self-determination is “an essential condition for the effective guarantee and observance of individual human rights,”⁴⁴ a rights-based solution for Palestine must begin with ensuring the exercise of the Palestinian people's right to self-determination.

43 BADIL Resource Center for Palestinian Residency and Refugee Rights, *Decolonization: The Case of Palestine, Introduction*, BADIL Working Paper No. 30, (May 2023) Accessed July 2025: https://badil.org/cached_uploads/view/2023/06/09/wp30-decolonization-intro-eng-1686312277.pdf. and BADIL Resource Center for Palestinian Residency and Refugee Rights, *Palestinian Self-Determination: Land, People, and Practicality*, BADIL Working Paper No. 28, (October 2021), accessed July 2025, https://badil.org/cached_uploads/view/2021/11/15/wp-28-self-determination-1636973309.pdf.

44 Human Rights Committee, *CCPR General Comment No. 12: Article 1 (Right to Selfdetermination)*—*The Right to Selfdetermination of Peoples*, adopted March 13, 1984, in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, UN Doc. HRI/GEN/1/Rev.10 (2000).

At the creation of the British Mandate in Palestine, the inalienable right to self-determination of the Palestinian people was legally affirmed; a right that is yet to be satisfied.⁴⁵ In no part of the Palestine Mandate Agreement is there a legal basis for a Jewish state in Palestine, nor did the Israeli regime inherit the Palestinian right to self-determination. Given that under the Covenant of the League of Nations (Article 22),⁴⁶ Palestine held a sui generis right to self-determination⁴⁷ that has yet to be implemented⁴⁸ and that the Israeli colonization occurred via forcible secession,⁴⁹ the Palestinian right subsists, and the Israeli regime has no basis in international law.

This is the first foundational right that should lead a reparative reconstruction approach. The Palestinian people have a discrete legal right to Mandatory Palestine. Thus, Palestinians must have the right to freely express their democratic will, unencumbered by the colonial interests of major powers in the West and their partners in the Arab region. Decolonization is not an abstract concept; it begins with this legal right.

It is from this self-determination entitlement that we can then begin to discuss the Palestinian people's right to reparation. The fundamental point is that what happens next must be the democratic will of the

45 Ralph Wilde, "Israel's War in Gaza Is Not a Valid Act of Self-Defence in International Law," *Opinio Juris*, November 9, 2023, <https://opiniojuris.org/2023/11/09/israels-war-in-gaza-is-not-a-valid-act-of-self-defence-in-international-law/>.

46 United Nations. "Palestine Question – Article 22 of the Covenant of the League of Nations." *UNISPAL*, n.d. <https://www.un.org/unispal/document/auto-insert-185531/>.

47 Wilde, Ralph. "Tears of the Olive Trees: Mandatory Palestine, the UK, and Reparations for Colonialism in International Law", *Journal of the History of International Law / Revue d'histoire du droit international* 25, 3 (2022): 387-428, doi: <https://doi.org/10.1163/15718050-12340216>.

48 As maintained in numerous UNGA Resolutions including: United Nations General Assembly, *Resolution 3236 (XXIX): Question of Palestine*, A/RES/3236 (XXIX), adopted November 22, 1974, UN document, <https://www.un.org/unispal/wp-content/uploads/2016/05/ARES3236XXIX.pdf>.

49 James Crawford, "Secession," in *The Creation of States in International Law*, 2nd ed. (Oxford: Oxford University Press, 2007; online ed., Oxford Academic, January 1, 2010), <https://doi.org/10.1093/acprof:oso/9780199228423.003.0009>.

Palestinian people. The details of exactly how the social, political, economic, and infrastructural reconstruction of Gaza occurs must rest in the hands of the Palestinian people. While BADIL cannot pre-empt those choices, an outline of the rights owed follows.

