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المركز الفلسطيني لحقوق الإنسان

Nakba at 67: The Ongoing Crime of Forcible Population Transfer and Secondary Displacement

For Palestinians, 2015 marks the 67th year of forced displacement from, and within, their ancestral homeland. This ongoing Nakba ('catastrophe') continues to be perpetuated through Israel's denial of the Palestinian refugees' Right of Return, the right to self-determination, and various other Israeli policies, which give rise to forced displacement, including forcible transfer as a grave breach of international law. These policies are framed within the wider gamut of perpetual human rights violations being committed on both sides of the green line (across the occupied Palestinian territory and Israel).

During the summer of 2014, Palestinian residents of the Gaza Strip - more than 75 percent of whom are refugees – were subjected to a 50-day Israeli aerial bombardment and ground assault. At least 2,215 Palestinians were killed, with the homes of 108,000 more destroyed or severely damaged, whilst the already crippled civilian infrastructure of this besieged enclave received further extensive damage. At the peak of the assault, 520,000 Palestinians were internally displaced inside the Gaza Strip, accounting for 34 per cent of its total population.

Inside occupied East Jerusalem and so-called 'Area C' (accounting for more than 60% of occupied West Bank land), Israel pursues a policy of forcible transfer of Palestinians by way of - *inter alia* - unlawful land appropriation, home demolitions, denial of residency, restrictions on land access, and extensive settlement expansion. This multitude of grievous rights abuses is conducted against a backdrop of discrimination, harassment and violence perpetrated by Israeli settlers and security services alike, and reflected in Israel's rapidly advancing plans to forcibly transfer Palestinian Bedouin communities on the Jerusalem periphery to urban townships in the Jordan Valley.

Yet this widespread Palestinian suffering is not limited to the borders of Mandate Palestine, but extends to the millions of individuals who make up the international Palestinian Diaspora. Of particular concern is the fate of those in Syria, with UNRWA finding that half a million Palestinian refugees have been directly affected by the country's ongoing conflict. Many of these refugees will now have experienced secondary or tertiary displacement, whilst the level of human suffering for residents of Yarmouk Camp in Damascus has escalated wildly following extreme violence and the failure of the international community to ensure the delivery of desperately needed humanitarian aid and assistance.

These abhorrent developments, along with the predictable failure of US-led 'peace talks' in 2014, highlight the necessity of providing a durable solution to Palestinian refugees which is based upon the just application of international law, rather than political bargaining. The continued failure to deliver to Palestinians the full protection to which they are entitled under international law - centered around their inalienable right to return to their ancestral homes, unequivocally codified in UDHR Article 13, UNGA Resolution 194 and UNSC Resolution 237 – must be addressed as a matter of

extreme urgency. For as long as the current status quo is maintained, and international protection is absent, Palestinians remain condemned to a fate of continued acute hardship and suffering.

Avenues through which to pursue the just application of international law and, by extension, the promotion of durable, rights-based solutions, are already in place. Alongside diplomatic efforts at the international level to demand Israeli adherence to all applicable legal instruments, states and international civil society alike must also support and fully participate in mechanisms such as United Nations Independent Commissions of Inquiry, and the investigations of the International Criminal Court. The strength of these processes lies not just in their respective potential to promote accountability and deliver justice, but also in their contribution to a wider movement towards legally-rooted solutions for the Palestinian people.

Accordingly, we, the undersigned members of the Palestinian Human Rights Organizations Council, make the following recommendations:

- (i) That the international community genuinely strives to secure international protection - including durable solutions - for Palestinian refugees, and primarily, their Right of Return and to self-determination.
- (ii) That the international community takes all measures to ensure Israel's compliance with its obligations under IHL and IHRL and calls on Israel to cease those policies and practices which adversely affect the protected population. The international community is thus reminded that forcible transfer amounts to a grave breach of IHL, and as such, States must not recognize the ensuing situation as lawful, nor render aid or assistance in maintaining the situation. The International Community should further call for immediate cessation of such activities and seek guarantees of non-repetition and reparations.
- (iii) That the PLO makes concerted efforts to press concerned states and international agencies to meet their responsibilities, particularly with a view to fulfilling their obligations relating to non-refoulment, and non-discrimination.
- (iv) That the international community supports endeavors by international mechanisms aimed at securing justice and accountability, including the UN Commission of Inquiry and the ICC.
- (v) That the international community significantly strengthens efforts to deliver humanitarian assistance and protection in accordance with international standards to Palestinian refugees and IDPs, particularly to those besieged in Gaza and Syria.