Self-determination in Gaza

Should this broader right be denied by the political will of Western colonial states, as it has been since 1917, we must reemphasize the right of Palestinians in Gaza “to take part in the government of [their] country, directly or through freely chosen representatives” per Article 21 of the Universal Declaration on Human Rights⁵⁰ and Article 25 of the International Covenant on Civil and Political Rights.⁵¹ To be clear, this means that Palestinians in Gaza have the right to “freely” choose their representatives, free from the gerrymandering of meddling colonial powers. The suppression of free and fair elections in Gaza as has been proposed in a series of ceasefire agreements⁵² will not lead to peace. This ban will only push resistance further underground, where it will grow and become more and more adamant by the continued denial of their rights, like the British banning of the Kenya African Union (KAU).⁵³ As such, the Palestinians of Gaza must be granted their legal right to “free” and “genuine”⁵⁴ self-determination.

50 United Nations, *Universal Declaration of Human Rights*, Article 21, accessed April 29, 2025, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

51 United Nations General Assembly, *International Covenant on Civil and Political Rights*, Article 25, adopted December 16, 1966, entered into force March 23, 1976, United Nations Treaty Series, vol. 999, p. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

52 Rushdi Abualouf and Raffi Berg, “New Israel-Gaza Ceasefire Plan Proposed, Hamas Source Tells BBC,” *BBC News*, April 22, 2025, <https://www.bbc.com/news/articles/c62xnqlj11lo>.

53 David Anderson, *Histories of the Hanged: The Dirty War in Kenya and the End of Empire* (New York: W. W. Norton & Company, 2005).

54 *Supra.* (n.50) Article 21(3).

5.2. Return and Restitution

Palestinians have, by virtue of the Israeli atrocities inflicted upon them and their claim to restitution, the legal right to return to their land,⁵⁵ both within Gaza and within Mandatory Palestine. Restitution of property is, as detailed by a number of authorities,⁵⁶ their primary remedy. Where such restitution is ‘impossible,’ they have the right to demand from the Israeli regime a “payment of the sum corresponding to the value which a restitution in kind would bear.”⁵⁷ Notably, this may include “damages for loss sustained which would not be covered by restitution in kind.”⁵⁸ There is, regrettably, no jurisprudence on the matter of what constitutes ‘impossible’ regarding refugees’ right to return and the restitution of their property.⁵⁹ In the Palestinian context, this ‘impossible’ margin is perceptively small as only 23% of Palestinian villages in Palestine colonized in 1948 have been built over, leaving 77% where no land disputes should occur.⁶⁰ Even for the 23% where land disputes may occur there are a variety of frameworks that could bring about justice.⁶¹

55 See UN High Commissioner for Refugees (UNHCR), Handbook for Repatriation and Reintegration Activities. Geneva: UNHCR (May 2004), p. 16.

56 UNHCR Executive Committee (EXCOM), Conclusion on Legal Safety Issues in the Context of Voluntary Repatriation of Refugees, Conclusion No. 101 (LV) (2004). Committee on the Elimination of Racial Discrimination, General Recommendation XXII on article 5 of the Convention on refugees and displaced persons para. 2(c) (1996); UN Human Rights Commission Resolution 2003/34.

57 Case Concerning the Factory of Chorzów, Permanent Court of International Justice, Ser. A, no. 17, p. 47; Papamichalopoulos and Others v. Greece (Article 50), 18/1992/363/437 (1995), para. 39.

58 Ibid.

59 Supra. (n.47).

60 Visualizing Palestine, *Return is Possible List*, n.d., <https://visualizingpalestine.org/visual/return-list/>.

61 Paul Prettitore, “The Right to Housing and Property Restitution in Bosnia and Herzegovina,” in *Rights in Principle, Rights in Practice: Revisiting the Role of International Law in Crafting Durable Solutions for Palestinian Refugees*, ed. Terry Rempel (Bethlehem: BADIL Resource Center for Palestinian Residency and Refugee Rights, 2009), 115–154; and Monty Roodt, “Land Restitution in South Africa,” in *Rights in Principle, Rights in Practice: Revisiting the Role of International Law in Crafting Durable Solutions for Palestinian Refugees*, ed. Terry Rempel (Bethlehem: BADIL Resource Center for Palestinian Residency and Refugee Rights, 2009), 155–186. (December 2009) Accessed July 2025: https://badil.org/cached_uploads/view/2021/07/02/ex-forum-layout-final-s-1625232155.pdf.

Beyond this right to return, property restitution, and compensation where that is impossible; Palestinians have a right to a wider variety of less-material reparations: rehabilitation and satisfaction are broadly seen as means to ensure accountability for the Israeli regime's crimes; and the decolonization of Palestine as a means to prevent repetition.

Return and Restitution in Gaza

While the 9.76 million displaced Palestinians,⁶² that includes refugees and IDPs, have a right to return to their homes of origin in all of Mandatory Palestine, should this right be denied, as it has been since 1948, the displaced Palestinian's right to return to their homes in Gaza must be respected and upheld.

This process must adhere strictly to international standards governing return and reparations, particularly the principles codified by Special Rapporteur Paulo Sérgio Pinheiro in 2005 (commonly referred to as the Pinheiro Principles)⁶³ which provide a universal legal and ethical framework for organizing returns of displaced populations.

In the case of Gaza, (as well as of the refugee camps in the north of West Bank) these principles must be operationalized with urgency. A competent and representative governing authority, must issue an unequivocal declaration affirming the right of all those displaced from Gaza to return voluntarily. This declaration must be candid in its recognition that, due to the continued existence of Israeli regime's colonization and the physical and regulatory obstacles elsewhere in Palestine, the current and urgent site of return is Gaza, which in turn

62 BADIL Resource Center for Palestinian Residency and Refugee Rights and Global Palestinian Refugee Network (GPRN), "77 Years of Ongoing Nakba: Resisting Ongoing Forcible Displacement," press release, May 14, 2025, accessed June 22, 2025, <https://badil.org/press-releases/15898.html>.

63 United Nations Sub-Commission on the Promotion and Protection of Human Rights, *Principles on Housing and Property Restitution for Refugees and Displaced Persons* (The Pinheiro Principles), June 2005.

does not and will not derogate from the right of Palestinian refugees to their homes of origin as enshrined in the UNGA Resolution 194 of 1948.⁶⁴ Nonetheless, the decision to return must be grounded in the individual's right to a free, informed, and voluntary choice.

Parallel to this must be the implementation of a full-scale restitution program to address property claims, especially concerning real estate. This topic is rather comprehensively covered in the Arab League Plan.⁶⁵ A mechanism, whether judicial or administrative, must be established to enable displaced persons to reclaim ownership of homes, land, and other assets unjustly stolen, damaged or destroyed.⁶⁶

Finally, the implementation of return cannot occur in a vacuum of accountability. The systematic and repeated displacement of Palestinians constitutes an international crime of the gravest order. As such, legal processes must be initiated to pursue criminal responsibility for those who designed, ordered, or executed these policies, whether they be Israeli officials, military actors, or complicit parties. Justice demands not only return and restitution but also redress through legal accountability. Without it, the cycle of dispossession will persist under the illusion of reform.

5.3. Accountability and Decolonization

Justice necessitates the provision of fair trials for individuals accused of international crimes,⁶⁷ either through the International Criminal Court

64 United Nations General Assembly, *Resolution 194 (III), Palestine – Progress Report of the United Nations Mediator*, A/RES/194(III), December 11, 1948, [https://undocs.org/en/A/RES/194\(III\)](https://undocs.org/en/A/RES/194(III)).

65 Arab League. *Early Recovery, Reconstruction, and Development of Gaza*. Cairo: Arab League, March 2025. <https://static-cdn.toi-media.com/www/uploads/2025/03/Arab-Proposal-.pdf>.

66 *Supra*. n.62 Principle 13.

67 United Nations, *International Covenant on Civil and Political Rights*, adopted December 16, 1966, entered into force March 23, 1976, 999 U.N.T.S. 171, art. 14, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

(ICC) or a specially constituted tribunal. The people, states, and private companies who have facilitated or been complicit in this genocide and the ongoing Nakba must face justice. In this manner, formal justice (i.e., as found in international and domestic courts) must not be limited to international criminal law, it must be composed of a broad cornucopia of judicial actions including tort, international humanitarian law, and international human rights law claims.

Moreover, this juridical justice should be complimented by transitional and restorative justice initiatives, that centers decolonization in practice. It cannot be over-emphasized that any transitional justice work must follow the fundamental deconstruction of the Israeli colonial-apartheid regime. This deconstruction of the Israeli regime must occur on a legal, political, territorial, military, ideological, and civilian level. Only then can we begin to consider reconstruction, both materially and figuratively.

When we consider the reconciliation that follows, we must be critical of traditional colonial approaches to transitional justice, asking, “Whose justice? Which transition?”⁶⁸ Transitional justice in Palestine has long obfuscated by the fundamental questions of decolonization and has become a Zionist-Israeli tool of “pseudo-intellectual gaslighting.”⁶⁹ To differentiate our practice from this troubling legacy, transitional justice must be framed within a decolonization paradigm, where the harsh reality of the Israeli regime’s crimes is faced directly, and the power rests with the survivors of these atrocities. Reconciliation, in its truest form cannot be born from pressure applied downwards from perpetrator to victim, it must be born of real, manifested justice for rights’ holders and the forgiveness gifted by those rights’ holders at a

68 Nadim Khoury, “Transitional Justice in Palestine/Israel: Whose Justice? Which Transition?” in *Rethinking Statehood in Palestine*, ed. Leila Farsakh (California: University of California Press, 2021), <https://doi.org/10.1525/luminos.113.g>

69 Brendan Ciarán Browne, “Rethinking International Law After Gaza Symposium: Containing Liberation – The Transitional Justice Industrial Complex in Palestine,” *Opinio Juris*, October 10, 2024, <https://opiniojuris.org/2024/10/10/rethinking-international-law-after-gaza-symposium-containing-liberation-the-transitional-justice-industrial-complex-in-palestine/>.

time suitable to them. Nevertheless, this process of transitional justice and reconciliation after decolonization is important. For even in a decolonized Palestine, conflicts will arise, and people will need to feel that their grievances were truly heard; a level of satisfaction rarely met by the mere conviction of a number of individual perpetrators by the ICC. As such, reconciliation must occur at a grassroots level, and only when the proverbial playing field has been levelled by formal justice mechanisms. After all, reconstruction cannot be limited to just the physical, the decolonization process must occur at all levels: social, cultural and psychological.

Accountability and Decolonization in Gaza

A juridical and restorative justice paradigm for Gaza must explicitly center the systematic destruction of the blockaded Strip as a case study in protracted genocide and settler-colonial domination. Legal accountability must begin at the highest echelons of Israeli political and military leadership, who authorized mass bombardments, targeted civilian infrastructure, and imposed a hermetic siege that weaponized water, food, medicine, and electricity—acts that violate Articles 6 and 7 of the Rome Statute.⁷⁰ Prosecutorial efforts must also extend to battalion and unit-level commanders responsible for war crimes in areas such as Shuja'iyya,⁷¹ Khan Yunis,⁷² and al-Rimal,⁷³ as was the case with

70 International Criminal Court, *Rome Statute of the International Criminal Court*, 2024 ed. (The Hague: ICC, 2024), <https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf>.

71 Euro-Med Human Rights Monitor, “Al-Shuja'iyya Massacre Reflects Israel's Deliberate Erasure of Palestinian Existence in Gaza,” April 10, 2025, <https://euromedmonitor.org/en/article/6679/Al-Shuja%E2%80%99iyya-massacre-reflects-Israel%27s-deliberate-erasure-of-Palestinian-existence-in-Gaza>.

72 Euro-Med Human Rights Monitor, “Khan Yunis Witnesses One of Its Bloodiest Days Yet as Israel's Crime of Genocide Continues to Unfold,” *ReliefWeb*, July 22, 2024, <https://reliefweb.int/report/occupied-palestinian-territory/khan-yunis-witnesses-one-its-bloodiest-days-yet-israels-crime-genocide-continues-unfold-enar>.

73 Al-Haq, “Destruction of al-Rimal Neighborhood in Gaza City, an Attack on the Economic Existence of a National Group,” October 19, 2023, <https://www.alhaq.org/advocacy/21943.html>.

Yugoslav commanders at the International Criminal Tribunal for the former Yugoslavia (ICTY).⁷⁴

Crucially, legal mechanisms must implicate the foreign states and private actors who have enabled Gaza's destruction through financial, diplomatic, and material support, including U.S. and EU-based arms manufacturers, surveillance technology firms, and logistics companies. For instance, corporations like Boeing, Northrop Grumman, and Israeli arms firm Rafael Advanced Defense Systems⁷⁵ must be subjected to tort litigation, asset freezes, and international sanctions, mirroring strategies used against Chiquita Brands for financing paramilitary groups in Colombia.⁷⁶ Gaza-specific restorative justice must not merely aim for "resilience" but for the total decolonization of the territory, from dismantling Israeli-enforced no-go/buffer zones, to ensuring the right of return for refugees and IDPs from 1948 and 1967 expulsions. Grassroots-led truth commissions in Gaza must document decades of siege, trauma, and resistance, not to foster false reconciliation, but to embed justice within a future decolonized polity. As in post-genocide Rwanda or post-apartheid South Africa, reconciliation cannot be externally imposed or state-engineered. To satisfy the right holders, it must rise from a decolonized, liberated Gaza in which every family knows not only that the perpetrators have faced justice, but that the conditions enabling repeated massacres have been permanently eradicated.

74 International Criminal Tribunal for the former Yugoslavia (ICTY), "Key Figures of the Cases," updated September 2023, accessed April 30, 2025, <https://www.icty.org/en/cases/key-figures-cases>.

75 American Friends Service Committee, "Companies Profiting from the Gaza Genocide," accessed April 30, 2025, <https://afsc.org/gaza-genocide-companies>.

76 María Manuela Márquez Velásquez, "It's Bananas! The Historic Ruling Against Chiquita for Financing Paramilitaries in Colombia," *Leiden Law Blog*, July 12, 2024, <https://www.leidenlawblog.nl/articles/it-is-bananas-the-historic-ruling-against-chiquita-for-financing-paramilitaries-in-colombia>.

5.4. Who Pays, and Why It Matters

Fundamental to these questions of accountability, decolonization, and justice is the economic responsibility of the Israeli regime and its allies for the crimes they have committed. The question of financial responsibility cannot be ethically or legally disentangled from the structural apparatuses of colonial domination that have enabled, maintained, and normalized the dispossession of the Palestinian people. Primary culpability resides with the Israeli regime, whose sustained settler-colonial regime, systemic displacement, and subjugation of the Palestinian people constitute international crimes. This culpability is predicated on the legal responsibility of the Israeli regime for its wrongful acts.⁷⁷

Per Article 1 of the International Law Commission's (ILC) Articles on State Responsibility,⁷⁸ "Every internationally wrongful act of a State entails the international responsibility of that State."⁷⁹ On this basis, the Israeli regime is "under an obligation to compensate for the damage caused thereby, insofar as such damage is not made good by restitution."⁸⁰ This right to compensation as held by the Palestinian people for financial compensation is not the first of its kind to exist. While there are many instances where such a right has not been vindicated,⁸¹ there are clear,

77 International Law Commission, *Draft Articles on Responsibility of States for Internationally Wrongful Acts, with Commentaries*, Yearbook of the International Law Commission 2001, vol. 2, part 2, UN Doc. A/56/10, 26–143, https://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf.

78 Which have been recognized for their status as customary international law in: International Court of Justice, *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, *Reparations*, Judgment of 9 February 2022, I.C.J. Reports 2022, para.77&101.

79 Ibid.

80 Ibid. Article 36.

81 International Court of Justice, *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, *Merits*, Judgment of 27 June 1986, I.C.J. Reports 1986, 14; for commentary see Diane Desierto, "Reopening Proceedings for Reparations and Abuse of Process at the International Court of Justice," EJIL: Talk!, August 16, 2017, <https://www.ejiltalk.org/reopening-proceedings-for-reparations-and-abuse-of-process-at-the-international-court-of-justice/>.

modern examples of institutional frameworks that have facilitated such compensation.

One recent example,⁸² is the case of the *Democratic Republic of Congo v Uganda*.⁸³ The Court affirmed the standard set in *Chorzow Factory*⁸⁴ that “reparation must, as far as possible, wipe out all the consequences of the illegal act”⁸⁵ and affirmed that where there is uncertainty regarding the precise extent of the damage the Court may “award compensation in the form of a global sum.”⁸⁶ Notably in this case, where the territory was controlled by Uganda as an occupying power, they had a “sufficiently direct causal nexus to make reparation for all damage even for conduct of third parties, unless such injury was not caused by Uganda’s failure to fulfil its obligations as the Occupying Power.”⁸⁷ Furthermore, in this case the burden of proof would rest with Uganda. This judgment, while not immune to criticism,⁸⁸ nevertheless provides a framework for reparations directly factoring in the effect of state responsibility vis-à-vis the actions of an occupying power. It is on this basis, and the customary nature of the ILC Articles on State Responsibility,⁸⁹ that a framework for reparations, in particular,

82 International Center for Transitional Justice, “Uganda Pays First Installment of \$325M War Reparations to DRC,” ICTJ, September 13, 2022, accessed June 16, 2025, <https://www.ictj.org/latest-news/uganda-pays-first-installment-325m-war-reparations-drc>.

83 International Court of Justice, *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, *Reparations*, Judgment of 9 February 2022, I.C.J. Reports 2022, <https://www.icj-cij.org/public/files/case-related/116/116-20220209-JUD-01-00-EN.pdf>.

84 Case Concerning the Factory of Chorzów, Permanent Court of International Justice, Ser. A, no. 17, p. 47; *Papamichalopoulos and Others v. Greece* (Article 50), 18/1992/363/437 (1995).

85 *Ibid.* p.47.

86 *Supra* (n.82) para.106.

87 Diane Desierto, “The International Court of Justice’s 2022 Reparations Judgment in *DRC v. Uganda*: ‘Global Sums’ as the New Device for Human RightsBased InterState Disputes,” *EJIL: Talk!* (blog), February 14, 2022, accessed June 16, 2025, <https://www.ejiltalk.org/the-international-court-of-justices-2022-reparations-judgment-in-drc-v-uganda-a-new-methodology-for-human-rights-in-inter-state-disputes/>. Citing para.95 of (n.90).

88 *Ibid.*

89 *Supra.* (n.76).

financial compensation, must be implemented as a right held by Palestine against the Israeli regime.

However, the scope of accountability must extend beyond the immediate perpetrator to encompass the wider network of colonial states (such as the U.S., Germany, the United Kingdom, and the EU) and international institutions whose military aid, diplomatic shielding, and economic partnerships have rendered them complicit in the genocidal, colonial enterprise. These entities have not only failed to fulfil their obligations under the Fourth Geneva Convention⁹⁰ and customary international law, to prevent and punish grave breaches, but have actively subsidized and legitimized the machinery of colonization.

To rely on international donors, particularly those from nations of the Global South or humanitarian organizations to shoulder the burden of reconstruction and humanitarian relief, is to perversely absolve the perpetrators and enablers of their legal and moral duties. Such a paradigm, shifts the locus of accountability away from those who profit from and perpetuate colonial oppression, establishing a dangerous precedent wherein crimes against oppressed peoples are not redressed through justice, but are mitigated through charity.

This model, which treats colonization as a humanitarian crisis rather than a juridical injustice, effectively monetizes impunity, allowing settler-colonial violence to persist under the guise of philanthropic interventionism. **In the interest of genuine decolonization and restorative justice, it is imperative that those who have directly inflicted, and those who have structurally abetted harm, be compelled through legal, economic, and political means to bear the full weight of reparative responsibility.**

⁹⁰ International Committee of the Red Cross, *Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*, August 12, 1949, 75 U.N.T.S. 287, <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949>.

Financial Accountability in Gaza

The question of compensation cannot be equivocated. The Israeli regime bears full and exclusive legal responsibility for the displacement and dispossession of Palestinians from and within Gaza, and must be held liable for the full range of compensatory claims, including in instances where restitution is materially impossible. Nevertheless, in recognition of the long-standing failures of international enforcement mechanisms, the international community and a relevant local governance authority should proactively pursue interim compensation programs, whether through direct financial redress and/or community-based rehabilitation initiatives. These must be designed in consultation with, as well as implemented in coordination with, the rights' holders and their legitimate representatives in Gaza. The Israeli regime's obligations, both legal and financial, will persist regardless and must eventually include reimbursement of any interim outlays undertaken by the Palestinians or their allies.⁹¹

6. Conclusion

The road to justice in Palestine begins and ends with the rights of the Palestinian people. It does not, and cannot, lie in technocratic reconstruction plans divorced from accountability, nor in colonial frameworks that erase the democratic will and rights of the Palestinian people. True reconstruction is not merely physical, it is political, legal, and moral. It must begin, not with donor-funded charity, but with the ceasing of all direct breaches and atrocities currently being committed and the full dismantling of the structures that necessitated reconstruction in the first place: the Israeli colonial-apartheid regime and the global systems that have enabled its atrocities and crimes.

As this paper has demonstrated, both the U.S. plan and the Arab League

⁹¹ Supra (n.62) Principle 21.

initiative, while divergent in tone and intent, share a fatal flaw: they treat the Palestinian people not as holders of inalienable and basic rights, but as objects of benevolence or security management. The absence of a framework for reparations, return, and real decolonization renders both plans complicit in perpetuating the very violence they claim to remedy and serve as a reminder of their ongoing failure to uphold the inalienable rights of the Palestinian people.

A rights-based alternative, as outlined in *Section 5 (A Rights-Based Alternative: Reparations)*, is not merely a proposal: it is an obligation under international law. It begins with the right to self-determination, which necessitates decolonization. It continues with the right of return and restitution for refugees and victims of forced displacement. It demands accountability for atrocity crimes, both through legal mechanisms and through victim-led transitional justice. And it asserts, unequivocally, that the financial and moral burden of reconstruction lies with the perpetrators and enablers of these ongoing crimes.

Reconstruction must not be a veil for impunity. It must be a vehicle for reparative justice. Any vision for the future of the Gaza Strip, and Mandatory Palestine more broadly, that fails to center Palestinian rights, justice, and decolonization, is not a vision for peace. It is a blueprint for further subjugation. Only a reparative framework can ensure that the suffering endured leads not to erasure, but to liberation; not to management, but to justice. For the Palestinian people, whose struggle for dignity and freedom has spanned over a century, nothing less will suffice.

“ Framing “reconstruction” as a substitute for reparations reveals a vision of Gaza’s future shaped not by the aspirations of its people and the principles of international law, but by the colonial geopolitical interests of regional and international powers. Furthermore, this form of ‘charitable’ reconstruction, as repeatedly proposed by the international community, compounds the Israeli regime’s impunity.”